

CULTURAL IMPACT ASSESSMENT

FOR

**PLAN CHANGE APPLICATION BY TEKAPO LANDCO
LTD TO MACKENZIE DISTRICT COUNCIL**



Prepared on behalf of Te Runanga o Arowhenua

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TABLE OF CONTENTS

1.0	INTRODUCTION	5
1.1.	Project Objectives.....	5
1.2	Format of the report.....	5
1.3	The areas considered in this report	6
1.4	Understanding the Cultural Context.....	6
1.5	Terminology used in this report.....	6
1.6	Limitation of this Report	6
1.7	Consultation with Te Runanga o Arowhenua.....	6
2.	THE PROPOSAL	9
3.	THE STATUTORY CONTEXT: RECOGNISING AND PROVIDING FOR CULTURAL VALUES	10
3.1	Te Tiriti O Waitangi.....	10
3.2	Cultural and Traditional Principles for Sustainable Management.....	11
3.3	Resource Management Act 1991 (RMA).....	14
3.4	Iwi Plans	16
3.5	The Ngai Tahu Claims Settlement Act 1998.....	16
4.0	CULTURAL IMPACTS	16
5.0	CONSISTENCY WITH THE AROWHENUA IWI PLAN	28
6.0	CONCLUDING COMMENTS	30
6.1	Priorities of Te runanga	30
6.2	Adverse effects to be avoided.....	30
6.3	Ongoing Discussions.....	31
6.4	Conditions to be Imposed.....	31
6.5	Going forward – Te runanga expectations.....	32
APPENDICES	Error! Bookmark not defined.	
REFERENCES		36

1.0 INTRODUCTION

Ngai Tahu have a long association and involvement with the catchments of South and Mid Canterbury and are the kaitiaki runanga for the Tekapo township and its surrounds. The Crown formally recognised this significance recently with the enactment of the Te Runanga o Ngai Tahu Act 1996 and the Ngai Tahu Claims Settlement Act 1998. Te Runanga o Arowhenua, is responsible for assessing how any activity in their takiwa impacts upon their cultural values, beliefs and practices.

Tekapo Landco Ltd is expected to acknowledge the kaitiaki responsibilities of Te Runanga o Arowhenua, in all its activities in and around Tekapo. It commissioned this CIA to document the concerns of the runanga with respect to the plan change application to the Mackenzie District Council. However, Te Runanga o Arowhenua expect the relationship to ensure beyond the CIA and plan change process.

1.1. Project Objectives

The objectives of this report are:

- To provide information on the nature and extent of cultural interests, in the areas where the plan change will have effect, that are protected by the provisions of the Resource Management Act 1991, in particular sections 6(e), 7(a) and 8;
- To identify the impacts associated with the proposal that are of concern to the runanga; and
- To identify mitigation for impacts identified that are to be discussed with the runanga.

1.2 Format of the report

This report has been divided into a number of chapters:

Chapter 1 sets out the objectives and scope of the report.

Chapter 2 describes the proposal.

Chapter 3 provides the statutory, planning and policy frameworks within which the cultural impacts will be assessed.

Chapter 4 - provides a general discussion of the issues of concern to Te runanga that are specific to the proposal.

Chapter 5 concludes the report, highlighting the key issues that from the perspective of Te Runanga o Arowhenua need to be addressed.

Please note that a CIA is expected to provide an overview of the cultural environment, both traditional and current. Because many CIA have been prepared for the Waitaki, we have appended the cultural discussion from a previous CIA. This has enabled us to focus on the identification of impacts.

1.3 The areas considered in this report

Although the footprint of the plan change is defined, we need to acknowledge that whanau value cultural landscapes at multiple levels including the riverscape from the mountains to the sea.

1.4 Understanding the Cultural Context

The discussion of the cultural values of the runanga that is introduced in this report is not meant as an exhaustive treatment of the subject. Rather, it seeks to provide a conceptual framework for the Impact Assessment included as Chapter 4. It is an attempt to explain a Ngai Tahu's perspective on the environment into terms more readily understood by the wider public, recognizing that a Ngai Tahu perspective is fundamentally different in its treatment of human/nature interactions. This framework, we believe, is essential to understanding the depth and complexity of Ngai Tahu relationships with the Waitaki and other catchments in South and Mid Canterbury, and the impacts of the development on this relationship.

1.5 Terminology used in this report

In this document, the use of the term 'Ngai Tahu' should be considered to include the constituent indigenous iwi, being Ngai Tahu, Ngati Mamoe, Waitaha. The term 'iwi' (tribe) is used in the same context.

We have also used the term "Te Runanga" which is to be read as Te Runanga o Arowhenua.

1.6 Limitation of this Report

This CIA represents best endeavours by the Te Runanga o Arowhenua to identify cultural effects of concern. They reserve the right, however, to oppose the proposal or pursue avoidance or mitigation of any subsequent impacts that are identified as a result of further site visits or further discussions with Tekapo Landco Ltd.

1.7 Consultation with Te Runanga o Arowhenua

Pursuant to section 6 of the Te Runanga o Ngai Tahu Act 1996, Te Runanga o Ngai Tahu (TRONT) is the tribal representative body of Ngai Tahu Whanui (the tribal collective), and is a body corporate duly established on 24 April 1996. Contained in Section 5 of that Act is a detailed description of the takiwa (area) of Ngai Tahu Whanui, which confirms that the proposal is within the rohe of Ngai Tahu.

Section 15(1) of the Act states:

Te Runanga o Ngai Tahu shall be recognised for all purposes as the representative of Ngai Tahu Whanui.

Section 15(2) of the Act states:

Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngai Tahu Whanui, be held with Te Runanga o Ngai Tahu.

Section 15(3) of the Act states

Te Runanga o Ngai Tahu in carrying out consultation under subsection 2 of this section shall seek the views of such papatipu runanga of Ngai Tahu whanui and such hapu as in the opinion of Te Runanga o Ngai Tahu may have views that they wish to express in relation to the matter ...

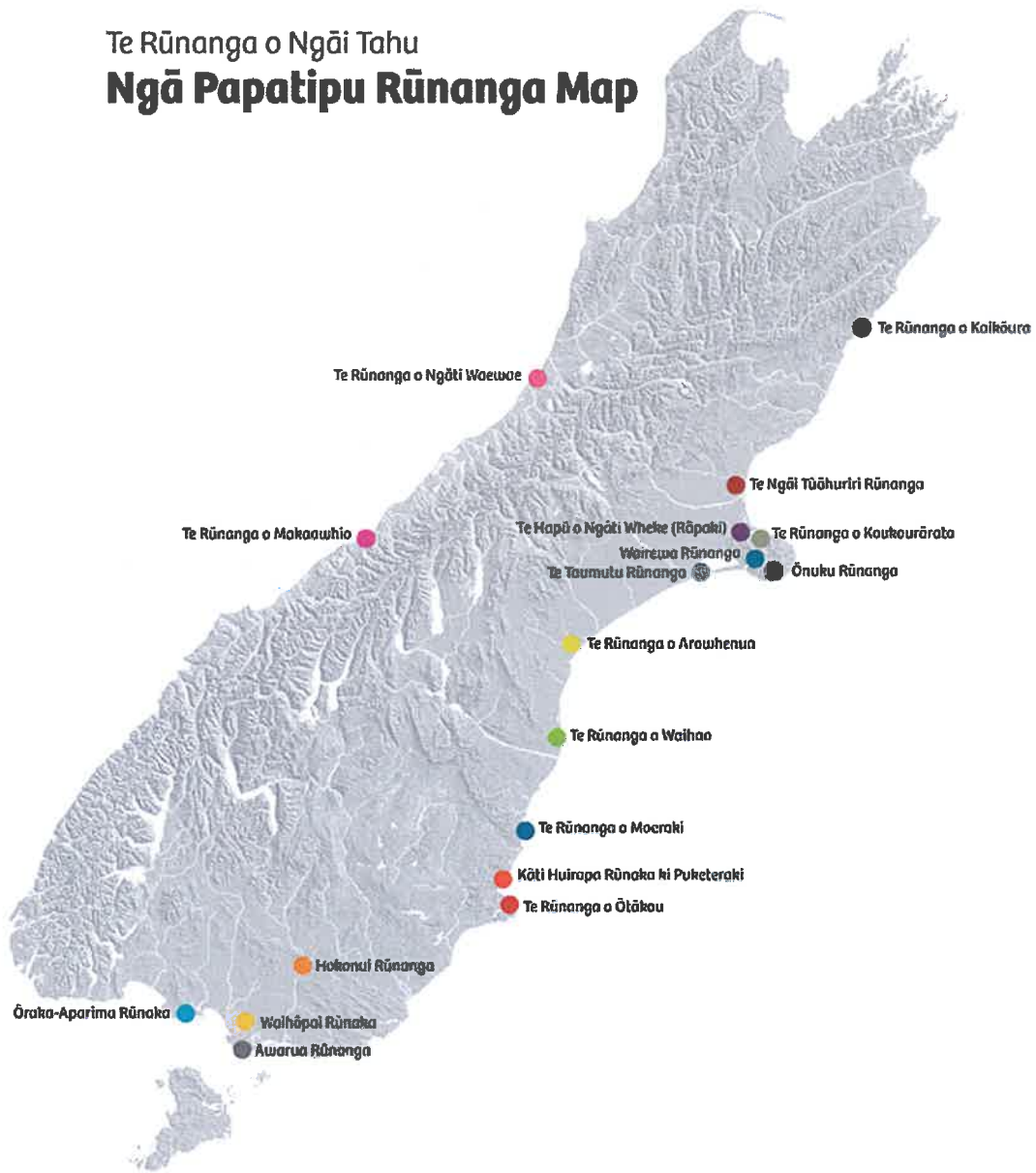
The Act therefore confirms TRONT's status as the legal representative of the tangata whenua.

The First Schedule of the Act lists the eighteen Papatipu Runanga that represent the members of Te Runanga o Ngai Tahu. Te Runanga o Arowhenua is identified as one of those constituent Papatipu Runanga and is therefore recognised by TRONT as one of the kaitiaki runanga for the area affected by the proposal. It is common practice today for the interests of Ngai Tahu whanui to be represented by both TRONT and the Kaitiaki Runanga of the area involved.

The location of the marae that is at the centre of each of the three runanga is shown in Figure 1.

Figure 1

Te Rūnanga o Ngāi Tahu Ngā Papatipu Rūnanga Map



2. THE PROPOSAL¹

Tekapo Landco Limited (the applicant) to provide landscape planning and Assessment of Landscape Effects for a proposed District Plan change regarding the existing Special Travellers Accommodation Zone (STA Zone) and Residential 2 land, to a proposed Residential 1 Zone, a proposed Recreation P Zone, an amended Residential 2 Zone, and to apply the existing STA Zone to the present Camping Ground sub-zone.

The proposed plan change will enable development of about 182 dwellings with a range of densities across the Residential 1 and Residential 2 zones. This level of development along with the traffic generation of the zones that are not part of the plan change is expected to generate 2,930vpd. Accordingly, the proposed plan change is only expected to generate an additional 400vpd above the permitted level of development. It is considered that if the road was widened to accommodate the permitted level of development then the effect of the potential traffic volume increase of the plan change would be minimal as it could be accommodated safely and without on-going maintenance costs on Lakeside Drive.

This site is an elongated block of land, 24 hectares in size, measuring 1km by 200 metres approximately. It sits wholly on a terminal moraine created by lake fed glaciers facing northeast, at the northwest end of the Tekapo township, overlooking Lake Tekapo.

The Tekapo township sits on the moraine, overlooking Lake Tekapo and being valued by both tourists and locals for its spectacular mountain views, dramatic open landscapes and access to summer and winter recreation.

The existing zoning is an area of approximately 4 hectares in Residential 2 at the southeast of the site with the remainder of the site being STAZ with a campground subzone in a central, lower area facing Lakeside Drive. These zones do not quite fit the existing titles on the site or the existing campground area.

The site is bounded by Lakeside Drive to the east, over which is an area of Recreation P zoned lakefront reserve of open grassland and mature conifers. There is Residential 2 zoned land (MDC owned) to the southeast, state highway 8 to the south, an unformed local paper road and rural zoned land to the west with Tekapo Springs (Recreation A Zone) and rural zoned land to the north and west.

Mt John is the closest and most dominant landform to the site, with open views across Lake Tekapo to the Two Thumb range of the Southern Alps. There is currently public access on the western end of the site to Mt John through an easement, which is managed by the Department of Conservation (DOC).

The site is linked to the Tekapo Township by Lakeside Drive and pedestrian linkages but is not wholly visible from the township. The Residential 2 Zone also runs east, continuously from this site to the village centre. The remainder of the site which is mainly the higher western and northern parts is in wilding conifers, being mainly Douglas fir, Corsican pine, Ponderosa pine and larch. This part of the site is not used for camping or accommodation activities. It corresponds approximately to the STA Zone outside the existing Residential 2 Zone and

¹ This was supplied by the applicant.

Campground Sub-zone. It does include the Mt John Walkway at the northern end above Tekapo Springs.

The character of the site is dense tree cover of wilding forest on the upper slopes and the mature, more open tree planting lower on the site and on the publicly owned lake frontage through which Lakeside Drive wanders.

Lakeside Drive accesses the campground, Tekapo Springs and the Mt John walkway car park. This all creates a well-used and recognised landscape.

The site is currently used, mainly for a campground. These facilities comprise a managers' quarters and office, motel units and a backpacker's building on the south east end of the site. In the centre of the site, on the lower flanks is the campground with a variety of the tent, campervan sites, cabins, some semi-permanent camps and ablution facilities.

3. THE STATUTORY CONTEXT: RECOGNISING AND PROVIDING FOR CULTURAL VALUES

3.1 Te Tiriti O Waitangi

In 1840, Te Tiriti o Waitangi (Treaty of Waitangi) was signed between the Chiefs of Aotearoa and Her Majesty the Queen of Enland formalising an agreement to allow British subjects to settle in areas such as Te Wai Pounamu, under formal British colonial rule, and which guaranteed to Maori the protection of their taonga (possessions) for so long as they wished. Such taonga included their waters², lands, fisheries and mahinga kai.

Te Tiriti o Waitangi reaffirmed these rights thus:-

Maori Text:

“Ko te Kuini o Ingarani ka whakarite ka whakaae ki nga Rangatira, ki nga Hapu, ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o o ratou whenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Whakaminenga me nga Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi whenua e pai ai te tangata nona te whenua, ki te ritenga o te utu e whakarite ai e ratou ko te kai hoko e meatia nei i te Kuini hei kai hoko mona”.

English Text:

“Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively

² The Waitangi Tribunal has defined taonga value as including the value of the water itself, the resources living in the water and the resources sustained by the water.

or individually possess so long as it is their wish and desire to retain the same in their possession....”.

The words “their lands and estates, forests, fisheries...” in the Treaty of Waitangi encapsulates the right to mahinga kai, to places where the resources are harvested, the activity and business of gathering kai and includes the type of resources that were caught or gathered. It was upheld by the Waitangi Tribunal that Maori fishing rights have endured to the present day.

3.2 Cultural and Traditional Principles for Sustainable Management³

Traditional management was founded on a set of cultural values that arose from the Ngai Tahu worldview. These cultural values include a set of principles upon which the relationship between people and the environment must be based in order to sustain the balance between the needs and demands of humans and the health of the natural world that sustains them. The following principles are significant elements of the Ngai Tahu worldview which, when understood together, approximate the non-Maori concept of “sustainable management”.

Te Ao Maori: The principle of holism: Sustainable management must consider the environment and its component parts as a whole and assess effects from actions across all dimensions, spiritual, mental, biophysical, and social [te taha wairua, te taha hinekaro, the taha tinana, te taha whanau].

Whanaungatanga: The principle of kinship, connectedness, and interdependence between all things within the natural world including people: sustainable management must be based on ethics of Whanaungatanga reflecting and giving life to the inter-relationship between all things. Sustainable management should seek to sustain the health, wealth and well-being of the natural environment while sustaining the communities of people dependent upon them.

Whakapapa: The principle of cause and effect, descent and transmission: Sustainable management must be predicated on an understanding that all actions cause effects which in turn cause other effects. Eventually the cycle of effects returns in kind to the original actor. Sustainable management decisions must consider all immediate and downstream effects in the present and, as far as possible, into the future.

Taonga Tuku Iho: The principle of generational continuity and responsibility: Present generations are one with those who have gone before us and those yet to be born. This applies to people and to generations or successive cycles of other species or natural phenomenon. Present generations have an overriding obligation to control the effects of their actions so as to ensure that resources

³ This section draws on the work of Hana Crengle (2002) in Tipa et al (2002). Crengle has written extensively about cultural values, Treaty values and the Resource Management Act 1991. She has previously worked for Ngai Tahu Maori Trust Board and Te Runanga o Ngai Tahu as the Natural Resource Manager. This material is included in most CIA prepared.

are passed on to future generations in at least as healthy and productive a condition as they were inherited from the ancestors.

Under Ngai Tahu conception, all elements within the world are linked by mutual descent from the atua (deities) and the primeval parents, Rakinui and Papatuanuku. Thus all parts of the environment are related to one another and exist within a mutually inter-dependent whole.⁴

The paragraphs that follow summarise (via a series of dot points) key cultural values as understood and approved by Ngai Tahu.

Whakapapa incorporating:

- Traditional knowledge and scientific classification of relationships between parts of the ecology (e.g. the relationship between water and fisheries, or between individual ecological functions);
- Ancestral descent rights that define authority as between individuals and groups of people to control, manage and act as kaitiaki guardians, for the benefit of present and future generations;⁵ and
- Approval from the Gods and non-human kaitiaki guardians conferred on certain individuals, whanau, and hapu who are designated by mana Atua expressed through whakapapa ancestral right and obligation, to be the rightful people entitled to benefit from the resources and to carry the associated mandate to protect the environment and to speak on its behalf.

Whanaungatanga incorporating:

- Inter-relationship between all parts of the ecology;
- Inter-relationship between the ecology and the well-being of mana whenua; and
- Obligations on decision-makers to ensure that all parts of the ecosystem including people and their communities are cared for.

Mauri incorporating:

- The life force⁶; and

⁴ "Maori developed a system of resource management in which people were no more than another living part of the whole ecosystem, capable of a care-taking role alongside other creatures... People lived within and as a part of a whole to which they were intimately and genealogically related." Love (1992)

⁵ "In addition to the interconnection between all things, whakapapa defines ancestral rights as between people. Rights flowing from whakapapa include rank and status in society, mana to belong to a specific group or a number of hapu or whanau kinship groups, and authority to exercise rakatirataka or chieftainship." Lifeforms Focus Group, Ministry of Commerce Maori and the Patenting of Lifeform Inventions (1999)

⁶ "Mauri is the life-force which generates, regenerates, and upholds creation. It is the bonding element that knits all the diverse elements within the Universal Process giving creation its unity in diversity. It is the bonding element that holds the fabric of the universe together". Rev Maori Marsden The Holistic World View of the Maori (1992)

- The “Environmental Benchmark” by which Te runanga measure the present health of the environment, the inter-linked well-being of mana whenua, and the actual and likely effects, positive or adverse, of the proposed mine development

Mana (Rangatiratanga) incorporating:

- Tribal areas of land and waters which are the exclusive territories of Ngai Tahu, the holders of exclusive rights of authority over those areas as against other tribes.
- Chiefly authority conferring and defining rights to control and manage and the activities of people affecting the environment; and
- The Article II guarantee of the Treaty of Waitangi.

Mana Whenua incorporating:

- Spiritual power and authority that creates rights and obligations flowing from the lands that sustain and are cared for by an iwi, hapu, or whanau;
- The people holding traditional rights of exclusive authority as Tangata whenua of their tribal territories; and
- The concept of allocation of use and management rights to the “right” people on the basis of ancestry i.e. whakapapa descent.

Taonga incorporating:

- All things prized, tangible and intangible, animate and inanimate;
- The concept of a resource, its utility, and notions of sustainability, the wise use of resources, and the obligation to maintain the mauri;
- Respect for the past and the obligation to preserve resources and cultural wealth and well-being for future generations;
- Intrinsic values; and
- Cultural use, heritage, and amenity values.

Kaitiaki incorporating:

- Guardian spirits who communicate with the living world to warn of danger and herald the times and limits of harvest seasons, sometimes manifested through guardian animals, birds, fish, insects or taniwha;⁷
- Intergenerational responsibilities as resource caretakers (i.e. responsibilities to protect the interests of future generations including the ecology, species, and people);
- The obligation to guard, foster, and protect resources and people, including the obligation to consent to or refuse access to resources to protect sustainability;
- The power to assess effects and to allocate responsibility or liability for actions that harm the environment;

⁷ “Kaitiaki or guardian spirits are left behind by deceased ancestors to watch over their descendants and to protect sacred places. Kaitiaki are also messengers and a means of communication between the spirit realm and the human world. There are many representations of guardian spirits, but the most common are animals, birds, insects, and fish.” Cleve Barlow [Tikaka Whakaaro: Key Concepts in Maori Culture](#)

- Tohunga and whanau kaitiaki people with the matauraka (training and knowledge) to interpret signs in the environment (such as environmental indicator species or natural events) that were utilized to understand the changing ecology, who act as monitors of resource health and well-being

Wahi Tapu and Wahi Taonga incorporating⁸:

- Sites that are or have been made tapu in nature to protect their intrinsic values and/or because of their association with the Gods, the tupuna, or important historic and cultural events and activities; and
- Other sites particularly valued for their utilitarian significance as places from which resources are customarily sourced, that are ecologically significant (for e.g. as breeding or migratory habitats) or that were particularly significant species or taonga resources are located.

Mahinga kai incorporating:

- The bounty given by Papatuanuku to its people;
- Places and resources (e.g. species) important for sustaining the cultural, social, and economic well-being of mana whenua; and
- The activities associated with gathering and use of the resources, including cultural harvest, whanau experience and knowledge, and transmission of cultural values and tikanga practices between generations.

Tikanga incorporating:

- Rules and regulations controlling the actions of people and the practices associated with these rules and regulations;
- Sustainable management kawa (protocols, use controls, and culturally-sound techniques) designed to ensure the results of human action are consistent with the cultural values and desired environmental, social, and economic outcomes sought by Te runanga;
- Environmental standards for measuring the effects of people's behaviour on the environment; and
- Traditional biophysical and cultural indicators that are used to monitor ecological states and effects from human activity.

The descriptions in this section inform the structure of the impact assessment in Chapter 4.

3.3 Resource Management Act 1991 (RMA)

The Resource Management Act 1991 is the principal legislation under which the natural and physical resources of New Zealand are to be sustainably managed.

⁸ "All the lands of Papatuanuku are sacred. Any time you want to disturb the surface of that land and do something with it, certain protocols and procedures need to be carried out in order to make it noa (non-sacred). This would usually involve a tapu lifting ceremony and karakia to appease the essence of the earth."

Huirangi Waikerepuru of Taranaki, quoted in Solomon and Schofield The Resource Management Act and the Treaty of Waitangi: A Starting Point and Framework (1992)

Section 5. Purpose –

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while -*
 - (a) *Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The duties and the obligations that Part 2 of the RMA imposes for all people who exercise functions or powers under the Act in relation to the use of natural resources are detailed below.

Section 6 sets out the matters that are of national importance

Matters of national importance – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

....

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga.

Section 7 sets out other matters that regard is to be had to

Other matters - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

(a) Kaitiakitanga

Section 8 states that the principles of the Treaty of Waitangi need to be taken into account.

Treaty of Waitangi - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Court of Appeal in *Court of Appeal v Attorney General 1987 CA 54/87*:

- (i) *The principle of partnership.*
- (ii) *The principle of active protection of Maori people in the use of their lands and waters to the fullest extent practicable.*
- (iii) *The principle of utmost good faith in dealings with the other Treaty partner.*

Within the RMA context a further principle, that of consultation, has been found to arise under the principles of the Treaty of Waitangi.

The Environment Court has noted that active protection of Maori interests requires positive action, which will at times oblige both the decision making authority and the applicant to consult, and also to initiate, facilitate, and monitor the consultation process as part of the duty to take into account the principles of active protection and partnership. Consultation must be conducted in a spirit of good will and open mindedness, and over a reasonable span of time, and to a degree sufficient for the local authority to be informed on the matters in issue. We return to the issue of participation in section 4.0.

3.4 Iwi Plans

The Iwi Plan that was prepared by Te Runanga o Arowhenua is analysed in section 5.

3.5 The Ngai Tahu Claims Settlement Act 1998

The Ngai Tahu Claims Settlement Act includes a number of provisions that are relevance to the management of the freshwater resources of South and Mid Canterbury, including

- Inclusion of Statutory Acknowledgements where the Crown recognises the significance of certain areas to Ngai Tahu⁹.
- Recognition as Statutory adviser to Minister of Fisheries;
- Development of protocols and a closer working relationship with Department of Conservation;
- Identification of taonga species (in schedule 97 of the Act); and
- Provision for nohoanga (campsites).

4.0 CULTURAL IMPACTS

The impacts of the proposed plan change have been evaluated using a qualitative assessment of the potential direct and indirect impacts through a literature review and interviews with whanau from the affected kaitiaki runanga. A field visit to Tekapo was conducted to view the location of the redevelopment. The results are reflected in this assessment. We have also chosen to present the data within a standard format.

POSSIBLE IMPACT	CULTURAL VALUES IMPACTED	POSSIBLE MITIGATION
<i>We describe the impacts of concern to Te Runanga o Arowhenua</i>	<i>We link the impact to specific cultural values</i>	<i>We identify outcomes sought by Te Runanga o Arowhenua and possible mitigation</i>

⁹ The Statutory Acknowledgements relevant to the Waitaki were included as [Appendix 3](#)

Based on consultation, interviews and discussions with Te Runanga o Arowhenua the following issues/potential impacts have been identified:

POSSIBLE IMPACT	CULTURAL VALUES IMPACTED	CULTURAL OUTCOME SOUGHT & POTENTIAL MITIGATION
<p>DENSITY</p> <p>Te Runanga o Arowhenua believe the number of units should be reduced. The runanga believes that the distinctness of site and its high environmental sensitivity should be reflected in fewer houses i.e. a lower density of houses. Tekapo has a distinct character or "sense of place". There is a challenge for the developer to create a place where people can live and manage in a manner that long-term, environmental sustainability is ensured. This also includes appropriate respect for the history of an area as it contributes towards its unique spirit and feel. Environment affects people and the quality and nature of the environment have psychological implications for them. Te Runanga o Arowhenua believe the current density is to high</p>	<p>Mauri</p> <p>Cultural landscape</p>	<p>OUTCOME</p> <p>A lower density of housing is proposed which recognises the sensitivity of the area</p> <p>MITIGATIONS</p> <p>Revise the subdivision plan so that the number of sections is reduced</p>

Response from the applicant

Tekapo Land Co Response
<p>The proposed Residential 2 zoning continues an existing zoning framework along the Lakeside Road frontage</p> <p>The Residential 1 zoning at the rear of the site is of a lesser density than the Residential 2 zone and is generally equivalent to the present Special Travellers Accommodation zone.</p> <p>It is also noted that the proposed "no build" area/reserve will eliminate any development opportunities close the Tekapo Springs development.</p> <p>A subdivision plan has yet to be produced.</p>

<p>DRAINAGE & STORM WATER MANAGEMENT</p> <p>Water management concerns centre on increases in stormwater flows and a belief that the current system at Tekapo cannot take an increase in runoff. An upgrade needs to be investigated by MDC.</p> <p>The proposed development will result in the removal of some vegetation, construction of roadways and buildings. This will result in a reduction of the infiltration capacity of the underlying soil/rocks in certain areas and consequently increase surface runoff.</p> <p>Storm water management should be undertaken in order to prevent erosion, to protect water sources from pollution and to preserve the ecosystems of watercourses. Paving of areas should be kept to a minimum. Where possible, storm water should be allowed to flow in open, landscaped channels into ponds or wetlands rather than the existing waterways and definitely not the lake.</p>	<p>Wai Maori</p> <p>Mauri</p>	<p>OUTCOME</p> <p>Runoff from the properties in the subdivision is to have negligible impact on the lake environment.</p> <p>MITIGATIONS</p> <p>Te Runanga o Arowhenua need to be advised of all mitigations proposed during both construction and once the housing development is completed.</p>
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Tekapo Land Co Response

The services report by Tonkin and Taylor has identified that with good engineering design a low-impact stormwater design could be achieved, and stormwater management should not be a barrier to the proposed zone change. The report identifies a number of solutions and recommends that at the subdivision design stage:

- Develop a concept design for the stormwater system. This will require engineering design in consultation with the roading and site layout designers;
- Prepare draft stormwater management plan, including consultation with MDC and ECan, and consideration of issues highlighted above.

This latter recommendation could also include Te Runanga o Arowhenua.

It is noted that a stormwater discharge consent will be needed from Environment Canterbury at the time of development.

<p>SPRINGS</p> <p>The Tekapo springs are to be restored and protected.</p>	<p>Wai Maori</p> <p>Puna Mauri</p>	<p>OUTCOME</p> <p>Properties in the subdivision is to have negligible impact on the Tekapo Springs.</p> <p>MITIGATIONS</p> <p>Te Runanga o Arowhenua need to be advised of initiatives to protect the springs</p>
<p>Tekapo Land Co Response</p> <p>A "no build area/reserve is proposed so as to separate the site from the Tekapo Springs development and protect its integrity and that of the Mt John walkway.</p>		

<p>SOLID WASTE MANAGEMENT DURING CONSTRUCTION</p> <p>During the construction phase of the project, significant amount of solid waste may be generated that may result in both ecological and visual impacts from improper disposal. A waste management plan (waste reduction, collection, disposal and reuse/recycle) will need to be developed and implemented.</p> <p>Apart from the negative visual aspects of disposal sites, leachates washed from sites during heavy rains or snow melt events may pollute the groundwater, which in turn can pollute waters</p>	<p>Cultural landscape</p> <p>Wai Maori</p> <p>Mauri</p>	<p>OUTCOME</p> <p>Solid waste is to be managed so that it has negligible impact on the lake environment.</p> <p>MITIGATIONS</p> <p>An overall waste management plan should be developed and forwarded to Te Runanga o Arowhenua.</p>
<p>Tekapo Land Co Response</p> <p>It is accepted that a waste management plan could form part of the Construction Management Plan which should be a required conditions as part of future subdivision/land use consents.</p>		

<p>RECREATIONAL ISSUES Access in and around the lake from the proposed development should be protected and enhanced. Perceived visual impacts to existing users, should be minimal</p>	<p>Health and wellbeing Cultural landscape</p>	<p>OUTCOME Access in and around the site is to be improved.</p> <p>MITIGATIONS Te Runanga o Arowhenua need to be advised of initiatives to improve access.</p>
<p>Tekapo Land Co Response The development of roading linking to the paper road at the rear of the site will enhance access around the site. There will be opportunities to provide further linkages particularly associated with the Mt John track in the 'no build'/reserve area</p>		

<p>HEALTH ISSUES There are potential risks to construction and operations workers if suitable safety and emergency facilities (medical, emergency evacuation, potable water and sanitary sewer facilities) are not available on site or nearby.</p>	<p>Manaakitanga Health and wellbeing</p>	<p>OUTCOME The site is to be managed so that there are no risks to those working on or near the development site.</p> <p>MITIGATIONS All necessary health and safety measures will be put in place.</p>
<p>Tekapo Land Co Response Health and safety measures will form part of a construction contractors requirements</p>		

<p>HIGHWAY ISSUES</p> <p>During the operational stage, there will be increased traffic flow to and from the development, potential impacts to traffic on the State Highway due to this increased volume.</p>	<p>Manaakitanga</p> <p>Health and wellbeing</p>	<p>OUTCOME</p> <p>Traffic is to be managed so that the increased volume has negligible impact on others visiting and using the lake environment.</p> <p>MITIGATIONS</p> <p>It is expected that a traffic management plan will be lodged with Council.</p>
<p style="text-align: center;">Tekapo Land Co Response</p> <p>The TDG report forms part of the Plan Change identifies that minor widening of Lakeside Drive is necessary and that this is already under consideration by the District Council. It also suggests that improvements to the SH8 / Lakeside Drive intersection should be undertaken to provide a right turn bay.</p> <p>Construction traffic management will be addressed within a Construction Management Plan.</p>		

<p>LIGHTING</p> <p>In order to preserve the atmosphere in and around Tekapo, light spillage at night should be kept to a minimum and all external lighting should be low intensity.</p>	<p>Mauri</p> <p>Cultural landscape</p>	<p>OUTCOME</p> <p>Lighting should be kept to a minimum and does not detract from the nightsky.</p> <p>MITIGATION</p> <p>Lighting should be be low intensity</p>
<p style="text-align: center;">Tekapo Land Co Response</p> <p>It is proposed that residential lighting be undertaken in a manner which accords with the existing unique rules in the District Plan which are which are designed to protect the night sky around Tekapo, and specifically the observatory on nearby Mount John</p>		

CHARACTER OF BUILDINGS/ARCHITECTURAL STYLE/ MATERIALS

In order to maintain the rural character of Tekapo township, the style of the new development should, as far as possible, be restricted to the current architectural style of existing buildings.

Mauri

Cultural landscape

OUTCOME

Successful blending of the new development with its natural or cultural-historical environment can be achieved through sympathetic architectural and landscape architectural design.

MITIGATIONS

For buildings which are more environmentally friendly, lower operating costs can be achieved by careful application of the design, construction and maintenance principles for sustainable buildings. These include:

- using 'local' as far as possible, i.e. local materials harmonised with the natural setting
- using indigenous plant material for gardens which are best suited to local soil and climatic conditions:
- using energy-efficient, non-toxic insulation materials
- minimising the visual impact of the development, the architectural design and colour of the buildings to ensure they are as unobtrusive as possible

Tekapo Land Co Response

All buildings within the proposed Residential 2 and the Special Travellers Accommodation zones will be subject to the Lake Tekapo Design Guide contained in Appendix P of the District Plan which addressing building styles, integration with landscape and setting, colours and building mass.

It is also proposed to require buildings within the less dense Residential 1 zone to be subject to the exterior colour palette of the Design Guide. This is a higher level requirement than any other Residential 1 zone in the township and acknowledges the need for new development in this area to be sympathetic to the wider landscape.

<p>SEWAGE DISPOSAL</p> <p>Inappropriate sewage disposal at the site could have a negative impact on quality of water in the lake and the river environs downstream of the lake. Therefore appropriate sewage disposal systems must be designed for all phases of the development.</p>	<p>Wai Maori</p>	<p>OUTCOME</p> <p>Effluent is to be managed so that it creates no environmental or cultural impact.</p> <p>MITIGATION</p> <p>Te Runanga o Arowhenua is to agree the sewage effluent system. There is to be no subsurface disposal of sewage via absorption pits on any properties in the subdivision.</p>
<p>Tekapo Land Co Response</p> <p>All sewerage is proposed to be conveyed to the Council sewerage system. There will be no on site disposal.</p>		

<p>LANDSCAPING</p> <p>Local indigenous vegetation should be used to break the harsh, straight lines of buildings, and also for stabilising sensitive areas. Individual gardening should be focussed on indigenous and natural vegetation.</p>	<p>Cultural landscape</p>	<p>OUTCOME</p> <p>The landscaping should always integrate with the natural environment.</p> <p>MITIGATION</p> <p>As much as possible of the indigenous flora of the site should be retained. Only indigenous plants should be allowed in the landscaping of the development.</p> <p>To add to the topographical interest of the site, wind shelter and screen structures, earthworks such as berms could be applied as part of the landscaping of the site, if appropriate in terms of the natural landscape.</p>
<p>Tekapo Land Co Response</p> <p>There is extremely limited indigenous flora on the site at present. It is accepted that all new landscaping within the public components of a future subdivision should be planted in indigenous vegetation and this could for part of a conditions of subdivision consent.</p> <p>Tekapo Landco is also willing to place a covenant on future property titles requiring native only planting and is prepared to work with Te Runanga o Arowhenua to develop a planting list.</p>		

<p>SIGNAGE</p> <p>The style of signage and any form of external advertising, direction signs and/or outdoor displays in respect of the proposed development needs to be considered when conditions of approval are being set. Furthermore, external signage details should be shown in the site development plan.</p>	<p>OUTCOME</p> <p>Signage is to take account of the history and character of the area, and its significance to Ngai Tahu.</p> <p>MITIGATIONS</p> <p>Any interpretative material used is to be agreed with Te Runanga o Arowhenua.</p>
<p style="text-align: center;">Tekapo Land Co Response</p> <p>At this point no signage is proposed, however it is accepted that interpretative signage material could be provided particularly within the "no build"/reserve area along the Mt John track. Tekapo Landco would be happy to work with Te Runanga o Arowhenua and the Council to facilitate this.</p>	

<p>UPGRADES TO EXISTING INFRASTRUCTURE</p> <p>The applicant should be responsible for any upgrading of any existing infrastructure, such road widening as may be necessitated by the traffic or upgrades to the stormwater system. Responsibility for maintenance should also be taken into consideration.</p>	<p>OUTCOME</p> <p>Any upgrades to the existing infrastructure needed as a result of this development will be met by the applicant.</p>
<p style="text-align: center;">Tekapo Land Co will contribute to services upgrades where required.</p>	

<p>BIRD DIVERSITY</p> <p>The decrease in vegetative cover could result in a decrease in the numbers of birds and bird species found in the immediate vicinity by way of direct destruction and/or displacement.</p>	<p>Taonga species</p> <p>Mahinga kai</p>	<p>OUTCOME</p> <p>Maintain vegetated corridors as far as is possible.</p>
<p>Tekapo Land Co Response</p> <p>The establishment of native vegetation planting within road corridors and on future properties will help in ensuring vegetation corridors are created.</p>		

<p>VEGETATION LOSS</p> <p>The construction of residential buildings will result in some vegetation loss. However, this can be mitigated.</p>	<p>Taonga species</p> <p>Cultural landscape</p>	<p>OUTCOME</p> <p>Tekapo Landco Ltd has the option to replant similar vegetation at other areas around Tekapo township</p>
<p>The current vegetation is made up of Douglas Fir, Corsican Pine, Ponderosa Pine and Larch. Tekapo Landco would prefer to ensure that this onsite exotic planting is replaced where necessary with native planting through the mechanisms described above.</p>		

<p>DUST</p> <p>The transportation of earth material to and from the site during the construction phase may lead to dust and road spillage. These potential impacts are of a temporary nature.</p> <p>Te Runanga o Arowhenua does not want visitors to Tekapo to experience an increase in the frequency or intensity of dust storms.</p>	<p>Manaakitanga</p> <p>Cultural landscape</p> <p>Health and wellbeing</p>	<p>OUTCOME</p> <p>Earth works and the movement of materials is to be managed so that it creates no environmental or cultural impact.</p> <p>MITIGATION</p> <p>Ensure that material transported to the site during the construction phase is properly covered and the trucks fitted with tailgates.</p> <p>Approval must be obtained from the relevant authority(s) to control the flow of traffic on the Whitehouse main road and proper traffic signs and pedestrian safety measures erected/constructed.</p>
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Tekapo Land Co Response

it is accepted that a Construction Management Plan which addresses dust issues amongst other things should be a required conditions as part of future subdivision/land use consents.

<p>ARCHAEOLOGY</p> <p>Earthworks always has the potential to disturb unknown archaeological sites.</p>	<p>Wahi tapu / wahi taonga</p> <p>Cultural landscapes</p>	<p>OUTCOME</p> <p>Earth works are to be managed so that it creates no environmental or cultural impact.</p> <p>MITIGATION</p> <p>An Accidental Discovery Protocol is to be agreed.</p> <p>Before commencing construction all contractors are to attend a training session on how to identify sites</p>
<p>Tekapo Land Co Response</p>		
<p>It is accepted that an Accidental Discovery Protocol should be a required condition as part of future subdivision/land use consents and that this should involve appropriate training and/or trained personnel.</p>		
<p>HAZARDOUS SUBSTANCES</p> <p>It is unknown what hazardous materials will be used on site</p>	<p>Wai Maori</p> <p>Health and safety</p>	<p>OUTCOME</p> <p>Hazardous materials are to be managed so that it creates no environmental or cultural impact.</p> <p>MITIGATION</p> <p>Te Runanga o Arowhenua need to be advised of initiatives taken to minimise the risk of contaminants entering water.</p>
<p>Tekapo Land Co Response</p>		
<p>It is accepted that containment of hazardous substances should form part of a Construction Management Plan which will be required as a conditions as part of future subdivision/land use consents.</p>		

5.0 CONSISTENCY WITH THE AROWHENUA IWI PLAN

Set out below are some of the provisions from the Te Runanga o Arowhenua Iwi Management Plan and a summary comment explaining how it is addressed in this plan.

QUOTE FROM THE PLAN	COMMENT
<i>The Takata Whenua say that the management of Mahika Kai recognises and accounts for the traditional values and uses of resources by the Takata Whenua</i>	Te Runanga o Arowhenua are to be advised of any initiatives to enhance mahinga kai. Cultural materials are to feature in the landscaping plans.
<i>Issues of use, control and ownership of Mahika Kai resources are resolved on the marae.</i>	Te Runanga o Arowhenua are to be advised of any initiatives to enhance mahinga kai. Cultural materials are to feature in the landscaping plans.
<i>Any management plans proposed be drafted in consultation with the Takata Whenua.</i>	This is included in the recommended mitigations for section 4.
<i>The taking of Mahika Kai ceases until it is proven that the quantity, type and size of resources taken is sustainable and does not prevent the exercise of traditional uses by the Takata Whenua.</i>	Te Runanga o Arowhenua are to be advised of any initiatives to enhance mahinga kai. Cultural materials are to feature in the landscaping plans.
<i>Traditional values include the recognition of rahui.</i>	
<i>Traditional uses include the erection and use of eel weirs and other traditional means of taking Mahika Kai and the opening of river mouths.</i>	
<i>Seeding of shellfish (including freshwater shellfish), the protection of habitat and breeding areas.</i>	
<i>Restocking of coastal (kai moana) areas and the protection of habitat and breeding areas.</i>	
<i>Restocking of rivers, lakes, wetlands with indigenous fish and protection of habitat and breeding areas.</i>	
<i>Record of sites for the protection and/or restoration of Mahika Kai in riverbeds, coastal areas, the margins of waterways, natural water, which is subject to Canterbury Regional Council Rules.</i>	An accidental discovery project is to be agreed.
<i>All sewage, all waste discharges out of the rivers, lakes, sea, all natural waters</i>	This is addressed in section 4.
<i>All waters to be the highest classified standard of water quality with no waste discharges</i>	Impacts on water are discussed in section 4.
<i>No spraying of pesticides, any toxic chemicals in or near rivers, lakes, sea, all natural waters.</i>	Impacts on water are discussed in section 4.
<i>No dumping of rubbish in or near rivers, lakes, sea, all natural waters.</i>	Impacts on water are discussed in section 4.
<i>All rubbish, solid waste should be removed from rivers, coastline, wetlands, all natural waters.</i>	Impacts on water are discussed in section 4.
<i>All local authority waste disposal areas in wetlands, riverbeds and adjacent to rivers, lakes, sea, all natural waters. to be phased out and relocated away from waterways, wetlands and coastal areas</i>	

<i>No grazing animals in rivebeds, wetlands or an margins of coastal waters, creeks streams, rivers lakes any natural waters</i>	
<i>All food taken from natural waters to be fit for human consumption.</i>	
<i>Corridors of undisturbed vegetation be maintained along al rivers and between rivers and forests, any areas of indigenous flora and habitats of indigenous fauna to maintain the seasonal migration and movement of birds, all creatures</i>	Te Runanga o Arowhenua are to be advised of any initiatives to enhance mahinga kai. Cultural materials are to feature in the landscaping plans.
<i>The restoration of existing wetlands and the construction of new wetlands be encouraged.</i>	
<i>The protection and restoration of natural habitats be encouraged.</i>	Te Runanga o Arowhenua are to be advised of any initiatives to enhance mahinga kai. Cultural materials are to feature in the landscaping plans.
<i>Where plantings are required to protect the margins for farmland adjacent to rivers, local native species should be used to restore habitats and depleted natural areas</i>	Taonga species and cultural materials are to feature in the landscaping plans.
<i>The panting of flax and other native species which are a source of traditional materials be encouraged</i>	Taonga species and cultural materials are to feature in the landscaping plans.
<i>People be encouraged to build and manage wetlands to treat wastes for irrigating land, providing the natural water quality in the ground and in springs and rivers downstream is not lowered</i>	
<i>No burning of native vegetation</i>	Taonga species and cultural materials are to feature in the landscaping plans.
<i>No logging of clearance of native vegetation</i>	Taonga species and cultural materials are to feature in the landscaping plans.
<i>All discharges of harmful contaminants to air which threaten life supporting capacity of air land and water should cease</i>	
<i>The use, storage or transport of hazardous substances be controlled to ensure that they do not cause any damage to the natural environment or place the environment or people at risk from contamination</i>	
<i>If any bones or artefacts are disturbed the runanga be contacted and Tikanga Maori observed.</i>	An accidental discovery project is to be agreed.

6.0 CONCLUDING COMMENTS

This section contains summarises four key areas:

1. It identifies the priorities of Te runanga.
2. It provides a summary of generic effects to be avoided and those effects specifically relevant to the plan change.
3. It sets out the areas that are subject to further discussion.
4. It describes the expectations of Te Runanga going forward.

6.1 Priorities of Te runanga

Priorities of Te runanga include the following:

- Protecting the quantities and quality of waters of Lake Tekapo.
- Rehabilitating lands and waters disturbed during construction – revegetation, preferably with taonga species, is essential
- Negotiating an Accidental Discovery Protocol;
- Protecting the opportunity to enhance access along the lake shore;
- Protecting viewsapes – of the lake, of Motu Ariki and across to the old pa site; and
- Protecting indigenous biodiversity, in particular taonga species - reintroduction of native biodiversity would represent positive outcomes.

6.2 Adverse effects to be avoided

In other documents prepared for developments in South and Mid Canterbury, Te runanga o Arowhenua have observed that they have experienced the following adverse impacts:

- wahi tapu and wahi taonga areas have been lost. As a result, named and active associations are broken and the cultural relationship with areas is weakened and damaged,
- previously valuable mahinga kai areas have been similarly destroyed, and in instances access to existing resources has also been adversely affected.
- the character of catchments have been irrevocably altered;

Te Runanga o Arowhenua are committed to:

- protecting the quality of the waters of the Waitaki;
- protecting remaining wahi tapu / wahi taonga;
- protecting cultural landscapes of which a glacial lake with unimpeded views from the state highway is a central component;
- enhancing access around the lake; and
- addressing issues relating to new infrastructure becoming established.

When assessing the impact associated with the proposed plan change Te runanga o Arowhenua want to see the following adverse effects avoided:

- Any deterioration to the quality of water – monitoring needs to confirm improvement;
- Unnatural changes to the sediment flow and patterns of deposition – monitoring needs to confirm no adverse impacts arise from construction.

- Any loss of access to the lake in the vicinity of the new subdivision;
- Any loss of habitats for taonga species, especially mahinga kai species;
- Any loss of wahi tapu and wahi taonga.

As is noted in some of the dot points above, some of these issues can be addressed by consent conditions and monitoring. Others require ongoing discussions with Te Runanga o Arowhenua.

6.3 Ongoing Discussions

The runanga wishes to be advised of:

- Initiatives Tekapo Landco Ltd is planning to implement to avoid, remedy or mitigate the adverse effects of the plan change on the values identified in this report.
- The monitoring that is to be undertaken and the role that Te Runanga o Arowhenua can play in the monitoring programme.
- Initiatives (that Te Runanga o Arowhenua are not aware of) to avoid, remedy or mitigate the adverse effects of the proposal on the values identified by stakeholders.

6.4 Conditions to be Imposed

The following list sets out the matters that Te Runanga o Arowhenua believes requires should be the subject of consent conditions.

1. The number of residential lots is to be reduced. A
 - Are there options for a less intensive development?
2. Building height restrictions are to be set.
 - Is the viewshaft from the State Highway across the lake to be protected?
3. Roads, access, and signage are to be controlled.
 - Will Te Runanga o Arowhenua be involved in the development of this material?
4. Biodiversity values require some form of protection/security
 - Are there any mitigations proposed that will benefit indigenous biodiversity?
5. Te Runanga o Arowhenua require public access to and around the lake shore.
 - Will access be enhanced?
6. Access to resources and/or facilities is also important.
 - Will facilities & amenities in the development be accessible to the public?
7. Rehabilitation is to be undertaken/erosion prevention is essential.
 - Have landscaping plans been developed?
8. Landscaping is essential;
 - Have landscaping plans been developed?

9. Water quality must be maintained
 - Information about 1) potable water supplies and 2) the capacity of the stormwater system, is required.

10. Prevention of pollution to water bodies and groundwater water is essential.
 - What interventions are proposed?

6.5 Going forward – Te runanga expectations

It is expected that the impacts specific to the proposed plan change that are raised in this CIA will become the focus of direction discussions between Te Runanga o Arowhenua and Tekapo Landco ltd.

APPENDIX 1

Statutory Acknowledgement for the Waitaki Catchment (which includes Tekapo)

Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Waitaki the location of which is shown on Allocation Plan MD 118 (SO 24723).

Preamble

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Waitaki, as set out below.

Ngāi Tahu association with the Waitaki

The name Waitaki (a South Island variant of the name Waitangi which is found throughout the North Island) is a common place name throughout Polynesia. Although the specific tradition behind the name has been lost in this case, it literally means “the waterway of tears”, and the Waitaki is often referred to in whaikōrero (oratory) as representing the tears of Aoraki which spill into Lake Pūkaki and eventually make their way south along the river to the coast. This image is captured in the whakatauaākī: “Ko Waitaki te awa, kā roimata nā Aoraki i riringi” (“Waitaki is the river, the tears spilled by Aoraki”).

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The Ngāi Tahu association with the Waitaki extends back to the first human habitation of Te Wai Pounamu. As such, the river is an essential element of the identity of Ngāi Tahu as an iwi. A moa butchery site at the mouth of the river is one of the oldest recorded settlement sites in the island and other sites further up the river are also extremely ancient.

The Waitaki was a traditional route to the mahinga kai resources of inland North Otago and the once bush-clad Waitaki Valley. The use of mōkihi (river craft constructed from raupō, or reeds), to carry the spoils of hunting expeditions down the river is particularly associated with the Waitaki, one of the few places where the construction and navigation of these vessels is still practised to this day.

The river also led to the central lakes district – itself a rich source of mahinga kai – and from there across the Southern Alps to the treasured pounamu resource of Te Tai Poutini (the West Coast). The river served as a major highway for such travels from both North Otago and South Canterbury.

Thus there were numerous tauranga waka (or landing places) on the river. The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the

locations of food and other resources on the river. The Waitaki was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

In 1877, the religious leader Te Maiharoa, a descendant of Te Rakaihautu, led his people up the Waitaki to establish a settlement at Te Ao Mārama (near modern-day Ōmārama), to demonstrate his assertion that the interior had not been sold by Ngāi Tahu, and therefore still belonged to the iwi. Although the settlement was eventually broken up by the constabulary, and the people forced to retreat back down the river, the episode is a significant one in the long history of Te Kerēme (the Ngāi Tahu Claim).

As well as acting as a route to the inland mahinga kai sources, the river itself provided many forms of kai for those living near it or travelling on it. The Waitaki was and still is noted for its indigenous fisheries, including tuna (eel), inaka, kōkopu and kōaro species (whitebait), kanakana (lamprey) and waikōura (freshwater crayfish); with aua (yellow-eyed mullet) and mōhoao (black flounder) being found at the mouth. Many of these species are diadromous (migrating between sea and freshwater to spawn).

The extensive wetland areas formerly associated with the river once provided important spawning, rearing and feeding grounds for all of these species and were among the richest mahinga kai areas on the river. Although many of these species have now been depleted, the Waitaki remains a nationally important fishery.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Waitaki, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The Waitaki Valley holds one of the country's major collections of rock art, and the river itself seems to have acted as a form of cultural "barrier" in rock art design. The surviving rock art remnants are a particular taonga of the area, providing a unique record of the lives and beliefs of the people who travelled the river.

Because of the long history of use of the river as both a highway and a mahinga kai, supporting permanent and temporary nohoanga (occupation sites), there are numerous urupā, wāhi tapu and wāhi taonga associated with the river. These are all places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are a particular focus for whānau traditions.

The mauri of the Waitaki River 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 Ngāi Tahu Whānui with the river.

Purposes of statutory acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

(a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and

(b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Waitaki, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

(c) to empower the Minister responsible for management of the Waitaki or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and

(d) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Waitaki as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,—

(a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

(b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Waitaki (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Waitaki.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Waitaki.

Schedule 72: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

REFERENCES

Crengle, H (2002) "The Legal Context" in Tipa G. Crengle H. Davis K. Allingham B. Symon A (2002) *Cultural Impact Assessment – Project Aqua*. Unpublished report for Meridian Energy Ltd.

Goodall, A (2003) *Cultural Impact Assessment for the Hakatere (Ashburton River)*. Unpublished report for Environment Canterbury and Te Runanga o Arowhenua.

Mahaanui (2013) *Mahaanui Iwi Management Plan*

Tau, TM., Goodall, A., Palmer, D., Tau, R. (1992) *Te Whakatau Kaupapa*. Ngai Tahu Resource Management Strategy for the Canterbury Region. Aoraki Press, Wellington, New Zealand.

Te Runanga o Arowhenua (1999) *Iwi Management Plan*

Te Runanga o Ngai Tahu (1999) *Freshwater Policy Statement*

Te Runanga o Ngai Tahu (April 2003) Ki Uta ki Tai - Mountains to the Sea Natural Resource Management: A scoping document for developing Mountains to the Sea Natural Resource Management Tools for Ngai Tahu A Draft prepared by Kaupapa Taiao for ngā Papatipu Rūnanga, Te Runanga o Ngai Tahu, Christchurch, New Zealand

Waitangi Tribunal (1991) *Ngai Tahu Report*. Brooker & Friend, Wellington.

Waitangi Tribunal (1995) *Ngai Tahu Ancillary Claims Report*. Brooker & Friend, Wellington.