Ngāi Tahu

UNDER	The Resource Management Act 1991
IN THE MATTER OF	Proposed Plan Change 13 to the Mackenzie District Plan
AND	
IN THE MATTER OF	Submissions by **Te Rūnanga o Ngāi Tahu, Te Rūnanga o Arowhenua and Te Rūnanga o Waihao**

STATEMENT OF EVIDENCE OF DAVID THOMAS HIGGINS

Whakapapa and Mihi

Introduction

1. Representative on the Board of Te Rūnanga o Ngāi Tahu.

2. Involvement with the tenure review process and cultural mapping.

Kāi Tahu position in respect of Plan Change 13

3. There are a series of specific areas and landscape features within Te Manahuna (the Mackenzie Basin) that are of particular cultural significance and which are characterised by a range of interconnected cultural values (including mauka (mountains), mahika kai sites (traditional food and resource gathering areas), ara tawhito, (trails), archaeological sites (as identified by the New Zealand Archaeological Association), kāika, traditional settlements, statutory acknowledgements, wai māori (water) and wāhi ikoa (place names)).

4. We are concerned about the amount of residential development that is occurring within Te Manahuna, particularly the housing developments that are occurring around the high country lakes, and the amount of development that may occur in the future with the large amount of land

freeholded as a result of Tenure Review. We are concerned about the adverse impacts that these developments may have on our cultural values and culturally significant landscape features.

5. Te Rūnanga o Ngāi Tahu, Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki are comfortable and supportive of the approach adopted in Plan Change 13 to manage and control the rate of residential growth in Te Manahuna in an orderly and planned manner. In particular, we support the nodal approach and the placing of strong controls on location, design and infrastructure.

6. Beyond this, however, we consider that Proposed Plan Change 13 in its present form fails to adequately recognise and provide for the fact that the entire Te Manahuna is a significant ancestral landscape to Kāi Tahu and its local hapū and that there are specific culturally significant landscape features within Te Manahuna.

Consultation Difficulties

7. The lack of reference in Plan Change 13 to cultural values is due at least in part to the failure of the Council to consult with us at a sufficiently early stage in the Plan Change process. More specifically, it was not until November 2007 (only a month prior to public notification) that the Mackenzie District Council approached Te Rūnanga o Ngāi Tahu in regards to proposed Plan Change 13.

8. At this stage, Te Rūnanga o Ngāi Tahu staff realised that the plan change contained almost no mention of the outstanding cultural values of Te Manahuna. In response to this, Te Rūnanga o Ngāi Tahu advised the Council that it wanted the provisions of Plan Change 13 to be amended so as to incorporate into them a clearer recognition and provision for the relationship between Kāi Tahu and the Te Manahuna.

9. Unfortunately, the Council advised that, at this late stage in the plan change process, it was not possible to make any changes prior to public

notification. The best that could be done was for Kāi Tahu to lodge a submission in opposition to the Plan Change and for the cultural implications to be assessed during the period prior to the hearing.

10. In February 2008, a group of Kāi Tahu representatives and staff, including myself, travelled to Fairlie to make a presentation to a Council meeting about our values, consultation and cultural impact assessments. It was hoped that by doing this, the relationship between the Mackenzie District Council and Kāi Tahu could be enhanced and that, in future, the parties could work more effectively together.

Cultural Impact Assessment

11. As a result of our presentation the Council agreed to assist with the costs of preparing a Cultural Impact Assessment (CIA) of Proposed Plan Change 13.

12. A Cultural Impact Assessment is a report documenting tangata whenua cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these values. Cultural Impact Assessments are a tool to facilitate meaningful and effective participation of tangata whenua in resource management processes. A Cultural Impact Assessment should be regarded as technical advice, much like any other technical report, such as ecological or hydrological assessments.

13. The objectives of the CIA were:

- To outline the Kāi Tahu Whānui values and history associated with Te Manahuna.

- To outline the concerns from Kāi Tahu for the existing and future management of Te Manahuna.

- To outline recommendations about how Proposed Plan Change 13 might better provide for our relationship with Te Manahuna.

14. The completed CIA, which I have **attached** to my evidence, was sent to the Council in April/May 2008 and was referred to in the Officer's Report on Proposed Plan Change 13, which accepted in principle the submission made by Kāi Tahu.

15. We now seek that the CIA report be received as evidence and be used to inform the decision making process. In order to assist with this, I now provide a summary of the recommendations contained in the report.

CIA Recommendations

16. Kāi Tahu seeks the incorporation into the Rural section of the Plan of objectives and policies, which express the need to ensure that Kāi Tahu cultural landscapes and features in Te Manahuna are protected from inappropriate use and development.

17. In order to enhance people's understanding of these new or amended provisions, it is also suggested that the Council consider inserting a new definition of "cultural landscape" into the definitions section of the Plan. Kāi Tahu proposes the following definition:

> **Cultural landscape** means a landscape that is characterised not only by its natural and physical aspects, but also its sites, whakapapa, stories, mahika kai, rock art and wāhi tapu sites.

18. It may also be necessary to provide more detailed guidance in the Explanation and Reasons section about the cultural context surrounding the revised provisions and the expectations attaching to them.

19. It is important that the areas and landscape features identified in the CIA as being significant to Kāi Tahu be specifically identified in the Rural section of the Plan.

20. Kāi Tahu also seeks that the outline of the various cultural landscape features contained in the Schedule of Culturally Significant Landscapes within Te Manahuna (page 17 of the CIA) be incorporated into the Plan. For any development in Te Manahuna that has the potential to affect a cultural landscape feature listed in this Schedule then the Council will work with Kāi Tahu to develop appropriate consultation processes with Kāi Tahu.

21. This should be reinforced via suitable reference in the planning maps to the culturally significant features outlined in the Schedule.

22. Kāi Tahu supports the option of imposing a buffer zone around the margins of the lakes within which building and land use development are strictly controlled.

23. Provisions in the Rural Section of the Plan must also be capable of protecting the view shafts between the southern shores of the lakes and the mountains in the north, which are an important means by which Kāi Tahu maintains its relationship with these places.

24. Kāi Tahu also seeks that the Council develop a cultural based Implementation and Methods section that provides guidance about how to consult effectively with Kāi Tahu.

25. Kāi Tahu supports the inclusion of provisions that require that subdivision and land use adhere to the principles of low impact urban design (including rainwater storage facilities, native plantings and restrictions upon sediment entering waterways).

26. We look forward to working with you and our kaitiaki Papatipu Rūnaka, to improve understandings of Kāi Tahu history, values and cultural associations with Te Manahuna.

MACKENZIE BASIN PROPOSED PLAN CHANGE 13

A CULTURAL IMPACT ASSESSMENT OF THE PROPOSED PLAN CHANGE 13 TO MACKENZIE DISTRICT PLAN

CULTURAL IMPACT ASSESSMENT

Boffa Miskell

Te Rūnanga o NGĀI TAHU

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The photograph on the front cover is of Te Ruataniwha / Ben Ohau. This photograph was taken by David Hill.

Executive Summary

- There are a series of specific areas and landscape features within the Mackenzie Basin that are of particular cultural significance and which are characterised by a range of interconnected cultural values (including Ara Tawhito, (trails), archaeological sites (as identified by the New Zealand Archaeological Association), mahinga kai sites (traditional food gathering areas), maunga (mountains), traditional settlements, statutory acknowledgements, wai māori (water) and wāhi ingoa (place names);

- Ngāi Tahu is concerned about the amount of residential development that is occurring within the Mackenzie Basin, particularly the housing developments that are occurring around the high country lakes and the amount of development that may occur in the future with the large amount of land that has been freeholded as a result of Tenure Review. Ngāi Tahu is concerned about the adverse impacts that these developments may have on Ngāi Tahu cultural values and culturally significant landscape features;

- Te Rūnanga o Ngāi Tahu, Te Rūnanga o Arowhenua and Te Rūnanga o Waihao are comfortable and supportive with the approach of Proposed Plan Change 13 to manage and control the rate of residential growth in the Mackenzie Basin in an orderly and planned manner. The assessment in particular supports the nodal approach and strong controls on location, design and infrastructure;

- Beyond this, however, Ngāi Tahu considers that the Plan Change in its present form does not adequately recognise and provide for the fact that the entire Mackenzie Basin is a significant ancestral landscape to Ngāi Tahu and its local hapū and that there are specific culturally significant landscape features within the Basin;

- The visual catchments and visual shafts between the southern shores of the lakes and the mountains in the north are particularly important to Ngāi Tahu for the purposes of maintaining relationships with those places. It is important that these places, sites and values are specifically identified in the Rural Section of the Mackenzie District Plan;

- This assessment believes that with some amendments and additions and further development of relationships with takata whenua, the Plan Change will be more robust and consistent with the intention of the RMA with regards to sections 6e, 6f, 7a, 7f and 8;

- Last but by no means least, Ngāi Tahu wishes to continue to work collaboratively with the Council at all levels so as to grow and develop its relationship. Ngāi Tahu hopes that the Council will work with Ngāi Tahu and the kaitiaki Papatipu Rūnanga to improve its understanding of the Ngāi Tahu cultural association with the Mackenzie Basin.

CONTENTS

1.0 INTRODUCTION

1.1 Introduction

The purpose of this Cultural Impact Assessment Report is to inform deliberations regarding the Proposed Plan Change 13 initiated by the Mackenzie District Council.

The assessment provides a description of the Ngāi Tahu Whānui values and history associated with the Mackenzie Basin, the concerns from Ngāi Tahu for the existing and future management of the Mackenzie Basin and recommendations to avoid potential or actual adverse effects on Ngāi Tahu cultural values.

This Cultural Impact Assessment relates to recognising and providing for the relevant matters in Part II of the RMA into resource management decision making. This assessment applies only to the Mackenzie Basin Plan Change area and is intended to be used only for matters relating to the Proposed Plan Change 13.

1.2 Background

In November 2007, the Mackenzie District Council approached Te Rūnanga o Ngāi Tahu in regards to Proposed Plan Change 13 that the Council were planning to publicly advertise in December 2007. The Plan Change was being initiated in response to concerns that the district plan rules were too relaxed with regard to rural residential development and the outstanding landscape values associated with the basin could be compromised by uncontrolled and unintended development.

Te Rūnanga o Ngāi Tahu staff reviewed the proposed variation and observed little reference to Ngāi Tahu values. Te Rūnanga o Ngāi Tahu and the kaitiaki Papatipu Rūnaka, Te Rūnanga o Arowhenua and Te Rūnanga o Waihao, sought opportunities for meaningful consultation prior to lodging variation of the Plan, however, due to time constraints this was not possible. Te Rūnanga o Ngāi Tahu recommended to Council staff that the Council commission a Cultural Assessment of the proposed Plan Change to assist the Council decision making process and meet statutory requirements regarding Plan Changes.

This assessment was conducted over an 8 week period and involved liaison and meetings with key Ngāi Tahu representatives and planning staff of the Mackenzie District Council. This also included a site visit to Te Hapa o Niu Tireni Marae at Temuka and the Mackenzie Basin on 19/20 March 2008 with Ngāi Tahu and Council representatives.

1.3 What is a Cultural Impact Assessment Report

A Cultural Impact Assessment is a report documenting Māori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these values. Cultural Impact Assessments are a tool to facilitate meaningful and effective participation of Māori in impact assessment. A Cultural Impact Assessment should be regarded as technical advice, much like any other technical report, such as ecological or hydrological assessments.

1.4 Objectives

- To outline the Ngāi Tahu Whānui values and history associated with the Mackenzie Basin;
- To outline the concerns from Ngāi Tahu for the existing and future management of the Mackenzie Basin;
- To outline recommendations to avoid adverse effects on Ngāi Tahu cultural values associated with the Mackenzie Basin in specific assessment to the proposed variation to the District Plan.

2.0 NGĀI TAHU

2.1 Ngāi Tahu Whānui

Ngāi Tahu literally means the "descendants of Tahu" after the tribe's founder Tahupotiki, who was born around 30 generations ago on the east coast of the North Island. Ngāi Tahu people acknowledge their origins from three main tribal roots – the Ngāi Tahu, Ngāti Mamoe and Waitaha peoples.

Waitaha is the name by which the earliest inhabitants of much of Te Waipounamu were known. The Uruao canoe, under the leadership of Te Rakaihautu, arrived on the shores of Te Waipounamu in the Nelson region about forty two generations ago. This is where the history of Waitaha begins on Te Waipounamu.

Te Rakaihautu divided his arrivals in two, with Te Rakaihautu leading one group southwards through the interior of Te Waipounamu and his son leading the other group southwards along the coastline. Te Rakaihautu explored the canoe of Aoraki and carved out many of its lakes with his kō (digging tool), including Takapo, Pūkaki and Ohau.

Ngāi Tahu and Ngāti Mamoe arrived in Te Waipounamu at different times from the eastern part of the North Island several centuries ago where through a combination of inter-marriage and conquest they merged with the resident hapū (sub-tribe) of Waitaha to form Ngāi Tahu Whānui. Most Ngāi Tahu people today can trace their whakapapa (genealogy) back to their Waitaha ancestors and when we refer to Ngāi Tahu we also refer to our Waitaha and Ngāti Mamoe links.

2.2 Papatipu Rūnaka

Papatipu Rūnaka are regional collective bodies that were established by Ngāi Tahu in the nineteenth century that today act as the governing councils of traditional Ngāi Tahu hapū and marae-based communities. There are 18 Ngāi Tahu Papatipu Rūnaka and each Papatipu Rūnaka is responsible for protecting tribal interests in their respective takiwā (area). In many cases, Papatipu Rūnaka boundaries overlap one another, which means more than one Papatipu Rūnaka have an interest in the same area.

There are two Papatipu Rūnaka that have an interest in the Mackenzie Basin; Te Rūnanga o Arowhenua based at Temuka, Arowhenua and Te Rūnanga o Waihao based just north of the Waitaki River, South Canterbury. The takiwā for Te Rūnaka o Arowhenua and Te Rūnanga o Waihao are outlined below:

Te Rūnanga o Arowhenua: The takiwā of Te Rūnanga o Arowhenua centres on Arowhenua and extends from Rakaia to Waitaki, sharing interests with Ngāi Tūāhuriri ki Kaiapoi between Hakatere and Rakaia, and thence inland to Omarama and the Main Divide.

Te Rūnanga o Waihao: The takiwā of Te Rūnanga o Waihao centres on Wainono, sharing interests with Te Rūnanga o Arowhenua to Waitaki, and extends inland to Omarama and the Main Divide.

2.3 Te Rūnanga o Ngāi Tahu

Te Rūnanga o Ngāi Tahu is the governing tribal council established by Ngāi Tahu Whānui under Section 6 of the Te Rūnanga o Ngāi Tahu Act 1996 to protect the beneficial interests of all members of Ngāi Tahu Whānui, including the beneficial interests of the Papatipu Rūnaka of those members. Te Rūnanga o Ngāi Tahu consists of elected representatives from each of the 18 Papatipu Rūnaka.

Te Rūnanga o Ngāi Tahu is located in Christchurch. Kaupapa Taiao (Legal and Environmental Unit) is the unit of Te Rūnanga o Ngāi Tahu responsible for supporting the Papatipu Rūnaka on matters under the Resource Management Act 1991 and other environmental legislation.

2.4 Te Takiwā o Ngāi Tahu Whānui – *Ngāi Tahu Tribal Area*

The takiwā (or tribal area) of Ngāi Tahu Whānui is the area described in Section 5 of the Te Rūnanga o Ngāi Tahu Act 1996. The Ngāi Tahu Takiwā includes all the lands, islands and coasts of Te Waipounamu south of Te Parinui o Whiti (White Bluffs) on the east coast and Te Rae o Kahurangi (Kahurangi Point) on the west coast (see Figure 1).

Figure 1: Map of Ngāi Tahu Papatipu Rūnaka and the Ngāi Takiwā.

3.0 NGĀI TAHU VALUES ASSOCIATED WITH TE MANAHUNA

The Ngāi Tahu association with the Mackenzie Basin is founded on relationships formed out of occupation, settlement and use of the ancestral landscape over hundreds of years. The beginning of this ancient relationship begins with the creation of Te Waipounamu (the South Island) through the deeds of the Waitaha ancestor Rakaihautu and transcends through mythological, spiritual, cultural, and traditional realms. Te Manahuna is the traditional name for the Mackenzie Pass and Basin.

3.1 Ara Tawhito

Ara Tawhito are the travel routes that were used by Ngāi Tahu tūpuna (ancestors) to travel throughout Te Waipounamu. Ngāi Tahu Whānui developed a complex series of travel routes all throughout Te Waipounamu, including Kā Tiritiri o Te Moana (the Southern Alps), connecting settlements with one another and settlements to mahinga kai resources. These trails became the arteries of economic and social relationships for Ngāi Tahu.

The most treasured of all resources was pounamu (also known as greenstone, jade and nephrite). Pounamu was manufactured to make tools such as adzes, chisels and knives which were essential for daily survival. Items of personal adornment were also made from pounamu, such as amulets and hei tiki (human neck pendant), which were, and are still, treasured by Ngāi Tahu. The principal deposits of pounamu are located on Te Tai Poutini (the west coast of Te Waipounamu). Trails were created that linked the coastal settlements along the eastern coastline of Te Waipounamu to Te Tai Poutini.

Trails followed significant mahinga kai resources, such as wetlands, rivers and lakes, so food could be gathered and consumed during their journeys, which was critical for survival. Landscape features, such as overhanging rock faces and rock shelters provided a night's recovery before the next day's journey. Ngāi Tahu developed such a comprehensive knowledge of these trails that they personally guided or directed many of the first Europeans to explore the hinterland and coasts of Te Waipounamu.

There are several well known travel routes associated with the Mackenzie Basin including:

- Hakataramea;
- Ohau River (where Lake Te Ruataniwha now stands today);
- Te Kopi o Opihi (Burkes Pass);
- Te Manahuna (The Mackenzie Pass);
- Waitaki River (via where Lake Benmore now stands today).

3.2 Archaeological Sites

An archaeological site is defined under the Historic Places Act 1993 as:

"... any place in New Zealand that:

(a) Either –

(i) was associated with human activity that occurred before 1900; or

(ii) is the site of the wreck of any vessel where that wreck occurred before 1900; and

(b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand."

Examples of Māori archaeological sites include pā (fortified villages), kainga (unfortified villages), Māori rock art drawings, and umu (earth ovens). Māori archaeological sites are of immense cultural significance to Ngāi Tahu Whānui as they are a tangible reminder of the occupation and use of our tūpuna. The archaeological investigation of archaeological sites provides us with an opportunity to learn more information about the lifestyles of our tūpuna (ancestors).

There are several Māori archaeological sites recorded in the New Zealand Archaeological Association (NZAA) Site Recording Scheme located within the Mackenzie Basin ranging from isolated discoveries of artefacts, to Māori rock art and quarry sites. For more information about the New Zealand Archaeological Association Site Recording Scheme see Appendix 1.

During the site visit the project team visited several Māori rock art sites located on the ancient travel routes to the east of the Mackenzie Basin, including the DoC Historic Reserve at Raincliff. These Māori rock art sites are tangible reminders of the physical evidence of former settlement and use of the stream and river valleys for seasonal movements from the coast to the interior. It also became clear that many of the current roads followed former trails used by Māori.

There are also some archaeological sites within the Mackenzie Basin that have yet to be discovered. Ngāi Tahu representatives understand that there has been no comprehensive survey of Māori archaeological sites within the Basin, and as a result there are some archaeological sites that have yet to be discovered in strategic areas, such as around the inland lakes and on the ancient Māori trails. Several Māori archaeological sites have been inundated as a result of hydro development in the Mackenzie Basin. For example, several kāinga (settlements) and Māori rock art drawings are within Lake Benmore (Te Ao Marama).

There are also many areas of significance to Ngāi Tahu for historical, traditional or spiritual reasons which do not meet the definition of an archaeological site under the Historic Places Act 1993. For example, the mountain Te Ruataniwha is of immense cultural significance to Ngāi Tahu Whānui, however, would not be defined as an archaeological site. Just because areas do not meet the criteria of an archaeological site under the Historic Places Act 1993 does not mean that they are not of cultural significance to Ngāi Tahu.

3.3 Mahinga Kai

Ngāi Tahu Whānui moved around nearly the whole of Te Waipounamu hunting and gathering the island's resources. Movements were according to the seasons following the lifecycles of animals and plants. The Mackenzie Basin was a fundamental element of the Ngāi Tahu systematic seasonal food gathering patterns. Local hapū (sub-tribe) and whānau (families) undertook annual seasonal migrations to the Mackenzie Basin to gather food resources, in particular tuna (eels), weka, kākāpō, a variety of ducks, taramea (speargrass, spaniard) and aruhe (fernroot).

Local hapū and whānau caught large numbers of weka before the winter months had depleted the fat reserves that were built up in the weka bodies over summer and autumn. This fat was an essential part of the storage process. The birds and ducks were then brought down to the settlements located along the coastline and were an important source of food for the upcoming cold winter months.

Kemp's Deed was a deed of sale drafted by the Crown, and negotiated on the Crown's behalf by Henry Tacy Kemp. The coastal boundary of Kemp's Block ran from Kaiapoi down to Ōtākou (Otago). The Crown and Ngāi Tahu never agreed to the inland boundary of this purchase. In the Māori version of Kemp's Deed mahinga kai was one of the taonga (treasured possessions) reserved from sale. Under the terms of the Deed of Sale Ngāi Tahu were promised that all of their mahinga kai areas would be set

aside for them. The Crown determined that mahinga kai sites were restricted to those areas currently under cultivation as gardens or the places where there were fixed structures such as eel weirs. To Ngāi Tahu, mahinga kai has always meant the whole resource chain from mountain top to the ocean floor. As a result Ngāi Tahu lost ownership and control of, and access to, all of their traditional food gathering places.

The lakes and rivers in the Mackenzie Basin are still a source of mahinga kai for Ngāi Tahu Whānui today although they may not be utilised as they once were. During the field trip few native plants were observed as the predominant species within the Basin are related with plantation harvesting and stock grazing. In terms of native flora the basin appears to be a heavily modified environment and it seems that the Mackenzie Basin is suffering from an obvious high level of overgrazing and lack of water.

The majority of foods that were traditionally harvested by Ngāi Tahu hapū and whānau in the Mackenzie Basin are now no longer available for harvest. Although this may be the case now it does not mean that these areas are no longer of cultural significance to Ngāi Tahu Whānui. The areas within the Basin where the traditional practice of mahinga kai was carried out are still important as these are the places where our ancestors used to work and hold the memories, stories and traditions of the Ngāi Tahu tūpuna.

3.4 Maunga

Maunga (mountains) play an important role in the spiritual and cultural beliefs of Ngāi Tahu Whānui; they are the most sacred part of the landscape. Foremost maunga are the gateways to the atua (gods) and heavens, hence the story of Aoraki and the creation of Te Waipounamu. Maunga are also the gatherers of the tears of Rakinui (Sky Father), whose valleys collect the waters and in turn supply the lifeblood of Papatūānuku (Earth Mother). Ngāi Tahu has a personal relationship with mountains as they are our ancestors; the snow capped mountains are the old men of the landscape.

Mountains in the high country served as memory maps to the many Ngāi Tahu trails that spread across Te Waipounamu. Mountains are an important part of Ngāi Tahu identity and are referred to during formal speeches on the marae. Mountains were also an important source of mahinga kai for Ngāi Tahu hapū and whānau and annual seasonal trips were made to certain mountain ranges to gather kai. There are several mountains associated with the Mackenzie Basin of cultural significance to Ngāi Tahu that are outlined below.

Aoraki (Mt Cook)
Aoraki is extremely important to Ngāi Tahu Whānui. Aoraki is the most maunga tipuna (ancestral mountain) of Ngāi Tahu. Aoraki is the centre point for the Ngāi Tahu creation stories and explains the Ngāi Tahu presence in Te Waipounamu. One of Ngāi Tahu's creation stories involving Aoraki that accounts for some of the major geological and geographical features of Te Waipounamu is as follows.

Before there was New Zealand, the waters of Kiwa rolled over the place now occupied by New Zealand. No sign of land existed. Raki (the Sky Father) wedded Papatuanuku (the Earth Mother) and after the marriage, some children of Raki came down to greet their father's new wife.

Among the visitors were four sons of Raki who were named Aoraki, Rakiroa, Rakirua, and Rarakiroa. They came down in the canoe named "Te Waka o Aoraki" and cruised around Papatuanuku who lay as one body in a huge continent known as Hawaiki. The four sons were keen to explore and they set out to sea. However, no matter how far they travelled they could not find land. Eventually they decided to return to their celestial home by saying a karakia (incantation) which should have lifted the waka (canoe) back up to the heavens.

However, the karakia failed and the waka fell back into the sea and turned over onto its side, turning into stone and earth. The waka lifted and settled with the west side much higher out of the water than the east. Aoraki and his brothers clambered onto the high side and were turned into stone. They are still there today. Aoraki is the mountain known today as Mt Cook, and his brothers are the next highest peaks near him – Rakiroa (Mt Dampier), Rakirua (Mt Teichelmann), and Rarakiroa (Mt Tasman). So the oldest name for the South Island is Te Waka a Aoraki, which means 'The Waka of Aoraki'.

Figure 2: Photograph of Aoraki / Mount Cook (Photograph from the Te Rūnanga o Ngāi Tahu Freshwater Policy).

Figure 3: Photograph of the view looking towards Aoraki / Mt Cook from the foot of Lake Pūkaki (20th March 2008). The visual catchment from Lake Pūkaki to Aoraki was considered by Ngāi Tahu representatives as a very significant visual catchment.

Mauka Atua (Ben Ohau Range)

One day Te Rua Taniwha and Mauka Atua, two chiefs set out on a visit south from Take Karaka (now Ram Island in Lake Tekapo) to Wanaka and Hawea, but when they reached Ohau they were overtaken by darkness and turned into stone. When the people sent out search parties for the missing chiefs, they were found standing upright on either side of the trail as two pillars of rock. Full of grief at their loss, the people abandoned Take Karaka and made their way to the sea coast in the district of Arowhenua, eventually settling at Te Waiateruati.

The high country of Te Waipounamu was all part of the Ngāi Tahu systematic food gathering patterns. Mauka Atua was an important mahinga kai resource where local Ngāi Tahu hapū and whānau who gathered mahinga kai species such as weka, kākāpō and taramea.

Figure 4: Photograph showing the view of Mauka Atua from the foot of Lake Pūkaki (20th March 2008).

Te Ruataniwha (Ben Ohau)

The hinterland of Te Waipounamu that the Crown claimed to have bought from Ngāi Tahu was known by Ngāi Tahu as "kaore ano i hokona" – the land that was not sold. Te Maiharoa was a tohunga (spiritual leader) of Ngāi Tahu. Te Maiharoa believed that the Otago and Canterbury portions of the hinterland had never been sold by Ngāi Tahu and declared that Ngāi Tahu continually owned the Otago and Canterbury High County. Te Maiharoa proposed to his followers that he should lead them forth to occupy this unsold territory.

In the winter of 1877 Te Maiharoa led more than one hundred of his followers to camp on a prominent leaseholder's run in the upper reaches of the Waitaki Valley near Omarama. In August 1879 an eviction order was taken out to remove Te Maiharoa and his followers from Omarama. Te Maiharoa took some of his leading men and went on a visit to Lake Ohau and a steep mountain to the east of it, which is known as Te Ruataniwha or Ben Ohau. Leaving his followers near the bottom he proceeded to climb the mountain alone. Te Maiharoa climbed right to the top of the mountain at Lake Ohau, thus demonstrating his power over its tapu. On the top he had a vision and in that vision he saw the place where he and his people would live after they have left Omarama and that place was Korutuaheka. From that vision he knew he could not stay where he was, and from it the details of his future home were clearly shown to him.

Figure 5: Photograph of Te Rua Taniwha / Ben Ohau (2004).

3.5 Traditional Settlements

There are several permanent and temporary settlement sites located within the Mackenzie Basin predominantly near freshwater resources, such as the inland lakes. Oral traditions claim that Rakaihautu, the illustrious tūpuna of the Waitaha tribe who dug many of the lakes within Te Waipounamu, established Motuariki Island in Lake Tekapo as his pā. These settlements were occupied

every season on an annual basis as part of the systematic food gathering patterns. Some of these traditional settlements have been inundated as a result of hydro development in the Mackenzie Basin.

Figure 6: Photograph of Motuariki Island in Lake Tekapo (20th March 2008).

3.6 Wai Māori

Water is central to all Māori life. It is a taonga left by our ancestors to provide and sustain life. Water plays a unique role in the traditional economy and culture of Ngāi Tahu. Without water no living thing, plant, fish or animal can survive. Papatūānuku (Mother Earth) supports life including all people, flora and fauna. Waterways represent the blood vessels that supply nourishment to her and, through her, to all living things.

Water, and the resources it supports, determines the siting of their kāinga (villages), their identity and the rhythm of their lives. The traditional values and controls regarding water are included in the tribe's spiritual beliefs and practices. Water is held in the highest esteem because the welfare of the life that it contains determines the welfare of the people reliant on those resources.

Traditionally, water was the centre of all activity within Māori society. It provided the preferred transport medium; supported fish populations; was used in religious ceremonies; and was also used for recreation. For these reasons, and like most other cultures, settlements were centred beside, or in close proximity to major waterways. Water sourced food was particularly important in Te Waipounamu because of the harsh climate which precluded the easy or extensive growing of horticulture crops.

While there are also many intangible qualities associated with the spiritual presence of the water, elements of physical health which Ngāi Tahu use to reflect the status of mauri and to identify the enhancements needed include:

- Aesthetic qualities e.g. clarity, natural character and indigenous flora and fauna;
- Depth and velocity of flow';
- Continuity of flow from the mountain source of a river to the sea;
- Fitness for cultural usage.

During the cultural assessment Ngāi Tahu representatives were questioned regarding the cultural values associated with the current shape and levels of the lakes within the Mackenzie Basin. The answer to this question was interesting. The current lake levels are considered by Ngāi Tahu representatives to be a result of intervention from the hydroelectric dams, and traditionally the lake levels were much lower than what they currently are. For example, during the wānanga for this cultural assessment a local Ngāi Tahu representative explained that when he worked on the construction of the dam at Lake Pūkaki it was only half the size of what it is now.

During the site visit Ngāi Tahu representatives explained that some of the traditional settlements had been inundated as a result of the development of the hydro lakes. Ngāi Tahu representatives stated that the fact that some of these settlements may be under water does not mean that these areas are not important. In fact, it means that the lakes are not only an important source of habitat for traditional food sources and an important part of the cultural landscape but now hold the locations of our historical settlements.

Figure 7: Photograph of Lake Alexandrina (Takamoana) (20th March 2008).

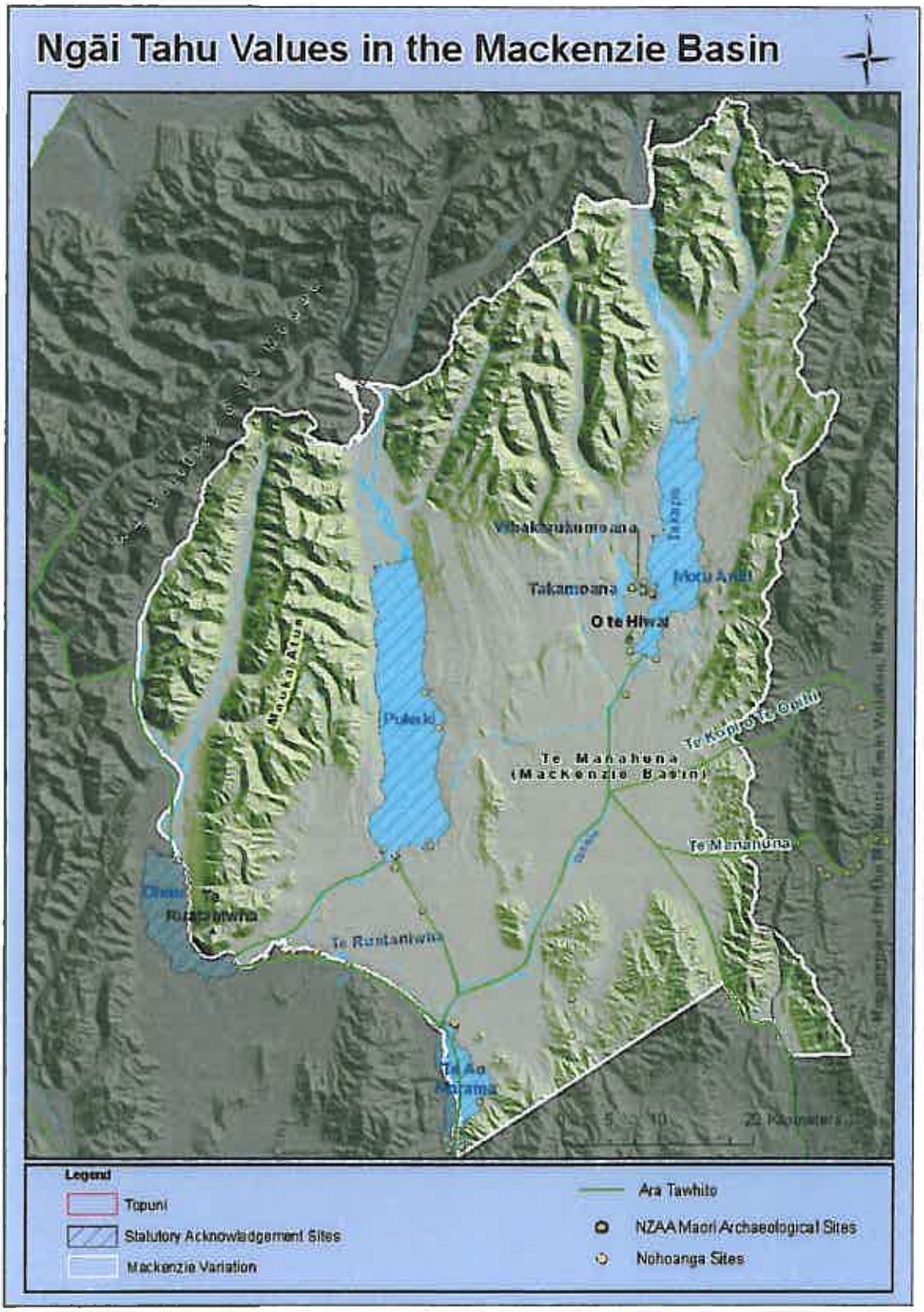
3.7 Wāhi Ingoa

Wāhi Ingoa (place names) are a significant symbol of the Ngāi Tahu relationship with the landscape as they are usually associated with famous people, historical events, physical features and natural flora and fauna. Traditional place names are tangible reminders of the Ngāi Tahu history associated with a particular place. There are numerous traditional Māori place names associated with the Mackenzie Basin with some names being particularly well known to the wider community. The following list includes some of the traditional Ngāi Tahu Whānui place names associated with the Mackenzie Basin.

- Aoraki (Mount Cook);
- Hakataramea River;
- Motuariki (Motuariki Island);
- Ohau (Lake Ohau);
- Te Hiwai (Mt John);
- Pūkaki (Lake Pukaki);
- Rakiroa (Mt Dampier);
- Rakirua (Mt Teichelmann);
- Rarakiroa (Mt Tasman);
- Takamoana (Lake Alexandrina);
- Takapo (Lake Tekapo);
- Takapo (Tekapo River);
- Te Kopi o Opihi (Burkes Pass);
- Te Manahuna (Mackenzie Pass);
- Te Manahuna (MacKenzie Basin);
- Te Ruataniwha (Ben Ohau);
- Mauka Atua (Ben Ohau Range);
- Whakarukumoana (Lake McGregor).

Figure 8: Photograph of Te Manahuna (The Mackenzie Basin) from Mt John (20th March 2008).

Figure 9: Map of Ngāi Tahu Cultural Values Associated with the Mackenzie Basin.



4.0 SCHEDULE OF SIGNIFICANT CULTURAL LANDSCAPES IN THE MACKENZIE BASIN

The ancestral landscape of the Mackenzie Basin includes many natural and physical features such as water bodies, forests, bush, marshlands, valleys, plateaus and cultural features such as pa, mahika kai (seasonal camps and gathering places), kāinga (villages), nohoanga (settlements), ara (trails) and wāhi tapu (places of sacred and extreme importance).

While the Mackenzie Basin as a whole is an area of particular significance to Ngāi Tahu Whānui there are certain landscape sites and features within the Mackenzie Basin that are more culturally sensitive. During the site visit to the Mackenzie Basin takata whenua representatives pointed out traditional sites and areas of occupation and relayed stories of the origins of natural features and it became obvious that there were a number of 'cultural landscapes' overlaying different values and relationships.

The public disclosure of the locations of areas of cultural significance to Iwi is a very sensitive issue for Māori. There are many instances in the past where culturally significant sites have been destroyed. There is a strong opinion held by iwi, hapū, whānau and individuals that not publicly disclosing the locations of culturally significant sites is the best method of protection. Consequently, there are individuals and whānau who do not disclose the locations of culturally significant sites outside their immediate whānau or people that they strongly trust.

One of the important values that Ngāi Tahu and the community currently enjoy is the ability to view a number of these culturally significant natural features and landscapes. Whilst planning mechanisms can be employed to protect the physical integrity of the place, the view to the place which influences our perception of quality can be compromised with poorly located or constructed dwellings and structures.

Of particular note during the site visit, were the visual corridors standing from the southern portion of Lakes Ohau and Pūkaki and looking northwards towards the head of the lakes. The perception is that there was limited unnatural development within the visual corridor. During the site visit, Ngāi Tahu representatives identified Ferintosh Station as an area that would be important to monitor as it is prominent in the visual corridor from the southern shores of Lake Pūkaki to Aoraki / Mt Cook. These visual catchments were seen by Ngāi Tahu as essential to maintaining the relationships with these culturally significant landscapes.

However, for what the Mackenzie District Council is trying to achieve with Proposed Plan Change 13 Te Rūnanga o Ngāi Tahu, and the kaitiaki Papatipu Rūnanga (Te Rūnanga o Arowhenua and Te Rūnanga o Waihao) believe it is appropriate to provide some information on culturally significant landscape features within the Mackenzie Basin and have developed a schedule which identifies some culturally significant landscape features associated with the Basin.

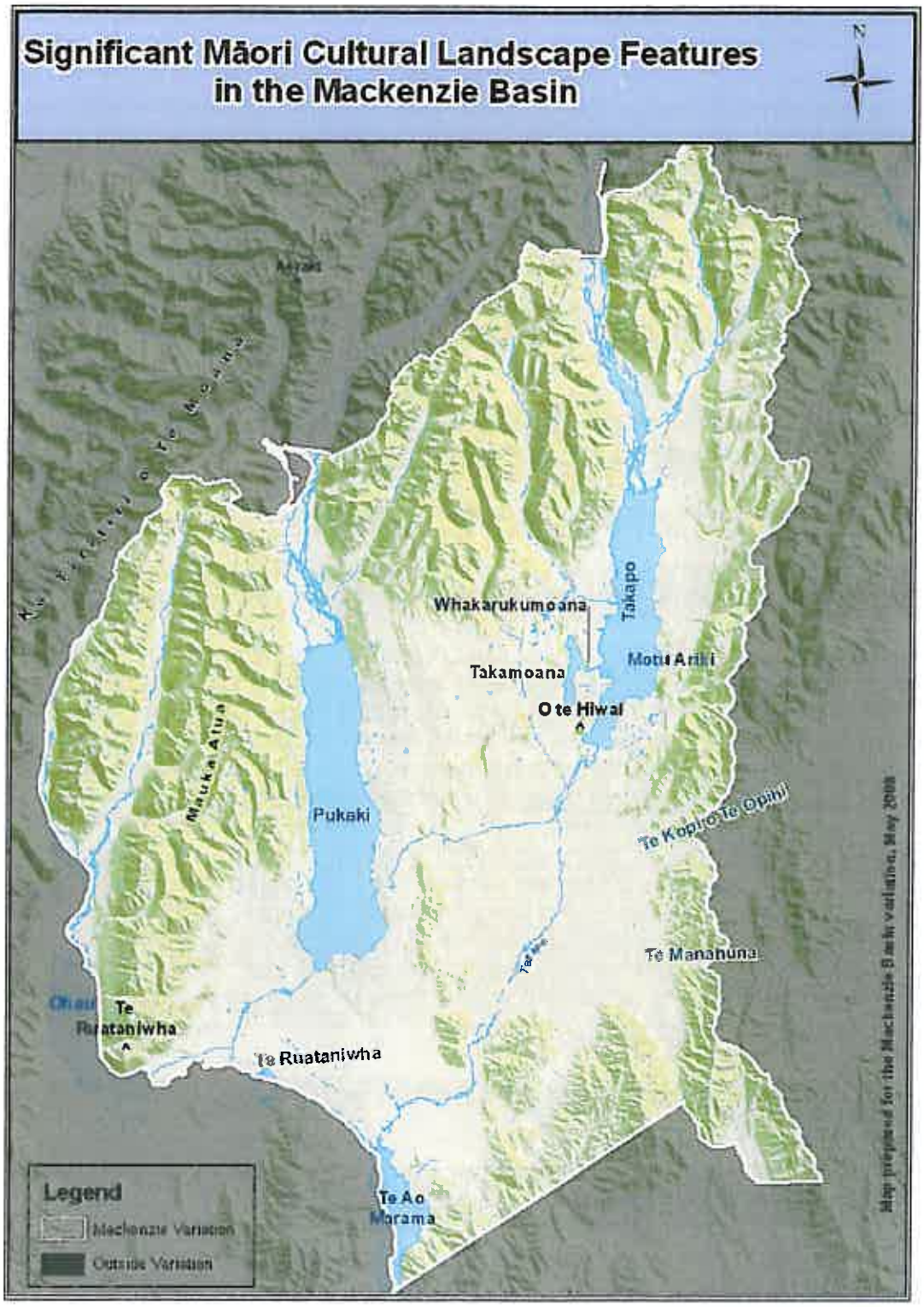
Table 1: Schedule of Culturally Significant Landscapes in the Mackenzie Basin.

(Note: Statutory Acknowledgements and Dual Place Names are mechanisms under the Ngāi Tahu Deed of Settlement. Although these are new mechanisms they apply to areas of cultural significance to Ngāi Tahu Whānui).

Traditional Name	Other Name	Values
Ka Tiritiri o Te Moana	Southern Alps	▪ Ara Tawhito ▪ Dual Place Name ▪ Maunga ▪ Wāhi Ingoa
Mauka Atua	Ben Ohau Range	▪ Maunga ▪ Mahinga Kai ▪ Wāhi Ingoa
O te Hiwai	Mt John	▪ Maunga ▪ Wāhi Ingoa
Ohau	Lake Ōhau	▪ Ara Tawhito ▪ Mahika Kai ▪ Statutory Acknowledgement ▪ Traditional Settlements ▪ Wāhi Ingoa ▪ Wai Māori
Ohau River / Lake Te Ruataniwha		▪ Ara Tawhito ▪ Archaeological Sites ▪ Mahika Kai ▪ Wāhi Ingoa ▪ Wai Māori
Pūkaki	Lake Pukaki	▪ Ara Tawhito ▪ Archaeological Sites ▪ Mahika kai ▪ Statutory Acknowledgement ▪ Traditional Settlements ▪ Wāhi Ingoa ▪ Wai Māori
Takamoana	Lake Alexandrina	▪ Ara Tawhito ▪ Archaeological Sites ▪ Mahinga Kai ▪ Wāhi Ingoa ▪ Wai Māori
Takapo	Lake Tekapo	▪ Ara Tawhito ▪ Archaeological Sites ▪ Mahika kai ▪ Motu Ariki ▪ Traditional Settlements ▪ Wāhi Ingoa ▪ Wai Māori
Te Ao Marama	Lake Benmore	▪ Ara Tawhito ▪ Archaeological Sites ▪ Mahinga Kai ▪ Traditional Settlements ▪ Wāhi Ingoa ▪ Wai Māori

Traditional Name	Other Name	Values
Te Kopi o Opihi	Burkes Pass	▪ Ara Tawhito ▪ Archaeological Sites ▪ Mahinga Kai ▪ Wāhi Ingoa
Te Manahuna	Mackenzie Pass	▪ Ara Tawhito ▪ Archaeological Sites ▪ Mahinga Kai ▪ Wāhi Ingoa
Te Rua Taniwha	Ben Ohau	▪ Ara Tawhito ▪ Maunga ▪ Mahinga Kai ▪ Wāhi Ingoa
Whakarukumoana	Lake McGregor	▪ Ara Tawhito ▪ Archaeological Sites ▪ Mahinga Kai ▪ Wāhi Ingoa ▪ Wai Māori

Figure 10: Map of Ngāi Tahu Culturally Significant Landscape Features in the Mackenzie Basin.



5.0 STATUTORY CONTEXT

5.1 Resource Management Act 1991

The Resource Management Act 1991 (the RMA) contains a series of takata whenua related provisions, beginning with the definition of sustainable management contained in section 5. In particular, section 5(2) states that "*...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 wellbeing...*"

In seeking to achieve this purpose, all persons exercising functions and powers under the Act shall:

- recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga - section 6(e);
- have particular regard to kaitiakitanga – which is defined as the exercise of guardianship by the takata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship - section 7(a); and
- take into account the principles of the Treaty of Waitangi - section 8.

The Privy Council decision in *McGuire v Hastings DC* (2002) 2 NZLR 577 (paragraph 21), is accepted as being the leading authority on the cultural provisions of the RMA. In this decision, Lord Cooke said:

Section 5(1) of the RMA declares that the purpose of the Act is to promote the sustainable management of natural and physical resources. But this does not mean that the Act is concerned only with economic considerations. Far from that, it contains many provisions about the protection of the environment, social and cultural wellbeing, heritage sites and similar matters. The Act has a single broad purpose. Nonetheless, in achieving it, all the authorities concerned are bound by certain requirements and these include particular sensitivity to Maori issues. By section 6, in achieving the purpose of the 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 various matters of national importance, including "(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu (sacred places) and other taonga (treasures)". By section 7, particular regard is to be had to a list of environmental factors, beginning with (a) Kaitiakitanga [a defined term which may be summarised as guardianship of resources by the Maori people of the area]". By section 8, the principles of the Treaty of Waitangi are to be taken into account. These are strong directions to be borne in mind at every stage of the planning process. [our emphasis]

By applying the takata whenua provisions to Proposed Plan Change 13, it is possible to arrive at the following conclusions:

- Ngāi Tahu Whānui maintain and seek new opportunities to enhance their relationship with their ancestral lands and sites situated within the Mackenzie Basin;
- Ngāi Tahu has sought and received special recognition for water, sites, wahi tapu and other taonga within the Mackenzie Basin;
- Ngāi Tahu wishes to be actively involved in continuing its relationship with the environment of the Mackenzie Basin;

- Ngāi Tahu seeks active protection of the ancestral landscape, the ability to participate in decision making processes relating to it and the development of new ways of expressing their cultural identity.

Ngāi Tahu is looking forward to working collaboratively with the Mackenzie District Council to help it realise these cultural aspirations and to give meaningful effect to the takata whenua provisions of the RMA.

5.2 Te Rūnanga o Ngāi Tahu Act 1996

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whānui, and is a body corporate established on 24 April 1996 under section 6 of Te Rūnanga o Ngāi Tahu Act 1996. The Te Rūnanga o Ngāi Tahu Act prescribes amongst other things the status of Te Rūnanga o Ngāi Tahu, the members of Ngāi Tahu Whānui and their entitlements, the Papatipu Rūnanga that are members of Te Rūnanga and the provisions for electing representatives.

Section 3 of the Act states:

> This Act binds the Crown and every person (including any body politic or corporate) whose rights are affected by any provisions of this Act.

Section 15(1) of the TRoNT Act states:

> Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.

Sitting under the Te Rūnanga o Ngāi Tahu Act is the Te Rūnanga o Ngāi Tahu Charter, which is a contract between Te Rūnanga and the 18 Papatipu Runanga and further prescribes the obligations and operation of Te Rūnanga.

5.3 Ngāi Tahu Claims Settlement Act 1998

In 1998 the Ngāi Tahu Claims Settlement Act 1998 was passed to achieve full and final settlement of historical Ngāi Tahu claims (grievances) against the Crown. The Act records the apology given by the Crown to Ngāi Tahu for injustices suffered by the Crown's actions in purchasing Ngāi Tahu land, and gives effect to the provisions of the Deed of Settlement 1997 entered into between Ngāi Tahu and the Crown.

While the Ngāi Tahu Settlement is full and final, the concept of manawhenua secures an ongoing relationship between takata whenua and local, regional and central government authorities in terms of natural resource management. The provisions of the Settlement are aimed at recognising the mana of Ngāi Tahu on the landscape and restoring the ability of Ngāi Tahu to give practical effect to kaitiaki responsibilities.

Statutory Acknowledgements

Statutory Acknowledgements are a mechanism created under the Ngāi Tahu Deed of Settlement. A Statutory Acknowledgement is an acknowledgement by the Crown of the particular cultural, spiritual, historical and traditional association Ngāi Tahu holds for specified areas.

Statutory Acknowledgements relate to "statutory areas" which include areas of land, geographic features, lakes, rivers, wetlands and coastal marine areas. Statutory Acknowledgements are only given over Crown-owned land. However, with respect to bodies of water, such as a lake, river or wetland, the Statutory Acknowledgement applies to the whole lake, river or wetland, except any part of the bed not in Crown ownership or control.

The intention of the Statutory Acknowledgements is to ensure Ngai Tahu is involved in planning processes and their special relationships cannot be disregarded.

There are four practical outcomes of Statutory Acknowledgements:

- Noting on Plans – the existence and location of the Statutory Acknowledgements will be shown on relevant district and regional plans and policy statements prepared by Councils, meaning that people applying for resource consents will be on notice that these areas are special to Ngāi Tahu;

- Notice of Application – whenever a Council receives an application for a resource consent relating to, or impacting on one of the Statutory Acknowledgement areas, it will be required for a period of 20 years following the settlement, to send notice of that application to Te Rūnanga o Ngāi Tahu, so that the tribe will be aware of potential developments while there is still time to take part in the process;

- Standing – when Councils, the Environment Court and the Historic Places Trust make decisions in relation to Statutory Acknowledgements areas about who has the right to comment on and be listened to, or to appear in Court, they must have regard to the Statutory Acknowledgement;

- Evidence – the Statutory Acknowledgement may be produced by Ngāi Tahu in any proceedings under the RMA or Historic Places Act 1993 as evidence of its relationship with the particular area.

There are six Statutory Acknowledgements located within the geographic area of the Plan Change:

- Aoraki / Mount Cook;
- Lake Ohau;
- Lake Pūkaki;
- Takapo / Lake Tekapo;
- Te Ao Marama / Lake Benmore;
- Whakarukumoana / Lake McGregor.

Copies of each Statutory Acknowledgement are included from Appendix 2 - 7.

Dual Place Names

Dual Place Names are a new instrument created under the Ngāi Tahu Deed of Settlement. Under the Ngāi Tahu Deed of Settlement 88 sites in the Ngāi Tahu Takiwā have 'Dual Place Name' Status. Under 'Dual Place Names' there are now joint English / Māori names, which are included on official maps, road signs and explanatory materials. The one exception is Aoraki / Mt Cook, where the Māori name will come first. These new names will be included on official maps, road signs and explanatory materials as those things are replaced over time.

The New Zealand Geographic Board (the body which is responsible for the official naming of places and landscape features) will be given the additional function of encouraging the use of original Māori place names. Ngāi Tahu will also have a dedicated seat on the Geographic Board.

Nohoanga

The term 'nohoanga' (literally 'a place to sit'), traditionally referred to the seasonal occupation sites which were an integral part of the mobile lifestyle of our tūpuna, as they moved around Te Wai Pounamu in pursuit of various food and other natural resources. The traditional concept has been given contemporary effect in the Crown's Settlement Offer through the provision to Ngāi Tahu of 72 temporary campsites adjacent to lakes and rivers, to facilitate customary fishing and the gathering of other natural resources.

5.4 Relevant Iwi Policy Documents

An Iwi Management Plan is a written statement that consolidates iwi values, knowledge and perspectives on natural resource, environmental and historical management issues. It is an expression of kaitiakitanga. Iwi Management Plans provide a framework and guidelines that Crown agencies can use to assist their understanding of background issues prior to carrying out consultation with iwi. There are several iwi management plans in the Ngāi Tahu Takiwā that will assist the Mackenzie District Council in dealing with Ngāi Tahu matters.

Te Whakatau Kaupapa

Te Whakatau Kaupapa; Ngāi Tahu Resource Management Strategy for the Canterbury Region was prepared in 1990 as a guide to Ngāi Tahu values, strategies and policies for central and local Government. However, Ngāi Tahu has undergone dramatic changes since Te Whakatau Kaupapa was prepared in 1990, in particular with the Ngāi Tahu Deed of Settlement and the passing of the Te Rūnanga o Ngāi Tahu Act 1996. Subsequently, Te Whakatau Kaupapa is now out of date.

Ngāi Tahu is presently beginning the process of developing an Iwi Management Plan for South Canterbury, which will encompass the Mackenzie Basin. In doing this, Ngāi Tahu will seek to work closely with the Council. The revised Iwi Management Plan will supersede Te Whakatau Kaupapa and the reference to the Matter of Resource Management Significance to Arowhenua in the RPS. Once complete it will be necessary for Councils, whenever developing or changing a plan, to take the IMP into account (pursuant to s74 (2A) (a).

Te Rūnanga o Ngāi Tahu Freshwater Policy

The Te Rūnanga o Ngāi Tahu Freshwater Policy Statement was the first environmental policy developed by Ngāi Tahu. It is a recognised iwi planning document for the purposes of the RMA and sets out Te Rūnanga o Ngāi Tahu tribal policies with respect to freshwater for the whole of the Ngāi Tahu takiwā.

It describes in general terms:

- Ngāi Tahu associations with freshwater resources;
- The ways in which Ngai Tahu, as tangata tiaki, want to participate in freshwater management; and

- The environmental outcomes sought.

The Policy Statement is a starting point for a continuing process of consultation and discussion to further define the specific priorities and needs of Papatipu Rūnanga across the takiwā and the ways in which these needs and priorities can be met.

5.5 Historic Places Act 1993

The Historic Places Act 1993 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of the New Zealand Historic Places Trust (NZHPT). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been granted, the Act also provides for substantial penalties for unauthorised destruction, damage or modification.

If there is a chance you may damage a site, you must apply to the NZHPT for permission to do so. The NZHPT can advise you of the most suitable course of action. If you uncover a previously unknown site during earthworks, you may also need permission to continue. You must stop any work that would affect the site and contact the NZHPT for advice on how to proceed.

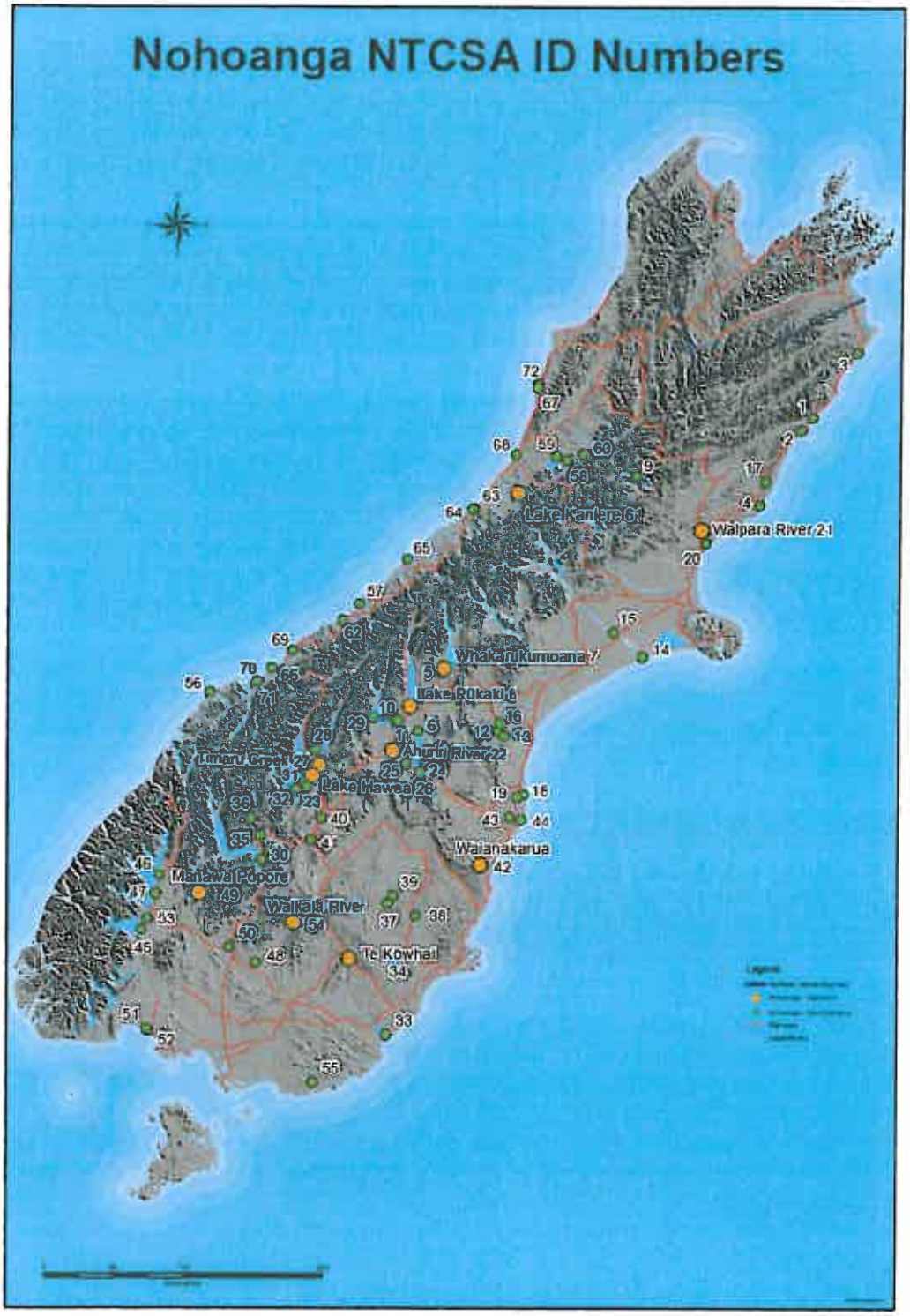
Any person wishing to carry out an investigation that might disturb an archaeological site in any way must also apply to the NZHPT for permission to do so. For further information on whether an archaeological authority is required contact the NZHPT.

Figure 11: Map of Statutory Acknowledgements.

Figure 12: Map of Dual Place Names.

Figure 13: Map of Nohoanga.

(The numbers on the map below are the ID numbers in Schedule 95 of the NTCSA 1998.)



6.0 KEY ISSUES

6.1 Iwi and Hapū Perceptions of the Plan Change

Ngāi Tahu has a strong involvement in Tenure Review of the South Island High Country Pastoral Leases, which Ngāi Tahu representatives believe has been one of the key drivers of residential development throughout the High Country in recent years. Ngāi Tahu representatives have continually expressed concerns to the Crown that regional and district plans do not contain the provisions to protect landscape values because they were designed prior to land being freeholded from Tenure Review.

Ngāi Tahu representatives spoken to during the preparation of this assessment were well aware of and concerned about the impacts that residential subdivision developments were having on the landscape values associated with the MacKenzie Basin and were supportive of the Council 'doing something' and congratulated the Council on its leadership on this issue but were cautious as to the nature or scale of permitted development and its location.

Ngāi Tahu representatives who reviewed the plan change commented that the plan change documents do not take into account Ngāi Tahu cultural landscapes associated with the Basin and instead are more focused on general natural landscapes. Although Ngāi Tahu representatives were happy that the Council is 'doing something' about protecting landscape values, they believe the process for consulting Ngāi Tahu about the plan change should be improved. Ngāi Tahu acknowledges that these deficiencies have since been rectified and that the Council has agreed to pay for costs associated with the preparation of this CIA. Mackenzie District Council accepts that in building an ongoing relationship positive improvements in its consultation with Ngāi Tahu and takata whenua are required.

Ngāi Tahu understands that the Plan Change supports the continuation of pastoral grazing over much of the Mackenzie Basin and there is not envisaged to be any significant change to land-use. This is supported by Ngāi Tahu who has indicated that grazing is not incompatible with the cultural values of the basin.

6.2 Recognition of Ngāi Tahu Philosophies

It is important to Ngāi Tahu that the Mackenzie District Council approaches its management of the Mackenzie Basin with an appreciation of the following Ngāi Tahu philosophies, each of which is central to the way in which Ngāi Tahu views its relationship with the natural environment.

Kaitiakitanga
Kaitiakitanga means guardianship, protection, preservation or sheltering. It is a way in which Ngāi Tahu manages the environment, based on traditional knowledge and understanding. Traditionally, Ngāi Tahu believes there is a deep kinship between themselves and the natural world. All life is connected. People are not superior to the natural order; they are part of it. Like some other indigenous cultures, Ngāi Tahu sees humans as part of the web or fabric of life. To understand the world, one must understand the relationships between different parts of the web. Kaitiakitanga is a vehicle for rediscovering and applying these ideas.

Ki Uta Ki Tai
The philosophy of Ki Uta Ki Tai is central to kaitiakitanga and the way Ngāi Tahu approaches the management of natural resources. Ki Uta Ki Tai means from the mountains to the sea and reflects the knowledge that all natural resources are interconnected and must be managed as such. Ki Uta Ki Tai is a Ngāi Tahu paradigm and ethic – it is the holistic way in which Ngāi Tahu seeks to understand the

natural environment, including how it functions, how people relate to it and how it can be looked after appropriately. Ki Uta Ki Tai involves not only a planning and policy framework, but also the development of monitoring, reporting, geographical information system analysis, information databases, area management and succession tools for natural resource management.

Cultural Landscapes
A cultural landscape is one that is characterised not only by its natural and physical aspects, but also its sites, whakapapa, stories, mahinga kai, rock art and wāhi tapu sites. Many such cultural landscapes occur in and around the coastal environment. It is important to recognise that a landscape may be outstanding from a cultural point of view even though it may not necessarily qualify as an outstanding natural landscape. Ngāi Tahu wants to see the profile of significant cultural landscapes raised via recognition in planning instruments so that they are effectively recognised and provided for.

Mahinga Kai
Mahinga kai was and remains one of the cornerstones of Ngāi Tahu existence and culture. Survival was dependent upon knowledge of mahinga kai and the ability to gather resources from the land, waterbodies and the sea. Healthy waterbodies continue to be a direct source of mahinga kai, provide ecosystem support for mahinga kai species and support other mahinga kai environments such as forests, riparian habitats and coastal environs. Sadly there are many examples across the rohe where inappropriate water management has impacted adversely on mahinga kai. Observable effects include alterations to the abundance and distribution of species, disturbances to the breeding cycles and patterns, loss of access to waterbodies, and the deterioration, reduction and removal of habitat.

6.3 Recognition of Ngāi Tahu Tradition and Relationships with the Mackenzie Basin

As outlined in Section 3 of this Cultural Assessment Ngāi Tahu has a rich ancestral relationship with the Mackenzie Basin. The enduring relationship between Ngāi Tahu and the ancestral landscape is maintained today. This is done by visiting sites, conducting rituals and ceremonies at these places, educating younger members of the tribe on the history and traditions of these places, referring to these places in waiata and dance, ongoing research and published works, art, and participating in planning and resource management decision making processes that affect the ancestral landscape.

The current District Plan provides little recognition of the Ngāi Tahu relationship with the Mackenzie Basin. The Plan Change is an opportunity for the Council to recognise and provide for the special relationships that Ngāi Tahu has with the ancestral landscape, lakes and other sites of significance associated with the Mackenzie Basin. The challenge is in understanding what those traditions and relationships are and how best to provide for them in the planning framework.

Ngāi Tahu representatives explained that the relationship with the Council is not as strong as they would like it to be and not as strong as the relationships that Ngāi Tahu has with some other local authorities. There are several reasons why Ngāi Tahu representatives believe that this has occurred but the main one is the lack of Ngāi Tahu presence within the Mackenzie Basin community. Ngāi Tahu representatives hope that the development of this Cultural Impact Assessment Report might be the beginning of building a stronger working relationship between the Council and Ngāi Tahu. Possibly, there could be future initiatives that could assist in building a stronger working relationship that Ngāi Tahu is keen to investigate more closely with the Council, such as regular meetings and wānanga.

6.4 Avoiding and Mitigating Effects of Development on Areas of Cultural Significance

A number of sites and areas of significance to Ngāi Tahu have been identified and recorded, however there are many that have only been identified and some may be yet to be discovered. There are also

places which Ngāi Tahu does not wish to disclose at this point in time. Protection of these special places occurs at many levels. To maximise the effectiveness of protection in the RMA context, a certain amount of information is required. This includes the cultural, historic or other significance of a place, location, identification of threats or risks, and appropriate management. The quality and quantity of information will influence the ability of statutory bodies to provide levels of protection.

Ngāi Tahu understands that there is a demand for development in areas that have high aesthetic and landscape values, like the Mackenzie Basin. However, Ngāi Tahu wishes to see that development occurs in a coordinated and sustainable manner that ideally avoids, or at the every least mitigates, adverse effects on the environment and Ngāi Tahu cultural values.

The key concerns for Ngāi Tahu representatives is ensuring future residential development is undertaken in a coordinated and controlled manner, avoiding adverse effects on sites and areas of significance including Māori archaeological sites, potential contamination of ground water and lake water, social impacts; and on those visual catchments that include culturally significant landscape features.

Ngāi Tahu is deeply concerned about the quality and quantity of water resources of the Mackenzie Basin and the impact that land development will have on these water resources. Ngāi Tahu expressed a wish that new dwellings are designed and constructed taking into account the finite nature of water resources and the philosophy of low impact design. Suggestions of Ngāi Tahu included considering low water use toilets, maximum number of bathrooms, water retention and re-use technology at high standards of compliance for wastewater discharges.

6.5 Unacceptable Activities to Ngāi Tahu

During liaison with Ngāi Tahu representatives several activities were identified that are considered unacceptable to Ngāi Tahu. These included the location of new cemeteries and burials immediately adjacent to lakes and rivers. The reason for the strong opposition towards this activity is the potential for the activity to restrict the harvesting of food resources and access due to the tapu nature of the cemetery. Ngāi Tahu felt that appropriate alternative locations for cemeteries could be provided closer to existing residential areas. This assessment could consider recommending that burial grounds adjacent to lakes and rivers be a non-complying activity.

Other activities deemed unacceptable included activities that destroyed or significantly impacted on places of cultural significance and the discharges of contaminated water (wastewater and greywater) to waterbodies; that is, streams, rivers, lakes and aquifers.

6.6 Participating in Decision Making Processes

During the preparation of the assessment Ngāi Tahu representatives emphasised the importance of participating in the plan change process and a wish to continue dialogue with the Council during considerations of resource consents. The suggestion of more formal relationships and procedures was raised and appears to be a logical progression from the plan change. It is understood that there is already a distribution of resource consent applications occurring to Ngāi Tahu, however, it is not clear as to who the applications are being distributed, when they are distributed and the arrangements around contact details and scope of comments. In the immediate future Ngāi Tahu have requested that a summary of consents with a map 1:5,000 scale be distributed to appropriate contacts. Further discussions to formalise participation would be advantageous.

6.7 Capacity of Iwi to Respond

With 26 District and Regional Councils within the Ngāi Tahu Takiwā, Te Rūnanga o Ngāi Tahu is frequently consulted under the Resource Management Act 1991. Te Rūnanga o Ngāi Tahu attempts to conduct its consultation activities in a user friendly and constructive way. Ngāi Tahu believes that the best approach towards consultation is to form a co-operative and constructive relationship that is characterised by a genuine understanding of what each other's values and motives are and facilitated by having established points of contact.

The local kaitiaki Rūnaka (Te Rūnanga o Arowhenua and Te Rūnanga o Waihao) have proactive and highly capable staff who wish to participate in resource management matters of concern to them. The relationship between the iwi authority (i.e. Te Rūnanga o Ngāi Tahu) and hapū authority (i.e. Te Rūnanga o Arowhenua and Te Rūnanga o Waihao) is important to maintain efficiencies and share technical support.

The development of the relationship between Ngāi Tahu (i.e. Te Rūnanga o Ngāi Tahu, Te Rūnanga o Waihao, Te Rūnanga o Arowhenua) and Mackenzie District Council will support the building of capacity for Ngāi Tahu to respond to the Council's resource management matters.

As outlined in section 5.4, there is no up to date Iwi Management Plan for the Mackenzie Basin. Te Rūnanga o Ngāi Tahu propose to work with Te Rūnanga o Arowhenua and Te Rūnanga o Waihao on the feasibility of developing an Iwi Management Plan for the South Canterbury Region, which would outline tribal policies on issues such as development in the Mackenzie Basin. The development of an Iwi Management Plan for South Canterbury would greatly improve the capacity of Ngāi Tahu to respond to the Mackenzie District Council's resource management requests.

7.0 REVIEW OF PROPOSED PLAN CHANGE

7.1 General

Ngāi Tahu has sought to approach its evaluation of Proposed Plan Change 13 within the context of the operative District Plan itself. In this context, Ngāi Tahu acknowledges that Section 4 of the Plan entitled Takata Whenua already sets out the following objectives and policies in relation to Ngāi Tahu:

Objectives

1. Recognition of the importance of the relationship of the takata whenua, their culture and traditions, with their ancestral lands, waters and sites, in the management of these resources within the District.

2. Recognition of the Treaty of Waitangi partnership between the takata whenua and the Crown which has devolved its policy and regulatory capacity in the management of natural resources to local government through the Resource Management Act 1991.

Policies – Specific to Takata Whenua Interests

1. To include acknowledgement of Arowhenua Runaka in all future District Plans.

2. To develop a system of on-going consultation with the takata whenua by asking the takata whenua what form of consultation and participation in resource management they feel is appropriate for them.

3. To give recognition to traditional takata whenua place names within the District.

4. To promote, through education and information, public awareness of takata whenua obligations, interests and concerns within the District. Any promotion shall be done with the support of Runaka members.

5. To support the coming together of Runaka members and land managers (farmers, DoC, Council) to discuss the way that lands, waterways and mahika kai are presently being

Ngāi Tahu believes that, to some extent, these existing objectives and policies of the District Plan form a basis for informing, developing and fine tuning the provisions of Proposed Plan Change 13. What Ngāi Tahu seeks is that the sentiment expressed in the above provisions filters through to the proposed new objectives and policies for the Rural Section of the Plan. In other words, Ngāi Tahu wants to see recognition of takata whenua values integrated throughout the Mackenzie District Plan, including the planning maps.

It is also noted here that there is a Heritage Section in the District Plan (section10) that addresses the protection of heritage resources including those of significance to Takata Whenua. The current operative provisions are limited in that they are focused on 'registered' historic places, wahi tapu and recorded archaeological sites. Sites and areas including landscapes of significance to Takata Whenua are not afforded any active protection. This may be a significant barrier to recognising and protecting cultural heritage resources within the Basin.

7.2 Cultural Context

Before outlining the proposed amendments and additions to Proposed Plan Change 13, it is important to summarise the nature of the cultural values that it seeks to recognise and protect.

- The entire Mackenzie Basin is a significant ancestral landscape to Ngāi Tahu and its local hapū;
- The significance of the Mackenzie Basin is founded on relationships formed out of occupation, settlement and use of the ancestral landscape over hundreds of years;
- There are specific areas and landscape features within the Mackenzie Basin that are more culturally significant than others;
- The basin has been imbued with the mana and wairua of the ancestors and their descendants;
- Whilst there are a number of discreet sites and areas which represent more permanent and intensive occupation and use, many of the traditional and customary associations are with large areas of the basin that include these sites and areas;
- There are a number of Statutory Acknowledgements and Deeds of Recognition that recognise the significance of the takata whenua, particularly in relation to the lake and river environments;
- The visual catchments and view shafts between the southern shores of the lakes and the mountains in the north were particularly important to Ngāi Tahu for the purposes of maintaining relationships with those places;
- In order for the Council to gain a deeper appreciation of the cultural values associated with the Mackenzie Basin, Ngāi Tahu seeks that the Council work closely with Te Rūnanga o Ngāi Tahu and the kaitiaki Papatipu Rūnaka.

When taken together, these values amount to a need to ensure that the new Rural Section of the Mackenzie District Plan adequately recognises and provides for the significant cultural landscapes of the Mackenzie Basin.

7.3 Proposed Amendments and Additions

In order to enhance the extent to which the Mackenzie District Plan recognises and provides for Ngāi Tahu values, we set out the following recommendations in respect of Proposed Plan Change 13. It is to be noted that, in the interests of promoting ongoing discussion and consultation between Ngāi Tahu and the Council, the recommendations are formulated in a comparatively general manner so as to facilitate the achievement of collaborative and agreed outcomes.

Objectives and Policies

While Ngāi Tahu is supportive of the purpose of the new objectives and policies contained in Proposed Plan Change 13, we are concerned that, as they presently stand, they fail to take sufficient account of the significant cultural associations with the Mackenzie Basin. By way of illustration, there is no specific objective or policy in Proposed Plan Change 13 directed towards ensuring the recognition and protection of cultural landscapes. Nor is there any reference in the revised objectives and policies to the fact that takata whenua values are an important ingredient of an outstanding natural landscape and, as

such, must be recognised and provided for when considering development proposals in the Mackenzie Basin.

In this context, Ngāi Tahu seeks that the Council amend the objectives and policies section of Proposed Plan Change 13 by:

- Creating a specific cultural landscapes objective and policy that expresses the need to recognise and provide for the relationship between Ngāi Tahu and their ancestral lands, water, sites wāhi tapu and other taonga of the Mackenzie Basin;
- Amending the remaining objectives and policies of the Rural section by incorporating into them suitable references to the need to ensure that cultural landscapes and features in the Mackenzie Basin are protected from inappropriate use and development;
- Incorporating a new policy, which promotes access to culturally important places for Ngāi Tahu Whānui;
- Making it a policy to promote, where necessary, the restoration and enhancement of cultural landscapes of importance to Ngāi Tahu, including the protection, restoration and enhancement of indigenous biodiversity and mahinga kai.

In order to enhance people's understanding of these new or amended provisions, it is also suggested that the Council consider inserting a new definition of "cultural landscape" into the definitions section of the Plan. Ngāi Tahu proposes the following definition:

Cultural landscape means a landscape that is characterised not only by its natural and physical aspects, but also its sites, whakapapa, stories, mahinga kai, rock art and wāhi tapu sites.

It may also be necessary to provide more detailed guidance in the Explanation and Reasons section about the cultural context surrounding the revised provisions and the expectations attaching to them.

Cultural Landscapes Schedule

So as to provide greater clarity about the location and nature of the cultural landscapes sought to be protected by Ngāi Tahu, it is recommended that the Council consider incorporating the Schedule of Culturally Significant Landscapes within the Mackenzie Basin (set out on pages 17 and 18 of this Assessment). Ngāi Tahu believes that the details about the location and values of culturally significant landscapes will assist to enhance the transparency surrounding the takata whenua provisions of the Plan. It is anticipated that the Schedule could be incorporated into the Plan as an Appendix and that a cross-reference to it could be contained in the new provisions relating to cultural landscapes. The Plan should also provide direction to the effect that any proposal to carry out an activity within a culturally significant landscape identified in the Schedule will be required to consult with Ngāi Tahu and that possibly could involve a Cultural Impact Assessment report.

Recognition of Cultural Landscapes on Planning Maps

In order to ensure that culturally significant features and landscapes are able to be easily identified by those using the Mackenzie District Plan, Ngāi Tahu seeks that appropriate reference to such features be incorporated into the relevant planning maps. In order to assist with this task, we have prepared two GIS maps attached to this report. The first of these maps identifies the various cultural values of the Mackenzie Basin including ara tawhito (trails), archaeological sites (as identified by the New Zealand

Archaeological Association), mahinga kai sites (traditional food gathering areas), maunga (mountains), traditional settlements, statutory acknowledgements, wai māori (water) and wāhi ingoa (place names) (Figure 9). The second map identifies the cultural landscapes that it is sought to protect from inappropriate subdivision, use and development (as set out in the Culturally Significant Landscapes Schedule).

Ngāi Tahu would be happy to work with the Council to identify the best way of integrating these maps into the planning maps of the Mackenzie District Plan.

Buffer Zones

One of the central themes to emerge during the assessment process was the outstanding cultural significance of the lakes of the Mackenzie Basin. Members of both Te Rūnanga o Arowhenua and Te Rūnanga o Waihao remarked that, although significantly modified as a result of the construction of the hydro generation system, the lakes remain focal points of Ngāi Tahu culture. More specifically, although many traditional settlements were flooded as a result of the development of the hydro lakes, they are still culturally significant because they are the locations of the historical settlements of Ngāi Tahu tūpuna, an important source of water and the habitat of traditional food sources. Additionally, it is also noteworthy that the margins of lakes are regarded as culturally significant for the view shafts they provide to the Southern Alps. The maintenance of such view shafts that are free of intensive and sporadic building development, is an important means of preserving cultural access to these mountain landscapes and the history and traditions that are part of such landscapes.

In this context, Ngāi Tahu seeks that the Mackenzie District Council establish a buffer zone (or esplanade strip/reserve) around the margins of the Lakes within which building and land use development are strictly controlled. Not only would a buffer zone ensure the maintenance of unobstructed views, but it would also help to provide for waterway health and access values.

Once again, Ngāi Tahu would be happy to work closely with the Council to progress this initiative. Having said this, Ngāi Tahu expresses its concern that proposed policy 3K as it presently stands may not be sufficiently explicit to achieve a lakeside buffer zone.

Consultation and Cultural Impact Assessments

Ngāi Tahu believes that a vital means of ensuring that takata whenua values are effectively recognised and provided for is through consultation that takes place early on in the process, is meaningful and genuine and is ongoing. An important aspect of this consultation process may be the preparation of a cultural impact assessment.

The leading case on consultation is *Wellington International Airport Ltd v Air New Zealand* (1991) (Court of Appeal). The elements of consultation can be summarised as including, but not limited to:

- Consultation is the statement of a proposal not yet finally decided upon;
- Consultation includes listening to what others have to say and considering responses;
- Sufficient time must be allowed and a genuine effort must be made;
- There must be enough information made available to the party obliged to consult, to enable the consultee to be adequately informed so as to be able to make intelligent and useful responses;

- The party obliged to consult must remain open minded and be ready to change and even start afresh. However, the party consulting is entitled to have a working plan already in mind;
- Consultation is an intermediate situation involving meaningful discussion; and
- The party obliged to consult holds meetings, provides relevant information and further information on request, and waits until those being consulted have had a say before making a decision.

Consultation is not:

- Merely telling or presenting; or
- Intended to be a charade; or
- The same as negotiation, although a result of consultation could be an agreement to negotiate.

As one of the most frequently consulted organisations under the RMA, Ngāi Tahu has the benefit of considerable consultation related experiences, some of which have been a fulfilling and rewarding experience, others which are best left unmentioned. Overall, Ngāi Tahu strongly believes that a thorough and meaningful consultation process has the ability to result in the achievement of mutually agreeable outcomes, which otherwise may not have been possible.

In this context, Ngāi Tahu seeks that the Council develop a culturally based Implementation and Methods section that provides direction in relation to the following matters:

- The need to engage in a consultation process with Ngāi Tahu in respect of any proposal in the Rural Zone that has the potential to impact upon any of the identified cultural values outlined in that section of the Plan, including any activity that is proposed to take place within, adjacent to or which may impact on any of the identified Statutory Acknowledgement areas;
- The need to direct consultation to both Te Rūnanga o Ngāi Tahu and the Papatipu Rūnanga in whose rohe the proposal is proposed to take place. In order to determine whose rohe a proposed activity is located within, reference could be made to Figure TGW 2-2 (page 2-5) in Chapter 2 of the Proposed Natural Resources Regional Plan, which sets out the agreed Rūnanga boundaries. In order to assist this process, Ngāi Tahu also provides the following contact details for both Te Rūnanga and the kaitiaki Papatipu Rūnanga:

  Te Rūnanga o Ngāi Tahu
  Level 6 Te Waipounamu House
  158 Hereford Street
  PO Box 13046
  Christchurch 8141
  Phone 03 366 4344
  Attention: Paul Horgan

  Te Rūnanga o Arowhenua
  39 Huirapa Street
  PO Box 69
  Temuka
  Phone 03 615 9646
  Attention: Mandy Home

Te Rūnanga o Waihao
Māori Road
Morven
PO Box 14
Waimate
Phone 03 688 3211
Attention: Jo McLean

- Encouraging early consultation. Consultation at the earliest possible stage in the design and development of proposals, policies or plans can save both time and money. This includes pre-application consultation on resource consent applications.

- Promoting best practice consultation practices that include sufficient information to enable Ngāi Tahu to gain a clear understanding of the issue and to make an informed response; afford sufficient time to make informed decisions; provide adequate resourcing for consultation (including relevant technical advice); and which are genuine and include a willingness to change, and recognise different priorities, concerns and values.

- Promoting, in appropriate circumstances, the commissioning of a cultural impact assessment as a means of evaluating the likely impact of a proposal upon the cultural values of the Mackenzie Basin.

Low Impact Development
Ngāi Tahu seeks that Proposed Plan Change 13 be sufficiently equipped to ensure the avoidance of adverse effects on the natural environment as a consequence of increased demands placed upon land, water and community infrastructure resulting from the granting of new subdivision and land use consents. Ngāi Tahu seeks that development take place in a co-ordinated and systematic manner, as opposed to being ad-hoc and sporadic. In this context, Ngāi Tahu is supportive of the nodal approach contained in Proposed Plan Change 13, which seeks to ensure that residential use and subdivision follow the existing land use patterns of the Basin.

In addition to controlling the location of new residential development, Ngāi Tahu also seeks that the Council develop provisions to ensure that such development is low impact in nature. Ngāi Tahu proposes the following initiatives:

- Encourage the use of rainwater storage facilities for external water use (for example, on gardens) by residential development;

- When applicable, include as a condition of consent the use of native plantings and the enhancement of indigenous biodiversity as a means to remove adverse impacts on cultural and landscape values as a result of subdivision activities;

- Promote the use of restrictive covenants and consent notices on certificates of title on new lots created by subdivision applications, to prevent the use of plants considered pest species in landscaping and gardens;

- Subdivision applicants may be required to enter into Accidental Discovery Protocol and monitoring agreements with kaitiaki Rūnanga, stating any earthworks, fencing, landscaping or other such activity that has the potential to uncover archaeological sites, and outlining procedures associated with such an occurrence;

- Any earthworks near rivers or lakes must have appropriate measures in place to avoid contaminants (including sediment run-off and dust) entering waterways;
- Recommend that developers consult with Ngāi Tahu with regard to providing Ngāi Tahu names for new roads and areas created by new subdivision.

8.0 RECOMMENDATIONS AND WHERE TO FROM HERE

8.1 Recommendations

- Ngāi Tahu seeks the incorporation of objectives and policies which express the need to ensure that Ngāi Tahu cultural landscapes and features in the Mackenzie Basin are protected from inappropriate use and development;

- The assessment shows that there are a series of specific areas and landscape features within the Mackenzie Basin that are of particular cultural significance and which are characterised by a range of interconnected cultural values (including Ara Tawhito, (trails), archaeological sites (as identified by the New Zealand Archaeological Association), mahinga kai sites (traditional food gathering areas), maunga (mountains), traditional settlements, statutory acknowledgements, wai māori (water) and wāhi ingoa (place names)). It is important that these places, sites and values are specifically identified in the Rural Section of the Mackenzie District Plan as the Heritage section in its current form will not provide active protection;

- Ngāi Tahu also seeks that the outline of the various cultural landscape features contained in the Schedule of Culturally Significant Landscapes within the Mackenzie Basin be incorporated into the Plan. For any development in the Mackenzie Basin that has the potential to affect a cultural landscape feature listed in this Schedule then the Council work with Ngāi Tahu to develop appropriate consultation processes with Ngāi Tahu;

- This should be reinforced via suitable reference in the planning maps to the culturally significant features outlined in the Schedule;

- Ngāi Tahu supports the option of imposing a buffer zone around the margins of the Basin's lakes within which building and land use development are strictly controlled;

- Provisions in the Rural Section of the Plan must also be capable of protecting the view shafts between the southern shores of the lakes and the mountains in the north, which are an important means by which Ngāi Tahu maintains its relationship with these places;

- Ngāi Tahu also seeks that the Council develop a culturally based Implementation and Methods section that provides guidance about how to consult effectively with Ngāi Tahu;

- Ngāi Tahu supports the inclusion of provisions that require that subdivision and land use adhere to the principles of low impact urban design (including rainwater storage facilities, native plantings and restrictions upon sediment entering waterways);

- Ngāi Tahu hopes that the Council will work with Ngāi Tahu, particularly the kaitiaki Papatipu Rūnanga, to improve its understanding of Ngāi Tahu history, values and cultural association with the Mackenzie Basin.

8.2 Where to From Here

- Ngāi Tahu considers that the most effective way of progressing the recommendations contained in this assessment is to work together with the Council officers and consultants to devise a way of making the necessary additions and amendments to Proposed Plan Change 13;

- In order to do this, Ngāi Tahu suggests that a date be set where the parties can meet to discuss the recommendations and the options for giving effect to them;

- In addition to this, Ngāi Tahu also notes that it has lodged a submission on Proposed Plan Change 13 (a copy of which is attached to this Assessment) and that it has requested to be heard in support of its submission;

- In its submission, Ngāi Tahu stated that it was concerned that, during the preparation of Proposed Plan Change 13, there was little or no engagement with Ngāi Tahu and, as a result, the plan change in its present form failed to adequately recognise and provide for cultural values;

- If necessary, Ngāi Tahu can present cultural evidence and submissions at the hearing in respect of Proposed Plan Change 13.

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GLOSSARY OF NGĀI TAHU TERMINOLOGY

Aoraki	Mount Cook
Ara Tawhito	Greenstone Trails
Atua	Gods
Awa	Rivers
Hapū	Sub-tribe
Hīkoi	Journey
Ikoa Wāhi	Place names
Iwi	Tribe
Kā Tiritiiri o Te Moana	The Southern Alps
Kāinga	Villages
Kaitiaki	Guardian
Karakia	Incantation
Kaumatua	Elders
Kō	A traditional digging stick
Mahinga kai	Food and other resources and the areas that they are sourced from
Mana	Authority
Mauka	Mountains
Ngāi Tahu Whānui	Ngāi Tahu Whānui is the collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe and Ngāi Tahu, namely Kāti Kuri, Kāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri, and Kāi Te Ruahikihiki and is recognised as the iwi with mana whenua (tribal authority) over its takiwā (tribal area) within Te Waipounamu.
Nohoanga	Temporary campsite
Pā	Fortified Village
Papatūānuku	Earth Mother
Pounamu	Greenstone
Rakaihautu	Ancestor of the Waitaha Tribe who arrived in the Uruao waka and created most of the lakes within Te Waipounamu.
Rakatira	Chief

Raki	Sky Father
Roto	Lakes
Takiwā	Tribal area
Taonga	Treasured Possession
Te Manahuna	The Ngāi Tahu name for the Mackenzie Basin and the Mackenzie Pass
Te Waipounamu	The South Island
Te Waka a Aoraki	The South Island
Te Tai Poutini	The West Coast of the South Island
Tohunga	Spiritual leader; Expert in various disciplines
Tūpuna	Ancestor
Wāhi Taonga	Places of sacred and extreme importance
Wāhi Tapu	Places of sacred and extreme importance
Wai Māori	Freshwater resources
Wānanga	To learn; A place to learn.
Whānau	Family

Appendices

Appendix 1 –New Zealand Archaeological Association

The New Zealand Archaeological Association

The New Zealand Archaeological Association (NZAA) is an incorporated society, which includes students, amateurs, professionals and institutions involved or interested in archaeology. The objectives of the NZAA are to:

- Promote and foster research into the archaeology of New Zealand
- Lobby Government and Local Government for the protection of New Zealand's cultural heritage

The NZAA Site Recording Scheme

The NZAA Site Recording Scheme is the most comprehensive database of archaeological sites in New Zealand. The scheme contains information for over 55,000 Māori and European archaeological sites. The Site Recording Scheme is endorsed by the New Zealand Historic Places Trust and the Department of Conservation and has been described by the Parliamentary Commissioner for the Environment as "a database of major national significance".

Limitations of NZAA Site Recording Scheme

The NZAA Site Recording Scheme has the following limitations that must be taken into consideration:

- The grid reference gives the location of a site but it does not delimit its extent. The location of sites is usually only recorded to within about the nearest 100 meters but the accuracy may in some cases be less than this.

- The absence of data for any particular area should not be taken to mean that it contains no archaeological sites. It may mean that no archaeological survey has been carried out or that sites were obscured at the time the survey was done. In any given area there may be any number of undiscovered or unrecorded sites.

- Some recorded sites may no longer exist (for example, they may have been destroyed since they were recorded).

- Historical (European period) archaeological sites, in particular, are currently under-represented in the Site Recording Scheme.

- Not all sites recorded in the Site Recording Scheme are archaeological sites in terms of the Historic Places Act 1993. They may, for example, post-date 1900 or no longer be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand.

- The formal evaluation of site significance is not a function of the Site Recording Scheme.

- While Ngāi Tahu may consider some archaeological sites as wāhi tapu, the Site Recording Scheme is not specifically concerned with such places. If information about wāhi tapu is required contact the relevant Papatipu Rūnaka or Te Rūnanga o Ngāi Tahu.

- Information about burial sites will, in some circumstances, be withheld.

- For many purposes, an inspection by a qualified archaeologist will be required. Information from the Site Recording Scheme is not a substitute for this.

NZAA Site Recording Scheme Upgrade Project

In 1999 the NZAA Council began addressing the inaccuracies in the data by initiating a project to update the information in the Site Recording Scheme. This project involves archaeologists checking the details recorded on the files to assess precision, accuracy and to update the information. The NZAA do not expect to complete the Upgrade Project until the end of 2007.

As part of the Upgrade Project NZAA is developing a GIS database. For more information and contact details regarding the NZAA Update Project visit the following website:
http://www.nzarchaeology.org/SRS_upgrade_project.htm.

How to Request Information for NZAA Māori Archaeological Sites

Since the Site Recording Scheme Upgrade Project has yet to be completed Māori archaeological sites recorded in the NZAA Site Recording Scheme are not included in the ArcExplorer Software Package. However, if information about Māori archaeological sites in the NZAA Site Recording Scheme is required then contact the local NZAA filekeeper. Contact details for NZAA filekeepers are at
http://www.nzarchaeology.org/recording.htm#keepers. A fee may be charged for any information requests.

Legal Protection of Archaeological Sites

The Historic Places Act 1993 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of the New Zealand Historic Places Trust (NZHPT). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been granted, the Act also provides for substantial penalties for unauthorised destruction, damage or modification.

If there is chance you may damage a site, you must apply to the NZHPT for permission to do so. The NZHPT can advise you of the most suitable course of action. If you uncover a previously unknown site during earthworks, you may also need permission to continue. You must stop any work that would affect the site and contact the NZHPT for advice on how to proceed.

Any person wishing to carry out an investigation that might disturb an archaeological site in any way must also apply to the NZHPT for permission to do so. For further information on whether an archaeological authority is required contact the NZHPT.

Contact Details for the New Zealand Historic Places Trust

Office for Canterbury, South Canterbury, Kaikoura, West Coast
Gough House
90 Hereford Street
PO Box 4403, Christchurch
Phone (03) 365-2897
Fax (03) 374-2433
Email: infosouthern@historic.org.nz

Office for Otago, North Otago, Southland
Level 4, 109 Princes Street
P O Box 5467, Dunedin
Phone (03) 477-9871
Fax (03) 477-3893
Email: infodeepsouth@historic.org.nz

Appendix 2 –Statutory Acknowledgement for Aoraki / Mt Cook

Statutory Area
The statutory area to which this Statutory Acknowledgement applies is the area known as Aoraki / Mount Cook located in Kā Tiritiri o te Moana (the Southern Alps), as shown on Allocation Plan MS 1 (SO Plan 19831).

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

Cultural, spiritual, historic and/or traditional association of Ngāi Tahu with the Statutory Area
In the beginning there was no Te Wai Pounamu or Aotearoa. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed.

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

Among the celestial visitors were four sons of Raki who were named Ao-raki (Cloud in the Sky), Raki-roa (Long Raki), Raki-rua (Raki the Second), and Raraki-roa (Long Unbroken Line). They came down in a canoe which was known as Te Waka o Aoraki. They cruised around Papa-tua-nuku who lay as one body in a huge continent known as Hawaiiki.

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

The waka listed and settled with the west side much higher out of the water than the east. Thus the whole waka formed the South Island, hence the name: Te Waka o Aoraki. Aoraki and his brothers clambered on to the high side and were turned to stone. They are still there today. Aoraki is the mountain known to Pākeha as Mount Cook, and his brothers are the next highest peaks near him. The form of the island as it now is owes much to the subsequent deeds of Tū Te Rakiwhānoa, who took on the job of shaping the land to make it fit for human habitation.

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

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

The saying 'he kapua kei runga i Aoraki, whakarewa whakarewa' ('the cloud that floats aloft Aoraki, for ever fly, stay aloft') refers to the cloud that often surrounds Aoraki. Aoraki does not always 'come out' for visitors to see,

just as that a great chief is not always giving audience, or on 'show'. It is for Aoraki to choose when to emerge from his cloak of mist, a power and influence that is beyond mortals, symbolising the mana of Aoraki.

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

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, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this Statutory Acknowledgement in relation to Aoraki, 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 Aoraki or the Commissioner of Crown Lands, as this 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 Aoraki as provided in section 211 of (clause 12.2.5 of the Deed of Settlement).

Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 208 and 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 Aoraki (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 Aoraki.

Except as expressly provided in this Act, this Statutory Acknowledgment 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, Aoraki.

Appendix 3 –Statutory Acknowledgement for Lake Ohau

Statutory Area
The statutory area to which this Statutory Acknowledgement applies (Statutory Area) is the lake known as Ōhau, the location of which is shown on Allocation Plan MD 36 (SO Plan 19838).

Preamble
Pursuant to section 206, the Crown acknowledges Te Rūnanga's statement of Ngāi Tahu's cultural, spiritual, historic and traditional association to Lake Ōhau, as set out below.

Ngāi Tahu Association with Lake Ōhau
Ōhau is one of the lakes referred to in the tradition of 'Ngā Puna Wai Karikari o Rakaihautu' which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Ōhau. It is probable that the name 'Ōhau' comes from one of the descendants of Rakaihautu, Hau.

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.

Ōhau was traditionally occupied by the descendants of Te Rakitauhope and was the site of several battles between Ngāi Tahu and Ngāti Mamoe. Later, it supported Te Maiharoa and his followers in 1870s when they took occupation of land in the interior in protest against the Crown's failure to honour the 1848 Canterbury Purchase.

As a result of this history of occupation, there are a number of urupā and wāhi tapu associated with the lake. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

Ōhau was an important mahinga kai, and part of a wider mahinga kai trail that ran from Lake Pūkaki to the coast. The main foods taken in this area were weka, forest and water fowl and freshwater fish such as tuna (eel) and kokopu.

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 lake, the relationship of people with the lake 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 mauri of Ōhau 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 lake.

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, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this Statutory Acknowledgement in relation to Lake Ōhau, 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 Lake Ōhau or the Commissioner of Crown Lands, as this 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 Lake Ōhau as provided in section 211 of (clause 12.2.5 of the Deed of Settlement).

Limitations on Effect of Statutory Acknowledgement
Except as expressly provided in sections 208 and 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 Lake Ōhau (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 Lake Ōhau.

Except as expressly provided in this Act, this Statutory Acknowledgment 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, Lake Ōhau.

Appendix 4 –Statutory Acknowledgement for Lake Pūkaki

Statutory Area
The statutory area to which this Statutory Acknowledgement applies is the lake known as Pūkaki, the location of which is shown on Allocation Plan MD 35 (SO Plan 19837).

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 Pūkaki as set out below.

Ngāi Tahu Association with Lake Pūkaki
Pūkaki is one of the lakes referred to in the tradition of 'Ngā Puna Wai Karikari o Rakaihautu' which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Pūkaki.

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.

Pūkaki is referred to in Ngāi Tahu tradition as the basin that captures the tears of Aoraki: a reference to the melt waters that flow from Aoraki into the lake in the spring time.

As well as its association with Aoraki, Pūkaki is also a mahinga kai, noted particularly for its water fowl. 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 lake, the relationship of people with the lake 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 mauri of Pūkaki 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 lake.

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, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this Statutory Acknowledgement in relation to Lake Pūkaki, 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 Lake Pūkaki or the Commissioner of Crown Lands, as this 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

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(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 Lake Pūkaki as provided in section 211 of (clause 12.2.5 of the Deed of Settlement).

Limitations on Effect of Statutory Acknowledgement
Except as expressly provided in sections 208 and 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 Lake Pūkaki (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 Lake Pūkaki.

Except as expressly provided in this Act, this Statutory Acknowledgment 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, Lake Pūkaki.

Appendix 5 –Statutory Acknowledgement for Takapo / Lake Tekapo

Statutory Area
The statutory area to which this Statutory Acknowledgement applies is the lake known as Takapo (Lake Tekapo), the location of which is shown on Allocation Plan MD 34 (SO Plan 19836).

Preamble
Pursuant to section 206, the Crown acknowledges Te Rūnanga's statement of Ngāi Tahu's cultural, spiritual, historic and/or traditional association to Takapo as set out below.

Ngāi Tahu Association with Takapo
Takapo is one of the lakes referred to in the tradition of 'Ngā Puna Wai Karikari o Rakaihautu' which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Takapo.

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.

Takapo was often occupied by Ngāi Tahu and, like most lakes, there are traditions of a taniwha connected with it. Tradition has it that the tohunga Te Maiharoa is the only person to have swum the lake and escaped the taniwha. This story is told to demonstrate that the mana of Te Maiharoa was greater than that of the taniwha of the lake.

As a result of this history of occupation, there are a number of urupā associated with the lake. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

Takapo served as a mahinga kai for South Canterbury Ngāi Tahu. Waterfowl and eel were the main foods taken from this lake. 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 lake, the relationship of people with the lake 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 mauri of Takapo 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 lake.

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, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this Statutory Acknowledgement in relation to Takapo, 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 Takapo or the Commissioner of Crown Lands, as this 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 Takapo as provided in section 211 of (clause 12.2.5 of the Deed of Settlement).

Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 208 and 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 Takapo (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 Takapo.

Except as expressly provided in this Act, this Statutory Acknowledgment 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, Takapo.

Appendix 6 –Statutory Acknowledgement for Te Ao Marama / Lake Benmore

Statutory Area
The statutory area to which this Statutory Acknowledgement applies is the Lake known as Te Ao Mārama (Lake Benmore), the location of which is shown on Allocation Plan MD 130 (S.O. Plan 19857 (Canterbury Land District) and S.O. 24748 (Otago Land District)).

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 Te Ao Mārama as set out below.

Ngāi Tahu Association with Te Ao Mārama
While the man-made Te Ao Mārama is obviously a comparatively recent creation on the landscape, if overlays the path of the Waitaki River, which is very significant to Ngāi Tahu as the pathway of the waters from Aoraki to the sea. Ngāi Tahu Whānui always recognise and pay respects to Waitaki as a significant element of their being, and identity, a creation of the atua (gods), further moulded by Tū Te Rakiwhānoa and his assistants, one of whom was Marokura who stocked the waterways.

In addition, the lake now covers areas which have been very important in Ngāi Tahu history. The Ahuriri arm of the lake was the site of Te Ao Mārama, the nohoanga that Te Maiharoa was evicted from by the constabulary in the late 1800s. It is in memory of this that the lake is now referred to by the same name. A number of other nohoanga existed in the area the lake now covers, and these were among the 170 which one record lists as existing in the Waitaki basin. One of these was at Sailors Cutting, and was known as Te Whakapiri a Te Kaiokai.

Many wāhi tapu and wāhi taonga were also drowned by Te Ao Mārama, including a number of rock art sites, while others still survive. Urupā associated with the nohoanga in the area also lie under the lake. These are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

An important and productive fishery exists in the lake, with the Haldane and Ahuriri arms once rich in long finned eels, although in more recent times the fishery has been depleted. Freshwater mussels (waikakahi) are also available in the Ahuriri shallows. Excellent stands of raupō grow on the edge of the lake, adjacent to the deep water, this hardy plant, which was traditionally used for kai and in the making of mokihi (a type of waka, or canoe, used on inland waterways) is not affected by the heavy frosts of the area or cattle grazing. The Ahuriri arm was also a important waterfowl and weka habitat.

Strategic marriages between hapū strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the area. These whakapapa rights and relationships still apply to the lake itself.

The area which the lake now covers was once a major route from coast to coast: to Hawea and Wanaka via the Lindis pass, and to the West Coast via Ōkuru or Haast Pass. There was also a trail via the Lindis through into the Central Otago summer resorts, mahinga kai and pounamu resources. Trails linked to seasonal resource gathering lead into the Ōhau, Pūkaki and Takapo, Alexandrina and Whakarukumoana catchments. These 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 land and waterways.
Wai-para-hoanga meaning literally 'water of grinding stone dirt' is a descriptive name for the water that once flowed unhindered in the Waitaki, sourced from Pūkaki, Takapo and Ōhau, and ultimately from Aoraki itself.

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Notwithstanding more recent man-made changes to the landscape and waterways, the mauri of Te Ao Mārama 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 lake.

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, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this Statutory Acknowledgement in relation to Te Ao Mārama, 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 Te Ao Mārama or the Commissioner of Crown Lands, as this 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 Te Ao Mārama as provided in section 211 of (clause 12.2.5 of the Deed of Settlement).

Limitations on Effect of Statutory Acknowledgement
Except as expressly provided in sections 208 and 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 Te Ao Mārama (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 Te Ao Mārama.

Except as expressly provided in this Act, this Statutory Acknowledgment 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, Te Ao Mārama.

Appendix 7 –Statutory Acknowledgement for Whakarukumoana / Lake McGregor

Statutory Area
The statutory area to which this Statutory Acknowledgement applies is the lake known as Whakarukumoana (Lake McGregor), the location of which is shown on Allocation Plan MD 129 (SO Plan 19856).

Preamble
Pursuant to section 206 of the Settlement Legislation (clause 12.2.2 of the Deed of Settlement), the Crown acknowledges Te Rūnanga's statement of Ngāi Tahu's cultural, spiritual, historic and/or traditional association to Whakarukumoana as set out below.

Ngāi Tahu Association with Whakarukumoana
Whakarukumoana is one of the lakes referred to in the tradition of 'Ngā Puna Wai Karikari o Rakaihautu' which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Whakarukumoana.

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.

Draining into Takapo (Lake Tekapo) via Te Waiātekāmana, Whakarukumoana forms a part of the network of waterways and land-based mahinga kai in this part of the interior. This area was a part of the seasonal trail of mahinga kai and resource gathering, and hapū and whānau bonding. 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 lake.

The lake was very productive, although the indigenous fishery has now been depleted. The warmer shallows are important habitats for tuna (eels) and indigenous fish which prefer such conditions. This rainfed lake is a habitat for upland bully, common bully, long finned eel and galaxids as well as introduced trout.

Waterfowl, including a range of duck species, crested grebe and weka (formerly) are another important mahinga kai associated with the lake. Flora gathered from land adjoining the lake included matagouri, taramea, tutu, tataraheka, manuka, snowgrass, and raupo. The succulent kiore (polynesian rat) was once an important food resource, as was the moa.

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 lake, the relationship of people with the lake 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 mauri of Whakarukumoana 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 lake.

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, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this Statutory Acknowledgement in relation to Whakarukumoana, 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 Whakarukumoana or the Commissioner of Crown Lands, as this 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 Whakarukumoana as provided in section 211 of (clause 12.2.5 of the Deed of Settlement).

Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 208 and 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 Whakarukumoana (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 Whakarukumoana.

Except as expressly provided in this Act, this Statutory Acknowledgment 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, Whakarukumoana.

Appendix 8 –Ngāi Tahu Submission on the Proposed Plan Change 13 to the Mackenzie District Plan

UNDER	The Resource Management Act 1991
IN THE MATTER OF	Proposed Plan Change 13 to the Mackenzie District Plan

SUBMISSION BY TE RŪNANGA O NGĀI TAHU, TE RŪNANGA O AROWHENUA TRUST AND TE RŪNANGA O WAIHAO TRUST

1. Te Rūnanga o Ngāi Tahu, by virtue of the Te Rūnanga o Ngāi Tahu Act 1996, is the representative body of Te Rūnanga o Arowhenua and Te Rūnanga o Waihao. Te Rūnanga o Arowhenua and Te Rūnanga o Waihao are the kaitiaki rūnanga of the Mackenzie Basin and members of these rūnanga hold manawhenua status over this catchment.

2. Te Rūnanga o Ngāi Tahu, Te Rūnanga o Arowhenua and Te Rūnanga o Waihao (collectively referred to as Ngāi Tahu) submit that Proposed Plan Change 13 must be formulated in a way that recognises and provides for the depth and strength of the relationship that exists between Ngāi Tahu and the cultural values and landscapes of the Mackenzie Basin.

3. The "cultural landscape" of the Mackenzie Basin is characterised not only by its natural and physical features, but also by its sites, whakapapa, stories, mahinga kai, trails, rock art and waahi tapu sites. Furthermore, in order to gain a clear understanding and appreciation of the past lives and activities of early Māori in the Mackenzie Basin, it is necessary to view culturally significant sites within their wider context, and to focus on the relationships between the sites and the wider cultural landscape that they inhabit.

4. From a general perspective, Ngāi Tahu supports the move by the Mackenzie District Council to initiate a plan change to introduce provisions into the District Plan that will be better able to manage the increasing development pressure coming to bear in the Mackenzie Basin. Having said this, Ngāi Tahu is concerned that, during the preparation of Proposed Plan Change 13, there was little or no engagement with Ngāi Tahu and, as a result, the plan change in its present form fails to adequately recognise and provide for cultural values. In this context, Ngāi Tahu opposes the present wording of Proposed Plan Change 13 and seeks that it be amended by incorporating into it greater recognition and provision for the relationship between Ngāi Tahu and the Mackenzie Basin.

5. Since the notification of Proposed Plan Change 13, Te Rūnanga o Ngāi Tahu and the Mackenzie District Council have met to discuss the cultural implications of Proposed Plan Change 13 and have agreed that, in the circumstances, it is appropriate to undertake a cultural impact assessment (CIA). A copy of the terms of reference for the CIA is attached to this submission. It is expected that the CIA will be completed by April 2008 and that the recommendations contained within it will be able to be incorporated into the plan change process. In this respect, this submission should be treated as being subject to the outcomes of the CIA.

6. In the meantime, however, Ngāi Tahu opposes the present formulation of Proposed Plan Change 13.

Te Rūnanga and Ngā Rūnanga wish to be heard in support of this submission.

6 March 2008

Paul Horgan
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Te Rūnanga o Ngāi Tahu
(Authorised representative of
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