

11 September 2023

Consents Manager
Environment Southland
Private Bag 90116,
Invercargill 9810

Tēnā Koe,

RE: Submission on Resource consent application – APP-20211135

Please find attached a submission lodged, on behalf of Ngā Rūnanga on Resource Consent applications to occupy part of the coastal marine area with a tide gate structure, occupy part of the coastal marine area with a weir structure and to dam and divert water by ES Catchment Management Division at Titiroa tide gates, Titiroa River, about 185 metres upstream of the Tokanui Gorge Road Highway Bridge.

We trust the information contained within the submission is sufficient; however, should you wish to discuss any aspect further, please do not hesitate to contact me.

Nāhaku noa nā,



Kamaea Wi Repa
Te Ao Marama Inc.
Kaitohutohu Taiao

To: Environment Southland
Private Bay 90116
Invercargill

1. This is a submission on the application **APP-20211135** to occupy part of the Coastal Marine Area with a tide gate structure, occupy part of the Coastal Marine Area with a weir structure and to dam and divert water at Titiroa tide gates.
2. Ngā Rūnanga submission relates to the applications in their entirety (**Appendix A**). Ngā Rūnanga is **OPPOSED** to the granting of the applications.
3. Ngā Rūnanga does wish TO BE HEARD in support of its submission.
4. Ngā Rūnanga is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
5. A copy of this submission has been sent to the applicant.

Signed for and on behalf of Ngā Rūnanga.



Kamaea Wi Repa
77 Don Street,
Invercargill
9810

11/09/2023

Introduction

1. This submission is made on behalf of Ngā Rūnanga.

Papatipu Rūnanga

2. The Te Rūnanga o Ngāi Tahu Act 1996 (the TRoNT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries.
3. The consent application proposals relate to a Coastal Permit that is within the takiwā of Awarua Rūnanga

General Position and Reasons for the Submission

4. Te Tangi a Tauri, 2008, states that:

The intrinsic values of Southland's coastal environment provide a strong spiritual and cultural connection for Ngāi Tahu ki Murihiku. O Te Wai not only includes the freshwater elements of water but extends to include O Te Moana – the sea, and the inherent connection between these two waters. Upstream effects in our river catchments influence the life supporting capacity of our estuarine systems and waters of our seaward coastal environment. From the mountains to the sea, the ocean waters are the end of the line and the upstream cumulative effects of upstream activities is reflected in the health of the waterway when it reaches the sea.

5. Ngāi Tahu is supportive of development within its takiwā, provided activities are undertaken in a way that respects the environment where the activity is to be undertaken and do not adversely affect Ngāi Tahu cultural values, customs and their traditional relationship with land and water.
6. The rohe (area) that the application is within is a significant cultural landscape to Ngāi Tahu because of historical and contemporary associations. These associations include (but are not limited to) the formation of landscape, wāhi ingoa (place names), mahinga kai, kaimoana, wāhi tapū, Māori land, Mātaitai, and archaeological sites.
7. The Titiroa Stream discharges to Toetoe estuary which is recognised for its significance to mana whenua within the Statutory Acknowledgement of the Rakiura/Foveaux Straight Coastal Marine

Area ¹. The Titiroa stream is an area known for mahinga kai, in conjunction with Toetoe estuary and the neighbouring Mataura awa. These waterbodies have cultural, spiritual, historic, and traditional associations recognised by the Crown within Statutory Acknowledgements (See **Appendix B**) under the Ngāi Tahu Claims Settlement Act, 1998.

8. Awarua Rūnanga, as kaitiaki, are responsible for protecting the mana and mauri of the environment that the application is within.
9. Ngā Rūnanga **opposes** the application for the following reasons:
 - The applicant has not provided for Ngāi Tahu values, rights, and interests.
 - The structures are detrimental to the mauri, the health and well-being of Titiroa Stream and its freshwater ecosystems.
 - The structures adversely impact threatened indigenous species and their habitats that are taonga.
 - The structures prohibit fish passage and have detrimental effects on inanga spawning.
 - The fish survey is inadequate and failed to consider all taonga species known to the area e.g., kanakana.
 - The application fails to provide reliable data to clarify the effectiveness of the structure, nor quantifies at what water levels land is affected and what land is affected by inundation.
 - The application fails to consider climate change and the impacts of rising sea levels or increased flood flows on the area.
 - The application fails to provide clarity on the mitigations proposed. Improving habitat does not improve migration for taonga species.
 - The application is contrary to Te Tangi a Tauira, 2008, the Iwi Management Plan for the takiwā (see **Appendix C** for relevant kaupapa).
 - The application is inconsistent with relevant planning documents.
 - The activities are currently occurring unlawfully due to the expiry of previous consents held and that the applicant is unable to rely on Section 124 of the RMA.

¹ Schedule 104 of the Ngāi Tahu Claims Settlement Act 1998, Statutory Acknowledgement for Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area)

- We consider that the applicant requires additional resource consent for the damming and diversion of water from the natural bed of Titiroa Stream into the diversion channel upstream of the coastal marine area boundary (see **Appendix D**). In accordance with Section 91(1) of the Resource Management Act (RMA) the processing of this application should not proceed to a hearing until application is lodged for damming and diversion in accordance with the requirements of the proposed regional plan. Consequently, the proposal requires assessment under the National Policy Statement for Freshwater Management 2020.

Decision Sought

10. Ngā Rūnanga seek that:

- The application is declined.
- All structures are removed to provide for fish passage and to restore ki uta ki tai, the natural flows of the wai.
- The surrounding land parcels owned by Environment Southland is retired and a management plan implemented to restore the land to wetlands which would provide better long-term flood management for the wider area.

Schedule 104

Statutory acknowledgement for Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area)*Statutory area*

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

Preamble

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

Ngāi Tahu association with Rakiura/Te Ara a Kiwa

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

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Māui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka o Māui in recognition of his discovery of the new lands. A number of coastal place names are attributed to Māui, particularly on the southern coast. Māui is said to have sojourned at Ōmaui (at the mouth of the New River Estuary) for a year, during which time he claimed the South Island for himself. It is said that in order to keep his waka from drifting away he reached into the sea and pulled up a stone to be used as an anchor, which he named Te Puka o Te Waka o Māui (Rakiura or Stewart Island).

The great explorer Rakaihautu travelled overland along the coast, identifying the key places and resources. He also left many place names on prominent coastal features. When Rakaihautu's southward exploration of the island reached Te Ara a Kiwa, he followed the coastline eastwards before heading for the east coast of Otago.

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

The waka Takitimu, captained by the northern rangatira (chief) Tamatea, travelled around much of Te Wai Pounamu coast, eventually breaking its back at the mouth of the Waiau River in Murihiku. Many place names on the coast can be traced back to this voyage, including Monkey Island near Ōrepuki which is known as Te-Punga (or Puka)-a-Takitimu. While sailing past the cliffs at Ōmaui it is said that Tamatea felt a desire to go ashore and inspect the inland, and so he turned to the helmsman and gave the order "Tārere ki whenua uta" ("swing towards the mainland"), but before they got to the shore he

countermanded the order and sailed on. Subsequently the whole area from Ōmaui to Bluff was given the name of Te Takiwā o Tārere ki Whenua Uta. In olden days when people from the Bluff went visiting they were customarily welcomed on to the hosts' marae with the call, "haere mai koutou te iwi tārere ki whenua uta". One of the whare at Te Rau Aroha marae in Bluff is also named "Tārere ki Whenua uta" in memory of this event.

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

For Ngāi Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Because of its attractiveness as a place to establish permanent settlements, including pā (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāi Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui. Battle sites, urupā and landscape features bearing the names of tūpuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

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

Ōue, at the mouth of the Ōreti River (New River Estuary), opposite Ōmaui, 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 Ōmaui under the chief Mauhe. Honekai's brother, Pukarehu, was a man who led a very quiet life, and so was little known. He is remembered, however, in the small knob in the hills above Ōmaui which bears his name. When he passed away he was interred in the sandhills at the south end of the Ōreti Beach opposite Ōmaui. Ōue is said to have got its name from a man Māui left to look after his interests there until his return. It was also here that the coastal track to Riverton began. From Ōue to the beach the track was called Te Ara Pakipaki, then, when it reached the beach, it was called Mā Te Aweawe, finally, at the Riverton end, it was known as Mate a Waewae.

After the death of Honekai, and as a consequence of inter-hapū and inter-tribal hostilities in the Canterbury region, many inhabitants of Ōue and other coastal villages on Foveaux Strait relocated to Ruapuke Island, which became the Ngāi Tahu stronghold in the south. The rangatira Pahi and Tupai were among the first to settle on the island. Pahi had previously had one of the larger and oldest pā in Murihiku at Pahi (Pahia), where 40 to 50 whare (houses) were reported in 1828. The Treaty of Waitangi was signed at Ruapuke Island by Tuhawaiki and others. No battles however occurred here, the pā Pā-

raki-ao was never fully completed, due to the realisation that Te Rauparaha could not reach this far south.

Other important villages along the coast included: Te Wae Wae (Waiau), Taunoa (Ōrepuki), Kawakaputaputa (Wakaputa), Ōraka (Colac Bay), Aparima (Riverton—named Aparima after the daughter of the noted southern rangatira Hekeia, to whom he bequeathed all of the land which his eye could see as he stood on a spot at Ōtaitai, just north of Riverton), Turangiteuaru, Awarua (Bluff), Te Whera, Toe Toe (mouth of the Maitai River) and Waikawa.

Rarotoka (Centre Island) was a safe haven at times of strife for the villages on the mainland opposite (Pahi, Ōraka and Aparima). Numerous artefacts and historical accounts attest to Rarotoka as having a significant place in the Ngāi Tahu history associated with Murihiku.

Rakiura also plays a prominent part in southern history, the “Neck” being a particularly favoured spot. Names associated with the area include: Kōrako-wahine (on the western side of the peninsula), Whare-tātara (a rock), Hupokeka (Bullers Point) and Pukuheke (the point on which the lighthouse stands). Te Wera had two pā built in the area called Kaiarohaki, the one on the mainland was called Tounoa, and across the tidal strip was Kā-Turi-o-Whako.

A permanent settlement was located at Port Pegasus, at the south-eastern end of Rakiura, where numerous middens and cave dwellings remain. Permanent settlement also occurred on the eastern side of Rakiura, from the Kaik near the Neck, south to Tikotaitahi (or Tikotatahi) Bay. A pā was also established at Port Adventure.

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

Te Ara a Kiwa, the estuaries, beaches and reefs off the mainland and islands all offered a bounty of mahinga kai, with Rakiura and the tītī islands being renowned for their rich resources of bird life, shellfish and wet fish. The area offered a wide range of kaimoana (sea food), including tuaki (cockles), paua, mussels, toheroa, tio (oysters), pūpū (mudsnails), cod, groper, barracuda, octopus, pātiki (flounders), seaweed, kina, kōura (crayfish) and conger eel. Estuarine areas provided freshwater fisheries, including tuna (eels), inaka (whitebait), waikōura (freshwater crayfish), kōkopu and kanakana (lamprey). Marine mammals were harvested for whale meat and seal pups. Many reefs along the coast are known by name and are customary fishing grounds, many sand banks, channels, currents and depths are also known for their kaimoana.

A range of bird life in the coastal area also contributed to the diversity of mahinga kai resources available, including tītī, seabirds such as shags and gulls, sea bird eggs, waterfowl, and forest birds such as kiwi, kākā, kākāpō, weka, kukupa and tieke. A variety of plant resources were also taken in the coastal area, including raupō, fern root, tī kōūka (cabbage tree), tutu juice and kōrari juice. Harakeke (flax) was an important resource, required for the everyday tasks of carrying and cooking kai. Black mud (paru) was gathered at Ocean Beach for use as dye. Tōtara bark was important for wrapping pōhā in, to allow safe transport of the tītī harvest. Pōhā were made from bull kelp gathered around the rocky coast. The numerous tītī islands are an important part of the Ngāi Tahu southern economy, with Taukihepa (Te Kanawera) being the largest. Tītī were and are traded as far north as the North Island. The “Hakuai” is a bird with a fearsome reputation associated with the islands. No one has ever seen this bird, which appears at night, but it once regularly signalled the end to a birding season by its appearance at night. Known for its distinctive spine-chilling call, the hakuai was a kaitiaki that could not be ignored. At the far

western edge of Foveaux Strait is Solander Island (Hau-tere), an impressive rock pinnacle rising hundreds of feet out of the sea, on which fishing and tītī gathering occurred.

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

The tītī season still involves a large movement across the Strait to the islands, in addition large flotillas of Ngāi Tahu once came south from as far afield as Kaikōura to exercise their mutton-birding rights.

Whenua Hou (Codfish Island) and the Ruggedy Islands were important staging posts for the movement of birders to the tītī islands off the south-west coast of Rakiura. Whenua Hou had everything that the birders required: shelter, proximity to the tītī islands, kai moana, manu (birds) and ngahere (bush). From Whenua Hou, the birders would camp at Miniti (Ernest Island), at the end of Mason Bay, where the waka-hunua (double-hulled canoes, or canoes with outriggers) were able to moor safely, ready for the final movement to the various tītī islands. Waka-hunua were an important means of transport on the dangerous and treacherous waters of Foveaux Strait and the Rakiura coast. After dropping birders and stores on the tītī islands the waka hunua generally returned immediately to Aparima and other tauranga waka along the mainland of Foveaux Strait, due to the paucity of safe anchorages among the tītī islands.

Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka occur up and down the coast, including spots at Pahi, Ōraka and Aparima, and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp - used to make the pōhā, in which tītī were and still are preserved) and the sea trail linked to a land trail or mahinga kai resource.

Knowledge of these areas continues to be held by 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 coast.

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

The mauri of the coastal area represent the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the coastal area.

Schedule 42 Statutory acknowledgement for Mataura River

Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Mataura, the location of which is shown on Allocation Plan MD 125 (SO 12264).

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 Mataura River, as set out below.

Ngāi Tahu association with the Mataura River

The area of the Mataura River above the Mataura Falls was traditionally used by the descendants of the Ngāti Mamoe chief, Parapara Te Whenua. The descendants of Parapara Te Whenua incorporate the lines of Ngāti Kurī from which the Mamaru family of Moeraki descend. Another famous tupuna associated with the river was Kiritekateka, the daughter of Parapara Te Whenua. Kiritekateka was captured by Ngāi Tahu at Te Anau and her descendants make up the lines of many of the Ngāi Tahu families at Ōtākou.

For Ngāi Tahu, histories such as these 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 Mataura was an important mahinga kai, noted for its indigenous fishery. The Mataura Falls were particularly associated with the taking of kanakana (lamprey). 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 Mataura, 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 mauri of the Mataura 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.

Te Tangi a Tauira, 2008 assessment

Section 1.2 Ki Uta Ki Tai

Ki Uta Ki Tai is based on the idea that if the realms of Tawhirimatea (god of the winds), Tāne Mahuta (god of all living things), Papatūānuku (mother earth) and Tangaroa (god of the sea) are sustained then the people will be sustained. The kaupapa reflects the knowledge that resources are connected, from the mountains to the sea, and must be managed as such. Furthermore the kaupapa reflects that we belong to the environment and are only borrowing the resources from our generations that are yet to come. It is considered our duty to leave the environment in as good or even better condition than received from our tūpuna. The historical practices were established by our tūpuna and must be passed on to ngā uri kei te heke mai, the generations to come.

Kete of Knowledge

The central component of the Māori perspective on the environment is the recognition of Mauri, the life principal in all objects, animate and inanimate. The presence of Mauri in all things entrusts people to appreciate and respect that resource. In this way, overuse, depletion or desecration of natural resources is not an accepted practice. Tikanga regulate activities concerning the conservation and sustainable use of natural resources in order to protect the Mauri.

Section 1.12 Environmental Outcomes

- To ensure environmental outcomes accommodate for cultural and traditional spiritual values held by Ngāi Tahu ki Murihiku
- That integrated management of natural and physical resources is encouraged
- To ensure the protection, restoration and enhancement of the productivity and life supporting capacity of mahinga kai, indigenous biodiversity, air, water, land, natural habitats and ecosystems, and all other natural resources valued by Ngāi Tahu ki Murihiku

3.1 Climate Change

From an environmental and spiritual perspective, Māori see the world as a unified whole, where all elements, including tangata whenua, are connected. Emphasis is placed on maintaining the balance of cultural and spiritual values in the environment while using resources for commercial and social purposes. The changes brought on by a warming climate caused by human interference directly affect this balance.

3.1.2.9 Climate Change – Economy and Industry

Enable Mātauranga, traditional Māori knowledge to be used in collaboration with western based science with respect to formation of climate change policy and response.

3.1.3.6 *Climate Change – Influences of Climate Change on Society and Health*

Ensure that it is understood that cultural order comes from the natural environment and that lack of respect, honour and protection of this natural order compromises Māori culture, well-being and spiritual health.

O te Wai – General Water Policy

Water is a taonga, or treasure of the people. It is the kaitiaki responsibility of tangata whenua to ensure that this taonga is available for future generations in as good as, if not better quality. Water has the spiritual qualities of mauri and wairua. The continued well-being of these qualities is dependent on the physical health of the water. Water is the lifeblood of Papatūānuku, and must be protected. We need to understand that we cannot live without water and that the effects on water quality have a cumulative effect on mahinga kai and other resources.

Water is often seen as a commodity, and is thus subject to competing use demands. An understanding of the significance and value of water to Ngāi Tahu ki Murihiku and other stakeholders, is necessary to ensure that cultural and ecological values associated with water are recognised and provided for alongside consumptive uses.

3.5.10.1

The role of Ngāi Tahu ki Murihiku as kaitiaki of freshwater must be given effect to in freshwater policy, planning and management.

3.5.10.3

Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.

3.5.10.5

Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from the source to the sea.

3.5.10.8

Protect and enhance the customary relationship of Ngāi Tahu ki Murihiku with freshwater resources.

3.5.11 *Rivers*

Several major river catchments are located on the Southland Plains, including the Aparima, Ōreti, Matāura, and Waiau. These rivers flow from ki uta ki tai, from mountain to sea, and are connected to numerous tributaries, wetlands and waipuna, as well as the groundwater that nourishes the catchment from below. They are part of Ngāi Tahu ki Murihiku history and identity. While the last 165 years have resulted in significant changes to these rivers, their importance has not diminished. Many of the waterways of the Southland plains have specific cultural associations. They are known for an abundance of mahinga kai, used for a specific purpose, or associated with a specific ceremony or ritual. Waterways may be considered wāhi tapu (i.e. associated with urupā or with an activity or occurrence considered tapu), or wāhi taonga (general site of cultural significance).

The Ōreti, Waiau, Aparima, Matāura, Pomahaka and Mata-au / Clutha are Statutory Acknowledgement areas under the NTCSA 1998 (Schedules 50, 69, 15, 42, 52 and 40), providing for the special association of Ngāi Tahu with the rivers. 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 Southland rivers, 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 ki Murihiku today.

3.5.11.2 Rivers

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.

3.5.11.4 Rivers

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.

3.5.11.10 Rivers

Ensure that all native fish species have uninhibited passage from the river to the sea at all times, through ensuring continuity of flow ki uta ki tai.

3.5.11.16 Rivers

Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.

3.5.15.11 Activities in the Beds and Margins of Rivers

Require that placement of culverts or other flood works in the beds or margins of waterways is such that the passage of native fish and other stream life is not impeded.

3.5.16 Mahinga Kai

Mahinga kai was, and is, central to the Ngāi Tahu ki Murihiku way of life. The collection and processing of mahinga kai is an important social and economic activity. Tangata whenua aspirations and expectations for mahinga kai are a common kaupapa throughout this plan. Mahinga kai is about mahi

ngā kai – it is about places, ways of doing things, and resources that sustain the people. The loss of mahinga kai is attributed to habitat degradation, resource depletion, legislative barriers that impede access, changes in land tenure that affect ability to access resources and the introduction of predators that have severely reduced the traditional foods of Ngāi Tahu.

3.5.16.2 *Mahinga Kai*

Work towards the restoration of key mahinga kai areas and species, and the tikanga associated with managing those places and species.

3.5.16.4 *Mahinga Kai*

Consider the actual and potential effects of proposed activities on mahinga kai places, species and activities when assessing applications for resource consent.

3.5.17 *Ngā Pononga a Tāne a Tangaroa – Biodiversity*

Tāne and Tangaroa are the two atua who are responsible for all living things in the environment, or biodiversity. The protection of indigenous biodiversity is an important value for Ngāi Tahu ki Murihiku. Indigenous species, and the habitats that support them, must be protected for future generations. In many parts of the takiwā, where land use is dominated by agriculture and forestry, the impact of human activity on indigenous species has been significant.

An important focus for Ngāi Tahu ki Murihiku is finding ways to protect, maintain and improve habitat for all biodiversity, be it in water, riparian margins, native bush or wetlands.

3.5.17.1 *Ngā Pononga a Tāne a Tangaroa – Biodiversity*

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

3.5.17.3 *Ngā Pononga a Tāne a Tangaroa – Biodiversity*

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.

3.5.17.3 *Ngā Pononga a Tāne a Tangaroa – Biodiversity*

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.

3.5.20 *Freshwater Fisheries*

Fish are of great cultural, social and economic significance to Ngāi Tahu ki Murihiku. Fish from Murihiku rivers formed an essential part of the Ngāi Tahu economy prior to the Treaty. The importance of such

fisheries remains today. However, issues such as poor waterway health and private land ownership often impede the ability of tangata whenua to access and use customary fisheries. Culturally important species found in Murihiku rivers include tuna, inanga, kanakana, kōura, kōkopu and parakaki.

3.5.20.1 Freshwater Fisheries

All Ngāi Tahu Whānui, current and future generations, must have the capacity to access, use and protect native fisheries, and the history and traditions that are part of customary use of such fisheries, as guaranteed by the Treaty of Waitangi.

3.5.20.2 Freshwater Fisheries

Advocate for the protection, restoration and enhancement of waterways, riparian margins, and wetlands as a means of protecting and enhancing freshwater fishery values.

3.5.20.5 Freshwater Fisheries

Avoid compromising freshwater fishery values as a result of diversion, extraction or other competing use for water, or as a result of any activity in the bed or margin of a lake or river.

3.5.20.6 Freshwater Fisheries

Ensure that all native fish species have uninhibited passage from the river to the sea at all times, through ensuring continuity of flow ki uta ki tai.

3.6.1.1 General Policy for Southland's Coastal Environment

Ensure the land, water and biodiversity at the interface of Southland's coastal environment are managed in an integrated water through careful planning and policy instruments which avoid compartmentalising the natural environment.

3.6.2.1 Coastal Land Use and Development

Require that all decision related to coastal land use and development activities within Southland's coastal environment recognise and give effect to the spiritual and historical association of Ngāi Tahu ki Murihiku with the coastal environment.

3.6.2.2 Coastal Land Use and Development

Ensure consistency with the policies outlined in the New Zealand Coastal Policy Statement, with respect to protection, development and use of Southland's Coastal Environment.

3.6.2.15 Coastal Land Use and Development

Avoid adverse effects on mahinga kai resources and places and other areas of high cultural significance as a result of coastal protection works.

3.6.2.22 *Coastal Land Use and Development*

Support the protection and restoration of coastal wetland ecosystems.

3.6.3.4 *Structures in the Coastal Marine Area*

Avoid the placement of structures in the coastal marine environment that will have significant affects on the foreshore and seabed, coastal water quality, mahinga kai, kaimoana, and will not be compatible with the coastal environment of adjacent lands.

3.6.3.14 *Structures in the Coastal Marine Area*

Avoid development on known tauranga waka, cultural, archaeological and mahinga kai sites.

O te Wai Coastal Environment

The intrinsic values of Southland's coastal environment provide a strong spiritual and cultural connection for Ngāi Tahu ki Murihiku. O Te Wai not only includes the freshwater elements of water but extends to include O Te Moana – the sea, and the inherent connection between these two waters.

Ngāi Tahu hold water in the highest esteem because the welfare of the life that it contains determines the welfare of the people reliant on that resource (Te Whakatau Kaupapa o Murihiku 1997, p.36). The knowledge gained by local Māori in respect to harvesting methods and the understanding of breeding cycles, migration times and feeding habits of species are imperative in understanding how to manage, enhance and protect our coastal resources.

This section identifies the connection between freshwater and seawater and extends to include issues relating to management of the seaward coastal environment.

Mahinga Kai and Biodiversity Coastal Environment

For Ngāi Tahu, fish were and continue to be of great cultural, social and economic significance. The collection and processing of mahinga kai includes the places, ways of doing things and the resources that sustain cultural well-being. Traditional foods and their maintenance are essential to continued health and well-being.

3.6.13.2 *Coastal Ecosystems*

Advocate protection of species located in the coastal environments that are of cultural importance to ensure continued well-being.

3.6.13.5 *Coastal Ecosystems*

Provide and recognise for the strong cultural links with coastal landscapes and biodiversity held by Ngāi Tahu ki Murihiku.

3.6.13.6 *Coastal Ecosystems*

Avoid changes to coastal landscapes and biodiversity which have detrimental impacts on Ngāi Tahu ki Murihiku relationships and associations with coastal land, water, wāhi tapu and wāhi taonga areas.

3.6.13.7 *Coastal Ecosystems*

Recognise for the importance of coastal wetland areas as mahinga kai communities and, where appropriate, expand or create new coastal wetland areas.

3.6.13.10 *Coastal Ecosystems*

Advocate for protection and methods of enhancement of threatened coastal species, particularly those of cultural significance.

Activities upstream of and within the Coastal Marine Area

