
DEED OF RECOGNITION BY THE COMMISSIONER OF CROWN LANDS

THIS DEED is made by **THE CROWN** acting by the Commissioner of Crown Lands

BACKGROUND

- A. Ngāti Koroki Kahukura and the Crown are parties to a deed of settlement (the **Deed of Settlement**) to settle the Historical Claims of Ngāti Koroki Kahukura dated 20 December 2012.
- B. Under clause 5.9.1 of the Deed of Settlement, the governance entity and the Crown agreed (if the Deed of Settlement became unconditional) to enter into this Deed by or on the **Settlement Date**.
- C. The Ngāti Koroki Kahukura Claims Settlement Act 2014 (the **Settlement Act**) has come into effect and the Deed of Settlement has become unconditional.

IT IS AGREED as follows:

1. CROWN'S ACKNOWLEDGEMENT OF STATEMENTS OF ASSOCIATION WITH STATUTORY AREAS

- 1.1 The Crown acknowledges, under section 30(3) of the Settlement Act, the statements by Ngāti Koroki Kahukura set out in this clause (the **statements of association**) of its cultural, spiritual, historical and traditional association with the statutory areas.

Statements of Association

- Waikato River and its tributaries within the area of interest (as shown on deed plan OTS-180-27)
- Lake Arapuni (as shown on deed plan OTS-180-28)
- Lake Karapiro (as shown on deed plan OTS-180-29)

2. CONSULTATION BY THE COMMISSIONER OF CROWN LANDS WITH THE GOVERNANCE ENTITY IN RELATION TO CERTAIN STATUTORY AREAS

- 2.1 The Commissioner of Crown Lands must, if he or she is undertaking an activity referred to in clause 2.2 in relation to a statutory area referred to in clause 2.3, consult and have regard to the views of the governance entity concerning the association of Ngāti Koroki Kahukura with that statutory area as described in a statement of association.
- 2.2 Clause 2.1 applies to the following activities:
 - 2.2.1 considering an application to the Crown for a right of use or occupation (including a renewal);
 - 2.2.2 preparing a plan, strategy or programme for protection and management;
 - 2.2.3 conducting a survey to identify the number and type of uses that may be appropriate; or
 - 2.2.4 preparing a programme to eradicate noxious flora and fauna.

2.2.5 Clause 2.1 applies to the following statutory areas:

- (a) Waikato River and its tributaries within the area of interest (as shown on deed plan OTS-180-27)
- (b) Lake Arapuni (as shown on deed plan OTS-180-28)
- (c) Lake Karapiro (as shown on deed plan OTS-180-29)

2.3 The Commissioner of Crown Lands must, in order to enable the governance entity to give informed views when the Commissioner is consulting the governance entity under clause 2.1:

2.3.1 provide the governance entity with relevant information; and

2.3.2 inform the governance entity of an application for a right of a use or occupation (including a renewal) in relation to a statutory area referred to in clause 2.3 (but the Commissioner of Crown Lands may withhold commercially sensitive information and material included within, or that relates to, that application).

3. LIMITATIONS

3.1 This deed relates only to those parts of the statutory area owned and managed by the Crown.

3.2 This deed does not, in relation to a statutory area:

3.2.1 require the Crown to undertake, increase or resume any activity of the kind referred to in clause 2.2; or

3.2.2 preclude the Crown from not undertaking, or ceasing to undertake, any or all of the activities referred to in clause 2.2.

3.3 If this deed relates to a statutory area that is a river:

3.3.1 it relates only to:

- (a) the bed of that river; and
- (b) that part of the bed of the river (if any) that is:
 - (i) owned by the Crown; and
 - (ii) managed by the Crown;

3.3.2 it does not relate to:

- (a) the bed of an artificial watercourse;
- (b) land that the waters of the river do not cover at its fullest flow without overlapping its banks; or
- (c) the bed of a tributary flowing into that river; and

3.3.3 in determining whether the Crown manages a river for the purposes of this clause, management exercised by a local authority under the Resource Management Act 1991 is not relevant.

3.4 Except as provided in clause 2.1, this deed:

3.4.1 does not affect, and may not be taken into account by, any person exercising a power or performing a function or duty under legislation or a bylaw;

3.4.2 affect the lawful rights or interests of any person; or

3.4.3 grant, create or provide evidence of an estate or interest in, or rights relating to, a statutory area.

3.5 This deed does not prevent the Crown from entering into a deed of recognition with a person or persons other than Ngāti Koroki Kahukura in relation to a statutory area.

4. TERMINATION

4.1 This deed terminates in respect of a statutory area (or part of it) if:

4.1.1 the governance entity and the Commissioner of Crown Lands agree in writing that this deed is no longer appropriate for the area concerned;

4.1.2 the area concerned is disposed of by the Crown; or

4.1.3 the Commissioner of Crown Lands ceases to be responsible for the activities referred to in clause 2.2 in relation to or within the area concerned and they are transferred to another person or official within the Crown.

4.2 If this deed terminates in relation to an area under clause 4.1.3, the Crown will take reasonable steps to ensure the governance entity continues to have input into the activities referred to in clause 2.2 in relation to or within the area concerned through negotiation with the new person or official within the Crown that is responsible for those activities.

5. NO ASSIGNMENT

5.1 The governance entity may not assign its rights or obligations under this Deed.

6. INTERPRETATION

6.1 In this Deed, unless the context requires otherwise:

Commissioner of Crown Lands and **Commissioner** means the Commissioner of Crown Lands appointed under section 24AA of the Land Act 1948.

6.2 In this Deed, unless the context requires otherwise, the following terms have the meaning for that term given by the clause or Part of this Deed set opposite that term:

Term	Defining Clause
Crown	Her Majesty the Queen in right of New Zealand
deed of settlement	the deed of settlement dated 20 December 2012 between Ngāti Koroki Kahukura, the Tautawīwi

Term	Defining Clause
	Trust and the Crown
activities	the activities specified in clause 2.2
person	includes an individual, a corporation sole, a body corporate, and an unincorporated body
settlement legislation	means the Act referred to in clause C.
statutory area	an area referred to in clause 2, the general location of which is indicated on the deed plan referred to in relation to that area (but which does not establish the precise boundaries of the statutory area)
statement of association	the statements in part 1 of the documents schedule to the deed of settlement and copied, for ease of reference, in the schedule to this deed

6.3 In this deed, references to SO plans are included for the purpose of indicating the general location of a statutory area and do not establish the precise boundaries of a statutory area.

6.4 Unless the context requires otherwise:

6.4.1 terms or expressions defined in the Deed of Settlement have the same meanings in this deed; and

6.4.2 rules of interpretation in the Deed of Settlement also apply in this deed.

6.5 If there are any inconsistencies between this deed and the Deed of Settlement, the provisions of the Deed of Settlement will prevail.

SIGNED as a deed on 29 July 2014

SIGNED for and on behalf of
THE CROWN by the
Commissioner of Crown Lands
in the presence of:




Signature of Witness

Witness Name: Ginny Leggett

Occupation: Public Servant

Address: Level 7, 155 The Terrace
Wellington

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Schedule

Copies of Statements of Association

Waikato River and its tributaries within the area of interest (as shown on deed plan OTS-180-27)

The Waikato River is the awa tupuna (ancestral river) and a living taonga of Ngāti Koroki Kahukura with its own mauri and spiritual integrity. The awa is part of us. Ngāti Koroki Kahukura regards the Waikato River as the life blood of our people. We regard the awa and its tributaries with reverence, significance and love. The awa continues to provide spiritual and physical sustenance to Ngāti Koroki Kahukura and is inextricably linked to our identity. Our maunga and our awa are inseparable, hence our saying:

Ko Maungatautari te maunga
ko Waikato te awa

*Our mountain is Maungatautari
Our ancestral river is Waikato.*

The awa tupuna had traditional healing powers. Spiritually, the Waikato River is constant, enduring and perpetual. It brings us peace in times of stress, relieves us from illness and pain, cleanses and purifies our bodies and souls from the many problems that surround us, and it is the home of the many Taniwha that reside here, hence the saying:

Ko Pōtatau te Tangata
Ko Taupiri te Maunga
Ko Waikato te Awa
He Piko He Taniwha
He Piko He Taniwha.

Over generations, Ngāti Koroki Kahukura developed tikanga which reflect a profound respect for the Waikato River and the life within it. Tikanga related to the blessing of children, to cleansing, and to healing.

In addition to its spiritual dimension, physically the Waikato River in times past, present and future, has, and will provide for our people the means to sustain ourselves. Its waters enabled the land to remain fertile thereby allowing the gardens of Ngāti Koroki Kahukura to flourish. The awa tupuna yielded aquatic foods such as fish and tuna and the Arapuni region was known as 'te rohe o te tuna - the region of the plentiful eels'. The lyrics of the well-known waiata for the river 'Waikato Te Awa', originally composed by Rangi Harrison who worked on the Waikato river dam system, include:

'Titiro whakakatau au, ko Maungatautari, Ko Ngāti Koroki,
Ko Arapuni ra, te rohe o te tuna e...'

*From Karapiro I look south and to my right, and there is Maungatautari
and Ngāti Koroki through to Arapuni, the domain of the eel.*

According to oral histories when spearing eels, little ones were thrown back. Food was not eaten right by the river, but taken home to eat. Elderly tribal members recall being taught not to be greedy, to take only enough food for a meal, and not to mistreat the river. Rāhui,

or prohibitions on fishing or other activities, were imposed in defined areas to prevent fishing for a time to allow for food species to rejuvenate.

In addition to eels, food species that were once abundant include whitebait, inanga, catfish, trout, river cod, freshwater crayfish, mullet, fresh water pipi and mussels, water fowls of all kinds and watercress. Ngāti Koroki Kahukura also accessed the waterways to prepare the traditional fermented delicacy, kānga wai.

The Waikato River was the principal highway of trade for Ngāti Koroki Kahukura. Ngāti Koroki Kahukura were waka builders. From the nineteenth century that trade included sending wheat, flax and potatoes via waka north and overseas for trading. In addition to its role as part of the waka culture and transportation network, the river provided many resources including flax for weaving. Its flood plains and river valleys provided large areas of arable soils.

We are a river iwi. Our relationship with our awa tupuna (ancestral river) has developed over centuries. Ngāti Koroki Kahukura continues to exercise the customary rights and responsibilities of kaitiakitanga over the Waikato River from Karapiro through to Arapuni. As a kaitiaki of our ancestral river, Ngāti Koroki Kahukura continue to be responsible for protecting the health and well-being of the river for future generations.

This statement of association also applies to all lakes and tributaries of the awa tupuna.

Lake Arapuni (as shown on deed plan OTS-180-28)

The Waikato River, of which Lake Arapuni forms part, is the awa tupuna (ancestral river) and a living taonga of Ngāti Koroki Kahukura with its own mauri and spiritual integrity. The awa is part of us. Ngāti Koroki Kahukura regards the Waikato River as the life blood of our people. We regard the awa and its tributaries with reverence, significance and love. The awa continues to provide spiritual and physical sustenance to Ngāti Koroki Kahukura and is inextricably linked to our identity. Our maunga and our awa are inseparable, hence our saying:

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In addition to its spiritual dimension, physically the Waikato River in times past, present and future, has, and will provide for our people the means to sustain ourselves. Its waters enabled the land to remain fertile thereby allowing the gardens of Ngāti Koroki Kahukura to flourish. The awa tupuna yielded aquatic foods such as fish and tuna and the Arapuni region was known as 'te rohe o te tuna - the region of the plentiful eels'. The lyrics of the well-known waiata for the river 'Waikato Te Awa', originally composed by Rangi Harrison who worked on the Waikato river dam system, include:

'Titiro whakakatau au, ko Maungatautari, Ko Ngāti Koroki,
Ko Arapuni ra, te rohe o te tuna e...'

*From Karapiro I look south and to my right, and there is Maungatautari
and Ngāti Koroki through to Arapuni, the domain of the eel.*

According to oral histories when spearing eels, little ones were thrown back. Food was not eaten right by the river, but taken home to eat. Elderly tribal members recall being taught not to be greedy, to take only enough food for a meal, and not to mistreat the river. Rāhui, or prohibitions on fishing or other activities, were imposed in defined areas to prevent fishing for a time to allow for food species to rejuvenate.

In addition to eels, food species that were once abundant include whitebait, inanga, catfish, trout, river cod, freshwater crayfish, mullet, fresh water pipi and mussels, water fowls of all kinds and watercress. Ngāti Koroki Kahukura also accessed the waterways to prepare the traditional fermented delicacy, kānga wai.

The Waikato River was the principal highway of trade for Ngāti Koroki Kahukura. Ngāti Koroki Kahukura were waka builders. From the nineteenth century that trade included sending wheat, flax and potatoes via waka north and overseas for trading. In addition to its role as part of the waka culture and transportation network, the river provided many resources including flax for weaving. Its flood plains and river valleys provided large areas of arable soils.

We are a river iwi. Our relationship with our awa tupuna (ancestral river) has developed over centuries. Ngāti Koroki Kahukura continues to exercise the customary rights and responsibilities of kaitiakitanga over the Waikato River from Karapiro through to Arapuni. As a kaitiaki of our ancestral river, Ngāti Koroki Kahukura continue to be responsible for protecting the health and well-being of the river for future generations.

In addition to this statement regarding the Waikato River, Ngāti Koroki Kahukura states our specific association to Lake Arapuni.

Since the early 1800s, Ngāti Koroki Kahukura have farmed lands on both sides of our awa tupuna in the Arapuni area. What is now Lake Arapuni continues to hold significant historic, cultural and ancestral value for Ngāti Koroki Kahukura. Ngāti Koroki Kahukura continues to exercise kaitiakitanga in the Arapuni area through conducting karakia and pōwhiri and other customary activities.

Arapuni was the name of the rapids along the Waikato River which were submerged when the lake was formed. Ngāti Koroki Kahukura whānau worked on the dam construction project that led to the formation of the lake.

Ngāti Koroki Kahukura's presence in the area is recognised within the well-known Waikato waiata for the river 'Waikato Te Awa', originally composed by Rangi Harrison who worked on the Waikato river dam system, which says:

'Ko Maungatautari, ko Ngāti Koroki Kahukura, ko Arapuni rā, te rohe o te tuna e'.

Lake Arapuni covers a number of sites of significance to Ngāti Koroki Kahukura including travel routes important to the iwi. Many Ngāti Koroki Kahukura tūpuna lived on their lands along the eastern banks of our awa tūpuna and crossed the river to travel.

Our burial caves lined both banks of the awa (once very steep) that is now Lake Arapuni, including a significant burial cave not far from Darby Rd. Mere Kara tells of the times of her childhood swimming at Arapuni. Because the banks of the river were so steep in other areas, they would travel to swim at Arapuni as it was more accessible and safer to swim there.

In more recent years, if there was mishap through drowning, Ngāti Koroki Kahukura waited in vigil to karakia and support and awhi the bereaved whānau until the tūpāpaku emerged. Ngāti Koroki Kahukura has also supported the reburial of wheua or kōiwi (bones) discovered in and around the Lake and re-interred these with due respect within urupā.

Lake Karapiro (as shown on deed plan OTS-180-29)

The Waikato River, of which Lake Karapiro forms part, is the awa tūpuna (ancestral river) and a living taonga of Ngāti Koroki Kahukura with its own mauri and spiritual integrity. The awa is part of us. Ngāti Koroki Kahukura regards the Waikato River as the life blood of our people. We regard the awa and its tributaries with reverence, significance and love. The awa continues to provide spiritual and physical sustenance to Ngāti Koroki Kahukura and is inextricably linked to our identity. Our maunga and our awa are inseparable, hence our saying:

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was known as 'te rohe o te tuna - the region of the plentiful eels'. The lyrics of the well-known waiata for the river 'Waikato Te Awa', originally composed by Rangi Harrison who worked on the Waikato river dam system, include:

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In addition to this statement regarding the Waikato River, Ngāti Koroki Kahukura states our specific association to Lake Karapiro.

The Karapiro area is of immeasurable spiritual, cultural and ancestral significance to Ngāti Koroki Kahukura. It is a wāhi tino tapu.

Ngāti Koroki Kahukura have sustained our presence upon the lands in and around what is now Lake Karapiro for many generations, maintaining our presence to this day.

Taumatawiwi

In the 1800s, during times of inter-tribal conflict, other iwi and hapū occupied the Maungatautari and Karapiro area with Ngāti Koroki Kahukura's permission, but friction resulted, and a pivotal battle was fought by Ngāti Koroki Kahukura and others at Taumatawiwi in 1830. To prevent interference, slain bodies of fallen Ngāti Koroki Kahukura warriors (as well as warriors from other iwi who supported them in the battle), were burnt at the base of prominent rocks situated in the valley where the Hauoira Stream joined the Waikato River. Because of the foul odours emanating from the cremations, the place was called Karapiro (karā being a type of rock and piro meaning foul). These rocks are now submerged in the lake and, in the 1980s, monuments were established to commemorate the importance of the site.

The battle of Taumatawiwi is central to the identity and the on-going customary rights and responsibilities of Ngāti Koroki Kahukura in the area.

Ngāti Koroki Kahukura people lived in the Horahora village which was also flooded (along with the Horahora Dam) when the new dam was constructed at Karapiro between 1940 and 1947. This was the location of many traditional landmarks and food sources important to traditional customary practices.

Ngāti Koroki Kahukura has a deep and important on-going association with the Karapiro area on the basis that the bones of our ancestors as well as our former homes and burial grounds lie beneath the waters of the hydro lake.