

BEFORE THE HEARINGS PANEL SOUTHLAND REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for Resource Consent to discharge water and contaminates into surface water bodies, and into open drains, from reticulated systems.

BY **Invercargill City Council**

**BRIEF OF EVIDENCE BY STEVIE-RAE BLAIR
ON BEHALF OF TE RŪNANGA O WAIHOPAI**

01 August 2017

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 a Māori Environmental Advisor at Te Ao Marama Incorporated (TAMI).

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 almost two years and prior to that worked for Kitson Consulting Ltd for one year.

2.3. I grew up in the Catlin's 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.

3. Scope of Evidence

3.1. I have been involved with this resource consent application by the Invercargill City Council (ICC) since the application was lodged to Te Ao Marama Inc. on November 1st 2016. I am familiar with the application. I have been involved in the informal pre hearing meetings. I was unable to attend the formal pre hearing meeting but I have had an overview from the processing consents officer. I am familiar with Invercargill City and the streams discussed in the application.

3.2. In my evidence I:

3.2.1. Discuss **Te Ao Marama Inc. and Te Rūnanga o Waihopai roles and responsibilities.**

3.2.2. Summarise the **Submission** prepared by TAMI for Te Rūnanga O Waihopai.

3.2.3. Discuss **Ngāi Tahu Values** in regard to this application.

3.2.4. Discuss the **Cultural significance** of Ngāi Tahu to the area

3.2.5. Discuss the application in regard to **Iwi Policy** including Ngāi Tahu Claims Settlement Act, 1998, Te Tangi a Tauira, 2008, Ngāi Tahu Freshwater Policy, 2002.

3.2.6. Discuss the **conclusions** of whānau with the application and associated risks.

4. Te Ao Marama Inc. and Te Rūnanga o Waihopai 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-Oraka/Aparima, Waihopai, Awarua and Hokonui.
- 4.2. Te Rūnanga o Waihopai is based at Murihiku Marae, Invercargill and holds kaitiaki responsibilities over the Oreti Estuary and the rivers and streams including the Oreti, Waihopai, Otepuni, Waikiwi, Mokotua, Waipaka, Waimatua and the Wairaki.

5. Summary of Submission

- 5.1. We acknowledged pre consultation hui that ICC undertook with TAMI and other stakeholders.
- 5.2. We understand that the infrastructure upgrade by the ICC will take place on a continual timeline for 50-60 years.
- 5.3. We are concerned about the negative cumulative effects in the Oreti Estuary in regard to our mahinga kai, cockle fields, fish nurseries, eel and kanakana populations, as well as amenity values and sedimentation.
- 5.4. Consent duration is inappropriate and inconsistent with Te Tangi a Taurira, 2008.
- 5.5. It is our understanding that the Oreti estuary is under extreme pressure from contaminants entering it via its waterways and this includes stormwaters. The Tiakina Te Whanga that we undertook in 2014 also supports these concerns.
- 5.6. Eutrophic areas within the estuary continue to increase in size.
- 5.7. The application does not include reference to iwi values, any potential effects on these or suggested cultural monitoring opportunities to help inform us and the council.

6. Ngāi Tahu Values

- 6.1. **Wai-** 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.
- 6.2. The characteristics of the water body (smell, shape, 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 hāpua (estuaries, lagoons), repo (wetlands) and the riparian zones of rivers, streams and lakes.² The Oreti is a good example of this.
- 6.3. **Ki uta ki tai-** Ki uta ki tai reflects the mātauranga that all environmental elements are connected and must be managed as such.³ 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...

¹ Te Marino Lenihan, 2013

² Cain, A & Whaanga D, 2017.

³ Cain, A & Whaanga D, 2017.

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.⁴

6.4. 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 sources are contributing to the health of the downstream environments.

6.5. Mauri- 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 whareniui- 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 being.⁵

6.6. It is important for mana whenua while practicing kaitiakitanga that the mauri of the estuary and our water bodies be maintained for us and our future generations.

Mahinga kai- The Ngāi Tahu Claims Settlement Act 1998 defined mahinga kai as ‘the customary gathering of food and natural materials, and the places where those resources are gathered.’ Mahinga kai is more broadly explained in Te Tangi a Tauira (2008) as being about

places, ways of doings 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

⁴ Kauapapa Taiao (2003) *Ki Uta Ki Tai: Mountains to the Sea Natural Resources Management*, pp. 9-10

⁵ Te Marino Lenihan, 2013

*(plants, animals, water, sea life, pounamu) to sustain well-being. This includes the ability to clothe, feed and provide shelter.*⁶

6.7. 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 Ngai Tahu Claim; an intrinsic part of the tribe’s identity, or the “DNA of Ngāi Tahu”.⁷

6.8. Mahinga kai is central to our relationships with places, waterways, species and resources, and to the cultural, spiritual, social and economic well-being of Ngai Tahu. It is a vehicle for the intergenerational transfer of Mātauranga (knowledge).⁸

6.9. The estuary, its surrounding waterways and the land were extremely important for Murihiku Māori for mahinga kai. Through years of development the opportunities for gathering kai have substantially decreased, it is important for us to halt the decline.

6.10. ***Kaitiakitanga***- Te Tangi a Taurira, 2008 describes kaitiakitanga as ‘the exercise of guardianship/stewardship by the tangata whenua of an area and resources in accordance with tikanga Māori.’⁹

6.11. 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.*¹⁰

6.12. Other Values- There are many other values, these are extremely important in maintaining the health and wellbeing of Iwi and the natural environment including the Oreti Estuary and catchment. The health and wellbeing of Iwi is dependent on the four cornerstones of Maori wellbeing including wairua (spiritual), hinengaro (mind), tinana (body) and whānau (family). It is important to note the value of Whānautanga (family) and the need to engage and use the land to support their health and wellbeing.

7. Cultural Significance

7.1. The Rivers and streams and estuary involved within this application have been an important place for the collection of taonga species for tangata whenua. Our ability to collect mahinga kai has suffered as a result of access and decline in species quantity.

7.2. This landscape is special to Iwi as a reminder of a frequented historical cultural landscape. As our tūpuna moved throughout Te Wai Pounamu their presence was preserved in the naming of

⁶ Te Tangi a Taurira, 2008.

⁷ Kitson, J. 2017.

⁸ Kitson, J. 2017.

⁹ Te Tangi a Taurira, 2008. Pg. 48.

¹⁰ Environment Southland, 2016, pg. 8.

places. In present times these names reinforces our connections to Ngāi Tahu traditions, tūpuna, incidents and mahinga kai resources. 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.

- 7.3. 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.¹¹
- 7.4. 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 Ngai Tahu tupuna, and are frequently protected by secret locations.
- 7.5. Waituna Lagoon was chosen as New Zealand's first wetland of international significance (Ramsar) because of the important diverse habitats within the area. In 2008, the Ramsar site was extended by some 15,000ha with the addition of three major estuaries including Invercargill (New River) Estuary now called Awarua Wetland RAMSAR site.
- 7.6. As can be seen the cultural significance of Waihopai (Invercargill) its streams, rivers and estuary is extremely important to Mana whenua. Any impacts through poor or ongoing issue around discharges that effect these sites is insensitive to us.

8. Iwi Policy

8.1. Ngāi Tahu Claims Settlement Act, 1998.

- 8.1.1. 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.
- 8.1.2. 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 with those areas (known as statutory areas).¹²
- 8.1.3. The Oreti River and Rakiura/ Te Ara a Kewa (Rakiura/ Foveaux Strait Coastal area) Statutory acknowledgements gives effect to our relationship with the Crown and supports our Tupuna in recognising the importance of the Oreti River, its tributaries, streams that flow into the estuary, the New river Estuary and the coastal marine area to Iwi.

¹¹ Ngāi Tahu Claims Settlement Act, 1998.

¹² Te Tangi a Tauria Pg 47

8.1.4. 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.

8.2. Tangi a Tauira, 2008.

8.2.1. 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).

8.2.2. Section 4.8 of the application states that “The effects of the stormwater discharges on cultural values are minor when considered in the context of the current degraded state of the receiving watercourses due to agricultural runoff in the catchments upstream of Invercargill and modification due to loss of riparian cover and channelisation”¹³ Although the waters may be degraded it is the following policy that negates the applicants statement:

Section 3.5.13 Water Quality

Policy 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.

8.2.3. This is further quoted on page 159 of Te Tangi a Tauira, 2008 that:

“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 on the environment should be minor. For Ngāi Tahu 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 (e.g. abstractions, discharge) should be conditional on improving the current state of waterways where needed.”

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

8.3.1. 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 ICC Stormwater Discharge application, 2016 p.g. 48

8.3.2. In particular in section 4.3.2 Water Quality; protecting the mauri of a waterway includes prohibiting the direct discharge of contaminants to water, in particular the discharge of human effluent, it also includes requiring discharge from agricultural or industrial effluent to pass through land before it enters a water body.

8.3.3. Although the application is for the discharge of stormwater there is still the potential of untreated sewage to be discharged which may cause significant adverse cultural effects.¹⁴

9. The Tiakina te Whanga Research Project

1. This research programme was funded by the Foundation of Research Science and Technology in 2011 and aimed to improve the health of New Zealand estuaries through effective Māori participation in the management of stormwater. Te Ao Marama Inc. was a research partner in this collaborative dual case study along with the Crown Research Institute, Landcare Research, and Mana Ahuriri Inc., a Treaty Settlement entity based in Napier.
2. This research investigation employed a combination of chemical analysis and bioassays to assess the contaminant loads in sediment samples sourced from sites around the New Rivers Estuary and their potential to cause adverse biological effects. The approach was useful to establish the breadth and magnitude of toxicity of organic contaminants in sediments, but is limited for predicting their bioavailability and biological effects in the natural environment.
3. The outcome of the research are published in two internationally scientific peer-reviewed manuscripts and the key conclusions are presented below. This research also forms the basis for follow-up research that is required. The New Rivers Estuary data relates to sediments that were collected and analysed from the Waihopai, Otepunī and Kingswell Streams. Some of the conclusions from the study include:
 1. There was evidence of dioxin-like toxicity, cytotoxicity in all sediment extracts, and genotoxicity.
 2. The PAH and metal concentrations measured in some of the sediment samples exceeded Australia and New Zealand ECC interim sediment guideline threshold limits.
 3. The samples from the Otepunī and Waihopai are the most toxic according to the parameters calculated.
 4. The diverse range of biological responses modulated by the sediment extracts suggest that multiple sources of contaminants have accumulated in the sediments, including those originating from stormwater but potentially sewage wastewater and/or agricultural run-off or discharges.
4. The scientific findings resonate with the Māori cultural concerns that are articulated in section 6 of this submission. Environmental chemistry data indicates the presence of recalcitrant (persistent) chemical contaminants that are above normal baseline levels and/or are man-made in origin. This implies that the natural ecological systems are unable to eliminate these compounds which then implies potential impacts to fundamental cultural values like mauri. This will have flow-on effects to other cultural values like mana, manaaki and utu. The biological effects tests further validate these cultural value impacts where it has been shown that contaminants in the sediment extracts have exceeded the natural biological capacity for detoxifying the contaminant loads.

¹⁴ Ngāi Tahu freshwater Policy Statement, 2002.

5. Future research is required to further identify and characterise the expanded range of sediment pollutants and their availability and affect to benthic organisms under environmentally realistic exposure conditions. This information is essential for developing and implementing management strategies and mitigation actions to identify contaminant sources and reduce or eliminate at the source those pollutants that pose highest risk to the receiving ecosystem. This research should be supported along with Māori cultural monitoring so that complementary data relating specifically to the impact on Māori values can be co-generated.

9. Consent duration

Te Tangi a Taurira, 2008, page 159

Ngāi Tahu ki Murihiku do not believe we should be granting consents for activities where we do not know what the effects may be over the long term. Anything over 25 years is essentially making decisions for the next generation.

We also need to ensure that consent duration recognises and provides for changes in technology, thus allowing us to continually improve the way we do things

10. Conclusions

- 10.1.** There is no doubt that the present condition of the New River Estuary and the streams that flow into the Estuary are of real concern to Mana whenua. The trends that we continue to see are deeply concerning around, sedimentation, increasing dead eutrophic zones, unknown emerging contaminants and the potential adverse effect in terms of mahinga kai and the health and wellbeing of our people, our generation and future generations.
- 10.2.** It is essential that the ICC seek improvement on their impacts on receiving environments from their stormwater discharges. It is also essential for the ICC to understand the impacts these discharges have on Ngāi Tahu values.
- 10.3.** We wish to support the council in understanding Ngāi Tahu values, potential cultural monitoring programs and other potential scientific studies that support the improvements of the catchment and human health and wellbeing.
- 10.4.** We acknowledge that the stormwater network is a critical infrastructure for our city but we do have concerns around cross-contamination and the differed timeline for upgrades.
- 10.5.** The application doesn't include reference to Iwi values and its effect on these and how they might be mitigated. This could potentially be done through monitoring and science programs.
- 11.** We wish for the application to be declined as it currently stands.

12. References

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13. Appendix 1- Statutory Acknowledgement For Rakiura/Te Ara A Kiwa

Statutory Area

The statutory area to which this statutory acknowledgement applies is Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area), the Coastal Marine Area of the Hokonui and Awarua constituencies of the Southland region, as shown on SO 11505 and 11508, Southland Land District as shown on Allocation Plan NT 505 (SO 19901).

Preamble

Under Section 313, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Rakiura/Te Ara a Kiwa as set out below.

Ngai Tahu Association with Rakiura/Te Ara a Kiwa

Generally, the formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brother to turn to stone. They are manifested now in the highest peaks of the Ka Tititiri of Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tu Te Rakiwhanoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Maui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka o Maui in recognition of his discovery of the new lands. A number of coastal place names are attributed to Maui, particularly on the southern coast. Maui is said to have sojourned at Omaui (at the mouth of the New River Estuary) for a year, during which time he claimed the South Island for himself. It is said that in order to keep his waka from drifting away he reached into the sea and pulled up a stone to be used as an anchor, which he named Te Puka o Te Waka o Maui (Rakiura or Stewart Island). The great explorer, Rakaihautu, travelled overland along the coast, identifying the key places and resources. He also left many place names on prominent coastal features. When Rakaihautu's southward exploration of the island reached Te Ara a Kiwa, he followed the coastline eastwards before heading for the east coast of Otago.

Particular stretches of the coastline also have their own traditions. Foveaux Strait is known as Te Ara a Kiwa (the pathway of Kiwa), the name relating to the time when Kiwa became tired of having to cross the land isthmus which then joined Murihiku (Southland) with Rakiura (Stewart Island). Kiwa requested the obedient Kewa (whale) to chew through the isthmus and create a waterway so Kiwa could cross to and fro by Regional Coastal Plan for Southland – July 2005 – Page 7 waka. This Kewa did, and the crumbs that fell from his mouth are the islands in Foveaux Strait, Solander Island being Te Niho a Kewa, a loose tooth that fell from the mouth of Kewa.

The waka Takitimu, captained by the northern rangatira (chief) Tamatea, traveled around much of the Te Wai Pounamu coast, eventually breaking its back at the mouth of the Waiau River in Murihiku. Many place names on the coast can be traced back to this voyage, including Monkey Island near Orepuki which is known as Te-Punga (or Puka)-a-Takitimu. While sailing past the cliffs at Omaui, it is said that Tamatea felt a desire to go ashore and inspect the inland, and so he turned to the helmsman and gave the order `Tarere ki whenua uta' ("swing towards the mainland"), but before they got to the shore he countermanded the order and sailed on. Subsequently, the whole area from Omaui to Bluff was given the name of Te Takiwa o Tarere ki Whenua Uta. In olden days when people from the Bluff went visiting they were customarily welcomed on to the host's marae with the call `haere mai koutou te iwi tarere ki whenua uta'. One of the whare at Te Rau Aroha marae in Bluff is [sic: is] also named `Tarere ki Whenua uta' in memory of this event.

The Takitimu voyage through the Strait came to an end when the waka was overcome by three huge waves, named O-te-wao, O-roko and O-kaka, finally coming to rest on a reef near the mouth of the Waiau (Waimeha). According to this tradition, the three waves continued on across the low lying lands of Murihiku, ending up as permanent features of the landscape.

For Ngai Tahu, traditions such as these 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 documents the events which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi. Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngati Mamoe and Ngai Tahu in succession, who through conflict and allegiance, have merged in the whakapapa (genealogy) of Ngai Tahu Whanui. Battle sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history.

Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapu located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

Mokamoka (Mokomoko or Mokemoke) was one such settlement, in a shallow inlet of the Invercargill estuary. It was here that Waitai was killed, the first Ngai Tahu to venture this far south, well out of the range of his own people, then resident at Taumutu. This settlement was sustained by mahinga kai taken from the estuary and adjoining coastline, including shellfish and patiki (flounder).

Oue, 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. Honekai's brother, Pukarehu, was a man who led a very quiet life, and so was little known. He is remembered, however, in the small knob in the hills above Omaui which bears his name. When he passed away he was interred in the sandhills at the south end of the Oreti Beach opposite Omaui. Oue is said to have got its name from a man Maui left to look after his interests there until his return. It was also here that the

coastal track to Riverton began. From Oue to the beach the track was called Te Ara Pakipaki, then, when it reached the beach, it was called Ma Te Aweawe, finally, at the Riverton end; it was known as Mate a Waewae. Regional Coastal Plan for Southland – July 2005 – Page 8

After the death of Honekai, and as a consequence of inter-hapu and inter-tribal hostilities in the Canterbury region, many inhabitants of Oue and other coastal villages on Foveaux Strait relocated to Ruapuke Island, which became the Ngai Tahu stronghold in the south. The rangatira Pahi and Tupai were among the first to settle on the island. Pahi had previously had one of the larger and oldest pa in Murihiku at Pahi (Pahia), where 40 to 50 whare (houses) were reported in 1828. The Treaty of Waitangi was signed at Ruapuke Island by Tuhawaiki and others. No battles however occurred here, the pa Paraki-ao was never fully completed, due to the realisation that Te Rauparaha could not reach this far south.

Other important villages along the coast included: Te Wae Wae (Waiau), Taunoa (Orepuki), Kawakaputaputa (Wakaputa), Oraka (Colac Bay), Aparima (Riverton—named Aparima after the daughter of the noted southern rangatira Hekeia, to whom he bequeathed all of the land which his eye could see as he stood on a spot at Otaitai, just north of Riverton), Turangiteuaru, Awarua (Bluff), Te Whera, Toe Toe (mouth of the Mataura River) and Waikawa. Rarotoka (Centre Island) was a safe haven at times of strife for the villages on the mainland opposite (Pahi, Oraka and Aparima). Numerous artefacts and historical accounts attest to Rarotoka as having a significant place in the Ngai Tahu history associated with Murihiku.

Rakiura also plays a prominent part in southern history, the 'Neck' being a particularly favoured spot. Names associated with the area include: Korako-wahine (on the western side of the peninsula), Whare-tatara (a rock), Hupokeka (Bullers Point) and Pukuheke (the point on which the lighthouse stands). Te Wera had two pa built in the area called Kaiarohaki, the one on the mainland was called Tounoa, and across the tidal strip was Ka-Turi-o-Whako. A permanent settlement was located at Port Pegasus, at the south-eastern end of Rakiura, where numerous middens and cave dwellings remain. Permanent settlement also occurred on the eastern side of Rakiura, from the Kaik near the Neck; south to Tikotaitahi (or Tikotatahi) Bay. A pa was also established at Port Adventure.

Mahinga kai was available through access from the coastal settlements to Te Whaka-ate Wera (Paterson Inlet), Lords River and, particularly for waterfowl, to Toi Toi wetland. In addition, the titi islands off the north-eastern coast of the island, and at the mouth of Kopeka River and the sea fishery ensured a sound base for permanent and semi-permanent settlement, from which nohoanga operated.

Te Ara a Kiwa, the estuaries, beaches and reefs off the mainland and islands all offered a bounty of mahinga kai, with Rakiura and the titi islands being renowned for their rich resources of bird life, shellfish and wet fish. The area offered a wide range of kaimoana (sea food), including tuaki (cockles), paua, mussels, toheroa, tio (oysters), pupu (mudsnails), cod, groper, barracuda, octopus, patiki (flounders), seaweed, kina, koura (crayfish) and conger eel. Estuarine areas provided freshwater fisheries, including tuna (eels), inaka (whitebait), waikoura (freshwater crayfish), kokopu and kanakana (lamprey).

Marine mammals were harvested for whale meat and seal pups. Many reefs along the coast are known by name and are customary fishing grounds, many sand banks, channels, currents and depths are also known for their kaimoana.

A range of bird life in the coastal area also contributed to the diversity of mahinga kai resources available, including titi, seabirds such as shags and gulls, sea bird eggs, waterfowl, and forest birds such as kiwi, kaka, kakapo, weka, kukupa and tieke. A variety of plant resources were also taken in the coastal area, including raupo, fern root, ti kouka (cabbage tree), tutu juice and korari juice. Harakeke (flax) was an important resource, required for the everyday tasks of carrying and cooking kai. Black mud (paru) was gathered at Ocean Beach for use as dye. Totara bark was important for wrapping poha in, to allow safe transport of the titi harvest. Poha were made from bull kelp gathered around the rocky coast.

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The numerous titi islands are an important part of the Ngai Tahu southern economy, with Taukihepa (Te Kanawera) being the largest. Titi were and are traded as far north as the North Island. The 'Hakuai' is a bird with a fearsome reputation associated with the islands. No one has ever seen this bird, which appears at night, but it once regularly signalled the end to a birding season by its appearance at night. Known for its distinctive spine-chilling call, the hakuai was a kaitiaki that could not be ignored. At the far western edge of Foveaux Strait is Solander Island (Hau-tere), an impressive rock pinnacle rising hundreds of feet out of the sea, on which fishing and titi gathering occurred.

The coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Foveaux Strait was a principal thoroughfare, with travel to and from Rakiura a regular activity. There was also regular travel between the islands Ruapuke, Rarotoka and other points.

The titi season still involves a large movement across the Strait to the islands, in addition large flotillas of Ngai Tahu once came south from as far afield as Kaikoura to exercise their mutton-birding rights. Whenua Hou (Codfish Island) and the Ruggedy Islands were important staging posts for the movement of birders to the titi islands off the south-west coast of Rakiura. Whenua Hou had everything that the birders required: shelter, proximity to the titi islands, kai moana, manu (birds) and ngahere (bush). From Whenua Hou, the birders would camp at Miniti (Ernest Island), at the end of Mason Bay, where the waka-hunua (double hulled canoes, or canoes with outriggers) were able

to moor safely, ready for the final movement to the various titi islands. Waka-hunua were an important means of transport on the dangerous and treacherous waters of Foveaux Strait and the Rakiura coast. After dropping birders and stores on the titi islands the waka hunua generally returned immediately to Aparima and other tauranga waka along the mainland of Foveaux Strait, due to the paucity of safe anchorages among the titi islands. Travel by sea between settlements and hapu was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, postcontact, whale boats plying the waters continuously. Hence tauranga waka occur up and down the coast, including spots at Pahi, Oraka and Aparima, and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp — used to make the poha, in which titi were and still are preserved) and the sea trail linked to a land trail or mahinga kai resource. Knowledge of these areas 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 coast.

The New River estuary contains wahi tapu, as do many of the coastal dunes and estuarine complexes for the length of the Foveaux Strait. Many urupa are located on islands and prominent headlands overlooking the Strait and the surrounding lands and mountains. The rangatira Te Wera, of Huriawa fame, is buried at Taramea (Howells Point), near Riverton. There are two particularly important urupa in Colac Bay, as well as an old quarry site (Tihaka). From Colac Bay to Wakapatu, the coastal sandhills are full of middens and ovens, considered to be linked to the significant mahinga kai gathering undertaken in Lake George (Urewera). 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 in secret locations.

The mauri of the coastal area represent 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 coastal area.

Purposes of Statutory Acknowledgement

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

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(a) to require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngai 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 acknowledgement in relation to Rakiura/Te Ara a Kiwa, as provided in Sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

(c) to enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Rakiura/Te Ara a Kiwa as provided in Section 208 (clause 12.2.5 of the deed of settlement).

Editorial Note

It appears that the above reference to “Section 208” should be read as a reference to

“Section 211” because clause 208 of the Ngai Tahu Claims Settlement Bill, relating to the use of statutory acknowledgement with submissions, became s 211 of this Act.

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 bylaws; and

(b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to Rakiura/Te Ara a Kiwa (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 Rakiura/Te Ara a Kiwa. 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, Rakiura/Te Ara a Kiwa.

14. Appendix 2- Oreti River Statutory Acknowledgement

i) Statutory area

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

ii) Preamble

Under [section 206](#), the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Ōreti River, as set out below.

iii) Ngāi Tahu association with the Ōreti River

The Ōreti River traverses a significant area of Murihiku, stretching from its mouth at Invercargill almost to the edge of Whakatipu-wai-māori (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 Ōreti 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 Ōreti itself.

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 Ōreti, 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 Ōreti would have supported numerous parties venturing into the interior, and returning by mōkihi (vessels made of raupō), 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 Ōreti River.

There were a number of important settlement sites at the mouth of the Ōreti, in the New River estuary, including Ōmāui, which was located at the mouth of the Ōreti, where it passes the New River Heads. Ōue, at the mouth of the Ōreti River (New River estuary), opposite Ōmāui, 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 Ōmāui under the chief Mauhe.

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

The mauri of the Ōreti 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 Whānui with the river.

iv) Purposes of statutory acknowledgement

Pursuant to [section 215](#), and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

v) (a)

to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to [section 207](#) (clause 12.2.3 of the deed of settlement); and

vi) (b)

to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Ōreti River, as provided in [sections 208 to 210](#)(clause 12.2.4 of the deed of settlement); and

vii) (c)

to empower the Minister responsible for management of the Ōreti 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

viii) (d)

to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Ōreti River as provided in [section 211](#) (clause 12.2.5 of the deed of settlement).

ix) Limitations on effect of statutory acknowledgement

Except as expressly provided in [sections 208 to 211](#), [213](#), and [215](#),—

x) (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

xi) (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 Ōreti 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 Ōreti 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 Ōreti River.

Schedule 50: amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).