#### **RAUKAWA**

and

#### **RAUKAWA SETTLEMENT TRUST**

and

### **THE CROWN**

# SUPPLEMENTARY DEED TO THE RAUKAWA DEED OF SETTLEMENT AND THE RAUKAWA CO-MANAGEMENT DEED

27 June 2013

THIS DEED is made on the 27th day of June 2013

between

RAUKAWA ("Raukawa")

and

RAUKAWA SETTLEMENT TRUST ("the governance entity")

and

**THE CROWN** 

#### **BACKGROUND**

- 1.1 Raukawa and the Crown are parties to:
  - 1.1.1 a deed of settlement dated 2 June 2012 (Raukawa deed of settlement); and
  - 1.1.2 a deed in relation to a co-management framework for the Waikato River on 17 December 2009 (Raukawa co-management deed) given effect through the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (2010 Act).
- 1.2 The Raukawa deed of settlement includes:
  - 1.2.1 under clauses 5.17 to 5.19, provisions relating to Maungatautari; and
  - 1.2.2 under clauses 5.24 to 5.29, provisions relating to the Upper Waikato River and Upper Waipa River co-management arrangements.
- 1.3 Since the signing of the Raukawa deed of settlement, the parties have reached agreements in relation to both aspects of redress and wish to record those agreements in this supplementary deed.
- 1.4 This supplementary deed is supplementary to, and is to be read in conjunction with, the Raukawa deed of settlement and the Raukawa co-management deed.
- 1.5 In addition to the matters required by clause 7.2 of the Raukawa deed of settlement, the draft settlement bill will give effect to the Raukawa deed of settlement (Raukawa settlement bill) and will give effect to clauses 1.13 to 1.43 of this supplementary deed, being those provisions that need to be implemented through legislation.

#### **MAUNGATAUTARI**

- 1.6 Under clause 5.19 of the Raukawa deed of settlement the parties agreed that as part of the cultural redress to be provided under the deed of settlement, the Crown would work with the governance entity and mandated representatives of other iwi who have interests in Maungatautari to agree arrangements to recognise those interests, including those of Raukawa.
- 1.7 On 20 December 2012 Ngāti Koroki Kahukura and the Crown signed a deed of settlement (Ngāti Koroki Kahukura deed of settlement) which provides for Maungatautari Mountain Scenic Reserve to held by:
  - "Te hapori o Maungatautari The Maungatautari community comprising iwi with customary interests and members of the wider community connected with Maungatautari".
- 1.8 Clause 7.71 of the Ngāti Koroki Kahukura deed of settlement provides that persons carrying out certain functions or exercising certain powers in relation to the Maungatautari Mountain Scenic Reserve must consider and give significant weight to:
  - 1.8.1 the interests, Crown acknowledgement and statement of significance set out in the Ngāti Koroki Kahukura deed of settlement; and

- 1.8.2 other statements related to the significance of Maungatautari contained in deeds of settlement entered into between the Crown and Ngāti Hauā, Raukawa and Waikato-Tainui or in settlement legislation giving effect to those deeds.
- 1.9 The following is the statement of the significance of Maungatautari to Raukawa:

"Ki te Wairere Horohoro Pohaturoa Ko Ongaroto Ko Whāita e Nukuhau Ki Taupō-nui-a-tia Ki runga o Hurakia Hauhungaroa Titiraupenga Arowhena Wharepūhunga Titiraupenga Whakamarumaru Te Pae o Raukawa Titiro atu ki Te Kaokaoroa-o-Pātetere Maungatautari Ka titiro ki Wharepūhunga Ko Hoturoa, ko Pārāwera Ko te Manawa rā o Ngāti Raukawa e.

Raukawa has a very long association to the mountain, Maungatautari. The mountain is located on the west bank of the Waikato River south of Cambridge. This mountain holds spiritual, cultural and historical significance to the iwi of Raukawa and others.

For Raukawa, the association to Maungatautari stems back to the arrival of the Tainui waka in Aotearoa and the Raukawa ancestors Rakatāura and Kahukeke. Raukawa is a descendant of Rakatāura and Kahukeke. Following the arrival of the waka into Kāwhia, Rakatāura and Kahukeke left that area and journeyed into the interior of the Central North Island. Along the way Rakatāura named many places. According to Raukawa tradition, Rakatāura spied a majestic mountain that appeared to be suspended above a thick blanket of mist. It was this event that prompted Rakatāura to name the place Maungatautari.

Ten generations later, following the birth of her new born son Raukawa, Māhina-a-rangi crossed the Waikato River below Maungatautari. She named the place she crossed, Horahora, in recognition of having to lay out the wet clothing of her son to dry.

Two generations later, a pā named Te Tiki-o-Te-lhingarangi, was built by a grandson of Raukawa at Karapiro, below Maungatautari. Later also, other grandsons of Raukawa namely Whāita, Tamatehura, Ūpokoiti, Wairangi, Ngakohua and Pipito led a war party through the Central North Island killing an indigenous iwi. Pā at Maungatautari belonging to that iwi were taken and Tamatehura eventually settled there.

Also living at Maungatautari was Tukorehe and his elder brother, Kauwhata. Tukorehe was the eponymous ancestor of the Raukawa hapū Ngāti Tukorehe.

Descendants of Raukawa continued to live at Maungatautari. These descendants included the famed Raukawa ancestors Ngatokowaru and later the war chiefs Wahineiti and his younger brother Hapekitūarangi.

In the early part of the nineteenth century some members of Raukawa migrated south from Maungatautari. However, other members of Raukawa remained at Maungatautari and the iwi has a continued presence in the area today.

In 1868 the title investigation into the Maungatautari land blocks began in the Native Land Courts.

Raukawa individuals from Ōtaki were among those who applied to the court for ownership of these lands, but the court awarded title to other iwi. Raukawa living in the area did not present evidence about their interests in Maungatautari to the Court because the title investigation began in a period of uncertainty for Raukawa in the aftermath of the armed conflict that took place in the Waikato in 1863 and 1864. Raukawa contested the court's decision over several decades through parliamentary petitions, applications for re-hearings and subsequent court hearings.

Raukawa assert that they have continued to maintain an association to Maungatautari. Many Raukawa hapū reside below Maungatautari and have settled the area for generations and had large gardens that grew wheat and other food.

When the hydro-generation projects commenced along the Waikato River in the wider Maungatautari area, members of Raukawa were amongst the workforce that built the dams at Karapiro, Horahora and Arapuni.

In the 1990s the monument "Te Taurapa o Te Ihingarangi" was erected near Maungatautari at Karapiro. Raukawa kaumātua played an important role in the unveiling of the monument and stood with Te Arikinui Te Atairangikāhu as she unveiled it.

Today, Raukawa is an active member in the Maungatautari Ecological Island Trust."

### UPPER WAIKATO RIVER AND UPPER WAIPA RIVER CO-MANAGEMENT ARRANGEMENTS

#### **Background**

1.10 On 27 September 2010 the Crown signed a deed with the Maniapoto Maori Trust Board, by which the Crown agreed to extend the co-management arrangements for the Waikato River to the entire Waipa River and catchment (Maniapoto co-management deed). The Maniapoto co-management deed is given effect through the Nga Wai o Maniapoto (Waipa River) Act 2012 (2012 Act).

- 1.11 Clauses 5.24 to 5.29 of the Raukawa deed of settlement reflect that:
  - 1.11.1 the Crown and the governance entity agreed to consider what amendments might be required to the co-management arrangements as a consequence of the Maniapoto co-management deed;
  - 1.11.2 it was considered likely that modifications to the Raukawa co-management deed would need to be provided for through legislation or amendments to current legislation:
  - 1.11.3 if, at the time that those modifications were agreed by the Crown and Raukawa, it was reasonably practicable for the modifications to be included in the Raukawa settlement bill, then the Crown would provide for those modifications in that bill; and
  - 1.11.4 those modifications would be limited in their effect to the interests of Raukawa within the Wharepūhunga Block and the Korakonui Block (defined in this supplementary deed as the "Wharepūhunga and Korakonui sub-catchment"), unless otherwise agreed with Maniapoto.
- 1.12 Since the signing of the deed of settlement the parties have agreed to extend certain co-management arrangements in the co-management deed to the Wharepūhunga and Korakonui sub-catchment, on the terms set out in clauses 1.13 to 1.43 below.

#### **Definitions**

1.13 The definition of "Waikato River" in section 7(2) of the 2010 Act is to be amended to give effect to the following (amendments shown as underlined text):

#### "Waikato River,—

- (a) in sections 10, 17, 18, 21, 23, 24, 27, 33, and 46 and Schedules 1 to 4,—
  - (i) means the body of water known as the Waikato River flowing continuously or intermittently from Te Waiheke o Huka (from a point that Ngati Tuwharetoa know as Te Toka a Tia) to Te Puaha o Waikato to the extent to which it is within the areas marked 'A' and 'B' on SO plan 409144:
  - (ii) includes the Waipa River from its junction with the Puniu River to its junction with the Waikato River to the extent to which the rivers are within the areas marked 'A' and 'B' on SO plan 409144:
  - (iii) includes all tributaries, streams, and watercourses flowing into the rivers described in subparagraphs (i) and (ii), to the extent to which they are within the areas marked 'A' and 'B' on SO plan 409144:
  - (iv) includes lakes and wetlands within the areas marked 'A' and 'B' on SO plan 409144:
  - <u>(v)</u> <u>includes the beds and banks of the water bodies described in subparagraphs (i) to (iv):</u>

- (b) in sections 36 to 40, 42, 44, 45, 47, 49, and 58 and Schedule 5,—
  - (i) means the body of water known as the Waikato River flowing continuously or intermittently from Te Waiheke o Huka (from a point that Ngati Tuwharetoa know as Te Toka a Tia) to Karapiro to the extent to which it is within the area marked 'B' on SO plan 409144:
  - (ii) includes all tributaries, streams and watercourses flowing into the part of the Waikato River described in subparagraph (i), to the extent to which they are within the area marked 'B' on SO plan 409144:
  - (iii) includes lakes and wetlands within the area marked 'B' on SO plan 409144 (but does not include any of the Te Arawa Lakes):
  - (iv) includes the beds and banks of the water bodies described in subparagraphs (i) to (iii) (but does not include any of the Te Arawa Lakes):
- (c) in sections 45, 47, and 49,—
  - (i) includes the Waipa River from its source to its junction with the Puniu River to the extent to which—
    - (A) the Waipa River is within the area marked 'C' on SO plan 409144; and
    - (B) activities in the catchment of the Waipa River are included in a joint management agreement through the application of section 44(2)(a)(ii):
  - (ii) includes all tributaries, streams, and watercourses flowing into the part of the Waipa River described in subparagraph (i), to the extent to which they are within the areas marked 'C' on SO plan 409144:
  - (iii) includes lakes and wetlands associated with the part of the Waipa River described in subparagraph (i) to the extent to which they are within the area marked 'C' on SO plan 409144:
  - (iv) <u>includes the beds and banks of the water bodies described in subparagraphs (i) to (iii)".</u>
- 1.14 **Wharepūhunga and Korakonui sub-catchment** means the sub-catchment coloured blue within Area 'C' on SO plan 409144, attached as Appendix 1 to this supplementary deed.
- 1.15 In this supplementary deed:
  - 1.15.1 Raukawa Settlement Trust includes an entity that the Raukawa Settlement Trust nominates in accordance with clauses 10.4 to 10.7 of the Raukawa co-management deed;
  - 1.15.2 Waipa River means:
    - (a) the body of water known as the Waipa River flowing continuously or intermittently from its source at Pekepeke to its confluence with the Waikato River; and

- (b) all tributaries, streams, and watercourses flowing into the Waipa River; and
- (c) lakes and wetlands within the Wharepūhunga and Kōrakonui subcatchment; and
- (d) the beds and banks of the water bodies described in paragraphs (a) to (c);
- 1.15.3 **Te Arawa Lakes** has the meaning given to it in section 11 of the Te Arawa Lakes Settlement Act 2006.

### Statement of significance of the Wharepūhunga and Korakonui sub-catchment to Raukawa

1.16 The Crown recognises the following statement of significance of the Wharepūhunga and Korakonui sub-catchment to Raukawa:

"Raukawa have a special and ancient relationship with the waterways within the Wharepūhunga and Korakonui sub-catchment. One such relationship is with the Pūniu Awa and its tributaries. Raukawa see these as the veins carrying the lifeblood of Papatūānuku. If events or activities affect the awa, they in turn affect Papatūānuku. The Pūniu Awa and other waterways within the Wharepūhunga and Korakonui hold mana in their own right (spiritual authority and power, or a right to exist in a pristine state for intrinsic reasons) and their life essence or life force is the mauri of the awa. The waterways within the Wharepūhunga and Korakonui sub-catchment carry the life force for the Raukawa people; that which affects the awa, equally affects the people.

The association of Raukawa to the Wharepūhunga and Korakonui subcatchment stretches back to the generation of Rakatāura and his wife Kahukeke. Rakatāura was the tohunga of the Tainui waka and Kahukeke was the daughter of Hoturoa. This association was strengthened some ten generations later in the time of Tūrongo, the father of Raukawa, who settled with his whānau at Rangiātea.

On the northern slopes of the maunga Wharepūhunga, between the Waipari River and Mangakomua Stream is Tututawa, an ancient pā with an extensive urupā. Further to the east was the settlement Aotearoa. A marae of the same name remains today. These settlements were populated by a number of Raukawa hapū including Ngāti Takihiku, Ngāti Ngaamo, Ngāti Kiri and Ngāti Hineone.

Raukawa maintained their association to the Wharepūhunga area from the fifteenth century to today. During the Waikato War of 1864, the swamp at the Pūniu was used as an escape route during the evacuation of Ōrākau.

Located in Korakonui near the Mangatutu Stream was Tumuhuia's settlement. Tumuhuia represented the Raukawa claims in the Rohe Pōtae (Korakonui) hearing. Raukawa hapū Ngāti Takihiku, Ngāti Puehutore and Ngāti Whakatere remained in the area and had pā there.

Currently standing within the Korakonui block is the Raukawa affiliated marae of Whakamārama. The hapū associated to this marae are Ngāti Puehutore. Puehutore was a descendant of Wairangi (the grandson of Raukawa and eponymous ancestor of the Ngāti Wairangi). Just south of Whakamārama

marae is the site of the ancient Ngāti Wairangi stronghold, Rurunui. This was the home of the ancestor Wairangi and his wives Parewhete and Puroku."

#### Non-derogation

- 1.17 To the extent that instruments under the 2010 Act apply to the Waipa River or the Wharepūhunga and Korakonui sub-catchment, they are not a derogation from:
  - 1.17.1 the Maniapoto interests referred to in part 1 of the Maniapoto co-management deed; or
  - 1.17.2 the Maniapoto statement of significance set out in part 2 of the Maniapoto co-management deed.
- 1.18 To the extent that instruments under the 2012 Act apply to the Waipa River or the Wharepūhunga and Korakonui sub-catchment, they are not a derogation from:
  - 1.18.1 the Raukawa interests referred to in clause 13.11.1 of the Raukawa co-management deed; or
  - 1.18.2 the Raukawa statement of significance set out in clause 1.16 of this supplementary deed.

#### Raukawa environmental plan

Extension to Wharepūhunga and Korakonui sub-catchment

- 1.19 The environmental plan prepared by the Raukawa Settlement Trust under section 41(1) of the 2010 Act will also apply to the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment.
- 1.20 Section 42(4) of the 2010 Act applies to a person carrying out functions or exercising powers under the conservation legislation (as defined in the 2010 Act) in relation to the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment as if the reference to the environmental plan were a read as a reference to the Raukawa environmental plan.

#### **Conservation regulations**

Extension to Wharepūhunga and Korakonui sub-catchment

- 1.21 Regulations made under section 58(1) of the 2010 Act may also apply to the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment.
- 1.22 Regulations made under section 58(1) of the 2010 Act and section 32(1) of the 2012 Act, to the extent that they apply to all or any part of the Waipa River within the Wharepūhunga and Korakonui sub-catchment, must be consistent with the overarching purposes of the 2010 Act and the 2012 Act.
- 1.23 For the purposes of clauses 1.21 to 1.24:
  - 1.23.1 there may only be one set of conservation regulations applying to all or any part of the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment, as opposed to separate regulations;

- 1.23.2 the single set of regulations applying to all or any part of the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment must be made under both section 58(1) of the 2010 Act and section 32(1) of the 2012 Act.
- 1.24 Clauses 1.21 to 1.23 do not affect the ability for regulations to be made for the Waipa River outside the Wharepūhunga and Korakonui sub-catchment under section 58(1) of the 2010 Act or section 32(1) of the 2012 Act.

#### Fisheries regulations (customary fishing)

Extension to Wharepūhunga and Korakonui sub-catchment

1.25 A regulation that is made in accordance with section 58(2) of the 2010 Act, to the extent that it provides for the Raukawa Settlement Trust to manage customary fishing on the Waikato River, shall be made with application to the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment, if it is expressed to apply to that sub-catchment.

#### Fisheries regulations (enabling bylaws to be made)

Extension to Wharepūhunga and Korakonui sub-catchment

1.26 A regulation that is made in accordance with section 58(3) of the 2010 Act, to the extent that it provides for the Raukawa Settlement Trust to recommend the making of bylaws, shall provide for the Raukawa Settlement Trust to recommend the making of bylaws in respect of the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment.

Co-ordinated process for developing bylaws

- 1.27 The preparation process for a fisheries bylaw applying to all or any part of the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment must involve the following parties (referred to in clauses 1.28 to 1.30 as the contributing parties):
  - 1.27.1 the Raukawa Settlement Trust; and
  - 1.27.2 the Maniapoto Maori Trust Board.
- 1.28 The contributing parties will work together to develop and propose one fisheries bylaw for all or any part of the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment as opposed to separate fisheries bylaws applying under the 2010 Act and the 2012 Act.
- 1.29 A fisheries bylaw must be consistent with the overarching purposes of the 2010 Act and the 2012 Act.
- 1.30 The contributing parties must agree in writing to the form of a fisheries bylaw before it is proposed to the Minister for Primary Industries.
- 1.31 Once a fisheries bylaw is made it is deemed to be made in accordance with the 2010 Act and the 2012 Act.
- 1.32 A bylaw under regulations made in accordance section 58(3) of the 2010 Act will take

effect in the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment on a date notified in the *Gazette* by the Minister for Primary Industries.

#### Integrated management plan

Extension of fisheries and conservation components of the Upper Waikato River integrated management plan to the Wharepūhunga and Korakonui sub-catchment

- 1.33 The conservation and fisheries components of the Upper Waikato River integrated management plan (referred to in sections 36(3)(a) and 36(3)(b) respectively of the 2010 Act) may contain provisions applying to the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment.
  - Extension of other components of Upper Waikato River integrated management plan to the Wharepūhunga and Korakonui sub-catchment on agreement
- 1.34 The Raukawa Settlement Trust and the Waikato Regional Council may agree that provisions of the regional council component of the Upper Waikato River integrated management plan (referred to in section 36(3)(c) of the 2010 Act) shall apply to the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment, and those provisions shall apply according to the terms of the agreement.
- 1.35 The Raukawa Settlement Trust and an appropriate agency that has agreed a component of the Upper Waikato River integrated management plan (referred to in section 36(3)(d) of the 2010 Act) may agree that provisions of the component shall apply to the Waipa River to the extent it is within the Wharepūhunga and Korakonui sub-catchment, and those provisions shall apply according to the terms of the agreement.
  - Co-ordinated process for extension of components of integrated management plans to the Wharepūhunga and Korakonui sub-catchment
- 1.36 Provisions in the components applying to the Waipa River within the Wharepūhunga and Korakonui sub-catchment must be prepared in accordance with Schedule 5 of the 2010 Act with any necessary modifications, including the modifications set out in clauses 1.37 to 1.42.
- 1.37 Clauses 1.38 to 1.42 apply to the preparation of:
  - 1.37.1 provisions in components of the Upper Waikato River integrated management plan to the extent that those provisions apply to the Waipa River within the Wharepūhunga and Korakonui sub-catchment (pursuant to clauses 1.33, 1.34 or 1.35); and
  - 1.37.2 provisions in components of the Upper Waipa River integrated management plan to the extent that those provisions apply to the Waipa River within the Wharepūhunga and Korakonui sub-catchment (pursuant to sections 11 to 14 of the 2012 Act).
- 1.38 The processes in Schedule 5 of the 2010 Act and Schedule 2 of the 2012 Act must be carried out simultaneously as a single co-operative process involving the Raukawa Settlement Trust, the Maniapoto Māori Trust Board, and the department, local authority, or agency relevant to the particular component (the **contributing parties**).
- 1.39 References to "the Trusts" in Schedule 5 of the 2010 Act must be read as references to

- the Raukawa Settlement Trust and the Maniapoto Māori Trust Board and not to the Te Arawa River Iwi Trust or the Tūwharetoa Māori Trust Board.
- 1.40 References to "the integrated management plan" and "the plan" in Schedule 5 of the 2010 Act must be read as references to a provision to which clauses 1.38 to 1.42 apply and references to "the draft plan" must be read as references to a draft provision.
- 1.41 In preparing a provision to which clauses 1.37 to 1.42 apply, the contributing parties, after co-operation between them, must agree joint provisions that are consistent with:
  - 1.41.1 the overarching purpose and provisions of the 2010 Act relating to the Upper Waikato River integrated management plan; and
  - 1.41.2 the overarching purpose and provisions of the 2012 Act relating to the Upper Waipa River integrated management plan.
- 1.42 Once the joint provisions are agreed in accordance with clause 1.41, those provisions must be taken:
  - 1.42.1 to be part of the relevant component of the Upper Waikato River integrated management plan and to apply to the Waipa River, to the extent it is within the Wharepūhunga and Korakonui sub-catchment, in accordance with the provisions of the 2010 Act, as if those provisions also apply to the sub-catchment; and
  - 1.42.2 to be part of the relevant component of the Upper Waipa River integrated management plan and to apply to the Waipa River, to the extent it is within the Wharepūhunga and Korakonui sub-catchment, in accordance with the provisions of the 2012 Act.
- 1.43 Clauses 1.33 to 1.42 do not affect the preparation and approval of:
  - 1.43.1 components of the Upper Waikato River integrated management plan applying to the Waikato River in accordance with the 2010 Act; or
  - 1.43.2 components of the Upper Waipa River integrated management plan applying to the Upper Waipa River outside the Wharepūhunga and Korakonui sub-catchment in accordance with the 2012 Act.

SIGNED as a deed on	2013	
<b>SIGNED</b> for and on behalf of <b>THE CROWN</b> by the Minister for Treaty of Waitangi Negotiations in the presence of:	) ) Honourable Christopher Finlayson	
Signature of Witness	<del>-</del>	
Witness Name	-	
Occupation	<del>-</del>	
Address	-	

SIGNED for and behalf of RAUKAWA and the RAUKAWA SETTLEMENT TRUST by the	)	
mandated signatories in the presence of:	)	Gaylene Te Ute Roberts
		John Taka Edmonds
		JOHN Taka Eumonus
		Vanessa Jonella Eparaima
		Kataraina Hodge
		Cheryl Marie Pakuru
Signature of Witness	_	Jonathon Michael Stokes
Witness Name	_	
Occupation	_	
Address	_	
Signature of Witness	_	
Witness Name	_	
Occupation	_	
Address	_	

Other witnesses / members of Raukawa who support the settlement

APPENDIX 1: WHAREPŪHUNGA AND KORAKONUI SUB-CATCHMENT





























