

DEED OF RECOGNITION

THIS DEED is made by **THE CROWN** acting by the Minister of Conservation and the Director-General of Conservation

1 INTRODUCTION

- 1.1 The Crown has granted this deed as part of the redress under a deed of settlement with -
- 1.1.1 Waitaha; and
 - 1.1.2 the trustees of Te Kapua o Waitaha (the **trustees**).
- 1.2 In the deed of settlement, Waitaha made statements of the particular cultural, spiritual, historical, and traditional association of Waitaha with the following areas (the **statutory areas**):
- 1.2.1 four wāhi tapu sites within Ōtanewainuku Forest -
 - (a) Hakoko Creek (as shown on deed plan OTS-075-04); and
 - (b) Paraiti Creek (as shown on deed plan OTS-075-04); and
 - (c) Popaki Creek (as shown on deed plan OTS-075-04); and
 - (d) Kaokaonui Kāinga (as shown on deed plan OTS-075-04);
 - 1.2.2 Te Raparapa-ā-Hoe (as shown on deed plan OTS-075-05).
- 1.3 Those statements of association are -
- 1.3.1 in part 5 of the documents schedule to the deed of settlement; and
 - 1.3.2 copied, for ease of reference, in the schedule to this deed.
- 1.4 The Crown has acknowledged the statements of association in the Waitaha Claims Settlement Act 2012, being the settlement legislation that gives effect to the deed of settlement.

2 CONSULTATION

- 2.1 The Minister of Conservation and the Director-General of Conservation must, if undertaking an activity specified in clause 2.2 in relation to a statutory area, consult and have regard to the views of the trustees concerning the association of Waitaha with that statutory area as described in a statement of association.
- 2.2 Clause 2.1 applies to each of the following activities (the **identified activities**):

- 2.2.1 preparing a conservation management strategy, or a conservation management plan, under the Conservation Act 1987 or the Reserves Act 1977:
 - 2.2.2 preparing a national park management plan under the National Parks Act 1980:
 - 2.2.3 preparing a non-statutory plan, strategy, programme, or survey in relation to a statutory area that is not a river for any of the following purposes:
 - (a) to identify and protect wildlife or indigenous plants:
 - (b) to eradicate pests, weeds, or introduced species:
 - (c) to assess current and future visitor activities:
 - (d) to identify the appropriate number and type of concessions:
 - 2.2.4 preparing a non-statutory plan, strategy, or programme to protect and manage a statutory area that is a river:
 - 2.2.5 locating or constructing structures, signs, or tracks.
- 2.3 The Minister and the Director-General of Conservation must, when consulting the trustees under clause 2.1, provide the trustees with sufficient information to make informed decisions.

3 LIMITS

- 3.1 This deed -
- 3.1.1 relates only to the part or parts of a statutory area owned and managed by the Crown; and
 - 3.1.2 does not require the Crown to undertake, increase, or resume any identified activity; and
 - 3.1.3 does not prevent the Crown from not undertaking, or ceasing to undertake, any identified activity; and
 - 3.1.4 is subject to the settlement legislation.

4 TERMINATION

- 4.1 This deed terminates in respect of a statutory area, or part of it, if -
- 4.1.1 the trustees, the Minister of Conservation, and the Director-General of Conservation agree in writing; or
 - 4.1.2 the relevant area is disposed of by the Crown; or
 - 4.1.3 responsibility for the identified activities in relation to the relevant area is transferred from the Minister or the Director-General of Conservation to another Minister and/or Crown official.

- 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 trustees continue to have input into any identified activities in relation to the area with the new Minister and/or Crown official responsible for that activity.

5 NOTICES

- 5.1 Notices to the trustees and the Crown are to be given under this deed in accordance with part 4 of the general matters schedule to the deed of settlement, except that the Crown's address where notices are to be given is :

Area Manager,
Department of Conservation,
PO Box 9003
TAURANGA 3142

6 AMENDMENT

- 6.1 This deed may be amended only by written agreement signed by the trustees and the Minister of Conservation and the Director-General of Conservation.

7 NO ASSIGNMENT

- 7.1 The trustees may not assign their rights under this deed.

8 DEFINITIONS

- 8.1 In this deed -

Crown has the meaning given to it by section 2(1) of the Public Finance Act 1989; and

deed means this deed of recognition as it may be amended from time to time; and

deed of settlement means the deed of settlement dated 20 September 2011 between Waitaha, the trustees, and the Crown; and

Director-General of Conservation has the same meaning as Director-General in section 2(1) of the Conservation Act 1987; and

identified activity means each of the activities specified in clause 2.2; and

Minister means the Minister of Conservation; and

person includes an individual, a corporation sole, a body corporate, and an unincorporated body; and

settling group and **Waitaha** have the meaning given to them by the deed of settlement; and

settlement legislation means the Act referred to in clause 1.4; and

statement of association means each statement of association in part 2 of the documents schedule to the deed of settlement and which is copied, for ease of reference, in the schedule to this deed; and

statutory area means an area referred to in clause 1.2.1 or 1.2.2, 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; and

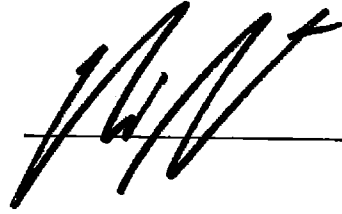
writing means representation in a visible form on a tangible medium (such as print on paper).

9 INTERPRETATION

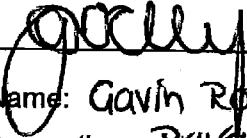
- 9.1 The provisions of this clause apply to this deed's interpretation, unless the context requires a different interpretation.
- 9.2 Headings do not affect the interpretation.
- 9.3 A term defined by -
- 9.3.1 this deed has that meaning; and
 - 9.3.2 the deed of settlement, or the settlement legislation, but not by this deed, has that meanings where used in this deed.
- 9.4 All parts of speech and grammatical forms of a defined term have corresponding meanings.
- 9.5 The singular includes the plural and vice versa.
- 9.6 One gender includes the other genders.
- 9.7 Something, that must or may be done on a day that is not a business day, must or may be done on the next business day.
- 9.8 A reference to -
- 9.8.1 this deed or any other document means this deed or that document as amended, notated, or replaced; and
 - 9.8.2 legislation means that legislation as amended, consolidated, or substituted.
- 9.9 If there is an inconsistency between this deed and the deed of settlement, the deed of settlement prevails.

SIGNED as a deed on

SIGNED for and on behalf of **THE CROWN** by Nick Smith the Minister of Conservation in the presence of-

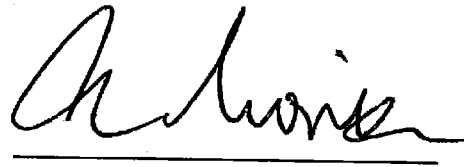


WITNESS:

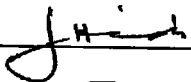


Name: Gavin Rodley
Occupation: Private Secretary
Address: Wellington

SIGNED by Alastair Morrison the Director-General of Conservation in the presence of -



WITNESS:



Name: J. HINDS
Occupation: Executive assistant
Address: P.O. Box 10-420
Wellington

Schedule

Copies of Statements of Association

Four wāhi tapu sites within Ōtanewainuku Forest -

Hakoko Creek (as shown on deed plan OTS-075-04)

He awa, he mahinga kai, he nohoanga kāinga mō Waitaha. He kāinga hoki hei whakata mo te hunga ka hikoi mai i uta ki Tauranga mai Tauranga ki uta. Ahakoa tona iti ka rere, heke atu te awa. Ka hono ki te awa o Te Raparapa-ā-Hoe. Although this is a relatively small stream it contributes to the larger catchment of Te Raparapa-ā-Hoe. All our rivers are pātaka kai. Hakoko is located above Maungaruahine and flows into Te Raparapa-ā-Hoe.

Paraiti Creek (as shown on deed plan OTS-075-04)

Tēnei awa ahua rahi atu i te Hakoko. He awa, he pātaka kai. He nohoanga kāinga tēnei hoki mō o matou whanaunga e haere ana ki Tauranga a ka hoki atu ki Rotorua. This area was strategically placed and was a safe place for overnight stays. It was a place that the Waitaha chiefs asserted and exercised their rights although there were strong contests between some of the Waitaha hapū. Our tupuna Hakaraia stood firm for the consolidation of Waitaha. Paraiti is located above Maungaruahine; and is another stream that flows into Te Raparapa-ā-Hoe.

Popaki Creek (as shown on deed plan OTS-075-04)

Popaki joins the other streams in this area as an important wai Māori resource. Strategic in location and located close "ki ngā pā", it also, like the other creeks, serves as a nohoanga kāinga and a resting place for whānau and hapū travelling between Rotorua and Tauranga. Hakoko, Paraiti and Popaki were occupied because of their strategic location. They were able to provide sustained protection and sustenance for travelers. Land was always available for "mahinga kai" and whānau were encouraged to share in the growing, harvesting and storage. Preserving kai from the sea, bushland and river was a continuous occupation. Popaki Creek is located above Paraiti and flows into Te Raparapa-ā-Hoe.

Kaokaonui Kāinga (as shown on deed plan OTS-075-04)

He pā, he maunga, he rahi ōna tahataha. It is situated below the Mangatoi Stream. Flowing alongside the pā is Kaokaonui Creek which runs into the Mangatoi. This is a pā occupied by Waitaha because of its proximity to the bush food resources. Kaokaonui Pā like the pā situated along the ridge of Ōtanewainuku formed a tangible link to the defensive network of Waitaha pā.

Te Raparapa-ā-Hoe (labelled Raparapahoe on the map used for deed plan OTS-075-05)

Te Raparapa-ā-Hoe is an awa sacred to Waitaha. The name relates to the many waterfalls and rock formations along its course. It could only be navigated by waka to a certain point and then the rapids made it impossible to continue rowing. Te Raparapa-ā-Hoe has its origins in fissures fed by many underground waterways. For Waitaha, Te Raparapa-ā-Hoe links the iwi with the maunga Ōtawa, the land on Ōtara that belongs to Waitaha (Te Ūpoko o Taranui), Otatau and Tahipukuhu.

Te Raparapa-ā-Hoe flows two ways, both above and below the ground. From the Kaituna River, we go through the Atuaroa Stream to Te Hiapo, then we go to Te Waiwhero, then up to Motungarara Pā, then to Tuahu o Te Makawe, then to Takapara, through Waikokowai repo, through Te Ara o Kahureremoa, past Hei Marae, Te Taumata Urupa, Haraki Marae, further up is Oteao, Ngahune, Hapaitataura Pā (Te Moemiti), past Te Puata. It meets with Te Kirikiri Stream, to Te Puata Pā, then to the Waikokoi Stream and Te Waikokoi Pā. We go up to Wairapukao Creek, then to the Hungahungatoroa Creek, then to Rawaru. To the east we go to Maungaruahine Pā, to Te Manaroa Pā then to Hakoko Creek and Paraiti Creek and Te Patu o Tupahau, then to Waimihia Creek and Waimihia Pā.

From the Kaituna we also go through the Atuaroa Swamp to Te Kopuaroa, then west toward the Pāpāmoa Hills. In this direction are sites including: Te Waikokowai repo, Te Korikori, Te Awarua (the Saddle), Te Whare o Te Tarakeho Pā, and then further up is Omarama repo.

Te Raparapa-ā-Hoe is the lifeblood of Waitaha. It flows past and connects many sites of significance to Waitaha including Onuku Rangitekapua, Puke Poto, Te Manaroa, Te Kopuru, Mangamatai, Hapaitataura and Motungarara. Hei Marae is the only Waitaha marae. It is located on Te Raparapa-ā-Hoe Stream which was used for transport, to irrigate cultivations and to provide food and resources for the pā. Motungarara refers to the red kūmara bug. During different parts of the seasons, our whānau would go there and use the waters from Te Raparapa-ā-Hoe to rid our cultivations of the kūmara bug.

Te Taumata is an urupā near Hei Marae on the banks of Te Raparapa-ā-Hoe. It is the place where tūpāpaku were interred so they could be taken back to Rangiwewehi at a later time.

Te Atuaroa River forms where Te Raparapa-ā-Hoe is joined by the Kirikiri, but it is still called Te Raparapa-ā-Hoe. At the confluence of these waterways is the pā, Te Puata. Te Puata was the pā of Haraki, the first wife of Te Iwikoroke. Haraki is also descended from Waitaha and this alliance strengthened the Waitaha lines. Te Ahipuaki is the pā of Te Iwikoroke and is located near the maunga Ōtawa. The name of this pā refers to the rays of the sun because it is an area where you get the sun very early in the day. Te Puata and Te Ahipuaki are located very closely together, hence the whakataukī, "*Ka titiro atu a te Iwikoroke; ka titiro mai a Haraki* (Te Iwikoroke looked, and Haraki looked back)".

Waikokoi was a Waitaha pā and it had mahinga kai. It lay at the junction of Te Raparapa-ā-Hoe and Waikokoi streams. The main tracks coming down from Ōtawa crossed through here to Te Tapuae and Te Puke the original Te Puke, not the town now known as Te Puke. It is in this area of Te Raparapa-ā-Hoe that fishermen came across giant tuna with holes in their tails. These tuna had been left there to feed the tuna that were trapped in the crevices in these rocks. Anyone taking these tuna is advised to throw them back straight away as they are kaitiaki and were kept for that purpose. The names of these tuna referred to by our tūpuna for these eels are "Koroua" and the tuna that they feed on are called "Tūpuna".

The Wairapukao Stream flows into Te Raparapa-ā-Hoe and is located near Muirs Reef. The area above Muirs Reef was known by Waitaha as Rawaru. Hungahungatoroa Creek flows into Te Raparapa-ā-Hoe and is also located near Muirs Reef.

Hakoko and Paraiti are in the same area and are located above Maungaruahine. They both flow into Te Raparapa-ā-Hoe. Popaki is another stream that flows into Te Raparapa-ā-Hoe. It is above Paraiti.

Waimihia was a nohoanga kāinga used during the food gathering season. It was used for preserving kererū and other food gathered from the forests. It is located on the Waimihia Stream which also flows into Te Raparapa-ā-Hoe.