

To: Otago Regional Council
P O Box 1954
Dunedin 9054
Submission lodged by email - submissions@orc.govt.nz

Form 13

Name of submitters: Te Rūnanga o Ngāi Tahu.

Te Rūnanga o Ngāi Tahu (Te Rūnanga) was served notice of the application below.

1. This is a submission on the application by Clutha District Council (RM15.364) for resource consent to discharge wastewater to the outflow channel of Lake Waihola for the purpose of disposal of treated sewage effluent at the Waihola Oxidation Pond.
2. The Te Rūnanga submission relates to the whole of the application as outlined in **Attachment A**.
3. Te Rūnanga wishes to be heard in support of its submission.
4. Te Rūnanga **opposes** the application, in its current format.
5. Te Rūnanga is not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.
6. If others are making a similar submission, Te Rūnanga will consider presenting a joint case with them at a hearing.
7. A copy of this submission has been sent to the applicant.
8. Te Rūnanga acknowledges the submissions of the following Papatipu Runanga and submits in support of their position: Te Rūnanga o Ōtākou.

Signed for and on behalf of Te Rūnanga o Ngāi Tahu



Rebecca Clements
General Manager |
Te Ao Tūroa
Te Rūnanga o Ngāi Tahu

Date: 13 September 2019

Attachment A

Address for service:

Lisa MacKenzie
Te Rūnanga o Ngāi Tahu
PŌ Box 13 046
Ōtautahi/Christchurch 8021

Email: lisa.mackenzie@ngaitahu.iwi.nz

1. Introduction

- 1.1. This is a submission on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) on consent application by Clutha District Council (CDC) (RM15.364) for resource consent to discharge wastewater to the outflow channel of Lake Waihola for the purpose of disposal of treated sewage effluent at the Waihola Oxidation Pond.

2. Background

- 2.1. Te Rūnanga is statutorily recognised as the representative tribal body of Ngāi Tahu whānui and was established as a body corporate on 24 April 1996 under section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (the **Act**). Te Rūnanga works to advocate for and protect the rights and interests inherent to Ngāi Tahu as mana whenua.
- 2.2. Te Rūnanga consists of eighteen Papatipu Rūnanga who uphold the mana whenua and mana moana of their rohe. Ngāi Tahu whānui comprises over 64,000 registered iwi members. The takiwā (region) of Ngāi Tahu in Te Waipounamu covers the largest geographical area of any tribal authority, see **Appendix One**. Specifically, Ngāi Tahu whānui are mana whenua of the Otago Region.
- 2.3. Te Rūnanga has a specific interest in these resource consent applications by virtue of the NTSCA which provides for Ngāi Tahu and the Crown to enter an age of co-operation. The Crown apology to Ngāi Tahu, as shown in **Appendix Two**, recognises the Treaty principles of rangatiratanga, partnership, active participation in decision-making, and active protection.
- 2.4. Te Rūnanga respectfully requests that the Otago Regional Council accord this submission the status and weight due to the tribal collective, Ngāi Tahu whānui, currently comprising over 64,000 members, registered in accordance with section 8 of the Act.
- 2.5. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to this matter.
- 2.6. Te Rūnanga supports the submissions made by Te Rūnanga o Ōtākou in relation to this application.

3. Te Rūnanga Interests in Relation to the Discharge of Wastewater.

- 3.1. Te Rūnanga notes the following particular interests in the CDC Application:

3.1.1 Treaty Relationship:

- Te Rūnanga has an expectation that the Crown will honour the Treaty of Waitangi / Te Tiriti o Waitangi (the **Treaty**) and the principles upon which the Treaty is founded. Otago Regional Council, as the delegated representative of the Crown, is required to take into account the principles of the Treaty of Waitangi in exercising its functions.

- Te Rūnanga is reliant upon Otago Regional Council decision-makers understanding the Treaty context in which they operate, and the need to uphold Crown responsibilities that have been delegated to them. The Productivity Commission summed up this extension of the Treaty relationship in its 2013 report, *Towards Better Local Regulation*:

“If the Crown chooses to delegate to local authorities responsibility for the control of natural resources, it must do so in terms which require local authorities to afford the same degree of protection as is required by the Treaty to be afforded by the Crown. [p179]”

- The Waitangi Tribunal Ngāi Tahu Report 1991 investigated the “nine tall trees” of Te Kerēme (Wai 27, the Ngāi Tahu claim), namely the eight regional purchases of Ngāi Tahu lands over two decades between 1844 and 1864, and Ngāi Tahu claims to mahinga kai resources (the “ninth tree”). This was the culmination of a claims process which unfolded over 140 years. Section 4.7.11 of the 1991 Report records the following excerpt from the Court of Appeal ruling of Sir Robin Cooke:

“the duty of the Crown is not merely passive but extends to active protection of Maori people in the use of their lands and waters to the fullest extent practicable.”¹

3.1.2 *Kaitiakitanga:*

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Te Rūnanga has an interest in ensuring sustainable management of natural resources, including protection of taonga species and mahinga kai for future generations.
- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Te Rūnanga is guided by the tribal whakataukī: “mō tātou, ā, mō kā uri, ā muri ake nei” (*for us and our descendants after us*).

3.1.3. *Whanaungatanga*

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

3.2. Statutory Acknowledgements are an instrument included in the Ngāi Tahu Claims Settlement Act 1998 (the **NTCSA**) legislation. Statutory Acknowledgements are areas acknowledged by the Crown of particular significance to Ngāi Tahu that recognise the mana of tangata whenua in relation to specific areas. The acknowledgements relate to ‘statutory areas’, which include geographic features, lakes, wetlands, rivers, areas

¹ *New Zealand Māori Council v Attorney-General [1987] 1 NZLR 641*

of land and coastal marine areas. Statutory Acknowledgments particularly relate to the cultural, spiritual, historical and traditional associations with the area.

- 3.3. The relevant Statutory Acknowledgement in respect of the consent application is the Waihola/Waipori Wetland Statutory Acknowledgement Area² and Te Tai o Arai Te Uru (Otago Coastal Marine Area) Statutory Acknowledgement Area³. The NTCSA describes Ngāi Tahu associations with both these Statutory Acknowledgement areas (refer to **Appendix Three** for a full description for the Statutory Acknowledgement Area and the Ngāi Tahu associations). These associations are material to decision making under the Resource Management Act 1991 (the **RMA**) and to this specific consent application
- 3.4. The lakes, wetlands, Waipori and Taieri Rivers are connected to the hāpua, and coastal environment. The importance of this area for mahinga kai has also been recognised through the establishment of a General Commercial Fishing Prohibition Area for all shellfish (except for rock lobster, oysters and crabs) under s297 of the Fisheries Act 1996 at the Taieri River Mouth and the vesting of Moturata/Taieri Island to Ngāi Tahu.

4. General Position and Reasons for the Submission

- 4.1. Lake Waihola, Lake Waipori and their associated wetlands; the Waipori and Taieri Rivers; and the coastal environment have significant mahinga kai associations and cultural values for Ngāi Tahu.
- 4.2. The discharge of human wastewater (both treated and untreated) into the water or to land where it may enter water is offensive to the values of Ngāi Tahu. The degradation of the cultural health of waterways as a result of discharges is a significant issue for Ngāi Tahu.
- 4.3. Mana whenua, as kaitiaki, are responsible for protecting the mana and mauri of waterbodies. The mauri should not be desecrated and it cannot be harmed by natural disasters, only those resulting from the actions of man⁴. Te Rūnanga are deeply concerned that the mauri of the waterbodies associated with this application will continue to be negatively impacted by this discharge activity.
- 4.4. Ngāi Tahu therefore **oppose** the discharge of wastewater being applied for by CDC on the following grounds:

Effects on Cultural Values

- 4.5. As documented in Kāi Tahu ki Otago Natural Resource Management Plan 2005 and outlined above the waterbodies and their catchments are of significance to Ngāi Tahu. Not only are they part of the tribal identity and history, they have strong mahinga kai associations.

² Schedule 70 of the Ngāi Tahu Claims Settlement Act 1998

³ Schedule 103 of the Ngāi Tahu Claims Settlement Act 1998

⁴ Te Rūnanga o Ngāi Tahu Freshwater Policy, Section 4.2.1

4.6. The discharge of human wastewater (both treated and untreated) into the water being offensive to the values of Ngāi Tahu is documented in the Ngāi Tahu Freshwater Policy Statement; Kāi Tahu ki Otago Natural Resource Management Plan 2005; and the Otago Regional Plan Water.

4.7. The Otago Regional Plan Water explanation for Issue 4.13.5 states:

“The discharge of untreated and treated human waste and other contaminants to water bodies is particularly offensive to Kai Tahu, since water is of both spiritual and practical importance to the indigenous culture of Otago. Degradation of any water body undermines the enduring cultural relationship iwi have traditionally enjoyed and seek to retain with their waters. In addition, the custom of gathering food (mahika kai) from water bodies is jeopardised, since the practice of consuming food gathered from resources contaminated by, in particular, human wastes is abhorrent to iwi. Severance of the spiritual relationship with, and of the customary use of, a water body strikes at the very identity and well being of the indigenous culture. This causes a failure as Kaitiaki to protect and pass on to the next generation an intact mahika kai custom.”

4.8. The importance of these waterbodies for mahinga kai are expressed through Settlement not only with Statutory Acknowledgement Areas but also with through the vesting of Moturata (Taieri Island) to Ngāi Tahu. The importance of the Taieri River Mouth for mahinga kai is highlighted through the establishment of the General Commercial Fishing Prohibition Area for all shellfish⁵. Te Rūnanga is concerned that the discharges associated with this resource consent application will further erode the ability of Ngāi Tahu whānui to practice mahinga kai within the Lake Waihola/Waipori Wetland system and downstream within the Taieri River and coastal environment. Refer to **Appendix Four** for a further summary of mahinga kai.

4.9. Te Rūnanga is concerned not only with the impact of the application on its mahinga kai values but all cultural values (e.g. the mauri of the river, wāhi tapu etc) associated with the waterbodies and catchments in the district.

4.10. There are numerous urupā, wāhi tapu and wāhi taonga associated with the waterbodies and their catchments, along with the whakapapa associated with the lakes, wetlands and rivers. These values reinforce tribal identity and provide a connection to Ngāi Tahu tūpuna (ancestors).

4.11. As outlined in the description for the Statutory Acknowledgment Areas (refer to **Appendix Three**) the mauri of each waterbody *“is a critical element of the spiritual relationship of Ngai Tahu whānui with the”* wetlands and coastal area. Ngāi Tahu is concerned about the impact of the application on the mauri of these waterbodies and connecting rivers.

4.12. Ki uta ki tai recognises the connection between land, groundwater, surface water and coastal waters.⁶ Te Rūnanga is concerned with the effects of the application on the water bodies and their catchment. The effects of the application on water quality will in turn adversely affect the lakes, rivers and the hāpua, not only within the discharge area but downstream of the discharge point. This includes the values within the waterways

⁵ Fisheries (South-East Area Commercial Fishing) Regulations 1986, section 10.

⁶ Kāi Tahu ki Otago Natural Resource Management Plan 2005 page 11 and 75.

and along their margins. Degradation of the lakes and associated wetlands and water within the catchment will also have an adverse effect on the wider values associated with the catchment, including their ecological, amenity and recreational values.

Duration of resource consent

4.13. Te Rūnanga are opposed to the 35 year consent period sought by CDC.

4.14. Te Rūnanga have concerns that the duration requested:

- would encapsulate potentially two 10 year cycles of RMA plan change;
- diminishes the ability for Ngāi Tahu whānui to fulfil their role as kaitiaki;
- results in long term and intergenerational effects on the environment; and
- has long term effects on Ngāi Tahu values.

Other matters

4.15. Te Rūnanga is concerned about the effects of the application on water quality and ecology both in the lake/wetland system and downstream to and including the coast. The lakes and wetlands are not only important for their cultural associations but are recognised both nationally and internationally for their ecology.

4.16. There has been insufficient consideration of alternatives as required by Section 105(1) of the Resources Management Act 1991. As stated above the discharge of human effluent to water is offensive to Ngāi Tahu.

4.17. The lack of a Cultural Impact Assessment and consultation (as outlined in the application) undertaken with mana whenua to determine the impact of the application on Ngāi Tahu values and how they may be avoided or mitigated.

5. Decision Sought

5.1. Te Rūnanga seeks the following decision from the consent authority:

5.1.1. Ngāi Tahu is opposed to the application in its current form and seeks that the application as proposed is declined.

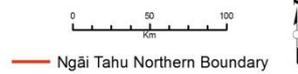
5.2. Te Rūnanga would welcome a pre-hearing meeting with the applicant to discuss the issues raised in this submission.

5.3. If the decision makers are of a mind to grant the application, Te Rūnanga wishes to have the opportunity to provide input into the wording of consent conditions.

APPENDIX ONE: NGĀI TAHU TAKIWĀ



Ngāi Tahu Takiwā



APPENDIX TWO: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 6 Text in English

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb “He mahi kai takata, he mahi kai hoaka” (“It is work that consumes people, as greenstone consumes sandstone”). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.

2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.
5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying “Te Hapa o Niu Tireni!” (“The unfulfilled promise of New Zealand”). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb “Te mate o te iwi” (“The malaise of the tribe”).
6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfillment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”

Appendix Three: Ngāi Tahu Claims Settlement Act 1998 Statutory Acknowledgment Area.

Schedule 70 Statutory Acknowledgement Areas for Waihola/Waipori Wetland: Ngāi Tahu association with Waihola/Waipori.

The Waihola/Waipori wetlands were once one of the most significant food baskets in the Otago region, and featured in the seasonal activity of the coastal settlements as far away as the Otago Peninsula and harbour area, Pūrākaunui and Puketeraki. The wetlands were once much larger in water area and deeper than at present, connected by a labyrinth of waterways and having a gravel bed which has now been overlaid by silt and mud.

The names Waihola/Waipori are likely of Waitaha derivation, with “hola” being the Waitaha form of “hora” meaning flat, spread out or widespread. Waipori may in fact be a misrecording of Waipōuri, which is used in many older manuscripts, being a reference to the dark, tanin-stained water the wetland receives from Waipori River, a heavily wooded catchment.

The Waihola/Waipori area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāi Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui. The wetland supported a number of pā within its environs and nearby. For example, Whakaraupuka, the pā of the Ngāti Mamoe chief Tukiauau was located in the area now known as Sinclair Wetlands, although Tukiauau eventually relocated further to the south as the southward movement of his Ngāi Tahu foes became uncomfortably close.

There were also many nohoanga (temporary campsites) located within the complex, used by food gathering parties which would travel to the lakes and camp on the fringes for two to three days to gather kai; to eel, hunt water fowl and gather flax. There were also permanent or semi-permanent settlements located in a number of locations around the lakes, some on islands in the wetlands system.

A number of other settlements further afield were also dependent on the mahinga kai resources of Waihola/Waipori for sustenance, including Tū Paritaniwha Pā near Mōmona, Ōmoua Pā above Henley, Maitapapa (Henley area), the kaik south of Henley and Takaaihitau near the old Taieri Ferry bridge, in addition to other settlements adjacent to the Taieri River up and downstream of the wetlands. Ōtākou and Puketeraki hapū would also make seasonal visits to gather resources and strengthen and maintain the kupenga (net) of whakapapa on which their rights to use those resources were based.

There is an account which tells of a sudden flood which required people trapped on the bank at a place called Whakaraupō, on the network of waterways that link Waihola with Waipori, to hastily construct a mōkihi out of raupō to reach safety. A meeting place was opened here in 1901 by the locals. The house was named Te Waipounamu.

For Ngāi Tahu, histories such as these 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.

Waihola/Waipori was a key mahinga kai resource for Ngāi Tahu based along the Otago coastal region, where an abundance of tuna (eel), inaka (whitebait), pātiki (flounder) and other indigenous fish were available. Waterfowl and fibre resources such as harakeke and raupō were also easily accessible from the wetlands. Spearing, setting hīnaki and nets, and bobbing for eel were regular activities on the wetlands in the season. The gathering of young ducks in the moult, and the catching of herons, pūkeko and other birds supplemented the broad range of kai available from the wetlands.

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 Waihola/Waipori, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The attractiveness of Waihola/Waipori as a mahinga kai was enhanced by their accessibility. With the direct link to the Taieri River, access via the Taieri to villages on the banks of the Taieri River, upstream and down, and access by waka to the coast and northward to Ōtākou, kai and other resources gathered from the wetlands could be transported back to these home bases with relative ease.

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 wetlands. 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 wetlands.

Because of the long history of use of Waihola/Waipori as a mahinga kai, supporting permanent and temporary settlements, there are numerous urupā, wāhi tapu and wāhi taonga associated with the wetlands. These are all places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are a particular focus for whānau traditions.

The mauri of Waihola/Waipori 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 wetlands. The wetlands represent, in their resources and characteristics, a strong element of identity for those who had manawhenua (tribal authority over the area) whose tūpuna were nurtured on the food and resources of the wetlands for generations.

**Schedule 103 Statutory acknowledgement for Te Tai o Arai Te Uru (Otago Coastal Marine Area):
Ngāi Tahu Association with Te Tai o Arai Te Uru**

The formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brothers, to turn to stone. They are manifested now in the highest peaks in the Kā Tiritiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tū Te Rakiwhānoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Māui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka a Māui in recognition of his discovery of the new lands, with Rakiura (Stewart Island) being Te Puka a Māui (Māui's anchor stone). A number of coastal place names are attributed to Māui, particularly on the southern coast.

The great explorer Rakaihautu travelled overland along the coast, identifying the key places and resources. He also left many place names on prominent coastal features. Another explorer, Tamatea, sailed along the Otago coast in the waka Takitimu. After the waka eventually broke its back off the coast of Murihiku, Tamatea and the survivors made their way overland back to the North Island, arriving at the coast by the place Tamatea named Ō-amaru (Ōamaru).

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

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

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

Because of its attractiveness as a place to establish permanent settlements, including pā (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāi Tahu in succession, who, through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui. Battle sites, urupā and landscape features bearing the names of tūpuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Notable pā on the Otago coast include: Makotukutuku (Oamaru), Te Raka-a-hineatea (Moeraki), Te Pā Katata, Pā a Te Wera, (Huriawa Peninsula), Māpoutahi (Pūrākaunui), Pukekura (Tairaroa Head), and Moturata (Tairi Island). The estuaries from the Waitaki River to the Chaslands also supported various hapū.

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

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources. Chiefs such as Kōrako (several), Tahatu, Honekai, Ihutakuru, Karetai, Tairaroa, Pōtiki, Tuhawaiki, and Pokene being some among a number who had their own villages and fishing grounds. Otago Peninsula (Muaupoko) had many kāinga nohoanga with a multitude of hapū occupying them. At one time up to 12 kāinga existed in the lower Otago harbour, some larger and more important than others.

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

Many reefs along the coast are known by name and are customary fishing grounds, many sand banks, channels, currents and depths are also known for their kaimoana. One example is Poatiri (Mt Charles - Cape Saunders) the name of which refers to a fish hook. Poatiri juts out into the Pacific, close to the continental shelf, and is a very rich fishing ground. Another example is Blueskin Bay which was once a kōhanga (breeding ground) for the right whale, although it is well over 150 years since it has seen this activity.

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

The Otago coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Pounamu and tītī were traded north with kūmara, taro, waka, stone resources and carvings coming south. Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka (landing places) occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp - used to make the pōhā, in which tītī were and still are preserved) with the sea trail linked to a land trail or mahinga kai resource. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

Numerous urupā are being exposed or eroded at various times along much of the coast. Water burial sites on the coast, known as waiwhakaheketūpāpaku, are also spiritually important and linked with important sites on the land. Places where kaitangata (the eating of those defeated in battle) occurred are also wāhi tapu. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected in secret locations.

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

Appendix Four: Mahinga Kai

Mahinga kai (mahinga kai) is the customary management and gathering of food and natural materials, the places those resources are gathered and the resources themselves⁷. Mahinga kai activities are an important expression of cultural identity and the continuation of traditional mahinga kai practices is a means of passing values and knowledge on to current and future generations⁸.

Mahinga kai is key to the identity as Ngāi Tahu. It is a source of great pride and sustenance for the whānau. Mahinga kai appeared as the 'ninth tall tree' of the Ngāi Tahu claim, signifying the value of mahinga kai. For some Ngāi Tahu whānau the practice of mahinga kai is their only expression of their Ngāi Tahutanga (Ngai Tahu Cultural identity). That is to say, mahinga kai is a part of who Ngāi Tahu are⁹.

⁷ Ngāi Tahu submission Lyttelton Port Company dredging applicaitons.

⁸ Te Rūnanga o Ngāi Tahu Freshwater Policy, Section 4.4 page 23

⁹ Ngāi Tahu submission Lyttelton Port Company Dredging applicaitons