

14 April 2020

Taranaki Regional Council
Attn: Colin McLellan

Tēnā koe,

RE: APPLICATIONS BY ŌPUNAKĒ POWER LIMITED

Kua hinga te tōtara o te wāo nui a Papatūānuku.

At this time we wish to pay particular homage to Diane Ratahi a revered leader of Ngāti Tamarongo and the hapū of Ōpunakē. Diane passed away in the last week. She was a stalwart for Iwi and hapū issues and a familiar face in local government engagement. Nō reira e te rangatira, haere, haere atū rā.

Applications

We refer to the Applications for Resource Consent received on 30 May 2018 and being: 1795-5.0; 1796-4.0; 1797-4.0; 5581-2.0; 4744-3.0; 4563-3.0; 5692-2.0; 10826-1.0 (“**the Applications**”) by Ōpunakē Power Limited for permits relating to the operation of the Ōpunakē Hydroelectric Power Scheme (“Power Scheme”) located adjacent to the Ōpunakē township.

Te Kāhui o Taranaki is the mandated iwi authority for Taranaki Iwi. Taranaki Iwi and its hapū exercise mana whenua and mana moana from Paritūtū in the north around the western coast of Taranaki Maunga to Rāwa o Turi stream in the south and from these boundary points out to the outer extent of the exclusive economic zone.

Matirawhati are the southern boundary marker stones between Ngāti Haua (a hapū of Ngāruahine) and Taranaki Iwi on the reef of the Rāwa o Turi river mouth. These mouri kōhatu continue to be revered by the southern Taranaki Iwi hapū Tiitahi and Tamaahuroa. The southern grouping of hapū that have cultural and spiritual connections to the general area of the Applications are: Ngāti Tara; Ngāti Kahumate; Ngāti Tamarongo; Orimupiko being Ngāti Manu; Ngāti Haumia and Ngai Wetenga; Pukekohatu; Mātaikahawai being Waiōtama; and Tiitahi Tamaahuroa. The hapū that more specifically covers the area of the Applications is Ngāti Tamarongo.

Cultural Values / Statutory Frameworks

1. Taranaki Iwi provide the following description of the cultural values associated with the site surrounds and receiving environment.
2. The traditions of Taranaki Iwi illustrate the ancestral, cultural, historical and spiritual association of Taranaki Iwi to the coastal area within the Taranaki Iwi rohe. The seas that bound the coastal marine area are known by Taranaki Iwi as Ngā Tai a Kupe (the shores and tides of Kupe). The lands and coastal lands that incline into the sea are of high importance to Taranaki Iwi and contain kāinga (villages), pā (fortified villages), pūkawa (reefs) for the gathering of mātaītai (seafood), tauranga waka or awa waka (boat channels), tauranga ika (fishing grounds) and mouri kōhatu (stone imbued with spiritual significance). The importance of these areas reinforces the Taranaki Iwi tribal identity and provides a continuous connection between those Taranaki Iwi ancestors that occupied and utilised these areas.
3. Over time the quality of the Taranaki Iwi rohe (region) has declined. Together, the degradation of the environment through deforestation, the siltation of rivers, the drainage of significant swamps and wetland areas, intensive agriculture, mineral extraction, and the introduction of exotic plant, animal and fish species has contributed to the loss or displacement of indigenous flora and fauna, along with the knowledge systems such as rongoā (medicines), raranga (weaving) and whatu, mahi kai (harvesting) and the rituals and art forms associated with their growth, maintenance and application.
4. Although access to many areas along the coastal area have discontinued as a consequence of confiscation, Taranaki Iwi have continued to exercise custodianship over those areas accessible to Taranaki Iwi. Many Taranaki Iwi hapū have imposed rāhui (temporary restrictions) over sites, restricting the taking of shellfish such as kūkū, kina, pāua and other food sources. Proper and sustainable management of the coastal areas has always been at the heart of the relationship between Taranaki Iwi and the Taranaki Iwi coastline.
5. Consideration of activities in the coastal marine environment should include a requirement to assess the activity against the following cultural values in the coastal marine area which are identified in *Taiao Taiora* the Taranaki Iwi Environmental Management Plan:
 - a. Ngā taonga koiora (native and important fauna) - degradation of the mauri of these taonga species, those being marine mammals, fish and benthic species;
 - b. Ngā moana (coastal and offshore waters) - the degradation of the mauri of this element;
 - c. Parumoana (seabed) - the degradation of the mauri of this element;
 - d. Ngā taonga tuku iho (traditional Māori values and practices) - the degradation of the mauri of our customary fishing rights, fishing grounds and mahinga kai, and the cumulative impact associated with ongoing invasive activities.

- e. Taha wairua (spiritual health and well-being obtained through the maintenance of a balance with nature and the protection of mauri) – the degradation of the mauri of tangata whenua because of the proposed activities, including the cumulative impacts, and leaving structures on the seabed; and
 - f. Economic development and sustainability - the degradation of the mauri of our commercial fishing rights, and our ongoing capacity and ability to be economically sustainable because of the proposed activities and the cumulative impact associated with those activities.
6. Consideration of activities that impact on freshwater should include a requirement to assess the activities against the following cultural values which are identified in *Taiao Taiora* the Taranaki Iwi Environmental Management Plan.
7. Taranaki Iwi seek strong and enforceable measures to achieve the environmental and cultural outcomes identified in its objectives.
- a. Local and Central government will:
 - i. include and provide for Taranaki Iwi cultural values in decision making around freshwater management;
 - ii. recognise and provide for the interconnectedness of wai, from the mountains to the sea;
 - iii. manage land use and waterways in an integrated manner and on a catchment basis; and
 - iv. make decisions on the management of waterways to enhance their quality to fishable standards.
 - b. Decision makers should consider the effects of an activity on the mauri of Tangaroa-ki-Tai when making decision on applications and developing management and planning documents;
 - c. Promote and support access to water for the social, cultural, environmental and economic values of Taranaki Iwi;
 - d. Access to fresh water bodies to undertake customary activities and uses is enabled, protected and enhanced; and
 - e. Taranaki Iwi will oppose:
 - i. any action or activities that will result in the degradation of the mauri of Tangaroa-ki-Tai;
 - ii. discharges to water which do not pass through land or a wetland prior to release to water and, are poor quality, contain contaminants and will contribute to adverse effects on the quality of the receiving water body;

- iii. water takes where the water is taken outside of the catchment or will result in the degradation of the life supporting capacity of the waterway or its mouiri;
 - iv. The allocation of water take consents at unsustainable levels and any privatisation of waterways;
 - v. the creation of barriers to native fish passage along waterways;
 - vi. drainage of any part of a wetland;
 - vii. human activity adjacent to waterways which will result in sediment or waste discharge entering the waterways;
 - viii. activities that result in the loss of riparian vegetation;
 - ix. allowing stock to have access to waterways;
 - x. dams over a metre high unless they allow for ease of fish passage and do not alter the natural flows of the waterway to the detriment of endemic species present; and
 - xi. any culverts which do allow for ease of fish passage.
- f. Water allocation is equitable and moved to a priority user-based framework which is environmentally and not economically driven;
 - g. In addition to regulation, Taranaki Iwi will support non-regulatory methods including education, advocacy and environmental best practice as a way of enhancing water quality;
 - h. Taranaki Iwi will promote and protect the intrinsic ecological and biodiversity values of waterbodies and set limits and targets that will ensure health and wellbeing of waterbodies;
 - i. Taranaki Iwi will support proposals and activities that will result in an enhancement of water quality and biodiversity within the rohe;
 - j. Use cultural health monitoring tools alongside scientific measurement tools to monitor and report on activities that affect waterways and bodies of water within Taranaki Iwi rohe and matters of significance to Taranaki.
8. Taranaki Iwi echos the cultural values identified in the Regional Freshwater Plan for Taranaki these are:
- a. Spiritual values of Taranaki Iwi associated with water and the protection and enhancement of the mana, mauri and wairua of the Waiaua.
 - b. Cultural activities carried out in mahinga kai and harvested aquatic species, including tuna (eel), piharau (lamprey), inanga (whitebait), koura (freshwater crayfish), kākahi (freshwater mussels) and wātakirihi (watercress).

- c. Protection of wāhi tapu and other taonga in close proximity and adjacent to Waiaua.
 - d. The protection of wāhi tapu and areas or resources associated with fresh water and the bed of Waiaua that are of special significance.
 - e. Tangata whenua recognition of special significance of particular water bodies the flow from or to Waiaua.
 - f. Recognition of the special significance of Waiaua to Taranaki Iwi, local hapū and those whānau in whose rohe the Application is located or impacts on, and recognition of the aspirations of Taranaki Iwi, hapū and uri to develop, use and protect freshwater.
9. Taranaki Iwi relies on TRC's precautionary approach to the application of its Regional Freshwater Plan for Taranaki and in particular sections 3,4,5 and 6.1.
10. The Waiaua River is listed in Appendix 1A of the Taranaki Regional Freshwater Plan and Policy 3.1.4 requires that the Waiaua's high natural, ecological and amenity values are maintained and enhanced as far as practicable, and that adverse effects of activities on those values are avoided as far as practicable, or remedied or mitigated.
11. The Waiaua River has a Statutory Acknowledgement and Deed of Recognition under the Taranaki Iwi Claims Settlement Act 2016. In terms of statutory rights the Act states the following at sections 31 and 39,

Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 32 to 34; and*
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 35 and 36; and*
- (c) to enable the trustees and any member of Taranaki Iwi to cite the statutory acknowledgement as evidence of the association of Taranaki Iwi with a statutory area, in accordance with section 37.*

Application of statutory acknowledgement and deed of recognition to river or stream

(1) If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement—

(a) applies only to—

(i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and

(ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; and

(b)does not apply to—

(i)a part of the bed of the river or stream that is not owned by the Crown; or

(ii)an artificial watercourse.

(2)If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—

(a)applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; and

(b)does not apply to—

(i)a part of the bed of the river or stream that is not owned and managed by the Crown; or

(ii)the bed of an artificial watercourse.

Potential Effects and Impacts

12. The Power Scheme has adverse affects as outlined here.
 - I. Impacts on habitat availability and flow variability in the Waiaua River downstream of the diversion weir.
 - II. The weir has been shown to be impacting on fish passage for some species of native fish.
 - III. Fish passage is impeded into the upper Waiaua river.
 - IV. Issues with the inlet canal de-watering and stranding fish when the river inlet gates are shut during floods, and also with the minimum lake level being breached.
 - V. Desilting of the Ōpunakē lake is not addressed in these applications. The Ōpunakē Power Ltd. should hold a consent to allow this to occur.

Position & Mitigation Measures

13. In respect of tangata whenua, discharges to freshwater are culturally offensive to Taranaki Iwi, the proposed activities include discharges to rivers and the coastal marine area. These discharges represent a continuation of the existing discharge regime, which are to be considered to be adequately performing with a rating of “good”. This is not sufficient in Taranaki Iwi’s view.
14. Based on the background, policies, values and potential effects set out in this submission, Taranaki Iwi oppose the scheme in principle but support the re-issuing of consents if the scheme is kept up to a more than a good standard.
15. Taranaki Iwi seek the following conditions to ensure that any actual or potential adverse effects of the activities licensed by these consents are avoided, remedied or mitigated, including but not limited to:
 - I. Requiring a minimum flow downstream of the canal sluice gate of at least 400 l/s;

- II. Requiring fish passage issues to be resolved;
- III. Requiring improved lake level management so that issues with canal de-watering and lake level drawdown are resolved;
- IV. Requiring a thorough and up to date native fish monitoring programme;
- V. Requiring effective monitoring, including monitoring of summer water temperature increases in the residual flow reach; If extraction of gravel or sand from the river immediately upstream from the weir is necessary, then conditions should require that any such extraction be done "in the dry" during periods of stream low flow between 1 November and 30 April;
- VI. Requiring an enhanced programme of native riparian planting;
- VII. Including Te Kāhui o Taranaki Toa Taiao for the boundary from Oaoiti to Rāwa o Turi in any monitoring and planting programmes;
- VIII. Requiring desilting of the Ōpunakē Lake.

Taranaki Iwi support the submissions of the Department of Conservation and Fish and Game New Zealand Taranaki Region with a priority and focus on native fish species.

Taranaki Iwi wish to be heard on this matter and encourage any further information required and subsequent technical reports to be completed prior to Council making decisions, this may require the Applicant to put the Applications on hold in order for all parties to participate effectively in an agreed outcome.

Noho ora mai

TE KĀHUI O TARANAKI



Puna Wano-Bryant

Pou Taiao - Iwi Environmental Manager

Mob: (021) 244 5858 | E-mail: puna@taranaki.iwi.nz

cc. Janette Harper, Consents Administration Officer, TRC, consents@trc.govt.nz