

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE**

**ENV-2020-CHC-128**

**UNDER** the Resource Management Act 1991 (RMA)  
**IN THE MATTER** of the Omnibus Plan Change - Plan Change 8, being part  
of a proposal of national significance directed by the  
Minister for the Environment to be referred to the  
Environment Court under section 142(2)(b) of the RMA

**AND**

**IN THE MATTER** of an application under section 149T of the RMA

**OTAGO REGIONAL COUNCIL**

**Applicant**

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**STATEMENT OF EVIDENCE OF DEAN WHAANGA ON BEHALF OF OTAGO  
REGIONAL COUNCIL AND NGĀI TAHU KI MURIHIKU  
17 September 2021**

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Applicant's Solicitor  
PO Box 4341 CHRISTCHURCH 8140  
DX WX11179  
Tel +64 3 379 7622  
Fax +64 379 2467

**WYNNWILLIAMS**

Solicitor: L F de Latour / M A Mehlhopt  
(lucy.delatour@wynnwilliams.co.nz /  
michelle.mehlhopt@wynnwilliams.co.nz)

**Mihi/Introduction**

Ko Motu Pōhue te maunga

Ko Te Ara a Kewa te moana

Ko Tārere ki Whenua Uta te whenua

Ko Takitimu te waka

Ko Ngāi Tahu, Kāti Mamoe, Waitaha, Ngāti Kahungunu ngā iwi

Ko Te Rau Aroha te marae

Ko Tahu Potiki te tangata

Ko Tahu Potiki te whare

Ko Dean Whaanga ahau

Tihei Mauri Ora

- 1 My full name is Dean Whaanga.
- 2 I am both Kaupapa Taiao Manager at Te Ao Marama Incorporated (Te Ao Marama) and Kaiwhakahaere for Te Rūnanga o Awarua.
- 3 I have been Kaupapa Taiao Manager since 2016 and held the position of Kaiwhakahaere since 2017.
- 4 I regularly work with local authorities, including Otago Regional Council (**ORC** or **Council**), and other agencies at the governance and operational levels to support the well-being of whānau and protect the rights, interests and values of Ngāi Tahu ki Murihiku. I regularly engage with ORC through Mana to Mana and Te Rōpū Taiao forums, representing Papatipu Rūnanga as a result of our Charter of Understanding with them<sup>1</sup>.
- 5 I have been asked to provide cultural evidence on behalf of Waihōpai Rūnaka, Te Rūnanga Ōraka Aparima and Te Rūnanga o Awarua (collectively Ngāi Tahu ki Murihiku). I also understand that this evidence, alongside the evidence of matua Edward Ellison, is being presented on behalf of the Otago Regional Council in support of the mediated

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<sup>1</sup> He Huarahi mō ngā Uri Whakatupu – the Charter of Understanding 2016.

agreement reached between the parties to the farming provisions of proposed Plan Change 8 (**PC8**) to the Regional Plan: Water for Otago (**RPW**).

- 6 My preference is to speak using the collective terms “we” and “our” as it is customary for me to do when I am speaking on behalf of Ngāi Tahu ki Murihiku because I am carrying my tūpuna, my whānau and my hapū with me.

### **Scope of evidence**

- 7 My evidence will address the following matters:
- (a) The relationship of Ngāi Tahu ki Murihiku with the lands and waters of Te Mata-au and the Catlins, including:
    - (i) Our whakapapa and whānau relationships with Te Mata-au and the Catlins;
    - (ii) Our responsibilities as mana whenua to act for the benefit of waters and lands throughout our takiwā, ki uta ki tai (from the mountains to the sea); and
    - (iii) Mātauranga (our knowledge) and tikanga (our practices) that guide how we act as kaitiaki within Murihiku; and
  - (b) Ngāi Tahu ki Murihiku involvement in development of PC8 and support for requiring improved land management practice, ahead of development of the new framework, for activities where the risks to the wai are high.
- 8 In preparing my evidence I have reviewed the following documents and evidence:
- (a) The notified version of PC8 and the mediation agreement for the provisions of PC8;
  - (b) Proposed Otago Regional Policy Statement 2021;
  - (c) Submissions of Te Ao Marama and Aukaha Limited;
  - (d) Evidence of Edward Ellison dated 17 September 2021; and
  - (e) Evidence of Felicity Boyd dated 3 September 2021.

## Executive Summary

- 9 Waihōpai Rūnaka, Te Rūnanga Ōraka Aparima and Te Rūnanga o Awarua represent mana whenua within the Otago region, with customary authority over lands and waters based on whakapapa relationships, particularly in Te Mata-au Clutha River catchment and Te Ākau Tai Toka Catlins area.
- 10 The proposed Otago Regional Policy Statement 2021 (**PORPS 2021**) that was notified this year has been the first planning instrument in the Otago region to recognise the nature of this relationship of Ngāi Tahu ki Murihiku with catchments in Otago. There has been statutory recognition for the last 20 years but not in the planning documents of Otago, so the PORPS 2021 is an important document for our Papatipu Rūnanga.
- 11 We will be able to better fulfil our kaititaki responsibilities to Te Mata-au and Te Ākau Tai Toka with the support of the new planning framework that is being created for the region through the PORPS 2021 and through the new land and water plan that is being developed. In the meantime, we see the importance of an interim regime that improves the currently deficient Regional Plan: Water for Otago (**RPW**).
- 12 Involvement of Te Ao Marama with the development of this interim plan change, PC8, including participation in mediation, has been about upholding our kaitiaki responsibilities to Te Mata-au and Te Ākau Tai Toka, working to prevent any further degradation and support improvement in their condition.
- 13 Our people have been concerned about declining water quality in the Poumāhaka (Pomahaka) River, for example. We appreciated the presence of members of the Pomahaka Water Care Group in the mediation and for the commitment shown by the various parties in that process to prioritise the needs of waterbodies and find workable approaches to managing the activities that have been causing harm.
- 14 We consider it important that the good will and collaborative approach taken to resolving issues through the mediation process is supported in decisions on the plan change, recognising the commitment shown in the spirit of kotahitanga, working together to solve complex problems.
- 15 It is a goal of our Papatipu Rūnanga that everyone involved in freshwater management who is working to improve the condition of our waterbodies will understand ki uta ki tai, te mana o te wai, hauora and mahinga kai, and particularly what it means to achieve a state of hauora. We believe it

will take agencies, communities and catchment groups working together with mana whenua to achieve necessary change within this next 25 years.

- 16 We cannot afford to wait any longer for positive changes because we have already lost so many places where our people could once safely drink water, bathe and gather mahinga kai. As the places we can go are less and less, and our taonga and mahinga kai species die out, this affects our associations, our practices and ability to transfer knowledge to the next generation. Our connections with waterbodies are strengthened by being able to interact with them regularly and through our relationships with taonga and mahinga kai species. This is fundamental to what it means to be Ngāi Tahu, to our cultural identity. When values of waterbodies are lost, this represents a very real risk to loss of our culture.
- 17 After a long time of not managing some major issues affecting our waterbodies, this interim plan change, PC8, is moving in the right direction to get some important measures in place around managing effluent storage and effluent discharges, stock access to waterbodies and intensive winter grazing. Good management practices and the use of sediment traps can also help address problems with pollutants affecting water quality. It will be no good waiting a few more years when we already have solutions available now that can help to halt degradation, and importantly, that have been agreed upon across a diverse range of interests, including mana whenua interests.
- 18 We support this plan change and the measures that are being introduced to manage activities that present significant risks to our wai taonga.

#### **The relationship of Ngāi Tahu ki Murihiku with the lands and waters of Te Mata-au and the Catlins**

- 19 The evidence of Edward Ellison has introduced Kāi Tahu whakapapa and the waves of migration of Waitaha, Kāti Mamoe and Kāi Tahu, the role of Te Rūnanga o Ngāi Tahu and relationship of the iwi authority with Papatipu Rūnanga.
- 20 Waihōpai Rūnaka, Te Rūnanga Ōraka Aparima and Te Rūnanga o Awarua have marae based in Waihopai (Invercargill), Riverton Aparima and Awarua (Bluff). Although Ngāi Tahu ki Murihiku live in the Southland

region, the takiwā of Murihiku extends into the Otago region<sup>2</sup> as a result the way our tūpuna moved around, following ara tāwhito (ancient trails) to access seasonal resources and pounamu, to trade and maintain relationships.

- 21 We maintain our associations with the inland lakes, down Te Mata-au to the coast, and with coastal mahinga kai resources and taonga of Te Ākau Tai Toka in a number of ways. Through governance arrangements, kaupapa Māori monitoring, hikoi, gathering kai, involvement in different agency processes and working with others to support te hauora o te wai, the health and well-being of waterbodies, we affirm our whakapapa, teach our rangatahi and fulfil our kaitiaki responsibilities to the lands and waters that have sustained our people through the generations.
- 22 The evidence of Edward Ellison has introduced some core concepts about whakapapa relationships with water, the importance of mauri, and the duties and responsibilities of rangatiratanga and kaitiakitanga. Papatipu Rūnanga north and south of Te Mata-au share these same foundations for managing freshwater.
- 23 Te Tangi a Tauira<sup>3</sup>, the iwi management plan of Ngāi Tahu ki Murihiku is based on a ki uta ki tai approach to resource management, a kaupapa that reflects the knowledge that resources are connected from the mountains to the sea and must be managed that way. Our iwi management plan records the knowledge of tūpuna that was passed on to us, that we belong to the environment and it is our duty to leave the environment in as good or even better condition than it was when we inherited it from those who came before us.
- 24 We have numerous stories that illustrate the whakapapa connections we have with Te Mata-au and Te Akāu Tai Toka, the interconnectedness of lands and waters, and the importance of mahinga kai, knowing where to find resources that can sustain people over long journeys and as a regular part of the seasonal cycle for long standing settlements.
- 25 There is the story of Reko, living at Tūtūrau on the Matāura River, who in 1853 took surveyor Nathaniel Chalmers up the river, across the Waimea

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<sup>2</sup> Refer to the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 and the submission of Te Ao Marama for a description of the takiwā of Waihōpai Rūnaka, Te Rūnanga Ōraka Aparima and Te Rūnanga o Awarua.

<sup>3</sup> Te Tangi a Tauira – the Cry of the People: Ngāi Tahu ki Murihiku Natural Resources and Environmental Management Plan 2008.

Plains, up the Nokomai River to Te Rau (Garvie Mountains), Te Papapuni (Nevis) and on to Kawarau, along a well worn trail, visiting Lakes Wānaka and Hāwea and then travelling back to the coast, rafting on mōkihi down Te Mata-au. The ngāhere and kaimoana, forests and coastal resources, of Te Ākau Tai Toka, would have provided them with all they needed to return to the permanent settlement at Tūtūrau. The year this journey occurred was the same year that our tūpuna signed the Murihiku Deed, a decade after the signing of the Otago Deed. These actions had long lasting and devastating effects on our people, including alienation from lands and waters and large scale environmental change across our takiwā that degraded once reliable mahinga kai resources. That degradation continues to this day.

- 26 We know that Rakiraki whānau and Maranuku whānau would regularly travel from Kaka Point, where our people have native reserve lands, to Ōpurere falls on Poumāhaka (Pomahaka River) for kanakana (lamprey), although the site of the falls and associated pā recorded by Beattie in the 1920s are no longer accessed. The name Poumāhaka is thought to refer to pou (posts) either side of the river used to establish snares for ducks. There are still kanakana, tuna and kōura present in the river, bullies and threatened non-migratory galaxiids, as well as introduced trout, salmon and perch, but environmental monitoring undertaken by the Council shows there are on-going risks to the river.
- 27 The pastoral lands that have been cleared of indigenous land cover have poorly draining soils and tile drains are common, which is similar to issues we are all too familiar with in the Southland region. We know that some of the smaller tributaries flowing in to the lower Poumāhaka are degraded to the point that they are below national bottomlines for water quality, including for suspended fine sediment, which means they are at the level where species can be lost<sup>4</sup>. Our whānau see these losses. Those who are out harvesting from waterbodies see the changes over time, the diminishing populations, fewer places to go for kai or to interact safely with the river.
- 28 Poumāhaka awa is a Statutory Acknowledgement Area recorded in the Ngāi Tahu Claims Settlement Act 1998<sup>5</sup>, which resulted from the Deed of

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<sup>4</sup> Table 8 of the National Objectives Framework in the National Policy Statement for Freshwater Management 2020 describes the D band for suspended fine sediment that way.

<sup>5</sup> Ngāi Tahu Claims Settlement Act 1998, sch 52.

Settlement negotiated between the Crown and Ngāi Tahu following the 1991 Waitangi Tribunal report. Significant breaches of Te Tiriti o Waitangi were identified in that report, including in relation to environmental degradation and loss of mahinga kai. Achieving recognition and redress for the losses our people had suffered was a great milestone after so many generations of whānau having fought for Te Kēreme, the Ngāi Tahu claim. As a result of the Settlement process the Crown affirmed Ngāi Tahu rangatiratanga, which has endured. Partnering with local authorities, and working with other agencies and stakeholders, is a way that we express authority as mana whenua within our takiwā and how we meet our kaitiaki responsibilities.

- 29 Ngāi Tahu ki Murihiku have been working with the fundamental concept of Te Mana o Te Wai since 2014 when the National Policy Statement for Freshwater Management first described it as a matter of national importance. Our whānau recognised this concept as akin to the priority given to protecting and restoring mauri that has been the policy recorded in our iwi management plans since 1999. We have supported and defended this concept in the proposed Southland Water and Land Plan, in the PORPS 2021 and through other RMA decision-making processes in the Otago region. Having protection of mauri at the core of national direction has given our people hope for the future of wai taonga across our takiwā, in Otago and Southland.
- 30 We have invested time and resources in being able to describe te hauora o te wai, the health and well-being of waterbodies, using a combination of mātauranga and environmental science. Our whānau talk about hauora as a healthy and resilient state, “fighting fit”, which is describing a condition that we are working towards for waterbodies that have been degraded, including the Poumāhaka and its tributaries. First, we need to halt degradation, then we need to restore our wai taonga. For instance, preventing further loss of habitat for taonga and mahinga kai species, and then restoring populations to levels that can sustain customary harvest. As we restore waterbodies, we restore cultural connection, revitalise cultural practice and affirm cultural identity for our tamariki, our mokopuna and those that follow. When we have met standards across a combination of measures, including Ngāi Tahu indicators of health, that provide for te hauora o te wai, then we know that we have done what we can to protect and restore the mauri of a waterbody.

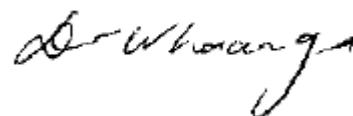
**Ngāi Tahu ki Murihiku involvement in development of PC8 and support for requiring improved land management practice**

- 31 Ngāi Tahu ki Murihiku welcome the measures that have been introduced in PC8 to address water quality issues and high risk activities because these measures are filling a gap in the existing regional planning framework. We expect them to benefit waterbodies in a very short time by reducing contaminants at source. Our people do not want to wait for the new land and water plan to be able to see positive change. We have waited long enough.
- 32 Ngāi Tahu ki Murihiku have been working on some of these same issues in Southland over recent years, through the proposed Southland Water and Land Plan and in response to the recent package of government reforms. Intensive winter grazing is a particularly high risk activity that has been a focus for us. We are supportive of the measures that are proposed for Otago, as an interim approach. We can see that management of this activity is evolving and that the interim approach is likely to be able to be improved upon during the land and water regional plan development.
- 33 This is also true for the approach to stock access and riparian management, good management practices and use of sediment traps. Te Ao Marama will continue to work with the Council and other stakeholders to improve upon these measures., so that we can rely upon them over the long term to reduce sources of harmful contaminants, whilst ensuring they are practical to implement.
- 34 Improving effluent management systems and the methods for managing effluent discharges is a particularly significant feature of PC8 that we know will make a difference within the next five years. This is an issue we understand that Otago has been lagging behind in addressing.
- 35 Te Ao Marama was present during the mediation of these issues. Achieving a fully mediated solution through that process was extraordinary. It is not common in our experience for such a diverse group of agencies and interested stakeholders to agree, especially when the issues are hotly contested. The interim nature of the measures contributed to agreement, as did promises of the Council to work with mana whenua, agencies and stakeholders to continue dialogue around these issues as part of the land and water plan development.

- 36 Ngāi Tahu ki Murihku prefer to work collaboratively to achieve change. We believe that the shared journey is important, and that people are better able to cope with change and implement new ways of doing things when they can understand the reasons for change and different points of view, including the mana whenua perspective.
- 37 The result of this mediation process has been heartening for us. We also want it recognised that it is uncommon for mana whenua to present with local authorities in planning processes as part of a shared case. We have chosen to do this because of the value we place on the process of mediation, the mediated solution itself, and our confidence in the local authority as our Treaty partner leading this kaupapa through the court. We recognise the significant challenges that the Council is seeking to overcome for the benefit of Otago waterbodies and communities, including mana whenua.

### **Conclusion**

- 38 We wish to see the gains made through mediation on PC8 supported through to decision so that all of us working for change in Otago can focus on the new land and water plan development and can celebrate the work we have done to reach agreement at this stage.
- 39 All of us that have been involved and continue to be involved in multiple processes in Otago are working with very stretched resources. Te Ao Marama is working at the same time to progress significant change in Southland.
- 40 We are certain in this case that the interim measures proposed will make a tangible difference in the short term. Prolonging decision on this plan change will only slow progress when we have already waited so long to see positive change in Otago.
- 41 We ask that the intent of the mediated solution be preserved and that decision be made without delay in order to recognise the urgency in halting degradation of our wai taonga.



**Dean Whaanga**

**17 September 2021**