

NGĀI TAHU

STATUTORY ACKNOWLEDGEMENTS

Contents

- 1 Foreword
- 2 Introduction
- 3 Glossary
- 4 What are Statutory Acknowledgements?
- 5 What is the purpose of Statutory Acknowledgements?
- 6 How do Statutory Acknowledgements affect local authorities?
 - Summaries of applications
 - Notification
 - Submissions
 - Plans
- 10 How do Statutory Acknowledgements affect other agencies?
- 12 What will change?
- 13 What will stay the same?
- 14 What are the legal obligations of a local authority?
- 15 Best practice
- 16 Development of protocols
- 17 The future
- 18 For more information:
- 19 Annex 1:
 - Ngāi Tahu Claims Settlement Act 1998
 - List of Statutory Acknowledgement Schedules
- 20 Annex 2:
 - Map with location of statutory areas
- 21 Annex 3:
 - Example of a Statutory Acknowledgement:
 - Schedule 14, Statutory Acknowledgement for Aoraki/Mount Cook
- 24 Annex 4:
 - Relevant sections of the Ngāi Tahu Claims Settlement Act 1998
- 32 Annex 5:
 - The Ngāi Tahu Claims Settlement
 - (Resource Management Consent Notification) Regulations 1999

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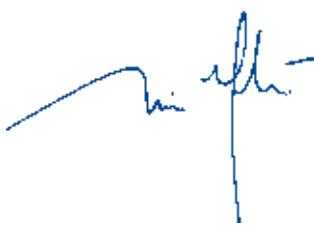
This booklet is a summary outlining the requirements of local authorities under the Ngāi Tahu Claims Settlement Act 1998. It should not be viewed as a comprehensive guide and does not provide a definite interpretation of any part of the Settlement Act. Such interpretations are matters for the Courts to decide. The advice in this booklet is not a substitute for a careful study of the Settlement Act and the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999, and professional legal advice as necessary.

Foreword

The historic settlement of Ngäi Tahu's claims under the Treaty of Waitangi represents a great step forward for the relationship between the Crown and Ngäi Tahu. The settlement provides a number of mechanisms to enhance Ngäi Tahu's input into environmental management. These include Statutory Acknowledgements, Deeds of Recognition, and Töpuni Overlays. The implementation of these mechanisms involves Crown agencies, such as the Ministry for the Environment and the Department of Conservation, and local authorities. This guide provides an overview of the role of local authorities in dealing with Statutory Acknowledgements under the Resource Management Act (RMA).

Each Statutory Acknowledgement is a recognition by the Crown of Ngäi Tahu's cultural, spiritual, historical and traditional association with specific areas of Crown owned land. Statutory Acknowledgements represent an innovative approach to improving existing RMA processes to incorporate Ngäi Tahu interests into resource management decision making. This guide describes the purpose of Statutory Acknowledgements and their effect on day to day activities in the processing of resource consents. Implementing the Statutory Acknowledgement regime will require cooperation and good faith between councils and Ngäi Tahu.

It gives me great pleasure to present local authorities with this guide. I look forward to the improvement that Statutory Acknowledgements will bring to the implementation of RMA processes in Ngäi Tahu's rohe (tribal region). I hope this will lead to the development of constructive and ongoing relationships between councils, Te Rünanga o Ngäi Tahu and its constituent rünanga. I also hope that this new regime may provide a model for council and iwi relationships around the country.



Simon Upton

MINISTER FOR THE ENVIRONMENT

I n t r o d u c t i o n

The Ngäi Tahu claim has a long history. Grievances about the Crown purchase of South Island lands go back to 1849. The claim was submitted to the Waitangi Tribunal in 1986 and on 21 November 1997, the Crown and Te Rünanga o Ngäi Tahu signed a Deed of Settlement to achieve a final settlement of Ngäi Tahu's historical claims against the Crown. The Ngäi Tahu Claims Settlement Act 1998 (referred to in this booklet as "the Settlement Act") gives effect to the Deed of Settlement.

Key elements of the settlement package include:

- making a public apology to Ngäi Tahu
- transferring title to Aoraki/Mount Cook to Ngäi Tahu (who gifted it back to the Crown)
- providing \$170 million in redress
- enabling Ngäi Tahu to purchase properties from the Crown's "landbank"
- recognising Ngäi Tahu's role in environmental management
- providing other, non-tribal redress.

The Settlement Act includes a new instrument called a Statutory Acknowledgement. Statutory Acknowledgements are intended to recognise Ngäi Tahu's mana in relation to a range of sites and areas. The instrument provides for this to be reflected in the management of the areas covered by Statutory Acknowledgements.

Provisions of the Settlement Act relating to Statutory Acknowledgements came into effect on 22 April 1999.

Statutory Acknowledgements impact upon specified Resource Management Act 1991 (RMA) processes concerning certain identified areas in the South Island. Local authorities in the Ngäi Tahu claim area¹ exercising their functions as consent authorities under the RMA will be affected by the procedural requirements of the Statutory Acknowledgements. This booklet summarises how Statutory Acknowledgements may impact on the functions of consent authorities.

¹ The land component of the Ngäi Tahu claim area is the same as the Ngäi Tahu Takiwā. This is defined precisely in the Te Rünanga o Ngäi Tahu Act 1996 and includes much of the South Island.

G l o s s a r y

Te Rūnanga o Ngāi Tahu:	The governing body representing the 18 Papatipu Rūnanga of Ngāi Tahu Whānui (as established by section 6 of Te Rūnanga o Ngāi Tahu Act 1996).
Papatipu Rūnanga:	Regional collective bodies of Ngāi Tahu Whānui (as referred to in section 9 of Te Rūnanga o Ngāi Tahu Act 1996).
Ngāi Tahu; Ngāi Tahu Whānui:	Collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely Kāti Kurī, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kai Te Ruahikihiki (as defined in section 9 of the Ngāi Tahu Claims Settlement Act 1998).
Ngāi Tahu Takiwā:	Tribal Area of Ngāi Tahu (as defined in section 5 of the Te Rūnanga o Ngāi Tahu Act 1996).

What are Statutory Acknowledgements?

A Statutory Acknowledgement is an acknowledgement by the Crown of a statement of Ngāi Tahu's particular cultural, spiritual, historical, and traditional association with specified areas. There are 70 Statutory Acknowledgements, set out in Schedules 14 to 77, 100 to 104, and 108 of the Settlement Act. See Annex 1 for a list of the Schedules setting out the Statutory Acknowledgements.

Statutory Acknowledgements relate to "statutory areas" which include areas of land, geographic features, lakes, rivers, wetlands and coastal marine areas, with which Ngāi Tahu has a particular association. Annex 2 shows a map with the location of the statutory areas.

Statutory Acknowledgements are only given over Crown-owned land. However, with respect to bodies of water, such as a lake, river or wetland, the Statutory Acknowledgement applies to the whole lake, river, or wetland, except any part of the bed not in Crown ownership or control.

The locations of statutory areas are shown on Survey Office (S.O.) plans. Copies of S.O. plans have been forwarded to relevant local authorities and are also available at the District Land Registry. These plans are not intended to delineate the precise boundaries of statutory areas but indicate as nearly as possible the location of statutory areas.

The text of each statement of association is set out in the Schedules to the Settlement Act. The two sections at the end of each Statutory Acknowledgement spell out the purposes and limitations of a Statutory Acknowledgement. For an example of a statement of association see Annex 3, which contains the Statutory Acknowledgement for Aoraki/Mount Cook (Schedule 14 of the Settlement Act).

The sections of the Settlement Act relevant to Statutory Acknowledgements are set out in Annex 4.

What is the purpose of Statutory Acknowledgements?

Statutory Acknowledgements aim to improve the implementation of existing RMA processes, particularly the decision-making process in relation to notification of resource consent applications. The instrument aims to minimise problems encountered in the past, for example, non-notification of applications for land development for roading and other purposes. For example, some areas of significance to Ngāi Tahu, such as burial grounds, have been cleared or excavated without either consultation or consent, often because consent authorities may have felt that they were insufficiently aware of Ngāi Tahu's interests so as to be able to give them due consideration.

Decision-making in relation to Statutory Acknowledgements is subject to the provisions of Part II of the RMA. Under Part II local authorities are required to:

- recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga (s.6(e));
- have particular regard to kaitiakitanga (s.7(a));
- take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (s.8).

How do Statutory Acknowledgements affect local authorities?

In summary, the Settlement Act, in providing for Statutory Acknowledgements:

- requires consent authorities to forward summaries of all relevant resource consent applications to Te Rūnanga o Ngāi Tahu (and provides for Te Rūnanga o Ngāi Tahu to be able to waive its right to receive summaries);
- requires consent authorities to have regard to a Statutory Acknowledgement relating to a particular area in forming an opinion as to whether Te Rūnanga o Ngāi Tahu is an affected party in relation to resource consent applications concerning the relevant statutory area;
- enables Statutory Acknowledgements to be used in submissions to consent authorities, the Environment Court and the Historic Places Trust, as evidence of Ngāi Tahu's association with a statutory area;
- requires local authorities within the Ngāi Tahu claims area to record all relevant Statutory Acknowledgements on plans and policy statements.

None of the requirements derogate from (limit or affect) consent authorities' existing obligations under the RMA, particularly Part II of the Act.

The above points are discussed in greater detail below.

Summaries of applications

Regulations have been made to require consent authorities to forward to Te Rūnanga o Ngāi Tahu a summary of any application received for resource consents for activities within, adjacent to, or impacting directly on any statutory area (the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999). The regulations, which came into force on 22 April 1999, are set out in Annex 5.

The summary must be sent to Te Rūnanga o Ngāi Tahu as soon as reasonably practicable after the local authority has received an application and prior to making any determination as to notification under sections 93 or 94 of the RMA. This must be within the 10 day timeframe for notification established under section 95.

The summary must contain:

- the same information that would be included in a notice to persons who may be affected under section 93 of the RMA; or
- such other information as may be agreed between Te Rūnanga o Ngāi Tahu and individual consent authorities.

In some cases, it may be more useful for Te Rünanga o Ngäi Tahu to be sent more information, and in some cases the full application, in order for Te Rünanga o Ngäi Tahu to be able to determine the potential impact of the application. This is not a requirement of the regulations but could be an aspect covered by a protocol between Te Rünanga o Ngäi Tahu and the council.

Te Rünanga o Ngäi Tahu may waive its right to receive summaries of resource consent applications by written notice to a consent authority (section 207(2) of the Settlement Act). The waiver may be a general waiver, in respect of particular types of resource consents or individual consent authorities, or for specified periods of time. This will provide flexibility for councils and Te Rünanga o Ngäi Tahu over time to agree that certain types of consent applications, for example, do not automatically need to be sent to Te Rünanga o Ngäi Tahu.

Notification

Section 208 of the Settlement Act sets out the main obligations arising for local authorities from Statutory Acknowledgements.

In making discretionary decisions about affected party status under sections 93 and 94 of the RMA, consent authorities must have regard to any relevant Statutory Acknowledgement. This requirement does not derogate from their obligations under Part II of the RMA.

More specifically, consent authorities must have regard to a Statutory Acknowledgement in:

- forming an opinion under section 93(1)(e) of the RMA as to whether Te Rünanga o Ngäi Tahu is likely to be directly affected by an application for activities within, adjacent to, or impacting directly on a statutory area;
- forming an opinion under section 94(1)(c)(ii) of the RMA as to whether Te Rünanga o Ngäi Tahu may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on a statutory area;
- satisfying itself under section 94(2)(b) of the RMA as to whether Te Rünanga o Ngäi Tahu may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on a statutory area;
- forming an opinion under section 94(3)(c) of the RMA as to whether Te Rünanga o Ngäi Tahu may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on a statutory area.

Aside from these requirements, the discretionary powers of consent authorities in making determinations under sections 93 and 94 of the RMA are unaffected (section 217).

The phrase “have regard to” does not guarantee that Te Rūnanga o Ngāi Tahu will be considered an affected party in terms of the relevant sections of the RMA. Authorities retain a discretion to make their own decision, after having regard to the Statutory Acknowledgement. The meaning of the phrase “have regard to” is explained in *Donnithorne v Christchurch City Council* (1994) NZRMA 1997 which determined that decision-makers are required to give consideration to relevant matters. A decision-maker, having had regard to certain factors, may accept them in their entirety, accept them in part only, or may reject them. Giving consideration to certain factors requires an open mind. In some circumstances this could require consultation with Te Rūnanga o Ngāi Tahu to reach an informed decision.

The obligation to have regard to a Statutory Acknowledgement in terms of section 94 is particularly critical. If decision-makers satisfy themselves that Te Rūnanga o Ngāi Tahu’s written approval is not required for a non-notified activity, and the application is not notified, Te Rūnanga o Ngāi Tahu will have no right of appeal. In such a case, Te Rūnanga o Ngāi Tahu’s only opportunity to challenge the decision not to notify would be by judicial review. Consent authorities need to ensure that their decision-making procedures would stand up to the scrutiny of judicial review.

The Environment Court and the Historic Places Trust, when exercising discretion on certain matters relating to statutory areas in accordance with section 274 of the RMA and sections 14 and 20 of the Historic Places Act 1993, must also have regard to Statutory Acknowledgements (sections 209 and 210 of the Settlement Act).

S U B M I S S I O N S

In submissions to, and proceedings before, a consent authority, the Environment Court, or the Historic Places Trust, Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui² may cite a Statutory Acknowledgement as evidence of Ngāi Tahu’s association with a statutory area, where those proceedings concern activities which are within, adjacent to, or impact directly on a statutory area (section 211 of the Settlement Act).

The association is not binding as a “deemed fact” upon consent authorities, the Environment Court, or the Historic Places Trust, but the Statutory Acknowledgement may be taken into account by the decision-maker along with all other relevant evidence.

A Statutory Acknowledgement does not preclude Te Rūnanga o Ngāi Tahu or any member of Ngāi Tahu Whānui from stating that Ngāi Tahu has any other association with the statutory area, that is, any association not described in the Statutory Acknowledgement.

² “Ngāi Tahu” and “Ngāi Tahu Whānui” are defined in section 9 of the Ngāi Tahu Claims Settlement Act 1998 as the collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely Kāti Kuri, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kai Te Ruahikihiki.

Similarly, Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui may take part in RMA processes regarding an area not covered by a Statutory Acknowledgement. The fact that the Crown has acknowledged the statement of Ngāi Tahu's association with some areas cannot be used to argue that its association with other areas is less important.

Plans

Information recording Statutory Acknowledgements must be attached to regional policy statements, district plans, and regional plans. The information can be attached by way of reference to Part 12 of the Ngāi Tahu Claims Settlement Act 1998, or by setting out the Statutory Acknowledgements in full (section 220 of the Settlement Act). The Settlement Act directs that the information be attached to plans and policy statements. Councils' obligation toward Te Rūnanga o Ngāi Tahu under Part II of the RMA and especially section 8, would suggest that this should be done as soon as reasonably possible.

The attachment of information to plans is to provide public information that the Statutory Acknowledgements exist. Neither the information itself nor the fact of its attachment are subject to the provisions of the First Schedule of the RMA. The procedures of the First Schedule are not required to authorise the attaching of the Statutory Acknowledgement information because the attachment of that information does not constitute a plan change.

The Settlement Act requires local authorities within the Ngāi Tahu claims area to attach information to their plans and policy statements, recording all Statutory Acknowledgements affecting statutory areas covered wholly or partly by those plans and policy statements. If a statutory area is partly covered by more than one plan, all the plans should record the Statutory Acknowledgement. This could be achieved by attaching a map of the relevant statutory areas, a brief explanation of what Statutory Acknowledgements mean generally, and an indication of where to turn for more information. A local authority might also want to consider recording Statutory Acknowledgements in neighbouring districts/regions where activities in its district/region could directly impact on one of these statutory areas.

"Recording" this information on plans and policy statements does not require authorities to formulate policies or objectives in relation to this information. The information is not part of a plan or policy statement unless it is adopted by the relevant regional or district council in the course of preparing or changing its plans or policy statement in accordance with the provisions of the First Schedule.

Councils may wish, however, to go further than what the regulations require and “adopt” a Statutory Acknowledgement as part of their plan or policy statement. For example, policies, objectives and rules could be formulated relating specifically to the statutory area. This would require compliance with the formal process for a plan change set out in the First Schedule of the RMA.

The Settlement Act also provides for the creation of nohoanga sites, which councils may also choose to note in their plans for the purpose of public information. The existence of these sites may be a relevant consideration for consent applicants, for example, where Te Rūnanga o Ngāi Tahu may be affected as the occupier of a site. However, noting nohoanga sites in a plan is not compulsory.

Section 94 of the RMA provides that a resource consent application for a controlled or limited discretionary activity need not be notified if the plan states that written approval of affected persons is not required. In these situations, Te Rūnanga o Ngāi Tahu would not have an opportunity to comment as an affected party about an application that affects a Statutory Acknowledgement area. This is also the case for permitted activities. Therefore councils, in consultation with Te Rūnanga o Ngāi Tahu and others, may wish to consider whether amending plans would better assist all parties involved in resource consent applications affecting the statutory area, including Te Rūnanga o Ngāi Tahu.

How do Statutory Acknowledgements affect other agencies?

In summary, a Statutory Acknowledgement:

- requires the Environment Court and the Historic Places Trust to have regard to the Statutory Acknowledgement in exercising certain discretions to hear Te Rūnanga o Ngäi Tahu;
- empowers the Crown agency responsible for the management of a statutory area to enter into a deed of recognition, providing for agreed input by Te Rūnanga o Ngäi Tahu into management processes.

What will change?

The new obligations do not limit or affect the existing obligations of consent authorities under Part II of the RMA. This means that consent authorities should ensure that they continue to give effect to existing obligations. The obligation to consider the Statutory Acknowledgement in respect of a statutory area, for example, may well be in addition to the consideration of the interests of a Papatipu Rūnanga, if the council considers that in order to comply with Part II of the RMA the views or interests of that Rūnanga should be considered as well.

There is flexibility to enable consent authorities and Te Rūnanga o Ngāi Tahu to agree on mutually satisfactory procedures to give effect to the obligations to send summaries to Te Rūnanga o Ngāi Tahu. Consultation between the parties could lead to improved understanding and streamlining of resource consent processes.

The existence of Statutory Acknowledgements will assist consent authorities in providing for Te Rūnanga o Ngāi Tahu's interests in resource management decision making and promote decision-making which gives appropriate consideration to those interests. It may also help by clarifying and reinforcing the existing obligations on consent authorities under Part II of the RMA when making procedural decisions.

Consent authorities will, therefore, need to continue to ensure that they meet their existing obligations to consider the interests of Ngāi Tahu in resource management decision-making processes, as well as by giving appropriate consideration to the new Statutory Acknowledgements.

What will stay the same?

The Statutory Acknowledgement provisions only affect resource consent applications for activities that are within, adjacent to, or impact directly on statutory areas. Statutory areas do not include land that does not belong to the Crown.

In addition, Statutory Acknowledgements are limited in that they place procedural and not substantive obligations on consent authorities. The existence of a Statutory Acknowledgement does not stipulate what weight decision-makers should give to Ngäi Tahu's association with a statutory area, but does require them to include the Statutory Acknowledgement in their consideration of whether or not Te Rünanga o Ngäi Tahu is an affected party in relation to an application.

Also, the absence of a Statutory Acknowledgement cannot be used to argue that Ngäi Tahu's association with any other land is of lesser significance to Ngäi Tahu.

Statutory Acknowledgements recognise Ngäi Tahu's cultural, spiritual, historical and traditional association with a site. They do not recognise other types of interest in a site or grant, create or provide evidence of any estate or interest in or rights of any kind relating to a statutory area. Nor, except as provided, do Statutory Acknowledgements affect the lawful rights or interests of any person who is not a party to the settlement (the parties to the Deed of Settlement being Te Rünanga o Ngäi Tahu and the Crown) (sections 218 and 219).

Statutory Acknowledgements do not affect and may not be taken into account in any decisions under the RMA, except in relation to sections 93, 94 (notification provisions) and 274 (representation at proceedings). Statutory Acknowledgements may, however, be considered by a consent authority under section 104(1)(i) of the RMA. This section provides that when considering an application for a resource consent and any submissions received, a consent authority shall have regard to "any other matters the consent authority considers relevant and reasonably necessary to determine the application". As noted earlier, Ngäi Tahu may also use the Statutory Acknowledgements to cite as evidence of the association in submissions.

Section 93(1)(f) of the RMA will also continue to apply. It requires that Te Rünanga o Ngäi Tahu be notified of applications as the iwi authority within the Takiwä of Ngäi Tahu (as established in law by the Te Rünanga o Ngäi Tahu Act 1996).

Statutory Acknowledgements do not override the substantive resource consent process. Once a resource consent application is notified, Te Rünanga o Ngäi Tahu may make submissions on that application but must act within the same timeframe and on the same procedural basis as everyone else. Te Rünanga o Ngäi Tahu may, in that context, cite Statutory Acknowledgements as evidence of their association with statutory areas.

What are the legal obligations of a local authority?

- Identify all statutory areas in the region/ district. This includes any statutory area partly in the region/ district.
- Send Te Rünanga o Ngäi Tahu summaries of all new applications for resource consents that affect statutory areas as soon as practicable after the applications are received, and before any determinations are made under sections 93 and 94.
- Have regard to Statutory Acknowledgements when determining whether Te Rünanga o Ngäi Tahu is adversely affected by applications (under section 93 and 94 respectively of the RMA).
- Obtain Te Rünanga o Ngäi Tahu's written approval when processing any non-notified resource consent applications affecting statutory areas once the consent authority has decided Te Rünanga o Ngäi Tahu is a directly affected party (section 94 of the RMA).
- Attach information relating to Statutory Acknowledgements to the regional / district plan.

B e s t p r a c t i c e

Consent authorities need to be alert to the possibility of future litigation if Te Rūnanga o Ngāi Tahu feels that inadequate provision has been made for its participation, or if a consent authority has not acted towards it in good faith.

Consent authorities can limit the risks of litigation by discussing suitable consultation procedures with Te Rūnanga o Ngāi Tahu, following those procedures, and monitoring their effectiveness.

D e v e l o p m e n t o f p r o t o c o l s

An important step for consent authorities is likely to involve consultation with Te Rünanga o Ngäi Tahu on appropriate processes for dealing with the obligations arising from Statutory Acknowledgements.

Consultation should be carried out in good faith and be ongoing. Consent authorities could consider developing protocols with Te Rünanga o Ngäi Tahu for the new procedures. The protocols could include the following:

1) Summaries of applications

Matters could include:

- the level of detail of summaries to be sent to Te Rünanga o Ngäi Tahu;
- the timing of the sending of summaries of applications (for example, whether it should be immediately on receipt of application, or after all further information is collected);
- mechanisms to ensure that Te Rünanga o Ngäi Tahu does not receive summaries that it considers irrelevant to its interests;
- what advice is to be given to applicants in cases where their application affects a statutory area in relation to consultation with Te Rünanga o Ngäi Tahu;
- what information applicants will have to provide in cases where their application affects a statutory area;
- whether, and when, Te Rünanga o Ngäi Tahu may request that consent authorities require further information from submitters pursuant to section 92 of the RMA.

2) Discretionary decisions under section 93 of the RMA

Matters could include:

- the circumstances in which Te Rünanga o Ngäi Tahu might consider waiving its right to notification, pursuant to the regulations.

3) Discretionary decisions under section 94 of the RMA

Matters could include:

- whether and when to require written approval of Te Rünanga o Ngäi Tahu to be obtained;
- the circumstances in which Te Rünanga o Ngäi Tahu might consider waiving the requirement to gain its written approval;
- the use of section 94(5) of the RMA where applications for controlled or limited discretionary activities affect a Statutory Acknowledgement area if the relevant plan states that written approval of affected parties is not required.

4) General matters

- Clarify cross-boundary issues between consent authorities.

The future

It is intended that the Settlement Act and the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999 will provide a foundation for improving the consideration of Ngāi Tahu interests in resource consent processes. However, the legislation does not provide all the answers. The responsibility for ensuring its success largely rests with consent authorities and Te Rūnanga o Ngāi Tahu.

The Deed of Settlement also requires the Ministry for the Environment to monitor how Treaty of Waitangi obligations and responsibilities specified in the RMA, including those relating to Statutory Acknowledgements, are working in practice. The Ministry will include questions in its Annual Survey of the Performance of Local Authorities on the administration of Statutory Acknowledgements. It is also likely to visit local authorities to check on progress.

For more information

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Ngāi Tahu Claims Settlement Act 1998 – List of Statutory Acknowledgement Schedules

Schedule 14: Aoraki/Mount Cook	Schedule 51: Pikirakatahi (Mount Earnslaw)
Schedule 15: Aparima River	Schedule 52: Pomahaka River
Schedule 16: Hakataramea River	Schedule 53: Pouerua (Saltwater Lagoon)
Schedule 17: Hakatere (Ashburton River)	Schedule 54: Punatarakao Wetland
Schedule 18: Hananui (Mount Anglem)	Schedule 55: Rangitata River
Schedule 19: Hekeao (Hinds River)	Schedule 56: Taramakau River
Schedule 20: Hoka Kura (Lake Sumner)	Schedule 57: Takapo (Lake Tekapo)
Schedule 21: Hurunui River	Schedule 58: Te Ana-au (Lake Te Anau)
Schedule 22: Kā Moana Haehae (Lake Roxburgh)	Schedule 59: Te Ao Mārama (Lake Benmore)
Schedule 23: Kakaunui River	Schedule 60: Te Tauraka Poti (Merton Tidal Arm)
Schedule 24: Karangarua Lagoon	Schedule 61: Te Wairere (Lake Dunstan)
Schedule 25: Kōtuku-Whakaoho (Lake Brunner Moana)	Schedule 62: Tititea (Mount Aspiring)
Schedule 26: Kōwai River	Schedule 63: Toi Toi Wetland, Rakiura
Schedule 27: Kura Tāwhiti (Castle Hill)	Schedule 64: Tokatā (The Nuggets)
Schedule 28: Kuramea (Lake Catlins)	Schedule 65: Tūtae Putaputa (Conway River)
Schedule 29: Lake Hauroko	Schedule 66: Tūtoko
Schedule 30: Lake Hawea	Schedule 67: Uerau (Mount Uwerau)
Schedule 31: Lake Kaniere	Schedule 68: Uruwera (Lake George)
Schedule 32: Lake Ōhau	Schedule 69: Waiau River
Schedule 33: Lake Paringa	Schedule 70: Waihola/Waipori Wetland
Schedule 34: Lake Pūkaki	Schedule 71: Wairewa (Lake Forsyth)
Schedule 35: Lake Rotorua	Schedule 72: Waitaki River
Schedule 36: Lake Wanaka	Schedule 73: Waituna Wetland
Schedule 37: Mahi Tikumu (Lake Aviemore)	Schedule 74: Waipara River
Schedule 38: Makaawhio (Jacobs River)	Schedule 75: Whakatipu-wai-māori (Lake Wakatipu)
Schedule 39: Manawapōpōre/Hikuraki (Mavora Lakes)	Schedule 76: Whakamatau (Lake Coleridge)
Schedule 40: Mata-au (Clutha River)	Schedule 77: Whakarukumoana (Lake McGregor)
Schedule 41: Matakea (Shag Point)	Schedule 100: Te Tai o Marokura (Kaikōura Coastal Marine Area)
Schedule 42: Mataura River	Schedule 101: Te Tai o Mahaanui (Selwyn - Banks Peninsula Coastal Marine Area)
Schedule 43: Moana Rua (Lake Pearson)	Schedule 102: Te Mimi o Tū Te Rakiwhānoa (Fiordland Coastal Marine Area)
Schedule 44: Motupōhue (Bluff Hill)	Schedule 103: Te Tai o Arai Te Uru (Otago Coastal Marine Area)
Schedule 45: Moturau (Lake Manapōuri)	Schedule 104: Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area)
Schedule 46: Ō Tū Wharekai (Ashburton Lakes)	Schedule 108: Whenua Hou
Schedule 47: Ōkari Lagoon	
Schedule 48: Ōkārito Lagoon	
Schedule 49: Ōrakipaoa Wetland	
Schedule 50: Ōreti River	

A n n e x 2 :

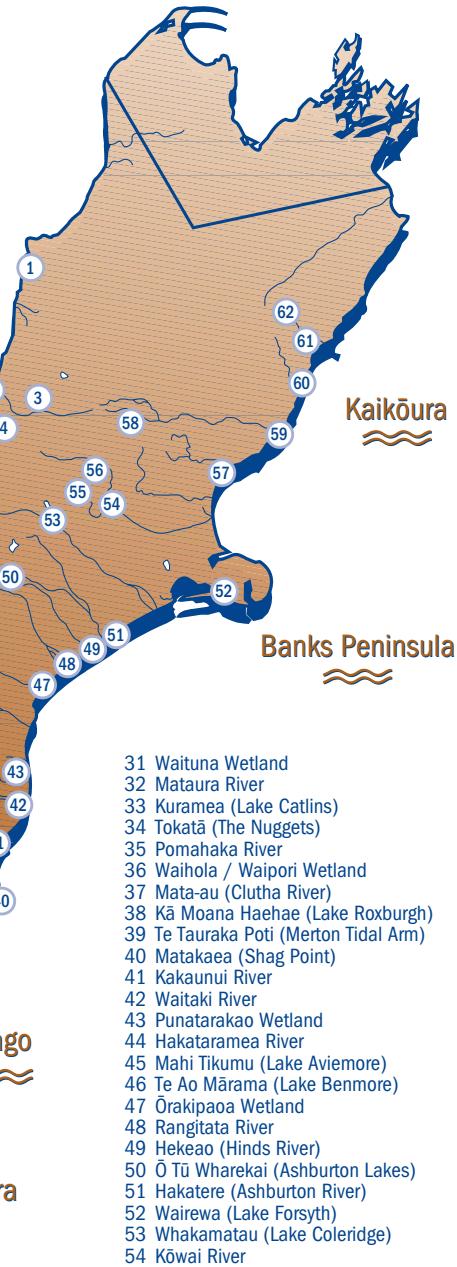
M a p w i t h l o c a t i o n o f s t a t u t o r y a r e a s

- 1 Ōkari Lagoon
- 2 Taramakau River
- 3 Kötuku-Whakaoho (Lake Brunner / Moana)
- 4 Lake Kanire
- 5 Pouerua (Salt Water Lagoon)
- 6 Ōkārito Lagoon
- 7 Makaawhio (Jacobs) River
- 8 Karangarua Lagoon
- 9 Aoraki
- 10 Lake Pāringā
- 11 Whakarukumoana (Lake McGregor)
- 12 Takapo (Lake Tekapo)
- 13 Lake Pūkaki
- 14 Lake Ohau
- 15 Lake Hawea
- 16 Lake Wanaka
- 17 Tititea (Mount Aspiring)
- 18 Tūtoko
- 19 Pikirakatahi (Mount Earnslaw)
- 20 Te Wairene (Lake Dunstan)
- 21 Whakatipu-wai-māori (Lake Wakatipu)
- 22 Manawa-pōpōre / Hikuraki (Mavora Lakes)
- 23 Te Ana-au (Lake Te Anau)
- 24 Motorau (Lake Manapōuri)
- 25 Waiau River
- 26 Lake Hauroko
- 27 Aparima River
- 28 Ururewa (Lake George)
- 29 Öreti River
- 30 Motupōhue (Bluff Hill)

F i o r d l a n d

F o v e a u x S t r a i t / R a k i u r a

~~~~~ Coastal Statutory Acknowledgements



- 31 Waituna Wetland
- 32 Mataura River
- 33 Kuramea (Lake Catlins)
- 34 Tokatā (The Nuggets)
- 35 Pomahaka River
- 36 Waihola / Waipori Wetland
- 37 Mata-au (Clutha River)
- 38 Kā Moana Haehae (Lake Roxburgh)
- 39 Te Tauraka Poti (Merton Tidal Arm)
- 40 Matakaea (Shag Point)
- 41 Kakaunui River
- 42 Waitaki River
- 43 Punatarakao Wetland
- 44 Hakataramea River
- 45 Mahi Tikumu (Lake Aviemore)
- 46 Te Ao Mārama (Lake Benmore)
- 47 Örakipaoa Wetland
- 48 Rangitata River
- 49 Hekeao (Hinds River)
- 50 Ö Tū Wharekai (Ashburton Lakes)
- 51 Hakatera (Ashburton River)
- 52 Wairewa (Lake Forsyth)
- 53 Whakamatau (Lake Coleridge)
- 54 Kōwai River
- 55 Kura Tāwhī (Castle Hill)
- 56 Moana Rua (Lake Pearson)
- 57 Waipara River
- 58 Hoka Kura (Lake Sumner)
- 59 Hurunui River
- 60 Tūtae Putaputa (Conway River)
- 61 Lake Rotorua
- 62 Uerau (Mt Uverau)
- 63 Hananui (Mt Anglem)
- 64 Toi Toi Wetland
- 65 Whenua Hou

## A n n e x 3 :

### Example of a Statutory Acknowledgement: Schedule 14, Statutory Acknowledgement for Aoraki/Mount Cook

#### Statutory Area

The statutory area to which this statutory acknowledgement applies is the area known as Aoraki/Mount Cook located in Kā Tiritiri o te Moana (the Southern Alps), as shown on Allocation Plan MS 1 (S.O. 19831).

#### Preamble

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Aoraki as set out below.

#### Ngāi Tahu Association with Aoraki

In the beginning there was no Te Wai Pounamu or Aotearoa. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed.

Before Raki (the Sky Father) wedded Papatūānuku (the Earth Mother), each of them already had children by other unions. After the marriage, some of the Sky Children came down to greet their father's new wife and some even married Earth Daughters.

Among the celestial visitors were four sons of Raki who were named Aoraki (Cloud in the Sky), Rakiroa (Long Raki), Rakirua (Raki the Second), and Rarakiroa (Long Unbroken Line). They came down in a canoe which was known as Te Waka o Aoraki. They cruised around Papatūānuku who lay as one body in a huge continent known as Hawaiiki.

Then, keen to explore, the voyagers set out to sea, but no matter how far they travelled, they could not find land. They decided to return to their celestial home but the karakia (incantation) which should have lifted the waka (canoe) back to the heavens failed and their craft ran aground on a hidden reef, turning to stone and earth in the process.

The waka listed and settled with the west side much higher out of the water than the east. Thus the whole waka formed the South Island, hence the name: Te Waka o Aoraki. Aoraki and his brothers clambered on to the high side and were turned to stone. They are still there today. Aoraki is the mountain known to Pākehā as Mount Cook, and his brothers are the next highest peaks near him. The form of the island as it now is owes much to the subsequent deeds of Tū Te Rakiwhānoa, who took on the job of shaping the land to make it fit for human habitation.

For Ngäi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngäi Tahu as an iwi.

The meltwaters that flow from Aoraki are sacred. On special occasions of cultural moment, the blessings of Aoraki are sought through taking of small amounts of its “special” waters back to other parts of the island for use in ceremonial occasions.

The mauri of Aoraki represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whänui with the mountain.

The saying “He kapua kei runga i Aoraki, whakarewa whakarewa” (“The cloud that floats aloft Aoraki, for ever fly, stay aloft”) refers to the cloud that often surrounds Aoraki. Aoraki does not always “come out” for visitors to see, just as that a great chief is not always giving audience, or on “show”. It is for Aoraki to choose when to emerge from his cloak of mist, a power and influence that is beyond mortals, symbolising the mana of Aoraki.

To Ngäi Tahu, Aoraki represents the most sacred of ancestors, from whom Ngäi Tahu descend and who provides the iwi with its sense of communal identity, solidarity, and purpose. It follows that the ancestor embodied in the mountain remains the physical manifestation of Aoraki, the link between the supernatural and the natural world. The tapu associated with Aoraki is a significant dimension of the tribal value, and is the source of the power over life and death which the mountain possesses.

### **Purposes of Statutory Acknowledgement**

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) To require that consent authorities forward summaries of resource consent applications to Te Rünanga o Ngäi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Aoraki, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) To empower the Minister responsible for management of Aoraki or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Rünanga o Ngäi Tahu and any member of Ngäi Tahu Whänui to cite this statutory acknowledgement as evidence of the association of Ngäi Tahu to Aoraki as provided in section 211 (clause 12.2.5 of the deed of settlement).

### **Limitations on Effect of Statutory Acknowledgement**

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

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngäi Tahu’s association to Aoraki (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Aoraki.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Aoraki.

## A n n e x 4 :

### R e l e v a n t s e c t i o n s o f t h e N g ā i T a h u C l a i m s S e t t l e m e n t A c t 1 9 9 8

#### *Statutory Acknowledgements*

##### **205 Interpretation**

- (1) In sections 206 to 222 and in Schedules 14 to 77,—  
“Consent authority” has the same meaning as in section 2 of the Resource Management Act 1991;  
“Deed of recognition” means a deed of recognition described in sections 212 and 213, which is to be entered into by the Crown pursuant to clause 12.3 or clause 13.5.4 of the deed of settlement;  
“Effective date” means the date that is 6 months after the settlement date;  
“Lake”—  
(a) Means—  
(i) A body of fresh water which is entirely or nearly surrounded by land, including a lake controlled by artificial means; and  
(ii) The bed of the lake; but  
(b) Does not include—  
(i) Any part of the bed of the lake which is not in Crown ownership or control; or  
(ii) With respect to a lake not controlled by artificial means, any land which the waters of the lake do not cover at its highest level without exceeding its margin; or  
(iii) With respect to a lake controlled by artificial means, any land which the waters of the lake do not cover at its maximum operating level as prescribed from time to time by any resource consent or rule of a regional plan or proposed plan within the meaning of the Resource Management Act 1991; or  
(iv) Any river or watercourse, artificial or otherwise, draining into or out of a lake;  
“Resource consent” has the same meaning as in section 87 of the Resource Management Act 1991;  
“River”—  
(a) Means—  
(i) A continually or intermittently flowing body of fresh water, including a stream and modified watercourse; and  
(ii) The bed of the river; but

(b) Does not include—

- (i) Any part of the bed of the river which is not in Crown ownership or control; or
- (ii) Any land which the waters of the river do not cover at its fullest flow without overtopping its banks; or
- (iii) Any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal); or
- (iv) Any tributary flowing into a river, unless expressly provided to the contrary in the description of a particular river contained in any of Schedules 14 to 77:

“Statutory acknowledgement” means an acknowledgement made by the Crown by virtue of section 206 or section 313 or section 332 in respect of a statutory area, and except as expressly provided, on the terms set out in sections 206 to 220:

“Statutory areas” means the areas, rivers, lakes, and wetlands described in Schedules 14 to 77, 100 to 104, and 108, the general locations of which are indicated on the S.O. plans referred to in those schedules, and “statutory area” means any one of them:

“Wetland”—

(a) Means—

- (i) A permanently or intermittently wet area, shallow water, and land water margin that supports a natural ecosystem of plants and animals that are adapted to wet conditions; and
- (ii) The land beneath that wet area, shallow water, and land water margin; but

(b) Does not include—

- (i) Any part of the land beneath the wet area, shallow water, or land water margin which is not in Crown ownership or control; or
- (ii) Any land bordering the wetland; or
- (iii) Any river or watercourse, artificial or otherwise, draining into or out of a wetland; or
- (iv) Any lake.

- (2) S.O. references are included in Schedules 14 to 77 for the purposes of indicating the general location of the statutory areas, and are not intended to establish the precise boundaries of the statutory areas.

## **206 Statutory acknowledgements by the Crown**

The Crown acknowledges the statements made by Te Rūnanga o Ngāi Tahu of the particular cultural, spiritual, historic, and traditional association of Ngāi Tahu with the statutory areas, the texts of which are set out in Schedules 14 to 77.

**207 Distribution of applications to Te Rūnanga o Ngāi Tahu**

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

**208 Local authorities to have regard to statutory acknowledgements**

From the effective date, and without derogating from its obligations under Part II of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgement relating to a statutory area—

- (a) In forming an opinion pursuant to section 93(1)(e) of the Resource Management Act 1991 as to whether Te Rūnanga o Ngāi Tahu is a person who is likely to be directly affected by an application for activities within, adjacent to, or impacting directly on the statutory area:
- (b) In forming an opinion pursuant to section 94(1)(c)(ii) of the Resource Management Act 1991 as to whether Te Rūnanga o Ngāi Tahu is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area:
- (c) In satisfying itself pursuant to section 94(2)(b) of the Resource Management Act 1991 as to whether Te Rūnanga o Ngāi Tahu is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area:
- (d) In forming an opinion pursuant to section 94(3)(c) of the Resource Management Act 1991 as to whether Te Rūnanga o Ngāi Tahu is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area.

**209 Environment Court to have regard to statutory acknowledgements**

From the effective date, and without derogating from its obligations under Part II of the Resource Management Act 1991, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in determining, pursuant to section 274 of the Resource Management Act 1991, whether Te Rūnanga o Ngāi

Tahu is a person having an interest in the proceedings greater than the public generally in respect of an application for a resource consent for activities within, adjacent to, or impacting directly on the statutory area.

**210 Historic Places Trust and Environment Court to have regard to statutory acknowledgements**

- (1) In this section, “archaeological site” has the same meaning as in section 2 of the Historic Places Act 1993.
- (2) From the effective date, the Historic Places Trust or the Environment Court (as the case may be) must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion pursuant to section 14, and for the purpose of section 20 (1), of the Historic Places Act 1993, as to whether Te Rünanga o Ngäi Tahu is a person directly affected in relation to an archaeological site within the statutory area.

**211 Use of statutory acknowledgement with submissions**

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

**212 Authorisation to enter into deeds of recognition**

Where a statutory acknowledgement has been made by section 206 or by section 332(1), the Minister of the Crown responsible for the management or administration of the land within a statutory area, or the Commissioner of Crown Lands, as the case may be, has power to enter into a deed of recognition in respect of the land within the statutory area.

### **213 Form and terms of deeds of recognition**

A deed of recognition entered into pursuant to section 212 must provide that—

- (a) Te Rünanga o Ngäi Tahu must be consulted; and
- (b) Particular regard must be had to the views of Te Rünanga o Ngäi Tahu relating to the association described in the statutory acknowledgement to which the deed of recognition relates, concerning the management or administration of the statutory area by the responsible Minister of the Crown, or the Commissioner of Crown Lands, as the case may be,—

on the matters specified in the deed of recognition.

### **214 Alienation of land**

In the event that land in respect of which a deed of recognition applies is alienated by the Crown, the deed of recognition is automatically terminated.

### **215 Purposes of statutory acknowledgements**

Without limiting sections 216 to 219, the only purposes of the statutory acknowledgements are—

- (a) To require that consent authorities forward summaries of resource consent applications to Te Rünanga o Ngäi Tahu, as required by regulations made pursuant to section 207; and
- (b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to the statutory acknowledgements in relation to the statutory areas, as provided in sections 208 to 210; and
- (c) To empower the Minister of the Crown responsible for management of the statutory areas, or the Commissioner of Crown Lands, as the case may be, to enter into deeds of recognition, as provided in section 212; and
- (d) To enable Te Rünanga o Ngäi Tahu and any member of Ngäi Tahu Whänui to cite statutory acknowledgements as evidence of the association of Ngäi Tahu to the statutory areas, as provided in section 211.

### **216 Purposes of deeds of recognition**

Without limiting sections 217 to 219, the only purposes of the deeds of recognition are to require that Te Rünanga o Ngäi Tahu be consulted, and particular regard had to its views, as provided in section 213.

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

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

- (a) Neither a statutory acknowledgement nor a deed of recognition affects, or may be taken into account in, the exercise of any power, duty, or function by any

- person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to a statutory area (as described in the relevant statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if no statutory acknowledgement or deed of recognition existed in respect of that statutory area.

**218 Rights not affected**

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

**219 Limitation of rights**

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

**220 Recording of statutory acknowledgements on statutory plans**

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

*Amendments to Resource Management Act 1991*

**223 Notification of application**

Section 93 of the Resource Management Act 1991 is amended by inserting, after subsection (1), the following subsection:

“(1A) For the purposes of subsection (1) (e), a consent authority must have regard to a statutory acknowledgement (within the meaning of an Act specified in Schedule 11) in accordance with the provisions of the relevant Act.”

**224 Application not requiring notification**

Section 94 of the Resource Management Act 1991 is amended by adding the following subsection:

“(6) For the purposes of subsections (1) (c) (ii), (2) (b), and (3) (c), a consent authority must have regard to a statutory acknowledgement (within the meaning of an Act specified in Schedule 11) in accordance with the provisions of the relevant Act.”

**225 Representation at proceedings**

Section 274 of the Resource Management Act 1991 is amended by adding the following subsection:

“(3) For the purposes of determining under subsection (1) whether a person has any interest in the proceedings greater than the public generally, the Environment Court must have regard to a statutory acknowledgement (within the meaning of an Act specified in Schedule 11) in accordance with the provisions of the relevant Act.”

**226 New Schedule 11 inserted**

The Resource Management Act 1991 is amended by adding, as Schedule 11, the schedule set out in Schedule 78 of this Act.

*Amendments to Historic Places Act 1993*

**227 Interpretation**

Section 2 of the Historic Places Act 1993 is amended by inserting, in its appropriate alphabetical order, the following definition:

“ ‘Statutory acknowledgement’ means a statutory acknowledgement within the meaning of an Act specified in Schedule 11 of the Resource Management Act 1991.”.

**228 Powers of Trust in relation to authority application**

Section 14 of the Historic Places Act 1993 is amended by inserting, after subsection (3), the following subsection:

“(3A) In exercising a power under any of subsections (1) to (3), the Trust must have regard (in accordance with the provisions of the relevant Act) to a statutory acknowledgement that relates to the site or sites concerned.”

**229 Rights of appeal**

(1) Section 20 (6) of the Historic Places Act 1993 is amended by adding the following paragraph:

“(e) A statutory acknowledgement that relates to the site or sites concerned.”

(2) Section 20 of the Historic Places Act 1993 is amended by inserting, after subsection (6), the following subsection:

“(6A) For the purposes of subsection (6) (e), if the Court has regard to a statutory acknowledgement, the Court must have regard to the statutory acknowledgement in accordance with the provisions of the relevant Act.”

## *Coastal Management*

### **312 Interpretation**

In section 314, the term “subject areas” means the areas described in Schedules 100 to 104.

### **313 Statutory acknowledgements by the Crown**

The Crown acknowledges the statements made by Te Rūnanga o Ngāi Tahu of the particular cultural, spiritual, historic, and traditional association of Ngāi Tahu with the subject areas, the texts of which are set out in Schedules 100 to 104.

### **314 Subject areas**

The subject areas are statutory areas for the purposes of sections 205, 207 to 211, section 215 (a), (b), and (d), and sections 217 to 220.

## *Whenua Hou*

### **332 Statutory acknowledgement for Whenua Hou**

- (1) The Crown acknowledges the statement made by Te Rūnanga o Ngāi Tahu of the particular cultural, spiritual, historic, and traditional association of Ngāi Tahu with Whenua Hou, the text of which is set out in Schedule 108.
- (2) Sections 205 and 207 to 220 apply to Whenua Hou as if every reference to—
  - (a) A statutory acknowledgement in those sections were a reference to the acknowledgement made by the Crown by virtue of subsection (1) in respect of Whenua Hou, and on the terms set out in sections 207 to 220; and
  - (b) Statutory areas in those sections were a reference to Whenua Hou.

## **Schedule 78**

|                                                |                          |
|------------------------------------------------|--------------------------|
| SCHEDULE 78                                    | Section 226              |
| SCHEDULE ADDED TO RESOURCE MANAGEMENT ACT 1991 |                          |
| “SCHEDULE 11                                   | Sections 93, 94, and 274 |
| ACTS THAT INCLUDE STATUTORY ACKNOWLEDGEMENTS   |                          |
| Ngāi Tahu Claims Settlement Act 1998.”         |                          |

## A n n e x 5 :

### The Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999

