

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

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of discharge permit  
application RM15.364  
under the Regional Plan:  
Water for Otago

**CLUTHA DISTRICT  
COUNCIL**

**Applicant**

**AND**

**OTAGO REGIONAL  
COUNCIL**

**Consent Authority**

**AND**

**TE RŪNANGA O NGĀI  
TAHU, TE RŪNANGA O  
ŌTĀKOU AND TE  
NOHOAKA O TUKIAUUAU /  
SINCLAIR WETLANDS  
TRUST**

**Submitters**

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**STATEMENT OF EVIDENCE OF PAULETTE TAMATI-ELLIFFE  
ON BEHALF OF TE RŪNANGA O NGĀI TAHU,  
TE RŪNANGA O ŌTĀKOU, AND TE NOHOAKA O TUKIAUUAU / SINCLAIR  
WETLANDS TRUST (COLLECTIVELY SUBMITTERS)**

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**Amended 20 January 2022**

## MIHIMIHI – INTRODUCTION

Ka rere taku manu, ko te toroa whakaiko e topa rā ki ruka o Pukekura

Rohaina atu kā parirau kia harō, ka whaia te awa moana o Ōtākou ki uta

Rere tou rā ki taku taniwha a Matamata, te poutiriao o Te Rakitauneke

Ka tau mai rā ki Maukaatua, tiro iho ana ki kā umu tākata o taku iwi

Arā ko Tarere-ki-whenua-uta, ki te awa kōpikopiko o Taiari

Mātai ana ki kā wai e hora ana, te puna waimaria o tōku tipuna, ko Rākaihautū

Auē kai whea rā te oraka mō taku iwi e!

Te Pātaka o Tūwiriroa e mimiti nei, e mimiti nei!

Ka tuku taku reo ki te wāhi karo, ki te kāpunipuni o kā wairua, ki a rātau ko whatukarokaro atu rā ki te Rua o Matariki. Kai ōku toa horopū, whakatōkia tō wairua hai ārahi i a mātau i roto i tēnei kaupapa whakahirahira nei, moe mai, moe mai, okioki mai rā.

Tēnei au, he uri o Kāti Moki, o Kāi Te Pahi, o Kāi Te Ruahikihiki e mihi nei ki a koutou kā mauka whakahī o te motu, kā tini awa e rere ana i te nuku o te whenua, tēnā koutou katoa.

Ko Taiaroa, ko Hineiwhariaua ōku tipuna. Ko Waitaha, ko Kāti Māmoe, ko Kāi Tahu ōku iwi.

Ko Paulette Tamati-Elliffe taku ikoa.

Koutou te komihana, kā kaiwhakawā, kā kanohi hōmiromiro e āta ārohi ana i te mauri o kā wai, i te mauri o tōku whenua taurikura; mō tātau, ā, mō kā uri e muri ake nei, tēnā koutou.

My chiefly bird, the Royal Albatross soars above Pukekura

Following the salt water river of Ōtākou, gliding inland toward Matamata, (Saddle Hill) the guardian of Te Rakitauneke, alighting upon Maukaatua.

I look down to the lands of my people below, to the great battlefields upon which Tarere-ki-whenua-uta was settled along the great winding river, Taiari

I turn my gaze to the glistening waters that were once a mighty expanse that stretched out across the plains, Waihora, the bountiful pool of my ancestor, Rākaihautū

I lament, for how are my people to prosper when the foodstores of Tūwiri-roa that were once in abundance are continually being diminished?

I call upon our ancestors, to those valiant warriors who have become stars in our night sky. It is your courage, strength and wisdom that we now seek, to inspire and guide us in our endeavours. We bid you farewell, to rest eternally.

As a descendant of our great leaders of past generations; Moki, Te Pahi, Te Ruahikihiki, I greet and acknowledge all those belonging to the many chiefly mountains and rivers from near and far.

Taiaroa and Hinewhariua are my ancestors who connect me to this land. Waitaha, Kāti Māmoe, Kāi Tahu are my iwi.

I also wish to give special acknowledgement to the Commissioner, and the adjudicators who are giving careful consideration to the well-being of our waters and lands, for the benefit of us all and the generations to follow. Greetings to you all.

## **QUALIFICATIONS AND EXPERIENCE**

1. My name is Paulette Tamati-Elliffe.
2. I give my evidence today on behalf of Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ōtākou and Te Nohoaka o Tukiauau / Sinclair Wetlands Trust (collectively the Submitters).
3. I am a member of local hapū represented today by Te Rūnanga o Ōtākou. I was born and raised here in Dunedin, connected to the ancestral lands that have sustained my whānau for countless generations.
4. I have been involved in the cultural, social and political affairs of the local hapū since I was a child. Within the last twenty years I have continued to serve in a number of community representative and leadership roles for Te Rūnanga o Ōtākou, as well as sit on the various leadership committees within our hapū.
5. I am currently the Manager of the Māori Language Revitalisation Strategy Team for Te Rūnanga o Ngāi Tahu, leading the resurgence of te reo Māori within Kāi Tahu families across the tribal territory here in Te Waipounamu.
6. I am the Kāi Tahu representative to the New Zealand Geographic Board, and also represent Te Tai Tonga (Te Waipounamu and Rēkohu/Wharekauri) on Te Mātāwai – the National Māori Language Board.

7. I am a Trustee on both Te Nohoaka o Tukiauaua/Sinclair Wetlands Trust, and Tatawai Whenua Tapu Trust, that governs and administers the tribally owned wetlands properties north of Waihora.
8. I have been actively involved in leading mahika kai restoration programmes over the last seven years, that seek to reconnect Kāi Tahu rakatahi (youth) and whānau back to our traditional practices of food and natural resource gathering across the Taiari.
9. I am a Steering Group member for the Te Nukuroa o Matamata Jobs For Nature project.
10. The key documents that I have referred to in preparing my evidence include:
  - (a) Clutha District Council (2015), *Waihola Sewage Treatment Plant. Application to Discharge Treated Sewage Effluent to the Lake Waihola Outlet Channel (the application)*;
  - (b) The Ngai Tahu Claims Settlement Act 1991 (**NTCSA**);
  - (c) The Kāi Tahu ki Otago Natural Resource Management Plan 2005 (**NRMP**);
  - (d) The Kāi Tahu Atlas – Kā Huru Manu.

## **SCOPE OF EVIDENCE**

11. This evidence describes mana whenua values and associations with the Waihora-Waipōuri<sup>1</sup> wetlands, the mana whenua history of loss in the Taiari catchment, and the proposed restoration of the biodiversity values of this catchment through the Te Nukuroa o Matamata project.

## **MANA WHENUA VALUES AND ASSOCIATIONS WITH THE WAIHORA-WAIPŌURI WETLANDS**

12. There are significant mana whenua values associated with the Waihora-Waipōuri wetlands, as evidenced through:
  - (a) Wāhi tūpuna
  - (b) Wāhi ikoa (place names)
  - (c) Mahika kai and taoka species; and

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<sup>1</sup> Kāi Tahu placenames are used in this evidence, respectively Waihora (Waihola) and Waipōuri (Waipori)

(d) Kāika and nohoaka.

### **Wāhi Tūpuna**

13. Wāhi tūpuna are interconnected ancestral places and landscapes that reflect the history and traditions associated with the long settlement of mana whenua in Otago. These ancestral landscapes 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.
14. Wāhi tūpuna should not be seen in isolation from one another but rather as being connected through their cultural associations. The landscape is the cradle of our creation stories; the imagery reflects the majesty of the creation traditions and speaks of the footsteps of our tūpuna. All these elements combine to narrate the story of connection and association.
15. 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 mana whenua identity.
16. The Waihora / Waipōuri wetland complex, of which Te Nohoaka o Tukiaua / Sinclair Wetlands and Tatawai are part, is an enduring and significant wāhi tūpuna for Ōtākou whānau.
17. The Waihora and Waipōuri wetlands were once one of the most significant food baskets in the Otago region and featured strongly in the seasonal activity of the coastal settlements of Kāi Tahu. The wetlands were once much larger in area and deeper than at present, connected by a labyrinth of waterways and with a gravel bed that has now been overlaid by mud and settlement. Te Nohoaka o Tukiaua / Sinclair Wetlands is a remnant of these once extensive wetlands.

### **Wāhi Ikoa (Place Names)**

18. Place names (wāhi ikoa) play an important role in the fabric of our cultural and political identity as Kāi Tahu. The action of naming a place is associated with establishing mana over place and is one of the traditional ‘take’ (claim or right) used to determine who has rakatirataka over a place or resource. Names persist over time and span generations,

embedding knowledge and stories into the landscape; our history is in our place names. For Kāi Tahu, our place names are a permanent and enduring reference to history, people, and events.

19. A significant element in wāhi ikoa is reference to mahika kai. Works by H.K. Taiaroa in 1879-1880, and Herries Beattie in the 20th century, have provided a record of information, sourced from our kaumatua, about places and their names and the mahika kai activities found there. The intergenerational transmission of mātauraka Maori/traditional knowledge and the availability of mahika kai were central reasons for our ancestors to maintain connection to the whenua, rivers, lakes and wetlands of Otago, year after year for generations.
20. Kā Huru Manu - The Kāi Tahu Cultural Mapping Project - draws on the works of H.K. Taiaroa, Herries Beattie and other sources to record and map our stories and wāhi ikoa. Kā Huru Manu is recognised as an authoritative source of traditional Kāi Tahu place names by the New Zealand Geographic Board. The density of wāhi ikoa recorded on the lower Taiari plain (refer to Appendix 1) illustrates the importance of the mahika kai resources of this area to our tūpuna.
21. The Taiari (Taieri River), meanders down through the plains. The zig zag nature of its twists and turns is reputed to be the result of the taniwha Matamata wriggling around looking for its lost master the Kāti Māmoe chief Te Rakitauneke. The taniwha finally reposed where Saddle Hill is now, the peaks Turi Makamaka and Puke Makamaka being the remains of the taniwha.
22. 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 Waihora and Lake Waipōuri, and in the Waihora/Waipōuri wetlands complex, as discussed by Mr Bryant.
23. The names Waihola and Waipori are corrupted versions of Waitaha placenames, Waihora and Waipōuri with 'hora', meaning flat, spread-out, or widespread. 'Waipōuri', which is the traditional name used in older manuscripts, is a reference to the dark, tannin-stained water the wetland receives from the Waipōuri River.

### **Mahika Kai**

24. Over its 200km length, the Taiari passes through three plains, now known as Māniatoto (Maniototo), Strath Taiari, and Taiari, with hills and ranges between. The river system is

extensive, 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.

25. The extensive use of the Taiari for mahika kai is 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.
26. The Waihora / Waipōuri wetlands were a key source of mahika kai resources, as there was an abundance of tuna (eel), īnaka (whitebait), pātiki (flounder) and other indigenous fish. Waterfowl and fibre resources such as harakeke (flax) and raupō were also easily accessible. Spearing, setting hīnaki (eel pots) and nets were regular activities within the wetlands. The gathering of young ducks in moult, and the catching of herons, pūkeko, whio (blue duck) and other manu (birds) supplemented the broad range of kai that was available.
27. 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.
28. The evidence of Mr Bryant emphasises that mahika kai practices are not confined to the past but continue in the present day. Connection to our 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 access mahika kai and carry out customary practices. The gathering of mahika kai is at the heart of mana whenua cultural identity.
29. 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.
30. The harvesting of mahika kai within a sewage disposal field, as discussed by Mr Bryant, is contrary to tikaka.

## **Kāika and Nohoaka**

31. Within the wetlands there were nohoaka (temporary settlements) which were used by food gathering parties. There were also permanent or semi-permanent settlements located around the lakes and on islands in the wetlands system. In the early 18th century, the Kāti Mamoe chief Tukiauau, pursued by Kāi Tahu, took temporary refuge on Whakaraupuka (Ram Island) setting up a temporary settlement (nohoaka) on the island.
32. A number of other settlements were also dependent on the mahika kai resources of the Waihora / Waipōuri wetlands, including Tū Paritaniwha Pā near Mōmona, Ōmoua Pā above Henley, Maitapapa (Henley), and the kaik south of Henley, in addition to other settlements adjacent to the Taiari River up and downstream of the wetlands. Ōtākou hapū would also make seasonal visits to gather resources and to strengthen and maintain the kupeka (net) of whakapapa on which their rights to use those resources were based.
33. The draining of the Taiari Plain wetlands and lakes for pastoral farming and the subsequent loss of mahika kai resources led to the displacement of Kāi Tahu communities.

## **MANA WHENUA HISTORY OF LOSS IN THE TAIARI CATCHMENT**

34. 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.
35. 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 rakatirataka and a reductive effect on te taiao, with consequent effects on mana whenua.
36. The draining of Lake Tatawai within the Taiari Catchment illustrates the loss of mahika kai that sustained Kāi Tahu whānau.
37. A network of waterways and lakes once connected the Taiari and Waipōuri River systems, providing easy access by waka (canoe) or mokihi (raft). Three shallow lakes - Lakes Tatawai, Potaka and Marama Te Taha (Loch Ascog) adjoined Lake Waipōuri to the north.

38. As the Taiari Plains were developed and lands privatised Kāi Tahu whānau were confined more and more to their lands reserved from the 1844 sale of the Ōtākou Block. They were also reliant on Lake Tatawai following the draining of Lakes Potaka and Marama Te Taha for pastoral farming. In 1881 Commissioner MacKay reported that "the people residing at the Taiari are in the poorest plight of any of the Native communities. This owing to a great extent to the limited quantity of suitable land for cropping, a large proportion of the Taiari Reserve being altogether unsuitable for any but pastoral purposes".<sup>2</sup>
39. In 1885 and again in 1891 Tieke Kona and others petitioned Parliament for a landing reserve called Tatawai or Waihoropunga containing four acres and for the return of an eel fishery to them. Four acres were set aside for Kāi Tahu. Kona subsequently commented in 1899 that '...as the other lakes are all taken up for dredging, and if this is not seen into and the dredging starts it will kill all the fish there as well. So try your best and get it granted solely for the Natives of Henley, as that will be the only fall back they will have soon for fishing', (S8:333).<sup>3</sup> The Commissioner of Crown Lands responded favourably but commented that 'I do (not) think there is ever likely to be any dredging operations to prevent the Natives pursuing their vocation for fishing eels in Lakes Waihola and Waipori' (P6:20). The lake was reserved in 1902 for fishing purposes for Kāi Tahu residing in the Taiari Māori Village.
40. The Taiari Land Drainage Bill of 1912 promoted the cutting of a channel into lakes Waipōuri and Waihora, and the draining of Lake Tatawai. The Legislative Council objected to the protection of Kāi Tahu fishing rights at the lake "because that ... would allow the whole drainage of the Taiari Plain to be held up." Tame Parata, however, successfully argued in the Legislative Council for the protection of native fishing rights to the lake.
41. In 1920 a Rivers Commission then sought to drain Lake Tatawai to create a reservoir for flood water storage. With regard to Kāi Tahu fishing rights, the Commissioners 'could not conceive that such a consideration as fishing rights in a lake which is almost dry, and which could therefore have no commercial value to anyone, should be allowed to weigh against the enormous benefits financial and otherwise.'<sup>4</sup> The commissioners' recommendations were implemented under the provisions of the Taiari River Improvement Act 1920. This legislation superseded the 1902 reservation of Tatawai and vested the bed of the lake in the Taiari River Trust as an endowment.<sup>5</sup>

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<sup>2</sup> Middle Island Native Claims Report

<sup>3</sup> Ngāi Tahu Ancillary Claims Report 1995

<sup>4</sup> Ngāi Tahu Ancillary Claims Report (1995), pp.218.

<sup>5</sup> Ngāi Tahu Ancillary Claims Report (1995), pp.218.

42. In 1920 when the Taieri River Improvement Act was passed, Kāi Tahu fishing rights were extinguished. The Act allowed Kāi Tahu to claim compensation for lost fishing rights, providing they could prove such rights had been exercised. No such claims were lodged, nor has any evidence been found that Māori were consulted when the lake was taken and vested in the Taieri River Trust. Kāi Tahu at Henley appealed unsuccessfully to the Native Land Court alleging they did not hear or know of the passing of the Act until the expiry date for claims had passed.
43. Within ten years of that Act and the draining of Lake Tatawai, the Kāi Tahu community at Henley (the Kaik) had broken up and dispersed. Many of these families and subsequent generations became disconnected from their Kāi Tahu roots.
44. During the Ngāi Tahu Claims Settlement Act 1998 negotiations, the opportunity arose to obtain ownership of the property known as the Sinclair Wetlands (Te Nohoaka o Tukiauau), a 315 hectares area of former farmland within the Lake Waihora-Waipōuri wetland complex that had been allowed to rewater. This purchase was to help settle the long running issue of the loss of Lake Tatawai. The wetland is run as two separate trusts, with an area of 57 hectares set aside for the beneficiaries of those with rights to the former Lake Tatawai. The balance area of 258 hectares is set aside for mana whenua who have mahika kai rights and interests in the Taiari wetlands area.
45. In this context, the continued discharge of treated wastewater into the Waihora-Waipōuri wetland complex, with the subsequent risk that degraded water quality poses to the mahika kai resources of Te Nohoaka o Tukiauau and Tatawai, is strongly opposed by mana whenua.

#### **Te Nukuroa o Matamata Project**

46. 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 mahika kai species.
47. In 2021 Te Rūnanga o Ōtākou was successful in obtaining funding through the Jobs for Nature Programme for the Te Nukuroa o Matamata project. The aim of the project is to restore habitat and rejuvenate mahika kai in the lower Taiari catchment.
48. The project has the following mission:

*To connect whānau and rakatahi to the Waihora / Waipōuri wetlands and catchment through mahi for nature; to train and upskill people, to restore habitat, rejuvenate mahika*

*kai, work with a broad range of stakeholders and kaitiaki to achieve sustainable outcomes that are then applied across the takiwa.*



**Figure 1:** Surveying potential planting sites for native shrubs are Te Rūnanga o Ōtākou members (from left) Rachel Wesley, Vera Kelly (4), Paulette Tamati-Elliffe, Tumai Cassidy, Nadia Wesley-Smith and Ethan Kelly (6) (Source: *Otago Daily Times*, 16 September 2021)

49. The project seeks to:

- reverse the negative effects of drainage, development, and adverse land use practices, the incursion of introduced species that have contributed to the degradation of water quality and the loss of wetlands and riparian vegetation and biodiversity in this catchment.
- create training and jobs that are focused on biodiversity enhancement through a range of wetland, river and riparian habitat restoration and protection works.
- empower kaitiakitaka by connecting our people to their traditional waterways and resources.
- improve water quality through the restoration of native vegetation and healthy habitats
- draw upon mātauraka Kāi Tahu to enhance the mahika kai values in this takiwā, restoring and ensuring the intergenerational connection to this traditional food store and tapuwae of our tūpuna.

50. The continued discharge of treated wastewater into the Lake Waihola outflow channel has significant potential to frustrate the objectives and mission of this project.

## **CONCLUSION**

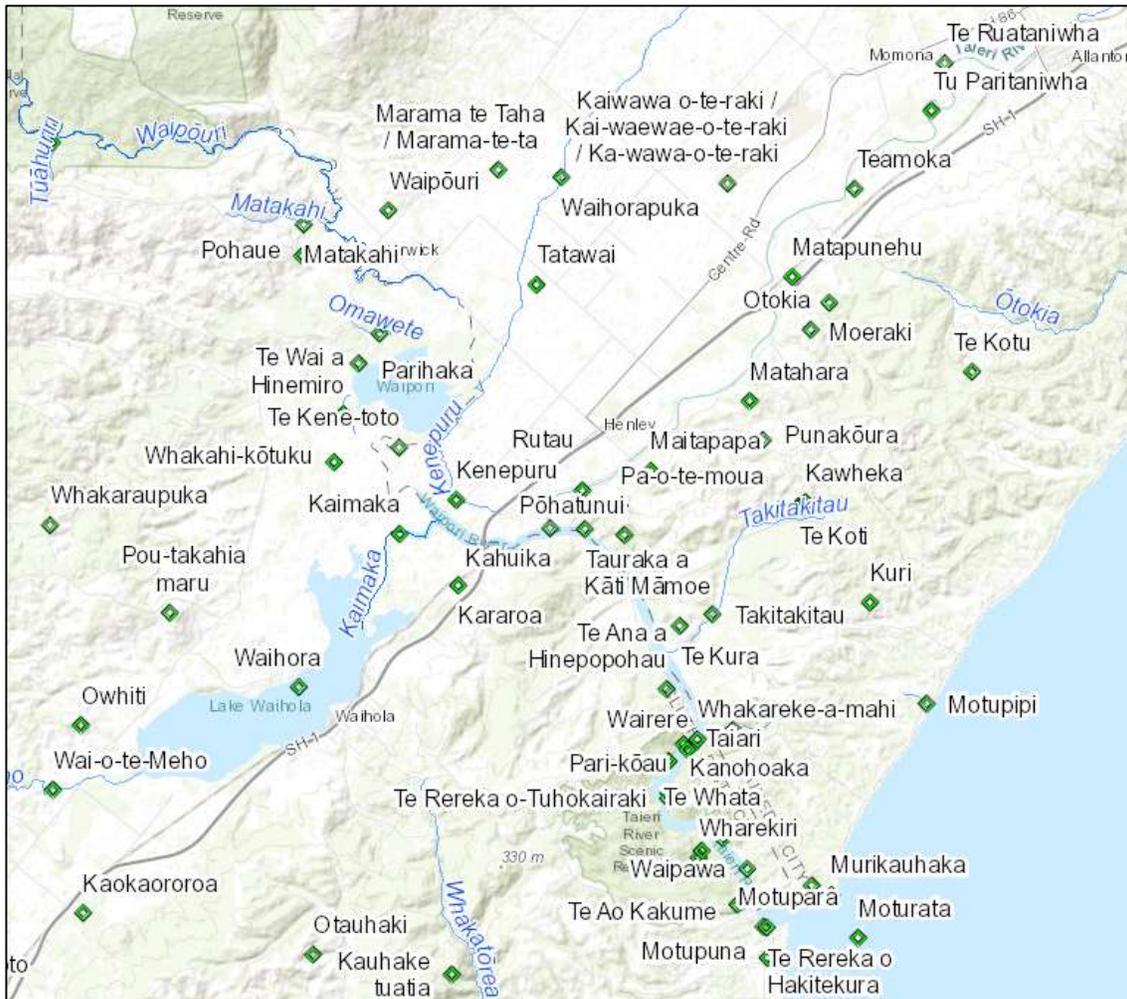
51. The Taiari catchment and the Waihora-Waipōuri wetland complex have significant longstanding wāhi tūpuna and mahika kai values for Kāi Tahu. The ability to sustain relationships with wāhi tupuna and to pass on knowledge and practices relating to mahika kai is of critical importance for sustaining Kāi Tahu cultural identity.
52. The values of the Taiari and the Waihora-Waipōuri wetlands have been severely impacted by the history of land development, drainage and water quality degradation over the last century and a half. However, mana whenua retain a vision for the restoration of the waterways and habitats to ensure the intergenerational connection to this traditional food store and tapuwae of our tūpuna is sustained. The Jobs for Nature Te Nukuroa o Matamata project is a significant step forward for mana whenua towards realising this vision.
53. The continued discharge of treated wastewater into the Waihora-Waipōuri wetland complex is in direct conflict with the objectives and mission of the Te Nukuroa o Matamata project and will make it more difficult to achieve the project's objectives.

**Paulette Tamati-Elliffe**

**14/01/2022, amended 20/01/2022**

## Appendix 1: Wāhi ikoa from Kā Huru Manu (Kāi Tahu Atlas)

### Lower Taiari Wāhi Ikoa



### Wāhi Ikoa around the Waihora Sewage Treatment Plant

<b>Kahuika</b>	Junction of the Waipōuri River and Taiari River
<b>Kaimaka</b>	The river connecting Lake Waihora with the Taiari River
<b>Kararoa</b>	A cliff north-east of Lake Waihora
<b>Kenepuru</b>	Kenepuru is the Māori name for Bull Creek which flows into the Taiari River.
<b>Parihaka</b>	A ridge north of Te Wai a Hinemiro that runs adjacent to McPherson's farm. Situated at its

	foot on Lake Waipōuri is a renowned fishing and eeling camp.
<b>Pōhatunui</b>	A ridge near the Taiari
<b>Rutau</b>	-
<b>Tauraka a Kāti Māmoe</b>	A tauraka waka (landing site) situated on the Taiari River.
<b>Te Kene-toto</b>	An island located between lakes Waipōuri and Waihora.
<b>Te Wai a Hinemiro</b>	A creek located near Lake Waipōuri.
<b>Waihora / Lake Waihora</b>	Lake Waihora is part of the wider wetland complex connected to the Taiari River. The name Waihora is another spelling of Waihola, which is a geographical descriptive term that literally means 'water spread out'.
<b>Whakahi-kōtuku</b>	Whakahi-kōtuku is an island located north of Lake Waihora that was known as Pig Island.