

## 16 Ngāti Tūwharetoa (Taupō) Statutory Acknowledgements

In accordance with Section 34 of the Ngāti Tūwharetoa Claims Settlement Act 2018, 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 Tūwharetoa Claims Settlement Act 2018 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 Tūwharetoa (Taupō) has a statutory acknowledgment within the Bay of Plenty region is:

<b>Statutory Area</b>	<b>Location</b>
Rangitāiki River and its tributaries	Within the area of interest shown on deed plan OTS-575-42.

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

### 16.1 Statutory Acknowledgement for Rangitāiki River and its tributaries

#### 16.1.1 Statutory Area

The area to which this statutory acknowledgement applies is the Rangitāiki River and its tributaries within the Ngāti Tūwharetoa (Taupō) area of interest shown on deed plan OTS-575-42.

#### 16.1.2 Statement of Association

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

Under Section 29, the Crown acknowledges the statement by Ngāti Tūwharetoa (Taupō) of the particular cultural, spiritual, historical and traditional association with the Rangitāiki River and its tributaries.

##### ***Association of Ngāti Tūwharetoa with Statutory Area***

The headwaters and upper reaches of the Rangitāiki River lie within the traditional rohe of Ngāti Tūwharetoa (Taupō). The Rangitāiki River was the traditional north eastern boundary of Ngāti Tūwharetoa (Taupō). It is of symbolic importance because its flow connected Ngāti Tūwharetoa (Taupō) with the homelands of our eponymous tupuna who was born at Kawerau.

When Ngātoroirangi arrived in Aotearoa, he travelled inland towards the central plateau. He entered Kaingaroa and travelled eastwards. He named places as he travelled including Waihū (where he heard water bubbling up) and Waimahunga (where he recited special sacred incantations). Finally, he stamped his foot hard on the ground and unearthed a secret water pool, which he named Te Puna Takahi o Ngātoroirangi.

Ngāti Tūwharetoa (Taupō) occupied a number of permanent and seasonal kainga and fortified pa within the upper Rangitāiki catchment. They also maintained wāhi tapu, urupa, cultivations and mahinga kai within the upper Rangitāiki catchment. The higher ground along the riverbanks provided cultivation places. They also gathered many resources from the River. Raupō, which was plentiful, was gathered for the thatching of houses. Harakēkē was used for weaving and making ropes.

The source of the Rangitāiki River is Rotopouarua. Ngāti Tūwharetoa (Taupō) relied on the Rotopouārua wetlands as a source of tuna, fish, kīore, and many different varieties of birds including Tītī. Tuna are not found in Taupo Moana, and so the upper reaches of the Rangitāiki River and its tributaries were highly valued mahinga kai for hapū living at eastern Taupo. Tītī were also highly prized by Ngāti Tūwharetoa (Taupō) as a great delicacy. The locations of their hidden nests were closely guarded secrets. Waka were built for fishing and hunting at Rotopouarua and dogs were used to assist in the taking of Pārerā (grey duck). One waka used on Rotopouārua was given to the renowned warrior and rangatira, Te Rangitāhau.

Motukurī was another area in the upper Rangitāiki catchment for gathering kai and other resources. At Motukuri, Ngāti Tūwharetoa would let dogs loose at night to catch kiwi and during the day to catch weka.

### **16.1.3 Purposes of Statutory Acknowledgement**

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

- (c) 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
- (d) 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
- (e) enable the trustees and any member of Ngāti Tūwharetoa (Taupō) to cite the statutory acknowledgement as evidence of the association of Ngāti Tūwharetoa (Taupō) with the statutory area, in accordance with Section 36.

### **16.1.4 Relevant Consent Authorities to have regard to Statutory Acknowledgement**

Under Section 31, relevant consent authorities must have regard to the statutory acknowledgement relating to the 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 the statutory area.

### **16.1.5 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 the 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.

#### 16.1.6 **Limitations**

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

- (f) 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
- (g) 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 Tūwharetoa (Taupō) with the statutory area than that person would give, if there were no statutory acknowledgement for the statutory area.

The statutory acknowledgement does not:

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

