

# **Cultural Impact Assessment**

**Of**

## **Hokitika Rimu Treetop Walk**

**Māhinapua**

**20 July 2011**



Photo Lake Māhinapua

This report was prepared on behalf of Poutini Ngāi Tahu  
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# Table of contents

<b>EXECUTIVE SUMMARY .....</b>	<b>3</b>
<b>1. INTRODUCTION .....</b>	<b>6</b>
1.6 LIMITATION OF THIS REPORT .....	9
<b>2. THE PROPOSAL .....</b>	<b>12</b>
<b>3. STATUTORY PLANNING AND POLICY FRAMEWORK .....</b>	<b>17</b>
3.1 TE TIRITI O WAITANGI.....	17
3.2 POUTINI NGĀI TAHU CULTURAL AND TRADITIONAL PRINCIPLES FOR SUSTAINABLE MANAGEMENT .....	18
3.3 RESOURCE MANAGEMENT ACT 1991 (RMA) .....	21
3.4 THE NGĀI TAHU CLAIMS SETTLEMENT ACT 1998 .....	23
3.5 POUNAMU VESTING ACT 1997.....	23
<b>4. NGĀI TAHU ASSOCIATION WITH THE AFFECTED AREA .....</b>	<b>24</b>
4.1 TE AO MĀORI .....	24
4.2 WHAKAPAPA .....	25
4.3 A SACRED LANDSCAPE.....	25
4.4 PLACENAMES.....	25
4.5 MAURI .....	26
4.6 RANGATIRATANGA.....	27
4.7 WĀHI TAPU / WĀHI TAONGA .....	27
4.8 TAONGA SPECIES .....	28
4.9 KAITIAKITANGA .....	28
4.10 MAHINGA KAI .....	28
4.13 TRAILS .....	31
4.14 SUMMARY OF NGĀI TAHU VALUES THAT COULD BE IMPACTED.....	32
<b>5. THE IMPACT ON CULTURAL VALUES .....</b>	<b>33</b>
<b>6. RECOMMENDATIONS .....</b>	<b>43</b>
6.1 PRIORITIES OF POUTINI NGĀI TAHU.....	43
6.2 ADVERSE EFFECTS TO BE AVOIDED .....	44
6.3 ONGOING DISCUSSIONS.....	45
6.4 GOING FORWARD – POUTINI NGĀI TAHU EXPECTATIONS .....	45
<b>REFERENCES.....</b>	<b>46</b>
<b>INTERNET RESOURCES .....</b>	<b>47</b>
<b>APPENDIX 1 .....</b>	<b>48</b>
<b>APPENDIX 2 .....</b>	<b>52</b>

## EXECUTIVE SUMMARY

Ngāi Tahu have a long association and involvement with the catchments of Te Tai Poutini. The Crown initially recognised this significance in the nineteenth century with the granting of a number of reserves and more recently with the enactment of the Te Runanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998. As manawhenua, Poutini Ngāi Tahu Papatipu Rūnanga, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio, believes that it has a responsibility to assess how any activity impacts upon their cultural values.

This proposal is for the Hokitika Rimu Tree Top Walk, an elevated walk in the cool temperate rainforest canopy near the town of Hokitika on the West Coast of the South Island of New Zealand. The site is superb with magnificent rainforest stretching to the shores of the picturesque Roto (Lake) Māhinapua and Kā Tiriritiri o te moana (the Southern Alps) providing an awe inspiring vista.

The Hokitika Rimu Treetop Walk will be an iconic regional eco-tourism attraction and provide visitors with an additional reason to extend their stay. The treetop walk will be a 450 metres long and 20-30 metres high canopy walk within the awe-inspiring Rimu forest giants. The visitor ascends through the forest canopy culminating at the Southern Alps Lookout, a spiral tower 47 meters above the forest floor.

The capital cost of construction of the Hokitika Rimu Treetop Walk is estimated at \$A6.0 million dollars. The Hokitika Rimu Treetop Walk is projected to receive 175,000 visitors in its first year of operation. During the busy summer months Hokitika Rimu is projected to employ 10 to 15 Full Time Equivalents.

The Hokitika Rimu Treetop Walk in its first full year of operation is projected to inject \$A3.0 million dollars into the New Zealand economy.

The Hokitika Rimu Tree Top Walk requires planning consent from the Westland District Council. The Westland District Plan allows for new commercial tourism development within the Rural Zone. Canopy 01 has undertaken a detailed examination of the potential impact of the Hokitika Rimu Treetop Walk development to enable Council to assess and grant consent.

Canopy 01 also requires the consent of the Department of Conservation to obtain a concessional lease over the portion of the site occupied by the Treetop Walk component of The Hokitika Rimu development.

Treetop Walks are proven environmentally friendly eco-tourism attractions that have operated with great success in Australia. New Zealand has many complementary nature based attractions, which have been highly successful in promoting brand New Zealand to an eager international tourism market. Canopy having met with considerable success in 4 previous projects in Australia are confident that the Hokitika Rimu Treetop Walk will be equally successful and provide a boost to West Coast regional tourism and the economy.

Traditional management was founded on a set of cultural values that arose from the Poutini Ngāi Tahu worldview. These cultural values include a set of principles upon which the relationship between people and the environment must be based in order to sustain balance between the needs and demands of humans and the health of the natural world that sustains them. The principles described in this CIA are significant elements of the Poutini Ngāi Tahu worldview which, when understood together, approximate the non-Māori concept of “sustainable management”.

Te Ao Māori - the Māori world - emphasises the principle holism (Crengle, 2002), which requires consideration of the environment as a whole – and not as component parts. Many documents produced by or on behalf of Ngāi Tahu explain how Ngāi Tahu existed in harmony with Papatuanuku (Mother Earth), understanding the cycle of life.

Poutini Ngāi Tahu, as Tangata Tiaki, are responsible for ensuring that taonga are passed on in as good a state, or indeed better, to the generations that follow. This means that when considering the effects of treetop walks Poutini Ngāi Tahu will consider the impact on the long-term health of the environment and the needs of future generations. They are likely to seek monitoring of environmental health to ensure adverse impacts, no matter, how minor, are not experienced.

Numerous sites of significance are found across Te Tai Poutini and this legacy, left by the region’s original inhabitants hundreds of years ago, remains of spiritual and cultural importance. According to Poutini Ngāi Tahu the whenua (lands), wai (waters), ecosystems, and Poutini Ngāi Tahu whānau whānui are interrelated with bonds that should not be broken. In both their whakapapa and their physical presence on the landscape, maunga (mountains), the vegetation and awa (rivers) invoke a sense of awe.

Historical events however have shaped and changed Poutini Ngāi Tahu cultural and spiritual values. As Poutini Ngāi Tahu became integrated into European society, then the New Zealand economy, changes occurred. The original “economy of trade” overtime became a set of cultural beliefs fashioned by reactions to the economic and assimilative forces that became increasingly powerful in their lives as they witnessed developments that modified resources, sites of significance including valued landscapes. Because of their place in the whakapapa of Ngāi Tahu, maunga, the whenua and the waters of Te Tai Poutini are highly valued. This is the spirit with which many Poutini Ngāi Tahu view Te Tai Poutini today. While it may not be possible to avoid remedy or mitigate all the impacts of the proposed development on the values of Poutini Ngāi Tahu, discussions with Poutini Ngāi Tahu, need to continue.<sup>1</sup>

Priorities of Ngāi Tahu include the following:

- Protecting the headwater streams that flow from maunga
- Protecting the many small aquatic resources including streams, wetlands and springs

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<sup>1</sup> See Te Runanga o Ngai Tahu 1999, 2003 and Waitangi Tribunal Reports and evidence submitted by Ngai Tahu witnesses to the Tribunal.

- Rehabilitating degraded lands and waters
- Protecting native forest and outcrops
- Negotiating an Accidental Discovery Protocol
- Protecting the opportunity to enhance mahinga kai habitats; and
- Protecting indigenous biodiversity, in particular taonga species

Poutini Ngāi Tahu is committed to:

- Supporting abundant mahinga kai resources, particularly in important wetlands, backwaters, and tributaries
- Protecting the quality of the waters of Te Tai Poutini
- Protecting wāhi tapu / wāhi taonga
- Protecting native forest on Te Tai Poutini
- Protecting cultural landscapes
- Ensuring variability in West Coast river levels
- Providing a sufficient buffer, or safety margin, to mitigate against the adverse effects of changing land uses on the waters of Te Tai Poutini
- Enhancing access throughout the Te Tai Poutini
- Protecting native flora and fauna
- Addressing issues relating to changing land uses in catchments

When assessing the impact associated with the Hokitika Rimu Treetop Walk Poutini Ngāi Tahu want to see the following adverse effects avoided:

- Any deterioration to waterways within the development area
- Any removal of large native trees
- Any excessive removal of vegetation
- Any encroachment of adjacent land uses onto wetlands, river margins and streambeds
- Any loss of access to sites of significance, especially remaining mahinga kai sites
- Any loss of mahinga kai habitats and mahinga kai species
- Any loss of wāhi tapu and wāhi taonga

Poutini Ngāi Tahu wishes to be advised of:

- Initiatives to avoid remedy or mitigate the adverse effects of the Hokitika Rimu Treetop Walk and its infrastructure on the values identified in this report
- Initiatives to avoid remedy or mitigate the adverse effects of existing infrastructure on the values identified by stakeholders

It is expected that the issues raised in this CIA will become the focus of discussions between Poutini Ngāi Tahu and Canopy1.

# 1. INTRODUCTION

Ngāi Tahu have a long association and involvement with the catchments of Te Tai Poutini. The Crown initially recognised this significance in the nineteenth century with the granting of a number of reserves and more recently with the enactment of the Te Rūnanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998. As manawhenua, the Papatipu Rūnanga, Poutini Ngāi Tahu, believes that it has a responsibility to assess how any activity impacts upon their cultural values.

Canopy1 acknowledges the responsibilities of Poutini Ngāi Tahu and recognises Poutini Ngāi Tahu as its Treaty Partner in its activities in Te Tai o Poutinu.

## 1.1. PROJECT OBJECTIVES

The objectives of this report are:

- To provide information on the nature and extent of cultural interests, in the areas where the Hokitika Rimu Treetop Walk Project will occur, that are protected by the provisions of the Resource Management Act 1991, in particular sections 6(e), 7(a) and 8;
- To identify the impacts associated with the proposed developments that are of concern to Poutini Ngāi Tahu;
- To consider how the mitigation proposed in the AEE responds to the impacts identified; and
- To suggest how other impacts resulting from the Treetop walk project could be addressed.

## 1.2 FORMAT OF THE REPORT

This report has been divided into a number of chapters:

- Chapter 1 - sets out the objectives and scope of the report.
- Chapter 2 - describes Canopy1 Hokitika Rimu Treetop Walk (hereinafter referred to as Canopy1).
- Chapter 3 - provides the statutory, planning and policy framework within which the cultural impacts will be assessed.
- Chapter 4 - discusses the cultural environment, both traditional and current.
- Chapter 5 - provides a general discussion of the issues of concern to Poutini Ngāi Tahu specific to the project.

- Chapter 6 - concludes the report, highlighting the key issues that from the perspective of Poutini Ngāi Tahu need to be addressed.

### 1.3 THE AREAS CONSIDERED IN THIS REPORT

This section describes Poutini Ngāi Tahu customary associations with Lake Māhinapua as with other areas of Te Tai Poutini.

Poutini Ngāi Tahu holds Mana Whenua, or customary title, over Lake Māhinapua through maintaining occupational status. Customary title over the area is further evidenced by the wāhi ingoa, or place names, that mark the landscape.

#### Lake Māhinapua



MAHINAPUA

Lake Māhinapua is the site of a disastrous battle where Ngāti Wairangi defeated Ngāi Tahu.<sup>2</sup>

Ngāti Wairangi is an important early people on Te Tai Poutini (West Coast) who were the first workers of pounamu and held Te Tai Poutini until the end of the 18th century. When Ngāi Tahu went about settling Canterbury and Banks Peninsula for themselves the Ngāi Tahu leader Tūrākautahi established the pā Te Kōhaka-a-kaikai-a-warō later known as Kaiapoi pā north of Christchurch. However, in the late 18th century there was sustained conflict between Ngāi Tahu and Ngāti Wairangi.

<sup>2</sup> Anderson, A.J. (1998). *The Welcome of Strangers – An ethnohistory of Southern Māori, AD 1650-1850*, University of Otago Press in association with Dunedin City Council, Dunedin.

Anderson, A.J & Tau, T. (2008). *Ngāi Tahu A Migration History: The Carrington Text*. Bridget Williams Books in association with Te Rūnanga o Ngāi Tahu, Wellington.

Taylor, W.A. (1950). *Lore and History of the South Island Maori*. Bascands Ltd. Christchurch.

Among the chiefs and others who settled at Kaiapoi there was no qualified tohunga, nor anyone to whom the sacred lore of the *whare-kura* had been passed on. A party headed by Tūrākautahi went over to Te Tai Poutini to attend the *whare-kura* of Ngāti Wairangi, who were noted for their knowledge. However, the Ngāi Tahu men became very interested in the Ngāti Wairangi women, with the result that blood was shed, and Tūrākautahi barely escaped with his life.

Another expedition was made to the West Coast by Tānetiki (son of Tūāhuriri) and his friends. While in South Canterbury, they met a Ngāti Wairangi woman named Raureka who had with her a particularly nice piece of pounamu, and her story of how she had wandered through the mountains aroused the capacity of Tānetiki and his friends, who thought they saw an easy means of getting directly to the source of greenstone. There was also the incentive, always before Māori, of obtaining woman and land. Tānetiki, Tūtaemaro, Tūtepiriraki and Hikātūtae were the principal men of the party that went over the Alps.

At first there was no clash between them and Ngāti Wairangi, the latter allowing them to proceed southwards unmolested. When the party was in the neighbourhood of Lake Māhinapua, Ngāti Wairangi could no longer resist the thought of having so many important men of Ngāi Tahu in their power and they attacked the expedition, of whom very few escaped. Tānetiki was the most important person among the casualties, but Hikātūtae, his uncle, on seeing his nephew fall, managed to cut off his head and swim with it in his teeth across the lake. He gained safety for himself and preserved the head of Tānetiki from desecration. Eventually he got back to the east coast

Tūrākautahi did not feel that the people of Kaiapoi were capable of taking suitable vengeance, so he sent to Kaikōura and asked Moki to come south and take a war party to the West Coast. Moki consented to this and summoned Makō to come to his aid from Wairewa (Little River), and the combined force successfully met Ngāti Wairangi and defeated them.

Carrington records that the name of the battle was known as Ōtuku-whakaoka. Athol Anderson records that Ngāi Tahu defeated Ngāti Wairangi at Kōtukuwhakaoho. In Ngāi Tahu evidence to the Waitangi Tribunal Tipene O'Regan records that Ngāi Tahu defeated Ngāti Wairangi at Kotukuwhakaoho, which is the junction of the Arnold and Grey rivers. Although there are slight varying accounts of this battle Ngāti Wairangi were defeated by Ngāi Tahu, and since that time the manawhenua of Te Tai Poutini has rested on conquest, which today is held by those descendants of Poutini Ngāi Tahu.

The battle was also recorded as Tāwiri-o-te-Makō.<sup>3</sup> In a letter to Percy Smith in 1898, Teone Māmaru states that the Māori name for Lake Māhinapua is properly known as Tāwiri-o-te-Makō. The name stems from the Makō campaign to the West Coast with his relation, Moki. The senior chiefs Tānetiki and Tūtepiriraki were killed at Māhinapua by Ngāti Wairangi, although some sources say they drowned in the lake as a result of

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<sup>3</sup> Anderson, A.J & Tau, T. (2008). *Ngāi Tahu A Migration History: The Carrington Text*. Bridget Williams Books in association with Te Rūnanga o Ngāi Tahu, Wellington.



sorcery. All accounts agree that their bodies were piled in a heap and left to be found by Hikātūtae, who carried the heads back to Kaiapoi pā.

## **1.4 UNDERSTANDING THE CULTURAL CONTEXT**

The discussion of the cultural values of Poutini Ngāi Tahu that is included in section 4 of this report is not meant as an exhaustive treatment of the subject. Rather, it seeks to provide a conceptual framework for the Impact Assessment, which follows in Chapter 5. It is an attempt to explain the Ngāi Tahu perspective on the environment into terms more readily understood by the wider public, recognizing that a Poutini Ngāi Tahu perspective is fundamentally different in its treatment of human/nature interactions. This framework, we believe, is essential to understanding the depth and complexity of the Poutini Ngāi Tahu relationship with Te Tai Poutini, and the impacts of any development on this relationship.

## **1.5 TERMINOLOGY USED IN THIS REPORT**

### **1.5.1 Poutini Ngāi Tahu**

The Ngāi Tahu Act 1996 states that within the Te Tai Poutini (*West Coast*) Te Runaka O Kati Waewae (*Te Rūnanga o Ngāti Waewae*) and Te Runanga O Te Koeti Turanga (*Te Rūnanga O Makaawhio*) are the two papatipu marae-based Rūnanga which have manawhenua over Te Tai Poutini from Piopiotahi (*Milford Sound*) in the south, to Kahurangi in the north and into the middle of the Southern Alps.

In this document, the use of the term 'Ngāi Tahu' should be considered to include the constituent indigenous iwi, being Ngāi Tahu, Kati Mamoe, Waitaha. The term 'iwi' (tribe) is used in the same context.

Ngāi Tahu residing on Te Tai Poutini were called 'Poutini Ngāi Tahu', so as to distinguish from their relations living on the east coast.

Ngāi Tahu occupation of Te Tai Poutini was assured once they recognized the opportunities afforded by the presence of the highly prized pounamu. By as early as the seventeenth century, Ngāi Tahu were establishing Mana Whenua of the West Coast of the Te Waipounamu. Tuhuru of the Ngāti Waewae hapū, along with Piro, Tūtoko and Tuarohē (from whom members of Te Rūnanga o Makaawhio descend) were leading Poutini Ngāi Tahu rangatira / chiefs, establishing the Mana Whenua and mana moana of Poutini Ngāi Tahu by defeating the original occupiers, Ngāti Wairangi.

## **1.6 LIMITATION OF THIS REPORT**

This CIA represents best endeavours by the Papatipu Rūnanga to identify cultural effects of concern. They reserve the right, however, to oppose the consent or pursue

avoidance or mitigation of any subsequent impacts that are identified as a result of site visits or discussions with Canopy1.

## 1.7 CONSULTATION WITH POUTINI NGĀI TAHU

Pursuant to section 6 of the Te Rūnanga o Ngāi Tahu Act 1996, Te Rūnanga o Ngāi Tahu (TRONT) is the tribal representative body of Ngāi Tahu Whānui (the tribal collective), and is a body corporate duly established on 24 April 1996. Contained in Section 5 of that Act is a detailed description of the takiwā (area) of Ngāi Tahu Whānui, which confirms that the proposal is within the takiwā.

Section 15(1) of the Act states:

*Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.*

Section 15(2) of the Act states:

*Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu.*

Section 15(3) of the Act states

*Te Rūnanga o Ngāi Tahu in carrying out consultation under subsection 2 of this section shall seek the views of such Papatipu Rūnanga of Ngāi Tahu whānui and such hapū as in the opinion of Te Rūnanga o Ngāi Tahu may have views that they wish to express in relation to the matter ...*

The Act therefore confirms TRONT's status as the legal representative of the tangata whenua within the Poutini Ngāi Tahu Takiwā.

The First Schedule of the Act lists the eighteen Papatipu Rūnanga that represent the members of Te Rūnanga o Ngāi Tahu. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are identified as two of those constituent Papatipu Rūnanga and is therefore recognised by TRONT as the kaitiaki Papatipu Rūnanga for the area affected by Canopy1 proposal. It is common practice today for the interests of Ngāi Tahu whānui to be represented by both TRONT and the Kaitiaki Rūnanga of the area involved. The Kaitiaki Rūnanga, in this case Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu) are the representatives of those members of Ngāi Tahu whānui who have specific rights and interests in the area.

## **1.8 THE RELATIONSHIP BETWEEN THIS AND PREVIOUS CIAs PREPARED FOR THE PROJECT AREA**

Various organisations when applying for resource consents necessary to enable their continued operation have commissioned TRONT or Papatipu Rūnanga to prepare Cultural Impact Assessments. CIAs previously prepared that were specific to Te Tai Poutini have been accessed to ensure consistency in the information that is being supplied.

We believe that, although each proposal is to be assessed on its merits, we need to take a consistent approach and provide each applicant with the necessary cultural information upon which to base their consultation.

The information in this CIA is particularly relevant to the cultural values discussed in chapters 3 and 4 of this CIA.

## 2. THE PROPOSAL

This proposal<sup>4</sup> is for the Hokitika Rimu Tree Top Walk, an elevated walk in rainforest canopy at Lake Māhinapua near the town of Hokitika on the West Coast of the South Island of New Zealand. The site is superb with magnificent rainforest stretching to the shores of the picturesque Lake Māhinapua with the Kā Tiritiri o te moana, the Southern Alps providing an awe inspiring vista.

Road access to the site is via State highway 6, Ruatapu Road, approximately 15 kilometres south of Hokitika on the south-eastern flanks of Lake Māhinapua. Hokitika and Lake Māhinapua are established tourism destinations, which have experienced strong growth in recent years.

Hokitika is strategically well placed on the main West Coast highway, which is the main access to the iconic tourism destinations for which the South Island is renowned worldwide. Tourists, both domestic and international, generally follow a circular route around the South Island either traveling from Nelson or Arthur's Pass to the Glaciers further south. Hokitika is a convenient stop over between other major destinations.

The Hokitika Rimu Treetop Walk will provide visitors an additional reason to extend their stay and enjoy the 450 metre long, 20-30 metre high tree top canopy walk culminating in a spiral tower 47 meters above the forest floor.

The Treetop Walk will enthrall the visitor as they ascend into the canopy, providing views of Lake Māhinapua and the New Zealand Alps. It is an exhilarating and challenging visitor experience providing views of the forest from a uniquely accessible elevation.

To ensure that the overall visitor experience is not only informative and exciting but also provides a comfortable and invigorating environment the Hokitika Rimu development includes a high quality Visitor Centre which incorporates a café, interpretative installations and an outlet for local crafts operators.

The Visitor Centre will be an architecturally contemporary design featuring extensive glazing and natural timber to complement the natural bush setting. It will provide the day visitor with interpretative information, quality food, beverages and the opportunity to relax and absorb the rich beauty of the rainforest. The visitor can experience the changing nature of the Lake Māhinapua forest environment in the warmth and comfort of the Visitor Centre throughout the year.

### 2.1 Location

Hokitika is located on the West Coast of the South Island of New Zealand. It has a population of 3,000 and its economy has been one based on dairying, tourism and

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<sup>4</sup> This information is supplied by the applicant. The assessment of effects does not represent our assessment – it is the applicants.

timber. In common with other West Coast townships on the South Island of New Zealand the emerging eco-tourism market has grown significantly making a major contribution to the local economy.

The Hokitika Rimu Treetop Walk is located, partially on private farmland land and partially in Department of Conservation controlled rainforest, on the eastern side of Lake Māhinapua near the town of Hokitika. The site is approximately 15kms from Hokitika on the Woodstock Rimu Road.

## **2.2 Design**

The following construction methodology has been successfully used by Canopy 01 in previous Treetop Walk constructions and will be adopted for the Hokitika Rimu site to ensure a successful integration in the forest:

- The canopy walkway is designed to have minimal impact on the forest environment
- The design methodology ensures minimum earthworks, soil disturbance and compaction
- Truss and towers are made using lightweight sections for ease of handling
- Access to the start of the canopy walkway from the Visitor Centre is provided by a surface walkway designed to allow access for all
- Towers are connected by prefabricated trusses which are delivered to site in short sections that can be manoeuvred within the tight forest environment, assembled on site and then lifted easily within the forest canopy  
Pavilions constructed on the top of various towers to provide for interpretation, shelter and rest
- A cantilevered lookout will provide access to the top of the canopy and spectacular views
- Guy wires, which secure the structure by connection to concrete footings anchored into ground below, have minimal footprint on the forest floor
- The Southern Alps Lookout Tower is ascended via a spiral stair rising 47 metres through the understorey to gain spectacular views to the Alps

## **2.3 Structure**

The Treetop structure is 450 metres long and varies in height ranging from 20 to 30 metres. The Southern Alps Lookout Tower (Tower No. 5) will be 47 metres high. The structural supporting columns (or towers) are generally 600mm in diameter and at 40 metre intervals.

The walkway itself is supported by an open framed circular hollow section fabricated steel truss with a 1375 mm high safety balustrade.

All the structural members are to be painted with a matt finish mid grey inorganic zinc silicate industrial standard painting system. The colour has been specifically chosen to blend with the forest environment and hence be hard to distinguish from the greys of tree trunks and branches.

As a consequence the structure has very little visual impact – even at relatively close range – particularly given the dense forest up to 50 metres high.

The whole of the structure will be maintained below the forest canopy height.

The ground level at the adjoining tree topped ridge is 25 metres above the ground level of the tree top walk. Hence the treed ridge line will not be interrupted by the intrusion of a new structural element punctuating the silhouette. Viewed from the western shores of Lake Māhinapua Hobart Hill obscures the treetop walk site and the Southern Alps form a dark visual backdrop.

## **2.4 Walkway Structure**

The treetop walk is formed by joining a series of tall steel pylons with steel trusses. Steel mesh flooring and high balustrades provide a stable treetop platform accessible to all age groups including those with limited mobility. This construction technique is a known and tested structural methodology which has been used on three previous projects (Tahune Airwalk, Illawarra Fly and Otway Fly) by Canopy 01.

The Treetop Walkway will be 450 meters in length and between 20- 30 meters in height. It is designed to have minimal impact on the forest environment. The truss and towers are made up in lightweight sections for ease of handling.

Access to the start of the Treetop Walk from the Visitor Centre is provided by a short ground walk at gentle grades. Pavilions will be constructed on the top of some of the towers to provide meeting points, shelter and a place of rest. The walk will also feature:

- A cantilevered end span with views of Lake Māhinapua and the Southern Alps ('The Thrill Factor')
- Hollow steel tube circular towers divided into sections for ease of handling
- Large diameter guy wires connected to concrete footings anchored into the ground below
- Trusses fabricated from CHS sections divided into 8-metre lengths each weighing one tonne
- A spiral staircase rising 47 meters through the understorey to gain spectacular views over Lake Māhinapua and the Southern Alps
- Decking treatment to ensure stable, non-slip surface
- Interpretive signs detailing themes about the rainforest and points of interest, which will be strategically located along the Treetop Walkway

## **2.5 Track Construction**

The open nature of the Rimu forest allows for the new treetop walk and all new construction tracks to avoid removal of any of the large trees. Construction tracks will be carefully aligned and designed to allow for landscape rehabilitation to occur quickly on completion of construction activity. Topsoil and vegetative material is to be removed and kept adjacent to the side of tracks prior to construction work and

relocated on completion of construction.

This methodology relies on careful alignment of the new structure based on thorough ground surveying of the location of each of the component parts that comprise the treetop walk structure.

The prefabricated modular system of erection and construction of these previously proven structural components allows the easy avoidance of large trees.

The whole of the construction activity will be confined to purpose built tracks for access, construction, the siting of all the tree top walkway structure and all surface access tracks.

By siting all the structure on these tracks there is no necessity for the removal of large trees. Canopy 01 regard this as a fundamental issue for construction methodology.

The retention of trees ensures that the visual amenity of the forest is retained unaffected and as a consequence the Treetop Walk structure will not be visible from outside the site.

## **2.6 Benefits**

The capital cost of construction of the Hokitika Rimu Treetop Walk is estimated at \$A6.0 million dollars. The Hokitika Rimu Treetop Walk is projected to receive 175,000 visitors in its first year of operation. Total Annual Gross Revenue generated in the first year of operation is estimated at \$A4.5 million dollars. During the busy summer months Hokitika Rimu is projected to employ up to 10 to 15 Full Time Equivalentents.

The Hokitika Rimu Treetop Walk in its first full year of operation is projected to inject \$A3.0 million dollars into the New Zealand economy. This will be made up of \$A600,000 in staff wages, \$A500,000 in the purchase of goods for the café and gift shop and just under \$A1.0 million in external services. Importantly the majority of this is within the local region. The overall benefit to the regional economy based on the multiplier effect is more likely to be in the order of \$A6.0 million dollars per annum.

## **2.7 Effects**

The Rimu Treetop Walk area will have a significant effect on the values associated with the flora within the development area. However, these effects can be mitigated. Also over time the values will return through site remediation.

Nearly all the potential environmental effects of this proposal result from the removal of diverse vegetation as well as water and stream contamination during construction. Much of this land is native forest and the amount of habitat to be removed is not

sufficient to place any of the species in this area at risk of becoming rare and no species will lose its viability in the area as a result of this proposal.

## **2.8 Summary**

Canopy 01 has secured the private farmland on which the principal infrastructure is to be located. Canopy 01 is concurrently applying for a concessional lease from the Department of Conservation over the forest component of the site and applying to the Westland District Council for development approval for the project.

Canopy 01 is an experienced developer, owner and operator having successfully undertaken 4 similar projects in Australia.

This is a proposal that respects and responds to the natural values of this magnificent forest environment and will deliver a major complementary supporting nature based tourism drawcard for the Westland region of the West Coast.



### 3. STATUTORY PLANNING AND POLICY FRAMEWORK

#### 3.1 TE TIRITI O WAITANGI

In 1840, Te Tiriti o Waitangi (Treaty of Waitangi) was signed between the Chiefs of Aotearoa and Her Majesty the Queen of England formalising an agreement to allow British subjects to settle in areas such as Te Wai Pounamu, under formal British colonial rule, and which guaranteed to Māori the protection of their taonga (possessions) for so long as they wished. Such taonga included their waters<sup>5</sup>, lands, fisheries and mahinga kai.

Te Tiriti o Waitangi reaffirmed these rights thus:-

*Māori Text:*

*“Ko te Kuini o Ingarani ka whakarite ka whakaae ki nga Rangatira, ki nga Hapu, ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o o ratou whenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Whakaminenga me nga Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi whenua e pai ai te tangata nona te whenua, ki te ritenga o te utu e whakarite ai e ratou ko te kai hoko e meatia nei i te Kuini hei kai hoko mona”.*

*English Text:*

*“Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession....”.*

The words “their lands and estates, forests, fisheries...” in the Treaty of Waitangi encapsulates the right to mahinga kai, to places where the resources are harvested, the activity and business of gathering kai and includes the type of resources that were caught or gathered. It was upheld by the Waitangi Tribunal that Māori fishing rights have endured to the present day. Poutini Ngāi Tahu believe that a Treaty that promises a fishing right implicitly promises enough water of sufficient quality to sustain a fishery.

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<sup>5</sup> The Waitangi Tribunal has defined taonga value as including the value of the water itself, the resources living in the water and the resources sustained by the water.

### 3.2 POUTINI NGĀI TAHU CULTURAL AND TRADITIONAL PRINCIPLES FOR SUSTAINABLE MANAGEMENT<sup>6</sup>

Traditional management was founded on a set of cultural values that arose from the Poutini Ngāi Tahu worldview. These cultural values include a set of principles upon which the relationship between people and the environment must be based in order to sustain balance between the needs and demands of humans and the health of the natural world that sustains them. The following principles are significant elements of the Poutini Ngāi Tahu worldview which, when understood together, approximate the non-Māori concept of “sustainable management”.

**Te Ao Māori:** The principle of holism: Sustainable management must consider the environment and its component parts as a whole and assess effects from actions across all dimensions, spiritual, mental, biophysical, and social [te taha wairua, te taha hinekaro, the taha tinana, te taha whanau].

**Whānaungatanga:** The principle of kinship, connectedness, and inter-dependence between all things within the natural world including people: Sustainable management must be based on ethics of Whānaungatanga reflecting and giving life to the inter-relationship between all things. Sustainable management should seek to sustain the health, wealth and well-being of the natural environment while sustaining the communities of people dependent upon them.

**Whakapapa:** The principle of cause and effect, descent and transmission: Sustainable management must be predicated on an understanding that all actions cause effects which in turn cause other effects. Eventually the cycle of effects returns in kind to the original actor. Sustainable management decisions must consider all immediate and downstream effects in the present and, as far as possible, into the future.

**Taonga Tuku Iho:** The principle of generational continuity and responsibility: Present generations are one with those who have gone before us and those yet to be born. This applies to people and to generations or successive cycles of other species or natural phenomenon. Present generations have an overriding obligation to control the effects of their actions so as to ensure that resources are passed on to future generations in at least as healthy and productive a condition as they were inherited from the ancestors.

Under the Poutini Ngāi Tahu conception, all elements within the world are linked by mutual descent from the atua (deities) and the primeval parents, Rakinui and Papatuanuku. Thus all parts of the environment are related to one another and exist

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<sup>6</sup> This section draws on the work of Hana Crengle (2002) in Tipa et al (2002). Crengle has written extensively about cultural values, Treaty values and the Resource Management Act 1991.

within a mutually inter-dependent whole.<sup>7</sup> People and their communities rely upon the other children of Papatuanuku and Rakinui for sustenance and, in return, owe the natural ecology and its components obligations akin to those owed to a family member.<sup>8</sup>

Explanation of how cultural values are impacted by the project is covered elsewhere in this assessment. Instead, the section that follows summarises key cultural values via a series of concise descriptions of relevant elements of those values as understood and approved by Poutini Ngāi Tahu. These descriptions form the basis of the structure of the impact assessment in Chapter 5.

**Whakapapa** incorporating:

- (a) Traditional Poutini Ngāi Tahu knowledge and scientific classification of relationships between parts of the ecology (e.g. the relationship between water and fisheries, or between individual ecological functions); and
- (b) Ancestral descent rights that define authority as between individuals and groups of people to control, manage and act as kaitiaki guardians, for the benefit of present and future generations;<sup>9</sup> and
- (c) Approval from the Gods and non-human kaitiaki guardians conferred on certain individuals, whanau, and hapu who are designated by mana Atua expressed through whakapapa ancestral right and obligation, to be the rightful people entitled to benefit from the resources and to carry the associated mandate to protect the environment and to speak on its behalf.

**Whānaungatanga** incorporating:

- (a) Inter-relationship between all parts of the ecology;
- (b) Inter-relationship between the ecology and the well-being of Mana Whenua; and
- (c) Obligations on decision-makers to ensure that all parts of the ecosystem including people and their communities are cared for.

**Mana (Rangatiratanga)** incorporating:

- (a) Tribal areas of land and waters which are the exclusive territories of Ngāi Tahu, the holders of exclusive rights of authority over those areas as against other tribes.
- (b) Chiefly authority conferring and defining rights to control and manage and the activities of people affecting the environment; and
- (c) The Article II guarantee of the Treaty of Waitangi.

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<sup>7</sup> "Maori developed a system of resource management in which people were no more than another living part of the whole ecosystem, capable of a care-taking role alongside other creatures...People lived within and as a part of a whole to which they were intimately and genealogically related." Love (1992)

<sup>8</sup> "Papatuanuku is our mother and deserves our love and respect. She is a living organism with her own biological systems and functions creating and supplying a web of support systems for all her children, whether man or woman, animal, bird, tree or grass, insects or microbes." Rev Maori Marsden The Holistic World View of the Maori (1992)

<sup>9</sup> "In addition to the interconnection between all things, whakapapa defines ancestral rights as between people. Rights flowing from whakapapa include rank and status in society, mana to belong to a specific group or a number of hapu or whanau kinship groups, and authority to exercise rakatirataka or chieftainship." Lifeforms Focus Group, Ministry of Commerce Maori and the Patenting of Lifeform Inventions (1999)

**Mana Whenua** incorporating:

- (a) Spiritual power and authority that creates rights and obligations flowing from the lands that sustain and are cared for by an iwi, hapū, or whānau
- (b) The people holding traditional rights of exclusive authority as Tangata whenua of their tribal territories
- (c) The concept of allocation of use and management rights to the “right” people on the basis of ancestry i.e. whakapapa descent

**Taonga** incorporating:

- (a) All things prized, tangible and intangible, animate and inanimate
- (b) The concept of a resource, its utility, and notions of sustainability, the wise use of resources, and the obligation to maintain the mauri
- (c) Respect for the past and the obligation to preserve resources and cultural wealth and well-being for future generations
- (d) Intrinsic values
- (e) Cultural use, heritage, and amenity values

**Kaitiaki** incorporating:

- (a) Guardian spirits who communicate with the living world to warn of danger and herald the times and limits of harvest seasons, sometimes manifested through guardian animals, birds, fish, or taniwha;<sup>10</sup>
- (b) Intergenerational responsibilities as resource caretakers (i.e. responsibilities to protect the interests of future generations including the ecology, species, and people);
- (c) The obligation to guard, foster, and protect resources and people, including the obligation to consent to or refuse access to resources to protect sustainability;
- (d) The power to assess effects and to allocate responsibility or liability for actions that harm the environment;<sup>11</sup> and
- (e) Tohunga and whānau kaitiaki people with the mātauraka (training and knowledge) to interpret signs in the environment (such as environmental indicator species or natural events) that were utilized to understand the changing ecology, who act as monitors of resource health and well-being.

**Mauri** incorporating:

- (a) The life force<sup>12</sup>; and

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<sup>10</sup> “Kaitiaki or guardian spirits are left behind by deceased ancestors to watch over their descendants and to protect sacred places. Kaitiaki are also messengers and a means of communication between the spirit realm and the human world. There are many representations of guardian spirits, but the most common are animals, birds, insects, and fish.” Cleve Barlow [Tikaka Whakaaro: Key Concepts in Maori Culture](#)

<sup>11</sup> “Kaitiaki may be friendly to the ‘client’ and/or destructive to the ‘non-client’, eg a kaitiaki may appear in different shapes and forms to warn of impending danger. Conversely, they may punish or disapprove of someone who has transgressed or been disrespectful to the resource protected by the kaitiaki.” Mana Cracknell of Rongomaiwahine, quoted in Solomon and Schofield [The Resource Management Act and the Treaty of Waitangi: A Starting Point and Framework](#) (1992)

<sup>12</sup> “Mauri is the life-force which generates, regenerates, and upholds creation. It is the bonding element that knits all the diverse elements within the Universal Process giving creation its unity in diversity. It is the bonding element that holds the fabric of the universe together”. Rev Maori Marsden [The Holistic World View of the Maori](#) (1992)

- (b) The “Environmental Benchmark” by which Poutini Ngāi Tahu measure the present health of the environment, the inter-linked well-being of Mana Whenua, and the actual and likely effects, positive or adverse, of the proposed development.

**Wāhi Tapu and Wāhi Taonga** incorporating<sup>13</sup>:

- (a) Sites that are or have been made tapu in nature to protect their intrinsic values and/or because of their association with the Gods, the tūpuna, or important historic and cultural events and activities; and
- (b) Other sites particularly valued for their utilitarian significance as places from which resources are customarily sourced, that are ecologically significant (for e.g. as breeding or migratory habitats) or that were particularly significant species or taonga resources are located.

**Mahinga kai** incorporating:

- (a) The bounty given by Papatuanuku to its people
- (b) Places and resources (e.g. species) important for sustaining the cultural, social, and economic well-being of Mana Whenua; and
- (c) The activities associated with gathering and use of the resources, including cultural harvest, whānau experience and knowledge, and transmission of cultural values and tikaka practices between generations.

**Tikanga** incorporating:

- (a) Rules and regulations controlling the actions of people and the practices associated with these rules and regulations;
- (b) Poutini Ngāi Tahu sustainable management kawa (protocols, use controls, and culturally-sound techniques) designed to ensure the results of human action are consistent with the Poutini Ngāi Tahu cultural values and desired environmental, social, and economic outcomes;
- (c) Environmental standards for measuring the effects of people’s behaviour on the environment; and
- (d) Traditional biophysical and cultural indicators that are used to monitor ecological states and effects from human activity.

### **3.3 RESOURCE MANAGEMENT ACT 1991 (RMA)**

The Resource Management Act 1991 is the principal legislation under which the natural and physical resources of New Zealand are to be sustainably managed.

Section 5. Purpose –

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

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<sup>13</sup> “All the lands of Papatuanuku are sacred. Any time you want to disturb the surface of that land and do something with it, certain protocols and procedures need to be carried out in order to make it noa (non-sacred). This would usually involve a tapu lifting ceremony and karakia to appease the essence of the earth.”

Huirangi Waikerepuru of Taranaki, quoted in Solomon and Schofield The Resource Management Act and the Treaty of Waitangi: A Starting Point and Framework (1992)

- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while -*
- (a) *Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The duties and the obligations that Part 2 of the RMA imposes for all people who exercise functions or powers under the Act in relation to the use of natural resources are detailed below.

Section 6 sets out the matters that are of national importance

*Matters of national importance – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

*(e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga.*

Section 7 sets out other matters that regard is to be had to

*Other matters - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –*

*(a) Kaitiakitanga*

Section 8 states that the principles of the Treaty of Waitangi need to be taken into account.

*Treaty of Waitangi - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Court of Appeal in *Court of Appeal v Attorney General 1987 CA 54/87*:

- (i) The principle of partnership.*
- (ii) The principle of active protection of Māori people in the use of their lands and waters to the fullest extent practicable.*

(iii) *The principle of utmost good faith in dealings with the other Treaty partner.*

Within the RMA context a further principle, that of consultation has been found to arise under the principles of the Treaty of Waitangi. The Environment Court has noted that active protection of Māori interests requires positive action, which will at times oblige both the consenting authority and the applicant to consult, and also to initiate, facilitate, and monitor the consultation process as part of the duty to take into account the principles of active protection and partnership. Consultation must be conducted in a spirit of good will and open mindedness, and over a reasonable span of time, and to a degree sufficient for the local authority to be informed on the matters in issue.

### **3.4 THE NGĀI TAHU CLAIMS SETTLEMENT ACT 1998**

The Ngāi Tahu Claims Settlement Act (“the Settlement Act”) includes a number of provisions that are relevance to the management of the freshwater resources of Te Tai Poutini, including

- Statutory adviser to Minister of Fisheries;
- Protocols and a closer working relationship with Department of Conservation;
- Identification of taonga species.

### **3.5 POUNAMU VESTING ACT 1997**

This Act is important as its stated purpose is to give effect to certain provisions of the Deed of On Account Settlement, signed on 14 June 1996 by the Crown and Te Runanga o Ngāi Tahu as representative of Ngāi Tahu, by vesting, in Te Rūnanga o Ngāi Tahu, pounamu in the Takiwa of Ngāi Tahu Whānui and in those parts of the territorial sea of New Zealand that are adjacent to the Takiwā of Ngāi Tahu Whānui

## 4. NGĀI TAHU ASSOCIATION WITH THE AFFECTED AREA

The best history by far is that provided by the people themselves. Accordingly, information for this portion of the study was obtained from the written records of Poutini Ngāi Tahu and from discussions with members of Ngāi Tahu whānui living in Te Tai Poutini. The purpose of this chapter is to provide a general discussion of the cultural values of Poutini Ngāi Tahu and articulate the legal basis for their consideration under the Resource Management Act 1991 (RMA).

Please note, as previously stated the intention is for the information to be consistent with statements provided as part of earlier CIAs that were prepared for developments on Te Tai Poutini and / or other developments that could affect catchments on Te Tai Poutini.

### 4.1 TE AO MĀORI

Te Ao Māori - the Māori world - emphasises the principle holism (Crengle, 2002), which requires consideration of the environment as a whole – and not as component parts. Many documents produced by or on behalf of Ngāi Tahu explain how Ngāi Tahu existed in harmony with Papatuanuku (Mother Earth), understanding the cycle of life.

Holistic conceptualizations that emphasise integration, interdependencies and interrelationships are common to indigenous peoples rather than fragmenting and compartmentalizing the environment (Posey, 1999). Ngāi Tahu articulated this perspective, entitled “Ki Uta Ki Tai”, which they describe as “a comprehensive, culturally based ‘mountains to the sea’ natural resource management framework developed by and for Ngāi Tahu Whānui” (Te Runanga o Ngāi Tahu, 2003).

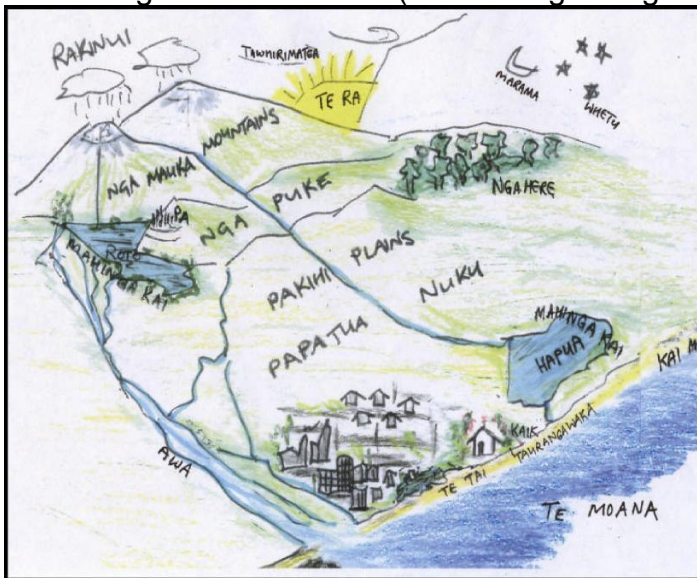


Figure 3: An illustration of Ki uta ki tai (TRONT, 2003)



## **4.2 WHAKAPAPA**

In many publications Ngāi Tahu explain that life came into being when Maku mated with Mahoranuiatea, another form of water and begat Ranginui, the sky. Ranginui coupled with a number of wives, including Papatuanuku. From Rangi various unions came vegetation, animals, birds, the mountains, people and a host of departmental atua. Ngāi Tahu claim the same descendency from Rangi and his wives. Whakapapa then, binds Ngāi Tahu to the lands, waters and the life supported by them. As stated previously, within Ngāi Tahu conceptualizations, an ecosystem is not just the sum of the parts, it is the sum of the relationships – and to Ngāi Tahu relationships mean whakapapa.

Whakapapa therefore describes bonds, relationships, and connections. Water is the medium flowing through a catchment that makes connections. Rivers connect the entire landscape – ki uta ki tai – from the mountains to the salty waters of the Tasman Sea. Many connections have been lost in Te Tai Poutini catchments. Wetlands have been drained or inundated while many streams and creeks are slowly degraded. Papatipu Rūnanga will not accept any further loss or incremental degradation of streams, rivers, lakes and wetlands.

## **4.3 A SACRED LANDSCAPE**

Poutini Ngāi Tahu consider mountains sacred places, each has its own whakapapa and is central to Poutini Ngāi Tahu cultural identity.

Effects of activities such as infrastructure development that include the interception of runoff and its diversion from its natural receiving waters, impact the mauri of the waterways. Although the specifics of the association with the mountains and ranges are unable to be described in detail in this report, the protection of significant landscapes comprising mountains and ranges, together with the waters sourced from them and the lands and resources nourished by the waterways flowing from them, is without a doubt one of the most important resource management issues from the perspective of Poutini Ngāi Tahu.

## **4.4 PLACE NAMES**

The significance and time-depth of the relationship between the Poutini Ngāi Tahu people and the landscape is perhaps best reflected in the placenames assigned to culturally important locations throughout their traditional territory. Such names take their source from the earliest people, creation traditions, incidents, mahinga kai resources, weather and tupuna. The long history of occupation and travel within Te Wai Pounamu has left many sites that are of significance. It has also enabled Poutini Ngāi Tahu to accumulate an extensive amount of knowledge of the water resources of catchments and the associated mahinga kai resources.

The custom of naming places served many purposes, including delineating tribal boundaries, determining where fish could be preserved, birds could be snared, berries gathered, and crops planted (Mitchell 1948). For example, the name Orikaka is likely associated the abundance of forest birds along the waterway, in particular the kaka. A colored piece of flax fabric was waved to and fro “ori”, and when a bird came to investigate it was snared in a running noose at the end of a long stick.

#### **4.5 MAURI**

Water is central to all Māori life. It is the provider and sustainer of life.

The condition of water is seen as a reflection of the health of Papatuanuku, the Earth Mother. A waterbody with an intact mauri will sustain healthy ecosystems and support mahinga kai.

*The mauri is the life force that ensures that within a physical entity ... that all species that it accommodates will have continual life ... The mauri is defenceless against components that are not part of the natural environment (Massey University, 1990).*

*“Mauri seems to be whatever it is in an ecosystem which conduces to the health of that ecosystem” (Massey University, 1990).*

Of concern, from the perspective of Poutini Ngāi Tahu is that mauri is subject to desecration. The loss of mauri is recognised by the degraded nature of the resource and the loss of its life supporting capacity. Poutini Ngāi Tahu believes that every effort should be taken to ensure that the mauri of a resource not be desecrated. From a resource management perspective it is important to realise that natural disasters cannot harm the mauri only those resulting from the actions of man.

The intangible or metaphysical aspects of mauri sometimes make it difficult to identify the practical means by which resource users and resource management agencies are to recognise and provide for the protection of mauri.

Maintenance of unmodified environments and areas of historical, cultural, and ecological significance is important to Poutini Ngāi Tahu; as such environments maintain traditional associations with the area. Examples include the maintenance of skylines (in maunga / mountain areas), natural flow patterns of rivers, rock formations, areas of indigenous forests and other landscapes of significance. Many such areas are already highly modified with forestry, mining development, and farming activities. For Poutini Ngāi Tahu, cultural and environmental values found in lightly or unmodified environments are priceless, and cannot be measured in terms of money.

In the context of this report, protection of the mauri of the waterways of Te Tai Poutini requires the adverse effects of the following activities to be avoided, remedied or mitigated:

- Extractions;
- Diversions;
- Damming;
- Unnatural discharges; and
- Channel modification.

#### **4.6 RANGATIRATANGA**

Rangatiratanga is a term first coined by missionaries (Williams, 1996). Its base is “rangatira” meaning chief. The addition of the suffix “tanga” abstracts this thereby denoting chiefly power, authority, prerogative or domain.

Crengle (2002) believes rangatiratanga encompasses

- (d) Tribal areas of land and waters, which are the exclusive territories of Ngāi Tahu, the holders of exclusive rights of authority.
- (e) Chiefly authority conferring and defining rights to control and manage rivers and the activities of people affecting the rivers; and
- (f) The Article II guarantee of the Treaty of Waitangi.

Tino Rangatiratanga refers to Poutini Ngāi Tahu having the right to make decisions concerning the resources within their recognised area.

Please note this report does not discuss the nature and extent of Ngāi Tahu rights in and over freshwater and other taonga. This should not be construed as meaning Ngāi Tahu and Poutini Ngāi Tahu accepts the current position. Poutini Ngāi Tahu wishes to state explicitly that it believes issues of ownership and other property rights to freshwater and other natural resources remain unresolved.

#### **4.7 WĀHI TAPU / WĀHI TAONGA**

The report now turns to an examination of wāhi tapu. For Poutini Ngāi Tahu, the terms “wāhi tapu” or “wāhi taonga” refer to places that hold the respect of the people in accordance to tikanga (custom) or history. Whilst some sites are significant to the iwi some are important to the hapū and whānau who visited, lived at, or had special affiliations to that area. Given the potential for accidental discovery, it is therefore recommended that an Accidental Discovery Protocol be implemented should consent to development be granted. An example of an Accidental Discovery Protocol is attached as [Appendix 1](#).

#### **4.8 TAONGA SPECIES**

Taonga species are native birds, plants, and animals of special cultural and spiritual importance. The Settlement between the Crown and Ngāi Tahu included recognition of the customary relationship that Ngāi Tahu have with taonga species, and included provisions for Ngāi Tahu participation in their management. For example, managers of any taonga species are required to consult with and have regard to the views of Ngāi Tahu about the management of any taonga species. A complete list of taonga species is included in Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 and is attached as [Appendix 2](#).

#### **4.9 KAITIAKITANGA**

Poutini Ngāi Tahu, as Tangata Tiaki, are responsible for ensuring that taonga are passed on in as good a state, or indeed better, to the generations that follow. This means that when considering the effects of this development Poutini Ngāi Tahu will consider the impact on the long-term health of the land, forest, waterways and the needs of future generations.

Poutini Ngāi Tahu recognizes however that it has the opportunity to develop meaningful relationships with Canopy1 thus explicitly recognising and enabling Poutini Ngāi Tahu to exercise their responsibilities as Tangata Tiaki.

#### **4.10 MAHINGA KAI**

Mahinga kai is considered the heart of Ngāi Tahu culture, providing a key component of cultural identity (Tipa 2002). Te Tai Poutini was recognized as a land of abundance, a land rich in freshwater resources and a diversity of plant, fish and bird species. Within the vast inland areas, the rich freshwater and terrestrial resources were geographically dispersed and their availability varied seasonally. These seasonal cycles enabled the people to harvest available resources, store them for periods of scarcity, and to integrate these subsistence pursuits with cultural activities. Records show that plants, birds, and fish historically comprised the food sources of Poutini Ngāi Tahu. Fish, where they occurred, were reliable and plentiful but seasonal. Poutini Ngāi Tahu fished extensively in the wetlands, streams, creeks.

The most important stretches of river to Ngāi Tahu were those suitable for fishing, especially whitebait. The first tupuna claimed these prime spots and ownership of them was passed to their families. Māhinapua is a spawning ground for whitebait.

#### **4.11 Resource Use**

In this section, we identify some the species that are valued by Poutini Ngāi Tahu. Records confirm that different plant, fish and bird species were gathered across Te Tai Poutini.

**Plant Resources:** Some of the valued mahinga kai plant species are identified in Table 1.

Table 1: Plant species known to be sourced from Te Tai Poutini

Ka Rakau	Plants	Taonga species
Aruhe	Fernroot	*
Tutu	Tutu	*
Raupo	Bullrush	*
Kauru	Extract from the Cabbage tree	
Harakeke	Flax	*
Kuta	Bamboo spike-sedge	
	Berries	
Koareare	Product from raupo	

Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies a number of species that are classed as taonga species. In section 288 of this Act “*The Crown acknowledges the cultural, spiritual, historical and traditional association of Ngāi Tahu with the taonga species*”. Taonga species are marked in the Table 1 – 4 by the \*

**Freshwater Resources:** A wide variety of fish, shellfish, other invertebrates, and waterfowl were utilized throughout the seasons. Some of those collected are identified in Table 2. Tuna (eels) were perhaps the most important freshwater resources to Poutini Ngāi Tahu. Their abundance and the predictability of their migrations made them the cornerstone of seasonal subsistence activities.

Table 2: Fish Species known to be sourced from Te Tai Poutini

Ka Ika	Fish	Taonga Species
Patiki	Flounder	
Kokopu	Giant bully	*
Koura	Freshwater crayfish	
Kanakana	Lamprey	
Inaka	Whitebait	
Tuna	Eels	

**Birds:** A variety of birds also contributed to the seasonal subsistence of Poutini Ngāi Tahu. Birds were hunted for food, as well as for their feathers and down. Unfortunately, birds, like the other mahinga kai resources, are not as plentiful as they once were.

Table 3: Bird Species known to be sourced from Te Tai Poutini Catchment

<b>Ka Manu</b>	<b>Birds</b>	<b>Taonga Species</b>
Putakitaki	Paradise ducks	*
Weka	Woodhen	*
	Range of forest birds	
	Birds eggs	
	Range of duck species	
Torea		
Karoro	Black backed gulls	

### ***Introduced species***

Table 4: Introduced species known to be sourced from Te Tai Poutini Catchment

<b>Introduced species</b>		
	Trout	
	Potato	
	Turnip	

#### **4.12 The Continuing Importance of mahinga kai resources**

Commercial development has contributed to the loss of mahinga kai. As a consequence Poutini Ngāi Tahu is especially aware of the value of their remaining land waters and resources. This awareness underpins contemporary efforts to protect remaining mahinga kai habitats and balance this against the sustainable use of resources.

Ngāi Tahu contends that every effort must be taken to avoid the adverse effects of future demands of resource use and development on remaining mahinga kai sites and resources throughout the Te Tai Poutini. Further, a conscious effort is needed to ensure that steps are put in place to reverse the history of degradation of habitats within Te Tai Poutini and the alienation of Poutini Ngāi Tahu from an active role in the freshwater management. Poutini Ngāi Tahu maintains a continuous relationship with mahinga kai. They reflect these historical relationships in their ongoing efforts to restore mahinga kai to its position as the landmark occupying various ecological niches across Te Tai Poutini.<sup>14</sup>

<sup>14</sup> A number of runanga have restoration projects underway.

## 4.13 TRAILS



Te Wai Pounamu was covered with a complex system of trail and access routes. These linked Poutini Ngāi Tahu settlements to the social and economic life of the tribe and tied them into networks of trade which extended well beyond the South Island.

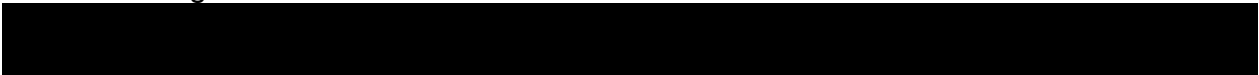
Coastal and inland trails in this area were well known to Māori and also used in later years by early European travellers and their Māori guides. The coastal area from Pakawau Pa (Massacre Bay) south towards Māwhera (Greymouth) is the northern section of the Poutini Coastal trail, one of the oldest pounamu trails (Brailsford 1996). The Kawatiri trails are also near by, connected to trails that used the Māwhera (Grey), Inanaghua and Kawatiri (Buller) Rivers as an inland route from Ōkārito to Māhinapua onto Arahura then through to Nelson. In addition, early Europeans reported a Māori trail

up the Orikaka (Mackley) and over the range to the Waimangaroa as an alternative to the lower Buller Gorge (DoC 1998).

Most of today's transportation routes follow old Ngāi Tahu trails. Trails are an indicator of how far and where Ngāi Tahu traveled, and the purpose of an often long and arduous journey. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga.

#### **4.14 SUMMARY OF NGĀI TAHU VALUES THAT COULD BE IMPACTED**

The impacts of the proposed development on the following values will be examined more closely in the following section.

- Te Ao Māori
  - Whakapapa
  - Cultural Landscapes (including placenames)
  - Mauri
  - Rangatiratanga
  - Kaitiakitanga
  - Taonga species
  - Wāhi Tapu
  - Mahinga kai
- 



## 5. THE IMPACT ON CULTURAL VALUES

Based on Ngāi Tahu's experience with other commercial developments, this section of the report identifies environmental effects associated with this development that are of concern to Poutini Ngāi Tahu. The section also identifies concerns specific to the Hokitika Rimu Treetop Walk project that are to form the basis of discussions between Poutini Ngāi Tahu and Canopy1.

It must be stressed however that this is an assessment of **cultural** impacts – the impacts of the proposed development on the cultural values important to Poutini Ngāi Tahu, as assessed by Poutini Ngāi Tahu. While Canopy1 may consider that the environmental impacts are minor it cannot be assumed that this equates to a minor cultural impact. The cultural values that are detailed in Chapter 4 explain why Poutini Ngāi Tahu may have a perspective with respect to impact significance that differs to that of the experts contracted by Canopy1 to assess environmental impacts.

The wording of the CIA is therefore intentional. Where there is a difference of opinion, it is noted that Canopy1 has “to assure” Poutini Ngāi Tahu – by way of monitoring, mitigation or through consent conditions – that the cultural concerns will be addressed.

However, it is inappropriate and wrong for cultural concerns to be left out of this CIA because an environmental assessment has assumed or identified no or minimal impact. If this approach was taken it would mean that this document is an assessment of the environmental impact (as determined by non-manawhenua) on cultural values. This is not what Poutini Ngāi Tahu want considered by Canopy1. The CIA is to advise Canopy1 of their concerns with respect to cultural impacts.

It is agreed, however, that where there is a difference is opinion as to the level of the impact that that will be acknowledged in the discussion.

### 5.1 SPIRITUAL RELATIONSHIP WITH TE TAI POUTINI

Numerous sites of significance are found across Te Tai Poutini and this legacy, left by the region's original inhabitants hundreds of years ago, remains of spiritual and cultural importance. This legacy must be protected. Poutini Ngāi Tahu history, culture and spirituality have been essential ingredients in shaping their approach to management of the natural and physical resources of Te Tai Poutini.

According to Poutini Ngāi Tahu the lands, waters, ecosystems, and Poutini Ngāi Tahu whanau whanui are interrelated with bonds that should not be broken. In both their whakapapa and their physical presence on the landscape, maunga, the vegetation and the rivers invoke a sense of awe.

Historical events however have shaped and changed Poutini Ngāi Tahu cultural and spiritual values. As Poutini Ngāi Tahu became integrated into European society, then the New Zealand economy, changes occurred. The original “economy of trade” overtime became a set of cultural beliefs fashioned by reactions to the economic and assimilative forces that became increasingly powerful in their lives as they witnessed large scale developments that modified and in many instances destroyed sites of significance including valued mahinga kai. These beliefs became powerful values arising from the spirituality that has characterised Poutini Ngāi Tahu from pre-European times to today. Because of their place in the whakapapa of Ngāi Tahu, maunga, the whenua and the waters of Te Tai Poutini are sacred. This is the spirit with which many Poutini Ngāi Tahu view Te Tai Poutini today. While it may not be possible to avoid remedy or mitigate the impacts of the Hokitika Rimu Treetop Walk project on the spiritual values of Poutini Ngāi Tahu, discussions with Poutini Ngāi Tahu, as the Papatipu Runanga, needs to continue as soon as practicable.

## 5.2 TE AO MĀORI

Te Ao Māori emphasises holism and requires consideration of a catchment as an interconnected whole.

VALUE	IMPACTS
<p><b>Te Ao Māori</b></p> <ul style="list-style-type: none"> <li>is recognised in “<i>Ki Uta Ki Tai</i>” a culturally based ‘mountains to the sea’ natural resource management framework</li> <li>recognises that Poutini Ngāi Tahu value and use all parts of a catchment.</li> <li>Headwaters are particularly vulnerable and are to be protected. Their good health is crucial to the good health of downstream reaches.</li> </ul>	<p><b>IMPACT 1. Wetlands</b> - The wetlands of Te Tai Poutini were very productive fisheries in the past and represent a significant cultural resource that in many parts of the South Island were lost. Poutini Ngāi Tahu does not support the loss or degradation of wetlands in Te Tai Poutini. To ensure the protection of remaining wetlands Canopy1 is to confirm that:</p> <ul style="list-style-type: none"> <li>No riparian wetlands are to be affected by impeded stream flows;</li> <li>They will discuss with Poutini Ngāi Tahu the means by which they can support initiatives by Poutini Ngāi Tahu to restore aquatic habitats, if monitoring proves an unanticipated adverse impact on streams and wetlands.</li> </ul> <p><b>IMPACT 2. Effects felt throughout the catchment</b> – Poutini Ngāi Tahu is to be advised of the measures that will be put in place to limit the area affected by the proposal.</p> <p><b>IMPACT 3. Land / water interface and balance: the level and intensity of usage of land has changed</b> – Poutini Ngāi Tahu believe that the first priority is to ensure stream management serves ecosystems. Commercial infrastructure development can contribute to the degradation of stream ecosystems by:</p> <ul style="list-style-type: none"> <li>A reduction in downstream flow impacts valued species;</li> <li>Commercial infrastructure development could enable greater</li> </ul>

resource use and development on the coast.

The AEE confirms that these effects will be experienced but, again, suggest that effects will be minor. A recurring theme in the AEE is that given the degraded condition of an already modified environment, the impact will be no worse than what currently exists or the situation will be improved. Poutini Ngāi Tahu does not support this logic. Rather they see each development as an incremental increased adverse impact on the mauri of a catchment that has already been desecrated.

**IMPACT 4 – Visual impact** – Canopy1 are to reduce the visual impact of the scheme by replanting with native vegetation on disturbed areas as soon as practicable.

**IMPACT 5. Changes to stream shape** - The capacity and shape of a stream results from its flow, the streambed and bank material, and the sediment carried by the flow. Reductions in low flows, mean flows and flood flows may alter the stream morphology. It is unclear to runanga members how the ecosystem as a whole is to be affected by this proposal. Earthworks may be necessary. The ongoing maintenance requirements are not clear.

**IMPACT 6. Passage** - Many of the structures constructed to enable the abstraction or diversion water from waterways act as barriers. The disruption of natural flow may restrict species dispersal creating significant spaces between populations, thus impacting species abundance and distribution. Poutini Ngāi Tahu wants to be assured that there are to be no new impediments to fish passage as a result of the construction of the infrastructure. Further it is unclear to Poutini Ngāi Tahu if monitoring is proposed by way of consent conditions. This needs to be clarified.

**IMPACT 7. Sediment movement down stream** - Sediment movements downstream can be inhibited by infrastructure developments. Poutini Ngāi Tahu want to be advised of the plans to ensure Sediment and sludge by-product from infrastructure development activities must not be allowed to contaminate waterways.

**IMPACT 8. Effects felt throughout the catchment** –Poutini Ngāi Tahu believe that modifications to streams by infrastructure development can lead to deterioration of downstream river reaches. Poutini Ngāi Tahu know that waterways change biologically from the headwaters to the sea, just as they change physically. The AEE concludes no impact on downstream reaches but as stated previously the AEE emphasizes the landscape is already modified.

### 5.3 WHAKAPAPA

Whakapapa binds Poutini Ngāi Tahu to the lands and waters of Te Tai Poutini and the diversity of life supported by them.

VALUE	IMPACTS
<p><b>Whakapapa</b></p> <ul style="list-style-type: none"> <li>Whakapapa describes bonds, relationships, and connections.</li> <li>Poutini Ngāi Tahu have rights and responsibilities arising from whakapapa</li> <li>Connections between waters, riparian margins and terrestrial lands need to be managed as a whole living entity.</li> </ul>	<p><b>IMPACT 9. Smaller aquatic resources neglected</b> - Smaller aquatic resources (small streams, lagoons) may collectively be significant sources of biological diversity. Impacts of infrastructure development on these smaller resources may result from:</p> <ul style="list-style-type: none"> <li>Reducing stream flows</li> <li>Obstruction of migratory pathways</li> <li>Destruction of old / creation of new aquatic habitats</li> </ul> <p>Poutini Ngāi Tahu is concerned at the future health of these aquatic resources. Canopy1 is acknowledging that these streams in a local sense could be “substantially affected”</p>

### 5.4 IMPACT ON THE CULTURAL LANDSCAPE

The entire landscape of Te Tai Poutini is of significance to Poutini Ngāi Tahu. Places did not function in isolation from one another, but were part of a wider cultural setting that included not only sites as defined by the presence of archaeological remains, but all manner of highly valued places that were named by the earliest inhabitants of the area.

VALUE	IMPACTS
<p><b>Cultural Landscapes</b></p> <ul style="list-style-type: none"> <li>Every part of the landscape was known and named.</li> <li>Cultural landscapes encompass a range of sites valued and utilised by Poutini Ngāi Tahu.</li> </ul>	<p><b>IMPACT 10. Cumulative effect</b> - A special challenge for Poutini Ngāi Tahu, as kaitiaki, is to assess the cumulative effects of all developments. Many of the impacts raised in this section may be of relatively minor significance when individual consents are assessed but Poutini Ngāi Tahu are concerned that the cumulative effect could be significant long term changes to many of the catchments found within their takiwā. This cumulative effect may impair the cultural association of Poutini Ngāi Tahu with Te Tai Poutini. Poutini Ngāi Tahu therefore want to be advised of initiatives by Canopy1 to protect, enhance, restore or rehabilitate aquatic ecosystems on Te Tai Poutini as compensatory habitats.</p>

<ul style="list-style-type: none"> <li>Poutini Ngāi Tahu rights stem from specific lands and waters – these are the places that symbolise and validate the rights of the whanau to use resources.</li> </ul>	<p><b>IMPACT 11. Construction of the infrastructure –</b> Supporting infrastructure often follows once a development such as this is established. <b>To reiterate</b>, Poutini Ngāi Tahu sees this as a discrete development and does not support any further development in the area that flow from this development.</p> <p>Construction activities generally expose soil to erosion. Following the completion of construction work, Poutini Ngāi Tahu wants to see native vegetation re-established around structures so that bare soil is not exposed to erosive forces. Wherever possible opportunities should be found to re-establish and enhance riparian margins.</p> <p><b>IMPACT 12. - Long-term maintenance requirements –</b> There is always a need for ongoing maintenance. Please advise of the arrangements that will be put in place for this.</p> <p><b>IMPACT 13. - Modifying landscapes –</b> There will be no modification to landscapes beyond the footprint of the development.</p>
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**Photo 4: an example of the indigenous vegetation found in the area**



## 5.5 WĀHI INGOA PLACENAMES

Placenames reflect the significance of the relationship between this land and the Poutini Ngāi Tahu peoples.

VALUE	IMPACTS
<p><b>Placenames</b> The physical presence of our tupuna throughout the inland regions is evidenced by the place names that survive. The history of settlement and</p>	<p><b>IMPACT 14. Place names:</b> Modifications to landforms, landscapes and resources mean that many place names are “displaced”. Over time the original name has been lost plus the association between the place and the name has also been lost.</p>

resource use is reflected in the names. In other words Poutini Ngāi Tahu placed names to remind them of their history and who they are.	Ngāi Tahu has initiated a number of projects to record placenames. Canopy1 should discuss with Poutini Ngai Tahu how initiatives could protect and restore traditional placenames of Te Tai Poutini.
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## 5.6 MAURI

Mauri is a diminishable value. While the quality of many of the waterways in Te Tai Poutini remains high, the potential exists for the mauri of many waterways to be degraded.

VALUE	IMPACTS
<p><b>Mauri</b></p> <ul style="list-style-type: none"> <li>• The primary management principle for Poutini Ngāi Tahu is the protection of the mauri</li> <li>• Mauri describes life, energy, vitality and movement</li> <li>• A healthy mauri is reflected in a range of aquatic habitats supporting diverse kaiora.</li> <li>• Headwaters are particularly vulnerable and should be protected</li> <li>• High water quality of sufficient quantities is necessary to sustain the mauri of waterways.</li> </ul>	<p><b>IMPACT 15. Water quantity.</b> Water quantity issues continue to seriously impact the mauri of many waterways, including Te Tai Poutini.</p> <p><b>IMPACT 16. Unnatural lighting in the area at night –</b> This is raised as a concern but the extent of the impact can not be quantified.</p> <p><b>IMPACT 17- Impacts on mauri of land - Rehabilitation</b> Poutini Ngāi Tahu believes that Rehabilitation and restoration plans are seen to demonstrate environmental responsibility and long-term commitment to better practices. It is also important to recognise that while rehabilitation may bring back aspects of the physical and ecological landscape, it may not restore the <i>mauri</i>, or life giving essence, of the land.</p> <p>To reiterate it is important to realise that natural disasters cannot harm the mauri only those resulting from the actions of man. Incremental modifications resulting from development /construction of infrastructure adversely impacts mauri.</p> <p>The Hokitika Rimu Treetop Walk project should include provisions to rehabilitate landscapes. In addition, weeds and other pest species must not be allowed to establish. Allowing weeds such as gorse, and pest species such as possums or stoats to colonise areas that support indigenous flora and fauna also impacts the mauri of that land. Weed and animal pest control must be an integral part of the rehabilitation process to ensure success of efforts. Poutini Ngāi Tahu expects all precautions to be taken to ensure that pest species currently not in the area (e.g. gorse) do not establish, and any existing pest species are part of an ongoing pest control program.</p> <p>Poutini Ngāi Tahu is to be permitted access to all rehabilitation activity. This will allow ongoing monitoring and assessment of success. In consultation with the Rūnanga, annual visits may be</p>

	<p>arranged.</p> <p>Poutini Ngāi Tahu supports only indigenous plant species to be used in rehabilitation works, and to the largest extent possible these species must be indigenous to the area.</p> <p><b>IMPACT 18 - Impact on water quality of adjacent and connected waterways</b>  Poutini Ngāi Tahu expects that any effects are to be contained within the footprint of the development and discharges will not reach waterways.</p> <p>Poutini Ngāi Tahu believes that water quality monitoring must include cultural monitoring in terms of tangata whenua values (cultural, spiritual, and ecological) alongside scientific values, with results assessed against scientific <u>and</u> cultural criteria.</p> <p><b>IMPACT 19 - Impact on groundwater</b>  Groundwater systems nourish the land and waterways from below the surface there for effects are to be contained within the footprint of the development and discharges will not reach or degrade groundwater.</p> <p>Groundwater must not be contaminated by any of the activities of Canopy1.</p>
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## 5.7 RANGATIRATANGA

Tino Rangatiratanga refers to Poutini Ngāi Tahu having the right to make decisions concerning the resources within their recognised area.

VALUE	IMPACTS
Rangatiratanga describes the rights of Poutini Ngāi Tahu to make decisions.	<b>IMPACT 20 – Potential to be seen to “open door” to development.</b> As stated repeatedly in relation to earlier impacts, this is a discrete development with a definable footprint. Development beyond these boundaries is not supported.

## 5.8 WĀHI TAPU / WĀHI TAONGA

VALUE	IMPACTS
<p><b>Waahi Tapu</b> There are written records of sites being destroyed as a result of the construction of infrastructure in Te Tai Poutini.</p>	<p><b>IMPACT 21 - Modifications to and the destruction of waahi tapu.</b> Recorded sites in Te Tai Poutini are not to be disturbed or destroyed. Poutini Ngāi Tahu needs to be advised of the infrastructure that is associated with each of the consents. An accidental discovery protocol is to be agreed, given the potential for accidental disturbance of previously unrecorded sites.</p> <p><b>IMPACT 22 - Modifications to natural areas</b> Māhinapua was part of Poutini Ngāi Tahu (and earlier Māori) trail, trade and mahinga kai networks. The maunga (mountains) of the region were significant spiritually and culturally. Wāhi ingoa (place names) are evidence of the richness of the area for mahinga kai, particularly manu (birds). The history of Poutini Ngāi Tahu is clearly embedded in this landscape. Places that hold special cultural, historical, or spiritual significance for tangata whenua may be wāhi tapu or wāhi taonga. Such sites of significance are considered matters of national importance (as historic heritage) under the Resource Management Act (Amendment to section 7).</p>

## 5.9 TAONGA SPECIES

VALUE	IMPACTS
<p>Taonga species are native birds, plants and animals of special cultural significance and importance to Ngāi Tahu</p>	<p><b>IMPACT 23 - Loss of habitat</b> - The incremental loss of habitat for bird species in addition to the losses already experienced as a result of infrastructure development is a concern for Poutini Ngāi Tahu. The area is rich in birdlife, such as the South Island kaka, western weka, kakariki, and mata (fernbird). Such species are of high cultural and conservation importance, and are also taonga species under the Ngāi Tahu Claims Settlement Act 1998.</p> <p>Taonga and other culturally important species present in the area include South Island kaka, Koau (black shag), Kakariki (New Zealand parakeet), Kiwi, Mata (fernbird), Western weka, Korimako (bellbird), Kakaruai (South Island robin), Kaka, Ruru koukou (morepork), Tiritiri-pounamu (South Island rifleman), Piwakawaka (fantail), and Tui.</p> <p>For Poutini Ngāi Tahu, while a relatively small number of birds are believed to live in the affected area, it is impossible to separate those birds from the wider population and habitat area of Māhinapua.</p> <p>Pest control must be an integral part of mitigating habitat loss of taonga species. Canopy1 must adequately provide for pest control as part of the rehabilitation efforts, and in the areas where</p>



	the birds are relocated, should this occur, to ensure the survival of birds.
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### 5.10 MAHINGA KAI

Historically diverse habitats throughout Te Tai Poutini catchment were accessed.

VALUE	IMPACTS
<p><b>Mahinga kai</b></p> <ul style="list-style-type: none"> <li>• Rights and responsibilities governed behaviours</li> <li>• Access to sites has changed since settlement</li> <li>• Not all resources previously valued and gathered are available today.</li> <li>• When rights are location specific they cannot be translocated once habitats are degraded and no longer useable</li> </ul>	<p><b>IMPACT 24 - Modifications to the waterways and the resultant loss of habitat.</b> Poutini Ngāi Tahu believes that the mahinga kai resources of Te Tai Poutini catchments remain at risk.</p> <p><b>IMPACT 25 - Changing land use – loss of habitat -</b> Development beyond the defined boundaries is not supported because of the potential to lose valuable habitats.</p> <p>A waterway with an intact mauri requires the stream to have a complete community of native organisms and a full range of biological processes (i.e support a diverse thriving community of plants and animals).</p> <p>As already noted Poutini Ngāi Tahu believes that this development could enable a change in resource use and intensity which in turn could further adversely affect mahinga kai habitats and species.</p>



**Eels remain a highly valued mahina kai.**

<b>Mahinga kai cont.</b>	<b>IMPACT 26 - Loss of opportunities</b> - Canopy1 is to discuss with Poutini Ngāi Tahu opportunities for enhancement of aquatic ecosystems.
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### 5.11 KAITIAKITANGA

Rights are accompanied by responsibilities to manage resources sustainably.

<b>VALUE</b>	<b>IMPACTS</b>
<b>Kaitiakitanga</b> <ul style="list-style-type: none"> <li>Poutini Ngāi Tahu have a fundamental duty to protect the natural world</li> </ul>	<b>IMPACT 27 - Loss of opportunity to participate</b> - Restorative action is needed to create new, innovative relationships. Further a balance needs to be restored so a Poutini Ngāi Tahu perspective is recognized and their involvement is provided for. Canopy1 has the opportunity to negotiate pro-active and innovative measures with Poutini Ngāi Tahu.

### 5.12 TRAILS

In a modern day context, the issue becomes one of access.

<b>VALUE</b>	<b>IMPACTS</b>
<b>Access</b> Access to sites and resources of significance was and remains of vital importance.	<b>IMPACT 28 - Access</b> - The infrastructure necessary for this development can limit access to sites, resources and waterways. Poutini Ngāi Tahu are concerned that they may lose the ability to relate and make associations with trails, nohoanga and past cultural use of catchments, because many of the areas are

	modified. Poutini Ngāi Tahu need to be assured that access is to be unimpeded and wherever possible enhanced.
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### **5.13 Indirect Effects**

There are a number of developments already active on the Te Tai Poutini ranging from mining, farming to tourism initiatives. Development could signal or open up the coast for large scale resource use and development. As history tells us, in New Zealand where there is infrastructure development, agriculture follows. In the current economic climate, agriculture usually means high intensity farming.

Poutini Ngāi Tahu needs to be assured that a good working relationship with Canopy1 will enable it to work proactively to minimize the impacts of future resource use and development on its cultural interests.

### **5.14 Possible Benefits from scheme to Māori**

Potential for water quality improvements and its positive impact on freshwater species. As with any habitat loss from construction and drainage channels there will be both positive and negative effects depending on the preferences of specific species.

- Eradication of pest plants.
- Off site enhancement of flora and fauna.
- Economic development.
- Employment.

## **6. RECOMMENDATIONS**

This section contains a summary of four key areas:

1. It identifies the priorities of Poutini Ngāi Tahu.
2. It provides a summary of generic effects to be avoided and those effects specifically relevant to Hokitika Rimu Treetop Walk.
3. It sets out the areas that are subject to further discussion.
4. It describes the expectations of Poutini Ngāi Tahu going forward.

### **6.1 PRIORITIES OF POUTINI NGĀI TAHU.**

Priorities of Poutini Ngāi Tahu include the following:

- Protecting the headwater streams that flow to the lake
- Protecting the many small aquatic resources including streams, wetlands and springs
- Rehabilitating degraded lands and waters
- Negotiating an Accidental Discovery Protocol
- Protecting the opportunity to enhance mahinga kai habitats; and
- Protecting indigenous biodiversity, in particular taonga species

## **6.2 ADVERSE EFFECTS TO BE AVOIDED**

In other documents prepared for Commercial development including developments on Te Tai Poutini, Poutini Ngāi Tahu have observed that they have experienced the following adverse impacts:

- wāhi tapu and wāhi taonga areas have been inundated and lost. As a result, named and active associations are broken and the cultural relationship with areas is weakened and damaged
- previously valuable mahinga kai areas have been similarly destroyed, and in instances access to existing resources has also been adversely affected
- the character of the area is irrevocably altered
- diverting or damming flows are not considered adequate for the maintenance of the water ways mauri
- infrastructure can have serious environmental implications and can damage fishery and other mahinga kai interests, sometimes irrevocably
- water diversion by bunds or drainage channels interrupt the continuity of flow from the mountains to the sea which conflicts with the philosophy of “Ki Uta, Ki Tai”

Poutini Ngāi Tahu are committed to:

- supporting abundant mahinga kai resources, particularly in important wetlands, backwaters, and tributaries
- protecting the quality of the waters of Te Tai Poutini
- protecting wāhi tapu / wāhi taonga
- protecting cultural landscapes
- ensuring variability in West Coast river levels
- providing a sufficient buffer, or safety margin, to mitigate against the adverse effects of changing land uses on the waters of Te Tai Poutini
- enhancing access throughout the catchment

- addressing issues relating to changing land uses in catchments

When assessing the impact associated with the Hokitika Rimu Treetop Walk Project Poutini Ngāi Tahu want to see the following adverse effects avoided:

- Any deterioration to the quality of water
- Unnatural changes to the sediment flow and patterns of deposition – monitoring needs to confirm no adverse impacts
- Any encroachment of adjacent land uses onto wetlands, river margins and riverbeds
- Any dewatering or loss of small aquatic resources including wetlands, streams, and springs, throughout the catchment – hydrological monitoring is required
- Any loss of access to sites of significance, especially remaining mahinga kai sites
- Any loss of mahinga kai habitats and mahinga kai species
- Any loss of wāahi tapu and wāhi taonga

As is noted in some of the dot points above, some of these issues can be addressed by consent conditions and monitoring.

### **6.3 ONGOING DISCUSSIONS**

Poutini Ngāi Tahu would like to discuss the following issues:

- Poutini Ngāi Tahu is interested in discussing mahinga kai enhancement opportunities
- Poutini Ngai Tahu would like to discuss the re-introduction of species providing such initiatives are also supported by DOC
- Weed Management Program
- Bird Collision monitoring
- Rehabilitation of disturbed construction areas
- Interpretation Panels
- How to mitigate muri of the land and water ways

Poutini Ngāi Tahu wishes to be advised of:

- Initiatives to avoid, remedy or mitigate the adverse effects of new infrastructure on the values identified in this report
- Initiatives to avoid, remedy or mitigate the adverse effects of the Project on the values identified by stakeholders

### **6.4 GOING FORWARD – POUTINI NGĀI TAHU EXPECTATIONS**

It is expected that the impacts specific to the Hokitika Rimu Treetop Walk project raised in this CIA will become the focus of directing discussions between Poutini Ngāi Tahu and Canopy1.

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***Internet Resources***

[www.waitangi-tribunal.gov.nz-doclibrary-researchnatreview](http://www.waitangi-tribunal.gov.nz-doclibrary-researchnatreview)

[www.mfe.govt.nz](http://www.mfe.govt.nz)

[www.Ngāitahu.iwi.nz](http://www.Ngāitahu.iwi.nz)

# APPENDIX 1

## ARCHAEOLOGICAL SITE ACCIDENTAL DISCOVERY PROTOCOL

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### Purpose

The purpose of this protocol is:

- To manage and protect the integrity of “known” and “unknown” archaeological sites from damage and loss.
- To maximise the opportunity to retrieve physical and archaeological evidence from disturbed sites. In cases where sites clearly are unable to be retained intact, the orderly and systematic removal of archaeological evidence and information is of the utmost importance.
- Kōiwi Tāngata (human skeletal remains) are from time to time unearthed through a range of causes, man made and natural. The dignified and appropriate cultural management of such sites and remains is of vital importance.
- To obtain quality information on the lives, activities, food, resource use, trails and campsites of Ngāi Tahu ancestors from archaeological sites. Early detection and assessment is dependent on early intervention to manage retrieval of such information.
- To obtain quality historic information on the lives of people, their activities, resource use and structures.
- To provide the conditions to be imposed on any earthworks consent.

### Definition

“Archaeological site” means any place in New Zealand that either.

- (i) Was associated with human activity that occurred before 1900; or
- (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand” Historic Places Act 1993

### Process

“the Company” shall consult with Te Rūnanga o Ngāi Tahu and “the Rūnanga” to determine, in accordance with Tikanga Māori, if there are any matters of protocol which tangata whenua wish to undertake in relation to the commencement of any development works, significant events or the commissioning of the completed works.



**In the event of any discovery of suspected cultural remains (e.g. shells, charcoal or charcoal-stained soil, fire-fractured stone, or bones) the workman/contractor shall take the following action:**

- 1 Cease all works immediately.
- 2 Advise the site supervisor of a find.
- 3 The site supervisor shall contact an appointed archaeologist to advise on the significance of the find.
- 4 If the find is of potential significance to Ngāi Tahu, “contact” person(s) from “the Rūnanga” must be advised.
- 5 The Historic Places Trust must be advised in all cases (note that it is an offence under section 99 of the Historic Places Act 1993 to modify, damage or destroy an archaeological site without the prior authority of the New Zealand Historic Places Trust).

#### **In cases of wāhi taonga and wāhi tapu**

- The nominated representative(s) of “the Rūnanga” will be consulted by the archaeologist and site supervisor to determine what further actions are appropriate to avoid, reduce, remedy or mitigate any damage to archaeological sites.
- “the Company” shall consult with “the Rūnanga” on any matters of protocol which they may wish to undertake in relation to the find and prior to the commencement of any investigation.
- “the Company” shall consult with The Historic Places Trust for advice of any requirements under the Historic Places Act.

#### **In cases of suspected Kōiwi Tāngata**

- The site supervisor shall take steps to immediately stop work, shut down all machinery or activity, secure the area to ensure that the remains are not touched and then notify the police and the nominated representative(s) of “the Rūnanga”.
- “the Company” shall consult with The Historic Places Trust for advice of any requirements under the Historic Places Act.
- The site supervisor must ensure that staffs are available to meet and guide Police (note that the Coroners Act applies), Kaumatua and Historic Places staff to the site and to assist with any requests made. The area shall be marked off and if the remains are of Māori origin, Kaumatua will decide what will happen to the remains and advise the Police and other parties of their decision.
- Work may only recommence in the area with the approval of the Police, Kaumatua and the Historic Places Trust.

## **In all other cases**

- The archaeologist and site supervisor to determine what further actions are appropriate to avoid, reduce, remedy or mitigate any damage to archaeological sites.
- The Historic Places Trust shall be consulted for advice of any requirements under the Historic Places Act.

## **Responsibilities**

### **‘the Rūnanga’**

- 1 To inform ‘the Company’ of the position of any known sites prior to earth disturbance.
- 2 To inform ‘the Company’ in accordance with tikanga Māori, if there are any matters of protocol which Tāngata whenua wish to undertake in relation to the commencement of work or significant events.
- 3 To provide a list of contact persons and phone, fax and mobile numbers to ‘the Company’.
- 4 To adopt a policy of guaranteeing response to notification of a “suspected site find” within a 24 hour time frame;
  - (a) this will consist of contacting appropriate people and organisations depending on the nature of the “find”;
  - (b) arranging a time for inspecting the site;
  - (c) co-ordination of the appropriate action to remove or otherwise any archaeological material from the site.

### **‘the Company’**

- 1 To require all staff/contractors involved in drilling, earthmoving or mining operations to undertake a training session on the recognition of archaeological sites, wāhi tapu, wāhi taonga, urupā or kōiwi tangata. ‘the Rūnanga’ and Te Rūnanga o Ngāi Tahu will be contracted to provide appropriate training to such staff.
- 2 To implement internal management protocols to ensure staff are aware of the requirement to monitor operations in a way that allows the identification of archaeological sites including wāhi tapu, wāhi taonga, urupā or historic (European) cultural sites.
- 3 To implement a reporting procedure in the event of a “find” of any archaeological material as described in the Process above.
- 4 To ensure that ‘the Company’ will meet all statutory obligations under the Historic Places Act 1993 and comply with all conditions of resource consent as they relate to matters of archaeological significance.
- 5 To provide a copy of the work plan no less than 25 working days prior to any earth-moving works to ‘the Rūnanga’ and the Historic Places Trust setting out:
  - A schedule of the dates of all significant earthmoving events, their sequence and duration

- A summary of all measures being undertaken to ensure that adverse effects on archaeological values are avoided, remedied or mitigated.
6. To invite ‘the Rūnanga’ and Te Rūnanga o Ngāi Tahu to attend any episode of archaeological, monitoring or earthmoving activity.
  7. To provide ‘the Rūnanga’ and Te Rūnanga o Ngāi Tahu and the Historic Places Trust with a copy of all archaeological monitoring and investigation results with an invitation to respond, comment or meet to discuss any results.
  8. The consent holder shall notify the District Council of all information provided to ‘the Rūnanga’ and Te Rūnanga o Ngāi Tahu and any responses received. If appropriate, the District Council, with the agreement of the consent holder and ‘the Rūnanga’ and Te Rūnanga o Ngāi Tahu shall convene meetings/hui should any of the information or issues require further discussion.
  9. To appoint an archaeologist(s) approved by ‘the Rūnanga’ to be available during all earthworks and excavations to act as an advisor on identification or protection of wāhi tapu, wāhi taonga, urupā or historic cultural sites. This person(s) to be on-site as required by conditions of resource consent or as required in the event of a discovery.

### **Nominated Poutini Ngāi Tahu Representatives**

Francois Tumahai  
Chairman  
Te Runanga o Ngati Waewae  
PO Box 37 Hokitika  
021 425 229

Susan Wallace  
Tumuaki  
Te Rūnanga o Makaawhio  
56a Brittan Street  
Po Box 225  
Hokitika 7842  
03-755-7885

# APPENDIX 2

## Birds

Name in Māori	Name in English	Scientific Name
Hoiho	Yellow-eyed penguin	<i>Megadyptes antipodes</i>
Kahu	Australasian harrier	<i>Circus approximans</i>
Kaka	South Island kaka	<i>Nestor meridionalis meridionalis</i>
Kakapo	Kakapo	<i>Strigops habroptilus</i>
Kakariki	New Zealand parakeet	<i>Cyanoramphus</i> spp.
Kakaruai	South Island robin	<i>Petroica australis australis</i>
Kaki	Black stilt	<i>Himantopus novaezelandiae</i>
Kamana	Crested grebe	<i>Podiceps cristatus</i>
Karearea	New Zealand falcon	<i>Falco novaeseelandiae</i>
Karoro	Black backed gull	<i>Larus dominicanus</i>
Kea	Kea	<i>Nestor notabilis</i>
Koau	Black shag	<i>Phalacrocorax carbo</i>
	Pied shag	<i>Phalacrocorax varius varius</i>
	Little shag	<i>Phalacrocorax melanoleucos brevirostris</i>
Koekoea	Long-tailed cuckoo	<i>Eudynamys taitensis</i>
Koparapara or Korimako	Bellbird	<i>Anthornis melanura melanura</i>
Korora	Blue penguin	<i>Eudyptula minor</i>
Kotare	Kingfisher	<i>Halcyon sancta</i>
Kotuku	White heron	<i>Egretta alba</i>
Kowhiowhio	Blue duck	<i>Hymenolaimus malacorhynchos</i>
Kuaka	Bar-tailed godwit	<i>Limosa lapponica</i>
Kukupu/Kereru	New Zealand wood pigeon	<i>Hemiphaga novaeseelandiae</i>
Kuruwhengu/Kuruwhengi	New Zealand shoveller	<i>Anas rhynchos</i> <i>Bowdleria punctata punctata</i> and <i>Bowdleria punctata stewartiana</i> and <i>Bowdleria punctata wilsoni</i> and <i>Bowdleria punctata candata</i>
Mata	Fernbird	<i>Egretta sacra</i>
Matuku moana	Reef heron	<i>Petroica macrocephala macrocephala</i>
Miromiro	South Island tomtit	<i>Petroica macrocephala dannefaerdi</i>
Miromiro	Snares Island tomtit	

<b>Name in Māori</b>	<b>Name in English</b>	<b>Scientific Name</b>
Mohua	Yellowhead	<i>Mohoua ochrocephala</i>
Pakura/Pukeko	Swamp hen/Pukeko	<i>Porphyrio porphyrio</i>
Parera	Grey duck	<i>Anas superciliosa</i>
Pateke	Brown teal	<i>Anas aucklandica</i>
Pihoihoi	New Zealand pipit	<i>Anthus novaeseelandiae</i>
Pipiwharauoa	Shining cuckoo	<i>Chrysococcyx lucidus</i>
Piwakawaka	South Island fantail	<i>Rhipidura fuliginosa</i> <i>fuliginosa</i>
Poaka	Pied stilt	<i>Himantopus himantopus</i>
Pokotiwha	Snares crested penguin	<i>Eudyptes robustus</i>
Putakitaki	Paradise shelduck	<i>Tadorna variegata</i>
Riroriro	Grey warbler	<i>Gerygone igata</i>
Roroa	Great spotted kiwi	<i>Apteryx haastii</i>
Rowi	Okarito brown kiwi	<i>Apteryx mantelli</i>
Ruru koukou	Morepork	<i>Ninox novaeseelandiae</i>
Takahe	Takahe	<i>Porphyrio mantelli</i>
Tara	Terns	<i>Sterna</i> spp.
Tawaki	Fiordland crested penguin	<i>Eudyptes pachyrhynchus</i>
Tete	Grey teal	<i>Anas gracilis</i>
Tieke	South Island saddleback	<i>Philesturnus carunculatus</i> <i>carunculatus</i>
Titi	Sooty shearwater/Muttonbird/Hutton's shearwater	<i>Puffinus griseus</i> and <i>Puffinus huttoni</i> and <i>Pelecanoides urinatrix</i>
	Common diving petrel	and
	South Georgian diving petrel	<i>Pelecanoides georgicus</i> and
	Westland petrel	<i>Procellaria westlandica</i>
	Fairy prion	and
	Broad billed prion	<i>Pachyptila turtur</i> and <i>Pachyptila vittata</i> and
	White-faced storm petrel	<i>Pelagodroma marina</i> and
	Cook's petrel	<i>Pterodroma cookii</i> and
Mottled petrel	<i>Pterodroma inexpectata</i>	
Tititipounamu	South Island rifleman	<i>Acanthisitta chloris chloris</i>
Tokoeka	South Island brown kiwi	<i>Apteryx australis</i>
Toroa	Albatrosses and Mollymawks	<i>Diomedea</i> spp.
Toutouwai	Stewart Island robin	<i>Petroica australis rakiura</i>
Tui	Tui	<i>Prothemadera novaeseelandiae</i>
Tutukiwi	Snares Island snipe	<i>Coenocorypha aucklandica huegeli</i>
Weka	Western weka	<i>Gallirallus australis australis</i>
Weka	Stewart Island weka	<i>Gallirallus australis scotti</i>

Name in Māori	Name in English	Scientific Name
Weka	Buff weka	<i>Gallirallus australis</i>

## Plants

Name in Māori	Name in English	Scientific Name
Akatorotoro	White Rata	<i>Metrosideros perforata</i>
Aruhe	Fernroot (bracken)	<i>Pteridium aquilinum</i> var. <i>esculentum</i>
Harakeke	Flax	<i>Phormium tenax</i>
Horoeka	Lancewood	<i>Pseudopanax crassifolius</i>
Houhi	Mountain ribbonwood	<i>Hoheria lyalli</i> and <i>H glabata</i>
Kahikatea	Kahikatea	<i>Dacrycarpus dacrydioides</i>
Kamaha	Kamaha	<i>Weinmannia racemosa</i>
Kanuka	Kanuka	<i>Kunzia ericoides</i>
Kapuka	Broadleaf	<i>Griselinia littoralis</i>
Karaeopirita	Supplejack	<i>Ripogonum scandens</i>
Karaka	laurel/Karaka	<i>Corynocarpus laevigata</i>
Karamu	Coprosma	<i>Coprosma robusta</i> , <i>coprosma lucida</i> , <i>coprosma foetidissima</i>
Katote	Tree fern	<i>Cyathea smithii</i>
Kiekie	Kiekie	<i>Freycinetia baueriana</i> subsp. <i>banksii</i>
Kohia	NZ Passionfruit	<i>Passiflora tetrandra</i>
Korokio	Korokio Wire-netting bush	<i>Corokia cotoneaster</i>
Koromiko/Kokomuka	Koromiko	<i>Hebe salicifolia</i>
Kotukutuku	Tree fuchsia	<i>Fuchsia excorticata</i>
Kowahi Kohai	Kowhai	<i>Sophora microphylla</i>
Kuta	Bamboo spike-sedge	<i>Elocharis shacelata</i>
Mamaku	Tree fern	<i>Cyathea medullaris</i>
Mania	Sedge	<i>Carex flagellifera</i>
Manuka Kahikatoa	Tea-tree	<i>Leptospermum scoparium</i>
Mapou	Red Matipo	<i>Myrsine australis</i>
Matai	Matai/Black pine	<i>Prumnopitys taxifolia</i>
Miro	Miro/Brown pine	<i>Podocarpus ferrugineus</i>
Ngāi	Ngāi	<i>Myoporum laetum</i>
Nikau	New Zealand palm	<i>Rhopalostylis sapida</i>
Panako	(Species of fern)	<i>Asplenium obtusatum</i>
Panako	(Species of fern)	<i>Botrychium australe</i> and <i>B. biforme</i>
Patotara	Dwarf mingimingi	<i>Leucopogon fraseri</i>
Pingao	Pingao	<i>Desmoschoenus spiralis</i>
Pokaka	Pokaka	<i>Elaeocarpus hookerianus</i>
Ponga/Poka	Tree fern	<i>Cyathea dealbata</i>
Rata	Southern rata	<i>Metrosideros umbellata</i>
Raupo	Bulrush	<i>Typha angustifolia</i>
Rautawhiri/Kohuhu	Black matipo/Mapou	<i>Pittosporum tenuifolium</i>

<b>Name in Māori</b>	<b>Name in English</b>	<b>Scientific Name</b>
Rimu	Rimu/Red pine	<i>Dacrydium cypressinum</i>
Rimurapa	Bull kelp	<i>Durvillaea antarctica</i>
Taramea	Speargrass, spaniard	<i>Aciphylla</i> spp.
Tarata	Lemonwood	<i>Pittosporum eugenioides</i>
Tawai	Beech	<i>Nothofagus</i> spp.
Teteaweka	Muttonbird scrub	<i>Olearia angustifolia</i>
Ti rakau/Ti Kouka	Cabbage tree	<i>Cordyline australis</i>
Tikumu	Mountain daisy	<i>Celmisia spectabilis</i> and <i>C semicordata</i>
Titoki	New Zealand ash	<i>Alectryon excelsus</i>
Toatoa	Mountain Celery pine	Toatoa, <i>Phyllocladus alpinus</i>
Toetoe	Toetoe	<i>Cortaderia richardii</i>
Totara	Totara	<i>Podocarpus totara</i>
Tutu	Tutu	<i>Coriaria</i> spp.
Wharariki	Mountain flax	<i>Phormium cookianum</i>
Whinau	Hinau	<i>Elaeocarpus dentatus</i>
Wi	Silver tussock	<i>Poa cita</i>
Wiwi	Rushes	<i>Juncus</i> all indigenous <i>Juncus</i> spp. and <i>J. maritimus</i>

## **Marine Mammals**

<b>Name in Māori</b>	<b>Name in English</b>	<b>Scientific Name</b>
Ihupuku	Southern elephant seal	<i>Mirounga leonina</i>
Kekeno	New Zealand fur seals	<i>Arctocephalus forsteri</i>
Paikea	Humpback whales	<i>Megaptera novaeangliae</i>
Paraoa	Sperm whale	<i>Physeter macrocephalus</i>
Rapoka/Whakahao	New Zealand sea lion/Hooker's sea lion	<i>Phocarctos hookeri</i>
Tohora	Southern right whale	<i>Balaene australis</i>