



## Form 5

### Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: The Chief Executive  
Central Otago District Council  
P O BOX 122  
Alexandra 9340

**Name of submitter:** Te Rūnanga o Ngāi Tahu (**Te Rūnanga**)

1. This is a submission on proposed Plan Change 21 to the Central Otago District Plan (the proposal).
2. Te Rūnanga is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
3. The Te Rūnanga submission relates to the whole of the proposal as outlined in **Attachment A**.
4. Te Rūnanga position is **neutral** in relation to this plan change.
5. Te Rūnanga **does** wish to be heard in support of this submission at a hearing. If others make a similar submission, we will consider presenting a joint case with them.
6. Te Rūnanga seek that the **concerns raised in the Te Rūnanga o Moeraki, Kati Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga submission are addressed prior to any acceptance of this plan change.**

**Signed** for and on behalf of Te Rūnanga o Ngāi Tahu

A handwritten signature in blue ink, appearing to read 'Trudy Health'.

**Trudy Health**  
**General Manager, Te Ao Tūroa**  
Te Rūnanga o Ngāi Tahu

11<sup>th</sup> April 2023

**Address for service:**

Amy Beran  
Senior Environmental Advisor - Planning  
Te Rūnanga o Ngāi Tahu

Attachment A

PO Box 13 046  
Christchurch 8042

Phone: s 9(2)(a)

**Email:** s 9(2)(a)

## 1. Introduction

- 1.1. This is a submission on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) on the Plan Change request (Plan Change 21) made by Fulton Hogan Limited (**the applicant**) to rezone 118ha of land at their existing quarry site (Parkburn Quarry), allowing for a range of residential and business and industrial development, post quarrying activities. The application site is located approximately 10km north of Cromwell on SH6.

## 2. Background

- 2.1. Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) is statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the TRONT Act.
- 2.2. Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Te Rūnanga is responsible for managing, advocating and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.
- 2.3. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses.
- 2.4. In the case of this proposal, the relevant Papatipu Rūnanga are:
  1. Te Rūnanga o Moeraki;
  2. Kati Huirapa ki Puketeraki;
  3. Te Rūnanga o Ōtākou; and
  4. Hokonui Rūnanga.
- 2.5. Te Rūnanga respectfully requests that the Central Otago District Council accord this submission with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 70,000 registered iwi members, in a takiwā comprising the majority of Te Waipounamu. A map of the takiwā of Te Rūnanga is included at **Appendix One**.

## 3. **Te Tiriti o Waitangi**

- 3.1. The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents; the Treaty, the Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**) and the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**). These documents form an important legal relationship between Ngāi Tahu and the Crown.
- 3.2. Of significance, the Deed of Settlement and NTCSA confirmed the rangatiratanga of Ngāi Tahu and its relationship with the natural environment and whenua within the takiwā.

- 3.3. As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation”. In doing so, the Crown acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy or management regime would be developed and implemented in partnership with Ngāi Tahu.

#### **4. Te Rūnanga o Ngāi Tahu Interests in Relation to proposed Plan Change 21**

- 4.1. Te Rūnanga notes the following particular interests in the proposed plan change:

##### **4.1.1. Treaty Partnership**

- Te Rūnanga has an expectation that the Crown (and their delegated authorities) will honour Te Tiriti o Waitangi and the principles upon which it was founded. All persons undertaking duties and responsibilities in accordance with the purpose this document shall recognise and respect the Crown's responsibility to give the principles of the Treaty.

##### **4.1.2. Kaitiakitanga:**

- In keeping with the kaitiaki responsibilities of Ngāi Tahu Whānui, Te Rūnanga has an interest in ensuring sustainable management of natural resources, including protection of taonga species and mahinga kai for future generations.
- Ngāi Tahu Whānui are both users of natural resources, and stewards of those resources. At all times, Te Rūnanga is guided by the tribal whakataukī: “mō tātou, ā, mō kā uri, ā muri ake nei” (*for us and our descendants after us*).

##### **4.1.3. Whanaungatanga**

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu Whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

- 4.2. Statutory Acknowledgements are an instrument included in the Ngāi Tahu Claims Settlement Act 1998 (the **NTCSA**) legislation. Statutory Acknowledgements are areas acknowledged by the Crown of particular significance to Ngāi Tahu that recognise the mana of tangata whenua in relation to specific areas. The acknowledgements relate to ‘statutory areas’, which include geographic features, lakes, wetlands, rivers, areas of land and coastal marine areas. Statutory Acknowledgments particularly relate to the cultural, spiritual, historical and traditional associations with the area.

- 4.3. The relevant Statutory Acknowledgement in respect of this application is the Te Wairere (Lake Dunstan).

- 4.4. The NTCSA describes the Ngāi Tahu associations with Te Wairere (refer to **Appendix Three** for a full description). These associations are material to decision making under the Resource Management Act 1991 (the **RMA**).
- 4.5. The importance of the area to Ngāi Tahu has also been recognised through the establishment of a nohoanga entitlement at McNulty Point<sup>1</sup>.
- 4.6. Part 12 – Mahinga Kai General, Section 256 clause 2 of the NTCSA states:
- “Nohoanga entitlements are created and granted for the purpose of permitting members of Ngai Tahu Whanui to occupy temporarily land close to waterways on a non-commercial basis, so as to have access to waterways for lawful fishing and gathering of other natural resources.”*
- 4.7. Nohoanga entitlements are an important part of enabling Ngāi Tahu Whānui to practice mahinga kai at place. Mahinga kai is key to the identity as Ngāi Tahu and part of who Ngāi Tahu are<sup>2</sup>. Mahinga kai activities are an important expression of cultural identity and the continuation of traditional mahinga kai practices is a means of passing values and knowledge on to current and future generations<sup>3</sup>.
- 4.8. Nohoanga are an important part of how Ngāi Tahu whānui maintain *“their relationship and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”*<sup>4</sup>

## **5. General Position and Reasons for the Submission**

- 5.1. Te Rūnanga supports the submission made by Te Rūnanga o Moeraki, Kati Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively ka rūnaka) and adopts it as its own. Te Rūnanga supports and adopts the decision sought by ka rūnaka that the concerns raised in their submission are addressed prior to any acceptance of the proposed plan change.
- 5.2. As set out in the ka rūnaka submission, their reasons for the submission broadly relate to, modification of a Statutory Acknowledgement Area, Wai Māori issues, spatial planning, infrastructure constraints, future master plan and ecological assessment.

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<sup>1</sup> Schedule 95 of the Ngāi Tahu Settlement Act 1998, Site 41

<sup>2</sup> Ngāi Tahu submission Lyttelton Port Company Dredging applicaitons

<sup>3</sup> Te Rūnanga o Ngāi Tahu Freshwater Policy, Section 4.4 page 23

<sup>4</sup> Section 6(3) of the Resource Management Act 1991

## **APPENDIX ONE: TEXT OF CROWN APOLOGY**

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

### ***Part One – Apology by the Crown to Ngāi Tahu***

#### ***Section 6 Text in English***

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb “He mahi kai takata, he mahi kai hoaka” (“It is work that consumes people, as greenstone consumes sandstone”). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

*This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.*

2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.
5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying “Te Hapa o Niu Tireni!” (“The unfulfilled promise of New Zealand”). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb “Te mate o te iwi” (“The malaise of the tribe”).
6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand

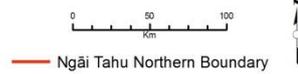
has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. 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 fulfillment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”

## APPENDIX ONE: NGĀI TAHU TAKIWĀ



Ngāi Tahu Takiwā



## APPENDIX TWO: TEXT OF CROWN APOLOGY

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9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”

## **Appendix Three: Text of Statutory Acknowledgement Areas from the Ngāi Tahu Claims Settlement Act 1998 – Schedule 61 Statutory acknowledgement for Te Wairere (Lake Dunstan)**

The text of the schedule describes the Ngāi Tahu association with the Te Wairere as follows:

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 hapu including Kati Kuri, Ngati Ruahikihiki, Ngati Huirapa and Ngai 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 kokopu 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 tupuna 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 Ngai 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 nohanga 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 wahi taonga (including rock shelters and archaeological sites) in the area, some of which are now under the waters of the lake. Wahi tapu are important as places holding the memories and traditions of Ngai Tahu tupuna.

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 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 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 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 Ngai Tahu Whanui with the lake.