

STATUTORY ACKNOWLEDGEMENTS

What are Statutory Acknowledgements?

A Statutory Acknowledgement is an instrument created as part of the Deed of Settlement signed by the Crown and Ngai Tahu on 21 November 1997 to achieve a final settlement of Ngai Tahu's historical claims against the Crown. The Ngai Tahu Claims Settlement Act 1998 ("the Settlement Act") gives effect to the Deed of Settlement.

Statutory Acknowledgements give recognition by the Crown of Ngai Tahu's particular cultural, spiritual, historical, and traditional association with specified statutory areas.

Statutory Acknowledgements are only given over Crown-owned land. With respect to bodies of water, such as a lake, river or wetland, the Statutory Acknowledgement applies to the whole lake, river, or wetland, except any part of the bed not in Crown ownership or control.

A Statutory Acknowledgement for land owned by the Crown, but managed by the Department of Conservation, is called a "Topuni". A Topuni is subject to the same requirements as Statutory Acknowledgements, as detailed below.

There are three Statutory Acknowledgements relating to the Banks Peninsula area, which are as follows:

- Schedule 71: Statutory Acknowledgement for Wairewa (Lake Forsyth)
- Schedule 88: Topuni for Ripapa Island, Lyttleton Harbour
- Schedule 101: Statutory Acknowledgement for Te Tai O Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area)

How do Statutory Acknowledgements affect local authorities and the process of resource consent?

In summary, Council has a responsibility to:

- forward summaries of all relevant resource consent applications to Ngai Tahu prior to making decisions on whether they will be processed on a notified or non-notified basis;
- have regard to a Statutory Acknowledgement relating to a particular area in forming an opinion as to whether Ngai Tahu is an affected party in relation to resource consent applications concerning the relevant statutory area;
- record all relevant Statutory Acknowledgements in the District Plan.

The above points are discussed in greater detail below.

a) Summaries of Applications

Section 215 of the Settlement Act requires consent authorities to forward to Ngai Tahu a summary of any application received for resource consents for activities within, adjacent to, or impacting directly on any statutory area.

The summary must be sent to Ngai Tahu as soon as reasonably practicable after the local authority has received an application and prior to making any determination as to notification under sections 93 or 94 of the RMA. This must be within the 10 day timeframe for notification established under section 95.

b) Notification

Section 208 of the Settlement Act requires consent authorities to have regard to Statutory Acknowledgements in forming an opinion as to whether Ngai Tahu may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area. This is in accordance with Sections 93 to 94C of RMA.

c) Recording Statutory Acknowledgements in the District Plan

Section 220 of the Settlement Act requires that local authorities within the Ngai Tahu claim area must attach to the district plan information recording all Statutory Acknowledgements affecting statutory areas covered wholly or partly by the plan. This may be done by way of reference to the Settlement Act, or by setting out the Statutory Acknowledgements in full.

This appendix is therefore attached to the Banks Peninsula District Plan in accordance with Section 220 (1) of the Ngai Tahu Claims Settlement Act 1998.

Statutory Acknowledgements Relevant to the Banks Peninsula District

SCHEDULE 71

Statutory Acknowledgement for Wairewa (Lake Forsyth)

Statutory Area

The statutory area to which this statutory acknowledgement applies is the Lake known as Wairewa (Lake Forsyth), the location of which is shown on Allocation Plan MD 45 (SO 19839).

Preamble

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

Ngai Tahu Association with Wairewa

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

There are place names connected with Wairewa which evoke earlier histories. One example is the mountain which Wairewa lies in the lee of, "Te Upoko o Tahu Mataa". This name refers to the Ngai Tahu ancestor Tahu Mataa who lived and fought in Hawkes Bay. Like many other lakes Wairewa was occupied by a taniwha called Tu Te Rakiwhanoa, whose origins stem back to the creation traditions.

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

The local hapu of this region is Ngati Irakehu. Irakehu was the descendant of Mako, the Ngai Tuhaitara chief who took Banks Peninsula with his cohort, Moki. Tradition has it that both Moki and Mako are buried near Wairewa. Poutaiki and Otungakau are two principal urupa associated with Wairewa. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected by secret locations.

Wairewa has been used by the descendants of Rakaihautu ever since it was formed. It is famous for the tuna (eels) that it holds and which migrate out to the sea in the autumn months. Ngai Tahu gather here annually to take the tuna.

The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the 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 Ngai Tahu today.

The mauri of Wairewa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are

related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the lake.

SCHEDULE 88

Topuni for Ripapa Island, Lyttelton Harbour

DESCRIPTION OF AREA

The area over which the Topuni is created is the area known as Ripapa Island Historic Reserve located in Whakaraupo (Lyttelton Harbour), as shown on Allocation Plan MS 29 (SO 19834).

Preamble

Under section 239 (clause 12.5.3 of the deed of settlement), the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional values relating to Ripapa as set out below.

Ngai Tahu Values Relating to Ripapa

Ripapa is significant to Ngai Tahu, particularly the runanga of Canterbury and Banks Peninsula, for its many urupa (burial places). Urupa are the resting places of Ngai Tahu tupuna (ancestors) and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of our tupuna, and are frequently protected by secret locations.

Ripapa was also a pa (fortress) of Taununu, a leading Ngai Tahu warrior prominent during the 1820s. Taununu was a Kaikoura chief who had decided to live at Kaiapoi. However, after settling at Kaiapoi, Taununu saw that Ripapa was a better place to live, so he and his people moved on and settled on the island. Taununu fortified Ripapa Island to withstand attacks from tribes armed with muskets.

Taununu eventually became involved in an inter-tribal war and attacked a village at Te Taumutu. Because the Taumutu people were connected to the southern hapu of Ngai Tahu, a chieftainess and seer called Hine-Haaka was sent south from Te Taumutu to seek reinforcements. Tradition tells that when Hine-Haaka arrived at Ruapuke, near Stewart Island, she composed a song telling Taununu to weep as in the morning he would be killed. Hine-Haaka's kai oreore (a chant that curses) ran thus:

Taununu of Bank's Peninsula

Weep for yourself

On the morning your bones will

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be transformed into fishhooks

To be used in my fishing grounds to the South

This is my retaliation, an avenging

for your attacks

All I need is one fish to take my bait.

Taununu's pa was attacked from both sea and land by an alliance of related hapu from Southland, Otago and Kaiapoi. Hine-Haaka's vision was proved right. Taununu managed to escape this attack, but was later killed at Wairewa (Little River).

To end the hostilities between the two regions, the southern chiefs arranged for the daughter of Hine-Haaka, Makei Te Kura, to marry into one of the families of Rapaki Ngai Tahu. This union took place in the mid-1800s, and peace was cemented between Rapaki and Murihiku Ngai Tahu.

For Ngai Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity and solidarity, and document the events which shaped Ngai Tahu as an iwi.

SCHEDULE 101

Statutory Acknowledgement for Te Tai O Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area)

Statutory Area

The statutory area to which this statutory acknowledgement applies is Te Tai o Mahaanui (Selwyn — Banks Peninsula Coastal Marine Area), the Coastal Marine Area of the Selwyn — Banks Peninsula constituency of the Canterbury region, as shown on SO Plan 19407, Canterbury Land District as shown on Allocation Plan NT 505 (SO 19901).

Preamble

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

Ngai Tahu Association with Te Tai o Mahaanui

The formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants,

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Aoraki and his brothers, to turn to stone. They are manifested now in the highest peaks in the Ka Tiritiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tu Te Rakiwhanoa, who took on the job of making the island suitable for human habitation.

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

There are a number of traditions relating to Te Tai o Mahaanui. One of the most famous bays on the Peninsula is Akaroa, the name being a southern variation of the word "Whangaroa". The name refers to the size of the harbour. As with all other places in the South Island, Akaroa placenames recall the histories and traditions of the three tribes which now make up Ngai Tahu Whanui: Waitaha, Ngati Mamoe and Ngai Tahu.

Waitaha traditions tell that after Rakaihautu had dug the southern lakes with his ko (a tool similar to a spade)—Tuwhakaroria—he and his son, Rokohouia, returned to Canterbury with their people. On the return, Rakaihautu buried his ko (a tool similar to a spade) on a hill overlooking the Akaroa harbour. That hill was called Tuhiraki (Bossu). Rakaihautu remained in this region for the rest of his life.

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

Because of its attractiveness as a place to establish permanent settlements including pa (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngati Mamoe and Ngai Tahu in succession, who through conflict and alliance, have merged in the whakapapa (geneology [sic: genealogy]) of Ngai Tahu Whanui. Battle sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

Ngai Tahu connections to Akaroa came after the settling of Kaiapoi Pa in North Canterbury. Akaroa harbour was soon allocated to a number of chiefs by Turakautahi of Kaiapoi. One chief, Te Ruahikihiki, settled at Whakamoia near the Akaroa Heads at the south east end of the harbour. Te Ruahikihiki fell in love with the elder sister of his wife, Hikaiti. As it was customary at that time for chiefs to have several wives, Te Ruahikihiki took the elder sister, Te Ao Taurewa, as his wife.

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Hikaiti fell into a deep depression and resolved to kill herself. She arose early in the morning, combed her hair and wrapped her cloak tightly around herself. She went to the edge of the cliff where she wept, greeted the land and the people of her tribe. With her acknowledgements made, she cast herself over the cliff where she was killed on the rocks. The body remained inside the cloak she had wrapped around herself. This place became known as Te Tarere a Hikaiti (the place where Hikaiti leapt). After a long period of lamentation, Te Ruahikihiki and his people moved to the south end of Banks Peninsula to Te Waihora (Lake Ellesmere).

Another one of the senior chiefs within the Akaroa harbour was Te Ake whose hapu was Ngai Tuhaitara. Otokotoko was claimed by Te Ake when he staked his tokotoko (staff) at that end of the bay. Te Ake's daughter, Hine Ao, is now represented as a taniwha that dwells with another taniwha, Te Rangiorahina, in a rua (hole) off Opukutahi Reserve in the Akaroa Harbour. Hine Ao now carries the name Te Wahine Marukore. These taniwha act as (kaitiaki) guardians for local fisherman.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapu located at permanent or semi-permanent settlements along the coast, with a [sic: an] intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

The whole of the coastal area offered a bounty of mahinga kai, including a range of kaimoana (sea food); sea fishing; eeling and harvest of other freshwater fish in lagoons and rivers; marine mammals providing whale meat and seal pups; waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources, including harakeke (flax), fern and ti root.

The coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Travel by sea between settlements and hapu was common, with a variety of different forms of waka, including the southern wake hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp) with the sea trail linked to a land trail or mahinga kai resource. The tupuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whanau and hapu and is regarded as 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 wahi tapu. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

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