

## **Schedule 59 Statutory acknowledgement for Te Ao Mārama (Lake Benmore)**

[ss 205, 206](#)

### **Statutory area**

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

### **Preamble**

Under [section 206](#), the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Te Ao Mārama, as set out below.

### **Ngāi Tahu association with Te Ao Mārama**

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

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

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

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

area or cattle grazing. The Ahuriri arm was also an important waterfowl and weka habitat.

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

The area which the lake now covers was once a major route from coast to coast: to Hawea and Wanaka via the Lindis Pass, and to the West Coast via Ōkuru or Haast Pass. There was also a trail via the Lindis through into the Central Otago summer resorts, mahinga kai and pounamu resources. Trails linked to seasonal resource gathering lead into the Ōhau, Pūkaki and Takapo, Alexandrina and Whakarukumoana catchments. These were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the land and waterways.

Wai-para-hoanga meaning literally “water of grinding stone dirt” is a descriptive name for the water that once flowed unhindered in the Waitaki, sourced from Pūkaki, Takapo and Ōhau, and ultimately from Aoraki itself.

Notwithstanding more recent man-made changes to the landscape and waterways, the mauri of Te Ao Mārama represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

### **Purposes of statutory acknowledgement**

Pursuant to [section 215](#), and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- a. to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to [section 207](#) (clause 12.2.3 of the deed of settlement); and
- b. to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Te Ao Mārama, as provided in [sections 208 to 210](#) (clause 12.2.4 of the deed of settlement); and
- c. to empower the Minister responsible for management of Te Ao Mārama or the Commissioner of Crown Lands, as 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 Te Ao Mārama 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 Te Ao Mārama (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Te Ao Mārama.

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

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

Schedule 59: amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).