



# Mahaanui

## Iwi Management Plan

### 2013

Ngāi Tūāhuriri Rūnanga  
Te Hapū o Ngāti Wheke (Rāpaki)  
Te Rūnanga o Koukourāata  
Ōnuku Rūnanga  
Wairewa Rūnanga  
Te Taumutu Rūnanga



# Mihimihi

Ka huri te tiro o te manu nei ki ngā Awe Tapu o Ngāi Tahu whānui i tuohu i te mahara o tō tātou whanaunga kua hoki atu i runga i te karanga o tō tātou nei Ūkaipō. Rātou ngā ipoipo o te pō, ngā manu piro o te nehenehe o Tāne koinei te whāriki aroha kua horahia.

Nō reira ki a koutou kua takahia te Ara Whānui o Tāne e kore e mutu ngā mihi ki a koutou katoa mō ā koutou mahi, ko ō koutou ringaringa kua raupā i te nui o ngā mahi kua mahia mō tātou, ā, mō ngā uri whakaheke. Tūhono atu koutou ki te Tuna Heke i te rangi, kātahi, e ngā whetū i piata mai nei hai tohu mō rātou i hoki atu ki Te Pūtahitanga o Rehua ki te aroaro hā o tō tātou nei Atua. Moe mai rā i reira, okioki atu rā.

Rātou ki a rātou, tātou ki tātou ngā kanohi ora, ā, ka huri, ka mātai te manu nei ki a tātou o te whānau whānui o te tai o Mahaanui. Mai i te Huruhurunui tae atu ki te Hakatere ki runga i ngā mania o Ngā Pākihi Whakatekateka o Waitaha me Te Pātaka o Rākahautū.

Nei rā te owaha, te whakamiha ki koutou i runga i ngā āhuetanga o te kaupapa nei, he mea hai tiaki, hai manaaki i ngā taonga tuku iho, ngā taonga ki uta, ngā taonga ki tai, mai i te whenua, mai i ngā wai Māori, me ngā wai tai o te moana. Ko te oranga o ngā mahinga kai te whāinga, hai painga mō ngā uri whakatupu. Tū ake ko te rā, tū ake ko te pō. Ka tāwhati te tai, Ka tāwhaki he kai. Ko te oranga o te whenua te kaupapa, hai oranga mō te tangata.

Tūturu kia tika, tūturu kia kotahi

Tūturu kia whakamaui ake ai kia tina, tina!

Haumi e, Hui e, Tāiki e!



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Te Hapū o Ngāti Wheke (Rāpaki)  
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Wairewa Rūnanga  
Te Taumutu Rūnanga

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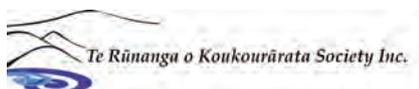
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Te Hapū o Ngāti Wheke  
(Rāpaki)

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This Iwi Management Plan reflects three years of collective effort by the six Rūnanga of Kā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū. An outstanding effort, and an outcome to be celebrated.

***Ma te kotahitanga e whai kaha ai tātou***

*In unity, we have strength.*

The words in this plan come from the whānau who gather, live and work in the takiwā, and who tirelessly uphold the kōrero for the protection of the culture and identity of their hapū and Rūnanga. To all those who contributed their knowledge, ideas and experience, this plan would not have been possible without you.

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Iaeon Cranwell – Wairewa Rūnanga

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June Swindells and Te Whe Phillips  
– Te Hapū o Ngāti Wheke (Rāpaki)

Peter Ramsden, Charles Crofts and  
Wade Wereta-Osborn  
– Te Rūnanga o Koukourārata

Waitai (George) Tikao  
– Ōnuku Rūnanga

Terrianna Smith and Craig Pauling  
– Te Taumutu Rūnanga

***Nāu te rourou, nāku te rourou, ka ora ai te iwi***

*With your contribution, with my contribution, we will sustain the people*

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***Nei rā te owaha, te whakamiha ki a koutou katoa.***

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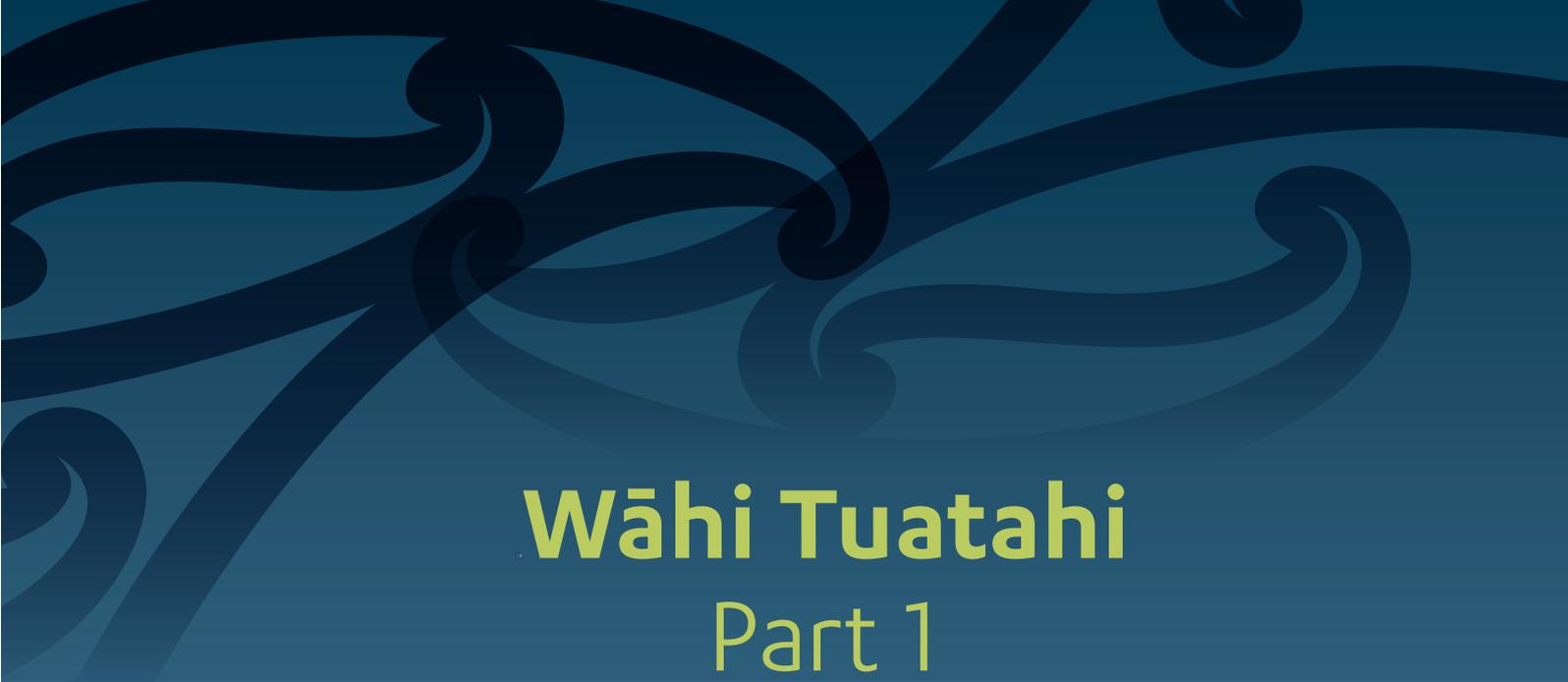
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# Wāhi Tuatahi

## Part 1

### HE KUPU WHAKATAKI INTRODUCTION

“Our natural environment – whenua, waters, coasts, oceans, flora and fauna – and how we engage with it, is crucial to our identity, our sense of unique culture and our ongoing ability to keep our tikanga and mahinga kai practices alive.

It includes our commemoration of the places our tūpuna moved through in Te Waipounamu, and the particular mahinga kai resources and practices we used to maintain our ahi kā anchoring our whakapapa to the landscape. Wherever we are in the world, these things give us our tūrangawaewae. They form our home and give us a place to return and mihi to and provide us with what we need to be sustained as Ngāi Tahu.”<sup>1</sup>

---

ENDNOTES

1 Ngāi Tahu 2025

# INTRODUCTION

## 1.1 He Kupu Whakataki Introduction

This Iwi Management Plan (IMP) is an expression of kaitiakitanga and rangatiratanga. It is a manawhenua planning document reflecting the collective efforts of six Papatipu Rūnanga that represent the hapū who hold manawhenua rights over lands and waters within the takiwā from the Hurunui River to the Hakatere River and inland to Kā Tiritiri o Te Moana:<sup>1</sup>

**Ngāi Tūāhuriri Rūnanga**

**Te Hapū o Ngāti Wheke (Rāpaki)**

**Te Rūnanga o Koukourārata**

**Ōnuku Rūnanga**

**Wairewa Rūnanga**

**Te Taumutu Rūnanga**

The plan provides a values-based, plain language policy framework for the protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū (see Map 1).

The plan has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority. As such, it is applicable to policy and planning processes under the Resource Management Act (RMA) 1991.

By naming our plan “*Mahaanui*” we are acknowledging the connection between our hapū, and the shared commitment to protecting and restoring the health of the land, water, mahinga kai and biodiversity of the takiwā. We take the name *Mahaanui* from *Te Tai o Mahaanui*, the tide that connects the six marae. From the Waimakariri to the Hakatere, the tide of *Mahaanui* laps against the whenua embracing the six hapū.

Table 1 sets out the takiwā boundaries of each Papatipu Rūnanga according to the Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001. Part 3 of the IMP (Manawhenua) provides information on the history and takiwā of the six Papatipu Rūnanga, and includes a map showing the location of marae.

***“The IMP is an opportunity to create the vision for our role in resource management for the next 10-20 years.”***  
IMP Working Group, 2010.

**Table 1:** The takiwā of the six Papatipu Rūnanga, according to the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001.

<b>Te Ngāi Tūāhuriri Rūnanga</b>	The takiwā of Te Ngāi Tūāhuriri Rūnanga centres on Tuahiwi and extends from the Hurunui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakaia, and thence inland to the Main Divide.
<b>Rāpaki Rūnanga</b>	The takiwā of Rāpaki Rūnanga centres on Rāpaki and includes the catchment of Whakaraupo and Te Kaituna.
<b>Te Rūnanga o Koukourārata</b>	The takiwā of Te Rūnanga o Koukourārata centres on Koukourārata and extends from Pohatu Pā to the shores of Te Waihora including Te Kaituna.
<b>Wairewa Rūnanga</b>	The takiwā of Wairewa Rūnanga centres on Wairewa and the catchment of the lake Te Wairewa and the hills and coast to the adjoining takiwā of Koukourārata, Ōnuku Rūnanga, and Taumutu Rūnanga.
<b>Te Rūnanga o Ōnuku</b>	The takiwā of Te Rūnanga o Ōnuku centres on Ōnuku and the hills and coasts of Akaroa to the adjoining takiwā of Te Rūnanga o Koukourārata and Wairewa Rūnanga.
<b>Taumutu Rūnanga</b>	The takiwā of Taumutu Rūnanga centres on Taumutu and the waters of Te Waihora and adjoining lands and shares a common interest with Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Arowhenua in the area south to Hakatere.



**Note:**

In defining the boundaries of this IMP, Ngā Rūnanga recognise that the Rakaia and Hakatere rivers are areas of shared interest with Te Rūnanga o Arowhenua, and the Hurunui River is an area of shared interest with Te Rūnanga o Kaikōura.

Te Rūnanga o Arowhenua	The takiwā of Te Rūnanga o Arowhenua centres on Arowhenua and extends from Rakaia to Waitaki, sharing interests with Ngāi Tūāhuriri ki Kaiapoi between Hakatere and Rakaia, and thence inland to Aoraki and the Main Divide.
Te Rūnanga o Kaikōura	The takiwā of Te Rūnanga o Kaikōura centres on Takahanga and extends from Te Parinui o Whiti to the Hurunui River and inland to the Main Divide.

**Map 1:** Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū – the takiwā covered by the Mahaanui IMP 2013.



## 1.2 Te Take O Te Mahere Purpose of the plan

This IMP provides a statement of Ngāi Tahu objectives, issues and policies for natural resource and environmental management in the takiwā as per Map 1. The plan is a tool for tāngata whenua to:

- Express kaitiakitanga, by effectively and proactively applying Ngāi Tahu values and policies to natural resource and environmental management; and
- Protect taonga and the relationship of tāngata whenua to these, by ensuring that the management of land and water resources achieves meaningful cultural and environmental outcomes.

While the plan is first and foremost a planning document to assist Papatipu Rūnanga to participate effectively in natural resource and environmental management in the takiwā, a fundamental objective of the plan is to enable external agencies to understand issues of significance to tāngata whenua, and how those issues can be resolved in a manner consistent with cultural values and interests.

The plan provides a tool for local authorities, other agencies and the wider community to:

- Understand what is important to tāngata whenua and why;
- Meet statutory obligations under the NTCSA 1998, RMA 1991 and other legislation, including recognising and providing for the relationship of Ngāi Tahu to ancestral land, water, wāhi tapu and wāhi taonga as a matter of national importance;
- Determine the nature and extent of consultation that may be required regarding particular activities or places of importance; and
- Afford appropriate weight to Ngāi Tahu values in decision making processes.

**“This plan is for our children.”** Uncle Waitai Tikao, Ōnuku Rūnanga.

**“I am overjoyed to see that we are going to put in place a tool to help us get back what has been degraded. We have lost a lot here. I want to see a plan in place that helps recover what has been lost.”** John Panirau, Wairewa Rūnanga.

**“We can grow, develop, and make ourselves stronger because we have the basics and bottom lines set out in a plan. We can use the plan to support us, and guide others.”** Terrianna Smith, Te Taumutu Rūnanga.

## 1.3 Ngā Hononga Ki Ētahi Atu Mahere Relationship with other plans

The *Mahaanui IMP 2013* is part of a larger network of regional and territorial planning documents. The plan sits alongside the regional council’s Canterbury Regional Policy Statement (RPS), the Land and Water Regional Plan (LWRP), district and city plans prepared by territorial authorities, conservation management plans, strategies and other plans prepared by Te Papa Atawhai/Department of Conservation, and other planning documents, as the voice of Ngāi Tahu in Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū.

The IMP also sits alongside existing tribal policy and Iwi Management Plans in the takiwā, including *Te Poha o Tohu Raumati: Te Rūnanga o Kaikōura Environmental Management Plan 2005*; the *Te Waihora Joint Management Plan 2005*, the *Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999*, and the *Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement 2008*. It joins the increasing number of IMP developed by Ngāi Tahu whānui in other takiwā, including *Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Management Plan 2008* and the *Kai Tahu ki Otago Natural Resource Management Plan 2005*.

The IMP follows in the footsteps of two earlier iwi management plans, *Te Whakatau Kaupapa, the Ngāi Tahu Resource Management Strategy for the Canterbury Region (1990)* and the *Te Taumutu Rūnanga Natural Resources Management Plan 2003*. These plans are taonga in their own right and remain valuable sources of information on values and history. However for planning purposes, the *Mahaanui IMP 2013* is the principal manawhenua planning document for the six Papatipu Rūnanga as identified in this IMP.

**“Our expectation is that this IMP will sit alongside the Regional Policy Statement and regional, district and city plans as a Ngāi Tahu statement on how to achieve the sustainable management of natural resources in Canterbury.”** IMP Working Group, 2009.

## 1.4 Te Whakatipu I Te Mahere How the plan was developed

The Mahaanui IMP was developed over a three year period from 2009 to 2012. The process of preparing the IMP was in many ways as important as the outcome. Developing the plan gave Ngā Rūnanga a forum to discuss shared values and issues, and the policies needed to address issues of resource management significance in the takiwā.

The following methods were used to develop the IMP:

- ▶ **An IMP Working Group** consisting of 1 – 2 representatives from each of the six Papatipu Rūnanga was responsible for overseeing and guiding the development of the plan.
- ▶ **A scoping workshop** with iwi and hapū practitioners who had prepared or worked with IMP provided an opportunity to discuss the range of options available for IMP development, and identify what would work best for the development of a collective IMP.
- ▶ **A review of existing information** provided a solid basis for the issues and policies. The review included existing iwi management plans, Cultural Impact Assessments (CIA), Cultural Value Reports, Cultural Health Assessments/State of the Takiwā studies, Cultural Mapping Reports, submissions, hearings evidence, technical reports, historical documents and other written information from both Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu. A focus of the IMP development process was the ‘bringing together of information into one place’.
- ▶ **Marae based hui** were used to identify and discuss issues of significance at both the regional and local (catchment) scale. The information from these hui provided the overall direction and focus for the issues and policies in the IMP.
- ▶ **Interviews** and discussions with tangata whenua with knowledge and experience of particular places, resources or activities of cultural importance (e.g. mahinga kai) provided the detail required to flesh out issues and policies in specific sections.
- ▶ **Hīkoi** were used to further identify and discuss localised issues of significance, and to follow up on issues raised at hui and interviews.
- ▶ **Council workshops** with regional, city and district council staff provided an opportunity for council staff to discuss their experiences with existing IMP, and how the Mahaanui IMP could best assist them to recognise and provide for tāngata whenua values in natural resource management.

- ▶ **Collaboration, support and advice** from Te Rūnanga o Ngāi Tahu (Toitū Te Whenua), the Historic Places Trust and other agencies and people assisted with the formulation of good policy to address specific issues.

## 1.5 Me Pēhea Te Whakamahi I Te Mahere Nei How to use this Plan

The Mahaanui IMP is divided into 6 parts (Figure 1).

**Part 1** identifies the purpose and structure of the plan, and explains how to use the document.

**Part 2** identifies the expectations and opportunities associated with implementing the plan.

**Part 3** introduces plan users to the six Papatipu Rūnanga that prepared this IMP, and includes a description of takiwā boundaries.

**Part 4** provides an overview of the cultural framework for Ngāi Tahu approaches to resource management, and the legal framework for tangata whenua participation in resource management.

**Part 5** outlines regional objectives, issues and policies. Part 5 is divided into 8 policy sections (Sections 5.1 to 5.8) addressing Kaitiakitanga, Wai Māori (freshwater) and Ngā Tūtohu Whenua (cultural landscapes), and the domains of Ranginui (sky), Papatūānuku (land), Tāne Mahuta (mahinga kai and biodiversity), Tangaroa (oceans) and Tāwhirimātea (climate change). **These policies apply to the whole of the takiwā covered by the Plan except where replaced by a locally specific policy in the catchment sections in Part 6.**

**Part 6** is divided into 12 catchment or distinctive geographical area sections (Sections 6.1 to 6.12). **Policies in these sections sit alongside the regional policies in Part 5, and address issues of local significance in the catchment or geographical area.**

Figure 1: Structure of the Mahaanui IMP 2013



Using the plan is based on a number of key points:

- ▶ While the plan is a collective statement of values and policy, it does not replace to need to engage with the appropriate Papatipu Rūnanga for resource management issues in particular takiwā. **Section 5.1 (Issue K2 – Recognition of Manawhenua)** sets out the policy framework for engagement with the appropriate Papatipu Rūnanga.
- ▶ Each section in Part 5 and Part 6 begins with a list of **Ngā Paetae/Objectives** (what Papatipu Rūnanga want to achieve), followed by **Ngā Take/Issues of Significance** and the **Ngā Kaupapa/Policies** to resolve those issues. **He Kupu Whakamāhukihuki/Explanations** follow each issue and corresponding policies.
- ▶ It is important that Parts 5 and 6 are used together. Issues not covered in Part 6 of the plan will by default be addressed under regional policy in Part 5.
- ▶ *Cross referencing* is used to avoid duplication of material throughout the plan, and to facilitate working between Part 5 (Regional Policy) and Part 6 (Catchment Policy).
- ▶ *Information resources* are listed in various sections of the Plan. These references can be used to obtain further information on a specific issue or policy area.
- ▶ A glossary is provided at the end of the plan to assist plan users with translations, and with definitions of Māori terms and concepts.

### **Policy conventions:**

The policies in this plan are written in a style that reflects what Papatipu Rūnanga support, require, encourage, or will do with regard to resolving issues of significance in a manner consistent with the protection and enhancement of Ngāi Tahu values, and achieve the objectives set out in the plan. Policies include process, method, assessment or objective related information.

The following are the most common policy conventions used in the Plan:

- To require** Something that must be done to resolve an issue and protect Ngāi Tahu values, and achieve the objectives of this plan.
- To support** To give strength and recognition to an action, activity or party that recognises and protects Ngāi Tahu values.
- To protect** To make certain that an action or activity assists in safeguarding Ngāi Tahu values, avoiding effects and meeting the objectives of this plan.
- To encourage** To provide support for, or give confidence to, those parties/actions/activities that are consistent with the objectives in this IMP and can enhance Ngāi Tahu values.
- To ensure** To make certain that an action or method recognises Ngāi Tahu values and achieves specific cultural outcomes as set out in this plan.
- To oppose** An activity or action must not occur in order to achieve the objectives of this plan and to protect Ngāi Tahu values.
- To assess** Means that Papatipu Rūnanga will consider an activity or action based on a number of considerations concerning the protection of cultural values.

## **1.6 He Whakatakotoranga Kupu Terminology**

The terms 'Ngāi Tahu' and 'tāngata whenua' are used interchangeably in this plan to refer to the six Papatipu Rūnanga that represent the hapū who hold manawhenua rights over lands and waters within the takiwā covered by this IMP.

'Papatipu Rūnanga' is used to recognise that individual Rūnanga have kaitiaki and manawhenua interests in their respective takiwā.

'Local authorities' and 'local government' are used to refer to regional and territorial authorities in the takiwā covered by this IMP: the regional council, district councils and city council.

A glossary is included at the end of the IMP to provide plan users with translations and key definitions.

## **1.7 Ngā Mahere Whenua Mapping**

The IMP does not provide a comprehensive inventory or volume of planning maps for significant sites. As described in Section 5.8, Papatipu Rūnanga are currently working with Te Rūnanga o Ngāi Tahu on the Ngāi Tahu Cultural Heritage Mapping Project. Once complete, the project will provide a reliable and accurate basis of information for Papatipu Rūnanga to create and inform planning maps and inventories.

Wāhi tapu and wāhi taonga issues and policies in the IMP reflect the need to implement appropriate processes and methods to identify, protect and manage cultural landscape values, including wāhi tapu and wāhi taonga.

The IMP provides a schedule of silent file maps, a regional map of New Zealand Archaeological Association (NZAA) sites, and a map showing sites registered with the New Zealand Historic Places Trust *Pouhere Taonga* (NZHPT).

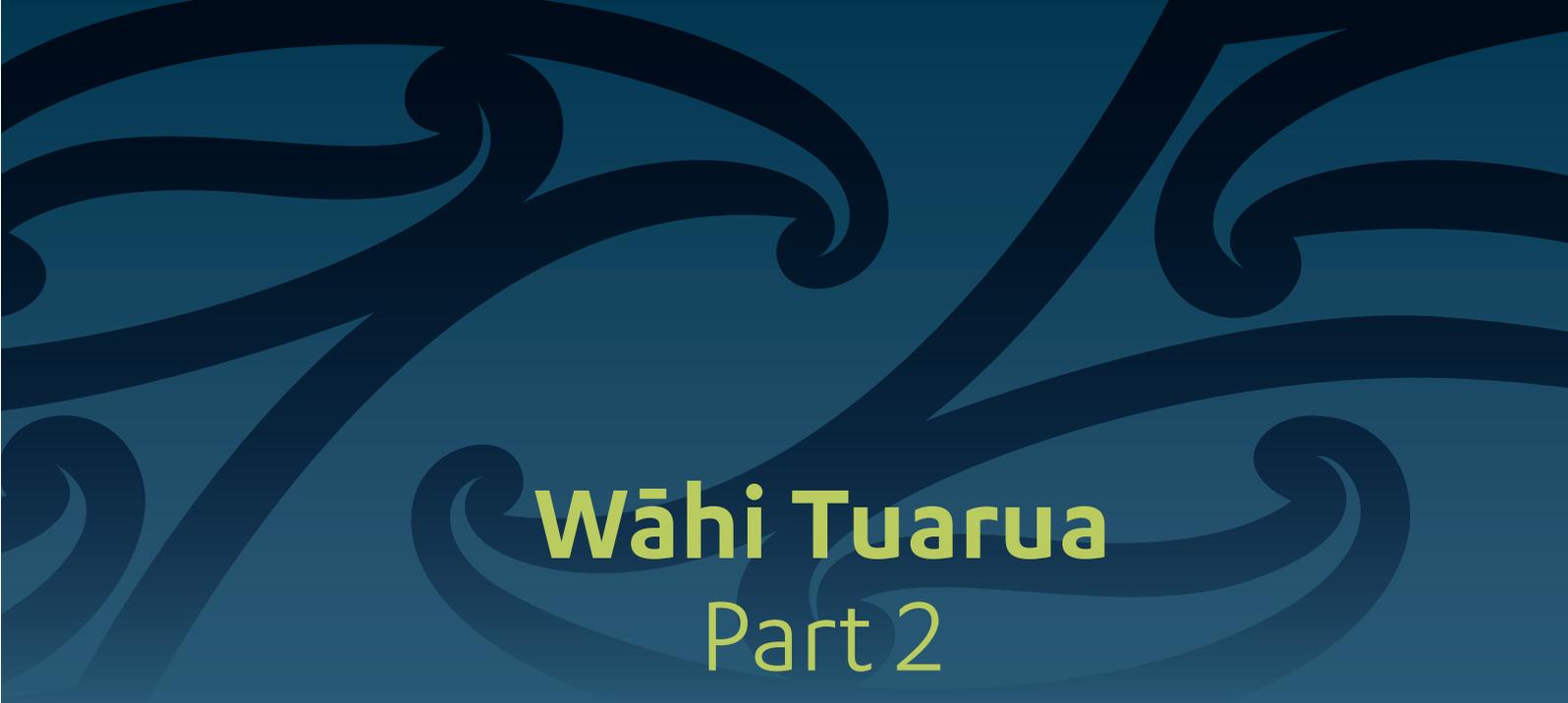
All maps are prepared by Te Rūnanga o Ngāi Tahu, unless otherwise noted.

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### ENDNOTES

- 1 See Glossary for translations.





# Wāhi Tuarua

## Part 2

TE WHAKATINANATANGA  
IMPLEMENTATION OF THIS IMP



# IMPLEMENTING THIS IMP

## 2.1 He Kupu Whakataki Introduction

At the start of the IMP development process, Papatipu Rūnanga participated in a brainstorming session on where they wanted to be in the next 10 years with regard to the role of Ngāi Tahu in natural resource management. The vision that emerged from this session is captured in the following kaupapa:

- We achieve a true partnership with local government, with a strong and meaningful relationship based on shared values and Te Tiriti o Waitangi. This includes realising co-governance opportunities.
- We achieve real involvement in decision making, not just on words on paper.
- Planning processes and decision making reflect Ngāi Tahu perspectives, values and tikanga.
- Our IMP is embraced and influential in planning, policy and decision making in the takiwā.
- We have a well performing resource management consultancy company.
- There are Māori commissioners on hearings panels.
- Ngāi Tahu are leading the way, and setting the standard for best practice.
- There is more marae-based ownership and management of key resources and sites.
- There are examples of the use of Transfer of Powers provisions under the RMA 1991.
- The environment is placed before the economy; and we don't make money at the expense of the environment.
- We have increased the capacity of our marae and rūnanga members to participate in resource management mahi.

The Mahaanui IMP is central to achieving many of the kaupapa listed above. As a manawhenua planning document, the IMP is an important tool to realise Papatipu Rūnanga objectives with regard to the protection of taonga, the expression of kaitiakitanga and the maintenance of cultural well-being.

## 2.2 Te Whakatinanatanga Implementation of this IMP

The ability of IMP to reach their full potential is dependent on the commitment of both tāngata whenua and external agencies to the kaupapa. It is the intention of the six Papatipu Rūnanga that prepared this plan that they will work closely with external agencies to realise the value of the IMP to meet kaitiakitanga objectives.

While the Resource Management Act (RMA) 1991 is the only legislation to give explicit statutory recognition to IMPs, these plans are also relevant to other legislation governing the management of natural, cultural, physical resources, and their statutory requirements relating to Te Tiriti o Waitangi (see Part 4 of this IMP). IMPs provide clear direction on issues of importance to tāngata whenua, and in this regard are relevant across a range of environmental legislation.

The policy statements below provide the framework for expressing the expectations and the opportunities associated with implementing the Mahaanui IMP.

### Ngā Kaupapa / Policy statements

**IMP1.1** The Mahaanui IMP 2013 is a manawhenua planning document prepared and mandated by the six Papatipu Rūnanga of Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū.

**IMP1.2** The six Papatipu Rūnanga who have prepared this plan are committed working with local government and other agencies and organisations to implement this IMP.

**IMP1.3** The Papatipu Rūnanga who have prepared this plan support the findings of the Waitangi Tribunal report on WAI 262 (see Box – *Ko Aotearoa Tēnei*) regarding iwi resource management plans and the recognition of kaitiaki interests, namely that:

- (a) Kaitiaki priorities need to be integrated into local authority decision making, and IMP are a way to achieve this; and
- (b) IMP, as plans setting out iwi policies and priorities for managing the environment within their tribal areas, should *bind local authority decision making, just as regional policy statements, regional plans, and district plans do.*

**IMPI.4** To require that local government initiate and develop memorandum of understandings regarding the implementation of the Mahaanui IMP in council processes.

**IMPI.5** To work with local government to develop memorandum of understandings regarding the implementation of the Mahaanui IMP in council processes, with specific reference to the use of the IMP to:

- Maintain and improve opportunities for Māori to contribute to local government decision-making processes, and
- Give effect to RMA Part 2 obligations, particularly with regard to recognising and providing for the relationship of Ngāi Tahu to ancestral lands, waters and sites as a matter of national importance, and the protection of historic heritage;
- Inform planning processes, including the preparation and change of plans and policy statements, as per RMA sections 61, 66, and 74;
- Provide consent applicants with advice on cultural issues and consultation processes;
- Inform the assessment of resource consent applications, including identifying whether tangata whenua may be an affected party and the assessment of cultural effects (RMA s.88, s.95E and Schedule 4);
- Inform the consideration and determination of resource consent applications, under RMA section 104; and
- Inform resource consent monitoring and compliance processes, including providing for tangata whenua values in these.

**IMPI.6** To work with all other agencies to recognise and provide for this IMP as a tool to:

- Engage with Papatipu Rūnanga as the representative bodies of tangata whenua who hold manawhenua;
- Understand what is important to tangata whenua and why;
- Meet statutory obligations pertaining to the principles of Te Tiriti o Waitangi; and
- Meet statutory obligations pertaining the relationship of Māori and their culture and traditions to ancestral lands, water, sites and other taonga.

**IMPI.7** To work with local government and other agencies to realise the full potential and value of IMP across planning and decision-making processes, including giving effect to the plan over and above existing statutory requirements.

**IMPI.8** To ensure that the IMP reaches its full potential by working with local government and other agencies to:

- Provide training sessions on plan implementation;
- Make the IMP available in hard copy, on CD and on websites.

#### Kaitiakitanga, the RMA and IMP

*Ko Aotearoa Tēnei* is the Waitangi Tribunal's report into the claim known as Wai 262, which concerns the place of Māori culture, identity and traditional knowledge in contemporary New Zealand law, and government policy and practice. Chapter 3 of the report relates to taonga in those parts of the environment controlled under the RMA 1991, and presents the following findings with regard to kaitiakitanga, the RMA and IMP:

- Iwi and hapū are obliged to act as kaitiaki towards taonga in the environment such as land, natural features, waterways, wāhi tapu, pā sites, and flora and fauna within their tribal areas;
- Current laws and policies do not support these kaitiaki relationships to the degree required by the Treaty;
- The RMA and the way it has been implemented only very rarely support kaitiaki control or partnership in relation to taonga;
- Reform will not only strengthen Māori culture and identity: by harnessing Māori knowledge and values it will also strengthen and add greater depth to environmental decision making;
- For the RMA regime to more effectively support kaitiaki relationships, engagement between tangata whenua and local authorities needed to become compulsory, formal and proactive;
- Kaitiaki priorities need to be integrated into local authority decision making, and IMP are a way to achieve this; and
- IMP should bind local authority decision-making, just as regional policy statements, regional plans and district plans do.

**Source:** *Waitangi Tribunal, 2011. Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity.*

# Wāhi Tuatoru

## Part 3

### MANAWHENUA

[Ahi kā] “Our fires of occupation continue to burn on this land.”<sup>1</sup>

[Tūrangawaewae] “... the right to stand on a particular piece of land and to take part in any decisions concerning that land or the community associated with it.”<sup>2</sup>

[Mana Whenua] – “The power associated with the possession of lands. A person who possesses land has the power to produce a livelihood for family and tribe, and every effort is made to protect these rights.”<sup>3</sup>

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ENDNOTES

- 1 Mahaanui IMP Working Group, 2012.
- 2 Te Whakatau Kaupapa 1990: 5-30.
- 3 Barlow, C. 1991. *Tikanga Whakaaro: Key concepts in Māori culture*, p. 60-61.

# MANAWHENUA

Manawhenua represents the ability to influence and exercise control over a particular area or region and act as its kaitiaki. Manawhenua is derived from whakapapa, and protected and secured through continued occupation of ancestral lands (ahi kā roa), the continued use of resources (e.g. mahinga kai) and the protection of the mauri of resources and the environment mō tātou, ā, mō kā uri ā muri ake nei.

The six Papatipu Rūnanga that prepared this plan are the representative bodies of the tāngata whenua who hold manawhenua in their traditional takiwā (see Map 2). This part of the plan provides a brief introduction to the marae, history and takiwā of each of the six Rūnanga. The six sections below were prepared by the individual Rūnanga for this IMP.

**Map 2:** Marae locations of the six Papatipu Rūnanga that prepared this IMP.



## Ngāi Tūāhuriri Rūnanga

*Maka ra ki Tawhiti ki ngā*

*Whenua hou*

*Ki ngā maunganunui Ki Horomangaraia*

*Ki Te Tuahiwi o Te Rangiora*

### *Tuahiwi*

The name of our marae is Tuahiwi. Tuahiwi takes its name from the ridge that runs from the Kaiapoi township through to Rangiora. That ridge is where the Tuahiwi roadway now runs and our people have traditionally built upon that ridge rather than the lower lying areas that were prone to flooding.

The modern history of Tuahiwi starts in 1848 when the Crown set aside the Kaiapoi Māori Reserve (873) as a 'kāinga nohoanga' for our people to live upon. Before the area had been set aside our people had been living in a number of kāinga nearby at Wai-tuere, Mairaki and Tioriori as Kaiapoi Pā had been sanctioned as a 'wāhi tapu - sacred ground'.

The first whare was Tū-te-kawa, and was built in 1859. Tū-te-kawa suffered from a serious fire in 1872. Despite the fire our people continued to use the whare through 1879. In 1880 a new whare called Tū-āhu-riri was built as an adjoining whare to Tū-te-kawa. However two months later a storm struck and Tū-āhu-riri was lifted off its foundations. The hall was replaced with a new and larger building. That building retained the name Tū-āhu-riri, and remained as the local meeting house through to the building of a new whare our elders named *Maahunui*, which was opened in 1922.

### *Maahunui II*

On December 1, 2012, *Maahunui II* was opened. The new whareniui takes its name from the canoe of our shared ancestor, Māui-tikitiki-a-Te-Raka. 'Te Waka o Māui' - The canoe of Māui - is the oldest name for the South Island of New Zealand. Māui is known throughout the Pacific as the great hero figure who discovered fire, slowed the sun in his pathway across the sky and hauled the islands of the Pacific from the ocean floor to the world of light. He is seen as the hero who established our daily customs while challenging the established order.

### *Kaiapoi Māori Rūnanga to Ngāi Tū-āhu-riri Rūnanga*

Under the 1848 Canterbury Purchase the largest block of reserved land set aside for Ngāi Tahu was the Kaiapoi Māori Reserve 873. However, as a result of the land being granted by the Crown, traditional customary rights were uncertain giving rise to a need for title clarity for tribal members and whānau. In response to this need our people decided to establish a tribal council or Rūnanga to determine issues of property and how they would collectively live upon the Reserve. In 1859 the Kaiapoi Rūnanga was established. It was to be the first Rūnanga in New Zealand. The Rūnanga constitution was clear that it was a meeting of land owners decided in common by the people and confirmed under the 1862 Crown Grants Act. Since its establishment the Kaiapoi Māori Rūnanga has often been referred to as the Tuahiwi Rūnanga and latterly as the Ngāi Tūāhuriri Rūnanga as stated in the 1996 Te Rūnanga o Ngāi Tahu Act.



**Photo:** Maahunui, also known the Tuahiwi Hall.  
Photo credit: Aotearoa People's Network Kaharoa (2010).

Since its conception the Rūnanga has been designed to represent the land-owners assigned to their Reserves. The authority for Rūnanga is therefore commensurate to the Reserves the Crown assigned to each region. This is important because Rūnanga do not represent hapū boundaries. That is, although the Ngāi Tūāhuriri Rūnanga claims hapū status, its origin is in Kaiapoi Māori Rūnanga which represents the views of the shareholder/land owner. The lands allocated to this Rūnanga start from North Canterbury with the fishing easements of Wamaiaia and runs through to Te Ihutai (Sumner) in Christchurch. Likewise Reserves the Crown set aside for occupation and as compensation were first established at Kaiapoi, run northwards to Oxford and Tawera and end as far south as Rakaia and Hakatere (Ashburton).

Mahinga kai sites claimed by whānau and their Rūnanga before the 1868 Native Land Court essentially defined the

Ngāi Tahu Claim to mahinga kai and whānau rights. These claims clearly outline the interest of Rūnanga, with the Kaiapoi Rūnanga claims running from North Canterbury, through to Godley Head, along the Port Hills to Taitapu and heading southwards along Lake Ellesmere (Waihora) to the Rakaia-Ashburton regions where their Reserves were allocated. These rights were never disputed because all whānau from Taumutu through to Rapaki and Kaiapoi understood the custom of their claims and the status of the whānau.

Under the Te Rūnanga o Ngāi Tahu Act 1996, the boundary for the Ngāi Tū-āhu-riri Rūnanga is stated as follows:

*The takiwā of Te Ngāi Tuahuriri Rūnanga centres on Tuahiwi and extends from the Hurunui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakaia, and thence inland to the Main Divide.*



**Photo:** Maahunui II, at dusk.  
Photo credit: Lee Howell / leehowell.com



## Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga

Centuries before Columbus voyaged to the Americas, Tamatea-Pokai-Whenua was exploring Aotearoa. On his trip back north from Murihiku, he stopped off in the hills above Rāpaki. But a southerly storm struck. His party's fire sticks had gone out, so Tamatea recited the necessary karakia and called to his atua at Ruapehu, Tongariro and Ngaruahoe to send him fire. This they did – though some fell to the ground at Te Whakatakanga-o-te-ngaheru-o-te-ahi-o-Tamatea (Hanmer Springs), it eventually arrived and the evidence can still be seen today at Te Ahi a Tamatea. 1,000 years later Pākeha call that same hill Rāpaki Rock. Nearby, the distinctive cone-shaped hill which dominates Rāpaki is Te Poho o Tamatea.

Tamatea is usually associated with the first peoples in this rohe – Te Iwi Waitaha.

***Ko Te Poho o Tamatea te Mauka***

***Ko Whakaraupō te Moana***

***Ko Te Rāpaki o Te Rakiwhakaputa te Marae***

***Ko Ngāti Wheke te Hapū***

***Ko Ngāi Tahu, Ngāti Mamoe me Waitaha hoki te iwi.***

About the beginning of the 18th century, Te Rakiwhakaputa, a Ngāi Tahu rangatira toa of Kati Kuri descent, came up the harbour Whakaraupō – so named by Tamatea after the raupō which was then growing at the Head of the Harbour.

The Kati Kuri / Ngāi Tahu war party fought and defeated the resident manawhenua Ngāti Mamoe at Ōhinehou (now Lyttelton). That battle was marked by naming the hills above Ōhinehou, Ōkete-upoko, a name which was still used in 1849 with signing of the Port Cooper Deed when Ngāi Tahu sold most of the Whakaraupō catchment to the British Crown. Another major battle between Ngāi Tahu and Ngāti Mamoe was at Ōhinetahi, a pa site on the low ridge near the sea to the south of current Governor's Bay.

The traditional story is that Te Rakiwhakaputa confirmed his take raupatu by casting his rāpaki (waist mat) on the beach and the kaika has ever since been known as Te Rāpaki o Te Rakiwhakaputa. He also more strategically ensured his descendants' manawhenua rights to this takiwā by marrying Hine-te-a-Wheka with Ngāti Mamoe whakapapa.

Two hills at the head of Whakaraupō commemorate these Ngāi Tahu / Ngāti Mamoe contests. Ōrongomai (Cass Peak) marks the place where Ngāi Tahu heard (whakarongo) Ngāti Mamoe who were based at Mānuka Pā on the Huritini / Halswell River (present day Old Tai Tapu road). Ōmāwete (Coopers Knob) represents a rare recognition of the defeated enemy. Māwete was a Ngāti Mamoe rangatira from Mānuka Pā.

Once the main fighting in Whakaraupō was done Te Rakiwhakaputa moved on, but to ensure ahi kaa, he left his son Manuwhiri who built Te Pā Whakataka (near the current tennis courts in Governors Bay).



Photo: Whakaraupō

Another son Wheke settled at Rāpaki and the hapū there has become known as Ngāti Wheke and are manawhenua of the Whakaraupō takiwā. Wheke's name is also marked by the hill above Cass Bay known as Te Moenga-a-Wheke – or The Great Tor. Wheke maintained a pā at Ōpāwaho near where the rail and road crosses the Ōpawa (ho) river. Ngāti Wheke regard the Ōpāwaho as the northern boundary of the hapū takiwā.

Between 1824 and 1828 Ngāi Tahu was afflicted by inter-hapū warfare. This included in 1826 the fall of Taununu's specially designed pā for musket warfare at Rīpapa.

The first lease by Pākeha of land in Whakaraupō was in 1846 at Purau by the Greenwoods- shortly afterwards taken over by the Rhodes family. On 10 August 1949 the Whakaraupō/Port Cooper Deed was signed by Walter Mantell and 18

Ngāi Tahu. For £200 the Crown received 65,000 acres and left Ngāti Wheke with 850 acres at Rāpaki as Native Reserve 875. A Census in 1857 listed 48 Ngāi Tahu living at Rāpaki, 12 in Taukahara and 12 in Purau. 50 years later only the Rāpaki kaika remained.

Community buildings built in Rāpaki were: 1869 the Māori Church; 1874 Catholic Church; 1878 Māori School, 1901 Rūnanga Hall and in 1916 jetty and war memorial 'Gallipoli'. The school ceased functioning as a school in 1946. The buildings still exist except the Catholic Church which was demolished about 1950. The Hall was replaced with a new Whare Tipuna in 2011. This is a whare whakairo and the carvings, inside and out, represent the whakapapa of Rāpaki and the mana whenua who live there.



Photo: Whare Tipuna, with Te Poho o Tamatea

### ***Te Hapū o Ngāti Wheke (Rāpaki)***

Te Hapū o Ngāti Wheke (Rāpaki) is the modern day representative of the hapū Ngāti Wheke. The takiwā of the Rūnanga reflects the events and deeds of Te Rakiwhakaputa and his sons Manuwhiri and Wheke; events and deeds that secured their descendants' manawhenua rights to the area. The takiwā centres on Rāpaki and the catchment of Whakaraupō and is described in the Port Cooper Deed of 1849 (English translation):<sup>1</sup>

*“The inland boundary commences at the mouth of the Ōpawa thence along [the Halswell River] to Waihora; the outer boundary commences at Kaitara [Port Levy], thence by Te Pohue [Monument], thence by the Ahupatiki [Mt Herbert] ridge to Waihora following the line of the said mountain to Kuhakawariwari.”*

## Te Rūnanga o Koukourārata

*Ka rere taku manu mai i tōna kohaka ki Kaitara  
Huri atu e taku manu ki Te Kūhakawariwari, tae atu  
ki Marokura*

*A, rere tonu e taku manu ki te Pae Mauka o Waipuna  
ka roha, ka tiu e taku manu ki te pā harakeke  
o Tutakakahikura ki Pōhatu*

*Kōinei te whāriki tipuna o Koukourārata whānui a*

*Ko Tūtehuarewa tō mātou nei Whare tipuna*

*E tū mai ia i ruka i te marae o Puari,*

*i raro nei o Manukuia, o Kakanui, o Te Upoko o Hinetewai,*

*o Te Heru o Kahukura, o Te Ahu Patiki hoki.*

*Ko Koukourārata te awa e rere ana. Ki Te Ara Whānui a*

*Makawhiua - to moana*

*Ko Makawhiua te waka*

*Ko Kāti Huikai te hapū e piri tonu nei*

*ki te mana o te whenua...*

*Tihei Mauri Ora!*

### Te Rūnanga o Koukourārata and Tūtehuarewa Marae

Koukourārata is an ancient place. It has a long history of Ngāi Tahu, Kāti Māmoe and Waitaha land use and occupancy and holds a significant place in tribal history and traditions. The settlement and marae are located on the ancient pā site Puari. The whare tipuna was built in 1923 and named Tūtehuarewa after an ancestor. In 2004 a whare kai was added to the marae buildings, and was named Te Pātaka o Huikai (The storehouse of Huikai) after the eponymous ancestor Huikai.

Te Rūnanga o Koukourārata was created in 1996. The Rūnanga is the representative authority for the hapū Ngāti Huikai and Ngāti Tūhaitara, and the descendants of the original landowners of Koukourārata Māori Reserve 874. The Tutehuarewa Marae Committee and the Poti Riwhi Rūnanga precede Te Rūnanga o Koukourārata.

The pēpeha written above is the signature of Koukourārata. It is a mihi that sets out the whakapapa of Ngāti Huikai and identifies the landmarks that encompass the boundary points of the traditional takiwā.

### Traditional kōrero

Te Rūnanga o Koukourārata takes its name from the original kāinga located at the head of the bay, and more specifically the stream flowing there. The origins of the name come from Hataitai, Wellington – the main Ngāi Tahu settlement before crossing over to Te Waka o Aoraki (the South Island). The name recalls the actions of Rakaitekura and her husband Tumaro, also Te Aohikuraki. Tumaro had arrived home after a voyage to find his wife pregnant and was suspicious of an affair. He recited karakia and the names of other chiefs within the pā. When the name Te Aohikuraki was uttered, a baby boy was born. Tumaro then instructed his wife to go and wash, anoint, and dress herself at the sacred waters of nearby stream. These waters have been known as Koukourārata: Koukou = to anoint; Rarata = tame, quiet. The child was named Te Hikutawatawa o te Rangī; later to become Tūāhuriri.



Photo: Tutehuarewa Marae

Koukourārata is important as Horomaka Island was the first landing place of the celebrated waka taua Makawhiua and the Ngāi Tuhaitara war party Te Tawa Tuawhiti. Ngāi Tuhaitara came to Te Pataka o Rākaihautu to seek utu upon the hapū of Tutekawa, but also to conquer new lands and re-establish family connections. Tutekawa had killed the two wives of Tūāhuriri in Hataitai (Wellington) and then fled south to be with the people of Kāti Mamoe. Years later the children of Tūāhuriri along with other members of Ngāi Tuhaitara crossed Cook Strait and settled at Kahutara, south of Kaikoura. Moki, one of Tūāhuriri's sons, learned of the residence of Tutekawa at Waikakahi Pā on the shores of Te Waihora. This ignited old vengeance against Tutekawa and it was Moki that led the utu in honour of his father.

Moki organised the rangatira of Ngāi Tuhaitara and prepared the waka taua Makawhiua. Moki led the war party, and Maka captained the waka. Huikai, the ancestor of the tangata whenua of Koukourārata, was one of the chiefs that sailed with the Makawhiua.

The Makawhiua set sail from Kahutara to Kaiapoi and on to Te Pātaka o Rākaihautū. The waka made first landfall at what was to be named Horo-Maka and Koukourārata. A council of war was held on the banks of what is now Koukourārata. It was during this council that the mauri of Koukourārata was placed in the waters there.

The council decided to first attack Parakākāriki, a Ngāti Mamoe stronghold under the chief Te Aotutahi. Maka launched the waka Makawhiua from the island Horo-Maka (meaning 'the dispersal of Maka') and the party made their way around the eastern bays, landing at Paanau, Okaraka, Kaawatea, Otutahuao, Okaruru and finally Parakākāriki. These tauranga waka, or canoe landing sites, continue to hold great significance to Te Rūnanga o Koukourārata and associated hapū.

At Parakākāriki, the Kāti Mamoe rangatira Te Aotutahi and his son Uruhanga were slain. Te Aotutahi's daughter Te Tawhera was taken by Huikai. The war party then returned to Koukourārata, and prepared to attack Tutekawa at Waikakahi Pā. With the Makawhiua anchored at Horo-Maka, the war party travelled overland from Koukourārata to Otutu to Te Upoko o Tahumataa to Waikakahi. There, Tutekawa was slain by Whakuku, and Waikakahi pā taken.

Huikai settled Koukourārata and married his Parakākāriki trophy Te Tawhera. The marriage of Huikai to Te Tawhera is important as this enforces Ngāti Huikai connections and claims to lands on Te Pataka o Rākaihautu.

Huikai and Te Tawhera had one son named Tautahi, and this son subsequently took sway of what is now central Christchurch on the banks on the awa Ōtakaro (Avon River). The Māori name of the city – Ōtautahi, means 'the place of Tautahi'. This ancestral connection gives Te Rūnanga

o Koukourārata customary interest in central Christchurch and the Ōtakaro.

### ***The takiwā of Ngāti Huikai***

The takiwā of Te Rūnanga o Koukourārata reflects traditional concepts of Māori land tenure, following the routes and events of the Makawhiua waka and Ngāi Tuhaitara war party, and enforced again in 1849 by Pukenui during the Port Levy Deed negotiations, when he declared the rights to Kaituna, Waihora and Waikakahi Pā.

The takiwā boundaries acknowledge the rangatira of Ngāti Huikai from Kaitara pā on the western side of Ki Te Ara Whānui a Makawhiua (the Ngāi Tahu name for Koukourārata harbour) along the ridgeline to the maunga Te Heru o Kahukura (ancient name for Te Pōhue, or the Monument) and Te Ahu Patiki, and over the Waipuna saddle through Kaituna Valley and along the shores of Te Waihora to Waikakahi, and then inland to the summit along the ridgeline to Pōhatu and along the northern coastline back to Koukourārata.

The modern day Te Rūnanga o Ngāi Tahu Act 1996 description of the takiwā is a shortened version of this, omitting the landmarks that encompass the true boundary points to the shores of Te Waihora.

### ***The 1848 Port Levy Purchase***

Ngāi Tuahaitara held undisputed mana whenua over Te Pātaka o Rākaihautū until 1849, when Walter Mantell negotiated the Port Levy Deed of Purchase on behalf of the Crown. Before any reservation was allocated or any price sought for land, the boundaries of the land to be sold had to be discussed and acknowledged.

Pukenui was the chief of Koukourārata at the time of the Port Levy Deed negotiations. After asserting the boundaries of the land in question, Pukenui and others demanded that Mantell provide 1000 pounds and three reserves: at Kaawatea, Pigeon Bay and Koukourārata. These demands were refused, and instead the hapū received 300 pounds and, despite promises that reserves would be 'large and many', only one reserve at Koukourārata was given. This meant that the whānau and hapū living throughout the tribal lands in the various bays and harbours had to leave their traditional homes and settle in Koukourārata. For 104 000 acres, Ngāi Tuhaitara/Ngāti Huikai received 1361 acres. This was to be shared among 59 owners (and did not include children).

The 1849 Port Levy Deed of Purchase and map (see map) identifies the traditional landmarks and land boundaries that today are the takiwā of Te Rūnanga o Koukourārata:

“...the inland boundary commences at Kaitara, thence to Te Pohue and along the ridge to Te Ahu Patiki, coming out at Waihora, it comes out at Waihora following the ridge of that mountain to Kuhakawariwari, that is to say by the outer boundary of Nohomutu and his people; the outer boundary commences at Waihora at Waikakahi thence it goes as is shown on the plan hereunto attached till it reaches the sea at Pohatu (Fly or Flea Bay)...”

### Waiata

The following waiata was composed by Reri of Koukourārata, and sung at Koukourārata at around 1840, to a number of Ngāi Tahu chiefs returning from Sydney, including Tuhawaiki. The waiata was a challenge relating to manawhenua.

*E koro mai Kaiapoi  
 Hurihuri mai te taringa  
 Ki te roko o te mokai  
 Kaore ia he mokai o Tawhiti  
 Ko Te Kawae hue a Mahaanui  
 Ko Rakawahakura  
 Ko ka kai kino a Marukore  
 Ko te Piki Turoa  
 Ko taku whare ko Karara Kopae  
 I whakapeti ai hoki  
 Koutou hakanunui  
 Ko taku puta ko Te Pakiaka  
 Ka rato ki a tatau tahi a pae nei  
 Whiti mai ki rawahi ki Arapaoa  
 Ko Whakamarama  
 Ko Te Pariwhakakatau  
 Ko Parakakariki ki Waikakahi  
 Ka korero te kutu ka hara tau ki te tini*



**Map:** Port Levy Deed Map, with the traditional landmarks and land boundaries that today are the takiwā of Te Rūnanga o Koukourārata.  
**Source:** Evison, H. 2006. The Ngāi Tahu Deeds: A window on New Zealand History. University of Canterbury Press.

## Ōnuku Rūnanga

*Ko Ōteauheke te mauka*

*Ko Awaiti te awa*

*Ko Kai Tarewa te hapū*

*Ko Kai Tahu te iwi*

*Ko Takitimu te waka*

*Ko Karaweko te tupuna whare*

*Ko Ōnuku te marae*

*Tena koutou katoa*

Ōnuku Rūnanga is the modern day representative of the hapū Ngāi Tarewa and Ngāti Irakēhu at Ōnuku, on the shores of Akaroa Harbour.

Ōnuku is home to generations of whānau. It is also of immense significance to Ngāi Tahu as an iwi. It was at Ōnuku on May 30, 1840 where the Treaty of Waitangi was first signed within the Ngāi Tahu takiwā (the first of three signings on Te Waipounamu). It is also where, in 1998, the Crown gave its apology for historical breaches of the Treaty in its dealings with Ngāi Tahu. The marae continues to be a place where Ngāi Tahu come together to kōrero important tribal issues. It is also used by the wider community for wānanga (learning gathering), birthday celebrations, weddings, conferences and retreats. The marae is known for its tranquil surroundings and the kai that is served to manuhiri.

### Takiwā

The takiwā of Ōnuku Rūnanga is centred on Ōnuku and the hills and coasts of Akaroa Harbour to the adjoining takiwā of Te Rūnanga o Koukourārata and Wairewa Rūnanga.

Karaweko, a rangatira of the Ngāi Tarewa people of Ōnuku, set out the takiwā of Ōnuku as from the hill top of *Pōhatu* to the hilltop of *Te Ruahine* [point at the entrance of Akaroa Harbour] then to *Timutimu Head* on the west, but that the

roadways between the inner and outer bays should always be left open, so other hapū could come and go for mahinga kai and hui.

### Ōnuku Marae

Ōnuku Marae is located on Māori Reserve 886, established in December 1856. The names of the original grantees on the deed of the reserve are Wiremu Harihona Karaweko, Hone Taupoki, Matene Paewiti, Rahera Tikao, Rawiri Te Ito, Wiremu Ngaere Te Ao, Hoani Kamokamo, Erihapete Kirihoto, Meri Harihona Karaweko, and Amiria Wi Puhire. Ōnuku is one of two reserves set aside in the deed of the Akaroa Block Purchase. The other is *Ōpukutahi* (Māori Reserve 883), located across the harbour at Wainui.

Our whare tūpuna is named *Karaweko*. Karaweko was a 14 year old warrior when Te Rauparaha attacked Ōnawe in 1832. He and his cousins were captured and taken to Kapiti as prisoners. However, Karaweko was treated more like a whānau member than a prisoner, and was allowed to return to Ōnuku 10 years later, where he took up his roll as the chief of Ōnuku. Wiremu Karaweko [also known as Big William] married Mere Whariu and had 5 children: Hira, Amiria, Hera, Kokone and Hoani. From this whānau descend the whānau that live at Ōnuku today.

The whare tūpuna was officially opened and blessed at a dawn ceremony on February 5<sup>th</sup>, 1997. It was the first carved house to be built on Banks Peninsula for over 100 years. The Ngāi Tahu paramount ariki Te Maiharanui is represented in the tekoteko of the meeting house.

Our wharekai is named *Amiria Puhire*, the daughter of Karaweko and Mere Whariu. The wharekai was officially opened in 1990 during Centenary celebrations of the signing of Te Tiriti o Waitangi. Ōteauheke, the ancestral mountain of Ngāi Tawera, rises up behind Ōnuku Marae.



**Photo:** Karaweko and his whānau, in front of his pātaka.



**Photo:** Karaweko, the whare tūpuna. The tekoteko of the whare tūpuna represents Te Maiharanui holding his mere Kataore. The whare tūpuna was officially opened and blessed at a dawn ceremony on February 5th, 1997. Photo credit: Akaroa Civic Trust.

### **Takapūneke and Ōnawe**

A number of sites in the Ōnuku Rūnanga takiwā are of significance to the history of Ngāi Tahu as an iwi, and to the history of New Zealand in the story of Te Tiriti. Two of these are Takapūneke and Ōnawe.

Takapūneke was the kāinga of the Ngāi Tahu ariki Te Maiharanui. Te Maiharanui was captured by Te Rauparaha in 1830, with the collusion of a British sea captain, John Stewart and his brig *Elizabeth*. Stewart had invited Te Maiharanui on board, where Te Rauparaha's war party was concealed. Te Maiharanui was killed, and the kāinga was destroyed. The survivors moved to the next bay south, known as Ōnuku ('last resting place'). The massacre made Takapūneke a wāhi tapu, and to this day Ōnuku whānau prefer not to venture onto the land where the blood of so many of their ancestors was shed. The *Elizabeth* affair was the first step in the British annexation of New Zealand that would culminate in the signing of Te Tiriti o Waitangi.

Ōnawe is a peninsula at the head of the Harbour. A pā was built on the peninsula in 1830 under the charge of

Takatahara, with two other chiefs - Puaka and Potahi, and became the site of a tragic incident in Ngāi Tahu history. In 1832, Te Rauparaha arrived in Akaroa Harbour with fifty waka and waited in the bays adjacent to Ōnawe with his prisoners from Kaiapōi. Knowing that he could not take the well fortified pā, he sent the Kaiapōi prisoners to tell Takatahara that they came in peace. When the gates opened, Te Rauparaha attacked, killing nearly 300 Ngāi Tahu and taking others prisoner. Karaweko was one of the prisoners taken by Te Rauparaha back to Kapiti.

### **Mahinga kai**

Traditionally the whole the Akaroa Harbour was used for mahinga kai, however there are some specific places that Ngāi Tawera used regularly. One of these is the Ōnuku beach front. Whata were set up here to dry tuna and shark. There were cockle, pipi, and pakaka (crab) gathered from other areas of the harbour and eaten on the beach front. At Tikao Bay nets were put across the harbour to Red Point to catch shark, and these would be dried and shared with the whānau.

## Wairewa Rūnanga

### Kia ui mai rā

‘Kai hea te ahi hai tāmahana i taku tinana?’  
Māhaku tēnei

E hoe tō waka i a Mahaanui, Kia ū rānō ki Whakarōa  
Tauraka waka o Te Uruao  
Me ahu atu koe ki te riu o te nawe o te iwi  
Hikahika tākata, ko te haepapataka

Ka piki ki te tihi o Tuhiraki, Tērā Tūwhakarōria  
Kā puna hauaitū, puna waimarie  
Kā puna karikari a Rākaihautū  
Hanatu ki Te Kaio, ki Marokura

Ka tū te kawa ki Waikākahi  
Takahia atu te ara o Wharau iti, o Wharau nui  
Hākai atu i kā ana i tāwenewene i te mata o Te Oka

Tērā te Ūpoko o Tahu Matā  
Matatā i te mano o Irakehu i te hau kaitākata

Tirohia atu te rere a Hao  
Mai i a Hikuika, a Puaha, a Ōpouwaho  
Whāia te au ki te Hukahukatūroa  
Ki Ōkana, ki Ōkuti, Tākiritāwai

### Arā Wairewa, Pātaka Kai o Makō e

Tere tou a Hao mā te Mata Hāpuku  
Ki kā wakawaka o kā kutu o Kaitōrete  
Kapohia e te rika o Takaroa  
Me whai atu i te auahi ki Ōhiriri  
Kia tauwhirotia e te tāua ruruhau, Ko te Rōpūake

### Kātahi nā te whitawhita o taku ahi e!

Whakaroko ake rā e aki, e kera  
E noho mai koe i te kāika pepehatia  
Māhau kā puka o te ahi o ō tīpuna e tahitahi  
kia whitawhita kia kite atu te muramura  
O te hātete, o te kāpura i tawhiti  
I ruka, i raro, i roto, i waho  
Kia kiia ai ka toe nei  
kā uri o Makō, o Irakehu ki te ao  
He nui, he rahi, momona te ora e...

### Ka hāhā te tuna ki te roto

### Ka hāhā te reo ki te kāika

### Ka hāhā te takata ki te whenua e

The above waiata was composed by Charisma Rangipunga for her tamariki to learn their Wairewataka, and encapsulates the takiwā and place names of Wairewa. This mōteatea was kindly gifted to the whānau of Wairewa. Wairewa Rūnanga is the modern day administrative council and representative of the hapū of Kāti Irakehu and Kāti Makō who hold manawhenua over the Wairewa takiwā. The takiwā of Wairewa Rūnanga as expressed in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 centres on Wairewa and the catchment of our pātaka kai, Te Roto o Wairewa, and the hills and coast to the adjoining takiwā of Te Rūnanga o Koukourārata, Ōnuku Rūnanga and Taumutu Rūnanga. Sometimes these boundaries overlap and we share the responsibilities of Kaitiakitanga of Kaitōrete Spit, Te Waihora, Waikākahi, Ōnawe and Akaroa Harbour.



Photo: Wairewa Marae

There are place names connected with Wairewa which evoke earlier histories. One example is the mountain which Wairewa Marae lies in the lee of, Te Ūpoko o Tahumatā. This name refers to the Ngāi Tahu ancestor Tahumatā who lived and fought in Hawkes Bay. It is also special as it is the mauka we use in our pepeha, which gives us our sense of place, our sense of belonging to the landscape, as outlined below.

***Ko te Ūpoko o Tahumatā te mauka***

***Ko Ōkana te awa***

***Ko Wairewa te roto***

***Ko Uruao te waka***

***Ko Wairewa te marae***

***Ko Makō te whare tupuna***

***Ko Te Rōpūake te whare kai***

***Ko Kāti Irakehu, Kāti Makō kā hapū***

***Ko Waitaha, Kāti Māmoe, Kāi Tahu kā iwi***

Makō is a great-grandson of Tanemoehau and Kurī (the eponymous ancestor of Kāti Kurī). His Whakapapa line traces from the mātāmua first born child of Tanemoehau and Kurī – Rākaitekura to his father Pūraho who is credited with leading the Kāti Kurī migration from Hātaikai to the Tory Channel in the South Island that became known as “Te-Wharauka-a-Pūraho-nui” (the big migration of Pūraho). With the death of his father Pūraho, the eldest brother of Makō, Marukaitātea (Maru) became the head of Kāti Kurī and it was under the leadership of Maru that Kāti Kurī eventually moved and settled in the Kaikōura area.

When Makō claimed the takiwā of Wairewa he did so at gathering of raketira in Kahutara south of Kaikōura, under the mana of his older brother. This gathering was held so that the raketira could hear first-hand the reports from Kaiapū and Tamakino who had escaped to return overland from a disastrous battle against Kāti Māmoe in Southland. Travelling under the cloak of darkness they came to their brother-in-laws house where they were given protection. The next morning they were greeted by the other chiefs to whom they recounted their travels. The two escapes were outlining the mahika kai they had seen on the way back. When it came to Ōhiriri, Ōtawiri and Wairewa, Makō asked the pair what food is available there. They replied “There are many kinds’ weka, kaka, kererū, pūtakitaki and tuna”. On hearing the bounty that was available at Wairewa Makō laid his tapatapa (claim) on the area. Shortly after an expedition consisting of Kāti Kurī and Kāi Tūhaitara led by Moki left for Te Pātaka o Rākahautū. When Makō arrived at Wairewa he laid his Waha Ika in the waters of the lake at Tākiritāwai and proclaimed:

***“Ki uta he uruka mō tōku ūpoko,***

***Ki tai he tūraka mō ōku waewae”***

*Inland a pillow for my head and on  
the shores a rest for my feet.*

This was a direct reference to the abundance of kai in the forests, lake and sea and by stating this Makō effectively claimed the takiwā for himself, his family and their descendants. The profusion of kai in Te Roto o Wairewa was renowned across Ngāi Tahu and in a modern context has been referred as one of the central food baskets of Ngāi Tahu in the Canterbury region with tuna, pātiki and inanga the main kai taken.

The produce of the lake was a source of mana and pride. It allowed the people to sustain themselves and their visitors. It also allowed food to be carried to other villages in kai-hau-kai, traditional food exchanges. This is also why our ancestors and their descendants stayed in this landscape, and occupied different pā and settlement sites including Ōtawiri, Te Mata Hāpuku, Ōruaka, Ngutu Piri, Marokura Nui, Waikākahi and Te Puia. Poutaiki and Ōtūngakau are two principal urupā associated with Te Roto o Wairewa.

Te Roto o Wairewa is one of only two customary lakes in New Zealand the other being Lake Horowhenua in the North Island. This was acknowledged under the Lake Forsyth Lands Vesting Act 1896, which stated

***“Nothing in this Act contained shall be deemed to prejudice or affect any Māori fishing rights which may be in existence at the time of the passing hereof with respect to any part of Lake Forsyth which may not be so reclaimed or drained.”***

This is reconfirmed in the Fisheries (South-East Area Amateur Fishing) Regulations 1986, where it confirms that the tuna fishery at Te Roto o Wairewa is for Ngāi Tahu only. In December 2010 two Mātaitai were gazetted, the first being the Te Kaio Mātaitai from Te Kaio to Birdlings Flat, and the second being the Wairewa Mātaitai, which includes Te Roto o Wairewa and the Tākiritāwai River. The Mātaitai offer us a formal process to gain management of these important customary food gathering areas and resources.

### ***Māori Reserves***

Under the 1856 Akaroa Purchase the 440 acre Wairewa Māori Reserve 887 and the 432 acre Ōpukutahi Māori Reserve 885 was set aside for Kāti Irakehu and Kāti Makō. Wairewa Marae is situated on the Māori Reserve 887.

### ***Whare Tupuna - Makō***

Built on the footprint of our three previous Whare, this is the fourth to hold the name Makō and will continue to be a place of gathering for the people of Kāti Irakehu and Kāti Makō. During the mid-1800’s our Marae moved from the hill near the current Urupā to its present day location.

The first Whare, described as a “hall for Wairewa Māori named Makō”, was built and opened circa 1855 by R. Paurini on Wairewa Māori Reserve 887 Block 1V (4) Section 22. Thirty years later, on April 16th 1885, a “new Rūnanga hall” was opened by the Hon. H. K. Taiaroa on the same site. Following a fire 33 years later, the third Whare was built and opened in circa 1918 and remained in use until January 2008. The current whare was opened on the 1st November 2008 by Rev. Maurice Gray and Taua Naomi Bunker.

### ***Whare Kai - Te Rōpūake***

As was custom, the whare kai is named after the wife of Makō, Te Rōpūake. Te Rōpūake was the eldest daughter of Te Rakiwhakaputa (her father’s first cousin). It is most likely the marriage was to cement relations between the families, and keep the Kāti Kurī lines strong on Te Pātaka o Rākaihautū. The current whare kai was built in 1991 by the whānau of Wairewa.



**Photo:** Te Roto o Wairewa



## Te Taumutu Rūnanga

### *Ngāi Te Ruahikihiki ki Taumutu*

Following the wreckage of Te Waka o Aoraki (the canoe of Aoraki) that became the South Island, Rakinui (Sky Father) sent a number of his mokopuna from the heavens to transform the waka into land that would sustain human life. Among these demi-gods were Tūterakihaunoa whose job was to carve the keel of the upturned waka into mountains and valleys, Kahukura who forested the bare landscape and filled it with animals, and Marokura who carved bays, inlets and estuaries and populated them with fish of many varieties. The mana of Tūterakihaunoa remains to this day given his ongoing residence as the Atua Tiaki (a supreme guardian) for Te Waihora. His resting place at Whakamātakiuru (Fishermans Point) gives the mana to the people of Taumutu as the tangata tiaki for this area.

The first people to arrive in the central Canterbury area were those on the Uruao waka under the captaincy of Te Rakihouia. Te Rakihouia had been instructed by his father Rākaihautū to seek out the rich resources of the coastal area (ki tai) while he traversed the mountain regions identifying the resources of land (ki uta). Te Rakihouia discovered the wetland of Te Waihora that teemed with fish and birds and upon reuniting with his father took him to the lake where Rākaihautū proclaimed Te Waihora as Te Kete Ika a Rākaihautū – The Great Fish Basket of Rākaihautū. Te Rakihouia equally named the coastline of this area as Kā Poupou a Te Rakihouia.

Some generations later a Ngāti Māmoe/Ngāi Tahu chief named Tutekawa, who had been embroiled in skirmishes with his chiefly relations in the North Island, came to live at Ōhōkana near Kaiapoi. After a time Tutekawa heard that the eels of Te Waihora were of a better quality so he moved to the shores of the lake and built the pā of Waikākahi. His son Te Rakitāmau meanwhile built his pā at Taumutu which he named Hakitai. Surrounded by his allies, and at a distance from his enemies, Tutekawa felt quite safe. After many years though his hapū were growing anxious with the rapid southward advance of Ngāi Tahu. They urged the old chief to escape while the opportunity remained but his only reply was “What will then become of the basket of flat fish spread open here?”

Tutekawa was killed when the Ngāi Tahu forces arrived at Waikākahi, and the various chiefs of Ngāi Tahu set out to secure land for themselves. Prior to their arrival on Banks Peninsula a young chief Te Ruahikihiki had received reports about the abundance of inaka, pātiki and tuna in Te Waihora and proclaimed “Tāku kāika ko Orariki” (Orariki at Taumutu is my place), thus placing a tapatapa (claim) on it. Once

at Banks Peninsula though, Te Ruahikihiki claimed several places with his first landing at Wainui (Akaroa) where he commenced to dig fern root and cook it. He then passed around the coast leaving his stepson Manaia at Whakamoā, other relatives at Waikākahi, and finally took up his permanent residency at the pā of Orariki, Taumutu.

The ahi kā of Ngāi Te Ruahikihiki remains at Taumutu to this day, and together with the residence of Tūterakihaunoa at Whakamātakiuru, instils the primary responsibility of kaitiaki for Te Waihora. However, in this role our hapū recognises the surrounding hapū of Te Pātaka o Rākaihautū and Kaiapoi whose rights extend to the lakeshores.

### *Ngāti Moki Marae*

Ngāti Moki Marae is located at Taumutu, on the quiet shores of Te Waihora at the southern end of Kaitorete Spit. The background roar of the ocean is ever present as waves break onto this narrow spit that separates Te Waihora from the sea.

Taumutu means the end of a ridge, or a high ridge. The name may also be a shortened version of Te Pā o Te Ikamutu - a traditional site in the area. The swampy environs of Te Waihora including Waiwhio (Irwell River), Waitātari (Harts Creek) and Waikekewai provided the prime environment for tuna (eels), pātiki (flounder), kanakana (lamprey) and waterfowl such as pūtakitaki (paradise duck). This bounty provided for those living at Taumutu but also afforded them a ready currency for bartering with other hapū all over the South Island.

The lake as a mahinga kai (food source) has always been a defining aspect of marae life at Taumutu. The following whakatauki encapsulates the significance and abundance of these food resources:

*Ko ngā hau ki ētahi wāhi*

*Ko ngā kai kei Orariki*

*No matter which way the wind blows (season), one can always procure food at Taumutu*

Despite the decreasing population at Taumutu during the late 1800's, a new meeting hall was built and officially opened on 7 May 1891. It replaced an earlier structure that had stood on the same site. The hall was named Moki after the tipuna whose original historic pā had stood on the same ground.

Moki has undergone extensive modernisation and additions over the years and so bears little resemblance to its original 1891 form. Since the 1980's there has been a gradual resurgence in the Ngāi Tahu population at Taumutu, with the marae being frequented for monthly Rūnanga meetings, as well as wānanga, whānau events, school visits and other hui. More people are becoming actively involved in the marae that is a favoured spot for wānanga and educational hui.



**Photo:** Ngāti Moki Marae

Te Taumutu Rūnanga has invested much time and energy in restoration of the riparian margins of the two streams that meet up at, and run past, Ngāti Moki Marae into Te Waihora. A bridge has been constructed and a walkway is planned to link the two old pā sites and provide easy access from the marae to the church and urupā. This work has resulted in the return of many native plant species and it is hoped that the rejuvenation of native bird, fish and insect species will follow.

Ongoing concerns about the preservation of and respect for these resources are central to the work of Te Taumutu Rūnanga today.

#### **Historic Pā Sites**

The pā of three heroic Ngāi Tahu tūpuna - Te Rakitāmau, Te Ruahikihiki and Moki II - were established at various times at Taumutu. Te Rakitāmau's pā Hakitai was situated near the traditional opening of Te Waihora to the sea. This pā site has now been reclaimed by the sea. Orariki (the place of chiefs), the pā of Te Ruahikihiki, and Te Pā o Te Ikamutu (the village of the backwash of the fish) were built on a narrow section of land between the edge of Te Waihora and the sea where the Hone Wetere Church now stands.

These pā together with Te Pā o Moki (the pā of Te Ruahikihiki's son Moki) were built on strategic and defensible sites that were once surrounded by swampland. Earthwork remains associated with these pā are still visible at Taumutu today. The present day Ngāti Moki marae is built on the site of Te Pā o Moki.

#### **The Taumutu Kāinga**

A place of occupation for over 600 years, Taumutu has a longstanding cultural history and has been the site of much archaeological interest for this reason. Borrow pits are visible in the paddock across from the marae. These large depressions in the ground are the result of the removal of earth for use in what are considered to be some of the southernmost kūmara gardens in the South Island.

The 19th century saw the kāinga at Taumutu embroiled in the turmoil of the Kai Huaka feud from 1825-28. The kāinga was then doubly threatened by Te Rauparaha's invasion of the south and the arrival of increasing numbers of European farmers and fishermen.

European immigrants worked to harness the bounty of the lake and develop its surrounding lands into pasture.

Ngāi Tahu influence in the area was rapidly eroded culminating in the 1848 Kemp Purchase that saw much of the land at Taumutu passing out of Ngāi Tahu control. Despite Ngāi Tahu reserving Te Waihora from sale, exploitation of the lake and its resources continued and the European presence led to the population at Taumutu being in serious decline by the end of the 19th century.

### ***Takiwā of Te Taumutu Rūnanga***

The takiwā of Ngāi Te Ruahikihiki centres on Te Waihora and extends west across central Canterbury to Kā Tiritiri o Te Moana (The Southern Alps). Travelling south from Taumutu you encounter Muriwai (Coopers Lagoon), another important mahinga kai site – renowned for a special variety of eel that were provided to manuhiri (guests). Further south are the ancient kāinga at the river mouth of the Rakaia River. These sites contain evidence of some of the earliest wharenuī and wharekai structures in the country, but are threatened by current day hut settlements and coastal erosion. Travelling further down the coast is Hakatere (Ashburton River) and the boundary between the Taumutu and Arowhenua people.

Turning inland, the wāhi taonga of Hinepaaka is situated near Alford. This site was the name of a sole majestic matai tree that stood as a marker and symbol for those travelling across the Plains and was named after the grandmother of Te Ruahikihiki. Although the original tree was felled by wind many years ago, a new tree was planted in its place by the kaumātua of Taumutu, Arowhenua and Tuahiwi.

Entering the mountains, place names associated with Te Ruahikihiki, Te Rakitāmau and their descendants can be found. Several of these occur in the Waitāwhiri (Wilberforce River) associated with the pounamu trails through to Te Tai Poutini.

Returning to the foothills, visible from Te Pā o Moki, sites such as Tūtepiriraki (son of Tutekawa and brother of Te Rakitāmau) and Nuku Mania – a maunga cited by the people of Taumutu, can be located adjacent to where the Waimakariri river emerges from the gorge.

Returning to Te Waihora, the numerous waipuna (springs) are important sites for mahinga kai and other tikanga (practises). Of particular note is Te Waiwhakaheketūpapakū – a spring head water burial site in which many significant tupuna are buried. Te Kuaowhiti, Waitatari, Waiwhio, Te Raki and Tūtakahikura are all important sites along the western lake edge. Waikirikiri, with its many pā tuna (eel weirs) and Ararira are two of the larger freshwater inflows to the lake. Huritini, Taitapu, Ahuriri and Motukarara provide important mahinga kai and wāhi taonga. To the far eastern end of the lake, at Kaituna, the Waikakahi Pā of Tutekawa is situated. Tutekawa, together with his son's pā Hakitai at Taumutu held the mana over Te Waihora until the arrival of Ngāi Tahu forces.

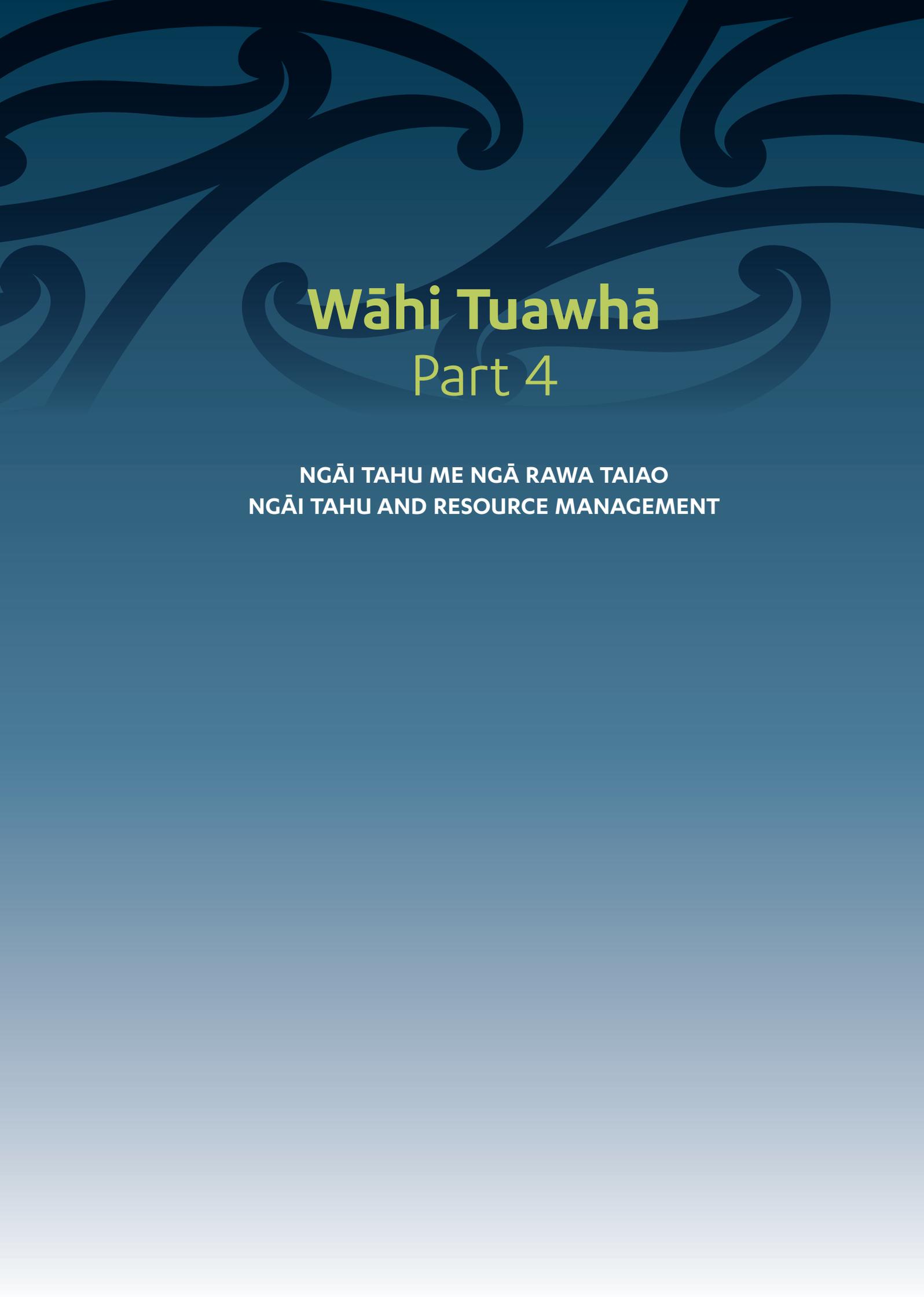
Between Waikakahi and Hakitai, lays Kaitorete with its many hundreds of umu and mahinga kai sites. Te Puna o Pohau indicates a junction between Wairewa and Taumutu. Travelling on toward Taumutu the habitation site of Kaikanohi can be located, before reaching Te Arariro – the lake opening site where Te Waihora is periodically opened to the sea.

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#### ENDNOTES

- 1 Evison, H. 2006. The Ngāi Tahu Deeds (map on page 137).





# Wāhi Tuawhā

## Part 4

NGĀI TAHU ME NGĀ RAWA TAIAO  
NGĀI TAHU AND RESOURCE MANAGEMENT



# NGĀI TAHU ME NGĀ RAWA TAI AO

## 4.1 He Kupu Whakataki Introduction

There is a distinctive cultural context to the way that Papatipu Rūnanga think about and respond to resource management issues in the takiwā. This cultural context informs the issues and policies in this plan, and is a reflection of:

- ▶ A body of knowledge about the land, water and resources that was developed over more than 40 generations of collective experience in Te Waipounamu;
- ▶ The relationship between tāngata whenua and the environment, and a worldview that sees people as part of the world around them and not masters of it; and
- ▶ The desire to protect key cultural values such as mauri and mahinga kai that are critical to identity, sense of place and cultural well-being.

There is also a historical context to the words in this plan. The dispossession of land that followed the Treaty of Waitangi and the Canterbury and Banks Peninsula land purchases had a profound effect on the spiritual, cultural and traditional relationship between Ngāi Tahu and the environment. As the physical landscape changed, so did the ability of tāngata whenua to access and manage the resources upon which they depended (see Boxes: Sale and Purchase of Ngāi Tahu Land; and Land loss in the 19th century).

The RMA 1991 and the Ngāi Tahu Claims Settlement Act 1998 increased the presence and influence of Ngāi Tahu in resource management processes. While the loss of land will forever stay in the memory of the people, Ngāi Tahu have worked tirelessly to restore taonga such as mahinga kai and water quality, and to fulfill their role as kaitiaki.

This section is divided into three parts:

**4.2 The cultural framework:** key values and principles that shape Ngāi Tahu views on the environment and resource management

**4.3 The legal framework:** key statutes that establish the planning framework for tāngata whenua participation in management of natural, physical and historic resources

**4.4 Tāngata whenua planning tools:** tools used by and for Papatipu Rūnanga to implement Ngāi Tahu values and objectives into resource management processes.

*Mō tātou, ā, mō kā uri ā muri ake nei*  
For us and our children after us

### Sale & Purchase of Ngāi Tahu Land

The legitimacy of Ngāi Tahu's mana whenua in the South Island was reiterated through the contracts for sale and purchase of traditional Ngāi Tahu lands to the Crown from 1844 to 1864, including (within the Canterbury region):

The Canterbury Purchase 1848

The Akaroa Purchase 1856

The Port Cooper Purchase 1849

The North Canterbury Purchase 1857

The Port Levy Purchase 1849

The Kaikōura Purchase 1859

In total, the Crown purchased around 34.5 million acres of Ngāi Tahu land (80% of the South Island and more than half of the land mass of NZ) for just over £14,750. While this amounted to less than a penny per acre, it was encumbered with a number of commitments that included setting aside 'adequate' reserves for Ngāi Tahu's present and future needs.

The amount of land reserved was to have equated to approximately 10% of the land sold – that is, nearly 3.5 million acres – however, only 35,757 acres were ever set aside. Ngāi Tahu were left with only about one-thousandth of their ancestral land and over 3.4 million acres short of the land that the Crown had agreed to reserve.

**Source:** Information prepared by Te Marino Lenihan (2012).

### Land loss in the 19th century

Much tribal land was lost in the 19th century. While some tribes willingly released some land, much land was taken against their will and the will of others. The New Zealand wars were followed by land confiscations, and the Native Land Court also facilitated the sale of land by transferring land titles from tribes and putting them into individual names. Iwi (tribes) made many attempts to halt this loss. The felling of forests and loss of land were a catastrophe for their traditional world view. The trees of the forest were a model for the tikanga or behaviour of a people, so their destruction was a calamity. The widespread loss of land meant the loss of foundation and stability, and of the centering, nurturing principle of Papatūānuku.

The desperation felt in the 19th century is captured by Wi Naihera of Ngāi Tahu:

*When the waves rolled in upon us from England, first one post was covered, then another till at last the water neared us and we tried to erect barriers to protect ourselves. That is we entered into agreement with those who purchased our lands from the Queen, but when the flood tide from England set in our barriers were cast down, and that is why you find us now, clinging to the tops of these rocks, called Native Reserves, which alone remain above water.*

**Source:** Te Ahukaramū Charles Royal. 'Papatūānuku – the land - Loss of land', Te Ara - the Encyclopedia of New Zealand, updated 1-Mar-09 URL: <http://www.TeAra.govt.nz/en/papatuanuku-the-land/9>

## 4.2 The cultural framework

There a number of key values, principles and practices that shape Ngāi Tahu view on the environment and resource management. While these are embedded throughout this IMP, a brief overview is provided here:<sup>1</sup>

### **Whakapapa**

Whakapapa (genealogy) is the central pillar of Ngāi Tahu's framework for managing resources, setting out and effectively explaining the relationships between the various elements of the world around us, including human beings.

### **Manawhenua**

Manawhenua is the right to exercise authority over a particular area, its resources and its people. Manawhenua is passed on by way of whakapapa and is protected and secured through the on-going exercise of one's rights to resources in a manner consistent with tikanga. Inevitably, with mana comes responsibility.

### **Kaitiaki**

Traditionally, kaitiaki were the non-human guardians of the environment (e.g. birds, animals, fish and reptiles) which, in effect, communicated the relative health and vitality of their respective environments to local tohunga and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly. In essence, there is no real difference to scientific practices of today, which continue to use specific indicator species and observe their behaviours to measure the state of the environment.

### **Kaitiakitanga**

Kaitiakitanga is fundamental to the relationship of Ngāi Tahu and the environment. The responsibility of kaitiakitanga is twofold: first, there is the ultimate aim of protecting mauri and, second, there is the duty to pass the environment to future generations in a state which is as good as, or better than, the current state. To Ngāi Tahu, kaitiakitanga is not a passive custodianship, nor is it simply the exercise of traditional property rights, but entails an active exercise of responsibility in a manner beneficial to the resource.

### **Mauri**

Mauri is often described as the 'life force' or 'life principle' of any given place or being. It can also be understood as a measure or an expression of the health and vitality of that place or being. The notion embodies the Ngāi Tahu understanding that there are both physical and

metaphysical elements to life, and that both are essential to overall well-being. It also associates the human condition with the state of the world around it. Mauri, therefore, is central to kaitiakitanga; that is, the processes and practices of active protection and responsibility by Manawhenua for the natural and physical resources of the takiwā.

Mauri can change either naturally or through intervention and Ngāi Tahu use both physical and spiritual indicators to assess its relative strength. Physical indicators include, but are not limited to, the presence and abundance of mahinga kai fit for consumption or cultural purpose. Spiritual indicators include the kaitiaki referred to above. They are often recalled in kōrero pūrākau to explain the intrinsic connection between the physical and metaphysical realms of our world.

### **Wāhi tapu and wāhi taonga**

Wāhi tapu are places of particular significance that have been imbued with an element of sacredness or restriction (tapu) following a certain event or circumstance. Wāhi tapu sites are treated according to tikanga and kawa that seek to ensure that the tapu nature of those sites is respected. Of all wāhi tapu, urupā are considered to be the most significant.

Wāhi taonga are "places treasured" due to their high intrinsic values and critical role they have in maintaining a balanced and robust ecosystem (e.g. spawning grounds for fish, nesting areas for birds and freshwater springs). They are prized because of their capacity to shape and sustain the quality of life experience and provide for the needs of present and future generations, and as places that connect and bind current generations to their ancestral land and practices.

### **Ki Uta Ki Tai**

The principle of Ki Uta Ki Tai reflects the holistic nature of traditional resource management, particularly the interdependent nature and function of the various elements of the environment within a catchment.

### **Mahinga kai**

The Ngāi Tahu Claims Settlement Act 1998 describes mahinga kai as "the customary gathering of food and natural materials and the places where those resources are gathered." Mahinga kai are central to Ngāi Tahu's culture, identity and relationship with landscapes and waterways of Te Waipounamu.

## Manaakitanga

Manaakitanga is the custom of being aware of and caring for the needs of your guests. In turn, the mana of the tāngata whenua is both upheld and enhanced. The loss of the ability of tāngata whenua to provide for guests in this way can also be seen as a loss of mana.

## Tikanga-based management tools

A rāhui is a prohibition placed on an area or resource as either (a) a conservation measure, or (b) a means of social and political control. With respect to the former, a rāhui will effectively separate people from any 'polluted' area of land or water, preventing the ability to harvest potentially contaminated products from these areas. Rāhui are initiated by someone of rank and were placed and lifted with appropriate karakia by a tohunga .

Since settlement, Ngāi Tahu have also established a number of customary fisheries protection areas (i.e. mātaimai and taiāpure) under the Fisheries Act 1996 and the Fisheries (South Island Customary Fishing) Regulations 1999. The intent of these legislative mechanisms is to give effect to the obligations stated in the Treaty of Waitangi Fisheries Claims Settlement Act 1992 and enable Tangata Tiaki (i.e. local Ngāi Tahu fisheries managers) to exercise greater rangatiratanga over customary fishing grounds.

### Toitū te marae a Tāne

### Toitū te marae a Tangaroa

### Toitū te iwi

*If the world of Tāne (all living things on land) endures*

*If the marae of Tangaroa (the lakes, rivers and sea) endures*

*The people endure*

## 4.3 The legal framework

There are a number of key statutes that establish the planning framework for tāngata whenua participation in management of natural, physical and historic resources, including the recognition of Iwi Management Plans.

### Te Tiriti o Waitangi / the Treaty of Waitangi

Te Tiriti of Waitangi is the basis for the rights and responsibilities of the Crown and Māori. The Crown first recognised and provided for Ngāi Tahu's mana whenua in 1840 with the signing of Te Tiriti o Waitangi. Article II of the Te Tiriti confirms the right to exercise authority over natural resources:

### English Text

"Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof **the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties** which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession..." (emphasis added).

### Māori Text

"Ko te Kuini o Ingarani ka wakarite ka wakaee ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani **te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa...**" (same emphasis added).

### Translation

"The Queen of England agrees to protect the chiefs, the sub-tribes and all the people of New Zealand in **the unqualified exercise of their chieftainship over their lands, villages and all their treasures...**" (same emphasis added).

### Te Rūnanga o Ngāi Tahu Act 1996

The TRoNT Act identifies Te Rūnanga o Ngāi Tahu as the legal representative of Ngāi Tahu Whānui, and iwi authority for all resource management matters requiring consultation under the RMA 1991. The Act also gives recognition to the status of Papatipu Rūnanga as kaitiaki and manawhenua of the natural resources within their takiwā boundaries.

Section 15 (1) states that:

*Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as representative of Ngāi Tahu Whānui.*

Section 15 (2) states that:

*Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu.*

Section 15 (3) states that:

*Te Rūnanga o Ngāi Tahu in carrying out consultation under subsection 2 of this section, shall seek the views of such Papatipu Rūnanga of Ngāi Tahu Whānui and such hapū as in the opinion of Te Rūnanga o Ngāi Tahu may have views that they wish to express in relation to the matter.*

### The Te Rūnanga o Ngāi Tahu (Declaration of Membership)

**Order 2001** lists the Papatipu Rūnanga that make up Te Rūnanga o Ngāi Tahu, and their respective takiwā. It is acknowledged practice that consultation is through

hapū and the Papatipu Rūnanga for matters relating to individual takiwā.

### Ngāi Tahu Claims Settlement Act 1998

In 1998 the NTCSA was passed to achieve full and final settlement of historical Ngāi Tahu claims against the Crown. The Act records the apology given by the Crown to Ngāi Tahu, for injustices suffered by the Crown's actions in purchasing Ngāi Tahu land, and gives effect to the provisions of the 1997 Ngāi Tahu Deed of Settlement 1997, signed by Ngāi Tahu and the Crown.

The provisions of the Settlement are aimed at recognising the mana of Ngāi Tahu and restoring the ability of Ngāi Tahu to give practical effect to kaitiaki responsibilities. These provisions include:

**Ownership and control** of pounamu, and a number of specific sites and wāhi taonga. There are 10 sites that were transferred to Ngāi Tahu ownership and control in the takiwā covered by this IMP (see Appendix 1);

**Statutory acknowledgements** as recorded statements of the association of Ngāi Tahu with a particular area, designed to implement Deed of Settlement provisions such as resource consent notification. There are 11 SA sites in the takiwā covered by this IMP (see Appendix 1 and 7).

**Deeds of recognition**, applying to the same areas as SAs and complementing them by providing for Ngāi Tahu input into the decision making processes of the Crown body responsible for the administration of these areas;

**Tōpuni** as public symbols of Ngāi Tahu mana and rangatiratanga over specific areas of land managed by the Department of Conservation. There are two Tōpuni in the takiwā covered by this IMP (see Appendix 1);

**Dual place names** as tangible reminders of Ngāi Tahu history in Te Waipounamu. The settlement provided for 88 place names in the Ngāi Tahu takiwā to be changed to dual place names; 12 of these are in the takiwā covered by this IMP (see Appendix 1);

**Nohoanga**, or temporary campsites, established adjacent to lakes and rivers to facilitate customary fishing and the gathering of other natural resources. There are 6 nohoanga sites in the takiwā covered by this IMP (see Appendix 1);

**Customary fisheries provisions** to enable Ngāi Tahu greater access to customary fisheries of importance and improved input into fisheries management;

**Taonga species management provisions** that recognise the cultural, spiritual, historic and traditional relationship between Ngāi Tahu and a number of species, and provide

Ngāi Tahu with membership in groups involved with species management, including species recovery groups managed by the Department of Conservation.

**Coastal space provisions** to ensure that Ngāi Tahu will have access to future Crown allocations of coastal space.

In addition to site and species specific management roles, the Deed of Settlement also provided for a number of additional mechanisms to facilitate input into management processes. These include **Statutory Advisor** roles for Te Rūnanga o Ngāi Tahu, **Dedicated Memberships** on the New Zealand Conservation Authority, Conservation Boards, and the New Zealand Geographic Board; and the **Department of Conservation Protocols**, intended to guide the relationship between the Department and Ngāi Tahu with regards to specific issues of significance to Ngāi Tahu.

### Resource Management Act 1991

The purpose of the RMA is to promote the sustainable management of natural and physical resources (Section 5). The RMA contains a number of provisions specific to Māori (recognising that many other provisions are of interest and relate to Māori), and gives statutory recognition to Iwi Management Plans:

**Section 6** identifies a number of matters of national importance, including two which relate specifically to Māori:

- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- (f) The protection of historic heritage from inappropriate subdivision, use and development (this includes sites of significance to Māori, including wāhi tapu).

**Section 7** requires decision makers to have particular regard to Kaitiakitanga.

**Section 8** requires that all persons exercising functions and powers under the Act must take into account the principles of the Treaty of Waitangi.

**Section 35A** requires local authorities maintain records for each iwi and hapū within their area, including contact details and Iwi Management Plans.

**Clause 3A and 3B of the First Schedule** (see also Section 60) require local authorities to consult with the tāngata whenua of the area (through iwi authorities) during the preparation of a proposed policy statement or plan, and sets out the criteria for this.

**Section 33** states that a local authority that has functions, powers, or duties under the Act may transfer any one or

more of those functions, powers, or duties to another public authority, including an iwi authority.

**Sections 36B** provides a framework for public authorities and iwi authorities and groups that represent hapū to enter into joint management agreements about natural or physical resources.

**Section 88** requires resource consent applicants to undertake an assessment of effects on the environment, including cultural effects.

#### ***Statutory recognition for iwi management plans:***

**Sections 61(2A), 66(2A) and 74(2A)** state that regional councils and territorial authorities are required to take into account any relevant planning document recognised by an iwi authority, and lodged with the council, to the extent that its content has a bearing on resource management issues of the region, when preparing or changing a regional policy statement, or regional or district plan.

**Section 104** also provides an opportunity for increased recognition of IMP in local authorities' consideration of applications for resource consent.

#### **Local Government Act 2002**

The Local Government Act 2002 provides for local authorities to promote the social, economic, environmental and cultural well-being of their communities in a way that is sustainable now and for the future.

**Section 4** requires respect for the Crown's responsibility under the Treaty of Waitangi and improvement of opportunities for Māori to contribute to local government decision-making.

#### **Conservation Act 1987**

The Department of Conservation Te Papa Atawhai is responsible under the Conservation Act for the management of protected species and ecosystems, providing for the public enjoyment of public conservation land, conserving historic resources in protected areas and promoting the conservation of natural and historic resources generally.

**Section 4** of the Conservation Act requires that the Act be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.

#### **Historic Places Act 1993**

The Historic Places Act is administered by the New Zealand Historic Places Trust (NZHPT). The primary purpose of the Act is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand (s.4 (1) of the Act). The Act empowers the NZHPT to keep a register of historic places, historic areas, wāhi tapu, and wāhi taonga areas.

**Section 4** states that in achieving the purpose of this Act, all persons exercising functions and powers under it are to recognise the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.

Any person wishing to undertake work that may damage, modify or destroy an archaeological site (as defined by the Act), or to investigate a site by excavation, must first obtain an authority from the NZHPT (ss.10-20 of the Act).

#### **Environmental Protection Authority Act 2011**

The Environmental Protection Authority Act establishes the Environmental Protection Authority (EPA) and provides for its functions and operations. The EPA administers applications for major infrastructure projects of national significance, and regulates hazardous substances and new organisms.

To recognise and respect the Crown's responsibility to take appropriate account of the Treaty of Waitangi, the Act establishes Ngā Kaihautū Tikanga Taiao (Ngā Kaihautū) as a Māori Advisory Committee to provide advice and assistance to the EPA from a Māori perspective on policy, process and decisions.

#### **Treaty of Waitangi (Fisheries Claims) Settlement Act 1992**

In addition to settling claims to commercial fishing, the Treaty of Waitangi (Fisheries Claims) Settlement Act clarified Māori rights to customary fishing. This included the development of regulations to provide for the customary fishing rights of tāngata whenua, the ability of tāngata whenua to exercise rangatiratanga over traditional fisheries, and the relationship between tāngata whenua and those places used for customary food gathering. The Fisheries (South Island Customary Fishing) Regulations 1999 now governs customary food gathering and the management of customary fishing.

## 4.4 Tāngata whenua planning tools

A number of tools are used by Ngāi Tahu to assist with the exercise of kaitiakitanga, specifically with regard to implementing cultural values and objectives into RMA processes and assessing the cultural health of the takiwā. These tools include:

### **Cultural Impact Assessment**

A Cultural Impact Assessment (CIA) is a professionally prepared assessment of the impacts of a given activity on tāngata whenua values and interests. These assessments identify tāngata whenua values associated with a particular site or area and the actual or potential effects of a proposed activity on these, and provide recommendations for measures to avoid, remedy or mitigate adverse effects. While most often used to provide information for RMA processes (i.e. CIA reports are often part of a resource consent application's Assessment of Environmental Effects), CIA are also used to provide information for applications under the HSNO Act. CIA reports may be requested by tāngata whenua, councils or applicants.

### **Cultural values reports**

Cultural Values Reports (CVR) identify and explain the cultural values associated with a specific area or resource. While a CVR may include broad level information on issues or outcomes associated with an area, resource or proposed activity, generally these reports differ from a CIA in that they do not include a detailed assessment of effects of an activity, or recommendations to avoid, remedy or mitigate effects. Examples include the use of CVRs to identify and prioritise values associated with a catchment or waterway for the purposes of environmental flow review, or as part of the tenure review process.

### **State of the Takiwā**

State of the Takiwā is an environmental monitoring tool developed by Te Rūnanga o Ngāi Tahu to assess and report on the cultural health of natural resources and the environment in the takiwā. The tool uses a specifically designed database and associated monitoring forms to allow tāngata whenua to systematically identify, compile, analyse and report on the cultural health of sites and resources over time. Reports provide assessments of the current and desired states of cultural health of an area, and are used to inform policy and planning. One of the major objectives behind State of the Takiwā is to ensure that tāngata whenua can build robust and defensible information about the health of the environment.<sup>2</sup>

### **Cultural monitoring**

Cultural monitoring is used by Papatipu Rūnanga to protect and manage wāhi tapu and wāhi taonga in the takiwā. Rūnanga often assign cultural monitors to monitor development activities involving ground disturbance in areas identified as high risk with regard to the potential for accidental discoveries. The use of cultural monitors enables Rūnanga to be proactive in ensuring that all precautions are taken to protect wāhi tapu and wāhi taonga. Cultural monitors oversee excavation activity, and are on site to record sites or information that may be revealed, and direct tikanga for handling cultural materials.

### **Cultural Opportunity Mapping, Assessment and Responses (COMAR)**

COMAR is a tool developed by Gail Tipa (Tipa & Associates) to assist in identifying key attributes required to protect tāngata whenua values. It is used in Canterbury as a methodology for identifying flow and water quality that enables the protection of tāngata whenua values. COMAR enables users to assess the extent to which different environmental conditions afford tāngata whenua opportunities to engage in a cultural practices in specific locations. The results of the COMAR process can assist in the preparation of responsive resource management strategies and plans that deliver cultural outcomes.<sup>3</sup>

#### ENDNOTES

- 1 Most of information in this section was prepared by Te Marino Lenihan (2012).
- 2 Pauling, C., 2004. *State of the Takiwā - Cultural Monitoring and Reporting on the Health of our Environment: A scoping document for developing a culturally based environmental monitoring and reporting system*. Te Rūnanga o Ngāi Tahu; and, Pauling, C. and Arnold, J., 2007. *Cultural Health of the Lake*. In: Te Waihora/Lake Ellesmere: State of the lake and future management, Hughey, K. & Taylor, K (eds.), pp. 77 – 82.
- 3 Tipa, G. & Nelson, K. 2008. *Introducing Cultural Opportunities: a Framework for Incorporating Cultural Perspectives in Contemporary Resource Management*. *Journal of Environmental Policy and Planning* 10 (4).



# Wāhi Tuarima

## Part 5

### NGĀ TAKE Ā-ROHE ME NGĀ KAUPAPA REGIONAL ISSUES AND POLICY

Kaitiakitanga

Ranginui

Wai Māori

Papatūanuku

Tāne Mahuta

Tangaroa

Tāwhirimātea

Ngā Tūtohu Whenua





KAITIAKITANGA

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# 5.1 KAITIAKITANGA

Kaitiakitanga is fundamental to the relationship between Ngāi Tahu and the environment. It is the intergenerational responsibility and right of tāngata whenua to take care of the environment and resources upon which we depend. The responsibility of kaitiakitanga is twofold: first, there is the ultimate aim of protecting mauri; and second, there is the duty to pass the environment to future generations in a state that is as good as, or better than, the current state.

Te Tiriti o Waitangi guarantees tāngata whenua the right to fulfill their kaitiaki obligations to protect and care for taonga in the environment, including land, waterways, natural features, wāhi tapu and flora and fauna with tribal areas. However, there are important questions about the ability of current laws and policies to support these kaitiaki relationships to the degree required by the Treaty.

The *Mahaanui IMP* is a written expression of kaitiakitanga, setting out how to achieve the protection of natural and physical resources according to Ngāi Tahu values, knowledge and practices. As a tāngata whenua planning document with the mandate of six Canterbury Papatipu Rūnanga, the IMP is the basis for working with local authorities and other agencies to achieve sustainable management, *mō tātou, ā, mō kā uri ā muri ake nei*.

This section provides an overarching policy statement on kaitiakitanga, and is relevant to all other sections of the IMP.

***“The responsibility of kaitiakitanga comes from whakapapa”*** Peter Ramsden, Te Rūnanga o Koukourārata.

***“As an inherited responsibility it is not something I can disregard, there is not an ‘opt out clause’. While to some this may seem like a burden, I am passionate to ensure that our taonga and other natural resources are passed on in as good a state, if not better, to the generations that follow, and that our care and endeavours today respect the beliefs, practices and the intentions of our Tīpuna.”<sup>1</sup>***

***“The exercise of kaitiaki relationships with taonga in the environment is [therefore] vital to the continued expression of Māori culture itself.”<sup>2</sup>***

## Ngā Paetae Objectives

- (1) Te Tiriti o Waitangi is recognised as the foundation of the relationship between Ngāi Tahu and local government.
- (2) Papatipu Rūnanga are able to fulfill their role and responsibility as kaitiaki within management and decision making processes.
- (3) Mahaanui Kurataiao Ltd is a well performing and innovative resource management consultancy working on behalf of Papatipu Rūnanga to protect and enhance Ngāi Tahu values.
- (4) The *Mahaanui IMP 2013* is embraced and implemented as a manawhenua planning document for the six Papatipu Rūnanga across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū.
- (5) The capacity of Papatipu Rūnanga to participate in natural resource management policy and planning processes is increased.
- (6) Ngāi Tahu is able to lead the way and set an example on the landscape with regard to best practice and sustainable cultural, environmental, economic, and social outcomes.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### KAITIAKITANGA: ISSUES OF SIGNIFICANCE

<b>Issue K1: Manawhenua</b>	The need to recognise manawhenua, and therefore engage with the appropriate Papatipu Rūnanga.
<b>Issue K2: Te Tiriti o Waitangi</b>	Recognition of Te Tiriti o Waitangi as the basis for the relationship between Ngāi Tahu and local government.
<b>Issue K3: Kaitiakitanga</b>	Effective recognition of kaitiakitanga in natural resource management and governance processes.
<b>Issue K4: Collaboration</b>	Working together with those agencies, communities and people with responsibilities and interests in the protection of natural resources and the environment.
<b>Issue K5: Leading the way</b>	Ngāi Tahu have a responsibility to set an example of best practice on the landscape.
<b>Issue K6: Capacity building</b>	There is a continuing need to build capacity within Papatipu Rūnanga to participate effectively in natural resource management and governance in the takiwā.



## RECOGNITION OF MANAWHENUA

**Issue K1: The need to recognise manawhenua, and therefore engage with the appropriate Papatipu Rūnanga.**

### Ngā Kaupapa / Policy

- K1.1 Ngāi Tahu are the tāngata whenua who hold manawhenua across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū.
- K1.2 Te Rūnanga o Ngāi Tahu is the tribal authority representing the collective of Ngāi Tahu whānui as per the Te Rūnanga o Ngāi Tahu Act 1996 and Ngāi Tahu Claims Settlement Act 1998.
- K1.3 Papatipu Rūnanga are the regional collective bodies representing the tāngata whenua who hold manawhenua, and are responsible for protecting hapū and tribal interests in their respective takiwā.
- K1.4 For resource management issues in particular catchments or geographical areas set out in Part 6 of this IMP, engagement must occur with the appropriate Papatipu Rūnanga, as per the takiwā boundaries set out in:
  - (a) the Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001.

K1.5 There are a number of areas of within Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū whereby one or more Papatipu Rūnanga hold an interest and have kaitiaki rights, and these areas require engagement with multiple rūnanga for resource management purposes.

K1.6 The northern and southern limits of the takiwā covered by the *Mahaanui IMP* are areas of shared interest with neighboring Papatipu Rūnanga. The Hurunui River is an area of shared interest with Te Rūnanga o Kaikōura, and the Rakaia and Hakatere rivers are areas of shared interest with Te Rūnanga o Arowhenua.

K1.7 Mahaanui Kurataiao Ltd is the Manawhenua Environmental Consultancy owned by Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki), Ōnuku Rūnanga, Koukourārata Rūnanga, Wairewa Rūnanga and Te Taumutu Rūnanga, and is mandated to engage in resource and environmental management processes on behalf of the six Papatipu Rūnanga.

### He Kupu Whakamāhukihuki / Explanation

The importance of engaging with the appropriate Papatipu Rūnanga on resource management matters is an issue of significance for tāngata whenua. While the *Mahaanui IMP* is a collective plan, it does not replace the need to work

with the tāngata whenua who hold manawhenua on issues within their individual takiwā. Manawhenua is determined by whakapapa, and confers traditional customary authority over an area. Once acquired, manawhenua is secured and maintained by ahi kā, or continued occupation and resource use.

Each Papatipu Rūnanga has their own respective takiwā, and each is responsible for protecting the tribal interests in their respective takiwā, not only on their own behalf of their own hapū, but again on behalf of the entire tribe. The Te Rūnanga o Ngāi Tahu Act 1996 and the NTCSA 1998 give recognition to the status of Papatipu Rūnanga as kaitiaki and manawhenua of the natural resources within their takiwā boundaries.

The Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001 sets out the takiwā boundaries of the six Papatipu Rūnanga preparing this IMP. Further information on the traditional takiwā of each of the six hapū is found in Part 3 of this plan (Manawhenua).

## TE TIRITI O WAITANGI

**Issue K2: Recognition of Te Tiriti o Waitangi as the basis for the relationship between Ngāi Tahu and local government**

### Ngā Kaupapa / Policy

- K2.1 Te Tiriti o Waitangi is an agreement between Ngāi Tahu and the Crown, but Treaty obligations lie with local government as well as central government agencies.
- K2.2 The articles of Te Tiriti o Waitangi should be given effect to in accordance with the significance of the treaty to Māori as the founding document of the nation.
- K2.3 In giving effect to Te Tiriti, government agencies and local authorities must recognise and provide for kaitiakitanga and rangatiratanga. As the tāngata whenua who hold manawhenua, Ngāi Tahu interests in resource management extend beyond stakeholder or community interests.
- K2.4 The articles and principles of the Te Tiriti are the underlying mutual obligations and responsibilities that the Treaty places on both Ngāi Tahu and government agencies and local authorities, and reflect the intention of the Treaty as a whole.

### He Kupu Whakamāhukihuki / Explanation

Te Tiriti o Waitangi (the Treaty of Waitangi) was signed by Ngāi Tahu rangatira in 1840 at Akaroa (May 30), Ruapuke Island (June 9, 10) and Ōtākou (June 13), marking the beginning of what is today recognised as a partnership between the iwi and the Crown.

Ngāi Tahu signed the Treaty document written in Māori, as did the majority of other Māori rangatira signatories. This granted ‘*te kawanatanga katoa*’ (governorship of their lands) to the Queen (Article One), guaranteed ‘*te tino rangatiratanga*’ (the unqualified exercise of chieftainship) of Māori over their lands, settlements and taonga (Article Two), and promised equity for Māori and European settlers (Article Three), and peace for all.

Only 39 rangatira (of over 500) signed the second English version of the document. Differences between the two texts contributed to different understandings of Te Tiriti, and to a debate over interpretation that has continued from 1840 to the present. The legacy of post-Treaty land sales and confiscation and the loss of access to resources (and the ability to manage those resources for sustenance and economic purposes), is an underlying driver of the issues and policy in this IMP.

**“... the Treaty is always speaking, and it becomes not less but more significant as we go into the future.”**

(Te Whakatau Kaupapa 1990:4-2).

The RMA 1991 requires all persons exercising functions under that act to take into account the principles of the Treaty of Waitangi. The Local Government Act 2002 requires local authorities to provide opportunities for Māori to participate in decision-making processes in recognition of the Crown’s responsibility to take appropriate account of the principles of the Treaty. The Conservation Act 1987 must be interpreted and administered as to give effect to the principles of the Treaty. Other legislation such as the Hazardous Substances and New Organisms Act 1996, Historic Places Act 1993 and Ngāi Tahu Settlement Act 1998 also place responsibilities on local authorities to recognise the Treaty.

In Canterbury, there are differences in the way that the various local authorities have responded to their Treaty responsibilities, and in their approach to relationships with Ngāi Tahu. The degree of Ngāi Tahu participation in regional planning and decision-making processes can vary considerably between the six rūnanga, five councils, and the many council and government departments.

The lack of understanding of Treaty issues, and inadequate policy and processes within government agencies and local authorities to address Treaty obligations, are key issues identified by Papatipu Rūnanga. The very fact that the RMA

instructs decision makers to ‘take into account’ the Treaty, rather than ‘recognise and provide for’, or ‘give effect to’, illustrates the sometimes peripheral status of Te Tiriti.

For the Papatipu Rūnanga preparing this IMP, it is not sufficient to ‘take into account’ the principles of the Treaty of Waitangi. Rather, the Treaty should define the relationship between Ngāi Tahu and the Crown, and also local government. It is through giving effect to the Treaty that local government can recognise and provide for the relationship of Ngāi Tahu with natural resources (RMA s. 6 (e)) as a matter of regional importance, and that manawhenua can fully exercise kaitiakitanga rights and responsibilities.

The Treaty provides a basis for working together and protection for things important to Ngāi Tahu, *o ratou taonga katoa*.<sup>3</sup> It acknowledges the interests of Ngāi Tahu in achieving the sustainable management of natural resources in the region, and provides a framework for working together in good faith and partnership.

## EFFECTIVE RECOGNITION OF KAITIAKITANGA

**Issue K3: Effective recognition of kaitiakitanga in natural resource management and governance processes.**

### Ngā Kaupapa / Policy

- K3.1 Local authorities should ensure that they have the institutional capability to appropriately recognise and provide for the principle of kaitiakitanga.
- K3.2 Elected or appointed members (councillors or commissioners) and senior management must provide leadership and support for their staff regarding engagement with Ngāi Tahu.
- K3.3 To require that local authorities engage with Papatipu Rūnanga in the spirit of Te Tiriti o Waitangi and the purpose and principles of the RMA. This includes, but is not limited to:
- (a) Establishment of robust processes to facilitate engagement with Ngāi Tahu, at operational and political levels;
  - (b) Increased kaitiaki control, partnership or influence over taonga (i.e. species or places) of value to Ngāi Tahu culture and identity, including joint or co-management, or the transfer of powers, duties and/or functions to Ngāi Tahu;
  - (c) Implementation of Iwi Management Plans, in

territorial and regional planning processes;

- (d) Involvement of Ngāi Tahu in the ‘front end’ of the planning process for plan and policy statement development and review;
- (e) Appointment of Ngāi Tahu commissioners on hearings panels and planning committees;
- (f) Ensuring that resource consent applications identify and assess effects on Ngāi Tahu cultural values;
- (g) Recognition that tāngata whenua interests are greater than that of an affected party; and
- (h) Recognition of Ngāi Tahu developed planning tools as mainstream techniques for monitoring and assessing the state of the environment (e.g. State of Takiwā Monitoring; COMAR).

- K3.4 To require that Mahaanui IMP 2013 is recognised and implemented as a collective and mandated manawhenua planning document.

### He Kupu Whakamāhukihuki / Explanation

Section 7 (a) of the RMA 1991 requires decision makers to have particular regard to kaitiakitanga. For tāngata whenua this means working together in the spirit of partnership. Partnership extends beyond consultation: it requires the meaningful engagement of tāngata whenua in decision making processes and the achievement of outcomes that reflect tāngata whenua contributions to those processes and are aligned with Ngāi Tahu values and interests.

The Waitangi Tribunal’s recent report on the Wai 262 claim presents key findings on kaitiakitanga and the RMA 1991. *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity (2011)* concludes that current resource management laws and policy do not support kaitiaki relationships to the degree required by the Treaty. The report identifies the opportunity for reform to both strengthen Māori culture and identity, and also add greater depth to environmental decision making through the meaningful recognition of Māori knowledge and values. The report also identifies the need to increase the recognition and weighting of IMP in local government processes (see Part 2 – Implementing this IMP).

## COLLABORATION

**Issue K4: Working together with agencies, communities and people with responsibilities and interests in the protection of natural resources and the environment.**

### Ngā Kaupapa / Policy

- K4.1 To enhance the exercise of kaitiakitanga through establishing relationships and recognising collaborative opportunities with external agencies (e.g. local government, Historic Places Trust, Crown Research Institutes) and the wider community, including but not limited to:
- (a) Collaborative management opportunities for areas of particular cultural significance; and
  - (b) Research partnerships.

### He Kupu Whakamāhukihuki / Explanation

The exercise of kaitiakitanga is enhanced through working alongside local government, central government (e.g. Historic Places Trust) and the wider community. As tāngata whenua, Ngāi Tahu can bring the community together under a common kaupapa: a healthy environment as the basis for a healthy community and economy. Te Roto o Wairewa and Te Waihora are examples of where Ngāi Tahu has taken a leadership role to bring stakeholders together to address lake health; building up a network of expertise with people who are willing to work together to rehabilitate these important sites.

*“Relationships are really important, and shared management is a good idea.”* Elizabeth Cunningham, IMP Working Group hui.

## LEADING THE WAY

**Issue K5: The kaitiaki responsibility of Ngāi Tahu is to set an example of best practice on the landscape.**

### Ngā Kaupapa / Policy

- K5.1 To consistently and effectively set an example of best practice on the landscape in all that we do, at the Papatipu Rūnanga and at the tribal level, culturally and commercially.
- K5.2 To support Ngāi Tahu Holdings Group to set the highest possible standard of best practice in their commercial ventures, consistent with Ngāi Tahu values of:

- (a) Rangatiratanga - upholding the mana of Ngāi Tahu at all times and in all that they do.
- (b) Manaakitanga - creating an environment of respect: to customers, to staff, iwi members and all others.
- (c) Whanaungatanga - maintaining important relationships within the organisation, the iwi and the community.
- (d) Kaitiakitanga - actively protect the people, environment, knowledge, culture, language and resources important to Ngāi Tahu for future generations.
- (e) Tohungatanga - pursue knowledge and ideas that will strengthen and grow Ngāi Tahu and our community.
- (f) Manutioriori/Kaikokiri - encourage imaginative and creative leaders that must continually break new ground.<sup>4</sup>

- K5.3 To require that Ngāi Tahu Holdings Group engage with Papatipu Rūnanga when planning and developing commercial ventures such as residential property developments, rural developments or regional water infrastructure projects, to ensure that these ventures recognise and provide for the rights and interests of manawhenua, and to give effect to the values set out in K5.2 (a) to (f).

### He Kupu Whakamāhukihuki / Explanation

One of the unique strengths that Ngāi Tahu can offer is the commitment to long term intergenerational investment in the land, environment and community. Different from many other organisations and businesses, Ngāi Tahu have the ability to set goals based on the cultural well-being of future generations (*mō tātou, ā, mō kā uri ā muri ake nei*), rather than only financial performance.

Tāngata whenua seek to achieve best practice, *“and then one step more”*. Whether it is residential property developments, tourism ventures, dairy farms, indigenous biodiversity restoration projects or the construction of a permanent lake opening outlet, tāngata whenua want to see Ngāi Tahu lead the way and imprint the mana of Ngāi Tahu on the landscape by setting an example of environmental, cultural, and economic innovation and sustainability.

*“We want Wairewa to be the most influential in decision making for our takiwā. We need to be instrumental and influence the decisions that are going to be made in going forward. We want to see Wairewa leading the way”.*

Robin Wybrow, Wairewa Rūnanga.

## CAPACITY BUILDING

**Issue K6: There is a continuing need to build capacity within Papatipu Rūnanga to participate effectively in natural resource management and governance.**

### Ngā Kaupapa / Policy

- K6.1 To continue to build the capacity and capability of Papatipu Rūnanga to engage with local government, contribute to decision making and realise kaitiakitanga objectives and aspirations.
- K6.2 To work with Te Rūnanga o Ngāi Tahu to address Papatipu Rūnanga capacity and resourcing issues by:
- (a) Identifying training opportunities on RMA 1991 issues; and
  - (b) Advocating for regular Ngā Rūnanga hui, wānanga, and hīkoi on natural resources;
- K6.3 To work with regional, district and city councils to develop appropriate methods and processes to assist tāngata whenua to build capacity to contribute to decision making, consistent with local government obligations under the Local Government Act 2002. This includes:
- (a) The provision of meaningful opportunities to contribute to decision making processes;
  - (b) The provision of training opportunities on RMA 1991 issues; and
  - (c) Ensuring that tāngata whenua contributions to planning processes are appropriately resourced.

### He Kupu Whakamāhukihuki / Explanation

Papatipu Rūnanga are committed to building their capacity to engage with local government to realise kaitiakitanga objectives and aspirations. The formation of the Rūnanga based environmental consultancy is one way that Rūnanga have addressed capacity issues, ensuring that tāngata whenua contributions and advice into local government planning processes is appropriately resourced.

Both Te Rūnanga o Ngāi Tahu and local authorities have a role in building the capacity of Papatipu Rūnanga to effectively participate in natural resource management processes. The Te Rūnanga o Ngāi Tahu Act 1996 recognises the status of Papatipu Rūnanga as kaitiaki of the natural resources within their takiwā. The Local Government Act 2002 requires local government to assist Māori to build capacity to contribute to decision making.

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#### ENDNOTES

- 1 Waaka-Home, M., on behalf of Te Rūnanga o Ngāi Tahu, 2011. Submitter evidence for the Rakaia Water Conservation Order application by TrustPower Ltd (s.4.15).
- 2 Waitangi Tribunal, 2011. *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, 2011. Wellington.
- 3 Goodall, A., 2001. Ngāi Tahu and the Crown: Partnership Promised, In: Cant, G. & Kirkpatrick, R. *Rural Canterbury: Celebrating its History*. Wellington, Daphne Brasell Associates and Lincoln University Press, pp. 14-15.
- 4 As per Ngāi Tahu Values for Ngāi Tahu Holdings Group businesses. <http://ngaitahuproperty.co.nz>



RANGINUI





## 5.2 RANGINUI

Air is viewed as a taonga derived from Ranginui (the Sky Father). Ranginui is the sky, husband of Papatūānuku and father of her earthly progeny. Ranginui is adorned by celestial bodies such as the moon and stars, and is associated with life and light. From Ranginui's union with Papatūānuku came the offspring, who were responsible for creating the elements that constitute our world and environment today.

As with other taonga, the mauri, or life supporting capacity, of air must be protected, and air must be used with respect and passed on to the next generation in a healthy state.

### Ngā Paetae Objectives

- (1) To protect the mauri of air from adverse effects related to the discharge of contaminants to air.
- (2) Ngāi Tahu are involved in regional decision making on air quality issues.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### RANGINUI: ISSUES OF SIGNIFICANCE

<b>Issue R1: Discharge to air</b>	The discharge of contaminants into air can have adverse effects on Ngāi Tahu values such as mauri, mahinga kai, wāhi tapu, wāhi taonga and marae.
<b>Issue R2: Cultural amenity</b>	Protection of cultural amenity values such as celestial darkness.
<b>Issue R3: Climate change</b>	Climate change could have significant impacts on the relationship of tāngata whenua to ancestral lands, waters and sites of significance.
<b>Issue R4: Airwave rights</b>	Māori have an interest in the right to access and allocation of radio frequencies.
<b>Issue R5: Electromagnetic radiation</b>	Potential risks to human health as a result of electromagnetic radiation.



## DISCHARGE TO AIR

**Issue R1: The discharge of contaminants to air can have adverse effects on Ngāi Tahu values such as mauri, mahinga kai, wāhi tapu, wāhi taonga and marae, and the health of our people and communities.**

### Ngā Kaupapa / Policy

- R1.1 To protect the mauri of air from adverse effects associated with discharge to air activities.
- R1.2 To require that the regional council recognise and provide for the relationship of Ngāi Tahu with air, and the specific cultural considerations for air quality, including the effects of discharge to air activities on sites and resources of significance to tāngata whenua and the protection of cultural amenity values (see Issue R2 below).
- R1.3 To ensure that regional policy enables tāngata whenua to identify particular sites and places of cultural significance as sensitive environments, to protect such sites from the cultural and environmental effects of the discharge activity.
- R1.4 To support the use of indigenous plantings and restoration projects as a means to offset and mitigate industrial, agricultural and residential discharges to air.

### He Kupu Whakamāhukihuki / Explanation

The discharge of contaminants to air can have adverse effects on sites or resources of significance to tāngata whenua, or the values associated with them. The deposition of air pollutants onto mahinga kai, wāhi tapu or marae will require specific consideration in regional policies on air. Air pollution can adversely affect the ability to smell the sea, hear the waves, or have undisturbed celestial darkness. It can compromise the ability to enjoy and appreciate natural and cultural landscapes, including views of important landmarks such as maunga. Discharge activities associated with topdressing, herbicide application, crematoriums or the spray irrigation of effluent can also have specific cultural effects and may be inappropriate in particular locations, such as near marae or a wāhi tapu site. Discharges can also affect the health and well-being of our people and communities.

## CULTURAL AMENITY VALUES

**Issue R2: Protection of cultural amenity values such as celestial darkness.**

### Ngā Kaupapa / Policy

- R2.1 To support the use of light suppression or limitation measures to protect celestial darkness values in some areas.
- R2.2 To require that the regional council recognise and provide for the relationship of Ngāi Tahu with air, and the specific cultural considerations regarding air quality, including the protection of cultural amenity values.
- R2.3 To require that local authorities recognise that some discharge to air activities may have particular adverse effects on Ngāi Tahu cultural values, including marae and wāhi tapu.

### He Kupu Whakamāhukihuki / Explanation

Amenity values are those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes (RMA s.2). The ability to smell the sea, have a clear view of important maunga or maintain a safe and healthy cultural space around marae are cultural amenity values associated with clean air.

Celestial darkness is a cultural amenity value associated with air. Increased lights from development activity such as subdivisions can affect celestial darkness. Celestial darkness is important during the tuna season at sites such as Te Roto o Wairewa. Lights shine into the tuna drains and affect the ability of tāngata whenua to catch tuna. Light pollution can also affect the use of stars to signal the start of the tuna heke.

Protecting cultural amenity values also requires controlling the discharge of contaminants to air (Issue R1). For example, locating a crematorium near a site of historic, traditional or spiritual significance would be culturally inappropriate.

## CLIMATE CHANGE

**Issue R3: Climate change could have significant impacts on the relationship of Ngāi Tahu and their culture and traditions with their ancestral land, water, sites, wāhi tapu and other taonga.**

### Ngā Kaupapa / Policy

- R3.1 To work with Te Rūnanga o Ngāi Tahu to contribute the local views of Papatipu Rūnanga to regional and national climate change policies and processes.
- R3.2 To support and contribute to the development of tribal policy concerning climate change.
- R3.3 To require that local authorities recognise and provide for the potential effects of climate change on resources and values of importance to Ngāi Tahu, for example:
- Effects of sea level rise on coastal marae and coastal wāhi tapu, including urupā;
  - Increased salination of rivers and hāpua, affecting mahinga kai resources and customary use;
  - Warming of oceans and effects on marine ecosystems, including those on the sea floor;
  - Changes to the amount of rainfall, and effects on aquifer recharge;
  - Lake management regimes, including the opening of Te Waihora and Te Roto o Wairewa to the sea; and
  - Changes to the habitats of indigenous flora and fauna, including taonga species.
- R3.4 To support the reduction of emissions as a response to climate change, including but not limited to:
- Urban planning to reduce transport emissions;
  - Use of solar water heating and similar measures to reduce energy use; and
  - Improved farming practices to reduce emissions.
- R3.5 Climate change legislation associated with forests and carbon credits should promote, encourage and reward the protection and restoration of indigenous forest.
- R3.6 Restoration planning for wetlands and lagoons must take into account the potential for future sea level rise associated with climate change.

### He Kupu Whakamāhukihuki / Explanation

Climate change has the potential to have significant effects on sites and resources of cultural importance, particularly

in coastal regions where many wāhi tapu and marae are located. Coastal erosion, sea level rise and changes to the productivity of inshore fisheries are all potential effects of climate change that will have a direct and significant impact on tāngata whenua. Less rainfall and drier patterns of weather would result in changes to the depth and flow of the region's rivers and therefore the ability of tāngata whenua to access mahinga kai. Climate change is also an important consideration for Ngāi Tahu efforts to restore degraded lake environments, such as Te Roto o Wairewa and Te Waihora.

At a local level, it is critical that the particular effects of climate change on tāngata whenua are recognised and that Ngāi Tahu are meaningfully involved in the development of climate change policy. This is particularly important with regard to the identification of measures to offset or mitigate the impacts of climate change. For example, climate change policy on afforestation and carbon credits can provide opportunities to protect and restore indigenous forests on the landscape.

#### *Cross reference:*

» *Section 6.10, Issue W8 (Climate Change and Te Roto o Wairewa)*

## AIRWAVE RIGHTS

**Issue R4: Māori have an interest in the right to access and allocation of radio frequencies.**

### Ngā Kaupapa / Policy

- R4.1 To recognise and uphold the Waitangi Tribunal findings that:<sup>1</sup>
- The electromagnetic spectrum is a taonga and neither of the Treaty partners can have monopoly rights to this resource;
  - The spectrum is a resource that cannot be possessed by one person or one group, only used by them;
  - The available right is a right of access, shared with all members of the human race;
  - Tribal rangatiratanga gives Māori a greater right of access to radio frequencies than the general public, and especially when it is being used for the protection of the taonga of the language and the culture; and
  - Māori must be involved in decisions on appropriate allocations of radio frequencies.

## He Kupu Whakamāhukihuki / Explanation

In 1986 and 1990 two claims (Wai 26 and Wai 150) were lodged with the Waitangi Tribunal regarding Māori interests in radio frequencies. The claims sought findings that Māori have rangatiratanga over the allocation of radio frequencies, and that Crown plans to seek tenders for 20 year rights to AM and FM radio frequencies would breach the Treaty of Waitangi and be prejudicial to the interests of Māori. Central to the claims was that the use of the radio spectrum was so intimately tied up with the use of Māori language and culture, and the protection and development of these things, that Māori must have a guaranteed right of access to it.

In November 1990, the Tribunal concluded that the claim was well founded. Policy R4.1 sets out the findings of the Tribunal.

# ELECTROMAGNETIC RADIATION

**Issue R5: Potential risks to human health as a result of electromagnetic radiation.**

## Ngā Kaupapa / Policy

- R5.1 To highlight the potential risk to the health of our people and communities as a result of electromagnetic radiation sourced from overhead transmission lines and cell phone towers (and other) and to recognise this risk when considering the placement of these.
- R5.2 To require a precautionary approach to electromagnetic radiation regarding its possible effects on human health. This means that unknown effects do not mean no effects; and that protecting human health and taking preventative action before certainty of harm is proven must be the basis of decision making.

## He Kupu Whakamāhukihuki / Explanation

Electromagnetic radiation from overhead transmission lines and cell phone towers poses a risk to human health. It is critical that this risk is recognised in policy and planning, and that a precautionary approach is adopted as a basis of decision making.

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### ENDNOTES

- 1 Waitangi Tribunal. 1990. *Report of the Waitangi Tribunal on Claims Concerning the Allocation of Radio Frequencies*.

# WAI MĀORI





## 5.3 WAI MĀORI

### *Ko te wai te oranga o ngā mea katoa*

Water is the life giver of all things

Water is a significant cultural resource that connects Ngāi Tahu to the landscape and the culture and traditions of the tūpuna. All water originated from the separation of Rangī and Papatūānuku and their continuing tears for one another. Rain is Rangī's tears for his beloved Papatūānuku and mist is regarded as Papatūānuku's tears for Rangī.

For tāngata whenua, the current state of cultural health of the waterways and groundwater is evidence that water management and governance in the takiwā has failed to protect freshwater resources. Surface and groundwater resources are over-allocated in many catchments and water quality is degraded as a result of urban and rural land use. This has significant effects on the relationship of Ngāi Tahu to water, particularly with regard to mauri, mahinga kai, cultural well-being and indigenous biodiversity.

The policies in this section are intended to guide freshwater management in a manner consistent with Ngāi Tahu cultural values and interests. They provide a general policy statement to sit alongside catchment specific issues and policy identified in Part 6 of this IMP. The anticipated outcome is the restoration of the cultural health of freshwater resources of the region, *mō tātou, ā, mō kā uri ā muri ake nei*.

A significant kaupapa that emerges from this policy section is the need to rethink the way water is valued and used, including the kind of land use that water is supporting, and the use of water as a receiving environment for contaminants such as sediment and nutrients. Fundamental to tāngata whenua perspectives on freshwater is that water is a taonga, and water management and land use should reflect this importance.

*“Because of the fundamental importance of water to all life and human activity, Kai Tahu maintain that the integrity of all waterways must be jealously protected.... This does not preclude the responsible use of water, but merely states the parameters which Kai Tahu believe any such use should remain within. The utilisation of any resource for the benefit of the wider community is encouraged, providing that it is done with the long-term welfare of both the community and the resource in mind.”*

### Ngā Paetae Objectives

- (1) Water management effectively provides for the taonga status of water, the Treaty partner status of Ngāi Tahu, the importance of water to cultural well-being, and the specific rights and interests of tāngata whenua in water.
- (2) Water quality and quantity in groundwater and surface water resources in the takiwā enables customary use *mō tātou, ā, mō kā uri ā muri ake nei*.
- (3) Water and land are managed as interrelated resources embracing the practice of Ki Uta Ki Tai, which recognises the connection between land, groundwater, surface water and coastal waters.
- (4) Mauri and mahinga kai are recognised as key cultural and environmental indicators of the cultural health of waterways and the relationship of Ngāi Tahu to water.
- (5) Land and water use in the takiwā respects catchment boundaries, and the limits of our land and freshwater resources.
- (6) Wetlands and waipuna are recognised and protected as wāhi taonga, and there is an overall net gain of wetlands in the takiwā as wetlands are restored.
- (7) All waterways have healthy, functioning riparian zones and are protected from inappropriate activities, including stock access.
- (8) The practice of using water as a receiving environment for the discharge of contaminants is discontinued, and all existing direct discharges of contaminants to water are eliminated.
- (9) Water quality is such that future generations will not have to drink treated water.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### WAI MĀORI: ISSUES OF SIGNIFICANCE

<b>Issue WM1: Rights and interests</b>	Tāngata whenua have specific rights and interests associated with freshwater.
<b>Issue WM2: Value of water</b>	Changing the way water is valued.
<b>Issue WM3: Priorities for use</b>	Priorities for use based on Ngāi Tahu values.
<b>Issue WM4: Management of water</b>	Appropriate management scale, principles, tools and processes to deliver Ngāi Tahu cultural outcomes.
<b>Issue WM5: Statutory Acknowledgements</b>	Recognition of freshwater statutory acknowledgement sites.
<b>Issue WM6: Water quality</b>	The decline in water quality in the region as a result of point and non-point source pollution, low flows and loss of wetlands and riparian areas.
<b>Issue WM7: Rural land use</b>	Intensive rural land use is having unacceptable effects on water quality and quantity, and Ngāi Tahu values.
<b>Issue WM8: Water quantity</b>	Freshwater resources in the takiwā are over-allocated or under increasing pressure from abstractive use.
<b>Issue WM9: Regional infrastructure</b>	The need for a robust cultural framework to assess proposals for in-stream water storage, irrigation and hydro-generation.
<b>Issue WM10: Mixing of water</b>	There are cultural issues associated with the unnatural mixing of water between and within catchments.
<b>Issue WM11: Transfer of permits</b>	The transfer of water permits is inconsistent with tāngata whenua perspectives on how to achieve the sustainable management of water.
<b>Issue WM12: Beds and margins</b>	Activities occurring within the beds and margins of rivers and lakes can adversely affect Ngāi Tahu values.
<b>Issue WM13: Wetlands, waipuna and riparian margins</b>	Loss of wetlands, waipuna and riparian margins, and the cultural and environmental values associated with them.
<b>Issue WM14: Drain management</b>	Drain management can have adverse effects on Ngāi Tahu values, particularly mahinga kai.
<b>Issue WM15: Invasive weeds</b>	The spread of invasive woody weeds and standing trees in the beds and margins of rivers.
<b>Issue WM16: Coastal marine area</b>	The freshwater-saltwater interface is an important feature of freshwater management.



### It is time for a new way of managing water

- ▶ There are now ten red zones in Canterbury where water has been fully allocated, and four “yellow zones” where allocation exceeds 80% of the allocation limit.
- ▶ Run-of-river takes are near the limit of what can be safely abstracted while maintaining environmental flows.
- ▶ Less than 10% of the region’s previously extensive wetlands remain.
- ▶ Increasing land use change and intensification threatens what remains of indigenous habitats – including mahinga kai species and wāhi taonga.
- ▶ Urban growth is driving an increasing demand for the use of natural waterways for the discharge of contaminants (e.g. stormwater).

**Source:** Canterbury Water Management Strategy (CWMS); Te Rūnanga o Ngāi Tahu submissions, and the Mahaanui IMP Working Group.

## TĀNGATA WHENUA RIGHTS AND INTERESTS IN FRESHWATER

**Issue WM1: Recognising and providing for Ngāi Tahu rights and interests associated with freshwater resources.**

### Ngā Kaupapa / Policy

- WM1.1 Ngāi Tahu, as tāngata whenua, have specific rights and interests in how freshwater resources should be managed and utilised in the takiwā.
- WM1.2 Te Tiriti o Waitangi is the basis for the relationship between Ngāi Tahu and local authorities (and water governance bodies) with regard to freshwater management and governance in the takiwā.
- WM1.3 Papatipu Rūnanga may have their own policy positions on the commercial use and ownership of water, from that of Te Rūnanga o Ngāi Tahu as the iwi authority, and from other Papatipu Rūnanga.
- WM1.4 To require that local authorities and water governance bodies recognise that:
- The relationship of tāngata whenua to freshwater is longstanding;
  - The relationship of tāngata whenua to freshwater is fundamental to Ngāi Tahu culture and cultural well-being;
  - Tāngata whenua rights and responsibilities associated with freshwater are intergenerational; and
  - Tāngata whenua interests in freshwater resources in the region are cultural, customary and economic in nature.
- WM1.5 To support the development of a *Te Rūnanga o Ngāi Tahu Freshwater Strategy Statement*, to further protect, enhance, utilise and develop freshwater resources within the Ngāi Tahu rohe for the benefit and achievement of Ngāi Tahu whānui cultural, environmental, social and economic aspirations and outcomes.

### He Kupu Whakamāhukihuki / Explanation

Ngāi Tahu, as tāngata whenua, have customary rights and responsibilities associated with freshwater resources in the region, as expressed through the exercise of manawhenua, rangatiratanga, kaitiakitanga and manaakitanga, and as guaranteed by Te Tiriti o Waitangi. Ensuring that freshwater management recognises and provides for these rights and interests is critical to enabling tāngata whenua to protect water as a taonga for future generations.

Te Tiriti o Waitangi and the sale and purchase agreements for Canterbury and Te Pātaka o Rākaihautū guarantee the protection of tāngata whenua interests in water. The RMA recognises the relationship of Māori to freshwater as a matter of national importance.

*“The value we place on water may not be economic in a dollar sense. For us, it is about having enough water in a river to support mahinga kai, and therefore enable us to manaaki our manuhiri.”* Clare Williams, Ngāi Tūāhuriri.

## CHANGING THE WAY WATER IS VALUED

**Issue WM2: There is a need to change the way water is valued.**

### Ngā Kaupapa -Policy:

- WM2.1 To consistently and effectively advocate for a change in perception and treatment of freshwater resources: from public utility and unlimited resource to wāhi taonga.
- WM2.2 To require that water is recognised as essential to all life and is respected for its taonga value ahead of all other values.
- WM2.3 To require that decision making is based on inter-generational interests and outcomes, *mō tātou, ā, mō kā uri ā muri ake nei*.
- WM2.4 To continue to assert that the responsibility to protect and enhance mauri is collective, and is held by all those who benefit from the use of water; and that the right to take and use water is premised on the responsibility to safeguard and enhance the mauri of that the water.

### He Kupu Whakamāhukihuki / Explanation

Changing the way water resources are valued must underpin and drive the changes needed in the way freshwater resources are managed and used. Water is a taonga, and the collective responsibility for protecting the mauri of this taonga is a fundamental principle of Ngāi Tahu freshwater policy. The right to use water must be premised on a responsibility to care for water.

*“It will take a fundamental shift of mindset to think about what we can do for the river (and therefore ensure the health of our rivers is sustained), rather than what the river can do for us. This is the challenge.”<sup>2</sup>*

*“Water is a life resource, not an economic resource.”*

IMP Working Group, 2012.

*“When you are brought up to love and respect a river, there is nothing else that compares.”*

Aunty Joan Burgman, Ngāi Tūāhuriri Rūnanga.

## PRIORITIES FOR USE

**Issue WM3: Priorities for the use of freshwater resources.**

### Ngā Kaupapa / Policy

WM3.1 To advocate for the following order of priority for freshwater resource use, consistent with the *Te Rūnanga o Ngāi Tahu Freshwater Policy Statement (1999)*:

- (1) That the mauri of fresh water resources (ground and surface) is protected and sustained in order to:
  - (a) Protect instream values and uses (including indigenous flora and fauna);
  - (b) Meet the basic health and safety needs of humans, specifically the provision of an untreated and reliable supply of drinking water to marae and other communities; and
  - (c) Ensure the continuation of customary in-stream values and uses.
- (2) That water is equitably allocated for the sustainable production of food, including stock water, and the generation of energy; and
- (3) That water is equitably allocated for other abstractive uses (e.g. development aspirations).

### He Kupu Whakamāhukihuki / Explanation

The *Te Rūnanga o Ngāi Tahu Freshwater Policy Statement (1999)* sets out priorities for freshwater water use. The priorities recognise mauri as a first order principle given its fundamental importance to sustaining the cultural and environmental health and well-being of waterways. Ngāi Tahu also recognise that sustainable economic development is fundamentally dependent on sustaining healthy waterways.

*“We don’t want to have to treat our drinking water. When drinking water becomes unsafe, we need to address the source of the problem and not just dig a deeper well or further treat the water. We need to think about water over the long term. We don’t want our mokopuna to be drinking treated water.”* Clare Williams, Ngāi Tūāhuriri.

## MANAGEMENT OF WATER

**Issue WM4: The need for appropriate management scales, principles, tools and processes to deliver cultural outcomes.**

### Ngā Kaupapa / Policy

WM4.1 To require that water governance and management structures, plans, policies and processes are culturally relevant and deliver clear and reliable cultural and environmental outcomes. This means:

- (a) Ngāi Tahu involvement in ongoing management of freshwater resources reflects the spirit of Te Tiriti o Waitangi and the principle of kaitiakitanga (as per Policies WM1.1 to WM1.4);
- (b) Policies and rules on taking, use, damming, diversion and discharge of water are designed to protect the relationship of Ngāi Tahu values with freshwater as a matter of national importance;
- (c) Integrated catchment and sub-catchment management plans are developed and implemented, recognising and providing for:
  - (i) Mauri and customary use as first order priorities;
  - (ii) Kaitiakitanga;
  - (iii) The principle of Ki Uta Ki Tai;
  - (iv) The relationship between groundwater and surface water;
  - (v) The relationship between water quality and water quantity;
  - (vi) The effects of land use on water quality and quantity;
  - (vii) Assimilative capacity of catchments, and associated limits; and
  - (viii) Cumulative effects.
- (d) Recognition and use of Ngāi Tahu monitoring and assessment tools to compile base line information and assess the state of freshwater resources, including but not limited to:
  - (i) Cultural Opportunity Mapping, Analysis, and Response (COMAR) projects;
  - (ii) Cultural Health Index; and
  - (iii) State of the Takiwā monitoring.
- (e) Recognition and use of customary management tools for protecting freshwater values of importance to Ngāi Tahu, including but not limited to:
  - (i) Rāhui; and
  - (ii) Freshwater mātaimai.
- (f) An appropriate and effective regulatory framework (e.g. rules) to control the effects of

land use on water quality and quantity, alongside incentives and opportunities to improve existing practices.

- (g) Recognising and providing for nohoanga, and Fenton reserves and entitlements.

### He Kupu Whakamāhukihuki / Explanation

For tāngata whenua, the current state of cultural health of the freshwater resources in the takiwā is evidence that freshwater management has failed to protect the mauri of waterways, lakes and the coastal marine area and to sustain their potential for future generations (s.5 RMA). It has also failed to recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral waters, as a matter of national importance (s.6(e) RMA).

The Canterbury Water Management Strategy (CWMS) has the potential to change the way water is managed in the takiwā. The Strategy clearly identifies the environment and customary use as first order priorities, ahead of irrigation and other abstractive use, and provides a framework for catchment based integrated surface and groundwater (and lake-water) management plans.

Policy WM4.1 is a high level general policy pertaining to water governance and management in the takiwā, setting out a framework to ensure that existing and future structures, plans and processes deliver clear and reliable cultural outcomes. An important aspect of the policy is the need to bridge the gap between mainstream science based techniques and mātauranga Māori. A range of tools are now available to convey tāngata whenua perspectives of river management and health in a tangible and accessible manner, including the Cultural Health Index, State of the Takiwā and COMAR (see Part 4 of this plan for an explanation on these, and Box - COMAR).

Tāngata whenua values associated with water can enhance overall water management. For example, the protection of mauri as a fundamental value can instill a dimension to policy and practice in the management of water resources that is often lacking.

### Cultural Opportunity Mapping, Assessment and Responses (COMAR)

COMAR (Cultural Opportunity Mapping, Analysis, and Response) is a tool developed by Gail Tipa (Tipa & Associates) to assist in identifying key attributes required to protect tāngata whenua values.

COMAR provides a methodology for identifying flow and water quality that would enable the protection of tāngata whenua values.

COMAR is a tool used to apply and assess the extent to which different environmental conditions afford Māori opportunities to engage in a range of cultural experiences, particularly in geographic locations. This process can assist in the preparation of responsive resource management strategies and plans that deliver cultural outcomes.

**Source:** Tipa, G. & Nelson, K. 2008. Introducing Cultural Opportunities: a Framework for Incorporating Cultural Perspectives in Contemporary Resource Management. *Journal of Environmental Policy and Planning* 10 (4).

## STATUTORY ACKNOWLEDGEMENTS

**Issue WM5: Recognition of Statutory Acknowledgements beyond their expiry dates.**

### Ngā Kaupapa / Policy

WM5.1 To advocate for local authorities to recognise the mana and intent of Statutory Acknowledgements (SAs) beyond the expiry of the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999. This means:

- (a) The existence and location of the SAs will continue to be shown on district and regional plans and policy statements;
- (b) Councils will continue to provide Ngāi Tahu with summaries of resource consent applications for activities relating to or impacting on SA areas (reflecting the information needs set out in this IMP);
- (c) Councils will continue to have regard to SAs in forming an opinion on affected party status; and
- (d) Ngāi Tahu will continue to use SAs in submissions to consent authorities, the Environment Court and the Historic Places Trust, as evidence of the relationship of the iwi with a particular area.

WM5.2 To work with Te Rūnanga o Ngāi Tahu to:

- (a) Extend the expiry date of the Statutory Acknowledgement provisions; and
- (b) Advocate for increasing weighting and statutory recognition of IMP in the RMA 1991, so as to reduce the need for provisions such as Statutory Acknowledgements.

### He Kupu Whakamāhukihuki / Explanation

Statutory Acknowledgements were created in the Ngāi Tahu Deed of Settlement as a part of suite of instruments designed to recognise the mana of Ngāi Tahu in relation to a range of sites and areas, and to improve the effectiveness of Ngāi Tahu participation in RMA 1991 processes. Statutory Acknowledgements are given effect by recorded statements of the cultural, spiritual, historical, and traditional association of Ngāi Tahu with a particular area. These are included as schedules in the NTCSA 1998, and in Appendix 7 of this plan.

There are 11 Statutory Acknowledgements in the takiwā covered by this IMP, and 8 of these are rivers and lakes (see map in Appendix 1). These designations highlight the immense significance of freshwater to Ngāi Tahu.

Statutory Acknowledgments have their own set of regulations that implement Deed of Settlement provisions such as resource consent notification. The *Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999* have a 20 year life span and therefore expire in 2019.

Statutory Acknowledgements continue to be relevant and necessary to the effective participation of tāngata whenua in RMA 1991 processes. The purpose of Policy WM5.1 is to ensure that plans, policy statements and resource consents relevant to a SA area continue to recognise the significance of the area to Ngāi Tahu.

#### Cross reference:

- » *General policy on coastal Statutory Acknowledgments (Section 5.6 Issue TAN1).*

## WATER QUALITY

**Issue WM6: The decline in water quality in the takiwā as a result of:**

- (a) **The continuation of direct discharges of contaminants to water, including treated sewage, stormwater and industrial waste;**
- (b) **Point and non-point source pollution associated**

**with unsustainable intensive rural land use;**

- (c) **Prolonged low flows in waterways as a result of over-allocation for abstraction, and unmetered water takes;**
- (d) **Over-allocation of groundwater; and**
- (e) **Drainage of wetlands and degradation of riparian areas, and the resultant loss of eco-cultural values.**

### Ngā Kaupapa / Policy

WM6.1 To require that the improvement of water quality in the takiwā is recognised as a matter of regional and immediate importance.

WM6.2 To require that water quality in the takiwā is of a standard that protects and provides for the relationship of Ngāi Tahu to freshwater. This means that:

- (a) The protection of the eco-cultural system (see Box - *Eco-cultural systems*) is the priority, and land or resource use, or land use change, cannot impact on that system; and
- (b) Marae and communities have access to safe, reliable, and untreated drinking water; and
- (c) Ngāi Tahu and the wider community can engage with waterways for cultural and social well-being; and
- (d) Ngāi Tahu and the wider community can participate in mahinga kai/food gathering activities without risks to human health.

WM6.3 To require that clear and effective targets are established for restoring water quality in the takiwā, with immediate attention to:

- (a) Lowland and coastal streams; and
- (b) Groundwater.

WM6.4 To support the development of national standards for mahinga kai, including freshwater food gathering.

WM6.5 To require that water quality standards in the takiwā are set based on “*where we want to be*” rather than “*this is the point that we can pollute to*”. This means restoring waterways and working toward a higher standard of water quality, rather than establishing lower standards that reflect existing degraded conditions.

#### Addressing the source of the problem

WM6.6 Where there are water quality issues, we need to address the source of the problem, and not just dig deeper wells or find new ways to treat water.

### **Relationship between water quality and water quantity**

WM6.7 To ensure that the relationship between water quality and quantity is recognised and provided for in all processes and policy aimed at protecting and restoring water quality. There must be sufficient water to protect water quality.

### **Discharges**

WM6.8 To continue to oppose the discharge of contaminants to water, and to land where contaminants may enter water.

WM6.9 To require that local authorities work to eliminate existing discharges of contaminants to waterways, wetlands and springs in the takiwā, including treated sewage, stormwater and industrial waste, as a matter of priority.

WM6.10 To require that the regional council classify the following discharge activities as prohibited due to significant effects on water quality:

- (a) Activities that may result in the discharge of sewage (treated or untreated), stormwater, industrial waste, animal effluent or other contaminants to water, or onto land where contaminants may enter water; and
- (b) Stock access to waterways and waterbodies (including drains and stock races), regardless of the size of the waterway and type of stock.

WM6.11 Consented discharge to land activities must be subject to appropriate consent conditions to protect ground and surface water, including but not limited to:

- (a) Application rates that avoid over saturation and nutrient loading;
- (b) Set backs or buffers from waterways, wetlands and springs;
- (c) Use of native plant species to absorb and filter contaminants; including riparian and wetland establishment and the use of planted swales; and
- (d) Monitoring requirements to enable assessment of the effects of the activity.

### **Catchment nutrient budgets and limits**

WM6.12 To address the decline in water quality in the takiwā by requiring, supporting and contributing to:

- (a) The development of catchment nutrient budgets (using the best available modelling software) as a tool to manage the cumulative effects of land use on water quality and create

rules and incentives to improve on land and water management;

- (b) The setting of effective limits for nitrogen, phosphorus, sediment and *Escherichia coli* in waterways and groundwater; and
- (c) The setting of effective discharge limits for nutrients and sediment on site, whether 'at the farm gate', on an industrial site, or within a residential property development, as a tool to improve on site management of nutrients and contaminants.

WM6.13 To require that catchment nutrient budgets and limits protect eco-cultural systems and values as a matter of priority.

WM6.14 Contaminant and nutrient limit and target setting must be based on the best available information and modeling, and draw from both western science and mātauranga Māori.

### **Incentives and controls**

WM6.15 To support an effective and strong regulatory and non-regulatory framework to address the effects of rural and urban land use to protect water quality. This framework to include:

- (a) Incentives to do things right;
- (b) Controls (i.e. rules) on land use, including prohibiting those activities that will have significant effects on water quality;
- (c) Compliance monitoring, including a role for tāngata whenua in auditing and as enforcement officers; and
- (d) Effective and enforceable penalties for non-compliance, including revoking resource consents and enforced environmental remediation.

### **Controls on land use activities to protect water quality**

WM6.16 To require, in the first instance, that all potential contaminants that may enter water (e.g. nutrients, sediments and chemicals) are managed on site and at source rather than discharged off site. This applies to both rural and urban activities.

WM6.17 To require the development of stringent and enforceable controls on the following activities given the risk to water quality:

- (a) Intensive rural land use (see Issue WM.7);
- (b) Subdivision and development adjacent to waterways;
- (c) Discharge to land activities associated with industry;

- (d) Activities in the bed and margins of waterways, including gravel extraction; and
- (e) Upper catchment activities such as forestry and vegetation clearance.

WM6.18 To oppose the use of global consents for activities that pose a significant threat to water quality, and where the location of the activity is critical for assessing effects.

### **Environmental infrastructure**

WM6.19 To promote the restoration of wetlands and riparian areas as part of maintaining and improving water quality, due to the natural pollution abatement (treatment) functions of these taonga.

WM6.20 To require that the regional council prohibit any further drainage, destruction or modification of remnant wetlands or existing native riparian vegetation, particularly given the function of these taonga in mitigating the effects of land use on water quality.

### **Measuring and monitoring our progress**

WM6.21 To promote the monitoring of water quality and cultural health at hāpua, coastal lakes and river mouth environments, to monitor the health of catchments and assess progress towards water quality objectives and standards (see Section 5.6, Issue TAN3).

### **Costs and benefits**

WM6.22 To require that local authorities afford appropriate weight to tāngata whenua values when assessing the costs and benefits of activities that may have adverse effects on water quality.

WM6.23 To ensure that economic costs do not take precedence over the cultural, environmental and intergenerational costs of poor water quality.

### **He Kupu Whakamāhukihuki / Explanation**

The decline in water quality in the takiwā as a result of the continuing practice of using water as a receiving environment for the discharge of contaminants and waste, and unsustainable rural and urban land use is one of the most significant natural resource issue for tāngata whenua. Cultural health assessments undertaken by Ngāi Tahu in the last ten years indicate that many waterways are in a poor state of cultural health and do not meet basic standards for cultural use.

***“The measure of success of this IMP will be the outcomes in terms of water quality. Environmental sustainability and mahinga kai depend on water quality.”*** Rei Simon, Wairewa Rūnanga.

For much of the takiwā the story is the same: high water quality in upper catchments deteriorates significantly on the plains and in coastal regions. Lowland streams are highly enriched, reflecting the pressure put on freshwater resources by rural and urban land use on the plains.

Intensive pastoral grazing is the land use with the greatest impact on water quality, in terms of land area and the volume of water affected.<sup>3</sup> High stocking rates, over-grazing and unrestricted stock access to waterways are significant contributors of nutrients, sediment and faecal micro-biota to water. Other activities such as cropping, horticulture and plantation forestry can also have local impacts on water quality in terms of sedimentation and nutrient run off, and nitrate leaching into groundwater, particularly when there are no riparian buffers between planting (and therefore harvesting) and a waterway.

Rural or urban, the cultural bottom line is the same. The discharge of contaminants such as wastewater, stormwater or sediment to water, or to land where they may enter water, is culturally unacceptable. The effects of an activity on tāngata whenua values may be significant despite the activity having been assessed as having only minor ecological effects e.g. the discharge of treated human waste to water. It is critical that local authorities recognise that Ngāi Tahu concerns with discharges of contaminants to water extend beyond the existence of silent files or areas of cultural significance. Rather, these concerns are based on protecting the mauri of waterways, and the relationship of Ngāi Tahu to them.

***“The discharge of contaminants to water is culturally unacceptable. Dilution to pollution is not the solution.”***

Terrianna Smith, Te Taumutu Rūnanga.

***“The Ngāi Tahu Policy position of discharge to land still means that the soil and groundwater must be protected.”***

IMP Working Group, 2010.

Clear limits are required for reducing and managing contaminants at source, whether at the farm gate or within the urban subdivision, and for controlling those land use activities which pose the highest risk to water quality. Addressing non-point source pollution is paramount, and requires a targeted effort at addressing the effects of intensive rural land use. While the direct discharges can more easily be avoided, addressing non-point source pollution requires changing the way land use occurs.

For Ngāi Tahu, water quality is a measure of how well we are doing with regard to land and water management and hāpua, coastal lakes and river mouth environments are the indicators. At the bottom of the catchment, the health of these environments reflects our progress in the wider catchment (see Section 4.6 Issue TAN3 for a discussion).

**Cross reference:**

- » *Issue WM7: Effects of intensive land use on water resources*
- » *General policy on coastal water quality (Section 5.6 Issue TAN2)*
- » *General policy on coastal wetlands and hāpua (Section 5.6 Issue TAN3)*
- » *General policy on stormwater (Section 5.4 Issue P6)*
- » *General policy on waste management (Section 5.4 Issue P7)*
- » *Water quality issues in catchment sections of Part 6*

#### The protection of eco-cultural systems

The term 'eco-cultural system' acknowledges that there are ecological and cultural values associated with water, that these are related, and that both are integral to the relationship between tāngata whenua and land and water. For example, aquatic ecosystems are not separate from mahinga kai. A waterway with good flows, riparian margins and water quality enhances cultural well-being. The use of the term overcomes the division of culture and nature.

The starting point when managing an ecosystem must be developing an understanding of the relationship of tāngata whenua with the land and water. The protection of the eco-cultural system must be the priority for land and water management. As Tudge (2006) explains "integral to the survival of indigenous culture is restoring the ecological communities that are central to their traditional life-ways and that are woven into stories, ceremonies, songs and practices".

**Source:** Personal Communication, Gail Tipa (Tipa and Associates); Tudge, C. (2006). *The tree: a natural history of what trees are, how they live, and why they matter*. New York: Crown Publishers.

#### Improving water quality in the region

For tāngata whenua, improving water quality in the region means:

- ▶ Eliminating existing unnatural discharges to water;
- ▶ Avoiding any new discharges of contaminants to water;
- ▶ Establishing native vegetated riparian buffer zones along all waterways and drains;
- ▶ Protecting existing and restoring degraded springs and wetlands;
- ▶ Appropriate controls on rural and urban land use to eliminate non-point source pollution;
- ▶ Flow and allocation regimes that enable sufficient flow to safeguard water quality; and
- ▶ Prohibiting activities that have significant adverse effects on water quality.

## EFFECTS OF INTENSIVE RURAL LAND USE ON FRESHWATER RESOURCES

**Issue WM7: Intensive rural land use is having unacceptable effects on water quality, water quantity, and the relationship of Ngāi Tahu with freshwater.**

### Ngā Kaupapa / Policy

#### *Matching land use with land capability and water availability*

- WM7.1 To require that rural land and water planning, management and use recognises and provides for:
- (a) Catchment boundaries and water availability;
  - (b) Water quality and quantity thresholds and limits;
  - (c) Land capability, including soil type and topography;
  - (d) The protection of eco-cultural systems and resources; and
  - (e) The capacity of a catchment to assimilate land use effects.
- WM7.2 To require a precautionary approach to the land use conversion and intensification in the takiwā that recognises and provides for:

- (a) Existing and future effects of diffuse source pollution on surface and groundwater resources from land use;
- (b) The cumulative effects of land use on the health of soil and water resources; and
- (c) The cultural and environmental costs of land conversion and intensification, in addition to economic return per hectare.

WM7.3 To work with local authorities to develop land use and water quality assessment tools to evaluate the suitability of particular areas for certain activities (e.g. dairy), including but not limited to:

- (a) The use of zoning as a method to enable land use that matches local conditions (e.g. soil, climate, water availability, assimilative capacity), as opposed to best economic return per hectare (i.e. when you add enough water and nutrients) and that protect waterways from particular land use activities that are likely to threaten water quality.

#### ***Resource consents for irrigated and other forms of intensive land use***

WM7.4 All new land conversions for irrigated and other forms of intensive land use (e.g. dairy and cropping) should require resource consent, and be assessed on the following matters:

- (a) Appropriateness of the activity to the environment based on:
  - (i) Soil type and topography;
  - (ii) Proximity to surface water (waterways, wetlands, waipuna, lakes and drains);
  - (iii) Depth to groundwater, and nature of the aquifer (confined or unconfined); and
  - (iv) Water quantity required and limits of available water supply.
- (b) Actual and potential effects on the environment and associated Ngāi Tahu values, including the relationship of Ngāi Tahu to land, water and sites; and
- (c) Cumulative effects of existing irrigated and other forms of intensive land use in the catchment.

WM7.5 To require that resource consents granted for irrigated and other forms of intensive land use are subject to the following conditions of consent:

- (a) The development, implementation and monitoring of farm management plans that cover such matters as effluent, irrigation, soil and environmental infrastructure management, stocking rates, and associated reporting requirements and monitoring provisions; and

- (b) Provision to protect and enhance cultural and environmental values, including indigenous biodiversity (e.g. the establishment of shelter belts using native species).

WM7.6 To require that land use and water abstraction consents associated with intensive rural land use are assessed and evaluated together as joint consents.

#### ***Catchment nutrient management***

WM7.7 The development of catchment nutrient budgets as a tool to manage the cumulative effects of land use on water quality and create rules and incentives to improve on land and water management.

WM7.8 To oppose the trading of nutrient limits. Limits must be attached to land and location.

WM7.9 To support the concept of creating 'headroom', through improved nutrient management, to enable land use change or intensification, but only when:

- (a) Water quality load limits reflect the need to improve water quality and general cultural health of the catchment, particularly lower catchments, and not just maintain the existing state;
- (b) Improving water quality and the cultural health of rivers is given priority over enabling development; and
- (c) Headroom is not created using nutrient trading.

#### ***Internalisation of environmental costs***

WM7.10 To promote on-farm measures that maximise water use efficiencies and reduce nutrient loss, and that enable landowners undertaking intensive rural farming activities to be responsible for the cultural and environmental costs of their activities, including but not limited to:

- (a) The treatment of effluent before disposal;
- (b) On-farm nutrient management;
- (c) Appropriate stocking rates, that avoid soil loss and nutrient leaching;
- (d) Soil and foliage testing to optimise and minimise fertiliser use;
- (e) Best practice irrigation management;
- (f) The protection, construction or restoration of environmental infrastructure such as wetlands and riparian margins; and
- (g) Fencing off surface waterways.

WM7.11 To require effective and enforceable penalties for non-compliance, including revoking resource consents and enforced environmental remediation.

### Incentives

WM7.12 To recognise and support those land users and managers that are demonstrating sustainable land use and protecting and enhancing the environment and cultural values.

WM7.13 To support the use of incentives to encourage landowners to practice stewardship of freshwater resources. Incentives can be a more powerful tool than regulatory measures such as fines or rules.

### Cumulative effects

WM7.14 To require that the effects of land use activities on water quality and quantity are assessed with due regard to the cumulative effects of all land use in the catchment and as well as of individual consents.

is valued and how land is used and managed, rather than simply mitigating the effects of farming. This approach requires an assessment of how we are using land and water as a *prerequisite* to looking for ways to securing more water and increase production.

***“You can grow grass anywhere if you add enough water and nutrients, but in some places we need to consider whether it is the best place to grow grass if we need to add that much water and nutrient.”***

IMP Working Group, 2011.

### Cross reference:

- » *Issue WM11: Transfer of water permits*
- » *Issue WM6: Water quality*
- » *Issue WM8: Water quantity*
- » *Issue WM9: Regional infrastructure*

## He Kupu Whakamāhukihuki / Explanation

The effects of intensive rural land use on water quality and quantity is one of the most significant issues for tāngata whenua. Increased pastoral and agricultural production across Ngā Pākihi Whakatekateka o Waitaha has come with a high environmental and cultural cost (see Table 2). Many waterways are not safe to swim in or catch fish from, and many community groundwater supplies are at risk of nitrate and *E.coli* contamination. While tāngata whenua recognise the need for agriculture production, development must be sustainable for the very long term and not driven purely by economics and short-term gains. The right to take and use water must be premised on the responsibility to protect water as a taonga resource.

Intensive pastoral grazing is the land use with the greatest impact on water quality, in terms of land area and the volume of water affected, and waterways in and adjacent to dairy farms are among the most polluted in the country (Issue WM6). Controlling the effects of land use on water quality is critical to recognising and providing for the ancestral relationship of Ngāi Tahu with water.

Tāngata whenua support greater regulation of land use that adversely affect waterways. Appropriate controls are required to avoid unlimited land intensification and conversions, particularly with proposed irrigation schemes providing new supplies of water. One method to address this issue is to require resource consents for all new and existing high impact intensive and irrigated rural land use activities, and to ensure that effects on cultural values and the environment are a key component of assessing the sustainability and appropriateness of these activities. Tāngata whenua want to see changes in the way water

**Table 2:** Examples of adverse effects associated with intensive rural land use

Activity	Adverse effects
Stock access to waterways	<ul style="list-style-type: none"> <li>❖ Sedimentation</li> <li>❖ Trampling of river bed and riparian margins, reducing bank stability and inducing erosion</li> <li>❖ Degradation of mahinga kai habitat</li> <li>❖ Impacts on wāhi tapu and wāhi taonga values</li> <li>❖ Effluent degrades water quality</li> </ul>
Drainage and riparian modification	<ul style="list-style-type: none"> <li>❖ Can impede fish passage and reduce quality of aquatic habitat</li> <li>❖ Changes to natural character of waterways</li> <li>❖ Loss of mahinga kai resources</li> <li>❖ Degradation of water quality</li> <li>❖ Reduced filtration of contaminants</li> </ul>
Water abstraction	<ul style="list-style-type: none"> <li>❖ Low flows affect water quality and overall cultural health</li> <li>❖ Lack of water affects mahinga kai habitat, and customary use opportunities</li> <li>❖ Surface water abstractions can affect groundwater quality and quantity</li> <li>❖ Spring fed streams particularly vulnerable to over-abstraction</li> </ul>
Irrigation bywash	<ul style="list-style-type: none"> <li>❖ Direct discharges of nutrients and sediment to surface water</li> <li>❖ Can alter stream flows</li> <li>❖ Seepage of irrigation water back to surface waters leads to increased organic loading and discoloration.</li> <li>❖ Mixing of waters and adverse effects on mauri</li> </ul>
Intensive irrigation	<ul style="list-style-type: none"> <li>❖ Run off and leaching of contaminants and nutrients into surface and groundwater</li> <li>❖ Changes soil character</li> <li>❖ Adverse effects on mauri of soil resources</li> </ul>
Stocking rates	<ul style="list-style-type: none"> <li>❖ High stocking rates leads to nitrate contamination from urine patches and effluent</li> <li>❖ Increased risk of run off and leaching to water</li> <li>❖ Degradation of soil resources</li> <li>❖ Nitrate leaching to groundwater</li> </ul>
Discharge of dairy shed effluent to land	<ul style="list-style-type: none"> <li>❖ Concentrated contaminants released to soil and risk of oversaturation and contamination of groundwater</li> <li>❖ Potential for run off to waterways</li> </ul>
Shelter belt removal	<ul style="list-style-type: none"> <li>❖ Loss of habitat and diversity</li> <li>❖ Loss of protection for soil resources; increased soil erosion</li> </ul>
Fertiliser use	<ul style="list-style-type: none"> <li>❖ High fertiliser use results in high levels of nitrates and phosphates in soil that can leach into groundwater and run off to surface water.</li> </ul>



## WATER QUANTITY

**Issue WM8: Freshwater resources in the takiwā are over-allocated or under increasing pressure from abstractive use, and this has resulted in significant effects on:**

- (a) **Mauri;**
- (b) **Mahinga kai habitat, abundance and diversity;**
- (c) **The relationship of tāngata whenua with freshwater, including cultural well-being and the loss of customary use opportunities;**
- (d) **The flows of lowland spring fed streams;**
- (e) **The ability of groundwater resources to replenish and recharge for ongoing use and future generations;**
- (f) **Resilience of waterways, or the ability to withstand stress or disturbance;**
- (g) **Natural variability and character of waterways, including floods and freshes;**
- (h) **Cultural health of hāpua, including duration and frequency of openings; and**
- (i) **Connectivity between waterways and their tributaries, associated wetlands and the sea.**

### Ngā Kaupapa / Policy

#### *Flow and water allocation regimes*

WM8.1 Environmental flow and allocation limits must be set on all waterways, including tributaries.

WM8.2 Environmental flow and water allocation regimes must recognise and provide for Ngāi Tahu values and interests, and therefore deliver cultural and environmental outcomes. This means flows and limits recognise and provide for:

- (a) Mauri and mahinga kai as first order priorities, over abstractive use: *'how much water does the river need to be healthy'* rather than *'what is the lowest possible flow that the river can sustain'*;
- (b) Flow and limits that restore *what a river should be*, as opposed maintaining the existing degraded condition or value (particularly lowland streams);
- (c) Flows and limits reflect seasonal flows and flow variability, including floods and freshes;
- (d) Continuous and reliable flow of water through the river *Ki Uta Ki Tai*, from the headwaters to the estuarine and coastal environments, noting that in some waterways this may include both

surface and underground flow;

- (e) There is sufficient water to sustain the wetlands and waipuna associated with waterways;
- (f) River mouth and hāpua dynamics and ecological processes are protected, including duration and frequency of openings;
- (g) The interconnectedness of groundwater and surface water is recognised and provided for, and certainty of supply for groundwater recharge is ensured;
- (h) Sufficient water depth and flow for indigenous fish passage, recognising that species such as tuna require a specific ecological flows (floods and freshes) to trigger and enable safe and successful passage;
- (i) The quality and quantity of water on tribal properties and NTCSA 1998 sites is enhanced;
- (j) Flows are consistent with protecting and enhancing mahinga kai and indigenous biodiversity values;
- (k) Shingle movement does not lead to unnatural or exacerbated aggradation and erosion; and
- (l) Weed and periphyton growth and algal blooms are avoided.

WM8.3 To require the use of a range of tools and initiatives to achieve Policy WM8.2, including but not limited to:

- (a) The mātauranga held by whānau and hapū about waterways and the flows required to sustain specific cultural values is recognised equally alongside mainstream methods;
- (b) Cultural monitoring tools, such as COMAR to identify flow and water quality that would enable the protection of tāngata whenua values (see Issue WM4);
- (c) Stock water not be exempt from flow and allocation plans (see Box – *Stockwater Issues*);
- (d) Water permits are attached to land not to consent holders (See Issue WM11);
- (e) Mandatory water metering on all water takes, as a condition of consent;
- (f) Continuous recording of flow at appropriate locations;
- (g) Requiring efficient use of water as a condition of consent;
- (h) User levies on abstractions to fund resource studies and realise protection and restoration measures; and
- (i) Common consent expiry dates within catchments.

WM8.4 To require that specific values important to local waterways and catchments as identified in Part 6 of this IMP (Catchment Policy) are recognised and provided for when establishing flow and allocation limits.

### ***Ngāi Tahu restoration initiatives***

WM8.5 To ensure that environmental flow and water allocation regimes are consistent with supporting and furthering Ngāi Tahu initiatives to restore waterways and their mahinga kai values.

### ***Aquifers***

WM8.6 To require that aquifers are recognised and protected as wāhi taonga. This means:

- (a) The protection of groundwater quality and quantity, including shallow aquifers;
- (b) The protection of aquifer recharge;
- (c) Ensuring a higher rate of recharge than abstraction, over the long term;
- (d) Continuing to improve our understandings of the groundwater resource, and the relationship between groundwater and surface water.

### ***Over-allocated catchments***

WM8.7 To require the implementation of an immediate solution to addressing the over-allocation of water in particular catchments, based on a staged approach designed to enable an improved understanding of the local environment and natural resource requirements:

- (1) Firstly:
  - (i) Do not grant any new abstraction or water permit, and place a moratorium on all new land conversions requiring water;
  - (ii) Do not allow the trading of existing permits;
  - (iii) Review all existing consents for actual use, using metering; and
  - (iv) Require the cancellation of consents of not being given effect to, and the surrender of unused allocations (i.e. no transfers of unused water).
- (2) Secondly:
  - (i) Assess the state of the resource (groundwater, waterway);
  - (ii) Monitor how the resource responds to these measures; and
  - (iii) Adapt management plans and practices accordingly, acknowledging the principle of matching land use with natural resource

limits and availability. If the resource is still degraded, then address issue through a community process, including assessing whether land use (water demand) needs to change.

WM8.8 To address allocation issues in those catchments that are currently identified as nearing over-allocation (e.g. at 80%) as a matter of priority.

### ***Controls on land use to protect water quantity***

WM8.9 To require controls on specific land use activities that are associated with high water demand, through policies and rules in district and regional plans, to protect surface water flows and groundwater recharge, particularly in water sensitive catchments where the demand for water can be inconsistent with water availability.

WM8.10 To support a requirement for water permit applicants to demonstrate the need for the quantity of the proposed water take, including providing information on crop type, productive area, acreage, proposed water use per hectare, estimated water losses, and efficiency measures. This information will guide the assessment of the appropriateness of the proposed water take and land use with regard to the effects on soil and water resources.

### ***Efficiencies***

WM8.11 To support activities and strategies to improve the efficiency of water use in urban and rural situations, including:

- (a) Water efficiency technology in residential, commercial, industrial and urban environments:
  - (i) rainwater storage tanks;
  - (ii) greywater reuse;
  - (iii) reduced or low flow devices (e.g. low flush toilets and efficient showerheads); and
  - (iv) water efficient appliances.
- (b) Water efficiency technology on the farm:
  - (i) metering of use;
  - (ii) soil moisture monitoring;
  - (iii) efficient irrigation technology;
  - (iv) wise irrigation practices, such as irrigating at night; and
  - (v) collecting and storing rainwater for on farm use.

WM8.12 To ensure that water use efficiency criteria is to apply to all users of water - new and existing permit holders.

WM8.13 To require that any water saved through efficiency gains is returned to the river to restore river health as a first priority, rather than made available for re-allocation.

#### **Resource consents to take and use water**

WM8.14 To advocate for a maximum of a 15 year duration on water permits, and consent terms to reflect the:

- (a) Level of existing knowledge about the resource;
- (b) Risk to the resource;
- (c) Nature of the activity supported by the take and use of water, and justification for amount applied for; and
- (d) Need for common expiry dates in the catchment.

WM8.15 To oppose the granting of water permits to take and use water from waterways where there is insufficient information about flows, including flow volume and variability (e.g. small tributaries).

WM8.16 To advocate for monitoring, reporting and effective and enforceable penalties for non-compliance, including revoking resource consents and enforced environmental remediation.

*“The status quo is that when water gets scarce or polluted, we just look for ways to find more water, or we just go deeper. We devise out-of-catchment water transfers and we dig deeper wells, rather than address the source of the problem.”* Terrianna Smith, Te Taumutu Rūnanga.

Ngāi Tahu values such as mauri and mahinga kai are flow dependent. Sufficient water quantity, along with suitable flow conditions are key elements of safeguarding the mauri or life supporting capacity of waterways and their value as mahinga kai. Environmental flow and allocation regimes must be designed to protect the mauri of the waterway, rather than simply ensure water is there for abstraction. The minimum flow process is often viewed as prioritising abstraction and assessing a waterway in terms of the lowest acceptable flow (i.e. determining ‘where the bottom of the bucket is’) rather than what is needed to ensure river health.

Ngāi Tahu have consistently advocated for measures to improve certainty for instream life and users, in the same way that is provided for out-of-stream users such as irrigators. The policies in this IMP set out the values, tools and processes to enable environmental flow and water allocation regimes to protect eco-cultural systems, and therefore deliver cultural outcomes.

#### **He Kupu Whakamāhukihuki / Explanation**

Freshwater resources in the takiwā are over-allocated or under increasing pressure from abstractive use and this is having a significant effect on the mauri of these resources and the relationship of tāngata whenua to them. In 2012 there are ten red zones in Canterbury where water has been fully allocated, and four yellow zones where allocation exceeds 80% of the allocation limit.

The prevailing approach to water management has been to prioritise abstractive use over the mauri of the resource, and to commodify and compartmentalise water rather than manage it as a life sustaining taonga. Freshwater management has more often than not been driven by economic considerations to the detriment of the environment and cultural values associated with that environment. Over-allocation is a reflection of the lack of understanding of the freshwater resource, including the relationship between surface and groundwater, and of the lack of value given to the resource. Resolving over-allocation requires a fundamental shift of mindset: from maintaining reliability of supply for abstractors to recognising the value of water as essential to all life and respecting it for its taonga value ahead of all other values.

#### **Stock water issues**

Why does the RMA specifically provide for stock water but not water for native fish? The taking and using of water for stock drinking purposes is allowed under the Resource Management Act 1991 (RMA) without the need for a resource consent (s.14 3 (b)). Yet stock water demands can be significant, whether from a bore, river or stock water race that derives its water from a river. A lactating dairy cow can require up to 70 litres of water per day.

Without specific recognition and provision for stock water demands within the water allocation regime, river flows can potentially be reduced below minimum flows for extended periods to a point where the life cycles of native fish are adversely and disproportionately affected.

To be effective, water allocation regimes will have to explicitly recognise and provide for stock water demands. A fair balance must be found whereby the needs of native freshwater fish, particularly mahinga kai species, can be provided for without being adversely affected by the increased demands for water, including stock water, through intensified land use.

### Transfers of unused allocations

A landowner may hold a consent for 100l/s but is only using half that amount. For Papatipu Rūnanga, an important step to addressing over-allocation is to require the surrender of unused allocations and the cancellation of consents that have not been given effect to, and to prevent the transfer of water permits. Not just some of it - *all of it*. Then we can assess the state of the waterways and adjust accordingly. Once we have established how much water the river needs, then we can determine how much can be allocated.

## REGIONAL WATER INFRASTRUCTURE

**Issue WM9: The need for a robust cultural framework to assess regional water infrastructure proposals, based on sound cultural and environmental bottom lines.**

### Ngā Kaupapa / Policy

WM9.1 To advocate for a takiwā-wide robust evaluation and assessment of the land uses that our freshwater resources are supporting, including the assimilative capacity of the land and the long-term cumulative effects of land use, *prior to* looking for ways to provide more water.

WM9.2 To promote co-operative and constructive relationships between the irrigation and energy sectors and Ngāi Tahu, over and above RMA 1991 consultation, to facilitate consideration of effects of regional water infrastructure options on tāngata whenua values and interests.

WM9.3 To support in principle the storage of water through local and regional infrastructure development, provided that:

- (a) Land use or land use change enabled by the provision of water is managed to avoid compromising cultural and environmental values, including water quality.
- (b) The location of storage does not compromise places or sites with outstanding cultural characteristics and values;
- (c) Storage will relieve pressure on groundwater resources;
- (d) Water is harvested on the receding flows of floods and freshes;

- (e) The role of floods and freshes in channel formation and the maintenance of river processes and health is not compromised; and
- (f) There is a robust and critical assessment of effects on Ngāi Tahu values (see Policies WM9.4 and WM9.5).

### Evaluating cultural effects and benefits

WM9.4 To critically evaluate the cultural implications of any damming, on-farm storage, community water enhancement schemes, or water storage proposal that may have adverse effects on resources and values of importance to tāngata whenua, with particular regard to:

- (a) How the proposal aligns with Ngāi Tahu priorities for water use, as per Policy WM3.1;
- (b) Consistency with Ngāi Tahu initiatives to restore waterways and their mahinga kai values;
- (c) The nature and extent of transfer and mixing of waters between and within catchments;
- (d) The effects of increased water availability and subsequent land use change on surface and groundwater;
- (e) Measures to avoid non-point source pollution;
- (f) The effects on cultural landscapes sites, features and values;
- (g) The effects on coastal ecosystems and processes, including hāpua;
- (h) The potential for loss of mahinga kai resources and opportunities (e.g. disruption of fish passage);
- (i) Interruption of continuity of flow Ki Uta Ki Tai; and
- (j) The cultural imperative to leave the natural environment, including waterways, in a better state for future generations than its current or inherited state.

WM9.5 To critically evaluate the potential for damming, diversion or water storage proposal to have positive effects on Ngāi Tahu values, with particular regard to:

- (a) Objectives to re-establish and restore indigenous biodiversity on the landscape, including biodiversity/habitat corridors;
- (b) Alleviating pressure on groundwater resources and opportunities for groundwater consents to be surrendered as a condition of the provision of new water infrastructure; and
- (c) Increased controls and consistency for land use activities benefiting from water infrastructure, including:
  - (i) Imposition of environmental levies (user

levies) as a condition of water supply, to encourage efficiency and provide funds for research and monitoring, and protection and enhancement initiatives; and

- (ii) Requirement for farm management plans as a condition of water supply, to minimise the effects of land use on the farm site and wider environment.

WM9.6 To ensure that the effects of any proposed regional water infrastructure scheme are assessed with reference to the objectives for ecological and cultural health of waterways in the takiwā (i.e. *what should be there*), rather than the existing degraded state of the resource. The existing degraded condition of a waterbody cannot be used as a basis for allowing further adverse effects to occur.

WM9.7 To require that any proposed regional water infrastructure scheme includes provisions for a contingency fund, to be used for remediation and to remedy unanticipated effects on the environment (e.g. dam failure) and unforeseen cumulative effects on water quality.

### He Kupu Whakamāhukihuki / Explanation

Regional infrastructure proposals such as community water enhancement schemes and hydro-generation proposals are an ongoing issue of importance to tāngata whenua, given the cultural importance of, and increasing demand for, water in the takiwā.

Tāngata whenua are not opposed to regional infrastructure proposals involving water resources. Hydroelectric generation is important to the country's power supply and economy. The considered provision of community water enhancement schemes can potentially ease pressure on over-allocated groundwater resources and improve on-farm management of environmental effects.

However, in the midst of the increasing demand for the region's water resources there are fundamental issues that need to be addressed. For example, community water enhancement schemes are by no means a comprehensive solution to water quality and water quantity issues in the takiwā (see Box – *Is more water to lowland streams a benefit?*). Intensive land use in the region, particularly dairying, is having a significant impact on groundwater and waterways, and the values associated with those resources (Issue WM6). Tāngata whenua firmly believe that, as a prerequisite to providing more water, we need to assess and evaluate the types of land use that water is supporting, and whether these are sustainable mō tātou, ā, mō kā uri ā

muri ake nei. Importantly, concerns relate to the effects of water use and the ability of the region to assimilate land use effects, rather than to the scale of scheme (i.e. 100 small schemes could have more effects than one large scheme).

*“Tāngata whenua realise that better land management including irrigation efficiencies, will likely reduce run-off of contaminants to adjacent surface waters which they accept should be viewed as a positive. However the reality is that these same options will result in more lands being irrigated. Tāngata whenua fear that any gains from increased flows will be offset by the effects of land use.”<sup>4</sup>*

An issue of particular significance concerning regional infrastructure proposals is the unnatural mixing of water (Issue WM10). The transfer of water between and within catchments are often key features of hydro-generation and irrigation proposals. For Ngāi Tahu there are cultural and environment risks associated with the unnatural mixing of waters from different environments.

Policies WM9.1 to WM9.7 provide a framework of cultural and environmental considerations against which regional infrastructure proposals can be assessed. The approach sets out the cultural parameters or thresholds against which activities such as damming and diversions should be assessed, rather than establishing opposition or support. Cultural thresholds are desired states or levels of acceptability that are determined through the need to protect, maintain, and in some cases enhance, tāngata whenua values. They reflect the relationship between values and activities that may affect those values, and of the sensitivity of certain values to change.

#### Cross reference:

- » Issue WM6: Water quality
- » Issue WM7: Effects of intensive rural land use on water resources
- » Issue WM8: Water quantity

#### Information resources:

- » *Cultural Impact Assessment for the Central Plains Water Enhancement Scheme (2005). Prepared by D. Jolly on behalf of Te Taumutu Rūnanga, Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Ngāi Tahu.*
- » *Cultural Impact Assessment - Rakaia Water Conservation Order. Prepared by M. Home and C. Severne for TrustPower Ltd.*
- » *Tāngata Whenua Values Report for the Waiau, Hurunui, Waipara and Kowai River catchments, as part of the Hurunui Community Water Development Project. Prepared by D. Jolly on behalf of Te Rūnanga o Kaikōura and Ngāi Tūāhuriri Rūnanga, for the Hurunui Community Water Development Project Working Group.*

» *Preliminary Cultural Impact Assessment for the Hurunui Water Project Waitohi Irrigation and Hydro Scheme (2011). Prepared by KTKO Ltd.*

#### Is more water to lowland streams a benefit?

While increased water availability as result of community water enhancement schemes *may* result in increased flow in lowland streams, it *will* result in more intensive land use, which *will* inevitably increase the likelihood that surface and groundwater will continue to be degraded. Ngā Rūnanga identify a real risk that the water in lowland streams, lakes and hāpua will be of a lesser quality due to the proliferation of non-point source pollution presently associated with intensive land use. Flow augmentation via irrigation schemes is not seen as a way to address the issue of low flows and poor water quality in lowland streams, lakes and hāpua, and the 'benefit' of more water to lowland streams is therefore not necessarily seen as an environmental or cultural benefit.

As a 2005 Environment Court decision (Lynton Dairies Ltd vs. Canterbury Regional Council, C108/05) concluded: "Any excess water that might be surfacing in the lowland streams is not going to provide any natural benefit at the current time because of the woeful condition of these waterways and their riparian margins."

## UNNATURAL MIXING OF WATER

**Issue WM10: There can be significant cultural issues associated with the unnatural mixing of water between and within catchments.**

### Ngā Kaupapa / Policy

WM10.1 In principle, the unnatural mixing of water from different sources between or within catchments is culturally inappropriate.

WM10.2 Water infrastructure proposals that will result in the unnatural mixing of waters will be assessed by Papatipu Rūnanga on a case by case basis, allowing for consideration of:

- (a) The varying perspectives of different hapū to the unnatural mixing of waters in their takiwā;
- (b) The current state of water quality, water quantity, indigenous biodiversity and other cultural values within particular waterways; and

- (c) Different mixing scenarios, including provisions to avoid or mitigate cultural issues and/or provide cultural benefit.

WM10.3 The cultural acceptability of proposals that will result in the unnatural mixing of waters will be assessed using the following framework:

- (a) The unnatural mixing of water is likely to be culturally unacceptable where it involves:
  - (i) direct mixing between glacial, rain or spring fed waters,
  - (ii) direct mixing of waters used for different purposes;
  - (iii) direct mixing of water between different catchments; or
  - (iv) direct mixing of water from different aquifers.
- (b) The unnatural mixing of waters may be acceptable where it involves:
  - (i) Waters that already mix naturally within the same catchment;
  - (ii) Waters that are of same type (e.g. rainfed to rainfed); or
  - (iii) Waters that are filtered through natural processes, such as natural or constructed wetlands and riparian margins.

### He Kupu Whakamāhukihuki / Explanation

For tāngata whenua, avoiding the unnatural mixing of waters is fundamental to the protection of mauri in waterways. Transferring water from one catchment to another or mixing different types of water through flow augmentation, tributary transfers and out-of-catchment transfers means that the life supporting potential of the receiving water is potentially compromised (i.e. it may no longer have the same life giving potential as it would if it were left in its original state).

What makes water types incompatible? Ngāi Tahu have traditionally opposed mixing waters from different environments. The mixing of waters from different environments is generally considered unacceptable when waterways are associated with mutually exclusive uses (e.g. cleansing the dead and collecting food). The unnatural mixing of waterways may also be unacceptable to Ngāi Tahu if the distinctive characteristics of each waterway (e.g. source, topography, temperature, pH and flow) contribute to specific ecosystems that would be compromised as a result of mixing with other waters.

On either occasion, the transfer of water may ultimately affect the relationship of tāngata whenua with that waterway, including a reduction in the abundance and health of mahinga kai, the diversity and distribution of

species, and the overall ecological balance of the waterway.

**“The river’s whakapapa is what we must protect when we are talking about the potential mixing of waters from different rivers.”** Te Taumutu Rūnanga kaumatua.

Mixing of different waters occurs naturally. However, where natural mixing occurs, the mixing is almost always facilitated by the presence of a wetland, estuary or similar environment that provides a natural buffer or transition zone. An example is hāpua and estuaries, where salt and freshwater mix.

A case by case approach is required to assess proposals involving the mixing of waters, recognising the potential for different views between hapū, and the relative acceptability or non-acceptability of individual scenarios.

#### Cross reference:

» *Issue WM9: Regional water infrastructure proposals*

#### Information source:

- » *Cultural Impact Assessment for the Central Plains Water Enhancement Scheme (2005). Prepared by D. Jolly on behalf of Te Taumutu Rūnanga, Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Ngāi Tahu.*
- » *Tāngata Whenua Values Report for the Waiau, Hurunui, Waipara and Kowai River catchments, as part of the Hurunui Community Water Development Project. Prepared by D. Jolly on behalf of Te Rūnanga o Kaikōura and Ngāi Tūāhuriri Rūnanga, for the Hurunui Community Water Development Project Working Group.*

## TRANSFER OF WATER PERMITS

**Issue WM11: The ability to transfer water permits and treat water as a tradeable commodity is inconsistent with tāngata whenua perspectives on how to achieve the sustainable management of water.**

### Ngā Kaupapa / Policy

WM11.1 To require that water permits are connected to the property they were allocated to, and herefore to a specific waterway or aquifer, and not to a permit holder; and that when land is sold the new owner must re-apply for consent to take water if there is a proposed change to land use.

WM11.2 To oppose the transfer of water permits in catchments that are over-allocated.

WM11.3 To oppose the transfer of unused allocations

associated with a water permit to another use or user different from that which it was originally allocated/permitted for. Unused water must remain in the river and a new permit should be required for any new land use.

### He Kupu Whakamāhukihuki / Explanation

The transfer of water permits is a significant issue of concern for tāngata whenua. If, as the Crown asserts, water is not owned by anyone, then individuals should not be able to trade it as a commodity. The use of water should be location specific; tied to the flow and allocation regimes of a specific waterway or groundwater resource.

## ACTIVITIES IN THE BEDS AND MARGINS OF RIVERS AND LAKES

**Issue WM12: Activities occurring within the beds of rivers and lakes and their riparian zones can adversely affect Ngāi Tahu values associated with these areas.**

### Ngā Kaupapa / Policy

#### Cultural use

WM12.1 To require that local authorities recognise Ngāi Tahu cultural use as an activity that occurs in beds of rivers and lakes and their riparian zones, and provide for this as a permitted activity (including any structures that may be required to enable cultural use).

#### Riparian areas

WM12.2 To require the protection and restoration of native riparian vegetation along waterways and lakes in the takiwā as a matter of priority, and to ensure that this can occur as a permitted activity.

#### Access

WM12.3 To require that local authorities recognise and provide for the following cultural matters associated with access and use of the beds and margins of rivers and lakes:

- (a) The need to protect sites of cultural significance to tāngata whenua when considering public access; and
- (b) The need to protect and maintain Ngāi Tahu

access to sites associated with wāhi tapu, wāhi taonga, mahinga kai and other cultural resources, including Fenton reserves, Fenton Entitlements and Nohoanga.

### ***Use and enhancement of river margins in the built/urban environment***

- WM12.4 All waterways in the urban and built environment must have indigenous vegetated healthy, functioning riparian margins.
- WM12.5 To require that all waterways in the urban and built environment have buffers or set back areas from residential, commercial or other urban activity that are:
- At least 10 metres, and up to 30 metres; and
  - Up to 50 metres where there is the space, such as towards river mouths and in greenfield areas.
- WM12.6 In the urban environment, it is accepted that waterways may have existing exotic vegetation along margins (e.g. exotic specimen trees in waterside reserves). However the objective is still to promote native riparian vegetation, as taonga valued for flood control, the maintenance of water quality, mahinga kai and cultural well-being.
- WM12.7 To require all esplanade reserves and esplanade strips established on subdivisions to incorporate native riparian planting.

### ***Riverworks***

- WM12.8 To require that all river works activity, including vegetation clearance and silt removal, are undertaken in a manner that protects the bed and margins of the waterway from disturbance, and that mahinga kai values are not compromised as a result of the activity.
- WM12.9 To require that any river works activity that results in the loss or damage of riparian vegetation includes measures to replace or restore vegetation, with appropriate indigenous species.
- WM12.10 To require the appropriate disposal of spoil (silt or weed), with a preference for the use of spoil as compost.
- WM12.11 To oppose the use of global consents for earthworks activities in the beds and margins of waterways.
- WM12.12 To require that any plantings associated with flood protection works is undertaken using indigenous species.

### ***Structures in the beds and margins of waterways***

- WM12.13 To require that any structure, essential or otherwise, in the bed or margin of a waterway (e.g. floodgate) supports and enables passage for migratory indigenous fish species and does not compromise any associated kōhanga.

### ***Rural activities along and in the beds and margins of rivers***

- WM12.14 To protect the beds and margins of foothill, lowland, and coastal waterways from effects associated with rural land use by requiring a 20 metre buffer or set back area from the waterway, or whatever distance is appropriate to ensure:
- Capture of run-off and protection of water quality;
  - Protection of eco-cultural attributes such as mahinga kai; and
  - Prevention of stock access to waterways.
- WM12.15 Recognising that a 5 metre well-planted buffer along a healthy stream may be as effective as a 20 metre buffer along a degraded waterway, the appropriate size of buffers or set back areas along waterways as per Policy WM12.14 should be based on an assessment of:
- The nature of the adjacent land use and therefore risk to waterway health;
  - The existing state of cultural health of the waterway; and
  - The existing pressures on the waterway.
- WM12.16 To advocate for buffer zones on braided river margins that are least the width of the river itself, as a buffer against land use and development.
- WM12.17 To oppose the use of river and lake beds and their margins for farming activities, including the conversion to pasture, grazing of stock and growing of winter feed crops.

### ***Gravel extraction***

- WM12.18 To support sustainable gravel extraction as part of floodplain and river management in the takiwā provided that:
- It is undertaken in areas where there is no surface or groundwater flow, while recognising the need to ensure that there are still gravels available to be transported downstream in floods;
  - Methods are used to avoid or minimise sedimentation; and

- (c) The location of extractions sites does not compromise wāhi tapu, wāhi taonga or mahinga kai values.

WM12.19 To limit the duration of resource consents for gravel extraction to 10 years, and to maintain the ability to require consent durations of 2-5 years on some waterways.

WM12.20 To require that gravel extraction activities maintain the natural character of the waterway, including but not limited to returning the site of extraction to its original shape and character following gravel extraction.

WM12.21 To require that gravel extraction consent applications assess actual and potential effects on cultural values including but not limited to effects on:

- (a) Mahinga kai, including bird nesting sites, native fish habitat, nohoanga and fishing easements;
- (b) Wāhi tapu, wāhi taonga and other sites of cultural significance;
- (c) The natural character of the river;
- (d) Hāpua and river mouth environments; and
- (e) Potential for positive effects on cultural values through improvements to river environments (e.g. willow removal).

WM12.20 To recognise the ability of gravel extraction to address issues associated with the unnatural aggradation of gravel in the lower reaches of some waterways, but to advocate for solutions that identify and address the source of the aggradation (e.g. low flows and upper catchment erosion).

### He Kupu Whakamāhukihuki / Explanation

Tāngata whenua have a particular interest in the beds of lakes and rivers and their margins. River and lake beds and their margins may be significant for cultural use (e.g. mahinga kai) or for the presence of significant sites (e.g. wāhi tapu). Nohoanga sites established under the NTCSA are located in a number of the beds or margins of rivers and lakes in the takiwā. The beds of Te Waihora and Muriwai were vested in Te Rūnanga o Ngāi Tahu as an outcome of the Ngāi Tahu Claim. For Ngāi Tahu, the beds and margins of lakes and rivers are part of the waterbody, and not separate from it.

A range of activities occur in the beds and margins of lakes and rivers. Some of these have the potential to compromise waterway health and other Ngāi Tahu values. Activities of particular concern are:

- ▶ Gravel extraction, given that extraction is near or

at sustainable limits in many rivers (e.g. Rakahuri, Waimakariri and Waipara) and there will be increased demand for this resource during the rebuild of Christchurch;

- ▶ Use of waterways in the urban environment for stormwater treatment and disposal;
- ▶ Encroachment of the urban built environment on waterways;
- ▶ Riverworks activities such as weed cleaning, vegetation clearance and silt removal;
- ▶ Physical modification of beds of rivers and their margins (e.g. channalisation);
- ▶ Effects of structures in riverbeds on fish passage (e.g. floodgates);
- ▶ Farming activities in riverbeds and in the margins of rivers and lakes, including the conversion of braided riverbeds and margins to pasture;
- ▶ The planting of exotic vegetation on river margins; and
- ▶ Access to sites of cultural significance.

**“We have seen the effects on sedimentation on our fish, when gravel extraction is done in areas of flowing water.”** Clare Williams, Ngāi Tūāhuriri Rūnanga.

#### Cross reference:

- » *Issue WM13: Riparian margins*
- » *Issue WM14: Drain management*
- » *General policy on earthworks (Section 5.4 Issue P11)*

## WETLANDS, WAIPUNA AND RIPARIAN MARGINS

**Issue WM13: Loss of wetlands, waipuna and riparian margins, and the cultural and environmental values associated with them.**

### Ngā Kaupapa / Policy

WM13.1 To recognise and protect all wetlands, waipuna and riparian areas as wāhi taonga that provide important cultural and environment benefits, including but not limited to:

- (a) Mahinga kai habitat;
- (b) The provision of resources for cultural use;
- (c) Cultural well-being;
- (d) The maintenance and improvement of water quality; and
- (e) Natural flood protection.

- WM13.2 To protect, restore and enhance remaining wetlands, waipuna and riparian areas by:
- Maintaining accurate maps of existing wetlands, waipuna and riparian margins;
  - Requiring that the drainage of existing wetlands or waipuna or the destruction or modification of existing native riparian areas be a prohibited activity;
  - Requiring the use of appropriate fencing, buffers and set back areas to protect wetlands, waipuna and riparian areas from intensive land use, including stock access and irrigation;
  - Supporting initiatives to restore wetlands, waipuna and riparian areas; and
  - Continuing to educate the wider community and landowners of the taonga value of these ecosystems.

WM13.3 To support the establishment, enhancement and restoration of wetlands, riparian areas and waipuna as a measure to avoid, remedy or mitigate any actual or potential adverse effects of land use and development activities on cultural and environmental values.

### Wetlands

WM13.4 To advocate for resource management plans, policies and rules that lead to a *net gain* in wetlands throughout the takiwā as well as no loss of remaining natural wetlands.

WM13.5 To advocate, where appropriate, for the creation of wetland areas to assist with the management of onsite/site sourced stormwater and other wastewater, to utilise the natural capacity of these ecosystems to filter contaminants. These wetlands must be constructed wetlands; natural wetlands are not to be used to treat or dispose of wastewater. However, they may be adjacent to natural wetlands, to mitigate the impacts on natural systems.

WM13.6 The cultural value of wetlands must be included in any regional or local assessments of wetland significance.

### Riparian margins

WM13.7 To recognise the protection, establishment and enhancement of riparian areas along waterways and lakes as a matter of regional importance, and a priority for Ngāi Tahu.

### Waipuna

- WM13.8 To require that waipuna are recognised as wāhi taonga in district and regional plans. This means:
- Explicit recognition of the value of waipuna to tāngata whenua;
  - Effective policies, rules and methods to protect waipuna from abstraction, stock access, drainage and run-off, including prohibiting any direct discharges and requiring riparian margins to buffer adjacent land use; and
  - Explicit objectives to restore degraded waipuna.

### He Kupu Whakamāhukihuki / Explanation

Wetlands, waipuna and riparian areas are all considered to be wāhi taonga by Ngāi Tahu, treasured for their role in protecting and enhancing mauri, as providing habitat for mahinga kai. They are considered together in this IMP as they are all fundamental to the cultural health of freshwater resources.

The *Canterbury Water Management Strategy* highlights that less than 10% of the region's previously extensive wetlands remain. Moreover, cultural health assessments in the takiwā highlight that one of the greatest issues facing waterways is the absence of sufficient riparian margins to buffer those waterways from intensive land use and provide habitat for mahinga kai and indigenous species.

It is critical that existing wetlands, waipuna and riparian areas are protected, maintained or enhanced, degraded areas are restored, and opportunities taken to re-establish wāhi taonga across the landscape.

#### Cross reference:

- » *General policy on coastal wetlands, hāpua and estuaries (Section 5.6 Issue TAN3).*
- » *Local issues and policy on wetlands (Sections 6.1 Hurunui, 6.3 Rakahuri, and 6.11 Te Waihora).*

## DRAIN MANAGEMENT

**Issue WM14: Drain management can have effects on Ngāi Tahu values, particularly mahinga kai.**

### Ngā Kaupapa / Policy

- WM14.1 To require that drains are managed as natural waterways and are subject to the same policies, objectives, rules and methods that protect Ngāi Tahu values associated with freshwater, including:
- Inclusion of drains within catchment management plans and farm management plans;

- (b) Riparian margins are protected and planted;
- (c) Stock access is prohibited;
- (d) Maintenance methods are appropriate to maintaining riparian edges and fish passage; and
- (e) Drain cleaning requires a resource consent.

WM14.2 To require and uphold agreements with local authorities to ensure that the timing and techniques of drain management are designed to avoid adverse effects on mahinga kai and water quality, including:

- (a) Identifying drains that are or can be used for mahinga kai;
- (b) Returning any fish that are removed from drains during the cleaning process to the waterway;
- (c) Riparian planting along drains to provide habitat and shade for mahinga kai and bank stability while reducing the frequency and costs of maintenance by reducing aquatic plant growth;
- (d) Ensuring drain management/cleaning does not breach the confining layers;
- (e) Use of low impact cleaning methods such as mechanical 'finger buckets', as opposed to chemical methods such as spraying, to minimise effects on aquatic life;
- (f) Notification to tāngata whenua of any chemical spraying of drains used for mahinga kai or connected to waterways used as mahinga kai; and
- (g) Involvement of tāngata whenua in drain maintenance activities where there is a need to return native fish back to the drain (e.g. tuna, kekewai and kanakana).

### He Kupu Whakamāhukihuki / Explanation

Drains are a common feature across Ngā Pākihi Whakatekateka o Waitaha, given that much of the land in lower catchment areas was originally swamp. An extensive network of drains provides flood protection for settlement and land use. Some of these drains are modified natural waterways, and many connect or empty into existing waterways and waterbodies. For this reason drain management is an important kaupapa for tāngata whenua. While drains may not be highly valued in the wider community, drains that function as mahinga kai habitat and where mahinga kai resources are gathered may be identified as wāhi taonga by Ngāi Tahu.

*"You can't tell a fish what the difference is between a drain, river, stream or spring."* David Perenara O'Connell, Te Taumutu Rūnanga Natural Resource Management Plan 2002.

*"Spraying is a quick fix technique, with a very long recovery time."* Uncle Waitai Tikao, Ōnuku Rūnanga.

## INVASIVE WEEDS IN RIVERBEDS AND MARGINS

**Issue WM15: The spread of invasive woody weeds and standing trees in the bed and margins of rivers.**

### Ngā Kaupapa / Policy

WM15.1 To oppose the planting of willows and poplars along waterways, for erosion control or otherwise.

WM15.2 To promote the adoption of a long term objective in the region to phase out existing willows and poplars in river margins, and re-establish native species.

WM15.2 To promote healthy riparian margins along waterways, vegetated with native species, as a means to protect waterway health and prevent the establishment of weedy species in riverbeds and margins.

WM15.3 Where river rating districts are established to contribute to the costs of clearing and maintaining willows along rivers for flood protection, such schemes should also provide for the planting of riparian margins with native species that further the flood protection goals and enhance cultural and environmental values.

WM15.4 To require that environmental flow regimes recognise and provide for the role of the flood flows in preventing the establishment of willow and other weeds in river beds.

WM15.5 To support the use of regional catchment management plans to promote the use of suitable native plants and trees as riparian margins instead of willow, so that these species are progressively returned to our landscape.

WM15.6 To work with relevant agencies to eliminate woody weeds such as broom and gorse that are invading braided rivers.

### He Kupu Whakamāhukihuki / Explanation

Willows and poplars are well established along many waterways in the takiwā and have a significant effect on natural character and the cultural health of waterways by disrupting, confining and reducing flow, and reducing

native biodiversity. Planted along rivers for shelter and bank stability purposes, species such as grey and crack willow are now a significant weed issue. Grey willow (*Salix cinerea*) and crack willow (*Salix fragilis*) are currently listed in the National Pest Plant Accord.

***“There is no need to use willows for erosion or flood control. Native species can fulfill the same purpose.”*** IMP Working Group, 2012.

## COASTAL MARINE AREA

**Issue WM16: The freshwater-saltwater interface at hāpua and river mouth environments is an important value to protect in freshwater management.**

### **Ngā Kaupapa / Policy**

See General Policy Section 5.6 Issue TAN2 *Coastal Water Quality*, and Issue TAN3 *Coastal wetlands, estuaries and hāpua*.

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#### ENDNOTES

- 1 Goodall, A. 1992. *Ko Waitaki Te Awa, Ka Roimata Na Aoraki I Riringi*. Aoraki Press, p. 54.
- 2 Solomon, R., as quoted in Jolly, D. 2010. *Waiau River Tributaries Assessment Report*. Prepared on behalf of Te Rūnanga o Kaikōura and Environment Canterbury.
- 3 NIWA, 2003. *Effects of rural land use on water quality*. Report HAM2003-057.
- 4 Tipa and Associates, 2011. *Kaitiaki synthesis report*. Prepared for Environment Canterbury, p. 59.

# PARATŪĀNUKU

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## 5.4 PAPATŪĀNUKU

Papatūānuku is profoundly important in the Ngāi Tahu worldview, as the birthplace of all things of the world, and the place to which they return. Papatūānuku is the wife of Ranginui, and their children are the ancestors of all parts of nature.

This section addresses issues of significance in the takiwā relating to Papatūānuku, the land. An important kaupapa of Ngāi Tahu resource management perspectives and practice is the protection and maintenance of the mauri of Papatūānuku, and the enhancement of mauri where it has been degraded by the actions of humans.

Land use and development activities in the takiwā must be managed in way that works with the land and not against it. Papatūānuku sustains the people, and the people must in turn ensure their actions do not compromise the life supporting capacity of the environment. The cultural, social and economic wellbeing of people and communities is dependent on a healthy and resilient environment.

### Ngā Paetae Objectives

- (1) The mauri of land and soil resources is protected *mō tātou, ā, mō kā uri ā muri ake nei.*
- (2) The ancestral and contemporary relationship between Ngāi Tahu and the land is recognised and provided for in land use planning and decision making.
- (3) Land use planning and management in the takiwā reflects the principle of Ki Uta Ki Tai.
- (4) Rural and urban land use occurs in a manner that is consistent with land capability, the assimilative capacity of catchments and the limits and availability of water resources.
- (5) Inappropriate land use practices that have a significant and unacceptable effect on water quality and quantity are discontinued.
- (6) Ngāi Tahu has a prominent and influential role in urban planning and development.
- (7) Subdivision and development activities implement low impact, innovative and sustainable solutions to water, stormwater, waste and energy issues.
- (8) Ngāi Tahu cultural heritage values, including wāhi tapu and other sites of significance, are protected from damage, modification or destruction as a result of land use.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

<b>PAPATŪĀNUKU: ISSUES OF SIGNIFICANCE</b>	
<b>Issue P1: Papatūānuku</b>	Basic principles of land management from a tāngata whenua perspective.
<b>Issue P2: Intensive rural land use</b>	Intensive rural land use in the region is having unacceptable effects on water quality and quantity, biodiversity and soil health.
<b>Issue P3: Urban planning</b>	Ngāi Tahu participation in urban and township planning.
<b>Issue P4: Subdivision and development</b>	Subdivision and development can have significant effects on Ngāi Tahu values, but can also present opportunities to enhance those values.
<b>Issue P5: Papakāinga</b>	The right to residence, use and development of ancestral land is inhibited by land zoning rules, housing density rules, provision of infrastructure and services, and multiple ownership.
<b>Issue P6: Stormwater</b>	The discharge of contaminated stormwater in urban, commercial, industrial and rural environments and can have adverse effects on water quality.
<b>Issue P7: Waste management</b>	There are specific cultural issues associated with the disposal and management of waste.
<b>Issue P8: Discharge to land</b>	Discharge to land can utilise the natural abilities of Papatūānuku to cleanse and filter contaminants, but must be managed to avoid adverse effects on soil and water resources.
<b>Issue P9: Soil conservation</b>	The mauri of soil resources can be compromised by inappropriate land use and development.
<b>Issue P10: Contaminated land</b>	Ngāi Tahu involvement in decision making regarding contaminated land.
<b>Issue P11: Earthworks</b>	Earthworks activities need to be managed to avoid damaging or destroying sites of significance, and to avoid or minimise erosion and sedimentation.
<b>Issue P12: Vegetation clearance</b>	Vegetation clearance can contribute to soil erosion, sedimentation of waterways, and the loss of soil health, indigenous biodiversity values and natural character.
<b>Issue P13: Mining and quarrying</b>	Mining and quarrying can have effects on the landscape and tāngata whenua values.
<b>Issue P14: Forestry</b>	Commercial forestry in the region must be managed to avoid adverse effects on landscape, water, indigenous biodiversity and cultural heritage values.
<b>Issue P15: Wilding trees</b>	Control of wilding trees in high country and foothill regions.
<b>Issue P16: Transport</b>	The protection of sites of significance and indigenous biodiversity, and the potential for erosion and sedimentation are issues of importance with regard to land transport infrastructure.
<b>Issue P17: Energy</b>	Ngāi Tahu have a particular interest in energy generation, distribution and use in the takiwā.
<b>Issue P18: Fracking</b>	Ngāi Tahu have significant concerns about the use of fracking for oil and gas exploration.
<b>Issue P19: Overseas investment</b>	Overseas investment and purchase of property and effects on the relationship of tāngata whenua with ancestral lands.
<b>Issue P20: Tenure review</b>	There are a number of cultural issues and opportunities associated with tenure review.



## PAPATŪĀNUKU

**Issue P1: Basic principles of land management, from a Ngāi Tahu perspective.**

### Ngā Kaupapa / Policy

- P1.1 To approach land management in the takiwā based on the following basic principles:
- Ki Uta Ki Tai;
  - Mō tātou, ā, mō kā uri ā muri ake nei; and
  - The need for land use to recognise and provide for natural resource capacity, capability, availability, and limits, the assimilative capacity of catchments.

As a means to:

- Protect eco-cultural systems (see Section 5.3 Issue WM6 for an explanation);
- Promote catchment based management and a holistic approach to managing resources;
- Identify and resolve issues of significance to tāngata whenua, including recognising the relationship between land use and water quality and water quantity;
- Provide a sound cultural and ecological basis for assessments of effects of particular activities; and
- Recognise and provide for the relationship between healthy land, air and water and cultural well-being.

### He Kupu Whakamāhukihuki / Explanation

As kaitiaki, Ngāi Tahu have a responsibility for the sustainable use and management of natural resources and the environment. Kaitiakitanga is the basis for tāngata whenua perspectives on land management, and is expressed through a number of key principles, or cultural reference points. The principles enable an approach to land management that recognises the relationships and connections between land, water, biodiversity and the sea (Ki Uta Ki Tai), the need for long term intergenerational thinking (*mō tātou, ā, mō kā uri ā muri ake nei*), and the importance of working with the land and recognising natural limits and boundaries.

### Mō tātou, ā, mō kā uri ā muri ake nei

Thinking ahead with the cultural, economic and social well being of future generations in mind is central to recognising kaitiakitanga objectives. *Mō tātou, ā, mō kā uri ā muri ake nei* is a tribal whakataukī translated as 'for us and our children after us'. The policies in this IMP seek to resolve issues of significance by asking the fundamental question: what will the impact of this activity be on those that come after us?

## INTENSIVE RURAL LAND USE

**Issue P2: Intensive rural land use is having unacceptable effects on water quality and quantity, biodiversity and soil health, and associated Ngāi Tahu cultural values.**

### Ngā Kaupapa / Policy

- P2.1 Rural land use must prioritise the protection of resources and environmental health for future generations. Economic gain must not have priority over the maintenance of the mauri of Papatūānuku, the provider of all things of nature and the world.
- P2.2 The adverse effects of intensive rural land use on water, soil and biodiversity resources in the takiwā must be addressed as a matter of priority.

### He Kupu Whakamāhukihuki / Explanation

The effects of intensive rural land use on water quality, water quantity, indigenous biodiversity and soil health is the key challenge in the takiwā. The lack of regard for local land and water limits has resulted in unacceptable adverse effects on land and water resources. Increased agricultural production on the central plains and in some parts of Te Pātaka o Rākahautū has come with a high environmental cost; a cost borne largely by tāngata whenua and the wider community. Soil resources are becoming exhausted or depleted in some areas, many waterways are no longer safe to swim or catch fish in, and community groundwater supplies are at risk of nitrate and *E.coli* contamination.

General policy on the effects of intensive rural land use on freshwater resources is found in Section 5.3 under Issue WM7. Local issues affecting particular catchments are addressed in Part 6.

### Land use and development, and Te Pātaka o Rākaihautū

Particular issues of concern for tāngata whenua regarding general land use and development across Te Pātaka o Rākaihautū include:

- ▶ Intensification of land use and potential effects on environment and mahinga kai, including increased run off of sediment and contaminants into the bays.
- ▶ Coastal land development and potential effects on natural character and cultural landscape values (pressure to exploit outstanding coastal views).
- ▶ Limited community wastewater and water supply infrastructure and adverse effects on the environment as a result.
- ▶ Granting of subdivision consents despite the lack of appropriate infrastructure in place to support the increased population.
- ▶ Protection of known and unknown sites of significance and the settings (cultural landscapes) in which they occur.
- ▶ Potential effects of land use and development on indigenous vegetation.
- ▶ Loss of access to coastal marine areas.
- ▶ Increasing public access to remote and culturally sensitive areas.

- (b) Plan changes and Outline Development Plans;
- (c) Area plans;
- (d) Urban planning guides, including landscape plans, design guides and sustainable building guides;
- (e) Integrated catchment management plans (ICMP) for stormwater management;
- (f) Infrastructure and community facilities plans, including cemetery reserves; and
- (g) Open space and reserves planning.

- P3.3 To require that the urban development plans and strategies as per Policy P3.2 give effect to the *Mahaanui IMP* and recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral land, water and sites by:
- (a) Recognising Te Tiriti o Waitangi as the basis for the relationship between Ngāi Tahu and local government;
  - (b) Recognising and providing for sites and places of importance to tāngata whenua;
  - (c) Recognising and providing for specific values associated with places, and threats to those values;
  - (d) Ensuring outcomes reflect Ngāi Tahu values and desired outcomes; and
  - (e) Supporting and providing for traditional marae based communities to maintain their relationship with ancestral land.

### He Kupu Whakamāhukihuki / Explanation

Urban development strategies, outline development plans, area plans and other similar planning documents are developed to manage the effects of land use change and development on the environment. It is critical that such initiatives include provisions for the relationship of tāngata whenua with the environment, and that Ngāi Tahu are involved with the preparation and implementation of such plans, as tāngata whenua and as a Treaty partner.

Given the high level status and the influence of some of these documents in urban planning (i.e. they will guide statutory plans and plan changes), it is imperative that Ngā Rūnanga are involved in the early stages of plan development, before public consultation. The ability to address cultural issues and achieve meaningful outcomes is limited when Ngā Rūnanga are invited to comment on draft plans after they have been presented to councillors or the public.

The increased involvement of Ngāi Tahu in urban development processes in the region will result in urban development that is better able to recognise and provide

## URBAN AND TOWNSHIP PLANNING

**Issue P3: Ngāi Tahu participation in urban and township planning and development.**

### Ngā Kaupapa / Policy

- P3.1 To require that local government recognise and provide for the particular interest of Ngāi Tahu Papatipu Rūnanga in urban and township planning.
- P3.2 To ensure early, appropriate and effective involvement of Papatipu Rūnanga in the development and implementation of urban and township development plans and strategies, including but not limited to:
- (a) Urban development strategies;

for tāngata whenua values, including affirming connections between Ngāi Tahu culture, identity and place in the urban environment. This is a particularly important issue with regard to the rebuild of Ōtautahi (see Section 6.5 Ihutai).

*Cross reference:*

» *Issue P4: Subdivision and development*

## SUBDIVISION AND DEVELOPMENT

**Issue P4: Subdivision and development can have significant effects on tāngata whenua values, including sense of place, cultural identity, indigenous biodiversity, mahinga kai, and wāhi tapu and wāhi taonga, but can also present opportunities to enhance those values.**

### Ngā Kaupapa / Policy

#### Processes

- P4.1 To work with local authorities to ensure a consistent approach to the identification and consideration of Ngāi Tahu interests in subdivision and development activities, including:
- Encouraging developers to engage with Papatipu Rūnanga in the early stages of development planning to identify potential cultural issues; including the preparation of Cultural Impact Assessment reports;
  - Ensuring engagement with Papatipu Rūnanga at the Plan Change stage, where plan changes are required to enable subdivision;
  - Requiring that resource consent applications assess actual and potential effects on tāngata whenua values and associations;
  - Ensuring that effects on tāngata whenua values are avoided, remedied or mitigated using culturally appropriate methods;
  - Ensuring that subdivision consents are applied for and evaluated alongside associated land use and discharge consents; and
  - Requiring that 'add ons' to existing subdivisions are assessed against the policies in this section.
- P4.2 To support the use of the following methods to facilitate engagement with Papatipu Rūnanga where a subdivision, land use or development activity may have actual or potential adverse effects on cultural values and interests:
- Site visit and consultative hui;

- Cultural Impact Assessment (CIA) reports; and
- Tāngata Whenua Advisory Groups.

#### Basic principles and design guidelines

- P4.3 To base tāngata whenua assessments and advice for subdivision and residential land development proposals on a series of principles and guidelines associated with key issues of importance concerning such activities, as per *Ngāi Tahu subdivision and development guidelines* (see next page).

#### Ngāi Tahu Property and residential land developments

- P4.4 To encourage and support Ngāi Tahu Property Ltd, as the tribal property development company, to set the highest possible standard of best practice for residential land developments in the takiwā, consistent with Ngāi Tahu values.
- P4.5 To require that Ngāi Tahu Property Ltd engage with Papatipu Rūnanga when planning and developing commercial ventures such as residential property developments, to achieve Policy P4.4.

#### He Kupu Whakamāhukihuki / Explanation

Subdivision and development is an important issue in the takiwā, in both urban and rural settings. Specific issues associated with subdivision and development activities are addressed as a set of *Ngāi Tahu Subdivision and Land Development Guidelines* (Policy P4.3). The guidelines provide a framework for Papatipu Rūnanga to positively and proactively influence and shape subdivision and development activities, while also enabling council and developers to identify issues of importance and desired outcomes for protecting tāngata whenua interests on the landscape.

While subdivision and residential land development activities can have adverse effects on cultural values, they can also provide cultural benefits, including opportunities to re-affirm connections between tāngata whenua and place. For example, the use of Ngāi Tahu names for developments or roading can re-establish a Ngāi Tahu presence on highly modified urban and rural landscapes. Working to ensure developments have 'light footprints' with regard to building design, water, waste and energy also provides cultural benefit and is consistent with achieving the values-based outcomes set out in this IMP.

A cultural landscape approach is used by Papatipu Rūnanga to identify and protect tāngata whenua values and interests from the effects of subdivision, land use change and

development. While many specific sites (e.g. pā sites) are protected as recognised historic heritage, the wider contexts, settings or landscapes in which they occur are not. A cultural landscape approach enables a holistic identification and assessment of sites of significance, and other values of importance such as waterways, wetlands and waipuna (see Section 5.8, Issue CL1).

While all proposals for subdivision and development are assessed against the guidelines set out in Policy P4.3, Papatipu Rūnanga identify specific expectations and opportunities associated with residential land developments undertaken by Ngāi Tahu Property the tribal property development company. As other tribal and Rūnanga-based businesses, Papatipu Rūnanga want to see Ngāi Tahu lead the way and set the standard for best practice in all that they do (see Section 4.1, Issue K5).

Many of the catchment sections in Part 6 of this Plan include specific policies to guide subdivision and development in particular areas, to ensure that such activities occur in a manner consistent with protecting local cultural and community values.

*Cross reference:*

- » *General policies in Section 5.8: Cultural landscapes (Issue CL1); Wāhi tapu me wāhi taonga (Issue CL3) and Ngāi Tahu tikanga tūturu (Issue CL7)*

*Information resources:*

- » *Cultural Impact Assessment for a proposed subdivision and residential development at Prestons Road, Christchurch (2009). Prepared by D. Jolly, on Behalf of Ngāi Tūāhuriri Rūnanga.*
- » *Cultural Impact Assessment Report for Sovereign Palms Residential Development, Kaiapoi. (2010). Prepared by Te Marino Lenihan.*

***“We initially opposed Pegasus due to the sacredness of the site. But it was approved by decision makers, and we ended up working closely with the developers to address cultural issues. They set up a good process that was meaningful, and we ended up with really good outcomes, culturally and environmentally. It was all about attitude - their process was genuine. Many aspects of Pegasus enhance the landscape.”***

Clare Williams and Joan Burgman, Ngāi Tūāhuriri Rūnanga.



# NGĀI TAHU SUBDIVISION AND DEVELOPMENT GUIDELINES

**Note:** These guidelines are to be read in conjunction with Policies P4.1, P4.2 and P4.3

## Cultural landscapes

- 1.1 A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites [refer Section 5.8 Issue CL1].
- 1.2 Subdivision and development that may impact on sites of significance is subject Ngāi Tahu policy on *Wāhi tapu me wāhi taonga and Silent Files* (Section 5.8, Issues CL3 and CL4).
- 1.3 Subdivision and development can provide opportunities to recognise Ngāi Tahu culture, history and identity associated with specific places, and affirm connections between tāngata whenua and place, including but not limited to:
  - (i) Protecting and enhancing sites of cultural value, including waterways;
  - (ii) Using traditional Ngāi Tahu names for street and neighborhood names, or name for developments;
  - (iii) Use of indigenous species as street trees, in open space and reserves;
  - (iv) Landscaping design that reflects cultural perspectives, ideas and materials;
  - (v) Inclusion of interpretation materials, communicating the history and significance of places, resources and names to tāngata whenua; and
  - (vi) Use of tāngata whenua inspired and designed artwork and structures.

## Stormwater

- 2.1 All new developments must have on-site solutions to stormwater management (i.e. zero stormwater discharge off site), based on a multi-tiered approach to stormwater management that utilises the natural ability of Papatūānuku to filter and cleanse stormwater and avoids the discharge of contaminated stormwater to water [refer to Section 5.4, Policy P6.1].
- 2.2 Stormwater swales, wetlands and retention basins are appropriate land based stormwater management options. These must be planted with native species (not left as grass) that are appropriate to the specific use, recognising the ability of particular species to absorb water and filter waste.
- 2.3 Stormwater management systems can be designed to provide for multiple uses. For example, stormwater management infrastructure as part of an open space network can provide amenity values, recreation, habitat for species that were once present on the site, and customary use.
- 2.4 Appropriate and effective measures must be identified and implemented to manage stormwater run off during the construction phase, given the high sediment loads that stormwater may carry as a result of vegetation clearance and bare land.
- 2.5 Councils should require the upgrade and integration of existing stormwater discharges as part of stormwater management on land rezoned for development.
- 2.6 Developers should strive to enhance existing water quality standards in the catchment downstream of developments, through improved stormwater management.





### Earthworks

- 3.1 Earthworks associated with subdivision and development are subject to the general policy on *Earthworks* (Section 5.4 Issue P11) and *Wāhi tapu me wāhi taonga* (Section 5.8, Issue CL3), including the specific methods used in high and low risk scenarios for accidental finds and damage to sites of significance.
- 3.2 The area of land cleared and left bare at any time during development should be kept to a minimum to reduce erosion, minimise stormwater run off and protect waterways from sedimentation.
- 3.3 Earthworks should not modify or damage beds and margins of waterways, except where such activity is for the purpose of naturalisation or enhancement.
- 3.4 Excess soil from sites should be used as much as possible on site, as opposed to moving it off site. Excess soil can be used to create relief in reserves or buffer zones.

### Water supply and use

- 4.1 New developments should incorporate measures to minimise pressure on existing water resources, community water supplies and infrastructure, including incentives or requirements for:
  - (i) low water use appliances and low flush toilets;
  - (ii) grey water recycling; and
  - (iii) rainwater collection.
- 4.2 Where residential land development is proposed for an area with existing community water supply or infrastructure, the existing supply or infrastructure must be proven to be able to accommodate the increased population *prior* to the granting of subdivision consent.
- 4.3 Developments must recognise, and work to, existing limits on water supply. For example, where water supply is an issue, all new dwellings should be required to install rainwater collection systems.

### Waste treatment and disposal

- 5.1 Developments should implement measures to reduce the volume of waste created within the development, including but not limited incentives or requirements for:
  - (i) Low water use appliances and low flush toilets;
  - (i) Grey water recycling; and
  - (ii) Recycling and composting opportunities (e.g. supporting zero waste principles).
- 5.2 Where a development is proposed for an area with existing wastewater infrastructure, the infrastructure must be proven to be able to accommodate the increased population *prior* to the granting of the subdivision consent.
- 5.3 New rural residential or lifestyle block developments should connect to a reticulated sewage network if available.
- 5.4 Where new wastewater infrastructure is required for a development:
  - (i) The preference is for community reticulated systems with local treatment and land based discharge rather than individual septic tanks; and
  - (ii) Where individual septic tanks are used, the preference is a wastewater treatment system rather than septic tanks.





### Design guidelines

- 6.1 New developments should incorporate low impact urban design and sustainability options to reduce the development footprint on existing infrastructure and the environment, including sustainable housing design and low impact and self sufficient solutions for water, waste, energy such as:
  - (i) Position of houses to maximise passive solar gain;
  - (ii) Rainwater collection and greywater recycling;
  - (iii) Low energy and water use appliances;
  - (iv) Insulation and double glazing; and
  - (v) Use of solar energy generation for hot water.
- 6.2 Developers should provide incentives for homeowners to adopt sustainability and self sufficient solutions as per 6.1 above.
- 6.3 Urban and landscape design should encourage and support a sense of community within developments, including the position of houses, appropriately designed fencing, sufficient open spaces, and provisions for community gardens.
- 6.4 Show homes within residential land developments can be used to showcase solar hot water, greywater recycling and other sustainability options, and raise the profile of low impact urban design options.

### Landscaping and open space

- 7.1 Sufficient open space is essential to community and cultural well being, and the realization of indigenous biodiversity objectives, and effective stormwater management.
- 7.2 Indigenous biodiversity objectives should be incorporated into development plans, consistent with the restoration and enhancement of indigenous biodiversity on the landscape.
- 7.3 Indigenous biodiversity objectives to include provisions to use indigenous species for:
  - (i) street trees;
  - (ii) open space and reserves;
  - (iii) native ground cover species for swales;
  - (iv) stormwater management network; and
  - (v) home gardens.
- 7.4 Indigenous species used in planting and landscaping should be appropriate to the local environment, and where possible from locally sourced seed supplies.
- 7.5 Options and opportunities to incorporate cultural and/or mahinga kai themed gardens in open and reserve space can be considered in development planning (e.g. pā harakeke as a source of weaving materials; reserves planted with tree species such as mātai, kahikatea and tōtara could be established with the long term view of having mature trees available for customary use).
- 7.6 Developers should offer incentives for homeowners to use native species in gardens, including the provision of lists of recommended plants to avoid, discounts at local nursery, and landscaping ideas using native species.



### Cultural footprints

The effects of development activity on values of importance to Ngāi Tahu is the 'cultural footprint' of the development. The cultural footprint is dependent on the nature and extent of values on site, and the wider cultural landscape context within which the development sits. It is also a reflection of the ability of the development to avoid, remedy and mitigate cultural effects, and realise opportunities to provide cultural benefit (e.g. waterways enhancement).

*"The cultural significance of the Prestons site is largely a reflection of the associations and relationships of the site with a wider cultural landscape. Thus, for the purposes of cultural impact assessment, the 'cultural footprint' of the development extends beyond the physical boundaries of the site."* Cultural Impact Assessment: for a Proposed subdivision and residential development at Prestons Road, Christchurch (2009).

## PAPAKĀINGA

**Issue P5: The right to residence, use and development of ancestral land is inhibited by:**

- (a) Land zoning rules;
- (b) Housing density rules;
- (c) Provision of infrastructure and services;
- (d) Multiple ownership; and
- (e) Lack of council recognition of paper roads and easements as access points to Māori land.

### Ngā Kaupapa / Policy

- P5.1 To recognise that there are a number of issues and barriers associated with the use and development of ancestral and Māori reserve land for the purposes for which it was set aside, and that these may vary between different hapū/Papatipu Rūnanga.
- P5.2 To require that local and central government recognise that the following activities, when undertaken by tāngata whenua, are appropriate when they occur on their ancestral land in a manner that supports and enhances their ongoing relationship and culture and traditions with that land:
- (a) Papakāinga;
  - (b) Marae; and
  - (c) Ancillary activities associated with the above.

- P5.3 To require that the city and district plans recognise and provide for papakāinga and marae, and activities associated with these through establishing explicit objectives, policies and implementation methods, including:
- (a) Objectives that specifically identify the importance of papakāinga development to the relationship of Ngāi Tahu and their culture and traditions to ancestral land; and
  - (b) Zoning and housing density policies and rules that are specific to enabling papakāinga and mixed use development; and that avoid unduly limiting the establishment of papakāinga developments through obligations to avoid, remedy or mitigate adverse effects on the environment.
- P5.4 To require that the district plans and land titles clearly recognise the original paper roads that provided access to Māori land.

### He Kupu Whakamāhukihuki / Explanation

Papakāinga, marae and associated ancillary activities located on ancestral land are important to enable tāngata whenua to occupy and use ancestral land in a manner that provides for their ongoing relationship with this land, and for their social, cultural and economic well-being.

A key issue associated with papakāinga is that such development is not easily provided for within existing planning and policy frameworks. Existing legal land controls such as zoning and housing density rules can be a barrier, as papakāinga developments may require smaller lot sizes or higher density housing than allowed in particular zones. Multiple ownership of Māori land is another significant barrier to the ability of whānau and hapū to live on ancestral land (see Case Study: *Rāpaki Reserve, Multiple Ownership and Tūrangawaewae*).

The purpose of this policy is to enable use and develop ancestral land consistent with the purposes for which it was designated, without the need for expensive subdivisions and the risk of further land loss. Māori land (freehold and reserve lands) was intended to provide an economic base for Ngāi Tahu living in particular areas.

### CASE STUDY: Rāpaki Reserve, Multiple ownership and Tūrangawaewae

The Rāpaki Reserve was set aside for Rāpaki Ngāi Tahu as part of the Port Cooper Purchase signed between Ngāi Tahu and the Crown in 1859. The reserve is a good example of the difficulties experienced with multiple ownership and the development of Māori land.

When Māori Land was originally owned by more than one person, then each of those persons could bequeath his/her interest to successors who, in turn, could do the same. Over time, the number of owners has increased exponentially to the point where there are so many owners that it is difficult to get agreement to do anything at all with the land. Further, because of the inadequacy of their land reserves, Ngāi Tahu were forced to leave their settlements and now these owners are scattered all around New Zealand and other countries, making a representative meeting next to impossible to organise. With the passage of time and the increase in population, the inadequacy of the reserve land to provide for the people becomes more and more oppressive.

The result is that in many cases it is extremely difficult for anyone to make any use of Māori Reserved land. With each generation that passes, the number of owners increases still further, and the challenge of putting the land to some constructive use becomes more and more difficult and, in many cases, impossible. On one hand, multiple ownership has protected our land from being sold off, but on the other hand we can't do anything with it.

It is important that local government understand that Ngāi Tahu never wanted multiple ownership. For Ngāi Tahu ownership consisted of a complex series of rights which were recognised by other whānau, hapu, and iwi. The rights themselves could vary from place to place, but in all cases were recognised by those concerned.

The Crown imposed multiple ownership on us. For this reason, it is up to the Crown or its delegated representatives (regional and territorial authorities) to help us resolve this problem.

In today's planning environment, district zoning and housing density rules are often a barrier to the use and development of Māori land for the purpose it was designated for. However, the Rāpaki case is more complex. Rāpaki reserve land was originally reserved for habitation and council zoning reflected that purpose by creating a residential zone. However, despite a zoning which recognised the purposes of the reserve, few houses have been built on the reserve land because there are so many owners that agreement to sell any part of the reserve to an individual cannot be reached. Rāpaki whānau cannot afford to go through lengthy planning and legal processes to subdivide land. Every owner has a say on how the land is used and the processes for recognising that right are lengthy and costly.

The Ru Whenua ki Otautahi created an urgency to address these issues. Some Rāpaki whānau living on the west side of the marae have lost their homes and land. These whānau have already been through the complexities and expense of changing multiple owned sections into private land for housing, in order to live where they have been living. They want to re-build at Rāpaki, but are once again faced with the same issue. We need to find a way to enable our people to live on their turangawaewae; their ancestral land. Why should our kaumatua who have now lost their home be forced to live the rest of their days away from Rāpaki?

**Source:** Te Whakataua Kaupapa 1990 pages 5–30 to 5-32, and discussions with June Swindells (Rāpaki Rūnanga).



## STORMWATER

**Issue P6: The discharge of stormwater in urban, commercial, industrial and rural environments and can have effects on water quality.**

### Ngā Kaupapa / Policy

P6.1 To require **on-site** solutions to stormwater management in all new urban, commercial, industrial and rural developments (zero stormwater discharge

off site) based on a multi tiered approach to stormwater management:

- (a) *Education* - engaging greater general public awareness of stormwater and its interaction with the natural environment, encouraging them to take steps to protect their local environment and perhaps re-use stormwater where appropriate;
- (b) *Reducing volume entering system* - implementing measures that reduce the volume of stormwater requiring treatment (e.g. rainwater collection tanks);

- (c) *Reduce contaminants and sediments entering system* - maximising opportunities to reduce contaminants entering stormwater e.g. oil collection pits in carparks, education of residents, treat the water, methods to improve quality; and
- (d) *Discharge to land based methods*, including swales, stormwater basins, retention basins, and constructed wetponds and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

- P6.2 To oppose the use of existing natural waterways and wetlands, and drains, for the treatment and discharge of stormwater in both urban and rural environments.
- P6.3 Stormwater should not enter the wastewater reticulation system in existing urban environments.
- P6.4 To require that the incremental and cumulative effects of stormwater discharge are recognised and provided for in local authority planning and assessments.
- P6.5 To encourage the design of stormwater management systems in urban and semi urban environments to provide for multiple uses: for example, stormwater management infrastructure as part of an open space network that provides for recreation, habitat and customary use values.
- P6.5 To support integrated catchment management plans (ICMP) as a tool to manage stormwater and the effects of land use change and development on the environment and tāngata whenua values, when these plans are consistent with Policies P6.1 to P6.4.
- P6.6 To oppose the use of global consents for stormwater discharges.

### He Kupu Whakamāhukihuki / Explanation

Stormwater run off from urban, industrial and rural environments can have significant effects on water quality and waterway health. Improving stormwater management requires on site, land-based solutions to stormwater disposal, alongside initiatives to reduce the presence of sediments and contaminants in stormwater, and reducing the volume of stormwater requiring treatment. Low impact development and low impact urban design are fundamental features of sustainable stormwater management. Aligning stormwater treatment and disposal with best practice methods will have an overall benefit to water quality.

**“Just because a waterway is degraded does not mean it is OK to use it for the disposal and treatment of stormwater.”** IMP Working Group, 2012.

#### Cross reference:

- » *Issue P4: Subdivision and development*
- » *Section 5.6, Issue WH6: Subdivision and coastal development - Whakaraupō*

## WASTE MANAGEMENT

**Issue P7: There are specific cultural issues associated with the disposal and management of waste.**

### Ngā Kaupapa / Policy

- P7.1 To require that local authorities recognise that there are particular cultural (tikanga) issues associate with the disposal and management of waste, in particular:
  - (a) The use of water as a receiving environment for waste (i.e. dilution to pollution); and
  - (b) Maintaining a separation between waste and food.
- P7.2 To actively work with local government to ensure that waste management practices protect cultural values such as mahinga kai and wāhi tapu and are consistent with Ngāi Tahu tikanga.
- P7.3 To require waste minimisation as a basic principle of, and approach to, waste management. This means reducing the volume of waste entering the system through measures such as:
  - (a) Education about wise water use;
  - (b) Composting and recycling programmes;
  - (c) Incentives for existing and new homes, business, developments and council services to adopt greywater recycling and install low water use appliances; and
  - (d) On site solutions to stormwater that avoid stormwater entering the wastewater system.
- P7.4 To continue to oppose the use of waterways and the ocean as a receiving environment for waste.
- P7.5 To require alternatives to using water as a medium for waste treatment and discharge, including but not limited to:
  - (a) Using waste to generate electricity;
  - (b) Treated effluent to forestry; and
  - (c) Treated effluent to non food crop.

- P7.6 To require higher treatment levels for wastewater: *‘we should not have to rely on mixing and dilution of wastewater to mitigate effects’.*
- P7.7 To work towards achieving zero waste at our marae, through the reduction of waste produced, and the use of composting and recycling programs.
- P7.8 To oppose the use of global consents for activities associated with management and discharge of wastewater.

### He Kupu Whakamāhukihuki / Explanation

Waste management and disposal is an issue in the region whereby tāngata whenua often have distinctive cultural perspectives that differ from those of the wider community. The most obvious example is the use of water to treat (dilute) and discharge waste. The practice of discharging sewage into waterways and the marine environment is highly offensive for tāngata whenua, as these areas are, or are connected to, mahinga kai or food gathering areas. While the discharge of treated sewage or other wastewater may be within acceptable biological or physical standards, it is not acceptable from a cultural perspective. Water that contains waste is seen as degraded, even if the waste is treated. If water contains waste then it cannot be used to harvest mahinga kai. These basic policies are underpinned by a sound environmental and ecological understanding of the need to protect water and food supplies.

The separation between kai (food) and human waste streams is also an issue with regard to the management of ‘bio-solids’ (a by-product of the sewage treatment process). While tāngata whenua may support the disposal of biosolids onto forestry plantations, the use of biosolids on food crops would be culturally unacceptable.

Tāngata whenua have continuously and strongly advocated for discharge to land as a waste management tool in the region, utilising the natural ability of Papatūānuku to filter and cleanse wastewater. For example, the use of constructed wetlands to treat stormwater or sewage capitalizes on the natural ability of wetlands as the ‘kidneys’ of the land.

Waste minimisation as an approach to waste management is consistent with protecting cultural values and achieving outcomes set out in this IMP. Reducing the volume of solid waste and wastewater produced in the takiwā will reduce pressure on existing infrastructure, and on the environment and cultural values.

***“The absence of information about potential adverse effects does not mean that there is no effect (e.g. with reference to effects of endocrine disrupters in treated***

***sewage discharged to the Whakaraupō)”*** Rāpaki IMP hui, 2010.

***“The key issue is: when people use water, where and how do they return it?”*** Robin Wybrow, Wairewa Rūnanga.

*Cross reference:*

- » *Issue P8: Discharge to land*
- » *General policy on water quality (Section 5.3, Issue WM6)*
- » *General policy on coastal water quality (Section 5.6, Issue TAN2)*
- » *Section 6.4 (Waimakariri), Issue WAI1*
- » *Section 6.5 (Ihutai), Issue IH4*
- » *Section 6.8 (Akaroa), Issue A1*
- » *Section 6.6 (Whakaraupō), Issue WH1*

### Tiaki Para: A Study of Ngāi Tahu Values and Issues Regarding Waste

Tiaki Para was a collaborative research project that examined Ngāi Tahu traditional and contemporary views and cultural practices associated with waste management. The objectives of the study were to investigate cultural values within a sustainable waste management framework, identify Ngāi Tahu preferences regarding waste treatment and disposal, and to provide culturally based recommendations for future waste management.

A number of key themes emerged from the Tiaki Para study:

- ▶ Ngāi Tahu have established cultural traditions and associated cultural practices in relation to managing different types of wastes, particularly those associated with the human body;
- ▶ These traditions continue to play a role in contemporary life and influence the way Ngāi Tahu respond to waste management issues;
- ▶ Ngāi Tahu issues and values associated with waste and waste management are consistent and specific with regard to maintaining the separation between food chain and human waste streams and utilising natural services (e.g. using land or constructed wetlands as a medium); and
- ▶ Ngāi Tahu are solution focused, pragmatic and open to alternatives for sustainable waste management, but are limited in their ability to influence current waste management paradigms.

**Source:** Pauling, C. and Ataria, J. 2010. Tiaki Para: A Study of Ngāi Tahu Values and Issues Regarding Waste. Manaaki Whenua Press, Landcare Research, Lincoln.

## DISCHARGE TO LAND

**Issue P8: Discharge to land can utilise the natural abilities of Papatūānuku to cleanse and filter contaminants, but must still be managed to avoid adverse effects on soil and water resources.**

### Ngā Kaupapa / Policy

- P8.1 To require that discharge to land activities in the takiwā:
- (a) Are appropriate to the soil type and slope, and the assimilative capacity of the land on which the discharge activity occurs;
  - (b) Avoid over-saturation and therefore the contamination of soil, and/or run off and leaching; and
  - (c) Are accompanied by regular testing and monitoring of one or all of the following: soil, foliage, groundwater and surface water in the area.
- P8.2 In the event that that accumulation of contaminants in the soil is such that the mauri of the soil resource is compromised, then the discharge activity must change or cease as a matter of priority.

### He Kupu Whakamāhukihuki / Explanation

Discharges to land can include treated sewage (e.g. biosolids and wastewater), stormwater, domestic wastewater, industrial wastewater, or farm effluent. Tāngata whenua have always supported discharge to land as an alternative to discharge to water, given the natural ability of Papatūānuku to cleanse and filter contaminants from waste. However support for discharge to land is provisional on appropriate management of the activity. Over-saturation and over-burdening of soils with wastewater, effluent or other discharge compromises the mauri of the land (Issue P9 Soil Conservation) and can result in run off or seepage into groundwater and waterways in the area.

*Cross reference:*

» *Issue P9: Soil conservation*

## SOIL CONSERVATION

**Issue P9: The mauri of the soil resources of the takiwā can be compromised by inappropriate land use and development.**

### Ngā Kaupapa / Policy

- P9.1 To sustain and safeguard the life supporting capacity of soils, mō tātou, ā, mō kā uri ā muri ake nei.
- P9.2 To require the appropriate valuation of soil resources as taonga and as natural capital, providing essential ecosystem services.
- P9.3 To protect the land from induced soil erosion as a result of unsustainable land use and development.
- P9.4 To support the following methods and measures to maintain or improve soil organic matter and soil nutrient balance, and prevent soil erosion and soil contamination:
- (a) Matching land use with land capability (i.e. soil type; slope, elevation);
  - (b) Organic farming and growing methods;
  - (c) Regular soil and foliage testing on farms, to manage fertiliser and effluent application levels and rates;
  - (d) Stock management that avoids overgrazing and retires sensitive areas;
  - (e) Restoration and enhancement of riparian areas, to reduce erosion and therefore sedimentation of waterways;
  - (f) Restoration of indigenous vegetation, including the use of indigenous tree plantations as erosion control and indigenous species in shelter belts; and
  - (g) Avoiding leaving large areas of land/soil bare during earthworks and construction activities.

### He Kupu Whakamāhukihuki / Explanation

Soil is a fundamental resource, and together with air and water, is the basis on which life depends. As the natural capital upon which much of the region's economy depends, it is critical that the true (and non replaceable) value of our soils is recognised and provided for in policy and planning processes.

Land use, subdivision and development activities must have appropriate controls to avoid over-saturation, contamination and erosion of soils. For example, in the Whakaraupō catchment (Section 6.6), historical deforestation, inappropriate land use practices and urban development have destabilized vulnerable soils and accelerated erosion of the highly erodible Port Hills soils, and catchment erosion is a significant external source of sediment to the harbour.

An important feature of soil conservation is the promotion of activities that contribute to the protection and

enhancement of the soil resource. This includes the incorporation of indigenous biodiversity into urban and rural landscapes, and soil and foliage testing on farms.

**Cross reference:**

- » *Issue P1: Papatūānuku*
- » *Issue P8: Discharge to land*
- » *Issue P10: Contaminated land*
- » *Section 6.6 (Whakaraupō), Issue WH4*

### Natural Capital

For farming to remain viable, the physical environment in which it is based needs to be sustained in a healthy condition. This is because farming is dependent on “natural capital” – the stocks of natural resources such as water, soil and biodiversity – and the “services” that this natural capital provides. These services include clean air and water, the creation and maintenance of fertile soils, pollination, livable climates, raw materials, genetic resources for growing food and fibre, and processes to decompose and assimilate waste. Although these services are often taken for granted, they have immense value. Many are indeed priceless, as they have no known substitutes.

**Source:** Parliamentary Commissioner for the Environment 2004.

## CONTAMINATED LAND

**Issue P10: Ngāi Tahu must be involved in decision making about contaminated land.**

### Ngā Kaupapa / Policy

- P10.1 The management of contaminated land must recognise and provide for specific cultural issues, including:
- (a) The location of contaminated sites;
  - (b) The nature of the contamination;
  - (c) The potential for leaching and run-off;
  - (d) Proposed land use changes; and
  - (e) Proposed remediation or mitigation work.
- P10.2 To require appropriate and meaningful information sharing between management agencies and tāngata whenua on issues associated with contaminated sites.

P10.3 To require investigation and monitoring of closed landfill sites to determine:

- (a) Whether the site is a contaminated site; and
- (b) The level of environmental risk to groundwater and soil from leaching of contaminants.

P10.4 To require that remedial work is undertaken at closed landfill sites where leaching of contaminants is occurring, to prevent contamination of groundwater, waterways, and coastal waters.

### He Kupu Whakamāhukihuki / Explanation

Contaminated land can have adverse effects on the environment, including the potential for contaminants to leach into groundwater. Contaminated land can also have effects on Ngāi Tahu cultural associations. Contaminated sites or areas may be on, near or adjacent to land with mahinga kai, wāhi tapu or historical associations. For example, an historical landfill at Takapūneke near Akaroa is identified as an issue of particular significance in that region (see Section 6.8, Issue A6).

Tāngata whenua need to be aware of the locations and extent of contaminated land in their takiwā, and be involved in decision making about these sites.

**Cross reference:**

- » *Section 6.8 (Akaroa), Issue A6*

## EARTHWORKS

**Issue P11: Earthworks associated with land use and development need to be managed to avoid damaging or destroying sites of significance, and to avoid or minimise erosion and sedimentation.**

### Ngā Kaupapa / Policy

- P11.1 To assess proposals for earthworks with particular regard to:
- (a) Potential effects on wāhi tapu and wāhi taonga, known and unknown;
  - (b) Potential effects on waterways, wetlands and waipuna;
  - (c) Potential effects on indigenous biodiversity;
  - (d) Potential effects on natural landforms and features, including ridge lines;
  - (e) Proposed erosion and sediment control measures; and
  - (f) Rehabilitation and remediation plans following earthworks.

### **Risk of damage of modification to sites of significance**

- P11.2 To require that tāngata whenua are able to identify particular areas whereby earthworks activities are classified a restricted discretionary activity, with Ngāi Tahu values as a matter of discretion.
- P11.3 To use to the methods identified in Section 5.8 Policy CL4.6 (*Wāhi tapu me wāhi taonga*) where an earthworks activity is identified by tāngata whenua as having actual or potential adverse effects on known or unknown sites of significance.
- P11.4 To advocate that councils and consent applicants recognise the statutory role of the Historic Places Trust and their legal obligations under the Historic Places Act 1993 where there is any potential to damage, modify or destroy an archaeological site.
- P11.5 To require that the Historic Places Trust (HPT) and local authorities recognise and provide for the ability of tāngata whenua to identify wāhi taonga and wāhi tapu that **must** be protected from development, and thereby ensure that an Authority to damage, destroy or modify a site is not granted.
- P11.6 To avoid damage or modification to wāhi tapu or other sites of significance as opposed to remedy or mitigate.

### **Indigenous vegetation**

- P11.7 To require that indigenous vegetation that is removed or damaged as a result of earthworks activity is replaced.
- P11.8 To require the planting of indigenous vegetation as an appropriate mitigation measure for adverse impacts that may be associated earthworks activity.

### **Erosion and sediment control**

- P11.9 To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways and waterbodies from sedimentation, including but not limited to:
- The use of buffer zones;
  - Minimising the extent of land cleared and left bare at any given time; and
  - Capture of run-off, and sediment control.

### **He Kupu Whakamāhukihuki / Explanation**

The term 'earthworks' is used to describe activities that involve soil disturbance, land modification and excavation and can occur at a range of scales from individual house sites (e.g. installation of septic tanks and landscaping) to large residential subdivisions or regional infrastructure. Of particular importance is earthworks in the beds and margins of waterways (see Section 5.3, Issue WM12).

Any activity that involves ground disturbance has the potential to uncover cultural material or wāhi tapu. Activities such as subdivision and land use change can increase the sensitivity of a site with regard to effects on sites of significance. Ngāi Tahu use a number of mechanisms to manage the risk to wāhi tapu and wāhi taonga as a result of earthworks. The appropriate protection mechanism reflects whether the site or area is considered low or high risk for the potential for accidental finds or damage, destruction or modification of known or unknown cultural and historic heritage sites (see Section 5.8, Issue CL3 *Wāhi tapu me wāhi taonga*).

Erosion and sediment control is also a key issue of concern with regard to earthworks. Activities such as residential land development can leave large areas of land cleared with bare soil exposed, increasing the risk of erosion and the discharge of sediment into waterways, harbours or the sea.

#### **Cross reference:**

- » *General policy on wāhi tapu me wāhi taonga (Section 5.8 Issue CL3)*
- » *Issue P4: Subdivision and development*
- » *Issue P6: Stormwater.*
- » *Issue P13 Mining and quarrying*

## **VEGETATION BURNING AND CLEARANCE**

### **Issue P12: Vegetation clearance can contribute to:**

- Continued fragmentation and loss of remnant native bush and habitat, particularly along streams and gullies;**
- Soil erosion and increased sedimentation into waterways and coastal waters;**
- Changes to the water holding capacity of the catchment (i.e. stormwater runs off rather than absorbs);**
- Loss of opportunities for regeneration;**
- Loss of nutrients and carbon from the soil; and**
- Change in landscape and natural character.**

## Ngā Kaupapa / Policy

- P12.1 To promote land use and land use management that avoids undue soil disturbance and vegetation clearance.
- P12.2 To oppose vegetation clearance in the following areas:
- Areas identified as high risk for soil erosion;
  - Areas identified as significant for protection of indigenous biodiversity; and
  - Areas identified as culturally significant.
- P12.3 To require that clearing of riparian vegetation along waterways, wetlands, lakes or waipuna is prohibited in the takiwā.
- P12.4 To oppose the designation of kānuka, mānuka and pātōtara as ‘scrub’, and therefore the clearance of these culturally and ecologically significant species.
- P12.5 To require the use of appropriately sized and generous buffers to protect waterways from the vegetation clearance activities.
- P12.6 To assess consent applications for vegetation burning or clearance with reference to the following criteria:
- Location of the activity:
    - What is the general sensitivity of the site to the proposed activity?
    - What is the slope of the land? Is the site at risk of erosion?
    - What is the proximity to remnant native bush or restoration sites?
    - What waterways, wetlands or waipuna exist on the site?
    - What is the value of the site as a habitat?
    - What are the dominant species on the site, and what is the percentage of indigenous vs. non indigenous species?
    - Are there specific cultural values or cultural landscape features in the area that may be affected?
  - Land use:
    - What is the land use that the clearance is enabling, is it existing or new?
    - How well does the proposed activity ‘fit’ with the existing landscape?
    - Is the proposed land use sustainable?
  - Avoiding and mitigating adverse effects:
    - What provisions are in place to address sediment and erosion control, and the protection of waterways?

## He Kupu Whakamāhukihuki / Explanation

Vegetation is cleared and burned for land management purposes, often as a means to convert land from one use to another. In the Canterbury high country and the hill country of Te Pātaka o Rākaihautū, vegetation clearance and burning is often associated with the creation or maintenance of pasture. A cultural issue associated with this activity is that the clearing of ‘scrub’ for pasture often includes indigenous species such as kānuka, mānuka and pātōtara (mingimingi). Kānuka (*Kunzia ericoides*) and mānuka (*Leptospermum scoparium*) and pātōtara (*Leucopogon fraseri*) are taonga species under the NTCSA 1998 (Schedule 97). Kānuka and mānuka are good nursery species for other indigenous species.

Vegetation clearance also occurs as part of subdivision and residential land development activities. Often large areas of land are cleared and left bare for a long period of time during the construction phase. This increases the risk of erosion and also sedimentation into waterways.

*“Long term State of the Environment reporting through the Land Cover data base has shown that overall, on a regional and national scale, where land protection does not occur, the rate of indigenous vegetation loss due to a range of activities, including vegetation clearance and earthworks has not slowed.”<sup>1</sup>*

### Cross reference:

- » Issue P11: Earthworks
- » General policy on Indigenous biodiversity (Section 5.5 Issue TM2)

## MINING AND QUARRYING

**Issue P13: Mining and quarrying can have effects on tāngata whenua values, such as water, landscapes, wāhi tapu and indigenous vegetation.**

## Ngā Kaupapa / Policy

- P13.1 To oppose any mining activity in riverbeds and the coastal marine area that is not associated with gravel extraction.
- P13.2 To assess mining and quarrying proposals with reference to:
- Location of the activity
    - What is the general sensitivity of the site to the proposed activity?

- *How well does the proposed activity 'fit' with the existing landscape?*
  - *Is there significant indigenous biodiversity on the site, including remnant native bush?*
  - *What waterways, wetlands or waipuna exist on the site?*
  - *Are there sites of significance on or near the site?*
  - *What is the risk of accidental discoveries?*
  - *What is the wider cultural landscape context within which the site is located?*
- (b) Type of mining/quarrying
- *What resource is being extracted, what will it be used for, and is it sustainable?*
- (c) Avoiding and mitigating adverse effects
- *What provisions are in place to address sediment and erosion control?*
  - *What provisions are in place for stormwater management?*
  - *What provisions are in place for waterway protection?*
  - *How will the site be restored once closed?*

P13.3 To require all applications for mining and quarrying activities to include:

- (a) Quarry management plans for earthworks, erosion and sediment control, waterway protection, on site stormwater treatment and disposal and provisions for visual screening/ barriers that include indigenous vegetation; and
- (b) Site rehabilitation plans that include restoration of the site using indigenous species.

### He Kupu Whakamāhukihuki / Explanation

Quarrying involves the extraction of aggregate such as crushed rock, rotten rock, gravels or sand from the land. These materials are used in both rural and urban construction, infrastructure and agricultural activities.

The effects of quarrying on values of importance to tāngata whenua are dependent on the location and scale of the activity and the nature of the receiving environment. Policy P13.2 is intended to provide a framework for assessing quarrying proposals against the issues of importance to tāngata whenua.

The extraction of gravels from riverbeds is addressed in Section 5.3 Issue WM12.

#### Cross reference:

- » *General policy on offshore exploration and mining (Section 5.6, Issue TAN9)*
- » *Issue P18: Fracking*

## COMMERCIAL FORESTRY

Issue P14: Commercial forestry can have significant effects on tāngata whenua values, particularly:

- (a) **Loss of cultural and natural landscape values;**
- (b) **Establishment and spread of wilding trees;**
- (c) **Reduction in stream and river flows that are already at low flows;**
- (d) **Physical modification and damage to waterways;**
- (e) **Contamination and sedimentation of waterways;**
- (f) **Damage or destruction of significant sites;**
- (g) **Loss of indigenous biodiversity values, including mahinga kai; and**
- (h) **Encroachment on, and loss of, indigenous remnants, including in gullies and along streams.**

### Ngā Kaupapa / Policy

P14.1 To promote the establishment of native forestry operations in the takiwā alongside other commercial operations.

P14.2 To assess proposals for commercial forestry and activities associated with the replanting of existing plantations with particular regard to:

- (a) *Species* – what species will be planted and what is the level of risk of wilding establishment and spread?
- (b) *Scale of planting* – to what extent will the activity dominate the landscape?
- (c) *Location and visibility* – to what extent will the activity encroach (physical and visual) on sites and landscape features of importance to tāngata whenua?
- (d) *Cumulative impacts* – what forestry activities already exist in the area?
- (e) *Availability of water* – how will the activity affect the availability of water in the catchment?
- (f) *Waterways* – what are the potential effects on the beds and margins of waterways during planting and harvesting activity?
- (g) *Mahinga kai* – will the activity compromise mahinga kai species or habitat, including fish passage?
- (h) *Existing vegetation cover* – will the activity involve the clearance of native vegetation?
- (i) *Wilding tree control* – what provisions are proposed to control wilding trees?
- (j) *Sediment and erosion control* – what provisions are in place to control erosion (post harvest) and avoid sedimentation of waterways?

- (k) *Future land use* – what are the post harvest land use and remediation plans?

### **Protection mechanisms**

- P14.3 To require that commercial forestry activities do not occur in areas identified by tāngata whenua as sensitive for cultural or ecological reasons, including:
- Significant cultural landscapes, natural landscapes and coastal natural character areas;
  - Margins of high country lakes;
  - Along waterways in coastal areas;
  - Naturally dry and water sensitive catchments (to protect flows); and
  - Areas that are high risk for soil erosion.
- P14.4 Where existing commercial plantations are located in areas identified as significant cultural landscapes, natural landscapes or coastal natural character areas, or in water sensitive catchments:
- Harvesting should be followed with planting of native species.
- P14.5 To oppose the granting of global consents for activities associated with commercial forestry.
- P14.6 To use the following mechanisms to protect values of importance to tāngata whenua on commercial forest lands during both planting and harvesting stages:
- Tāngata whenua advice and input to planting plans (resourced by the forestry company);
  - Buffers and set back areas of at least 20 metres from any site of significance identified by tāngata whenua, including wetlands, waterways, waipuna, lakes, or remnant indigenous forest area (e.g. gullies), and these must be recognised during planting and harvesting;
  - Buffers of at least 20 metres around the outer perimeter of forestry blocks, planted with native species, to provide a refuge for bird and insect species at harvest time, erosion and sedimentation control post harvest, and control the spread of wilding trees (see Issue P15, Policy P15.2);
  - Access protocols to enable Ngāi Tahu whānui to gain access to commercial forest lands for access to cultural materials and sites;
  - Ensure that forestry companies are aware that there may be both known (i.e. registered) and unknown (i.e. not discovered) sites of significance, and that these are protected by the Historic Places Act;
  - Requirement that forestry companies have GPS references for all known sites and that these are

- marked on operational plans;
- Accidental Discovery Protocol, archaeological assessment and cultural monitoring;
  - Education of contractors and operational staff on how to identify accidental discoveries; and
  - Stream-side management plans that address the potential effects of machinery and earthworks on the beds and margins of waterbodies with machinery and earthworks.

### **He Kupu Whakamāhukihuki / Explanation**

Tāngata whenua are concerned with the effects of forestry on land, water, indigenous biodiversity and landscape values in some areas of the takiwā. If not managed appropriately, plantation forestry can result in soil erosion, sediments and contaminants entering waterways, and the establishment and spread of wilding trees. Plantations can negatively affect catchment water yield as pine trees absorb a significant amount of water, including stormwater that would otherwise contribute to the catchment's water yield. While the *New Zealand Forest Accord 1991* and the *Principles for Commercial Plantation Forest Management in New Zealand* (agreements between forestry companies and environmental groups) provide guidelines for environmental protection, they currently do not offer a sufficient level of protection to meet tāngata whenua objectives for the protection of cultural and ecological values.

In 1999, Te Rūnanga o Ngāi Tahu developed a project to identify the non-commercial values within commercial forest lands - those features, sites or values within the forest lands which have historical, spiritual or cultural significance to Ngāi Tahu. The project also identified a number of protection mechanisms to enable the planting and harvesting of commercial forests while protecting tāngata whenua values and interests at specific sites. Policy 14.6 reflects the outcomes of this project.

Forestry is identified as an issue of local significance in several catchments in the takiwā, including Rakahuri (Section 6.3), Waimakariri (Section 6.4), Southern Bays (Section 6.9), and Te Roto o Wairewa (Section 6.10).

#### **Cross reference:**

- » **Issue P15: Wilding trees**

## WILDING TREES

**Issue P15: Eradication of wilding trees in high country and foothill regions.**

### Ngā Kaupapa / Policy

- P15.1 To prioritise the eradication of wilding trees from those areas with recent invasions (i.e. tackle the ones that have yet to become large scale invasions).
- P15.2 To require effective district and regional policy to prevent the establishment and control the spread of wilding trees, including:
- Prohibiting the planting of high risk species in plantations, shelter belts or amenity plantings;
  - Requiring buffers or margins of low risk species (less spread prone conifers or native tree species) around all forestry blocks; and
  - Requiring control of wilding seedlings, including keeping property boundaries clean.
- P15.3 To support regional risk assessment mapping as a tool to:
- Identify current and potential seed sources of wilding trees;
  - Assess spread risk, based on seed sources, existing vegetation cover and land management; and
  - Set priorities for control operations and monitoring.
- P15.4 For those areas already highly infested:
- Focus on defining the area and controlling further spread;
  - Address elimination; and
  - Consider whether the area of wilding trees could be used as a nursery crop and underplant with natives (e.g. restore a beech forest).
- P15.5 Ngāi Tahu must have the ability to identify and recommend areas of high cultural and historic value, alongside areas of high environmental value identified by Environment Canterbury for wilding tree control.
- P15.6 Economics must not have precedence over the environmental costs of wilding trees (e.g. Douglas Fir may be immensely economically beneficial, but it is becoming a wilding/invasive tree in its own right).

### He Kupu Whakamāhukihuki / Explanation

Wilding trees are introduced conifer species that are self-sown or growing wild (i.e. naturally regenerating). Wilding pines invade quickly, out-competing native vegetation and resulting in significant visual and ecological changes to the landscape. The Waimakariri river catchment is one of the worst affected areas in Canterbury (See Section 6.4 Issue WAI9).

*Pinus contorta*, or lodgepole pine, is one of the most invasive of conifer species. It is included in the Canterbury Regional Pest Management Strategy (2011) as a pest species. It seeds earlier and therefore can spread more vigorously than other species. Of little commercial value, *Pinus contorta* is less likely to be managed appropriately and this increases the risk of wilding tree establishment and spread.

#### Cross reference:

» *Issue P14: Commercial forestry*

Wilding tree risk – examples of most invasive to least invasive		
Spreading vigour varies according to species competitiveness, palatability and seed production and weight.		
Species		(most invasive to least invasive)
Lodgepole pine	<i>Pinus contorta</i>	
Scots pine	<i>P. sylvestri</i>	
Mountain pine	<i>P. mugo/uncinata</i>	
Douglas fir	<i>Pseudotsuga menziesii</i>	
Corsican pine	<i>Pinus nigra</i>	
European larch	<i>Larix decidua</i>	
Ponderosa pine	<i>Pinus ponderosa</i>	
Muricata pine	<i>P. muricata</i>	
Maritime pine	<i>P. pinaster</i>	
Radiata pine	<i>P. radiata</i>	
<p><b>Source:</b> Ledgard, N.J. and Langer, E. R. 1999. Wilding prevention: Guidelines for minimising the risk of unwanted wilding spread from new plantings of introduced conifers. Forest Research.</p>		

## TRANSPORT

**Issue P16: The protection of sites of significance and indigenous biodiversity, and the potential for erosion and sedimentation, are issues of importance to tāngata whenua with regard to land transport infrastructure.**

### Ngā Kaupapa / Policy

#### Consultation

- P16.1 To require that engagement with Papatipu Rūnanga occurs at the early planning stages (i.e. designation stage) of major transport proposals, This may or may not include:
- Cultural impact assessment (CIA) reports; and
  - Archaeological assessments.
- P16.2 Where a transport proposal may affect Māori land:
- Papatipu Rūnanga to be notified; and
  - Consultation must occur with the owners of that land.

#### Assessments of effects

- P16.3 To assess the potential risk of transport related proposals (at any stage) on tāngata whenua values on the basis of the following:
- Purpose of the proposal* - how consistent is the purpose of the proposal with the objectives set out in this IMP (e.g. stormwater, indigenous biodiversity)?
  - Sites of significance* - proximity to sites of cultural significance, including marae, wāhi tapu, silent files and archaeological sites;
  - Protection of waterways* - what measures are proposed to avoid the modification of waterways, the discharge of contaminants and sediment to water?
  - Indigenous biodiversity* - what are the potential effects on existing indigenous biodiversity and what are the opportunities to enhance indigenous biodiversity values?

#### Protection of tāngata whenua values

- P16.4 To require that the development and construction of transport infrastructure avoid the following sites and areas of cultural significance:
- Sites identified by tāngata whenua as wāhi tapu;
  - Some sites identified by tāngata whenua as wāhi taonga; and
  - Māori land, unless agreed to by owners.

- P16.5 To support the development of tribal Heritage Risk Model or Heritage Alert Layers to protect wāhi tapu, wāhi taonga and archaeological sites located within the State Highway Network in Canterbury.
- P16.6 To continue to recognise the Accidental Discovery Protocol (2003) for the Transit New Zealand Canterbury region, agreed to by Te Rūnanga o Ngāi Tahu, the Historic Places Trust, and Transit New Zealand.
- P16.7 To support improved transport network infrastructure and services to support the development aspirations of Ngāi Tahu communities, such as those at Tuahiwi and Rāpaki.
- P16.8 To support sustainable transport measures in urban design and development, including public transport, pedestrian walkways, and cycle ways.

### He Kupu Whakamāhukihuki / Explanation

Land transport infrastructure includes the state highways and other roads, rail network, cyclist and pedestrian provisions and public transport.

The construction of new roads and other transport infrastructure involves earthworks and therefore the potential risk to wāhi tapu and wāhi taonga must be considered (Issue P11 Earthworks). Sediment and contaminant discharges associated with earthworks and stormwater are also important issues, as these discharges can affect water quality in local waterways. Land transport infrastructure can also provide opportunities for the enhancement of cultural values, through initiatives such as roadside plantings using indigenous species.

A good working relationship between Ngāi Tahu and the NZ Transport Agency is fundamental to protecting sites of significance, as are appropriate tools and processes for engagement with tāngata whenua and assessments of effects on values of importance.

#### Cross reference:

- » *Issue P6: Stormwater*
- » *General policy on cultural landscapes (Section 5.8 Issue CL1)*
- » *General policy on wāhi tapu me wāhi taonga (Section 5.8 Issue CL3)*
- » *General policy on indigenous biodiversity (Section 5.5 Issues TM2 and TM3)*

#### Information resource:

- » *Hullen, J (2007) Christchurch Southern Motorway Project. Cultural Impact Assessment report:*

*An assessment of effects on Ngāi Tūāhuriri,  
Ngāi Te Ruahikihiki and Ngāi Tahu Values.*

## ENERGY

**Issue P17: Ngāi Tahu have a particular interest in energy generation, distribution and use.**

### Ngā Kaupapa / Policy

- P17.1 Ngāi Tahu must have a strategic and influential role in decisions about energy extraction and generation in the region, as a Treaty partner with specific rights and interests in resources used for energy generation, particularly water.
- P17.2 To continue to engage with the energy sector and build constructive and enduring relationships.
- P17.3 To require that the energy sector engage with Ngāi Tahu at the concept development stage, rather than at the resource consent stage and to support the use of Cultural Impact Assessment (CIA) reports to assess potential and actual effects of proposals on Ngāi Tahu values.
- P17.4 To require that local authorities develop and implement effective policies requiring the use of renewable energy and energy saving measures in residential, commercial, industrial and other developments.
- P17.5 To support in principle the use of wind and solar energy generation in the region (see Section 5.7, Issue TAW1).

### He Kupu Whakamāhukihuki / Explanation

Ngāi Tahu have an interest in the extraction, generation, distribution and use of energy in the takiwā. An issue of particular significance is the use of water to generate energy, given the potential for damming, diversion and storage to have effects on the relationship of tāngata whenua to ancestral rivers, and fundamental questions about competition for water resources and commercial use.

Ngāi Tahu are also interested in finding ways to reduce energy consumption. The debate on energy is often centered on extraction and production rather than the need to reduce consumption, particularly non-renewable fossil fuels. Alternative sources of energy generation such as wind (Section 5.7, Issue TAW1) and solar are highlighted in various sections of this plan as a means to reduce our energy footprint.

Meaningful and enduring relationships with the energy industry based on a mutual understanding of each other's values and interests associated with water and other resources is fundamental to addressing current and future energy issues in the takiwā.

### Cross reference:

- » *Issue P4: Subdivision and development*
- » *Issue P18: Fracking*
- » *General policy on regional water infrastructure (Section 5.3 Issue WM9)*
- » *General policy on wind farms (Section 5.7, Issue TAW1)*

## FRACKING

**Issue P18: Tāngata whenua have significant concerns about the use of fracking for oil and gas exploration, including:**

- (a) **Adequacy of the regulatory environment;**
- (b) **Potential to contaminate ground and surface water;**
- (c) **The volume of water used;**
- (d) **The disposal of waste; and**
- (e) **Potential to generate earthquakes.**

### Ngā Kaupapa / Policy

- P18.1 To oppose any application for mineral exploration or extraction in the takiwā that uses fracking as a method to fracture rock for gas release.

### He Kupu Whakamāhukihuki / Explanation

Fracking is the hydraulic fracturing of geological formations to release hydrocarbons. Water, with chemicals added to it, is discharged at high pressure into wells to crack the rock and get oil and gas out. Fracking is seen as a means to extract those oil and gas resources that are deemed too expensive or difficult to extract by conventional means.

Tāngata whenua oppose fracking in its entirety. The environmental and cultural impacts of fracking are deemed too significant in a region that is currently trying to manage an increasing demand on water resources, contaminated waterways and geological shakeups. The risk of long term contamination of land and water resources is considered too high. Further, accessing non-renewable resources that are otherwise too difficult or expensive to extract is contrary to finding ways to reduce energy consumption and promoting alternative energy sources.

## OVERSEAS INVESTMENT AND PURCHASE OF LAND

**Issue P19: Overseas investments and purchases of property and effects on the relationship of tāngata whenua with ancestral lands, water, sites, wāhi tapu and other taonga.**

### Ngā Kaupapa / Policy

- P19.1 In the context of the Overseas Investment Commission, Papatipu Rūnanga support the retention of New Zealand land in New Zealand ownership.
- P19.2 To require that the Overseas Investment Commission formally recognise and provide for Ngāi Tahu interests for all overseas investment applications, in particular:
- (a) Ngāi Tahu historical, cultural, traditional and spiritual relationship with the land;
  - (b) The protection of particular values associated with the land; and
  - (c) Ngāi Tahu access to sites and places of cultural importance.
- P19.3 To support the following methods to enable the Overseas Investment Commission to recognise and provide for Ngāi Tahu values:
- (a) Early engagement with Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga;
  - (b) Preparation of Cultural Value Reports (as used for Tenure Review Process) to identify values, risk and desired outcomes;
  - (c) Placing cultural information on LIMs, PIMs and titles; and
  - (d) Consent conditions for the conservation (including maintenance and restoration) of cultural and historical heritage and provisions for access.
- P19.4 When land purchased by overseas investors under the Overseas Investment Act is returned to the market for re-sale, there should be requirements that the land can only be sold to New Zealanders.

### He Kupu Whakamāhukihuki / Explanation

Tāngata whenua are actively working to restore cultural and traditional associations with the land, including the gathering of knowledge of places, the protection of wāhi tapu and wāhi taonga, and the regaining of access to sites of cultural and spiritual importance (see Section 5.8 Issue CL5). The sale of land to overseas investors can be inconsistent with these objectives; essentially reflecting a further loss of land.

Overseas investors are unlikely to be aware of the cultural context or importance of the land they are purchasing, and therefore sites, places and associations may be at risk. In considering applications for the purchase of land under the Overseas Investment Act, the Overseas Investment Commission needs to formally recognise tāngata whenua values associated with the land, in addition to the values that make land sensitive under section 10 (1) (a) of the Act.

Conversely, overseas investment may provide previously unavailable opportunities to recognise and provide for Ngāi Tahu associations with a particular area, including the protection of and access to sites of particular importance. However, any cultural benefit to be obtained from overseas investment is dependent on the establishment of formal processes to ensure that the rights and interests of tāngata whenua are paramount in decision making.

*“Investors need to be aware and recognise the knowledge and values held over these areas. They need to understand that they may own the land by way of purchase but they don’t own the land as such. They need to be aware of the concept of kaitiakitanga and whakapapa links. This is of major importance for Ngāi Tahu. The information to inform investors is not recorded anywhere.”* Wairewa Rūnanga IMP hui, 2010.

#### Cross reference:

- » Section 6.12 Issue RH7 (Case Study - the Overseas Investment Act and Ryton Station)
- » General policy on cultural landscapes (Section 5.8 Issue CL1)

## TENURE REVIEW

**Issue P20: There are a number of cultural issues and opportunities associated with tenure review, including:**

- (a) Protection of cultural values on high country pastoral lease lands;
- (b) Future use and management of lands identified as conservation land (e.g. capacity of the Department of Conservation to manage lands);
- (c) Considerations for Ngāi Tahu access and customary use in future use scenarios; and
- (d) Land classification of areas retained and/or acquired by the Crown from Tenure Review.

### Ngā Kaupapa / Policy

- P20.1 Ngāi Tahu, as a Treaty partner, must be a decision maker in the tenure review process, including

the identification and classification of land that is retained and/or acquired in Crown ownership as a result of this process.

P20.2 To work closely with Te Rūnanga o Ngāi Tahu to ensure that the rights and interests of tāngata whenua in high country regions are recognised and provided for in tenure review processes.

P20.3 To require the use of Tāngata Whenua (Cultural) Value Reports as part of the tenure review process, to identify cultural values associated with a given area, and mechanisms to protect such values.

### **He Kupu Whakamāhukihuki / Explanation**

Tenure review is an outcome of the Crown Pastoral Land Act 1998. The process is administered by Land Information New Zealand (LINZ), in relationship with the Department of Conservation (DoC), and involves Ngāi Tahu, Fish and Game, and various non-government organisations.

Tenure review sees some areas of leased pastoral lands transferred to freehold, and others retired from grazing and turned into conservation lands under the administration of the Department of Conservation. The identification of Ngāi Tahu values associated with such areas, and mechanisms for the protection of cultural values, is an important part of this process.

When the large pastoral leases were created in the upper catchment in the late 1800s, access to traditional food gathering sites became restricted and many mahinga kai resources declined. Tenure review has the potential to provide opportunities to regain access to particular areas of land, and implement mechanisms to protect and access mahinga kai resources and sites of cultural importance.

Te Rūnanga o Ngāi Tahu co-ordinates Papatipu Rūnanga involved in Tenure Review, including organising site visits to pastoral leases and the preparation of Cultural Value Reports with recommendations for the protection of Ngāi Tahu values.

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#### ENDNOTES

- 1 Walker, S. et al 2006, as referenced in: Plan implementation review of The Land and Vegetation Management Regional Plans Part I and Part II. Environment Canterbury Report No. U07/9 (2006).

# TĀNE MAHUTA





## 5.5 TĀNE MAHUTA

Tāne Mahuta is the atua of the forests and birds, and the son of Ranginui and Papatūānuku. It is Tāne that broke the tight embrace of his parents, forcing Rangi high into the heavens and leaving Papatūānuku on earth to care for their children.

This section addresses issues of significance pertaining to indigenous biodiversity and mahinga kai; the flora and fauna that make up the domain of Tāne. General issues and policy in this section sit alongside local issues described in Part 6 of this IMP.

Ngāi Tahu has a particular interest in indigenous biodiversity, both for its inherent value on the landscape and the ecosystem services it provides, and with regard to mahinga kai. Indigenous flora and fauna has sustained tāngata whenua for hundreds of years, providing food, fibre, building materials, fuel, medicine and other necessities. The relationship between tāngata whenua and indigenous biodiversity has evolved over centuries of close interaction and is an important part of Ngāi Tahu culture and identity.

The protection and enhancement of indigenous biodiversity and mahinga kai underpins many of the issues and policies in this IMP.

***“For me, the protection and enhancement of mahinga kai and the ability to continue practices that we have used for hundreds of years is the most important issue that this IMP needs to address”*** Rei Simon, Wairewa Rūnanga.

### Ngā Paetae Objectives

- (1) Regional policy, planning and decision making in the takiwā reflects the particular interest of Ngāi Tahu in indigenous biodiversity protection, and the importance of mahinga kai to Ngāi Tahu culture and traditions.
- (2) The customary right of Ngāi Tahu to engage in mahinga kai activity is recognised, protected and enhanced, as guaranteed by Article 2 of Te Tiriti o Waitangi, and the NTCSA 1998.
- (3) The presence of indigenous biodiversity on the Canterbury landscape is enhanced, both in rural and urban environments.
- (4) The taonga value of indigenous ecosystems as natural capital and provider of essential ecosystem services is increasingly valued in the community.
- (5) Customary use, and therefore mahinga kai, is given effect to as a first order priority for freshwater management in the takiwā.
- (6) Traditional and contemporary mahinga kai sites and species are protected and restored.
- (7) Existing areas of indigenous vegetation are protected, and degraded areas are restored.
- (8) The establishment and spread of invasive pest and weed species is progressively and effectively controlled.
- (9) The protection and enhancement of indigenous biodiversity and mahinga kai occurs through a shared, coordinated effort between tāngata whenua, local authorities, conservation groups and communities.

# NGĀ TAKE – ISSUES OF SIGNIFICANCE

## TĀNE MAHUTA: ISSUES OF SIGNIFICANCE

<b>Issue TM1: Mahinga kai</b>	Loss of mahinga kai areas and opportunities in the takiwā.
<b>Issue TM2: Indigenous biodiversity</b>	The widespread loss of indigenous biodiversity has significant adverse effects on the relationship of Ngāi Tahu with ancestral land, water and sites, and the health of land, water and communities.
<b>Issue TM3: Restoration of indigenous biodiversity</b>	Tāngata whenua have a particular interest in the restoration of indigenous biodiversity.
<b>Issue TM4: Weed and pest control</b>	Weed and pest control is critical to the protection and restoration of indigenous biodiversity.
<b>Issue TM5: Use of 1080</b>	Ngāi Tahu continue to have significant reservations about the use of 1080.
<b>Issue TM6: Commercial use of indigenous flora and fauna</b>	Current laws and policy fail to protect the kaitiaki relationship of tāngata whenua with indigenous flora and fauna with regard to the commercial use of indigenous species.



## MAHINGA KAI

**Issue TM1: Loss of mahinga kai areas and opportunities in the takiwā as a result of:**

- (a) Drainage of wetlands, lagoons and waipuna;
- (b) Widespread loss of indigenous ecosystems, habitats and species;
- (c) Poor water quality and quantity;
- (d) Diversion and abstraction of flow from waterways, and dewatering of customary fishing sites;
- (e) Loss of or poor access to traditional mahinga kai areas;
- (f) Loss of physical connections between waterways and waterbodies;
- (g) Acclimatisation (adverse effects on native species as a result of introduced species); and
- (h) Infrastructure barriers to fish passage.

### Ngā Kaupapa / Policy

TM1.1 Ngāi Tahu whānui, both current and future generations, must be able to access, use and protect mahinga kai resources, as guaranteed by Te Tiriti o Waitangi.

TM1.2 To advocate that the protection and restoration of traditional and contemporary mahinga kai sites and species is recognised and provided for as a matter of national importance under the RMA 1991.

TM1.3 To progressively enhance and restore mahinga kai resources and sites and the customary use traditions associated with such resources, by:

- (a) Integrating mahinga kai objectives and policy into regional planning and conservation management documents;
- (b) Continuing to develop Ngāi Tahu led restoration projects;
- (c) Creating Mahinga Kai Cultural Parks (see Box - *Mahinga Kai Cultural Parks*);
- (d) Organising wānanga, to teach our tamariki about our mahinga kai traditions; and
- (e) Investigating mahinga kai opportunities for existing protected areas, proposed restoration projects and open place/reserve settings.

### *Ki Uta Ki Tai*

TM1.4 To promote the principle of Ki Uta Ki Tai as a culturally appropriate approach to mahinga kai enhancement, restoration and management, in particular:

- (a) Management of whole ecosystems and landscapes, in addition to single species; and
- (b) The establishment, protection and enhancement of biodiversity corridors to connect species and habitats.

### *Freshwater management*

TM1.5 To require that freshwater management recognises and provides for mahinga kai, by:

- (a) Customary use as a first order priority;

- (b) Restoring mahinga kai values that were historically associated with waterways, rather than seeking to maintain the existing (degraded) mahinga kai value of a waterway; and
- (c) Protecting indigenous fish recruitment and escapement by ensuring that waterways flow Ki Uta Ki Tai and there is sufficient flow to maintain an open river mouth.

### Mahinga kai habitat

TM1.6 To continue to advocate for the protection of indigenous fish species over and above the protection of habitat for salmon and trout. The protection of significant habitats of indigenous fauna is a matter of national importance (RMA s.6).

### Remnant areas

TM1.7 To require that district and regional plans include policy and rules to protect, enhance and extend existing remnant wetlands, waipuna, riparian margins and native forest remnants in the takiwā given the importance of these ecosystems as mahinga kai habitat.

TM1.8 To require that landowners and commercial land users protect remnant areas of indigenous biodiversity.

### He Kupu Whakamāhukihuki / Explanation

Mahinga kai is the customary gathering of food and natural materials and the places where those resources are gathered (Section 167 of the NTCSA 1998). Customary use is the ongoing access to, and sustainable use of mahinga kai resources.

The ability of Ngāi Tahu whānui, current and future generations, to access, use and protect mahinga kai resources, and the history and traditions that are associated with those resources, is an issue of immense significance to tāngata whenua in Canterbury. Following European settlement, the drainage of swamps and wetlands, the felling of bush, the conversion of land to agricultural use, and the introduction of acclimatised species had a devastating effect on mahinga kai resources and sites, and the physical loss of land and access to mahinga kai sites had an equally devastating effect on the ability of tāngata whenua to provide for their own sustenance.

The loss of mahinga kai was the basis for the majority of grievances in the Canterbury region during Te Kereme (the Ngāi Tahu Claim):

*“The majority of grievances arising in the Canterbury region relate to the loss of the tribe’s mahinga kai. It is a loss that cannot be easily documented; the effects of drainage and pollution do not occur overnight. Yet in 1988, when these complaints were expressed to the Tribunal, the devastation of Ngāi Tahu’s highly prized taonga was readily apparent to all. The evidence lies in the dried-up lagoons, the poisoned lakes and rivers, the used-up fisheries. Members of Ngāi Tahu can no longer practice a way of life that they used to practice even 20 years ago. Much of the damage, as the history behind the grievances will relate, occurred many years ago. In almost every instance the interests of settlement were placed firmly above those of Ngāi Tahu.”*

Mahinga kai continues to be a cornerstone of Ngāi Tahu cultural well being. Participating in mahinga kai traditions is an important expression of cultural identity, and a means of passing values and knowledge on to current and future generations (see Box - Sustaining mahinga kai traditions). The Ngāi Tahu commitment to mahinga kai and customary use implies sustainable use and the need to manage, protect and restore species, habitats and ecosystems to enable such use to occur. Increased abundance of, access to, and use of mahinga kai is a key outcome identified in Ngāi Tahu 2025, as is the need to restore waterways to the point where they support healthy populations of mahinga kai species. Mahinga kai is an important kaupapa in all of the catchment based sections in Part 6 of this IMP.

#### Cross-reference:

- » Issue TM2: Indigenous Biodiversity
- » General policies on water quality and quantity (Section 5.3 Issues WM6 and WM8)
- » Mahinga kai issues in the catchment sections of Part 6

### Sustaining mahinga kai traditions

Ngāi Tahu has begun a cultural renaissance to recognise and replenish its traditions, culture and relationships. It is vital to the future of Ngāi Tahu to ensure that sufficient natural resources continue to be available to provide places and experiences for young Ngāi Tahu to practice the activities of their tūpuna, learn the skills used to manage the environment, know their cultural values, and take pride in the knowledge that their elders have retained to pass along to them.

**Source:** Statement of Evidence of Te Marino Lenihan; for an application for a WCO on the Hurunui River and Lake Sumner (Hoka Kura) by the NZ and North Canterbury Fish and Game Councils and the NZ Recreational Canoeing Association.

### Mahinga Kai Cultural Parks

Mahinga Kai Cultural Park is a concept identified in Ngāi Tahu 2025 to describe a land or marine based natural area managed and/or owned by Ngāi Tahu for the purposes of mahinga kai.

Mahinga Kai Cultural Parks:

- ▶ Provide a framework for protecting, enhancing and managing culturally significant sites in the contemporary world in line with our values;
- ▶ Are a way of guaranteeing access to mahinga kai as well as protecting, enhancing and managing mahinga kai for the benefit of this and future generations - *mō tātou, ā, mō kā uri ā muri ake nei*;
- ▶ Can provide us with a way to continue the work begun by our tupuna to provide for the ongoing protection and use of our mahinga kai;
- ▶ Build on the tools developed under our Settlement to further restore rangatiratanga and mana over mahinga kai species and sites;
- ▶ Can assist in developing tools for the management of major land based mahinga kai that are otherwise currently out of reach;
- ▶ Provide opportunities for Ngāi Tahu Whānui to advocate for the continued protection of our mahinga kai while balancing this with the principles of sustainable use and sustainable management, offering an important and sound alternative to current conservation (or preservation) practices; and
- ▶ Can help us address major environmental issues facing mahinga kai through hands-on management that encourages our people to reconnect with their landscape & potentially provide income & employment.

Source: Te Rūnanga o Ngāi Tahu.

## INDIGENOUS BIODIVERSITY

**Issue TM2: The widespread loss of indigenous biodiversity has significant effects on:**

- (a) **The relationship of Ngāi Tahu and their culture and traditions with ancestral lands, water and sites;**
- (b) **Mahinga kai values (see Issue TM1); and**
- (c) **The health of land, water and communities.**

### Ngā Kaupapa / Policy

#### *Ngāi Tahu interests in biodiversity*

TM2.1 To require that local authorities and central government actively recognise and provide for the relationship of Ngāi Tahu with indigenous biodiversity and ecosystems, and interests in biodiversity protection, management and restoration, including but not limited to:

- (a) Importance of indigenous biodiversity to *tāngata whenua*, particularly with regard to mahinga kai, taonga species, customary use and valuable ecosystem services;
- (b) Recognition that special features of indigenous biodiversity (specific areas or species) have significant cultural heritage value for Ngāi Tahu;
- (c) Connection between the protection and restoration of indigenous biodiversity and cultural well-being;
- (d) Role of *mātauranga Ngāi Tahu* in biodiversity management; and
- (e) Role of Ngāi Tahu led projects to restoring indigenous biodiversity (e.g. Mahinga Kai Enhancement Fund; Kaupapa Kēreru).

TM2.2 To recognise Te Tiriti o Waitangi as the basis for the relationship between central and local government and *tāngata whenua* with regard to managing indigenous biodiversity, as per the duty of active protection of Māori interests and the principle of partnership.

TM2.3 To continue to work in partnership with the Department of Conservation, local authorities and the community to protect, enhance and restore indigenous biodiversity.

#### **Significance**

TM2.4 To require that criteria for assessing the significance of ecosystems and areas of indigenous biodiversity recognise and provide for ecosystems, species and areas that are significant for cultural reasons.

### **Protection of remnant and restored areas**

- TM2.5 To require that city, district and regional plans include specific policy and rules to protect, enhance and extend existing remnant and restored areas of indigenous biodiversity in the takiwā.
- TM2.6 To showcase existing remnant and restored areas as examples of how future management can improve the cultural health of the takiwā.
- TM2.7 To continue to support those groups and landowners that are working to maintain, restore and enhance the indigenous biodiversity, and to advocate for projects of interest and importance to Ngāi Tahu.

### **Integrating indigenous biodiversity into the landscape**

- TM2.8 To require the integration of robust biodiversity objectives in urban, rural land use and planning, including but not limited to:
- Indigenous species in shelter belts on farms;
  - Use of indigenous plantings as buffers around activities such as silage pits, effluent ponds, oxidation ponds, and industrial sites;
  - Use of indigenous species as street trees in residential developments, and in parks and reserves and other open space; and
  - Establishment of planted indigenous riparian margins along waterways.

### **Biodiversity corridors**

- TM2.9 To advocate for the establishment of biodiversity corridors in the region, Ki Uta Ki Tai, as means of connecting areas and sites of high indigenous biodiversity value.

### **Ecosystem services**

- TM2.10 To require that indigenous biodiversity is recognised and provided for as the natural capital of Papatūānuku, providing essential and invaluable ecosystem services.
- TM2.11 To work with the wider community to increase community understandings of indigenous biodiversity and the ecosystem services it provides.

### **He Kupu Whakamāhukihuki / Explanation**

Indigenous biodiversity, and the landscapes and ecosystems that support it, is a fundamental part of the culture, identity and heritage of Ngāi Tahu, particularly with regard to

mahinga kai and the connection between people and place through resource use (see Issue TM1).

Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū have experienced significant land use change and resultant habitat and biodiversity loss over the last century and a half (see Box - *Native forest cover change - Te Pātaka o Rākaihautū*), and this has had a marked effect on Ngāi Tahu mahinga kai values. The degradation and loss of indigenous species and diversity is one of the major factors affecting the poor cultural health of many sites and waterways. For example, a cultural health assessment for Ihutai and its catchment found that 70% of all sites surveyed had less than 15% of the total vegetation cover in native vegetation, and no site had greater than 40% native vegetation dominance (see Part 6, Section 6.5 Ihutai).

Restoring indigenous biodiversity values is one of the most important challenges for the future management in the takiwā. A healthy economy relies on a healthy environment. Indigenous biodiversity, along with air, water and soil, are taonga; they are the region's natural capital, providing a suite of essential ecosystem services (see Box - *Ecosystem services*). Although these services are often taken for granted, they have immense value to cultural, social and economic well being. A major concern for tāngata whenua is that urban and township planning continues to promote, and often prioritise, the planting of exotic species in residential land developments, along waterways and in reserves and open space.

The Treaty of Waitangi provides the basis for the relationship between central and local government and iwi/hapū in managing indigenous biodiversity, as per the duty of active protection of Māori interests and the principle of partnership. The *Christchurch City Council Biodiversity Strategy 2008-2035* (for Ōtautahi and Te Pātaka o Rākaihautū) reflects these obligations, through the provision a vision, goals and objectives for the protection and enhancement of indigenous biodiversity in the region that explicitly recognise the relationship of Ngāi Tahu to biodiversity and the need for a partnership approach to achieve biodiversity outcomes.

#### **Cross reference:**

- » *Issue TM1: Mahinga kai*
- » *Issue TM3: Restoration of indigenous biodiversity*
- » *General policy on wetlands, waipuna and riparian margins (Section 5.3, Issue WM13)*

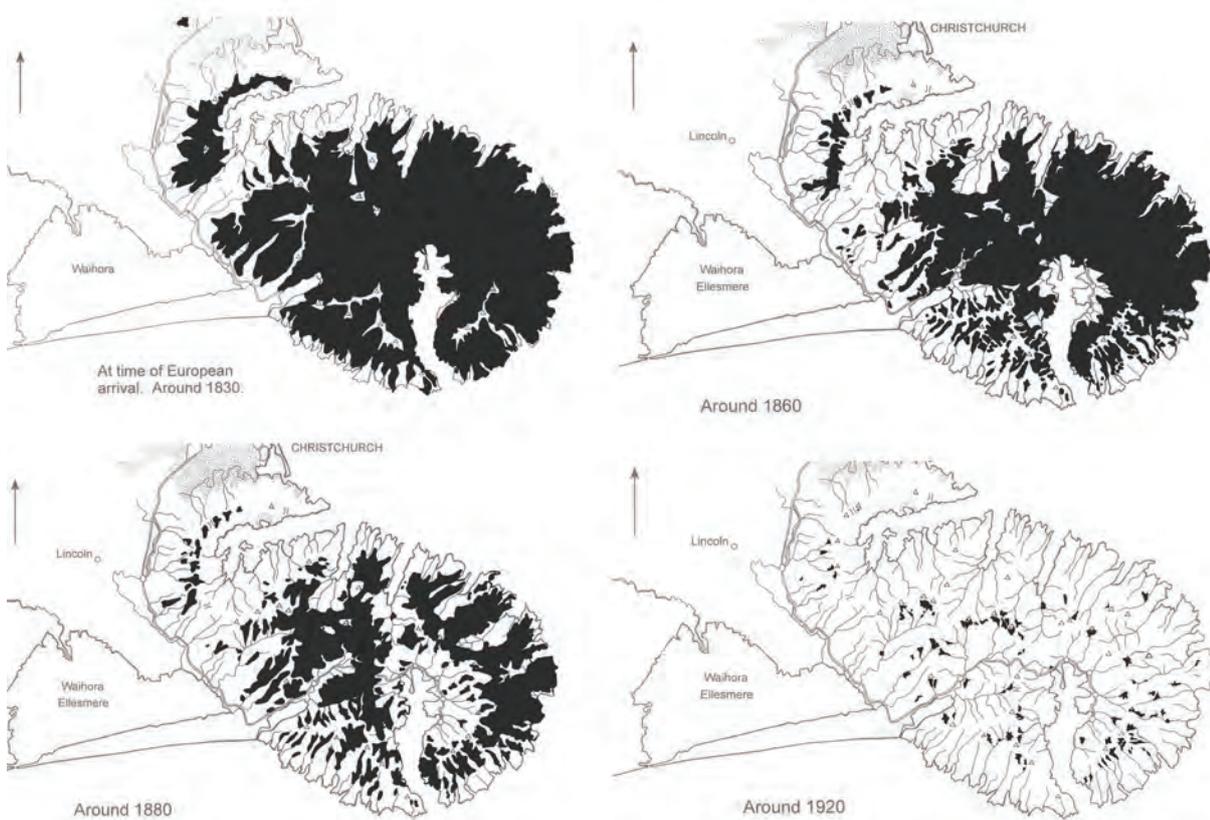
## Ecosystem Services

Indigenous biodiversity provides a variety of often unrecognised ecosystem services. These services, which can be provided directly or indirectly, include:

- ▶ Regulation of atmospheric carbon levels and temperature, including sequestration of atmospheric carbon by growing forests;
- ▶ The retention of soil by catchment vegetation, thereby reducing erosion and downstream sedimentation;
- ▶ Catchment vegetation and wetland moderation of run-off peaks (potentially flooding) and the provision of more consistent water flows in dry conditions;
- ▶ Wetland sediment trapping;
- ▶ Nutrient filtering by riparian and wetland vegetation to improve downstream water quality; and
- ▶ Waste decomposition and nutrient recycling.

**Source:** Planning for indigenous biodiversity. Quality planning: the RMA resource. Ministry for the Environment.

## Native forest cover change – Te Pātaka o Rākaihautū



**Source:** Banks Peninsula Landscape Study, 2007 (Boffa Miskell).

## RESTORATION OF INDIGENOUS BIODIVERSITY

**Issue TM3: Tāngata whenua have a particular interest in the restoration of indigenous biodiversity.**

### Ngā Kaupapa / Policy

- TM3.1 To approach the restoration of indigenous biodiversity in the takiwā based on the following principles:
- (a) Restoration of indigenous biodiversity is about restoring original and natural landscapes, and therefore the mauri of the land; and
  - (b) Restoration of indigenous biodiversity is about restoring the relationship of Ngāi Tahu to important places and resources; including planning for customary use.
- TM3.2 To advocate for an approach to restoration based on *'working with the land rather than against it'*, including but not limited to:
- (a) Establishment of long term, intergenerational vision and objectives (50 and 100 years ahead); and
  - (b) Use of natural succession and staged re-planting rather than spraying and burning (e.g. natural succession of indigenous species into areas of gorse and broom; staged underplanting of natives into wetland and lagoon areas full of willow).
- TM3.3 To promote the value of Ngāi Tahu knowledge, tools and tikanga in restoration planning and projects, in particular:
- (a) The establishment of long term, achievable restoration goals (tāngata whenua are not going anywhere!);
  - (b) Provision of information on the flora and fauna present in pre-European times, based on oral tradition and historical maps; and
  - (c) Use of tools such as State of the Takiwā to provide assessments of current and desired states of cultural health of an area and cultural assessments of restoration requirements and risks.
- TM3.4 To incorporate, where appropriate, mahinga kai objectives into restoration project planning and objectives.
- TM3.5 To require that seeds and plants for restoration projects are appropriate to the area, and as much as possible locally sourced.

- TM3.6 To support local and regional restoration groups and efforts, including but not limited to:
- (a) Living Streams (community based stream enhancement, Environment Canterbury); and
  - (b) Te Ara Kākāriki Greenway Canterbury (development of an indigenous wildlife corridor across the Ngā Pākihi Whakatekateka o Waitaha).

### He Kupu Whakamāhukihuki / Explanation

The restoration of indigenous biodiversity is critical to achieving Ngāi Tahu objectives to increase the abundance, access to and use of mahinga kai. The importance of indigenous biodiversity to mahinga kai is reflected in tāngata whenua perspectives on restoration: that restoration is about restoring the mauri of land and places, and about restoring the relationship of Ngāi Tahu to these places.

Ngāi Tahu have a unique and tested set of tools, practices and knowledge that can provide a valuable basis for restoration projects. Oral tradition and tribal and historical records provide a reliable and accurate source of information to construct a picture of the pre-European settlement landscape and the species that existed in this landscape (e.g. 1880 Tairaroa Maps held by Ngāi Tahu). Tools such as State of the Takiwā provide contemporary assessments of current and desired states of cultural health of an area and can assist with developing restoration goals and objectives.

## WEED AND PEST CONTROL

**Issue TM4: Weed and pest eradication is critical to the protection and restoration of indigenous biodiversity.**

### Ngā Kaupapa / Policy

- TM4.1 To require that the interest and relationship of Ngāi Tahu with indigenous biodiversity and mahinga kai is recognised and provided for in pest management strategies, by:
- (a) Ensuring tāngata whenua involvement in setting priorities and designing operations.
- TM4.2 To address weed and pest control strategies and operations based on the following principles, consistent with the protection of Ngāi Tahu values:
- (a) Articulation of clear strategies of eradication, as opposed to control or management;
  - (b) Use of a range of tools and methods, rather than reliance on a 'silver bullet';

- (c) Working across agencies to align and coordinate efforts to maximise success;
- (d) Minimise the use of hazardous substances, and give preference to natural solutions (trapping possums; establishment of riparian margins for shading aquatic weed);
- (e) Use of timing and techniques that avoid or reduce the impact of operations on mahinga kai and other cultural values;
- (f) Cultural, environmental and community costs must be considered equally alongside economic cost when designing pest control operations; and
- (g) Where the effects or risk associated with a specific method of pest control are unknown or unclear then the precautionary principle is the best approach. This means that an unknown effect does not mean no effect, and that protecting public health before certainty of effect is proven must be the basis of decision making.

TM4.3 To require that local authorities address the effects of invasive weeds, land and aquatic, on natural areas, indigenous biodiversity and mahinga kai by:

- (a) Developing lists of what species to avoid in residential gardens due to their potential to spread off site, including but not limited to buddleja and lupin;
- (b) Developing lists of noxious weeds/plant pests; and
- (c) Regular monitoring of parks and open space, and waterways for invasions of plant pests.

TM4.4 To require that council weed control programmes avoid effects on mahinga kai species or areas of cultural significance by:

- (a) Avoiding certain areas, as identified by tāngata whenua;
- (b) Use of alternative methods in particular locations, as requested by tāngata whenua; and
- (c) Aligning the timing of operations with tāngata whenua advice.

TM4.5 To support private landowners and conservation groups that are undertaking weed and pest control programmes.

## He Kupu Whakamāhukihuki / Explanation

Weed and pest eradication is critical to achieving the mahinga kai and biodiversity objectives identified in this plan. Key concerns are the invasion of braided riverbeds by gorse and broom, the spread of willow along waterways, wilding trees and the effects of possums on native forests. Weed and pest invasions can significantly compromise restoration efforts.

Local weed and pest issues in specific catchments are addressed in Part 6 of this plan. Wilding trees are addressed in Section 5.4 (Issue P15). The effects of invasive weeds on the beds and margins of braided rivers is addressed in Section 5.3 (Issue WM15). The use of 1080 for pest control is addressed in Issue TM5 below.

More detail on Ngāi Tahu perspectives on the use of hazardous substances and new organisms for weed and pest control can be found in the *Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement 2008*. The policy statement is a resource for cultural risk assessment and decision making on hazardous substances and new organisms based on Ngāi Tahu values, and is the default position for those issues not addressed in this IMP (e.g. biocontrol).

### Cross reference:

- » *General policy on drain management (Section 5.3 Issue WM14).*
- » *General policy on activities in the beds and margins of waterways (Section 5.3 Issue WM12).*

### Information resource:

- » *Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement 2008 Ngāi Tahu Risk Assessment: For a proposal by the Canterbury Broom Group (CBG) to release three new organisms for the biological control of broom (2005). Prepared by D. Jolly and Te Rūnanga o Ngāi Tahu for the Canterbury Broom Group and the Environmental Risk Management Authority (ERMA New Zealand).*

## PEST CONTROL USING 1080

Issue TM5: Ngāi Tahu continue to have significant reservations about the use of 1080, in particular:

- (a) Aerial application methods;
- (b) Potential effects on waterways, particularly small and ephemeral streams;
- (c) Tāngata whenua involvement in setting priorities and designing operations;
- (d) Effective and appropriate monitoring of non-target impacts, and success rates; and
- (e) Concern that 1080 will be used indefinitely in the region.

### Ngā Kaupapa / Policy

- TM5.1 Papatipu Rūnanga will assess proposals for the use of 1080 as pest control on a case by case basis, allowing for:
- (a) Different perspectives between hapū in the takiwā; and
  - (b) Different local scenarios, including timing, location and method of use, and provisions to avoid or mitigate cultural issues.
- TM5.2 To require early consultation, with good quality, culturally relevant information for any proposal to use 1080 in the takiwā.
- TM5.3 Papatipu Rūnanga will use the following framework to assess the degree of cultural acceptability or unacceptability of 1080 use:
- (a) The use of 1080 for pest control is likely be opposed where:
    - (i) It involves aerial application in areas where access is not a significant issue;
    - (ii) There are culturally significant sites, including mahinga kai sites and resources;
    - (iii) There is a cultural risk to water, as identified by tāngata whenua, including small and ephemeral streams or degraded waterways;
    - (iv) There is no clear plan for monitoring non target impacts and success rates; and
    - (v) Iwi/hapū have not been involved in setting priorities or designing operations.
  - (b) The use of 1080 may be supported where tāngata whenua can determine that:
    - (i) The timing and design of operations reflect local conditions;
    - (ii) The toxin will be used alongside other methods such as trapping and hunting, to maximise success;

- (iii) The potential non target impacts are clearly identified, including those identified by tāngata whenua;
- (iv) Tāngata whenua are involved in setting priorities and designing operations, including monitoring operations; and
- (v) There is a tangible and significant environmental or cultural benefit.

### Alternatives

TM5.4 To continue to advocate for research and investigation into alternatives to the use of 1080.

### He Kupu Whakamāhukihuki / Explanation

Ngāi Tahu has worked with the Animal Health Board, Department of Conservation, Land Information New Zealand, Environmental Risk Management Authority (now the Environmental Protection Agency), and local government on issues associated the use of 1080 for pest control since 2001. While there is no singular Ngāi Tahu view on the use 1080, there has been a shift from opposing 1080 to working proactively with operators and government to address tāngata whenua concerns about the way 1080 is managed and used, and who is involved in the process, particularly with regard to addressing cultural risks to water and non target species.

General policy in this IMP does not support or oppose the use of 1080. Rather, the focus is on providing guidance on cultural issues of concern (see Box - *Examples of cultural issues associated with 1080 use*), and enabling the different hapū to consider proposals based on local conditions and the specific detail of proposed operations.

***“The mainstream definition of waterways means that small waterways and ephemeral streams get hit by 1080. Despite assurances that it is water soluble, we cannot be certain that there are no effects, particularly because the resilience of many of our waterways is already compromised.”*** Terrianna Smith, Te Taumutu Rūnanga.

***“If we find that 1080 has killed 5 possums, but also 5 kererū, does this justify the use of 1080?”***  
Uncle Waitai Tikao, Ōnuku Rūnanga.

#### Information resource:

- » *Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement 2008.*
- » *Cultural Impact Assessment for a global consent application by Environment Canterbury to use 1080 in the Canterbury region of the control of rabbits, possums and wallabies (2008). Prepared by D. Jolly for Environment Canterbury.*

### Examples of cultural issues associated with 1080 use

- ▶ Adverse effects on the mauri of a waterway if 1080 enters water. Such effects may be tangible (e.g. reducing water quality), or intangible (e.g. the relationship of tāngata whenua with the waterway).
- ▶ Adverse effects on mahinga kai, and on human health, if 1080 is consumed directly or indirectly (via carcasses) by tuna.
- ▶ Adverse effects on mahinga kai, and on human health, if there is uptake of 1080 via soil or water by culturally important plants, including mahinga kai, rongoā and plants used for weaving. Even if plants do not absorb 1080, it is unlikely that tāngata whenua would feel comfortable gathering cultural materials in an area where 1080 is used.
- ▶ Potential effects on wāhi tapu values, including urupā. In some instances, it may be culturally unacceptable to use 1080 in locations with these values.
- ▶ Cumulative effects on soil, water and mahinga kai resources, as a result of the long term use of 1080.

**Source:** CIA for a global consent application by Environment Canterbury to use 1080 in the Canterbury region (2008).

## COMMERCIAL USE OF INDIGENOUS FLORA AND FAUNA

**Issue TM6: Current laws and policy fail to recognise, provide for and protect the kaitiaki relationship of tāngata whenua with indigenous flora and fauna and mātauranga Māori with regard to the commercial use and development of indigenous species (e.g. bioprospecting, genetic modification and Intellectual Property Rights in genetic material).**

### Ngā Kaupapa / Policy

- TM6.1 The protection of taonga species (see Box - *What are Taonga species?*) and mātauranga Ngāi Tahu from inappropriate commercial use and development is critical to the protection of Ngāi Tahu culture and identity.
- TM6.2 The Crown has a duty under the Te Tiriti o Waitangi to provide active protection of the kaitiaki relationship

of tāngata whenua with indigenous flora and fauna, and mātauranga Ngāi Tahu.

- TM6.3 To support the Waitangi Tribunal's findings on the WAI 262 claim (2011) that:
- (a) Reforms to current laws and policies controlling research into, commercial use of and intellectual property in taonga species and traditional knowledge are required so that the interests of kaitiaki can be fairly and transparently provided for.
- TM6.4 Researchers and bioprospectors cannot use mātauranga Ngāi Tahu without consent of Ngāi Tahu.
- TM6.5 The use of taonga species or mātauranga for commercial gain must include benefits to iwi.
- TM6.6 To recognise the role of the *Te Rūnanga o Ngāi Tahu Hazardous Substance and New Organism (HSNO) Committee* to provide guidance from a Ngāi Tahu perspective on matters involving genetic modification, bioprospecting and new organisms.
- TM6.7 To recognise the *Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement 2008* as a resource for cultural risk assessment and decision making on genetic modification and new organisms.

### He Kupu Whakamāhukihuki / Explanation

Tāngata Whenua have a longstanding relationship with indigenous flora and fauna, one that includes rights to access, protect, conserve, use and protect native species. The Treaty of Waitangi requires the active protection of the kaitiaki relationship of tāngata whenua with indigenous flora and fauna.

Many indigenous species are of increasing interest to scientists and researchers involved in bioprospecting, genetic modification, and intellectual property law, particularly patents and plant variety rights. However, the current legislative environment does little to recognise or support the relationship of tāngata whenua with indigenous flora and fauna, or to protect mātauranga Māori relating to specific species. The result is that individuals and organisations are largely able to conduct research, obtain Intellectual Property rights in, and commercialise, genetic and biological resources in taonga species, without informing kaitiaki or obtaining their consent.

These issues are addressed by the WAI 262 claim to the Waitangi Tribunal (sometimes known as the Native Flora and Fauna claim). WAI 262 addresses a range of issues on how New Zealand's law and policy affect Māori culture and identity, including the protection of taonga species and

mātauranga Māori, intellectual property and the commercial use of the biological and genetic resources of indigenous flora and fauna.

The findings of the Tribunal are found in the report *Ko Aotearoa tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity (2011)*. Importantly, the Tribunal recommended a number of specific legislative reforms so that the rights and interests of iwi and hapū can be fairly and transparently considered alongside other interests.

**Information resource:**

- » *Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement 2008.*

### What are Taonga species?

‘Taonga species’ in this IMP refer to species of flora and fauna that are significant to the culture and identity of iwi or hapū - for example, because there is a body of inherited knowledge relating to them, they are related to the iwi or hapū by whakapapa, and the iwi or hapū is obliged to act as their kaitiaki.

This is the definition used by the Waitangi Tribunal in their report on the WAI 262 Claim - *Ko Aotearoa tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity (2011)*.

This definition includes, but is not limited to, those species identified as Taonga species in the NTCSA 1998.

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ENDNOTES

- 1 Waitangi Tribunal, 1995. *Ngāi Tahu Ancillary Claims Report*, Chapter 2 (Canterbury Ancillary Claims).



# TANGAROA





## 5.6 TANGAROA

*The sea was before  
the land and the sky,  
Cleansing, joining.*

*And where the sea  
meets the lands,  
there are obligations  
there that are  
as binding as  
those of whakapapa.*

*Teone Taare Tikao*

This section includes issues and policies related to the realm of Tangaroa, the atua of the sea. In the Ngāi Tahu tradition, Tangaroa was the first husband of Papatūānuku.

As emphasized in the New Zealand Coastal Policy Statement (2010), tāngata whenua have a traditional and continuing cultural relationship with areas of the coastal environment, including places where we have fished and lived for generations. The association of Ngāi Tahu to the Canterbury coast is acknowledged in the NTCSA 1998, whereby Te Tai o Mahaanui (the Selwyn Banks Peninsula Coastal Marine Area) and Te Tai o Marokura (the Kaikōura Coastal Marine Area) are recognised as coastal statutory acknowledgements (see Appendix 1 for a map). Te Tai o Mahaanui is also source of the name for this IMP, acknowledging the coastal waters and tides that unite the six Papatipu Rūnanga.

The RMA 1991 provides protection for the coastal environment and the relationship of Ngāi Tahu to it as a matter of national importance:

- ▶ Section 6 (a): The preservation and protection of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins;
- ▶ Section 6 (b): Protection of outstanding natural features and landscapes;
- ▶ Section 6 (e): the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
- ▶ Section 6 (f): Protection of historic heritage.

### Ngā Paetae Objectives

- (1) There is a diversity and abundance of mahinga kai in coastal areas, the resources are fit for cultural use, and tāngata whenua have unhindered access to them.
- (2) The role of tāngata whenua as kaitiaki of the coastal environment and sea is recognised and provided for in coastal and marine management.
- (3) Discharges to the coastal marine area and the sea are eliminated, and the land practices that contribute to diffuse (non-point source) pollution of the coast and sea are discontinued or altered.
- (4) Traditional and contemporary mahinga kai sites and species within the coastal environment, and access to those sites and species, are protected and enhanced.
- (5) Mahinga kai have unhindered access between rivers, coastal wetlands, hāpua and the sea.
- (6) The wāhi taonga status of coastal wetlands, hāpua and estuaries is recognised and provided for.
- (7) The marine environment is protected by way of tikanga-based management of fisheries.
- (8) Coastal cultural landscapes and seascapes are protected from inappropriate use and development.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### TANGAROA: ISSUES OF SIGNIFICANCE

<b>Issue TAN1: Statutory Acknowledgements</b>	Recognition of coastal statutory acknowledgements.
<b>Issue TAN2: Coastal water quality</b>	Coastal water quality in some areas is degraded or at risk as a result of direct discharges of contaminant and diffuse pollution from urban and rural land use.
<b>Issue TAN3: Coastal wetlands and hāpua</b>	Protecting the ecological and cultural values of coastal wetlands, estuaries and hāpua.
<b>Issue TAN4: Protecting customary fisheries</b>	Tikanga based management tools for protecting and enhancing the marine environment and customary fisheries.
<b>Issue TAN5: Foreshore and seabed</b>	There remains a lack of appropriate statutory recognition for customary rights and interests associated with the foreshore and seabed.
<b>Issue TAN6: Marine cultural heritage</b>	The protection of coastal and marine based cultural heritage values, including cultural landscapes and seascapes.
<b>Issue TAN7: Coastal land use and development</b>	Coastal land development can have effects on coastal waterways, coastal water quality, mahinga kai, natural character, coastal biodiversity and cultural landscape values.
<b>Issue TAN8: Access to the coastal environment</b>	Ngāi Tahu access to the coastal marine area and customary resources has been reduced and degraded over time.
<b>Issue TAN9: Offshore oil exploration</b>	Is there appropriate environmental policy in place to protect the realm of Tangaroa from effects associated with offshore petroleum exploration and mining?
<b>Issue TAN10: Aquaculture</b>	Papatipu Rūnanga have specific rights and interests with regard to where and how aquaculture takes place.
<b>Issue TAN11: Beached marine mammals</b>	Appropriate processes for the recovery of beached marine mammals.
<b>Issue TAN12: Freedom camping</b>	Freedom camping is having effects on the environment and Ngāi Tahu values.



## STATUTORY ACKNOWLEDGEMENTS

**Issue TAN1: Recognition of the coastal Statutory Acknowledgements beyond the expiry of the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999.**

### Ngā Kaupapa / Policy

TAN1.1 To require that local government recognise the mana and intent of the *Te Tai o Mahaanui* and *Te Tai o Marokura* Coastal Statutory Acknowledgements beyond the expiry of the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999. This means:

- (a) The existence and location of the SAs will continue to be shown on district and regional plans and policy statements;
- (b) Councils will continue to provide Ngāi Tahu with summaries of resource consent applications for activities relating to or impacting on SA areas (reflecting the information needs identified in this IMP);
- (c) Councils will continue to have regard to SAs in forming an opinion on affected party status; and
- (d) Ngāi Tahu will continue to use SAs in submissions to consent authorities, the Environment Court and the Historic Places Trust, as evidence of the relationship of the iwi with a particular area.

TAN1.2 To work with Te Rūnanga o Ngāi Tahu to:

- (a) Extend the expiry date of the Statutory Acknowledgement provisions; and
- (b) Advocate for increasing weighting and statutory recognition of IMP in the RMA 1991, so as to reduce the need for provisions such as Statutory Acknowledgements.

### He Kupu Whakamāhukihuki / Explanation

Statutory Acknowledgements were created in the Ngāi Tahu Deed of Settlement as a part of suite of instruments designed to recognise the mana of Ngāi Tahu in relation to a range of sites and areas, and to improve the effectiveness of Ngāi Tahu participation in RMA 1991 processes. Statutory Acknowledgements are given effect by recorded statements of the cultural, spiritual, historical, and traditional association of Ngāi Tahu with a particular area (see Schedule 100 of the NTCSA 1998 for a statement of Ngāi Tahu associations with *Te Tai o Marokura*, and Schedule 101 for *Te Tai o Mahaanui*, included in Appendix 7).

Statutory Acknowledgements have their own set of regulations that implement Deed of Settlement provisions such as resource consent notification. The *Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999* have a 20 year life span and therefore expire in 2019.

Statutory Acknowledgements continue to be relevant and necessary to the effective participation of tāngata whenua in RMA 1991 processes. The purpose of Policy TAN.1 is to ensure that plans, policy statements and resource consents relevant to the *Te Tai o Marokura* and *Te Tai o Mahaanui* Coastal Statutory Acknowledgements continue to recognise the significance of these coastal areas to Ngāi Tahu.

## COASTAL WATER QUALITY

**Issue TAN2: Coastal water quality in some areas of the takiwā is degraded or at risk as a result of:**

- (a) Direct discharges contaminants, including wastewater and stormwater;
- (b) Diffuse pollution from rural and urban land use;
- (c) Drainage and degradation of coastal wetlands; and
- (d) The cumulative effects of activities.

### Ngā Kaupapa / Policy

#### Standards

TAN2.1 To require that coastal water quality is consistent with protecting and enhancing customary fisheries, and with enabling tāngata whenua to exercise customary rights to safely harvest kaimoana.

#### Discharges to coastal waters

TAN2.2 To require the elimination of all direct wastewater, industrial, stormwater and agricultural discharges into the coastal waters as a matter of priority in the takiwā.

TAN2.3 To oppose the granting of any new consents enabling the direct discharge of contaminants to coastal water, or where contaminants may enter coastal waters.

TAN2.4 To ensure that economic costs are not allowed to not take precedence over the cultural, environmental and intergenerational costs of discharging contaminants to the sea.

TAN2.5 To continue to work with the regional council to identify ways whereby the quality of water in the coastal environment can be improved by changing land management practices, with particular attention to:

- (a) Nutrient, sediment and contaminant run off from farm land and forestry;
- (b) Animal effluent from stock access to coastal waterways; and
- (c) Seepage from septic tanks in coastal regions.

TAN2.6 To require that the regional council take responsibility for the impacts of catchment land use on the lakes Wairewa and Te Waihora, and therefore the impact on coastal water quality as a result of the opening of these lakes and the resultant discharge of contaminated water to the sea.

TAN2.7 To require stringent controls restricting the ability of boats to discharge sewage, bilge water and rubbish in our coastal waters and harbours.

#### ***Ki Uta Ki Tai***

TAN2.8 To require that coastal water quality is addressed according to the principle of Ki Uta Ki Tai. This means:

- (a) A catchment based approach to coastal water quality issues, recognising and providing for impacts of catchment land and water use on coastal water quality.

#### **He Kupu Whakamāhukihuki / Explanation**

Coastal water quality is an important issue with regard to protecting the mauri of the coastal environment and the ability of tāngata whenua to harvest kaimoana.

The use of *Te Tai o Mahaanui* to treat and dispose of wastewater is inconsistent with tāngata whenua values and interests. Ngāi Tahu policy is unchanged through the generations: water cannot be used as a receiving environment for waste (see Section 5.3 Issue WM6). Currently, urban and community wastewater is discharged into Pegasus Bay, Whakaraupō and Akaroa Harbour. All three of these areas are immensely significant for mahinga kai, and eliminating these wastewater discharges is a priority for tāngata whenua. The cultural, environmental and intergenerational cost of discharging waste to the sea is significant. As the hearing commissioners for a consent application to continue to discharge wastewater to Whakaraupō cautioned:

***“We see great danger in allowing financial planning processes to drive decisions regarding the sustainable management of natural and physical resources”***

Coastal water quality is also affected by non-point source or diffuse pollution, including nutrient run off from agricultural land, stock access to coastal waterways and stormwater run off from the urban environments. The coastal environment is the meeting place between Papatūānuku and Tangaroa - with coastal processes and influences often extending a considerable distance inland, and inland activities often having a direct impact on the coastal environment. This is particularly evident in the bays of Te Pātaka o Rākaihautū, where the physical geography of the catchments means that the distance between land use and coastal water quality is relatively short and steep (see Section 6.7 Koukourārata for a good discussion of this issue).

Coastal water quality is also an issue where lakes that have poor water quality as a result of catchment land use are opened to the sea (see Section 6.10 Te Roto o Wairewa and Section 6.11 Te Waihora).

#### ***Cross reference:***

- » *Issue TAN3: Coastal wetlands, estuaries and hāpua*
- » *General policy on water quality (Section 5.3 Issue WM6)*
- » *General policy on waste management (Section 5.4 Issue P7)*
- » *Section 6.4 (Waimakariri): Issue WAI1*
- » *Section 6.6 (Whakaraupō): Issue WH1*
- » *Section 6.8 (Akaroa): Issue A1*

## **COASTAL WETLANDS, ESTUARIES AND HĀPUA**

**Issue TAN3: Protecting the ecological and cultural values of coastal wetlands, estuaries and hāpua.**

#### **Ngā Kaupapa / Policy**

TAN3.1 To require that coastal wetlands, estuaries and hāpua are recognised and protected as an integral part of the coastal environment, and for their wāhi taonga value as mahinga kai, or *food baskets*, of Ngāi Tahu.

TAN3.2 To require that local authorities recognise and address the effects of catchment land use on the cultural health of coastal wetlands, estuaries and hāpua, particularly with regard to sedimentation, nitrification and loss of water.

- TAN3.3 Environmental flow and water allocation regimes must protect the cultural and ecological value of coastal wetlands, estuaries and hāpua. This means:
- Sufficient flow to protect mahinga kai habitat and indigenous biodiversity and maintain sea water freshwater balance;
  - Water quality to protect mahinga kai habitat and indigenous biodiversity;
  - Sufficient flow to maintain, or restore, natural openings from river to sea;
  - Sufficient flow to avoid sedimentation; and
  - Continuous and reliable flow to ensure mahinga kai have unhindered access to the sea.

#### **Hāpua as indicators**

TAN3.4 To promote the monitoring of cultural health and water quality at hāpua to monitor catchment health and assess progress towards water quality objectives and standards.

#### **He Kupu Whakamāhukihuki / Explanation**

Historically the coastal areas of Ngā Pākihi Whakatekateka o Waitaha were dominated by wetlands and coastal lagoons. The areas between the Waipara and Kōwai rivers, Rakahuri and Waimakariri rivers, and Te Waihora and the Rakaia River were well known as food baskets of Ngāi Tahu given the richness of mahinga kai resources found in coastal wetlands such as Tūtaepatu, Te Waihora and Muriwai, and hāpua at the mouths of rivers. Te Ihutai, the estuary of the Ōtakaro and Ōpawaho rivers, was a significant settlement and food gathering site for generations of Ngāi Tahu.

The extent and cultural health of coastal wetlands, estuaries and lagoons has declined significantly as a result of both urban and rural land use, and this has had a marked impact on mahinga kai resources and opportunities (see Case Study: *Muriwai*). The intrinsic and cultural value of these ecosystems requires an immediate and effective response to issues such as wastewater and stormwater discharges, sedimentation and nutrient run off. Objective 1 of the New Zealand Coastal Policy Statement (2010) is concerned with safeguarding the integrity, form, functioning and resilience of the coastal environment and its ecosystems, and this includes coastal wetlands, estuaries and hāpua

Ngāi Tahu recognise hāpua as excellent indicators of catchment health and the state of the mauri of a river. At the end of the river and the bottom of the catchment, water quality in hāpua reflects our progress in the wider catchment towards meeting water quality objectives and standards, and restoring the mauri of our waterways.

***“The water that some feel is going to waste by flowing into the sea is actually feeding our hāpua.”***

IMP hui participants.

***“... the health of the hāpua of rivers is a way we can monitor the success of our zone plans, as the results of all land and water use find their way to the hāpua.”***

IMP Working Group.

#### **Cross reference:**

- » ***General policy on wetlands, waipuna and riparian margins (Section 5.3 Issue WM13)***

#### **Is water flowing into the sea surplus water?**

For tāngata whenua, water flowing out to sea is not surplus water, or ‘wasted’ water; it is a crucial part of the water cycle. Floods and freshes play an important role in maintaining the shape and character of the river, cleansing, moving sediment, and opening the river mouth to allow native fish migration. When river flows are reduced, the riverine and coastal ecological processes and balance between fresh water and seawater also gets disrupted. Saline water may start intruding inwards, swallowing the beaches and eroding the coast.

### CASE STUDY: Muriwai

Muriwai (Cooper's Lagoon) is a remnant coastal wetland between Taumutu and the Rakaia River. Historically Muriwai joined Te Waihora to the east. It was a place where tāngata whenua caught tuna for manuhiri, and therefore had special value as mahinga kai. Under section 184 of the NTCSA 1998, Te Rūnanga o Ngāi Tahu owns the bed of Muriwai fee simple. The decline of tuna populations in Muriwai is a concern for tāngata whenua, along with the effects of adjacent rural land use.

*"...Muriwai is a very important place to tāngata whenua. This is place where we caught eels for the visitors (manuhiri). This place has changed now. There is silt in it now, and it is not as deep, and there are no more eels (except for the ones Fish and Game released in there)." Uncle Pat Nutira.*

*"Mum used to go all the way down to Muriwai and spear eels down there. She used to be in water that was up to her waist, and she used to have flax tied around her waist. And every time she speared the eels she used to string them up and they used to go along like that until they go about a dozen or more. And then they would come ashore. She would thread the flax through the hole underneath and string them up through their mouth. The eels at the Muriwai were different from the lake. They were sort of green belly eels, not like the silver-bellies that you get from the lake." Taua Jane N. Wards (nee Martin).*

*"... The better eels were from Muriwai and the whitebait at Coopers Lagoon. When we used to go whitebaiting, we would drive the horse and cart down to the beach to Coopers Lagoon and go whitebaiting there, because the Lake wouldn't be open at Lake Ellesmere. If the Lake was open, you could stand in our kitchen and look down at the Lake Opening... if the seagulls were dipping you knew to run your net down to the Lake, catch a feed, run home again and they would still be alive". Aunty Ake Johnson.*

*"...I liked it when fishing for tuna at Muriwai. The tuna there are a very special tuna with a different colour and even size. The skin was a golden colour different to the ordinary black eel. When we used the patu to kill the eels, it was important to strike just below the head as every useful part of the flesh should not be damaged. If it was marked or damaged these could be seen when you pawhara the eel. When served to manuhiri or given as a koha you wanted them to see the lovely golden colour of the flesh." Ruku Arahanga.*

**Sources:** Interviews with kaumātua from Te Taumutu Rūnanga, in:  
a) *Te Taumutu Rūnanga and Te Waihora Eel Management Committee: Nature and Extent of the Customary Eel Fishery* (D. O'Connell), and  
b) *the Te Taumutu Rūnanga Natural Resource Management Plan 2002.*



## TOOLS TO PROTECT CUSTOMARY FISHERIES AND THE MARINE ENVIRONMENT

**Issue TAN4: Tikanga-based management tools for protecting and enhancing the marine environment and customary fisheries.**

### Ngā Kaupapa / Policy

TAN4.1 The most appropriate tools to protect and enhance the coastal and marine environment are tikanga-based customary fisheries management tools, supported by mātauranga Māori and western science, including:

- (a) Taiāpure;
- (b) Mātaimai;
- (c) Rāhui; and
- (d) Tāngata tiaki/kaitiaki.

TAN4.2 To oppose the establishment of marine reserves in areas of significance to customary fishing, wāhi tapu, or where it could inhibit the development of mātaimai or taiāpure.

TAN4.3 To support the continued development and use of the *Marine Cultural Health Index* as a tāngata whenua values-based monitoring scheme for estuaries and coastal environment that is part of the Te Rūnanga o Ngāi Tahu's State of the Takiwā Programme.

TAN4.4 To continue to investigate and implement kaimoana reseeding projects in the takiwā where traditional stocks are degraded.

TAN4.5 To continue to develop and establish sound research partnerships with the regional council, Crown Research Institutes, government departments, universities and other organisations to address issues of importance to tāngata whenua regarding the management of the coastal and marine environment.

### He Kupu Whakamāhukihuki / Explanation

Taiāpure, mātaimai and rāhui are area management tools provided for under the Fisheries Act 1996 (see Table 3). They are designed to protect places of importance for customary food gathering, such as a certain type of fishery or a kōhanga, and ensure that tāngata whenua are involved in local decision-making. They provide for the protection of the marine environment through tikanga-based management of fisheries.

The *South Island Customary Fishing Regulations 1999* give effect to non-commercial customary fishing rights and provide the framework for customary fishing area management tools. Under the Regulations, tāngata tiaki/kaitiaki are nominated by Papatipu Rūnanga and gazetted by the Minister of Fisheries to authorise customary fishing within their rohe moana.

The use of Taiāpure and Mātaitai to protect the marine environment is complemented by other mechanisms that

apply to freshwater and coastal sites, including the fee simple title to the beds of coastal lakes and lagoons under the NTCSA 1998 (e.g. Te Waihora and Muriwai) and general fisheries legislation (e.g. that sets Te Roto o Wairewa aside for Ngāi Tahu eel fishing only).

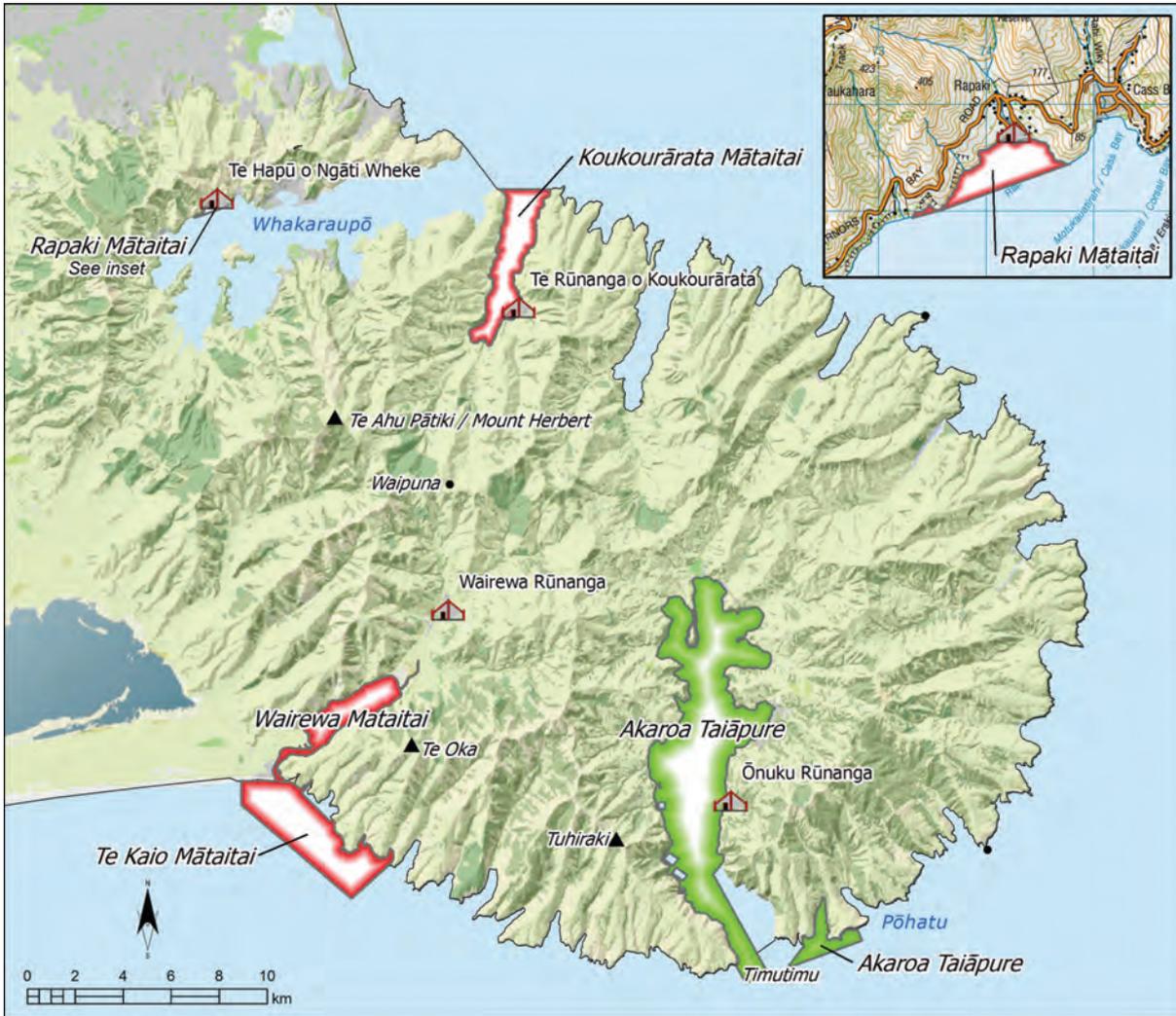
There are four Mātaitai and one Taiāpure in the takiwā covered by this IMP (see Map 3). Part 6 of this plan provides more information on local issues and aspirations associated with each of these.

**TABLE 3: MĀTAITAI, RĀHUI AND TAIĀPURE**

<b>Mātaitai</b>	<ul style="list-style-type: none"> <li>▶ A Mātaitai reserve identifies an area that is a place of importance for customary food gathering and allows for tāngata whenua to manage these areas.</li> <li>▶ Tāngata Tiaki are nominated by tāngata whenua to make by-laws for the mātaitai reserve (which must be approved by the Minister responsible for Fisheries and must apply generally to all individuals - tāngata whenua and others).</li> <li>▶ If a by-law is made that stops fishing generally, the Tāngata Tiaki still has the right to authorise customary fishing to sustain the functions of the marae.</li> <li>▶ A mātaitai reserve prohibits commercial fishing within its boundaries, unless otherwise authorised by the Minister of Fisheries.</li> </ul>
<b>Rāhui</b>	<ul style="list-style-type: none"> <li>▶ Section 186B of the Fisheries Act 1996 was developed to give legal effect to rāhui, allowing for the closure or restriction of fishing methods in an area, for a period not exceeded two years.</li> <li>▶ The rāhui must be likely to improve the size and/or availability of fish stocks, or to help recognise the use and management practices of tāngata whenua.</li> <li>▶ The process is at the discretion of the Minister responsible for Fisheries after consultation with interested groups.</li> </ul>
<b>Taiāpure</b>	<ul style="list-style-type: none"> <li>▶ Taiāpure identifies an area of estuarine or littoral coastal waters that has customarily been of special significance to an iwi or hapū as a source of food or for spiritual or cultural reasons.</li> <li>▶ Taiāpure make provisions for a management committee to be established to give advice and recommendations for regulations to the Minister of Fisheries to manage the fisheries in the taiāpure.</li> <li>▶ The legislative process to establish a taiāpure can be long and bureaucratic but in many cases has resulted in stronger community relationships.</li> </ul>



**Map 3:** Mātaïtai and Taiāpure reserves in the takiwā covered by this IMP.



## FORESHORE AND SEABED

**Issue TAN5:** There remains a lack of appropriate statutory recognition for customary rights and interests associated with the foreshore and seabed.

### Ngā Kaupapa / Policy<sup>2</sup>

TAN5.1 To oppose the *Marine and Coastal Area (Takutai Moana) Act 2010* based on:

- (a) The unjust and unprincipled tests for establishing customary marine title and customary rights; and
- (b) The lack of recognition for tāngata whenua rights and interests in relation to the foreshore and seabed (i.e. “no ownership” regime).

TAN5.2 To continue to contribute to Ngāi Tahu whānui efforts to have customary rights and interests to the foreshore and seabed recognised and provided for in a fair and just way.

TAN5.3 Any replacement model for addressing ownership of the foreshore and seabed must:

- (a) Recognise and provide for the expression of mana of whānau/hapū/iwi over the foreshore and seabed; and
- (b) Enable Ngāi Tahu Whānui to express their customary rights and interests over particular sites and areas within the Ngāi Tahu Takiwā.

This means that:

- (a) Tests and processes for establishing customary title and customary rights must be fair and just, and be able to encompass the rights and interests of all iwi with respect to the areas of the foreshore and seabed of greatest importance to them;
- (b) Ownership must be consistent with the Treaty partnership (no Crown ownership, no public ownership);
- (c) The Crown should not be able to extinguish customary rights by actions that are inconsistent with the Treaty of Waitangi;
- (d) Customary rights should not have to be proven by whānau/hapū/iwi;
- (e) Ngāi Tahu must be able access the benefits of any model or regime in a fair and principled way; and
- (f) The right to development must be provided for.

### He Kupu Whakamāhukihuki / Explanation

The Ngāi Tahu Takiwā includes a greater area of foreshore and seabed than any other tribal rohe in the country and therefore Papatipu Rūnanga have a particular interest in any frameworks or models that seek to define ownership rights.

Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu opposed the *Foreshore and Seabed Act 2004* and the vesting of ownership of the seabed and foreshore in the Crown. While the replacement *Marine and Coastal Area (Takutai Moana) Act 2010* is different from the *Foreshore and Seabed Act* in a number of ways, it too falls short in recognising the long-standing rights and interests of Ngāi Tahu in relation to the foreshore and seabed. While the Act eliminates the idea that the Crown owns the foreshore and seabed, it still delegates iwi and hapū interests in a common space, and while it restores access to the High Court for iwi and hapū to claim customary title, the high threshold test to prove continuous and exclusive use of the area since 1840 will be impossible for many iwi and hapū to meet, due to past injustices.

In responding to the *Marine and Coastal Area (Takutai Moana) Bill 2010*, Ngāi Tahu concluded that while the Bill was different from the *Foreshore and Seabed Act* in a number of notable ways, the longstanding rights and interests of Ngāi Tahu in relation to the foreshore and seabed are no more capable of recognition under the new Act as they were under the 2004 Act (see Box - *Marine and Coastal Area (Takutai Moana) Act 2010*).

#### Marine and Coastal Area (Takutai Moana) Act 2010

“The new Marine and Coastal Area (Takutai Moana) Bill is not the fair and just solution we hoped for and it is a solemn day for us. While the Bill may look different in places, it will not make practical differences for Iwi or the nation. This Bill screws the scrum for Iwi because the tests for rights recognition are near impossible for most Iwi to meet. For the whole nation, this Bill will not improve how our coastal marine area is safe guarded for future generations.”

**Source:** Mark Solomon, Kaiwhakahaere of Te Rūnanga o Ngāi Tahu. Ngāi Tahu media release. March 24, 2011.

## COASTAL AND MARINE CULTURAL HERITAGE

**Issue TAN6: The protection of coastal and marine based cultural heritage values, including cultural landscapes and seascapes.**

### Ngā Kaupapa / Policy

TAN6.1 To require that local government and the Crown recognise and provide for the ability of tāngata whenua to identify particular coastal marine areas as significant cultural landscapes or seascapes.

TAN6.2 To require that coastal marine areas identified by tāngata whenua as significant cultural landscapes or seascapes are protected from inappropriate coastal land use, subdivision and development.

TAN6.3 To require that marine cultural heritage is recognised and provided for as a RMA s.6 (e) matter in regional coastal environment planning, to protect the relationship between tāngata whenua and the coastal and marine environment.

TAN6.4 To require that Ngāi Tahu cultural and historic heritage sites are protected from:

- Inappropriate coastal land use, subdivision and development;
- Inappropriate structures and activities in the coastal marine area;
- Inappropriate activities in the marine environment, including discharges; and
- Coastal erosion.

### He Kupu Whakamāhukihuki / Explanation

Tāngata whenua have a long and enduring relationship with the coastal and marine environment. It is part of the cultural heritage of Ngāi Tahu. Kaimoana is one of the most important values associated with the marine environment and the relationship of Ngāi Tahu to the sea is often expressed through this value. The food supplies of the ocean were regarded as a continuation of mahinga kai on land:

*“To Ngāi Tuahuriri fishermen off the coast, the peaks of Maungatere, Ahu Patiki, and other prominent mountains served as marks to locate the customary fishing grounds, for the food supplies of the ocean were regarded as a continuation of the mahinga kai on land.”<sup>3</sup>*

Other examples of marine cultural heritage values include dolphin habitat and migration routes (particularly Hector's dolphin), whale feeding grounds, migration routes for

kōura, sea mounts, reefs, islands and trenches, burial caves, kaimoana, tauranga ika, navigation points and rimurapa.

#### Cross reference:

- » *Issue TAN7: Coastal land use and development*
- » *Issue TAN8: Access to coastal environments*
- » *General Policy on cultural landscapes (Section 5.8, Issue CL1)*

## COASTAL LAND USE AND DEVELOPMENT

**Issue TAN7: Coastal land use and development can have effects on Ngāi Tahu values and the environment.**

### Ngā Kaupapa / Policy

#### Ngāi Tahu values and interests

TAN7.1 To require that local authorities recognise and provide for the particular interest of Ngāi Tahu in coastal land development activities, including but not limited to:

- The protection of coastal headlands and skylines;
- The protection of coastal indigenous biodiversity, including remnant forest and endemic species;
- The protection of mahinga kai values;
- The protection of wāhi tapu and wāhi taonga;
- The protection of views of significant natural features and landmarks;
- Access to coastal areas for customary use;
- Ngāi Tahu aspirations for coastal areas, including the establishment of matāitai and taiāpure;
- The potential for sedimentation and contamination of coastal waters; and
- The increased pressure on existing water resources and community infrastructure.

TAN7.2 To require that local authorities recognise those coastal areas identified by tāngata whenua as Ngāi Tahu cultural landscapes of particular importance, and protect such landscapes from inappropriate coastal land use and development.

TAN7.3 To require a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown or poorly understood.

#### General principles

TAN7.4 As a general rule, Papatipu Rūnanga will use the

following principles as a guide for assessing coastal land development:

- (a) Protect Ngāi Tahu cultural landscapes and cultural landscape values, and cultural and physical connections between these;
- (b) Protect Ngāi Tahu access to wāhi tapu, wāhi taonga and mahinga kai;
- (c) Protect those areas that are largely unmodified with a high degree of natural character;
- (d) Retain the rural environment by maintaining small-scale land use and open space patterns;
- (e) Concentrate new buildings in existing clusters and settlements (areas of existing modification) - areas able to absorb change;
- (f) Protect natural landforms and features such as peaks and ridge lines;
- (g) Recognise the effects of land use on coastal water quality, particularly where catchments are geographically 'short and steep', and there is little distance between land use and coastal water; and
- (h) Maintain the high natural character values of the coastal environment.

#### **Incremental development**

TAN7.5 To require that local authorities recognise and provide the cumulative impacts of land use change on the natural and cultural landscape values of coastal areas, including:

- (a) Effects of incremental development; and
- (b) Ensuring that existing modification of the landscape is not used to justify further change where it is inappropriate to allow further coastal development.

#### **Ownership of the foreshore**

TAN7.6 To oppose private ownership of the foreshore as a result of coastal subdivision activities.

#### **He Kupu Whakamāhukihuki / Explanation**

The sheltered harbours along the eastern coast of Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū were created by Tūterakiwhānoa, mokopuna of Aoraki, to enable human occupation of the land. Just as the ancestors of Ngāi Tahu tended to concentrate in coastal areas, people continue to be drawn to coastal landscapes. However, the increasing pressure on, and ecological vulnerability and cultural significance of these landscapes necessitates the careful consideration of coastal development activity.

Some coastal areas in the takiwā are highly modified (i.e. urban areas) while others are relatively remote and retain

high natural character value (i.e. the eastern bays of Te Pātaka o Rākaihautū). Coastal land development must balance growth and development with the protection of cultural landscape values and the natural environment. Tāngata whenua policy in this regard is aimed at avoiding sporadic, uncontrolled development in coastal areas, and remedying or mitigating impacts of development on the coastal landscape. Coastal land development must be sustainable and appropriate; fitting into the landscape rather than working against it, and enhancing existing values rather than degrading them.

Part 6 of this Plan identifies specific issues associated with coastal land development in various catchments, and locally appropriate guidelines and controls to enable coastal land development to occur in a way that is consistent with the protection of cultural values and the achievement of tāngata whenua objectives for particular places. For example, Section 5.7 contains policy to ensure that coastal land development in Koukourārata is consistent with the rural and remote character of the community and the bay as a mahinga kai and matāitai.

Cultural landscapes are an important mechanism to identify and protect tāngata whenua values and interests associated with the coastal environment. While specific sites such as pā, midden or urupā may be protected as historic heritage or archaeological sites, the wider contexts, settings or landscapes that they occur in may not be. A cultural landscape approach enables a holistic identification and assessment of cultural heritage.

#### *Cross reference:*

- » *Issue TAN5: Foreshore and Seabed*
- » *Issue TAN 8: Access to coastal environments*
- » *General policies in Section 5.8 - Issue CL1: Cultural landscapes; and Issue CL3: Wāhi tapu me wāhi taonga*
- » *General policy on subdivision and development (Section 5.4 Issue P4)*

## **ACCESS TO COASTAL ENVIRONMENTS**

**Issue TAN8: Ngāi Tahu access to the coastal marine area and customary resources has been reduced and degraded over time.**

#### **Ngā Kaupapa / Policy**

TAN8.1 Customary access to the coastal environment is a customary right, not a privilege, and must be recognised and provided for independently from general public access.

TAN8.2 To require that access restrictions designed to protect the coastal environment, including restrictions to vehicle access, do not unnecessarily or unfairly restrict tāngata whenua access to mahinga kai sites and resources, or other sites of cultural significance.

TAN8.3 To require that general public access does not compromise Ngāi Tahu values associated with the coastal environment.

TAN8.4 To oppose coastal land use and development that results in the further loss of customary access to the coastal marine area, including any activity that will result in the private ownership of the foreshore.

### He Kupu Whakamāhukihuki / Explanation

Over the last 160 years Ngāi Tahu access to the coastal environment for gathering mahinga kai and carrying out kaitiaki responsibilities has been significantly affected by the degradation and dewatering of sites, loss of mahinga kai resources, and restrictions to physical access. Customary access is a customary right, which means that tāngata whenua must have unencumbered physical access to the coastal marine area.

Tāngata Whenua accept and support the need to restrict public access to sensitive areas to protect habitat and breeding grounds for indigenous species. The impacts of vehicle access on sensitive river mouth and dune environments is an issue of concern in coastal areas. However, while coastal access should be managed to protect indigenous biodiversity and cultural heritage values, it should not unduly restrict customary access. Ngāi Tahu access to sites and resources in the coastal environment must be recognised and provided for independently from general public access. Further, purchasers of land adjacent to the coast cannot be allowed to own (literally or the illusion of) the foreshore, therefore further restricting access.

*“Our kaumatua should not have to walk for miles to get their cockles and pipi, and they should not have to go and get a key for access to their traditional mahinga kai places.”* Clare Williams, Ngāi Tūāhuriri.

*“When someone builds a house along the coast they need to know that they do not own the coast or the beach.”* Koukourārata IMP hui, 2009.

#### Cross reference:

» *General policy on access to wāhi tapu and wāhi taonga (Section 5.8 Issue CL5)*

## OFFSHORE EXPLORATION AND MINING

**Issue TAN9: Is there appropriate environmental policy in place to protect the realm of Tangaroa from effects associated with offshore petroleum exploration and mining?**

### Ngā Kaupapa / Policy

TAN9.1 To require that the Crown and petroleum companies engage in early, and in good faith consultation with Papatipu Rūnanga for any proposed exploration permit blocks or mining permit applications.

TAN9.2 To work with Te Rūnanga o Ngāi Tahu to ensure that Ngāi Tahu values and interests are recognised and provided for in the exploration block tendering and mining permit application process.

TAN9.3 To use Section 15(3) of the *Crown Minerals Act 1991* (CMA) and the Minerals Programme for Petroleum (2005) provisions to protect areas of historical and cultural significance from inclusion in an offshore exploration permit block or minerals programme.

TAN9.4 To assess exploration and mining permit applications with particular attention to:

- (a) Does the company have an engagement strategy in place for engagement with indigenous peoples? and;
- (b) Potential effects on:
  - (i) Marine cultural heritage, including traditional fishing grounds;
  - (ii) Areas which are significant to whānau, hapū and iwi for various reasons, including places to gather food, settlements, wāhi tapu sites, meeting places and burial grounds;
  - (iii) Habitat for marine mammals;
  - (iv) Productivity of area; and
  - (v) Health of fish stocks.

### He Kupu Whakamāhukihuki / Explanation

There are three types of activities that relate to offshore petroleum activities: prospecting (reviewing and collating existing information), exploration and/or drilling (mining).

Tāngata whenua have concerns that national and regional government do not have appropriate environmental policy in place to protect the realm of Tangaroa from offshore oil mining and exploration. These activities have the potential to affect Ngāi Tahu values and interests, including traditional fishing grounds, marine mammal habitat and cultural heritage sites.

Section 15(3) of the *Crown Minerals Act 1991* (CMA) states that on request of an iwi, a minerals programme may provide that defined areas of land of particular importance to its mana are excluded from the operation of the minerals programme or must not be included in any permit. The *Minerals Programme for Petroleum (2005)* also sets out the Crown's responsibility for the active protection of areas of particular importance to iwi. Early and on-going engagement with tāngata whenua by both the Crown and petroleum companies is critical to the identification and protection of areas of importance to Ngāi Tahu.

*Cross reference:*

- » *General policy on mining and quarrying (Section 5.4 Issue P13)*

## AQUACULTURE

**Issue TAN10: Papatipu Rūnanga have specific rights and interests associated with where and how aquaculture takes place.**

### Ngā Kaupapa / Policy

#### *Allocation and use of coastal space*

- TAN10.1 To require that Ngāi Tahu have an explicit and influential role in decision-making regarding the allocation and use of coastal space for aquaculture, recognising:
- Ngāi Tahu interests in the coastal marine area through a whakapapa relationship with Tangaroa, and through the tikanga of “mana whenua, mana moana”;
  - Ngāi Tahu customary rights in respect of the foreshore and seabed and associated waterways;
  - The coastal marine area as the domain of Tangaroa, and a taonga guaranteed to the iwi by virtue of Article 2 of the Treaty of Waitangi;
  - Ngāi Tahu customary fishing rights and interests guaranteed under, or pursuant to, the Treaty that have historically been recognised by the Waitangi Tribunal and the ordinary courts; and
  - Ngāi Tahu entitlements to coastal space, as per the NTCSA 1998 and *Māori Commercial Aquaculture Settlement Act 2004*.
- TAN10.2 To require that the regional council recognise and give effect to the particular interest and customary rights of Ngāi Tahu in the coastal marine area by:
- Ensuring that Ngāi Tahu is involved in the decision making process for the establishment

- of Aquaculture Areas; and
- Providing opportunities for Ngāi Tahu to identify exclusion areas for aquaculture.

### *Ngāi Tahu Seafood*

TAN10.3 To require that Ngāi Tahu Holdings Group (Ngāi Tahu Seafood) engage with Papatipu Rūnanga when considering marine farming ventures.

### *Customary, non-commercial aquaculture*

TAN10.4 To require that current and future regional aquaculture policy recognises and provides for the ability of Papatipu Rūnanga to develop aquaculture for customary, non-commercial purposes (i.e. to support, grow and supplement existing/depleted mahinga kai).

### *Assessing aquaculture proposals*

- TAN10.5 To assess proposals for aquaculture or marine farms on a case by case basis with reference to:
- Location and size, species to be farmed;
  - Consistency with Papatipu Rūnanga aspirations for the site/area;
  - Effects on natural character, seascape and marine cultural heritage values;
  - Visual impact from land and water;
  - Effects on customary fishery resources;
  - Monitoring provisions;
  - Cumulative and long term effects;
  - Impact on local biodiversity (introducing species from outside the area); and
  - Impacts on off-site species.

### **He Kupu Whakamāhukihuki / Explanation**

Aquaculture is the practice of farming in the water: cultivating kaimoana in marine spaces. There are several marine farms in the takiwā, including at Koukourāta, Pigeon Bay, Beacon Rock, Menzies Bay and Akaroa Harbour.

Aquaculture is not new for Ngāi Tahu. Shellfish seeding is a traditional form of aquaculture still practiced today. Rimurapa was traditionally used to transport live shellfish from one location to another, to seed new beds either with new varieties or to assist in the build up of existing depleted stocks.<sup>4</sup> A second form of aquaculture involved the storage of kaimoana in taiki, or coastal storage pits. Pits were usually hollows in the rocks that would be covered by the tide at high water, and were used to store shellfish such as paua and mussels. Historically, tāngata whenua living at Koukourāta would travel to a neighbouring bay in the autumn, make up

small beds of shellfish and store them under piles of rocks for the winter.<sup>5</sup>

The purpose of Policies TAN10.1 to TAN10.5 is to ensure that Papatipu Rūnanga have a say in how and where aquaculture occurs. The policies enable Papatipu Rūnanga to promote aquaculture opportunities that are sustainable, and avoid those that will have significant effects. Inappropriate aquaculture locations and unsustainable practices have the potential to compromise values and resources important to Ngāi Tahu. Sustainable aquaculture has the potential for significant contributions to the cultural, social and economic well-being of Ngāi Tahu and the wider community.

Aquaculture and marine farming proposals need be considered on a case by case basis. Papatipu Rūnanga may identify areas that are inappropriate or desirable for aquaculture, based on the specific values located there. For example, particular areas of Akaroa Harbour have special values because of their spiritual status, including areas where submerged caves of high wāhi tapu value are located. Ngāi Tahu traditionally did not use these areas for mahinga kai, and therefore marine farming would also be inappropriate (See Section 6.8).

*Information resource:*

- » *Te Rūnanga o Ngāi Tahu 2002. Defining Aquaculture Management Areas From a Ngāi Tahu Perspective. Report prepared for Environment Canterbury.*
- » *Crengle, D. 2000, with Te Rūnanga o Onuku, Wairewa Rūnanga and Te Rūnanga o Ngāi Tahu. Akaroa Harbour Marine Farms Cultural Impact Assessment.*

## BEACHED MARINE MAMMALS

### Issue TAN11: Appropriate processes for the recovery of beached marine mammals.

#### Ngā Kaupapa / Policy

TAN11.1 The cultural, spiritual, historic and traditional association of Ngāi Tahu Whānui with marine mammals, and the rights to exercise rangatiratanga and kaitiakitanga over marine mammals is guaranteed by Te Tiriti o Waitangi.

TAN11.2 The relationship between Ngāi Tahu and the Department of Conservation for the recovery, disposal, storage and distribution of beached marine mammals shall be guided by the principles of partnership, recognising:

- (a) The relationship of Ngāi Tahu to marine mammals, as per Policy TAN11.1; and

- (b) The Department of Conservation's statutory responsibility for marine mammals under the *Marine Mammals Protection Act 1978* and the *Conservation Act 1987*.

TAN11.3 To require that engagement between Papatipu Rūnanga and other agencies regarding beached marine mammals occurs as per the processes set out in the Draft Te Rūnanga o Ngāi Tahu Marine Mammal Protocol (2004), and the Interim Guidelines for the Initial Notification and Contact between the Department of Conservation and Ngāi Tahu over Beached Marine Mammals (2004).

TAN11.4 To require that Papatipu Rūnanga are involved in the determination of burial sites for beached whales that do not survive, and that burial locations are retained as taonga and therefore protected from inappropriate use and development.

#### He Kupu Whakamāhukihuki / Explanation

The beaching of a whale holds immense cultural significance for the hapū affected by the beaching. Whales feature significantly in Ngāi Tahu creation, migration and settlement traditions. In pre-European times, the natural beaching of whales was considered an act of the gods providing the gift of life for people, as reflected a whakatauki used in evidence to the Ngāi Tahu Fisheries Claim:

**He taoka no Takaroa** This whale cast on the beach  
**i waihotia mo tātou** Is the treasure left to us all  
**ko te tohora ki uta** By the great god Takaroa.

The Department of Conservation has a legal responsibility to protect, conserve and manage marine mammals. In recognising the importance of marine mammals to each party, Ngāi Tahu and the Department of Conservation developed a draft protocol and interim guidelines to manage beached marine mammals in the Ngāi Tahu Takiwā. The documents set out the process Ngāi Tahu wish to take in responding to beached marine mammals, including recovery, use, storage, distribution and burial of beached marine mammals and marine mammal materials.

*Information resources:*

- » *Draft Te Rūnanga o Ngāi Tahu Marine Mammal Protocol (2004).* <http://www.Ngaitahu.iwi.nz/Ngāi-Tahu-Whanui/Natural-Environment/Environmental-Policy-Planning/Guidelines-For-Beached-Marine-Mammals.php>
- » *Interim Guidelines for the Initial Notification and Contact between the Department of Conservation and Ngāi Tahu over Beached Marine Mammals (2004).*

<http://www.Ngāitahu.iwi.nz/Ngāi-Tahu-Whanui/Natural-Environment/Environmental-Policy-Planning/Guidelines-For-Beached-Marine-Mammals.php>

## FREEDOM CAMPING

**Issue TAN12: Freedom camping is having adverse effects on the environment and Ngāi Tahu values.**

### Ngā Kaupapa / Policy

TAN12.1 To work with local authorities, the Department of Conservation and the wider community to identify areas where freedom camping is prohibited or restricted.

TAN12.2 To support the use of incentives and information as tools to encourage campers to camp in designated, serviced sites as opposed to freedom camping.

### He Kupu Whakamāhukihuki / Explanation

Freedom camping refers to camping in a caravan, bus, car, tent or campervan in locations such as rest areas, reserves, beaches, car-parks, roadsides, and lay-bys. Freedom camping often creates issues associated with litter and human waste being left behind by campers. Akaroa and the catchment of Te Roto o Wairewa are two areas where freedom camping is of particular concern.

Under the *Freedom Camping Act 2011*, freedom camping is considered a permitted activity everywhere in a local authority (or DOC) area, except at those sites where it is specifically prohibited or restricted. This reverses the approach taken by some current bylaws which designate places where freedom camping is allowed, and generally prohibits it everywhere else.

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#### ENDNOTES

- 1 Decision of Hearing Commissioners for consents to discharge treated wastewater to Whakaraupō (2010, para 209).
- 2 The information and polices in this section are based on the Te Rūnanga o Ngāi Tahu submission on the Marine and Coastal Area (Takutai Moana) Bill 2010 (November 2010), and the document Ngāi Tahu Whānui Positions On the Crown's Proposed Foreshore and Seabed Replacement Framework, prepared by Te Rūnanga o Ngāi Tahu.
- 3 Evison, H. and Adams, M. 1993. *Land of memories: A contemporary view of places of historical significance in the South Island of New Zealand*, p.23
- 4 Ngāi Tahu Sea Fisheries Report 1991, 3.79.
- 5 Te Whakatau Kaupapa p. 4-19.





# TĀWHIRIMĀTEA

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## 5.7 TĀWHIRIMĀTEA

Tāwhirimātea is the son of Rangi and Papatūānuku, and the atua of storms and wind. Following the separation of Ranginui and Papatūānuku (the sky and the earth), their child Tāwhirimātea fled with his father to the sky. From there he presided over the elements, including the rain, wind, mist, dew and snow.

### Ngā Paetae Objectives

- (1) The realm of Tāwhirimātea is recognised for the potential to provide an alternative source of energy for the takiwā.

### NGĀ TAKE – ISSUES OF SIGNIFICANCE

#### TĀWHIRIMĀTEA: ISSUES OF SIGNIFICANCE

**Issue TAW1: Wind farms** The establishment of wind farms and the potential effects on Ngāi Tahu values and associations with the landscape.



## WIND FARMS

**Issue TAWI: The establishment of wind farms and the potential effects on Ngāi Tahu values and associations with the landscape.**

### Ngā Kaupapa / Policy

TAWI.1 To assess and evaluate the cultural implications of any wind farm proposal in the takiwā with particular regard to:

- (a) Location:
  - (i) Proximity and visibility in relation to culturally significant sites, places, features, and landforms; and
  - (ii) Relationship of site to wider Ngāi Tahu cultural landscape.
- (b) Nature, extent and significance of cultural landscape values in the area, including:
  - (i) Historic and contemporary mahinga kai associations;
  - (ii) Tribally significant landforms;
  - (iii) Indigenous flora and fauna, including plants and insects;
  - (iv) Wāhi tapu and wāhi taonga, including archaeological sites;
  - (v) Waterways, wetlands, waipuna; and
  - (vi) Natural character (i.e. degree of existing modification of site).
- (c) Size of the wind farm (i.e. would a smaller wind farm have less impact?);
- (d) Ability of the wind farm to reduce pressure on water resources through providing alternative source of energy;
- (e) Opportunities to enhance cultural landscape values (e.g. enhancement of indigenous biodiversity); and
- (f) Robust assessment of alternatives.

TAWI.2 To promote co-operative and constructive relationships between the energy sector and Ngāi Tahu, over and above RMA 1991 consultation, to facilitate consideration of effects of wind farms on tāngata whenua values and interests.

TAWI.3 To require the protection of key cultural landscape values, as identified by tāngata whenua, from activities associated with the development and operation of wind farms.

TAWI.4 To require, where a proposal has the potential for significant effects on tāngata whenua values, one or more of the following, at the discretion of the Papatipu Rūnanga:

- (a) Cultural Impact Assessment (CIA), as part of the Assessment of Environmental Effects;
- (b) Site visit;
- (c) Archaeological assessment, by a person nominated by the Papatipu Rūnanga;
- (d) Provision of accurate graphic representations of proposals to enable tāngata whenua to clearly visualise; projects on the landscape; and
- (e) Cultural monitoring during earthworks.

TAWI.5 To require that consultation with tāngata whenua and assessments of actual and potential effects on cultural values occur as part of feasibility assessments, alongside other technical impact assessment reports (e.g. landscape, ecology).

### He Kupu Whakamāhukihuki / Explanation

Tāngata whenua support the use of wind for energy generation. However, wind farms may be proposed for areas with significant historical, spiritual, traditional and cultural associations. Wind farms require large areas of land and preferred locations are often prominent ridge lines or hill areas. Physical access to an area and customary use opportunities may be lost, or culturally important views may be compromised. Construction of access roads may require clearance of native vegetation, earthworks may damage, destroy or modify sites of cultural significance, sedimentation may enter waterways, or pest plants may invade an area following ground disturbance.

The protection of cultural landscape values from inappropriate use and development is a key policy area for tāngata whenua (see Section 5.8). While a particular ridge line may be the best site option for wind power generation potential, the potential impact on cultural and natural landscape values may outweigh the benefits. Conversely, a proposed wind farm may provide opportunities to enhance cultural landscape values, through a change in land use that reduces environmental effects, or on and off-site mitigation such as the restoration of indigenous biodiversity or contributions to species recovery programmes.

#### Information resource:

- » *Hullen, J. & Ngāi Tūāhuriri Rūnanga. 2007. Proposed Mount Cass Wind Farm: Cultural Impact Assessment Report.*

# NGĀ TŪTOHU WHENUA

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## 5.8 NGĀ TŪTOHU WHENUA

This section addresses issues associated with Ngāi Tahu cultural heritage: sites, places, resources, traditions, knowledge, and landscapes of importance to Ngāi Tahu. This includes wāhi tapu, wāhi taonga, mahinga kai and other sites of significance, and the traditional and contemporary landscapes within which they occur. For Ngāi Tahu cultural heritage isn't something that happened in the past; but rather a reflection of an ongoing and enduring relationship with the land.

Ngā tūtohu whenua, or cultural landscapes, is a concept used in this IMP to recognise areas and places of particular importance. As a planning tool, cultural landscapes are a culturally meaningful and effective framework for the identification, protection and management of sites and places of significance, the multiple values associated with those sites and places, and the relationship of tāngata whenua to them.

The RMA 1991 instructs local authorities, in relation to managing the use, development and protection of natural and physical resources, to recognise and provide for the following matters of national importance:

- ▶ The protection of historic heritage from inappropriate subdivision, use and development (s.6 (f)).
- ▶ The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development (s.6 (b)). The courts have used this as a mechanism to consider cultural landscapes of historical importance.<sup>1</sup>
- ▶ The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (s.6 (e)).

### Ngā Paetae Objectives

- (1) Cultural landscapes are recognised and provided for as a planning tool to protect wāhi tapu and wāhi taonga, the multiple values associated with these sites and places (traditional and contemporary), and the relationship of tāngata whenua to them.
- (2) The Ngāi Tahu cultural heritage mapping project is completed and used to effectively protect and manage wāhi tapu and wāhi taonga in a manner consistent with tikanga Ngāi Tahu.
- (3) Wāhi tapu and wāhi taonga are protected from inappropriate use, subdivision and development.
- (4) Ngāi Tahu whānui have access to sites of cultural significance in the takiwā.
- (5) Good working relationships are maintained with those agencies involved in the protection of Ngāi Tahu cultural and historic heritage, including the New Zealand Historic Places Trust *Pouhere Taonga* (NZHPT).

# NGĀ TAKE – ISSUES OF SIGNIFICANCE

## NGĀ TŪTOHU WHENUA: ISSUES OF SIGNIFICANCE

<b>Issue CL1: Cultural landscapes</b>	The need to recognise and provide for Ngāi Tahu cultural landscapes.
<b>Issue CL2: Cultural mapping</b>	The Ngāi Tahu cultural mapping project is a comprehensive and accurate source of information on wāhi tapu and wāhi taonga in the takiwā.
<b>Issue CL3: Wāhi tapu me wāhi taonga</b>	Identification, protection and management of wāhi tapu and wāhi taonga.
<b>Issue CL4: Silent files</b>	There are a number of challenges associated with the use of silent files as a tool to protect wāhi tapu.
<b>Issue CL5: Access</b>	Access to wāhi tapu and wāhi taonga.
<b>Issue CL6: Ingoa wāhi</b>	Increasing the use of traditional ingoa wāhi on the landscape.
<b>Issue CL7: Ngāi Tahu tikanga tūturu</b>	The use and interpretation of Māori cultural traditions, tikanga, values, language and symbols in the takiwā of Ngāi Tahu.
<b>Issue CL8: Maunga</b>	Recognising and providing for the relationship of tāngata whenua to maunga.



## RECOGNISING CULTURAL LANDSCAPES

### Issue CL1: Ngā Tūtohu Whenua -

- (a) There is a need for culturally appropriate tools to identify and express the relationship of tāngata whenua with particular places, and the values that define that relationship;
- (b) Land use and development can have both positive and adverse effects on cultural landscapes;
- (c) An RMA focus on outstanding landscapes and outstanding natural features can mean that cultural landscapes are not recognised in planning and policy; and
- (d) Enhancement and restoration of cultural landscapes is important to Ngāi Tahu culture, identity and well being.

### Ngā Kaupapa / Policy

#### Recognising cultural landscapes

- CL1.1 To require that local and central government recognise and provide for the ability of tāngata whenua to identify particular landscapes as significant cultural landscapes, reflecting:
- (a) Concentration, distribution and nature of wāhi

tapu and wāhi taonga;

- (b) Setting within which sites occur and significance of that setting;
- (c) Significance with regard to association and relationship to place; and
- (d) Degree of risk/threat.

CL1.2 To require that local and central government give effect to cultural landscapes in policy, planning and decision making processes as a tool to:

- (a) Enable holistic assessment of effects on cultural values;
- (b) Recognise the relationship of Ngāi Tahu to particular areas and sites; and
- (c) Provide a wider context for cultural heritage management and the protection of individual sites.

CL1.3 To work with local authorities to increase awareness and knowledge of the use of cultural landscapes as a tāngata whenua planning tool.

CL1.4 To require that oral tradition and history is considered equally alongside documented evidence when determining the cultural landscape values associated with a particular area or site.

CL1.5 To require that NTCSA 1998 provisions are recognised and provided for as cultural landscape indicators, including Statutory Acknowledgments, Nohoanga, Tōpuni and Dual Place Names provisions.

- CL1.6 To require that known Māori archaeological sites and silent files are recognised and provided for as cultural landscape indicators.

### **Protecting and restoring cultural landscapes**

- CL1.7 To use the following methods to protect and restore cultural landscapes of particular importance:
- (a) Purchasing particular areas (tribal or Papatipu Rūnanga ownership);
  - (b) Designation as Māori reserve;
  - (c) Registration with Historic Places Trust as wāhi tapu or wāhi tapu area;
  - (d) Co-management arrangements or transfer of ownership;
  - (e) Development of restoration plans to restore the mauri of particular places;
  - (f) Covenants (e.g. heritage, open space, protective, etc);
  - (g) Heritage orders;
  - (h) Zoning in district plans to protect places from development;
  - (i) Designation as Mahinga Kai Cultural Park; and
  - (j) Designation as Historic Reserve or local purpose reserve, under the *Reserves Act 1977*.
- CL1.8 To identify opportunities to enhance cultural landscapes, including but not limited to:
- (a) Restoration/enhancement of indigenous biodiversity;
  - (b) Enhancing views and connections to landscape features;
  - (c) Appropriate and mandated historical interpretation;
  - (d) Setting aside appropriate areas of open space within developments; and
  - (e) Use of traditional materials, design elements and artwork.
- CL1.9 To enhance Ngāi Tahu cultural landscape values in the takiwā by:
- (a) Protection and restoration of places of cultural value to Ngāi Tahu, including those associated with mahinga kai;
  - (b) Restoration and enhancement of indigenous biodiversity on the landscape, rural and urban;
  - (c) Providing for cultural traditions (both traditional and contemporary) associated with particular places, including mahinga kai and recreational use (e.g. waka ama); and
  - (d) Incorporating Ngāi Tahu heritage values into landscape and urban design, through the use traditional place names, interpretation, artwork and public structures.

### **He Kupu Whakamāhukihuki / Explanation**

The whole of the Canterbury region has cultural landscape value: Ngāi Tahu travelled through, engaged with and named the land, and tāngata whenua history is part of the landscape. However, within this landscape of Ngāi Tahu land use and occupancy particular areas are identified as cultural landscapes.

A cultural landscape is a geographical area with particular (and often related) traditional, historical, spiritual and ecological value to Ngāi Tahu. An area may be identified as a cultural landscape due to the concentration of values in a particular location, the particular importance of the area to Ngāi Tahu cultural, history or identity, or the need to manage an area as a particular landscape unit. Cultural landscapes are integral to Ngāi Tahu culture, identity and history, and are testament to relationship of tāngata whenua with the land over time. They are intergenerational: providing future generations (our tamariki and mokopuna) the opportunity to experience and engage with the landscape as their tūpuna once did.

Cultural landscapes provide a culturally appropriate and useful framework for assessing and protecting the physical features of a site or area (e.g. sites of significance) and the relationship of tāngata whenua and their culture and traditions to the site or area (RMA s.6(e)). The values associated with particular cultural landscapes are indicators of what tāngata whenua value most about the land.

Planning for cultural landscapes is useful when making decisions about resources and appropriate use of an identified area, providing an assessment of potential effects on a site, place or resource and the relationship of that site, place or resource within a larger landscape of values and meaning. A cultural landscape approach shifts the focus from individual sites (e.g. New Zealand Archaeological Association or NZAA site) to the wider setting or context of a site - the relationship and linkages of the site to the area and other landscape features.

***“Archaeological sites exist not only as entities in their own right, but as part of a much larger Ngāi Tahu identity. Some areas must be considered in light of the contribution they make to the greater picture, not merely on the basis of their individual and isolated attributes. Ngāi Tahu concern with archaeological sites extends beyond that of ancestral connection alone. They are also valuable sources of information on the activities of their Tupuna which those in the present world know little about.”<sup>2</sup>***

The focus on Policies CL1 to CL8 is to promote the recognition of cultural landscapes as a tāngata whenua land use planning and heritage management tool in regional and

district planning and decision making processes, including landscape assessment and assessments of effects on the environment associated with resource consent applications, outline development plans, structure plans and area master plans. As a planning tool, cultural landscapes enable recognition of the particular cultural associations to an area and the way that activities may impact on those associations, including tāngata whenua aspiration and outcomes for that landscape.

Part 6 of this IMP identifies specific cultural landscapes in the various catchments of the takiwā, and local issues associated with those landscapes. An important kaupapa is that while land use and development has the potential to adversely affect cultural landscape values, these activities may also provide opportunities also enhance cultural landscapes. For example, the rebuild of Christchurch provides a significant opportunity to restore features of the traditional Ngāi Tahu cultural landscape and reflect the contemporary relationship of Ngāi Tahu to the city (see Section 6.5 Ihutai).

**Cross reference:**

- » *Issue CL2: Ngāi Tahu Cultural Mapping*
- » *Issue CL3: Protection of wāhi tapu me wāhi taonga*
- » *Issue CL5: Access to wāhi tapu and wāhi taonga*
- » *Issue CL7: Ngāi Tahu tikanga tūturu*
- » *Appendix 2 - NZAA sites from the Hurunui to the Hakatere*

**Information resource:**

- » *NZHPT (2012). Heritage Guidance for Iwi Management Plans: A guide for Māori working in resource management and planning. [Appendix 1 of this document provides an excellent summary of legislative frameworks for Māori heritage, including further information on the methods identified in Policy CL1.7 above].*

**Te Aranga: Māori Cultural Landscape Strategy**

- ▶ As Māori we have a unique sense of our cultural landscape. It includes past, present and future. It includes both physical and spiritual dimensions.
- ▶ It is how we express ourselves in our environment, it connects whānau and whenua through whakapapa, it includes both urban and rural, it is not just where we live it is who we are!
- ▶ The Māori Cultural Landscape Strategy is a strategy which enables us to work collaboratively to enhance our cultural landscapes so we can better see our faces in our places!

**Source:** Te Aranga: Māori Cultural Landscape Strategy - [www.tearanga.maori.nz](http://www.tearanga.maori.nz)

## NGĀI TAHU CULTURAL HERITAGE MAPPING

**Issue CL2: There is a need for a comprehensive and accurate source of information on sites of significance, and a tool to protect and manage these sites according to tikanga Ngāi Tahu.**

### Ngā Kaupapa / Policy

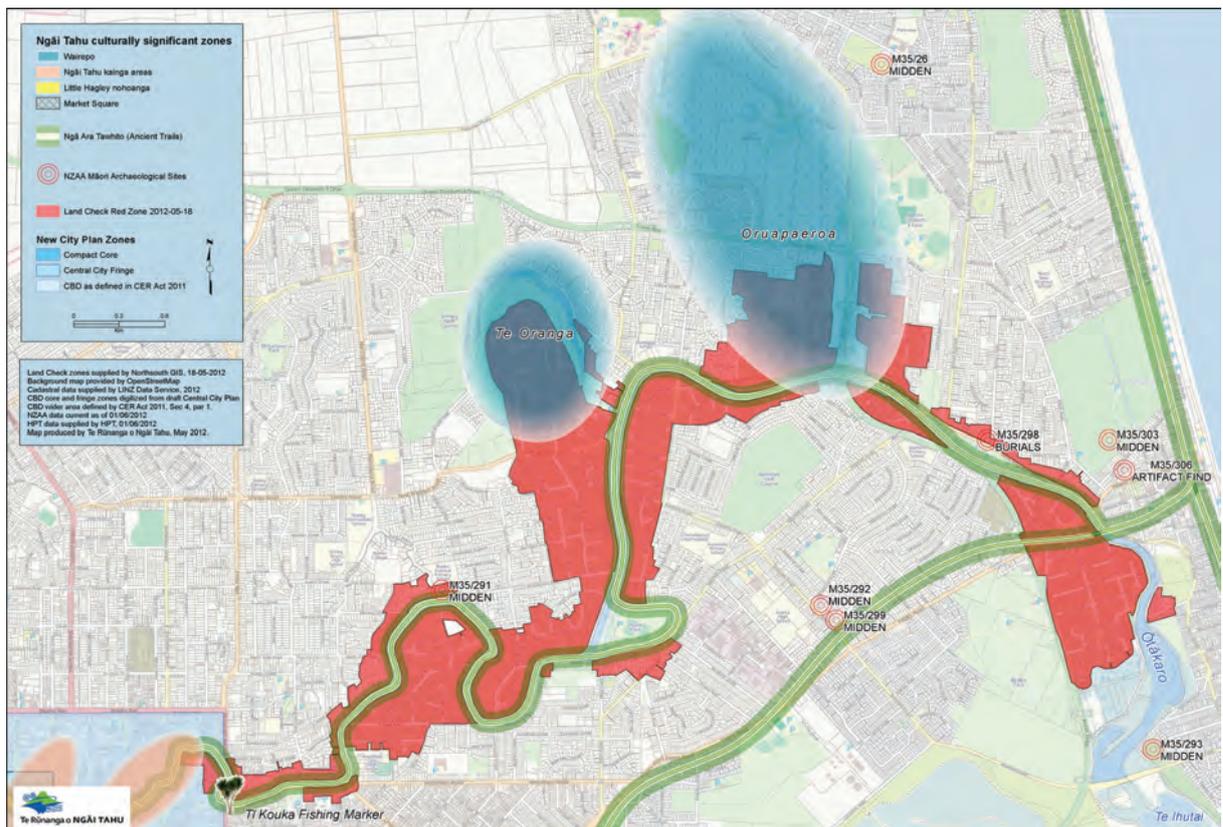
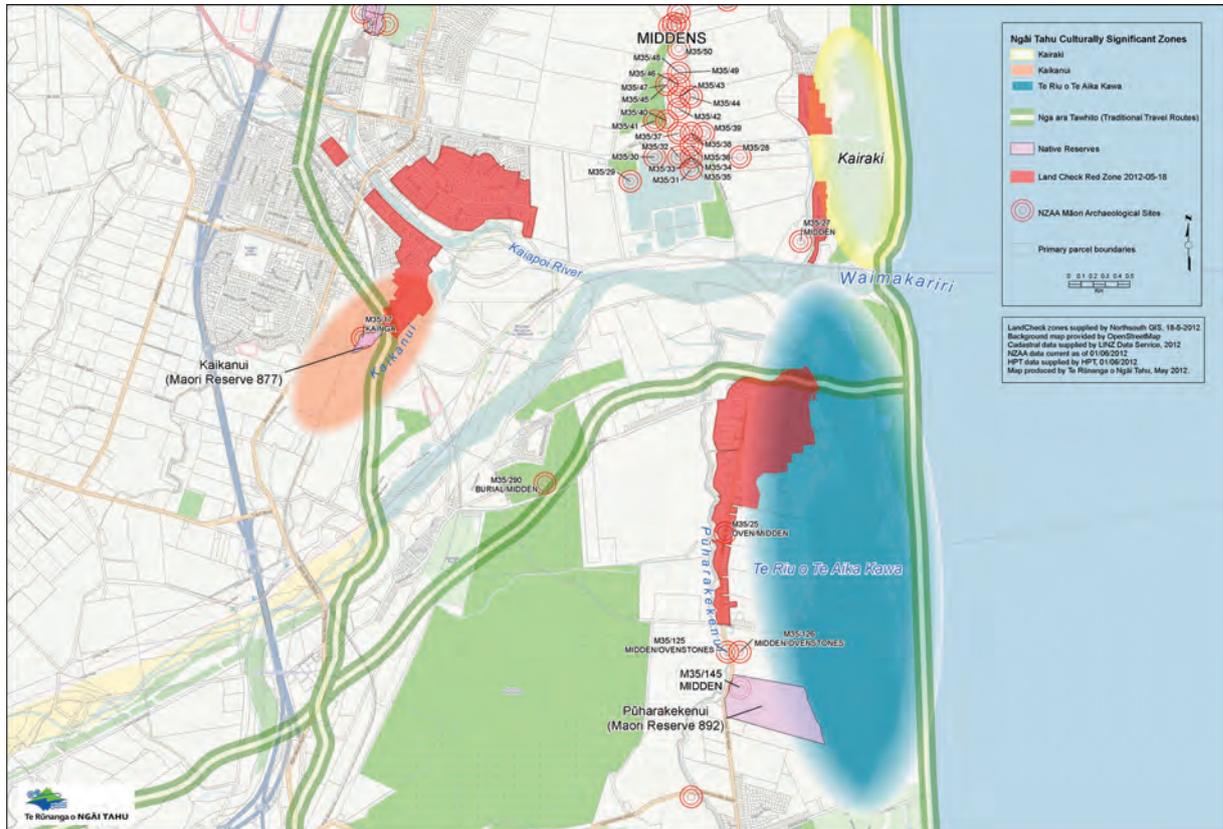
- CL2.1 To recognise and provide for the *Ngāi Tahu Cultural Heritage Mapping Project* as an authoritative source of information on wāhi tapu, wāhi taonga, mahinga kai and other cultural landscape features in the takiwā covered by this IMP.
- CL2.2 To work with Te Rūnanga o Ngāi Tahu on the *Ngāi Tahu Cultural Heritage Mapping Project* to:
  - (a) Ensure that Papatipu Rūnanga maintain control and ownership of information used in the project;
  - (b) Develop access policies regarding who can access and use different types of information; and
  - (c) Investigate the use of Heritage Alert Layers and Heritage Risk Models as mechanisms to integrate information from the Ngāi Tahu Cultural Mapping Project into central and local government planning processes.

### He Kupu Whakamāhukihuki / Explanation

Since 2006 Toitū Te Whenua (Environmental Management Unit for Te Rūnanga o Ngāi Tahu) has been working with Papatipu Rūnanga to map sites of cultural significance and develop an electronic database on the Toitū Te Whenua Geographical Information System (GIS). Examples of sites and values include archaeological sites, ingoa wāhi (traditional place names), ara tawhito (ancient trails), wāhi tapu and mahinga kai.

Once complete, the Ngāi Tahu Cultural Heritage Mapping Project will assist Papatipu Rūnanga to manage and protect cultural heritage values, providing a reliable and accurate basis of information upon which to inform planning maps and provide guidance to local authorities (see examples below of maps produced by Te Rūnanga o Ngāi Tahu for the Christchurch and Kaiapoi Red Zones). The outcomes of the project may also be used by Ngāi Tahu to develop Heritage Risk Models or Heritage Alert Layers on planning maps, similar to the use of “hot zones” at Te Mata Hāpuku (see Section 6.10, Issue W6).

**Maps 4 and 5:** Ngā Tahu culturally significant zones in the Kaiapoi and Christchurch Red Zones (Interim land management options map prepared by Te Rūnanga o Ngā Tahu). These maps are an example of how cultural mapping work can be used to inform planning maps and decision making.



# WĀHI TAPU ME WĀHI TAONGA

## Issue CL3: Identification, protection and management of wāhi tapu and wāhi taonga.

### Ngā Kaupapa / Policy

CL3.1 All taonga within the takiwā of Ngāi Tahu, accidental discovery or otherwise, belong to the Papatipu Rūnanga/ Te Rūnanga o Ngāi Tahu.

### Information on wāhi tapu and wāhi taonga

CL3.2 The *Ngāi Tahu Cultural Heritage Mapping Project* is an authoritative source of information on wāhi tapu, wāhi taonga, mahinga kai and other cultural landscape features in the takiwā covered by this IMP (as per Policy CL2.1 and CL2.2).

CL3.3 To ensure that local and central government recognise that:

- (a) Existing schedules and maps of cultural sites are not comprehensive nor exhaustive;
- (b) Many sites and information about sites are held by whānau; and
- (c) Protecting wāhi tapu and wāhi taonga requires effective working relationships with Papatipu Rūnanga.

CL3.4 To require that oral tradition and history is considered equally alongside documented evidence when determining the nature, extent or significance of wāhi tapu or wāhi taonga values associated with a particular area or site.

CL3.5 To require that existing registered NZAA sites are recognised and provided for as indicator sites only, reflecting a larger network of Ngāi Tahu cultural heritage values. Any development of area adjacent to a NZAA site must be considered and monitored for potential effects on unknown additional sites (see Appendix 2).

### Protecting wāhi tapu and wāhi taonga

CL3.6 Ngāi Tahu have the right to identify any site as a wāhi tapu or wāhi taonga, and have the discretion as to how these sites are protected, including the right to identify sites that must be protected from development. It is anticipated that the NZHPT will support Papatipu Rūnanga in this process, as part of the Trust's kaupapa to support the management and kaitiakitanga by whānau, hapū and iwi of their heritage places.

CL3.7 To require appropriate policies and rules in territorial and regional plans to protect sites of cultural significance from inappropriate land use and development, including but not limited to:

- (a) Explicit recognition of the relationship of tāngata whenua to wāhi tapu and wāhi taonga;
- (b) Processes for engagement with Papatipu Rūnanga with regard to wāhi tapu and wāhi taonga;
- (c) Recognition of cultural landscapes as a planning tool to identify and assess sites (see Issue CL1);
- (d) Recognition of silent files (see Issue CL4); and
- (e) Recognition that wāhi tapu and wāhi taonga values may extend beyond the physical boundaries of individual sites;
- (f) Setting aside land from development.

CL3.8 To require, where a proposal is assessed by tāngata whenua as having the potential to affect wāhi tapu or wāhi taonga, one or more of the following:

- (a) Low risk to sites:
  - (i) Accidental discovery protocol (ADP)  
- See Appendix 3.
- (b) High risk to sites:
  - (i) Cultural Impact Assessment (CIA);
  - (ii) Site visit;
  - (iii) Archaeological assessment, by a person nominated by the Papatipu Rūnanga;
  - (iv) Cultural monitoring to oversee excavation activity, record sites or information that may be revealed, and direct tikanga for handling cultural materials;
  - (v) Inductions for contractors undertaking earthworks;
  - (vi) Accidental discovery protocol agreements (ADP); and/or
  - (vii) Archaeological Authority from the New Zealand Historic Places Trust.

CL3.9 To support a range of methods to protect sites identified as wāhi tapu and wāhi taonga, including but not limited to:

- (a) Registration with Historic Places Trust as wāhi tapu or wāhi taonga area;
- (b) Covenants (e.g. heritage, open space);
- (c) Heritage orders;
- (d) Designation as Historic Reserve or local purpose reserve, under the Reserves Act 1977;
- (e) Tribally developed 'hot zones', Heritage Risk Models or Heritage Alert Layers to protect wāhi tapu, wāhi taonga and archaeological sites; and
- (f) Methods to protect and restore cultural landscapes, as per Policy CL1.7.

### Archaeological assessments

CL3.10 When an archaeological assessment is required or archaeology is undertaken at a site or area where wāhi tapu and wāhi taonga values exist or may exist:

- (a) The consultant archaeologist should be determined by the Papatipu Rūnanga;
- (b) The Papatipu Rūnanga will advise whether a cultural monitor is required;
- (c) Cultural monitors are responsible to the Papatipu Rūnanga, and not the archaeologist; and
- (d) The Papatipu Rūnanga may have specific tikanga requirements with regard to the recording, handling, storage, care and final placement of taonga.

### Archaeological authorities

CL3.11 Any application for an Archaeological Authority to damage, destroy or modify a wāhi tapu or wāhi taonga site must involve engagement with Papatipu Rūnanga.

CL3.12 Papatipu Rūnanga have the right to identify wāhi taonga and wāhi tapu that must be protected from development, and therefore ensure that an Authority to damage, destroy or modify a site is not granted.

CL3.13 Where an Archaeological Authority is granted, Papatipu Rūnanga must be involved in the establishment of conditions on the authority, including

- (a) Cultural monitoring provisions;
- (b) Induction training for contractors undertaking earthworks; and
- (c) Tikanga issues surrounding accidental discoveries.

### Relationships

CL3.14 To continue to develop and maintain effective working relationships with:

- (a) Those agencies involved in the protection of cultural and historic resources, including local government, NZHTP and the Department of Conservation, to enable a coordinated and collaborative approach to cultural heritage management; and
- (b) Private landowners, with regard to the protection of and access to wāhi tapu and wāhi taonga on private land.

### Assessing existing information and mechanisms

CL3.15 To undertake an internal Papatipu Rūnanga initiated assessment of existing sites of significance to Ngāi Tahu identified in District Plans to determine:

- (a) Existing knowledge of identified sites;
- (b) Ongoing relevance and/or importance of identified sites;
- (c) Need for additional site designations; and
- (d) Whether existing District Plan mechanisms are achieving its purpose.

### He Kupu Whakamāhukihuki / Explanation

Wāhi tapu and wāhi taonga are sites and places that are culturally and spiritually significant to tāngata whenua history and identity, and include sites such as urupā, pā, midden, umu, urupā, tauranga waka, and places where taonga have been found. The relationship of Māori with wāhi tapu and wāhi taonga is a matter of national importance in the RMA (section 6 (f) and (e)).

Papatipu Rūnanga may have different ways of defining, identifying and classifying significant sites in their takiwā. In some cases, these are reflected in district planning processes, such as the identification of *wāhi taonga management areas* in the Selwyn District Plan (see Appendix 5). The management and the protection of wāhi tapu and wāhi taonga in specific areas must therefore be based on engagement with Papatipu Rūnanga. It is particularly important that documented sites such as NZAA sites (see Appendix 2 - *NZAA sites from the Hurunui to the Hakatere*) are recognised as indicator sites only, and not a comprehensive account of sites of significance.

Any activity that involves ground disturbance has the potential to uncover cultural material or wāhi tapu. How this potential is managed is dependent on the level of risk identified by tāngata whenua. As a general rule, an Accidental Discovery Protocol (ADP) is used to manage the potential for unearthing cultural materials in low risk areas. An ADP establishes a relationship between Papatipu Rūnanga and consent applicants with regard to the processes and procedures associated with accidental discoveries (see Appendix 3 for the ADP used by the Papatipu Rūnanga). In areas identified as high risk, archaeological assessments, Archaeological Authorities, cultural impact assessments, cultural monitoring, or some combination of these will be required.

Under the *Historic Places Act 1993*, any person wishing to undertake work that may damage, modify or destroy an archaeological site, or to investigate a site by excavation, must first obtain an authority from the New Zealand Historic Places Trust (NZHPT). While this is an important tool, it does not always result in the level of protection of wāhi tapu or wāhi taonga desired by tāngata whenua, and therefore cannot be used in isolation from consultation with tāngata whenua.

Maintaining effective working relationships with other agencies involved in the management of cultural heritage

resources is an important part of ensuring wāhi tapu and wāhi taonga are protected. A good working relationship with the NZHPT is particularly important, as the Trust has a statutory responsibility to promote the identification, protection, preservation and conservation historic heritage including Māori heritage places and archaeological sites. The kaupapa for Māori heritage within the NZHPT is to support the management and kaitiakitanga by whānau, hapū and iwi of their heritage places. The registration of Ngāi Tahu cultural heritage sites with the NZHPT is one method for the protection of sites (see Appendix 4 - *Ngāi Tahu cultural heritage sites registered with the NZHPT*).

***“Wāhi tapu and wāhi taonga values extend beyond the physical boundaries of individual sites and the artefacts or heritage values they contain. In contrast, resource managers have in the past approached these values as if drawing a tight circle around the physical artefacts and sites was enough to justify destructive action outside of the those sites.”<sup>3</sup>***

***“When you are on a site and you find a mere that is not quite finished...there is nothing to describe the feeling of connection to our ancestors. This is not just an artefact or a ‘find’ - it is a taonga that is part of our history.”***

Clare Williams, Ngāi Tūāhuriri.

## SILENT FILES

**Issue CL4:** There are a number of challenges associated with the use of silent files to protect wāhi tapu, including:

- (a) Silent files are a useful mechanism, but are not the complete representation of wāhi tapu in the takiwā; and
- (b) There are difficulties with using and translating the silent file mechanism in planning and policy, including the lack of specific information provided to external agencies on the nature of these sites, and discrepancies between planning documents as to the location and extent of silent file areas.

### Ngā Kaupapa / Policy

- CL4.1 Silent files remain an appropriate mechanism for protecting sites of significance, but are not limited to those identified on planning maps in this IMP or otherwise.
- CL4.2 There are many wāhi tapu that are not identified as silent files, and this must be recognised and provided for in central, territorial and regional planning processes.

CL4.3 To ensure the location of silent files in district and regional planning maps is consistent with the schedule of maps included in Appendix 6 of this IMP.

CL4.4 The Silent File designation means that:

- (a) There must be a high level of engagement with Papatipu Rūnanga to assess whether the location, type and scale of proposed activities may adversely effect the values associated with the Silent File area;
- (b) The Papatipu Rūnanga shall have a high level of influence over decisions to grant or decline consents. Only tāngata whenua can determine whether a development will affect silent file value; and
- (c) The Papatipu Rūnanga shall not be required to justify the nature and extent of cultural effects, or why an activity may be inconsistent with values in a Silent File area. Tāngata whenua must be able to “say no” without revealing the location or status of a site.

CL4.5 A high level of engagement, as per Policy CL4.4(a), means provisions for some or all of the following:

- (a) Early consultation with Papatipu Rūnanga as an information requirement for resource consent applications;
- (b) Affected party status;
- (c) Cultural Impact Assessment (CIA);
- (d) Cultural monitoring; and
- (e) Archaeological assessment (see Policy CL3.8)

### Assessment of silent file mechanism

- CL4.2 To undertake an internal Papatipu Rūnanga assessment of existing silent files, to evaluate:
  - (a) Existing knowledge of site;
  - (b) Ongoing relevance/importance of site;
  - (c) Need for additional silent file designations;
  - (d) Whether the silent file mechanism is achieving its purpose; and
  - (e) Whether there are alternative tools available.

### He Kupu Whakamāhukihuki / Explanation

Silent files remain an appropriate tool to protect sites of significance in the takiwā. Silent files are used to protect cultural important sites, often urupā or other wāhi tapu sites. Rather than identifying an exact location, a silent file gives a general indication and identification of the location of a site.

There is a need for an authoritative source of information on the locations and extent of silent file areas in the takiwā. There are currently a number of discrepancies between

silent file maps in various planning documents, including district and city plans. For example, in some district planning maps, specific silent files are either missing, or differ from *Te Whakatau Kaupapa: the Ngāi Tahu Resource Management Strategy for the Canterbury Region (1990)* with regard to size and the area covered. Appendix 6 provides an schedule of maps showing the location and boundaries of silent files in the takiwā.

The occurrence of a silent file does not necessarily mean that Ngāi Tahu will oppose an activity. The importance of a silent file is that it is a trigger for a high level of engagement with tāngata whenua. Some activities may be acceptable near or adjacent to a silent file area, if the activity is consistent with protecting the values that the silent file is protecting. It is also important to recognise that there are numerous wāhi tapu that are not formally identified as silent files.

#### Protected Objects Act 1975 – Finders keepers?

The Protected Objects Act 1975 (POA) is designed to make sure that any newly found Māori objects (taonga tuturu) are not taken home and put in a drawer or on the mantelpiece in the lounge. The legislation ensures that taonga are returned to iwi ownership or placed in the custody of local museums.

The intention of the Act is to return taonga tuturu to iwi ownership. However all taonga, irrespective of where they are found or who finds them, are in the first instance owned by the Crown. All newly found taonga must be taken by the finder to the nearest public museum within 28 days of discovery. The museum then notifies *Manatu Taonga* the Ministry for Culture and Heritage (MCH), which is responsible for seeking claims for ownership and/or custody of the taonga from groups claiming actual or traditional ownership. Until ownership is determined, MCH is responsible for the recording and custody of the taonga and for any conservation treatment required.

Tāngata whenua and other interested parties are advised in writing of the find and the process for claiming ownership or custody. A public notice in the local newspaper and on MCH's website calls for ownership claims to be lodged within 60 working days. Once claims have been received and assessed for validity, MCH seeks an order from the Māori Land Court to determine ownership.

**Source:** Douglas, J., *Heritage New Zealand Magazine* (Summer, 2011).

#### Tī kouka

“Urupā were often marked by tī kouka (*Cordyline australis*). In general, any activity that may disturb the ground near a tī kouka should be undertaken with care, in case an old grave is accidentally opened.... Because some of these marker tī kouka have died or removed over time, an exact location of urupā may be unclear. Therefore if an urupā is sited in a paddock then that paddock will be identified but a site specific location within the paddock cannot be given.”

**Source:** Te Whakatau Kaupapa 1990, p. 4-27.

## ACCESS

**Issue CL5: Access to wāhi tapu, wāhi taonga and general places of cultural importance.**

#### Ngāi Kaupapa / Policy

- CL5.1 Ngāi Tahu whānui must have unrestricted access to wāhi tapu, wāhi taonga and other places of cultural importance on Crown land.
- CL5.2 To increase the ability of Ngāi Tahu whānui to access wāhi tapu and wāhi taonga on private land by any of the following means:
- Engaging landowners to develop access arrangements;
  - Engaging landowners to develop management plans to protect sites;
  - Purchasing land outright;
  - Opposing development that may 'lock places away'
  - Registering sites or places with the NZHPT;
  - Caveats on land titles;
  - Creation of reserves; and
  - Use of covenants.
- CL5.3 To require that local government recognise and provide for the importance of paper roads to ensuring tāngata whenua access to wāhi tapu and wāhi taonga, by:
- Identifying all paper roads on council maps; and
  - Developing explicit policy and rules to protect and enforce the right of tāngata whenua to use paper roads.

## He Kupu Whakamāhukihuki / Explanation

Much of Ngāi Tahu tangible cultural heritage (e.g. pā sites; rock art sites) is located on non-tribally owned lands, both Crown and private. Access to wāhi tapu and wāhi taonga is important to Ngāi Tahu culture and identity, and there are a number of methods that can be used to address this issue. For example, paper roads on the Peninsula originally gave tāngata whenua access to many of the remote coastal pā sites. Today, many of these paper roads have been blocked by gates or fences, and 'forgotten' on planning maps.

### Cross reference:

- » *General policy on overseas investment and purchase of land (Section 5.4, Issue P19)*

## INGOA WĀHI

**Issue CL6: Increasing the use of traditional ingoa wāhi on the landscape.**

### Ngā Kaupapa / Policy

- CL6.1 To require the recognition and use of dual place names in the region, as per the NTCSA, in regional and district plans, policy statements and non-statutory planning documents.
- CL6.2 To encourage the use of Ngāi Tahu place names in addition to those amended under the NTCSA.
- CL6.3 To use the *Ngāi Tahu Cultural Heritage Mapping Project* as one method to retain and transfer knowledge of names and places, and the stories that go with these names and places.
- CL6.4 To recognise the need to build the capacity of Papatipu Rūnanga to make applications to the New Zealand Geographic Board to have traditional ingoa wāhi recognised on the landscape, through name changes and dual place name provisions.
- CL6.5 To continue to work with the Department of Conservation to provide Ngāi Tahu names for public conservation lands.
- CL6.6 To ensure that the use of ingoa wāhi on the landscape (e.g. in subdivisions, naming of buildings) occurs in consultation with, and is approved by, Papatipu Rūnanga (see Issue CL7).

## He Kupu Whakamāhukihuki / Explanation

Ingoa wāhi are a significant symbol of the relationship of Ngāi Tahu with the landscape, and an integral part of the whakapapa, history and traditions of Ngāi Tahu. They record tāngata whenua history, and point to the landscape features that were significant to people for a range of reasons. Many traditional place names are evident on the landscape today, but others remain only in the customary knowledge base of tāngata whenua. The accurate identification of traditional ingoa wāhi on the landscape is an important element of sense of place and belonging for tāngata whenua.

*"There are stories to every one of those names."*

Pere Tainui, Ōnuku Rūnanga.

*"Place names are one with the land they identify with the land. They connect us to our ancestors; our whakapapa. We need to keep these names, use them and pass them on to those who come after us."*

Elizabeth Cunningham, Te Rūnanga o Koukourārata.

## NGĀI TAHU TIKANGA TŪTURU

**Issue CL7: The use and interpretation of Māori cultural traditions, tikanga, values, language and symbols in the takiwā of Ngāi Tahu.**

### Ngā Kaupapa / Policy

- CL7.1 To encourage the use and representation of Māori culture (e.g. tikanga, kawa, markers, symbols, names, design) in public open space and the built environment, including but not limited to:
  - (a) Pouwhenua and wāharoa; and
  - (b) Naming of features, roads, reserves, or buildings.
- CL7.2 To require that the use and representation of Māori culture as per Policy CL7.1 above involves, and is endorsed by, Ngāi Tahu as the tāngata whenua who hold manawhenua across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū.

### Cultural Interpretation

- CL7.3 To support the use of interpretation as a tool to recognise and provide for the relationship of Ngāi Tahu to particular places, and to incorporate Ngāi Tahu culture and values into landscape design.
- CL7.4 The interpretation of Ngāi Tahu values and history is best provided by Ngāi Tahu, and Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu should be commissioned

and resourced to provide this service.

- CL7.5 To require that any interpretation or information relating to Ngāi Tahu history, values, traditions or place names is agreed to and approved by Papatipu Rūnanga.

### He Kupu Whakamāhukihuki / Explanation

The use and representation of Māori culture, values and traditions on the landscape is important to acknowledging and reflecting the relationship between tāngata whenua and Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū. For example, pouwhenua can provide a powerful visual marker of the cultural and spiritual importance of a site, and the mana of Ngāi Tahu in relation to it. On site interpretation, through panels, artwork or other media, can recognise and communicate Ngāi Tahu values and history.

While tāngata whenua support the use of tikanga, culture, traditions, symbols, design and other elements of Māori culture on the landscape, how this occurs is of utmost importance. In the rohe of Ngāi Tahu the use of Māori tikanga, culture, symbols, design or otherwise must recognise Ngāi Tahu as the tāngata whenua who hold manawhenua, and this means engagement with, and approval from, the appropriate Papatipu Rūnanga. Across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū, tikanga and kawa belongs to Ngāi Tahu.

For so long interpretation consultants, government departments and other people have undertaken interpretation work on Ngāi Tahu history and values. This was in part because tāngata whenua lacked the resources and the capacity to do this work. However, Ngāi Tahu now have resources and the capacity, and are in the best position to provide cultural interpretation.

## MAUNGA

**Issue CL8: Recognising and providing for the relationship of Ngāi Tahu to maunga.**

### Ngā Kaupapa / Policy

- CL8.1 To protect the views of ancestral maunga, from marae and other culturally important sites such as ancestral pā and mahinga kai sites.
- CL8.2 To prohibit the erection of buildings or structures on our ancestral maunga.

- CL8.3 To actively encourage the use of ingoa wāhi associated with maunga.

- CL8.4 To require that the use of any cultural information or interpretative material relating to Ngāi Tahu associations with maunga is agreed to and approved by Papatipu Rūnanga.

### He Kupu Whakamāhukihuki / Explanation

Maunga play an important role in the spiritual and cultural beliefs of Ngāi Tahu Whānui. As the gateways to the Atua, they are considered the most sacred part of the landscape. Maunga carry the names of tūpuna and significant historical events and stories. The tūpuna are etched into the landscape through oral traditions and history, as a permanent reminder for the generations that follow them.<sup>4</sup>

**“Maunga are named after our tipuna, we do not want to desecrate them. Our maunga tell our stories, they are links to our whakapapa, our ancestors, through their names, if the views are blocked the ability to tell our stories is lost.”** Iaeen Cranwell, Wairewa Rūnanga.

**“Our maunga provide us with a sense of being, they are our silhouettes at dawn and dusk.”** Pita Simon, Wairewa Rūnanga.

#### Cross reference:

- » *Issue CL7: Ngāi Tahu tikanga tūturu*

#### ENDNOTES

- 1 NZ Marine Hatcheries v Marlborough District Council W129/97, as described in: *Heritage Management Guidelines for Resource Management Practitioners* (Historic Places Trust, 2004).
- 2 *Te Whakatau Kaupapa*, 1990: 4-31.
- 3 Crengle, H. with Te Rūnanga o Kaikoura, Te Rūnanga o Tuahuriri and Te Rūnanga o Ngāi Tahu, 2002. *Hurunui River Tangata Whenua Values Report*. Environment Canterbury Report R02/23.
- 4 “Kā mauka”, In: *Hikoi Whakawhānaukataka, Wāhaka Tuatahi, Te Rohe o Wairewa*. Document compiled by I. Cranwell and M. Wakefield, 2008.



# Wāhi Tūaono

## Part 6

### NGĀ TAKE Ā-HIKUWAI ME NGĀ KAUPAPA CATCHMENTS

Hurunui

Waipara and Kōwai

Rakahuri

Waimakariri

Ihutai

Whakaraupō

Koukourārata ki Pōhatu

Akaroa Harbour

Poranui ki Timutimu

Te Roto o Wairewa

Te Waihora

Rakaia ki Hakatere





HURUNUI

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# 6.1 HURUNUI

This section addresses issues of particular significance in the Hurunui River catchment (Map 6). The Hurunui is the northern boundary of the region covered by this IMP, and an area of shared interest with Ngāti Kuri (Te Rūnanga o Kaikōura).

Throughout its course from the mountains to the sea, the Hurunui River exhibits a diversity of character, reflected in the different landscapes through which the river flows. From the mountainous headwaters and high country lakes, the river flows through steep and highly scenic gorges to become a braided river flowing through the plains to emerge at an extensive lagoon and coastal forest. For Ngāi Tahu, the variable character of the river is essential to its cultural value, and is reflective of its life force.

The relationship of Ngāi Tahu with the Hurunui River catchment is centuries old and of outstanding significance to the iwi.<sup>1</sup> The river possesses a range of characteristics

that are considered to be outstanding for spiritual, cultural and environmental reasons, including natural character, ara tawhito, mahinga kai and wāhi tapu. These values are a fundamental aspect of the relationship of Ngāi Tahu to the Hurunui River, and their protection is the focus of the issues and policy in this section.

Statutory Acknowledgements for the Hurunui River and Hoka Kura/Lake Sumner reflect the high cultural value of water in this catchment. Schedule 20 and 21 of the NTCSA 1998 set out Ngāi Tahu associations with the Hurunui River and Hoka Kura, and acknowledge the immense cultural, spiritual, historical and traditional significance of these water bodies (see Appendix 7).

**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

**Map 6:** Hurunui catchment (showing only the area covered by this IMP)



## Ngā Paetae Objectives

- (1) The Hurunui River is recognised as an area of shared interest with Te Rūnanga o Kaikōura.
- (2) The outstanding cultural characteristics and values of the Hurunui River catchment are protected and restored, mō tātou, ā, mō kā uri ā muri ake nei.
- (3) Land use in the catchment reflects land capability and water limits, boundaries and availability.
- (4) Groundwater and surface water quality in the catchments is restored to a level suitable to provide a safe, reliable and untreated drinking water supply and enable cultural, customary and recreational use.
- (5) The Hurunui River Mouth and Hoka Kura/Lake Sumner and its associated wetlands are recognised and provided for as distinctive cultural landscapes within the catchment.
- (6) Mahinga kai species and sites, and the traditions associated with them, are protected and enhanced.

## NGĀ TAKE - ISSUES OF SIGNIFICANCE

HURUNUI: ISSUES OF SIGNIFICANCE	
<b>Issue H1: Shared interest</b>	The Hurunui river catchment is an area of shared interest.
<b>Issue H2: Outstanding values</b>	The Hurunui river catchment has a number of outstanding cultural characteristics and values.
<b>Issue H3: Pressures on the river</b>	There is increasing pressure on the river and associated cultural values as a result of water storage proposals and land use conversion.
<b>Issue H4: Effects of land use</b>	Cumulative effects of lower catchment land use on water quality and quantity, wetlands and riparian areas, soil health and the river mouth environment.
<b>Issue H5: River mouth environment</b>	Protection of the Hurunui River mouth as a cultural landscape.
<b>Issue H6: Weed control</b>	Woody trees and weeds such as gorse, broom and willows are invading the beds and margins of the Hurunui and its tributaries.
<b>Issue H7: High country lakes</b>	The protection of high country lakes, and associated cultural values, in the Hurunui catchment.



## SHARED INTEREST

**Issue H1: The Hurunui river catchment is an area of shared interest.**

### Ngā Kaupapa / Policy

H1.1 To recognise and provide for the Hurunui river catchment as an area of shared interest with Te Rūnanga o Kaikōura.

### He Kupu Whakamāhukihuki / Explanation

The Hurunui River is the northern boundary of the region covered by this IMP. The catchment is an area of shared interest with Te Rūnanga o Kaikōura, as per the takiwā boundaries set out in the *Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001*.

## OUTSTANDING VALUES

**Issue H2: The Hurunui river catchment has a number of outstanding characteristics and values.**

### Ngā Kaupapa / Policy

H2.1 To require that the whole of the Hurunui catchment is recognised as possessing the following outstanding cultural characteristics and values, and that these key characteristics are protected as a first order of priority:

- (a) Mahinga kai;
- (b) Natural character;
- (c) Wāhi tapu and wāhi taonga;
- (d) Hoka Kura;
- (e) River mouth environment; and
- (f) Ara tawhito ki pounamu.

H2.2 To require that the outstanding cultural characteristics of the Hurunui river catchment are protected by:

- (a) Asking ourselves *‘what we can do for the river, not what the river can do for us’*;<sup>2</sup>
- (b) Protecting the uninterrupted flow of water Ki Uta Ki Tai, source to sea;
- (c) Avoiding any activity that will result in the modification of Hoka Kura;
- (d) Avoiding any dams, diversions or storage on the mainstem (including all braids) of the river;

- (e) Avoiding any dams, diversions or storage on the South Branch;
- (f) Protecting the hāpua / river mouth environment;
- (g) Protecting and enhancing mahinga kai species and habitat; and
- (h) Actively sustaining our own mahinga kai traditions associated with the river, including intergenerational knowledge transfer.

### He Kupu Whakamāhukihuki / Explanation

The Hurunui River possesses a range of outstanding characteristics or values that are considered to be outstanding for spiritual, cultural and environmental reasons (see Box - *The Hurunui River as an outstanding cultural landscape*). The cultural significance of the river is heightened by the fact that it remains one of the few braided rivers in the Ngāi Tahu takiwā that has not been significantly modified and/or degraded.

*“The Hurunui River, its tributaries and lakes are one of the last relatively untouched waterways in our takiwā... the significance of the Hurunui River and its associated waterways today lies in the fact that this ecosystem has yet to be substantially altered by intensive water abstractions and the inevitable associated land use practices.*

*...the simple fact that the Hurunui River has yet to be exploited by land use practices that have degraded the mauri of our rivers elsewhere means that this traditionally significant mahinga kai environment continues to be of outstanding significance to our culture today.”<sup>3</sup>*

The South Branch of the Hurunui is considered a wāhi taonga in its own right, due to its role in flushing and cleansing sediment from the river, and for its wetlands.<sup>4</sup> The south branch also supplies the sediment load needed by the river to scour periphyton. This wāhi taonga status is one of the main justifications for tāngata whenua opposing any damming or diversions of the South Branch.

#### Cross reference:

- » *General policies in Section 5.3 - Issue WM5: Statutory Acknowledgements, and Issue WM9: regional water infrastructure*
- » *General policies in Section 5.8 - Issue CL1: Cultural landscapes, and Issue CL3: Wāhi tapu me wāhi taonga*

### The Hurunui River as an outstanding cultural landscape

The Hurunui River possesses a range of characteristics that are considered to be outstanding for spiritual, cultural and environmental reasons. These characteristics were identified and discussed at length in Ngāi Tahu submissions and evidence in response to an application for a Water Conservation Order on the Hurunui River and Lake Sumner (Hoka Kura) by the NZ and North Canterbury Fish and Game Councils and the NZ Recreational Canoeing Association (2009). They include:

**Natural character:** The Hurunui River is one of the few braided rivers in the Ngāi Tahu takiwā that is not significantly modified and/or degraded. The upper catchment has a high degree of natural character. The diversity of character of the river is also a significant natural characteristic. The hāpua at the mouth of the river is an outstanding landscape due to its unusual character and high biodiversity and habitat values.

**Ara Tawhito ki Pounamu:** The Hurunui –Taramakau trail is one of the most important traditional pounamu trails for Ngāi Tahu, providing the easiest and safest route between Kaiapoi and Te Tai Poutini. Nohoanga were located at points along the length of the river to facilitate the gathering and working of mahinga kai resources.

**Mahinga kai:** The mahinga kai values of the catchment were particularly important to Ngāi Tahu parties travelling to the Te Tai Poutini. Traditionally the river was known for tuna and inanga. Raupō from the margins of the upper catchment lakes was used for making mokihi. The dried leaves of tī kouka, known as pahau, were used along with harakeke and mountain grasses to weave paraerae (sandals) for travellers, and the kauru, or pith of the tree was a food source. Harakeke was used to make clothing, baskets, nets, mokihi, and rope ladders. The NTCSA 1998 also recognises two Nohoanga in the catchment (Hoka Kura and the Hurunui River mouth), acknowledging the importance of the river as mahinga kai.

**Cultural heritage values:** Wāhi tapu and wāhi taonga values exist along the length of the river. The Hurunui River mouth is particularly rich in terms of archaeological evidence, as a moa hunter site occupied 700 years ago. Hoka Kura/Lake Sumner, the Waitohi River, and the gorges above the Mandamus confluence (including Māori gully) are also areas of particular significance for their wāhi tapu status.

## PRESSURE ON THE RIVER

**Issue H3: There is increasing pressure on the river and associated cultural values as a result of:**

- (a) Water storage, hydrogeneration and irrigation proposals; and
- (b) Land use conversion.

### Ngā Kaupapa / Policy

- H3.1 To critically evaluate the cultural implications of any water storage proposal for the Hurunui River catchment to enable hydroelectric generation or community irrigation scheme and land use intensification, with particular regard to:
  - (a) Potential effects (positive and adverse) on outstanding characteristics associated with the river as per Policy H2.1 (a) to (f) above.
  - (b) Potential environmental and cultural effects (positive and adverse) as per general policy on *Regional water Infrastructure* (Section 5.3, Issue WM9).
- H3.2 Land use intensification must be managed to ensure that the only effects on water quality in the catchment are improvements.
- H3.3 To require a precautionary approach to land use conversion and intensification in the catchment, consistent with general policy on the *Effects of rural land use on water* (Section 5.3 Issue WM7) and *Intensive rural land use* (Section 5.4 Issue P2).
- H3.4 To support the concept of ‘creating headroom’ through improved nutrient management to enable land use change or intensification, but only when:
  - (a) Water quality load limits reflect the need to improve water quality and general cultural health of the catchment, particularly lower catchments, and not just maintain the existing state; and
  - (b) Improving water quality and the cultural health of rivers is given priority over enabling development; and
  - (c) Headroom is not created using nutrient trading.

### He Kupu Whakamāhukihuki / Explanation

Policies H3.1 to H3.4 are intended to ensure that development pressures are assessed and managed in a manner consistent with protecting the characteristics of the Hurunui River catchment that are considered to be of outstanding significance (Issue H2). These characteristics are at risk due to increasing pressure on the land and

water resources of the catchment, including regional infrastructure proposals for irrigation and hydroelectricity generation.

Tāngata whenua seek to protect a continuous and reliable flow of water through the river Ki Uta Ki Tai. The undisturbed passage of water from source to sea is not only necessary to sustain the wairua and the mauri of the river, but also to enable fish migration and to allow for the natural occurrence of freshes and floods and the movement of sediment down the river and out into the coastal environment.

Nutrient management is a significant issue in the Hurunui catchment, given the high levels of land use intensification. Nutrient levels in the catchment are at limit, but there is a continuing demand to make more land available for intensive land use.

*Cross reference:*

» *General policy on the effects of rural land use on freshwater resources (Section 5.3 Issue WM7)*

## EFFECTS OF LAND USE ON LOWER CATCHMENT AREAS

**Issue H4: Cumulative effects of land use on the lower catchment and associated cultural values, in particular:**

- (a) **Water quality and quantity;**
- (b) **Riparian areas and wetlands;**
- (c) **Soil health; and**
- (d) **The river mouth environment (see Issue H.5).**

### Ngā Kaupapa / Policy

- H4.1 To protect the flows of the Hurunui River and tributaries Ki Uta Ki Tai by ensuring environmental flow regimes established for the Hurunui and its tributaries deliver meaningful cultural and environmental outcomes, as per general policy on *Water quantity* (Section 5.3 Issue WM8), with particular attention to:
- (a) Protecting the outstanding cultural characteristics of the catchment; and
  - (b) The relationship between surface water and groundwater, and therefore the relationship between river health and aquifer recharge.
- H4.2 To require immediate measures to improve water quality in the lower catchment as per the measures and mechanisms in general policies on *Water quality* (Section 5.3 Issue WM6), with particular focus on:

- (a) Prohibiting any activity that will result in the further decline of water quality in the lower catchment (e.g. discharge permits that enabling a discharge into water);
- (b) Requiring the protection and restoration of wetlands as filters and flood barriers;
- (c) Requiring improvements to the quality and quantity of run off entering waterways; and
- (d) Requiring the establishment of riparian areas as buffer zones.

### Monitoring

- H4.3 To continue to undertake Cultural Health Assessments in lower catchment areas to assess the cultural health of waterways and assess progress towards meeting water quality and general cultural health objectives.
- H4.4 To continue to advocate for more effective monitoring of the cumulative effects of land use on the lower catchment, and for stronger action for non-compliance.
- H4.5 To require monitoring of water quality of the hāpua / river mouth environment as a measure of overall catchment health of the effects of land use on the health of the river.

### Priorities

- H4.6 To restore wetlands as a general priority in the catchment.
- H4.7 To identify and initiate protection, enhancement and restoration activities for the following sites, species and ecosystems as a matter of priority:
- (a) Wetlands throughout the catchment, including remnant wetlands in the lower Waitohi River alongside State Highway 7 to its confluence with the Hurunui;
  - (b) Lower catchment from the Mandamus River down (improving water quality); and
  - (c) Pahau River (reducing nutrient loads).

### He Kupu Whakamāhukihuki / Explanation

The relationship between land use and water quality and quantity is an important kaupapa for tāngata whenua, as a regional issue and at a catchment scale (see Section 5.3 Issue WM7).

Water quality declines significantly in the lower reaches of the Hurunui River. This is a reflection of changes in land use patterns, vegetation clearance, wetland loss, and

agricultural land use in areas such as the Amuri Plains, and the resultant effects of point source discharges such as drainage of intensively stocked land and irrigation bywash in rivers. There has been an approximate 98.7% loss in wetland area in the Hurunui Waiiau Zone over time (Map 7).<sup>5</sup> Riparian areas are degraded or absent in much of the lower catchment due to poor land management, weed invasion, and stock access, and therefore waterways have little or no buffers as protection from sedimentation and nutrient run off.

The Hurunui catchment continues to experience pressure for land conversion (Issue H3), including the conversion of forestry blocks to more intensive land use such as dairy. Land use intensification must be carefully and prudently managed to ensure that there is no further decline in water quality and soil health, and proposed land use activities must show how they can improve and restore land and water resources. This requires recognising and working within the natural limits of both land and water resources.

*“For both of these species [whitebait and eels], access to the sea is important – for eels, it is essential. If water*

*abstractions are allowed to intensify on the Hurunui River, then the risk of the narrow river mouth closing is greatly increased. There is no science behind this statement, just common sense and a realization that this is exactly what has occurred to other rivers in our takiwā (c.f. Waipara River).<sup>6</sup>*

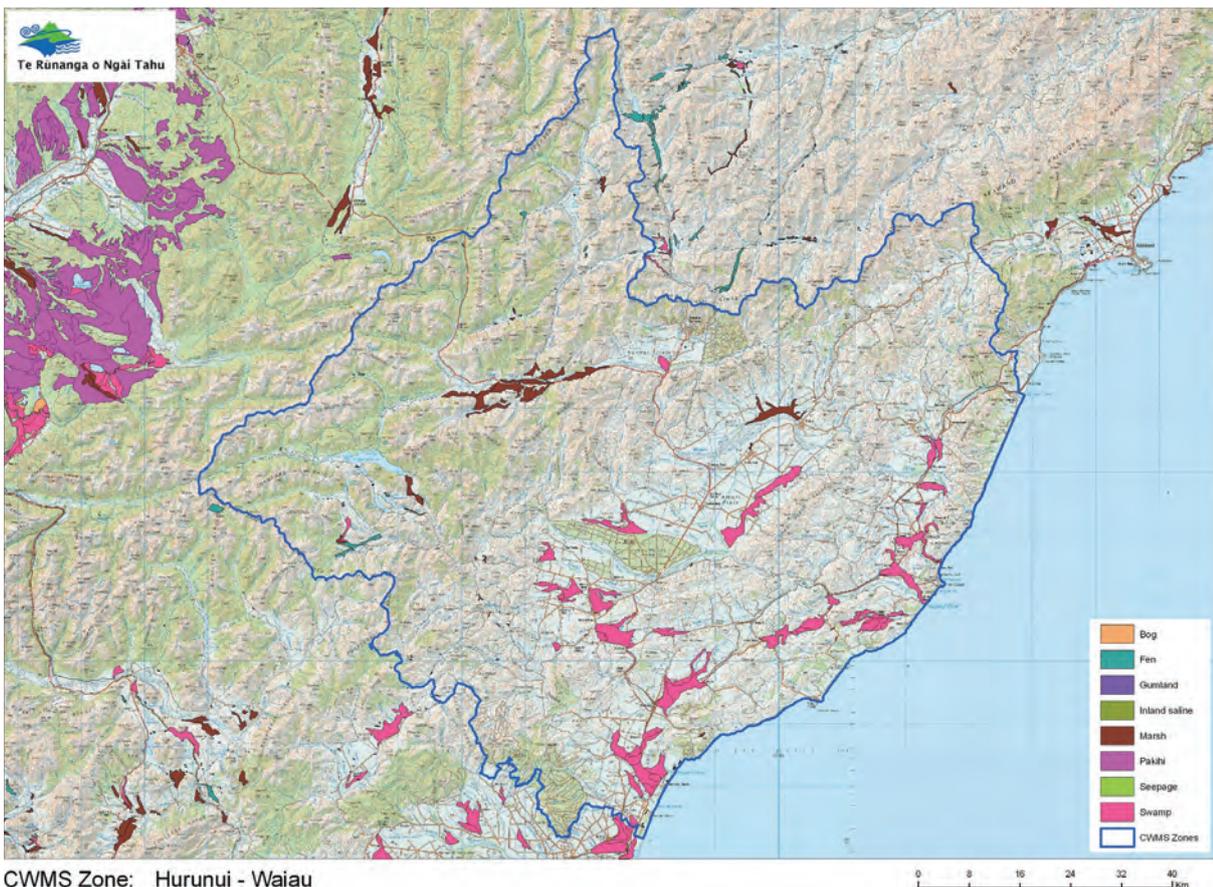
The health of hāpua reflects the health of the catchment, and therefore how well we are doing managing water and land resources (Section 5.6, Issue TAN3), as the outcomes of all land and water use find their way to the hāpua.

Establishing water quality and cultural health monitoring at the Hurunui river mouth is a priority for tāngata whenua, as part of a continuing cultural health assessment and monitoring program for the catchment (see Box - *Cultural Health Assessments in the Hurunui catchment*).

**Cross reference:**

- » *General Policies in Section 5.3 - Issue WM6: Water quality; Issue WM7: Effects of rural land use on freshwater resources; and Issue WM8: Water quantity*

**Map 7:** Historical wetlands in the Hurunui Waiiau Zone (Te Rūnanga o Ngāi Tahu)



### Cultural Health Assessments in the Hurunui Catchment

Ngāi Tahu conducted cultural health assessments in the Hurunui catchment in 2011. Sixteen sites were assessed, including the hāpua, key tributaries, the Lake Sumner/Hoka Kura outlet, the two nohoanga sites, and several key wāhi taonga.

The sites were assessed using the following criteria: catchment land use, surrounding vegetation, riverbed conditions, evidence of modification, water quality, presence, abundance and health of mahinga kai species, prevailing pressures (e.g. pest and weeds) and actions required to improve the health of the site.

The highest scoring site was the Lake Sumner/Hoka Kura outlet. The site received the highest score to date (2011) of State of the Takiwā cultural health assessments in the Ngāi Tahu takiwā.

The poorest scoring site was downstream of the Waikari waste water outlet. The majority of concerns on poorly rated sites related to:

- ▶ Habitats dominated by invasive flora (e.g. willows & weeds);
- ▶ Widespread absence of planted / fenced riparian margins; and
- ▶ Potential for increased degradation to water quality if existing land use practices continue or intensify through the provision of more water to the region.

**Source:** Lenihan, TM. 2011. Presentation to the Hurunui Zone Committee. May 12, 2011.

- (c) Maintaining the saltwater-freshwater balance in the hāpua, and therefore mahinga kai habitat; and
- (d) Ensuring fish passage between the river and the sea.

H5.2 To require monitoring of water quality of the hāpua / river mouth environment as a measure of overall catchment health of the effects of land use on the health of the river.

### He Kupu Whakamāhukihuki / Explanation

The Hurunui River catchment possesses a range of characteristics that are considered to be outstanding for spiritual, cultural and environmental reasons (Issue H2), and a number of these characteristics are associated with the river mouth. The Hurunui River mouth is of immense significance to Ngāi Tahu, culturally and ecologically. Culturally, the site is rich in wāhi tapu and wāhi taonga values, as a major Moa-Hunter Occupation site. Ecologically, the hāpua provides a freshwater sea water interface that is critical to mahinga kai habitat.

A continuous flow of good clean water Ki Uta Ki Tai is critical to protecting the river mouth environment and the cultural values associated with it.

#### Cross reference:

- » *Issue H2: Protecting outstanding cultural characteristics of the river*
- » *General policy on hāpua (Section 5.6 Issue TAN3)*
- » *General Policies in Section 5.8 - Issue CL1: Cultural landscapes; and Issue CL3: Wāhi tapu me wāhi taonga*

## WEED CONTROL

**Issue H6: Woody trees and weeds such as willow, gorse and broom are invading the beds and margins of the Hurunui and its tributaries.**

### Ngā Kaupapa / Policy

- H6.1 To work with Environment Canterbury and the Department of Conservation to identify all parts of the Hurunui River and its tributaries where the active riverbed is invaded by standing trees and woody and herbaceous weeds, and develop a control strategy.
- H6.2 To promote the adoption of a long-term plan in the takiwā to phase out willows and re-establish with appropriate native species.
- H6.3 Environmental flow and allocation limits must ensure that there is sufficient water in the river, and that the

## HURUNUI RIVER MOUTH

**Issue H5: Protection of the Hurunui River mouth as a cultural landscape.**

### Ngā Kaupapa / Policy

- H5.1 To recognise, provide for and manage the Hurunui river mouth environment as a cultural landscape with significant cultural, ecological, historical, traditional, and contemporary associations, in particular:
  - (a) Protecting sites of significance and cultural associations to place;
  - (b) Ensuring continuous and reliable flow of water to the river mouth;

duration of frequency of floods is such, that weedy species do not establish or spread in the river bed.

### He Kupu Whakamāhukihuki / Explanation

As with many braided rivers in the takiwā, trees such as willow, and woody weeds such as gorse and broom, have invaded the riverbed in the lower reaches of the Hurunui. The invasion of weedy species in the bed and margins of the river is attributed in part to the lack of sufficient and regular flood flows to enable the river to cleanse itself. When river ecosystems are compromised, weedy species are more likely to establish.

A critical component of any long term strategy to control weeds in riverbeds and margins is the establishment of appropriate native riparian species along river margins as weedy species are removed.

#### Cross reference:

- » *General policy on weed control in and along riverbeds and margins (Section 5.3, Issue WM15)*

## HIGH COUNTRY LAKES

**Issue H7: The protection of high country lakes and associated cultural values in the Hurunui catchment.**

### Ngā Kaupapa / Policy

- H7.1 To recognise and provide for Hoka Kura and associated high country lakes, waterways and wetlands as a cultural landscape with significant historical, traditional, cultural and contemporary associations. Key characteristics of this cultural landscape include:
- (a) High natural character;
  - (b) Tribal history;
  - (c) Mahinga kai species and habitat, including species that are no longer found elsewhere in the catchment; and
  - (d) Statutory Acknowledgement and nōhoanga.
- H7.2 To protect high country lakes and their margins from sedimentation caused by inappropriate land use by:
- (a) Prohibiting stock access; and
  - (b) Prohibiting forestry activity on lake margins.

### He Kupu Whakamāhukihuki / Explanation

Hoka Kura is referred to in the tradition of “*Ngā Puna Wai Karikari o Rākaihautū*”, which tells of how the principal lakes

of Te Waipounamu were dug by the rangatira Rākaihautū using his famous kō or digging stick. Schedule 20 of the NTCSA 1998 sets out Ngāi Tahu associations with Hoka Kura, and acknowledges the immense cultural, spiritual, historical and traditional significance of this high country lake (see Appendix 7). The Act also recognises a Nohoanga associated with Hoka Kura, acknowledging the importance of the lake as mahinga kai.

In addition to Hoka Kura, a number of other lakes exist in the upper catchment: Waitetemoiti (Loch Katrine) and Lakes Marion, Taylor, Sheppard and Mason, and the smaller Lake Mary and Raupō Lagoon (tarns). Lakes such as Little Lake Mason are highly valued as habitat for native fish and invertebrates. Risks to these lakes include sedimentation and damage to lake margin vegetation as a result of stock access.

*“Once safely over Noti Taramakau (Harpers Pass) travellers replenished their food supplies from the resources of Hoka Kura (Lake Sumner) and Waitetemoiti (Loch Katrine). It was a time for resting and food gathering for the next stage of their journey.*

*...eels and ducks were gathered from Hoka Kura (Lake Sumner), Waitetemoiti (Loch Katrine), Lakes Taylor and Sheppard and the Waitohi River; weka and pukeko from the Waikari Plain; and eels and ducks from the Waipara River.*

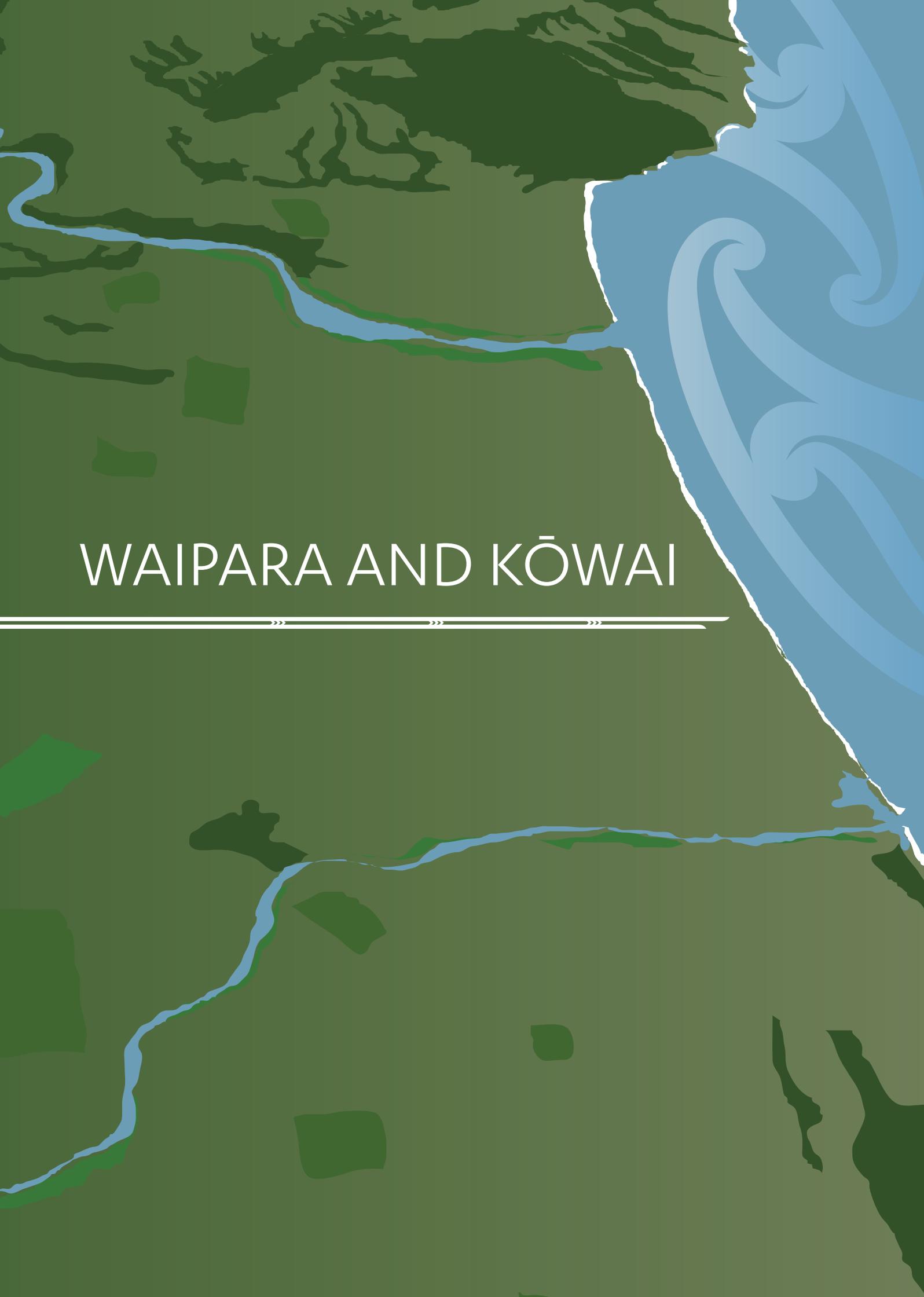
*In 1993 when I last visited Hoka Kura (Lake Sumner) I observed that the eel weir post at the eastern end of Hoka Kura (Lake Sumner) where it flows into Waitetemoiti (Loch Katrine) was still visible.”<sup>7</sup>*

#### Cross reference:

- » *General policy on Statutory Acknowledgements (Section 5.3, Issue WM5)*

#### ENDNOTES

- 1 Crengle, H. with Te Rūnanga o Kaikoura, Te Rūnanga o Tūāhuriri and Te Rūnanga o Ngāi Tahu, 2002. *Hurunui River Tangata Whenua Values Report*, p. 31.
- 2 Solomon, R., 2009. Statement of Evidence on behalf of Te Rūnanga o Ngāi Tahu, Ngāi Tūāhuriri and Te Rūnanga o Kaikoura, for an application for a WCO on the Hurunui River and Lake Sumner (Hoka Kura).
- 3 Lenihan, T.M., 2009. Statement of Evidence on behalf of Te Rūnanga o Ngāi Tahu, Ngāi Tūāhuriri and Te Rūnanga o Kaikoura, for an application for a WCO on the Hurunui River and Lake Sumner (Hoka Kura).
- 4 Crengle, H. with Te Rūnanga o Kaikoura, Te Rūnanga o Tūāhuriri and Te Rūnanga o Ngāi Tahu, 2002. *Hurunui River Tangata Whenua Values Report*.
- 5 Hurunui Waiau Zone Implementation Programme (ZIP). 2011.
- 6 Lenihan, T.M., 2009. Statement of Evidence on behalf of Te Rūnanga o Ngāi Tahu, Ngāi Tūāhuriri and Te Rūnanga o Kaikoura, for an application for a WCO on the Hurunui River and Lake Sumner (Hoka Kura).
- 7 Russell, J.M., 2009. Statement of Evidence on behalf of Te Rūnanga o Ngāi Tahu, Ngāi Tūāhuriri and Te Rūnanga o Kaikoura, for an application for a WCO on the Hurunui River and Lake Sumner (Hoka Kura), paragraphs 13-15.

A stylized map of the Waipara and Kōwai regions. The land is depicted in various shades of green, with a prominent light blue river winding through it. The coastline is shown in a darker green, and the sea to the right is represented by light blue waves. The title 'WAIPARA AND KŌWAI' is centered in white, uppercase letters.

# WAIPARA AND KŌWAI

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## 6.2 WAIPARA AND KŌWAI

This section address issues of particular significance in the Waipara and Kōwai river catchments (Map 8).

The Waipara, named with reference to a fish caught in the river, is a rain fed river flowing from the eastern foothills of Ngā Tiritiri o Te Moana to the Waipara lagoon. The Kōwai, named after the native tree *Sophora microphylla*, drains a small catchment west of Amberley. Both rivers flow into coastal lagoons and meet alongside Amberley Beach. They are considered together in this IMP due to the immense significance of the coastal area between them as one large mahinga kai resource.<sup>1</sup>

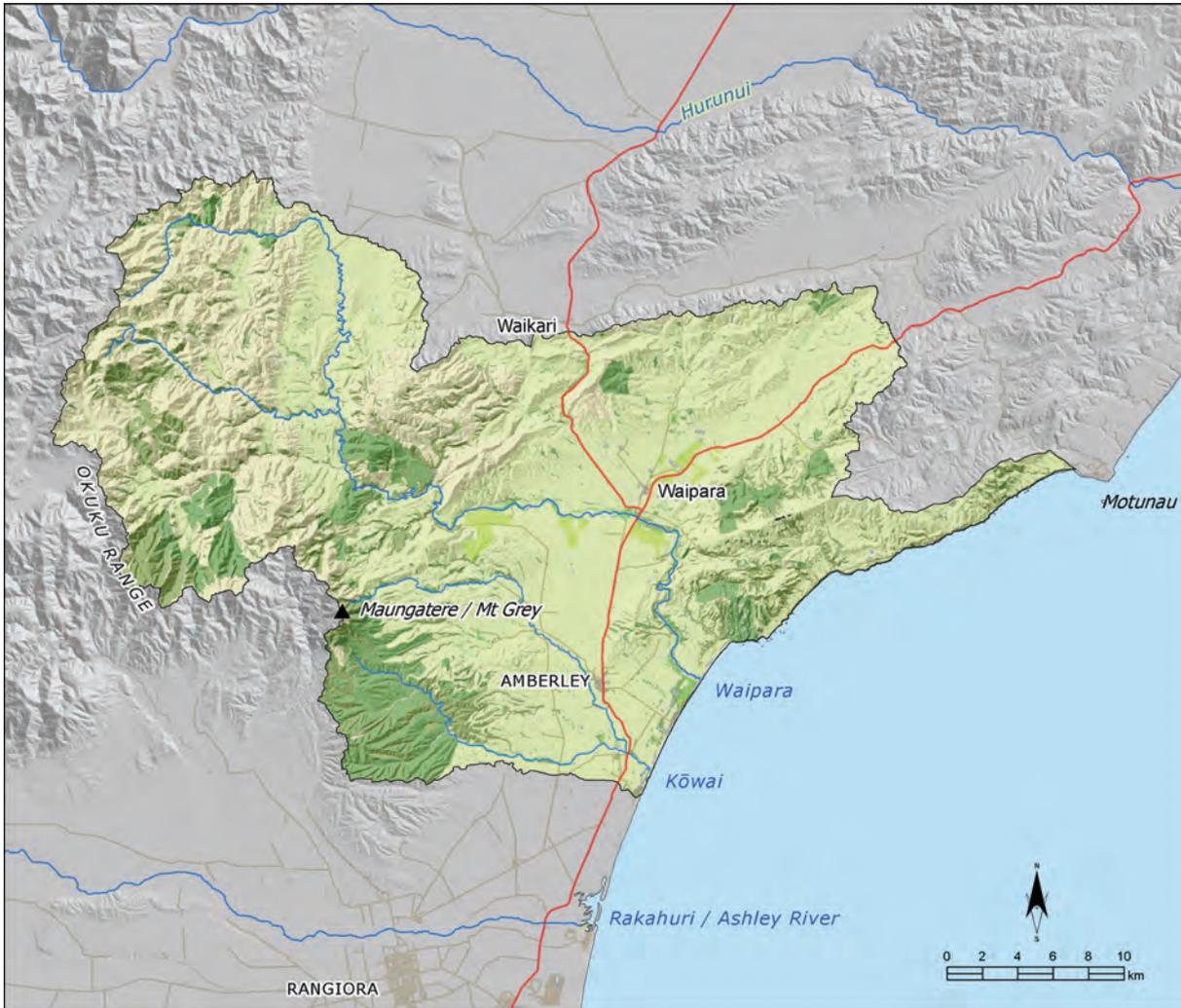
For tāngata whenua, the current state of cultural health of the Waipara and Kōwai catchments is evidence that water management and governance in the region has failed to have particular regard for kaitiakitanga, and to recognise and provide for the relationship of Ngāi Tahu with these waterways as a matter of national importance. Surface and groundwater resources are over-allocated (Issue WK2) and water quality is degraded as a result of inappropriate rural land use (Issue WK3). This has significant adverse effects on Ngāi Tahu values and interests, particularly mauri, natural character, mahinga kai, indigenous biodiversity and the hāpua where the Waipara and Kōwai rivers meet the sea.

***“There is not enough water in the Waipara or Kōwai rivers to sustain cultural values.”*** Te Rūnanga o Ngāi Tūāhuriri IMP hui.

### Ngā Paetae Objectives

- (1) The mauri and mahinga kai values of the Waipara and Kōwai rivers, and their tributaries, wetlands and hāpua are protected and restored, mō tātou, ā, mō kā uri ā muri ake nei.
- (2) Immediate and effective measures are implemented to address over-allocation of freshwater resources in the Waipara catchment.
- (3) Groundwater and surface water quality in the catchments is restored to a level suitable to provide a safe, reliable, and untreated drinking water supply and enable cultural, customary and recreational use.
- (4) Land use in the catchments reflects land capability and water limits, boundaries and availability.
- (5) Ngāi Tahu cultural landscapes values associated with the Waipara and Kōwai rivers are protected and enhanced.

**Map 8:** Waipara and Kōwai catchments



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### WAIPARA AND KŌWAI: ISSUES OF SIGNIFICANCE

<b>Issue WK1: Managing land use</b>	The assimilative capacity of the land, and water availability, limits and boundaries are being exceeded by some land use activities in the catchments.
<b>Issue WK2: Over-Allocation</b>	Over-allocation of water in the Waipara and Kōwai catchments has resulted in significant adverse effects on values of importance.
<b>Issue WK3: Water quality</b>	Adverse effects of rural land use on water quality and the cultural health of the Waipara and Kōwai rivers.
<b>Issue WK4: Loss of mahinga kai</b>	Inability to harvest mahinga kai from the Waipara and Kōwai catchments, particularly the coastal areas, as a result of loss of access, poor cultural health of sites and decline of species abundance.
<b>Issue WK5: Hāpua</b>	Degradation of the Waipara and Kōwai hāpua as a result of inappropriate land use and low flows in the rivers.
<b>Issue WK6: Gravel extraction</b>	Gravel extraction in the Waipara and Kōwai riverbeds can have effects on mauri, hāpua, water quality and mahinga kai.
<b>Issue WK7: Willows</b>	The spread of willow and in and along rivers has a significant effect on the river environment and tāngata whenua values.
<b>Issue WK8: Viticulture</b>	Viticulture activities are important to the region but can have adverse effects on the land and water values.
<b>Issue WK9: Wāhi tapu me wāhi taonga</b>	The protection of wāhi tapu and wāhi taonga in the catchments.



## MANAGING INTENSIVE LAND USE

**Issue WK1: The assimilative capacity of the land, and water availability, limits and boundaries are being exceeded by some land use activities in the catchments.**

### Ngā Kaupapa / Policy

WK1.1 To continue to advocate for a rural land and water management approach that *'matches land use with catchment water availability and limits'* and provides for the assimilative capacity of catchments, as per General Policies on *Effects of rural land use on water* (Section 5.3 Issue WM7) and *Intensive rural land use* (Section 5.4 Issue P2).

### He Kupu Whakamāhukihuki / Explanation

Matching land use with natural resource capacity and limits is an important component of Ki Uta Ki Tai management, and a kaupapa for tāngata whenua in the Waipara and Kōwai catchments. The kaupapa requires that land use activities reflect local soil and climate conditions, and recognise the limits and availability of freshwater resources in catchments, rather than considering catchments in terms of potential irrigable land.

***"You can grow grass anywhere if you add enough water, but we need to consider whether it is the best place to grow grass if we have to add that much water."***

Ngāi Tūāhuriri IMP hui.

#### Cross reference:

- » *General policy on Papatūānuku (Section 5.4, Issue P1)*
- » *General policy on the effects of rural land use on water (Section 5.3 Issue WM7)*

## OVER-ALLOCATION

Issue WK2: Over-allocation of water in the Waipara and Kōwai catchments has resulted in significant effects on values of importance, including but not limited to:

- (a) **Mauri of surface and groundwater;**
- (b) **Mahinga kai and customary use;**
- (c) **Natural variability and character of the river, including floods and freshes;**
- (d) **Cultural health of hāpua, including duration and frequency of openings;**
- (e) **Indigenous biodiversity; and**
- (f) **Connections of the rivers to the sea (Ki Uta Ki Tai).**

### Ngā Kaupapa / Policy

- WK2.1 To require immediate and effective measures and timeframes to address over-allocation and restore water flows and levels necessary to sustain mauri, ecological health and Ngāi Tahu customary use in the catchments including but not limited to:
- (a) A comprehensive review of water consents for the Waipara and Kōwai catchments;
  - (b) No further allocations of river water, or hydraulically connected groundwater until the rivers' condition improves (and reducing the volume of existing abstraction consents if required); and
  - (c) Reduce abstractions on the Omihi Stream and Home Creek as a priority, as spring fed tributaries that significantly contribute to water flow in the lower Waipara.
- WK2.2 To recognise and provide for the Waipara and Kōwai river catchments as 'naturally dry' rather than 'water short' or 'water sensitive', and plan land use activities and water management regimes accordingly.
- WK2.3 Water enhancement schemes are not a solution to water quantity issues in the Waipara and Kōwai catchments.
- WK2.4 To require that environmental flow and water allocation plans for the Waipara and Kōwai Rivers recognise and provide for mauri and customary use as first order priorities, and deliver cultural outcomes, as per general policy on *Water quantity* (Section 5.3, Issue WM8).
- WK2.5 To require controls on land use, through policies and rules in district and regional plans, to protect surface water flows and groundwater recharge, as

per general policy on *Water quantity* (Section 5.3 Issue WM8).

### He Kupu Whakamāhukihuki / Explanation

Over-allocation of water in the Waipara and Kōwai catchments due to irrigation demand is a significant issue for tāngata whenua. Both rivers are in a degraded state of cultural and ecological health. The lack of water and natural variability of flow, combined with degraded water quality due to inappropriate land use activity (see Issue WK3) has resulted in significant effects on river health.

*“The availability of clean fresh water in the Waipara River is essential to protecting Ngāi Tūāhuriri’s mahinga kai values.”<sup>2</sup>*

Of particular concern is the cultural health of the immensely significant hāpua located where the Waipara and Kōwai rivers meet the sea. Low flows exacerbate the 'drying out' of the lower reaches of the rivers over summer, hindering upstream fish passage.

*“The longfin tuna get locked in at the top of the river because it is dry. You get a flush of rain and there are hundreds of tuna waiting to get out to the sea.”*

Ngāi Tūāhuriri Rūnanga IMP hui.

Water management frameworks for the Waipara and Kōwai rivers have failed to protect the mauri of these rivers, and to sustain their potential for future generations. They have also failed to recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with these ancestral waters, as a matter of national importance. Resolving the issue of over-allocation requires a fundamental shift of mindset: from maintaining reliability of supply for abstractors to restoring river health. The existing volume of water abstracted from the Waipara and Kōwai river catchments must be reduced as a matter for priority, and effective and appropriate flow regimes developed that prioritise river health.

*“We must begin to think about the long term health of our waterways and recognise that healthy water leads to healthy land, food and people.”* Te Marino Lenihan, Ngāi Tūāhuriri.

#### Cross reference:

- » *General policy on water quantity* (Section 5.3 Issue WM8)

## WATER QUALITY

**Issue WK3: The effects of rural land use on water quality and the cultural health of the Waipara and Kōwai rivers, their tributaries in particular:**

- (a) **Surface run-off of sediment, nutrient and other contaminants from pastoral grazing, plantation forestry, horticulture and viticulture land use;**
- (b) **Nutrient leaching into groundwater;**
- (c) **Stock access to waterways;**
- (d) **Drainage of wetlands;**
- (e) **Degradation of riparian areas, and loss of function in maintaining water quality;**
- (f) **Low flows due to water abstractions; and**
- (g) **Surface run off of excess irrigation waters.**

### Ngā Kaupapa / Policy

WK3.1 To address water quality issues in the Waipara and Kōwai catchments with reference to general policy on *Water quality* (Section 5.3 Issue WM6).

WK3.2 To recognise poor water quality in the Waipara and Kōwai rivers as a result of rural land use is having an effect on coastal rocky reef habitat, and Ngāi Tahu aspirations for mahinga kai restoration.

### He Kupu Whakamāhukihuki / Explanation

The degradation of the cultural health of waterways and the contamination of groundwater as a result of rural land use is a significant issue in the Waipara and Kōwai catchments. The effect of diffuse and point source pollution on water quality is compounded by low flows in waterways (see Issue WK2) and the degradation of wetlands and riparian margins that once provided buffers and filtering roles (see Box - *The combined effect of low flows and contaminated run-off on water quality*).

Further intensification of land use, particularly pastoral farming, viticulture and horticulture in lower catchment areas and forestry activities in upper catchment areas, is a concern given the potential for further impacts on water quality. Intensive pastoral grazing, cropping, horticulture and viticulture have the potential to degrade water quality due to sedimentation, nutrient run-off and nitrate leaching into groundwater. Plantation forestry can result in sediments and nutrients entering waterways, particularly when there is an absence of riparian buffers between the plantation and a waterway (this is an issue particularly in the Kōwai catchment).

### The combined effect of low flows and contaminated run-off on water quality

The combined effect of low flows and contaminated run-off is a significant resource management issue in the Waipara and Kōwai catchments. The concern for tāngata whenua is not just the volume of water leaving the rivers, but also the quality of the water that is returning to the river through run-off and irrigation bywash, which is often contaminated with nutrients, sediment and animal effluent. We must seriously consider the sustainability of the kinds of land use that water resources are supporting and the assimilative capacity of the catchments.

## MAHINGA KAI

**Issue WK4: Inability to harvest mahinga kai from the Waipara and Kōwai catchments, particularly the coastal areas, as a result of:**

- (a) **Loss of or poor physical access to mahinga kai areas;**
- (b) **Impacts of rural land use on coastal water quality and coastal rocky reef habitat;**
- (c) **Poor cultural health of traditional mahinga kai sites;**
- (d) **Decline in species health, abundance and diversity; and**
- (e) **Effects of low flows and altered flow regime on fish passage.**

### Ngā Kaupapa / Policy

WK4.1 To address the loss of mahinga kai resources and opportunities in the Waipara and Kōwai catchments with reference to general policy on *Mahinga Kai* (Section 5.5 Issue TM1).

WK4.2 To restore the health of, and physical access to, the following mahinga kai sites and places within the Waipara and Kōwai catchments as a matter of priority:

- (a) Waipara and Kōwai river mouths;
- (b) Waipara coastal lagoon (hāpua);
- (c) Waipara rocks (access);
- (d) Willow removal along waterways (due to effects on mahinga kai); and
- (e) Coastal wetlands associated with the Kōwai river.

## Nohoanga

WK4.3 To ensure that land use and water management in the Waipara catchment does not compromise the ability of Ngāi Tahu to use and develop Nohoanga sites associated with the Waipara and Kōwai catchments, statutorily recognised by NTCSA and otherwise.

WK4.4 To work with Te Rūnanga o Ngāi Tahu to address issues associated with nohoanga in the Waipara and Kōwai catchments, including:

- (a) Limits on ability of tāngata whenua to use the Waipara Township nohoanga (Schedule 95, NTCSA 1998) given its location (i.e. next to pub) and lack of access to water; and
- (b) Providing statutory identification and protection to nohoanga that are not currently recognised by the NTCSA 1998, including Waipara Rocks.

## Access

WK4.5 Tāngata whenua must have access to customary mahinga kai sites and resources in the coastal area of the Waipara and Kōwai catchments.

WK4.6 To ensure that existing and future ecological and natural area significance designations complement and not restrict Ngāi Tahu customary use.

## Wetlands and remnant forest areas

WK4.7 To require the protection, enhancement and extension of existing remnant wetlands and native forest areas in the Waipara and Kōwai catchments, as key mahinga kai habitats.

## He Kupu Whakamāhukihuki / Explanation

The Waipara and Kōwai rivers have strong mahinga kai associations. Both rivers were once integral to the economic, cultural and social well being of Ngāi Tahu, particularly the hāpua and coastal areas. The importance of these rivers as mahinga kai is confirmed in the NTCSA 1998 (Schedules 74 and 26; see Appendix 7), and in the two nohoanga entitlements on the Waipara River. 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 generations.

As with other river catchments in Canterbury, poor water quality, low flows, drainage of wetlands, habitat loss, loss of physical access and decline in the diversity health and abundance of mahinga kai species has greatly affected the ability of tāngata whenua to engage in mahinga kai activities

in the Waipara and Kōwai catchments. However, while the ability of tāngata whenua to use the rivers as mahinga kai has been severely compromised, the importance of the rivers remains, and whānau continue to direct their efforts towards restoring the rivers and the mahinga kai traditions associated with them.

The loss of physical access has added to the loss mahinga kai values in these catchments. For example, most of the land adjoining the mainstem of the Waipara River is privately owned, creating barriers to access traditional mahinga kai sites. Coastal protection areas between the Waipara and Rakahuri rivers also contribute to tāngata whenua feeling 'locked out' from customary use sites. Further, the nohoanga site at the Waipara Township, established under the NTCSA 1998, is limited in its ability to provide access to mahinga kai resources as it doesn't have access to water.

***"We need full and total access: we don't want to be restricted to a small area just to fish. It is about understanding the whole environment and respecting it as a whole. We want to take our tamariki and our kaumatua to the sea and allow them to have that relationship with unimpeded access, without restriction."***  
Clare Williams, Ngāi Tūāhuriri.

### Cross reference:

» *General policy on access to coastal areas (Section 5.6 Issue TAN8)*

## HĀPUA

**Issue WK5: Degradation of the Waipara and Kōwai hāpua as a result of:**

- (a) **Inappropriate land use activities that contribute to poor water quality; and**
- (b) **Low flows in the rivers as a result of inappropriate environmental flow regimes and water allocation models.**

## Ngā Kaupapa / Policy

WK5.1 To recognise, provide for and manage the coastal environment associated with the area between the Waipara and Kōwai rivers as a cultural landscape with significant cultural heritage and mahinga kai values.

WK5.2 To avoid any further loss of ecosystem and mahinga kai values associated with the Waipara and Kōwai river mouth environments and hāpua, as a matter of priority. This means:

- (a) Recognition of immense importance of these areas to Ngāi Tahu;

- (b) Effective measures to address water quality and quantity issues (see Issues WK2 and WK3);
- (c) Restoration programmes for habitat and species; and
- (d) Appropriate management of public access and use.

WK5.3 Environmental flow and water allocation regimes for the Waipara and Kōwai rivers must recognise and provide for the relationship between river flow, water quality and hāpua, including ensuring sufficient flow, floods and freshes to enable an open river mouth at appropriate times of year for the recruitment of mahinga kai species, particularly tuna and inanga.

WK5.4 To require the monitoring of cultural health and water quality at the hāpua / river mouth of the Waipara and Kōwai rivers as a measure of overall catchment health of the effects of land use on the health of the river.

### He Kupu Whakamāhukihuki / Explanation

The coastline between the Waipara and Kōwai rivers, including the coastal wetlands and hāpua at the mouth of each river, holds strong mahinga kai and wāhi tapu associations for tāngata whenua. While the ability of tāngata whenua to engage in mahinga kai activities has been compromised over time by the loss and of mahinga kai resources and opportunities (Issue WK4), the significance of the hāpua has not diminished.

Water quality in coastal hāpua reflect land and water use and management in the catchment. These environments make ideal monitoring sites to assess our progress toward meeting water quality objectives and standards.

#### Cross reference:

» *General policy on hāpua (Section 5.6, Issue TAN3)*

## GRAVEL EXTRACTION

**Issue WK6: Gravel extraction in the Waipara and Kōwai riverbeds can have effects on mauri, hāpua, water quality and mahinga kai.**

### Ngā Kaupapa / Policy

WK6.1 To support sustainable gravel extraction in the Waipara and Kōwai catchments while ensuring the protection of environmental and cultural values, in

accordance with general policy on *Activities in the beds and margins of rivers* (Section 5.3 Issue WM11).

WK6.2 To advocate that district and regional councils implement a monitoring programme for gravel extraction on the Waipara River, to assess effects of gravel extraction on the river environment.

### He Kupu Whakamāhukihuki / Explanation

Gravel extraction is a necessary feature of floodplain and river management as the build up of gravels can create flood risks. However, uncontrolled gravel extraction can have adverse effects on the river environment and tāngata whenua values, including changing the natural character of the waterway, disrupting mahinga kai habitat and creating sedimentation and water quality issues. The current rate of gravel extraction from the Waipara River is described as “well in excess of what can be sustainably taken without lowering the river bed levels”.<sup>3</sup>

#### Cross reference:

» *General policy on activities in the beds and margins of rivers (Section 5.3 Issue WM12)*

## WILLOWS IN RIVERBEDS AND MARGINS

**Issue WK7: The spread of willow and along the Waipara and Kōwai rivers has a significant effect on tāngata whenua values and the river environment.**

### Ngā Kaupapa / Policy

WK7.1 To require the removal of willow from the beds and margins of the Waipara and Kōwai Rivers, and planting of these areas in native riparian species (appropriate to that particular place), in particular:

- (a) The Waipara riverbed below the State Highway 1 Bridge, to restore the open riverbed habitat for bird life and lagoon areas for fish habitat.

WK7.2 Where river rating districts are established to contribute to the costs of clearing and maintaining willows along rivers for flood protection (e.g. North Branch Kōwai), such schemes should also include provisions for:

- (a) Planting of native riparian plants where willows are removed, to further the flood protection goals and enhance natural and cultural landscape values.

WK7.3 To require that environmental flow regimes allow for an increase in the size, duration and frequency of natural flood flows, as a means to avoid the establishment of willow, and other weeds, in the Waipara and Kōwai River beds.

### He Kupu Whakamāhukihuki / Explanation

Willows (predominately crack, but also grey) are well established along many areas of the Waipara and Kōwai rivers and have a significant effect on natural character and river health by disrupting, confining and reducing flow, and reducing native biodiversity. One study found that in many places on the Waipara River the width of the channel has been reduced by 50-70% during the last 50 years.<sup>4</sup>

Tāngata whenua recognise that willows were established in rivers for bank stabilization purposes. However native riparian plant species are better suited to bank stabilization and can provide flood control, without the adverse effects associated with willows. A comprehensive strategy to enable the removal and eradication of willow species in the Waipara and Kōwai catchments will achieve multiple environmental and cultural benefits.

## VITICULTURE

**Issue WK8: Viticulture activities are important to the region but can have adverse effects on the land and water values.**

### Ngā Kaupapa / Policy

WK8.1 To encourage the adoption of sustainable management practices that minimise impacts of vineyards on the environment, including organic operations, sustainable site selection and efficiency measures.

WK8.2 To require substantial set back areas or buffer zones from any waterway, bore, wetland or spring, to prevent adverse impacts on soil and water resources.

### He Kupu Whakamāhukihuki / Explanation

Viticulture is a prominent land use activity in the Waipara and Kōwai catchments. As a highly intensive land use activity using a relatively small land area, viticulture has the potential to affect water and soil resources. For example, water takes associated with vineyards are not usually standard water takes; usage is seasonally, and even grape variety,

dependent, and can be characterised by dramatic spikes and strong lows off-season. Weed control, pesticide use, soil erosion, run-off and water abstractions are additional issues of concern when assessing applications for new vineyards.

## WĀHI TAPU ME WĀHI TAONGA

**Issue WK9: Protection of wāhi tapu and wāhi taonga values in the Waipara and Kōwai catchments, in particular:**

- (a) **Wāhi tapu and wāhi taonga at the Waipara river mouth and along the coast;**
- (b) **Rock art sites in inland areas of the Waipara catchment; and**
- (c) **Unknown archaeological sites.**

### Ngā Kaupapa / Policy

WK9.1 To recognise and provide for the Waipara and Kōwai catchments as cultural landscapes with significant historical, traditional, cultural and contemporary associations.

WK9.2 To recognise and provide for the following Deed of Settlement/NTCSA 1998 provisions as cultural landscape indicators (see Appendix 1):

- (a) Statutory Acknowledgements for Waipara and Kōwai Rivers;
- (b) Use of the ancestral name Maukatere alongside Mount Grey; and
- (c) Nohoanga entitlements.

### Wāhi tapu me wāhi taonga

WK9.3 To require that activities associated with the river mouths and coastal environment of the Waipara and Kōwai rivers do not adversely affect the wāhi tapu and wāhi taonga values associated with that environment.

WK9.4 To require appropriate policies, rules and methods in district and regional plans to protect wāhi tapu and wāhi taonga from inappropriate land use and development, in accordance with general policy on *Wāhi tapu and wāhi taonga* (Section 5.8 Issue CL3).

### Rock art

WK9.5 To support the work of the Ngāi Tahu Māori Rock Art Trust in preserving and protecting rock art in the Waipara catchment.

WK9.6 To require the recognition of Papatipu Rūnanga with regard to the protection and management of rock art sites.

## He Kupu Whakamāhukihuki / Explanation

There are numerous wāhi tapu and wāhi taonga in the Waipara and Kōwai catchments, including a high concentration of registered archaeological sites along the coast between the Kōwai and Waipara rivers, the Waipara river mouth and inland Waipara. There is extensive evidence of occupation of Waipara river mouth. The site is identified as a moa hunter occupation site, and includes pā sites, and midden, pits, ovens and cave shelters.<sup>5</sup>

Weka Pass is a well-known rock art site. Ngāi Tahu tūpuna drew on the walls of rock shelters with charcoal and red ochre (kōkōwai). While the most obvious and visible art in the Weka Pass shelters were over painted or 'freshened' in the 1930's to make them more visible to tourists, approximately 100 figures remain in their natural state, still visible amongst the retouched art.<sup>6</sup>

### Cross reference:

- » *General policies in Section 5.8 - Issue CL1: Cultural landscapes; Issue CL2: Ngāi Tahu cultural heritage mapping; and Issue CL3: Wāhi tapu and wāhi taonga*

### Information resources:

- » *Zygodlo-Kanara, F. & Te Rūnanga o Ngāi Tūāhuriri, 2004. Waipara Catchment: Tāngata Whenua Values. Environment Canterbury Report R04/01.*
- » *Jolly, D. on behalf of Te Rūnanga o Kaikoura and Ngāi Tūāhuriri Rūnanga, 2004. Tāngata Whenua Values Report for the Waiau, Hurunui, Waipara and Kōwai river catchments, as part of the Hurunui Community Water Development Project.*

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### ENDNOTES

- 1 Tau, T.M., Goodall, A., Palmer, D. and Tau, R. 1990. *Te Whakatau Kaupapa: Ngāi Tahu Resource Management Strategy for the Canterbury Region*. Aoraki Press: Wellington, p. 5-12.
- 2 Zygodlo-Kanara, F. & Te Rūnanga o Ngāi Tūāhuriri, 2004. *Waipara River Tangata Whenua values Report*. Environment Canterbury Report R04/01, p.10.
- 3 Environment Canterbury, 2010. *Draft Waipara River Management Strategy*, p.19.
- 4 Mosely, M. P., 2003. *Waipara River: Instream values and flow regime*. Report R03/1 Environment Canterbury.
- 5 NTCSA 1998; Tau, T.M., et al. 1990; Zygodlo-Kanara, F., et al. 2004.
- 6 <http://www.ngaitahu.iwi.nz/RockArt/>



# RAKAHURI





## 6.3 RAKAHURI

*“The value of the Ashley/Rakahuri River to tāngata whenua who hold customary rights, is first and foremost the water itself, and secondly the river and food resources within and adjacent to the water. The river is a wāhi taonga.”*

This section addresses issues of particular significance in Rakahuri River catchment (Map 9). Originating in the native forested hills of the Puketeraki Range, the hill fed Rakahuri winds through a narrow gorge before braiding across the North Canterbury plains and flowing into an extensive estuarine area.

The Rakahuri estuary is a significant feature of the catchment, and is a wāhi taonga for tāngata whenua. The estuary is part of a wider network of coastal wetlands and swamps between the Rakahuri and the Waimakariri rivers that have long been a source of mahinga kai for Ngāi Tahu.

The catchment has strong mahinga kai associations for Ngāi Tahu. The river and its associated tributaries, wetland and lagoons were known as the food basket of Kaiapoi pā. The Rakahuri was one of the three waterways (the others being Waimakariri and Ruataniwha/Cam) that continued to sustain Ngāi Tahu even after the land purchases in Canterbury.<sup>2</sup>

From the late 1800’s the Rakahuri has been managed with an emphasis on flood control and land preservation rather than mauri or mahinga kai. The substantial physical modification of the river and its tributaries has had significant effects on the relationship of Ngāi Tahu and their culture and traditions with this ancestral river.

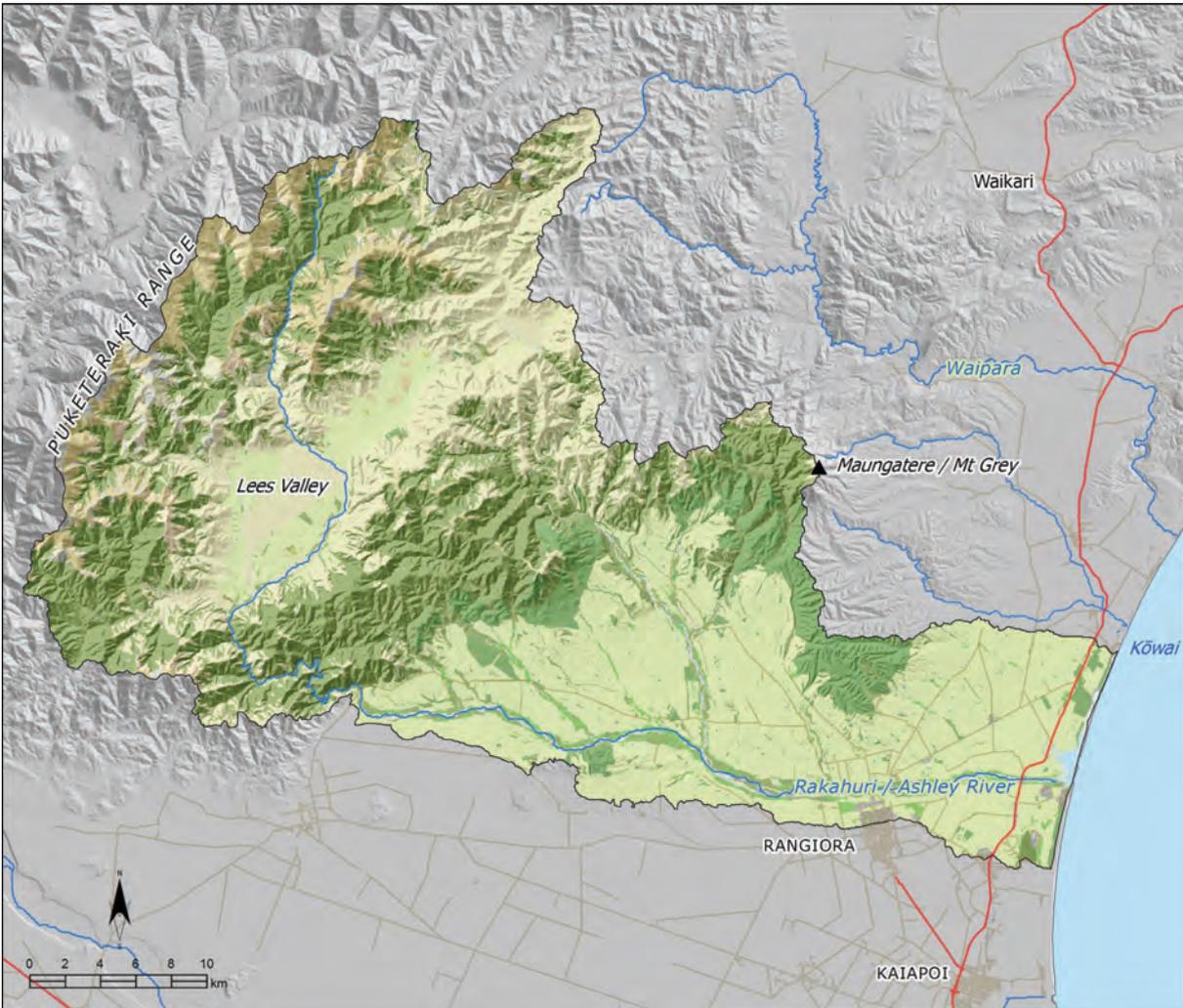
*“Ahi ka is about being brought up on the river and our continuous use over seven generations. It is about the river being more precious to us than any possession we may have. It is very hard to explain - it is how we live, it is what we know, it is what we have been taught. The Rakahuri is part of who we are.”* Aunties Joan Burgman and Clare Williams, Ngāi Tūāhuriri.

*“My poua didn’t have a whole lot of material things to leave us. But he had the river, and the river would always provide kai for us. The river was our inheritance; better than money in the bank, because it would always be there. Our poua left us the river, and the knowledge of the river.”* Aunty Joan Burgman, Ngāi Tūāhuriri.

### Ngā Paetae Objectives

- (1) Restoration of the cultural health and mahinga kai values of the Rakahuri to a level and state whereby manawhenua can once again provide manuhiri with local kai that the river is known for.
- (2) Water quality and quantity in the Rakahuri and tributaries is such that whānau and the wider community have places they can go to safely swim and fish.
- (3) The coastal/lowland region from the Rakahuri to the Waimakariri is recognised and provided for as a cultural landscape of immense importance, and the cultural and physical connectivity between the Rakahuri, Taranaki stream, Tūtaepatu lagoon, Taerutu lagoon, Kaiapoi pā and the Waimakariri River is restored.
- (4) The cultural health of the Taranaki stream is restored as a matter of priority, with a vision to return the waterway to its original shape and swampy character.
- (5) Access to and use of customary fishing sites associated with the Rakahuri is restored.
- (6) Provision of opportunities to instill traditional values in our young people through involvement in restoration projects and customary mahinga kai practices.

**Map 9:** Rakahuri catchment



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### RAKAHURI: ISSUES OF SIGNIFICANCE

<b>Issue R1: Customary use</b>	Loss and degradation of mahinga kai in the Rakahuri catchment.
<b>Issue R2: Water quantity</b>	The river experiences extremely low flows as a result of abstractions, gravel build up and flood control infrastructure.
<b>Issue R3: Wetlands and hāpua</b>	The restoration of wetlands and hāpua in the Rakahuri catchment.
<b>Issue R4: Water quality</b>	Water quality in the catchment is at risk as a result of inappropriate land use and discharge of contaminants to water.
<b>Issue R5: Cultural landscapes</b>	Inappropriate land use and development can have effects on wāhi tapu and wāhi taonga in the catchment.
<b>Issue R6: Upper catchment</b>	Protection of the integrity and natural character of the upper catchment from effects associated with land use conversion, drainage of wetlands and inappropriate water enhancement proposals.



## CUSTOMARY USE

**Issue R1: Loss and degradation of mahinga kai in the Rakahuri catchment as a result of:**

- (a) Physical modification of waterways for flood protection;
- (b) Loss of flow;
- (c) Sedimentation and gravel build up in the river;
- (d) Drainage of mahinga kai wetland habitat;
- (e) Loss or poor access to mahinga kai sites, including Fentons; and
- (f) Inappropriate land use and development along the margins of waterways in the catchment.

### Ngā Kaupapa / Policy

R1.1 To require that land and water management in the Rakahuri catchment recognises and provides for the importance of this river as mahinga kai to generations of Ngāi Tahu. This means that:

- (a) The river should not be subject to the extremely low flows that it currently experiences (see Issue R2);
- (b) The physical connection between the Rakahuri, Taranaki stream, Tūtaepatu, Taerutu and the Waimakariri River is restored, to enable fish passage;
- (c) Inappropriate land use on floodplains and river margins is discontinued;
- (d) Buffers and planted riparian margins along the river and tributaries to protect water quality;
- (e) Flood protection infrastructure does not compromise fish passage;
- (f) Access and use of customary fishing sites is recognised and provided for;
- (g) The effects of upper catchment activities on mahinga kai in lower catchment areas are recognised and addressed;
- (h) Kōhanga areas are protected; and
- (i) Activities in the beds and margins of the river and its tributaries are consistent with protecting mahinga kai, including fish passage.

R1.2 To require that the regional council address the source of gravel and sediment that is accumulating in the river and resulting in the loss of mahinga kai habitat through reduced surface flow and infilling of the river mouth environment as a matter of priority. Sources of gravel and sediment include:

- (a) Stop banks that confine the natural course of the river;

- (b) Upper catchment erosion as a result of activities such as harvesting of plantation forestry trees; and
- (c) Stock access to tributaries such as the Taranaki.

R1.3 To require that recreational use of the river is managed to avoid adverse effects on mahinga kai and Ngāi Tahu customary use.

### *Sustaining our mahinga kai traditions*

R1.4 To investigate mahinga kai enhancement opportunities in the catchments, including restocking customary fish species.

R1.5 To continue to teach our tamariki and mokopuna about the Rakahuri River and associated waterways, springs, wetland and lagoons, and the mahinga kai traditions and pūrākau that are associated with those places.

### *Tributaries as mahinga kai*

R1.6 To require improved tributary management in the catchment to restore mahinga kai habitat, with priority given to the following tributaries of 'high use' value:

- (a) Taranaki Stream;
- (b) Saltwater Creek;
- (c) Waikuku Stream;
- (d) Okuku River;
- (e) Te Wera Wera (Little Ashley Stream);
- (f) Harris's Creek; and
- (g) Smarts Road Creek;

R1.7 To require that the Taranaki stream is recognised and provided for as a kōhanga by:

- (a) Re-naturalisation of the stream through establishment of riparian areas and restoration of the stream to original shape and levels;
- (b) Redesigning the Taranaki floodgate as a matter of priority due to its impact on inanga migration;
- (c) Controls on land use on river margins and floodplain, including prohibiting intensive grazing, silage pits, offal pits, subdivision on the margins and the floodplain;
- (d) Addressing stock access issues along the Taranaki between Waikuku Beach and Kaiapoi pā as a matter of priority;
- (e) Fencing of the whole of the waterway; and
- (f) Protection of the waipuna that feed Taranaki Creek and other spring-fed tributaries.

R1.8 To require that the upper reaches of the Okuku River are recognised and provided for as particularly important for tuna habitat.

### Access for customary use

- R1.9 To ensure that initiatives to protect the river mouth environment do not restrict the right of tāngata whenua to access the river mouth and mahinga kai resources.
- R1.10 To require that the specific rights and interests associated with Fenton Reserves and other customary fishing sites are recognised and provided for including:
- (a) Ensuring a continuous and reliable supply of water to these sites; and
  - (b) Unrestricted access.

### He Kupu Whakamāhukihuki / Explanation

The Rakahuri catchment has experienced a significant loss of mahinga kai values. Drainage of wetlands, abstractions and the physical modification of waterways through stop banks, groyne, flood gates and channelisation have had significant effects on the physical and cultural connectivity of the river with its tributaries and coastal lagoons and wetlands. Today the river is managed for flood protection and land use, and unfortunately this has been at the expense of mauri and mahinga kai, and the ability of tāngata whenua to exercise cultural traditions such as Manaakitanga (See Box – *Manaakitanga*).

***“Fentons were supposed to move with the water; this was the intent of the settlement. Water goes with the Fenton. You can’t have a Fenton without water.”*** Ngāi Tūāhuriri Rūnanga representative.

Despite the significant loss and degradation of mahinga kai values, the importance of the river and its tributaries for mahinga kai has not diminished. Tāngata whenua are committed to restoring this wāhi taonga for future generations, and to teaching the tamariki and mokopuna about the river and associated waterways, springs, wetlands and lagoons, and the mahinga kai traditions associated with those places. The Taranaki stream is of particular importance.

Restoring the river as mahinga kai requires a change of perspective - from controlling the river to working with the river; from drainage and infrastructure to wāhi taonga. Significant improvements in water quality and flow are required if the river is to sustain mahinga kai and customary use. This includes improved tributary management and the removal of impediments to fish passage. It also includes habitat enhancement and opportunities to restock customary fish species (tāngata whenua historically seeded pipi and cockles in the estuary.)<sup>3</sup>

***“Our ideal is to have the Taranaki revert back to swamp. We realise that this is not possible to the extent we would like to see it. However, activities such as farming and subdivision on the Taranaki floodplain should not have priority. This waterway is a kōhanga for inanga. Mahinga kai values should not be the bottom of the list. We understand the need for flood protection, but in the middle of summer the floodgates on the Taranaki should not be closed.”*** Tūāhuriri hīkoi participants, Taranaki stream, 2012.

***“Before and after the whitebait season you can hear the eels [that have come from the Rakahuri] having a big feed on all the inanga that get caught at the closed floodgates.”*** Frank Williams, Ngāi Tūāhuriri

#### Cross reference:

- » *General policies on Wai Māori (Section 5.3)*
- » *General policy on Mahinga kai (Section 5.5, Issue TM1)*

#### Manaakitanga

The loss of cultural health and mahinga kai values in the Rakahuri has an affect on our ability to manaaki visitors to our marae. It is an affirmation of our mana to be able to feed manuhiri the local kai that our river is known for. This is gone for us; we now have to go to the supermarket. We want to restore the mahinga kai values to the Rakahuri: the pātiki, herrings, tuna, cockles, tuatua and pipi. We want to restore the river to a state where we can once again manaaki our visitors with local kai.

**Source:** Kōrero with Clare Williams and Joan Burgman, Ngāi Tūāhuriri Rūnanga, 2012

### Fenton Reserves and Entitlements

In 1868, Judge Fenton made an order for water flow to be maintained to four native reserves in the Kaiapoi area: Taerutu, Waimaiaia, Torotoro, and Te Aka Aka. Known as the Fenton Reserves, these areas were essentially fishing easements awarded in accordance with Kemp's Deed to ensure on-going access by the beneficial owners to the associated waterways and their mahinga kai.

As part of the Ngāi Tahu Ancillary Claims settlement, Fenton entitlements were created to provide the Fenton reserve owners the opportunity to occupy land close to waterways in order to facilitate access to them for the lawful fishing and gathering of other natural resources. While the right to occupy is temporary (up to 210 days per year), the associated right to fish in part of the adjacent waterway is exclusive.

### CASE STUDY: Te Aka Aka

Te Aka Aka was the name of an island located in the Rakahuri estuary, used as outpost mahinga kai and tauranga waka of the Kaiapoi pā. The island was reserved as a fishing easement by the Native Land Court in 1868. Today the reserve is landlocked as a result of land reclamation and river management; cut off from the estuary by the stop banks constructed on the Rakahuri.

In the Ngāi Tahu Ancillary Claims Report (1991), the Waitangi Tribunal acknowledged that the fishing easements awarded in North Canterbury had been detrimentally affected by drainage as early as 1876. Specific reference was given to the Te Aka Aka fishing easement, which was deemed by the Tribunal as "useless for the purposes for which it was set aside" (section 2.2).

**Sources:** Te Marino Lenihan, personal communication; Te Whakataua Kaupapa 1990; Ngāi Tahu Ancillary Claims Report 1995; Ashley River/Rakahuri River Catchment Tāngata Whenua Values Report 2003).

## WATER QUANTITY

**Issue R2: The river experiences extremely low flows as a result of the cumulative effects of water abstractions, gravel build up and flood control infrastructure, and there is a lack of understanding about water recruitment into springs that are the source of the Rakahuri tributaries.**

### Ngā Kaupapa / Policy

- R2.1 To require that environmental flow and water allocation limits for the Rakahuri and its tributaries are consistent with tāngata whenua values associated with the river, and therefore deliver the cultural outcomes set out in the general policy on flows and allocation limits (Section 5.3, Issue WM8), with particular focus on:
- Acknowledging the need to restore the cultural health of the river, not merely maintain its existing condition;
  - Avoiding sediment build up and infilling of river mouth;
  - Improving water quality; and

- Ensuring a continuous and quality water supply to customary fishing reserves associated with the Rakahuri.

- R2.3 To require investigations into the relationship between groundwater and surface water in the catchment, with emphasis on the effects that groundwater abstractions are having on river levels and flows.

- R2.4 To require that gravel build up in the riverbed is addressed by:
- Managing gravel extraction alongside and flow management;
  - Extraction of gravel from the riverbed; and
  - Addressing the sources of gravels building up in the riverbed.

### He Kupu Whakamāhukihuki / Explanation

The Rakahuri currently experiences extremely low flows, particularly in summer. Local observations conclude that the loss of flow over the last 40 years is a result of the cumulative effects of water abstractions, gravel and sediment build up,

and stop bank construction (see Box - *Local observations of changes to the Rakahuri*), and that the length of the time that particular areas of the river are dry is increasing.

Low flows affect mahinga kai and the ability to access mahinga kai. Customary fishing sites such as Te Aka Aka have been dewatered. Some reaches of the Rakahuri go dry in the summer, and this impedes the migration of tuna and other native fish. While tāngata whenua will continue to undertake fish salvaging operations, there is an urgent need to address why such operations are necessary (i.e. are these operations necessary because the river is over-allocated?).

***“I have lived by the river for 46 years and over the last 10 years the rivers have become dry and stagnant. The long finned tuna, which are threatened, have been trying to migrate up and down the river but they end up in river pools and are literally cooked. The community have had to transport tuna to the coast.”*** Clare Williams, Ngāi Tūāhuriri Rūnanga.

***“We cannot continue to take the amount of water we are currently taking out of this river without serious effects on the river.”*** Joseph Hullen, Ngāi Tūāhuriri Rūnanga.

The Rakahuri must be allowed to flow Ki Uta Ki Tai. The undisturbed passage of water from source to sea is not only necessary to sustain the wairua and the mauri of the river, but also to enable fish migration and to allow for the natural occurrence of freshes and floods and the movement of sediment down the river and out into the coastal environment. The relationship between groundwater and surface water needs to be better understood in the catchment, and reflected in the river’s environmental flow and allocation regime.

**Cross reference:**

- » *General policies in Section 5.3 - Issue WM6: Water quality, and Issue WM8: Water quantity*

**Local observations of changes to the Rakahuri over time**

**Flow and water levels**

*“Today you can walk across the Ashley River almost all year round within 1 kilometre from the estuary mouth, with the exception of when the river is in flood. To cross the Ashley River within 1 kilometre from the estuary 40 years ago a row boat was required, and this was during periods of drought.”*

*“Three metre Neap or spring tides used to reach the SH 1 road bridge 40 years ago. Today because of river management, the spring or neap tides do not go more than ½ the distance it used to travel up the river.”*

*“Whitebaiting at the mouth of the river was only available for about 1 hour after the tide turned and came up the river. After 1 hour if you remained fishing at the mouth, the waves would knock you over. This was no more than 30 years ago. Today you whitebait at the estuary for 4 hours after high tide.”*

**Sedimentation and gravel build up**

*“When groynes were built along the stop banks of the Ashley River, deep water always flowed beside them. After many years the banks gathered shingle and sediment and the river flows began to disappear under the piles of shingle. The last 30 years has resulted in more islands of shingle and gravel slowly growing higher between the walls of the stop banks, and less water observed.”*

*“The shingle build up between the stop banks within the area east of SH 1 has created islands of shingle and sediment up to 6-8 feet above the water flow. These islands of sediment to the naked eye appear higher than the land level both to the north and south of the stop banks...shingle has been piling up in the estuary and backing up west of the river. The greatest effect on the value of the river is the piling up of shingle within the riverbed.”*

**Degradation of mahinga kai**

*“Spearing of eels is now reduced substantially from previously abundant stocks. 50 years ago, 50 eels could be taken in an hour. Today, it would take twice as long to spear 5 eels, if you are lucky.”*

*“A net set for flounders within the estuary of the Ashley 30 years ago would net on average 40-80 flounders. The catch today would be 10 – 15 if the fisher was lucky.”*

**Tributaries**

*“Tributaries such as the Taranaki and Little Ashley have been modified by drainage, removal of associated wetlands, filling up with sediment, and very little can be seen of shingle bottoms within these tributaries. They are becoming weed infested tributaries.”*

As documented by tāngata whenua in: Tau, H. R. 2003, *Ashley River/Rakahuri River Catchment Tāngata Whenua Values Report*. Environment Canterbury Report.

## WETLANDS AND HĀPUA

**Issue R3: The restoration of wetlands and hāpua in the Rakahuri catchment.**

### Ngā Kaupapa / Policy

- R3.1 To highlight the importance of wetland and swamp areas in the Rakahuri catchment to Ngāi Tahu for mahinga kai and wāhi tapu values.
- R3.2 To prohibit any further drainage of existing wetlands.
- R3.3 To require the restoration of wetlands in the catchment as a priority, as a means of restoring cultural health and connectivity to the catchment.
- R3.4 To continue to promote the role of wetlands as natural flood protection and critical mahinga kai habitat.
- R3.5 To continue to support Te Kohaka o Tuhaitara Trust and the restoration of Tūtaepatu Lagoon as a matter of priority, with emphasis on:
- Weed control;
  - Fencing;
  - Planting of native species; and
  - Providing opportunities for tāngata whenua to regain cultural associations, including mahinga kai, with this important place. This may include the development of regulations prohibiting commercial fishing.
- R3.6 To advocate for the restoration of the flow and character of Taerutu stream and lagoon as a wetland of historical and cultural significance.

### He Kupu Whakamāhukihuki / Explanation

Wetland and swamp areas in the Rakahuri catchment are highly significant to Ngāi Tahu for mahinga kai and wāhi tapu values. The wetland system once fed by the Rakahuri was one of the reasons why Māori settled in the area, and the wetland system became the centre of community life.<sup>4</sup> Today, the vast majority of wetlands have been lost or substantially modified to make way for settlement and farming.

Tūtaepatu Lagoon is a wetland of immense cultural importance known for mahinga kai, kāinga nohanga and urupā values. Ownership of Tūtaepatu was transferred to Ngāi Tahu as part of the Ngāi Tahu Settlement in 1998. The site is now managed by *Te Kohaka o Tuhaitara Trust* and a restoration programme is in progress. The lagoon area lies within Silent file 013 (See Appendix 6 for a Schedule of silent

file maps). Ngāi Tahu used the lagoon for eel fishing until the 1970s, when drainage of the area together with farm run-off led to the decline of the fishery.<sup>5</sup>

Taerutu is a lagoon/swamp area next to Kaiapoi pā, once providing canoe access to the pā. Historically a rich source of mahinga kai, the site is also recognised as a wāhi tapu and urupā. Taerutu is one of five fishing easements awarded to Ngāi Tahu in the vicinity of Kaiapoi pā. Today, the remnant lagoon is vested in trustees nominated by Ngāi Tūāhuriri Rūnanga (Maori Reserve 898, Block vii, Rangiora SD).

*“It would be ideal to have water at Taerutu. Water can protect this site and associated cultural values such as wāhi tapu from development.”* Joseph Hullen, Ngāi Tūāhuriri Rūnanga.

*“The Taranaki Creek drains the Tairutu Lagoon at Old Kaiapohia and Houhou-pounamu is the deep part of the Lagoon.”<sup>6</sup>*

## WATER QUALITY

**Issue R4: Water quality in the catchment is at risk as a result of:**

- Stock access to waterways;
- Unconsented discharges;
- Inappropriate land use on waterway margins and floodplains;
- Poor or no riparian margins on waterways;
- Forestry activities in the upper catchment;
- Drainage of wetlands; and
- Run-off from farm land.

### Ngā Kaupapa / Policy

- R4.1 To require improved tributary management as a means to improve water quality in the Rakahuri, including but not limited to:
- Review of flow and allocation regimes;
  - Elimination of discharges of contaminants from agricultural, pastoral and settlement based land use;
  - Prohibiting stock access to waterways and wetlands, and areas that were once and should be waterways and wetlands (e.g. ephemeral streams, drained wetland);
  - Implementing a programme for eliminating invasive species;
  - Prohibiting the further clearance of indigenous vegetation;

- (f) Protection of waipuna from inappropriate use and degradation; and
  - (g) Establishment of indigenous planted riparian areas to provide stability and buffers against the effects of land use.
- R4.2 To require effective controls on upper catchment land use to address sedimentation in the lower catchment.
- R4.3 To require the monitoring of water quality at the Rakahuri river mouth and estuary as a means to monitor the health of the catchment.

### He Kupu Whakamāhukihuki / Explanation

Water quality in the Rakahuri tributaries is critical to sustaining the mauri of the river. Poor water quality and low flows in tributaries contribute to an overall cumulative effect on the river, particularly in the lower reaches and the estuary.

Of particular importance is water quality monitoring at the Rakahuri river mouth. The high significance of the area and the well-recognised value of hāpua and river mouth environments as monitoring sites (see Section 5.6 Issue TAN3) makes the estuarine zone a monitoring priority.

***“Ngāi Tahu priorities for the protection of flows in lesser streams and creeks are not always reflected in other sectors of the community. For example, despite its significance to tāngata whenua for food gathering, Taranaki Creek has been described as ‘of little interest’ for ‘water resources assessment purposes.’***<sup>7</sup>

*Cross reference:*

- » *Issue R1: Customary use*
- » *General policy on water quality (Section 5.3 Issue WM6)*

## CULTURAL LANDSCAPE VALUES

**Issue R5: Inappropriate land use and development can have effects on wāhi tapu and wāhi taonga values in the catchment, and the association of tāngata whenua with these places.**

### Ngā Kaupapa / Policy

- R5.1 To recognise and provide for the area between the Rakahuri and Waimakariri as a cultural landscape with significant historical, traditional, cultural and contemporary associations. This includes:

- (a) Rakahuri estuary;
- (b) Saltwater creek;
- (c) Taranaki stream;
- (d) Taerutu stream and lagoon;
- (e) Tūtaepatu lagoon;
- (f) Kaiapoi pā;
- (g) Waimakariri River; and
- (h) The physical and cultural connections between these places.

- R5.2 To work as an iwi to investigate and discuss options for improving management of the Kaiapoi pā site, consistent with the status of the site as a wāhi tapu.
- R5.3 To apply to the New Zealand Geographical Board to change the name of Preece Road to Kaiapoi pā Road.
- R5.4 To utilise the methods in general policies on *Wāhi tapu me wāhi taonga* and *Silent files* (Section 5.8, Issue CL3 and CL4) to protect wāhi tapu and wāhi taonga from land use, subdivision and development activity in the catchment.

### He Kupu Whakamāhukihuki / Explanation

The Rakahuri River is recognised as a cultural landscape given the numerous mahinga kai, wāhi tapu and wāhi taonga values associated with the catchment. Two silent files are located in the catchment - 017 and 014. Silent file 011 extends into the southern part of the catchment, highlighting the important cultural and physical connections between the Rakahuri and Kaiapoi pā. Silent files, wāhi tapu and wāhi taonga are predominately located in and around historic wetland areas (now drained), and along waterways (see Appendix 7 for silent file maps).

***“The whole of the Ashley/Rakahuri and its surrounding network of tributaries and wetlands is a site of historic significance to the tāngata whenua who hold customary authority to this area. It has been an important settlement, food gathering and tupuna (ancestral) heritage area over hundreds of years of occupation of the land.”***<sup>8</sup>

*Cross reference:*

- » *General policy in Section 5.8 - Issue CL1; Cultural landscapes; Issue CL3: Wāhi tapu me wāhi taonga; and Issue CL4: Silent files*

### Kaiapoi pā

“The decision to leave Kai-a-poi pā was no doubt founded on both respect for those who had died at the hands of Te Rauparaha, and in deference to the extremely tapu nature that now prevailed over this site as a consequence of that bloodshed. Indeed, the ostensible abandonment of Kai-a-poi pā should not be seen as a sign of neglect or disregard of this highly significant site (as some may be tempted to conclude), but simply as tikanga Māori of that time.

Right now, we have an opportunity to reconsider our relationship with this site and decide together how we might want to recognise and celebrate our collective history not only for the benefit of our tamariki and mokopuna, but also for those that now live amongst us or who visit our shores who may otherwise never have the opportunity to learn about our unique history with this land and hence begin to understand us better..... The opportunity now presents itself [however] to come together and decide what it is we want, and begin to discuss how we wish to get there.”

**Source:** Lenihan, TM. (2005). Pegasus Stormwater Cultural Impact Assessment Report (p. 27).

*“When we walked away from areas like Ōnawe, Takapūneke and Kaiapoi, it didn’t mean we left it for someone else to live there. It was because of the tapu. It was not that we didn’t want it. We had put a sacred wāhi tapu so no-one else would go there. The intent was that these sites would remain with us forever.”*  
Uncle Waitai Tikao, Ōnuku Rūnanga.

## UPPER CATCHMENT

**Issue R6: Protection of the integrity and natural character of the upper catchment from effects associated with:**

- (a) Land use conversion;
- (b) Drainage of wetlands; and
- (c) Water enhancement and irrigation proposals.

### Ngā Kaupapa / Policy

R6.1 To require that the tributaries in the upper reaches of the Rakahuri are recognised and protected as significant for their relatively high water quality and the contribution that they make to the mainstem, as a first order priority.

- R6.2 To assess any proposals for water storage and irrigation in the Rakahuri catchment with reference to general policy on regional water infrastructure proposals (Section 5.3 Issue WM9), and also:
  - (a) A cultural bottom line of no further impacts on water quality and quantity in the Rakahuri. The only effects of the river should be enhancement opportunities to restore the mauri of our river;
  - (b) Protection of Rakahuri gorge as a significant cultural landscape;
  - (c) Potential for mixing of waters; and
  - (d) The potential benefits to water quality and quantity in the Rakahuri mainstem.
- R6.3 To require controls on the extent of plantation forestry in the upper catchment, reflecting the water sensitive nature of the catchment.
- R6.4 To avoid the drainage of wetlands in the catchment above the Rakahuri Gorge.
- R6.5 To avoid increases in trout populations in the upper catchment, as trout are a threat to inanga populations.
- R6.6 To recognise and provide for the upper reaches of the Okuku River as tuna habitat as a first order priority.

### He Kupu Whakamāhukihuki / Explanation

Tributaries in the higher reaches of the Rakahuri are significant for their relatively high water quality and the contribution that they make to the mainstem. They retain high natural character values with many providing important mahinga kai habitats.

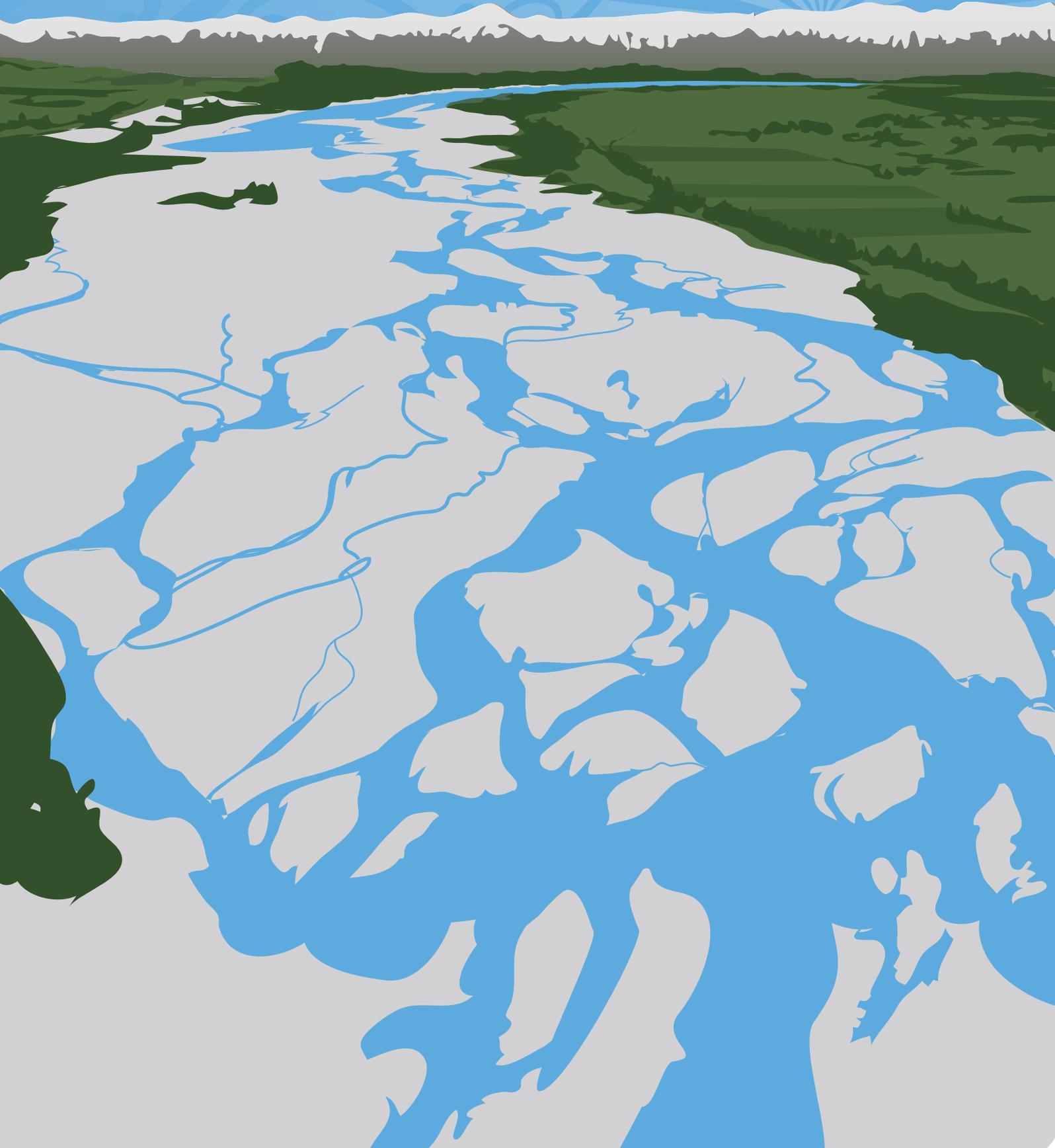
There is a close relationship between land use in the upper catchment and the water quality and quantity in lower catchment areas. The effects of upper catchment land use and erosion are evident in the lower reaches of the Rakahuri: gravel and sediment is accumulating in the riverbed and contributing to infilling of the river mouth area. This has significant effects on mahinga kai habitat (Issue R1) and flow volume and character (Issue R2).

#### ENDNOTES

- 1 Tau, H.R., 2003. *Ashley River/Rakahuri River Catchment Tangata Whenua Values Report*. Environment Canterbury Report No. U03/54, p. 9.
- 2 Waitangi Tribunal, 1991. Ngāi Tahu Land Report 1991, chapter 17, paragraph 17.2.4.
- 3 Tau, H.R., 2003. *Ashley River/Rakahuri River Catchment Tangata Whenua Values Report*. Environment Canterbury Report No. U03/54, p. 4.
- 4 Ibid.
- 5 Waitangi Tribunal, 1991. Ngāi Tahu Land Report 1991, paragraph 2.9.1.
- 6 Taylor, W. A., 1952. *Lore and History of the South Island Māori*. Bascands, Christchurch, NZ, 1952.
- 7 Tau, H.R., 2003. *Ashley River/Rakahuri River Catchment Tangata Whenua Values Report*. Environment Canterbury Report No. U03/54.
- 8 Ibid, p. 11.



# WAIMAKARIRI





## 6.4 WAIMAKARIRI

This section addresses issues of particular significance to the lands and waters of the Waimakariri catchment, a large catchment stretching from Ngā Tiritiri o Te Moana to Te Tai o Mahaanui to the high country, and encompassing a number of landscape features: mountains, high country lakes and wetlands, foothills, forests and grasslands, plains, spring fed lowland streams and coastal lagoons (Map 10).

The name Waimakariri refers to the cold (makariri) mountain fed waters of this braided river. The river was part of a larger network of ara tawhito linking the east coast of Te Waipounamu to the mahinga kai resources of the high country and the pounamu resources of Te Tai Poutini. The Waimakariri and its tributary the Ruataniwha (Cam River) were two of three waterways (the other being the Rakahuri) that continued to sustain Ngāi Tahu even after the land purchases in Canterbury.<sup>1</sup> The region between the Waimakariri and Rakahuri River was of particular importance for mahinga kai.

The cultural, spiritual, historical and traditional significance of the Waimakariri landscape to Ngāi Tahu history and identity is acknowledged in the NTCSA 1998. Moana Rua (Lake Pearson) is a Statutory Acknowledgement site. Kura Tawhiti is a Statutory Acknowledgement site and a Tōpuni (see Appendix 7 for schedules). The traditional place names Maungatere (Mount Grey) and Kapara Te Hau (Lake Grassmere) are recognised under the Act's dual place names provisions.

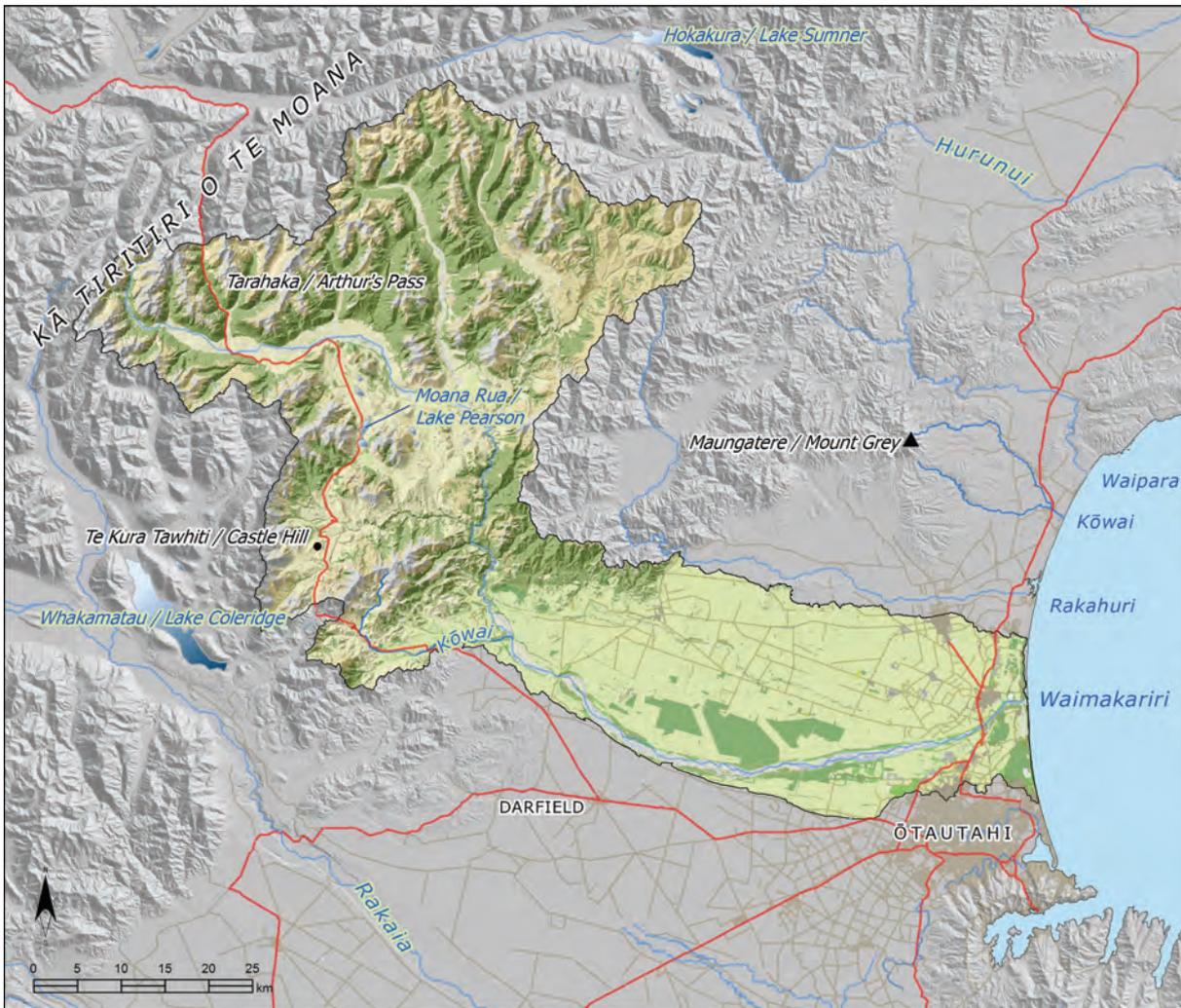
As with other braided river catchments in the region, the lower Waimakariri catchment is highly modified by human activity, while much of the upper catchment remains mountainous and wild; a source of life and nourishment for the plains and coast.

*“The Waimakariri rises in the snows of the Southern Alps and its waters never fail. Like other snow fed rivers its flow tends to be greater in warm weather when the snows are melting [creating freshes]... Thus the natural tendency of the river is a periodic flushing out of its channels, which wind among braided shingle beds a kilometre wide when the level is low.”<sup>2</sup>*

### Ngā Paetae Objectives

- (1) The natural “energy, vitality and life” of the Waimakariri River as a braided river is protected and restored.
- (2) The discharge of contaminants to the Waimakariri and its tributaries is eliminated.
- (3) Water quality and flows in the Waimakariri and its tributaries are improved to enable whānau and the wider community to have places they can go to swim and fish.
- (4) The mauri and mahinga kai values of the Waimakariri and its tributaries and associated springs, wetlands and lagoons are protected and restored; mō tātou, ā, mō kā uri ā muri ake nei.
- (5) Groundwater resources in the takiwā are protected from adverse effects associated with over-allocation and discharges.
- (6) The coastal lowland region from the Waimakariri to the Rakahuri is recognised and provided for as a Ngāi Tahu cultural landscape of immense importance.
- (7) The cultural and physical connectivity between the Waimakariri River, Kaiapoi pā, Taerutu lagoon, Tūtaepatu lagoon, Taranaki stream and the Rakahuri River is restored and protected.
- (8) There is ongoing provision of opportunities to instill traditional values in our young people through involvement in restoration projects and customary mahinga kai practices.

Map 10: Waimakariri catchment



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### WAIMAKARIRI: ISSUES OF SIGNIFICANCE

<b>Issue WAI1: Water quality</b>	The discharge of contaminants to the Waimakariri River, its tributaries and Te Tai o Mahaanui is inconsistent with Ngāi Tahu values and interests.
<b>Issue WAI2: Lowland streams</b>	Rural and urban land use continues to have adverse effects on lowland waterways such as the Kaiapoi and Ruataniwha rivers and associated waipuna and wetlands.
<b>Issue WAI3: Groundwater</b>	Protecting the quality, quantity and long term sustainability of the groundwater resource in the Waimakariri catchment from adverse effects associated with discharges, abstractions and low flows.
<b>Issue WAI4: Subdivision and development</b>	Subdivision and development activities in the lower catchment have the potential to adversely affect Ngāi Tahu values such as waterways, mahinga kai and sites of significance.
<b>Issue WAI5: Cultural landscapes</b>	Recognising and providing for particular areas as Ngāi Tahu cultural landscapes.
<b>Issue WAI6: Water quantity</b>	Increasing demands for irrigation water in the catchment and effects on the mauri and mahinga kai values of the Waimakariri.
<b>Issue WAI7: Drain management</b>	Management of drains can have adverse effects on Ngāi Tahu values, particularly mahinga kai.
<b>Issue WAI8: High country lakes</b>	Protection of high country lakes and associated values from adverse effects of land use.
<b>Issue WAI9: Wilding trees</b>	Control of wilding trees in high country and foothill regions.
<b>Issue WAI10: Te Riu o Te Aika Kawa</b>	Use and management of Te Riu o Te Aika Kawa lagoon.



## WATER QUALITY

**Issue WAI1: The discharge of contaminants to the Waimakariri River, its tributaries and Te Tai o Mahaanui is inconsistent with Ngāi Tahu values and interests.**

### Ngā Kaupapa / Policy

#### *Discharges to the river*

WAI1.1 To require the elimination of all industrial, stormwater and agricultural discharges into the Waimakariri as a matter of priority. The river must be able to be used for mahinga kai and recreation without concerns for human health.

WAI1.2 To oppose the granting of any new discharge to water consents in the catchment, or renewal of existing consents.

#### *Discharges to Te Tai o Mahaanui*

WAI1.3 To continue to advocate for a culturally sustainable alternative to the ocean outfall and the discharge of wastewater to the sea, consistent with general policy on opposing the use of water as a receiving environment for waste (refer Section 5.4 Issue P7 Waste management and Section 5.3 Issue WM6 Water Quality).

WAI1.4 To work with local government to progress policy WAI1.3, in anticipation of the 2039 expiry date for the consents associated with the ocean outfall.

WAI1.5 To require that the following measures are implemented as a matter of priority to address cultural issues associated with the existing wastewater treatment and ocean outfall infrastructure:

(a) Programs and incentives to minimise the volume

- of waste entering the system;
- (b) Increased level of treatment prior to discharge;
- (c) Address leakage from the outfall pipe into water;
- (d) Avoid any discharge of treated or untreated sewage to the Waimakariri River or its tributaries, in the case of overflow events or otherwise; and
- (e) Monitoring programs for kaimoana.

WAI1.6 To require that sediment testing is undertaken at the following locations, to gain an understanding of the effects of historical industrial discharges (i.e. woollen mills, tanneries, freezing works) on the cultural health of waterways:

- (a) Confluence of Kaiapoi and Waimakariri rivers;
- (b) Kaiapoi river upstream from the confluence; and
- (c) Ruataniwha.

### He Kupu Whakamāhukihuki / Explanation

Ngāi Tahu fundamentally oppose the discharge of contaminants to water, including treated sewage. The historic and current discharge of sewage, industrial waste and agricultural waste has affected the mauri of the Waimakariri River and its tributaries, and the ability of tāngata whenua to use them as mahinga kai. In the 1960s and 1970s, many of the lower catchment waterways and wetlands became unusable as a reliable and safe source of food. The story is a common one: local families forced to stop harvesting mahinga kai and prevent tamariki from swimming in local waterways due to pollution.

*...Ngāi Tūāhuriri continued to use the Waimakariri during her [the late Rima Te Ao Tukia Bell] childhood. However Ngāi Tūāhuriri stopped using the river as they were being continually fined for catching salmon and a type of eel which was unique to the river. She also recalled using the lagoon Tutae Patu and the river Rua Taniwha (Cam). Tutae Patu and Rua Taniwha were two waterways once in continual use by Ngāi Tūāhuriri. Mrs Bell elaborated on how, during the summer time after school, all the families would journey to Rua Taniwha to catch eel, trout, wai kakahi and wai koura. The children would remain upon the river until evening and, having obtained their dinner, would return to their homes. The waterways sustained many Ngāi Tūāhuriri families during the depression. This continual use of the river slowly come to an end as the water quality declined and the once abundant food became virtually non-existent. Today eeling activities on the Rua Taniwha have all but ceased for lack of eels. Any that are caught are not held in high regard as the quality of the food has declined. Wai kakahi and wai koura no longer exist.<sup>3</sup>*

Until recently a number of community sewage schemes discharged treated effluent into the Waimakariri River via the Cam and Kaiapoi Rivers. Wastewater is now discharged to an ocean outfall 1.5 kilometres out to sea, and the council holds consent allowing for discharges of treated or untreated sewage to the Waimakariri River in case of overflow events. While the ocean outfall enables the elimination of sewage discharges to local waterways, it also perpetuates the view that using water as the receiving environment for the discharge of contaminants is acceptable (dilution to pollution).

The ocean outfall consent was granted in 2004 for 35 years. It is imperative that Ngāi Tahu and local authorities begin discussions well before the consent expiry date to find a more culturally and environmentally sustainable option for wastewater management.

Eliminating the discharge of contaminants to water is one of the most important challenges in the Waimakariri catchment. According to the Waimakariri River Regional Plan (WRRP), as of March 2004 there were 69 discharge permits to surface water in the Waimakariri catchment, mainly for stormwater, agricultural waste and industrial waste. From a Ngāi Tahu perspective, it is priority to work towards eliminating these discharges and avoiding the consenting of any new discharges.

Importantly, local observations suggest that the resilience of the waterways is such that improvement in cultural health can be seen after only a few years once discharges have ceased. For example, tāngata whenua report significant improvements in the cultural health of the Ruataniwha River since the discharge of Rangiora town sewage ceased.

#### Cross reference:

- » *General policies in Section 5.4 - Issue P7: Waste management; and Issue P8: Discharge to land*
- » *General policy on water quality (Section 5.3 Issue WM6)*

## LOWLAND STREAMS

Issue WAI2: Rural and urban land use continues to have effects on lowland waterways such as the Kaiapoi and Ruataniwha, and associated waipuna and wetlands.

### Ngā Kaupapa / Policy

WAI2.1 To consistently and effectively advocate for a change in perception and treatment of lowland waterways in the catchment: from public utility and unlimited resource to wāhi taonga.

- WAI2.2 To require that the value of lowland waterways in the Waimakariri catchment as mahinga kai is protected and restored, including but not limited to:
- Management focused on mauri and mahinga kai;
  - Management according to Ki Uta Ki Tai, and therefore the maintenance of fish passage from source to sea;
  - Elimination of point and non point source pollution;
  - Protection of whitebait spawning areas (kōhanga), via rāhui; and
  - Provisions for the connections between waterways, wetlands and waipuna.
- WAI2.3 To continue to support the efforts of the Waimakariri District Council to establish and manage indigenous planted riparian areas along waterways in the catchment.
- WAI2.4 To support the development and implementation of a lowland waterways programme in the Waimakariri catchment, using a combination of education, incentives and statutory provisions to encourage, assist and require landowners to protect and restore lowland streams, including but not limited to:
- Reducing sediment;
  - Establishing riparian areas;
  - Protecting waipuna (as the source of lowland streams);
  - Fencing to avoiding stock access;
  - Appropriate buffers from adjacent land use; and
  - Protecting wetlands.
- WAI2.5 To require that local authorities recognise and provide for the cumulative effects of lifestyle blocks and small holdings on spring fed lowland streams, including but not limited to:
- Water abstractions for domestic and stock purposes (which often includes irrigation);
  - Leaching from septic tanks and drip lines;
  - Sedimentation and contamination as a result of stock access to waterways and drains; and
  - Sedimentation as a result of degraded or absent riparian areas on waterways and drains.
- WAI2.6 To advocate for the following actions on individual lowland waterways as a matter of priority for lowland streams in the catchment:
- Catchment management plan for the Kaiapoi River network;
  - Development of a minimum 20 metre wide margin and increased planting of indigenous vegetation for the Ōtukaikino stream; and
  - Sediment testing on the Kaiapoi and Ruataniwha/Cam Rivers (see Policy WAI1.6).

- WAI2.6 To require that all wetlands and waipuna in the Waimakariri catchment are recognised and provided for as wāhi taonga, as per general policy on *Wetland, waipuna and riparian margins*, Section 5.3 Issue WM13.

### He Kupu Whakamāhukihuki / Explanation

Lowland streams in the Waimakariri catchment were historically significant sources of mahinga kai. However, physical modification for flood control, drainage, and pollution have significantly affected the ability of tāngata whenua to use these waterways as mahinga kai; and they continue to be at risk because they are located in densely populated areas where the predominant land uses are urban or rural-lifestyle.

*“There needs to be some serious effort put into identifying [whitebait] spawning areas and protecting them.”* Te Marino Lenihan, Ngāi Tūāhuriri.

The tributaries of the Waimakariri are all considered wāhi taonga, but the Kaiapoi, Ruataniwha, Pūharakekenui and Otukaikino are of particular cultural significance. These lowland streams are spring fed and have strong mahinga kai and wāhi tapu values. Tāngata whenua support the development of catchment management plans for these waterways as a tool to address the effects of rural and urban land use on lowland waterways, and the Kaiapoi River network should have priority. The waterways and springs associated with the Kaiapoi River are identified as under considerable pressure from land use.

*“The Kaiapoi River is often discoloured when it rains; this is from sedimentation and run-off from farm land.”* Ngāi Tūāhuriri Hikoi participants, Waimakariri catchment.

## GROUNDWATER

**Issue WAI3: Protecting the quality, quantity and long term sustainability of the groundwater resource in the Waimakariri catchment from effects associated with:**

- Prolonged and over application of effluent, agrichemicals and fertilisers on land;
- Abstractions of groundwater;
- Cumulative effects of septic tank discharges on lifestyle blocks; and
- Sustained periods of the Waimakariri River flowing at or near minimum flow.

## Ngā Kaupapa / Policy

- WAI3.1 To recognise and provide for the groundwater resource beneath the Waimakariri Rakahuri Plains as a wāhi taonga resource.
- WAI3.2 To require that water management in the catchment recognises and provides for the relationship between groundwater and surface water as a matter of priority. This means:
- Flow and allocation regimes must provide a certainty of supply for groundwater recharge, along with ensuring that there is sufficient water in the river itself.
- WAI3.3 To protect groundwater resources in the Waimakariri catchment from effects as a result of inappropriate or unsustainable land use and discharge to land activities (see Section 5.4 Issue P8).
- WAI3.4 To require that local authorities recognise and provide for the cumulative effects of lifestyle blocks and small holdings on the quality and quantity of groundwater resources, including but not limited to:
- Water abstractions for domestic and stock purposes (which often includes irrigation); and
  - Septic tanks and drip lines.
- WAI3.5 To address the potential risk to groundwater resources as a result of sewage/wastewater disposal by advocating that:
- Any new rural residential or lifestyle block developments connect to reticulated sewage network, install community reticulated sewage systems, or establish a common disposal site;
  - Existing small rural residential villages that currently rely on individual septic tanks should be connected to a community reticulated system; and
  - Where individual septic tanks on farms or lifestyle blocks are used, the preference is a wastewater treatment system rather than septic tanks.

## He Kupu Whakamāhukihuki / Explanation

The groundwater resource that lies beneath the Waimakariri Rakahuri/Ashley plains provides drinking water to the takiwā and feeds lowland waterways, and is of great significance to Ngāi Tahu and the takiwā as a whole. The effect on groundwater levels as a result of sustained periods of the Waimakariri River flowing at or near minimum flow is a significant concern for tāngata whenua. The waters of the river have an important role in groundwater recharge.

Groundwater resources can become contaminated when land becomes saturated as result of inappropriate discharge

to land activities, intensive land use on soils that are highly permeable, or septic tank leaching. The risk of contamination is increased when groundwater is abstracted at unsustainable levels.

*“Contamination of groundwater occurs when we create a space through over-abstraction. By taking too much groundwater we make room for contamination to occur.”*

Joseph Hullen, Ngāi Tūāhuriri Rūnanga.

*“Water leaves the river below Halkett and recharges groundwater to the north and south of the river. The estimated range of this recharge is 3-12 cubic metres per second. A considerable groundwater resource is stored in the gravels beneath the plains and feeds a number of streams on the lower plains, including the Avon and Heathcote rivers.”<sup>4</sup>*

## SUBDIVISION AND DEVELOPMENT

**Issue WAI4: Subdivision and development activities in the lower catchment have the potential to affect Ngāi Tahu values.**

### Ngā Kaupapa / Policy

- WAI4.1 To require recognition that subdivision and development in the Waimakariri catchment has the potential to affect tāngata whenua values and interests, in particular:
- Lowland streams, drains, wetlands and waipuna, and the desire to manage these as mahinga kai;
  - Mahinga kai resources and opportunities;
  - Silent files; and
  - Wāhi tapu and wāhi taonga (outside of silent file areas).
- WAI4.2 To require that local government recognise and provide for the particular interest of Papatipu Rūnanga in subdivision and development activities in the Waimakariri catchment, including:
- Ensuring that engagement with the Papatipu Rūnanga is not limited to silent file or wāhi tapu triggers.
- WAI4.3 To assess subdivision and development proposals in the catchment with reference to general policy on *Subdivision and Development* (Section 5.4 Issue P4).

### Wāhi tapu and wāhi taonga

- WAI4.4 Wāhi tapu and wāhi taonga associated with the Waimakariri catchment are the responsibility of the

Papatipu Rūnanga, and must be managed using protection mechanisms identified by the Papatipu Rūnanga as appropriate.

- WAI4.5 To use the methods set out in general policy on *Wāhi tapu me wāhi taonga* (Section 5.8, Issue CL3), to protect wāhi tapu and wāhi taonga from inappropriate land use, subdivision and development.
- WAI4.6 Silent files remain an appropriate mechanism for protecting sites of significance in the Waimakariri catchment, as per general policy on *Silent Files*, Section 5.8 (Issue CL4).

### He Kupu Whakamāhukihuki / Explanation

The rezoning of rural land to enable subdivision and residential, rural residential or business development is an important issue in the Waimakariri catchment as existing settlements and business zones seek to expand and new rural land is targeted for residential development.

Increasing the density of residential, business and industrial uses of land can put further strain on the quality and quantity of freshwater resources, and increase the risk to wāhi tapu and wāhi taonga. There are four silent files in the Waimakariri catchment, clustered in the lower catchment area (see Appendix 6), indicative of the significance of wāhi tapu values. Conversely, development activities can also enhance cultural landscape values, including indigenous biodiversity, as evidenced by the extensive wetland developments as part of the Pegasus township.

***“What Pegasus has done with the wetlands.... if you could do this from the Rakahuri to the Waimakariri, this would be outstanding. A real asset to the region.”***

Te Marino Lenihan, Ngāi Tūāhuriri.

It is important that subdivision and development proposals assess how the activity may affect Ngāi Tahu values, including the relationship of Ngāi Tahu to ancestral lands, water, sites, wāhi tapu and other taonga. General policy on subdivision and development (Section 5.4 Issue P4) provides information on the expectations and opportunities associated with subdivision and development activities from a Ngāi Tahu perspective, including stormwater and wastewater management, and design guidelines.

***“Historically, the land upon which the Sovereign Palms development will stand was the ‘high ground’ behind the residence of one of the key Ngāi Tahu rangatira – Te Rakiwhakaputa – at the time of their migration onto the Canterbury plains and beyond. The landscape was part of a vast wetland ecosystem that included many spring***

***fed streams and rivers of the finest water in Canterbury.”<sup>5</sup>***

*Cross reference:*

- » *General policy on silent files (Section 5.8 Issue CL5)*
- » *General policy on subdivision and development (Section 5.4 Issue P4)*
- » *Issue WAI5: Cultural landscapes*

*Information resource:*

- » *Lenihan, TM., 2012. Sovereign Palms Cultural Impact Assessment. Prepared for Ngāi Tūāhuriri Rūnanga.*

## CULTURAL LANDSCAPES

**Issue WAI5: Recognising and providing for particular areas as cultural landscapes.**

### Ngā Kaupapa / Policy

#### ***Coastal region between the Rakahuri and the Waimakariri***

- WAI5.1 To recognise and provide for the coastal and lowland region between the Waimakariri and Rakahuri Rivers as a cultural landscape with significant historical, traditional, cultural and contemporary associations. This includes:
- (a) Waimakariri River;
  - (b) Kaiapoi pā;
  - (c) Taerutu stream and lagoon;
  - (d) Tuahiwi MR873 and other Kaiapoi Māori Reserve lands;
  - (e) Tūtaepatu lagoon;
  - (f) Taranaki stream;
  - (g) Rakahuri estuary;
  - (h) Saltwater creek; and
  - (i) The physical and cultural connections between these places.

- WAI5.2 To work towards restoring cultural and physical connectivity of the coastal lowland areas of the Waimakariri and Rakahuri rivers, and therefore the cultural landscape values of this important area.

#### ***Kaiapoi Māori Reserve lands***

- WAI5.3 To require that local authorities give appropriate legal recognition to the rights of the owners of Māori reserve lands, particularly with regard to the purpose for which individual reserves were established and the importance of these reserves as cultural landscapes.

## Kura Tawhiti

WA15.4 To require that Kura Tawhiti is recognised and provided for as a cultural landscape with significant historical, traditional, cultural and contemporary associations; and

- (a) A Statutory Acknowledgement and Tōpuni site as per Schedules 27 and 82 of the NTCSA 1998; and
- (b) A place of cultural, natural, and ecological importance to Ngāi Tahu, the Department of Conservation, and the wider community.

WA15.5 To work with the Department of Conservation to manage Kura Tawhiti as a cultural landscape, recognising the multiple values associated with this special place, while providing a secure basis to restore indigenous cultural and ecological landscape values.

WA15.6 To advocate for a sign to be erected at Cave Stream to advise that it is a wāhi tapu site. This is not to restrict public access, but rather to enable others to know that Ngāi Tahu recognise the site as wāhi tapu so that they can make informed decisions.

## He Kupu Whakamāhukihuki / Explanation

The whole of the Waimakariri catchment can be identified as a cultural landscape. Ngāi Tahu land use and occupancy extended from the mountains to the sea (and beyond) in this catchment. The traditional place names and other cultural landscape features associated with the lower Waimakariri catchment are evidence of the extensive use of the area.

***“All along the river are kainga nohoanga, mahinga kai areas and wāhi tapu such as urupā.”<sup>6</sup>***

However, within this larger landscape of land use and occupancy particular areas are identified as cultural landscapes with significant historical, traditional, cultural and contemporary associations. The ability to designate particular areas as cultural landscapes enables tāngata whenua to provide for the physical and cultural connections and connectivity between particular places, sites and resources, rather than “dots on maps” (see Section 5.4 Issue CL1).

Examples of cultural landscapes of particular importance in the Waimakariri catchment are the coastal, lower catchment region between the Waimakariri and Rakahuri rivers (see Box - *Rakahuri to the Waimakariri, a landscape of immense importance*), the original Kaiapoi Māori Reserve 873 lands and Kura Tawhiti.

Historically the Waimakariri and Rakahuri catchments were linked through extensive coastal wetlands, waipuna and waterways. Kaiapoi pā was built on dunes surrounded by water deep and extensive enough that it was accessible by large waka from both the Rakahuri and Waimakariri River.<sup>7</sup> While drainage, physical modification of waterways and the widespread removal of indigenous bush and other vegetation have forever changed the landscape (see Map 11 for an indication of what the catchment once looked like), its cultural, historical and traditional significance has not changed.

### Cross-reference:

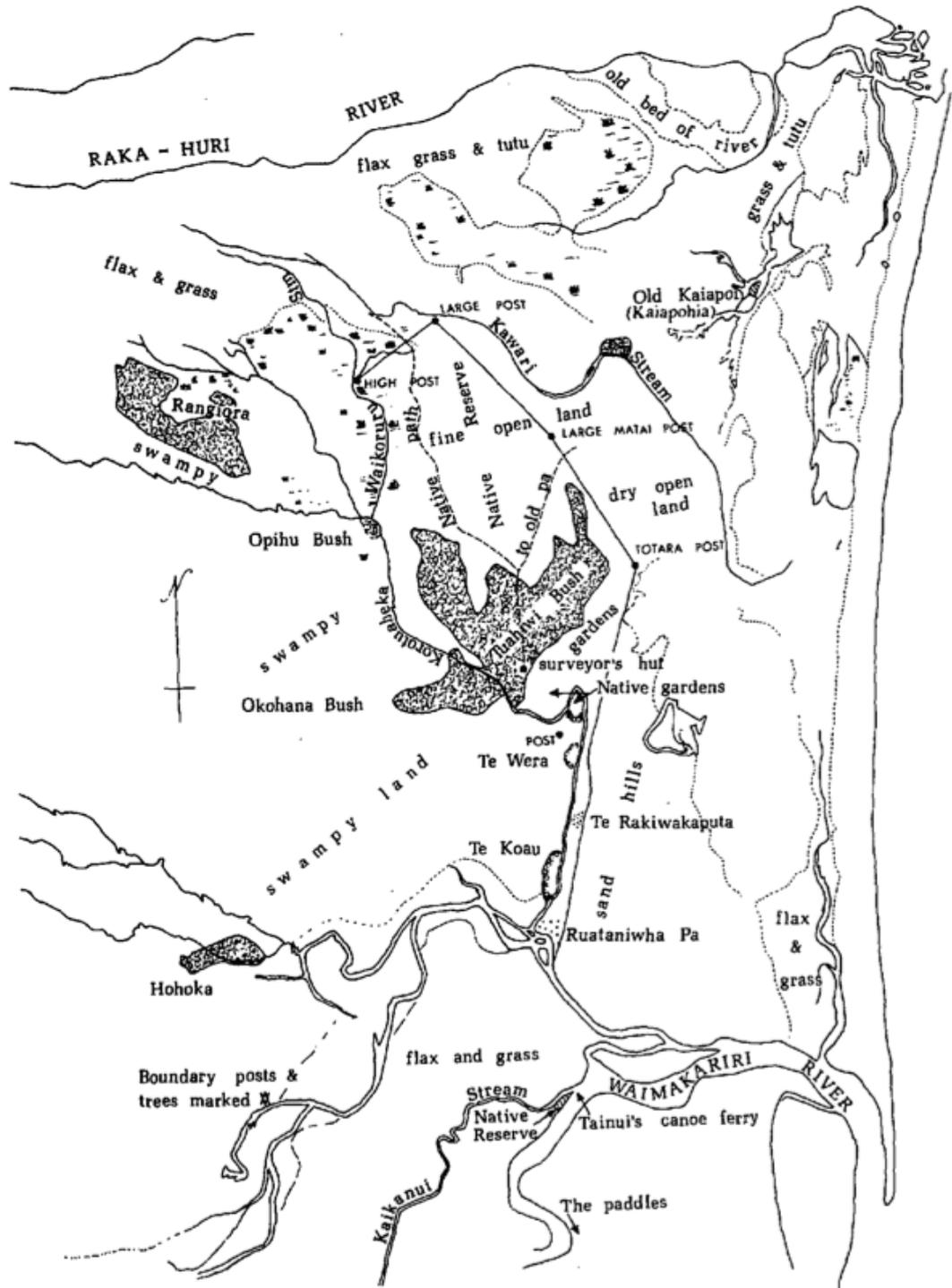
- » *General policy on cultural landscapes (Section 5.8 Issue CL1)*
- » *Section 5.3 (Rakahuri): Issue R5*
- » *Issue WA111: Te Riu o Te Aika Kawa*

### Rakahuri to the Waimakariri, a landscape of immense importance

“Before European settlement began in the 1850s, the lower reaches of the Waimakariri and Rakahuri (Ashley) connected with a maze of waterways and wetlands fed by underground springs of the purest artesian water, which nourished a wealth of mahinga kai rich in birdlife, eels, fish and natural vegetation. For this reason, when Crown Commissioner Kemp arrived in 1848 to purchase Canterbury, the Ngāi Tūāhuriri negotiators proposed to retain the 100,000 ha between the Waimakariri and Rakahuri, leaving the territory south of the Waimakariri for the Europeans. This arrangement was denied to them. Instead, their four hundred people were confined to a 1,000 ha reserve at Tuahiwi, with a promise that they would retain their mahinga kai, while the rest of the 100,000 ha they had asked for was allocated to (at first) a dozen or so settlers.”

**Source:** Evison, H. and Adams, M. 1993. *Land of Memories*. Tandem Press.

**Map 11:** The Waimakariri Rakahuri Lowlands 1848 – 50, as Charles Torlesse and John Boys found it, and the native reserve which Alfred Wills surveyed in 1848.



## WATER QUANTITY

**Issue WAI6: Increasing demands for irrigation water in the catchment and effects on the mauri and mahinga kai values of the Waimakariri.**

### Ngā Kaupapa / Policy

- WAI6.1 To require that land use intensification in the catchment is managed so that there is no further decline in water quality in the catchment, and to recognise and provide for land and water capacity and limits, as per general policies on *Water quality* (Section 5.3 Issue WM6) and *Papatūānuku* (Section 5.4 Issue P1).
- WAI6.2 To require that environmental flow and water allocation limits for the Waimakariri and its tributaries are consistent with tāngata whenua values associated with the river, and therefore deliver the cultural outcomes set out in the general policy on flows and allocation limits (Section 5.3 Issue WM8), with particular focus on:
- Avoiding prolonged low flows and protecting flow variability;
  - Protecting the natural character of a braided river;
  - Providing for the role of the river in groundwater recharge; and
  - Providing for the relationship between tributary water quality and flow and the health of the river.
- WAI6.3 To require that the frequency of good sized floods and freshes in the Waimakariri River are protected as a natural and necessary features of the river system, providing and restoring the following services:
- Fresh and flush Brooklands Lagoon;
  - Clean out spawning gravels;
  - Trigger spawning and migrations of mahinga kai species;
  - Flush contaminants from the river;
  - Replenish wetlands and groundwater, and keep river flows higher in summer months, through allowing floodwater to soak into the plains;
  - Rearrange channels and clear islands of vegetation, including noxious weeds; and
  - Enable downstream movement of boulders and sediments from the headwaters, that shape and structure the lower reaches of the river.

### He Kupu Whakamāhukihuki / Explanation

The Waimakariri River and its tributaries are under considerable pressure. Tāngata whenua have ongoing concerns with the ability of existing flow and allocation regimes to safeguard the mauri of the river, and its tributaries and hydraulically connected groundwater, and to provide for the relationship of Ngāi Tahu to it.

There are two critical features that are relevant to management of the Waimakariri River and its catchment with regard to flow and allocation regimes: the need to avoid prolonged low flow events, and the importance of flow variability. The mauri of the Waimakariri River is about energy, vitality and life. As with other braided rivers, the Waimakariri is in a constant state of change. When flow and allocation regimes cause the river to exceed the natural range or boundaries of change through prolonged period of slow flows or “flattening” of natural flow variability, then the river’s mauri is compromised. Flow regimes which permit the river to be drawn down below the low flow threshold and that allow such flows to be maintained over prolonged periods of time are at odds with Ngāi Tahu values and the practice of kaitiakitanga (see Box - *Cultural effects of prolonged low flows in the Waimakariri*).

***“Ngāi Tūāhuriri and Ngāi Tahu whānui have long understood that the effects of an activity on one resource can have further effects on that or other resources. I mentioned earlier the concerns of my ancestor Natanahira Waruwarutu about the draining of water from fishing reserves; the irony is not lost on me that 140 years later I stand here to voice the concerns of modern day Ngāi Tūāhuriri regarding the proposal to “drain” significant quantities of water from the Waimakariri.”<sup>8</sup>***

#### Cross reference:

- » *General policies in Section 5.3 - Issue WM6: Water quality; Issue WM7: Effects of rural land use on water; Issue WM8: Water quantity; and Issue WM9: Regional water infrastructure*
- » *General policy on Papatūānuku (Section 5.4 Issue P1)*

### Cultural effects of prolonged low flows in the Waimakariri

Adverse cultural impacts that occur as a result of prolonged low flows in the Waimakariri River:

- ▶ A reduction in the health and abundance of mahinga kai species and habitats;
- ▶ A decline in the water quality of the river, as a result of there being less capacity for dilution of contaminants and increased erosion of river banks;
- ▶ A rise in water temperature;
- ▶ An increase in periodic low dissolved oxygen levels;
- ▶ Changes to sediment deposition patterns;
- ▶ A significant reduction in the ability of the river to recharge groundwater resources and, in turn, spring fed rivers and streams;
- ▶ A likely drying out of river beds, with the potential for the loss of riparian margins and the unearthing of sites of significance;
- ▶ Saltwater intrusion into areas beyond the usual tidal reaches of the river; and
- ▶ A potential to unnaturally close the river mouth because of insufficient flows, thereby affecting native fish recruitment and migration.

**Source:** Te Rūnanga o Ngāi Tahu and Ngāi Tūāhuriri Rūnanga submission to proposed plan change 1 to the Waimakariri River Regional Plan.

## DRAIN MANAGEMENT

**Issue WAI7: Management of drains can have adverse effects on Ngāi Tahu values, particularly mahinga kai.**

### Ngā Kaupapa / Policy

WAI7.1 To require that drains are recognised and managed as natural waterways, as per general policy on *Drain management* (Section 5.3 Issue WM14), including:

- (a) Continuing to work with the Waimakariri District Council to ensure that the timing and techniques of drain management are designed to reduce the impact of drain management on mahinga kai and water quality.

### He Kupu Whakamāhukihuki / Explanation

Much of the land in the lower Waimakariri catchment was historically very swampy (see Map 11), and the existing drainage network was developed through these swampy areas. Tāngata whenua have a good working relationship with the Waimakariri District Council regarding drain management. For example, the use of the Southbrook drain for mahinga kai is recognised, as good watercress is found in close proximity to the spring-head. The council and the Papatipu Rūnanga also have agreements in place to put tuna back in drains following drain cleaning.

*Cross reference:*

- » *General policy on drain management (Section 5.3 Issue WM14)*

*“All waterways – constructed or natural – provide habitat for aquatic life. Thus, while Fish and Game state the McIntosh’s Drain has no value as a fishery, it does for Mana Whenua as it continues to be part of a network of local waterways in which our surviving native fish (notably whitebait and eels) can find passage, food and shelter.”<sup>9</sup>*

## HIGH COUNTRY LAKES

**Issue WAI8: Protection of high country lakes and associated values from effects of land use.**

### Ngā Kaupapa / Policy

WAI8.1 To require the protection of tāngata whenua values associated with high country lakes in the Waimakariri catchment, including but not limited to:

- (a) Mahinga kai;
- (b) Wāhi tapu and wāhi taonga;
- (c) Natural character; and
- (d) Indigenous biodiversity.

WAI8.2 To require that the mana and intent the of the Statutory Acknowledgement for Moana Rua (Lake Pearson) as a contained within the NTCSA 1998 is recognised and provided for beyond the expiry of the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999.

WAI8.3 To continue to advocate for indigenous biodiversity protection and enhancement as important kaupapa for high country lakes.

- WAI8.4 To protect high country lakes and their margins from sedimentation by:
- Requiring the protection of riparian areas and lake edge wetlands;
  - Prohibiting stock access to the lake;
  - Prohibiting the discharge of contaminants to water;
  - Prohibiting inappropriate discharge to land activities that result in run-off into lake margins, including fertiliser application; and
  - Prohibiting forestry activity on lake and tributary margins.

WAI8.5 To protect the cultural health of high country lakes from effects associated with abstractions from connected waterways and tributaries.

### He Kupu Whakamāhukihuki / Explanation

There are more than twelve lakes and associated wetlands in the Waimakariri catchment including Moana Rua (Lake Pearson), Waikawa (Lake Lyndon), and Ōporea (Lake Hawdon). These lakes were important mahinga kai and camping sites associated with the network of high country trails used by Ngāi Tahu, and providing coastal communities with food, fibre and other resources.

Moana Rua is a Statutory Acknowledgement under the NTCSA 1998 (See Appendix 7). The Act acknowledges the site as primarily a mahinga kai site with weka, kākāpō and tuna being the main foods taken. Several urupā are also located in the immediate area.

*Cross reference:*

» *General policies on Wai Māori (Section 5.3)*

## WILDING TREES

**Issue WAI9: Control of wilding trees in high country and foothill regions.**

### Ngā Kaupapa / Policy

WAI9.1 To advocate for the eradication of wilding trees in the Waimakariri catchment, in accordance with general policy on *Wilding trees* (Section 5.4 Issue P15).

### He Kupu Whakamāhukihuki / Explanation

Wilding trees are introduced conifer species that are self-sown or growing wild (i.e. naturally regenerating).

According to the *Canterbury Regional Pest Management Strategy (2011)*, the Waimakariri River catchment is one of the worst affected areas in Canterbury. Wilding trees invade quickly and significantly, out-competing native vegetation and resulting in significant visual and ecological changes to the landscape.

Wilding trees can adversely affect cultural and historic sites and values. For example, a wilding tree invasion into Kura Tawhiti would significantly compromise the cultural values associated with the landscape, and Ngāi Tahu supported restoration efforts in this special place. A number of lodgepole pine (*Pinus contorta*), one of the most invasive conifer species, are located in the parking lot of Kura Tawhiti, posing a risk as a seed source for wilding tree establishment as far as Waikawa.

*Cross reference:*

» *General Policy on commercial forestry (Section 5.4 Issue P14)*

» *General Policy on wilding trees (Section 5.4 Issue P15)*

## TE RIU O TE AIKA KAWA / PŪHARAKEKETAPU

**Issue WAI10: Use and management of Te Riu o Te Aika Kawa / Pūharakeketapu / Brooklands lagoon, in particular:**

- Recognition of Ngāi Tahu associations;
- Water quality (e.g. stormwater discharges);
- Effects of recreational use on customary use (e.g. motorised craft use);
- Protection of mahinga kai habitat; and
- Protection of wāhi tapu and wāhi taonga values.

### Ngā Kaupapa / Policy

WAI10.1 To avoid the use of Te Riu o Te Aika Kawa/ Pūharakeketapu as a receiving environment for the discharge of contaminants.

WAI10.2 To require that local authorities address and resolve issues associated with sediment and contaminant loading on this hapuā as a result of:

- Contaminants entering the hāpua from Waimakariri River inflow (i.e. industrial discharges);
- Contaminants entering the hāpua from Pūharakekenui, including urban stormwater water run off and discharges;
- Stormwater run-off from adjacent land use; and

(d) Sediment from land use in the catchment.

- WAI10.3 To promote the monitoring of water quality in Te Riu o Te Aika Kawa/Pūharakeketapu as a means to monitor the health the Waimakariri catchment, and to effectively manage land use and water quality throughout the catchment.
- WAI10.4 To require that the hydrological dynamics of Te Riu o Te Aika Kawa/Pūharakeketapu are protected and enhanced to ensure the protection and enhancement of mahinga kai values.
- WAI10.5 To ensure that tāngata whenua access to Te Riu o Te Aika Kawa/Pūharakeketapu for mahinga kai purposes is not compromised by other use, including recreational.
- WAI10.6 To work with the Christchurch City Council to implement the *Ngāi Tahu Objectives and Planning Proposals* for the use and management of Te Riu o Te Aika Kawa/Pūharakeketapu, as set out in the *Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan (2010)*.
- WAI10.7 To investigate the erection of signage at the Te Riu o Te Aika Kawa/Pūharakeketapu acknowledging the historic and contemporary importance of the hāpua as mahinga kai.

### He Kupu Whakamāhukihuki / Explanation

Brooklands Lagoon, known both as *Te Riu o Te Aika Kawa* and *Pūharakeketapu*, is a coastal hāpua highly valued for mahinga kai resources such as tuna, kanakana, kōura and harakeke. There are also urupā and places of spiritual practice associated the area.<sup>10</sup> Pūharakekenui flows into Te Riu o Te Aika Kawa, and there are strong cultural associations between the waterway and the hāpua, and other waterways and wetlands as far south as Te Waihora.

Maintaining water quality standards in the hāpua that enable quality mahinga kai habitat is an issue of significance for tāngata whenua. Local observation suggests that low flows in the Waimakariri are limiting the ability of the river to periodically flush the lagoon, and maintain mahinga kai habitat.

The Pūharakekenui Māori Reserve (MR892) is located adjacent to Te Riu o Te Aika Kawa, at the mouth of the Waimakariri. Te Hapū o Kati Urihia Ahu Whenua Trust is a land trust representing the owners of the reserve, the descendants of Urihia.

*“Travis wetland area would have been open waterway, and there would have been connections all the way to Waihora. Waterways and wetlands linked important places such as Te Riu o Te Aika Kawa, Pūharakekenui, Ōtakaro and Te Waihora.”<sup>11</sup>*

*“Low flows in the Waimakariri have adverse effects on Brooklands lagoon - the river doesn't have the volume of water to fresh and flush the lagoon”.*

Ngāi Tūāhuriri IMP hui, 2010.

Cross reference:

- » *General policy coastal wetlands, estuaries and hāpua (Section 5.6 Issue TAN3)*

### ENDNOTES

- 1 Waitangi Tribunal, 1991. Ngāi Tahu Land Report 1991, chapter 17, paragraph 17.2.4.
- 2 Evison, H., and Adams, M., 1993. *Land of memories: A contemporary view of places of historical significance in the South Island of New Zealand*. Tandem Press.
- 3 Waitangi Tribunal, 1991. Ngāi Tahu Land Report 1991, chapter 17, paragraph 17.3.7.
- 4 Waimakariri River Regional Plan 2004, p.12.
- 5 Lenihan, TM., 2010. *Cultural Impact Assessment Report for Sovereign Palms Residential Development*, Kaiapoi; p. 2.
- 6 Tau, TM., Goodall, A., Palmer, D. and Tau, R. 1990. *Te Whakatau Kaupapa: Ngāi Tahu Resource Management Strategy for the Canterbury Region*. Aoraki Press: Wellington, 5-17.
- 7 Allingham BJ., 2005. *Retracing the 19th Century Landscape around Kaiapoi Pa*. Unpublished Report for Te Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Ngāi Tahu.
- 8 Hullen, J., n.d. Statement of Evidence, Te Rūnanga o Ngāi Tahu and Ngāi Tūāhuriri Rūnanga submission to proposed plan change 1 to the Waimakariri River Regional Plan.
- 9 Lenihan, TM., 2010. *Cultural Impact Assessment Report for Sovereign Palms Residential Development*, Kaiapoi; pg.18.
- 10 Christchurch City Council. 2010. *Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan*.
- 11 CIA participants, quoted in Jolly, D., on behalf of Ngāi Tūāhuriri Rūnanga, 2009. *Cultural Impact Assessment for a Proposed subdivision and residential development at Prestons Road, Christchurch*. Prepared for Ngāi Tahu Property Ltd.





IHUTAI





## 6.5 IHUTAI

This section addresses issues of particular significance associated with the Ihutai catchment. The catchment area includes the Ōtakaro and Ōpāwaho rivers, and Te Ihutai (the estuary), and generally follows the boundaries of the urban environment of Ōtautahi (Map 12).

The Ihutai catchment is an area of immense cultural and historical importance to tāngata whenua. The area was a place of significant settlement and food gathering for Waitaha, Ngāti Mamoe and Ngāi Tahu for over 600 years. While the estuary itself provided an abundance of valuable food resources, equally important was the estuary's catchment, which was made up of an extensive network of springs, waterways, swamps, grasslands and lowland podocarp forests.

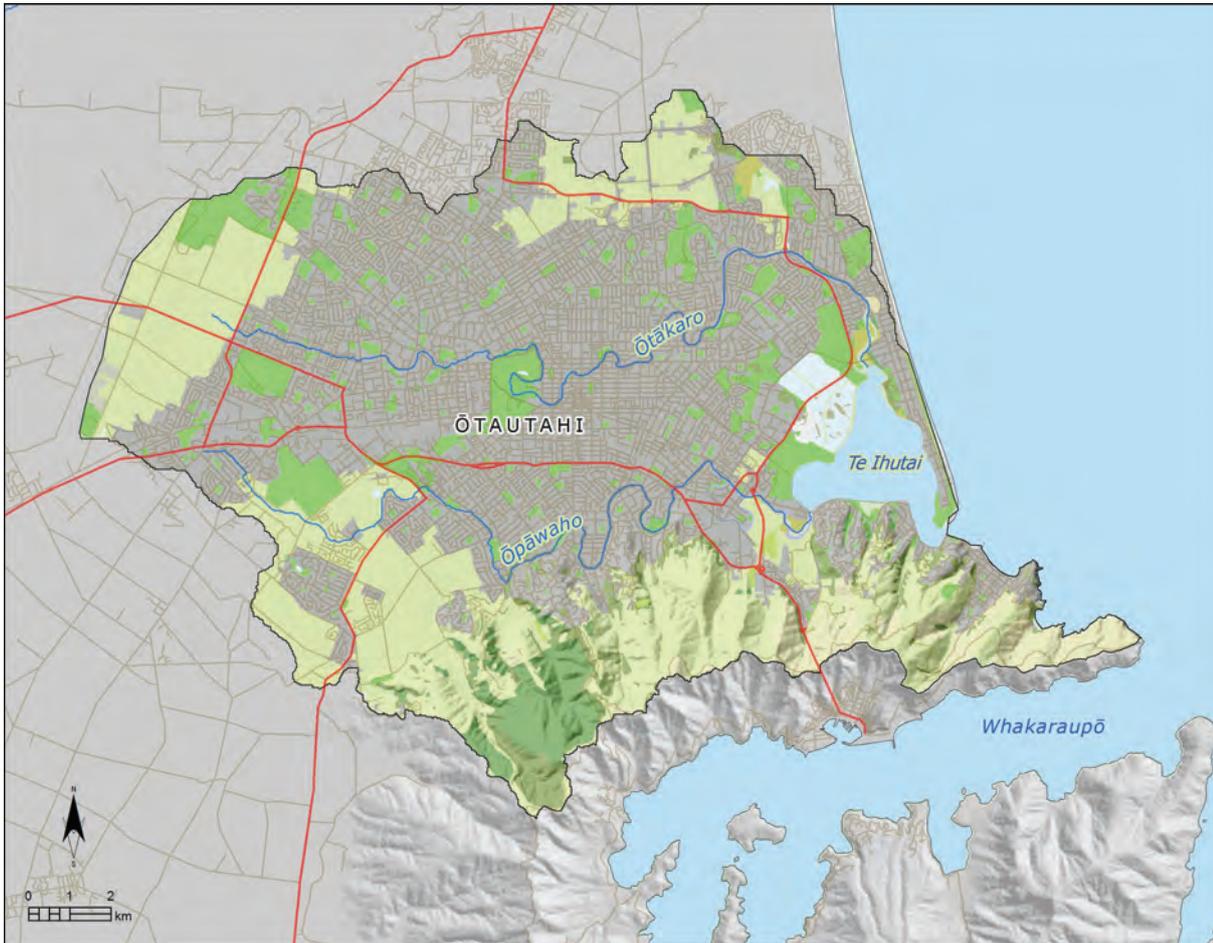
The effect of the city's historical and ongoing urban development on Ngāi Tahu cultural values is a key kaupapa underlying issues and policies in this section. The catchment is a highly modified environment that has undergone dramatic change in the last 160 years, particularly with regard to the loss of mahinga kai, natural areas and indigenous habitats and ecosystems, and the decline of water quality. Ngāi Tahu cultural health assessments undertaken in 2007 and 2012 found the catchments are generally in a poor state of cultural health, based on cultural health assessment factors such as suitability of harvesting mahinga kai, water quality, physical and legal access, degree of external pressure on site, degree of modification, and the presence and abundance of native fish, bird and plants species, as well as introduced species (see Figure 1).

The rebuild and redevelopment of Ōtautahi provides a unique opportunity to re-establish a strong and visible indigenous presence on the city landscape (Issue IH1), enhancing a sense of identity and belonging for Ngāi Tahu in the city.

### Ngā Paetae Objectives

- (1) Ngāi Tahu have a prominent and influential role in the rebuild and redevelopment of Ōtautahi, post-earthquake.
- (2) Ngāi Tahu has a more visible cultural presence in the urban environment, both on the physical landscape and in city planning and decision making processes.
- (3) Ngāi Tahu sense of place and identity is enhanced through the restoration of the cultural health of the Ihutai catchment.
- (4) Discharges of wastewater and stormwater to waterways in the urban environment are eliminated, and a culturally appropriate alternative to the discharge of urban wastewater to the sea is developed.
- (5) Mahinga kai values and associations with the Ihutai catchment are re-established, alongside the urban built environment.
- (6) The restoration and enhancement of indigenous biodiversity is an essential part of the image and brand of Ōtautahi, and an improved balance between exotic and indigenous plant species is achieved.
- (7) Urban development reflects low impact urban design principles and a strong commitment to sustainability, creativity and innovation with regard to water, waste and energy issues.
- (8) Wāhi tapu and wāhi taonga values are protected from inappropriate urban development.

**Map 12:** Ihutai catchment



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

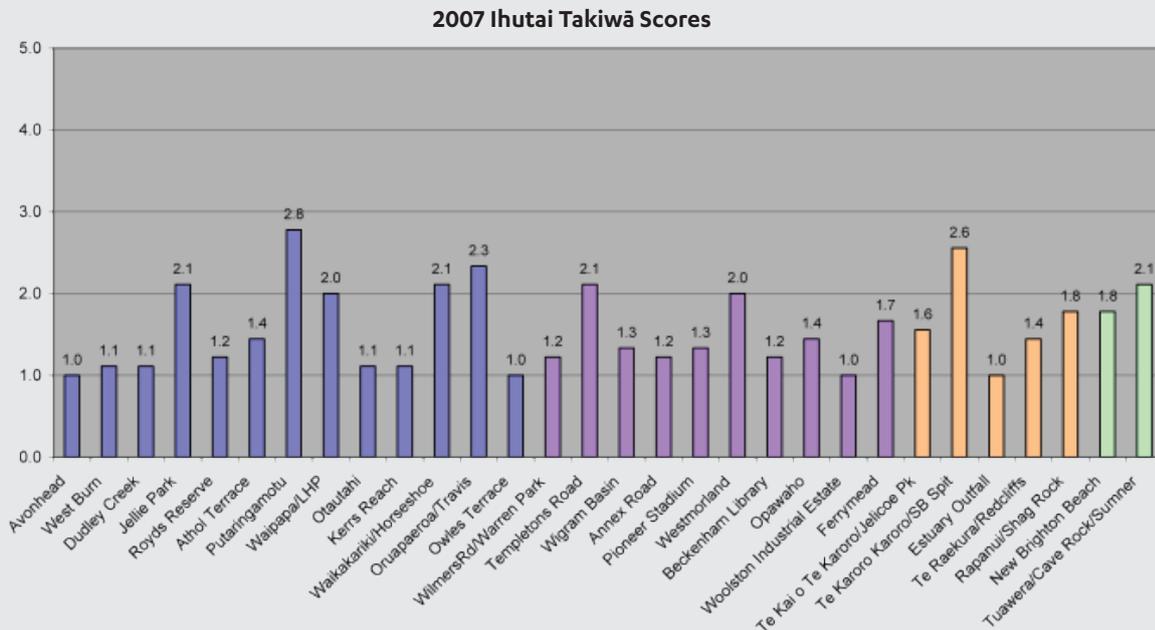
## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### IHUTAI: ISSUES OF SIGNIFICANCE

<b>Issue IH1: Ngāi Tahu and urban environment</b>	Ngāi Tahu have a key role to play in planning and managing the urban environment, as tāngata whenua and Treaty partner.
<b>Issue IH2: Subdivision and development</b>	Subdivision and residential development in Ōtautahi can have both positive and adverse effects on Ngāi Tahu values and associations.
<b>Issue IH3: Decline in water quality</b>	Poor water quality in the catchment as a result of discharges of stormwater and other contaminants to water, and inappropriate land use and urban development.
<b>Issue IH4: Urban wastewater</b>	Urban wastewater is discharged into Te Tai o Mahaanui.
<b>Issue IH5: Waipuna</b>	Loss and inappropriate management of waipuna as a result of urban development and redevelopment.
<b>Issue IH6: Modification of waterways</b>	Physical modification of natural waterways in the catchment for flood control, drainage, stormwater management, recreation and land development purposes.
<b>Issue IH7: Loss of indigenous biodiversity</b>	Widespread loss and degradation of indigenous ecosystems, habitat and species and effects on the cultural and ecological health of the catchment.
<b>Issue IH8: Open space</b>	Ensuring that public open space is used and managed in way that recognises and provides for Ngāi Tahu values.
<b>Issue IH9: Pressures on Te Ihutai</b>	Urban pressures on Te Ihutai, the coastal environment and Ngāi Tahu values.



## Cultural health of Te Ihutai- State of the Takiwā monitoring programmes



2007 Results: Of the 30 sites assessed in 2007, 64% were found to be of poor health, with a further 13% rated as very poor. No sites were rated as good or very good; however 23% of the sites were rated as moderate.

2012 Results: Of the 31 sites assessed in 2012, 13% of sites were rated as very poor, with 39% rated as poor, and a further 48% scoring as moderate in terms of overall cultural health.

These results indicate that the cultural health of the catchment in 2012 is similar to that recorded in the 2007; however modest improvements in the cultural health of some sites are apparent. A comparison of Takiwā 2.0 Overall Site Health scores shows that 16 sites have improved and 10 sites have deteriorated with four sites returning the same score. Improvements were most notable at sites where riparian restoration actions have occurred such as at the Beckenham Library and Ōpāwaho sites.

**Source:** State of the Takiwā 2007 - Te Āhuetanga o Te Ihutai (Pauling et al. 2007); State of the Takiwā 2012 - Te Āhuetanga o Te Ihutai (Lang et al., 2012 in preparation).

## NGĀI TAHU AND THE URBAN ENVIRONMENT

**Issue IH1: Ngāi Tahu have a key role to play in planning and managing the urban environment, as tāngata whenua and Treaty partner.**

### Ngā Kaupapa / Policy

#### Rebuild of Ōtautahi

IH1.1 To ensure that Ngāi Tahu maintains a prominent and influential role in the re-build of Ōtautahi post-earthquake, with specific focus on achieving tāngata whenua aspirations for:

- (a) Ngāi Tahu culture and identity as a unique aspect and asset of Ōtautahi;
- (b) A more visible cultural presence in the urban environment, and respect for shared cultural and natural heritage of the city;
- (c) Designing the urban environment in a way that respects the wāhi taonga status of the Ōtakaro and Ōpāwaho rivers, and ensures that urban development works with these wai tūpuna rather than against them;
- (d) Protection and enhancement of cultural landscape values in the urban environment, particularly indigenous biodiversity;
- (e) Improving the cultural health of waterways and drains;
- (f) Protection of waipuna;
- (g) Protection of wāhi tapu and wāhi taonga from inappropriate land use and development;
- (h) General 'greening' of the city through low impact urban design and a strong sustainability focus on the redevelopment of residential, public and commercial spaces; and
- (i) Improved stormwater and wastewater management and infrastructure, reflecting Ngāi Tahu values and tikanga.

#### Participation in urban planning

IH1.2 To require early, appropriate and effective involvement of Papatipu Rūnanga in the development and implementation of urban development plans and strategies, including but not limited to:

- (a) Urban development strategies;
- (b) Plan changes and Outline Development Plans;
- (c) Area plans;
- (d) Urban planning guides, including landscape plans, design guides and sustainable building guides;

- (e) Integrated catchment management plans (ICMP);
- (f) Reserve plans;
- (g) Structure plans; and
- (h) Infrastructure and community facilities plans.

IH1.3 To require that the urban development plans and strategies give effect to this IMP and recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral lands, water and sites by:

- (a) Supporting and providing for traditional communities to maintain their relationship with ancestral land;
- (b) Identifying and protecting sites and places of importance to tāngata whenua;
- (c) Identifying and protecting specific values associated with places, and threats to those values;
- (d) Identifying desired outcomes; and
- (e) Ensuring outcomes reflect Ngāi Tahu values and desired outcomes.

### He Kupu Whakamāhukihuki / Explanation

Ngāi Tahu have a cultural, spiritual and historical association with Ōtautahi that is centuries old. The resources of the waterways, wetlands and forests were important as mahinga kai, supplying kāinga within the area and further afield. The name Ōtautahi links the city of Christchurch back to the ancestor Tautahi. While the last 160 years have seen a dramatic change to the natural and cultural landscape that once characterised Ōtautahi, Ngāi Tahu remain connected to this landscape, and continue to advocate for the recognition of the city as a shared landscape and a more visible indigenous presence in the urban environment.

The restoration of cultural landscape values in Ōtautahi is critical to rebuilding the relationship of Ngāi Tahu to this ancestral place. This was an important kaupapa for tāngata whenua prior to the stirring of Rūamoko, and has become even more important in the post earthquake environment. The rebuild and redevelopment of the city presents the opportunity for local government, Ngāi Tahu and the community to incorporate and showcase Ngāi Tahu cultural identity and values in a more visionary and integrated way. Enhancement of cultural landscape values contributes to the cultural and social well being, through enhancing a sense of identity and belonging for Ngāi Tahu in the city.

#### Cross reference:

- » *General policy on Ngāi Tahu participation in urban planning (Section 5.4, Issue P3)*

Information resource:

- » *Central City Recovery Plan (Final Draft 2011). Ngāi Tahu and the Central City, p. 8.*

### Tāngata whenua spaces and landscapes

All cities in New Zealand, from the proverbial Cape Reinga to Bluff, are built on tāngata whenua spaces that resonate with the stories, histories and experiences of iwi, hapū and whānau, who through occupation and use, claimed these spaces as their own. What might now be a pleasant suburban street lined with oak trees in Remuera, may have been the site of a battle, the location of the newest MacDonalds Restaurant in Otara - an important resting place of rangatira (chiefs), Christchurch's central business district, an occupation site or kainga.

Imagine a Ngāi Tahu woman in Christchurch, walking up Colombo Street, avoiding the traffic, oblivious to the people around her, striding determinedly past the Christchurch Cathedral. She walks up Hereford Street and then rests by the Otakaroro (Avon River) where her ancestors caught tuna, and where tourists now pay to go punting. Rested, she follows the banks of the river through Victoria Square, past the Town Hall to Ōtautahi (originally a kainga near the Kilmore Street Fire Station). She then walks up to Papanui, where her ancestors for centuries extracted syrup from the tī kouka, or cabbage tree. She traverses the same path that her ancestors traveled over one hundred and fifty years earlier, temporally separated, but spatially linked. Multiply this story a thousand times across all the cities in Aotearoa and one gets a fuller sense of the two histories, and two realities that permeate our cities. One dominating, the other dominated.

**Source:** H. Matunga (2000): Urban ecology, tāngata whenua and the colonial city.

## SUBDIVISION AND DEVELOPMENT

**Issue IH2: Subdivision and development (residential, commercial and industrial) in Ōtautahi can have both positive and adverse effects on Ngāi Tahu values and associations.**

### Ngā Kaupapa / Policy

- IH2.1 To work with developers and local government to maximise opportunities for:
- (a) Low impact urban design and creative, sustainable innovative approaches to waste, water and energy issues;
  - (b) Enhancement of cultural landscapes values, particularly indigenous biodiversity and mahinga kai; and
  - (c) Recognition of Ngāi Tahu cultural, historical and traditional associations with the Ōtautahi landscape.
- IH2.2 To require that local government recognise and provide for the particular interest of Ngāi Tahu in subdivision and development activity in the urban environment, as per general policy on *Subdivision and development* (Section 5.4 Issue P4).

### He Kupu Whakamāhukihuki / Explanation

Subdivision and residential development is an important issue in the Ihutai catchment, particularly with regard to the conversion of 'greenfield' and 'brownfield' sites to residential areas.

While subdivision and residential land development has the potential to adversely affect cultural values, it can also provide cultural benefit, including opportunities to re-affirm connections between tāngata whenua and place (e.g. use of Ngāi Tahu names for developments or roading). This is particularly true in areas where highly modified urban and rural landscapes are imposed on earlier Ngāi Tahu cultural landscapes. Working to ensure developments have 'light footprints' with regard to building design, water, waste and energy also provides cultural benefit and is consistent with achieving the values based outcomes set out in this IMP.

These issues are addressed as a set of *Ngāi Tahu Subdivision and Development Guidelines* (Section 5.4 Policy P4.3). The guidelines provide a framework for Papatipu Rūnanga to positively and proactively influence and shape subdivision and development activities in the takiwā, while also enabling council and developers to identify issues of importance and desired outcomes for protecting tāngata whenua interests on the landscape.

**Cross reference:**

- » *General policies in Section 5.4 - Issue P3: Ngā Tahu participation in urban planning; and Issue P4: Subdivision and development*

- (d) Requiring on site and closed stormwater treatment and disposal techniques (that do not discharge to water) for urban developments, public lands and parks.

## DECLINE IN WATER QUALITY

**Issue IH3: Decline in water quality in the Ōpāwaho and Ōtakaro river catchments as a result of:**

- (a) **Use of waterways, including drains, to dispose untreated stormwater;**
- (b) **Sewage (untreated) overflow into waterways;**
- (c) **Inappropriate discharge and receiving environment standards;**
- (d) **Sedimentation;**
- (e) **Lack of indigenous riparian vegetation; and**
- (f) **Agricultural run-off and stock access.**

### Ngā Kaupapa / Policy

- IH3.1 To improve water quality in the Ihutai catchment by consistently and effectively advocating for a change in perceptions of waterways: from public utility to wāhi taonga.
- IH3.2 To require that waterways and waterbodies (including Te Ihutai) are managed to achieve and maintain a water quality standard consistent with food gathering.
- IH3.3 To require that local authorities eliminate sources of contaminants to waterways in the Ihutai catchment, primarily:
  - (a) Sewage overflows in the Ōpawaho and Ōtakaro rivers;
  - (b) Stormwater discharges into all waterways, including small headwater and ephemeral streams, and drains;
  - (c) Run-off and discharges into waipuna; and
  - (d) Discharges to Te Oranga (Horseshoe Lake).
- IH3.4 To advocate for the following methods for improving water quality in the catchment:
  - (a) Avoiding the infiltration of stormwater into the sewage systems, which results in overflow discharges to the rivers and estuary;
  - (b) Protect and retain margins and set back areas along waterways, and ensure that these are of appropriate width and planted with indigenous species;
  - (c) Restoration of degraded springs and wetlands; and

### He Kupu Whakamāhukihuki / Explanation

A cultural health assessment of the Ihutai catchment undertaken in 2007 confirmed that Ihutai waterways are in a state of poor cultural health and do not meet basic standards for cultural use. A second assessment in 2012 found similar results, concluding that the majority of sites contained high levels of pollution and were unsafe to gather mahinga kai, and in some cases swim. Results from E. coli testing in the 2012 State of the Takiwā programme indicated that levels of faecal pollution were high across the catchment, with 45% of sites exceeded the Recreational Alert level of 260 E. coli /100ml at the time of sampling. Stormwater inputs, wastewater discharges and the occurrence of extreme sedimentation are undermining the mauri of waterways.

***“Overall the biggest influence on poor catchment health is the historical and continuing impacts of drainage and untreated stormwater.”<sup>1</sup>***

Eliminating the discharge of contaminants to water is one of the most important challenges for future management of the Ihutai catchment. Addressing the challenge requires mechanisms to avoid new inputs (e.g. low impact urban design such as greywater recycling) and a full assessment of existing sources of contaminant discharges.

Papatipu Rūnanga seek to achieve water quality standards in the Ihutai catchment conducive to mahinga kai. This requires the elimination of wastewater and stormwater discharges from waterways over the long term, through a combination of repairs, upgrades, and replacement of existing infrastructure and the use of alternative disposal technologies. Planting riparian margins along waterways and drains to restore habitat, filter run off, and reduce sediment entering waterways will further restore the mauri and cultural health waterways in the catchment.

***“Water quality at Waikākāriki (Horseshoe Lake) is particularly degraded. It is a significant urban drainage sink with multiple stormwater inputs draining urban and rural land. Despite the degraded water quality, Waikākāriki scored high in a recent cultural health assessment, largely due to the presence and abundance of remnant/restored native vegetation and wetland/spring values. Given that there is good remnant/restored native vegetation at this traditional settlement (Te Oranga) and food gathering site, and therefore a good***

*potential to achieve full cultural health, Ngāi Tahu have identified it as a priority site with regard to addressing water quality issues.”<sup>2</sup>*

*Cross reference:*

- » *Issue IH1: Ngāi Tahu and the urban environment*
- » *General policy on water quality ( Section 5.3 Issue WM6)*

*Information resource:*

- » *Cultural impact assessment of Christchurch City Council Discharge Activities - Sewage overflows to Christchurch rivers on Tāngata Whenua - Ngāi Tahu values.*

### Ōtakaro and Ōpāwaho

The Ōtakaro and Ōpāwaho river are wāhi taonga for Ngāi Tahu. A number of historical kāinga and mahinga kai sites existed along these rivers, including Puāri, Pūtārikamotu, Ōtautahi, Te Oranga. The name Ōpāwaho refers to a pā that was located on the banks of the river, downstream of the present Opawa Road Bridge. It translates as “the place of the outward pā”, and refers to Ōpāwaho as an outpost (waho) of the major Ngāi Tahu settlement at Kaiapoi.

Ōtākaro is the name of a historic settlement and food-gathering site near the mouth of the Avon River. Historically, different parts of the river carried different names (e.g. Wairarapa was the middle part of the river, in Ilam). The NTCSA 1998 dual place name provisions recognise Ōtākaro/Avon as the name for the whole of the river.

**Source:** Mid-Heathcote/Ōpawaho Linear Park Master plan 2009. Christchurch City Council.

## URBAN WASTEWATER

**Issue IH4: Urban wastewater is discharged into rivers and Te Tai o Mahaanui.**

### Ngā Kaupapa / Policy

- IH4.1 To advocate for a culturally sustainable alternative to the ocean outfall and the discharge of wastewater to the sea, consistent with Ngāi Tahu policy on opposing the use of water as a receiving environment for waste.
- IH4.2 To work with local government to progress policy IH4.1, in anticipation of the expiry date for the consents associated with the ocean outfall, including:
  - (a) Waste minimisation as a fundamental principle and starting point of wastewater management.
- IH4.3 To require that local authorities implement the following measures to address cultural issues associated with the existing wastewater treatment and ocean outfall infrastructure:
  - (a) Prohibit any discharge of treated or untreated sewage to the Ōtakaro or Ōpāwaho rivers in the case of overflow events or otherwise;
  - (b) Policies, programs and incentives to minimise the volume of waste entering the system (going to Bromley), including encouraging or requiring developers to find on site and closed system<sup>3</sup> solutions for waste minimisation and management;
  - (c) Maintain a separation between the wastewater and stormwater networks at all times (this means no stormwater to enter wastewater system);
  - (d) Require highest possible level of treatment prior to discharge;
  - (e) Ensure that the ocean outfall discharge is recognised as a contributor to the cumulative effects on the marine environment of the Pegasus Bay; and
  - (f) Robust monitoring, including cultural monitoring, of coastal water quality and mahinga kai.

## He Kupu Whakamāhukihuki / Explanation

The Christchurch City (Pegasus Bay) ocean outfall became operational in 2010. Urban wastewater is treated at the Christchurch Wastewater Treatment Plant in Bromley and transported by underground pipe three kilometres out into Pegasus Bay, off New Brighton Beach (noting that much of the city's wastewater infrastructure was severely damaged in the 2011 earthquakes and is being rebuilt).

While the ocean outfall ends decades of sewage discharge into Te Ihutai, it continues to support the use of water as a receiving environment for the discharge of contaminants. While Ngāi Tahu did not oppose the application enabling the discharge, this was not indicative of support (see Case Study - *Ngāi Tahu submission on the Pegasus Bay Ocean Outfall*). The reality is that even though the ocean outfall is technically assessed as having no or minimal impact on coastal areas, the mauri of the coastal waters is now degraded, and tāngata whenua are highly unlikely to use the area for mahinga kai.

The purpose of policies IH4.1 to IH4.3 is to set out cultural bottom lines on the management and disposal of human waste, and to signal the desire of Papatipu Rūnanga to engage with the city council prior to the expiry dates of the existing ocean outfall consents. It is imperative that Ngāi Tahu and local authorities begin discussions well before the consent expiry date to find a culturally acceptable solution for wastewater management.

### Cross reference:

- » *Issue IH3: Decline in water quality*
- » *Issue IH8: Pressures on the coastal environment*
- » *General policy on waste management (Section 5.4, Issue P7)*
- » *General policy on coastal water quality (Section 5.6, Issue TAN2)*
- » *General policy on water quality (Section 5.3, Issue WM6)*

### CASE STUDY: Te Rūnanga o Ngāi Tahu Submission on the Pegasus Bay Ocean Outfall

Ngāi Tahu worked extensively on the Christchurch City Wastewater Discharge throughout the late 1990s and into 2000. The initial option chosen by the Christchurch City Council was to continue the discharge of treated wastewater into Te Ihutai, along with significant treatment plant and oxidation pond upgrades, including the development of a wetland system. This option was largely influenced by Ngāi Tahu opposition to the ocean outfall option and the policy position within *Te Whakatau Kaupapa 1990* that required treatment and disposal involving land or wetlands.

The tribal submission delivered by Te Rūnanga o Ngāi Tahu to Environment Canterbury in 2002 put forward a pragmatic argument to keep the discharge within the estuary to protect the otherwise unspoiled mahinga kai / kai moana resource of Pegasus Bay. In particular, the provision for wetland development within the consent allowed the tribe to support the resource consent application.

However, in response to public opposition to the estuary discharge Christchurch City Council reviewed its application and instead applied for consent to discharge to Pegasus Bay via an ocean outfall. While this option included plant and pond upgrades it did not include the development of wetlands to further treat the discharge. With significant frustration, Ngāi Tahu did not oppose the ocean outfall application but asked for significant monitoring work to be undertaken to ascertain any potential risk to mahinga kai. The submission of Ngāi Tūāhuriri stated that:

***“The discharge of human effluent to any water body is considered by Ngāi Tahu to be unacceptable or Tapu, and an affront to Ngāi Tahu’s Mana. Therefore this situation is tolerated and not supported in any manner other than the effluent has to go somewhere. For what is a sustainable mahinga kai/ kai moana resource to be utilised as a refuse disposal system by the community is viewed as a significant breach of Treaty of Waitangi principles (p2).”***

**Source:** Pauling, C. & Morgan, K. 2006. *Te Kaupapa o Te Whare: House of Tahu Cultural Sustainability Assessment.*



## WAIPUNA

**Issue IH5: Loss and inappropriate management of waipuna as a result of urban development and redevelopment.**

### Ngā Kaupapa / Policy

- IH5.1 To require that the waipuna in the catchment are recognised and managed as wāhi taonga, as per general policy on *Wetlands, waipuna and riparian margins* (Section 5.3, Issue WM13), with particular attention to:
- Ensuring that waipuna are protected from the discharge of contaminants;
  - Ensuring that there are appropriate and effective setbacks from waipuna, to protect from urban development or re-development;
  - Restoring degraded waipuna; and
  - Enabling flow to return to waterways in naturalised channels.

### He Kupu Whakamāhukihuki / Explanation

Waipuna are taonga and highly valued by tāngata whenua. They are known for their purity, and can have a number of specific cultural associations, including wāhi tapu and mahinga kai. Protecting the purity of waipuna is an important kaupapa, in both urban and rural environments.

#### Cross reference:

- » *General Policy on Wetlands, waipuna and riparian margins* (Section 5.3 Issue WM13)

## PHYSICAL MODIFICATION OF WATERWAYS

**Issue IH6: Physical modification of natural waterways in the catchment for flood control, drainage, stormwater, recreation and land development purposes.**

### Ngā Kaupapa / Policy

- IH6.1 To consistently and effectively advocate for a change in perception and treatment of waterways in the urban environment: from public utility to wāhi taonga.
- IH6.2 To require that any physical works on waterways in the urban environment occurs in a manner that does not reduce the width of margins or riparian plantings, and is consistent with the re-naturalisation of the waterway.

- IH6.3 To require that the multiple uses of waterways and their headwaters and margins in the urban environment are consistent with the protection of cultural and ecological values.

- IH6.4 To recognise and progressively restore the natural ability of waterways in the catchment to provide flood protection, filtration and other ecosystem services, by:
- Establishment of native riparian vegetation along waterways;
  - Restoration of wetlands and springs;
  - Restoration of natural form and function of the floodplain system, including providing for its dynamic characteristics; and
  - Naturalisation of the existing drainage network.

### Legal status

- IH6.5 To require that land subdivision, purchase or use of any kind, including public reserve use and ownership, does not obtain legal entitlement to the beds or margins of any waterway without approval of the Papatipu Rūnanga.

### He Kupu Whakamāhukihuki / Explanation

The historic and continued physical modification of waterways has occurred at the expense of Ngāi Tahu values associated with waterways, and the ecosystem services these waterways once provided.

River dredging, straightening, the conversion of streams into boxed drains, and the widespread modification of riparian margins, along with the extensive drainage of wetlands and springs, have compromised the natural ability of the region's waterways to contain, store and clean water, and provide habitat for mahinga kai.

## LOSS OF INDIGENOUS BIODIVERSITY

**Issue IH7: Widespread loss and degradation of indigenous ecosystems, habitat and species in the Ihutai catchment and effects on the cultural and ecological health of the catchment.**

### Ngā Kaupapa / Policy

- IH7.1 To require that indigenous biodiversity is recognised and provided for as an integral part of the natural and cultural heritage of the Ihutai catchment and the city landscape.

IH7.2 To require that city and regional plans and strategies, including design guidelines, recognise and provide for indigenous biodiversity as a legitimate and distinctive part of the 'Garden City' image and brand, as well as an important part of Ngāi Tahu culture and identity.

IH7.3 To enhance the presence of indigenous biodiversity within the urban landscape by:

- Identifying, protecting and enhancing all indigenous remnants;
- Riparian margins of appropriate indigenous species along all waterways;
- Appropriate margins and set back areas along waterways (at least 20 metres);
- Expanding on existing native/indigenous restored areas;
- Incentives for home owners to use native plants in gardens, including species lists and landscaping guides;
- Use of medium and large appropriate indigenous specimen trees along riverbanks in parks and reserves and streetscape/street renewal planting;
- Use of appropriate indigenous species groups in public open space; and
- Requirements for developers to establish indigenous species in residential subdivisions and commercial developments.

IH7.4 To require that city and regional plans include specific policy and rules to protect, enhance and extend existing remnant and restored natural habitat areas in the catchment, including but not limited to:<sup>4</sup>

- Jellie Park
- Pūtarikamotu (Deans Bush)
- Waipapa (Little Hagley Park)
- Waikākāriki (Horseshoe Lake)
- Ōruapaeroa (Travis Wetland)
- Lower Avon River area near Bridge Street
- Sumner Beach and edge of estuary
- Jellicoe Park
- Wigram Basin, including Templetons Road
- Pioneer Stadium
- Westmorland, at Francis Reserve
- Ōpāwaho
- Ferrymead
- New Brighton Beach.

Prior to urbanisation, Ihutai was characterised by extensive wetlands and waipuna, grasslands and lowland podocarp forests, and waterways with densely vegetated riparian areas. The number of historical mahinga kai and food production sites in the area highlighted the importance of the landscape as mahinga kai (Table 4).

The 1856 Black Map illustrates the extent of indigenous vegetation and ecosystems in pre-european times. When compared to the Ōtautahi landscape today, the map is a powerful expression of the extent of loss of original vegetation cover (see Maps 13 and 14).

***"...places such as Travis Swamp and Bottle Lake are the only places that faintly remind us that Christchurch was once a swamp".<sup>5</sup>***

For tāngata whenua, the significance of indigenous vegetation cannot be overstated. The loss of indigenous ecosystems and biodiversity is a key contributor to poor cultural health of catchments. A cultural health assessment for the Ihutai catchment in 2007 found that 70% of all sites surveyed had less than 15% of the total vegetation cover in native vegetation, and no site had greater than 40% native vegetation dominance.<sup>6</sup>

State of the Takiwā assessments in 2007 and 2012 noted that some sites have undergone extensive restoration and/or conservation initiatives. Examples include Pūtarikamotu (Deans Bush), Ōruapaeroa (Travis Wetland), Waikākāriki (Horseshoe Lake) and Wigram Basin sites. These sites typically scored well across a variety of cultural health indicators demonstrating the importance of indigenous vegetation cover to Ngāi Tahu values. Protecting and expanding remnant and restored areas is one of the most important challenges for the future management of the Ihutai catchment. A major concern for Papatipu Rūnanga is that urban planning will continue to promote the planting of exotic species at the expense of natives, as part of the Garden City brand.

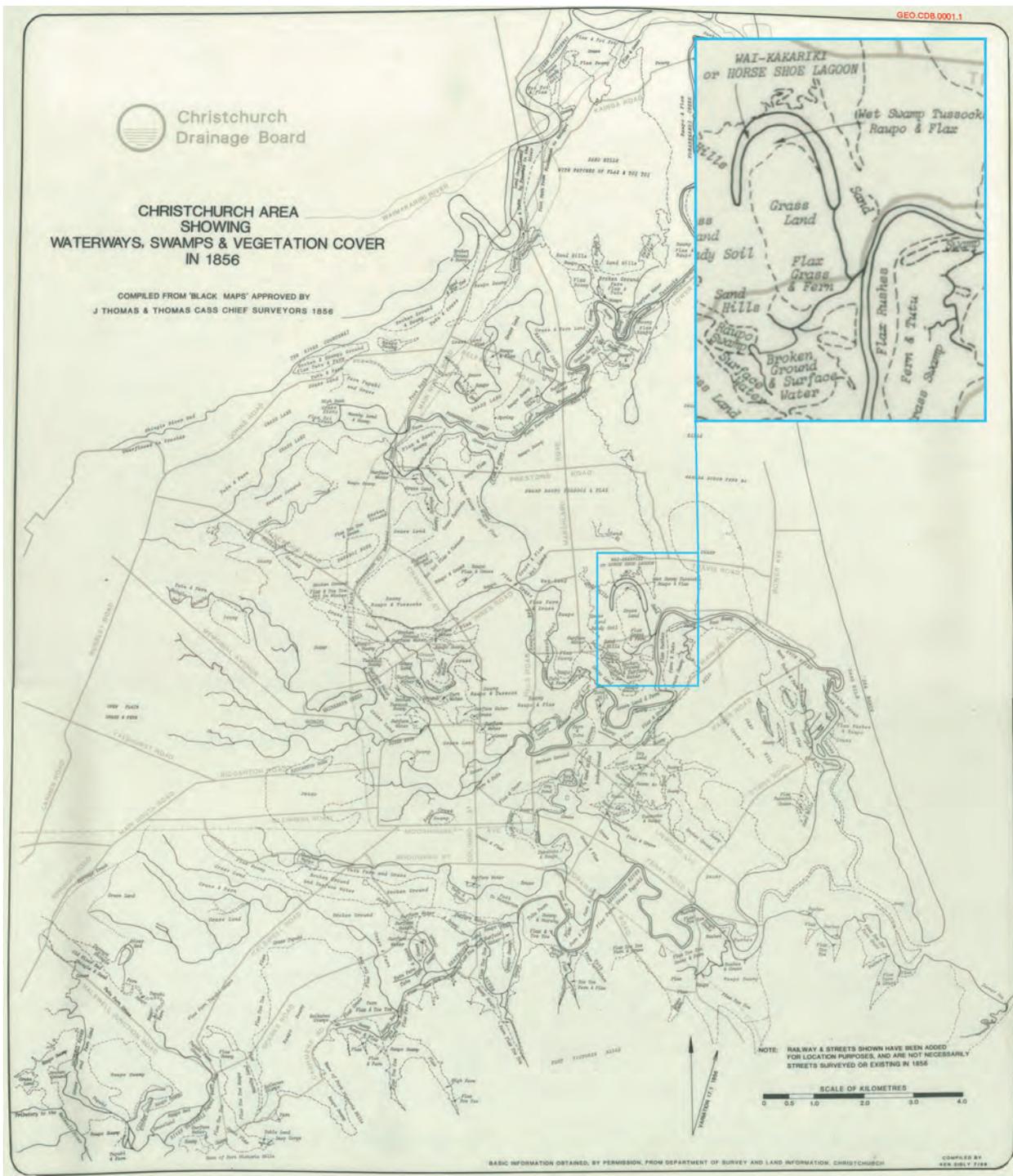
***Cross reference:***

- » *General policies in Section 5.5 - Issue TM1: Mahinga kai; Issue TM2: Indigenous biodiversity; Issue TM3: Restoration of indigenous biodiversity*
- » *General policy on Activities in the beds and margins of rivers and lakes (Section 5.3, Issue WM12)*

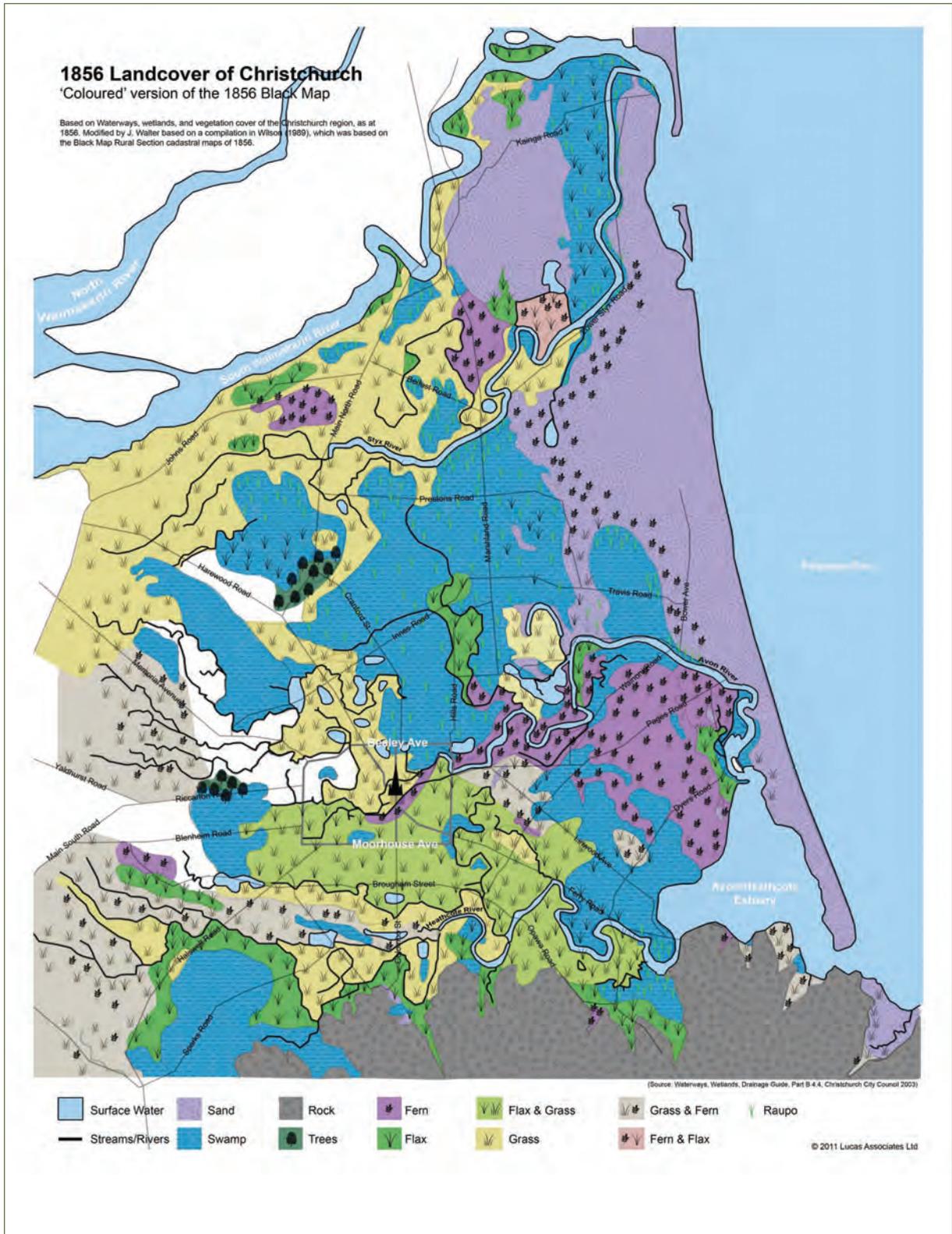
## **He Kupu Whakamāhukihuki / Explanation**

Indigenous biodiversity is an integral part of the natural heritage of the Ihutai catchment, and to Ngāi Tahu's sense of place, cultural identity and connection to the catchment.

**Map 13:** Christchurch area, showing waterways, swamps and vegetation cover in 1856. Christchurch Drainage Board map compiled from the 1856 Black maps.



**Map 14:** Colour version of the 1859 Black Map (Source: Lucas and Associates)



**Table 4:** Examples of traditionally significant sites with the Ihutai catchment and the types of mahinga kai species traditional found at each site. Source: Te Āhuetanga o Ihutai 2007: 22

Name	Location	Significance	Mahinga Kai	Reference
Ō-Rakipāoa	Upper Riccarton, Fendalton	A settlement and food gathering site	Tuna, Aruhe, Hīnau, Pōkākā, Kanakana, Korari	Tau 2006 CCL 2007 Tau et al 1990
Motu-iti	Locality in Bryndwr	A settlement and food production site	Kāuru, Aruhe, Inaka, Tuna, Kiore	Tau 1994 Taiaroa 1880
Wairārapa	Ilam	A settlement and food production site	Kāuru, Aruhe, Inaka, Tuna, Kiore	Tau 1994 Taiaroa 1880
Hereora	Locality in Harewood	A settlement and food production site	Kāuru, Aruhe, Inaka, Tuna, Kiore	Tau 1994 Taiaroa 1880
Pū-tarika-motu	Deans Bush, Riccarton	A settlement and food gathering site	Tuna, Kanakana, Aruhe, Hīnau, Matai, Pōkākā, Kahikatea, Kererū, Kākā, Kōkō, Koparapara, Mohotatai	Tau 2006 CCL 2007 Tau et al 1990
Puari	On the banks of the Avon River from modern day Carlton Mill Corner, past Victoria Square to the loop in the Avon near Lichfield Street	Waitaha pā with associated urupā. Ngāi Tahu mahinga kai site. Market (Victoria) Square used by Ngāi Tūāhuriri to sell produce grown at Tuahiwi to early settlers.	Tuna, Inaka, Kokopū, Kokopara, Parera, Pūtakitaki	CCL 2007 Taylor 1950
Waipapa	Little Hagley Park (between Harper Avenue and Carlton Mill corner)	A temporary whare site used on journeys between Kaiapoi and Banks Peninsula and during the operation of Market Square.		CCL 2007 Tau et al 1990 Taylor 1950
Ō-Tautahi	Between Barbados and Kilmore Streets	The pā of Te Potiki Tautahi of Koukourārata	Tuna, Inaka, Kōkopu, Kūmara, Aruhe, Pāpera, Rāipo Pūtakitaki, Pāteke, Tataa	Beattie 1945 Tau et al 1990 CCL 2007
Waikākāriki	Horseshoe Lake	The site of a significant settlement called Te Oranga		Tau et al 1990 CCL 2007
Waitākari	Bottle Lake Forest	A significant coastal lagoon used as a mahinga kai (since drained).		Tau et al 1990 CCL 2007
Ō-rua-paeroa	QE II park, near Travis Wetland	Kaika or settlement site within an extensive wetland area that was often connected to the sea.	Shark (at certain times), other marine fish	Tau et al 1990 CCL 2007
Ō-pā-waho	Opawa, where present day Judges Street and Vincent Place intersect	Ngāi Tahu 'outpost' (waho) pā that provided a resting place on the journey from Rāpaki to Kaiapoi, known as Pohoareare in earlier times.	Tuna, Kanakana, Inaka, Mātā, Aruhe, Tutu. Also Kokopū, Waikoura, herrings	Taiaroa 1880 Tau et al 1990 CCL 2007
Ō-mōkihi	Spreydon area	A settlement and food production site	Hao (eel), Waikoura, Pipiki, Kāuru, Aruhe, Kiore, Tutu	Taiaroa 1880 CCL 2007 Tau 2006



## OPEN SPACE

**Issue IH8: Ensuring that public open space (e.g. parks and reserves) is managed in way that recognises and provides for Ngāi Tahu values and interests.**

### Ngā Kaupapa / Policy

- IH8.1 To ensure appropriate and effective involvement of Papatipu Rūnanga in the development and implementation of park and reserve management plans and open space strategies.
- IH8.2 To require full assessments of historical and contemporary associations and values of importance to tāngata whenua in planning for the future use, management and development of reserves and parks.
- IH8.3 To require that plans and strategies for the use of public open space include objectives and policies that recognise and provide for tāngata whenua values, including but not limited to:
- Recognition of the Papatipu Rūnanga;
  - Protection of areas of particular significance from inappropriate activities;
  - Enhancement of cultural landscape values through habitat restoration and planting of native species, including large specimen trees;
  - Incorporation of interpretation, artwork, plantings of particular species or gardens, as visible symbols of Ngāi Tahu association with particular places; and
  - Provision for Ngāi Tahu cultural use, including harvest of mahinga kai species and culturally aligned recreational activities such as waka ama.
- IH8.4 To require that plans and strategies for the use of public open space include explicit provisions to achieve an improved balance between planting of exotic and indigenous species, and recognise and improve the potential for these areas to improve habitat values for taonga species and enhance habitat connectivity.

### He Kupu Whakamāhukihuki / Explanation

Issue IH8 refers to the open space network in urban areas, including parks and reserves. Many parks and reserves are located on, or adjacent to, areas with significant historical associations, including kāinga, pā, wāhi tapu and mahinga kai. It is important that activities in these areas are consistent with the particular cultural values associated

with these places. For example, the *South Brighton Reserves Management Plan (2010)* contains provisions to acknowledge the historic kāinga Te Kai a Te Karoro, including the use of a Ngāi Tahu name for the reserve, the establishment of an area of native coastal forest, a heritage walkway and appropriate interpretation.

Reserves, parks and other open space provide numerous opportunities to enhance cultural landscape values, particularly indigenous biodiversity. Indigenous species valued by Ngāi Tahu as mahinga kai can be incorporated into landscape design, and appropriate protocols developed to enable cultural harvest. It is important that public open space reflects the natural and cultural heritage of the city, including achieving a better balance between indigenous and exotic plant species.

#### Cross reference:

- » *General policy on Ngāi Tahu tikanga tūturu (Section 5.8 Issue CL7)*

## PRESSURES ON THE COASTAL ENVIRONMENT

**Issue IH9: Urban pressures on Te Ihutai, the coastal environment and Ngāi Tahu values and associations.**

### Ngā Kaupapa / Policy

- IH9.1 To ensure local authorities to establish regular, appropriate and relevant environmental monitoring programmes, including cultural health assessment, for Te Ihutai and the surrounding coastal environment.
- IH9.2 To recognise that owners and trustees of the replacement Te Ihutai reserve in the Waimakariri District have a continuing interest in the health and management of Te Ihutai.<sup>7</sup>
- IH9.3 To continue to support, where appropriate, those groups that are working to maintain, restore and enhance the natural values of Te Ihutai, and to advocate for projects of interest and importance to Ngāi Tahu.
- IH9.4 To require that local authorities identify and appropriately manage the impacts of sedimentation and contamination from the urban environment on the hāpua, and on the coastal marine area of Pegasus Bay, particularly on the rocky coastline mahinga kai areas.

## Mahinga kai

- IH9.4 To prioritise research on the state and health of kaimoana resources in Te Ihutai, including the effects of sedimentation and contamination, and the potential for the restoration of such resources through habitat enhancement programmes.
- IH9.5 To investigate the feasibility of kaimoana species seeding in three or four locations in Te Ihutai to inform the development of effective restoration strategies for the recovery of mahinga kai species.
- IH9.6 To encourage, support and initiate projects focused on beach and dune conservation, including restoration planting with indigenous and mahinga kai species.

## He Kupu Whakamāhukihuki / Explanation

Te Ihutai and the surrounding coastal environment is an area of immense cultural value adjacent to a highly urbanised area. The estuary was a major source of mahinga kai for Ngāi Tahu (see Case Study - *Mahinga kai and Te Ihutai*). Urban development has significantly modified this important area.

Historical and ongoing discharges of contaminants, sedimentation, loss of kaimoana values, exotic species invasion and the drainage of coastal wetlands has changed the natural ecology and landscape of the Te Ihutai. For tāngata whenua, these impacts have had a direct and significant impact on the customary relationship with the Ihutai catchment, and resulted in the estuary and its catchment being of little if any, value as a mahinga kai.

The elimination of sewage discharges to Te Ihutai is expected to result in a significant enhancement of the cultural health of the estuary.

### Cross reference:

- » *General policy on coastal water quality (Section 5.6 Issue TAN2)*

## CASE STUDY: Mahinga kai and Te Ihutai

The importance of the Ihutai catchment as a traditional fishery is evidenced by Ngāi Tahu claims to the Native Land Court in 1868 that attempted to have traditionally significant sites put aside as mahinga kai reserves, including:

- ▶ Te Oranga (Horseshoe Lake)
- ▶ Pūtaringa-motu (Riccarton Bush)
- ▶ Te Kai a Te Karoro (Jellicoe Park)
- ▶ Ōtautahi (situated on present day Kilmore Street, near the Fire Station)
- ▶ Waitākari (Bottle Lake)
- ▶ Puāri (on the banks of the Avon River where the High Court is now located)
- ▶ Ohikaparuparu (mudflats on the beach near Sumner)
- ▶ Ōruapaeroa (Travis Wetland)

These attempts were unsuccessful and Ngāi Tahu were denied access to mahinga kai resources of the Ihutai catchment. This action effectively shut Ngāi Tahu out of development of the city and ultimately, the subsequent management of the Ihutai catchment.

A reserve was established at Te Ihutai, but was confiscated in 1956 under the Public Works Act, as part of the site for the Christchurch sewage scheme. In the settling of the Ancillary claims alongside the Ngāi Tahu Claim in 1998, replacement land in the Waimakariri District was provided to the original owners of the Te Ihutai reserve.

**Source:** Te Whakatau Kaupapa 1990: 5-23-4; Te Āhuratanga o Te Ihutai 2007.



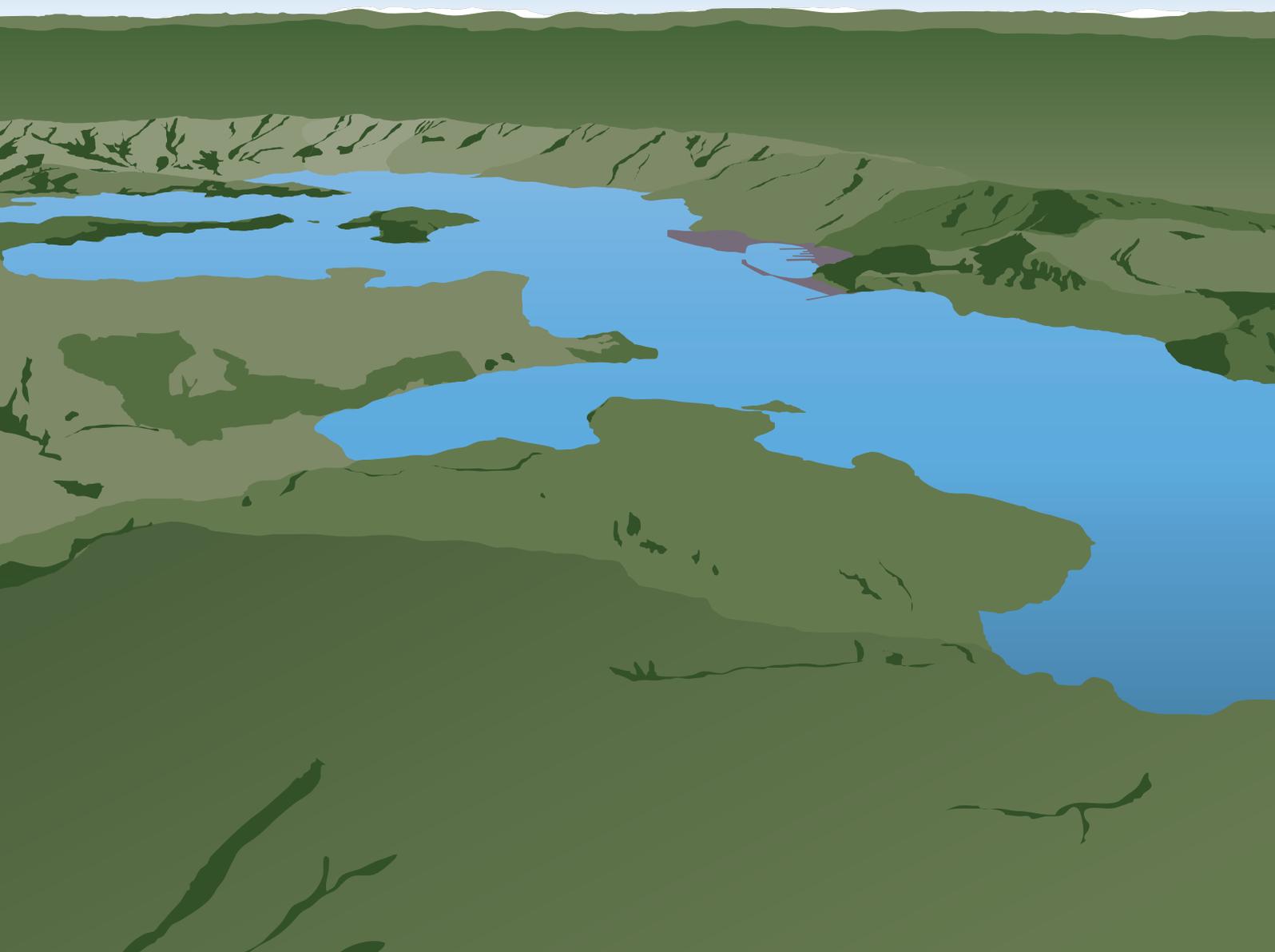
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**ENDNOTES**

- 1 Pauling, C., Lenihan, T.M., Rupene, M., Tirikatene-Nash, N., and R. Couch, 2007. *Te Āhuetanga o Te Ihutai. 2007. Cultural health assessment of the Avon Heathcote Estuary and its catchment.* Te Rūnanga o Ngāi Tahu, p.28.
- 2 Ibid.
- 3 A closed system is a closed loop system that recycles all waste back into the system.
- 4 Pauling, C., Lenihan, T.M., Rupene, M., Tirikatene-Nash, N., and R. Couch, 2007. *Te Āhuetanga o Te Ihutai. 2007. Cultural health assessment of the Avon Heathcote Estuary and its catchment.* Te Rūnanga o Ngāi Tahu.
- 5 Te Whakatau Kaupapa 1990: p 5-21.
- 6 Pauling, C., Lenihan, T.M., Rupene, M., Tirikatene-Nash, N., and R. Couch, 2007. *Te Āhuetanga o Te Ihutai. 2007. Cultural health assessment of the Avon Heathcote Estuary and its catchment.* Te Rūnanga o Ngāi Tahu, p. 26.
- 7 In the settling of the Ancillary claims alongside the Ngāi Tahu claim, replacement land in the Waimakariri District was provided to the original owners of the Te Ihutai reserve. See: Lobb, A. 2009: 11 -14.



# WHAKARAUPŌ





## 6.6 WHAKARAUPŌ

This section addresses issues of particular significance in the Whakaraupō (Lyttelton Harbour) catchment (Map 15).

Whakaraupō has a rich history of Ngāi Tahu land use and occupancy, and strong tradition of mahinga kai. The harbour was named after the raupō reeds that were once plentiful at Ōhinetahi at the head of the harbour. Kaimoana such as pipi, tuaki, kutai, pāua, tio, kina and pūpū, and ika such as pātiki, pātiki rori, pīoki, hoka, aua, pāpaki, koiro and hokarari provided an abundant and reliable supply of mahinga kai for tāngata whenua and their manuhiri. The restoration of kaimoana values to the Whakaraupō is a key kaupapa for the kaitiaki Rūnanga in this catchment.

Whakaraupō is part of Te Tai o Mahaanui (Selwyn-Banks Peninsula Coastal Marine Area) Coastal Statutory Acknowledgement Area, as per schedule 101 of the NTSCA 1998 (see Appendix 7).

***“Tāngata whenua know the Harbour very well. Many generations of whānau knowledge provide a base upon which the present residents exercise their kaitiakitanga in both traditional and contemporary ways.”***

### Ngā Paetae Objectives

- (1) Restoration of the cultural health of Whakaraupō, including elimination of wastewater discharges, reducing sedimentation and achieving a water quality standard consistent with the Harbour as mahinga kai.
- (2) The wāhi taonga status of the catchment’s waterways and waipuna is recognised and provided for.
- (3) Natural and cultural landscape values associated with the Whakaraupō catchment are enhanced through restoration of indigenous biodiversity values.
- (4) Tāngata whenua continue to contribute to, and influence, community issues and projects within the catchment.
- (5) Sites and places of cultural significance, including wāhi tapu and wāhi taonga, are protected from inappropriate land use and development.
- (6) Kaimoana is managed according to Ngāi Tahu values and tikanga, enabling the sustainable customary harvest of these resources in Whakaraupō.

Map 15: Whakaraupō



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### WHAKARAUPŌ: ISSUES OF SIGNIFICANCE

<b>Issue WH1: Cultural health of harbour</b>	The cultural health of the harbour is at risk as a result of the discharge of wastewater, sedimentation and inappropriate land use.
<b>Issue WH2: Lyttelton Port Company</b>	The need to work closely with LPC to manage effects of port activities on the cultural health of the harbour.
<b>Issue WH3: Waterways and waipuna</b>	The protection and enhancement of waterways and waipuna is essential to improving the cultural health of the catchment.
<b>Issue WH4: Soil conservation</b>	The mauri of soils in the catchment is at risk as a result of historical and contemporary land use practices.
<b>Issue WH5: Tools to protect customary fisheries</b>	Appropriate management tools are required to protect and enhance the marine environment and customary fisheries.
<b>Issue WH6: Coastal land development</b>	Settlement expansion and coastal land development can have adverse effects on the relationship of Ngāi Tahu with Whakaraupō.
<b>Issue WH7: Cultural landscape values</b>	Protection of significant sites and other cultural landscape values from inappropriate land use and development.
<b>Issue WH8: Indigenous biodiversity</b>	Enhancing natural and cultural landscape values through protecting and restoring indigenous biodiversity.
<b>Issue WH9: Reserves and open space</b>	Ensuring that public open space is managed in way that recognises and provides for Ngāi Tahu values.
<b>Issue WH10: Islands</b>	Ngāi Tahu values associated with islands of Whakaraupō.
<b>Issue WH11: Structures in the CMA</b>	The potential for too many coastal structures in the harbour.



## CULTURAL HEALTH OF THE HARBOUR

**Issue WH1: The cultural health of the harbour is at risk as a result of:**

- (a) Discharge of wastewater;
- (b) Sedimentation;
- (c) Stormwater run off; and
- (d) Inflow from streams carrying increased sediment and nutrient loads.

### Ngā Kaupapa / Policy

WH1.1 To require that Whakaraupō is recognised and provided for as a cultural landscape of historical, spiritual, traditional and customary significance.

WH1.2 To require that Whakaraupō is managed for mahinga kai first and foremost. This means:

- (a) All proposed activities for the lands and waters of Whakaraupō are assessed for consistency with the objective of managing the harbour for mahinga kai. We should be asking, “*How does this activity affect the harbour?*” and adjust accordingly; and
- (b) Water quality in Whakaraupō is consistent with the protecting mahinga kai habitat and enabling customary use (whole of harbour not just designated areas).

WH1.3 To recognise Whakaraupō as a working port and harbour, and to build relationships and develop clear strategies that enable these activities to occur alongside managing the Harbour for mahinga kai.

### **Holistic approach to management**

- WH1.4 To adopt a holistic approach to restoring the cultural health of Whakaraupō. This means:
- (a) Recognising the cumulative effects of all activities on the cultural health of the harbour;
  - (b) Recognising and providing for the relationship between land use and the cultural health of the harbour; and
  - (c) Collaboration and integration of efforts between local authorities, Ngāi Tahu, the community, and other agencies and organisations.

### **Wastewater discharge**

- WH1.5 To require the elimination of the discharge of wastewater to Whakaraupō, as this is inconsistent with Ngāi Tahu tikanga and the use of the harbour as mahinga kai.
- WH1.6 To require, until such time as wastewater discharges are eliminated from Whakaraupō:
- (a) Initiatives and incentives to reduce the volume of wastewater entering the system, as per general policy on *Waste management* (Section 5.4, Issue P7);
  - (b) Limits on subdivision and building activity, to avoid further connections to existing infrastructure;
  - (c) Ongoing monitoring of nutrient concentrations in wastewater and in Harbour water; and
  - (d) Discharge on outgoing tide only to achieve greater dilution and dispersal.

### **Sedimentation**

- WH1.7 To advocate that local authorities develop a regional management strategy for addressing soil loss in the Whakaraupō catchment, and sedimentation of the harbour. The strategy to include:
- (a) Identification of those land use activities that are contributing to sedimentation;
  - (b) Effective and enforceable controls on those activities to minimise sedimentation and contamination of waterways and coastal waters; and
  - (c) Incentives to promote reforestation (with native species), riparian margin enhancement and soil conservation as measures to address sedimentation of the harbour.
- WH1.8 To investigate the feasibility of dredging the areas at the Head of the Bay where sedimentation and infilling is having effects on mahinga kai habitat quality.

### **Cultural monitoring**

- WH1.9 To formalise a program of cultural monitoring (State of the Takiwā) of the health of Whakaraupō, with a focus on:
- (a) Quality of mahinga kai habitat;
  - (b) Species diversity and abundance;
  - (c) Water quality; and
  - (d) Suitability of traditional mahinga kai areas for customary use.

### **Priority areas**

- WH1.10 To investigate options and opportunities to restore the salt marsh at the Head of the Harbour as a mahinga kai habitat and kōhanga as a matter of priority. The name Whakaraupō comes from the raupō reeds that were once plentiful at Ōhinetahi at the head of the harbour.

### **He Kupu Whakamāhukihuki / Explanation**

Restoration of the cultural health of Whakaraupō is a priority objective for tāngata whenua. The cultural impact of pollution and sedimentation on the harbour and its mahinga kai resources is significant. Restoring cultural health is about restoring the mauri of the harbour and the mana of the people. Until recent years, Rāpaki was known widely for the kaimoana available to the community for its own use – and to host visitors. Decline in the available quantities and quality of kaimoana because of the deteriorating marine environment have prevented tāngata whenua from exercising their cultural values such as manaakitanga.<sup>2</sup>

***“Our goal for the waters of Whakaraupō is to restore the harbour to the state it was before deforestation, sewage discharges and other activities degraded it. The long term goal is to restore the harbour to a state where the kaimoana return and we can once again harvest mahinga kai without cultural, environmental and health concerns.”*** Rāpaki IMP hui participants.

***“A lifestyle has been taken from us - gathering our kai. I can’t take my mokopuna down to the beach to gather kai in case we get sick.”*** June Swindells, Rāpaki Rūnanga.

***“Our kaupapa is the quality of our water.”*** Rāpaki IMP hui participants.

The discharge of wastewater from sewage treatment plants contributes significant volumes of high nutrient effluent to the harbour. While this activity will cease in the next 5-8 years when existing resource consents expire, tāngata whenua continue to advocate for measures to limit the volume of wastewater entering the existing system,

including avoiding further connections. Sedimentation is also a key contributor to the poor cultural health of Whakaraupō. Historical deforestation, inappropriate land use practices and urban development have de-stabilised soils and accelerated erosion of the highly erodible Port Hills loess soils. Catchment erosion is recognised a significant external source of sediment to the harbour and the source of the infilling of intertidal mudflat areas (see Box – *Sedimentation and Whakaraupō*).

A community based approach based on the principle of Ki Uta Ki Tai is required to address the impacts of land use and other activities on the cultural health of the harbour. A key feature of a holistic approach is working with the wider community to establish positive cultural relationships and ensure good cultural, environmental and community outcomes. Tāngata whenua firmly believe that managing the harbour for mahinga kai can recognise and provide for multiple uses and values, while protecting and restoring this tribal taonga.

***“The local kaitiaki and the community know what’s best for a local place.”*** Rāpaki IMP hui participants.

***“Where do we start? At the top of the hill and work our way down to the harbour. We look at every waterway, every little ephemeral stream. And we go from there.”*** Rewi Couch, Ngāti Wheke.

#### Cross reference:

- » *Issue WH2: Lyttelton Port Company activities*
- » *General policy on waste management (Section 5.4, Issue P7)*
- » *Section 6.5 (Ihutai), Issue IH3*

#### Sedimentation and Whakaraupō

The need for improved information and understanding of the effects of sedimentation on the harbour and mahinga kai is a priority area for tāngata whenua.

Primary sources of sedimentation in the harbour as identified by tāngata whenua include:

- ▶ Accelerated erosion of highly sensitive soils;
- ▶ Stock access to waterways, including ephemeral waterways;
- ▶ Sediment loads in waterways;
- ▶ Earthworks associated with subdivision and urban development;
- ▶ Dredging and reclamation activities;
- ▶ Coastal structures such as breakwaters that change tidal patterns; and
- ▶ Stormwater run off from roadworks and slips.

## LYTTELTON PORT COMPANY (LPC) ACTIVITIES

**Issue WH2: The need to work closely with LPC to manage effects of port activities on the cultural health of the harbour and the relationship of tāngata whenua to it, in particular:**

- (a) Inner harbour activities, and expansion of these activities;
- (b) Changes to tidal flows, ebbs and flushes as a result of structures and/or landfill in the harbour (e.g. breakwaters);
- (c) Disposal of dredge spoil; and
- (d) Biosecurity risks.

### Ngā Kaupapa / Policy

#### Relationships

WH2.1 To continue to maintain a good working relationship between tāngata whenua and the LPC to address cultural issues and achieve positive cultural, environmental and economic outcomes.

WH2.2 To require that the relationship between tāngata whenua and the LPC reflects the spirit of a Treaty relationship.

WH2.3 To investigate the feasibility of having a Papatipu Rūnanga representative appointed to the LPC Planning Board.

#### Cultural effects

WH2.4 To require that LPC recognise and provide for the relationship of Ngāi Tahu to Whakaraupō, and aspirations to manage the harbour as mahinga kai, by:

- (a) Ensuring that port activities avoid contributing to pollution in the outer harbour;
- (b) Ensuring that port activities at all times seek to avoid or minimise pollution in the inner harbour; and
- (c) Providing appropriate mitigation and/or compensation where cultural and environmental effects cannot be avoided, including but not limited to:
  - (i) Funds for restoration projects.

WH2.5 To work with LPC on the following issues of cultural concern and significance:

- (a) The need for a research program to investigate

and address how dredging, reclamation, sedimentation and structures in the harbour are affecting mahinga kai, including the potential effects of breakwaters on the ability of tidal flows to flush the harbour of sediment, and the resultant accumulation of sediment on kaimoana beds at Rāpaki;

- (b) The need for an alternative location for the disposal of dredging soil. Disposal of spoil along the northern edge of the harbour is contrary to cultural interests and objectives for improving the Whakaraupō marine environment, and may be adversely affecting Te Ara Whānui o Makawhiua (Koukourārata); and
- (c) The feasibility of dredging the mudflat areas at the Head of the Harbour, where sediment build up and infilling is having significant cultural and environment impact.

WH2.6 To require effective marine rules to protect Whakaraupō from the effects of discharges associated with ballast, bilge and sewage from ships and boats, including biosecurity risks.

### He Kupu Whakamāhukihuki / Explanation

Tāngata whenua accept that Lyttelton is an important working port for the South Island, providing significant economic benefits for the community and region. However, it is important to manage the effects of LPC activities on the cultural health of the Whakaraupō, and on Ngāi Tahu and community values. Whakaraupō as a working port and harbour does not have to be inconsistent with managing the harbour for mahinga kai (see Issue WH1).

Tāngata whenua have worked with LPC on a number of proposals for various activities in the inner harbour. These include deepening the main channel, extending the reclaimed area, changing the function of the inner harbour, removal of toxic materials from the harbour floor and recovery from the earthquake damage. In each case, LPC and tāngata whenua have worked together to identify and address cultural issues.

*“We believe that reclamation is having an affect on kaimoana beds. The harbour isn’t able to ‘flush’ itself. There used to be a good flow coming up the harbour to flush the kaimoana beds, but this doesn’t happen anymore.”* Rāpaki IMP hui participant.

*“One of the questions we need to ask is: Is there more sedimentation coming into the harbour, or is there less sediment leaving the harbour, or both?”* Rewi Couch, Ngāti Wheke.

## WATERWAYS AND WAIPUNA

**Issue WH3: The protection and enhancement of waterways and waipuna is essential to improving the cultural health of the catchment.**

### Ngā Kaupapa / Policy

#### Waipuna

WH3.1 To require that all waipuna of Ngā Kōhatu Whakarakaraka o Tamatea Pōkai Whenua (the Port Hills) are recognised and managed as wāhi taonga, as per general policy on Wetlands, waipuna and riparian margins (Section 5.3 Issue WM13).

#### Waterways

WH3.2 To require that all waterways of Ngā Kōhatu Whakarakaraka o Tamatea Pōkai Whenua are recognised and provided for as wāhi taonga, in particular:

- (a) Te Wharau;
- (b) Pūrau;
- (c) Waiake;
- (d) Ōmaru;
- (e) Living Springs;
- (f) Zephyr; and
- (g) Taukahara.

WH3.3 To continue to initiate, support and undertake waterway restoration projects in the catchment, including the lower reaches of Ōmaru, the local stream at Rāpaki.

WH3.4 To address the impacts of stock access to waterways (i.e. sedimentation and effluent discharge) by:

- (a) Prohibiting stock access to waterways in the catchment, including ephemeral streams;
- (b) Advocating for less stock overall on the hills surrounding the harbour; and
- (c) Advocating for removal of cattle from some areas of the hills surrounding the harbour, to enable reforestation with low impact sheep grazing.

WH3.5 To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways from sedimentation.

### He Kupu Whakamāhukihuki / Explanation

Whakaraupō is surrounded by steep hills and valleys incised by numerous permanent and ephemeral streams. The soils of the catchment are particularly sensitive to land use and vegetation clearance, and local streams can carry high sediment and nutrient loads. Degraded or the lack of planted riparian margins reduce the ability of waterways to capture and filter sediment.

*Cross-reference:*

- » *Issue WH4: Soil conservation*
- » *Issue WH6: Coastal land development*

**“One of the best ways we can pay tribute to our old people is to work to improve the water quality and the health of our waterways.”** June Swindells, Rāpaki Rūnanga.

**Ōmaru Puna Wai**

Ōmaru puna wai was registered with the NZHPT as a wāhi tapu in 2005. The site is located on the ‘Whaitiri block’ (Rapaki MR 875 Lot 9/sec 46.)

Ōmaru puna wai is a Wāhi Tapu in the traditional, spiritual and mythological senses. The puna wai (spring) flows into the Ōmaru Stream, which is sourced at the foot of the hill named Te Poho o Tamatea (the bosom of Tamatea Pokai Whenua, captain of the Takitimu waka). The hill’s name derives from when Tamatea recited karakia at its peak, causing fire to erupt from Mount Ngaruhoe in the north. The fire travelled to Te Waipounamu to relieve Tamatea’s cold and suffering in this new and hostile environment. Thus the stream and puna wai are sites of mythological significance associated with the footprint of Tamatea Pokai Whenua.

The puna wai is also of immense traditional and historical significance to whānau. While other natural springs existed in the bay, these passed through an old urupā and were therefore considered tapu. The only other natural spring in Rāpaki Bay emerges on the sandy beachfront and is therefore not of a sufficient quantity or quality to be consumed or utilised in ritual.

Historically, fresh water was collected from Ōmaru Puna Wai in large containers and carted back to the marae by horse. The water was made available for consumption or transported to the urupā for cleansing to whakanoa people returning from the urupā during tangi, etc. Whānau from the kaitiaki runanga and the owners of the Whaitiri block intend to reinstate the ritual use of the puna, for tangihanga, burial of whenua, pito and other uses.

The restoration of the puna wai as part of the broader restoration programme for the Ōmaru Stream. The equilibrium of the stream and puna wai has been affected over the years by farming activities in the upper catchment. Restoration will involve acknowledging the holistic attributes which support the mauri of the stream and puna wai. Balancing the physical, biological and spiritual values are critical success factors to the restoration process.

**Sources:** Wāhi tapu registration proposal for Ōmaru Puna Wai (NZHPT); personal communication Amos Kamo.

## SOIL CONSERVATION

**Issue WH4: The mauri of soils in the catchment is at risk from historical and contemporary land use practices.**

**Ngā Kaupapa / Policy**

- WH4.1 To require that the sensitivity of the soils on the hills around Whakaraupō to erosion is recognised and provided for in land management and consenting processes.
- WH4.2 To require the identification of those catchments that are experiencing the highest rates of soil loss, and the activities or land practices that are contributing to this loss, as a matter of priority.
- WH4.3 To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect soil resources from further degradation and loss.
- WH4.4 To support and encourage the restoration and protection of indigenous vegetation, including riparian margins, as part of conserving soil resources.

**He Kupu Whakamāhukihuki / Explanation**

Erosion and soil loss is a significant issue in the Whakaraupō catchment, particularly the influx of sediment in the harbour and the infilling of mudflat areas. The soils of the steep hills that surround the harbour are predominately greywacke loess, and are vulnerable to erosion as a result of vegetation clearance, earthworks, urban development and other human activity. Soil conservation is the primary measure to protect the mauri of soils and reduce sedimentation into waterways and the harbour. It is critical that land use activities in the catchment match the nature of the land (e.g. soil type, elevation, slope) in order to protect soil resources.

**“The nature of our soils on the hills means we have to be vigilant about stormwater.”** Yvette Couch-Lewis, Ngāti Wheke.

*Cross-reference:*

- » *Issue WH6: Subdivision and coastal land development*
- » *General Policy on Papatūānuku (Section 5.4, Issue P1)*
- » *General Policy on soil conservation (Section 5.4, Issue P9)*

## TOOLS TO PROTECT CUSTOMARY FISHERIES

**Issue WH5: Appropriate management tools are required to protect and enhance customary fisheries and the marine environment.**

### Ngā Kaupapa / Policy

#### Rāpaki Mātaitai Reserve

WH5.1 To continue to manage the Rāpaki Mātaitai Reserve according to its management aim:

- (a) To maintain and improve the local fishery, and to ensure the sustainability of the resources and its environment with the local community, hoping it will help return the bay to its former healthy state.

WH5.2 To require that the key management mechanisms for the Mātaitai Reserve are recognised and adhered to:

- (a) Gazetted tāngata tiaki/kaitiaki, who are responsible for the management of the Mātaitai Reserve; and
- (b) Bylaws to manage fishing in the reserve, and enhance fish stocks.

#### Whakaraupō as mahinga kai

WH5.3 Tāngata whenua intend to work to extend the mātaitai over the whole of the harbour, consistent with aspirations to manage the Whakaraupō as mahinga kai.

WH5.4 To require that water quality in the harbour is such that tāngata whenua can exercise customary rights to safely harvest kaimoana.

WH5.5 To support an ongoing programme of water and kaimoana testing in the harbour.

WH5.6 To continue to use rāhui to protect particular species to allow stocks to recover, including areas that have been reseeded.

### He Kupu Whakamāhukihuki / Explanation

The primary emphasis for tāngata whenua with regard to the relationship with Whakaraupō is kaimoana, and therefore the environment within which the kaimoana lives. This means that appropriate management tools are required to protect the marine environment. For Ngāi Tahu, the most appropriate tools are customary management tools,

supported by mātauranga Māori and science. An example is the prohibition on the taking of paua to allow the stock to recover, and the use of a rāhui in 2008 to protect an area reseeded with cockles brought in from Ōtakou.<sup>3</sup>

During the lifetime of Rāpaki tāua and pōua, pollution of Whakaraupō has resulted in the inability of Rāpaki residents and their visitors to eat Whakaraupō shellfish such as: pipi, tūaki, kūtai, pāua, tīo, kina and pūpū. Two generations ago there were also sufficient supplies of ika such as: pātiki, pātiki rori, pīoke, hoka, aua, pāpaki, koiro and hokarari to provide regular food for those living at Rāpaki. No longer is this possible.<sup>4</sup>

The Rāpaki Mātaitai Reserve was established in 1998 as the country's first mātaitai reserve. The purpose of the reserve is to protect the customary fisheries resource (for more information on mātaitai and a map of the Rāpaki Mātaitai see Section 5.6 Issue TAN4).

***“Our intention is to have a mātaitai reserve over the whole of Whakaraupō”*** Rāpaki IMP hui participants.

#### Cross reference:

» *General policy on Tools to protect customary fisheries and the marine environment (Section 5.6. Issue TAN4)*

## SUBDIVISION AND COASTAL LAND DEVELOPMENT

**Issue WH6: Settlement expansion, coastal land development and the conversion of rural land to residential can have effects on the relationship of tāngata whenua with Whakaraupō, including but not limited to:**

- (a) Adding to the volume of wastewater discharged to the harbour;
- (b) Increasing sedimentation of waterways and harbour waters;
- (c) Risk to culturally important landscape features such as headlands and ridge lines;
- (d) Risk of disturbance or damage to significant sites, including silent files; and
- (e) Restricting tāngata whenua access to the coast.

### Ngā Kaupapa / Policy

WH6.1 To use the following principles as a guide for assessing subdivision and development on land surrounding Whakaraupō:

- (a) Retain the rural environment and keep small communities small;

- (b) Concentrate settlements in areas able to absorb change;
  - (c) Concentrate urban development around a ‘middle band’ around the harbour, therefore avoiding impact on the peaks and ridge lines, and on the coast; and
  - (d) Recognise that there may be “no-go areas” that need to be protected from development.
- WH6.2 To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways from sedimentation.
- WH6.3 To advocate for a limit on all new residential land developments until wastewater discharges to the harbour cease.
- WH6.4 To assess subdivision and residential and coastal land development proposals with reference to general policy on *Subdivision and development* (Section 5.4 Issue P4) and *Coastal land use and development* (Section 5.6 Issue TAN7), with particular attention to:
- (a) Requiring that developers have plans in place for:
    - (i) Stormwater infrastructure - stormwater must be clean before it hits the harbour;
    - (ii) Protection of local streams; and
    - (iii) Erosion and sedimentation control, including minimising the area of land cleared and left bare at any given time.
- WH6.5 To ensure that coastal land use and development does not restrict or prevent access to the harbour.
- WH6.6 To advocate for the protection of paper roads, in recognition of the reason that they were established: to enable public access to streams and the foreshore.
- WH6.7 To work with the community and local government to address the following matters of priority during the Lyttelton re-build:
- (a) Improvement of existing stormwater infrastructure (as this has impacts on the Harbour); and
  - (b) Recognition of the relationship between tāngata whenua and Lyttelton.

### He Kupu Whakamāhukihuki / Explanation

Policies WH6.1 to WH6.6 are intended to minimise the effects of subdivision, residential land development and coastal development on Whakaraupō and tāngata whenua values. There is an increasing demand for development in the catchment, but a lack of appropriate wastewater and stormwater infrastructure to support this.

Tāngata whenua want to see a limit on development until wastewater discharges to the harbour cease. More development equals more people and therefore more wastewater into the harbour. Subdivision consents continue to be granted without the appropriate infrastructure in place to support the increased population. For example, the Governors Bay sewage treatment facility does not have the capacity for all of the sections being developed in the area.

Sedimentation is a further concern with regard to subdivision and development activities. Vegetation clearance and earthworks increases the risk of sediment and contaminants entering local waterways and the harbour.

***“The threat of inappropriate coastal development is something we constantly monitor.”*** Rāpaki IMP hui participants.

***“The Queen’s chain is important. It goes right around the harbour. The Queen’s chain and paper roads guarantee access to the coast and sea.”*** Doug Couch, Ngāti Wheke kaumatua.

#### Cross reference:

- » *Issue WH4: Soil conservation*
- » *Issue WH7: Protection of cultural landscape values*
- » *General policy on subdivision and development (Section 5.4, Issue P4)*
- » *General policy on coastal land use and development (Section 5.6, Issue TAN7)*

## CULTURAL LANDSCAPE VALUES

**Issue WH7: Protection of wāhi tapu, wāhi taonga and other cultural landscape values from inappropriate subdivision, land use and development.**

### Ngā Kaupapa / Policy

- WH7.1 To adopt a cultural landscape approach to identify and protect wāhi tapu and wāhi taonga from the adverse effects of land use, subdivision and development in the Whakaraupō catchment.
- WH7.2 To use the methods set out in general policy on *Cultural landscapes, Wāhi tapu me wāhi taonga*, and *Silent files* (Section 5.8, Issues CL1, CL3, and CL4) to protect wāhi tapu and wāhi taonga in the catchment from inappropriate land use, subdivision and development.
- WH7.3 To require that potential effects on wāhi tapu and

wāhi taonga be fully and effectively assessed as part of all resource consent applications associated with the Whakaraupō catchment.

### He Kupu Whakamāhukihuki / Explanation

Whakaraupō is a cultural landscape with important mahinga kai, wāhi taonga and wāhi tapu associations. The protection of wāhi tapu and wāhi taonga is an essential part of recognising and providing for the relationship of tāngata whenua with this catchment.

There are three silent files associated with Whakaraupō: 030 at Governors Bay, 031 at Rāpaki, and 032 at Little Port Cooper and Te Piaka/Adderley Head (See Appendix 6 for a Schedule of silent file maps). The silent file areas include both land and water. Silent files remain an important mechanism for protecting wāhi tapu values in this area.

*“We continue to care for the places on the hills that hold our history.”* Doug Couch, Ngāti Wheke kaumatua.

#### Cross reference:

» *General policies in Section 5.8 - Issue CL1: Cultural landscapes; Issue CL2: Ngāi Tahu Cultural Mapping Project; Issue CL3: Wāhi tapu me wāhi taonga; and Issue CL4: Silent files*

## INDIGENOUS BIODIVERSITY

**Issue WH8: Enhancing natural and cultural landscape values, including mahinga kai, through protecting and restoring indigenous biodiversity.**

### Ngā Kaupapa / Policy

WH8.1 To initiate and support initiatives for restoration efforts in the catchment, with particular emphasis on:

- Waterways;
- Species valued for mahinga kai and other cultural use;
- Areas of high erosion/soil loss;
- Creating corridors between each site/project/existing native vegetation/remnants; and
- Protection of endemic species.

### He Kupu Whakamāhukihuki / Explanation

Enhancing natural landscape values is a significant kaupapa for tāngata whenua in this catchment. Land clearance

for farming, settlement and roading has impacted on the abundance and diversity of native vegetation, and along with it, native birdlife. Restoring indigenous biodiversity enhances the health of the land and the restores important cultural associations to place.

#### Cross reference:

» *General policies in Section 5.5 - Issue TM2: Indigenous biodiversity; and Issue TM3: Restoration of indigenous biodiversity*

## RESERVES AND OPEN SPACE MANAGEMENT

**Issue WH9: Ensuring that public open space (i.e. parks and reserves) is managed in way that recognises and provides for tāngata whenua values and interests.**

### Ngā Kaupapa / Policy

WH9.1 To work with and alongside the local council and community to manage the Reserves of Ngā Kōhatu Whakarakaraka o Tamatea Pōkai Whenua with a long term objective of:

- Restoration of the indigenous biodiversity of these areas; and
- Increasing indigenous biodiversity values in the catchment as a whole.

WH9.2 To encourage the recognition of the relationship between tāngata whenua and Ngā Kōhatu Whakarakaraka o Tamatea Pōkai Whenua and Whakaraupō in parks, reserves and other open space), including but not limited to the use of:

- Pou whenua;
- Ingoa wāhi;
- Interpretation panels; and
- Ngāi Tahu artwork.

### He Kupu Whakamāhukihuki / Explanation

There are numerous reserves in the Whakaraupō catchment, largely associated Ngā Kōhatu Whakarakaraka o Tamatea Pōkai Whenua. It is important that reserve and open space management recognises and provides for kaitiakitanga through the involvement of tāngata whenua, and the use of physical markers on the landscape acknowledging Ngāi Tahu historical and contemporary associations with the landscape.

**Cross reference:**

- » *Issue WH10: Islands*
- » *General policy on restoration of indigenous biodiversity (Section 5.5 Issue TM3)*
- » *General policy on Ngāi Tahu tikanga tūturu (Section 5.4 Issue CL7)*

- (a) Pest control;
- (b) Future of exotic trees; and
- (c) Protection of archeological sites.

## ISLANDS

### Issue WH10: Ngāi Tahu values associated with islands of Whakaraupō.

#### Ngā Kaupapa / Policy

- WH10.1 To continue to work with the Department of Conservation on the management of island reserves in Whakaraupō, including:
- (a) Ngāi Tahu contributions to management plans and setting of management priorities and objectives;
  - (b) Restoration of indigenous biodiversity;
  - (c) Pest control;
  - (d) Interpretation and appropriate visitor use; and
  - (e) Protection of Ngāi Tahu values such as archaeological sites.

#### Rīpapa

WH10.2 To require that Rīpapa is recognised as a wāhi tapu.

WH10.3 To continue to work with the Department of Conservation to manage and restore Rīpapa Island.

WH10.4 To require that Ngāi Tahu values are recognised and provided for in all management and conservation activities on Rīpapa island, as per sections 241 and 242 of the NTCSA 1998 (Tōpuni).

WH10.5 To continue to encourage understanding of and respect for Ngāi Tahu cultural, historical and spiritual values associated with Rīpapa Island.

#### Ōtamahua

WH10.6 To continue to support, and be involved with, the Ōtamahua/Quail Island Ecological Restoration Trust.

#### Aue

WH10.7 To monitor the island for disturbance to archaeological sites as a result of tree windthrow.

WH10.8 To work with the Department of Conservation to determine appropriate management strategies for:

#### He Kupu Whakamāhukihuki / Explanation

There are three islands in Whakaraupō: Rīpapa, Ōtamahua (Quail Island) and Aue (King Billy Island), and each is classified as a different type of reserve (see Box – Reserves established under the Reserves Act 1977). These places have a range of cultural values and associations. Rīpapa is a wāhi tapu and a Tōpuni site. The island was the pā of Taununu, a leading Ngāi Tahu warrior in the 1820's (see Appendix 7 - Schedule 88, NTCSA 1998 for more information). Rīpapa Island is now a Historic Reserve.

Ōtamahua means 'the place where children collect sea birds' eggs'. Ngāi Tahu historically used the island as a base to gather eggs and kaimoana. An earlier name for the island was Kawakawa, after the highly valued native shrub that grew there. Ōtamahua is now a Recreation Reserve.

Aue, or King Billy Island, was a source of fine sandstone. Ngāi Tahu collected the sandstone to use for grinding and polishing pounamu/greenstone. The island is now a Scenic Reserve.

#### Historic Reserves, Recreation Reserves and Scenic Reserves are established under the Reserves Act 1977.

**Historic Reserves** are established primarily to protect and preserve in perpetuity places, objects and natural features of historic, archaeological, cultural, educational and other special interest. Rīpapa Island is a Historic Reserve.

**Recreation Reserves** provide areas for recreation and sporting activities. This is to provide for the physical welfare and enjoyment of the public and for protection of the natural environment and beauty. Ōtamahua is a Recreation Reserve.

**Scenic Reserves** are established to protect and preserve in perpetuity, for their intrinsic worth and for the public benefit, enjoyment and use, such qualities of scenic interest or beauty or natural features worthy of protection in the public interest. Aue is a Scenic Reserve.

# STRUCTURES IN THE COASTAL MARINE AREA

**Issue WH11: The potential for too many coastal structures in the harbour.**

## **Ngā Kaupapa / Policy**

WH11.1 To consider all structures in the coastal marine area on a case by case basis, assessed on:

- (a) Purpose (e.g. private or community);
- (b) Effects on mahinga kai;
- (c) Effects on the marine environment; and
- (d) Cumulative effects.

## **Moorings**

WH11.2 As a general principle:

- (a) To maintain the level of existing moorings in Whakaraupō as opposed to increasing the density; and
- (b) Moorings should remain concentrated in areas where they already exist.

## **He Kupu Whakamāhukihuki / Explanation**

Whakaraupō has significant recreational value for the community. However, recreational use should not compromise Ngāi Tahu customary values and interests associated with the harbour.

Tāngata whenua have a particular interest in ensuring that structures in the coastal marine area do not affect mahinga kai resources and use of the bay for mahinga kai purposes.

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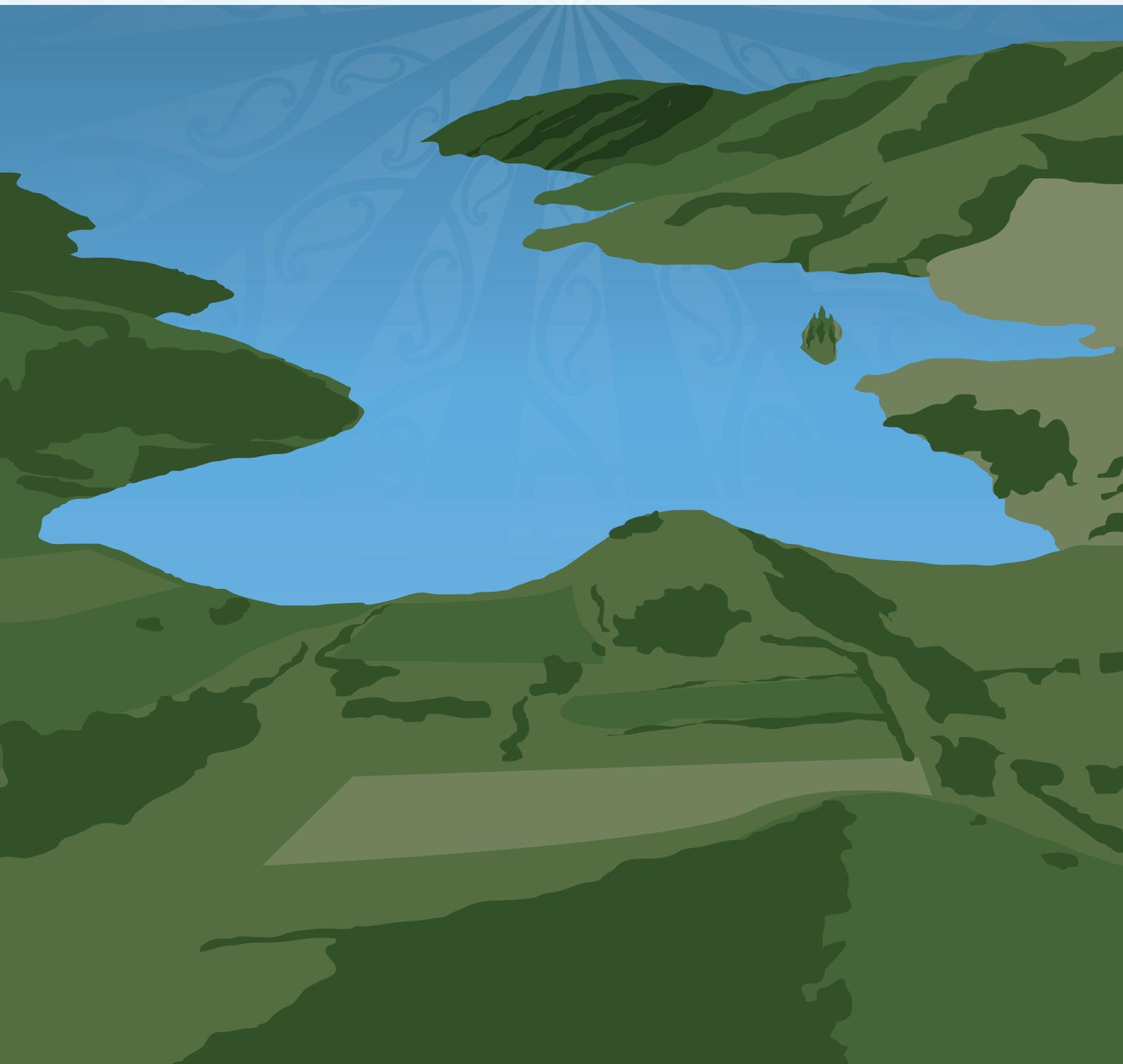
## ENDNOTES

- 1 Couch, D.W., 2003. *Cultural Impact Assessment: Lyttelton Seabed Contamination*, p.8.
- 2 Ibid.
- 3 Couch, D.W., 2008. In: *Te Karaka*. Issue 43, p. 27.
- 4 Couch, D.W., 2003. *Cultural Impact Assessment: Lyttelton Seabed Contamination*.

# KOUKOURĀRATA KI PŌHATU

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## 6.7 KOUKOURĀRATA KI PŌHATU

This section addresses issues of local significance associated with the area defined as Koukourārata to Pōhatu, and includes the eastern bays of Te Pātaka o Rākaihautū (Map 16).

The catchment of Te Ara Whānui o Makawhiua (Koukourārata) is a major focus of the section. Koukourārata is an ancient place with a long history of Ngāi Tahu settlement. Three pā once existed around the bay: Kaitara, Koukourārata, and Puāri. After the fall of Kaiapoi Pā, Koukourārata and Puāri became the main centres of Ngāi Tahu activity in the Canterbury region. Today, Koukourārata remains a place to *settle, reunite and meet*.<sup>1</sup>

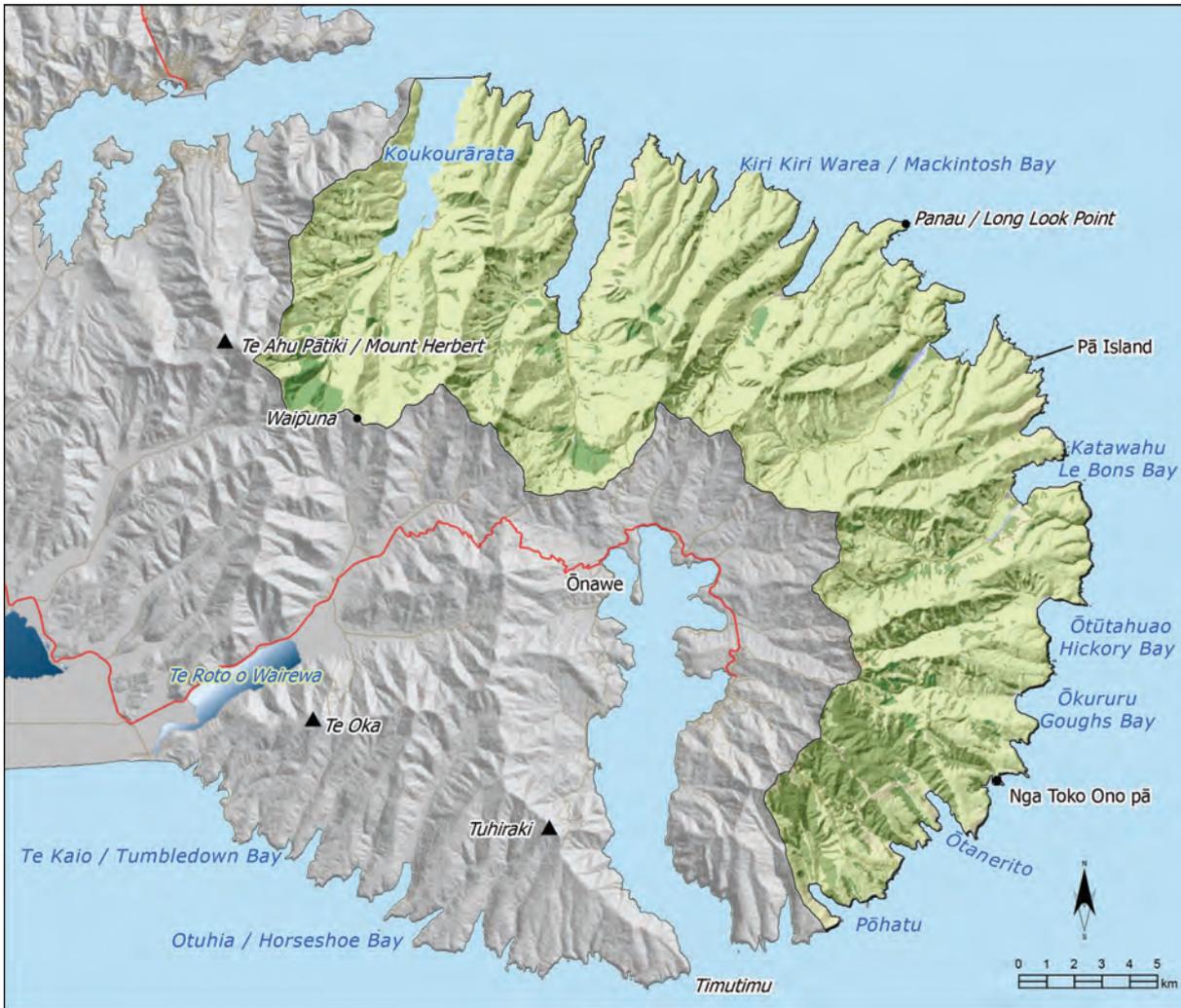
The geography of the land in this section captures the essence of the Ngāi Tahu resource management principle Ki Uta Ki Tai: from mountains to sea. Steep hills form the outer ridge line of numerous small catchments that extend into lowland valleys and open into coastal bays. Prominent ridge lines extend from summit to sea, forming isolated coastal headlands. Waterways draining the upper slopes meander through bushed stream gullies and across valley floors and into the sea, connecting hills to sea: the umbilical cord between Papatūānuku and Tangaroa.

Despite remaining relatively remote, the eastern bays landscape has experienced extensive change over time. Densely forested hills and valleys have been replaced by pastoral farmland, with a number of small coastal settlements. The protection and restoration of indigenous biodiversity has emerged as an important kaupapa, and there are numerous examples of community-led native bush protection, riparian planting, and species recovery projects in the takiwā. Working with the wider community to restore the natural and cultural heritage of Te Pātaka o Rākaihautū is an important kaupapa for tāngata whenua in the Koukourārata to Pōhatu region.

### Ngā Paetae Objectives

- (1) The exercise of kaitiakitanga is enhanced through working alongside local authorities, central government, local conservation groups and the wider community to ensure the active protection of the land, water and natural resources of the catchments: *mō tātou, ā, mō kā uri ā muri ake nei*.
- (2) Te Ara Whānui o Makawhiua is managed as a mahinga kai and matāitai, first and foremost.
- (3) Indigenous biodiversity is protected and enhanced, including mahinga kai.
- (4) The mauri of waterways, waipuna and wetlands is protected and restored.
- (5) Management of the effects of land use, particularly run-off, on water quality and coastal water quality is improved.
- (6) Ngāi Tahu cultural landscape values in the Koukourārata to Pōhatu catchments are protected and enhanced, including knowledge of, and access to, these.

Map 16: Koukourārata to Pōhatu



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### KOUKOURĀRATA TO PŌHATU: ISSUES OF SIGNIFICANCE

<b>Issue KP1: Effects of land use on water</b>	Adverse effects of rural land use on waterways, marae and community drinking water supplies, and coastal water quality.
<b>Issue KP2: Kaimoana</b>	Increasing pressure on the kaimoana resources of Te Ara Whānui o Makawhiua.
<b>Issue KP3: Recreational use of harbour</b>	Increasing recreational use of Te Ara Whānui o Makawhiua is having effects on the marine environment, our sense of place and mahinga kai.
<b>Issue KP4: Subdivision and development in Koukourārata</b>	Subdivision and residential land development in Koukourārata can have adverse effects on rural character, water quality and quantity, coastal water quality, and sites of significance.
<b>Issue KP5: Rural and coastal development</b>	Rural and coastal land development can have adverse effects on the environment and natural and cultural landscape values.
<b>Issue KP6: Cultural landscape values</b>	Protection of cultural landscape values, including natural features and landforms, wāhi tapu, wāhi taonga and silent files.
<b>Issue KP7: Waipuna</b>	Protection of waipuna as a wāhi taonga of particular importance.
<b>Issue KP8: Indigenous biodiversity</b>	Degradation and widespread loss of indigenous biodiversity and implications for the health of land, water and communities.
<b>Issue KP9: Aquaculture</b>	Papatipu Rūnanga have rights and interests in where and how aquaculture occurs.



## EFFECTS OF LAND USE ON WATER

**Issue KP1: Rural land use is having effects on waterways, marae and community drinking water supplies and coastal water quality, in particular:**

- (a) **Contaminant run-off from rural land use;**
- (b) **Sedimentation from forestry activities and soil erosion;**
- (c) **Stock access to waterways;**
- (d) **Water diversions and abstractions;**
- (e) **Reduced catchment water yield as a result of commercial forestry plantations; and**
- (f) **Discharges from aerial spraying, and pollen from commercial forestry, entering into rainwater tanks.**

### Ngā Kaupapa / Policy

- KP1.1 To require that land use and management in the Koukourārata to Pōhatu catchments gives effect to the principle of Ki Uta Ki Tai, recognising the effects of land use on water. This means:
- (a) Recognising and providing for the relatively short distance between land use and coastal water quality, given the short and steep nature of catchments.
- KP1.2 To require that local government recognise and provide for marae and community drinking water supplies as having priority over the use of water for farming activities or new development proposals by:
- (a) Reviewing existing water permits and land use consents in those catchments where community water supply is currently compromised or at risk and implementing measures to protect and restore those supplies; and
  - (b) Assessing new land use and water permit consent applications, including tree planting consent applications, for potential effects on community drinking water supplies.
- KP1.3 To require the establishment of planted (indigenous) riparian margins on all waterways from Koukourārata to Pōhatu as a means to protect mauri and water health.
- KP1.4 To use native plantings to control erosion below and above roads.

### He Kupu Whakamāhukihuki / Explanation

Rural land use in Koukourārata and the eastern bays is having an impact on water quantity and quality, and coastal water quality. Freshwater resources in the region are limited and can be subject to a number of competing demands from rural land use and settlements. The geography of the land means that the distance between the upper catchment and the coastal marine area is relatively short and steep, and thus the effects of land use on coastal water quality can be immediate, and significant.

An issue of particular significance is how rural land use is affecting marae and community drinking water supplies, and water quality in streams used for mahinga kai. Upstream abstractions and stock access to waterways are having adverse effects on drinking water quality and supply in some catchments, and on mahinga kai sites such as watercress and mint gathering sites and īnanga spawning areas. Discharges to air, including pollen from forestry plantations and aerial spraying as part of farming operations, can result in contaminants entering rainwater tanks. Protecting the mauri of waterways and the coastal marine area, and ensuring reliable and safe marae and community drinking water supplies must have priority over abstractive use.

***“There are a limited number of streams in catchments such as Koukourārata and these waterways are often where stock is concentrated. Stock is having detrimental effects on waterways, especially given the limited fencing of waterways and presence of riparian margins.”***  
Graeme Grennell, Te Rūnanga o Koukourārata.

***“Sedimentation, and run-off from short, steep catchments are two of the main issues for Koukourārata with regard to protecting freshwater and coastal water quality.”*** Peter Ramsden, Te Rūnanga o Koukourārata.

#### Cross reference:

- » *General policies in Section 5.3 - Issue WM3: Priorities for water use; Issue WM6: Water quality; and Issue WM7: Effects of rural land use on water*
- » *General policy on coastal water quality (Section 5.6 Issue TAN2)*

## KAIMOANA

**Issue KP2: Increasing pressure on kaimoana resources of Te Ara Whānui o Makawhiua as a result of:**

- (a) Discharges to the coastal marine area and harbour, and impacts on coastal water quality;
- (b) Lack of compliance with mātaimai by-laws (over-harvesting, poaching);
- (c) Lack of awareness among visitors of the importance of the bay as mahinga kai; and
- (d) Dredging in Whakaraupō and deposition of silt in Te Ara Whānui o Makawhiua.

### Ngā Kaupapa / Policy

- KP2.1 To manage Te Ara Whānui o Makawhiua as a mahinga kai and mātaimai first and foremost, and to assess all activities for consistency with this policy.
- KP2.2 To continue to implement the *Port Levy/ Koukourārata Mātaimai Management Plan 2008* to conserve, manage and restore kaimoana within the Mātaimai area.
- KP2.3 To require that the relationship between tāngata whenua and Te Ara Whānui o Makawhiua is recognised as an RMA s.6 (e) matter in regional coastal environment planning, including the importance of the harbour for mahinga kai.
- KP2.4 To require that water quality in the harbour is such that tāngata whenua can exercise customary rights to safely harvest kaimoana.
- KP2.5 To continue to work with local authorities to develop appropriate policies and rules to implement and enforce measures to improve coastal water quality, including:
- (a) Fencing of waterways that flow into the harbour to prevent stock access;
  - (b) Establishment of riparian margins and buffers between farmland and waterways;
  - (c) Best practice septic tank design and maintenance, and prohibit longdrops;
  - (d) Stormwater discharge to land as opposed to drain outlets on the beach;
  - (e) Prohibiting the discharge of sewage, bilge water or rubbish from boats while in or adjacent to Te Ara Whānui o Makawhiua;
  - (f) Requiring that silt from dredging in Whakaraupō does not enter Te Ara Whānui o Makawhiua, and that the activity is monitored for adverse effects on the harbour; and

- (g) Culling of canadian geese populations.

- KP2.6 To use rāhui as a tool to close off kaimoana beds when toxin levels exceed safe levels for human health.
- KP2.7 To promote the establishment of native planted riparian margins along the coastline of Te Ara Whānui a Makawhiua, as a natural filtering system to capture run-off from land.
- KP2.8 To improve compliance with mātaimai regulations through the following measures:
- (a) Education of the wider community regarding the bay as mahinga kai;
  - (b) Continued support for tāngata tiaki to monitor the mātaimai area, including the rāhui on the beachfront cockle beds; and
  - (c) Investigation of establishing further limits on recreational takes in the mātaimai area.
- KP2.9 To continue to initiate and support research projects on kaimoana health, abundance and diversity in the area from Koukourārata to Pōhatu.

### He Kupu Whakamāhukihuki / Explanation

Te Ara Whānui o Makawhiua (Koukourārata) is a rich mahinga kai resource and management of the traditional fishery is a focal point for tāngata whenua. The health of kaimoana is integral to Ngāi Tahu culture and identity.

Increasing pressure on kaimoana resources is an ongoing management challenge for tāngata whenua. The purpose of Policies KP2.1 to KP2.8 is to address those issues that are contributing to adverse effects on the health and abundance of kaimoana resources. Central to this approach is to ensure all activities are consistent with *“the Bay as a Mahinga Kai and Mātaimai”*, meaning that all decisions must relate back to mahinga kai: how will the proposed activity affect mahinga kai resources and the ability of tāngata whenua to access and use these resources?

The whole of Te Ara Whānui o Makawhiua is a Mātaimai Reserve governed by the Koukourārata Mātaimai Committee (Te Rūnanga o Koukourārata and community representatives). The purpose of the mātaimai is to conserve, protect and restore kaimoana resources. Management of the reserve is driven by Ngāi Tahu tikanga and kawa (for more information on mātaimai and a map of the Koukourārata Mātaimai see Section 5.6 Issue TAN4).

*“Kia whakakaha ai ngā putake, kia tū ai he whare whakaruruhau mō tātou ngā uri a muri ake nei – Build on the foundations of the past and present for the well-being of future generations.”<sup>22</sup>*

Non-compliance with mātaaitai regulations is an ongoing issue for tāngata whenua. Recreational fishing and the lack of awareness of visitors of the importance of the bay as a mahinga kai continue to put pressure on kaimoana resources. Supporting tāngata tiaki and educating people about mahinga kai values and mātaaitai regulations are key methods to address issues such as over-harvesting and poaching.

**“Compliance is a big issue within our mātaaitai. It is difficult because every man and his dog has a boat.**

**We need to protect our mātaaitai better and we need to educate commercial and recreational users”.**

Te Rūnanga o Koukourārata IMP Hui participants.

#### Cross reference:

- » *Issue KP1: Effects of land use on water*
- » *Issue KP3: Increased recreational use of the bay*
- » *General policy on coastal water quality (Section 5.6 Issue TAN2)*

## RECREATIONAL USE OF THE HARBOUR

**Issue KP3: Increasing recreational use of Te Ara Whānui o Makawhiua is having effects on the marine environment, our sense of place and mahinga kai.**

### Ngā Kaupapa / Policy

- KP3.1 To require watercraft activities to be consistent with ‘the Bay as mahinga kai’. This means:
- (a) Speed limits (and enforcement of limits) for watercrafts that avoid adverse effects on mahinga kai;
  - (b) Prohibiting jet skis close to shore; and
  - (c) Prohibiting the discharge of sewage or bilge water in or adjacent to the harbour.
- KP3.2 To support signage that identifies the importance of Te Ara Whānui o Makawhiua as mahinga kai and the desire for the community to manage recreational use.
- KP3.3 To require that regional council establish ‘safety zones’ around foreshore areas that should be closed to recreational water craft.
- KP3.4 Structures in the coastal marine area have the potential to affect tāngata whenua values and interests, and will be assessed on a case by case basis, considering:
- (a) Purpose (e.g. private or community);
  - (b) Effects on mahinga kai and the matāitai reserve;

- (c) Effects on the marine environment; and
- (d) Cumulative effects.

### He Kupu Whakamāhukihuki / Explanation

Te Ara Whānui o Makawhiua has significant recreational value for the community. The purpose of policies KP3.1 to KP3.4 is to ensure that recreational use of the bay does not compromise tāngata whenua interests in protecting the bay as a mahinga kai and matāitai, and the relationship of tāngata whenua with these ancestral waters.

Tāngata whenua have a particular interest in ensuring that structures in the coastal marine area do not adversely affect mahinga kai resources and use of the bay for mahinga kai purposes. Structures such as boat ramps, slipways and jetties can interfere with kaimoana (mussel) beds and water flow in the harbour. Limiting the number and location of structures in the coastal marine area is important to controlling recreation use of Te Ara Whānui o Makawhiua.

## SUBDIVISION AND DEVELOPMENT IN KOUKOURĀRATA

**Issue KP4: Subdivision and residential land development in Koukourārata can have adverse effects on tāngata whenua values and interests, including:**

- (a) **Remote and rural character of the settlement;**
- (b) **Quality and quantity of freshwater resources;**
- (c) **Coastal water quality and kaimoana; and**
- (d) **Wāhi tapu and wāhi taonga, and other cultural landscape values.**

### Ngā Kaupapa / Policy

- KP4.1 To ensure that subdivision, development and building activity in the community of Koukourārata is consistent with:
- (a) Maintaining the rural and remote character, and size, of the community;
  - (b) Managing Te Ara Whānui o Makawhiua as a mahinga kai and mātaaitai; and
  - (c) Recognising and providing for Koukourātata as a Ngāi Tahu cultural landscape with significant historical, traditional, cultural and contemporary associations.
- KP4.2 To advocate for the development of an Area Plan for Koukourārata to determine the appropriate level of

development in and adjacent to the settlement. The Plan needs to recognise the Papatipu Rūnanga, and ensure consistency with tāngata whenua objectives for subdivision and development in the community (Policy KP4.2).

KP4.3 To assess subdivision and residential land development in Koukourārata with reference to the following ‘cultural bottom lines’:

- (a) The design, scale and siting of any development (i.e. structure, dwelling, planting) must not reasonably detract from the natural landscape and character of the Koukourārata;
- (b) All new residential developments must work within existing limitations on water supply, installing roof collection systems for rainwater. Streams and springs should not be relied on;
- (c) The highest standard must apply to septic systems design, and there must be no discharge of wastewater to water or to land where it may enter water;
- (d) Stormwater must be treated and discharged to land (cannot enter waterways or coastal waters);
- (e) A percentage of the land being developed must be planted in native trees and shrubs;
- (f) Street lighting is kept to a minimum to preserve value of celestial darkness and ‘small remote village feel’; and
- (g) Adoption of a precautionary approach to earthworks activities and risk to sites of significance.

KP4.4 To ensure that subdivision and development activities do not encroach on Māori reserve land, including road widening and the creation of footpaths.

Tāngata whenua must have a prominent and influential role in determining the nature and extent of development in the community. Lack of consultation is a matter of concern, with tāngata whenua often feeling “in the dark” about subdivision or building proposals in the community.

The preparation of an area or master plan for the community is one way to achieve this objective. An area plan enables a long-term ‘big picture’ vision for development, rather than an ad hoc approach of individual consent applications. An area plan will also enable a close evaluation of issues surrounding limited community sewage and water infrastructure, an important issue across the takiwā.

**“Sustainable housing, low impact design and alternative energy sourcing is consistent with being Ngāi Tahu: it is who we are.”** Te Rūnanga o Koukourārata representative.

Policies KP4.1 to KP4.4 apply to the community of Koukourārata. Rural and coastal land development in the eastern bays is addressed in Issue KP5.

*Cross reference:*

- » *General policy subdivision and development (Section 5.4, Issue P4)*
- » *General policy on silent files (Section 5.8, Issue CL4)*

### He Kupu Whakamāhukihuki / Explanation

Preserving the rural and remote nature of Koukourārata is important to protecting the Ngāi Tahu sense of place and the history and identity of tāngata whenua on the landscape. Any development that occurs in the community must be consistent with the existing character and sense of place and not affect tāngata whenua aspirations for land restoration or managing coastal waters as mahinga kai. A values based framework for assessing subdivision and building activities in the community enables tāngata whenua to achieve these goals (see Box - *Tāngata whenua criteria for assessing land use, subdivision and development*).

**“Sustaining what we have at home is our biggest interest.”** Koukourārata IMP hui participants, 2010.

**Tāngata whenua criteria for assessing land use, subdivision and coastal land development in Koukourārata and the eastern bays:**

- ▶ How will the activity affect Koukourārata as a mahinga kai and matāitai?
- ▶ Is the allotment size, scale and nature of the development consistent with the preserving rural and remote character and sense of place?
- ▶ Precedence - is the development setting a precedent on the landscape?
- ▶ Ability of existing community infrastructure to accommodate growth - can existing roading, water and sewage infrastructure support the new activity and/or what level of new infrastructure is or may be required?
- ▶ Will the activity increase pressure on freshwater resources? What is the distance to water, including coastal waters?
- ▶ Is there an opportunity for the proposed development to enhance indigenous biodiversity values, and the presence of indigenous species on the landscape?
- ▶ What are the potential effects on cultural landscape values, including wāhi tapu, wāhi taonga, natural landforms and features, and the cultural and physical connections between these?
- ▶ Will the activity have implications for Ngāi Tahu access to sites of significance, or for Ngāi Tahu aspirations for the area?
- ▶ To what degree does the activity modify the landscape and/or what measures are proposed to enhance the landscape?

## RURAL AND COASTAL LAND DEVELOPMENT

**Issue KP5: Rural and coastal land development can have effects on natural and cultural landscape values.**

### Ngā Kaupapa / Policy

KP5.1 Tāngata whenua will assess rural and coastal land development in the eastern bays as per general policy on *Coastal land use and development* (Section 5.6 Issue TAN7), with particular attention to:

- (a) Protecting wāhi tapu and wāhi taonga;
- (b) Avoiding incremental development and ensuring that existing modification of the landscape is not used to justify further development where such development is inappropriate;
- (c) Promoting riparian margins in coastal areas;
- (d) Recognising the short and steep nature of the eastern bays catchments, and therefore the relatively short distance between land use and coastal water quality; and
- (e) Retaining the rural environment by maintaining small-scale land use and open space patterns in the rural zone.

### He Kupu Whakamāhukihuki / Explanation

Rural and coastal land use and development can have significant adverse effects on the environment and cultural landscape values of the Koukourārata to Pōhatu catchments (see Box – *Rural and coastal land development issues*).

The region is almost entirely designated as rural zone in the Banks Peninsula District Plan, characterised by a mix of small scale development and land use and low levels of built environment. Careful consideration is required to identify areas that are able to withstand land use intensification and change without compromising existing landscape values or future aspirations for particular areas. Open, undeveloped space is important to the relationship between Ngāi Tahu and their culture and traditions and ancestral lands and sites in the eastern bays.

A values based framework for assessing coastal land development enables tāngata whenua to encourage appropriate development while protecting cultural values. An important feature of this framework is the use of a cultural landscape approach to identify and protect cultural values and interests from the potential effects of coastal land development (see Issue KP6).

*“There is a house built on the other side of the bay that was built in the last 10 years. We had no idea that the subdivided land included title right down to the water’s edge. That area is historically significant to us. We had no idea someone could buy the coast.”* Peter Ramsden, Te Rūnanga o Koukourārata.

*“All bays face the same issues with regard to sewage and reticulated water [limited services]. How will increased development affect existing infrastructure, and how will the environment accommodate new infrastructure?”* Graeme Grennell, Te Rūnanga o Koukourārata.

Cross reference:

- » *General policy coastal land use and development (Section 5.6, Issue TAN7)*
- » *General policies in Section 5.4 - Issue P4: Subdivision and development; Issue P10: Earthworks; and Issue P14: Commercial forestry*
- » *General policies in Section 5.8 - Issue CL1: Cultural landscapes; Issue CL2: Ngāi Tahu cultural mapping project; and Issue CL3: Wāhi tapu me wāhi taonga*

#### Rural and coastal land development issues

Issues of importance for tāngata whenua with regard to rural and coastal land use and development in the eastern bays include:

- ▶ Potential for intensification of land use and effects on environment and mahinga kai, including increased run off of contaminants and sediments into the bays;
- ▶ Potential effects on natural character and cultural landscape values of coastal environments, including pressure to exploit outstanding coastal views;
- ▶ Limited community infrastructure. All the bays face the same issue - no sewage and no reticulated water;
- ▶ Protection of sites of significance and the settings (cultural landscapes) that they occur from inappropriate subdivision, land use and development;
- ▶ Earthworks (e.g. associated with building activity, construction of farm tracks), and potential effects on wāhi tapu and wāhi taonga values – known and unknown; and
- ▶ Potential effects of land use and development on indigenous vegetation.

## CULTURAL LANDSCAPE VALUES

Issue KP6: Protection of cultural landscape values, including natural features and landforms, wāhi tapu, wāhi taonga and silent files.

### Ngā Kaupapa / Policy

#### Cultural landscape approach

- KP6.1 To adopt a cultural landscape approach to identify and protect wāhi tapu and wāhi taonga from the adverse effects of land use, subdivision and development in the Koukourārata to Pōhatu catchments.
- KP6.2 To require that potential effects on cultural heritage values is fully and effectively assessed as part of all resource consent applications for the Koukourārata to Pōhatu catchments.
- KP6.3 To use the methods set out in the general policy on *Wāhi tapu me wāhi taonga* (Section 5.8, Issue CL3) to protect sites of significance from inappropriate land use, subdivision and development.

#### Restoring cultural landscapes

- KP6.4 To restore the values of, and cultural connections to, important cultural landscapes associated with Koukourārata, including but not limited to:
- (a) Recognition of Horomaka Island as a traditional waka landing and mahinga kai;
  - (b) Gaining Māori reserve status for Horomaka Island, Pukerauaruhe Island and Pārakakariki (Pā Island);
  - (c) Re-gaining Māori ownership for the land taken from within Māori reserve 874 for a paper road (now owned by local government).
  - (d) Erecting a pouwhenua at Kawatea, the landing place of Moki; and
  - (e) Erecting tūpuna pou along the ridgeline above Kakanui.

#### Ingoa wāhi

- KP6.5 To encourage the use of ingoa wāhi on the landscape.

## He Kupu Whakamāhukihuki / Explanation

The Koukourārata to Pōhatu catchments have a long history of Māori land use and occupancy. The bays, coast and lands of this region are part of the history and identity of Ngāi Tahu and reflect the relationship between the tāngata whenua and the environment. The numerous pā sites, kāinga, mahinga kai areas, wāhi taonga and wāhi tapu sites of the northern and eastern bays of Te Pātaka o Rākaihautū hold the stories of Ngāi Tahu migration, settlement and resource use (see Box - *Horomaka Island*).

Given the richness of cultural and historic heritage values associated with this region, a cultural landscape approach is the most appropriate way to manage and protect significant sites. Silent files are an important indicator of cultural landscape values, and there are two silent files in this region, both in the vicinity of the community of Koukourārata and Te Ara Whānui o Makawhiua (see Appendix 6).

***“A lot of our taonga were buried – earthworks brings a risk of exposing these taonga.”***

Te Rūnanga o Koukourārata representative.

The extensive transfer of land from Ngāi Tahu to private land ownership following the land purchases of the 1860's creates challenges to maintaining a connection to places and sites that are an important part of tāngata whenua history. The majority of cultural heritage sites from Koukourārata to Pōhatu are on private land. One way of addressing this issue is to focus on building relationships with the wider community to work together to enable access to these sites. Another method is to promote the use of ancestral ingoa wāhi or place names on the landscape, to preserve the whakapapa, history and traditions of Ngāi Tahu.

***“Place names are one with the land – they identify with the land. They connect us to our ancestors; our whakapapa. We need to keep these names, use them and pass them on to those who come after us.”***

Elizabeth Cunningham, Te Rūnanga o Koukourārata.

*Cross reference:*

- » *General policies in Section 5.8 - Issue CL1: Cultural landscapes; Issue CL2: Ngāi Tahu Cultural Heritage Mapping Project; Issue CL3: Wāhi tapu me wāhi taonga; Issue CL4: Silent files; and Issue CL6: Ingoa wāhi*

## Horomaka Island

Horomaka Island is a landscape of immense cultural importance (so much so that the name Horomaka is often used to describe the whole of Te Pātaka o Rākaihautū!). It is the tauranga (landing place) where the waka Makawhiua first landed at Te Pātaka o Rākaihautū, carrying Moki and leading a fleet of Ngāi Tahu waka southwards. The arrival of Moki at Horomaka marked the beginning of Ngāi Tahu settlement of the area.

The island is also known in Ngāi Tahu traditions as a breeding ground for shark and important kaimoana gathering area.

Restoring the mauri of this island is a key objective for tāngata whenua. The island is currently Department of Conservation land and there is an opportunity for the Department and tāngata whenua to work together to address management issues (i.e. removal of pine trees, erosion) and restore the mauri of the island as an outstanding cultural landscape.

***“We want Horomaka Island to be a sanctuary for our taonga, our birds.”***

***“Horomaka Island reminds me that I am Ngāi Tahu.”***

***“The island disappeared from our ownership and it was never explained why.”***

**Source:** Koukourārata IMP hui participants, 2010.

## WAIPUNA

**Issue KP7: Protection of waipuna as a wāhi taonga of particular importance.**

### Ngā Kaupapa / Policy

- KP7.1 To require that waipuna from Koukourārata to Pōhatu are recognised and provided for as wāhi taonga, as per general policy on *Wetlands, waipuna, and riparian margins* (Section 5.3 Issue WM13).
- KP7.2 To identify opportunities to restore degraded waipuna.

## He Kupu Whakamāhukihuki / Explanation

Waipuna were highly valued by the ancestors as the source of lowland streams and as wāhi taonga in their own right. Along with wetlands and riparian margins, waipuna

should be protected as regional treasures. Waipuna are an important source of freshwater and are therefore integral to maintaining the cultural health of catchments. Some waipuna are considered wāhi tapu.

It is critical that waipuna associated with Koukourārata and the eastern bay catchments are protected and restored as part of maintaining and enhancing the cultural health of the takiwā.

*Cross reference:*

- » *General policy on wetlands, waipuna and riparian margins (Section 5.3, Issue WM13)*

## INDIGENOUS BIODIVERSITY

**Issue KP8: Degradation and widespread loss of indigenous biodiversity and implications for the health of land, water and communities, including but not limited to:**

- (a) **Loss of mahinga kai resources and opportunities; and**  
 (b) **Effects on the relationship of tāngata whenua with taonga species.**

### Ngā Kaupapa / Policy

- KP8.1 To support and initiate protection, enhancement and restoration activities for the following sites and species as a matter of priority:
- (a) Te Ara Whānui o Makawhiua as a mahinga kai;
  - (b) Owhetero, Te Kaawa and Kokaihope streams in Koukourārata;
  - (c) All waterways in the region;
  - (d) Kahukunu Stream and Koukourārata Stream (e.g. riparian planting);
  - (e) Koukourārata Dry Forest;
  - (f) Horomaka Island, Pukerauaruhe Island and Pārakakariki (Pā Island);
  - (g) Kawatea (at Ōkeina);
  - (h) Kakanui (e.g. restoration of indigenous ecosystems on Māori reserve land);
  - (i) Tītī habitat at Stoney Bay - Puketi and Baleine Point;
  - (j) White-flipped penguin nesting area at Pōhatu;
  - (k) Habitat for kēreru and tui; and
  - (l) Coastal restoration planting and dune restoration at Ōkeina (Okains Bay).
- KP8.2 To showcase existing restored areas, such as Koukourārata Stream, as examples of how good management and restoration can achieve indigenous biodiversity objectives.

- KP8.3 To actively develop and maintain relationships with the wider community to restore the natural and cultural heritage of Te Pātaka o Rākaihautū.

### He Kupu Whakamāhukihuki / Explanation

The widespread loss of indigenous ecosystems and biodiversity from Koukourārata to Pōhatu is an issue of immense importance for tāngata whenua. Once an area largely covered in native forest, Te Pātaka o Rākaihautū has experienced an enormous loss of the extent and quality of its indigenous biodiversity following European contact, particularly native forest cover (see Figure on *Native Forest Cover Change - Te Pātaka o Rākaihautū*, in Section 5.5).

Tāngata whenua are committed to restoration projects in the eastern bays, from riparian planting on individual waterways to larger scale restoration projects on Māori reserve land. Working together with the community and external agencies with interests in biodiversity management is critical to the success of these projects. There are number of sites and species that are identified as priority for protection and/or restoration (Policy KP8.1). One of these is the upper valley dry forest area of Koukourārata, identified as one of the best examples of steep, semi-arid shrubland, grassland bluffs and dry forest on Te Pātaka o Rākaihautū.<sup>3</sup> Importantly, the restoration of indigenous biodiversity is tied to tāngata whenua aspirations to re-establish customary use opportunities on the landscape.

*“Future opportunities for customary harvest are an important consideration in restoration planning, consistent with the philosophy of mō tātou, ā, mō kā uri ā muri ake nei.”* Te Rūnanga o Koukourārata.

*Cross reference:*

- » *General policies in Section 5.5 - Issue TM2: Indigenous biodiversity; and Issue TM3: Restoration of indigenous biodiversity*

## AQUACULTURE

**Issue KP9: Papatipu Rūnanga have rights and interests in where and how aquaculture occurs.**

- KP9.1 To require that Papatipu Rūnanga have an explicit and influential role in decision-making regarding the allocation and use of coastal space for aquaculture, as per general policy on *Aquaculture* (Section 5.6, Policies TAN10.1 and TAN10.2).
- KP9.2 Tāngata whenua have intent to further develop aquaculture opportunities in the Koukourārata to Pōhatu region.

## He Kupu Whakamāhukihuki / Explanation

Aquaculture is the practice of farming in the water: cultivating kaimoana in marine spaces. There are several marine farms in the region, including two mussel farms at Koukourārata, one in Pigeon Bay and another in Menzies Bay.

Aquaculture is not new for Ngāi Tahu. Shellfish seeding is a traditional form of aquaculture still practiced today. Historically, tāngata whenua living at Koukourārata would travel to a neighbouring bay in the autumn, make up small beds of shellfish and store them under piles of rocks for the winter.<sup>4</sup> These storage pits are known as taiki.

The purpose of policies KP9.1 and KP9.2 is to ensure that Papatipu Rūnanga have a say in how and where aquaculture occurs, and are able to establish aquaculture in their takiwā to provide cultural and community opportunities.

### *Cross reference:*

- » *General policy on Aquaculture (Section 5.6, Issue TAN10)*

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### ENDNOTES

- 1 Te Rūnanga o Koukourārata. *Hei iti, He Pounamu* (DVD).
- 2 Port Levy/Koukourārata Mātaitai Management Plan 2008.
- 3 Christchurch Biodiversity Strategy, p. 29.
- 4 Tau, TM., Goodall, A., Palmer, D. and Tau, R. 1990. Te Whakatau Kaupapa: Ngāi Tahu Resource Management Strategy for the Canterbury Region. Aoraki Press: Wellington, p. 4-19.

# AKAROA HARBOUR





## 6.8 AKAROA HARBOUR

This section of the IMP addresses issues of particular significance in the catchment of Akaroa Harbour (Map 17).

Ngāi Tahu culture, history and identity is strongly embedded in the land and seascapes of this catchment. The Harbour is part of *Te Tai o Mahaanui*, the Selwyn - Banks Peninsula Coastal Marine area Statutory Acknowledgement (See Appendix 7). Ngāi Tahu oral traditions explain the creation of Akaroa Harbour:

Our oral traditions of Te Ukura (maunga that stands on the western side of Akaroa Harbour, overlooking Ōnawe) recall the establishment of the ley-lines to Rāpaki, Tūwharetoa and Te Arawa through the deeds of Tamatea-Pokaiwhenua and are linked to the Takitimu oral traditions.

These oral traditions tell of Tamatea and his people's Southern expedition resulting in the Takitimu floundering in the Murihiku area. As they returned to their home in the North Island Tamatea and his people travelled up the East Coast of the South Island arriving at Rāpaki.

Overcome by the cold, Tamatea summoned fire to warm his people from Ngātorirangi through karakia. Oral tradition recalls that Ngātorirangi sent fire in the form of two fireballs one from Ruapehu and the other from Ngauruhoe. On their journey south the fireballs merged into one fireball.

Upon reaching the Te Irika o Kahukura also known as Kā Kōhatu Whakarakaraka a Tamatea-Pokaiwhenua, the fireball broke back into two fireballs. The first fireball continued down the slope carving out Te Whakatakaka-o-te-karehu-o-te-ahi-Tamatea and Whakaraupō (known today as Lyttelton Harbour). The second fireball continued eastward landing at Te Ukura and carved out Whakaroa (known today as Akaroa Harbour).

The fire having warmed Tamatea and his people, remains today in the form of thermal spots around the Lyttelton Harbour and are known to our people for their therapeutic and mahinga kai values.

Now warmed Tamatea and his roopū continued their journey north eventually arriving at Ōhinemutu where they gave Ngātorirangi "Te Mauri o te Mātao" in exchange for the fireballs he had sent. This mauri was placed at Ōhinemutu where it remains today and became the basis of the solidification of the volcanic plateau.<sup>1</sup>

**Map 17:** Akaroa Harbour



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

## Ngā Paetae Objectives

- (1) Elimination of discharges of contaminants to Akaroa Harbour.
- (2) Integrated approach to the management and development of Akaroa Harbour, based on the principle of Ki Uta Ki Tai and recognising the relationship between land use and coastal waters.
- (3) Ngāi Tahu, as tāngata whenua, are strongly involved in planning and decision making for the land, waters and historic and cultural heritage of Akaroa Harbour.
- (4) Customary fisheries and the marine environment of Akaroa Harbour are maintained and enhanced mō tātou, ā, mō kā uri ā muri ake nei, through the use of tikanga based fisheries management tools.
- (5) Akaroa Harbour is recognised and provided for as a Ngāi Tahu cultural landscape, and territorial and regional plans and policies reflect this.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### AKAROA: ISSUES OF SIGNIFICANCE

<b>Issue A1: Discharge of wastewater</b>	The discharge of wastewater into Akaroa harbour is culturally offensive and incompatible with the harbour as mahinga kai.
<b>Issue A2: Tools to protect customary fisheries</b>	Appropriate tools for protecting and enhancing the marine environment and customary fisheries.
<b>Issue A3: Subdivision and development</b>	Subdivision, settlement expansion and rural and coastal land development can have effects on the relationship of tāngata whenua with Akaroa Harbour.
<b>Issue A4: Papakāinga housing</b>	Māori landowners should be able to build homes and establish kaumatua flats on Māori land.
<b>Issue A5: Waterways and waipuna</b>	Effects on waterways and waipuna as a result of stormwater run off, riparian vegetation removal, stock access, abstractions, and sedimentation.
<b>Issue A6: Contaminated sites</b>	Closed landfill sites can have impacts on water quality and wāhi tapu and wāhi taonga values.
<b>Issue A7: Freedom camping</b>	Freedom camping is having adverse effects on the environment and tāngata whenua values.
<b>Issue A8: Structures in the CMA</b>	The need to avoid inappropriate or too many structures in the coastal marine area.
<b>Issue A9: Aquaculture</b>	Papatipu Rūnanga have rights and interests in where and how aquaculture occurs.
<b>Issue A10: Ngā rohe wāhi tapu</b>	Protection of wāhi tapu, wāhi taonga, and silent files in the Akaroa Harbour catchment.
<b>Issue A11: Takapūneke</b>	There are a number of issues of concern regarding the protection of Ngāi Tahu associations with Takapūneke.
<b>Issue A12: Ōnawe</b>	Protecting Ngāi Tahu values associated with Ōnawe pā.



# DISCHARGE OF WASTEWATER INTO THE HARBOUR

**Issue A1: The discharge of wastewater into the harbour is culturally offensive and incompatible with the harbour as mahinga kai.**

## Ngā Kaupapa / Policy

### *Reducing volume of wastewater*

A1.1 To support incentives and initiatives to reduce the volume of wastewater entering the system, as per general policy on *Waste management* (Section 5.4, Issue P7), including but not limited to:

- (a) Requiring on site stormwater treatment and disposal to avoid stormwater entering the wastewater system.

### *Discharge to land*

A1.2 To require the elimination of the discharge of wastewater to Akaroa Harbour, as this is inconsistent with Ngāi Tahu tikanga and the use of the harbour as mahinga kai. This includes:

- (a) Direct discharge from treatment plants;
- (b) Indirect discharge via land (run-off), surface waterways or groundwater; and
- (c) Wastewater coming back into harbour with tides and currents (if pumping out of harbour via pipeline).

A1.3 Wastewater should be treated and irrigated to land; subject to the following conditions:

- (a) Effluent is treated to the highest possible standard;
- (b) The land used as a receiving environment is suited to the nature and volume of discharge, to avoid run off or groundwater contamination;
- (c) The land used as a receiving environment is used productively, in a way that is conducive to assimilating waste, such as native or exotic timber plantation; and
- (d) Monitoring programs include both water and soil, and include clear strategies for responding to negative monitoring results.

A1.4 To assess potential sites for discharge to land with the following considerations:

- (a) Cultural landscape values;
- (b) Slope of site;
- (c) Proximity to surface waterways, wetlands, waipuna;

- (d) Proximity to coast;
- (e) Type of soil (assimilative capacity); and
- (f) Current and potential land use.

### *Treatment plants*

A1.5 To avoid locating a wastewater treatment plant at:

- (a) Takapūneke;
- (b) Near Ōnuku marae;
- (c) Near waterways; or
- (d) Near sites identified by tāngata whenua as wāhi tapu.

### *Holistic approach*

A1.6 To adopt a holistic and creative approach to finding a solution for wastewater management in the Akaroa Harbour area, including but not limited to:

- (a) Recognising and providing for the cumulative effects of discharges on the harbour, as opposed to assessing effects of individual discharges;
- (b) Minimising the volume of wastewater produced (Policy A1.1);
- (c) Recognising and providing for future urban growth and rural land use change;
- (d) Providing increased weight to cultural, social and environment costs and benefits, including costs to future generations; and
- (e) Affording equal weighting to those cultural effects that may be intangible (e.g. effects on tikanga) with effects identified and measured by western science.

A1.7 If no local solution to wastewater can be found, then wastewater should be transported to Christchurch City and discharged via the existing ocean outfall.

### *Consent terms and monitoring*

A1.8 To support the granting of short term consent of no more than 5 years, for renewal of consent for the discharge of wastewater to the harbour, to enable investigation, evaluation and development of discharge to land options.

A1.9 To require regular monitoring of the cultural health of the harbour, including sampling of kaimoana species at locations, until discharges of wastewater to the harbour cease.

### He Kupu Whakamāhukihuki / Explanation

Wastewater treatment and disposal is one of the most significant issues in the Akaroa Harbour area. The primary concern is the discharge of wastewater directly into the harbour from treatment plants servicing reticulated system in the communities of Akaroa, Duvauchelle, Wainui and Tikao Bay. However, there is also a concern about poorly maintained or clustered septic tank systems in small communities.

**“The biggest issue in this area is sewage: we want to keep the harbour clean.”** Ōnuku IMP hui participants, 2010.

The discharge of wastewater to the harbour is culturally offensive and inappropriate. Ngāi Tahu values associated with Akaroa Harbour are strongly focused on mahinga kai and the discharge of waste to water is inconsistent with these. The harbour is a Taiāpure Reserve, recognising the importance of the customary fishery, and tāngata whenua have aspirations to establish mātaimai as well (Issue A2). Tāngata whenua have observed that the upper harbour does not fully clear on every tidal cycle, and there are concerns about the cumulative effects of discharges in this part of the harbour. We would not put treated wastewater on our vegetable gardens so why would we discharge it to the sea where we get our mahinga kai?

**“We now must go further up the harbour to collect kaimoana that we know is clean and safe.”** Wi Tainui, Ōnuku Rūnanga.

**“When we were kids the mussels and paua were eaten raw; but not now. They are cooked because of contamination in the harbour.”** Wi Tainui and Henare Robinson, Ōnuku Rūnanga

Policies A1.1 to A1.9 set out the cultural bottom lines associated with wastewater treatment and disposal and a framework for alternative options that are consistent with tāngata whenua aspirations for the harbour. An important kaupapa is that the cultural and environmental costs and benefits to current and future generations must be considered equally alongside economic costs (see Box - *It is too expensive not to discharge to land*).

Tāngata whenua recognise that discharge to land is complicated by the availability of suitable land, particularly given the amount of land needed to accommodate the excess volume of discharge that will occur in wet weather (stormwater overflow) and summer peak community populations. However, a creative and holistic approach that includes finding ways to eliminate stormwater contributions to the volume of wastewater entering treatment plants is a move in the right direction. For Ngāi Tahu, eliminating discharges of contaminants to Akaroa Harbour is in the interest of the community as a whole, and not just tāngata whenua.

#### Cross reference:

- » *General policy on waste management, (Section 5.4 Issue P7)*
- » *Section 6.6 (Whakaraupō), Issue WH1*
- » *Section 6.4 (Waimakariri), Issue WAI1*
- » *Section 6.5 (Ihutai), Issue IH4*

#### For Ngāi Tahu, it is too expensive not to discharge to land

For Ngāi Tahu, it is too expensive not to discharge to land. The expense is not monetary; it is the environmental cost of not doing anything that we must be concerned with. This is an extremely sensitive issue for Ngāi Tahu. The cost to the environment, our takiwā and the loss of values for future generation’s far outweigh the dollars.

## TOOLS TO PROTECT CUSTOMARY FISHERIES

**Issue A2: Appropriate tools for protecting and enhancing the marine environment and customary fisheries.**

### Ngā Kaupapa / Policy

- A2.1 To require that water quality in Akaroa Harbour is consistent with protecting and enhancing customary fisheries, and with enabling tāngata whenua to engage in mahinga kai activities.
- A2.2 The Akaroa Taiāpure is a significant mechanism to protect the Akaroa Harbour marine environment and mahinga kai values.
- A2.3 To continue to work with the wider community to implement the Akaroa Taiāpure.
- A2.4 To investigate making an application to the Minister responsible for Fisheries under the *Customary Fishing Regulations 1999* to establish mātaimai reserves on particular areas of Akaroa Harbour, recognising:
  - (a) The importance of particular areas as traditional fishing grounds and the need to provide for customary management practices and food gathering; and
  - (b) The need to protect marine based wāhi tapu and wāhi taonga (see Issue A10).
- A2.5 To oppose the establishment of marine reserves in the Akaroa Harbour.

## He Kupu Whakamāhukihuki / Explanation

A Taiāpure reserve was established in Akaroa Harbour in 2006. Taiāpure is a tikanga and community-based area management tool to protect the marine environment (see Section 5.6 Issue TAN4 for a description of Taiāpure, and Map 3 for the location map of the Akaroa Taiāpure). The Akaroa Taiāpure Committee includes representatives from Ngāi Tahu, local commercial and recreational fishing groups, and charter and tourist operators.

*“The best eyes on any coast line are the community’s. A taiapure should be a collaborative approach, like the Neighbourhood Watch of the sea. It’s not about taking a freezer full; it’s about taking enough for a feed so we can all use the sea.”<sup>2</sup>*

The vision for the Akaroa Taiāpure is to improve the sustainability of the customary fishery and create opportunities for future generations to continue to fish in the harbour, through a combination of western science and matauranga Māori based methods. For example, a project looking at the experimental translocation of pāua from Pōhatu Marine Reserve to Akaroa Harbour incorporates traditional Ngāi Tahu methods of putting pāua into kelp bags, transporting them to their new ocean location and letting them eat their way out of the bags.

*“My grandfather used to take the little ones [pāua] and leave the big ones for breeding. Now they take the big ones and don’t leave anything for breeding. If you allowed people to take the little ones today to save breeding stock, it wouldn’t work as they would just take everything.”* Pere Tainui, Ōnuku Rūnanga

Tāngata whenua are also investigating the potential to establish mātaītai reserves on particular areas of the harbour, to complement the taiāpure and further protect customary fisheries.

### Cross reference:

- » *General policy on tools to protect customary fisheries and the marine environment (Section 5.6, Issue TAN4)*
- » *Issue A10: Ngā rohe wāhi tapu*

## URBAN, RURAL, AND COASTAL SUBDIVISION AND DEVELOPMENT

**Issue A3: Subdivision, settlement expansion and rural and coastal land development can have effects on the relationship of Ngāi Tahu with Akaroa Harbour, including but not limited to:**

- (a) Increased discharge of contaminants to waterways and the harbour;
- (b) Risk to culturally important landscape features such as headlands and ridge lines; and
- (c) Risk of disturbance or damage to significant sites, including wāhi tapu.

## Ngā Kaupapa / Policy

### General principles

- A3.1 To use the following principles as a guide for assessing subdivision and development on land surrounding Akaroa Harbour:
  - (a) Retain the rural environment and keep small communities small;
  - (b) Concentrate settlements in areas able to absorb change;
  - (c) Protect important unmodified and natural areas from inappropriate subdivision and development, given the importance of these areas to Ngāi Tahu cultural heritage values; and
  - (d) Recognise particular areas as “no-go areas” to be protected from development.
- A3.2 To require that local authorities recognise and provide for the particular interest of Ngāi Tahu in coastal land development activities in the Akaroa Harbour catchment, as per general policy on *Subdivision and Development* (Section 5.4, Issue P4) and:
  - (a) Ensure that engagement with tāngata whenua is not limited to silent file or wāhi tapu triggers.

### Assessing subdivision and development proposals

- A3.3 To assess subdivision and residential and coastal land development activities in the Akaroa Harbour catchment with reference to general policies on *Subdivision and development* (Section 5.4 Issue P4), with particular focus on:
  - (a) Precedence - will the activity set a precedent on the landscape?

- (b) Potential effects on harbour water quality;
  - (c) Potential effects on cultural landscape values and significant sites;
  - (d) Infrastructure plans for water supply, stormwater and wastewater treatment and disposal;
  - (e) Sustainability provisions; and
  - (f) Potential effects on the view of significant landscapes from Ōnuku marae.
- A3.4 To require that the management and consenting of subdivision and development activity in the Akaroa Harbour catchment does occur in isolation from the need to eliminate discharge of wastewater to the harbour.

### **Protecting wāhi tapu and wāhi taonga**

- A3.5 To recognise the following areas as exclusion, or 'no-go' areas for subdivision and coastal land development:
- (a) Takapūneke;
  - (b) Takamatua (Red Point); and
  - (c) Ōnawe.
- A3.6 To require a precautionary approach, with a high level of engagement with tāngata whenua, for urban, rural and coastal subdivision and development activity in the following areas:
- (a) Areas identified by tāngata whenua as culturally significant, including existing silent files and areas considered equivalent to silent file areas (see Issue A10);
  - (b) The land above Ōnuku marae;
  - (c) The ridge line above Akaroa;
  - (d) Ridge lines on the western side of Akaroa Harbour; and
  - (e) Headlands and ridge lines in general.
- A3.7 Any development in the areas identified in Policy A3.6 above must be consistent with the protection of Ngāi Tahu values and with Papatipu Rūnanga aspirations for the site/area.

### **Urban growth and development in Akaroa township**

- A3.8 To require that the Akaroa township is recognised and provided as a Ngāi Tahu cultural landscape, in addition to French and English heritage associations. This means:
- (a) Working with Christchurch City Council, NZHPT, the Akaroa Civic Trust and the wider community to manage and protect the unique and shared historic heritage of Akaroa;
  - (b) Requiring that assessments of effects on the distinctive character, form and heritage of

- Akaroa includes assessments of effects on Ngāi Tahu cultural heritage values;
- (c) Ensuring that district plan objectives, rules and design guidelines to protect the historic character and heritage of Akaroa do not limit the ability of Ngāi Tahu whānui to express their relationship to this important ancestral landscape; and
  - (d) Ensuring that district planning processes encourage and enable opportunities to recognise Ngāi Tahu culture, history and identity in the Akaroa Harbour catchment, particularly in public open space (e.g. artwork) and through the use of Ngāi Tahu names on natural features such as waterways.

### **He Kupu Whakamāhukihuki / Explanation**

Urban growth in existing communities, and development pressure in rural areas are significant issues in the Akaroa Harbour catchment, particularly given ongoing issues with wastewater disposal (Issue A1).

For tāngata whenua it is not about opposing development. Rather, it is about ensuring that development is appropriate to the takiwā and avoids effects on cultural, environmental and community values. Settlement expansion, coastal land development, and rural land use change should be assessed on a case-by-case basis, guided by general principles (Policy A3.1) and according to a number of criteria (Policy A3.3). Given the immense traditional, historical and spiritual significance of Akaroa Harbour, it is critical that tāngata whenua are recognised in the decision making process regarding where and how development occurs.

***“When we think about subdivision and development in the harbour we think, ‘can our land take it?’. This is the measure. It is not about no development, it is about making sure that the land and the Harbour are protected from adverse effects.”*** Ōnuku IMP hui participants

***“We are not against development. We are against development that does not have the infrastructure and plans in place to address wastewater, water and stormwater issues.”*** George Tikao, Ōnuku Rūnanga

***“Whilst the colonial heritage of Akaroa is largely displayed in the built environment, the cultural heritage of Ngāi Tahu is strongly connected to and embedded in the natural environment and undeveloped areas, and therefore particular attention should be afforded to avoiding inappropriate land use, subdivision and development in these areas.”<sup>3</sup>***

The future development of Akaroa is an issue of specific concern for tāngata whenua with regard to the protection of cultural and historic heritage. Ngāi Tahu cultural heritage is a part of what makes Akaroa unique, and efforts to retain the distinctive form and colonial character of Akaroa's built environment should not occur in isolation from the protection and enhancement of Ngāi Tahu cultural heritage values.

*Cross reference:*

- » *Issue A10: Ngā rohe wāhi tapu*
- » *General policy on subdivision development (Section 5.4 Issue P4)*
- » *General policy on coastal land use and development (Section 5.6 Issue TAN7)*
- » *General policy on Ngāi Tahu tikanga tūturu (Section 5.8 Issue CL7)*

*Information resources*

- » *Jolly, D., 2009. Cultural Values Report: Takamatua to Takapūneke. Prepared for Christchurch City Council at the request of Mahaanui Kurataiao Ltd.*
- » *Akaroa Harbour Basin Settlements Study 2009. Christchurch City Council.*

## PAPAKĀINGA HOUSING

**Issue A4: Māori landowners should be able to build homes and establish kaumatua flats on Māori land at Ōnuku and Ōpukutahi.**

### Ngā Kaupapa / Policy

See general policy on *Papakāinga*, Section 5.4, Issue P5.

### He Kupu Whakamāhukihuki / Explanation

As with other catchments covered in this IMP, papakāinga housing is an issue of importance in the Akaroa Harbour catchment. Owners of Māori land at Ōnuku and Ōpukutahi want to be able to build homes and live on their ancestral land. Council policies and rules for zoning and subdivision should enable and not impede this aspiration.

***“In the 1960s and 1970s, my parents and grandparents tried to build at Ōnuku. They were told by council that they had to live at Akaroa, alongside the Europeans. They weren’t allowed a building permit to build at Ōnuku. Today, we still can’t go home and build on our land. The zoning rules prevent us from building.”***

Pere Tainui, Ōnuku Rūnanga

## WATERWAYS AND WAIPUNA

**Issue A5: Effects on waterways and waipuna as a result of:**

- (a) **Stormwater run-off;**
- (b) **Indigenous riparian vegetation removal;**
- (c) **Stock access;**
- (d) **Abstractions associated with rural land use; and**
- (e) **Sedimentation from earthworks and vegetation clearance activities.**

### Ngā Kaupapa / Policy

- A5.1 To support the development of an Integrated catchment management plan (ICMP) for Akaroa Harbour to address water quality and quantity issues in the catchment, recognising and providing for:
  - (a) Mauri and mahinga kai as first order priorities;
  - (b) The relationship between groundwater and surface water; and
  - (c) The effects of land use on water quality and quantity.
- A5.2 To require that water quality in the catchment is consistent with the objectives and policies set out in general policy on *Water quality* (Section 5.3 Issue WM6).
- A5.3 To improve water quality in the Akaroa Harbour using the methods identified in general policies on *Water quality* (Section 5.3 Issue WM6), with particular focus on:
  - (a) Eliminating existing discharges of pollutants;
  - (b) Establishing native riparian buffer zones along all waterways and drains;
  - (c) Restoring degraded waipuna and wetlands;
  - (d) Requiring appropriate controls on land use to control sedimentation; and
  - (e) Prohibiting stock access to waterways, wetlands and waipuna.
- A5.4 To require that waipuna in the Akaroa Harbour catchment are recognised and provided for as wāhi taonga, as per general policy on *Wetlands, waipuna and riparian margins* (Section 5.3 Issue WM13).
- A5.5 To highlight the cultural significance of stream mouths along the edge of the harbour: areas where waterways flowing into the inner harbour meet the sea. Many of these areas were wetlands prior to reclamation for roads and other development, and were used by tāngata whenua for mahinga kai and the gathering of cultural materials.

**Marae drinking water supply**

- A5.6 To work with local authorities to address those activities that are having adverse effects on the quality of marae drinking water supply, including:
- (a) Stock access to, and sedimentation of, Te Awaiti stream.

**He Kupu Whakamāhukihuki / Explanation**

Waterways in the Akaroa Harbour catchment are important to Ngāi Tahu cultural heritage. While most waterways in the Akaroa region now carry European names, the original Ngāi Tahu names and histories of these waterways remain an important part of the cultural landscape.

**“I have noticed that the creeks around Akaroa have less water in them than they use to.”** Pere Tainui, Ōnuku Rūnanga.

Abstractions, stock access and land use activities such as subdivision, development and forestry have effects on surface water quality and quantity in the Akaroa basin. An issue of particular significance is how rural land use is affecting marae drinking water supply. Drinking water for Ōnuku Marae is sourced from the Awaiti stream, originating in the hills above Ōnuku. The water is treated due to the levels of contaminants present. Whānau identify the primary source of contaminants as stock access to the waterway. The protection of marae and community drinking water supplies must have priority over other activities.

Water quality in streams used for mahinga kai such as watercress and mint is also an issue. Sustaining the mauri of freshwater resources and fitness for cultural use must have priority over abstractive use.

**Cross reference:**

- » *General policy Wai Māori (Section 5.3)*

**CONTAMINATED SITES**

**Issue A6: Closed landfill sites in the Akaroa catchment and potential impacts on:**

- (a) Coastal water quality;
- (b) Groundwater; and
- (c) Wāhi tapu and wāhi taonga.

**Ngā Kaupapa / Policy**

- A6.1 To require investigation, monitoring, and where required, remediation, of closed landfill sites in the Akaroa Harbour catchment, as per general policy

on *Contaminated Land* (Section 5.4 Issue P10), with priority given to:

- (a) Takapūneke.

- A6.2 To assess the feasibility of removing contaminated soil and fill from the Takapūneke site (as opposed to remedial work such as capping or constructing barriers), given the immense cultural significance of this site to Ngāi Tahu.

**He Kupu Whakamāhukihuki / Explanation**

Closed landfill sites are a concern in the Akaroa Harbour catchment. Unused landfill sites can be contaminated sites, posing a risk to soils and groundwater via the leaching of contaminants. The old Akaroa rubbish tip at Takapūneke is a resource management issue of particular concern in the catchment. Environmental concerns are coupled with the cultural issue of having a contaminated site in an area of such immense cultural and historic significance.

**Cross reference:**

- » *Issue A11: Takapūneke*

**FREEDOM CAMPING**

**Issue A7: Freedom camping is having effects on the environment and tāngata whenua values associated with Akaroa Harbour.**

**Ngā Kaupapa / Policy**

- A7.1 To identify the following areas where freedom camping is not desirable, and to require that local government implement these recommendations:
- (a) Ōnuku;
  - (b) Wainui;
  - (c) Takapūneke; and
  - (d) Ōnawe.

**He Kupu Whakamāhukihuki / Explanation**

Under the *Freedom Camping Act 2011*, freedom camping is considered a permitted activity everywhere in a local authority (or Department of Conservation) area, except at those sites where it is specifically prohibited or restricted.

**Cross reference:**

- » *General policy on freedom camping (Section 5.6 Issue TAN12)*

## STRUCTURES IN THE COASTAL MARINE AREA

**Issue A8: The need to avoid inappropriate or too many structures in the Akaroa coastal marine area.**

### Ngā Kaupapa / Policy

- A8.1 To consider structures in the coastal marine area on a case by case basis, considering:
- (a) Purpose of the structure (e.g. private or community);
  - (b) Effects on mahinga kai;
  - (c) Effects on the marine environment; and
  - (d) Cumulative effects.
- A8.2 To ensure that moorings remain concentrated in areas where they already exist.
- A8.3 To oppose the development of marinas on the western side of Akaroa Harbour, from Ōnawe to Timutimu Heads.

### He Kupu Whakamāhukihuki / Explanation

Akaroa Harbour has significant recreational value for the community. The purpose of Policies A8.1 to A8.3 is to ensure that recreational use does not compromise customary values and interests.

Tāngata whenua have a particular interest in ensuring that structures in the coastal marine area do not adversely affect mahinga kai resources, and use of the bay for mahinga kai purposes. Structures such as boat ramps, slipways and jet-ties can interfere with kaimoana beds and water flow in the harbour.

## AQUACULTURE

**Issue A9: Papatipu Rūnanga have rights and interests in how and where aquaculture occurs in Akaroa Harbour.**

### Ngā Kaupapa / Policy

- A9.1 To require that Papatipu Rūnanga have an explicit and influential role in decision-making regarding the allocation and use of coastal space for aquaculture, as per general policy on *Aquaculture* (Section 5.6, Policies TAN10.1 and TAN10.2).

### He Kupu Whakamāhukihuki / Explanation

A Cultural Impact Assessment prepared in 2000 for a marine farms proposal in Akaroa Harbour identified a number of values that may be affected by aquaculture:

- ▶ Wāhi tapu and wāhi taonga sites and values, including dwelling places for taniwha kaitiaki, urupā, safe repositories for taonga artefacts and cultural objects, and the locations of chiefly deaths in intertribal warfare;
- ▶ Mahinga kai species, sites and values;
- ▶ Customary relationship with coast, harbour and resources;
- ▶ Natural character and visual beauty; and
- ▶ Water quality.

Given the significance of the harbour and the customary relationship of Ngāi Tahu with the coastal environment, tāngata whenua must have an explicit and influential role in defining where and how aquaculture occurs in Akaroa Harbour. The harbour is currently identified as a significant natural area and aquaculture exclusion area in Environment Canterbury's *Regional Coastal Environment Plan (2005)*. The four existing marine farms in the harbour qualify as Aquaculture Management Areas.

#### Cross reference:

- » *General policy on Aquaculture (Section 5.6 Issue TAN10)*

#### Information resource:

- » *Crengle, D. with Te Rūnanga o Ōnuku, Wairewa Rūnanga and Te Rūnanga o Ngāi Tahu, 2000. Akaroa Harbour Marine Farms Cultural Impact Assessment.*

## NGĀ ROHE WĀHI TAPU

**Issue A10: Protection of wāhi tapu, wāhi taonga, silent files and other sites of significance in Akaroa Harbour.**

### Ngā Kaupapa / Policy

#### Cultural landscape

- A10.1 To require that the Akaroa Harbour catchment is recognised and provided for as a Ngāi Tahu cultural landscape with significant historical, traditional, cultural and contemporary associations. This means:
- (a) Local authority assessments and decision making should adopt a cultural landscape approach to assessing effects on Ngāi Tahu values, as per

general policy on *Cultural landscapes* (Section 5.8 Issue CL1).

### **Protecting wāhi tapu and wāhi taonga**

- A10.2 Land and marine based wāhi tapu and wāhi taonga associated with Akaroa Harbour are the responsibility of Papatipu Rūnanga.
- A10.3 To use the methods set out in general policy on *Wāhi tapu me wāhi taonga* (Section 5.8 Issue CL3) to protect wāhi tapu and wāhi taonga from inappropriate land use, subdivision and development.
- A10.4 Silent files remain an appropriate mechanism for protecting sites of significance in the Akaroa Harbour region as per general policy on *Silent files* (Section 5.8 Issue CL4).
- A10.5 To require that the following areas are recognised and provided for as equivalent to existing silent file designations:
- Dan Rogers;
  - Ōnuku;
  - Takapūneke;
  - Akaroa beach fronts;
  - Ōnawe;
  - Tikao Bay;
  - Waiwhakakuku;
  - Titoki Bay;
  - Little Tikao Bay; and
  - Ōpukutahi.

### **Marine based wāhi tapu**

- A10.6 To require the recognition and protection of marine based wāhi tapu and wāhi taonga, including but not limited to:
- Waiana kōiwi at Dan Rogers and Wainui;
  - Food storage caves; and
  - Tauranga waka.

### **Ingoa wāhi**

- A10.7 To apply to the New Zealand Geographic Board to have the name Tuhiraki recognised as a dual name for Tuhiraki/Mt. Bossu (see Box - *Ngāi Tahu associations with Tuhiraki*).

### **He Kupu Whakamāhukihuki / Explanation**

Akaroa Harbour is a Ngāi Tahu cultural landscape with significant historical, traditional, cultural and contemporary associations. The history of land use and occupancy is

extensive, as evidenced by the richness of traditional places names on the landscape (see Box - *Ingoa wāhi associated with Akaroa Harbour*).

A cultural landscape approach is the most appropriate way to manage and protect Ngāi Tahu cultural heritage values associated with Akaroa. The approach shifts the focus from individual sites to the landscapes that they occur in, and sites are viewed as indicators of wider cultural landscape values rather than discreet or isolated dots on a map. For example, NZAA site N36/93, located on the southern edge of Takamatua Bay, is recorded as a midden/oven site, and as destroyed by roadworks in 1969. However, for tāngata whenua, the site is not a midden or oven or destroyed archaeological site, but rather the location of a small kāinga or living area. Therefore a culturally accurate assessment of risk or significance of adverse effects to the archaeological site would assess risks to a kāinga site, as evidenced by a midden/oven site.

*“While risk to the known archaeological site [NZAA site N36/93] is considered low (i.e. the site is covered by a parking lot), Ōnuku Rūnanga considers the site an indicator site. Therefore, any development that may excavate existing slopes or shoreline of the southern part of Takamatua Bay has a risk of destroying or damaging archaeological sites. Specific concerns include road widening, building dwellings on surrounding slopes and erecting coastal structures.”*<sup>4</sup>

A cultural landscape approach also ensures that sites not recognised as registered archaeological sites or listed significant sites are recognised and provided for. These include pounamu working sites (small beach areas), tauranga waka and hill top sites where fires were lit for communication between parties in different areas of the Harbour.

*“Our old people were buried in burial caves along the hilltops of the Akaroa Harbour, as they were across much of Horomaka. They were placed in the caves looking out to sea, to protect the fisherman.”* Pere Tainui, Ōnuku Rūnanga.

There are six silent files associated with the Akaroa Harbour (see map in Appendix 6). As with other silent files, Akaroa silent files are about the nature of the values and associations with a particular site and the need to protect locations, as opposed to a measure of significance alone. A silent file designation does not necessarily preclude development; rather it is a trigger for a high level of engagement. A silent file means taking the time to talk to those who know why the area is a silent file how best to protect it.

**“These places [silent files] are wāhi tapu and wāhi taonga. You are not going to find the information in books or plans, you need to consult”.**

Uncle Waitai Tikao, Ōnuku Rūnanga.

*Cross reference:*

- » *General policies in Section 5.8 - Issue CL1: Cultural landscapes; Issue CL3: Wāhi tapu me wāhi taonga; Issue CL4: Silent files; and Issue CL6: Ingoa wāhi*

*Information resource:*

- » *Jolly, D., 2009. Cultural Values Report, Takamatua to Takapūneke. Prepared for Christchurch City Council at the request of Mahaanui Kurataiao Ltd.*

### Ngāi Tahu Associations with Tuhiraki

Upon reaching the Canterbury region, the Waitaha eventually settled in the Akaroa Harbour area. As a sign of retirement, or perhaps overwhelmed by the magnificence of his artistic endeavors, Rākaihautū decided to stay, driving his digging stick *Tūwhakaroria* (the *kō* used to dig the many lakes and rivers of Te Waipounamu) deep into the ground above Wainui, where it became the great maunga *Tuhiraki*. When the French arrived, the maunga was named Mount Bossu after a French explorer. The *kō* of Rākaihautū remains today where he left it.

***Ka piki ki te tihi o Tuhiraki***

***Tērā Tūwhakarōria***

***Kā puna hauaitū, puna waimārie***

***Kā puna karikari a Rākaihautū***

**Source:** “Tuhiraki” in: Hikoī Whakawhānaukataka, Wāhaka Tuatahi, Te Rohe o Wairewa. Document compiled for Wairewa Rūnanga by I. Cranwell and M. Wakefield. 2008; and I. Cranwell (2011) Statement of Evidence for the Proposed Canterbury Regional Policy Statement 2011).

**Map 18:** Ingoa wāhi associated with Akaroa Harbour. Ingoa wāhi are a tangible indicator of Ngāi Tahu land use and occupancy and reflect the significance of Akaroa Harbour as a cultural landscape.

**Source:** Māori Place Names of Banks Peninsula 1894. Christchurch City Library digital map collection



## TAKAPŪNEKE

**Issue A11: There are a number of issues of concern regarding the protection of Ngāi Tahu associations with Takapūneke, including:**

- (a) Recognition of kaitiakitanga;
- (b) Risk to cultural and spiritual values;
- (c) Risk to known and unknown Māori archaeological values;
- (d) Appropriate management and use, including the nature and extent of permitted activities on the Historic Reserve and existing inappropriate uses of the site;
- (e) Effects of adjacent land use and coastal activities; and
- (f) Cultural interpretation.

### Ngā Kaupapa / Policy

- A11.1 To require that the rangatiratanga and kaitiakitanga of Ngāi Tahu over Takapūneke is recognised and provided for. This means:
- (a) The wāhi tapu status of the site, as identified by Ngāi Tahu, is the primary value to be protected;
  - (b) The Papatipu Rūnanga is able to exercise tikanga and kawa with regard to management and use of the Historic Reserve;
  - (c) The Papatipu Rūnanga is involved as a primary decision maker in all management plans for the Reserve (e.g. Reserve Management Plan, Interpretation plan; Archaeological Plan);
  - (d) Takapūneke is recognised as part of a wider Ngāi Tahu cultural landscape that includes sites such as Tuhiraki, Ōpukutahi, Wainui and Ōnawe; and
  - (e) The protection of wāhi tapu and wāhi taonga must take precedence over other values (e.g. amenity), and all activities at Takapūneke must be consistent with avoiding damage or modification to these values. Earthworks are not to be undertaken without agreement of the Papatipu Rūnanga; and any earthworks that do occur are to be supervised by a cultural monitor.
- A11.2 To support the principles and policies in the *Takapūneke Conservation Report* (Christchurch City Council, 2012).
- A11.3 To work collaboratively with the NZHPT to assess the need for an updated archaeological assessment of Takapūneke.

A11.4 To require the establishment of a buffer around Takapūneke Historic Reserve to prevent land use and land intensification that may adversely affect the values of the reserve.

A11.5 To require a boundary adjustment to the residential zone as defined in the *Banks Peninsula District Plan*, as the zone currently includes Takapūneke.

### He Kupu Whakamāhukihuki / Explanation

Takapūneke was the kāinga of the Ngāi Tahu upoko ariki Te Maiharanui, and a place of immense significance in the story of Te Tiriti o Waitangi (see Part 3 of this plan - Ōnuku Rūnanga, for a history of Takapūneke).

Long recognised as a wāhi tapu by Ngāi Tahu, Takapūneke was registered as a Wāhi Tapu Area by the NZHPT in 2002, in response to an application from Ōnuku Rūnanga. It is the first registered wāhi tapu area on the mainland of the South Island. In 2008, Takapūneke was made a local purpose (Historic Reserve) by Christchurch City Council.

One known archaeological site exists at Takapūneke. NZAA site N37/11 is identified as platform terraces and coastal midden. The midden was destroyed by earthworks, and the terraces largely covered by vegetation.

#### Cross reference:

» *Issue A6: Contaminated sites*

## ŌNAWE

**Issue A12: Protecting Ngāi Tahu values associated with Ōnawe pā.**

### Ngā Kaupapa / Policy

- A12.1 To manage Ōnawe Pa in a manner that reflects the importance of the site as a wāhi tapu.
- A12.2 To encourage organised groups to contact the Papatipu Rūnanga prior to visiting Ōnawe Pā.
- A12.3 To restore the indigenous biodiversity values of Ōnawe. This includes the development of a pest management strategy to control and eradicate plant and animal pests within the reserve.
- A12.4 To develop on-site signage with interpretation for:
- (a) Acknowledging the significance of the site to Ngāi Tahu;
  - (b) Ngāi Tahu history and other cultural information;

- (c) Ecological information; and
- (d) Tikanga associated with the site (expected conduct of the public).

- A12.5 To maintain regular contact with adjacent landowners for the mutual benefit of the reserve and the neighboring properties.
- A12.6 To work with local government to ensure that land use planning on lands adjacent to Ōnawe is sensitive to the wāhi tapu status of the site.
- A12.7 To prohibit the taking or possessing of kaimoana from the Ōnawe Peninsula area, in accordance with the *Akaroa Taiāpure Management Plan 2008*.

### He Kupu Whakamāhukihuki / Explanation

Located on a small peninsula at the northern end of Akaroa Harbour, Ōnawe Pā is a wāhi tapu of immense cultural and historic significance to Ngāi Tahu. A fighting pā, Ōnawe was a refuge for Ngāi Tahu during the Northern Raids of 1820s and 1830s (see Part 3 of this plan - Ōnuku Rūnanga, for more information on the history of Ōnawe).

The *Ngāi Tahu Deed of Settlement 1997* (section 11.4.9) vests Ōnawe Pā in Te Rūnanga o Ngāi Tahu to 'hold and administer' as a Historic Reserve (s.154 NTCSA 1998). The focus of A12.1 to A12.7 is to avoid activities that may degrade the cultural and spiritual values associated with this special place.

#### Information resource:

- » *Ōnawe Wāhi tapu Registration (NZHPT)*.

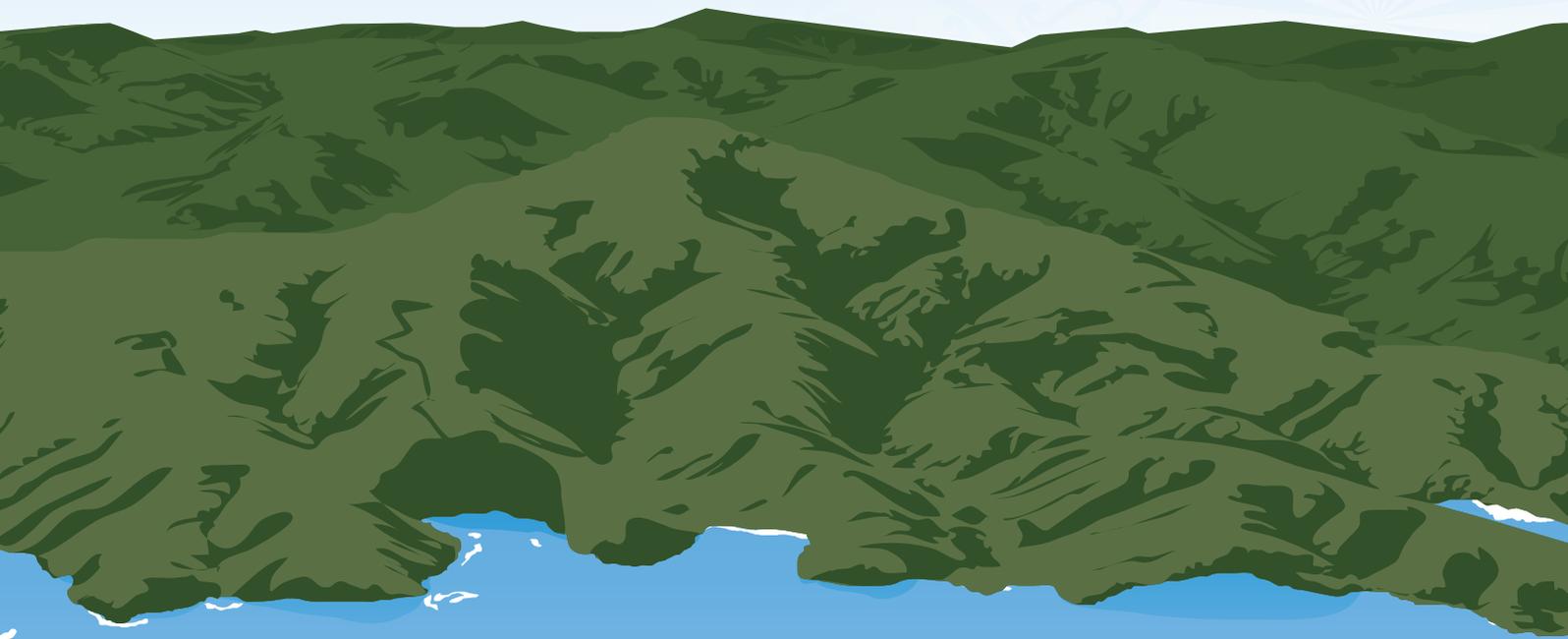
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#### ENDNOTES

- 1 Gray, Rev Maurice Manawaroa, 2008. In: *Hikoi Whakawhānaukataka, Wāhaka Tuatahi, Te Rohe o Wairewa*. Document compiled for Wairewa Rūnanga by I. Cranwell and M. Wakefield.
- 2 Solomon, M., 2006. As quoted in The Press.
- 3 Jolly, D., 2009. *Cultural Values Report: Takamatua to Takapūneke*. Prepared for Christchurch City Council at the request of Mahaanui Kurataiao Ltd.
- 4 Ibid, p. 10.



# PORANUI KI TIMUTIMU





## 6.9 PORANUI KI TIMUTIMU

This section addresses issues of particular significance from Poranui to Timutimu, encompassing the whole of the southern bays between Akaroa Harbour and Kaitōrete Spit (Map 19). It is characterised by numerous small narrow catchments extending Ki Uta Ki Tai, from hill to sea.

As with other coastal areas of Te Pātaka o Rākaihautū, the southern bays are a rich cultural landscape with a long history of Ngāi Tahu land use and occupancy. Some of the earliest Māori occupation on Te Pātaka o Rākaihautū was in the southern bays.<sup>1</sup> Evidence of ancient settlements, fishing grounds, birding sites and urupā remain on the physical landscape and in oral traditions today.

Two significant features on the contemporary cultural landscape are Te Putahi Farm and the Te Kaio Mātaitai reserve. These places are part of the long term vision of the tāngata whenua to establish a Mahinga kai Cultural Park in the takiwā, restoring the traditional fisheries that the area was once famous for, and creating contemporary mahinga kai opportunities including the production of organic beef, lamb and vegetables.

### Ngā Paetae Objectives

- (1) Protection and enhancement of the waterways that flow through the southern bays catchments, Ki Uta Ki Tai, and the waipuna that are their source.
- (2) Papatipu Rūnanga management of Te Putahi farm and the Te Kaio Mātaitai as part of a larger Wairewa Mahinga Kai Cultural Park.
- (3) Protection of wāhi tapu and wāhi taonga, and other cultural landscape values, from inappropriate land use and development, including coastal development.
- (4) The continued expression of customary rights and interests in coastal space in the southern bays catchments.
- (5) Protection and enhancement of indigenous biodiversity in the southern bays catchments, including restoration of degraded areas, the protection of remnants and the enhancement of mahinga kai resources and opportunities.

Map 19: Poranui to Timutimu



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

*“Ultimately if our people can stand on Kaitōrete Spit and see the whales have returned and are camping in the bays and know they had a hand in bringing them back, the sense of achievement, pride and identity that we will feel we can only imagine.”*  
Ngāi Tahu Fund application, Wairewa Rūnaka.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### PORANUI TO TIMUTIMU: ISSUES OF SIGNIFICANCE

<b>Issue PT1: Cultural landscapes</b>	The protection of cultural landscape values associated with the southern bays, including wāhi tapu, wāhi taonga, ingoa wāhi and mahinga kai.
<b>Issue PT2: Protection of customary fisheries</b>	The protection of customary fisheries in the southern bays.
<b>Issue PT3: Te Putahi</b>	The continued development of Te Putahi farm.
<b>Issue PT4: Waterways and waipuna</b>	Protecting the mauri of waterways in the southern bays catchments.
<b>Issue PT5: Coastal land development</b>	Coastal land development can have effects on Ngāi Tahu values and the environment.
<b>Issue PT6: Commercial forestry</b>	Tāngata whenua have significant concerns with some commercial forestry activities in the Southern Bays catchments.
<b>Issue PT7: Vegetation clearance</b>	If not managed appropriately, vegetation clearance and burning can result in fragmentation of remnant native bush, soil erosion, sedimentation, changes to catchment water yield, loss of soil health and loss of cultural and natural landscapes.
<b>Issue PT8: Indigenous biodiversity</b>	Protecting and restoring indigenous biodiversity in the southern bays.
<b>Issue PT9: Aquaculture</b>	Papatipu Rūnanga have rights and interests in how and where aquaculture occurs in the southern bays.



## CULTURAL LANDSCAPES

**Issue PT1: The protection of cultural landscape values associated with the southern bays, including wāhi tapu, wāhi taonga, ingoa wāhi and mahinga kai.**

- (a) Engaging landowners to develop management plans to protect sites and enable access; and
- (b) Using mechanisms such as LIMs and consent notices to inform new landowners of culturally significant sites.

### Ngā Kaupapa / Policy

- PT1.1 To recognise and provide for the southern bays as a Ngāi Tahu cultural landscape with significant historical, traditional, cultural and contemporary associations.
- PT1.2 To require that effects on cultural heritage values are fully and effectively assessed as part of all resource consent applications for activities in the southern bays catchments.
- PT1.3 To maintain and enhance the ability of Ngāi Tahu whānui to access particular coastal areas that are on private land, by:

### He Kupu Whakamāhukihuki / Explanation

As with other coastal areas of Te Pātaka o Rākaihautū, the southern bays have a long history of Ngāi Tahu (and earlier) land use and occupancy. The bays are an important cultural landscape for Ngāi Tahu, with archaeological evidence and oral tradition maintaining the connection between people and place.

The southern bays show evidence of some of the earliest Maori occupation on Te Pātaka o Rākaihautū, including pā sites, fishing settlements, birding sites, and urupā (see Map 20 - *Ingoa wāhi associated with the southern bays*). Some sites are registered archaeological sites (NZAA) and



## PROTECTION OF CUSTOMARY FISHERIES

**Issue PT2: Protection of customary fisheries in the southern bays.**

### Ngā Kaupapa / Policy

- PT2.1 To continue to implement the Te Kaio Mātaitai Reserve, including:
- (a) Development of bylaws to control the species and amounts taken;
  - (b) Development of bylaws that promote sustainability as opposed to focusing on legal takes of particular species; and
  - (c) Consultation with the wider community as an integral part of managing the mātaitai reserve.
- PT2.2 To require that coastal water quality in the southern bays catchments is such that customary fisheries are protected, and tāngata whenua can engage in mahinga kai activities.

### He Kupu Whakamāhukihuki / Explanation

Te Kaio is an ancient site of significance that is now part of the contemporary vision of the Papatipu Rūnanga to restore mahinga kai traditions to the landscape and people. As with the mātaitai reserve located on Te Roto o Wairewa (Section 6.10), the Te Kaio Mātaitai is intended to protect customary interests in fisheries in anticipation of an improvement in fisheries stocks (see Map 21 for the location of the Mātaitai). The impact of commercial fishing in this area is evidenced by depleted fish stocks and the damage to valuable kaimoana beds as a result of bottom trawling. The intention of the mātaitai is that, without commercial fishing, stocks in both the lake and the ocean will recover. Mātaitai are about kaitiakitanga. They give Ngāi Tahu the ability to form bylaws that control what is taken from the sea. For the Papatipu Rūnanga that established the Te Kaio Mātaitai, it is important that the mātaitai is managed through bylaws that focus on sustainability as opposed to legal takes of particular species, and that management and the development of bylaws occur in consultation with the community. The Te Kaio Mātaitai ties the concept of Ki Uta Ki Tai and mahinga kai directly to Te Putahi farm (Issue PT3), reinforcing the cultural footprint of Ngāi Tahu and signaling the willingness of Papatipu Rūnanga to 'manage their own patch'.

#### Cross reference:

- » *General policy on tools to protect customary fisheries and the marine environment (Section 5.6 Issue TAN4)*

## TE PUTAHI

**Issue PT3: The continued development of Te Putahi farm.**

### Ngā Kaupapa / Policy

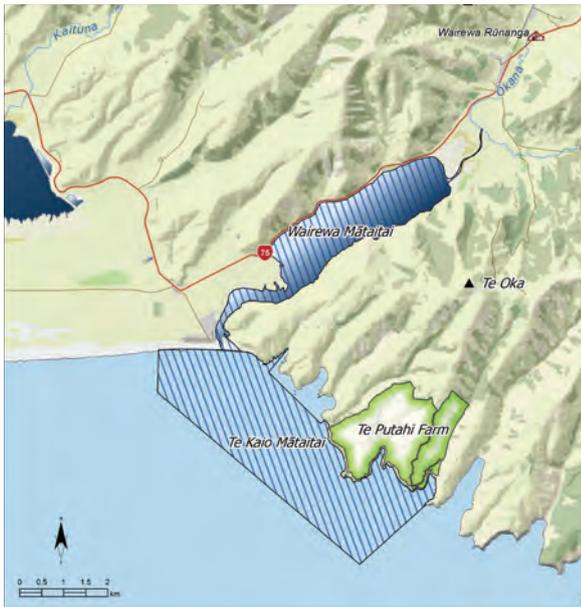
- PT3.1 To continue to develop Te Putahi farm according to the following vision:
- (a) Te Putahi farm as part of the Wairewa Mahinga Kai Cultural Park that protects the whenua, koiora kanorau, wai māori and wai moana of Papatūānuku, Ki Uta Ki Tai; and
  - (b) Te Putahi farm is developed and managed as a contemporary kaupapa Māori model of kaitiakitanga for all its mahinga kai resources to help inspire members, the Ngāi Tahu Whānui and the wider community as to how a whole ecosystem mahinga kai me te ahūwhenua approach to kaitiakitanga can be culturally, environmentally and economically sustainable and resilient.<sup>2</sup>
- PT3.2 To restore the Te Kaio catchment as a matter of priority. This includes:
- (a) Replanting pīngao in the dune and beach area;
  - (b) Riparian planting, and stream fencing to keep stock out; and
  - (c) Gorse management.

### He Kupu Whakamāhukihuki / Explanation

Te Putahi is a farm owned by Wairewa Rūnanga. The farm runs from Te Kaio south to Makara (Magnet Bay), and overlooks Kaitōrete Spit, Mata Hāpuku and the Te Kaio mātaitai reserve (see Map 21).

Te Putahi farm comprises 449 hectares with diverse micro-climates and has not used any synthetic fertilisers or pesticides for over 20 years. It is the first farm to be accredited under the Ngāi Tahu mahinga kai system and it is currently in the process of converting to organic production methods. The farm is part of the contemporary vision of the Papatipu Rūnanga to restore mahinga kai traditions to the landscape and people. Over time Te Putahi will become an integral part of the Wairewa Mahinga Kai Cultural Park, supplying organic beef, lamb and vegetables.

Map 21: Te Putahi farm location



## He Kupu Whakamāhukihuki / Explanation

The protection of waterways is a significant issue in the southern bays catchments. Surface water is the primary source of water for domestic and stock purposes. Land use activities such as pastoral farming and forestry can have effects on riparian areas and water quality if not managed appropriately. Streams flow from hill to sea within a relatively short and steep catchment, and therefore the effects of land use on waterways will also be seen in coastal water quality and mahinga kai.

Cross reference:

» *General Policy on Wai Māori (Section 5.3)*

## COASTAL LAND DEVELOPMENT

Issue PT5: Coastal land development can have effects on Ngāi Tahu values and the environment.

## WATERWAYS AND WAIPUNA

Issue PT4: Protecting the mauri of waterways in the southern bays catchments.

### Ngā Kaupapa / Policy

- PT4.1 To require that waterways in the southern bays catchments are managed Ki Uta Ki Tai. This means recognising and providing for:
- The relationship between land use and water quality and quantity; and
  - The relationship between land use and coastal water quality, given the nature of the short, steep catchments and a relatively short distance between land use and coastal water quality.
- PT4.2 To require that waipuna in the southern bays catchments, as the source of many of the waterways, are recognised and protected as wāhi taonga, as per general policy on *Wetlands, waipuna and riparian margins* (Section 5.3 WM13).
- PT4.3 To encourage landowners to take responsibility for riparian planting and management and to support incentives and funding schemes to assist them to do so.
- PT4.4 To construct fencing and undertake riparian planting on Te Kaio stream as a matter of priority.

### Ngā Kaupapa / Policy

- PT5.1 To require that local government recognise and provide for the interests of tāngata whenua in coastal land use and development in the southern bays, as per general policies on *Coastal land use and development* (Section 5.6 Issue TAN7), in particular:
- Protecting wāhi tapu and wāhi taonga, and Ngāi Tahu access to these;
  - Recognising the short and steep nature of the southern bays catchments, and therefore the relatively short distance between land use on coastal water quality;
  - Protecting the natural character and remoteness of these catchments, including headlands, skylines and the foreshore;
  - Protecting coastal water quality; and
  - Protecting Ngāi Tahu interests with regard to protecting customary fisheries (see Issue PT2).

## He Kupu Whakamāhukihuki / Explanation

The southern bays coastal landscape is of particular significance to Ngāi Tahu given the long and continued association with the coastal environment (see Issue PT1). For this reason, a cultural landscape approach is required to identify and protect Ngāi Tahu values and interests from the adverse effects of coastal land development. A cultural landscape approach shifts the focus from sites of significance to the larger landscapes that they occur in.

Many of the southern bays are remote and have little development intrusion. More accessible bays may have potential for certain coastal land development activities. For Ngāi Tahu, any coastal land development must be sustainable and appropriate; fitting into the landscape rather than working against it, and enhancing existing values rather than degrading them.

Given the high degree of natural character and richness of cultural landscape values in the southern bays, the RMA 1991 clearly provides protection for the coastal environment and the relationship of Ngāi Tahu to it as a matter of national importance.

**Cross reference:**

- » *Issue PT1: Cultural landscapes*
- » *Issue PT8: Indigenous biodiversity*
- » *General policies in Section 5.6 - Issue TAN7: Coastal land use and development; and Issue TAN8: Access to coastal areas*
- » *General policy on access to wāhi tapu and wāhi taonga (Section 5.8 Issue CL5)*

## COMMERCIAL FORESTRY

**Issue PT6: Tāngata whenua have significant concerns with some commercial forestry activities in the southern bays catchments.**

### Ngā Kaupapa / Policy

PT6.1 To oppose large scale, exotic commercial forestry plantations in the southern bays catchments, due to the significance of effects relating to:

- (a) Loss of natural landscape values and indigenous biodiversity;
- (b) Establishment and spread of wilding trees;
- (c) Reduction in stream flows and catchment water yield; and
- (d) Sedimentation of waterways.

PT6.2 To encourage, where forestry is desired for soil stabilisation or commercial purposes, small scale woodlots of specialised native timber.

### He Kupu Whakamāhukihuki / Explanation

Tāngata whenua are concerned with the effects of forestry on water resources and the landscape in the southern bays catchments, and see the need to control the establishment of new commercial plantations. One example is the nature and extent of vegetation that is cleared to establish forestry

plantations. Large areas of kānuka and mānuka may be cleared to make way for forestry (see Issue PT7 below), and this is contrary to tāngata whenua efforts to restore these and other native species on the landscape. Forestry is a common land use activity in catchments such as Peraki Bay.

**Cross reference:**

- » *Issue PT4: Waterways and waipuna*
- » *Issue PT7: Vegetation clearance*
- » *General policies in Section 5.4 - Issue P14: Commercial forestry; and Issue P15: Wilding trees*

*“We’ve planted 1/4 ha of kānuka, mānuka and other species, and will have to wait years for these trees to mature, and yet we see proposals from forestry companies to clear 30 ha of kānuka and mānuka ‘scrub’ in a few days.”* Iaeen Cranwell, Wairewa Rūnanga.

## VEGETATION CLEARANCE

**Issue PT7: If not managed appropriately, vegetation clearance and burning can result in:**

- (a) Continued fragmentation and loss of remnant native bush and habitat, particularly along streams and gullies;
- (b) Soil erosion and increased sedimentation into waterways and coastal waters;
- (c) Changes to catchment water yields;
- (d) Loss of opportunities for regeneration of indigenous biodiversity;
- (e) Loss of nutrients and carbon from the soil; and
- (f) Loss of cultural and natural landscape values.

### Ngā Kaupapa / Policy

PT7.1 To require that local authorities recognise and provide for the effects of vegetation clearance and burning activities on landscape, biodiversity, water yield and soil health in the southern bays catchments.

PT7.2 To assess vegetation clearance activities with reference to general policy on *Vegetation clearance and burning* (Section 5.4 Issue P12).

### He Kupu Whakamāhukihuki / Explanation

The hills and valleys of Te Pātaka o Rakaihātū have a long history of vegetation clearance. The once forested landscape is now dominated by pastoral farming. While

there are significant efforts to protect and restore indigenous biodiversity, maintaining the land for pasture means that vegetation clearance still occurs. Vegetation clearance occurs by mechanical clearing, spraying and burning.

One of the most significant concerns for tāngata whenua is that the clearing of 'scrub' for pasture often includes indigenous species such as kānuka, mānuka and pātōtara (mingimingi). Kānuka (*Kunzia ericoides*) and mānuka kahikāto (*Leptospermum scoparium*) and pātōtara (*Leucopogon fraseri*) are taonga species under the NTCSA 1998 (Schedule 97). It is even more concerning when vegetation is cleared in gullies and along waterway margins. Clearance of vegetation can result in small fragments of native bush; and this can have important implications for the regeneration of podocarps in the takiwā.

The southern bays are steep catchments and therefore vegetation clearance must be managed to avoid loss of slope stability, and the erosion and sedimentation of waterways. Vegetation clearance also needs to be considered alongside the significant restoration efforts occurring on Te Pātaka o Rākaihautū.

*Cross reference:*

- » *General policy on vegetation burning and clearance (Section 5.4 Issue P12)*

## INDIGENOUS BIODIVERSITY

**Issue PT8: Protecting and restoring indigenous biodiversity in the southern bays.**

### Ngā Kaupapa / Policy

- PT8.1 To require the protection of land of high indigenous biodiversity value in the southern bays region using:
- Covenants, including the Banks Peninsula Conservation Trust and QEII Trust;
  - Establishment of reserves (e.g. scenic reserve); and
  - Private covenants registered against the land title.
- PT8.2 To approach the restoration of indigenous biodiversity based on the desire to restore original and natural landscapes, and on the intent to restore customary use resources and opportunities, as per general policy on *Restoration of indigenous biodiversity* (Section 5.5 Issue TM3).

### He Kupu Whakamāhukihuki / Explanation

Maintaining and enhancing indigenous biodiversity within the southern bays is an important kaupapa for the kaitiaki Rūnanga, as healthy biodiversity ensures the ongoing availability of mahinga kai, both food and cultural materials such as pīngao. Restoration from a tāngata whenua perspective is not about locking places away; there is a clear intent with restoration activities to enable cultural and customary use.

Restoration of degraded environments is a priority, particularly in areas such as Te Kaio Bay, where an important pīngao remnant exists.

*Cross reference:*

- » *Issue PT3: Te Putahi*
- » *General policies in Section 5.5 - Issue TM2: Indigenous biodiversity; and Issue TM3: Restoration of indigenous biodiversity*

## AQUACULTURE

**Issue PT9: Papatipu Rūnanga have rights and interests in how and where aquaculture occurs in the Southern Bays.**

### Ngā Kaupapa / Policy

- PT9.1 To require that Papatipu Rūnanga have an explicit and influential role in decision-making regarding aquaculture in the southern bays, as per general policy on *Aquaculture* (Section 5.6 Issue TAN10).
- PT9.2 Tāngata whenua have the intent to develop sustainable and culturally appropriate aquaculture opportunities in the Te Kaio Mātaitai Reserve, once fish and kaimoana stocks have recovered.

### He Kupu Whakamāhukihuki / Explanation

The coastal waters from Te Mata Hāpuku to the point between Te Kaio and Te Oka bays are recognised as the Te Kaio Mātaitai Reserve as per the Customary Fishing Regulations 1999. The mātaitai recognises the importance of these coastal waters as traditional fishing grounds for Ngāi Tahu.

Mātaitai do not preclude marine farming, and the Papatipu Rūnanga is considering options for marine farming in the Te Kaio Mātaitai once the fisheries protected by the reserve have recovered. Sustainable aquaculture has the potential for significant contributions to cultural, social, and economic and cultural well being of iwi and hapū.

*Cross reference:*

- » *Issue PT2: Protection of customary fisheries*
- » *General policy on aquaculture (Section 5.6 Issue TAN10)*

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ENDNOTES

- 1 Ogilvie, G., 1990. *Banks Peninsula. Cradle of Canterbury*. Wellington.
- 2 <http://ahikakai.co.nz/suppliers//Te-Putahi-Farm-Background.asp>



# TE ROTO O WAIREWA





## 6.10 TE ROTO O WAIREWA

### ***Ka hāhā te tuna ki te roto***

*If the lake is full with eels*

### ***Ka hāhā te reo ki te kāika***

*If the home resounds with speaking*

### ***Ka hāhā te takata ki te whenua***

*The land will be inhabited by people*

This section addresses issues of particular significance in the catchment of Te Roto o Wairewa. The catchment is centered on the lake, and includes Western and Ōkuti Valleys and the eastern end of Kaitōrete Spit (Map 22).

Over the last 160 years, the catchment has been dramatically modified and mahinga kai values severely degraded. The majority of native forest cover was removed between 1860 and 1890 to open up the land for agricultural and pastoral land use, resulting in massive reductions in native bird and plant species. The level of Te Roto o Wairewa has been controlled for flood protection since the 19th century.

Te Roto o Wairewa is a Statutory Acknowledgement site, recognising the mana of Ngāi Tahu with regard to the lake and guaranteeing tribal involvement in management. Schedule 71 of the NTCSA 1998 is a statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the lake (see Appendix 7). The lake is also one of only two customary lakes in Aotearoa, the other being Horowhenua. This means that only persons belonging to the Ngāi Tahu iwi can take tuna from the lake.

### **Ngā Paetae Objectives**

- (1) The revitalisation of mahinga kai of Te Roto o Wairewa and its catchment: the tuna fishery and the places and the practices that have been with us for hundreds of years.
- (2) The establishment of the Wairewa Mahinga Kai Cultural Park, based on integrated management of the Te Roto o Wairewa catchment and surrounding landscape, Ki Uta Ki Tai.
- (3) Ngāi Tahu is instrumental and influential in natural resource management in the catchment, and is setting the standard for best practice.
- (4) Strong community and stakeholder relationships are developed and maintained to facilitate the rehabilitation Te Roto o Wairewa.
- (5) Improved lake level management that allows the lake to breathe again, and provides improved cultural, environmental, social and economic outcomes.

**Map 22:** Te Roto o Wairewa



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### TE ROTO O WAIREWA: ISSUES OF SIGNIFICANCE

<b>Issue W1: Cultural health of the lake</b>	The cultural health of Te Roto o Wairewa is degraded.
<b>Issue W2: Lake level management</b>	Lake level management should achieve outcomes consistent with protection and restoration of mahinga kai.
<b>Issue W3: Cultural health of waterways</b>	The cultural health of waterways in the catchment has declined as a result of inappropriate land use and development.
<b>Issue W4: Māori reserve land</b>	Recognition of owners of Māori Reserve land.
<b>Issue W5: Subdivision and development</b>	Lifestyle block and residential intensification has the potential to affect cultural values, including the mauri of waterways, wāhi tapu, and the cultural health of the lake.
<b>Issue W6: Restoring important places</b>	There is a need to protect, enhance and restore important places in the catchment.
<b>Issue W7: Wāhi tapu me wāhi taonga</b>	Protection, management and access to wāhi tapu and wāhi taonga.
<b>Issue W8: Climate change</b>	Climate change is an important consideration for the management of Te Roto o Wairewa.



# CULTURAL HEALTH OF THE LAKE

**Issue W1: The cultural health of Te Roto o Wairewa is degraded as a result of:**

- (a) **Lake level management based on arbitrary trigger levels;**
- (b) **Decline of the tuna population;**
- (c) **Contaminants entering the lake as a result of inappropriate land use on lake edge margins;**
- (d) **Nutrient rich sediment entering the lake as a result of poor land cover and inappropriate land use in the catchment; and**
- (e) **Poor water quality in lake tributaries.**

## Ngā Kaupapa / Policy

### Rehabilitating the lake

- W1.1 To continue to work towards the rehabilitation of the cultural health of Te Roto o Wairewa as a matter of priority.
- W1.2 To continue to progress lake and mahinga kai rehabilitation work under the korowai of the Wairewa Mahinga Kai Cultural Park, including:
  - (a) Progressing and implementing joint resource consents with CCC to manage lake levels in partnership;
  - (b) Managing the Te Roto o Wairewa Mātaítai Reserve to improve customary fisheries;
  - (c) Supporting our freshwater tāngata tiaki;
  - (d) Managing waterways as the kōhanga of the lake;
  - (e) Progressing the construction of a permanent opening for the lake;
  - (f) Addressing the effects of land use on the lake (see Policy W1.4);
  - (g) Continuing to undertake State of the Takiwā assessments in the catchment to monitor our progress;
  - (h) Consolidating land gains in the catchment;
  - (i) Working to have ownership of the lakebed vested to Ngāi Tahu; and
  - (j) Engaging our people in contemporary and traditional mahinga kai management, gathering and sustainability.
- W1.3 To require that local authorities and other agencies with lake management responsibilities recognise the value of Matāuranga Ngāi Tahu as a complement to western science to improve understandings of the lake.

### Effects of catchment and lake margin land use

- W1.4 To address the effects of catchment and lake margin land use on the cultural health of Te Roto o Wairewa by:
  - (a) Securing a protected margin around the lake to provide a buffer from land use, with:
    - (i) Revegetation/restoration of lake margin indigenous vegetation;
    - (ii) Implementation of a sheep only grazing policy, with some areas removed from grazing completely; and
    - (iii) Establishment of defined access tracks in sensitive areas, to minimise damage to environment and cultural values from recreational access.
  - (b) Riparian enhancement, bank stabilisation and fencing for lake tributaries;
  - (c) Improved and monitored septic tank management and a clear and structured approach to wastewater issues associated with subdivision and development (see Policy W6.5 for an explanation of what this means), including the potential to establish a reticulated sewage system at Te Mata Hāpuku;
  - (d) Prohibiting aerial top dressing in the catchment;
  - (e) Investigating the different methods that may be available to remove sediment from the lakebed; and
  - (f) Monitoring the old rubbish site to ensure no adverse effects on groundwater from leaching of contaminants into soil and then the lake.
- W1.5 To require that local authorities include measures in district and regional plans and operations to implement the measures set out in W1.4.

### He Kupu Whakamāhukihuki / Explanation

The degraded cultural health of Te Roto o Wairewa and its fisheries is the most significant issue in this catchment. Although the lake continues to be a productive environment, its mauri has been severely degraded.

A State of the Takiwā assessment in 2005 and 2006 showed that catchment land use is having a marked effect on the cultural health of the lake. The assessment highlighted the dramatic loss of cultural health as you move from upper to lower catchment: source to sink (see Box - *State of the Takiwā assessment results*). Sedimentation and the concentration of nutrients in the sediment of the lakebed are key issues. There is over 1 metre of sedimentation in the lake, equating to approximately 5,000,000 m<sup>3</sup> of topsoil which has eroded from the catchment.<sup>1</sup>

**“Everything that happens in the catchment affects the lake. The lake becomes a big sink, with no plughole. There is nowhere for the excess nutrients to go.”**

laean Cranwell, Wairewa Rūnanga.

Phosphorus is a critical nutrient input into the lake. As the soils of catchment are naturally high in phosphorus, bank erosion on degraded waterways and lack of vegetation cover on land results in high inputs of sediment into the lake during storm events. Compounding this is the increased nitrogen inputs into the lake from lake edge land use and settlement. Nitrogen enters the lake via direct run-off from the land, septic tank leaching, or when the lake levels are high enough to inundate land that has been grazed by stock. High levels of nutrients and low summer lake levels create an ideal environment for *Nodularia spumigena* (blue-green algae).

Te Roto of Wairewa has little protection from the effects of land use on its margins. Historically, lake margin wetlands acted as a nutrient and sediment filter and played an important role in maintaining water quality. However, very few wetlands remain on the landscape today.

Tāngata whenua have a long-term vision and strategy to rehabilitate the cultural health of Te Roto o Wairewa. The lake was gazetted as a Matāitai Reserve in 2010 to protect customary fisheries interests once the fishery returns. Investigations for a permanent opening for the lake are well underway (Issue W2), and tāngata whenua are working to increase ownership and management of key lands in the catchment, as a means to have greater influence on management issues in the catchment, and to further progress lake rehabilitation activities. Central to this vision and strategy is the bringing together of an extensive network of people willing to work on behalf of the lake.

**Cross reference:**

- » *Issue W2: Lake level management*
- » *Issue W3: Cultural health of waterways in the catchment*
- » *Issue W5: Subdivision and development in the catchment*

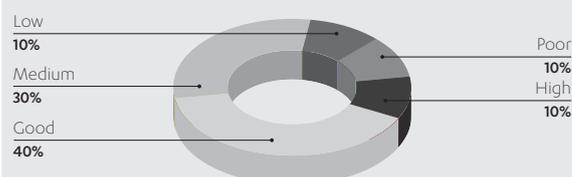
### State of the takiwā assessment results

A State of the Takiwā assessment undertaken in 2005 and 2006 assessed the catchment as in a state of moderate or medium cultural health. The results showed that:

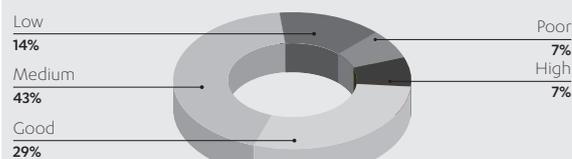
- ▶ The catchment is degraded, particular in the mid-lower catchment where land use is having a marked effect on water quality and biodiversity;
- ▶ There are promising signs for regeneration and restoration, providing the adverse effects of land use are better managed; and
- ▶ There is a dramatic loss of cultural health as you travel down the catchment – source to sink.

An important result of the Assessment was the difference noted between overall catchment health, the health of the rivers and those of the lake itself. Of all sites assessed, 36% ranked as ‘good to high’ compared to 50% of river and 0% of lake sites. This highlights the dramatic loss of health noticed as you travel down the catchment – ‘source to sink’.

#### OVERALL HEALTH OF WAIREWA RIVER SITES



#### OVERALL HEALTH OF WAIREWA CATCHMENT



#### OVERALL HEALTH OF WAIREWA LAKE SITES



**Source:** PowerPoint presentation. State of the Takiwā - Te Āhuetanga o Wairewa 2005/06: Preliminary Results.

## LAKE LEVEL MANAGEMENT

**Issue W2:** Lake level management should achieve outcomes consistent with the protection and restoration of mahinga kai and other cultural values associated with Te Roto o Wairewa.

### Ngā Kaupapa / Policy

- W2.1 Te Roto o Wairewa lake level management to be managed jointly by Ngāi Tahu and Christchurch City Council recognising:
- (a) Ngāi Tahu as tāngata whenua; and
  - (b) Christchurch City Council as the agency with statutory responsibility for managing lake levels.
- W2.2 To require that local authorities with statutory responsibilities recognise that lake level management and lake openings must reflect mahinga kai values first and foremost. This means:
- (a) Continue to progress work on infrastructure for a permanent opening for the lake with the goal of:
    - (i) "Allowing the lake to breathe";
    - (ii) Providing permanent passage into the lake for fish (recruitment);
    - (iii) Achieving water quality suitable for contact recreation and mahinga kai; and
    - (iv) Re-creating an estuary environment.
  - (b) Until a permanent opening is achieved, the existing mechanical opening regime must:
    - (i) Reflect the protection and enhancement of fisheries values (i.e. openings are triggered by fish recruitment rather than inundation risk); and
    - (ii) Take into account weather patterns, waves, and predictive flood control.

### He Kupu Whakamāhukihuki / Explanation

Te Roto o Wairewa was historically a tidal hāpua. Until whaling times, the lake had a permanent outlet to the sea and waka could travel right into the forested inlet, which was then known as Mowry (Māori) Harbour. In those days, the flush of nutrients and fresh water flowing into the sea acted as a beacon; attracting the young tuna into the waterways of the catchment. The ebb and flow of these tides is how Wairewa got its name.

The lake eventually closed due to a build up of gravel pushed north from the Waitaki, Rangitata and Rakaia rivers. The gravels were deposited at Te Mata Hāpuku end of Kaitōrete, and over many years gradually closed the mouth to the estuary. The closing had significant impacts on the fishery:

*"The moment the estuary closed the eel fishery was under threat. Unable to scent a strong beacon and having to climb over an ever increasing gravel barrier, fewer and fewer elver found their way back into the lake".<sup>2</sup>*

Since 1946, the lake has been mechanically opened at arbitrary times and at various levels to reduce the threat of flooding. The regime was initiated after the costs for the preferred option of creating some form of permanent opening were deemed too high, and continued without recourse to cultural, social or environmental considerations. The regime has always been unacceptable to tāngata whenua, and has had a profound effect on the cultural health of the lake and its fisheries (see Box - *Recruitment of tuna into Te Roto o Wairewa*).

The focus of Policies W2.1 and W2.2 is to establish a lake level management regime that protects and enhances mahinga kai values and the customary relationship of tāngata whenua with Te Roto o Wairewa. This means that water quality and fish recruitment and escapement will replace flood management and drainage as the drivers behind the timing and duration of lake openings. In 2008, Wairewa Rūnanga was granted resource consent to build an experimental rock groyne to test the feasibility of creating a permanent mouth opening. The approach is based in bio-engineering: testing the feasibility of reinstating a permanent opening to the lake as a means to harness the available natural energy and allowing the lake to breathe again.

#### Cross reference:

» *Issue W1: Cultural health of the lake*

#### Recruitment of tuna into Te Roto o Wairewa

The lake opening regime restricts the recruitment of tuna. It takes approximately 35 years for tuna in the lake to grow to heke size and run the gauntlet of the drains out to the ocean. Research commissioned by tāngata whenua showed that there are no longer the stocks available in the lake to keep the fishery alive, and that without immediate and effective action, the last heke tuna will be hooked from the drains and our most valuable mahinga kai could be lost in less than 10 years.

*"It would be interesting to determine how many stock units are protected by maintaining a low lake level and enabling lake margin grazing, vs. how many of our fish are affected by poor water quality and low lake levels."*  
Wairewa IMP hui participants

*“Every season Ngāi Tahu individuals and whānau groups gather at the tuna drains, reconnecting ties and friendships, sharing knowledge, passing on skills and expertise while fishing tuna. Often they are returning after a long absence to a place they frequented as children following in fathers or grandfather’s footsteps.*

*When the sun comes up they are together again busy cleaning and preparing their eels. The whata are filled and the tuna hung drying in the ever present wind. The smoke houses are fired up and for a few short months Te Mata Hāpuku (Birdlings Flat) resonates with the sounds, scents and sights of our ancestors.”<sup>3</sup>*



**Photo:** Wairewa Whānau drying tuna on a whata at Te Roto o Wairewa. Source: Alexander Turnbull Library, Tourist and Publicity Department Collection Reference: 1/2-040042.

## CULTURAL HEALTH OF WATERWAYS

**Issue W3:** The cultural health of waterways in the catchment has declined as a result of:

- (a) Stock access and run-off;
- (b) Degradation of riparian areas;
- (c) Sewage and stormwater disposal; and
- (d) Soil erosion and sedimentation.

### Ngā Kaupapa / Policy

W3.1 To require that waterways in the Te Roto o Wairewa catchment are managed as kōhanga, consistent with

managing the catchment as mahinga kai. This means:

- (a) Protection of mauri as a first order principle;
- (b) Discourage takes of fish until waterway health is improved and lake fishery rehabilitated;
- (c) Encourage landowners to take responsibility for riparian margin planting and management;
- (d) Prohibit the discharge of contaminants to waterways; and
- (e) Prohibit stock access to waterways.

W3.2 To address water quality issues in the rivers and streams of the catchment with reference to general policies on *Water quality* (Section 5.3 Issue WM6).

### Effects of forestry on Poronui

W3.3 To identify Poronui / Reynolds Stream as a waterway in good cultural health that is at risk from forestry activities in the Ōkuti valley.

W3.4 To continue to undertake State of the Takiwā assessments to monitor the cultural health of Poronui.

### He Kupu Whakamāhukihuki / Explanation

The waterways in the Te Roto o Wairewa catchment flow from maunga to lake, Ki Uta Ki Tai. This means that the cultural health of the lake is directly related to the cultural health of waterways. For this reason, tāngata whenua sought to include the catchment's waterways in the Wairewa Matāitai Reserve. The matāitai would protect the waterways as kōhanga, or nurseries for customary fish species, consistent with managing the catchment for mahinga kai. While the matāitai was ultimately limited to the lake, tāngata whenua maintain that the waterways should still be managed as kōhanga.

*“Beginning as springs in the Mountains that surround our marae, the streams of Waipuna, Ōpouwaho (also known as Ōpuahou), Hikuika and Puaha flow down the hills and join Hukahukaturua before going on to meet and form the Ōkana that flows behind our marae. Travelling on to the Ōkuti the waters reach Takiritawai (also known as Kakerikawai) at the headwater of our lake.”*<sup>4</sup>

Water quality and quantity in the catchment's waterways has decreased significantly in the memory of the people of Wairewa. Land use change has reduced the catchment's water yield and increased the presence of contaminants in water. Tāngata whenua also question whether intensive land and water use across Ngā Pākihi Whakatekateka o Waitaha is affecting freshwater resources of the Te Roto o Wairewa catchment.

Tāngata whenua are also concerned with the effects of commercial forest plantations on waterways, particularly in Ōkuti Valley. Land clearance, planting and harvesting of plantations can result in sedimentation and contamination of waterways. Plantations can also negatively affect catchment water yield, as pine trees absorb a significant quantity of water, including stormwater, that would otherwise contribute to the catchment's water yield.

Cultural health assessments in the catchment ranked Poronui/Reynolds Stream in the upper Ōkuti valley as the best site in the catchment for cultural health. Monitoring the potential effects of forestry in the valley on this waterway is an important kaupapa for tāngata whenua.

*“Our old water quality policy, when we were young, was to look upstream before you drink!”* Wairewa IMP hui, 2010.

### Cross reference:

- » *Issue W1: Cultural health of the lake*
- » *Issue W6: Restoring important places*
- » *General policies in Section 5.3 - Issue WM3: Priorities for freshwater use; and Issue WM8: Water quality*

## MĀORI RESERVE LAND

Issue W4: Recognition of owners of Māori Reserve land.

### Ngā Kaupapa / Policy

- W4.1 When a proposed activity is adjacent to or may impact on Māori Reserve land, consultation must occur with owners or trustees of that reserve land.
- W4.2 To require that district and regional plans contain provisions to address the issues and barriers associated with the use and development of ancestral and Māori reserve land for the purposes for which it was set aside, as per general policy on *Papakāinga* (Section 5.4 Issue P5).

### He Kupu Whakamāhukihuki / Explanation

There are a number of Māori Reserves located in the catchment of Te Roto o Wairewa: Wairewa, Otawira, Takiritawai, and Te Pourua.<sup>5</sup> When a proposed activity is adjacent to or may impact on Māori Reserve land, the applicant must consult with the owners or trustees of that land as individuals, in addition to the Papatipu Rūnanga.

### Cross reference:

- » *General policy on papakāinga (Section 5.4 Issue P5)*

## SUBDIVISION AND RESIDENTIAL DEVELOPMENT

Issue W5: Lifestyle block and residential intensification has the potential to affect:

- (a) **The mauri of freshwater resources;**
- (b) **The cultural health of Te Roto o Wairewa; and**
- (c) **Wāhi tapu, wāhi taonga and archaeological values.**

### Ngā Kaupapa / Policy

- W5.1 To use the following principles as a guide for assessing subdivision and residential land development in the catchment of Te Roto o Wairewa:

- (a) Activities should be consistent with managing the catchment as mahinga kai;
  - (b) Settlements should be concentrated in areas sustainably able to absorb change (i.e. with regards to energy, water, waste and the protection of significant sites); and
  - (c) Natural and cultural landscapes that are largely unmodified should be protected from subdivision and residential development.
- W5.2 To require a clear and structured approach to managing sewage and water infrastructure in the catchment of Te Roto o Wairewa, including:
- (a) Subdivision consents must be applied for and considered alongside discharge consents;
  - (b) Careful consideration of reticulated vs. individual systems for sewage disposal, including consideration of the nature of land, the economic and cultural cost of reticulation and the economic and cultural cost of not reticulating;
  - (c) Detailed information on water supply, wastewater and stormwater as prerequisite for resource consent applications; and
  - (d) A requirement that all new residential developments install roof collection systems for rainwater. Streams and springs should not be relied on.

#### **Protection of wāhi tapu and wāhi taonga**

- W5.3 To utilise the methods set out in general policy on *Wāhi tapu me wāhi taonga* and *Silent files* (Section 5.8, Issues CL3 and CL4) to protect wāhi tapu and wāhi taonga from potential effects associated with subdivision and residential land development activity in the catchment.

#### **Te Mata Hāpuku**

- W5.4 To continue to work with Christchurch City Council to develop a long term solution for effluent disposal for at Te Mata Hāpuku (i.e. reticulated system) to:
- (a) Protect water quality and the cultural health of the lake; and
  - (b) Protect wāhi tapu and wāhi taonga.

#### **He Kupu Whakamāhukihuki / Explanation**

The last decade has seen a marked land use change from relatively low impact pastoral farming to intensified lifestyle communities in the Te Roto o Wairewa catchment. This is particularly evident in areas such as Te Mata Hāpuku, Western Valley and the outskirts of Little River.

Given the potential for effects on cultural values, tāngata whenua must participate in decision making on how development occurs in the catchment. It is imperative that subdivision and residential land development, including lifestyle blocks, are considered for consistency with the vision and objective for the wider catchment (i.e. lake as mahinga kai), and the cumulative effects on cultural and environmental values.

Tāngata whenua seek to enable development in areas that can absorb growth and change, like the community of Little River, while recognising the limitations of existing community infrastructure such as water supply. As with other areas of Te Pātaka o Rākaihautū, community water supply infrastructure needs to reflect the limits of water availability, by adopting methods such as rainwater collection. Careful consideration is required to identify areas that are able to absorb land use intensification and change, without compromising existing landscape values or future aspirations that rely on maintaining open space (e.g. restoration of areas of significant native vegetation).

***“Even with good septic systems like Oasis Clearwater, there is still the issue of density and cumulative effects.”***  
Iaeān Cranwell, Wairewa Rūnanga.

#### **Cross reference:**

- » *Issue W6: Restoring important places (with case study on Te Mata Hāpuku)*
- » *General policy on subdivision and development (Section 5.4, Issue P4)*
- » *General policy on coastal land use and development (Section 5.6, Issue TAN7)*

## **RESTORING IMPORTANT PLACES**

**Issue W6: To enhance and restore cultural important sites and places in the catchment.**

#### **Ngā Kaupapa / Policy**

- W6.1 To enhance and restore culturally important sites in the catchment, including but not limited to:
- (a) Continuation of the existing program of fencing and riparian planting at Ōkana Stream at Pā Road;
  - (b) Riparian planting at Takiritawai stream at the headwaters of Te Roto of Wairewa; and
  - (c) Fencing, landscaping, erection of pou, and naming of the site at Browns Pit, where Te Whare Tūpuna Makō is buried.

## He Kupu Whakamāhukihuki / Explanation

In addition to a general objective to restore the cultural health in the catchment through rehabilitating the lake, there are number of specific projects that are identified as matters of priority. One of these is the restoration and landscaping of Browns Pit at Birdlings Flat, where

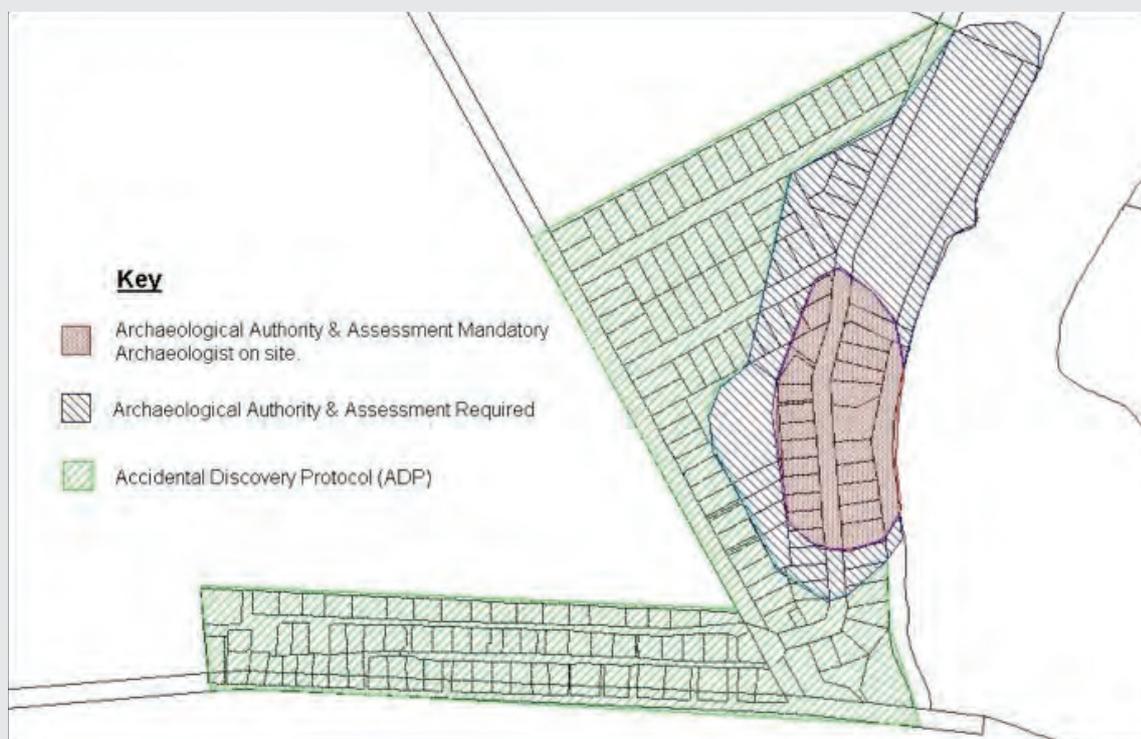
*Te Whare Tūpuna Makō* is buried. The old marae hall was demolished in January 2008 to make way for a new whare. Browns Pit was chosen given the proximity to Marokura nui, Marokura iti, Waikākahi, Te Mata Hāpuku and Ōruaka, and the suitability of the site for fencing, landscaping and the erection of pou to mark the site.

### CASE STUDY: Te Mata Hāpuku (Birdlings Flat)

Te Mata Hāpuku (a reference to the proper fisheries that were once plentiful in the area) was an extensive Pā site that our people occupied in the 1800's. Our people fought to have this area recognised and it was finally recognised as a Māori Reserve in 1876. Despite this, the reserve land and the area around it was sold by the provincial survey department's Wastelands Board in 1877. Our people at the time complained bitterly at this miscarriage of justice. Eventually the provincial government tried to repurchase the area but ultimately decided not to proceed due to the exorbitant price the landowner placed on the land. To add insult to injury, the landowner obtained 10 pound from the government when two of our people were charged with trespassing on what had effectively been their own land.

The sad saga of Te Mata Hapuku still haunts us to this day. In 1999 local authorities re-zoned the land as residential and in 2004 a subdivision was granted via non-notified consent. This meant that we were unable to put in place appropriate processes to protect cultural sites, or to address issues such as a water supply, wastewater disposal or stormwater management.

Today the tāngata whenua continue to work with residents, local authorities and the Historic Places Trust to facilitate robust cultural, community and environmental outcomes with respect to effluent disposal and the protection of sites of significance. One method used to achieve these outcomes is the use of 'hot zones' to protect sites of significance. Each zone (see map below) has specific requirements, reflecting the level of risk to wāhi tapu and wāhi taonga values.



Source: Wairewa Rūnanga.



## WĀHI TAPU ME WĀHI TAONGA

**Issue W7: Protection, management and access to wāhi tapu and wāhi taonga.**

### Ngā Kaupapa / Policy

- W7.1 To recognise and provide for the Te Roto o Wairewa as a Ngāi Tahu cultural landscape with significant historical, traditional, cultural and contemporary associations.
- W7.2 To increase the ability of Ngāi Tahu whānui to access wāhi tapu and wāhi taonga on private land using the methods set out in general policy on *Access to wāhi tapu and wāhi taonga* (Section 5.8 Issue CL5).
- W7.3 To utilise the methods set out in general policy on *Cultural landscapes* and *Wāhi tapu me wāhi taonga* (Section 5.8, Issues CL1 and CL3) to protect wāhi tapu and wāhi taonga in the catchment from inappropriate land use, subdivision and development.

### Kaitōrete Spit

- W7.4 To identify Kaitōrete Spit as a high risk area for the potential for land use to modify, destroy or damage archaeological sites.

### He Kupu Whakamāhukihuki / Explanation

The catchment of Te Roto o Wairewa is a rich cultural landscape. Key features of this cultural landscape include:

- ▶ Waikākahi – Tutekawa’s fishing settlement and pā;
- ▶ Te Ana o Koko – cave near the outlet of the lake;
- ▶ Wairewa pā (east bank of the Ōruāka stream);
- ▶ Marokuraniu and Marokuraiti - Devils Knob;
- ▶ Te Puia – pa at the tip of spur at the foot of Prices Valley;
- ▶ Ōruāka Pā; and
- ▶ Te Mata Hāpuku.

Archaeological sites continue to be at risk from both natural erosion and human activity, particularly along the eastern end of Kaitōrete Spit. For example, ancient middens located along Baileys Road continue to be exposed as a result of grading.

Many sites of significance, locally and tribally, are on private land. For example, Waikākahi is one of the most significant pā sites in the Ngāi Tahu rohe, but when Ngāi Tahu whānui want to access the site they have to seek permission from the landowner. Access to sites such as Waikākahi is

dependent on the goodwill of private landowners. Another example is Te Upoko o Tahumatā, the ancestral maunga standing behind Wairewa marae, also on private land.

*“There are areas within our takiwā that we are shut out of as a result of little understanding of the significance of the areas.”* Pita Simon, Wairewa Rūnanga.

*“Every time we want to visit our maunga we have to ring the farmer before we can sit up there.”* Rei Simon, Wairewa Rūnanga.

### Cross reference:

- » *General policies in Section 5.8 - Issue CL1: Cultural landscapes; Issue CL2: Ngāi Tahu Cultural Mapping Project; Issue CL3: Wāhi tapu me wāhi taonga; and Issue CL5: Access to wāhi tapu and wāhi taonga*
- » *Section 6.11, - Issue TW11 (Kaitōrete Spit)*

## CLIMATE CHANGE

**Issue W8: Climate change is an important consideration for the management of Te Roto o Wairewa.**

### Ngā Kaupapa / Policy

- W8.1 To require that potential changes to Te Roto o Wairewa and adjacent lands as a result of climate change induced sea level rise are recognised and provided for in all planning and consenting activities in the catchment.

### He Kupu Whakamāhukihuki / Explanation

Climate change is an important consideration with regard to achieving Ngāi Tahu objectives and aspirations for the Te Roto o Wairewa catchment. Specific issues include:

- (a) Potential changes to the depth and flow of waterways in the catchment, as a result of less rainfall. This will affect the cultural health of the waterways and therefore Te Roto o Wairewa;
- (b) Sea level rise would pose a threat to Mata Hāpuku/ the community of Birdlings Flat;
- (c) Sea level rise could result in increased erosion and exposure of significant sites on Kaitōrete Spit and the lake edge; and
- (d) Climate change induced changes to waterways and coastal areas could result in a loss of mahinga kai resources, sites and opportunities.

### Cross reference:

- » *General policy on climate change (Section 5.2, Issue R3)*

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ENDNOTES

- 1 Wairewa Group Annual Report 2005-2006.
- 2 Ibid.
- 3 Wairewa Ngāi Tahu Fund Application, n.d.
- 4 Cranwell, I. and M. Wakefield. 2008. *Hikoī Whakawhānaukataka. Wāhaka Tuatahi. Te Rohe o Wairewa*. Wairewa Rūnanga.
- 5 Tau, T.M., Goodall, A., Palmer, D. and Tau, R. 1990. *Te Whakatau Kaupapa: Ngāi Tahu Resource Management Strategy for the Canterbury Region*. Aoraki Press: Wellington.



TE WAIHORA



## 6.11 TE WAIHORA

This section addresses issues of particular significance in the catchment of Te Waihora (Map 23).

Te Waihora is a tribal taonga representing a major mahinga kai and an important source of mana. For the last 160 years, management of the lake and its catchment has reflected farming and settlement values, at the expense of Ngāi Tahu values. In its findings on Te Kerēme (the Ngāi Tahu Claim) the Waitangi Tribunal (1991) found that:

***“Waihora was part of the area sold under the Kemp Purchase. Despite the importance of the lake to Ngāi Tahu as a food resource, despite the reservation of mahinga kai from the sale, despite acknowledgement from the Māori Land Court in 1868 that the tribe had always regarded this place as a valuable fishery and as the tribe’s most highly prized and valuable of all their possessions, despite strong protests by Ngāi Tahu over the years, no reserves of any kind were ever created over the lake to protect its use for Ngāi Tahu.***

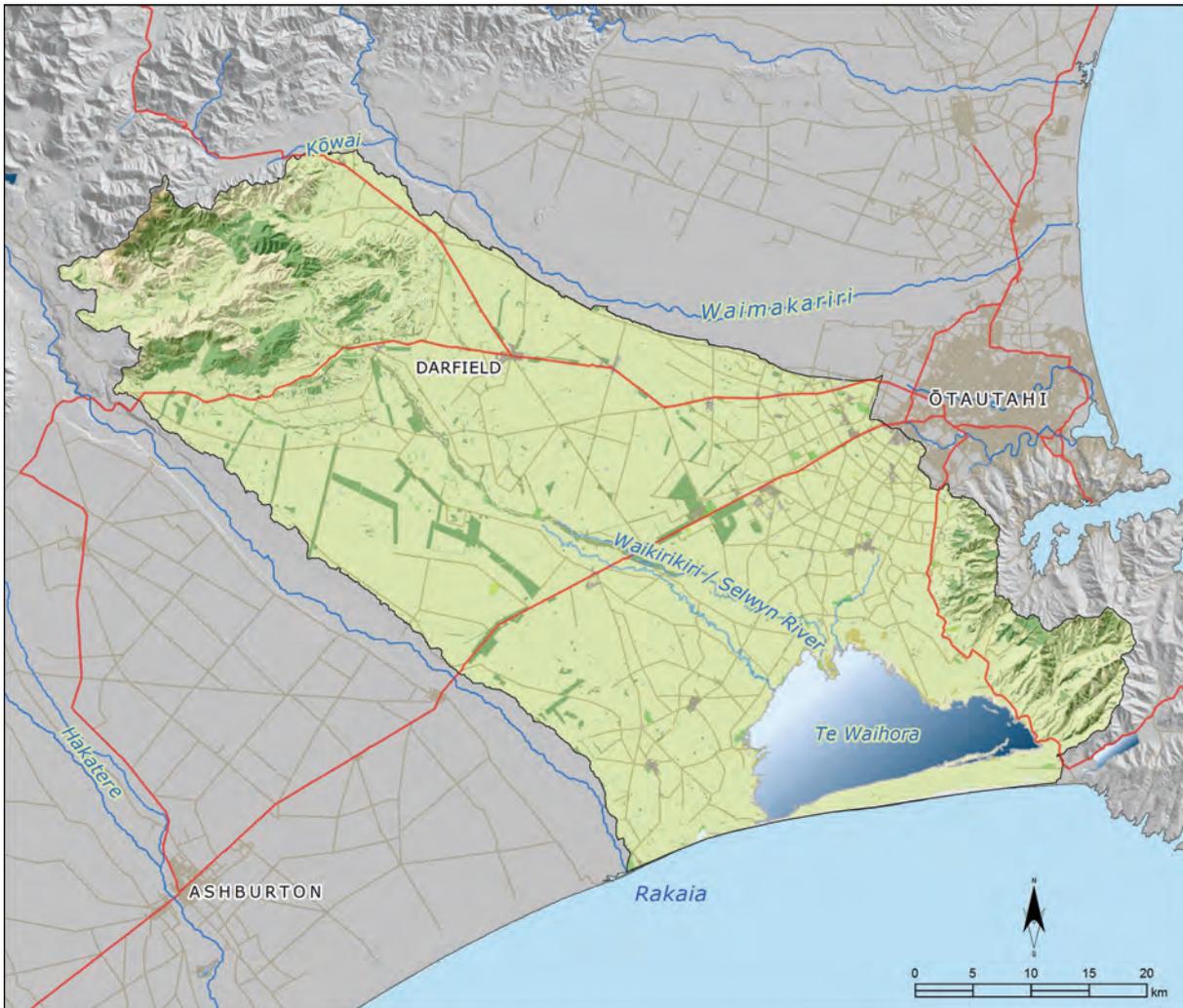
***The tribunal, in looking at the evidence, concluded that Ngāi Tahu were the losers in a conflict between two economic systems with different priorities over different resources. On the one hand, Ngāi Tahu relied on their traditional economy and expected that their rights to mahinga kai would be reserved to***

***them. On the other hand, the Crown saw that the Ngāi Tahu economy must not prevent the needs and demands of land settlement. The agricultural and pastoral demands won the conflict. As a result Ngāi Tahu interests in Waihora have been completely disregarded.”<sup>1</sup>***

The effect of intensive land use on the lake, waterways and groundwater in the catchment is a key kaupapa in this section. A focus on Te Waihora is the means to ‘drive change from the bottom up’. Resolving the issues required to restore the cultural health of Te Waihora will ultimately restore the cultural health of the wider catchment.

Today the restoration and rejuvenation of the mauri and ecosystem health of Te Waihora is a reality. Ngāi Tahu and Environment Canterbury are implementing a co-governance agreement for the active management of Te Waihora and its catchment, and *Whakaora Te Waihora*, a long-term relationship agreement and shared commitment between the two parties for the ecological and cultural restoration of the lake, bringing together the tikanga responsibilities of Ngāi Tahu and the statutory responsibilities of the regional council.

**Map 23:** Te Waihora catchment



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

## Ngā Paetae Objectives

- (1) Ngā Tahu are active co-governors of Te Waihora and its catchment.
- (2) Land and water management in the catchment effectively provides for the Treaty partner status of Ngā Tahu, and the taonga status of Te Waihora.
- (3) The cultural health of Te Waihora is restored, including the restoration of mahinga kai species abundance and diversity to a level to enable customary use.
- (4) The customary rights of Ngā Tahu whānui associated with mahinga kai and Te Waihora are protected mō tātou, ā, mō kā uri ā muri ake nei.
- (5) Land and water use in the catchment respects the boundaries, availability and limits of our freshwater resources and the need to protect soil and water resources for future generations.
- (6) The relationship between land use, groundwater, surface water and Te Waihora is recognised and provided for according to the principle of Ki Uta Ki Tai.
- (7) Lake management, including lake level management, reflects living with the lake, rather than forcing the lake to live with us.
- (8) The cultural health of lowland waterways is restored, through the restoration of water quality and quantity and riparian margins.
- (9) Wetlands and waipuna are recognised and protected as wāhi taonga, and there is an overall net gain of wetlands in the catchment.
- (10) All waterways have healthy, planted riparian margins and are protected from stock access.
- (11) The discharge of contaminants to the lake and waterways in the catchment is eliminated.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### TE WAIHORA: ISSUES OF SIGNIFICANCE

<b>Issue TW1: Governance and management</b>	Improving the ability of Ngāi Tahu to exercise kaitiakitanga and influence decision making.
<b>Issue TW2: Ngāi Tahu as owner of lakebed</b>	Effective recognition of Ngāi Tahu ownership of the Te Waihora lakebed.
<b>Issue TW3: Joint management plan</b>	Implementation and review of the <i>Mahere Tukutahi o Te Waihora/Te Waihora Joint Management plan 2005</i> .
<b>Issue TW4: Cultural health of Te Waihora</b>	The cultural health of Te Waihora is degraded as a result of lake margin land use and settlement, land use in the catchment and lake level management.
<b>Issue TW5: Lake level management</b>	Lake level management must be consistent with the protection and restoration of Ngāi Tahu values and interests.
<b>Issue TW6: Mahinga kai</b>	Loss of mahinga kai resources and opportunities in Te Waihora and its catchment.
<b>Issue TW7: Cultural health of lowland waterways and groundwater</b>	The cultural health of lowland waterways and groundwater is compromised as a result of intensive land use and over-allocation.
<b>Issue TW8: Wetlands, waipuna, and riparian margins</b>	Degradation and loss of wetlands, waipuna and riparian margins in the catchment.
<b>Issue TW9: Wāhi tapu me wāhi taonga</b>	Protection of wāhi tapu and wāhi taonga.
<b>Issue TW10: Coastal erosion</b>	Coastal erosion along the Taumutu coastline and effects on the lake opening management regime and wāhi tapu and wāhi taonga, including urupā.
<b>Issue TW11: Kaitōrete spit</b>	Protecting Ngāi Tahu values associated with Kaitōrete Spit.



### Te Kete Ika a Rākaihautū

The original Māori name for Te Waihora was *Te Kete Ika a Rākaihautū*, the fish basket of Rākaihautū, named by Te Rākihōia after his father Rākaihautū, the captain of the Uruao waka known for using his famous kō (digging stick) to dig the principal lakes of Te Wai Pounamu. On his coastal journey south from Whakatū (Nelson) Te Rākihōia discovered the great flat plains of Canterbury, which he called *Ngā Pākihi Whakatekateka o Waitaha*, and the great coastal lake he described as 'flat spread out water' or Te Waihora. Te Rākihōia claimed the abundant resources of the area for his father and hence named the lake *Te Kete Ika a Rākaihautū*.

## GOVERNANCE AND MANAGEMENT

**Issue TW1: Improving the ability of Ngāi Tahu to exercise kaitiakitanga and influence decision making in the catchment.**

### Ngā Kaupapa / Policy

- TW1.1 To continue to progress a formal co-governance arrangement, between Ngāi Tahu and Environment Canterbury for the active management of Te Waihora **and its catchment.**
- TW1.2 To support *Whakaora Te Waihora* as a long-term relationship agreement and shared commitment between Ngāi Tahu and Environment Canterbury for the ecological and cultural restoration of Te Waihora.
- TW1.3 To require that local authorities and water management structures recognise and provide for rangatiratanga and kaitiakitanga by:
- Recognising Te Rūnanga o Ngāi Tahu as owner of the Te Waihora lakebed; and
  - Recognising and giving effect to the mandate of the Te Waihora Management Board to protect the tribal property right for the lakebed (see Issue TW2).

### He Kupu Whakamāhukihuki / Explanation

A significant issue for Ngāi Tahu is the limited ability to effectively participate in and drive resource management decision making for the Te Waihora catchment. The current state of poor cultural health of Te Waihora and its catchment is evidence that water management and governance in the region has failed to effectively recognise and provide for kaitiakitanga and rangatiratanga.

Resolving this issue requires improved recognition of Ngāi Tahu as a Treaty partner, tāngata whenua and owner of the Te Waihora lakebed, and of the Te Waihora Management Board as representing the six hapū with kaitiaki interests in the lake. The long term objective for Papatipu Rūnanga is to establish a formal co-governance arrangement for managing the lake and its catchment, with statutory mechanisms for delivering significantly improved cultural health.

#### Cross reference:

- » *Issue TW2: Ngāi Tahu ownership of the lake bed*
- » *Issue TW3: Te Waihora Joint Management Plan*
- » *General policy on Kaitiakitanga (Section 5.1, Issue K3)*

## NGĀI TAHU AS OWNER OF THE LAKEBED

**Issue TW2: Effective recognition of Ngāi Tahu ownership of the Te Waihora lakebed.**

### Ngā Kaupapa / Policy

- TW2.1 To continue to raise the profile and assert the rights of Te Rūnanga o Ngāi Tahu as owner of the Te Waihora lakebed.
- TW2.2 To exercise the rights and obligations associated with Ngāi Tahu fee simple ownership of the bed of Te Waihora by:
- Holding a joint consent with the regional council for lake opening activities;
  - Investigating the feasibility of appointing the Te Waihora Management Board as joint consent authority for all activities affecting the lake, under Section 33 or 36B of the RMA; and
  - Requiring Ngāi Tahu approval on activities in the catchment that will directly affect the lake bed.

### He Kupu Whakamāhukihuki / Explanation

Ownership of the Te Waihora lake bed was vested in Te Rūnanga o Ngāi Tahu in 1998 as part of the Ngāi Tahu Settlement. Since 1998, there have been a number of difficulties associated with exercising the rights and obligations resulting from this ownership. For example, Ngāi Tahu have limited control over how particular activities affect the lake bed, including the discharge of contaminants and sediment on the lake bed from adjacent land use and tributary inflow. One of the reasons for this is that tribal ownership of the lake bed is often viewed by external agencies and landowners as different from private ownership, likely because:

- The property is under water: if Ngāi Tahu owned the whole of the lake that status of property rights would be less of an issue; and
- The property rights are tribal property rights and not individual.

#### Cross reference:

- » *Issue TW3: Te Waihora Joint Management plan 2005*

## TE WAIHORA JOINT MANAGEMENT PLAN

**Issue TW3: Implementation and review of the *Mahere Tukutahi o Te Waihora/Te Waihora Joint Management Plan 2005*.**

### Ngā Kaupapa / Policy

TW3.1 To use the *Te Waihora Joint Management Plan* alongside the *Mahaanui IMP* to enable a holistic Ki Uta Ki Tai approach to resolving issues of significance for the Joint Management Area and the wider Te Waihora catchment.

TW3.2 To review the *Te Waihora Joint Management Plan* to assess progress and improve the ability of the plan to address and resolve issues of significance to Ngāi Tahu, including:

- (a) Access to lake bed: currently Ngāi Tahu access provisions are generally limited to those of the general public;
- (b) Inanga/whitebait: the Plan does not provide for the management, protection or enhancement of inanga, as it cannot fully recognise the relationship between mahinga kai, tributaries and the lake (i.e. applies to lake bed only); and
- (c) Building on the Plan to implement co-governance of the Joint Management Area.

TW3.3 To work with the Department of Conservation to implement signage and interpretation policies and methods in the Joint Management Plan that inform and clarify public access (i.e. who owns what, who can go where, and what they can do there).

### He Kupu Whakamāhukihuki / Explanation

The *Te Waihora Joint Management Plan (TWJMP)* provides a framework for a working relationship between Ngāi Tahu and the Department of Conservation, and policy guidance for addressing management issues associated with the lake bed and lake margins. The Plan has significantly raised the profile of Te Waihora and achieved a number of key outcomes desired by Ngāi Tahu, such as enabling the collection of swan eggs (see Case Study under Issue TW6), and implementing restoration programmes on lake margins. It also provides a framework to implement a permit system for commercial activities and uses of the lake bed.

However, there are a number of areas in which desired outcomes have not been achieved, including some access and mahinga kai issues. For example, tāngata whenua who fish for pātiki and tuna from the lake are subject to rules about how they access their land (i.e. foot access only), and these rules impede full access to mahinga kai resources.

A further issue is that the TWJMP applies only to the lake bed and specific land parcels around the lake. The plan does not include the water in the lake, and is unable to address the effects of catchment land use on lake health. Managing the lake bed separately from the water above it is an ongoing challenge for tāngata whenua, given the holistic approach of Ngāi Tahu to environmental management. The *Mahaanui IMP* addresses this issue by providing a values-based, Ki Uta Ki Tai planning document that can be used alongside the TWJMP to effectively address and resolve land use and water issues.

The TWJMP is effective for 10 years, or for an extended period as agreed by Te Rūnanga o Ngāi Tahu and the Minister of Conservation, but may be reviewed at any time as a result of increased knowledge, or changes in circumstance.

## CULTURAL HEALTH OF TE WAIHORA

**Issue TW4: The cultural health of Te Waihora is degraded as a result of:**

- (a) **Lake margin land use and settlement, and reclamation of the lake;**
- (b) **Land use in the catchment and effects on the lake and its tributaries; and**
- (c) **Lake level management.**

### Ngā Kaupapa / Policy

TW4.1 To require that the management of land and water in the Te Waihora catchment recognises and provides for the relationship between catchment land use, tributary flow, drain management, water quality, the coastal environment and the cultural health of Te Waihora.

TW4.2 To require that Te Waihora is identified as a *mahinga kai site* and a *wāhi taonga management area* in the Selwyn District Plan, in addition to an 'Outstanding Natural Feature and Landscape', and that the plan contains provisions to protect these values.

### **Lakewater, groundwater and surfacewater**

- TW4.3 To advocate for the development of an integrated surface water/groundwater/lake-water management plan for the Te Waihora catchment, recognising and giving effect to:
- (a) Mauri and mahinga kai as first order priorities;
  - (b) The relationship between groundwater and surface water;
  - (c) The relationship between tributary water quality and flow and the health of Te Waihora; and
  - (d) Effects of land use on water quality and quantity, particularly farm run-off.

### **Lake margin land use**

- TW4.3 To work with local authorities and the Department of Conservation to address the effects of lake margin land use and settlement on the cultural health of Te Waihora by:
- (a) Securing a protected wetland margin around the lake to provide a buffer from land use and lake level changes;
  - (b) Establishing a process whereby the Te Waihora Management Board can require the Department of Conservation to revoke grazing licenses on lake margin conservation land where such licenses are resulting in adverse effects on Ngāi Tahu values and lake health;
  - (c) Investigating alternative locations or exit strategies for the Lower Selwyn Huts settlement;
  - (d) Investigating the development and use of zones around the lake to control the effects of land use, reflecting the:
    - (i) Sensitivity of the lake environment to a particular activity/degree of risk to lake health, and
    - (ii) Consistency of a particular activity with Ngāi Tahu objectives to manage the lake as mahinga kai.
  - (e) Prohibiting activities such as creation and use of offal pits, establishment of lifestyle block developments, and permanent settlement on lake margin land below 1.8 m above sea level.

### **Cultural health monitoring**

- TW4.5 To support the continued development of cultural health assessment tools and methods to understand and respond to issues of management importance to Te Waihora, and to require the acceptance of these tools as mainstream assessment and monitoring methods.

- TW4.6 To investigate the tribal purchase of a boat to use on Te Waihora for the purposes of:
- (a) Cultural health monitoring;
  - (b) Fulfilling kaitiaki/tāngata tiaki responsibilities;
  - (c) Research; and
  - (d) Access to lake edge sites not accessible by land, including tribal property.

### **Research**

- TW4.7 To increase Ngāi Tahu participation in defining research objectives and priorities for Te Waihora to ensure that research benefits Ngāi Tahu values, including mahinga kai.
- TW4.8 To support and encourage ‘solution based research’ (i.e. will improve environmental outcomes for water quality in the lake, as opposed to providing evidence to support what we already know).

### **He Kupu Whakamāhukihuki / Explanation**

Although Te Waihora continues to be a productive environment, its mauri is severely degraded as a result of a management regime that has consistently prioritised non-Ngāi Tahu values and interests (see Box - *State of the Takiwā - Cultural Health Assessment for Te Waihora*). Kaumātua describe Te Waihora as once clear with a shingle bottom, used as a source of drinking water, food and cultural resources (see Box - *Kaumātua memories of Te Waihora*).

Te Waihora has little protection from the effects of land use on its margins. Activities on the margins of the lake such as grazing, sewage discharge, and run-off have effects on lake health through direct environmental impact, and because they influence the lake level management (see Issue TW5). For example, the location of lake margin communities compromises the ability to raise lake levels and manage for fishery values. The protection of these communities (and what is essentially a non-existent private property right) is given priority over and above the tribal property right over the lakebed. The Te Waihora Management Board refers to this as a ‘superimposed priority to keep these settlements dry’.

***“I have noticed a change ever since farming began at the top end of Greenpark. Pollution and sediment from the farms has washed down into the lake”.***

Aunty Maria Johnson (Aunty Ake), Taumutu IMP hui.

Land use and tributary management in the wider catchment also contribute significantly to the degraded cultural health of Te Waihora. At the bottom of the catchment, Te Waihora

is a sink for nutrients and sediment from its large and predominately agriculturally based catchment. Historically, extensive wetlands around the lake margins acted as a nutrient and sediment filter and played an important role in maintaining water quality, but these have been largely drained or degraded.

***“We shouldn’t be using the word ‘nutrients’ to describe what is going into our lake. Nutrients are associated with health and well being. What is going into our lake is pollutants and toxins.”***

Uncle Donald Brown, Te Taumutu Rūnanga.

**Cross reference:**

- » *Issue TW5: Lake level management*
- » *Issue TW6: Mahinga kai*
- » *Issue TW7: Cultural health of lowland waterways and groundwater*

#### Kaumātua memories of Te Waihora

Ngāi Tahu kaumātua have vivid recollections of the Te Waihora environment not so long ago, and today the kaumātua advise that it is not enough to talk about improving or enhancing the lake - we now have to focus our efforts on saving it.

Kaumātua recollections of Te Waihora:

- ▶ clear with a shingle bottom
- ▶ used as a source of drinking water
- ▶ large pipi in the lake bed
- ▶ a much higher lake covered a much larger area
- ▶ abundance of tuna in Te Koru
- ▶ healthy large pātiki
- ▶ we have access to the whole of the lake
- ▶ abundant traditional resources that were safe to eat - watercress, puha, tuna, herring, pātiki, smelts, inanga
- ▶ higher salinity, as the lake was open for longer periods of time
- ▶ more fluctuation of wet and dry at Greenpark Sands, and a more productive environment for waterfowl and other birds.

**Source:** IMP hui, Ngāti Moki Marae, 2010.

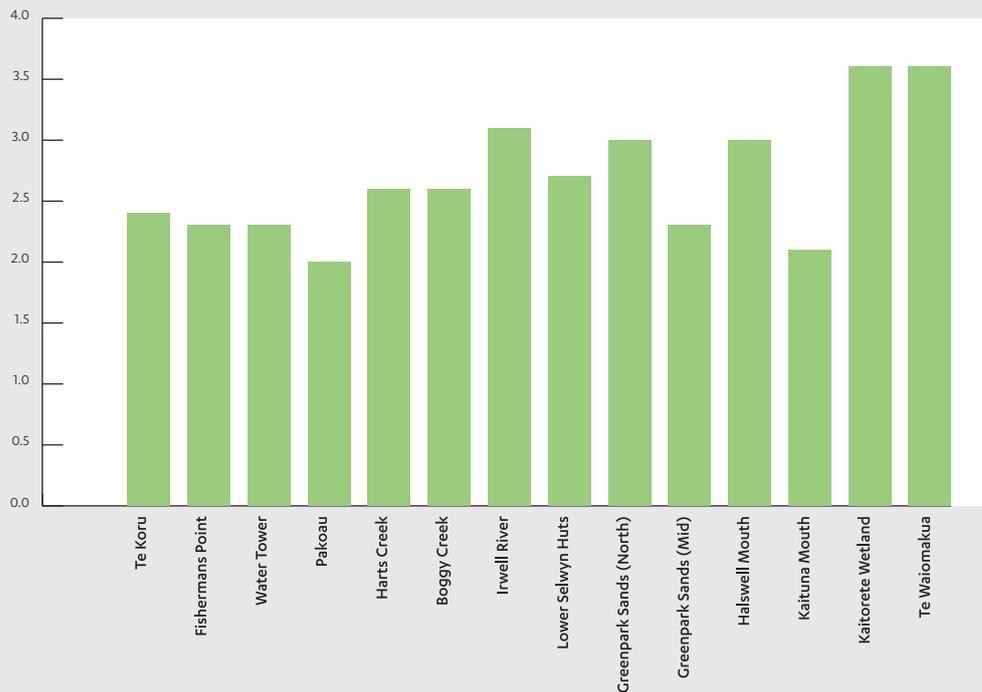
## State of the Takiwā Cultural Health Assessment for Te Waihora

State of the Takiwā cultural health assessments undertaken at Te Waihora in 2007 found that:

- ▶ The lake, and in particular the lake edge, still holds significant mahinga kai values, despite obvious water quality, modification, external pressure and native vegetation issues;
- ▶ Te Waihora lake edge is in a state of moderate cultural health. Sites scored well on willingness to harvest mahinga kai and access indicators, but poorly on site pressure, modification and native species abundance indicators;
- ▶ Just under half (42%) of the 12 sites tested failed the national recreation guidelines for water quality and no site achieved the shellfish/food gathering standard or was fit to drink. E. coli at 83% of the sites showed resistance to antibiotics, with Ampicillin (a human antibiotic) being the most common. The worst record was the Greenpark Sands site and the best was Pākoau; and
- ▶ Kaitōrete Spit sites (Te Waiomakua and Harakeke Wetland) were the highest ranking sites, while Pākoau followed by the Kaituna River mouth site were the lowest scoring.

*Takiwā Cultural Health Assessment scores for 14 sites at Te Waihora, with 0.0 being the lowest score and 5.0 the highest.*

Waihora Takiwā Scores



**Source:** Pauling, C. & Arnold, J., 2007. Cultural Health of the Lake. In: Te Waihora/Lake Ellesmere: State of the lake and future management, Hughey, K. & Taylor, K (editors), pp. 77 – 82.

## LAKE LEVEL MANAGEMENT

**Issue TW5:** Lake level management must be consistent with the protection and restoration of Ngāi Tahu customary values and interests associated with Te Waihora.

### Ngā Kaupapa / Policy

TW5.1 To require that lake level management and lake openings are jointly managed by Ngāi Tahu and Environment Canterbury, recognising Ngāi Tahu as tāngata whenua, Treaty partner and owner of the Te Waihora lake bed.

TW5.2 To continue to pursue a lake opening regime that provides for improved recognition, protection and enhancement of mahinga kai (fisheries) values and other outstanding cultural characteristics associated with Te Waihora. This means:

- (a) A process of managed lake openings that allow for:
  - (i) Increased fish recruitment;
  - (ii) Higher and fluctuating lake levels;
  - (iii) Salinity maintained at a higher level than current regime allows;
  - (iv) Longer duration of openings when required for fish values; and
  - (v) Allowing the lake to be tidal for longer periods of time.
- (b) The investigation of opening the lake at the southern end of Te Koru, in addition to, or instead of, the current site.
- (c) Adaptive management, allowing the lake to be opened on a seasonal, opening-by-opening basis, guided by general rules and criteria rather than set target levels.

### He Kupu Whakamāhukihuki / Explanation

Ngāi Tahu historically opened Te Waihora using kō and tākoko. The lake was opened when it threatened to flood the pā at Taumutu and occupation sites around its shores, or when fisheries values required it. People in settlements as far south as Awarua knew that the lake had been opened by the appearance of distinctive pātiki mohoao in their rivers.<sup>2</sup> The difference between these historical openings and openings in the last century is that Ngāi Tahu worked with the lake rather than against it.

With European settlement, larger scale drainage and flood management replaced water quality and fish migration as the drivers for lake openings:

*“At Lake Ellesmere (then called Waihora) I showed Maopo, Pohau, and others of the Kaiteruahikihiki interested at Taumutu that although years might elapse ere their old style of breaking the dam might be interfered with, the stoppage of the outlet must so seriously affect the drainage of so large an extent of country that the Government must be quite free to do as it pleased with regard to it.”<sup>3</sup>*

As early as 1856, Ngāi Tahu sought to have the issue of drainage of Te Waihora addressed (see Box - *Early attempts to protect Te Waihora*). Ngāi Tahu continue to pursue a lake opening regime that provides for improved recognition, protection and enhancement of mahinga kai values. It is anticipated that the recent amendments to the *National Water Conservation (Te Waihora/Lake Ellesmere) Order 1990* will assist with this goal.

*“We accept that the lake will always be lower than it was historically, but in saying that we must manage for values not levels”<sup>4</sup>*

*Cross reference:*

» *Issue TW4: Cultural health of Te Waihora*

*Information resource:*

» *Cultural Impact Assessment Report for activities associated with the opening of Te Waihora, 2003. Prepared by Jolly, D., with Te Taumutu Rūnanga and Te Rūnanga o Ngāi Tahu, for Environment Canterbury.*

## SOME EARLY ATTEMPTS TO PROTECT LAKE WAIHORA (ELLESMERE) – TE KETE IKA A RAKAIHAUTU

1865, SEPTEMBER: The people of Taumutu and Wairewa, through Natanahira Waruwarutu, approached the Native Minister, James Fitzgerald, complaining of the drainage of Lake Waihora.

1870, APRIL: The people of Taumutu and Wairewa sent a letter to William Rolleston, Superintendent of Canterbury Province, protesting against letting water out of Lake Waihora as it destroyed the pātiki spawn during their breeding season. It included the statement: "Pakeha make laws to protect black swans and [their] trout fishing, but [for] the Maori they first take the land and now want to destroy his fishing grounds."

1878, JUNE: Kiriona Pahau and others wrote to the Government objecting to Lake Waihora being drained into the sea as it destroyed their eel weirs.

1881, AUGUST: A petition was presented against the draining of Lake Waihora.

1893, MARCH: The Fishing Commission investigated the position of the fishing industry at Lake Waihora. Sir John Hall pointed out at that time that the Treaty of Waitangi and Kemp's Deed guaranteed Kai Tahu's ownership of the fishery.

1901, OCTOBER: Hori Kerei Taiaroa brought to the attention of the Legislative Council that the drainage works proposed by the Selwyn County Council were likely to interfere with Maori fishing rights.

1902, DECEMBER: Six hundred people, Maori and Pakeha, signed a petition requesting that trout be allowed to be sold along with pātiki by Maori and European fishermen at Taumutu.

1912, NOVEMBER: Bill placed before the House of Representatives to conserve Maori fishing rights at Lakes Wairewa (Forsyth) and Waihora – it was lost by 27 to 25 votes.

## MAHINGA KAI

**Issue TW6: Loss of mahinga kai resources and opportunities in Te Waihora and its catchment as a result of:**

- (a) Decline in species health, abundance and diversity;
- (b) Poor cultural health of traditional mahinga kai sites;
- (c) Loss of or poor physical access to mahinga kai areas;
- (d) Adverse effects on native species as a result of introduced species; and
- (e) Commercial fishing in Te Waihora.

### Ngā Kaupapa / Policy

#### Customary rights to mahinga kai

TW6.1 To require that Te Waihora and its tributaries are managed as a customary fishery first and foremost, including but not limited to:

- (a) A lake opening regime that reflects the needs of the customary fishery (see Issue TW5);
- (b) Tributary water quality and quantity that enhances cultural health and mahinga kai, and enables customary use (see Issues TW7 and TW8);
- (c) Restoration of the cultural health of and physical access to key mahinga kai sites and resources around the lake; and
- (d) The use of exclusion zones for commercial fishing / non-commercial fishing areas.

TW6.2 To require that Ngāi Tahu customary rights to mahinga kai are recognised, protected and enhanced.

TW6.3 To require that any mechanism, plan or policy designed to recognise and protect the values of Te Waihora confirms the status of Ngāi Tahu as tāngata whenua, the mana of Ngāi Tahu as landowner, and the customary importance of the lake as mahinga kai (see Box – *Establishing Te Waihora as a Mahinga Kai Cultural Park*).

TW6.4 To nurture and teach our tamariki and mokopuna about the mahinga kai traditions associated with Te Waihora and its tributaries.

#### Priority areas

TW6.5 To require that the health of, and physical access to, mahinga kai sites and places within the Te Waihora catchment is restored, including but not limited to:

- (a) Muriwai;
- (b) Greenpark Sands;
- (c) Pākoau;
- (d) Kaitōrete;
- (e) Kaituna kōhanga (Kaituna end);
- (f) Waikirikiri;
- (g) Waiwhio;
- (h) Halswell River;
- (i) Ahuriri Reserves; and
- (j) Yarrs Lagoon.

TW6.6 To highlight the need to protect long fin eel (*Anguilla dieffenbachii*) as a matter of priority, given the significant and ongoing decline of these species in Te Waihora.

#### Access

TW6.7 To develop and implement Ngāi Tahu-specific mahinga kai based access provisions for Te Waihora including:

- (a) Vehicle access to particular areas for mahinga kai activities where such access is determined by tāngata whenua to be necessary and will avoid effects on mahinga kai or ecological values; and
- (b) The ability for Ngāi Tahu to constrain access to specific areas at specific times of year, for the purposes of avoiding adverse effects on the lake bed, mahinga kai or other cultural values.

#### Cultural health monitoring

TW6.8 To support cultural health monitoring of mahinga kai species in Te Waihora, the lake margins and tributaries, including but not limited to:

- (a) Tuna, particularly longfin;
- (b) Pātiki;
- (c) Kāki anau; and
- (d) Kokopu, as a good indicator species.

TW6.9 To investigate the implementation of a programme to test hua kāki anau for the presence of contaminants, given the reliance of kāki anau on the lake as a food source.

#### Non-commercial areas

TW6.10 To support existing non-commercial fishing areas in Te Waihora, and investigate the establishment of additional exclusion areas.

## He Kupu Whakamāhukihuki / Explanation

Mahinga kai is one of the most important cultural values in the Te Waihora catchment. The importance of the lake as mahinga kai was reinforced by the Waitangi Tribunal in its conclusions and recommendations in the *Ngāi Tahu Sea Fisheries Report 1991*. The Tribunal recommended that the lake be returned to Ngāi Tahu as a fishery (Section 14.3.4). The ability of Te Waihora to sustain people as a mahinga kai is reflected in a whakataukī from Taumutu that refers to the year round availability of food at Orariki, when at other places food was only available at certain times of year:

***Ko ngā hau ki ētahi wāhi, ko ngā kai ki Orariki.***

*No matter which way the wind blows, you will always eat at the pā of Orariki, Taumutu*

Tāngata whenua continue to value mahinga kai activities as an important expression of cultural identity. The loss of mahinga kai resources and opportunities in the catchment is significant, given the highly modified agricultural landscape, degraded water quality and quantity, and loss of physical access (see Case Study - *Cultural harvest of hua kāki anau*).

***“Ngāi Tahu should have full and unimpeded access to the lake bed and margins, as owner and as tāngata whenua, as guaranteed by Te Tiriti o Waitangi.”*** Terrianna Smith, Te Taumutu Rūnanga/Te Waihora Management Board.

***“I will never get over the Crown coming in and disregarding our Treaty right to fish in Te Waihora. We lost the ability to make a living and earn an income to feed our family. We were left with a customary right to fish, but not one that included the right to fully sustain our whānau.”*** Donald Brown, Te Taumutu Rūnanga.

### Cross reference:

- » *Issue TW3: Implementation and review of the Te Waihora Joint Management Plan*
- » *Issue TW4: Cultural health of Te Waihora*
- » *Issue TW5: Lake level management*
- » *General Policy on mahinga kai (Section 5.5, Issue TM1)*
- » *Section 6.12 (Rakaia to Hakatere) - Issue RH2 (see Box – Taiaroa 1880 Mahinga kai map)*

### Information resource:

- » *Te Taumutu Rūnanga and Te Waihora Eel Management Committee: Nature and extent of Te Waihora. Customary Eel Fishery – Mahinga Tuna kei Te Waihora (prepared by D. O’Connell).*
- » *Waitangi Tribunal. 1991. Ngāi Tahu Sea Fisheries Report.*

## CASE STUDY: Cultural harvest of hua kāki anau on Te Waihora

Hua kāki anau or black swan eggs were a very important seasonal mahinga kai for Ngāi Tahu at Te Waihora. Under the authority of the Acclimatisation Society swan egg collection become an illegal activity in the century. Rangers were employed to camp up towers overlooking the swan breeding areas to deter would be egg gatherers. By the 1960s there were over 80,000 birds on the lake, but this population was significantly reduced following the Wahine Storm of 1968.

A permit to gather eggs was recently granted to Ngāi Tahu by the North Canterbury Fish and Game Council. Following the first legal swan eggging in over a century, there were many positive reports of sponges, birthday cakes, omelets and scrambled eggs. Mātauranga was also shared with rangatahi by their kaumātua, therefore ensuring the continuity of this practice.

Notwithstanding the restoration of Ngāi Tahu customary rights to harvest hua kāki anau, there remain a number of barriers to the full re-establishment of this cultural practice, including:

- » Swans nest largely on private land and access is limited by 4WD vehicle or boat, and dependent on landowner consent; and
- » Sites are severely degraded in terms of indigenous vegetation and erosion is rapidly destroying the main nesting area.

Further research and understanding is required to ensure that the harvest of hua kāki anau is a sustainable mahinga kai practice into the future. Cultural health assessment provides a tool to compile a data set to further this goal.

**Source:** Pauling, C. and Arnold, J. 2008. Cultural Health of the Lake. In: K. Hughey and K. Taylor (eds.), *Te Waihora/Lake Ellesmere: State of the Lake and Future Management*. Lincoln University.



### Establishing Te Waihora as a Mahinga Kai Park

Any proposal to recognise and protect the immense cultural and ecological significance of Te Waihora must confirm the status of Ngāi Tahu as tāngata whenua, the mana of Ngāi Tahu as landowner, and recognise the customary importance of the lake as mahinga kai.

One option being considered by Ngāi Tahu is the establishment of Te Waihora as a Mahinga Kai Park. The establishment of mahinga kai parks in the takiwā of each Papatipu Rūnanga is one of the key environmental outputs identified in Ngāi Tahu 2025.

A mahinga kai park can be considered somewhat as a national park. The purpose of the park is to protect and sustainably manage the lake and the species that reside there, with emphasis on those species of customary importance to tāngata whenua, as well as establishing conditions on access and use. However, unlike a national park, customary use occurs alongside conservation, and is given priority over other kinds of use.

Key features of a mahinga kai park:

- ▶ use and access to mahinga kai have the highest status;
- ▶ the protection of customary species is paramount;
- ▶ tāngata whenua are the primary decision makers;
- ▶ cultural wānanga are held to restore and pass on traditional tikanga;
- ▶ some areas are set aside for exclusive use by tāngata whenua;
- ▶ both customary and commercial use can be provided for, but commercial use cannot occur at the expense of customary; and
- ▶ where commercial activities (concessions or other) occur, they would provide benefit to tāngata whenua.

**Source:** Te Taumutu Rūnanga Natural Resource Management Plan (2003).

## CULTURAL HEALTH OF LOWLAND WATERWAYS AND GROUNDWATER

**Issue TW7:** The cultural health of lowland waterways and groundwater is degraded as a result of:

- (a) Diffuse and point source pollution sourced from intensive rural land use;
- (b) Sewage and stormwater disposal associated with urban and subdivision activities;
- (c) Inappropriate drain and waterway management;
- (d) Low flows due to excessive surface and groundwater abstractions;
- (e) Drainage of wetlands and degradation of riparian areas; and
- (f) Over-allocation and increasing demand for more water.

### Ngā Kaupapa / Policy

#### *Water quality*

TW7.1 To require that the restoration of water quality in lowland streams is addressed as a matter of priority in the takiwā, to enable Ngāi Tahu and the wider community to fish, swim and engage with our waterways as we once did.

TW7.2 To require that water quality issues in the catchment area addressed as per general policy on *Water quality* (Section 5.3 Issue WM6) and on the *Effects of rural land use* (Section 5.3 Issue WM7), with particular attention to:

- (a) The specific nature of the catchment i.e. lake as a sink at the bottom of the catchment, absorbing the pollutants that flow into it from tributaries, drains and farm run-off; and
- (b) The need for polluters to be held responsible for their effects on water quality and lake health.

TW7.3 To advocate that existing irrigated and other forms of intensive land use in the Te Waihora catchment require resource consent to continue operating, when the activity:

- (a) Has a history of non-compliance;
- (b) Is located below 1.8 m above sea level when adjacent to Te Waihora; and/or
- (c) Is adjacent to a surface waterway.

#### *Water quantity*

TW7.4 To require immediate and effective steps for addressing over-allocation, as per general policies

on Water quantity (Section 5.3 Issue WM8), with particular emphasis on:

- (a) Controlling irrigated and intensive land use activities that affect surface water flow and groundwater recharge.

TW7.5 To require that environmental flow and water allocation regimes for the waterways in the Te Waihora catchment deliver the cultural outcomes set out in general policy on *Water quantity* (Section 5.3 Issue WM8), with particular emphasis on:

- (a) Improving flow and water quality in lowland streams and the tributaries of Te Waihora; and
- (b) Protecting water quality in aquifers and aquifer recharge.

TW7.6 To oppose the abstraction of water from the following wāhi taonga waterways:

- (a) Waikekewai.

#### **Water enhancement schemes**

TW7.7 To oppose any water enhancement scheme that will result in further adverse effects on Te Waihora. The cultural bottom line is that the only acceptable effects on Te Waihora are positive effects.

#### **He Kupu Whakamāhukihuki / Explanation**

Uncontrolled intensive land use is degrading water quality in lowland waterways and groundwater resources in the Te Waihora catchment, as evidenced by the inability to use many waterways for mahinga kai or swimming, and the occurrence of nitrate contamination in community groundwater supplies. Increasingly, phosphorus, nitrate, and faecal coliform concentrations in both ground and surface water exceed aquatic health and recreation use standards (see Case Study - *Lynton Dairies Ltd vs. Canterbury Regional Council*). Some communities continue to use waterways as a receiving environment for stormwater and overflows of wastewater.

***“It is unacceptable that we cannot swim or fish in the Waikirikiri in the summer months, and that those who are directly contributing to the degradation of the awa are not being held responsible. Rather, they continue to make money while the community and the river bear the cost.”*** Te Taumutu Rūnanga IMP hui, 2010.

The demand for water for intensive land use has severely reduced flows in lowland spring fed waterways such as the Waiwhio, which now goes dry in the summer months. The Rakaia-Selwyn and Selwyn-Waimakariri groundwater zones are red zones, meaning that the total amount of groundwater currently allocated exceeds the allocation limit. Existing and continuing pressure on water resources

is directly contributing to the degraded cultural health of waterways. The cultural health of the lake is directly related to the waterways flowing into it, and every tributary has a role in maintaining a healthy lake environment. At the ‘bottom of the catchment’ Te Waihora is a reflection of how land and water is managed in the catchment.

A significant kaupapa for Papatipu Rūnanga is the need to rethink the way water is valued and used in the catchment. An assessment of the kinds of land use that water is supporting in the catchment is a necessary prerequisite to looking for ways to secure more water.

#### **Cross reference:**

- » *Issue TW4: Cultural health of Te Waihora*
- » *General policies in Section 5.3 - Issue WM6: Water quality; Issue WM7: Effects of rural land use on water; Issue WM8: Water quantity; and Issue WM9: Regional water infrastructure*
- » *General policy on Papatūānuku (Section 5.4, Issue P1)*

#### **CASE STUDY: Comments from Environment Court members regarding a site visit to the Te Waihora catchment [Lynton Dairies Ltd vs. Canterbury Regional Council (C108/05)]**

[97] To the east of State Highway 1 things change significantly. The area has clearly been subject to extensive land management over the last 100 years, with the aim of converting what was formerly wetlands to pastoral farm land. Much of that is now occupied by dairying and is extensively irrigated. There was very limited evidence to satisfy us that there had been active management of the waterways in this area and we were disappointed to see waterways, including the Irwell, Selwyn, Hanmer Drain, Doyleston, Boggy Creek and Hart Creek all subject to little or no riparian planting or fencing.

[100] We were shocked at the ever-present effluent smell from all of these waterways and the clear evidence of poor management, excess effluent levels and contamination.

[101] Te Waihora (Lake Ellesmere) was a significant shock to the Court. The lake is eutrophic, green in colour and seems to be devoid of any riparian management. For example, stock seem to have free access to the water, the margins appear to be subject to chemical spraying regimes and lake levels manipulated for farming rather than the natural values. The lake water is in a serious ecological condition and is in urgent need of attention. Riparian management is required as an absolute minimum.



## WETLANDS, WAIPUNA AND RIPARIAN MARGINS

**Issue TW8: Degradation and loss of wetlands, waipuna and riparian margins, and the tāngata whenua values associated with them, as a result of:**

- (a) Drainage;
- (b) Diffuse pollution from intensive land use;
- (c) Exotic vegetation (e.g. willow) and other weed or invasive species; and
- (d) Stock grazing.

### Ngā Kaupapa - Policy

TW8.1 To require that the wāhi taonga status of wetlands, waipuna and riparian margins is recognised and provided for in the catchment, as per general policy on *Wetlands, waipuna and riparian margins* (Section 5.3 Issue WM13).

TW8.2 To require that the following culturally significant wetland areas are protected and enhanced as a matter of priority:

- (a) Muriwai;
- (b) Te Waiomākua;
- (c) Ahuriri Reserves (Ahuriri Lagoon);
- (d) Yarrs Lagoon;
- (e) Motukarara wetlands; and
- (f) Oxbows and wetlands associated with the Waikirikiri River.

### He Kupu Whakamāhukihuki / Explanation

Wetlands, waipuna and riparian margins are taonga to Ngāi Tahu, providing rich sources of mahinga kai, and treasured for their natural ecosystem functions that protect and improve mauri. Wetlands and riparian margins associated with waterways such as the Waikirikiri and Waiwhio were once important for the harvest of cultural resources such as harakeke, but have since suffered a profound loss of these values. Te Waihora was once surrounded by extensive and diverse wetlands that were valued as part of the wider Te Waihora mahinga kai resource. Wetlands such as Muriwai had strong mahinga kai traditions (see Case Study on *Muriwai*, Section 5.6, Issue TAN3). The vast majority of original wetland area has been drained for settlement and agriculture, with only remnant wetlands remaining as a narrow fringe around the lake, such as Te Waiomākua and Ahuriri. Re-establishing a wetland margin around the lake as a buffer from land use is a key method for restoring cultural health of the lake (Issue TW4).

*Cross reference:*

- » *General policy on wetlands, waipuna and riparian margins* (Section 5.3, Issue WM13)
- » *General policy on coastal wetlands, estuaries and hāpua* (Section 5.6, Issue TAN3)

## WĀHI TAPU ME WĀHI TAONGA

**Issue TW9: Protection of wāhi tapu me wāhi taonga in the Te Waihora catchment.**

### Ngā Kaupapa / Policy

TW9.1 To utilise the methods set out in general policy Section 5.8 (Issue CL1: *Cultural Landscapes*, and Issue CL3: *Wāhi tapu me wāhi taonga*) to protect wāhi tapu and wāhi taonga in the catchment from inappropriate land use, subdivision and development.

TW9.2 To recognise and provide for the following sites and places as examples of Ngāi Tahu cultural landscapes of particular importance in the catchment:

- (a) Te Waihora and its margins and associated wetlands;
- (b) Coastal area from the Rakaia River to Taumutu, including Muriwai;
- (c) Waikirikiri;
- (d) Kaitōrete Spit; and
- (e) Upper catchment of Waikirikiri.

TW9.3 To review all maps, schedules and provisions in the Selwyn District Plan that relate to wāhi tapu and wāhi taonga, following completion of the *Ngāi Tahu Cultural Heritage Mapping Project* (see Section 5.8 Issue CL2).

TW9.4 To recognise and provide for the following NTCSA 1998 provisions as cultural landscape indicators:

- (a) The use of the ancestral names Waikirikiri (Selwyn River) and Muriwai (Coopers Lagoon), as per Dual Place names provisions;
- (b) Land vested to Te Rūnanga o Ngāi Tahu in Fee Simple Title - Te Waiomākua, Greenpark Huts, and Whakamātakiuru (Ellesmere Landing);
- (c) Vesting of the bed of Te Waihora and Muriwai (Coopers Lagoon) in Te Rūnanga o Ngāi Tahu; and
- (d) Long term lease of Pākoau and Waikirikiri sites to Te Rūnanga o Ngāi Tahu.

## He Kupu Whakamāhukihuki / Explanation

Ngāi Tahu associations with Te Waihora and the wider catchment are a reflection of the catchment's richness as mahinga kai. Food gathering sites, food production sites, kāinga and nohoanga are key features of the cultural landscape. Concentrated areas of settlement existed adjacent to Te Waihora, in the lower reaches of the Waikirikiri, and at Kākāpōtahi near Hororata and Homebush. Other important cultural landscape features include wāhi pakanga, pā, urupā, tūāhu and maunga. The protection of wahi tapu and wāhi taonga is an essential part of recognising and providing for the relationship of Ngāi Tahu with the catchment.

Given the richness of cultural and historic heritage values associated with this catchment, a cultural landscape approach is the most appropriate way to manage and protect wāhi tapu and wāhi taonga. A cultural landscape approach shifts the focus from individual sites to the landscapes that they occur in.

### Cross reference:

- » *General policies in Section 5.8 - Issue CL1: Cultural Landscapes; Issue CL2: Ngāi Tahu Cultural Mapping Project; Issue CL3: Wāhi tapu me wāhi taonga; and Issue CL5: Access to wāhi tapu and wāhi taonga*
- » *Appendix 5: Archaeological sites, Wāhi taonga management sites and wāhi taonga management areas in the Selwyn District*

## COASTAL EROSION

Issue TW10: Coastal erosion along the Taumutu coastline and effects on:

- (a) The lake opening management regime; and
- (b) Wāhi tapu and wāhi taonga, including urupā.

### Ngā Kaupapa / Policy

- TW10.1 To encourage research on the nature, extent and effects of coastal erosion on the Te Waihora and Taumutu coastline, in particular:
- (a) An analysis of historical data, including maps, aerial photos and Ngāi Tahu oral history, to improve understandings of changes to the Taumutu coastline over time, including Te Koru;
  - (b) Relationship between changes to the volume and size of sediment being transported down the Rakaia River, due to low flows, and erosion of the Taumutu coastline;
  - (c) Relationship between coastal erosion and lake

- opening activities: are lake opening activities affecting erosion rates and will erosion rates necessitate a change in the location of the opening?; and
- (d) The potential risk to sites of significance, including the Hone Wetere Church and urupā as a consequence of coastal erosion processes.

## He Kupu Whakamāhukihuki / Explanation

Erosion of the Taumutu and the Te Waihora coastline is most noticeable along the southwestern side of the lake, on the Taumutu commonage land, and along the Kaitōrete Spit end of the Kaituna Lagoon. Erosion is a natural process as the coastline responds to sea level changes over time, but tāngata whenua believe that changes to the volume and size of gravels being deposited on the coast from braided rivers such as the Rakaia, fluctuating lake levels, high sediment loads in the lake and wind activity are accelerating the rate and changing the nature of natural erosion processes.

Further research is required to understand the nature and extent of coastal erosion along the Taumutu coastline. The results of this research will enable Ngāi Tahu and other agencies to better understand the drivers of coastal erosion and the nature and extent of potential effects.

*“Kaikanohi, a fishing camp and settlement on Kaitōrete Spit provided a place to reside when traveling down the Spit if the lake was open. Evidence of tool making, pounamu working and bird and fish preservation have been found at the site, which is now subject to erosion from the sea.”<sup>5</sup>*

## KAITŌRETE SPIT

Issue TW11: Protecting Ngāi Tahu values associated with Kaitōrete Spit, including:

- (a) Wāhi tapu me wāhi taonga, including archaeological sites;
- (b) Wetlands; and
- (c) Indigenous biodiversity, particularly pīngao.

### Ngā Kaupapa / Policy

- TW11.1 To require removal of stock from coastal wetlands areas of Kaitōrete Spit, including paddocks that contain remnant wetland vegetation.
- TW11.2 To investigate changing lease conditions on land owned by Te Taumutu Rūnanga where issues

such as vehicle access, exotic weeds, stock grazing and erosion are having adverse effects on Ngāi Tahu values on that land. This may include requiring leaseholders to fence land.

- TW11.3 To identify the following sites and resources on Kaitōrete Spit as a matter of priority for restoration activities:
- (a) Pīngao; and
  - (b) Te Waiomākua.

### He Kupu Whakamāhukihuki / Explanation

Kaitōrete Spit is a significant cultural landscape associated with the Te Waihora catchment. The spit was the main access route used by Ngāi Tahu to travel from Taumutu to Te Pātaka o Rākaihautū. There are hundreds of archaeological sites on Kaitōrete Spit, including umu, midden and tool-making sites (see Appendix 2 - NZAA sites).

Kaitōrete is also the largest continuous remaining area of pīngao (*Ficinia spiralis*) in Aotearoa, an endemic native sand binding sedge prized for weaving.

#### Cross reference:

- » *Section 6.10 (Te Roto o Wairewa), Issue W7*
- » *General policy on wāhi tapu and wāhi taonga (Section 5.8, Issue CL3)*

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#### ENDNOTES

- 1 Waitangi Tribunal, 1991. Ngāi Tahu Land Report 1991, chapter 2, section 2.12.
- 2 Goodall, A. 1996. Te Waihora – Te Kete Ika. In: The Natural Resources of Lake Ellesmere (Te Waihora) and its Catchment. Canterbury Regional Council, p. 146.
- 3 Letter from W. Mantell to the Native Under-Secretary Rolleston, 12 April 1866, as quoted in the Ngāi Tahu Land Report 1991, section 8.9.13.
- 4 Te Waihora Management Board, 2003, as quoted in: Jolly, D., with Te Taumutu Rūnanga and Te Rūnanga o Ngāi Tahu, 2003. *Cultural Impact Assessment Report for activities associated with the opening of Te Waihora*.
- 5 Te Waihora Joint Management Plan 2005:73.



# RAKAIA KI HAKATERE





## 6.12 RAKAIA KI HAKATERE

This section addresses issues of particular significance from the Rakaia River to the Hakatere River (Map 24). The section covers all of the Rakaia catchment, and the land between the Rakaia and the Hakatere rivers. The Hakatere is the southern boundary of the takiwā covered by this IMP.

A Statutory Acknowledgement and Deed of Recognition under the NTCSA 1998 formally acknowledge the associations of Ngāi Tahu with the Hakatere, particularly with regard to mahinga kai. The name of the river was officially amended to a dual place name under the Act, serving as a tangible reminder of Ngāi Tahu history in Te Waipounamu.

The Rakaia is one of the major braided rivers of the takiwā. Throughout its course from the mountains to the sea, the Rakaia exhibits a diversity of character, reflected in the different landscapes through which the river flows. For Ngāi Tahu, the variable character of the river is essential to its cultural value, and is reflective of its life force.

The majority of the Rakaia River catchment is upstream of the Rakaia Gorge, and therefore the protection of high country values is an important kaupapa in this section. Over-allocation of groundwater resources and contamination of both surface and groundwater are also significant issues, as the plains and coastal region between the Rakaia and Hakatere rivers is dominated by intensive land use.

### Ngā Paetae Objectives

- (1) The mauri and mahinga kai values of the Hakatere and Rakaia Rivers and their tributaries, lakes and wetlands and hāpua are protected and restored, mō tātou, ā, mō kā uri ā muri ake nei.
- (2) Management of the Rakaia River, including the Rakaia Water Conservation Order (RWCO), recognises and provides for outstanding cultural characteristics of the catchment and therefore improved protection for this ancestral river.
- (3) Immediate and effective measures are implemented to address over-allocation of freshwater resources in the region from the Rakaia to the Hakatere River.
- (4) Groundwater and surface water quality in the catchments is restored to a level suitable to provide a safe, reliable and untreated drinking water supply and enable cultural, customary and recreational use.
- (5) Land use in the catchments reflects land capability and water limits, boundaries and availability.
- (6) Ngāi Tahu cultural landscapes and cultural landscape values associated are protected and enhanced.

**Map 24:** Rakaia to the Hakatere



**NOTE:** See Section 5.1 (Issue K1 - Recognising Manawhenua) for guidance on identifying the Papatipu Rūnanga with manawhenua and kaitiaki interests in this area.

## NGĀ TAKE – ISSUES OF SIGNIFICANCE

### RAKAIA TO HAKATERE: ISSUES OF SIGNIFICANCE

<b>Issue RH1: Shared interest</b>	The Hakatere and Rakaia rivers as areas of shared interest.
<b>Issue RH2: Rakaia River</b>	Protecting the outstanding cultural characteristics associated with the Rakaia River, particularly mauri and mahinga kai.
<b>Issue RH3: Hakatere</b>	The mauri and mahinga kai values of the Hakatere continue to be degraded as a result of poor water quality, low flows and over-allocation.
<b>Issue RH4: Water quality in lowland streams</b>	Poor water quality in lowland and coastal streams, and stock water races as a result of point and non-point source pollution.
<b>Issue RH5: Groundwater</b>	Nitrate contamination and over-allocation of groundwater has compromised the resource.
<b>Issue RH6: High country lakes and wetlands</b>	Recognising the cultural associations of Ngāi Tahu with high country lakes and wetlands.
<b>Issue RH7: High country land use</b>	Inappropriate high country land use can have adverse effects on cultural and ecological values.
<b>Issue RH8: Indigenous biodiversity</b>	Protecting and enhancing indigenous biodiversity values in the catchment.
<b>Issue RH9: Cultural landscape values</b>	Recognising and providing for Ngāi Tahu cultural landscape values
<b>Issue RH10: Rakaia river mouth</b>	Management of the Rakaia river mouth environment must protect cultural and ecological values.



## SHARED INTEREST

**Issue RH1: The Hakatere and Rakaia rivers as areas of shared interest.**

### Ngā Kaupapa / Policy

RH1.1 To recognise and provide for the Hakatere and Rakaia rivers as areas of shared interest and responsibility with Te Rūnanga o Arowhenua.

### He Kupu Whakamāhukihuki / Explanation

The Hakatere is the southern boundary of the takiwā covered by this IMP. The Hakatere and Rakaia Rivers are areas of shared interest with Te Rūnanga o Arowhenua, as per the takiwā boundaries set out in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001.

## RAKAIA RIVER

**Issue RH2: Protecting the outstanding cultural characteristics associated with the Rakaia River.**

### Ngā Kaupapa / Policy

RH2.1 To require that the Rakaia River catchment is recognised as possessing outstanding cultural characteristics and values, including but not limited to:

- (a) Mahinga kai, including nohoanga;
- (b) Ara tawhito ki pounamu;
- (c) Natural character of a braided river, including natural processes;
- (d) Wāhi tapu and wāhi taonga;
- (e) Whakamatau;
- (f) Ō Tū Roto;
- (g) Waitawhiri;

- (h) River mouth and the hāpua; and
- (i) The Rakaia and Whakamatau as Statutory Acknowledgement sites.

### **Water Conservation Order**

RH2.2 To require a review and amendment of the *National Water Conservation (Rakaia River) Order 1988* to recognise and protect the outstanding cultural characteristics and values as per RH2.1, and the water quality and quantity to sustain those characteristics and values.

RH2.3 To require that the outstanding cultural characteristics of the Rakaia River catchment are protected by setting limits and controls to ensure:

- (a) The flow of water Ki Uta Ki Tai: between the river, lakes, tributaries, hāpua and the sea;
- (b) No further reduction in average flows in the river, and no further increase in the frequency or duration of low flows, particularly at the river mouth;
- (c) The priority for water from Whakamatau is for the Rakaia River, to protect and maintain mauri and mahinga kai and hāpua values; and
- (d) Sufficient flow to deliver the cultural outcomes set out in general policy on *Water quantity* (Section 5.3 Issue WM8) in particular:
  - (i) Maintain continuous opening of the river mouth to the sea;
  - (ii) Support mahinga kai and its restoration to its former diversity and abundance;
  - (iii) Enable cultural use, including the use of nohoanga;
  - (iv) Enabling the river to carry larger gravels and sediments that are necessary to sustain coastal processes;
  - (v) Protect and enhance qualities and character of the braided river; and
  - (vi) Provide security of aquifer recharge in the catchment, including protection of the relationship of the Rakaia and groundwater recharge in the lower Te Waihora catchment.

### **Mahinga kai**

RH2.4 To oppose any proposal to take, use, dam or divert water in the Rakaia catchment that will compromise Ngāi Tahu efforts to restore mahinga kai resources and practices in the catchment.

RH2.5 To highlight two issues as of particular importance to resolve with regard to mahinga kai in the Rakaia catchment:

- (a) Ensuring fish passage at the hāpua; and
- (b) The recruitment and escapement of long fin eel in Whakamatau.

RH2.6 To continue to support and build the capacity of the *Whakamatau (Lake Coleridge) Eel Management Trust*, as a means to progressing ways to enhance the populations of long fin eel within the lake and assisting them to complete their life cycle within the Rakaia/Whakamatau catchment.

RH2.7 To work with Te Rūnanga o Ngāi Tahu to review the Nohoanga entitlements on the Rakaia River with attention to:

- (a) Investigating any barriers to use (physical or otherwise);
- (b) Measures to enable and encourage whānau to use nohoanga; and
- (c) Use of nohoanga as part of restoring the relationship of Ngāi Tahu to the Rakaia.

### **Research**

RH2.8 To work with the regional council to address unresolved questions about the hydrology of the Rakaia River, in particular:

- (a) How and why are flows at the Rakaia River mouth diminished when flows remain moderate at the Gorge?

### **River bed and margin**

RH2.9 To advocate for riparian margins on both sides of the Rakaia River that are the same width as the river itself, to enable the river to spread in times of flooding, and preserve the character of the braided river.

RH2.10 To require the identification and control of upper catchment sources of woody weeds such as gorse and broom that are infesting lower catchment braids.

### **He Kupu Whakamāhukihuki / Explanation**

The Rakaia River possesses a range of characteristics that are considered to be outstanding for spiritual, cultural and environmental reasons and fundamental to the relationship of Ngāi Tahu to the Rakaia River. Mahinga kai is one of the most important of these, as the catchment once provided an abundant source of mahinga kai resources (see Box - 1880 *Taiaroa Mahinga Kai Map*). The river was also an important trail to Te Tai Poutini (Map 25).

Ngāi Tahu is actively seeking to restore mahinga kai values in the catchment, and the traditions associated with those values. Increasing pressure on the land and water resources

of the catchment, including from water enhancement and hydrogeneration schemes, creates challenges to achieving these aspirations. For example, there appears to be little recruitment of tuna to Whakamatau since the implementation of the Wilberforce Diversion, and no opportunity for tuna to leave the lake and return to the sea for spawning.<sup>1</sup>

***“As eels are a very long-lived species, it is possible that extensive decline in the eel stocks in the Lake [Whakamatau] is yet to become apparent or is only just starting to do so.”<sup>2</sup>***

Increasing pressure on water resources is evident in observed changes to the hāpua at the river mouth. Low flows in the river are having visible impacts on the integrity, form and resilience of the hāpua and therefore on mahinga kai values. The river is close to being fully allocated, but some allocated water has yet to be taken up, so the full impact of reduced flows at the mouth may not yet be apparent.<sup>3</sup>

***“Flooding at the river mouth is not due to too much water in the river. Flooding is actually a result of not enough flow, particularly when a moderate flood follows a period of low flows. When there is insufficient water in the Rakaia to keep the river mouth open, it blocks and then water comes up on to land and the lagoon, and the nohoanga gets flooded.”*** Terrianna Smith, Te Taumutu Rūnanga.

The Rakaia River is protected by the National Water Conservation (Rakaia River) Order 1988 (RRWCO). The order is designed to preserve and protect the outstanding characteristics and features of the Rakaia and its tributaries, and includes various restrictions on the take, use, damming, diversion and discharge of water within the catchment.

Ngāi Tahu did not have the opportunity or capacity to contribute to the RRWCO when it was granted, and therefore the Order has no provision for safeguarding Ngāi Tahu cultural values associated with the catchment, including mahinga kai. Further, there is concern that the Order is not achieving its existing objectives:

***“Ngāi Tahu do not believe the Rakaia WCO is achieving the current objective to preserve and protect the outstanding characteristics and features that exist within the Rakaia River catchment. In particular the hāpua has undergone significant changes over the past 5 years.”*** Clare Williams, Ngāi Tūāhuriri Rūnanga.

The RRWCO needs to align with existing RMA and Ngāi Tahu Settlement provisions, including the ability of a water conservation order to protect those characteristics which are considered to be of outstanding significance in accordance with tikanga Māori (RMA section 199 (2) c).

Water conservation orders are effective tools for protecting freshwater resources; but like any other tool they need to be reviewed over time.

***“You can’t just put a WCO on a river and then walk away.”*** Terrianna Smith, Te Taumutu Rūnanga.

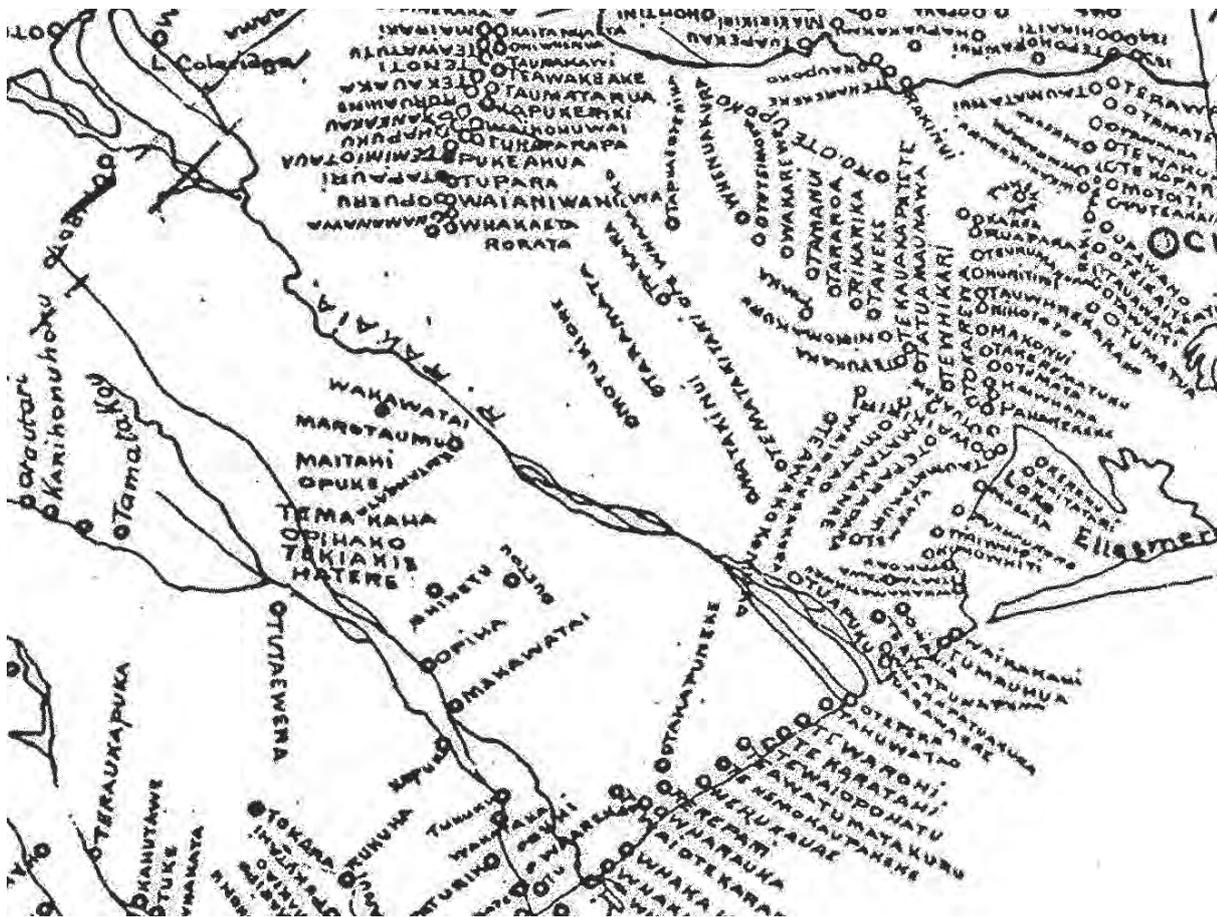
*Cross reference:*

» *General policies on Wai Māori (Section 5.3)*

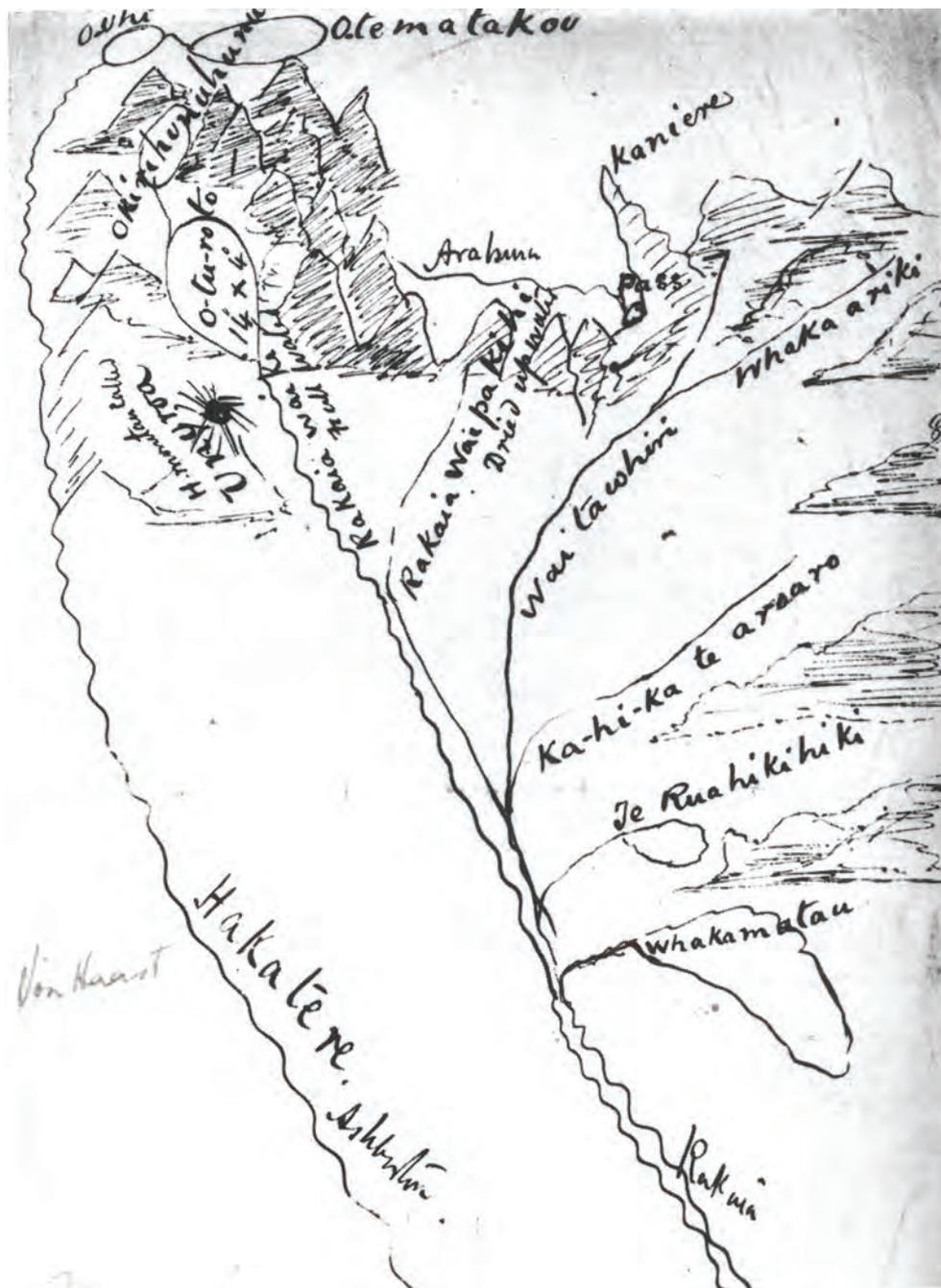
*Information resource*

» *Norton, T., 2012. Rakaia ki Whakamatau. Ngāi Tahu cultural association with the Rakaia River and Whakamatau (Lake Coleridge). Te Rūnanga o Ngāi Tahu.*

**Map 25:** Extract from the Tairaroa 1880 Mahinga Kai Maps, showing mahinga kai sites in the Rakaia and Te Waihora catchments. During the 1879 Royal Commission on the Ngāi Tahu Land Claims, Hori Kerei Tairaroa from Ōtākou gathered information from Ngāi Tahu kaumātua about their traditional food gathering sites and the foods gathered at these sites. The information collected by Tairaroa provides some of the earliest records from Ngāi Tahu kaumātua on mahinga kai sites in the 1840's.



**Map 26:** One of the earliest maps of the Rakaia catchment, drawn by Julius Von Haast ca 1860. The key Ngāi Tahu features of the map are: Waitawhiri is the Wilberforce River; Whakaariki is a tributary of the Waitawhiri; Rakaia-wai-pakihi is the name for the Mathias River; Rakaia-wai-ki is the southern branch of the Rakaia River; Ō Tū Roto is Lake Heron; Kirihonuhonu is Lake Emma; Hakatere is the Ashburton River and Noti Raureka is the name for Brownings Pass.



**Source:** Map (Brailsford 1984: 124); Text (Norton, T. 2012).

## HAKATERE

**Issue RH3: The mauri and mahinga kai values of the Hakatere continue to be degraded as a result of:**

- (a) Poor water quality;
- (b) Low (and no) flows and a highly modified flow regime; and
- (c) Over-allocation of river water.

### Ngā Kaupapa / Policy

#### *Water quality*

RH3.1 To require that water quality is a paramount determinant governing land and water use and development in the Hakatere catchment, as per general policy on *Water quality* (Section 5.3 Issue WM6), and that the restoration of mauri and water quality is addressed as a matter of priority.

#### *Over-allocation of surface water*

RH3.2 To require immediate and effective steps for addressing over-allocation, with reference to general policy on *Water quantity* (Section 5.3 Issue WM8), as well as:

- (a) Avoid consenting any takes for hydraulically connected groundwater, regardless of the allocation status of the groundwater zone.

RH3.3 To require that environmental flow and water allocation regimes for the Hakatere deliver cultural outcomes, as per general policy on *Water quantity* (Section 5.3 Issue WM8), with particular emphasis on ensuring:

- (a) The flow regime restores the natural flow character and variability, and therefore mauri, of the river; and
- (b) There is sufficient flow to:
  - (i) Keep the river mouth open;
  - (ii) Restore flows to those tributaries that are dry;
  - (iii) Maintain the braided character; and
  - (iv) Enable both the north and south branches to flow continuously over their full length, Ki Uta Ki Tai.

#### **He Kupu Whakamāhukihuki / Explanation**

The Hakatere has suffered low flows and poor water quality for years. Tāngata whenua assessments identify the Hakatere, Rakahuri and Waikirikiri as similar types of rivers that are all facing the same issues, and the Hakatere is

assessed as in the worst state of cultural health of the three. Abstractions from the river for irrigation and for stock water (i.e. stock water races) are seriously compromising the mauri of this river. Over-allocation has resulted in a highly modified flow regime; including prolonged periods of low or no flows in some tributaries.

## WATER QUALITY IN LOWLAND STREAMS

**Issue RH4: Poor water quality in lowland and coastal streams, and stock water races, as a result of point and non-point source pollution.**

### Ngā Kaupapa / Policy

RH4.1 To require that water quality is a paramount determinant governing land and water use and development from the Rakaia to the Hakatere, as per general policies on *Water quality* (Section 5.3 Issue WM6).

RH4.2 To require that stock water races in the catchment are managed as waterways. This means:

- (a) Water in stock water races is accounted for in catchment assessments of water use;
- (b) Stock access is prohibited;
- (c) Appropriately sized buffers and riparian margins; and
- (d) Native fish values are protected, including fish passage.

#### **He Kupu Whakamāhukihuki / Explanation**

The Rakaia River has relatively high water quality, as do the foothill streams. As with other catchments in the takiwā, water quality deteriorates as you travel down the catchment. Lowland streams and stock water races between the Rakaia and the Hakatere rivers are highly enriched with nutrients and faecal contamination, reflecting the effects of intensive land use and the lack of appropriate controls to protect waterways from point and non point source pollution. This has significant effects on the mauri, taonga, wāhi tapu, indigenous biodiversity and mahinga kai values associated with these waterways.

**“Should there really be a dairy farm in the middle of a river?”** Te Taumutu Rūnanga IMP hui.

Stock water races are defined as an artificial watercourse used for the managed conveyance of water for stock water

purposes. However, they also provide habitat for native fish and other biodiversity, contributing to the wider network of mahinga kai habitat in lowland streams and drains. Managing stock water races as waterways is consistent with Ngāi Tahu policies that require that drains are recognised as waterways for the purposes of water management.

*Cross reference:*

- » *General policies in Section 5.3 - Issue WM6: Water quality; and Issue WM7: Effects of intensive land use on water*
- » *General policy on Papatūānuku (Section 5.4, Issue P1)*

## GROUNDWATER

**Issue RH5: Nitrate contamination and over-allocation of groundwater resources.**

### Ngā Kaupapa / Policy

#### *Groundwater quality*

- RH5.1 To require effective controls to regulate discharge to land activities associated with intensive agriculture and industrial activities in the lower catchment, as per general policy on *Water quality* (Section 5.3, Issue WM6) and the *Effects of land use on water resources* (Section 5.3 Issue WM7), with particular attention to:
- (a) The cumulative impact of agricultural land use activities in the area; and
  - (b) Diffuse pollution from industrial discharges (e.g. effluent disposal from meatworks).

#### *Over-allocation*

- RH5.2 To work with local authorities and zone committees to improve our understanding of the groundwater resource in the Rakaia and Hakatere catchments, as a matter of priority.
- RH5.3 To require immediate and effective measures and timeframes to address over-allocation, as per general policy on *Water quantity* (Section 5.3, Issue WM8), with particular attention to:
- (a) Avoiding further land use conversion (for water intensive land use) until over-allocation addressed.
- RH5.4 To require a rural land and water management approach that ‘matches land use with water availability, limits and boundaries’, consistent with general policy on *Water quantity* (Section 5.3 Issue

WM8) and Papatūānuku (Section 5.4 Issue P1).

- RH5.5 To require that the relationship between surface water and groundwater resources is recognised and provided for in the catchment. This means:
- (a) Recognising the relationship between over-allocation and contamination of groundwater resources;
  - (b) Ensuring that environmental flow and water allocation regimes provide sufficient water in waterways for aquifer recharge;
  - (c) Recognising the relationship between Rakaia River flow and groundwater recharge in the lower Te Waihora catchment; and
  - (d) Recognising the effects of groundwater abstractions on lowland stream flows.

### He Kupu Whakamāhukihuki / Explanation

Groundwater under the lowland plains of the Rakaia and Hakatere catchments is at risk due to nitrate contamination and over-allocation.

*“Of the 155 wells sampled in the three investigations (excluding consent monitoring data), groundwater samples from 39 wells (25%) had nitrate nitrogen concentrations above the MAV, and samples from 124 wells (80%) had nitrate nitrogen concentrations above half the MAV. These proportions are very high in comparison to the entire Canterbury region.”<sup>4</sup>*

Addressing non point source pollution is critical to resolving water quality issues in the Rakaia and Hakatere catchments, as with the takiwā as a whole. Inappropriate and unsustainable land use compromises the ability of Papatūānuku to absorb and filter nutrients and waste. Further, tāngata whenua firmly believe that the contamination of groundwater resources is directly related to the over-allocation of water. Over-allocation of groundwater ‘creates a space’ for contamination to occur.

*“Maintaining the quality of the groundwater resource for future generations must have priority over intensive land use.”* IMP Working Group, 2011.

The demand for water for intensive land use, coupled with inadequate management frameworks have resulted in the over-allocation of groundwater in the takiwā, and the designation of red zones. Tāngata whenua maintain that this is reflective of a blatant disregard for the environment and future generations.

The answer to over-allocation is not to look at ways to find more water. While the sustainable storage of water has the potential to ease the pressure on groundwater resources,

these measures do little to address the source of the problem. Tāngata whenua are still looking for answers to the hard questions: How did the catchment become over-allocated? How sustainable and efficient is the land use that our water resources are supporting?

## HIGH COUNTRY LAKES AND WETLANDS

**Issue RH6: Recognising the cultural associations of Ngāi Tahu with high country lakes, tarns and wetlands.**

### Ngā Kaupapa / Policy

#### Cultural landscapes

RH6.1 To recognise and provide for Whakamatau, Ō Tu Roto and associated high country lakes and wetlands as cultural landscapes with significant historical, traditional, cultural and contemporary associations. Key characteristics of these cultural landscapes include:

- (a) Mahinga kai traditions, species and habitat;
- (b) High natural character;
- (c) Iwi, hapū and whānau history; and
- (d) Indigenous biodiversity.

RH6.2 To require that the mana and intent of the Statutory Acknowledgement for Whakamatau (NTCSA 1998) is recognised and provided for beyond the expiry of the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999.

RH6.3 To require that the outstanding cultural characteristics of high country lakes in the Rakaia catchment, as described in regional planning documents, include cultural features - with specific reference to mahinga kai - in addition to wildlife habitat, fisheries and recreational features.

RH6.4 To recognise the relationship between Ō Tu Roto and the other lakes and wetlands that make up Ō Tū Wharekai (Ashburton Lakes), and to support ongoing restoration projects such as the Arawai Kakariki wetlands restoration programme.

#### Customary use

RH6.5 To investigate options to improve customary use opportunities associated with high country wetlands and lakes, including:

- (a) Wānanga, to facilitate the intergenerational

transfer of knowledge on traditional mahinga kai resources, sites and practices; and

- (b) Access arrangements with landowners to sites of importance.

#### Effects of land use

RH6.6 To protect high country lakes and their margins from sedimentation by:

- (a) Requiring the protection of riparian areas and lake edge wetlands;
- (b) Prohibiting stock access to the lake;
- (c) Prohibiting the discharge of contaminants to water;
- (d) Prohibiting inappropriate discharge to land activities that result in run-off into lake margins, including fertiliser application; and
- (e) Prohibiting forestry activity on lake and tributary margins.

#### He Kupu Whakamāhukihuki / Explanation

High country lakes are significant features of the relationship of Ngāi Tahu with the high country. Lakes were important sites on the high country trails, providing an abundance of food and other resources. Wetlands and tarns were also important features of this relationship.

High country lakes such as Whakamatau and Ō Tū Roto were used by Ngāi Tahu up until the middle part of the 19th century, with principal foods being tuna, pūtangitangi, parera, pāteke, whio, pukeko, kāuru, āruhe and weka.<sup>5</sup> In addition to mahinga kai resources, there are permanent settlement, camp sites and urupā associated with these lakes.

Whakamatau and Ō Tū Roto and Te Hāpua a Waikawa are the primary lakes in the Rakaia catchment. Smaller lakes and wetlands include lakes Catherine, Lillan, Ida, Evelyn, Henrietta, Selfe, and Georgina, all recognised in regional planning documents for their value as high naturalness waterbodies.

Ō Tū Roto is one of the 12 lakes of Ō Tu Wharekai (Ashburton Lakes), and is one of the best examples of an inter-montaine wetland system remaining in New Zealand. It is one of three sites that make up the national Arawai Kakariki wetlands restoration programme. The area was a major part of seasonal mahinga kai gathering for Ngāi Tahu, as well as a site of permanent kāinga.

Through the NTCSA 1998, a Statutory Acknowledgement and Deed of Recognition formally acknowledges the immense cultural, traditional, historical and spiritual importance of Whakamatau to Ngāi Tahu (Schedule 76;

See Appendix 7). The lake is referred to in the tradition of “Ngā Puna Wai Karikari o Rākaihautu”, which tells of how the principal lakes of Te Waipounamu were dug by the rangatira Rākaihautu using his famous kō or digging stick.

*Cross reference:*

- » *Issue RH8: Indigenous biodiversity*
- » *Issue RH7: High country land use*

## HIGH COUNTRY LAND USE

**Issue RH7: Inappropriate high country land use can have adverse effects on cultural and ecological values including:**

- (a) **Mauri of lakes, wetlands, and waterways;**
- (b) **Indigenous biodiversity, including mahinga kai resources and sites;**
- (c) **Ngāi Tahu access to mahinga kai sites or places of spiritual significance; and**
- (d) **Wāhi tapu and wāhi taonga.**

### Ngā Kaupapa / Policy

RH7.1 To ensure that high country land is managed to protect upper catchment values such as natural character, wetlands, and indigenous biodiversity and mahinga kai habitat.

### Sustainable land use

RH7.2 To promote sustainable land use in the high country of the Rakaia catchment, including but not limited to:

- (a) Establishment of buffers along wetlands, waterways and lakes (size will depend on size of wetlands, waterway or lake);
- (b) Best practice effluent management, particularly adjacent to or upstream from waterways and wetlands;
- (c) Best practice stock management, including avoiding overstocking, overgrazing, and stock access to lakes, wetlands and waterways;
- (d) Active soil conservation methods to avoid erosion and sedimentation into waterways; and
- (e) Protection of indigenous vegetation remnants.

### Concession activities

RH7.3 To require that concessions granted on conservation land in the high country are low impact or are managed to avoid impacting on Ngāi Tahu cultural values.

### Maunga

RH7.4 To require that the headwaters of the Rakaia River are protected *mō tātou, ā, mō kā uri ā muri ake nei*.

### Access

RH7.5 To work with the Department of Conservation, pastoral lease holders and private landowners to develop access arrangements for those sites and places that Ngāi Tahu whānui would like to continue or restore access to, for mahinga kai or other cultural purposes.

### Supporting local initiatives

RH7.6 To support those landowners and local conservation groups that are actively working to protect and enhance indigenous biodiversity and other values, through predator trapping and weed control, wetland and native forest remnant protection and enhancement and sustainable land management practices.

### He Kupu Whakamāhukihuki / Explanation

Although Ngāi Tahu use and occupation of high country areas was impacted significantly by the Crown land purchases of the 19th Century, the spiritual, cultural and historical values associated with the high country remain today. The locations of ancient sites such as pā, kāinga, urupā and mahinga kai are recorded in Ngāi Tahu traditions, and traditional place names on the landscape are tangible reminders of the relationship of Ngāi Tahu with the high country. For example, Ō Tū Mapuhi, Taua-a-tamateraki, Ōtutekawa, Kareaoi and Takapuopuhou are food gathering sites in the upper catchment.<sup>6</sup>

Land use in the upper Rakaia catchment is predominately conservation land, and pastoral sheep and beef farming. Land use can have adverse effects on high country values, including soil erosion, damage to mahinga kai habitat, or run-off and sedimentation due to stock access to waterways.

Due to the use and occupancy traditions associated with the lakes and wetlands in the upper Rakaia and Hakaterere catchments, there is a high likelihood of accidental finds, and therefore any earthworks must be managed in accordance with general policies on *Earthworks* and *Wāhi tapu and wāhi taonga*.

*Cross reference:*

- » *General policies in Section 5.4 - Issue P11: Earthworks ; Issue P14: Commercial forestry; Issue P15: Wilding trees;*

and Issue P19: Overseas investment (Issue P19)

- » General policy on pests and weeds (Section 5.5, Issue TM4)
- » General policy on cultural landscapes (Section 5.8, Issue CL1)

#### CASE STUDY:

##### The Overseas Investment Act and Ryton station

In 2007 Ngāi Tahu was approached about a proposal for an overseas person to purchase Ryton Station and some adjoining freehold land located in the upper Rakaia catchment. As part of the recent statutory changes to the Overseas Investment Act, Ngāi Tahu actively participated in this new process.

Ngāi Tahu representatives undertook a field trip to Ryton Station in order to identify cultural, historical and traditional values associated with Ryton Station. A Cultural Values Report was prepared outlining the cultural values and recommendations to ensure not only the protection of these cultural values but also how these cultural values can be enhanced.

The recommendations from Ngāi Tahu regarding the proposed purchase of Ryton Station included:

- (1) Protection and access mechanisms are provided for areas of significant indigenous vegetation and wetlands;
- (2) Support the proposed covenants for areas of native vegetation and wetlands;
- (3) Access mechanisms are created to wetlands and lakes associated with Ryton Station;
- (4) That the future owner support Ngāi Tahu working with the Department of Conservation to create a network of interpretation panels throughout the Upper Rakaia catchment.

**Source:** Perenara-O'Connell, D. 2012. Te Rūnanga o Ngāi Tahu evidence or the Rakaia Water Conservation Order application by TrustPower Ltd (s.8).



## INDIGENOUS BIODIVERSITY VALUES

**Issue RH8: Protecting and enhancing indigenous biodiversity values in the catchment.**

### Ngā Kaupapa / Policy

- RH8.1 To require that indigenous biodiversity in the Rakaia catchment and the area between the Rakaia and Hakatere rivers is protected and enhanced, as per general policy on *Indigenous biodiversity* (Section 5.5 Issue TM2), with particular attention to:
- (a) Protecting all native forest, wetland, and dry land tussock remnants; and
  - (b) Enhancing and restoring places, ecosystems and native species that are degraded.
- RH8.2 To support and active weed and pest control programmes in the catchment, in particular:
- (a) Control of possums at the head of the Rakaia and Mathias; and
  - (b) Woody weeds in the Rakaia riverbed.

### He Kupu Whakamāhukihuki / Explanation

Tāngata whenua biodiversity objectives emphasize the protection of existing values and the enhancement and restoration of those that are degraded. Appropriate management and monitoring of high country land use and weed and pest control on private and conservation land is fundamental to achieving these objectives.

#### Cross reference:

- » *Issue RH6: High country lakes*
- » *General policies in Section 5.4 - Issue TM2: Indigenous biodiversity; Issue TM3: Restoration of indigenous biodiversity; and Issue TM4: Weed and pest control*
- » *General policy on wilding trees (Section 5.4, Issue P15)*

## CULTURAL LANDSCAPE VALUES

**Issue R9: Recognising and providing for Ngāi Tahu cultural landscapes and cultural landscape values.**

### Ngā Kaupapa / Policy

RH9.1 To recognise and provide for the following sites and places as examples of Ngāi Tahu cultural landscapes of particular importance in the catchments:

- (a) Noti Raureka and the Waitawhiri (see Box - *Noti Raureka*);
- (b) Ō Tū Roto, as part of the wider Ō Tu Wharekai and high country lakes and wetlands complex;
- (c) Whakamatau;
- (d) Rakaia Gorge (see Box - *Tūterakiwhāno and the Rakaia*);
- (e) Rakaia River mouth;
- (f) Rakaia Island; and
- (g) Coastal area from the Rakaia River to Fisherman's Point (Taumutu).

### He Kupu Whakamāhukihuki / Explanation

The whole of the Rakaia catchment has strong cultural, historical, traditional and spiritual associations, particularly for mahinga kai. From the immensely significant Noti Raureka (Browning Pass) to the moa hunter site at the river mouth, the Rakaia River is part of Ngāi Tahu history and identity.

*“Shortland remarks in his journal that he was surprised to find that, even in this thinly populated part of the country [travelling between Whakanui and the Rakaia], Ngāi Tahu had names for so many small streams and ravines, which one would have imagined scarcely worthy of notice.”*

However, within this larger landscape of Ngāi Tahu land use and occupancy particular areas are identified as cultural landscapes due to the concentration of values in a particular location, or the need to manage an area as a particular landscape unit. The ability to designate particular areas as cultural landscapes enables tāngata whenua to provide for the physical and cultural connections and connectivity between particular places, sites and resources, rather than ‘dots on maps’ such as NZAA sites.

The use of the Cultural Landscapes as a management tool is supported by other mechanisms, including Statutory Acknowledgement and Nohoanga provisions in the NTCSA 1998 (see Appendix 1), and by district plan designations such

as Wāhi Taonga Management Areas. The Selwyn District Plan recognises the Rakaia River Mouth, Rakaia Island, the coastal area between the Rakaia and Fisherman's Point and Taumutu as Wāhi Taonga Management Areas (see Appendix 5).

*Cross reference:*

- » *General policy on cultural landscapes (Section 5.8, Issue CL1)*

#### Noti Raureka - Brownings Pass

The Rakaia was the trail used by Ngāi Tahu to access Tai Poutini and eventually gain control the pounamu resource. Noti Raureka is named after Raureka, the woman who discovered the pass. From her home on Te Tai Poutini, Raureka travelled up the Arahura River until she discovered a pass over into the Rakaia catchment. After traversing the mountains, Raureka followed the Rakaia River down into the open lands of Ngā Pākihi Whakatekateka o Waitaha. The sharing of her knowledge regarding her journey over Noti Raureka was a significant event that triggered Ngāi Tahu into defeating Ngāti Wairangi on the west coast and subsequently controlling the pounamu resource and trade.

**Source:** Te Taumutu Rūnanga Natural Resource Management Plan, 2003.

### Tūterakiwhāno – Te Atua Tiaki o Rakaia me Te Waihora

Tūterakiwhāno was a kaitiaki taniwha who lived in Te Waihora and the Rakaia River. He used to move from place to place through the underground streams that connect the river and the lake. He used to keep both Te Waihora and the Rakaia clean, so they were good places for ngā ika, ngā manu and ngā tāngata. He especially loved his gardens of tī kōuka, harakeke and toetoe that looked beautiful swaying in the wind.

But, he began to be very angry with Te Maru, the North West Wind, that raged through the mountains and blew rubbish into his river. He asked Te Maru to stop, but Te Maru laughed and blew even harder.

After a while Tūterakiwhāno decided that he would build a dam to stop the rubbish going down the Rakaia. He worked and worked to block up the path of the river while Te Maru was away. While he was working he got very hot and when he wiped the sweat from his brow it landed on the rocks. You can still find it there today.

Because he was tired and sore after his hard work he moved off into the mountains to bathe in the hot pools. While he was resting after his hard work along came Te Maru. He was furious when he saw the dam. So he blew up a huge north west gale that tore out the tī kōuka, the harakeke, and the toetoe and made a hole in the rocks of the dam.

The place where he made the gap is now called the Rakaia Gorge. The rock walls are steep and rugged and the water rushes through the gap Te Maru made. When Tūterakiwhāno returned he saw that he would never beat Te Maru, so he warned his people never to cross the Rakaia when the north west wind blows.

**Source:** Tūterakiwhāno and the Rakaia. From a wānanga held at Ngāti Moki Marae, Taumutu. April 14, 1999. Story as told by the late Ngāi Tahu kaumātua Cath Brown.

## RAKAIA RIVER MOUTH

**Issue RH10: Management of the Rakaia river mouth environment must protect cultural and ecological values.**

### Ngā Kaupapa / Policy

RH10.1 To recognise and provide for Rakaia River mouth as a cultural landscape with significant historical, traditional, cultural and contemporary associations, particularly:

- (a) Rakaia River Moa Hunter site;
- (b) Mahinga kai;
- (c) Nohoanga; and
- (d) Ancient settlements and food gathering sites.

### Protecting wāhi tapu and wāhi taonga

RH10.2 To require that local authorities recognise and provide for the particular interest of Ngāi Tahu in this area by:

- (a) Adopting a cultural landscape approach to assessments of effects on cultural and historic heritage;
- (b) Requiring resource consent for activities involving ground disturbance, with the potential effects on wāhi tapu and wāhi taonga as primary areas of discretion; and
- (c) Ensuring assessment of effects (AEE) for resource consent applications include robust assessment of actual and potential effects on cultural values.

### Rakaia Huts Conservation management plan

RH10.3 To use the five-yearly review of the Rakaia Huts Conservation Management Plan 2009 to:

- (a) Assess progress on protection of key values;
- (b) Identify new issues or risks to values; and
- (c) Improve the ability of the plan to recognise and provide for Ngāi Tahu historical and cultural values associated with the site.

### He Kupu Whakamāhukihuki / Explanation

The Rakaia River mouth is a significant cultural resource. It is part of a wider cultural landscape extending to Taumutu and Kaitōrete Spit, and including the Rakaia lagoon (hāpua) and Rakaia Island. A considerable number of recorded Māori archaeological sites exist in this area.

Once the site of extensive settlement, the Rakaia river mouth continues to be important for mahinga kai and historical and cultural heritage values. Ōtepeka, Tahuatao,

Te Awa Tumatakuru, Te Hemoka o Pakake and Te Waipohatu are all settlements and food gathering/production sites at or near the river mouth.<sup>8</sup> The area surrounding and including the Rakaia Huts settlement is recognised as one of the most important complexes of archaeological sites in the South Island, known as the Rakaia River Mouth Moa Hunter Site.

***“Evidence of occupation and use of the site indicates that the Upper Terrace area contained hundreds of ovens, and middens dominated by moa remains: but also containing seal and dog bone, and smaller quantities of bird, fish and shellfish; and artefacts, particularly flakes and blades. The Middle Terrace was also used, with evidence of further ovens as well as several house sites.”<sup>9</sup>***

The cultural significance of the area and the nature of current land use (i.e. Rakaia Huts settlement, campground and rural area) means that there is a risk to archaeological and cultural values. Coastal erosion, the changing dynamics of the hāpua and pressure from development are all threats to this important area.

**Cross reference:**

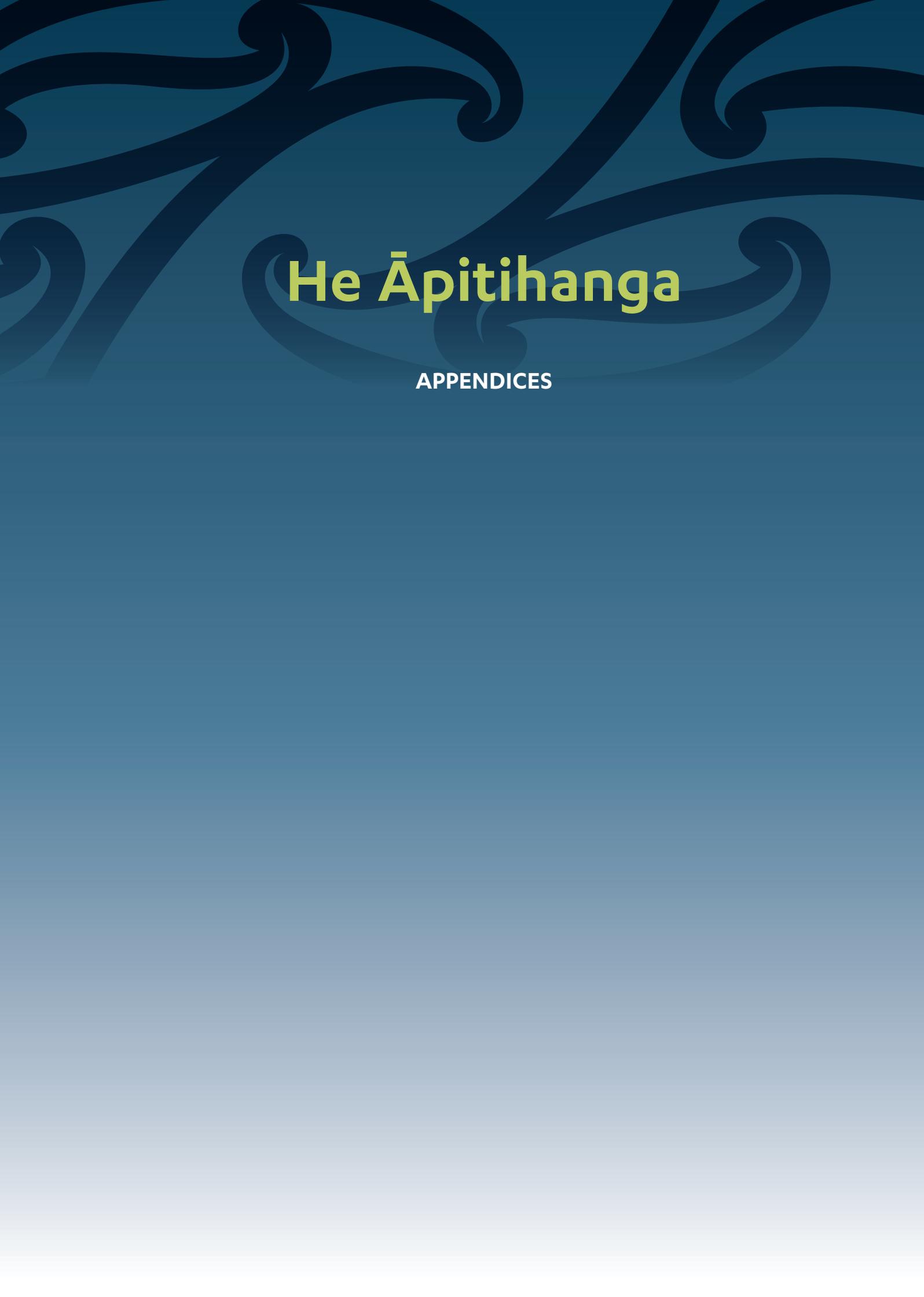
- » *Issue RH2 :Protecting the mauri and mahinga kai values of the Rakaia River*

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ENDNOTES

- 1 Jellyman, D., 2012. Statement of evidence on behalf of Te Rūnanga o Ngāi Tahu, for an application to amend the National Water Conservation (Rakaia River) Order 1988 (TrustPower Ltd), clause 13.
- 2 Mountford, D., 2012. Statement of evidence on behalf of Te Rūnanga o Ngāi Tahu, for an application to amend the National Water Conservation (Rakaia River) Order 1988 (TrustPower Ltd), clause 3.2.
- 3 Ibid, clause 10.2
- 4 Hayward, S. A. and Hanson, C. R., 2004. *Nitrate contamination of groundwater in the Ashburton-Rakaia plains*. Environment Canterbury Report R04/9, p.1.
- 5 Tau, T.M., Goodall, A., Palmer, D. and Tau, R. 1990. *Te Whakatau Kaupapa: Ngāi Tahu Resource Management Strategy for the Canterbury Region*. Aoraki Press: Wellington, p. 54-1.
- 6 Norton, T., 2012. *Rakaia ki Whakamatau. Ngāi Tahu cultural association with the Rakaia River and Whakamatau (Lake Coleridge)*. Te Rūnanga o Ngāi Tahu, p. 24.
- 7 Shortland, 1974, p. 236, quoted in Norton, T. 2012.
- 8 Norton, T. 2012, p. 28
- 9 Rakaia Huts Conservation Management Plan 2009.





# He Āpitihanga

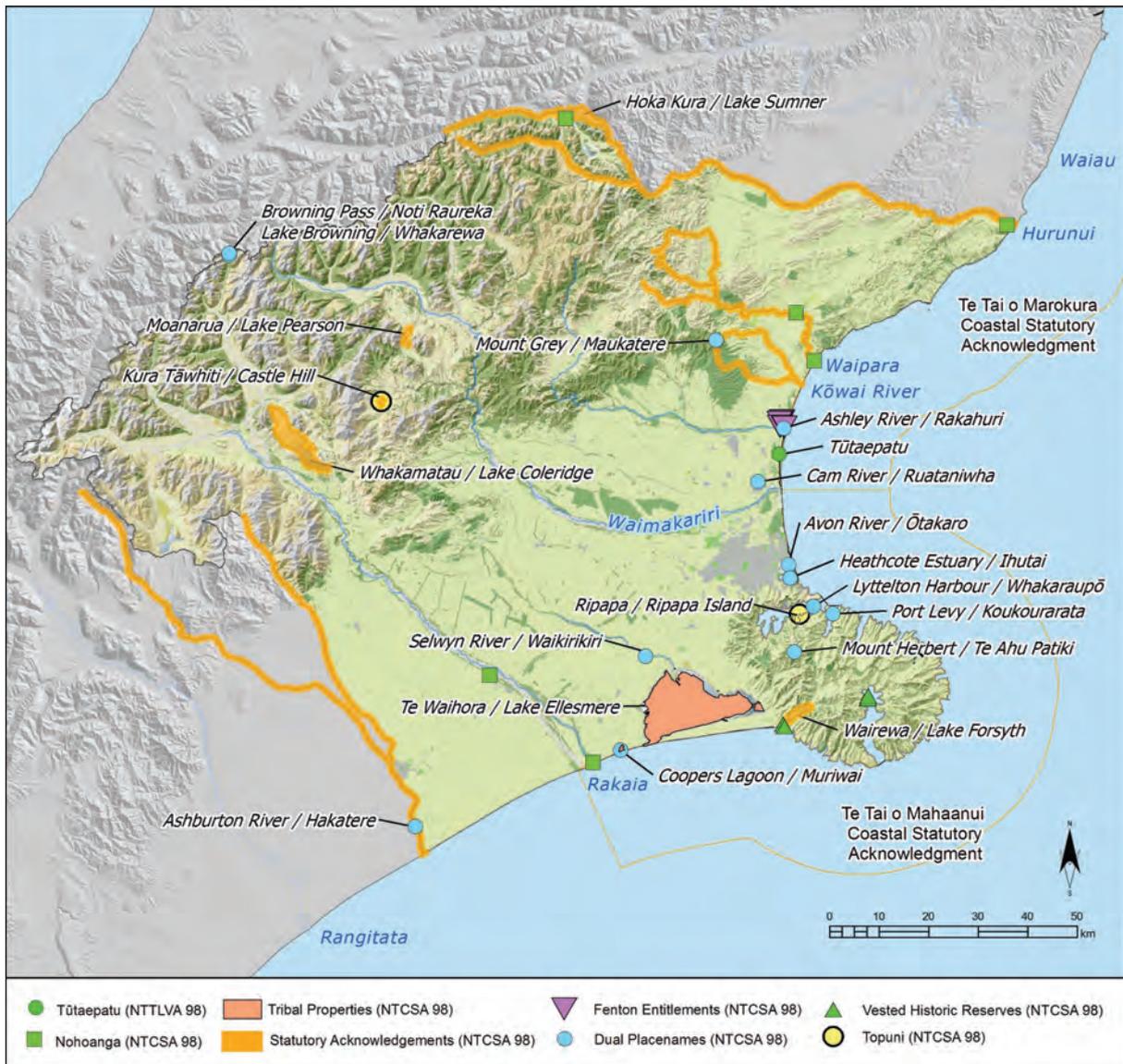
APPENDICES



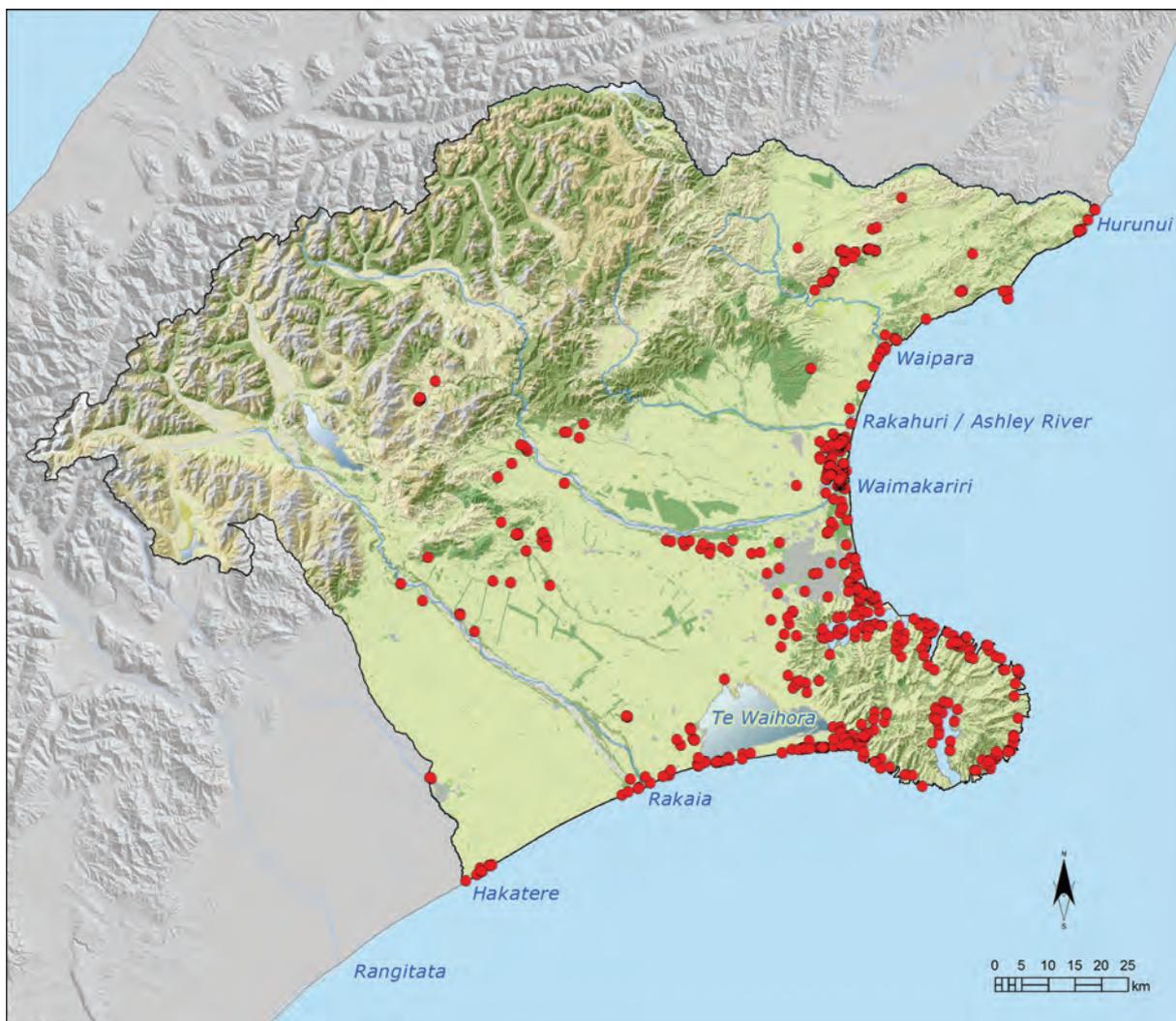
# HE ĀPITIHANGA APPENDICES

- Appendix 1** Ngāi Tahu Claims Settlement Act 1998 provisions
- Appendix 2** NZAA sites from the Hurunui to the Hakatere
- Appendix 3** Accidental Discovery Protocol
- Appendix 4** Ngāi Tahu cultural heritage sites registered with the NZHPT
- Appendix 5** Wāhi taonga Management sites and areas as identified in the Selwyn District Plan
- Appendix 6** Schedule of silent files
- Appendix 7** Schedules for Statutory Acknowledgments and Tōpuni, NTCSA 1998

# Appendix 1: Ngāi Tahu Claims Settlement Act 1998 provisions



## Appendix 2: New Zealand Archaeological Association (NZAA) sites from the Hurunui to the Hakatere



**Note:** This map shows Māori archaeological sites that are recorded in the NZAA database, from the Hurunui to the Hakatere. The purpose of the map is to show distribution and intensity of sites, rather than precise location. It is important to note that there are numerous Māori archaeological sites that are not publicly recorded, and that there are sites and features of cultural significance to Ngāi Tahu whānui that may not meet the Crown's definition of an archaeological site under the Historic Places Act 1993. Further, NZAA sites are often indicators of the existence of other sites that have not been recorded or identified.

## Appendix 3: Accidental Discovery Protocol

**PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.**

### Purpose

This Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or Māori archaeological sites are accidentally discovered.

The Protocol is provided by [----] Rūnanga. [----] Rūnanga is the representative body of the tangata whenua who hold manawhenua in the area defined as [----].

### Background

Land use activities involving earthworks have the potential to disturb material of cultural significance to tangata whenua. In all cases such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the *Historic Places Act 1993*, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site (known or unknown) without the prior authority of the NZ Historic Places Trust (NZHPT). This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The NZHPT is the statutory authority for archaeology in New Zealand.

*Note that this ADP does not fulfill legal obligations under the Historic Places Act 1993 regarding non-Māori archaeology. Please contact the Historic Places Trust for further advice.*

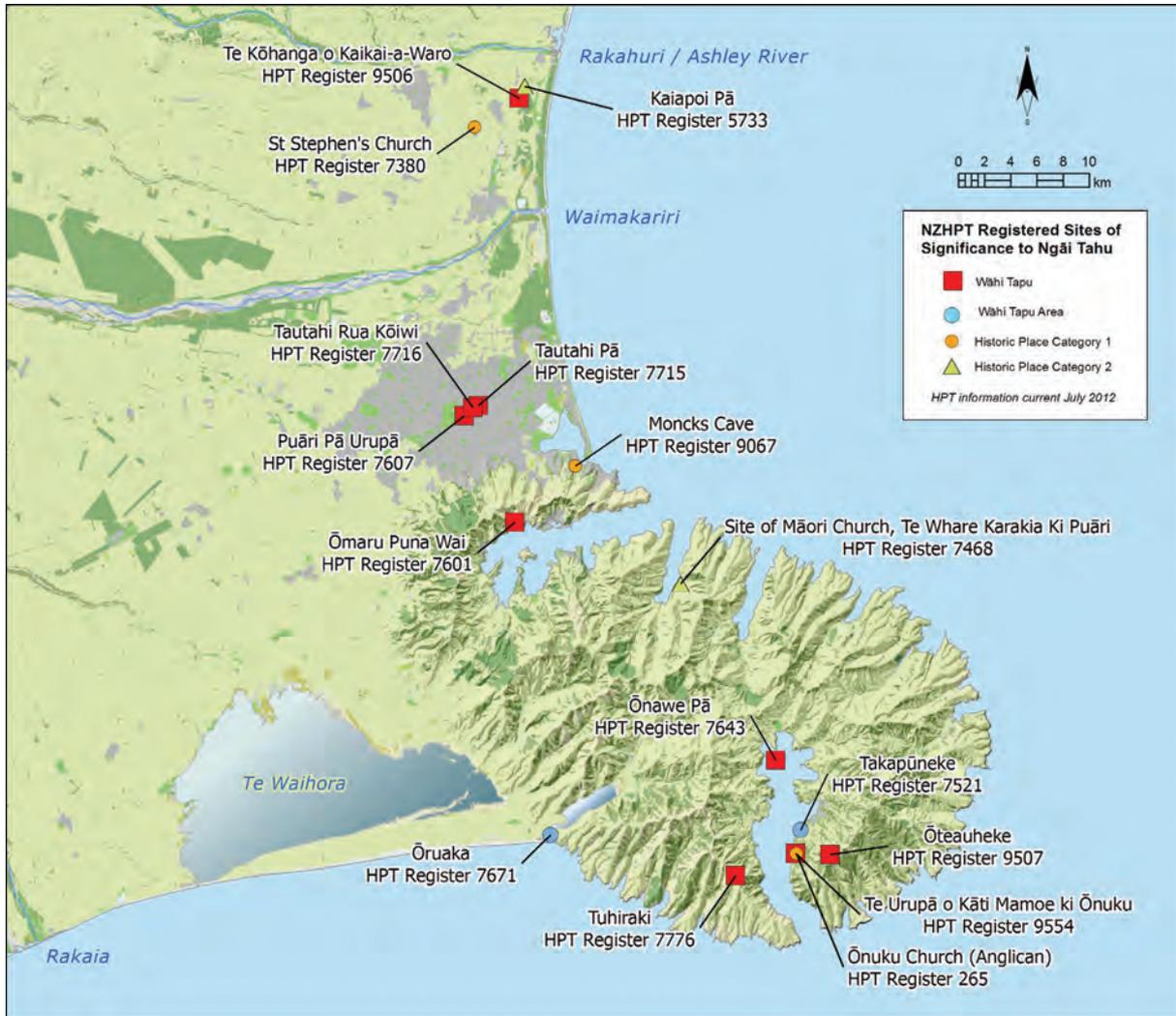
**Immediately following the discovery of material suspected to be a taonga, kōiwi or Māori archaeological site, the following steps shall be taken:**

1. **All work on the site will cease immediately.**
2. Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed.
3. The contractor/works supervisor/owner will notify the Kaitiaki Rūnanga and the Area Archaeologist of the NZHPT. In the case of kōiwi (human remains), the New Zealand Police must be notified.
4. The Kaitiaki Rūnanga and NZHPT will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
5. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from NZHPT before work resumes (as per the *Historic Places Act 1993*).
6. The contractor/works supervisor/owner will also consult the Kaitiaki Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.
7. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Kaitiaki Rūnanga.
8. Works in the site area shall not recommence until authorised by the Kaitiaki Rūnanga, the NZHPT (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.
9. All parties will work towards work recommencing in the shortest possible time frame while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the *Historic Places Act 1993* if necessary. Appropriate management may include recording or removal of archaeological material.
10. Although bound to uphold the requirements of the *Protected Objects Act 1975*, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Kaitiaki Rūnanga, and any taonga (Māori artefacts) that may be discovered.

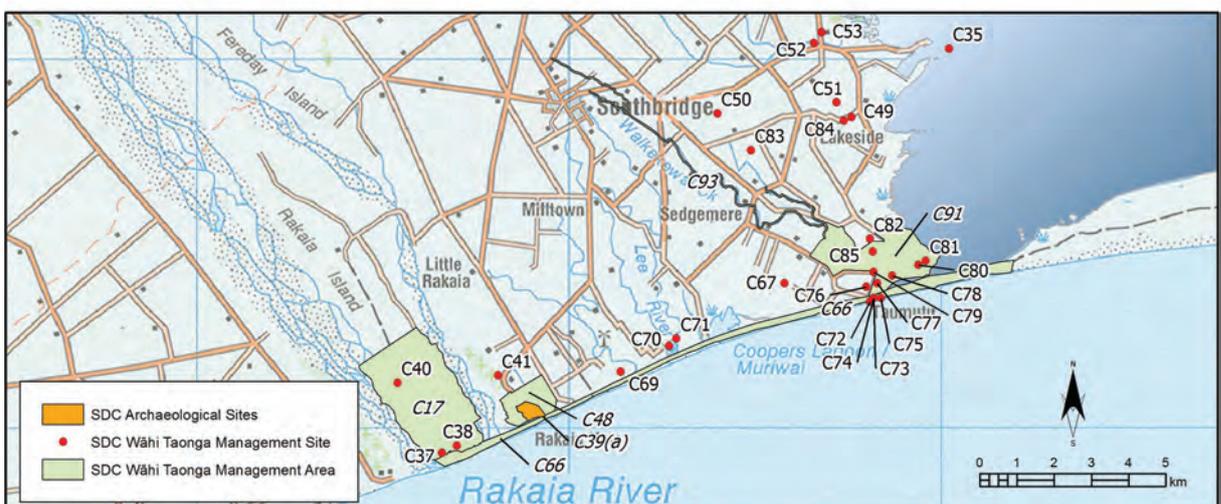
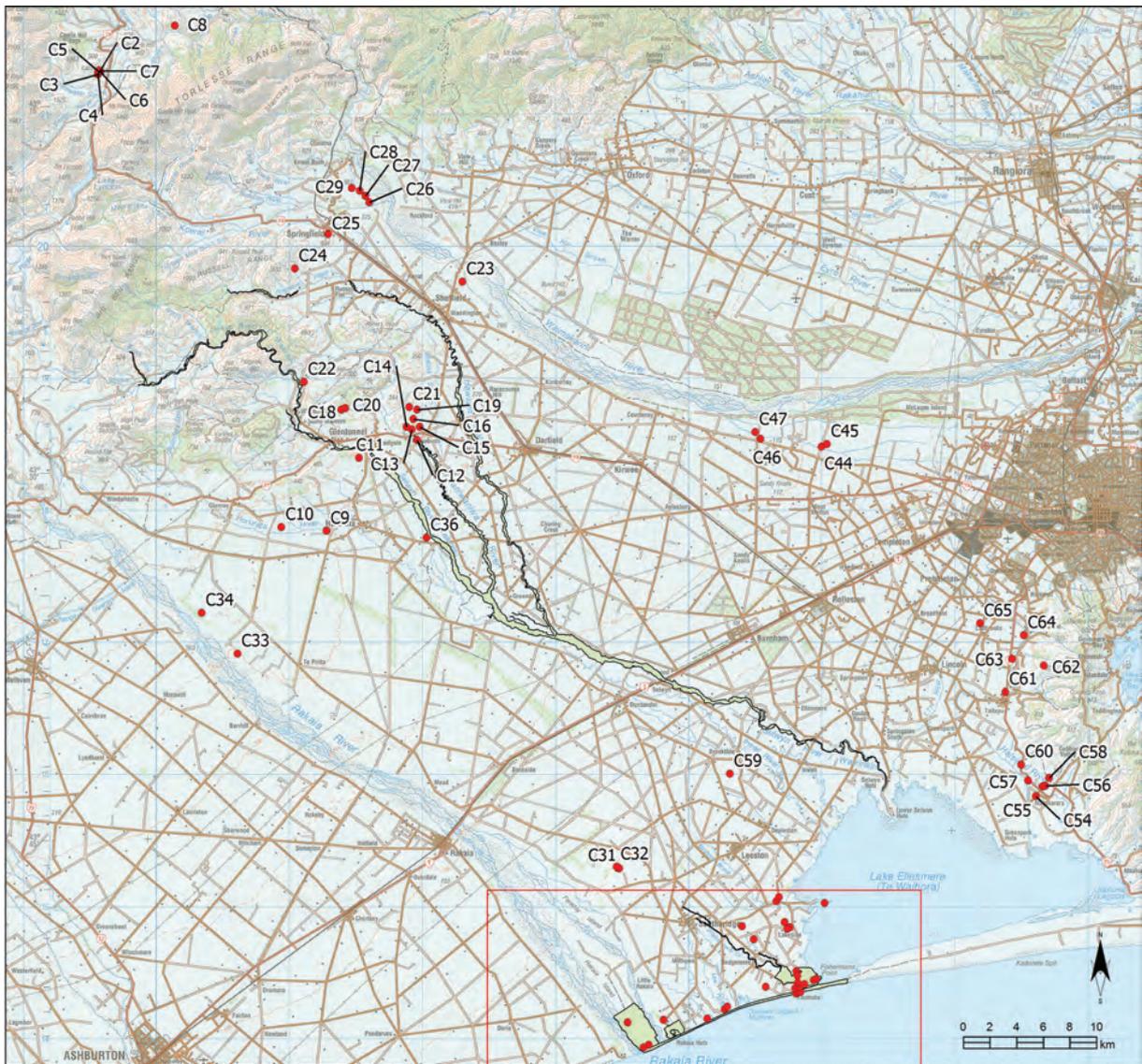
**IF IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE NZHPT ARCHAEOLOGIST****Contact Details**

Kaitiaki Rūnanga	Xxx	xxx
NZHPT Archaeologist	03 357 9615	archaeologistcw@historic.org.nz
NZHPT Southern Regional Office	03 357 9629	infosouthern@historic.org.nz
NZHPT Māori Heritage Advisor	03 357 9620	mhadvisorcw@historic.org.nz
NZ Police	XXX	

**Appendix 4:** Ngāi Tahu cultural heritage sites registered with the New Zealand Historic Places Trust – Pouhere Taonga (NZHPT)



### Appendix 5: Wāhi taonga management sites and areas as identified in the Selwyn District Plan



## Appendix 6: Schedule of silent file maps

- Map SF1** Silent files in the region covered by this IMP
- Map SF2** Silent files 011 - 017 [Rakahuri to Waimakariri]
- Map SF3** Silent file 015 [Belfast]
- Map SF4** Silent files 030 and 031 [Whakaraupō]
- Map SF5** Silent files 021 and 032 [Koukourārata]
- Map SF6** Silent files 022 - 028 [Akaroa Harbour]
- Map SF7** Silent files 019, 020, 029 and 034 [Waipuna saddle, Wairewa and the Southern Bays]

Maps prepared by Te Rūnanga o Ngāi Tahu.

Map SF1 Silent files in the takiwā covered by this IMP



Map SF2 Silent files 011 - 017 [Rakahuri to Waimakariri]



Map SF3 Silent file 015 [Belfast]



Map SF4 Silent files 030 and 031 [Whakaraupō]



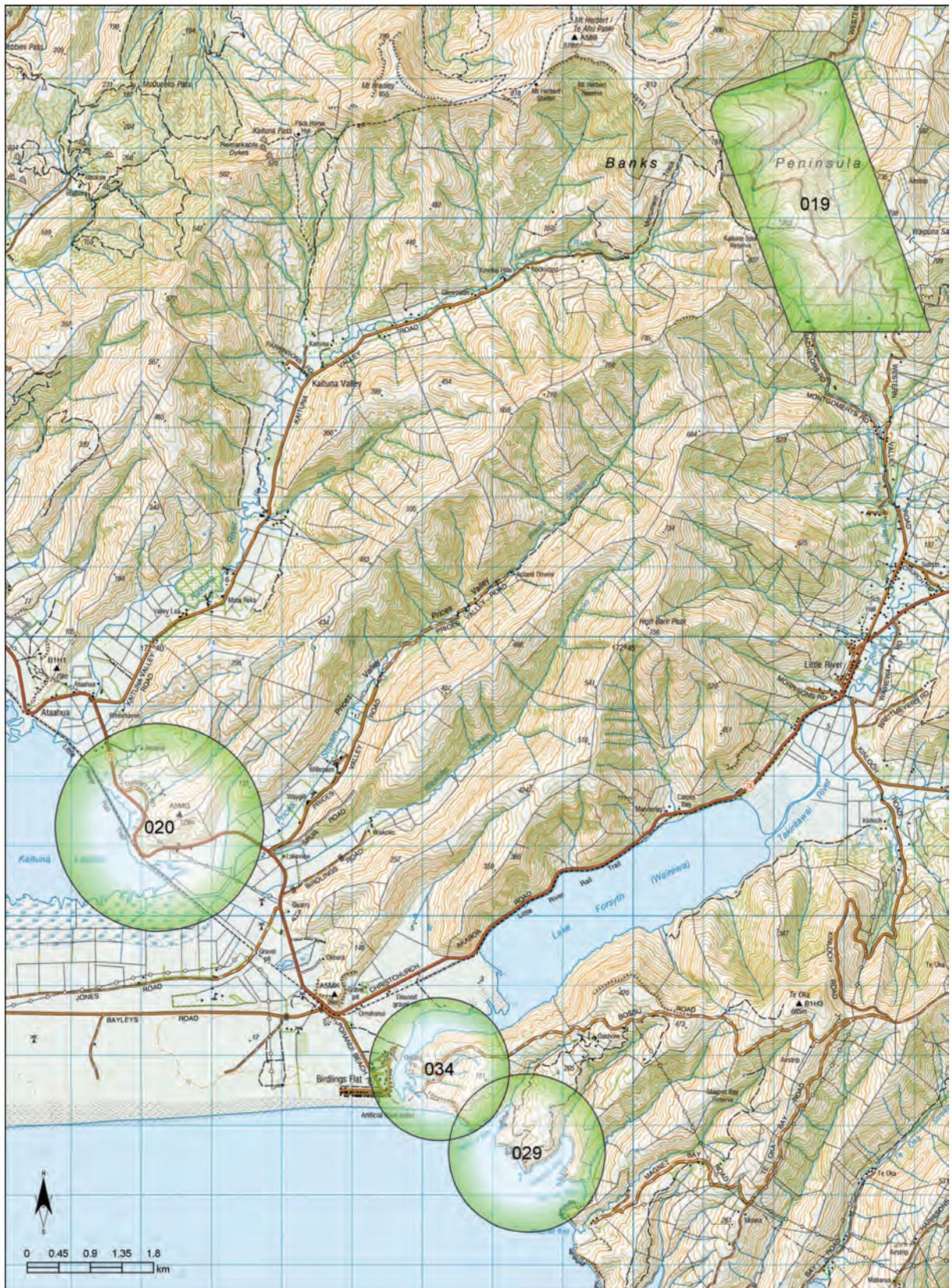
Map SF5 Silent files 021 and 032 [Koukourārata]



Map SF6 Silent files 022 - 028 [Akaroa Harbour]



Map SF7 Silent files 019, 020, 029 and 034 [Waipuna saddle, Wairewa and Southern Bays]



## **Appendix 7:** Statutory Acknowledgement and Tōpuni Schedules, as per the Ngāi Tahu Claims Settlement Act 1998

- Schedule 17** Statutory acknowledgement for Hakatere (Ashburton River)
- Schedule 20** Statutory acknowledgement for Hoka Kura (Lake Sumner)
- Schedule 21** Statutory acknowledgement for Hurunui River
- Schedule 26** Statutory acknowledgement for Kōwai River
- Schedule 27** Statutory acknowledgement for Kura Tāwhiti (Castle Hill)
- Schedule 43** Statutory acknowledgement for Moana Rua (Lake Pearson)
- Schedule 71** Statutory acknowledgement for Wairewa (Lake Forsyth)
- Schedule 74** Statutory acknowledgement for Waipara River
- Schedule 76** Statutory acknowledgement for Whakamatau (Lake Coleridge)
- Schedule 82** Tōpuni for Kura Tāwhiti (Castle Hill)
- Schedule 88** Tōpuni for Ripapa Island, Lyttleton Harbour
- Schedule 100** Statutory acknowledgement for Te Tai o Marokura (Kaikōura Coastal Marine Area)
- Schedule 101** Statutory acknowledgement for Te Tai o Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area)

## Schedule 17

### Statutory acknowledgement for Hakatere (Ashburton River)

#### Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Hakatere (Ashburton River), the location of which is shown on Allocation Plan MD 116 (SO 19852).

#### Preamble

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

#### Ngāi Tahu association with the Hakatere

The Hakatere was a major mahinga kai for Canterbury Ngāi Tahu. The main foods taken from the river were tuna (eels), inaka (whitebait) and the giant kōkopu. Rats, weka, kiwi and waterfowl such as pūtakitaki (paradise duck) were also hunted along the river.

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

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

## Schedule 20

### Statutory acknowledgement for Hoka Kura (Lake Sumner)

#### Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Hoka Kura (Lake Sumner), the location of which is shown on Allocation Plan MD 127 (SO 19854).

#### Preamble

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

#### Ngāi Tahu association with Hoka Kura

Hoka Kura is one of the lakes referred to in the tradition of "Ngā Puna Wai Karikari o Rākaihautu" which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rākaihautu. Rākaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rākaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rākaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rākaihautu taking another southwards by an inland route. On his inland journey southward, Rākaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Hoka Kura. The origins of the name "Hoka Kura" have now been lost, although it is likely that it refers to one of the descendants of Rākaihautu.

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

Hoka Kura was used as a mahinga kai by North Canterbury Ngāi Tahu. The tūpuna had considerable knowledge of whakapapa, traditional trails, places for gathering kai and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mahinga kai values of the lake were particularly important to Ngāi Tahu parties travelling to Te Tai Poutini (the West Coast). The lake was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the lake.

There are a number of urupā and wāhi tapu in this region. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories

and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

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

## **Schedule 21 Statutory acknowledgement for Hurunui River**

### ***Statutory area***

The statutory area to which this statutory acknowledgement applies is the river known as Hurunui, the location of which is shown on Allocation Plan MD 112 (SO 19848).

### ***Preamble***

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

### ***Ngāi Tahu association with the Hurunui River***

The Hurunui River once provided an important mahinga kai resource for Ngāi Tahu, although those resources are now in a modified and depleted condition. Traditionally, the river was particularly known for its tuna (eel) and inaka (whitebait).

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

Nohoanga (settlements) were located at points along the length of this river, with some wāhi tapu located near the mouth. Wāhi tapu are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

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

life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

## **Schedule 26 Statutory acknowledgement for Kōwai River**

### ***Statutory area***

The statutory area to which this statutory acknowledgement applies is the river known as Kōwai, the location of which is shown on Allocation Plan MD 114 (SO 19850).

### ***Preamble***

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

### ***Ngāi Tahu association with the Kōwai River***

The Kōwai River once provided an important mahinga kai resource for North Canterbury Ngāi Tahu. Traditionally, the river was known for its tuna (eel) and inaka (whitebait), although those resources have now been depleted.

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

Nohoanga (settlements) were located at points along the length of this river, with some wāhi tapu located near the mouth. Wāhi tapu are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

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

## Schedule 27

### Statutory acknowledgement for Kura Tāwhiti (Castle Hill)

#### *Statutory area*

The statutory area to which this statutory acknowledgement applies is the area known as Kura Tāwhiti (Castle Hill Conservation Area), as shown on Allocation Plan MS 14 (SO 19832).

#### *Preamble*

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

#### *Ngāi Tahu association with Kura Tāwhiti*

Kura Tāwhiti (Castle Hill) is located between the Torlesse and Craigieburn Ranges, in the Broken River catchment. The name Kura Tāwhiti literally means "the treasure from a distant land", and is an allusion to the kūmara, an important food once cultivated in this region. However, Kura Tāwhiti was also the name of one of the tūpuna (ancestors) who was aboard the Arai Te Uru canoe when it sank off Matakaea (Shag Point) in North Otago.

Kura Tāwhiti was one of the mountains claimed by the Ngāi Tahu ancestor Tane Tiki. Tane Tiki claimed this mountain range for his daughter Hine Mihi because he wanted the feathers from the kākāpo taken in this area to make a cloak for her.

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

This region was a well used mahinga kai for Kaiapoi Ngāi Tahu. The main food taken from this mountain range was the kiore (polynesian rat). Other foods taken included tuna (eel), kākāpo, weka and kiwi.

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

Kura Tāwhiti was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the area.

A particular taonga of Kura Tāwhiti are the ancient rock art remnants found on the rock outcrops. These outcrops provided vital shelters from the elements for the people in their travels, and they left their artworks behind as a record of their lives and beliefs. The combination of this long association with the rock outcrops, and the significance of the art on them, give rise to their tapu status for Ngāi Tahu.

The mauri of Kura Tāwhiti 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 area.

## Schedule 43

### Statutory acknowledgement for Moana Rua (Lake Pearson)

#### *Statutory area*

The statutory area to which this statutory acknowledgement applies is the wetland known as Moana Rua (Lake Pearson), the location of which is shown on Allocation Plan MD 51 (SO 19840).

#### *Preamble*

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

#### *Ngāi Tahu association with Moana Rua*

The wetland area known to Pākehā as Lake Pearson is known to Ngāi Tahu as Moana Rua. The area falls along the route across the main divide which is now known as Arthurs Pass. The area was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile

lifestyle of the people led to their dependence on the resources of the area.

This area was primarily used as a mahinga kai by Canterbury Ngāi Tahu, with weka, kākāpō and tuna (eels) being the main foods taken. The tūpuna had considerable knowledge of whakapapa, traditional trails, places for gathering kai and other taonga, ways in which to use the resources of the land, the relationship of people with the land 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.

Several urupā are recorded in this immediate area. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

The mauri of Moana Rua 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 area.

## Schedule 71

### Statutory acknowledgement for Wairewa (Lake Forsyth)

#### *Statutory area*

The statutory area to which this statutory acknowledgement applies is the lake known as Wairewa (Lake Forsyth), the location of which is shown on Allocation Plan MD 45 (SO 19839).

#### *Preamble*

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

#### *Ngāi Tahu association with Wairewa*

Wairewa is one of the lakes referred to in the tradition of "Ngā Puna Wai Karikari o Rākaihautu" which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rākaihautu. Rākaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rākaihautu beached his canoe at Whakatū (Nelson). From

Whakatū, Rākaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rākaihautu taking another southwards by an inland route. On his inland journey southward, Rākaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Wairewa.

There are place names connected with Wairewa which evoke earlier histories. One example is the mountain which Wairewa lies in the lee of, "Te Upoko o Tahu Mataa". This name refers to the Ngāi Tahu ancestor Tahu Mataa who lived and fought in Hawkes Bay. Like many other lakes, Wairewa was occupied by a taniwha called Tū Te Rakiwhānoa, whose origins stem back to the creation traditions.

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

The local hapū of this region is Ngāti Irakehu. Irakehu was the descendant of Mako, the Ngāi Tuhaitara chief who took Banks Peninsula with his cohort, Moki. Tradition has it that both Moki and Mako are buried near Wairewa. Poutaiki and Ōtūngākau are two principal urupā associated with Wairewa. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

Wairewa has been used by the descendants of Rākaihautu ever since it was formed. It is famous for the tuna (eels) that it holds and which migrate out to the sea in the autumn months. Ngāi Tahu gather here annually to take the tuna.

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

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

## Schedule 74

### Statutory acknowledgement for Waipara River

#### Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Waipara, the location of which is shown on Allocation Plan MD 113 (SO 19849).

#### Preamble

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

#### Ngāi Tahu association with the Waipara River

Tradition tells of the duel between two famous rangatira (chiefs) which happened in this area. Tūtewaimate, a Ngāti Mamoe rangatira from Rakaia, found that the northward trade route that he sent his goods along was being disrupted by Moko, a rangatira of the Ngāti Kurī hapū of Ngāi Tahu who had been acting as a bandit along the route. Tūtewaimate went to confront Moko, who lived in a cave at Waipara, but found him sleeping. Tūtewaimate allowed Moko to awake before attacking him. Tūtewaimate's sense of fair play cost him his life and is recalled in a tribal proverb. For Ngāi Tahu, histories such as this reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped Ngāi Tahu as an iwi.

There are a number of Ngāti Wairaki, Ngāti Mamoe and Ngāi Tahu urupā and wāhi tapu along the river and associated coastline. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

The river and associated coastline was also a significant mahinga kai, with kai moana, particularly paua, being taken at the mouth. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of the Waipara River represents the essence that binds the physical and spiritual elements of all things

together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

## Schedule 76

### Statutory acknowledgement for Whakamatau (Lake Coleridge)

#### Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Whakamatau (Lake Coleridge), the location of which is shown on Allocation Plan MD 128 (SO 19855).

#### Preamble

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

#### Ngāi Tahu association with Whakamatau

Whakamatau is one of the lakes referred to in the tradition of "Ngā Puna Wai Karikari o Rākaihautu" which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rākaihautu. Rākaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rākaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rākaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rākaihautu taking another southwards by an inland route. On his inland journey southward, Rākaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Whakamatau.

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

This lake was occupied by the Ngāti Tū Te Piriraki hapū. Tū Te Piriraki was the son of Tū Te Kawa, a Ngāti Mamoe chief who held manawhenua in this region. When Tū Te Kawa died his family, including Tū Te Piriraki, married into the senior Ngāi Tahu families. Such strategic marriages between hapū strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the lake.

Whakamatau was a notable mahinga kai where tuna (eel) and water fowl were taken. The kiore (polynesian rat) was also taken in this region. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

Whakamatau was an integral part of a network of trails linking North Canterbury and Te Tai Poutini (the West Coast) which were used by the tūpuna in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the lake.

As a result of the area's history as a settlement site and part of a trail, there are many urupā associated with the lake. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

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

## Schedule 82 Tōpuni for Kura Tāwhiti (Castle Hill)

### *Description of area*

The area over which the Tōpuni is created is the area known as the Castle Hill Conservation Area, as shown on Allocation Plan MS 14 (SO 19832).

### *Preamble*

Under section 239 (clause 12.5.3 of the deed of settlement), the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional values relating to Kura Tāwhiti (Castle Hill), as set out below.

### *Ngāi Tahu values relating to Kura Tāwhiti (Castle Hill)*

Kura Tāwhiti (Castle Hill) is located between the Torlesse and Craigieburn Ranges, in the Broken Hill catchment. The name Kura Tāwhiti literally means "the treasure from a distant land", and is an allusion to the kūmara, an important food once cultivated in this region. However, Kura Tāwhiti was also the name of one of the tūpuna (ancestors) who was aboard the Arai Te Uru canoe when it sank off Matakaea (Shag Point) in North Otago.

Kura Tāwhiti was one of the mountains claimed by the Ngāi Tahu ancestor, Tane Tiki. Tane Tiki claimed this mountain range for his daughter Hine Mihi because he wanted the feathers from the kākāpō taken in this area to make a cloak for her.

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

This region was a well used mahinga kai for Kaiapoi Ngāi Tahu. The main food taken from this mountain range was the kiore (polynesian rat). Other foods taken included tuna (eel), kākāpō, weka and kiwi.

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

Kura Tāwhiti was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai (food). 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 area.

A particular taonga of Kura Tāwhiti are the ancient rock art remnants found on the rock outcrops. These outcrops provided vital shelters from the elements for the people in their travels, and they left their artworks behind as a record of their lives and beliefs. The combination of the long association with these rock outcrops, and the significance of the artwork on them, give rise to their tapu status for Ngāi Tahu.

The mauri of Kura Tāwhiti 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 area.

## Schedule 88 Tōpuni for Ripapa Island, Lyttelton Harbour

### *Description of area*

The area over which the Tōpuni is created is the area known as Ripapa Island Historic Reserve, located in Whakaraupō (Lyttelton Harbour), as shown on Allocation Plan MS 29 (S.O. 19834).

### *Ngāi Tahu values relating to Ripapa*

Ripapa is significant, to Ngāi Tahu, particularly the Rūnanga of Canterbury and Banks Peninsula, for its many urupā (burial places). Urupā are the resting places of Ngāi Tahu tūpuna (ancestors) and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of our tūpuna, and are frequently protected by secret locations.

Ripapa was also a pā (fortress) of Taununu, a leading Ngāi Tahu warrior prominent during the 1820s. Taununu was a Kaikōura chief who had decided to live at Kaiapoi. However, after settling at Kaiapoi, Taununu saw that Ripapa was a better place to live, so he and his people moved on and settled on the island. Taununu fortified Ripapa Island to withstand attacks from tribes armed with muskets.

Taununu eventually became involved in an inter-tribal war and attacked a village at Te Taumutu. Because the Taumutu people were connected to the southern hapū of Ngāi Tahu, a chieftainess and seer called Hine-Haaka was sent south from Te Taumutu to seek reinforcements. Tradition tells that when Hine-Haaka arrived at Ruapuke, near Stewart Island, she composed a song telling Taununu to weep as in the morning he would be killed. Hine-Haaka's kai oreore (a chant that curses) ran thus:

Taununu of Bank's Peninsula  
Weep for yourself

On the morning, your bones will be transformed into  
fishhooks

To be used in my fishing grounds to the South  
This is my retaliation, an avenging for your attacks  
All I need is one fish to take my bait.

Taununu's pā was attacked from both sea and land by an alliance of related hapū from Southland, Otago and Kaiapoi.

Hine-Haaka's vision was proved right. Taununu managed to escape this attack, but was later killed at Wairewa (Little River).

To end the hostilities between the two regions, the southern chiefs arranged for the daughter of Hine-Haaka, Makei Te Kura, to marry into one of the families of Rapaki Ngāi Tahu. This union took place in the mid-1800s, and peace was cemented between Rapaki and Murihiku Ngāi Tahu.

For Ngāi Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity and solidarity, and document the events which shaped Ngāi Tahu as an iwi.

## Schedule 100 Statutory acknowledgement for Te Tai o Marokura (Kaikōura Coastal Marine Area)

### *Statutory area*

The area to which this statutory acknowledgement applies is Te Tai o Marokura (the Kaikōura Coastal Marine Area), the Coastal Marine Area of the Kaikōura constituency of the former Nelson Marlborough region, as shown on SO 14497, Marlborough Land District, extended northwards (but not eastwards) to the Takiwā of Ngāi Tahu Whānui, such boundary determined in the same manner as for the northern boundary of the Ngāi Tahu Claim Area, as shown on Allocation Plan NT 505 (SO 19901).

### *Preamble*

Under section 313, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Te Tai o Marokura as set out below.

### *Ngāi Tahu association with Te Tai o Marokura*

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.

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.

The Kaikōura Coastline took its name from Tama Ki Te Rangi, an early explorer in the time of Tamatea Pōkaiwhenua, who decided to explore the South Island. On his way from the North Island, Tama ki Te Rangi stopped in the area now known as Kaikōura and ate some of the crayfish that populate the area over an open fire. From Tama Ki Te Rangi's feast on crayfish, the area was named, Te Ahi Kaikōura a Tama ki Te Rangi—the fires where Tama Ki Te Rangi ate crayfish.

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 the 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.

One of the leading sites in Kaikōura in pre-contact times was Takahaka marae, which is still occupied by Ngāi Tahu. From the time the Ngāi Tahu leader Maru Kaitātea took Takahaka Pā for Ngāi Tahu occupation, the site acted as a staging site for Ngāi Tahu migrations further south. Other pā in the area included Pariwhakatau, Mikonui, Ōaro and Kahutara. Place names along the coast, such as the gardens of Tamanuhiri and the Waikōau River, record Ngāi Tahu history and point to the landscape features which were significant to people for a range of reasons.

## **Schedule 101 Statutory acknowledgement for Te Tai o Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area)**

### **Statutory area**

The statutory area to which this statutory acknowledgement applies is Te Tai o Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area), the Coastal Marine Area of the Selwyn – Banks Peninsula constituency of the Canterbury region, as shown on SO Plan 19407, Canterbury Land District as shown on Allocation Plan NT 505 (SO 19901).

### **Preamble**

Under section 313, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Te Tai o Mahaanui as set out below.

### **Ngāi Tahu association with Te Tai o Mahaanui**

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.

There are a number of traditions relating to Te Tai o Mahaanui. One of the most famous bays on the Peninsula is Akaroa, the name being a southern variation of the word "Whangaroa". The name refers to the size of the harbour. As with all other places in the South Island, Akaroa placenames recall the histories and traditions of the three tribes which now make up Ngāi Tahu Whānui: Waitaha, Ngāti Mamoe and Ngāi Tahu.

Waitaha traditions tell that after Rākahautu had dug the southern lakes with his kō (a tool similar to a spade)—Tūwhakarōria—he and his son, Rokohouia, returned to Canterbury with their people. On the return, Rākahautu buried his kō (a tool similar to a spade) on a hill overlooking the Akaroa harbour. That hill was called Tuhiraki (Bossu). Rākahautu remained in this region for the rest of his life.

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 (geneology) 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.

Ngāi Tahu connections to Akaroa came after the settling of Kaiapoi Pa in North Canterbury. Akaroa harbour was soon allocated to a number of chiefs by Tūrākautahi of Kaiapoi. One chief, Te Ruahikihiki, settled at Whakamoā near the Akaroa Heads at the south east end of the harbour. Te Ruahikihiki fell in love with the elder sister of his wife, Hikaiti. As it was customary at that time for chiefs to have several wives, Te Ruahikihiki took the elder sister, Te Ao Taurewa, as his wife.

Hikaiti fell into a deep depression and resolved to kill herself. She arose early in the morning, combed her hair and wrapped her cloak tightly around herself. She went to the edge of the cliff where she wept and greeted the land and the people of her tribe. With her acknowledgements made, she cast herself over the cliff where she was killed on the rocks. The body remained inside the cloak she had wrapped around herself. This place became known as Te Tarere a Hikaiti (the place where Hikaiti leapt). After a long period of lamentation, Te Ruahikihiki and his people moved to the south end of Banks Peninsula to Te Waihora (Lake Ellesmere).

Another one of the senior chiefs within the Akaroa harbour was Te Ake whose hapū was Ngāi Tuhaitara. Ōtokotoko was claimed by Te Ake when he staked his tokotoko (staff) at that end of the bay. Te Ake's daughter, Hine Ao, is now represented as a taniwha that dwells with another taniwha, Te Rangiorahina, in a rua (hole) off Opukutahi Reserve in the Akaroa Harbour. Hine Ao now carries the name Te Wahine Marukore. These taniwha act as (kaitiaki) guardians for local fisherman.

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 a intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

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.

The coast was also a major highway and trade route, particularly in areas where travel by land was difficult. 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 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) 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 kaitāngata (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.



# Papakupu

GLOSSARY



# PAPAKUPU GLOSSARY

**ara tawhito** ancestral trails

**ariki** paramount chief

**aruhe** fern root

**Atua** god, deity

**eco-cultural** a term used in this IMP to recognise that ecosystems have both cultural and ecological dimensions

**hāpua** coastal lagoon

**hapū** sub-tribe

**harakeke** flax

**tuna heke** eel migration

**hoka** red cod

**Hoka Kura** Lake Sumner

**hokarari** ling

**hua kāki anau** black swan eggs

**ika** fish

**īnanga** whitebait

**iwi** tribe

**kai** food

**kaimoana** seafood

**kāinga** home, village, settlement

**kāinga nohoanga** home, village, settlement

**Kākāpōtahi** Malvern Hills

**kaitiaki** iwi, hapū or whānau group with the responsibility of kaitiakitanga

**kanakana** lamprey

**karakia** prayer, incantation, ceremony

**kaupapa** theme, policy

**kāuru** pith, edible part of tī kouka

**kaumātua** elders

**kawa** rules, protocols or procedures

**kēkēwai** freshwater crayfish

**kīna** sea urchin

**kō** digging stick

**kōhanga** nursery, spawning ground

**koiro** conger eel

**kōiwi tangata** human bones

**kōkōwai** red ochre

**kōkupu** native trout

**kōrero pūrākau** oral traditions

**kōura** crayfish

**kūtai** mussel

**mahi** work

**mahinga kai** food and other resources, and the areas they are sourced from

**mana** respect, dignity, influence

**manaaki** to take care of

**manaakitanga** hospitality, kindness

**manawhenua** customary authority, those who have customary authority

**manuhuri** visitors

**mātauranga** knowledge

**maunga** mountain

**mauri** the essential life force of all things, spiritual essence

**mokopuna** grandchildren

**mō tātou, ā, mō kā uri ā muri ake**

**nei** tribal whakataukī meaning 'for us and our children after us'

**Ngāi Tahu Whānui** the wider tribal membership

**Ngā Kōhatu Whakarakaraka o**

**Tamatea Pōkai Whenua** Port Hills

**Ngā Pākihi Whakatekateka o Waitaha** Canterbury Plains

**ngā tūtohu whenua** cultural landscapes

**nohoanga** seasonal occupation sites, places where food is gathered

**Ōruapaeroa** Travis Wetland

**Ōtautahi** Christchurch

**Ō Tu Roto** Lake Heron

**pā** fortified settlement site

**pā harakeke** flax garden

**Papatūānuku** Mother Earth

**pūrākau** stories, legends

**pāpaka** crab

**Papatipu Rūnanga** marae based councils, administering the affairs of the hapū

**pāraere** sandals

**pārera** grey duck

**pāteke** brown teal

**pātiki** flounder

**pātiki mohoa** black flounder

**pātiki rori** sole

**pīngao** golden sand sedge

**pīoki** rig

**pipi** cockle

**pōua** grandfather

**pou whenua** carved posts

**Pūharakekenui** Styx River

**pūtangitangi** paradise duck

**Pūtarangamotu** Dean's Bush

**rāhui** restriction or control on an area

**rangatira** chief, leader

**rangatiratanga** chieftanship; self-determination

**Ranginui** Sky Father

**raupō** bullrush

**rimurapa** bull kelp

**rongoā** medicinal plants

**roto** lake

**Ruataniwha** Cam River

**taiki** coastal storage pits

**takiwā** region, tribal or hapū traditional territory

**tākoko** scoops

**tamariki** children

**Tāne Mahuta** god of the forest and birds

**Tangaroa** god of the sea

**tāngata taiki** individuals who can authorise customary fishing

**tāngata whenua** people of the land; the iwi or hapū who hold manawhenua over an area

**taniwha kaitiaki** supernatural beings valued as a protective guardians

**taonga** treasures

**tāua** grandmother

**tauranga ika** fishing grounds

**tauranga waka** canoe landing site

**Tāwhiritmātea** god of the winds

**Te Hāpua a Waikawa** Lake Lyndon

**Te Mata Hapuku** Birdlings Flat

**Te Pātaka o Rākaihautū** Banks Peninsula

**Te Waipounamu** South Island

**tī kōuka** cabbage tree

**tikanga** customary values and

practices

**tohunga** experts

**tuna** eel

**tūpuna** ancestors

**tūrangawaewae** a person's right to stand on particular land and be heard on matters affecting that place and their relationship to it.

**tio** oyster

**tūaki** cockle

**tuatua** shellfish

**umu** earth oven

**urupā** burial site

**ingoa wāhi** place names

**wāhi taonga** places and things that are treasured and valued

**wāhi tapu** places and things that are sacred

**waiana kōiwi** underwater burial caves

**Wai Māori** freshwater

**waipuna** spring

**wairua** spirit

**Waitāwhiri** Wilberforce River

**Waiwhio** Irwell River

**waka** canoe

**wānanga** seminar, workshop

**Whakamatau** Lake Coleridge

**whakapapa** genealogy, cultural identity

**whakataukī** proverb

**whānau** family

**whare tupuna** ancestral meeting house

**whata** drying racks or platforms

**whenua** land

**whio** blue duck

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