

10 Waitaha Statutory Acknowledgements

In accordance with section 31 of the Waitaha 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 Waitaha Claims Settlement Act 2012 in full, the description of the Statutory Area and the statement of association as recorded in the statutory acknowledgments.

10.1 Statutory Acknowledgment for Waitaha

10.1.1 Statutory Areas

The Statutory Areas for which Waitaha has statutory acknowledgments are:

Statutory Area	Location
The peak of Ōtanewainuku	As shown marked in yellow on deed plan OTS-075-03
Statutory Areas that are wahi tapu	Location
Hakoko Creek	As shown marked in yellow on deed plan OTS-075-04
Kaokaonui Kainga	Shown as Kaokaonui Kianga and marked in yellow on deed plan OTS-075-04
Paraiti Creek	As shown marked in yellow on deed plan OTS-075-04
Popaki Creek	As shown marked in yellow on deed plan OTS-075-04
Statutory Areas that are water courses	Location
Kaiate Stream	As shown marked in blue on deed plan OTS-075-13
Ohineangaanga Stream	As shown marked in blue on deed plan OTS-075-10
Part of Kaituna River	As shown marked in blue on deed plan OTS-075-07
Te Kopuaroa River	As shown marked in blue on deed plan OTS-075-12
Te Raparapa-a-Hoe Stream	Shown as Raparapa-ā-Hoe stream bed and marginal strips marked 1, 2, 3 and 4 on deed plan OTS-075-05 and shown marked in blue on deed plan OTS-075-09
Te Rerenga Steam	As shown marked in blue on deed plan OTS-075-11
Waiari Stream	As shown marked in blue on deed plan OTS-075-08
Waimapu River	As shown marked in blue on deed plan OTS-075-06
Wairākei Stream	As shown marked in blue on deed plan OTS-075-14
Statutory Area (coastal)	Location
Coastal marine area from Maketū to Mauao	As shown marked in blue on deed plan OTS-075-15

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

10.2 **Statutory Acknowledgement for the peak of Ōtanewainuku**

10.2.1 **Statutory Area**

The area to which this Statutory Acknowledgement applies is the peak of Ōtanewainuku as shown on deed plan OTS-075-03.

10.2.2 **Statement of Association**

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with the peak of Ōtanewainuku.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

Ōtanewainuku is a maunga whakahirahira for Waitaha. The pūrākau of Mauao is significant to Waitaha because of the strong associations of Waitaha to the maunga Mauao, Pūwhenua and Ōtanewainuku.

In ancient times, there were three maunga that were located in the Hautere Forest. The mountains are Ōtanewainuku, Pūwhenua and the last one which was subordinate to Ōtanewainuku was nameless. The nameless one fell in love with the beautiful maiden Pūwhenua. However, Pūwhenua rejected the love of the nameless one because she was in love with Ōtanewainuku. In despair, the nameless one asked the Patupaiarehe to drag him out to the ocean so that he could drown himself. The name of the river Waimapu refers to how the tears from the sobbing of the nameless one while he was being dragged out to the ocean formed the river. The Patupaiarehe were a people of the night. As they dragged the nameless one out to the ocean, the sun rose and they had to return home, leaving this maunga where he now stands. He then became known as “Mauao” (caught by the light of the dawn).

During times of conflict, our tūpuna would withdraw from the coastal areas and move to pā on Ōtanewainuku; they would move to and from this area to other locations including Maungaruahine, Takarangi, Ohui and Otaumaru. These formed a strategic defence line for Waitaha. When conflict was resolved, they would move back toward the coast. Ōtanewainuku maunga is part of a complex of mountains and ridges linking Pūwhenua, Mauao, Ōtanewainuku, Ōtara, Ōtawa, Maungaruahine, Takarangi and Te Tapuae across to Te Puke.

With many waterways as a source of fresh water, Waitaha had many cultivation areas, māra kai, and had fish and birds to sustain them. A lot of our native fish stocks were managed in this area as many species would migrate up to the higher altitude for spawning. During the correct seasons, our people would gather and preserve fish and birds in this area.

10.2.3 **Purposes of Statutory Acknowledgement**

Under section 27, 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 the peak of Ōtanewainuku as provided in sections 28 to 30; and

- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.2.4 **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 Kapu o Waitaha 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.

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

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.2.6 **Limitations**

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.3 **Statutory Acknowledgement for Hakoko Creek**

10.3.1 **Statutory Area**

There are four wahi tapu sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Hakoko Creek as shown marked in yellow on deed plan OTS-075-04.

10.3.2 **Statement of Association**

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Hakoko Creek.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

He awa, he mahinga kai, he nohoanga kāinga mō Waitaha. He kāinga hoki hei whakata mo te hunga ka hikoi mai i uta ki Tauranga mai Tauranga ki uta. Ahakoa tona iti ka rere, heke atu te awa. Ka hono ki te awa o Te Raparapa-ā-Hoe. Although this is a relatively small stream it contributes to the larger catchment of Te Raparapa-ā-Hoe. All our rivers are pātaka kai. Hakoko is located above Maungaruahine and flows into Te Raparapa-ā-Hoe.

10.3.3 **Purposes of Statutory Acknowledgement**

Under section 27, 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 Hakoko Creek as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.3.4 **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 Kapu o Waitaha 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.

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

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.3.6 **Limitations**

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.4 **Statutory Acknowledgement for Kaokaonui Kāinga**

10.4.1 **Statutory Area**

There are four wahi tapu sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Kaokaonui Kāinga as shown marked in yellow on deed plan OTS-075-04.

10.4.2 **Statement of Association**

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Kaokaonui Kāinga.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

He pā, he maunga, he rahi ōna tahataha. It is situated below the Mangatoi Stream. Flowing alongside the pā is Kaokaonui Creek which runs into the Mangatoi. This is a pā occupied by Waitaha because of its proximity to the bush food resources. Kaokaonui Pā like the pā situated along the ridge of Ōtanewainuku formed a tangible link to the defensive network of Waitaha pā.

10.4.3 **Purposes of Statutory Acknowledgement**

Under section 27, 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 Kaokaonui Kāinga as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.4.4 **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 Kapu o Waitaha 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.

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

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.4.6 Limitations

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.5 Statutory Acknowledgement for Paraiti Creek

10.5.1 Statutory Area

There are four wahi tapu sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Paraiti Creek as shown marked in yellow on deed plan OTS-075-04.

10.5.2 Statement of Association

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Paraiti Creek.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

Tēnei awa ahua rahi atu i te Hakoko. He awa, he pātaka kai. He nohoanga kāinga tēnei hoki mō o matou whānaunga e haere ana ki Tauranga a ka hoki atu ki Rotorua. This area was strategically placed and was a safe place for overnight stays. It was a place that the Waitaha chiefs asserted and exercised their rights although there were strong contests between some of the Waitaha hapū. Our tupuna Hakaraia stood firm for the consolidation of Waitaha. Paraiti is located above Maungaruahine; and is another stream that flows into Te Raparapa-ā-Hoe.

10.5.3 Purposes of Statutory Acknowledgement

Under section 27, 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 Paraiti Creek as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.5.4 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 Kapu o Waitaha 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.

10.5.5 Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.5.6 Limitations

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.6 Statutory Acknowledgement for Popaki Creek

10.6.1 Statutory Area

There are four wahi tapu sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Popaki Creek as shown marked in yellow on deed plan OTS-075-04.

10.6.2 Statement of Association

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Popaki Creek.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

Popaki joins the other streams in this area as an important wai Māori resource. Strategic in location and located close “ki ngā pā”, it also, like the other creeks, serves as a nohoanga kāinga and a resting place for whānau and hapū travelling between Rotorua and Tauranga. Hakoko, Paraiti and Popaki were occupied because of their strategic location. They were able to provide sustained protection and sustenance for travelers. Land was always available for “mahinga kai” and whānau were encouraged to share in the growing, harvesting and storage. Preserving kai from the sea, bushland and river was a continuous occupation. Popaki Creek is located above Paraiti and flows into Te Raparapa-ā-Hoe.

10.6.3 Purposes of Statutory Acknowledgement

Under section 27, 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 Popaki Creek as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and

- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.6.4 **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 Kapu o Waitaha 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.

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

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.6.6 **Limitations**

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.7 **Statutory Acknowledgement for Kaiate Stream**

10.7.1 **Statutory Area**

There are 10 water course sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Kaiate Stream as shown marked in blue on deed plan OTS-075-13.

10.7.2 **Statement of Association**

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Kaiate Stream.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

The Kaiate River has its beginnings at Te Rere Kawau “*te horoi kiri o Takakōpiri rāua ko Kahureremoa*”. Te Rere Kawau is located below Ōtawa Maunga on the western side, and was the area that Takakōpiri and Kahureremoa used for bathing and washing. It is referred to today as the Kaiate Falls.

Te Taoonga Kai is at the confluence of the Kaiate River and the Waitoa River and is one of the areas where Waitaha used the water from the rivers for preserving their food from the forests and foods gathered from the moana.

Pukemiro is the name of the cultivations of Takakōpiri and Kahureremoa. It was this cultivation that also supplied the Ōtawa Pā and other pā within its vicinity. This was a large cultivation situated on the western side of Ōtawa within close proximity to Te Rere Kawau. (Kaiate Falls).

10.7.3 **Purposes of Statutory Acknowledgement**

Under section 27, 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 Kaiate Stream as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.7.4 **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 Kapu o Waitaha 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.

10.7.5 Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.7.6 Limitations

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.8 Statutory Acknowledgement for Ohineangaanga Stream

10.8.1 Statutory Area

There are 10 water course sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Ohineangaanga Stream as shown marked in blue on deed plan OTS-075-10.

10.8.2 Statement of Association

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Ohineangaanga Stream.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

Ohineangaanga Stream is one of the sacred waterways of Waitaha. Ohineangaanga had many pā on its river banks including Rotopoutaka, Takapou, Takarangi, Tapuae and Te Arataukawiti. This stream follows a course from where it flows into the Kaituna River at the area known the Atuaroa repo. Then you go up to Te Tarere, Te Atuaroa, Te Mania, Te Tautara, Te Rii o Hakaraia (Tipene Kura), then from there up to Otaitaka Pā and then to Takarangi. Ohineangaanga then meets up with the Ohui Stream (Ngā Hineangaanga) which straddles Takarangi, to Te Ohui Pā.

There were many Waitaha pā sites along the Ohineangaanga which were demolished by the development of the flood protection scheme in the 1970's.

Ohineangaanga was a nohoanga kāinga of Waitaha which contained mahinga kai and was situated next to the Ohineangaanga stream. It is also next to Te Mania, another nohoanga kāinga. Atuaroa was an area within the Te Puke block which contained the three nohoanga kāinga Atuaroa, Te Tarere and Te Mania.

Tahipukahu was a nohoanga kāinga of Waitaha and it had mahinga kai. It was situated between Te Raparapa-ā-Hoe and Ohineangaanga streams.

Te Tapuaeroa (Te Tapuae) was one of the main pā used by Waitaha because it was centrally located on the banks of the Ohineangaanga Stream. The Ohineangaanga Stream linked Te Tapuae with many pā in the area. It was also a pā of Hakaraia and contained mahinga kai. The Tapuae Track leads to Te Puke crossing from Ohineangaanga Stream to the Waiari Stream and enabled Waitaha to use both the streams and the defensive structures of ridges and gullies on the land between the streams, to provide for strategic withdrawal in times of war.

Maungaruahine, Ohui and Takarangi are significant pā for Waitaha. They were used as pātaka kai, for transport, for times of celebration and as an important place of safety for women and children in times of war.

10.8.3 Purposes of Statutory Acknowledgement

Under section 27, 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 Ohineangaanga Stream as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.8.4 **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 Kapu o Waitaha 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.

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

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.8.6 **Limitations**

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.9 **Statutory Acknowledgement for Part of the Kaituna River**

10.9.1 **Statutory Area**

There are 10 water course sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Part of the Kaituna River as shown marked in blue on deed plan OTS-075-07.

10.9.2 **Statement of Association**

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Part of the Kaituna River.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

After the arrival of the waka Te Arawa, the name of the river that ran from Ōkere to the coast was Te Awa Tii a Maru, but later on it was renamed Kaituna. Kaituna literally means an abundance of eels. Te Awa o Ngāatoro-i-rangi which is the entrance of the river was named when the waka Te Arawa was still at sea. This area is more commonly known as the Maketū Estuary. Te Tuahu o Ngāatoro-i-rangi at Maketū was built when the waka Te Arawa landed.

This river is described as “he pātaka kai” which refers to the storage of kai. The Kaituna was significant as it was a breeding ground for the eels coming from the lakes, streams and rivers on their migration to the sea. It was also the breeding area for mullet and other salt water fish species. Fish and eels were so abundant that they could be seen covering the pipi beds at these times. The Kaituna is also well known as a source of whitebait and, until recently, there was always a plentiful supply.

The waters of the Kaituna have provided food, important sustenance for the people of Waitaha, for many generations. There was an abundance of freshwater fish and eel, rongoa, edible plants and other plants such as flax which Waitaha used for domestic and ceremonial purposes. There were many settlements along the river where Waitaha traditionally lived, cultivated and based them to gather fish, eel and other kai. In later years, Waitaha also looked after livestock along with their cultivation areas. The minerals found in the rich soils of the wetland areas were highly beneficial for livestock and gardens.

Flax and other plants treasured by Waitaha also grew in abundance. With European occupation, much of the flax was harvested and milled near where it grew. It was during this period that Waitaha learnt the economic value of the wetlands. Today most of the wetland areas around our rivers are drained and much of the natural habitat has now disappeared.

Paroa Pā was the pā of Hinepiri, the eldest sister of Te Iwikoroke. Hinepiri and Te Puku o Hākoma chose the leadership of their elder brother Te Iwikoroke, while the others came under Kumaramaoa. Te Kopua and Te Karaka were also pā located in the same area and are pā which Waitaha have always associated with the Kaituna.

At the confluence of the Kaituna and the Waiari was an island on which stood Te Ngaeo Pā which was a pā associated with Waitaha. This island was destroyed by the Kaituna flood protection scheme during the 1970's.

10.9.3 Purposes of Statutory Acknowledgement

Under section 27, 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 the Kaituna River as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.9.4 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 Kapu o Waitaha 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.

10.9.5 Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.9.6 Limitations

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.10 Statutory Acknowledgement for Te Kopuaroa River

10.10.1 Statutory Area

There are 10 water course sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Te Kopuaroa River as shown marked in blue on deed plan OTS-075-12.

10.10.2 Statement of Association

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Te Kopuaroa River.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

Te Kopuaroa (sometimes known as Te Kopuroa) goes through Te Kopuaroa repo, then west to Hikutawatawa. It is significant to Waitaha because it links the area from Te Kopua where the Kaituna turns down the coast, to the lowlands of the Pāpāmoa Hills. This was one of the main waterways of Waitaha and was used to navigate to and from different pā. It was also a rich food source for Waitaha with clear waters and many kōura and eels. Today its waters are dirty with mud from industrial activity.

Waitaha looks forward to the quality and wairua of this important waterway being restored.

10.10.3 Purposes of Statutory Acknowledgement

Under section 27, 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 Te Kopuaroa River as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and

- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.10.4 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 Kapu o Waitaha 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.

10.10.5 Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.10.6 Limitations

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.11 Statutory Acknowledgement for Te Raparapa-ā-Hoe Stream

10.11.1 Statutory Area

There are 10 water course sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Te Raparapa-ā-Hoe stream bed and marginal strips marked 1, 2, 3 and 4 on deed plan OTS-075-05 and shown marked in blue on deed plan OTS-075-09.

10.11.2 Statement of Association

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Te Raparapa-ā-Hoe.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

Te Raparapa-ā-Hoe is an awa sacred to Waitaha. The name relates to the many waterfalls and rock formations along its course. It could only be navigated by waka to a certain point and then the rapids made it impossible to continue rowing. Te Raparapa-ā-Hoe has its origins in fissures fed by many underground waterways. For Waitaha, Te Raparapa-ā-Hoe links the iwi with the maunga Ōtawa, the land on Ōtara that belongs to Waitaha (Te Ūpoko o Taranui), Otawa and Tahipukuhu.

Te Raparapa-ā-Hoe flows two ways, both above and below the ground. From the Kaituna River, we go through the Atuaroa Stream to Te Hiapo, then we go to Te Waiwhero, then up to Motungarara Pā, then to Tuahu o Te Makawe, then to Takapara, through Waikokowai repo, through Te Ara o Kahureremoa, past Hei Marae, Te Taumata Urupā, Haraki Marae, further up is Oteao, Ngahune, Hapaitataura Pā (Te Moemiti), past Te Puata. It meets with Te Kirikiri Stream, to Te Puata Pā, then to the Waikokoi Stream and Te Waikokoi Pā. We go up to Wairapukao Creek, then to the Hungahungatoroa creek, then to Rawaru. To the east we go to Maungaruahine Pā, to Te Manaroa Pā then to Hakoko Creek and Paraiti Creek and Te Patu o Tupahau, then to Waimihia Creek and Waimihia Pā.

From the Kaituna we also go through the Atuaroa Swamp to Te Kopuaroa, then west toward the Pāpāmoa Hills. In this direction are sites including: Te Waikokowai repo, Te Korikori, Te Awarua (the Saddle), Te Whare o Te Tarakeho Pā, and then further up is Omarama repo.

Te Raparapa-ā-Hoe is the lifeblood of Waitaha. It flows past and connects many sites of significance to Waitaha including Onuku Rangitekapua, Puke Poto, Te Manaroa, Te Kopuru, Mangamatai, Hapaitataura and Motungarara. Hei Marae is the only Waitaha marae. It is located on Te Raparapa-ā-Hoe which was used for transport, to irrigate cultivations and to provide food and resources for the pā. Motungarara refers to the red kūmara bug. During different parts of the seasons, our whānau would go there and use the waters from Te Raparapa-ā-Hoe to rid our cultivations of the kūmara bug.

Te Taumata is an urupā near Hei Marae on the banks of Te Raparapa-ā-Hoe. It is the place where tūpāpaku were interred so they could be taken back to Rangiwewehi at a later time.

Te Atuaroa River forms where Te Raparapa-ā-Hoe is joined by the Kirikiri, but it is still called Te Raparapa-ā-Hoe. At the confluence of these waterways is the pā, Te Puata. Te Puata was the pā of Haraki, the first wife of Te Iwikoro. Haraki is also descended from Waitaha and this alliance strengthened the Waitaha lines. Te Ahipuaki is the pā of Te Iwikoro and is located near the maunga Ōtawa. The name of this pā refers to the rays of the sun because it is an area where you get the sun very early in the day. Te Puata and Te Ahipuaki are located very closely together, hence the whakataukī, “*ka titiro atu a te Iwikoro; ka titiro mai a Haraki* (Te Iwikoro looked, and Haraki looked back)”.

Waikokoi was a Waitaha pā and it had mahinga kai. It lay at the junction of Te Raparapa-ā-Hoe and Waikokoi streams. The main tracks coming down from Ōtawa crossed through here to Te Tapuae and Te Puke the original Te Puke, not the town now known as Te Puke. It is in this area of Te Raparapa-ā-Hoe that fishermen came across giant tuna with holes in their tails. These tuna had been left there to feed the tuna that were trapped in the crevices in these rocks. Anyone taking these tuna is advised to throw them back straight away as they are kaitiaki and were kept for that purpose. The names of these tuna referred to by our tūpuna for these eels are “Koroua” and the tuna that they feed on are called “Tūpuna”.

The Wairapukao Stream flows into Te Raparapa-ā-Hoe and is located near Muirs Reef. The area above Muirs Reef was known by Waitaha as Rawaru. Hungahungateroa Creek flows into Te Raparapa-ā-Hoe and is also located near Muirs Reef.

Hakoko and Paraiti are in the same area and are located above Maungaruahine. They both flow into Te Raparapa-ā-Hoe. Popaki is another stream that flows into Te Raparapa-ā-Hoe. It is above Paraiti.

Waimihia was a nohoanga kāinga used during the food gathering season. It was used for preserving kererū and other food gathered from the forests. It is located on the Waimihia Stream which also flows into Te Raparapa-ā-Hoe.

10.11.3 Purposes of Statutory Acknowledgement

Under section 27, 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 Te Raparapa-ā-Hoe as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.11.4 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 Kapu o Waitaha 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.

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

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.11.6 **Limitations**

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.12 **Statutory Acknowledgement for Te Rerenga Stream**

10.12.1 **Statutory Area**

There are 10 water course sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Te Rerenga Stream as shown marked in blue on deed plan OTS-075-11.

10.12.2 Statement of Association

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Te Rerenga Stream.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

Te Rerenga is a part of the boundary between Waitaha and Tapuika and is also associated with Ōtanewainuku. In the summertime, the water dries out and it is a creek, but in the winter time it becomes full with water and the increased water volume makes it into a river. This stream originates in the fissures in the rocks at Ōtanewainuku. There are many springs in the area. During the winter, water soaks into the ground, building up the water table, so it fills up and overflows into the stream; there is also flooding around this area.

On one side of Ōtanewainuku, Te Rerenga flows into the Mangatoī then to the Waiari; on the other side it flows into the Waimapu. Te Rerenga is also significant to Waitaha as a source of water for the pā sites on Ōtanewainuku - Okotare and Maungapiripiri.

10.12.3 Purposes of Statutory Acknowledgement

Under section 27, 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 Te Rerenga Stream as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.12.4 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 Kapu o Waitaha 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.

10.12.5 Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.12.6 Limitations

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.13 Statutory Acknowledgement for Waiari Stream

10.13.1 Statutory Area

There are 10 water course sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Waiari Stream as shown marked in blue on deed plan OTS-075-08.

10.13.2 Statement of Association

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Waiari Stream.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

For Waitaha, Waiari means the “*soft, soothing sounds of the flowing water, where the voices of the tūpuna are heard*”. The Waiari marks the boundary for Waitaha.

The Waiari was the scene for inter-tribal warfare in former times and was used as a strategic location. Within the Waiari catchment area are numerous pā sites, wāhi tapu and other sites of significance to Waitaha. These include places where Waitaha tūpuna were born and died, and also where Waitaha performed tribal baptisms. Some burials took place in secret and these sites are not revealed to others.

Harakeke was found in profusion along the banks of the Waiari. Harakeke was gathered for medicinal purposes; and to make weirs and hīnaki to catch eels. Eels were found in abundance along the Waiari and often they were so plentiful and the water so clear, that you could spear them from the banks rather than trapping them in weirs or using a hīnaki.

There were many Waitaha pā sites running along the western side of the river bank that were named by Hakaraia. However, most of these were destroyed by the flood protection schemes of the twentieth century.

The Waiari flows into the Kaituna at the area where the Pā Te Ngaeo formerly was; from there we go to Te Pohue, Te Arapaiaka, to Te Aore, to Kahikitea, Otaraninia, Patete, Horouauahi, which were all tangibly linked to hei puke puke maunga Te Puke Taweare, then go to Puta-a-Ruru, Otaumarū, the Oturuturu Creek, then to Waiwiri, then to the Mangatōi River to Te Rerenga and then to Te Tihi o Ōtanewainuku.

Te Pohue situated on a headland jutting out into the wetlands of the Waiari. The area where the Te Puke township now is was known to Waitaha as Te Pohue. Te Pohue was the name of the pā that was situated on the block and which has now been destroyed through urban development. The Waiari provided access to the pā through the repo.

Although it was not a substantial settlement, Kahikatia was a nohoanga kāinga of Waitaha. There were several settlements located nearby. Otaraninia was a Waitaha pā. "*Ka tanuhia ki ngā Parapara o Waitaha*". The urupā for Waitaha is there now. If anyone is buried at Otaraninia they cannot be disinterred. Patete was a pā site near Otaraninia. Horouauahi was a Waitaha pā and it contained mahinga kai. It was also occupied by Hakaraia Tipene in his time. Access to these areas was provided through the repo.

Puta-a-Ruru was a nohoanga kāinga along the banks of the Waiari. It was a place where Waitaha travelers would rest on their way to Rotorua. This kāinga also contained mahinga kai. It is sometimes known as Putaruru.

Ngāti Rereamanu under Hineata were based at Otaumarū on the upper reaches of the Waiari Stream where they prepared hināu, planted rīwai, kūmara and dug fern root and cultivated forest foods such as fern root, hināu, pikopiko, harore, ure and tawhara. Many of our Waitaha tūpuna were buried within this area as well.

The Oturuturu Creek also runs into the upper reaches of the Waiari Stream. This is a place where Waitaha rested when they were travelling to Rotorua. Cultivations of potatoes, kūmara were planted here as well as the harvesting of forest food.

Waiwiri was a Waitaha pā on a rocky precipice, so named because when Hinehou was at this location; her knees were trembling as she took cover in the hills as a battle raged. This pā is located near to the confluence of the Whatonga Creek and Te Rerenga Stream. Tarawhiti and Ruahanga were concerned that their pononga (captives) might try to escape, so ordered them to head for the hills and build a pā there. Waiwiri is also known as Wiriwiri.

10.13.3 Purposes of Statutory Acknowledgement

Under section 27, 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 Waiari Stream as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.13.4 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 Kapu o Waitaha 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.

10.13.5 Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.13.6 Limitations

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.14 Statutory Acknowledgement for Waimapu River

10.14.1 Statutory Area

There are 10 water course sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Waimapu River as shown marked in blue on deed plan OTS-075-06.

10.14.2 Statement of Association

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Waimapu River.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

From Ōtanewainuku, Te Rerenga Stream flows east into the Waiari and west into the Waimapu River. From the source of the Waimapu near Ōtanewainuku to where it flows into the Waimapu estuary and then across Te Awanui to Waikorire, numerous Waitaha pā are sited on the river. The Waimapu provided sustenance for the people who lived in the pā. It supported the hapū mahinga kai. It was a navigational waterway, and many traditional ceremonies took place on and in the river. It was considered the life-blood of the hapū and also a valuable resource for the people who traversed from one place to another.

Near Ōtanewainuku is Opakapaka. We follow the Waimapu to Waikahikatea, then to Kokomuka Creek, to Te Pā o Ruarangi and through Te Rii o Hakaraia, to Oropi and then to the Toropoko Stream; nearby are Te Ketekete o Ōtawa, Waoku and Maungatutu (Mount Misery). We go to Waimapu Pā, then to Tongaparoa and Te Auhi and on to the Waimapu Estuary where we go to Hairini, and across the Estuary to the west we see Pukehinahina then to the east is Maungatapu, and the pā Te Ouwe, Te Puru, Pā o Te Ariki and Opopoti. Motuopuhi (Rat Island) is located in the Estuary, then from Maungatapu you cross the causeway to Matapihi, Waikari to Te Ngaeo, and then out to Waikorire at Mauao.

In ancient times, there were three maunga that were located in the Hautere Forest. The mountains are Ōtanewainuku, Pūwhenua and the last one, which was subordinate to Ōtanewainuku, was nameless. The nameless one fell in love with the beautiful maiden Pūwhenua. However, Pūwhenua rejected the love of the nameless one, because she was in love with Ōtanewainuku. In despair, the nameless one asked the Patupaiarehe to drag him out to the ocean so that he could drown himself. The name of the river Waimapu refers to how the tears from the sobbing of the nameless one while he was being dragged out to the ocean formed the river. The Patupaiarehe were a people of the night. As they dragged the nameless one out to the ocean, the sun rose and they had to return home, leaving this maunga where he now stands. He then became known as “*Mauao*” (caught by the light of the dawn).

An agreement was made by Naia and Ranginui I and the boundary was confirmed. The Waimapu River became the natural boundary between Waitaha and Ngāti Ranginui.

The Waitaha tupuna, Hakaraia, established an aukati known as Te Rii o Hakaraia over a significant area, under the mana of Kīngi Tawhaio. This aukati started from Ōtanewainuku and extended to the beginning of the Waimapu River mouth (Te Awanui o Waimapu). Maenene, Te Akeake, Te Taumata, Oropi, Te Ranga and Pukehinahina are significant sites included in this area.

Te Taumata was a pā associated with Waitaha. It contained mahinga kai.

Motuopuhi (Rat Island) was a nohoanga o Ngā Puhi o Waitaha. This island, which is located in the Waimapu River was where the puhi (high ranking young women) of Waitaha lived. It was referred to as Rat Island because of all the young warriors (“rats”) who would try and sneak over to the island to obtain the favours of the puhi.

10.14.3 Purposes of Statutory Acknowledgement

Under section 27, 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 Waimapu River as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.14.4 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 Kapu o Waitaha 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.

10.14.5 Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.14.6 Limitations

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.15 Statutory Acknowledgement for Wairākei Stream

10.15.1 Statutory Area

There are 10 water course sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Wairākei Stream as shown marked in blue on deed plan OTS-075-14.

10.15.2 **Statement of Association**

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Wairākei Stream.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

The whole Wairākei area used to fill with water when the tide came in. The Wairākei Stream was navigable, and our people used it to travel by waka up to their pā and papakāinga in the Pāpāmoa hills. Now it is all dried up. The Wairākei River was partially filled by the overflow of water from the Kaituna River into the lagoon area on the coastline and also from waters from the Parapara repo. Horoipia repo is an area along the coast that also connects to the Wairākei.

This was a significant waterway for Waitaha to navigate to and from different pā and nohoanga kāinga. Subsequent development by local/regional councils saw the disappearance of the river. This was also a significant mahinga kai for Waitaha. This area also marks the eastern end of the Tauranga Lands Act confiscation boundary.

10.15.3 **Purposes of Statutory Acknowledgement**

Under section 27, 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 Wairākei Stream as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.15.4 **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 Kapu o Waitaha 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.

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

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.15.6 Limitations

Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

10.16 Statutory Acknowledgement for Coastal marine area from Maketū to Mauao

10.16.1 Statutory Area

There are four wahi tapu sites within Ōtānewainuku Forest. The area to which this Statutory Acknowledgement applies is Coastal marine area from Maketū to Mauao as shown marked in yellow on deed plan OTS-075-15.

10.16.2 Statement of Association

Under section 26, the Crown acknowledges the statement by Waitaha of their particular cultural, spiritual, historical, and traditional association of Waitaha with Coastal marine area from Maketū to Mauāo.

Cultural, spiritual, historical, and traditional association of Waitaha with Statutory Area

From Maketu we go to the Kaituna River, then to Otūmatawhero, Wairākei, Te Houhou ki Repehunga, Waitahanui, Maikukutea, Otira, Te Manu Whakahoro and then to Mauao, to Waikorire where the Waimapu River flows out to the ocean.

The plains between Maketu and Mauao contained a complex navigational system. There were many waterways and tracks linking coastal and inland sites to each other. The main routes across the Pāpāmoa Hills and coastal plains between Tauranga, Maketū and Rotorua have been formed along these working tracks. The Tapuae Track is one of these routes.

Otūmatawhero is located on the coast about midway between Wairākei and Te Tumu in an area that was known to Waitaha as Te Oku. Te Oku was the name of the porpoise that followed the waka Te Arawa into Maketū. Otūmatawhero was also on the ancient highway system, with a major track heading east following the Wairākei Stream then crossing the Horoipia repo, toward the Kaituna.

There is also a strong relationship between Otūmatawhero and Te Tumu which was a significant coastal site as it was a strategic location linking Pāpāmoa to Maketu. Whoever held Te Tumu Pā had military advantage for that area. In the 1830's Te Tumu and Maketu were fiercely contested.

Wairākei is located mid-way between Maketu and Mauao. Individual pā and other significant sites were physically linked as stepping-stones across the vast wetlands and dune plains. Streams originating in the hills around Ōtawa crossed the plain, emptying into the wetlands, then finding their courses into Te Awa o Wairākei or the Kaituna River. This included Te Kopuaroa and Te Raparapa-ā-Hoe. The former lagoon at Wairākei was fringed with raupō and manuka and had an abundance of fish which could be seen by a person standing on the banks because the water was as clear as glass. The lagoon became a casualty of drainage and flood protection works and urban development.

The first Waitaha occupation of Wairākei began when the waka Te Arawa followed a porpoise up the Wairākei River. It is historically known as Te Okuroa o Wairākei. The first settler in that area was Rongomaitane, a son of Waitaha. His son was Te Haehae and the son of Te Haehae was Whitikiore who is associated with the Pā Te Kio.

This is the Waitaha whakataukī relating to Wairākei:

“He pou tou

He awatea tera

He pukana mutunga i te awatea

I te rā e whiti ana”

The deed of thy ancestor was one of darkness! (treachery)

The other (death of Hikareia) was done in the daylight

After warfare, under the shining sun according to tikanga!

All tracks led to Wairākei and to Te Houhou area. Te Houhou is situated within the Horoipia swamp adjacent to Wairākei. The track that ran from the Pāpāmoa Hills to Wairākei intersected with the track from Tauranga to Te Houhou. The main roadways today were built to follow these old tracks.

Tamangarangi of Waitaha was married to Haua. Haua also assisted Waitaha during the occupation of Maketu by another iwi. Their descendant Te Waharoa, set an aukati along Pāpāmoa beach during the battles with Te Arawa to enable free passage for those travelling to and from Maketu and Tauranga and for those gathering food. Te Waharoa also stated that nobody was to stay there permanently and no battles were to be fought in that area. This area is known as Te Rii o Waharoa.

Te Houhou was the main papakāinga along the Pāpāmoa coast and is near Wairākei. It provides a tangible link to Te Rae o Pāpāmoa, Te Kio, Kiore Te Kopua and other associated pā in this area. It is considered to be the most significant remnant of archaeological landscape that once covered hundreds of hectares between Mauao and the Kaituna River.

Te Houhou area is of very ancient occupation, dating back to the arrival of the waka Te Arawa. Tamatekapua was the captain of Te Arawa. His mokopuna Taramainuku was also on board the waka. Taramainuku stayed in this area with his Waitaha whānau on his way to Moehau in the Coromandel. There is a place in the Te Houhou area named Te Tohihi a Taramainuku. Te Tohihi is the end on the kamokamo plant. The name refers to the place where Taramainuku had his mahinga kai (food garden). Te Kio was a pā and kāinga at the time of Taramainuku.

Te Kio, Kiore and Paraoa were defensive pā. The area looks quite different now because the swamp has been drained, but back in those times the pā were located on the high ground rising above the swamp. The swamp was a natural defensive area, because war parties would have to cross through the swamp to reach the pā.

Te Kio was a pā and a papakāinga at the time of Taramainuku, who arrived on the waka Te Arawa, so it is a very ancient pā. Due to urban development, it is no longer visible.

Te Kio was occupied by Whitikiore, the son of Haehae, who was the son of Rongomaitane, who was the son of Waitaha. During the time of Whitikiore there was a volcanic eruption in the middle of the North Island, and ash was blown over to the coast. After that, Whitikiore moved to Tuhua Island where he settled. Other hapū subsequently made claims to the Waitaha tupuna Whitikiore and became known as Ngāti Whitikiore; they remained there for some time. In later times, Te Kio was a nohoanga papakāinga used in times of food gathering.

Kiore was a swamp pā near Te Kio. The pā was named after Whitikiore. Whitikiore later moved to Tuhua (Mayor Island). Kiore and Paraoa have been recorded as the oldest swamp pā in the Bay of Plenty.

Paraoa was a Waitaha pā protruding out of the swamp which is how it got its name. When Waitaha tūpuna first explored this site, they found the remains of the whale Paraoa, hence the name of the pā. This pā is located near Te Kio and is further along the ridge from Kiore. Part of Paraoa is still visible today. Paraoa is also the name of a son of Takakōpiri, who was nine generations down from Hei.

Te Repehunga was a nohoanga kāinga of Waitaha, but it was demolished by sand quarrying. It marks the boundary between Te Iwikoroke and Kumaramaoa. This was an important nohoanga kāinga and mahinga kai and it provided a thoroughfare between the Pāpāmoa Hills, Te Houhou, Maungamana and Kopukairua.

Maikukutea was named after a battle between Ngātoro-i-rangi and his brother-in-law Manaia. Manaia wanted utu for an insult made by Ngātoro-i-rangi. The taua of Manaia anchored off the island Motiti and his pā Matarehua where he then challenged Ngātoro-i-rangi to a fight. However, being late in the afternoon Ngātoro-i-rangi stated that they would fight the next day. During that evening Ngātoro-i-rangi offered up his prayers to his atua and they sent a storm that annihilated the taua of Manaia. The next morning all that remained of the forces of Manaia were their washed up bodies buried under the sand and their finger nails protruding through the sand at Te Akau.

Waitahanui is an ancient urupā of Waitaha on the coast and is located at Otira. Te Manu Whakahoro is an important area for Waitaha.

Mauao is significant to Waitaha as Tutauaroa, the son of Waitaha, first occupied Mauao. When Tutauaroa left for Ōtamarākau, his son Taiwhanake and mokopuna Kinonui and their descendants continued to occupy Mauao. The well known pakiwaitara of Pūwhenua, Mauao and Ōtanewainuku explains how the Waimapu River was formed and how Mauao got its name.

10.16.3 Purposes of Statutory Acknowledgement

Under section 27, 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 Coastal marine area from Maketū to Mauao as provided in sections 28 to 30; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Kapu o Waitaha, as provided in section 32; and
- (c) enable the trustees of Te Kapu o Waitaha and any member of Waitaha to cite the Statutory Acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, as provided for in section 30.

10.16.4 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 Kapu o Waitaha 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.

10.16.5 Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

Under section 29, 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 Kapu o Waitaha 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 30, 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 Kapu o Waitaha 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.

10.16.6 Limitations

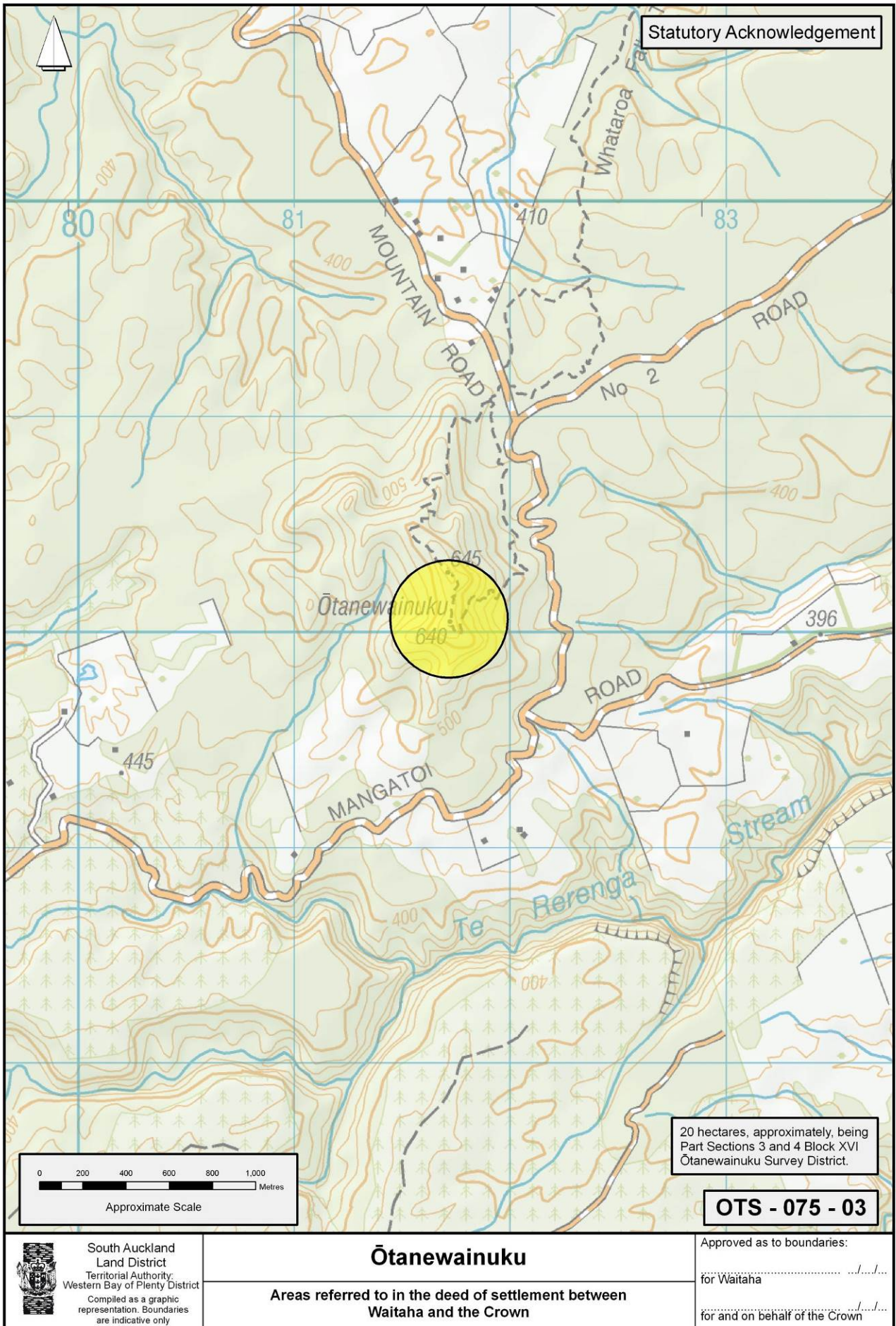
Except as expressly provided in sections 27 to 30 and 33:

- (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 Waitaha 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.

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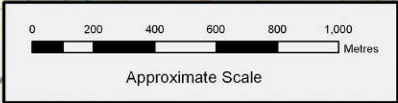
10.17 Maps of Waitaha Statutory Areas



Statutory Acknowledgement

20 hectares, approximately, being Part Sections 3 and 4 Block XVI Ōtanewainuku Survey District.

OTS - 075 - 03

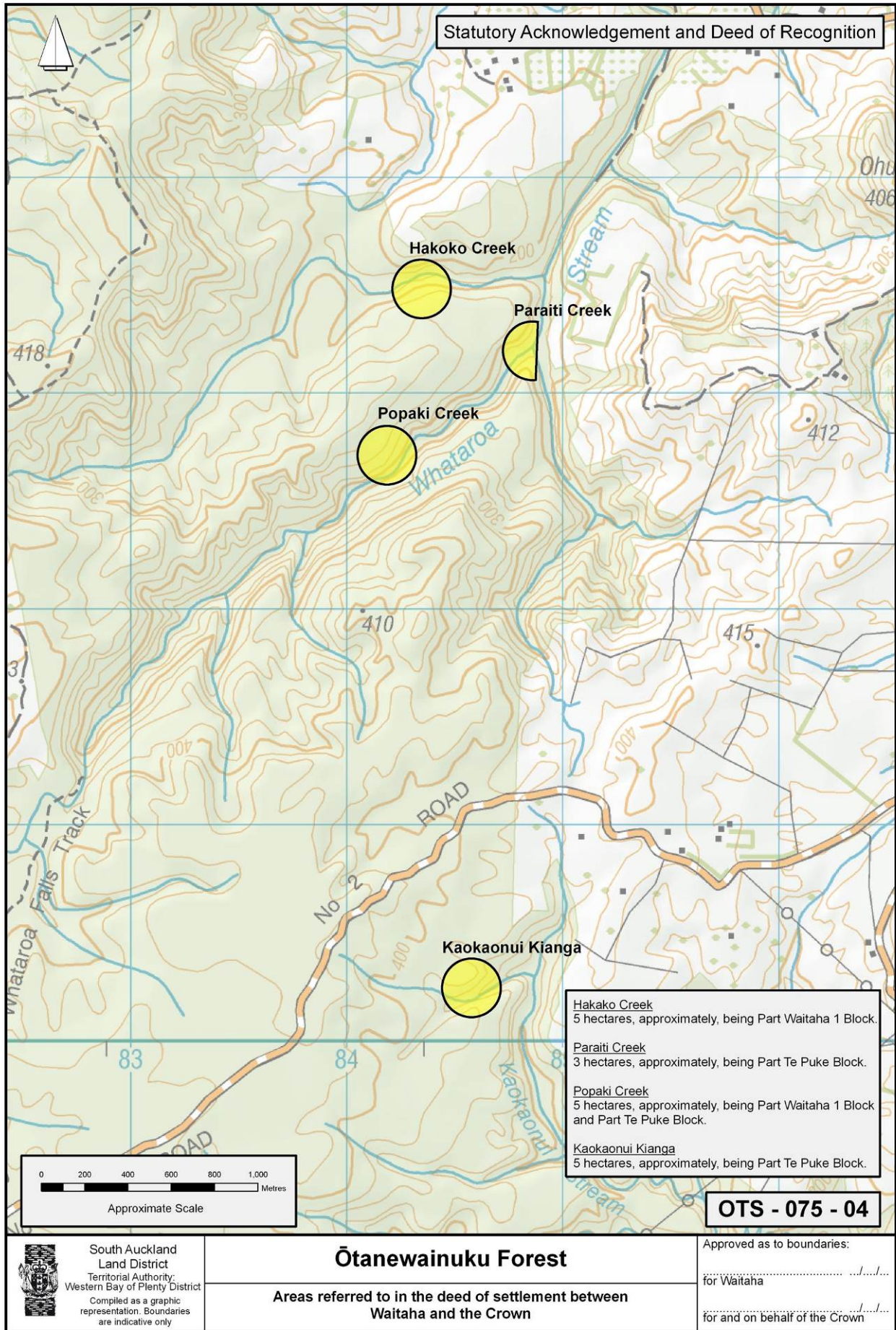


South Auckland Land District
Territorial Authority:
Western Bay of Plenty District
Compiled as a graphic representation. Boundaries are indicative only

Ōtanewainuku

Areas referred to in the deed of settlement between Waitaha and the Crown

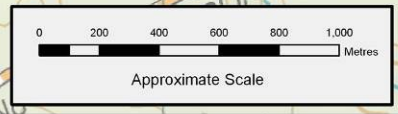
Approved as to boundaries:
for Waitaha
for and on behalf of the Crown



Statutory Acknowledgement and Deed of Recognition

- Hakoko Creek**
5 hectares, approximately, being Part Waitaha 1 Block.
- Paraiti Creek**
3 hectares, approximately, being Part Te Puke Block.
- Popaki Creek**
5 hectares, approximately, being Part Waitaha 1 Block and Part Te Puke Block.
- Kaokaonui Kīanga**
5 hectares, approximately, being Part Te Puke Block.

OTS - 075 - 04



South Auckland Land District
Territorial Authority:
Western Bay of Plenty District
Compiled as a graphic representation. Boundaries are indicative only

Ōtanewainuku Forest

Areas referred to in the deed of settlement between Waitaha and the Crown

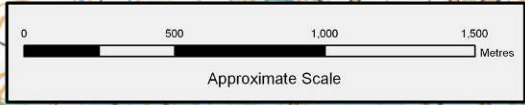
Approved as to boundaries:
for Waitaha
for and on behalf of the Crown




Statutory Acknowledgement

Confluence with Waitao Stream

Source of Stream



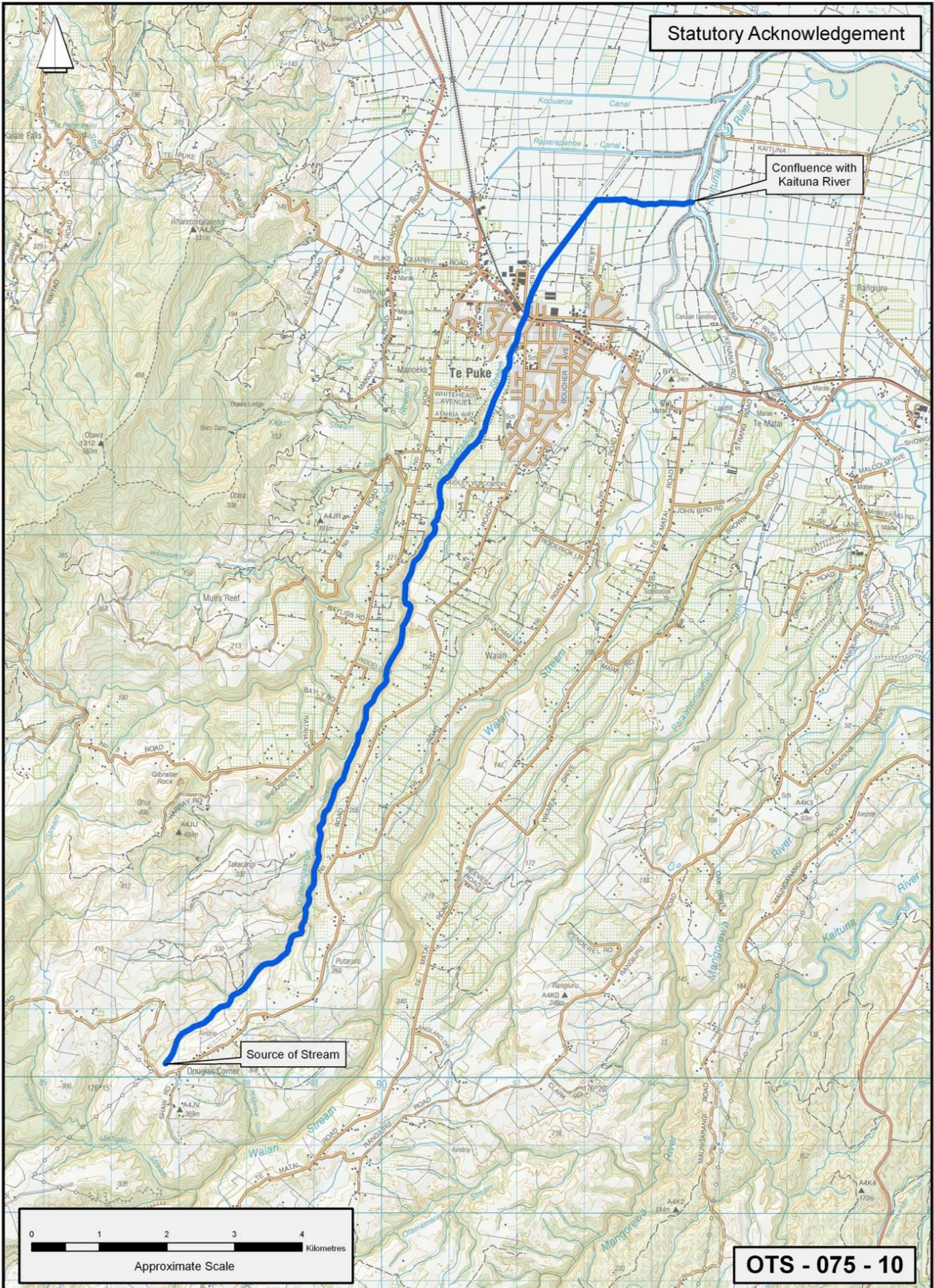
OTS - 075 - 13


 South Auckland
 Land District
 Territorial Authority:
 Western Bay of Plenty District
 Compiled as a graphic
 representation. Boundaries
 are indicative only

Kaiate Stream

Areas referred to in the deed of settlement between Waitaha and the Crown

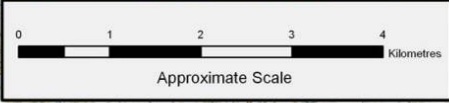
Approved as to boundaries:
 for Waitaha
 for and on behalf of the Crown




Statutory Acknowledgement

Confluence with Kaituna River

Source of Stream



OTS - 075 - 10


 South Auckland
 Land District
 Territorial Authority
 Western Bay of Plenty District
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 are indicative only

Ohineangaanga Stream

Areas referred to in the deed of settlement between Waitaha and the Crown

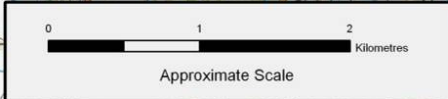
Approved as to boundaries:
 for Waitaha
 for and on behalf of the Crown




Statutory Acknowledgement

Mouth of River

Intersection with Area of Interest Boundary



OTS - 075 - 07


 South Auckland Land District
 Territorial Authority: Western Bay of Plenty District
 Compiled as a graphic representation. Boundaries are indicative only

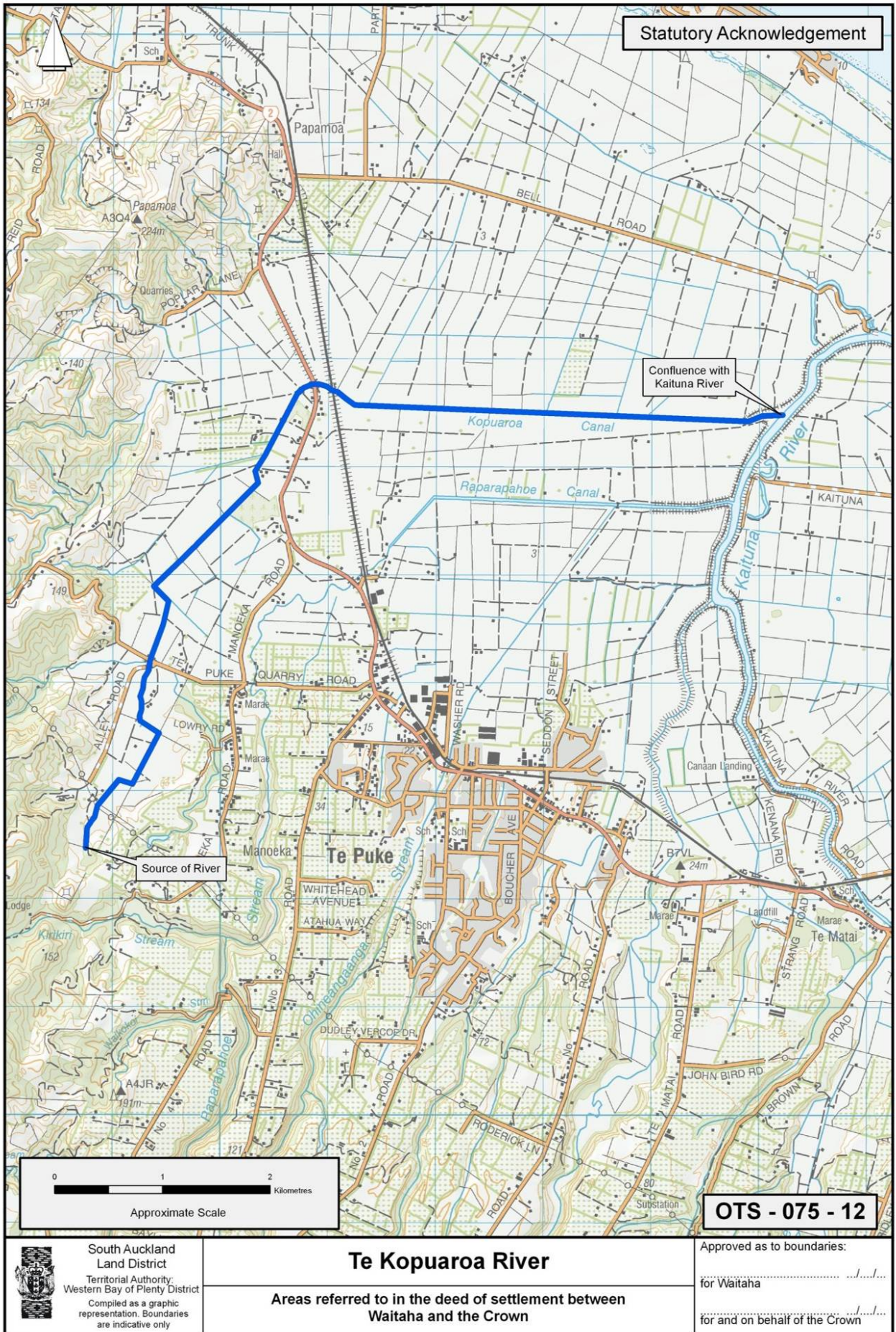
Part of Kaituna River

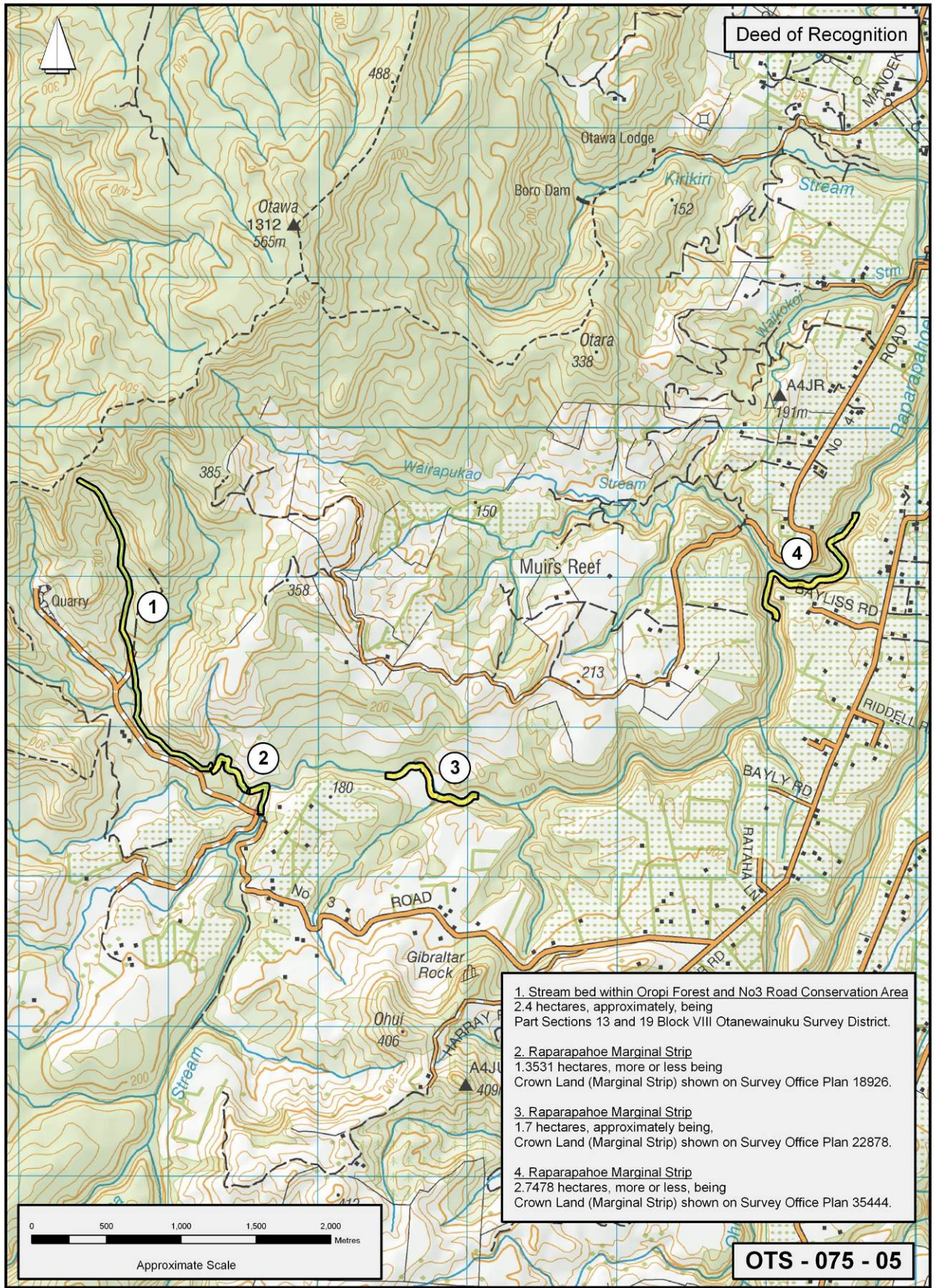
Areas referred to in the deed of settlement between Waitaha and the Crown

Approved as to boundaries:

for Waitaha

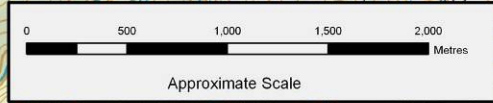
for and on behalf of the Crown






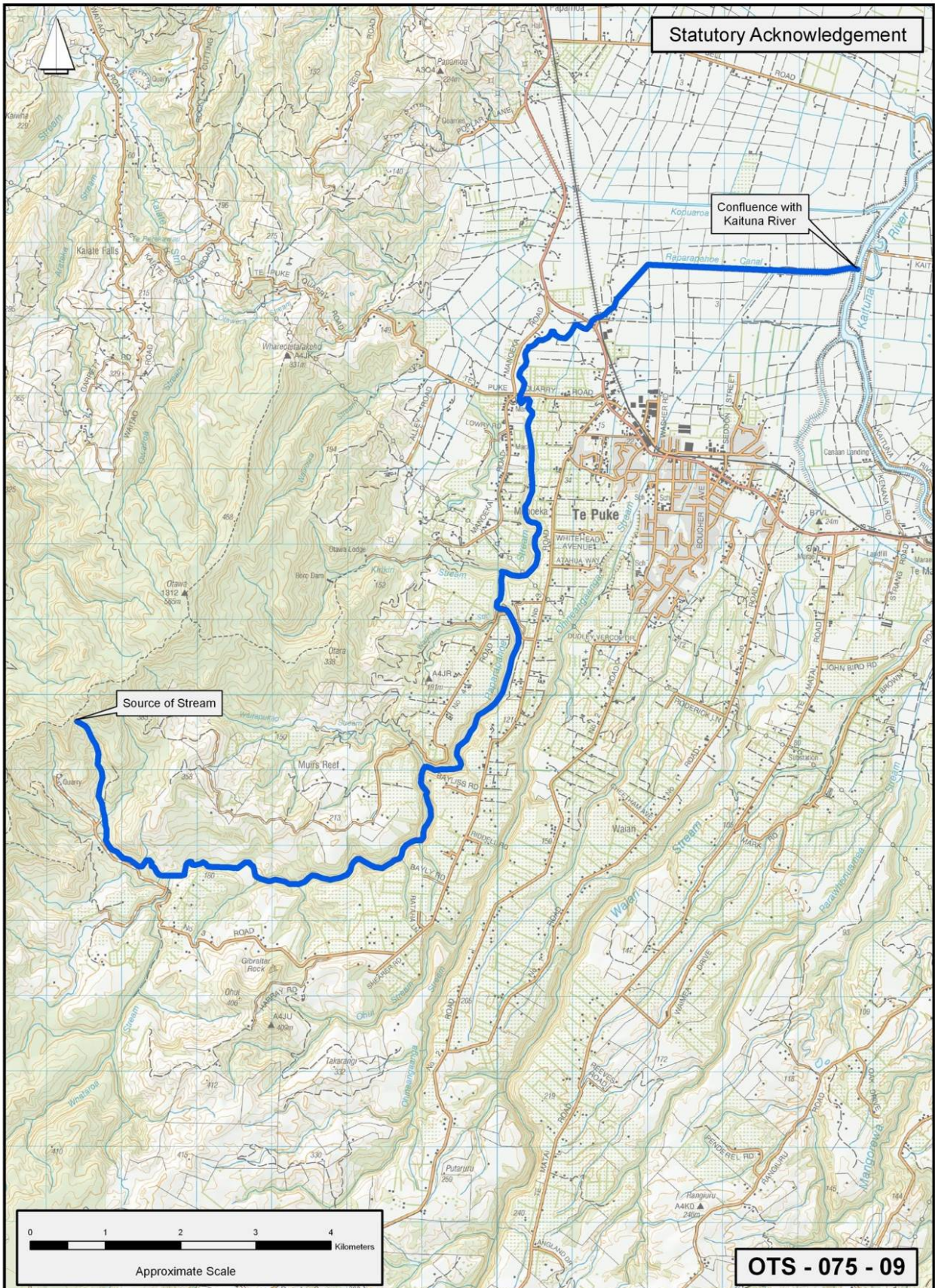
Deed of Recognition

1. Stream bed within Oropi Forest and No3 Road Conservation Area
2.4 hectares, approximately being
Part Sections 13 and 19 Block VIII Otanewainuku Survey District.
2. Raparapahoe Marginal Strip
1.3531 hectares, more or less being
Crown Land (Marginal Strip) shown on Survey Office Plan 18926.
3. Raparapahoe Marginal Strip
1.7 hectares, approximately being,
Crown Land (Marginal Strip) shown on Survey Office Plan 22878.
4. Raparapahoe Marginal Strip
2.7478 hectares, more or less, being
Crown Land (Marginal Strip) shown on Survey Office Plan 35444.



OTS - 075 - 05

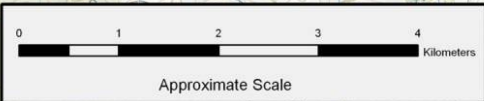
 <p>South Auckland Land District Territorial Authority: Western Bay of Plenty District Compiled as a graphic representation. Boundaries are indicative only</p>	<p>Te Raparapa-ā-Hoe</p> <p>Areas referred to in the deed of settlement between Waitaha and the Crown</p>	<p>Approved as to boundaries:</p> <p>...../...../..... for Waitaha</p> <p>...../...../..... for and on behalf of the Crown</p>
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Statutory Acknowledgement

Confluence with Kaituna River

Source of Stream



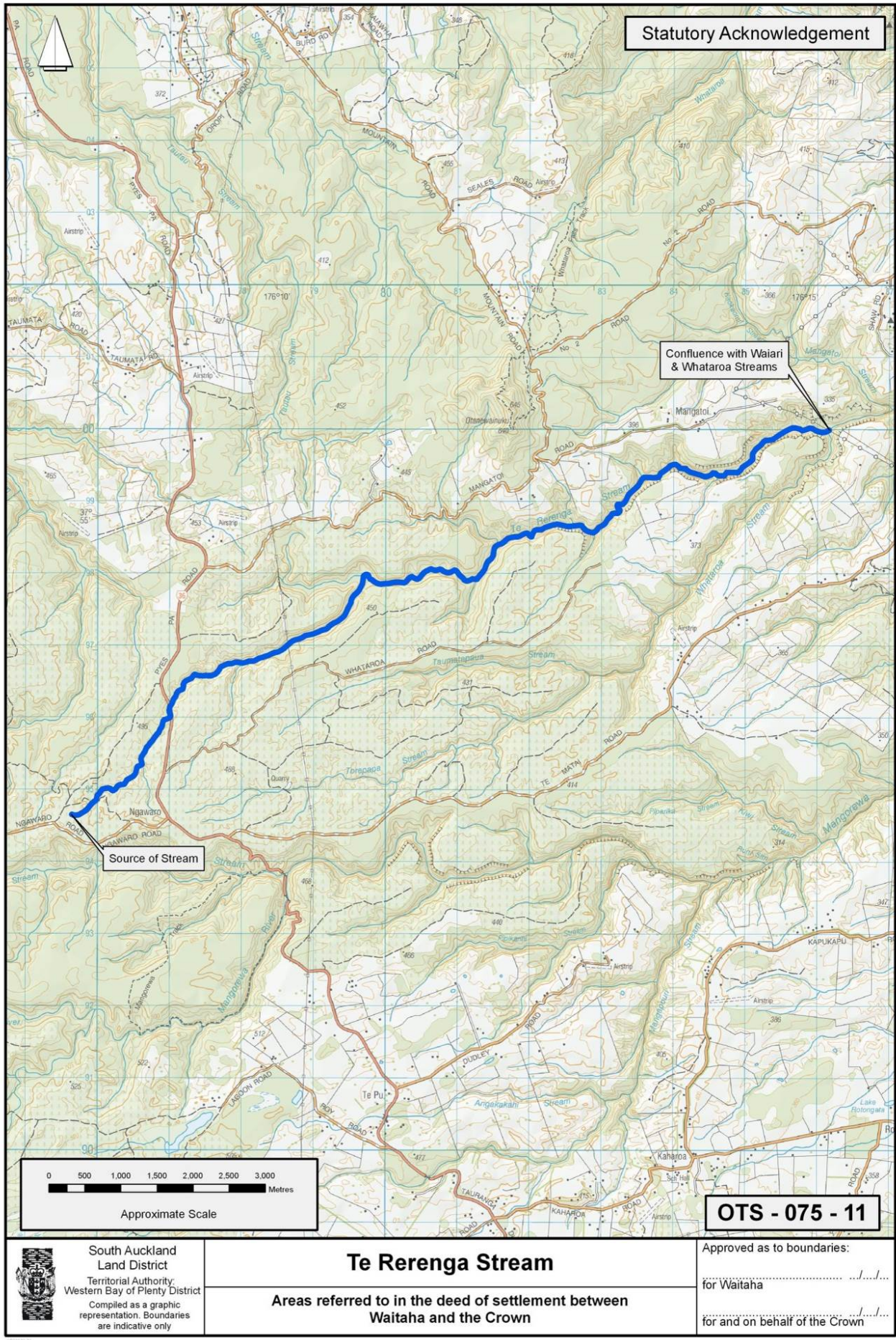
OTS - 075 - 09


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 Land District
 Territorial Authority:
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Te Raparapa-ā-Hoe Stream

Areas referred to in the deed of settlement between
 Waitaha and the Crown

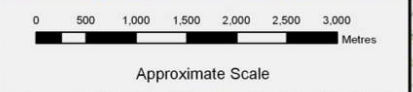
Approved as to boundaries:
 for Waitaha
 for and on behalf of the Crown




Statutory Acknowledgement

Confluence with Waiari & Whataroa Streams

Source of Stream

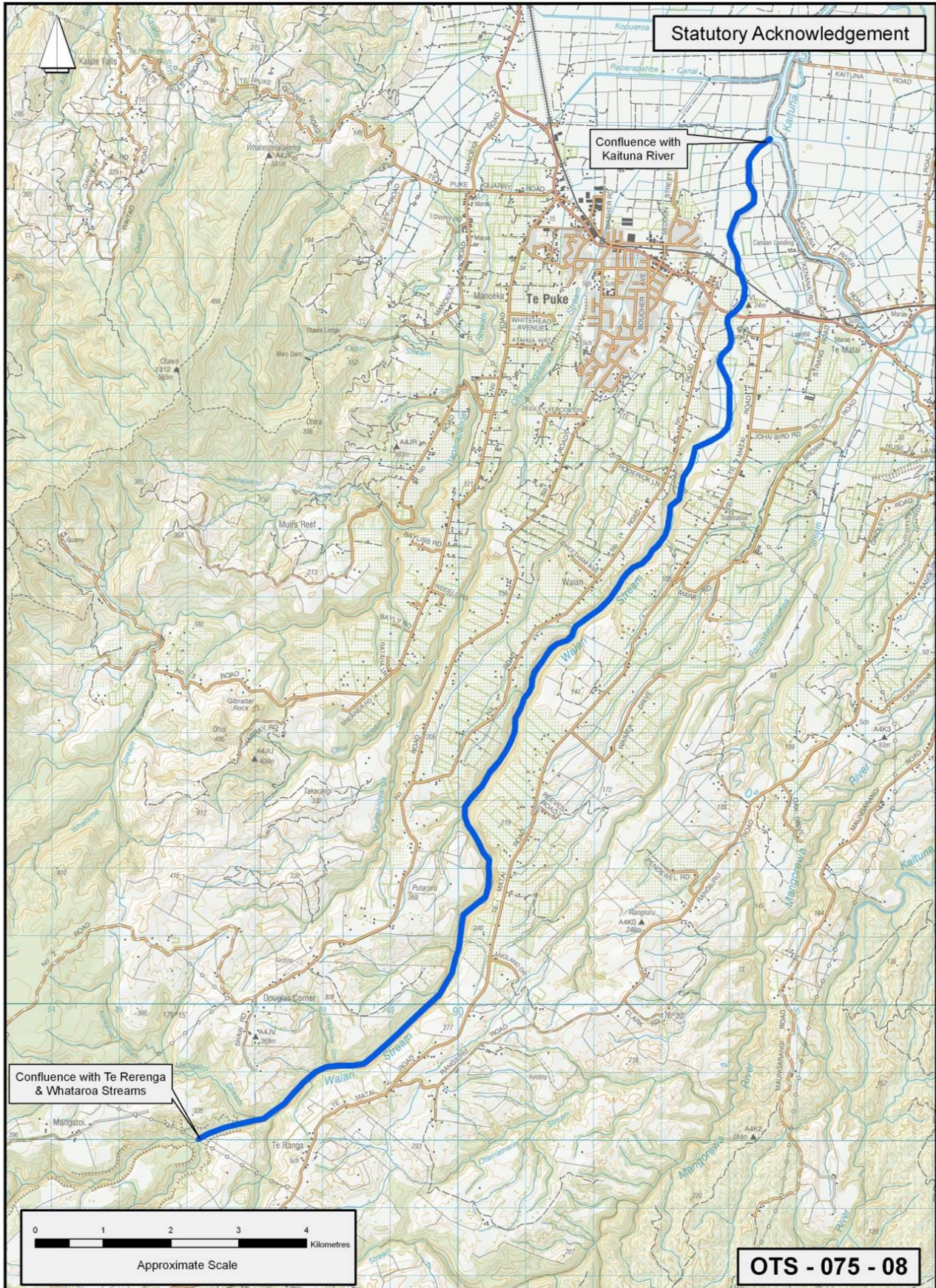



OTS - 075 - 11


 South Auckland Land District
 Territorial Authority: Western Bay of Plenty District
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Te Rerenga Stream
 Areas referred to in the deed of settlement between
 Waitaha and the Crown

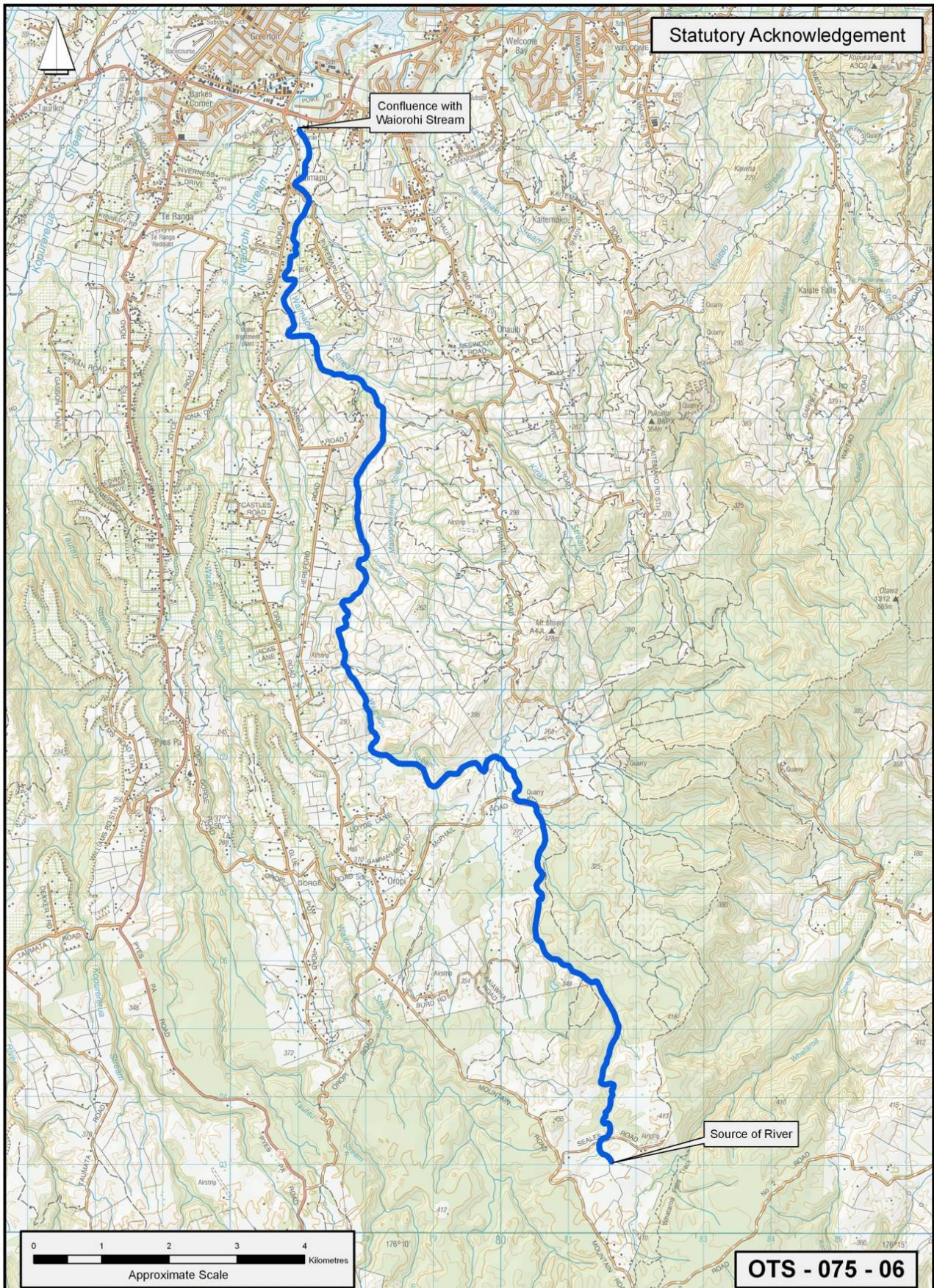
Approved as to boundaries:
 for Waitaha
 for and on behalf of the Crown




 South Auckland
 Land District
 Territorial Authority:
 Western Bay of Plenty District
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Waiari Stream
 Areas referred to in the deed of settlement between
 Waitaha and the Crown

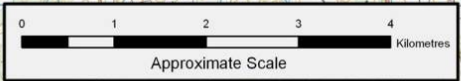
Approved as to boundaries:
 for Waitaha
 for and on behalf of the Crown




Statutory Acknowledgement

Confluence with Waiohio Stream

Source of River

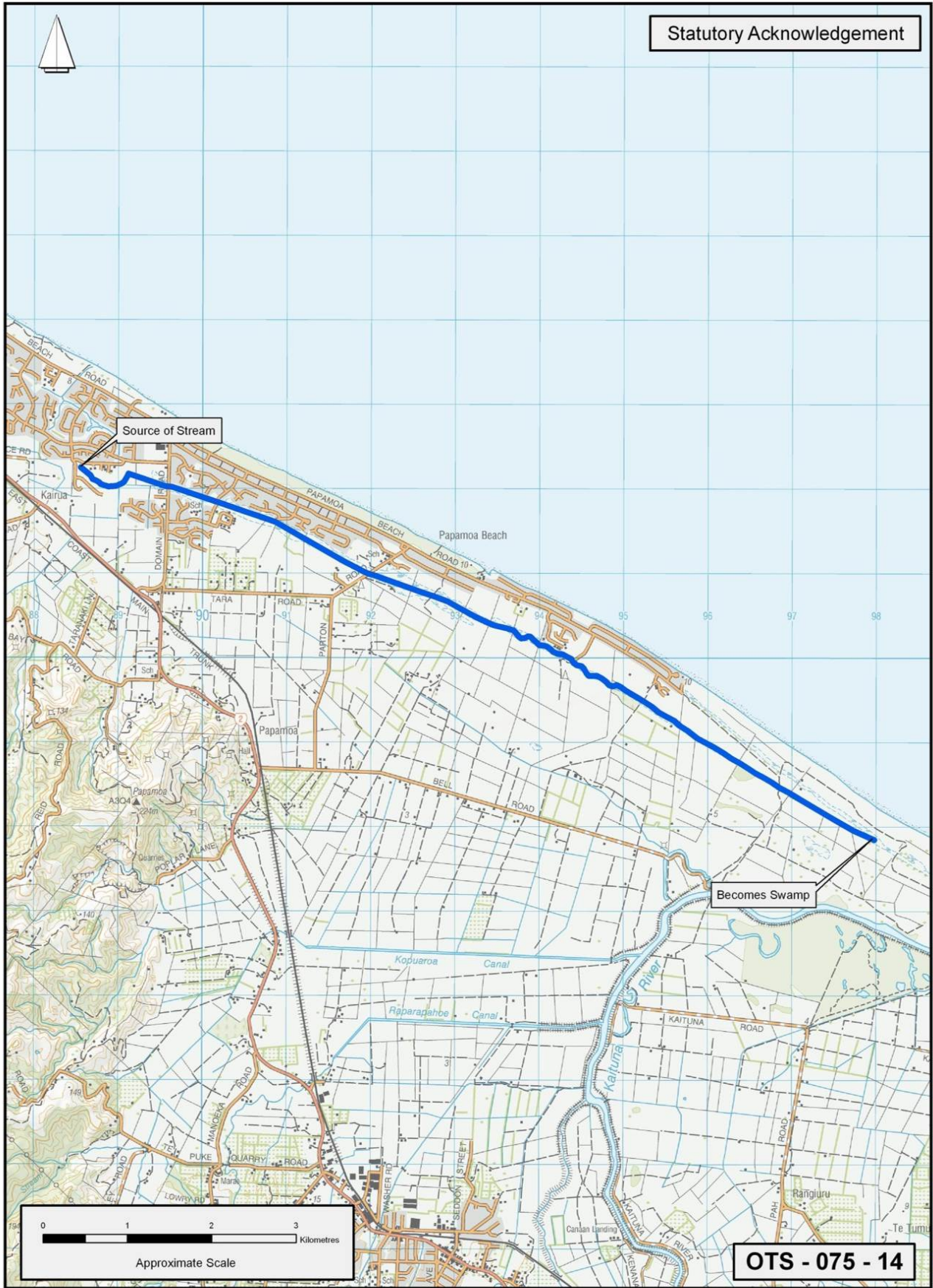


OTS - 075 - 06



 South Auckland
 Land District
 Territorial Authority:
 Tauranga City &
 Western Bay of Plenty District
 Compiled as a graphic
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Waimapu River
 Areas referred to in the deed of settlement between
 Waitaha and the Crown

Approved as to boundaries:
 for Waitaha
 for and on behalf of the Crown



OTS - 075 - 14


 South Auckland
 Land District
 Territorial Authority:
 Tauranga City
 Compiled as a graphic
 representation. Boundaries
 are indicative only

Wairakei Stream

Areas referred to in the deed of settlement between Waitaha and the Crown

Approved as to boundaries:
 for Waitaha
 for and on behalf of the Crown



