

4 Ngāti Tuwharetoa (Bay of Plenty) Statutory Acknowledgements

In accordance with section 42 of the Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005, information regarding 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 Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005 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 Tuwharetoa (Bay of Plenty) has statutory acknowledgments are:

Statutory Area	Location
Rotoma Forest Conservation Area	As shown on SO 61717
Lake Tamarenui Wildlife Management Reserve	As shown on SO 61727
Rangitaiki River	As shown on SO 61728
Lake Rotoma Scenic Reserve	As shown on SO 61726
Tarawera River	As shown on SO 61729
Kawerau Geothermal System	As shown on SO 61730

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

4.1 Statutory Acknowledgement for the Rotoma Forest Conservation Area

4.1.1 Statutory Area

The area to which this statutory acknowledgement applies is the Rotoma Forest Conservation Area, as shown on SO 61717.

4.1.2 Statement of Association

Preamble

Under section 37, the Crown acknowledges the statement by Ngāti Tuwharetoa (Bay of Plenty) of the cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with the Rotoma Forest Conservation Area as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with Statutory Area

For Ngāti Tuwharetoa (Bay of Plenty) whānui, Te Atua Reretahi, which is within the Rotoma Forest Conservation Area, is a very sacred urupa (burial place). This is because our eponymous ancestor Tuwharetoa is buried there. The caves that extend beyond Te Atua Reretahi into the adjacent Apurangi and Tautara basins are also the resting places of many of the descendants of Tuwharetoa.

Te Ngako o te Rangi (a descendent of Tuwharetoa) prepared a special cave at Te Atua Reretahi as the burial place for Tuwharetoa. Other ancestors were also taken there. It is for this reason that Ngāti Tuwharetoa (Bay of Plenty) – whānau, hapū, and iwi – knowledge the whakatauki: neke neke atu, ko te Waha o te Parata, aue ko Te Atua Reretahi, ko Mawake Taupo, ko Hine-te-Ariki, ko Hāhuru, ko ngā kāhui Ariki, moe mai i te moenga roa ee ee.

It is particularly significant to Tuwharetoa people as visiting the urupa is a special occasion for us. Our tupuna have resided over our tribal area since time immemorial.

The spiritual and cultural values of the resting place of our tupuna have been passed down to us, helping our people endure the events of the last 150 years. For the uri (descendants) of Tuwharetoa, Te Atua Reretahi is a place of healing. It is a place that binds all the people from the mountain to the sea.

The resting place of our tupuna is as old as the maunga and as young as the fresh morning dew. It is ageless as time itself, it passes us by every day but will never pass on. Tuwharetoa cannot be separated from Te Atua Reretahi as it is in our hearts, our bodies, and it is the very essence of our soul. We are Tuwharetoa Te Atua Reretahi. Let us remember those who died in the struggle and there have been many.

This area of land was once a stronghold of Ngāti Mawake, ancestors of Tuwharetoa. They were descendants of Ngatoroirangi, the high priest on the Te Arawa waka, and lived from Apurangi to Haehaenga.

In the area of the Rotoma Forest Conservation Area, Ngāti Tuwharetoa (Bay of Plenty) people traditionally hunted birds such as the kererū (native wood pigeon), weka, tūī, kāhu, and kiwi and, after their introduction, animals such as possums, deer, and pigs.

The area supplied Ngāti Tuwharetoa (Bay of Plenty) people with many other sources of food. The berries of tutu, hīnau, tawa, and miro all grew within the area and could be eaten in various forms. The fleshy white leaf of the tāwhara was considered a prized delicacy, and the kiekie plant was a key resource. The tī kōuka (cabbage tree) and mingi mingi (tūmingi) shrub provided food for Tuwharetoa people. The young uncurled shoots of the pikopiko fern were collected for greens. Small berries of several other trees, such as rimu, kahikatea, and mataī, were eaten.

Other significant food sources in this area were the makaika (a species of Māori potato) and the mamaku (giant tree fern). Selected trees, such as rātā, tōtara, and kahikatea, were used for the building of canoes, weapons, and houses and to make tools. The kaponga tree fern was valuable for many different applications: the leaves were used for shelter, the bark for medicine, and the shape for art.

4.1.3 Purposes of Statutory Acknowledgement

Under section 38, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Rotoma Forest Conservation Area, as provided in sections 39 to 41; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the governance entity as provided in section 43; and
- (c) To enable the governance entity and any member of Ngāti Tuwharetoa (Bay of Plenty) to cite this statutory acknowledgement as evidence of the association of Ngāti Tuwharetoa (Bay of Plenty) with the Rotoma Forest Conservation Area as provided in section 44.

4.1.4 **Limitations on Effect of Statutory Acknowledgement**

Except as expressly provided in sections 39 to 41:

- (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 statute, regulation, or bylaw, may give any greater or lesser weight to the association of Ngāti Tuwharetoa (Bay of Plenty) with the Rotoma Forest Conservation Area than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, 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 subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Rotoma Forest Conservation Area.

4.1.5 **No Limitation on the Crown**

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Rotoma Forest Conservation Area to persons other than Ngāti Tuwharetoa (Bay of Plenty) or a representative entity.

4.2 **Statutory Acknowledgement for Lake Tamarenuī Wildlife Management Reserve**

4.2.1 **Statutory Area**

The area to which this statutory acknowledgement applies is the Lake Tamarenuī Wildlife Management Reserve, as shown on SO 61727. The area includes the bed and waters of Lake Tamarenuī.

4.2.2 **Statement of Association**

Preamble

Under section 37, the Crown acknowledges the statement by Ngāti Tuwharetoa (Bay of Plenty) of the cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with the Lake Tamarenuī Wildlife Management Reserve as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with Statutory Area

Tamarenuī means large snapper. The Lake Tamarenuī Wildlife Management Reserve was once part of the large marshlands of the area.

Ngāti Tuwharetoa (Bay of Plenty) believe that a kaitiaki (guardian) called Te Whakakau Ariki lives in Lake Tamarenuī and looks after the lake. The kaitiaki holds the history of the Tuwharetoa people.

It is told by the elders that when a death occurred at Kawerau of a person of rank, Te Whakakau Ariki would dive beneath Lake Tamarenuui, and journey through the mythical waters of Papatūānuku to reappear in Lake Taupo. If a leading person of rank died at Taupo, Te Whakakau Ariki would journey back and appear again at Lake Tamarenuui. Te Whakakau Ariki was last seen by one of the elders in 1950, while he was setting a hīnaki (eel trap).

Ngāti Tuwharetoa (Bay of Plenty) people, who lived at ancient pa sites nearby, used the area for eeling, hunting pūkeko, and gathering kākahi (freshwater mussels). The area also provided resources such as morihana (carp) and raupō. Ngāti Tuwharetoa (Bay of Plenty) people used raupō for many different purposes, including making poi and for food. Pollen was collected and made into porridge or parāoa (bread) and the peeled roots were also eaten. Although pūkeko was eaten, it was particularly prized for its plumage to be made into korowai (cloak) decorations.

Morihana was traditionally caught at Lake Tamarenuui from the beginning of the rainy season until late spring. Kaiherehere and matamoe eels were caught at the outlet of the lake every year. The eels were diverted into hīnaki traps with a pa tuna, a wing-type funnel made from wood and bags. The best time to catch the eels was at the beginning of autumn, when the eels begin their migratory journey to the sea.

4.2.3 Purposes of Statutory Acknowledgement

Under section 38, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Lake Tamarenuui Wildlife Management Reserve, as provided in sections 39 to 41; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the governance entity as provided in section 43; and
- (c) To enable the governance entity and any member of Ngāti Tuwharetoa (Bay of Plenty) to cite this statutory acknowledgement as evidence of the association of Ngāti Tuwharetoa (Bay of Plenty) with the Lake Tamarenuui Wildlife Management Reserve as provided in section 44.

4.2.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 39 to 41:

- (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 statute, regulation, or bylaw, may give any greater or lesser weight to the association of Ngāti Tuwharetoa (Bay of Plenty) with the Lake Tamarenuui Wildlife Management Reserve than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, 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 subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Lake Tamarenuui Wildlife Management Reserve.

4.2.5 **No Limitation on the Crown**

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Lake Tamarenuui Wildlife Management Reserve to persons other than Ngāti Tuwharetoa (Bay of Plenty) or a representative entity.

4.3 **Statutory Acknowledgment for Lake Rotoma Scenic Reserve**

4.3.1 **Statutory Area**

The area to which this statutory acknowledgement applies is the Lake Rotoma Scenic Reserve, as shown on SO 61726. The area includes the bed and waters of the lagoon near Otumarokura Point.

4.3.2 **Statement of Association**

Preamble

Under section 37, the Crown acknowledges the statement by Ngāti Tuwharetoa (Bay of Plenty) of the cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with the Lake Rotoma Scenic Reserve as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with Statutory Area

Ngāti Tuwharetoa (Bay of Plenty) has always been associated with the area of the Lake Rotoma Scenic Reserve through Rakeimarama, the first-born (matamua) son of Tuwharetoa. Rakeimarama was a highly respected tohunga because of his powerful incantations and sorcery. He could venture anywhere unchallenged. He lived on an island in Lake Rotoma with his iwi; they respected his command and were careful not to threaten the sanctuary of the island.

One fateful day, returning from visiting whānaunga (kindred) in another area, Rakeimarama arrived on the shore of Rotoma at his pa called Ngohiorangi. Feeling hungry after his journey he called to the people of the island to fetch him by canoe, as was the custom. Not receiving any response, he became very angry. Rakeimarama removed some clothing, tied flax around his waist, and ventured into the water. There he began to recite his incantations and summoned considerable powers. The tempest summoned by the karakia lashed the shores of Lake Rotoma with heavy rain and strong winds. The pa and the island slowly disappeared. If one ventures out on Lake Rotoma, sometimes the island can be seen just below the surface of the water.

Ngāti Tuwharetoa (Bay of Plenty) were also associated with the area which is now the Lake Rotoma Scenic Reserve through the hapū Ngāti Tiki, Ngāti Rahikora, and Ngāti Hinewai.

The boundary trees Tau-rangi and Te Wera-a-Tapahi, which were in the area of the Lake Rotoma Scenic Reserve, were significant boundary markers between the neighbouring western tribes and Tuwharetoa (through the hapū of Ngāti Umutahi) on the eastern shore of Lake Rotoma.

Traditionally, Ngāti Tuwharetoa (Bay of Plenty) people who lived at a kainga called Taraki fished at a fishing ground called Purehurehu, and gathered inanga (whitebait) and kōura (fresh water crayfish) in the area of what is now the scenic reserve: piki atu kei raro ko Te Tuwatawata, haere tika ana ki Maungawhakamana, titaha ana ki Otitapu, ko ngā tirohanga, o ngā Tipuna eee.

Otitapu was a lookout post, built high on the Tihetihe range within the Lake Rotoma Scenic Reserve. It served the several pa sites surrounding it, including Okoroiti and Okake to the south and Ōpeke and Waituhi to the east. It also served the Haupanapana track to the south and joined the Tararaika and the Tuwharetoa trails, which were used by Tuwharetoa people to travel to and from the coast.

There are burial caves around Otitapu which are sacred to Tuwharetoa people. Lake Rotoma Scenic Reserve was also the scene of a famous battle, called Rarapahore, in which Tuwharetoa people fought.

4.3.3 Purposes of Statutory Acknowledgement

Under section 38, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Lake Rotoma Scenic Reserve, as provided in sections 39 to 41; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the governance entity as provided in section 43; and
- (c) To enable the governance entity and any member of Ngāti Tuwharetoa (Bay of Plenty) to cite this statutory acknowledgement as evidence of the association of Ngāti Tuwharetoa (Bay of Plenty) with the Lake Rotoma Scenic Reserve as provided in section 44.

4.3.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 39 to 41:

- (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 statute, regulation, or bylaw, may give any greater or lesser weight to the association of Ngāti Tuwharetoa (Bay of Plenty) with the Lake Rotoma Scenic Reserve than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, 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 subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Lake Rotoma Scenic Reserve.

4.3.5 **No Limitation on the Crown**

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Lake Rotoma Scenic Reserve to persons other than Ngāti Tuwharetoa (Bay of Plenty) or a representative entity.

4.4 **Statutory Acknowledgement for Rangitaiki River**

4.4.1 **Statutory Area**

The area to which this statutory acknowledgement applies is the Rangitaiki River, as shown on SO 61728.

4.4.2 **Statement of Association**

Preamble

Under section 37, the Crown acknowledges the statement by Ngāti Tuwharetoa (Bay of Plenty) of the cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with the Rangitaiki River as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with Statutory Area

A great river, like a full tide.

The Rangitaiki River was the traditional eastern boundary of Ngāti Tuwharetoa (Bay of Plenty). The river has changed course a number of times. At one time it flowed through the great swamps that formerly existed in the area. Vegetation along the river was raupō, flax, and rushes with mānuka and tī kōuka (cabbage trees) on the higher ground.

Ngāti Tuwharetoa (Bay of Plenty) people relied on the Rangitaiki River for food, in particular eels, fish, and birds. The higher ground along the river banks provided places for cultivating kūmara (sweet potato) and rīwai (potato). They also gathered many resources from the river. Raupō, which was plentiful, was gathered for the thatching of houses. Flax was used for weaving and making ropes. There was also a specific area on the riverbank that was set aside for the dyeing of flax. Tī whanake (cabbage tree) leaves were used for cooking baskets as they did not deteriorate in the boiling water pools that the people used for cooking.

Along the river, Ngāti Tuwharetoa (Bay of Plenty) people made use of the geothermal resources. Sulphur was burned for long periods in sleeping houses to control mites and bugs. A small amount combined with wild honey was taken as rongoā (medicine). It was also rubbed into hakihaki (sores). Children with hakihaki were made to sit or lie covered in warm mud for half an hour or more as a cure. Hot pools along the river were used for bathing and general hygiene.

When Mātāriki (the Pleiades constellation) was first seen, usually before sunrise in the middle of winter, the people would set kūmara in beds in the warm earth and for 2 to 3 weeks tubers would sprout. This was the nursery from which the main crops would be planted. These were the resources that provided sustenance for the many hapū who lived up and down the banks of the Rangitaiki River.

The people travelled along the river by canoe, often to visit relatives, to the upper reaches and downstream to the sea where mullet, herring, and whitebait were caught. Specially made canoes were used for reclamation work.

4.4.3 Purposes of Statutory Acknowledgement

Under section 38, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Rangitaiki River, as provided in sections 39 to 41; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the governance entity as provided in section 43; and
- (c) To enable the governance entity and any member of Ngāti Tuwharetoa (Bay of Plenty) to cite this statutory acknowledgement as evidence of the association of Ngāti Tuwharetoa (Bay of Plenty) with the Rangitaiki River as provided in section 44.

4.4.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 39 to 41:

- (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 statute, regulation, or bylaw, may give any greater or lesser weight to the association of Ngāti Tuwharetoa (Bay of Plenty) with the Rangitaiki River than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, 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 subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Rangitaiki River.

4.4.5 No Limitation on the Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Rangitaiki River to persons other than Ngāti Tuwharetoa (Bay of Plenty) or a representative entity.

4.5 Statutory Acknowledgement for Tarawera River

4.5.1 Statutory Area

The area to which this statutory acknowledgement applies is the Tarawera River, as shown on SO 61729.

4.5.2 Statement of Association

Preamble

Under section 37, the Crown acknowledges the statement by Ngāti Tuwharetoa (Bay of Plenty) of the cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with the Tarawera River as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with Statutory Area

Ko Pūtauaki te Maunga, ko Te Takanga i ō Apa te Awa, ko Te Aotahi te Tāngata, ko Ngāti Tuwharetoa (Bay of Plenty) te iwi.

Before the 1886 Mount Tarawera eruption the Tarawera River flowed down the valley through what is now Kawerau. The area was once marshlands; a number of streams flowed through the swamps to join the Tarawera River. After the eruption, the Tarawera River changed course several times. This occurred as a result of flooding and through the efforts of settlers to prevent the river encroaching on surrounding land. Near the coast the Tarawera River merged with other rivers and flowed into the sea at Te Awa a Te Atua.

The traditional name of Ngāti Tuwharetoa (Bay of Plenty) for the Tarawera River was Takanga-i-ō-Apa, which means “the falling of Apa”. Apa was an original inhabitant of the area who lived south of Pūtauaki. Once he encountered a moa—a pet of the local Tuwharetoa people. The bird was resting on one leg with its mouth open facing the southern wind. Upon seeing the bird, Apa crept slowly towards the resting bird and struck at the exposed leg. Immediately the bird struck out with the leg that was drawn up and knocked Apa over the cliff. The injury Apa received was a broken leg and subsequently he became known as Apa-Koke (which means “Apa limping”).

The Tarawera River was a key resource for Ngāti Tuwharetoa (Bay of Plenty). The iwi living along the banks of the Tarawera River were spiritually and emotionally bound to and physically sustained by its waters. Healing ceremonies were held by and in the river. All the families grew up around the river and played together in and along the river. Along the riverbanks hot springs and baths were dug and used communally. It was a very special way of life.

Canoes were the only mode of transport used on the river, because it flowed through a huge swamp area. Many hapū had secret canals linked to the river where they could quickly escape from invading tribes. The people used large canoes for reclamation work to supply building materials and shifting dirt. The reclamation work was done to enlarge islands for smaller canoes for everyday use. Ngāti Tuwharetoa (Bay of Plenty) people used the river for travelling long distances to tangi and other events; sometimes journeys could last well into the night as the travellers negotiated the many well-known waterways.

The Tarawera River was a very important source of food and raw materials for the Ngāti Tuwharetoa (Bay of Plenty) people who lived along its banks. The river provided the people with plentiful supplies of fish, watercress, kōura (freshwater crayfish), and kākahi (freshwater mussels), which were considered a delicacy. Eels were caught in the river, particularly matamoe (a black migratory eel) and rino (an eel with a silver belly). The great paewai eel also lived in the river. It is said that if one catches this type of eel it is a bad omen. Along the river banks the people gathered toetoe and tī whanake (cabbage tree) leaves (for use in cooking baskets), harakeke (flax – for food, medicine, and weaving), and raupō (for thatching of houses).

The Tarawera River ran like a thread through every family living along its banks.

4.5.3 Purposes of Statutory Acknowledgement

Under section 38, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Tarawera River, as provided in sections 39 to 41;
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the governance entity as provided in section 43; and
- (c) To enable the governance entity and any member of Ngāti Tuwharetoa (Bay of Plenty) to cite this statutory acknowledgement as evidence of the association of Ngāti Tuwharetoa (Bay of Plenty) with the Tarawera River as provided in section 44.

4.5.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 39 to 41:

- (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 statute, regulation, or bylaw, may give any greater or lesser weight to the association of Ngāti Tuwharetoa (Bay of Plenty) with the Tarawera River than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, 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 subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Tarawera River.

4.5.5 No Limitation on the Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Tarawera River to persons other than Ngāti Tuwharetoa (Bay of Plenty) or a representative entity.

4.6 Statutory Acknowledgement for Kawerau Geothermal System

4.6.1 Statutory Area

The area to which this statutory acknowledgement applies is the Kawerau Geothermal system, which is identified as the geothermal system within the boundary generally indicated on SO 61730.

4.6.2 **Statement of Association**

Preamble

The Crown acknowledges the statements made by Ngāti Tuwharetoa (Bay of Plenty) of their particular cultural, spiritual, historical, and traditional association with, and use of, the geothermal energy and geothermal water located in the Kawerau Geothermal system as set out in Schedule 5.16 of the deed of settlement.

Cultural, spiritual, historical, and traditional association of Ngāti Tuwharetoa (Bay of Plenty) with Statutory Area

Ngāti Tuwharetoa (Bay of Plenty) state that prior to 1866 they were actively engaged in the cultivation of large kūmara gardens, potatoes, wheat, and flax for sale to and barter with local European traders, and the transport of goods to markets. They were also involved in customary trade with other iwi. The area at Ōkākāru (geothermal region) in the Kawerau area was used as a special place of healing and recuperation and for early cultivation of plants, in particular kūmara. The area was also famous for the plentiful supply of eels and fish and the breeding of eels, especially in the warmest thermal waters. Transport was by waka and the surrounding wetlands were plentiful in kai.

4.6.3 **Purposes of Statutory Acknowledgement**

The only purposes of the geothermal statutory acknowledgement are:

- (a) To require relevant consent authorities and the Environment Court to have regard to the geothermal statutory acknowledgement, as provided for in sections 48 and 49; and
- (b) To require relevant consent authorities to forward summaries of certain kinds of resource consent applications to the governance entity, as provided for in section 51; and
- (c) To enable the governance entity and a member of Ngāti Tuwharetoa to cite the geothermal statutory acknowledgement as evidence of the association of Ngāti Tuwharetoa (Bay of Plenty) with, and use by Ngāti Tuwharetoa (Bay of Plenty) of, the geothermal energy and geothermal water located in the Kawerau Geothermal system, as provided for in section 52.

4.6.4 **Use of geothermal statutory acknowledgement**

The governance entity and a member of Ngāti Tuwharetoa (Bay of Plenty) may, as evidence of the association of Ngāti Tuwharetoa (Bay of Plenty) with, and use by Ngāti Tuwharetoa (Bay of Plenty) of, the geothermal energy and geothermal water located in the Kawerau Geothermal system, cite the geothermal statutory acknowledgement in submissions to, and in proceedings before, a consent authority or the Environment Court concerning the taking, use, damming, or diverting of any geothermal energy or geothermal water from a site located in the Kawerau Geothermal system.

The content of the statement of association, as recorded in the geothermal statutory acknowledgement, is not, by virtue of the acknowledgement, binding as deemed fact on:

- (a) Consent authorities.
- (b) The Environment Court.
- (c) Parties to proceedings before those bodies.

- (d) Any other person able to participate in those proceedings.

Despite the above, the geothermal statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.

Neither the governance entity nor a member of Ngāti Tuwharetoa (Bay of Plenty) is precluded from stating that Ngāti Tuwharetoa (Bay of Plenty) has an association with the geothermal energy or geothermal water located in the Kawerau Geothermal system that is not described in the geothermal statutory acknowledgement.

The content and existence of the geothermal statutory acknowledgement do not limit a statement made under subsection above.

4.6.5 **Limitations on Statutory Acknowledgement**

Except as expressly provided in this subpart:

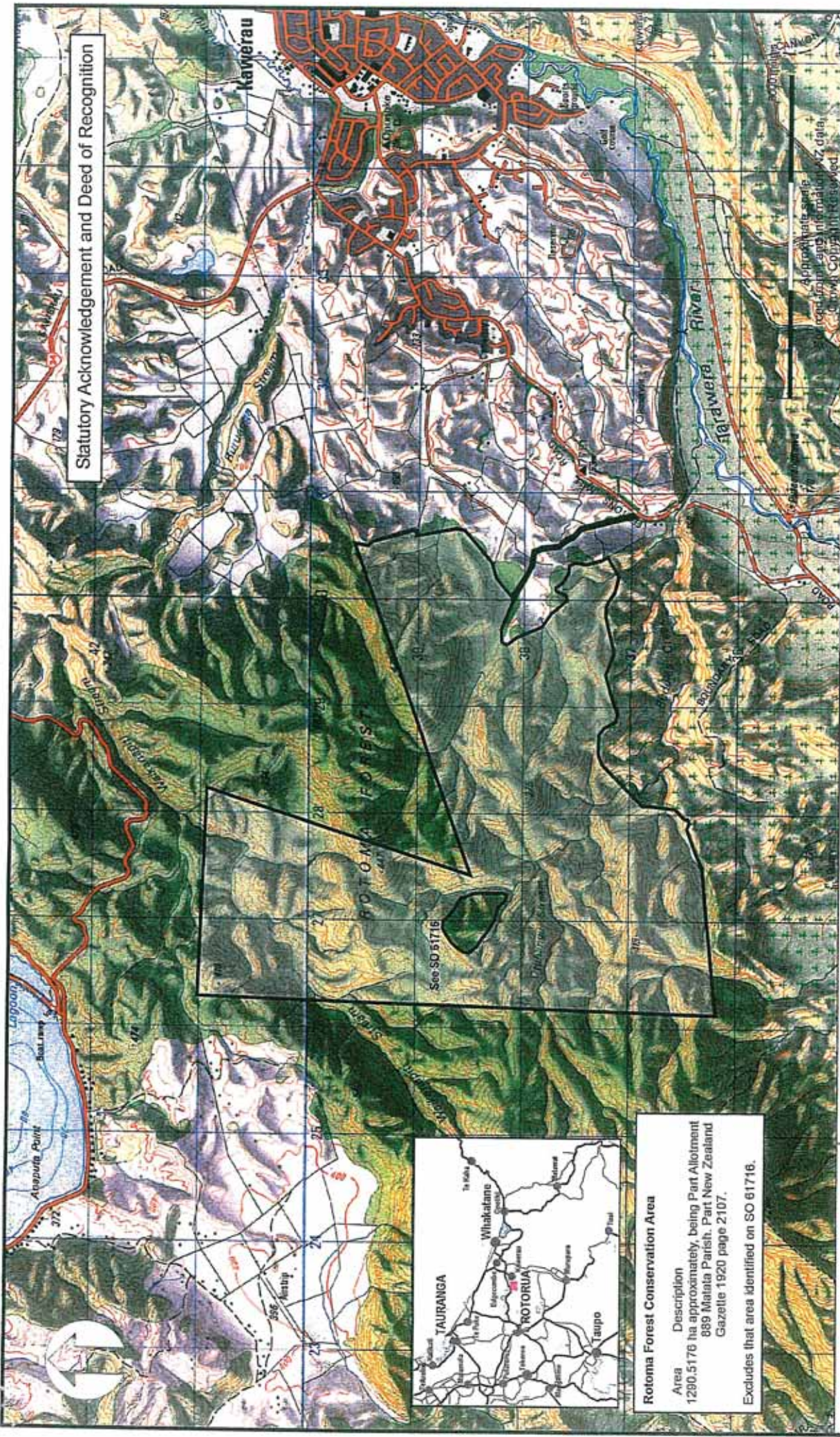
- (a) The geothermal statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
- (b) No person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association with, or use by, Ngāti Tuwharetoa (Bay of Plenty) of the geothermal energy or geothermal water located in the Kawerau Geothermal system (as described in the geothermal statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if no statutory acknowledgement existed in respect of the geothermal energy or geothermal water located in the Kawerau Geothermal system.

The geothermal statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement

The geothermal statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the geothermal energy or geothermal water located in the Kawerau Geothermal system, or the Kawerau Geothermal system itself.

4.6.6 **No Limitation on the Crown**

The existence of this geothermal statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the geothermal energy or geothermal water located in the Kawerau Geothermal system to persons other than Ngāti Tuwharetoa (Bay of Plenty) or a representative entity.



Statutory Acknowledgement and Deed of Recognition

Approved as to boundaries:
 for and on behalf of Ngati Tuwharetoa (Bay of Plenty)
 for and on behalf of the Crown

Approved as to boundaries:
 for and on behalf of Ngati Tuwharetoa (Bay of Plenty)
 for and on behalf of the Crown

Rotoma Forest Conservation Area

Areas referred to in the Deed of Settlement between Ngati Tuwharetoa (Bay of Plenty) and the Crown

Rotoma Forest Conservation Area

Area Description
 1290.5176 ha approximately, being Part Allotment 889 Mataia Parish, Part New Zealand Gazette 1920 page 2107.

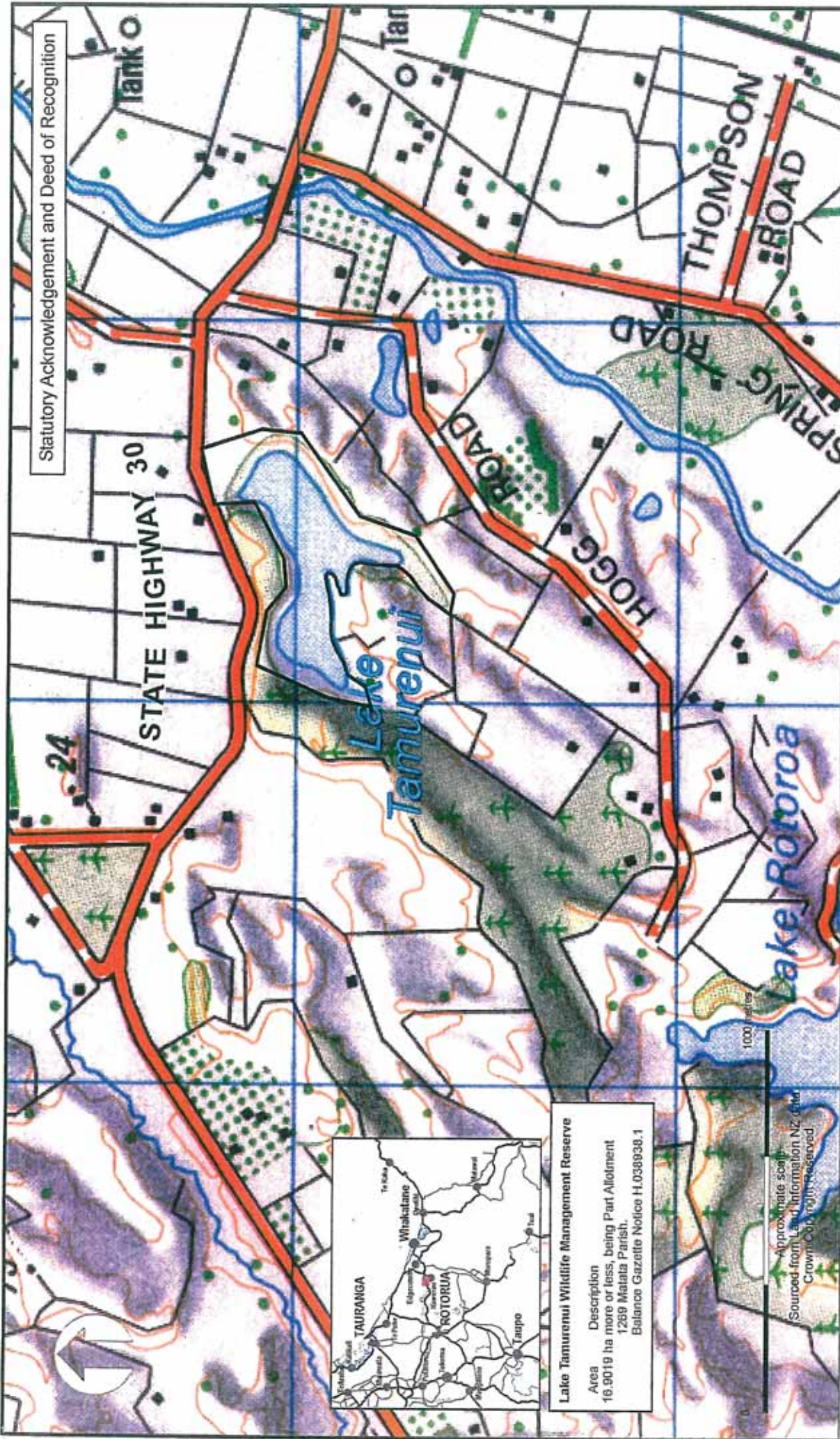
Excludes that area identified on SO 61716.

South Auckland Land District
 Territorial authorities:
 Whakatane District
 & Kawerau District
 Boundaries are indicative only.

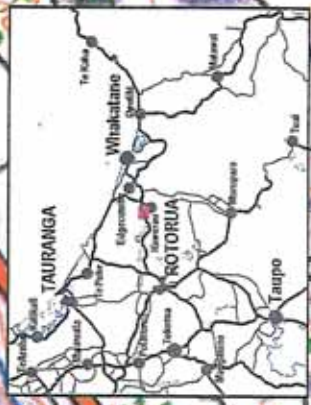
SINCLAIR KNIGHT MERZ



SO 61717



Statutory Acknowledgement and Deed of Recognition



Lake Tamurenui Wildlife Management Reserve
 Area Description
 16,9019 ha more or less, being Part Allotment
 1289 Malata Parish.
 Balance Gazette Notice H.038938.1

Approximate scale
 Sourced from Land Information NZ, other
 Crown Copyright reserved

South Auckland Land District
 Territorial authority :
 Whakatane District
 Boundaries are indicative only.



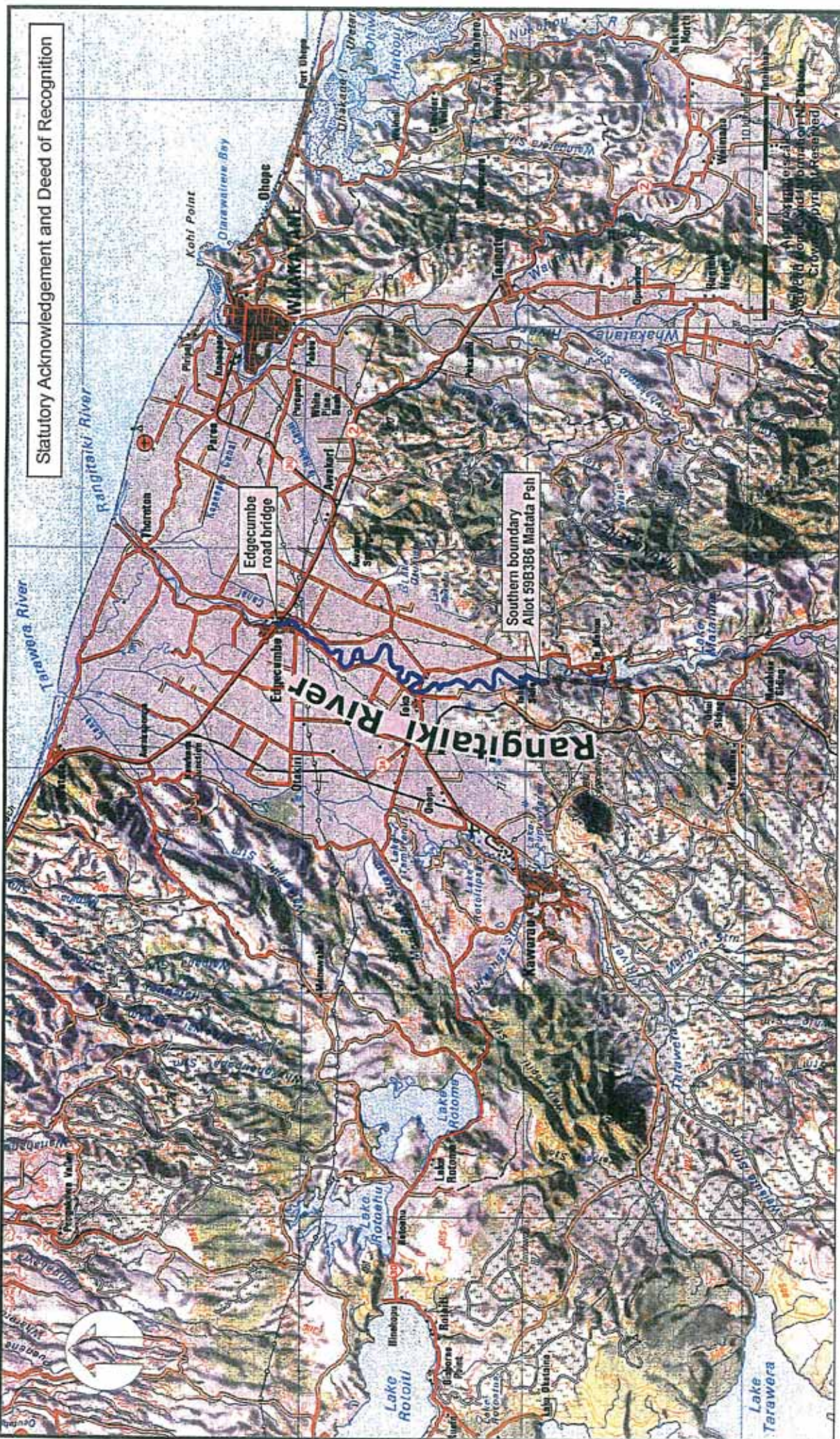
**Lake Tamurenui
 Wildlife Management Reserve**

**Areas referred to in the Deed of Settlement between
 Ngati Tuwharetoa (Bay of Plenty) and the Crown**

Approved as to boundaries:
R. C. Makell 6.6.03
 for and on behalf of Ngati Tuwharetoa (Bay of Plenty)

 for and on behalf of the Crown

SO 61727



Statutory Acknowledgement and Deed of Recognition

Approved as to boundaries;
R. Mitchell 6.6.03
 for and on behalf of Ngati Tuwharetoa (Bay of Plenty)
 for and on behalf of the Crown

SO 61728

Rangitaiki River

Areas referred to in the Deed of Settlement between
 Ngati Tuwharetoa (Bay of Plenty) and the Crown

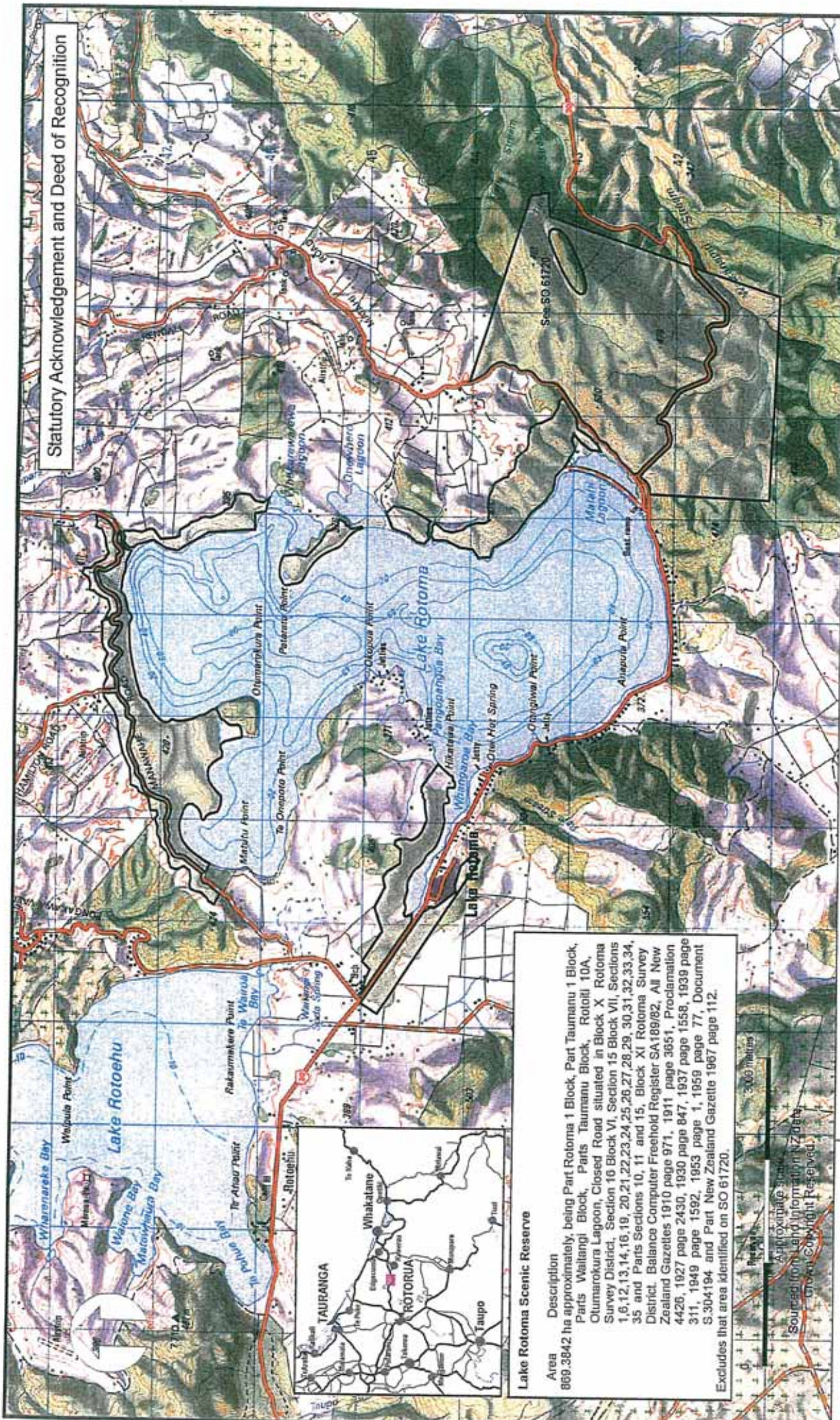
South Auckland Land District
 Territorial authority:
 Whakatane District



SINCLAIR KNIGHT MERZ

WY000004 01

Statutory Acknowledgement and Deed of Recognition



Lake Rotoma Scenic Reserve

Area Description
 860.3842 ha approximately, being Part Rotoma 1 Block, Part Taumanu 1 Block, Parts Waitangi Block, Parts Taumanu Block, Rototiri 10A, Otumarokura Lagoon, Closed Road situated in Block X Rotoma Survey District, Section 16 Block VI, Section 15 Block VII, Sections 1, 6, 12, 13, 14, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and Parts Sections 10, 11 and 15, Block XI Rotoma Survey District. Balance Computer Freehold Register SA189/82, All New Zealand Gazettees 1910 page 971, 1911 page 3651, Proclamation 4426, 1927 page 2430, 1930 page 847, 1937 page 1558, 1939 page 311, 1949 page 1592, 1953 page 1, 1959 page 77, Document S.304/194 and Part New Zealand Gazette 1967 page 112.

Excludes that area identified on SO 61720.

Approximate boundary
 Sourced from Land Information NZ Data
 Crown Copyright Reserved

South Auckland Land District
 Territorial authorities:
 Whakatane District
 & Rotorua District
 Boundaries are indicative only.

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Lake Rotoma Scenic Reserve

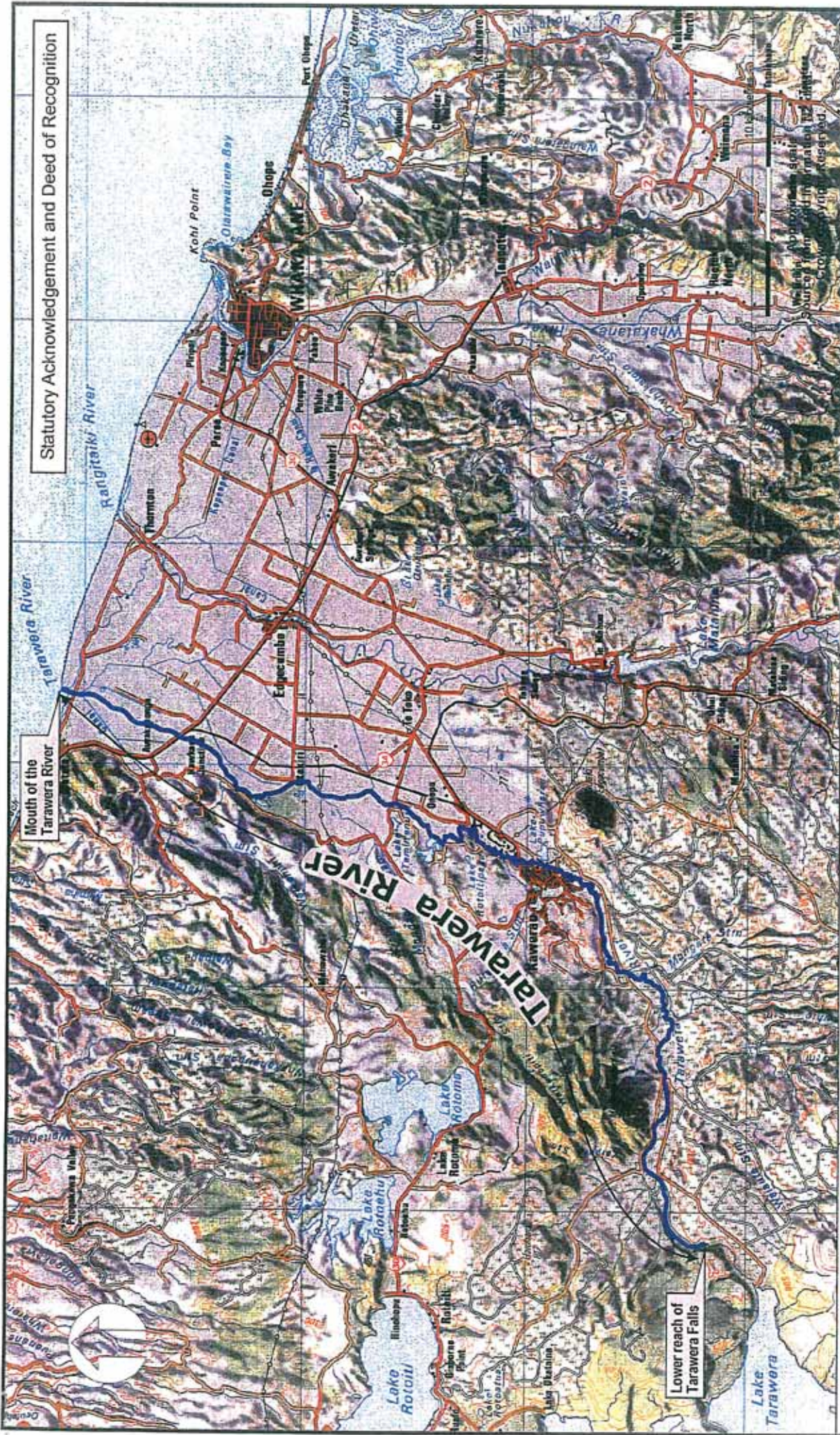
Areas referred to in the Deed of Settlement between Ngati Tuwharetoa (Bay of Plenty) and the Crown

Approved as to boundaries:
PCM 6.6.03
 for and on behalf of Ngati Tuwharetoa (Bay of Plenty)

LM 6.6.03
 for and on behalf of the Crown

SO 61726





Statutory Acknowledgement and Deed of Recognition

Mouth of the Tarawera River

Tarawera River

Lower reach of Tarawera Falls

Approved as to boundaries:
R. Whittell 6.6.03
 for and on behalf of Ngati Tuwharetoa (Bay of Plenty)
 6.6.03
 for and on behalf of the Crown

SO 61729

Tarawera River

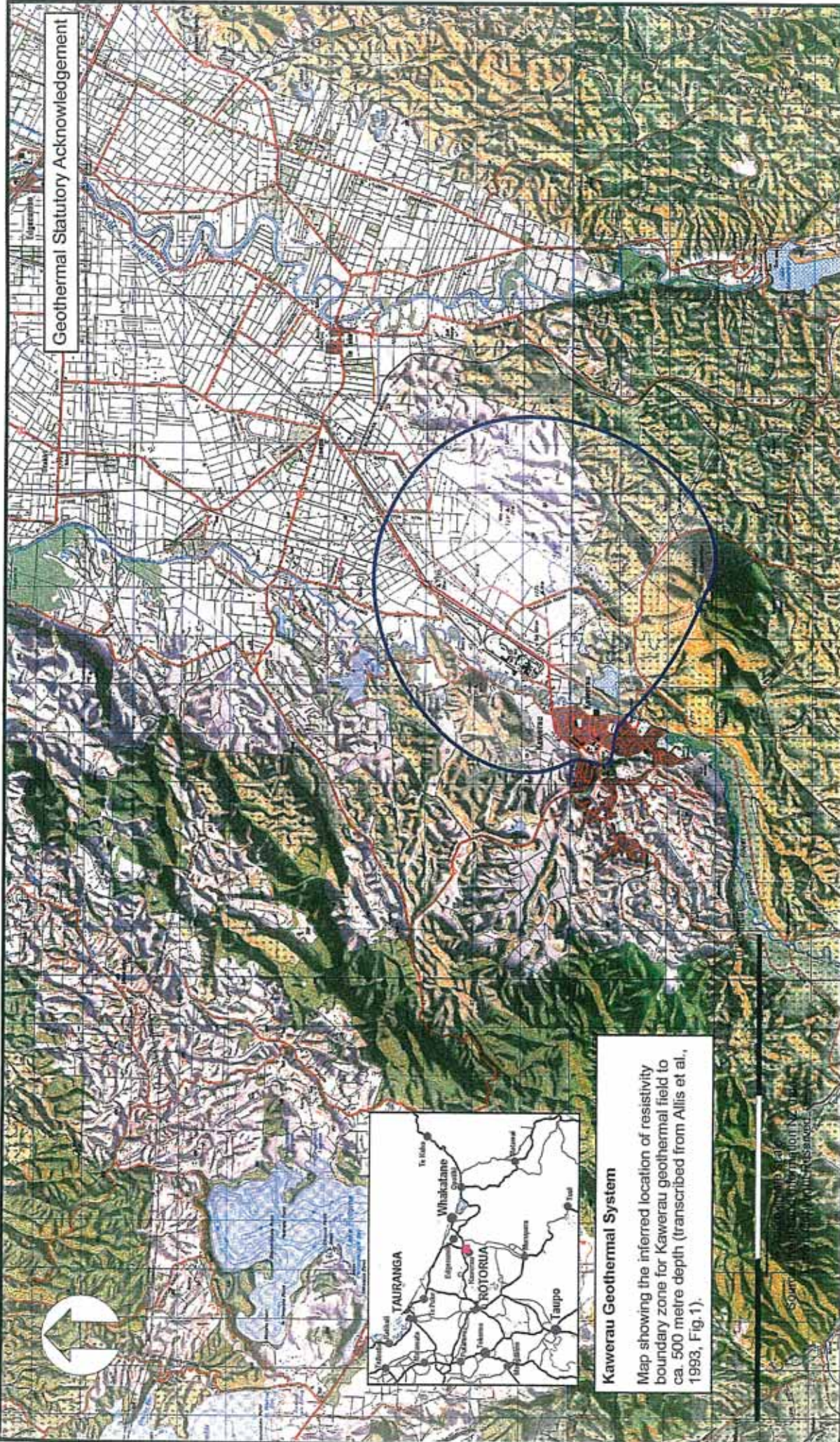
Areas referred to in the Deed of Settlement between
 Ngati Tuwharetoa (Bay of Plenty) and the Crown

South Auckland Land District
 Territorial authorities :
 Whakatane District,
 Kawerau District
 & Roturua District

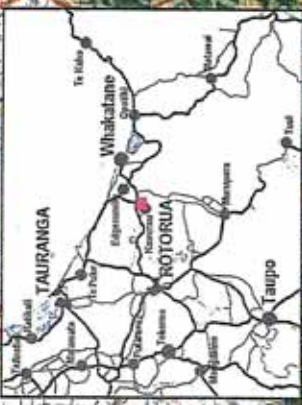


SINCLAIR KNIGHT MERZ

W900004 01



Geothermal Statutory Acknowledgement



Kaverau Geothermal System

Map showing the inferred location of resistivity boundary zone for Kaverau geothermal field to ca. 500 metre depth (transcribed from Allis et al., 1993, Fig. 1).

South Auckland Land District
Territorial authorities:
Whakatane District
& Kaverau District
Boundaries are indicative only.



SCLAIR KNIGHT MERZ

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Kaverau Geothermal System

**Areas referred to in the Deed of Settlement between
Ngati Tuwharetoa (Bay of Plenty) and the Crown**

Approved as to boundaries:
R. Mitchell 6.6.03
for and on behalf of Ngati Tuwharetoa (Bay of Plenty)
Alison 6.6.03
for and on behalf of the Crown

SO 61730