

**BEFORE THE COMMISSIONER ON BEHALF OF
THE OTAGO REGIONAL COUNCIL**

IN THE MATTER of the Resource
Management Act 1991

**AND
IN THE MATTER** of water permit
application RM20.039
under the Regional Plan:
Water for Otago

**PIGBURN GORGE LTD
AND OTHERS
(COLLECTIVELY PIG
BURN WATER USERS
GROUP)
Applicant**

**AND OTAGO REGIONAL
COUNCIL
Consent Authority**

**AND KĀTI HUIRAPA
RŪNAKA KI
PUKETERAKI AND TE
RŪNANGA O ŌTĀKOU
Submitters**

**STATEMENT OF EVIDENCE OF EDWARD ELLISON
ON BEHALF OF KĀTI HUIRAPA RŪNAKA KI PUKETERAKI AND
TE RŪNANGA O ŌTĀKOU (COLLECTIVELY MANA WHENUA)**

WHAKAARA

Tēnei te ruru te kōkōu mai nei
Kīhai i māhitihi
Kīhai i māarakaraka
Te ūpoko nui o te ruru
He pō, he pō
He ao, he ao
Ka awatea, e-e

*This is the owl that cries out
His great head does not toss,
It does not bob up and down

'Tis night, 'tis night
'Tis day, 'tis day
Ah, it is the day*

MIHIMIHI - INTRODUCTION

Matua te Pō, Matua te Aō
Matua o Te Tai o Marokura
E Matua o Te Tai o Araiteuru
E tū e Hipo, e kai o mata
Ki Pukekura
Ki Ōtākou Wanaka
Ki Ōtākou Takata
E pania nei te Kura o Maukorua
E Poua ma e Taua ma
TIHEI MAURI ORA

Ko Te Atua o Taiehu taku mauka
Ko Ōtākou te awa
Ko Kāi Te Pahī, Moki II me Te Ruahikihiki ōku hapū
Ko Te Waipounamu te whare
Ko Taiaroa rāua ko Karetai, ko Hineiwhariua ōku tūpuna
Ko Edward Ellison taku ikoa

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

Ka huri ki a rātou ngā mate o te wā, te wiki, me te tau,
Haere, heare, tarahaua atu rā
Ki a tahu kumea
Ki a tahu whakairo
Ki te whare poutereraki
Hai taoka o ngā mate

Hoki atu ai!

Ko tēnei mihi atu ki ngā kanohi ora,

Tēnā koutou, tēnā koutou, mauri ora tātou katoa.

Ki a koe ngā Kōmihana,

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

Tēnā rā koutou, kia aata whakaroko ki kā uarataka,

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

Kā mihi tēnei ki a koutou katoa.

QUALIFICATIONS AND EXPERIENCE

1. My name is Edward Ellison. I was born in 1950 and raised at Ōtākou in our whānau¹ home Te Waipounamu, on our ancestral lands that abut and overlook the Otago Harbour. I give my evidence today on behalf of Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou (collectively mana whenua). I have extensive experience in representing the Kāi Tahu Otago Rūnaka in Resource Management Act 1991 (**RMA**) matters.
2. I am a former Manager Iwi Liaison at Otago Regional Council (**ORC**) and former Deputy Kaiwhakahaere for Te Rūnanga o Ngāi Tahu. I am the chair of Aukaha, chairperson of the New Zealand Conservation Authority, a member of the NZ Biological Heritage National Science Challenge 2019-2024, an accredited RMA Hearings Commissioner, and I represent Otago rūnaka on the ORC Strategy and Planning Committee, and the ORC Land and Water Regional Plan Governance Group.
3. As my mihi indicates I am a member of the local hapū. Our lineage connects us to this place; our identity is closely tied to the Otago region, ki uta ki tai, from the mountains to the sea. Our hapū have continuous connection to the land and resources of this area, we have been fishermen and hunter gatherers for countless generations.
4. The key documents that I have referred to in preparing my evidence include:
 - (a) The “Pig Burn – Collective Replacement of Permits to Take and Use Surface Water, Resource Consent Application and Supporting Information” McKeague Consultancy, as amended on 11 September 2020 (**the application**).
 - (b) The Ngai Tahu Claims Settlement Act 1991 (**NTCSA**);

¹ The meanings of Māori words and phrases are provided as a glossary in Appendix 1.

- (c) The Kāi Tahu ki Otago Natural Resource Management Plan 2005; (**NRMP**)
- (d) The National Policy Statement for Freshwater Management 2020 (**NPSFM**);
- (e) Otago Regional Plan: Water (**RPW**); and
- (f) The Proposed Otago Regional Policy Statement 2021 (the **PORPS 2021**).
- (g) Pattle Delamore Partners, Technical Memorandum prepared for the Otago Regional Council (2020) (**PDP**).

SCOPE OF EVIDENCE

- 5. This evidence describes the cultural foundation for the Kāi Tahu approach to freshwater management and the principles for setting residual flows and allocation limits in the Pig Burn that arise from this foundation.
- 6. I will address the following matters:
 - (a) The status of Kāi Tahu whānui as mana whenua
 - (b) Mana whenua values and associations with the Taiari catchment
 - (c) The Kāi Tahu history of loss in the Taiari catchment
 - (d) Mana whenua values and associations with the Pig Burn and surrounds
 - (e) Kāi Tahu cultural values for freshwater management
 - (f) Te Mana o te Wai
 - (g) The PORPS 2021 – Taiari FMU freshwater visions, and
 - (h) Mana whenua principles and aspirations for freshwater management in the Pig Burn catchment.
- 7. This evidence describes the cultural foundation for the Kāi Tahu approach to freshwater management and the principles for setting residual flows and allocation limits in the Pig Burn that arise from this foundation.

SUMMARY OF EVIDENCE

- 8. Kāi Tahu whānui are the people who descend from Waitaha, Kāti Māmoe, and Kāi Tahu. In the area surrounding the Pig Burn, the two papatipu rūnaka, Kāti Huirapa ki Puketeraki and Te Rūnanga o Ōtākou, are recognised as mana whenua.

9. The Upper Taiari was a significant source of food and resources for our tūpuna in the past. Kāi Tahu developed seasonal trails that enabled them to access these resources. These practices, known as mahika kai, are a cornerstone practice of Kāi Tahu identity.
10. The signing of the Kāi Tahu deeds with the Crown from 1844 saw the alienation of the bulk of Kāi Tahu land in Otago. Over time, the landscape changed dramatically, and mana whenua lost their connection to mahika kai and wāhi tūpuna.
11. In the Pig Burn area, development led to the loss of mahika kai sites, notably Tunaheketaka, later known as Lake Taiari, to the east of modern-day Waipiata, which was an important nohoaka and mahika kai site for tuna.
12. Mana whenua values for the cultural landscape for the Upper Taiari can be identified through the places, names, and practices that mana whenua associate with the area. Sites in the vicinity of Pig Burn identify the area as a place for mahika kai, with many place names referencing mahika kai resources.
13. Freshwater is a resource of significant value and priority to mana whenua due to its association with the atua. Reconnecting whānau with waterways in order to revitalise practices, knowledge, and connections, are priorities for mana whenua.
14. Recent changes in freshwater management have put greater emphasis on the well-being of our waterways, focused on the principle of Te Mana o te Wai. Kāi Tahu has undertaken a robust process to formulate a definition for Te Mana o te Wai in our takiwā.
15. Out of this mahi, mana whenua have developed a set of principles for freshwater management, which can be used to assess the impact of activities on Te Mana o te Wai when applied to the Pig Burn, the Upper Taiari, and the Taiari catchment as a whole.
16. It is the position of mana whenua that the Pig Burn is over-allocated, which has affected the natural flow of the waterway. The proposed allocation and flow regime will continue to negatively affect the mana of the Pig Burn, which in turn will continue to degrade the mana of the Taiari. We oppose the granting of this consent.

KĀI TAHU WHĀNUI

17. Kāi Tahu whānui is the collective of individuals who descend from Waitaha, Kāti Māmoe and the five primary hapū of Kāi Tahu: namely Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri and Ngāi Te Ruahikihiki.

18. Waitaha is used to describe collectively all the ancient groups who lived in Te Waipounamu prior to the migrations of Kāti Māmoe from Heretaunga in the early 17th century, and Kāi Tahu from various parts of the lower North Island about a century later.
19. Kāi Tahu and Kāti Māmoe arrived in Te Waipounamu at different times from the eastern part of the North Island several centuries ago. By the time Kāi Tahu arrived, Kāti Māmoe, through a combination of inter-marriage and conquest, had already merged with the resident hapū of Waitaha. Again, through warfare and inter-marriage, Kāi Tahu merged with the resident Waitaha and Kāti Māmoe peoples. When we refer to ourselves as Kāi Tahu whānui, we also refer to our Waitaha and Kāti Māmoe whakapapa.
20. Where I am from, Ōtākou, we have Waitaha, Kāti Māmoe and Kāi Tahu whakapapa like our Kāi Tahu kin. Our hapū affiliations come out of the Te Ruahikihiki whakapapa, with the principal hapū being the Kāi Taoka and Moki II, while an Ōtākou tūturu hapū, ko Kāi te Pahi has special significance to our rohe.

MANA WHENUA

21. Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou are mana whenua for the Pig Burn, a tributary of the Taiari.
22. The takiwā of Kāti Huirapa ki Puketeraki centres on Karitāne and extends from the Waihemo/Shag River to Purehurehu Point (north of Hayward Point).
23. The takiwā of Te Rūnanga o Ōtākou centres on Ōtākou and extends from Purehurehu Point to the Mata-au/Clutha River.
24. The takiwā of Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou also extends to the inland lakes and mountains of Otago.
25. The submission on the application was lodged on behalf of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga. The inclusion of Hokonui Rūnanga on the submission was an error.

TE RŪNANGA O NGĀI TAHU

26. Te Rūnanga o Ngāi Tahu is the governing iwi authority established by the Te Rūnanga o Ngai Tahu Act 1996 and is recognised as the representative of Ngāi Tahu whānui.²

² Te Rūnanga o Ngai Tahu Act 1996, Section 15(1).

27. Te Rūnanga o Ngāi Tahu is made up of 18 papatipu rūnaka. Located predominantly in traditional coastal settlements, papatipu rūnaka are a contemporary focus for whānau and hapū. Representatives from each papatipu rūnaka make up the governing board of Te Rūnanga. Through this tribal council structure Te Rūnanga o Ngāi Tahu is accountable to its tribal members.
28. The Crown in 1998 recognised Ngāi Tahu as “the tāngata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu Whānui.”³ It has therefore been clearly affirmed in statute that Te Rūnanga o Ngāi Tahu is the sole representative of Ngāi Tahu whānui.⁴ In practice, Te Rūnanga o Ngāi Tahu encourages consultation with the papatipu rūnaka and defers to the views of kā rūnaka when determining its own position.
29. Te Rūnanga o Ngāi Tahu is an important and active member both of South Island communities and of New Zealand society as a whole. Te Rūnanga o Ngāi Tahu is dedicated to the sustainable management of resources and the achievement of sound environmental outcomes. The overarching objective is to build a stronger environmental, economic, social, and cultural base for Ngāi Tahu whānui.

MANA WHENUA VALUES AND ASSOCIATIONS WITH THE TAIARI CATCHMENT

30. The name ‘Taiari’ appears to refer to the way that the tidal changes in the ocean at the river mouth influence the flow of the river as far as the upper reaches of the Taiari Plains around where the Dunedin Airport is now located. These influences are also seen in Lake Waihola and Lake Waipōuri, located at the southern end of the Taiari Plains, and connected to the river by the Waipōuri/Waihola wetlands complex.
31. Over its 200km length, the Taiari passes through three plains, now known as Maniototo, Strath Taiari, and Taiari, with hills and ranges between. The river system is extensive, nearly as long as the Mata-au, passing through varied topography along its length, including plains, low mountain ranges, and hill country. The variety of landscapes and waterways provided many different habitats for fish, birds, and plants.
32. The significance of the Taiari is recognised by the designation of the Upper Taiari scroll plains as a site of regional and national significance for its landscape and biodiversity values. This includes recognition of the mana whenua cultural values of the area, associated with mahika kai and indigenous biodiversity.

³ Ngāi Tahu Claims Settlement Act 1998, section 6.

⁴ Ngāi Tahu Claims Settlement Act 1998, preamble.

33. Several of the mountain ranges running parallel to the coast are associated with the foundering of the ancient Araiteuru waka at the mouth of the Waihemo/Shag River. One account refers to a band of survivors who ventured inland. According to the story, they were caught by daylight and turned to stone. They are remembered in the names of the ranges and ridges named for them, including Kirikirikatata (Rough Ridge), Aroaro-kaehe (Raggedy Ridge), and Ritua (the peak of the Dunstan Range).
34. Over hundreds of years of settlement and occupation, mana whenua developed seasonal practices across the breadth of their takiwā, from the coastal kāika to the inland pā. Trails along rivers and through passes provided valuable travel routes to the interior, known as 'kā tapuwae o kā tūpuna' (ancestral pathways), as well as linking to sites for seasonal settlements and the places of gathering mahika kai.
35. The extensive use of the Taiari for mahika kai is clearly evident across the whole catchment, with many known sites having been identified along the length of the awa. The variety of topography and ground cover provided habitats for a wide range of animal and plant species, which were important sources of food and materials for toolmaking and textiles.
36. Native species of fish, birds, and plants were regularly gathered in the Taiari by Kāi Tahu whānui. Favoured fish included tuna, īnaka, and pātiki. Young ducks and herons were also sought, as were fibre resources like harakeke and raupō.
37. Mahika kai gathering was more than just a source of food for our tūpuna. It was a way of connecting with te taiao, and with atua and tūpuna, and it was a means of transmitting mātauraka (knowledge) from one generation to the next.
38. The mahika kai trails and places in the Upper Taiari catchment were extensive. Patearoa (Rock and Pillar Range) was referred to as 'mauka mahika kai' (a mountain for food gathering), by kaumātua interviewed at Ōtākou by Hori Kerei Taiaroa in 1880. The Paruparu-o-Te-Kaunia (the Great Moss Swamp) was another significant mahika kai site in the area, where a variety of ducks could be gathered.

KĀI TAHU HISTORY OF LOSS IN THE TAIARI CATCHMENT

39. Following shortly after the signing of Te Tiriti o Waitangi were the Kāi Tahu land sales, which saw the alienation of the vast bulk of the Otago region. The lands reserved from sale for Kāi Tahu averaged 10 acres per person. This amount was insufficient to ensure the sustenance of whānau and hapū, let alone enough to thrive.

40. As the landscape was surveyed and sold to incoming settlers, development of land for settlement and pastoral farming resulted in the destruction and degradation of the natural habitat. Access to places associated with mahika kai activities was restricted by landowners and eventually many of these connections were lost. The loss of access to mahika kai has had far-reaching effects, which include a loss of connection, an inability to exercise kaitiakitaka and a reductive effect on te taiao, with consequent effects on the people of kā rūnaka.
41. Within one generation, Kāi Tahu went from being the landlords of Te Waipounamu to being landless. As time wore on, we were increasingly less able to sustain ourselves as our ancestors did, and seasonal labouring work became essential to make ends meet.
42. Many of these changes are reflected in the landscape around Pig Burn, such as the changes that were seen to important cultural landmarks like Tunaheketaka (Lake Taiari) in the early settlement period.
43. Tunaheketaka is located to the northeast of the Pig Burn, just past the site of modern-day Waipiata. As the name suggests, the lake was an important habitat for tuna.
44. Early settlers named it Lake Taiari, and the area above the lake was used as a site for gold diggings during the gold rush. Over time, shingle and tailings from sluicing and other activities washed down from the nearby Hamilton and Naseby diggings into the Taiari, eventually reaching Tunaheketaka. By the late 1890s only a small portion of the lake was left, with the rest resembling a bog.
45. From the mid-1840s, drainage of wetlands was undertaken in waves, first to gain access to flax for export, and later to turn what were seen as unproductive swamps into farmland. Early modification of rivers and wetlands contributed to erosion and flooding events, which led to further modification. In the early 1940s, legislation was passed to better manage rivers, including establishment of the catchment boards.
46. It is somewhere in this muddy history that the last of Tunaheketaka was drained. One story suggests that the last rock wall dam retaining the lake was destroyed with dynamite after a night at the local pub, so the land could be drained for farming.⁵
47. More recently, the site of Tunaheketaka has been recognised by ORC as a regionally significant wetland. Under the PORPS 2021, the vision for the Taiari catchment includes

⁵ Central Otago District Council (2016). Maniototo Ward Reserve Management Plan 2016 (p. 73).

the aim of restoring wetlands in the area, including Tunaheketaka and the Upper Taiari scroll plains, to a healthy state.

MANA WHENUA VALUES AND ASSOCIATIONS FOR THE PIGBURN AND SURROUNDS

48. The Pig Burn is a tributary of the Taiari that joins the mainstream west and slightly south of Waipiata on the Upper Taiari scroll plain. As well as the area's modern classification as regionally significant landscapes with significant biodiversity values, there are significant mana whenua values associated with this landscape, as evidenced through:

- (a) Wāhi tūpuna
- (b) Wāhi ikoa (place names)
- (c) Mahika kai and taoka species
- (d) Ara tawhito; and
- (e) Kāika and nohoaka.

Wāhi tūpuna

49. Wāhi tūpuna are interconnected ancestral places and landscapes that reflect the history and traditions associated with the long settlement of Kāi Tahu in Otago, and that are of contemporary importance for mana whenua. The term wāhi tūpuna encompasses places where the tūpuna travelled, stayed, gathered and used resources, and the associated stories and traditions (including place names) that transcend the generations. Wai māori is an integral and enduring part of wāhi tūpuna.

50. Mana whenua have an enduring kaitiakitaka responsibility to keep the connection with wāhi tūpuna areas warm so that stories, associations and traditions of wāhi tūpuna are remembered, celebrated and maintained for ever. The fundamental test to this duty is "Can we still recognise this place?" Loss of wāhi tūpuna means loss of cultural narratives and Kāi Tahu identity.

51. The Pig Burn itself is embedded in the wider Taiari cultural landscape. In the area surrounding the Pig Burn, there are a number of wāhi tūpuna including the Taiari itself, Maniatoto (the Maniototo Plains) to the north, and Tunaheketaka, also known as Lake Taiari directly to the east just past present Waipiata.

Wāhi ikoa (place names)

52. Place names play an important role in the fabric of our cultural and political identity as Kāi Tahu. The action of naming is associated with mana and references the mana of the one bestowing the name. Names persist over time and span generations, embedding knowledge and stories into the landscape. For Kāi Tahu, these names are a permanent and enduring reference to history, people, and events.
53. Another significant element in wāhi ikoa is reference to mahika kai. Work by H.K. Taiaroa in 1879-1880, and Herries Beattie in the 20th century, has provided a record of information about placenames and mahika kai activities sourced from our kaumātua. The availability of mahika kai was a central reason for our ancestors to visit places like the Taiari, year after year for generations.
54. Wāhi ikoa in the area surrounding the Pig Burn include a range of mahika kai references, including houī, tuna, kaurū, weka, papai, kina, manu, and aruhe.

Mahika kai and taoka species

55. Connection to wāhi tūpuna is supported and sustained through availability and use of mahika kai, and the retention and transfer of associated knowledge (mātauraka) across the generations. This requires that whānau are able to continue to access mahika kai and carry out customary practices.
56. For mahika kai use to be sustained, populations of species must be present across all life stages and must be plentiful enough for long term sustainable harvest. Safe access to the waterway must be available, kai must be safe to gather, safe to harvest and safe to eat and management and harvesting practices must be able to be carried out in accordance with tikaka.
57. In close proximity to the Pig Burn are a number of mahika kai places, such as Tunaheketaka, Omaaki, Kaitai Tioma, Te Kataka a Te Honekino, Te Awa Kauru, and Waipapa Kura, where resources like tuna, weka, and raupō were gathered.⁶
58. Indigenous species are valued as taoka by Kāi Tahu, as are the habitats through which taoka species survive and thrive. Taoka species associated with the Taiari include not only species such as fish including tuna (eel), kōura (freshwater crayfish) and kākahi

⁶ See Appendix 3 to view these sites on a map of the area. Further information about the mahika kai resources linked to the wāhi tūpuna is also provided.

(freshwater mussels) that live in the water, but also the birds that use the river, its tributaries and wetlands for feeding or breeding.

59. Protecting and maintaining the mauri of species and habitat is a critical function of kaitiakitaka. For Kāi Tahu, protection of mahika kai and taoka species requires a whole of system approach to their sustenance that recognises the importance of the interconnection between land, water, and other resources. It requires a focus not just on specific habitat sites, but also on the cumulative effects of activities on the wider system (both upstream and downstream) that supports and sustains the species and their habitats.

Ara tawhito

60. Ara tawhito are traditional travel routes that were used by our tūpuna much as our roads and highways are used today. These pathways and trails connected the coast with the interior of Otago, often following waterways and valleys.

61. Many ara tawhito were established by early ancestors, who named the landscape as they travelled, setting their mana over the whenua. Over time, as our tūpuna (ancestors) confirmed these trails through seasonal use, they enabled our people to maintain ahi-kā-roa (the warm hearths of occupation), and to maintain whakawhanaukataka (connections and relationships).

62. Another significant reason for the continued use of ara tawhito over generations was the access they gave us to mahika kai resources in the interior of Te Waipounamu.

63. An ara tawhito in proximity to the Pig Burn links Matakaea/Shag Point with the Maniatoto, following the Waihemo/Shag River. Following roughly the same route as State Highway 85, the trail finishes to the northeast of Pig Burn across the Kye Burn.

Kāika and nohoaka

64. Kāika and nohoaka were permanent and seasonal settlements often located close to rivers and lakes, and sources of mahika kai and other resources. The locations of known kāika and nohoaka in the area, and those of mapped archaeological sites, indicate the history of occupation, use, and activity by mana whenua in the area, particularly related to mahika kai.

65. Traditional trails in the Taiari catchment followed the mainstem of the river, but also linked to the mountains and passes that would support wide-range movement through the interior of Otago.

66. There are also several registered archaeological sites within, or in close proximity to the Pig Burn area that clearly demonstrate mana whenua occupation and use of the area.⁷

These include:

- (a) Quarry (H42/1)
- (b) Unspecified (H42/16)
- (c) Oven (H42/18)
- (d) Midden with moa bone (H42/20)
- (e) Artefact – adze (H42/21)

67. Under the NTCSA, Kāi Tahu were given access to sites as nohoaka to support mahika kai activities. Modern nohoaka aim to provide an opportunity for whānau to interact with the environment in a similar way to our tūpuna, by providing access to temporary camp sites. There are three nohoaka located along the Taiari:

- (a) Loganburn
- (b) Taiari River off Murray Road
- (c) Paerau Reservoir⁸

KĀI TAHU CULTURAL CONTEXT FOR FRESHWATER MANAGEMENT

Kāi Tahu whakapapa relationship with freshwater (wai māori)

68. Water is a central element in Kāi Tahu creation traditions and is present very early in the whakapapa of the world, as described in this creation account from Tīramōrehu:

Nā te Pō, ko te Ao,	From the night, the day,
Tana ko te Ao-mārama,	The daylight,
Tana ko te Ao-tūroa,	The longstanding day,
Tana ko Kore-te-whiwhia,	The intangible voids and
Tana ko Kore-te-rawea,	
Tana ko Kore-te-tamaua,	

⁷ Known archaeology sites are identified on the map in Appendix 3.

⁸ Ngāi Tahu Claims Settlement Act 1998, Schedule 95

Tana ko Kore-te-matua,	Through the Parentless realm
Tana ko Māku.	Moisture is created.
Ka noho a Māku i a Mahora-nui-a-tea, ka puta ko Raki.	Moisture couples with inner space to give birth to Raki, the sky.

69. Te Māku, the moisture, and Mahora-nui-a-tea are significant atua (early ancestors with continuing influence) in the Kāi Tahu whakapapa of the world. From their union, Rakinui (also known as Raki, or Ranginui in northern dialects of te reo Māori) was born, Raki coupled with many wives, including Papatūānuku (the Earth Mother). When these parents were separated by their children, the tears the parents shed were the origin of wai māori. The rain is the tears of Raki for his beloved Papatūānuku, and mist is often regarded as Papatūānuku's tears for Raki.
70. The many children of Raki born of different wives are the atua who were responsible for creating the elements that make up the world today, both animate and inanimate. Mountains, rivers, forests, and seas, and all animal and bird life, are attributed to these atua. Kāi Tahu claim whakapapa to Raki and, as his descendants, the people of Kāi Tahu are connected to all things by whakapapa.
71. Whakapapa describes the bonds, relationships, and connections between all things, and links Kāi Tahu to the lands and waters, and all life support by them. These links extend to the cosmological world of the atua to the present and future generations. This gives rise to a spiritual relationship with te taiao, and a respect for the mauri of the natural environment.
72. Linked to whakapapa is the concept of whakawhanaukataka, which is expressed in the environment through the concept of ki uta ki tai. This emphasizes the holistic management of interrelated elements within te taiao. Water released by Raki as precipitation makes its way into rivers, which in turn connects the entire landscape from the mountains to the sea. From the sea and other waterbodies, water evaporates, condenses, and falls again on Papatūānuku, an eternal holistic cycle. These relationships demonstrate the interconnectedness of environmental systems and form a basic tenet in Kāi Tahu resource management practices and perspectives.
73. The key points of the whakapapa relationship of Kāi Tahu whānui to freshwater are:
- (a) Through descent from Rakinui and Papatūānuku, overlain by ancestral links and the history and traditions of resource use, the whakapapa of mana whenua, water and land

are integrally connected, and this relationship is fundamental to the identity of Kāi Tahu.

- (b) The whakapapa connection carries rakatirataka rights for mana whenua, and also imposes a kaitiakitaka obligation on mana whenua to protect wai and all the life it supports, in accordance with customs and knowledge developed over many generations.
- (c) The condition of water is seen as a reflection of the condition of the people - when the wai is healthy, the people are strong and healthy and so too is their mana.

Mauri

- 74. Mauri is the life-affirming quality evident in all things, including living beings, the natural world, and inanimate objects. This 'life force' can be observed as a measure of health and well-being. The primary resource management principle for Kāi Tahu is the protection of mauri. Measures related to tapu and noa could be applied when mauri is diminished, including practices like rāhui, which placed restrictions on food gathering and access, allowing a period of natural rejuvenation.
- 75. The mauri of wai māori is assessed by observing qualities like the liveliness, energy, and vitality of a waterway, allowing an assessment of the impact on activities and events that can change and degrade the mauri. This can be identified by monitoring food and energy sources, and the biotic interactions in a freshwater ecosystem. Mauri is about the life in, and around, the waterway, and recognises wai māori as a source, and a signifier, of life and well-being in te taiao.
- 76. Waterbodies with an intact mauri demonstrate good water quality, good flow with energy and life, sustained healthy ecosystems, and the ability to support mahika kai and other cultural activities.

Rakatirataka and kaitiakitaka

- 77. Under tikaka Māori, whakapapa relationships afford rights and responsibilities to Kāi Tahu as expressed through the exercise of their mana and rakatirataka and actioned in te taiao through the practice of kaitiakitaka.
- 78. Rakatirataka refers to the action of those with recognised mana, who are mandated by the people they represent, to uphold, and give effect to, the culture and traditions associated with natural resource management in their takiwā. Wai māori is a taoka that is governed under the domain of rakatirataka, as expression of mana, and in accordance with tikaka Kāi Tahu.

79. Kaitiakitaka is a widely used term that was included in the RMA and has been extensively adopted into New Zealand English to mean 'guardianship'. In a Māori context, the meaning of the word is specifically linked to the exercise of rakatirataka by mana whenua within their rohe, rather than a general custodial role. The person who is mandated to undertake kaitiakitaka is referred to as a kaitiaki, a term with a number of meanings and associations.
80. I have inherited my kaitiaki responsibilities from my father and, through him, from the ancestors. Kaitiakitaka is exchanged intergenerationally, handed down through whānau and hapū. Implicit with kaitiakitaka is the balance between the right to access and use natural resources, for example, through mahika kai practices, with the responsibility to care for te taiao, focusing on providing a sustainable base for the generations of the future. This is the underpinning meaning of the whakataukī, *Mō tātou, ā, mō kā uri a muri ake nei* (for us and our children after us), which was adopted initially by the Ngāi Tahu Māori Trust Board in the 1940s, and then adopted by Te Rūnanga o Ngāi Tahu as a vision statement following the settlement of the Ngāi Tahu claims.

Conclusion on the Kāi Tahu relationship with freshwater

81. Water is the lifeblood of the whenua and te taiao, and of the many life forms that depend on it. As a result, wai māori is very significant for our people, both for its practical applications, and for the spiritual meaning it embodies. Rivers are a symbol of the permanence of wai māori, and a source of spiritual meaning and connection for kā rūnaka.
82. Some key aspects of the mana whenua relationship with wai māori include:
- (a) Freshwater is an enduring and recognisable part of our wāhi tūpuna.
 - (b) The gathering of mahika kai is a significant aspect of our cultural identity as Kāi Tahu, and as a means of passing knowledge and practices from one generation to the next.
 - (c) The gathering of mahika kai provides for whānau wellbeing and contributes to manaakitaka by providing kai for events like hui, tangi, and weddings.
 - (d) Involvement in monitoring and improving freshwater resources contributes to the exercise of rakatirataka and kaitiakitaka, by enabling Kāi Tahu to exercise their duty to ensure that healthy, sustainable resources are passed on to future generations.
 - (e) The experience of being on rivers as individuals and as whānau connect us with our tūpuna, for whom these waterways were arterial routes traversed seasonally over generations, linking Kāi Tahu whānui to te taiao, ki uta ki tai.

TE MANA O TE WAI

83. In 2020, the NPS:FM 2020 was gazetted, placing greater emphasis on Te Mana o te Wai as a fundamental concept in the management of freshwater, and defining it as:

*a concept that refers to the fundamental importance of water and that recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai is about restoring and preserving the balance between the water, the environment, and the community.*⁹

84. Mana whenua have undertaken a robust process to define Te Mana o te Wai in Otago. Our definition of Te Mana o te Wai is informed and framed by our vision for freshwater and aligns with the central elements of our creation traditions.

85. This definition is informed by our knowledge and mātauraka about te taiao and wai māori - mātauraka māori that is already being used to guide the mahi being done by Kāi Tahu to restore the Waihora/Waipōuri wetlands complex in the Lower Taiari catchment.

86. The mana whenua definition of Te Mana o te Wai is now a freshwater objective in the Proposed Otago Regional Policy Statement 2021, namely:

LF-WAI-01 – Te Mana o te Wai

The mauri of Otago's water bodies and their health and well-being is protected, and restored where it is degraded, and the management of land and water recognises and reflects that:

- 1. water is the foundation and source of all life - na te wai ko te hauora o ngā mea katoa,*
- 2. there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,*
- 3. each water body has a unique whakapapa and characteristics,*
- 4. water and land have a connectedness that supports and perpetuates life, and*
- 5. Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports.*

PROPOSED OTAGO REGIONAL POLICY STATEMENT 2021 – TAIARI FMU VISION

87. Mana whenua have worked with Otago Regional Council, alongside input from the wider community, to develop long-term visions for Otago's water bodies that will give effect to

⁹ NPS:FM 2020, s1.3(1).

Te Mana o te Wai. The vision for the Taiari Catchment set out in the PORPS reflects mana whenua aspirations for the management of freshwater in this catchment, including:

- (a) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained.
- (b) healthy wetlands are restored in the upper and lower catchment wetland complexes, including the Waipori/Waihola Wetlands, Tunaheketaka/Lake Taiari, scroll plain, and tussock areas; and
- (c) the gravel bed of the lower Taiari is restored and sedimentation of the Waipori/Waihola complex is reduced.¹⁰

MANA WHENUA PRINCIPLES AND ASPIRATIONS FOR FRESHWATER MANAGEMENT IN THE PIG BURN CATCHMENT

88. Kā rūnaka recently established a set of principles to guide freshwater management. These principles reflect the values and relationships, and the tikaka, of mana whenua in relation to wai māori, as discussed above. These principles best express the aspirations of mana whenua for the Pig Burn. The principles are:

- (a) Principle 1 – that the behaviour of the Pig Burn should mimic the natural behaviour of the river system.
- (b) Principle 2 – that the contribution of the Pig Burn to flow in the main stem of the Taiari River should mimic the proportionate contribution of this tributary under natural flow conditions.
- (c) Principle 3 – that the setting of residual flows and allocation limits should recognise the interconnectedness of the Pig Burn catchment from its headwaters to its confluence with the Taiari River, and its connection to the Taiari River.
- (d) Principle 4 – that the water quality at the confluence should reflect the water quality at the source.
- (e) Principle 5 – that the setting of residual flows and allocation limits should enable resilient ecosystems in this catchment.
- (f) Principle 6 – that management of the Pig Burn should enable mana whenua to breathe life into their relationship with this awa and the Taiari Catchment; and

¹⁰ PORPS LF-VM-O4, clauses (2) to (4).

(g) Principle 7 – that management and use of the Pig Burn should reflect the principles manaakitaka and reciprocity (see Appendix 2 for a fuller description of the principles).¹¹

89. When applied to the proposed activities, these principles provide a means of assessing the impact of the proposed abstraction and flow regime on Te Mana o te Wai.

90. There are clear signs that the mauri of the Pig Burn has been degraded. The current abstraction has modified the natural flow regime, resulting in extended drying reaches.¹² The current proposal appears to continue this trend, with a residual flow of 10L/s being sought by the applicant. If consent is granted as proposed, I understand that the lower losing reach of the Pig Burn will be dry under natural low-flow conditions, and that the flow regime will not mimic the proportionate contribution of this tributary to the Taiari River under natural flow conditions.

91. Looking at the Taiari catchment as an interconnected system, the Pig Burn forms part of the Upper Taiari sub-catchment. This proposal in combination with other consented abstraction will have a cumulative impact on flows in the Taiari. In my opinion, the Taiari is overallocated.

92. Further, there is a cumulative effect on water quality in the Taiari catchment from the Maniototo to the sea. The decline of water quality in the Taiari from the upper to the lower catchment has been particularly noted by the Department of Conservation since 2012. Over the same period, the upper catchment has seen an increase in dairying and forestry activities.¹³ These activities are putting more pressure on the river. Although kā rūnaka do not support the concept of relying on flow to dilute contaminants in the river, it is evident that reduction in natural flows exacerbates the impact of these contaminants.

93. At the same time, at least 90% of wetlands in New Zealand have been drained since the contact period. Wetlands provide many ecosystem services, including improving water quality, and are important ecosystems. The loss and degradation of wetland complexes and waterways that act as ephemeral wetlands, like Tunaheketaka, are part of this picture. The negative effect of large water takes on the overall health and well-being of these remaining wetlands, and the Taiari catchment, cannot be overlooked, or understated.

¹¹ Aukaha (2021). Manuherekia rohe freshwater management regime: Kāi Tahu ki Otago recommendations. Unpublished manuscript.

¹² Pattle Delamore Partners (2020). Technical memorandum: Hydrological report for the Pig Burn water users' resource consent application.

¹³ Department of Conservation (2020). Review of values, freshwater restoration programmes, and research needs within the Taiari catchment. Dunedin, New Zealand: Ryder Environmental Ltd.


94. Many of the mahika kai activities associated with the area surrounding the Pig Burn are no longer possible. Tunaheketaka has been lost, as have many of the mahika kai species that were once gathered in the past. The continued extraction of water from tributaries like the Pig Burn, and the cumulative effects of these activities across the entire Taiari system, have an influence on the quality of water and natural habitats at significant downstream sites, like the Waihola/Waipōuri wetlands complex.
95. The Taiari is unique amongst rivers in Otago, in that it is the only one that is open from the headwaters to the sea, providing unfettered access for native fish migration. This makes the Taiari a prime candidate for the restoration of native habitats for species like tuna and īnaka. Tuna (Longfin eels) are recorded in the lower Pig Burn. The restoration of habitat for this taoka species is a priority for mana whenua. Due to an overall decrease in the numbers of tuna in the Taiari catchment, and ongoing degradation in their habitat, it is critical to protect and enhance the habitat of remaining populations.
96. The return of these taoka species would provide opportunities for Kāi Tahu whānui to reconnect with the awa through mahika kai practices, and scientific and ecological monitoring. Continued draining of tributaries like the Pig Burn by water takes does not support the provision of healthy waterways and ecosystems for these restoration activities to take place.
97. Under the principle of manaakitaka, kā rūnaka respect the right of the applicants to make use of the water for their physical health and well-being, and their economic, social, and cultural benefit. However, these activities should only be undertaken in such a way that upholds Te Mana o te Wai as a first priority. It is clear to mana whenua that the proposed allocation and flow regime will negatively affect the mana of the Pig Burn, which will in turn continue to degrade the mana of the Taiari catchment, ki uta ki tai.

CONCLUSION

98. The mauri of the Taiari represents the essence that binds the physical and spiritual elements of all things together, generating and sustaining the surrounding ecosystems. All elements of te taiao possess a life force, and all forms of life are related and interconnected. Mauri is the critical element that reflects the relationship between Kāi Tahu and the river, the overall health and wellbeing of the waterway, and the life it supports. These connections and relationships with te taiao, expressed through whakapapa and whakawhanaukataka, invoke a reciprocal duty of care that underpins the exercise of rakatirataka and kaitiakitaka.

99. Rakatirataka and kaitiakitaka sit at the heart of Te Mana o te Wai for Kāi Tahu. Our success as kaitiaki in implementing Te Mana o te Wai will be measured in the outcomes for the generations to come. Te Mana o te Wai is inseparable from the mana of the people.

100. Finally, the position of kā rūnaka is that these consents should be limited to a six-year term, in order to match the timing of the consent expiry matching with the notification of the new Otago LWRP. The consent duration proposed by the applicant will effectively cut mana whenua out of conversations regarding the role played by the Pig Burn in upholding Te Mana o te Wai in the Taiari catchment for another generation and will hinder the ability to achieve the Taiari FMU vision set out in the PORPS.

A handwritten signature in blue ink, appearing to read 'E. Ellison'.

Edward Ellison ONZM

Appendix 1: Glossary of Māori words and phrases

Te reo Māori term	English translation
ahi-kā-roa	<i>the 'long-burning fires' of occupation</i>
ara tawhito	<i>ancestral trails</i>
aruhe	<i>bracken fern root</i>
atua	<i>early ancestors with continuing influence often translated as 'gods'</i>
atua kaitiaki	<i>guardian ancestors a term used to refer to the children of Raki</i>
awa	<i>river</i>
hapū	<i>sub-tribe, clan</i>
harakeke	<i>flax</i>
houi	<i>lacebark</i>
īnaka	<i>a variety of whitebait</i>
iwi	<i>extended kinship group, nation</i>
kai	<i>food</i>
kākahi	<i>freshwater mussels</i>
kāika	<i>village</i>
kaitiaki	<i>the person who exercises kaitiakitaka</i>
kaitiakitaka	<i>the exercise of guardianship as an expression of mana and rakatirataka</i>
kanakana	<i>lamprey</i>
karakia	<i>incantations</i>
kaurū	<i>edible parts of the cabbage tree</i>
ki uta ki tai	<i>'from the mountains to the sea' a proverb used to reference the mana whenua preference for integrated and holistic natural resource management</i>
kina	<i>hedgehog</i>
kiore	<i>native rat</i>
mātauraka, mātauraka Māori	<i>knowledge, wisdom, understanding; that of the Māori people</i>
mahika kai	<i>food gathering resources, practices, and sites</i>
mana	<i>prestige, authority, control, power, influence; gained through whakapapa and expressed through the exercise of rakatirataka</i>

<i>mana whenua</i>	<i>the people that are recognised as holding mana over the land in a particular area</i>
<i>manaakitaka</i>	<i>hospitality, generosity, kindness</i>
<i>mauka</i>	<i>mountain(s)</i>
<i>mauri</i>	<i>life force, life essence</i>
<i>mihi</i>	<i>personal introduction</i>
<i>noa</i>	<i>free from the restrictions of tapu ordinary, unrestricted</i>
<i>nohoaka</i>	<i>temporary settlement</i>
<i>papai</i>	<i>a type of speargrass</i>
<i>pātiki</i>	<i>flounder</i>
<i>papatipu rūnaka</i>	<i>customary governance boards</i>
<i>rāhui</i>	<i>temporary prohibition</i>
<i>rakatirataka</i>	<i>chiefly autonomy</i>
<i>raupō</i>	<i>bullrush</i>
<i>rohe</i>	<i>boundary, district, region</i>
<i>roto</i>	<i>lake(s)</i>
<i>takiwā</i>	<i>territory</i>
<i>taoka</i>	<i>treasured possession(s)</i>
<i>tapu</i>	<i>a state of being under restriction</i>
<i>te taiao</i>	<i>the natural environment</i>
<i>tikaka</i>	<i>a customary system of values and practices</i>
<i>tikaka Kāi Tahu</i>	<i>the customary system of values and practices associated with being Kāi Tahu</i>
<i>tuna</i>	<i>long-finned eel</i>
<i>tūpuna</i>	<i>ancestors</i>
<i>wai māori</i>	<i>freshwater</i>
<i>wāhi ikoa</i>	<i>place names</i>
<i>wāhi tūpuna</i>	<i>cultural landscapes</i>
<i>waka</i>	<i>canoe</i>
<i>waka ama</i>	<i>the sport of outrigger canoeing</i>
<i>weka</i>	<i>woodhen</i>
<i>whakapapa</i>	<i>genealogy</i>
<i>whakawhanaukataka</i>	<i>the process of establishing relationships</i>
<i>whānau</i>	<i>family, extended family</i>
<i>whenua</i>	<i>land</i>

Appendix 2: Mana whenua principles for freshwater management in the Pig Burn and the Taiari Catchment

Principle 1	Mimic the natural behaviour of the river system
<p><i>The movement of water within the natural bed of the Pig Burn should not be artificially constrained or diverted</i></p> <p><i>The period of time for which low flows occur should reflect their natural duration</i></p> <p><i>The variability of flow over seasons, and the natural functions of flow variability, should be provided for</i></p> <p><i>Water that is produced in the catchment should not be transferred out of the catchment</i></p>	
Principle 2	Proportionate contribution of flow to the Taiari River
<p><i>The contribution of the Pig Burn to flow in the Taiari main stem should mimic the proportionate contribution of the same under natural flow conditions</i></p>	
Principle 3	Recognise interconnectedness across the catchment
<p><i>The mauri of different parts of a river system cannot be separated</i></p> <p><i>The contributions of all parts of the system, including tributaries, wetlands, and indigenous biodiversity, must be considered as part of an integrated whole</i></p> <p><i>The management regime must consider and provide for the characteristics and values of the Pig Burn as well as the Taiari mainstem</i></p> <p><i>Freshwater management within the Taiari catchment should protect wetlands to provide for their important natural functions</i></p>	
Principle 4	Water quality at the confluence should reflect the quality at the source
<p><i>Waterways should be free of contaminants and pollutants</i></p> <p><i>Water quality targets should reflect naturally occurring water quality</i></p> <p><i>The flow regime for the Pig Burn should ensure that residual flows are sufficient to maintain high water quality standards, and to enable regular flushing flows</i></p>	
Principle 5	Enable resilient ecosystems
<p><i>The Pig Burn should be managed to ensure that mahika kai and taoka species are able to thrive</i></p>	
Principle 6	Enable Kāi Tahu whānui to breathe life into their relationship with the Pig Burn and the Taiari
<p><i>Mahika kai species including tuna must be abundant enough to support sustainable harvest</i></p> <p><i>Mahika kai species must be free from contaminants that would make them unsafe to eat</i></p> <p><i>The Pig Burn must be accessible and safe to enter</i></p> <p><i>The condition of the Pig Burn must be such that whānau are not deterred from interacting with this tributary of the Taiari River.</i></p>	

Direct involvement in decision-making on the management of the Pig Burn and the Taiari catchment is crucial to this principle being achieved

Principle 7

Manaakitaka and reciprocity

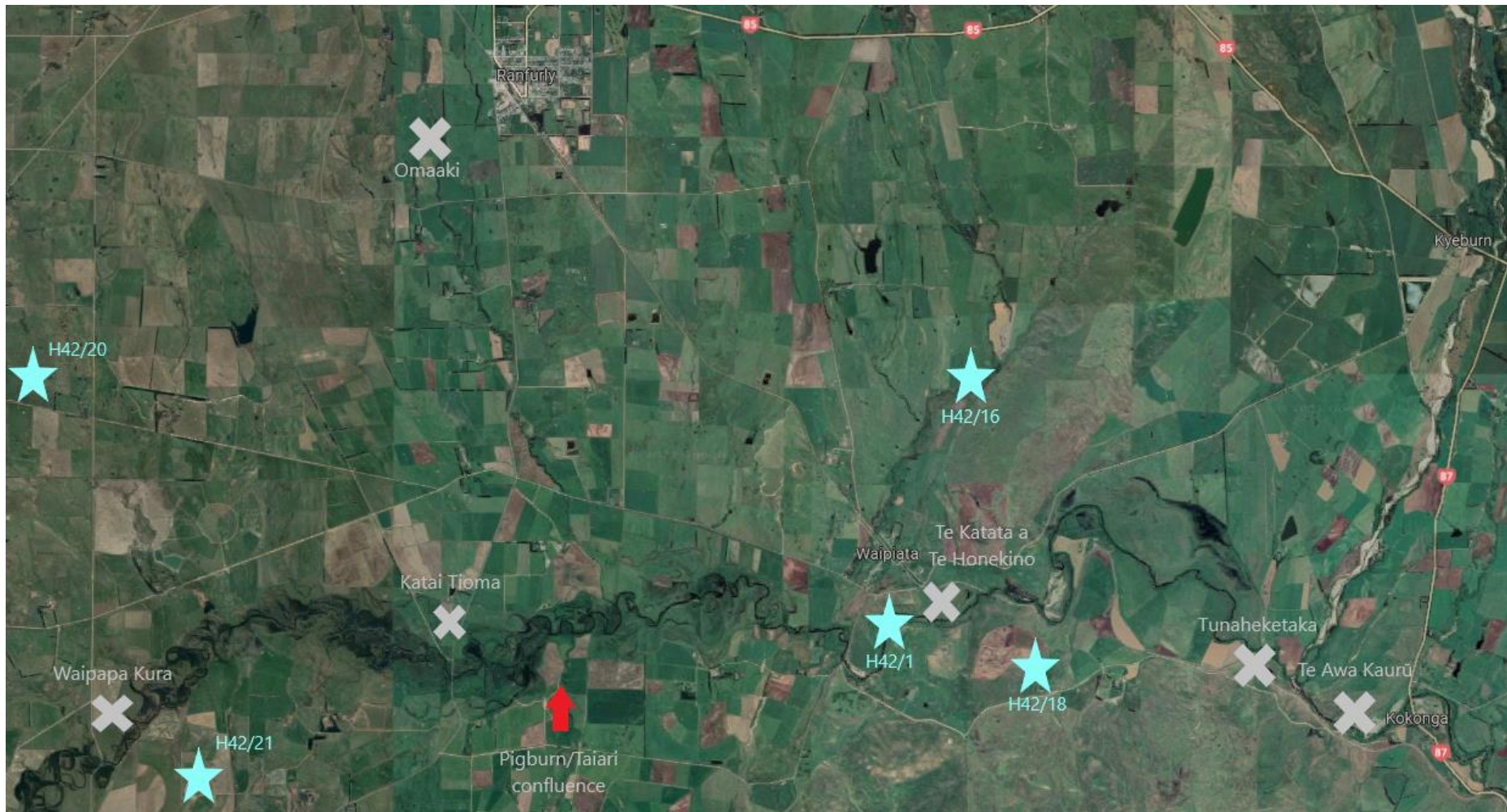
Manaakitaka refers to the act of being hospitable, the sharing of a resource, and to be generous by showing mutual respect.¹⁴

Reciprocity requires that, where something is taken, something must also be given back

Use of the Pig Burn is recognised as important to landowners, but it must be balanced with respect for the mana of the river

¹⁴ Potiki, T. (2019). Mana whenua values framework. Unpublished manuscript.

Appendix 3: Map identifying wāhi tūpuna and mapped archaeology sites in the area



Waipapa Kura – a mahika kai site for tuna, raupō, and weka

Katai Tioma – a mahika kai site for weka, pūtakitaki, and tuna

Omaaki – a mahika kai site for tuna, weka, kiore, kina, papai, and aruhe

Te Katata a Te Honekino – a mahika kai site for tuna and kanakana

Tunaheketaka – a large and significant wetland noted as a source for tuna

Te Awa Kaurū – a mahika kai site for kaurū and weka