BEFORE THE COMMISSIONERS ON BEHALF OF

THE OTAGO REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Proposed Otago Regional Policy Statement 2021

STATEMENT OF EVIDENCE OF EDWARD ELLISON

ON BEHALF OF

TE RŪNANGA O MOERAKI

KĀTI HUIRAPA RŪNAKA KI PUKETERAKI

TE RŪNANGA O ŌTĀKOU

HOKONUI RŪNANGA

23 November 2022

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INTRODUCTION

WHAKAARA

Tēnei te ruru te koukou mai nei	*This is the owl that cries out*
Kīhai i māhitihiti	*His great head does not toss,*
Kīhai i mārakaraka	*It does not bob up and down*
Te ūpoko nui o te ruru	
He pō, he pō	*'Tis night, 'tis night*
He ao, he ao	*'Tis day, 'tis day*
Ka awatea, e-e	*Ah, it is the day*

MIHIMIHI

Matua te Pō, Matua te Aō

Matua o Te Tai o Marokura

E Matua o Te Tai o Araiteuru

E tū e Hipo, e kai o mata

Ki Pukekura

Ki Ōtākou Wanaka

Ki Ōtākou Takata

E pania nei te kura o maukorua

E Poua ma e Taua ma

TIHEI MAURI ORA

Ko Te Atua o Taiehu taku mauka

Ko Ōtākou te awa

Ko Kāi Te Pahi, Moki II me Te Ruahikihiki ōku hapū

Ko Te Waipounamu te whare

Ko Taiaroa rāua ko Karetai, ko Hineiwhariua ōku tūpuna

Ko Edward Ellison taku ara

Ko te mihi tuatahi ki to tātou Matua nui i te rangi mō ōna manaaki ki runga i a tātou.

Ka huri ki a rātou ngā mate o te wā, te wiki, me te tau,

Haere, heare, tarahaua atu rā

Ki a Tahu-kumea

Ki a Tahu-whakairo

Ki te whare poutereraki

Hai taoka o ngā mate

Hoki atu ai!

Ko tēnei mihi atu ki ngā kanohi ora,

Tēnā koutou, tēnā koutou, mauri ora tātou katoa.

Ki a koe ngā Kōmihana,

Ko koutou ngā kaiwharoko me kaiwhakawā o tēnei kaupapa nui nei.

Tēnā rā koutou, kia aata whakaroko ki kā uarataka,

Kā mea whakapono e tūmanakohia nei e mātou, tēnā rawa atu koutou.

Kā mihi tēnei ki a koutou katoa.

QUALIFICATIONS AND EXPERIENCE

1. My name is Edward Ellison. I was born in 1950 and raised at Ōtākou in our whānau home, Te Waipounamu, on our ancestral lands that abut and overlook Otago Harbour. As my mihi indicates, I am a member of the local hapū. Our lineage connects us to this place; our identity is closely tied to the Otago region, ki uta ki tai - from the mountains to the sea. Our hapū have continuous connection to the land and resources of this area, and we have been fishermen and hunter gatherers for countless generations.

2. I give my evidence on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua). I have extensive experience in representing the Kāi Tahu Otago Rūnaka in Resource Management Act 1991 (RMA) matters and have significant experience as an accredited RMA Hearings Commissioner.

3. I am a former Manager Iwi Liaison at Otago Regional Council (ORC) and former Deputy Kaiwhakahaere for Te Rūnanga o Ngāi Tahu. I am the chair of Aukaha, chairperson of the New Zealand Conservation Authority, and a member of the NZ Biological Heritage National Science Challenge. I was one of two mana whenua representatives on the Otago Regional Council Strategy and Planning Committee during the development of the Proposed Regional Policy Statement 2021. I currently represent Otago Rūnaka on the Otago Regional Council Land and Water Regional Plan Governance Group.

4. In preparing my evidence I have reviewed:
   a) The submission of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga on the proposed Otago Regional Policy Statement 2021.
   b) The Ngāi Tahu Report 1991, Waitangi Tribunal WAI 27
   c) Brown, H and Norton, T (2017) *Tangata Ngāi Tahu, People of Ngai Tahu*, V1

SCOPE OF EVIDENCE

5. This evidence describes the cultural context for environmental management in the Otago Region, from a mana whenua perspective. It also outlines the historic experiences that inform our environmental priorities as kaitiaki and our submission on the Proposed Regional Policy Statement 2021.

6. My evidence addresses the following matters:
   - Kāi Tahu whakapapa and status as mana whenua within the Otago region.

- Mana whenua relationships with the taiao, including key environmental management concepts, and the roles and responsibilities of kaitiaki.
- Mana whenua relationships with wai (both wai māori and coastal waters), including the way this relationship has been harmed over time, and our expectations regarding the application of Te Mana o Te Wai.
- The concept of mahika kai and its overlap with interconnected indigenous biodiversity management, including accounts of how historic mismanagement by decision-makers has caused ongoing cultural harm to Kāi Tahu whānau.
- The concept and cultural importance of wāhi tūpuna.
- The history and aspirations mana whenua have for their ancestral land - particularly Native Reserves.
- Kāi Tahu expectations for working with Otago Regional Council – our Treaty Partner – in the management of the taiao.
- The importance of incorporating mātauranga Māori into resource management approaches.

KĀI TAHU WHAKAPAPA, RIGHTS, AND INTERESTS

7. Kāi Tahu Whānui is the collective of individuals who descend from Waitaha, Kāti Mamoe and the five primary hapū of Kāi Tahu; namely Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri, and Ngāi Te Ruahikihiki.

8. Waitaha is used to describe, collectively, all the ancient indigenous groups who lived in Te Waipounamu (South Island) prior to the migrations of Kāti Mamoe from Heretaunga in the early 17th century, and the migration of Kāi Tahu about a century later. By the time Kāi Tahu arrived, Kāti Mamoe, through a combination of inter-marriage and conquest, had already largely merged with the resident hapū of Waitaha. Again, through warfare and intermarriage, Kāi Tahu merged with the resident Waitaha and Kāti Mamoe peoples. When we refer to ourselves as Kāi Tahu or Kāi Tahu Whānui we also refer inclusively to our Waitaha and Kāti Mamoe whakapapa.

9. Where I am from, Ōtākou, we have Waitaha, Kāti Mamoe, and Kāi Tahu whakapapa. Our hapū affiliations come out of Te Ruahikihiki whakapapa, with the principal hapū being Kāi Taoka and Moki II, while an Ōtākou-specific hapū, Kāi Te Pahi also has special significance within our takiwā.

MANA WHENUA

10. Kāi Tahu Papatipu Rūnaka are a contemporary focus for whānau and hapū, centred on marae which are located predominantly in traditional coastal or riverside settlements - though our takiwā also extends inland to the Southern Alps.

11. Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga (collectively Kāi Tahu ki Otago) represent whānau and hapū who are mana whenua within the Otago region. Our interests in the inland lakes and mountains and along the Mata-au (Clutha River) are shared with Ngāi Tahu ki Murihiku.

12. Mana whenua are dedicated to the sustainable management of resources and the achievement of sound environmental outcomes. Our overarching objective is to build a stronger environmental, economic, social, and cultural base for our people - mō tātou, ā, mō kā uri ā muri ake nei.

MANA WHENUA RELATIONSHIPS WITH THE TAIAO

13. Kāi Tahu are bound to the land, water and all life supported by them by whakapapa. Water is a central element in our creation traditions and is present very early in the whakapapa of the world, as described in this creation account from Tiramōrehu:

Nā te Pō, ko te Ao
Tana ko te Ao-marama, `
Tana ko te Aoturoa,
Tana ko Kore-te-whiwhia,
Tana ko Kore-te-rawea,
Tana ko Kore-te-tamaua,
Tana Ko Kore-te-matua,
Tana ko Māku.
Ka noho a Māku i a Mahora-nui-a-tea
Ka puta ko Raki.

From the Night comes the Day, the Daylight, the Longstanding Day, the Intangible Voids through to the Parentless Realm who create Moisture. Moisture couples with the Inner Space and gave birth to Raki – the sky.

14. When Te Māku (moisture) mated with Mahoranuiatea (a cloud that grew from the dawn), Raki was born of that union. Raki coupled with a number of wives, including Papatūānuku. Today, all water is seen to have originated from the separation of Raki and Papatūānuku and their continuing tears for one another. Rain is Raki's tears for his beloved Papatūānuku, and mist is generally regarded as Papatūānuku's tears for Raki.

15. From Raki's many unions came offspring, who together were responsible for creating the elements that constitute the taiao today, including the mountains, rivers, forests and

seas, and all fish, bird and other animal life (including humans). Kāi Tahu claim the same descent from Raki and his wives and are therefore connected to all things by whakapapa.

16. Tribal whakapapa thus links the cosmological world of the atua to the present generation, giving rise to a spiritual relationship and respect for the mauri evident in the taiao, and to the rights inherent in rakatirataka and the associated and fundamental duties of kaitiakitaka.

17. Similarly, whanaukataka is expressed in the resource management approach of ki uta ki tai, which emphasises the holistic management of the interrelated elements within the natural environment. Water released by Raki as precipitation makes its way into rivers, which in turn connects the entire landscape from the mountains to the sea. From the sea and other waterbodies, water evaporates, condenses, and falls again on Papatūānuku - an eternal holistic cycle. These relationships demonstrate the interconnectedness of environmental systems and form a basic tenet in Kāi Tahu resource management practices and perspectives.

18. The interconnected nature of whenua, wai māori and the moana mean that land-based activities have a direct consequence on the rivers, lakes, and the coastal environment. Land must be managed with this in mind. When this interconnectivity is not recognised in resource management, or not managed well, land-based activities can have a direct detrimental effect on freshwater and coastal environments.

MAURI

19. Mauri is the life-affirming quality evident in all things, including living beings, the natural world, and inanimate objects. Mauri is sourced to the beginning of time. During the separation of Raki from Papatūānuku darkness gave way to light, moisture appeared, and lifeforms emerged. The creation process is the primordial source of mauri.

20. Mauri can be observed as a measure of environmental health and well-being. For example, waterbodies with healthy or strong mauri are characterised by good quality waters that flow with energy and life, sustain healthy ecosystems, and support mahika kai and other cultural activities. Therefore, the primary resource management principle for Kāi Tahu is the protection of mauri through such concepts as tapu, noa, and rāhui

RAKATIRATAKA AND KAITIAKITAKA

21. Rakatirataka is about having the mana or authority to give effect to Kāi Tahu culture and traditions in the management of the natural world. Kaitiakitaka is the practical expression of rakatirataka and is the exercise of customary authority over the way a resource is used, managed, and protected.

22. Kaitiakitaka is a widely used term, first penned in the Resource Management Act 1991, but based on the traditional concept of ‘kaitiaki’.

23. According to Kāi Tahu cosmology, a range of deities were responsible for – and therefore held a kaitiaki role for - the different components of nature. Examples include Tāne, who was responsible for the forests; Takaroa, who was responsible for the water and many of the things living within it; and Tāwhirimātea, whose domain was the winds and other elements. Traditionally, these deities were acknowledged through ritual by those engaging in their domains, such as someone felling a tree, going fishing, or when travelling. For example, the first fish caught was normally returned to the water in deference to Takaroa as the kaitiaki of that domain.

24. These kaitiaki provided signs that could be read in the environment, and manifested in a range of forms, such as the appearance of an animal or fish or the seasonal appearance of a certain species that signalled a time to take or to stop gathering a particular resource.

25. In the times since the arrival of Pākehā, the traditional kaitiaki functions have been taken up by mana whenua, who have adapted old customs to address new challenges in the world of commerce, law, and environmental change.

26. I have inherited my ‘kaitiaki’ responsibility from my father, and from my ancestors. Kaitiakitaka is intergenerational, and in this context, it can be briefly summed up as having the right and responsibility to care and look after our environment as handed to us by our ancestors.

MAHIKA KAI

27. Mahika kai practices underpin the Kāi Tahu relationship with Otago’s rivers, lakes, wetlands, moana and the broader environment. Our cultural identity as whānau and hapū is tied to our resources. Fundamental to our culture is our ability to learn and practise customary gathering of food and other resources, to put kai on the table at the marae and at home, and to ensure that the knowledge of customary practices are passed on from generation to generation.

28. The inland lakes and waterways of the Otago region once supported rich and healthy mahika kai resources. The lakes and their surrounds attracted Kāi Tahu hunter-gatherer parties that would travel inland from the coast to camp at nohoaka often located adjacent to lakes and waterways to engage in mahika kai activities. The great lakes could be navigated by waka while the return journey down the Mata-au could be made by mōkihi

to convey mahika kai and stone resources to the coast. Tauraka waka locations on the seaward journey provided access to other nohoaka and stop off points, and the opportunity to forage and hunt.

29. Other Otago rivers were similarly used, including the Taiari (Taieri), Waihemo and the Waitaki. These rivers were a source of many waterborne mahika kai, including freshwater shellfish, koura (freshwater crayfish), tuna (eels), kanakana (lamprey), kōkopu, and waterfowl. They also provided resources for weaving, and the construction of mōkihi.

30. Closer to the coast, there were low altitude and near sea level lakes, and a series of lagoons behind the coastal dunes that were important mahika kai localities. On the Taiari Plains, the wetlands Waipori and Waihola were once accompanied by Lake Tatawai, Potaka and Marama Te Taha (Loch Ascog). These, along with the Roto-nui-o-Whatū wetland complex at Kaitangata, were all major food bowls for local whānau and hapū.

31. The whole of the Otago coastal area offered a bounty of mahika kai, including a range of shellfish, sea fishing, eeling and harvest of other freshwater fish in lagoons, wetlands and rivers, waterfowl, sea bird egg gathering, forest birds, and a variety of plant resources including harakeke, fern and tī kōuka root. The Kāi Tahu reliance on these coastal resources increased even further after the land sales of the 1840s and 1850s, and the associated loss of access to much traditional land-based mahika kai.

32. 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. One example is Poatiri (Mt Charles — Cape Saunders) the name of which refers to a fishhook. Poatiri juts out into the Pacific, close to the continental shelf, and is a very rich fishing ground.

33. The transmission of mātauraka necessitates whānau being able to access healthy mahika kai to carry out customary practices. If people are unable to learn how to harvest and care for mahika kai because access to resources has been lost, either through alienation or degradation then the mātauraka about how to manage resources in accordance with tikaka will be lost.

WĀHI TŪPUNA

34. Wāhi tūpuna are interconnected ancestral places, landscapes and taoka that reflect our histories and traditions and that also hold contemporary importance for mana whenua.

35. Wāhi tūpuna are characterised not only by natural and physical aspects, but also by the place names and associated traditions and events that bind us to the landscape, just as

the landscape itself is a part of us. Such landscapes link creation traditions with whakapapa, underpinning our mana whenua and mana moana status, and giving body to our mātauraka and tikaka. Such ancestral landscapes are treasured places that transcend the generations.

36. The landscape is the cradle of our Kāi Tahu creation stories. It can be read like a book, telling accounts of our history and traditions through placenames and pūrākau associated with place contributing to our understanding of our identity as Kāi Tahu. For example, we know Karetai from Ōtākou was born at Lake Hāwea, which suggests that the Kāi Te Pahi hapū had a strong association with the interior and the inland lakes. This knowledge connects our coastal Ōtākou communities to these inland landscapes, despite their geographical distance.

37. The placenames also connect us to our more distant tūpuna. There is not a lot known about our Waitaha and Kāti Mamoe people, so our memories are what is left in the landscape, the way it looks, what it provides, and how it changes over the seasons. The imagery in these placenames and stories reflect the majesty of our creation traditions, speak of the footsteps of our ancestors, and tell us where those tūpuna lived, camped, and gathered mahika kai.

Wai Māori and Wai Tai

38. Wai is an integral and enduring part of our wāhi tūpuna. The Otago landscape is criss-crossed by many and varied waterbodies, from many sources, including lakes, awa and their tributaries, puna, and groundwater.

39. In Kāi Tahu and wider Māori culture, the reverence for mountains is an important belief. Mountains are our relations through our shared whakapapa to Papatūānuku, and are often personified, representing eponymous figures for hapū and iwi. Wai that originates from the mountains is of a tapu nature, reflecting the mana of the mountains mixed with the direct connection between this pure water and the atua.

40. Coastal waters are also of special significance to Kāi Tahu. The moana and coastal environments are the domain of the atua Takaroa. In our creation histories, Takaroa is understood to be an earlier husband of Papatūānuku, prior to her relationship with Raki. On returning after a long absence, Takaroa was angered to find Raki living with Papatūānuku. Takaroa fought with and wounded Raki, and then left to live in the sea, to become the guardian of all sea creatures. The abode of Takaroa in our traditions is Rakiriri, an island in Otago Harbour.

41. Key aspects of the mana whenua relationship with wai include:

a) Wai as an enduring and recognisable part of our wāhi tūpuna.
b) The gathering of mahika kai as part of our cultural identify, and as a means of passing on knowledge and cultural traditions from one generation to the next.
c) The gathering of mahika kai to provide for whānau sustenance and as an expression of manaakitaka at hui, tangi, weddings and other events.
d) Involvement in monitoring and restoration of awa, wetlands and coastal estuaries. Mana whenua as kaitiaki for the waterways and coastal environments of Otago, have a duty to ensure that healthy resources are passed on to future generations.
e) The spiritual experience of interacting with the wai, in all its forms and functions, traversing by waka, mahika kai activity or for use in ceremony links to our whakapapa as individuals and as whānau.
f) The use of rivers and coastal areas for recreation, including waka ama and swimming.

TAOKA

42. Indigenous species are valued as taoka by Kāi Tahu, as are the habitats through which taoka species survive and thrive. Taoka species in the takiwā of Ōtākou include fish, tuna (eel), paua, tio, kōura (freshwater crayfish), kākahi (freshwater mussels), whitebait species (migratory galaxiids), a wide range of seabirds including the tōroa and yellow eyed penguin, and marine mammals such as seals, sea lions, and whales. Historically, manu such as weka, kererū, and rūrū were also present in our takiwā, but due to predation and habitat loss, their numbers have reduced dramatically, and in some cases, been lost completely.

43. Protecting and maintaining the mauri of species and habitat is a critical function of kaitiakitaka. For Kāi Tahu, protection of taoka species requires a whole of system approach to their sustenance that recognises the importance of the interconnection between land, water, and other resources. It requires a focus not just on specific habitat sites, but also on the cumulative effects of activities on the wider system that supports and sustains the species and their habitats. This includes recognition of coastal and marine environments as part of this interconnected system.

44. Failure to recognise or appropriately provide for this connectivity between land, freshwater and the coastal environment contributes to decreases in the abundance of indigenous species and their habitats. As stated above, decline in the abundance of taoka species inhibits our ability to engage in mahika kai practices and to express and pass on cultural practices to future generations. It also impacts on our mana as kaitiaki,

as it is our responsibility to look after these taoka so that they endure into the next generation.

45. For mahika kai to be sustained, populations of species must be present across all life stages and must be plentiful enough for long term sustainable harvest. Safe access to mahika kai sites must be available, kai must be safe to gather, safe to harvest and safe to eat and management and harvesting practices must be able to be carried out in accordance with tikaka.

ARA TAWHITO

46. Ara tawhito are traditional travel routes along the coast and through the interior of Otago that were used by Kāi Tahu to gather resources, establish and maintain ahi kā, for wānaka, and to maintain whanaukataka with our relations.

47. Trails from the coast into the interior followed the river valleys. In addition to the Mata-au, other commonly used trails included the Waitaki Valley via either the Danseys or Lindis Pass, the Waihemo and Pig Root, the Waikōuaiti catchment, Taiari River catchment, Mataura River catchments, and other localised routes. These routes not only provided access to water-based mahika kai, but to areas used for hunting birds and gathering plant material for rokoā and other uses. They also connected our communities and allowed for social, economic, and political connections to be made and maintained.

KĀIKA AND NOHOAKA

48. Kāika and nohoaka were permanent and seasonal settlements that were often located near rivers, lakes, and along the coast. These kāika and nohoaka were located sources of mahika kai and other resources. In the interior, traditional hunting villages include Nehenehe on the edge of Matukituki River (Matakitaki) that flowed into Lake Wānaka, and several nohoaka on the perimeter of Lake Hawea, including Puketahi, Turihuka, and O Tū Purupuru (Lake Hawea kāika).

49. The coastal area was also an attractive place to establish permanent settlements, including pā. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rakatira and their followers. Notable pā on the Otago coast include: Makotukutuku (Oamaru), Te Raka-a-hineatea (Moeraki), Te Pā Katata / Pā a Te Wera, (Huriawa Peninsula), Mapoutahi (Purakaunui), and Pukekura (Taiaroa Head). The estuaries from the Waitaki River to the Chaslands also supported various hapū from the times of Waitaha.

THE ŌTĀKOU PURCHASE AND THE NATIVE RESERVES

50. In 1844 Kāi Tahu sold over 400,000 acres of land in the Otago region to the New Zealand Company for £2,400. In contrast to many of the later purchase agreements, including the Canterbury Purchase, the boundaries of the area to be sold were clearly delineated and agreed to, and land which was specifically reserved from the sale was identified. The land retained by Kāi Tahu was around 9,615 acres and represented some (but not all) of those areas which we did not wish to relinquish. However, the Kāi Tahu understanding of the agreement was that further reserves would be set aside, amounting to one-tenth of the total area sold. This was never done.

51. The original intention of the purchase agreement was to reserve sufficient land for whānau to live on and to sustain themselves. However, the amount of land that was reserved was too small for this purpose, and in some cases, was not provided at all. We were left with sufficient land for bare subsistence, with no opportunity to turn, as European settlers soon did, to pastoral farming. The Waitangi Tribunal, therefore, had no hesitation in finding that the Crown had failed to ensure that we retained or were allowed sufficient land for our present and future needs.[1]

DEGRADATION OF TE TAIAO AND MAHIKA KAI

52. Since the 1840s, mana whenua have experienced the degrading of our wai, and consequential profound loss of mahika kai resources, due to land drainage, degradation, and dredging of our wetlands, rivers, estuaries, harbours, and coastal domains. The mahika kai resource is now a shadow of what our kaumātua and tūpuna once experienced.

53. A variety of factors have contributed to this loss. River and stream channels have been straightened and channelised and wetlands have been drained to make land available for pastoral farming. River flows have been reduced due to excessive abstraction. The ability for tuna and other species to migrate between the rivers and the sea has been impeded by the installation of flap gates, culverts, weirs and dams.

54. The direct discharge of sewage, direct and diffuse discharges of animal wastes and nutrients, and the discharge of sediment to waterbodies and the coastal environment have contributed to a deterioration in water quality and aquatic habitats. This deterioration of wai impacts on the ability of whānau to interact with wai and to collect mahika kai safely.

[1] Ngāi Tahu Report 1991, p.43.

55. The discharge of human waste to water is offensive and renders affected waterways inaccessible for customary practices such as harvesting and eating mahika kai or using water for cultural purposes and rituals. For example, our people do not eat anything out of the Upper Otago Harbour because of the discharge of sewage into the harbour there. While direct discharge of wastewater was ceased in 2000, stormwater is still discharged into the upper harbour and at times of high rainfall events wastewater overflows occur. The upper harbour is therefore not in a state where we can harvest kai that is free from contamination.

56. Further examples of the degradation of Te Taiao and mahika kai include:

a) The lower portion of the Manuherekia River once supported significant waterfowling and eeling mahika kai activity. That situation is significantly altered today due to overallocation of water during crucial periods of the year.

b) The once large and resource-rich wetland Tunaheketaka (the remnant now known as Lake Taieri) near Waipiata is a shadow of its former self, due to drainage and overallocation of water as well as the impact of land run-off and nutrient discharges.

c) The lower Taiari plain lakes and wetlands have been dramatically modified due to land use change, sedimentation, drainage, flood controls and a range of rural and urban discharges that altered the character and quality of these former impressive mahika kai resources that were once a food basket for the iwi. Lakes Tatawai, Potaka and Marama Te Taha (Loch Ascog), which adjoined Lake Waipori to the north, were drained.

d) The Kaikorai (Kaikarae) Stream and estuary are significantly compromised due to industrial activity, the construction of a landfill on the estuary, and reclamation activity, rendering the water polluted and the food resources found there not fit for human consumption.

e) Lake Tuakitoto and the former much grander and expansive Te Roto-nui-o-Whatū wetlands complex at Kaitangata are subject to drainage, pollution and riparian activity that has reduced the mahika kai values significantly.

f) The harbour used to teem and boil with barracuda, and blue cod were abundant. Neither are currently present in the numbers that once made them a staple food source for our people.

57. The degradation and loss of our mahika kai resources has had a consequential impact on Kāi Tahu communities. In 1920, when the Taieri River Improvement Act was passed,

Kāi Tahu fishing rights were extinguished, and Lake Tatawai was drained. Within ten years of that Act and the draining of the lake, the Kāi Tahu community at Henley (the Kāik) had broken up and dispersed, largely due to the loss of access to and use of Lake Tatawai and traditional mahika kai resources. The inadequacy of land reserves or the poor quality of much of that land contributed to the dispersal of the people from the Kāik. Many of these families and subsequent generations became disconnected from their Kāi Tahu roots.

58. Similar stories played out in the coastal environment with the reclamation of our estuaries and the Otago Harbour and the degradation of habitat, resulting in the loss of mahika kai resources.

59. A familiar sight when I was young was people spearing with lamplight at night for flounder on the tidal flats. It was not uncommon to see several at one time on a stretch of beach. The fact that this is rarely seen now is an indication of the near disappearance of flounder as we once knew them in the space of 40 years, which can be attributed to habitat loss particularly through dredging.

60. The interconnected nature of land and coast means that contaminants and sediment from land use activities eventually end up in the coastal environment, causing a devastating effect on seabed, benthic ecosystems, and spawning grounds for marine species reducing the availability of viable marine habitats for indigenous biodiversity and taoka species.

DEGRADATION OF WĀHI TŪPUNA

61. Throughout Otago our wāhi tūpuna have been degraded or lost through development and inappropriate land uses. This impacts on the direct physical relationship we have with our ancestral landscapes. An emphasis should be placed on strongly protecting what remains.

62. Within the Otago Harbour dredging and reclamation have degraded our relationship with this wāhi tūpuna. The estuarine areas in the upper harbour were reclaimed from the mid to late nineteenth century onwards to make land available for the expansion of Dunedin's central business district and for housing. A significant part of the central business district and much of South Dunedin is sitting on former estuarine areas of the Otago Harbour.

63. The head of the harbour where the bulk of the reclamation occurred was perfect kōhanga habitat for mahika kai and taoka species because it was shallow, tidal, and estuarine**.** Further reclamation was undertaken in the 1970s to construct a container terminal at Port Chalmers and recently the harbour edges have been reclaimed to construct walking and

cycle pathways. Te Rūnanga o Ōtākou has a policy of opposing further incremental reclamation of the Otago Harbour. This position is largely to protect our taoka and mahika kai species.

64. Alongside the impacts on our mahika kai species, this alteration of the natural topography also alters the coastal processes within the harbour. The natural gradient from harbour to estuarine area to land has been lost through reclamation of the estuarine areas and the deepening of the harbour for shipping channels, which has created a more dramatic interface between the land and the harbour.

65. These changes to the topography and hydrology of the Otago Harbour have had consequential impacts on our Native Reserves that abut the harbour's edge. We have lost land to coastal erosion and our reserves are increasingly vulnerable to the effects of climate change and sea level rise.

66. The quarrying of Saddle Hill further illustrates the degradation of our wāhi tūpuna. The Kāti Māmoe chief Te Rakitauneke had a kaitiaki known as Matamata. When Te Rakitauneke and Matamata became separated, Matamata created the bends and twists in the Taiari River as it winds through the lower Taiari Plains while searching for his Te Rakitauneke. When Matamata exhausted his search, he reclined where Saddle Hill is now, forming two knolls known as Pukemakamaka and Turimakamaka. Sadly Turimakamaka, the southern knoll, has been obliterated by quarrying.

67. When the ancestral landscape is modified inappropriately in this way, it impacts on us as kaitiaki. When we have been excluded from the decision making and when the effect of such decisions fails to protect taoka handed down from the tupuna, the effect is considerable on us. It elicits a sense of loss that extends not just to the physical loss of environmental values and association, but also a loss to future generations. It is a loss that means future Kāi Tahu whānau will be unable to fully understand and connect with their whenua as their ancestors did before them - a loss of continuity.

TE KERĒME (THE NGĀI TAHU CLAIM)

68. A letter written by Tiramorehu to Lieutenant Governor Eyre in 1849 conveyed the first formal statement of Kāi Tahu grievances about South Island land purchases. [2] This was the start of an intergenerational endeavour to progress the Kāi Tahu "land claim" (Te Kereme). The 'Claim' for each particular hapū or kāik became very much a part of their identity and a galvanising factor in pursuit of justice and also ultimately a quest for the honour of the tūpuna who had fought so hard in their time to no avail.

[2] *Tangata Ngāi Tahu, People of Ngai Tahu*, pg 274

69. The formation of all the regional 'claims' into the 'Nine Tall Trees' in the lead up to the Waitangi Tribunal hearing was a pivotal factor in its ultimate success by uniting the iwi in the pursuit of the common goal of achieving settlement. The Nine Tall Trees were made up of eight major land transactions and mahika kai, being the ninth tree.

70. The Waitangi Tribunal found that the Crown's duty to set aside sufficient land for the present and future needs to Kāi Tahu included a duty to protect Kāi Tahu access to mahika kai. The alienation of land and the loss of mahika kai has been associated with a corresponding loss of an economic base and opportunities for cultural use by Kāi Tahu whānau, as the breaking up of the kāik at Henley illustrates.

71. The Waitangi Tribunal inquiry eventually led to a settlement and apology from the Crown. Being one of the fifth generation to pick up the task of seeking redress to historical grievances, I was involved in some of the negotiations with the Crown as part of drafting the Ngāi Tahu Claim Deed of Settlement. This Deed of Settlement was given effect through the Ngāi Tahu Claims Settlement Act 1998.

72. The Ngāi Tahu Claims Settlement Act included cultural redress mechanisms to recognise and give practical effect to Ngāi Tahu mana over resources regarded as taoka and cultural landscapes. It also included other cultural redress, such as the reinstatement of Kāi Tahu placenames, Statutory Acknowledgements and other deeds of recognition, nohoaka and statutory representative roles on Conservation Boards and the NZ Conservation Authority.

73. In respect of the Statutory Acknowledgements, the initial Crown offer was for much less in number than appeared in the Deed of Settlement. As the number of Statutory Acknowledgements grew, we adopted a process of generally applying Statutory Acknowledgements to every second water body as you move north to south. That is not to say that the water bodies that were not subject to a Statutory Acknowledgement were of less importance. Rather, our intent was to establish a template for statutory recognition of the cultural values, uses and beliefs associated with Otago's water bodies through regional plans, and a pathway for Kāi Tahu to be notified of resource consents that affected those values.

TREATY PARTNERSHIP

74. The Crown in settling Te Kereme acknowledged that the settlement did not "diminish or in any way affect the Treaty of Waitangi or any of its Articles or the ongoing relationship between the Crown and Ngāi Tahu … or undermine any rights under the Treaty…".

75. The principles of the Te Tiriti o Waitangi imply a partnership, to be exercised with the utmost good faith. For Kāi Tahu, effective participation in the management of our region's

environment is best achieved by establishing partnerships with local authorities (and government departments charged with environmental management and protection functions), as representatives of the Crown or with delegated functions.

76. Effective partnerships mean that mana whenua are involved in natural resource and environmental management at both the governance and management levels of decision-making. We have worked in partnership with the Otago Regional Council to ensure that our values and interests are represented and reflected in the Proposed Regional Policy Statement.

77. These relationships must be robust enough to be sustained over the long term; even when people come and go, or when challenges arise. Thinking long term and maintaining consistency is the key. All parties must respect the knowledge, experience, and skills of each other if effective partnerships are to develop.

78. It is a fundamental principle of Te Tiriti o Waitangi to actively protect Māori interests. In the view of Kāi Tahu, this duty is not merely passive, but rather entails the taking of active steps, to the fullest extent practicable, to protect the features of the environment that are of significance to Māori.

79. The development of a new Regional Policy Statement provides an opportunity to set clear direction for all the local authorities in Otago as to how the values, rights and interests of Kāi Tahu in the taiao should be provided for, and how councils need to engage with mana whenua in decision-making and management of the waterbodies, coasts, wāhi tūpuna and taoka species. This would more fully embed the intent of the Ngāi Tahu Claims Settlement Act in RMA processes in the region and help to build a stronger partnership approach.

ASPIRATIONS FOR RESTORATION OF THE TAIAO

TE MANA O TE WAI

80. Recent changes in freshwater management have put greater emphasis on the well-being of our waterways, focused on the principle of Te Mana o te Wai.

81. Kāi Tahu has undertaken a robust process to formulate a definition for Te Mana o te Wai in our takiwā. I took part in the mana whenua workshops that developed the definition and supporting narrative on Te Mana o te Wai.

82. Our interpretation of Te Mana o te Wai informs and frames our vision for freshwater, aligns with the central elements of our creation traditions, and reflects our shared kinship with the natural world.

83. Mauri is an important component or value by which we understand and recognise the health and mana of wai. Traditionally, the significance of mauri was reflected by the invoking of tapu or the use of restrictions in the way wai or particular waterways were categorised or used.

84. The whakapapa and shared kinship with the natural world, the importance of mauri and its primeval source, and the presence of tapu in the interrelationship between land and freshwater has a mana that invokes a reciprocal duty of respect and care which underpins the exercise of rakatirataka and kaitiakitaka.

85. Rakatirataka and kaitiakitaka therefore sit at the heart of Te Mana o te Wai for mana whenua. This means that collaboration and engagement with mana whenua must be integrated into decision-making, and that mātauraka Māori should inform all planning instruments that are developed to give effect to Te Mana o te Wai.

86. The mana whenua definition of Te Mana o te Wai is now a freshwater objective in PORPS 2021, namely LF-WAI-O1 - Te Mana o te Wai. This objective recognises that there is an integral kinship relationship between water and Kāi Tahu whānui, that this relationship endures through time, connecting past, present and future and that water and land have a connectedness that supports and perpetuates life.

87. The focus on Te Mana o te Wai in the proposed Otago Regional Policy Statement has resulted in a significant improvement in the recognition of the interconnectedness between land and freshwater. However, this approach needs to be better applied to the coastal environment to properly recognise the interconnection between freshwater and coastal environments, and between land and coastal waters. For example, discharges of stormwater and wastewater from the urban areas adjoining the Otago Harbour have contributed to the degradation of the harbour making it unfit for cultural use, as discussed.

88. Our success as kaitiaki in implementing Te Mana o te Wai will be measured in outcomes for the current generations and the generations that follow. Te Mana o te Wai is inseparable from the mana of the people.

MAHIKA KAI AND HABITAT RESTORATION

89. For mana whenua, protection of mahika kai and taoka species and the restoration of habitat requires a whole of system approach that recognises the importance of this interconnection between land, water, and other resources. It requires a focus not just on specific habitat sites, but also on the cumulative effects of activities on the wider system that supports and sustains the species and their habitats.

90. The interconnected nature of whenua, wai māori, and moana mean that land-based activities have a direct consequence on the rivers, lakes, and coastal environments. Land must be managed with this in mind. This concept of interconnectivity is central to Kāi Tahu environmental management practices and should be reflected in the way local authorities discharge their responsibilities too.

91. It is a widely held view within Kāi Tahu (and one that I share) that not enough is presently being done to restore the many degraded mahika kai sites within our takiwā. The embedding of integrated management into the proposed Otago Regional Policy Statement and greater recognition of the connections between whenua, wai māori, and moana would go some way to addressing this issue.

ASPIRATIONS FOR THE FUTURE USE OF NATIVE RESERVES

92. The original intention of the Native Reserves was to enable whānau to live on the land and to sustain themselves. However, the amount of land that was reserved was insufficient for this purpose. The loss of both our economic base and mahika kai resources has inhibited the ability of whānau to remain on their ancestral land and to thrive as a people with consequential impacts on Kāi Tahu communities.

93. Less than 50% of our reserve lands remain in the ownership of the whānau and hapū. The reserve lands originally allocated for us by the Crown were insufficient to sustain our people, who quickly become impoverished in the emerging colonial economy, resulting in us becoming reliant on fishing and seasonal agriculture work for sustenance.

94. Despite this, the reserve lands have been our tūrakawaewae for generations, where the stories of the place are embedded in the land (including through placenames) and where the practice of mahika kai and traditions and customs have endured. We seek to maintain our values and cultural practices, and the connection we have with the land, for us and for future generations. We also want the ability to use them for their original intended purpose.

95. Despite their intended purpose, Kāi Tahu whānau have been unable to establish papakāika within Native Reserves for a wide range of reasons. The requirements for the use of multiply owned land under Te Ture Whenua Māori Act 1993 is a complex process unique to Māori landowners. If these requirements under Te Ture Whenua Māori Act 1993 can be met, obtaining the appropriate resource consents for papakāika development can be equally challenging.

96. Villages remain an important construct in maintaining connectedness, the sense of whānau and hapū identity and nurturing future generations. Due to the history of our Native Reserves and our connections to place, we cannot simply decide to live in

locations with more favourable planning provisions. For this reason, we need enabling plan provisions for papakāika development targeted to our Native Reserves to allow us to use them in the ways they were originally intended.

CONCLUSION

97. Kaitiakitaka is a responsibility to take action in respect of proposed activities, to assess their impact and make comment to the appropriate authorities, and to influence the way those activities may or may not occur. This evidence is my contribution to fulfilling the kaitiaki responsibilities handed down to me by my father and tūpuna before him. I have a responsibility to speak up about these cultural associations and values to express kaitiakitaka. In this way, we are giving respect to and being responsive to those values. That is our duty as mana whenua.

98. Refreshes in policy such as this process provide opportunities to address past wrongs and reflect the growing maturity of our country in recognising our foundations grounded in the Treaty Partnership. The matters covered in this evidence set out how the proposed Otago Regional Policy Statement should shift to also address past wrongs and reflect a Treaty-based approach to managing the taiao for us and our children after us.

EDWARD ELLISON ONZM

23 NOVEMBER 2022

Appendix 1: Glossary of Māori words and phrases

Ahi kā	Representation of continuous occupation, the idea of mana whenua being continuously present on their land
Ara tawhito	Trails and travel routes
Atua	Deity/ deities
Awa	River
Hapū	Sub-tribe
Iwi	Tribe
Kai	Food
Kaimoana	Seafood
Kāi Tahu / Kāi Tahu whānui	The collective of the individuals who descend from one or more of the five primary hapū of Hāwea, Rapuwai, Waitaha, Kāti Mamoe and Kāi Tahu. Kāi Tahu hold mana whenua status across large tracts of Te Waipounamu.
Kāika/ Kāik	Settlement
Kaitiakitaka, kaitiaki	The exercise of guardianship over natural and physical resources, as an expression of rakatirataka and mana; a person undertaking roles as an expression of kaitiakitaka.
Kōhanga	Habitat that provides a nursery for taoka and mahika kai species.
Mahika kai	A term that literally mean “food workings” and refers to the customary gathering of food and natural materials, and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use, including raraka (weaving) and rokoā (traditional medicines).
Mana	Prestige, authority, control, power, influence, status
Manaakitaka	the process by which takata whenua show respect, generosity, and care for others
Mana whenua/ mana moana	Customary authority exercised by an iwi or hapū in an identified area, iwi that hold this customary authority in a specific location
Marae	Traditional Māori meeting space
Mātauraka	Kāi Tahu customary knowledge passed down from one generation to the next, used in the present, and developing, for the future. It involves observing, experiencing, participating, studying, and understanding the world from an indigenous cultural perspective. It is a tool for thinking,

	organising information, considering the ethics of knowledge, and informing us about our world and our place in it. Incorporation of mātauraka in resource management decision-making is important to ensure that cultural interests are appropriately recognised and provided for.
Mauri	Essential life force or principle, a metaphysical quality inherent in all things both animate and inanimate
Moana	Ocean
Mōkihi	Raft used by Kāi Tahu to travel down rivers
Noa	To be in a state without restriction
Nohoaka	Seasonal occupation sites
Pā	Permanent settlement
Pākehā	New Zealanders of European descent
Papatipu Rūnaka	Regional Kāi Tahu governing bodies
Papatūānuku	Kāi Tahu deity represented by the earth
Puna	Freshwater spring
Pūrākau	Story, usually from the mythic period
Rakatirataka	The exercise of mana or authority to give effect to mana whenua culture and traditions across all spheres of their takiwā, including the management of te taiao.
Raki	Kāi Tahu deity represented by the sky
Rokoā	Traditional natural medicines
Taiao	natural environment/ nature
Takaroa	Kāi Tahu deity represented by the ocean
Takiwā	Area, region, district
Taoka	Treasured resources that are highly valued by Kāi Tahu, derived from the atua, linked to the people through whakapapa, and left by tūpuna to provide for and sustain life.
Tapu	To be in a state of restriction
Tauraka waka	Traditional watercraft landing locations
Tikaka	the Kāi Tahu beliefs, values, practices, protocols, and procedures that guide appropriate codes of conduct
Tupuna/ tūpuna	Ancestor(s)
Tūrakawaewae	Land that someone belongs to
Wāhi Tūpuna	Landscapes and places that embody the relationship of mana whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka.
Wai	Water

Wai māori	Freshwater
Waka ama	Single-hulled outrigger canoe; the sport of racing waka ama
Whakapapa	Genealogy
Whānau	Family/families
Whanaukataka	Relationship-building; embracing whakapapa through the relationships between people, and between people and the environment.
Whenua	Land