

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of a proposed plan
change under Schedule
1 to the Resource
Management Act 1991

AND

IN THE MATTER of a submission by **TE
RŪNANGA O
AROWHENUA AND TE
RŪNANGA O NGAI
TAHU** on **PROPOSED
PLAN CHANGE 7 ON
THE CANTERBURY
LAND AND WATER
REGIONAL PLAN**

**SUMMARY OF EVIDENCE OF JOHN ARTHUR HENRY ON BEHALF OF TE
RŪNANGA O AROWHENUA**

25 NOVEMBER 2020

 **Simpson Grierson**
Barristers & Solicitors

Simpson Grierson
J G A Winchester / S K Lennon
Telephone: +64-4-924 3503
Facsimile: +64-4-472 6986
Email: james.winchester@simpsongrierson.com / sal.lennon@simpsongrierson.com
DX SX11174 PO Box 2402
SOLICITORS
WELLINGTON 6140

INTRODUCTION

1. My name is John Henry and I whakapapa to numerous Kāi Tahu hapū. Today I give evidence on behalf of Kāti Huirapa with the support of Te Rūnanga o Arowhenua, and Te Rūnanga o Ngāi Tahu. My evidence identifies Kāi Tahu concerns with Proposed Plan Change 7. For me, these concerns revolve around mahika kai, which is the basis of our culture.

MY ROLE AS KAITIAKI

2. Kaitiakitanga requires a hands-on approach to ensure the environment is healthy and thriving. As a pōua (grandfather) I am committed to ensuring the environment is sustained for future generations. I teach my mokopuna (grandchildren) about how our Tīpuna lived, so that one day they will take over my kaitiaki responsibilities.
3. In the old days, kaitiakitanga involved guardian spirits who would warn about dangers to mauri and mātauraka (knowledge) and tell us signs about the seasons and harvests. Kaitiaki were people with the mātauraka to interpret these signs.
4. The role of kaitiaki has evolved, but we are still guided by mauri and mātauraka. In fulfillment of my kaitiaki obligations and responsibilities, I articulate our values, beliefs and important cultural activities in RMA processes, and am actively involved in committees such as the Opihi Temuka Orari Pareora (**OTOP**) Zone Committee. I am also chair of Te Rūnanga o Arowhenua.

THE OPIHI CATCHMENT

5. I now turn to the Opihi catchment. I am extremely proud of my whānau history with the Opihi system and like my Tīpuna, I enjoy a relationship based on regular use.
6. Growing up, I spent all my time in the rivers. Each year our whānau would gather resources such as tuna, kanakana and whitebait and we lived on what we gathered. I fed my family from the rivers and taught my children how to

gather kai. I now want to ensure I can teach my mokopuna mahika kai – so one day they may teach their children too.

7. My whānau continue to practice mahika kai, although many sites have been lost. In particular, Te Umu Kaha / Temuka River is where my whānau feel especially empowered and connected. It is our place in the world, our home. This is where I will focus my evidence, but the implications of Plan Change 7 are wider, since the Orari, Opihi, Te Ana a Wai and Te Umu Kaha rivers are all interconnected.
8. I am seriously concerned about the Opihi catchment on the basis that:
 - (a) The Pareora River was historically used for cleansing the dead and therefore not used for mahika kai. Today it is 300% over allocated.
 - (b) The Timaru / Salt water creek was a connecting point between three pā sites. It is now so polluted Rūnanga cannot use it, and it no longer opens to the sea.
 - (c) Te Umu Kaha River used to have deep pools where we would swim. I have seen the flows diminish and water quality degrade. Most recently, my whānau and I received health warnings that the Opihi Lagoon is too toxic to gather kai.
 - (d) As a fisherman, I have observed the decline of taoka species. This loss is detrimental to the health of Te Ao Tūroa, our people and the practice of our traditions. Without the presence of taoka species, our whakapapa is gone.
9. These observations are incredibly saddening to me, but the impact of this loss does not change the significance of these rivers to Kāi Tahu. However, I believe Plan Change 7 will only worsen the state of the catchment.

MY EXPERIENCE IN THE OTOP ZONE COMMITTEE

10. As a member of the OTOZ Zone Committee, I have kept up to date with Plan Change 7. I did not support the Zone Implementation Programme Addendum which forms part of the OTOZ component of Plan Change 7. I disagreed on the

Committee's recommendations for the Opihi, Orari and Te Umu Kaha rivers and the recommendation to transfer water between catchments.

11. During OTOZ Zone Committee discussions, I felt at constant loggerheads as it seemed economic factors and water for farmers held sway. Concerns about environmental flows were marginalised and formed part of the cultural discussion. This was just wrong. Arowhenua raised our concerns with ECan and through the First Schedule RMA process. We were saddened ECan was unwilling to address these issues before notifying Plan Change 7.

CONCERNS WITH PLAN CHANGE 7

12. Many of my concerns are in line with the report on the cultural health of the Opihi River that Arowhenua provided to OTOZ Zone Committee and I strongly encourage the panel to read this report. My key concerns with Plan Change 7 are:
 - (a) We need to protect our taoka bird species. I am unsure if and how Plan Change 7 responds to the flow needs of taoka bird species. When determining a flow regime I believe the baseline needs to be drawn from the range of birds historically known to use the Opihi, and not the few that inhabit this highly modified river today.
 - (b) Our waterborne species need habitat variety. We need habitats to support the entire lifecycle of our taoka species.
 - (c) Our freshwater mātatai requires special protection. Our freshwater mātatai reserve in the Opihi is the only freshwater reserve established by Arowhenua. As the river relies on flow from Te Umu Kaha River, limit setting impacts our mātatai. It is our expectation that Plan Change 7 will enable our continued use of this mātatai.
 - (d) Flow levels must be adequate. Many people say flows in the Opihi River were always low, but today's flows are lower and stay lower longer. My evidence discusses how the presence of large eels over 300 metres of the river means higher flows are required. Flow variability is also important for Te Ana-a-wai River due to the Opuha Dam. I am unclear how this is to be provided in Plan Change 7.

- (e) Allocation must be addressed. I am extremely concerned about over-allocation and am appalled Plan Change 7 proposes to retain unacceptable flow levels.
- (f) Inter-catchment transfers are not supported by mana whenua. Mixing water is culturally abhorrent to Arowhenua as each waterway has its own whakapapa. If the problem is over-allocation, this needs to be addressed instead.
- (g) Our wetlands and waipuna are vulnerable and need protection. Repo raupo (wetlands) are critical for mahika kai. Much of our wetlands have been lost and our remaining wetlands need to protection. Waipuna or freshwater springs are taonga, often associated with spiritual practices, and in some cases, atua (deities) and tupuna. I support the inclusion of waipuna in Plan Change 7 but ask for rules to protect these sensitive areas.
- (h) Our rock art is a significant taoka. I support Mr Tewera King's evidence about the significance of rock art and the recommendations of Ms Hall for greater protection of these taoka.
- (i) The nutrient load needs to be lessened. I agreed with the Zone Committee on how nitrates could be managed and the overall goal to reduce nutrients over time.

CONCLUSION

- 13.** I consider Plan Change 7 does not adequately recognise Kāti Huirapa rangatiratanga. In particular, it fails to recognise and provide for the ancestral and contemporary relationship of Kāti Huirapa with the Opihi catchment. Consequently, it denies me the ability to exercise my rights and responsibilities as Kaitiaki. The evidence of Ms Hall and Ms Davidson detail the appropriate planning concerns and mechanisms that could remedy the situation and I support their evidence.