



19 February 2024

To:

Central Otago District Council

PO Box 122

ALEXANDRA 9340

To:

Otago Regional Council

144 Rattray Street

Dunedin 9016

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.

Resource Consent Application - RC230325– Hawkeswood Mining Limited.

Land use consent to establish and operate an alluvial gold mining operation in a Rural Resource Area at 1346 – 1536 Teviot Road, Millers Flat, Roxburgh.

Resource Consent Application -RM23.819–Hawkeswood Mining Limited.

To construct a bore (mine pit pond), to take and use groundwater for the purpose of mine pit pond dewatering (retrospective and proposed), to discharge water containing sediment to water in a bore and to land in a manner that may enter water, to discharge water containing sediment to land for the purpose of trialling pit dewatering (retrospective), and to discharge to air contaminants from the operation of an alluvial gold mine, for the purpose of operating an alluvial gold mine.

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

Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kā Rūnaka) oppose these applications. Kā Rūnaka are not trade competitors for the purposes of section 308B of the Resource Management Act 1991 (RMA).

Kā Rūnaka supports a joint hearing of the land use (RC230325) and regional resource consents applications (RM23.819) pursuant to section 102 of the RMA as the applications are related and a joint hearing is necessary.

We **do wish** to be heard in support of this submission at a hearing.

Kā Rūnaka seek that the application is **declined**, for the reasons set out in Section 8.0 of this submission below.

1. SCOPE OF THE SUBMISSION

- 1.1 This submission relates to the applications by Hawkeswood Mining Limited in its entirety. The application numbers for the regional and district applications area RM23.819 and RC230325 respectively.
- 1.2 To acknowledge the association with the district and its resources, Māori words are used within this document and a translation is provided in 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 for the Mata-au. The rūnaka represent hapū who hold mana whenua in this district.
- 2.2 The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitane and extends from the Waihemo River (Shag River) to Purehurehu, north of Heywards Point, and inland to the Main Divide, sharing interests in the lakes and mountains to Whakatipu-wai-māori.
- 2.3 The coastal 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 River. The inland reaches of their takiwā includes shared interests in the lands and mountains to the western coast with rūnaka to the north and south.
- 2.4 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.

2.5 The proposal is located within the Mata-au (Clutha) catchment, adjoining the Mata-au, the Tima Burn, Oven Hill Creek, and an unnamed tributary.

3. TE RŪNANGA O NGĀI TAHU AND THE NGĀI TAHU CLAIMS SETTLEMENT ACT 1998

3.1 Te Rūnanga o Ngāi Tahu is the governing iwi authority established by the Te Rūnanga o Ngāi Tahu Act 1996 and is recognised as the representative of Ngāi Tahu / Kāi Tahu Whānui.

3.2 Te Rūnanga o Ngāi Tahu is made up of 18 papatipu rūnaka. Papatipu rūnaka are a contemporary focus for whānau and hapū (extended family groups). Through this tribal council structure Te Rūnanga o Ngāi Tahu is accountable to the tribal members. In practice, Te Rūnanga o Ngāi Tahu encourages consultation with the papatipu rūnaka and defers to the views of kā rūnaka when determining its own position.

3.3 The Ngāi Tahu Claims Settlement Act 1998 (Settlement Act) gives effect to the Deed of Settlement signed by the Crown and Te Rūnanga o Ngāi Tahu on 21 November 1997. The purpose of these documents was to:

- Confirm the Treaty relationship, obligations and responsibilities between Kāi Tahu and the Crown;
- Achieve a final settlement of Kāi Tahu historical claims against the Crown; and
- Confirm Kāi Tahu tino rakatirataka. This includes an express acknowledgement (in both the Settlement Act and the earlier Deed) that:

“The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.”

3.4 The Deed of Settlement and Settlement Act also acknowledges and enables Ngāi Tahu / Kāi Tahu to express its traditional relationship with the natural environment and to exercise its kaitiaki responsibilities.

3.5 The Ngāi Tahu Claims Settlement Act included as cultural redress mechanisms to recognise and give practical effect to Ngāi Tahu mana over taoka resources and cultural landscapes, including a statutory acknowledgement of the association of Ngāi Tahu with the Mata-au.¹

¹ Ngāi Tahu Claims Settlement Act 1998, Schedule 40.

- 3.6 The Mata-au takes its name from a Kāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Kāi 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 Kāi Tahu as an iwi.²

4. KO TE MANAWA KĀI TAHU: CULTURAL VALUES FRAMEWORK

Whakapapa Relationship with Te Taiao and Wai Māori

- 4.1 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.
- 4.2 Water is a central element in our creation traditions and is present very early in the whakapapa of the world, as described in this creation account from Tiramōrehu:

Nā te Pō, ko te Ao

Tana ko te Ao-marama,`

Tana ko te Aoturoa,

Tana ko Kore-te-whiwhia,

Tana ko Kore-te-rawea,

Tana ko Kore-te-tamaua,

Tana Ko Kore-te-matua,

Tana ko Māku.

Ka noho a Māku i a Mahora-nui-a-tea

Ka puta ko Raki.

From the Night comes the Day, the Daylight, the Longstanding Day, the Intangible Voids through to the Parentless Realm who create Moisture. Moisture couples with the Inner Space and gave birth to Raki – the sky

Mauri

- 4.3 Mauri flows from our living world and down through whakapapa, linking and binding all aspects of our world. Mauri is an observable measure of environmental health and

² Ngāi Tahu Claims Settlement Act 1998, Schedule 40.

well-being. The primary resource management principle for Kāi Tahu is the protection of mauri.

Rakatirataka and Kaitiakitaka

4.4 Rakatirataka refers to the exercise of mana to give effect to Kāi Tahu culture and traditions. In the management of the natural world, rakatirataka is underpinned by the obligations placed on mana whenua as kaitiaki.

4.5 Kaitiakitaka is an expression of rakatirataka. The duty of kaitiakitaka is not merely about guarding or caretaking but involves acting as an agent for environmental protection and decision-making, on behalf of tūpuna and mokopuna. The focus of kaitiakitaka is to ensure environmental sustainability for future generations, as expressed in the whakataukī mō tātou, ā, mō kā uri a muri ake nei.

4.6 The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning document for Kāi Tahu ki Otago and the embodiment of Kāi Tahu rakatirataka and kaitiakitaka. The kaupapa of the plan is 'Ki Uta ki Tai' (Mountains to the Sea), which reflects the holistic Kāi Tahu ki Otago philosophy of resource management. Kāi Tahu has sought a joint hearing on this proposal by the Central Otago District Council and the Otago Regional Council to enable holistic management of the effects of this proposal.

4.7 The plan expresses Kāi Tahu ki Otago values, knowledge and perspectives on natural resource and environmental management issues. While the plan is first and foremost a planning document to assist mana whenua in carrying out their kaitiaki roles and responsibilities, it is also intended to assist others in understanding mana whenua values and policy.

4.8 The 2005 Natural Resource Management Plan is divided into catchments, with specific provisions for the whole Otago area and each catchment. The current proposal is located within the Clutha/Mata-au catchment. The relevant objectives and policies of the 2005 Natural Resource Management Plan are attached to this submission as Appendix 2.

Wāhi Tūpuna

4.9 Wāhi tūpuna are interconnected ancestral places, landscapes and taoka that reflect the history and traditions associated with the long settlement of Kāi Tahu whānui in Otago.

4.10 Wāhi tūpuna are characterised not only by natural and physical aspects, but also by the place names and associated traditions and events that bind us to the landscape, just as the landscape itself is a part of us. Such landscapes are linked by whakapapa in our creation traditions, underpinning our mana whenua status, and breathing life into our mātauraka and tikaka.

4.11 The Mata-au and Tima Burn are part of an integrated ancestral landscape that transcends the generations. The potential for inappropriate development to degrade the values of this ancestral landscape is an issue of concern for mana whenua.

Wai Māori

4.12 Wai is an integral and enduring part of our wāhi tūpuna. The Otago landscape is criss-crossed by many and varied waterbodies, from many sources, including lakes, awa and their tributaries, puna, and groundwater. Water is the lifeblood of the environment and of the many life forms that depend on it. Water, as a result, is of high significance for Kāi Tahu, both for its practical applications and for the spiritual meaning it embodies. Rivers are a symbol of permanence and a source of spiritual meaning.

4.13 Waterways like the Mata-au were important pathways, whether traversed by waka or mōkihi, or followed on foot and they are often still recognised as ara tawhito.

Taoka Species

4.14 Indigenous species are valued as taoka by Kāi Tahu, as are the habitats through which taoka species survive and thrive. The ecosystems provided by wai māori in lakes, rivers, and wetlands offer lifegiving habitats for indigenous species. Whanaukataka is at the heart of this relationship. Thus, 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 the people.

5. KĀI TAHU RELATIONSHIP WITH THE CATCHMENT

5.1 Kāi Tahu has a cultural, spiritual, historic, and traditional relationship with the Clutha Catchments/Mata-au of which the proposed mining area is a part.

5.2 This relationship is based on the distinctive Kāi Tahu culture and lifestyle in the southern half of the South Island, including permanent coastal settlements and seasonal migrations inland over often vast distances to harvest and collect food and resources. The seasonal inland migrations were determined by whakapapa as to who

could exercise those rights. This practice is referred to as ‘mahika kai’ and became a corner stone of our culture.

- 5.3 Kāi Tahu ki Otago used all areas of the Clutha/Mata-au Catchments as evidenced by the hundreds of mahika kai sites associated with the many waterways, lakes and wetlands in the Clutha/Mata-au catchments. Many of these waterways have been modified or lost as a result of mismanagement of this taoka.
- 5.4 Because of the long history of use of the Clutha/Mata-au Catchments as a mahika kai, supporting permanent and temporary settlements, there are numerous urupā and wāhi tapu associated with the streams, rivers, and wetlands across the catchment.
- 5.5 The mauri of the 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 Kāi Tahu Whānui with the Mata-au.
- 5.6 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. The application area falls within a draft wāhi tūpuna area known as the Mata-au River Trail with cultural values that include but are not limited to mahika kai, ara tawhito, archaeological values, nohoaka, wāhi tūpuna, water transport routes, place names, urupā, and pā.³ The adjoining Omaiuru Catchment has cultural values that include, but are not limited to, mahika kai, high degree of traditional activity, areas of food gathering and occupation associated with the Mata-au Trail.⁴ There is a mahika kai site in the vicinity of the mine area Omaiuru, which is located to the north west, and archaeological sites that are located in close proximity to the mine area.

6. HE ARA POUTAMA: STATUTORY FRAMEWORK

- 6.1 Kāi rūnaka submit that this proposal is inconsistent with the objectives and policies of the statutory framework.

Resource Management Act 1991

- 6.2 The RMA recognises and provides for the Kāi Tahu values and interests in the Mata-Au catchment.

³ Proposed Central Otago District Plan Wāhi Tūpuna Mapping, Area 3

⁴ Proposed Central Otago District Plan Wāhi Tūpuna Mapping, Area 13

- 6.3 The relationship of Kā Rūnaka with the Mata-au catchment is a matter of national importance that must be recognised and provided for in managing natural and physical resources. Mining, earthworks, groundwater takes, and the discharge of contaminants are a threat to the values of this wāhi tūpuna landscape and the relationship of Kāi Tahu with the Mata-au.
- 6.4 In achieving the purpose of the Act particular regard is required to kaitiakitaka. Kāi Tahu whānau exercise kaitiakitaka in this catchment. Maintaining a balance between the right to access and use natural resources, and the responsibility to care for te Taiao and wai māori with a focus on providing a sustainable base for future generations is implicit in kaitiakitanga. This is the underpinning meaning of the whakataukī, Mō tātou, ā, mō kā uri ā muri ake nei.
- 6.5 Kāi Tahu recognise the obligations of kaitiakitanga and the power that they hold as mana whenua to pursue environmental aspirations and intentions that benefit all of the community. This is a standard that mana whenua hold for themselves and for all resource users.

National Policy Statement for Freshwater Management (amended 2023)

- 6.6 The National Policy Statement for Freshwater Management (NPSFM)⁵ embeds Te Mana o te Wai as a fundamental concept in freshwater management. The Environment Court has emphasized that the concept of Te Mana o te Wai introduced in the NPSFM 2017 and strengthened in the NPSFM 2020 represents a significant paradigm shift in freshwater management:

“As a matter of national significance, the health and wellbeing of water are to be placed at the forefront of discussion and decision-making. Only then can we provide for hauora by managing natural resources in accordance with ki uta ki tai. This is our second key understanding. ...”

“We interpret 'also' as meaning 'in addition', thus in using water you must in addition provide for the health of the environment, of the waterbody and of the people. ... this direction appears in line with the Treaty principle of active protection and would impose a positive obligation on all persons exercising functions and powers under the Act to ensure that when using water people also provide for health. ... This direction

⁵ National Policy Statement for Freshwater Management 2020 (Amended February 2023).

*juxtaposes with the usual line of inquiry as to how health will be impacted by a change in water quality (i.e. the effects of the activity on the environment)."*⁶

6.7 The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water); and

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

6.8 Kāi Tahu is unable to assess whether the proposed mining activity provides for the mauri of wai māori and gives effect to Te Mana o te Wai. The application is not supported by aquifer testing or an assessment of the impacts of the mining activity on water quality.

Proposed Regional Policy Statement (2021)

6.9 The current engagement of Kāi Tahu in the review of the Otago Regional Policy Statement is seen by Kāi Tahu as important in providing for cultural values and interests, including rakatirataka and kaitiakitaka. This engagement is an expression of and reflects the Treaty partnership with the Otago Regional Council.

6.10 The objectives and policies of the notified Otago Regional Policy Statement (PORPS) reflect the direction of resource management in Otago and should be accorded appropriate weight in assessing the current proposal. Hearings on the PORPS were held in 2023.

Wai Māori

6.11 Kāi Tahu has undertaken a robust process to formulate a definition for Te Mana o te Wai in our takiwā. Our interpretation of Te Mana o te Wai informs and frames our vision for freshwater, aligns with the central elements of our creation traditions, and reflects our shared kinship with the natural world. This is reflected in the Te Mana o te Wai objective (LF-WAI-O1) in the Proposed Otago Regional Policy Statement (PORPS).

6.12 Other relevant objectives and policies that give effect to Te Mana o te Wai in the

⁶ *Aratiatia Livestock Limited and Ors v Southland Regional Council* [2019] NZEnvC 208, paragraphs 59 – 62.

PORPS include:

LF–WAI–P3 – Integrated management/ki uta ki tai

Manage the use of fresh water and land in accordance with tikaka and kawa, using an integrated approach that:

- (1) recognises and sustains the connections and interactions between water bodies (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral),
- (2) sustains and, wherever possible, restores the connections and interactions between land and water, from the mountains to the sea,
- (3) sustains and, wherever possible, restores the habitats of mahika kai and indigenous species, including taoka species associated with the water body,
- (4) manages the effects of the use and development of land to maintain or enhance the health and well-being of fresh water and coastal water,
- (5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,
- (6) has regard to foreseeable climate change risks, and
- (7) has regard to cumulative effects and the need to apply a precautionary approach where there is limited available information or uncertainty about potential adverse effects.

LF–FW–O10 – Natural character

The natural character of wetlands, lakes and rivers and their margins is preserved and protected from inappropriate subdivision, use and development.

Wāhi Tūpuna

- 6.13 The vision for the Clutha Mata-au FMU (LF-VM-02) requires the on-going relationship of Kāi Tahu with wāhi tūpuna to be sustained.
- 6.14 HVT-WT-01 and related policies require the identification and management of wāhi tūpuna and requires that significant adverse effects on cultural values associated with wāhi tūpuna are avoided. HCV-WT-P2 requires the protection of wāhi tūpuna by:
- (1) avoiding significant adverse effects on the cultural values associated with identified wāhi tūpuna,

- (2) where adverse effects demonstrably cannot be completely avoided, remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna,
- (3) managing identified wāhi tūpuna in accordance with tikaka Māori,
- (4) avoiding any activities that may be considered inappropriate in wāhi tūpuna as identified by Kāi Tahu, and
- (5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tūpuna

6.15 The current proposal does not recognise and sustain the connections and interactions between surface water bodies and the aquifer, nor does it sustain the on-going relationship of Kāi Tahu with wāhi tūpuna in this catchment.

Central Otago District Plan

6.16 Kāi Tahu submit that the proposal is inconsistent with the objectives and policies of the Central Otago District Plan (CODC) including:

- **Mana whenua objectives** in section 3.3 require particular regard to kaitiakitanga in managing the effects of use, development, and protection of Central Otago's natural and physical resources; and recognition and provision for the importance/special significance of wāhi tapu, wāhi taoka, wai, and mahika kai.
- **Policies 3.4.2 and 3.4.3** relate to ensuring significant effects on wāhi tāpu and wāhi taoka sites are avoided, remedied, or mitigated.
- **Policy 3.4.4** requires recognition and provision for the relationship of Kāi Tahu ki Otago with water by ensuring that the significance of water to Kāi Tahu ki Otago spiritual beliefs, cultural traditions and practices are taken into account when considering resource applications that may have an effect on water quality.
- **Policy 3.4.5** requires recognition and provision for mahika kai by ensuring that significant adverse effects of land use activities on this resource are avoided, remedied, or mitigated.
- **Objective 4.3.5** require maintenance and enhancement of the quality of the District's water resources by avoiding, remedying or mitigating the adverse effects of land use activities adjacent to water bodies.
- **Objective 4.3.6** and related policies require the preservation of the natural character of the District's water bodies and their margins.

- **Objective 4.3.8** requires recognition and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and related Policy 4.4.7 promotes the retention, enhancement and reinstatement of indigenous ecosystems within the District.

6.17 The current proposal does not recognise and provide for the relationship of Kāi Tahu with water, nor does it maintain and enhance the quality of the District's water resources.

Iwi Management Plans

6.18 Kāi Tahu aspirations for freshwater management are recorded in the *Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999*, and the *Kāi Tahu ki Otago Natural Resource Management Plan 2005*. Notable priorities include protection and restoration of mahika kai habitats and avoiding discharge of contaminants to water bodies.

6.19 Kāi Tahu aspirations for the management of wāhi tūpuna are set out in the *Kāi Tahu ki Otago Natural Resource Management Plan 2005*. The priority for Kāi Tahu is the protection of significant cultural landscapes from inappropriate use and development.

7.0 DECISION SOUGHT

7.1 Kā rūnaka submits that applications RC230325 and RM23.819 by Hawkeswood Mining Limited to establish and operate an alluvial gold mining operation should be declined.

8.0 REASONS FOR THE DECISION SOUGHT

8.1 Kā Rūnaka submit that the proposal is inconsistent with the relevant objectives and policies of the statutory framework.

8.2 Kāi Tahu whānui view the environment holistically and hold concerns about the effects of the development on Te Taiao (the natural environment), Te Mana o te Wai, and the values of this ancestral landscape.

Effects of Mining Activity on Wāhi Tūpuna

8.3 The Mata-au is a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998. Cultural values in relation to this area include but are not limited to mahika kai, ara tawhito, archaeological values, nohoaka, wāhi tūpuna, water transport route, place names, urupā, pā.

- 8.4 The Mata-au, Tima Burn, Oven Hill Creek, the unnamed tributary to the north of the site, and the margins of these waterbodies form part of a significant cultural landscape for Kāi Tahu. The Natural Resource Management Plan 2005 discourages mining and quarrying activities within landscapes of cultural significance. The location and scale of the proposed mining activity poses a threat to the values of this cultural landscape. The applicant has not taken into account the impact of this activity on wai māori and the relationship of Kāi Tahu with this significant cultural landscape.
- 8.5 The applicant did not commission a heritage assessment before excavating a 5,118m³ 'test pit' on this site. Mining has the potential to destroy and modify archaeological sites. The site is located between two māori archaeological sites recorded by the New Zealand Archaeological Association, G44/12 midden/oven which adjoins the mine site to the north-east, and G43/2 a surface scattering of oven-stones and waste flakes, which is located further north-west adjoining the Mata-au.
- 8.6 The applicant has since commissioned a heritage assessment which forms part of the application to the CODC. It is noted that an archaeological site survey was undertaken with a walkover of the project area, although it is understood that the topography in some areas was too steep to traverse at 15 m intervals (especially in areas of 20th century dredging) and instead areas were surveyed following the ridgeline and valleys of such areas. Given the scale and nature of the proposal, and depth of excavation proposed, concerns remain about the lack of protection against the destruction and modification of archaeological sites in a landscape that has a long history of occupation and use by Kāi Tahu.
- 8.7 Kā Rūnaka do not support retrospective consent applications and concur with the peer review of the landscape and visual effects assessment that the unconsented mine void does not form part of the receiving environment.
- 8.8 Kā rūnaka view this ancestral landscape through a cultural lens. Kā Rūnaka are unable to assess the effects of the proposal on the values of this landscape due to a lack of information submitted with the application on staging, visual impacts and mitigation, and rehabilitation of the site following mining.
- 8.9 Kā Rūnaka concur with the concerns raised in the peer review of the landscape and visual effects assessment, namely that there are no photographs, visual simulations, or a structural landscape plan to show the degree of visibility of the mine or to provide

certainty regarding the proposed mitigation and rehabilitation of the site.

- 8.10 With regard to flooding hazard effects, the applicant commissioned a report from Geosolve. Further clarity is sought over the conclusions of that flood hazard assessment report, particularly in relation to extreme flood events.

Effects of Mining Activity on Wai Māori and Te Mana o te Wai

- 8.11 The total project area is 68 hectares with a maximum work area of 27 hectares. Overburden stockpiles will have a height of 7m. The mine void will have a maximum depth of 18m and will lower the water table by approximately 5m.

- 8.12 The application is not supported by aquifer testing or an assessment of the impacts of the mining activity on water quality. The hydrology assessment relies on an aquifer test undertaken for a different purpose and on information supplied by Hawkeswood Mining Limited during an unconsented dewatering trial. Further, the hydrology assessment acknowledges that the previous aquifer test data is not reflective of the majority of the proposed mine dewatering area.⁷

- 8.13 Kā Rūnaka concur with the concerns raised in the peer review of the hydrology assessment, namely:

- Site hydrology is complex and difficult to assess due to the Clutha River extending along the southern and western boundary of the site, Oven Hill Creek to the south, an unnamed tributary to the north, Tima Burn on the eastern boundary, a closed landfill to the north of the site, and historic mining along the southern boundary.
- No piezometers were installed to monitor drawdown outside the pit.
- The effects of groundwater drawdown on the surrounding waterways is not assessed. While these waterways may be intermittent there is still very limited understanding as to how often and for how long and over what reach these waterways will remain dry as a result of the proposed mining activity.
- Contamination of groundwater from the closed landfill to the north of the site and the potential for contaminants to be mobilised during excavation has not been assessed. The Preliminary Site Investigation only assessed surface contamination and has limited value for assessing the impacts of the proposal on water quality.
- An erosion and sediment control plan was not submitted as part of the

⁷ Environmental Associates, *Hawkeswood Mining Limited Technical Assessment of Proposed Groundwater Take and Discharge*, Section 3. Aquifer Hydraulic Parameters, page 19

application.

8.14 Further, Kā Rūnaka are concerned that the conditions of consent that are proposed to mitigate effects on wai māori are not fit for purpose, namely:

- There is no requirement for on-going telemetered monitoring of groundwater levels around the periphery of the mine site.
- There is no requirement for the applicant to maintain groundwater pressure beyond the periphery of the mine site to mitigate potential effects on surrounding water bodies.
- The conditions propose an assessment of natural flow losses within the lower reaches of the Tima Burn prior to the exercise of the consent. Kā Rūnaka submit that an assessment of natural flow losses and the impact of groundwater drawdown on those losses within the lower reaches of the Tima Burn, Oven Hill Creek, and the unnamed tributary to the north of the site should have formed part of the application from the outset.
- There is no dedicated water quality monitoring required by the conditions nor are there levels for turbidity, total suspended solids (TSS) and landfill contaminants that would trigger appropriate management action.
- The capacity and location of the sediment retention ponds is not specified in the consent conditions. The proposed use of grid co-ordinates is an inappropriate way to manage the discharge of contaminants to land and provides no certainty that this discharge will be managed appropriately.
- The proposed monitoring within the Mata-au fails to recognise the diffuse nature of the discharge from the sediment retention ponds and is unlikely to enable effective monitoring of turbidity and suspended solids.

8.15 Kā Rūnaka submit that the current mining proposal does not recognise and sustain the connections and interactions between surface water bodies and the aquifer, nor does it sustain the on-going relationship of Kāi Tahu with wāhi tūpuna in this catchment. Due to the scale of the proposed mining activity, the depth of excavation and the anticipated drawdown of groundwater, comprehensive water management supported by robust water quantity and quality monitoring is required to mitigate the effects on the aquifer and the surrounding water bodies.

8.16 Kā Rūnaka have significant concerns over potential discharge of contaminants to land and water from the excavation of the mine void; sedimentation and migration of soils;

overland flow paths to the Mata-au and the surrounding water bodies; and potential impacts of dewatering on the mauri and aquatic ecology of the surrounding water bodies.

Effects of Mining Activity on Biodiversity

- 8.17 The development of a detailed closure and site rehabilitation plan, secured by a bond, should be a pre-requisite for mining of this scale. This should include planting of indigenous species to restore biodiversity values in this catchment. There also needs to be certainty over the timing of the rehabilitation stages and outcomes.

Conclusion

- 8.18 Whanaukataka is a central component of tikaka Māori, which places obligations on individuals to uphold the collective wellbeing of the community. Aroha tētahi ki tētahi is an expression of this ethos, is that it refers to the goodwill that we show to others in our community by showing respect and generosity. Māori culture is strongly premised on interconnections between people and collective rights were considered paramount to the rights of individuals.
- 8.19 This principle extends beyond Kā Rūnaka as manawhenua. All New Zealanders are required to comply with environmental and resource management legislation, standards, and policies that place obligations on us as citizens to adhere to certain standards in our interactions with te taiao and wai māori, for the benefit of everyone in our community. This is expressed through the guiding whakataukī of Kāi Tahu whānui, *Mō tātou, ā, mō kā uri a muri ake nei* (For us and for our children after us).
- 8.20 The current proposal is focused on the economic benefits of gold mining and does not address the impacts of mining activity on te taiao and wāi māori. The potential impact of the proposal on the aquifer and surrounding water bodies is of particular concern for Kāi Tahu. Throughout Kāi Tahu history a significant feature of the social and political landscape was the lack of equity in environmental outcomes. For mana whenua, this has resulted in significant loss of mahika kai and taoka species and the modification of wāhi tūpuna resulting from earthworks, groundwater takes and discharges with consequential impacts on Kāi Tahu communities. The current mining proposal perpetuates a pattern of extractive use within Te Wai Pounamu and does not appropriately mitigate the effects of this extractive use.

E noho ora mai

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Appendix 1 - Glossary

Ara tawhito	Ancient trails
Hapū	Sub-tribe
Hukuwai	Type of water
Ika	Fish
Inaka/Inanga	Whitebait
Iwi	Tribe
Kaitiaki/Kaitiakitaka	Guardian / to exercise guardianship
Kāi Tahu	Descendants of Tahu, the tribe
Kanakana	Lamprey
Kaupapa	Topic, plan
Ki uta ki tai	Mountains to the Sea
Kōkōpu	Cockabully
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
Manu	Bird
Mātauraka	Knowledge, wisdom, understanding, skill
Mauka	Mountain
Mauri	Essential life force or principle, a metaphysical quality inherent in all things both animate and inanimate
Moa	Large extinct flightless bird of nine subspecies
Ngahere	Forest/Bush
Ngā Rūnanga/Kā Rūnaka	Local representative group of Otago
Noa	Use
Papatipu Rūnanga	Traditional Kāi Tahu Rūnanga
Papatūānuku	Earth Mother
Puna	Spring (of water)
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
Tapu	Restriction, sacred
Te Mana o te Wai	Concept for fresh water that encompasses the mauri of a water body
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
Tuna	Eel
Urupā	Burial place
Wāhi Tapu	Places sacred to takata whenua
Wai māori	Fresh water
Weka	Bird-woodhen
Whakapapa	Genealogy
Whānau	Family

Appendix 2: Kāi Tahu ki Otago Natural Resource Management Plan 2005

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.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 Otago Region/Te Rohe o Otago

Overall objectives include:

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

Wai Māori General Objectives

- The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.
- The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs.
- Contaminants being discharged directly or indirectly to water are reduced.

Wai Māori General Policies

- To require an assessment of instream values for all activities affecting water.
- To protect and restore the mauri of all water.

Mahika Kai and Biodiversity Objectives

- Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected.
- Mahika kai resources are healthy and abundant within the Otago Region.
- 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.
- To restore and enhance biodiversity with particular attention to fruiting trees so as to facilitate and encourage sustainable native bird populations.
- To create a network of linked ecosystems for the retention of and sustainable utilisation by native flora and fauna.

Mahika Kai and Biodiversity General Policies

- To promote catchment-based management programmes and models, such as Ki Uta Ki Tai.
- To require that all assessments of effects on the environment include an assessment of the impacts of the proposed activity on mahika kai.

Cultural Landscapes

Cultural Landscapes Objectives

- The relationship that Kāi Tahu ki Otago have with land is recognised in all resource management activities and decisions.
- The protection of significant cultural landscapes from inappropriate use and development.

- The cultural landscape that reflects the long association of Kāi Tahu ki Otago resource use within the Otago region is maintained and enhanced.

Cultural Landscapes General Policies

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

Appendix 3: Statutory Acknowledgement for Mata-Au (Clutha River)

Statutory area

The statutory area to which this statutory acknowledgement applies is the River known as Mata-au (Clutha River).

Preamble

The Crown acknowledges Te Runanga 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 hapu 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 tupuna 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 continue to be held by whanau and hapu 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 Tu, established the boundary line between Ngāi Tahu and Ngati Mamoe. Ngati 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 Tu and Ngati 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 hapu 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.

Urupa and battlegrounds are located all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation between Ngai Tahu and Ngati Mamoe that led to the armistice established by Te Hautapunui o Tu. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, 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 Ngai Tahu Whanui with the river.