

13 Ngāti Rangiteaorere Statutory Acknowledgements

In accordance with Section 36 of the Ngāti Rangiteaorere Claims Settlement Act 2014, 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 Rangiteaorere Claims Settlement Act 2014 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 Rangiteaorere has statutory acknowledgments are set out in the following table:

Statutory Areas	Location
Waiohewa Stream	As shown on OTS-209-54
Lake Rotorua Marginal Strip	As shown on OTS-209-55
Waiohewa Stream Marginal Strip	As shown on OTS-209-56
Tikitere Geothermal Field	As shown on OTS-209-57

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

13.1 Statutory Acknowledgement for Waiohewa Stream

13.1.1 Statutory Area

The area to which this statutory acknowledgement applies is the area known as Waiohewa Stream, as shown on OTS-209-54.

13.1.2 Statement of Association

Preamble

Under Section 31, the Crown acknowledges the statement by Ngāti Rangiteaorere of association with Waiohewa Stream.

Association of Ngāti Rangiteaorere with Statutory Area

Traditionally, several Ngāti Rangiteaorere settlements were located along the banks of the Waiohewa, including Waiohewa Pā, the stronghold of Ngāti Rangiteaorere. Ngāti Rangiteaorere also maintained cultivations along the stream. The Waiohewa Stream itself provided a rich bounty of kōura, kokopu and inanga.

Ngāti Rangiteaorere claim mana over the Waiohewa Stream and the traditions of Ngāti Rangiteaorere affirm the cultural, historical and spiritual importance of the Waiohewa Stream to them. The Waiohewa Stream runs directly beside Ngāti Rangiteaorere's paramount marae, which is also named Waiohewa.

13.1.3 Purposes of Statutory Acknowledgement

Under Section 32, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) To require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to this statutory acknowledgement, in accordance with Sections 33 to 35; and
- (b) To require relevant consent authorities to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with Section 37; and
- (c) To enable the trustees and any member of Ngāti Rangiteaorere to cite the statutory acknowledgement as evidence of the association of Ngāti Rangiteaorere with the statutory area, in accordance with Section 38.

13.1.4 Relevant consent authorities to have regard to Statutory Acknowledgement

Under Section 33, relevant consent authorities must have regard to the statutory acknowledgement relating to a statutory area in deciding, under Section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area.

13.1.5 Environment Court and Heritage New Zealand Pouhere Taonga to have regard to Statutory Acknowledgement

Under Section 34, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under Section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

Under Section 35, if an application is made under Section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within the statutory area, Heritage New Zealand Pouhere Taonga must have regard to the Statutory Acknowledgement relating to the statutory area.

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

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

13.1.6 Limitations

Except as expressly provided for in Sections 32 to 35 and 38:

- (a) This statutory acknowledgement does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw; and

- (b) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Rangiteaorere with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for that statutory area.

The statutory acknowledgement does not:

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

Under Section 42, the statutory acknowledgement applies only to:

- (i) The continuously or intermittently flowing body of fresh water, including a modified watercourse that comprises the river or stream; and
- (ii) The bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream.

The statutory acknowledgement does not apply to:

- (i) A part of the bed of the river or stream that is not owned by the Crown; or
- (ii) An artificial watercourse.

13.2 **Statutory Acknowledgement for Lake Rotorua Marginal Strip**

13.2.1 **Statutory Area**

The area to which this statutory acknowledgement applies is the area known as Lake Rotorua Marginal Strip, as shown on OTS-209-55.

13.2.2 **Statement of Association**

Preamble

Under Section 31, the Crown acknowledges the statement by Ngāti Rangiteaorere of association with Lake Rotorua Marginal Strip.

Association of Ngāti Rangiteaorere with Statutory Area

Traditionally, several Ngāti Rangiteaorere settlements were located along the foreshore. From the foreshore, Ngāti Rangiteaorere accessed Mokoia and their traditional fishing grounds in Lake Rotorua.

The Lake Rotorua foreshore is of great significance to Ngāti Rangiteaorere. For Ngāti Rangiteaorere, maintaining their association with the Lake Rotorua foreshore helps uphold Ngāti Rangiteaorere identity, connects past and present generations, acknowledges inter-tribal relationships, and links the people, the whenua and the moana.

13.2.3 Purposes of Statutory Acknowledgement

Under Section 32, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) To require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to this statutory acknowledgement, in accordance with Sections 33 to 35; and
- (b) To require relevant consent authorities to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with Section 37; and
- (c) To enable the trustees and any member of Ngāti Rangiteaorere to cite the statutory acknowledgement as evidence of the association of Ngāti Rangiteaorere with the statutory area, in accordance with Section 38.

13.2.4 Relevant consent authorities to have regard to Statutory Acknowledgement

Under Section 33, relevant consent authorities must have regard to the statutory acknowledgement relating to a statutory area in deciding, under Section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area.

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

Under Section 34, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under Section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

Under Section 35, if an application is made under Section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within the statutory area, Heritage New Zealand Pouhere Taonga must have regard to the Statutory Acknowledgement relating to the statutory area.

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

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

13.2.6 Limitations

Except as expressly provided for in Sections 32 to 35 and 38:

- (a) This statutory acknowledgement does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw; and

- (b) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Rangiteaorere with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for that statutory area.

The statutory acknowledgement does not:

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

13.3 Statutory Acknowledgement for Waiohewa Stream Marginal Strip

13.3.1 Statutory Area

The area to which this statutory acknowledgement applies is the area known as Waiohewa Stream Marginal Strip, as shown on OTS-209-56.

13.3.2 Statement of Association

Preamble

Under Section 31, the Crown acknowledges the statement by Ngāti Rangiteaorere of association with Waiohewa Stream Marginal Strip.

Association of Ngāti Rangiteaorere with Statutory Area

Traditionally, several Ngāti Rangiteaorere settlements were located along the banks of the Waiohewa, including Waiohewa Pā, the stronghold of Ngāti Rangiteaorere. Ngāti Rangiteaorere also maintained cultivations along the stream. The Waiohewa Stream itself provided a rich bounty of kōura, kokopu and inanga.

Ngāti Rangiteaorere claim mana over the Waiohewa Stream and the traditions of Ngāti Rangiteaorere affirm the cultural, historical and spiritual importance of the Waiohewa Stream to them. The Waiohewa Stream runs directly beside Ngāti Rangiteaorere's paramount marae, which is also named Waiohewa.

13.3.3 Purposes of Statutory Acknowledgement

Under Section 32, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) To require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to this statutory acknowledgement, in accordance with Sections 33 to 35; and
- (b) To require relevant consent authorities to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with Section 37; and
- (c) To enable the trustees and any member of Ngāti Rangiteaorere to cite the statutory acknowledgement as evidence of the association of Ngāti Rangiteaorere with the statutory area, in accordance with Section 38.

13.3.4 **Relevant consent authorities to have regard to Statutory Acknowledgement**

Under Section 33, relevant consent authorities must have regard to the statutory acknowledgement relating to a statutory area in deciding, under Section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area.

13.3.5 **Environment Court and Heritage New Zealand Pouhere Taonga to have regard to Statutory Acknowledgement**

Under Section 34, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under Section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

Under Section 35, if an application is made under Section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within the statutory area, Heritage New Zealand Pouhere Taonga must have regard to the Statutory Acknowledgement relating to the statutory area.

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

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

13.3.6 **Limitations**

Except as expressly provided for in Sections 32 to 35 and 38:

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

The statutory acknowledgement does not:

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

13.4 **Statutory Acknowledgement for Tikitere Geothermal Field**

13.4.1 **Statutory Area**

The area to which this statutory acknowledgement applies is the area known as Tikitere Geothermal Field as shown on OTS-209-57.

13.4.2 **Statement of Association**

Preamble

Under Section 31, the Crown acknowledges the statement by Ngāti Rangiteaorere of association with Tikitere Geothermal Field.

Association of Ngāti Rangiteaorere with Statutory Area

Ngāti Rangiteaorere traditions record that two sisters, Kuiwai and Haungaroa and their younger brother, Tanewhakaraka, brought fire to Aotearoa from Hawaiki to warm their older brother Ngatoroirangi who was caught in a terrible storm on Tongariro. Kuiwai and Haungaroa travelled underground, leaving geothermal heat in the land at the places where they lifted their heads above the surface, including Tikitere. At Tikitere the sisters became separated from Tanewhakaraka who had gone exploring in the ranges. Tanewhakaraka failed to respond to his sisters' calls and with sad hearts Kuiwai and Haungaroa realised they would have to leave their little brother behind playing in the ranges above them. As an act of aroha for their brother, Kuiwai and Haungaroa left the waiariki and ngawha in the Tikitere geothermal field, and on Mokoia Island and they named the ranges where their brother played – Whakapoungakau “our hearts yearn for you”. Tanewhakaraka stayed in the ranges and many of his descendants are Ngāti Rangiteaorere.

Tikitere was a permanent settlement of Ngāti Rangiteaorere from the earliest times. They occupied pā and cultivated the land. They used the hot waters of the springs for cooking, especially tawa berries, and for bathing and medicinal purposes. Urupā are located at several places in the surrounding bush.

One of the ngawha at Tikitere bears the name of Huritini who died by her own hand. Huritini was the daughter of a chief, Rangiteaorere himself in some traditions. Feeling neglected by her husband, she threw herself into a ngawha. Her mother found the korowai belonging to Huritini beside the pool and cried out ‘Aue, e tere nei taku hei tiki’ (Alas, here floats my precious one). The name Tikitere itself is said to reflect this lament. From the pool named after Huritini an expansive cloud of steam known as Te Putanetane-o-Ngāti Rangiteaorere occasionally rises.

Ngāti Rangiteaorere claim mana over Tikitere and have a deep spiritual connection with the Tikitere geothermal resource. They consider it to be a taonga, inherited from the ancestors and the prime economic life force of the iwi. The Tikitere geothermal field affirms Ngāti Rangiteaorere identity, connects past and present generations, acknowledges inter-tribal relationships, and links the people to the whenua and waiariki.

13.4.3 **Purposes of Statutory Acknowledgement**

Under Section 32, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) To require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to this statutory acknowledgement, in accordance with Sections 33 and 34; and
- (b) To require relevant consent authorities to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with Section 37; and
- (c) To enable the trustees and any member of Ngāti Rangiteaorere to cite the statutory acknowledgement as evidence of the association of Ngāti Rangiteaorere with the statutory area, in accordance with Section 38.

13.4.4 **Relevant consent authorities to have regard to Statutory Acknowledgement**

Under Section 33, relevant consent authorities must have regard to the statutory acknowledgement relating to the statutory area in deciding, under Section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting a statutory area.

13.4.5 **Environment Court to have regard to Statutory Acknowledgement**

Under Section 34, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under Section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

13.4.6 **Application of statutory acknowledgement to Tikitere Geothermal Field**

Under Section 40, this statutory acknowledgement:

- (a) Applies to the geothermal energy and geothermal water within the geothermal field; but
- (b) Does not apply to any geothermal energy or geothermal water above land other than land owned by the Crown.

13.4.7 **Limitations**

Except as expressly provided for in Sections 32 to 34, 38 and 40:

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

The statutory acknowledgement does not:

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

13.5 **Maps of Ngāti Rangiteaorere Statutory Areas**

ATTACHMENTS

2: DEED PLANS

**STATUTORY ACKNOWLEDGEMENT FOR
WAIOHEWA STREAM
(OTS-209-54)**



ATTACHMENTS

2: DEED PLANS

STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION FOR
LAKE ROTORUA MARGINAL STRIP
(OTS-209-55)



ATTACHMENTS

STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION FOR
WAIOHEWA STREAM MARGINAL STRIP
(OTS-209-56)



ATTACHMENTS

2: DEED PLANS

STATUTORY ACKNOWLEDGEMENT FOR
TIKITERE GEOTHERMAL FIELD
(OTS-209-57)

