



# Ayrburn Screen Hub

Cultural Impact Assessment, July 2025



Wairere Makawaiwhakaata (Waterfall flowing to Lake Hayes)



### **Vision for Te Waiwhakata**

Waiwhakaata is in a state that reflects and upholds the mana of its name and consequently, its mauri is healthy and resilient, and permits living things to exist and thrive within their own realm and sphere



**Acknowledgement** –The compilation of the report has been greatly assisted by whānau who have upheld kaitiaki responsibilities in the Murihiku takiwa over decades and contributed to the foundations of this report.

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## Executive Summary

The Ayrburn Screen Hub is a proposed production facility featuring two studios, accommodation, and supporting facilities and amenities. The project is anticipated to deliver significant economic benefits for the region, create employment opportunities, and advance the national film industry. Environmental enhancement measures are proposed including significant water quality improvements, riparian planting, and improved cycling connections. The development is proposed to be well integrated into the surrounding landscape

Ngāi Tahu continues its long-held association with Te Waiwhakata and the surrounding areas inclusive of the Ayrburn farm. The land has many iwi stories, traditions and cultural practices. Historically, Ngāi Tahu lead a semi-nomadic lifestyle with an extensive, rather intensive, approach to settlement and use. They hold intergenerational knowledge and connection with the area. It is likely the waterfall was well known and used by Ngāi Tahu. Traditional trails are likely to have gone past the waterfall to follow the Haehaenui (Arrow River) through to Wānaka. Te Waiwhakata and surrounds were, and remains, part of inland mahinga kai and nohoanga systems. This CIA reinforces the significance of the site and surrounding area to Ngāi Tahu.

It is noted that the project includes many positives, including employment opportunities. Economic opportunities through the film and television industry and also tourism and hospitality industry. Access to the public through a bike trail is also supported and commended.

The footprint of the site is modest compared to the surrounding development areas and with appropriate plantings large buildings are able to be screened to help protect surrounding amenity and landscape values. The project is relatively small in comparison to adjacent projects and upcoming projects/ subdivisions that are likely to be large scale. The cumulative effects of which are concerning.

The project, however, adds to an intensification of a hugely changing landscape from rural to urban. The valley floors and flats are now becoming unrecognisable from what they were only 20 years ago. What people and Iwi came from the coast to enjoy like landscapes, is being quickly lost.

Friends of Lake Hayes have a motto “fix the catchment and you’ll fix the lake”. This is in line with the Ngāi Tahu value of ki uta ki tai. Screen Hub is proposing and undertaking riparian planting and landscaping as well as intercepting storm water through sediment traps. This supports ki uta ki tai.

The Screen hub proposal is seen as positive, and it is proposed to undertake remediation actions. Suitable consent conditions are required to ensure appropriate mitigation is undertaken especially in terms of the ecology and waterways.

Ngāi Tahu see opportunities to support and work with Screen hub in continued improvement to the ecology and amenity mitigation.



## Purpose

The purpose of the Cultural Impact Assessment is:

- To describe of the Ayrburn application.
- To identify Ngāi Tahu associations to this takiwā.
- To identify relevant Ngāi Tahu values.
- To assess the likely impact of the proposal on those values and associations.
- To ensure that the potential effects are identified (both favorable and adverse) on the cultural values of the proposed activity based on the information provided by the applicant.
- To identify appropriate measures to avoid, remedy or mitigate, where practical, any adverse effects of the proposed activity on cultural values based on the information provided by the applicant.
- To provide recommendations to the applicant, for Papatipu Rūnanga, on how identified impacts may be mitigated. Where unable to be mitigated identify matters for further negotiation regarding ability to compensate.
- To support further discussions on the ability to mitigate significant impacts.

## Aryburn Proposal

The Aryburn Screen Hub is a proposed production facility featuring two studios, accommodation, supporting facilities and amenities. The project is anticipated to deliver significant economic benefits for the region, create employment opportunities, and advance the national film industry.

Environmental enhancement measures are proposed including significant water quality improvements, riparian planting, and improved cycling connections. The development is proposed to be integrated into the surrounding landscape.

The proposal seeks to realise economic growth opportunities in the film and television industry for the Queenstown Lakes and wider Otago region, addressing a critical gap in facilities that otherwise limit the area's potential. This proposal comprises a world-class film and television studio production facility with associated accommodation ("Screen Hub").

A total of 15 buildings are proposed by way of the application. The proposal includes comprehensive landscaping throughout the site.<sup>1</sup> The facility will be built at Ayr Avenue, Arrowtown. It has been predicted the project could take up to 5 years to complete.



Figure 1: Screenshot of the project area. Source: Aryburn Design Report "Masterplan"

The surrounding environment contains a mix of commercial, rural lifestyle and rural productive activities. Aryburn Domain and a consented hotel are located adjacent to the site, as they are contained within Lots 1 and 2 DP 540788. Aryburn Domain comprises primarily commercial activity. There are several established wineries and associated restaurants within close proximity to the site, including, Mora Wines & Artisan Kitchen, approximately 570 metres to the south, Wet Jacket Wines

<sup>1</sup> Aryburn Screen Hub Planning report

2.34 km to the south, and Amisfield Restaurant and Cellar Door 3km to the south. Millbrook Resort and Country Club which contains a range of commercial and resort activities is located approximately 500 metres to the north and north-west of the site and backs onto the wider Ayrburn Farm. The Arrowtown township is located approximately 2km away.

## Kāi Tahu

Ngāi Tahu Whānui have a long and enduring relationship with the Central Otago Inland Region, one that touches on all aspects of creation, exploration, tradition, and belief, interlinking Ngāi Tahu to the landscape and resources. This relationship is imbued with spiritual and cultural values that impose duties of kaitiakitanga on Ngāi Tahu to nurture and care for the environment.

Ngāi Tahu say the universe was sung into existence (Te Waiatatanga).<sup>2</sup> All creation, all whakapapa, all things that exist through time come from this source. We are connected through whakapapa to the source.

As the universe continued to develop, gods evolved and established their domains. Rangi (sky father) and Papatūānuku (earth mother) joined in partnership to have 70 children, each child having its own domain and influence.

Before this, however Rangi and Papa already had children of their own. Four children of Rangi came down to earth to meet the new wife of their father. Aoraki, the eldest and navigator, and his brothers came down in their waka known as Te Waka a Aoraki. After meeting their stepmother, they went to return skyward back to their home. Their karakia (prayer) went wrong, therefore their waka was doomed and crashed back to earth and eventually turned to stone. All the brothers perished. Aoraki the chief became our highest mountain as was his position with mana and prestige. The three youngest brothers became nearby mountain peaks. The waka itself now forms Te Wai Pounamu or Te Waka a Aoraki, which is the oldest name of the South Island.

Tuterakiwhanoa and other Atua (Gods) were given the task of beautifying the whenua to make it habitable for their offspring. The land was flat and barren. The Gods collected up all the flotsam from the waka and heaped them up into tidy piles. Forming the peninsulas of the east coast. Marokura completed the bays estuaries and inlets. Kahukura shaped and clothed the land with forests. Tuterakiwhanoa with his adze named Te Hamo shaped the mountains and valleys. These gods were our geologists. Pounamu (greenstone) being attributed to their work.

Māori arrived in Aotearoa about 1300 and quickly becoming familiar with the landscape and the available resources. The Whakatipu greenstone was quickly found and utilised. The moa was also found in the inland areas.

One revered explorer and Rangatira was the Waitaha chief Rakaihautu who after traveling from Whakatū (Nelson) his kō (Digging Stick) Tū Whakaroria was said to have discovered and figuratively dug up the inland lakes of the South Island.

The peoples of Waitaha, Kati Mamoe and Ngāi Tahu are nowadays collectively referred to as Ngāi Tahu. Waitaha settled in the South Island approximately 800 years ago and were later followed by Kati

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<sup>2</sup> Matiaha Tiramorehu manuscript



Mamoe and Ngāi Tahu in the major domestic migrations between the 1500s and 1700s.<sup>3</sup> Ngāi Tahu means the ‘people of Tahu’, linking to the eponymous ancestor Tahu Pōtiki.<sup>4</sup>

Ngāi Tahu has an extensive territory that includes most of the South Island ‘except for the Blenheim and Nelson areas.’<sup>5</sup> The territory includes offshore islands such as Rakiura, Rarotoka and Whenua Hou.

### Kāi Tahu ki Uruuru Whenua

Central Otago is of strong cultural and spiritual significance to Southern Rūnaka, who all share common interests there. Remove the facets of modern civilisation and one reveals a myriad of ara tāwhito (traditional travel routes), wāhi mahika kai (areas traditionally significant for food gathering), pakiwaitara (legends) of tipua (strange beings) and taniwha, tikaka (customs and protocols) and a strong association to past happenings. All these components, unbeknownst but to the trained eye, come together like pages of a book, creating a strong sense of cultural and spiritual beliefs and belonging that lie within all Kā Uri (descendants) of Kā Rūnaka.<sup>6</sup>

Whakatipu Waimāori (Lake Wakatipu) once supported nohoanga and villages which were the seasonal destinations of Otago and Southland whānau and hapū for many generations, exercising ahi kā, accessing mahinga kai and providing a route to access the treasured pounamu located beyond the head of the lake.<sup>7</sup> Inland routes from the coast to the mountains tended to follow land features and utilise the waterways. Nohoanga along these routes were usually located around lakes or waterbodies.<sup>8</sup>

As a society that worked within the limits of the physical environment, Ngāi Tahu cultural and social systems evolved according to those limits.<sup>9</sup> People were heavily reliant on resources being found in specific areas along the route to either consume or harvest for future use.

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.<sup>10</sup> Whilst there was provision for it, Kemp’s Purchase did not result in mahinga kai, nohoanga or kainga reserves<sup>11</sup> in the Whakatipu Waimāori area. In spite of more than a century of alienation and deception by the Crown, Ngāi Tahu has maintained its presence in the district as citizens, visitors, workers, and private land and business owners. However, it was not until 1998

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<sup>3</sup> Anderson, A. (2014) ‘Emerging Societies, AD 1500-1800’, *Tangata Whenua: An Illustrated History*, p. 114

<sup>4</sup> Ngai Tahu (1996) *Ngai Tahu – the iwi*, <http://ngaitahu.iwi.nz/ngai-tahu/>

<sup>5</sup> Dacker, B. (1990) *Te People of the Place: Mahika Kai*, p. 6

<sup>6</sup> Aukaha Cultural Values Statement QLDC

<sup>7</sup> Ngāi Tahu Claims Settlement Act 1998, Schedule 75: Statutory Acknowledgement for Whakatipu-wai-māori (Lake Wakatipu)

<sup>8</sup> Ritchie, N. (1986) ‘Archaeology and Prehistory in the Upper Wakatipu’, *Journal of Pacific Archaeology*, p.245

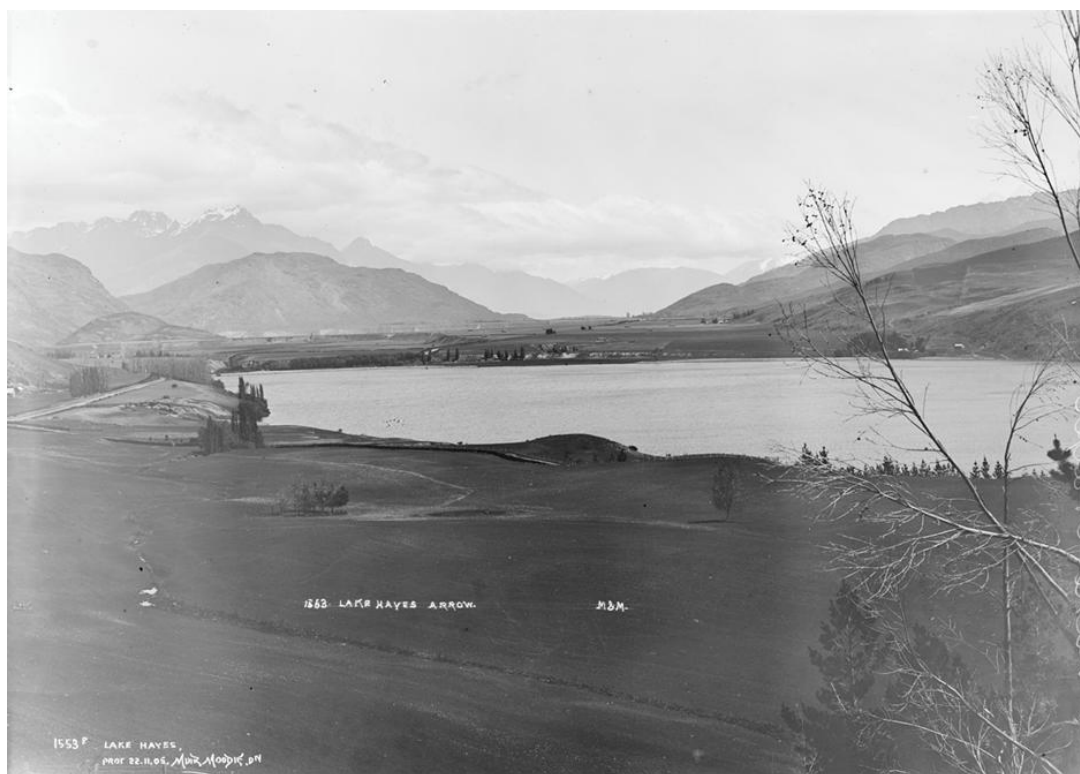
<sup>9</sup> Corry, S., Puentener, R. (1993) *Tikanga Maori Cultural, Spiritual and Historical Values of the Waiau River: A Report for the Iwi Task Group of the Waiau River Working Party*, p.28.

<sup>10</sup> McIntyre, R. (2007) *Historic heritage of high-country pastoralism: South Island up to 1948*, p. 9

<sup>11</sup> Evison, H. C. (2007) *The Ngāi Tahu Deeds: A Window on New Zealand History*



that redress elements from the Ngāi Tahu Treaty Settlement provided mechanisms for Ngāi Tahu Whānui to continue cultural practices and the return of lands.



1905 Tussock Grasslands

### Historical and Contemporary Associations with Waiwhakaata

The Ngāi Tahu relationships with Waiwhakaata and the broader landscapes (including the adjacent Aryburn Farm) resources and associations remains culturally important. Waiwhakaata sits within ancestral lands that form part of the Ngāi Tahu identity, a timeless whakapapa relationship formed from tangible and intangible elements. The relationships are not solely defined by archaeological sites or Māori sites of significance.

The cultural heritage of Ngāi Tahu is heavily etched on the place, and while remnants of a physical presence are at times light, this is reflective of Ngāi Tahu occupation being extensive rather than intensive.

Ngāi Tahu has centuries' long customary associations, rights and interests in the district and its resources. These associations, rights and interests are both historical and contemporary and include whakapapa, place names, mahinga kai, tribal economic development and landholdings.

In the Whakatipu Basin, manawhenua is exercised by seven Papatipu Rūnanga<sup>3</sup> on behalf of Ngāi Tahu whānui. This right is derived from mana ātua (gods), mana tūpuna (ancestors), mana whenua (land) and mana tangata (people).<sup>4</sup>

Historically, Whakatipu Waimāori, Kawarau, Te Papapuni/Nevis area, Haehaenui/Arrow River have long formed part of the extensive network of kainga, mahinga kai and ara tawhito throughout this region connecting to the pounamu seams, inland lakes and out to the Otago and Southland coasts.

The inland routes from the coast to the mountains tended to follow land features and utilise the waterways. Nohoanga along these routes were usually located around lakes or waterbodies. <sup>5</sup>

### Ngāi Tahu Place Names

Ngāi Tahu places and their names were part of a knowledge system in which religious belief, history, and geography were combined. Stories were used to create “oral maps” with the place names and meanings carefully woven into them. The shared experiences of Ngāi Tahu whakapapa became intertwined with the land and water.

#### Haehaenui

Arrow River has long been a place of cultural significance to Ngāi Tahu, forming part of the extensive network of kāinga mahika kai and ara tawhito throughout this area. There are well-developed ara tawhito along this river. Rock shelter with distinctive Māori rock art along its banks.

#### Waiwhakaata

Lake Hayes has two known Ngāi Tahu names, both referring to the reflection in its waters of the wider environment and the personification of tūpuna in the landscape. One name is Waiwhakaata and the other is Te Whaka-ata a Haki-te-kura after the famous ancestress noted for her exploits and who lived at a kāinga (village) on the shores of Whakatipu Waimāori.

#### Ka Muriwai

Ka Muriwai is the pākihi (flat land) at Haehaenui (the Arrow River) in Central Otago. It was formerly known as Arrowtown Flat. Muriwai refers to the confluence of two or more streams.

#### Kimiākau

The Shotover River was part of the extensive network of kāinga mahinga kai (food-gathering places) and traditional travel routes throughout Central Otago. Kimiākau was also part of the frenetic gold-mining activity that occurred during the 1860s Otago gold rush. In 1862, gold miner Rāniera Tāheke Ellison of Te Āti Awa descent discovered 300 ounces of gold at Kimiākau. This exact location of discovery became known as Māori Point.



## Issues and Recommendations

### Key Issue one: Ki uta ki tai, From the Mountain to the sea

Ki uta ki tai is a Ngāi Tahu environmental philosophy recognising that everything is connected and must be managed as such. Ki uta ki tai reflects that mana whenua belongs to the environment and are only borrowing the resources from our generations that are yet to come. Ki uta ki tai is the basis of Ngāi Tahu Iwi Management Plans and is recognised in regional and district planning documents.

The construction of large structures, buildings and infrastructure has the potential to have significant effects on the cultural landscape at Waiwhakata and its surrounds impacting the associated connections and relationship that Ngāi Tahu whānui have with their lakes, rivers mountains and whenua over several generations. The intensification of the whole catchment with infilling of the valley flats with subdivision increases the likelihood of poor water quality and loss of native biodiversity.

#### Recommendations:

In an attempt to address the above issue mana whenua, seek the following to manage concerns that cannot be mitigated via conditions of consent:

- Continue native plantings, riparian planting and installation of sediment traps.
- Further kōrero between Screen Hub and ngā Rūnanga (via Te Ao Marama Inc) is required to determine possible pathways for addressing this intergenerational impact.

### Key Issue two: Associations and connections to cultural landscapes

The construction of large structures and buildings has the potential to have significant intergenerational effects on the cultural landscape at Waiwhakata and its surrounds impacting the associated connections and relationship that Ngāi Tahu whānui have with their lakes, rivers mountains and whenua. There is intensive urbanisation happening all around Te Waiwhakaata. The landscapes are changing dramatically and would not be recognisable to past generations.

#### Recommendations:

An attempt to address the above issue mana whenua seek the following to manage concerns that cannot be mitigated via conditions of consent:

- Further kōrero between Screen Hub and ngā Rūnanga (via Te Ao Marama Inc) is required to determine possible pathways for addressing this intergenerational impact.

### Key Issue three: Mauri

As a cultural landscape it is of great importance that Te Waiwhakata and the surrounding environment, when used, can be restored back overtime to a natural landform, protected where necessary, and improved for cultural well-being and use. Such restoration and remediation will go some way to restoring mauri and environmental equilibrium. The mauri



of the landscape continues to diminish as urbanization intensifies. Whanau also note the expansion of development on mountain landscapes is increasing.

#### Recommendations:

An attempt to address the above issue mana whenua seek the following measures to be reflected in conditions of consent:

- The development of restoration plans and the site being restored if the project were to finish and vacate the site.
- Opportunity to be involved in any restoration projects on site, that may be required as part of any resource consent condition.

#### Key Issue four: Mahinga Kai

Ngā Rūnanga seek to ensure there are no further adverse effects on; mahinga kai species and habitat; the ability to use and access these areas; and water quality such that it is being maintained, improved, or enhanced.

#### Recommendations:

An attempt to address the above issue mana whenua seek the following to be reflected in conditions of consent:

- Reintroduction and or enhancement of taonga species such as tuna.
- Riparian Planting that continues along Mill creek supporting water quality and amenity.

#### Key Issue five: Wai Water

Water is a taonga, or treasure of the people. It is the kaitiaki responsibility of tangata whenua to ensure that this taonga is available for future generations in as good as, if not better quality, than that which was inherited.

The continued well-being of these qualities is dependent on the physical health of the water.

#### Recommendations:

In an attempt to address the above issue mana whenua seek the following to be reflected in conditions of consent and/or the design /outcomes of the project:

- The protection and reinstatement of waterbodies, wetlands and springs associated with Aryburn adopting a holistic approach to protect these eg ki uta ki tai. This Ngāi Tahu natural resource management approach is to apply throughout the catchment and into Te Waiwhakaata.
- That the tributaries flowing into and out of Waiwhakaata are naturalised, connected, and allowed to meander along historic pathways with ecologically functioning and lively riparian margins; no longer characterised by straightened channels with unnatural banks nor regarded solely as drains and stormwaters outlets.
- Absent species can be translocated to Waiwhakaata and its tributaries because the instream habitat is flourishing or indigenous species are repopulating the catchment naturally as captured by Ngāi Tahu ki Murihiku monitoring programmes.

### Key Issue six: Whenua

For tangata whenua, an important kaupapa for land use is “matching land use with land capability”. This means taking a precautionary approach to land use, to ensure that what we do on land is consistent with what the lands can withstand, and not what we would like it to withstand through utilising external inputs. All land is a taonga and should be treated accordingly.

### Recommendations

An attempt to address the above issue mana whenua seeks the following to be reflected in conditions of consent and/or the design /outcomes of the project:

- Adopt Land management practices that are enhanced by best practice.
- Adopting a ki uta ki tai approach to individual land use while thinking about the larger catchment.
- Ngāi Tahu whānau have increased access and safe use of mahinga kai because of improved land use practices and access provisions.
- Subdivisions are well planned, encouraging a connection to place and acknowledging the vision Ngāi Tahu ki Murihiku has for Waiwhakaata.

## Analysis and Recommendations

The following Table provides an analysis of the proposal against the Ngāi Tahu values along with suggested recommendations or expectations of Ngāi Tahu whānui to address the likely impacts.

Analysis and Recommendations			
Ngāi Tahu value and/or framework	Element of proposed activity	Impact on Value	Recommendations
<b>Rangatiratanga</b>	Entire proposal	<p>Whānau unable to actively protect Te Taiao in accordance with Mātauranga Māori, and the responsibilities and obligations expected of Ngāi Tahu as kaitiaki of the Murihiku Takiwa.</p> <p>Whānau unable to actively protect Te Taiao as provided for by the Ngāi Tahu Settlements Act 1996.</p>	<p>If appropriate involve Ngāi Tahu in decision making relating to development of the site.</p> <p><u>Condition(s) of consent that reflect this involvement.</u></p>
<b>Wai</b>	Mill Creek to Te Waiwhakaata	Ensure Mill creek water quality, and the lower catchment and Te Waiwhakaata are not impacted by poor quality stormwater, contaminants as a result of the project.	<p><u>Condition(s) of consent that reflect this</u></p> <p><u>Continued mitigation through riparian planting</u></p>
<b>Kaitiakitanga</b>	Entire proposal	<p>Whānau unable to actively protect Te Taiao in accordance with Mātauranga Māori, and the responsibilities and obligations expected of Ngāi Tahu as kaitiaki of their Takiwa.</p> <p>Whānau unable to actively protect Te Taiao as provided for by the Ngāi Tahu Settlements Act 1996.</p>	Actively involve Ngāi Tahu in developing and / or reviewing management plans for site.'
<b>Mauri</b>	Earthworks  Structures buildings, tracks, wastewater disposal system)	Physical changes to the natural landform due to construction of buildings and intensification through urban intensification.	<p>Actively involve Ngāi Tahu in developing and / or reviewing management plans for site.</p> <p><u>Conditions of consent that reflect appropriate management of earthworks sediment runoff and amenity mitigation of landscapes.</u></p>



			<u>Potential rehabilitation plans.</u>
<b>Mahinga Kai</b>	Earthworks buildings, tracks, wastewater, stormwater disposal system)  Works in waterways	Construction and operation of the site may interrupt the ability to practice mahingakai by limiting access and impacting mahingakai species population and habitat.	Actively involve Ngāi Tahu in developing and / or reviewing management plans for site.
<b>Taonga Species</b>	Earthworks  Structures (buildings, tracks,  Works in waterways	Construction and operation of the screen hub may impact mahingakai species population and habitat, being taonga species to mana whenua.	Actively involve Ngāi Tahu in developing and / or reviewing management plans for site.  Require that taonga species are protected and habitat is enhanced.  <u>Conditions of consent that reflect this involvement.</u>
<b>Whakapapa</b>	Entire proposal	Intergenerational effects, the prolific change of the landscape becoming more urbanised as viewed and experienced by the current generation and future generation.	Actively involve Ngāi Tahu in developing and / or reviewing management plans for site.'
<b>Ki Uta Ki Tai</b>	Entire Proposal	Construction of the Screen hub will add a cumulative effect from a more natural landscape to an intensifying urban landscape. This is happening in the whole catchment, being taonga species to mana whenua.  Mana whenua ability to actively practice kaitiaki and protect and manage taonga is affected by the expansion of urban areas	Actively involve Ngāi Tahu in developing and / or reviewing management plans for site.'  Require that taonga species are protected and habitat is enhanced.  <u>Conditions of consent that reflect this involvement.</u>

## Conclusion

Ngāi Tahu has a long association with the Murihiku and Otago region having led a seasonal lifestyle, following resources throughout the region. Generally, the use of the areas was extensive rather than intensive.

Ngāi Tahu values, rights and interests need to be respected when dealing with any activity that poses risks because these values and beliefs are central to Ngāi Tahu existence. Any impact upon one value will impact upon all, ultimately resulting in cultural connection being severely impacted.

Previous interactions with Papatipu Rūnanga, Aukaha, and Te Tapu o Tāne, four outcomes of this proposal require highlighting:

- a. improving water quality is a key design feature with 'natural' and built infrastructure such as new sediment traps, rain gardens, ponds, and permeable surfaces.
- b. a comprehensive planting plan that includes corridors of native species coupled with pockets of exotic species.
- c. increased film and screen infrastructure in the region that adds diversity to the employment sector and allows for greater resilience within the community.
- d. public access easements through Ayrburn providing links with existing and future public trails

The project is small in comparison to the large scale of some other projects happening in the Queenstown Arrowtown area. It does however add to the large urbanisation of the district. The infrastructure demands on Councils are concerning and appropriate support is required to ensure wastewater treatment is dealt with appropriately. The accumulative effects on amenity and landscape are concerning for Iwi. What people come to the region to enjoy is being impacted on by exponential urban growth.

Ngāi Tahu wish to work with the applicant to ensure our values are protected. Should this be the case we do not oppose the project.

## Appendix 1: Legal and Policy Framework for Ngāi Tahu

### Mana whenua

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu whānui, established under the Te Rūnanga o Ngāi Tahu Act, 1996. There are 18 Papatipu Rūnanga that constitute the membership of Te Rūnanga o Ngāi Tahu. The Te Rūnanga o Ngāi Tahu Act, 1996 and the Ngāi Tahu Claims Settlement Act, 1998 give recognition of the status of Papatipu Rūnanga as the repositories of the kaitiaki and mana whenua status of Ngāi Tahu Whānui over the natural resources within their takiwā boundaries. In Murihiku there are four Papatipu Rūnanga whose members hold mana whenua status within the region. Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 describes the takiwā of these

Ngāi Tahu ki Murihiku formed an entity known as Te Ao Marama Incorporated, which is made up of representatives from Waihōpai Rūnanga, Te Rūnanga o Awarua, Hokonui Rūnanga and Te Rūnanga o Ōraka Aparima.

Te Ao Marama Inc. represents the interests these Runanga on matters in particular those matters pertaining to the management of natural resources under the Resource Management Act, 1991 and the Local Government Act, 2002.

It provides a direct link to local Papatipu Rūnanga, consent applicants, the local authorities and Te Rūnanga o Ngāi Tahu. Resource consent applicants who want to liaise with iwi can contact Te Ao Marama Incorporated, who can then arrange for consultation with the appropriate Papatipu Rūnanga.

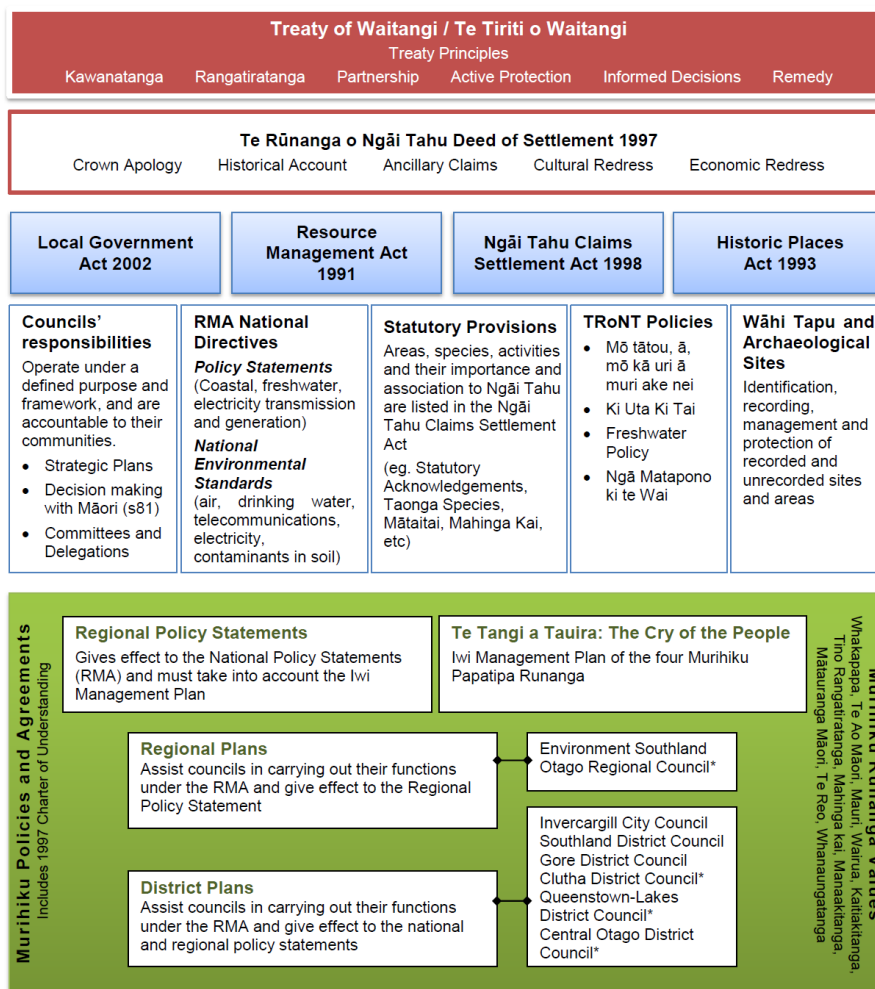
### Legal and Policy Scope

It is helpful to understand the broad legal and policy context for Ngāi Tahu ki Murihiku natural resource management. Various legislation, policies and agreements help guide Te Ao Marama policy development for resource management in Murihiku. Figure 3 lists and shows the hierarchy of this regulatory context.



## Regulatory and Iwi Context for Te Ao Marama

This diagram outlines the hierarchy of agreements, acts, policies, plans and values that help inform Te Ao Marama's policy development, views and expectations for resource management in Murihiku.



The regulatory Resource Management framework that helps inform Te Ao Mārama incorporated policy development in Murihiku. (source: Te Ao Mārama Inc, A. Cain)

These include responsibilities under the Local Government Act 2002, Resource Management Act 1991, Ngāi Tahu Claims Settlement Act 1998, NZ Pouhere Taonga Act 2014, and RMA national directives such as the National Policy Statement for Freshwater Management and Regional plans (including Water and Coastal).

### Te Rūnanga o Ngāi Tahu Act, 1996

Te Rūnanga o Ngāi Tahu Act 1996 (the TRoNT Act) was passed in 1996, to give a legal identity to the Ngāi Tahu iwi. The TRoNT Act establishes the body corporate of Te Rūnanga o Ngāi Tahu as the tribal representative body of Ngāi Tahu Whānui, with relevant provisions including the following:

Section 3: "this Act binds the Crown and every person (including any body politic or corporate) whose rights are affected by any provisions of this Act".

Section 5: describes the takiwā or tribal area of Ngāi Tahu Whānui, as including all the lands, islands and coasts of the South Island/Te Waipounamu south of White Bluffs/Te Parinui o Whiti on the east coast and Kahurangi Point/Te Rae o Kahurangi on the west coast.

Sections 7 and 13: defines the members of Ngāi Tahu Whānui and the members of the Papatipu Rūnanga of Ngāi Tahu Whānui.

Section 15 (status of Te Ngāi o Ngāi Tahu):

1. Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.
2. Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu.
3. Te Rūnanga o Ngāi Tahu, in carrying out consultation under subsection (2) of this section:
  - a. shall seek the views of such Papatipu Rūnanga of Ngāi Tahu Whānui and such hapū as in the opinion of Te Rūnanga o Ngāi Tahu may have views that they wish to express in relation to the matter about which Te Rūnanga o Ngāi Tahu is being consulted.
  - b. shall have regard, among other things, to any views obtained by Te Rūnanga o Ngāi Tahu under paragraph (a) of this subsection; and
  - c. shall not act or agree to act in a manner that prejudices or discriminates against, any Papatipu Rūnanga of Ngāi Tahu or any hapū unless Te Rūnanga o Ngāi Tahu believes on reasonable grounds that the best interests of Ngāi Tahu Whānui as a whole require Te Rūnanga o Ngāi Tahu to act in that manner.

First Schedule: Identifies the Papatipu Rūnanga of Ngāi Tahu Whānui and their respective takiwā.

For Iwi Consultation under the RMA 1991 and other associated acts in Murihiku the kaitiaki rūnanga are authorised to represent the Iwi authority in Murihiku. If the issues are of a wider Treaty or Precedent character, there is a requirement to consult with Te Rūnanga o Ngāi Tahu.

### Ngāi Tahu Claims Settlement Act, 1998

The Ngāi Tahu Claims Settlement Act 1998 gives effect to the provisions of the Deed of Settlement, entered into between Ngāi Tahu and the Crown in 1997. The key elements of the Ngāi Tahu settlement can be summarised as follows:

- Apology: Crown apologises unreservedly to Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu.
- Aoraki/Mount Cook: gifting of Aoraki, co-management and renaming.
- Cultural Redress: restores effective Kaitiakitanga
- Non-Tribal Redress: provides certainty and results.
- Economic Redress: income generated by tribal assets provides funds for social and cultural development.

A significant component of the Ngāi Tahu Settlement is the cultural redress elements, which seek to restore the ability of Ngāi Tahu to give practical effect to its kaitiaki responsibilities. Relevant “cultural redress” elements of the Ngāi Tahu Settlement include:

ownership and control: pounamu/greenstone, high country stations, four specific sites (including Rarotoka/Centre Island, Whenua Hou/ Codfish Island, former Crown Tītī Islands) and Wāhi Taonga. Mana Recognition: Statutory Acknowledgements, Deeds of Recognition, Tōpuni, Dual Place Names. Mahinga kai: Nohoanga, Customary Fisheries Management, Taonga Species Management, Coastal Space.

Management Input: Statutory Advisor, Dedicated Memberships, Department of Conservation Protocols, Resource Management Act Implementation, Heritage Protection Review.

### Resource Management Act, 1991

The Resource Management Act 1991 (RMA) is New Zealand's primary piece of legislation for sustainably managing natural and physical resources. The RMA contains various provisions that incorporate Māori values into the management of natural resources.

Key provisions include the requirement in the RMA for all people exercising functions and powers (including policy/plan making and resource consent processes) too:

- recognise and provide for, as a matter of National Importance:
- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other Taonga.
- the protection of historic heritage from inappropriate subdivision, use, and development.
- the protection of recognised customary activities.
- have particular regard to Kaitiakitanga.
- Take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The RMA makes specific provisions for iwi management plans. In relation to iwi management plans, regional councils and territorial authorities are required to "...take into account any relevant planning document recognised by an iwi authority and lodged with a local authority...", under the provisions of Sections 61(2A) (a), 66(2A) (a), 74(2A) (a) of the RMA. This is relevant to local authorities preparing a Regional Policy Statement, Regional Plans and District Plans.


### Local Government Act, 2002

The Local Government Act 2002 (LGA) provides for local authorities to promote the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach. The LGA requires persons exercising functions and powers under it to:

- recognise and respect the Crown's responsibility to take account of the Treaty of Waitangi.
- maintain and improve opportunities for Māori to contribute to local government decision-making processes (including Section 81 of the LGA).

Amongst other things, the special consultative procedure, and preparation of Long-Term Council Community/Annual Plans are relevant to LGA processes.





Section 77 of the Local Government Act 2002 also requires that a local authority must, during the decision-making process, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

### Statutory Acknowledgement Areas

Statutory Acknowledgement areas, under the Settlement Act provide for the special association of Ngāi Tahu with a range of sites and areas across the takiwā. The aim of Statutory Acknowledgements was to acknowledge the association of Ngāi Tahu with identified areas and to improve the effectiveness of Ngāi Tahu participation in the Resource Management Act. The subject site is associated with and a tributary of the Clutha, Kawerau then Mill creek water catchment.

## Appendix 2: Statutory Acknowledgement Area

### Statutory Acknowledgement for the Mataau River Clutha River

#### **Statutory area**

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

#### **Preamble**

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

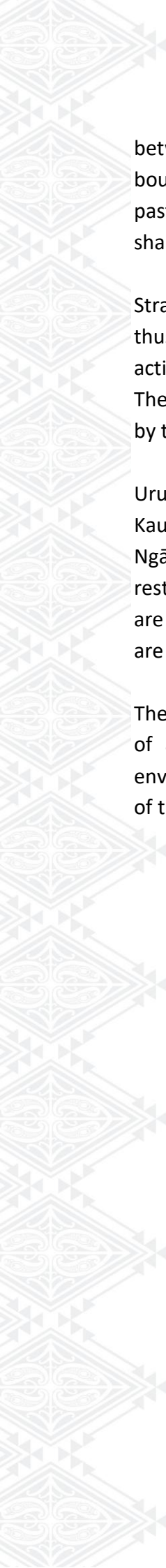
#### **Ngāi Tahu association with the Mata-au**

The Mata-au River takes its name from a Ngāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. 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 solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

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

The river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus, there were numerous tauranga waka (landing places) along it. The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails 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 river.

The Mata-au is where Ngāi Tahu's leader, Te Hautapunui o Tū, established the boundary line between Ngāi Tahu and Ngāti Mamoe. Ngāti Mamoe were to hold mana (authority) over the lands south of the river and Ngāi Tahu were to hold mana northwards. Eventually, the unions



between the families of Te Hautapunui o Tū and Ngāti Mamoe were to overcome these boundaries. For Ngāi Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngāi Tahu as an iwi.

Strategic marriages between hapū further strengthened the kupenga (net) of whakapapa, and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to rūnanga located in 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.

Urupā and battlegrounds are located all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation between Ngāi Tahu and Ngāti Mamoe that led to the armistice established by Te Hautapunui o Tū. Urupā 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.

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



## Appendix 3: Te Tangi a Tauira – Outcomes and Assessment

### Te Tangi a Tauira

In 2008, Te Tangi a Tauira – the Cry of the People: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan was published. This plan consolidates Ngāi Tahu ki Murihiku values, knowledge, perspectives, outcomes and aspirations for natural resource and environmental management issues. It builds on earlier documents, including Te Whakatau Kaupapa ki Murihiku 1997 and Ngāi Tahu Freshwater Policy 1999. The primary purpose of Te Tangi a Tauira is to assist Ngāi Tahu ki Murihiku in carrying out kaitiaki roles and responsibilities, and as such is relied upon by Te Ao Mārama to support Papatipu Rūnanga.

### Te Tangi a Tauira Outcomes

The following are the outcomes which Ngāi Tahu ki Murihiku want to achieve through the implementation and use of Te Tangi a Tauira.

The desired outcomes are divided into three main areas:

- Kaitiakitanga, Tino Rangatiratanga and Treaty related outcomes.
- environmental outcomes.
- social, economic, health and well-being outcomes.

The relevant sections of Te Tangi a Tauira, are:

3.1.2 Economy and industry

3.2.2 Amenity Values

3.4.12 Mahinga kai – mahi ngā kai

3.5.8 Earthworks

3.5.10 General Water Policy

3.5.11 Rivers

3.5.12 Discharge to water

3.5.16 Mahinga kai

3.5.17 Ngā Pononga a Tāne a Tangaroa – Biodiversity

3.5.18 Repo – Wetlands

3.5.19 Riparian Zones

### **Kaitiakitanga, Tino Rangatiratanga and Treaty related outcomes**

- That Ngāi Tahu ki Murihiku is involved at a level that allows for effective and proactive management of natural resources, wāhi tapu and wāhi taonga in a manner that upholds the kaupapa of Te Tangi.


- That there is mutual understanding of iwi and local authority values and responsibilities with respect to the environment, effective management of resources by councils, and effective performance of kaitiaki by Ngāi Tahu ki Murihiku.
- That the principle of Tino Rangatiratanga is enhanced and partnerships formed and extended.
- That users of the Plan understand the principles of the Treaty of Waitangi and that the interests and values of Ngāi Tahu ki Murihiku are protected and enhanced. This includes the safeguarding of all cultural heritage and significant sites and places.
- That territorial, regional and central government authorities foster the development of Ngāi Tahu ki Murihiku capacity to contribute to decision making processes, including involvement in long term community strategies across Murihiku.
- That the level of trust and collaboration that is identified between Murihiku councils and Ngāi Tahu ki Murihiku continues as part of normal daily business.
- That it becomes the norm for Ngāi Tahu ki Murihiku values to become embedded in planning documents and management practices used by all agencies working with natural and physical resources and developing environmental policy.
- To ensure that the Plan is used in a consistent manner in respect to Ngāi Tahu ki Murihiku response to natural resource and environmental management policy development and consent applications

#### **Environmental Outcomes**

- To ensure environmental outcomes accommodate for cultural and traditional spiritual values held by Ngāi Tahu ki Murihiku.
- That integrated management of natural and physical resources is encouraged and that existing relationships with and between local agencies are maintained and enhanced to ensure collaborative goals are set and worked toward.
- To ensure the protection, restoration and enhancement of the productivity and life supporting capacity of mahinga kai, indigenous biodiversity, air, water, land, natural habitats and ecosystem, and all other natural resources valued by Ngāi Tahu ki Murihiku.
- That Ngāi Tahu ki Murihiku become actively involved in the delivery and awareness of the kaupapa of this Plan with respect to protection and enhancement of the natural environment. This includes the delivery of programmes that promote awareness and provide education regarding the environment to achieve environmental outcomes.
- That Ngāi Tahu ki Murihiku capacity is enhanced to become more involved in “on the ground” monitoring of environmental ecosystems.

#### **Social, economic, health and well-being outcomes**

- That the planning and delivery of council’s regulatory roles in achieving outcomes will take into account and recognise for the potential positive or negative effects that such actions may have on the health and well-being of the Murihiku community.
- That a sense of belonging and social responsibility with respect to the surrounding environments is encouraged. This includes supporting activities and events that engage communities with their local environments.

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- Ensure that agencies with a statutory role representing our communities recognise Ngāi Tahu ki Murihiku relationships and act in a manner whereby processes and the decisions affecting social well-being are transparent and open.
  - To ensure that the diversity of our communities is represented in forums and elected bodies to ensure awareness and understanding of differing views and values held.
  - That information presented to the community with respect to aspects of community life including social, economic, environmental and cultural well-being is carried out in a format that is understood by its intended audience, including actions and/or decisions that may result.
  - To ensure that economic development and growth do not have implications for Ngāi Tahu ki Murihiku in exercising kaitiakitanga or have adverse impacts on the environment and communities.
  - To ensure that Te Ao Mārama Inc. is supported through succession to maintain partnerships between local authorities and to assist in the understanding and appreciation of Tikanga Māori throughout Murihiku communities.

## Appendix 4

### Taonga Species

Taonga species are part of the redress elements of the Settlement Act. The crown recognised that Ngāi Tahu have a special relationship with taonga species. Ngāi Tahu ki Murihiku consider all indigenous species as taonga.

### Mahinga Kai

The Ninth tall tree of the Ngāi Tahu Settlement Act. Over time Ngāi Tahu ki Murihiku have developed a complex calendar for mahinga kai that is based on the moon, life cycles, migratory patterns, seasons and spatial locations. Water is a significant feature of mahinga kai due to the life sustaining properties of water for ecosystems and humans. In almost all mahinga kai practices, water features are both in habitat, cultivation, harvesting, manufacturing, and/or transport and are therefore critical to the sustainability of mahinga kai activities. The river was a major source of mahinga kai with some 200 species of plants and animals harvested in and near the river.

### Te Mana o Te Wai – Hauora

The paramount nature of wai is the connecting element of the catchment that sustains the way Ngāi Tahu interact with the environment of Waiwhakaata. In line with the responsibilities of the Regional Council to manage water the expression of Te Mana o Te Wai is an important context for mana whenua.

Recognising Te Mana o te Wai requires identification of the qualities that come together to support hauora, or the health and well-being, of waterbodies, and their associated environment and communities. Hauora is understood to be a state of health, which can be thought of as meaning fit, well, vigorous and robust, describing a healthy resilience for waterbodies.<sup>12</sup>

### Haka Pa

In the early 2000s a Māori tourism operating used Waterfalls Park to host Tourists. This included traditional huts in a beautiful setting by the waterfall. The large house was where the traditional challenge was held upon entering. This was followed by the show and then in another room the Hangi meal. They also got the chance to try our hand at the haka or a poi dance

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<sup>12</sup> Murihiku Freshwater Objectives Draft p.5