

APPENDIX 7: STATUTORY ACKNOWLEDGEMENTS

TREATY SETTLEMENTS

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

STATUTORY ACKNOWLEDGEMENTS

A statutory acknowledgement is a formal recognition by the Crown of the particular cultural, spiritual, historic, and traditional associations that an Iwi has with a statutory area.

Statutory acknowledgements may only apply to Crown land and may consist of land, rivers, lakes, wetlands, a landscape feature, or a particular part of the coastal marine area.

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

PURPOSE OF STATUTORY ACKNOWLEDGEMENTS

The purposes of statutory acknowledgements are to:

- (a) require consent authorities, the Environment Court and the Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements;
- (b) require consent authorities to forward summaries of resource consent applications for activities that would affect the area to which the statutory acknowledgement applies to the governance entity; and
- (c) enable the governance entity and any member of the relevant Iwi to cite a statutory acknowledgement as evidence of the association of the Iwi with the areas to which the statutory acknowledgement relates.

RECORDING STATUTORY ACKNOWLEDGEMENTS ON STATUTORY PLANS

Local authorities must attach information recording statutory acknowledgements to all statutory plans that wholly or partly cover the area. The attachment of information to the district plan is for the purposes of information only and is not subject to the provisions of Schedule 1 of the Resource Management Act 1991.

INFORMATION RECORDS FOR STATUTORY ACKNOWLEDGEMENTS ATTACHED TO THE FAR NORTH OPERATIVE DISTRICT PLAN

There are five statutory acknowledgements within the Far North District.

- Te Roroa Claims Settlement Act 2008
- Ngāti Kuri Claims Settlement Act 2015
- Te Aupouri Claims Settlement Act 2015
- Ngāi Takoto Claims Settlement Act 2015
- Te Rarawa Claims Settlement Act 2015

APPENDIX 7A: TE ROROA CLAIMS SETTLEMENT 2008

The following provisions are an extract from the Te Roroa Claims Settlement Act 2008 (Reprint as at 20 May 2014), Part 2 - Subpart 4 and Schedule 2. The numbering used in this appendix reflects that which is contained in the act.

68 STATUTORY ACKNOWLEDGEMENT BY THE CROWN

- (1) The Crown acknowledges the statements of association.
- (2) In this subpart, **statements of association** means the statements,—
 - (a) made by Te Roroa, of the particular cultural, spiritual, historical, and traditional association of Te Roroa with each statutory area; and
 - (b) that are in the form set out in Part 3 of Schedule 1 of the Deed of Settlement.

69 PURPOSES OF STATUTORY ACKNOWLEDGEMENT

- (1) The only purposes of the statutory acknowledgements are—
 - (a) to require relevant consent authorities, the Environment Court, and the Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements, as provided for in sections 70 to 72; and
 - (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees of the Manawhenua Trust, as provided for in section 74; and
 - (c) to enable the trustees of the Manawhenua Trust and a member of Te Roroa to cite the statutory acknowledgements as evidence of the association of Te Roroa with the relevant statutory areas, as provided for in section 75.(2) This section does not limit the operation of sections 76 to 79.

Section 69(1)(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

70 RELEVANT CONSENT AUTHORITIES TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) On and from the effective date, a relevant consent authority must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion, in accordance with sections 93 to 94C of the Resource Management Act 1991, as to whether the trustees of the Manawhenua Trust are persons who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area.
- (2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

71 ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) On and from the effective date, the Environment Court must have regard to a statutory acknowledgement relating to a statutory area in determining under section 274 of the Resource Management Act 1991 whether the trustees of the Manawhenua Trust are persons having an interest in the proceedings greater than the public generally in respect of an application for a resource consent for activities within, adjacent to, or impacting directly on the statutory area.
- (2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

72 HERITAGE NEW ZEALAND POUHERE TAONGA AND ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENTS

- (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 power under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgment 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 a statutory acknowledgement relating to the statutory area, including in making a as to whether the trustees of the Manawhenua Trust are persons directly affected by the decision.
- (2) In this section, **archaeological site** has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 72: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

73 RECORDING STATUTORY ACKNOWLEDGEMENT ON STATUTORY PLANS

- (1) On and from the effective date, a relevant consent authority must attach information recording a statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area.
- (2) The attachment of information under subsection (1) to a statutory plan—
 - (a) must include the relevant provisions of this subpart in full, the description of the statutory area, and the statement of association that relates to the statutory area; and
 - (b) is for the purpose of public information only, and the information is not—
 - (i) part of the statutory plan (unless adopted by the relevant consent authority); or
 - (ii) subject to the provisions of Schedule 1 of the Resource Management Act 1991.
- (3) In this section, **statutory plan**—
 - (a) means a district plan, proposed plan, regional coastal plan, regional plan, or regional policy statement as defined in section 2(1) of the Resource Management Act 1991; and
 - (b) includes a proposed policy statement provided for in Schedule 1 of the Resource Management Act 1991.

74 DISTRIBUTION OF RESOURCE CONSENT APPLICATIONS TO TRUSTEES OF MANAWHENUA TRUST

- (1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the trustees of the Manawhenua Trust a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on a statutory area.
- (2) The information provided under subsection (1) must be—
 - (a) the same as would be given under section 93 of the Resource Management Act 1991 to persons likely to be adversely affected, or as may be agreed between the trustees of the Manawhenua Trust and the relevant consent authority; and
 - (b) provided as soon as is reasonably practicable after the application is received, and before a determination is made in accordance with sections 93 to 94C of the Resource Management Act 1991.
- (3) The trustees of the Manawhenua Trust may, by notice in writing to a relevant consent authority,—
 - (a) waive their rights to be notified under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (4) For the purposes of this section, a regional council dealing with an application to carry out a restricted coastal activity in a statutory area must be treated as if it were the relevant consent authority in relation to the application.

- (5) This section does not affect the obligation of a relevant consent authority to—
- (a) notify an application in accordance with sections 93 and 94C of the Resource Management Act 1991:
 - (b) form an opinion as to whether the trustees of the Manawhenua Trust are persons that are likely to be adversely affected under those sections.

75 USE OF STATUTORY ACKNOWLEDGEMENT

- (1) The trustees of the Manawhenua Trust and a member of Te Roroa may, as evidence of the association of Te Roroa with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a relevant consent authority, the Environment Court, or the Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or impacting directly on, the statutory area.
- (2) The content of the statement of association is not, by virtue of the statutory acknowledgement, binding as deemed fact on—
- (a) a relevant consent authority:
 - (b) the Environment Court:
 - (c) Heritage New Zealand Pouhere Taonga:
 - (d) parties to proceedings before those bodies:
 - (e) any other person able to participate in those proceedings.
- (3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.
- (4) Neither the trustees of the Manawhenua Trust nor a member of Te Roroa are precluded from stating that Te Roroa has an association with a statutory area that is not described in the statutory acknowledgements.
- (5) The content and existence of the statutory acknowledgements does not limit a statement made under subsection (4).

Section 75(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 75(2)(c): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Deeds of recognition

76 AUTHORISATION TO ENTER INTO AND AMEND DEEDS OF RECOGNITION

- (1) The Minister of Conservation may—
- (a) enter into deeds of recognition with the trustees of the Manawhenua Trust in respect of the land within the statutory areas:
 - (b) amend a deed of recognition by entering into a deed with the trustees of the Manawhenua Trust to amend that deed of recognition.
- (2) In this section, **deed of recognition** means a deed—
- (a) entered into in accordance with clauses 8.19.1 and 8.19.2 of the Deed of Settlement; and
 - (b) in the form set out in Part 4 of Schedule 1 of the Deed of Settlement.

General provisions

77 CROWN NOT PRECLUDED FROM GRANTING OTHER STATUTORY ACKNOWLEDGEMENTS OR DEEDS OF RECOGNITION

Neither the provision of a statutory acknowledgement nor the entry into a deed of recognition precludes the Crown from providing a statutory acknowledgement to, or entering into a deed of recognition with, persons other than Te Roroa or the trustees of the Manawhenua Trust with respect to the same area.

78 EXERCISE OF POWERS AND PERFORMANCE OF DUTIES AND FUNCTIONS NOT AFFECTED

- (1) Except as expressly provided in this subpart,—
- (a) neither a statutory acknowledgement nor a deed of recognition affects, or may be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Te Roroa with a statutory area (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if no statutory acknowledgement or deed of recognition existed in respect of the statutory area.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

79 RIGHTS NOT AFFECTED

Except as expressly provided in this subpart, neither a statutory acknowledgement nor a deed of recognition affects the lawful rights or interests of a person who is not a party to the Deed of Settlement.

80 LIMITATION OF RIGHTS

Except as expressly provided in this subpart, neither a statutory acknowledgement nor a deed of recognition has the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

Amendment to Resource Management Act 1991

81 AMENDMENT TO RESOURCE MANAGEMENT ACT 1991

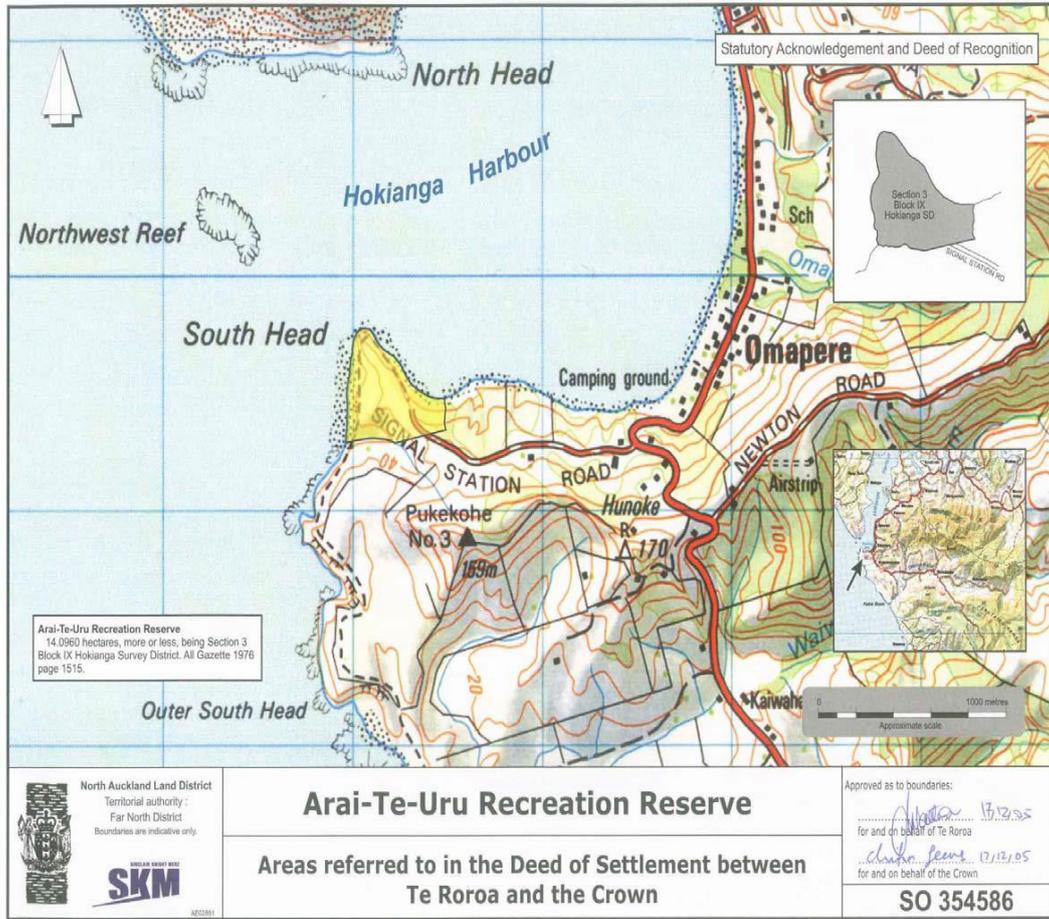
Schedule 11 of the Resource Management Act 1991 is amended by inserting the following item in its appropriate alphabetical order:

Te Roroa Claims Settlement Act 2008.

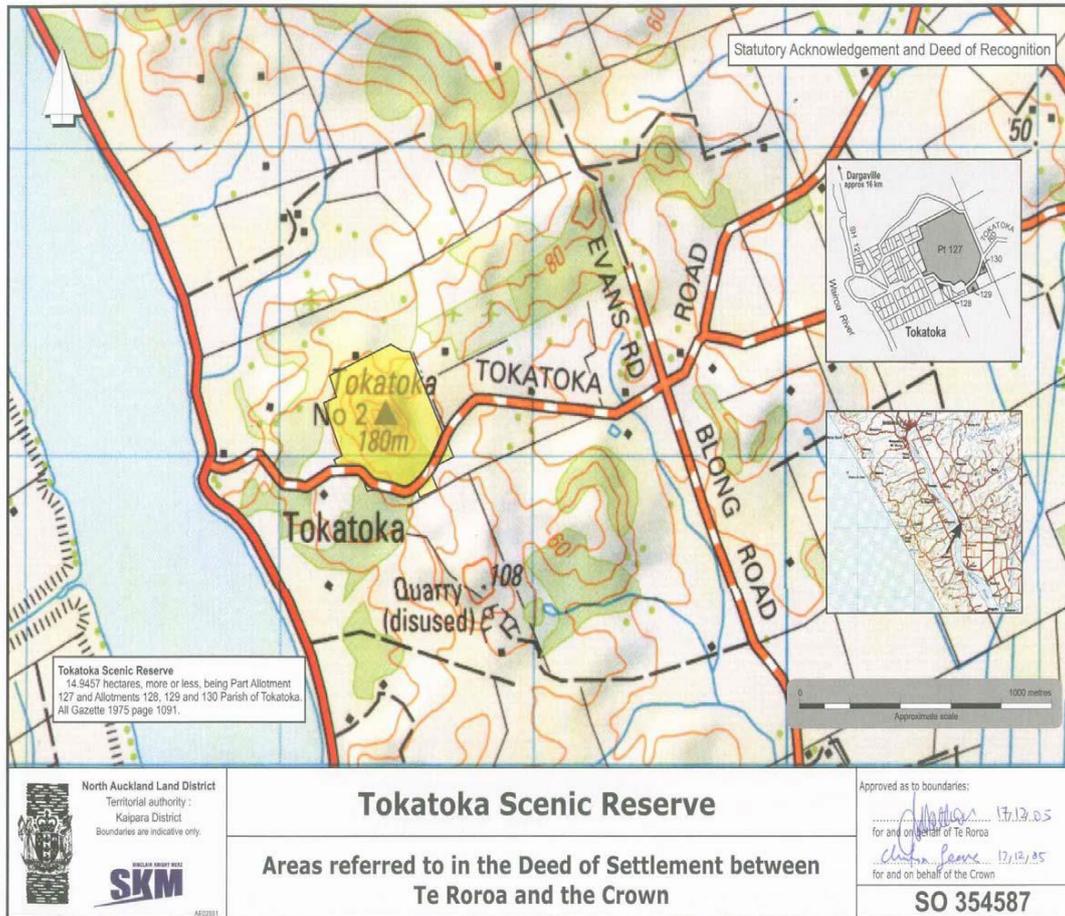
Schedule 2 Statutory acknowledgements <i>Statutory areas for which statutory acknowledgements provided</i>	
Statutory area	Location
Arai-Te-Uru Recreation Reserve	As shown on SO 354586
Tokatoka Scenic Reserve	As shown on SO 354587

Note: Tokatoka Scenic Reserve is located within the boundaries of the Kaipara District Council.

ARAI-TE-URU RECREATION RESERVE



TOKATOKA SCENIC RESERVE



APPENDIX 7B: NGĀTI KURI CLAIMS SETTLEMENT ACT 2015

The following provisions are an extract from the Ngāti Kuri Claims Settlement Act 2015, Part 2 - Subpart 4 and Schedule 4. The numbering used in this appendix reflects that which is contained in the act.

SUBPART 4 – STATUTORY ACKNOWLEDGEMENT

109 INTERPRETATION

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statement of association, for a statutory area, means the statement—

(a) made by Ngāti Kuri of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

(b) set out in part 2.1 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 110 in respect of the statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 4, the general location of which is indicated on the deed plan for that area

statutory plan—

(a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement, as defined in section 43AA of the Resource Management Act 1991; and

(b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

110 STATUTORY ACKNOWLEDGEMENT BY THE CROWN

The Crown acknowledges the statements of association for the statutory areas.

111 PURPOSES OF STATUTORY ACKNOWLEDGEMENT

The only purposes of the statutory acknowledgements are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements, in accordance with sections 112 to 114; and

(b) to require relevant consent authorities to record the statutory acknowledgements on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with sections 115 and 116; and

(c) to enable the trustees and any member of Ngāti Kuri to cite the statutory acknowledgement as evidence of the association of Ngāti Kuri with a statutory area, in accordance with section 117.

112 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 a 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.

113 ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On or from the effective date, the Environment Court must have regard to the statutory acknowledgment 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 the 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.

114 HERITAGE NEW ZEALAND POUHERE TAONGA AND ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to an application 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.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgment relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgment relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

115 RECORDING STATUTORY ACKNOWLEDGEMENT ON STATUTORY PLANS

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgment to all statutory plans that wholly or partly cover the statutory area.
- (2) The information attached to a statutory plan must include —
 - (a) a copy of sections 110 to 114, 116, and 117; and
 - (b) descriptions of the statutory areas, wholly or partly covered by the plan; and
 - (c) the statement of association that relates to the statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not -
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

116 PROVISION OF SUMMARY OR NOTICE TO TRUSTEES

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide 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; or

- (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under subsection (1)(a) 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) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application:
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

117 USE OF STATUTORY ACKNOWLEDGEMENT

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

General provisions relating to statutory acknowledgement

118 APPLICATION OF STATUTORY ACKNOWLEDGEMENT TO RIVER OR STREAM

If any part of the 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, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks 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) an artificial watercourse; or
- (iii) a tributary flowing into the river.

119 EXERCISE OF POWERS AND PERFORMANCE OF FUNCTIONS AND DUTIES

- (1) The statutory acknowledgement does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under any enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Kuri with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to the other provisions of this subpart.

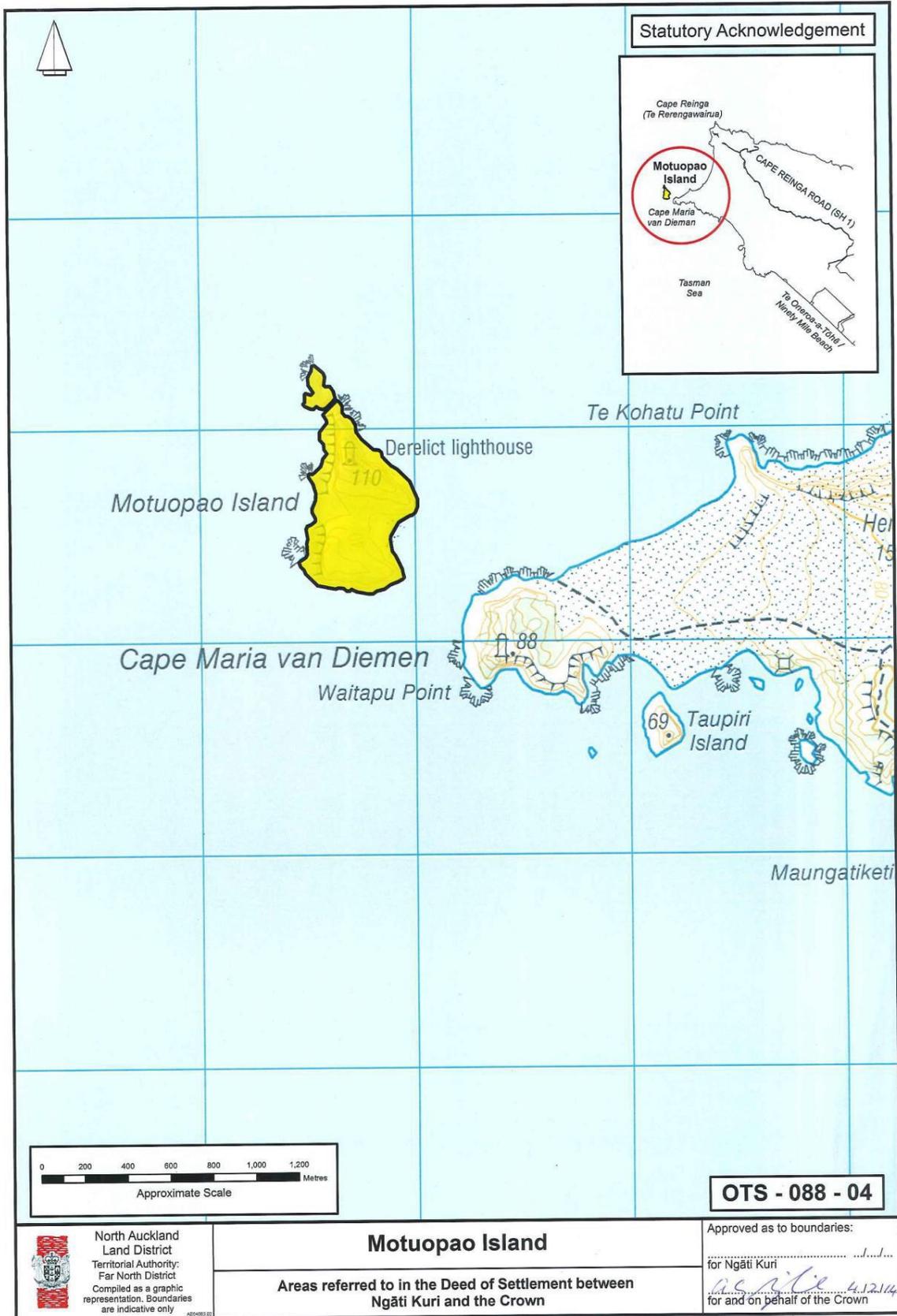
120 RIGHTS NOT AFFECTED

- (1) The statutory acknowledgement does not—
 - (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or
 - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

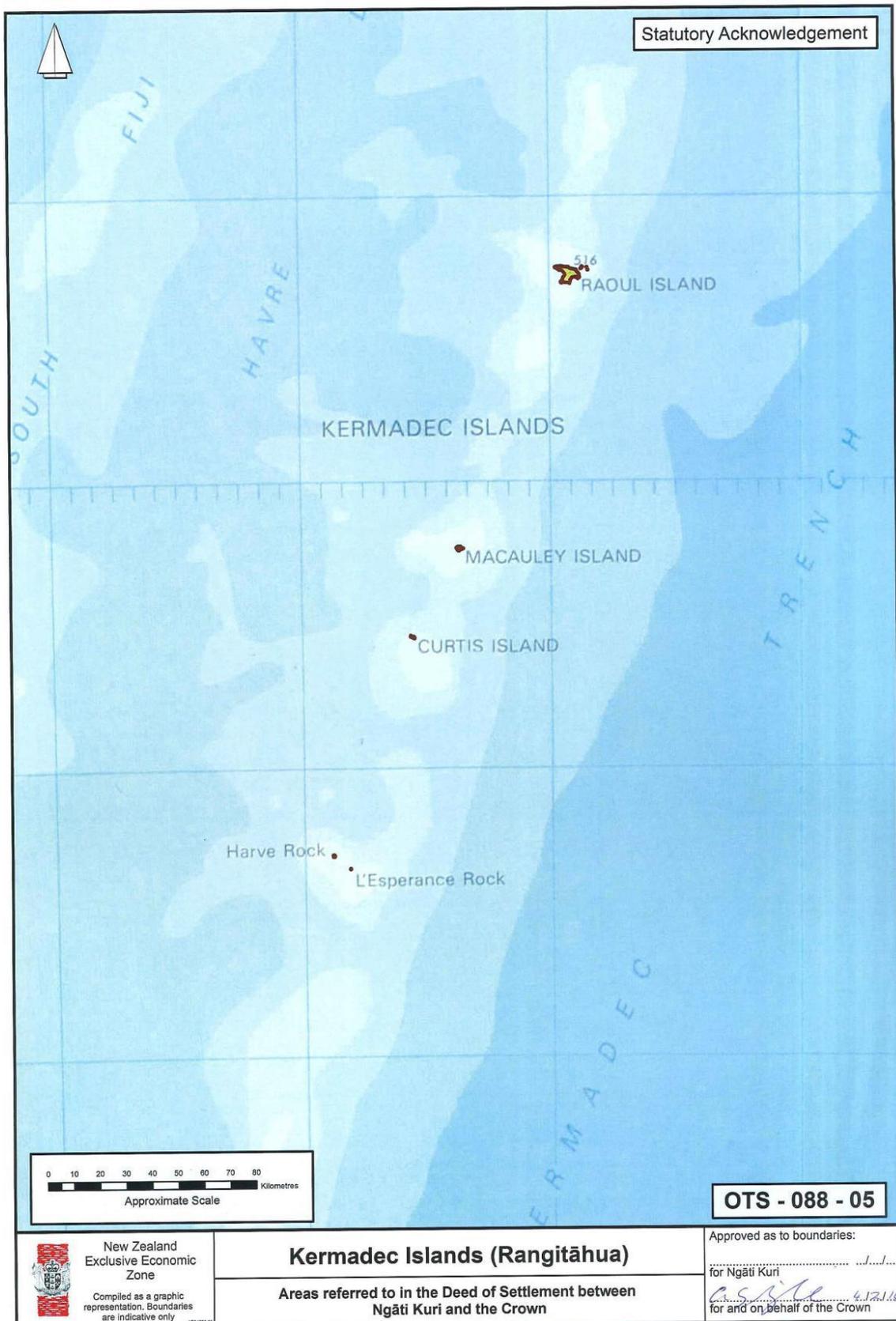
Schedule 4	
Ngāti Kuri statutory areas	
Statutory area	Location
Motuopao Island	As shown on OTS-088-04
Kermadec Islands (Rangitāhua) (recorded name being Kermadec Islands)	As shown on OTS-088-05
Manawatāwhi / Three Kings Islands	As shown on OTS-088-06
Paxton Point Conservation Area (including Rarawa Beach camp ground)	As shown on OTS-088-07

Note: The Kermadec Islands (Rangitāhua) and Manawatāwhi / Three Kings Islands are outside the jurisdiction of any territorial authority.

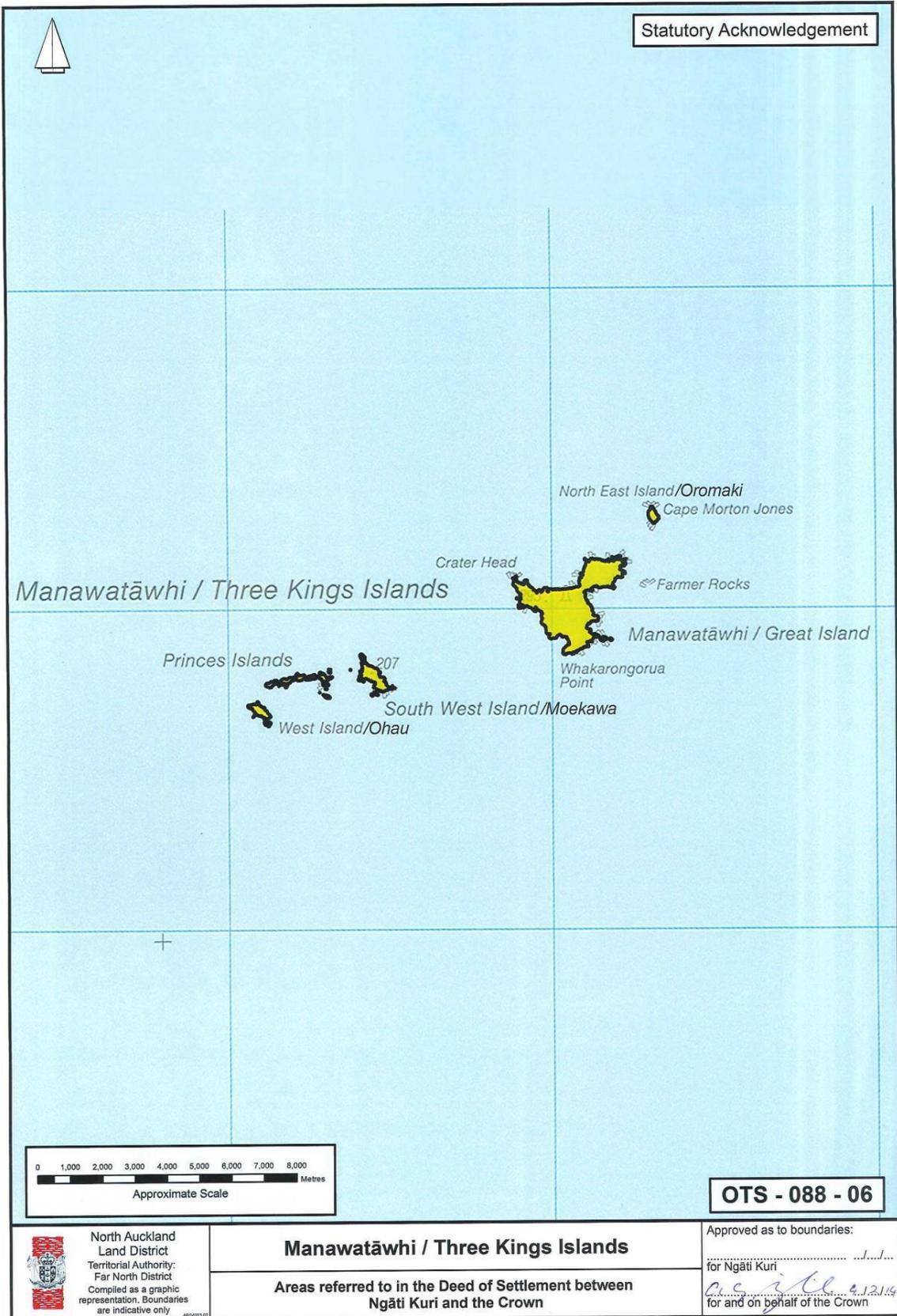
MOTUOPAO ISLAND (OTS-088-04)



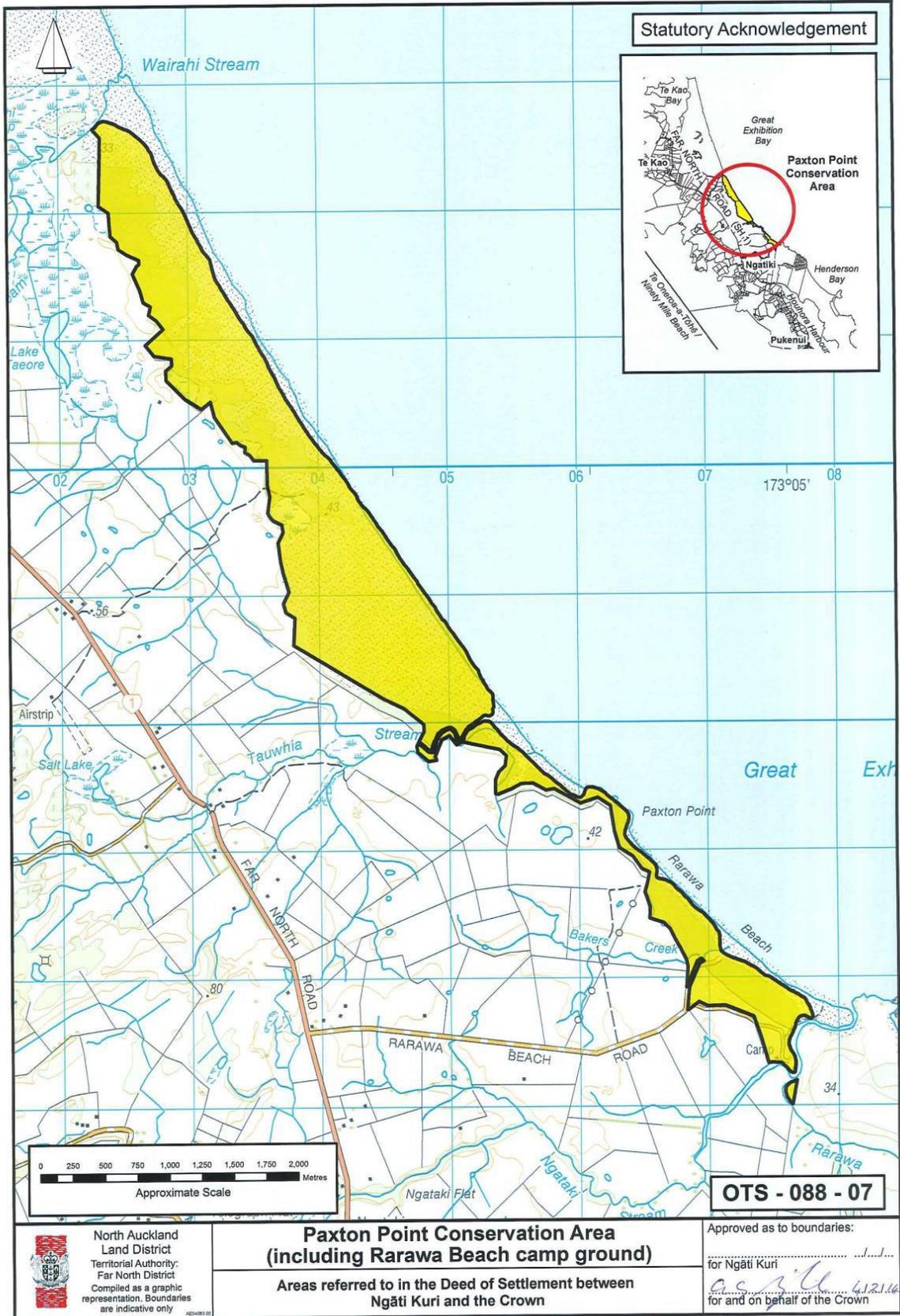
KERMADEC ISLANDS (RANGITĀHUA) (OTS-088-05)



MANAWATĀWHI / THREE KINGS ISLANDS (OTS-088-06)



PAXTON POINT CONSERVATION AREA (INCLUDING RARAWA BEACH CAMP GROUND) (OTS-088-07)



APPENDIX 7C: TE AUPOURI CLAIMS SETTLEMENT ACT 2015

The following provisions are an extract from the Te Aupouri Claims Settlement Act 2015, Part 2 - Subpart 4 and Schedule 4. The numbering used in this appendix reflects that which is contained in the Act.

Subpart 4 – Statutory acknowledgement

111 INTERPRETATION

In this subpart,—

affected person has the meaning given in section 2AA(2) of the Resource Management Act 1991

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statement of association, for a statutory area, means the statement—

(a) made by Te Aupouri of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

(b) that is set out in part 4 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 112 in respect of each statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 4, the general location of which is indicated on the deed plan for that area

statutory plan—

(a) means a district plan, regional coastal plan, regional plan, or regional policy statement, as defined in section 43AA of the Resource Management Act 1991; and

(b) includes a proposed plan, as defined in section 43AAC of that Act.

112 STATUTORY ACKNOWLEDGEMENT BY THE CROWN

The Crown acknowledges the statements of association.

113 PURPOSES OF STATUTORY ACKNOWLEDGEMENT

The only purposes of the statutory acknowledgements are to—

(a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements, in accordance with 6; and

(b) require relevant consent authorities to record the statutory acknowledgements on statutory plans that relate to the statutory area and to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with 8; and

(c) enable the trustees and any member of Te Aupouri to cite the statutory acknowledgement as evidence of the association of Te Aupouri with the relevant statutory area, in accordance with section 119.

114 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 a 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.

115 ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On or from the effective date, the Environment Court must have regard to the statutory acknowledgment 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 the 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.

116 HERITAGE NEW ZEALAND POUHERE TAONGA AND ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to an application 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.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgment relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgment relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

117 RECORDING STATUTORY ACKNOWLEDGEMENT ON STATUTORY PLANS

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgment to all statutory plans that wholly or partly cover the statutory area.
- (2) The information attached to a statutory plan must include —
 - (a) a copy of sections 110 to 114, 116, and 117; and
 - (b) descriptions of the statutory areas, wholly or partly covered by the plan; and
 - (c) the statement of association that relates to the statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not -
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

118 PROVISION OF SUMMARY OR NOTICE TO TRUSTEES

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) a summary of the application if the application is received by the consent authority; or

- (b) a copy of the notice, if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991.
- (2) A summary provided under subsection (1)(a) 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) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application;
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

119 USE OF STATUTORY ACKNOWLEDGEMENT

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

General provisions relating to statutory acknowledgement

120 APPLICATION OF STATUTORY ACKNOWLEDGEMENT TO RIVER OR STREAM

If any part of the 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, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks 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) an artificial watercourse.

121 EXERCISE OF POWERS AND PERFORMANCE OF FUNCTIONS AND DUTIES

- (1) The statutory acknowledgement does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under any enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Te Aupouri with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to the other provisions of this subpart.

122 RIGHTS NOT AFFECTED

- (1) The statutory acknowledgement does not—
 - (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or
 - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

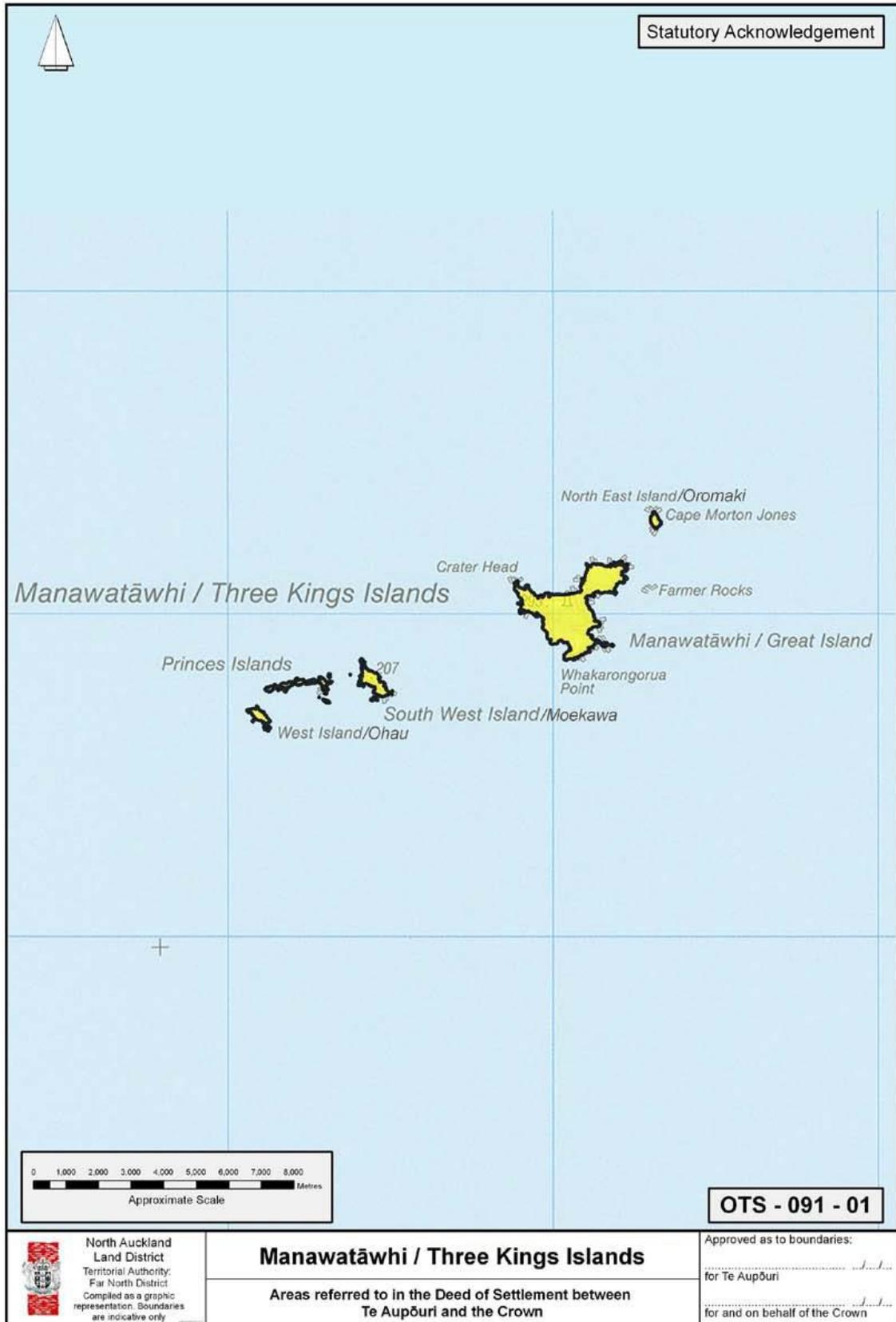
123 AMENDMENT TO RESOURCE MANAGEMENT ACT 1991

- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order “Te Aupouri Claims Settlement Act 2015”.

Schedule 4	
Te Aupouri statutory areas	
Statutory area	Location
Manawatāwhi / Three Kings Islands (known to Te Aupouri as Manawatāwhi, Ohau, Moekawa, and Oromaki)	As shown on deed plan OTS-091-01
Raoul Island, Kermadec Islands (known to Te Aupouri as Rangitāhua)	As shown on deed plan OTS-091-02
Simmonds Islands (known to Te Aupouri as Motu Puruhi and Terākautūhaka)	As shown on deed plan OTS-091-03
Paxton Point Conservation Area including Rarawa Beach Campground (known to Te Aupouri as Wharekāpu/Rarawa)	As shown on deed plan OTS-091-04
Kohurōnaki Pa	As shown on deed plan OTS-091-05
North Cape Scientific Reserve	As shown on deed plan OTS-091-06

Note: Manawatāwhi / Three Kings Islands (known to Te Aupouri as Manawatāwhi, Ohau, Moekawa, and Oromaki), Raoul Island, Kermadec Islands (known to Te Aupouri as Rangitāhua) and are outside the jurisdiction of any territorial authority.

MANAWATĀWHI / THREE KINGS ISLANDS (OTS-091-01)



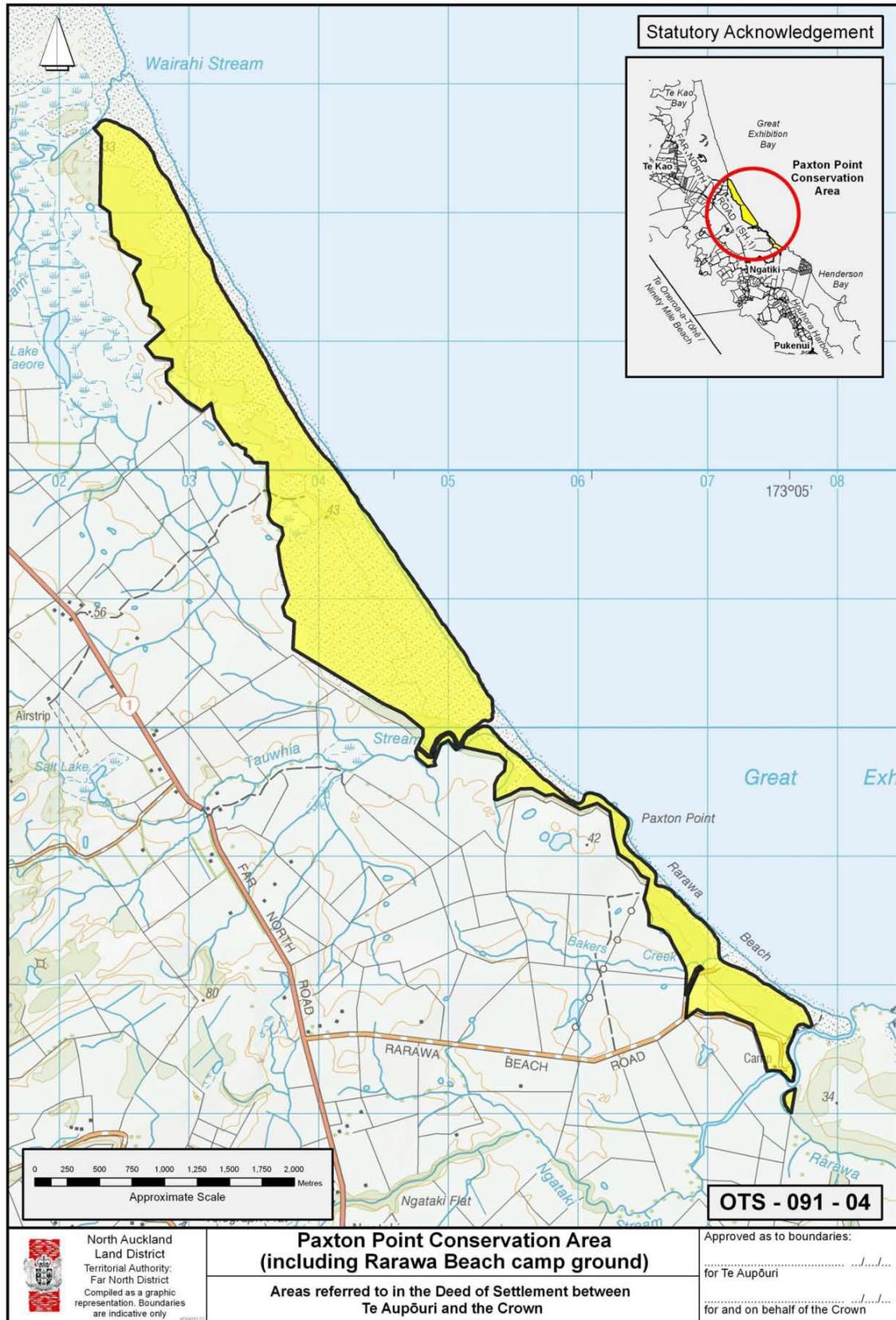
RAOUL ISLAND, KERMADEC ISLANDS (OTS-091-02)



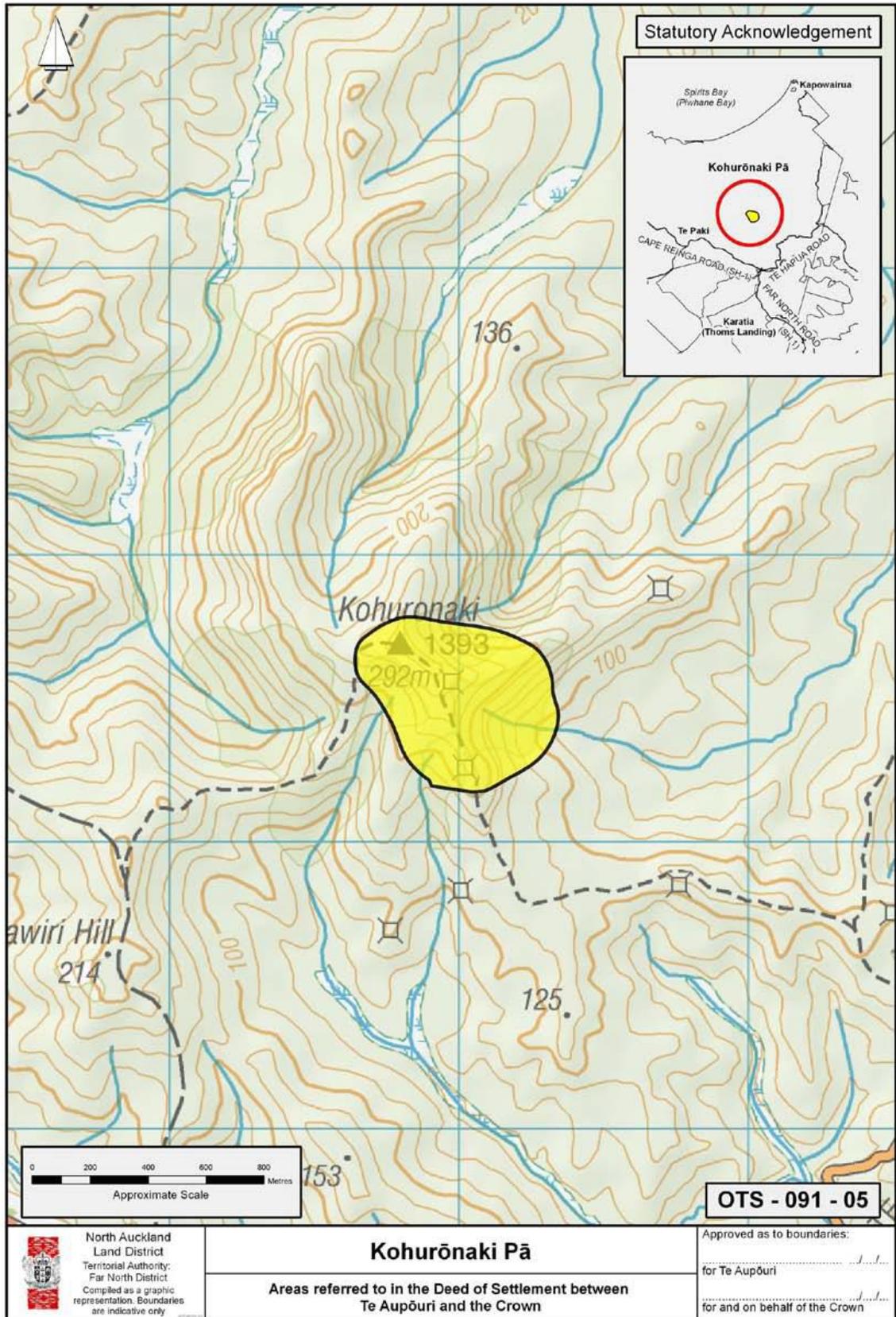
SIMMONDS ISLANDS (OTS-091-03)



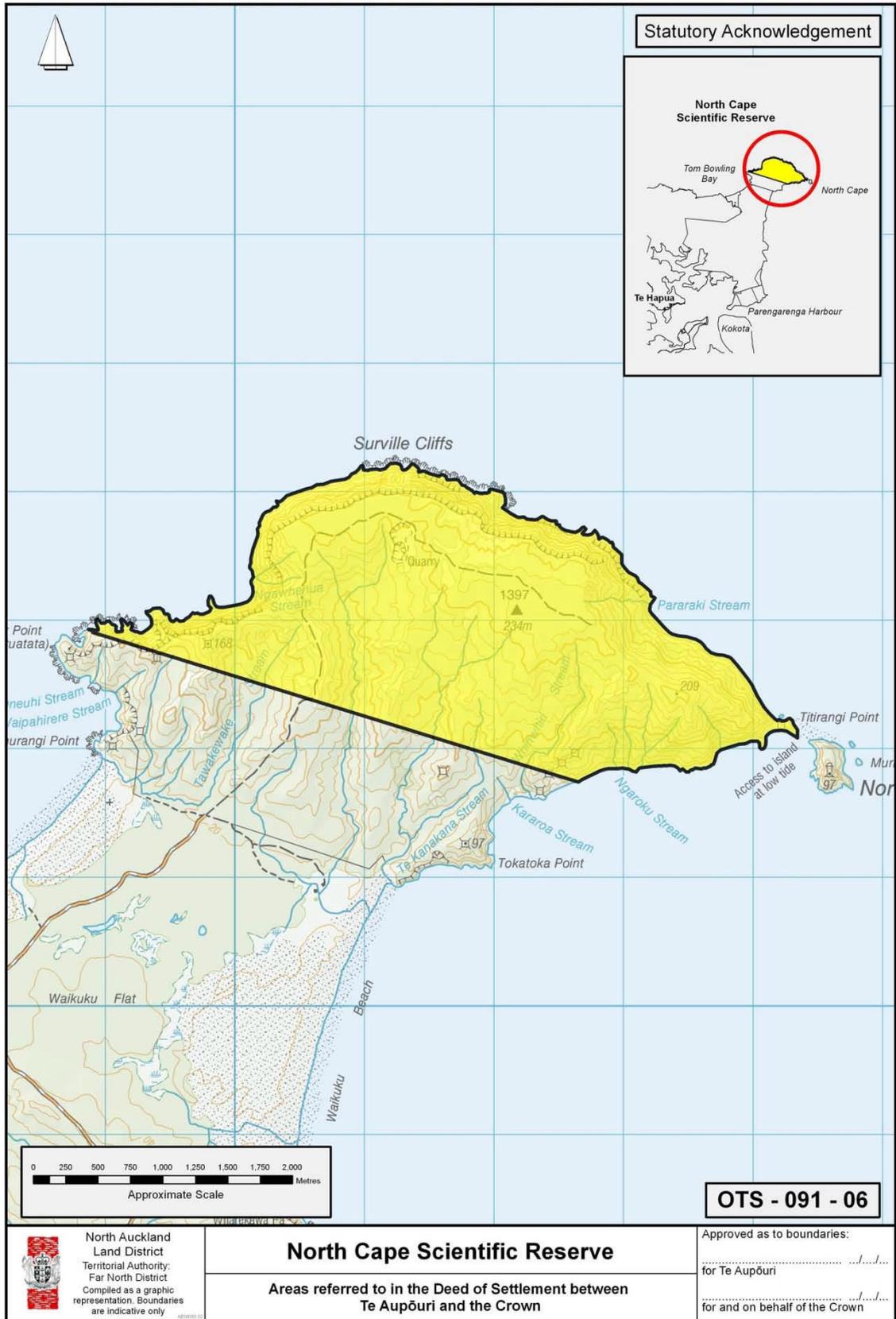
PAXTON POINT CONSERVATION AREA (INCLUDING RARAWA BEACH CAMP GROUND) (OTS-091-04)



KOHURŌNAKI PĀ (OTS-091-05)



NORTH CAPE SCIENTIFIC RESERVE (OTS-091-06)



APPENDIX 7D: NGĀITAKOTO CLAIMS SETTLEMENT ACT 2015

The following provisions are an extract from the NgāiTakoto Claims Settlement Act 2015, Part 2 - Subpart 4 and Schedule 4. The numbering used in this appendix reflects that which is contained in the act.

Subpart 4 – Statutory acknowledgement and deeds of recognition

106 INTERPRETATION

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statement of association, for a statutory area, means the statement—

- (a) made by NgāiTakoto of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) that is set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 107 in respect of each statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 4, the general location of which is indicated on the deed plan for that area

statutory plan—

- (a) means a district plan, regional coastal plan, regional plan, or regional policy statement, as defined in section 43AA of the Resource Management Act 1991; and
- (b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

107 STATUTORY ACKNOWLEDGEMENT BY THE CROWN

The Crown acknowledges the statements of association for the statutory areas.

108 PURPOSES OF STATUTORY ACKNOWLEDGEMENT

The only purposes of the statutory acknowledgements are —

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements, in accordance with sections 109 to 111; and
- (b) to require relevant consent authorities to record the statutory acknowledgements on statutory plans that relate to the statutory area and to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with 112 and 113; and
- (c) to enable the trustees and any member of NgāiTakoto to cite the statutory acknowledgement as evidence of the association of NgāiTakoto with the relevant statutory area, in accordance with section 114.

109 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 a 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.

110 ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On or from the effective date, the Environment Court must have regard to the statutory acknowledgment 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 the 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.

111 HERITAGE NEW ZEALAND POUHERE TAONGA AND ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to an application 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.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgment relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgment relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

112 RECORDING STATUTORY ACKNOWLEDGEMENT ON STATUTORY PLANS

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgment to all statutory plans that wholly or partly cover the statutory area.
- (2) The information attached to a statutory plan must include —
 - (a) a copy of sections 107 to 111, 113, and 114; and
 - (b) descriptions of the statutory areas, wholly or partly covered by the plan; and
 - (c) the statement of association that relates to the statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not -
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

113 PROVISION OF SUMMARY OR NOTICE TO TRUSTEES

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) a summary of the application if the application is received by the consent authority; or

- (b) a copy of the notice, if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991.
- (2) A summary provided under subsection (1)(a) 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) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application:
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

114 USE OF STATUTORY ACKNOWLEDGEMENT

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

Deeds of recognition

115 ISSUING AND AMENDING DEEDS OF RECOGNITION

- (1) This section applies in respect of the statutory areas listed in Schedule 4.

- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3 of the documents schedule for the statutory areas administered by the Department of Conservation.
- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 3 of the documents schedule for the statutory areas administered by the Commissioner.
- (4) The person or persons who issue a deed of recognition

General provisions relating to statutory acknowledgement and deeds of recognition

116 APPLICATION OF STATUTORY ACKNOWLEDGEMENT TO RIVER OR STREAM

- (1) If any part of the 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, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks 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) an artificial watercourse; or
 - (iii) a tributary flowing into the river.
- (2) If any part of a deed of recognition applies to a river or stream, that part of the deed—
 - (a) applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks 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 and managed by the Crown; or
 - (ii) the bed of an artificial watercourse; or
 - (iii) a tributary flowing into the river.
- (3) If any part of a statutory acknowledgement or deed of recognition applies to a lake,—
 - (a) that part of the acknowledgement or deed of recognition applies only to—
 - (i) the body of fresh water in the lake; and
 - (ii) the bed of the lake; and
 - (b) in the case of a statutory acknowledgement, that part of the acknowledgement does not apply to any part of the bed of the lake that is not owned by the Crown; and
 - (c) in the case of a deed of recognition, that part of the deed of recognition does not apply to any part of the bed of the lake that is not owned and managed by the Crown; and
 - (d) that part of the acknowledgement or deed of recognition does not apply,—
 - (i) in the case of a lake not controlled by artificial means, to any land that the waters of the lake do not cover at their highest level without overflowing the banks of the lake; or
 - (ii) in the case of a lake controlled by artificial means, to any land that the waters of the lake do not cover at the maximum operating level ; OR
 - (iii) to any river, stream, or watercourse, whether artificial or otherwise, draining into or out of a lake.

- (4) In this section,—

lake means a body of fresh water that is entirely or nearly surrounded by land, and includes a lake controlled by artificial means

maximum operating level means the level of water prescribed for an activity carried out in or on a lake under a resource consent or a rule in a regional plan or proposed plan within the meaning of the Resource Management Act 1991.

117 EXERCISE OF POWERS AND PERFORMANCE OF FUNCTIONS AND DUTIES

- (1) The statutory acknowledgement does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under any enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of NgāiTakoto with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to-
- (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

118 RIGHTS NOT AFFECTED

- (1) The statutory acknowledgement does not—
- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or
 - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

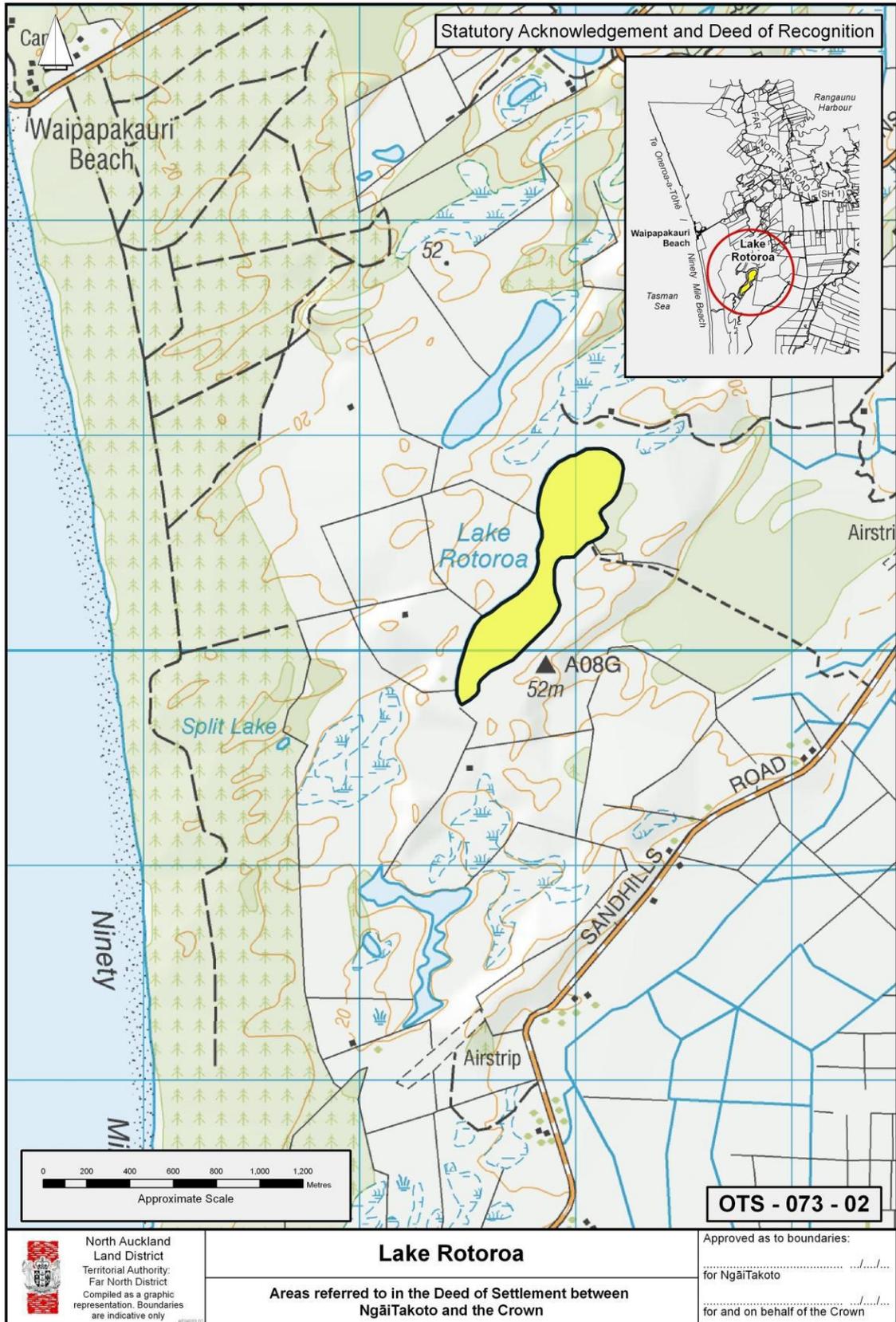
Consequential amendment to Resource Management Act 1991

119 AMENDMENT TO RESOURCE MANAGEMENT ACT 1991

- (2) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order “NgāiTakoto Claims Settlement Act 2015”.

Schedule 4	
NgāiTakoto statutory areas	
Statutory area	Location
Lake Rotoroa	As shown on OTS-073-02
Lake Heather (Wai Te Huahua)	As shown on OTS-073-03
Lake Waikaramu	As shown on OTS-073-04
Kowhai Beach	As shown on OTS-073-05
Whangatane Spillway	As shown on OTS-073-06
Awanui River	As shown on OTS-073-07
Rarawa Beach Campground	As shown on OTS-073-08
Southern part of Waipapakauri Conservation Area	As shown on OTS-073-09
Lake Ngatu Recreation Reserve	As shown on OTS-073-01

LAKE ROTOROA (OTS-073-02)



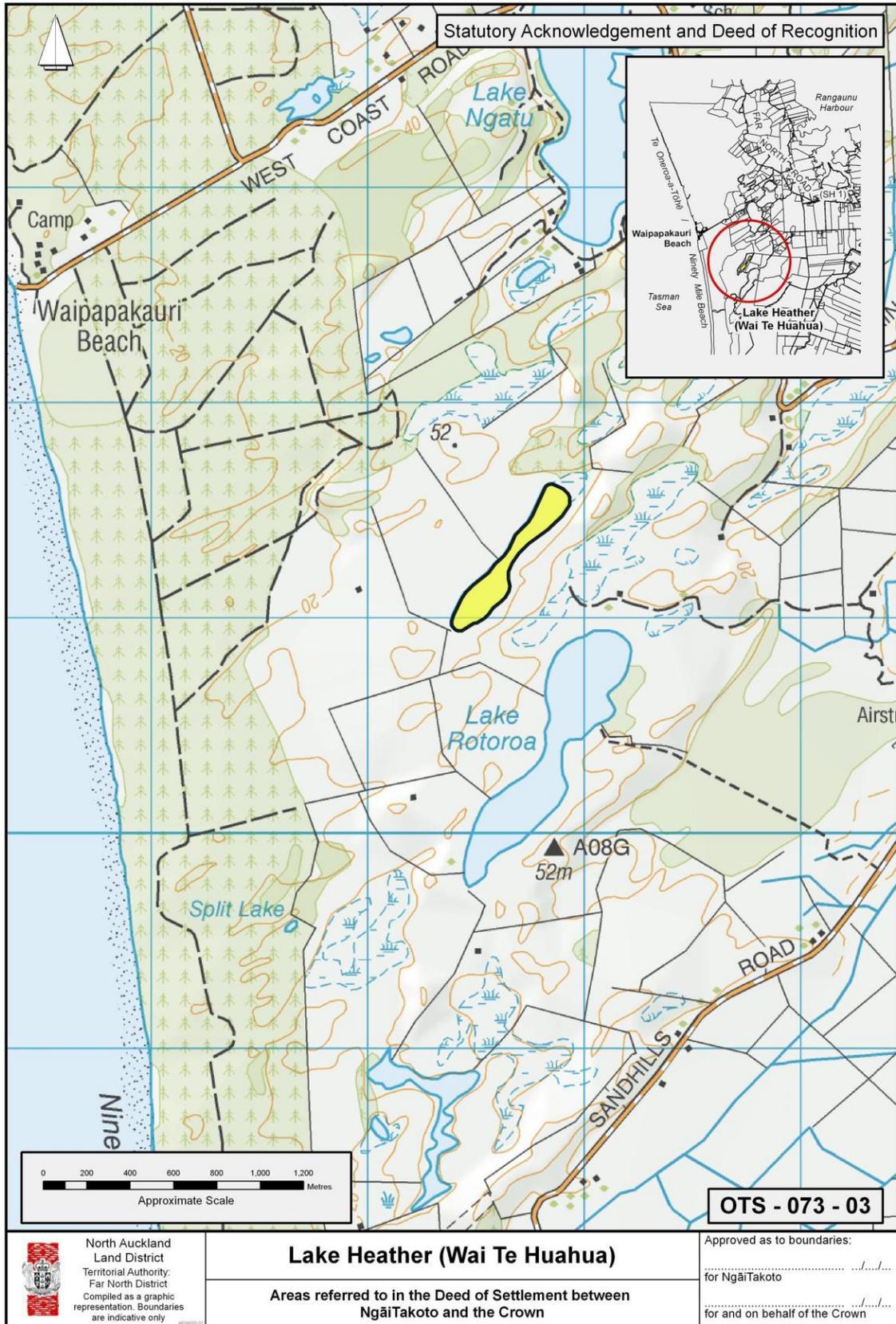

 North Auckland
 Land District
 Territorial Authority:
 Far North District
 Compiled as a graphic
 representation. Boundaries
 are indicative only

Lake Rotoroa

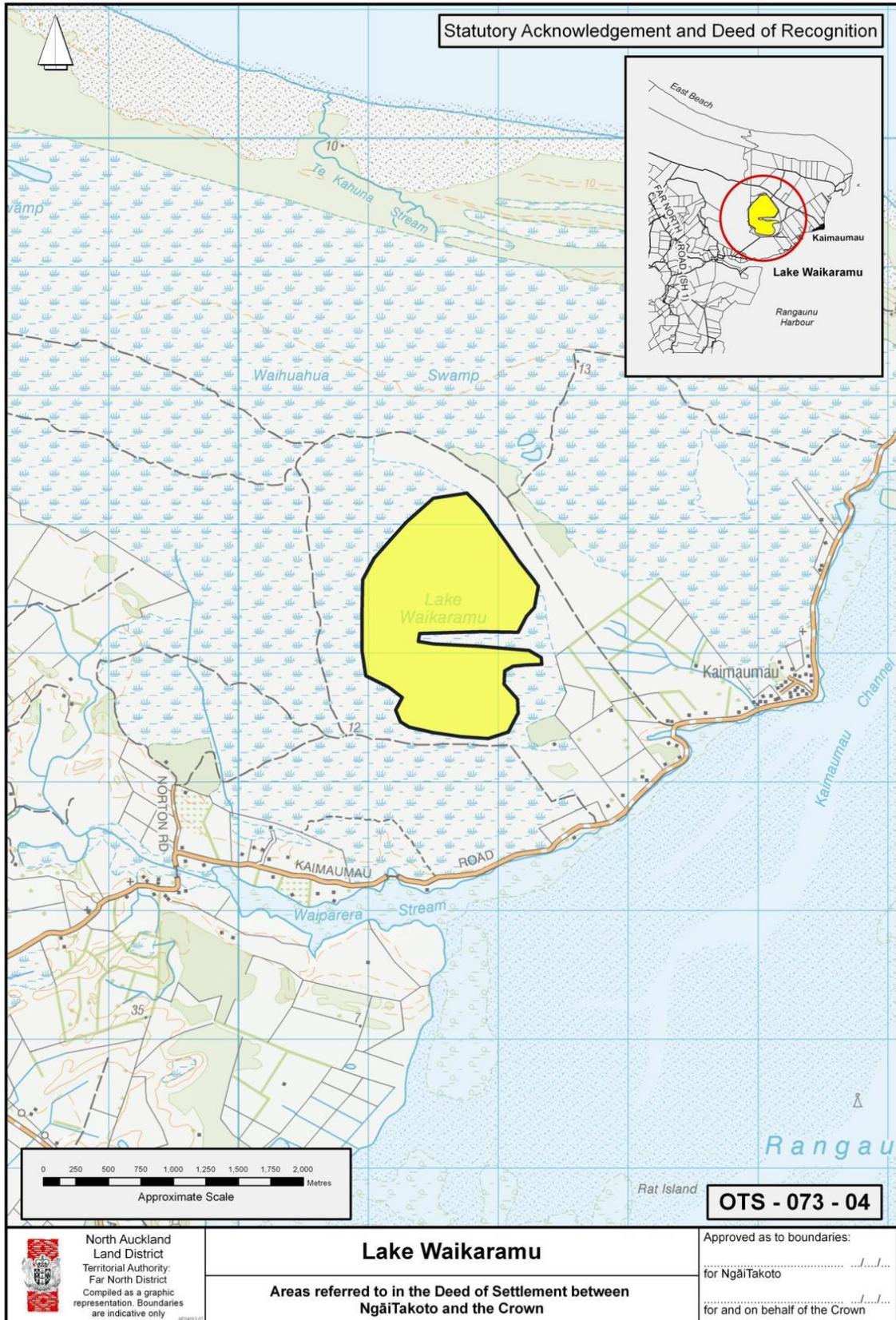
Areas referred to in the Deed of Settlement between
 Ngāi Takoto and the Crown

Approved as to boundaries:
 for Ngāi Takoto
 for and on behalf of the Crown

LAKE HEATHER (WAI TE HUAHUA) (OTS-073-03)



LAKE WAIKARAMU (OTS-073-04)



KOWHAI BEACH (OTS-073-05)



WHANGATANE SPILLWAY (OTS-073-06)



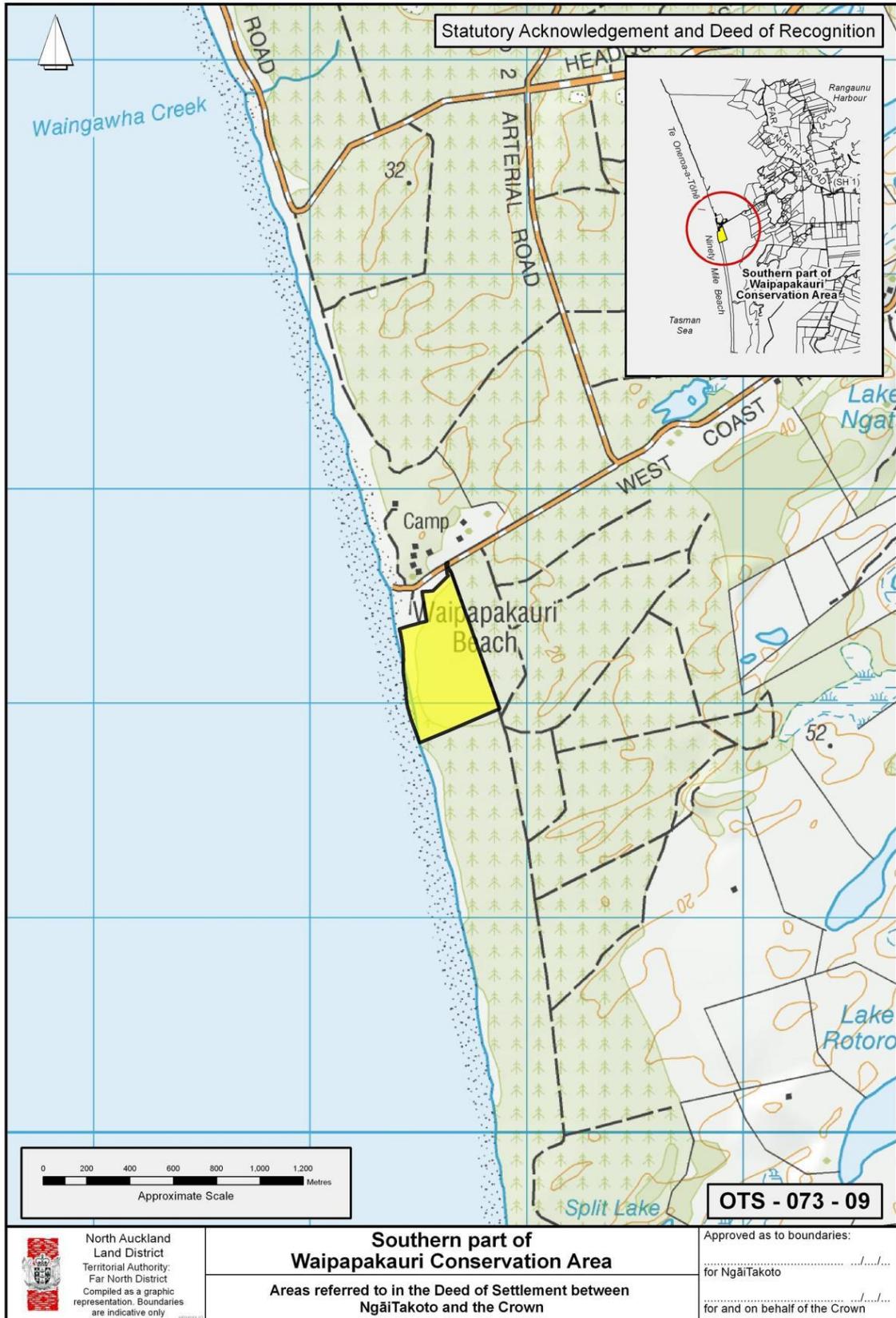
AWANUI RIVER (OTS-073-07)



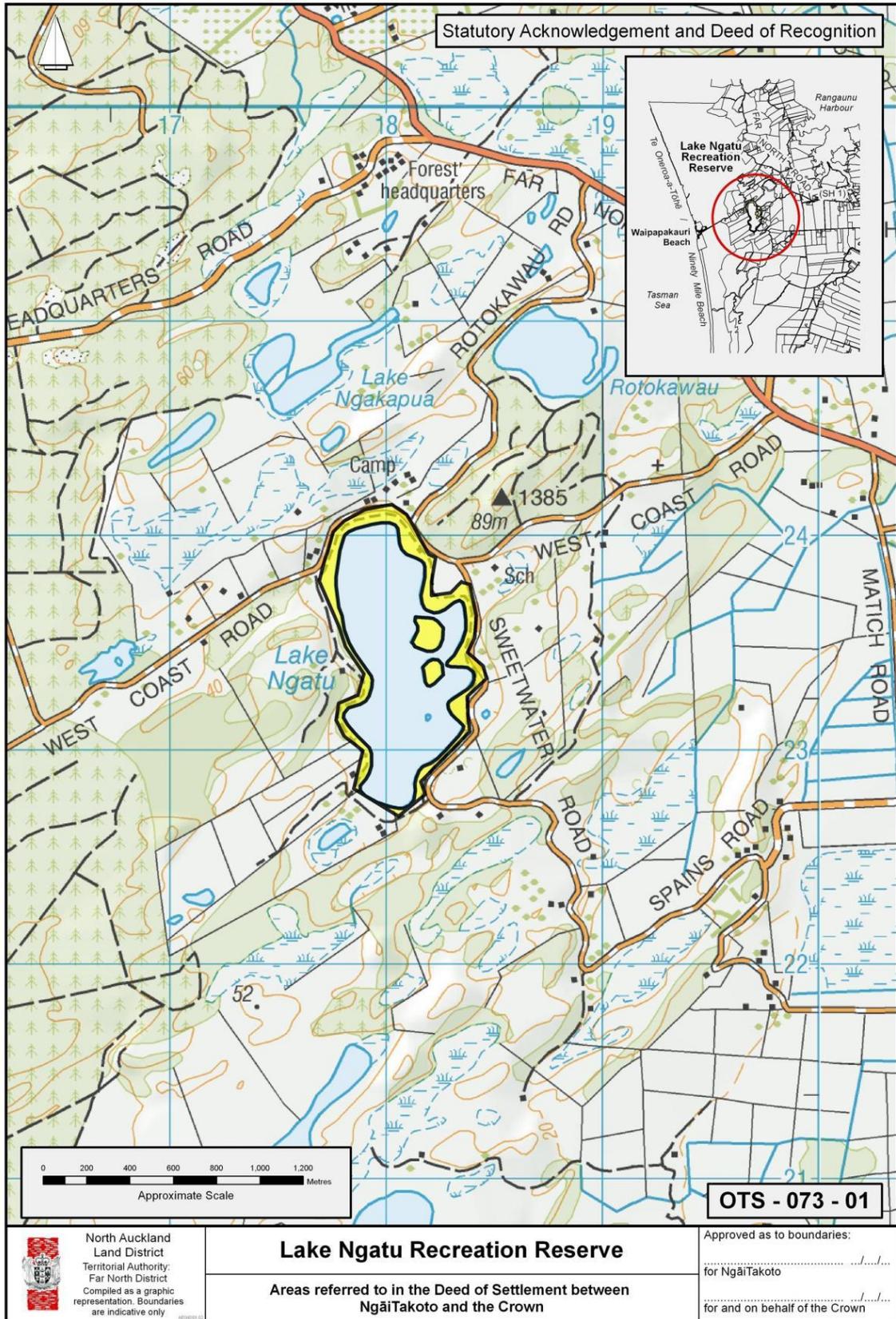
RARAWA BEACH CAMPGROUND (OTS-073-08)



SOUTHERN PART OF WAIPAPAKAURI CONSERVATION AREA (OTS-073-09)



LAKE NGATU RECREATION RESERVE (OTS-073-01)



APPENDIX 7E: TE RARAWA CLAIMS SETTLEMENT ACT 2015

The following provisions are an extract from the Te Rarawa Claims Settlement Act 2015, Part 2 - Subpart 4 and Schedule 4. The numbering used in this appendix reflects that which is contained in the act.

Subpart 4 – Statutory acknowledgement

123 INTERPRETATION

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statement of association, for a statutory area, means the statement—

(a) made by Te Rarawa of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

(b) that is set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 107 in respect of each statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 5, the general location of which is indicated on the deed plan for that area

statutory plan—

(a) means a district plan, regional coastal plan, regional plan, or regional policy statement, as defined in section 43AA of the Resource Management Act 1991; and

(b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

124 STATUTORY ACKNOWLEDGEMENT BY THE CROWN

The Crown acknowledges the statements of association for the statutory areas.

125 PURPOSES OF STATUTORY ACKNOWLEDGEMENT

The only purposes of the statutory acknowledgements are —

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements, in accordance with sections 126 to 128; and

(b) to require relevant consent authorities to record the statutory acknowledgements on statutory plans that relate to the statutory area and to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with 129 and 130; and

(c) to enable the trustees and any member of Te Rarawa to cite the statutory acknowledgement as evidence of the association of Te Rarawa with a statutory area, in accordance with section 131.

126 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 a 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.

127 ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On or from the effective date, the Environment Court must have regard to the statutory acknowledgment 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 the 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.

128 HERITAGE NEW ZEALAND POUHERE TAONGA AND ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to an application 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.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgment relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgment relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

129 RECORDING STATUTORY ACKNOWLEDGEMENT ON STATUTORY PLANS

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgment to all statutory plans that wholly or partly cover the statutory area.
- (2) The information attached to a statutory plan must include —
 - (a) a copy of sections 124 to 128, 130, and 131; and
 - (b) descriptions of the statutory areas, wholly or partly covered by the plan; and
 - (c) the statement of association that relates to the statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not -
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

130 PROVISION OF SUMMARY OR NOTICE TO TRUSTEES

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) a summary of the application if the application is received by the consent authority; or

- (b) a copy of the notice, if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991.
- (2) A summary provided under subsection (1)(a) 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) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application:
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

131 USE OF STATUTORY ACKNOWLEDGEMENT

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

General provisions relating to statutory acknowledgement

132 APPLICATION OF STATUTORY ACKNOWLEDGEMENT TO RIVER OR STREAM

If any part of the 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, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks 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) an artificial watercourse; or
- (iii) a tributary flowing into the river.

133 EXERCISE OF POWERS AND PERFORMANCE OF FUNCTIONS AND DUTIES

- (1) The statutory acknowledgement does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under any enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Te Rarawa with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to-
 - (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

134 RIGHTS NOT AFFECTED

- (1) The statutory acknowledgement does not—
 - (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or
 - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

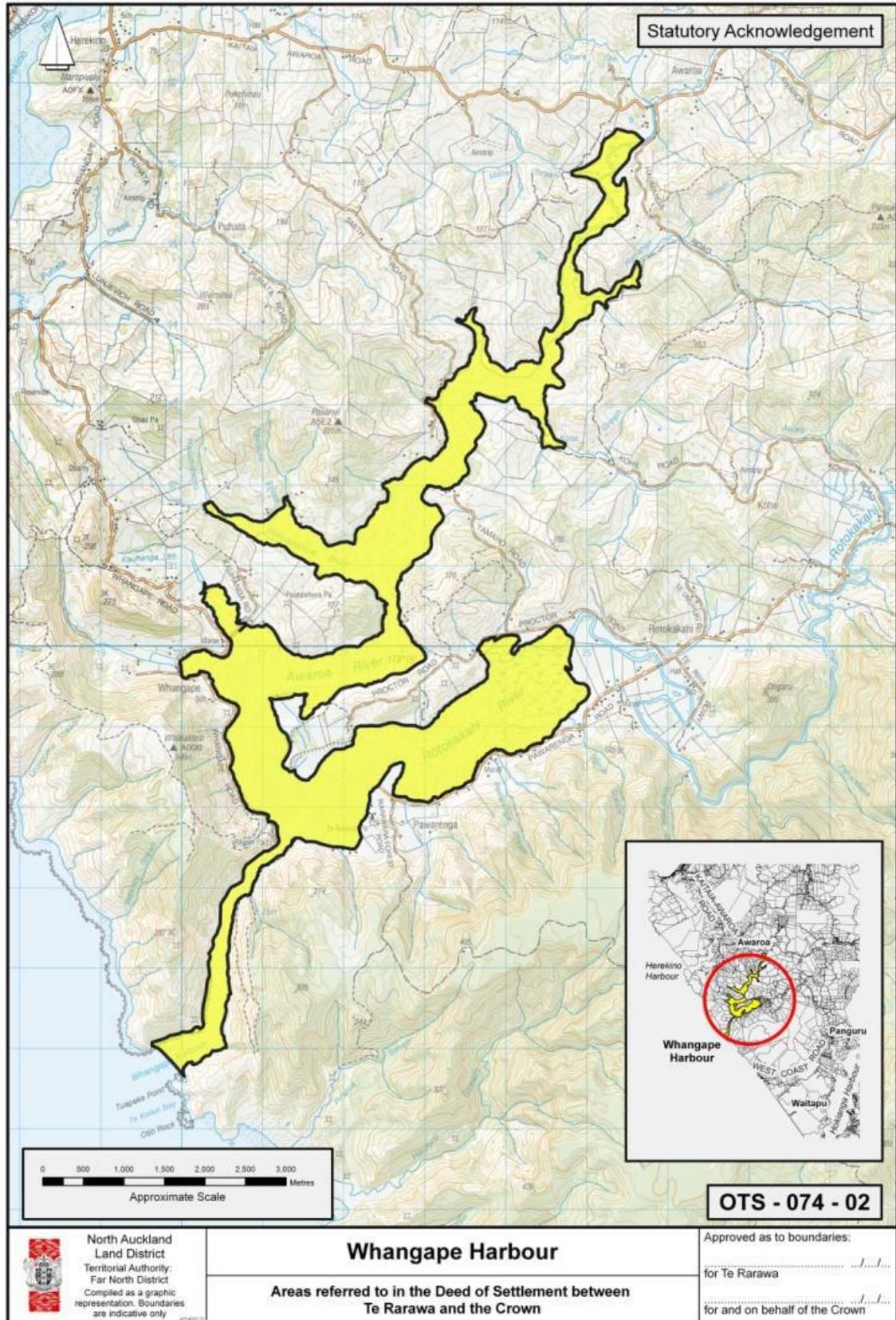
Consequential amendment to Resource Management Act 1991

135 AMENDMENT TO RESOURCE MANAGEMENT ACT 1991

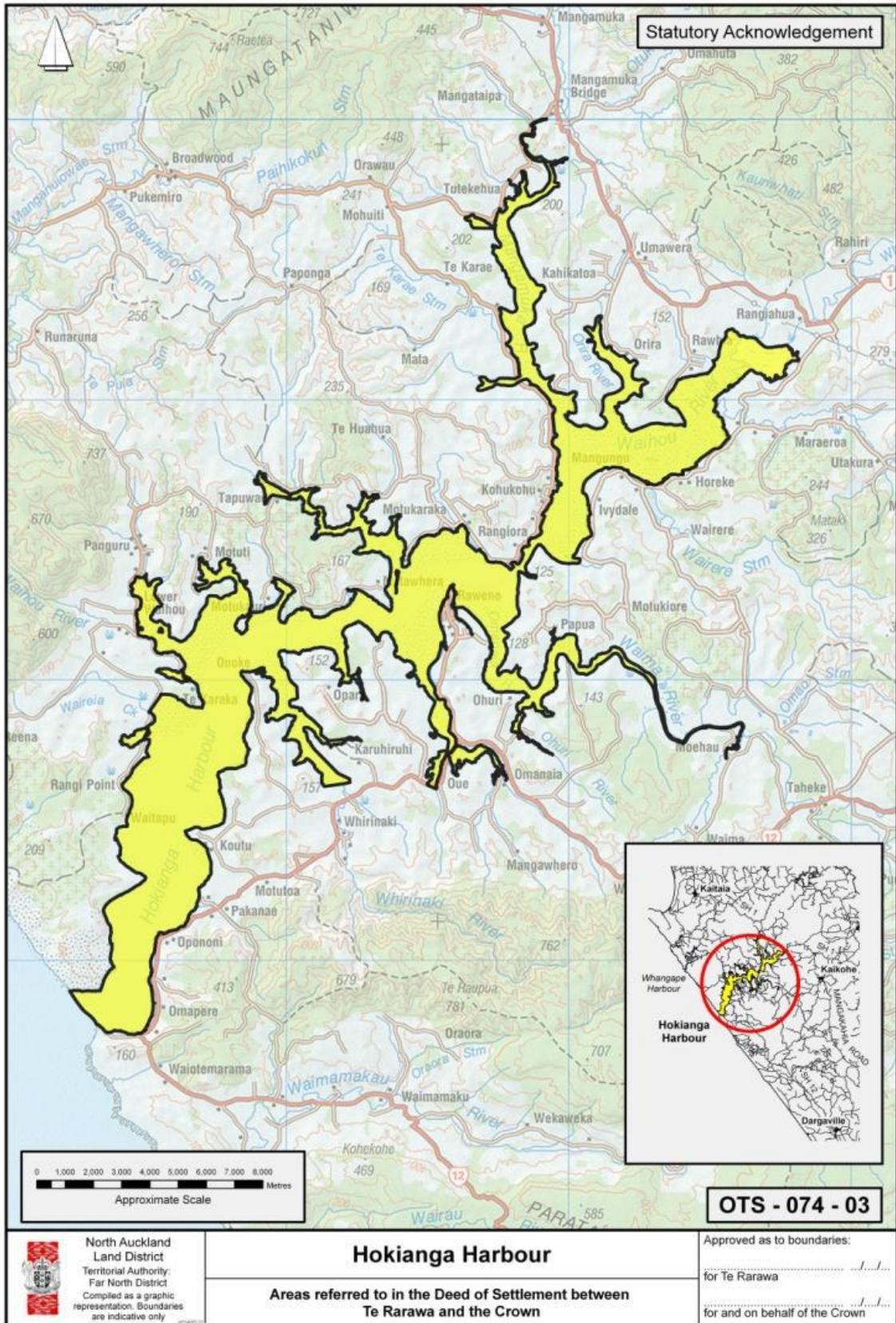
- (3) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order "Te Rarawa Claims Settlement Act 2015".

Schedule 4	
Te Rarawa statutory areas	
Statutory area	Location
Herekino Harbour	As shown on OTS-074-01
Whangape Harbour	As shown on OTS-074-02
Hokianga Harbour	As shown on OTS-074-03
Awaroa River	As shown on OTS-074-04
Takahue and Awanui Rivers	As shown on OTS-074-05
Te Tai Hauauru / Coastal Marine Area	As shown on OTS-074-06
Tauroa Peninsula	As shown on OTS-074-07
Wairoa Stream	As shown on OTS-074-08

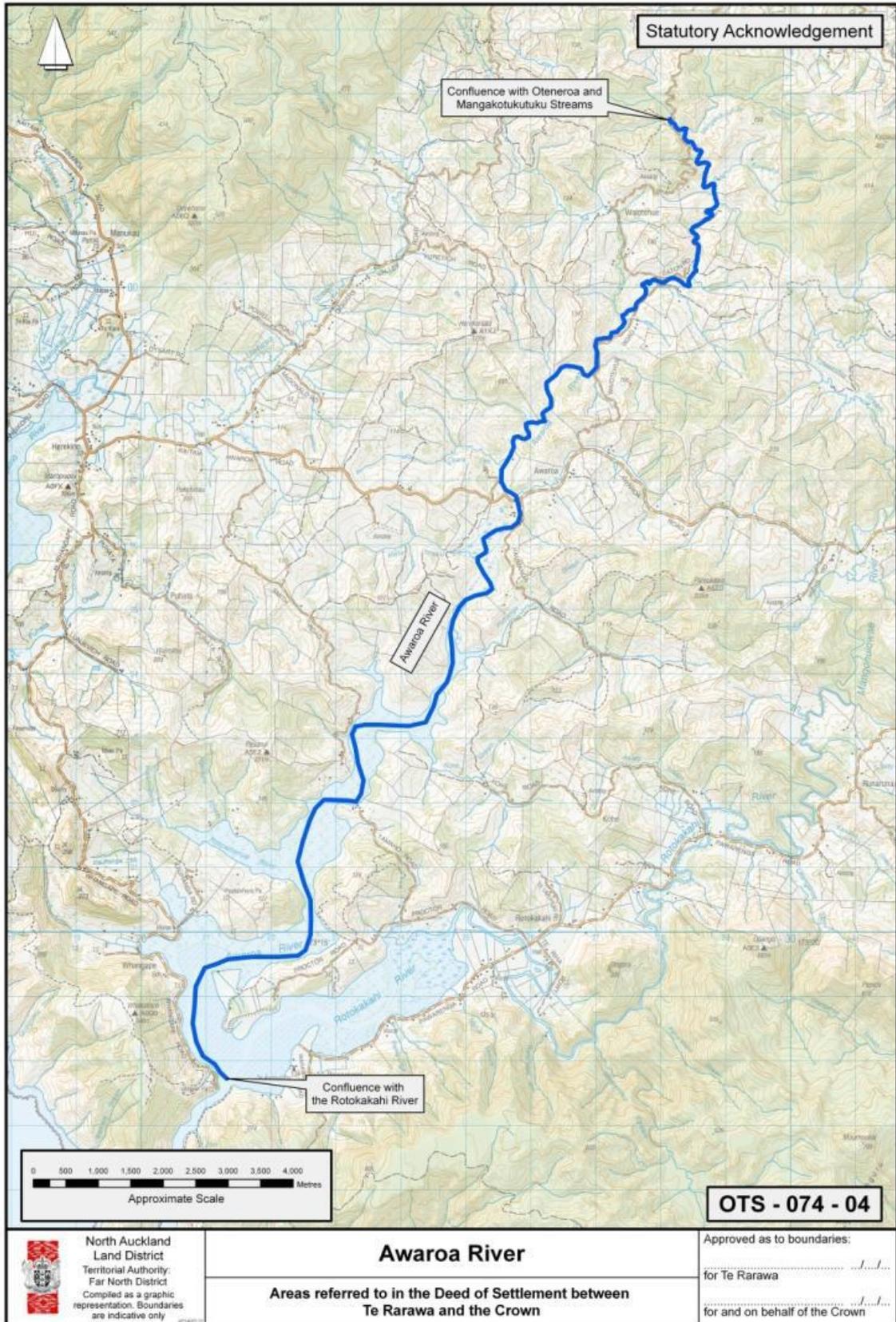
WHANGAPE HARBOUR (OTS-074-02)



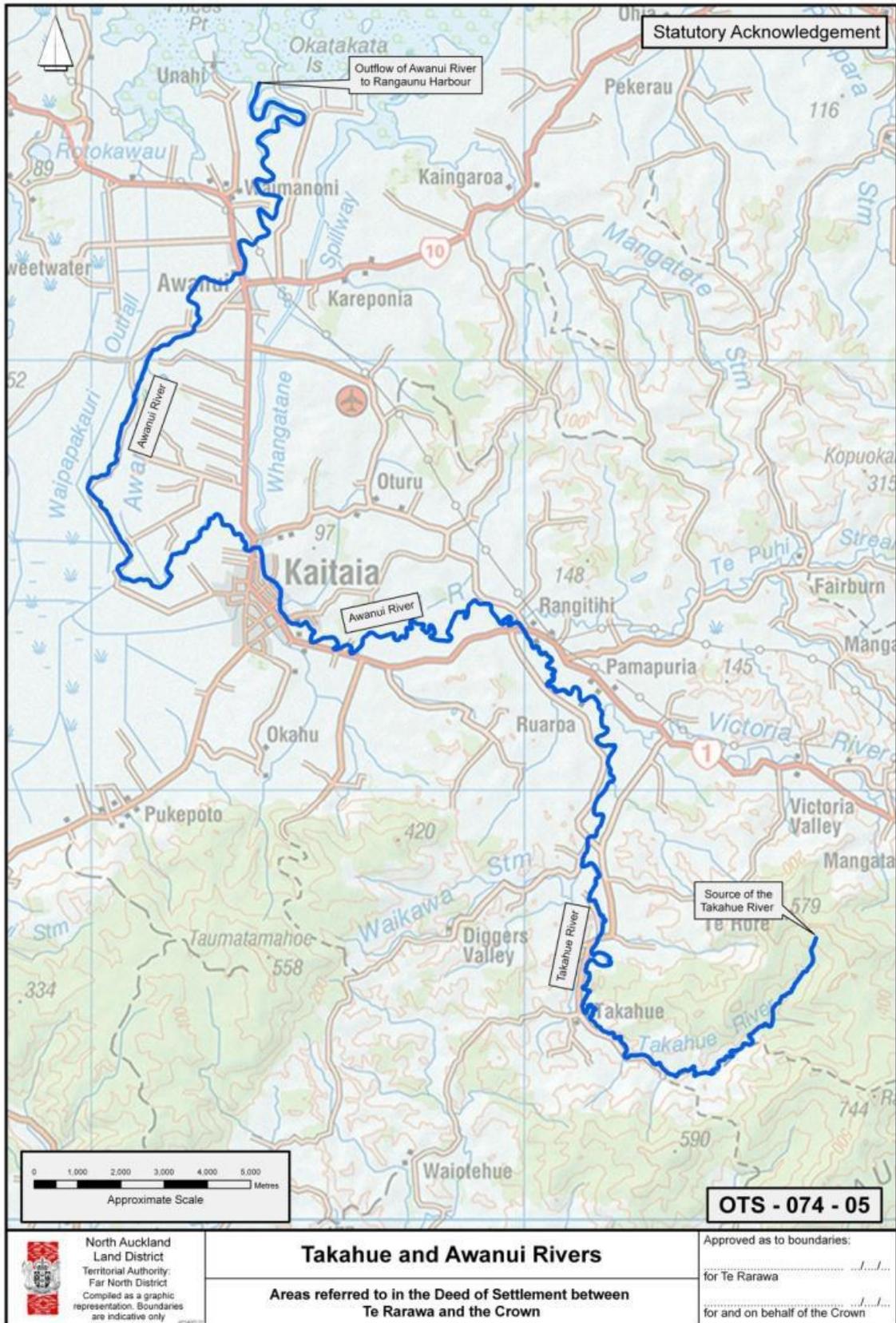
HOKIANGA HARBOUR (OTS-074-03)



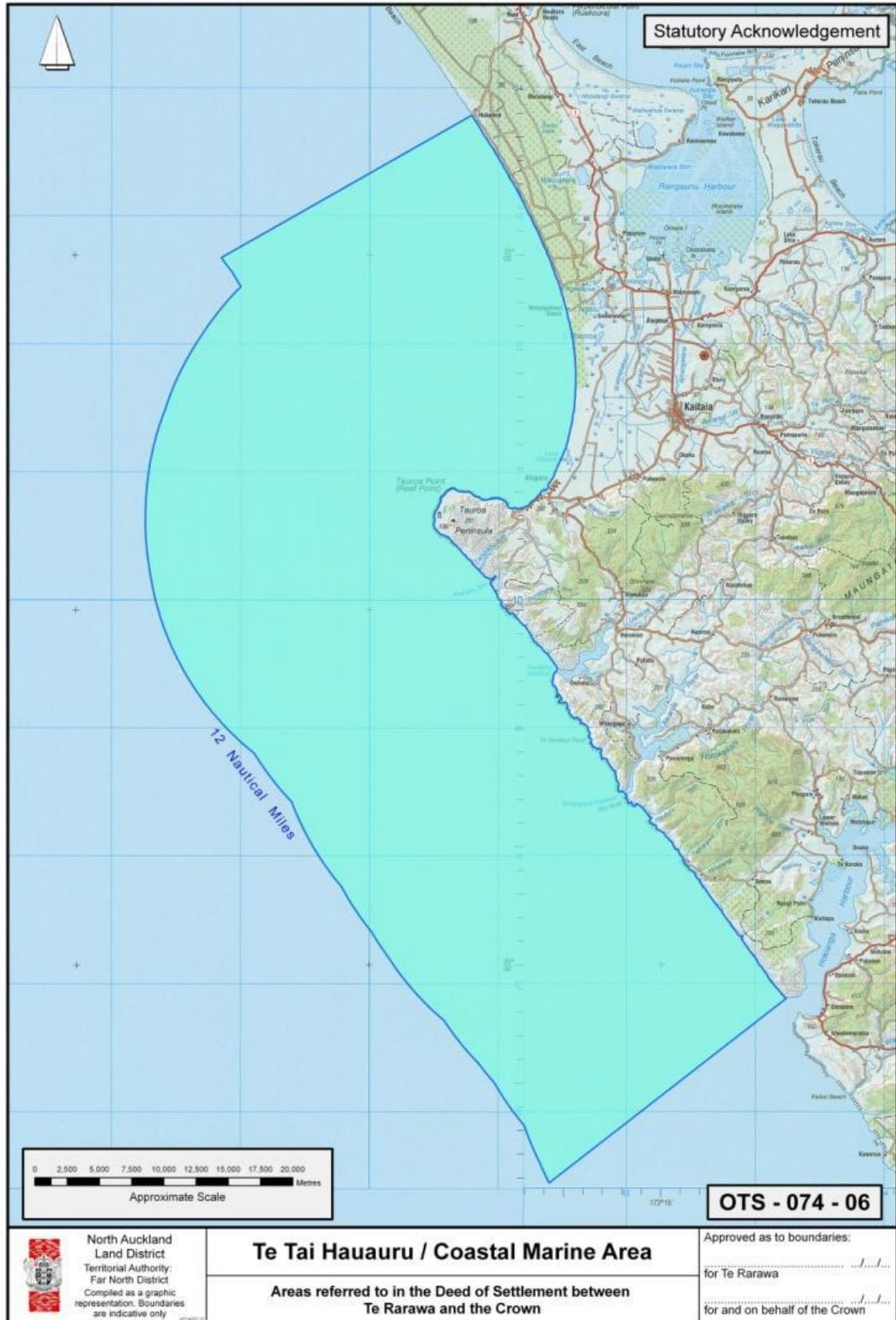
AWAROA RIVER (OTS-074-04)



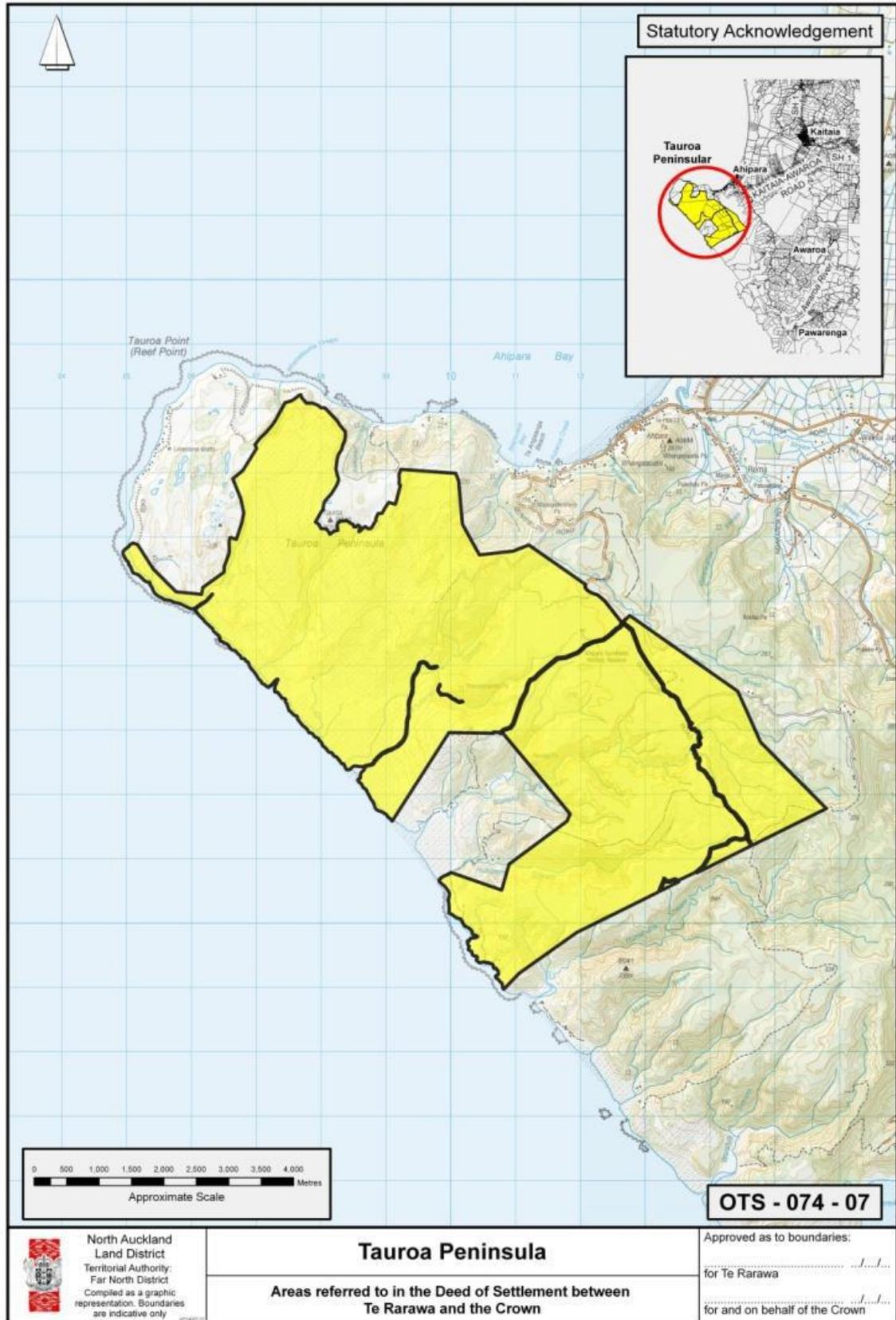
TAKAHUE AND AWANUI RIVERS (OTS-074-05)



TE TAI HAUAURU / COASTAL MARINE AREA (OTS-074-06)



TAUROA PENINSULA (OTS-074-07)



WAIROA STREAM (OTS-074-08)



North Auckland Land District
Territorial Authority:
Far North District
Compiled as a graphic representation. Boundaries are indicative only.

Wairoa Stream
Areas referred to in the Deed of Settlement between Te Rarawa and the Crown

Approved as to boundaries:
for Te Rarawa
for and on behalf of the Crown

APPENDIX 7F: NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017

The following provisions are an extract from the Ngātikahu ki Whangaroa Claims Settlement Act 2017, Part 2 - Subpart 2 and Schedule 1. The numbering used in this appendix reflects that which is contained in the act.

Subpart 2—Statutory acknowledgement and deed of recognition

27 INTERPRETATION

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statement of association, for a statutory area, means the statement—

- (a) made by Ngātikahu ki Whangaroa of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 28 in respect of the statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 1, the general location of which is indicated on the deed plan for that area

statutory plan—

- (a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and
- (b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

28 STATUTORY ACKNOWLEDGEMENT BY THE CROWN

The Crown acknowledges the statements of association for the statutory areas.

29 PURPOSES OF STATUTORY ACKNOWLEDGEMENT

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 30 to 32; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 33 and 34; and
- (c) to enable the trustees and any member of Ngatikahu ki Whangaroa to cite the statutory acknowledgement as evidence of the association of Ngatikahu ki Whangaroa with a statutory area, in accordance with section 35.

30 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.

31 ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to proceedings in the Environment Court 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, 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 the 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.

32 HERITAGE NEW ZEALAND POUHERE TAONGA AND ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT

- (1) This section applies to an application 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.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

33 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) a copy of sections 28 to 32, 34, and 35; and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

34 PROVISION OF SUMMARY OR NOTICE TO TRUSTEES

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide 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; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

- (2) A summary provided under subsection (1)(a) 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) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application;
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

35 USE OF STATUTORY ACKNOWLEDGEMENT

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

Deed of recognition

36 ISSUING AND AMENDING DEED OF RECOGNITION

- (1) This section applies in respect of the statutory area listed in Part 2 of Schedule 1.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3 of the documents schedule for the statutory area.
- (3) The Minister of Conservation and the Director-General may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deed of recognition

37 APPLICATION OF STATUTORY ACKNOWLEDGEMENT TO RIVER OR STREAM

If any part of the statutory acknowledgement applies to a river or stream, including a tributary, 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, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks 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) an artificial watercourse.

38 EXERCISE OF POWERS AND PERFORMANCE OF FUNCTIONS AND DUTIES

- (1) The statutory acknowledgement and the deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngatikahu ki Whangaroa with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to—
 - (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation or the Director-General by the deed of recognition

39 RIGHTS NOT AFFECTED

- (1) The statutory acknowledgement and the deed of recognition—
 - (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and
 - (b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

Consequential amendment to Resource Management Act 1991

40 AMENDMENT TO RESOURCE MANAGEMENT ACT 1991

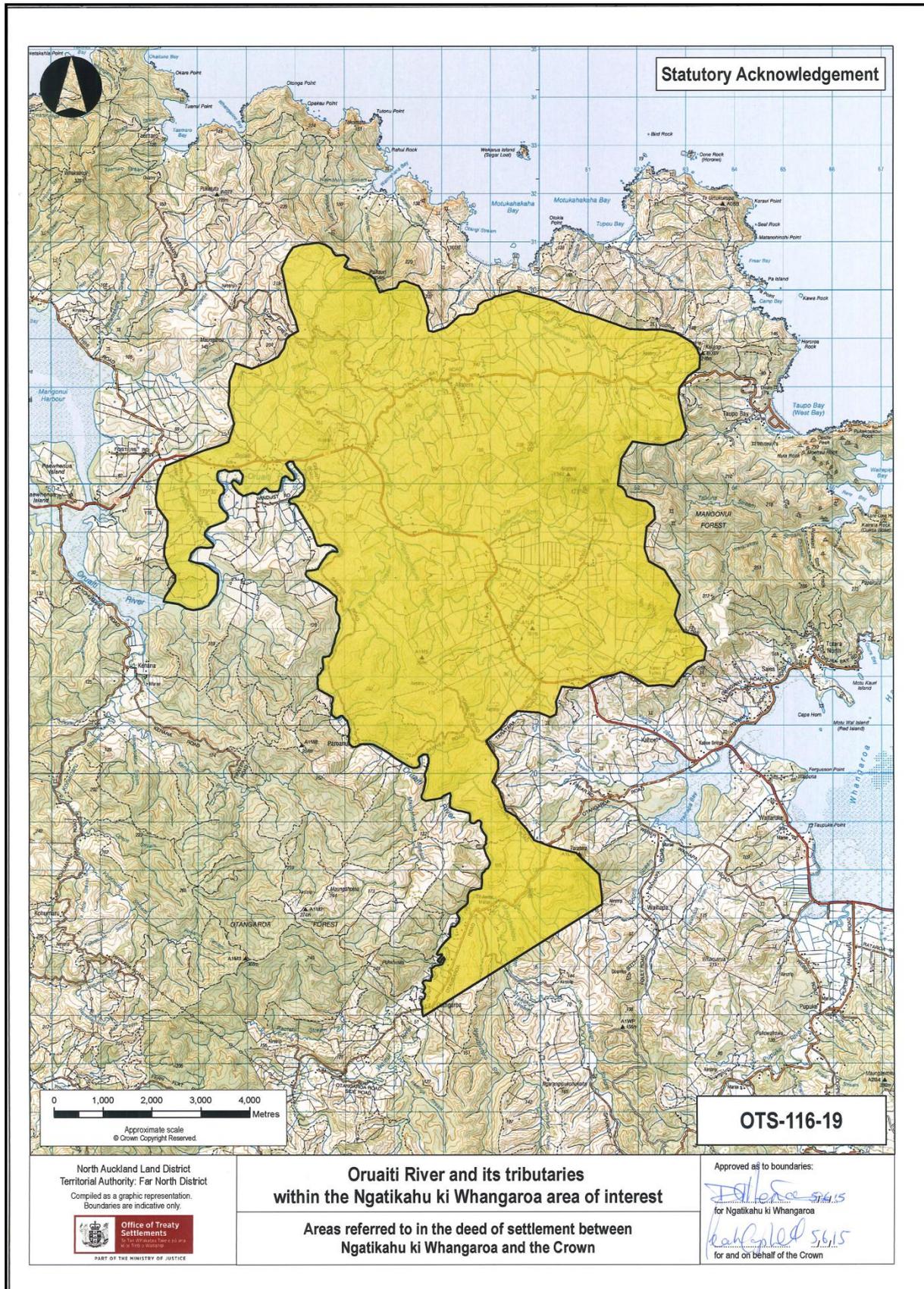
- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order “Ngatikahu ki Whangaroa Claims Settlement Act 2017”.

Schedule 1 Part 1 Ngātikahu ki Whangaroa Statutory areas	
Statutory area	Location
Coastal marine area	As shown on OTS-116-18
Oruaiti River and its tributaries within the Ngatikahu ki Whangaroa area of interest	As shown on OTS-116-19
Paekauri Conservation Area	As shown on OTS-116-17
Part 2 Ngātikahu ki Whangaroa area subject to both statutory acknowledgement and deed of recognition	
Akatāreere Historic Reserve	As shown on OTS-116-16

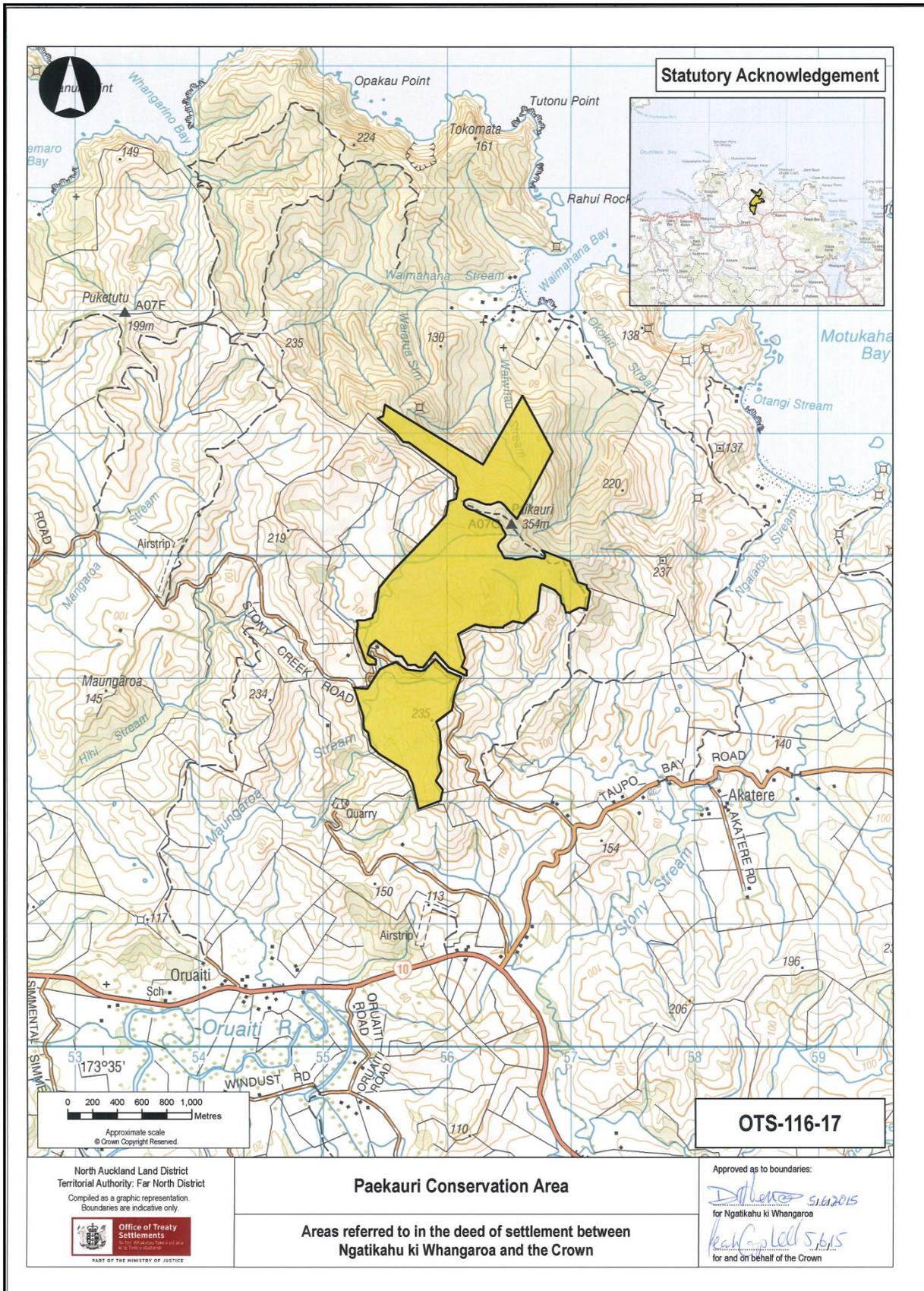
COASTAL MARINE AREA (OTS-116-18)



ORUAITI RIVER AND ITS TRIBUTARIES WITHIN THE NGATIKAHU KI WHANGAROA AREA OF INTEREST (OTS-116-19)



PAEKARI CONSERVATION AREA (OTS-116-17)



AKATĀRERE HISTORIC RESERVE (OTS-116-16)

