

### 3 Ngāti Awa Statutory Acknowledgements

In accordance with section 45 of the Ngāti Awa Claims Settlement Act 2005, information regarding statutory acknowledgments is hereby attached to the Bay of Plenty Regional Policy Statement. This information includes the relevant provisions from the schedules to the Ngāti Awa Claims Settlement Act 2005 in full, the description of the Statutory Area and the statement of association as recorded in the statutory acknowledgments.

The Statutory Areas for which Ngāti Awa has statutory acknowledgments are set out in the following table:

| <b>Statutory Area</b>                                | <b>Location</b>       |
|--|-----------------------|
| Koohi Point  | As shown on SO 61401  |
| Mokoruā Scenic Reserve                               | As shown on SO 310381 |
| Ōhope Scenic Reserve                                 | As shown on SO 61696  |
| Moutohorā (Whale Island) Wildlife Management Reserve | As shown on SO 61405  |
| Part Ōhiwa Harbour                                   | As shown on SO 61441  |
| Uretara Island (Ōhiwa Harbour)                       | As shown on SO 61690  |
| Whakatāne River                                      | As shown on SO 61404  |
| Rangitaiki River                                     | As shown on SO 61406  |
| Tarawera River                                       | As shown on SO 61403  |
| Te Kaokaoroa Historic Reserve                        | As shown on SO 61402  |
| Former Matahina A5 Block                             | As shown on SO 61685  |

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

#### 3.1 Statutory Acknowledgement for Koohi Point (Kohi Point)

##### 3.1.1 Statutory Area

The area to which this statutory acknowledgement applies is the area known as Koohi Point, as shown on SO 61401.

##### 3.1.2 Statement of Association

###### **Preamble**

Under section 40, the Crown acknowledges Ngāti Awa's statement of its cultural, spiritual, historical, and traditional association to Koohi Point as set out below.

## ***Cultural, Spiritual, historical, and traditional association of Ngāti Awa with Statutory Area***

It is the historical traditions of Ngāti Awa that illustrate the relationship of Ngāti Awa to Koohi Point Scenic Reserve. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, solidarity, and continuity between generations and document the events which shaped the environment of Koohi Point and Ngāti Awa as an iwi.

Ngāti Awa has resided at Koohi Point since the time of the ancestor Tīwakawaka, many generations before the arrival of the Mātaatua waka at Whakatāne. Tīwakawaka was the first explorer to discover and settle the land around Kākahoroa (Whakatāne). His waka was Te Aratauwhāiti and his descendants were the original people of Kākahoroa. Some of the crew of Te Aratauwhāiti are commemorated in the names of the rocks at Koohi Point.

Twelve generations from Tīwakawaka came the ancestor Toi te Huatahi. Toi resided at Kāpūterangi Pa which is located above the Koohi Point Scenic Reserve. On the arrival of Hoaki and Taukata to the area in search of their sister, Kanioro, they were treated to a feast consisting of fern root, berries, and other forest foods. Upon tasting these foods they took an instant dislike to them, remarking that it was just like eating wood. It was from this event that Toi became known as Toi-kai-rākau (Toi the vegetarian). Hoaki and Taukata asked for a bowl of water in which they added dried preserved kūmara or kao and asked their hosts to taste it. Having tasted this delicious kai they desired to have more of it. A canoe was built from driftwood log (tāwhaowhao) and named accordingly Te Ara Tāwhao. Tama ki Hikurangi was chosen to captain the canoe to go in search of the source of the kūmara. These events occurred near Te Haehaenga, the beach immediately below Koohi near the Whakatāne River.

A significant event in the history of Ngāti Awa was the arrival of the waka Mātaatua, captained by Toroa, the chief of Mātaatua and one of the principal ancestors of Ngāti Awa. Mātaatua faced rough waters as it approached the headland at Whakatāne (Koohi Point). The turbulence was so bad that it caused the daughter of Toroa, Wairaka, to suffer the indignity of experiencing sea sickness. The term by which Ngāti Awa tipuna later called this experience was “kō-hī” (to be ill). Hence the name by which the rocks, the point, and adjacent land is known today.

The name Koohi is well known in the traditions of Ngāti Awa and appears in several waiata and in the following well known proverb:

*Ngā mate i Koohi me tangi mai i Kawerau, ngā mate o Kawerau me tangi atu i Koohi.*

*The deaths at Koohi will be wept over at Kawerau and the deaths at Kawerau will be wept over at Koohi.*

Ngāti Awa have traditionally regarded the Koohi Point Rocks as toka tipua (rocks imbued with spiritual and sacred qualities) and the places as papanga tawhito (ancient sites of traditional significance). Ngāti Awa tipuna used the naming of the rocks at Koohi to record significant events and rangātira throughout their history. The Koohi Point Rocks have been personalised with the names of some of those involved in the Mātaatua canoe's lengthy ocean passage. The Koohi Point Rocks are made up of a number of different rocks, some of which are referred to here to signify the importance of the Koohi Point Scenic Reserve and contiguous coastal area to Ngāti Awa. All the Koohi Point Rocks, aside from Hine-tū-aho-anga, Hī-moki, and Toka-tapu, are owned by Ngāti Awa.

Hi-moki is in the mouth of the Whakatāne River and was regarded as a very significant fishing spot. The next Koohi Point Rock is Hine-tū-aho-anga, named after a woman who was a leader of the sandstone people back in the ancient lands of Hawaiki. This rock was used for sharpening tools in ancient times.

To the west of Koohi Pa is Te Puke a Hawaiki, also known as Hingarae or Sugar Loaf Rock. This rock was named after an accident where a rangātira slipped and hit his forehead. Next to Hingarae are Te Toka Koakaroa, commonly referred to as Koakaroa, which is the traditional name of the entrance to the Whakatāne River, and Areiawa. The latter is submerged in the channel of the 2 former rocks and is historically known as the guardian rock of the Whakatāne River. Sited amongst these rocks is Toka Kuku-pōniana, commonly referred to as Niania Rock. Niania is a species of mussel commonly found in the area.

Kōpua Huruhuru is an area of water north-east of Te Puke a Hawaiki and encompasses the shoreline and bed of rocks north of it. This area was well known as a harvesting place for seafood. Below the very point of this headland are Koohi Point and Rukupō rocks. The latter rock is significant in Ngāti Awa mythology in that it was here that the famous tohunga Te Tahinga o te Rangi rested when he returned from Whakāri (White Island).

On the eastern coastline of Koohi Point Scenic Reserve is Te Toka o te Rua o te Ika (Fish Hole), a bay renowned by Ngāti Awa for the varieties of fish that dwell there. In the middle of this bay is a rock island of the same name. Located off its eastern point is a submerged rock called Whakāri of the same name as the island volcano. Whakāri and the adjoining bay, Pipiko, are popular nesting areas for the grey-faced petrel commonly known as muttonbird or tītī. The area was also a popular spot from which Ngāti Awa people collected kaimoana including koura, paua, and kina. Paparua and Ōtarawairere are also areas on the eastern side of Koohi Point Scenic Reserve that were well known as recreational sites for the collection of seafood.

The particular Ngāti Awa hapū who lived on and around the lands of the Koohi Point Scenic Reserve were Te Patutātahi or Ngai Taiwhakaea II, Ngāti Hokopū, and Ngāti Pūkeko (which was previously referred to as Ngai Tonu). Patutāhora and Ngāti Rangataua were divisions of Ngāti Pūkeko. Ngāti Wharepaia, a division of Ngāti Hokopū, and Te Patuwai also have historical and cultural connections to Koohi Point by virtue of their descent from the Ngāti Awa ancestors, Taiwhakaea I, Te Rangitipukiwaho I, Taiwhakaea II, Nukutaimehameha, Paiaka, Te Hemahema, Te Pūtārera, and Te Hāmaiwaho. Other hapū of the area included Ngāti Ikapuku, Ngāti Maumoana, Ngāti Hore, Ngāti Paeko, Ngāti Whakapoi, and Ngāti Whakahinga.

Ngāti Awa people occupied a number of pa sites at Koohi Point. Aside from Kāpūterangi, the famous pa of Toi, there was a neighbouring pa site called Ōrāhiri. Ōrāhiri derived its name from Rāhiri, the son of Puhimōana-ariki, the brother of Toroa. Although there were other pa sites on Koohi Point during the time of Puhimōana and Toroa, Ōrāhiri was the only settlement with a chief, namely Puhimōana. Toroa himself lived on the flat lands below Koohi Point.

There was an instance during the kūmara planting season when Puhimōana, who lived at Koohi Point, being jealous of his older brother Toroa for holding the mana of Mātaatua as bestowed upon him by his father Irakewa, set out to insult his tuakana (older brother). After hearing the insult directed at him by his younger brother, Toroa reciprocated. Bitter resentment arose between the 2 brothers, with Puhimōana deciding to take the Mātaatua waka and seek a new home in the North.

Papa-Whāriki was another area of occupation by Ngāti Awa at Koohi Point. Papa-Whāriki overlooked Te Ana o Muriwai (Muriwai's Cave). There were three sites at Papa-Whāriki. Below this site, directly opposite Te Ana o Muriwai at the water front, once stood Irakewa Island. Irakewa was the father of Toroa. The island held a spiritual significance for Ngāti Awa as descendants of this ancestor.

Another pa at Koohi Point was Taumata Kahawai. The name of this pa signifies a lookout place for Kahawai. Taumata Kahawai was occupied by the chief Taiwhakaea I, founder of the hapū of Te Patutātahi or Ngai Taiwhakaea and of Ngāti Ikapuku. These hapū were responsible for observing the ocean and surrounding shores for possible invasion and shoals of fish.

Other pa sites within the Koohi Point Scenic Reserve include Te Rae o te Tāmure, Koohi, and Te Whakaterere. Te Rae o te Tāmure Pa is situated on the ridge between Ōhope West and Ōtarawairere beach at Koohi Point. It runs north from the vicinity of Ōtarawairere down to the cliffs at the seaside edge of the ridge. Situated at the bottom of the cliff is a very important fishing rock called Whanga-panui where snapper would gather in abundance (hence the name "The Gathering Place of Snapper").

There were other pa sites at Koohi Point, adjacent to the modern day Koohi Point Scenic Reserve. Papaka was located directly above Pōhaturua Rock at Koohi Point. Opposite and south of Papaka is another well known pa site, Puketapu. To the east of Papaka and towards Te Wairere Falls were Koohipipi and Tamatea-Iwi. Below these pa to the north-east was Kuharoa. Further Ngāti Awa pa at Koohi Point were Hauwai, Kuharua, Kāeaea, Pahau, Tikotikorere, and Tirotiro Whetū. These were all settlements named and occupied by Ngāti Awa. The people of these pa also utilised the abundant resources of the Koohi Point Scenic Reserve.

The various pa and other sites within and in the vicinity of Koohi Point Scenic Reserve demonstrate the general and special significance of the Statutory Area to Ngāti Awa. They show how the region has been occupied by Ngāti Awa hapū since the time of the Mātaatua waka and before.

The Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Koohi Point area, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Awa today.

Koohi Point Scenic Reserve is the repository of many kōiwi tangata, secreted away in places throughout the Reserve. Urupa are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupa and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations.

The mauri of the coastal area represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to Koohi Point Scenic Reserve.

### 3.1.3 Purposes of Statutory Acknowledgment

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) to require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Koohi Point, as provided in sections 40 to 42; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Koohi Point as provided in section 47.

### 3.1.4 Limitations of Effect of Statutory Acknowledgement

Except as expressly provided in sections 41 to 44 and 47:

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) No person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Koohi Point than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### 3.1.5 No Limitation on the Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Koohi Point to a person or persons other than Ngāti Awa or a representative entity.

## 3.2 Statutory Acknowledgment for Mokoruā Scenic Reserve

### 3.2.1 Statutory Area

The area to which this statutory acknowledgement applies is the Mokoruā Scenic Reserve, as shown on SO 310381.

### 3.2.2 Statement of Association

#### ***Preamble***

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Mokoruā Scenic Reserve as set out below.

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

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to the Mokoruā Scenic Reserve. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of the Mokoruā Scenic Reserve to Ngāti Awa.

According to Ngāti Awa traditions Tīwakawaka was the first explorer to discover and settle the land around Kākahoroa (Whakatāne). His waka was Te Aratauhaiti and his descendants became known as Ngāti Ngainui. The descendants of Tīwakawaka are the original people of Kākahoroa. Twelve generations from Tīwakawaka came the ancestor Toi Te Huatahi. Toi resided at Kaputerangi above Kākahoroa. Toi is acknowledged as the principal founding ancestor of many iwi including Ngāti Awa. Ngāti Awa history then records the arrival of the waka Mātaatua (the eye of the god) at Kākahoroa (Whakatāne) from the ancestral homeland Hawaiki. Many of the ancestors of Ngāti Awa on board Mātaatua and their descendants utilised the natural bounty of what is now known as the Mokoruā Scenic Reserve.

Ngāti Awa from Whakatāne, Ngāti Pukeko, Ngāti Hokopū, and Ngai Taiwhakaea II hapū of Ngāti Awa have resided in and around the lands of the Mokoruā Scenic Reserve for many generations. Battle sites, urupa and landscape features bearing the names of tipuna record their history of occupation. The result of the struggles, alliances and marriages arising out of various inter-hapū disputes within Ngāti Awa was the eventual emergence of a stable, organised and, from time to time, united series of hapū located in and around the Mokoruā Scenic Reserve area.

As recently as the mid-1800s the Mokoruā Scenic Reserve was the centre of debate and conflict between tribes stemming from a plan to establish a flour mill in the area. After the battles, Ngāti Awa continued to reside on the lands of the Mokoruā Scenic Reserve.

The lands of the Mokoruā Scenic Reserve were always regarded by Ngāti Awa, particularly the hapū of the Whakatāne area, as a valuable source of foods such as birds including the kereru. Ever since ancient times the lands of the Mokoruā Scenic Reserve have been from time to time the cause of many disputes because of the abundant nature of the area for food gathering. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to the Mokoruā Scenic Reserve.

The Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails, places for gathering kai and other taonga, ways in which to use the resources of the Mokoruā Scenic Reserve, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Awa today.

The Mokoruā Scenic Reserve is the repository of many kōiwi tangata, secreted away in places throughout the Reserve. Urupa are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupa and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations.

### 3.2.3 Purposes of Statutory Acknowledgement

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Mokoruā Scenic Reserve, as provided in sections 42 to 44; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) To enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Mokoruā Scenic Reserve as provided in section 47.

### 3.2.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 41 to 44 and 47:

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw may give any greater or lesser weight to Ngāti Awa's association with Mokoruā Scenic Reserve than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### 3.2.5 No Limitation on the Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Mokoruā Scenic Reserve to a person or persons other than Ngāti Awa or a representative entity.

### 3.3 Statutory Acknowledgement for Ōhope Scenic Reserve

#### 3.3.1 Statutory Area

The area to which this statutory acknowledgement applies is the Ōhope Scenic Reserve, as shown on SO 61696.

#### 3.3.2 Statement of Association

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

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Ōhope Scenic Reserve as set out below.

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

It is the historical traditions of Ngāti Awa such as whakapapa, waiata, korero, and whakairo that illustrate the cultural and spiritual association of Ngāti Awa to the Ōhope Scenic Reserve. These histories link the present generations of Ngāti Awa with their ancestors and the atua of the natural world such as Io-Matua-Kore, Ranginui, and Papatuanuku. These traditions form the foundation of the identity of Ngāti Awa as an iwi. Some of these important historical traditions are recorded below.

Ngāti Awa history records the arrival of the waka Mātaatua (the face of the god) at Kākahoroa (Whakatāne) from the ancestral homeland Hawaiki. Mātaatua brought the kumara to Kākahoroa and a parcel of soil from Rangiatea to place in the garden called Matirerau. Toroa, the chief of Mātaatua, is acknowledged as one of the principal ancestors of Ngāti Awa. From Toroa came Ruaihona, from Ruaihona came Tahinga o Te rangi and from Tahinga o Te rangi came Awanuiarangi II. The eponymous ancestor Awanuiarangi II, great-grandson of Toroa, is acknowledged by Ngāti Awa as the paramount and principal identifying ancestor to which all hapū of Ngāti Awa can trace descent.

During the early occupation of Ōhope by Ngāti Awa, various hapū established the customary interests of the iwi. Following that, during the late 18th century 2 Ngāti Awa hapū, Ngāti Hokopū and Ngāti Wharepaia, were prominent within the Reserve and surrounding area.

A number of pa sites near the Ōhope Scenic Reserve illustrate the strong historical associations of Ngāti Awa to the Reserve. Western-most was Otumanu Pa. Te Rae o Te Tamure was nearby, on the ridge between Ōhope West and Ōtarawairere beach at Koohi Point. Both these pa were occupied by Tamaruarangi, a well-known rangātira and ancestor of Ngāti Awa. Further east, near the coast below the Ōhope Scenic Reserve were 2 key strategic pa called Maungateone Pa (Sand Mountain) and Te Paripari or Gunfighters' Pa. Further along Ōhope towards Ōhiwa were Mihi Marino Pa (Calm Greetings) and Raukawarua Pa. There were also pa within the Ōhope Scenic Reserve but their names have been lost over time.

The Ōhope Scenic Reserve was rich in resources and provided an abundance of wildlife, plant, and vegetation for the hapū of Ngāti Awa that lived within or near the Reserve. The Reserve was a favourite food gathering place for the hapū of Ngāti Awa. The use of the Reserve area has been evidenced by the discovery of artefacts along the creekbed of Te Huki o to Tuna (Spit of the Eel) in past years.

To ensnare some of the abundant bird life within the area known today as the Ōhope Scenic Reserve the people of the hapū would hollow out Miro logs as drinking troughs for birds such as kereru and wait in hiding for them.

The medicinal qualities of the plant life in the Ōhope Scenic Reserve were also important to Ngāti Awa. These cultural aspects of the Reserve constitute an essential part of the heritage of Ngāti Awa.

Particular stretches of the Ōhope Scenic Reserve also have their own traditions. West of Otumanu along the cliff face is the path known as Te Ara-ka which means the burning path or illuminated pathway.

Ngāti Awa have always maintained a considerable knowledge of the lands of the Ōhope Scenic Reserve and surrounding area, its history, the traditional trails of the tipuna in the area, the places for gathering kai and other taonga, and the ways in which to use the resources of the Ōhope Scenic Reserve. Proper and sustainable resource management has always been at the heart of the relationship of Ngāti Awa with the Ōhope Scenic Reserve. The sustainable management of the resources of the reserve remains important to the people of Ngāti Awa today.

The Ōhope Scenic Reserve is the repository of many kōiwi tangata, secreted away in places throughout the reserve. These urupa are wāhi tapu and the knowledge of their location is often protected. Urupa provide an important link to the memories and traditions of Ngāti Awa tipuna and the protection of the relationship to those places is important to the spiritual wellbeing of the iwi.

The traditional values of mana, mauri, whakapapa, and tapu are central to the relationship of Ngāti Awa with the Ōhope Scenic Reserve. The mana of Ōhope describes the power and importance of the reserve to Ngāti Awa. Mana also implies the responsibility of Ngāti Awa as tangata whenua and guardians of the area. The mauri of Ōhope is the life force of Ōhope. All forms of life have a mauri and all forms of life are related. One of the roles of Ngāti Awa as tangata whenua is to protect the mauri of the Ōhope Scenic Reserve area. Whakapapa defines the genealogical relationship of Ngāti Awa to the Reserve. Tapu describes the sacred nature of the Reserve to Ngāti Awa. Mana, mauri, whakapapa, and tapu are all important spiritual elements of the relationship of Ngāti Awa with the Ōhope Scenic Reserve area. All of these values remain important to the people of Ngāti Awa today.

### **3.3.3 Purposes of Statutory Acknowledgement**

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Ōhope Scenic Reserve, as provided in sections 42 to 44; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) To enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Ōhope Scenic Reserve as provided in section 47.

### 3.3.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 41 to 44 and 47:

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) No person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Ōhope Scenic Reserve than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### 3.3.5 No Limitation on the Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Ōhope Scenic Reserve to a person or persons other than Ngāti Awa or a representative entity.

## 3.4 Statutory acknowledgement for Moutohorā (Whale Island) Wildlife Management Reserve

### 3.4.1 Statutory Area

The area to which this statutory acknowledgement applies is Moutohorā (Whale Island) Wildlife Management Reserve, as shown on SO 61405.

### 3.4.2 Statement of Association

#### ***Preamble***

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Moutohorā (Whale Island) Wildlife Management Reserve as set out below.

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

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to Moutohorā. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of Moutohorā to Ngāti Awa.

A significant event in the history of Ngāti Awa was the arrival of the waka Mātaatua to Aotearoa. Toroa, the chief of Mātaatua, is acknowledged as one of the principal ancestors of Ngāti Awa. The first occupation of Moutohorā was by the grandson of Toroa, Te-Rongo Tauaroa a Tai. Te Rongo lived at a pa called Raetihi (The Summit of Gentle Breezes), now known as Pa Hill. Some of the descendants of Rongo are found among the hapū of Ngāti Awa.

Moutohorā derives its name from the words Motu (island) and tohora (whale). With the passage of time the name was shortened to Moutohorā. It was here that Captain Cook's first expedition described the only double-hulled war canoe that they saw during their expedition in Aotearoa. This confirms that in 1769 the Ngāti Awa hapū living at Moutohorā were using double-hulled waka for sea transport.

Taiwhakaea I, a noted chief of Ngāti Awa and eponymous ancestor of the Taiwhakaea hapū of Ngāti Awa, lived from time to time on Moutohorā. Te Ngarara, another Ngāti Awa rangātira, also made frequent use of the island.

There were a number of pa sites on Moutohorā that were used by the hapū of Ngāti Awa who occupied the Island. Raetihi is one such pa. The unusual feature of Raetihi is that it has stone walls on the lower north-eastern side of the pa. Moutohorā was occupied for relatively short periods of time when people travelled to the Island to gather food. Gathering tītī (mutton bird – grey faced petrels) and kaimoana from Moutohorā were regular seasonal activities for the Whakatāne based hapū of Ngāti Awa.

There are also a number of significant Ngāti Awa wāhi tapu on Moutohorā. Te Pari Kawau (Boulder Bay) was an ancient urupa of the hapū of Ngāti Awa. Another wāhi tapu on Moutohorā is Waiariki (Sulphur Bay). Separate areas at Waiariki were set aside for cooking, bathing, and medicinal purposes. Various Ngāti Awa people suffering from skin ailments and especially from hākihaki were able to go to the hot springs at Waiariki and bathe in the sulphur laden water. Te Puna Wai (The Water Spring) is a small spring on Moutohorā. Te Puna Wai was the only reliable source of fresh water. However, during a very dry summer it was necessary to carry additional water to Moutohorā from Whakatāne. Te Ratahi (McEwens Bay) was where the hapū of Ngāti Awa living on Moutohorā established their gardens and grew kūmara and other root vegetables.

The abundant resources of Moutohorā made it a valuable place to live for those hapū of Ngāti Awa fortunate enough to occupy the Island. The gathering of tītī was always a traditional and annual activity involving many of the hapū of Ngāti Awa. Ngāti Awa people used the cultural practice of rahui to ensure the tītī were never depleted completely on the Island. Moutohorā was also useful as a lookout point to intercept any intruders who were en route to some other part of the eastern coast.

Moutohorā has always been a rich source of paua, kina, crayfish, and the popular varieties of shellfish for the hapū of Ngāti Awa.

The Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Moutohorā, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the hapū of Ngāti Awa today.

Moutohorā is the repository of many kōiwi tangata. Urupa are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupa and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations.

The mauri of Moutohorā represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to Moutohorā.

### **3.4.3 Purposes of Statutory Acknowledgement**

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) to require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Moutohorā (Whale Island) Wildlife Management Reserve, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Moutohorā (Whale Island) Wildlife Management Reserve as provided in section 47.

### **3.4.4 Limitations on Effect of Statutory Acknowledgement**

Except as expressly provided in sections 41 to 44 and 47:

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Moutohorā (Whale Island) Wildlife Management Reserve than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### **3.4.5 No Limitation on the Crown**

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Moutohorā (Whale Island) Wildlife Management Reserve to a person or persons other than Ngāti Awa or a representative entity.

## 3.5 Statutory Acknowledgement for Part Ōhiwa Harbour

### 3.5.1 Statutory Area

The area to which this statutory acknowledgement applies is Part Ōhiwa Harbour marked “A” on SO 61441, being the foreshore, seabed, and coastal water (as those terms are defined in the Resource Management Act 1991) and the air space above the water and, where the boundary of the area marked “A” on SO 61441 is shown as a landward boundary, the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point is whichever is the lesser of:

- (a) 1 kilometre upstream from the mouth of the river; or
- (b) The point upstream that is calculated by multiplying the width of the river mouth by 5.

### 3.5.2 Statement of Association

#### ***Preamble***

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Part Ōhiwa Harbour as set out below.

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

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to the Ōhiwa Harbour. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of Ōhiwa Harbour to Ngāti Awa.

According to Ngāti Awa the first person to settle in the region was Maui. After him was Tīwakawaka. His descendant was Toi te Huatahi who was also known as Toi Kairakau. From Toi descended many tribes collectively known as Te Tini o Toi. Another of these ancient tribes was Te Hapūoneone, a division of Te Tini o Awa who occupied the lands around Ōhiwa. The harbour has always been a source of sustenance to those residing around the harbour, at pa such as Tauwhare, Te Horo, and Papanoa. The name Ōhiwa comes from Te Ōhiwa o Awanuiarangi II which means the standing place of Awanuiarangi II. The name arose when Awanuiarangi II stood on the summit of the pa site Papanoa at Wainui on the shores of Ōhiwa. Since then Awanuiarangi's descendants, the hapū of Ngāti Awa, have resided and maintained a presence at Ōhiwa Harbour.

There are a number of important Ngāti Awa pa sites and wāhi tapu in the Ōhiwa Harbour, which demonstrate Ngāti Awa connections with the harbour. Generations of Ngāti Awa have watched over Ōhiwa from such places. One such wāhi tapu was Te Horonga o Ngai Te Hapū (the bathing place of Te Hapū). Te Hapū was the son of Taroakaikaha, the founding ancestor of the Patuwai hapū of Ngāti Awa who are now located at Pupuaruhe, Toroa Marae and Motiti Island. Te Horo, at the mouth of the Ōhiwa Harbour, was also an important settlement of Te Kooti and his Ngāti Awa followers. Taipari is a wāhi tapu also located at the mouth of the harbour near Te Horo. Taipari is the area where Ngāti Awa hapū would read the signs of the ocean, hence the name Taipari which means the rising and falling of the tides. Taipari is also the name of a chief of the Ngāti Awa hapū, Ngāti Hokopū. There are numerous other pa and wāhi tapu known to Ngāti Awa around the harbour.

Ngāti Awa from Whakatāne, Ngāti Hōkopū, and Ngāti Wharepaia were instrumental in establishing and maintaining a Ngāti Awa presence at Ōhiwa Harbour. Several pa were destroyed in the many battles between Ngāti Awa and Whakatohea until peace was finally made between the 2 tribes in 1857. There were several minor incidents following the peace agreement regarding boundaries, but it is Ngāti Awa's tradition that a boundary between the iwi generally agreed at that time was to the Hokianga River in the Ōhiwa harbour. This boundary is still contested today. The Hokianga River, which winds its way through the harbour and out to sea, can only be seen at low tide.

The Ōhiwa harbour has provided Ngāti Awa hapū with all the resources of life they required to survive. The harbour provided an abundance of fish and shellfish such as flounder, kahawai, mussels, pipi, cockles, scallops, and oysters. The harbour was also rich in bird life and building material. The Ngāti Awa hapū, Ngāti Hōkopū and Ngāti Wharepaia settled throughout the Ōhiwa Harbour. Otao was a favourite place of Ngāti Hōkopū for gathering kaimoana particularly pipi, scallops, and cockles.

Throughout the years Ngāti Awa have exercised custodianship over the harbour and have imposed rahui (temporary restrictions) when appropriate, restricting the taking of mussels, scallops, and other kaimoana. Proper and sustainable management of Ōhiwa Harbour has always been at the heart of the relationship of Ngāti Awa with the harbour.

Ōhiwa Harbour is the repository of many kōiwi tangata. Urupa are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupa and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna and are frequently protected in secret locations.

Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Ōhiwa Harbour, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Awa today.

The Ōhiwa Harbour is of great cultural and historical importance to Ngāti Awa. The mauri of Ōhiwa Harbour represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to the Ōhiwa Harbour.

### 3.5.3 Purposes of Statutory Acknowledgement

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Part Ōhiwa Harbour, as provided in sections 42 to 44; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) To enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Part Ōhiwa Harbour as provided in section 47.

### 3.5.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 41 to 44 and 47:

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Part Ōhiwa Harbour than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### 3.5.5 No Limitation on the Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Part Ōhiwa Harbour to a person or persons other than Ngāti Awa or a representative entity.

## 3.6 Statutory Acknowledgement for Uretara Island

### 3.6.1 Statutory Area

The area to which this statutory acknowledgement applies is Uretara Island, as shown on SO 61690.

### 3.6.2 Statement of Association

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Uretara Island as set out below.

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

It is the historical traditions of Ngāti Awa such as whakapapa, waiata, korero, and whakairo that illustrate the cultural and spiritual association of Ngāti Awa to Uretara Island. These histories link the present generations of Ngāti Awa with their ancestors and the atua of the natural world such as Ranginui, Papatuanuku, and Tane. These traditions form the foundation of the identity of Ngāti Awa as an iwi. Some of these important historical traditions are recorded below.

According to Ngāti Awa, Te Hapūoneone, a division of Te Tini o Awa, were the original inhabitants of Ōhiwa Harbour. These people resided at Uretara and other pa at Tauwhare, Te Horo, and Paparoa. Ngāti Awa tipuna also whakapapa to various pre-migration iwi including Te Hapūoneone, Maruiwi, Ngā Potiki, Ngā Maihi, Te Marangaranga, Te Tini o Toi, and Te Tini o Kawerau.

From time to time, these groups traversed the lands around and within the Ōhiwa harbour, including Uretara Island.

The name Ōhiwa comes from Te Ōhiwa o Awanuiarangi II. Awanuiarangi II is the great grandson of Toroa, captain of the Mātaatua waka and is the principal ancestor of Ngāti Awa. Hapū of Ngāti Awa have resided at Uretara, within the Ōhiwa Harbour, since the time of Awanuiarangi II.

Uretara Island is one of a number of important Ngāti Awa pa sites and wāhi tapu in the Ōhiwa Harbour. Generations of Ngāti Awa have watched over Ōhiwa from Uretara Island. To the people of Ngāti Awa, Uretara Island is of great cultural and historical importance. Two major pa, Paripari and Karamea, were built on Uretara Island to access, protect, and watch over Ōhiwa. The strategic geographical position of the island made it an ideal fortified village. During the time of warfare the strategically built pa, terraces, surrounding water and skilled Ngāti Awa warriors made it almost impossible for outsiders to conquer the island.

Many battles were fought between Ngāti Awa and other iwi over the control of Uretara Island. Ngāti Awa were often successful in those conflicts but sometimes suffered temporary defeats at the hands of other related Mātaatua tribes. During this time ownership of Uretara Island fluctuated between Ngāti Awa and Whakatohea hapū, including Upokorehe. Prior to 1840 and the arrival of tauīwi (European settlers) Uretara Island was occupied by Te Kepa Toihau and his people of the Whakatāne section of Ngāti Awa.

In 1862 a dispute over rights to Uretara Island arose between Ngāti Awa and Whakatohea. Independent assessors were called in and they decided in favour of Ngāti Awa although Whakatohea continued to express objections. Uretara Island was then included in the confiscation area in 1866 and was not returned to Maori by the Compensation Court. Since this time the island has been out of Ngāti Awa's control. However Ngāti Awa has always maintained a cultural and spiritual association to Uretara.

Uretara Island is one of the areas where the footprints of Ngāti Awa tipuna remain. It is a place where the people of Ngāti Awa would be able to sit and reflect on the life of their ancestors sensing the ihi (power), wehi (fear), and the mauri (life force) emanating from the land and water.

The Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai, other taonga, and ways in which to use the resources of Uretara Island. The tipuna were also knowledgeable in the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the hapū of Ngāti Awa today.

Uretara Island is also the repository of kōiwi tangata. Urupa are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupa and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna.

To the people of Ngāti Awa, Uretara Island is of the utmost importance because of its physical, spiritual, and social significance in the past, present, and future. The mauri of Uretara Island represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to Uretara Island.

### **3.6.3 Purposes of Statutory Acknowledgement**

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Uretara Island, as provided in sections 42 to 44; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) To enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Uretara Island as provided in section 47.

### **3.6.4 Limitations on effect of Statutory Acknowledgement**

Except as expressly provided in sections 41 to 44 and 47:

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) No person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Uretara Island than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### **3.6.5 No Limitation on the Crown**

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Uretara Island to a person or persons other than Ngāti Awa or a representative entity.

## **3.7 Statutory Acknowledgment for the Whakatāne River**

### **3.7.1 Statutory Area**

The area to which this statutory acknowledgement applies is the Whakatāne River, as shown on SO 61404.

### 3.7.2 Statement of Association

#### ***Preamble***

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to the Whakatāne River as set out below.

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

It is the historical traditions of Ngāti Awa such as whakapapa, waiata, korero, and whakairo that illustrate the cultural and spiritual association of Ngāti Awa to the Whakatāne River. These histories link the present generations of Ngāti Awa with their ancestors and the atua of the natural world such as Ranginui, Papatuanuku, and Tane. These traditions form the foundation of the identity of Ngāti Awa as an iwi. Some of these important historical traditions are recorded below.

The Whakatāne River is rich in historical and cultural association for Ngāti Awa. One of the founding ancestors of Ngāti Awa, Tiwakawaka, lived at the mouth of the Whakatāne River. Hoaki and Taukata landed here and were stranded at the river mouth. The Mātaatua waka also landed at the mouth of the Whakatāne River.

The present name “Te Awa o Whakatāne” relates to the arrival of the waka Mātaatua to Aotearoa. Wairaka was the daughter of Toroa and a member of the crew of the waka Mātaatua. When Mātaatua arrived at Whakatāne, most of the men of the waka climbed the hill at Kaputerangi to observe the new land. They left the waka attended by a group of women. The mooring of the waka became loosened and it began to drift out to sea. Wairaka, who had been observing the situation, took the matter in hand and cried “E! Kia Whakatāne ake au i ahau” (Let me act the part of a man). Hence the name “Whakatāne”. Toroa, the chief of Mātaatua, is acknowledged as one of the principal ancestors of Ngāti Awa.

The naming of various features including rocks in the Whakatāne River reflects the succession of explorers and ancestors of Ngāti Awa who lived along the Whakatāne River. Rocks in the mouth of the Whakatāne River include Te Puke-a-Hawaiki, Koakaroa, Areiawa, Toka Mauku, Toka Roa, Rangaia, and Roimata Turuturu. The Ngāti Awa people have used the Whakatāne River to access sacred sites along its banks. When the Mātaatua waka landed at Whakatāne, one of the very first tasks performed by Toroa and its other occupants was to build a sacred alter called a pouahu. The spot on which the pouahu was built was located on the bank of the Whakatāne River. The mauri of the Mātaatua waka was placed at the pouahu. This was an object that represented the physical and spiritual welfare of the waka and its occupants during its voyage. Later the mauri represented the welfare of the people in their residence. A manuka tree was planted at the pouahu as a symbol representing life and well-being for the people of the Mātaatua waka. At this place people revealed their misfortunes, afflictions and transgressions. The symbolic nature of the manuka tree gave expression to the term “Te Manuka Tutahi” (the lone standing manuka tree). This term has become a strong spiritual identifying term for the people of Ngāti Awa.

Close to Te Manuka Tutahi on the side of the Whakatāne River was Hine Tuahoanga (ancestress of stone). This rock was once used by the hapū of Ngāti Awa for sharpening stone, aided with the waters from Whakatāne River alongside. On the other side of the river mouth from Te Manuka Tutahi lies the ancient urupa of Opihi-whānaunga-kore where many of the remains of the Ngāti Awa people who lived at Whakatāne are now buried and watch over Whakatāne River.

Some notable Ngāti Awa ancestors buried at Opihi are Te Waiopotanga, Toihau, Te Kepa Toihau, Te Hamaiwaho, Te Apanui, and Uaterangi.

There were a number of tipua (guardian spirits) and taniwha of special significance to Ngāti Awa that lived along the Whakatāne River. Tutarakauika was one of the tipua that lived in the Whakatāne River. Tutarakauika, because of his ability to communicate with life in the ocean, caused much jealousy among other young men of the tribe who later plotted and then clubbed him to death, and his body was taken out and cast into the sea. His father Takatutahi and remaining sons Rongoiri and Tutahi sought revenge, found the culprits, and took them to the same spot where they threw Tutarakauika overboard. Takatutahi, Rongoiri, and Tutahi cast the offenders overboard and watched as they transformed into kutukutu moana (sea lice). Tutarakauika, however, was revived, cared for, and became part of the family of Tangaroa, being adopted by Kiwa and Hinemoana.

Te Tahī o te Rangi is a famous taniwha of the Whakatāne River in the historical traditions of Ngāti Awa. In ancient times Te Tahī was a tohunga of great status in Ngāti Awa. It was believed that Te Tahī had great powers concerning the supernatural, and it was suspected by members of his tribe that these powers were being used for sinister purposes. These sinister suspicions were eventually brought to the fore when kūmara plants became blighted one season and it was Te Tahī who was blamed. A secret meeting was held in his absence and it was decided that he should be taken to Whakāri and left there to perish. A fishing expedition was organised and Te Tahī was led to believe that he would guide them due to his superior knowledge of the best fishing grounds. Once the expedition arrived at Whakāri, Te Tahī was tricked and the waka left without him, leaving him stranded on the island. Te Tahī summoned a whale which swam towards the rock where he sat. Te Tahī climbed onto the whale. The whale asked if the waka that had left Te Tahī should be destroyed and Te Tahī replied “waiho ma te whakama ratou e patu, waiho hei korero i a tatou kia atawhai ki te iwi” (let their shame punish them, let us acquire fame by means of mercy). Te Tahī landed on a rock by the mouth of the Whakatāne River named Rukupo and could be seen by the returning canoes. Te Tahī then travelled to the rock Te Toka a Houmea, further inland along the Whakatāne River, where he rested. Later he was killed and his body then taken up the Rangitaiki River to Oporu (Te Oporunga o Te Tahī - the place where the body of Te Tahī was buried). His kaitiaki, the whale monster Tutarakauika, swam up the Rangitaiki River and excavated a channel to Oporu, retrieved the body of Te Tahī and turned the body into a taniwha. There are several places along the Whakatāne River that are named after Te Tahī. Te Tahī is represented as a Marikihau in several carved houses of Ngāti Awa.

The Whakatāne River and its banks have been occupied by the ancestors of Ngāti Awa since before the arrival of Mātaatua. More recently in the 18th and 19th centuries the chiefs Te Putarera, Tohi Te Ururangi, Toihau, Hokimoana, Te Ngarara, and their people resided at Te Whare o Toroa, the area around the present day Wairaka Marae which was located originally up against the banks of the river. Since this time there has been reclamation due to the change in the river's course. Cultivations and sites of houses were well established in this region.

Throughout this period a number of hapū of Ngāti Awa resided along the Whakatāne River including Ngāti Maumoana, Ngai Te Hapū, Ngāti Ikapuku, Te Patuwai, Ngāti Pukeko, Te Whānau a Taiwhakaea, Ngāti Hinanoa, Ngāti Kama, Ngai Tapiki, and Ngāti Hokopū. The Whakatāne River was a life and spiritual source for those people. All of these hapū had various pa, kainga, and wāhi tapu along the banks of the river.

There were also a number of wāhi tapu sites of significance to Ngāti Awa along the Whakatāne River. Mimihanui, Otangi-haku, Otarehie, Puke-rarauhe, Motueka, Rauporoa, Hurepo, Ōtarehu, and Ōhineteraraku were kainga (settlements) of Ngāti Awa along the river. Ōtarahioi and Te Mauku Pa are pa sites at Tāneatua. Pekapekatahi is a wāhi tapu near Tāneatua. This was the place where the Ngāti Awa tohunga Te Tahī o te Rangi crossed the Whakatāne River. Generations of Ngāti Awa have watched over the Whakatāne River from such places. The sites highlight Ngāti Awa's connections to Whakatāne River and the numerous residences along its shores. In particular, Pōhaturoa is a significant wāhi tapu site along the Whakatāne River. Pōhaturoa is important because it was where the Treaty of Waitangi (Te Tiriti o Waitangi) was signed by Ngāti Awa. On 16 June 1840, representatives of the Ngāti Awa hapū of Ngāti Pukeko and Ngai Tonu signed a copy of the Treaty of Waitangi (Te Tiriti o Waitangi) at Pōhaturoa. This was an event of great historical significance for Whakatāne as well as for the people of Ngāti Pukeko and Ngāti Awa. The chiefs that signed the Treaty were Tautari, Mōkai, Mato, Tarawatewate, Tūnui, Taupiri, Haukakawa, Pīariari, Matatehokia, Rewa, Tūpara and Mōkai II - presumed to be Mōkai's son.

Ngāti Awa have always maintained a considerable knowledge of the Whakatāne River, its history, the traditional trails of the tipuna along the river, the landing places of waka, the places for gathering kai and other taonga, and the ways in which to use the resources of the Whakatāne River. The Whakatāne River was valued by Ngāti Awa as a source of food including eels, kākahi, oysters, fish, and whitebait. The Whakatāne River was also used by Ngāti Awa to transport goods to and from the inland settlements of the iwi. Proper and sustainable resource management has always been at the heart of the relationship of Ngāti Awa with the Whakatāne River.

The traditional values of mana, mauri, whakapapa, and tapu are central to the relationship of Ngāti Awa with the Whakatāne River. The mana of the Whakatāne River is the power and importance of the river to Ngāti Awa. Mana also defines the custodian responsibility of Ngāti Awa as guardians of the river. The mauri of the Whakatāne River is the life force of the Whakatāne River. All forms of life have a mauri and all forms of life are related. One of the essential roles of Ngāti Awa is to protect the mauri of the river.

Whakapapa defines the genealogical relationship of Ngāti Awa to the Whakatāne River. Tapu describes the sacred nature of the relationship of Ngāti Awa to the Whakatāne River. Mana, mauri, whakapapa, and tapu are all important spiritual elements of the relationship of Ngāti Awa with the Whakatāne River. All of these values remain important to the people of Ngāti Awa today.

### 3.7.3 Purposes of Statutory Acknowledgement

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Whakatāne River, as provided in sections 42 to 44; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to the Whakatāne River as provided in section 47.

### 3.7.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 41 to 44 and 47:

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) No person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with the Whakatāne River than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### 3.7.5 No Limitation on the Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Whakatāne River to a person or persons other than Ngāti Awa or a representative entity.

## 3.8 Statutory Acknowledgment for Rangitaiki River

### 3.8.1 Statutory Area

The area to which this statutory acknowledgement applies is the Rangitaiki River, as shown on SO 61406.

### 3.8.2 Statement of Association

#### ***Preamble***

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to the Rangitaiki River as set out below.

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

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to the Rangitaiki River. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations.

These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of the Rangitaiki River to Ngāti Awa.

The Rangitaiki River has been a treasured taonga and resource for Ngāti Awa. Traditionally the Rangitaiki River and, in times past, the associated swamp area have been a source of food as well as a communication waterway. Te Mārangaranga were one group that held primacy over the swamp during the pre-migration period. They were principally located in the Rangitaiki valleys of Te Houhi and Te Whāiti. Upon the arrival of the waka Mātaatua this group inter-married with the new arrivals.

There were a number of taniwha and tipua (guardian spirits) that lived in and along the Rangitaiki River. One such taniwha was Hākai Atua. Hākai Atua was a taniwha of the Ngāti Awa hapū of Ngai Tamaoki and resided close to their kāinga. Hākai Atua travelled the river and was a kaitiaki who protected the Ngai Tamaoki people.

Raukawarua was a taniwha who lived at Kōkōhinau. Raukawarua was supposed to be a kaitiaki of other taniwha that lived in the river, thus Raukawarua became known as the rangātira of Ngāti Awa (the chief of the river tribe and of all other river creatures).

Rimurimu was a tipua of the Ngāti Awa hapū of Warahoe and Ngā Maihi who lived along the Rangitaiki River between Te Teko and Matahina. Rimurimu was only recognisable to the Warahoe hapū and only revealed itself to warn the people of danger. Rimurimu came about after Miro, daughter of Hikareia (a chief of Warahoe), drowned herself after her plan to be with her lover was thwarted. Miro chanted Te Punga i Orohia. A line in the chant refers to her being a rimu. Miro then took the form of Rimurimu.

Hine-i-Whāroa was a tipua in the form of a white eel that lived in the Rangitaiki River. Hine-i-Whāroa was the kaitiaki of all the other eels that lived in the river. Hine-i-Whāroa became the kaitiaki that limited the number of eels that could be caught by the people thereby ensuring that the fishery would survive. No matter how hard the people tried to catch Hine-i-Whāroa to clear the way so they would have unrestricted access to all eels, they could never do so.

In time the Warahoe hapū of Ngāti Awa, also descendants of Te Mārangaranga, occupied the lands along the Rangitaiki River. Warahoe was also the old name of the Ōrini Stream that connects the Rangitaiki and Whakatāne Rivers. The resources of the Rangitaiki River and swamp area were shared by the hapū of Ngāti Awa living in the area. The Ngāti Awa hapū of Ngāti Pūkeko, Ngāti Hokopū, and Te Patutātahi occupied the eastern bank of the Rangitaiki River. Te Pahipoto, Ngā Maihi, and Te Patutātahi occupied the upper (southern) portion of the river around Te Teko. Te Tāwera, Ngai Te Rangihouhiri II, and Ngāti Hikakino occupied the western edge of the river. Te Patutātahi had a large grouping of hapū that included Ngāti Hinanoa, Ngāti Kama, Ngāti Hina, Ngai Tāpiki, and Te Whānau a Taiwhakaea II. This group occupied the important central reaches of the Rangitaiki River. Te Patutātahi are today known as Ngai Taiwhakaea II. The Rangitaiki River was an essential resource and taonga for those hapū communities from the Ngātamawāhine, Pōkairoa, Pahekeheke, and Waikōwhewhe streams to the original outlet of the river at Mātata, where it once converged with the Tarawera River.

A number of settlements have been established by the hapū of Ngāti Awa along the Rangitaiki River. Such settlements highlight the connections of Ngāti Awa with the Rangitaiki River and their occupation of the river's catchments. One such settlement was Te Pūtere located on the coast between the Tarawera and Rangitaiki Rivers.

Te Pūtere was a block of land slightly higher than the surrounding swamp area, originally inhabited by Ngāti Patuwai and later Te Patutātahi, Te Pahipoto, and Te Patuwai. Inland hapū used Te Pūtere as a fishing Nohoanga allowing them access to the resources of the lower reaches of the Rangitaiki River and the sea.

Further inland along the Rangitaiki River were the Ngāti Awa settlements of Te Kupenga and Te Teko (which remains one of the principal Ngāti Awa settlements along the river). Kōkōhinau Marae is another important Ngāti Awa settlement located in the Te Teko area

along the bank of the Rangitaiki River. Te Pahipoto are the hapū of Kōkōhinau. Ngā Maihi, Ngāti Tamawera, and Ngai Tamaoki also had villages along the river. Ngāti Hāmua also have their kāinga and marae on the banks of the Rangitaiki River. Ōtipa Pa, occupied at different times by Ngā Maihi, Warahoe, and Ngāti Hāmua, is another Ngāti Awa kāinga located along the Rangitaiki River.

The Rangitaiki River provided the hapū of Ngāti Awa, particularly those living in pa along the river, with abundant food and material resources. Water from the river was used by Ngāti Awa to irrigate crops along the riverbanks. Flax and raupo grew well along the river and, in times past, in the swamp ground. These provided materials for clothing, building, and trade for the Ngāti Awa hapū. Fish, eels, and birds were also in plentiful supply. Not only did the Rangitaiki River provide the Ngāti Awa hapū with food, trade, and building materials but it also allowed easy internal movement for the hapū of Ngāti Awa from one end of the rohe to the other and provided refuge in times of danger.

The tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Rangitaiki River, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Awa today.

All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to the Rangitaiki River.

The Rangitaiki River has always been an integral part of the social, spiritual, and physical lifestyle of the Ngāti Awa people.

### **3.8.3 Purposes of Statutory Acknowledgement**

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) to require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Rangitaiki River, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to the Rangitaiki River as provided in section 47.

### **3.8.4 Limitations on Effect of Statutory Acknowledgement**

Except as expressly provided in sections 41 to 44 and 47:

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

- (b) No person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with the Rangitaiki River than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### 3.8.5 **No Limitation on the Crown**

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Rangitaiki River to a person or persons other than Ngāti Awa or a representative entity.

## 3.9 **Statutory Acknowledgement for the Tarawera River**

### 3.9.1 **Statutory Area**

The area to which this statutory acknowledgement applies is the Tarawera River, as shown on SO 61403.

### 3.9.2 **Statement of Association**

#### ***Preamble***

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to the Tarawera River as set out below.

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

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to the Tarawera River. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of the Tarawera River to Ngāti Awa.

The Tarawera River was created by the tears of Tarawera. Tarawera yearned for her husband, Pūtauaki, who left her for the island of Moutohorā. In ancient times before the arrival of the waka Mātaatua the banks of the Tarawera River were inhabited by ancestors of Ngāti Awa including Te Tini o Toi, Te Tini o Awa, and Te Tini o Kawerau. In more modern times, but long before the arrival of Europeans, hapū such as Ngai Te Rangihouhiri II, Ngāti Hikakino, and Te Tāwera utilised the resources of the river and occupied its banks.

A number of tipua (guardian spirits) and taniwha of special significance to Ngāti Awa inhabited the Tarawera River. Taratua was one such taniwha. This feared taniwha of Ngāti Awa lived at Ruataniwha. In ancient times Taratua terrorised and devoured people attempting to travel along the river. Taratua was later killed by an ancestor of Ngāti Awa named Iratūmoana. The story of Taratua is well known and features the Ngāti Awa tipuna Iratūmoana, who was successful in killing the feared taniwha.

Te Awa a Te Atua is the name of the mouth of the Tarawera River. When the Mātaatua waka arrived at Te Awa a Te Atua, Wairaka bathed at the river mouth. While Wairaka was swimming she was overcome with her menstruation. Her father, Toroa, chief of the Mātaatua waka saw blood floating down the river and asked whose godly blood it was. Wairaka confirmed that it was her blood and Toroa named the river mouth Te Awa a Te Atua (the river of the Gods).

The people of Ngāti Awa lived in many villages located along the banks of the Tarawera River. The riverbanks thus became the repository of many kōiwi tangata. Urupa are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupa and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to the Tarawera River.

Awaiti is a well-known Ngāti Awa wāhi tapu along the Tarawera River. Awaiti was named by the Ngāti Awa chief Tīhori when he released the two taniwha Tūtarakauika and Tūpai into the Tarawera River. These two taniwha formed the Kōmutumutu River, which connects the Rangitaiki and Tarawera Rivers. The Kōmutumutu River flows into the Tarawera River (the smaller river), hence the name, Te Awaiti o Tīhori. Another site near the Tarawera River named by Tīhori was Kōpai o Piko. Kōpai o Piko was named when Tīhori found out that his wife had been unfaithful to him and he decided to leave Matahina. Tīhori built a waka, Whakapaukarakia, and he left the district via the Rangitaiki River and then through Kōmutumutu into the Tarawera River and finally out at Te Awa a Te Atua. The two taniwha, Tūtarakauika and Tūpai, dug out a channel which enabled Tīhori to travel to Te Awa a Te Atua. The channel they created formed bends in the land that established the Kōmutumutu River, hence the name Kōpai o Piko.

Te Tatau o Hape is another wāhi tapu of Ngāti Awa at the Tarawera Falls. Hape was a great ancestor of Ngāti Awa who went in search of greenstone. Hape travelled along the Tarawera River during his journey. When Hape arrived at the Tarawera Falls, he placed a huge boulder in the path of the Tarawera River, hence the Māori name of the Tarawera Falls, Te Tatau a Hape (the door of Hape).

The Tarawera River was a major food and water resource to the Ngāti Awa people both prior to and since the arrival of the Mātaatua waka. Ngāti Awa people resided in a number of pa sites located along the riverbank. Such sites are significant to Ngāti Awa and illustrate Ngāti Awa connections to the Tarawera River. A sacred pa site along the Tarawera River is Parawai.

Parawai was one of the pa of Te Tāwera hapū of Ngāti Awa. Parawai was the site of many battles between Ngāti Awa and other iwi. Another important pa of Ngāti Awa was Te Kohika. This was located toward the coast and near the island pa of Te Matata and Ōmarupōtiki and was used to access the reefs at the mouth of the river. Ōmataroro was another important Ngāti Awa pa near the Tarawera River. Ngāti Awa watched over and protected the Tarawera River from such pa.

From time to time other hapū such as Ngāti Pūkeko and Ngāti Hāmua also lived along the Tarawera River near its mouth.

The Tarawera River provided an abundance of fish, eels, kākahi, and whitebait for the hapū of Ngāti Awa. The junction of the Waikāmihi Stream and the Tarawera River was an important fishing location for whitebait, eels, and other fish for Te Tāwera hapū of Ngāti Awa. As well as being an abundant source of food for the hapū of Ngāti Awa, the Tarawera River was also used as a highway to assist the transportation of materials and people up and down the river. Waka that travelled up and down the Tarawera River were launched at Ōkauneke.

The tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Tarawera River, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of its resources. All of these values remain important to the hapū of Ngāti Awa today.

### 3.9.3 Purposes of Statutory Acknowledgement

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Tarawera River, as provided in sections 42 to 44; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) To enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to the Tarawera River as provided in section 47.

### 3.9.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 41 to 44 and 47:

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) No person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with the Tarawera River than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### 3.9.5 No Limitation on the Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Tarawera River to a person or persons other than Ngāti Awa or a representative entity.

## 3.10 Statutory Acknowledgement for Te Kaokaoroa Historic Reserve

### 3.10.1 Statutory Area

The area to which this statutory acknowledgement applies is Te Kaokaoroa Historic Reserve, as shown on SO 61402.

### 3.10.2 Statement of Association

#### ***Preamble***

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Te Kaokaoroa Historic Reserve as set out below.

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

It is the historical traditions of Ngāti Awa that illustrate the cultural and spiritual association of Ngāti Awa to Te Kaokaoroa. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, solidarity, and continuity between generations and document the events which shaped the environment of Te Kaokaoroa and Ngāti Awa as an iwi.

A significant event in the history of Ngāti Awa was the arrival of the waka Mātaatua to Aotearoa. Toroa, the chief of Mātaatua, is acknowledged as one of the principal ancestors of Ngāti Awa. When the Mātaatua canoe made landfall at Te Awa o Te Atua (Matata), Toroa, observing that the shore line from the river mouth right across to Ōtamarakau was like a rib bone, named it Te Kaokaoroa o Toroa (the long rib of Toroa). Over time a number of pa sites and wāhi tapu of Ngāti Awa hapū, including Ngai Te Rangihouhiri II, Ngāti Hikakino, and Te Tāwera, developed along Te Kaokaoroa o Toroa. The pa sites included Mōkaingārara and Te Matata (near Matata) and Nohonoho, Hauone, and Te Paripari (towards Ōtamarakau). The wāhi tapu included Arakino and Te Awatarariki. Te Kaokaoroa Reserve is part of this landscape named by Toroa.

Te Kaokaoroa Reserve is sacred to several hapū of Ngāti Awa including Ngai Te Rangihouhiri II, Ngāti Hikakino, and Te Tāwera, because it commemorates a great battle between Government forces and the Tai Rawhiti force along Te Kaokaoroa o Toroa coastline in 1864.

The Tai Rawhiti force was a collection of armies of the East Coast tribes who intended to travel to Waikato to support the Kingitanga to defend the invasion of their lands by Government forces and European settlers. The Tai Rawhiti force included Ngāti Awa, Whakatōhea, Tūhoe, Te Whānau-a-Apanui, and Ngāti Porou.

The Tai Rawhiti forces established a camp on the eastern side of the Waihi lagoon at Maketu. The joint Crown and Te Arawa force set up camp on the western side. The stalemate was broken with the arrival of two Government warships, the HMS Falcon and HMS Sandfly. The ships began shelling the Tai Rawhiti forces who were then forced to retreat towards Ōtamarakau. The battle of Te Kaokaoroa ensued. Many of the Tai Rawhiti force lost their lives. The dead included those of Whakatōhea, Te Whānau-a-Apanui, Ngāti Porou, and Ngāti Awa.

Te Kaokaoroa Reserve is the resting place of Te Rangi-i-paea, a chief of Ngāti Hikakino, who was killed at the battle of Te Kaokaoroa. Many unnamed dead of Ngai Te Rangihouhiri II, Ngāti Hikakino, Te Tāwera, and other hapū of Ngāti Awa were buried at this site by Hori Kawakawa and other Ngāti Awa chiefs. Hoera-tama-titahi, chief of the Ngāti Porou contingent that was part of the Tai Rawhiti Force, also lies buried at Te Kaokaoroa.

Te Kaokaoroa is therefore the repository of many kōiwi tangata. Urupa are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupa and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations.

The mauri of Te Kaokaoroa Reserve represents the essence that binds the physical and spiritual elements of all things together, generating and upholding life. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to Te Kaokaoroa.

### 3.10.3 Purposes of Statutory Acknowledgement

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Te Kaokaoroa Historic Reserve, as provided in sections 42 to 44; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) To enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Te Kaokaoroa Historic Reserve as provided in section 47.

### 3.10.4 Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 41 to 44 and 47:

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) No person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Te Kaokaoroa Historic Reserve than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

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

### 3.10.5 No Limitation on the Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Te Kaokaoroa Historic Reserve to a person or persons other than Ngāti Awa or a representative entity.

### 3.11 **Statutory Acknowledgement for Former Matahina A5 Block**

#### 3.11.1 **Statutory Area**

The area to which this statutory acknowledgement applies is the Former Matahina A5 Block, as shown on SO 61685.

#### 3.11.2 **Statement of Association**

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

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Former Matahina A5 Block as set out below.

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

It is the historical traditions of Ngāti Awa such as whakapapa, waiata, kōrero, and whakairo that illustrate the cultural and spiritual association of Ngāti Awa to Matahina A5. These histories link the present generations of Ngāti Awa with their ancestors and the atua of the natural world such as Ranginui, Papatuanuku, and Tāne. These traditions form the foundation of the identity of Ngāti Awa as an iwi. Some of these important historical traditions are recorded below.

Ngāti Awa tipuna whakapapa to various pre-migration iwi including Te Hapūoneone, Maruiwi, Ngā Pōtiki, Ngā Maihi, Te Mārangaranga, Te Tini o Toi, and Te Tini o Kawerau. From time to time, these groups also traversed the lands, rivers, mountains, and forests of the Eastern Bay of Plenty region including the Matahina Valley. Prior to the arrival of tauwiwi (European settlers), the tipuna of Ngāti Awa established important communities all along the banks of the principal rivers of the region, including the Rangitaiki. The ancestors of Ngā Maihi, Warahoe, Ngāti Hāmua, Ngai Tamaoki, Ngai Taipoti, Ngāti Ahi, Ngai Taiwhakaea, Te Tāwera, and Ngāti Pūkeko had settlements over the Matahina blocks and along the Rangitaiki River including the pa at Ōtipa.

The rich soils and waterways of the Rangitaiki and the Matahina Valley provided Ngāti Awa hapū with an abundance of food (birds, animals, fish), building materials, material for clothing, and cultivation sites. As communities became established around pa and kāinga, like those of Ngāti Awa along the banks of the Rangitaiki River, so too did the need for urupa (burying places). Urupa are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupa and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna.

Many battles were fought between Ngāti Awa and other iwi in the Matahina region and even further inland over several centuries, despite their close whakapapa and kin relationships. Ngāti Awa were often successful in those conflicts but sometimes suffered temporary defeats at the hands of other iwi and hapū. Hostilities between Ngāti Awa and other iwi continued for several decades following the arrival of the first settlers and missionaries to the area. Matahina A5 is an urupa site in the far north of the former Matahina block. Once near the Rangitaiki River since the late 1960s it has been partially submerged within Lake Matahina.

As a consequence of settlement patterns, warfare, and migrations, many Ngāti Awa hapū have dead buried in what became Matahina A5 including Ngā Maihi, Warahoe, Ngāti Hāmua, Ngai Tamaoki, Ngai Taipoti, Ngāti Ahi, Ngai Taiwhakaea, Te Tāwera, and Ngāti Pūkeko. Ngāti Awa have maintained strong connections in their custodianship role over this urupa across many generations. Matahina A5 is therefore an ancient and important urupa for the hapū of Ngāti Awa.

According to Ngāti Awa traditions, after the arrival of Europeans Te Rangitūkehu restored Warahoe and Ngāti Hāmua to the Matahina area as an act of aroha for those hapū, including those who were and remain part of Ngāti Awa. They had previously been driven away by Te Rangitūkehu and his tipuna in the inter-iwi and hapū conflicts of an earlier era. It was on account of the gift from Te Rangitūkehu that Ngāti Awa say other iwi and hapū were permitted to re-settle in the Matahina region.

In 1881 and 1884, the Native Land Court recognised the customary interests of Ngāti Awa in Matahina A5 and a nearby urupa, Matahina A4, by vesting those wāhi tapu in Te Rangitūkehu Hātua and Te Whāiti Paora as trustees. Te Rangitūkehu, as one of the leading rangātira of Ngāti Awa at that time, undertook the principal kaitiaki role over Matahina A5 on behalf of the iwi in accordance with Ngāti Awa custom. During the 20th century Ngāti Awa continued to maintain their custodianship over Matahina A5 without interference from other iwi and hapū.

In the 1960s, using public works legislation, the Crown took land from Ngāti Awa including Matahina A5 to create the Matahina Lake and power project and Te Māhoe village. During the construction of Matahina Dam, the Crown advised that it intended to destroy parts of Matahina A5. The elders of Ngāti Awa at the time, while expressing dismay at these proposals, acted to ensure the kōiwi tangata were protected and removed them from those burial sites including Matahina A5 that were threatened by the power project. Even though the title of Matahina A5 was taken from Ngāti Awa, the site remains a sacred urupa and wāhi tapu for the iwi.

### **3.11.3 Purposes of Statutory Acknowledgement**

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are:

- (a) To require that relevant consent authorities, the New Zealand Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Former Matahina A5 Block, as provided in sections 42 to 44; and
- (b) To require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) To enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Former Matahina A5 Block as provided in section 47.

### **3.11.4 Limitations on Effect of Statutory Acknowledgement**

Except as expressly provided in sections 41 to 44 and 47:

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

- (b) No person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Former Matahina A5 Block than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Former Matahina A5 Block.

### **3.11.5 No Limitation on the Crown**

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Former Matahina A5 Block to a person or persons other than Ngāti Awa or a representative entity.