

**UNDER**

The Resource Management Act 1991

**IN THE MATTER OF**

Resource Consent application by Capil Grove Limited

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**STATEMENT OF EVIDENCE OF STEVIE-RAE BLAIR ON BEHALF OF WAIHŌPAI RŪNAKA**

**30 May 2023**

## 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, Ko Ngāti Makō, ko Ngāi te Ruahikihiki ōku hapu  
Ko Kāi Tahu, ko Kati Mamoe, ko Waitaha ōku lwi  
Ko Stevie-Rae Blair tōku ingoa

1. My name is Stevie-Rae Blair. I am a Kaitohutohu Taiao/Environmental Advisor at Te Ao Mārama Incorporated (TAMI). I have been employed by Te Ao Mārama since 2016.
2. I have the qualifications of a Bachelor of Environmental Management and I am an accredited decision-maker through the Ministry for the Environment Making Good Decisions Course.
3. During my time at Te Ao Mārama I have processed resource consents and worked on research projects including Ngā Kete o Te Wānanga, Emerging Contaminants and Fish Futures. I have supported whānau in various projects that I look after to support our Papatipu Rūnaka.
4. I grew up at Waikawa in Te Ākau Tai Toka (The Catlins) with whānau who have very strong links to the environment. My whānau have maintained ahi kā (continuous occupation of this area) since prior to the Treaty of Waitangi. I grew up beside and learning from my awa, estuary, ngahere and coast. I maintain strong connections as an adult to my tūrangawaewae by visiting regularly and carrying out what I grew up doing, including teaching my daughter how to gather and look after our whenua, moana and awa.
5. Because of my whānau, growing up around marae and now working for Ngā Rūnaka ki Murihiku (papatipu rūnaka of Murihiku/Southland) I am aware of Ngāi Tahu history, culture, values and how these relate to the environment.
6. I have prepared this evidence on behalf of Waihōpai Rūnaka. I am presenting the cultural matters of Waihōpai Rūnaka on this not as member of Waihōpai Rūnaka but as someone who worked closely with representatives on this application.
7. While I have read and agree to abide by the Code of Conduct for Expert Witnesses in the Environment Court of New Zealand Practice Note (2014) in preparing and giving this evidence, I note that I am presenting this evidence for Waihōpai Rūnaka and therefore do not consider myself to be an 'expert' within their rohe or the Mātauranga that the whānau hold. I work for kaumātua and to call myself an expert is what I would call an insult to them and the mātauranga they hold.
8. I have been asked to give evidence on the following matters:
  - a. The roles and responsibilities of Te Ao Mārama Inc. and Ngā Rūnaka ki Murihiku.

- b. A summary of our submission.
  - c. The significance of this takiwā (area) to Ngāi Tahu.
  - d. Ngāi Tahu frameworks and values
  - e. The application regarding Iwi Policy including Te Tangi a Taurira, 2008.
  - f. Engagement summary to date
  - g. Summary of remaining position.
9. In preparing this evidence, I have read and had regard to the following:
- a. The application by Capil Grove Limited
  - b. The reporting officer's s42A Report and Council Officers' expert assessments and analysis
  - c. The suite of evidence for the applicant.
  - d. Te Tangi a Taurira –Ngāi Tahu ki Murihiku Natural Resource and Iwi Management Plan 2008
10. I have been involved with this resource consent application since it was publicly notified. We received the public notification from Environment Southland on the 19 October 2022 and subsequently submitted in opposition. I am familiar with the application and how this relates to and effects Waihōpai Rūnaka frameworks and values. I am familiar with the wider area discussed in the application and the cultural values associated with this part of the Ngāi Tahu takiwā.

#### **TE AO MARAMA AND NGĀI TAHU KI MURIHIKU RŪNAKA ROLES AND RESPONSIBILITIES**

11. Te Ao Marama Inc. (TAMI) is an environmental entity which represents Ngā Rūnaka ki Murihiku for resource management and environmental issues. TAMI is made up of the three Murihiku Papatipu Rūnaka– Awarua, Ōraka Aparima and Waihōpai.
12. The rohe that the application is within is in the takiwā of Waihōpai Rūnaka from its source to the sea.
13. For resource management purposes in Murihiku, certain rūnaka take the lead for applications for specific areas.

#### **SUMMARY OF SUBMISSION**

14. Waihōpai Rūnaka opposed the application because of:
- a. Potential adverse effects on cultural values, rights and interests.
  - b. The application has failed to consider the policies within Te Tangi a Taurira, 2008 and the National Policy Statement for Freshwater 2020.
  - c. Effects on surface water, soils, groundwater, and the wider environment.
  - d. Effectiveness and quantity of mitigations to reduce effects on the environment.
  - e. Insufficient information to determine if the applicant is using best practice methodology for inputting to Overseer.
  - f. There has been no consultation/engagement with mana whenua to enable understanding of the potential adverse effects on cultural values, rights and interests.

15. The submission requested that the application be declined.

## **RELATIONSHIP OF NGĀI TAHU TO THIS TAKIWĀ**

16. The Makarewa Catchment as part of the Ōreti and is an important Ngāi Tahu landscape. Tribal history is embedded in the river, its tributaries and the lands that it flows through. This association is expressed through the metaphorical understanding of land and waters as our ancestors - our whakapapa which connects us to place.
17. Before European settlement, Ngāi Tahu moved around Te Waipounamu hunting and gathering the island's resources. Movements were according to the seasons following the lifecycles of animals and plants, and the interior of Murihiku was a fundamental element of these systematic seasonal food gathering patterns. Ngāi Tahu undertook seasonal migrations inland to gather food and natural resources. The Makarewa and the surrounding area are a source of mahinga kai which includes fish and its tributaries are a source of mahinga kai which includes freshwater species (Kōkopu, Koaro, waikōura, tuna, Paraki/Smelt, Inanga and kanakana), birds (weka and ducks), plant materials used for weaving, (harakeke), rongoā (medicines), and Tī kouka.
18. Ngāi Tahu used a comprehensive integrated network of ara tawhito (trails) which ensured the safest journey. They travelled great distances to trade here in the South. Ara Tawhito followed food and natural resources which were consumed by travelers on their journeys. This was critical to their survival. These trails and rivers were the arteries of economic and social relationships.
19. The location of past settlements central to Ngāi Tahu traditions and stories are still standing, while the place names and whakapapa that is entrenched in the landscape still exist.
20. Ōtewao (Forest Hill) in Murihiku (Southland) was one of three large waves that capsized the famed Takitimu waka at Te Waewae Bay, on the Foveaux Strait coast. Upon entering Te Waewae Bay, the waka was capsized near the mouth of the Waiau River by three large waves forming the Takitimu Mountains. These three waves are represented by ridges in the Murihiku landscape — Ōtewao, Ōroko (Heale Ridge), and Ōkākā (Hump Ridge). Respected southern place names informant Kurupōhatu Ruru recorded Te Ihupuni as alternative name for Ōtewao.<sup>1</sup>
21. Within the Otaupiri and Butlers Creeks area, there are ovens, which suggest a fowling and eeling mahinga kai culture. There are also several burial sites.<sup>2</sup>
22. There was a pā at Otaupiri. This was the pā of Tutemakohu, a Kati Mamoe chief. This Pa was at a strategic vantage point, with views of the Waimea Plains, Dipton flats, upper reaches and flats of the Otaupiri stream.<sup>3</sup>
23. The O-te-Wao (Forest hill) SILNA Māori land that is remaining is vested in the Waimumu Trust to facilitate management, use and development of the land.

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<sup>1</sup> Ka Huru Manu. [Atlas — Cultural Mapping Project — Te Rūnaka o Ngāi Tahu \(kahurumanu.co.nz\)](http://kahurumanu.co.nz)

<sup>2</sup> Kitson, 2014

<sup>3</sup> Kitson, 2014

24. Archaeological find spots exist along the river and its tributaries, which shows nohoanga (camp sites) along these places. These were used for cutting trees, making houses and shelter, building traps, making fires for the preparation of food, and keeping warm.
25. Urupā are located at the lower end of the 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.
26. This rich spiritual and physical association of Ngāi Tahu whānui with the Oreti Catchment was recognised and acknowledged by the Crown in Schedule 50 of the Ngāi Tahu Claims Settlement Act 1998.

### **NGĀI TAHU NATURAL RESOURCE MANAGEMENT FRAMEWORKS - KI UTA KI TAI**

*“Flows in rivers depend on rainfall and springs, springs depend on groundwater, groundwater depends on rainfall and flows to replenish – you can’t take water from the river, the spring and the ground...how is that sustainable?”<sup>4</sup>*

27. Ki uta ki tai reflects the notion that all environmental elements are connected, from the mountains to the sea and must be managed as such.<sup>5</sup> Furthermore, it reflects that we belong to the environment and are only borrowing the resources from the generations that are yet to come. Ki Uta ki Tai is about standing on the land and knowing the effects, both positive and negative, in every direction.
28. The sources and knowing where they come from are extremely important because of the effect they have on downstream sites. It is important to keep in mind that ki uta ki tai works both ways, anything effecting the downstream environment also influences the upper catchment.

### **NGĀI TAHU VALUES**

#### **RANGATIRATANGA**

29. Rangatiratanga is described in Te Tangi a Taurira, 2008 as ‘the exercise of tribal authority, chieftainship and the powers and qualities of chiefly leadership’.
30. It is the right to make decisions for your own people concerning the resources within your takiwā and determining what, from a cultural perspective, represents satisfactory aquatic conditions and appropriate use.<sup>6</sup>

#### **KAITIAKITANGA**

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<sup>4</sup> Pers comms, JS (Tipa, 2013)

<sup>5</sup> Cain, A & Whaanga D, 2017.

<sup>6</sup> Cain, 2017.

31. 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.’<sup>7</sup> To be able to exercise kaitiakitanga we work actively to ensure that spiritual, cultural and mahinga kai values of the takiwā are upheld and sustained, not for us but for future generations.
32. As kaitiaki, we are bound to ensure the wairua and mauri of the land and water in Murihiku is maintained and improved where needed. Degradation of waterways and land negatively impacts on the mana of oneself and their hapū and iwi, as well as collective cultural identity.<sup>8</sup>
33. As the mauri and wairua of the waterbodies has declined, there is now a disjunct between state, use, association and value. Therefore, the intangible values of freshwater have an increased importance as drivers for kaitiaki to maintain or restore the state of waterbodies.<sup>9</sup>

## MAURI

34. Papatūānuku (Mother Earth) supports all life, waterways represent the blood vessels that supply nourishment to her, through her, to all living things. 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 wharenuī – have 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.<sup>10</sup>
35. Mauri has both tangible and intangible qualities that can be used to reflect the health of a waterbody. Promoting the mauri of a river will sustain healthy ecosystems, support a range of cultural uses (including mahinga kai), and reinforce the cultural identity of the people.<sup>11</sup>
36. The intangible elements associated with the mauri of a waterbody include emotional and spiritual connections and it demands holistic thinking. The elements of tangible qualities can include physical ecosystem health. These include aesthetic qualities, e.g., natural character, indigenous flora and fauna; life supporting capacity and ecosystem robustness; the continuity of flow of water (of high quality) from the mountain source of a river to the sea; fitness for cultural usage; and productive capacity.<sup>12</sup>
37. Each waterbody has its own mauri, guarded by separate spiritual guardians, its own mana and its own set of associated values and uses.

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<sup>7</sup> Te Tangi a Taurira, 2008. Pg. 48.

<sup>8</sup> Cain, 2017

<sup>9</sup> Cain, 2017

<sup>10</sup> Te Marino Lenihan, 2013

<sup>11</sup> Tipa and Tierney 2003; Tipa 2010

<sup>12</sup> Kitson, 2014

38. It is imperative to understand and measure the intangible and tangible values of mauri together, as one is not more important than the other. Everything must be looked at holistically, because one without the other does not link together the aspects of what we understand mauri to be.
39. It is important for mana whenua while practicing kaitiakitanga that the mauri of the river and our water bodies are maintained for us and our future generations.
40. The mauri of our waterways across Murihiku have been degraded due to many factors which include intensive farming practices.
41. It is important to note that activities may be assessed as being minor or less than minor from a Western scientific perspective, but this does not include all the elements used when assessing from a Ngāi Tahu cultural perspective. For ngā rūnaka, an important Kaupapa for land use in Southland, which has been well-documented in Te Tangi a Taurira (2008, pg. 117) is “matching land use with land capability”. This means taking a precautionary approach to land use, to ensure that what we do on land is consistent with what the lands can withstand, and not what we would like it to withstand.

## **MAHINGA KAI**

42. Mahinga kai is explained in Te Tangi a Taurira (2008) as being: places, ways of doing things, and resources that sustain the people. It includes the work that is done (and the fuel/energy 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.<sup>13</sup>
43. 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 Te Kerēme - the Ngāi Tahu Claim against the Crown; an intrinsic part of the tribe’s identity, or the “DNA of Ngāi Tahu”.<sup>14</sup>
44. 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).<sup>15</sup>
45. The rivers and their 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.
46. 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.<sup>16</sup>

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<sup>13</sup> Te Tangi a Taurira, 2008.

<sup>14</sup> Te Karaka. July 2015. [http://ngaitahu.iwi.nz/our\\_stories/the-ninth-tree/](http://ngaitahu.iwi.nz/our_stories/the-ninth-tree/)

<sup>15</sup> Kitson, J. 2017.

<sup>16</sup> Kitson, J. 2017.

47. 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.<sup>17</sup>
48. 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).<sup>18</sup>
49. For many years whānau from Waihōpai 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.

### **WĀHI TAPU, WĀHI INGOA AND WĀHI TAONGA**

50. These values are linked to our past and they literally mean sacred places, names, and sacred resources. Our stories tell of what used to be here, our names replicate what the area was used for, what was plentiful or who was here, and it all binds together to form a cultural lens on the landscape, a picture of resources and use.

### **INTERCONNECTEDNESS**

51. There are many other values, these are extremely important in maintaining the health and wellbeing of Iwi and the natural environment including the Makarewa River. 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 important to note the value of whānaungatanga (relationships) and manaakitanga (hospitality) and the need to engage and use the land and water to support their health and wellbeing.

### **IWI POLICY**

#### **TE TANGI A TAUIRA, 2008**

52. Te Tangi a Tauira (Te Tangi) is a culturally based natural resource framework developed by and for Ngāi Tahu whānui and assists Ngāi Tahu ki Murihiku 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 mana whenua (people of the land) to document the issues within our takiwā (area).
53. Te Tangi seeks to protect and enhance the mauri of freshwater resources and promotes managing freshwater according to ki uta ki tai.

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<sup>17</sup> Kitson, J. 2017.

<sup>18</sup> Kitson, J. 2017.



54. 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.
55. 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).
56. 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.
57. Attachment 3 includes a full list of policies that are relevant from Te Tangi a Tauria, 2008.

#### **ENGAGEMENT SUMMARY**

58. We have had positive engagement with the applicant following the pre-hearing and receiving the draft conditions provided by McMcræ the processing officer for Environment Southland.
59. We have provided comment on these and refined the conditions to a point where our rūnaka are more comfortable with the outcomes that the application will achieve in terms of benefits for the environment.
60. This has been a favourable outcome for rūnaka to ensure that the issues from our perspective are understood by the applicant.
61. Further comments on the draft conditions are provided in Attachment 3 (which is a separate document).

#### **SUMMARY**

62. Ngāi Tahu consider all water as taonga.<sup>19</sup> The river, catchment and the land surrounding are important for Ngāi Tahu ki Murihiku. This is documented through oral histories, wāhi ingoa, wāhi tapū and legislation.
63. We appreciate that the applicant has provided time and energy into working together on the draft consent conditions to get these to a place where rūnaka are comfortable. We would be

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<sup>19</sup> McGregor, 2014.

interested in viewing comments from both the applicant and the Regional Council on the latest set of comments on the conditions.

64. However, while the consent conditions do reflect a better outcome for the environment, Waihopāi remain opposed to the application due to the increase in cow numbers.
65. Papatipu Rūnaka are consistent across the takiwā regarding further intensification and ensuring that our values including the effects on wai are not degraded further for all of our communities.
66. 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.
67. We also understand that the Regional Council can make decisions on resource consents within the realm of the planning documents to ensure that effects are avoided, remedied or mitigated and therefore can be granted.

A handwritten signature in black ink, consisting of stylized initials followed by a horizontal line.

**May 30 2023**

## **Attachment 1: Oreti Statutory Acknowledgement**

Schedule 50

Statutory acknowledgement for Ōreti River

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).

Preamble

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

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.

## 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 Rūnaka 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, 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
- (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
- (d) to enable Te Rūnaka 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).

## 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 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).

## Attachment 2: Te Tangi a Taurira 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

1. Sustain and safeguard the life supporting capacity of soils for future generations.
2. Oppose the discharge of dairy farm effluent to water.
3. 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).
4. 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.
5. Advocate for the re-evaluation of existing discharge to land consents to develop better systems where needed.
6. Avoid any surface run off/overland flow, ponding or contamination of water resulting from the application of dairy shed effluent to pasture.
7. 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 Rūnaka 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:
7. Identified in relevant district and regional plans and policy statements as notice of their cultural importance to Ngāi Tahu (noting on plans).
8. 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).
9. 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).
10. Accepted as evidence of the relationship of Ngāi Tahu with a particular area in any proceedings under the RMA or Historic Places Act.
11. 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 Taurira:

#### 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 Rūnaka can assess applications on a case by case basis.
2. Consider any proposed discharge activity in terms of the nature of the discharge, and the sensitivity of the receiving environment.
3. When existing rights to discharge to water come up for renewal, they must be considered in terms of alternative discharge options.
4. 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.
5. 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.
6. Any discharge activity must include a robust monitoring programme that includes regular monitoring of the discharge and the potential effects on the receiving environment.
7. 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.
  4. 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.
  5. Avoid impacts on water as a result of inappropriate discharge to land activities.
  6. 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).
  7. 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.
  8. 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.
  9. 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.
3. Consider the actual and potential effects of proposed activities on mahinga kai places, species and activities when assessing applications for resource consent.
4. 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.

### 3.5.17 Ngā Pononga a Tāne a Tangaroa – Biodiversity

#### Ngā Take – Issues

- Protection of iwi and hapū interests in native biodiversity.
- Loss of species, particularly endemic.
- Customary use of indigenous species.
- Impact of exotic forestry activities on indigenous bush remnants and indigenous species in general.
- Impact of unsustainable farming activities on indigenous bush remnants and indigenous species in general.
- Conservation of genetic resources of indigenous biodiversity.
- Species recovery.
- Reintroduction of indigenous species.
- Habitat protection.
- Protecting threatened and endangered species.
- Impact of unwanted introduced plant and animal species on indigenous biodiversity.
- Support for landowners who are protecting indigenous bush remnants and other areas of indigenous vegetation.
- Recognising that some native birds rely on non-native plants for food, because traditional food sources have been displaced (e.g. kererū and tree lucerne).

#### Ngā Kaupapa – Policy

1. Use planning, policy and resource consent processes to promote the protection and, where necessary, enhancement, of native biodiversity of Murihiku, specifically:
  - a. enhancement and restoration of degraded areas;
  - b. planting of native species to offset or mitigate adverse effects associated with land use activities;
  - c. the incorporation of biodiversity objectives into development proposals;
  - d. prohibiting the use of pest plant species in landscaping
2. Advocate for the establishment of indigenous vegetation corridors ki uta ki tai, from mountains to the sea.
3. For Ngāi Tahu ki Murihiku, all species are taonga, whether weta, snail or kiwi, and the effects of an activity on species must consider all species equally.
4. Where practical, indigenous vegetation that is removed or damaged as a result of land use activity should be replaced.
5. Use as a consent condition, when applicable, the enhancement of indigenous biodiversity as a means to remove adverse impacts of proposed activities.
6. Recommend the planting of indigenous species as an appropriate mitigation measure for any adverse impacts as a result of land use activity.
7. The cultural, spiritual, historic and traditional association of Ngāi Tahu ki Murihiku with taonga species must be recognised and provided for within all management and/or recovery plans associated with those species. This includes taonga species as per the Ngāi Tahu Claims Settlement Act (Appendix 4), and all other species identified as taonga by Ngāi Tahu ki Murihiku.
8. Promote the sustainable harvesting of any indigenous vegetation.
9. Promote the management of whole ecosystems and landscapes, in addition to single species.
10. Promote the integration of biodiversity management across land ownership land use boundaries.
11. Ensure efforts are directed at identifying solutions for biodiversity decline, not just the problems.
12. Make full use of the knowledge of tangata whenua with regards to indigenous biodiversity, and the value of such knowledge in understanding how to protect and enhance biodiversity.