



Monday 4 May 2020

Chief Executive
Otago Regional Council
Private bag 1954
Dunedin, 9054

policy@orc.govt.nz

Tēnā Koe Sarah,

RE: Submission on Water Permits Plan Change (Plan Change 7)

Please find attached a submission lodged, on behalf of Waihopai Rūnaka, Te Rūnanga Ōraka Aparima and Te Rūnanga o Awarua in relation to the Water Permits Plan Change (Plan Change 7).

We understand that this submission will be forwarded to the Environmental Protection Authority as a result of the Ministerial Call-in process.

Nāhaku noa nā,

A handwritten signature in black ink, appearing to read "D. Whaanga".

Dean Whaanga
Te Ao Marama Inc.
Kaupapa Taiao Manager

CC Waihopai Rūnaka
Te Rūnanga o Ōraka Aparima
Te Rūnanga o Awarua

Te Ao Marama Inc.
408 Tramway Road
PO Box 7078
South Invercargill 9812
Phone: (03) 9311242
office@tami.maori.nz

WATER PERMITS PLAN CHANGE (PLAN CHANGE 7) FOR OTAGO

SUBMISSION OF NGĀI TAHU KI MURIHIKU

INTRODUCTION

Introduction

1. This submission has been prepared by Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, Te Rūnanga o Awarua (from herein referred to as ngā Rūnanga).
2. Ngā Rūnanga are generally supportive of the proposed Water Permits Plan Change (Plan Change 7) as a response to direction from the Minister for the Environment.
3. The Minister's actions in 2019 focussing on the Otago region were supported by ngā Rūnanga as a means of addressing concerns about adequacy of the existing planning framework to protect the mauri of waterbodies impacted by over-allocation and to recognise and provide for Ngāi Tahu relationship with these waterbodies.
4. This submission is supported by Te Rūnanga o Ngāi Tahu on behalf of Ngāi Tahu Whānui as a whole and should be read in conjunction with the submission of Aukaha Limited on behalf of Kāi Tahu ki Otago.

Papatipu Rūnanga

5. Te Rūnanga o Ngāi Tahu Act, 1996 (the TRoNT Act) and the Ngāi Tahu Claims Settlement Act, 1998 (the Settlement Act) recognise the status of Papatipu Rūnanga as kaitiaki and manawhenua of the natural resources within their takiwā boundaries, in conjunction with Te Rūnanga o Ngāi Tahu as the iwi authority.
6. The proposed plan change relates to waterbodies within the takiwā boundaries of ngā Rūnanga, particularly the waters flowing from Whakatipu-Wai-Māori (Lake Wakatipu), the waters of the Mata-au (Clutha River) and its tributaries.
7. Specifically, the takiwā of each Papatipu Rūnanga is described in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 as follows:

Te Rūnanga o Awarua

The takiwā of Te Runanga o Awarua centres on Awarua and extends to the coasts and estuaries adjoining Waihopai sharing an interest in the lakes and mountains between Whakatipu-Waitai and Tawhititarere with other Murihiku Runanga and those located from Waihemo southwards.

Waihopai Rūnaka

The takiwa of Waihopai Runaka centres on Waihopai and extends northwards to Te Matau sharing an interest in the lakes and mountains to the western coast with other Murihiku Runanga and those located from Waihemo southwards.

Te Rūnanga o Ōraka-Aparima

The takiwa of Te Runanga o Ōraka Aparima centres on Oraka and extends from Waimatuku to Tawhititarere sharing an interest in the lakes and mountains from Whakatipu-Waitai to Tawhititarere with other Murihiku Runanga and those located from Waihemo southwards.

Te Ao Marama Incorporated

8. Ngāi Tahu ki Murihiku formed an entity known as Te Ao Marama Incorporated in 1996, which is currently made up of representatives from Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima and Waihopai Rūnaka.
9. Te Ao Marama Incorporated is authorised to represent these three Papatipu Rūnanga ki Murihiku in resource management and local government matters.

Ngāi Tahu ki Murihiku Policy

10. The Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (*Te Tangi a Tauria – the cry of the people*)¹ contains policy relevant to the management of water and water abstractions (see [Attachment One](#)), with reference to Statutory Acknowledgement Areas and other mechanisms included in the Settlement Act, as well as tribal policy contained in the Ngāi Tahu Freshwater Policy Statement 1997. Relevant Statutory Acknowledgement Areas are shown in [Attachment Two](#).

REASONS FOR SUBMISSION

11. Ngā Rūnanga are seeking a long term, ki uta ki tai, sustainable management approach to waterbodies that recognises and provides for, and takes into account: rangatiratanga; customary rights and development rights; protection and restoration of cultural heritage, including customary uses associated with waterbodies; ngā Rūnanga rights, interests and values, and recognises and provides for Te Mana o te Wai within the Otago region in accordance with national direction for freshwater management.

¹ Ngai Tahu ki Murihiku 2008.

12. The Otago region does not currently have a fit for purpose planning framework in place to adequately manage applications for water permits, including deemed permit replacement applications, and is not expected to notify a Land and Water Plan that addresses deficiencies, including consideration and recognition of ngā Rūnanga interests and values in freshwater management, until 2025.
13. An interim planning framework is required in the Otago region that ensures there is no increase in pressure on already over-allocated waterbodies from resource consent decisions; and that ensures that the risk of long-term resource consents entrenching over-allocation and marginalising ngā Rūnanga interests and values for another generation is avoided.
14. Ngā Rūnanga expect that this interim planning framework will give effect to Ministerial direction, progress national direction for freshwater management during the transitional period, and anticipate a future planning framework that gives effect to national direction for freshwater management within the timeframes specified in that national direction.

DECISIONS WE WISH THE AUTHORITY TO MAKE

15. The table included as [Attachment Three \(Table 1\)](#) contains specific decisions that ngā Rūnanga request of the authority.

SUMMARY

16. Ngā Rūnanga **support** the intent and overall approach of the Water Permits Plan Change (Plan Change 7), subject to requested decisions included in [Table 1](#).
17. This submission relates to the entirety of the plan change.
18. Ngā Rūnanga **wish to be heard** in support of this submission and may present a joint case during hearing proceedings.
19. Ngā Rūnanga wish to be included as part of any relevant pre-hearing meetings that may be held in relation to this plan change.

Nāhaku noa nā



Dean Whaanga
Te Ao Marama Inc.
Kaupapa Taiao Manager

Following are excerpts from the iwi management plan, which should be read in its entirety for context.

Section 3.5.10 General Water Policy

1. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.
2. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.
3. Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.

Section 3.5.11 Rivers

1. Promote river management that adopts the priorities established in the Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 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.
2. 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.

3.5.14 Water Quantity – Abstractions.

1. Adopt the precautionary principle when making decisions on water abstraction resource consent applications, with respect to the nature and extent of knowledge and understanding of the resource.
2. Support and encourage catchment management plans, based on the principle of ki uta ki tai, to manage the cumulative impacts of water abstractions in a given area.
3. Require that scientifically sound, understandable, and culturally relevant information is provided with resource consent applications for water abstractions, to allow Ngāi Tahu ki Murihiku to fully and effectively assess cultural effects.
4. In the Southland Plains region, the preference of Ngāi Tahu ki Murihiku is for water takes from bores, as opposed to surface water abstractions.
5. Recommend, as a condition of consent, that any application for irrigation puts in on-farm rainwater holding facilities, to help with dairy washdown and irrigation.
6. Encourage water users to be proactive and use water wisely. To encourage best practice and efficient use of water, particularly in terms of:
 - sustainable irrigation design, delivery and management;
 - making best use of available water before water levels get too low;
 - reducing the amount of water lost through evaporation by avoiding irrigating on hot windy days.
7. Consideration of consent applications for water abstractions should have particular regard to questions of:
 - a) how well do we understand the nature and extent of the water resource;
 - b) how well can we monitor the amount of water abstracted;
 - c) whether land capability (e.g. soil type, vulnerability of underlying groundwater resources) matches the land use enabled by irrigation;
 - d) what might happen in the future (e.g. rainfall and recharge of aquifers, climate change).
8. Applications for water abstractions may be required to undergo isotope/chemistry analysis determining where the water came from, and its age. This information will assist in the assessment of potential adverse effects on the water resource.

9. Applications for water abstractions may be required to justify the quantities of water requested. Information may need to be provided to Te Ao Marama Inc. regarding the proposed water use per hectare, estimated water losses, stocking rates, and the level of efficiency for the scheme. This will enable iwi to put the quantity of water sought in context, and ensure that a test of reasonableness can be applied to consents.
10. Require catchment based cumulative effects assessments for activities involving the abstraction of water.
11. Avoid excessive drawdown of aquifer levels as a result of groundwater abstractions, and to ensure that abstractions do not compromise the recovery of groundwater levels between irrigation seasons.
12. The establishment of environmental flow regimes must recognise and provide for a diversity of values, including the protection of tangata whenua values.
13. Ensure that environmental flow allocation and water management regimes for rivers recognise and provide for the relationship between water quality and quantity.
14. Avoid compromising fisheries and biodiversity values associated with spring fed creeks and rivers for the purposes of water abstractions.
15. Avoid compromising river health as a result of water abstractions for hydro power generation.
16. Encourage the installation of appropriate measuring devices (e.g. water meters) on all existing and future water abstractions, to accurately measure, report, and monitor volumes of water being abstracted, and enable better management of water resources.
17. Advocate for durations not exceeding 25 years on resource consents related to water abstractions.
18. Require, where necessary, a consent condition providing for a review of the volumes able to be abstracted from the bores on the basis of the observed seasonable recovery of groundwater levels. Also include a provision for review of both the annual recovery between individual irrigation seasons and the cumulative effects on longer-term water level recovery.
19. Require that Ngāi Tahu are provided with the opportunity to participate through pre-hearing meetings or other processes in the development of appropriate consent conditions including monitoring conditions to address our concerns.
20. Avoid adverse effects on the base flow of any waterway, and thus on the mauri of that waterway and on mahinga kai or taonga species.

21. Oppose any further abstractions/diversions of water from the Waiau River for hydroelectric generation, as current levels of abstractions are having adverse effects on cultural values associated with the river.
22. Ngāi Tahu's right to development, as per the Treaty of Waitangi, must be recognised and provided for with respect to water allocation from freshwater resources.

The following relevant Statutory Acknowledgement Areas are recorded within schedules to the Ngāi Tahu Claims Settlement Act 1998. The purposes and limitations of statutory acknowledgements are included only once in this document, although they are repeated within each relevant schedule in the Act.

SCHEDULE 75

STATUTORY ACKNOWLEDGEMENT FOR WHAKATIPU-WAI-MĀORI (LAKE WAKATIPU)

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Whakatipu-wai-māori (Lake Wakatipu), the location of which is shown on Allocation Plan MD 39 (SO 24720).

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 Whakatipu-wai-māori, as set out below.

Ngāi Tahu association with Whakatipu-wai-māori

The name Whakatipu-wai-māori originates from the earliest expedition of discovery made many generations ago by the tupuna Rakaihautu and his party from the Uruao waka. Rakaihautu is traditionally credited with creating the great waterways of the interior of the island with his famous kō (a tool similar to a spade), known as Tū Whakaroria and renamed Tuhiraki at the conclusion of the expedition.

There are many traditions relating to the lake. One of the most famous tells that the hollow which forms the bed of the lake was created when the people known as Te Rapuwai came upon the giant tipua (ogre) Matau as he lay there in a deep sleep. Matau had been responsible for the disappearance of many small hunting parties and had entrapped a beautiful maiden, Manatā. The father of Manatā offered her in marriage to the man who could bring her safely home. Matakauri, who was in love with Manatā, ventured forth, discovering that Matau slept when the northwest wind blew. Matakauri selected a day when the wind was blowing the right way and set forth. He found Manatā and, using his mere, he attempted to sever the bonds which held her, but try as he would he failed. Manatā began to sob bitterly, and as her tears fell on the cords, they melted away. Matakauri carried Manatā back to the village where they became man and wife. However, Matakauri knew that while Matau lived no maiden was safe,

so he set forth when again the northwest wind blew, and set fire to the large growth of bracken that acted as a bed for the giant. Matau was smothered in flames, the fat from his body augmenting the fire, until the blaze was so fierce that it burned a hole more than 1,000 feet deep. The snow on the surrounding hills melted and filled the hole, which is known today as Lake Wakatipu.

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

Whakatipu-wai-māori once supported nohoanga and villages which were the seasonal destinations of Otago and Murihiku (Southland) whānau and hapū for many generations, exercising ahi kā and accessing mahinga kai and providing a route to access the treasured pounamu located beyond the head of the lake. Strategic marriages between hapū strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the lake. It is because of these patterns of activity that the lake continues to be important to rūnanga located in Murihiku, Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

The lake also supported permanent settlements, such as the kaika (village) Tahuna near present-day Queenstown, Te Kirikiri Pā, located where the Queenstown gardens are found today, a Ngāti Mamoe kaika near the Kawarau Falls called Ō Te Roto, and another called Takerehaka near Kingston. The Ngāti Mamoe chief Tu Wiri Roa had a daughter, Haki Te Kura, who is remembered for her feat of swimming across the lake from Tāhuna, a distance of some three kilometres.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake 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.

A key attraction of the lake was the access it provided to seasonal campsites and the pounamu located at the head of the lake at the Dart and Routeburn River catchments, from which countless generations gathered inaka and koko-takiwai pounamu and transported it back to coastal settlements for fashioning into tools, ornaments and weapons.

Waka and mōkihi were the key modes of transport for the pounamu trade, travelling the length and breadth of Whakatipu-wai-māori. Thus there were numerous tauranga waka (landing places) on the lake and the islands upon it (Matau and Wāwāhi-waka). The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the lake. The lake was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the roto (lake).

Whakatipu-wai-māori is an important source of freshwater, the lake itself being fed by hukawai (melt waters). These are waters with the highest level of purity and were accorded traditional classifications by Ngāi Tahu that recognised this value. Thus it is a puna (spring) which sustains many ecosystems important to Ngāi Tahu. The mauri of Whakatipu-wai-māori 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 lake.

SCHEDULE 40

STATUTORY ACKNOWLEDGEMENT FOR MATA-AU (CLUTHA RIVER)

Statutory Area

The statutory area to which this statutory acknowledgement applies is the river known as Mata-au (Clutha River), the location of which is shown on Allocation Plan MD 122 (S.O. 24727).

Preamble

Under section 206, the Crown acknowledges the Te Rūnanga o Ngāi Tahu statement of Ngāi Tahu cultural, spiritual, historic, and traditional association to the Mata-au, as set out below.

Ngāi Tahu Association with the Mata-au

The Mata-au river takes its name from a Ngāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

On another level, the Mata-au was part of a mahinga kai trail that led inland and was used by Ōtakou hapu including Ngāti Kuri, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāti Tuahūriri. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the river, 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 river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus there were numerous tauranga waka (landing places) along it. The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

The Mata-au is where Ngāi Tahu leader, Te Hautapunui o Tu, established the boundary line between Ngai Tāhu and Ngāti Mamoe. Ngāti Mamoe were to hold mana (authority) over the lands south of the river and Ngāi Tahu were to hold mana northwards. Eventually, the unions between the families of Te Hautapunui o Tu and Ngāti Mamoe were to overcome these boundaries. For Ngāi Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngāi Tahu as an iwi.

Strategic marriages between hapū further strengthened the kupenga (net) of whakapapa, and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to rūnanga located in Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

Urupā and battlegrounds are located all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation between Ngāi Tahu and Ngāti Mamoe that led to the armistice established by Te Hautapunui o Tu. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

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

Purposes of Statutory Acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) To require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngai Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Mata-au, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

(c) To empower the Minister responsible for management of the Mata-au or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and

(d) To enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Mata-au as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,—

(a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

(b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Mata-au (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mata-au.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Mata-au.

SCHEDULE 61

STATUTORY ACKNOWLEDGEMENT FOR TE WAIRERE (LAKE DUNSTAN)

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Te Wairere (Lake Dunstan), the location of which is shown on Allocation Plan MD 490 (SO 24729).

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 Te Wairere, as set out below.

Ngāi Tahu association with Te Wairere

The name “Te Wairere” refers to the speed with which the river once ran at this point.

The whole of the Mata-au (Clutha River), on which Te Wairere lies, was part of a mahinga kai trail that led inland and was used by Otago hapū including Kāti Kurī, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāi Tuahuriri. The river was used as a highway into the interior, and provided many resources to sustain travellers on that journey. The river was a significant indigenous fishery, providing tuna (eels), kanakana (lamprey) and kōkopu in the area over which Te Wairere now lies. Manu (birds), including moa, were taken from areas adjoining the river, over which the lake now lies.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka (landing places), places for gathering kai and other taonga, ways in which to use the resources of the river, 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 waterway was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Because of its location at the confluence of Mata-au and Kawarau Rivers, Te Wairere was an important staging post on journeys inland and down-river. A tauranga waka and nohoanga sited at the junction of the two rivers acted as such a staging post. As a result of this history of use and occupation there are a number of wāhi taonga (including rock shelters and archaeological sites) in the area, some of which are now under the waters of the lake. Wāhi tapu are important as places holding the memories and traditions of Ngāi Tahu tūpuna.

The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The waterway was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the waterway.

The mauri of Te Wairere 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 lake.

SCHEDULE 52

STATUTORY ACKNOWLEDGEMENT FOR THE POMAHAKA RIVER

Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Pomahaka, the location of which is shown on Allocation Plan MD 12 (SO 24726).

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 Pomahaka River, as set out below.

Ngāi Tahu association with the Pomahaka River

The Pomahaka was an important mahinga kai for Ngāti Mamoe and Ngāi Tahu kāinga (settlements) in the Catlins and Tautuku areas. The river was particularly noted for its kanakana (lamprey) fishery. Other mahinga kai associated with the river included weka and other manu (birds).

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Pomahaka, 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 Pomahaka 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.

SCHEDULE 103

STATUTORY ACKNOWLEDGEMENT FOR TE TAI O ARAI TE URU (OTAGO COASTAL MARINE AREA)

Specific area

The statutory area to which this statutory acknowledgement applies is Te Tai o Arai Te Uru (the Otago Coastal Marine Area), the Coastal Marine Area of the Moeraki, Dunedin Coastal and Molyneaux constituencies of the Otago region, as shown on SO Plans 24250, 24249, and 24252, Otago Land District, and 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 Te Tai o Arai Te Uru as set out below.

Ngāi Tahu association with Te Tai o Arai Te Uru

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 in the Kā Tiritiri 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 a Māui in recognition of his discovery of the new lands, with Rakiura (Stewart Island) being Te Puka a Māui (Māui's anchor stone). A number of coastal place names are attributed to Māui, particularly on the southern coast.

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. Another explorer, Tamatea, sailed along the Otago coast in the waka Takitimu. After the waka eventually broke its back off the coast of Murihiku, Tamatea and the survivors made their way overland back to the North Island, arriving at the coast by the place Tamatea named Ō-amaru (Ōamaru).

Place names along the coast record Ngāi Tahu history and point to the landscape features which were significant to people for a range of reasons. For example, some of the most significant rivers which enter the coastal waters of Otago include: Waitaki, Kakaunui, Waihemo (Shag), Waikouaiti, Kaikarae (Kaikorai), Tokomairiro, Mata-au (Clutha), and Pounawea (Catlins). Estuaries include: Waitete (Waitati), Ōtākou (Otago), Makahoe (Papanui Inlet), Murikauhaka (Mata-au and Kōau estuaries), Tāhaukupu (Tahakopa Estuary), and Waipātiki (Wapati Estuary). Islands in the coastal area include Ōkaihe (St Michaels Island), Moturata (Taieri Island), Paparoa, Matoketoke, Hakinikini, and Aonui (Cooks Head).

Particular stretches of the coastline also have their own traditions. The tradition of the waka (canoe) Arai Te Uru and its sinking at the mouth of the Waihemo (Shag River) has led to the coastal area of Otago being known as Te Tai o Araiteuru (the coast of Arai Te Uru). Accounts of the foundering, the wreckage, and the survivors of this waka are marked by numerous landmarks almost for the length of the Otago coast. The boulders on Moeraki coast (Kai Hīnaki) and the Moeraki pebbles are all associated with the cargo of gourds, kūmara and taro seed which were spilled when the Arai Te Uru foundered.

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. Notable pā on the Otago coast include: Makotukutuku (Oamaru), Te Raka-a-hineatea (Moeraki), Te Pā Katata, Pā a Te Wera, (Huriawa Peninsula), Māpoutahi (Pūrākaunui), Pukekura (Taiaroa Head), and Moturata (Taieri Island). The estuaries from the Waitaki River to the Chaslands also supported various hapū.

Tūpuna such as Waitai, Tukiauau, Whaka-taka-newha, Rakiāmoa, Tarewai, Maru, Te Aparangi, Taoka, Moki II, Kapo, Te Wera, Tu Wiri Roa, Taikawa, and Te Hautapanuiotu are among the many illustrious ancestors of Ngāti Mamoe and Ngāi Tahu lineage whose feats and memories are enshrined in the landscape, bays, tides and whakapapa of Otago.

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. Chiefs such as Kōrako (several), Tahatu, Honekai, Ihutakuru, Karetai, Taiaroa, Pōtiki, Tuhawaiki, and Pokene being some among a number who had their own villages and fishing grounds. Otago Peninsula (Muaupoko) had many kāinga nohoanga with a multitude of hapū occupying them. At one time up to 12 kāinga existed in the lower Otago harbour, some larger and more important than others.

The whole of the coastal area offered a bounty of mahinga kai, including a range of kaimoana (sea food); sea fishing; eeling and harvest of other freshwater fish in lagoons and rivers; marine mammals providing whale meat and seal pups; waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources including harakeke (flax), fern and tī root. In many areas the reliance on these resources increased after the land sales of the 1840s and 1850s, and the associated loss of access to much traditional land-based mahinga kai.

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 fish hook. Poatiri juts out into the Pacific, close to the continental shelf, and is a very rich fishing ground. Another example is Blueskin Bay which was once a kōhanga (breeding ground) for the right whale, although it is well over 150 years since it has seen this activity.

Other resources were also important in the coastal area. Paru (black mud used for dyeing) was obtained from some areas. Some of the permanent coastal settlements, such as those at the mouth of the Mata-au (Clutha River), and at Ōtākou and Pūrākaunui, were important pounamu manufacturing sites. Trading between these villages to the south and north via sea routes was an important part of the economy.

The Otago coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Pounamu and tītī were traded north with kūmara, taro, waka, stone resources and carvings coming south. 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 (landing places) occur up and down the coast in their hundreds 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) with the sea trail linked to a land trail or mahinga kai resource. The tūpuna had a

huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge 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.

Numerous urupā are being exposed or eroded at various times along much of the coast. Water burial sites on the coast, known as waiwhakaheketūpāpaku, are also spiritually important and linked with important sites on the land. Places where kaitangata (the eating of those defeated in battle) occurred are also wāhi tapu. 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 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 coastal area.

ATTACHMENT 3 REQUESTED DECISIONS ON PLAN CHANGE 7

Table 1: Relief sought by ngā Rūnanga in relation to Water Permits Plan Change (Plan Change 7)

Plan Change Provision	Reason for Amendment	Relief Sought
Whole of Plan Change 7 – overall approach	Ngā Rūnanga support the intent and overall approach of Plan Change 7 to provide an interim planning framework in accordance with Ministerial direction and consistent with national direction for freshwater management, recognising that further time is required to produce a regional plan that gives effect to this national direction, including in relation to over-allocation and ngā Rūnanga rights, interests and values, and that in the meantime decisions need to be made on applications related to expiring deemed permits and other water permits in the Otago region.	Ensure that water permits are only granted for short durations whilst the Regional Plan: Water for Otago does not give effect to the National Policy Statement for Freshwater Management 2014 (as amended 2017), so that existing abstraction pressures on waterbodies in the region due to overallocation are not perpetuated for another generation and ngā Rūnanga rights, interests and values are appropriately identified and reflected in longer term freshwater management decisions.
Objective 10A.1.1	The transition to long-term, ki uta ki tai, sustainable management of surface water in the Otago region is a transition to providing for Te Mana o te Wai as a matter of national significance, in accordance with the National Policy Statement for Freshwater Management 2014 (as amended 2017), which is a paradigm shift in freshwater management that upholds and protects the mauri of waterbodies, and requires users of water to also provide for te hauora o te taiao, te hauora o te wai and te hauora o te tangata. We refer to an interim decision of the Environment Court in relation to the proposed Southland Water and Land Plan and the key understandings of the court in relation to ki uta ki tai, Te Mana o te Wai and hauora, which are consistent with ngā Rūnanga understanding of these concepts. Transition is required	Retain the intent of Objective 10A.1 to enable an interim planning framework for a transitional period, and ensure that this objective recognises that surface waterbodies are taonga, gives effect to Ministerial direction, is consistent with and progressing national direction for freshwater management during the transition, and anticipates a future planning framework that gives effect to national direction for freshwater management within the timeframes specified in that national direction.

	<p>because the Regional Plan: Water for Otago does not currently give effect to this national direction.</p> <p>Ngā Rūnanga consider surface water to be more than a resource, it is a taonga left by ancestors to provide and sustain life, as described in the Ngāi Tahu Freshwater Policy Statement 1997 (Section 2.1). Waterbodies in the Otago region show some of the poorest measures nationally for aquatic biotic integrity, as shown in the state of the environment report <i>Our Freshwater 2020</i> (p20-21), providing one indication of the extent to which the capacity of these waterbodies to provide and sustain life has been impacted by poor freshwater management practices over time.</p>	
Policy 10A.2.1	<p>Ngā Rūnanga support the intention to avoid granting water permits during this transitional phase within the Otago region unless there is a reduction in the volume of allocated water and the irrigated area remains at existing levels, in order to see a decrease in allocation over this interim period as a first step towards long term sustainable management that prioritises the needs of waterbodies, and to avoid new pressures being placed on waterbodies that have already been degraded by abstraction.</p> <p>Ngā Rūnanga note that existing minimum flows, residual flows and take cessation conditions are expected to be retained under this policy. Ngā Rūnanga understand that there are minimum flows specified for some waterbodies within the regional plan. Ngā Rūnanga consider that it is appropriate to apply regional plan minimum flows during the transitional period, and that these can be interpreted as existing minimum flows in accordance with the policy. While these minimum flows have not been set within a planning framework that gives effects to national direction for freshwater management, they have been signaled to applicants within the existing planning framework and provide for a first step towards a future planning framework that gives effect to national direction for freshwater management, particularly</p>	<p>Retain the overall intent of Policy 10A.2.1 and ensure that this policy provides certainty during the transitional period that there is no potential increase in adverse effects or pressures on waterbodies from water use, by increasing irrigation area for example, and that there is both a decrease in allocation during this period and more water retained instream where minimum flows are applicable, as a first step towards a future planning framework that gives effect to national direction for freshwater management.</p>

	where there is currently no minimum flow or residual flow on a permit.	
Policy 10A.2.2	Ngā Rūnanga support six year resource consent durations for water permits as a preference during this transitional phase, which will allow for longer term decisions on water permits to be made at a time when there is a proposed regional plan that gives effect to national direction for freshwater management, which is anticipated in 2025. At that time ngā Rūnanga rights, interests and values are expected to be appropriately identified and reflected in longer term freshwater management decisions, addressing deficiencies in the current planning framework.	Retain the overall intent of Policy 10A.2.2 and ensure that there is a strong policy leaning towards six year resource consent durations for water permits that captures the majority of applications for water permits so that ngā Rūnanga rights, interests and values are able to be appropriately identified and reflected in longer term freshwater management decisions in accordance with national direction.
Policy 10A.2.3	<p>Ngā Rūnanga conditionally support resource consent durations of up to 15 years within the transitional phase in exceptional circumstances where there is sufficient credible evidence to indicate that there will be no increase in adverse effects on waterbodies, no more than minor adverse effects (including cumulative effects) on waterbodies, and that there is certainty that the granting of a water permit up to 2035 is done so in circumstances that give effect to national direction for freshwater management.</p> <p>Ngā Rūnanga note that the potential 15 year resource consent duration allowed by this policy is associated with non-complying activity status, which may result from a number of controlled activity conditions not being met, including an increase in irrigation area compared with the 2017-18 season, lack of measured data or issues with measured data for the 1 July 2012 – 30 June 2017 period or a rate or volume of abstraction sought that is higher than the average of recorded maximum rates and volumes during that period, or a change in minimum flow, residual flow or take cessation conditions. Ngā Rūnanga do not consider these to be the kinds of exceptional circumstances that warrant a term longer than the six year transitional period, and</p>	Ensure that the wording and intent of Policy 10A.2.3, in combination with other objectives and policies applicable to the transitional period, is consistent with Ministerial direction and national direction for freshwater management, including timeframes for implementing this national direction, and does not result in any potential increase in adverse effects on waterbodies during the transitional period.

	<p>that there is value in providing additional certainty regarding the circumstances where a resource consent duration of up to 2035 would be consistent with the need for the regional council to give effect to national direction for freshwater management by 2030.</p> <p>Ngā Rūnanga understand that recognising and providing for Te Mana o te Wai in longer term water permit decisions, in accordance with national direction for freshwater management, will uphold and protect the mauri of waterbodies and require using water in a manner that also provides for te hauora o te taiao, te hauora o te wai and te hauora o te tangata, as discussed in relation to Objective 10A.1.1. Ngā Rūnanga consider that the test in this policy of “no more than minor adverse effects (including no more than minor cumulative effects) on the ecology and hydrology of the surface water body” is not equivalent to upholding and protecting the mauri of waterbodies whilst using water in a way that provides for te hauora o te taiao, te hauora o te wai and te hauora o te tangata.</p>	
Rule 10A.3.1.1	<p>Ngā Rūnanga support controlled activity status where the consent duration sought is no more than six years. Although Ngāi Tahu rights, interests and values are not referenced within matters the Council has reserved for control, this is supported as a transitional measure, with the expectation that a proposed regional plan will be in place by 2025 that appropriately addresses ngā Rūnanga rights, interests and values in freshwater management to inform longer term decisions.</p> <p>Ngā Rūnanga are concerned that applying the methodology in Schedule 10A.4 to ascertain maximum allowable volumes of water that may be taken in accordance with the controlled activity conditions should achieve the intent of Policy 10A.2.1 to reduce the volume of water allocated for abstraction but must also result in reasonable and efficient use of water.</p>	<p>Retain the overall intent of Rule 10A3.1.1 and ensure that the combination of conditions and matters reserved for control within the controlled activity rule, Rule 10A.3.1.1, and the methodology used to establish maximum rates and volumes of abstraction, achieves the intent of Policy 10A.2.1 to reduce allocation and results in reasonable and efficient use of water during the transitional period.</p>

Rule 10A.3.1.2	Ngā Rūnanga support non-complying activity status where the conditions of the controlled activity rule, Rule 10A.3.1.1 , are not met, with a potential maximum consent duration of 15 years under exceptional circumstances, with reference to the ngā Rūnanga position on Policy 10A.2.3 .	Retain the intent of Rule 10A.3.1.2 and ensure that application of the rule is consistent with Ministerial direction and national direction for freshwater management, including timeframes for implementing this national direction, and does not result in any potential increase in adverse effects on waterbodies during the transitional period.
Schedule 10A.4 10A.4.1 Methodology for calculating 'Rate of Take Limit'	Ngā Rūnanga support the use of measured data to determine a potential maximum rate of abstraction for water permits, in conjunction with the conditions of Rule 10A.3.1.1 and the matters reserved for control that include requirement for no increase in irrigated area and demonstrated efficiency of water use. This enables assessment regarding whether the maximum rates and volumes of water taken between 2012-2017 represent reasonable and efficient use of water. Ngā Rūnanga are concerned that some permit holders increased rates of abstraction during this period whilst not necessarily using the water in order to artificially inflate maximum rates of take in the data record, as referenced during the Ministerial inquiry process. A robust efficiency test will be important during the transitional period and is consistent with ngā Rūnanga policy regarding water abstractions.	Ensure that Schedule 10A.4, 10A.4.1 Methodology for calculating 'Rate of Take Limit', is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.
Schedule 10A.4 10A.4.2 Methodology for calculating Daily Volume Limit (m3)	Ngā Rūnanga are concerned that where an existing deemed permit or water permit does not contain a maximum daily volume for abstraction, the maximum rate of take specified on the permit will be assumed to be authorised to be taken continuously within a day. Many deemed permits specify maximum rates of abstraction that are higher than average inflows of a waterbody during the irrigation season. Utilising this method is likely to identify a daily volume that regularly exceeds the capacity of the waterbody and therefore represents over-allocation.	Ensure that Schedule 10A.4, 10A.4.2 Methodology for calculating Daily Volume Limit (m3), is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.

	<p>During the transitional period ngā Rūnanga expect a reduction in overallocation as a first step. The methodology described is presumed to reduce “paper allocation” whilst relying on measured data to establish maximum volumes of abstraction within a five year period. Ngā Rūnanga understand that these maximum volumes of abstraction, once averaged, may still represent overallocation and adverse effects on the mauri of waterbodies.</p> <p>Ngā Rūnanga support short term consent durations to ensure that intergenerational impacts on waterbodies, and mana whenua rights, interests and values, are managed under a new regional plan that gives effect to national direction, which is expected in 2025. Applying up to date reasonable and efficient use tests during this transitional period will be important in order to address unsustainable practices.</p>	
<p>Schedule 10A.4 10A.4.3 Methodology for calculating Monthly Volume Limit (m3)</p>	<p>Ngā Rūnanga are concerned that where an existing deemed permit or water permit does not contain a maximum monthly volume for abstraction, the maximum rate of take specified on the permit will be assumed to be authorised to be taken continuously within a month. Many deemed permits specify maximum rates and volumes of abstraction that are higher than average inflows of a waterbody during the irrigation season. Utilising this method is likely to identify a monthly volume that regularly exceeds the capacity of the waterbody and therefore represents over-allocation.</p> <p>During the transitional period ngā Rūnanga expect a reduction in overallocation as a first step. The methodology described is presumed to reduce “paper allocation” whilst relying on measured data to establish maximum volumes of abstraction within a five year period. Ngā Rūnanga understand that these maximum volumes of abstraction, once averaged, may still</p>	<p>Ensure that Schedule 10A.4, 10A.4.3 Methodology for calculating Monthly Volume Limit (m3), is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.</p>

	<p>represent overallocation and adverse effects on the mauri of waterbodies.</p> <p>Ngā Rūnanga support short term consent durations to ensure that intergenerational impacts on waterbodies, and mana whenua rights, interests and values, are managed under a new regional plan that gives effect to national direction, which is expected in 2025. Applying up to date reasonable and efficient use tests during this transitional period will be important in order to manage unsustainable practices.</p>	
<p>Schedule 10A.4</p> <p>10A.4.4 Methodology for calculating Annual Volume Limit (m3)</p>	<p>Ngā Rūnanga are concerned that where an existing deemed permit or water permit does not contain a maximum annual volume for abstraction, the maximum rate of take specified on the permit will be assumed to be authorised to be taken continuously within a year or season. Many deemed permits specify maximum rates and volumes of abstraction that are higher than average inflows of a waterbody during the irrigation season. Utilising this method is likely to identify an annual volume that regularly exceeds the capacity of the waterbody and therefore represents over-allocation.</p> <p>During the transitional period ngā Rūnanga expect a reduction in overallocation as a first step. The methodology described is presumed to reduce “paper allocation” whilst relying on measured data to establish maximum volumes of abstraction within a five year period. Ngā Rūnanga understand that these maximum volumes of abstraction, once averaged, may still represent overallocation and adverse effects on the mauri of waterbodies.</p> <p>Ngā Rūnanga support short term consent durations to ensure that intergenerational impacts on waterbodies, and mana whenua rights, interests and values, are managed under a new regional plan that gives effect to national direction, which is expected in 2025. Applying up to date reasonable and efficient</p>	<p>Ensure that Schedule 10A.4, 10A.4.4 Methodology for calculating Annual Volume Limit (m3), is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.</p>

	use tests during this transitional period will be important in order to manage unsustainable practices.	
--	---	--