

APPENDIX D: STATUTORY ACKNOWLEDGEMENTS

**Attachment to the Kawerau District Plan
in accordance with**

**Sections 42 & 50 of the Ngati Tuwharetoa (Bay of Plenty) Claims
Settlement Act 2005**

and

Section 45 of the Ngati Awa Claims Settlement Act 2005

Treaty Settlements

A treaty settlement is an agreement between the Crown and an Iwi to give effect to a deed of settlement for all of the Iwi's historical claims against the Crown over land or other resources taken in breach of the Treaty of Waitangi. A claims settlement act formally records an agreed historical account, statutory acknowledgements and an apology from the Crown as well as any cultural, financial and commercial redress.

Statutory Acknowledgements by the Crown

A statutory acknowledgement is a formal recognition by the Crown of the particular cultural, spiritual, historic, and traditional associations that an Iwi has with a statutory area. A statutory area can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area. In the case of the Ngati Tuwharetoa (Bay of Plenty) Settlement, a separate statutory acknowledgment also recognises the Kawerau Geothermal System.

Council is legally obliged to have regard to statutory acknowledgements and to record them on the district plan.

Consent Authorities and Statutory Acknowledgements

Consent authorities must have regard to a statutory acknowledgement in forming an opinion in accordance with Sections 93 to 94C of the Resource Management Act 1991 (RMA) as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, a statutory area or the Kawerau Geothermal System.

A governance entity is an organisation that represents an Iwi and is recognised by the Iwi as having authority to do so.

Recording Statutory Acknowledgements on Statutory Plans

Kawerau District Council has jurisdiction over the territorial area that includes parts of the statutory areas listed and the Kawerau Geothermal System and must attach information to the district plan recording the statutory acknowledgements. The

attachment of information is for the purpose of public information only, and the information is not required to be part of the district plan or subject to the provisions of the First Schedule of the RMA.

Information Records for Statutory Acknowledgements attached to Kawerau District Plan

There are three statutory acknowledgements relating to areas within the Kawerau District. These are as follows:

Ngati Tuwharetoa Claims Settlement

- **Tarawera River from the lower reach of the Tarawera Falls**
- **Kawerau Geothermal System**

Ngati Awa Claims Settlement

- **Tarawera River from the confluence with Mangakotukutuku Stream**

The Ngati Tuwharetoa (Bay of Plenty) governance entity is the Ngati Tuwharetoa (Bay of Plenty) Settlement Trust.

The Ngati Awa governance entity is Te Runanga o Ngati Awa.

Statutory Acknowledgement for Tarawera River – Ngati Tuwharetoa (Bay of Plenty)

Reference: Subpart 3 of Part 4 and Schedules 3 & 8 of the Ngati Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005

Statutory area

The area to which this statutory acknowledgement applies is the River known as the Tarawera River, as shown on SO 61729, South Auckland Land District (refer Appendix 1)

Preamble

Under Section 37, the Crown acknowledges the statement by Ngati Tuwharetoa (Bay of Plenty) of the cultural, spiritual, historical, and traditional association of Ngati Tuwharetoa (Bay of Plenty) with the Tarawera River as set out below.

Cultural, spiritual, historical, and traditional association of Ngati Tuwharetoa (Bay of Plenty) with statutory area

Ko Putauaki te Maunga, ko Te Takanga i o Apa te Awa, ko Te Aotahi te Tangata, ko Ngati Tuwharetoa (Bay of Plenty) te iwi. Before the 1886 Mount Tarawera eruption, the Tarawera River flowed down the valley through what is now Kawerau. The area was once marshlands; a number of streams flowed through the swamps to join the Tarawera River. After the eruption, the Tarawera River changed course several times. This occurred as a result of flooding and through the efforts of settlers to prevent the river encroaching on surrounding land. Near the coast the Tarawera River merged with other rivers and flowed into the sea at Te Awa a Te Atua.

The traditional name of Ngati Tuwharetoa (Bay of Plenty) for the Tarawera River was Takanga-i-o-Apa, which means “the falling of Apa”. Apa was an original inhabitant of the area who lived south of Putauaki. Once he encountered a moa - a pet of the local Tuwharetoa people. The bird was resting on one leg with its mouth open facing the southern wind. Upon seeing the bird, Apa crept slowly towards the resting bird and struck at the exposed leg. Immediately the bird struck out with the leg that was drawn up and knocked Apa over the cliff. The injury Apa received was a broken leg and subsequently he became known as Apa-Koke (which means “Apa limping”).

The Tarawera River was a key resource for Ngati Tuwharetoa (Bay of Plenty). The iwi living along the banks of the Tarawera River were spiritually and emotionally bound to and physically sustained by its waters. Healing ceremonies were held by and in the river. All the families grew up around the river and played together in and along the river. Along the riverbanks hot springs and baths were dug and used communally. It was a very special way of life.

Canoes were the only mode of transport used on the river, because it flowed through a huge swamp area. Many hapu had secret canals linked to the river where they could quickly escape from invading tribes. The people used large canoes for reclamation work to supply building materials and shifting dirt. The reclamation work was done to enlarge islands for smaller canoes for everyday use. Ngati Tuwharetoa (Bay of Plenty) people used the river for travelling long distances to tangi and other events; sometimes journeys could last well into the night as the travellers negotiated the many well-known waterways.

The Tarawera River was a very important source of food and raw materials for the Ngati Tuwharetoa (Bay of Plenty) people who lived along its banks. The river provided the people with plentiful supplies of fish, watercress, koura (freshwater crayfish), and kakahi (fresh-water mussels), which were considered a delicacy. Eels were caught in the river, particularly matamoe (a black migratory eel) and rino (an eel with a silver belly). The great paewai eel also lived in the river. It is said that if one catches this type of eel it is a bad omen. Along the river banks the people gathered toetoe and ti whanake (cabbage tree) leaves (for use in cooking baskets), harakeke (flax-for food, medicine, and weaving), and raupo (for thatching of houses).

The Tarawera River ran like a thread through every family living along its banks.

Purposes of statutory acknowledgement

Under Section 38, and without limiting the rest of this schedule, the only 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 39 to 41; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the governance entity as provided in Section 43; and

(c) to enable the governance entity and any member of Ngati Tuwharetoa (Bay of Plenty) to cite this statutory acknowledgement as evidence of the association of Ngati Tuwharetoa (Bay of Plenty) with the Tarawera River as provided in Section 44.

In this statutory acknowledgement “river” -

(a) means -

- (i) a continuously or intermittently flowing body of fresh water including a stream and modified watercourse; and
- (ii) the bed of the river; but

(b) does not include -

- (i) any artificial watercourse; or
- (ii) any part of the bed of the river which is not owned by the Crown; or
- (iii) any land which the waters of the river do not cover at its fullest flow without overlapping its banks; or
- (iv) any tributary flowing into the river.

Limitations on effect of statutory acknowledgement

Except as expressly provided in Sections 39 to 41, -

- (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) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to the association of Ngati Tuwharetoa (Bay of Plenty) 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.

No limitation on Crown

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Tarawera River to persons other than Ngati Tuwharetoa (Bay of Plenty) or a representative entity.

Geothermal Statutory Acknowledgement – Ngati Tuwharetoa (Bay of Plenty)

Reference: Subpart 3 of Part 4 and Schedule 3 of the Ngati Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005

Interpretation

“geothermal energy and geothermal water” -

- (a) have the same meanings as in Section 2(1) of the Resource RMA; but
- (b) for the purposes of paragraph (a), do not include any geothermal energy or geothermal water above the ground on land that is not owned by the Crown

“Kawerau Geothermal system” means the geothermal system within the boundary generally indicated on SO 61730 South Auckland Land District (refer Appendix 2).

Preamble

Under Section 46, the Crown acknowledges the statements made by Ngati Tuwharetoa (Bay of Plenty) of their particular cultural, spiritual, historical, and traditional association with, and use of, the geothermal energy and geothermal water located in the Kawerau Geothermal system as set out in Schedule 5.16 of the deed of settlement.

Cultural, spiritual, historical, and traditional association of Ngati Tuwharetoa (Bay of Plenty) with the Geothermal Energy and Geothermal Water located in the Kawerau Geothermal System

The geothermal resource is a taonga for Ngati Tuwharetoa. Ngati Tuwharetoa attribute the origins of the Geothermal Energy and Geothermal Water in the Kawerau Geothermal System to their great ancestor Ngatoroirangi, high priest of the Arawa waka.

When Ngatoroirangi travelled inland and reached the summit of Tongariro, the intense cold began to weaken him. At once he called to his two sisters, Kuiwai and Hauhangaroa in Hawaiiiki to help him by sending fire. They heard his cry and sent the gods of fire, Pupu and Te Hoata, who journeyed under the sea and the land to assist him.

Throughout the journey they would surface and it was at these places that they left part of the fire – Whakaari (White Island), Moutohora (Whale Island), Okakaru (Parimahana), Tarawera, Orakei, Taupo and Turangi.

When the fire gods reached Tongariro, Ngatoroirangi immediately threw one of his sacred stones to the ground. Where it landed a volcano was created. He then grabbed and lifted his slave, Ngaruahoe, and threw him into the volcano as an offering to the fire gods.

Tuwharetoa was a direct descendant of Ngatoroirangi. For Tuwharetoa people, the presence of the geothermal resource constantly reaffirmed the existence and authority of Kuiwai, Haungaroa and the gods of fire, Pupu and Te Hoata.

The people of Ngati Tuwharetoa traditionally used the Geothermal Water and Geothermal Energy located in the Kawerau Geothermal System in many ways. Indeed, this resource was one of the prime reasons for Ngati Tuwharetoa people settling in the Kawerau area. Prior to the industrial development in Kawerau, and the development of

the geothermal field, Ngati Tuwharetoa people were still extensively using the geothermal resource for many purposes.

The Geothermal Energy and Geothermal Water in the plentiful thermal lakes, rivers and hot springs were used extensively for bathing, cooking, raising of eels and fish, recuperation and healing, and the early generation of kumara and general horticulture.

The natural heating from the geothermal activity provided places suitable for growing kumara seedling, which thrived on dry warm land. The steam was also used for cooking (similar to a hangi) and for warmth. During the winter months the sulphur was used for medicine (rongoa) to heal people with open sores; a small amount absorbed in wild honey was taken internally as a rongoa. Children with hakihaki (sores) were made to sit or lie in warm mud for half an hour or more as a cure.

On cold nights the people would dig shallow holes and place manuka or aruhe (ferns) leaves down. With the steam filtering through the bedding they would lie down in the warmth.

Purposes of geothermal statutory acknowledgement

- (1) The only purposes of the geothermal statutory acknowledgement are -
- (a) to require relevant consent authorities and the Environment Court to have regard to the geothermal statutory acknowledgement, as provided for in Sections 48 and 49; and
 - (b) to require relevant consent authorities to forward summaries of certain kinds of resource consent applications to the governance entity, as provided for in Section 51; and
 - (c) to enable the governance entity and a member of Ngati Tuwharetoa to cite the geothermal statutory acknowledgement as evidence of the association of Ngati Tuwharetoa (Bay of Plenty) with, and use by Ngati Tuwharetoa (Bay of Plenty) of, the geothermal energy and geothermal water located in the Kawerau Geothermal system, as provided for in Section 52.

Limitations on effect of Geothermal Statutory Acknowledgement

Except as expressly provided in Sections 48 to 50, -

- (a) this geothermal 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) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to the association of Ngati Tuwharetoa (Bay of Plenty) with the Geothermal Water and the Geothermal Energy located in the Kawerau Geothermal System than that person or entity would give under the relevant statute, regulation, or bylaw if this geothermal 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 Geothermal Water or the Geothermal Energy located in the Kawerau Geothermal System, or the Kawerau Geothermal System itself.

No limitation on Crown

The existence of this geothermal statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Geothermal Water or the Geothermal Energy located in the Kawerau Geothermal System to persons other than Ngati Tuwharetoa (Bay of Plenty) or a representative entity.

Statutory Acknowledgement for Tarawera River – Ngati Awa

Reference: Subpart 3 of Part 4 and Schedules 3 & 12 of the Ngati Awa Claims Settlement Act 2005.

Statutory area

The area to which this statutory acknowledgement applies (statutory area) is the river known as the Tarawera River, as shown on SO 61403, South Auckland Land District (refer Appendix 3).

Preamble

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

Cultural, spiritual, historical, and traditional association of Ngati Awa with statutory area

The traditions of Ngati Awa illustrate the cultural, historical, and spiritual association of Ngati Awa to the Tarawera River. For Ngati 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 Ngati Awa.

The Tarawera River was created by the tears of Tarawera. Tarawera yearned for her husband, Putauaki, who left her for the island of Moutohora. In ancient times before the arrival of the waka Mataatua, the banks of the Tarawera River were inhabited by ancestors of Ngati 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, hapu such as Ngai Te Rangihouhiri II, Ngati Hikakino, and Te Tawera utilised the resources of the river and occupied its banks.

A number of tipua (guardian spirits) and taniwha of special significance to Ngati Awa inhabited the Tarawera River. Taratua was one such taniwha. This feared taniwha of Ngati 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 Ngati Awa named Iratumoana. The story of Taratua is well known and features the Ngati Awa tipuna Iratumoana, 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 Mataatua 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 Mataatua 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 Ngati Awa lived in many villages located along the banks of the Tarawera River. The riverbanks thus became the repository of many koiwi tangata. Urupa are the resting places of Ngati Awa tipuna and as such, are the focus of whanau traditions. Urupa and wain tapu are places holding the memories, traditions, victories, and defeats of Ngati 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 Ngati Awa whanui to the Tarawera River.

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

Te Tatau o Hape is another wahi tapu of Ngati Awa at the Tarawera Falls. Hape was a great ancestor of Ngati 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 Maori 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 Ngati Awa people both prior to and since the arrival of the Mataatua waka. Ngati Awa people resided in a number of pa sites located along the riverbank. Such sites are significant to Ngati Awa and illustrate Ngati Awa connections to the Tarawera River. A sacred pa site along the Tarawera River is Parawai. Parawai was one of the pa of Te Tawera hapu of Ngati Awa. Parawai was the site of many battles between Ngati Awa and other iwi. Another important pa of Ngati Awa was Te Kohika. This was located toward the coast and near the island pa of Te Matata and Omarupotiki and was used to access the reefs at the mouth of the river.

Omataroro was another important Ngati Awa pa near the Tarawera River. Ngati Awa watched over and protected the Tarawera River from such pa.

From time to time other hapu such as Ngati Pukeko and Ngati Hamua also lived along the Tarawera River near its mouth.

The Tarawera River provided an abundance of fish, eels, kakahi, and whitebait for the hapu of Ngati Awa. The junction of the Waikamihī Stream and the Tarawera River was an important fishing location for whitebait, eels, and other fish for Te Tawera hapu of Ngati Awa. As well as being an abundant source of food for the hapu of Ngati 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 Okauneke.

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 hapu of Ngati Awa today.

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 Ngati Awa governance entity as provided in Section 46; and
- (c) to enable the Ngati Awa governance entity and any member of Ngati Awa to cite this statutory acknowledgement as evidence of the association of Ngati Awa to the Tarawera River as provided in Section 47.

In this statutory acknowledgement, river -

(a) means -

- (i) a continuously or intermittently flowing body of fresh water, including a stream and modified watercourse, and
- (ii) the bed of the river; but

(b) does not include -

- (i) any artificial watercourse; or
- (ii) any part of the bed of the river that is not owned by the Crown; or
- (iii) any land that the waters of the river do not cover at its fullest flow without overlapping its banks; or
- (iv) any tributary flowing into the river.

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 Ngati 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.

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 Ngati Awa or a representative entity.

Extracts from Ngati Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005

37. Statutory acknowledgements by the Crown

The Crown acknowledges the statements made by Ngati Tuwharetoa (Bay of Plenty) of the particular cultural, spiritual, historical, and traditional association of Ngati Tuwharetoa (Bay of Plenty) with the statutory areas listed in Schedule 3, the texts of which are set out in Schedules 4 to 8.

38. Purposes of statutory acknowledgements

- (1) The only purposes of the statutory acknowledgements are -
 - (a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgements, as provided for in Sections 39 to 41; and
 - (b) to require relevant consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in Section 43; and
 - (c) to enable the governance entity and a member of Ngati Tuwharetoa (Bay of Plenty) to cite the statutory acknowledgements as evidence of the association of Ngati Tuwharetoa (Bay of Plenty) with the relevant statutory areas, as provided for in Section 44; and
 - (d) provide a statement by Ngati Tuwharetoa (Bay of Plenty) for inclusion in a deed of recognition of the association of Ngati Tuwharetoa (Bay of Plenty) with a statutory area.
- (2) This section does not limit the operation of Sections 59 to 62.

39. Relevant consent authorities to have regard to statutory acknowledgements

- (1) From the effective date, a relevant consent authority must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with Sections 93 to 94C of the Resource Management Act 1991 as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area.
- (2) Subsection (1) does not limit the obligations of a relevant consent authority under Part 2 of the Resource Management Act 1991.

42. Recording statutory acknowledgements on statutory plans

- (1) From the effective date, relevant consent authorities must attach information recording a statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area.
- (2) The attachment of information under subsection (1) to a statutory plan -
 - (a) may be by reference to this subpart or by setting out the statutory acknowledgement in full; and

- (b) is for the purpose of public information only, and the information is not -
 - (i) part of the statutory plan (unless adopted by the relevant consent authority); or
 - (ii) subject to the provisions of Schedule [1](#) of the Resource Management Act 1991.

43. Distribution of resource consent applications to governance entity

- (1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the governance entity a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on a statutory area.
- (2) The information provided under subsection (1) must be -
 - (a) the same as would be provided under Section 93 of the Resource Management Act 1991 to persons likely to be adversely affected, or any other information that may be agreed between the governance entity and the relevant consent authority; and
 - (b) provided as soon as is reasonably practicable after the application is received, and before a determination is made under Sections 93 to 94C of the Resource Management Act 1991
- (3) The governance entity may, by notice in writing to a relevant consent authority, -
 - (a) waive its rights to be notified under this section; and
 - (b) state the scope of that waiver.
- (4) This section does not affect the obligation of a relevant consent authority to -
 - (a) notify an application in accordance with Sections 93 to 94C of the Resource Management Act 1991:
 - (b) form an opinion as to whether the governance entity is a person that is likely to be adversely affected under those sections.

44. Use of statutory acknowledgement

- (1) The governance entity and a member of Ngati Tuwharetoa (Bay of Plenty) may, as evidence of the association of Ngati Tuwharetoa (Bay of Plenty) with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a relevant consent authority, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or impacting directly on the statutory area.
- (2) The content of the statement of association, as recorded in the statutory acknowledgement, is not, by virtue of the statutory acknowledgement, binding as deemed fact on -
 - (a) relevant consent authorities:
 - (b) the Environment Court:
 - (c) the Historic Places Trust:

- (d) parties to proceedings before those bodies:
 - (e) any other person able to participate in those proceedings.
- (3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.
 - (4) Neither the governance entity nor a member of Ngati Tuwharetoa (Bay of Plenty) is precluded from stating that Ngati Tuwharetoa (Bay of Plenty) have an association with a statutory area that is not described in the statutory acknowledgement.
 - (5) The content and existence of the statutory acknowledgement do not limit a statement made under subsection (4).

Geothermal Statutory Acknowledgement

45. Interpretation

In this subpart -

“geothermal energy and geothermal water” -

- (a) have the same meanings as in Section 2(1) of the Resource Management Act 1991; but
- (b) for the purposes of paragraph (a), do not include any geothermal energy or geothermal water above the ground on land that is not owned by the Crown

“geothermal statutory acknowledgement” means an acknowledgement made by the Crown under Section 46 in respect of the geothermal energy and geothermal water located in the Kawerau Geothermal system on the terms set out in Schedule 5.16 of the deed of settlement

“Kawerau Geothermal system” means the geothermal system within the boundary generally indicated on SO 61730 South Auckland Land District.

46. Geothermal statutory acknowledgement by the Crown

The Crown acknowledges the statements made by Ngati Tuwharetoa (Bay of Plenty) of their particular cultural, spiritual, historical, and traditional association with, and use of, the geothermal energy and geothermal water located in the Kawerau Geothermal system as set out in Schedule 5.16 of the deed of settlement.

47. Purposes of geothermal statutory acknowledgement

(1) The only purposes of the geothermal statutory acknowledgement are -

- (a) to require relevant consent authorities and the Environment Court to have regard to the geothermal statutory acknowledgement, as provided for in Sections 48 and 49; and
- (b) to require relevant consent authorities to forward summaries of certain kinds of resource consent applications to the governance entity, as provided for in Section 51; and

- (c) to enable the governance entity and a member of Ngati Tuwharetoa to cite the geothermal statutory acknowledgement as evidence of the association of Ngati Tuwharetoa (Bay of Plenty) with, and use by Ngati Tuwharetoa (Bay of Plenty) of, the geothermal energy and geothermal water located in the Kawerau Geothermal system, as provided for in Section 52.
- (2) This section does not limit the operation of Sections 59 to 62.

48. Relevant consent authorities to have regard to geothermal statutory acknowledgement

- (1) From the effective date, a relevant consent authority must have regard to the geothermal statutory acknowledgement relating to the Kawerau Geothermal system in forming an opinion in accordance with Sections 93 to 94C of the Resource Management Act 1991 as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent in respect of the geothermal energy or geothermal water located in the Kawerau Geothermal system.
- (2) Subsection (1) does not limit the obligations of a consent authority under Part 2 of the Resource Management Act 1991.

50. Recording geothermal statutory acknowledgement on statutory plans

- (1) From the effective date, relevant consent authorities must attach to all statutory plans that cover wholly or partly the Kawerau Geothermal system information recording the geothermal statutory acknowledgement.
- (2) The attachment of information under subsection (1) to a statutory plan -
 - (a) may be by reference to this subpart or by setting out the geothermal statutory acknowledgement in full; and
 - (b) is for the purpose of public information only, and the information is not -
 - (i) part of the statutory plan (unless adopted by the relevant consent authority); or
 - (ii) subject to the provisions of the Schedule [1](#) of the Resource Management Act 1991.

51. Distribution of resource consent applications to governance entity

- (1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the governance entity a summary of resource consent applications received by that consent authority in respect of the geothermal energy or geothermal water located in the Kawerau Geothermal system.
- (2) The information provided under subsection (1) must be -
 - (a) the same as would be given under Section 93 of the Resource Management Act 1991 to persons likely to be adversely affected, or any other information that may be agreed between the governance entity and the relevant consent authority; and

- (b) provided as soon as reasonably practicable after the application is received, and before a determination is made under Sections 93 to 94C of the Resource Management Act 1991.
- (3) The governance entity may, by notice in writing to a relevant consent authority, -
 - (a) waive its rights to be notified under this section; and
 - (b) state the scope of that waiver.
- (4) This section does not affect the discretion of a relevant consent authority to -
 - (a) notify an application under Sections 93 to 94C of the Resource Management Act 1991:
 - (b) determine whether the governance entity is a person who may be adversely affected under those sections.

52. Use of geothermal statutory acknowledgement

- (1) The governance entity and a member of Ngati Tuwharetoa (Bay of Plenty) may, as evidence of the association of Ngati Tuwharetoa (Bay of Plenty) with, and use by Ngati Tuwharetoa (Bay of Plenty) of, the geothermal energy and geothermal water located in the Kawerau Geothermal system, cite the geothermal statutory acknowledgement in submissions to, and in proceedings before, a consent authority or the Environment Court concerning the taking, use, damming, or diverting of any geothermal energy or geothermal water from a site located in the Kawerau Geothermal system.
- (2) The content of the statement of association, as recorded in the geothermal statutory acknowledgement, is not, by virtue of the acknowledgement, binding as deemed fact on -
 - (a) consent authorities:
 - (b) the Environment Court:
 - (c) parties to proceedings before those bodies:
 - (d) any other person able to participate in those proceedings
- (3) Despite subsection (2), the geothermal statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.
- (4) Neither the governance entity nor a member of Ngati Tuwharetoa (Bay of Plenty) is precluded from stating that Ngati Tuwharetoa (Bay of Plenty) has an association with the geothermal energy or geothermal water located in the Kawerau Geothermal system that is not described in the geothermal statutory acknowledgement.
- (5) The content and existence of the geothermal statutory acknowledgement do not limit a statement made under subsection (4).

Extracts from Ngati Awa Claims Settlement Act 2005

40. Statutory acknowledgements by the Crown

The Crown acknowledges the statements made by Ngati Awa of the particular cultural, spiritual, historical, and traditional association of Ngati Awa with the statutory areas listed in Parts 1 and 2 of Schedule 3, the texts of which are set out in Schedules 4 to 14.

41. Purposes of statutory acknowledgements

- (1) The only purposes of the statutory acknowledgements are -
 - (a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgements, as provided for in Sections 42 to 44; and
 - (b) to require relevant consent authorities to forward summaries of resource consent applications to the Ngati Awa governance entity, as provided for in Section 46; and
 - (c) to enable the Ngati Awa governance entity and a member of Ngati Awa to cite the statutory acknowledgements as evidence of the association of Ngati Awa with the relevant statutory areas, as provided for in Section 47; and
 - (d) to provide a statement by Ngati Awa, for inclusion in a deed of recognition, of the association of Ngati Awa with a statutory area.
- (2) This section does not limit the operation of Sections 54 to 57.

42. Consent authorities must have regard to statutory acknowledgements

- (1) From the effective date, a relevant consent authority must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with Sections 93 to 94C of the Resource Management Act 1991 as to whether the Ngati Awa governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area.
- (2) Subsection (1) does not limit the obligations of a relevant consent authority under Part 2 of the Resource Management Act 1991.

45. Recording statutory acknowledgements on statutory plans

- (1) From the effective date, local authorities with jurisdiction in an area that includes a statutory area must attach information recording a statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area.
- (2) The attachment of information under subsection (1) to a statutory plan -
 - (a) may be by reference to this subpart or by setting out the statutory acknowledgement in full; and
 - (b) is for the purpose of public information only, and the information is not -
 - (i) part of the statutory plan (unless adopted by the relevant local authority); or
 - (ii) subject to the provisions of the Schedule 1 of the Resource Management Act 1991.
- (3) In this section, statutory plan -

- (a) means a district plan, proposed plan, regional coastal plan, regional plan, or regional policy statement as defined in Section 2(1) of the Resource Management Act 1991; and
- (b) includes a proposed policy statement provided for in Schedule 1 of the Resource Management Act 1991.

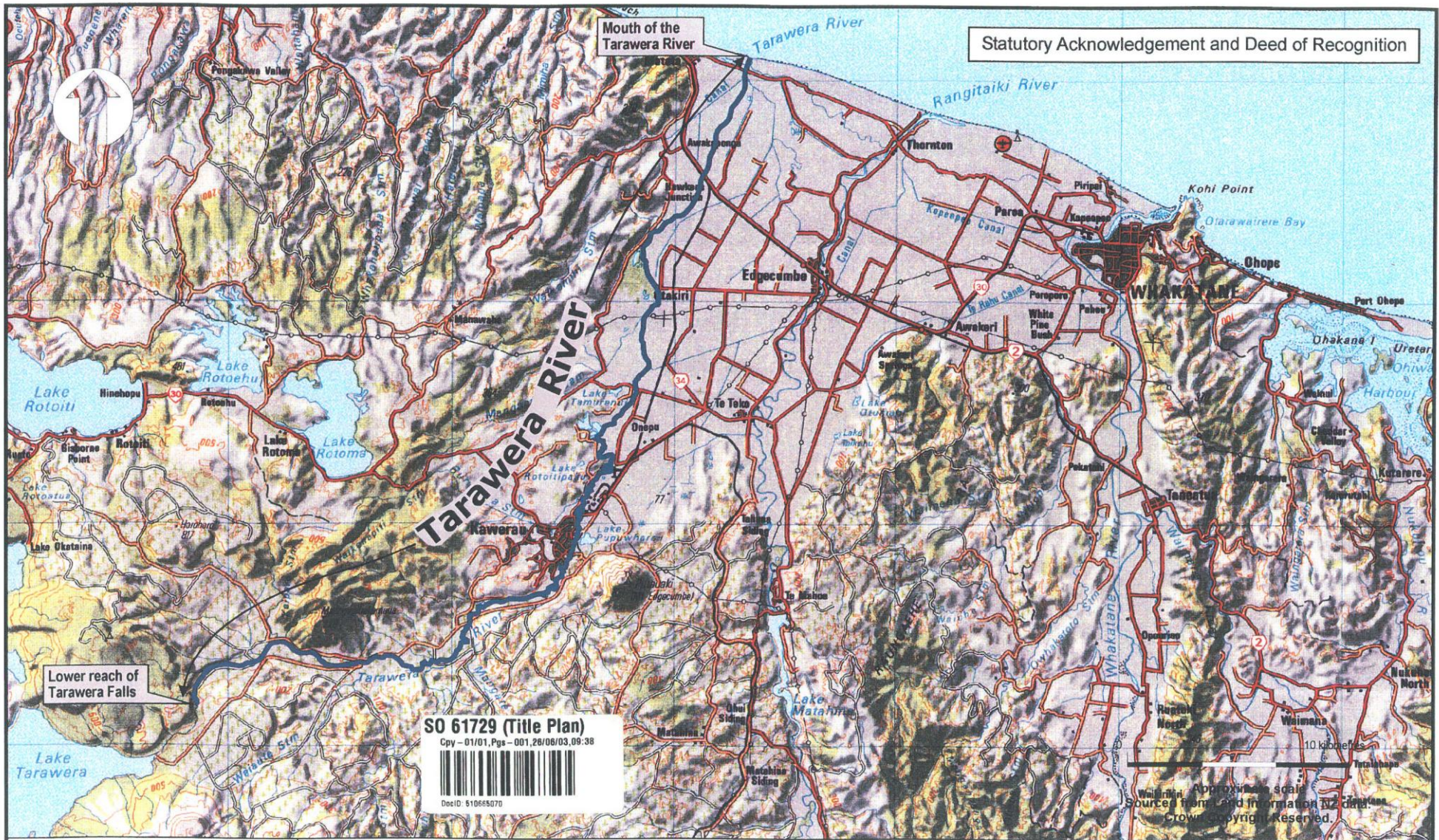
46. Distribution of resource consent applications to Ngati Awa governance entity

- (1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the Ngati Awa governance entity a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on a statutory area.
- (2) The information provided under subsection (1) must be -
 - (a) the same as would be given under Section 93 of the Resource Management Act 1991 to persons likely to be adversely affected, or as may be agreed between the Ngati Awa governance entity and the relevant consent authority; and
 - (b) provided as soon as is reasonably practicable after the application is received, and before a determination is made in accordance with Sections 93 to 94C of the Resource Management Act 1991.
- (3) The Ngati Awa governance entity may, by notice in writing to a relevant consent authority, -
 - (a) waive its rights to be notified under this section; and
 - (b) state the scope of that waiver.
- (4) This section does not affect the obligation of a consent authority to -
 - (a) notify an application in accordance with Sections 93 to 94C of the Resource Management Act 1991:
 - (b) form an opinion as to whether the Ngati Awa governance entity is a person that is likely to be adversely affected under those sections.

47. Use of statutory acknowledgement

- (1) The Ngati Awa governance entity and a member of Ngati Awa may, as evidence of the association of Ngati Awa with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a relevant consent authority, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or impacting directly on the statutory area.
- (2) The content of the statement of association, as recorded in the statutory acknowledgement, is not, by virtue of the statutory acknowledgement, binding as deemed fact on -
 - (a) relevant consent authorities:
 - (b) the Environment Court:
 - (c) the Historic Places Trust:

- (d) parties to proceedings before those bodies:
 - (e) any other person able to participate in those proceedings.
- (3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.
 - (4) Neither the Ngati Awa governance entity nor a member of Ngati Awa is precluded from stating that Ngati Awa has an association with a statutory area that is not described in the statutory acknowledgement.
 - (5) The content and existence of the statutory acknowledgement do not limit a statement made under subsection (4).



Statutory Acknowledgement and Deed of Recognition

Mouth of the Tarawera River

Lower reach of Tarawera Falls

SO 61729 (Title Plan)
 Cpy - 01/01, Pgs - 001, 29/06/03, 09:38

 DocID: 510665070

Approximate scale
 Sourced from aerial information by data
 Crown Copyright Reserved



South Auckland Land District
 Territorial authorities :
 Whakatane District,
 Kawerau District
 & Rotorua District
SINCLAIR KNIGHT MERZ

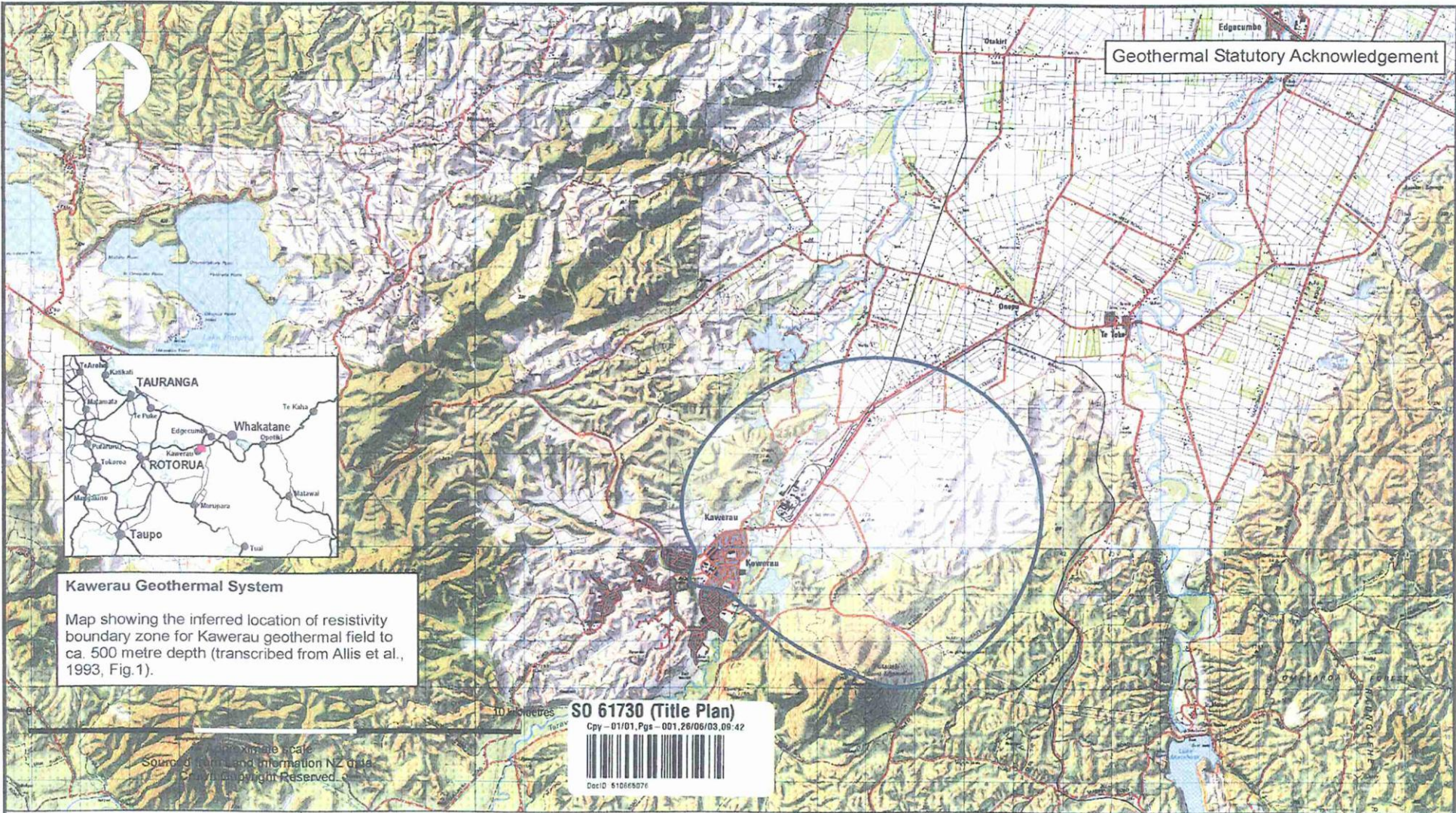
WR00424.0

Tarawera River

**Areas referred to in the Deed of Settlement between
 Ngati Tuwharetoa (Bay of Plenty) and the Crown**

Approved as to boundaries:
M. O'Connell 6.16.03
 for and on behalf of Ngati Tuwharetoa (Bay of Plenty)
D. J. Johnson 6.16.03
 for and on behalf of the Crown

SO 61729



Kaverau Geothermal System

Map showing the inferred location of resistivity boundary zone for Kaverau geothermal field to ca. 500 metre depth (transcribed from Allis et al., 1993, Fig.1).

SO 61730 (Title Plan)

Cpy - 01/01, Pgs - 001,26/06/03, 08-42



DocID 510669076



South Auckland Land District
Territorial authorities :
Whakatane District
& Kaverau District
Boundaries are indicative only.

SINCLAIR KNIGHT MERZ

WR00424 0

Kaverau Geothermal System

Areas referred to in the Deed of Settlement between Ngati Tuwharetoa (Bay of Plenty) and the Crown

Approved as to boundaries:
..... *Paul* 6.1.103
for and on behalf of Ngati Tuwharetoa (Bay of Plenty)
..... *Dea Tuwharetoa* 6.16.103
for and on behalf of the Crown

SO 61730

