In the matter of	an application by NZSki Limited to upgrade the Remarkables Ski Area and the Doolans Expansion [FTAA-2605-1236]
By	**NZSki Limited**
	Applicant

Statement of Evidence of Edward Weller Ellison (Kaumatua) on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua, Te Rūnanga o Ōtaka Aparima, Te Ao Marama Incorporated and Aukaha (1997) Limited

27 October 2026

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Tauparapara

Nā Te Po, ko Te Ao

Nā Te Ao, ko Te Ao Marama

Nā Te Ao Marama, ko Te Ao Turoa

Nā Te Ao Turoa, ko Te Koretewhiwhia

Nā Te Koretewhiwhia, ko te Rawea

Nā Te Rawea, ko Te Koretetamaua

Nā Te Koretetamaua, ko Te Koremātua

E moe ana Māku i a Mahoranuiatea

Ka puta ko Raki Tuatahi e moe ana Raki i a Pokoharua-i-Te-Po

Tuarua ko Raki e moe ana Papatūanuku

Whakaara

Tēnei te ruru te koukou mai nei	*This is the owl that cries out*
Kīhai mārakaraka	*His great head does not toss*
Kīhai māhitihiti	*It does not bob up and down*
Te upokonui o te ruru	
TEREKOU	
He pō he pō	'*Tis night, 'tis night*
He ao	*'Tis day, 'tis day*
Ka Awatea!	*Ah, it is the day*

Mihimihi

Ko Te Atua o Taiehu tōku mauka

Ko Kaiwhare te awa

Kāi Te Pahi, rāua ko Moki, ko Te Ruahikihiki ōku hapū

Ko Tamatea te whare rūnaka

Ko Taiaroa rāua ko Karetai ōku tīpuna

Ko Edward Ellison tōku ikoa

Ko tēnēi mihi atu ki ō tātou Mātua nui i te raki

mō ōna manaaki me tiaki e tau ruka i a tātou katoa

Ka tika ka huri ki ā rātou e kā mate huhua o te motu

Kua haere, haere, tarahaua atu rā

Ki a Tahu-kumea

Ki a Tahu-whakaero

Ki te taha o Poutūteraki

Ki te whare o Pōhutakawa

Hai taoka o kā mate

Hoki atu ai!

Ko tēnēi mihi atu ki kā kanohi ora

Tēnā koutou, tēnā koutou, mauri ora tātou katoa

Ki a koutou e te pae whiri

Me ōna mahi whakahirahira

E pā ana ki te tino kaupapa o te rā nei

E tuku ana kā mihi mīharo ki a koutou katoa

Introduction and experience

1 My name is Edward Weller 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.

2 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 fishermen and hunter gatherers for countless generations.

3 In terms of my background and experience, I was involved in the negotiations with the Crown of the Kāi Tahu Deed of Settlement during the 1990s, which is discussed further below. In terms of Te Rūnanga, I was the representative for Ōtākou on the Board from 1996 to 2005 and was the Deputy Kaiwhakahaere of Te Rūnanga from 1996 to 2004. As the Deputy Kaiwhakahaere I was responsible for conservation related kaupapa and met regularly with the Director-Generals and Ministers, particularly Nick Smith, to advocate on behalf of Kāi Tahu outcomes.

4 I have had numerous roles over the years in conservation. Most recently, I concluded my role as the Chair of the New Zealand Conservation Authority (**NZCA**), a role that I held between 1 January 2019 and 30 June 2026. I also held a seat on the NZCA from 1996 to 2005. Initially, from 1996 to 1999, this was via the public representation process, and then from 1999 to 2005 this was the dedicated Te Rūnanga seat that was part of the redress provided as part of the 1998 Kāi Tahu Treaty settlement with the Crown. Prior to this I was a member of the Otago Conservation Board from 1992 to 1996 via the public representation process. In 2015, I was awarded the New Zealand Order of Merit (ONZM) for services to Māori and conservation.

5 Since 2018, I have held the role of Ūpoko for my hapū at Ōtākou. I succeeded Kuao Langsbury who became Ūpoko shortly after the previous Ūpoko, my father George, died. My father had been Ūpoko since 1967.

6 Ōtākou has always had an Ūpoko. The Ūpoko has a spiritual and cultural leadership role, involving listening to and guiding the people of Ōtākou. I have authority to represent Kāi Tahu as Ūpoko and in particular matters relating to Te Rūnanga o Ōtākou and Kāi Tahu tikaka as it is lived and practised in the Ōtākou takiwā. As Ūpoko, I am a repository of the history and traditions of Ōtākou and have expertise in Kāi Tahu tikaka and kōrero tuku iho.

7 In my statement I will use te reo Māori terms throughout. Where I do so, I use the southern Kāi Tahu dialect, which generally replaces the “ng” sound with a “k”. An exception to this is when I refer to entities or names such as Te Rūnanga o Ngāi Tahu.

8 I am authorised to give this evidence on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua, Te Rūnanga o Ōtaka Aparima, Te Ao Marama Incorporated and Aukaha (1997) Limited (**Kā Rūnaka**).

Scope of evidence

9 My evidence covers the following matters:

(a) Kāi Tahu tikaka principles;

(b) cultural association;

(c) the Kāi Tahu Settlement;

(d) the Department of Conservation framework and concessions; and

(e) the relationship of Kāi Tahu, and particularly Puketeraki and Ōtākou, with the land, waters and cultural landscape affected by the proposal.

Code of Conduct for Expert Witnesses

10 Where I comment on matters of tikaka and rakatirataka, and the Treaty Settlement process, documents and application in my evidence, I confirm that those matters are within my expertise. I confirm that to the extent relevant to my evidence, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Kāi Tahu tikaka principles

11 I will first describe some tikaka principles that are central to the Kāi Tahu relationship with wai māori and the whenua. Some of these principles have general application to how Kāi Tahu places itself within te ao Māori (the Māori world), and others take on specific significance in relation to wai Māori.

12 From a tikaka perspective, the key issue is not simply the extent of the proposal's physical footprint, but its effects on an interconnected ancestral

landscape and the relationships that mana whenua maintain with that landscape. The basin is understood as a holistic cultural environment in which land, waterways, ecosystems, wāhi tūpuna, and cultural practices are inseparable.

13 The exercise of kaitiakitaka and rakatirataka depends upon the integrity of that environment and the ongoing health and mauri of its waters and ecosystems. Accordingly, long-term commercial occupation and use can affect cultural relationships by altering the character, functioning, and interconnectedness of the wider landscape, even where physical footprints are localised. Therefore it is important that mana whenua retain a meaningful intergenerational ability to exercise rakatirataka and kaitiakitaka.

Mana

14 Mana has its source with the atua at the point of creation. From creation ultimately all things in the universe are interconnected and they share a single source of spiritual authority. This spiritual force is the origin of mana and tapu. All the elements of te taiao - the mountains, the water, the birds, fish and plants, as well as people - are seen to be vessels of this original power of the atua.

15 In te ao Māori, virtually every activity has a link to maintenance and enhancement of mana. The mana of the people and that of the natural environment in their takiwā are intrinsically linked. Mana whenua have an inherited responsibility to act as a kaitiaki, or guardian, of the whenua, to ensure future prosperity for whānau, hapū, and iwi. Thus, the failure to secure the sustainability of a resource or habitat is linked to a loss of mana.

16 The indigenous authority of mana whenua includes an expectation that the perspectives, values, and practices of mana whenua are recognised and upheld within their takiwā. This includes the authority to make decisions over whenua, wai māori, tai and moana within their takiwā.

17 Therefore, authorising long-term commercial occupation through the proposal without mana whenua support diminishes the ability of mana whenua to exercise their mana, authority and responsibility.

Mauri

18 Mauri is the life-affirming quality evident in all things, including living beings, the natural world, and inanimate objects. The creation process is the primordial source of mauri which flows down through whakapapa linking all aspects of our world. The mauri is a protector of the health of a person or

place. If mauri is damaged, then the owner or the seat of that mauri is vulnerable or also damaged.

19 The mauri of water is a life-giving force that connects the environment, from the mountains to the sea. Each water body has its own unique identity or mauri, which reflects the landscape and natural characteristics of the water bodies and catchments of Papatūānuku. Waterbodies with a healthy or strong mauri are characterised by good quality waters that flow with energy and life, sustain healthy ecosystems, and support mahika kai and other cultural activities.

20 Strong mauri is reflected in the ability of the water body to exhibit its natural behaviour and by water quality throughout its course that is undiminished by unnatural additions to the wai. However, the mauri of a waterbody is unable to protect itself against unnatural actions and interventions such as damming, diversions, altered flow regimes, discharges, and activities that impact on the riverbed. Therefore, the primary resource management principle for Kāi Tahu is the protection of mauri through such concepts as tapu, noa, and rāhui. Traditionally, the significance of mauri was reflected by the invoking of tapu or the use of restrictions in the way wai or particular waterways were categorised or used.

21 The term ki uta ki tai ‘mountain to the sea’ reflects the total catchment in all its myriad forms, rock, indigenous flora and fauna, and the whenua embody respective forms of mauri that in turn influence the mauri of waterways that stem from and flow through the catchment ki uta ki tai. Anthropogenic influences and introductions of species and activities have an impact on the natural balance and mauri of the whenua and consequentially kā wai.

22 The whakapapa and shared kinship with the natural world, the importance of mauri and its primeval source, and the presence of tapu in the interrelationship between land and freshwater and people has a mana that invokes a reciprocal duty of respect and care which underpins the exercise of rakatirataka and kaitiakitaka.

23 Earthworks, infrastructure development, altered drainage patterns, vegetation clearance, snowmaking activities, discharges, increased human presence, and broader landscape modification have the potential to adversely affect the mauri of the Basin and its waters. Such activities can disrupt the natural functioning of waterways, modify hydrological processes, increase sedimentation, reduce water quality, and diminish the capacity of freshwater ecosystems to sustain mahika kai values.

Tapu

24 Tapu is the residual impact of mana. Where there is mana, the influence creates an effect that is tapu. Every natural element, including wai māori, possesses a level of tapu derived from its connection to atua and tīpuna, who themselves were imbued with significant levels of tapu. The tapu status of people, places, and resources establishes expectations for the behaviour of whānau, requiring the balancing of rights and responsibilities. Consequently, tapu operated much as any legal system, with prohibitions and restrictions acting as means of protecting and respecting the tapu of the environment and the people themselves.

25 The obligation to respect and protect the wai is derived from the significant tapu of the natural environment. As I have discussed, the wai came into being at the time of the atua and the creation of the world. As a result, its tapu is heightened, as is the obligation to protect it.

26 As explained above, wai and land are interconnected, whenua from the mountain top, to the valley and the spread-out undulating form are ancestral and connect time immemorial to the time of Raki and Papa. Whenua clothed with kā hua a Tane, trees, plants and birds, the huarere or weather events influenced by Tawhirimatea, shape and influence the mauri of wai flowing through the whenua. Placenames and pūrakau connect and recall human connection and places of sustenance, the kaitiaki acknowledges past and present, and where the function of tapu or restriction arises.

27 The concept of tapu therefore requires that activities within this landscape recognise and respect the ancestral, spiritual, and cultural significance of the whenua and wai. The scale, duration, and intensity of the proposed activities are inconsistent with the cultural character and appropriate treatment of the area.

Whakapapa

28 Kāi Tahu are bound by whakapapa to the land, water and all life supported by them. Water is a central element in our creation traditions and is present very early in the whakapapa of the world, as described in this creation account from Tiramōrehu: Nā te Pō, ko te Ao Tana ko te Ao-mārama, Tana ko te Aoturoa, Tana ko Kore-te-whiwhia, Tana ko Kore-te-rawea, Tana ko Kore-te-tamaua, Tana Ko Kore-te-matua, Tana ko Māku. Ka noho a Māku i a Mahora-nui-a-tea Ka puta ko Raki. From the Night comes the Day, the Daylight, the Longstanding Day, the Intangible Voids through to the Parentless Realm who create Moisture. Moisture couples with the Inner Space and gave birth to Raki - the sky.

29 When Te Māku (moisture) mated with Mahoranuiatea (a cloud that grew from the dawn), Raki was born of that union. Raki coupled with a number of wives, including Papatūānuku. Today, all water is seen to have originated from the separation of Raki and Papatūānuku and their continuing tears for one another. Rain is Raki's tears for his beloved Papatūānuku, and mist is generally regarded as Papatūānuku's tears for Raki.

30 From Raki's many unions came offspring, who together were responsible for creating the elements that constitute the taiao today, including the mountains, rivers, forests and seas, and all fish, bird and other animal life (including humans). Kāi Tahu claim the same descent from Raki and his wives and are therefore connected to all things by whakapapa.

31 Tribal whakapapa thus links the cosmological world of the atua to the present generation, giving rise to a spiritual relationship and respect for the mauri evident in the taiao, and to the rights inherent in rakatirataka and the associated and fundamental duties of kaitiakitaka. The mana of the wai arises from whakapapa and is inseparable from the mana of mana whenua.

32 From a Kāi Tahu perspective, whakapapa relationships are maintained through the continuing integrity of the ancestral landforms, waterways and ecosystems to which mana whenua are connected. Where those features are significantly modified, degraded or displaced, the continuity of those relationships may be compromised. In this case, the proposal is likely to constrain whakapapa relationships.

Rakatirataka and Kaitiakitaka

33 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 a term used in the RMA. It is based on the traditional concept of "kaitiaki", who were the deities that were responsible for different components of nature, but in the modern world it relates to the exercise of customary authority by mana whenua over the way a resource is used, managed, and protected.

34 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.

35 I have inherited my "kaitiaki" responsibility from my father, and from my ancestors. Kaitiakitaka is intergenerational, and in this context, it can be

briefly summarised up as having the right and responsibility to care and look after our environment as handed to us by our ancestors, mō tātou, ā, mō kā uri ā muri ake nei, for us and for future generations, our children, and grandchildren.

36 More specifically, kaitiakitaka requires mana whenua to retain the practical ability to exercise stewardship and authority over ancestral lands, waters, species, and cultural landscapes. In this context, effective kaitiakitaka requires the ability to oppose or prevent development in areas of particular cultural sensitivity, meaningful mana whenua participation in governance and decision-making processes, and ongoing access to the affected area to maintain cultural relationships and fulfil customary responsibilities.

37 Kaitiakitaka may also be exercised through cultural monitoring, the protection of identified wāhi tīpuna and other significant features, adaptive management frameworks with regular review points, and enforceable conditions capable of responding to unforeseen effects.

38 Restoration obligations are an important expression of kaitiakitaka, as they recognise a responsibility not only to avoid harm but to actively restore the health and mauri of affected environments.

39 Equally important is the ability to require changes to management approaches as mātauraka Māori develops and new information emerges.

40 A concession term of 40 years, without meaningful opportunities for reconsideration during that period, risks constraining the exercise of kaitiakitaka and rakatirataka by limiting the ability of future generations to reassess environmental and cultural impacts, adapt management responses, and determine whether continued occupation remains consistent with mana whenua values and responsibilities.

Whakawhanaukataka / interconnectedness

41 Whakawhanaukataka is expressed in the resource management approach of ki uta ki tai, which emphasises the holistic management of the interrelated elements within the natural environment. Water released by Raki as precipitation makes its way into rivers, which in turn connects the entire landscape ki uta ki tai, from the mountains to the sea. From the sea and other waterbodies, water evaporates, condenses, and falls again on Papatūānuku, an eternal holistic cycle.

42 In Kāi Tahu and wider Māori culture, the reverence for mountains is an important belief. Mountains are our relations through our shared whakapapa to Papatūānuku, and are often personified, representing

eponymous figures for hapū and iwi. This is the case for Kā Tiritiri o te Moana, the Southern Alps, the most prestigious of which is Aoraki, named after the god-like figure Aoraki, oldest son of Raki and Pokoharuatepo, he mauka ariki. The rain, hail and snow that falls on Kā Tiritiri o te Moana is of the purest form of moisture. The rivers and streams that descend from the mountains to the great inland lakes are of a wai tapu nature, reflecting the mana of the mountains and carrying an intact mauri that our people identified with and treasured.

43 From the interior mountains, wai māori flows to meet wai tai, the coastal waters. The health of our coastal lagoons, wetlands and harbours are very dependent on the quality and quantity of water that the inland catchment areas generate.

44 The moana and coastal environments are the domain of the atua Takaroa. In our creation histories, Takaroa is understood to be an earlier husband of Papatūānuku, prior to her relationship with Raki. On returning after a long absence, Takaroa was angered to find Raki living with Papatūānuku. Takaroa fought with and wounded Raki, and then left to live in the sea, to become the guardian of all sea creatures.

45 These relationships demonstrate the interconnectedness of environmental systems and form a basic tenet in Kāi Tahu resource management practices and perspectives.

46 The interconnected nature of the whenua, wai māori and the moana mean that the management of land-based activities has direct consequences for rivers, lakes, and the coastal environment. Land must be managed with this in mind. When this interconnectivity is not recognised in resource management, or not managed well, land-based activities can have a direct detrimental effect on freshwater and coastal environments.

47 Key aspects of the relationship of mana whenua with wai Māori include:

(a) The relationship is grounded in mana, mauri, tapu and whakapapa;

(b) Wai as an enduring and recognisable part of our wāhi tīpuna;

(c) The physical and spiritual experience of interacting with the wai, in all its forms and functions, traversing by waka, mahika kai activity, for use in ceremony, connecting to our whakapapa and for recreation;

(d) The gathering of mahika kai as part of our cultural identity, to provide for whānau sustenance as an expression of manaakitaka, and as a

means of passing on knowledge and cultural traditions from one generation to the next; and

(e) Involvement as kaitiaki and the restoration of awa, wetlands and coastal estuaries to restore mauri and mahika kai.

48 Wāhi tīpuna Wāhi tīpuna are interconnected ancestral places, landscapes and taoka that link to our creation traditions, reflect our histories and traditions, and also hold contemporary importance for mana whenua. They are characterised not only by natural and physical aspects, but also by the place names and associated traditions and events that bind us to the landscape, just as the landscape itself is a part of us. They underpin our mana whenua status and give body to our mātauraka and tikaka.

49 Wai is an integral and enduring part of our wāhi tīpuna. The lakes, rivers, wetlands, springs and groundwater all have their place in our traditions and history. The creation traditions and history of the water bodies underpin the ongoing relationship.

50 The rivers, lakes and wetlands, together with the coast, formed important components of the network of ara tawhito that were used by Kāi Tahu to gather resources, establish and maintain ahi kā, for wānaka, and to maintain whanaukataka with our relations. Kāika and nohoaka (permanent and seasonal settlements) were often located near rivers and lakes, near sources of mahika kai and other resources. The Mata-au is a significant ara tawhito, and integral to the network of inland trails that made it possible to transport people, mahika kai and stone resources to the coast. Other commonly used trails included the Waitaki Valley via either the Danseys or Lindis Pass, the Waihemo and Pig Root, the Waikouaiti catchment, Taiari River catchment, the Mataura River catchments, and other localised routes. Along the coast, the estuaries from the Waitaki River to Chaslands supported various hapū from the times of Waitaha.

51 The relationship of whānau and hapū with wāhi tīpuna is sustained by ongoing access and interaction with these landscapes, and the ability to recognise the landscapes of the tūpuna is important to keep the relationship alive. If the shape and behaviour of an awa or a wetland or a mountain/mauka is changed beyond recognition, then the mātauraka is more likely to be lost. The conditions that our tūpuna experienced, in terms of the behaviour of the whenua and landscape, the quality of the water in it and the mahika kai it supported, are seen as an important baseline against which to measure the current state of the water body and whenua.

52 Doolans Basin is a significant wāhi tīpuna within the wider ancestral landscape of mana whenua, where physical features, waterways, indigenous ecosystems, and cultural traditions are interconnected.

53 A key concern is that the proposal would diminish the legibility and intactness of Doolans Basin as a wāhi tīpuna and ancestral cultural landscape. The proposal raises concern of potential for adverse effects on the legibility, intactness, customary experience, tranquillity, remoteness and the ability to recognise the landscape of the tīpuna.

Taoka Species

54 Indigenous species are valued as taoka by Kāi Tahu, as are the habitats through which taoka species survive and thrive. Taoka species that rely on wai māori include tuna (eel), kanakana (lamprey), kōura (freshwater crayfish), kākahi (freshwater mussels), whitebait species (migratory galaxiids), a range of other fish, and water birds such as herons, pārera (grey duck), pūtakitaki (paradise shelduck) and pāteke (brown teal).

55 Protecting and maintaining the mauri of species and habitats is a critical function of kaitiakitaka. For Kāi Tahu, protection of taoka species requires a whole-of-system approach to their sustenance that recognises the importance of the interconnection between land, water, and other resources. It requires a focus not just on specific habitat sites, but also on the cumulative effects of activities on the wider system (including terrestrial, freshwater and coastal marine environments) that supports and sustains the species and their habitats.

56 Failure to recognise or appropriately provide for this connectivity contributes to decreases in the abundance of indigenous species and their habitats. Decline in the abundance of taoka species inhibits our ability to engage in mahika kai practices and to express and pass on cultural practices to future generations. It also impacts on our mana as kaitiaki, as it is our responsibility to look after these taoka so that they endure into the next generation.

57 The taoka species listed in the Ngāi Tahu Settlement Act 1998 are not an exhaustive list, lizards and other taoka enjoy the Central Otago habitat, and are a part of the ecosystems at place.

58 The Statement of Evidence of Matt Dale addresses matters in relation to Kāi Tahu and ecology.

Mahika kai

59 Mahika kai practices underpin the Kāi Tahu relationship with Otago's rivers, lakes, wetlands, 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 to provide for whānau sustenance and as an expression of manaakitaka both at the marae and at home, and to ensure that the knowledge of customary practices is passed on from generation to generation.

60 The inland lakes and waterways of the Otago region once supported rich and healthy mahika kai resources. The lakes and their surrounds attracted Kāi Tahu hunter-gatherer parties that would travel inland from the coast to camp at nohoaka often located adjacent to lakes and waterways to engage in mahika kai activities. The great lakes could be navigated by waka while the ready availability of raupō at the Mata-au and in the interior of Otago ensured the return journey down the Mata-au could be made by mōkihi to convey mahika kai and stone resources to the coast. Tauraka waka locations on the seaward journey provided access to other nohoaka and stop off points, and the opportunity to forage and hunt. The lower Mata-au and tributaries were particularly rich in mahika kai resources.

61 Other Otago rivers were similarly used, including the Taiari (Taieri), Waihemo and Waitaki. These rivers were a source of many waterborne mahika kai, including freshwater shellfish, kōura (freshwater crayfish), tuna (eels), kanakana (lamprey), kōkopu, and waterfowl. They also provided harakeke (flax) and raupō (bullrush) as resources for weaving and the construction of mōkihi (rafts).

62 On the Taiari, for example, Ōtākou and Puketeraki hapū would make seasonal visits along the awa to gather resources and strengthen the kūpeka (net) of whakapapa on which their resource rights were based. Whānau groups from Ōtākou commonly migrated through the whole of late spring and summer into the interior. They gathered eels at the lakes on the Taiari Plain, took kanakana (lamprey) in the Whakaehu (Silverstream), and followed the Taiari into the Māniatoto, enjoying eeling and bird-trapping mahika kai activity as they went. Other resources were harvested along the way, including tī kouka, tikumu and taramea.

63 For mahika kai to be sustained, populations of species must be present across all life stages and must be plentiful enough for long term sustainable harvest. Safe access to mahika kai sites must be available, kai must be safe to gather, safe to harvest and safe to eat, and management and

harvesting practices must be able to be carried out in accordance with tikaka.

64 If people are unable to learn how to harvest and care for mahika kai because access to resources has been lost through alienation or degradation, then the mātauraka about how to manage resources in accordance with tikaka will also be lost.

65 Mana whenua, as kaitiaki for the waterways and coastal environments of Otago, have a duty to ensure that healthy resources are passed on to future generations, and are involved in monitoring and restoration of awa, wetlands and coastal estuaries as part of fulfilling this duty. The health of mahika kai is an important indicator of the health of the water body as a whole; through practising mahika kai, whānau are also able to monitor the ongoing health of wai māori and the takiwa.

66 The Statement of Evidence of Matt Dale covers matters in relation to Kāi Tahu and mahika kai.

Pūtake-mauka and rakatirataka entitlements

67 The concept of pūtake-mauka describes how Kāi Tahu traces our whakapapa relationship with wai māori back to the mountains (mauka), who are our ancestors.

68 Āraiteuru, a waka Ātua, was a great migration waka that foundered near the mouth of the Waihemo (Shag River). Its many passengers are remembered by the names that are now on the landscape in the form of mountains. Many place names in Otago derive from the waka Āraiteuru. The naming of places is an enduring and physical sign of rakatirataka.

69 When I recite karakia as Upoko, I will almost always refer to particular mauka so that the particular kaupapa or meeting is grounded in the spiritual world. Mauka are elevated in Kāi Tahu karakia.

Waerea te raki e tū ra	*make open the domain of Raki*
Waerea te papa e takoto nei	*make open the domain of Papa*
Waerea te mauka o Te Ātua o Taiehu	*make open the mountain of Taiehu*
Ki kā tipua o te raki e ruka ana	*the lofty domain of the gods*
Ki kā tipua o te tawhito	*the rightful place of the gods*
Waerea tērā oneone tapu	*make open the sacred lands*
Waerea te whenua ra i ahumairaki	*clear this sacred place*
Waerea te awaiti ko Kaiwhare	*make open the waters of Kaiwhare*
Waerea kia puta ki te whaiao	*bring forth the light*
Ki te ao marama	*the world of life, light and water*

70 First there was darkness, then the great void as light emerged, coupled with moisture and then great expanses of water. Into this realm came the celestial waka of Aoraki, carrying him and his younger brothers to visit their siblings from another mother (Papatūānuku). On their return to their celestial homeland their karakia faltered as did their ascent, the waka listed and the brothers clambered to the high side and were turned to stone. Hence the initial formation of the motu Te Waka a Aoraki.

71 The kōrero of creation, the interconnectedness between the celestial and earthly world, speak of mana and power of the atua, the source of mauri that has a whakapapa in the pūrākau, and a tapu that transcends time and recognises an interconnectedness that requires protocols to whakanoa for we mortal beings to access and use ngā taoka tuku iho.

72 Our mauka are pivotal to our identity, in our connection to the landscape, shaped and hued by our kāhui mauka, holding in their names our past and our future, a source of pristine wai, unfaltering springs, influence on weather, and the characteristics of our landscape.

73 Water is central to Kāi Tahu creation stories and whakapapa, and our past, present and future relationship with te taiao (the natural environment). The rights of rakatirataka and the obligations of kaitiakitaka in relation to the natural environment arise from, and are fundamentally linked to, whakapapa. This connection means the state of health and wellbeing of wai māori and te taiao is seen as a reflection on the mana, health and wellbeing of mana whenua.

74 Our rakatirataka stems from our take or the origin of our customary rights to place, resources and the traditional exercise of authority on matters of kawa and tikaka that perpetuates values, beliefs and te oraka o te taiao.

75 I have also mentioned ki uta ki tai earlier in my statement, which means “from the mountains [above] to the sea [below]”. The concept of ki uta ki tai demonstrates how interconnected everything in the natural world is — for example, the mountain and the water are not separable. This term is about the holistic management of interrelated elements within the natural environment. I also refer to ki uta ki tai in karakia.

Our takiwā

76 Having described the relevant tikaka principles, I will now describe my experience of living within the takiwā and the changes to wai māori I have noticed throughout my life. In doing so I will draw on my knowledge as Upoko of the history of the takiwā.

77 Tikaka traditionally related to observing the seasonal appropriateness of taking resources, observing tapu and noa, and ensuring the sustainable use of resources to allow for the needs of future generations. It also related to the use of karakia and protocols that maintain balance and respect for the interconnectedness of mana whenua with natural resources.

78 Alienation from land and resources, loss of access to taoka and mahika kai, and the destabilising effects of colonialisation pushed to the margins the role and function of rakatirataka in the takiwā.

79 The Statement of Evidence of Gail Tipa links wai Māori to both takiwā and tikaka by describing Kawarau, its alpine waters, downstream rivers and Whakatipu-wai-Māori as a single interconnected ancestral landscape.

Cultural Association

80 Kāi Tahu whānui have a long association with the Doolans Basin. The Whakatipu-wai-Māori area and Whakatipu-wai-Māori has profound cultural, historical and cultural significance to Kāi Tahu. The Project Area involves a network of waterways that connect Doolans Basin with Te Papapuni and te riu hopuwai o Kawarau.

81 The Mata-au is the largest river in Aotearoa in terms of discharge and catchment size, with the mainstem spanning 338km from Wānaka in the Southern Alps to the Pacific Ocean 75km southwest of Dunedin. The Mata-au and its major tributaries are fed by headwaters in Ka Tiritiri o te Moana and augmented by outflow from Whakatipu-wai-māori.

82 In the realm of fantastic deeds stands Rakaihatū of the waka Uruao, and his journey of discovery and creating great puna or lakes with his digging implement, Tūwhakarōria. As he journeyed south from Whakatū, he uttered the prophecy, “he puna karikari, he puna waimarie, he puna hauaitu”, “there will lakes dug by the hand of man, there will be lakes plentiful, and rich with kai, there will be frozen lakes”. Rakaihautu was the tangata who lit the fires of occupation in this island, comment by Wi Pōkuku, at Moeraki, 1880.

83 The deeds of Rakaihautū extended westward from Whakatipu-wai-Māori (Lake Wakatipu) via Te Awa Wakatipu (Dart River) and Whakatipu Katuka (Hollyford River) to the Poutini coast at Whakatipu Waitai (Lake Mckerrow and Martins Bay). Raikaihautu deeds extend to Te Ara a Kewa (Foveaux Strait) and north along the east side of the motu, to Te Roko Nui o Whata (the remnants of which are known as Lake Kaitangata today). He continued on to the wetlands Waihora (Waihola) and Waipōuri (Waipori), and on to Kaikarae, where a feed of the bird karae was enjoyed, hence the name, although corrupted to “Kaikorai” today. Rakaihautu met up with his son Rokohouia at Waihao, a wetland in South Canterbury, named for a particular type of tuna gathered there. Rokohouia had travelled in the Uruao waka down the East Coast of the South Island naming rivers as he progressed southward. Hence the motu is long known by and associated with descendants of Rakaihautū, the Waitaha.

84 The names of Whakatipu-wai-Māori and Wānaka originate from the earliest expedition made by the tūpuna Rakaihautū and his party from the Uruao waka.

The Kāi Tahu Settlement

85 I was involved in both the A and C negotiating teams. One of my roles was to go and sit in Parliament through the “rubber door” (the Parliament House’s ground floor entrance) and observe the passage of the Bill that became the Ngāi Tahu (Pounamu Vesting) Act 1997, before the Crown and Kāi Tahu went into the final settlement process. I also attended meetings of the 'B Team' as required. I have in depth knowledge of the compromises struck during the settlement, including conservation related redress and the intended platform that settlement was intended to create – namely, a new age of co-operation and way for the Crown and Kāi Tahu to move forward as Treaty partners.

Mahika kai in the Settlement

86 When negotiations started, the negotiating teams met with the Crown and discussed the parameters and areas we wanted to settle. Kāi Tahu

proposed a template and working definition for mahika kai, and a list of settlement proposals and negotiation bottom lines.

87 The mahika kai provisions in the Deed of Settlement relate to and were aimed at enhancing traditional Kāi Tahu mahika kai practices.

88 One of the key parameters was that the Crown was to accept responsibility for the environmental restoration of those mahika kai returned to Kāi Tahu in an environmentally degraded condition. On that point, Kāi Tahu received some nohoaka (temporary campsites) located on Crown land as redress. This was in part to reconnect to the whenua and waterways near traditional mahika kai resources.

89 Kāi Tahu negotiated representation on Fish & Game Councils in the tribal takiwā (one person per council), and on conservation boards that were fully in the takiwā (two positions) on each board, and one on the Nelson Marlborough Board (shared takiwā). We did not seek representation on regional, city or district councils, because they are not statutory appointments. The settlement also included a dedicated membership role for Kāi Tahu on the New Zealand Conservation Authority. There was also a requirement for the Crown to annually or biannually check how the RMA was being implemented. It was not a rigorous assessment by the Ministry for the Environment of how our councils were performing in the RMA / Kāi Tahu space. It seemed to be more about councils responding to high-level enquiries. I am not aware of that exercise having persisted beyond the initial years of the Ngāi Tahu Claims Settlement Act 1998. If it did, insofar as freshwater management is concerned, I do not think it was very effective.

90 There were some provisions around taoka species that made it into the Deed of Settlement. But as far as I can recall there was no particular sum earmarked for mahika kai in the settlement. Funding 23 of our mahika kai initiatives has really been internal. Kāi Tahu were offered a role on an upcoming review of the “heritage protection review” that included the review of the Historic Places Act 1993. I filled that role on the Ministerial Advisory Committee.

91 In my view, the mahika kai aspect of the Settlement was not very successful in getting a programme in place that would allow Kāi Tahu to turn a corner. The mechanisms available from the Settlement flag our interest, require our engagement, to recognise and protect our values in policy, plan and resource consents. Converting such opportunities to positive outcomes and mahika kai restoration is built on relationships and partnership, that involve successive generations of our people, to rebuild and connect mātauraka to place and taoka.

Rakatirataka

92 The Treaty of Waitangi and its signing confirmed our rakatirataka existed prior and not because of it, the Ngāi Tahu Treaty Settlement addressed the breaches that the Crown inflicted on our rakatirataka, and in many respects were unable to atone for the full loss our iwi suffered. The Apology stood as an important and valued gesture that honours our generations who were subjected to the Crown breaches and who sought to rectify those losses and injury to rakatirataka. It was of great comfort to those of us who were party to the Settlement to have the spoken and written Apology from the Crown, in memory of our respective tīpuna who saw no light at the end of the tunnel, who were subjected to the indignity of powerlessness and yet retained their personal mana and composure, whilst their rakatirataka was trampled on, they are still waters that run deep, never to be forgotten.

Importance of Public Conservation Land

93 At the time of the Settlement negotiations, we felt (and we still feel) that Kāi Tahu had a marginalised role in conservation management:

94 Although Kāi Tahu had a presence on conservation boards, this had been done through the public representation process and did not acknowledge the special role of Kāi Tahu in managing land within its takiwā. Those boards were not welcoming places for our representatives, and we struggled to effectively give input.

95 Similarly, my seat on the NZCA was not a dedicated seat, and I often felt powerless to push back against proposals which were incompatible with the role of Kāi Tahu as kaitiaki. For example, I had encountered issues in my dealings with various non-governmental organisation on the NZCA, some of whom had the attitude they held proprietary rights toward the Department of Conservation (Department) and the conservation estate.

96 We had observed devastating damage to our environment. For example, during this time 90% of the wetlands in our takiwā had disappeared, which diminished our mahika kai.

97 We therefore saw conservation management as a key area to restore the connection to taoka, mana and rakatirataka of Kāi Tahu and cement a fruitful relationship with the Crown.

98 A particular focus during the negotiations was public conservation land. We saw public conservation land as a prime settlement opportunity: the land was in a largely natural condition, which alongside its intrinsic value would provide greater opportunities for mahika kai. To that end, it is important

context that the return of conservation land was effectively off the table and that therefore framed our negotiations and what was possible.

99 Our focus in the negotiations was therefore on three areas, "mana", "use", and "access/management", and we negotiated with the Crown on that basis. Redress such as sole title, joint title, nohoaka and statutory recognition were a consideration under the heading of "mana interest". We also had a category of access / customary use across rights of way, marginal strips, and adjacent land. A third category was about management / influence in maintaining catchment biodiversity, habitat, water quality and riparian standards. The upshot was that sole title was sought in very few instances by rūnaka and a heavy reliance rested on access / customary use and management influence. These mechanisms were predicated on the condition that strong mechanisms were put in place for Kāi Tahu to exercise its rakatirataka in managing the land. Because of the huge amount of public conservation land in our takiwā, we felt that this was a pragmatic approach.

100 Section 4 of the Conservation Act 1987 (**section 4**) was the cornerstone to the settlement we negotiated with the Crown. During negotiations, the Kāi Tahu negotiators (including myself) were buoyed by the decision of the Court of Appeal in *Ngai Tahu Maori Trust Board v Director-General of Conservation* (the *Whales* case)[1] in relation to section 4. That decision gave us a stronger platform with which to negotiate proper recognition of Kāi Tahu rakatirataka with the Crown.

101 The important point to emphasise in this regard is that the Treaty settlement redress in relation to public conservation land was negotiated in the context of a strong interpretation of section 4 by the Court of Appeal. We relied on the Department fulfilling its obligations under section 4 alongside our Treaty settlement redress: the two went hand in hand. If section 4 is not honoured and the principles of the Treaty of Waitangi not given effect to, then that not only breaches the section 4 obligations, but it also inevitably undermines our Treaty settlement redress.

102 I am certain that the Settlement would have looked very different had section 4 looked different. By that I mean that Kāi Tahu would not have made the concessions it did without the reassurance that section 4 would provide the same degree of protection and empowerment into the future as it had in the *Whales* case.

[1] *Ngai Tahu Maori Trust Board v Director-General of Conservation* [1995] 3 NZLR 553 (CA).

103 I note the decision in *Ngā Tai ki Tāmaki Tribal Trust*[2] (a case that Kāi Tahu joined at the Supreme Court level) confirmed the powerful effect of section 4 and the obligations of the Minister and the Department in relation to giving effect to the Treaty principles.

104 On top of the proper recognition of section 4, the Settlement provided for mechanisms and opportunities by which Kāi Tahu and the Department could form a renewed and ongoing partnership. The Deed of Settlement was not the "final destination" reached together by Kāi Tahu and the Crown. It was intended to be a living document, which would guide an evolving future relationship between the parties, a restart, and a starting point to resurrect the Treaty partnership.

Department of Conservation Framework and Concessions

105 As I note above, section 4 (and the strong interpretation of it) provided foundational context for how our conservation redress was negotiated and agreed in our Treaty settlement.

106 Beyond that important Treaty settlement context, it is also critically important to Kāi Tahu that the Minister and Department comply with their section 4 obligations in accordance with the strong direction set by the Court of Appeal in the *Whales* case and the Supreme Court in *Ngāi Tai ki Tāmaki Tribal Trust*. The section 4 obligation is a direct statutory obligation that is separate and additional to the Treaty settlement (they are related but should not be conflated).

107 Section 4 principles have been evolving slowly since their introduction in 1987, the Government published in 1989 “Principles for Crown Acting on the Treaty of Waitangi”. Case law since then included the *Ngāi Tahu Whale* case. More recently the Ngāi Tai case in 2018 clarified that the Department of Conservation must actively consider Treaty of Waitangi principles, including potential preferences for iwi, when granting commercial concessions on public conservation land. In addition to the above cases, section 4 has been the source of much growth and understanding between DOC and hapū and iwi, forging new understandings and engagements akin to partnership.

108 Section 4 responsibilities should not be read down, or reduced, but remain an important duty to uphold and give effect to the principles of the Treaty of Waitangi.

[2] *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122.

109 Kāi Tahu has been in discussions with DOC for many years seeking to have section 4 honoured to the full extent, and that has not yet occurred. Again, given so much land in the Kāi Tahu takiwā was not returned in our Treaty Settlement and remains as public conservation land, that places great importance on the Minister and Department giving full effect to section 4. That provision is the statutory basis for our access to the whenua which for so long has been denied to Kāi Tahu in any meaningful way.

110 In a fast-track application context, giving effect to Treaty principles in the circumstances of the application generally requires more than simply consulting with mana whenua or acknowledging Māori interests. In the circumstances of this application, giving effect to Treaty principles requires recognising and actively protecting the relationship of mana whenua with the affected ancestral landscape, waterways, ecosystems, and wāhi tīpuna in the project area. This includes considering how the proposed concessions affect the ability of mana whenua to exercise substantive rakatirataka, rather than reducing their role to procedural participation alone.

111 The Fast-Track application seeks leases, licences and easements from the Department of Conservation for a major and effectively permanent expansion of the ski area into Doolans Basin. In that context, I hold a concern that structuring concession terms at 40 years has the practical effect of securing long-term occupation and commercial use of conservation land while avoiding statutory thresholds that may otherwise engage Ngāi Tahu settlement protections, including rights of first refusal.

112 Of further concern is that a 40-year term of concession far exceeds a nominal duration of a generation of our people, which even if 25 years is considered a standard generation, would mean nearly two generations are constrained from fully exercising kaitiakitaka. The commitment by one generation to such a lengthy tenure and denial of subsequent generations opportunity to 'review' and 'renew' connection and exercise their mātauraka is counter to good cultural practice and being a good tīpuna. This concern is based on my experience as kaumatua.

113 The Panel should therefore carefully consider not only the nominal duration of any concession, but also its practical effect and consistency with the purpose of the settlement framework and the obligations imposed by section 7 of the FTAA.

Conclusion

114 We have a duty when exercising our rakatirataka to provide for future generations in a way that does not encumber kā uri with irreversible

environmental damage in the name of short-term gain for shareholders whose negative environmental legacy and risks will long outlast the life of the activity and accountability of the interests involved.

115 For the reasons set out in this evidence, I consider that the proposal is fundamentally inconsistent with the Kāi Tahu tikaka principles that govern the relationship of mana whenua with the whenua, wai māori and wider ancestral landscape. Concepts such as mana, mauri, tapu, whakapapa, rakatirataka, kaitiakitaka and whakawhanaukataka are not abstract values but practical obligations that guide the exercise of customary authority and responsibility.

116 There is also depth and continuity of Kāi Tahu cultural association with Doolans Basin, Whakatipu-wai-Māori and the wider surrounding landscape. These places are not isolated sites but form part of an interconnected wāhi tīpuna landscape shaped by whakapapa and enduring cultural practices.

117 While there is an existing ski area and modifications within the wider landscape of the Doolans Basin, the proposed expansion would involve substantial, permanent development in the upper basin, encompassing new ski field infrastructure, buildings, accessways, services and associated earthworks.

118 Existing development has already impacted the integrity of the wider wāhi tīpuna landscape. This proposed development risks further altering the character and experience of the Basin and landscape.

119 The Settlement provides important context for assessing the proposal. The Settlement was intended to acknowledge past Crown breaches, restore and support Kāi Tahu rakatirataka, and establish a renewed Treaty partnership founded on good faith, cooperation and the meaningful participation of Kāi Tahu in the management of their ancestral resources and landscapes. The Settlement mechanisms were negotiated alongside, and in reliance upon, a strong interpretation of section 4 of the Conservation Act. In my view, decisions under the FTAA should honour the Settlement and give effect to Treaty principles. Decisions on concessions should involve considering how the proposed concessions affect the ability of mana whenua to exercise substantive rakatirataka.

120 Finally, the proposal must be assessed in light of the enduring relationship of Kāi Tahu, and particularly Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou, with the affected land, waters and cultural landscape.

121 In my view, the application should be declined for the reasons set out in my evidence.

Edward Weller Ellison
27 October 2026