

BEFORE THE HEARINGS PANEL SOUTHLAND REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application by Woldwide One Limited and Woldwide Two Limited to:

- Discharge dairy shed effluent from up to 1500 cows, winter barn effluent from up to 1250 cows, underpass effluent and silage leachate to land,
- Discharge winter barn slurry effluent to land at the Horner Block from up to 1250 cows,
- Use land for two winter barns for up to 625 cows each,
- Take and use 180,000 litres of groundwater per day for stock water and dairy purposes; and,
- Use land for farming at Heddon Bush, Winton.

STATEMENT OF EVIDENCE BY STEVIE-RAE BLAIR

ON BEHALF OF TE RŪNANGA O ŌRAKA APARIMA

23 September 2019

1. Introduction

Ko wai ahau?

Ko Hananui tōku maunga

Ko Waikawa tōku awa

Ko Uruao, Ko Takitimu ōku waka

Ko Te Ākau Tai Toka tōku hau kainga

Ko Kati Kurī, Ngāti Makō, Ngāi te Ruahikihiki ōku hapu

Ko Kāi Tahu, Kati Mamoe me Waitaha ōku Iwi

Ko Stevie-Rae Blair tōku ingoa

1.1. My name is Stevie-Rae Blair.

1.2. I am an Iwi Environmental Advisor at Te Ao Marama Incorporated (TAMI). My role is to process the resource consents and help to look after various research projects within the office.

2. Qualifications and Experience

2.1. I hold a Bachelor of Environmental Management from the Southern Institute of Technology.

2.2. I have worked for TAMI for four years and prior to that worked for Kitson Consulting Ltd for one year.

2.3. I grew up at Waikawa in the Catlins with whānau who have very strong links to the environment. Because of my whānau, growing up around marae and now working for Ngā Rūnanga ki Murihiku I am aware of Ngāi Tahu history, culture, values and how these relate to the environment.

2.4. I have prepared this evidence on behalf of Te Rūnanga o Ōraka Aparima. I am presenting the cultural matters of Te Rūnanga o Ōraka Aparima on this not as a member of Te Rūnanga o Ōraka Aparima but as someone who worked closely with the representatives on this matter.

3. Scope of Evidence

3.1. I have been involved with this resource consent application by Woldwide One Limited and Woldwide Two Limited since it was publically notified by Environment Southland. I am aware of the cultural values associated with the Aparima, Oreti and Waimatuku River but my understanding of the specific relationship of Te Rūnanga o Ōraka Aparima with these Awa (rivers) comes from my work with the Rūnanga and in particular Muriel Johnstone & Dr Jane Kitson with regard to this consent application.

3.2. In my evidence I:

- (a) Discuss Te Ao Marama Inc. and Te Rūnanga o Ōraka Aparima roles and responsibilities.
- (b) Summarise the submission prepared by TAMI for Te Rūnanga o Ōraka Aparima.
- (c) Discuss the cultural significance of Ngāi Tahu to the area.
- (d) Summarise Ngāi Tahu values.
- (e) Summarise the application in regard to Iwi Policy including Ngāi Tahu Claims Settlement Act, 1998, Te Tangi a Tauria, 2008 and the Ngāi Tahu Freshwater Policy, 2002.
- (f) Conclusions

4. Te Ao Marama Inc. and Te Rūnanga o Ōraka Aparima roles and responsibilities.

4.1. Te Ao Marama Inc. (TAMI) represents Ngā Rūnanga ki Murihiku for resource management Iwi environmental issues. It is made up of the four Murihiku Rūnanga Papatipu – Ōraka Aparima, Waihopai, Awarua and Hokonui.

4.2. Te Rūnanga o Ōraka Aparima is based in Riverton/Aparima and Colac Bay/Ōraka and holds kaitiaki responsibilities over its region that extends from the Waimatuku to Tawhitarere sharing an interest in the lakes and mountains from Whakatipu-Waitai to Tawhitarere with other Murihiku Rūnanga and those located from Waihemo southwards. This area includes the application area.

5. Summary of Submission

5.1. The submission by Te Rūnanga o Ōraka Aparima opposed the application on the following grounds:

- a) Concerns regarding the current state of water quality in the catchment.

- b) Risks to the environment and Ngāi Tahu values that the application poses.
- c) Risk of further deterioration to the environment.

5.2. Te Rūnanga o Ōraka Aparima acknowledge the applicant for offering a site visit/hui to discuss the proposal after the submission period to which the rūnanga declined, this was because the rūnanga could not envisage a change in position as the point of submission was cumulative effects.

6. Cultural Landscape

6.1. The rohe (area) involved within this application spans across three catchments that are important to mana whenua. This landscape is special to Iwi as a reminder of a frequented historical cultural landscape; as well as contemporary. As our tūpuna moved throughout Te Wai Pounamu their presence was preserved in the naming of places. In present times these names reinforce our connections to Ngāi Tahu traditions, tūpuna, incidents and mahinga kai resources.

7. Aparima River

- 7.1. The Aparima River is a significant catchment for mahinga kai; the river, estuary and coastal area is renowned for its abundance of shellfish, tuaki (cockle), pātiki (flounders), kūtai (mussels), tuna (eels) and Inanga (whitebait).
- 7.2. There was a permanent kāika (settlement) situated at the river mouth with associated urupā nearby.
- 7.3. The Aparima catchment was an important ara tawhito (traditional travel routes) for many generations of Ngāi Tahu ki Murihiku. The river provides access to valuable pounamu and mahinga kai resources in the Whakatipu Waimāori (Lake Wakatipu) region.
- 7.4. The mouth of the Aparima was a Tauranga waka, from which sea voyages were launched to and from a variety of locations in and around Te Ara a Kiwa (Foveaux Strait), Rakiura and the Titi islands.
- 7.5. The relationship of the Aparima to the Takitimu cultural landscape is an important part of the relationship of Ngāi Tahu to the river.
- 7.6. As a result of this pattern of occupation, there are a number of urupā, archaeological and wāhi tāpu located along the Aparima River. There are many archaeological, wāhi tapu and Urupā within this area. Urupā are the resting places of Ngāi Tahu tupuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tupuna, and are frequently protected by secret locations.

7.7. The cultural significance of the Aparima River its streams, rivers and estuary is extremely important to mana whenua. The Aparima River has provided ongoing cultural use and Ngāi Tahu ki Murihiku continue to have a relationship with the river that reflects on the early mātauranga (knowledge) that has been passed down through the generations.

8. Waimatuku River

8.1. The Waimatuku River was once a true tributary of the Aparima river and now drains a large swamp area in the Drummond district called the Bayswater Peat Bog.

8.2. The Waimatuku name is derived from the tangata (person) Waimatuku who was considered to be second in charge of a war party. Modern interpretation is the name comes the Matuku (Australasian bittern).

8.3. The mouth of the Waimatuku is located on the Oreti Beach. It formed part of the Mateawaewae – the ara tawhito (travel route) from Omaui to Aparima (Riverton).

8.4. It also links in with various ngahere (bush) that were named Ōtaetae (incorrectly spelt as Otaitai) to the West and Ōtāneāniwa to the East.

8.5. Historically and today various mahinga kai and taonga species are gathered from this area.

9. Oreti River

9.1. This catchment is a rich cultural landscape, and includes some of the oldest settlements in Aotearoa (adjacent to the New River Estuary). There are stories of the travels of Tamatea and his waka Takitimu. A number of significant wāhi tapu and archaeological sites exist as well as Māori Land.

9.2. There were a number of important settlement sites at the mouth of the Oreti, in the New River estuary, including Omaui, which was located at the mouth, where it passes the New River Heads. Oue, at the mouth of the Oreti River (New River estuary), opposite Omaui, was one of the principal settlements in Murihiku. Honekai who was a principal chief of Murihiku in his time was resident at this settlement in the early 1820s, at the time of the sealers In 1850 there were said to still be 40 people living at the kainga at Omaui under the chief Mauhe.

9.3. The Oreti River traverses a significant area of Murihiku, stretching from its mouth at Invercargill almost to the edge of Whakatipu-wai-maori (Lake Wakatipu). As such, it formed one of the main trails inland from the coast, with an important pounamu trade route continuing northward from the headwaters of the Oreti and travelling, via the Mavora or Von River Valley, to the edge of Wakatipu and onto the Dart and Routeburn pounamu sources. Indeed, pounamu can be found in the upper reaches of the Oreti itself.

9.4. The kai resources of the Oreti would have supported numerous parties venturing into the interior, and returning by mokihi (vessels made of raupo), laden with pounamu and mahinga kai. Nohoanga (temporary campsites) supported such travel by providing bases from which the travellers could go water fowling, eeling and catching inaka (whitebait), and were located along the course of Oreti River.

9.5. As a result of this pattern of occupation, there are a number of urupā located at the lower end of the Oreti, in the estuarine area. Urupā are the resting places of Ngāi Tahu tupuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tupuna, and are frequently protected by secret locations.

10. Ngāi Tahu Values

Wai

10.1. To ask perhaps the most fundamental question “Who am I?” Māori say “Ko wai ahau?” When these same words are stated, not asked, they mean “I am water”. The physical value of good water and land to Ngāi Tahu can be seen within the patterns of settlement and occupation throughout.¹ Water is fundamental to the health and wellbeing of who we are as Māori. The health, wellbeing and Mauri of the water is directly linked to the health and wellbeing of the people.

10.2. The characteristics of the water body (smell, shape, fish passage, bed, flow, etc.) have a direct impact on its health and surrounding lands, what is harvested from it and when. Preferential sites for mahinga kai tend to be rivers, hāpua (estuaries, lagoons), repo (wetlands) and the riparian zones of rivers, streams and lakes.²

10.3. The Aparima, Oreti and Waimatuku are examples of the ability to gather different mahinga kai species and resources throughout the catchment. The whānau have considerable knowledge of which ways to use the resources of this area and when certain resources are suitable and safe to be utilized. The majority of the freshwater mahinga kai/taonga species have a life

¹ Te Marino Lenihan, 2013

² Cain, A & Whaanga D, 2017.

stage that migrates through, and/or resides for a period of time in, estuarine ecosystems. This requires a healthy estuary with good fish passage to and from the sea.³

Ki uta ki tai

- 10.4. Ki uta ki tai reflects the mātauranga that all environmental elements are connected and must be managed as such.⁴ Ngāi Tahu understands Ki Uta Ki Tai as:

a paradigm and an ethic. It's a way of understanding the natural environment, including how it functions, how people related to it and how it can be looked after appropriately...

Ki Uta Ki Tai gives reference to the Ngāi Tahu understanding of the natural world and the belief that all things are connected – a belief shared by many other iwi and indigenous people. It also highlights the central importance of mahinga kai, the traditional seasonal food gathering rituals of Ngāi Tahu and the role this played in the traditional understanding and management of natural resources.

While being founded on traditional values and understanding, Ki Uta Ki Tai is also a modern management framework that involves the creation of a number of tools, such as natural resource management plans, monitoring and reporting processes and resource inventories and their associated strategies to address the continuing challenges and threats faced by all aspects of the natural environment from the mountains to the sea – ki uta, ki tai.

...Ki Uta Ki Tai, as a concept, comes from the traditions, customs and values of Ngāi Tahu Whānui in relation to the natural environment, and in particular the custom of mahinga kai and transferred between generations through purakau, whakatauki, waiata, korero and on-going practices is the foundation upon which this modern Ngāi Tahu natural resource management framework is built.⁵

- 10.5. The sources and knowing where they come from are extremely important because of the effect they have on the downstream sites. This is important for Iwi to understand what effects are contributing to the health of the environments, Ki Uta ki Tai is about standing on the land and knowing the effects, both positive and negative, in every direction⁶.

³ Kitson, J. 2017.

⁴ Cain, A & Whaanga D, 2017.

⁵ Kaupapa Taiao (2003) *Ki Uta Ki Tai: Mountains to the Sea Natural Resources Management*, pp. 9-10

⁶ Cain, A & Whaanga D, 2017.

- 10.6. Te Rūnanga o Ōraka Aparima have been concerned for some time with the intensifying of land and what effect this is having on receiving environments.
- 10.7. When the characteristics and health of the waterbodies are modified and soils put under increasing stress, the cumulative effects become more obvious and consequential.⁷ As Muriel Johnstone noted in her evidence ‘there is no use having pristine beautiful mountains where we have made a mess of the whenua that the rivers and the waters have to run over to actually come down to the sea.’⁸ Whānau are increasingly concerned about the changes in the smell of the water, colour and shape of the edges of the waterbodies, and their health when wading or submerged in the water.⁹

Mauri

- 10.8. Mauri is the essential life-force, the power and distinctiveness which enables each thing to exist itself. Everything in the natural world – people, fish, birds, forests, rivers, water, land, and even created things such as a house or wharenui – has their own mauri. In essence mauri is a force or power which is used to express the relative health and vitality of any place or being¹⁰.
- 10.9. It is important for mana whenua while practising kaitiakitanga that the mauri of the river and our water bodies are maintained for us and our future generations.

Mahinga kai

- 10.10. Mahinga kai is broadly explained in Te Tangi a Tauira (2008) as being about

*places, ways of doing things, and resources that sustain the people. It includes the work that is done (and the fuel that is used) in the gathering of all natural resources (plants, animals, water, sea life, pounamu) to sustain well-being. This includes the ability to clothe, feed and provide shelter.*¹¹

⁷ Cain, A & Whaanga D, 2017.

⁸ Quote from Muriel Johnstone cited in the Video Evidence for the proposed Southland Water and Land Plan (2017)

⁹ Cain, A & Whaanga D, 2017.

¹⁰ Te Marino Lenihan, 2013

¹¹ Te Tangi a Tauira, 2008.

- 10.11. Mahinga kai is central to the Ngāi Tahu way of life and cultural wellbeing. It represents the ninth component of the 'Nine Tall Trees' that comprised the Ngāi Tahu Claim; an intrinsic part of the tribe's identity, or the "DNA of Ngāi Tahu".¹²
- 10.12. Mahinga kai is central to our relationships with places, waterways, species and resources, and to the cultural, spiritual, social and economic well-being of Ngāi Tahu. It is a vehicle for the intergenerational transfer of Mātauranga (knowledge).¹³
- 10.13. The river, its surrounding waterways and the land have provided continuous use over many generations and are extremely important for Ngāi Tahu ki Murihiku for mahinga kai. Through years of development the opportunities for gathering kai have substantially decreased, it is important for us to halt the decline.
- 10.14. Environment dependencies of mahinga kai include: water (quality and quantity) attributes such as sediment, nutrients, dissolved oxygen, water temperature, habitat condition and habitat condition of prey/associated species, toxicants and flow regime.¹⁴
- 10.15. The activity of mahinga kai use relies on the harvested species being present, abundant, in good condition, physically accessible and desirable to harvest. Species must also be safe to consume and gather, and physical and legal conditions must enable access and the ability to use preferred sites and methods.¹⁵
- 10.16. Impacts on mahinga kai activities include high pathogen load in the waterways and/or toxic algae (which makes it unsafe for harvesters), bank stability and excess sediment (which can impact the ability to use a preferred harvest method safely, e.g. netting or spearing), and excessive pest plants and algae (e.g., fouls nets, makes rocks slippery, decreases visibility).¹⁶
- 10.17. For almost 50 years whānau from Ōraka Aparima have noted a decline in quality and quantity particularly at the bottom of the catchment. Whānau have witnessed the speed of deterioration increasing over recent years.

¹² Te Karaka. July 2015. http://Ngaitahu.iwi.nz/our_stories/the-ninth-tree/

¹³ Kitson, J. 2017.

¹⁴ Kitson, J. 2017.

¹⁵ Kitson, J. 2017.

¹⁶ Kitson, J. 2017.

10.18. Kaumātua Muriel Johnstone notes that for mahinga kai ‘you can’t just isolate a little part and say “oh, that is good for growing whatever”, it’s on the way there that is just as important.’¹⁷ Ngāi Tahu are very aware of the resources within Southland and their state, condition and location.¹⁸

Kaitiakitanga

10.19. Te Tangi a Tauira, 2008 describes kaitiakitanga as ‘the exercise of guardianship/stewardship by the tangata whenua of an area and resources in accordance with tikanga Māori.’¹⁹

10.20. As defined within the Proposed Southland Water and Land Plan kaitiakitanga is defined as:

*Kaitiakitanga is central to Ngāi Tahu and is key to their mana whenua. By exercising kaitiakitanga, Ngāi Tahu ki Murihiku actively work to ensure that spiritual, cultural and Mahinga kai values are upheld and sustained for future generations. Kaitiakitanga in this context includes ensuring the protection, restoration and enhancement of the productivity and life-supporting capacity of mahinga kai, indigenous biodiversity, air, water, land, natural habitats and ecosystems, and all other natural resources valued by Ngāi Tahu ki Murihiku.*²⁰

10.21. Being a kaitiaki is a responsibility, it is something that is inherently passed down through the generations as it goes hand in hand with identifying with your ancestral river. Those responsibilities rely on the influence that kaitiaki have over making decisions regarding protecting the mauri of the river, taonga species and mahinga kai. Although mana whenua have retained their connection to the river and its resources there is a disconnect regarding decision making.

Interconnectedness

10.22. The health and wellbeing of Iwi is dependent on the four cornerstones of Māori wellbeing including wairua (spiritual), hinengaro (mind), tinana (body) and whānau (family). It is

¹⁷ Quote from Muriel Johnstone cited in the Video Evidence for the proposed Southland Water and Land Plan (2017)

¹⁸ Cain, A & Whaanga D, 2017.

¹⁹ Te Tangi a Tauira, 2008. Pg. 48.

²⁰ Environment Southland, 2016, pg. 8.

important to note the value of whānautanga (family) and the need to engage and use the land and water to support their health and wellbeing.

11. Iwi Policy

11.1. Ngāi Tahu Claims Settlement Act, 1998

11.2. The Ngāi Tahu Claims Settlement Act 1998 gives effect to the provisions of the Deed of Settlement, entered into between Ngāi Tahu and the Crown in 1997. The Cultural Redress elements of the Crown's Settlement Offer were aimed at restoring the ability of Ngāi Tahu to give practical effect to its kaitiaki responsibilities.

11.3. Statutory Acknowledgement is an acknowledgement by the Crown of the special relationship of Ngāi Tahu with identifiable areas. Namely the particular cultural, spiritual, historical and traditional association of Ngāi Tahu within those areas (known as statutory areas).²¹

11.4. The Aparima River and Oreti River Statutory Acknowledgement gives effect to our relationship with the Crown and supports our Tupuna in recognising the spiritual, historical and traditional association with these places. These can be found in Appendix one and two.

11.5. The Taonga Species List was agreed between Ngāi Tahu and the Crown and is formalised in the NTCSA. The rivers, streams and estuary serve as a breeding ground and habitat for many species included in this list and some that are not included such as kanakana, tuna, inanga and wai kōura.

12. Te Tangi a Tauira, 2008 (Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan)

12.1. Te Tangi a Tauira is a culturally based natural resource framework developed by and for Ngāi Tahu whānui and assists Ngāi Tahu to achieve rangatiratanga and kaitiakitanga in natural resource management. The main kaupapa of the plan is ki uta ki tai (described above). Various plans and policies within this framework have been integrated by local tangata whenua (people of the land) to document the issues within our takiwā (area) and mechanisms to move forward with regard to our natural resources.

²¹ Te Tangi a Tauira Pg 47

- 12.2. Te Tangi a Tauria outlines specific resource management issues within the Aparima catchment as being impacts of intensive land use activities, particularly run off of contaminants from land to water and identifies a need to improve water quality.
- 12.3. Te Tangi a Tauria documents the resource management issues of the Oreti as being water quality and river health including the river as a source of drinking water for Invercargill, indirect discharges such as town reticulated schemes and industry. Discharges to land and run off to water, water abstractions, the relationship between surface water and groundwater, mahinga kai and biodiversity e.g. riparian management and the river as habitat for tuna – this river should produce good tuna.
- 12.4. Although Te Tangi a Tauria does not define the Waimatuku stream explicitly, many of the various policies below can be used when assessing an application within this catchment. Pers comms from rūnanga members describe resource management issues in the Waimatuku Stream as being degraded water quality due to land use pressures and changes; and river straightening causing changes to instream habitat including mahinga kai species.
- 12.5. Te Tangi a Tauria, 2008 has policy that is relevant to the management of farm dairy effluent, water permits and discharges. These are appended as Appendix three.
- 12.6. The General Water Policy (Section 3.5.10) of Te Tangi a Tauria has policy that seeks to ensure the protection and enhancement of the mauri, or life supporting capacity of freshwater resources throughout Murihiku, to manage our resources wisely for the next generations and promote the management of freshwater according to ki uta ki tai (defined above). It also promotes catchment management planning to recognise and provide for the relationship between land and water.
- 12.7. The Rivers section (section 3.5.11) seeks to promote that river management adopts priorities such as sustaining the mauri, meeting basic health and safety needs of humans (drinking water) and protecting cultural values and uses. This section also seeks to recognise the cultural importance of particular rivers (e.g. Statutory Acknowledgments and rivers associated with whakapapa and identity).
- 12.8. Whilst current regional planning frameworks seek to maintain or hold the line on water quality Te Tangi a Tauria identifies (section 3.5.13) that when an activity is taking place where the water source is degraded, the effects should be measured against the condition that the

water source should be, not the existing state of the water source. This is followed up with the following statement:

“In assessing a resource consent application for discharge to water, Te Ao Marama Inc. received a letter stating that: “because the stream is a minor watercourse with reduced water quality due to surrounding land uses, the impact of this discharge should be minor”.

For Ngāi Tahu ki Murihiku it is not enough to say that a proposed activity will not have adverse effects on the current condition of a waterway. Many of our waterways need to be improved, and human use should be conditional on improving the current state of waterways where needed.

We need to be requiring improvements and enhancements to river health and water quality. An activity should do more than ensure it won't degrade a river any further.”

Te Tangi a Tauri, 2008. Page 159

13. Te Rūnanga o Ngāi Tahu Freshwater Policy Statement, 2002

13.1. The purpose of this Freshwater Policy Statement is to provide a foundation for resource management agencies and Papatipu Rūnanga planning for freshwater. It sets out in broad terms our policies with respect to freshwater. The policy statement was completed due to Ngāi Tahu documenting numerous examples of waterways changing states and becoming degraded particularly due to discharges, reworking of hydrological regimes, erosion, sedimentation, low flows and damage to rich mahinga kai habitats on riparian margins.

13.2. Te Tangi a tauri, 2008 gives effect to the Freshwater Policy Statement, hence no further analysis is completed in this evidence.

14. Conclusions

14.1. Te Rūnanga o Oraka Aparima issued a position statement on the effect of bovine dairy intensification on the state of Oraka-Aparima takiwā. This reinforces the submissions made that the current state of the takiwā (wai, whenua and moana. Water, land and sea) is now seriously eroding our cultural health, wellbeing and cultural practices.

14.2. Due to these issues as kaitiaki they will be opposing all consents that intend to intensify agriculture, initially focusing on conversions and increases in herd numbers. A full copy of this statement can found in appendix four.

- 14.3. Ngāi Tahu whānui look at the world holistically, everything is interconnected, this is shown through the value 'ki uta ki tai'. Rūnanga do not believe that the application will show decreased contaminant outputs or cause no harm to the whenua, wai and biodiversity.
- 14.4. Intensive farming has been identified as the main contributor to the deterioration of waterways²² and Te Rūnanga o Ōraka Aparima believe enabling further intensification impacts on their kaitiaki responsibilities.
- 14.5. Te Rūnanga o Ōraka Aparima support the section 42 report and its recommendations to decline the application for reasons being that the water quality in the catchment is already degraded and the planning frameworks seek to maintain or improve water quality.
- 14.6. We wish for the application to be declined as it currently stands.

Stevie-Rae Blair

23 September 2019

²² Snelder and Legard. 2014, Ewans 2018, Robertson et al. 2019,

15. References

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Video evidence for the Proposed Southland Water and Land Plan by Ngāi Tahu ki Murihiku (2017).

<https://www.youtube.com/watch?v=AepG5Tb4uIM&feature=youtu.be>

16. Appendix 1

STATUTORY ACKNOWLEDGEMENT FOR APARIMA RIVER

Statutory Area

The statutory area to which this statutory acknowledgement applies is the river known as Aparima, the location of which is shown on Allocation Plan MD 126 (S.O. 12265).

Preamble

Under section 206, the Crown acknowledges Te Runanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Aparima River, as set out below.

Ngāi Tahu Association with the Aparima River

The mouth of the Aparima was the site of a permanent settlement, with associated urupa nearby. Urupa are the resting places of Ngāi Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tupuna, and are frequently protected by secret locations.

The river was an important source of mahinga kai, with shellfish, mussels, paua, tuna (eels) and inaka (whitebait) all being taken from the river and its estuary. An eel weir was constructed at the narrows where the Pourakino River enters the Aparima, and was an important source of tuna.

The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka (landing places), places for gathering kai and other taonga, ways in which to use the resources of the Aparima, 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 mouth of the Aparima was a tauranga waka, from which sea voyages were launched to and from a variety of locations in and around Te Ara a Kiwa (Foveaux Strait), Rakiura and the titi islands. A carved tauihu (canoe prow) found in the estuary of the river attests to this.

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 Aparima. 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 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 river.

The mauri of the Aparima 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 Ngāi Tahu Whanui with the river.

Purposes of Statutory Acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) To require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Aparima River, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) To empower the Minister responsible for management of the Aparima River or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Runanga o Ngāi Tahu and any member of Ngāi Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Aparima River as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,—

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

(b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Aparima River (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Aparima River.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Aparima River.

17. Appendix 2

STATUTORY ACKNOWLEDGEMENT FOR The Oreti River

Statutory Area

The statutory area to which this statutory acknowledgement applies is the river known as Oreti, the location of which is shown on Allocation Plan MD 123 (S.O. 12262).

Preamble

Under section 206, the Crown acknowledges Te Runanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Oreti River, as set out below.

Ngāi Tahu Association with the Oreti River

The Oreti River traverses a significant area of Murihiku, stretching from its mouth at Invercargill almost to the edge of Whakatipu-wai-maori (Lake Wakatipu). As such, it formed one of the main trails inland from the coast, with an important pounamu trade route continuing northward from the headwaters of the Oreti and travelling, via the Mavora or Von River Valley, to the edge of Wakatipu and onto the Dart and Routeburn pounamu sources. Indeed, pounamu can be found in the upper reaches of the Oreti itself.

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 Oreti, 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 kai resources of the Oreti would have supported numerous parties venturing into the interior, and returning by mokihi (vessels made of raupo), laden with pounamu and mahinga kai. Nohoanga (temporary campsites) supported such travel by providing bases from which the travellers could go water fowling, eeling and catching inaka (whitebait), and were located along the course of Oreti River.

There were a number of important settlement sites at the mouth of the Oreti, in the New River estuary, including Omaui, which was located at the mouth of the Oreti, where it passes the New River Heads. Oue, at the mouth of the Oreti River (New River estuary), opposite Omaui, was one of the principal settlements in Murihiku. Honekai who was a principal chief of Murihiku in his time was resident at this settlement in the early 1820s, at the time of the sealers. In 1850 there were said to still be 40 people living at the kaik at Omaui under the chief Mauhe.

As a result of this pattern of occupation, there are a number of urupa located at the lower end of the Oreti, in the estuarine area. Urupa are the resting places of Ngāi Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tupuna, and are frequently protected by secret locations.

The mauri of the Oreti 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 Ngāi Tahu Whanui with the river.

Purposes of Statutory Acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) To require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement);

18. Appendix 3 – Te Tangi a Tauria, 2008

3.5.1 FARM EFFLUENT MANAGEMENT

RELEVANT NGĀ TAKE/ISSUES

- Adverse effects on soils and water resources as a result of spray irrigation of dairy effluent to land (e.g. nitrogen loading, over saturation, leaching, bypass flow, ponding, run off).
- Effluent entering waterways either by overland flow or via drainage through mole/tile drains.
- Appropriate maximum loading rate of nitrogen onto any land area (kg/ ha) as a result of both effluent and fertiliser combined.
- Appropriate monitoring and review of discharge activities.
- Impact on downstream users as a result of upstream discharge to land activities.
- Cumulative effects of farm effluent discharges on the Murihiku environment.

RELEVANT NGĀ KAUPAPA/POLICY

4. Sustain and safeguard the life supporting capacity of soils for future generations.
6. Oppose the discharge of dairy farm effluent to water.
8. Require best practice for land application of managing farm effluent, in order to minimise adverse effects on the environment. This includes:
 - a. application rates that are specific to region and soil type;
 - b. use of low rate effluent irrigation technology;
 - c. use of appropriate irrigation technology to avoid irrigating over tile drains (e.g. K-line);
 - d. storing effluent when the soil is too wet or heavy to irrigate;
 - e. storing effluent when heaving pugging by stock has occurred;
 - f. sealed storage ponds to avoid leaching of nutrients to groundwater;
 - g. avoiding ponding of effluent on paddocks;

- h. monitoring of soils and groundwater (see Policy 16);
- i. developing contingency plans (e.g. for exceptionally wet years).
9. Require that farm management plans include the location and extent of tile drains on the farm, in order to ensure that farm workers know where drains are when they irrigate.
10. Advocate for the re-evaluation of existing discharge to land consents to develop better systems where needed.
11. Avoid any surface run off/overland flow, ponding or contamination of water resulting from the application of dairy shed effluent to pasture.
16. Require monitoring provisions as a condition of consent on any discharge to land. This should include monitoring water quality (e.g. representative water samples upstream and downstream), and soil nitrogen loads.

3.5.10 GENERAL WATER POLICY

RELEVANT NGĀ TAKE/ISSUES

- Access to freshwater resources for cultural and customary use.
- Maintenance of water quality and water quantity.
- Protection of the mauri and wairua of rivers, lakes and wetlands.
- Protection, maintenance and enhancement of mahinga kai.
- Protection of wāhi tapu and wāhi taonga associated with rivers, lakes and wetlands.
- Recognition of the special significance of particular water bodies to Ngāi Tahu ki Murihiku.
- Enhancing waterways, in addition to ensuring no adverse effects.
- Direct and indirect discharges to water.
- Relationship between what happens on land and what happens to the water.

RELEVANT NGĀ KAUPAPA/POLICY

1. The role of Ngāi Tahu ki Murihiku as kaitiaki of freshwater must be given effect to in freshwater policy, planning and management.
2. Work with local authorities and other statutory agencies involved in freshwater management to ensure that cultural values and perspectives associated with freshwater management are reflected in statutory water plans, best practice guidelines and strategies, and in resource consent processes for activities involving water.
3. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.
4. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.
5. Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.
6. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.

3.5.11 RIVERS

RELEVANT NGĀ TAKE/ISSUES

- Discharge to land activities (e.g. farm effluent) and potential for run off into waterways.
- Ensuring that water is valued as a taonga for all of New Zealand.
- Effects on the mauri of Murihiku Rivers due to land use and discharge activities, and water abstractions.
- Poor water quality in some Murihiku Rivers: our children are not able to swim in some rivers.
- Tangata whenua involvement in the management of freshwater resources in Murihiku.
- Pressure on waterways from increasing dairy farming in Murihiku, and thus increased demands for water, and increased risk of run off and leaching.

RELEVANT NGĀ KAUPAPA/POLICY

1. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.

2. Promote river management that adopts the priorities established in the Te Rūnanga o Ngāi Tahu Freshwater Policy 1997. The priorities are:

Priority 1: Sustain the mauri of the waterbodies within the catchment.

Priority 2: Meet the basic health and safety needs of humans (drinking water).

Priority 3: Protect cultural values and uses.

Priority 4: Protect other instream values (indigenous flora and fauna).

Priority 5: Meet the health and safety needs of humans (sanitation).

Priority 6: Provide water for stock.

Priority 7: Provide for economic activities including abstractive uses.

Priority 8: Provide for other uses.

3. Continue to work with the Regional Councils to ensure that cultural values and perspectives associated with freshwater management are reflected in statutory water plans, best practice guidelines and strategies, and in resource consent processes for activities involving water.

4. Management of our rivers must take into account that each waterway has its own mauri, guarded by separate spiritual guardians, its own mana, and its own set of associated values and uses.

5. Adopt a precautionary approach for any activity involving a waterway where there is an absence of detailed knowledge of that waterway (ecology, flow regimes, species, etc).

6. Require that rivers recognised as Statutory Acknowledgements be recognised for their special associations to Ngāi Tahu beyond the expiry date of 20 years. This means that places identified as Statutory Acknowledgements should continue to be:

- Identified in relevant district and regional plans and policy statements as notice of their cultural importance to Ngāi Tahu (noting on plans).

- Considered a trigger for a notice of application to Ngāi Tahu with respect to resource consents relating to, or impacting on, such areas (notice of applications).
 - Given regard to by Councils, the Environment Court and Historic Places Trust when decisions are made about who has the right to comment and be listened to, or to appear in court (Standing).
 - Accepted as evidence of the relationship of Ngāi Tahu with a particular area in any proceedings under the RMA or Historic Places Act.
7. The cultural importance of particular rivers (e.g. Statutory Acknowledgements, rivers associated with whakapapa and identity) must be reflected in the weighting of Ngāi Tahu responses and submissions on consents associated with these rivers.
12. Promote the use of State of the Takiwā environmental monitoring for Murihiku river catchments (see case study below page 151).
13. Promote the use of the Cultural Health Index (CHI) as a tool to facilitate monitoring of stream health, and to provide long term data that can be used to assess river health over time.
14. Use riparian enhancement, buffer zones, fencing, and related streamside management tools as conditions of consent to ensure that human use of rivers and their water does not compromise river health.
15. Avoid the use of rivers as a receiving environment for the discharge of contaminants (e.g. industrial, residential, recreational or agricultural sources).
16. Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.
17. Ensure that activities in upper catchments have no adverse effect on mahinga kai, water quality and water quantity in lower catchments.

3.5.12 DISCHARGE TO WATER

RELEVANT NGĀ TAKE/ISSUES

- Impacts on the mauri of the receiving environment as a result of discharge activities.
- Impacts on mahinga kai and biodiversity as a result of discharge activities.

- Impacts on cultural use of waterways as a result of discharge activities.
- Appropriate discharge to land activities, to prevent soil and groundwater contamination.
- Local solutions for discharge issues.
- Agricultural runoff and nitrogen loading in waterways.
- General impacts on water quality from discharge activities.
- Using dilution of pollution as a form of mitigation – this may not be culturally acceptable.

FROM PAGE 138 OF TE TANGI A TAUIRA:

Indicators used by tangata whenua to assess stream health:

- Shape of the river
- Sediment in the water
- Water quality in the catchment
- Flow characteristics
- Flow variations
- Flood flows
- Sound of flow
- Movement of water
- Fish are safe to eat
- Uses of the river
- Safe to gather plants
- Indigenous vs. exotic species
- Natural river mouth environment
- Water quality

- Abundance and diversity of species
- Natural and extent of riparian vegetation
- Use of river margin
- Temperature
- Catchment land use
- Riverbank condition
- Water is safe to drink
- Clarity of the water
- Is the name of the river an indicator?

RELEVANT NGĀ KAUPAPA/POLICY

1. Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Even if the discharge is treated and therefore considered “clean”, it may still be culturally unacceptable. Generally, all discharge must first be to land. This general policy is a baseline or starting point. From this point, the Rūnanga can assess applications on a case by case basis.
3. Consider any proposed discharge activity in terms of the nature of the discharge, and the sensitivity of the receiving environment.
4. When existing rights to discharge to water come up for renewal, they must be considered in terms of alternative discharge options.
6. Encourage the establishment of wetland areas, where practical, as an alternative to the direct discharge to water. Discharge to a wetland area allows Papatūānuku the opportunity to filter and clean any impurities.
7. Require robust monitoring of discharge permits, to detect non-compliance with consent conditions. Non-compliance must result in appropriate enforcement action to discourage further non-compliance.

8. Any discharge activity must include a robust monitoring programme that includes regular monitoring of the discharge and the potential effects on the receiving environment.
9. Promote the use of the Cultural Health Index (CHI) as a tool to facilitate monitoring of stream health, and to provide long term data that can be used to assess river health over time.

3.5.13 WATER QUALITY

RELEVANT NGĀ TAKE/ISSUES

- Adverse effects of non-point source discharges on water quality, surface and ground.
- Lack of influence over water quality and the setting of water quality standards, and impact on ability to exercise kaitiaki responsibilities.
- Run-off of agricultural chemicals, and the entry of nitrates and phosphates in water bodies through accelerated soil erosion are seriously affecting water quality in waterways on the Southland Plains.
- Cumulative effects over time of land use and discharge activities on water quality, and difficulty of addressing such effects within RMA framework.
- Poor water quality in some Murihiku Rivers: our children are not able to swim in some rivers.
- Adverse effects on catchment water quality as a result of degraded, or absent, riparian areas, and drained wetlands.
- Impacts on water quality in lower catchment areas as a result of hill country developments.

RELEVANT NGĀ KAUPAPA/POLICY

1. The role of Ngāi Tahu ki Murihiku as tangata whenua and kaitiaki of water must be recognised and provided for in all water quality management.
2. Strive for the highest possible standard of water quality that is characteristic of a particular place/waterway, recognising principles of achievability. This means that we strive for drinking water quality in water we once drank from, contact recreation in water we once used for

bathing or swimming, water quality capable of sustaining healthy mahinga kai in waters we use for providing kai.

3. Require cumulative effects assessments for any activity that may have adverse effects of water quality.
5. Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Generally, all discharge must first be to land.
6. Avoid impacts on water as a result of inappropriate discharge to land activities.
7. When assessing the effects of an activity on water quality, where the water source is in a degraded state, the effects should be measured against the condition that the water source should be, and not the existing condition of the water source (see text box on this page).
8. Promote the restoration of wetlands and riparian areas as part of maintaining and improving water quality, due to the natural pollution abatement functions of such ecosystems.
10. Water quality definitions, categories, and standards must be determined, measured, and assessed with cultural values and indicators alongside scientific information. Such indicators and values centre on the ability of the waterway to support life, and the fitness of water for cultural uses.
11. Require robust monitoring of discharge permits, to detect non-compliance with consent conditions. Non-compliance must result in appropriate enforcement action to discourage further non-compliance.

3.5.16 MAHINGA KAI

RELEVANT NGĀ TAKE/ISSUES

- Impacts of human activities on mahinga kai places and species.
- Intergenerational knowledge transfer of mahinga kai practices.
- The role of tangata whenua in managing key mahinga kai species.
- Resource depletion.
- Habitat degradation and destruction.

- Legislative barriers to accessing resources.

RELEVANT NGĀ KAUPAPA/POLICY

1. Work with local authorities and other statutory agencies to ensure that cultural values and perspectives associated with those species and places valued as mahinga kai are reflected in statutory water plans, best practice guidelines and strategies, and in concession and resource consent processes.
2. Work towards the restoration of key mahinga kai areas and species, and the tikanga associated with managing those places and species.
4. Consider the actual and potential effects of proposed activities on mahinga kai places, species and activities when assessing applications for resource consent.
5. Use the enhancement of mahinga kai places, species and activities to offset or mitigate the adverse effects of development and human activity on the land, water and biodiversity of Murihiku.

19. Appendix 4

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Position Statement on the effect of bovine dairy intensification on the state of the Ōraka-Aparima takiwā

As kaitiaki of the Ōraka-Aparima takiwā (as detailed in Te Rūnanga o Ngāi Tahu Act 1996) we hold responsibility for manawhenua manamoana¹, the wider community and the coming generations.

Our mother, Papatūānuku, can only take so much, her veins (the water ways) are now clogged with sediments, algae, toxic cyanobacteria and faecal bacteria. The accumulated effects from intensive land-use damages our relationship with our ancestral landscape, water, sites, wāhi tapu and other taonga, and our culturally defining practices such as mahinga kai, rongoā, raranga etc.

The current state of the takiwā (wai, whenua and moana) is now seriously eroding our cultural health, wellbeing and cultural practices. It is at a state that it contrary to our Ngāi Tahu Deed of Settlement and the purpose and principles of the RMA. One of the defining principles of the Treaty of Waitangi was for the active protection of mana whenua rights and interests.

Intensive farming has been identified as the main contributor² to the deterioration of our waterways and we believe enabling further intensification impacts us achieving our kaitiaki responsibilities.

We recognise and appreciate that some in the farming community are trying to achieve better environmental practices, but this will not achieve the restoration required while further intensification is allowed to add to the cumulative effects on Papatūānuku.

Therefore, as kaitiaki we believe it is appropriate to oppose all consent proposals that intend to intensify agriculture. Our initial focus is to oppose bovine dairy conversions and increases in herd numbers.

We will oppose such consents until:

- Such activities (including cumulative effects) have decreased contaminant outputs sufficiently to no longer cause harmful effects on the waterways, their margins and estuaries
- Such intensive land-use activities prove they cause no harm to the whenua, wai, and biodiversity (including freshwater fish)

¹ Traditional/customary authority or title over land, forests, waterways and sea.

² Snelder and Legard. 2014, Ewans 2018, Robertson et al. 2019

- There are better rules and standards to provide for improvement in the health of the waterways and margins, sufficient to provide for our cultural uses (such as mahinga kai)
- The cessation of the removal of wetlands and indigenous vegetation, and the protection and restoration results in improvements.
- Improvement in the health of waterways, mahinga kai resources and access, and the cultural health of the takiwā so that it no longer impacts negatively on our kaitiaki responsibilities and the environment.
- Active protection of our rights and interests are achieved.

We belong to the environment and are only borrowing the resources from our generations that are yet to come. It is our duty to leave the environment in as good or even better condition than received from our tupuna.

Mō tātou, ā, mō kā uri ā muri ake nei

For us, and our children after us.

Ngā Mihi



Riki Dallas
Kaihautū (General Manager)
Ōraka Aparima Rūnaka Inc

10 March 2019