



MILFORD
OPPORTUNITIES

MILFORD OPPORTUNITIES PROJECT

Mana Whenua Aspirations and Values Report

15 March 2021



Kauati

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CONTENTS

EXECUTIVE SUMMARY	1
1 ACKNOWLEDGEMENTS	2
2 INTRODUCTION	3
REQUIREMENTS FOR MANA WHENUA WORKSTREAM	3
STRUCTURE OF THE REPORT	4
COVID-19 IMPACTS	4
3 MILFORD OPPORTUNITIES PROJECT	5
PURPOSE	5
PROJECT AMBITION	5
PROJECT PILLARS	5
PROJECT OBJECTIVES	6
LOCATION	7
STAGE 2 MASTER PLAN	7
STAGE 2 OBJECTIVES	8
MANA WHENUA WORKSTREAM OBJECTIVES	9
4 NGĀI TAHU – TANGATA WHENUA	10
MODERN STRUCTURE AND LEGISLATION	10
MURIHIKU DEED, 1853	10
TE KERĒME	11
NGĀI TAHU HISTORIC TREATY SETTLEMENT	11
TE RŪNANGA O NGĀI TAHU	11
PAPATIPU RŪNANGA	12
NGĀI TAHU NARRATIVE OF THE AREA	13
AREA DESCRIPTION FOR TE RUA O TE MOKO	13
BROADER PLACE NARRATIVE	14
PROVISIONS FROM THE DEED OF SETTLEMENT AND NGĀI TAHU CLAIMS SETTLEMENT ACT	16
DEED OF SETTLEMENT	16
NGĀI TAHU CLAIMS SETTLEMENT ACT	16
5 MANA WHENUA	18
STATEMENT OF MANA WHENUA	18
ASPIRATIONS AND VALUES	19
ASPIRATIONS	19

VALUES	21
EVALUATION PROCESS	23
EVALUATION CRITERIA	23
EVALUATION OUTCOMES	23
CONTEXT FOR EVALUATION	24
<hr/>	
6 BASELINE: LITERATURE REVIEW	25
OVERVIEW	25
DOCUMENTS REVIEWED	26
SECTION ONE: THEMES WITHIN THE LITERATURE REVIEW	26
SECTION TWO: SUMMARY OF DOCUMENTS REVIEWED	27
SECTION THREE: CROSS REFERENCE OF DOCUMENTS WITH MANA WHENUA RESEARCH QUESTIONS	30
<hr/>	
7 DISCUSSION AND CONCLUSION	37
DISCUSSION	37
TE TIRITI O WAITANGI / TREATY OF WAITANGI	37
A SHIFT IN PRACTICE	37
DIFFERENCES IN REASONING	38
REGULATION	38
ENGAGEMENT	38
CONCLUSION	39
<hr/>	
8 REFERENCES	40
<hr/>	

APPENDICES

APPENDIX 1: DEPARTMENT OF CONSERVATION TREATY PROTOCOLS

APPENDIX 2: NGĀI TAHU STANDARD CONDITIONS FOR CONCESSIONS [PRE-2005]

APPENDIX 3: SECTION 9.3 MILFORD AIRPORT, THE NGĀI TAHU DEED OF SETTLEMENT 1997

TABLES

Table 1: Short-list options	9
Table 2: Mana Whenua Aspirations.....	19
Table 3: Ngāi Tahu values identified in Literature Review.....	28

Table 4: Quotes from Ngāi Tahu and regulatory documents relating to cultural integrity..... 31

Table 5: Quotes from Ngāi Tahu and regulatory documents relating to protection and World Heritage status..... 33

Table 6: Quotes from Ngāi Tahu and regulatory documents relating to connections with place 34

Table 7: Quotes from Ngāi Tahu and regulatory documents relating to visitor experience. 34

Table 8: Quotes from Ngāi Tahu and regulatory documents relating to te hauora o te taiao..... 35

Table 9: Quotes from Ngāi Tahu and regulatory documents relating to economic resilience..... 36

FIGURES

Figure 1: Piopiotahi and the wider area..... 7

Figure 2: Weaving together of workstreams for the Master Plan..... 8

Figure 3: Stage 2 Ngāi Tahu Advisory Group (L-R): Riki Parata (Hokonui), Susan Wallace (Makaawhio), Ann Wakefield (Ōraka-Aparima), Marcia Te Au-Thomson (Waihōpai) and Gail Thompson (Awarua). They are pictured here prior to the Piopiotahi Milford Sound site visit, 5 September 2020, with the Project Governance Group Chair, Dr Keith Turner (far right) and Project Ngāi Tahu representative, Muriel Johnstone (centre)..... 13

Figure 4: Ngāi Tahu tūturu place names within Te Rua o te Moko (place names represented by green diamonds). Source: Kā Huru Manu, Te Rūnanga o Ngāi Tahu 13

Figure 5: Recorded traditional names significant to Ngāi Tahu within Te Rua o te Moko Fiordland. Source: Te Ao Marama Inc. . 16

Figure 6: Members of the Ngāi Tahu Advisory Group review information on Mt Tūtoko during the Stage 2 Site Visit, 5 September 2020..... 22

Figure 7: Riki Parata (Hokonui) and Michael Skerrett (Project Working Group) at Te Kowhai, Te Anau, during the Project Site Visit, 5 September 2020..... 36

EXECUTIVE SUMMARY

This report has compiled the aspirations and values of mana whenua for Milford Sound Piopiotahi and provides a cultural context and criteria in which to evaluate options for the Master Plan. This direction informs the consultant team in the selection and development of options and governors in their decision making.

Ngāi Tahu are tangata whenua and eight Papatipu Rūnanga exercise mana whenua over Piopiotahi. It is their expectation that the mana whenua narrative, recognising Tū te Rakiwhanoa and Hine Tītama, is the context in which to consider appropriate and inappropriate development and management. It is also through this cultural lens that mana whenua wish visitors to view Piopiotahi and its surrounds.

Ngāi Tahu has always maintained that Fiordland Te Rua o te Moko was not included in the Murihiku Purchase, and that purchase became one of the 'Nine Tall Trees' in the Ngāi Tahu Treaty Claim alongside mahinga kai. There are many provisions from the Ngāi Tahu Deed of Settlement that directly refer to Te Rua o te Moko, including the dual placename Milford Sound Piopiotahi, Right of First Refusal for Milford Airport and a statutory acknowledgement over the coastal area.

Mana whenua see the Milford Opportunities Project as a means to address matters such as the expression of Ngāi Tahu rangatiratanga and kaitiakitanga in Te Rua o te Moko and provide economic pathways for Ngāi Tahu Whānui. Mana whenua understand the Master Plan opportunities to be conceptual with the fine detail being added during the Implementation stage of the Project, and their approach, conversations and evaluation criteria are reflective of this.

Rangatiratanga has deliberately not been expressed as a value in this report as rangatiratanga is the exercise of authority and therefore, determines the manner in which one's values are upheld. It is essential, and in this Project, rangatiratanga is demonstrated through governance, recommendations, decision making and the Master Plan process.

The values identified in this report are: whakapapa, mātauranga tuku iho, kaitiakitanga, tikanga, utu and manaakitanga. The values alongside the statement of mana whenua and aspirations form the basis of the Ngāi Tahu specific evaluation criteria. Mana whenua are supportive of considered, sustainable development in Piopiotahi and the Milford Corridor to recognise the mana of the place and to enable everyone to experience its wairua.

Many of the options and aspirations sought by mana whenua are already provided for in existing regulatory documents but for reasons not considered in this report, not all have been realised. The Master Plan provides an opportunity to progress these aspirations as well as bridging misalignments with management plans, Iwi Management Plans and Ngāi Tahu 2025.

Mana whenua continuously raised concerns regarding approving or having no ability to decline consents and concessions that may negatively impact the hauora of Piopiotahi and future generations, as well as the ability to effectively implement the recommendations of the Master Plan. Information requirements and interim mechanisms need to be considered to enable the oversight necessary for the changes proposed in the Master Plan come into effect.

1 ACKNOWLEDGEMENTS

Tēnā koutou katoa

E rere kau ana tēnei mihi ki a koutou i runga tonu i ngā āhuatanga o te tika me te pono o tēnei kaupapa e manaaki nei, e tiaki nei i te whenua, i te wai māori, i te wai tai o Te Rua o te Moko.

Ki runga Aoraki taku maunga tērā e.

E piki ana ki te Rangī ka tūohu tēnā rā

Ka kite i te waka nui tērā koia te whakairo o Tūterakiwhanoa e

Ka titiro atu au ki Piopiotahi, ki Makaawhio, ki te kei o te waka e

Whārikitia e Tahu Pōtiki, hei mana mō te iwi, hei nohoanga tupuna e.

Nei rā te ngākau e mihi atu nei ki ngā mana whenua i hāpaitia tēnei kaupapa, te Milford Opportunities Project. Koutou i āta poi poi i ngā taonga o rātou mā kua huri ki tua o pae mahara, koutou i whakamana i tō tātou nei huinga tāngata me tēnei kaupapa ā haere ake nei.

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Ka rere tonu ngā mihi ki Te Rūnanga o Ngāi Tahu i te tautoko i ngā whakaaro o ngā Papatipu Rūnanga ki Murihiku, ki Āraiteuru, ki Makaawhio hoki.

Tēnā koutou katoa

Unobstructed thanks flows to you, with the best of intentions that this project will care for our land, our inland waterways, and coastal waterways of Fiordland.

The ancestral mountain is Aoraki.

Whom extends to the heights of Ranginui, domain of the sky.

From here the South Island is seen, and the landscapes carved by the ancestor, Tūterakiwhanoa.

With a vista towards Milford Sound, towards the Makaawhio river, towards the lands of the southern South Island.

Bound by the mana of Tahu Potiki, our ancestor.

This is a heartfelt acknowledgement to the mana whenua who have supported the Milford Opportunities Project. Those who genuinely cared for the gifts left by those who have passed on and gave generously to this project as we move forward into the future.

We acknowledge Muriel Johnstone, Ann Wakefield, Stewart Bull, Susan Wallace, Tā Tipene O'Regan, Dean Whaanga, Gail Thompson, Aimee Kaio, Stevie Blair, Bubba Thompson, Michael Skerrett, Marcia Te Au-Thomson, Terry Nicholas, Sean Bragg and Riki Parata. We thank you all for your knowledge and wisdom, and your perseverance in supporting this important work.

We also acknowledge and thank Justin Tipa, Susan Ellison, Matapura Ellison, Edward Ellison, and Rachel Wesley for their care and support during this project.

Further acknowledgements extend to Te Rūnanga o Ngāi Tahu in providing background information, and support for mana whenua with advice and guidance.

2 INTRODUCTION

- 2.1 The Milford Opportunities Project (the **Project**) came out of discussions between Southland District Council and the Department of Conservation. In 2017, a governance group was created to look at how the future of Milford Sound Piopiotahi, the road, the Te Anau basin and the wider region should be developed and managed.
- 2.2 The governance group is chaired by Dr Keith Turner, and has representatives from Ngāi Tahu, Southland and Queenstown-Lakes District Councils, Waka Kotahi NZ Transport Agency, Department of Conservation, Ministry of Business, Innovation and Employment, and commercial operators. Governors are supported by a working group and the Southland District Council.
- 2.3 The area is under stress and requires strategic thinking to safeguard the core character and values, World Heritage status, conservation values and the visitor experience. Piopiotahi is one of New Zealand's most popular visitor attractions and iconic destinations in the world. A record 946,000 visitors went to Piopiotahi in 2018, with tourism growth forecast to continue, reaching 1.2 million by 2023 and 2 million by 2035. It is located in part of New Zealand's largest National Park (Fiordland) and holds UNESCO World Heritage status.¹
- 2.4 The Project is being undertaken in three stages:²
- Gaps Analysis – completed 2018, undertaken by WSP and Xyst.
 - Master Plan – to be completed 2021, undertaken by Stantec and Boffa Miskell.
 - Implementation – details yet to be confirmed.
- 2.5 The Project Stage 1 Gap Analysis made reference to a base level knowledge of cultural values, but more resources were needed to 'fully understand and embed the aspirations of iwi.'³ The Gap Analysis recommended that 'Master Planning work accurately and effectively embraces the values of mana whenua in this regard [the Project area being of significance to Ngāi Tahu].'⁴
- 2.6 The Mana Whenua Aspirations and Values report (the **report**) has been drafted for Stage 2 as a means of collating mana whenua values, and a mechanism to embed mana whenua aspirations into the Master Plan.⁵ The report will also inform the evaluation criteria for the Master Plan and the overarching context for decision-making.
- 2.7 The report does not replace or override Crown-Iwi relationships and Treaty Principles and obligations. It has been drafted for use at a project level. However, the report does look to support a Treaty-based approach in the Master Plan.

REQUIREMENTS FOR MANA WHENUA WORKSTREAM

- 2.8 The key outcomes of this workstream are:
- A summary of the hui and associated workshops with Ngāi Tahu and Papatipu Rūnanga.
 - A statement of the mana whenua values (environmental, economic, cultural, social) for Piopiotahi and Southland in the Te Anau Basin and in the vicinity of the road corridor.

¹ <https://www.milfordopportunities.nz/>

² Southland District Council (2019) *Request for Proposal to undertake the Masterplan Development Team*, p. 5

³ WSP Opus (2018) *Milford Opportunities Project: Phase 1 Gap Analysis*, p.3

⁴ WSP Opus (2018) p. 101

⁵ This report stems from the cultural values assessment in Stage One but is limited to mana whenua. This report does not detail the tangible and intangible values of other cultures associated with Te Rua o te Moko.

- Criteria for an evaluation framework to assess the Master Plan options against the known cultural values.
- Identification of potential opportunities to recognise mana whenua's place in the landscape, guardianship and values through the Master Plan.

STRUCTURE OF THE REPORT

- 2.9 The report does not include a summary of hui and associated workshops. That information is recorded separately in the Iwi Engagement Implementation Plan.
- 2.10 The report outlines the Project and the background reasoning for compiling mana whenua aspirations and values for the Master Plan. The report then introduces Ngāi Tahu as tangata whenua and its cultural narrative for Piopiotahi and Te Rua o te Moko. Following is the recognition of Ngāi Tahu as mana whenua, a literature review of mana whenua aspirations and values articulated in other documents and discussion.

COVID-19 IMPACTS

- 2.11 Executing Stage 2 was impacted significantly by the 2020 Fiordland floods and then the COVID-19 pandemic.
- 2.12 Strategically, the consultant project team was required to be flexible in its approach and creative in its delivery. As a response to changing conditions, this workstream proposed methodologies to make allowance for factors such as reducing kanohi ki te kanohi discussions⁶ and atypical observations of tourism in Piopiotahi and Te Anau (e.g., reduced visitors and operators).

⁶ To manage this issue, we increased our use of video conferencing with mana whenua and filmed interviews.

3 MILFORD OPPORTUNITIES PROJECT

PURPOSE

- 3.1 The purpose of the Project is to develop a collaborative 50-year Master Plan for the Milford corridor and Piopiotahi sub-regional area to ensure:

that Milford Sound Piopiotahi maintains its status as a key New Zealand visitor 'icon' and provides a 'world class' visitor experience that is accessible, upholds the World Heritage status, national park and conservation values and adds value to Southland and New Zealand Inc.⁷

PROJECT AMBITION

- 3.2 The Project must be world class, ambitious and creative. It should not be constrained simply by what can be done now within the current rules, instead it must consider what needs to be done and what the most appropriate outcome will be. The Project is about making a substantive change and creative 'outside the box' thinking is needed before it is filtered by practical operational realities. The outcome must be:
- Consistent with the project's purpose and objectives.
 - Consider a time frame of at least 50 years.
 - Able to significantly enhance both conservation and tourism.
- 3.3 The Master Plan must give effect to the Seven Pillars identified in Stage 1 and be supported by robust assessment and analysis.

PROJECT PILLARS

1) MANA WHENUA VALUES WOVEN THROUGH



Iwi's place in the landscape and guardianship of mātauranga Māori me te taiao (Māori knowledge and the environment) are recognised. Authentic mana whenua stories inform and contribute to a unique visitor experience.

2) A MOVING EXPERIENCE



Visitors experience the true essence, beauty and wonder of Milford Sound Piopiotahi and Murihiku / Southland through curated storytelling, sympathetic infrastructure and wide choices suited to a multi-day experience

3) TOURISM FUNDS CONSERVATION AND COMMUNITY

⁷ Southland District Council (2019) p.4



The visitor experience will become an engine for funding conservation growth and community prosperity.

4) EFFECTIVE VISITOR MANAGEMENT



Visitors are offered a world class visitor experience that fits with the unique natural environment and rich cultural values of the region.

5) RESILIENT TO CHANGE AND RISK



Activities and infrastructure are adaptive and resilient to change and risk, for instance avalanche and flood risks, changing visitor trends, demographics and other external drivers.

6) CONSERVATION



Manage Fiordland National Park to ensure ongoing protection of pristine conservation areas, while enabling restoration of natural ecological values in less pristine areas.

7) HARNESS INNOVATION AND TECHNOLOGY



Leading technology and innovation is employed to ensure a world class visitor experience now and into the future.

PROJECT OBJECTIVES

3.4 The objectives for the Project are:

- Protect and conserve the place now and into the future.
- Recognise iwi's place in the landscape, guardianship and values.
- Increase the effectiveness, efficiency and resilience of infrastructure.
- The visitor experience funds conservation growth and community prosperity.

- Reduce visitor exposure and risk to natural hazards.
- Increase the connection of people with nature and the landscape.
- Offer a world class visitor experience that is unique and authentically New Zealand.
- Identify sustainable access opportunities into Milford Sound Piopiotahi.
- Identify parts of the built environment that are surplus to requirements or could be shifted to improve visitor function and resilience.
- Identify opportunities to create additional economic benefit for the communities of Southland and Otago including Queenstown via the pulling power of Milford Sound Piopiotahi.
- Develop a Master Plan.

LOCATION

- 3.5 The Project area is focused on Piopiotahi and the corridor to Te Anau (see dark red area). The wider area to be considered in the Master Plan is the Te Anau basin and Southland with crossover into Otago.

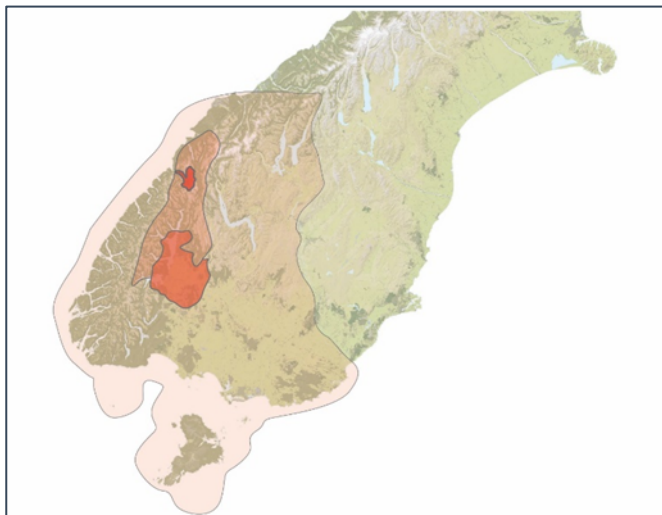


Figure 1: Piopiotahi and the wider area

STAGE 2 MASTER PLAN

- 3.6 Stage 2 of the Project is the development of the Master Plan that is to 'define and choose options to reach the objectives and vision. The vision will describe how the place will look and feel while the Master Plan will describe the steps and processes required to get there.'⁸ The Master Plan is to:

- Create and encapsulate a unique experience.
- Be culturally, environmentally and physically appropriate and sustainable.
- Clearly articulate what is acceptable and what is not acceptable visitor management and development within the identified value framework.
- Consider the impacts of climate change at place.

⁸ Southland District Council (2019) p. 5

- Support the economic stability of Te Anau, Queenstown, Southland and NZ Inc.
- Portray a clear future for investment.
- Inform the review processes for Fiordland National Park Plan and Southland Coastal Plan.
- Set out the ideal governance and management structure to ensure successful delivery on the objectives.

3.7 The Master Plan is to be visionary, ambitious and consultative, and of importance to this report, 'ensure Ngāi Tahu values and perspectives are central to the work of the project.'⁹ A multi-discipline approach is required and seventeen workstreams are combining their expertise and insights to develop the Master Plan.

3.8 To assist in understanding the role of Stage 2 in the overall delivery of the Project purpose, the methodology is illustrated below:

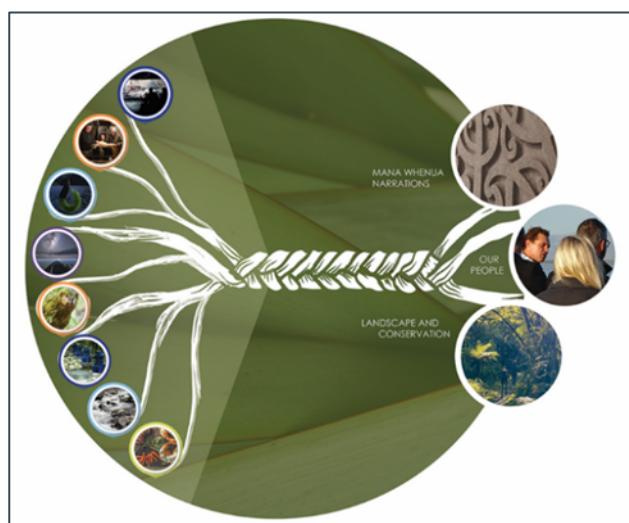


Figure 2: Weaving together of workstreams for the Master Plan

STAGE 2 OBJECTIVES

3.9 For consistency and clarity across the seventeen workstreams of Stage 2 and in light of the outcomes sought in this Stage, the Project Objectives have been distilled to:

- The role of Ngāi Tahu as mana whenua and Treaty partner is acknowledged; and Te Ao Māori values are embedded throughout.
- Piopiotahi is protected now and into the future, recognising its World Heritage status.
- The visitor experience is world class and enhances conservation and community.
- Infrastructure is effective, efficient, resilient, and sustainable (including access methods).
- Visitors benefit the communities, including Ngāi Tahu communities, of Te Anau, Southland, and Otago.

⁹ Southland District Council (2019) p. 29

MANA WHENUA WORKSTREAM OBJECTIVES

3.10 Reference is made to these Stage 2 objectives throughout the report and the resulting research questions have been developed to assist in the understanding and embedding of mana whenua aspirations and values throughout the Master Plan. The research questions are:

Table 1: Short-list options

#	Stage Two Objective	Mana Whenua Aspirations Research Questions
1	The role of Ngāi Tahu as mana whenua and Treaty partner is acknowledged; and Te Ao Māori values are embedded throughout	How is Ngāi Tahu cultural integrity demonstrated and embedded throughout the Master Plan?
2	Milford Sound Piopiotahi is protected now and into the future, recognising its World Heritage status	How should Ngai Tahu cultural heritage be included in the protection provisions and World Heritage status?
3	The visitor experience is world class and enhances conservation and community.	Where are the critical points of influence for Ngāi Tahu to enhance its connections with place? What does Ngāi Tahu want the visitor to experience?
4	Infrastructure is effective, efficient, resilient, and sustainable (including access methods)	Where and how can operations and infrastructure in Piopiotahi minimise the impacts of tourism and other human activities and reciprocally provide for te hauora o te taiao (wellbeing of the environment)?
4	Visitors benefit the communities, including Ngāi Tahu communities, of Te Anau, Southland, and Otago	How can visitors benefit the economic resilience of Ngāi Tahu Whānui, Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu?

4 NGĀI TAHU – TANGATA WHENUA

- 4.1 The peoples of Waitaha, Kāti Māmoe and Ngāi Tahu are nowadays commonly referred to as Ngāi Tahu.
- 4.2 Historically, Waitaha settled in the South Island approximately 800 years ago and were later followed by Kāti Māmoe and Ngāi Tahu during the major domestic migrations that occurred between the 1500s and 1700s. They constantly travelled around their takiwā in whānau and hapū groupings and ‘worked the resources and traded their surplus with people from other areas. This created a complex and far-flung network of relationships which in turn were strengthened by marriage.’¹⁰
- 4.3 Today, Ngāi Tahu has an extensive territory that includes most of the South Island and offshore islands such as Rakiura/Stewart Island, Rarotoka and Ruapuke. Ngāi Tahu means the ‘people of Tahu’, linking to the eponymous ancestor Tahu Pōtiki. Within the iwi there are five primary hapū being Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri and Ngāi Te Ruahikihiki.

MODERN STRUCTURE AND LEGISLATION

- 4.4 “The whole structure of Te Rūnanga o Ngāi Tahu has only one primary function and that is to *maintain and flourish the heritage and identity of our people intergenerationally, we’ve got to give people the opportunity now to participate in that, to grow, because you don’t maintain it and nourish it for no purpose; you maintain and nourish it so the people will be more fulfilled and have a greater sense of belonging in our place in Te Waipounamu*” Tā Tipene O’Regan¹¹
- 4.5 The modern structure of Ngāi Tahu has been formalised through the Treaty Settlement process. Therefore, it is important to first understand the reasoning and history of Te Kerēme, the Ngāi Tahu Claim, to be able to appreciate the various parts of the Ngāi Tahu structure and their purpose.

MURIHIKU DEED, 1853

- 4.6 In 1853, Walter Mantell on behalf of the Crown acquired title from Ngāi Tahu to over seven million acres for £2,600 in the Southland region. The northern boundary line of the purchase was marked by Piopiotahi on the west coast and Tokata (south of Kaka Point) on the east coast, and included the lands down to the Foveaux coast.¹² A total of 4,875 acres was set aside for Ngāi Tahu in seven reserves at Tuturau, Ōue, Ōmāui, Aparima, Kawakaputaputa, Oraka and Ōuetoto.¹³
- 4.7 The purchase was made with great controversy – Ngāi Tahu names were included on the Deed without their knowledge, not signed or suspected of being forged, key people were not included, and others included who did not hold mana whenua in the area.¹⁴ As was the case in other purchases, the boundaries of the area to be included in the sale were not made sufficiently clear at the time. Ngāi Tahu have always maintained that the region known as Fiordland was not to be included in the Murihiku Purchase.¹⁵
- 4.8 The Murihiku Deed became one of the ‘Nine Tall Trees’ of the Ngāi Tahu Treaty Claim alongside mahinga kai.

¹⁰ Dacker, B. (1990) *The People of the Place: Mahika Kai*, p. 6

¹¹ Te Rūnanga o Ngāi Tahu (2018) *Ngāi Tahutanga*, <https://www.youtube.com/watch?v=q0LjhvcYDZk>

¹² Evison, H. C. (2007) *The Ngāi Tahu Deeds: A Window on New Zealand History*, p. 156

¹³ Ngai Tahu ki Murihiku (2008) *Te Tangi a Tauira: The Cry of the People, Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan*, p. 43

¹⁴ Evison (2007) pp. 155-159.

¹⁵ <https://ngaitahu.iwi.nz/ngai-tahu/te-whakataunga-celebrating-te-kereme-the-ngai-tahu-claim/>

TE KERĒME

- 4.9 Te Tiriti o Waitangi/Treaty of Waitangi is New Zealand’s founding document and is a broad statement of principles on which the British and Māori made a political contract to found a nation state and build a government in New Zealand.
- 4.10 Seven Ngāi Tahu chiefs signed Te Tiriti o Waitangi in 1840, and at the time, the signing was seen as a convenient arrangement between equals. By 1849, when the Crown began defaulting on terms and acting contrary to Te Tiriti o Waitangi, the Ngāi Tahu Claim, Te Kerēme, was born.
- 4.11 The core tenets of Te Kerēme were:¹⁶
- Failure to reserve one-tenth of purchased land for the iwi
 - Unjust prices paid for land
 - Unclear boundaries of purchased land
 - Failure to provide schools and hospitals
 - Restricted access to mahinga kai.

NGĀI TAHU HISTORIC TREATY SETTLEMENT

- 4.12 After decades of negotiations, legislation was passed in 1998 that put into effect the terms and redress package, the Ngāi Tahu Deed of Settlement. This package was agreed to by Ngāi Tahu and the Crown to mitigate and remedy breaches of the Treaty of Waitangi. The Ngāi Tahu Claims Settlement Act 1998 includes several mechanisms specifically designed to be used in implementing other legislation such as the Conservation Act 1987, Resource Management Act 1991 and Fisheries Act 1996. These mechanisms legally recognise the importance of natural resources to Ngāi Tahu.
- 4.13 A key feature of the Settlement is mahinga kai and the related sections include:
- Nohoanga.
 - Customary Fisheries Management.
 - Taonga Species Management.
 - Coastal space.
- 4.14 Please note that not all Ngāi Tahu lands are recognised in the Settlement Act. Areas where lands had not been lost/taken (e.g., Ruapuke Island) or that are Māori Freehold (e.g. Jacobs River) are not covered by the Deed of Settlement. The Settlement Act also does not include complete lists of taonga species or sites of significance. These limitations are due to the terms of negotiation and arbitrary Crown restrictions on the number of sites and species that Ngāi Tahu could include.

TE RŪNANGA O NGĀI TAHU

- 4.15 In 1996, Te Rūnanga o Ngāi Tahu Act was passed ahead of the signing of the historical Treaty Settlement.¹⁷ The Act recognises Te Rūnanga o Ngāi Tahu as a tribal entity, exercising mana whenua and mana moana, enabling it to receive and manage assets returned to it through Treaty settlements, as well as participate in Conservation and Resource Management acts matters as a mandated iwi authority. Te Rūnanga o Ngāi Tahu is the iwi authority and overall representative

¹⁶ <https://ngaitahu.iwi.nz/ngai-tahu/te-whakataunga-celebrating-te-kereme-the-ngai-tahu-claim/>

¹⁷ This step was required prior to the Settlement being agreed to by the Crown.

governing body of Ngāi Tahu Whānui being descendants of Ngāi Tahu, Ngāti Mamoe and Waitaha.¹⁸

- 4.16 Te Rūnanga o Ngāi Tahu is made up of the 18 member Papatipu Rūnanga. Te Rūnanga o Ngāi Tahu deal with global tribal policy and issues, while Papatipu Rūnanga manage issues requiring wider or local consultation.

PAPATIPU RŪNANGA

- 4.17 Ngāi Tahu Papatipu Rūnanga exercise the mana of their people over the land, sea and natural resources. Every Papatipu Rūnanga can act autonomously, and has its own interests, opportunities and challenges across social, economic, environmental and cultural portfolios. It is through Papatipu Rūnanga that the collective Ngāi Tahu voice in the region is represented at the local government and community level.
- 4.18 Papatipu Rūnanga have takiwā (areas where they exercise their authority) that are provided for in the Te Rūnanga o Ngāi Tahu Act and outlined in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001.¹⁹ The Order recognises that there are areas of shared interest between Papatipu Rūnanga. In Piopiotahi, there are eight Papatipu Rūnanga who can exercise mana whenua (i.e. those who are recognised to exercise customary authority in an identified area).
- 4.19 The eight Papatipu Rūnanga who have shared interests in the Piopiotahi and Te Anau basin area are:
- Te Rūnanga o Ōraka Aparima, based in Riverton Aparima
 - Te Rūnanga o Makaawhio, based in Hokitika
 - Te Rūnanga o Awarua, based in Bluff Motupōhue
 - Waihōpai Rūnaka, based in Invercargill
 - Hokonui Rūnaka, based in Gore
 - Te Rūnanga o Moeraki, based in Moeraki
 - Kāti Huirapa ki Puketeraki, based in Karitane
 - Te Rūnanga o Ōtākou, based on the Otago Peninsula.

¹⁸ Ngai Tahu ki Murihiku (2008), p. 29

¹⁹ <http://www.legislation.govt.nz/regulation/public/2001/0200/latest/DLM66311.html>



Figure 3: Stage 2 Ngāi Tahu Advisory Group (L-R): Riki Parata (Hokonui), Susan Wallace (Makaawhio), Ann Wakefield (Ōraka-Aparima), Marcia Te Au-Thomson (Waihōpai) and Gail Thompson (Awarua). They are pictured here prior to the Piopiotahi Milford Sound site visit, 5 September 2020, with the Project Governance Group Chair, Dr Keith Turner (far right) and Project Ngāi Tahu representative, Muriel Johnstone (centre)

NGĀI TAHU NARRATIVE OF THE AREA

AREA DESCRIPTION FOR TE RUA O TE MOKO

Ngāi Tahu kaumātua, historian and Māori place names expert, Tā Tipene O'Regan, describes Te Rua o Te Moko as the 'cradle of mythology' for southern Māori. Te Rua o te Moko is a highly important place in the Ngāi Tahu landscape, being the last great work of Tū Te Rakiwhanoa, who was the carver of rock, shaping Te Waipounamu (South Island) and making it fit for people to live in. Piopiotahi is located in the northern stretches of Te Rua o Te Moko.

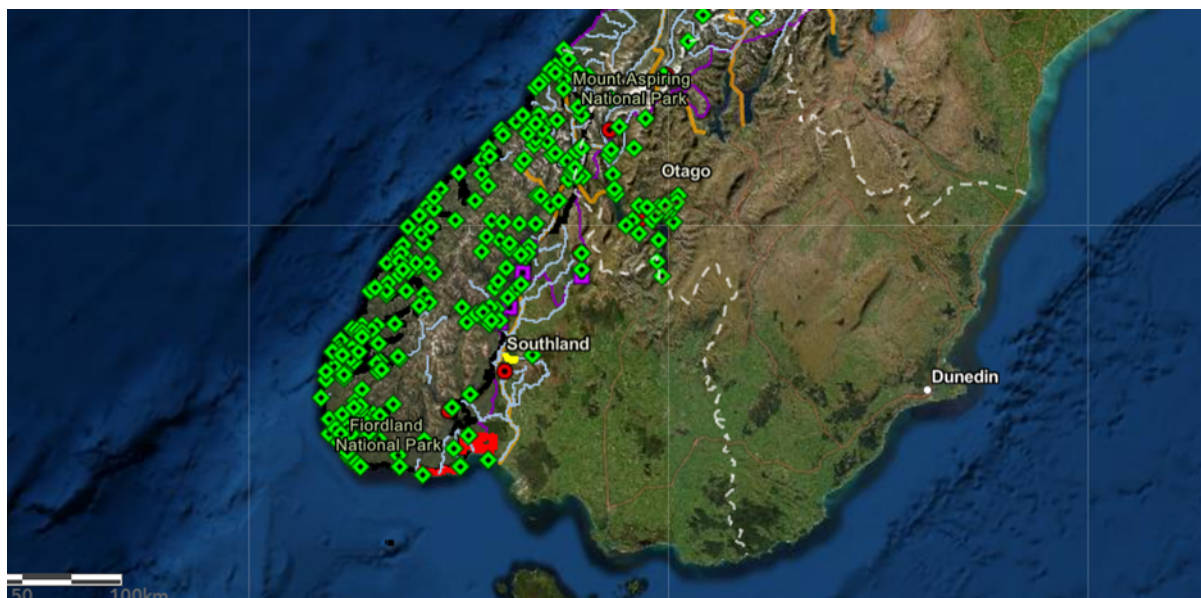


Figure 4: Ngāi Tahu tūturu place names within Te Rua o te Moko (place names represented by green diamonds).²⁰ Source: Kā Huru Manu, Te Rūnanga o Ngāi Tahu

²⁰ These are the place names recorded as 'atlas level' as of December 2020. More names are expected to be researched and added to Kā Huru Manu in coming years.

BROADER PLACE NARRATIVE

- 4.20 Te Rua o Te Moko represents the raised up sides of Te Waka o Aoraki, after it foundered on a submerged reef and its occupants, Aoraki and his brothers, were turned to stone. The brothers are now manifested in the highest peaks of Ngā Tiritiri o Te Moana the Southern Alps. The Fiords at the southern end of the Alps were carved out of the raised side of the wrecked Te Waka o Aoraki (the canoe of Aoraki) by Tū Te Rakiwhānoa in an effort to make it habitable by humans. The deep gouges and long waterways that make up the fiords were intended to provide safe havens on the rugged coastline, stocked with fish, forest and birds to sustain humans.²¹
- 4.21 After Tū Te Rakiwhānoa and his helpers had made Te Waipounamu into the shape we see today, primordial²² navigators began to arrive. The most illustrious of these was Māui who arrived at Maitahi Bruce Bay before voyaging south. During this voyage different places were named after those aboard the waka of Māui. It is also told that many of the names in the fiords came from the actions of Māui and his crew.
- 4.22 The peoples of Waitaha, Kati Mamoe and Ngāi Tahu have traversed Te Rua o Te Moko for centuries and came to know its landscapes and seasons intimately. These people had ‘considerable knowledge of whakapapa, traditional trails, places for gathering kai and other taonga, ways in which to use the resources of the land, the relationship of people with the land and their dependence on it, and tikanga for the proper and sustainable utilisation of resources.’²³
- 4.23 This massive intergenerational knowledge base was passed down orally and through active participation. Children accompanied their Pōua (grandfather) and Taua (grandmother), with their parents and relatives, on expeditions. Travelling across the landscape was part of everyday life for Ngāi Tahu. People were confident in their ability and that of the environment to sustain them on their travels. This confidence allowed Ngāi Tahu to live a nomadic lifestyle, not just as individuals but also as whānau and hapū travelling together.
- 4.24 Ngāi Tahu travelled extensively for economic and social reasons as well as survival. Oral maps, marked tracks and tools left in situ assisted whānau travelling inland. 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 it. Ngāi Tahu used these names to link themselves with the landscape and to provide guidance for future hikoi. Place names along with karakia, skills, intergenerational knowledge and preparation demystified large tracks of land and enabled people to travel with relative ease.
- 4.25 Herries Beattie noted that no lake was too remote or too insignificant to be without a Maori name.²⁴ Ngāi Tahu had an extensive transport network that included coastal and inland routes. In the southern regions, there were large distances between kaika (villages). Along the routes, temporary, overnight areas to rest with nohoanga were established, usually around a lake or major water body.²⁵ Nohoanga were also established in remote coastal areas for harvesting kaimoana, sea birds and seals. These nohoanga could be occupied short term or seasonally.
- 4.26 Routes to nohoanga tended to follow land features and utilise the waterways to travel back to permanent kaika. Inland travel was generally via the line of less resistance, up the river valleys, occasionally taking to the tops to avoid obstacles.²⁶ This approach was required from Piopiotahi to Te Anau where ‘often the valleys are so choked with big boulders and matted and prickly

²¹ Ngai Tahu ki Murihiku (2008), p. 86

²² Primordial is used in this context to acknowledge that Maui is from a primal genealogy related to the precursors of man and the genealogy of mortal man. See Barlow, C. (1991) *Tikanga Whakaaro: Key Concepts in Māori Culture*, pp. 173-4.

²³ Ngai Tahu Claims Settlement Act 1998, Schedule 93: Tōpuni for Tūtoko

²⁴ Beattie, H. (1945) *Maori Lore of the Lake, Alp & Fiord: Folk Lore, Fairy Tale, Tradition & Place names of the Scenic Wonderland of the South Island*, p. 18

²⁵ Ritchie, N. (1986) *Archaeology and Prehistory of the Upper Wakatipu Region*, p. 2

²⁶ Ritchie, N. (1986), p. 2

vegetation that they [Ngāi Tahu] sought the mountain sides above 4000 feet for freer travelling, and thus some of their recognised tracks led along the tops of the ranges.²⁷

- 4.27 Rivers assisted Ngāi Tahu with bringing preserved foods, plant material, minerals and rocks back to the coast to be consumed, worked or traded. Return trips to coastal kaika were faster as whānau utilised the speed and buoyancy of the water systems.²⁸ Travel by sea was also common, and Ngāi Tahu frequently travelled across Foveaux Strait and around to Fiordland as well as along the eastern coastline.
- 4.28 During the early contact period between Ngāi Tahu and sealers and whalers in Southland and Otago, Ngāi Tahu moved and increased the size and locations of its coastal settlements. This move was due in part to trade, alliances and intermarriage.
- 4.29 Te Rua o te Moko, including its coastal waters, continues to be of great importance to Ngāi Tahu for mahinga kai, and as places that bring whakapapa, people and ahi kā roa together. Contemporary associations with the sea have remained strong while landownership in Te Rua o te Moko has been somewhat more turbulent and challenging due to colonisation and land alienation.
- 4.30 Both Papatipu Rūnanga and the commercial arms of Te Runanga o Ngāi Tahu have private holdings in Te Rua o te Moko. Tourism and fisheries are the principal commercial activities that Ngāi Tahu whānau undertake in this area.
- 4.31 The primary fishing ports for Ngāi Tahu are Bluff Motupōhue, Riverton Aparima, Oban, Doubtful Sound Patea, Piopiotahi and Ōtākou, with secondary ports such as Jackson's Bay. The CRA8 Quota Management Area is the largest of the crayfish Quota Management Areas. It comprises South Westland, Fiordland, Stewart Island, Foveaux Strait, the Catlins and adjacent islands. While the overall area is large, almost all fishing occurs within 8 kms of the shore. At 962 tonnes, CRA8 has the largest Total Allowable Commercial Catch of any of the crayfish areas (36% of the national production) and as such is also the most economically significant and most valuable of any inshore Quota Management Area for any fish species.²⁹ Paua, rāwaru (blue cod) and tio (oysters) are the other well-known and prized inshore species caught in this area.
- 4.32 Customary takes of pounamu, shellfish and fish are still permitted, and Te Hokiauau (Big Bay) is a very well-known white-baiting area. Much of this activity takes place along the coastal areas, notably in the estuaries and river mouths. Historically, birds such as kakapo, kākā, kiwi and takahe were commonly taken in this area. Customary takes of these species are not exercised nowadays due to their unsustainable state and as such, Ngāi Tahu now place greater importance on tuna (eels), inaka (whitebait), and introduced species such as deer.
- 4.33 Many lands previously frequented by Ngāi Tahu in this area are now conservation lands administered by the Department of Conservation (**DOC**), notably Fiordland National Park. This classification alongside the Wildlife Act 1953 places various restrictions on customary practices and access.
- 4.34 The legal mechanisms established through the Ngāi Tahu Claims Settlement Act recognise Ngāi Tahu tino rangatiratanga and its expression through kaitiakitanga, and the basis for an enduring partnership between Ngāi Tahu and the Crown; of particular importance to this Project being section 4 of the Conservation Act 1987. Subsequent protocols between DOC and Ngāi Tahu (see Appendix 1) have been developed that outline how these mechanisms will be applied operationally.

²⁷ Beattie, H. (1945) p. 71

²⁸ Otago Witness, *Pio-Pio-Tahi: Milford Sound*, March 4, 1903, p. 12

²⁹ <http://www.nzrocklobster.co.nz/cra8.html>



Figure 5: Recorded traditional names significant to Ngāi Tahu within Te Rua o te Moko Fiordland. Source: Te Ao Marama Inc.

PROVISIONS FROM THE DEED OF SETTLEMENT AND NGĀI TAHU CLAIMS SETTLEMENT ACT

DEED OF SETTLEMENT

- 4.35 The Deed of Settlement details the Crown's Settlement offer and covers the full range of claims. From this document stems the legal requirements of the Settlement Act.
- 4.36 The Deed includes a Right of First Refusal provision which lasts forever in respect of a defined range of assets. This provision is triggered whenever Crown agencies decide to dispose of the asset. Disposal is defined to include the sale of assets, and the issuing of long term leases over those assets (for terms of 50 years, including rights of renewal).³⁰
- 4.37 The Milford Airport is a named asset for Right of First Refusal (see Appendix 3 for section 9.3 of the Deed).

NGĀI TAHU CLAIMS SETTLEMENT ACT

- 4.38 Redress elements of the Settlement Act provide Ngāi Tahu with an ability to express its traditional relationships with the natural environment and to exercise its Kaitiaki responsibilities.
- 4.39 These elements within or adjacent to Te Rua o te Moko are:
- Nohoanga
 - Cascade River
 - Whakatipu-wai-Maōri
 - Mavora Lakes
 - Te Ana-au (x2)
 - Moturau

³⁰ Te Karaka (1998) p. 20

- Waikaia River
- Waiau river (x3)
- Statutory Acknowledgments
 - Tūtoko
 - Pikirakatahi (Mount Earnslaw)
 - Whakatipu Waimāori (Lake Wakatipu)
 - Manawapōpōre and Hikuraki (Mavora Lakes)
 - Te Ana-au (Lake Te Anau)
 - Moturau (Lake Manapōuri)
 - Lake Hauroko
- Tōpuni
 - Tūtoko
 - Pikirakatahi (Mount Earnslaw)
 - Te Koroka (Dart/Slipstream)
- Tribal Properties
 - The high country stations – Elfin Bay, Greenstone and Routeburn
 - Kā Roimata Whenua – the mountain tops of the high country stations.

5 MANA WHENUA

- 5.1 Mana whenua is defined in Te Tangi a Tauria and its predecessor, Te Whakatau Kaupapa o Murihiku, as meaning:

traditional/customary authority or title over land, and the rights of ownership and control of usage on the land, forests, rivers etc. Manawhenua is held by an iwi or hapū rather than individuals. Also, the land area (and boundaries, rohē) within which such authority is held.³¹

- 5.2 Alongside mana whenua, mana moana is defined as meaning:

tribal authority over the sea, coasts and offshore fisheries, generally accepted as extending iwi manawhenua from the traditional tribal land boundaries into the adjacent ocean as far as New Zealand statutory limits-currently 200 miles offshore.³²

- 5.3 Mana whenua³³ is a term often used to recognise an iwi or hapū association with an area, but it is important to understand that the term acknowledges authority and/or title that group has over the area and its resources.
- 5.4 When exercising its mana whenua and kaitiaki responsibilities, Ngāi Tahu look to utilise modern tools and its mātauranga as well as Te Tiriti o Waitangi. Rangatiratanga mechanisms such as governance, ownership and co-management/co-design are part of that suite of tools as is a statement of mana whenua.
- 5.5 A statement of mana whenua is made by those who have the authority over the area in question and the statement should be empowering, reinforcing the relationship between the people and whenua, and their tribal and personal identities.³⁴
- 5.6 The following statement of mana whenua has been developed and approved by ngā Papatipu Rūnanga o Ōraka-Aparima, Makaawhio, Awarua, Waihōpai and Hokonui,³⁵ and later reviewed by Ōtākou, Puketeraki and Moeraki. For the purpose of clarity, all eight Papatipu Rūnanga have the right to exercise mana whenua in Piopiotahi. The development of the statement by only five Papatipu Rūnanga is purely a process matter.

STATEMENT OF MANA WHENUA

- 5.7 Ngāi Tahu is tangata whenua of Te Rua o te Moko and mana whenua is exercised by eight Papatipu Rūnanga on behalf of Ngāi Tahu whānui. This right is derived from mana ātua (gods), mana tūpuna (ancestors), mana whenua (land) and mana tangata (people). The exercise of mana whenua is to be acknowledged and provided for. The takiwā of Ngāi Tahu is described in section 5 of the Te Rūnanga o Ngāi Tahu Act.
- 5.8 Ngāi Tahu has maintained ahi kā roa in Te Rua o te Moko for centuries and the expression of its cultural heritage is fundamental to Ngāi Tahu exercising its tino rangatiratanga and kaitiakitanga in Piopiotahi and the wider area. Ngāi Tahu has a rich diversity of living heritage, including practices, tikanga, mātauranga and pūrākau that deepens its identity, wellbeing and social cohesion. Piopiotahi and the wider area have long been a significant feature of Ngāi Tahu history and its nomadic lifestyle.

³¹ Ngai Tahu ki Murihiku (2008), p. 312

³² Ngai Tahu ki Murihiku (2008), p. 312

³³ For the purposes of this report, when the term mana whenua is used it includes the authority recognised in the term mana moana. The report also follows the style set in the project brief and uses 'mana whenua', not one word as used in Te Tangi a Tauria.

³⁴ Goodall, M. ed. (1997) p. 27

³⁵ As detailed in the Project Iwi Engagement Implementation Plan, these five Papatipu Runanga are working with the project team but all eight Papatipu Runanga with shared interests in Milford Sound Piopiotahi will be involved in all decision making with regards to the Masterplan.

- 5.9 Mana whenua see the Project as a means by which to define this place by recognising Tū te Rakiwhanoa and his work to shape Te Rua o te Moko with Hine Tītama. In this sense, the cultural narrative is the context in which to consider appropriate and inappropriate development and management. It sets an expectation of best practice, acknowledging the mana of Tū te Rakiwhanoa and that Te Rua o te Moko was his final work, his masterpiece.
- 5.10 Embedding this cultural narrative into both the Master Plan and the experiences of Ngāi Tahu Whānui and manuhiri revives the stories, places names and insight needed to recognise Ngāi Tahu as mana whenua and proprietors of its own history, stories, and culture. The narrative also provides a platform for Treaty Partnership and Master Plan outcomes that deliver intergenerational benefits for Ngāi Tahu.
- 5.11 Mana whenua want both Ngāi Tahu Whānui and manuhiri to be in awe of the majesty that Tū te Rakiwhanoa crafted and for subsequent generations to experience the wairua of Piopiotahi.

ASPIRATIONS AND VALUES

- 5.12 Ngāi Tahu have the tribal whakatauki (proverb):

‘mō tātou, ā, mō kā uri, ā muri ake nei – for us and our children after us.’

- 5.13 This whakatauki is used across all Ngāi Tahu interests and underpins every position and measure of success regarding the impacts of decisions by this generation on the wellbeing of future generations. It epitomises the intergenerational thinking of Ngāi Tahu and aligns with the long-term thinking of the Master Plan.
- 5.14 Over the course of Stage 2, mana whenua have been expressing their experiences, opinions, concerns and aspirations for Piopiotahi and the wider Project area. This report compiles that information within the parameters of the Project objectives and also builds on it using the themes and findings from the literature review.

ASPIRATIONS

- 5.15 Mana whenua aspirations and associated thinking have been recorded against the Stage 2 objectives. The aspirations stem from discussions between mana whenua and the Stage 2 consultant team to date and thinking may evolve over the Project.

Table 2: Mana Whenua Aspirations

Project Objectives	Mana Whenua Aspirations
<p>The role of Ngāi Tahu as mana whenua and Treaty partner is acknowledged; and Te Ao Māori values are embedded throughout</p>	<p>The cultural heritage of Ngāi Tahu is the fundamental driver to express and exercise its tino rangatiratanga and Kaitiakitanga in Te Rua o te Moko.</p> <p>Protection³⁶ and endorsement of the intangible and tangible cultural heritage of Ngāi Tahu is the paramount consideration.</p> <p>The Milford Opportunities Project is a means by which to define this place by recognising Tū te Rakiwhanoa and his work to shape Te Rua o te Moko with Hine Tītama. In this sense, the cultural narrative is the context in which to consider appropriate and inappropriate development. The evaluation criteria are to be reflective of Ngāi Tahu values, practices, rights and interests.</p>

³⁶ Protection is not about ‘locking the place up’ but an approach that encourages long-term respect, acknowledgement, sustainability and viability.

Project Objectives	Mana Whenua Aspirations
	<p>Development decisions should be led by one governance group and not motivated by private commercial interests.</p> <p>Ownership of Ngāi Tahu culture, practices, rituals and stories is to be held by Ngāi Tahu.</p>
<p>Milford Sound Piopiotahi is protected now and into the future, recognising its World Heritage status</p>	<p>The cultural heritage of Ngāi Tahu is not bound or defined by the World Heritage status and is greater than that status.</p> <p>The cultural heritage of Ngāi Tahu is what should give Te Wāhipounamu its World Heritage status. Further work is needed to understand and utilise the opportunities of the World Heritage status for Ngāi Tahu.</p> <p>Recognition of the natural heritage of Te Wāhipounamu is limited and does not effectively encapsulate the cultural heritage of Ngāi Tahu. However, the primary consideration for mana whenua is not the World Heritage status but the cultural heritage of Ngāi Tahu.</p> <p>World Heritage status is the icing on the cake – the means to promote the significance of Te Rua o te Moko. The status is leverage for branding and marketing.</p> <p>Ngāi Tahu should be clearly visible and prominent in the branding and management of Te Wāhipounamu.</p>
<p>The visitor experience is world class and enhances conservation and community.</p>	<p>Mana whenua should feel connected to their whakapapa, whenua and heritage when in Piopiotahi, both day and night.</p> <p>The visitor should be enabled to view the landscape through a Ngāi Tahu cultural lens and understand its broader connections across the whenua and moana to Aoraki and the Pacific. The similarities and connections in our global indigenous stories are to be a tool to enhance international connections to this place.</p> <p>Ngāi Tahu Whānui and manuhiri should feel the wairua of the place and be energised by the experience of visiting Piopiotahi and Te Rua o te Moko.</p> <p>Ngāi Tahu Whānui and manuhiri are to be immersed in te taiao, the environment.</p> <p>Ngāi Tahu Whānui and manuhiri are to have a point of experiential ‘arrival’ at both the National Park and Piopiotahi.</p> <p>Tūturu wāhi ingoa (traditional place names) and ngā ara tawhito (traditional routes) should be promoted to the point of becoming the default names used within Te Rua o te Moko by visitors, operators and</p>

Project Objectives	Mana Whenua Aspirations
	agencies. There is a basic expectation that the correct pronunciation of these names will be used.
Infrastructure is effective, efficient, resilient, and sustainable (including access methods)	<p>The cultural identity of Ngāi Tahu is to be expressed in the built environment.</p> <p>Development should restore and enhance the mana of Te Rua o te Moko.</p> <p>Development is to be deliberate, concentrated, and redevelopment options considered. The overall outcome sought for development is utu, a mutual benefit for the environment and its setting.</p> <p>Sustainable practices are to be promoted and supported, and considered ki uta ki tai, within te hauora o te taiao (the wellbeing of the environment).</p> <p>The Milford Opportunities Project is to draw manuhiri to experiences and places that mana whenua want them to see, rather than the project define 'no go' areas.</p>
Visitors benefit the communities, including Ngāi Tahu communities, of Te Anau, Southland, and Otago	<p>Ngāi Tahu is to be provided all opportunities to operate commercial activities in its takiwā.</p> <p>Employment and commercial partnerships for Ngāi Tahu are to be investigated as part of the implementation of the Milford Opportunities Project.</p>

VALUES

5.16 Mana whenua values for this Project build on those expressed by Te Rūnanga o Ngāi Tahu, and in the Southland Conservation Management Strategy (**CMS**) with the addition of utu.³⁷ The description of these values is specific to this Project.

5.17 The values are:

- **Whakapapa** – recognising the interconnections between all living things and maintaining relationships between our people, language and their environment. All things whether animate or inanimate are connected and have Mauri, a life force. Therefore, the welfare of any part of our environment determines the welfare of our people.
- **Mātauranga tuku iho** – enabling the exchange, expression and recognition of traditional knowledge and cultural heritage within Te Rua o te Moko.³⁸
- **Kaitiakitanga** – holistically protecting the integrity of our culture along with the environment, resources and metaphysical expressions (e.g. wairua), and providing for Ngāi Tahu to exercise kaitiakitanga in accordance with tikanga Māori.
- **Tikanga** – ensuring the appropriate actions, customs and accepted protocols in delivering long-term opportunities for Piopiotahi and Te Rua o te Moko.

³⁷ The inclusion of utu stems from conversations with mana whenua about reciprocity and maintenance of balance and harmony, especially with regards to sustainable development and conservation.

³⁸ Ngai Tahu ki Murihiku (2008), p. 78

- **Utu** – maintaining harmony and balance in relationships and acknowledging the obligations on this generation to seek reciprocity and mutual benefits in its actions.
- **Manaakitanga** – expressing hospitality towards people, remembering the important attributes of a host to provide an abundance of food³⁹, a place to rest and to conduct oneself with kindness and integrity so visitors remember the experience fondly.⁴⁰

5.18 Mahinga kai, and other activities, practices and uses such as hikoi and nohoanga, have not been included as values. Control mechanisms such as mana whenua and rangatiratanga as well as rāhui and tapu have also not be included as values. This is because values are ‘beliefs about what is right and wrong and what is important in life.’⁴¹ Rangatiratanga is the exercise of authority and therefore, determines the manner in which one’s values are upheld; mahinga kai is an experiential practice and a fundamental part of Ngāi Tahu identity.

5.19 This approach does not diminish the importance of rangatiratanga or mahinga kai, instead it clarifies that they have a broader and central role in the overall delivery of the Master Plan and Te Tiriti o Waitangi/Treaty of Waitangi. For Ngāi Tahu cultural integrity to be demonstrated and embedded throughout the Master Plan, these factors must be acknowledged and provided for.



Figure 6: Members of the Ngāi Tahu Advisory Group review information on Mt Tūtoko during the Stage 2 Site Visit, 5 September 2020

³⁹ Food in this instance is used as a symbol of recognising the mana and status of those visiting

⁴⁰ Barlow, C. (1991) Tikanga Whakaaro: Key Concepts in Māori Culture

⁴¹ Oxford Dictionary definition of ‘values’ https://www.oxfordlearnersdictionaries.com/definition/english/value_1?q=values

EVALUATION PROCESS

- 5.20 Mana whenua understand the Master Plan opportunities to be conceptual with the fine detail being added during the Implementation stage of the Project. They seek provision for the opportunities rather than specificity. This approach is in part due to any possible delays in implementation and not wanting to inadvertently restrict the expression of mana whenua and rangatira by future generations.
- 5.21 Therefore, the evaluation focuses on the concept, not the specific details, and the criteria are reflective of this.

EVALUATION CRITERIA

- 5.22 Three sources – the statement of mana whenua, aspirations and values – have been used to generate options as well as the criteria and context in which to assess the long and short lists. The sources have also been used to develop the detail of the options that have progressed to the Master Plan.
- 5.23 In considering options for the 50-year Master Plan, the following criteria were developed by mana whenua and applied by them:
- The options and opportunities are befitting of the status of this place; the last work and masterpiece of Tū te Rakiwhanoa.
 - Protection and endorsement of the intangible and tangible cultural heritage of Ngāi Tahu is the paramount consideration.
 - Return Ngāi Tahu place names and pūrākau to the land and sea scape.
 - Ownership of Ngāi Tahu culture, practices, rituals and stories is to be held by Ngāi Tahu.
 - Tangata whenua, manuhiri, visitors and operators are to be able to experience the wairua of the place.
 - Mana whenua should feel connected to their whakapapa, whenua and heritage when in Piopiotahi, both day and night.
 - Development should restore and enhance the mana and mauri of Te Rua o te Moko.

EVALUATION OUTCOMES

- 5.24 The evaluation of the long list found that most options were palatable to mana whenua with the 'devil in the detail'. There was agreement that significant changes are needed in the governance, layout, development, narrative and approach to Piopiotahi. Adhoc, 'softly-softly' measures to date, specifically in regard to development and infrastructure, have not progressed the aspirations of mana whenua nor aligned with their values in the area. Mana whenua think that considered, sustainable development is needed to enhance the status of the place and to enable tangata whenua, operators and manuhiri to experience its wairua.
- 5.25 Economic and governance opportunities for Ngāi Tahu Papatipu Rūnanga and Ngāi Tahu Whānui were found in almost all the options and many of these, following the necessary due diligence, should come to fruition through the implementation stage. Mana whenua indicated a wide range of interests in commercial and development activities, including those with private operators and any alliances / collaborations, and co-governance with Treaty Partners. Matters such as concessions and management plans will need be amended to enable Ngāi Tahu aspirations and values.
- 5.26 Several key options were singled out by mana whenua for greater consideration and proof of concept; these being:
- exercise of tino rangatiratanga and kaitiakitanga, including co-management.

- creating/redesigning the entrance to Piopiotahi, recognising both water and land.
- experiencing the wairua of Piopiotahi.
- reconnection of Ngā Ara o Whakatipu (the traditional Whakatipu trails).
- tangible acknowledgement and recognition of Ngāi Tahu as explorers, mountaineers, navigators and travellers.
- provision for cultural practices/uses and the active transfer of mātauranga.
- developments at Knobs Flat and Cascade Creek.

5.27 Please note that this list is by no means the complete or extensive list. It also does not refer to fundamental concepts across all options such as returning Ngāi Tahu place names and pūrākau to the land and sea scape, and Ngāi Tahu as proprietors of their own stories and histories. The list above draws attention to some of the possible opportunities for Ngāi Tahu that are being considered across other workstreams.

CONTEXT FOR EVALUATION

5.28 This report and two mana whenua videos (one for public viewing and a longer, internal video) articulate the Ngāi Tahu context in which the consultant team and governors are evaluating options. Understanding the Ngāi Tahu context has been deemed to be a critical part of the overall evaluation process.

6 BASELINE: LITERATURE REVIEW

OVERVIEW

- 6.1 The intent of this literature review is to provide a stocktake of the documented provisions for mana whenua aspirations and values for Piopiotahi. Also, it highlights the importance of mana whenua values and their role in protecting, preserving, and enhancing the natural environment of Te Rua o te Moko.
- 6.2 The literature review is presented in three sections:
- Section One – themes arising from the literature review.
 - Section Two – summarises existing documents, groups information, and identifies the links between local and government authorities and Ngāi Tahu that provides an overarching commentary.
 - Section Three – contains quotes from the documents reviewed and groups them under the research headings.
- 6.3 This approach shows common themes, provides a link to already documented information, simplifies large volumes of text, and gives context around Ngāi Tahu involvement in any future planning or developments for Piopiotahi and Te Rua o te Moko.
- 6.4 The review of existing literature was carried out focusing on the five objectives of Stage 2, being:
- The role of Ngāi Tahu as mana whenua and Treaty partner is acknowledged; and Te Ao Māori values are embedded throughout.
 - Piopiotahi is protected now and into the future, recognising its World Heritage status.
 - The visitor experience is world class and enhances conservation and community.
 - Infrastructure is effective, efficient, resilient, and sustainable (including access methods).
 - Visitors benefit the communities, including Ngāi Tahu communities, of Te Anau, Southland, and Otago.
- 6.5 The review also considered the Ngāi Tahu Vision for Fiordland from the Iwi Management Plan. The reason was to understand if the Vision was relevant to the Project and it still aligned with mana whenua aspirations for Te Rua o te Moko. The Vision was found to be relevant to both the Project and mana whenua.

NGAI TAHU VISION FOR FIORDLAND

- 6.6 *From Te Tangi a Tauria The Cry of the People: Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008:*
- That the lands, waters and biodiversity of Fiordland are managed in a way that is consistent with indigenous concepts of wilderness – whereby humans are a part of nature, as opposed to separate from it, and sustainable customary use is consistent with the protection of this special place.
 - That the pristine waters of Fiordland are used as a baseline for water quality policy in other areas of Fiordland.
 - That throughout the Fiordland region, we keep up with best practice and new technologies, to minimise the impacts of tourism, development and other human activities.

- That tourism and visitor activities are concentrated in areas where infrastructure already exists (e.g., Piopiotahi), as opposed to opening up new areas for development, and that existing areas of development are managed in a co-ordinated, sustainable way.
- That Ngāi Tahu development rights are recognised and given effect to in future development of Fiordland lands, waters and other resources.
- That the “sounds of Fiordland” (e.g., the dawn chorus) are restored, through effective and appropriate pest control operations and species recovery programmes.
- That Ngāi Tahu cultural heritage values associated with Fiordland are protected and enhanced, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.
- That the lands, waters, sea, air and natural resources of Fiordland are managed in an integrated way.

DOCUMENTS REVIEWED

6.7 The documents reviewed are:

- WAI27 reports.
- The Ngai Tahu Claim.
- The Ngai Tahu Claim: Mahinga Kai.
- Ngāi Tahu Deed of Settlement 1997.
- Te Karaka Special Edition (1998) Crown Settlement Offer: Consultation Document from the Ngāi Tahu Negotiation Group.
- Ngāi Tahu Claims Settlement Act 1998.
- Ngāi Tahu 2025.
- Te Rūnanga o Ngāi Tahu Strategies.
 - Haea te Awa <https://ngaitahu.iwi.nz/runanga/haea-te-awa/>
 - Ngāi Tahu Climate Change Strategy 2018.
 - Ngāi Tahu Freshwater Policy 1999.
- Te Tangi a Tauira The Cry of the People: Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008.
- Tribal Pounamu Plan 2002.
- Southland Conservation Management Strategy 2016.
- Fiordland National Park Management Plan 2007.
- Southland Regional Policy Statement 2017.
- Charter of Understanding He Huaraki mō Ngā Uri Whakatupu, 2016.

SECTION ONE: THEMES WITHIN THE LITERATURE REVIEW

6.8 The following themes were observed in the literature review:

- Recognising the mana of Ngāi Tahu.

- Kaitiakitanga and shared sense of responsibility for Piopiotahi.
 - Preservation of kaupapa Māori and customary practices.
 - Cooperation in conservation, using traditional methods and modern expertise.
 - Whanaungatanga – relationship building, sense of connection, active knowledge transfer and experiences.
 - Whakapapa - the foundation of Ngāi Tahu identity; history and traditions bind them as a unique people.
 - Long term management of resources and the protection for future generations.
 - Relationship between the Crown and Ngāi Tahu relies on consistent communication and consultation.
- 6.9 The themes highlighted have been identified in Ngāi Tahu strategies, Treaty Settlement reports, and regulatory management plans and policies. These documents give a snapshot of matters acknowledged to be of importance to Ngāi Tahu regarding ongoing involvement of the iwi in the management and protection of Te Rua o te Moko.
- 6.10 One of the more consistent themes noted throughout the documentation reviewed is the core value of kaitiakitanga which underpins Ngāi Tahu conservation and sustainability ethos.

SECTION TWO: SUMMARY OF DOCUMENTS REVIEWED

- 6.11 Reviewing key central and local government documentation shows an acknowledgement of Treaty-based relationship between Ngāi Tahu and parties. This relationship is founded on Treaty Principles and ‘gives ongoing effect to the Tino rangatiratanga of Ngāi Tahu alongside the requirement of the Crown to govern responsibly’.⁴²
- 6.12 There is also acknowledgement in the documents of the practical application of kaitiakitanga by Ngāi Tahu over its ancestral lands / waters including Te Rua o te Moko and Piopiotahi. ‘The Treaty of Waitangi guarantees rangatiratanga, the rights of tangata whenua to manage their lands and natural resources in accordance with cultural traditions.’⁴³ Mana whenua aspirations and statutes are well embedded and are the modus operandi of the agencies that manage Piopiotahi.
- 6.13 The Southland Regional Policy Statement 2017 acknowledges the statutory functions and responsibilities of local government authorities under both the Resource Management Act 1991 and Local Government Act 2002. It states that ‘consultation under the [RMA] during the early stages of any proposed undertaking, which may affect Ngāi Tahu interests, and full consideration of their views, is seen as essential.’⁴⁴ The function and reason for the development of Te Tangi a Tauria ‘is to aid councils in meeting these statutory obligations.’⁴⁵
- 6.14 For central government, DOC recognises that Ngāi Tahu are the tangata whenua of Southland and as such are its primary Treaty Partner.⁴⁶ Achieving a sustainable, living Treaty partnership between these parties underpins the Southland CMS.⁴⁷ The Southland objectives and policies apply to all DOC activities across the Southland Murihiku region. This approach flows down into

⁴² Department of Conservation (2016) *Southland Conservation Management Strategy*, p. 10

⁴³ Environment Southland (2017) *Southland Regional Policy Statement*, p. 17

⁴⁴ Environment Southland (2017), p.19

⁴⁵ Ngai Tahu ki Murihiku (2008), p. iii

⁴⁶ Department of Conservation (2016)

⁴⁷ Department of Conservation (2016), p. 29

the Fiordland National Park Management Plan 2007 which jointly identifies the Crown’s relationship and obligations to Ngāi Tahu under:

- section 4 of the Conservation act 1987.
- provisions of the Ngai Tahu Claims Settlement Act 1998, the Ngai Tahu Deed of Settlement 1997, the Ngai Tahu (Pounamu Vesting) Act 1997, and the Te Rūnanga o Ngāi Tahu Act 1996.

6.15 Ngāi Tahu have identified its aspirations, and the need to acknowledge and protect mana whenua values and tikanga in its own published documents, including:

- Te Runanga o Ngāi Tahu (1999) Freshwater Policy.
- Te Runanga o Ngāi Tahu (2002) Pounamu Resource Management Plan.
- Ngai Tahu ki Murihiku (2008) Te Tangi a Tauria The Cry of the People: Natural Resource and Environmental Iwi Management Plan.
- Te Runanga o Ngāi Tahu (2018) Climate Change Strategy.

6.16 Ngāi Tahu Iwi Management Plans and strategies are a means of the Crown further understanding and meeting their statutory obligations as ‘they provide a valuable resource and understanding into Ngai Tahu cultural values.’⁴⁸ However, Te Tangi a Tauria does not provide a comprehensive list of values, instead it looks to provide for their recognition in determining the appropriateness of an activity or use.

6.17 Te Rūnanga o Ngāi Tahu does have core iwi values⁴⁹ (kaitiakitanga, rangatiratanga, tikanga, whanaungatanga, manaakitanga) that are referenced in many of the documents reviewed, with whakapapa and mātauranga also being identified. This consistency and summary provide a useful understanding of mana whenua values for the purposes of Stage 2.

Table 3: Ngāi Tahu values identified in Literature Review.

	Document Values	TRONT ⁵⁰	Southland CMS	Fiordland NPP	Southland RPS	MOP Stage 1
Commonly used Values	Whanaungatanga (family)	✓				
	Manaakitanga (looking after our people)	✓				
	Kaitiakitanga (Guardianship/Stewardship)	✓	✓	✓	✓	✓
	Tikanga (appropriate actions/customary values)	✓	✓	✓	✓	
	Rangatiratanga (Leadership)	✓	✓	✓	✓	
Additional values	Whakapapa (relationship between natural and spiritual)	✓	✓			
	Mātauranga tuku iho (traditional Knowledge)	✓	✓			

⁴⁸ Department of Conservation (2016), p. 14

⁴⁹ <https://ngaitahu.iwi.nz/ngai-tahu/values/>

⁵⁰ <https://ngaitahu.iwi.nz/ngai-tahu/values/>

- 6.18 In addition to references of involving Ngāi Tahu and Ngāi Tahu values in any planning and development processes, the documents also drew on Ngāi Tahu approaches to environmental management and recognition of cultural practices.
- 6.19 The Southland Regional Policy Statement adopts and encompasses the Ngāi Tahu philosophy of *ki uta ki tai* to 'ensure outcomes are consistent with those desired by Ngai Tahu.'⁵¹ *Ki uta ki tai* is similar to the term 'integrated management' and reflects the *mātauranga* that all environmental elements are connected and must be managed as such.
- 6.20 The significance and importance of *mahinga kai* and *nohoanga* are also noted as a special part of Ngāi Tahu cultural identity, and it is these practices that binds *tangata whenua* to its culture. The Southland CMS recognises that 'the Ngai Tahu relationship with the land, waters and resources in their *takiwā* is derived from *whakapapa*'⁵² and the importance around protection and access of these sites cannot be understated or lost.
- 6.21 Additionally, the Southland Regional Policy Statement and CMS note that 'the *nohoanga* entitlement sites provide Ngāi Tahu with an opportunity to experience the landscape as their *tupuna* did and rekindle the traditional practices of gathering of food and other natural resources, which are an essential part of Ngai Tahu culture.'⁵³ This text is consistent with the purpose of the Ngāi Tahu Claims Settlement Act and the description and provisions in *Te Tangi a Tauira*.⁵⁴
- 6.22 The provisions for Treaty Partnerships, and cultural values and practices found in the literature review are also tempered by the issues found in most of the management plans as well as the Waitangi Tribunal Reports and Ngāi Tahu 2025. The common matters raised were:
- Pollution, habitat degradation and species extinction.
 - Water quality and quantity.
 - Legislative and institutional barriers.
 - Intensified and changing land use.
 - Lack of State of *Takiwā* information gathering, monitoring, and reporting according to Ngāi Tahu values and interests.
 - The effects of other national and international issues *Te Rūnanga o Ngāi Tahu* values and policy.
- 6.23 Species recovery is discussed in *Te Tangi a Tauira* and states that 'species recovery is about restoring populations of native species that can be sustained in natural habitats. It is also about restoring populations to a level where customary use is an achievable goal.'⁵⁵ This approach also ties in with coastal fisheries raised as a matter by Ngāi Tahu, not specifically just for this area but it is important for this report to recognise the significance of the coastal marine area. The Ngāi Tahu Fisheries Report 1992 discusses decades of over-fishing has meant some species that once graced the table of the *marae* and home have all but vanished.⁵⁶
- 6.24 Ngāi Tahu supports the concept of wilderness but with regards to future developments and human activities, stresses the utmost care must be taken to protect Fiordland as a largely undeveloped land. For Ngāi Tahu, its responsibility as *kaitiaki* is 'to restore the forest life of Fiordland, so that

⁵¹ Environment Southland (2017), p. 22

⁵² Department of Conservation (2016), p. 28

⁵³ Department of Conservation (2016), p. 28

⁵⁴ Ngai Tahu ki Murihiku (2008), p. 100

⁵⁵ Ngai Tahu ki Murihiku (2008), p. 105

⁵⁶ NT Sea fisheries report 1992 pg 9

future generations of Ngāi Tahu can once again experience the relationship with these lands and waters as expressed through mahinga kai.⁵⁷

- 6.25 The use or interpretation of cultural information relating to Ngāi Tahu ki Murihiku history, values, traditions or beliefs (including place names) is not to be used 'as part of any commercial guiding, filming or interpretation activity'.⁵⁸ For the use of cultural significant information appropriate kaitiaki Papatipu Rūnanga must agree that the information is appropriate and accurate. Development of educational and interpretive information around culturally significant areas including those with Tōpuni should also include Ngai Tahu perspective and references.

SECTION THREE: CROSS REFERENCE OF DOCUMENTS WITH MANA WHENUA RESEARCH QUESTIONS

- 6.26 Section Three of the literature review has used the research questions to group relevant quotes from the documents in one place. Many of the quotes come from sections of planning documents drafted by Ngāi Tahu and the regulatory authority (e.g., Chapter 3 Tangata Whenua of the Southland RPS). The quotes demonstrate what Ngāi Tahu hoped to achieve through that agency's role and purpose.

- 6.27 This grouping approach:

- assists the multiple agencies involved in the Project to see how their organisation can facilitate the embedding of mana whenua values from the Master Plan and the outcomes of the Project.
- identifies sections and documents that support the Master Plan and mana whenua aspirations and values.
- shows the depth of consistency across the Ngāi Tahu and regulatory documents and where there may be some gaps and weaknesses; for example, the need to strengthen methods around economic resilience, both in the regulatory tools and the Project.
- assists this workstream with testing what should be in the Master Plan and methods to do so, and where the Master Plan needs to bridge misalignments and gaps.
- ensures that the Master Plan strengthens and supports mana whenua aspirations and values and does not undermine or diminish what is already provided for.

- 6.28 The research questions are:

- How is Ngāi Tahu cultural integrity demonstrated and embedded throughout the Master Plan?
- How should Ngai Tahu cultural heritage be included in the protection provisions and World Heritage status?
- Where are the critical points of influence for Ngāi Tahu to enhance its connections with place? What does Ngāi Tahu want the visitor to experience?
- Where and how can operations and infrastructure in Piopiotahi minimise the impacts of tourism and other human activities and reciprocally provide for te hauora o te taiao (wellbeing of the environment)?
- How can visitors benefit the economic resilience of Ngāi Tahu Whānui, Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu?

⁵⁷ Ngai Tahu ki Murihiku (2008), p. 102

⁵⁸ Ngai Tahu ki Murihiku (2008), p. 96

6.29 Below, each research question has been written as a statement with text from Ngāi Tahu and regulatory documents grouped to demonstrate how they support that statement. Each table has the name of the document, page number and quote or reference. There are many instances where the quote could be used under more than one statement.

NGĀI TAHU CULTURAL INTEGRITY DEMONSTRATED AND EMBEDDED IN PLANNING TOOLS

Table 4: Quotes from Ngāi Tahu and regulatory documents relating to cultural integrity.

Document	Page	Quote / Reference
Ngai Tahu Deed of Settlement (section 12)	12.5.8	The Crown agrees that the Settlement Legislation will provide: a) that the declaration of Tōpuni pursuant to clause 12.5.2 will be identified and described in the relevant conservation management strategies, conservation management plans, and national park management plans from time to time
Crown Settlement Offer - Te Karaka Special Edition	35	A number of 'instruments' have been created to recognise Ngāi Tahu mana in relation to a range of sites and areas, and to provide for this to be reflected in the future management of those sites. They are: Statutory Acknowledgement, Deeds of recognition, Tōpuni and Dual place names
Ngai Tahu 2025	8	Our natural environment – whenua, waters, coasts, oceans, flora and fauna – and how we engage with it, is crucial to our identity, our sense of unique culture and our ongoing ability to keep our tikanga and mahinga kai practices alive.
Te Rūnanga o Ngāi Tahu	webpage	The responsibility of Kaitiakitanga is felt deeply by our whānau and Rūnanga because our landscape and its resources are the main inheritance, we will leave future generations.
Te Tangi a Taurira	iii	All councils recognise that integrating the policies within the Plan [Te Tangi a Taurira] into planning and implementation frameworks will enhance relationships, including understanding tangata whenua values and policy and assist communities in achieving good environmental outcomes and healthy environments.
Te Tangi a Taurira	24	Ki uta ki tai is a culturally based natural resource framework developed by and for Ngāi Tahu Whānui and has been identified and advocated as a key tool in assisting Ngāi Tahu achieve more meaningful rangatiratanga and Kaitiakitanga in natural resource management.
Te Tangi a Taurira	86	Require that concessionaires operating in areas containing pounamu abide by the Ngāi Tahu Standard Conditions for Concessions.
Te Tangi a Taurira	96	When concessionaires seek to use cultural history (e.g. pūrākau) in their operations, it is recommended that a kaitiaki Rūnanga representative is employed as part of the concession activity to provide and/or interpret such information.
Te Tangi a Taurira	97	Ngāi Tahu's right to development, as per the Treaty of Waitangi, must be recognised and provided for with respect to future development and commercial activities in Fiordland, including the export of water
Charter of Understanding		Shared decision making <ul style="list-style-type: none"> Involve Maori with formal and informal opportunities for sharing and being involved in decision-making the signatory councils also have a commitment under their respective Significance and engagement policies to inform and involve Maori (but not exclusively) in a range of work leading decision-making, outside of the more formal statutory process

Document	Page	Quote / Reference
Southland CMS	26	The kaitiaki responsibility of Ngāi Tahu is an expression of rangatiratanga, and one of their responsibilities as mana whenua. This role is reliant on mātauranga tuku iho (traditional knowledge and understanding) to care for natural resources and leave them in a better state for generations to come.
Southland SRPS	14	Recognising the concept of “ki uta ki tai” and fostering integrated management will help the Southland Regional Council to promote the sustainable management of the natural and physical resources of the region
Southland SRPS	18	Local government in Southland have recognised the importance in establishing, and the need to maintain, a close working relationship with Ngāi Tahu to ensure that their views are heard and carefully considered in decision-making.
Southland SRPS	40	Work collaboratively with Ngāi Tahu and agencies to identify, protect, conserve and correctly interpret historic and cultural heritage, including cultural markers within the landscape, such as through the Southland Coastal Heritage Inventory Project
Southland CMS	26	The Department aims to work more closely with the community to increase their engagement with cultural and historic values
Fiordland NPMP	33	Future appropriate developments that should ‘avoid compromising the cultural, historic, and natural values of Milford Sound Piopiotahi as a result of inappropriate land use, subdivision and development.’
Fiordland NPMP	86	Maintain relationships. The Department of Conservation protocol with Ngāi Tahu acknowledges the importance to Ngāi Tahu of their wāhi tapu, wāhi taonga and other places of historical significance.
Fiordland NPMP	91	To acknowledge the cultural, spiritual, historic and traditional association of Ngāi Tahu with their wāhi tapu, wāhi taonga and other places of historic significance.
Fiordland NPMP	91	Consult Papatipu Rūnanga on protection, conservation and interpretation of any wāhi tapu or associated wāhi taonga and encourage rūnanga involvement in the active management of wāhi tapu or wāhi taonga either jointly with the Department of Conservation or independently.
Fiordland NPMP	91	Give effect to the Ngāi Tahu Deed of Settlement historic resources protocol.
Fiordland NPMP	91	Maintain a working relationship with Southland Museum and Art Gallery, the Fiordland Museum, Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga in relation to the storage and display of artefacts and archives from Fiordland National Park
Fiordland NPMP	91	As the need arises, the Department of Conservation and Papatipu Rūnanga will work together to improve the process for Ngāi Tahu to access cultural materials from Fiordland National Park.
Fiordland (Te Moana o Atawhenua) Marine Management Act 2005	Part One	a) implements measures to assist in the preservation, protection, and sustainable management of the marine environment and biological diversity of the Fiordland (Te Moana o Atawhenua) Marine Area. b) acknowledges the importance of kaitiakitanga.
Te Rūnanga o Ngāi Tahu	webpage	The responsibility of Kaitiakitanga is felt deeply by our whānau and Rūnanga because our landscape and its resources are the main inheritance, we will leave future generations.
Te Rūnanga o Ngāi Tahu	webpage	Our natural environment – whenua, waters, coasts, oceans, flora and fauna – and how we engage with it, is crucial to our identity, our sense of unique culture and our ongoing ability to keep our tikanga and mahinga kai practices alive.

Document	Page	Quote / Reference
Southland CMS	xx	1.4.2.12 Ensure that the three Tōpuni and seven nohoanga entitlement sites on public conservation lands within Southland Murihiku are managed in accordance with sections 237-252 and 255-258 of the Ngāi Tahu Claims Settlement Act 1998
Fiordland NPMP	34	Recognise the role of Ngāi Tahu as kaitiaki of Fiordland National Park.
Fiordland NPMP	34	Explore with Ngāi Tahu the means whereby customary Ngāi Tahu conservation practices such as rāhui (restrictions on the use of resources) may be used and supported to achieve shared conservation goals
Fiordland NPMP	35	Ensure that Ngāi Tahu values in relation to Tōpuni are also recognised, acknowledged and provided for. 'A set of principles aimed at ensuring that the Department of Conservation avoids harming or diminishing those values.'
Fiordland NPMP	91	The Department to work with Papatipu Rūnanga over the protection of wāhi tapu and wāhi taonga within Fiordland National Park.

NGAI TAHU CULTURAL HERITAGE IS INCLUDED IN THE PROTECTION PROVISIONS AND WORLD HERITAGE STATUS

Table 5: Quotes from Ngāi Tahu and regulatory documents relating to protection and World Heritage status.

Document	Page	Quote / Reference
Fiordland (Te Moana o Atawhenua) Marine Management Act 2005	Part One	a) implements measures to assist in the preservation, protection, and sustainable management of the marine environment and biological diversity of the Fiordland (Te Moana o Atawhenua) Marine Area. b) acknowledges the importance of kaitiakitanga.
Te Rūnanga o Ngāi Tahu	webpage	The responsibility of Kaitiakitanga is felt deeply by our whānau and Rūnanga because our landscape and its resources are the main inheritance, we will leave future generations.
Te Rūnanga o Ngāi Tahu	webpage	Our natural environment – whenua, waters, coasts, oceans, flora and fauna – and how we engage with it, is crucial to our identity, our sense of unique culture and our ongoing ability to keep our tikanga and mahinga kai practices alive.
Southland CMS	xx	1.4.2.12 Ensure that the three Tōpuni and seven nohoanga entitlement sites on public conservation lands within Southland Murihiku are managed in accordance with sections 237-252 and 255-258 of the Ngāi Tahu Claims Settlement Act 1998.
Southland CMS	65	Work with Ngāi Tahu and others to improve archaeological records in the Fiordland Te Rua-o-te-moko Place, particularly in the northern fiords.
Fiordland NPMP	34	Recognise the role of Ngāi Tahu as kaitiaki of Fiordland National Park.
Fiordland NPMP	34	Explore with Ngāi Tahu the means whereby customary Ngāi Tahu conservation practices such as rāhui (restrictions on the use of resources) may be used and supported to achieve shared conservation goals
Fiordland NPMP	35	Ensure that Ngāi Tahu values in relation to Tōpuni are also recognised, acknowledged and provided for. 'A set of principles

Document	Page	Quote / Reference
		aimed at ensuring that the Department of Conservation avoids harming or diminishing those values.'
Fiordland NPMP	91	The Department to work with Papatipu Rūnanga over the protection of wāhi tapu and wāhi taonga within Fiordland National Park.

THE CRITICAL POINTS OF INFLUENCE FOR NGĀI TAHU TO ENHANCE ITS CONNECTIONS WITH PLACE

Table 6: Quotes from Ngāi Tahu and regulatory documents relating to connections with place

Document	Page	Quote / Reference
Ngāi Tahu 2025	19	New generations are learning mahinga kai values, protection of these and tikanga applied in mahinga kai. All Ngāi Tahu can easily access, be enriched by and contribute to the ongoing development of our culture from anywhere in the world and at any time.
Ngai Tahu 2025	23	Over next 25 years: Eco-cultural tourism, encompassing authenticity, is a major influence area of Ngāi Tahu
Te Tangi a Taurira	86	That Ngāi Tahu cultural heritage values associated with Fiordland are protected and enhanced.
Te Tangi a Taurira	86	Actively encourage the use of Ngāi Tahu ki Murihiku wāhi ingoa associated with mountains and mountain range.
Te Tangi a Taurira	92	The relationship of mana whenua with their ancestral lands, water, sites wāhi tapu and other taonga of Fiordland must be recognised and provided for in all decisions relating to development.
Southland CMS	40	Work with Ngāi Tahu to implement and update interpretation that tells their history on public conservation lands and waters, at places of importance to Ngāi Tahu, including ara tawhito (ancestral trails).
Fiordland NPMP	25	it is important that management planning looks beyond Fiordland National Park boundaries. Activities occurring in areas adjoining Fiordland National Park also influence management decisions.
Fiordland NPMP	86	The human history of Fiordland National Park can provide clues for ecological management; for example, knowing that indigenous forestry has brought about changes in local ecosystems. It also adds another dimension to information provided to visitors and adds a human context to visitor experiences.

NGĀI TAHU WANT THE VISITOR TO EXPERIENCE

Table 7: Quotes from Ngāi Tahu and regulatory documents relating to visitor experience.

Document	Page	Quote / Reference
Te Karaka – Crown Settlement Edition	37	The re-establishment of traditional place names in a variety of areas will serve as tangible reminders of our history in Te Waipounamu.
Ngāi Tahu 2025	23	Story telling - Papatipu Runanga have a strong influence in their takiwa
Te Tangi a Taurira	35	That a sense of belonging and social responsibility with respect to the surrounding environments is encouraged. This includes

Document	Page	Quote / Reference
		supporting activities and events that engage communities with their local environments
Te Tangi a Taurira	35	Reducing the Impacts of tourism and human activities from a Ngai Tahu perspective requires understanding and accommodation of 'cultural and traditional spiritual values held by Ngai Tahu Ki Murihiku.'
Te Tangi a Taurira	91	Carefully monitor the nature and number of concession applications for commercial recreation and tourism operations in the Milford Sound Piopiotahi are, to ensure that human activities are not compromising the natural character, beauty or ecology of the region.

MINIMISING THE IMPACTS OF TOURISM AND OTHER HUMAN ACTIVITIES AND RECIPROCALLY PROVIDE FOR TE HAUORA O TE TAI AO (WELLBEING OF THE ENVIRONMENT)

Table 8: Quotes from Ngāi Tahu and regulatory documents relating to te hauora o te taiao.

Document	Page	Quote / Reference
Ngāi Tahu 2025	10	Implement a tribal Ki uta ki tai environmental management plan and support it with a comprehensive inventory/Geographic Information System (GIS) database and monitoring programme.
Te Tangi a Taurira	35	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.
Te Tangi a Taurira	35	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
Te Tangi a Taurira	92	Generally, Ngāi Tahu ki Murihiku believe that there is room for more growth in Fiordland, if a long-term, co-ordinated approach is taken to better manage visitor growth, tourism, resource use and development and infrastructure
Southland RPS	14	Recognising the concept of "ki uta ki tai" and fostering integrated management will help the Southland Regional Council to promote the sustainable management of the natural and physical resources of the region.
Fiordland NPMP	110	It is important that management considers the impacts upon present and future visitors and many of the provisions in this plan have therefore been developed to address these types of visitor impacts.

ECONOMIC RESILIENCE OF NGĀI TAHU WHĀNUI, Papatipu RŪNANGA AND TE RŪNANGA O NGĀI TAHU

Table 9: Quotes from Ngāi Tahu and regulatory documents relating to economic resilience.

Document	Page	Quote / Reference
Ngai Tahu 2025	10	Develop packages for Papatipu Runanga that identify business opportunities that meld environment and Ngāi Tahu cultural values and make good financial sense, including cultural/heritage tourism and organic farming.
Ngai Tahu 2025	24	Te Rūnanga o Ngāi Tahu exists to support Papatipu Rūnanga and whānau. Papatipu Rūnanga have the opportunity to enhance their individual rangatiratanga and to generate significant and sustainable economic returns to meet their needs
Ngāi Tahu Climate Change Strategy	29	Tribal investment and business strategies maximise benefit from future changing economic conditions, and Ngāi Tahu are leaders in climate responsible business
Te Tangi a Tauria	91	Ensure appropriate business growth and development that enhances the natural and cultural values of Milford Sound Piopiotahi.
Te Tangi a Tauria	91	Ensure that Ngāi Tahu ki Murihiku is proactively involved with the management and future development of Milford Sound Piopiotahi (e.g. future transport options)
Southland CMS	317	The Department of Conservation is obligated through its legislation to give effect to the principles of the Treaty of Waitangi. In practice this implies a partnership agreement with tangata whenua that have manawhenua (prestige, authority over the land) over the area. This involves an annual business planning process with the Ngāi Tahu iwi (the overarching tribal authority for tangata whenua). This process gives Ngāi Tahu the opportunity to engage in and contribute to the operational management of the property.



Figure 7: Riki Parata (Hokonui) and Michael Skerrett (Project Working Group) at Te Kowhai, Te Anau, during the Project Site Visit, 5 September 2020

7 DISCUSSION AND CONCLUSION

DISCUSSION

TE TIRITI O WAITANGI / TREATY OF WAITANGI

- 7.1 This report has assumed that the starting point of any involvement by mana whenua in the future thinking for Piopiotahi is Te Tiriti o Waitangi / Treaty of Waitangi. This starting point comes with generally accepted Treaty Principles and obligations, and in Murihiku, the role of local authorities in fulfilling the Treaty Principles and obligations is outlined in the Charter of Understanding.
- 7.2 Treaty Principles and obligations are greater than this Project but are to be realised and provided for in the Master Plan.
- 7.3 Rangatiratanga and mahinga kai have not be included as values in this report as they are delivered through mechanisms such as governance, decision making, Crown-lwi relationships, and the Master Plan process. Mahinga kai is the cultural heritage of Ngāi Tahu as are its places names and pūrākau. For Ngāi Tahu to exercise rangatiratanga is to enable it to provide for its cultural heritage and have that heritage appropriately recognised in Piopiotahi and Te Rua o te Moko.
- 7.4 This approach is already provided for in part by existing regulatory documents such as the Southland Regional Policy Statement and the Southland Conservation Management Strategy. While provided for, no analysis has been undertaken by this workstream as to whether existing plans and policies have or have not achieved the aspirations sought by mana whenua or enabled the necessary mechanisms. That is a matter that requires the attention of those agencies responsible.
- 7.5 What the literature review and hui with mana whenua for Stage 2 do show is that these aspirations and values are long held by mana whenua and there are multiple pathways for their implementation, including through the Master Plan. Some aspirations are directed at Treaty Partners, others are broad reaching, and some require a shift in practice.

A SHIFT IN PRACTICE

- 7.6 The aspirations and values discussed to date by mana whenua for Stage 2 partly rely on the Master Plan. The more significant factor is a behavioural shift by agencies, companies and operators in Piopiotahi. This shift includes the continual, correct use and pronunciation of tūturu place names which is critical for enabling manuhiri and operators to see the place through a Ngāi Tahu lens.
- 7.7 The shift required to raise awareness, understanding, quality and articulation of mana whenua narratives will take time, resources and education. It is critical that this shift happen as quality, authentic narratives are important for the visitor experience and recognising Ngāi Tahu in the land and sea scape. Approval processes need to be considered in the Implementation stage, alongside the challenging issues of indigenous intellectual property, authenticity and cultural appropriation.
- 7.8 Mana whenua were very aware of resource limitations and the need to build capacity and skills across all agencies and operators to present mana whenua narratives. It was suggested that multi-media be utilised in the initial change period to provide authentic stories and then to progress to high quality, personalised narratives, delivered kano ki te kano, in due course.
- 7.9 Another observation, and one supported in the literature review and by discussions with mana whenua, has been the prevalence of DOC in setting the parameters of discussion about what can be achieved in Piopiotahi due to the dominance of the Fiordland National Park and Te Wāhipounamu listing. Therefore, the full suite of outcomes sought in Ngāi Tahu 2025 and Te Tangi a Tauria have not been articulated or recognised for this area. This gap is to be noted and work needs to be done both between Ngāi Tahu and DOC and within this Project to extend the range of outcomes for Piopiotahi and Te Rua o te Moko.

DIFFERENCES IN REASONING

- 7.10 While there is commonality in the desire for Piopiotahi to be actively managed and acceptance that changes are needed, the reasoning seems, at times, to be different. An observation from discussions with other workstreams is that mana whenua often discussed topics/key issues using a different paradigm, narrative and terminology. For example, the moving of infrastructure is not often about the infrastructure itself but appropriate land use, sustainability, utu and enabling Ngāi Tahu to experience the wairua of Piopiotahi in a culturally appropriate way.
- 7.11 Mana whenua also held a different spatial perspective of the area. Many discussions with mana whenua focused on the sea as being the entry point to Piopiotahi rather than the land. Valuing and recognising the seascape is significant in understanding the position and opportunities supported by mana whenua. Land and water are interconnected, and that relationship is to be acknowledged. It is the sea that links Piopiotahi with the other fiords and the western and southern ports and kaika.
- 7.12 It is necessary for the Master Plan to understand the different reasoning as it will have a direct effect on the design elements and collective outcome for Piopiotahi and Te Rua o te Moko. It also has flow on effects for the way the Master Plan is implemented.

REGULATION

- 7.13 Mana whenua were overtly conscious of making decisions for future generations, especially in instances where they felt they were directed or limited by regulation.
- 7.14 Concern was raised about inadvertently approving⁵⁹ or having no ability to decline consents and concessions that may negatively impact the hauora of Piopiotahi and restrict Ngāi Tahu rights and interests. Mana whenua thought their work would be greatly assisted by:
- periodic reviews of the approval policies, conditions and criteria.
 - evaluation of how renewals and current consents and concessions are assisting with the delivery of the Master Plan and mana whenua aspirations and values.
 - improved visibility and understanding of the cumulated effects of consents and concessions.
- 7.15 If not done already, all concessions and consents operating in Piopiotahi and Te Rua o te Moko should align with Te Tiriti o Waitangi and the relevant provisions of the Ngāi Tahu Claims Settlement Act. Mana whenua often referenced the Ngāi Tahu decision in discussions regarding concessions, and while this is a direct Treaty Partnership matter, through the Project, mana whenua articulated the need to improve the concessions policy, criteria, conditions and compliance.
- 7.16 With regards to administration, many examples were given by mana whenua about the difficulties Ngāi Tahu representatives⁶⁰ and their entities, including Te Rūnanga o Ngāi Tahu, have in accessing concession information. Information is difficult to both obtain and understand, with inconsistencies and gaps. Timely access to quality concession information is important in conducting a ki uta ki tai approach for Te Rua o te Moko.

ENGAGEMENT

- 7.17 Clear, early and continuous discussions with mana whenua in Stage 2, have enabled mana whenua to move from a conservative, risk adverse approach (often necessary in other projects due to late/poor engagement) to one of informed recommendations. This shift is positively demonstrated in the evaluation criteria and its application by mana whenua to generate and develop options.

⁵⁹ 'Approving' in this context does not mean decision making as for consents and concessions, final approval currently remains with the regulatory authority. Approving means given affected party approval or agreement through DOC Kaitiaki Rōpū.

⁶⁰ Representatives includes Kaitiaki Rōpū, Ngāi Tahu Conservation Board Representatives, and Papatipu Rūnanga.

- 7.18 Mana whenua request that informed consultation continue through the Project, not just for Stage 2. While there is Ngāi Tahu representation on the governance group and Project Working Group, the contribution of a wider rōpū of Papatipu Rūnanga mandated representatives has allowed greater dialogue with the consultant team. It also provided a distinction between Project governance and mana whenua advice and spread the load of reporting back within Ngāi Tahu structures and networks.

CONCLUSION

- 7.19 This report is ultimately an expression of Ngāi Tahu mana whenua in Milford Sound Piopiotahi and Te Rua o te Moko. It has been written for the Milford Opportunities Project, but its influence and implications are much broader than that. That is to be expected given the duality of role that Ngāi Tahu has as a Treaty Partner and citizen of the area, and their influence over all areas of society. This report hopefully provides an additional, long-term benefit for mana whenua, its Treaty Partners, and authorities with Treaty obligations.
- 7.20 However, a caution to those people/agencies who look to use this report in a wider setting than the Project is that while the report pulls together information articulated by mana whenua in other forum, its analysis is specific to the development and delivery of the Master Plan.
- 7.21 This report has compiled the aspirations and values of mana whenua for Milford Sound Piopiotahi and provides a cultural context and criteria in which to evaluate options for the Master Plan. This in-turn informs governors in their decision making.
- 7.22 The report assists the consultant project team and mana whenua with the identification and bundling of potential opportunities that can be delivered through the Master Plan. Additionally, it provides guidance on the outcomes sought and what the likely intergenerational measures of success are to be for mana whenua, taken from the tribal whakatauki and the statement of mana whenua. The key and fundamental aspiration of Ngāi Tahu for the Master Plan is that it recognises and provides for Ngāi Tahu cultural heritage at every opportunity.
- 7.23 Several mechanisms are required for this fundamental aspiration of mana whenua to happen such as the acknowledgement and provision for Ngāi Tahu to exercise its tino rangatiratanga and kaitiakitanga in Milford Sound Piopiotahi and the wider Te Anau area. Ngāi Tahu does not seek permission to exercise its rangatiratanga in an area where it holds mana whenua; it seeks the space and opportunities to do so.

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APPENDIX 1: DEPARTMENT OF CONSERVATION TREATY PROTOCOLS

PROTOCOLS issued by the CROWN through the MINISTER OF CONSERVATION regarding THE DEPARTMENT OF CONSERVATION'S INTERACTION WITH NGĀI TAHU ON SPECIFIED ISSUES

1 Introduction

- 1.1 The purpose of the Conservation Act 1987 is to manage natural and historic resources under that Act and the Acts in the First Schedule of the Conservation Act. Section 4 of the Conservation Act requires that the Act be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi.
- 1.2 The Director-General has certain management responsibilities in terms of legislation and can only delegate or share responsibility for decisions s/he makes within the limits of his/her legislation. However, in making such decisions, the Director-General will provide Te Rūnanga the opportunity for input, consistent with section 4, in its policy, planning and decision-making processes on the matters set out in these Protocols.
- 1.3 These Protocols apply across the Ngāi Tahu Takiwā, which spans five conservancies, and the Southern and Central Regional Offices of the Department.
- 1.4 Both the Department and Te Rūnanga are seeking a relationship consistent with the Treaty principle of partnership that achieves, over time, the conservation policies, actions and outcomes sought by both Te Rūnanga and the Department, as set out in this document.

2 Protocols

- 2.1 These protocols are issued pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998 and clause 12.12 of the 1997 Deed of Settlement between the Crown and Ngāi Tahu, which specifies the following:

2.1.1 Definitions

Protocol means a statement in writing, issued by the Crown through the Minister of Conservation to Te Rūnanga, which sets out:

- a. How the Department of Conservation will exercise its functions, powers, and duties in relation to specified matters within the Ngāi Tahu Claim Area; and
- b. How the Department of Conservation will, on a continuing basis, interact with Te Rūnanga and provide for Te Rūnanga's input into its decision-making process.

2.1.2 Authority to Issue, Amend or Cancel Protocols

Pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998, the Minister of Conservation may, from time to time, issue, amend, and cancel Protocols.

2.1.3 Issue of Protocols

On Settlement Date (as defined in section 8 of the Ngāi Tahu Claims Settlement Act 1998) the Crown has agreed through the Minister of Conservation to issue Protocols in this form on the following matters:

- a. Cultural materials

- b. Freshwater fisheries
- c. Culling of species of interest to Ngāi Tahu
- d. Historic resources
- e. Resource Management Act 1991 involvement
- f. Visitor and public information.

2.1.4 Protocols subject to Crown Obligations

Pursuant to Section 283 of the Ngāi Tahu Claims Settlement Act 1998, the Protocols are issued and amended, subject to, and without restriction upon:

- a. The obligations of the Minister of Conservation and the Department of Conservation to discharge their respective functions, powers, and duties in accordance with existing law and government policy from time to time; and
- b. The Crown's powers to amend policy, and introduce legislation amending existing law.

This clause is not intended to indicate, and should not be interpreted as indicating, any agreement by Te Rūnanga to any amendment to policy which would adversely affect the redress provided by the Crown pursuant to the Settlement Deed or the ability of either party to fulfil its obligations expressed in the Settlement Deed.

2.1.5 Noting of Protocols on CMS

Pursuant to section 284 of the Ngāi Tahu Claims Settlement Act 1998:

- a. The existence of Protocols, once issued, and as amended from time to time, including a definition of Protocols as set out in section 281 of the Ngāi Tahu Claims Settlement Act 1998 and a summary of the terms of issue of Protocols, must be noted in conservation management strategies, conservation management plans and national park management plans affecting the Ngāi Tahu Claim Area; and
- b. Noting of Protocols pursuant to section 284(1) of the Ngāi Tahu Claims Settlement Act 1998 is for the purpose of public notice only and is not an amendment to the relevant strategies or plans for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

2.1.6 Enforceability of Protocols

Pursuant to section 285 of the Ngāi Tahu Claims Settlement Act 1998:

- a. The Minister of Conservation must comply with a Protocol as long as it remains in force
- b. If the Minister of Conservation fails unreasonably to comply with a Protocol, Te Rūnanga may, subject to the Crown Proceedings Act 1950, enforce the Protocol by way of public law action against the Minister of Conservation
- c. Notwithstanding paragraph (b), damages are not available as a remedy for a failure to comply with a Protocol
- d. This clause does not apply to any guidelines which are developed pursuant to a Protocol.

2.1.7 Limitation of Rights

Pursuant to section 286 of the Ngāi Tahu Claims Settlement Act 1998, except as expressly provided in the Deed of Settlement, the Ngāi Tahu Claims Settlement Act 1998, or in a Protocol, a Protocol 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, land held, managed, or

administered under the Conservation Act 1987 or a statute listed in the First Schedule of that Act.

3 Implementation and communication

- 3.1 The Department will seek to establish and maintain communication with Te Rūnanga and its papatipu rūnanga on a continuing basis by:
- a. Maintaining at the conservancy level, with the assistance of Te Rūnanga, information provided on papatipu rūnanga, their office holders and addresses.
 - b. Providing reasonable opportunities for Te Rūnanga and papatipu rūnanga to meet with Department managers and staff.
- 3.2 The protocols provide for ongoing implementation of a range of matters, as well as Specific Projects which will require resourcing. It is not intended that all of the Specific Projects listed in these Protocols will be implemented in any one year. Implementation will be over time. Where these Protocols refer to Specific Projects that require resourcing, their implementation will be subject to provision being made in the relevant conservancy business plan. The process for the Department implementing any particular Specific Project in a business year will be as follows:
- a) The Department will meet with Te Rūnanga in each conservancy and at regional level annually to identify priorities for undertaking Specific Projects as listed in these protocols for the upcoming business year.
 - b) The identified priorities will be taken forward by the Department into its business planning process at the conservancy and regional levels and considered along with other priorities.
 - c) The decision on whether any Specific Projects will be funded in any business year will be made by the Conservator and the Regional General Manager.
 - d) The Department will advise Te Rūnanga of the outcome of this process.
 - e) Te Rūnanga and the Department will then meet again, if required, to finalise a work plan for implementation of the Specific Projects in that business year, in accordance with the resources which have been allocated in the business plan. The Department will apply the allocated resources to give effect to that work plan, subject to unforeseen management requirements which may arise from time to time, such as emergencies, adverse weather, staff shortages or reallocation of resources directed by the Minister.
- 3.3 The Department will:
- a. Meet with Te Rūnanga to review implementation of these Protocols and to deal with the matters in clause 3.2; four times per annum, unless otherwise agreed, in each conservancy, twice per annum at regional level, and at least once per annum at Chief Executive level.
 - b. As far as reasonably practicable, train relevant staff on these Protocols and provide ongoing training as required.
 - c. As far as reasonably practicable, brief Conservation Board and NZCA members on these Protocols and the Ngāi Tahu Settlement and provide ongoing information as required.

4 Cultural materials

- 4.1 For the purpose of these Protocols, cultural materials are defined as:
- i. Plants, plant materials

- ii. Materials derived from animals, marine mammals or birds, to the extent to which the Department holds and is responsible for them, and which are important to Ngāi Tahu in maintaining their culture.

4.2 Current legislation means that generally some form of concession or permit is required for any gathering of cultural materials.

4.3 The Department will:

- a. Have particular regard to Te Rūnanga's cultural use policy (Kawa Hua Taiao) as it relates to the Department's activities, and other relevant Te Rūnanga statements of policy produced from time to time.
- b. Consider requests from members of Ngāi Tahu Whānui for the customary use of cultural materials in accordance with the appropriate legislation.
- c. Agree, where reasonably practicable, for Ngāi Tahu to have access to cultural materials which become available as a result of Departmental operations such as track maintenance or clearance or culling of species.
- d. Consult with Te Rūnanga in circumstances where there are competing requests from non-Ngāi Tahu persons or entities for the use of cultural materials, for example for scientific research purposes, to see if the cultural and scientific or other needs can be reconciled before the Department makes a decision in respect of those requests.

4.4 Specific projects

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Develop and implement guidelines for each conservancy within the Ngāi Tahu Takiwā that help define levels of customary use of cultural materials, and set conditions, after consideration of tikanga, to be met for gathering.
- b. Identify local sources of plants and provide advice to Te Rūnanga with respect to the establishment by Te Rūnanga of cultivation sites.
- c. Establish Departmental cultural materials banks for cultural materials which have come into the Department's possession, and guidelines for their use.

5 Freshwater fisheries

5.1 The Department has a statutory role in advocating the conservation of aquatic life and freshwater fisheries generally. Its advocacy for freshwater biota, aquatic habitats and fish passage in all areas is primarily taken via statutory planning processes provided by the Resource Management Act 1991.

5.2 Section 48B of the Conservation Act 1987 (inserted by section 305 of the Ngāi Tahu Claims Settlement Act 1998) provides the power to promulgate regulations providing for customary Māori fishing rights with respect to freshwater fisheries within South Island Fisheries Waters. Pursuant to clause 12.14.11(e) of the Deed of Settlement such regulations are to be promulgated as soon as practicable, and in any event no later than two years after Settlement Date. Besides generally consulting with Te Rūnanga and providing for its participation in the conservation and management of customary freshwater fisheries and freshwater fish habitats, the Department will consult with, and have particular regard to the advice of, Te Rūnanga in its capacity as an Advisory Committee appointed under section 56 of the Conservation Act in all matters concerning the management and conservation by the Department of Conservation of Taonga Fish Species (as defined in section 297 of the Ngāi Tahu Claims Settlement Act 1998) within the Ngāi Tahu Claim Area. This obligation does not derogate from the obligations of the Department under section 4 of the Conservation Act 1998 to give effect to the Treaty of Waitangi.

5.3 Advisory Committee

The Department will, in relation to the Taonga Fish Species and as far as reasonably practicable, provide the Advisory Committee with all relevant information to enable it to give informed advice, and will meet with the Advisory Committee at conservancy level as necessary to give effect to the Deed of Settlement and the Ngāi Tahu Claims Settlement Act 1998.

5.4 Customary freshwater fisheries regulations

The Department will work with Te Rūnanga at regional and conservancy levels to:

- a. Provide for Te Rūnanga participation in the development and promulgation of customary freshwater fishing regulations by:
 - i. Establishing a joint working group;
 - ii. Setting terms of reference for that working group;
 - iii. Setting timelines for progress; and
 - iv. Providing information to Te Rūnanga in a timely manner and allowing Te Rūnanga an opportunity to comment.

5.5 Specific

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Develop and implement guidelines for the Department with respect to the promotion of compliance with customary freshwater fisheries regulations.
- b. Develop and implement guidelines for the Department with respect to monitoring the efficacy of the customary freshwater fisheries regulations at regular intervals.
- c. Develop and implement guidelines for the Department with respect to sharing accumulated management information and research data on customary freshwater fisheries with Te Rūnanga.

5.6 Other Matters

The Department will work with Te Rūnanga at regional and conservancy levels to provide for active participation by Te Rūnanga in the conservation, management and research of customary freshwater fisheries and freshwater fish habitats by:

- a. Seeking to identify areas for co-operation in advocacy, consistent with clause 9, focussing on fish passage, minimum flows, protection of riparian vegetation and habitats, water quality improvement and in the restoration, rehabilitation or enhancement of customary freshwater fisheries and their freshwater habitats; and
- b. Consulting with Te Rūnanga in developing or contributing to research programmes that aim to improve the understanding of the biology of customary freshwater fisheries and their environmental and habitat requirements. The Department confirms that it regards Te Rūnanga as a possible science provider or collaborator for research projects funded or promoted by the Department in the same manner as other potential providers or collaborators.

5.7 Specific Projects

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Conduct research to establish and address ecosystem threats to specified customary freshwater fisheries including barriers to migration, habitat loss and exotic species interaction;
- b. Contribute to the resolution of eel management issues, in particular, the administration of the fish passage regulations in the Freshwater Fisheries Regulations, the promotion of the installation of effective fish passages where necessary and monitoring of their effects, by participating in discussions with Te Rūnanga and Te Waka a Māui me ona Toka Mahi Tuna; and
- c. Identify the need for, and where necessary prepare, management plans for freshwater fisheries management.

6 Culling of species of interest to Ngāi Tahu

- 6.1 As part of an integrated management regime, or because a species population has risen to become an ecological pest, it may from time to time be necessary for the Department to carry out a cull of a protected species under the Wildlife Act 1953. The Department recognises that Te Rūnanga is interested in such operations in the following ways:
 - a. The carrying out of such a cull where the species to be culled is causing or is likely to cause ecological damage to species or habitats of particular significance to Ngāi Tahu;
 - b. The methods to be used in such culls; and
 - c. Cultural materials arising from the cull.
- 6.2 The Department will:
 - a. Have regard to any requests initiated by Te Rūnanga for the carrying out of culling operations;
 - b. Consult with, and have particular regard to the views of, Te Rūnanga before deciding to carry out a cull of protected species on land administered by the Department, in respect of the reasons for the cull and the method proposed to be used; and
 - c. In situations where either a Fish and Game Council or a Regional Council intend to carry out a cull of protected species or a game bird and the Department has a statutory role in the process, request the relevant body to consult with Te Rūnanga before carrying out any such cull.

7 Historic resources

- 7.1 The Minister acknowledges the importance to Ngāi Tahu of their wāhi tapu, wāhi taonga and other places of historic significance to them. Liaison with Te Rūnanga is important in the management of those places containing sites of historic and cultural significance to Ngāi Tahu, including places of settlement, horticulture, natural resource harvesting, warfare, communication, and places of cultural and spiritual connection.
- 7.2 The Department notes that non-disclosure of locations of places known to Ngāi Tahu is a practice used by Ngāi Tahu to preserve the sanctity of a place. Respecting the principle of confidentiality brings management difficulties of a particular kind. Where information is not available, management practices which (unintentionally) contravene the cultural value associated with a specific site, may be put in place. Where reasonably practicable, the Department will respect the principle of confidentiality that applies to wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu. The primary responsibility for identifying and assessing Ngāi Tahu heritage values rests with Te Rūnanga.
- 7.3 The Department will work with Te Rūnanga at regional and conservancy levels to:

- a. Ensure, as far as reasonably practicable, that Ngāi Tahu values attaching to identified wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu managed by the Department are respected by the Department, for example, by the Department giving consideration to impacts from visitor numbers, facilities and services
- b. Manage, as far as reasonably practicable, wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu according to the standards of conservation practice outlined in the ICOMOS New Zealand Charter 1993
- c. Ensure, as far as is reasonably practicable that, when issuing concessions giving authority for other groups to manage land administered by the Department, those groups manage the land according to the standards of conservation practice outlined in the ICOMOS New Zealand Charter 1993
- d. Have particular regard to relevant Te Rūnanga policies, including those relating to Koiwi Tāngata (unidentified human remains) and Archaeological and Rock Art Sites
- e. Ensure, as far as is reasonably practicable, that it uses Ngāi Tahu's cultural information only with the consent of Te Rūnanga
- f. When issuing concessions to carry out activities on the land administered by the Department, request that the concessionaire consult with Te Rūnanga before using Ngāi Tahu's cultural information.

7.4 Specific Projects

The Department will, subject to clause 3.2, work with Te Rūnanga at regional and conservancy levels to:

- a. Develop and implement guidelines for the identification, inventory and management by the Department of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu that take into consideration the traditional uses and practices of Ngāi Tahu and are, where reasonably practicable, consistent with Ngāi Tahu tikanga;
- b. Identify and actively protect specified wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu on land administered by the Department;
- c. Develop and implement guidelines for the active protection of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu;
- d. Identify co-operative projects covering a range of options for the protection and management of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu;
- e. Consult with and seek participation from Te Rūnanga with respect to research, survey or inventory projects that relate specifically to wāhi tapu, wāhi taonga and other places of historic significance to them.

8 Visitor and public information

- 8.1 In providing public information and interpretation services and facilities for visitors on the land it manages, the Department recognises the importance to Ngāi Tahu of their cultural, spiritual, traditional and historic values.
- 8.2 The Department will work with Te Rūnanga at regional and conservancy levels to encourage respect for Ngāi Tahu values by:
 - a. As far as is reasonably practicable, seeking to raise public awareness of the positive conservation partnerships developed between Te Rūnanga, the Department and other stakeholders, for example, by way of publications, presentations and seminars;

- b. Consulting on the provision of interpretation and visitor facilities (if any) at wāhi tapu, wāhi taonga and other places of historic or cultural significance to Ngāi Tahu;
- c. Ensuring, as far as is reasonably practicable, that Department information on new panels, signs, and visitor publications includes Te Rūnanga perspectives and references to the significance of the sites to Ngāi Tahu, where appropriate, including the use of traditional Ngāi Tahu place names; and
- d. Encouraging Te Rūnanga participation in the Department's volunteer and conservation events programmes.

8.3 Specific Projects

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Develop and implement guidelines on the provision of information and interpretation facilities and services for visitors, so as to identify and consider issues of concern to Te Rūnanga;
- b. Consider possibilities for Te Rūnanga to contribute to visitor appreciation of the cultural values of sites of cultural and historic significance to Ngāi Tahu managed by the Department; and
- c. Provide information to education providers, including kohanga reo and kura kaupapa Māori, for the development of educational resources on conservation issues and associated Ngāi Tahu values.

9 Resource Management Act

- 9.1 Te Rūnanga and the Department both have concerns with the effects of activities controlled and managed under the Resource Management Act. These include effects on:
 - a. Wetlands;
 - b. Riparian management;
 - c. Effects on freshwater fish habitat;
 - d. Water quality management
 - e. Protection of historic resources; and
 - f. Protection of indigenous vegetation and habitats.
- 9.2 From time to time, Te Rūnanga and the Department will seek to identify further issues of mutual interest for discussion. It is recognised that their concerns in relation to any particular resource management issue may diverge and that each of them will continue to make separate submissions.
- 9.3 The Department will work with Te Rūnanga at regional and conservancy levels to discuss the general approach that will be taken by each of Te Rūnanga and the Department in respect of advocacy under the Resource Management Act, and seek to identify their respective priorities and issues of mutual concern.
- 9.4 The Department will:
 - a. Have regard to the priorities and issues of mutual concern identified in clause 9.3 in making decisions in respect of advocacy under the Resource Management Act.
 - b. Make non-confidential resource information available to Te Rūnanga to assist in improving the effectiveness of Resource Management Act advocacy work at the Papatipu Rūnanga level.

10 Amendment and review provisions from the Deed

- 10.1 Pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998
- a. Protocols may be amended or cancelled by the Minister of Conservation, from time to time at the initiative of either the Crown or Te Rūnanga;
 - b. The Minister of Conservation may amend or cancel Protocols only after consulting Te Rūnanga and having regard to its views; and
 - c. As soon as is reasonably practicable after the amendment, or cancellation of a Protocol, the Minister of Conservation must notify such amendment, or cancellation in the Gazette.

APPENDIX 2: NGĀI TAHU STANDARD CONDITIONS FOR CONCESSIONS [PRE-2005]

Ngāi Tahu Standard Conditions for:

- Recreation /Tourism Concessions
- Filming Concessions
- Mining Arrangements
- Marine Mammal Permits
- Research, Collection and Wildlife Act Permits

Prepared by the Department of Conservation with advice from Ngāi Tahu

Aim

The purpose of these conditions is to avoid, remedy and/or mitigate any impact that concession operations may have on the cultural, historical and spiritual values of Ngāi Tahu. The standard conditions are considered necessary to:

- minimise the time and effort that the Department and Ngāi Tahu need to spend on each concession application;
- minimise the cost and time to applicants;
- ensure that even if Ngāi Tahu does not respond to each application their main generic interests will still be represented;
- ensure workable and consistent conditions across the Rohē / conservancy;
- give affect to the Ngāi Tahu Claims Settlement Act 1998/

Review

These conditions and their use will be reviewed by the Department and Ngāi Tahu in May 2005.

Application Schedules from the Permissions Database

The application of these conditions, consulting with Ngāi Tahu and rūnanga on applications and providing regular schedules on what applications we are processing are all vital components in maintaining Ngāi Tahu's confidence in our concession system and giving affect to the settlement. Each conservancy must apply these conditions and continue to send rūnanga the schedules of the applications that we process from the Permissions System. These schedules shall be sent out at least every six months.

Recreation and Tourism Concessions

All Recreation and Tourism Concessions including one- off permits, except filming within the Ngāi Tahu Rohē.

NTSC 1 The Concessionaire is requested to consult the relevant Rūnanga Papatipu (as set out below) if they wish to use Ngāi Tahu cultural information. If the concessionaire wishes to use the Tōpuni or statutory acknowledgement information contained in schedules 14-108 of the Ngāi Tahu Claims

Settlement Act 1998, or any Department produced interpretative material in respect to Ngāi Tahu cultural information, they are requested to notify the relevant Rūnanga Papatipu, as a matter of courtesy.

Note: The Department of Conservation will, in relation to this clause, provide the Concessionaire with:

- the contact details of the relevant Rūnanga Papatipu
- the relevant Tōpuni information.

Tōpuni Conditions **NTSC 2-4** Apply to all concessions within Tōpuni areas including one-off and filming permits. These conditions are in addition to the special activity conditions listed separately e.g. filming permits and NTSC 1.

NTSC 2 The Concessionaire and any persons employed by the Concessionaire are requested to recognise and provide for Ngāi

Tahu values in the conduct of their activities. In particular, the cultural significance of [insert relevant Tōpuni names] Tōpuni and its Tōpuni status, should be explained to the clients of the Concessionaire.

NTSC 3 The Concessionaire and their staff should note that, to Ngāi Tahu - (apply appropriate Tōpuni condition)

Aoraki; Tapuae o Uenuku; Tititea; Tūtoko

Standing on the very top of (Aoraki; Tapuae o Uenuku; Tititea; Tūtoko - delete those that do not apply) Tōpuni it is like standing on the head of one of Ngāi Tahu's tūpuna (sacred ancestors) and denigrates its tapu status.

Kura Tāwhiti

Climbing the rock outcrops at Kura Tāwhiti denigrates their tapu status and may damage or destroy rock art remnants.

Ripapa Island

Eating food on the Island denigrates its tapu status.

Motupōhue (Bluff Hill)

Picnicking should only take place in designated areas as there are urupā in the reserve which are tapu to Ngāi Tahu

Matakaea (Shag Point)

Picnicking should only take place in designated areas as there are urupā in the reserve which are tapu to Ngāi Tahu

Ōtūkororo Iti

Camping in the area denigrates its tapu status.

NTSC 4 The Concessionaire shall, as far as practicable, attend any workshops held by the Department of Conservation for the purpose of providing information to concessionaires, which will include the Ngāi Tahu values associated with Tōpuni areas.

Note: Discretion should be used with respect to the application of this condition i.e., it may not be appropriate to include this condition for one-off filming permits for example.

Fishing Guides **NTSC 5 – 7** Does not include whitebait or eels (whitebait are covered by fisheries regulations and eels are covered by the quota management system).

NTSC 5 The concessionaire is requested not to target any indigenous fish species and is requested to release immediately any indigenous fish species that are caught.

NTSC 6 If fish are killed the Concessionaire shall dispose of any fish waste well away from any water bodies.

For Otago Conservancy only:

NTSC 7 The Concessionaire is not permitted to operate in the Dart River Special Protected Area.

Note: That the areas addressed in Part 10 of the Ngāi Tahu Claims Settlement Act (High Country Stations – Elfin bay, Routeburn, and Greenstone Stations) be excluded from the schedules of areas where fishing guides may go.

Filming

Applies to all filming. For filming within the Tōpuni or featuring the Tōpuni landmark (eg. Aoraki) and when filming is on DOC managed land, see NTSC 2-4 and all other Tōpuni conditions as well.

NTSC 8 The Concessionaire is requested not to portray any Ngāi Tahu spiritual, cultural, historical, or traditional association in the film without first consulting Te Rūnanga o Ngāi Tahu and the relevant Rūnanga Papatipu.

Āpitianga Appendices

NTSC 9 Where filming is undertaken in a Tōpuni area the Concessionaire is requested to provide an acknowledgement in the film credits (where these exist) that...

“xxxxxx Tōpuni is a highly significant site for the tribe of Ngāi Tahu”,

OR

Where filming has been undertaken on conservation lands within the Ngāi Tahu Rohē, especially in an area known to be significant, the Concessionaire is requested to provide an acknowledgement in the film credits (where these exist) that:

“Some of the filming was undertaken in the tribal area of Ngāi Tahu”.

NTSC 10 Where there is any portrayal of Ngāi Tahu spiritual, cultural, historical or traditional association a VHS copy of all relevant film footage pertaining to the filming shall be sent by the Concessionaire to the Public Affairs Manager, Te Rūnanga o Ngāi Tahu, PO Box

13-046, Christchurch. Te Rūnanga o Ngāi Tahu understands that the copyright is held with the film producers but Te Rūnanga o Ngāi Tahu may negotiate with the film producer to use the material for non-commercial purposes and if so would request a copy on Beta.

Note to Concessions staff: If the filming relates specifically to Ngāi Tahu’s association with any area or species then be sure that NTSC 8 is used. If the filming relates to a Tōpuni area or taonga species, then the Department should consult with the relevant Rūnanga Papatipu to determine the extent of the cultural impact. Be aware that some advertisements such as shampoo or dog food ads may denigrate cultural values thereby causing a significant cultural effect.

Pounamu (concessions within pounamu areas)

NTSC 11 The Concessionaire acknowledges that pounamu is under the ownership of Te Rūnanga o Ngāi Tahu pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997. No pounamu may be removed or recovered by the Concessionaire or their employees/ clients. Where any pounamu is found by the Concessionaire, they are requested to immediately notify the Pounamu Protection Officer of Te Rūnanga o Ngāi Tahu, Bill Doland,

Te Rūnanga o Ngāi Tahu, P O Box 90, Keogan Rd, Hokitika.

NTSC 12 The Concessionaire is requested to ensure that any interpretation provided to its clients on Ngāi Tahu historical, spiritual, or cultural association with pounamu or any pounamu area is entirely consistent with the Ngāi Tahu Pounamu Resource Management Plan or any Department produced interpretative material. The Concessionaire should notify the relevant Rūnanga Papatipu if they are using the above information, as a matter of courtesy.

NTSC 13 Where the Concessionaire wishes to provide clients with information not contained in these sources, which relate to Ngāi Tahu historical, spiritual or cultural association with pounamu or any pounamu area, then the Concessionaire is requested to consult with the local Rūnanga Papatipu before using any other information to ensure such information is both appropriate and accurate.

Note: The Department of Conservation will provide the Concessionaire with the contact details of the relevant Rūnanga Papatipu, in relation to this clause.

Access Arrangements for Mining Permits

NTSC 11 For West Coast Conservancy (and Otago and Southland potentially)

NTSC 14 The permit holder acknowledges that pounamu is reserved to Te Rūnanga o Ngāi Tahu pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997. No pounamu may be removed or recovered by the permit holder from the Land unless a written arrangement is first entered into with Te Rūnanga o Ngāi Tahu.

Where any pounamu is found by the permit holder on or under the land during the course of operations the permit holder will forthwith notify the Pounamu Protection Officer, Bill Doland, Te Rūnanga o Ngāi Tahu, P O Box 90, Keogan Rd, Hokitika.

Marine Mammals Viewing/Swimming

TSC 12- 13 Applies to all marine mammals permits

NTSC 15 The Permittee is encouraged to use both the English and Ngāi Tahu names of marine mammals species in their advertising and publication material.

NTSC 16 The Permittee is requested to consult the relevant Rūnanga Papatipu if they wish to use Ngāi Tahu cultural information.

Standard Conditions in every Concession or Permit

The following are a list of conditions that Ngāi Tahu wished to include in the Ngāi Tahu Standard Conditions (NTSC). These have not been included as NTSC's as they are legally required to be in every concession. They are:

Concessions

1. "17.2 If in the opinion of the Grantor the activities of the Concessionaire, its employees, clients or invitees are having or may have an adverse effect on the environment and the Grantor is of the opinion that the effect, including cultural effects, can be avoided, remedied or mitigated to an extent satisfactory to the

Grantor, the Grantor may suspend this Concession until the Concessionaire remedies, avoids or mitigates the adverse impact to the satisfaction of the Grantor."

2. "13 Except as approved in writing by the Grantor the Concessionaire will not, whether by act or omission:
 - a. deposit on the site debris, rubbish or other dangerous or unsightly matter, or contaminate any water body on the site;
 - b. bury any toilet waste within 50 metres of any water source and;

- c. bury any animal or fish carcass, offal and/or

by-products within 50 metres of any water body, waterway or watercourse or public access way.”

Marine Mammal Watching/Swimming Permits

- 3. This Permit may at any time be amended, suspended or revoked, in accordance with the provisions of regulation 13 of the Marine Mammals Protection Regulations 1992.

Research, Collection and Wildlife Act Permits involving material going overseas

It is important to gain comprehensive information from the applicant to ascertain what the research is for and whether they wish to keep the specimens / samples overseas at an authorised collection/organisation or whether the samples will be temporarily held overseas then returned to NZ.

Special Conditions to be included in each collection permit regardless of whether flora or fauna and whether held permanently or temporarily overseas.

1. The Permit Holder shall ensure that a copy of the Permit will accompany all specimens covered by this permit at all times.
2. The Permit Holder shall only store the samples and undertake research on the samples/specimens at the (name of university or educational institute).
3. Further to condition 20, at the completion of the research, the Permit Holder shall forward a 1-2 page “layperson’s” account of the research findings to the Grantor’s office who will forward a copy to Te Rūnanga o Ngāi Tahu and the relevant Papatipu rūnanga.
4. Should any Kōiwi (human bones) or artefacts (taonga) be found, the Permit Holder must cease activity immediately and contact the Grantor’s office.

Special Conditions for Flora or Fauna/Insects being temporarily held overseas.

5. At the conclusion of the research if there is surplus material the Permit Holder shall contact the Grantor to determine whether the samples/specimens should be destroyed or returned to New Zealand.
6. The Permit Holder shall follow any directions of the Grantor in relation to the destruction of the samples or the return of the samples to New Zealand.
7. If the Grantor directs that the samples/specimens be destroyed, the Permit Holder shall provide the Grantor with written confirmation of their destruction.

Special Conditions for Flora being permanently held overseas (special note must be given to standard conditions 16, 17, 18)

8. On completion of the research the samples/specimens shall be held in the collection of (name the authorised collection, this will be checked before the issuing of the permit).

APPENDIX 3: SECTION 9.3 MILFORD AIRPORT, THE NGĀI TAHU DEED OF SETTLEMENT 1997