

Note: This Appendix is reproduced from the Ngai Tahu Claims Settlement Act for public information purposes only and does not represent Otago Regional Council Policy, nor does it form part of the Plan.

## **Appendix 2: Ngai Tahu Claims Settlement Act Statutory Acknowledgements**

### **Introduction**

Statutory acknowledgements are recorded in the Ngai Tahu Claims Settlement Act 1998 (the NTCS Act) for several water bodies, mountains and coastal features in the Otago Region.

The following pages contain the text from the Schedules to the NTCS Act (as extracted from Brookers New Zealand Statutes) that describe the statutory acknowledgement sites that are within, or in direct contact with the mean high water springs boundary of Otago's coastal marine area. Each schedule contains:

- The statutory area involved,
- A standard preamble,
- A description of the Ngai Tahu association with the site, and
- Standard statements of purposes, and limitations on effect, of the statutory acknowledgement.

These acknowledgements comprise a statement made by Te Runanga o Ngai Tahu of the particular cultural, spiritual, historic and traditional association of Ngai Tahu (Kai Tahu) with these areas, accepted as deemed fact by the Government.

Part 12 of the NTCS Act provides details of statutory acknowledgements, and the responsibilities relating to them. Section 208 of that act requires that local authorities have regard to these statutory acknowledgements in resource consent processing under sections 93 to 94C of the Resource Management Act 1991 (Notification of resource consents).

Section 211 of the NTCS Act enables Ngai Tahu to cite these acknowledgements in submissions, or in proceedings before consent authorities or the Environment Court. In these proceedings, the contents of the 'Ngai Tahu association with the site' part of the acknowledgement in question is not binding on the consent authority (eg, the regional council), but may be taken into account.

Section 220 of the NTCS Act requires that all regional policy statements, district plans and regional plans have information recording those statutory acknowledgements for areas covered by the policy statement or plan attached to them. The attachment of this information may be by way of reference, or be set out in full (as is the case here). This is for the purpose of public information only and does not form part of the policy statement or plan.

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**Index**

The statutory acknowledgement areas within or attached to Otago’s coastal marine area are arranged as follows –

<b>Statutory Acknowledgement Area</b>	<b>Page no.</b>
Mata-au (Clutha River)	273
Kakaunui River	276
Te Tauraka Poti (Merton Tidal Arm)	278
Kuramea (Lake Catlins)	280
Matakaea (Shag Point)	282
Tokata (The Nuggets)	284
Te Tai O Arai Te Uru (Otago Coastal Marine Area)	287

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## SCHEDULE 40

Sections 205 and 206

### STATUTORY ACKNOWLEDGEMENT FOR MATA-AU (CLUTHA RIVER)

#### **Statutory area**

The statutory area to which this statutory acknowledgement applies is the River known as Mata-au (Clutha River), the location of which is shown on Allocation Plan MD 122 (SO 24727).

#### **Preamble**

Under section 206, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to the Mata-au, as set out below.

#### **Ngai Tahu association with the Mata-au**

The Mata-au river takes its name from a Ngai Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Ngai 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 Ngai Tahu as an iwi.

On another level, the Mata-au was part of a mahinga kai trail that led inland and was used by Otakou hapu including Ngati Kuri, Ngati Ruahikihiki, Ngati Huirapa and Ngai Tuahuriri. The tupuna 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 river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

The river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus there were numerous tauranga waka (landing places) along it. The tupuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continue to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

The Mata-au is where Ngai Tahu's leader, Te Hautapunui o Tu, established the boundary line between Ngai Tahu and Ngati Mamoe. Ngati Mamoe were to hold mana (authority) over the lands south of the river and Ngai Tahu were to hold mana northwards. Eventually, the unions between the families of Te Hautapunui o Tu and Ngati Mamoe were to overcome these boundaries. For Ngai Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngai Tahu as an iwi.

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Strategic marriages between hapu further strengthened the kupenga (net) of whakapapa, and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to runanga located in Otago and beyond. These runanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Runanga o Ngai Tahu.

Urupa and battlegrounds are located all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation between Ngai Tahu and Ngati Mamoe that led to the armistice established by Te Hautapunui o Tu. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected by secret locations.

The mauri of Mata-au 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 Ngai Tahu Whanui with the river.

#### **Purposes of Statutory Acknowledgement**

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

- (a) To require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngai 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 the Mata-au, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) To empower the Minister responsible for management of the Mata-au or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to the Mata-au as provided in section 211 (clause 12.2.5 of the deed of settlement).

#### **Limitations on effect of Statutory Acknowledgement**

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

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to the Mata-au (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mata-au.

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

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

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## SCHEDULE 23

Sections 205 and 206

### STATUTORY ACKNOWLEDGEMENT FOR KAKAUNUI RIVER

#### **Statutory area**

The statutory area to which this statutory acknowledgement applies is the River known as Kakaunui, the location of which is shown on Allocation Plan MD 120 (SO 24725).

#### **Preamble**

Under section 206, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to the Kakaunui River, as set out below.

#### **Ngai Tahu association with the Kakaunui River**

The creation of the Kakaunui relates in time to Te Waka o Aoraki, and the further shaping of the island by Tu Te Rakiwhanoa and his assistants including Marokura who stocked the waterways and Kahukura, who stocked the forests. For Ngai 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 Ngai Tahu as an iwi. The origin of the name 'Kakaunui' has been lost, but is likely to refer to swimming in the river.

There was a tauranga waka (landing place) at the mouth of the Kakaunui, which was an important part of the coastal trails north and south. The river was also a part of the seasonal trail of mahinga kai and resource gathering and hapu and whanau bonding. The tupuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The Kakaunui was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

The Kakaunui was a noted indigenous fishery, offering tuna (eel), inaka (whitebait), kanakana (lamprey), kokopu and other species. Other materials provided by the river included raupo, harakeke and watercress. The tupuna 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 Kakaunui, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

These mahinga kai resources supported both semi-permanent and seasonal occupations, including a kainga on the northern bank of the river near Maheno. The surviving rock art remnants and rock shelters are a particular taonga of the area, providing a unique record of the lives and beliefs of the people who travelled the river.

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The mauri of the Kakaunui 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 Ngai Tahu Whanui with the river.

### **Purposes of Statutory Acknowledgement**

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

- (a) To require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngai 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 the Kakaunui River, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) To empower the Minister responsible for management of the Kakaunui River or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to the Kakaunui River as provided in section 211 (clause 12.2.5 of the deed of settlement).

### **Limitations on effect of Statutory Acknowledgement**

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

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to the Kakaunui River (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Kakaunui River.

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

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

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## SCHEDULE 60

Sections 205 and 206

### STATUTORY ACKNOWLEDGEMENT FOR TE TAURAKA POTI (MERTON TIDAL ARM)

#### **Statutory area**

The statutory area to which this statutory acknowledgement applies is the Wetland known as Te Tauraka Poti (Merton Tidal Arm), the location of which is shown on Allocation Plan MD 56 (SO 24722).

#### **Preamble**

Under section 206, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Te Tauraka Poti, as set out below.

#### **Ngai Tahu association with Te Tauraka Poti**

Te Tauraka Poti, fed by the streams known as Kirikiri Whakahoro and Kokonui, was a major mahinga kai for kainga and pa located on the coast north of the Otago Peninsula. The wetlands were a rich source of kai, including tuna (eels), mohoao (black flounder), giant kokopu and water fowl. The wetlands were particularly valued as a spawning ground for inaka (whitebait).

The tupuna 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 Te Tauraka Poti, the relationship of people with the wetland and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

As a result of this history of use, there are a number of wahi taonga within the wetland area, including middens and other evidence of occupation. These are important as places holding the memories of Ngai Tahu tupuna.

Te Tauraka Poti formed an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the wetland.

Much of Te Tauraka Poti's continuing significance to Ngai Tahu lies in the fact that it is the only remaining wetland area of any significance in the vicinity. The mauri of Te Tauraka Poti 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 Ngai Tahu Whanui with the wetland.

#### **Purposes of Statutory Acknowledgement**



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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 Runanga o Ngai Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement);
- (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 Tauraka Poti, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement);
- (c) To empower the Minister responsible for management of Te Tauraka Poti or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Te Tauraka Poti as provided in section 211 (clause 12.2.5 of the deed of settlement).

#### **Limitations on effect of Statutory Acknowledgement**

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

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to Te Tauraka Poti (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 Tauraka Poti.

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

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

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## SCHEDULE 28

Sections 205 and 206

### STATUTORY ACKNOWLEDGEMENT FOR KURAMEA (LAKE CATLINS)

#### **Statutory area**

The statutory area to which this statutory acknowledgement applies is the Lake known as Kuramea (Lake Catlins), the location of which is shown on Allocation Plan MD 134 (SO 24728).

#### **Preamble**

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

#### **Ngai Tahu association with Kuramea**

Kuramea is the traditional name for the waterway now known as Catlins Lake.

The lake and estuary were significant sources of mahinga kai, supporting a number of nohoanga (settlements) in the vicinity. Tuna (eels), inaka (whitebait), tuaki (cockles), pupu (mudsnails), pipi and flatfish were taken from Kuramea. The lake was also a source of raranga (weaving) materials including harakeke and paru (mud used in dying).

The tupuna 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 Kuramea, 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 Ngai Tahu today.

As a result of this history of use, there are a number of wahi taonga within the wetland area, including middens and other evidence of occupation. These are important as places holding the memories of Ngai Tahu tupuna. In particular, a number of archaeological finds within the wetlands confirm the area's history as a wake (canoe) building area.

The mauri of Kuramea 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 Ngai Tahu Whanui 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 Runanga o Ngai 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 Kuramea, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

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- (c) To empower the Minister responsible for management of Kuramea or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Kuramea as provided in section 211 (clause 12.2.5 of the deed of settlement).

#### **Limitations on effect of Statutory Acknowledgement**

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

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to Kuramea (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 Kuramea.

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

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

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## SCHEDULE 41

Sections 205 and 206

### STATUTORY ACKNOWLEDGEMENT FOR MATAKAEA (SHAG POINT)

#### **Statutory area**

The statutory area to which this statutory acknowledgement applies is the area known as Matakaea Recreation Reserve and Onewhenua Historic Reserve, as shown on Allocation Plan MS 9 (SO 24686).

#### **Preamble**

Under section 206, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Matakaea.

#### **Ngai Tahu association with Matakaea**

The name Matakaea recalls the tradition of the Arai Te Uru canoe, which capsized off Moeraki. From Moeraki, the crew managed to swim ashore leaving the cargo to be taken ashore by the waves. The crew members fled inland and were transformed into the mountains which form the Southern Alps.

The Arai Te Uru tradition is also important because it explains the origins of kumara. The story originally began with Roko i Tua who came to Aotearoa and met the Kahui Tipua. The Kahui Tipua gave Roko i Tua mamaku (tree fern) to eat. However Roko i Tua preferred the kumara that he had in his belt which he took out and soaked in a bowl of water. The Kahui Tipua tasted the kumara and asked where it was from. Roko i Tua replied saying that the kumara came from 'across the sea'.

The Kahui Tipua then made a canoe and, under the leadership of Tu Kakariki, went to Hawaiiiki and returned with the kumara to Aotearoa. The Kahui Tipua planted the kumara but the crop failed. However, Roko i Tua had also sailed to Hawaiiiki on the canoe called Arai Te Uru. Roko i Tua landed at Whangara, Hawaiiiki, and learnt the karakia (incantations) and tikanga (customs) connected with planting kumara. Roko i Tua then gave his canoe to two crew members called Pakihiwitahi and Hape ki Tua Raki. The Arai Te Uru returned under the leadership of these two commanders and eventually foundered off the Moeraki Coast at Matakaea.

For Ngai 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 Ngai Tahu as an iwi.

The Matakaea area has been occupied for many centuries and is the site of numerous urupa and wahi tapu. Urupa are the resting places of Ngai Tahu tupuna (ancestors) and, as such, are the focus for whanau traditions. Urupa and wahi tapu are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected by secret locations.

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The mauri of Matakaea 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 Ngai Tahu Whanui with the area.

### **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 Runanga o Ngai 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 Matakaea, 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 Matakaea or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Matakaea as provided in section 211 (clause 12.2.5 of the deed of settlement).

### **Limitations on effect of Statutory Acknowledgement**

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

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to Matakaea (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 Matakaea.

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

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

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## SCHEDULE 64

Sections 205 and 206

### STATUTORY ACKNOWLEDGEMENT FOR TOKATA (THE NUGGETS)

#### **Statutory area**

The statutory area to which this statutory acknowledgement applies is the area known as Tokata (The Nuggets), as shown on Allocation Plan MS 10 (SO 24699).

#### **Preamble**

Under sections 206, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Tokata as set out below.

#### **Ngai Tahu association with Tokata**

The creation and shaping of Tokata and the surrounding coastline relates in time to Te Waka o Aoraki, and the subsequent efforts of Tu Te Rakiwhanoa. The name Tokata is a reference to the Nuggets, however, the individual nuggets also carry their own names: Te Ana Puta has a cave in it, Pae Koau is frequented by shags, three small nuggets on the north side are known collectively as Makunui and support a large seal colony, while the nugget furthest out to sea is Porokaea. The hill on which the lighthouse stands is known to Ngai Tahu as Taumata o Te Rakipokia, and a cave on the north side of this hill is Te Ana o Katiwairua. For Ngai Tahu, such traditional names and their associated histories reinforce tribal identity and solidarity, and continuity between generations, and document the events that have shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

The great explorer Rakaihautu passed by this area of the Otago coast on his journey northward, and the area was subsequently visited and occupied by Waitaha, Ngati Mamoe and Ngai Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of Ngai Tahu Whanui. This area of the Otago coast has many reminders of the uneasy relationships that once existed between Ngati Mamoe and Ngai Tahu. Skirmishes between the two iwi occurred intermittently just to the north. However, one battle occurred within the area referred to as Tokata after which some of the fallen were cooked. As a result of this activity, this area is now a wahi tapu. Such wahi tapu are the resting places of Ngai Tahu tupuna (ancestors) and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected by secret locations.

Tokata is a significant physical marker on the South Otago coast, with waka (canoes) voyaging south and north, or out to sea on fishing expeditions utilising it as a bearing marker. It also acted as a pointer to the safe tauranga waka (landing place) in Kaimataitai Bay, just to the north. The tupuna had an intimate knowledge of navigation, sea routes, safe harbours and landing places, and the locations of food and other resources on the coast. Tokata therefore formed an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whanau and hapu and is regarded as taonga. The traditional mobile lifestyle of the people led

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to their dependence on the resources of the land and sea. Tokata also marks the south-eastern boundary of the Otakou Sale Deed area, marked out in 1844.

A variety of mahinga kai (principally kaimoana—seafood) is available at Tokata. The extensive rocky intertidal zone provides paua, kutai (mussels) and koura (crayfish) in abundance. The fur seal, leopard seal and sea lion all rest here, with their pups forming a ready source of kai in days gone by. Gull eggs, koau (shags) and titi (muttonbirds) were also harvested in the area. An excellent rimurapa (kelp) resource was utilised for making poha (storage bags), capable of preserving the titi for up to two years. Excellent fishing grounds seaward of Tokata supplied the resources of the coast.

The tupuna 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 land and sea, the relationship of people with the coastline and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

The mauri of Tokata 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 Ngai Tahu Whanui with the area.

### **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 Runanga o Ngai 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 Tokata, 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 Tokata or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Tokata as provided in section 211 (clause 12.2.5 of the deed of settlement).

### **Limitations on effect of Statutory Acknowledgement**

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

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to Tokata (as described in this statutory acknowledgement) than that person or entity would give under the relevant

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statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Tokata.

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

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



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### SCHEDULE 103

Sections 205, 312 and 313

#### STATUTORY ACKNOWLEDGEMENT FOR TE TAI O ARAI TE URU (OTAGO COASTAL MARINE AREA)

##### **Specific area**

The statutory area to which this statutory acknowledgement applies is Te Tai o Arai Te Uru (the Otago Coastal Marine Area), the Coastal Marine Area of the Moeraki, Dunedin Coastal and Molyneaux constituencies of the Otago region, as shown on SO Plans 24250, 24249, and 24252, Otago Land District and as shown on Allocation Plan NT 505 (SO 19901).

##### **Preamble**

Under section 313, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Te Tai o Arai Te Uru as set out below.

##### **Ngai Tahu association with Te Tai o Arai Te Uru**

The formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brothers, to turn to stone. They are manifested now in the highest peaks in the Ka Tiritiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tu Te Rakiwhanoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Maui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka a Maui in recognition of his discovery of the new lands, with Rakiura (Stewart Island) being Te Puka a Maui (Maui's anchor stone). A number of coastal place names are attributed to Maui, particularly on the southern coast.

The great explorer Rakaihautu travelled overland along the coast, identifying the key places and resources. He also left many place names on prominent coastal features. Another explorer, Tamatea, sailed along the Otago coast in the waka Takitimu. After the waka eventually broke its back off the coast of Murihiku, Tamatea and the survivors made their way overland back to the North Island, arriving at the coast by the place Tamatea named Oamaru (Oamaru).

Place names along the coast record Ngai Tahu history and point to the landscape features which were significant to people for a range of reasons. For example, some of the most significant rivers which enter the coastal waters of Otago include: Waitaki, Kakaunui, Waihemo (Shag), Waikouaiti, Kaikarae (Kaikorai), Tokomairiro, Mata-au (Clutha), Pounawea (Catlins). Estuaries include: Waitete (Waitati), Otakou (Otago), Makahoe (Papanui Inlet), Murikauhaka (Mate-au and Koau estuaries), Tahaukupu (Tahakopa estuary), Waipatiki (Wapati Estuary). Islands in the coastal area include Okaihe (St Michaels Island), Moturata (Taieri Island), Paparua, Matoketoke, Hakinikini, and Aonui (Cooks Head).

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Particular stretches of the coastline also have their own traditions. The tradition of the waka (canoe) Arai Te Uru and its sinking at the mouth of the Waihemo (Shag River) has led to the coastal area of Otago being known as Te Tai o Araiteuru (the coast of Arai Te Uru). Accounts of the foundering, the wreckage, and the survivors of this waka are marked by numerous landmarks almost for the length of the Otago coast. The boulders on Moeraki coast (Kai Hinaki) and the Moeraki pebbles are all associated with the cargo of gourds, kumara and taro seed which were spilled when the Arai Te Uru foundered.

For Ngai Tahu, traditions such as these 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 Ngai Tahu as an iwi.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngati Mamoe and Ngai Tahu in succession, who, through conflict and alliance, have merged in the whakapapa (genealogy) of Ngai Tahu Whanui. Battle sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Notable pa on the Otago coast include: Makotukutuku (Oamaru), Te Raka-a-hineatea (Moeraki), Te Pa Katata, Pa a Te Wera, (Huriawa Peninsula), Mapoutahi (Purakaunui), Pukekura (Taiaroa Head), Moturata (Taiieri Island). The estuaries from the Waitaki River to the Chaslands also supported various hapu.

Tupuna such as Waitai, Tukiauau, Whaka-taka-newha, Rakiamoa, Tarewai, Maru, Te Aparangi, Taoka, Moki II, Kapo, Te Wera, Tu Wiri Roa, Taikawa, Te Hautapanuiotu among the many illustrious ancestors of Ngati Mamoe and Ngai Tahu lineage whose feats and memories are enshrined in the landscape, bays, tides and whakapapa of Otago.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapu located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources. Chiefs such as Korako (several), Tahatu, Honekai, Ihutakuru, Karetai, Taiaroa, Potiki, Tuhawaiki, and Pokene being some among a number who had their own villages and fishing grounds. Otago Peninsula (Muaupoko) had many kaunga nohoanga with a multitude of hapu occupying them. At one time up to 12 kainga existed in the lower Otago harbour, some larger and more important than others.

The whole of the coastal area offered a bounty of mahinga kai, including a range of kaimoana (sea food); sea fishing; eeling and harvest of other freshwater fish in lagoons and rivers; marine mammals providing whale meat and seal pups; waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources including harakeke (flax), fern and ti root. In many areas the reliance on these resources increased after the land sales of the 1840s and 1850s, and the associated loss of access to much traditional land-based mahinga kai.

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Many reefs along the coast are known by name and are customary fishing grounds, many sand banks, channels, currents and depths are also known for their kaimoana. One example is Poatiri (Mt Charles — Cape Saunders) the name of which refers to a fish hook. Poatiri juts out into the Pacific, close to the continental shelf, and is a very rich fishing ground. Another example is Blueskin Bay which was once a kohanga (breeding ground) for the right whale, although it is well over 150 years since it has seen this activity.

Other resources were also important in the coastal area. Paru (black mud used for dying) was obtained from some areas. Some of the permanent coastal settlements, such as those at the mouth of the Mata-au (Clutha River), and at Otakou and Purakaunui, were important pounamu manufacturing sites. Trading between these villages to the south and north via sea routes was an important part of the economy.

The Otago coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Pounamu and titi were traded north with kumara, taro, waka, stone resources and carvings coming south. Travel by sea between settlements and hapu was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka (landing places) occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp — used to make the poha, in which titi were and still are preserved) with the sea trail linked to a land trail or mahinga kai resource. The tupuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

Numerous urupa are being exposed or eroded at various times along much of coast. Water burial sites on the coast, known as waiwhakaheketupapaku, are also spiritually important and linked with important sites on the land. Places where kaitangata (the eating of those defeated in battle) occurred are also wahi tapu. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

The mauri of the coastal area 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 Ngai Tahu Whanui with the coastal area.

### **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 Runanga o Ngai Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and

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- (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 Tai o Arai Te Uru, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Tainui Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Te Tai o Arai Te Uru as provided in section 208 (clause 12.2.5 of the deed of settlement).

**Limitations on effect of Statutory Acknowledgement**

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

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu’s association to Te Tai o Arai Te Uru (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 Tai o Arai Te Uru.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights and 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 Tai o Arai Te Uru.

**Brooker’s Editorial Note**

*It appears that the above reference (in (c) of ‘Purposes’) to ‘Section 208’ should be read as a reference to ‘Section 211’ because cl 208 of the Ngai Tahu Claims Settlement Bill, relating to the use of statutory acknowledgement with submissions, became s 211 of this Act.*