

BEFORE THE COMMISSIONER APPOINTED

BY THE SOUTHLAND REGIONAL COUNCIL (ENVIRONMENT SOUTHLAND)

UNDER The Resource Management Act 1991

AND

IN THE MATTER OF A Resource Consent Application by Meridian Energy Limited
(APP-20233670)

And

IN THE MATTER OF Submission by Te Ao Marama Inc (on behalf of Te Rūnanga o
Ōraka Aparima)

**STATEMENT OF EVIDENCE OF DEAN WHAANGA AND STEVIE-RAE BLAIR ON
BEHALF OF TE RŪNANGA O ŌRAKA APARIMA, 10 SEPTEMBER 2024**

INTRODUCTION

1. This joint statement of evidence has been prepared by Dean Whaanga and Stevie Rae Blair. In the following paragraphs we give our pepeha and set out our respective qualifications and experience.

Ko Motu Pohue te Maunga
Ko Te Ara a Kewa te Moana
Ko Awarua te Whenua
Ko Takitimu te Waka
Ko Ngāi Tahu, Ngati Kahungunu nga Iwi
Ko Dean Whaanga ahau

2. My name is Dean Whaanga.
3. I am the Kaupapa Taiao Kaiwhakahaere at Te Ao Marama Incorporated (TAMI) where I have worked for over 15 years. TAMI represents Nga Rūnanga ki Murihiku for Resource Management and Iwi Environmental issues.
4. I have worked for Ngāi Tahu for over 30 years. This work includes time studying and teaching Māori culture and Te Reo Māori, as well as undertaking governance roles and providing technical support for Te Pae Koraka (the Ngāi Tahu Archives Advisory Committee). I am knowledgeable in Ngāi Tahu history, culture, and values, and how these relate to the environment. I have formal qualifications as a Telecommunication Technician and have worked in the Tertiary Education sector.

Ko Kahukura tōku maunga
Ko Waikawa tōku awa
Ko Uruao, Ko Takitimu ōku waka
Ko Te Ākau Tai Toka tōku hau kainga
Ko Kāi Tahu, ko Kati Mamoe, ko Waitaha ōku Iwi
Ko Stevie-Rae Blair tōku ingoa

5. My name is Stevie-Rae Blair and I am a Kaitohutohu Kaupapa Taiao at Te Ao Marama Incorporated (TAMI). I have held this position since 2015.
6. I hold a Bachelor of Environmental Management from the Southern Institute of Technology. I have nine years' experience in resource management at TAMI processing resource consents on behalf of mana whenua here in Murihiku and prior to that worked for Kitson Consulting Ltd working on research projects for whānau.

7. I grew up at Waikawa in Te Ākau Tai Toka (The Catlins) with whānau who have very strong links to the environment. My whānau have maintained ahi kā (continuous occupation of this area) since prior to the Treaty of Waitangi. I grew up beside and learning from my awa, estuary, ngahere and coast. I lived here permanently until I attended high school in Invercargill during the week and returned for weekends and holidays. I have maintained strong connections as an adult to my tūrangawaewae by visiting regularly and carrying out what I grew up doing, including teaching my daughter how to gather and look after our whenua, moana and awa.
8. Because of my whānau, growing up around marae and now working for Ngā Rūnanga ki Murihiku (papatipu rūnanga of Murihiku/Southland) I am aware of Ngāi Tahu history, culture, values and how these relate to the environment.
9. We have prepared this evidence on behalf Te Rūnanga o Ōraka Aparima.
10. We have been asked to give cultural evidence on the following matters:
 - 10.1. The roles and responsibilities of Te Ao Marama Inc. and Ngā Rūnanga ki Murihiku.
 - 10.2. A summary of our submission.
 - 10.3. The significance of this takiwā (area) to Ngāi Tahu.
 - 10.4. The Ngāi Tahu frameworks and values regarding this application.
 - 10.5. The application regarding Iwi Policy including Ngāi Tahu Claims Settlement Act, 1998 and Te Tangi a Taurira, 2008.
 - 10.6. Summary of position.
11. In preparing this evidence, I have read and had regard to the following:
 - 11.1. The application by Meridian Energy Limited
 - 11.2. The reporting officer's s42A Report and Council Officers' expert assessments and analysis
 - 11.3. The suite of evidence provided by the applicant.
 - 11.4. Te Tangi a Taurira –Ngāi Tahu ki Murihiku Natural Resource and Iwi Management Plan 2008
12. We have been involved with this resource consent application since we received this from the applicant's consultant in December 2023. We have attended hui to discuss the project. We received the public notification from Environment Southland and subsequently provided a neutral submission (discussed further below). We are familiar with the site, the application and how this relates to and effects Ngāi Tahu ki Murihiku frameworks and

values. We are familiar with the wider area discussed in the application and the cultural values associated with this part of the Ngāi Tahu takiwā.

13. We have prepared this evidence on behalf of Te Rūnanga o Ōraka Aparima. We are presenting the cultural matters for our whānau and have worked closely with representatives on this application.

TE AO MARAMA AND NGĀI TAHU KI MURIHIKU RŪNAKA ROLES AND RESPONSIBILITIES

14. Te Ao Marama Inc. (TAMI) is an environmental entity which represents Ngā Rūnanga ki Murihiku for resource management and environmental issues. TAMI is made up of the four Murihiku Rūnanga Papatipu – Awarua, Hokonui, Ōraka Aparima and Waihōpai.

15. The rohe that the application is within is in the takiwā of Ōraka Aparima.

16. For resource management purposes in Murihiku, certain rūnanga take the lead for applications for specific areas. In the Waiau Catchment, Ōraka Aparima Rūnanga takes the lead.

SUMMARY OF SUBMISSION

17. Papatipu Rūnanga kaiwhakahaere identified that there had been a lack of meaningful time and engagement during the application process and therefore providing a neutral submission would enable rūnanga to continue to be in the process. Oraka Aparima Rūnaka are submitting a neutral submission to the application for the following reasons:

- That the project is intended to support environmental flushing flows.
- The applicant met with Te Ao Marama initially for a project overview where staff provided advice for the lodgement of consent.
- The application was lodged prior to Christmas and requested public notification. Te Ao Marama received the documentation at the same time.
- Te Ao Marama has drafted a Terms of Engagement to assess the application for Papatipu Rūnanga and to provide the applicant with a comprehensive understanding of an assessment against rūnanga values, rights and interests and to identify any outstanding issues with the application. This piece of mahi has yet to be undertaken.

- The kaiwhakahaere (chairs) of the four Papatipu Rūnanga have met with Meridian executives who agreed that Te Ao Marama would provide a neutral submission to ensure that continued engagement could occur.
- Because of timeframes, it has severely impacted the ability for Te Ao Marama to undertake an appropriate engagement and assessment process, informed by tikanga and kawa and therefore places significant limitations on our ability to assess the effects on our values, rights and interests.
- The application has the potential to significantly affect mana whenua values, rights and interests associated with cultural landscapes, mauri, mahinga kai, species habitat, wāhi tapu, and water quality.
- It is possible that through proper planning and management some impacts may be reduced or eliminated. However, this will require significant kōrero with Oraka Aparima Rūnaka. Please note that Oraka Aparima Rūnaka are uncertain as to the magnitude of the effects that are to be avoided and therefore have a level of uncertainty and discomfort regarding the mitigations that are to address the effects of the proposal.

18. The submission sought that:

18.1. We provide a neutral submission knowing Meridian have committed to continued engagement in good faith to understand and mitigate mana whenua concern.

SUMMARY OF POSITION

19. Ngāi Tahu consider all water as wāhi taonga.¹ The river, catchment and the land surrounding are important for Ngāi Tahu ki Murihiku. This is documented through oral histories, wāhi ingoa, wāhi tapū and legislation including the Statutory Acknowledgements for the Waiau.

20. We appreciate the engagement that the applicant has undertaken throughout the process and our relationship with Meridian.

21. The appended Cultural Impact Statement discusses the relevant values and the impacts upon those. We have provided a summary of those effects below.

¹ McGregor, 2014.

22. While the RMA allows for the environment and activities to be broken up into sections, Te Ao Māori does not, the whole environment is looked at as one. Within our worldview Ngāi Tahu ki Murihiku can not separate these out, hence why this CIS has incorporated the past and the present activities surround the Waiau River. We view these as cumulative effects.
23. Understanding the implications of the activity on cultural values, historic and contemporary associations, requires a comprehensive analysis of the framework of knowledge that underpins these values, otherwise known as **tikanga, kawa and Mātauranga Māori**. For Ngāi Tahu, the potential effects of activities on cultural values, rights and interests have little to do with the activity itself and more to do with how appropriate the activity is within the physical space and time.
24. The key values, rights and interests Te Rūnanga o Ōraka Aparima are seeking to protect:
- 24.1. The ability for Te Rūnanga o Ōraka Aparima to exercise **rangatiratanga** over the Waiau and the surrounding environment.
 - 24.2. Exercise of **Kaitiakitanga** within the management and monitoring processes of the Meridian Resource Consent.
 - 24.3. **Mauri**, and the life supporting capacity and cultural and ecological health of the Waiau and whenua to be healthy and resilient.
 - 24.4. The **ability for our future generations to engage** with the Waiau and surrounding environment as their ancestors did and descendants continue to do.
 - 24.5. That **water quality and water quantity is maintained** to a standard that allows for mahinga kai species to be diverse, abundant and safe to eat.
 - 24.6. **Mahinga kai** species, habitat, and access to these for customary use during and after the activity is protected.
 - 24.7. Effects on **wetlands** are avoided.
 - 24.8. **Wāhi tapū, wāhi ingoa and archaeological sites** on, or within the vicinity of, the Waiau and surrounding environment are protected.
25. Te Rūnanga o Ōraka Aparima acknowledges that the application is to improve the ability for the applicant to release flushing flows down the Lower Waiau River, which is an ecological benefit for the awa. This also has some benefits for some of our values.

However, there is significant effects on our values, rights and interests that are irreversible and cannot be mitigated as per below:

- 25.1. The **mauri of the Waiau awa and whenua** will be adversely affected during the construction and any maintenance phases because **there will be effects on aquatic life, ecosystems and fitness for cultural usage.**
 - 25.2. The Mararoa weir site will be irreversibly changed by **constructing a new channel, filling and recontouring of extensive areas of the site** which has the potential to adversely affect water quality and subsequently the quality and abundance of mahinga kai species.
 - 25.3. **Long-term changes in the Waiau River has resulted in the inability to practice whanaungatanga** with several generations of whanau not being able to articulate, nor exercise, their culture values and practices at place as their tupuna would have experienced.
 - 25.4. The **reduction in quality and quantity of mahinga kai species**, along with limited accessibility, continues to adversely affect whānau in practicing **manaakitanga.**
 - 25.5. The removal of **wetlands** is a desecration of **mauri.**
 - 25.6. The need for this activity is because of the effects on **ki uta ki tai, water that once would have carried the sediment and gravels downstream are now unable to.**
26. Recommendations from the Cultural Impact Statement include; Kōrero between Meridian and Te Rūnanga o Ōraka Aparima is required to determine possible pathways for addressing the effects on ki uta ki tai, mauri, mahinga kai, wetlands and access that have not been addressed by this application. This should be completed by:
- 26.1.1. Resourcing Te Rūnanga o Ōraka Aparima to create a pathway to enhance the project site or another site identified in the catchment for the purpose of health and cultural use.

- 26.2. Facilitating and resourcing the involvement of Te Rūnanga o Ōraka Aparima in the development of, and where desired, in the delivery of:
- 26.2.1.1. All management plans and associated actions for the consent and related activities to include monitoring and reporting using Mātauranga Māori principles and practices.
 - 26.2.1.2. Restoration and enhancement activities.
 - 26.2.1.3. Require the applicant to provide opportunities for rūnanga members to participate and be compensated during any monitoring on taonga species.
- 26.3. Research should be conducted as to how in the future the applicant will manage these effects without having to complete any diversion, instream works or altering of flow of the water and changes to the whenua. This research should be scoped alongside rūnanga and the research should be shared with rūnanga.
- 26.4. Only planting indigenous biodiversity within the project area that are eco-sourced from the local ngahere and removal of exotic vegetation.
- 26.5. Undertake pest control both plant and animal in the project area throughout the consent duration.
- 26.6. Meridian remains accountable that all conditions of this resource consent are met, and that all recommendations outlined in this Cultural Impact Statement are honored and implemented.
- 26.7. That the consent duration is amended to 20 years maximum with a consent condition requiring a review in 2031 should there be any material changes in flow conditions.
27. Ngāi Tahu understand that the application will have positive impacts on the Waiau through higher reliability for flushing flows. However, any construction and maintenance of the proposed channel will significantly affect mana whenua values, rights and interests. The activity will adversely affect ki uta ki tai, mauri, mahinga kai species and habitat, wetlands, water quality and connections to place for whānau.

28. Uncertainty remains for Te Rūnanga o Ōraka Aparima as to the effectiveness of proposed conditions to address the identified significant effects on cultural values. It is possible that through proper planning and management these risks may be reduced or eliminated. Te Rūnanga o Ōraka Aparima have identified the effects and included recommendations.
29. Te Rūnanga o Ōraka Aparima seek to provide comments kanohi ki te kanohi to the hearings commissioner acting for the Regional Council, to ensure the impacts identified in this report are expressed.
30. If the commissioners are of the mind to grant the consent then Te Rūnanga o Ōraka Aparima seek the impacts identified are to be avoided and addressed as conditions of consent. It is expected that we will be involved in the development and review of those conditions.



Dean Whaanga and Stevie-Rae Blair

10 September 2024

APPENDIX 1:
Cultural Impact Statement (see attached Document)



TE AO
MĀRAMA INC.

CULTURAL IMPACT STATEMENT FOR THE MANAPŌURI IMPROVEMENT PROJECT

Prepared for Meridian Energy Limited, August 2024



Ko te reoreo a kea ki uta, ko te whakataki mai a toroa ki tai, a, he kotuku
ki te raki, he kākāpō ki te whenua



**TE AO
MĀRAMA INC.**

The compilation of the report has been greatly assisted by whānau who have upheld kaitiaki responsibilities in the Waiau over decades and contributed to the foundations of the report.

Disclaimer: Information contained within this report cannot be distributed or used without the permission of Ngāi Tahu ki Murihiku. This assessment is to be used for the current consenting process only. If decisionmakers require any information for other purposes they need to contact either Te Ao Marama Inc. or Papatipu Rūnanga. Use of the report by decisionmakers, or any other party, in any other circumstances (for example, subsequent applications for other projects) will be subject to written approval by Papatipu Rūnanga via Te Ao Mārama Inc.

Contents

Purpose	2
Introduction	2
Mana Whenua.....	4
Mana Whenua Context.....	5
Assessment of effects on Cultural Frameworks and values.....	8
Whakapapa	8
Ki Uta Ki Tai	9
Rangatiratanga.....	9
Kaitiakitanga	10
Mauri	10
Mahinga Kai	11
Wai	11
Repo (Wetlands).....	12
Archaeology and Wāhi tapū.....	13
Kaupapa Māori Monitoring.....	14
Te Tangi a Taurira	16
Summary of effects	16
Recommendations	17
Appendix 1 - Te Tangi a Taurira Assessment	20
Appendix 2: Significant Resource Management Issues for the Waiau (Te Tangi a Taurira).....	24
Appendix 3: Ngāi Tahu Claims Settlement Act 1998, Statutory Acknowledgement for Waiau River.....	25
Appendix 4: Submission provided by Te Ao Mārama	28

Purpose

To provide a Cultural Impact Statement (CIS) to assess Rūnanga values, rights, and interests within the landscape. The Statement will provide recommendations and outcomes sought by Rūnanga.

The resource consent application has been lodged and publicly notified, and Te Ao Mārama Inc. (TAMI) has lodged a neutral submission on behalf of Te Rūnanga o Ōraka Aparima. The submission contained “Attachment A” from the Rūnanga (appendix 4). The parties agreed to continue to progress discussions on the Project and undertake this statement prior to the hearing.

Introduction

Meridian owns and operates the Manapōuri Power Scheme (MPS), the largest hydroelectric power station in New Zealand. The Manapōuri Lake Control (MLC) structure is located southeast of Lake Manapōuri, at the confluence of the Waiau and Mararoa Rivers, forming the downstream control of the outlet of Lake Manapōuri.

This operation is the largest consumptive take of freshwater in Aotearoa and has significantly reduced the flow of the Waiau. The hydro electric power scheme has resulted in a diversion of 90% of the flow in the catchment. The Waiau and Mararoa Rivers are often subject to extensive algal growths and at times blooms of the invasive didymo.¹

Meridian releases flows through the MLC to the Lower Waiau River (LWR) in accordance with existing resource consent conditions, and a protocol for the controlled release of supplementary flows. Flows released into the LWR by Meridian are characterised by volume and purpose, and include flood flows, recreational flows, and flushing flows.

The current channel depth and alignment, and accumulated bed material and gravel in the Waiau Arm, immediately upstream of the MLC, have been identified as a physical constraint detrimentally affecting the conveyance and reliability of providing flows, particularly flushing flows.

Meridian proposes to construct a new and deeper channel adjacent and parallel to the Waiau Arm (i.e., the Project) and remove accumulated gravel and bed material to improve the conveyance and reliability of these flows. The Project seeks to improve flow conveyance and reliability through the MLC for the benefit of freshwater values in the LWR. The proposal is predicted to increase flushing flow reliability to approximately 70% from the existing 30% reliability.

The proposal involves the construction of a new channel which is parallel to, and outside the permanently active bed of, the current main channel in the Waiau Arm. Approximately 225,000 m³ of gravel and bed material, over a length of approximately 1 km, will be excavated and disposed of on Meridian-owned land near the new channel.

¹ [Land, Air, Water Aotearoa \(LAWA\) - Waiau River](#)

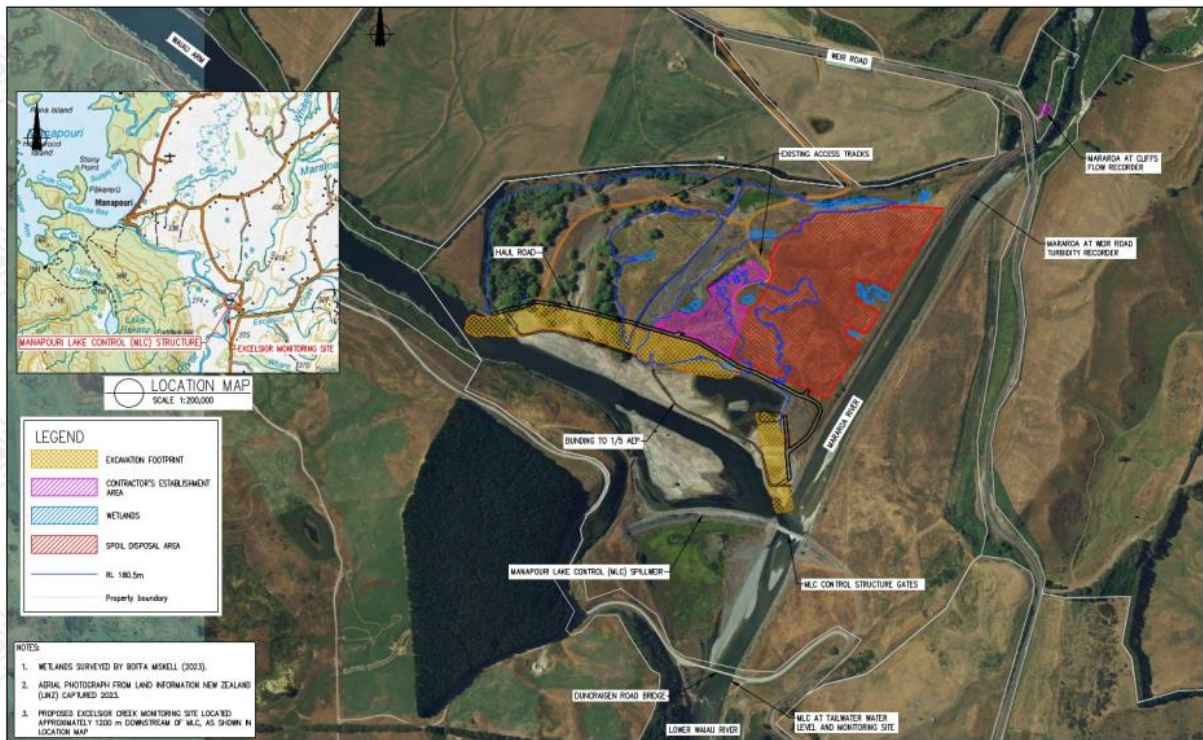


Figure 1: Proposed construction channel, establishment area, current wetlands and spoil disposal area.²

Papatipu Rūnanga kaiwhakahaere identified that there had been a lack of meaningful time and engagement during the application process and therefore providing a neutral submission would enable rūnanga to continue to be in the process. Te Ao Mārama Inc. has been commissioned to provide this Cultural Impact Statement (CIS) to help inform these processes and have undertaken this on behalf of Ōraka Aparima Rūnanga.

This assessment documents the impacts on our cultural values, rights and interests that are held by mana whenua. This document will improve the understanding of those activities on mana whenua values, rights and interests. This statement is not a Cultural Values Report or complete Cultural Impact Assessment. It does not include a detailed explanation of values or associations. This statement will inform Meridian on the associations to the landscape, as well as recommendations and outcomes to mitigate and enhance the impacts caused by this application only.

Information within this document is based on the information provided by Meridian, existing documents and conversations held with Ōraka Aparima Rūnanga whānau and Te Ao Mārama Inc. kaimahi. It has been subject to internal peer review.

² AEE - Manapōuri Lake Control Improvement Project - Final (es.govt.nz)



Figure 2: Looking down Waiau River – Exit of Lake Manapouri by Burton Brothers, 1889, Te Papa collection ref 0.026467. The Burton Brothers of Dunedin travelled to the inland lakes several times in the 1800's to take photos of the lakes for commercial use, notably tourism.

Mana Whenua

The peoples of Waitaha, Kati Mamoe and Ngāi Tahu are nowadays collectively referred to as Ngāi Tahu whanui. Waitaha settled in the South Island approximately 800 years ago and were later followed by Kati Mamoe and Ngāi Tahu in the major domestic migrations between 1500s and 1700s.³ Ngāi Tahu means the 'people of Tahu', linking to the eponymous ancestor Tahu Pōtiki, 'Within the iwi there are five primary hapū being Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri and Ngāi Te Ruahikihiki.'⁴

Ngāi Tahu now has an extensive territory that includes most of the South Island 'except for the Blenheim and Nelson areas.'⁵ The territory includes offshore islands such as Rakiura, Rarotoka and Whenua Hou. Across its takiwā, Ngāi Tahu constantly travelled 'as they worked the resources of their area and traded their surplus with people from other areas. This created a complex and far-flung network of relationships which in turn were strengthened by marriage.'⁶

³ Anderson, A. (2014) 'Emerging Societies, AD 1500-1800', *Tangata Whenua: An Illustrated History*, p. 114

⁴ Ngāi Tahu (1996) *Ngāi Tahu – the iwi*, <http://Ngaitahu.iwi.nz/Ngai-tahu/>

⁵ Dacker, B. (1990) *Te People of the Place: Mahika Kai*, p. 6

⁶ Dacker (1990) p. 6

Te Rūnanga o Ngāi Tahu Act, 1996 establishes Te Rūnanga o Ngāi Tahu (Te Rūnanga), consisting of each of the Papatipu Rūnanga of Ngāi Tahu Whānui (section 9 of the Act).

In Murihiku there are four Papatipu Rūnanga whose members hold mana whenua status within the region. Te Ao Mārama Inc. represents the interests of these four Rūnanga on matters particularly those matters pertaining to the management of natural resources under the Resource Management Act, 1991 and the Local Government Act, 2002.

Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 describes the respective takiwā of Papatipu Rūnanga representing Ngāi Tahu ki Murihiku which are Te Rūnanga o Awarua, Hokonui Rūnanga, Te Rūnanga o Ōraka Aparima and Waihopai Rūnaka.

For resource management purposes in Murihiku, certain rūnanga take the lead for applications for specific areas. The rohe (area) that the application is occurring is within the takiwā of Te Rūnanga o Ōraka Aparima. Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 describes the takiwā of Ōraka Aparima as:

Centres on Ōraka (Colac Bay) 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.

Mana Whenua Context

Ngāi Tahu Whānui have a long and enduring relationship with the Murihiku Region, one that touches on all aspects of creation, tradition, and belief, interlinking Ngāi Tahu to landscape and resources. This relationship is imbued with spiritual and cultural values that impose duties of kaitiakitanga on Ngāi Tahu to nurture and care for the environment.

To Ngāi Tahu, the land and water confers dignity and rank, provides the means of manaakitanga, is the resting place for the dead, a spiritual base for traditional beliefs and a heritage for future generations.

When Rangi and Papatūānuku married, they already had children of their own. Four children of Rangi came down to inspect the new wife of their father. Aoraki and his brothers came in their waka known as Te Waka a Aoraki. When they went to return skyward the karakia went wrong and the waka crashed back to earth and turned to stone, Aoraki becoming our highest mountain, and his three youngest brothers became the three nearest peaks. The waka itself forms Te Wai Pounamu or Te Waka a Aoraki, which is the oldest name of the South Island.

Some of the first great explorers to reach this area and are now embedded into this landscape are Tū Te Rakiwhānoa with his toki Te Hamo, Rākaihautū with his ko Tū Whakaroria, Māui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu and Tamatea-Pokai Whenua the captain of the Takitimu waka.

One great explorer and Rangatira was the Waitaha chief Rakaihautu who after traveling from Whakatu (Nelson) reached Manapōuri and with his kō Tū Whakaroria gave the lake its first name Moturau.

The waka Takitimu, under the command of the rangatira (chief) Tamatea, was wrecked near the mouth of the Waiau River and the survivors who landed at the mouth named the river “Waiau” due to the

swirling nature of its waters. Tamatea and his party made their way up the river to Lake Manapōuri where they established a camp site.

Ngāi Tahu places and their names were part of a knowledge system in which religious belief, history, and geography were combined. Stories were used to create “oral maps” with the place names and meanings carefully woven into it. Therefore, the shared experiences of Ngāi Tahu whakapapa became intertwined with the land and water. The place names of the Waiau are no exception, for example Whitiaka Te Rā near View Hill brings to mind the pūrākau (stories) of Tamatea and the Waiau (swirling waters) is self-evident to all who have observed the river.⁷

Over this period of time Ngāi Tahu ki Murihiku have developed a complex calendar for mahinga kai that is based on the moon, life-cycles, migratory patterns, seasons and spatial locations.⁸ Water is a significant feature of mahinga kai due to the life sustaining properties of water for ecosystems and humans. In almost all mahinga kai practices, water features either in habitat, cultivation, harvesting, manufacturing, and/or transport and is therefore critical to the sustainability of mahinga kai activities.⁹ The river was a major source of mahinga kai with some 200 species of plants and animals harvested in and near the river.

The river was a major travel route connecting Te Ara a Kiwa with places such as Te Mimi o Tū Te Rakiwhanoa (Fiordland), Te Koroka and Te Tai Poutini.¹⁰ Expeditions inland for mahinga kai including pounamu access were the main motivations for movement up and down the Waiau.

Ngāi Tahu travelled extensively for economic and social reasons as well as survival. Ngāi Tahu’s nomadic lifestyle in Murihiku was impeded upon European arrival, and by the 1850s there were few hapū and whanau groups moving regularly or freely from the coast to the inland lakes.¹¹ Numerous archaeological sites and wāhi taonga attest to the history of occupation and use of the river by Ngāi Tahu.

The historical record is somewhat interrupted for Ngāi Tahu with colonisation from the period of the mid 1880’s. There is historical record and a map (Figure 3) when George Wera guided Charles Nairn and William Stephen inland to Lake Te Anau in 1852¹². This period resulted in land alienation and the inability to access or use places as they had done. Ngāi Tahu maintained its presence in the district as citizens, visitors, workers and private business owners¹³

The Ngāi Tahu Claims Settlement Act, 1998 (Settlement Act) gives effect to the Deed of Settlement signed by the Crown and Te Rūnanga o Ngāi Tahu to achieve a final settlement of historical claims against the crown. A significant component of the Settlement Act is the cultural redress elements,

⁷ Corry, S., Puentener, R. (1993) *Tikanga Maori Cultural, Spiritual and Historical Values for the Waiau River: A Report for the Iwi Task Group of the Waiau River Working Party*.

⁸ Cain, C. (2019) *The centre of Murihiku: Ngāi Tahu historic uses and Associations with water* (unpublished).

⁹ Cain, C. (2019) *The centre of Murihiku: Ngāi Tahu historic uses and Associations with water* (unpublished).

¹⁰ Te Tangi a Taura, 2008 page 153.

¹¹ Cain, C. (2019) *The centre of Murihiku: Ngāi Tahu historic uses and Associations with water* (unpublished).

¹² McClymont, W. G. (1940) *The Exploration of New Zealand*, pp. 114-115

¹³ Cain, A (2020). Summary of Ngāi Tahu values, Practices and Associations.

which seek to restore the ability of Ngāi Tahu to give practical effect to its kaitiaki responsibilities and provides mechanisms that ensure that cultural practices are continued and enabled.

Statutory Acknowledgement areas, under the Settlement Act provide for the special association of Ngāi Tahu with a range of sites and areas across the takiwā. The aim of Statutory Acknowledgements was to acknowledge the association of Ngāi Tahu are identified and to improve the effectiveness of Ngāi Tahu participation in the Resource Management Act. This is included as appendix 3.

Taonga species are part of the redress elements of the Settlement Act. The crown recognised that Ngāi Tahu have a special relationship with taonga species. Ngāi Tahu ki Murihiku consider all indigenous species as taonga.

Nohoanga can be defined as historical and contemporary. These are seasonal occupation sites that have generationally been a part of the lifestyle of Ngāi Tahu. However, in the modern sense nohoanga entitlements are one of the redress mechanisms in the Settlement Act which enable whānau members to occupy areas close to waterways to continue mahinga kai and customary fishing at particular times during the year.

Building on the reconnection with lands and waters in the Ngāi Tahu takiwā that the Settlement Act enabled, Te Kōawa Turoa o Takitimu (Te Kōawa) was purchased. It was previously a Landcorp property and was bought in late 1999 by Ngāi Tahu Holdings under the right of first refusal process provided for in the Settlement Act. This property was leased to Te Waiiau Mahika Kai Trust for three years, and then the ownership was transferred to the Trust in 2005.¹⁴

The 445ha property is located beneath the culturally significant Takitimu Range. The site is valued due to its location, diversity of mahinga kai, and ability to connect people to the land and Ngāi Tahu history/traditions. A long-term restoration plan is in place for mahinga kai and interrelated wetlands, waterbodies, vegetation, and lands with pest control and natural seeding activities. Buildings were gifted by Meridian in 2002 to establish accommodation and facilities.¹⁵

¹⁴ Ngāi Tahu ki Murihiku (2023). Ngā Hua o Āpiti Hono Tātai Hono Ō Tukaramea.

¹⁵ [Te Kōawa purchase and development — Te Waiiau Mahika Kai Trust, 2024](#)

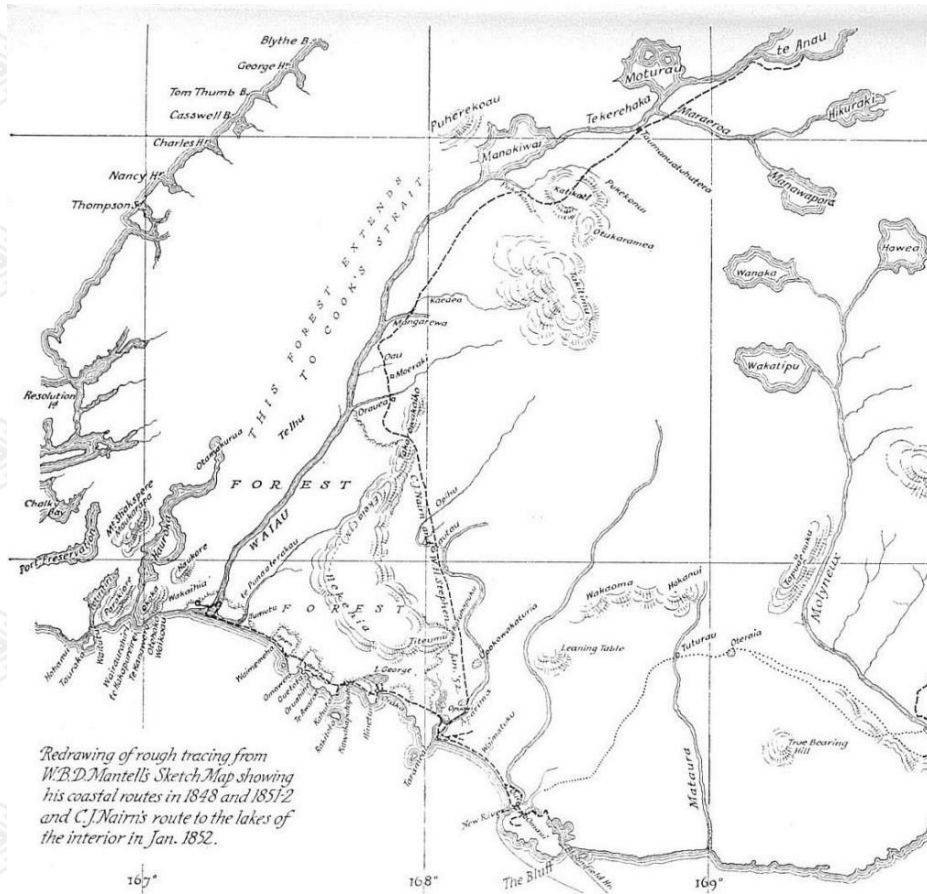


Figure 3: A section of Mantell's Sketch Map with the route marked that George Wera Rauru te Aroha took from Ōraka to Te Anau, 1852 16

Assessment of effects on Cultural Frameworks and values

Whakapapa

Whakapapa establishes links that maintain relationships between our people, language and their environment. All things whether animate or inanimate are connected and have Mauri, a life force. Therefore, the welfare of any part of our environment determines the welfare of our people.¹⁷

The cultural identity of Ngāi Tahu ki Murihiku stems from their relationship with their whenua, maunga, awa, and taonga species. These relationships originate in whakapapa. People are from a junior line (Ira Tangata line) of Ranginui (sky father) and Papatūānuku (earth mother). The environment

¹⁶ "On this interesting map, recently discovered in the Alexander Turnbull Library, the southern lakes are correctly named by a Maori scholar who had them from a Te Anau native. Thus Lake Poteriteri is Potiritiri, Hauroko is Hauroka, Monowai is Manakiwai, Manapōri is Moturau, the Mavora lakes are Hikuraki and Manawapora." In McClymont, W. G., *The Exploration of New Zealand*, pp. 114

¹⁷ Ngāi Tahu ki Murihiku. 2008. p78

and all the flora and fauna are from the senior line (Ira Atua line) from this union. This relationship between people and the environment requires respect and appropriate behaviour in gathering resources otherwise negative consequences can result.

Ki Uta Ki Tai

Ki Uta Ki Tai reflects the notion that all environmental elements are connected, from the mountains to the sea and must be managed as such. Furthermore, it reflects that we belong to the environment and are only borrowing the resources from the generations that are yet to come. Ki Uta Ki Tai is about standing on the land and knowing the effects, both positive and negative, in every direction.

The sources of water and knowing where they come from are extremely important because of the effect they have on downstream sites. It is important to keep in mind that Ki Uta Ki Tai works both ways, anything effecting the downstream environment also influences the upper catchment.

The current application seeks to improve the ability for the applicant to release flushing flows, particularly when the river is in low flows. The flushing flows are a supplementary flow that helps to manage high periphyton biomass in the summer months which were supported by iwi. However, this activity does not rectify the impacts on ki uta ki tai, this is not an activity reflecting on the needs to of the river and water, it is only to control excessive nuisance periphyton levels.

The Waiau awa has been significantly affected in terms of Ki Uta Ki Tai. The lakes and rivers are unable to move through the catchment as they would because of the hydro generation development. One example of this is the diversion of flow that is now discharged into Taipaririki¹⁸ and is lost from the Waiau. The removal of this water does not reflect Ki Uta Ki Tai and has had flow on effects to mauri, kaitiakitanga, mahinga kai places, species and habitat.

Whānau have continually raised, over the years that our awa will be unable to cleanse itself and losses of water to the river are an unknown magnitude, some we are starting to see the effects of. The overall management of the awa has significant effects on the ability for the Waiau to achieve Ki Uta Ki Tai.

Rangatiratanga

Rangatiratanga is described in Te Tangi a Tauira, 2008 as ‘the exercise of tribal authority, chieftainship and the powers and qualities of chiefly leadership’. It is the right to make decisions for your own people concerning the resources within your takiwā and determining what, from a cultural perspective, represents satisfactory aquatic conditions and appropriate use.¹⁹

To exercise rangatiratanga, one must act as a leader, sustainably managing resources for the people and maintaining the mauri of the land to ensure a balance of productivity and a thriving ecology.

¹⁸ Deep Cove

¹⁹ Cain, 2017.

Kaitiakitanga

Te Tangi a Tauria, 2008 describes kaitiakitanga as ‘the exercise of guardianship/stewardship by the tangata whenua of an area and resources in accordance with tikanga Māori.’²⁰ To be able to exercise kaitiakitanga we work actively to ensure that spiritual, cultural and mahinga kai values of the takiwā are upheld and sustained, not for us but for future generations.

As kaitiaki, we are bound to ensure the mauri of the land and water in Murihiku is maintained and improved. Degradation of waterways and land negatively impacts on the mana of oneself and their hapū and iwi, as well as collective cultural identity.²¹

In 2008, Te Ao Mārama Inc. completed a Cultural Values Report (CVR) for the Manapōuri Amended Tailrace Discharge Project. The CVR document states that whānau participants said they do not want to see further changes to the Waiau Catchment, while they see and know the benefits that electricity provides the cost is that our iwi values have been continually eroded over time, the cultural and ecological values have been put at a lower hierarchy than the cost benefits.

Kaitiakitanga maintains balance and reciprocity within the Taiao, it is clear from the 2008 CVR that our whānau at the time believed the balance has been tilted in the Waiau that is more reflective of the use of water rather than the river behaving like the river always has.

Mauri

Protecting and restoring mauri is the responsibility of Kaitiaki Papatipu Rūnanga, as described in Te Tangi a Tauria as follows:

*The central component of the Māori perspective on the environment is the recognition of Mauri, the life principal in all objects, animate and inanimate. The presence of Mauri in all things entrusts people to appreciate and respect that resource. In this way, overuse, depletion or desecration of natural resources is not an accepted practice. Tikanga regulate activities concerning the conservation and sustainable use of natural resources in order to protect the Mauri.*²²

The CVR (2008) states that the “mauri of the Waiau has been significantly affected by the building of the Manapōuri Power Station. Many of our Kaumātua feel the mamae (hurt) when they see the condition of the Waiau River and see it as a minor trickle of its once mighty self, the river exists but in another form.” The minor trickle described by whānau, also removes the ability for the gravels and silts to move downstream of the weir and to filter out in the system. Kaumātua have raised that the inability for the gravels to move downstream and out to sea may have affected the river mouth, erosion along the coastline and potential impacts on Foveaux Strait kaimoana.

If the application is successful as per the opinions from experts commissioned by Meridian and provides a higher reliability for flushing flows, the mauri of the awa, as we know it now, could be protected from diminishing further. There will be impacts on mauri during construction and

²⁰ Te Tangi a Tauria, 2008. Pg. 48.

²¹ Cain, 2017

²² Te Tangi a Tauria, p27

maintenance as well as enduring impacts on the gravels inability to move through the catchment that need to be mitigated. If there are effects on the awa these are then added to the already existing significant cumulative effects on mauri.

Mahinga Kai

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

places, ways of doings things, and resources that sustain the people. It includes the work that is done (and the fuel/energy that is used) in the gathering of all-natural resources (plants, animals, water, sea life, pounamu) to sustain well-being. This includes the ability to clothe, feed and provide shelter.²³

Mahinga kai is a core element of cultural use in relation to freshwater and an aspect of living cultural heritage requiring protection, as well as restoration. Species involved in the practice of mahinga kai are dependent on the quality of habitat, as well as water management that supports their life stages and habits.

There have been ongoing impacts on mahinga kai species since the weir was constructed, iwi now have developed and implemented a successful trap and transfer programme for tuna. In recent years there has been investigations into Kanakana populations. The weir restricts indigenous fish navigation on the Waiau. Whānau have identified that the Lower Waiau River is now unreliable and unsustainable as a place for mahinga kai, particularly because of the loss of habitat.

There will be displacement effects on taonga species during the construction phase, as well as any maintenance phases of the proposed channel. The application proposes that there will be a fish salvage plan prior to the construction work. As above there are long term impacts on the loss of gravel in Foveaux Strait and on mahinga kai.

Wai

The significance of wai is explained in Te Tangi a Tauira (2008) as being:

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

²³ Te Tangi a Tauira, 2008.

Ngāi Tahu consider all water as taonga.²⁴ The physical value of good water and land to Ngāi Tahu can be seen within the patterns of settlement and occupation.²⁵ Water is fundamental to the health and wellbeing of who we are as Māori. When Ngāi Tahu asks ko wai koe or who are you – the literal translation of the word is ‘of which water are you?’ Water has both a spiritual and a utilitarian value to Ngāi Tahu whānui. It was used for drinking, food gathering, bathing, a travel route, recreation, sacred rituals, and burials.

The characteristics of the water body (smell, shape, fish passage, bed, flow, etc.) have a direct impact on its health and surrounding lands, what is harvested from it and when. Preferential sites for mahinga kai tend to be rivers, hāpua (estuaries, lagoons), repo (wetlands) and the riparian zones of rivers, streams, and lakes.²⁶

Due to the extremely high consumptive water take from the hydro power station and reduction of flow down the Waiau the silt, gravel and sediment has not been able to transport itself naturally down the channel. There is potential for the sedimentation to affect the awa as well as the many cultural values, rights and practices that are associated with and rely on healthy wai.

Repo (Wetlands)

Prior to settlement, Murihiku had an abundance of wetlands. These ecosystems are an important natural and cultural resource to Ngāi Tahu ki Murihiku, as they are rich in biodiversity and important sources of mahinga kai and provided important ecosystem services such as the filtering of contaminants from water and soils.

Wetlands are a large part of Ngāi Tahu’s culture and traditions. Repo play a significant role in mahinga kai habitat and practice, as well as in environmental quality and support for biodiversity values, including taonga species and habitats.

Characteristics of waterbodies have significantly changed over time. Many wetlands in Murihiku were deliberately drained through the Waste Lands Act 1858 and subsequent land conversions to make the land more ‘productive’. Unfortunately, this historic attitude to wetlands persists today and Papatipu Rūnanga struggle to understand why they are not valued and treasured. Little thought seems to be given to the important role wetlands play, and actions required to protect, restore, enhance, and promote wetlands in Murihiku.

Wetlands not only host a myriad of cultural and environmental values, but they are also valuable in providing resilience for climate change which is an important and urgent kaupapa for Papatipu Rūnanga that has the potential to affect everyone.

²⁴ McGregor, 2014.

²⁵ Te Marino Lenihan, 2013

²⁶ Cain, A & Whaanga D, 2017.

The loss of wetlands has had a dramatic impact on Ngāi Tahu ki Murihiku, and this has had intergenerational impacts on Ngāi Tahu identity, as well as the active transfer of mātauranga and the ability to be a kaitiaki at place²⁷.

The desecration of wetlands diminishes mauri, and as kaitiaki, Papatipu Rūnanga are bound to ensure the wairua and mauri of the land and water in Southland are maintained. Degradation of the waterways and land negatively impacts on the mana of oneself and their hapu and iwi, as well as their collective cultural identity²⁸. As stated in Te Tangi a Taurira, p. 147:

“Water is a taonga, or treasure of the people. It is the kaitiaki responsibility of tangata whenua to ensure that this taonga is available for future generations in as good as, if not better quality.”

Ngā Rūnanga ki Murihiku have expressed their aspirations and expectations for the management of freshwater within their takiwā through different mediums, most notably in Te Tangi a Taurira. Avoid as defined in Te Tangi a Taurira means to take adequate measures to avoid unnecessary conflicts and protect the environment, people, and property from adverse environmental effects. A key policy relating to wetlands is to “Avoid the direct or indirect drainage or modification of any existing wetland area.” P. 167.

Archaeology and Wāhi tapū

There is significant evidence of occupation and use in and around the proposal site area and the wider Waiau catchment reflecting the connection between inland resource use and coastal occupation. Archaeological sites in this area include those used for mahinga kai, tool and waka making, habitation including kāinga, shelters, middens, nohoanga and burials.

Te Tangi a Taurira also contains maps (and schedules) showing in visual form the location of these sites. However, it must be understood this does not represent all sites of importance to Ngāi Tahu as there will be many unrecorded sites. The value of place and landscape to Ngāi Tahu that goes beyond a ‘physical find’. The physical sites identified within Te Tangi a Taurira only provide an understanding of areas to Ngāi Tahu not a definitive indication of occupation.

Figures 4 and Table 1 below illustrate the relationship between the proposal site and the coast as it relates to recorded occupation and use.

²⁷ Cain and Arnold, 2023

²⁸ Evidence, Cain and Whaanga, 2017

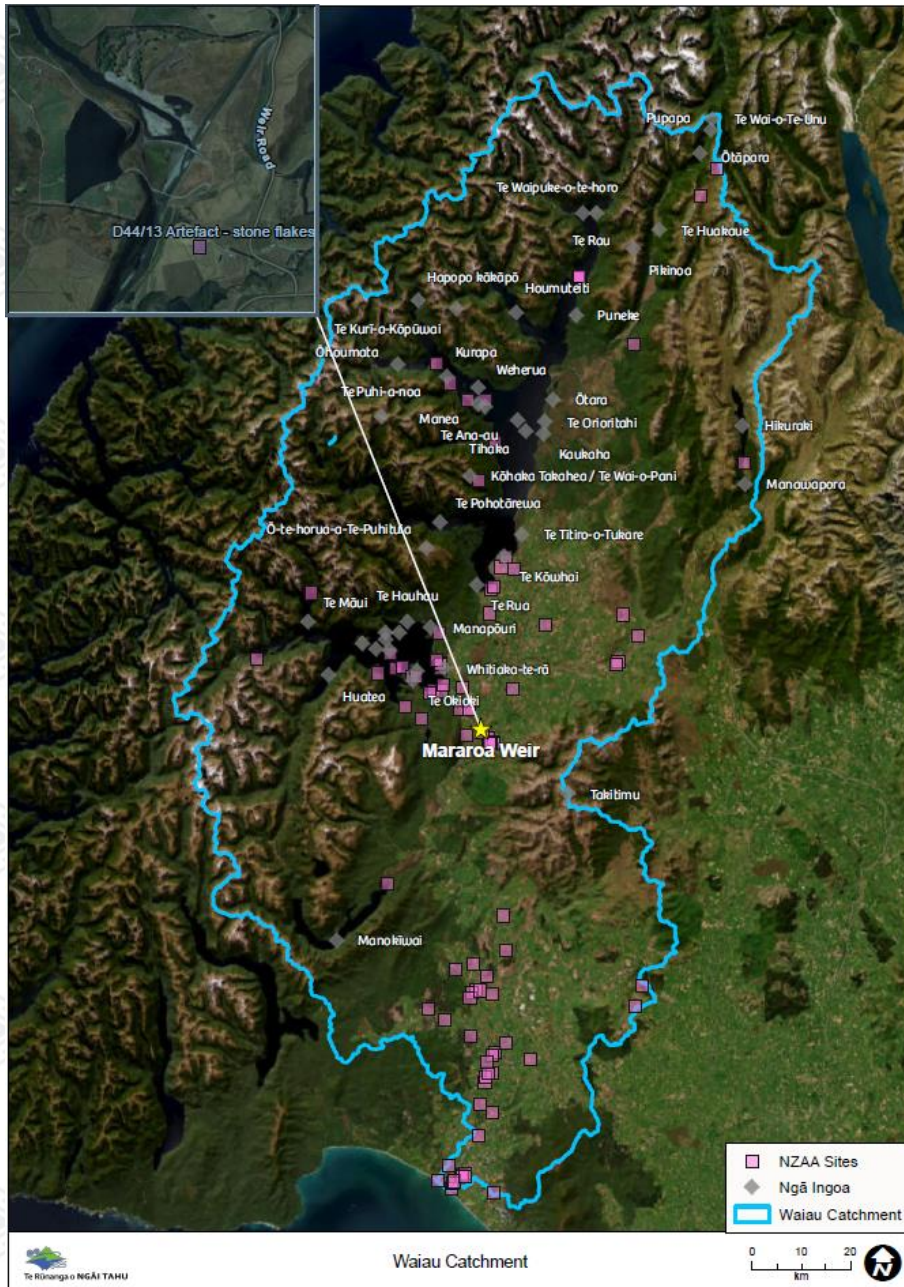


Figure 4: Waiiau Catchment NZAA sites and Ngā Ingoa. TRoNT

Kaupapa Māori Monitoring

Modern issues for freshwater and the erosion of historical approaches were the catalyst for the development of the Murihiku Cultural Water Classification System. The Classification System is a whānau-led tool that utilises multiple knowledge systems, including mātauranga Māori. Its development was driven by Ngāi Tahu ki Murihiku through the Ngā Kete o te Wānanga research programme. The Classification System recognises the needs of iwi and hapū to understand and demonstrate the state of the current environment on cultural uses at historical, contemporary, or potential sites.

In 2016, whānau visited the Mararoa Weir site to assess site-specific state of the environment effects on cultural uses. The themes that were assessed were wai noho and wai pounamu. It was noted this site was a main ara tawhito (arterial route). The results summary as per below in Table 1. The results show that whānau did not wish to return to this site, the satisfaction with waterway health was moderate, cultural use and opportunities and contemporary use was poor.

Table 1: Results Summary of Site 13: Mararoa Weir, 2016.

Site Status	Satisfaction with Waterway Health	Cultural Use & Opportunities	Contemporary Use
A-0	2.6	1.9	2.1

Site Status (A/B)	Site Status (0/0.5/1)
A Traditional site	0 Whānau do not wish to return to this site
B Not a traditional site	0.5 Whānau were divided on whether they wish to return to this site
	1 Whānau wish to return to this site

Very Poor	1 to 1.5
Poor	1.6 to 2.5
Moderate	2.6 to 3.5
Good	3.6 to 4.5
Very Good	4.6 to 5

Comments from whānau monitoring forms were:

- The weir has affected the way the water moves
- Some new regenerating natives but mostly broom and gorse
- Site access restrictions due to the weir
- I would use this site to demonstrate the impact of infrastructure on waterways and to question the benefits
- Disappointed in this site, it's not nice to see the landscape altered so much and to have our water and species suffer from our actions.

Perceived threats were the Mararoa weir influences flow regimes, the fish barrier, exotic species present, didymo and site access restrictions. Management needs and actions looked at restoration, revitalisation, and rehabilitation of mahinga kai. The opportunities that exist consist of fish passage, weir management for optimal hydrological regimes to benefit ecological processes and beautification of the area.

While some of these results are not within scope of the existing resource consent application, it is clear to see that whānau have aspirations that need to be prioritised. Whānau have stated they do not wish to return to this site, and of all sites visited, this was the only one they answered like this. This is significant because this site is the confluence of two rivers, historically this was a stop off point on a main arterial route, a place to decide the direction of travel and a traditional site, because of the comments and the site being below expectations they decided they didn't want to return here.

Te Tangi a Taurira

In 2008, Te Tangi a Taurira – the Cry of the People: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan was published. This plan consolidates Ngāi Tahu ki Murihiku values, knowledge, perspectives, outcomes and aspirations for natural resource and environmental management issues. It builds on earlier documents, including Te Whakatau Kaupapa ki Murihiku 1997 and Ngāi Tahu Freshwater Policy 1999.

The primary purpose of Te Tangi a Taurira is to assist Ngāi Tahu ki Murihiku in carrying out kaitiaki roles and responsibilities, and as such is relied upon by Te Ao Mārama to support Papatipu Rūnanga.

A policy assessment of Te Tangi a Taurira that are relevant to the proposal can be found in Appendix 1. In 2008, Te Tangi a Taurira identified the significant resource management issues for the Waiau River which are included as Appendix 2.

Summary of effects

While the RMA allows for the environment and activities to be broken up into sections, Te Ao Māori does not, the whole environment is looked at as one. Within our worldview Ngāi Tahu ki Murihiku cannot separate these out, hence why this CIS has incorporated the past and the present activities surround the Waiau River. We view these as cumulative effects.

Understanding the implications of the activity on cultural values, historic and contemporary associations, requires a comprehensive analysis of the framework of knowledge that underpins these values, otherwise known as **tikanga, kawa and Mātauranga Māori**. For Ngāi Tahu, the potential effects of activities on cultural values, rights and interests have little to do with the activity itself and more to do with how appropriate the activity is within the physical space and time.

The key values, rights and interests Te Rūnanga o Ōraka Aparima are seeking to protect:

1. The ability for Te Rūnanga o Ōraka Aparima to exercise **rangatiratanga** over the Waiau and the surrounding environment.
2. Exercise of **Kaitiakitanga** within the management and monitoring processes of the Meridian Resource Consent.
3. **Mauri**, and the life supporting capacity and cultural and ecological health of the Waiau and whenua to be healthy and resilient.
4. The **ability for our future generations to engage** with the Waiau and surrounding environment as their ancestors did and descendants continue to do.
5. That **water quality and water quantity is maintained** to a standard that allows for mahinga kai species to be diverse, abundant and safe to eat.
6. **Mahinga kai** species, habitat, and access to these for customary use during and after the activity is protected.

7. Effects on **wetlands** are avoided.
8. **Wāhi tapū, wāhi ingoa and archaeological sites** on, or within the vicinity of, the Waiau and surrounding environment are protected.


Te Rūnanga o Ōraka Aparima acknowledges that the application is to improve the ability for the applicant to release flushing flows down the Lower Waiau River, which is an ecological benefit for the awa. This also has some benefits for some of our values. However, there is significant effects on our values, rights and interests that are irreversible and cannot be mitigated as per below:

1. The **mauri of the Waiau awa and whenua** will be adversely affected during the construction and any maintenance phases because **there will be effects on aquatic life, ecosystems and fitness for cultural usage.**
2. The Mararoa weir site will be irreversibly changed by **constructing a new channel, filling and recontouring of extensive areas of the site which** has the potential to adversely affect water quality and subsequently the quality and abundance of mahinga kai species.
3. **Long-term changes in the Waiau River has resulted in the inability to practice whanaungatanga** with several generations of whanau not being able to articulate, nor exercise, their culture values and practices at place as their tupuna would have experienced.
4. The **reduction in quality and quantity of mahinga kai species**, along with limited accessibility, continues to adversely affect whānau in practicing **manaakitanga.**
5. The removal of **wetlands** is a desecration of **mauri.**
6. The need for this activity is because of the effects on **ki uta ki tai, water that once would have carried the sediment and gravels downstream are now unable to.**

Recommendations

Kōrero between Meridian and Te Rūnanga o Ōraka Aparima is required to determine possible pathways for addressing the effects on ki uta ki tai, mauri, mahinga kai, wetlands and access that have not been addressed by this application. This should be completed by:

- a. Resourcing Te Rūnanga o Ōraka Aparima to create a pathway to enhance the project site or another site identified in the catchment for the purpose of health and cultural use.
- b. Facilitating and resourcing the involvement of Te Rūnanga o Ōraka Aparima in the development of, and where desired, in the delivery of:
 - i. All management plans and associated actions for the consent and related activities to include monitoring and reporting using Mātauranga Māori principles and practices.

- 
- ii. Restoration and enhancement activities.
 - iii. Require the applicant to provide opportunities for rūnanga members to participate and be compensated during any monitoring on taonga species.
 2. Research should be conducted as to how in the future the applicant will address this issue without having to complete any diversion, instream works or altering of flow of the water and changes to the whenua. This research should be scoped alongside rūnanga and the research should be shared with rūnanga.
 3. Only planting indigenous biodiversity within the project area that are eco-sourced from the local ngahere and removal of exotic vegetation.
 4. Undertake pest control both plant and animal in the project area throughout the consent duration.
 5. Meridian remains accountable that all conditions of this resource consent are met, and that all recommendations outlined in this Cultural Impact Statement are honored and implemented.
 6. That the consent duration is amended to 20 years maximum with a consent condition requiring a review in 2031 should there be any material changes in flow conditions.


Conclusion

Ngāi Tahu has a long association with the Murihiku region. Ngāi Tahu led a seasonal lifestyle, following resources throughout the region. Generally, the use of the areas was extensive rather than intensive. Ngāi Tahu values, rights and interests need to be respected when dealing with any activity that poses risks because these values and beliefs are central to Ngāi Tahu existence. Any impact upon one value will impact upon all, ultimately, putting the health and wellbeing of humans at risk.

Ngāi Tahu understand that the application will have positive impacts on the Waiau through higher reliability for flushing flows. However, any construction and maintenance of the proposed channel will significantly affect mana whenua values, rights and interests. The activity will adversely affect ki uta ki tai, mauri, mahinga kai species and habitat, wetlands, water quality and connections to place for whānau.

Uncertainty remains for Te Rūnanga o Ōraka Aparima as to the effectiveness of proposed conditions to address the identified significant effects on cultural values. It is possible that through proper planning and management these risks may be reduced or eliminated. Te Rūnanga o Ōraka Aparima have identified the effects and included recommendations.

Te Rūnanga o Ōraka Aparima seek to provide comments kanohi ki te kanohi to the hearings commissioner acting for the Regional Council, to ensure the impacts identified in this report are



expressed. Te Rūnanga o Ōraka Aparima seek the impacts identified are to be avoided and addressed as conditions of consent.

Te Rūnanga o Ōraka Aparima recognise the ongoing relationship with Meridian and the strengthening of this through ongoing hui and joint projects within our community as the operations of the company continue in our takiwā.

Appendix 1 - Te Tangi a Tauria Assessment

Whakatauki translation from cover page:

The voice of the kea is heard inland and the vice of the albatross is heard at sea, a kotuku in the sky, a kākāpō on the ground. Everything has its rightful place.

The application has implications and is referenced in three sections within Te Tangi a Tauria being:

- Section 3.3 Te Atawhenua
- Section 3.4 Takitimu me Ōna Uri
- Section 3.5 Te Rā a Takitimu

Reference	Kaupapa
Section 3.3.10	<ol style="list-style-type: none"> 1. Require that freshwater management in Fiordland reflects the principles of ki uta ki tai, and thus the flow of water from source to sea, including the relationship between rivers, lakes, wetlands, waipuna and the coastal Fiords. 5. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.
3.3.11 Hydro Development/ Generation	<ol style="list-style-type: none"> 1. Require that hydroelectric development consideration, feasibility studies, and project management in Fiordland recognises and gives effect to the principle of ki uta ki tai (mountains to sea). 2. Avoid compromising mahinga kai as a result of damming, diversion or extraction of freshwater resources. 3. Ensure that activities in the upper catchments do not have adverse impacts on mahinga kai resources in the lower catchments. 4. Ensure that all native fish species have uninhibited passage between lakes, rivers and sea, where such passage is a natural occurrence, through ensuring continuity of flow ki uta ki tai, and fish passageways within dam structures. 5. Require that adverse effects associated with the discharge of sediments on aquatic and terrestrial ecosystems are avoided. 6. Require the development and implementation of monitoring regimes to ensure that any adverse effects (including existing or potential loss of tuna/eel) on the health of mahinga kai resources and/or their habitats are identified and addressed. 7. Require, if deemed necessary, that companies provide opportunities for iwi representatives to participate in monitoring. 8. Require that monitoring provisions are present in all aspects of hydropower development scheme operations.

	9. Ensure that Ngāi Tahu ki Murihiku are involved in the setting of consent conditions (during consultation) associated with any and all resource consents for hydro power development activities.
3.4.3 Energy Generation and Efficiency	3. Protect the natural and cultural landscape and potential loss or irreversible change to landforms from inappropriate energy development.
3.4.12 Mahinga kai – mahi ngā kai	<ol style="list-style-type: none"> 1. Acknowledge the link between the overall well-being of Ngāi Tahu Whānui and the work associated with the collection of natural resources. The tools and methods used to obtain natural resources should be protected. Furthermore continued protection of natural resources ensures that such tools and methods contributing to well-being can be implemented. 4. Promote the protection, restoration and enhancement of indigenous biodiversity. 5. Advocate for the protection, restoration and enhancement of waterways, riparian margins, wetlands, and tarns as a means of protecting and enhancing indigenous biodiversity. 6. Maintain uninhibited fish passage within any waterway linking the high country lakes and rivers to the coast. 7. Avoid compromising native aquatic species by building dams, culverts and weirs or through any other water abstraction methods. 8. Ensure that plant pest and animal/bird control programmes avoid adverse impacts on mahinga kai species or to areas of cultural significance.
3.5.8 Earthworks	<ol style="list-style-type: none"> 6. Oppose any earthworks activity application whereby the adverse effects on cultural values are considered too significant. 7. Where practical, indigenous vegetation that is removed or damaged as a result of earthworks activity should be recovered and returned, or replaced. 8. Recommend the planting of indigenous species as an appropriate mitigation measure for any adverse impacts as a result of earthworks activity. 9. Any earthworks or roadworks near rivers must have appropriate measures in place to avoid contaminants (including dust, sediment run-off from stockpiles or any hazardous substance) from entering waterways that may cause contamination, discolouration, or siltation in such waterways.
3.5.10 General Water Policy	<ol style="list-style-type: none"> 3. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku. 4. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow. 5. Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea. 8. Protect and enhance the customary relationship of Ngāi Tahu ki Murihiku with freshwater resources.
3.5.11 Rivers	8. The establishment of river flow regimes (e.g. minimum flows) must reflect the principles of ki uta ki tai, and thus river flow requirements from source

	<p>to sea, including the wetlands, tributaries and waipuna that are associated with that river flow.</p> <p>9. The establishment of environmental flow regimes must recognise and provide for a diversity of values, including the protection of tangata whenua values,</p> <p>10. Ensure that all native fish species have uninhibited passage from the river to the sea at all times, through ensuring continuity of flow ki uta ki tai.</p> <p>15. Avoid the use of rivers as a receiving environment for the discharge of contaminants (e.g. industrial, residential, recreational or agricultural sources).</p> <p>16. Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.</p> <p>17. Ensure that activities in upper catchments have no adverse effect on mahinga kai, water quality and water quantity in lower catchments.</p>
<p>3.5.15 Activities in the Beds and Margins of Rivers</p>	<p>4. Require consent conditions for gravel extraction activities stipulating the use of “work windows” and other methods to ensure that such activities do not:</p> <ul style="list-style-type: none"> a. disturb roosting and/or nesting sites of birds during the operation/activity; b. adversely effect native fish species (e.g. interrupt spawning); c. cross flowing water with heavy vehicles; d. extract gravel where there is, or there is the potential to be, running water; e. Damage native vegetation on the river bed or riparian area. <p>11. Require that placement of culverts and other flood works activities in the beds or margins of waterways is such that the passage of native fish and other stream life is not impeded.</p> <p>12. Recommend that culvert pipes are buried in the streambed, so that gravel can lie in the bottom third of the pipe, thus providing natural habitat in the culvert so that fish can migrate through them.</p> <p>13. Require that the placement of culverts and other flood works activities in the beds or margins of waterways occurs in a manner that minimises disturbance to the streambed.</p> <p>14. Recommend that tracks leading to culverts are designed (e.g. contoured) so that stormwater runoff and any effluent on the track is directed away from the stream. Such discharges should be to land and not directly to water.</p> <p>15. Require that that placement of culverts and other flood works activities in the beds or margins of waterways occur at times of low or no flow.</p> <p>16. Require that short term effects on water quality and appearance are mitigated during culvert or flood works construction, and for a settling period following. For example, straw bales may be used to minimise turbidity, and contain discolouration and sedimentation.</p>
<p>3.5.16 Mahinga kai</p>	<p>2. Work towards the restoration of key mahinga kai areas and species, and the tikanga associated with managing those places and species.</p>

	<ol style="list-style-type: none"> 4. Consider the actual and potential effects of proposed activities on mahinga kai places, species and activities when assessing applications for resource consent. 5. Use the enhancement of mahinga kai places, species and activities to offset or mitigate the adverse effects of development and human activity on the land, water and biodiversity of Murihiku.
3.5.17 Ngā Pononga a Tāne a Tangaroa - Biodiversity	<ol style="list-style-type: none"> 3. For Ngāi Tahu ki Murihiku, all species are taonga, whether weta, snail or kiwi, and the effects of an activity on species must consider all species equally. 5. Use as a consent condition, when applicable, the enhancement of indigenous biodiversity as a means to remove adverse impacts of proposed activities.
3.5.18 Repo – Wetlands	<ol style="list-style-type: none"> 1. Avoid the direct or indirect drainage or modification of any existing wetland area. 2. Encourage the establishment of wetland areas, where practical, to improve discharge to land activities, through allowing Papatūānuku the opportunity to filter and clean any impurities. 3. Advocate for the restoration and enhancement of wetland areas, as part of any consent application where it is deemed feasible to include such conditions.
3.5.20 Freshwater Fisheries	<ol style="list-style-type: none"> 2. Advocate for the protection, restoration and enhancement of waterways, riparian margins, and wetlands as a means of protecting and enhancing freshwater fishery values. 5. Avoid compromising freshwater fishery values as a result of diversion, extraction, or other competing use for water, or as a result of any activity in the bed or margin of a lake or river.

Appendix 2: Significant Resource Management Issues for the Waiau (Te Tangi a Taurira)

River Catchment Description	Ngāi Tahu ki Murihiku Cultural Associations	Significant Resource Management Issues
<p>Waiau (SA)</p> <ul style="list-style-type: none"> Drains the Southland plains 	<ul style="list-style-type: none"> Named during the southern voyages of Tamatea Ure Haea, and his waka Takitimu. Takitimu was wrecked near the mouth of the river (Te Waewae Bay) and the survivors who landed named the river Waiau due to the swirling nature of its waters. The river was a major travel route connected Murihiku and Te Ara a Kiwa (Foveaux Strait) to Te Tai Poutini. Summer expeditions to Manapōuri for mahinga kai, and access to pounamu, were the main motivations for movement up and down the Waiau. Numerous archaeological sites and wāhi taonga attest to the history of occupation and use of the river by Ngāi Tahu and Ngāti Māmoë. An important nohoanga site at the mouth of the river was called Te Tua a Hatu, The rangatira Te Waewae had his Kāinga nohoanga on the left bank of the river mouth. The river was a major source of mahinga kai for Ngāi Tahu, with some 200 species of plants and animals harvested in and near the river. Rauri (reserves) were applied to the mahinga kai resources so that people from one hapū or whānau never gathered kai from areas of another hapū or whānau. Wāhi ingoa associated with the Waiau are indicators of the range of resources the river provided: Waiharakeke (flax), Papatōtara (tōtara logs or bark), Kirirua (a type of eel found in the lagoon), Te Rua o te Kaiamio (a rock shelter that was a designated meeting place, similar to a marae) and Ka Kerehu o Tamatea (charcoal from the fire of Tamatea).¹² 	<p><i>Water quality</i></p> <ul style="list-style-type: none"> The river has reasonable water quality due to large, fast flow – need to protect water quality <p><i>Water quantity</i></p> <ul style="list-style-type: none"> Reductions in flow and impacts on river as habitat Maintaining appropriate minimum flow Flow levels too low at times <p><i>Dams and diversions</i></p> <ul style="list-style-type: none"> Water takes for hydroelectric generation, and effects on overall river health, flow and natural character Changes to the river mouth environment due to changes in flow <p><i>Gravel extraction</i></p> <ul style="list-style-type: none"> Gravels don't get transported down the river as well as they should because of the Mararoa Weir <p><i>Mahinga kai and biodiversity</i></p> <ul style="list-style-type: none"> Commercial jet boating is popular on this river – risk of introducing pests such as didymo <p><i>Wāhi tapu</i></p> <ul style="list-style-type: none"> Protection of culturally significant sites in the catchment

¹² NTCSA 1998: Schedule 69

Appendix 3: Ngāi Tahu Claims Settlement Act 1998, Statutory Acknowledgement for Waiau River

Schedule 69

Statutory acknowledgement for Waiau River

ss 205, 206

Statutory area

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

Preamble

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

Ngāi Tahu association with the Waiau

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

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

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

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

There is also a strong Ngāti Mamoe influence in this area of the country. Ngāti Mamoe absorbed and intermarried with the Waitaha and settled along the eastern coast of Te Wai Pounamu. The arrival of Ngāi Tahu in Te Wai Pounamu caused Ngāti Mamoe to become concentrated in the southern part of the island, with intermarriage between the two iwi occurring later than was the case further north.

The result is that there is a greater degree of Ngāti Mamoe influence retained in this area than in other parts of the island. These are the three iwi who, through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui.

Numerous archaeological sites and wāhi taonga attest to the history of occupation and use of the river. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna. The main nohoanga (occupation site) on the Waiau was at the mouth and was called Te Tua a Hatu. The rangatira (chief) Te Wae Wae had his kāinga nohoanga on the left bank of the Waiau River mouth.

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

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Waiau, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

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

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

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

The Waiau was once a large and powerful river, up to 500m across at the mouth, narrowing to 200m further upstream. The water flow from the Waiau River was an important factor in the ecological health and bio-diversity of the coastal resources.

The mauri of the Waiau represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a

life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

Purposes of statutory acknowledgement

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

- (a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Waiau, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) to empower the Minister responsible for management of the Waiau or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Waiau as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

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

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Waiau (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Waiau.

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

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

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

Appendix 4: Submission provided by Te Ao Mārama

Attachment A

Introduction


1. This submission is made on behalf of Oraka Aparima Rūnaka.

Papatipu Rūnaka

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

General Position and Reasons for the Submission

4. Ngāi Tahu has a long association with the Murihiku Region. Ngāi Tahu led a nomadic lifestyle, following resources throughout the region. Generally, the use of the areas was extensive rather than intensive; however, this area is thick with Iwi stories, traditions, and cultural practices.
5. Te Tangi a Taurira states that:
Named during the southern voyages of Tamatea Ure Haea, and his waka Takitimu. Takitimu was wrecked near the mouth of the river (Te Waewae Bay) and the survivors who landed named the river Waiau due to the swirling nature of its waters. The river was a major travel route connected Murihiku and Te Ara a Kiwa (Foveaux Strait) to Te Tai Poutini. The river was a major source of mahinga kai for Ngāi Tahu, with some 200 species of plants and animals harvested in and near the river.
6. Ngāi Tahu is supportive of development within its takiwā, provided activities are undertaken in a way that respects the environment where the activity is to be undertaken and do not adversely affect Ngāi Tahu cultural values, customs and their traditional relationship with land and water.
7. The rohe (area) that the application is within is a significant cultural landscape to Ngāi Tahu because of historical and contemporary associations. These associations include (but are not limited to) the formation of landscape, wāhi ingoa (place names), mahinga kai, kaimoana, wāhi tapū, Māori land, Mātaitai, and archaeological sites.
8. This cultural, spiritual, historic, and traditional association is recognised by the crown and are Statutory Acknowledgements (See Attachment B) under the Ngāi Tahu Claims Settlement Act, 1997.

- 
9. Ngā Rūnanga, as kaitiaki, are responsible as kaitiaki for protecting the mana and mauri of the environment that the application is within.
10. Oraka Aparima Rūnaka are submitting a neutral submission to the application for the following reasons:
- That the project is intended to support environmental flushing flows.
 - The applicant met with Te Ao Marama initially for a project overview where staff provided advice for the lodgement of consent.
 - The application was lodged prior to Christmas and requested public notification. Te Ao Marama received the documentation at the same time.
 - Te Ao Marama has drafted a Terms of Engagement to assess the application for Papatipu Rūnanga and to provide the applicant with a comprehensive understanding of an assessment against rūnanga values, rights and interests and to identify any outstanding issues with the application. This piece of mahi has yet to be undertaken.
 - The kaiwhakahaere (chairs) of the four Papatipu Rūnanga have met with Meridian executives who agreed that Te Ao Marama would provide a neutral submission to ensure that continued engagement could occur.
 - Because of timeframes, it has severely impacted the ability for Te Ao Marama to undertake an appropriate engagement and assessment process, informed by tikanga and kawa and therefore places significant limitations on our ability to assess the effects on our values, rights and interests.
 - The application has the potential to significantly affect mana whenua values, rights and interests associated with cultural landscapes, mauri, mahinga kai, species habitat, wāhi tapu, and water quality.
 - It is possible that through proper planning and management some impacts may be reduced or eliminated. However, this will require significant kōrero with Oraka Aparima Rūnaka. Please note that Oraka Aparima Rūnaka are uncertain as to the magnitude of the effects that are to be avoided and therefore have a level of uncertainty and discomfort regarding the mitigations that are to address the effects of the proposal.

Decision Sought

11. We provide a neutral submission knowing Meridian have committed to continued engagement in good faith to understand and mitigate mana whenua concern.