



TO: Barker and Associates

CC: Gibbons Co

DATE: 24 March 2026

FROM: Ailsa Cain, [REDACTED]

ASSESSMENT OF NGĀI TAHU SETTLEMENT AND IWI MANAGEMENT PLANS

OVERVIEW

This memo provides Gibbons Co with a high-level overview of the provisions of the Ngāi Tahu Treaty Settlement relevant to the Fast-track Approvals Act 2024 for Ridgeburn, specifically s. 5(1)(i) and s. 5(1)(j) of Schedule 5. This independent assessment has found that:

- the principles outlined by Te Ao Mārama Inc to the applicant during the referral stage have been embedded into the engagement and assessments for the substantive application
- there are no land-based provisions from the Ngāi Tahu Settlement within the project area
- taonga species have been considered in the relevant technical reports.

Queenstown Lakes and the project area is in the Ngāi Tahu takiwā. No other iwi or hapū have a claim to the district. The principles and provisions of the Ngāi Tahu Claims Settlement Act 1998 (**Settlement Act**) and corresponding Ngāi Tahu Deed of Settlement 1997 apply. Fisheries Treaty Settlements and enabling legislation are not relevant as there are currently no mātaihai or taiāpure reserves in the district or project area nor are there any aquaculture, Takutai Moana, or ngā rohe moana o ngā hapū o Ngāti Porou matters.

NGĀI TAHU

Ngāi Tahu is the collective of individuals who descend from the whakapapa of Ngāi Tahu, Kāti Māmoe, and Waitaha. The takiwā over which Ngāi Tahu holds rangatiratanga extends to more than 80 percent of Te Waipounamu and has been statutorily recognised by the Crown. The boundary extends from Te Parinui o Whiti on the east coast to Kahurangi Point on the west coast and southward inclusive of Rakiura and the sub-Antarctic Islands.

The tribal institutions of Ngāi Tahu consist of:

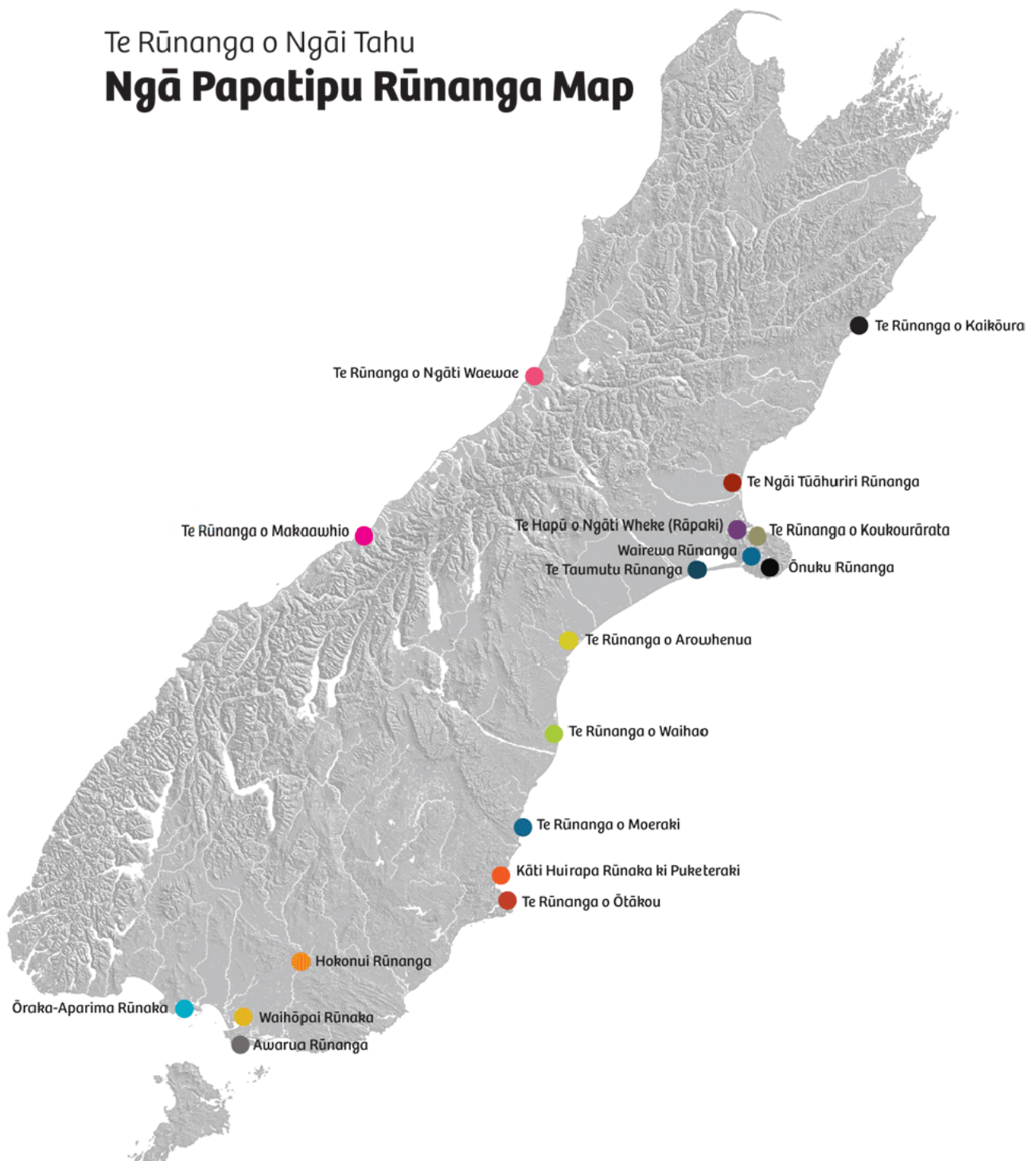
- 18 Papatipu Rūnanga that are the traditional communities of Ngāi Tahu Whānui; and
- Te Rūnanga o Ngāi Tahu, iwi authority and post settlement governance entity who is the representative of Ngāi Tahu Whānui for all purposes and was constituted by Te Rūnanga o Ngāi Tahu Act 1996. Te Rūnanga o Ngāi Tahu also is responsible for protecting and advancing Treaty Settlements.

Papatipu Rūnanga have takiwā (areas where they exercise their authority) that are outlined in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001.¹ The Order recognises that there are areas of shared interest between Papatipu Rūnanga and in this case, seven Papatipu Rūnanga who can exercised

¹ <http://www.legislation.govt.nz/regulation/public/2001/0200/latest/DLM66311.html>

their mana whenua (those who are recognised to exercise customary authority in an identified area) in Queenstown Lakes. The seven Papatipu Rūnanga who have shared interest in the Queenstown Lakes district are:

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



Environmental Entities

The seven Papatipu Rūnanga have two mandated environmental entities: Te Ao Mārama Inc, based in Invercargill and Aukaha based in Dunedin. These environmental entities have different mandates and financial structures, and work on behalf of the Papatipu Rūnanga on Resource Management Act 1991 and Local Government Act 2002 matters.

Ngāi Tahu Environmental Management

Ngāi Tahu have the tribal whakatauki (proverb) 'mō tātou, ā, mō kā uri, ā muri ake nei – for us and our children after us.' This whakatauki is used across all Ngāi Tahu interests, and the impacts of any decision by this generation on the wellbeing of future generations underpins every position taken. This whakatauki is often quoted in environmental management and puts the impacts on future generations at the forefront of decision making.

Ki Uta Ki Tai

Ki uta ki tai reflects the mātauranga (traditional knowledge) that all environmental elements are interconnected and must be managed as such. Ki uta ki tai is similar to the Resource Management Act term 'integrated management'. Ki uta ki tai often is incorrectly referred to as a hydrological, linear pathway of water from the Mountains to the Sea ('Mountains to the Sea' is a literal translation of ki uta ki tai).

Ki uta ki tai is the basis of both Iwi Management Plans in the Queenstown Lakes district.

Mahinga Kai

Mahinga kai is central to the Ngāi Tahu way of life and cultural wellbeing. It represents the ninth component of the 'Nine Tall Trees' that comprised the Ngāi Tahu Claim; an intrinsic part of the tribe's identity, or the "DNA of Ngāi Tahu". It is a vehicle for the intergenerational transfer of Mātauranga (knowledge).²

Mahinga kai was the Ninth Tall Tree of Te Kerēme and is fundamental to Ngāi Tahu culture and identity. Mahinga kai is a complex set of interdependences and is defined in the Settlement Act as 'the customary gathering of food and natural materials, and the places where those resources are gathered.' Iwi Management Plans and whānau will often add more contextual material to the definition for mahinga kai and site-specific applications.

In a Western sense, mahinga kai is often incorrectly referred to as fishing in a river. While this is sometimes part of mahinga kai, the simplicity of that statement, fishing, fails to fully encapsulate the practice, connections, associations and values let alone variations, travel, and sustainable management.

It is very important to note that mahinga kai are not one-off resources. For an area to be used and species harvested, the collective parts must be able to sustain themselves within a specified cycle. This cycle also determines the types and quantities of resources that can be harvested during that season. Both hapū rights and responsibilities guide mahinga kai and hapū are expected to manage the resource so that it will be available for future generations.

Water is a significant feature in mahinga kai due to its use in habitat, cultivation, harvesting, manufacturing and transport as well as for human consumption. The characteristics of the waterbody (smell, shape, bed, flow, etc) had a direct impact its health and surrounding lands, and what was harvested from it and when.

² Te Ao Mārama Inc. (2026) *Ridgeburn Ltd Cultural Impact Assessment*, p.9

Preferential sites for mahinga kai tend to be hāpua (estuaries, lagoons), repo (wetlands) and the riparian zones of rivers, streams and lakes.

Iwi Management Plans

Two iwi management plans cover Queenstown Lakes:

- [Te Tangi a Tauria – The Cry of the People](#) administered by [Te Ao Mārama Inc](#) on behalf of Papatipu Rūnanga.
- [Kāi Tahu ki Otago Natural Resource Management Plan](#) administered by [Aukaha](#) on behalf of Papatipu Rūnanga.

Both iwi management plans aim to uphold the rakatirataka and kaitiakitaka of Kāi Tahu and are based on ki uta ki tai. They promote early and meaningful engagement and the use of mana whenua lead assessments and protocols. However, in the articulation of these principles and approaches, KTKO is more technical and spatially detailed, while Te Tangi is more values-based and thematic.

	Kāi Tahu ki Otago 2005 IMP	Te Tangi a Tauria 2008 IMP
<i>Geographic Focus</i>	Otago Region	Murihiku (incl. Southland and parts of Otago)
<i>Papatipu Rūnaka</i>	Te Rūnanga o Moeraki, Kāti Huirapa ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui	Kā Papatipu Rūnaka o Awarua, Ōraka-Aparima, Hokonui, Waihōpai
<i>Structure</i>	Catchment-based chapters (e.g. Waitaki, Taieri, Otago Harbour)	Thematic sections (e.g. water, biodiversity, energy, waste)
<i>Policy Style</i>	Detailed, location-specific policies	Broader thematic policies with emphasis on values and outcomes
<i>Cultural Emphasis</i>	Strong focus on landscape narratives, place names, and creation stories	Strong emphasis on intergenerational wellbeing, taonga species, and community resilience
<i>Implementation Tools</i>	Statutory Acknowledgements, Tōpuni, Nohoaka sites, Resource Inventory	Cultural Indicators, Monitoring Frameworks, Advocacy for co-management
<i>Tone and Language</i>	Formal, policy-driven with structured objectives and actions	Narrative-rich, poetic, and community-focused

Te Tangi also includes a climate change chapter and in 2018, Te Rūnanga o Ngāi Tahu released its climate change strategy [He Rautaki mō te Huringa o te Āhuarangi](#). The purpose of the climate change strategy is to:

‘create Ngāi Tahu responses to the risks and opportunities presented by climate change, referencing the entire tribal structure, so that iwi, hapū and whānau aspirations can be met in a changing world, mō tātou, ā, mō kā uri ā muri ake nei – for us and our children after us.’

The intent and outcomes sought in both IMPs are compatible and complementary and should not be interpreted and contrary or conflicting. Read together, they provide a holistic approach that, for various reasons, have drawn on specific issues and experiences and addressed them accordingly.

TE TIRITI O WAITANGI MEA TE KERĒME

The Treaty of Waitangi / Te Tiriti o Waitangi 1840 is an agreement between the Crown and Māori to allow the Crown to govern, and to make the laws while protecting Māori rights and interests. Te Tiriti guarantees and provides for the rights to continue customary practices, including mahinga kai. Article II of Te Tiriti specifically guaranteed tino rangatiratanga (real authority) over forests, fisheries, settlements and taonga. Article III, often forgotten but nationally and internationally significant, provides Māori with the right of citizenship.

The 1848 Kemp Deed was a pivotal Crown land purchase that encompassed over 13.5 million acres of Te Waipounamu, including inland Otago. Negotiated hastily and without proper surveying, the Deed failed to define clear boundaries or secure the promised reserves and protections for Ngāi Tahu. Although the Crown had committed to setting aside ample land for the present and future needs of Ngāi Tahu (including mahinga kai, provision of schools and hospitals) only a fraction of land was reserved, and mahinga kāi rights were severely restricted. Queenstown, as part of this vast and imprecisely transacted area, became one of many regions where Ngāi Tahu were effectively dispossessed of their ancestral lands.

Ngāi Tahu refer to its Treaty Claims as [Te Kerēme](#). The genesis of the Ngāi Tahu Settlement was in 1849 when the Crown began defaulting on its contractual undertakings in 10 major land purchases. In the 20 years from 1844, Ngāi Tahu signed formal land sale contracts with the Crown for 34.5 million acres, the terms of which secured to Ngāi Tahu three principal protections:

1. the allocation of reserves amounting to 10 percent of the alienated lands,
2. continued access to mahinga kai, and
3. the construction of facilities including schools and hospitals.

The Crown's failure to abide by these obligations resulted in Ngāi Tahu becoming an impoverished and virtually landless people. From an early time, Ngāi Tahu pursued claims of unfair purchase practices and of breaches of the deeds of purchase against the Crown. The series of petitions, protests and investigations against these practices, which were carried across seven generations, culminated in the Settlement Act.

The asset base of Kāi Tahu is largely derived from the Ngāi Tahu Settlement. The Settlement is recognised as pioneering the comprehensive Treaty claims framework in New Zealand. Kāi Tahu regard the Settlement Act with Te Tiriti o Waitangi and the [Ngāi Tahu Deed of Settlement 1997](#) as creating a binding legal relationship between the Crown and Kāi Tahu that includes aspects of a beneficial/fiduciary relationship.³

Ngāi Tahu Claim Area

The Ngāi Tahu claim area covers:

- a) the takiwā of Ngāi Tahu Whānui⁴; and
- b) the coastal marine area adjacent to the coastal boundary of the takiwā of Ngāi Tahu Whānui; and
- c) the New Zealand fisheries waters within the coastal marine area and exclusive economic zone adjacent to the seaward boundary of that coastal marine area;—

and the northern sea boundaries of the coastal marine area have been determined using the equidistance principle, and the northern sea boundaries of the exclusive economic zone have been determined using the perpendicular to the meridian principle from the seaward boundary of the coastal marine area (with provision to exclude part of the New Zealand fisheries waters around the Chatham Islands).

Queenstown Lakes is in the Ngāi Tahu takiwā. No other iwi or hapū have a claim to the district.

Treaty Settlement Provisions

The Ngāi Tahu Settlement consists of four classes of redress transferred to Ngāi Tahu:

- An apology by the Crown that served to restore the relationship between it and Ngāi Tahu
- Acknowledgment of the tribal relationship with, and significance of, Aoraki

³ Te Rūnanga o Ngāi Tahu, *Ngāi Tahu Rangatiratanga over Freshwater*, p. 18.

⁴ For details, see section 5, Te Rūnanga o Ngāi Tahu Act 1996.

- Cultural redress consisting of a suite of legal instruments that express customary associations and provide mechanisms for Ngāi Tahu to participate in environmental management
- Economic redress comprised of transferred assets, purchase options of Crown assets, and a perpetual right of first refusal over select Crown assets in the Ngāi Tahu takiwā.

Principles

There are no specific principles detailed in the Ngāi Tahu Settlement. However, as advised by Te Ao Mārama during the referral stage (20 August 2025), the Settlement Act upholds that:

- Ngāi Tahu holds and exercises rangatiratanga with the Ngāi Tahu takiwā.
- The Crown and agents of the Crown must act in good faith.
- All areas and places within the Ngāi Tahu takiwā are important and form part of an intertwined network of values, places and resources which are relevant to Ngāi Tahu tribal history, contemporary values and the future of the iwi.
- Settlement provided a basis for continuing evolution from which Ngāi Tahu can express its ancestral relationship with the Ngāi Tahu takiwā into the future.

The Apology

The Crown's Apology serves as a formal acknowledgment of the Crown's repeated breaches of Te Tiriti o Waitangi and its failure to uphold the promises made during historical land transactions. Central to the apology is the recognition of the enduring rangatiratanga of Ngāi Tahu in its takiwā. The Crown explicitly admits to undermining the ability of Ngāi Tahu to exercise control over its lands, resources, and taonga, and acknowledges the intergenerational harm caused by these actions. By affirming Ngāi Tahu rangatiratanga and expressing deep regret for the loss and hardship inflicted, the apology aims to restore a relationship of mutual respect and good faith, consistent with the principles of Te Tiriti and the fiduciary obligations it entails.

Customary Fisheries Management

These provisions enable Kāi Tahu to have greater access to customary fisheries of importance to the tribe and greater input into the management of those fisheries. These elements include:

- Acknowledgement of taoka fish species – Kowaro/Canterbury mudfish, Kaeo/Sea tulip, Koeke/Common shrimp, Taiwharu/Giant kokopu, Piripiripohatu/Torrentfish, Paraki/Common smelt and Kokopu/Giant bully.
- Advisory Committees – The Ministers of Fisheries and Conservation must have particular regard to the advice of Te Rūnanga o Ngāi Tahu in relation to the management of the taonga fish species referred to above.
- Customary Freshwater Fisheries Regulations – developed for customary freshwater fisheries managed under the Conservation Act.
- Non-commercially Harvested Species (Toheroa, Karengo/Sea Lettuce, Rimurapa/Bull kelp, Kanakana/Southern lamprey, Kakahi/Freshwater mussel and Waikōura/Freshwater crayfish). In addition to complying with existing legislative requirements, the Minister of Fisheries must recognise and provide for the views of Ngāi Tahu before changing that status.
- Temporary Closure
- South Island Eel Management Plan.

Taoka Species Management

The Settlement Act recognises the special relationship Kāi Tahu has with 49 bird species, 54 plant species and 6 marine mammal species. These are listed in schedule [97 Taonga Species](#) and schedule [98 Customary Fisheries](#).

Settlement Redress Provisions in or near the Whakatipu Basin

Redress elements of the Settlement Act provide Ngāi Tahu with an ability to express its traditional relationships with the natural environment and to exercise kaitiaki responsibilities. The following cultural redress provisions are nearby to the project area:

- Statutory Acknowledgements (see Appendix 1):
 - Whakatipu Waimāori /Lake Wakatipu
 - Mata-au /Clutha River
- Nohoanga:⁵
 - Shotover River – Māori Point
 - Shotover River – Tuckers Beach

ASSESSMENT OF SUBSTANTIVE APPLICATION FOR RIDGEBURN

Ngāi Tahu has an extensive territory that includes the Whakatipu-wai-māori area. Ngāi Tahu led a seasonal lifestyle, following resources throughout the region. Generally, the use of the areas was extensive rather than intensive; however, this area is thick with lwi stories, traditions, and cultural practices.

Whakatipu-wai-māori (Lake Wakatipu) and its tributaries 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.

The Te Rūnanga o Ngāi Tahu Act 1996 (the TRONT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries.⁶

The project area is in the Ngāi Tahu takiwā. In the referral application, both the applicant and the section 18 report found that no redress lands, entitlements, or vesting were thought to be in the project area or directly affected by the proposal. No evidence to the contrary has been discovered following discussions with Ngāi Tahu and compiling the substantive application. Technical reports relating or referring to taonga species provide specific comments on any impacts or effects.

Gibbons Co has proactively and regularly engaged with Ngāi Tahu throughout the development of the substantive application and provided final draft reports and Assessment of Environmental Effects prior to lodgement. The views of Ngāi Tahu have influenced the development of the proposal, the draft consent conditions, and substantive application.

However, it has been an ongoing discussion with Te Ao Mārama and Kā Rūnaka (co-ordinating the interests of the seven Papatipu Rūnanga) that there are tight timeframes for lodgement by Gibbons Co, dictated by commercial agreements. This pressure has meant that there are limitations and uncertainty in the Cultural Impact Assessment as to whether the mitigation measures proposed for Ridgelyburn will effectively address concerns regarding the impacts on cultural values.

⁵ Nohoanga entitlements, as provided for in the Settlement Act, are identified as seasonal or temporary campsites established on Crown owned land adjacent to lakes and rivers to facilitate customary fishing and the gathering of other natural resources. They provide Ngāi Tahu with a means of experiencing the landscape as their tūpuna did, and promoting customary practices associated with mahinga kai. Ngāi Tahu has the right to erect camping shelters or similar temporary dwellings on nohoanga during the statutory occupation period.

⁶ Te Ao Mārama Inc., p. 2.

Noting the findings of the Cultural Impact Assessment and specifically the limitations on page 6, Gibbons Co continues to work with Te Ao Mārama Inc on addressing the recommendations and cultural impacts outlined in the table (starts p.11), and what pathways and methods are to be used.

Ngā mihi



Ailsa Cain
Kaihautū Director, Kauati

APPENDIX 1: 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-wai-māori.

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.

SCHEDULE 40 STATUTORY ACKNOWLEDGEMENT FOR THE MATA-AU (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.