

**BEFORE COMMISSIONERS APPOINTED BY THE CANTERBURY
REGIONAL COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER applications for resource consents by Lyttelton Port
Company for capital and maintenance dredging

TABLED AT HEARING

Application:

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Date: 5 May 2017

**SUMMARY OF EVIDENCE OF TASMAN TUROA GILLIES FOR TE HAPŪ O
NGĀTI WHEKE, TE RŪNANGA O KOUKOURĀRATA, NGĀI TAHU
SEAFOOD, AND TE RŪNANGA O NGĀI TAHU**

5 May 2017

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SUMMARY OF EVIDENCE

My interaction with mahinga kai

- 1 The degradation of mahinga kai within Whakaraupō has been experienced and observed by my elders and tupuna. The stories of the change in mahinga kai have been told to me by those presenting evidence for Ngāi Tahu. These stories make it clear to me that I have never had the opportunity to experience mahinga kai in the same manner as my tupuna. The consideration for future generations that my tupuna have shown illustrate an intergenerational goal to restore mahinga kai. This goal is to fill the pātaka of Whakaraupō with kai so that it is always available for our people. It is the responsibility of Ngāti Wheke, through kaitiakitanga, to ensure this is achieved. This is an intergenerational goal that requires on-going effort. It is a responsibility that our people hold in perpetuity. This responsibility is part of our whakapapa and so we are bound to it.
- 2 The uncertainties of the Lyttelton Port Company (**LPC**) Capital and Maintenance Dredging project put this goal at risk and as such are an unacceptable risk in their current form.

Compromise

- 3 The area of sea where Ngāti Wheke hold manamoana is known as our rohe moana. The boundaries of the rohe moana of Ngāti Wheke begin on the Southern side of the mouth of the Avon-Heathcote Estuary running seaward and then running South along the coastline, making its way into Whakaraupō, around into the entrance of Koukourāata, Te Ara Whanui a Makawhiua, to Kaitara pā before turning seaward again. I am bringing this to the attention of the panel to emphasise how much our rohe moana is being asked to be set aside for the dredging and dumping of spoil, and that this will be consented for a time that spans multiple generations. This is a considerable proportion of our rohe moana, of our takiwā.
- 4 Ngāti Wheke are being asked as kaitiaki if we can accept that a channel is to be dredged leaving a permanent scar running the length of Whakaraupō, if we can accept dredge spoil flowing throughout the currents of Takaroa as sediment plumes, and if we can accept the smothering of Papatūānuku where the spoil is to be dumped.

5 The LPC Capital Deepening Project and ongoing maintenance activities will degrade the mauri and mahinga kai of Whakaraupō and of Te Tai o Mahaanui. This will be a permanent degradation. Ngāi Tahu, as manawhenua/manamoana, strive to exercise rangatiratanga and kaitiakitanga over our rohe moana. In my view, if true rangatiratanga and kaitiakitanga were to be exercised, a dredging operation of this nature and scale would not occur at all. As kaitiaki of Whakaraupō, Ngāti Wheke have the responsibility to say no to the LPC dredging proposals. By not opposing the dredging in principle Ngāi Tahu has already made a compromise.

6 Utu is a principle of kaitiakitanga and Te Ao Māori. It is a concept concerned with balance and reciprocity. Utu should be applied in relation to the Lyttelton Port Company consents.

7 A net gain in mahinga kai is utu for the permanent change to the harbour. The context of balance here is an exchange of gifts. In essence, LPC will gain from the environment, therefore the environment should gain from LPC.

Net gain in mahinga kai

8 Through the evidence we have provided, we have given details of the detrimental change in mahinga kai within in Whakaraupō that has already occurred from dredging as part of the port's operations to date, and which will continue to further changes that may well occur if the proposed dredging activities are consented in their current form.

9 Based on the knowledge and experiences that have been passed down to me, I believe that the proposed activities will exacerbate and continue this negative trend with no positive change occurring in the foreseeable future.

10 To offset the degradation of the mauri of the harbour, the loss of mahinga kai that will occur because of the proposed activities, and to enable LPC to give back to the harbour, I think that a commitment to a net gain in mahinga kai by LPC is needed.

11 I accept that the level of mahinga kai enhancement activity to achieve a net gain must be commensurate with the scale of the effects of the proposed activities, and this is not the place to 'right past wrongs'. However, it is my view that there must be an initial considerable

investment in capacity to enhance mahinga kai and the mauri of Whakaraupō. In addition to these initial 'capital enhancement' works any programme underpinning net gains must also include on-going maintenance works of the mahinga kai/mauri for at least the duration of the consent.

- 12 In essence, a permanent decrease or damage to the mauri of the harbour, and to mahinga kai, requires a permanent investment in gains to mitigate and / or offset the effects.
- 13 Ngāi Tahu strive for rangatiratanga and to practice kaitiakitanga. Kaitiakitanga, in this context, includes management of the mahinga kai resources that they have rights to.
- 14 Ngāi Tahu, as those who hold manawhenua and manamoana in the area that dredging is to occur, are the only people who can lead the exercising of kaitiakitanga over mahinga kai. Through our hapū we can lead the entire community to practice kaitiakitanga much like our whanaunga have done in Kaikōura through Te Korowai o Te Tai o Marokura (the Kaikōura Marine Guardians).
- 15 Rangatiratanga is the ability for kaitiaki to make decisions in fulfilling their role as kaitiaki. Therefore, as rangatiratanga and kaitiakitanga go hand in hand it must be clear that Ngāti Wheke hold authority over decisions involving the mauri and mahinga kai of Whakaraupō.
- 16 It then follows that a net gain in mahinga kai can only be achieved through the enabling of those that hold manawhenua and manamoana. In relation to the Lyttelton Port Company consents, Ngāti Wheke and Ngāti Huikai whānui are those to be enabled.
- 17 To address the effects of the Lyttelton Port Company consents, Lyttelton Port Company must enable the manawhenua/manamoana to exercise kaitiakitanga.

Exercising kaitiakitanga and achieving a net gain

- 18 Kaitiakitanga is now exercised in several contemporary ways that keep in line with traditional concepts and Te Ao Māori. For example, the setting of bylaws for reduced bag limits within a mātaimai can be considered an act of kaitiakitanga. As can the reseedling of tuaki to help rejuvenate a population. This also contributes to the mauri and

can be considered reciprocity, utu, for the harvesting of tuaki as mahinga kai.

- 19 A net gain in mahinga kai will be only be achieved through the implementation of an integrated enhancement programme that contains a number of key elements that combined, exercise kaitiakitanga. The consent conditions required to achieve this are set out in the evidence of Ms Andrea Rickard and Ms Philippa Lynch.
- 20 The net gain in mahinga kai being considered is in addition to, but complementary to, the work of the Whakaraupō Catchment Management Plan and the Kaimoana Management Plan associated with the Te Awaparahi Bay reclamation.
- 21 Investment in the following elements of an integrated enhancement programme is needed to enable a net gain in mahinga kai to be achieved. I have also included examples to accompany each element to assist the Panel in understanding the kinds of things that a net gain in mahinga kai could involve.
- 22 The purpose of describing the following elements is to highlight both a framework to achieve a net gain, and ways in which LPC can enable manawhenua/manamoana to exercise kaitiakitanga:
 - (a) **Access** – In the context of mahinga kai this covers a range of aspects. It encompasses anything that would prevent the gathering of mahinga kai e.g. physical barriers, pollution, safety, contamination, prohibitive policy/legislation.
 - (b) **Mātauranga** – The local knowledge and experiences of those who interact with the resource. They inform and guide the management of mahinga kai resources.
 - (c) **Monitoring and Research** – Contemporary expressions of mahinga kai. The practising of mahinga kai includes the knowledge associated with the traditional resources and practices and locations. The gaining of knowledge and understanding is intrinsically linked with mahinga kai. Understanding the current state of mahinga kai abundance and food safety and if it is improving over time is crucial to tracking an intergenerational outcome. It allows for a baseline to be set and for progress to be gauged and to inform management.

- (d) **Education** – The building of capacity for kaitiakitanga to be exercised using knowledge and understanding. Sharing our values and objectives will help to elicit the required involvement community to assist us.
- (e) **Active restoration** – Assisting the restoration of mahinga kai and actively partaking in the management of such activities.
- (f) **Compliance** – What is restored needs to be protected. Any successful mahinga kai enhancement programme requires compliance elements.

- 23 The objective of the net gain in mahinga kai framework proposed above is for Lyttelton Port Company to enable Ngāi Tahu to lead the exercise of kaitiakitanga over mahinga kai. As Lyttelton Port Company cannot exercise kaitiakitanga in this manner, as they are not manawhenua/manamoana and they have not formal mandate under the Fisheries Act 1996 unlike Tangata Tiaki, it is for Ngāi Tahu to carry out this leadership role.
- 24 As I have noted above the net gain needs to be commensurate with the effects of the activities. I understand from reading the evidence of Ngāi Tahu witnesses that there is uncertainty about the effects of the proposal. In the absence of clarity about effects, I don't think that precise detail can be provided on what the net gain will encompass
- 25 **Appendix A**, as attached to my evidence in chief and reattached for ease to this summary, is a diagram of a framework as to how LPC can enable the exercising of kaitiakitanga. I consider it is very important that we reach agreement with LPC on these things before consent is granted, and it is not left to discussions post-consent. Ideally, we do not wish these gains to be 'forced' on LPC but would rather they would voluntarily work with us in partnership to achieve a sustainable outcome for the benefit of future generations. In my view, if LPC are not able or willing to reach an agreed position with Ngāi Tahu, it will be difficult to achieve the desired outcomes. So, because of the importance of doing this properly in partnership with Ngāi Tahu, it would be my preference that if reasonable mahinga kai gains cannot be agreed with LPC, then rather than impose them on an unwilling LPC the applications should be declined.

26 However, since my evidence in chief has been submitted, initial discussions with LPC have taken place. These discussions have already been mentioned or referred to by Ms. Appleyard, Mr. O'Dea, Ms. Jolly.

27 An approach of co-governance of a legal entity to deliver a net gain in mahinga kai has been discussed. This approach is based on a model that mirrors Te Korowai o Te Tai o Marokura and does seem preferable but time is needed for rūnanga and whānau to consider this, as well as ensuring we have the mandate to do so. As I'm sure you appreciate, the timeframe of these discussions has been short but it is important that we don't rush and that any agreement we come to is amicable.

28 We feel that the discussions so far have been progressing well and we are pleased that LPC is committed to exploring it further with us. Ngāi Tahu are also committed to continuing the discussions toward to achieving a net gain in mahinga kai.

DATE 5 May 2017

Tasman Turoa Gillies

APPENDIX A – Net gain in mahinga kai framework

