

## APPENDIX 2

### Extracts from the Ngai Tahu Claims Settlement Act 1998 Part 12

#### 207 Distribution of Appliances to Te Runanga o Ngai Tahu

- (1) The Governor-General may, on the recommendation of the Minister for the Environment, from time to time, by Order in Council, make regulations, as contemplated by clause 12.2.3 of the deed of settlement, -
  - (a) Providing for consent authorities to forward to Te Rūnanga o Ngāi Tahu a summary of any applications received for resource consents for activities within, adjacent to, or impacting directly on statutory areas; and
  - (b) Providing for Te Rūnanga o Ngāi Tahu to waive its rights to be notified pursuant to such regulations.
- (2) Nothing in any regulations made pursuant to this section will in any way affect the discretion of a consent authority as to whether or not to notify any application pursuant to sections 93 to 94C of the Resource Management Act 1991, and whether or not Te Rūnanga o Ngāi Tahu may be adversely affected under those sections.

#### 208 Local authorities must have regard to statutory acknowledgments

From the effective date, and without derogating from its obligations under Part 2 of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of that Act as to whether Te Rūnanga o Ngāi Tahu is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area.

#### 211 Use of statutory acknowledgement with submissions

- (1) Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whanui may cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or impacting directly on a statutory area as evidence of Ngāi Tahu's association with the statutory area.
- (2) For the avoidance of doubt, the content of the association, as recorded in a statutory acknowledgement, is not by virtue of the statutory acknowledgement binding as deemed fact upon consent authorities, the Environment Court, the Historic Places Trust, parties to proceedings before those bodies, or any other person able to participate in those proceedings, but the statutory acknowledgement may be taken into account by them.
- (3) Neither Te Rūnanga o Ngāi Tahu nor any member of Ngāi Tahu Whanui is precluded from stating that Ngāi Tahu has any association with the statutory area not described

in the relevant statutory acknowledgement, nor does the content or existence of the statutory acknowledgement derogate from any such statement.

#### 215 Purposes of statutory acknowledgements

Without limiting sections 216 to 219, the only purposes of the statutory acknowledgements 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; and
- (b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to the statutory acknowledgements in relation to the statutory areas, as provided in sections 208 to 210; and
- (c) To empower the Minister of the Crown responsible for management of the statutory areas, or the Commissioner of Crown Lands, as the case may be, to enter into deeds of recognition, as provided in section 212; and
- (d) To enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whanui to cite statutory acknowledgements as evidence of the association of Ngāi Tahu to the statutory areas, as provided in section 211.

#### 217 Exercise of powers, duties, and functions

Except as expressly provided in sections 208 to 211, 213, 215, and 216, -

- (a) Neither a statutory acknowledgement nor a deed of recognition affects, or may 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 statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to a statutory area (as described in the relevant statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw if no statutory acknowledgement or deed of recognition existed in respect of that statutory area

#### 218 Rights not affected

Except as expressly provided in sections 206 to 220, neither a statutory acknowledgement nor a deed of recognition affects the lawful rights or interests of any person who is not a party to the deed of settlement

#### 219 Limitation of Rights

Except as expressly provided in sections 206 to 220, neither a statutory acknowledgement, nor a deed of recognition has of itself the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, a statutory area.

## 220 Recording of statutory acknowledgements on statutory plans

- (1) Local authorities within the Ngāi Tahu claim area must attach to all regional policy statements, district plans, and regional plans (including proposed plans and proposed policy statements) from time to time prepared pursuant to the Resource Management Act 1991, information recording all statutory acknowledgements affecting statutory areas covered wholly or partly by such policy statements or plans, either by way of reference to this Part or by setting out the statutory acknowledgements in full.
- (2) The attachment of information to any policy statement or plan pursuant to subsection (1) is for the purpose of public information only and the information is neither part of the plan (unless adopted by the relevant regional council or district council) nor subject to the provisions of Schedule 1 of the Resource Management Act 1991

## Schedule 42 Statutory Acknowledgement for Mataura River

### Statutory Area

The statutory area to which this statutory acknowledgement applies is the River known as Mataura, the location of which is shown on Allocation Plan MD 125 (SO 12264)

### 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 Mataura River, as set out below.

### Ngai Tahu Association with the Mataura River

The area of the Mataura River above the Mataura Falls was traditionally used by the descendants of the Ngati Mamoe chief, Parapara Te Whenua. The descendants of Parapara Te Whenua incorporate the lines of Ngati Kuri from which the Mamaru family of Moeraki descend. Another famous tupuna associated with the river was Kiritekateka, the daughter of Parapara Te Whenua. Kiritekateka was captured by Ngāi Tahu at Te Anau and her descendants make up the lines of many of the Ngāi Tahu families at Otakou.

For Ngāi Tahu, histories such as these 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.

The Mataura was an important mahinga kai, noted for its indigenous fishery. The Mataura Falls were particularly associated with the taking of kanakana (lamprey). 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 Mataura, 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 mauri of the Mataura 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 Whanui with the river.

### 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, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Mataura River, 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 the Mataura River 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 Whanui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Mataura River 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

Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Mataura River (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 the Mataura River.

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, the Mataura River.