



Raukura Consultants

CULTURAL IMPACT REPORT

EASTERN BAYS SHARED PATH



IN ASSOCIATION WITH WELLINGTON TENTHS TRUST, PORT NICHOLSON
BLOCK SETTLEMENT TRUST AND TE ATIWA KI TE UPOKO O TE IKA A
MAUI POTIKI TRUST (FISHERIES)

APRIL 2018

**CULTURAL IMPACT REPORT
EASTERN BAYS SHARE PATH**

HUTT CITY

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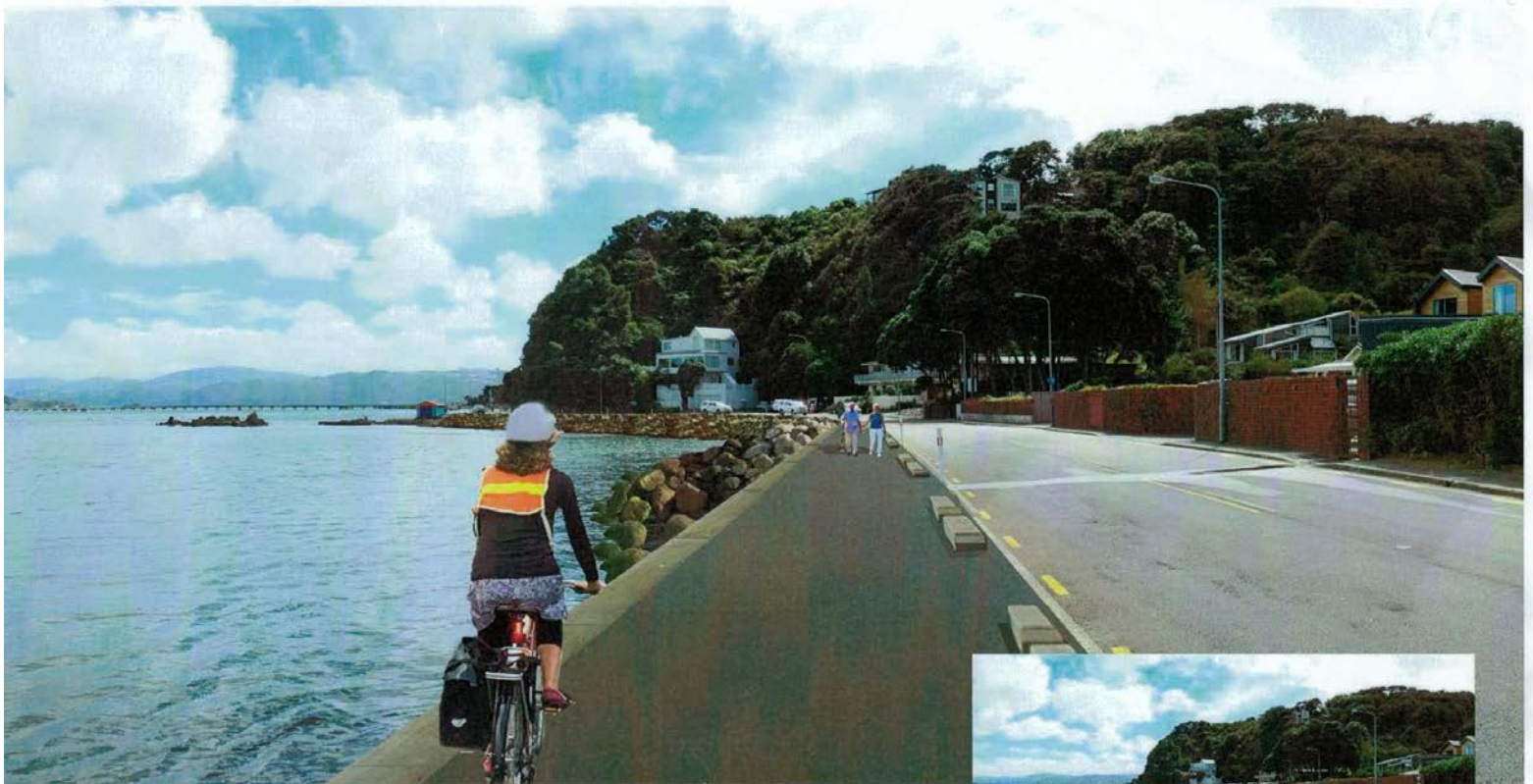
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April 2018

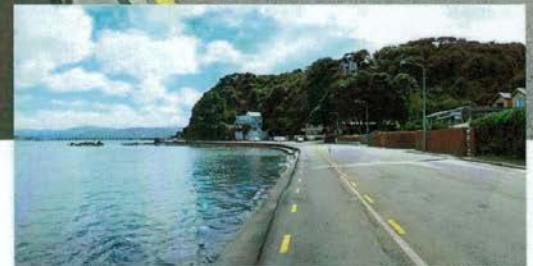
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PROJECT OVERVIEW & TECHNICAL DETAIL

1. The Hutt City Council (HCC) transport strategy is seeking to improve safety for pedestrians and cyclists along part of the Marine Drive in the Eastern Bays of Wellington by creating a wider cycle/pedestrian path and replacing a number of seawalls to provide fit-for-purpose structures that are resilient to storm surges and future sea level rise.
2. The proposed Eastern Bays Shared Path is a part of a shared path concept on the foreshore extending from east of Ngau Matau (Point Howard), Sorrento Bay around the eastern Bays almost to Oruamotoro (Days Bay). This includes Whio-rau (Lowry Bay) and including York Bay, Mahina Bay, Sunshine Bay to Muritai Road, Eastbourne – some 4.2 kilometres. The work will exclude the Days Bay area.
3. There is some 2 kilometre of the project length that is below MHWS and thus into the intertidal area, however approximately 90% of the shoreline that will be undergoing change already has a seawall.
4. The proposed sea wall will include in places a double or triple curved wall designed to deflect waves at both low and high tides to better protect the road edge and to provide a secure foundation for a shared pathway for cyclists and walkers at the water's edge.
5. Along some sections a single curved reinforced concrete wall will be used and in other places rock revetment protection wall will be used. The will also be some with both a single curve and rock revetment.
6. The compact curved walls will in places replace a sloping rock revetment structure or even the existing rocky shore structure taking a flat surface at road level out further into the harbour to provide a platform for the shared path for both cyclists and walkers. The walls in places will intrude into the harbour past the line of mean high water and at times to the low water mark replacing the rocky shoreline or the beach with the reinforced concrete structure.



Simulated view of proposed shared path with rock revetment protection works in Lowry Bay



Existing Situation



DRAFT 28-03-18

HUTT CITY
TE AHA KAHARAU
Consultants:

LOWRY BAY

Stanlec NZ Ltd;
March 2018 .

Drakeford Williams Ltd
Reference: DWL 16004/WSK035

7. The Eastern Bays were the sites of Maori occupation from the earliest times following the arrival in the Harbour of the Polynesian explorer Kupe and the subsequent later settlement by the Whatonga people particularly Taraika (Whatonga's son) whose name recognised in Te Whanganui a Tara along with his half-brother Tautoki.. Maori Pa and Kainga were close around the coastline at regular intervals in a pattern not unlike present settlements. These Maori settlements used the abundant local resources such as kaimoana – shellfish and fin fish along with seaweeds. Bird were also abundant as is recognised by the name Whiorau (many blue duck).

8. Physically, little remains of these Maori settlements in the coastal margins particularly given the degree of tectonic uplift that has occurred around this coastline. For these works Maori archaeology is unlikely to be revealed, however this report proposes having an accidental discovery protocol in place for the whole scheme.



9. There are parts of the coastline where there are substantial rocky headland outcrops where no wall is required, however there are long lengths of the embayment which will require the concrete seawalls or rock revetments.
10. The seawalls will provide a shared path between 2.5 - 3.5 metres wide visibly delineated along the path. Along the route existing and new steps and ramps will give good access to the beach.

EASTERN BAYS SHARED PATH – LOWER HUTT

11. This 4.4 km shared path along the primary corridor will connect residents in the Eastern Bays to workplaces, schools, shops and public transport facilities in the rest of Hutt City, and further through to the Wellington CBD in the future by joining up and connecting to existing cycleways. It will also connect to the Wainuiomata Hill shared path (which is now in construction) and the Beltway path.

12. This project will provide for a safer and continuous cycling route for residents wishing to cycle between the Eastern Bays and the rest of Hutt City. It will help to attract new people to commute by bike, especially those who currently lack confidence or perceive the route as unsafe.

Penguin and Fish Passage

13. Specific provision has been made in the design to allow penguin seeking to nest inland of the roadway have used culverts to access nest sites. Rock riprap could assist this access.
14. There are also some places where fish passage is provided for. Indigenous fish species such as tuna/eel, inanga/whitebait, and kokopu. Perched culverts need to be avoided to allow fish passage.

EXECUTIVE SUMMARY OF CULTURAL IMPACT REPORT

15. The harbour edge from Point Howard to Eastbourne has been the subject of storms in certain winds from the Cook Strait. The shoreline is subject to the southerly storms which can develop large waves which erode the shoreline and breaks up sea walls. The new seawalls will at times be overtopped, but generally the wave will be deflected back to sea.
16. From the historical Maori perspective these shorelines used to provided mahinga kai or a place to gather shellfish like pipi and various species collectively now known as surf clams. At the time of the arrival of European settlers into the Hutt Valley the forest grew right down to the harbours edge in many places and so a habitat for various birds species used by Maori for food and clothing.
17. The proposed seawall although often replacing or covering existing seaside protection which had previously been constructed, there will be places where the excavation may expose cultural materials such as shell middens, burned stone and perhaps even objects which have arisen in this coastline from time to time. However it is not possible to accurately identify such areas and it is not thought that an archaeological authority is required for this project with respect to Maori archaeology.
18. The Maori sites of significance along this coastline listed in the Hutt District Plan include Whiorau/Lowry Bay which was an old Pa site and well as being a place known as mahinga kai or a place to gather seafood. Whiorau meaning the place was abundant with the native blue duck (whio) showing it was not only a source of seafood but also for birding (when whio were much more numerous). Although Oruamotoro/Days Bay is not listed in the District Plan it also is an old Pa site of significance in the area, however it is slightly outside the project area.
19. There are two statutory acknowledgments in relation to settlements with Taranaki whanui (PNBST) and Ngati Toa over Wellington harbour requiring consultation and acknowledgment of the tradition connection with the harbour. Details of these mechanism are given in the appendicies to this report.

MAORI SITES OF SIGNIFICANCE

20. **Whio-rau**¹ Lowry Bay. The name means '[the place of] many blue duck, *whio*, (*Hymenolaimus malacorhynchus*)', and was apparently a favorable place for securing this species. Best (6, p 151) mentions that Whio-rau was not only the haunt of numerous waterfowl, but that the beach there was also one of the favorite fishing grounds, within the confines of the harbour, of the Ngāti-Ira people.
21. **Ngau-matau** 'Northern headland of Lowry Bay' (8, Pt5, p166), now called Point Howard. The name means 'bite the fish hook'.
22. **Orua- motoro Pa** was located at Days Bay and was said to have been built by Te Hiha of Ngati Kahungunu (Ngati Ira?).
23. Although there are likely to be shell midden sites along this proposed development along with other possible cultural objects particularly where there were old Pa sites. The Pa sites themselves were well clear on the shoreline which has uplifted many times in the geological past. Maori occupation in this area was probably most intense with Ngati Ira who migrated to this side of the harbour in the 18th and 19th centuries. They were eventually displaced by the Te Atiawa/Taranaki people who populated Pa and kainga all around the harbour.
24. This report sets out some of the Maori cultural history and connection with the Hutt Valley and Wellington and how this area fitted in the overall tribal situation around Te Whanganui a Tara (Wellington Harbour).

¹ Adkin, G Leslie *The Great Harbour of Tara*, The Place Names and Sites, Whitcombe and Tombs, 1959, p 104 after Elsdon Best, *The Land of Tara and They that Dwelt Therein*, Journal of the Polynesian Society, Pt5, p166

**STATUTORY ACKNOWLEDGEMENT TO WELLINGTON HARBOUR/TE
WHANGANUI A TARA**

25. The statutory acknowledgements in the Deed of Settlement between the Crown and Port Nicholson Block (Taranaki Whanui ki te Upoko o Te Ika), (PNBST) and confirmed in the Claims Settlement Act 2009 with respect to the Crown owned bed of Te Awakairangi/Hutt River and Wellington Harbour are aimed at better recognition of the role of the tangata whenua as recognised in the Treaty claim settlement process particularly with respect to Resource Management Act processes.
26. The statutory acknowledgements provide that summaries of applications in this case with respect to consents that affect the Wellington Harbour. The Settlement Trust has the status of affected party in this application.
27. The full requirements for statutory acknowledgements is set out in Appendix III.
28. In the whole application for the proposed Eastern Bays Shared Path affects the coastal marine area and so affects the statutory acknowledgments.
29. There is a similar statutory acknowledgement for Te Runanga o Toa Rangatira requires consents such as this to be notified to the iwi organisations and consulted on. Ngati Toa likewise have the status of an affected party.²

MANA WHENUA ORGANISATIONS OF WELLINGTON TODAY

30. The iwi authorities that need to be involved in this application include the two with statutory acknowledgments Port Nicholson Block Settlement Trust and Te Runanga o Ngati Toa along with the Wellington Tenth's Trust as an iwi authority and Te Atiawa ki te Upoko o te Ika a Maui Potiki Trust as a mandated iwi authority for fisheries matters.

² See appendix II

31. To identify who are the tangata whenua in Wellington this report relies in part on the expert knowledge of the Waitangi Tribunal³. Today, the descendants of the original inhabitants of Pito-one Pa, Hikoikoi Pā and Waiwhetu Pa. Today the descendants affiliate to Waiwhetu Marae and Te Tatau o Te Po Marae. The main tangata whenua groups around the northern side of the harbour today are from various hapū of Te Atiawa. They originate largely from Ngā Motu (New Plymouth) in Taranaki. These peoples' descendants are beneficial owners in the Wellington Tenths Trust and most are members of the Port Nicholson Block Settlement Trust and are generally represented by the Trusts today.



³ Waitangi Tribunal, *Te Whanganui a Tara me Ōna Takivā*: Report on the Wellington District, 2003, p 479

THE IMPORTANCE OF TE WHANGANUI A TARA, AND FISHERIES

32. Te Whanganui a Tara/Wellington Harbour has always be a central importance to Maori from the arrival of Kupe many centuries ago when the harbour island were named by Kupe [Matiu, Makaro and Mokopuna] and Maori started to settle on the land around the harbour for the first time on Matiu and then on Motu Kairangi (Watts Peninsular and Miramar).
33. The central importance of the waters of the harbour remained as the way to get to places both around the harbour and into Te Awa Kairangi/Hutt River and the streams that flow into the estuary at the river mouth. Although fishing was good inside the harbour in pre-European times fishing trips into Te Moana o Raukawakawa/Cook Strait were also common. The harbour fishery could support a significant population and continued to do so even into the 20th century however water quality deteriorated and fishing boat technology improved the bigger fishery of the Cook Strait took dominance.
34. Water quality in the harbour was good prior to the clearance of the high forests of the Hutt Valley and around the surrounding hillsides following colonisation. Flooding and detritus coming from the rivers increased and consequently the quality of the waters in the harbour decreased. Later this was made worse with untreated sewage and industrial effluent flowing freely into the harbour. Today there are only discharges of partially-treated sewage into the Hutt River or Wellington Harbour at times of high rainfall which mean that parts of the system cannot take the full flow of both sewage and stormwater. The water quality of the Eastern Bays is largely affected by stormwater runoff which includes faecal matter from animals (cats, dogs and other domestic pets) and from vehicles and the like with heavy metal from brakes etc. washing into the stormwater system. The Hutt River does contribute a runoff load during times of high rainfall which disperses into the harbour and depending on wind into the Eastern Bays.

35. This area was well known for its shellfish stocks such as pipi, tuatua, tuangi (cockles) and the various clams particularly in the sandy beach areas. Although paua were found here they were generally gathered closer to the harbour entrance along with koura (crayfish). Fin fishing here was also well known with many fish being caught in season from the common kahawai and kingfish to sharks and many others. The harbour fishery slowly declined in part as a result of water quality issues and perhaps for other reasons including the much better fishery to be found outside the harbour. Developments around the harbour with housing close to the shore and the like increase runoff that is contaminated.
36. This project although it is constructed into a significant length of shoreline extending in places down to the low tide level if carefully managed during construction should have few if any adverse effects on marine environment.

MARINE AND COASTAL AREAS ACT

37. The Marine and Coastal Area (Takutai Moana) Act 2011 acknowledges the importance of the marine and coastal area to all New Zealanders and provides for the recognition of the customary rights of iwi, hapū and whānau in the common marine and coastal area. Public access to the common marine and coastal area is guaranteed by the Act.
38. The Marine and Coastal Areas Act (Takutai Moana) 2011 required applicants to lodge claims and evidence with the High Court and with the Ministry of Justice in relation to either or both claims to customary marine title and customary rights.
39. There have been a number of applications for the Wellington area. They are in a group of 8 being labelled by the High Court as groups M and N including Ngati Kahungunu, Ngati Hinewaka, Muaupoko, Takarangi Trust and Te Patutokotoko along with two generic claims Rihari Dargaville and Manu Paul (NZ Maori Council).
40. The evidence in these cases needs to meet several statutory criteria as set out in the memorandum of the Attorney General with respect to protected customary rights.

41. The evidence with respect to customary marine title requires that the applicant group must:

- Holds the area in accordance with tikanga Maori.
- Has exclusively used and occupied the application area from 1840 to the present day without substantial interruption.
- Received at any time since 1840 through a customary transfer in accordance with the Act.
- Deal with any overlap with any other application.

42. The list of applicant who could have an interest in the Wellington harbour could be as follows:

**APPLICANTS WHO HAVE SOUGHT TO APPEAR IN RELATION TO
CIV-2017-485-260**

1. CIV-2017-404-538 Rihari Dargaville for NZ Maori Council – Groups A – S.
2. CIV-2017-485-512 Cletus Manu Paul – Groups A – U.
3. CIV-2017-485-221 Ngati Kahungunu ki Wairarapa Tamaki Nui a Rua Settlement Trust - Group M.
4. CIV-2017-485-259 Ngati Hinewaka me ona Karangaranga Trust – Group M.
5. CIV-2017-485-261 Muaupoko Tribal Authority – Group N.
6. CIV-2017-485-211 Tupoki Takarangi Trust for Parangarahu 2B1 and 2C owners – Group N.
7. CIV-2017-485-254 C Henare for Te Patutokotoko – Group N.

43. At this stage the High Court is sorting out the process going forward through a series of Judicial Conferences.

44. If you are applying for resource consent in the common marine and coastal area you need to notify and seek the views of any group that has applied for recognition of customary marine title in the area.

GEORGE GREY AND LOWRY BAY

45. An unusual part of the history of alienation of land from Maori in the mid-19th century in Wellington relates to land called the Palmerston North Reserves located in central Palmerston North. Some 71 acres of land was purchased in 1886-7 during the tenure of George Grey as Governor to replace Lowry Bay 1 and 4 for Waiwhetu Pa Maori. Although the original lands were Lowry Bay section 1 & 4 they were actually located in what today is Wainuiomata. The Palmerston North land today are administered by the Palmerston North Maori Reserve Trust.
46. George Grey's property in Lowry Bay was probably not part of the original McCleverty Reserves however one of these rural tenths was located in Lowry Bay. This was acquired along with section 1 & 4.



Lowry Bay, Eastbourne, with Sir George Grey's country residence, [ca 1889-1898] Alexander
Turnbull Library, Reference Number: 1/1-020472-G

CONCLUDING COMMENTS

- This area has a long and rich history for the various tangata whenua groups over time. Many of the wahi tupuna relate to earlier people such as Ngati Tara and Ngati Ira and then with the arrival of Te Atiawa and other Taranaki people new places were created. The occupation of this part of the harbour appears to have little Maori heritage, however there are places that remain significant for Maori all around this coastline.
- The harbour itself is highly significant to the tangata noted by statutory acknowledgments being in the Treaty claim settlements of both Te Atiawa/Taranaki whanui and Ngati Toarangatira. The harbour is still a fishery of significance to the tangata whenua and care should be taken around its margins.
- The proposed Eastern Bays Shared Path should have only minor cultural impacts largely related to the rocky coastline of the area and perhaps on some sites around the harbour. The provision of a safe shared pathway for pedestrians and cyclists would be a welcome addition to the area for all.
- There is some chance that remnants such as shell middens may be uncovered however in our view these could be allowed for with the inclusion of an accidental discovery protocol is sufficient for this project.

RECOMMENDATIONS

- i. Port Nicholson Block Settlement Trust and the Wellington Tenth's Trust recommend that an archaeological site examination may not be required for this project with respect to traditional Maori archaeology.
- ii. The Trusts recommend that an accidental discovery protocol for this development is required and a draft of that protocol is in Appendix I to cover the eventuality that Maori cultural material or archaeological materials are found in the project area.
- iii. The Trusts recommend that they be consulted over a suitable element in the development that gives recognition of the Maori connection with this project.

BIBLIOGRAPHY

- i. ATL = Alexander Turnbull Library collections
- ii. Best, Journal of the Polynesian Society, *The Land of Tara and they who settled it*, Vol 26 & 27, 1917 – 1919.
- iii. Butterworth, Susan, *Petone: A History*, Petone Borough Council, 1988
- iv. Jellicoe, Roland L, *The New Zealand Company's Native Reserves*, Government Printer, Wellington, 1930
- v. Petone Borough Council, *Petone's First Hundred Years*, 1940
- iv. Ward, Louis E. *Early Wellington*, Whitcombe and Tombs Ltd, 1928
- v. Māori Land Court Minute Book 1C
- vi. Waitangi Tribunal, *Te Whanganni a Tara me Ōna Takivā: Report on the Wellington District*, 2003
- vii. Turton, H Hanson, *An Epitome of Official Documents relative to Native Affairs and Land Purchases in the North Island of New Zealand*, Government Printer, 1883.
- viii. Drakeford Williams LTD, *Proposed Eastern Bays Shared Path Eastern Bays, Hutt City, LANDSCAPE & VISUAL ASSESSMENT*, April 2018 (Draft)
- ix. <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/>
- x. Marine and Coastal Area (Takutai Moana) Act 2011

APPENDIX I- DRAFT ACCIDENTAL DISCOVERY PROTOCOL

Discovery of Archaeological Features or Deposits

If remains are exposed that are potentially archaeological features or deposits, the following procedure should be adopted:

1. Earthworks should cease in the immediate vicinity while an archaeologist is consulted to establish whether the remains are part of an archaeological site as defined under the Historic Places Act 1993.
2. If the archaeologist confirms that it is an archaeological site, the area of the site will be defined by the archaeologist and excluded from earthworks.
3. The HPT will be informed of the discovery and, if the site cannot be avoided, an application for an Authority to modify the archaeological site will be made (this is a legal requirement).
4. If the archaeological site relates to Maori occupation Taranaki Whanui must be consulted.
5. No work can be carried out that will affect the site until 15 working days after an Authority has been granted.
6. Any conditions attached to the Authority must be complied with (these may involve archaeological recording, sampling or more detailed investigation, and the completion of an archaeological report).

Discovery of Taonga

Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tuturu within the meaning of the Protected Objects Act 1975. Taonga may be discovered in isolated contexts, but are generally found within archaeological sites, modification of which is subject to the provisions of the Historic Places Act 1993.

If taonga are discovered the procedure set out for the discovery of archaeological sites (above) must be followed, and the following procedure will apply to the taonga itself:

1. The area of the site containing the taonga will be secured in a way that protects the taonga as far as possible from further damage.
2. The archaeologist will then inform the HPT and the nominated Taranaki Whanui representative so that the appropriate actions (from cultural and archaeological perspectives) can be determined.
3. Work may resume when advised by the HPT or archaeologist.
4. The archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the Auckland War Memorial Museum.
5. The Ministry for Culture and Heritage, in consultation with Taranaki Whanui, will decide on custodianship of the taonga.

Tangata Whenua Contacts

The contact details for Taranaki Whanui are as follows:

Port Nicholson Block Settlement Trust – Kirsty Tamanui telephone: 027 4599050

PO Box 12164, Thorndon, Wellington 6144

Wellington Tenths Trust (Wellington) – Morrie Love telephone 0274540148

PO Box 25499, Wellington

Level 2, Te Raukura, Taranaki Street Wharf, 15 Jervois Quay, Wellington

The Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 provides for a statutory acknowledgement for Taranaki Whānui with respect to the bed of Wellington Harbour

The following excerpts are from the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009.

The only purposes of the statutory acknowledgement are to—

- a. (a) require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in sections 25 to 27; and
- b. (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 29; and
- c. (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.

The statutory acknowledgement has the following application:

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.

4. A similar provision exists for Ngāti Toa Rangatira in their settlement legislation.

Ngāti Toa Rangatira Claims Settlement Act 2014

5 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 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

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

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. (a) the relevant provisions of sections 24 to 33 in full; and
- b. (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
- c. (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—

- d. (a) part of the statutory plan; or
- e. (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

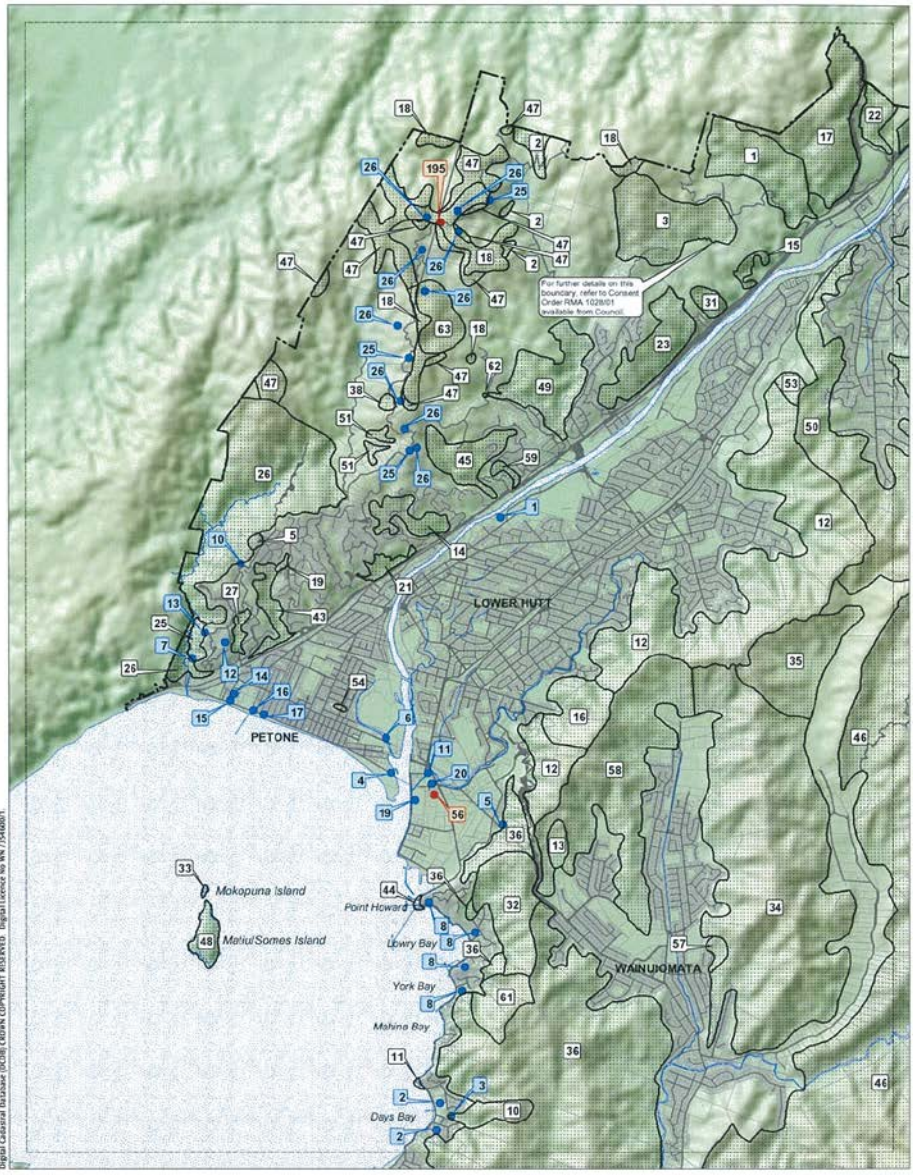
32 Use of statutory acknowledgement

- (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) the Historic Places Trust:
 - (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 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

APPENDIX III – HCC DISTRICT PLAN



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Updated 18 March 2004

Significant Natural, Cultural and Archaeological Resources

Scale 1:50 000



ANNOTATION

- 39 Significant Natural Resource Site
- 39 Significant Archaeological Resource Site
- 39 Significant Cultural Resource Site



District Plan - City of Lower Hutt

MAP APPENDIX 1A