

STATUTORY ACKNOWLEDGEMENT AREA

STATUTORY ACKNOWLEDGEMENT

Addendum to the Upper Hutt City District Plan

The following documents are to be read as an attachment to and in conjunction with the Upper Hutt City District Plan.

The information is not subject to the provisions of Schedule 1 to the Resource Management Act 1991. However, it is recommended that applicants who are seeking resource consent on properties that are either adjacent or adjoin a Statutory Acknowledgement Area undertake consultation with the relevant iwi prior to lodging their resource consent application.

What are Statutory Acknowledgements?

A statutory acknowledgement is a formal acknowledgement by the Crown of the mana of tangata whenua over a specified area. It recognises the particular cultural, spiritual, historical and traditional association of an iwi with the site, which is identified as a statutory area.

Statements of statutory acknowledgements are set out in Treaty of Waitangi claim settlement legislation. The text for each statutory acknowledgement includes:

- identification and description of the statutory area;
- a statement of association detailing the relationship between the relevant iwi and the area; and
- details of the statutory area.

Statutory areas only relate to Crown-owned land and include areas of land, geographic features, lakes, rivers, wetlands, and coastal marine areas.

Whilst there may be minor variations in the legislation for settlements, the purposes of a statutory acknowledgement will generally include the following:

- **Notification of resource consent applications**

Consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga are required to have regard to a statutory acknowledgement when determining whether the relevant iwi may be adversely affected by the granting of a resource consent for activities within, adjacent to or impacting directly on the statutory area.

- **Summaries of resource consent applications**

Consent authorities are required to forward summaries of resource consent applications to the relevant iwi for activities within, adjacent to or impacting directly on any statutory area. This information must be the same as would be given to any affected persons under limited notification in accordance with section 95B of the RMA, unless otherwise agreed between the consent authority and the relevant iwi.

The information is to be provided to the relevant iwi as soon as reasonably practicable after the consent authority has received the application, and prior to making any determination as to notification of the application.

This requirement does not affect the obligation of a consent authority to notify an application in accordance with section 95 to 95F of the Resource Management Act 1991, or to form an opinion as to whether the relevant iwi group is adversely affected under those sections.

- **Submissions**

In submissions to and proceedings before a consent authority, the Environment Court or Heritage New Zealand Pouhere Taonga , the relevant iwi governance entity - and any member of that iwi - may cite a statutory acknowledgement as evidence of association with a statutory area where those proceedings concern activities that are within, adjacent to or impacting directly on any statutory area.

Statutory Plans

Information recording statutory acknowledgements for statutory areas covered wholly or partly by the plan must be attached to regional policy statements, regional plans and district plans.

Statutory plans are required to specify that information provided in relation to statutory acknowledgements is for the purposes of public information only and does not form part of the plan and is not subject to the provisions of Schedule 1 of the RMA.

1 Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Acknowledgement

In accordance with the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009, information regarding statutory acknowledgements is hereby attached to the Upper Hutt City District Plan.

This information includes the relevant provisions of the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 (sections 23 to 31 in full) as well as descriptions/maps of the statutory areas and the related statements of association.

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009

Part 2 Cultural redress

Subpart 2 - Statutory acknowledgement and deed of recognition

Statutory acknowledgement

23 Statutory acknowledgement by the Crown

- (1) The Crown acknowledges the statements of association.
- (2) In this Act, **statements of association** means the statements—
 - (a) made by Taranaki Whānui ki Te Upoko o Te Ika of their particular cultural, spiritual, historical, and traditional association with each statutory area; and
 - (b) that are in the form set out in Part 2 of the documents schedule of the deed of settlement at the settlement date.

24 Purposes of statutory acknowledgement

- (1) The only purposes of the statutory acknowledgement are to—
 - (a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, as provided for in sections 25 to 27; and
 - (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 29; and
 - (c) enable the trustees and any member of Taranaki Whānui ki Te Upoko o

Te Ika to cite the statutory acknowledgement as evidence of the association of Taranaki Whānui ki Te Upoko o Te Ika with the relevant statutory areas, as provided for in section 30.

- (2) This section does not limit sections 33 to 35.

Section 24(1) (a): amended, on 202014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No).

25 Relevant consent authorities to have regard to statutory acknowledgement

- (1) On and from the effective date, a relevant consent authority must have regard to the 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 are persons who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or directly affecting the statutory area.

- (2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

26 Environment Court to have regard to statutory acknowledgement

- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in determining under section 274 of the Resource Management Act 1991 whether the trustees are persons having an interest in proceedings greater than the public generally in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

- (2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

27 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

- (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 powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement 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 the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by

the decision.

- (2) In this section, archaeological site has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 27: replaced, on 202014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No).

28 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 the relevant provisions of sections 23 to 31 in full, the descriptions of the statutory areas, and the statements of association.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and the information is not—
- (a) part of the statutory plan, unless adopted by the relevant consent authority; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991, unless adopted as part of the statutory plan.

29 Distribution of resource consent applications to trustees

- (1) Each relevant consent authority must, for a period of 20 years from the effective date, forward to the trustees a summary of resource consent applications received by that consent authority for activities within, adjacent to, or directly affecting 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 and the relevant consent authority; and
 - (b) provided as soon as is reasonably practicable after each application is received, and before a determination is made on the application in accordance with sections 93 to 94C of the Resource Management Act 1991.
- (3) The trustees 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 that application.
- (5) This section does not affect the obligation of a relevant consent authority to—

- (a) notify an application in accordance with sections 93 to 94C of the Resource Management Act 1991:
- (b) form an opinion as to whether the trustees are persons who may be adversely affected under those sections.

30 Use of statutory acknowledgement

- (1) The trustees and any member of Taranaki Whānui ki Te Upoko o Te Ika may, as evidence of the association of Taranaki Whānui ki Te Upoko o Te Ika with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) relevant consent authorities:
 - (b) the Environment Court:
 - (c) Heritage New Zealand Pouhere Taonga:
 - (d) parties to proceedings before those bodies:
 - (e) any other person who is entitled 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) To avoid doubt,—
 - (a) neither the trustees nor members of Taranaki Whānui ki Te Upoko o Te Ika are precluded from stating that Taranaki Whānui ki Te Upoko o Te Ika have 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.

Section 30(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 30(2)(c): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

31 Application of statutory acknowledgement to river, stream, or harbour

In relation to a statutory acknowledgement,—

harbour includes the bed of the harbour and everything above the bed

river or **stream**—

- (a) means—
 - (i) a continuously or intermittently flowing body of fresh water,

- including a modified watercourse; and
- (ii) the bed of the river or stream; but
- (b) does not include—
- (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) land that the waters of the river or stream do not cover at its fullest flow without overlapping its banks; or
 - (iii) an artificial watercourse; or
 - (iv) a tributary flowing into the river or stream.

Schedule 1

Statutory Areas in Upper Hutt

Statutory Area

HUTT RIVER

Location

As shown on SO 408071

HUTT RIVER (as shown on SO 408071)



STATEMENT OF ASSOCIATION

Te Awakairangi is the oldest name for the Hutt River attributed to the Polynesian explorer Kupe. It was also known as Heretaunga in a later period. The origins of the streams flowing to Awakairangi are high in the Tararua Range. The stream and rivers lead down through Pakuratahi at the head of the Hutt Valley. Taranaki Whānui ki Te Upoko o Te Ika had interests at Pakuratahi. The trail linking Te Whanganui a Tara and the Wairarapa came through Pakuratahi and over the Rimutaka Range. Prior to the 1855 uplift Te Awakairangi was navigable by waka up to Pakuratahi and the river was navigable by European ships almost to Whirinaki (Silverstream).

Taranaki Whānui ki Te Upoko o Te Ika travelled in the Hutt Valley largely by waka. There were few trails through the heavy forest of the valley. Many Taranaki Whānui ki Te Upoko o Te Ika Kainga and Pā were close to the river including at Haukaretu (Maoribank), Whakataka Pā (which was across the bank from what is now Te Marua), Mawaihakona (Wallaceville), Whirinaki, Motutawa Pā (Avalon), Maraenuku Pā (Boulcott), Paetutu Pā and at the mouth of the river, Hikoikoi Pā to the west and Waiwhetu Pā (Owhiti) to the east.

Te Awakairangi linked the settlements as well as being a food supply for the pā and kainga along the river. Mahinga kai were found along the river such as Te Momi (Petone) which was a wetland that held abundant resources of birds, tuna and other food sources. The river ranged across the valley floor and changed course several times leaving rich garden sites. Waka were carved from forest trees felled for that purpose close to the river.

2 Ngati Toa Rangatira Acknowledgement

In accordance with the Ngati Toa Rangatira Claims Settlement Act 2014, information regarding statutory acknowledgements is hereby attached to the Upper Hutt City District Plan.

This information includes the relevant provisions of the Ngati Toa Rangatira Claims Settlement Act 2014 (sections 24 to 33 in full) as well as descriptions/maps of the statutory areas and the related statements of association.

Ngati Toa Rangatira Claims Settlement Act 2014

Part 2 Cultural redress

Subpart 1 - Statutory acknowledgement and deeds of recognition

Statutory acknowledgement

24 Interpretation

(1) In this Act, **statutory acknowledgement** means the acknowledgement made by the Crown in section 25 in respect of each statutory area, on the terms set out in this subpart.

(2) In this subpart,—

coastal statutory area means a statutory area described in Schedule 1 under the heading “Coastal statutory areas”

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

statements of association means the statements—

- (a) made by Ngati Toa Rangatira of their particular cultural, spiritual, historical, and traditional association with the statutory areas (except the coastal statutory areas); and
- (b) that are in the form set out in part 2.1 of the documents schedule of the deed of settlement

statements of coastal values means the statements—

- (a) made by Ngati Toa Rangatira of their particular values relating to the coastal statutory areas; and
- (b) that are in the form set out in part 2.2 of the documents schedule of the

deed of settlement

statutory area means an area described in Schedule 1, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

25 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association and the statements of coastal values.

26 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, as provided for in sections 27 to 29; and
- (b) to require relevant consent authorities to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the trustee of the Toa Rangatira Trust, as provided for in section 31; and
- (c) to enable the trustee of the Toa Rangatira Trust and members of Ngati Toa Rangatira to cite the statutory acknowledgement as evidence of the association of Ngati Toa Rangatira with a statutory area, as provided for in section 32.

Section 26(a): amended, on 202014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No).

27 Relevant consent authorities to have regard to statutory acknowledgement

- (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustee of the Toa Rangatira Trust is an affected person in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.
- (2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

28 Environment Court to have regard to statutory acknowledgement

- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustee of the Toa Rangatira Trust is a person who has an interest in proceedings that is greater than the interest that the general public has in respect of an application

for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

- (2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

29 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

- (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 powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement 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 the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

- (2) In this section, archaeological site has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 29: replaced, on 202014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No).

30 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) the relevant provisions of sections 24 to 33 in full; and
- (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
- (c) any statements of association or statements of coastal values for the statutory areas.

- (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.

31 Provision of summaries or notices of certain applications to trustee

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the trustee of the Toa Rangatira Trust 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) The information provided in a summary of an application 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 trustee of the Toa Rangatira Trust and the relevant consent authority.
- (3) A summary of an application must be provided under subsection (1)(a)—
 - (a) as soon as is reasonably practicable after the consent authority receives the application; but
 - (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice of an application must be provided under subsection (1)(b) no later than 10 working days after the day on which the consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation,—
 - (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or
 - (b) under section 95E of that Act, to decide whether the trustee of the Toa Rangatira Trust is an affected person in relation to an activity.

32 Use of statutory acknowledgement

- (1) The trustee of the Toa Rangatira Trust and any member of Ngati Toa Rangatira may, as evidence of the association of Ngati Toa Rangatira with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.
- (2) The content of a statement of association or statement of coastal values is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) relevant consent authorities:

- (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991:
 - (c) the Environment Court:
 - (d) Heritage New Zealand Pouhere Taonga:
 - (e) parties to proceedings before those bodies:
 - (f) 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 trustee of the Toa Rangatira Trust nor members of Ngati Toa Rangatira are precluded from stating that Ngati Toa Rangatira 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.

Section 32(1): amended, on 202014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No).

33 Trustee may waive rights

- (1) The trustee of the Toa Rangatira Trust may waive the right to be provided with summaries, and copies of notices, of resource consent applications under section 31 in relation to a statutory area.
- (2) The trustee may waive the right to have a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga have regard to the statutory acknowledgement under sections 27 to 29 in relation to a coastal statutory area.
- (3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga stating—
- (a) the scope of the waiver; and
 - (b) the period for which it applies.
- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Section 33(2): amended, on 202014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No).

Section 33(3): amended, on 202014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No).

**Schedule 1
Statutory Areas**

Statutory Area

Location

HUTT RIVER AND ITS TRIBUTARIES

As shown on Deed Plan
OTS-068-45

Statutory Area

HUTT RIVER AND ITS TRIBUTARIES (as shown on Deed Plan OTS-068-45)



STATEMENT OF ASSOCIATION

The Hutt River (Te Awa Kairangi) is of historical and cultural importance to Ngati Toa Rangatira. The iwi claim an association with the Hutt River from the time of their participation in the invasion of the Hutt Valley during 1819 and 1820.

During that campaign, the taua marched around the western side of Te Whanganui a Tara, defeating the local iwi as they went. When the war party reached the Hutt River, they constructed rafts which they used to aid them in their invasion of the Hutt Valley.

Although Ngati Toa Rangatira did not remain in the area after this invasion, the Hutt River continued to be important to the iwi following their permanent migration and settlement in the lower North Island in the late 1820s and early 1830s. The relationship of Ngati Toa Rangatira to the Hutt Valley and River was not one defined by concentrated settlement and physical presence. Rather, the iwi felt their claim to the land was strong based on the powerful leadership of Te Rauparaha and Te Rangihaeata and the relationship they had with iwi residing in the Hutt Valley who had been placed there by Ngati Toa in the 1830s. For some years these iwi in the Hutt Valley paid tribute of goods such as canoes, eels and birds to Te Rauparaha and Te Rangihaeata.

Ngati Toa Rangatira have a strong historical connection with the Hutt River and its tributaries, and the iwi consider that the river is included within their extended rohe and it is an important symbol of their interests in the Harataunga area.

Te Awa Kairangi was traditionally an area for gathering piharau, or the freshwater blind eel, as well as tuna (eel) from its tributaries. Harataunga also supported flax plantations, which were used by early Maori for trading with settlers. The River was also of great importance as it was the largest source of freshwater in the area.

The river was also an important transport route, and small waka were used along the length of Te Awa Kairangi.