

15 Ngāti Pūkenga Statutory Acknowledgements

In accordance with Section 34 of the Ngāti Pūkenga Claims Settlement Act 2017, information recording the statutory acknowledgement is hereby attached to the Bay of Plenty Regional Policy Statement. This information includes the relevant provisions from the schedules to the Ngāti Pūkenga Claims Settlement Act 2017 in full, the description of the statutory area and the statement of association as recorded in the statutory acknowledgement.

The statutory area for which Ngāti Pūkenga has a statutory acknowledgment wholly or partly in the Bay of Plenty region are:

Statutory Area	Location
Te Tumu to Waihi Estuary Coastal Area	Shown marked in blue on deed plan OTS-060-007.

A map showing the location of this statutory area are provided at the end of this section.

15.1 Statutory Acknowledgement for Te Tumu to Waihi Estuary Coastal Area

15.1.1 Statutory Area

The area to which this statutory acknowledgement applies is Te Tumu to Waihi Estuary Coastal Area as shown on deed plan OTS-060-007. Under Section 38(2) and in relation to the Te Tumu to Waihi Estuary Coastal Area, the statutory acknowledgement applies, and is limited, to the area between mean high-water springs and mean low-water springs.

15.1.2 Statement of Association

Preamble

Under Section 29, the Crown acknowledges the statement by Ngāti Pūkenga of the particular cultural, spiritual, historical and traditional association with Te Tumu to Waihi Estuary Coastal Area.

Association of Ngāti Pūkenga with Statutory Area

Ngāti Pūkenga have a long history of occupation at Maketū over many generations. During this time, Ngāti Pūkenga became closely aligned with iwi of Te Arawa who also resided at Maketū. The alliance between the iwi was so strong that Ngāti Pūkenga in Maketū fought alongside Te Arawa at one time even though it meant fighting against their Ngāti Pūkenga kin from Tauranga Moana (each took care to spare the lives of their relations on other side).

Through the Native Land Court process, individuals of Ngāti Pūkenga were awarded interests in blocks of land in the Maketū region through ancestry, through intermarriage, and te rau o te patu.

Ngāti Pūkenga traditionally held all their lands in tribal tenure. However, the Native Land Court awarded titles to individuals who were able to deal with the land without regard to the iwi. The Native Land Court awarded land on the Maketū peninsula to individuals who descended from four Ngāti Pūkenga rangatira. When a listed owner died their interests were succeeded by that owner's descendants alone. Today only the descendants of the four rangatira hold interests in the Maketū lands.

Before 1894 the native land laws provided no option for Māori to be awarded titles which facilitated tribal control over their land. By this time all but a tiny fragment of Ngāti Pūkenga's remaining land has passed through the Native Land Court.

The land tenure reform imposed by the Crown meant that the remaining Ngāti Pūkenga landholdings were held in increasingly fragmented titles. Ongoing successions to the interests of deceased owners made the problem worse. During the 1920's the Crown attempted to resolve the problem of Māori being left with fragmented and often uneconomic land holdings by introducing consolidation schemes. Consolidation was intended to promote the development of land by whānau groups.

From 1926 to 1928, interests in land awarded to Ngāti Pūkenga owners were subject to the Maketū series of the Arawa Consolidation Scheme. This had the effect of severing Ngāti Pūkenga connections to some of their ancestral lands. Although Ngāti Pūkenga landowners received the same land value as they took into the scheme, they were sometimes located on land to which they had a lesser connection.

The consolidation scheme was administered by the Crown. The primary focus of the scheme was to consolidate the land interests of individuals of neighbouring iwi and their trust board. Ngāti Pūkenga had less influence on the development and implementation of the scheme by the Crown. Ngāti Pūkenga tribal interests in this region were vulnerable in such a process because they had no comparable organisation of their own. The tribe's kāinga at Maketū consolidated into different locations from the original awards and their customary association with Maketū was diminished.

Since the nineteenth century the development of meat processing, agricultural farming and horticulture has caused considerable damage to the waterways which feed into the Maketū and Little Waihī estuaries. This has badly affected the water quality in the estuaries. Urban development at Little Waihī, including leaching from septic tanks, has also had a detrimental impact on the Little Waihī estuary. There have been significant reductions in the quantity and variety of kaimoana and birdlife in the Maketū and Little Waihī estuaries caused in particular by the diversion of the Kaituna River into the sea at Te Tumu in the 1950s.

Ngāti Pūkenga consider that the estuaries are no longer a major source of kai because of the way in which they have been managed by the Crown for decades and that their customary associations with the Maketū and Little Waihī estuaries have been diminished by the Crown's management.

15.1.3 Purposes of Statutory Acknowledgement

Under Section 30, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to this statutory acknowledgement, in accordance with sections 31 to 33; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 34 and 35; and
- (c) to enable the trustees and any member of Ngāti Pūkenga to cite the statutory acknowledgement as evidence of the association of Ngāti Pūkenga with a statutory area, in accordance with Section 36.

15.1.4 **Relevant Consent Authorities to have regard to Statutory Acknowledgement**

Under Section 31, 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, whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting a statutory area.

15.1.5 **Environment Court and Heritage New Zealand Pouhere Taonga to have regard to statutory acknowledgement**

Under Section 32, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under Section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

Under Section 33, if an application is made under sections 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within the statutory area, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area.

The Environment Court, in determining under Section 59 (1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014 any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

In this section, archaeological site has the meaning given in Section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

15.1.6 **Limitations**

Except as expressly provided for in sections 30 to 33 and 36:

- (a) this statutory acknowledgement does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw; and
- (b) a person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Pūkenga with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.

The statutory acknowledgement does not:

- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement or;
- (b) have the effect of granting, creating or providing evidence of an estate or interest in, or rights relating to, a statutory area.

15.2 Map of Ngāti Pūkenga Statutory Area



