



Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report

Project Name: FTAA-2605-1227 Wairakei South

To:	Date:
Panel Convener, Jane Borthwick	4 June 2026

Number of attachments: 9	Attachments: <ol style="list-style-type: none">1. Provisions of section 18 of the Fast-track Approvals Act 20242. Project location map3. List of relevant Māori groups4. Te Kopuaroa River and Part of Kaituna River statutory acknowledgements (Waitaha)5. Kaituna River statutory acknowledgement (Tapuika)6. Kaituna River statutory acknowledgement (Ngāti Rangiwewehi)7. Deed plan of Kaituna River redress area8. Kaituna River document9. Kopuaroa Canal statement of association (Ngāi Te Rangi and Ngā Pōtiki)
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Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Stephen Church		
Manager, Fast-track Operations	Stephanie Frame	██████████	✓
General Manager, Investment Strategy & Operations	Ilana Miller	██████████	

Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2605-1127 Wairakei South.
2. The applicant, Bell Road Limited Partnership, proposes to develop an approximately 349.2-hectare site near Papamoa, Bay of Plenty. The project comprises approximately 2,729 new homes, 54 hectares of business and industrial land, 4 hectares of commercial centres, and approximately 140 hectares of integrated stormwater swales, reserves, and treatment

wetlands. The applicant is seeking approvals under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA), Wildlife Act 1953, and Heritage New Zealand Pouhere Taonga Act 2014.

3. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. There are a significant number of groups with interests in the project area, which we have listed at **Attachment 3**. Many of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act.
4. The relevant Treaty settlements for the project area are the Waitaha Claims Settlement Act 2013, Tapuika Claims Settlement Act 2014, Ngāti Pūkenga Claims Settlement Act 2017, and Ngāi Te Rangi and Ngā Pōtiki deed of settlement.
5. The Waitaha settlement provides for a statutory acknowledgement over Te Kopuaroa River, which adjoins the project area, and the Waitaha and Tapuika settlements provide for statutory acknowledgements over the nearby Kaituna River. While the project area is outside the Ngāti Rangiwewehi Treaty settlement area of interest, this settlement also provides for a statutory acknowledgement over the Kaituna River. These statutory acknowledgements are relevant if the proposed activities (such as those relating to the management of stormwater) will affect the statutory areas. We consider inviting these Treaty settlement entities to comment on the application under section 53 of the Act will meet the obligation under the statutory acknowledgement provisions to provide a summary of the application to the holder of the statutory acknowledgement.
6. The Kaituna River redress, provided through the Tapuika settlement, is also a relevant consideration for the panel. Section 82 of the Act provides that if a settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through its decision making. We recommend that the panel:
 - a. confirm with Western Bay of Plenty District Council and Bay of Plenty Regional Council that the operative planning documents have recognised and provided for the Kaituna River document, under the Tapuika Claims Settlement Act 2014; and
 - b. if that obligation has yet to be complied with in relation to any of these documents, then the panel should have regard to the Kaituna River document in considering any relevant resource consents sought by the applicant.
7. We have identified a number of other settlement provisions – including a deed of recognition, conservation relationship redress, statement of association, right of first refusal, vesting and gift back – which do not appear to be impacted by the application as it currently stands, but nonetheless underline the traditional connection of tangata whenua with this area and its environment.

Signature



Stephanie Frame
Manager – Fast-track Operations

Introduction

8. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
9. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area; and
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
10. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

11. The applicant, Bell Road Limited Partnership, proposes to develop an approximately 349.2-hectare site near Papamoa, Bay of Plenty. The project comprises approximately 2,729 new homes, 54 hectares of business and industrial land, 4 hectares of commercial centres, and approximately 140 hectares of integrated stormwater swales, reserves, and treatment wetlands. The project area is located on Bell Road and is adjacent to the Tauranga Eastern Link (State Highway 2) to the north. The applicant owns, or has contracted to purchase, the land subject to this application.
12. The applicant is seeking approvals under the Act that would otherwise be sought under the RMA (including consents for land use, subdivision, earthworks, discharge of stormwater, works in the bed of a stream, damming or diversion of water), Wildlife Act 1953 (authority for the salvage and incidental killing of native skinks), and Heritage New Zealand Pouhere Taonga Act 2014 (archaeological authority).
13. We have provided a location map at **Attachment 2**.

Relevant iwi authorities, Treaty settlement entities, and other Māori groups

14. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**, including contact details.¹

Iwi authorities

15. Under section 4(2) of the Act, 'iwi authority' has the same meaning as in section 2(1) of the RMA:

the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
16. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Te Kapu o Waitaha Trust, representing Waitaha;
 - b. Tapuika Iwi Authority Trust, representing Tapuika;

¹ These are the contact details we could locate in the time available, and in some cases they will be the generic email address for the entity.

- c. Ngāti Pūkenga Iwi ki Tauranga Trust, representing Ngāti Pūkenga;
- d. Te Rūnanga o Ngāi Te Rangī Iwi Trust, representing Ngāi Te Rangī;
- e. Ngāti Uenukukōpako Iwi Trust, representing Ngāti Uenukukōpako;
- f. Ngā Pōtiki a Tamapahore Trust, representing Ngā Pōtiki; and
- g. Ngāti Whakahemo Claims Trust, representing Ngāti Whakahemo.

Treaty settlement entities

17. Under section 4(1) of the Act, “Treaty settlement entity” means any of the following:

(a) a post-settlement governance entity (PSGE):

(b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:

(c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:

(d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):

(e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).

18. Under the Act, a PSGE:

(a) means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—

(i) by that group; or

(ii) by or under an enactment or order of a court; and

(b) includes—

(i) an entity established to represent a collective or combination of claimant groups; and

(ii) an entity controlled by an entity referred to in paragraph (a); and

(iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a).

19. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.²

20. We have identified the following relevant Treaty settlement entities for this project area:

- a. Te Kapu o Waitaha Trust, PSGE for Waitaha Claims Settlement Act 2013;
- b. Tapuika Iwi Authority Trust, PSGE for Tapuika Claims Settlement Act 2014;

² Should a panel be made aware of a Treaty settlement entity established after the Treaty settlement Act is enacted (e.g. on the advice of a PSGE), then there would appear to be nothing to prevent the panel from inviting that entity to comment on the application under section 53(2)(c) of the Act.

- c. Te Maru o Kaituna/Kaituna River Authority, established by Tapuika Claims Settlement Act 2014; and
 - d. Te Tāwharau o Ngāti Pūkenga, PSGE for Ngāti Pūkenga Claims Settlement Act 2017.
21. A PSGE may be established ahead of finalising a deed of settlement and/or enactment of Treaty settlement legislation. The following PSGEs in this category are also relevant:
- a. Ngāi Te Rangi Settlement Trust, PSGE for Ngāi Te Rangi and Ngā Pōtiki deed of settlement (signed 14 December 2013); and
 - b. Ngā Pōtiki a Tamapahore Trust, PSGE for Ngāi Te Rangi and Ngā Pōtiki deed of settlement (signed 14 December 2013).

Groups mandated to negotiate Treaty settlements

22. Apart from the PSGEs identified at paragraph 21, there are no other groups which have recognised mandates to negotiate a Treaty settlement over an area which may include the project area.
23. However, for your information the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau (Te Tari Whakatau) advise that the Ngāti Whakahemo Claims Trust – included amongst the relevant iwi authorities identified above – is seeking a mandate to enter Treaty settlement negotiations. Te Tari Whakatau advise that, if successful in obtaining a mandate, the Ngāti Whakahemo Claims Trust may negotiate redress related to locations/features near the project area, but not over the project area itself.

Takutai Moana groups and ngā hapū o Ngāti Porou

24. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.
25. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws

26. The project area does not include a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996.

Owners of identified Māori land where electricity infrastructure or land transport infrastructure is proposed

27. Section 39 of the Act provides that before a substantive application is lodged for a listed project or a referred project, the Minister may determine under section 23 or 24 that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:
- a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
 - b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.

28. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

Iwi authorities and groups representing hapū who are party to relevant Mana Whakahono ā Rohe or joint management agreements

29. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.
30. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify.

Any other Māori groups with relevant interests

31. We have identified several other PSGEs whose respective areas of interest do not include the project area, but are to the east (and inclusive) of the Kaituna River opposite the project area:
- a. Te Tāhuhu o Tawakeheimoa Trust, PSGE for Ngāti Rangiwewehi Claims Settlement Act 2014;
 - b. Ngāti Rangiteaorere Koromatua Council, PSGE for Ngāti Rangiteaorere Claims Settlement Act 2014; and
 - c. Te Pūmautanga o Te Arawa Trust, PSGE for Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.
32. In addition, we have identified the following groups who may also have interests in the project area:
- a. Tumu Kaituna 14 Ahu Whenua Trust, who administer a Māori land block a short distance from the project area;
 - b. Te Komiti Nui o Ngāti Whakaue; and
 - c. Ngāti Pikiao Environmental Society Incorporated.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

33. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
34. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

Treaty settlement Acts

- a. Waitaha Claims Settlement Act 2013;
- b. Tapuika Claims Settlement Act 2014;

c. Ngāti Pūkenga Claims Settlement Act 2017; and
Treaty settlement deeds

d. Ngāi Te Rangi and Ngā Pōtiki deed of settlement, signed 14 December 2013.

Relevant principles and provisions

35. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below.

Crown acknowledgements and apologies

36. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.

37. The Tapuika Claims Settlement Act 2014 includes specific acknowledgements regarding the Kaituna River, located less than one kilometre from the project area. The Crown acknowledged that:

- a. Tapuika consider the Kaituna River and its tributaries as taonga of great significance, with their own mauri. For Tapuika, their relationships with the Kaituna River and its tributaries give rise to their responsibilities to protect the mana and mauri of the waterways and to exercise their tino rangatiratanga, mana whakahaere and kaitiakitanga in accordance with their tikanga. Their relationships with the waterways lie at the heart of their spiritual and physical well-being and their tribal identity and culture;
- b. the modification, pollution, and degradation of the Kaituna River and its tributaries since the 1890s have drained resource-rich wetlands, destroyed Tapuika wāhi tapu, caused significant harm to kaimoana sources relied on by Tapuika, compromised the traditional water supplies of Tapuika communities, and caused great anguish to Tapuika; and
- c. the Crown has failed to respect, provide for, and protect the special relationship of Tapuika with the Kaituna River and its tributaries.

38. The Ngāi Te Rangi and Ngā Pōtiki deed of settlement includes an acknowledgement by the Crown of the significance of the land, forests, harbours, and waterways of Tauranga Moana to Ngāi Te Rangi and Ngā Pōtiki as a physical and spiritual resource.

39. Similarly, the Ngāti Pūkenga Claims Settlement Act 2017 includes an acknowledgement by the Crown that Ngāti Pūkenga describe certain harbours and estuaries, including Maketū estuary downstream of the project, as significant taonga and sources of spiritual and material well-being. The Crown also acknowledged that environmental degradation has been a source of distress to Ngāti Pūkenga because of adverse impacts on waterbodies, such as the Maketū estuary, and the quantity and quality of species at those locations that were important to Ngāti Pūkenga.

40. The Crown apology in the Tapuika Claims Settlement Act 2014 includes a specific apology regarding waterways, noting that the waterways Tapuika live beside and cherish have, since the 1950s, been degraded and polluted. The Crown profoundly regrets the anguish this has caused for Tapuika, and for failing to protect the special relationship Tapuika has with the Kaituna River and its tributaries.

41. As part of its apologies to Waitaha, Tapuika, Ngāti Pūkenga, Ngāi Te Rangi and Ngā Pōtiki, the Crown also stated that it looked forward to building a new relationship with these groups based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Statutory acknowledgements

42. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area').

43. The applicant advises that the Kopuaroa Canal forms the southern boundary of the project area, and the Bell Road Drain runs through the project area along the northern side of Bell Road. Both drainage systems convey flows from the project area (and upstream) towards the Kaituna River, approximately 650 metres east. Accordingly, we have identified the following statutory acknowledgements that may be relevant to this application:

- a. Te Kopuaroa River (Waitaha Claims Settlement Act 2013);³
- b. Part of Kaituna River (Waitaha Claims Settlement Act 2013);
- c. Kaituna River (Tapuika Claims Settlement Act 2014); and
- d. Kaituna River (Ngāti Rangiwewehi Claims Settlement Act 2014).

44. Under the RMA and the relevant settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or directly affecting a statutory area:

- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and
- b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.⁴

45. The holder of a statutory acknowledgment may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the Environment Court, Heritage New Zealand Pouhere Taonga, EPA, or a board of inquiry), which may, in turn, take that statutory acknowledgement into account.

46. The applicant proposes a stormwater treatment and flood management framework to manage both on-site runoff and significant upstream catchment flows, to improve flood resilience and protect and enhance downstream environments. The design includes constructed swales and wetlands, a series of drainage canals, conveyance channels, pump upgrades, and riparian planting.

³ The deed plan for this statutory area incorporates the Kopuaroa Canal (see Attachment 4). We note that the ecological impact assessment commissioned by the applicant classified the Kopuaroa Canal as 'modified with ecological values'. The statutory acknowledgement provisions may be applied to a modified watercourse but not an artificial watercourse (see section of the Waitaha Claims Settlement Act 2013 at Attachment 4).

⁴ In addition to consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga must also have regard to statutory acknowledgements in relation to some of their processes.

47. Notwithstanding this proposed approach, the application involves the continued discharge of stormwater to the Kopuaroa Canal (from the proposed South Block) and to the Kaituna River (from the proposed North Block), and may therefore affect the statutory areas.
48. Under section 53(2)(b) and (c) of the Act, the panel must direct the EPA to invite written comments from Waitaha and Tapuika (amongst other iwi authorities and Treaty settlement entities), who will be provided access to the application information. We consider the process of inviting comment (including providing information about the application) under the Act is comparable to the process under a Treaty settlement and the RMA of providing those who hold statutory acknowledgements with a summary of the application (and having regard to statutory acknowledgements when considering who is an affected person for the purposes of limited notification of a resource consent application).
49. We did not identify Ngāti Rangiwewehi as a relevant iwi authority or Treaty settlement entity under the Act as strictly speaking their area of interest, lying to the east of the Kaituna River, does not include the project area. However, for consistency with Treaty settlement obligations, we propose the panel exercise its discretion under section 53(3) of the Act to invite Ngāti Rangiwewehi to comment on the application in light of their statutory acknowledgement over the Kaituna River.
50. For your reference, we have provided the relevant provisions for the statutory acknowledgements listed at paragraph 43, including the relevant statements of association and deed plans, at **Attachment 4** (Waitaha), **Attachment 5** (Tapuika), and **Attachment 6** (Ngāti Rangiwewehi).⁵

Deed of recognition

51. In addition to a statutory acknowledgement, the Tapuika Claims Settlement Act 2014 provides for a deed of recognition with the Commissioner of Crown Lands, administered by Land Information New Zealand (LINZ), over the Kaituna River. The deed of recognition requires the Commissioner of Crown Lands to consult with the Tapuika Iwi Authority Trust, and have regard to the views of Tapuika concerning its association with the Kaituna River, when undertaking any of the following activities in relation to that statutory area:
- a. considering an application for a right of use or application;
 - b. preparing a plan, strategy, or programme for protection and management;
 - c. conducting a survey of usage; or
 - d. preparing a programme to eradicate noxious flora and fauna.
52. We do not consider these provisions are relevant to this application, as LINZ are not undertaking any of the activities covered by the deeds of recognition, nor is the applicant seeking use rights or occupation in relation to the Crown-owned parts of the riverbed subject to the deed of recognition.

Kaituna River redress

53. As noted above, the application proposes activities which may affect the Kaituna River. Part 3 of the Tapuika Claims Settlement Act 2014 provides for a suite of redress over the Kaituna River, comprising the establishment of Te Maru o Kaituna/the Kaituna River Authority, and the development of the Kaituna River document. For the purposes of this

⁵ Since the statutory acknowledgements provisions are standard drafting across Treaty settlement Acts, we have only provided the legislative provisions from the Waitaha Claims Settlement Act 2013.

redress, the Kaituna River includes the tributaries within the catchment areas set out in the deed plan at **Attachment 7**. This incorporates the project area.

Te Maru o Kaituna/the Kaituna River Authority

54. Te Maru o Kaituna is a permanent joint committee of the Bay of Plenty Regional Council, Rotorua District Council, Tauranga City Council, and Western Bay of Plenty District Council, comprising equal numbers of representatives appointed by local authorities and iwi. Tapuika Iwi Authority Trust, Te Kapu o Waitaha, Te Pumautanga o Te Arawa Trust, Te Tāhuhu o Tawakeheimoa Trust, and Ngāti Whakaue appoint the iwi members.
55. The purpose of Te Maru o Kaituna is the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Kaituna River. In seeking to achieve its purpose, Te Maru o Kaituna may have regard to the social and economic well-being of people and communities.
56. In addition to the primary function of achieving this purpose, the other functions of Te o Maru o Kaituna, as set out at section 116 of the Tapuika Claims Settlement Act 2014, are to:
 - a. to prepare and approve the Kaituna River document;
 - b. to monitor the implementation and effectiveness of the Kaituna River document;
 - c. to support the integrated and collaborative management of the river;
 - d. to work with the local authorities and Crown agencies that exercise functions in relation to the Kaituna River—
 - i. to monitor the state of the river environment;
 - ii. to monitor the effectiveness of the management of the river;
 - iii. to engage with iwi in relation to their interests in the river and to consult them on how to manage the river;
 - e. to provide advice and recommendations to local authorities—
 - i. relating to projects, action, or research designed to restore, protect, or enhance the health and well-being of the river;
 - ii. on the appointment of commissioners to hear and decide applications for resource consents under the RMA that affect the river;
 - f. to facilitate the participation of iwi in the management of the river;
 - g. to monitor the extent to which the purpose of the Authority is being achieved, including the implementation and effectiveness of the Kaituna River document;
 - h. to gather information, to disseminate information, and to hold meetings; and
 - i. to take any other action that the Authority considers is appropriate to achieve its purpose.
57. The functions of Te Maru o Kaituna do not include consideration of resource consent applications. While Te Maru o Kaituna may provide advice on the appointment of hearing commissioners in relation to resource consent applications that affect the river, as set out at paragraph 56(e)(ii), there is no requirement for local authorities to seek this advice.

Accordingly, this is not a procedural requirement the panel convener must comply with under clause 5 Schedule 3 of the Act when considering panel appointments.⁶

58. However, we have identified Te Maru o Kaituna as a relevant Treaty settlement entity for this application. Under section 53(2)(c) of the Act, the panel must direct the EPA to invite written comments on the application from any relevant Treaty settlement entities.

Kaituna River document

59. The purpose of the Kaituna River document, to be prepared and approved by Te Maru o Kaituna, is to promote the restoration, protection, and enhancement of the environmental, cultural, and spiritual well-being of the Kaituna River (and, to the extent necessary to fulfil this purpose, to provide for the social and economic well-being of people and communities). The Kaituna River document may contain a vision, objectives, and desired outcomes for the Kaituna River, but must not contain rules or other methods for achieving the purpose.

60. The Kaituna River document provisions primarily affect the content of RMA planning documents. Under section 123 of the Tapuika Claims Settlement Act 2014, in preparing or amending a regional policy statement, regional plan, or district plan, a local authority must recognise and provide for the vision, objectives, and desired outcomes of the Kaituna River document. However, until this obligation is complied with, where a local authority is considering a resource consent application for an activity to be undertaken within the Kaituna River catchment, the local authority must have regard to the Kaituna River document.

61. Te Maru o Kaituna approved the Kaituna River document, Kaituna He Taonga Tuku Iho – A Treasure Handed Down – on 22 June 2018. In 2023, the Bay of Plenty Regional Council adopted Change 5 (Kaituna River) to the regional policy statement, which we understand recognised and provided for the Kaituna River document. In the time available for preparing this report, we have been unable to confirm whether the Kaituna River document has been recognised and provided for in the district plan for the Western Bay of Plenty.

62. Section 82 of the Act provides that if a settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act.⁷ We recommend that the panel:

- a. confirm with Western Bay of Plenty District Council and Bay of Plenty Regional Council that the operative regional policy statement, regional plan, and district plan have recognised and provided for the Kaituna River document, under section 123 of the Tapuika Claims Settlement Act 2014; and
- b. if that obligation has yet to be complied with in relation to any of these documents, then the panel should have regard to the Kaituna River document in considering any relevant resource consent applications.

63. We have provided a copy of the Kaituna River document at **Attachment 8**.

⁶ Equally, there would also appear to be no restriction preventing the panel convener from seeking advice from Te Maru o Kaituna in relation to panel appointments for applications in the Kaituna River catchment area.

⁷ In that context, 'document' includes any statutory planning document amended as a result of the settlement or Act.

Conservation relationship redress

64. In light of the Wildlife Act 1953 authority sought by the applicant under the Act, we have considered whether the conservation relationship redress provided through relevant Treaty settlements include any procedural obligations which must be observed by the panel.
65. The Waitaha conservation protocol includes provisions setting out the consultation process the Minister of Conservation and Department of Conservation (DOC) must follow when considering certain categories of concession applications. However, this does not appear to apply to statutory authorisations more broadly. The protocol does include a series of general principles to be followed by DOC when it is required to consult Waitaha under the protocol, but these are able to be accommodated within the invitation to comment process under the Act.
66. The Tapuika conservation relationship agreement provides for strategic objectives for the relationship to be agreed between Tapuika and DOC post-settlement. As part of these strategic objectives, the parties will identify those categories of statutory authorisations that may impact on the cultural, traditional and/or historic values of Tapuika. In relation to those agreed categories of statutory authorisations, DOC will advise and encourage applicants to consult with the PSGE prior to filing their application, and DOC will also consult with the PSGE at an early stage. DOC will also notify the PSGE of the timeframes for providing advice on any impacts of the application on the cultural, spiritual and historic values of Tapuika.
67. We have not confirmed whether the categories of statutory authorisations have been agreed, or whether this includes Wildlife Act 1953 approvals, but the applicable consultation process outlined in the Tapuika conservation relationship agreement does not appear to be incompatible with the invitation to comment process under the Act.
68. The Ngāti Pukenga deed of settlement records that the Tauranga Moana Iwi Collective (TMIC) redress deed will provide for a relationship agreement with DOC. The Ngāi Te Rangi and Ngā Pōtiki deed of settlement does not specifically refer to conservation relationship redress, but we note they are also members of TMIC. The TMIC redress deed includes the Te Kūpenga Framework for conservation redress which, amongst other matters, provides for a relationship agreement with DOC.
69. However, the draft relationship agreement under the Te Kūpenga Framework does not include any specific commitments with regard to statutory authorisations, and it will not become operational until the collective redress legislation has been enacted. Finally, it appears that the project area may be just outside the Te Kūpenga Area to which the Framework (including the relationship agreement) applies.

Other redress

Statement of association

70. As noted above, the project area borders Kopuaroa Canal, and the activities proposed in the application may affect this waterway. The Ngāi Te Rangi and Ngā Pōtiki deed of settlement includes a statement that records the cultural, spiritual, historical and traditional association of Ngāi Te Rangi and Ngā Pōtiki with the Kopuaroa Canal. Unlike the statutory acknowledgements referred to above, this statement of association does not create any obligations for decision makers. However, the statement itself provides important context for the panel regarding interests in this waterway. We have included the statement of association and deed plan at **Attachment 9**.

Right of first refusal

71. The Ngāi Te Rangi and Ngā Pōtiki deed of settlement provides for a right of first refusal (RFR) in favour of Ngā Pōtiki a Tamapahore Trust over 251, 285, 502, and 1149L Bell Road, New Zealand Transport Agency properties to the north and east of the project area on the opposite side of State Highway 2. While this RFR is not operative until the Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill is enacted, the provision of this redress underscores the connection of Ngā Pōtiki with this area.

Vesting and gift back

72. The Tapuika settlement provides for the vesting and gift back of the Lower Kaituna Wetlands Wildlife Management Reserve, on the south bank of the Kaituna River a short distance downstream of the project area.
73. Further downstream, the Kaituna River meets the coast and the Maketu Estuary, where a number of iwi have strong cultural connections. The health of the Lower Kaituna wetlands and Maketu Estuary are ultimately dependent on the management of stormwater and land use in the Kaituna River catchment.
74. Finally, we also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

75. As noted above, the project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.

Taiāpure-local fisheries/mātaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

76. As noted above, the project area does not include a taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

77. As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

Consultation with departments

78. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups, and have incorporated their views into this report.

Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	Not applicable to substantive applications – section 18 report is required by section 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	15-21
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	33-34
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	35-74
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	22-23
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	24, 75
18(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	24, 75
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	25, 75
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaītai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	26, 76
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	27-28
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),	29-30, 77

	<p>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</p> <p>(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.</p>	
18(2)(k)	Any other Māori groups with relevant interests.	31-32
18(2)(l)	<p>A summary of—</p> <p>(i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e);</p> <p>(ii) any further information received by the Minister from those groups</p>	Not applicable to substantive applications
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	Not applicable to substantive applications
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	78
18(4)	The responsible agency must provide the report to the Minister not later than 20 working days after the date for providing comments under section 17(6).	N/A
18(5)	However, if the Minister requests further information about a referral application under section 20, the time period specified in subsection (4) ceases to run for the period of time specified in the request.	N/A

Attachment 2: Project location map



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Kapu o Waitaha Trust	iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a))	Areta Gray, chair Ray Wihapi, GM	
Tapuika Iwi Authority Trust	iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a))	Helen Biel, RMA contact	
Ngāti Pūkenga Iwi ki Tauranga Trust	iwi authority (s18(2)(a))	Kylie Smallman, chair	
Te Rūnanga o Ngāi Te Rangī Iwi Trust	iwi authority (s18(2)(a))	Charlie Tawhiao, chair	
Ngā Pōtiki a Tamapahore Trust	iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a)); negotiation mandate (s18(2)(d))	Pita Stokes, trustee	
Ngāti Uenukukōpako Iwi Trust	iwi authority (s18(2)(a))	Nireaha Pirika	
Ngāti Whakahemo Claims Trust	iwi authority (s18(2)(a))	Mita Ririnui	
Te Tāwharau o Ngāti Pūkenga	Treaty settlement entity (s18(2)(a))	Rebecca Boyce, GM	
Ngāi Te Rangī Settlement Trust	Treaty settlement entity (s18(2)(a)); negotiation mandate (s18(2)(d))	Charlie Tahwiao, chair	
Te Maru o Kaituna/Kaituna River Authority	Treaty settlement entity (s18(2)(a))	Jo'el Komene, Chair	
Te Tāhuhu o Tawakeheimoa Trust	other Māori group with relevant interests (s18(2)(k))	Henare Mohi, Chair	

Ngāti Rangiteaorere Koromatu Council	other Māori group with relevant interests (s18(2)(k))	Ken Goldsmith, RMA contact	
Te Pūmautanga o Te Arawa Trust	other Māori group with relevant interests (s18(2)(k))	Wally Tangohau, GM	
Tumu Kaituna 14 Ahu Whenua Trust	other Māori group with relevant interests (s18(2)(k))		
Te Komiti Nui o Ngāti Whakaue	other Māori group with relevant interests (s18(2)(k))	Manuariki Tini, RMA contact	
Ngāti Pikiao Environmental Society Incorporated	other Māori group with relevant interests (s18(2)(k))	Hakopa Paul/Piatarihi Bennett, co-presidents	

Attachment 4: Te Kopuaroa River and Part of Kaituna River statutory acknowledgements (Waitaha)

Statutory acknowledgement provisions (Waitaha Claims Settlement Act 2013)

Subpart 2—Statutory acknowledgement and deed of recognition

Statutory acknowledgement

25 Interpretation

In this subpart,—

specified freehold land has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

statements of association means the statements—

- (a) made by Waitaha of their particular cultural, spiritual, historical, and traditional association with each statutory area; and
- (b) that are in the form set out in part 2 of the documents schedule at the settlement date.

26 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association.

27 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are to—

- (a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 28 to 30; and

- (b) require relevant consent authorities to give summaries and notices of resource consent applications to the trustees, in accordance with section 32; and
- (c) enable the trustees and any member of Waitaha to cite the statutory acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, in accordance with section 33.

Section 27(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

28 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority 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 the activity.
- (3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

29 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings before the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting the statutory area.
- (2) On and from the effective date, 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 proceedings greater than that of the general public.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

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

- (1) If, on or after the effective date, 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 a statutory area,—
 - (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
 - (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act 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.

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

Section 30: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

31 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
- (a) the relevant provisions of sections 26 to 30 in full; and
 - (b) the description of the statutory area wholly or partly covered by the plan; and
 - (c) the statement of association for the statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and the information is not, unless adopted by the relevant consent authority,—
- (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

32 Provision of summaries or notices of resource consent applications to trustees

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, give the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
- (a) if the application is received by the consent authority, a summary of the application; and
 - (b) if notice of an application for resource consent is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority.
- (3) A summary of an application must be given under subsection (1)(a)—

- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; and
 - (b) before the consent authority decides under section 95(a) of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of the notice under subsection (1)(b) must be given no later than 10 business days after the day on which the relevant consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation—
- (a) under section 95(a) of the Resource Management Act 1991, to decide whether to notify an application;
 - (b) under section 95E of that Act, to decide whether the trustees are affected persons in relation to an application.

33 Use of statutory acknowledgement

- (1) The trustees and any member of Waitaha may, as evidence of the association of Waitaha with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
- (a) relevant consent authorities;
 - (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991;
 - (c) the Environment Court;
 - (d) Heritage New Zealand Pouhere Taonga;
 - (e) parties to proceedings before the bodies specified in paragraphs (a) to (d);
 - (f) any other person who is entitled to participate in the proceedings.
- (3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.
- (4) To avoid doubt,—
- (a) neither the trustees nor members of Waitaha are precluded from stating that Waitaha have an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Section 33(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 33(2)(d): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

34 Trustees may waive rights

- (1) The trustees may waive the right to be given summaries, and copies of notices, of resource consent applications under section 32 in relation to a statutory area.
- (2) The trustees may waive the right to have a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga have regard to the statutory acknowledgement under sections 28 to 30 in relation to a statutory area.
- (3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga, stating—
 - (a) the scope of the waiver; and
 - (b) the period for which it applies.
- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

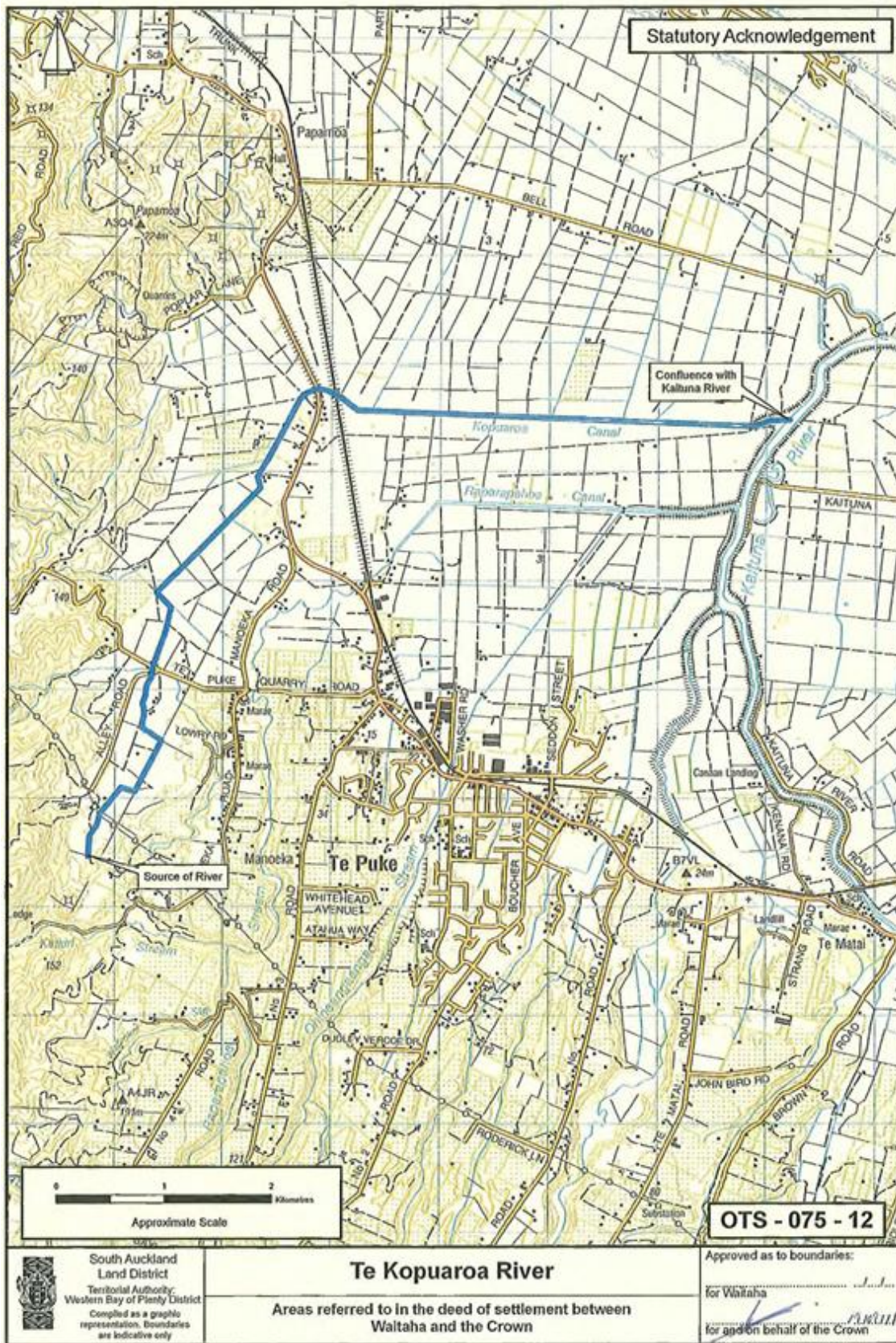
Section 34(2): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

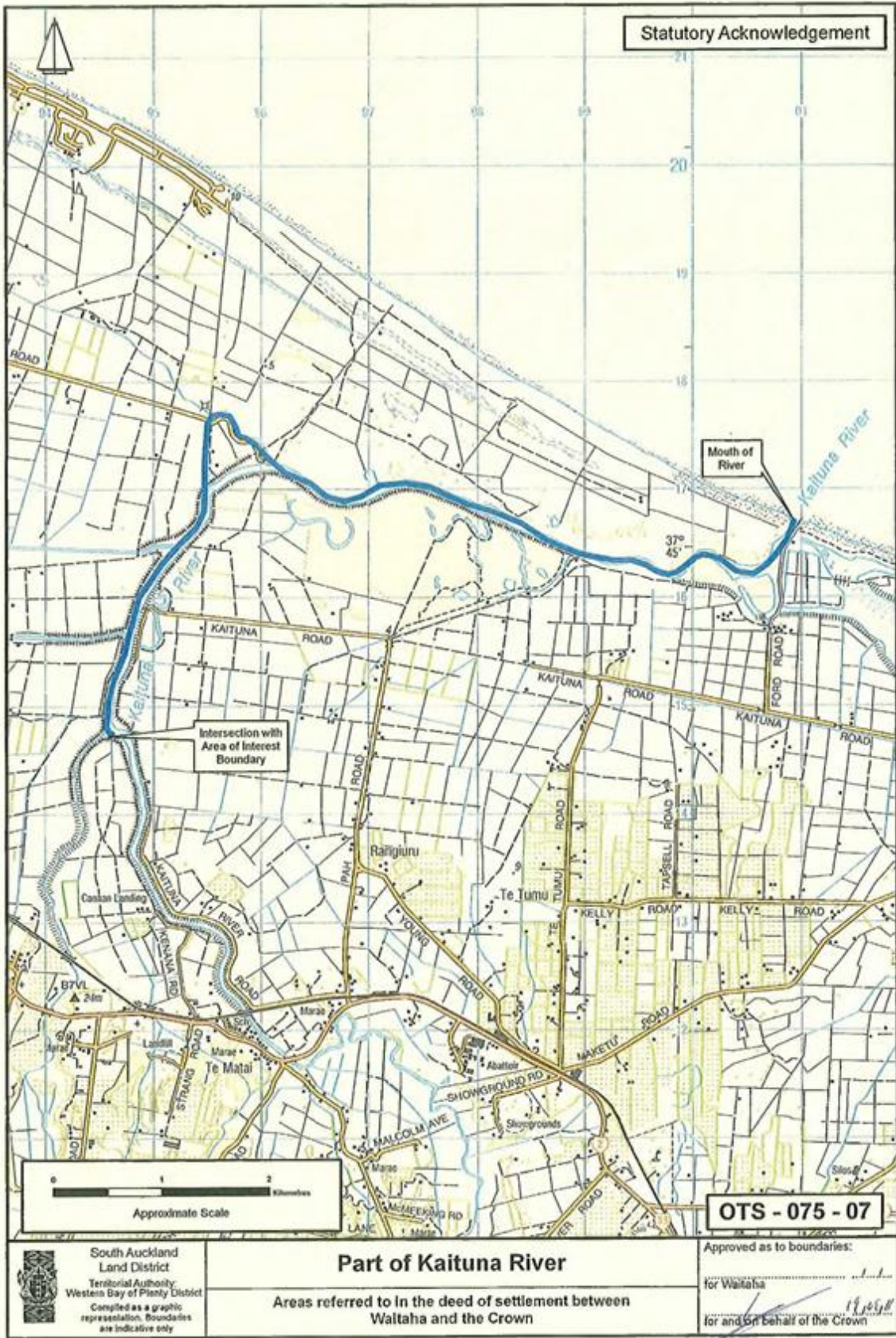
Section 34(3): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

35 Application of statutory acknowledgement to river, stream, or coastal marine area

- (1) If a statutory acknowledgement applies to a river or stream, that part of the acknowledgement—
 - (a) 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; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) land that the waters of the river or stream do not cover at their fullest flow without flowing over its banks; or
 - (iii) an artificial watercourse.
- (2) If a statutory acknowledgement applies to the coastal marine area, the acknowledgement does not apply to any specified freehold land in the area.

Deed plan for statutory areas (attachments schedule to deed of settlement)





Excerpts from statements of association (documents schedule to deed of settlement)

DOCUMENTS SCHEDULE

2: STATEMENTS OF ASSOCIATION

Te Kopuaroa Stream (as shown on deed plan OTS-075-12)

Te Kopuaroa (sometimes known as Te Kopuroa) goes through Te Kopuaroa repo, then west to Hikutawatawa. It is significant to Waitaha because it links the area from Te Kopua where the Kaituna turns down the coast, to the lowlands of the Pāpāmoa Hills. This was one of the main waterways of Waitaha and was used to navigate to and from different pā. It was also a rich food source for Waitaha with clear waters and many kōura and eels. Today its waters are dirty with mud from industrial activity.

Waitaha looks forward to the quality and wairua of this important waterway being restored.

DOCUMENTS SCHEDULE

2: STATEMENTS OF ASSOCIATION

Part of the Kaituna River (as shown on deed plan OTS-075-07)

After the arrival of the waka Te Arawa, the name of the river that ran from Ōkere to the coast was Te Awa Tii a Maru, but later on it was renamed Kaituna. Kaituna literally means an abundance of eels. Te Awa o Ngāatoro-i-rangi which is the entrance of the river was named when the waka Te Arawa was still at sea. This area is more commonly known as the Maketū Estuary. Te Tuahu o Ngāatoro-i-rangi at Maketū was built when the waka Te Arawa landed.

This river is described as “he pātaka kai” which refers to the storage of kai. The Kaituna was significant as it was a breeding ground for the eels coming from the lakes, streams and rivers on their migration to the sea. It was also the breeding area for mullet and other salt water fish species. Fish and eels were so abundant that they could be seen covering the pipi beds at these times. The Kaituna is also well known as a source of whitebait and, until recently, there was always a plentiful supply.

The waters of the Kaituna have provided food, important sustenance for the people of Waitaha, for many generations. There was an abundance of freshwater fish and eel, rongoa, edible plants and other plants such as flax which Waitaha used for domestic and ceremonial purposes. There were many settlements along the river where Waitaha traditionally lived, cultivated and based them to gather fish, eel and other kai. In later years, Waitaha also looked after livestock along with their cultivation areas. The minerals found in the rich soils of the wetland areas were highly beneficial for livestock and gardens.

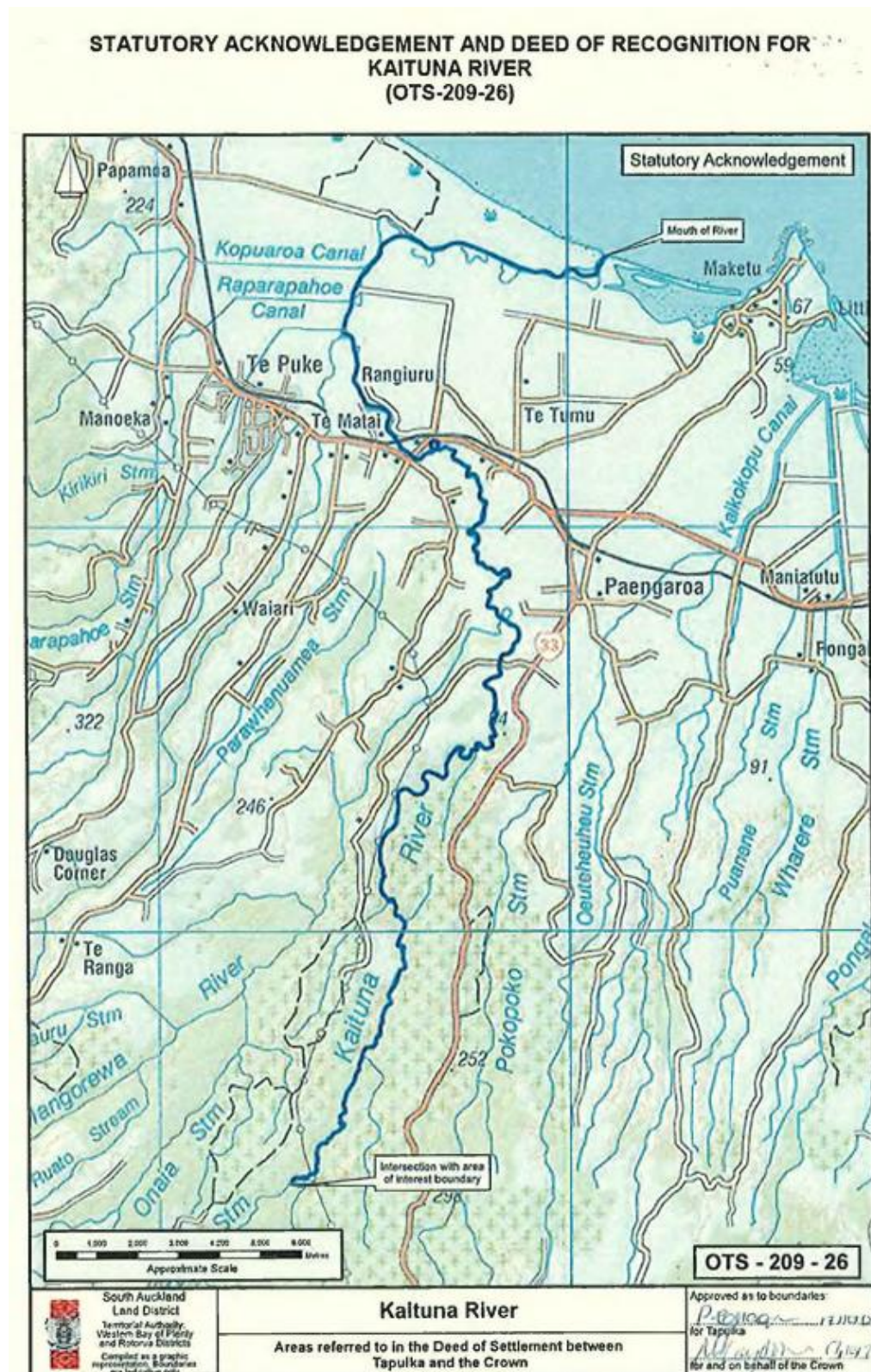
Flax and other plants treasured by Waitaha also grew in abundance. With European occupation, much of the flax was harvested and milled near where it grew. It was during this period that Waitaha learnt the economic value of the wetlands. Today most of the wetland areas around our rivers are drained and much of the natural habitat has now disappeared.

Paroa Pā was the pā of Hinepiri, the eldest sister of Te Iwikoro. Hinepiri and Te Puku o Hākoma chose the leadership of their elder brother Te Iwikoro, while the others came under Kumaramaoa. Te Kopua and Te Karaka were also pā located in the same area and are pā which Waitaha have always associated with the Kaituna.

At the confluence of the Kaituna and the Waiari was an island on which stood Te Ngaeo Pā which was a pā associated with Waitaha. This island was destroyed by the Kaituna flood protection scheme during the 1970's.

Attachment 5: Kaituna River statutory acknowledgement (Tapuika)

Deed plan for statutory area (attachments schedule to deed of settlement)



Excerpt from statement of association (documents schedule to deed of settlement)

Kaituna River (as shown on deed plan OTS-209-26)

The rivers, streams and wetlands within the Takapū o Tapuika were an important source of food, building materials, clothing and dyes. However, the relationship between Tapuika and their waterways was not solely confined to food gathering and other uses. It also incorporated an intrinsic connection with the mauri of the waterways and the tribal kaitiaki or tāniwha whose rangatiratanga over the streams and rivers provides evidence of Tapuika's long standing association with the waterways within the takapū. The tāniwha associated with the Kaituna are Te Mapu, Pareawheawhe and Porohinaki.

The presence of tribal tāniwha as guardians of the Kaituna River engendered fear in those who transgressed and showed disrespect for the river. To Tapuika the tāniwha on the river represent the power and authority of the spiritual world and their rangatiratanga over the river is undisputed. They were the protectors of the river and of the people, providing warnings when the tribe was in crisis.

The Tapuika belief is that as descendants of the god Pūhaorangi they are the link between the spiritual world and the natural world as expressed in the following proverb:

Pōua ki te rangi
Pōua ki te whenua
Anei a Tapuika e tū atu nei

From the heavens to the land here stands Tapuika - as such Tapuika are responsible for protecting and ensuring respect for the mauri of the river as expressed through Tapuika custom, laws, and sacred sanctions.

The mauri or life force of the Kaituna River is an important element that governs the use and wellbeing of the river. The mauri of the Kaituna River is the integral essence that binds together the spiritual elements and the natural elements. The relationship of Tapuika with the Kaituna River and the lands adjoining the river lies at the heart of the spiritual and physical wellbeing of Tapuika. It is our identity, it is who we are as a river people expressed in the tribal proverb:

Ko Rangiuru te maunga
Ko Te Kaituna te awa
Ko Tapuika Te Iwi

Rangiuru is the mountain, Kaituna is the awa, Tapuika is the Iwi'. To Tapuika the Kaituna River is a taonga of immeasurable importance a gift from the Gods, imbued with great mana.

The Kaituna River is known to Tapuika as Te Awanui o Tapuika or the great river of Tapuika, was named by Tia for his son. The source of Te Awanui o Tapuika, a spring, is located in the Ōhau channel. The traditions of Tapuika confirm the intrinsic connection of Tapuika to the Kaituna River and the mauri or life force of the river. These traditions are expressed in the oratory, customs, genealogy, sayings, songs and long time occupation of Tapuika beside the waters of the Kaituna.

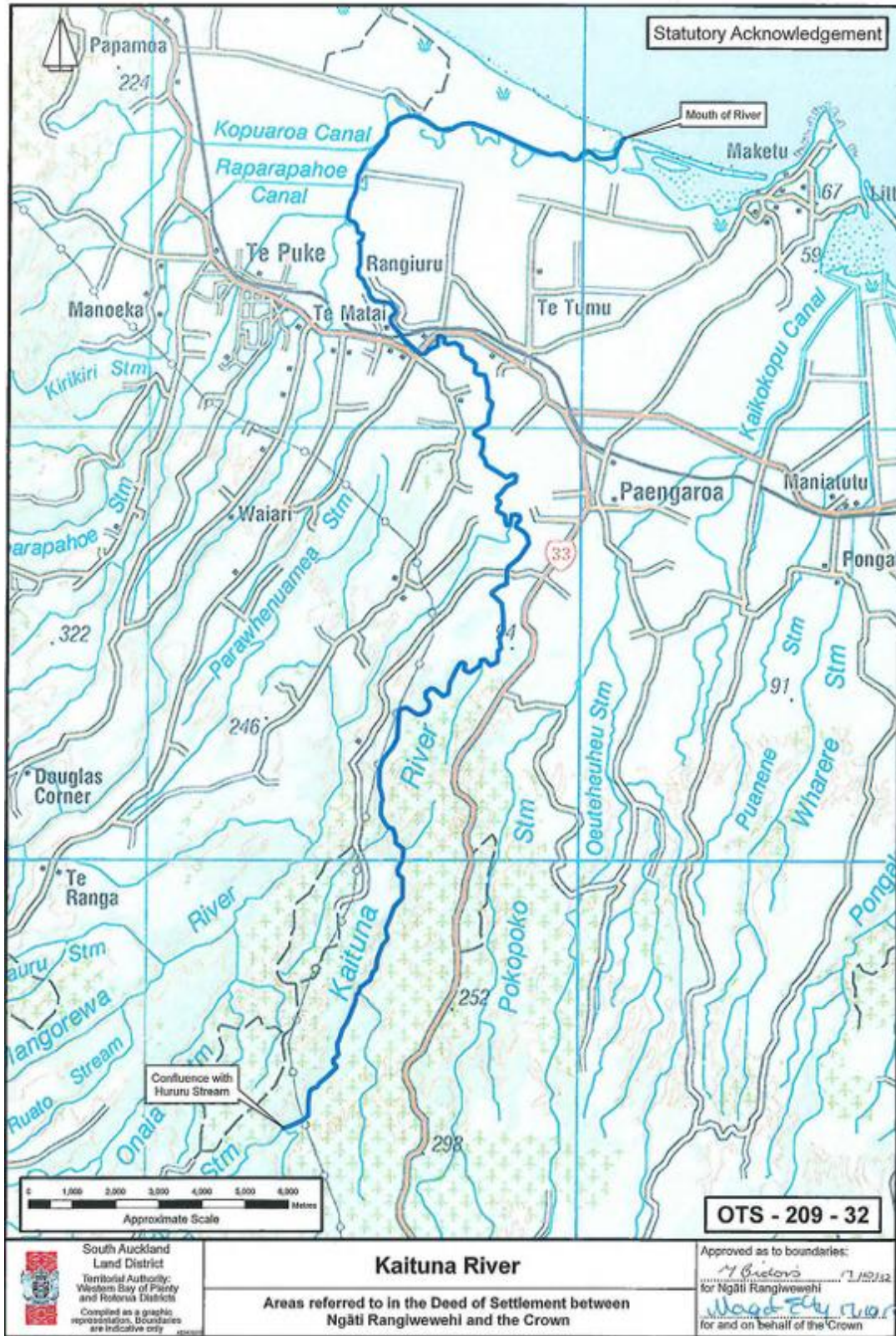
The Tapuika waiata *Tera Koia Nga Uru Whetu* recounts the numerous Tapuika settlements along the Kaituna River: Te Hape a Tāwakepito, Ohautira, Pukemotiti, Paengaroa, Ōporourua, Whirinaki, Te Huruhuru o Tōpea and many others. There are many sacred places of Tapuika along the length of the Kaituna River including Ōteiere, Ōtamamarere, Te Ana o Kaiongaonga, Te Kuaha o Te Urutapu.

The Kaituna River is a provider. It sustains and nurtures all who live by its waters. It has been a pātaka awa for Tapuika for generations. Its river banks crowded with watercress, its waters filled with tuna, kākahi (fresh water mussels), Koura (freshwater crayfish), inanga and koaro. Its tributaries fed numerous swamps where flaxes of untold varieties were harvested to make clothes and building materials. The name Kaituna is derived from the eating of eels which were caught in abundance.

The Kaituna River is the umbilical cord that joins the tribes of the river together. From its commencement at Ōkere Falls, to the Kaituna plains to its outlet at Te Tumu, the river tribes are joined together through whakapapa and a united responsibility to ensure the Kaituna is protected for the generations yet to come.

Attachment 6: Kaituna River statutory acknowledgement (Ngāti Rangiwewehi)

Deed plan for statutory area (attachments schedule to deed of settlement)



Excerpt from statements of association (documents schedule to deed of settlement)

Kaituna River

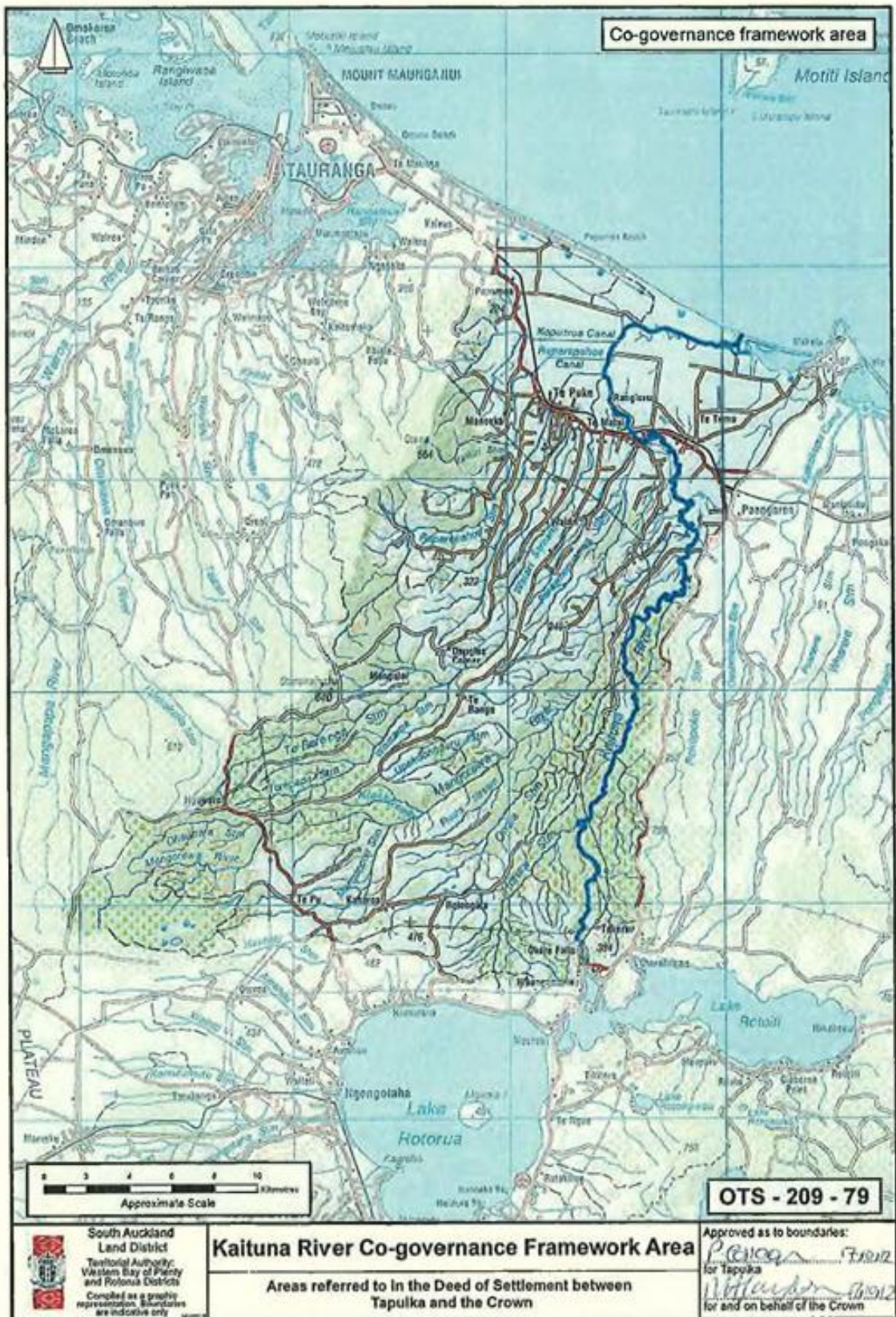
The stern anchor of the Arawa waka (named Tuterangi Haruru) is said to have been placed at Te Awahou, roughly where the Kaituna River now flows out to sea. The bow anchor (called Tokaparore) of the Arawa waka was set approximately where the Kaituna River used to flow out to sea at Maketu.

The Ngāti Rangiwewehi people settled along the reaches of the Kaituna River from Tumu Kaituna as it followed its course to the sea at the Maketu Estuary. The Kaituna River has been a rich source of fish, all types of shellfish, eels, Inanga (whitebait), and many other kinds of food for the Ngāti Rangiwewehi people for several generations.

Along the banks of the river grew many varieties of plants such as toetoe, aruhe, kiekie, harakeke, manuka, kanuka and many other types that had special value and importance to Ngāti Rangiwewehi. The plants were used for medicinal purposes, weaving, building, thatching, food and dyeing. The Ngāti Rangiwewehi people owned a wide range of taonga made from the plants sourced from the river banks, including flax kits and cloaks made from the rare vegetation that grew along the banks. To this day, the banks of the Kaituna River still provide unique raw materials necessary for weaving, building thatching and dyeing.

As well as providing the many food gathering places and plant life, the Kaituna River also provided Ngāti Rangiwewehi a means of transportation to other parts of the Arawa region. Rangiwewehi cultivated along the river from Tumu Kaituna to Otaiparia to Papahikahawai.

Attachment 7: Deed plan of Kaituna River redress area



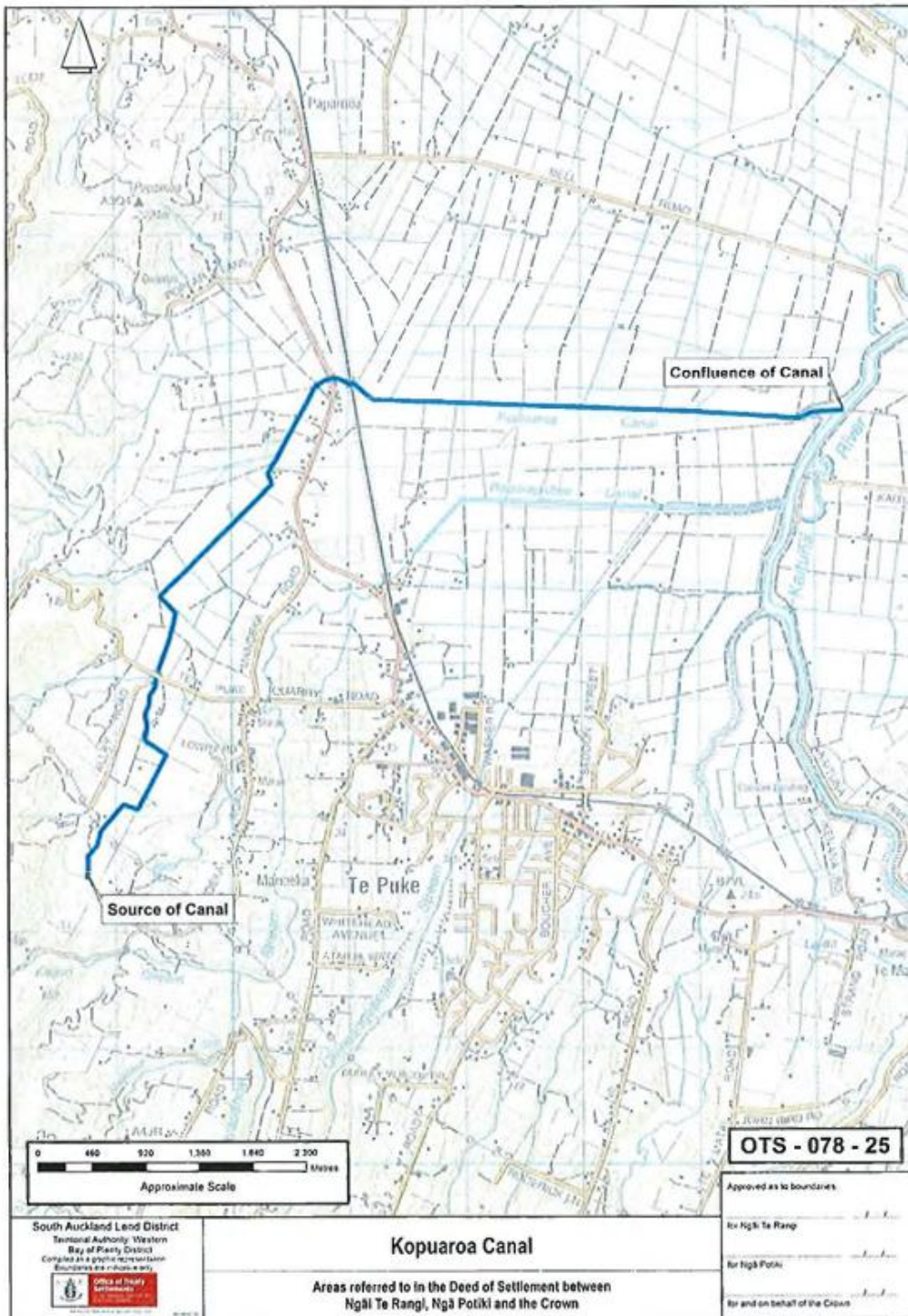
Attachment 8: Kaituna River document

Attachment 9: Kopuaroa Canal statement of association (Ngāi Te Rangi and Ngā Pōtiki)

Deed plan for statement of association area (attachments schedule to deed of settlement)

2.3: STATEMENTS OF ASSOCIATION AREAS

KOPUAROA CANAL (OTS 078-25)



Excerpt from statements of association (documents schedule to deed of settlement)

STATEMENTS OF ASSOCIATION

5.21 Part 1.2 of the documents schedule contains statements by Ngāi Te Rangi and Ngā Pōtiki that record their cultural, spiritual, historical and traditional association with:

5.21.1 Kopuaroa Canal (as shown on deed plan OTS-078-25);

5.21.2 Waiorooro Stream (recorded name being Three Mile Creek) (as shown on deed plan OTS-078-14); and

5.21.3 Wairakei River (as shown on deed plan OTS-078-22).

...

NGĀI TE RANGI AND NGĀ POTIKI DEED OF SETTLEMENT: DOCUMENTS SCHEDULE

1:2: STATEMENTS OF ASSOCIATION (AREAS LISTED IN CLAUSE 5.21)

NGĀI TE RANGI STATEMENTS OF ASSOCIATION

The statements of association of Ngāi Te Rangi with the areas listed in clause 5.21 are set out below. These are statements of the particular cultural, spiritual, historical and traditional association of Ngāi Te Rangi with those areas.

Kopuaroa Canal (as shown on deed plan OTS-078-25)

Te Kopuaroa flows through the Te Kopuaroa swamp, then through to Hikutawatawa. It is significant to Ngāi Te Rangi because it provides a link between ngā rae o Pāpāmoa and the lower areas which flow to the coastline through the lowlands of the Ngāi Te Rangi Pāpāmoa Hills and the Kaituna River. The canal was a bountiful source of sustenance for the various hapū of Ngāi Te Rangi. It was a way they travelled into the hills to source kereru and other forms of birdlife; it was also a way in which people travelled down to the shoreline for kaimoana and eels. It is said that along this area, eels were bountiful, and that the overflow would go from the ranges down into the shoreline closer to the sea. This site was renowned as a shared site for many, as a borderline area into the area of Ngāi Te Rangi.

...

NGĀI TE RANGI AND NGĀ POTIKI DEED OF SETTLEMENT:
DOCUMENTS SCHEDULE

1:2: STATEMENTS OF ASSOCIATION (AREAS LISTED IN CLAUSE 5.21)

NGĀ PŌTIKI STATEMENTS OF ASSOCIATION

The statements of association of Ngā Pōtiki with the areas listed in clause 5.21 are set out below. These are statements of the particular cultural, spiritual, historical and traditional association of Ngā Pōtiki with those areas.

KOPUARO A (KOPUROA) (as shown on deed plan OTS-078-25)		
Site type	Canal	Nga Potiki association (history and significance)
Location	Between Te Puke and Papamoa	Also known as Kopuroa Canal, Kopuaroa drains what was formerly known as the 'longswamp' at the Te Puke end of Papamoa. Kopuaroa intersects with SH2 between Te Puke and Papamoa and helps mark the southeastern confiscation line imposed by the Crown in 1865, running from Otara toward Wairakei on the coast.
Description of site	Canal	
Nga Potiki tupuna association	Tamapahore Rangihouhiri a Kahukino Eru Tamapahore Wiparera Tarakiteawa Pine Te Awaiti Pateuru Hoani	
Pepeha, waiata, kiwaha, whakatauki		