

**DEED OF RECOGNITION FOR THE FOLLOWING
STATUTORY AREAS**

- (1) Onaero River**
- (2) Urenui River**
- (3) Waitara River (within the Area of Interest)**
- (4) Mimi River (within the Area of Interest)**

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2/11

NGĀTI MUTUNGA DEED OF RECOGNITION

THIS DEED is made

BETWEEN

TE RUNUNGA O NGĀTI MUTUNGA (the **Governance Entity**)

AND

HER MAJESTY THE QUEEN in right of New Zealand acting by the Commissioner of Crown Lands (the **Crown**).

BACKGROUND

- A. Ngāti Mutunga and the Crown are parties to a deed of settlement (the "Deed of Settlement") to settle the Historical Claims of Ngāti Mutunga dated 31 July 2005.
- B. Under **clause 11.20** of the Deed of Settlement it was agreed that (if the Deed of Settlement became unconditional) the Crown would enter into this Deed.
- C. The Ngati Mutunga Claims Settlement Act 2006 (the "Settlement Act") has come into force 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 48 of the Settlement Act, the statements by Ngāti Mutunga set out in this clause (the "Statements of Association") of its cultural, spiritual, historical and traditional association with the Statutory Areas.

Statements of Association

- 1.2 This Deed applies to the Statutory Areas to which the following Statements of Association relate.
- 1.3 *Onaero River – as shown on SO 336080*

The following Statement of Association by Ngāti Mutunga applies to the above Statutory Area.

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Onaero River. For Ngāti Mutunga, 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 Onaero River to Ngāti Mutunga.

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The Onaero River was important to Ngāti Uenuku (also known as Ngāti Tupawhenua). Ruaoneone had Ruawahia and from Ruawahia came Uenuku, the ancestor of Ngāti Uenuku. Kaitangata also has a strong association with the Onaero River.

Puketapu and Pukemiro pā are situated at the mouth of the river. Other pā along the banks of the Onaero River include Pukemapou, Moerangi, Te Ngaio, Tikorangi, Kaitangata and Ruahine which are all located upstream. Pukemapou was the home of Uenuku's two grandsons Pouwhakarangona and Poutitia. Pourangahau was the name of their famous whata kai.

Ngāti Mutunga utilised the entire length of the Onaero River for food gathering. The mouth of the river provided a plentiful supply of pipi, pūpū (cats eye), pātiki (flounder), kahawai and other fish. Inanga (whitebait) were caught along the banks of the river. Tuna (eel) and piharau (lamprey eel) were caught in the upper reaches of the river. Piharau (lamprey eel) were caught using whakaparu, which was a technique developed by placing rarauhe (bracken fern) in the rapids of the river in times of flood.

Ngāti Mutunga people have used the Onaero River to access sacred sites along its banks. The Onaero River and its banks have been occupied by the ancestors of Ngāti Mutunga since before the arrival of Tokomaru and Tahatuna waka. The Onaero River was a spiritual force for the ancestors of Ngāti Mutunga and remains so today.

The tūpuna 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 Onaero River, the relationship of people with the river and their dependence on it, and tikanga for proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Mutunga today.

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 Ngāti Mutunga whānui to the Onaero River.

The Onaero River has always been an integral part of the social, spiritual and physical lifestyle of the Ngāti Mutunga people. There are specific areas of the Onaero River that Ngāti Mutunga people would bathe in when they were sick. The river was also used for baptising babies.

1.4 Urenui River – as shown on SO 324315

The following Statement of Association by Ngāti Mutunga applies to the above Statutory Area.

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Urenui River. For Ngāti Mutunga, 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 Urenui River to Ngāti Mutunga.



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The name Urenui derives from Tu-Urenui the son of Manaia who commanded the Tahatuna waka. Upon landing Manaia named the river after his son Tu-Urenui as an acknowledgement of his mana in the area. Upon his arrival the descendants of Pohokura and Pukearuhe were residing in the area. The river was also known as Te Wai o Kura. Kura was the ancestor of the Ngāti Kura hapū who in prior times occupied this area. The name is depicted in the Ngāti Mutunga pepeha:

Mai te Wai o Mihirau (Mimi River) ki Te Wai o Kuranui (Urenui), koia tera ko te whakararunga taniwha

The Urenui River has been a treasured taonga and resource of Ngāti Mutunga. Traditionally the Urenui River and, in times past, the associated wetland area have been a source of food as well as a communication waterway.

The people of Ngāti Mutunga lived in many pā located along the banks of the Urenui River. The Urenui River was referred to as "*he wai here Taniwha*" this figurative expression was used because of the large number of pā along the banks of the river. These pā included Pihanga, Pohokura, Maruehi, Urenui, Kumarakaiamo, Ohaoko, Pā-oneone, Moeariki, Horopapa, Te Kawa, Pā-wawa, Otumoana, Orongowhiro, Okoki, Pukewhakamaru and Tutu-manuka. The riverbanks thus became the depository of many koiwi tangata.

Ngāti Mutunga utilised the entire length of the Urenui River for food gathering. The mouth of the river provided a plentiful supply of kutae (mussels), pipi and pūpū (cats eye). Pātiki (flounder), kahawai and other fish were caught throughout the year depending on the tide and the moon. Inanga (whitebait) were caught by the kete full. Tuna (eel) and piharau (lamprey eel) were caught in the upper reaches of the river. Piharau were caught using whakaparu, which was a technique developed by placing rarauhe (bracken fern) in the rapids of the river in times of flood.

Ngāti Mutunga people have used the Urenui River to access sacred sites along its banks. The Urenui River and its banks have been occupied by the ancestors of Ngāti Mutunga since before the arrival of Tokomaru and Tahatuna. Such ancestors included the descendants of Tokatea. The Urenui River was a spiritual force for the ancestors of Ngāti Mutunga and remains so today.

The tūpuna 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 Urenui River, the relationship of people with the river and their dependence on it, and tikanga for proper and suitable utilisation of resources. All of these values remain important to the people of Ngāti Mutunga today.

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 Ngāti Mutunga whānui to the Urenui River. Ngāti Mutunga also used the Urenui River for baptising babies. When members of Ngāti Mutunga were sick or had skin problems they were taken to the river to be healed.

The Urenui River has always been an integral part of the social, spiritual and physical lifestyle of Ngāti Mutunga.

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1.5 *Waitara River within the Area of Interest – as shown on SO 324314*

The following Statement of Association by Ngāti Mutunga applies to the above Statutory Area.

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Waitara River. For Ngāti Mutunga, 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 Waitara River to Ngāti Mutunga.

The Waitara River takes its name from Te Whaitara-nui-ā-Wharematangi-i-te-kimi-i-tana-matua-i-ā-Ngarue. The Waitara River is important to Ngāti Mutunga as a boundary marker between Ngāti Mutunga and Ngāti Maru-Wharanui.

1.6 *Mimi River within the Area of Interest – as shown on SO 336081*

The following Statement of Association by Ngāti Mutunga applies to the above Statutory Area.

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Mimi River. For Ngāti Mutunga, 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 Mimi River to Ngāti Mutunga.

The tūpuna 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 Mimi River, the relationship of people with the river and their dependence on it, and tikanga for proper and suitable utilisation of resources. All of these values remain important to the people of Ngāti Mutunga today.

The full name of the Mimi River is Mimitangiatua. The river was also known as Te Wai o Mihirau. Mihirau was an ancestress of the Te Kekerewai hapū and was a prominent woman of her time. The name Te Wai o Mihirau is referred to in a Ngāti Mutunga pepeha:

Mai te Wai o Mihirau (Mimi River) ki Te Wai o Kuranui (Urenui), koia tera ko te whakarangunui taniwha

There are a number of pā and kāinga located along the banks of the Mimi River. These include Mimi-Papahutiwai, Omihi, Arapawanui, Oropapa, Pukekohe, Toki-kinikini and Tupari. There were also a number of taupā (cultivations) along the banks of the river.

Arapawanui was the pā of Mutunga's famous grandsons Tukutahi and Rehetaia. They were both celebrated warriors, especially Rehetaia who took the stronghold of Kohangamouku belonging to Ngāti Mutunga's southern neighbours, Ngāti Rahiri.

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The Mimi River and associated huhi (swampy valleys), ngahere (large swamps) and repo (muddy swamps) were used by Ngāti Mutunga to preserve taonga. The practice of keeping wooden taonga in swamps was a general practice of the Ngāti Mutunga people.

The Mimi River has nourished the people of Ngāti Mutunga for centuries. Pipi, pūpū (cats eye), tio (oyster) and pātiki (flounder) were found in abundance at the mouth of the river. Inanga (whitebait) were caught all along the banks of the river.

The Mimi River has always been an integral part of the social, spiritual and physical lifestyle of the Ngāti Mutunga people. Ngāti Mutunga also used the Mimi River for baptising babies. When members of Ngāti Mutunga were sick or had skin problems they were taken to the river to be healed.

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 Ngāti Mutunga whānui to the Mimi River.

To the people of Ngāti Mutunga, all the rivers and their respective valleys are of the utmost importance because of their physical, spiritual and social significance in the past, present and future.

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 Mutunga with that 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.

2.3 **Clause 2.1** applies to the following Statutory Areas:

2.3.1 Onaero River (as shown on SO336080);

2.3.2 Urenui River (as shown on SO324315);



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- 2.3.3 Waitara River within the Area of Interest (as shown on SO324314);
and
- 2.3.4 Mimi River within the Area of Interest (as shown on SO336081).
- 2.4 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**:
 - 2.4.1 provide the Governance Entity with relevant information; and
 - 2.4.2 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 of Recognition 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) land that the waters of the river do not cover at its fullest flow without overlapping its banks;
 - (b) the bed of an artificial watercourse; and
 - (c) the bed of a tributary flowing into that river; and



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- 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, a person exercising a power or performing a function or duty under a statute, regulation, or 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 Mutunga 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 under **clause 4.1.3** in relation to an area, 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. NOTICES

- 5.1 The provisions of this clause apply to notices under this Deed:

Notices to be signed

- 5.1.1 the Party giving a notice must sign it;

Notice to be in writing

- 5.1.2 any notice to a Party must be in writing addressed to that Party at that Party's address or facsimile number;

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Addresses for notice

- 5.1.3 until any other address or facsimile number of a Party is given by notice to the other Party, they are as follows:

The Crown:	Governance Entity:
Commissioner of Crown Lands	Te Rununga o Ngāti Mutunga
Lambton House	PDC Box 32
160 Lambton Quay	URENUI
WELLINGTON	Facsimile (06) 752 3347

Delivery

- 5.1.4 delivery of a notice may be made:

- (a) by hand;
- (b) by post with prepaid postage; or
- (c) by facsimile;

Timing of delivery

- 5.1.5 a notice delivered:

- (a) by hand will be treated as having been received at the time of delivery;
- (b) by pre-paid post will be treated as having been received on the second day after posting; or
- (c) by facsimile will be treated as having been received on the day of transmission; and

Deemed date of delivery

- 5.1.6 if a notice is treated as having been received on a day that is not a Business Day, or after 5pm on a Business Day, that Notice will (despite **clause 5.1.5**) be treated as having been received the next Business Day.



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6. NO ASSIGNMENT

- 6.1 The Governance Entity may not assign its rights or obligations under this Deed.

7. DEFINITIONS AND INTERPRETATION

- 7.1 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.

Concession has the same meaning as in section 2 of the Conservation Act 1987;

Party means a party to this Deed; and

Statutory Area means a Statutory Area referred to in **clause 2.3**.

- 7.2 In the interpretation of this Deed, unless the context requires otherwise:

7.2.1 terms and expressions that are not defined in this Deed but are defined in the Deed of Settlement have the meaning in this Deed that they have in the Deed of Settlement;

7.2.2 headings appear as a matter of convenience and are not to affect the interpretation of this Deed;

7.2.3 where a word or expression is defined in this Deed, other parts of speech and grammatical forms of that word or expression have corresponding meanings;

7.2.4 the singular includes the plural and vice versa;

7.2.5 words importing one gender include the other genders;

7.2.6 a reference to legislation is a reference to that legislation as amended, consolidated or substituted;

7.2.7 a reference to any document or agreement, including this Deed, includes a reference to that document or agreement as amended, novated or replaced;

7.2.8 a reference to written or in writing includes all modes of presenting or reproducing words, figures and symbols in a tangible and permanently visible form;

7.2.9 a reference to a person includes a corporation sole and also a body of persons, whether corporate or unincorporate;



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- 7.2.10 a reference to a date on which something must be done includes any other date that may be agreed in writing between the Governance Entity and the Crown;
- 7.2.11 where something is required to be done by or on a day that is not a Business Day, that thing must be done on or by the next Business Day after that day; and
- 7.2.12 a reference to time is to New Zealand time.
- 7.3 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.
- 7.4 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 13TH DECEMBER 2006

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Signed by JAMIE GRANT DANIEL TUUTA

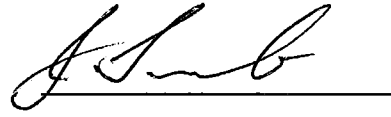
In the presence of

Witness


Occupation

Address

Matanuku Kihirini Mahuika
Solicitor
WELLINGTON



(Signature)



(Signature)

Signed by MIRIAMA EVANS

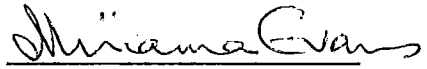
In the presence of

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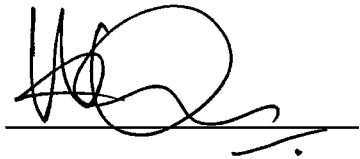
Occupation

Address

Matanuku Kihirini Mahuika
Solicitor
WELLINGTON



(Signature)



(Signature)

Signed by PATRICIA SHARON HURIMOANA HAAMI

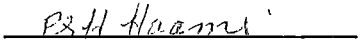
In the presence of

Witness

Occupation

Address

Matanuku Kihirini Mahuika
Solicitor
WELLINGTON



(Signature)



(Signature)



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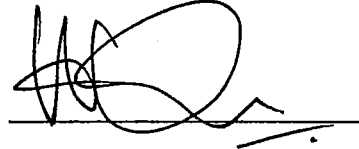
Signed by LEWIS CALLAGHAN



In the presence of

(Signature)

Witness



(Signature)

**Matanuku Kihirini Mahuika
Solicitor
WELLINGTON**

Occupation

Address

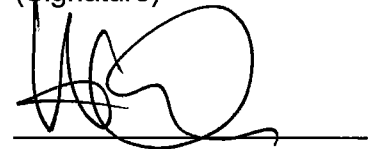
Signed by EWAI HANNAH TUUTA



In the presence of

(Signature)

Witness



(Signature)

**Matanuku Kihirini Mahuika
Solicitor
WELLINGTON**

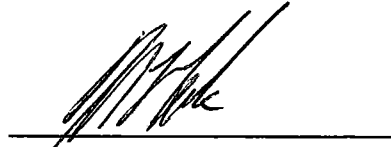
Occupation

Address




NGĀTI MUTUNGA DEED OF RECOGNITION

SIGNED for and on behalf of
HER MAJESTY THE QUEEN in right of
New Zealand by **John Hook** (Acting)
Manager Crown Property Management -
pursuant to a delegation from the
Commissioner of Crown Lands



(Signature)

In the presence of:



(Signature)

Name: JACOB TAULEALEA
PORTFOLIO MANAGER
Occupation: CROWN PROPERTY MANAGEMENT
C/- LAND INFORMATION NEW ZEALAND
Address: NATIONAL OFFICE

