

Remarkables Conservation Area

Summary of Ngāi Tahu Values, Practices and Associations



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Introduction

Purpose

This report details the historical and contemporary Ngāi Tahu values, practices and associations with the Remarkables Conservation Area (the **Conservation Area**) and its surrounds. While the report is for a defined land area, the values, practices and associations tend to have a broader setting which is useful in understanding its Ngāi Tahu context and any future amendments to the land classification and/or its management.

The report is structured as follows:

- Introduction
- Assessment of values, practices and associations
- Ngāi Tahu context
- Conclusion.

Stage within the Process

This report concentrates on the Ngāi Tahu values, practices and associations for the Conservation Area and is for use by the Department of Conservation Te Papa Atawhai (**DOC**) in considering the appropriateness of the current classification of the stewardship land. This stage of the process does not consider how these values, practices and associations will influence or develop any reclassification criteria and its application, nor possible management options. It also does not outline manawhenua aspirations for the area.

Regulatory Context

The Conservation Area is provided for under section 7 of the Conservation Act 1987. The Act is to be interpreted and administered to give effect to the principles of Te Tiriti o Waitangi/Treaty of Waitangi.¹

The Treaty partnership is an enduring Treaty-based relationship between Ngāi Tahu and the Crown. This partnership is based on the principles upon which the Treaty is founded and gives ongoing effect to the tino rangatiratanga of Ngāi Tahu alongside the requirement of the Crown to govern responsibly. With respect to conservation management, its practical application is expressed through the exercise of Ngāi Tahu kaitiakitanga (guardianship) responsibilities over their natural resources.²

Its practical application flows from Tiriti o Waitangi/Treaty of Waitangi, and its local expression for the Conservation Area comes from the Otago Conservation Management Strategy 2016, specifically outlined in section 1.4.

¹ Conservation Act 1987, section 4.

² Department of Conservation (2016) *Otago Conservation Management Strategy*, p.10

Methodology

The Ngāi Tahu report has undertaken the following steps:

1. Operated under the guidance of manawhenua and sought advice/review from Papatipu Rūnanga
2. Described the historical and contemporary Ngāi Tahu context for the Conservation Area and its surrounds
3. Undertaken a site visit with Papatipu Rūnanga and DOC
4. Detailed key values, practices and associations for Kawarau, Tāpuae-o-Uenuku and Te Papapuni
5. Outlined its assessment criteria and undertaken an initial assessment.

A statement of significance was developed for this report to undertake the assessment of values, practices and associations. This statement of significance is based on whakapapa and the execution of tino rangatiratanga by Ngāi Tahu in its takiwā rather than being geographically focused. As such, the statement is marked as whānau, hapū, Ngāi Tahu Whānui, Other iwi/hapū opposed to the standard practice of local, regional or national significance.

Othher iwi/hapū has been included to recognise the connection iwi/hapū other than Ngāi Tahu may have with the whenua; for example, Te Waka o Māui is significant to all iwi.



Whakatipu, Frankton Arms, Remarkables by James Crowe Richmond, 9 June 1867.
Ref: 1935-0005-10, Te Papa Collection. Gift of EA Atkinson, 1935, on behalf of the artist's daughter, DK Richmond.

Area Description

Traditional Narrative

The wider area surrounding the Conservation Area is known as Ngā Puna Wai Karikari a Rākaihautū³ after the named tupuna from the Uruao waka and a mountain in the Conservation Area named after his kō, Tūwhakaroria. Rākaihautū led his travel party through Te Waipounamu and is traditionally credited with creating the great waterways of the interior of the island with his famous kō.

Rākaihautū started with Lakes Rotoiti and Rotoroa in Nelson before tackling Takapō (Lake Tekapo), Pūkaki and Ōhau. These three were more or less plain sailing, however scooping out Lakes Hāwea, Wānaka and Whakatipu Waimāori was more difficult. He explored this majestic country, traversed the valleys of the Greenstone and Hollyford and arrived at Whakatipu Waitai (Lake McKerrow) where Rākaihautū again came in touch with the sea. Retracing his steps and turning south he made Te Ana-au (Lake Te Anau) and Moturau (Lake Manapouri). The final resting place of the ko, Tūwhakarōria, culminated at Mount Bossu, Akaroa Harbour.⁴

The story relates to the first human footsteps and is highly significant for Ngāi Tahu. To mark the conclusion of Rakaihautu's achievements, the name of the kō was ceremonially changed to Tuhiraki, the name by which it has been known ever since.

Modern Boundary

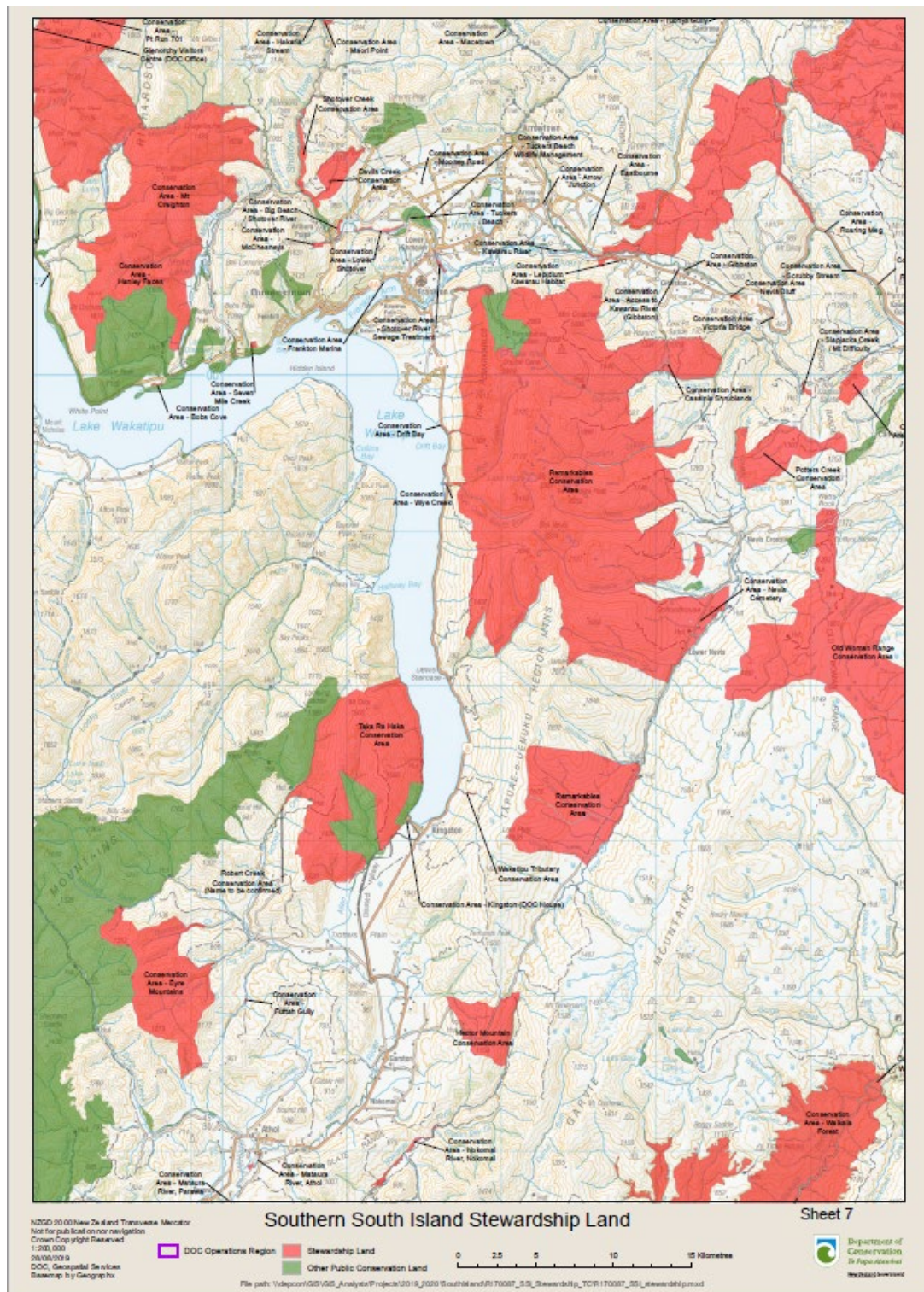
The Conservation Area is in the takiwā of Ngāi Tahu who have held ahi kāroa for centuries, and whose manawhenua over the area is legally recognised in the Te Rūnanga o Ngāi Tahu Act 1996. Seven Papatipu Rūnanga have shared interests in the Conservation Area.

The Conservation Area does not follow traditional or modern boundaries of any specific meaning or reference to Ngāi Tahu. The Conservation Area comprises of lands returned to the Crown through Tenure Review, including the pastoral leases of:

- Coneburn
- Glenroy
- Wentworth
- Loch Linnhe
- Ben Nevis
- Glen Nevis
- Mt Rosa.

³ See 2.3 *Western Lakes and Mountains/Ngā Puna Wai Karikari a Rākaihautū Place* in the Otago Conservation Management Strategy, pp. 57-74

⁴ <https://gazetteer.linz.govt.nz/place/54442> 'Mount Tūwhakarōria'.



The Conservation Area includes a nohoanga⁵ at Wye Creek and official, recorded and collected Ngāi Tahu place names. The Conservation Area is also adjacent to the statutory acknowledgement area of Whakatipu Waimāori (Lake Wakatipu). Archaeological areas are recorded in the Conservation Area, and it is known to have been a site of nohoanga and mahinga kai. This is also characteristic of the wider setting with the historical accounts refer to the harvesting of weka, plants (e.g. tikumu/mountain daisy), tuna, water and stones as well as its location within major routes from the coast to the inland lakes.

⁵ Provided for in the Ngāi Tahu Claims Settlement Act 1998

Map of Lakes in the interior of Middle Island from a drawing by Huru-huru. 1842(A)

9 days to Awarua on West Coast.



Lat. No. 25

Te Huru-huru Map of Whakatipu Waimāori, Wānaka and Hāwea, 1842. Hocken Library.

Assessment

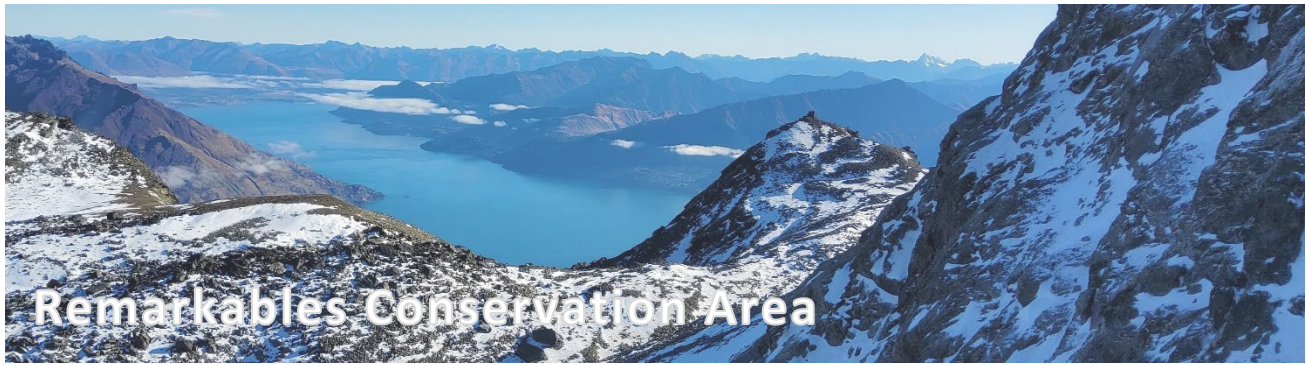
Statement of Significance

The Statement of Significance has broken the Conservation Area into five places, four of which are based on that of the Landscape Assessment. The fifth place is that of the whole area, reflecting ki uta ki tai and the mātauranga that all environmental elements are connected and must be managed as such.

Place	Whānau	Hapū	Ngāi Tahu Whānui	Other iwi/hapū
Remarkables Conservation Area	✓	✓	✓	✓
	The mountain range is iconic and one of the most photographed geological features in the takiwā of Ngāi Tahu. Walking and vehicle access provides Ngāi Tahu Whānui with regular opportunities to undertake a range of recreational uses. Historically, the maunga was a significant landmark and is surrounded on all sides by mahinga kai and nohoanga. The Conservation Area contains wāhi tapu and wāhi tūpuna.			
Kawarau – Whakatipu Waimāori	✓	✓	✓	
	This place includes a nohoanga entitlement and a cluster of Ngāi Tahu place names. This place is the most commonly viewed section of the Conservation Area and is visible from Whakatipu Waimāori, Queenstown, State Highway 6 between Queenstown and Invercargill, and the flightpath to Queenstown Airport. Mt Tūwhakaroria and Karerea are also visible from Alexandra and Cromwell. The place also contains remnant native bush and is habitat for taonga species.			
Tāpuae-o-Uenuku	✓	✓		
	This place is named after an atua and links to the Ārai-te-uru waka. Historically, the place is part of a much larger mahinga kai and is adjacent to Te Ara a Tamatea.			
Te Papapuni	✓	✓		
	Historically, the place is part of a much larger mahinga kai and Te Ara a Tamatea cross through sections of this place. Mt Tūwhakaroria and Karerea are also visible from Alexandra and Cromwell. The place contains recorded wāhi tapu and wāhi tūpuna.			
Kawarau River	✓	✓		
	Historically, the place is part of a much larger mahinga kai and is adjacent to Te Ara a Tamatea and the water route down the Mata-au to the eastern coast. This place is a commonly viewed section of the Conservation Area and is visible from State Highway 6 between Queenstown and Cromwell, and the flightpath to Queenstown Airport.			

Values, Practices and Associations Assessment

Given the size of the Conservation Area and the historical Ngāi Tahu use of the district as a vast series of mahinga kai, nohoanga and ngā ara tawhito, the values assessment has been done for the Conservation Area rather than each of the five places referred to above. Practices and Associations assessments have been undertaken for all five places given the diverse topography of the Conservation Area and their connections with other areas.



Criteria	Weighting	Comment
Values	High	<p>The Conservation Area is a tangible and intangible representation of Ngāi Tahu whakapapa with Ngā Puna Wai Karikari a Rākaihautū having been shaped by Rākaihautū. with the two mountain ranges of the Conservation Area, Kawarau and Tāpuae-o-Uenuku, also named after tūpuna. This whakapapa connection with the archaeological, written and oral records enables the exchange, expression and recognition of Ngāi Tahu mātauranga tuku iho. It provides an ongoing presence of the mana of Ngāi Tahu in its takiwā.</p> <p>As manawhenua, Ngāi Tahu, in exercising its kaitiakitanga, recognises the impact of high-country pastoral farming and mining on soil health, the presence and absence of native flora and fauna, land use change (e.g. draining of wetlands and tarns) and pest species.⁶ While these activities have impacted the health and mauri of the Conservation Area, it has not diminished the requirement for Ngāi Tahu to act as kaitiaki. In fact, the need to improve, restore, and maintain where intact (e.g. remnant vegetation north branch of Wye Creek) means actively working to ensure Ngāi Tahu values and tikanga are upheld and is sustaining future generations to deliver long-term conservation outcomes.</p>
Practices	Very High	<p>Historically, the Conservation Area is part of a much larger network of mahinga kai and a highly visible landmark in Te Ara a Tamatea⁷, the Whakatipu route across the lake to the West Coast, and the link to Potiki-whaka-rumaki-nao and the Mata-au Clutha River.</p> <ul style="list-style-type: none"> • Traditional nohoanga have been identified in the Conservation Area with more suspected to have existed, although there is no physical evidence of this at present. A nohoanga entitlement is active at Wye Creek. • Kawarau is recorded as a mahinga kai site where weka, kākāpō, kea and tuna (eel) were gathered.⁸ It is also a place of seasonal occupation.

⁶ Both Iwi Management Plans for the Conservation Area, Kāi Tahu ki Otago Natural Resource Management Plan and Te Tangi a Tauira: The Cry of the People, include references to mining and high-country farming.

⁷ Department of Conservation (2016) p. 63.

⁸ Te Huruwharu's Map; Tairaroa 1880:144_11; Andersen 1942:126.

		<ul style="list-style-type: none"> • While most species traditionally harvested in the Conservation Area can no longer be found in sustainable quantities, it still provides habitat to native fish species and plants. The Conservation Area does allow for non-commercial harvesting of non-native species such as deer. • The Conservation Area contains recorded, known, and suspected wāhi tapu and wāhi tūpuna; some in the form of archaeological sites.
Associations	Very High	<ul style="list-style-type: none"> • The place holds many Ngāi Tahu place names, with three names made official in 2013 (one commemorating an 1850s event), and others, such as Kawarau, having remained in historical accounts. • The following Treaty Redress provisions apply to this place⁹: <ul style="list-style-type: none"> ○ Nohoanga – Wye Creek ○ Statutory Acknowledgement – Whakatipu Waimāori ○ Taonga species ○ Tenure Review (formal agreement with LINZ). • Nohoanga is a specific redress mechanism to enable Ngāi Tahu to practice mahinga kai. Mahinga kai was one of the ‘9 Tall Trees’ of Te Kerēme, the historical Ngāi Tahu Treaty Claim.¹⁰ • The Statutory Acknowledgement for Whakatipu Waimāori recognises Ngāi Tahu historical, spiritual, cultural and traditional relationships with the lake and its surrounds. It was proposed that Deeds of Recognition would apply to the same areas as Statutory Acknowledgements.¹¹ • Tenure review provided a mechanism for Ngāi Tahu values to be considered in the return of lease land to the Crown. This returned land now forms the basis of the Conservation Area.

⁹ The Ngāi Tahu Claims Settlement Act does not include complete lists of taonga species or significant sites. These limitations are due to the terms of negotiation and arbitrary Crown restrictions on the number of sites and species that Ngāi Tahu could include.

¹⁰ Te Karaka Special Edition (1998) *Crown Settlement Offer: Consultation Document from the Ngāi Tahu Negotiating Group*, p. 39

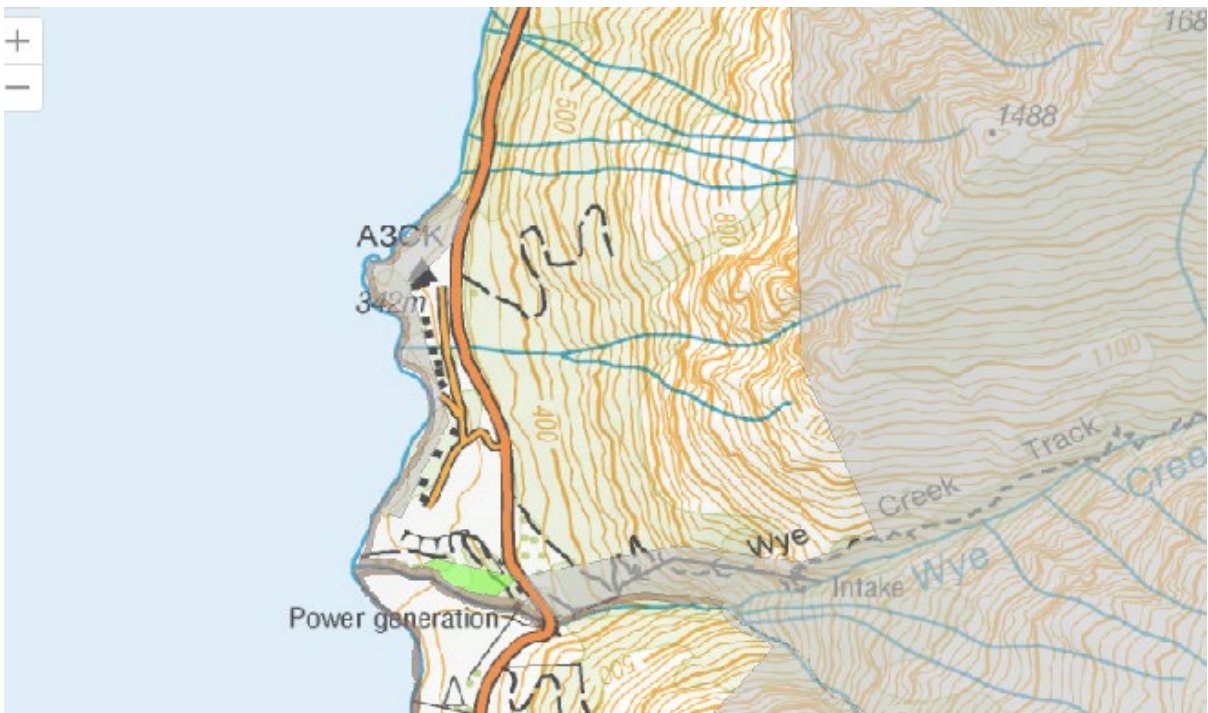
¹¹ Te Karaka Special Edition, pp. 34-5. Also see p. 275 of the Otago Conservation Management Strategy that has only five Deeds of Recognition in place for Otago (Pikirakatahi, Tititea, Matakaea, Tokatā, and Waihola-Waipori Westland).



Criteria	Weighting	Comment
Practices	Very High	<p>Historically, the place is part of a much larger network of mahinga kai and a highly visible landmark in the Whakatipu route across the lake to the west coast.</p> <ul style="list-style-type: none"> • Traditional nohoanga are suspected to have existed in this place although there is no physical evidence of this at present. A nohoanga entitlement is active at Wye Creek. • Mahinga kai is known from oral and written historical accounts of activity which occurred up the valleys and rivers and along the lake. This also included regular seasonal occupation. • While most species traditionally harvested in this place no longer can be found in sustainable quantities, it still provides habitat to native fish species and plants. The place does allow for non-commercial harvesting of non-native species such as deer. • The place provides walking access from the nohoanga entitlement into Kawarau and the north and south branches of Wye Creek. From the higher reaches, there are views to Mt. Tūwhakarōria and Lake Te Kōhua.
Associations	Very High	<ul style="list-style-type: none"> • The activated nohoanga entitlement in the place enables Ngāi Tahu Whānui to temporarily occupy the DOC administered land close to Wye Creek and Whakatipu Waimāori on a non-commercial basis, so as to have access to waterways for lawful fishing and gathering of other natural resources. • The nohoanga is a specific redress mechanism to enable Ngāi Tahu to practice mahinga kai. Mahinga kai was one of the ‘9 Tall Trees’ of Te Kerēme, the historical Ngāi Tahu Treaty Claim. • There are two Ngāi Tahu names in this place which provides a tangible link in the Conservation Area to Ngāi Tahu tūpuna and the associated pūrākau and whakapapa, specifically Mt. Tūwhakarōria and Lake Te Kōhua. These topographic features are near the head of the south branch of Wye Creek and Nevis Burn.



The red section is the nohoanga entitlement at Wye Creek.



The grey section is the Conservation Area with the nohoanga marked in green.



Criteria	Weighting	Comment
Practices	High	<p>Historically, the place is part of a much larger mahinga kai and is adjacent to Te Ara a Tamatea.</p> <ul style="list-style-type: none"> • While most species traditionally harvested in this place no longer can be found in sustainable quantities, it still provides habitat to native fish species and plants. The place does allow for non-commercial harvesting of non-native species such as deer. • Previously, the place was known for harvesting tikumu (mountain daisy). Tikumu is 'highly valued by weavers for its use in finely woven waterproof items, particularly raincoats, cloaks, hats and mats.'¹² • The historical route traversed the valley which technically puts the route itself outside the Conservation Area. However, the manner in which Ngāi Tahu travelled seasonally, collecting resources in situ and preparing areas for further visits, it is highly probable that people wandered off the path into the Conservation Area searching for resources and shelter and camping while doing so. 'A day's journey would often be timed to take them [Ngāi Tahu] from one area with an abundant resource to another.'¹³ Longer, seasonal occupation also occurred.
Associations	High	<ul style="list-style-type: none"> • The mountain range personifies Tāpuae-o-Uenuku and provides a tangible link in the Conservation Area to the Ārai-te-uru waka and its associated pūrākau and whakapapa. • Tenure review provided a mechanism for Ngāi Tahu values to be considered in the return of lease land to the Crown. This returned land now forms the basis of the Conservation Area, especially so for this place.

¹² Tipa, R. (2018) *Treasures of Tane: Plants of Ngāi Tahu*, p. 200

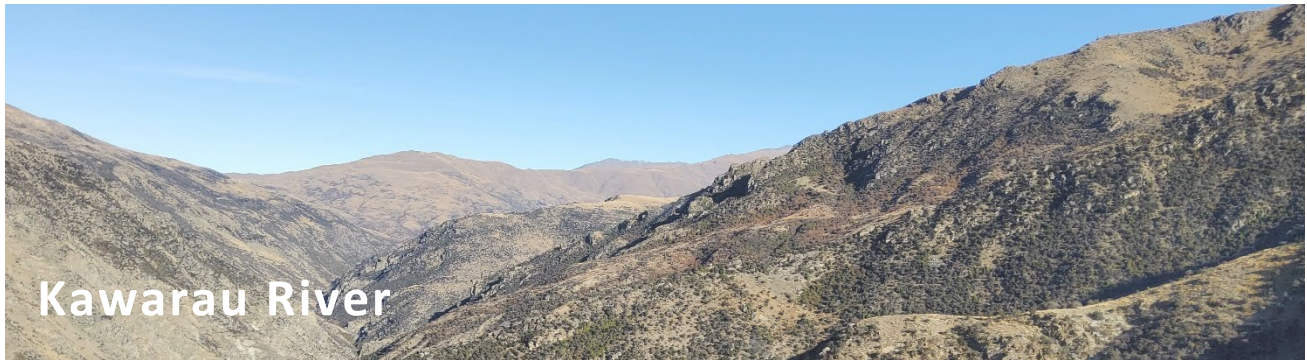
¹³ Dacker, B. (1990) *Te People of the Place: Mahika Kai*, p.8



Criteria	Weighting	Comment
Practices	Very High	<p>Historically, the place is part of a much larger mahinga kai and is adjacent to Te Ara a Tamatea.</p> <ul style="list-style-type: none"> • The place has recorded archaeological harvesting and food preparation sites such as the moa sites at Schoolhouse Creek.¹⁴ • While most species traditionally harvested in this place no longer can be found in sustainable quantities, it still provides habitat to native fish species and plants. The place does allow for non-commercial harvesting of non-native species such as deer. • Previously, the place was particularly known for catching weka. The meat, feathers and fats from weka were collected with the fat being used as a carrier oil and for rongoa. • The historical route traversed the valley which puts sections of it inside the Conservation Area. Given the manner in which Ngāi Tahu travelled seasonally, collecting resources in situ and preparing areas for further visits, it is highly probable that people wandered off the path, further into the Conservation Area, searching for resources and shelter and camping while doing so. 'A day's journey would often be timed to take them [Ngāi Tahu] from one area with an abundant resource to another.'¹⁵ Longer, seasonal occupation also occurred.
Associations	Medium	<ul style="list-style-type: none"> • There are currently no known personifications within this place. However, the valley and river adjacent to the Conservation Area retain a tūturu place name. • Tenure review provided a mechanism for Ngāi Tahu values to be considered in the return of lease land to the Crown. This returned land now forms the basis of the Conservation Area, especially so for this place.

¹⁴ Hamel, J. (2001) *The Archaeology of Otago*, p. 16

¹⁵ Dacker, p.8



Criteria	Weighting	Comment
Practices	High	<p>Historically, the place is part of a much larger mahinga kai and is adjacent to Te Ara a Tamatea and the Kawarau link to Potiki-whakarumaki-nao (natural land bridge across the Kawarau) and the Mata-au Clutha River that was used to return to the eastern coast.</p> <ul style="list-style-type: none"> • While most species traditionally harvested in this place no longer can be found in sustainable quantities, it still provides limited habitat to native fish species and plants. • The historical routes traversed the river and Mt Difficulty which technically puts the route itself outside the Conservation Area. However, given the manner in which Ngāi Tahu travelled seasonally, collecting resources in situ and preparing areas for further visits, it is highly probable that people wandered off the path into the Conservation Area searching for resources and shelter and camping while doing so. 'A day's journey would often be timed to take them [Ngāi Tahu] from one area with an abundant resource to another.'¹⁶
Associations	Medium	<ul style="list-style-type: none"> • There are currently no known personifications within this place nor Treaty redress elements; noting that the tribal property, Whatatōrere, is nearby at the natural land bridge. • The river adjacent to the Conservation Area retains a tūturu place name as do many surrounding ranges and water bodies. Archaeological evidence has been recorded or known to exist around Mt Difficulty and the Kawarau River (e.g. Owen Ferry moa hunter site). However, these features are outside the Conservation Area. • Tenure review provided a mechanism for Ngāi Tahu values to be considered in the return of lease land to the Crown. This returned land now forms the basis of the Conservation Area, somewhat so for this place.

¹⁶ Dacker, p.8

Ngāi Tahu

Tangata Whenua

The peoples of Waitaha, Kati Māmoe and Ngāi Tahu are nowadays collectively referred to as Ngāi Tahu.

Historically, Waitaha settled in the South Island approximately 800 years ago and were later followed by Kāti Māmoe and Ngāi Tahu during the major domestic migrations that occurred between the 1500s and 1700s. They constantly travelled around their takiwā in whānau and hapū groupings and ‘worked the resources...and traded their surplus with people from other areas. This created a complex and far-flung network of relationships which in turn were strengthened by marriage.’¹⁷

Today, Ngāi Tahu has an extensive territory that includes most of the South Island and offshore islands such as Rakiura/Stewart Island. Ngāi Tahu means the ‘people of Tahu’, linking to the eponymous ancestor Tahu Pōtiki. Within the iwi there are five primary hapū being Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri and Ngāi Te Ruahikihiki.

Dialect

The Ngāi Tahu dialect uses the ‘k’ interchangeably with the ‘ng’. The Otago Conservation Management Strategy uses the ‘ng’ while the Otago Regional Plans tend to use ‘k’. This variation is due to the different preferences by the Papatipu Rūnanga. For example – Ngāi Tahu or Kāi Tahu are both correct. Following from the Otago Conservation Management Strategy, ‘ng’ has been used in this report.

Manawhenua

Manawhenua is defined as meaning:

*traditional/customary authority or title over land, and the rights of ownership and control of usage on the land, forests, rivers etc. Manawhenua is held by an iwi or hapū rather than individuals. Also, the land area (and boundaries, rohē) within which such authority is held.*¹⁸

Manawhenua is a term often used to recognise an iwi or hapū association with an area, but it is important to understand that the term recognises an authority and/or title over the area and its resources. Therefore, exercising manawhenua is done by those who have authority over the area in question.

Ngāi Tahu has centuries’ long customary associations, rights and interests in the district and its resources. These associations are both historical and contemporary and include whakapapa, place names, mahika kai, tribal economic development and landholdings.¹⁹ In the Whakatipu Basin, manawhenua is exercised by seven Papatipu Rūnanga on behalf of Ngāi Tahu whānui. This right is derived from mana ātua (gods), mana tūpuna (ancestors), mana whenua (land) and mana tangata (people).²⁰ The takiwā of Ngāi Tahu is described in section 5 of the Te Rūnanga o Ngāi Tahu Act 1996.

¹⁷ Dacker, p. 6

¹⁸ Ngai Tahu ki Murihiku (2008), p. 312

¹⁹ Queenstown Lakes District Plan, Chapter 5

²⁰ Barlow, C. (1991) *Tikanga Whakaaro: Key concepts in Māori culture*, pp. 61-2.

The seven Papatipu Rūnanga who have shared interests in the area are:

- Te Rūnanga o Awarua, based in Bluff
- Hokonui Rūnaka, based in Gore
- Te Rūnanga o Moeraki, based in Moeraki
- Te Rūnanga o Ōraka Aparima, based in Riverton
- Te Rūnanga o Ōtākou, based on the Otago Peninsula
- Kāti Huirapa ki Puketeraki, based in Karitane
- Waihōpai Rūnaka, based in Invercargill.

Connection with Place

The connections Ngāi Tahu has with Ngā Puna Wai Karikari a Rākaihautū and Kawarau are both historical and contemporary, tangible and intangible. The cultural heritage of Ngāi Tahu is heavily etched on the place while its physical presence is at times, light; reflective of the occupation of Ngāi Tahu in the area being extensive rather than intensive.

Kawarau is both the name of the mountain range and the adjacent river to the north, thought to have been named after a local rangatira²¹ although there is now no direct reference to this tūpuna. The official name of the other mountain range in the Conservation Area is Tāpuae-o-Uenuku/Hector Mountains, and the Ngāi Tahu name means the ‘Sacred footsteps of Uenuku’, the rainbow atua. Tāpuae-o-Uenuku is recorded as a passenger on the famous Ārai-te-uru waka that crashed at Matakaea (Shag Point) on the northern Otago coastline. The name is in recognition of the stories from Ārai-te-uru.

Tāpuae-o-Uenuku was submitted as a proposal to the New Zealand Geographic Board in 2013 with three other names in the Conservation Area - Mount Tūwhakaroria, Lake Te Kōhua and Karearea Peak – all of which are now official.²² Tūwhakaroria is the famous kō of Rākaihautū who created Whakatipu Waimāori (Lake Wakatipu). Lake Te Kōhua commemorates the three-legged iron pot given as payment to Ngāi Tahu rangatira, Reko, who guided Nathanael Chalmers through Central Otago in 1853.²³ The recognised Ngāi Tahu names within the Conservation Area draw on pre-history and relatively recent events and tūpuna.

The area has many references to mahinga kai²⁴ and traditional routes in and adjacent to the Conservation Area. The most well-known being Te Ara o Tamatea, which helped connect Te Papapuni (Nevis) and Whakatipu Waimāori with Te Awa a Kewa (Foveaux Coast)²⁵, Pōtiki-whata-rumaki-nao (the natural land bridge that crossed the Kawarau River)²⁶, Wānaka, and further afield.

Over the centuries, kaika (villages) and nohoanga have been established in the Conservation Area and its surrounds, notably the Nevis, but evidence of these sites has on occasion been destroyed by land clearances and mining. The oral history supporting the occupation and use of these areas is well documented in written

²¹ Roberts (1914) *PLACE NAMES OF OTAGO AND SOUTHLAND*, *Southland Times*, Issue 17658

²² <https://www.beehive.govt.nz/release/central-otago-place-names-approved>, 11 December 2013

²³ Queenstown and District Historical Society (1999) *The Queenstown Courier*, p. 3

²⁴ 1879 Smith-Nairn Royal Commission of Inquiry into the Ngāi Tahu land claims

²⁵ Otago Daily Times, *The Southern Maori: Stray Papers*, Issue 21348, 30 May 1931

²⁶ <https://www.kahurumanu.co.nz/atlas> > Kawarau

sources by Europeans in the late 1800s. There is still some remaining physical evidence of Ngāi Tahu activities in the archaeological sites from various periods, including moa. Jill Hamel covers this matter in her report on the archaeological sites in Otago.²⁷

The historical record was somewhat interrupted for Ngāi Tahu with pastoralisation and mining in the latter half of the 1800s. This period resulted in land alienation for Māori and the area being transformed to tussock grasslands and dry scrub. Introduced domestic and pest plants and animals further changed the landscape.²⁸ Whilst there was provision for it, Kemp's Purchase did not result in mahinga kai, nohoanga or kainga reserves²⁹ in the Whakatipu Waimāori area.

Ngāi Tahu did maintain its presence in the district as citizens, visitors, workers and private land and business owners but it was not until 1998 that cultural redress elements from the Ngāi Tahu Treaty Settlement provided mechanisms for Ngāi Tahu Whānui to continue cultural heritage practices. The only modern site provided for Ngāi Tahu occupation and practice of mahinga kai in the Conservation Area is the nohoanga entitlement at Wye Creek. The site has access to the lake and the Conservation Area.

²⁷ Hamel (2001)

²⁸ McIntyre, R. (2007) *Historic heritage of high-country pastoralism: South Island up to 1948*, p. 9

²⁹ Evison, H. C. (2007) *The Ngāi Tahu Deeds: A Window on New Zealand History*

Ngāi Tahu Values, Practices and Associations with Kawarau

In processes such as the review of the reclassification of conservation areas, Ngāi Tahu has dual roles under Te Tiriti o Waitangi/Treaty of Waitangi. They are both Rangatira (Article 2) and citizens (Article 3).

The values, practices and associations detailed below are specific to Ngāi Tahu in the Conservation Area and surrounds and are reflective of their Article 2 role. However, the focus of this report does not exclude Ngāi Tahu Whānui from values expressed in other reports; recognising that the scoring of those values may differ if undertaken by manawhenua and possibly be influenced by reasons other than those referenced. Of particular note are recreational and tourism values given that Ngāi Tahu, like many others, live, work and holiday in the area and look to utilise its natural beauty and front/back country spaces.

This report deliberately does not focus solely on values as they are just one specific element of a culture – values are ‘beliefs about what is right and wrong and what is important in life.’³⁰ Mahinga kai and other matters of note for this Conservation Area have been collected under the headings of ‘Practices’ and ‘Associations’. Control mechanisms such as manawhenua and rangatiratanga as well as rāhui and tapu have also not been included as values. This approach does not diminish the importance of rangatiratanga or manawhenua but clarifies that they have a broader and fundamentally significant role. Rangatiratanga and manawhenua are delivered through mechanisms such as governance, decision-making, Crown-Iwi relationships and the Conservation Area review process.

Values

The four values considered in this report are:

Whakapapa – recognising the interconnections between all living things and maintaining relationships between people and their environment, language and histories. All things, whether animate or inanimate, are connected and have Mauri, a life force. Therefore, the welfare of any part of our environment determines the welfare of Ngāi Tahu.

Mātauranga tuku iho – enabling the exchange, expression and recognition of traditional knowledge and cultural heritage within Ngā Puna Wai Karikari a Rākaihautū.

Kaitiakitanga – holistically protecting the integrity of Ngāi culture along with the environment, resources and metaphysical expressions (e.g. wairua), and providing for Ngāi Tahu to exercise kaitiakitanga in accordance with tikanga Māori.

Tikanga – ensuring the appropriate actions, customs and accepted protocols in delivering long-term conservation outcomes in Ngā Puna Wai Karikari a Rākaihautū.

³⁰ Oxford Dictionary definition of ‘values’

https://www.oxfordlearnersdictionaries.com/definition/english/value_1?q=values

Practices

The three practices considered in this report are:

Mahinga Kai – Mahinga kai is central to Ngāi Tahu identity, and customary practices have evolved over time to adapt to the changing needs of Ngāi Tahu Whānui and the environment. Mahinga kai is a complex practice but simply put, it is places, ways of doing things, and resources that sustain the people. It includes the work that is done (and the fuel that is used) in the gathering of natural resources (plants, animals, water, sea life, pounamu) to sustain well-being. This includes the ability to clothe, feed and provide shelter.³¹

Ngā Ara Tawhito – the historical network of Ngāi Tahu routes that enabled whānau and hapū groups to move seasonally throughout Te Waipounamu. These routes included caches of tools, glades/clearings and temporary shelters, alongside associated stories used to create “oral maps” with the place names and meanings carefully woven into it.³²

Nohoanga –

Traditional – seasonal occupation sites that have intergenerationally been an integral part of the mobile lifestyle of Ngāi Tahu as they moved around in pursuit of various foods and other natural resources.³³

Modern – nohoanga entitlements are created and granted under the Ngāi Tahu Claims Settlement Act ‘for the purpose of permitting members of Ngāi Tahu Whānui to occupy temporarily land close to waterways on a non-commercial basis, so as to have access to waterways for lawful fishing and gathering of other natural resources.’³⁴

Associations

The two associations considered in this report are:

Personification of Landscape – Ngāi Tahu used naming protocols for its places to recognise atua, tūpuna and specific events, as well as to indicate the environmental resources and behaviours, and topography. The place names needed to be memorable references for navigation and the transfer of knowledge.³⁵ Thus, recognising these places is a tangible part of the oral history of Ngāi Tahu, its mātauranga and identity.

Treaty Cultural Redress – these elements of the Crown’s Settlement Offer were aimed at restoring the ability of Ngāi Tahu to give practical effect to its kaitiaki responsibilities.

³¹ Ngāi Tahu ki Murihiku, p. 126

³² Dacker, p. 17

³³ Department of Conservation, p. 25

³⁴ Ngāi Tahu Claims Settlement Act 1998, s.256(2).

³⁵ New Zealand Geographic Board (1990) *Ngā Tohu Pūmahara The Survey Pegs of the Past: Understanding Māori Place Names*, p. 5

Conclusions

Author's Comment on the Assessment

The assessment undertaken in this report is specifically for the Conservation Area. While the commentary refers to the broader setting, the assessment itself refers only to what is in the Conservation Area. Had the assessment included the complexes and connections outside the Conservation Area, many of the weightings for the Ngāi Tahu values, practices and associations would have been higher. Therefore, the artificial boundary of the Conservation Area is somewhat problematic in fully comprehending and assessing Ngāi Tahu values, practices and associations with Kāwarua, Tāpuae-o-Uenuku and Te Papapuni.

Future Management Considerations

This report has assumed that the starting point of any involvement by manawhenua with DOC in the future management of the Conservation Area is Te Tiriti o Waitangi/Treaty of Waitangi. This starting point comes with generally accepted Treaty Principles and obligations on signatories which are distinct to what is discussed in this report.

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Appendices

Appendix 1: Crown Apology

Text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 6 [Text in English](#)

The text of the apology in English is as follows:

- 1 The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb ‘He mahi kai takata, he mahi kai hoaka’ (‘It is work that consumes people, as greenstone consumes sandstone’). The Ngāi Tahu understanding of the Crown’s responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

“This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.”

The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.

- 2 The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu’s use, and to provide adequate economic and social resources for Ngāi Tahu.
- 3 The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu’s use and ownership of such of their land and valued possessions as they wished to retain.
- 4 The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying ‘Te Hapa o Niu Tireni!’ (‘The unfulfilled promise of New Zealand’). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb ‘Te mate o te iwi’ (‘The malaise of the tribe’).
- 5 The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand

has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

6. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
7. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.

Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”

Appendix 2: Ngāi Tahu Claims Settlement Act 1998 mechanisms

Schedule 75: Statutory Acknowledgement for Whakatipu-wai-māori (Lake Wakatipu)

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Whakatipu-wai-māori (Lake Wakatipu), the location of which is shown on Allocation Plan MD 39 (SO 24720).

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 Whakatipu-waimāori, as set out below.

Ngāi Tahu association with Whakatipu-wai-māori

The name Whakatipu-wai-māori originates from the earliest expedition of discovery made many generations ago by the tupuna Rakaihautu and his party from the Uruao waka. Rakaihautu is traditionally credited with creating the great waterways of the interior of the island with his famous kō (a tool similar to a spade), known as Tū Whakaroria and renamed Tuhiraki at the conclusion of the expedition.

There are many traditions relating to the lake. One of the most famous tells that the hollow which forms the bed of the lake was created when the people known as Te Rapuwai came upon the giant tipua (ogre) Matau as he lay there in a deep sleep. Matau had been responsible for the disappearance of many small hunting parties and had entrapped a beautiful maiden, Manatā. The father of Manatā offered her in marriage to the man who could bring her safely home. Matakauri, who was in love with Manatā, ventured forth, discovering that Matau slept when the northwest wind blew. Matakauri selected a day when the wind was blowing the right way and set forth. He found Manatā and, using his mere, he attempted to sever the bonds which held her, but try as he would he failed. Manatā began to sob bitterly, and as her tears fell on the cords, they melted away. Matakauri carried Manatā back to the village where they became man and wife. However, Matakauri knew that while Matau lived no maiden was safe, so he set forth when again the northwest wind blew, and set fire to the large growth of bracken that acted as a bed for the giant. Matau was smothered in flames, the fat from his body augmenting the fire, until the blaze was so fierce that it burned a hole more than 1,000 feet deep. The snow on the surrounding hills melted and filled the hole, which is known today as Lake Wakatipu.

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

Whakatipu-wai-māori once supported nohoanga and villages which were the seasonal destinations of Otago and Murihiku (Southland) whānau and hapū for many generations, exercising ahi kā and accessing mahinga kai and providing a route to access the treasured pounamu located beyond the head of the lake. Strategic marriages between hapū strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the lake. It is because of these patterns of activity that the lake continues to be important to rūnanga located in Murihiku, Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

The lake also supported permanent settlements, such as the kaika (village) Tahuna near present-day Queenstown, Te Kirikiri Pā, located where the Queenstown gardens are found today, a Ngāti Mamoe kaika near the Kawarau Falls called Ō Te Roto, and another called Takerehaka near Kingston. The Ngāti Mamoe chief Tu Wiri Roa had a daughter, Haki Te Kura, who is remembered for her feat of swimming across the lake from Tāhuna, a distance of some three kilometres.

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

A key attraction of the lake was the access it provided to seasonal campsites and the pounamu located at the head of the lake at the Dart and Routeburn River catchments, from which countless generations gathered inaka and koko-takiwai pounamu and transported it back to coastal settlements for fashioning into tools, ornaments and weapons.

Waka and mōkihi were the key modes of transport for the pounamu trade, travelling the length and breadth of Whakatipu-wai-māori. Thus there were numerous Tauranga waka (landing places) on the lake and the islands upon it (Matau and Wāwāhi-waka). The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the lake. The lake was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the roto (lake).

Whakatipu-wai-māori is an important source of freshwater, the lake itself being fed by hukawai (melt waters). These are waters with the highest level of purity and were accorded traditional classifications by Ngāi Tahu that recognised this value. Thus it is a puna (spring) which sustains many ecosystems important to Ngāi Tahu. The mauri of Whakatipu-wai-māori represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

Purposes of statutory acknowledgement

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

- (a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Whakatipu-wai-māori, 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 Whakatipu-wai-māori or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and

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

Limitations on effect of statutory acknowledgement

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

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

(b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Whakatipu-wai-māori (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 Whakatipu-waimāori.

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, Whakatipu-wai-māori.

Appendix 3: Department of Conservation Protocols with Ngāi Tahu

PROTOCOLS issued by the CROWN through the MINISTER OF CONSERVATION regarding THE DEPARTMENT OF CONSERVATION'S INTERACTION WITH NGĀI TAHU ON SPECIFIED ISSUES

1 Introduction

- 1.1 The purpose of the Conservation Act 1987 is to manage natural and historic resources under that Act and the Acts in the First Schedule of the Conservation Act. Section 4 of the Conservation Act requires that the Act be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi.
- 1.2 The Director-General has certain management responsibilities in terms of legislation and can only delegate or share responsibility for decisions s/he makes within the limits of his/her legislation. However, in making such decisions, the Director-General will provide Te Rūnanga the opportunity for input, consistent with section 4, in its policy, planning and decision-making processes on the matters set out in these Protocols.
- 1.3 These Protocols apply across the Ngāi Tahu Takiwā, which spans five conservancies, and the Southern and Central Regional Offices of the Department.
- 1.4 Both the Department and Te Rūnanga are seeking a relationship consistent with the Treaty principle of partnership that achieves, over time, the conservation policies, actions and outcomes sought by both Te Rūnanga and the Department, as set out in this document.

2 Purpose of Protocols

- 2.1 These protocols are issued pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998 and clause 12.12 of the 1997 Deed of Settlement between the Crown and Ngāi Tahu, which specifies the following:

2.1.1 Definitions

Protocol means a statement in writing, issued by the Crown through the Minister of Conservation to Te Rūnanga, which sets out:

- a. How the Department of Conservation will exercise its functions, powers, and duties in relation to specified matters within the Ngāi Tahu Claim Area; and
- b. How the Department of Conservation will, on a continuing basis, interact with Te Rūnanga and provide for Te Rūnanga's input into its decision-making process.

2.1.2 Authority to Issue, Amend or Cancel Protocols

Pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998, the Minister of Conservation may, from time to time, issue, amend, and cancel Protocols.

2.1.3 Issue of Protocols

On Settlement Date (as defined in section 8 of the Ngāi Tahu Claims Settlement Act 1998) the Crown has agreed through the Minister of Conservation to issue Protocols in this form on the following matters:

- a. Cultural materials;

- b. Freshwater fisheries;
- c. Culling of species of interest to Ngāi Tahu;
- d. Historic resources;
- e. Resource Management Act 1991 involvement; and
- f. Visitor and public information.

2.1.4 Protocols subject to Crown Obligations

Pursuant to Section 283 of the Ngāi Tahu Claims Settlement Act 1998, the Protocols are issued and amended, subject to, and without restriction upon:

- a. The obligations of the Minister of Conservation and the Department of Conservation to discharge their respective functions, powers, and duties in accordance with existing law and government policy from time to time; and
- b. The Crown's powers to amend policy, and introduce legislation amending existing law.

This clause is not intended to indicate, and should not be interpreted as indicating, any agreement by Te Rūnanga to any amendment to policy which would adversely affect the redress provided by the Crown pursuant to the Settlement Deed or the ability of either party to fulfil its obligations expressed in the Settlement Deed.

2.1.5 Noting of Protocols on CMS

Pursuant to section 284 of the Ngāi Tahu Claims Settlement Act 1998:

- a. The existence of Protocols, once issued, and as amended from time to time, including a definition of Protocols as set out in section 281 of the Ngāi Tahu Claims Settlement Act 1998 and a summary of the terms of issue of Protocols, must be noted in conservation management strategies, conservation management plans and national park management plans affecting the Ngāi Tahu Claim Area; and
- b. Noting of Protocols pursuant to section 284(1) of the Ngāi Tahu Claims Settlement Act 1998 is for the purpose of public notice only and is not an amendment to the relevant strategies or plans for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

2.1.6 Enforceability of Protocols

Pursuant to section 285 of the Ngāi Tahu Claims Settlement Act 1998:

- a. The Minister of Conservation must comply with a Protocol as long as it remains in force;
- b. If the Minister of Conservation fails unreasonably to comply with a Protocol, Te Rūnanga may, subject to the Crown Proceedings Act 1950, enforce the Protocol by way of public law action against the Minister of Conservation;
- c. Notwithstanding paragraph (b), damages are not available as a remedy for a failure to comply with a Protocol; and
- d. This clause does not apply to any guidelines which are developed pursuant to a Protocol.

2.1.7 Limitation of Rights

Pursuant to section 286 of the Ngāi Tahu Claims Settlement Act 1998, except as expressly provided in the Deed of Settlement, the Ngāi Tahu Claims Settlement Act 1998, or in a Protocol, a Protocol 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, land held, managed, or administered under the Conservation Act 1987 or a statute listed in the First Schedule of that Act.

3 Implementation and communication

3.1 The Department will seek to establish and maintain communication with Te Rūnanga and its papatipu rūnanga on a continuing basis by:

- a. Maintaining at the conservancy level, with the assistance of Te Rūnanga, information provided on papatipu rūnanga, their office holders and addresses; and
- b. Providing reasonable opportunities for Te Rūnanga and papatipu rūnanga to meet with Department managers and staff.

3.2 The protocols provide for ongoing implementation of a range of matters, as well as Specific Projects which will require resourcing. It is not intended that all of the Specific Projects listed in these Protocols will be implemented in any one year. Implementation will be over time. Where these Protocols refer to Specific Projects that require resourcing, their implementation will be subject to provision being made in the relevant conservancy business plan. The process for the Department implementing any particular Specific Project in a business year will be as follows:

- a. The Department will meet with Te Rūnanga in each conservancy and at regional level annually to identify priorities for undertaking Specific Projects as listed in these protocols for the upcoming business year;
- b. The identified priorities will be taken forward by the Department into its business planning process at the conservancy and regional levels and considered along with other priorities;
- c. The decision on whether any Specific Projects will be funded in any business year will be made by the Conservator and the Regional General Manager;
- d. The Department will advise Te Rūnanga of the outcome of this process; and
- e. Te Rūnanga and the Department will then meet again, if required, to finalise a work plan for implementation of the Specific Projects in that business year, in accordance with the resources which have been allocated in the business plan. The Department will apply the allocated resources to give effect to that work plan, subject to unforeseen management requirements which may arise from time to time, such as emergencies, adverse weather, staff shortages or reallocation of resources directed by the Minister.

3.3 The Department will:

- a. Meet with Te Rūnanga to review implementation of these Protocols and to deal with the matters in clause 3.2; four times per annum, unless otherwise agreed, in each conservancy, twice per annum at regional level, and at least once per annum at Chief Executive level;
- b. As far as reasonably practicable, train relevant staff on these Protocols and provide ongoing training as required; and
- c. As far as reasonably practicable, brief Conservation Board and NZCA members on these Protocols and the Ngāi Tahu Settlement, and provide ongoing information as required.

4 Cultural materials

4.1 For the purpose of these Protocols, cultural materials are defined as:

- i. Plants, plant materials; and
- ii. Materials derived from animals, marine mammals or birds, to the extent to which the Department holds and is responsible for them, and which are important to Ngāi Tahu in maintaining their culture.

4.2 Current legislation means that generally some form of concession or permit is required for any gathering of cultural materials.

4.3 The Department will:

- a. Have particular regard to Te Rūnanga's cultural use policy (Kawa Hua Taiao) as it relates to the Department's activities, and other relevant Te Rūnanga statements of policy produced from time to time.

- b. Consider requests from members of Ngāi Tahu Whānui for the customary use of cultural materials in accordance with the appropriate legislation.
- c. Agree, where reasonably practicable, for Ngāi Tahu to have access to cultural materials which become available as a result of Departmental operations such as track maintenance or clearance or culling of species.
- d. Consult with Te Rūnanga in circumstances where there are competing requests from non-Ngāi Tahu persons or entities for the use of cultural materials, for example for scientific research purposes, to see if the cultural and scientific or other needs can be reconciled before the Department makes a decision in respect of those requests.

4.4 Specific projects

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Develop and implement guidelines for each conservancy within the Ngāi Tahu Takiwā that help define levels of customary use of cultural materials, and set conditions, after consideration of tikanga, to be met for gathering;
- b. Identify local sources of plants and provide advice to Te Rūnanga with respect to the establishment by Te Rūnanga of cultivation sites; and
- c. Establish Departmental cultural materials banks for cultural materials which have come into the Department's possession, and guidelines for their use.

5 Freshwater fisheries

5.1 The Department has a statutory role in advocating the conservation of aquatic life and freshwater fisheries generally. Its advocacy for freshwater biota, aquatic habitats and fish passage in all areas is primarily taken via statutory planning processes provided by the Resource Management Act 1991.

5.2 Section 48B of the Conservation Act 1987 (inserted by section 305 of the Ngāi Tahu Claims Settlement Act 1998) provides the power to promulgate regulations providing for customary Māori fishing rights with respect to freshwater fisheries within South Island Fisheries Waters. Pursuant to clause 12.14.11(e) of the Deed of Settlement such regulations are to be promulgated as soon as practicable, and in any event no later than two years after Settlement Date. Besides generally consulting with Te Rūnanga and providing for its participation in the conservation and management of customary freshwater fisheries and freshwater fish habitats, the Department will consult with, and have particular regard to the advice of, Te Rūnanga in its capacity as an Advisory Committee appointed under section 56 of the Conservation Act in all matters concerning the management and conservation by the Department of Conservation of Taonga Fish Species (as defined in section 297 of the Ngāi Tahu Claims Settlement Act 1998) within the Ngāi Tahu Claim Area. This obligation does not derogate from the obligations of the Department under section 4 of the Conservation Act 1998 to give effect to the Treaty of Waitangi.

5.3 Advisory Committee

The Department will, in relation to the Taonga Fish Species and as far as reasonably practicable, provide the Advisory Committee with all relevant information to enable it to give informed advice, and will meet with the Advisory Committee at conservancy level as necessary to give effect to the Deed of Settlement and the Ngāi Tahu Claims Settlement Act 1998.

5.4 Customary freshwater fisheries regulations

The Department will work with Te Rūnanga at regional and conservancy levels to:

- a. Provide for Te Rūnanga participation in the development and promulgation of customary freshwater fishing regulations by:
 - i. Establishing a joint working group;
 - ii. Setting terms of reference for that working group;
 - iii. Setting timelines for progress; and
 - iv. Providing information to Te Rūnanga in a timely manner and allowing Te Rūnanga an opportunity to comment.

5.5 Specific

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Develop and implement guidelines for the Department with respect to the promotion of compliance with customary freshwater fisheries regulations;
- b. Develop and implement guidelines for the Department with respect to monitoring the efficacy of the customary freshwater fisheries regulations at regular intervals; and
- c. Develop and implement guidelines for the Department with respect to sharing accumulated management information and research data on customary freshwater fisheries with Te Rūnanga.

5.6 Other Matters

The Department will work with Te Rūnanga at regional and conservancy levels to provide for active participation by Te Rūnanga in the conservation, management and research of customary freshwater fisheries and freshwater fish habitats by:

- a. Seeking to identify areas for co-operation in advocacy, consistent with clause 9, focussing on fish passage, minimum flows, protection of riparian vegetation and habitats, water quality improvement and in the restoration, rehabilitation or enhancement of customary freshwater fisheries and their freshwater habitats; and
- b. Consulting with Te Rūnanga in developing or contributing to research programmes that aim to improve the understanding of the biology of customary freshwater fisheries and their environmental and habitat requirements. The Department confirms that it regards Te Rūnanga as a possible science provider or collaborator for research projects funded or promoted by the Department in the same manner as other potential providers or collaborators.

5.7 Specific Projects

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Conduct research to establish and address ecosystem threats to specified customary freshwater fisheries including barriers to migration, habitat loss and exotic species interaction;
- b. Contribute to the resolution of eel management issues, in particular, the administration of the fish passage regulations in the Freshwater Fisheries Regulations, the promotion of the installation of effective fish passages where necessary and monitoring of their effects, by participating in discussions with Te Rūnanga and Te Waka a Māui me ona Toka Mahi Tuna; and
- c. Identify the need for, and where necessary prepare, management plans for freshwater fisheries management.

6 Culling of species of interest to Ngāi Tahu

6.1 As part of an integrated management regime, or because a species population has risen to become an ecological pest, it may from time to time be necessary for the Department to carry out a cull of a protected species under the Wildlife Act 1953. The Department recognises that Te Rūnanga is interested in such operations in the following ways:

- a. The carrying out of such a cull where the species to be culled is causing or is likely to cause ecological damage to species or habitats of particular significance to Ngāi Tahu;
- b. The methods to be used in such culls; and
- c. Cultural materials arising from the cull.

6.2 The Department will:

- a. Have regard to any requests initiated by Te Rūnanga for the carrying out of culling operations;
- b. Consult with, and have particular regard to the views of, Te Rūnanga before deciding to carry out a cull of protected species on land administered by the Department, in respect of the reasons for the cull and the method proposed to be used; and
- c. In situations where either a Fish and Game Council or a Regional Council intend to carry out a cull of protected species or a game bird and the Department has a statutory role in the process, request the relevant body to consult with Te Rūnanga before carrying out any such cull.

7 Historic resources

7.1 The Minister acknowledges the importance to Ngāi Tahu of their wāhi tapu, wāhi taonga and other places of historic significance to them. Liaison with Te Rūnanga is important in the management of those places containing sites of historic and cultural significance to Ngāi Tahu, including places of settlement, horticulture, natural resource harvesting, warfare, communication, and places of cultural and spiritual connection.

7.2 The Department notes that non-disclosure of locations of places known to Ngāi Tahu is a practice used by Ngāi Tahu to preserve the sanctity of a place. Respecting the principle of confidentiality brings management difficulties of a particular kind. Where information is not available, management practices which (unintentionally) contravene the cultural value associated with a specific site, may be put in place. Where reasonably practicable, the Department will respect the principle of confidentiality that applies to wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu. The primary responsibility for identifying and assessing Ngāi Tahu heritage values rests with Te Rūnanga.

7.3 The Department will work with Te Rūnanga at regional and conservancy levels to:

- a. Ensure, as far as reasonably practicable, that Ngāi Tahu values attaching to identified wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu managed by the Department are respected by the Department, for example, by the Department giving consideration to impacts from visitor numbers, facilities and services;
- b. Manage, as far as reasonably practicable, wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu according to the standards of conservation practice outlined in the ICOMOS New Zealand Charter 1993;
- c. Ensure, as far as is reasonably practicable that, when issuing concessions giving authority for other groups to manage land administered by the Department, those groups manage the land according to the standards of conservation practice outlined in the ICOMOS New Zealand Charter 1993;
- d. Have particular regard to relevant Te Rūnanga policies, including those relating to Koiwi Tāngata (unidentified human remains) and Archaeological and Rock Art Sites;
- e. Ensure, as far as is reasonably practicable, that it uses Ngāi Tahu's cultural information only with the consent of Te Rūnanga; and
- f. When issuing concessions to carry out activities on the land administered by the Department, request that the concessionaire consult with Te Rūnanga before using Ngāi Tahu's cultural information.

7.4 Specific Projects

The Department will, subject to clause 3.2, work with Te Rūnanga at regional and conservancy levels to:

- a. Develop and implement guidelines for the identification, inventory and management by the Department of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu that take into consideration the traditional uses and practices of Ngāi Tahu and are, where reasonably practicable, consistent with Ngāi Tahu tikanga;
- b. Identify and actively protect specified wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu on land administered by the Department;
- c. Develop and implement guidelines for the active protection of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu;
- d. Identify co-operative projects covering a range of options for the protection and management of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu;
- e. Consult with and seek participation from Te Rūnanga with respect to research, survey or inventory projects that relate specifically to wāhi tapu, wāhi taonga and other places of historic significance to them.

8 Visitor and public information

8.1 In providing public information and interpretation services and facilities for visitors on the land it manages, the Department recognises the importance to Ngāi Tahu of their cultural, spiritual, traditional and historic values.

8.2 The Department will work with Te Rūnanga at regional and conservancy levels to encourage respect for Ngāi Tahu values by:

- a. As far as is reasonably practicable, seeking to raise public awareness of the positive conservation partnerships developed between Te Rūnanga, the Department and other stakeholders, for example, by way of publications, presentations and seminars;
- b. Consulting on the provision of interpretation and visitor facilities (if any) at wāhi tapu, wāhi taonga and other places of historic or cultural significance to Ngāi Tahu;
- c. Ensuring, as far as is reasonably practicable, that Department information on new panels, signs, and visitor publications includes Te Rūnanga perspectives and references to the significance of the sites to Ngāi Tahu, where appropriate, including the use of traditional Ngāi Tahu place names; and
- d. Encouraging Te Rūnanga participation in the Department's volunteer and conservation events programmes.

8.3 Specific Projects

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Develop and implement guidelines on the provision of information and interpretation facilities and services for visitors, so as to identify and consider issues of concern to Te Rūnanga;
- b. Consider possibilities for Te Rūnanga to contribute to visitor appreciation of the cultural values of sites of cultural and historic significance to Ngāi Tahu managed by the Department; and
- c. Provide information to education providers, including kohanga reo and kura kaupapa Māori, for the development of educational resources on conservation issues and associated Ngāi Tahu values.

9 Resource Management Act

9.1 Te Rūnanga and the Department both have concerns with the effects of activities controlled and managed under the Resource Management Act. These include effects on:

- a. Wetlands;
- b. Riparian management;
- c. Effects on freshwater fish habitat;
- d. Water quality management
- e. Protection of historic resources; and
- f. Protection of indigenous vegetation and habitats.

9.2 From time to time, Te Rūnanga and the Department will seek to identify further issues of mutual interest for discussion. It is recognised that their concerns in relation to any particular resource management issue may diverge and that each of them will continue to make separate submissions.

9.3 The Department will work with Te Rūnanga at regional and conservancy levels to discuss the general approach that will be taken by each of Te Rūnanga and the Department in respect of advocacy under the Resource Management Act, and seek to identify their respective priorities and issues of mutual concern.

9.4 The Department will:

- a. Have regard to the priorities and issues of mutual concern identified in clause 9.3 in making decisions in respect of advocacy under the Resource Management Act.
- b. Make non-confidential resource information available to Te Rūnanga to assist in improving the effectiveness of Resource Management Act advocacy work at the Papatipu Rūnanga level.

10 Amendment and review provisions from the Deed

10.1 Pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998

- a. Protocols may be amended or cancelled by the Minister of Conservation, from time to time at the initiative of either the Crown or Te Rūnanga;
- b. The Minister of Conservation may amend or cancel Protocols only after consulting Te Rūnanga and having regard to its views; and
- c. As soon as is reasonably practicable after the amendment, or cancellation of a Protocol, the Minister of Conservation must notify such amendment, or cancellation in the Gazette.