

**Cultural Impact Assessment
For a Proposed Plan Change and Coastal
Subdivision at Claverley**



**Prepared for:
Hurunui District Council &
Mr. Nick Anderson, Claverley**

**Prepared by:
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On behalf of Te Rūnanga o Kaikōura**

February 2007

Kia puhia koe e te hau o tou kāinga!

To feel the wind of your homeland on your face!

Cultural Impact Assessment: Claverley Subdivision

Prepared by Dyanna Jolly (Dyanna Jolly Consulting), on behalf of Te Rūnanga o Kaikōura

Cover photo: Site of the proposed Claverley subdivision, looking towards the pā Pariwhakatau.

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Table of Contents

SECTION 1 – INTRODUCTION & OBJECTIVES	2
<i>Objectives</i>	2
<i>Methods</i>	3
<i>Description Of Activity</i>	4
SECTION 2 - PLANNING FRAMEWORK	5
SECTION 3 – CULTURAL VALUES	8
SECTION 4 – ASSESSMENT OF EFFECTS ON CULTURAL VALUES	13
4.1 <i>Risk to sites of significance</i>	13
4.2 <i>Setting a precedent for coastal development in this area</i>	14
4.3 <i>Discharge of contaminants to the environment</i>	14
4.4 <i>Water abstractions</i>	14
4.5 <i>Access to the coast and sites of significance</i>	15
<i>Positive effects on cultural values</i>	15
SECTION 5 - RECOMMENDATIONS	16
SECTION 6 - CONCLUSIONS	20
GLOSSARY	21
REFERENCE LIST	22
APPENDIX 1: Statutory Acknowledgement For Tūtae Putaputa (Conway River)	23
APPENDIX 2: Statutory Acknowledgement For Te Tai O Marokura	25

Section 1 - Introduction & Objectives

Mr. Nick Anderson is seeking to undertake a coastal subdivision at Claverley. The development will subdivide two existing lots on approximately 2.5 ha for the purpose of establishing 9 house lots ranging in size from 1680m² to 3750m². The activity will require a plan change to the Hurunui District Plan to rezone the area from Rural General (in the Coastal Environment Management Area) to enable subdivision.

As part of assessing project feasibility, Mr. Anderson and Hurunui District Council are consulting with Te Rūnanga o Kaikōura, to obtain information on cultural values associated with the site of the proposed subdivision, and the potential effects of the development on those values.

Te Rūnanga o Kaikōura is the representative body of the hapū Ngāti Kuri (subtribe of the iwi Ngāi Tahu), the tangata whenua who have *manawhenua*¹ in the Claverley / Tūtae Puta Puta (Conway River) area.

This Cultural Impact Assessment (CIA) Report provides an overview of cultural values associated with the Claverley area, and the potential effects (both positive and adverse) on those values as a result of the proposed rezoning and development. The CIA also provides information on the ways that any adverse effects can be avoided, remedied or mitigated.

The CIA will be applicable to any and all plan changes and resource consents associated with this development.

Objectives

The objectives of this CIA report are:

- (1) To document the cultural values associated with the Claverley area generally, and the proposed subdivision site particularly.
- (2) To identify the potential effects on cultural values as a result of the proposed rezoning of land and future subdivision and residential development.
- (3) To identify appropriate measures to avoid, remedy or mitigate, where practical, any adverse effects of the proposed project on cultural values.

In meeting these objectives, the report will:

- Provide all parties with a level of confidence and understanding related to the proposed activity and the consultation process.

¹ See Glossary for an explanation of terms

- Provide an endorsed response from iwi with respect to the proposed development, for the purposes of pursuing a plan change for the proposed subdivision, and the development itself.
- Assist Hurunui District Council, in the event of an application for a plan change, to effectively take into account the Te Rūnanga o Kaikōura Iwi Management Plan 2005 (RMA s. 66 (2A) and s.74 (2A)), and to assess any consent applications against RMA section 6, particularly 6 (e), relationship of Māori with ancestral lands, waters and sites, and 6 (f) protection of historic (including cultural) heritage from inappropriate use and development; 7 (a) Kaitiakitanga and section 8 Treaty of Waitangi.
- Provide a foundation for future discussions between iwi, Hurunui District Council, and the Anderson, if so desired by either party.

Methods

The preparation of this CIA report involved a review of information, a site visit to the proposed development, and a consultative process with Te Rūnanga o Kaikōura. Specifically, the process included:

- A review of background information provided by Hurunui District Council.
- A review of the provisions of the Resource Management Act 1991, the Ngāi Tahu Claims Settlement Act 1998 and other relevant statutes and regulations.
- A review of historical information (e.g. Carrington Manuscripts) and other written references relevant to this assessment.
- A review of *Te Poha o Tohu Raumati*, the Te Rūnanga o Kaikōura Iwi Management Plan 2005, specifically policies on coastal subdivision.
- On-site investigation of the proposed subdivision site (December 8, 2006), with Nick (and Nuie) Anderson, and representatives from Te Rūnanga o Kaikōura.
- Discussions with tangata whenua with knowledge and experience of the area and values.
- Distribution of draft report to Te Rūnanga o Kaikōura, and incorporation of feedback from those parties into the final version.
- Presentation of the final CIA report recommendations to Te Rūnanga o Kaikōura Executive for the purposes of obtaining official approval of its contents.
- Forwarding of the endorsed CIA to Hurunui District Council and Mr. Nick Anderson for consideration.

Description of Activity

Mr. Nick Anderson is seeking to subdivide 2 existing lots along Claverley Road, Claverly, on approximately 2.5 ha of coastal land, for the purpose of establishing 9 house lots ranging in size from 1680m² to 3750m².

The activity will require a plan change to the Hurunui District Plan to rezone the area from Rural General (in the Coastal Environment Management Area) to enable subdivision. The plan change will apply to approximately 3.5 ha of land in two parts: 1) the 'old settlement' of 10 lots running parallel with and fronting on to Claverley Road (all but one of these lots has a dwelling on it), and 2) 2.5 ha of land seaward of the 'old settlement' (the area the Anderson's wish to develop).

The land in question was originally zoned Urban under the Kaikoura District Planning Scheme, but in 1989 when the area joined the Hurunui District, and the Hurunui District Plan was prepared, the settlement was rezoned Rural General. There is evidence that the rezoning was not the result of a specific decision by Council; rather the area got caught up in larger district wide focus of the District Plan. Thus, council is reviewing the potential to rezone of the site.



Photo 1: Members of Te Rūnanga o Kaikōura, with applicants on site at Claverley.

Section 2 - Planning framework

There is a statutory and planning framework in which decisions relating to subdivision, use and development of the coastal environment are made, and that recognises and provides for tangata whenua interests in such developments.

The **Resource Management Act (RMA) 1991** recognises the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga as a matter of national importance (Part II s. 6(e)), including the protection of sites of significance to Māori, including wāhi tapu (s. 6(f) historic heritage). The preservation of the natural character of the coastal environment (including the coastal marine area) from inappropriate subdivision, use and development is also a matter of national importance.

Section 7 of the Act identifies kaitiakitanga as a matter that particular regard must be given in relation to managing the use, development and protection of natural and physical resources, and section 8 establishes that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi.

The **Ngāi Tahu Claims Settlement Act (NTCSA) 1998** records the apology given by the Crown to Ngāi Tahu in the 1997 Deed of Settlement, and gives effect to the provisions of that Deed as settlement of the Ngāi Tahu Claim. Such provisions are aimed at restoring the ability of Ngāi Tahu to give practical effect to kaitiaki responsibilities. One such provision is the Kaikōura Coastal Statutory Acknowledgement. Schedule 100 of the NTCSA is a Statutory Acknowledgement of the special relationship of Ngāi Tahu with *Te Tai o Marokura*, the Kaikōura Coastal Marine Area.

Section 208 of the NTCSA instructs local authorities to have regard to statutory acknowledgements with regards to whether Te Rūnanga o Ngāi Tahu is directly affected by an application for activities within, adjacent to, or impacting directly on the statutory area (for the purposes of sections 93 and 94 of the RMA 1991), and section 215 (d) states that one of the purposes of statutory acknowledgements is enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite statutory acknowledgements as evidence of the association of Ngāi Tahu to the statutory areas, as provided in section 211.

The **New Zealand Coastal Policy Statement (NZCPS) 1994** guides local authorities in the management of the coastal environment, and requires that policies and planning relating the coastal marine area recognise and facilitate the special relationship between the Crown and tangata whenua as established by the Treaty of Waitangi, including recognition that tangata whenua are kaitiaki of the coastal environment. Chapter 2 of the NZCPS contains policies with the purpose to protect characteristics of the coastal environment of special value to the Tangata Whenua.

The purpose of the **Historic Places Act 1993** is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. Section 4 of the Act recognises the relationship of Māori with and their cultural and traditions with their ancestral lands, water, wāhi tapu and other taonga. Section 10-20 of the Act ensure that any person wishing to undertake work that may damage, modify or destroy an archaeological site (both known and unknown) must first obtain an Authority from the New Zealand Historic Places Trust (NZHPT) for that work.

The **Hurunui District Plan** is an operative statutory document prepared under the RMA for the Hurunui District. Part 1 of the plan identifies the need to recognise and provide for Māori resource management values in managing the use, development and protection of resources in the district. Policies 5.1 – 6.2 focus on the integration of kaitiakitanga and the of the principles of Treaty of Waitangi into resource management planning and decision making, including district plan rules and the resource consent process.

Te Poha o Tohu Raumati

Of particular importance to this report is ***Te Poha o Tohu Raumati, the Te Rūnanga o Kaikōura Environmental Management Plan 2005***. The plan is a statement of Ngāti Kuri values and policies with respect to natural resources and the environment, and contains specific policies on coastal subdivision, use and development.

The plan is an Iwi Management Plan (IMP), recognised by Te Rūnanga o Ngāi Tahu as the iwi authority, and as such is applicable to the planning processes undertaken by district and regional councils. The IMP was lodged with councils, including Hurunui District Council, in February 2006. Under the RMA ss. 66 (2A) and s.74 (2A), Councils must take the IMP into account, where relevant, for any plan change or variation.

Policies that are most relevant to this CIA are those applying to coastal subdivision, use and development, and the management guidelines for wāhi tapu and wāhi taonga.

Relevant coastal land use and subdivision policies include:

3.6.1 (1) To require that all decisions related to coastal land use and development activities in the takiwā of Te Rūnanga o Kaikōura recognise and give effect to the cultural, spiritual and historical association of Ngāti Kuri with the coastal environment.

3.6.1 (3) To avoid compromising the natural, cultural and ecological values of the coastal environment as result of inappropriate land use and development.

3.6.1 (4) To encourage appropriate land use and development in coastal areas.

3.6.1 (5) Applications for coastal land use and development activities will be assessed on a case by case basis.

3.6.1 (6) To carefully monitor the nature and extent of development along the coast. Te Rūnanga o Kaikōura does not support continuous, unbroken, or “ribbon” development in coastal regions.

3.6.1 (7) Land use and development activities in coastal areas will be considered in terms of specific natural and cultural landscape values. The protection of significant cultural values (e.g. wāhi tapu) in coastal areas will have precedence over any building, subdivisions or other development activity.

3.6.1 (8) All applications relating to coastal land use and development area are subject to those policies outlined in the Te Rūnanga o Kaikōura Management Guidelines for Wāhi Tapu and Wāhi Taonga, as per Section 3.7. This includes provisions for site visits, cultural impact assessments and pre-resource consent archaeological assessments.

Relevant wāhi tapu / wāhi taonga policies include:

3.7.3 (5) A precautionary approach will be adopted with regards to the protection of wāhi tapu and wāhi taonga.

3.7.3 (6) The modification or disturbance of an archaeological or wāhi tapu site will not be approved unless sufficient evidence is provided as to the benefit to both tangata whenua and the wider community.

3.7.3 (7) Te Rūnanga o Kaikōura seeks to avoid any damage to wāhi tapu and wāhi taonga, as opposed to remedy or mitigate.

3.7.3 (17) The position of Ngāti Kuri with regards to kōiwi tangata is to preserve such remains where possible in an undisturbed state, and that action otherwise is only taken where remains are uncovered by natural processes, or threatened by excavation.

3.7.3 (18) Applicants may be required to look to alternatives where sensitive areas are involved.

Section 3 - Cultural Values

The Tūtāe Putaputa (Conway River) area has a long history of Māori land use and occupancy. Given this history, it is necessary to view the proposed subdivision site as part of a wider *cultural landscape* that has important historical, spiritual and cultural associations for Ngāti Kuri. A cultural landscape approach includes the identification of specific sites or culturally important features on the landscape, and consideration of the relationship of tangata whenua to those sites and features.

Key cultural features of the area include Pariwhakatau pā and Tutaeputaputa. The coastal flats north of the river and south of the pā were known as *Pakihi*, and were used intensively by tangata whenua, facilitating kumara growing, access to the sea, and safe canoe landing. The river provided an important source of mahinga kai, and a route inland.

This area is a significant location in the historical accounts of the migration of Ngāti Kuri to Kaikōura. The history of this migration explains how Ngāti Kuri gained control over existing Ngāti Mamoe settlements along the Kaikōura coast, and thus customary authority over the lands and resources of the area.

When Ngāti Kuri gained control of Takahanga pā, Ngāti Mamoe (under Tukiauau) moved south along the coast, first to Peketa pā on the banks of the Kahutara river, and then to Omihi. When Omihi pā was attacked by Ngāti Kuri, Ngāti Māmoe were forced to move southwards once again. The Ngāti Kuri ancestor, Maru Kaitātea, was a key figure in the establishment of a Ngāti Māmoe settlement at Tūtāe Putaputa – *Pariwhakatau*.

Maru following the refugees and found Tukiaua under a shelter where the Moto-Moto and the Te Umu-Huri join to from the Oaro river, weeping over the head of his father (Rakaimomona) as it dried by the fire. He persuaded Tukiauau to find a site for a pā at Pakihi, the flat land north of the Conway River, where the stream Waitotaranui flows into the sea, immediately south of the present Claverley homestead. There, Tukiauau constructed his pā on two islands or mounds in the bed of the stream. The portion of the pā closest to the sea has a steep precipice looking down on to the beach, about twenty feet high. Tukiauau called his pā Pari-Whakatau (the cliff where we were persuaded to settle).²

Ngāti Mamoe lived at Pariwhakatau for many years. However, eventually the pā was besieged and taken by Ngāti Kuri.

Tūtāe Putaputa thus became an important boundary for Ngāti Kuri.

"The arrival of Ngāi Tahu at the Conway river brings to a close the first stage of the history of the occupation of the South Island for now the names change and a younger generation takes up the mere, the taiahu and the spear of its predecessors in the pursuit of lands and women and in the continued destruction of the weaker indigenous tribes".³

² Carrington 1934: VI; Anderson 1998: 34

³ Ibid.

Photo 2: View from Pariwhakatau Pā, looking south towards Tūtaeputaputa



Specific cultural values in this cultural landscape are described in Table 1 below.

Table 1: Cultural Landscape Features Along the Kaikōura Coast

Value	Description
Pā	The Ngāti Māmoe pā known as <i>Pariwhakatau</i> (the cliff where we were persuaded to settle) ⁴ is located on a hill above the coast to the north of Claverley. Numerous raised rim pits are located in and adjacent to the pā, and midden have been found on the seaward end of the pā. ⁵
Archaeological sites	Numerous Māori archaeological sites are located near the proposed subdivision site (see Map 1), including midden, raised rim pits, pā, fire areas, ovens, and pits. A site located just south of the proposed subdivision known as the Lagoon Flat Archaic Site complex (032/31), has evidence of occupation such as moa bones, concentrations of shell midden and ovenstones, artefacts and burials, and is a particularly important site in the Hurunui District as a moa-hunting age site. ⁶ Archaeological remains

⁴ Anderson 1998: 34

⁵ NZAA Site record form 03/020

⁶ NZAA Site record form 032/031

	extend intermittently along the nearly 2 km flat from the Tūtaeputaputa river mouth to the first stream entering the sea to the north. ⁷ All known and unknown archaeological sites are protected by the Historic Places Act 1993.
Wāhi pakanga	Wāhi pakanga are sites where battles took place. The sites are considered wāhi tapu (sacred places), and are often associated with urupā. Pariwhakatau pā, and the coastal flats below, is a known wāhi pakanga, where Ngāti Kuri defeated Ngāti Mamoe.
Urupā	Urupā are the resting places of Ngāi Tahu tūpuna. Urupā and other wāhi tapu hold the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations. There are numerous urupā in the vicinity of pā Pariwhakatau, ⁸ including a large area south of the proposed subdivision, known as the Lagoon Flat site (NZAA 032-031), used by Māori for the interment of ko iwi tangata. ⁹
Mahinga kai	<p>Mahinga kai is defined in the NTCSA 1998 as “the customary gathering of food and natural materials, and the places where those resources are gathered”.¹⁰</p> <p>The Claverley area is known to Te Rūnanga o Kaikōura as an area primarily used for food related purposes.¹¹ A series of maps prepared by Ngāti Kuri kaumatua¹² identify mahinga kai values associated with Tūtae Putaputa and Pariwhakatau, including tree species such as karaka, ngaio, kōwhai, mānuka, raureka, ake ake, and koromiko, birds such as kererū, weka, kōkō, kiwi, korimako, toroa, karoro, torea, and tītī, plant resources such as aruhe, harakeke, whīnau, raupō, taramea, tikumua, and cultivated kumara gardens.</p> <p>Numerous middens, <i>umu</i> and pits are indicators of the mahinga kai activities that once occurred. The presence of fire cracked stones on the subdivision site itself are evidence of mahinga kai activities associated with the area.</p>
Nohoanga	<p>Nohoanga or temporary campsites, were established adjacent to lakes, rivers or the sea to facilitate customary fishing and the gathering of other natural resources.</p> <p>A recent visit to the Claverley area by a member of Te Rūnanga o Kaikōura and B. Allingham (Ngāi Tahu tribal archaeologist), identified the area on the northern boundary of the proposed subdivision site as most probably being a ancient nohoanga area.</p>
Tauranga waka	<p>Tauranga waka are canoe-landing places, and are located throughout the Kaikōura coast.</p> <p>An important tauranga waka, known as <i>Putiki-Waiwai</i>, is located near the proposed subdivision site. A Ngāti Kuri war party landed at <i>Putiki-Waiwai</i> when Pariwhakatau was besieged and taken.¹³</p>

⁷ Allingham 2006

⁸ NTCSA 1998:Schedule 65

⁹ NZAA Site record form 032/031

¹⁰ NTCSA 1998: Section 167.

¹¹ Te Rūnanga o Kaikōura site visit participants

¹² These maps were prepared by Ngāti Kuri Kaumatua to present to the Waitangi Tribunal during the Ngāi Tahu claim, as evidence of the relationship between Ngāti Kuri and the Kaikōura coast.

¹³ Carrington 1934

Pūrākau	Pūrākau are the stories that are part of the history and whakapapa of the iwi. Several pūrākau are associated with the Claverley area, telling the stories of historical figures and events, and recording the history of the iwi on the landscape. Such stories are documented in the Carrington Manuscripts (1934), considered the authoritative source of Ngāti Kuri whakapapa.
Wāhi ingoa	Wāhi ingoa are place names, and are evidence of the strong Ngāti Kuri (and Ngāti Mamoe) presence on the Kaikōura coast. Names may describe the physical environment, including a specific characteristic or use associated with an area (e.g. a mahinga kai species that may be found, or they may pay tribute to a tūpuna, a historical figure or an event. Wāhi ingoa associated with the Claverley area include Pariwhakatau, Waitotaranui, Pakihi, Putiki-Waiwai, Nga Umu a Te Rakiahuru, Pare Kauae, and Tūtae Putaputa. ¹⁴

In this cultural landscape area, there are also sites/places that are specifically recognised by the Ngāi Tahu Claims Settlement Act (NTCSA) 1998 due to their cultural, spiritual, historical and traditional importance. These sites are described in Table 2 below:

Table 2: NTCSA 1998 Sites near or adjacent to the proposed subdivision site

Tūtae Putaputa	The importance of the relationship between Ngāti Tahu and Tūtae Putaputa is recognised in the Ngāi Tahu Claims Settlement Act (NTCSA) 1998. The river is a Statutory Acknowledgement site, recognising the immense cultural, spiritual and historical significance of the river (see Appendix 1).
Te Tai o Marokura	The importance of the Kaikōura coast as a Ngāi Tahu cultural landscape is evidenced by the Statutory Acknowledgement for Te Tai o Marokura, a recorded statement of the historical, cultural, traditional, and spiritual associations of Ngāi Tahu with the Kaikōura coast (see Appendix 2). ¹⁵

A second component of a cultural landscape approach to identifying cultural values is the relationship of the tangata whenua with the landscape. This relationship is expressed through the principle of **kaitiakitanga**.

As kaitiaki, Te Rūnanga o Kaikōura has a responsibility for the sustainable use and management of the environment and natural resources - *mō tātou, ā, mō ka uri ā muri ake hei* (for us and our children after us). For the Rūnanga, this responsibility is about ensuring that activities do not compromise the mauri, or life supporting capacity, of the

¹⁴ Te Rūnanga o Kaikōura kaumatua maps; Carrington 1934; Brailsford 1997; Elvy 1948

¹⁵ Schedule 100, NTCSA 1998

air, land, water and biodiversity. It is about asking the question “what will the impact of this activity be on those that come after us?”¹⁶

Map 1: New Zealand Archaeological Association (NZAA) sites associated with proposed subdivision site.



Section 4 - Assessment of effects on cultural values

Just as the ancestors of Ngāi Tahu tended to concentrate in coastal areas, people continue to be drawn to coastal landscapes. However, the ecological vulnerability and cultural significance of such landscapes today necessitates the careful consideration of development activities that may adversely impact natural, ecological, or cultural values.

The second objective of this report is to identify the potential effects on Ngāti Kuri cultural values, including archaeological values, as a result of the proposed subdivision.

In assessing the potential effects of the proposed rezoning of land and subdivision, Te Rūnanga o Kaikōura identified a number of issues of concern with respect to adverse effects on cultural values, including:

- Risk to sites of significance
- Establishing precedent
- Discharge of contaminants to the environment
- Water abstractions from Limestone Creek
- Access to coastal areas

Avoiding, remedying or mitigating adverse effects is addressed in Section 5 following.

4.1 Risk to sites of significance

As described in the previous section, the coastal flats from the Tutaeputaputa to Pariwhakatau and beyond are rich in Māori history, evidenced though midden, ovens, pa, fire areas and urupā. Important to discussion of archaeological values is that the existing NZAA sites are unlikely to represent the total sites in existence. There is always potential to reveal new sites, both as a consequence of ground disturbance or erosion association with human activity, or as a result of natural coastal processes.

"The Conway Flats comprise an extensive archaeological site complex, in keeping with other places joining river mouths. The Lagoon Flat Site Complex (NZAA 032/31) occupies the lower raised beach terrace between the fore-dunes and the scarp of the upper terrace supporting Claverley Road. Archaeological remains extend intermittently along the nearly 2 kilometre flat from the river mouth to the first stream entering the sea to the north.

Cultivation of the flats has revealed extensive living areas. Material exposed so far includes koiwi tangata burials, taonga (artifacts), in and around likely dwellings, near cooking areas most obviously marked by fire blackened earth and heat broken stones" (Allingham 2006).

While the site of the proposed subdivision is modified, the runanga believes that there is a high potential for unearthing archaeological evidence during earthworks associated with the proposed subdivision. In the experience of the runanga, while cultivation has disturbed the site, archaeological material may nonetheless remain intact below the plough line, particularly post holes, burials, taonga caches and umu.

This view is supported in a recent report prepared by archaeologist Chris Jacomb for the Hurunui District Council (1999) regarding the Lagoon Flat Archaic Site (NZAA 032-031). The report highlighted the fact that while the archaeological value of the site had been reduced by some amount as a result of ploughing, the site was likely to contain intact deposits below the plough zone, including burials. The report pointed out that:

"... many important sites in New Zealand have been damaged by ploughing, and they often turn out to have significant intact deposits below the plough zone"

4.2 Setting a precedent for coastal development in this area

Consultation for the purposes of this CIA also highlighted concerns regarding precedent. Rūnanga members felt that if the proposed re-zoning of land to enable subdivision is supported, a precedent may be set for future development in this coastal area, thus putting the coastal environment and the sites of cultural importance at risk.

Given the increasing pressure on the Kaikōura coast for subdivision and residential development, the runanga believes that both local authorities and tangata whenua need to carefully consider the issue of coastal subdivision in both the Kaikōura and Hurunui Districts.

4.3 Discharge of contaminants to the environment

Coastal landscapes are fragile and vulnerable to impacts from discharges such as sewage and stormwater associated with subdivisions. Discharge of contaminants to the environment may have adverse effects on the mauri and physical well being of the receiving environment, both water and soil, and can affect the health of, and access to, mahinga kai.

Appropriate wastewater disposal (sewage and stormwater) was raised as a significant issue of concern for Te Rūnanga o Kaikōura representatives. The *Te Rūnanga o Kaikōura Environmental Management Plan 2005* highlights the discharge or runoff of wastewater to coastal waters, and the over saturation of coastal soils due to wastewater discharge to land, as activities that will be opposed by tangata whenua.

4.4 Water abstractions

New lots created by the subdivision will be serviced with a reticulated water supply sourced from Limestone Creek. For Te Rūnanga o Kaikōura, this raises concerns about adverse effects on the mauri, or life supporting capacity, of the Limestone creek, and thus Tūtaeputa.

Protecting, and where necessary enhancing, the mauri of waterways is an important policy objective for Te Rūnanga o Kaikōura, requiring water management that ensures that water quality and quantity are not compromised through abstractive uses.

To date, the position of Te Rūnanga o Kaikōura with respect to Tūtaeputaputa has been that water resources of the river (river and associated wetlands, springs and tributaries) are currently under pressure, and that further abstractions, for the purposes of irrigation, should be avoided until such time as Environment Canterbury completes the process of setting minimum flows for the river.

4.5 Access to the coast and sites of significance

As described in section 3, the Claverley area is a rich cultural landscape with numerous cultural associations and values. For tangata whenua, it is of utmost importance to retain, and improve where possible, access to this coastal environment and sites of significance associated with that environment. Subdivisions and residential development have the potential to result in a loss of access to coastal areas.

Positive effects on cultural values

In addition to the issues of concern identified above, Te Rūnanga o Kaikōura representatives identified the potential for positive or beneficial effects on cultural values.

Kaitiakitanga: The Hurunui District Council Plan recognises the need to integrate the concept Kaitiakitanga (the guardianship of resources) into the sustainable management of District's natural and physical resources of the District. The plan identifies taking cognisance of the views of local runanga in the resource consent process and the recognition of Iwi Management Plans as some of the ways such integration can be achieved.

Te Rūnanga o Kaikōura believes that HDC has appropriately recognised the kaitiaki role of Ngāti Kuri as tangata whenua in the Conway River area through commissioning this CIA to assist in making decisions regarding a plan change to the District Plan, and ensuing resource consent applications.

Early consultation has positive effects on cultural values, demonstrating a genuine commitment on behalf of Council and the applicant to consult in good faith.

Enhancement of the site: A second benefit to cultural values was identified by Te Rūnanga o Kaikōura with respect to the project's potential to enhance the natural character of the site, and thus restore aspects of the cultural landscape (e.g. native coastal plants, wāhi ingoa / place names). At present, the site is highly modified through farming activities, and weedy species are the dominant vegetation.

Enhancement of the site, as part of site development, can both have positive effects on cultural values, while also providing opportunity to mitigate other adverse effects.

Section 5 - Recommendations

A significant part of the CIA process is assessing the potential effects on cultural values (as per Section 4 of this report), and determining whether adverse effects can be avoided, remedied or mitigated. This process provides Te Rūnanga o Kaikōura with the information necessary to make an informed decision about the consistency of the proposed development with cultural values and runanga policy.

In assessing the impacts on cultural values as a result of rezoning, subdividing and developing the Claverley site, and the potential for avoiding, remedying or mitigating any adverse effects, Te Rūnanga o Kaikōura concluded that:

- Ⓢ Rezoning of the area via a plan change to the Hurunui District Plan to enable subdivision is an acceptable activity, due to the existence of dwellings already in the area, the history of zoning for the site, and that, for the most part, the natural character of the area has already been compromised.¹⁷
- Ⓢ The high degree of modification to the site means that there are opportunities for the proposed subdivision and residential development to improve or enhance the area, and thus the cultural landscape.
- Ⓢ The site and adjacent areas are part of a wider cultural landscape and set of cultural values that must be protected through appropriate conditions of consent and other mechanisms.

To this end, the following recommendations are provided as appropriate measures to avoid, remedy or mitigate, where practical, any adverse effects on cultural values, and to maximise opportunities for enhancement of the coastal and cultural landscape.

The recommendations provided in this CIA are intended to assist Hurunui District Council and Mr. Anderson to achieve a 'best fit' between cultural values and the receiving environment, while enabling the proposal to proceed.

Recommendation 1: Adopt a precautionary approach to archaeological values

Based on cultural knowledge of the area, and information provided to Te Rūnanga o Kaikōura by B. Allingham (Te Rūnanga o Ngāi Tahu tribal archaeologist), Te Rūnanga o Kaikōura has concluded that there is a high potential for accidental discovery of sites or artefacts on this site.

Avoiding adverse effects on cultural values can be achieved adopting a precautionary approach to archaeological values at this site. This includes:

Consultation with Historic Places Trust. Section 10-20 of the Historic Places Act 1993 state that any person wishing to undertake work that may damage, modify

¹⁷ It is the combination of these factors, and not any one of them in particular, that make the proposed re-zoning acceptable.

or destroy an archaeological site (both known and unknown) must first obtain an Authority from the New Zealand Historic Places Trust (NZHPT).

"Given the density and complexity of archaeological sites on the flats under consideration here, any alternation to the ground on the flats should require the appropriate authority from the New Zealand Historic Places Trust." (Allingham 2006).

Establishment of a Accidental Discovery Protocol between consent applicants and Te Rūnanga o Kaikōura, as a condition of resource consent. The Protocol establishes a relationship between the Rūnanga and applicants/developers with regards to processes and procedures associated with accidental discoveries during ground disturbance.

Monitoring on site by a cultural monitor (Rūnanga representative), with the opportunity to call on an approved archaeologist if needed. Te Rūnanga o Kaikōura uses monitoring to oversee the excavation activity, record sites or information that may be revealed, so that such information is not lost forever.

"...where archaeological material is to be destroyed through development, this should be done in a complete and controlled manner". (Allingham 2006)

Consent notices on titles: Ensure that purchasers of lots are made aware of the high archaeological and cultural values of the surrounding area, and thus the legal requirements under the Historic Places Act 1993 with regard to destroying, damaging or modifying archaeological sites. Further, values associated with the area should be registered on LIMs and PIMs, to notify future land and property owners of cultural importance of the site.

Recommendation 2: Re-zoning this area must not set a precedent for the Tūtaeputaputa coast

While Te Rūnanga o Kaikōura considers re-zoning the Claverley site to enable subdivision to be an acceptable activity, this view largely due to the fact that a) a small settlement already exists at Claverley, b) there is evidence that the site was originally zoned to enable additional dwellings, c) there is an opportunity to improve the site.

In accepting the rezoning, subdivision and development of the Claverley site, Te Rūnanga o Kaikōura wants to ensure that Hurunui District Council is aware that the Rūnanga will not support rezoning or subdivision of any other areas of the Tūtaeputaputa coast. Any future applications to re-zoning to enable subdivision in this area will be opposed.

In addition, appropriate consents notices, conditions or other mechanisms must apply to the current proposal, to ensure that new lots established at Claverley are unable to be subdivided further at a future date.

District Plan rules must ensure the protection of the Tūtaeputaputa coast from inappropriate subdivision, land use and development.

Recommendation 3: Avoid adverse effects of discharges to the environment, through innovative and sustainable approaches to wastewater disposal

Te Rūnanga o Kaikōura policy promotes innovative and sustainable approaches to wastewater disposal. As described in the previous section, the discharge or runoff of wastewater to coastal waters, and the over saturation of coastal soils due to wastewater discharge to land, are activities that will be opposed by tangata whenua.

To avoid adverse effects on cultural values, site, Hurunui District Council should, in considering re-zoning this coastal site, impose the highest possibly standards on both effluent and stormwater disposal. Further, Council should consider whether an opportunity exists to require community sewerage reticulation, because the rezoning will include the existing dwellings of the old settlement.

Rules attached to the rezoning and consent conditions must ensure that there are no adverse effects on the land or water associated with wastewater disposal.

Recommendation 4: Avoid compromising river health as a result of abstractions to supply water to the new subdivision

Te Rūnanga o Kaikōura will not accept compromising river health for the purposes of abstractions to supply the new settlement with a source of potable water. As described previous, to date the runanga has advocated to avoid granting new consents for water abstractions from Tūtaeputaputa or its tributaries until such time as Environment Canterbury has completed setting minimum flows for the river.

The runanga will only provide approval to consent applications (water permit) whereby it is demonstrated that the Limestone Creek, and thus Tūtaeputaputa, will not be adversely affected by water abstractions for this development.

Recommendation 5: Use the development as an opportunity to enhance the coastal environment

As described above, Te Rūnanga o Kaikōura sees this project as having the potential to improve the coastal environment at this site, thus benefiting the wider coastal and cultural landscape.

The Rūnanga supports suggestions from the landowners that the area be developed as “naturally” as possible (e.g. through such means as avoiding tar sealing roads and using natural materials such as limestone instead). Te Rūnanga o Kaikoura policies on subdivision and residential development emphasize design considerations that focus on “living within the landscape”. Appropriate landscaping

and building design can be used to mitigate the visual effects of subdivision and residential development on the landscape.

The Rūnanga recommends the following conditions of consent:

- That appropriate controls and standards are set for the design and building of dwellings, and general landscaping on the site and individual properties, so as to minimise impacts on visual and landscape values.
- Restrictive covenants on new lot titles that permit only native plants to be used for landscaping and gardening, ideally species that are suited to the coastal location of the site. This will enhance the natural character of the environment, and prevent the spread of pest species.
- A wide buffer zone of native planting should occur on the north boundary (looking towards Pariwhakatau) of the proposed development, a site identified by tangata whenua as an ancient nohoanga area.
- Te Rūnanga o Kaikōura should be given the opportunity to provide a Ngāi Tahu name for the development, or a new road through the development.

"Good custodianship of this area is so important to us. We believe that Nick and Nuie will be good custodians, but we also need to ensure that the new owners and those who come after Nick and Nuie will be good custodians as well". – Te Rūnanga o Kaikōura site visit participants.

Recommendation 5: Ensure rezoning, subdivision and residential development does not compromise tangata whenua access to the coast and cultural landscape features of this area

Loss of public access to the coastal environment can occur as a result of coastal subdivision, land use and development. Loss of access may be overt or may occur when an illusion of privatisation is created, through gated communities, boundary fences, or signage.

As per section 6 of the RMA, and the Te Rūnanga o Kaikōura IMP, the maintenance and enhancement of public access to the coastal environment must be provided for in any plan change and consent applications associated with this proposal.

Section 6: Conclusions

Te Rūnanga o Kaikōura does not oppose the re-zoning of this area to enable subdivision, and the residential development of the site thereof. A good consultation process that recognises kaitiakitanga and the importance of recognising and providing for Māori cultural values associated with this important coastal landscape, the good character of the landowners, and the ability to address cultural concerns, are seen as mitigating factors.

However, Rūnanga support for this proposal is subject to

- ② Addressing the recommendations in this report to the satisfaction of Te Rūnanga o Kaikōura.
- ② The provision of this Cultural Impact Assessment, in full, to Environment Canterbury, as part of any resource consent applications associated with this development.
- ② Discussion between Hurunui District Council and Te Rūnanga o Kaikōura with respect to appointing a tangata whenua representative¹⁸ to the hearings panel for this application.

Where to from here?

This CIA Report is intended to provide information that can assist the applicant in understanding the potential impacts of the proposal on tangata whenua values. The Rūnanga believes that the issues raised in this report can help to ensure good cultural, social, and environmental outcomes, *mō tātou, ā, mō kā uri ā muri ake nei*, for us and our children after us.

The CIA is a basis for future communication and cooperation between Hurunui District Council, Mr. Nick Anderson, and Te Rūnanga o Kaikōura. The Rūnanga encourages both Council and Mr. Anderson to maintain a consultative relationship with the runanga, including addressing the issues raised in this report. If Hurunui District Council, or Nick and Nuie, wish to meet with Rūnanga representatives with regards to this report, a meeting can be arranged through the report writer.

¹⁸ This is not a Te Rūnanga o Kaikōura representative, but rather a tangata whenua representative to ensure that appropriate consideration is given to cultural values generally.

Glossary

Hapū	Sub-tribe
Iwi	Tribe
Iwi authority	The authority that represents an iwi
Kaitiaki	Iwi, hapū or whānau group with the responsibilities of kaitiakitanga
Kaitiakitanga	The exercise of guardianship
Kaumatua	Elders
Kō iwi tangata	Human bones
Mahinga kai	Food / resources and the areas they are sourced from
Ngāi Tahu	An iwi of the South Island
Ngāti Kuri	Hapū of Ngāi Tahu
Pā	Fortified settlement site
Pounamu	Greenstone
Pūrākau	Stories
Takiwā	Area or region
Tangata whenua	The iwi or hapū that holds manawhenua over an area
Taonga	Treasure
Tauranga waka	Canoe landing areas
Te Waipounamu	South Island
Tūpuna	Ancestors
umu	Ovens
Urupā	Burial site
Wāhi ingoa	Place names
Wāhi taonga	All things that are treasured and valued
Wāhi tapu	Places of sacredness and immense importance
Whakapapa	Genealogy, cultural identity

Reference List

- Allingham, B. 2006. Archaeological report for a proposed plan change and subdivision at Claverley. Prepared for Te Rūnanga o Kaikōura. Takahanga Marae.
- Anderson, A. 1998. *The welcome of strangers: an ethnohistory of southern Māori A. D. 1650 – 1850*. University of Otago Press: Dunedin.
- Brailsford, B. 1997. *The Tattooed Land*. Stoneprint Press: Hamilton.
- Carrington, A.H. Ms Papers. 1934 Ngāi Tahu: *The story of the invasion and occupation of the South Island of New Zealand by the descendants of Tahu-Potiki*.
- Elvy, W. J., 1948. *Kaikōura Coast: Māori History, Traditions and Place Names*. Whitcombe and Tombs Ltd., Christchurch.
- Jacomb, C. 1999. *Proposed Hurunui District Plan: reference to Environment Court regarding sites on property of N A Anderson*. Report on archaeological values of sites A18 and A33.
- New Zealand Archaeological Association. Site record for NZAA site 032-034; 032-046; 032-047; 032-033; 032-031; 032-020; 032-019.
- New Zealand Archaeological Association. Site record for NZAA site
- Ngāi Tahu Claims Settlement Act. 1998.
- Te Rūnanga o Kaikōura. 2005. *Te Poha o Tohu Raumati*. The Te Rūnanga o Kaikōura Environmental Management Plan. Takahanga Marae: Kaikōura.

Appendix 1: Statutory Acknowledgement for Tūtae Putaputa (Conway River)

Schedule 65 Ngāi Tahu Claims Settlement Act 1998

Statutory Area

The statutory area to which this statutory acknowledgement applies is the area known as Tūtae Putaputa (Conway River), the location of which is shown on Allocation Plan MD 109 (S.O. 7328 (Marlborough Land District) and S.O. 19906 (Canterbury 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 Tūtae Putaputa, as set out below.

Ngāi Tahu Association with the Tūtae Putaputa (Conway River)

This river, and the mahinga kai which it provided, fell under the mana of the Ngāti Wairaki chief Rakatuarua until Ngāi Tahu gained manawhenua (tribal authority over the area) by way of the Ngāti Kurī hapū.

The tūpuna has 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, and the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilization of resources. All of these values remain important to Ngāi Tahu today.

The resources of the river once supported a nearby pā built by the Ngāti Mamoe leader, Tukiauau. Tukiauau eventually abandoned this pā for another site just south of Dunedin.

There are numerous urupā and wāhi tapu associated with the river, particularly in the vicinity of the pā, Pariwhakatau. 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.

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

Purposes of Statutory Acknowledgement

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

To require that consent authorities forward summaries of resource consents 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

To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgment in relation to Tūtae Putaputa, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

To empower the Minister responsible for management of Tūtae Putaputa 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

To enable Te Rūnanga o Ngāi Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgment as evidence of the association of Ngai Tahu to Tūtae Putaputa as provided in section 208 (clause 12.2.5 of the deed of settlement).

Limitations on Statutory Acknowledgment

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

(a) This statutory acknowledgment 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 Tūtae Putaputa (as described in the statutory acknowledgment) than that person or entity would give under the relevant statute, regulation or bylaw, if this statutory acknowledgment did not exist in respect of Tūtae Putaputa.

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 acknowledgment 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, Tūtae Putaputa.

Appendix 2: Statutory Acknowledgement for Te Tai o Marokura

Schedule 101 NTCSA 1998

Statutory Area

The area to which this Statutory Acknowledgment applies is Te Tai o Marokura (the Kaikōura Coastal Marine Area), the Coastal Marine Area of the Kaikōura constituency of the former Nelson Marlborough region, as shown on S.O. 14497, Marlborough Land District, extended northwards (but not eastwards) to the Takiwā of Ngāi Tahu Whānui, such boundary determined in the same manner as of the northern boundary of the Ngāi Tahu Claim Area, as shown on Allocation Plan NT 505 (S.O. 19901).

Preamble

Under section 313, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu cultural, spiritual, historical and traditional association to Te Tai o Marokura, as set out below.

Ngāi Tahu Association with Te Tai o Marokura

The Kaikōura Coastline took its name from Tama Ki Te Rangi, an early explorer in the time of Tamatea Pokaiwhenua, who decided to explore the South Island. On his way from the North Island, Tama ki Te Rangi stopped in the area now known as Kaikōura and ate some of the crayfish that populate the area over an open fire. From Tama Ki Te Rangi's feast on crayfish, the area was named, Te Ahi Kaikōura a Tama ki Te Rangi—the fires where Tama Ki Te Rangi ate crayfish.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāi Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of the Ngāi Tahu Whānui. Battle sites, urupā and landscape features bearing the names of tūpuna (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.

One of the leading sites in Kaikōura in pre-contact times was Takahaka Marae, which is still occupied by Ngāi Tahu. From the time the Ngāi Tahu leader Maru Kaitatea took Takahaka Pa for Ngāi Tahu occupation, the site acted as a staging site for Ngāi Tahu migrations further south. Other pa in the area included Pariwhakatau, Mikonui, Oaro and Kahutara. Place names along the coast, such as the gardens of Tamanuhiri and the Waikawau River, record Ngāi Tahu history and point to the landscape features that were significant to people for a range of reasons.

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 hapū 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.

As well as the crayfish for which the area is famous, the whole of the Kaikōura area offered a bounty of mahinga kai including a range of kaimoana (sea food); sea fishing; eeling and harvesting 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.

A particular feature of the Ngāi Tahu relationship with the Kaikōura coastal area is the special connection with the whales that frequent the area. This relationship has its basis in tradition. The well-known rangatira (chief) and brave warrior of the Kati Kuri hapū of Ngāi Tahu, Te Rakaitauneke, was said to have a kaitiaki whale, named Mata Mata, who dwelt in the sea opposite Te Rakaitauneke's home in Tahuna Torea (Goose Bay). Mata Mata's sole duty and purpose in life was to do Te Rakaitauneke's bidding, to serve all his needs and to guard him against harm. Everywhere Te Rakaitauneke went, Mata Mata went too. When Te Rakaitauneke went to Takahanga, Mata Mata could be seen blowing outside the garden of memories, as close to shore as he could possibly get. Te Rakaitauneke's love for Mata Mata was as great as the whale's love for him.

After Te Rakaitauneke's death, Mata Mata was not seen along the Kaikōura coast for some time, and it was rumoured that he had gone away and died of sorrow at the loss of his master. There were those, however, who remembered Te Rakaitauneke's prediction that after his death Mata Mata would only return when one of his descendants was facing imminent danger or death. There are many stories since that time of a Mata Mata appearing to foretell the death of one of Te Rakaitauneke's descendants. It is also said that many of the descendants of Te Rakaitauneke, when faced with peril on the high seas, have been saved by the timely intervention of a whale.

The Kaikōura coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whaleboats 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 and rimurapa (bull kelp), with the sea trail linked to a land trail or mahinga kai resource. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge 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 coast.

Numerous urupa are being exposed or eroded at various times along much of the 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 wāhi tapu. Urupa 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 in secret locations.

The mauri of the coastal area represents the essence of 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 coastal area.

Purposes of Statutory Acknowledgement

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

(a) to require that consent authorities forward summaries of resource consents applications to Te Rūnanga 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 acknowledgment in relation to Te Tai o Marokura, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

(c) to enable Te Rūnanga 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 Tai o Marokura as provided in section 208 (clause 12.2.5 of the deed of settlement).

Limitations on Statutory Acknowledgment

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

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(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 Ngai Tahu's association to Te Tai o Marokura (as described in the 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 Marokura.

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 acknowledgment 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 Marokura.

