

**BEFORE THE FRESHWATER HEARING PANEL**

**UNDER** the Resource  
Management Act  
1991

**AND**

**IN THE MATTER** of the Proposed  
Otago Regional  
Policy Statement  
2021 (Freshwater  
Planning Instrument  
parts)

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**STATEMENT OF EVIDENCE OF JUSTIN TIPA  
ON BEHALF OF  
TE RŪNANGA O MOERAKI  
KĀTI HUIRAPA RŪNAKA KI PUKETERAKI  
TE RŪNANGA O ŌTĀKOU  
HOKONUI RŪNANGA  
28 June 2023**

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## INTRODUCTION

### WHAKAPAPA

Na Te Pō, ko Te Ao

Na Te Ao, ko Te Ao Mārama

Na Te Ao Mārama, ko Te Ao Tūroa

Na Te Ao Tūroa, ko Te Kore Tē

Whiwhia

Na Te Kore Tē Whiwhia, ko Te Kore

Tē Rawea

Na Te Kore Tē Rawea, ko Te Kore

Te Taumaua

Na Te Kore Te Taumaua, ko Te

Kore Matua

Na Te Kore Matua, ko Te Mākū

Na Te Mākū, ka noho ia Mahoranui-  
ātea

Ka puta ki waho ko Raki

Nā Raki, ka noho ia Pokoharuatēpō

Ko Aoraki, ko Rakamaomao, Ko

Tawhirimatea

Ko Tū Te Rakiwhānoa

Ui rā ki Te Mahaanui ā Maui

Ko Te Ao Takata!

Tihei mauri ora!

Ko te kākahu ō te Mauka o Tititea

me Pikirakatahi

Ki te whānau Ka Tiritiri o Te Moana

Mai i te Mauka Ari me Haehaeata

ki te Awa Whakatipu

ki te Roto ō Whakatipu Wai Māori

Mai i te mauka Kamu me Hākitekura

Tū mai te kaika ō Tāhuna

Huri noa ki te Awa tapu o Kwarau,

ki Mata-au

Ko kā wai tapu o Wānaka me Hāwea

*From eternity came the Universe*

*From the Universe, the bright clear light*

*From the bright clear light, the enduring light*

*From the enduring light, the void unattainable*

*From the void unattainable, the void*

*intangible*

*From the void intangible, the void unstable*

*From the void unstable, the void endowed*

*with paternity*

*From the void of paternity, came moisture*

*From moisture, came limitless thought*

*Then came the visible heavens*

*The visible heavens combined with the great*

*abyss to produce the numberless sorceries*

*and the ultimate calamity!!!*

*Thence to Aoraki and the winds and weather*

*To the creator of the land*

*And the canoe of Maui*

*And finally, to people!*

*I cough the breath of life!*

*To the cloak that covers the mountains of Mt*

*Aspiring and Mt Earnslaw.*

*To the family of the Southern Alps*

*Over to Mt Alfred and Leaning Rock*

*To the Dart River*

*And onto the lake Whakatipu Wai Māori*

*Then to the mountains of Cecil and Walter*

*Peaks*

*To the settlement of Queenstown*

*And down to the Kwarau and Clutha Rivers*

Huri ki te Kaika ō Takekarara,  
Manuhaea me Turihuka  
Te Papa i waihotia mai e ka tūpuna  
e whakanohia nei e te Iwi te tinana o  
Papatūānuku

*And onto the sacred lakes of Wānaka and  
Hāwea  
And up to the settlements at the Lakes  
The land left to us by our ancestors ascended  
here by the people in the body of  
Papatūānuku*

Tiheī mauri ora!

*I cough the breath of life!*

## **MIHIMIHI**

Ko Te Rapuwai, ko Waitaha, ko Kāti  
Mamoe me Kāi Tahu ōku iwi

*These are my tribal affiliations*

Ko Kāi Te Aotumarewa, ko Kāti  
Hāteatea, ko Kāi Tūāhuriri ōku hapū

*These are some of my sub-tribal  
affiliations*

Ko Te Waipounamu tōku tūrakawaewae

*This is where I belong*

Ko Te Rangiparuhi ahau

*This is my name*

Nāia te mihi ki a koutou katoa

*Warm greetings to you all*

## QUALIFICATIONS AND EXPERIENCE

1. My name is Justin Te Rangiparuhi Tipa. My tūpuna are of Te Rapuwai, Waitaha, Kāti Mamoe and Kāi Tahu descent, with hapū affiliations that extend across all of Te Waipounamu. I was born and raised in the Waitaki valley, within the tribal takiwā of my Papatipu Rūnanga, Te Rūnanga o Moeraki. I currently live at the pā in Moeraki with my whānau so that I can be actively involved in tribal affairs and raise my children to know their own whenua and culture.
2. I give my evidence on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua).
3. I am the Chair of Te Rūnanga o Moeraki, as well as their representative on the Board of Te Rūnanga o Ngāi Tahu. I am also a graduate of Te Panekiretanga o Te Reo and support our Papatipu Rūnanga and wider community in tikanga matters, and cultural revitalisation. Additionally, I work as the Director of Māori Strategy at Fonterra.

## SCOPE OF EVIDENCE

4. My evidence addresses the following matters:
  - Our relationship with wai;
  - Our reliance on mahinga kai for our cultural identity, and how this is being put at risk by irresponsible resource management in our takiwā;
  - Our Papatipu Rūnanga aspirations for the Waitaki catchment and for the other awa in North Otago; and
  - Our expectations for the Treaty partnership in freshwater management in our takiwā

## MANA WHENUA RELATIONSHIP WITH WAI

5. Wai is part of who we are as Ngāi Tahu. We have a deep relationship with water that stems back to the esoteric. Wai is an integral part of us, our language, and our whakapapa. We cannot separate our relationship with water from any aspect of our whakapapa, our culture, or our being. At every level of our relationship and our being wai is an integral part of it.
6. At an individual level, we all have a wairua. Etymologically, 'wairua' can be broken down to the words 'wai' and 'rua' creating a meaning of 'two waters': the wai of the father, and the wai of the mother. Together, these come together to make the 'wai' of

the person – their wairua. It is also in our language: ‘ko wai koe’, ‘ko wai au’ - we ask ‘who are you’ with that reference to water. Even right down to our ceremonies: we make things tapu with wai, we make things noa with wai. We also value the basic life-giving attributes of water. Wai sustains our people by providing a home for our mahinga kai – our fish and other taonga species.

## **MAHINGA KAI AND IMPACTS OF IRRESPONSIBLE RESOURCE MANAGEMENT**

7. Our identity as Ngāi Tahu is inextricably linked to the concept of mahinga kai, and the relationship we have with the natural environment through the harvesting and gathering of food and resources. Traditionally, our economies depended on mahinga kai, and our mana and our reputation are hinged upon our ability to harvest traditional resources, primarily from our waterways and coastal areas. Many whānau from our hapū are still engaged with traditional mahinga kai activities. This activity has increasingly been concentrated in coastal areas due to the degradation of, and loss of access to, inland mahinga kai resources that I discuss below.
8. We also have a huge proportion of our hapū that are disenfranchised and have been alienated from their culture and identity due to the impacts of colonisation. What we have noticed though is that the connection point for our whānau coming home and reconnecting to their Ngāi Tahu identity is through mahinga kai. Not everyone is interested in getting involved in tribal affairs and politics, but when we have whānau wānanga about mahinga kai that is what is drawing our whānau back in.
9. Often it is the simplest things that have the biggest impact on your sense of identity, like physically walking the land and interacting with your ancestral landscape. When I talk to my children about mahinga kai, it is important that they can go down to the same areas that their tūpuna harvested from to have these conversations. When my father or I are sharing lessons with them, we can say, “this is where our whānau and your taua came to harvest kina. This is where the men went fishing”. However, the degradation and alteration of our wāhi tūpuna and mahinga kai habitats are making it more and more difficult to experience these places and practices in the same ways our tūpuna did.
10. The challenge we have is that as the landscape changes due to irresponsible land use and resource management, our relationship with the landscape, including the mahinga kai practices, wāhi tapu, wāhi taonga, and our ceremonies, is forced to change too.

11. For example, the Waitaki hydroelectric scheme has changed the awa from a river with up to 36 braids to one with only twelve braids. A lot of the safer braids where we traditionally would have had access for mahinga kai have also become inaccessible due to the impacts of irrigation, the draining of wetlands for agricultural grazing, and the loss of public access to stretches of our awa.
12. Our relationships with the inland parts of our takiwā have also changed because of the impacts of the hydroelectric schemes. Our old people regularly travelled into the hinterland to Te Manahuna to harvest tuna. We no longer harvest tuna above the dams because it is not sustainable, since the dams have cut off the migratory paths of the tuna.
13. Because we cannot practice mahinga kai in the same places our old people did, our relationships with these traditional mahinga kai locations, and the knowledge that was traditionally held about practising at these inland locations, is at risk of being lost.
14. Mahinga kai in the coastal rivers has also come increasingly under pressure from the impacts of an approach to resource management that has focused on maximising economic productivity without attention being paid to what the rivers need. Over time the rivers have been managed as flood, drainage or irrigation channels rather than being allowed to function as rivers, and the ecosystems they support have suffered accordingly. The natural flow patterns have been severely disrupted and flows have been reduced by abstraction for irrigation. The estuaries that were once important food baskets have been badly affected by reduced flows and by nutrients and other contaminants.

#### **ASPIRATIONS FOR THE WAITAKI CATCHMENT**

15. We have a whakataukī: *Ko Waitaki te awa, kā roimata nā Aoraki i riringi*.<sup>1</sup> The Waitaki River is of paramount importance to us because it flows from Aoraki, the most sacred of Kāi Tahu ancestors. Its place in our creation stories and its significance to mana whenua, as described in our Waitaki Iwi Management Plan, is set out in Appendix 2.
16. The waters that flow from Aoraki and Kā Tiritiri-o-te-moana (the Southern Alps) supported the substantial mahinga kai resources of the Waitaki and Te Manahuna/Mackenzie Basin that drew our Kāi Tahu tūpuna to these areas on a seasonal basis. The river and its tributaries were a central part of the network of ara tawhito that were used for these journeys, and the rock art which is a characteristic

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<sup>1</sup> Waitaki is the river, the tears spilled by Aoraki.

part of our wāhi tūpuna in north Otago provides an enduring tohu or marker of these journeys. As I have discussed, the re-shaping of the awa and the development of the whenua have had a devastating impact on mahinga kai. However the significance of the river to us is undiminished.

17. The fragmented management of the Waitaki catchment is an ongoing frustration to us. The catchment is split across two regions, each with their own regional plan, and in addition there is the separate Waitaki Water Allocation Plan that was developed under its own legislation. Management of the river is also dominated by the decisions of the power generators, and the Department of Conservation also has a strong management role in parts of the catchment.
18. The need to work our way through the multiplicity of agencies and management approaches hampers our ability to carry out our kaitiakitanga responsibilities. First and foremost, we believe a river as important as the Waitaki shouldn't be split in this way – our aspiration is to have a single resource management plan for the whole of the Waitaki River catchment so that it can be managed holistically. There is a lot of work to be done to make this happen, but it is at least encouraging to see Otago Regional Council's planner recommending that the requirement for holistic management is recognised in the vision for the North Otago Freshwater Management Unit.
19. In the Otago part of the Waitaki catchment, Te Rūnanga o Moeraki has a 20 year plan to restore the riparian wetlands associated with the Waitaki tributaries. These wetlands occur where the tributaries meet the main stem of the river, and they have rich biodiversity and mahinga kai values. Traditionally, nohoanga were located near these wetlands, which were particularly important for mahinga kai as they were more usable than the main river.
20. Our work in the riparian wetlands is an expression of rangatiratanga and kaitiakitanga. The aim is to support mātauranga, reconnection with the river and cultural identity through active involvement in restoring mahinga kai habitat and monitoring catchment health. We want to see a planning framework in Otago that recognises the rangatiratanga of mana whenua and supports and enables this mahi.
21. One of the serious threats to the wetlands is over-allocation. We have observed flow drying up in many of the tributaries between Oamaru and Kurow, and we see it as a priority to reverse over-allocation to ensure that all the tributaries have enough water



to support their health and a strong and healthy main stem and estuary. Pollution from effluent and other discharges also needs to be addressed.

22. We also have a responsibility to care for the rock art in the Waitaki catchment (and other North Otago catchments) that connects us to our tūpuna. This art is located on limestone outcrops and its integrity is highly sensitive to changes in the chemical composition and water balance in the limestone substrate. Irrigation and nutrient leaching in close proximity to the outcrops are particular threats, and planting of water-hungry tree species is also a problem. This concern needs to be better recognised and dealt with in resource management plans if we are not to lose these taonga.

### **ASPIRATIONS FOR OTHER NORTH OTAGO CATCHMENTS**

23. All of the river systems along the coast of North Otago also have strong associations for our hapū, but we have witnessed substantial diminishment of their mauri through inappropriate resource management. For example:

- The Kakaunui is a taonga river to the Moeraki hapū – it is seen as the jewel in the crown. However, mahinga kai practices and enjoyment of the river have been undermined by loss of flow through abstraction, and through the consequential effect on water quality;
- The Kauru and Waianakarua rivers have suffered similar degradation to the Kakaunui;
- The Waiareka Creek was named for its sweet water, but is no longer reflective of this name due to the degradation resulting from straightening and diversion of the channel and over-allocation of flow;
- Moeraki have a strong cultural connection to the Waimataitai estuary to the south of the peninsula. It is spoken of in pepeha, and there are lots of stories associated with it. There is a strong history of its use for mahinga kai, but these traditions have been broken due to effects of effluent and nutrients; and
- The Waihemo has a long history of being a rich food basket, with archaeological sites on the river dating back to very early settlement. It used to be an important source of tuna for the community, and the estuarine environment is also important for mahinga kai. However, mahinga kai has

been impacted by drainage of wetlands. The river also used to supply water for the Moeraki community but can no longer sustain this because of loss of flow and quality.

24. The wetlands and estuarine systems associated with the coastal rivers are particularly valuable for taonga species and mahinga kai. The strong connection between wai māori and wai tai needs to be better recognised and provided for and the wetlands and estuaries must be able to function properly if we are to sustain these taonga for future generations.

25. Our aspiration for these awa is to restore them to sustain traditional practices. Restoring the mauri of the rivers will return life to the river mouths and estuaries, so they can continue to be vital places for food collection and for celebrating our attachment to our awa. We want to see the rivers having a healthy flow at all times, and having water quality that sustains mahinga kai. Our vision is to restore the awa and their riparian margins sufficiently so that we can look at restocking them with taonga species such as kākahi, inanga and koura.

#### **EXPECTATIONS FOR TREATY PARTNERSHIP**

26. We have experienced first-hand the modification and degradation of our waterways, and the disconnection and alienation of whānau that has resulted from this. In the past we have been hampered in doing anything about this because we have been excluded from the decision making table.

27. Mana whenua must always be involved in decision making when it comes to environmental and resource management matters. As they say, 'nothing about us without us' - iwi must always be at the table. We have had generations of butting heads and disengagement and the only way we are going to take this country forward is if we move together.

28. Our aspiration is that rangatiratanga and kaitiakitanga are also provided for by transfers and delegations of powers to mana whenua for matters relating to management of wai māori, and support for capability building in this area. We are already strongly involved in monitoring the wai, and it would be a natural progression to take on roles in enforcement where we see bad practice occurring.

29. A true Treaty partnership would also ensure that we are given the ability to engage with mahinga kai in whatever ways mana whenua find to be appropriate. For this to

happen, planning frameworks need to ensure there are no regulatory obstacles to this. The needs of whānau for reliable and affordable security of water supply for marae, papakāinga and nohoanga must also be provided for in water allocation frameworks.

## CONCLUSION

30. At Moeraki, our ability to be present on our landscapes and teach our next generations about their identity through mahinga kai is paramount. We need to be living at home, regularly out on the land, and we need our mahinga kai species to be healthy and accessible. The Councils have a role in supporting this and working with us as Treaty partners to protect what is important to us: our wai, our mahinga kai, and the stories held within our landscape.
31. There is also a responsibility for everybody who wants to use natural resources to make sure that they are looking after the environment that supplies those resources. If we are to protect and restore the mauri of our waterways so that they can provide for our children and grandchildren, we need to see practices on the whenua that are ecologically as well as economically sound. The PORPS has an important role to play in making sure that happens.

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**Justin Tipa**



**28 JUNE 2023**

## APPENDIX 1: GLOSSARY OF MĀORI WORDS AND PHRASES

<b>Ara tawhito</b>	Trails and travel routes
<b>Awa</b>	River
<b>Haka</b>	Type of traditional performing arts item
<b>Hapū</b>	Sub-tribe
<b>Iwi</b>	Tribe
<b>Kai</b>	Food
<b>Kōiwi</b>	Human bones
<b>Mahinga kai</b>	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 raranga (weaving) and rongoā (traditional medicines).
<b>Mana</b>	Prestige, authority, control, power, influence, status
<b>Mana whenua/ mana moana</b>	Customary authority exercised by an iwi or hapū in an identified area, iwi that hold this customary authority in a specific location
<b>Mauri</b>	Essential life force or principle, a metaphysical quality inherent in all things both animate and inanimate
<b>Ngāi Tahu whānui</b>	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 Ngāi Te Ruahikihiki. Ngāi Tahu hold mana whenua status across large tracts of Te Waipounamu
<b>Noa</b>	To be in a state without restriction
<b>Pā</b>	Permanent settlement
<b>Pākeha</b>	New Zealanders of European descent
<b>Papatipu Rūnanga</b>	Regional Ngāi Tahu governing bodies
<b>Pōwhiri</b>	Traditional formal welcome ceremony
<b>Takiwā</b>	Area, region, district
<b>Taonga</b>	Treasured resources that are highly valued by Ngāi Tahu, derived from the atua (gods), linked to the people through whakapapa, and left by tūpuna to provide for and sustain life.

<b>Tapu</b>	To be in a state of restriction
<b>Taua</b>	Grandmother
<b>Te Waipounamu</b>	The south island of New Zealand
<b>Te reo Māori</b>	The Māori language
<b>Tikanga</b>	The beliefs, values, practices, protocols, and procedures that guide appropriate codes of conduct
<b>Tupuna/ tūpuna</b>	Ancestor(s)
<b>Tūrangawaewae</b>	Land that someone belongs to
<b>Upoko</b>	Appointed traditional leader
<b>Urupā</b>	Burial grounds
<b>Wai</b>	Water
<b>Waiata</b>	Song
<b>Wairua</b>	Spiritual dimension
<b>Wāhi tapu</b>	Sacred place/place with cultural restrictions upon it
<b>Wānanga</b>	To discuss, a workshop or meeting for discussions
<b>Whakapapa</b>	Genealogy
<b>Whānau</b>	Family/families
<b>Whenua</b>	Land

## **APPENDIX 2: WHAKAPAPA AND SIGNIFICANCE OF THE WAITAKI RIVER**

*(Extracts from Waitaki Iwi Management Plan)*

### **1.6 Te Orokohaka o Te Ao — Creation Stories**

In the beginning there was no Te Wai Pounamu or Aotearoa. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed.

Before Raki (the Sky Father) wedded Papatūānuku (the Earth Mother), each of them already had children by other unions. After the marriage, some of the Sky Children came down to greet their father's new wife and some even married Earth Daughters.

Among the celestial visitors were four sons of Raki who were named Aoraki (Cloud in the Sky), Rakiroa (Long Raki), Rakirua (Raki the Second), and Rārakiroa (Long Unbroken Line). They came down in a canoe which was known as Te Waka o Aoraki. They cruised around Papatūānuku who lay as one body in a huge continent known as Hawaiiki.

Then, keen to explore, the voyagers set out to sea, but no matter how far they travelled, they could not find land. They decided to return to their celestial home but the karakia (incantation) which should have lifted the waka (canoe) back to the heavens failed and their craft ran aground on a hidden reef, turning to stone and earth in the process.

The waka listed and settled with the west side much higher out of the water than the east. Thus the whole waka formed the South Island, hence the name: Te Waka o Aoraki. Aoraki and his brothers clambered on to the high side and were turned to stone. They are still there today ...

The meltwaters that flow from Aoraki are sacred. On special cultural occasions, the blessings of Aoraki are sought through taking of small amounts of its "special" waters, back to other parts of the island for use in ceremonial occasions.

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

The saying "He kapua kei runga i Aoraki, whakarewa whakarewa" ("The cloud that floats aloft Aoraki, forever fly, stay aloft") refers to the cloud that often surrounds Aoraki. Aoraki does not always "come out" for visitors to see, just as a great chief is not always giving audience, or on

“show”. It is for Aoraki to choose when to emerge from his cloak of mist, a power and influence that is beyond mortals, symbolising the mana of Aoraki.

To Kāi Tahu, Aoraki represents the most sacred of ancestors, from whom Kāi Tahu descend. Aoraki provides the hapū with a sense of communal identity, solidarity, and purpose. It follows that the ancestor embodied in the mountain remains the physical manifestation of Aoraki, the link between the supernatural and the natural world. The tapu associated with Aoraki is a significant dimension of the tribal value, and is the source of the power over life and death which the mountain possesses.

## **5 Wai / Water**

Waitaki is the ancestral river of the takata whenua, Manawhenua and kaitiaki of the Waitaki, fed by the sacred waters of Aoraki and the tears of Raki, and is of unparalleled importance. The river is a symbol of permanence and source of spiritual meaning to us.

A continuous flow of clean water from Aoraki to the sea is essential for protecting the Waitaki River system and the cultural values we associate with it. The waters provide food, and are central to our sense of wellbeing. The significance of the Waitaki River and Lakes Takapō, Pūkaki and Ōhau is recognised by their status as Statutory Acknowledgements. The importance of the smaller tributaries and streams should not be underrated. Small streams support the flows in the main stem of the river and provide refuges for taoka species. Natural wetlands and springs are hotspots for biodiversity and provide mahika kai. Protecting these helps us maintain our mahika kai practices, and pass on our mātauraka (knowledge) to the next generations. As kaitiaki, the mauri of the Waitaki waters is our first priority when considering its use.

The Waitaki catchment is a highly valued dynamic braided river system. The river system sustains diverse ecosystems — lakes, wetlands, spring-fed streams, swiftly flowing water, pools, intermittent areas, braided channels and gravel islands. We highly value this variety of habitats and the changing nature of the river bed and flows that provide unique braided river ecosystems.

Our perspective is that water should be managed ki uta ki tai, from the mountains to the sea. We will continue the work of our tūpuna to ensure that the cultural and historical association that Rapuwai, Waitaha, Kāti Mamoe and Ngāi Tahu hold for the Waitaki is protected and preserved for our future generations. Mō tātou, ā, mō kā uri, ā muri ake nei.