



SUBMISSION ON DUNEDIN FUTURE DEVELOPMENT STRATEGY	
TO:	Dunedin City Council
DATE:	28 February 2024
NAME OF SUBMITTER:	Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki (collectively Mana whenua or Kā Rūnaka)
This is a submission on the Dunedin Future Development Strategy (FDS) Kā Rūnaka could not gain an advantage in trade competition through this submission. Kā Rūnaka support the overall direction of the FDS but seek some amendments, as described below. Kā Rūnaka do wish to be heard in support of this submission.	
ADDRESS FOR SERVICE OF SUBMISSION:	Michael Bathgate Senior Planner Aukaha (1997) Ltd PO Box 446, Dunedin 9054 Email: michael@aukaha.co.nz

1. Mihi

- 1.1 This submission is made on behalf of Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki (Kā Rūnaka). The submission is supported by cultural evidence from Edward Ellison, Matapura Ellison and Brendan Flack. It does not purport to represent the interests of individual Māori landowners.

2.0 Background

Rūnaka role representing hapū / whānau who hold mana whenua

- 2.1 Papatipu rūnaka are contemporary collective bodies which represent whānau and hapū (extended family groups) and are centred on marae. There are 18 Ngāi Tahu papatipu rūnaka across Te Waipounamu and each is responsible for protecting the values and interests in their respective takiwā (areas). Each rūnaka will have its own governance structure and it is through

these rūnaka, that the Kāi Tahu voice in the district is represented and heard at the local government or community level.

- 2.2 In Dunedin, Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki are the papatipu rūnaka who uphold the mana of individuals whose whakapapa connects them to the district. As manawhenua, they exercise rakatirataka, or customary authority, dedicated to the sustainable and restorative management of resources. Their focus is on building a stronger environmental, economic, social, and cultural foundation for their people – mō tatou, ā, mō kā uri ā muri ake nei.

Engagement with mana whenua

- 2.3 Aukaha staff, in conjunction with mana whenua, have contributed to identification of issues to be addressed and to drafting of content during the development of the draft Future Development strategy (FDS). Aukaha staff and mana whenua have greatly appreciated the engagement efforts made by Dunedin City Council (DCC) and Otago Regional Council (ORC) staff to recognise and provide for mana whenua values and intent through the development of the draft FDS. However, mana whenua do not consider that the nature and level of involvement in this process meets their expectation of a full Te Tiriti o Waitangi partnership approach, as suggested in the document at 1.1 and elsewhere.

The ISP and mana whenua outcomes sought as part of that process

- 2.4 Aukaha and mana whenua have worked alongside DCC on their Integrated System Plan (ISP) programme since 2021. The governance framework of the ISP provides for mana whenua representation on the programme board and Aukaha staff continue to work collaboratively with the DCC ISP team. The aim of the ISP is to develop an overall strategy for three waters (water supply, wastewater and stormwater) to ensure that the infrastructure meets the required standards and provides for the needs of the community. As part of that goal, Aukaha staff and mana whenua representatives have provided input throughout the ISP to ensure that the provision of these services do not have damaging impacts on mana whenua values and impinge on the rights of mana whenua as rakatira and kaitiaki.
- 2.5 At the beginning of the ISP process, mana whenua identified six general priorities for 3 Waters management in their takiwā. These were:
1. Recognition of the rakatirataka of Kā Rūnaka as mana whenua and partners under Te Tiriti o Waitangi.
 2. Giving effect to Te Mana o te Wai and mana whenua values for wai māori.
 3. Consideration of the possible impacts of climate change on three waters infrastructure and Te Mana o te Wai.
 4. Consideration of innovative technologies and practices aimed at maximising water usage and recognising the status of wai māori as a taoka.

5. Prioritisation of Māori communities and papatipu marae in the delivery of three waters infrastructure and reticulation.
 6. Identifying opportunities for broader social outcomes through contract tendering and employment, and to build the capacity and capability of whānau.
- 2.6 The priorities identified above informed the selection by mana whenua of ‘Te Mana o Te Wai’ and ‘Tikaka and Kawa’ to be included among the ISP’s guiding principles when assessing three waters servicing and infrastructure. Te Mana o te Wai imposes a hierarchy of obligations where the health and well-being of the waterbody is given the highest priority. Tikaka and kawa are underpinned by a body of mātauraka Māori (traditional knowledge) and encompass the beliefs, values and practices that guide appropriate codes of conduct or ways of behaving within te ao māori. Tikaka and kawa stipulate that the treatment and discharge of wastewater adjacent to a waterbody is unacceptable, irrespective of the quality of the effluent.
- 2.7 The importance of applying these guiding principles particularly manifested in the case of the Northern Schemes wastewater treatment plants. Key concerns that have been raised by mana whenua through the ISP process include the continued operation of the Warrington and Waikouaiti wastewater treatment plants at their current locations. A further key concern under the ISP process is the extension of drinking water and wastewater treatment reticulation along the peninsula.

RPS policy development relating to mana whenua use of native reserves

- 2.8 In the Proposed Otago Regional Policy Statement (PORPS), Policy 4 of the Mana Whenua chapter enables Kāi Tahu to *“protect, develop and use land and resources within native reserves, and land held under Te Ture Whenua Māori Act 1993 in a way consistent with their culture and traditions and economic, cultural and social aspirations, including for papakāika, marae and marae related activities...”* Native reserves were set aside from the land purchases in the 1800s to allow Kāi Tahu to live on their ancestral lands and to provide for communal activities and for food production from the land. However, the way in which planning regulations have developed in the 20th century and up to the current day has increasingly imposed restrictions on the ability to use these lands as they have not been recognised as land intended for settlement. Consequently, zoning decisions have failed to uphold that original intent, affecting infrastructure provision and imposing landscape and other protection overlays on these lands. The result has been the ongoing denial of Kāi Tahu’s rights to make decisions about the use of their land.

3.0 Kāi Tahu Context

Kāi Tahu hapū as mana whenua

- 3.1 The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitane and extends from Waihemo to Purehurehu and includes an interest in Otepoti and the greater harbour of

Ōtākou. The takiwā extends inland to the Main Divide sharing an interest in the lakes and mountains to Whakatipu-Waitai with Rūnanga to the south.

- 3.2 The takiwā of Te Rūnanga o Ōtākou centres on Ōtākou and extends from Purehurehu to Te Mata-au and inland, sharing an interest in the lakes and mountains to the western coast with Rūnanga to the North and to the South.

Settlement in the takiwā – Ōtākou and Karitane / Waikouaiti

- 3.3 The Otago peninsula is a treasured landscape for Ōtākou hapū. As recognised by the mapped wāhi tūpuna under the DCC 2GP, there is a long history of settlement in the area. Kokomuka (Harwood) and Harwood flat has been described as “one of the most continually occupied places since the arrival of human beings in New Zealand”. The harbour is also a taoka and was a significant wāhi mahika kai with a large variety of fish and shellfish. Ōtākou was also one of the three Southern locations where Te Tiriti o Waitangi was signed by Kāi Tahu raketira, Kōrako and Karetai on 13 June 1840.
- 3.4 The coastal area near the Waikouaiti river mouth is similarly important for Kāti Huirapa ki Puketeraki. Prior to European contact, Waipipikāika, Maraekura and Makuku were the kāika that formed the settlement known as Waikouaiti located around the Waikouaiti River mouth and estuary. Archaeological evidence confirms the continuous pattern of occupation by Kāi Tahu whānui in the area. The wetlands and waterways were treasured for their abundant provision of kai and other resources and are still cherished by mana whenua today who have made significant efforts to restore these areas to their traditional states.
- 3.5 The footsteps of mana whenua tūpuna continue to linger through the archaeological artifacts that remained embedded in the landscape to be found generations later, the ara tawhito that are still travelled today, and through the placenames and histories still spoken and remembered by their descendants who maintain ahikāroa, keeping the fires of occupation burning in the district today.

4.0 Te Tiriti o Waitangi and the Native Reserves

- 4.1 Te Tiriti o Waitangi was signed by representatives of Kāi Tahu whānui in late May and early June of 1840. Subsequently, in 1844 and 1864, Kāi Tahu agreed to a series of land sales with the Crown. The Otago and Kemps’ Deeds, from which a majority of native reserves within the DCC boundaries stem, were signed in 1844 and 1848 respectively.
- 4.2 Once free to make decisions across the entirety of their lands, following the land sales Kāi Tahu only had their native reserves available to survive, raise their children and to build a future on. For Ōtākou hapū, they retained the Ōtākou Reserve at the northern end of the peninsula and the Taiari reserve. To the North of Dunedin, the Waikouaiti (Karitāne) and the Purākaunui native reserves were established through the Kemps Deed of 1848.

- 4.3 During the land sales, promises were made to reserve one-tenth of all sold land to Kāi Tahu, to build schools and hospitals, and ensure continued access to their mahika kai sites. These promises were not written into the Otago Deed, and the Crown failed to honour them across all land sales. The Crown then proceeded to implement legislation and regulations that had the effect of further limiting the ability of Kāi Tahu to realise the aspirations and intentions they had for their native reserves. In particular, inequities faced by mana whenua since the establishment of native reserves include:
- Barriers to financing
 - Inadequate provisions for infrastructure
 - Restrictive planning provisions.

Barriers to financing

- 4.4 Despite the promises of ‘tenths’, neither the Provincial Government nor the Crown had allotted further lands to Kāi Tahu, nor were resources held ‘in trust’ for infrastructure development or healthcare. Prior to European contact, tikaka had supported communal living in hapū based communities and enjoyment of lands and waters across seasonal settlement patterns. However, colonial land tenure policies imposed land ownership and financing structures that did not appropriately provide for communal ownership and management of land.

Historic inadequacy of Infrastructure provision – Three Waters and Roading

- 4.5 Both provincial and central government enacted policies that differentiated infrastructure and servicing between ‘New Edinburgh’ settlements and the lands held by Kāi Tahu. As colonial settlements on the mainland expanded and thrived and were well-serviced, the Ōtākou native reserve was left without key infrastructure such as adequate roading and educational and healthcare facilities. Though very few requests for housing and sanitation resources were made to the government, most of these were declined, including the simple request for a water tank. The lack of roading provision to the kāik meant that taura Māori at Ōtākou had to take a lengthy journey over multiple modes of transportation just to make it into town for school. Well into the 1900s, the peninsula road ended at the boundary of the Ōtākou Native Reserve and whānau would have to walk the remaining kilometres to the kāik.
- 4.6 North of Dunedin, the whanauka and tūpuna of the current Kāti Huirapa Rūnaka were confined to their equally insufficient native reserves and suffered similar injustices. Land-based activities affected (and continue to affect) mana whenua relationships with their whenua and moana in the form of inappropriately placed three waters infrastructure such as the Northern Schemes wastewater plants mentioned at paragraph 2.7 above. There have been instances where climate change-induced flooding at the Waikouaiti River has caused untreated wastewater from the Waikouaiti WWTP to discharge directly into significant Kāti Huirapa pātaka (food gathering areas) across several days.

- 4.7 Many of these injustices persist today and mana whenua continue in their efforts to advocate for a planning framework which allows them to make decisions about their own lands and where infrastructure provision prioritises this need and provides for mana whenua values.

DCC 2GP planning provisions relating to mana whenua use of native reserves

- 4.8 The Dunedin City Council has acknowledged the need for planning provisions to enable mana whenua use of native reserves, as is required by the PORPS. Mana whenua and the DCC have a formal understanding that a review of current planning provisions will be carried out.

5.0 Te Kerēme and the Ngāi Tahu Claims Settlement Act

- 5.1 The first formal statement of grievance by Kāi Tahu tūpuna was made in 1849 by Matiaha Tiramōrehu, beginning the almost 150-year intergenerational endeavour to progress the Ngāi Tahu land claim known as Te Kerēme. The claim was presented to the Waitangi Tribunal in nine parts known as the nine tall trees of Kāi Tahu, representing the eight major land purchases and mahika kai.
- 5.2 Mahika kai sits at the heart of Kāi Tahu cultural identity and was abundant in the greater Dunedin area. Mahika kai can be described as a cornerstone of Kāi Tahu tikaka and kawa. It was so important that it was intended to be set aside as a condition of the 1848 Kemps Deed. However, less than 6500 acres were reserved for Kāi Tahu, limited to kāika and areas of cultivation, with mahika kai resources excluded from the reserved areas. The Crown failed to grasp the depth of what mahika kai meant to Kāi Tahu and this has been a significant source of mamae for Kāi Tahu across the takiwā. The Otago harbour and its environs, and various waterbodies north of Dunedin such as Blueskin Bay, Purākaunui Bay and the Waikouaiti River were all significant mahika kai areas treasured by Kāi Tahu of the past and present day.
- 5.3 After extensive hearings and inquiries into Kāi Tahu grievances, the Waitangi Tribunal published their findings in three reports between 1991 and 1995, determining that the Crown acted fraudulently and unconscionably towards Kāi Tahu and in repeated breach of the principles of the Treaty of Waitangi. The Ngāi Tahu report stated that the Crown, and its agents, were obligated under Article II of Te Tiriti to preserve and protect Kāi Tahu tino rakatirataka over ancestral lands, which also entailed *“acknowledging the right of Māori, for as long as they wished, to hold their lands in accordance with longstanding custom, on a tribal and communal basis.”* The tribunal confirmed and concurred that the quantum and quality of lands set aside were not sufficient for the present or future needs of Kāi Tahu and recognised the importance of mahika kai to Kāi Tahu.
- 5.4 The eventual signing of the Ngāi Tahu deed of settlement and the passage of the Ngāi Tahu Claims Settlement Act into law on 29 September 1998 marked a historic point in Ngāi Tahu’s long history.
- 5.5 Ancillary non-tribal redress was also provided for many individual claims. These included within the DCC district: fishing reserves at Sinclair Wetlands (to replace the drained Lake

Tatawai) and Waikouaiti Lagoon and land-based claims which involved land at Harington Point, Karitāne and Pukekura (Taiaroa Head).

- 5.6 Despite the recognition of these historic breaches and the settlement that was reached, there is still a long road of restitution ahead to address the continued and repeated grievances against Kāi Tahu which go back for close to two centuries. As discussed throughout this submission, barriers within the existing planning framework continue to hinder the ability of mana whenua to exercise rakatirataka over their native reserves, mahika kai resources and wāhi tūpuna.

NPS-UD Objective 5 and Tiriti principles

- 5.7 It is important to note that for the purposes of this FDS, Objective 5 of the NPS-UD states that *“planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)”*.

6.0 Specific Submissions

- 6.1 Submissions specific to provisions in each chapter of the draft FDS are shown in Appendix 1.
- 6.2 Mana whenua generally support the approach taken in the FDS, and particularly the progress made in recognising and providing for mana whenua use of their native reserves and the provision of key infrastructure such as three waters reticulation and roading. Unless otherwise specified in Appendix 1, mana whenua seek that the FDS provisions are retained.
- 6.3 Mana whenua retain an interest across the entire FDS should other submitters seek to change any of the content in the current draft.

Nāhaku noa,

nā



Dr Kate Timms Dean

General Manager: Mana Taiao
Aukaha (1997) Ltd

Appendix 1: Manawhenua submissions on specific provisions of the draft FDS

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
1 Introduction			
1.1 What is a Future Development Strategy (FDS)?	Support with amendment	Mana whenua seek amendment where reference is made to having prepared the FDS in partnership with DCC and ORC. While we acknowledge and appreciate the way in which DCC and ORC engaged with mana whenua in development of the FDS, we do not consider it meets our expectations of a 'Partnership' which implies equal decision-making powers.	Amend as follows: DCC and ORC have prepared this draft FDS in partnership with significant input from mana whenua and with significant input from key contributors including Kāinga Ora and Waka Kotahi.
1.3 How is the FDS being developed?	Support with amendment	Mana whenua seek amendment where reference is made to having prepared the FDS in partnership with DCC and ORC. While we acknowledge and appreciate the way in which DCC and ORC engaged with mana whenua in development of the FDS, we do not consider it meets our expectations of a 'Partnership' which implies equal decision-making powers.	Amend as follows: The FDS was prepared in partnership with input from the two rūnaka in Dunedin (Te Rūnaka o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki) through their consultancy <u>Aukaha which provided representation at level, an at an operational level, through professional services consultancy Aukaha.</u>
2 OUR HOUSING AND BUSINESS LAND NEEDS AND CAPACITY			
Our population is becoming more ethnically diverse	Support with amendment	Mana whenua seek amendment to acknowledge the ahikāroa (long burning fires of occupation) of Kāi Tahu whānui mana whenua in the city – an on-going	Amend to address the matters raised.

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
		presence regardless of subsequent changes to population and ethnic diversity.	
2.2.2 Housing Capacity		<p>Mana whenua seek clarity regarding the statement in the second to last paragraph of this section at page 22. The NPS-UD requires long-term housing capacity to be infrastructure ready and this is stated to mean that the infrastructure has been included in the Infrastructure Strategy. Mana whenua also understand that under the Water Services Act 2022, infrastructure that will be provided in years 10-30 no longer needs to be included in the Infrastructure Strategy. However, mana whenua want to note that the consents for the Warrington and Waikouaiti wastewater treatment plants lapse within 10 years and mana whenua have been clear that they will not support any further consents where the plants remain at their current locations. Clarification is sought regarding what this means for housing capacity in those areas given the requirements set out above.</p>	Amend to address the matters for clarification raised.
3 STATEMENT OF IWI AND HAPŪ VALUES AND INTENT			

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
3.4.3 Te mauri o te taiao	Support with amendments	Amendments are sought to better align the FDS with the relevant manawhenua outcomes that were sought through the DCC Integrated System Plan (ISP) programme, particularly the inclusion of Te Mana o Te Wai and Tikaka and Kawa as guiding principles under the ISP.	Amend to include the following after the last paragraph of 3.4.3: <u>Observing tikaka and kawa is part of the ethic and exercise of kaitiakitaka. Tikaka and kawa encompass the beliefs, values, practices, and procedures that guide appropriate codes of conduct, or ways of behaving in the context of natural resource management. Tikaka and kawa are underpinned by mātauraka and incorporate forms of social control, such as rāhui, to manage the relationship of people and the environment. These are important mechanisms to ensure that Kāi Tahu values are reflected in decisions made regarding 3 waters management in their takiwā.</u>
3.4.6 Haere Whakamua	Support with amendments	Mana whenua request that the risk of climate change to Kāi Tahu is expanded to specifically reference the Northern schemes wastewater treatment plants which are a significant concern for Kāti Huirapa Rūnaka ki Puketeraki due to their vulnerable location and proximity to significant mahika kai gathering areas, where the Rūnaka is engaged in ongoing efforts to restore them to their traditional states such that there is an abundance of mahika kai and taoka species thrive.	Amend to include the following: <u>This also includes wastewater treatment plants, particularly those at Waikouaiti and Warrington, which are in locations that are vulnerable to the impacts of climate change and not appropriate in accordance with tikaka and kawa.</u>
4 STRATEGIC DIRECTIONS			
4.1 Ōtepoti Dunedin has a resilient natural environment, where we protect and enhance te mauri o te taiao, with clean	Support with amendment	Mana whenua support the restoration and protection of the natural environment as a key part of the urban fabric of the city, and support the recognition of mana whenua as kaitiaki,	Amend explanatory text as follows: The role of Kāi Tahu mana whenua as kaitiaki of the natural environment is recognised, and mana whenua undertake mahika kai <u>practices</u> in healthy and resilient ecosystems.

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
air, healthy land-based ecosystems and thriving indigenous biodiversity		however, request the addition of the word 'practices' after 'mahika kai' for a more precise representation of its intended meaning.	
4.2 Ōtepoti Dunedin protects and prioritises the mauri and health of water bodies, including coastal waters, with mana whenua exercising their role as kaitiaki	Support with amendment	Mana whenua support strategic direction 4.2 as it is worded, however, request the addition of the word 'practices' after 'mahika kai' for a more precise representation of its intended meaning. In line with the intent of the strategic direction itself, the kaitiaki role of Kāi Tahu should be both recognised and provided for.	Amend explanatory text as follows: Kāi Tahu mana whenua can access and undertake mahika kai <u>practices</u> without fear of contamination of customary areas due to urban activities. The kaitiaki role of Kāi Tahu mana whenua is recognised and provided for in management approaches, and the role of mahika kai in Kāi Tahu culture is celebrated.
4.3 Ōtepoti Dunedin protects its landscapes, natural features and wāhi tūpuna from harmful development	Support	Mana whenua request that the following amendment is made to achieve a more succinct statement.	Amend as follows: Kāi Tahu relationships with wāhi tūpuna are sustained by avoiding inappropriate development and activities that would affect the values of significance for each wāhi tūpuna.
4.4 Kāi Tahu mana whenua can occupy and use land within Ōtepoti's native reserves in accordance with tikaka to provide for their economic, cultural and social wellbeing	Support	Mana whenua support this strategic direction as it is of paramount importance to them that the FDS focuses on enabling the intended use of native reserves for mana whenua settlement and use, and achieving the necessary infrastructure to support this.	Retain as notified.
4.11 Ōtepoti Dunedin has high-quality, safe,	Support with amendment	Mana whenua support the design, build and operation of public infrastructure in	Amend explanatory text as follows:

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
sustainable, efficient infrastructure and supports renewable energy		a way that protects the natural environment and provides for mana whenua values.	Public infrastructure is designed, built and operated in a way that protects <u>and restores</u> the natural environment and cultural values.
4.12 Ōtepoti Dunedin is resilient to the risk from hazards and is prepared for and able to adapt quickly to the effects of climate change	Support	Mana whenua support the use of nature-based solutions to managing risk and increasing resilience.	Retain as notified.
How we will get there	Support with amendment	Mana whenua seek amendments to recognise engagement with mana whenua as treaty partner to be key in implementing this FDS.	<p>We will use a range of methods to meet our strategic goals for how we provide for growth and manage new urban development in Dunedin and deliver the infrastructure required. These methods include:</p> <ul style="list-style-type: none"> • plans and strategies • financial incentives such as grants, including for biodiversity and heritage protection and enhancement projects and home insulation • design guidance and other advice and advocacy • monitoring and research • new and upgraded infrastructure (including 3 waters, transport, recreation, and waste); and • engagement with <u>mana whenua as treaty partner as well as</u> key stakeholders. Further detail will be included in an implementation plan that is updated annually.

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
5 Objectives and Policies that guide this FDS			
5.1 Introduction	Support with amendments	In referencing the key policies of the National Policy Statement on Urban Development (NPS-UD) for guiding decisions on the FDS, mana whenua request that this also references policy 9 as this is consistent with statements throughout the FDS regarding mana whenua as a partner.	<p>Amend as follows:</p> <p>For Dunedin, as a Tier 2 local authority, the key policies that are important for guiding decisions on this FDS are policies 1, and 2 and 9.</p> <p>...</p> <p><u>Policy 9 is that:</u></p> <p><u>Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</u></p> <ul style="list-style-type: none"> (a) <u>involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</u> (b) <u>when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and</u> (c) <u>provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and</u> (d) <u>operate in a way that is consistent with iwi participation legislation.</u>

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
Figure 12: Relationship between infrastructure and land use planning	Support with amendment	Manawhenua support the inclusion of 'Treaty obligations' in the diagram, however, seek the inclusion of 'hapū intent' to be consistent with the wording and approach taken throughout the FDS which clarifies that the hapū of Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki each have intentions for infrastructure and development in their takiwā.	Amend as follows: Treaty obligations / <u>Hapū intent</u>
5.2 Policy direction for this FDS Policy 1	Support with amendments	<p>Mana whenua support the statement at the end of Policy 1, however, request that this sits as its own policy to recognise the importance of mana whenua being able to live and use their native reserves for settlement purposes, as they were originally intended.</p> <p>Mana whenua also seek clarification and amendments regarding the following:</p> <ul style="list-style-type: none"> Policy 1a: Mana whenua understand the need for this approach, however, would like to note that it should be acknowledged that operative 	<p>Amend as follows and to address the matters for clarification raised.</p> <ul style="list-style-type: none"> That amendments address the matters for clarification raised. That Policy 1 b be retained as notified. That the following be included as a new policy: <p><u>New Policy:</u></p> <p><u>In delivering infrastructure projects for native reserves which may not be urban in nature or identified for significant growth, the following should be considered:</u></p> <ol style="list-style-type: none"> <u>The obligation to enable mana whenua to live and sustain themselves on native reserves set aside for this purpose</u> <u>Te Tiriti obligations</u>

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
		<p>plan rules will likely need to change in relation to mana whenua use of native reserves. DCC has also acknowledged that a review of these rules needs to be undertaken.</p>	<p>c. <u>Addressing historical inequities in the provision of key infrastructure servicing to native reserves</u></p>
Policy 2	Support with amendments	<ul style="list-style-type: none"> • Support clause c. xi • Support clause f; this is also consistent with the preference of manawhenua for reticulated wastewater systems and concerns about the cumulative impacts of poorly managed individual on-site wastewater systems in their takiwā. • Amendments requested for clause e 	<p>Amend as follows:</p> <p>Policy 2</p> <p>...</p> <p>e. When evaluating urban development options in terms of the ability to provide efficient and effective 3 waters infrastructure (serviceability assessment), consider for any 3 waters infrastructure upgrades or solutions proposed as part of that option:</p> <p>i. environmental and cultural effects (including the risk of failure and the impact on the overall network's consent conditions and emissions reduction goals);</p> <p>ii. <u>effects on Kāi Tahu values, particularly in terms of Te Mana o Te Wai and Tikaka and Kawa as determined by mana whenua;</u></p> <p>iii. <u>iii.</u> effects on human health (including the effectiveness of solutions and the risk of failure);</p> <p>iii. <u>iv.</u> long term operational costs;</p>
6 Future Development Strategy and Spatial Plan			

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
6.1 Introduction	Support with amendments	<p>Mana whenua support the general content of the introduction but seek amendments to:</p> <ul style="list-style-type: none"> highlight the use of native reserves and how they differ from other urban areas. clarify that hapū in Dunedin have specific intentions for their takiwā. 	<p>Amend as follows:</p> <p><u>It is important to note that there are 10 native reserves within the DCC boundaries located at: Taiari, Lake Tatawai (on the Taiari Plain that is now drained), Otago peninsula (Otago Heads Native Reserve, Port Chalmers, Aramoana, Pūrākaunui, Brinns Point, Karitane (Waikouaiti Native Reserve) and Matainaka (the Matainaka and the Hawksbury fishing easements). Mana whenua have long suffered inequities in the provision of essential infrastructure (3 waters and roading) to the native reserves and from restrictive planning and legislative frameworks that have hindered mana whenua use of these lands for settlement purposes, as they were intended. It is imperative that development capacity and the provision of infrastructure projects takes this into consideration and provides for the historic failure to support manawhenua in the intentions for their native reserves.</u></p> <p>...</p> <p>The FDS identifies infrastructure upgrades necessary to support Dunedin’s housing and business growth in each area in sections 6.7 to 6.13. Infrastructure projects to provide a well-functioning urban environment and address iw hapū intent and community aspirations are also included.</p>
6.2.2 Special values for protection constraints		<p>Mana whenua seek amendments to clarify that native reserve fisheries easements are wāhi tupuna and not a separate category.</p>	<p>Dunedin’s environment has many areas of special natural and cultural values that need to be protected. These are grouped into five broad categories: highly productive land, protected biodiversity, protected landscapes, native reserve fisheries</p>

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
			easement , and wāhi tūpuna (<u>which include native reserves and fisheries easements</u>).
6.2.2.4 Wāhi tupuna	Support with amendments	Mana whenua seek amendments to include reference to native reserves.	In other cases, wāhi tūpuna identify areas of traditional settlement by Kāi Tahu, and appropriate levels of development for this purpose may not be a constraint for the purposes of this FDS. <u>However, the native reserves have themselves been severely constrained in terms of their intended use as settlement areas.</u>
6.3 Overall Spatial Plan – infrastructure overview 6.3.1 3 waters	Support with amendments	Mana whenua seek amendments to make it clear that irrespective of discharge quality, the locations of the WWTPs are not consistent with tikaka and kawa, and that mana whenua seek the permanent decommissioning of those plants. This has been discussed at length through the DCC ISP process.	Amend as follows: We are also prioritising upgrades to address environmental impacts. For example, changes are needed to improve the quality of discharge at the Waikoaiti and Warrington wastewater treatment plants, and we need to work towards changing where we treat and discharge wastewater to address both environmental effects and effects on values of significance to mana whenua. <u>It has been emphasised repeatedly by mana whenua through the DCC ISP, that under tikaka and kawa, the current locations of the Waikoaiti and Warrington wastewater treatment plants are inappropriate, irrespective of the discharge quality.</u>
6.3.1.2 Provision of reticulated services to unserved communities	Support with amendments	Mana whenua prefer that communities are connected to reticulated systems. In regard to the management of wastewater, mana whenua have concerns about the cumulative impacts of poorly managed on-site individual septic tank systems, particularly those located in close proximity to waterbodies.	Amend as follows: ...It will include engagement with relevant communities. <u>Mana whenua have emphasised through the ISP and FDS process, their desire for the extension of 3 waters infrastructure and reticulation to their communities and papatipu marae. Notably, this included the extension of reticulated wastewater and drinking water services along the peninsula between Portobello and Harington Point and at Puketeraki, Waitati and Brinns Point.</u>

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
6.3.1.4 Water Supply	Support with amendments	Kāti Huirapa Rūnaka ki Puketeraki would ideally see the removal of the water take from the Waikouaiti River. However, they understand that an investigation into potential groundwater sources and other alternatives will need to take place first.	Amend as follows: Waikouaiti and Karitane’s water supply is sourced from the Waikouaiti River. While the supply is sufficient for most of the year, source availability sometimes reduces and it may be insufficient to meet demand and maintain river health. Mana whenua seek to maintain and improve the health of the Waikouaiti River. <u>The Waikouaiti River is a significant awa for Kāti Huirapa Rūnaka ki Puketeraki and the rūnaka has concerns that the water takes on the river which include the council’s take for the community water supply, may have detrimental effects on the health of the awa and the taoka species which it supports. It is the preference of the Rūnaka that water takes are removed from the river if investigations yield a suitable alternative.</u>
6.3.1.5 Wastewater network	Support with amendments	The locations of wastewater treatment facilities and their current states are not discussed,unlike the previous water supply section. Mana whenua request that this information is provided as mana whenua have significant concerns regarding the management of wastewater in their takiwā. This includes the location of wastewater treatment plants and the cumulative effects of poorly managed individual septic tank systems and the consenting of new individual on-site wastewater systems. Mana whenua prefer the provision of reticulated wastewater systems for communities.	Amend to address matters raised.

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
		<p>The northern schemes wastewater treatments are of particular concern. Through the ISP process, Kāti Huirapa have highlighted the inappropriate location of the Warrington and Waikouaiti wastewater treatment plants:</p> <p>The Warrington WWTP is located on a sandspit between the Blueskin Bay estuary and the ocean. The plant is surrounded by a network of wāhi tūpuna and wāhi mahika kai and sits within the East Otago Taiāpure. The Waikouaiti WWTP too is surrounded by wāhi tūpuna and sits adjacent to Ohinetemoa, the beach that stretches from Matainaka (Hawksbury Lagoon) to the Waikouaiti River. A mapped wāhi tūpuna runs along the Waikouaiti River closely aligning with the boundaries of the Waikouaiti mātaimai. Each of these plants sit within highly significant areas to Kāti Huirapa Rūnaka ki Puketeraki.</p> <p>Over the last decade, the Rūnaka has advised DCC on numerous occasions that the Northern Scheme wastewater systems pose a risk to manawhenua values. In March 2022, these same</p>	

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
		<p>concerns were detailed in a letter from Brendan Flack (as Chair of the East Otago Taiāpure Management Committee) to the DCC, in response to the scope of work for the Northern Wastewater Schemes discharge consent study under the ISP. The intention of the letter was to confirm the position of the Rūnaka on the location and operation of WWTPs in their takiwā. Kāti Huirapa have made it clear that they seek the permanent decommissioning of these WWTPs within the timeframe of their current transitional resource consents. The Rūnaka looks forward to continuing to work with the Council to identify an appropriate long-term solution for the treatment of wastewater on the north coast.</p>	
<p>6.4 Overall Spatial Plan – green and blue networks</p> <p>6.4.1 Introduction</p>	<p>Support with amendment</p>	<p>An amendment is sought to the Introduction to highlight the need for ecological connectivity within and between blue networks.</p>	<p>Amend as follows:</p> <p>... Similarly, well-functioning blue networks are essential for the health of water bodies, coastal ecosystems, and the diverse species that rely on them. <u>Connectivity within and between blue networks are essential for aquatic species to complete their life cycles.</u></p>
<p>6.4.2 Spatial Plan – protecting and enhancing biodiversity.</p>	<p>Support with amendments</p>	<p>General comment: This section lacks recognition of the coastal environmental aspect of blue networks. All waterways end in the coastal</p>	<p>Amend to include coastal and estuarine impacts and outcomes.</p> <p>Amend as follows:</p>

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
		<p>environment. It is equally important to provide for safe habitat between the coast and areas for penguins and sealions.</p> <p>Restoration to freshwater networks and riparian margins and forested catchments improves receiving environments in estuaries, coastal wetlands and kaimoana areas. Eg: Shellfish beds, intact coastal ecosystems, seagrass, estuaries, and dunes all protect against coastal erosion or high tide events.</p>	<p>...Projects could include replanting indigenous bush areas, restoring dunes, enhancing wetlands and controlling pest plants <u>and animals</u>.</p> <p>... Enhancement could range from riparian planting along stream banks to 'daylighting' waterways that have been buried and confined in pipes or <u>restoring natural form and function of waterways where they have been modified or urbanised</u>.</p>
Figure 23	Support with amendments	The proposed approach should recognise the real potential for enhance ecological connectivity between Silverpeaks and Orokonui catchments.	Amend to include an 'improve connectivity' line between Orokonui and the Silverpeaks vegetation.
6.4.3 Spatial Plan – recreational opportunities	Support with amendments	Manawhenua support the development of a trail from the Kaikarae stream to the estuary, however, given the importance of the Kaikarae to mana whenua, it is important that this is linked to restoration and not just recreation.	Amend 6.4.3 and/or 6.4.2 as necessary to address the long-term aspiration of mana whenua to restore the ecological values of the Kaikarae.

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
6.5.3.1 Kāinga Ora's long term development aspirations	Support	Manawhenua support the aspirations of Kāinga Ora to provide social housing in Dunedin.	Retain as notified
6.9 Outram / Allanton / Middlemarch 6.9.3 3 waters infrastructure	Support with amendments	Mana whenua would like to note their concerns with the impacts of continued stormwater and wastewater discharges that have the potential to enter the Taiari.	Amend to address matters raised.
6.10 Otago Peninsula 6.10.3 Iwi and hapū values and intent		<p>Mana whenua confirm that concerns described in 6.10.3 are accurate and oppose the 10 – 30 year timeframe for requested servicing improvements that would deliver reticulated drinking water and wastewater services between Portobello and Harington Point.</p> <p>Mana whenua request that this servicing provision takes place within the next 10 years and that necessary servicing assessments and options analysis are carried out in the first part of the 10 year timeframe and construction to completion in the latter part.</p> <p>Mana whenua seek amendments to clarify and strengthen the messaging regarding mana whenua intentions to be able to make decisions about their native reserves, and the integral role</p>	<p>Amend to address infrastructure timing issues raised.</p> <p>Amend to add paragraph as follows:</p> <p><u>Mana whenua have emphasised an overall need to review planning provisions in relation to the use of their native reserves. It is imperative that planning provisions enable mana whenua to make decisions about their own lands, as was originally intended.</u></p>

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
		that a review of current planning provisions has in achieving that intent. The DCC has acknowledged that a review of planning provisions for that purpose should happen.	
Table 18: 3 waters infrastructure improvements and investigations required to service existing development capacity and/or support a well-functioning urban environment on Otago Peninsula	Support with amendments	Mana whenua opposes the 10 – 30 year timeframe proposed in the table for improved infrastructure provision in the outer Otago Peninsula area. Mana whenua request that this is carried out within a 10 year timeframe, with necessary servicing assessments and options analysis carried out in the first part of the 10 year timeframe and construction to completion in the latter part.	Amend to address matters raised.
6.10.5 Transport infrastructure and services	Support with amendments	<ul style="list-style-type: none"> • Mana whenua support the increase in frequency of bus services from Portobello to the city. • Mana whenua oppose the 10 – 30 year timeframe that is proposed in Table 19 and request that road safety improvements, particularly, the extension of Te Aka Ōtākou to Ōtākou is carried out in the 1 – 10 year timeframe. 	Amend to address matters raised.
6.11 South Coast	Support with amendments	The FDS needs to recognise the mana whenua and DCC formal understanding to review planning provisions within	Amend as follows: 6.11.3 Iwi and hapū values and aspirations intent

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
6.11.3 Iwi and hapū values and aspirations		native reserves. This applies across all the spatial plan areas containing native reserves.	Land alongside the Taiari <u>Taiari</u> River between Henley and Taiari <u>Taiari</u> Mouth was set aside in the 1800s for mana whenua settlement as a 'native reserve'. This land remains in Māori ownership. There is no development in the area. At this stage, mana whenua have not sought infrastructure upgrades for this FDS. <u>However, they have signalled an overall need to review planning provision in relation to mana whenua use of native reserves.</u>
6.12 North Coast 6.12.3 Iwi and hapū values and intent	Support with amendments	<p>Kāti Huirapa Rūnaka ki Puketeraki seek improved public transport services and overall improvements to achieve climate resilient roads in their takiwā. The decisions on funding for roading resilience projects under the RLTP are therefore, of great interest to the Rūnaka and they seek that decisions are made promptly and that they address the concerns that the Rūnaka have.</p> <p>The Rūnaka also has significant concerns about the management of wastewater in their takiwā. This includes the location of wastewater treatment plants and the cumulative effects of poorly managed individual septic tank systems and the consenting of new individual on-site wastewater systems. Mana whenua preference is for reticulated wastewater systems. Through the ISP process, Kāti Huirapa</p>	<p>Amend to address infrastructure and timing matters raised.</p> <p>Amend to add paragraph as follows:</p> <p><u>Mana whenua have emphasised an overall need to review planning provisions in relation to the use of their native reserves. It is imperative that planning provisions enable mana whenua to make decisions about their own lands, as was originally intended.</u></p>

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
		<p>have highlighted the inappropriate location of the Warrington and Waikouaiti wastewater treatment plants:</p> <p>The Warrington WWTP is located on a sandspit between the Blueskin Bay estuary and the ocean. The plant is surrounded by a network of wāhi tūpuna and wāhi mahika kai and sits within the East Otago Taiāpure. The Waikouaiti WWTP too is surrounded by wāhi tūpuna and sits adjacent to Ohinetemoa, the beach that stretches from Matainaka (Hawksbury Lagoon) to the Waikouaiti River. A mapped wāhi tūpuna runs along the Waikouaiti River closely aligning with the boundaries of the Waikouaiti mātaimai. Each of these plants sit within highly significant areas to Kāti Huirapa Rūnaka ki Puketeraki.</p> <p>Over the last decade, the Rūnaka has advised DCC on numerous occasions that the Northern Scheme wastewater systems pose a risk to manawhenua values. In March 2022, these same concerns were detailed in a letter from Brendan Flack (as Chair of the East Otago Taiāpure Management Committee) to the DCC, in response to the scope of work for the Northern</p>	

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
		<p>Wastewater Schemes discharge consent study under the ISP. The intention of the letter was to confirm the position of the Rūnaka on the location and operation of WWTPs in their takiwā. Kāti Huirapa have made it clear that they seek the permanent decommissioning of these WWTPs within the timeframe of their current transitional resource consents. The Rūnaka looks forward to continuing to work with the Council to identify an appropriate long-term solution for the treatment of wastewater on the north coast.</p> <p>Mana whenua seek amendments to clarify and strengthen the messaging regarding mana whenua intentions to be able to make decisions about their native reserves, and the integral role that a review of current planning provisions has in achieving that intent. The DCC has acknowledged that a review of planning provisions for that purpose should happen.</p>	
6.12.4.1 Wastewater	Support with amendments	Refer to wastewater issues raised in previous row.	Amend to address infrastructure and timing matters raised.

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
6.12.4.2 Water Supply	Support with amendments	Kāti Huirapa Rūnaka ki Puketeraki requests amendments to include their concerns about the impacts of water takes on their ancestral awa (the Waikouaiti) and that it is the preference of the rūnaka that the water take for the community supply is removed from the river if investigations yield a suitable alternative.	Amend to address matters raised.
6.12.5 Transport infrastructure and services	Support with amendments	Kāti Huirapa Rūnaka ki Puketeraki seek improved public transport services and overall improvements to achieve climate resilient roads in their takiwā. The decisions on funding for roading resilience projects under the RLTP are therefore, of great interest to the Rūnaka and they seek that decisions are made promptly and address the concerns that they have.	Amend to address matters raised.
6.13 West Harbour 6.13.3 Iwi and hapū values and intent	Support with amendments	Mana whenua seek amendments to clarify and strengthen the messaging regarding mana whenua intentions to be able to make decisions about their native reserves, and the integral role that a review of current planning provisions has in achieving that intent. The DCC has acknowledged that a	Amend as follows: The area is highly significant to both Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou. Land was set aside in the 1800s for mana whenua settlement in 'native reserves' located at Pūrākaunui, Long Beach and Aramoana. These areas are not serviced and have limited development. <u>However, mana whenua have emphasised an overall need to review planning provisions in relation to the use of their native reserves. It is imperative that</u>

Chapter / Provision	Support/oppose/ amend	Reason for support or opposition	Relief sought
		<p>review of planning provisions for that purpose should happen.</p> <p>Crucial in addressing these historic inequities, is the provision of key infrastructure such as 3 waters reticulation and roading. Mana whenua seek overall improvements of roading to native reserves. In this area, the road to Osborne is a particular issue. The decisions on funding for roading resilience projects under the RLTP are therefore, of great interest to mana whenua and they seek that decisions on this are made promptly and address the concerns that mana whenua have in relation to accessing their native reserves.</p>	<p><u>planning provisions enable mana whenua to make decisions about their own lands, as was originally intended. It is also important that infrastructure projects aimed at servicing native reserves are prioritised. This prioritisation acknowledges and addresses historical failures to adequately support mana whenua in fulfilling the intentions for their native reserves.</u></p>
7 IMPLEMENTATION			
	Support with amendments	The requested amendment clarifies that mana whenua are a treaty partner and not one of various key stakeholders.	<p>Amend as follows:</p> <p>Clause 3.18 of the NPS-UD FDS requires us to prepare and implement an implementation plan for the FDS. We will jointly prepare the implementation plan in partnership with the <u>mana whenua</u> and other key stakeholders. The implementation plan will sit alongside the FDS and will be updated annually.</p>

BEFORE THE JOINT HEARING PANEL

UNDER THE National Policy
Statement for Urban
Development

And

Resource
Management Act
1991

AND

IN THE MATTER OF Dunedin City Council
THE Future Development
Strategy

**STATEMENT OF EVIDENCE OF BRENDAN FLACK
ON BEHALF OF
KĀTI HUIRAPA RŪNAKA KI PUKETERAKI
TE RŪNANGA O ŌTĀKOU**

28 FEBRUARY 2024

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INTRODUCTION

MIHIMIHI

Tēna koutou katoa

Ko Hikaroroa te mauka

Ko Waikouaiti te awa

Ko Puketeraki te marae

Ko Kāi Te Ruahikihiki te hapū

Ko Kāi Tahu, Kāti Mamoe, me Waitaha kā iwi

Nō Puketeraki ahau.

QUALIFICATIONS AND EXPERIENCE

1. My name is Brendan Flack. I reside at Puketeraki, Karitāne and am a Takata Tiaki for Puketeraki Marae. As set out in my mihimihi, my whānau descend from some of the very first people that set foot on Te Waipounamu. As a whānau, we are actively involved in habitat restoration and fisheries recovery along Te Tai o Ārai-te-uru (the Otago coastline) and its catchments. We lead many projects that deliver on the principles of kaitiakitaka and ki uta ki tai ecosystems-based management.
2. I give my evidence on behalf of Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou, the two rūnaka who represent those who hold mana whenua status in the Dunedin City District.
3. I am chair of the East Otago Taiāpure Management Committee and the Hauteruruku ki Puketeraki Ngā Waka Club. I sit on the Komiti Kaupapa Taiao, Puketeraki Komiti Rapu Ara Hau and on the programme board for the DCC's Integrated Systems Planning programme as one of the mana whenua representatives. I am also a contractor for the Ngāi Tahu Undaria Control Programme, a researcher on the He Pātaka Waiora Project, and Pou Tuarā for the Coastal People: Southern Skies CoRE research project.

SCOPE OF EVIDENCE

4. My evidence addresses the following matters:
 - Mana whenua as rakatira and kaitiaki and how this is manifested in mahika kai practice;
 - Ki uta ki tai – the interconnected nature of te taiao (our environment);
 - The history of the Waikouaiti Mātaitai and East Otago Taiāpure and the restoration works being carried out by Kāti Huirapa Rūnaka ki Puketeraki there;
 - The dangers of the siloed approach to management that councils seem to have;
 - The Warrington and Waikouaiti/Karitāne Wastewater Treatment Plants – our concerns with their locations and the impact this has on our restoration efforts and our ability as mana whenua to connect to the environment and our culture through mahika kai practices;
 - The DCC Integrated Systems Planning (ISP) Programme – our ongoing involvement in the ISP and the outcomes we are seeking for 3 waters infrastructure, particularly regarding wastewater treatment in our takiwā.

RAKATIRATAKA, KAITIAKITAKA AND MAHIKA KAI

5. Kāi Tahu culture is anchored in seasonal mahika kai. Historically, Kāi Tahu whānau travelled all over Te Waipounamu gathering different kai at different times of the year. Our whakapapa links reflect this aspect of our culture and means that we have kaitiakitaka responsibilities throughout our entire takiwā.
6. My whānau have a strong connection to the coastal areas where Kāti Huirapa Rūnaki ki Puketeraki is now based. Those Kāi Tahu that are the haukāika in a specific area have a particular responsibility on behalf of the rest of the iwi to look after those areas they have a special relationship with. For us, that is the coastal and estuarine areas around Puketeraki, and the wider catchments that they are part of.
7. This kaitiaki role is an inherited one passed down through our whakapapa and grounded in our rakatirataka rights as mana whenua. Kaitiakitaka is something that is inherent, particularly at Kāti Huirapa where we are heavily involved in the restoration of riparian areas, including those along our awa and around the wetlands and saltmarshes that end up filtering some of the effects of land uses before they reach the ocean.
8. Mahika kai is more than just food gathering for Kāi Tahu. It is also about the associated intergenerational knowledge and the transfer of mātauraka, which is all about doing. If you read it in a book, it just does not cut it, so being able to actually go back and engage in those activities is really important. We see it with the revival of voyaging and waka, and in the language, so it is all interconnected.
9. The estuarine environment of Blueskin Bay was one of those significant mahika kai areas for our tūpuna. It is an environment where wai māori from local rivers mingled with the wai tai of the coastal environment. Mahika kai was located around the estuary, with access to the resources of the coastal environment, rivers and streams, nearby forested areas, and caches of stone for toolmaking. Significant coastal settlements were also located nearby, including Māpoutahi and Ōkahau. These kāika and pā were associated with significant rakatira in the past. Though it is but a fraction of what it once was, we have been actively working to one day restore mahika kai to its traditional state.

KI UTA KI TAI

10. We, as Kāi Tahu, understand that every part of the environment is connected as one expansive ecosystem and connected through whakapapa going back to the atua: Rakinui, Papatūānuku and Takaroa. Having this view of the world makes it extremely difficult to put a silo around an aspect of te taiao, whether it is on a map, or under the responsibility of different councils or departments within councils.
11. The concept of ki uta ki tai is used to describe holistic natural resource management from the inland mountains to the coast, recognising all environmental elements are interconnected and must be managed as a whole. It is a way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately.
12. It works both ways too, land-based activities are affecting the moana but the moana affects the land in terms of sea level rise and increased erosion. Some of the work that mana whenua are doing includes looking at and understanding those dynamics. There are some areas that are actually accreting. Some of the beaches at Kāti Huirapa are actually growing, so understanding that and what that might mean for our kaimoana is really important.
13. Local authorities are used to seeing things in silos, though. They have jurisdictional and departmental boundaries and have rigidly mapped catchment areas. These types of boundaries do not exist in nature. Our river does not abide by them; its catchment is more complex and interconnected. We, as kaitiaki, do not have a problem with understanding the interconnectedness of the environment, however, this becomes an issue for councils and other agencies because they are funded and mandated to do specific tasks. They are not looking at things in a holistic, three-dimensional kind of a way. We also see things in terms of whakapapa: the past, the present, and the future. Councils, it seems, only look at things in terms of how long their funding is available for.

THE WAIKOUAITI MĀTAITAI AND EAST OTAGO TAIĀPURE

14. Taiāpure and mātaimai are customary fisheries management tools. We have one of each in the Puketeraki takiwā: the East Otago Taiāpure, established in 1999; and the Waikouaiti Mātaimai Reserve, which was established much later in 2016. The goal of these tools is to restore and maintain a healthy and abundant fishery for us and our

children after us. We as Takata Tiaki have the ability to manage these areas in ways that reflect kaitiakitaka concepts and tools such as utu (reciprocity), and rāhui (periodic restrictions).

15. Our elders at Puketeraki spent nine years trying to establish the East Otago Taiāpure. Its original purpose was to protect and restore our pāua population. Over time though, that purpose has broadened because we needed to focus on more than just pāua to make a change to their health. We knew we had to focus on areas outside of the mātaimai and taiāpure to see change within them, reflecting our concept of ki uta ki tai. For example, a lot of the work we do on the rivers has an impact on our mātaimai and taiāpure.
16. The mātaimai and taiāpure are important because they are a tool for re-establishing our rakatirataka and kaitiaki responsibilities in our takiwā. After generations of being excluded from decision-making on our own whenua and moana, these management tools allow us to be the active kaitiaki we have always wanted to be. They also create opportunities for us to engage in mahika kai activities more freely than we can in other areas, as we have more flexibility to control what is harvested, and when restrictions to that harvesting are imposed.
17. However, our work within the mātaimai and taiāpure is being hindered by what is being allowed to happen on the land. The combination of reef sedimentation, low water flows, water contamination, and storm damage is all impacting on the effectiveness of our restoration and research efforts. Takata Tiaki have the ability to make decisions inside our mātaimai and taiāpure, but we cannot influence what is happening outside of these management areas in the same way. That is why we need the DCC and ORC to take more responsibility for the activities they are allowing on the land, and the impacts they are having on us in the coastal environment.
18. It is important to note that the entire coast, whether or not it is within a mātaimai or taiāpure, is a customary fishing area. The placement and design of infrastructure and land-use activities in general need to support the ability for mana whenua to access safe and abundant kai everywhere.

THE IMPACTS OF SILOED ENVIRONMENTAL MANAGEMENT

19. One of my biggest worries is that coastal areas often get forgotten about because they are hidden under the water. This means that often the effects of those land-based activities on our food basket (the coast) get missed or ignored. Different organisations

also argue over who is responsible for regulating what is happening in the coastal environment. The reality is that what happens on the land impacts what happens in the coast, so whoever is responsible for managing the land is also responsible for what is happening in the coastal environment.

20. We are in that coastal environment daily and are witnessing an increase in sedimentation, the impacts of climate change, and a reduction of freshwater inputs into our saltmarshes. We have also seen an increased frequency of marine heatwaves, and invasive species like gorse, lupins, and undaria doing better than our native species. Flooding and sea level rise are affecting our ability to carry out our mahika kai practices and connect to the environment as mana whenua.
21. We are seeing more frequent and extreme flood events now; we have had three in the last five or six years. The Waikouaiti river is only a small river; it only runs at an annual average of a little over one cumec. However, we now see the river flooding during heavy rainfall and peaking at four-to-five hundred cumecs in just a few hours. This massive flow increase is made even more dramatic by the tidal nature of the Waikouaiti river. The tide reaches about eight kilometres inland, so when you combine an incoming tide with a flood event the water coming through our small river is even more extreme. We have had instances in the past where this flooding has carried untreated effluent from the Waikouaiti/Karitāne WWTP straight into our pātaka – our food gathering areas over several days.
22. We have also invested in riparian planting along our river, amounting to tens of thousands of plants, but they just get smashed. During these flood events we also get big hay bales coming down the river, and trees too. Willows get washed down and take out the bridge or take out the road and rip up the tarseal. While perhaps sufficient in the past, our roads are no longer able to withstand these recent weather events in their current states.
23. In my opinion, all these impacts can be linked to activities happening on land. Even though these activities are happening on the land, we are having to deal with their consequences to restore fisheries and coastal habitat for mahika kai. If our mahika kai species disappear, we cannot pass our mātauraka down to the next generation or use mahika kai to reconnect our whānau that have become disconnected from their own cultural practices because of the historical loss of access their whānau have experienced.

24. There are numerous activities that contribute to these impacts, including the management of wastewater in our takiwā. Of particular concern to us, are the Warrington and Waikouaiti/Karitane wastewater treatment plants that are located on sand adjacent to the ocean and significant kaimoana areas for us.

THE WARRINGTON AND WAIKOUAITI/KARITĀNE WASTEWATER TREATMENT PLANTS

25. The wastewater treatment plants are only about a metre above the mean high tide line now, and as climate change causes the sea level to continue to rise, the mean high tide line will rise as well, making these plants even more vulnerable.
26. The Warrington WWTP is located on a sandspit between the Blueskin Bay estuary and the ocean. The area has been designated a dune system and is surrounded by a network of wāhi tūpuna and wāhi mahika kai that are treasured by mana whenua. We have watched as climate change has impacted many areas of our takiwā and the proximity of the oxidation pond and disposal area to the water table makes the risk of climate change a real concern for us.
27. The Waikouaiti/Karitane WWTP is also in an area designated as a dune system and identified as flood prone. In recent years, pine trees and macrocarpa have been planted in the area by the DCC to reduce nutrient leaching to groundwater; however, without regular maintenance, the weeds have grown too tall, and much of the effluent spray hits them instead of soaking directly into the ground. On several occasions, whānau themselves attempted to go out and cut back the weeds, but the lack of coordination between different arms of council created a significant barrier to accessing the site. The site is adjacent to Ohinetemoa, the beach that stretches from Matainaka (Hawksbury Lagoon) to the Waikouaiti River, one of many wāhi tūpuna in the surrounding area. To the east a mapped wāhi tūpuna runs along the Waikouaiti River, closely aligning with the boundaries of the Waikouaiti Mātaitai.
28. Kāti Huirapa whānau members have gathered kai from Blueskin Bay for generations and have witnessed changes in the movement and behaviour of the moana, and in recent years, these changes have escalated over very short periods of time. Whānau members who gather tuaki (cockles) in the Bay have noticed a decline in their health, with many tuaki dying just a day after they were gathered. Whānau members have also fallen ill after consuming kaimoana gathered from Blueskin Bay and the Warrington coastal area. We cannot say that the locations of these wastewater treatment plants

protect the mauri of our coastal waters, nor does it protect our relationship with these highly significant areas to us.

THE INTEGRATED SYSTEMS PLANNING (ISP) PROGRAMME

29. Over the last decade, we raised concerns about these plants with the DCC. This was met with piecemeal engagement, a lack of coordination across departments and no tangible progress in addressing our issues.
30. When we were engaged on the ISP, I thought this might finally be the platform to address our concerns. I set these ongoing concerns out in a formal letter in 2022 in response to the Northern Wastewater Schemes (NWWs) discharge consent study which covered wastewater treatment and disposal for Warrington, Seacliff and Waikouaiti. The intention was to ensure that the ISP project team and DCC were aware of our position on the location and operation of these WWTPs in our takiwā.
31. My letter also acknowledged the proposed improvements to effluent quality, however, while this is indeed supported by mana whenua for wastewater management in general, the very existence of the Northern Schemes plants in their current locations is the key problem. Irrespective of effluent quality, it is not tika or culturally appropriate to place a WWTP adjacent to a waterbody, particularly one that is a significant pātaka for our people which we are actively seeking to restore.
32. It has been difficult for councils and other applicants to understand why mana whenua oppose solutions that are structurally sound by modern day engineering standards and which also treats wastewater to a standard that is consistent with chemical compositions deemed acceptable by western science. While we understand the value in these standards, we have tried to make it clear through the ISP and northern schemes study why in some instances, these solutions are not consistent with our mātauraka and tikaka.
33. To this end, Te Mana o Te Wai and Tikaka and Kawa have been incorporated as guiding principles under the ISP. We have also made it clear that we seek the permanent decommissioning and removal of these WWTPs from their current locations. We have an understanding with DCC that the short-term consents for those plants were only supported based on the premise that a long-term solution consistent

with our values would be investigated and developed in partnership with us, within the consent terms for those consents.

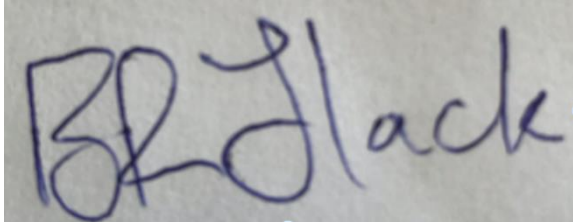
34. The consent terms attached to wastewater discharge permits is a matter of concern to us. While the granting of consent terms up to 30 years were generally accepted in the past, with the spate of issues that we've witnessed, we have pushed back on this with recent consent applications that have come through for affected party approval. We no longer support the granting of consents for a period of more than 10 years for wastewater discharges. It is irresponsible to grant consent terms of 30 and even 20 years as the environmental context would be completely different by then.
35. We have also raised concern about poorly managed individual septic tank systems in our takiwā, particularly those that border Blueskin Bay. We are not supportive of additional on-site wastewater systems. Our preference is for connection to a reticulated system or a communal system to manage cumulative effects at the very least.
36. Now more than ever, it is crucial for the Council to adopt a more holistic approach in planning and designing infrastructure to mitigate their vulnerability to climate change impacts and extreme weather events.

CONCLUSION

37. Mana whenua are not constrained by the siloed thinking of other agencies, although we are still constrained by budgets and the reluctance of other decision-makers and organisations to actually understand our values and practices. We, mana whenua, are the constant when it comes to looking after te taiao.
38. This evidence has explained what we are seeing within our takiwā with respect to infrastructure, particularly wastewater treatment plants and the impact it is having on all of the mahi we are trying to do to protect our coasts and reconnect whānau back to their culture. Since these impacts are not readily apparent and because it is a difficult environment to work in, they have been consistently overlooked and not made a priority when it comes to allocating funding.
39. We seek to protect and restore our ancestral landscapes and waterbodies from the impacts of land-use activities. Land-use activities and current infrastructure have continuously degraded the mana and mauri of our significant bodies of both wai māori and wai tai. This has had consequential impacts on seasonal mahika kai resources, our spiritual connection to te taiao, our ability to exercise rakatirataka and kaitiakitaka,

and the transmission of mātauraka to our future generations. This is what is at stake for us if this continues.

Brendan Flack

A photograph of a handwritten signature in blue ink on a light-colored surface. The signature is written in a cursive style and reads "Brendan Flack".

28 FEBRUARY 2024

Appendix 1: Glossary of Māori words and phrases

Atua	Deity / deities
Awa	River
Haukāika	Mana whenua who live in a locality permanently
Iwi	Tribe
Kai	Food
Kaimoana	Seafood
Kaitiaki / Kaitiakitaka	The exercise of guardianship over natural and physical resources, as an expression of rakatirataka and mana; a person undertaking roles as an expression of kaitiakitaka.
Mahi	Work, tasks
Mahika kai	A term that literally mean “food workings” and refers to the customary gathering of food and natural materials, and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use, including raraka (weaving) and rokoā (traditional medicines).
Mana	Prestige, authority, control, power, influence, status
Mana whenua	Customary authority or rakatirataka exercised by an iwi or hapū in an identified area, iwi that hold this customary authority in a specific location.
Mātauraka	Kāi Tahu customary knowledge passed down from one generation to the next, used in the present, and developing, for the future. It involves observing, experiencing, participating, studying, and understanding the world from an indigenous cultural perspective. It is a tool for thinking, organising information, considering the ethics of knowledge, and informing us about our world and our place in it. Incorporation of mātauraka in resource management decision-making is important to ensure that cultural interests are appropriately recognised and provided for.
Mauri	Essential life force or principle, a metaphysical quality inherent in all things both animate and inanimate.
Mihimihi	Formal introduction
Moana	Ocean

Papatūānuku	Kāi Tahu deity represented by the earth
Pātaka	Place where food is stored
Rakatirataka	The exercise of mana or authority to give effect to mana whenua culture and traditions across all spheres of their takiwā, including the management of te taiao.
Rakinui	Kāi Tahu deity represented by the sky
Taiao	Natural environment / nature
Takiwā	Area, region, district
Takaroa	Kāi Tahu deity represented by the ocean
Takata Tiaki	Customary fisheries officers
Te Waipounamu	The south island of New Zealand
Tikaka and Kawa	The beliefs, values, practices, protocols, and procedures that guide appropriate codes of conduct.
Wai Māori	Freshwater
Wai Tai	Sea water
Waka	Seafaring vessel(s), boat(s)
Whakapapa	Genealogy
Whānau	Family / families
Whenua	Land

BEFORE THE JOINT HEARING PANEL

UNDER THE National Policy
Statement for Urban
Development

And

Resource
Management Act
1991

AND

IN THE MATTER OF Dunedin City Council
THE Future Development
Strategy

STATEMENT OF EVIDENCE OF EDWARD ELLISON

ON BEHALF OF

TE RŪNANGA O ŌTĀKOU

KĀTI HUIRAPA RŪNAKA KI PUKETERAKI

28 February 2024

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MIHIMIHI

Matua Te Pō Matua Te Aō
Matua o Te Tai o Marokura
E Matua o Te Tai o Araiteuru
E tu e Hipo, e kai o mata
Ki Pukekura
Ki Ōtākou Wanaka
Ki Ōtākou Takata
E pania nei te kura o maukorua
E Poua ma e Taua ma
TIHEI MAURIORA

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

Ko te mihi tuatahi ki to tātou Matua nui i te raki mo ōna manaaki ki ruka i a tātou.

Ka huri ki a rātou e kā mate o te wā, te wiki, me te tau,
Haere, haere, tarahaua atu rā
Ki a tahu kumea
Ki a tahu whakairo
Ki te whare poutereraki
Hai taoka o kā mate
Hoki atu ai!

Ko tēnei mihi atu ki ngā kanohi ora
Tēnākoutou, tēnākoutou mauriora tātou katoa.
Ki a koe te Kōmihana
Ko koe te kaiwharongo me kaiwhakarite o tēnei kaupapa nui nei
Tēnā rā koutou, kia aata whakarongo ki kā uaratanga,
Ki kā mea whakapono e tumanakohia nei e mātou, tēnā rawa atu koutou.

Ko ta mātou nei hiahia, kia tiakitia o tātou nei whenua, ngā roto, ngā awa me te moana i hora nei, mai te tihi o kā mauka, heke iho ki te tai, me ērā taoka puta noa i te rohe o Ōtepoti.

Ki a koutou o te Kaunihera, otira ngā kaimahi o Dunedin City Council

E rere ana kā mihi o te wā ki a koutou katoa

QUALIFICATIONS AND EXPERIENCE

1. My name is Edward Ellison. I was born in 1950 and raised at Ōtākou in our whānau home, Te Waipounamu, on our ancestral lands that abut and overlook Otago Harbour. As my mihi indicates, I am a member of the local hapū. Our lineage connects us to this place; our identity is closely tied to the Otago region, ki uta ki tai - from the mountains to the sea. Our hapū have continuous connection to the land and resources of this area, and we have been fishing and gathering kai here for countless generations.
2. I give my evidence on behalf of Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki, the two rūnaka who represent those who hold mana whenua status in the Dunedin City district. I have extensive experience in representing mana whenua in Resource Management Act 1991 (RMA) matters and have significant experience as an accredited RMA Hearings Commissioner.
3. I am a former Manager Iwi Liaison at Otago Regional Council (ORC) and former Deputy Kaiwhakahaere for Te Rūnanga o Ngāi Tahu. I am the chair of Aukaha, chairperson of the New Zealand Conservation Authority, and a member of the NZ Biological Heritage National Science Challenge. I am the mana whenua representative for Te Rūnanga o Ōtākou on the Otago Regional Council Environmental Science and Policy Committee, which I also Co-Chair.
4. In preparing my evidence I have reviewed:
 - a) The submission of Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou on the draft Future Development Strategy.
 - b) The Ngāi Tahu Report 1991, Waitangi Tribunal WAI 27
 - c) Brown, H and Norton, T (2017) *Tangata Ngāi Tahu, People of Ngai Tahu*, V1

SCOPE OF EVIDENCE

5. My evidence addresses the following matters:
 - Kāi Tahu whakapapa and status as mana whenua within Dunedin.
 - Mana whenua relationships with the taiao, including key environmental management concepts, and the roles and responsibilities of kaitiaki.
 - The history and aspirations mana whenua have for their Native Reserves.
 - Mana whenua expectations for working with the Dunedin City Council – our Treaty Partner – in the managing of the taiao through the urban landscape.

KĀI TAHU WHAKAPAPA, RIGHTS, AND INTERESTS

6. Kāi Tahu Whānui is the collective of individuals who descend from Waitaha, Kāti Mamoe and the five primary hapū of Kāi Tahu; namely Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri, and Kāi Te Ruahikihiki.
7. Waitaha is used to describe, collectively, all the ancient indigenous groups who lived in Te Waipounamu (South Island) prior to the migrations of Kāti Mamoe from Heretaunga in the early 17th century, and the migration of Kāi Tahu about a century later. By the time Kāi Tahu arrived, Kāti Mamoe, through a combination of inter-marriage and conquest, had already largely merged with the resident hapū of Waitaha. Again, through warfare and intermarriage, Kāi Tahu merged with the resident Waitaha and Kāti Mamoe peoples. When we refer to ourselves as Kāi Tahu or Kāi Tahu Whānui we also refer inclusively to our Waitaha and Kāti Mamoe whakapapa.
8. Where I am from, Ōtākou, we have Waitaha, Kāti Mamoe, and Kāi Tahu whakapapa. Our hapū affiliations come out of Te Ruahikihiki whakapapa, with the principal hapū being Kāi Taoka and Moki II, while an Ōtākou-specific hapū, Kāi Te Pahi also has special significance within our takiwā.

MANA WHENUA AND THEIR RELATIONSHIP WITH TE TAIAO

9. Kāi Tahu Papatipu Rūnaka are a contemporary focus for whānau and hapū, centred on marae which are located predominantly in traditional coastal or riverside settlements - though our takiwā also extends inland to the Southern Alps.
10. Mana whenua are dedicated to the sustainable management of resources and the achievement of sound environmental outcomes. Our overarching objective is to build a stronger environmental, economic, social, and cultural base for our people - mō tātou, ā, mō kā uri ā muri ake nei.

Rakatirataka and Kaitiakitaka

11. Rakatirataka is about having the mana or authority to give effect to Kāi Tahu culture and traditions in the management of the natural world. Kaitiakitaka is the practical expression of rakatirataka and is the exercise of customary authority over the way a resource is used, managed, and protected.
12. Kaitiakitaka is a widely used term, first penned in the RMA, based on the traditional concept of 'kaitiaki', and has been extensively referred to as 'guardianship'. In a Māori context, the meaning of the word is specifically linked to the exercise of rakatirataka by mana whenua within their takiwā, rather than a general custodial role. The person who is mandated to

undertake kaitiakitaka is referred to as a kaitiaki, a term with a number of meanings and associations.

13. I have inherited my 'kaitiaki' responsibility from my father, and from my ancestors. Kaitiakitaka is intergenerational, and in this context, it can be briefly summed up as having the right and responsibility to care and look after our environment as handed to us by our ancestors.

Mahika Kai

14. Mahika kai practices underpin the Kāi Tahu relationship with our whenua, freshwater, the moana and the broader environment. Our cultural identity as whānau and hapū is tied to our resources. Fundamental to our culture is our ability to learn and practise customary gathering of food and other resources, to put kai on the table at the marae and at home. It is imperative to our duty as kaitiaki that we ensure that our places of mahika kai are sustained not only for present use, but to support future generations and that the knowledge of customary practices in relation to mahika kai is also passed on.

Mātauraka, Tikaka and Kawa

15. The transmission of mātauraka necessitates whānau being able to access healthy mahika kai to carry out customary practices. If people are unable to learn how to harvest and care for mahika kai because access to resources has been lost, either through alienation or degradation, then the mātauraka about how to manage resources in accordance with tikaka will be lost.
16. Tikaka and kawa encompass the beliefs, values, practices, and procedures that guide appropriate codes of conduct, or ways of behaving in the context of natural resource management. The observation of tikaka and kawa is part of the ethic and exercise of kaitiakitaka. Tikaka and kawa are underpinned by mātauraka and incorporate forms of social control, such as rāhui, to manage the relationship of people and the environment.

Te Mana o Te Wai

17. Recent changes in freshwater management have put greater emphasis on the well-being of our waterways, focused on the principle of Te Mana o te Wai. Kāi Tahu has undertaken a robust process to formulate a definition for Te Mana o te Wai in our takiwā. I took part in the mana whenua workshops that developed the definition and supporting narrative on Te Mana o te Wai.
18. The mana whenua definition of Te Mana o te Wai is now a freshwater objective in PORPS 2021, namely LF-WAI-O1 - Te Mana o te Wai. This objective recognises that there is an

integral kinship relationship between water and Kāi Tahu whānui, that this relationship endures through time, connecting past, present and future and that water and land have a connectedness that supports and perpetuates life.

19. Rakatirataka and kaitiakitaka therefore sit at the heart of Te Mana o te Wai for mana whenua. This means that collaboration and engagement with mana whenua must be integrated into decision-making, and that mātauraka Māori should inform all planning instruments and infrastructure projects that should give effect to Te Mana o te Wai.
20. The focus on Te Mana o Te Wai in the proposed RPS has resulted in a significant improvement in the recognition of the interconnectedness between land and freshwater. However, this approach needs to be better applied to the coastal environment also to properly recognise the interconnection between freshwater and coastal environments, and between land and coastal waters.
21. We were pleased that through the Integrated Systems Planning (ISP) programme, the DCC showed proactiveness in recognising the importance of applying Te Mana o Te Wai to individual 3 waters infrastructure projects. We included Te Mana o Te Wai as well as tikaka and kawa as guiding principles under the ISP for guiding 3 waters infrastructure investment in the district. This was rooted in our ongoing issues with stormwater and wastewater discharges from urban areas adjoining the Otago Harbour and its degrading impacts on the harbour making it unfit for cultural use.
22. Our success as kaitiaki in implementing Te Mana o te Wai at policy and operational levels will be measured in outcomes for the current generations and the generations that follow. Te Mana o te Wai is inseparable from the mana of the people.

SETTLEMENT PRE-CONTACT

23. Kāika and nohoaka were permanent and seasonal settlements that were often located near rivers, lakes, and along the coast. These kāika and nohoaka were chosen for their proximity to sources of mahika kai and other resources.
24. Before the arrival of Europeans, kāika were located along the harbour on both sides as the harbour was a significant wāhi mahika kai with a large variety of fish and shellfish, which our people once had unfettered access to. Pukekura, known as Taiaroa Head, was an important fortified pā site. Kokomuka (Harwood) and Harwood flat has been described as “one of the most continually occupied places since the arrival of human beings in New Zealand”. It has also been stated that in the 1830s, Ōtākou had the largest Māori population south of the Waitaki River. The name Ōtākou is derived from the channel that runs down the eastern side of the Otago Harbour from the mouth to Harwood Point. When the Weller

Brothers' settlement was established on the peninsula, it became known to the whalers as Ōtākou, and this was then later adopted by the wider region as "Otago". Other principal kāiika during the 19th century included Ōhinetu, Ōmate, Tahakopa, Te Rūatitiko and Te Rauone.

THE ŌTĀKOU PURCHASE AND THE NATIVE RESERVES

25. In 1844 Kāi Tahu sold over 400,000 acres of land in the Otago region, known as the Ōtākou Block, to the New Zealand Company for £2,400. In contrast to many of the later purchase agreements, including the Canterbury Purchase (Kemps 1848), the boundaries of the area to be sold were clearly delineated and agreed to, and land which was specifically reserved from the sale was identified. The land retained by Kāi Tahu was around 9,615 acres and represented some (but not all) of those areas which we did not wish to relinquish.
26. When the Ōtākou Deed was decided, our tūpuna wanted to retain the entirety of the Otago peninsula (21,250 acres) given its immense importance to us, but after disagreement from the New Zealand Company, they eventually accepted land only at the northern end of the peninsula which is what we retained as the Ōtākou Reserve (spanning 6665 acres). We also retained the Taiari Reserve (spanning 2310 acres). There had been assurances by the New Zealand Company that reserves at Kōpūtai (Port Chalmers) and Princes Street would be set aside for accommodation and tauraka waka (boat landing), however, these were not set out in the deed and map. Though also not set out in the deed, there was an understanding that 10% of all land sold would be reserved for the benefit of Kāi Tahu, however, this agreement too, was not honoured.
27. In 1846, the retained lands at Taiari and Ōtākou were 'reserved' for Kāi Tahu via crown grants, the first of which was the Ōtākou Block Crown Grant dated 13 April 1846. Work on New Edinburgh started in 1846 also and the peninsula was divided into farms of around 50 acres for soon-to-arrive settlers which were gradually occupied and worked to supply a growing Dunedin with food. The decades to follow would see a change in crown policy that would individualise and fragment māori reserved lands, particularly through the establishment of the Native Land Court in 1868.
28. The original intention of the purchase agreement was to reserve sufficient land for whānau to live on and to sustain themselves. However, the amount of land that was reserved was so small and totally inadequate for this purpose, and in some cases, was not provided at all. We were left with land only sufficient for bare subsistence, with no opportunity to turn,

as European settlers did, to pastoral farming. These constraints eventually forced many whānau to move away from the kāika in search of jobs and to build a life for themselves and their families, because there really was no way to thrive on what land was retained, or accessing mahika kai resources via lands that were increasingly being settled by pastoralists.

INEQUITIES AND CHALLENGES FOLLOWING THE LAND SALES

29. Our people on our native reserves were quickly ignored by the provincial governments and the crown following the land sales. The remoteness of the kāik at Ōtākou from healthcare, education and trade facilities was underscored by a general lack of quality roading infrastructure to service the Ōtākou Native Reserve. They also neglected to provide basic sanitation, including wastewater servicing and access to clean water.
30. Housing in general was considered a local rather than central government responsibility and in this respect, the focus was on urban rather than rural housing. In the late 1890s, whānau at Ōtākou made a request to central government seeking funding for a water tank. However, despite making very few requests to Government for housing and sanitation resources, this request was declined, and perhaps played a part in discouraging whānau from making further requests.
31. Accessibility was severely limited for our people. My father was born in 1907, and to get to Otago Boys High School, he would travel by horse to Portobello, cross by boat to Port Chalmers and then finally take the train into the city to school. Formed accessways such as the Peninsula Road only extended as far as the boundary of the native reserve, our people would then have to walk the rest of the distance to the kāik. Delays to servicing continued into the 20th century, with no electricity or telephone servicing being extended to the kāik up through until the middle of the century.
32. In 1920, when the Taieri River Improvement Act was passed, Kāi Tahu fishing rights were extinguished, and Lake Tatawai was drained. Within ten years of that Act and the draining of the lake, the Kāi Tahu community at Henley (the Kāik) had broken up and dispersed. This was directly connected to the loss of access to and use of Lake Tatawai and traditional mahika kai resources. The inadequacy of land reserves or the poor quality of much of that land led to the dispersal of the people from the Kāik. Many of these families and subsequent generations became disconnected from their Kāi Tahu roots.

33. The estuarine areas in the upper harbour were reclaimed from the mid to late nineteenth century onwards to make land available for the expansion of Dunedin's central business district and for housing. A significant part of the central business district and much of South Dunedin is sitting on former estuarine areas of the Otago Harbour. The head of the harbour where the bulk of the reclamation occurred was perfect kōhanga habitat for mahika kai and taoka species because it was shallow, tidal, and estuarine.
34. Several changes to the topography and hydrology of the Otago Harbour as a result of these reclamation projects throughout the years have had consequential impacts on our Native Reserves that abut the harbour's edge. We have lost land to coastal erosion and our reserves are increasingly vulnerable to the effects of climate change and sea level rise.
35. The discharge of human waste to water is offensive and renders affected waterways inaccessible for customary mahika kai practices or using water for cultural purposes and rituals. Our people do not eat anything out of the Upper Otago Harbour because of the discharge of sewage there. While direct discharge of wastewater ceased in 2000, stormwater is still discharged into the upper harbour and at times of high rainfall events wastewater overflows occur. Despite the level of treatment that can be achieved, the discharge of human waste into waterbodies contradicts our tikaka and kawa, still making these environments unsuitable for gathering kai. This is why we continue to advocate for land-based discharges.
36. The degradation and loss of our mahika kai resources following the land sales and partitioning of our people to meagre land parcels has had a substantial impact on Kāi Tahu communities. As a hapū, we have long term aspirations to restore these wāhi mahika kai such as the harbour and the Kaikarae (Kaikorai) stream and estuary to their traditional states. We know this will be a long road.

TE KERĒME (THE NGĀI TAHU CLAIM)

37. A letter written by Tiramorehu to Lieutenant Governor Eyre in 1849 conveyed the first formal statement of Kāi Tahu grievances about South Island land purchases.¹ This was the start of an intergenerational endeavour to progress the Kāi Tahu "land claim" (Te Kereme). The 'Claim' for each particular hapū or kāik became very much a part of their identity and a galvanising factor in pursuit of justice and also ultimately a quest for the honour of the tūpuna who had fought so hard in their time to no avail.

¹ *Tangata Ngāi Tahu, People of Ngai Tahu*, pg 274

38. The formation of all the regional 'claims' into the 'Nine Tall Trees' in the lead up to the Waitangi Tribunal hearing was a pivotal factor in its ultimate success by uniting the iwi in the pursuit of the common goal of achieving settlement. The Nine Tall Trees were made up of eight major land transactions and mahika kai, being the ninth tree.
39. The Waitangi Tribunal found that the Crown's duty to set aside sufficient land for the present and future needs to Kāi Tahu included a duty to protect Kāi Tahu access to mahika kai. The alienation of land and the loss of mahika kai has been associated with a corresponding loss of an economic base and opportunities for cultural use by Kāi Tahu whānau, as the breaking up of the kāik at Henley provides just one illustration of.
40. The Waitangi Tribunal inquiry eventually led to a settlement and apology from the Crown. Being one of the fifth generation to pick up the task of seeking redress to historical grievances, I was involved in some of the negotiations with the Crown as part of drafting the Ngāi Tahu Claim Deed of Settlement. This Deed of Settlement was given effect through the Ngāi Tahu Claims Settlement Act 1998.
41. The Ngāi Tahu Claims Settlement Act included cultural redress mechanisms to recognise and give practical effect to Ngāi Tahu mana over resources regarded as taoka and cultural landscapes. It also included other cultural redress, such as the reinstatement of Kāi Tahu placenames, Statutory Acknowledgements and other deeds of recognition.

TREATY PARTNERSHIP

42. The Crown in settling Te Kereme acknowledged that the settlement did not “diminish or in any way affect the Treaty of Waitangi or any of its Articles or the ongoing relationship between the Crown and Ngāi Tahu ... or undermine any rights under the Treaty...”.
43. The principles of the Te Tiriti o Waitangi imply a partnership, to be exercised with the utmost good faith. Effective partnerships mean that mana whenua are involved at both the governance and management levels of decision-making.
44. These relationships must be robust enough to be sustained over the long term; even when people come and go, or when challenges arise. Thinking long term and maintaining consistency is the key. All parties must respect the knowledge, experience, and skills of each other if effective partnerships are to develop.
45. It is a fundamental principle of Te Tiriti o Waitangi to actively protect Māori interests. In our view, as mana whenua, this duty is not merely passive, but rather entails the taking of active steps, to the fullest extent practicable, to protect and provide for Māori values and their role as kaitiaki.

ASPIRATIONS FOR THE FUTURE USE OF NATIVE RESERVES


46. The original intention of the Native Reserves was to enable whānau to live on the land and to sustain themselves. However, the amount of land that was reserved was insufficient for this purpose. The loss of both our economic base and mahika kai resources has inhibited the ability of whānau to remain on their ancestral land and to thrive as a people with consequential impacts on our communities.
47. Less than 50% of our reserve lands remain in the ownership of the whānau and hapū. The reserve lands originally allocated for us by the Crown were insufficient to sustain our people, who quickly become impoverished in the emerging colonial economy, resulting in us becoming reliant on fishing and seasonal agriculture work for sustenance.
48. Despite this, the reserve lands have been our tūrakawaewae for generations, where the stories of the place are embedded in the land (including through placenames) and where the practice of mahika kai and traditions and customs have endured. We seek to maintain our values and cultural practices, and the connection we have with the land, for us and for future generations. We also want the ability to use them for their original intended purpose.
49. Despite their intended purpose, whānau have been unable to do this within Native Reserves for a wide range of reasons. The requirements for the use of multiply owned land under Te Ture Whenua Māori Act 1993 is a complex process unique to Māori landowners. If these requirements under Te Ture Whenua Māori Act 1993 can be met, obtaining the appropriate resource consents for development can be equally challenging.
50. Villages remain an important construct in maintaining connectedness, the sense of whānau and hapū identity and nurturing future generations. Due to the history of our Native Reserves and our connections to place, we cannot simply decide to live in locations with more favourable planning provisions. For this reason, we need enabling planning provisions for the use of our Native Reserves to allow us to use them in the ways they were originally intended. It is equally important that the provision of key infrastructure such as 3 waters reticulation and roading to our native reserves and communities is made a priority.

CONCLUSION

51. The refreshing of planning provisions to allow mana whenua to use their native reserves, prioritising the development of essential infrastructure for these reserves and our communities, and ensuring that infrastructure projects align with mana whenua values, presents opportunities to address past wrongs and demonstrate the increasing awareness and acknowledgment within our district, that our foundations are grounded in the Treaty Partnership.

52. The matters covered in this evidence and in the rūnaka submission set out how the Future Development Strategy can guide council plans and infrastructure projects to shift in a direction which addresses historic injustices and reflects a Treaty-based approach to managing the urban landscape and general taiao for us and our children after us.

EDWARD ELLISON ONZM

A handwritten signature in blue ink, appearing to read 'E. W. Ellison', enclosed in a thin black rectangular border.

28 February 2024

Appendix 1: Glossary of Māori words and phrases

Hapū	Sub-tribe
Iwi	Tribe
Kāi Tahu / Kāi Tahu whānui	The collective of the individuals who descend from one or more of the five primary hapū of Hāwea, Rapuwai, Waitaha, Kāti Mamoe and Kāi Tahu. Kāi Tahu hold mana whenua status across large tracts of Te Waipounamu.
Kāika/ Kāik	Settlement
Kaitiakitaka, kaitiaki	The exercise of guardianship over natural and physical resources, as an expression of rakatirataka and mana; a person undertaking roles as an expression of kaitiakitaka.
Kōhanga	Habitat that provides a nursery for taoka and mahika kai species.
Mahika kai	A term that literally mean “food workings” and refers to the customary gathering of food and natural materials, and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use, including raraka (weaving) and rokoā (traditional medicines).
Mana	Prestige, authority, control, power, influence, status
Mana whenua	Customary authority exercised by an iwi or hapū in an identified area, iwi that hold this customary authority in a specific location
Marae	Traditional Māori meeting space
Mātauraka	Kāi Tahu customary knowledge passed down from one generation to the next, used in the present, and developing, for the future. It involves observing, experiencing, participating, studying, and understanding the world from an indigenous cultural perspective. It is a tool for thinking, organising information, considering the ethics of knowledge, and informing us about our world and our place in it. Incorporation of mātauraka in resource management decision-making is important to ensure that cultural interests are appropriately recognised and provided for.
Moana	Ocean
Nohoaka	Seasonal occupation sites
Pā	Permanent settlement
Papatipu Rūnaka	Regional Kāi Tahu governing bodies
Rakatirataka	The exercise of mana or authority to give effect to mana whenua culture and traditions across all spheres of their takiwā, including the management of te taiao.
Taiao	natural environment/ nature
Takiwā	Area, region, district

Taoka	Treasured resources that are highly valued by Kāi Tahu, derived from the atua, linked to the people through whakapapa, and left by tūpuna to provide for and sustain life.
Tauraka waka	Traditional watercraft landing locations
Tikaka	the Kāi Tahu beliefs, values, practices, protocols, and procedures that guide appropriate codes of conduct
Tupuna/ tūpuna	Ancestor(s)
Tūrakawaewae	Land that someone belongs to
Whakapapa	Genealogy
Whānau	Family/families
Whenua	Land

BEFORE THE JOINT HEARING PANEL

UNDER THE

National Policy
Statement for Urban
Development
and
Resource
Management Act
1991

AND

**IN THE MATTER OF
THE**

Dunedin City Council
Future Development
Strategy

**STATEMENT OF EVIDENCE OF MATAPURA ELLISON
ON BEHALF OF
KĀTI HUIRAPA RŪNAKA KI PUKETERAKI
TE RŪNANGA O ŌTĀKOU
28 February 2024**

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INTRODUCTION

MIHIMIHI

He mihi ki a Raki ki ruka

He mihi kia a Papatūānuku ki raro

He mihi ki kā uri o kā rereka koirataka o te taiao, o Te Ao Mārama

Ko Hikaroaroa te mauka

Ko Waikouaiti te awa

Ko Pūrākaunui, ko Pirini Pania, ko Puketeraki, ko Karitāne kā papakāika

Ko Kāti Huirapa, ko Moki Tuarua, ko Kāti te Pahi me Kāti Taoka kā hapū

Ko Puketeraki te marae

Ko Huirapa te whare

Ki kā whare tipuna o ia kāika, o ia hapū o Te Tai o Āraiteuru tēnā koutou katoa

Ko kā iwi ko Kāti Tahu, Kāti Māmoe, me Waitaha hoki

QUALIFICATIONS AND EXPERIENCE

1. My name is Matapura Ellison. I was born in 1955 and have lived at our seaside kāika of Karitāne for all but one year of my life. My father John Rangiroa Huia Ellison was born in 1901, being one of eight children of Teone Matapura Ellison¹ and his wife Taua Sally nee Parata.² It was the opportunities I had during my formative years to talk with my father and his brothers and sisters about their experiences of growing up in the early part of last century, which has shaped my understanding of Te Ao Māori and my place within it.
2. I have been actively involved in the affairs of Puketeraki marae since the age of eighteen. I am the Chairperson of Kāti Huirapa Rūnaka ki Puketeraki and have held this position for more than thirty years. I am involved with our Papatipu Rūnaka Komiti Kaupapa Taiao (environmental committee), which focuses on matters relating to the natural environment. I am also the representative for my Papatipu Rūnaka on Te Rūnanga o Ngāi Tahu, where I also hold the role of Kaiwhakahaere Tuarua. I am recognised by my Papatipu Rūnaka as a cultural expert. I am the mana whenua representative for Kāti Huirapa Rūnaka ki Puketeraki on the Dunedin City Council Strategy, Planning and Engagement Committee.
3. I give my evidence on behalf of Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou, the two Rūnaka that represent those who hold mana whenua status in the Dunedin City District.
4. In preparing my evidence I have reviewed:
 - (a) The Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou submission on the draft Future Development Strategy
 - (b) The Ngāi Tahu Report 1991, Waitangi Tribunal WAI 27
 - (c) The Ngāi Tahu Ancillary Claims Report 1995, Waitangi Tribunal WAI 27

SCOPE OF EVIDENCE

5. My evidence addresses the following matters:
 - The history of Crown purchases of Māori land within my takiwā, including Crown failures to adhere to various undertakings in these sale deeds;
 - The impacts of negligent resource management decisions by local authorities on Kāi Tahu communities and culture across generations.

¹ Teone Matapura Ellison (Erihana) (1864–1949), Kāi Tahu, Te Āti Awa, Ngāti Mutunga, Ngāti Tama

² Hera Kore Parata, the second daughter of long-serving Kāi Tahu parliamentarian Tame Parata (c.1838–1917)

KĀTI HUIRAPA RŪNAKA KI PUKETERAKI

6. The hapū that have prominence at Puketeraki marae in Karitāne are Kāti Huirapa, Kāi Te Ruahikihiki, Kāi Taoka, and Kāti Moki Tuarua.
7. Upon the arrival of the first whalers in 1837, Karitāne, which was a name historically associated with Huriawa pā, became more used in the locality and the name Waikouaiti became associated with the town currently bearing that name. Towards the end of 19th century, the Māori settlement further up the hill to the south was known as Puketeraki and the whare rūnaka was eventually built there in the late 1800s.
8. Prior to the Ngāi Tahu settlement with the Crown, we were very focused here in Karitāne on our Huirapa Māori Committee. The need for a new legal structure that did not whakapapa back to Crown legislation became increasingly important to our community during the 1980s' as we participated in the negotiations around the settlement of the Ngāi Tahu claim. Kāti Huirapa Rūnaka ki Puketeraki was formed in 1990 to provide a legal form for our local mana whenua traditional communities in the post-Settlement environment.
9. The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitāne and extends from the Waihemo River (Shag River) to Purehurehu Point (north of Heyward Point) and includes a shared interest in Otepoti (Dunedin) and the greater harbour of Ōtākou. Our takiwā extends inland to the Main Divide where we share an interest in the lakes and mountains to Whakatipu-wai-tai with Papatipu Rūnanga to the north and south.

THE KEMP PURCHASE AND IMPACTS OF LAND SALES

10. Many Māori have the shared experience of being alienated from our lands. For Kāi Tahu, it was not achieved with guns and raupatu,³ but was achieved by other means to the same effect; namely the loss of access to our indigenous lands, resources, and the resulting slow decline of our traditional kāika.
11. In 1848, Henry Tacy Kemp, acting on behalf of the Crown, purchased an estimated 20 million acres of land for £2,000 in what is now known as the Canterbury Purchase or Kemp's Deed. If our rakatira had not agreed to sell, the Crown would have recognised the claims of Te Rauparaha, a Ngāti Toa chief from the North Island who had no claim

³ The Crown confiscation of Māori-owned land as punishment for Māori who opposed Crown policies

to this land.⁴ The boundaries of the sale were not well defined at the time, and the exact area purchased by the Crown has always been a contentious issue for Kāi Tahu.

12. What is not under contention, however, is that the 1848 Kemp Purchase agreement provided the following undertaking:

“Ko o matou kainga nohoanga ko a matou mahinga kai, me waiho marie mo matou, mo a matou e tamariki, mo muri iho i a matou; a ma ta Kawana whakarite mai hoki tetahi wahi mo matou a mua ake nei a te wahi e ata ruritia ai te whenua nga Kai Ruri.”⁵

13. This recorded that land would be set aside for our kāika, further lands would be set aside to enable the expansion of these kāika for future generations, and that all areas where mahika kai activities were undertaken would be reserved for us. Unlike the Ōtākou Deed, these undertakings were explicitly set out in writing in the Kemp’s Deed.
14. Retaining access to mahika kai resources was pivotal to maintaining an economic base for Kāi Tahu whānau and hapū. Pre-European crops such as kūmara did not grow in abundance south of Waihora (Lake Ellesmere) due to the shorter growing season, so our tūpuna relied on the seasonal gathering of mahika kai from the coast and the inland areas to sustain themselves.
15. Kemp was instructed to identify and survey the lands that would be reserved for Kāi Tahu prior to the signing of the deed. This did not occur. Kemp’s Deed was then implemented by Crown civil servants such as Walter Mantell, who zealously pushed to minimise Native Reserves, shrinking them further, or removing them where he could. Our tūpuna who remonstrated with the Crown officials were described as “troublesome natives” when they opposed these acts of ill-faith.
16. In setting aside the Waikouaiti (Karitāne) native reserve, Mantell intended that the reserved area would only cover 1,800 acres, which amounted to less than 15 acres per Kāi Tahu resident at Waikouaiti at the time. Despite requests from Kāi Tahu, Mantell declined to include in the native reserve, lands where European whalers were squatting and which were considered the most desirable in the bay for their access to kai moana and suitability as tauraka waka. Over time, settler farms encroached on the margins of

⁴ The Crown, prior to the Canterbury Purchase had bought land at Kaikōura and Kaiāpoi belonging to Kāi Tahu from Te Rauparaha.

⁵ Waitangi Tribunal (1991) *The Ngāi Tahu Report*, Volume 1, p.52.

the Waikouaiti Native Reserve, leading to legal disputes about the control of the Reserve lands.⁶

17. It is important to note that out of that massive acreage covered by the Kemp Purchase, stretching from north of Christchurch to south of Dunedin (excluding the Ōtākou and Banks Peninsula blocks, which were purchased separately) the area that the Crown set aside for Kāi Tahu was a meagre 6,359 acres. This was mirrored in the negotiation charade for the Waikouaiti native reserve. When we look at the acreage considered acceptable at the time for a Pākehā family, versus what was considered appropriate acreage for all Kāi Tahu living within the Kemp Purchase area, the difference is stark, and was, in my view, racist at its core.⁷
18. Our ancestors lost access to mahika kai resources, and inadequate land allocation through the native reserves hindered their ability to benefit from the emerging economy and even to sustain themselves as the bare minimum. Our people went from being chiefs and traditional owners of the land to being almost destitute and landless in one generation. These acts of colonisation – and those that followed - were transformational to our culture, identity, economic prosperity, and wellbeing, with impacts reverberating through to the present day.

ALIENATION OF THE NATIVE RESERVES

19. Our Native Reserves were also reduced in size or lost by the decisions of the Crown and Local Government - power structures that were imposed upon us. The Matainaka Reserve at Waikouaiti was cut through by the Otago Provincial Council to drain the upper area by the racecourse in the 1870s and the reserve was linked to a cascade of wildlife legislation that was often seen as overriding the 1868 fishing easement. The council then cut right through the Reserve, making it largely useless in a sense. Its intended purpose was as a food-gathering location for local Māori, but by cutting through it and draining it, many of the mahika kai species we gathered there disappeared. That is just one example of how the Provincial Government of the day used Māori land as they wished, really. There was very little opportunity to rail against those decisions. It is

⁶ Matiu Prebble and David Mules *Tō hīkoia mai Hikaroroa ki Waikouaiti - kua te rā, kā te ahi* (A journey from Hikaroroa to Waikouaiti – The sun has set, the fire is now alight): A contribution to the cultural history of the Waikouaiti River and surrounding environs (Kāti Huirapa Rūnaka ki Puketeraki, 2004) at 48, fn 125.

⁷ At Waikouaiti, Johnny Jones, a European farmer and entrepreneur, was awarded over 1000 acres per member of his family, including his wife and nine children. In contrast, Kāi Tahu were left with less than 30 acres per head. (Source: *The Ngāi Tahu Report 1991*, p.43)

also another example of how our access to mahika kai resources was progressively compromised.

20. This dismissal of our rights to our own Reserves continued into the twentieth century. In 1925, Hone Matiu and my grandfather Teone Matapura Ellison were successful in getting an area of the Waikouaiti foreshore gazetted as a Māori Reserve, on the grounds of it being a burial site. After an extreme weather event, my father and some other trustees of the Waikouaiti Māori Foreshore Reserve Trust undertook works to remediate the area and repair the damage. The Crown Marine Department threatened to take the Trust to court for “undertaking illegal reclamation”. When this matter was eventually settled via the Ngāi Tahu Ancillary Claims process, the Crown essentially vested the disputed area in the Waikouaiti Māori Foreshore Trust on the proviso that they agreed to a long-term lease of the Māori Reserve for use by the Council. This is another example of the unequal use of power, knowledge, and information that was used against our people to further alienate us from the small pockets of communal land we had left.

CULTURAL DISCONNECTION

21. Once land was sold to the Crown via the Kemp Purchase, fences started to go up, and our tūpuna’s access to their mahika kai, ara tawhito, and other important parts of the landscape were pretty much gone. This is similar to the experiences of our whanauka in Ōtākou. Our people went from having a landscape-wide view of our environment and a deep sense of belonging, to being restricted to the confines our Native Reserves.
22. Within a few generations we went from having an intensely intimate and physical interaction with the entire landscape, to being secluded on Native Reserves. This didn’t just result in the erosion of our culture and economic hardship. As colonial influences grew stronger, it limited us both physically and mentally. In my father’s lifetime we didn’t even consider it possible to buy land outside the “Māori Line” (the boundaries of the Native Reserve). It was one of those strange things, the mindset was that “it’s Pākehā land, we can’t go there”. Instead, we were always looking to buy land within the Native Reserve, which was a self-imposed limitation. I grew up with that mindset too.

THE DECLINE OF THE KĀIK

23. The people that I grew up around were trying to be Māori and to hold on to what they felt they could, but as a collective group, they were largely totally disadvantaged. They had no real communal asset base at all. A few blocks of lands within the Māori Reserves were clung on to, but their owners had no resources at all to develop that land to create an economic base.

24. My older cousins that grew up at the kāik speak about it being a very alien experience, in many ways. The old people would still meet in the old Huirapa Hall and have energetic debates about the Treaty of Waitangi and the grievances from Kemp's Deed and other land sales. The younger ones used to be somewhat bewildered because, as it was told to me, the old people would get so animated; they would be poking their walking sticks in the air and gesticulating, and all the kōrero was in te reo Māori. None of my cousins' generation spoke te reo Māori, so the passion of the oratory was both unfamiliar and unintelligible. My Dad was born in 1901, and his parents spoke te reo Māori, but they did not speak it to him or his siblings. That was a deliberate strategy of their parents guiding their children towards learning Pāhekā ways – the way to survive in the future. More formal government policy saw the punishing of Māori children for speaking te reo Māori in the Crown-run Native Schools.
25. By the time I came along, most of those old people had passed, and my dad's generation, people born from the 1890s, were the elders now. This generation were not fluent speakers of te reo Māori, and their views and priorities were largely impacted by their experiences of the Great Depression and World War II. However, as a young adult I would still hear my dad and his sisters talking about the Māori Reserves and the injustices that they faced in the use of their land.
26. One thing my father instilled in me was to hold onto our land. Landholding drove my father, and he passed that on to me. It is a lifestyle that has made me cash-poor but enhanced my sense of culture and place. It became like an anchor. It was a struggle to maintain, and there were sacrifices along the way to achieving that, which is probably the experience of many Māori families who managed to hold on to their land.
27. There were still several families living in Karitāne/Puketeraki when I was growing up, but over time, more whānau started to leave the kāik for work in the bigger centres. When the railway jobs were moved into the city, whānau followed for work; and when the Post Office in Karitāne shut down, those whānau had to move away for work as well. Some whānau who left sold their lands, to the regret of their future generations. Our sense of ahi kā was at a low ebb at this time, and our kāik and ancestral whenua had lost relevance and value to many of our people. That is what colonisation does to you.

CULTURAL REVITALISATION AND THE KĀI TAHU SETTLEMENT

28. One of the beautiful things about our people is that even in extreme hardship, they still had great mana. Despite the context of everything our families had experienced, they

maintained great pride in themselves and who they were as Kāi Tahu and mana whenua. They tried their best to retain what they could and held on to hope that one day we would be able to influence things for the best of our people. Those that had moved away would still return to the kāik for tangi at the Huirapa Hall, and together they would sit, expressing sorrow that we only gathered for tangi.

29. The Huirapa Hall continued to be a focal point for our hapū. The main focus of the Huirapa Māori Committee was on maintaining that old building. Māori communities that did not have a physical footprint like we had with the hall such as those at the kāik at Henley found it even harder to keep their connections alive after Lake Tatawai was drained and they were forced to leave after losing their main mahika kai source.
30. When the time came for the Huirapa Hall to be replaced, we discussed the idea of having a wharenuī, and what it might be for us. Over a decade or so we had wānaka to draw the threads back together and gradually, enough people came on board to breathe life into the idea of cultural revitalisation. It was a generational process of course, which coincided with both the Māori Renaissance of the 1970/80s, and the Ngāi Tahu Claim being settled in 1998, which reinvigorated the iwi. Our new wharenuī was opened in 2000, two generations after the first discussions about replacing the old Huirapa hall.
31. The settlement of the Ngāi Tahu Claim has aided the revitalisation of an economic base in Karitāne. Our Papatipu Rūnaka is now the biggest employer in Karitāne. We bought the old Karitāne School as our first purchase in the early 1990s. It was a lot of money, but we managed to talk our people into the purchase, and it has become a hub of activity, with a developing plant nursery and our Papatipu Rūnaka offices being based there now. We also bought land on Old Coast Road to provide a place for whānau who had lost their land to be able to re-connect. There is now a māra kai on-site, a new waka unua is being built there, we've expanded our nursery business onto to that site and there are plans for a seasonal camping area to be built.
32. Over more than a hundred years and generations later, we can finally work towards achieving things like this for our people. Our ancestors were never afforded that opportunity, though it was promised to them. It is about time that planning provisions allow us to make these sorts of decisions for our own native reserves. It is also imperative that the decisions on infrastructure projects recognise and provide for this. You cannot have a thriving settlement without the provision of key servicing.

HAPŪ INTENT FOR NATIVE RESERVES AND BARRIERS

33. The legislation and planning policies that the crown rolled out following the land sales further constrained our people. Rates have historically been a burden, along with the financial constraints of developing such whenua. Multiple ownership and lack of ability to access the land has always been a limitation. Often, Māori landowners are caught in a cultural bind that non-Māori landowners/ farmers aren't constrained by, for example non-Māori will buy their property when young and on retirement they harvest their capital for retirement. This is not an option for many Māori landowners who see themselves as kaitiaki for their time occupying whānau land and are committed to intergenerational ownership.
34. District Plan rules placing limitations on rural housing development have actively worked against our ability to develop our native reserves. Our people need enabling planning rules to finally be able to realise and provide for the intent that we have for our land; we have been unjustly denied this for so very long. It is my hope that this Future Development Strategy will facilitate the development of enabling provisions in the District Plan and prioritise the provision of key infrastructure for our communities. These are both key in enabling us to live on and make decisions about our own lands, as was originally intended.

CONCLUSION

35. For those of us who lived through the Ngāi Tahu claim settlement process, it felt to many of us like a watershed moment. We tried to look forward to what new opportunities lay in front of us now, not backwards – mostly because it is a painful story to recount.
36. Despite this historical mamae, some of these kōrero have been recounted here to provide context to the matters we are recommending be recognised and provided for under the Future Development Strategy. As an iwi and a hapū, we are focused on moving forward in our efforts to reclaim our culture and identity as Kāi Tahu; our ability to live and work on our whenua, and engage with our mahika kai practices are central to this.

A handwritten signature in black ink, appearing to read "M. J. O'Brien". The signature is fluid and cursive, with a large initial "M" and "J" that are connected to the rest of the name.

28 FEBRUARY 2024

Appendix 1: Glossary of Māori words and phrases

Ara tawhito	Trails and travel routes
Hapū	Sub-tribe
Iwi	Tribe
Kāika/ Kāik	Settlement
Kaitiakitaka, kaitiaki	The exercise of guardianship over natural and physical resources, as an expression of rakatirataka and mana; Kaitiaki is a person undertaking roles as an expression of kaitiakitaka
Kōrero	Conversation
Mahika kai	A term that literally mean “food workings” and refers to the customary gathering of food and natural materials, and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use, including raraka (weaving) and rokoā (traditional medicines).
Mamae	Pain, ache.
Mana	Prestige, authority, control, power, influence, status
Mana whenua	Customary authority or rakatirataka exercised by an iwi or hapū in an identified area, iwi that hold this customary authority in a specific location
Māra kai	Garden of edible crops
Papatipu Rūnaka	Regional Kāi Tahu governing bodies
Rakatira	Chief
Raupatu	The Crown confiscation of Māori-owned land as punishment for Māori who opposed Crown policies
Tangi	Funeral proceedings
Takiwā	Area, region, district
Te reo Māori	The Māori language
Waka unua	Double-hulled canoe
Wānaka	Workshops or meetings for discussions to occur
Whānau/ whanauka	Family/ relations
Whareniui	Traditional meeting house
Whenua	Land