

SCHEDULE 11: Statutory Acknowledgements

Statutory Acknowledgements

Attachment to the Horowhenua District Plan in Accordance with Section 32 of the Ngāti Apa (North Island) Claims Settlement Act 2010

Section 28 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 30 and 31; and
 - (b) require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 33; and
 - (c) enable the trustees and any member of Ngāti Apa (North Island) to cite the statutory acknowledgement as evidence of the association of Ngāti Apa (North Island) with the relevant statutory areas, as provided for in section 34.
- (2) This section does not limit sections 38 to 40.

Section 29 Relevant consent authorities to have regard to statutory acknowledgement

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

Section 30 Environment Court to have regard to statutory acknowledgement

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

Section 31 Historic Places Trust and Environment Court to have regard to statutory acknowledgement

- (1) This section applies if, on or after the effective date, an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area.

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- (2) The Historic Places Trust must have regard to the statutory acknowledgement relating to a statutory area in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application, including in determining whether the relevant trustees are directly affected by an extension of time.
- (3) The Environment Court must have regard to the statutory acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 an appeal against a decision of the Historic Places Trust in relation to the application, including in determining whether the trustees are directly affected by the decision.
- (4) In this section, archaeological site has the meaning given to it in section 2 of the Historic Places Act 1993.

Section 32 Recording Statutory Acknowledgement on Statutory Plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
 - (a) the relevant provisions of sections 28 to 31 in full; and
 - (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) any statements of association for the statutory areas.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and 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.

Section 33 Resource Consent Applications Must be Provided to Trustees

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority.
- (3) A summary of an application must be provided under subsection (1)(a)—
 - (a) as soon as is reasonably practicable after the consent authority receives the application; and
 - (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.

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- (4) A copy of a notice of an application must be provided under subsection (1)(b) no later than 10 business days after the day on which the consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation,—
 - (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or
 - (b) under section 95E of that Act, to decide if the trustees are affected persons in relation to an activity.

Section 34 Use of Statutory Acknowledgement

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

Section 35 Trustees may waive rights

- (1) The trustees may waive the right to be forwarded summaries of resource consent applications under section 33 in relation to a statutory area.
- (2) Rights may be waived by written notice to the relevant consent authority, the Environment Court, or the Historic Places Trust, stating—
 - (a) the scope of the waiver; and
 - (b) the period for which it applies.

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- (3) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Section 36 Application of Statutory acknowledgement to River or Stream

If any part of the statutory acknowledgement applies to a river or stream, that part of the acknowledgement—

- (a) applies only to—
- (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream; but
- (b) does not apply to—
- (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) land that the waters of the river or stream do not cover at its fullest flow without flowing over its banks; or
 - (iii) an artificial watercourse; or
 - (iv) a tributary flowing into the river or stream.

Schedule 1 - Statutory Areas in Horowhenua District

- Omarupapako/Round Bush Scenic Reserve as shown on SO 402246
- Ngāti Apa (North Island) Coastal Marine Area as shown on SO 402250

Statements of Association for the Statutory Areas

Statement of Association for the Round Bush Scenic Reserve (Omarupapako)

The Round Bush Scenic Reserve (the Reserve), known traditionally by Ngāti Apa (North Island) as Omarupapako, is of historical, cultural, spiritual and traditional significance to the Iwi. Omarupapako marks the southern extent of the Ngāti Apa (North Island) area of interest and is located approximately halfway between the Manawatu and Rangitikei Rivers, and slightly inland from the coast.

Customarily, Omarupapako was an area rich with mahinga kai. It was a place where Ngāti Apa (North Island) hapu, namely Ngāti Tauira and Ngāti Tai, could fish for kokopu and eels, as well as gather the kiekie plant. The hapu also cultivated the lands surrounding Omarupapako, and from Omarupapako the hapu, along with their whanaunga (relations) from Ngāti Kauae and Ngāti Rangiwaho, accessed the surrounding dune lakes such as Koputara, Kaikokopu and Pukepuke, and their resources.

The 1820s and 1830s were a period of inter-tribal conflict, which led to Omarupapako being utilised by the hapu on a more seasonal basis. In order to maintain peaceful relationships and meet the demand for lands, Ngāti Apa (North Island) leadership brokered relationships with other iwi by way of entering into joint leases with settler farmers over lands at Omarupapako. These arrangements were short-lived and came to an end with the 1866 Rangitikei Manawatu purchase. From this point onwards, the traditional usage of Omarupapako became less frequent and eventually stopped. Omarupapako became

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significant as the southern boundary marker when Ngāti Apa (North Island) land interests to the south were threatened.

Today, due to the marginalisation of Ngāti Apa (North Island) interests to the south of the Rangitikei, Ngāti Apa (North Island) view Omarupapako as more than a boundary marker - the Reserve represents a part of Ngāti Apa (North Island) identity, history and traditions that are passed down from generation to generation.

The Reserve is a remnant of the significant lands of Ngāti Taurira and Ngāti Tai and has retained some of its original natural features. The Reserve today contains significant wetland flora and fauna, where virtually all natural areas in the surrounding lands have been drained, cleared and developed for pastoral farming. In fact, the Reserve is the largest remaining example of indigenous coastal forest in the rohe. The remaining vegetation includes kahikatea, pukatea, titoki, ti kouka, tawa, significant areas of kiekie and broad leaf species. Kokopu and mudfish are also known to be present in the wetlands significant to Ngāti Apa (North Island), including Omarupapako.

Ngāti Apa (North Island) supports current (and future) initiatives to replant native species in areas within the Reserve where pine plantation has been harvested. Ngāti Apa (North Island) also supports initiatives to address the other pest problems such as possums, sambar deer, gorse and pampas grass infiltration into the reserve. In the future, Ngāti Apa wish to play an increasing role in any initiative that preserves and enhances this taonga (treasure) for all future generations.

Statement of Association for the Ngāti Apa Coastal Region

The coastline within the Ngāti Apa (North Island) area of interest is of historical, cultural, spiritual, and traditional significance to Ngāti Apa (North Island). The Ngāti Apa (North Island) coastline extends some 52 kilometres along the western edge of the Ngāti Apa (North Island) area of interest from Motu Karaka in the north to Omarupapako in the south.

The coastline was traditionally used as a highway for Ngāti Apa (North Island) hapu to travel to other areas within the rohe. Other Iwi also used the coastline to pass through the Ngāti Apa rohe to other areas of the country. As recorded in the *Oriori mo Wharaurangi* composed by Te Rangitakorou of Ngāti Apa, Haunui a Nanaia journeyed along the coast naming the three major rivers of significance as he crossed them while in pursuit of his wife, Wairaka.

A major part of traditional life in Ngāti Apa (North Island) involved utilising the resources located within the coastal area. Sea fishing was a major activity, particularly in the summer months. When hapu would gather near the mouths of three of the major rivers within Ngāti Apa (North Island) area of interest, namely the Whangaehu River, Turakina River and the Rangitikei River. Reupena Ngataieparino, a Chief of Ngāti Apa (North Island), quoted an old saying that when the weather was fine, 'oh the Ngāti Tamawaina (a Ngāti Apa (North Island) hapu based near the mouth of the Turakina River) will be at the sea shore fishing.'

Sites of significance located along the coastline and at the mouths of three of the major rivers include:

- Whangaehu River - the Tauranga waka named Harakeke where sea fishing waka landed and were launched and two fishing stations or camps named Maraeaute and Whitiau;
- Turakina River - fishing stations where seafaring waka were launched, namely at Te Ope o Te Wai, Takurangī, Taurangamana, and Te Papa. A sand bank near Te Papa

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was named Te Rangitukaka as it extended across the Turakina River and so this had to be navigated when coming in from sea; and

- Rangitikei River - the fishing station and tauranga waka of Tawhirihoe and the Rangitikei Heads. The latter area was noted as the place that Rangipowhatu, an early ancestor of the Ngāti Taurira hapu of Ngāti Apa (North Island), first settled. From there, his descendants moved into the Rangitikei Valley and populated the area.

Other sea fishing sites of significance included Motu Karaka, a fishing boundary marker located to the north of the Whangaehu River mouth, Urutaukawe, a permanent sand hill used as a bearing point at sea, which was located at the Turakina River mouth, and Omarungehe, an inland marker for catching hapuka.

Two traditional sites of significance located on the coast include:

- Herewahine, which is a sand dune on the beach at the boundary between the Rakautaua and Waipu land blocks. Herewahine was named after a Ngāti Apa (North Island) ancestor who sighted beached sperm whales (paraoa) in the vicinity; and
- Pakauhau, a shag-breeding ground located near the Turakina River where shags were sometimes harvested by hapu.

Shellfish were also prevalent, and therefore gathered, along the coastline. While the coastline was not as abundant in shellfish as other areas of Aotearoa, there are some areas, particularly the beach near the Waipatiki Stream and Waikakahi Stream, where pipi, toheroa, and scallops can be found.

As a result of the early land transactions between the Crown and Ngāti Apa (North Island), access to many of the resources along the coastal area became very difficult and limited. Reserves were established around coastal lakes such as Kaikokopu, Pukepuke and the beach area between the Turakina River and the Whangaehu River, but no legal access was provided for these land areas. These barriers led to the traditional usage of the coastal area being marginalised. In the 1970's and early-1980's, the coastal waters were fished extensively by foreign fishing boats which were allowed to commercially fish in the area, which resulted in the depletion of the Ngāti Apa (North Island) fishery.

Summer fishing in the coastal lakes was also a traditional activity carried out by hapu such as Ngāti Taurira and Ngāti Kauae, who were located at the lower Rangitikei River. Many coastal lakes south of the Rangitikei River, including Puketotara, Rehurehu, Rotokokopu, Pukepuke, Whakarua, Wharekupenga, Oakura, Otahanga, Kaikokopu, Te Kariri, and Koputara, were accessed mainly for tuna, and also for kokopu, mudfish, inanga and kakahi. It is noted that Koputara was allocated to hapu of Ngāti Raukawa in the Rangitikei Manawatu transaction. These lake systems connect with the ocean through the Kaikokopu Stream and the stream connected to Pukepuke Lagoon crossing the coastal margin. The care and protection of these coastal margins was integral to the health of the fisheries at the coastal margin itself and further inland.

Between the Turakina River and the Rangitikei River there are many streams which were utilised for fishing. These include the Waipatiki, Waikakahi, Waimahora, and Koitiata Streams. The fisheries at the coastal margin were a significant part of the overall traditional usage of these streams due to migratory species being harvested in that section.

In recent times, the Manawatu-Wanganui Regional Council has cited the importance of the lower reaches of the Whangaehu, Turakina, and the Rangitikei Rivers native fish spawning. They also note the Koitiata Stream, Waimahora Stream, Waipatiki Stream, Kaikokopu

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Stream as well as the stream that connects to the Pukepuke Lagoon. They also note aquatic sites of significance for the brown mudfish at Omarupapako, banded kokopu in the Waimahora Stream and an unnamed stream in the Santoft Forest which presumably would be the Waikakahi Stream and also Redfin Bullies in the Kaikokopu Stream. Due to the migratory nature of these species, the protection of the coastal margins of these water systems is important in retaining and further enhancing what remnant native fishery there is.

With the advent of pastoral farming the nutrient levels in these vulnerable waterways has increased markedly. Many of them are treated as drains with the focus on keeping the drain clear and not developing them as natural areas. The consequences of these actions also affect these water systems in the coastal margin.

As Ngāti Apa (North Island) develops its capacity it looks forward to a time when hapu are fully engaged in upholding the principle of kaitiakitanga in regard to the Crown lands within the Ngāti Apa (North Island) coastline within the Ngāti Apa (North Island) area of interest.

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