



Raukura Consultants

CULTURAL VALUES REPORT

Te Awakairangi – Hutt River

**Wainuiomata River, Akatarewa River and other Hutt
River Tributaries**



PORT NICHOLSON BLOCK SETTLEMENT TRUST &
WELLINGTON TENTHS TRUST

CULTURAL VALUES REPORT
HUTT, AKATAREWA, WAINUIOMATA RIVERS AND OTHER RIVER TRIBUTARIES
RESOURCE CONSENT APPLICATIONS

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Fronticepiece: S C Brees, *Pictorial Illustrations of New Zealand*, London 1847, Maraenuku Pa with the “Redcoats”

THE APPLICATION FOR CONSENTS FOR RIVER AND STREAM MAINTENANCE IN THE HUTT VALLEY AND WAINUIOMATA

- a. Greater Wellington Regional Council (“GWRC”) hold consents for works and maintenance activities in the bed of the Hutt River and works in the bed of the Wainuiomata River which expire on 6 October 2013 and 26 March 2017 respectively. The GWRC also holds consents for gravel extraction between Belmont and the Ava Rail Bridge which expired on 27 October 2011 but has been allowed to continue.
- b. The application seeks new resource consents over a 35 year period for GWRCs operations and maintenance activities. In conjunction with this, it proposes an approach whereby much of the detail and prescription for the methods employed are to be included in a formal Code of Practice, rather than in the resource consent itself. The Code of Practice will be a living document representing good environmental practice. It will be supported by an on-going programme of investigation and monitoring amended accordingly. Such an approach will allow greater flexibility to test and refine methods without the need to vary and/or seek new resource consents.¹
- c. The river corridor includes both the river bed and the adjacent land bounded by the outer edges of the existing stopbank where these exist. The application will seek to include gravel extraction superseding current application WGN 110359. It is noted that no separate gravel extraction consent is currently in place for the Wainuiomata River. The application does not cover:
 - Specific large works such as the construction of new stopbanks;
 - Gravel extraction below the Estuary Bridge: resource consent WGN 110149 [30768] [30777] and [30778] permits the extraction and disposal operations at the Hutt River mouth;
 - Works in the bed or adjacent banks of Black Creek; and
 - Does not seek consent for the use of herbicides for control or removal of vegetation.

¹ Tonkin & Taylor, Resource Consent Application Hutt River/Te Awa Kairangi, Report for GWRC, March 2013, p

- d. This report will cover the lower 28 kilometres of the Te Awakairangi/Hutt River corridor. This will also include the end reaches of the Akatarewa River, Stokes Valley Stream, Speedy's Stream and Te Mome Stream. These consents do not include those for gravel and sand extraction below the Waione Street Bridge in the Hutt River Estuary.
- e. The Wainuiomata River in the urban area will also be covered by this report.
- f. It is noted that the Port Nicholson Block Settlement Trust has a statutory acknowledgement on the Hutt River.
- g. The focus will be on the rivers between the stop banks where appropriate including the bed of the rivers particularly where there is gravel extraction or where there are river works. Specific large works such as stop bank re-alignment are not included in these consents. Also not included is the use of herbicides for the control or removal of vegetation.
- h. A term of 35 years for the resource consents is sought.

**SUMMARY OF THE CULTURAL SIGNIFICANCE OF TE AWAKAIRANGI/HUTT,
AKATAREWA AND WAINUIOMATA RIVERS AND THEIR TRIBUTARIES**

From the pa we pulled up the Waimbetu River, which there had lofty pine trees [kahikatea] on its banks. The various bends were very beautiful and secluded, and seemed to be the home of the grey duck and teal, and numerous other wild fowl. Here and there, on the bank, was a patch of cultivation and the luxurious growth of potatoes, taros, and kumaras indicated the richness of the soil. As seen from the ship, or hills, a lofty pine wood appeared to occupy the whole breadth and length of the Hutt Valley, broken only by the stream and its stony margin. This wood commenced about a mile from the sea, the intervening space being a sandy flat and a flax marsh. Of the larger birds, the kokako, or crow the rail, pukeko, pigeon, kaka and huia were numerous in their respective localities or feeding grounds. Of a night might be heard booming, or 'drum' of the bittern....²

- I.** This report sets out the cultural values for Te Atiawa/Taranaki Whānui in the Awakairangi/Hutt River³ from the mouth where it enters Te Whanganui a Tara/Wellington Harbour up to Upper Hutt. The Māori history and the general history of the river is canvassed in the report. The cultural values spring from this rich history associated with Te Awakairangi and its tributaries, along with the natural values of this stream with its rich and abundant flora and fauna.
- J.** Te Awakairangi/Hutt River with its huge floods bringing large trees and flood waters across the valley of the Hutt has dominated life in the Valley since the earliest times of Māori settlement. Likewise the Wainuiomata River has been dominant within its river valley for both Māori and European settlers

² Shepherd, Charles ????? Brig Rosanna, 1826

³ Awakairangi is the earliest name for the Hutt River and so will be used in this report, Heretaunga or Harataunga were also used for the river.

- K.** The mouths of Te Awakairangi, Waiwhetu, and Awamutu has changed significantly over time from joining in a large estuary at the time of the arrival of the New Zealand Company settlers in 1840. At that time there were several large islands in the delta, with the island that became known as Gear Island to the west and an arm of the main river going through what is now the Ava area. To the East was another island later called Frethey's Island.
- L.** Māori settlements, particularly in the mouths of the rivers and streams were, from the earliest times concentrated in the estuarine area. This was the area where many resources such as fish (fresh water and sea fish) and birds were easily found on the forest margin with the tall forests in the hinterland being inhospitable. Not much had changed in the landscape when Charles Shepherd arrived on the brig Rosanna in 1826 from the time Māori first arrived many centuries before, after the massive changes accompanying the earthquake known by Māori as Haowhenua in around 1460. Some villages were located along the Hutt River with their numbers diminishing the further up the river one travelled .
- M.** Te Awakairangi was a significant freshwater fishery along with feeding into a very large estuarine fishery, with many species with part of their life cycle in the sea (harbour) as well as in the fresh water. Species such as flat fish (Patiki/flounder etc), mullet/kanae, piharau/korokoro/lamprey, kokopu (giant and banded), inanga/whitebait species and ngaore/smelt were abundant along with the long finned eel/tuna.
- N.** The birds described by both Heaphy and Wakefield later in this report were equally abundant when the European settlers arrived. The Te Awakairangi/Hutt River was easily accessible by waka to enable fishing, birding and gathering forest fruits along with the tall timber of the podocarp forest, but at times and in places the stream was blocked by fallen trees.
- O.** Much was soon to change however, and not as expected, following the arrival of the colonists. Radical changes in the landscape occurred in 1855 with the Wairarapa earthquake which was thought to register 8.1 on the Richter scale and caused an uplift in the estuary of around 1.8 to 2.1 metres. This raised the bed of the river making it less navigable and the estuary of the Waiwhetu stream was much reduced in size. The coastline moved south and some islands were connected to the mainland.

- Q. These diagrams⁴ show the evolution of the Lower Hutt Valley over the period AD 1000 to the present day. The Hutt River brought down sands and gravel to grow the delta into the harbour. At around 1460 the event Māori knew as Haowhenua which raised the harbour floor and the bed of the Hutt and Waiwhetu Rivers. This left the 'rise' across Petone much further from the beach. Delta growth continued from 1460 until the arrival of European settlers in 1840. The Waiwhetu Stream was quite large until the 1855 earthquake when again a massive uplift lifted the bed of the harbour and the rivers and again changing the mouths of the river and streams significantly.
- r. Te Awakairangi/Hutt River has been central to life for Māori in the Hutt Valley prior to the arrival of European settlers. Today its significance to Māori may not be greatly different from that of the population in general however, there are parts of the environment that are more treasured by Māori. An example of this is the tuna/eel population, an indigenous species, compared with the trout acclimated into the Hutt River. The river could be managed differently for each species with trout requiring a higher flow regime with greater dissolved oxygen in the river water. The eel requires more overhanging vegetation and the vibrant growth of aquatic weeds particularly along the river bank and in the streams and drains leading to the River.
- s. The Hutt River historically was high importance from the earliest settlement by Māori. It was highly important for both with the earlier Whatonga people from the east coast to the later arriving Taranaki people from the west coast. Up to the time of the arrival of the colonists brought to Te Upoko o Te Ika by the New Zealand Land Company in 1840, the Hutt Valley was densely wooded with high forest nearly down to the harbour. This meant the principal form of travel to the upper valley was by waka/canoe up the river, which at the time was much deeper than is the case today. The river was the source of life with an abundance of freshwater fish giving way to the sea fish in the estuary. Birds were trapped along the banks with a massive abundance of food. Māori did not clear the forest and did not choose to live deep in the forest. Most of the Pā and kainga up the valley were located close to Te Awakairangi or along its main tributaries such as the Akatarewa, Whakatiki, Mangaroa and Pakuratahi Rivers along with the two main stems in the upper catchment.

⁴ Stevens, G.R. *Rugged Landscape*, figures 15.2 to 15.5

- t. The arrival of Europeans and the subdivision of the valley in 1840 gave rise to the clearance of the forests with some timber being milled for use in the growing towns and settlements and the rest was cut and burned. The great uplift from the earthquake events of 1848 and 1855 dramatically changed the river making it much shallower and much more prone to flooding across the flood plain.
- u. The river itself has been straightened and contained within stop banks over the years. What exists today bears little resemblance to the river Māori knew over many centuries. The upper river and tributaries are largely outside the scope of this report but in many places remain more like what they were in history.
- v. This report will also look at what remains of the indigenous flora and fauna and what remains culturally important to Māori and others. This will start with the historical situation for the flora and fauna and what of those was important to Māori, particularly the river fauna.
- w. Given the large changes to the course of the river few places such as Pā, urupa and other sites are in the current river course. In history almost all the Pā, kainga and other sites were located on the river. Today many of those places are far from the river.
- x. Several old Pā or kainga sites and their histories will be described along with what of them remains today.

POTENTIAL CULTURAL IMPACTS OF RIVER WORKS IN TE AWAKAIRANGI/HUTT RIVER

- y. Gravel extraction has been a long standing activity in the Hutt River and has been managed both for commercial purposes as river bed mining, and works to maintain the river bed profile and maintain the channel capacity. Care does need to be taken with gravel extraction with respect to both the indigenous and the exotic fishery. Gravel extraction is usually carried out on the dry part of the river bed to avoid impacts in the water flow however when river bed works are done for GWRC this can go into the wet active channel. In that case good management is required so that works are not timed during critical periods of the year such as for eels during the tuna heke usually during a fresh in Autumn when the sexually mature adult go to sea to migrate to the mid Pacific Ocean to breed and then die. The other critical period is during the early spring when the elvers start moving up the river. They will be generally followed by the various species which make up whitebait. Again this activity will often follow the minor freshes in the river.
- z. It is acknowledged that the present operational plans in the timing of works are generally between 10 November and 22 December to avoid the two current restrictions (conditions 23 and 24 of WGN 060334)
- a. 1 September – 9 November (inclusive) to avoid upstream migration of native fish, and 23 December to 15 February (inclusive) to avoid peak angler use and recreational users.
 - b. Reshaping or finishing work is generally undertaken in February
 - c. Removal of stockpiled gravel is undertaken throughout the year.
- aa. The Trusts would support the continuance of these conditions into any new consents.
- bb. Planting in the river for river protection work can be beneficial to native fish species with willow providing shade and increasing the invertebrate populations, on which the likes of the eel populations feed. The purpose of the planting however is for river control purposes and not to enhance eel habitat. However if this can be a by-product of the river works that is a bonus.

STOKES VALLEY STREAM

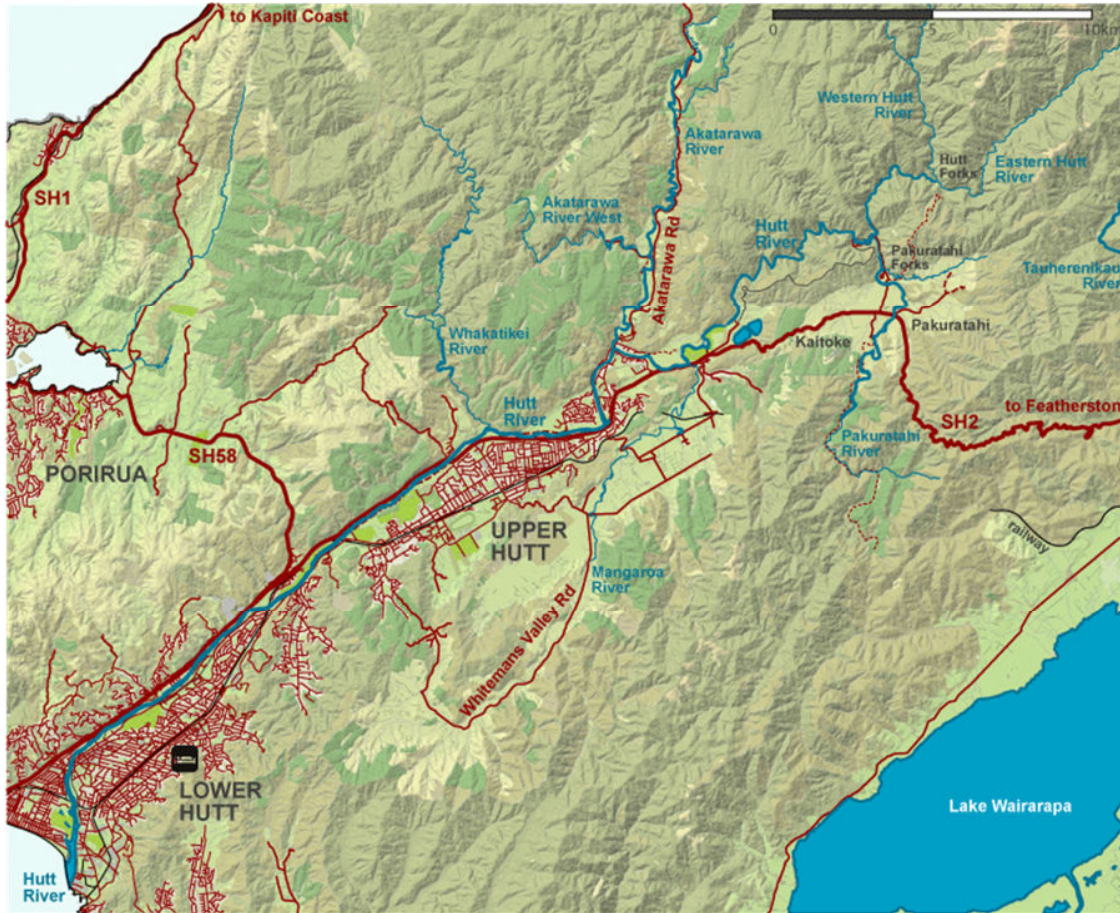
- cc. Stokes Valley Stream is maintained by GWRC for 1.6 km from the confluence with the Hutt River up to the confluence with the Tui Glen Stream. Much of the stream is either within a concrete flume or through a piped culvert.
- dd. This stream is not likely to create significant cultural issues unless major works are proposed.

SPEEDY'S STREAM

- ee. Speedy's stream drains a small, steep, forested catchment on the western side of the suburb of Kelson. Approximately 0.5 km is maintained by GWRC and is included in this application.
- ff. This stream too would only attract minor works which are likely to have only minor effects.

AKATAREWA RIVER

- gg. The Akatarewa River is a major tributary of the Hutt River. It is around 20 km long originating in the Tararua Range. The river flows through narrow gorges and would have been high quality long finned eel habitat. Today it is also home to brown trout along with the remaining indigenous fish.
- hh. The Akatarewa River was part of a traditional Māori trail between the West Coast through the Upper Valley and through to the Wairarapa. This was used in both directions. Food was able to be gathered along the way with eels being harvested along with fern root in places. Camps were made along the river for parties travelling from the coast inland. Permanent villages were probably not considered safe and most of the people being coastal people preferred places where there was easy access to kaimoana/seafood.
- ii. Approximately 0.5 km of the Akatarewa River is maintained by GWRC and included in this application. The reach is on the bounds of the urban area. There are no cultural issues in this stretch of the River. Its major importance of Akatarewa River is its contribution to the overall flow of the Hutt River particularly in times of low flows.



- jj. Generally native species in this type of environment tend to be solitary, shy and nocturnal, so can be difficult to see. Most fish species spend at least some time at sea during their lifecycle, with the remaining time in freshwater, spawning near stream margins. Some species are also excellent climbers, making their way over waterfalls into the higher catchment areas. Native fish prefer catchments with native vegetation rather than pasture, making forests like these increasingly important for protecting indigenous freshwater biodiversity. Although many people enjoy a feed of whitebait, the adult fish that make up 'whitebait' when grown are rarely noticed in their native habitats. Whitebait are actually members of the Galaxiidae family and include inanga, koaro, banded kokopu, giant kokopu and short-jawed kokopu. Koaro and banded kokopu are found in both forests. Giant kokopu is found in the Akatarewa Forest, while another member of the Galaxiidae family, dwarf galaxias, are found in the Pakuratahi Forest. Both of these two species are now considered to be threatened and are classified as being in gradual decline.

Redfin bullies are the most common fish found within the forests but common, bluegill and Cran's bullies are also present, while in the Pakuratahi Forest upland bullies have also been found. Eels both long and short finned are found in the forests as well. Long finned eels are amongst the largest freshwater eels in the world and are found only here in New Zealand. They are long lived fish that can be as old as 60 years. These fish mostly hunt by night with their sense of smell, rather than eyesight. Unfortunately, these species are not as common as they once were and are now considered threatened, with populations in gradual decline.⁵

TE MOME STREAM

- kk. Te Mome Stream today is a remnant of the foothills stream that drained part of the lower right bank of Te Awakairangi and part of the old Hutt River loop which had surrounded Gear Island. Much of the original Te Mome Stream is now culverted. The stream flowed from the Te Mome swamp north west of Alicetown.
- ll. Te Mome Stream is a tidely influenced former channel of the Hutt River, that flowed along the western edge of the area known as Gear Island, immediately east of the suburb of Ava. In the early 1900's the northern connection of this channel to the Hutt River was blocked off and the bed filled in, following acquisition of Gear Island by the Hutt River Board. The stream is approximately 1.5 km long. It joins the Hutt River on its true right bank via a culvert under Waione Street, approximately 100 m west of the Estuary Bridge.
- mm. Some maintenance work would be required with respect to keeping the channel clear. Provide proper method and timing are used for work any cultural and environmental impacts should be minor. There will be a residual indigenous fish population but given the limited amount of the stream remaining its significance to the tangata whenua is now limited.
- nn. The Te Mome stream and the associated swamp (near the present Alicetown) was considered a significant mahinga kai for the people of Pito-one Pa and the other Pa on the lower west side of the valley. The swamp diminished significantly in the uplift of 1855.

⁵ <http://www.govt.nz/assets/Parks-and-Recreation/Misc/Regional-Forest-Lands-Plan.pdf> p 24



WAINUIOMATA RIVER

oo. This report looks at a section of the Wainuiomata River through the urban area of Wainuiomata. The reach of the River is much smaller than the Te Awakairangi/Hutt River. This report refers in part to the whole river which like the Hutt River was a great significance to iwi Māori from the earliest times. Māori and particularly Te Atiawa interests increased as the River approached its mouth. The urban section of the Wainuiomata River was used as mahinga kai and canoes travelled up and down from the coast.

INDIGENOUS FISHERIES IN WAINUIOMATA RIVER

pp. In 1840 the upper Wainuiomata River held a vigorous indigenous fish population. With environmental changes over the last 170 years this population has diminished along with its importance as a food resource. The quality of these rivers as a freshwater fishery probably deteriorated after the 1855 earthquake with the massive uplift of 6 metres at the Turakirae coastline. However most indigenous species are still present in the rivers today. There are also introduced brown trout in the Wainuiomata River. The indigenous species can still

compete and may be the only species above the Morton Dam today. There has been some survey work done of these species over the years although the information is sparse.

- qq. The Wainuiomata River has 43% of the 13,378 ha catchment in native bush or exotic forest around 54% of the catchment is protected by covenants or in Department of Conservation ownership the wide variety of stream habitats in the catchment provide home for a wide variety of native fish which are likely to include shortfin eel, longfin eel, torrentfish, giant kokopu, koaro, dwarf galaxias, banded kokopu, inanga, shortjaw kokopu, lamprey, non-migratory bullies, common bully, giant bully, bluegill bully, redfin bully, koura, and smelt evidence from streamside planting projects around the region indicates that if the few open areas of the river are planted, there will be measurable improvements to its overall ecological health.
- rr. Māori would have also pursued piharau/lamprey which would have frequented this part of the river system. Little is known of their abundance today, however they were very abundant in the lifetime of some of our more elderly kaumatua.
- ss. Tuna/eels and various native fish such as kokopu, bullies, piharau/lamprey all used to travel to the upper streams to reside until the mature and ready to migrate. Dams and weirs can provide a significant barrier to both upstream passage and downstream for migrators. In the Wainuiomata River the old Wainuiomata Dam may be a barrier to upstream passage and consideration should be given for methods that would allow this passage. Consideration should be given to provide passage to the indigenous species. These species are usually able to climb up wet, rough surfaces and can cope with less water depths than exotic trout.

POTENTIAL CULTURAL IMPACTS IN THE WAINUIOMATA RIVER

- tt. This section of the Wainuiomata River will most likely be maintained to ensure the capacity of the channel is sufficient to ensure the passage of flood flows. As with TeAwakairangi/Hutt River if there is work in the wet bed of the river the timing of the work is important and the quality of the work is an issue with respect to fish passage and fish habitat.



Reach of the Wainuiomata River through the urban area

- uu. Works in this section of the Wainuiomata River will be largely maintenance related from time to time trimming trees and at time clearing weeds. The general provisions in this report regarding operations in streams and rivers should apply in these cases.
- vv. There are no known sites of significance to the tangata whenua in this stretch of the river however there are many places along the river Māori used largely for fishing and this reach would one.

KAITIAKITANGA

- ww. The role of Te Atiawa/Taranaki Whanui as kaitiaki should be included as a part of the monitoring of the overall Wellington River systems. As kaitiaki tangata whenua should have an active role in both the formulation of river management plans as well as with general river management. The role of kaitiaki also demands having a broad view of the environment and how that is managed.

- xx. In these consents kaitiakitanga does not only relate to the tangata whenua being active in the rivers and streams much in the way of a 'friends group' but also in aspects such as management and management planning and in the design of consents such as this one. There are day to day aspects to the role along with longer term involvement which could include helping to determine responses to such things as sea level rise.
- yy. In this instance the kaitiaki role relates to issues such as being able to ensure the provision of the populous with good quality water, to maintain the rivers in good health and to ensure the indigenous flora and fauna is maintained at the least and if possible enhanced. Activities such as ensuring the native species can move upstream past the weirs used for the water intakes so they can use the full range of the rivers to reside, can be acts of kaitiakitanga. The maintenance of sufficient low flows so that the native species can move up the rivers from the sea is important although it is noted that eels and inanga often move upstream when there are freshes in the rivers.

**STATUTORY ACKNOWLEDGEMENT FOR TARANAKI WHĀNUI KI TE UPOKO O TE IKA –
HUTT RIVER**

zz. 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 the Hutt River .

aaa. 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) 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) 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](#).

bbb. 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.

ccc. In this consent application the statutory acknowledgement should be relevant and the consent must have regard to it. This report highlights the areas of highest consideration where particular attention must be paid over cultural and physical effects on the taonga associated with the rivers. The taonga would include the tuna/eels and the various indigenous species such as the whitebait species that inhabit the waterways. The taonga plant species such as the taonga raranga or traditional weaving plants are less common nowadays but are still found and used in places.

CONCLUDING COMMENTS

- Te Awakairangi/Hutt River main channel has been important to Māori from being the main highway into the hinterland. The river itself was a source of food with tuna/eels being a staple for the hapu along the river. The river gave access to tall trees for the construction of waka which were often shaped on the banks of the river and floated downstream to be completed. Birds were harvested from the tall podocarp forest and weaving materials were found along the river margins.
- Te Awakairanga/Hutt River was an area particularly marked by its history of colonial conflict marked by the construction of the Taita Blockhouse near Motutawa Pa, Boulcott Stocade near Maraenuku Pa and Fort Richmond near Te Ahi Monono kainga. The battle of Boulcott farm was conducted in the scheme area and was the culmination of the last colonial conflict in the Wellington. This battle may have left remnant burial grounds along with perhaps archaeological remnants of the battle.
- Today the river is still used by the tangata whenua for fishing including for whitebait – juvenile of inanga, kokopu etc, and eeling. At the mouth of the river for sea fish such as kanae/mullet, kahawai, and many others.
- Waka still ply the river from time to time although the tectonic uplift over time has made the river much less navigable particularly at low tide. In the past waka were able to navigate up to what is now Upper Hutt. Today the limit is usually below the Ava Rail Bridge except at high tide where waka can progress a bit further up river.
- Much of these comments relate in part to other parts of the tributaries in this consent such as the Akatarewa River as well as for the reaches of the Wainuiomata River that are included. The major cultural values issues however arise with the main channel of the Hutt River.
- The resource consent applications have some possibility in affecting two Māori sites of significance, however by and large the major effects could be on the flora and fauna of the rivers. This requires careful management of river works such as work in the wet channel of the river. Those issues can be dealt with by the application of a suitable set of operating conditions.

RECOMMENDATIONS

- a. That manawhenua representatives are involved through any management plans in key operations as identified in this report.
- b. There is also a need for an accidental discovery protocol as a condition for this consent and a draft of that protocol is in Appendix I.⁶
- c. Appropriate conditions are imposed on any resource consent to ensure the water quality of Te Awakairangi/Hutt River and Wellington Harbour is not adversely affected by the river works and that the habitat for tuna/eel and other indigenous fish species are at least maintained in their present state.
- d. That if operations are likely to affect any Maori sites of significance identified that the iwi representatives are informed to ensure the sites will not be adversely affected.
- e. It is acknowledged that the present operational plans in the timing of works generally between 10 November and 22 December to avoid the two current restrictions (conditions 23 and 24 of WGN 060334). These condition should continue in any future resource consent relating to these rivers and streams.
 - i. 1 September – 9 November (inclusive) to avoid upstream migration of native fish, and 23 December to 15 February (inclusive) to avoid peak angler use and recreational users.
 - ii. Reshaping or finishing work is generally undertaken in February
 - iii. Removal of stockpiled gravel is undertaken throughout the year.

⁶ This protocol is to provide for circumstance where Maori cultural material may be found in the course of river works including any maintenance work and others associated with this consent.

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- vii. Easter, John Wellington Regional Council, *The Hutt River, Te-Awa-Kai-rangi, A Modern History 1840 -1990, 1990*
- viii. Tonkin & Taylor Ltd, *Resource Consent Applications Hutt River, Report for Greater Wellington Regional Council*, March 2013, working draft.
- ix. Wellington Regional Council, *Hutt River Flood Control Scheme Review, Phase 1- Environmental Investigations, Landscape Component*, Nov 1990 prepared by Boffa Miskell Limited

APPENDIX I- ACCIDENTAL DISCOVERY PROTOCOL

1. If any archaeological site(s) are uncovered during physical works, the Project Manager will require the contractor to adopt the following protocol.
 - a. Evidence of archaeological sites can include oven stones, charcoal, shell middens, ditches, banks, pits, and old building foundations, artefacts of Māori and European origin or human burials.
 - b. Work shall cease immediately at that place.
 - c. The Project Manager shall advise the Project Archaeologist, representatives of The Trusts, and the New Zealand Historic Places Trust (see below for contact details).
 - d. Materials discovered will be removed by the Iwi responsible for the tikanga appropriate to their removal and preservation, or re-interment.
 - e. Works affecting the archaeological site shall not resume until the NZ Historic Places Trust, the Police (if skeletal remains are involved) and Iwi Authority representatives have each given the appropriate approval for work to continue.
 - f. The Contractor will allow the iwi authority representative(s) and the archaeologist(s) access to the site to carry out the responsibilities of this protocol.

Mana Whenua Contact details are:

<p><u>Wellington Tenth's Trust</u> P O Box 25499, Wellington Liz Mellish liz@tekau.maori.nz Phone: 04 9013332 Cell: 027 4403989</p>	<p><u>Port Nicholson Block Settlement Trust</u> P O Box 12164, Thorndon, Wellington 6144 Ph. 04 4723872</p>
<p><u>Te Runanga o Toa Rangatira</u> PO Box 50355 Porirua 5240</p> <p>Reina Solomon Resource Management Administrator (04) 237 6763 reina.solomon@ngatittoa.iwi.nz</p>	

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 the Historic Places Trust 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](#).

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](#).

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.

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.

Ngati Toa Settlement Summary

1(C) STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

A Statutory Acknowledgement recognises the association between Ngāti Toa Rangatira and a particular site or area and enhances the iwi's ability to participate in specified Resource Management processes. Deeds of Recognition oblige the Crown to consult with Ngati Toa Rangatira on specified matters and have regard to their views regarding their special associations with certain areas.

The Crown offers a Coastal Statutory Acknowledgement over the following areas:

- Wellington Harbour

(Port Nicholson)

The Crown offers Statutory Acknowledgements (SA) and Deeds of Recognition (DoR) in relation to the following areas within Ngati Toa Rangatira's area of interest:

- Hutt River and its tributaries (SA, DoR)

What are Statutory Acknowledgments and Deeds of Recognition?

Statutory Acknowledgements acknowledge areas or sites with which iwi have a special relationship, and will be recognised in any relevant proceedings under the Resource Management Act. These provisions aim to avoid past problems where areas of significance to Māori, such as burial grounds, were simply cleared or excavated for public works or similar purposes without permission or consultation with iwi. Statutory Acknowledgements do not convey a property right and are non-exclusive.

Deeds of Recognition set out an agreement between the administering Crown body (the Minister of Conservation) and a claimant group in recognition of their special association with a site and specify the nature of their input into the management of the site.

7 Ngati Toa Settlement Summary

The Crown and Te Runanga o Toa Rangatira signed a Deed of Settlement on 7 December 2012.

**APPENDIX III BACKGROUND TO THE MAORI CULTURAL HISTORY OF THE
HUTT RIVER**

1. Part of the lower Hutt River located in area known in Māori times as Motutawa Pa. Motutawa Pa extended across what is now known as Avalon Park as well as extending south across Fairway Drive into the area now occupied by the Hutt Golf Links. The Boulcott area is in the proximity of Maraenuku Pa which was situated close to the Hutt River. Between these Pa, Boulcott Farm was established and the farm buildings were built into a stockade in the 1840s. Motutawa Pa was associated with the Ngati Tama hapu of the northern confederation of Taranaki iwi along with the Ngati Rangatahi a hapu of Ngati Maniapoto.
2. The area gained notoriety with the Battle of Boulcott farm in 1846 which proved to be the last battle between the British regiments in Wellington and Māori. It saw Ngati Rangatahi, Ngati Haua and Ngati Tama being removed from settler sections in the Hutt Valley.
3. The two old Pa sites should be regarded as waahi tapu or Māori sacred sites that border the project area both the Pa sites extended to Te Awakairangi/Hutt River. It is noted that the course of the river has changed considerably from colonial times both by natural changes and then by human activity with river control activities.
4. The river berms at this point could still hold some of the taonga of the past such as a partially carved waka that was discovered in previous work on the river. It is proposed that an accidental discovery protocol is put in place to deal with unanticipated discoveries of cultural material, archaeological material and koiwi. The burials as a result of the battles in the area in 1846 should be outside the current stop banks. This report sets out some of the Māori cultural history and connection with this part of the Hutt Valley and how it fitted in the overall tribal situation around Te Whanganui a Tara (Wellington Harbour). The context of the tribal situation and how the Waitangi Tribunal has seen this is explained to ensure that decision makers are dealing with the appropriate mana whenua groups.



1845 painting shows Fort Richmond, beside the Hutt River. Samuel Charles Brees

LOWER HUTT VALLEY

5. The lower reaches of Te Awakairangi were very much in the domain of Ngati Tawhirikura and Ngati Te Whiti hapu of Te Atiawa resident in Pito-one Pa and Te Tatau o te Po.
6. The kainga known as Te Ahi Monono was named for an incident on the tiny island of Manono lying between Savaii and Upolu in Samoa. The village was located just south of Fort Richmond. This site was probably near where the Lower Hutt Post Office was located in an old bend in the river.
7. The river, the surrounding swamp lands and the forests are all part of the mahinga kai of the various Pa. The swamps were a rich source of tuna/eel along with the flaxes and other textile plants. Swamp bird such as the ubiquitous pukeko/pakura, ducks and the forest birds were so abundant that the young E J Wakefield in his journals waxed eloquently on them.
8. In pre-European times the section of the river from the Ewen Bridge to the upper catchment was dominated by the high forest with Kahikatea, Rata, Pukatea, Tawa, Nikau, and Totara. Few of those trees are seen today other than in the upper catchments.

APPENDIX IV TANGATA WHENUA OF WELLINGTON TODAY

9. To identify who are the tangata whenua in Wellington this report relies in part on the expert knowledge of the Waitangi Tribunal who sought to clarify this matter particularly with respect to who is able to claim an interest against the Crown⁸. 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. At Pito-one Pa however the people were predominantly from the Ngāti Te Whiti hapū and Ngati Tawhirikura of Te Atiawa iwi. 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.
10. Although Ngati Toa were said to have an interest in the Hutt through their relationship with Ngati Rangatahi and Ngati Haua who came from the Taumarunui area and resided for a short time around the Boulcott area.
11. Ngati Rangatahi are recognised as a hapu of Ngati Manipoto based at Wharauora Marae in Taumarunui. There is also a hapu called Ngati Rangatahi as a part of Ngati Raukawa ki te Tonga based at Te Hiiri o Mahuta marae at Kakariki.
12. Ngati Tama ki te Upoko o te Ika are in the process of trying to establish a mandate with the Crown through the Office of Treaty Settlements. According to their website they describe their group this way:

“Some Ngati Tama do not choose to have their historical claims against the Crown in the Port Nicholson Block settled by the Taranaki Whanui ki Te Upoko o Te Ika Settlement legislation. Those Ngati Tama individuals wish to establish a formal body to represent, manage, promote, assist and develop their affairs and interests as descendants of those tipuna who established and maintained the Ngati Tama customary rights held in the Port Nicholson Block from 1840.”⁹

⁸ Waitangi Tribunal, *Te Whanganui a Tara me Ōna Takiwā*: Report on the Wellington District, 2003, p 479

⁹ <http://www.naumiaplace.com/site/ngatitamakiteupokooteika>

13. It should be noted that a large group who affiliate to Ngati Tama are registered and are represented by the Port Nicholson Block Settlement Trust as well as being beneficial owners in Wellington Tenth's Trust.
14. Ngati Toarangatira are represented by Te Runanga O Toa Rangatira Incorporated (the Runanga). The Runanga is the mandated iwi authority for Ngati Toa Rangatira and is the administrative body of iwi estates and assets. The Runanga deals with the political and public issues of national interest such as Treaty of Waitangi claims, commercial and customary fisheries, health services including primary mental health and residential care services, local government relationships and resource and environmental management.

SUMMARY OF CULTURAL VALUES IN THE HUTT RIVER

15. Any river works in the Boulcott area may affect the old battle grounds and may also affect the site of the Maraenuku Pa and its associated gardens. Much of the area of the old Boulcott Farm stockade and cottages are outside the new stopbanks and should not be affected. The battle site may contain some remnants of the past however year of development in the area including the earlier stopbanks and the two Golf Clubs with their building and the development of green and fairways have likely changed some of the remaining archaeology.
16. The old kainga site of Te Ahi-a-Manono also on the east bank of the river was just north of Fort Richmond and has largely been overtaken by the development of the riverside parts of central Hutt City. It is not expected that anything of that remains today.
17. The works in the river itself are likely to have impacts on the indigenous fish in the river. In particular longfinned and shortfinned eels or elvers, along with the piharau/lamprey in their passage up stream to the upper river. The inanga species are still present in the river and like the eels will progress upstream in the early spring through to early summer (as whitebait) particularly when the flows are higher at those times. The giant kokopu, the koaro are two of the galaxias still present in the river. There are probably not many resident indigenous species aside from some of the bullies. The occurrence of these species in these reaches is unknown, but every

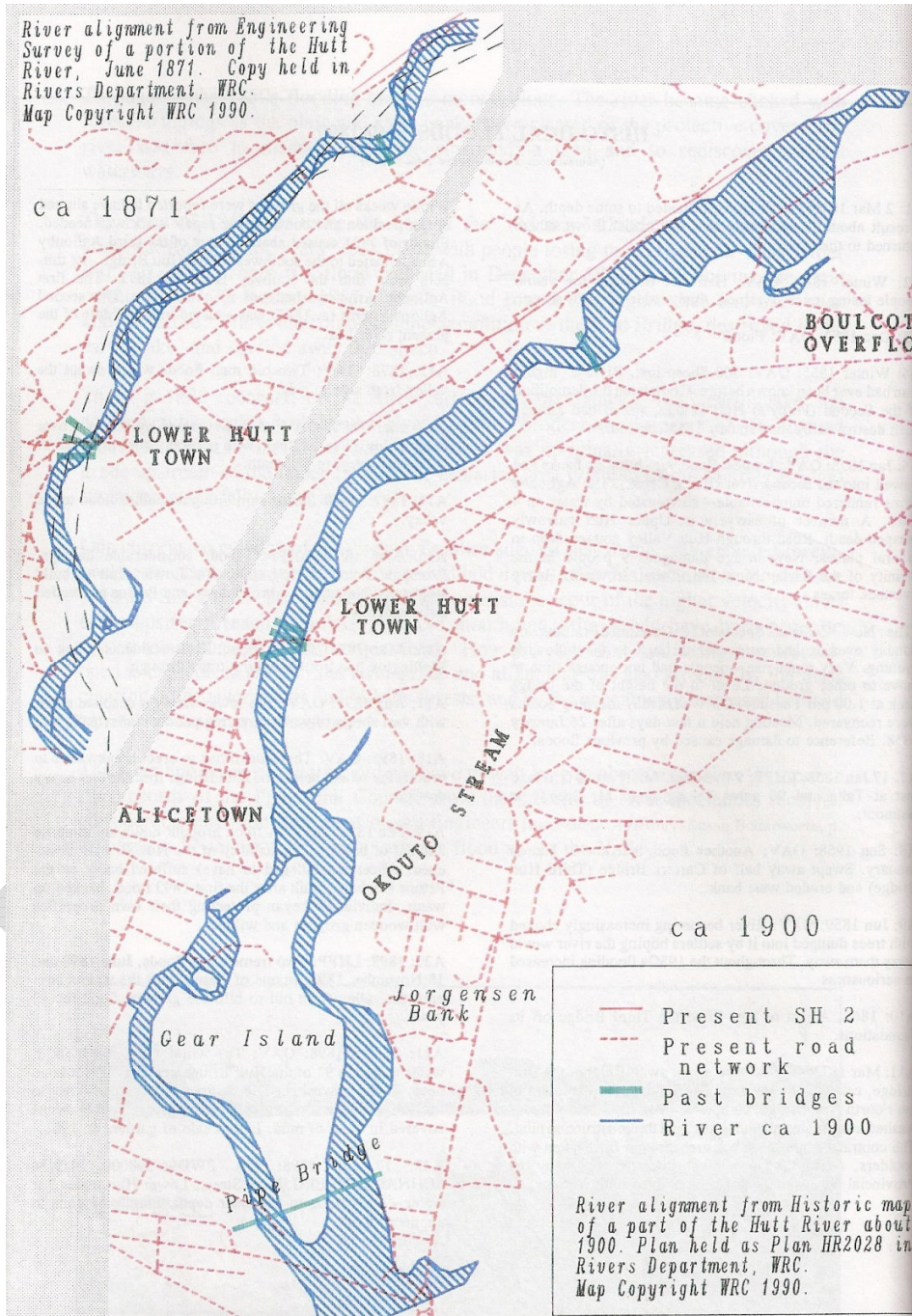
attempt should be made to minimise the disturbance of these oft neglected species. The old loops of the river meant a lesser grade for the fish to progress up with the much straighter river channel being harder for the small fish to negotiate upstream however most of these species are good climbers and can manage river margins.

18. Water quality issues into the harbour are always of concern to the tangata whenua and silt disturbed in river operations is often deposited along the Petone beach. In the past this was an issue for the pipi and some other shell fish in the sands of the beach. Today the pipi are still present in abundance but are not taken as kaimoana because of pollution likely to affect their being used as food. Nonetheless maintaining the health of the Petone foreshore and that nearshore area is an important cultural issue. At Hikoikoi there is an important base for waka ama activity and other waka use of the whole harbour.



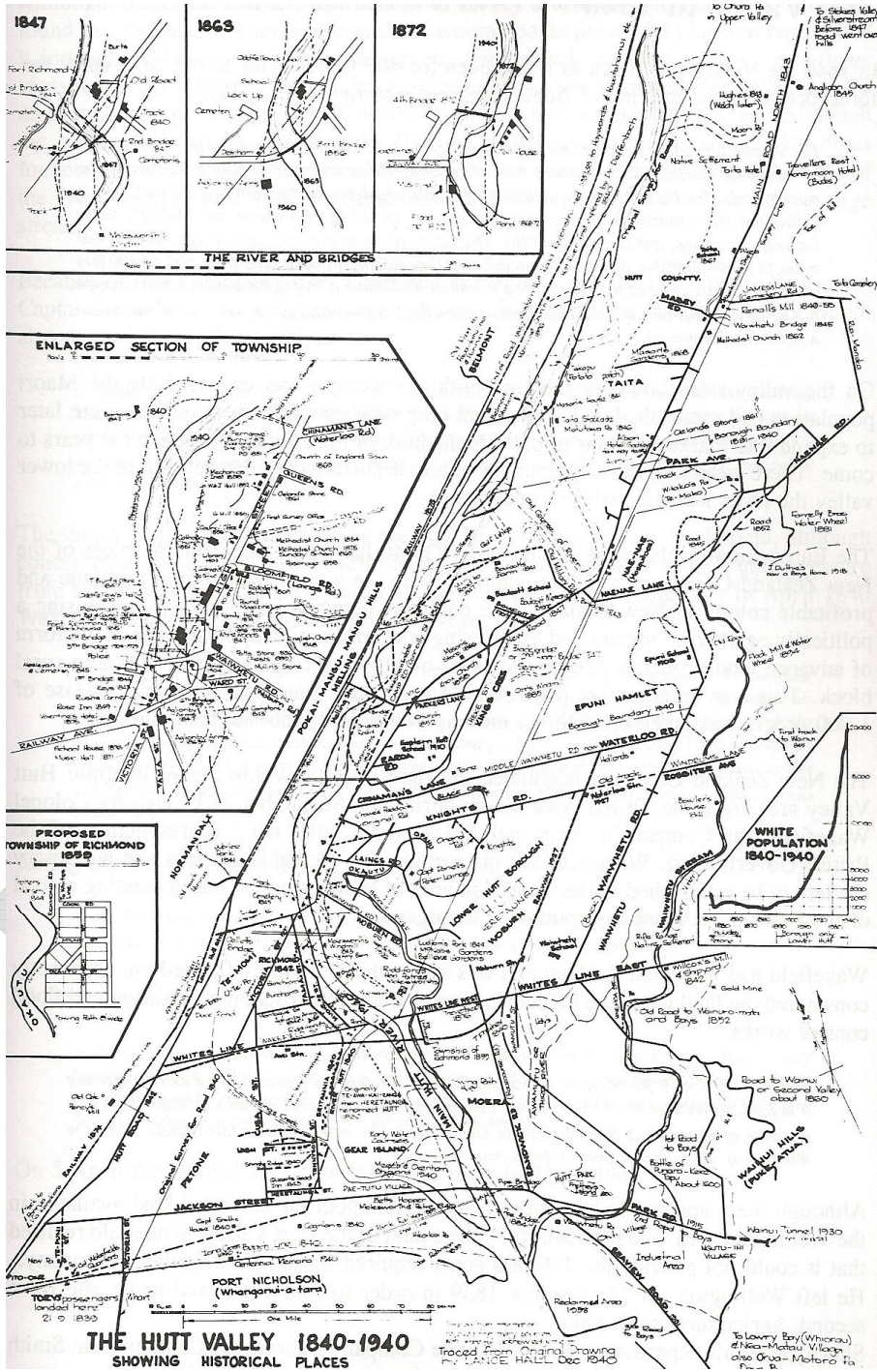
This Brees painting show the Hutt River at Molesworth's farm just south of the project area showing waka taua on the river.

APPENDIX V –HUTT RIVER CIRCA 1900

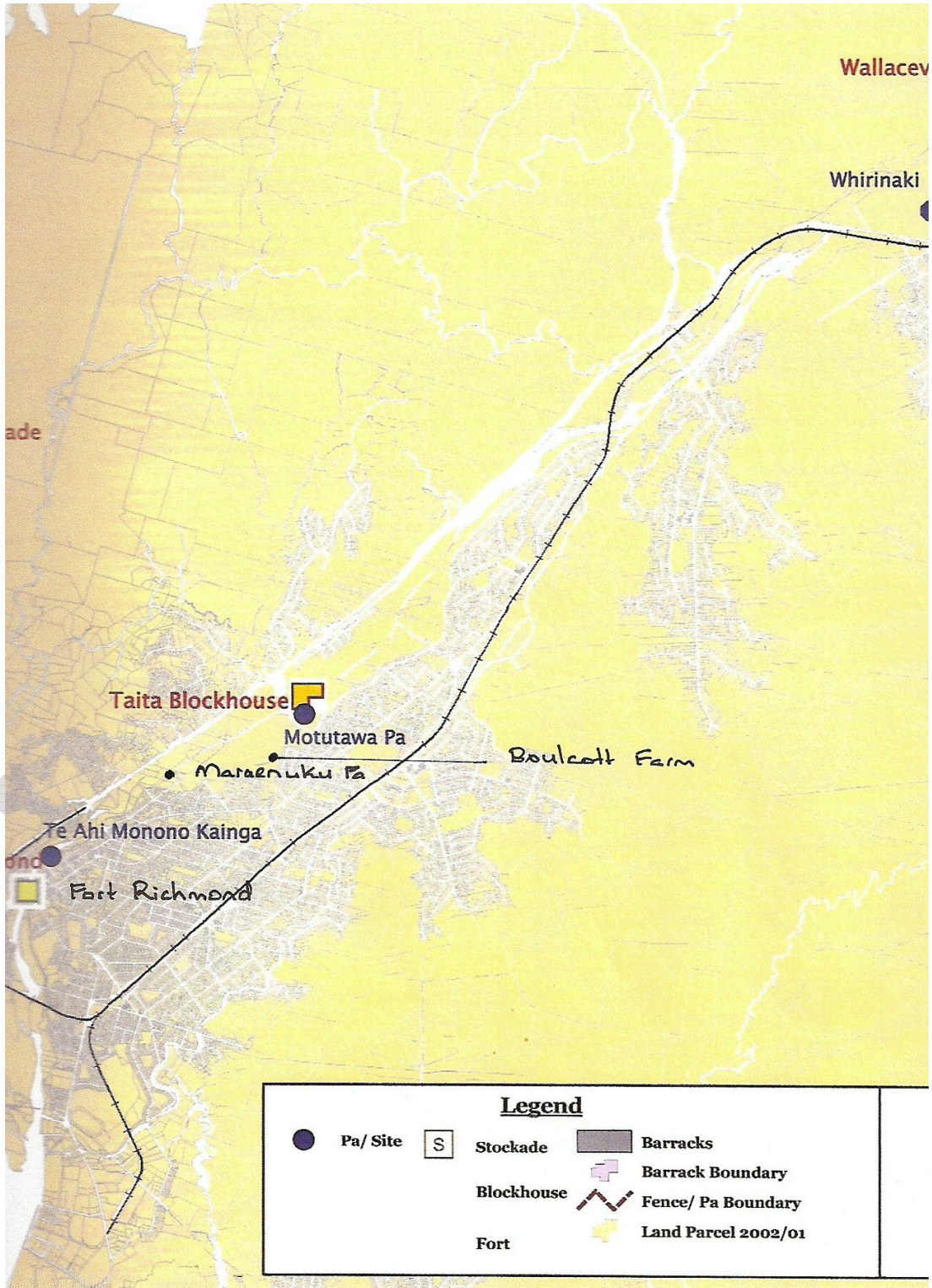


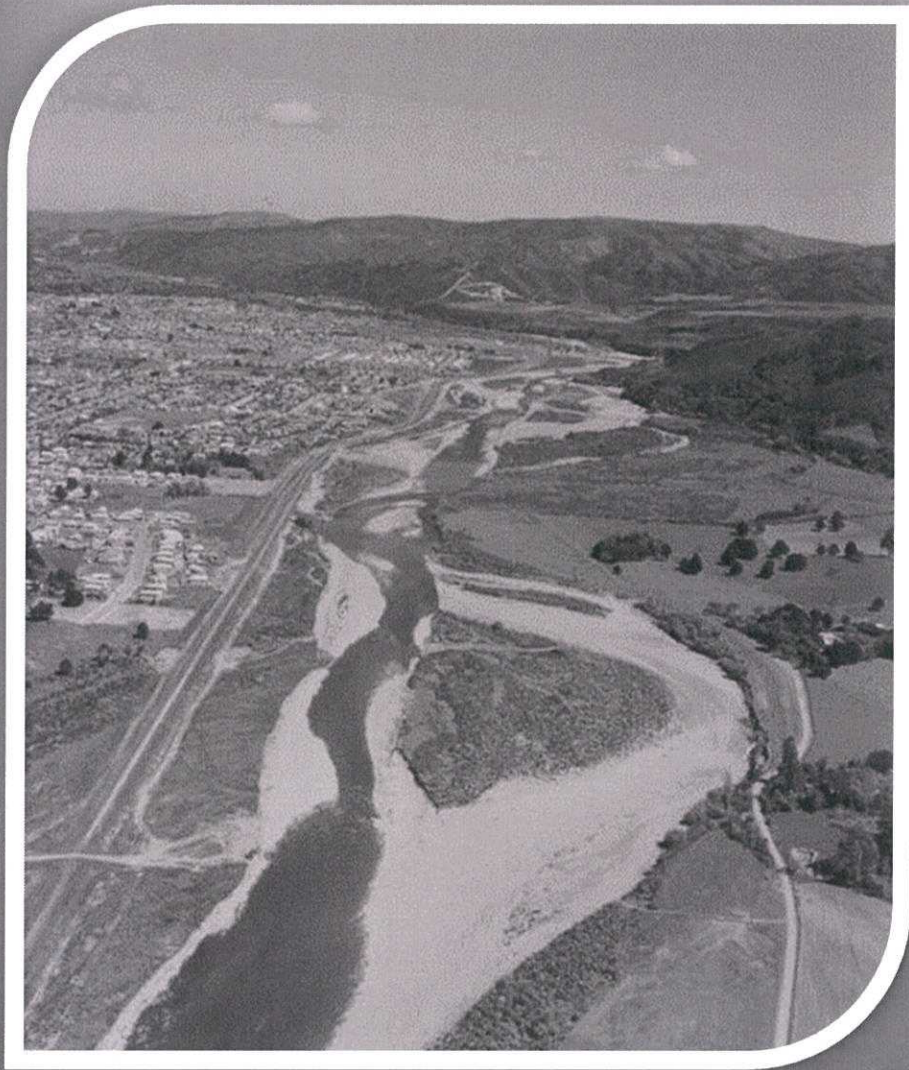
Easter, John Wellington Regional Council, *The Hutt River, Te-Awa-Kai-rangi, A Modern History 1840 -1990*, 1990 p 32. Note the Boulcott overflow

APPENDIX VI



APPENDIX VII - PA AND STOCKADES





Cultural Impact Assessment

*Maintenance and flood protection activities at Te
Awakarangi/Hutt River*

November 2013



Te Rūnanga o Toa Rangatira Inc



Whakatauki

**Toitū te Marae o Tāne,
Toitū te Marae o Tangaroa,
Toitū te Iwi.**

*If the domain of Tane survives to give sustenance,
And the domain of Tangaroa likewise remains,
So too will the people.*

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Introduction and issue

This report has been prepared by Te Rūnanga o Toa Rangatira (Te Rūnanga) Inc for Wellington Regional Council (Regional Council). The purpose of this document is to present an assessment of significant values of importance to Ngāti Toa Rangatira (Ngāti Toa) with regard to Te Awa Kairangi/Hutt River (Te Awa Kairangi) including parts of tributaries; and the Wainuiomata River. The areas referred to are those which are currently subject to proposed new¹ and renewed² resource consents sought by the Regional Council to undertake on-going flood protection operations and maintenance activities. This report will particularly refer to areas of both rivers and their tributaries included in current consent applications.

Te Awa Kairangi and Wainuiomata River combined cover a catchment area of approximately 788km, and a collective river length of approximately 78km. For over 100 years these rivers have served as vital sources of drinking water for the Greater Wellington Area. The demands placed on these resources are certain to increase exponentially in the future as populations in the Wellington Region continue to grow.

Ngāti Toa is aware of the need to develop sustainable management strategies for flood protection at Te Awa Kairangi and Wainuiomata rivers. The concern of Te Rūnanga is to protect wāhi tapu; wāhi tūpuna; and other sites of cultural significance located within the application areas, in addition to ensuring that works are undertaken in ways that promote environmental sustainability for both rivers and their wider catchments. The protection of native flora and fauna is also of major importance to Ngāti Toa.

Objectives

The objectives of this report are:

1. To provide a description of Ngāti Toa cultural values associated with Te Awa Kairangi and Wainuiomata Rivers with particular reference to the proposed resource consent applications as outlined below.
2. To identify the potential effects on cultural values as a result of the proposed consent applications.
3. To recommend where practical any appropriate measures to avoid, remedy or mitigate any adverse effects of the proposed project on cultural values.

Methodology

A number of methods were utilised for the preparation of this report including a consultative process approach with Ngāti Toa kaumātua and Te Rūnanga o Toa Rangatira Inc. Specific methods employed are as follows:

- Review of available cultural and historical information
- Review of available scientific information
- Review of relevant statutory and planning documents

¹ WGN 110359

² WGN 980255 (01), (02), (03), (04) & (05) Te Awa Kairangi works and maintenance activities; WGN 60334 [25362], [25363] & [25364] for gravel extraction between Belmont and the Ava Rail Bridge; WGN 020143 (1)(2) for works in the bed of the Wainuiomata River

- Site visits
- Consultation with Ngāti Toa kaumātua and key iwi members with appropriate expertise
- Peer review and incorporation of feedback
- Final endorsement by Te Rūnanga o Toa Rangatira Inc

Limitations

This report is representative of Ngāti Toa interests in the areas specified. The information provided is not presented as a complete cultural or historical account of Māori associations with the areas identified. Ngāti Toa is respectful that customary Māori knowledge and ways of knowing are specific to each Iwi or hapū, and that other Iwi in the Wellington Region have associations to these areas that may differ from that of Ngāti Toa. Te Rūnanga does not seek to contest any such associations or histories, nor is it accepted that any other Iwi groups possess authority to contest those of Ngāti Toa.

Te Rūnanga o Toa Rangatira Inc

This report is submitted on behalf of Ngāti Toa Rangatira. Te Rūnanga o Toa Rangatira Inc is the only elected and mandated body with authority to administer to all Ngāti Toa interests and is the administrative body of Iwi estates and assets. The Rūnanga deals with the political and public issues of national interest such as Treaty of Waitangi claims, commercial and customary fisheries, health services including primary mental health and residential care services, local government relationships and resource and environmental management.

The overall vision of Te Rūnanga is:

To promote the mana of Ngāti Toa Rangatira by enhancing the social, economic, educational, cultural and spiritual development of all whānau members, in an open and responsive manner, by enabling them opportunities to attain their full potential for the benefit of the Iwi and the community³.

³ Te Rūnanga o Toa Rangatira inc

1. The Proposal

This report relates to two applications for resource consent requested by the Regional Council for the purpose of undertaking flood protection operations and maintenance activities at Te Awa Kairangi and Wainuiomata rivers respectively. The current applications are part of a wider consent renewal project being undertaken by the Regional Council to continue general maintenance and flood protection activities at rivers within the wider Wellington Region.

Scope

A maximum term of 35 years is sought for the new consents in order to reduce costs to the public associated with the consent application process. Previous consents were held for a term of 15 years. It is proposed that a formal Code of Practice will be developed to prescribe in detail the proposed methods for operations and maintenance activities in preference of incorporating detailed methods within the individual consents.

Location

Te Awa Kairangi

Works and activities currently proposed at Te Awa Kairangi include the bed of the river and the publicly owned land adjacent in the river corridor for approximately 28km extending from the eastern side of the Gillespie subdivision at Birchville to the Estuary Bridge at Petone. This application area also includes the entire length of Te Mome Stream - comprising approximately 1.5 km; the adjoining end of Stokes Valley Stream for a length of approximately 1.6km; the adjoining end of Akatarawa River for a length of approximately 100m; and on-going maintenance of a debris arrestor located approximately 400m upstream of Speedy's Stream.

Wainuiomata

At Wainuiomata River the subject area comprises 5km in the urban area between the end of Hine Road and Ngaturi Grove. The application is for resource consents to allow the Regional Council to continue the Regional Council's operational and maintenance activities in the bed and adjacent banks of the application area.

Activities proposed for various locations at both rivers are outlined in the table 1 below:

Table 1: Consents and activities proposed at Te Awa Kairangi and Wainuiomata

Land Use Consents			
Activity Type	Individual Activities	Te Awa Kairangi	Wainuiomata
Construction in/on the river bed of impermeable erosion protection structures	Construction of groynes from rock or concrete	✓	✓
	Rock rip-rap and toe rock linings		
	Gabion baskets		
	Driven rail and mesh gabion walls		
	Reno mattresses		
Construction in/on the river bed of permeable	Debris fences and	✓	✓
	Debris arrestors		

erosion protection structures Construction of other works outside the river bed	Permeable groynes		
	New stormwater drainage channels and culverts associated with cycleway/walkway construction	✓	✓
	Footbridges associated with cycleway/walways		
	Fences		
	Access roads		
	Floodwalls		
Demolition and removal of existing structures on & in the riverbed	Formation of access way if required	✓	✓
	Removal of vegetation		
	Reshaping of bank; temporary placement of gravel		
	River crossing by machinery		
	Mechanical and manual demolition		
	Removal of material from river bed		
Maintenance of existing structures	Formation of access way if required	✓	✓
	Removal of vegetation		
	Reshaping of bank; temporary placement of gravel		
	Structural repairs and maintenance to existing protection structures in the riverbed		
	Structural repairs and maintenance to existing culverts and discharge outlet structures		
Structural maintenance work outside the riverbed	Structural repairs and maintenance to:	✓	✓
	• Stopbanks and training banks		
	• Flood walls		
	• Stormwater culverts		
	• Stormwater drainage channels		
	• Footbridges located on the river berms		
	• Fences located on the river berms		
• Berms			
Development of vegetative bank protection	Tree planting	✓	✓
	Willow layering, cabling & tethering		
Maintenance of vegetative works	Trimming of trees	✓	✓
	Removal of old trees		
	Removal of damaged structures		
	Additional planting		
	New layering of trees		
	Re-cabling of tethered willows		
Channel shaping and realignment	Mechanical recontouring of beach	✓	✓
	Mechanical recontouring of river bed		
Channel maintenance	Removal of vegetation	✓	✓
	Beech ripping		
	Clearance of flood debris		
	Gravel extraction		
Channel maintenance	Dredging of Lower Opahu Stream	✓	
✓ Water Permit			

Diversion of water	Diversion of water associated with activities previously listed	✓	✓
✓ Discharge Permit			
Discharges to river	Discharges to the rivers of silt and sediments associated with <ul style="list-style-type: none"> • Construction works • Planting works • Maintenance works • Demolition works • Dredging of the Lower Opahau Stream • Contingency works • Repair of structures on the river berms 	✓	✓
	Discharge of stormwater into surface water associated with works outside the river bed	✓	✓

Table 2: Activities undertaken at Te Awa Kairangi tributaries

Contributing watercourse	Activities
Akatarawa River	Approximately 100m of the adjoining river is included in consent. Individual activities include: <ul style="list-style-type: none"> • Removal of vegetation • Clearance of flood debris
Stoke Valley Stream	<ul style="list-style-type: none"> • Mowing of stopbanks and berms (machinery used in bed) • Planting and landscaping • Maintenance of existing structures in bed • Maintenance of existing structures outside of river bed • Removal of vegetation • Clearance of flood debris • Clearance of stilling basin
Speedy's Stream	<ul style="list-style-type: none"> • Removal of debris from arrestor • Maintenance of debris arrestor • Ability to rebuild
Opahu Stream outlet	<ul style="list-style-type: none"> • Dredging of outlet reach of silt and debris • Maintenance of plantings • Additional planting and landscaping
Te Mome Stream	<ul style="list-style-type: none"> • Dredging of silt and debris • Removal of debris from flood gates

2. Planning Framework

A planning framework of statutory and non-statutory documents relating to management of freshwater resources recognises and provides for tangata whenua interests in decision making processes. Flood protection works at Te Awa Kairangi and Wainuiomata River have been carried out since mid to late nineteenth century and these works are currently managed by the Regional Council. The total river area managed by Regional Council comprises one of the largest flood protection programs in the country. The Regional Council has statutory responsibility to undertake flood protection and maintenance in rivers within its prescribed constituency. This need must be balanced with the statutory rights of tangata whenua within the planning framework.

Resource Management Act (RMA) 1991

Part II of the RMA states that the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga must be recognised and provided for as a matter of national importance. Section 7 of the Act requires that particular regard be given to practices of kaitiakitanga in relation to managing the use, development and protection of natural and physical resources. Section 8 states that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi.

Te Tau Ihu Claims Settlement Bill (TTICSB) 2013

This Bill records the apology of the Crown to Ngāti Toa in the 2012 Deed of Settlement and recognises the Mana Whenua of Ngāti Toa in the Wellington Region, and the wider customary area of interest outlined on page 14. The Bill is currently before the select committee having unanimously passed its first reading in parliament in June 2013. Once the Bill is passed into legislation the Te Tau Ihu Claims Settlement Act will give effect to the Deed of Settlement. The provisions of the Bill are intended to enhance the ability of Ngāti Toa to give practical effect to kaitiaki responsibilities through increased participation in resource management processes. A number of statutory acknowledgements are offered by the Bill. Of particular relevance to this assessment is deed of recognition in relation to Ngāti Toa cultural, spiritual, historic, and traditional associations with Te Awa Kairangi and the Hutt Valley. A full description of the deed of recognition is given in appendix 1.

National Policy Statement for Freshwater Management 2011

The Treaty of Waitangi (Te Tiriti o Waitangi) is the underlying foundation of the Crown–iwi/hapu relationship with regard to freshwater resources. Addressing tangata whenua values and interests across all of the well-beings, and including the involvement of iwi and hapu in the overall management of fresh water, are key to meeting obligations under the Treaty of Waitangi. Objective D1 requires regional councils to provide for the involvement of iwi and hapu, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to (policy D1, a-c). The Regional Council's commitments to the provisions of the National Policy Statement are outlined in the Regional Freshwater Plan.

Regional Policy Statement (existing and proposed)

Objective 22 (Policy 66) states that local and iwi authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and well-being of the regional community now and in the future. Objective 23 (policy 47) requires the principles of the Treaty of Waitangi to be taken into account in resource management processes. Objective 24 integrates the concept of kaitiakitanga into sustainable management of physical and natural resources. Mauri is sustained particular in relation to coastal and freshwater (objective 25), and mahinga kai and natural resources used for customary purposes are maintained and enhanced as well as being made accessible to Tangata Whenua (objective 27). Adverse effects on the cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and taonga are avoided (objective 27; policy 48).

Regional Freshwater Plan for the Wellington Region

The relationship of tangata whenua and their culture and traditions with fresh water, and with ancestral sites, wāhi tapu, and other taonga within the beds of rivers, and lakes, is recognised and provided for (objective 4.1.1) and the mauri of water bodies and river and lake beds is protected (objective 4.1.2). The principles of the Treaty of Waitangi are taken into account in the management of the Region's water bodies and river and lake beds (objective 4.1.3). Policy 4.2.1 requires management of sites of special value to tangata whenua in water bodies and river and lake beds so that the cultural values of those sites are not adversely affected. Applicants are encouraged to consult directly with tangata whenua for consent applications (policy 4.2.2) and development of water bodies that may restrict access of tangata whenua to any identified site of special value should be prohibited (policy 4.2.3). Avoidance, mitigation, or remediation of adverse effects of the use and development of water bodies on habitats of species traditionally harvested by tangata whenua is required (policy 4.2.4). Regard must be given to customary knowledge and values where these have been identified by tangata whenua when assessing consent applications for activities occurring in a water body (policy 4.2.5). Tangata whenua initiatives for use of freshwater resources should not be restricted (policy 4.2.6), and tangata whenua participation in monitoring activities or sites of importance should be encouraged (policy 4.2.7).

Erosion and Sediment Control Guidelines for the Wellington Region 2006

Principle 3.4 of this document is to protect waterbodies from the effects of sediment and erosion. This includes measures to map water bodies and show limits of disturbance, protection measures, and all practices to be used in the protection of drainage channels, crossings or disturbances.

The Charter of Understanding between Te Tangata Whenua o Te Upoko o Te Ika a Maui and Wellington Regional Council 2013

This charter was originally signed in 2000 and revised in 2013. The charter establishes and provides for a clear understanding of the basis and ongoing conduct of the relationship between Council and tangata whenua, in the context of the Treaty of Waitangi, and the legislation which gives functions, duties and powers to the Wellington Regional Council. This relationship extends to (but is not limited to) Environmental Management, Land Management, Flood Protection, Regional Parks, Regional Transport Outcomes and Regional Water Supply. The Council's commitments to the provisions of the RMA with regard to Māori customary interests are outlined in the Regional Policy Statement.

Hutt River Environmental Strategy 2001

The long-term vision for Māori values identified in the Environmental Strategy is the protection and enhancement of cultural values of the river and its margins (4.2.2), and involve iwi and the community in decision-making and make sure that tikanga is appropriately applied (4.6.1). In particular the restoration of native species is emphasised as a matter of priority. This will better allow for traditional uses of the river by providing increased habitat for other native species, such as inanga; tuna; kōkopu, as well as native bird species located in the direct vicinity of these sites such as kereru, and tui to re-colonise naturally.

Hutt River Floodplain Management Plan 2001

The Floodplain Management Plan draws from the Environmental Strategy and summarises guidelines to ensure that the needs and aspirations of tangata whenua are met in managing the Hutt River and its environment. Three issues of importance to tangata whenua outlined in the Plan include safeguarding significant sites; restoring native species; and including tangata whenua in management of the Hutt River.

3. Ngāti Toa Rangatira Mana Whenua

4.1 Origins

Ngāti Toa is an Iwi descended from Hoturoa of the Tainui waka. Toa Rangatira, the eponymous ancestor of Ngāti Toa resided at Kawhia on the west coast of Waikato-Tainui rohe around the 17th century. Kawhia was an area rich with natural resources and Ngāti Toa continued to reside at the coastline from Aotea to Huikomako for many generations.

Ultimately, the people grew in numbers and status which led to competition and conflict with other Iwi. Towards the end of the eighteenth century a pattern of frequent warfare emerged in the Waikato region and persisted for several generations. It was during this period of conflict that Te Rauparaha rose to prominence.

In 1819 Te Rauparaha participated in an expedition to Taranaki to avenge and insult. Having achieved this goal, the party comprised of Ngāti Toa and allies progressed south to the Cook Strait (Te Moana o Raukawa) and Wellington Harbour (Te Whanganui a Tara) continuing to fight and defeated all whom they encountered. This expedition is known as Amiowhenua.

While travelling, Te Rauparaha observed a trading ship passing through Te Moana o Raukawa as he stood at a well-known lookout point in Omere near Cape Terawhiti. The strategic advantages of Te Moana o Raukawa as a major travel and trade route were well noted by those who observed the ship and the layout of the land. When Te Rauparaha returned to Kawhia to find that the on-going conflicts had intensified he commenced a historic campaign to lead Ngāti Toa in from Kawhia to settle the land around Te Moana o Rauakawa.

Heke South

Te Heke Tahutahuahi (the fire lighting expedition) was the first stage of Te Rauparaha's resettlement which arrived in North Taranaki. Here Ngāti Toa was joined by Ngāti Tama, and members from Ngāti Mutunga and Ngāti Awa. Te Heke Tataramoa (the bramble bush) was the second heke which moved south from Whanganui to Ngāti Apa towards the Cook Strait.

The key event marking the establishment of Ngāti Toa Rangatira in the Cook Strait area was the battle of Whakapaetai or Waiorua on Kāpiti Island in 1824. Ngāti Toa defeated a combined alliance of Kurahaupo tribes and settled without protest from other Iwi in the region from Kāpiti to Te Whanganui-a-Tara. In 1827, the battle of Tapu-Te-Ranga sealed Ngāti Toa settlement where an alliance of Ngāti Toa and Ngāti Mutunga defeated Ngāti Ira, the residing Iwi on the South Coast of Wellington. Tamairangi, the Paramount Chieftainess of Ngāti Ira was taken captive and to the protection of Ngāti Toa chief Te Rangihaeata.

Following the battle of Waiorua Ngāti Mutunga, Ngāti Raukawa, Te Atiawa and other Taranaki groups moved into Whanganui-a-Tara towards the Wairarapa with the support of Te Rauparaha. These migratory heke are often referred to as Nihoputa, Ngamotu, Tama Te Uaua, and Te Heke Paukena.

Te Rauparaha and Te Rangihaeata continued south across the Cook Strait leading a number of campaigns in the upper South Island. Ngāti Toa and allied Iwi acquired customary rights by conquest in a large area of Te Tau Ihu (northern South Island) particularly in the Wairau Valley, Port Underwood, and Pelorus Sound.

4.2 Te rohe o Ngāti Toa Rangatira

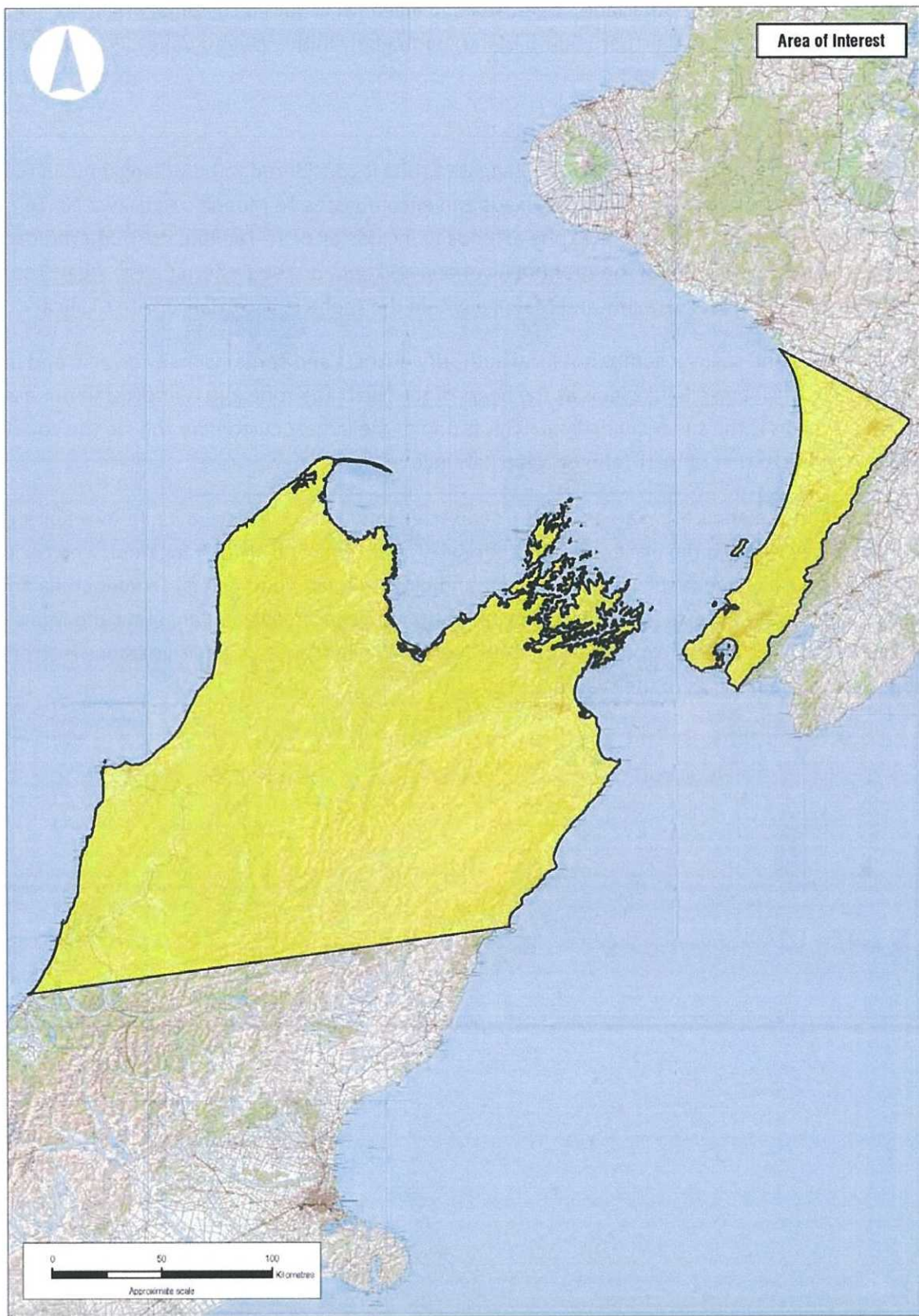
The northern most point of the Ngāti Toa Rangatira rohe is considered to be Whangaehu; in the North Island it extends eastwards to Turakirae Heads and encompasses Te Moana o Raukawa. In Te Waipounamu (the South Island), the rohe extends to include all of Te Tau Ihu; its southernmost point on the West Coast is the outlet of the Arahura River and Kaikoura on the Eastern Coast. Ngāti Toa Rangatira used the rivers, streams and Maunga within their rohe in accordance with tikanga.

The Ngāti Toa rohe spans a number of local authority districts and contains many diverse and unique landscapes. Te Moana o Raukawa is at the heart of the Ngāti Toa rohe and is integral to our association with this area, as is the surrounding land. This is one of the largest customary rohe in the country, similar in scope to that of Ngai Tahu or Ngāti Kahungunu.

With regard to the application areas, Ngāti Toa exerted influence or 'mana' over Te Awa Kairangi and the Hutt Valley through the placement of other iwi - Ngāti Tama and Ngāti Rangatahi, who reciprocated by paying tribute of goods such as canoes, eels and birds to Ngāti Toa's chiefs, Te Rauparaha and Te Rangihaeata. Ngāti Toa has always maintained that the presence of Ngāti Rangatahi and Ngāti Tama in the Hutt Valley was also an expression of Ngāti Toa's mana and 'ahi kaa' and this stance is strongly supported by the findings of the Waitangi Tribunal⁴.

⁴ Waitangi Tribunal 2003

MAP 1: TE ROHE O NGĀTI TOA RANGATIRA⁵



⁵ Ngāti Toa Rangatira Deed of Settlement Attachments: Map 1

4.3 Ngāti Toa customary rights

Ngāti Toa's customary rights within the rohe are based in two tikanga (customary law); these are the principles of take raupatu and ahi kaa.

Take Raupatu

Ngāti Toa maintains the right of raupatu (conquest) throughout the customary rohe described above. These rights arise from a number of key incidents in which Ngāti Toa subdued Iwi previously resident in those areas through ringakaha (force of arms). In the Wellington Region these events include the battles of Waiorua on Kāpiti Island in 1824, and Tapu Te Ranga at Island Bay in 1827. These battles were defining in consolidated Ngāti Toa's settlement from Whangaehu to Te Whanganui a Tara.

Ahi kaa

In the Wellington Region Ngāti Toa established and maintained settlements in lands located on the south-west coast of Wellington, at Ohariu, Porirua, Kāpiti Island, and at locations on the Kāpiti and Horowhenua coasts. Ahi kaa rights were maintained through political, economic, and military means, as well as physical occupation. In time, allied groups closely related to Ngāti Toa were encouraged to settle in parts of the region including Te Whanganui a Tara and the Kāpiti Coast. Consequently these groups came to develop their own customary rights in these areas. Ngāti Toa has always acknowledged these rights, but has never neglected or abandoned their own customary rights to these areas. In the Hutt Valley Ngāti Toa exerted influence or 'mana' through the placement of other iwi - Ngāti Tama and Ngāti Rangatahi, who reciprocated by paying tribute of goods such as canoes, eels and birds to Ngāti Toa's chiefs, Te Rauparaha and Te Rangihaeata. Ngāti Toa has always maintained that the presence of Ngāti Rangatahi and Ngāti Tama in the Hutt Valley was also an expression of Ngāti Toa's mana and 'ahi kaa' and this stance is strongly supported by the findings of the Waitangi Tribunal⁶

4.4 Te Tiriti o Waitangi (Treaty of Waitangi)

By 1840 Ngāti Toa Rangatira was established as the pre-eminent Iwi dominating the Kapiti, Wellington, and Te Tau Ihu (northern South Island) regions. Ngāti Toa held a maritime monopoly in the Cook Strait including a de facto military, political and economic power in the region acknowledged by Maori and European settlers at the time.

Ngāti Toa leader's signed the Treaty of Waitangi with respect to their interests throughout the rohe as previously described. Te Rauparaha signed the Treaty of Waitangi twice - once at Otaki on 14 May 1840 and a second time on board a naval ship off Mana Island on 19 June 1840. Other Ngāti Toa Rangatira leaders including Nohorua, Te Rangihaeata, Matene Te Whiwhi, Tamihana Te Rauparaha, Topeora (Te Rangihaeata's sister) and Te Rau-o-te-rangi (Kahe) also signed the Treaty of Waitangi in 1840. Topeora and Te Rau-o-te-rangi were two of only five women to do so. The signings were conducted at Port Nicholson, Otaki, Cloudy Bay, and Kāpiti.

However despite the assurances of the Treaty, in the decades after 1840 Ngāti Toa Rangatira's power declined in the face of Crown military action and land purchasing. Ngāti Toa has never relinquished customary authority within our customary rohe, and has rigorously disputed the loss of these lands. In

⁶ Waitangi Tribunal 2003

the Hutt Valley, Crown officials reported in March 1844 that Māori had been observed cutting a boundary line at Rotokakahi on the instructions of Te Rauparaha and Te Rangihaeata. Te Rauparaha's intention was to mark the boundary between the area in the Hutt Valley that Ngāti Toa considered had been alienated to Europeans and the area remaining in Māori ownership. It is the view of Ngāti Toa that the Rotokakahi line signalled there would be no further loss of lands north of this line.

However by 1863, as a result of the Wairau and Porirua transactions of 1847; Te Waipounamu purchase of 1853; the Whareroa purchase of 1858; and the Wainui purchase of 1859, the position of the Iwi had been radically changed. Most of its lands had been acquired by the Crown. During these decades there was a severe reduction of political and economic power and a substantial contraction of the Iwi's former control over lands and resources. This loss of land and political marginalisation had a devastating effect on the Iwi. Today Ngāti Toa Rangatira are virtually landless, without reserves or endowments.

4. Assessment of Cultural Significance

In assessing the cultural significance of Te Awa Kairangi and Wainuiomata rivers Ngāti Toa have considered a range of factors including the following:

1. Cultural values
2. Traditional relationship
3. Customary practices

5.1 Cultural Values

Kaitiaki

Kaitiakitanga is based on the Māori view of the world and its origins, and the principle that everything is interconnected by whakapapa or genealogy. This view does not separate spiritual aspects from the physical practices of resource management. All natural life forms possess a mauri or life force and all forms of life are related through whakapapa or genealogy. The primary objective of kaitiakitanga is to protect and enhance mauri for environmental sustainability.

Mauri Ora

Mauri is the life force that exists in all aspects of the natural world. Customary concepts of whakapapa, tapu, and tikanga are exercised in order to preserve and nurture mauri inherent in the environment. When environmental health and natural balances are sustained mauri is enhanced. When environmental degradation and destruction occurs in any form, mauri is weakened or extinguished. As tangata whenua or people of the land Māori perceive themselves as part of the natural world, intrinsically connected through genealogical; historical; and physical ties. The wellbeing of the people is inseparable from that of the environment. Kaitiakitanga encompasses a system of environmental management to ensure spiritual and physical wellbeing through the sustainable use of natural resources; and the protection of natural systems and endemic wildlife species.

Wai Ora

Freshwater systems are highly valued as taonga by Māori and have particular importance to Ngāti Toa. Rivers are seen to possess individual mauri and are often protected by ancestral guardians or taniwha. The welfare of the people is intimately connected to freshwater systems and their capacity to support life. Freshwater habitats provide vital breeding ground for native fish populations and bird populations in addition to many resources used for medicine; arts; and construction. Protecting the integrity of freshwater systems is an important aspect of kaitiakitanga.

5.2 Traditional Relationship

Ngāti Toa's relationship with Te Awa Kairangi and Wainuiomata Rivers extends back to the Amiowhenua expedition from 1819 and Te Rauparaha's initial invasion of the Hutt Valley. During that campaign the tauā (war party) marched around the western side of Te Whanganui-a-Tara, defeating the local iwi as they went. When they reached Te Awa Kairangi they constructed rafts which were used to aid them in their invasion of the Hutt Valley. Ngāti Toa's traditional relationship with each river as important mahinga kai, ara waka, and source of natural resources reflected the wider influence and mana of Ngāti

Toa throughout the whole of the Hutt Valley. Although Ngāti Toa did not remain in the area after this invasion, Te Awa Kairangi and Wainuiomata River catchments became important resources for the iwi following their permanent migration and settlement in the Cook Strait region in the early 1820s. Both rivers were valued for a diverse and plentiful supply of kaiawa (freshwater food), including the now scarce piharau or blind eel. Ngāti Toa regularly gathered food and other resources from the Hutt Valley, including birds, plants (for kai, weaving, healing and other uses), and timber which was generally sourced from the Hutt Valley for the construction of canoes.

5.2.1 Te Awa Kairangi River

Historically the Hutt Valley was dominated by dense native forest which supported a rich array of natural resources that were important for Ngāti Toa's cultural and physical sustenance. The cultural and historical significance of Te Awa Kairangi to Ngāti Toa has recently been acknowledged by the Crown in the context of Ngāti Toa's Treaty settlement. The Crown has recognised that it failed to honour the guarantees made to Ngāti Toa by the Treaty and has provided redress for Ngāti Toa's loss of rangatiratanga (chiefly authority) over Te Awa Kairangi. This redress is provided in the form of a Statutory Acknowledgement (SA) which requires the Crown to provide an acknowledgement of Ngāti Toa's historical and cultural values in relation to Te Awa Kairangi in the settlement legislation. The SA will impose a higher level of obligation on the GWRC to ensure that Ngāti Toa's values and aspirations for Te Awa Kairangi are recognised and provided for in all relevant policies, plans and decision-making processes.

Mahinga Kai

Te Awa Kairangi was once the largest source of fresh water in the district, and supported a diverse and abundant native fishery resource which was important to Ngāti Toa's physical and cultural sustenance. In addition to sustaining a large variety of native fish populations, the river also provided access to forest birds, watercress, and numerous other food plants. Today, the lower reaches of the river in particular are in a state of extreme degradation due to the adverse effects of development within the Hutt Valley catchment over many decades. This has severely impacted on the ability to continue customary practices

Arā Waka

Te Awa Kairangi was not only important as a mahinga kai but also provided an efficient means of transport for both people and goods between Porirua, the Hutt Valley and Te Whanganui-a-Tara. Te Awa Kairangi provided an important link to Porirua which was positioned strategically as the gateway to, and from, the north. As Manawhenua of Porirua, Ngāti Toa maintained control over the

5.2.2 Wainuiomata River

The Wainuiomata River is culturally and historically significant to tangata whenua and Ngāti Toa has always maintained manawhenua in this area through the right of take raupatu or conquest. Like Te Awa Kairangi, the Wainuiomata River is a highly valued source of fresh water; traditional foods, medicines, and materials for use in arts and economy. The river continues to support healthy fish populations and provide important spawning habitats for native fish, including inanga. A nationally endangered plant species the tororaro continues to grow in the river catchment area.

Mahinga Kai

As a mahinga kai the river and surrounding forests were used extensively for the customary gathering of traditional foods. In addition to sustaining a large variety of native fish populations, the river also provided access to forest birds, watercress, and numerous other food plants.

Arā Hikoi

The river, hills, and valleys were a primary travel route between Wairarapa and Te Whanganui a Tara (Wellington Harbour).

northern approaches to the Wellington district. This facilitated Ngāti Toa’s virtual monopoly over trade with foreign settlers in Wellington.

Wāhi Tapu

Ngāti Toa is concerned primarily with one site of significance that is directly affected by activities that occur within the application area:

- Te Whanganui-a-Tara/Wellington Harbour
Te Awa Kairangi is the largest freshwater contributory to Te Whanganui-a-Tara and as such plays a vital role in sustaining native fish species in the harbour. Statutory Acknowledgement (SA) of Ngāti Toa historic and customary association with Te Whanganui-ā-Tara is provided within the Te Tau Ihu Settlement Bill in the form of a Deed of Recognition. Further details of the SA are provided in appendix 2.

Due to the geographic topography of Te Awa Kairangi River as a natural flood plain relatively few sites of significance were located in the river corridor and no archaeological sites have been recorded in the application area. Ngāti Toa is aware of two other sites of cultural significance located in close proximity to the application area:

- Maraenuka Pa
This was a temporary pa site situated on the eastern bank of the river on Connolly Street where the Lower Hutt Substation is presently located.
- Paetutu Kainga
Fortified Pa located on the west side of the river near the Waione Street Bridge.

These sites are associated to Te Ati Awa. Each of the three sites has been extensively modified and are unlikely to be affected by the proposed activities.

Wāhi Tapu

One site of significance may potentially be impacted by this application:

- Te Moana o Raukawa/Cook Straight
Wainuiomata River flows directly into Te Moana o Raukawa and sediments or effects to water quality generated by the proposed activities will ultimately affect Te Moana o Raukawa as the receiving environment. Statutory Acknowledgement (SA) of Ngāti Toa historic and customary association with Moana o Raukawa is provided within the Te Tau Ihu Settlement Bill in the form of a Deed of Recognition. Further details of the SA are provided in 2.

The segment of the river in question was not favoured for settlement and Ngāti Toa is not aware of any significant sites within the application area. Similarly, there are no recorded archaeological sites in the application area.

Table 3: Mahinga Kai and Endemic Fish Species

Mahinga kahi fish species				
Māori name	Common Name	Scientific Name	Comment	Te Awa Kairangi
Wainuiomata				
Aua	Yellow eyed mullet	<i>Aldrichetta forsteri</i>		✓
Inanga	Whitebait	<i>Galaxias maculatus</i>	At risk	✓ ✓
Kōaro	Kōaro	<i>Galaxias brevipinnis</i>	At risk	✓ ✓
Kōkopu	Giant kōkopu	<i>Galaxias argenteus</i>	At risk	✓ ✓
Kōkopu	Shortjaw kōkopu	<i>Galaxias postvectis</i>	At risk	✓ ✓
Kōkopu	Banded kōkopu	<i>Galaxias fasciatus</i>		✓ ✓
Kōura	Freshwater crayfish	<i>Paranephrops planifrons</i>		✓ ✓
Ngaoire	Common smelt	<i>Retropinna retropinna</i>		✓ ✓

Pako	Common bully	<i>Gobiomorphus cotidianus</i>	At risk	✓	✓
Piharau	Lamprey	<i>Geotria australis</i>	At risk	✓	✓
Tuna	Long-finned eel	<i>Anguilla dieffenbachii</i>	At risk	✓	✓
kūwharuwharu					
Tuna papakura	Short-finned eel	<i>Anguilla australis</i>		✓	✓
Upokororo	Grayling	<i>Prototroctes oxyrhynchus</i>	Extinct	✓	✓
Other endemic fish species					
	Dwarf galaxias	<i>Galaxias divergens</i>	At risk	✓	✓
Hawai	Bluegill bully	<i>Gobiomorphus hubbsi</i>	At risk	✓	✓
Hawai	Crans bully	<i>Gobiomorphus basalis</i>		✓	
Hawai	Redfin bully	<i>Gobiomorphus huttoni</i>	At risk	✓	✓
Hawai	Upland bully	<i>Gobiomorphus breviceps</i>		✓	✓
Tītarakura	Giant bully	<i>Gobiomorphus gobioides</i>	At risk	✓	✓
	Estuarine triplefin	<i>Grahamina sp</i>		✓	

Table 4: Taonga Plant Species

Taonga Plant Species					
Harakeke	Flax	<i>Phormium tenax</i>		✓	✓
Kahikatea	White pine	<i>Podocarpus</i>		✓	✓
		<i>dacrydioides</i>			
Karaka	Karaka	<i>Corynocarpus laevigatus</i>		✓	✓
Kanuka	Tea tree	<i>Kunzea erocoides</i>		✓	✓
Kauri	Kauri	<i>Agathis australis</i>		✓	✓
Kowhitiwhiti	Watercress	<i>Nasturtium officinale</i>		✓	✓
Mangeao	Mangeao	<i>Litsea calicaris</i>		✓	✓
Manuka	Tea tree	<i>Leptospermum</i>		✓	✓
		<i>scoparium</i>			
Matai	Black pine	<i>Prumnopitys taxifolia</i>		✓	✓
Miro	Miro	<i>Prumnopitys ferruginea</i>		✓	✓
Nikau	Nikau	<i>Rhopalostylis sapida</i>		✓	✓
Raupo	Bullrush	<i>Typha orientalis</i>		✓	✓
Rimu	Rimu	<i>Dacrydium cupressinum</i>		✓	✓
Tawa	Tawa	<i>Beilschmedia tawa</i>		✓	✓
Toetoe	Toetoe	<i>Cortaderia toetoe</i>		✓	✓
Totara	Totara	<i>Podocarpus totara</i>		✓	✓

5.3 Continuous Presence

Following the alienation of Ngāti Toa from the Hutt Valley by the Crown, Ngāti Toa's ability to exercise kaitiakitanga responsibilities in relation to the environment became severely limited, and the overall health of the Te Awa Kairangi River in particular has deteriorated over time. The abundant natural forest which once surrounded the river is now essentially extinguished and all that remains is found in the eastern mountain ranges. Despite this, Ngāti Toa has continued to express rangatiratanga over these areas through the exercise of kaitiakianga, however limited over Te Awa Kairangi and Wainuiomata River. Some families continue to gather small amounts traditional kai from both rivers

through recreational fishing although for varied reasons the application areas of each river are no longer viable areas for customary harvest of food or resources.

As kaitiaki, Ngāti Toa continues to advocate strongly for the protection of customary fisheries and endemic wildlife species within our rohe. In the Wellington Region, Ngāti Toa has been instrumental in implementing a number of strategies to achieve restoration of endemic wildlife populations within highly modified and degraded environments. This has included the institution of a rāhui or fishing ban area at Pukerua Bay in 2002 and again in 2007 which is still in effect and has been pivotal in the re-establishment of grievously depleted fish stocks in this area. More recently, Ngāti Toa have undertaken steps to protect and enhance taonga species at Te Awarua o Porirua Harbour which has many significant management challenges like Te Awa Kairangi due to historic land uses; release of industrial toxins and pollution, in addition to excessive sedimentation. By adopting an integrative management approach with key authorities within the wider catchment area progressive steps to improve ecological health are being undertaken. Key partners in the Porirua Harbour Strategy Plan include Regional Council; Wellington City Council; and Porirua City Council.

The role of kaitiaki with respect to our customary rohe and the promotion of sustainable management is one that Ngāti Toa considers to be of the utmost importance. To date, over 70% of recorded translocations of endangered native species have occurred partially within the Ngāti Toa customary rohe, primarily at Kāpiti and Te Mana o Kupe Islands. In relation to the current applications Ngāti Toa has participated in the translocation of 120 endangered toutouwai (North Island Robin) from Mana Island to Wainuiomata Reserve over the last two years.

5. Assessment of Cultural Effects

The assessment of potential effects to Ngāti Toa cultural values that may result from the continuation of flood protection operations and maintenance activities currently proposed by the Regional Council is a key objective of this report. As kaitiaki, the paramount concern for Ngāti Toa in undertaking this assessment is to ensure that mauri is protected and enhanced. In situations where mauri is already compromised through prior degradation, active efforts to restore mauri are essential.

To assess the mauri of rivers and streams or any potential and actual effects to mauri from human activity, a number of cultural indicators are employed by Te Rūnanga. These include:

- Life supporting capacity and ecosystem health
- Clarity and quality of the water
- Natural flow and processes
- Abundance and diversity of endemic species
- Productive capacity
- Suitability and accessibility for cultural use
- Status and accessibility of sites of cultural significance
- Existing and potential riparian vegetation
- Ratio of native plants to exotic plants

- Catchment land use

Activities such as those proposed by Regional Council interfere with natural processes and have the potential to affect water quality and ecosystem health, causing mauri to become damaged or extinguished. Efforts to establish and mitigate adverse effects of the intended activities to the environment have been initiated by the applicant and will be instrumental in minimising negative impacts to mauri. However, after review of the application documents and available information pertaining to continued flood protection and maintenance works at Te Awakairangi and Wainuiomata River, Te Rūnanga have identified key issues of concern with respect to actual and potential effects to cultural values resulting from these activities. Issues identified are explained below.

6.1 Te Awa Kairangi

The application documents and environmental assessments pertaining to works at Te Awa Kairangi refer repeatedly to the Hutt River Floodplain Management Plan 2001 (HRFMP) to support the intended work program. It is important to state that Ngāti Toa was not directly consulted in the development of this plan or the Hutt River Environmental Strategy 2001 (HRES). Therefore these documents cannot be seen to be representative of the values or views of Ngāti Toa. It is noted however that cultural values have been identified in both documents in addition to recommendations to remedy or restore adverse effects to those values. The majority of recommendations made have not been incorporated into the current application.

6.1.1 Life Supporting Capacity and Ecosystem health

At present, Ngāti Toa considers the mauri of Te Awa Kairangi in respect of the area encompassed by this application to be in a state of degradation, such that remedial and restorative efforts are needed as a matter of priority.

An assessment of effects of flood protection activities on aquatic and riparian ecology in the Hutt River (AOE) prepared for Regional Council (Cameron 2013) acknowledges that these activities have contributed historically and continuously to the decline of native habitats and species. Measures to mitigate adverse effects of the activities proposed by the applicant and the AOE are primarily focussed on maintaining the current status of ecological health within the application area.

While it is recognised by Te Rūnanga that opportunity for restoration within the application area has many limitations due to prior development or modification, there is still much that can be achieved to remedy and restore mauri by improving indications of cultural health as described above. Ngāti Toa strives to restore waterways within our customary rohe .

It is the view of Ngāti Toa that future management of precious freshwater resources must seek to achieve more than merely maintaining the existing and often compromised standards of ecological health in rivers and streams. Enhancement of waterways to restore environmental values to their fullest possible potential should be a primary objective.

6.1.2 Water Quality

Almost all of the proposed activities have a direct and/or indirect impact on water quality. Works undertaken in the river bed generate elevated levels of sediment in the water column; increase turbidity; and reduce water clarity. The primary impacts to water quality are those resulting from activities that require mechanical disturbance of the river bed. The most invasive of these activities include the construction of impermeable erosion structures and channel shaping or realignment such as:

- Gravel extraction for channel shaping and realignment
- Bed re-contouring for channel shaping and realignment
- Construction of rock rip-rap lining
- Construction of groynes
- River crossings by bulldozers and trucks associated with prolonged construction and maintenance activities

Monitoring of these activities downstream of the disturbance areas show that increased sediment levels in the immediate area are relatively short term. However studies show that a good deal of the sediment transported by the river is deposited into the river estuary and harbour floor which contributes to the continued aggradation of the river mouth and harbour environment (McConchie et al., 2011). Further activities that impact in similar ways but occur less frequently include:

- Gabion baskets/Reno Mattress construction
- Driven rail & Mesh gabion walls construction
- Construction of rock or concrete grade control structures
- Construction of debris fences
- Construction of debris arrestors
- Construction of timber groynes
- Permeable groyne construction
- Construction of works outside the river bed
- Demolition of existing structures
- Maintenance of impermeable structures
- Maintenance of works on the river bed

Activities that occur outside of the river bed also contribute to poor water quality such as:

- Stormwater discharge associated with activities outside of the river bed
- The current practice of mowing grass down to and beyond the waterline in the river and contributing streams
- The use of maintenance vehicles on the bed of the river and contributing streams.

A comprehensive program to monitor the effects of activities causing significant disturbance to the riverbed is proposed by the applicant. Measures to mitigate the effects will include the implementation of erosion and sediment control guidelines; and adoption of best practise for gravel removal and channel realignment. These measures will assist with partially mitigating the effects of sediments and

discharges affecting stream quality however a heavy reliance is placed on river flow to disperse sediments generated during heavy works in the river bed.

It is the view of Te Rūnanga that additional measures to remedy and more adequately address the effects of sedimentation are possible through the design and establishment of native wetland areas to aid in filtering and reducing sediment transported within the main river channel and ultimately deposited in the river mouth. The establishment of wetlands is identified as a priority of the HREP. Native vegetation restoration to stream banks as recommended by Cameron (2013) will also improve water quality and in stream-conditions. the use of machinery in stream be avoided where possible and restricted entirely during peak migration period for native fish between 1 September and 9 November.

6.1.3 Abundance and Diversity of Endemic Species

Unsustainable activities and management practises including flood protection and maintenance work undertaken within the application area over many decades has wrought permanent and continued loss of habitat for endemic plant; bird; fish; reptile; amphibian and invertebrate species over much of the 28km of river covered by this application⁷.

Abundance of fish species

The significant depletion of fish stocks as a result of the pressures placed on the river area subject to the application is an issue of on-going concern for Ngāti Toa. The following activities currently undertaken in the river bed and included in the application are known to cause fish mortality and permanent or temporary loss of habitat:

- Construction of Groynes
- Rock lining
- Gabion baskets/Reno Mattress construction
- Driven rail & Mesh gabion walls construction
- Construction of rock or concrete grade control structures
- Mechanical removal of aquatic vegetation
- Gravel removal

A number of other activities also cause temporary or permanent loss of fish habitat and ecosystem diversity including:

- Demolition of existing structures
- Maintenance of works outside the river bed
- Construction of debris fences
- Construction of debris arrestors
- Construction of timber groynes
- Willow planting
- Maintenance and removal of vegetative plantings and structures
- Bed recontouring

⁷ Cameron 2013;

- Dredging of Lower Opahu Stream

As kaitiaki, Ngāti Toa are concerned to ensure that active steps are taken to mitigate and remedy the effects of historical and continuous loss of species abundance and diversity; as well as encroachment of habitat caused by flood protection and maintenance activities in the river.

It is our view that a program to monitor fish abundance and diversity (including habitats) should be included in the monitoring plan to enable more accurate assessment of the effects of these activities to fish abundance. It is also appropriate in this instance to develop and implement a program in conjunction with key stakeholders to actively increase the abundance of fishes in the application area.

Where activities are known to cause fish mortality efforts should be made to remove fish located in the disturbance area prior to commencement of works, in addition to on site monitoring during works to aid with returning fish captured unintentionally.

An optimum level of pools and riffles should be maintained to partially mitigate against loss of habitat caused by regular and extensive disturbances of the river bed. Further remedial measures are also appropriate in this instance to compensate for overall loss and disruption of habitat. The establishment of wetlands and backwaters with native vegetation as recommended above would achieve enhancement of habitat for endemic species in addition to improving water quality.

Fish passage

The construction of rock or concrete grade control structures have potential to present obstacles and barriers for fish passage if measures are not taken to maintain structures or incorporate mechanisms to allow for natural passage of migrating fish. It is also noted by Te Rūnanga that current passage issues exist within the application area. Specifically the weir currently formed below the wastewater pipeline crossing at Silverstream obstructs upstream passage of inanga (whitebait species) and ngaoire (common smelt) (Cameron 2013). To mitigate any actual or potential effects to fish passage, measures to ensure that any structures erected in the riverbed have capacity to allow for natural fish passage. It is further recommended that to avoid potential effects to fish passage resulting from other invasive maintenance and flood protection activities, activities that require the mechanical disturbance of the riverbed or the use of any maintenance vehicles in the river should be prohibited during the primary fish passage season from 1 September to 9 November.

Inanga spawning habitat

The lower reaches of the river which the application area is comprised of provides the only viable location for inanga spawning habitats due to the inability of this species to climb to higher reaches. Unfortunately the existing and potential habitat areas for this species has been severely diminished or restricted due to the continued lack of native vegetation on the river line and structural works in the channel and on the river banks. Modification of tidally affected regions of the river by flood control works have contributed to the destruction of spawning habitat. The primary effects to inanga habitat are caused by:

- The extensive use of rock rip-rap lining
- The extensive and exclusive use of willows for vegetative bank protection

Rock rip-rap lining on the river banks renders those areas permanently unsuitable habitat for inanga spawning and if used extensively can limit biodiversity. Currently it is estimated that 25% of the river bank associated the application area is rock lined and if current trends continue this may increase by an additional 7% over the term of the consent. A further 57% of total riverbank in the application area is lined by willow trees which also produces unsuitable habitat for inanga spawning. This equals a combined total of 77% of river bank within the application area that is no longer able to support inanga spawning habitat.

Ngāti Toa does not support this method of bank protection beyond its current use due to the negative impacts to inanga spawning habitat and ecological diversity. It is further recommended that the total area of rock rip-rap lining within the application area not exceed 30%. In addition to monitoring proposed by the applicant it is appropriate to develop a specific program of protection; enhancement; and further establishment of inanga spawning areas in the application area. Cameron (2013) notes that efforts to improve inanga spawning habitats in the lower Opahu Stream were undertaken by Regional Council as part of the Ava to Ewing flood protection project. These efforts should be enhanced and continued.

Use of willows for vegetative bank protection

The development of vegetative protection for bank control is in the view of Te Rūnanga the least harmful of the proposed methods for bank protection and therefore preferred by Ngāti Toa. However there are significant concerns with respect to the intention of Regional Council to utilise willow trees exclusively for bank protection plantings.

Although it is not estimated that the total area of willow plantings will increase significantly beyond the current 57%, the maintenance of existing plantings will remain a major activity throughout the term of the consent. The use of willow trees to prevent erosion of river and stream banks has been the most common form of vegetative sediment control in New Zealand and Australia since the 1950's. The rapid rate of growth of this species provides relatively inexpensive vegetative protection in a shorter time than other species. Currently willow trees are one of the most common exotic tree species in New Zealand, second only to pine.

Despite a very clear directive from tangata whenua representatives in the HREP to introduce native species into vegetative river bank management this option has been dismissed as a potential method based on trials undertaken at three locations of the application area during 2001. The limitations of natives identified by the trials were that natives:

- Are slower to establish
- Have shallower root systems
- Have higher maintenance costs

While it is well known that willows have short term benefits in terms of achieving rapid development of vegetative bank protection, relatively little research has been undertaken to assess long term comparability of native species (Phillips et al. 2009). Long-term risks associated with the use of willows include a gradual decline in suitability for erosion control as the tree matures and roots become smoother. Such trees require removal which can have a significant impact to fish habitat. A significant management risk also exists with relying solely on one species for essential vegetative management. Bio-security risks can arise from the introduction of biological threats as evidenced by the mass destruction and mortality among New Zealand's willow trees in 1977, caused by the introduced willow sawfly (*Nematus oligospilus*) (Phillips & Daly 2008). This emphasises the need to develop a more diverse management approach to vegetative management and plan for the long-term. Given the long history of these activities; the expectation that activities will continue to be necessary into the foreseeable future; and the extended term of the consent, it is appropriate that a long-term approach to management of vegetative protection be adopted.

Native vegetation control trials undertaken in the past including those which occurred at Te Awa Kairangi have been conducted over a short term with a select number of specimens and species (Phillips & Daly 2008). It is possible that the results of these trials are not representative of the true potential of native species for use in vegetative protection at Te Awa Kairangi. Phillips et al. (2009) identified that the objectives of the trials at Te Awa Kairangi were only partially met due to a number of factors including a loss of plants during trials and a very limited trial design focussed exclusively on establishing natives without any form of secondary protection or dedicated program of maintenance. In particular, the trials failed to adequately answer the question of whether native plantings are able to be used for vegetative river edge protection. In order to definitively answer this question, additional long-term trials using a variety of designs across a range of sites needs to be undertaken. An integrated approach to re-introducing natives alongside conventional methods, or undertaking a staged approach is likely to have more success (Phillips et al. 2009). The application raises further concerns that native vegetation may have potential to cause stream blockages however Ngāti Toa is of the view that this issue is able to be managed through regular maintenance and flood debris clearance activities also included in the application.

More recent trials and integrative approaches have had some success in establishing natives for use in bank protection. Willows can be beneficial in providing a canopy underneath which regeneration of natives can occur. In the Motueka catchment a staged approach to native revegetation is being trialled which includes establishing native growth beneath and willow plantings and gradual reducing the of willow trees used as native vegetation becomes better established. It is the view of Ngāti Toa that more robust trials are necessary and appropriate to more accurately ascertain the suitability of using natives as an alternative or integrated method of vegetative bank protection.

Bird populations

A number of activities included in the application have potential to adversely impact on nesting river birds. These are:

- Construction of groynes

- Rock lining
- Gabion baskets/Reno Mattress construction
- Driven rail & Mesh gabion walls construction
- Willow planting
- Channel shaping and realignment
- Gravel extraction-dry

Although nesting river bird populations are now scarce in the majority of the application area due to loss of habitat the regeneration of native species in the river corridor should encourage the return of some species.

Te Rūnanga supports the recommendation included in the assessment by Cameron (2013) to undertake three yearly annual surveys of river bird populations and repeat on a regular basis.

6.1.4 Customary Practice

Sites of Significance - Te Whanganui-ā-Tara

As previously stated Te Moana o Raukawa and Te Whanganui-ā-Tara are at the heart of the Ngāti Toa rohe and integral to our association with the surrounding land. The potential for adverse effects to Te Whanganui-ā-Tara have been identified by Te Rūnanga resulting from flood protection and maintenance activities within the application area.

Excess sediment transported by the main river body is ultimately deposited in Te Whanganui-ā-Tara and contributes to aggradation on the harbour floor. This is an issue of concern to Ngāti Toa as is the continued loss of habitat for endemic fish species. Issues relating to fish abundance; diversity; and habitat also have a direct impact on the harbour. As the largest freshwater contributory and only significant river flowing into the harbour Te Awa Kairangi has plays a vital role in sustaining endemic fish species in the harbour. The majority of these fish species are required to spend time in freshwater and marine environments respectively at different stages of development.

Mitigation and remediation of these effects can be achieved through implementation of previous recommendations with respect to water quality; fish abundance; inanga spawning habitat; and incorporation of native species into management of vegetative bank protection.

Traditional use

The ability of Ngāti Toa to engage in customary practices associated with harvest of foods or resources is most significantly impacted by the on-going absence of native habitat on the river edges and the consequent decline in taonga species. This has had a lasting and continued detrimental impact on the mauri of the river and the cultural and spiritual wellbeing of the iwi. Although some families continue to fish in parts of Te Awa Kairangi the river in respect of the application area cannot be considered to function as a viable mahinga kai. Other resources traditionally harvested in this area are similarly depleted due primarily to a major loss of habitat and ecosystem support for taonga species.

Mitigation of these effects can only be achieved through the restoration of native plants and trees on the river edge; enhancement of taonga species eco-system support; and re-establishment of sustainable

species populations. It is vital that a way forward be found to re-integrate native plant species onto river banks.

6.1.5 Ratio of endemic species to exotic species

The continued commitment to planting of native species in the river corridor is a positive effect and will provide a small amount of mitigation to customary effects by providing habitat for bird species. However it is noted by Te Rūnanga that the number of native species currently planted is less than half of the number of willows planted in an annual program. It is estimated that an average of 3000 willow plants and 900 poles are planted annually in comparison with an estimated average of 1200 native plantings in the wider river corridor. In order to improve the ratio of native to exotic plantings or at the very least prevent the widening disparity of native species in the application area it is recommended that the total number of native species planted in an annual program should not be exceeded exotic plantings in the same program.

6.1.6 Cumulative Effects

It is widely accepted that flood protection and maintenance activities undertaken in the past have contributed the currently degraded state of the river (Cameron 2013).

In assessing the severity of impacts resulting from individual and collective activities on the environment, consideration has been narrowly restricted to the effects of the works on the currently established and modified environmental ecology within the application area. Consequently, the findings of the assessments provided with the application documents are very limited in scope (Cameron 2013; GWRC 2013a). In addition to the impacts that are identified in the documents many of the works continue to actively prohibit the restoration of ecological health through consistent encroachment or disturbance of endemic species' habitat and potential habitat. Even in cases where encroachment is incremental the continuation of these practises in the long term will have an acute impact.

Given that these activities have contributed to reducing ecological health to its current state and will continue to restrict potential for future restoration it is the view that these activities will have a significant impact on Ngāti Toa cultural values. In particular the on-going inability to engage with the river in customary ways will impact on successive generations and perpetuate the alienation that occurred initially through political means but more finally through environmental degradation. Although Te Rūnanga is supportive of the mitigation measures suggested by Cameron (2013) it is argued that deficiencies are inherent in his assessment of the severity environmental effects due to a limited focus on effects that proposed activities will have and an omission to consider how these same activities have impacted on ecological health prior to this time.

A lack of ability to participate in management of both rivers at a high level has contributed to the severity of cultural impacts associated with the cumulative effects of maintenance and flood protection activities. Ngāti Toa recommends that a joint management arrangement between Regional Council and Mana Whenua be developed and instituted for future management of these rivers to better reflect the customary interests of tangata whenua.

6.2 Wainuiomata River

Wainuiomata River remains relatively pristine upriver of the application area due to a need to preserve the quality drinking water abstracted from the river. However the application area in contrast has been subjected to large scale modification and land use intensification.

6.2.1 Life Supporting Capacity and Ecosystem health

Due to the demands of land and catchment use affecting the area of the river subject to the current application, the life supporting capacity and ecosystem health within the application area has been compromised. As a result the mauri in this part of the river is in a state of degradation and restorative or remedial steps to address environmental health are required.

As with Te Awa Kairangi, the environmental effects of the application activities on the river have only been considered in terms of additional effects that they may cause in the future, no consideration of the long-term impacts these activities have caused previously has been undertaken. Mitigation efforts are similarly aimed at maintaining current environmental standards in the application area although it is difficult to ascertain to what extent the application area differs in ecological health from more pristine parts of the river as monitoring is only undertaken outside of the application area. While it is recognised by Te Rūnanga that opportunity for restoration within the application area has many limitations due to prior development or modification, there is still much that can be achieved to remedy and restore mauri by improving indications of cultural health as described above. Ngāti Toa strives to restore waterways within our customary rohe .

It is the view of Ngāti Toa that future management of precious freshwater resources must seek to achieve more than merely maintaining the existing and often compromised standards of ecological health in rivers and streams. Enhancement of waterways to restore environmental values to their fullest possible potential should be a primary objective.

6.2.2 Water Quality

At least 19 of the individual and component activities included in this application have a direct and/or indirect impact on water quality. These activities are listed and described in section 6.1.2. Works undertaken in the river bed generate elevated levels of sediment in the water column; increase turbidity; and reduce water clarity. The primary impacts to water quality are those resulting from activities that require mechanical disturbance of the river bed. Monitoring of these activities downstream of the disturbance areas show that increased sediment levels in the immediate area are relatively short term. However studies show that a good deal of the sediment transported by the river contributes to aggradation of the river mouth and receiving environment (McConchie et al., 2011). Activities that occur outside of the river bed also contribute to poor water quality through stormwater discharge and crossings of maintenance vehicles on the riverbed.

A comprehensive program to monitor the effects of activities causing significant disturbance to the riverbed is proposed by the applicant. Measures to mitigate the effects will include the implementation of erosion and sediment control guidelines; and adoption of best practise for gravel removal and channel realignment. These measures will assist with partially mitigating the effects of sediments and

discharges affecting stream quality however a heavy reliance is placed on river flow to disperse sediments generated during heavy works in the river bed.

A number of the activities proposed by the application have not been employed at Wainuiomata River or have only occurred rarely in the past. The Regional Council wishes to include the ability to undertake these activities as part of their overall 'toolbox' for flood protection activities in the region. Te Rūnanga is reluctant to summarily include more invasive activities which have not been necessary in the past and the implementation of any of these activities would be a major shift in management approaches to flood protection at the river. Because of this Te Rūnanga considers that further consultation should occur in the event that any of the following activities are proposed for use in the application area:

- Construction of impermeable groynes
- Gabion baskets/Reno Mattress construction
- Construction of debris arrestors
- Gravel extraction
- Driven rail & Mesh gabion walls construction

6.2.3 Abundance and Diversity of Endemic Species

Unsustainable activities and management practises including flood protection and maintenance work undertaken within the application area over many decades has wrought permanent and continued loss of habitat for endemic plant; bird; fish; reptile; amphibian and invertebrate species over virtually all of river area included in this application.

Abundance of fish species

The activities affecting water quality listed in 6.2.2 above are also known to cause fish mortality and permanent or temporary loss of habitat, as is the mechanical removal of aquatic vegetation and flood debris in the river bed. The significant depletion of freshwater fish stocks on a regional and national scale as a result of the pressures placed on rivers in urbanised areas is an on-going concern for Ngāti Toa. A number of other activities also cause temporary or permanent loss of fish habitat and ecosystem diversity including:

- Demolition of existing structures
- Maintenance of works outside the river bed
- Construction of debris fences
- Construction of timber groynes
- Willow planting
- Maintenance and removal of vegetative plantings and structures
- Bed recontouring
- Gravel removal
- Dredging of Lower Opahu Stream

As kaitiaki, Ngāti Toa are concerned to ensure that active steps are taken to mitigate and remedy the effects of historical and continuous loss of species abundance and diversity; as well as encroachment of

habitat caused by catchment use; flood protection; and maintenance activities in the river. In addition to undertaking further consultation for the activities listed in 6.2.2 It is the view of Te Rūnanga that a program to monitor fish abundance and diversity (including habitats) should be included in the monitoring plan to enable more accurate assessment of the effects of these activities to fish abundance. It is also appropriate in this instance to develop and implement a program in conjunction with key stakeholders to actively increase the abundance of fishes in the application area. Where activities are known to cause fish mortality efforts should be made to remove fish located in the disturbance area prior to commencement of works, in addition to on site monitoring during works to aid with returning fish captured unintentionally. For particularly invasive river works an optimum level of pools and riffles should be maintained to partially mitigate against loss of habitat caused by regular and extensive disturbances of the river bed.

Fish passage

Wainuiomata River is identified as a regionally important river system for migratory fish (Strickland & Quarterman 2001). Although the area identified as significant by Regional Council lies downriver of the application area a number of fish populating the river are known to migrate over much longer distances, particularly the long-finned tuna. The construction of structures in the river bed have potential to present obstacles and barriers for fish passage if measures are not taken to maintain structures or incorporate mechanisms to allow for natural passage of migrating fish. To mitigate any actual or potential effects to fish passage, measures must be taken to ensure that any structures erected in the riverbed have capacity to allow for natural fish passage. It is further recommended that to avoid potential effects to fish passage resulting from other invasive maintenance and flood protection activities, those activities that require the mechanical disturbance of the riverbed or the use of any maintenance vehicles in the river should be prohibited during the primary fish passage season from 1 September to 9 November.

Use of willows for vegetative bank protection

As detailed previously in section 6.1.3 Te Rūnanga have significant concerns with respect to the intention of Regional Council to utilise willow trees exclusively for bank protection plantings. Although it is not estimated that the total area of willow plantings will increase significantly beyond the current 73%, the maintenance of existing plantings will remain a major activity throughout the term of the consent. Consideration of the use of natives as an alternative or integrated method has been summarily dismissed by Regional Council based on trials undertaken at Te Awa Kairangi in 2001. As stated previously Te Rūnanga considers that these trials were not adequate to accurately determine the viability of integrating native trees into vegetative bank control. Te Rūnanga further considers that the application area at Wainuiomata differs sufficiently from that of Te Awa Kairangi to require additional dedicated native revegetation trials. A 'one size fits all' approach to managing freshwater resources is not supported by Ngāti Toa.

It is the view of Ngāti Toa that robust trials be undertaken within the application area to ascertain the suitability of using natives as an alternative or integrated method of vegetative bank protection. Trials should occur over a long-term and allow for optimum locations and trial sizes. More recent trials and integrative approaches have had some success in establishing natives for use in bank protection.

Willows can be beneficial in providing a canopy underneath which regeneration of natives can occur. In the Motueka catchment a staged approach to native revegetation is being trialled which includes establishing native growth beneath and willow plantings and gradual reducing the of willow trees used as native vegetation becomes better established

6.2.4 Customary Practice

Sites of Significance - Te Moana o Raukawa

As previously stated Te Moana o Raukawa and Te Whanganui-ā-Tara are at the heart of the Ngāti Toa rohe and integral to our traditional association with the surrounding land. Potential for adverse effects to Te Moana o Raukawa have been identified by Te Rūnangā resulting from flood protection and maintenance activities within the application area. The river estuary at Baring Head where the river converges with Te Moana o Raukawa has been identified as a key native eco-system in the RPS. Excess sediment generated by the proposed activities have potential to contribute to aggradation of the river mouth and seabed of Te Moana o Raukawa. Issues relating to fish abundance; diversity; and habitat also have a direct impact on fish stocks within Te Moana o Raukawa. Wainuiomata River plays a vital role in sustaining endemic fish stocks found within Te Moana o Raukawa. A number of these fish species are required to spend time in freshwater and marine environments respectively at different stages of development. Mitigation or remediation of these effects can be achieved through implementation of previous recommendations with respect to water quality; fish abundance; and incorporation of native species into management of vegetative bank protection.

Traditional use

The ability of Ngāti Toa to engage in customary practices associated with harvest of foods or resources is most significantly impacted by the on-going absence of native habitat on the river edges and the river corridor adjacent to the application area. A result of this is the substantial decline in taonga species. This has had a lasting and continued detrimental impact on the mauri of the river and the cultural and spiritual wellbeing of the iwi. Although some families continue to fish in parts of Wainuiomata River, the river in respect of the application area cannot be considered to function as a viable mahinga kai. Other resources traditionally harvested in this area are similarly depleted due primarily to a major loss of habitat and ecosystem support for taonga species. Mitigation of these effects can only be achieved through the restoration of native plants and trees on the river edge and river corridor; enhancement of taonga species eco-system support; and re-establishment of sustainable species populations. It is vital that a way forward be found to re-integrate native plant species onto river banks.

6.2.5 Ratio of endemic species to exotic species

Native planting programs in the river corridor at many of the other rivers in the region is proposed as a mitigation measure to address some of the effects of these activities however no such program is proposed for Wainuiomata River.

Ngāti Toa considers that a program to undertake native revegetation in the river corridor is appropriate in addition to the recommended trials to assess the viability of using of natives for vegetative bank.

6.1.6 Cumulative Effects

In assessing the severity of impacts resulting from individual and collective activities on the environment, consideration has been narrowly restricted to the effects of the works on the currently established and modified environmental ecology within the application area. Consequently, the findings of the assessments provided with the application documents are very limited in scope. In addition to the impacts that are identified in the documents many of the works continue to actively prohibit the restoration of ecological health through consistent encroachment or disturbance of endemic species' habitat and potential habitat. Even in cases where encroachment is incremental the continuation of these practises in the long term will have an acute impact.

Other consented activities in the application area or upriver of the application area compound the effects of the activities included in the application. Particularly the discharge of stormwater and potential discharge of treated sewerage overflow from the Wainuiomata Wastewater Treatment Plant. Given that these activities have contributed to reducing ecological health to its current state and will continue to restrict potential for future restoration it is the view that these activities will have a significant impact on Ngāti Toa cultural values. In particular the on-going inability to engage with the river in customary ways will impact on successive generations and perpetuate the alienation that occurred initially through political means but more finally through environmental degradation. Te Rūnanga argues that deficiencies are inherent in the assessment of the severity environmental effects due to a limited focus on effects that proposed activities will have and an omission to consider how these same activities have impacted on ecological health prior to this time. A lack of ability to participate in management of both rivers at a high level has contributed to the severity of cultural impacts associated with the cumulative effects of maintenance and flood protection activities. Ngāti Toa recommends that a joint management arrangement between Regional Council and Mana Whenua be developed and instituted for future management of these rivers to better reflect the customary interests of tangata whenua.

7 Summary

This report provides detailed descriptions of Ngāti Toa’s historic relationship with Te Awa Kairangi and Wainuiomata rivers. The nature and extent of Ngāti Toa customary rights; interests; and cultural associations with the river areas subject to current resource consent applications have been outlined in the previous pages. Issues of primary concern identified by Te Rūnanga have also been described in detail.

It is the view of Ngāti Toa that significant potential exists for significant improvement to both river environments encompassed by the current applications despite the extensive modification and degradation that has occurred historically. The majority the issues of concern identified by Te Rūnanga can only be mitigated or remedied through the reintroduction of native plant species on the river banks. Recommendations for mitigation or remediation to address the issues identified have also been provided by this report and are summarised below:

Table 5: Te Awa Kairangi Recommendations

Recommendations	Effects mitigated or remedied
Future management of precious freshwater resources must seek to achieve more than merely maintaining the existing and often compromised standards of ecological health in rivers and streams. Enhancement of waterways to restore environmental values to their fullest possible potential should be a primary objective.	Life Supporting Capacity Ecosystem Health Water Quality Traditional Use
Design and establish native wetland areas to aid in filtering and reducing sediment transported within the main river channel and ultimately deposited in the river mouth. The establishment of wetlands is identified as a priority of the HREP	Water Quality Fish Abundance Fish Habitat Inanga Spawning Habitat
Restore native vegetation on the river banks to improve water quality and in stream-conditions (Cameron 2013).	Water Quality Fish Abundance Fish Habitat Traditional Use
Avoid the use of machinery in stream where possible and restrict entirely during peak migration period for native fish between 1 September and 9 November.	Water Quality Fish Migration
Restore native vegetation on stream banks and avoid the current practise of mowing berms down to stream edge	Water Quality Endemic Species Habitat
A program to actively increase the abundance and distribution of naturally occurring fishes in the application area be developed and implemented in conjunction with key stakeholders.	Fish Abundance Fish Habitat Traditional Use
Efforts to remove fish from the disturbance area should be taken prior to commencing activities known to cause fish mortality	Fish Abundance
A program to actively monitor fish abundance and diversity is included in the monitoring program	Fish Abundance Fish Habitat
Proposed condition F if in the application to ensure that an agreed number of pools and riffles are maintained should be made a confirmed condition of the consent	Fish Abundance Fish Habitat

Ensure that any structures erected in the riverbed have capacity to allow for natural fish passage.	Fish Passage
Total area of rock rip-rap lining within the consent area should not exceed 30% total	Inanga Spawning Habitat
Existing and potential inanga spawning habitats within the application area be identified and enhanced	Inanga Spawning Habitat
More robust native regeneration trials are undertaken in order to develop a feasible approach to re-establishing native riparian vegetation on river banks. Trials should be robust; allow for a variety of trial designs; be undertaken over a long-term; and allow for optimum trial locations and sizes.	Endemic Species Habitat Fish Abundance Inanga Spawning Habitat Cultural Use
The total number of native species planted in an annual program should not be exceeded exotic plantings in the same program.	Ration of Endemic to Exotic Plant Species
Te Rūnanga supports the recommendation included in the assessment by Cameron (2013) to undertake three yearly annual surveys of river bird populations and repeat surveys on a regular basis.	Native Birds
A joint management arrangement between Regional Council and Mana Whenua be developed and instituted for future management of these rivers to better reflect the customary interests of tangata whenua.	Cumulative Effects Traditional Use

Table 6: Wainuiomata River

Recommendations	Effects mitigated or remedied
Future management of precious freshwater resources must seek to achieve more than merely maintaining the existing and often compromised standards of ecological health in rivers and streams. Enhancement of waterways to restore environmental values to their fullest possible potential should be a primary objective.	Life Supporting Capacity Ecosystem Health Water Quality Traditional Use
Further consultation should occur in the event that any of the following activities are proposed for use in the application area: <ul style="list-style-type: none"> • Construction of impermeable groynes • Gabion baskets/Reno Mattress construction • Construction of debris arrestors • Gravel extraction • Driven rail & Mesh gabion walls construction 	Water Quality Fish Abundance Fish Habitat Traditional Use
Avoid the use of machinery in stream where possible and restrict entirely during peak migration period for native fish between 1 September and 9 November.	Water Quality Fish Migration
A program to actively increase the abundance and distribution of naturally occurring fishes in the application area be developed and implemented in conjunction with key stakeholders.	Fish Abundance Fish Habitat Traditional Use
Efforts to remove fish from the disturbance area should be taken prior to commencing activities known to cause fish mortality	Fish Abundance
A program to actively monitor fish abundance and diversity is included in the monitoring program	Fish Abundance Fish Habitat

Ensure that an agreed number of pools and riffles are maintained should be made a confirmed condition of the consent	Fish Abundance Fish Habitat
Ensure that any structures erected in the riverbed have capacity to allow for natural fish passage.	Fish Passage
More robust native regeneration trials are undertaken in order to develop a feasible approach to re-establishing native riparian vegetation on river banks. Trials should be robust; allow for a variety of trial designs; be undertaken over a long-term; and allow for optimum trial locations and sizes.	Endemic Species Habitat Fish Abundance Inanga Spawning Habitat Cultural Use
A program of native revegetation in the river corridor be designed and implemented	Ration of Endemic to Exotic Plant Species
Undertake three yearly annual surveys of river bird populations and repeat surveys on a regular basis.	Native Birds
A joint management arrangement between Regional Council and Mana Whenua be developed and instituted for future management of these rivers to better reflect the customary interests of tangata whenua.	Cumulative Effects Traditional Use

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Appendix 1

POUTIAKI INSTRUMENT

5.22 In clauses 5.23 to 5.34:

5.22.1 poutiaki area means the areas with the general location (but not the precise boundaries) shown in yellow and pink on OTS-068-74; and

5.22.2 relevant councils means the Wellington Regional Council and the Marlborough District Council.

Crown acknowledgment

5.23 The Crown acknowledges Ngāti Toa Rangatira's role as a kaitiaki over the coastal marine area of the following areas that are within the poutiaki area as shown on OTS-068-74:

5.23.1 Cook Strait;

5.23.2 Porirua Harbour;

5.23.3 Te Whanganui / Port Underwood; and

5.23.4 Pelorus Sound / Te Hoiere (including Kenepuru Sound, Mahau Sound and Tennyson Inlet), (the poutiaki coastal marine area).

Poutiaki plan

5.24 The settlement legislation will, on the terms set out in sections 145 to 148 of the draft settlement bill, provide that:

5.24.1 the governance entity may from time to time prepare a plan in relation to the poutiaki area (the poutiaki plan) and lodge it with the relevant councils;

5.24.2 the purpose of the poutiaki plan is to identify:

(a) the values and principles of Ngāti Toa Rangatira in relation to the poutiaki coastal marine area;

(b) the resource management issues of significance to Ngāti Toa Rangatira in relation to the poutiaki coastal marine area; and

(c) Ngāti Toa Rangatira's statement of kaitiakitanga relating to fisheries management in relation to the poutiaki area.

5.25 The settlement legislation will, on the terms set out in section 147 of the draft settlement bill, provide that a relevant council must when reviewing or preparing a regional policy statement or regional coastal plan:

5.25.1 take into account the poutiaki plan, to the extent that the poutiaki plan is relevant to resource management issues and relates to the poutiaki coastal marine area within the council's jurisdiction;

5.25.2 include in the regional policy statement or regional coastal plan a statement of the resource management issues of significance to Ngāti Toa Rangatira as set out in the poutiaki plan; and

5.25.3 refer to the poutiaki plan to the extent that it is relevant in an evaluation of a proposed regional policy statement or proposed regional coastal plan under section 32 of the Resource Management Act 1991.

5.26 The Ministry for the Environment will, following a request by the governance entity to provide technical support in the preparation of the initial poutiaki plan:

5.26.1 meet with the governance entity to agree the nature and scope of the technical support to be provided by the Ministry;

5.26.2 provide to the governance entity the agreed technical support; and

5.26.3 not be required to provide financial support for the preparation of that plan.

5.27 To avoid doubt, the pouitiaki plan does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights (including rights under the Marine and Coastal Area (Takutai Moana) Act 2011) over the pouitiaki area.

The Cook Strait forum

5.28 The Wellington Regional Council has agreed that it will convene an annual Cook Strait forum.

5.29 Within six months after the settlement date, the Minister for Treaty of Waitangi Negotiations will write to the entities identified in clause 5.31 inviting those entities to participate in the annual Cook Strait forum to be convened by the Wellington Regional Council.

5.30 The letter referred to in clause 5.29 will propose that the Cook Strait forum will:

5.30.1 take place annually for the purpose of co-ordinating and sharing information, and discussing issues of concern over the Cook Strait coastal marine area within the jurisdiction of the relevant councils;

5.30.2 be co-chaired by the relevant councils; and

5.30.3 be conducted in accordance with terms of reference that will be developed by the relevant councils and confirmed by the Cook Strait forum. A definition of the applicable coastal marine area of the Cook Strait, for the purposes of the forum, will be outlined in the terms of reference.

5.31 The entities referred to in clause 5.29 are:

5.31.1 the governance entity;

5.31.2 other iwi with interests in Cook Strait;

5.31.3 Wellington Regional Council;

5.31.4 Marlborough District Council;

5.31.5 Department of Conservation;

5.31.6 Ministry for the Environment;

5.31.7 Ministry of Business, Innovation and Employment;

5.31.8 Ministry of Transport;

5.31.9 Maritime New Zealand;

5.31.10 Transpower; and

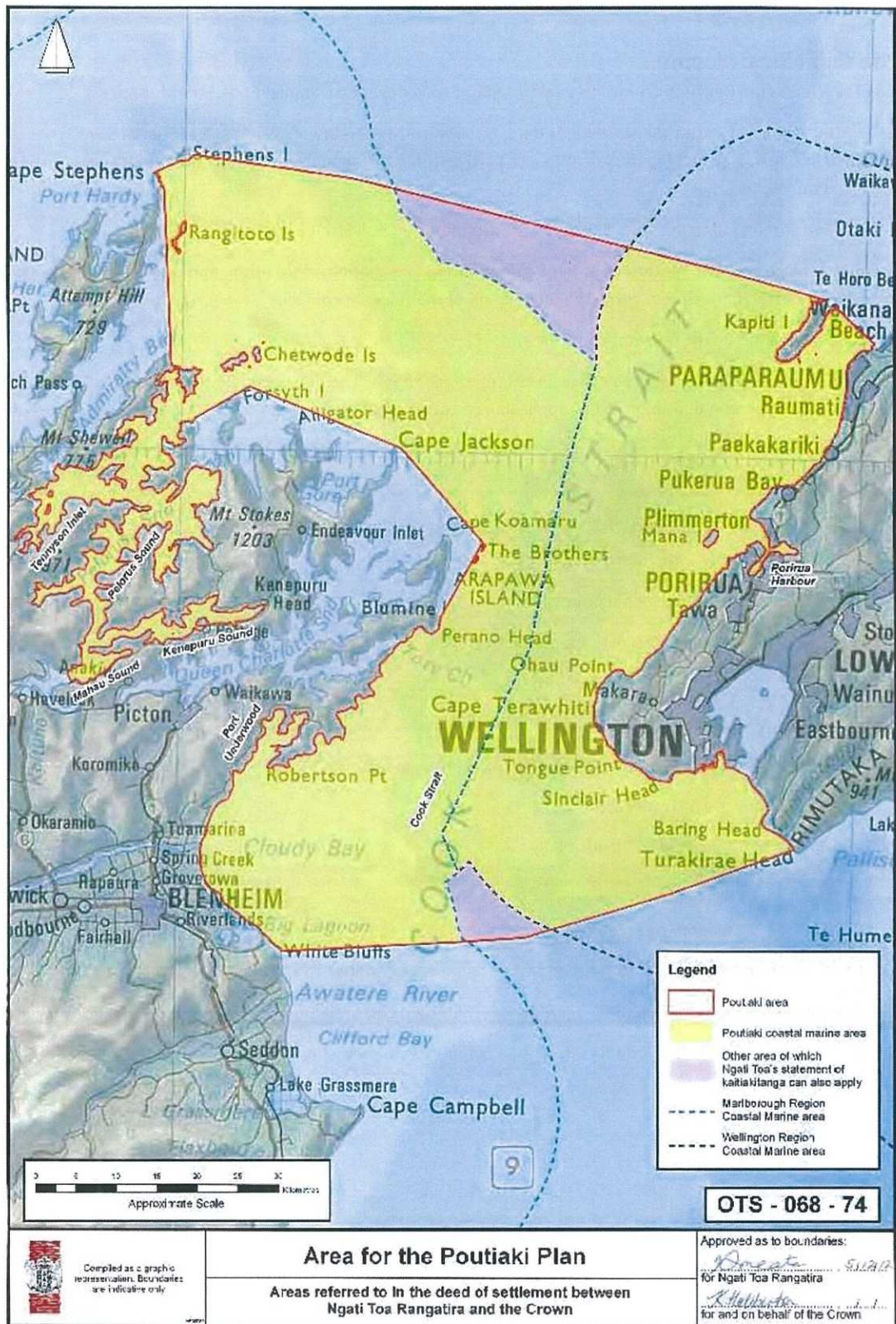
5.31.11 Biosecurity New Zealand.

5.32 The Cook Strait forum may, from time to time, invite other entities to attend a Cook Strait forum.

5.33 The entities referred to in clause 5.31 will meet their own costs relating to participation in the Cook Strait forum.

5.34 To avoid doubt, the Cook Strait forum is not a committee or joint committee of a local authority under the Local Government Act 2002.

MAP 2: AREA FOR THE POUTIAKI PLAN⁸



⁸ Ngāi Toa Rangatira Deed of Settlement Attachments: Deed Plan OTS-068-74

Appendix 2

STATUTORY ACKNOWLEDGEMENT

5.35 The settlement legislation will, on the terms provided by sections 24 to 33 of the draft settlement bill:

5.35.1 provide the Crown's acknowledgement of the statements by Ngāti Toa Rangatira of their particular cultural, spiritual, historical, and traditional association with the following areas:

- (a) Balance of Mana Island (as shown on deed plan OTS-068-28);
- (b) Red Rocks Scientific Reserve (as shown on deed plan OTS-068-29);
- (c) Pukerua Bay Scientific Reserve (as shown on deed plan OTS-068-30);
- (d) Oteranga Bay Marginal Strip (as shown on deed plan OTS-068-23);
- (e) Queen Elizabeth Park (as shown on deed plan OTS-068-24);
- (f) Whareroa Farm (as shown on deed plan OTS-068-25);
- (g) Te Onepoto Bay (as shown on deed plan OTS-068-26);
- (h) Pauatahanui Wildlife Reserve (as shown on deed plan OTS-068-31);
- (i) Horokiri Wildlife Management Reserve (as shown on deed plan OTS-068-32);
- (j) Battle Hill Farm Forest Park (as shown on deed plan OTS-068-27);
- (k) Lake Rotoiti, Nelson Lakes National Park (as shown on deed plan OTS-068-33);
- (l) Lake Rotoroa, Nelson Lakes National Park (as shown on deed plan OTS-068-34);
- (m) Wairau Pa (as shown on deed plan OTS-068-35);
- (n) Chetwode Islands (as shown on deed plan OTS-068-36);
- (o) Malcolm's Bay Scenic Reserve, Arapaoa Island (as shown on deed plan OTS-068-37);
- (p) Hutt River and its tributaries (as shown on deed plan OTS-068-45);
- (q) Maitai River and its tributaries (as shown on deed plan OTS-068-46);
- (r) Wairau River, Omaka River, Ōpaoa River, and Kaituna River and their tributaries (as shown on deed plan OTS-068-47);
- (s) Te Hoiere / Pelorus River and its tributaries (as shown on deed plan OTS-069-48);
- (t) Tuamarina River and its tributaries (as shown on deed plan OTS-068-49);
- (u) Buller River and its tributaries (northern portion) (as shown on deed plan OTS-068-50);
- (v) Waimea River and its tributaries (as shown on deed plan OTS-068-58); and
- (w) Motueka River and its tributaries (as shown on deed plan OTS-068-59);

5.35.2 require:

- (a) relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement; and
- (b) relevant consent authorities to forward to the governance entity:
 - (i) summaries of resource consent applications affecting a relevant area; and

(ii) copies of any notices served on the consent authority under section 145(10) of the Resource Management Act 1991; and

(c) relevant consent authorities to record the statutory acknowledgement on certain statutory planning documents under the Resource Management Act 1991;

5.35.3 enable the governance entity, and any member of Ngāti Toa Rangatira, to cite the statutory acknowledgement as evidence of Ngāti Toa Rangatira's association with any of the areas;

5.35.4 enable the governance entity to waive the rights specified in clause 5.35.2(b) in relation to all or any part of the areas by written notice to the relevant consent authority, the Environment Court or the New Zealand Historic Places Trust (as the case may be); and

5.35.5 require that any notice given pursuant to clause 5.35.4 include a description of the extent and duration of any such waiver of rights.

5.36 The statements of association are in part 2 of the documents schedule.

MAP 2: HUTT RIVER AND ITS TRIBUTARIES⁹



⁹ Ngāti Toa Rangatira Deed of Settlement Attachments: Deed Plan OTS-068-45

Appendix 3

COASTAL STATUTORY ACKNOWLEDGEMENT

5.37 The parties acknowledge that the coastal statutory acknowledgement provided for under clause 5.39.1(a) applies to the coastal marine area of Te Tau Ihu as a whole, but that the individual iwi with interests in Te Tau Ihu have particular areas of interest within that coastal marine area.

5.38 Ngāti Toa Rangatira acknowledge that they intend to exercise any rights under the coastal statutory acknowledgement provided for in clause 5.39.1(a) in a manner that is consistent with tikanga.

5.39 The settlement legislation will, on the terms provided by sections 24 to 33 of the draft settlement bill:

5.39.1 provide the Crown's acknowledgement of Ngāti Toa Rangatira's statement of coastal values in relation to Ngāti Toa Rangatira's particular cultural, spiritual, historical, and traditional association with:

- (a) Te Tau Ihu coastal marine area (as shown on deed plan OTS-068-70);
- (b) Cook Strait (as shown on deed plan OTS-068-38);
- (c) Te Awarua-o-Porirua Harbour (as shown on deed plan OTS-068-39);
- (d) Wellington Harbour (Port Nicholson) (as shown on deed plan OTS-068-40);
- (e) Thoms Rock / Tokahaere (as shown on deed plan OTS-068-41);
- (f) Kapukapuariki Rocks (as shown on deed plan OTS-068-42);
- (g) Toka-a-Papa Reef (as shown on deed plan OTS-068-43); and
- (h) Tawhitikurī / Goat Point (as shown on deed plan OTS-068-44);

5.39.2 require:

- (a) relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement;
- (b) relevant consent authorities to forward to the governance entity:
 - (i) summaries of resource consent applications affecting a relevant area; and
 - (ii) copies of any notices served on the consent authority under section 145(10) of the Resource Management Act 1991; and
- (c) relevant consent authorities to record the statutory acknowledgement on certain statutory planning documents under the Resource Management Act 1991;

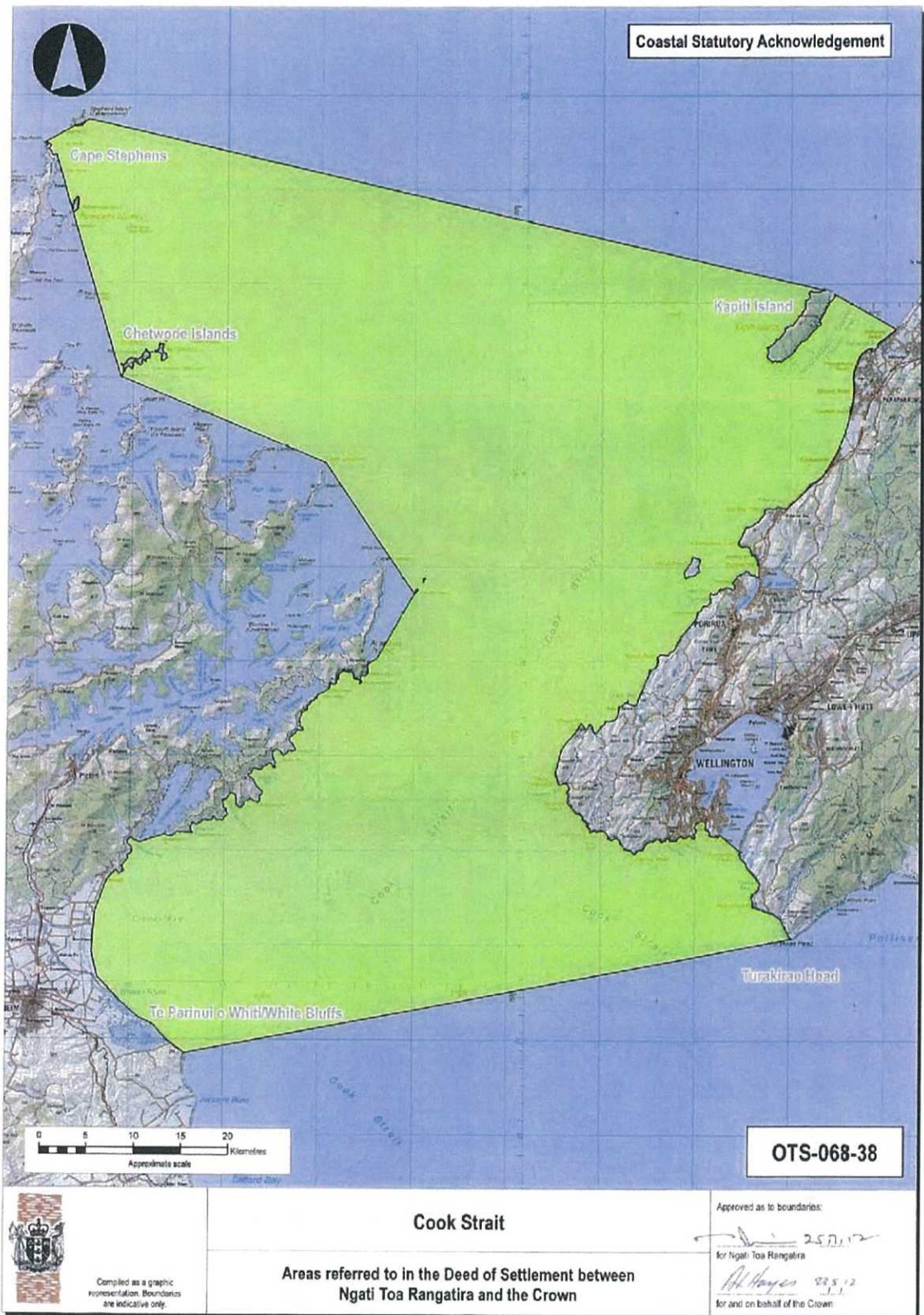
5.39.3 enable the governance entity, and any member of Ngāti Toa Rangatira, to cite the statutory acknowledgement as evidence of Ngāti Toa Rangatira's association with all or any part of the areas;

5.39.4 enable the governance entity to waive the rights specified in clause 5.39.2(a) and (b) in relation to all or any part of the areas by written notice to the relevant consent authority, the Environment Court or the New Zealand Historic Places Trust (as the case may be); and

5.39.5 require that any notice given pursuant to clause 5.39.4 include a description of the extent and duration of any such waiver of rights.

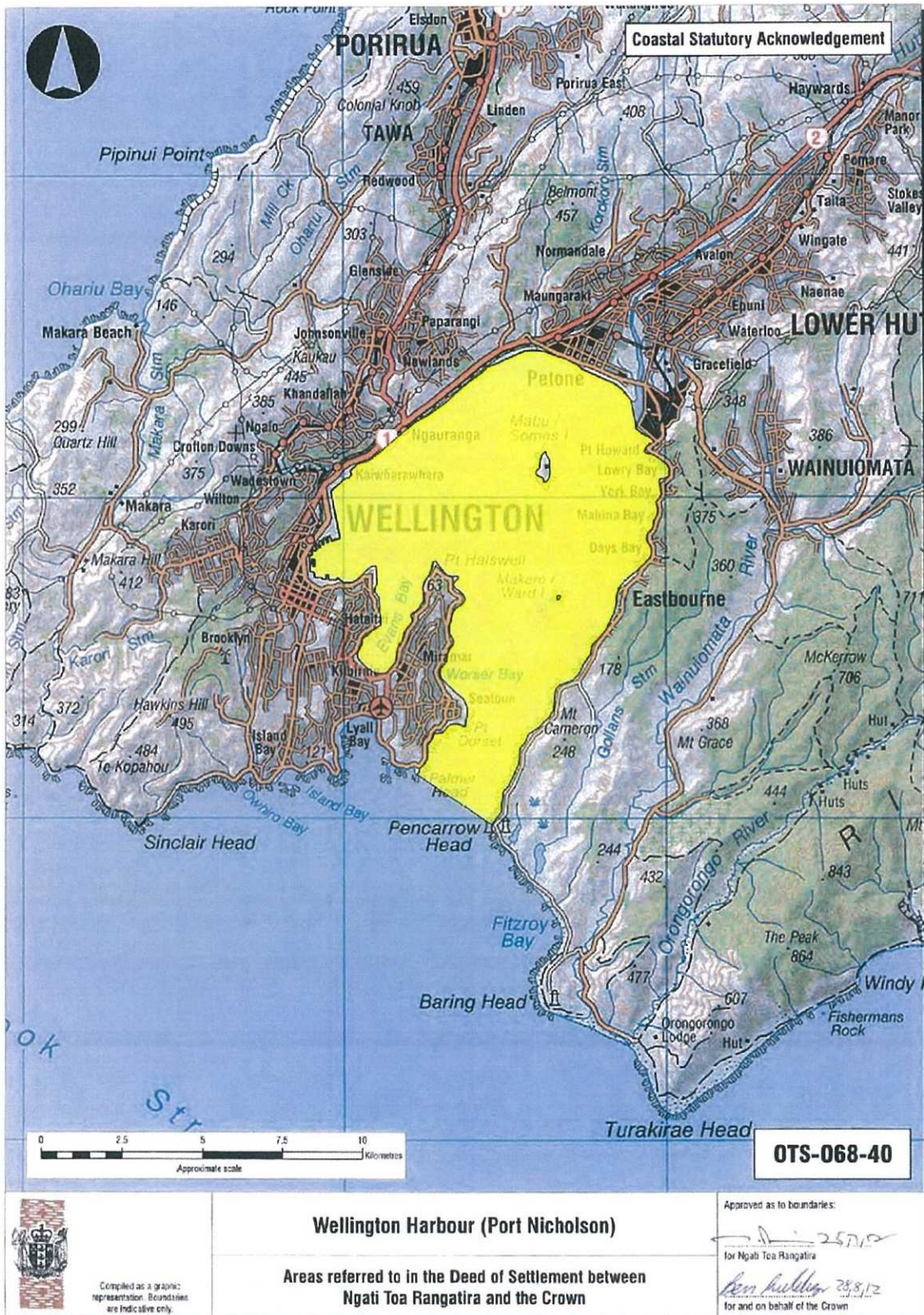
5.40 The statement of coastal values is in part 2 of the documents schedule.

MAP 3: COOK STRAIT COASTAL STATUTORY ACKNOWLEDGEMENT¹⁰



¹⁰ Ngāti Toa Rangatira Deed of Settlement Attachments: Deed Plan OTS-068-38

MAP 4: WELLINGTON HARBOUR COASTAL STATUTORY ACKNOWLEDGEMENT¹¹



¹¹ Ngāti Toa Rangatira Deed of Settlement Attachments: Deed Plan OTS-068-40