

## 9 Ngāti Makino Statutory Acknowledgements

In accordance with section 28 of the Ngāti Makino Claims Settlement Act 2012, information recording the statutory acknowledgments is hereby attached to the Bay of Plenty Regional Policy Statement. This information includes the relevant provisions from the schedules to the Ngāti Makino Claims Settlement Act 2012 in full, the description of the Statutory Area and the statement of association as recorded in the statutory acknowledgments.

### Statutory Acknowledgments

The Statutory Areas for which Ngāti Makino has statutory acknowledgments are:

<b>Statutory Area</b>	<b>Location</b>
Part of Lake Rotoma Scenic Reserve	As shown marked in yellow on deed plan OTS-275-10
Part of Lake Rotoiti Scenic Reserve	As shown marked in yellow on deed plan OTS-275-11

Maps showing the locations of these areas are included at the end of this section

### 9.1 Statutory Acknowledgement for part of Lake Rotomā Scenic Reserve

#### 9.1.1 Statutory Area

The area to which this Statutory Acknowledgement applies is Lake Rotoma Scenic Reserve as shown marked in yellow on deed plan OTS-275-10.

#### 9.1.2 Statement of Association

##### ***Preamble***

Under section 23, the Crown acknowledges the statement by Ngāti Makino of the particular cultural, spiritual, historical, and traditional association of Ngāti Makino with part of Lake Rotomā Scenic Reserve.

##### ***Cultural, spiritual, historical, and traditional association of Ngāti Makino with Statutory Area***

Lake Rotomā and the surrounding lands were an important source of food for our tupuna. The bush forest foods and bird and rat trapping areas. Fishing grounds were abundant with koura, kākahi, toitoi, inanga and kōkopu.

Naia, a descendant of Waitaha a Hei built the large pā at Otumarokura on the north western side of Lake Rotomā at the entrance to Te Rotoiti inlet. Hikataua, a nearby settlement located at the mouth of the Whangaroa inlet is named after Hikataua, another descendant of Waitaha a Hei.

The island Motu-a-tara is located in the central southern part of Lake Rotomā. The island was originally occupied by Ngāi Tuahuriri, the people of Tuahuriri, a descendant of Waitaha a Hei. A disagreement ensued between Ngāi Tuahuriri and a powerful tohunga Raraumaiwaho resulting in Raraumaiwaho sinking the island. Ngāi Tuahuriri fled the island and migrated to Te Waipounamu.

### 9.1.3 **Purposes of Statutory Acknowledgement**

Under section 24, and without limiting the rest of this schedule, the only purposes of this Statutory Acknowledgement are to:

- (a) require that relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust, to have regard to this Statutory Acknowledgement in relation to part of Lake Rotomā Scenic Reserve as provided in sections 25 to 27; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Runanga o Ngāti Makino, as provided in section 29; and
- (c) enable the trustees of Te Rūnanga o Ngāti Makino and any member of Ngāti Makino to cite the Statutory Acknowledgement as evidence of the association of Ngāti Makino with the relevant statutory areas, as provided for in section 30.

### 9.1.4 **Relevant consent authorities to have regard to Statutory Acknowledgement**

Under section 25, relevant consent authorities must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, if the trustees of Te Rūnanga o Ngāti Makino are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area for which an application for a resource consent has been made. This requirement does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

### 9.1.5 **Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement**

Under section 26, the Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, if the trustees of Te Rūnanga o Ngāti Makino are persons who have an interest in proceedings that is greater than the interest the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area. This requirement does not limit the obligations of the Environment Court under the Resource Management Act 1991.

Under section 27, if an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area, the Historic Places Trust must have regard to the Statutory Acknowledgement relating to that statutory area in exercising its powers under section 14 of the Historic Places Act 1993.

The Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 any appeal from a decision of the Historic Places Trust in relation to an application for an authority to destroy, damage, or modify an archaeological site within that statutory area, including in determining whether the trustees of Te Rūnanga o Ngāti Makino are persons directly affected by the decision.

In this section, archaeological site has the meaning given to it in section 2 of the Historic Places Act 1993.

## 9.1.6 Limitations

Except as expressly provided in sections 24 to 27 and 30:

- (a) this Statutory Acknowledgement does not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; and
- (b) no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Ngāti Makino with a statutory area (as described in a statement of association) than that person would give under the relevant legislation or bylaw if no Statutory Acknowledgement or deed of recognition existed in respect of the statutory area.

Except as expressly provided in this Act, the 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, the Statutory Acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

## 9.2 Statutory Acknowledgement for part of Lake Rotoiti Scenic Reserve

### 9.2.1 Statutory Area

The area to which this Statutory Acknowledgement applies is Lake Rotoiti Scenic Reserve as shown marked in yellow on deed plan OTS-275-11.

### 9.2.2 Statement of Association

#### ***Preamble***

Under section 23, the Crown acknowledges the statement by Ngāti Makino of the particular cultural, spiritual, historical, and traditional association of Ngāti Makino with part of Lake Rotoiti Scenic Reserve.

#### ***Cultural, spiritual, historical, and traditional association of Ngāti Manawa with Statutory Area***

Tutauaroa, the son of Waitaha a Hei, and others were the first settlers at Te Papatu, situated on Lake Rotoiti at the point near the foot of the long steep ridge leading from the lake edge to the summit of Matawhāura Mountain. Matawhāura is the highest mountain on the shores of Lake Rotoiti and due to its covering of bush provided forest foods as well as bird and rat trapping areas. Lake Rotoiti was an important source of koura, kākahi, toitoi, inanga and kōkopu for our people.

Later Peru and Tutehe, descendants of Tutauaroa occupied Te Papatu. They then moved to Te Pakipaki near the summit of Matawhāura Mountain. Due to its elevated location Te Pakipaki became a very important pā as from here one could see all movements on Lake Rotoiti.

While living at Te Pakipaki the Ngāti Mākino chief Whakahau II was the guardian of the Lake Rotoiti end of Matawhāura and Taingarū, another chief of Ngāti Mākino, the guardian of the eastern, Rotoehu end. Whakahau II and his wife Manuka were buried at Te Pakipaki and many of Ngāti Mākino were interred at Te Anakaihau, a deep waro situated to the west of Te Pakipaki pā.

Matawhāura and Lake Rotoiti were important to Ngāti Mākino as sources of food, the pā were well situated and the waro were well hidden to give a safe, final resting place for our tupuna.

### 9.2.3 **Purposes of Statutory Acknowledgement**

Under section 24, and without limiting the rest of this schedule, the only purposes of this Statutory Acknowledgement are to:

- (a) require that relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust, to have regard to this Statutory Acknowledgement in relation to part of Lake Rotoiti Scenic Reserve as provided in sections 25 to 27; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Runanga o Ngāti Makino, as provided in section 29; and
- (c) enable the trustees of Te Rūnanga o Ngāti Makino and any member of Ngāti Makino to cite the Statutory Acknowledgement as evidence of the association of Ngāti Makino with the relevant statutory areas, as provided for in section 30.

### 9.2.4 **Relevant consent authorities to have regard to Statutory Acknowledgement**

Under section 25, relevant consent authorities must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, if the trustees of Te Rūnanga o Ngāti Makino are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area for which an application for a resource consent has been made. This requirement does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

### 9.2.5 **Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement**

Under section 26, the Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, if the trustees of Te Rūnanga o Ngāti Makino are persons who have an interest in proceedings that is greater than the interest the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area. This requirement does not limit the obligations of the Environment Court under the Resource Management Act 1991.

Under section 27, if an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area, the Historic Places Trust must have regard to the Statutory Acknowledgement relating to that statutory area in exercising its powers under section 14 of the Historic Places Act 1993.

The Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 any appeal from a decision of the Historic Places Trust in relation to an application for an authority to destroy, damage, or modify an archaeological site within that statutory area, including in determining whether the trustees of Te Rūnanga o Ngāti Makino are persons directly affected by the decision.

In this section, archaeological site has the meaning given to it in section 2 of the Historic Places Act 1993.

## 9.2.6 Limitations

Except as expressly provided in sections 24 to 27 and 30:

- (a) this Statutory Acknowledgement does not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; and
- (b) no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Ngāti Makino with a statutory area (as described in a statement of association) than that person would give under the relevant legislation or bylaw if no Statutory Acknowledgement or deed of recognition existed in respect of the statutory area.

Except as expressly provided in this Act, the 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, the Statutory Acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.



9.3 **Maps of Ngāti Makino Statutory Areas**









