



NEW ZEALAND  
ARCHAEOLOGICAL  
ASSOCIATION

## ARCHAEOLOGY IN NEW ZEALAND



This document is made available by The New Zealand Archaeological Association under the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.

To view a copy of this license, visit  
<http://creativecommons.org/licenses/by-nc-sa/4.0/>.

# NGAI TAHU DEED OF SETTLEMENT - IMPLICATIONS FOR HISTORIC PLACES

Kevin Jones  
Department of Conservation  
Wellington

A number of historic reserves or other Crown land with historic places or which may have historic places will either be given freehold to the Te Runanga o Ngai Tahu, or vested in Te Runanga (where reserve status is retained) or an increased management role for Te Runanga will be established. A number of processes have been used:

- (1) 'topuni' classification (land and management have not been transferred);
- (2) transfer of scenic or historic or other reserves in fee simple (freeholded) but subject to a protected private land (PPL) agreement covering access, no building or roading, and protection of natural and historic values;
- (3) vesting of existing historic and scenic reserves in the runanga with no conditions;
- (4) creation of historic reserves and vesting in the runanga;
- (5) vesting in fee simple, i.e., freehold with no protected private land agreement.

Some other pieces of land will become nohoanga (temporary camping areas). Many of the transfers or changes in land status will require an act of Parliament. PPLs are an agreement, allowed for in the Reserves Act, between a private landowner and the Minister of Conservation. At time of writing the draft deed of settlement had been accepted by Te Runanga o Ngai Tahu.

In general terms, 'topuni' are applied to land which will retain its current classification and broad management. Special definitions of consultation and recognition of Ngai Tahu values will apply. Examples are Mount Cook and Ripapa Island. Particular culturally important sites/areas in national parks are

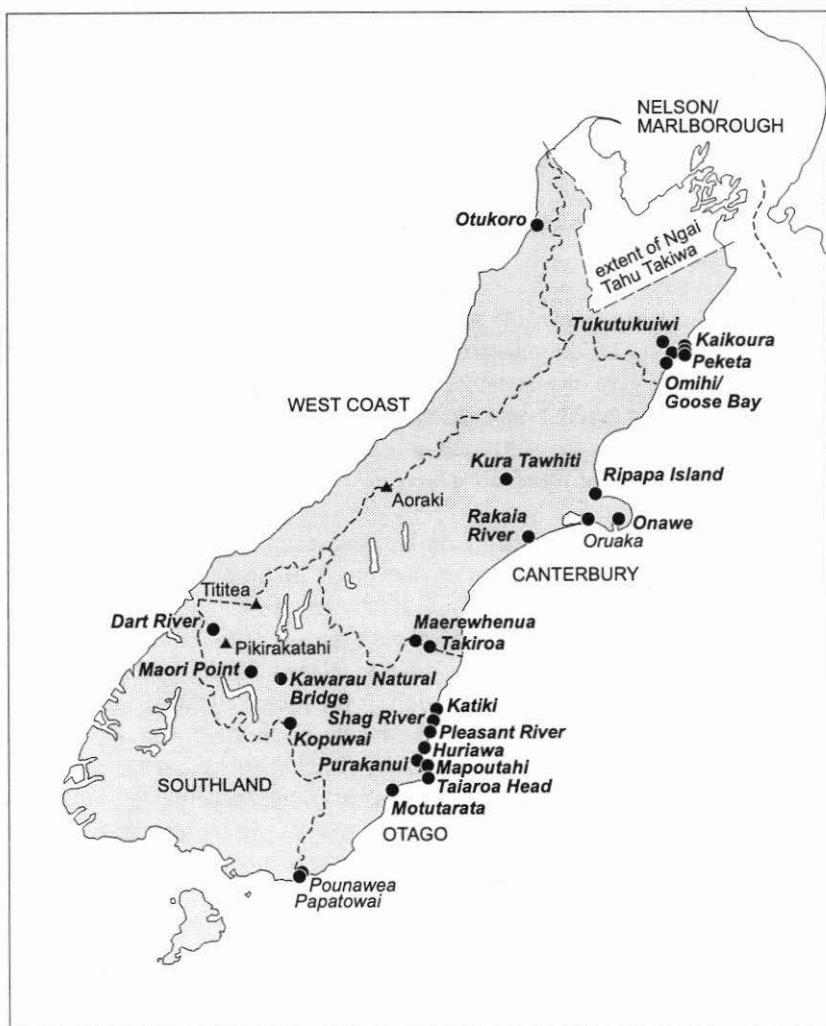
to have the topuni status applied. Joint names are agreed for many places - e.g., Mt Earnslaw will become Mt Earnslaw/Pikirakatahi and Mt Aspiring will become Mt Aspiring/Tititea.

From north to south, the settlement affects properties in Nelson-Marlborough, Canterbury and Otago conservancies. Southland and the West Coast appear to have no affected historic places although there will be topuni in parts of the Kahurangi, Fiordland and Mt Aspiring national parks.

The following summarises the tenure changes that will be made. Not all the land areas have previously been classified as historic reserves. The exact land areas concerned are detailed in maps prepared as part of the deed of settlement.

Topuni	Free-hold (PPL)	Vesting of reserve	Creation of HR	Free-hold	Noho-anga	Description
				●		Pa (S49/39) at South Bay, Kaikoura
				●		Pa (S49/15) on The Point, Kaikoura
	●					Pa (S49/44) on the harbour reserve, Kaikoura
						Omihi/Goose Bay (may contain historic places)
					●	Tukutukuiwi (contains Trig MF)
	●					Otukoro
	●					Ripapa Island
				●		Maerewhenua shelter (ex Historic Places Trust)
				●		Takiroa rock shelter (ex Historic Places Trust)
	●					Castle Hill (Kura Tawhitii)
						Onawe
					●	Kopuwai
						Rakaia River mouth (piece of floodplain)
						Katiki Point
	●					Shag River (includes Onewhenua HR)
				●		Mapoutahi pa
						Huriawa Peninsula
						Purakanui (wide marginal strip retained by Crown)
					●	Maori Point, Shotover
						Kawarau Natural Bridge
	●					Dart River/Slip Stream (Te Koroka)
						Moturata (Taieri Island)

Conservation land on the coastal strip north of the Kaikoura airport is also understood to contain a part of the 'Elm's pa' (a long bank running inland and across the state highway). Otukoro is in two areas: one part has been created historic reserve, the other part (in the Kahurangi National Park) is subject to the topuni classification. Taiaroa Head, given the complexity of historic and natural values which attach to it, is the subject of a separate agreement, different from the others.



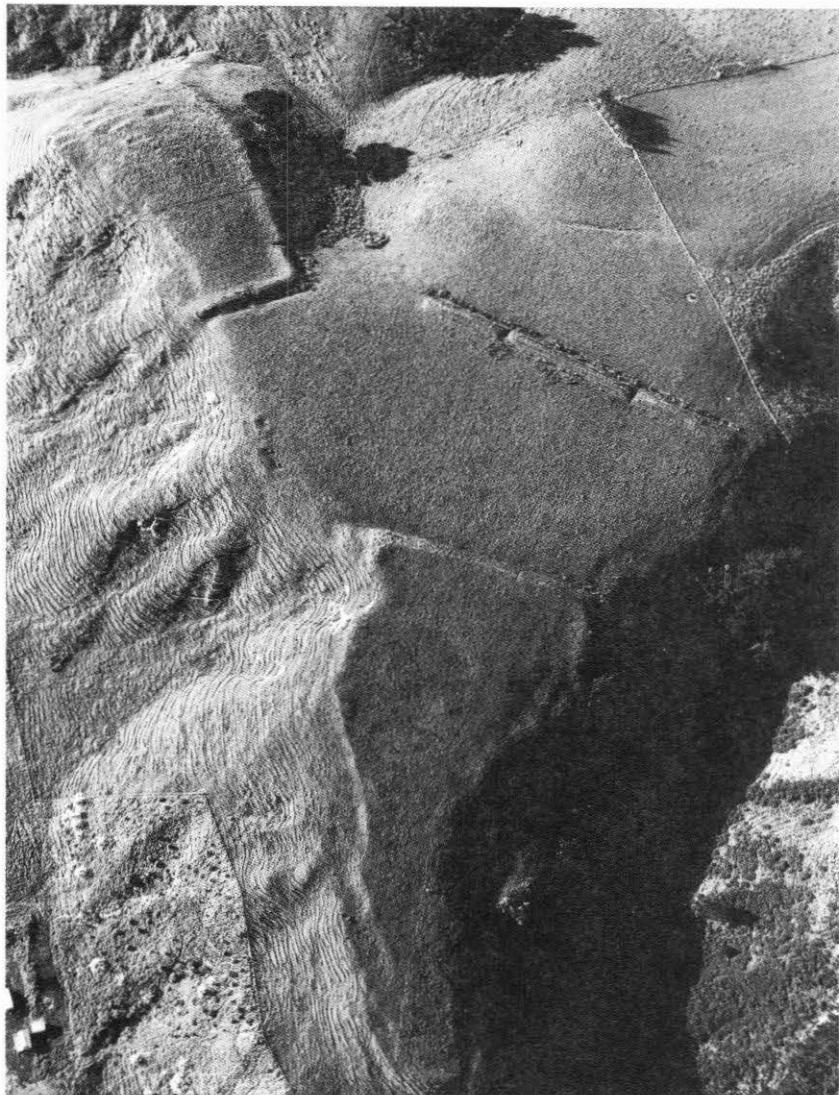
*South Island, showing historic places affected by the Ngai Tahu Deed of Settlement and other places mentioned in the text.*

Notable archaeological sites in Crown ownership of Maori origin which it appears will not be affected are: Nga Niho (S49/14, the pa behind Kaikoura township); part of Peketa pa just south of Kaikoura; Oruaka (by Lake Forsythe, Banks Peninsula); Weka Pass; Pleasant River; and the Catlins sites (notably Papatowai Scenic Reserve). Although not part of the settlement, Nga Niho is currently managed by the Takahanga Marae Committee and it is understood that the site may be vested in them if they so wish. In Otago, the only site or area of arguably Maori origin classified as historic reserve and which remains in Crown ownership is Te-Umu-Kuri which is the landing for Weller's whaling station. In Canterbury, there are a few other sites of Maori origin (rock art) subject to PPLs which were initiated by the New Zealand Historic Places Trust.

The Kaikoura sites (including Omihi and foreshore reserves on the coastal strip to the south of Kaikoura) are potentially a valuable strategic landholding which together give the runanga a major hand in managing the historic landscape and potential future development in that district. The Kaikoura archaeological sites are outstanding examples of pa and there may be significant sites in the foreshore reserves.

There are also general protocols on historic resources management and the current historic heritage review in the Deed of Settlement which will be implemented with the Department of Conservation, including continued recognition of the ICOMOS New Zealand Charter. The protected private land agreements mean that for some historic places future management will involve the Department of Conservation. It is anticipated that the runanga and the conservancies, coordinated by the newly established southern regional office of the Department of Conservation, will work through a number of management protocols and arrangements concerning the settlement details and prospective future management of some places. It seems likely that Te Runanga, which has recently advertised for a regulatory policy manager, will also develop a land management capacity.

Overall, the effect of the Deed of Settlement is that archaeologists wishing to conduct work (survey or excavation) will be dealing with Te Runanga o Ngai Tahu as a private owner and (in conjunction with the relevant constituent runanga) as the tangata whenua affected in terms of s.11(d) of the Historic Places Act 1993. This may simplify procedures for gaining consent for access or other purposes where the land is to be held in fee simple.



*Pa S49/39 at South Bay, viewed from the east.*

Where historic reserves are vested in Te Runanga o Ngai Tahu, the broad purposes and procedures of the Reserves Act will apply - notably any statutory management plans which may indicate avenues or constraints on research.

Many of the concepts and arrangements in the Deed of Settlement are novel. The deed has yet to be passed by Parliament. It might be anticipated that this broad range of measures could be models for future settlements elsewhere, utilising Crown land with historic values.

### **ACKNOWLEDGEMENTS**

I thank Ruth Wilkie, Henry Weston, Ann Williams, Paul Dingwall, Peter Bristow and Steve Bagley for comments. Acknowledgements to Chris Edkins for the map. I have also drawn on Barry Brailsford's *The Tattooed Land: the Southern Frontiers of the Pa Maori* (1st edition, Reed, 1981) and Atholl Anderson's *Prodigious Birds: Moas and Moa-hunting in Prehistoric New Zealand* (Cambridge, 1989).