

**UNDER**

The Resource Management Act 1991

**IN THE MATTER OF**

Resource Consent application by Fawna Farms Limited.

---

**STATEMENT OF EVIDENCE OF STEVIE-RAE BLAIR ON BEHALF OF TE RŪNANGA O ŌRAKA APARIMA**

**15 MARCH 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 Iwi

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 hold a Bachelor of Environmental Management from the Southern Institute of Technology.
2. I have worked for TAMI for eight years and prior to that worked for Kitson Consulting Ltd for one year.
3. During my time at Te Ao Mārama I have processed resource consents and worked on research projects in the office including; Ngā Kete o Te Wānanga, Emerging Contaminants and Fish Futures. I have supported whānau in various projects that I look after on behalf of our Papatipu Rūnanga.
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 which along with our whakapapa gives us the status of mana whenua. I grew up beside and learning from my awa, estuary, ngahere and coast. I lived here permanently until I attended high school in Invercargill during the week and returned for weekends and holidays. I have maintained 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 Rūnanga ki Murihiku (papatipu rūnanga 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 Te Rūnanga o Ōraka Aparima (here after referred to as Ngāi Tahu). I am presenting the cultural matters of Te Rūnanga o Ōraka Aparima on this not as member of Te Rūnanga o Ōraka Aparima but as someone who worked closely with whānau 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 Te Rūnanga o Oraka Aparima 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 alongside them is what I would call an insult to them and who they are.
8. I have been asked to give cultural evidence on the following matters:
  - a. The roles and responsibilities of Te Ao Mārama Inc. and Ngā Rūnanga ki Murihiku.
  - b. A summary of our submission.
  - c. The significance of this takiwā (area) to Ngāi Tahu.
  - d. The Ngāi Tahu frameworks and values regarding this application.
  - e. The application regarding Iwi Policy including Ngāi Tahu Claims Settlement Act, 1998 and Te Tangi a Taurira, 2008.
  - f. Summary of position.
9. In preparing this evidence, I have read and had regard to the following:
  - a. The application by Fawna farms 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 we received this from the applicant's consultant on 15 September 2022. We received the public notification from Environment Southland on the 21 November 2022 and subsequently submitted in opposition. I am

familiar with the application and how this relates to and effects Ngāi Tahu ki Murihiku 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 RŪNANGA ROLES AND RESPONSIBILITIES**

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

#### **SUMMARY OF SUBMISSION**

14. Te Rūnanga o Ōraka Aparima opposed the application because of:
  - a. Current state of the takiwā and its effect on cultural health, wellbeing and practices.
  - b. Potential adverse effects on cultural values, rights and interests.
  - c. Potential effects of exotic forestry planting as mitigation and other mitigations
  - d. Kaupapa Māori monitoring results.
15. The submission requested that the application be declined.

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

16. The Ōrauea catchment as part of the Waiau 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 Waiau and its tributaries are a source of mahinga kai which includes fish

(īnanga, kōura, tuna and kanakana), birds, plant materials used for weaving, (harakeke), rongoā (medicines), and Tīkouka.

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. The Orauea river was included in Te Ara Koroka – a route used to get from the coast to Whakatipu-Waimāori and also linked to other inland places.
19. The Waiau River features in the earliest of traditional accounts, and was a place and resource well known to the earliest tūpuna (ancestors) to visit the area. Rākaihautū and his followers traced the Waiau from its source in Te Ana-au (Lake Te Anau) and Motu-ua or Moturau (Lake Manapouri), to its meeting with the sea at Te Wae Wae Bay.
20. 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 high-country landscape still exist.
21. Archaeological sites and Kōiwi 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.
22. 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.
23. This rich spiritual and physical association of Ngāi Tahu whānui with the Waiau Catchment was recognised and acknowledged by the Crown in Schedule 69 to 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>1</sup>*

---

<sup>1</sup> Pers comms, JS (Tipa, 2013)

24. 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>2</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.
25. 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**

26. Rangatiratanga is described in Te Tangi a Tauira, 2008 as ‘the exercise of tribal authority, chieftainship and the powers and qualities of chiefly leadership’.
27. 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>3</sup>
28. To exercise rangatiratanga, Ngāi Tahu whānui need to be engaged with early in the process to assess projects. We acknowledge that the applicant sent through the application once it had been drafted and was ready to be lodged with council. The applicant has asked for the Te Ao Mārama team for a site visit however due to capacity we have been unable to be on site. The applicant was advised of the position of Te Rūnanga o Ōraka Aparima at the earliest opportunity once Te Ao Mārama had access to the application and proposal.

### **KAITIAKITANGA**

29. Te Tangi a Tauira, 2008 describes kaitiakitanga as ‘the exercise of guardianship/stewardship by the tangata whenua of an area and resources in accordance with tikanga Māori.<sup>4</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.

---

<sup>2</sup> Cain, A & Whaanga D, 2017.

<sup>3</sup> Cain, 2017.

<sup>4</sup> Te Tangi a Tauira, 2008. Pg. 48.

30. 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>5</sup>

31. 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>6</sup>

## MAURI

32. 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>7</sup>

33. 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>8</sup>

34. 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>9</sup>

35. Each waterbody has its own mauri, guarded by separate spiritual guardians, its own mana and its own set of associated values and uses.

---

<sup>5</sup> Cain, 2017

<sup>6</sup> Cain, 2017

<sup>7</sup> Te Marino Lenihan, 2013

<sup>8</sup> Tipa and Tierney 2003; Tipa 2010

<sup>9</sup> Kitson, 2014.

36. 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.
37. 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.
38. The mauri of our waterways across Murihiku have been degraded due to many factors which include intensive farming practices.
39. 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 rūnanga, an important Kaupapa for land use in Southland, which has been well-documented in Te Tangi a Tauira (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

40. Mahinga kai is explained in Te Tangi a Tauira (2008) as being:

*places, ways of doings 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>10</sup>*

41. 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>11</sup>

---

<sup>10</sup> Te Tangi a Tauira, 2008.

<sup>11</sup> Te Karaka. July 2015. [http://ngaitahu.iwi.nz/our\\_stories/the-ninth-tree/](http://ngaitahu.iwi.nz/our_stories/the-ninth-tree/)



42. 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>12</sup>
43. 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.
44. 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>13</sup>
45. 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>14</sup>
46. 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>15</sup>
47. For many years whānau from Ōraka Aparima have noted a decline in quality and quantity particularly at the bottom of the catchment. Whānau have witnessed the speed of deterioration increasing over recent years.

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

48. 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

---

<sup>12</sup> Kitson, J. 2017.

<sup>13</sup> Kitson, J. 2017

<sup>14</sup> Kitson, J. 2017

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

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**

49. There are many other values, these are extremely important in maintaining the health and wellbeing of Iwi and the natural environment including the Waiau 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.

### **Kaupapa Māori Monitoring**

50. Ngāi Tahu consider all water as taonga.<sup>16</sup> The physical value of good water and land to Ngāi Tahu can be seen within the patterns of settlement and occupation.<sup>17</sup> Water is fundamental to the health and wellbeing of who we are as Māori. When Ngāi Tahu asks ko wai koe or who are you – the literal translation of the word is ‘of which water are you?’ Water has both a spiritual and a utilitarian value to Ngāi Tahu whānui. It was used for drinking, food gathering, bathing, a travel route, recreation, sacred rituals, and burials.

51. The characteristics of the water body (smell, shape, fish passage, bed, flow, etc.) have a direct impact on its health and surrounding lands, what is harvested from it and when. Preferential sites for mahinga kai tend to be rivers, hāpua (estuaries, lagoons), repo (wetlands) and the riparian zones of rivers, streams, and lakes.<sup>18</sup>

52. Putting the health of the waterbody first is a new concept to some but for Ngāi Tahu this has always been the priority for managing freshwater. We believe that if the water is healthy and the mauri is intact then this benefits everyone.

53. Modern issues for freshwater and the erosion of historical approaches have been the catalyst for the development of the Murihiku Cultural Water Classification System. The Classification System is a whānau-led tool that utilises multiple knowledge systems, including mātauranga Māori. Its development was driven by Ngāi Tahu ki Murihiku through the Ngā Kete o te Wānanga research programme.

---

<sup>16</sup> McGregor, 2014.

<sup>17</sup> Te Marino Lenihan, 2013

<sup>18</sup> Cain, A & Whaanga D, 2017.

54. The Classification System recognises the needs of iwi and hapū to understand and demonstrate the state of the current environment on cultural uses at historical, contemporary, or potential sites.

55. In 2016 and 2019 whānau visited sites within the Orauea Catchment to assess site-specific state of the environment on cultural uses. Attachment 2 includes He Puna Whakaata, the visualisation tool that was developed to share the results of this information.

56. In 2016 whānau assessed the site close to the confluence with the Waiau using the thematic wai noho. Historically kanakana were gathered at the Hehetu Falls. The summary of the results are included below in Figure 1. Darker yellow is considered poor and lighter yellow is moderate. The scores are out of five.

Site Status	Satisfaction with Waterway Health	Cultural Use & Opportunities	Contemporary Use
A-0.5	1.8	2.8	2.4

*Figure 1: Summary of results from Orauea River confluence 2016*

57. Comments from whānau on site included that the river:

- a. looks and smells polluted
- b. saddened about this site, kanakana known in this area

58. Perceived threats were the heavy sedimentation on the river bed, there is little fish monitoring, that there is a need for rehabilitation, riparian planting and best practice farming to enable the river to help the river.

59. In 2019, the thematic used to assess the current state was through gathering tuna.

Site Status	Satisfaction with Waterway Health	Cultural Use & Opportunities	Contemporary Use
A-0.5	3.2	2.9	3.0

*Figure 2: Summary of results from Oraura River upstream 2019*

60. Comments from whānau on site include that the river:

- a. Expected to see tī kouka, harakeke and more eels
- b. The catchment needs better riparian margins and wider fencing

- c. The eels look slimy and dirty
- d. Better land-use management for sediment control.
- e. Important river to whānau, this should be looked after and improved.

61. Perceived opportunities were better riparian management and increasing of indigenous land cover. Management needs and actions were to provide restoration of waterway margins, provide habitat for taonga species and monitor taonga species.

62. Key responses are that at both sites 50% of whānau wouldn't return to these sites due to the ability to undertake cultural uses and the comments from whānau reflect the sadness and degradation of mauri due to land use in the catchment.

63. Whānau are increasingly concerned about the changes in the smell of the water, colour and shape of the edges of the waterbodies, and their health when wading or submerged in the water.<sup>19</sup>

## IWI POLICY

### NGĀI TAHU CLAIMS SETTLEMENT ACT, 1998

64. The Ngāi Tahu Claims Settlement Act 1998 gives effect to the provisions of the Deed of Settlement, entered 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.

65. Statutory acknowledgement is an acknowledgement by the Crown of the special relationship of Ngāi Tahu with identifiable areas. Namely the cultural, spiritual, historical and traditional association of Ngāi Tahu with those areas (known as statutory areas).<sup>20</sup>

66. The Waiau (Attachment 2) Statutory Acknowledgement gives effect to our relationship with the Crown and supports the recognition of the awa as important. While this Statutory Acknowledgement is for the Waiau, the Orauea feeds into the Waiau.

67. Taonga species were part of the cultural redress for mahinga kai, to give practical effect for Ngāi Tahu to undertake kaitiaki obligations. Through the settlement, the Crown acknowledged the relationship Ngāi Tahu has with these species. Not all species that are considered taonga were listed

---

<sup>19</sup> Cain, A & Whaanga D, 2017.

<sup>20</sup> Te Tangi a Taurira Pg 47

because of various reasons. All indigenous species are taonga to Ngāi Tahu because of their contribution to ecosystem health. For example, kanakana are not listed as taonga species but are a significant species to gather when they are migrating.

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

68. Te Tangi a Taurira (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).
69. Te Tangi seeks to protect and enhance the mauri of freshwater resources and promotes managing freshwater according to *ki uta ki tai*.
70. The General Water Policy (Section 3.5.10) of Te Tangi a Taurira 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.
71. 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).
72. Whilst current regional planning frameworks seek to maintain or hold the line on water quality Te Tangi a Taurira 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.
73. Attachment 3 includes a full list of policies that are relevant from Te Tangi a Taurira, 2008.

### **SUMMARY OF POSITION**

74. Ngāi Tahu consider all water as taonga.<sup>21</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.
75. We appreciate that the applicant through their relationships is looking for alternative pathways to achieve outcomes within the catchment that they live and work on and since drafting the application have asked us for comment.
76. Papatipu Rūnanga are consistent across the takiwā in regard to further intensification and ensuring that our values including the effects on wai are not degraded further for all of our communities.
77. Papatipu Rūnanga share the same concerns as the S42A report as to how the forestry mitigation/offset can be provided for when it simply is not on land that is owned by the applicant. We have viewed the forestry right that has been drafted however this agreement is existent for 22 years, when the first harvest of trees is stated to be about 28 years. The evidence provided by the applicant has not alleviated our concerns.
78. While animals may be removed from the land, exotic forestry has different effects on the environment. Papatipu Rūnanga are concerned that the effects of the exotic forestry plantation not being considered particularly regarding the potential effects during and after harvesting. While these effects may be once every 25-28 years it is a big risk for our waterways. We have no ability to influence management issues around ensuring that sediment and/or slash reaches our rivers. Whānau clearly articulated that the sediment in this river is high risk and is affecting the mauri and taonga species within the river.
79. We are not convinced that the applicant should wait for the Certified Farm Plan process to begin planning how to make improvements on farm in regard to riparian planting both on the current and the proposed farm. There is no timeline when the mitigation for planting the 5.5ha of native by Gap Creek and the dairy shed will be implemented.
80. I am struggling to gain clarity how a commercial venture for forestry is a mitigation/offset for an increased farming activity on separate land holdings. Through a Te Ao Māori (Māori worldviews) lens, utu is the value of reciprocity, within the aiao, this is the closest value to mitigation, when you are using the environment, you give back, more than what you are taking. We don't see how a kaupapa benefitting commercially is giving back to the environment.

---

<sup>21</sup> McGregor, 2014.

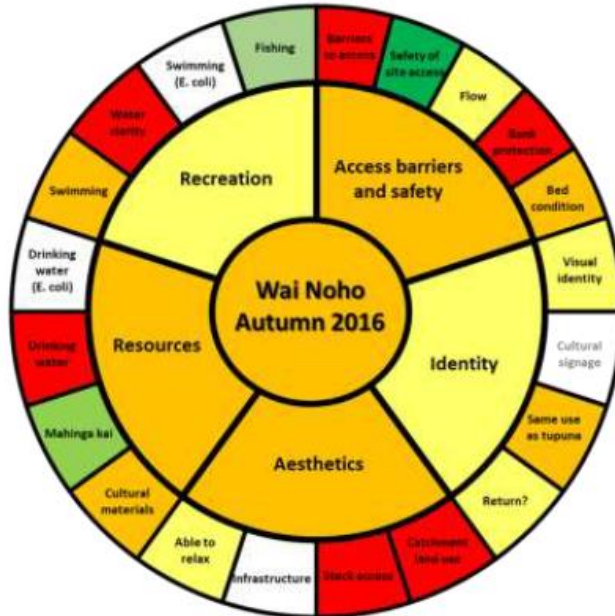
81. Te Rūnanga o Ōraka Aparima has issued a position statement which clarifies their position on bovine intensification which states that Our mother, Papatūānuku, can only take so much, her veins (the water ways) are now clogged with sediments, algae, toxic cyanobacteria and faecal bacteria. The accumulated effects from intensive land-use damages our relationship with our ancestral landscape, water, sites, wāhi tapu and other taonga, and our culturally defining practices such as mahinga kai, rongoā, raranga etc.
82. The application is inconsistent with policies in Te Tangi a Tauria, the Iwi planning document for this takiwā due to potential effects on mauri, mahinga kai, taonga species and that there is minimal mitigations proposed for on farm.
83. We believe we should be focusing on making improvements on farm within the current intensity of farming and looking for diversification of land use.

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

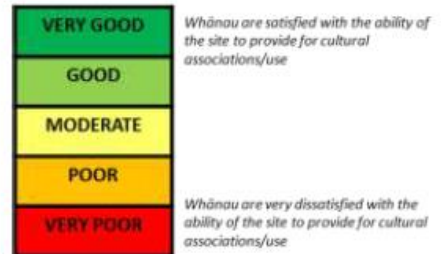
March 15 2023

## He Puna Whakaata o Mātauranga

### Wai Noho



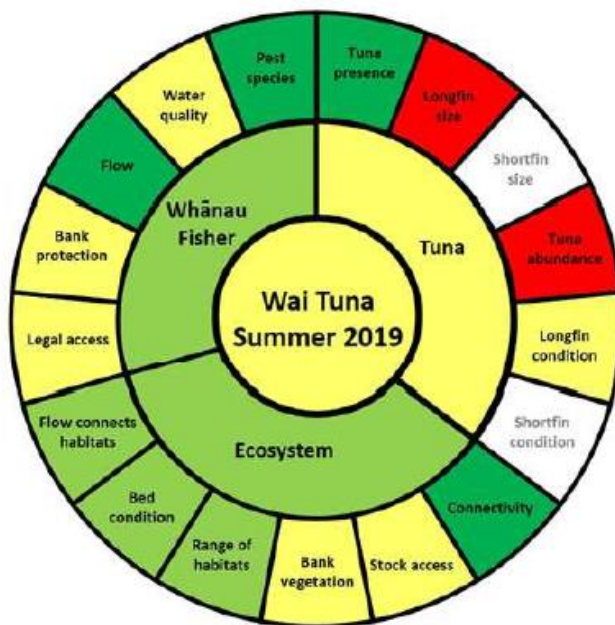
#### SCORING



Orauea River Confluence results summary 2016

## He Puna Whakaata o Mātauranga

### Wai Tuna



#### SCORING



Orauea River upstream results summary 2019



## Attachment 2: Waiau River Statutory Acknowledgement

Schedule 69  
Statutory acknowledgement for Waiau River  
ss 205, 206

### Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Waiau, the location of which is shown on Allocation Plan MD 124 (SO 12263).

### 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 Waiau, as set out below.

### Ngāi Tahu association with the Waiau

The Waiau River features in the earliest of traditional accounts, and was a place and resource well known to the earliest tūpuna (ancestors) to visit the area. Rakaihautu and his followers traced the Waiau from its source in Te Ana-au (Lake Te Anau) and Motu-ua or Moturau (Lake Manapōuri), to its meeting with the sea at Te Wae Wae Bay.

The waka Takitimu, under the command of the rangatira (chief) Tamatea, was wrecked near the mouth of the Waiau River and the survivors who landed at the mouth named the river "Waiau" due to the swirling nature of its waters. Tamatea and his party made their way up the river to Lake Manapōuri where they established a camp site. The journey of Tamatea was bedevilled by the disappearance of Kaheraki who was betrothed to Kahungunu, a son of Tamatea. Kaheraki strayed away from the party, and was captured by the Maeroero (spirits of the mountain).

For Ngāi Tahu, traditions such as this 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 document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The Waiau has strong links with Waitaha who, following their arrival in the waka Uruao, populated and spread their influence over vast tracts of the South Island. They were the moa hunters, the original artisans of the land. There are remnants of Waitaha rock art associated with the river. Surviving rock art remnants are a particular taonga of the area, providing a unique record of the lives and beliefs of the people who travelled the river.

There is also a strong Ngāti Mamoe influence in this area of the country. Ngāti Mamoe absorbed and intermarried with the Waitaha and settled along the eastern coast of Te Wai Pounamu. The arrival of Ngāi Tahu in Te Wai Pounamu caused Ngāti Mamoe to become concentrated in the southern part of the island, with intermarriage between the two iwi occurring later than was the case further north. The result is that there is a greater degree of Ngāti Mamoe influence retained in this area than in other parts of the island. These are the three iwi who, through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui.

Numerous archaeological sites and wāhi taonga attest to the history of occupation and use of the river. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna.

The main nohoanga (occupation site) on the Waiau was at the mouth and was called Te Tua a Hatu. The rangatira (chief) Te Wae Wae had his kāinga nohoanga on the left bank of the Waiau River mouth. The Waiau, which once had the second largest flow of any river in New Zealand, had a huge influence on the lives and seasonal patterns of the people of Murihiku, over many generations. The river was a major mahinga kai: aruhe (fernroot), tī root, fish, tuna (eels), shellfish and tutu were gathered in the summer, a range of fish were caught in the autumn, kanakana (lamprey) were caught in the spring, while the people were largely reliant during winter on foods gathered and preserved earlier in the year. Rauri (reserves) were applied to the mahinga kai resources, so that people from one hapū or whānau never gathered kai from areas of another hapū or whānau. Some 200 species of plants and animals were utilised by Ngāi Tahu as a food resource in and near the Waiau.

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 Waiau, 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.

Place names provide many indicators of the values associated with different areas, including Waiharakeke (flax), Papatōtara (tōtara logs or bark), Kirirua (a type of eel found in the lagoon), Te Rua o te Kaiamio (a rock shelter that was a “designated meeting place” for the local Māori, similar to a marae) and Kā Kerehu o Tamatea – (“charcoal from the fire of Tamatea” – black rocks near old Tuatapere ferry site).

The Waiau River was a major travelling route connecting Murihiku and Te Ara a Kiwa (Foveaux Strait) to Te Tai Poutini (the West Coast) and, as such, was an important link between hapū and iwi. Pounamu on the West Coast, and summer expeditions to Manapōuri (Motu-ua or Moturau) for mahinga kai were the main motivations for movement up and down the Waiau. Mōkihi (vessels made from raupō) were utilised for travel down the river and were a very effective and common mode of travel, making transportation of substantial loads of resources possible.

The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the Waiau. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river. The Waiau was once a large and powerful river, up to 500m across at the mouth, narrowing to 200m further upstream. The water flow from the Waiau River was an important factor in the ecological health and bio-diversity of the coastal resources.

The mauri of the Waiau 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 Rūnanga 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 Waiau, 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 Waiau 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 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 Waiau 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 Waiau (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 Waiau.

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 Waiau.

Schedule 69: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Attachment 3: Te Tangi a Tauria 2008

### 3.5.1 Farm Effluent Management

#### Relevant Ngā Take/Issues

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

#### Relevant Ngā Kaupapa/Policy

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.
- 7.

#### 3.5.11 Rivers

##### Relevant Ngā Take/Issues

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

##### Relevant Ngā Kaupapa/Policy

1. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.
2. Promote river management that adopts the priorities established in the Te Rūnanga o Ngāi Tahu Freshwater Policy 1997. The priorities are:
  - Priority 1: Sustain the mauri of the waterbodies within the catchment.
  - Priority 2: Meet the basic health and safety needs of humans (drinking water).
  - Priority 3: Protect cultural values and uses.
  - Priority 4: Protect other instream values (indigenous flora and fauna).
  - Priority 5: Meet the health and safety needs of humans (sanitation).
  - Priority 6: Provide water for stock.
  - Priority 7: Provide for economic activities including abstractive uses.
  - Priority 8: Provide for other uses.
3. Continue to work with the Regional Councils to ensure that cultural values and perspectives associated with freshwater management are reflected in statutory water plans, best practice guidelines and strategies, and in resource consent processes for activities involving water.
4. Management of our rivers must take into account that each waterway has its own mauri, guarded by separate spiritual guardians, its own mana, and its own set of associated values and uses.
5. Adopt a precautionary approach for any activity involving a waterway where there is an absence of detailed knowledge of that waterway (ecology, flow regimes, species, etc).
6. Require that rivers recognised as Statutory Acknowledgements be recognised for their special associations to Ngāi Tahu beyond the expiry date of 20 years. This means that places identified as Statutory Acknowledgements should continue to be:

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 Tauira:

#### Indicators used by tangata whenua to assess stream health:

- Shape of the river
- Sediment in the water
- Water quality in the catchment
- Flow characteristics
- Flow variations
- Flood flows
- Sound of flow
- Movement of water
- Fish are safe to eat
- Uses of the river
- Safe to gather plants

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

#### Relevant Ngā Kaupapa/Policy

1. Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Even if the discharge is treated and therefore considered “clean”, it may still be culturally unacceptable. Generally, all discharge must first be to land. This general policy is a baseline or starting point. From this point, the Rūnanga can assess applications on a case by case basis.
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.