

7 Ngāti Whare Statutory Acknowledgements

In accordance with section 54 of the Ngāti Whare Claims Settlement Act 2012, information recording the statutory acknowledgments is hereby attached to the Bay of Plenty Regional Policy Statement. This information includes the relevant provisions from the schedules to the Ngāti Whare Claims Settlement Act 2012 in full, the description of the Statutory Area and the statement of association as recorded in the statutory acknowledgments.

Statutory Acknowledgments

The Statutory Areas for which Ngāti Whare has statutory acknowledgments are:

Statutory Area	Location
Whirinaki Te Pua-a-Tāne Conservation Park	As shown on OTS-095-009
Whirinaki River and its tributaries	As shown on OTS-095-010
Specified areas of Te Urewera National Park	As shown on OTS-095-022

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

7.1 Statutory Acknowledgement for the Whirinaki Te Pua-a-Tāne Conservation Park

7.1.1 Statutory Area

The area to which this Statutory Acknowledgement applies is the Whirinaki Te Pua-a-Tāne Conservation Park as shown on OTS-095-009.

7.1.2 Statement of Association

Preamble

Under section 20, the Crown acknowledges the significance of the Whirinaki Te Pua-a-Tāne Conservation Park to Ngāti Whare as the kaitiaki of the park.

Under section 49, the Crown acknowledges the statement by Ngāti Whare of the particular cultural, spiritual, historical, and traditional association of Ngāti Whare with the Whirinaki Te Pua-a-Tāne Conservation Park.

Cultural, spiritual, historical, and traditional association of Ngāti Whare with Statutory Area

The Whirinaki Conservation Park is of enormous cultural and spiritual value to Ngāti Whare, containing numerous waahi tapu and other sites of significance, as well as being the habitat of numerous species of trees, plants, birds and rongoa prized by Ngāti Whare.

Ngāti Whare view the “Whirinaki” holistically in both the physical and spiritual realm as extending beyond the Whirinaki Conservation Park to the broader area of the Whirinaki Valley and Te Whāiti Nui-a-Toi that was previously covered in indigenous forest.

Over many generations, Ngāti Whare have developed tikanga which embody their respect for the Whirinaki Conservation Park and all life and resources within it. The Whirinaki Conservation Park has always had an important role in sustaining the people of Ngāti Whare physically and spiritually.

The traditions of Ngāti Whare illustrate the cultural, historical and spiritual association of Ngāti Whare with the Whirinaki Conservation Park and its resources. These associations reinforce iwi identity, connection and continuity between generations and confirm the importance of the Whirinaki Conservation Park to Ngāti Whare today.

The significance of the Whirinaki Conservation Park is reflected in the following Ngāti Whare whakatauki:

<i>Hapainga mai i te kokako</i> <i>Koaka - Koako</i> <i>Whakangungua te huia</i> <i>Tui Tui Tuia</i> <i>Tuia te manu</i> <i>Ki Te Pua a Tāne</i> <i>Whirinaki Whirinaki</i> <i>Hui e e</i> <i>Taiki e e</i>	Elevated by the Kokako that sings and chants and enforces the Huia Binding, connecting all the birds to the forest of Tāne to Whirinaki Gathered as One
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Ngāti Whare view themselves as the kaitiaki of the Whirinaki Conservation Park with a distinct relationship to its whenua, ngahere, awa, rongoa and other taonga. The ngahere of the Whirinaki Conservation Park is synonymous with Ngāti Whare and this is recorded in the Ngāti Whare whakatauki:

Ko au ko te Whirinaki, ko te Whirinaki ko au.

The Whirinaki Conservation Park was a traditional pataka kai for Ngāti Whare and provided physical, cultural and spiritual sustenance to Ngāti Whare. That relationship continues today with the residual ngahere that comprises the Whirinaki Conservation Park.

The Whirinaki Conservation Park is internationally significant for its mixed indigenous podocarp forests (totara, rimu, miro, matai and kahikatea) and species richness. The Whirinaki Conservation Park is unique within the Bay of Plenty as the only area of substantial, mainly contiguous conservation land not presently threatened by population growth.

The Whirinaki Conservation Park is one of New Zealand's most significant natural treasures. The podocarp of the Whirinaki suffered through fifty years of logging. Much of the forest that was clear-felled between 1930 and the late 1970s, although a significant area of both podocarp and other species remains today.

While no clear-felling of podocarp has taken place in the Whirinaki Conservation Park for over twenty years, the forest continues to suffer high levels of damage from introduced pests, such as possum and deer. Current environmental science strongly suspects that these pests are not only killing the native birdlife of the Whirinaki, but hindering the natural regeneration of the podocarp trees themselves. The podocarp is thus under threat and it is of fundamental importance to Ngāti Whare that the Whirinaki survives as a podocarp forest through the twenty-first century and beyond.

The importance of the Whirinaki Conservation Park to Ngāti Whare is demonstrated in a number of ways:

1 As a waahi tapu

Tāne Mahuta

The Whirinaki Conservation Park is significant as a physical representation of Te Mana o Tāne Mahuta, god of the forest and of man. The Whirinaki Conservation Park is Te Wao Nui-ā-Tāne, in the traditional sense of the word: a kainga for numerous species of trees, plants and animals.

Tūwatawata

Ngāti Whare principal maunga, Tūwatawata, is located within the Whirinaki Conservation Park. The following Ngāti Whare whakatauki relates to Tūwatawata and the Whirinaki Conservation Park in general:

Koia hoki mai ki urunga, ki te moenga, ki te paepae tapu a Tane, ki te maunga o Tūwatawata.

Therefore return to the west, to the centre, to the sacred forest of Tane, to the great mountain Tūwatawata.

In addition to Tūwatawata, there are also a number of other maunga within the Whirinaki Conservation Park which comprise important Ngāti Whare pou rāhui. These include Moerangi, Te Tāpiri, Pokapoka, Otoi Tikorangi, Okurapoto, Kopuatoto, Titikorangi, Tiritiri, Otamapotiki and Taumutu. Ngāti Whare oral tradition is recorded in the following korero:

Ka moe a Tūwatawata ia Moerangi ka puta ko Maungataniwha, ki te tonga, ko Mapouriki ki te tai rāwhiti, ko Otoi, ko Tikorangi ki te tai hauauru, ko Titokorangi, ko Rangiahua, ko Tawhiuau. Koinei ētahi o ngā pou rāhui o Te Whāiti-nui-a-Toi. He tāne katoa. Ka moemoe ratau i nga maunga wāhine i te awa o Okahu ka puta ko Otamapotiki, ko Pokapoka, ko Tāpiri, ko Tiritiri, ko Kopuatoto.

Tūwatawata married Moerangi and begat Maungataniwha, to the south, Mapouriki to the east, Otoi, Tikorangi to the west, Titokorangi, Rangiahua and Tawhiuau. These are some of the sacred landmarks of Te Whāiti-nui-a-Toi. They (the mountains) are all male. They married the female mountains up the Okahu river and begat Otamapōtiki, Pokapoka, Tāpiri, Kopuatoto.

Whirinaki River and Te Whāiti-nui-a-Toi Canyon

The Whirinaki River, known traditionally as Whirinaki-a-Tāne, originates within and flows through the Whirinaki Conservation Park.

Ngāti Whare oral tradition is recorded in the following korero:

Ka huri ki te awa tapu o Ngāti Whare, ko Whirinaki. Koinei a Whirinaki-a-Tāne na te mea i timata mai i te Wao-nui-a-Tāne. Nā, i whānau mai ko nga puna wai me nga puna korere, ā, ko nga awaawa koinei ngā tamariki me nga mokopuna a Whirinaki.

Ka mene katoa nga awa ki Te Whāiti-nui-a-Toi, ki te riu. Koinei ngā roimata, e tangi ana a Tūwatawata a Moerangi ki wā rāua tamariki kai tenei taha o te awa e noho ana, a Tikorangi, a Maungataniwha a Mapouriki, he tāne katoa. Ka moemoe ratau i nga maunga wāhine i te awa o Okahu ka puta ko Otamapōtiki, ko Pokapoka, ko Tapiri, ko Tiritiri, ko Kopuatoto heke atu ki te awa o Mangawiri puta atu ki Te Putakotare. Koinei nga pou rāhui o Te Whāiti-nui-a-Toi. He roimata katoa hoki nga awa nei e tangi ana ki wa raua tamariki.

Turn to the sacred river of Ngāti Whare, Whirinaki. This river is known as Whirinakia-Tāne because it originates from the Great Forest of Tāne. It gave birth to the various streams and tributaries, and these streams are the children and grandchildren of Whirinaki. All of the streams congregate at The Grand Canyon of Toi, in the valley. These represent the tears of Tūwatawata and Moerangi who weep for their children who are living on this side of river, namely, Tikorangi, Maungataniwha and Mapouriki, they are all males. They married the female mountains up the Okahu river and begat Otamapōtiki, Pokapoka, Tapiri, Kopuatoto descending down to the Mangawiri river and out to Putakotare. These are sacred landmarks of Te Whāiti-nui-a-Toi. These rivers represent the tears of Tūwatawata and Moerangi who weep for their children.

“The Whirinaki River flows through Te Whāiti-nui-a-Toi Canyon within the Whirinaki Conservation Park. It is one of the most sacred sites of Ngāti Whare. Te Whāiti-nui-a-Toi Canyon is the dwelling place of Hineruarangi, kaitiaki (guardian) of Ngāti Whare. In Te Whāiti-nui-a-Toi Canyon there is cave that belongs to Hineruarangi called *Te Ti Whakamarumarutanga o Hineruarangi* or The Sheltering Palm of Hineruarangi.”

In Ngāti Whare tradition, Hineruarangi is a *tipua*, or a celestial being, and takes the appearance of a white *kawau* (cormorant, commonly known as a shag). When Ngāti Whare see the white shag flying across the Whirinaki Valley, it is a sign that a Ngāti Whare chief is about to pass away or that a disaster is about to befall the tribe.

The Ngāti Whare oral tradition about Hineruarangi is recorded in the following waiata:

Tera ia ko Te Whaiti Nui-a-Toi,
E noho ai te kawau tohu mate tohu aroha
i nga kainga mokemoke o te ngahere
Ka taiawhio te rere ki te hauauru,
Te rua koha e kanapanapa ana i tona uma
E kawe ana i tana kotua ki te tonga o te ra.
Nga tohu mate o te tuai Kerekere
Aue, ko Hineruarangi e.

Arohaki Lagoon

Arohaki Lagoon is a significant area for Ngāti Whare within the Whirinaki Conservation Park.

It is known as the place where all the water birds congregate. It is both a sanctuary and nesting place for these birds, and a carefully managed mahinga manu at certain times of the year. Arohaki takes its name from a description of “the taking off of the birds, one by one, circling around”. Ngāti Whare consider the lagoon a Tohu, or sign/marker for the area, that the birdlife navigates from. The nearby hill Pukehina is another Ngāti Whare hunting place, where the old Taupo track ran and where significant camp sites could be found. The fish in the lagoon also provided sustenance, with one of the breeds of kokopu being found there.

Mangawiri Basin

The Mangawiri Basin was an area of extremely dense and ancient totara which was tragically felled in the 1970s, an act that has been described by some as an environmental crime. The trees were so large and close together that the area looked like a cathedral, a place of majesty and beauty. The basin is the headwaters of the Mangawiri Stream, which flows north-east to the Whirinaki River, joining it just before the River enters the Kuhawaea plains. The Mangawiri Basin is within the Whirinaki Conservation Park and is a site of great significance to Ngāti Whare. While originally a rich source of food and resources, it is also a deeply spiritual area being the place most often frequented by the roaming Waewaekau, one of the spiritual guardians or kaitiaki of the wider Te Whāiti-nui-a-Toi area. In ancient times when Ngāti Whare's ancestors walked all over the land they left the turehu (fairy folk) to look after the place. The Waewaekau grew from these long associations and wherever its footprints went it took kaitiaki over the land and still form a part of Ngāti Whare today. The Waewaekau are sometimes described as being half-man and half-beast.

Even today some Ngāti Whare refuse to go to the Mangawiri because of the tapu nature of it, while other Ngāti Whare have hunted there and seen or felt the presence of the Waewaekau. Typically those people who see the Waewaekau are related to them. Their presence can also serve as a Tohu, or sign, about impending death. The Waewaekau serve to protect the taonga of the area.

Korero pakiwaitara about the Waewaekau is remembered by Ngāti Whare today:

He kupu wairua, kapea mai i te ao kohatu
Na nga Waewaekau tipuna i takina ki roto hae pupuri ake
i te mauri tapu ki te hau kainga
anei ra ko Te Whāiti Nui a Toi, whenua kite.

Moe oki oki i koutou e hiki na ki te mate
I te po o rangatira
Aue ko aku kurupounamu
Ngāti Whare hunga korero
Hunga taonga, hunga tangata ki te po.

Other Sites of Significance

There are numerous other sites of great significance to Ngāti Whare within the Whirinaki Conservation Park comprising waahi tapu, pa, kainga and mahinga kai.

These sites include:

- Pā: Okārea, Te Tapiri, Hapuawai, Mahunga Kuri, Oromaitake, Papouri Pā, Tuhoe-Ariki and Te Wairoa.
- Kainga: Kaikihikihi, Manganui, Maukora, Popotehe, Te Pakarutanga, Te Rautaki and Te Waiariki.
- Waahi tapu: Te Wai-Karakia-a-Wharepakau, Te Ana-a-Wharepakau, Te Whare-o-te-Atua and Tupurupuru urupa.
- Mahinga kai: Okurapoto, Otuawairua, Parori, Pukehou, Puketapu, Tangitu, Te Akau, Te Raena/Te Raenga, Whakakirikiri, Hawera and Tiritiri.

2 As part of Ngāti Whare's traditional rohe

Ngāti Whare's traditional rohe encompasses the Whirinaki Conservation Park.

The eponymous ancestor of Ngāti Whare, Wharepakau, with the help of his nephew Tangiharuru conquered the Rangitaiki and Whirinaki districts approximately 16 generations ago.

Wharepakau and Tangiharuru began their migration to the area by travelling from Ahuahu to Wharepuhunga. From there, they moved to Oruamatua, to Otamarakau and then to Te Awa-Tarariki. It was here at Te Awa-Tarariki that they decided to go inland to the Rangitāiki Plains. They followed the Tarawera River from Putauaki mountain to the Rangitaiki River where they defeated Te Marangaranga. They then proceeded inland, following the Rangitaiki River to Tawhiuau mountain. It was here that Wharepakau and Tangiharuru parted company and Wharepakau proceeded further inland, following the Whirinaki River to Te Whāiti Nui-a-Toi. Their conquests throughout their migration resulted in Wharepakau and Tangiharuru occupying the lands between the Whirinaki Valley and the Kaingaroa Plains, including the lands comprising the Whirinaki Conservation Park. From that time, 16 generations ago, to the present day, Ngāti Whare have maintained their associations with these lands.

3 As a pataka kai

Ngāti Whare oral tradition records te takina nekeneke, the migration of whanau and hapu to certain parts of the forest in order to hunt and gather food resources:

Ko ngā tāngata o tērā wā kāre e tino roa i tētahi wāhi ka āhua pau haere ngā kai ka huri ki tētahi wāhi atu. Koinei te takina nekeneke, ana, ko te whai haere i ngā wāhi kai. I timata mai rātau i Tūwatawata, i Minginui ka haramai ki Te Āpū ki Rautahi ki Tauwharekopua. Kua nekeneke haere ki te kimi kāinga i raro o Titokorangi, Wekanui me Rangiahua, i muri mai ka heke haere rātau ki Ngāputahi. I noho hapū rātau ka noho i te taha o ngā awa nei ko Whirinaki, Mangamate me Otuwairua. Mutu ana wā rātau mahi ka whakarāhuitia e rātau aua wāhi kia kore e kōhuruhia te kai kia kore e pau rānō te kai. Mā te tohunga rānō hai mahi i aua wāhi kia kore hoki e tere pau ngā kai.

The people of that time would not stay very long at a particular place and when the food resources were low at that place they would migrate to another area (where the food was more abundant). This is what I mean by how they moved around in groups in search of the food producing forests. They began at Tūwatawata and went on to Minginui and then continued towards Te Āpū, Rautahi and Tauwharekopua. They then moved around (the area) looking for dwelling places below Titokorangi, Wekanui and Rangiahua. After this they descended towards Ngāputahi. They dwelled together in clans and occupied areas beside the rivers like Whirinaki, Mangamate and Otuwairua. When they had finished bird-hunting they placed prohibitions upon those hunting-grounds so that the food resources would not be abused and depleted. It was left for the high-priest to place prohibitions upon those areas so that the food resources could be conserved.

Ngāti Whare oral tradition also records that the blossoming of the forest was, for Ngāti Whare, an indicator of the seasonal calendar:

Ka titiro rātau ki ngā rākau, ki ngā manu, hai tohu mo ngā maramataka. He rerekē te maramataka Māori ki te maramataka Pākeha, ko ngā tohu kē ko te hua o ngā rakau. Kai kona anō ngā tohu ko te haramai o ngā manu o waho pēnei i te koekoeā, te pīpīwharauoa. Ka tau mai rāua ki konei e haruru ana ngā waha, kua pai te mahi kākā, koirā ngā tohu kua mōmona te tuna. Ka wherowhero mai ana te rātā he tohu tēnei mo te hua o ngā kai.

They observed the trees and the birds as signs of the seasonal calendars. The Māori seasonal calendar is different to the Pākeha calendar, there are signs like the blossoming of the trees. There were many other signs that they observed such as the arrival of migratory birds such as the long-tailed cuckoo and the shining cuckoo.

When those two birds land here their voices may be heard loud and clear, and that is a sign that it is the season for hunting the brown parrot and that the eels are fat.

When the rātā tree blossoms this is also a sign that the food (of the forest) is ready.

Ko ngā maramataka o Te Whāiti-nui-a-Toi, ko te nekeneke rārangi tahi, a, i mahi tēnei nekeneke ia rima tau, whitu tau rānei ki Te Whāiti-nui-a-Toi.

The seasonal calendars of Te Whāiti-nui-a-Toi, the rarangi tahi cycle, occurred every five to seven years at Te Whāiti-nui-a-Toi.

Ngāti Whare have always acknowledged that with their use of the Whirinaki Conservation Park comes a responsibility to ensure the protection and maintenance of the resources. This is demonstrated in the following Ngāti Whare whakatauki which is about the seasonal bird-hunting cycle they used to follow:

He whenua pua, ko te puawai o te kai. He whenua puehu, ka kore tātau e kaha ki te tiaki i wēnei whenua, ana ka puehu.

The land which is frequented by birds, this refers to the abundance of the food resources. The land which turns to dust, if we are not careful in conserving our land, the result will be that it will turn to dust.

The traditional practice of te takina nekeneke is an exercise of Ngāti Whare's status and role as kaitiaki.

7.1.3 Purposes of Statutory Acknowledgement

Under section 50, and without limiting the rest of this schedule, the only purposes of this Statutory Acknowledgement are to:

- (a) require that relevant consent authorities, the New Zealand Historic Places Trust, and the Environment Court, to have regard to this Statutory Acknowledgement in relation to the Whirinaki Te Pua-a-Tāne Conservation Park, as provided in sections 51 to 53; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Runanga o Ngāti Whare, as provided in section 55; and
- (c) enable the trustees of Te Rūnanga o Ngāti Whare and any member of Ngāti Whare to cite the Statutory Acknowledgement as evidence of the association of Ngāti Whare with the relevant statutory areas, as provided for in section 56.

7.1.4 Relevant consent authorities to have regard to Statutory Acknowledgement

Under section 51, relevant consent authorities must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, if the trustees of Te Rūnanga o Ngāti Whare are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area for which an application for a resource consent has been made. This requirement does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

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

Under section 52, the Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, if the trustees of Te Rūnanga o Ngāti Whare are persons who have an interest in proceedings that is greater than the interest the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area. This requirement does not limit the obligations of the Environment Court under the Resource Management Act 1991.

Under section 53, if an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area, the Historic Places Trust must have regard to the Statutory Acknowledgement relating to that statutory area in exercising its powers under section 14 of the Historic Places Act 1993.

The Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 any appeal from a decision of the Historic Places Trust in relation to an application for an authority to destroy, damage, or modify an archaeological site within that statutory area, including in determining whether the trustees of Te Rūnanga o Ngāti Whare are persons directly affected by the decision.

In this section, archaeological site has the meaning given to it in section 2 of the Historic Places Act 1993.

7.1.6 Limitations

Except as expressly provided in sections 50 to 53 and 56:

- (a) this Statutory Acknowledgement does not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; and
- (b) no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Ngāti Whare with a statutory area (as described in a statement of association) than that person would give under the relevant legislation or bylaw if no Statutory Acknowledgement or deed of recognition existed in respect of the statutory area.

Except as expressly provided in this Act, the Statutory Acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, the Statutory Acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

7.2 Statutory Acknowledgement for Whirinaki River and its tributaries

7.2.1 Statutory Area

The area to which this Statutory Acknowledgement applies is the Whirinaki River and its tributaries as shown on OTS-095-010.

7.2.2 Statement of Association

Preamble

Under section 49, the Crown acknowledges the statement by Ngāti Whare of the particular cultural, spiritual, historical, and traditional association of Ngāti Whare with the Whirinaki River and its tributaries.

Cultural, spiritual, historical, and traditional association of Ngāti Whare with Statutory Area

Ko Tūwatawata te maunga

Ko Whirinaki te awa

Ko Wharepakau te tangata

Ko Ngāti Whare te iwi

The Whirinaki River, known traditionally as Whirinaki-a-Tāne, originates within and flows through the Whirinaki Conservation Park.

The rohe of Ngāti Whare includes the Whirinaki River and its tributaries. The principal tributaries of the Whirinaki River include the Taumutumutu, Waikakaiti, Waikakanui, Mangamate (upper), Te Waiatiu, Moerangi, Poiatangata, Waikinaki o Wharepakau, Tunakapakapa, Minginui, Mangamate (middle), Lower Okahu, Hukitawa, Tutaengaro, Takahia, Waikotikoti, Upper Okahu, Kopikopiko, Tuwhare, Mangakino, Otaiharuru, Haungaroa and Mangawiri Streams.

The traditions of Ngāti Whare illustrate the cultural, historical and spiritual association of Ngāti Whare to the Whirinaki River, which is sacred to Ngāti Whare. To Ngāti Whare, the Whirinaki River is a single indivisible entity that includes its waters, banks, bed (and all minerals under it) and its streams, waterways, tributaries, fisheries, vegetation, floodplains, wetlands, springs, water column, airspace and substratum as well as its metaphysical being with its own mauri.

Over many generations, Ngāti Whare have developed tikanga which embody their respect for the Whirinaki River and all life and resources within it. The Whirinaki River has customarily had an important role in sustaining the people of Ngāti Whare physically and spiritually.

Ngāti Whare oral tradition is recorded in the following korero:

Ka huri ki te awa tapu o Ngāti Whare, ko Whirinaki. Koinei a Whirinaki-a-Tāne na te mea i timata mai i te Wao-nui-a-Tāne. Nā, i whānau mai ko nga puna wai me nga puna korere, ā, ko nga awaawa koinei ngā tamariki me nga mokopuna a Whirinaki. Ka mene katoa nga awa ki Te Whāiti-nui-a-Toi, ki te riu. Koinei ngā roimata, e tangi ana a Tūwatawata a Moerangi ki wā rāua tamariki kai tenei taha o te awa e noho ana, a Tikorangi, a Maungataniwha a Mapouriki, he tāne katoa. Ka moemoe ratau i nga maunga wāhine i te awa o Okahu ka puta ko Otamapotiki, ko Pokapoka, ko Tapiri, ko Tiritiri, ko Kopuatoto heke atu ki te awa o Mangawiri puta atu ki Te Putakotare. Koinei nga pou rāhui o Te Whāiti-nui-a-Toi. He roimata katoa hoki nga awa nei e tangi ana ki wa raua tamariki.

Turn to the sacred river of Ngāti Whare, Whirinaki. This river is known as Whirinaki-a-Tāne because it originates from the Great Forest of Tāne. It gave birth to the various streams and tributaries, and these streams are the children and grandchildren of Whirinaki. All of the streams congregate at The Grand Canyon of Toi, in the valley. These represent the tears of Tūwatawata and Moerangi who weep for their children who are living on this side of river, namely, Tikorangi, Maungataniwha and Mapouriki, they are all males. They married the female mountains up the Okahu river and begat Otamapōtiki, Pokapoka, Tapiri, Kopuatoto descending down to the Mangawiri river and out to Putakotare. These are sacred landmarks of Te Whāiti-nui-a-Toi. These rivers represent the tears of Tūwatawata and Moerangi who weep for their children.

“The Whirinaki River flows through Te Whāiti-nui-a-Toi Canyon within the Whirinaki Conservation Park. It is one of the most sacred sites of Ngāti Whare. Te Whāiti-nui-a-Toi Canyon is the dwelling place of Hineruarangi, kaitiaki (guardian) of Ngāti Whare. In Te Whāiti-nui-a-Toi Canyon there is cave that belongs to Hineruarangi called *Te Ti Whakamarumarutanga o Hineruarangi* or The Sheltering Palm of Hineruarangi.”

In Ngāti Whare tradition, Hineruarangi is a *tipua*, or a celestial being, and takes the appearance of a white *kawau* (cormorant, commonly known as a shag). When Ngāti Whare see the white shag flying across the Whirinaki Valley, it is a sign that a Ngāti Whare chief is about to pass away or that a disaster is about to befall the tribe.

The Ngāti Whare oral tradition about Hineruarangi is recorded in the following waiata:

Tera ia ko Te Whaiti Nui-a-Toi,
E noho ai te kawau tohu mate tohu aroha
i nga kainga mokemoke o te ngahere
Ka taiawhio te rere ki te hauauru,
Te rua koha e kanapanapa ana i tona uma
E kawe ana i tana kotua ki te tonga o te ra.
Nga tohu mate o te tuai Kerekere
Aue, ko Hineruarangi e.

The water, fisheries and other natural resources that the Whirinaki River and its tributaries sustain are of extreme cultural significance to Ngāti Whare. They contain a number of important awaawa mahinga kai (water resource) sites where kokopu (native trout), koura (freshwater crayfish), tuna (eel), whio (blue mountain duck) and parera (native duck) were customarily caught.

In addition to Te Whāiti-nui-a-Toi Canyon, other sites of significance on the Whirinaki River and its tributaries include Te Takanga-a-Wharepakau, Te Wai-karakia-a-Wharepakau, and Te Ana-a-Wharepakau.

Te Wai-karakia a Wharepakau is a small pool on the Whirinaki River situated north-west of Minginui. The name means “the water where Wharepakau recited his prayers”. It is a place where Wharepakau recited sacred incantations here to invoke the atua.

At a point along the Whirinaki River, northwest of Minginui there are cliffs known as Te Takanga a Wharepakau or Te Rerenga a Wharepakau. This is the point where Wharepakau fell from the cliffs into the river and died.

Te Ana-a-Wharepakau (the cave of Wharepakau) is a cave located at a confluence in the upper Whirinaki River. Wharepakau lived for a time at this cave after his conquest of Te Marangaranga.

7.2.3 Purposes of Statutory Acknowledgement

Under section 50, and without limiting the rest of this schedule, the only purposes of this Statutory Acknowledgement are to:

- (a) require that relevant consent authorities, the New Zealand Historic Places Trust, and the Environment Court, to have regard to this Statutory Acknowledgement in relation to the Whirinaki River and its tributaries, as provided in sections 51 to 53; and
- (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees of Te Runanga o Ngāti Whare, as provided in section 55; and
- (c) enable the trustees of Te Rūnanga o Ngāti Whare and any member of Ngāti Whareto cite the Statutory Acknowledgement as evidence of the association of Ngāti Whare with the relevant statutory areas, as provided for in section 56.

7.2.4 Relevant consent authorities to have regard to Statutory Acknowledgement

Under section 51, relevant consent authorities must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, if the trustees of Te Rūnanga o Ngāti Whare are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area for which an application for a resource consent has been made. This requirement does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

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

Under section 52, the Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, if the trustees of Te Rūnanga o Ngāti Whare are persons who have an interest in proceedings that is greater than the interest the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area. This requirement does not limit the obligations of the Environment Court under the Resource Management Act 1991.

Under section 53, if an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area, the Historic Places Trust must have regard to the Statutory Acknowledgement relating to that statutory area in exercising its powers under section 14 of the Historic Places Act 1993.

The Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 any appeal from a decision of the Historic Places Trust in relation to an application for an authority to destroy, damage, or modify an archaeological site within that statutory area, including in determining whether the trustees of Te Rūnanga o Ngāti Whare are persons directly affected by the decision.

In this section, archaeological site has the meaning given to it in section 2 of the Historic Places Act 1993.

7.2.6 Limitations

Except as expressly provided in sections 50 to 53 and 56:

- (a) this Statutory Acknowledgement does not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; and
- (b) no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Ngāti Whare with a statutory area (as described in a statement of association) than that person would give under the relevant legislation or bylaw if no Statutory Acknowledgement or deed of recognition existed in respect of the statutory area.

Except as expressly provided in this Act, the Statutory Acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, the Statutory Acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

7.3 Statutory Acknowledgement for Specified areas of Te Urewera National Park

7.3.1 Statutory Area

The area to which this Statutory Acknowledgement applies are specified areas of Te Urewera National Park, as shown on OTS-095-022.

7.3.2 Statement of Association

Preamble

Under section 49, the Crown acknowledges the statement by Ngāti Whare of the particular cultural, spiritual, historical, and traditional association of Ngāti Whare with Te Urewera National Park.

Cultural, spiritual, historical, and traditional association of Ngāti Whare with Statutory Area

The following statement of association by Ngāti Whare applies to specified and discrete areas of Te Urewera National Park on the eastern boundary and north-eastern areas of the Area of Interest, as identified in the map at the end of this section, including:

- (a) maunga and wāhi tapu of significance located along the western margin of Te Urewera National Park where it abuts the eastern boundary of the Whirinaki Conservation Park and extending northwards along the Ikawhenua Range; and
- (b) the separate “island” of Te Urewera National Park land which straddles State Highway 38 west of Te Whāiti, adjacent to the Whirinaki Conservation Park and Waikotikoti Marae.

Ngāti Whare's traditional rohe extends eastwards from the Whirinaki Conservation Park to and along the Tarapounamu Ridge, a long-standing boundary corridor between Ngāti Whare and Ngai Tuhoe. The traditions of Ngāti Whare illustrate the cultural, historical and spiritual association of Ngāti Whare to this area and it remains an area of significant importance to Ngāti Whare.

This area of Te Urewera National Park comprises all or part of the following land blocks in which Ngāti Whare has customary interests: Hikurangi-Horomanga, Tawhiuau, Tiritiri, Otairi, Maraetahia, Te Whāiti and Tarapounamu-Matawhero.

The Ngāti Whare hapu with particular customary associations with this area are Ngai Te Au, Ngāti Mahanga, Ngāti Te Karaha, Ngāti Whare ki Nga Potiki, Warahoe ki te Whāiti and Ngāti Hamua ki te Whāiti.

Ngāti Whare's association with this area dates back to the conquest by Wharepakau and Tangiharuru of Te Marangaranga. Following the conquest various Te Marangaranga pā were settled by Ngāti Whare and additional pā and kainga were established in the area by Ngāti Whare. These pā, over which Ngāti Whare view themselves as kaitiaki, include Kokotahi, Otihi, Whareraureku, Oputara, Oirakau, Haere-a-muri, Te Rourou and Popotehe.

The area was abundant with mahinga kai and Ngāti Whare exercised their tikanga of te takina nekeneke - their seasonal hunting practice - throughout the area. As well as permanent occupation sites, there are many waahi tapu and seasonal hunting and food gathering sites in this area.

Over many generations, Ngāti Whare have developed tikanga which embody their respect for the forest and resources within this area, which has always had an important role in sustaining the people of Ngāti Whare physically and spiritually.

Maunga of particular significance to Ngāti Whare within this area include Paewhakataratara, Tarapounamu, Whakaipu, Mapouriki, Maungataniwha, Pukerimu and Tawhiuau.

Awa of particular significance to Ngāti Whare within this area include the Whirinaki River, the Horomanga River, the Okahu Stream, the Waikotikoti Stream and the Kopikopiko Stream.

The nature of Ngāti Whare's particular association with a number of the sites of significance in this area is as follows:

Te Rourou: Te Rourou is where Wharepakau and Tangiharuru encountered and commenced their conquest of Te Marangaranga.

Te Ana Kai-Tangata a Wharepakau: Te Ana Kai-Tangata a Wharepakau (the man eating cave of Wharepakau) is a cave near to Te Rourou. It was at that cave that Wharepakau recited a hypnotic incantation which pacifies the anger within peoples' minds.

Kahurangi: Kahurangi is an urupa associated with Ngāti Whare.

Kaitangikaka: Kaitangikaka was a Ngāti Whare seasonal occupation site associated with bird hunting, particularly kaka and kereru.

Oputara: Oputara is a pā that was occupied by Ngāti Whare after the sacking by Crown forces of Te Harema/Ahikereru in 1869.

Otaiharuru: Otaiharuru is a Ngāti Whare occupation site which contains a urupa.

Popotehe: Popotehe was a kainga pumau or permanent occupation site of Ngāti Whare.

Te Herenga-a-Te Karaha: This is the site where Karaha, descendant of Wharepakau and eponymous ancestor of the Ngāti Te Karaha hapu of Ngāti Whare, was killed.

Te Onepu: Te Onepu was a kainga huihui or gathering place for Ngāti Whare.

Paraparaumu: Paraparaumu is a pā to which Ngāti Whare moved after the second fall of Okārea. It is associated with Te Amo of Ngāti Whare. It was at Paraparaumu that Ngāti Whare entered into a Peace Agreement after the expulsion of Ngāti Pukeko in the 1830s.

Pukerimu: Pukerimu is a bird hunting site where there were tutu, tawa and rimu trees that attracted the kaka.

Otairi kainga: Otairi kainga is a seasonal kainga used by Ngāti Whare for bird hunting. It is associated with the Ngai Te Au hapu of Ngāti Whare.

Paewhakataratara: Paewhakataratara is a mountain range of significance to Ngāti Whare. The associated Ngāti Whare hapu is Ngai Te Au and the awa is Mangamate. Te Au is the man and Hikaparatai is the ancestor.

Tarapounamu: Tarapounamu, which is a mountain range that separates Te Whāiti from Ruatahuna, was the home of Te Whatanui and Tamehana Pihopa of Ngāti Whare. Ngāti Whare oral tradition records that Rakautawhia, an ancestor of Ngāti Whare, hunted *kereru* at Tarapounamu. Fastened to the end of his spear was a piece of *pounamu* or greenstone that acted as its spearhead. Rakautawhia lost the greenstone spearhead when it became lodged in a *kereru* while hunting. The *kereru* flew off and Rakautawhia followed it all the way to Mount Tarawera where he finally caught the bird again and retrieved his greenstone. It is from this episode that Tarapounamu (the greenstone spearhead) received its name.

Otairi: Otairi is a pou rahui and maunga of significance to Ngāti Whare. The associated Ngāti Whare hapu is Ngāti Te Karaha, and the awa are Otaiharuru and Mangakino. Te Karaha is the man and Te Katau is the ancestor.

Tawhiuau: Tawhiuau is a pou rahui and maunga of significance to Ngāti Whare.

Mapouriki: The Mapouriki is a pou rahui and maunga of significance to Ngāti Whare. Mapouriki is a male child of Tūwatawata and Moerangi. This maunga is particularly sacred to the Ngāti Whare hapu of Ngāti Whare ki Nga Potiki. The associated awa is Okahu. Tamatea kai Taharua is the man and Iwi Koru (the son of Wharepakau) is the ancestor.

Maungataniwha: Maungataniwha is a pou rahui and maunga of significance to Ngāti Whare. Maungataniwha is a male child of Tūwatawata and Moerangi and he is their eldest child. It is from the area of Maungataniwha that Ngāti Whare's awa tapu (sacred river) - Te Whirinaki a Tane begins. Maungataniwha's domain is the main pataka kai (food gathering place) for Ngāti Whare.

Te Whare Poupou o te Marama: Te Whare Poupou o te Marama is a high point on a maunga of the same name which rises to an elevation point of 684 metres above sea level. The pā site itself was a pā site of Te Marangaranga and was conquered by Ngāti Whare during the time of Wharepakau. It is also a kainga of Ngāti Whare.

7.3.3 Purposes of Statutory Acknowledgement

Under section 50, and without limiting the rest of this schedule, the only purposes of this Statutory Acknowledgement are to:

- (a) require that relevant consent authorities, the New Zealand Historic Places Trust, and the Environment Court, to have regard to this Statutory Acknowledgement in relation to the Te Urewera National Park, as provided in sections 51 to 53; and
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7.3.5 Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

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The Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 any appeal from a decision of the Historic Places Trust in relation to an application for an authority to destroy, damage, or modify an archaeological site within that statutory area, including in determining whether the trustees of Te Rūnanga o Ngāti Whare are persons directly affected by the decision.

In this section, archaeological site has the meaning given to it in section 2 of the Historic Places Act 1993.

7.3.6 Limitations

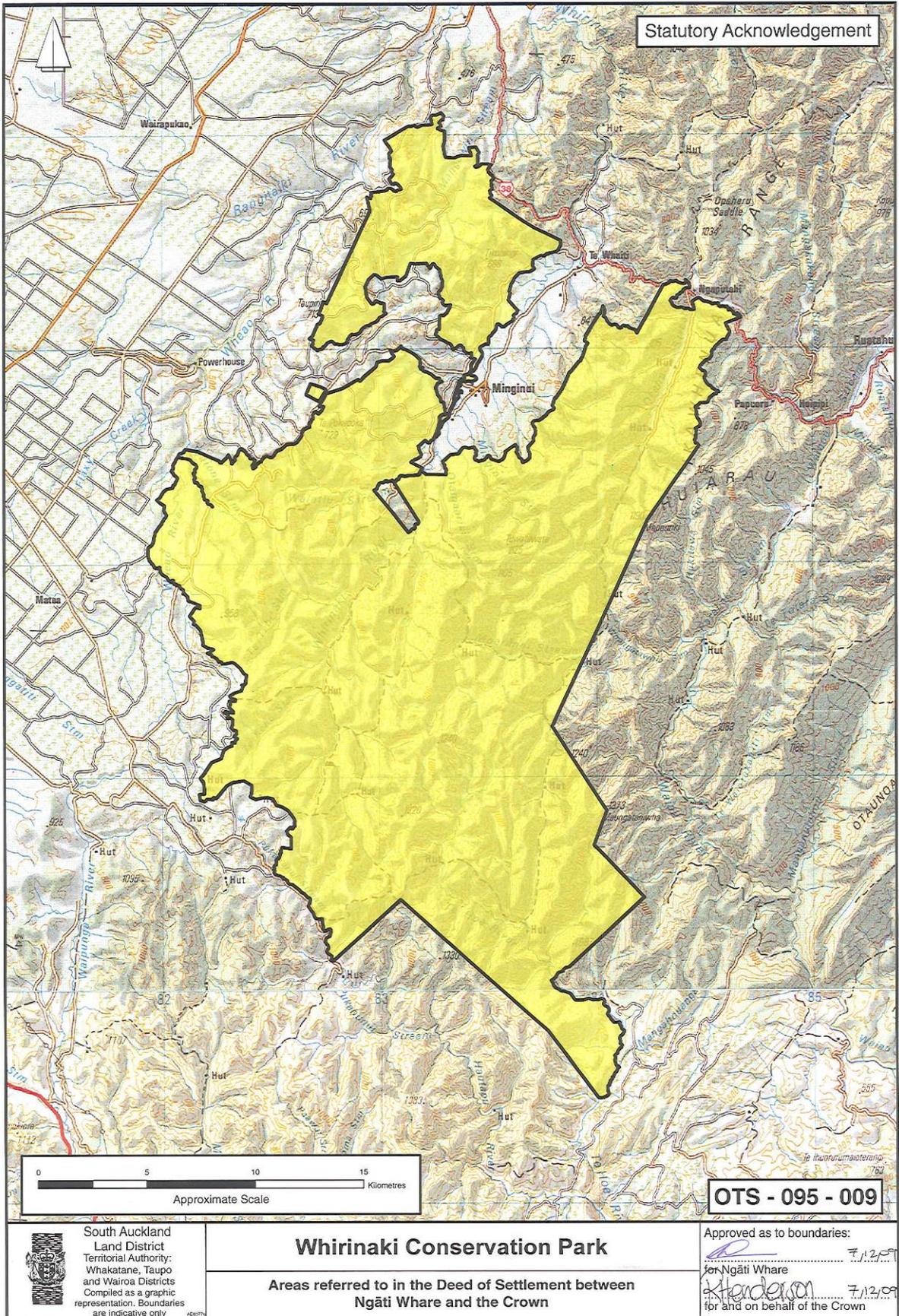
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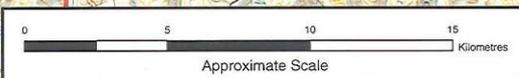
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Except as expressly provided in this Act, the Statutory Acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

7.4 Maps of Ngāti Whare Statutory Areas



Statutory Acknowledgement

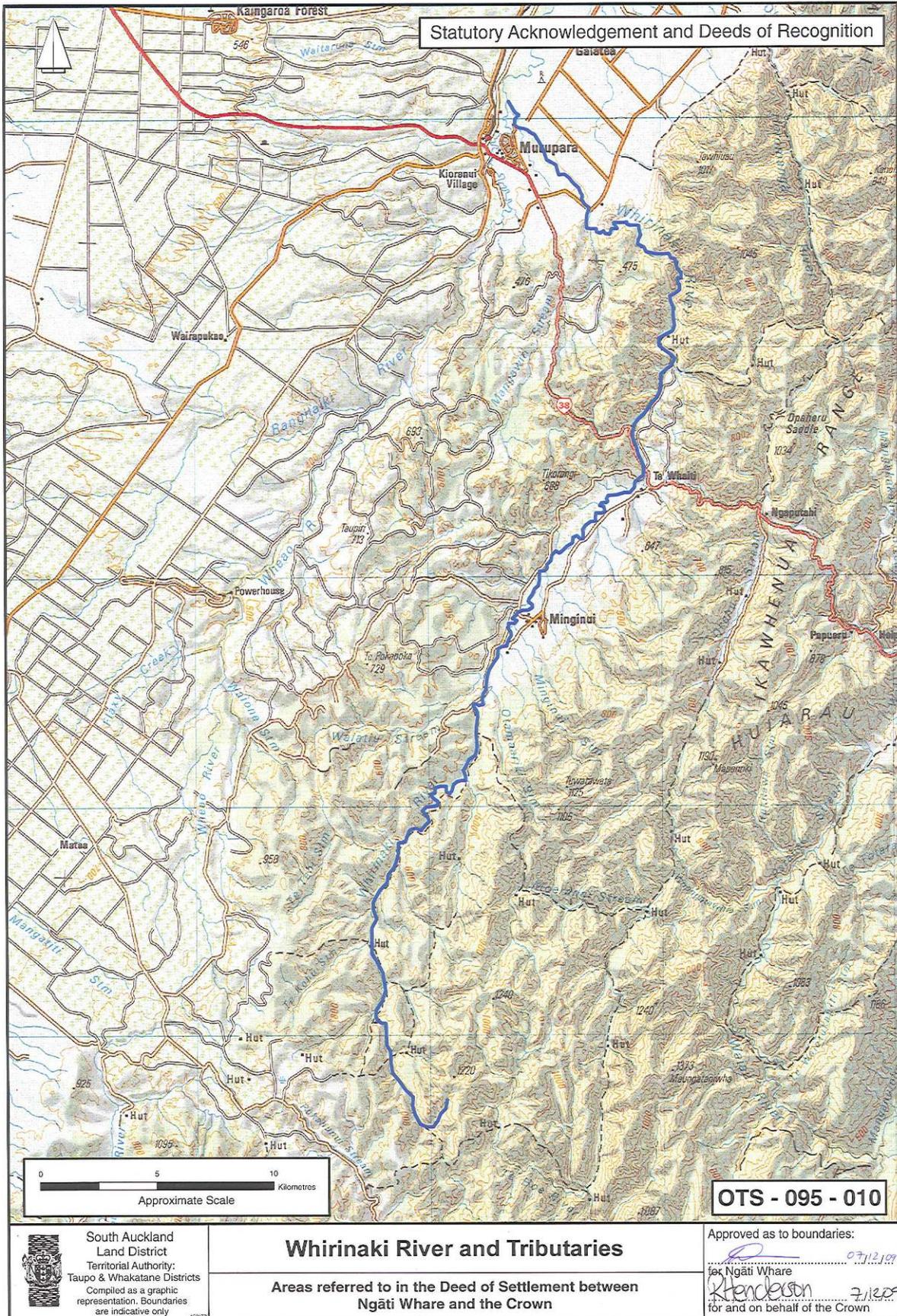


OTS - 095 - 009


 South Auckland
 Land District
 Territorial Authority:
 Whakatane, Taupo
 and Wairoa Districts
 Compiled as a graphic
 representation. Boundaries
 are indicative only.

Whirinaki Conservation Park
 Areas referred to in the Deed of Settlement between
 Ngāti Whare and the Crown

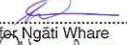
Approved as to boundaries:
 7/12/09
 for Ngāti Whare
 7/12/09
 for and on behalf of the Crown




 South Auckland
 Land District
 Territorial Authority:
 Taupo & Whakatane Districts
 Compiled as a graphic
 representation. Boundaries
 are indicative only.

Whirinaki River and Tributaries

Areas referred to in the Deed of Settlement between
 Ngāti Whare and the Crown

Approved as to boundaries:
 07/12/09
 for Ngāti Whare
 7/12/09
 for and on behalf of the Crown

