

CULTURAL IMPACT ASSESSMENT
FOR
DEVELOPMENT AT 69-71 TRIG ROAD & 149-157 BRIGHAM
CREEK ROAD, WHENUAPAI

PREPARED FOR
NEIL CONSTRUCTION LIMITED

SEPTEMBER 2021

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TE KAWERAU A MAKI



"Kawerau Iwi, Kawerau Mana, Kawerau Tangata"

PEPEHA

Ko Hikurangi te maunga

Ko ngā Pou a Maki ngā tohu whakahii

Ko te Wao Nui ā Tiriwa te ngahere

Ko te Manukanuka ā Hoturoa me te Waitematā ngā moana

Ko Waitākere te awa

Ko Tainui te waka

Ko Tawhiakiterangi te tupuna

Ko Te Kawerau ā Maki te iwi

Hikurangi is the mountain

The many posts of Maki (Waitākere Ranges peaks) are the markers

Te Wao nui ā Tiriwa is the forest

Manukau and Waitematā are the harbours

Waitākere is the river

Tainui is the canoe

Tawhiakiterangi is the person

Te Kawerau ā Maki is the tribe

CONTENTS

Introduction	4
1.0 Project Background	4
2.0 Site Description	4
3.0 Aims and Objectives	7
Methodology	7
4.0 Statutory Context	7
5.0 Planning Policy Context	10
6.0 Te Ao Māori	12
7.0 Scoping and Consultation	14
8.0 Assessment Approach	15
9.0 Assumptions and Limitations	16
Environmental Baseline	17
10.0 Topography and Geology	17
11.0 Natural Resources and Ecology	18
Cultural Baseline	19
12.0 Statement of Association	19
13.0 Māori Archaeology	21
14.0 Cultural Sites and Resources	22
Impact Assessment	25
15.0 Potential Direct Impacts	25
16.0 Potential Indirect Impacts	25
17.0 Potential Cumulative Impacts	25
18.0 Summary of Effects	25
Conclusion	29
Recommendations	30
References	

INTRODUCTION

1.0 Project Background

Te Kawerau Iwi Tiaki Trust ('the Trust') have been commissioned by Neil Construction Limited (hereafter the Client) to prepare a Cultural Impact Assessment (CIA) for the proposed urban development of land at 69-71 Trig Road and 149-157 Brigham Creek Road in Whenuapai. The properties total 22.89 ha.

The land is situated within the area proposed by Auckland Council under Proposed Plan Change 5 Whenuapai to be zoned a mixture of Light Industry and Residential. The Client seeks to develop the 22.89 ha in two stages. The first stage will be a business park containing 21 industrial lots with two residential "superlots" set aside for future residential development (development density to be dictated by ultimate zoning). The project includes bulk infrastructure, upgrades and widening of the Brigham Creek Road site frontage, a new traffic light-controlled intersection, public roads, pedestrian accessways, and protection and enhancements to riparian margins alongside existing watercourses.

Bulk earthworks is underway under a consent granted in 2020 and the Client has applied for a further earthworks consent covering the balance of the land to start in October 2021. The Client plans to lodge the application for this development under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

This CIA report has been prepared by the Trust as a legal entity of Te Kawerau ā Maki who are a mana whenua iwi of wider Tāmaki Makaurau (Auckland). The purpose of this CIA report is to provide the Client and relevant statutory agencies with documentation of Te Kawerau ā Maki's cultural values, interests, and associations with the project area and its natural resources, and the potential impacts of the proposed project activities on these. This impact assessment also provides recommendations as to how to avoid, remedy or mitigate any potential cultural effects that arise from the project.

Te Kawerau ā Maki engagement in statutory processes including provision of technical advice for impact assessments is guided by our tikanga (customs and protocols) and mātauranga (tribal knowledge) and framed by Te Tiriti o Waitangi, our Te Kawerau ā Maki Claims Settlement Act 2015, our Iwi Management Plan (IMP), and our organisational strategic values: Mana Motuhake (independence); Kaitiakitanga (guardianship and sustainable management); Whānau (people focused); Auaha (innovation); Mātauranga Māori (culture-driven).

2.0 Site Description

The project is located in the upper harbour area of west Auckland at Whenuapai. The Waitematā Harbour is several kilometres to the north, west and south. State Highway 16 runs to the west, while SHW 18 runs to the south. The RNZAF Whenuapai Airbase is immediately to the north, and Waiarohia Stream runs to the south and drains to the east.

The wider proposed project area (hereafter the Study Area) includes the surrounding Whenuapai-Hobsonville-West Harbour area within a 3km radius of the project. This radius is considered necessary given the scale and nature of the proposal in order to better provide the cultural landscape context.

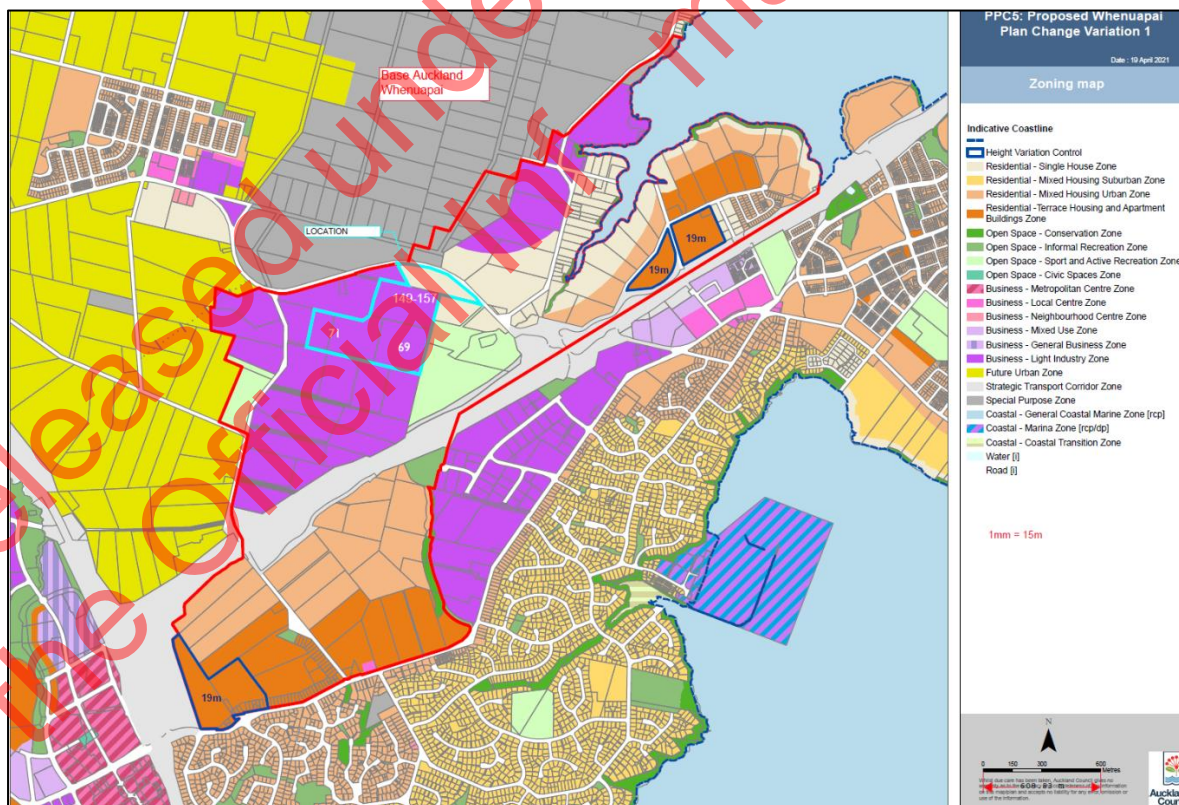
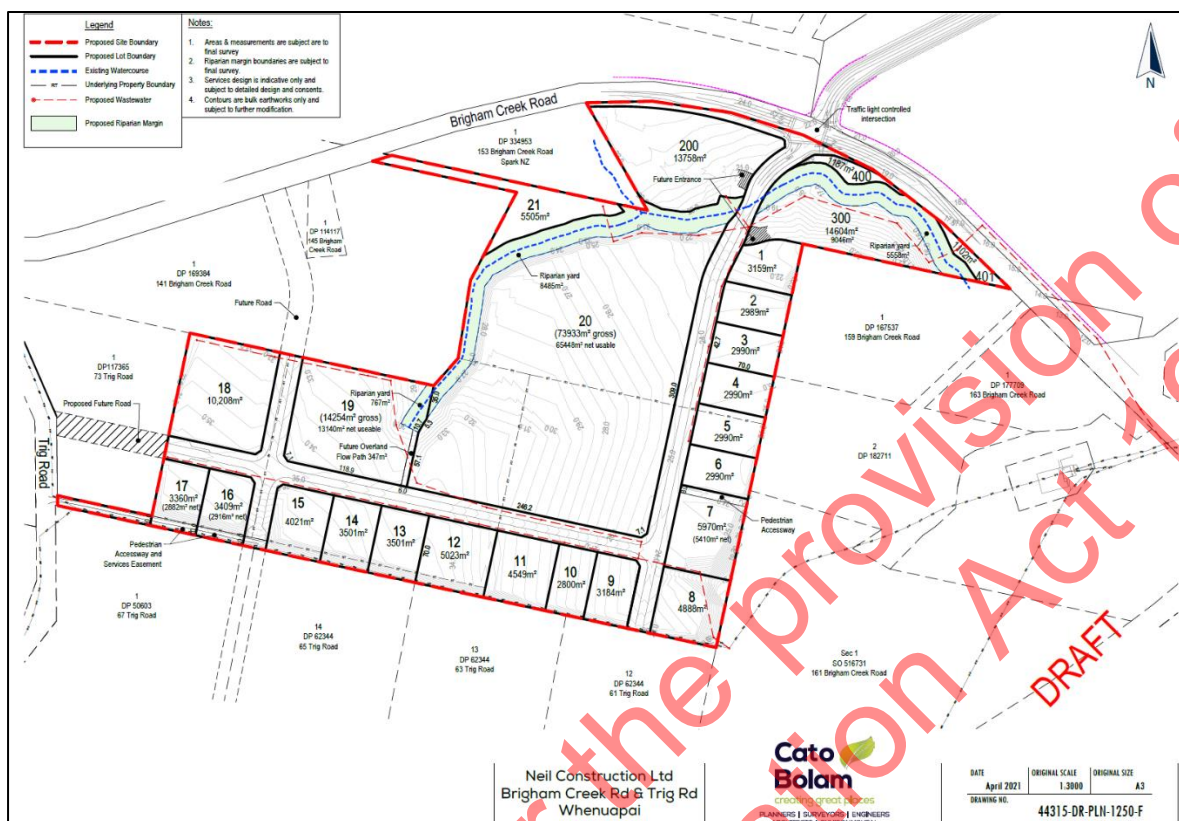
For the purposes of this report, the proposed project site (hereafter the Site) includes the 22.89 ha made up of the properties 155-157 Brigham Creek Road, 149-151 Brigham Creek Road, 69 Trig Road, and 71 Trig Road. These contiguous properties are bound to the north by Brigham Creek Road, the west by Trig Road, and the south and east by current farmland. The Waiarohia Stream runs past the southeast boundary, and a tributary of this running west-east is located within parcels 71, 151, and 155-157.



Figure 1: Map showing Site regional and local context (source: Auckland Council Geomaps)



Figure 2: Aerial showing Site parcels (source: Auckland Council Geomaps)



3.0 Aims and Objectives

The aim of this CIA report is to document Te Kawerau ā Maki's cultural values, interests, and associations with the Site; identify specific cultural sites and resources; assess the values of these sites and resources; identify the potential impacts that arise from project activities and assess the significance of effect; and provide recommendations as to how to avoid, remedy or mitigate the potential effects to Te Kawerau ā Maki.

This impact assessment will:

- provide a baseline of known environmental or natural features and resources that may hold cultural values;
- provide a statement of cultural association Te Kawerau ā Maki has with the Site and Study Area;
- identify any known cultural sites and resources within the Site or Study Area;
- describe the value or significance of such sites and resources;
- identify the potential for unrecorded cultural sites (i.e. buried Māori archaeology);
- identify the cultural constraints and risks associated with the Site and the potential significance of effects; and
- provide recommendations for further assessment where necessary and/or measures to avoid, remedy or mitigate adverse effects upon Te Kawerau ā Maki.

METHODOLOGY

4.0 Statutory Context

Te Tiriti o Waitangi

The key guiding document in any consideration of planning or practice that may impact upon the cultural values or wellbeing of Mana Whenua is Te Tiriti o Waitangi. The principles of the Treaty are recognised and provided for in the sustainable management of ancestral lands, water, air, coastal sites, wāhi tapu and other taonga, and natural and physical resources. The Treaty is articulated in law through an evolving set of principles. These include:

- a. reciprocity
- b. rangatiratanga
- c. partnership
- d. shared decision-making
- e. active protection
- f. mutual benefit
- g. right of development
- h. redress

While Article 1 of the Treaty enables the Crown to govern and make laws, Article 2 guarantees Māori rangatiratanga over their people, lands and taonga (things of value). Māori values, associations and interests with their taonga applies regardless of property titles or other constructs, and the Treaty requires that the Crown actively protect these associations and interests (including through but not limited to statutes). Article 3 provides for equality and equity of citizenship and outcome.

Te Kawerau ā Maki Claims Settlement Act 2015

Te Kawerau ā Maki Claims Settlement Act (TKaMCSA) records the acknowledgements and apology given by the Crown to Te Kawerau ā Maki for historic grievances and breaches of Te Tiriti o Waitangi and gives effect to provisions of the Deed of Settlement that settles the historical claims of Te Kawerau ā Maki. The Act binds the Crown to Te Kawerau ā Maki. The Settlement as delivered through the Act provided both cultural and commercial redress to Te Kawerau ā Maki. This includes binding protocol between Government Ministries and Te Kawerau ā Maki (Part 2, s21 to s26), a recognised and agreed area of interest (Part 1, s12(2b), Part 1 of attachments to Act), and statutory acknowledgements and deeds of recognition (Part 2, s27 to s40, and Schedule 1).

Statutory acknowledgements require relevant consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga to: (a) have regard to the statutory acknowledgement; (b) require relevant consent authorities to record the statutory acknowledgement on statutory plans and to provide summaries of resource consent applications or copies of notices of applications to the trustees; and (c) enable the trustees and any member of Te Kawerau ā Maki to cite the statutory acknowledgement as evidence of the association of Te Kawerau ā Maki with a statutory area. The statutory acknowledgement supports Te Kawerau ā Maki trustees being considered as affected persons in relation to an activity within the area under s95E and s274 of the Resource Management Act (1991), and s59(1) and 64(1) of the Heritage New Zealand Pouhere Taonga Act (2014).

Te Kawerau ā Maki Statutory Acknowledgement Areas are:

- Taumaihi (part of Te Henga Recreation Reserve)
- Motutara Settlement Scenic Reserve and Goldie Bush Scenic Reserve
- Swanson Conservation Area
- Henderson Valley Scenic Reserve
- Coastal statutory acknowledgement
- Waitākere River and tributaries
- Kumeu River and tributaries
- Rangitopuni Stream and tributaries
- Te Wai-ō-Pareira / Henderson Creek and tributaries
- Motutara Domain (part of Muriwai Beach Domain Recreation Reserve)
- Whatipu Scientific Reserve

Heritage New Zealand Pouhere Taonga Act 2014

Statutory protection of Māori archaeology and wāhi tapu is provided for under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA), which is administered by Heritage New Zealand Pouhere Taonga (HNZPT), an autonomous Crown Entity. Under the Act all *in situ* materials, sites, and features older than 1900AD are considered archaeological sites whether previously recorded or not and are afforded automatic protection from damage, modification, or destruction without first obtaining an Archaeological Authority from HNZPT. Moveable objects and artefacts that are not *in situ* but that are from an archaeological context, or are of Māori origin, are controlled under the Protected Objects Act (1975). The HNZ Act S45(2)b stipulates that works on sites of interest to Māori can only occur if (a) the practitioners can demonstrate they have the requisite competencies for recognising and respecting Māori values, and (b) the practitioners undertaking the works have access to appropriate cultural support. Under the Act Mana Whenua are enabled to provide advice or assessment regarding the management or decision taking arising from impacts to their cultural sites, provided these meet the Act's criteria. It is noted that Te Kawerau ā Maki never ceded our sovereignty to govern our taonga to HNZPT and view the HNZPTA as overstepping its authority or role as the decision-maker over the taonga of Te Kawerau ā Maki, thus being in direct breach of Article II of Te Tiriti o Waitangi.

Resource Management Act 1991

The Resource Management Act (RMA) 1991 provides statutory recognition of the Treaty of Waitangi and the principles derived from the Treaty. It introduces the Māori resource management system via

the recognition of kaitiakitanga and tino rangatiratanga and accords Territorial Local Authorities with the power to delegate authority to iwi over relevant resource management decisions. The Act contains over 30 sections, which require Councils to consider matters of importance to tangata whenua. Some of the most important of these are:

- Take into account principles of the Treaty of Waitangi and their application to the management of resources (Section 8).
- Recognition and provision for, as a matter of national importance, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (Section 6(e)).
- Having particular regard to the exercise of kaitiakitanga or the iwi's exercise of guardianship over resources (Section 7(a)).
- Requiring the Minister for the Environment to consider input from an iwi/hapū authority when preparing a national policy statement (Section 46).
- The ability for local authorities to transfer their functions, powers or duties under the Act to iwi authorities (Section 33).
- Development of joint management agreements between councils and iwi/hapū authorities (Section 36B to 36E).
- Having regard to any relevant planning document recognised by an iwi/hapū authority (sections 35A(b), 61.2A(a), 66.2A(a), 74.2A).
- The obligation to consult with iwi/hapū over consents, policies and plans (Combination of all the sections above and Clause 3(1)(d) of Part 1 of the first schedule of the Resource Management Act).

An assessment of impacts on cultural values and interests (CIA) can assist both applicants and the council in meeting statutory obligations in a number of ways, including:

- preparation of an Assessment of Environmental Effects (AEE) in accordance with s88(2)(b) and Schedule 4 of the Resource Management Act 1991 (RMA)
- requests for further information under s92 of the RMA in order to assess the application
- providing information to assist the council in determining notification status under ss95 to 95F of the RMA
- providing information to enable appropriate consideration of the relevant Part II matters when making a decision on an application for resource consent under s104 of the RMA, or when undertaking a plan change
- consideration of appropriate conditions of resource consent under s108 of the RMA.

It is noted that Te Kawerau ā Maki never ceded our sovereignty to govern our taonga to local authorities and view the RMA as enabling councils to overstep their authority or role as the decision-maker over the taonga of Te Kawerau ā Maki, thus being in direct breach of Article II of Te Tiriti o Waitangi.

Reserves Act 1977 and Conservation Act 1987

Section 4 of the Conservation Act, which is invoked by the Reserves Act, states that the Act must be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.

COVID-19 Recovery (Fast-track Consenting) Act 2020

Section 6 of the Act requires decision-making to be consistent with the principles of Te Tiriti o Waitangi and Treaty settlements. Section 17 requires the Ministry to prepare a report outlining iwi interests and Treaty settlement matters in relation to a proposal. Under the Act Treaty settlement lands must not be affected.

5.0 Planning Policy Context

UN Declaration on the Rights of Indigenous Peoples

New Zealand supported the UN Declaration on the Rights of Indigenous Peoples (2007) in 2010. This support was an affirmation of fundamental rights and the aspirations of the Declaration. Article 11 states that indigenous peoples have the right to practise and revitalise their cultural traditions and customs including the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature (clause 1). States shall provide redress through effective instruments, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs. (clause 2) Article 18 and 31 note that indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions. Further that Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

ICOMOS New Zealand Charter 2010

The International Council on Monuments and Sites (ICOMOS) is UNESCO's principal advisor in matters concerning the conservation and protection of historic monuments and sites and advises the World Heritage Committee on the administration of the World Heritage Convention (which includes provision of nationally significant heritage). The New Zealand National Committee (ICOMOS NZ) produced a New Zealand Charter in 2010 which has been adopted as a standard reference document by councils. The Charter sets out conservation purposes, principles, processes and practice. The scope covers tangible and intangible heritage, the settings of heritage, and cultural landscapes. Of particular relevance the Charter states that tangata whenua kaitiakitanga over their taonga extends beyond current legal ownership wherever such cultural heritage exists. The Charter also states that the conservation of Māori heritage requires incorporation of mātauranga and therefore is conditional on decisions made in association with tangata whenua and should proceed only in this context.

National Policy Statement for Freshwater Management 2020

The NPS for freshwater management provides national policy settings that relevant statutory agencies including local authorities must comply with. Central to the NPS is the concept of Te Mana o Te Wai set out in s1.3. This is an aspirational concept that means that the integrity (physical and spiritual) of all water is upheld to its highest possible quality or state. The Crown's interpretation of the concept is that the fundamental importance of water is recognised and that by protecting the health of freshwater we protect the health and well-being of the wider environment, including by protecting wai mauri, and the restoration of the balance between water, the environment, and communities. It provides six principles for the management of water (s1.3(4)). Relevant to tangata whenua are: (a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater; (b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations; (c) Manākitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others. Policy 2.2(2) states that tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for. Policy 2.2(3) requires that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-

catchment basis, including the effects on receiving environments. Section 3.4 sets out how councils must actively involve tangata whenua in the management of fresh water.

New Zealand Coastal Policy Statement 2010

This NPS for coastal management provides national policy settings that relevant statutory agencies including local authorities must comply with. Policy 2 provides for the principles of Te Tiriti o Wa tang and kaitiakitanga through: (a) recognising the traditional and continuing cultural relationship with areas of the coastal environment; (b) involving tangata whenua in the preparation of regional policy statements and plans; (c) with the consent of tangata whenua incorporate mātauranga Māori in regional policy statements, in plans and in the consideration of applications for resource consents, notices of requirement for designations, and private plan changes; (d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance; (e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council; (f) provide for opportunities for tangata whenua to exercise kaitiakitanga over water, forests, lands, and fisheries in the coastal environment; and (g) in consultation and collaboration with tangata whenua, (i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments, and (ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage.

Auckland Unitary Plan

At a Local Government level, the Auckland Unitary Plan (AUP) provides for the protection and management of matters of importance to Mana Whenua including the environment and cultural heritage. These matters are set out in the Regional Policy Statement Chapter B6.

Policy B6.2.2 provides for the recognition of Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation. This includes Policy B6.2.2(1) that provides for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga.

Policy B6.3.2 deals with recognising Mana Whenua values and includes clause (1) that enables Mana Whenua to identify their values associated with ancestral lands, freshwater, biodiversity, and cultural heritage places and areas, and clause (2) that requires the integration of Mana Whenua values, mātauranga and tikanga in the management of natural and physical resources within the ancestral rohe. Clause (3) ensures that any assessment of environmental effects for an activity that may affect Mana Whenua values includes an appropriate assessment of adverse effects on those values. Clause (6) of the policy requires resource management decisions to have particular regard to potential impacts on: the holistic nature of the Mana Whenua world view; the exercise of kaitiakitanga; mauri; customary activities; sites and areas with significance spiritual or cultural heritage value; and any protected customary right under the Takutai Moana Act (2011).

Policy B6.5.2 provides for the active protection of Mana Whenua cultural heritage. Clause (2) sets out a framework for identifying and evaluating Mana Whenua cultural heritage using the assessment factors of: mauri; wāhi tapu; kōrero tūturu; rawa tūturu; hiahia tangata tūturu; and whakaaronui o te wā. Clause (4) requires the protection of places and areas listed in Schedule 12 Sites and Places of Significance to Mana Whenua from adverse effects. Clause (7) provides for the inclusion of a Māori cultural assessment in structure planning and plan change processes, and clause (9) encourages appropriate design, materials and techniques for infrastructure in areas of known historic settlement and occupation.

Iwi Management Plan

Te Kawerau ā Maki Resource Management Statement (1995) was lodged with Council explicitly as an iwi authority planning document under sections 66(c) and 74(b) of the RMA 1991 (since repealed). The IMP describes the continuing role of Te Kawerau ā Maki as kaitiaki (guardians) and provides policies to guide statutory authorities and applicants. Policy 2.2(2) promotes the integration of Te Kawerau ā Maki tikanga in resource management, while clause (3) requires engagement by all agencies within the rohe to help give effect to the kaitiaki role of the iwi. Policy 4.1.2(3) requires that cumulative effects upon Te Kawerau ā Maki are fully recognised and provided for. Policy 4.2.2 concerns Te Kawerau ā Maki cultural heritage and requires the protection of all heritage sites including access requirements (s4.2.2(1)); the involvement of Te Kawerau ā Maki in all instances where potential effects may arise (s4.2.2(2)); and the recognition of Te Kawerau ā Maki cultural and spiritual values (s4.2.2(3 and 4)). Policy 4.3.2 concerns the management of kōiwi, while s4.4.2 regards the management of water. Activities in the Coastal Marine Area are covered by s4.5.2. Waste management policies are described in s4.6.2 and land and landscape policies are set out in s4.7.2. Indigenous flora and fauna policy settings are described in s4.8.2 including opposition to all destruction of native flora and fauna without Te Kawerau ā Maki written consent. Policy 4.9.2 concerns Te Kawerau ā Maki participation in design of the built environment and interpretation of heritage. The IMP also details formal support and adoption of the 1993 Mataatua Declaration on cultural and intellectual property rights of indigenous peoples.

6.0 Te Ao Māori

Our worldview is the framework by which we understand and navigate our physical and metaphysical environment. A full account of the cosmological underpinnings of Te Ao Māori is not offered here but in brief it recognises both the spiritual and the physical, is guided by different domains governed by atua or distinct spiritual entities, and involves several core concepts including whakapapa, mana, wairua, mauri, tapu, and noa. Mātauranga is the knowledge or wisdom about the world developed over generations and passed down from tūpuna, while tikanga is the evolving set of principles and customary practices by which Māori give effect to this knowledge to navigate the world safely.

Papatūānuku

The primordial goddess embodying the whenua or land. She is the earthmother to all living things. This whakapapa is one of the reasons why whenua is the name for placenta as well as land, and why in Te Ao Māori tangata whenua belong to the whenua and not the other way around. Papatūānuku is a source of rejuvenation and life.

Ranginui

The primordial god embodying the sky or heavens. He is the skyfather to all living things. When he was separated from his wife Papatūānuku by their children, his tears became the rain which is considered tapu until it reaches the ground (wai Māori).

Tūmatauenga

The god of war and human activities and a progenitor of humanity.

Tāwhirimātea

The god of weather including thunder, lightning, wind, clouds and storms. He was opposed to the forced separation of his parents Papatūānuku and Ranginui and therefore he wars with his brothers and their descendants to this day.

Tāne

The god of forests and animals and an originator and protector of humans. Responsible for separating the embrace of his parents and ushering in Te Ao Marama (the age of light).

Tangaroa

The god of the sea, lakes, rivers and animals that live in them. There is a close and sometimes contentious relationship between Tangaroa and Tāne reflected in creatures such as reptiles and whales and in the dynamic between the sea and the coastline.

Rongo

The god of cultivated plants and agriculture also associated with peace.

Haumia-tiketike

The god of uncultivated plants and wild foraging.

Matā-oho

The local god of volcanic activity and earthquakes that formed the Tāmaki volcanic field.

Whakapapa

The sacred genealogy linking all things. Humans whakapapa not only to human tūpuna (ancestors), but also to the whenua, atua and their respective lineages. All indigenous animals and plants have an interconnected whakapapa. Whakapapa is a prerequisite of mana whenua, whānaungatanga, and kaitiakitanga.

Mana

A core metaphysical concept regarding the inherent authority or power of people, places or objects. Mana is derived or delegated from atua and, in the case of humans, is both inherited and earned through actions. Everything including people has an element or degree of mana. A person or tribe's mana can increase or decrease depending on the success, failure or nature of actions (or inactions) and is directly tied to their wellbeing. Undertaking the responsibilities of manakitanga and kaitiakitanga successfully are examples of maintaining or enhancing mana and contribute to cementing mana whenua.

Tapu

A core metaphysical concept regarding a state or degree of sacredness, prohibition, being set apart or forbidden. Tapu is a state where a person, place or thing is under the protection of or dedicated to an atua and is thus removed from profane or normal or common things and uses. Tapu is closely linked to mana and governs the behaviour of individuals and the wider society. Everything including people has an element or degree of tapu that must be preserved and respected. It is a priority of rangatira, tohunga and kaitiaki to maintain tapu and to ensure it is not diluted by common things. As with mana, the maintenance of tapu is directly linked to the wellbeing of both individuals and the tribe.

Noa

A core metaphysical concept regarding a normal or common (and sometimes profane) state that is in essence the opposite of tapu. Noa actions and things (whakanoa) can dilute tapu.

Wairua

A core metaphysical concept regarding the immortal spiritual or non-physical element of people, places or things.

Mauri

A core metaphysical concept regarding the essence that binds the physical and the spiritual together to enable life to exist and to thrive. Mauri is a sacred element and can be weakened or enhanced. When damaged or diluted the binding between the physical and the spiritual realms is weakened and life begins to falter and fail. It is the sacred obligation of mana whenua, through the act of kaitiakitanga to maintain the balance of mauri within people, places, objects, ecosystems, and the hapū or iwi.

Mātauranga

The body of knowledge or customary wisdom and skill embedded within the tohunga, whānau, hapū and iwi. Mātauranga is passed down the generations from tūpuna but is also added onto through successive generations of uri, and culturally encodes hundreds of years of observations, measurements, theory, and custom regarding Te Ao Māori and the environment.

Tikanga

The lore, customs, practices, protocols, rules and methods that give effect to the application of mātauranga in navigating the natural and social world. There are different tikanga for different contexts and in different domains.

Cultural Values

Cultural values are the shared norms that govern the continuation of culture and provide the framework for social and individual actions. Key values include rōngatiranga (chiefly authority or self-governorship), whānaungatanga (kinship and reciprocal connection through shared whakapapa), wairuatanga (spirituality), manakitanga (hospitality and showing care), and kaitiakitanga (guardianship or stewardship).

7.0 Scoping and Consultation

The Study Area comprises a 3000m radius from the centre of the Site. This radius is considered appropriate given the large scale and complexity of the Site and presence of heritage sites in the vicinity that could have setting or indirect impacts. Within this area all appropriate and known cultural sites, areas, landscapes and resources have been identified. Te Kawerau ā Maki however reserve the right to withhold certain information regarding wāhi tapu or sites that are culturally and spiritually sensitive to the iwi.

This report includes all known or appropriate-to-report elements of the natural and cultural environment within the Site and Study Area considered to hold cultural value for Te Kawerau ā Maki. This information forms the baseline of the assessment. This includes native biodiversity and ecology, geological and topographic features, natural resources including water bodies, built heritage such as marae, socio-cultural features such as papa kāinga, cultural landscapes, historic or cultural sites, Māori archaeological sites, pou whenua and significant cultural public art.

Mātauranga/cultural knowledge of the Site and Study Area has been obtained, where appropriate, from Te Kawerau ā Maki kaumatua, kuia and other holders of knowledge within the iwi. Readily available published and unpublished written records, illustrations, maps, archaeological and geological records were reviewed during preparation of this cultural assessment. Spatially referenced heritage asset data was reviewed from the Auckland Council Cultural Heritage Inventory (CHI) and the New Zealand Archaeological Association (NZAA) recording scheme database (ArchSite). Other information, reports, and impact assessments available for the Site that have been provided by the Client have been reviewed including:

- Arboricultural report by Tree 3 Limited (April 2021)
- Archaeological reports by Clough and Associates Ltd (March 2019)
- Geotechnical reports by CMW Geosciences (January 2020 and September 2020)
- Ecological report by Biosearches (September 2021)

The opinions contained within this document may change and/or develop as new information is released.

This Cultural Impact Assessment involved a desktop study based on review of technical information, cultural knowledge of the area, and research. A site visit was not undertaken due to Covid19 restrictions in place at the time of writing.

8.0 Assessment Approach

Following standard Environmental Impact Assessment (EIA) methodologies and planning terminology, but adapted for CIA purposes, this report will:

- a. **Identify** the cultural sites, areas and resources (defined as both tangible and intangible cultural heritage, natural resources of cultural interest, and socio-cultural features) within a Study Area encompassing the proposed Site and a wider area that may be directly or indirectly impacted. The Study Area is defined as approximately 3000m radius of the Site to correspond with a likely area of setting impacts (e.g. noise, visual), indirect impacts, and a logical catchment of the cultural landscape.
- b. Provide comment on the cultural **value** of the identified cultural sites, areas and resources. Māori cultural value is not derived from national or local policy but is defined and determined by tangata whenua and their particular world view and culture. Māori values are distinct from historic, archaeological or other value-systems, and are recognised by the courts and statute as their own legitimate knowledge-system with tangata whenua being the experts. Māori values are informed by whakapapa and guided by tikanga and kawa, with emphasis placed on the associative and living connection to places and resources which sustain cultural knowledge (mātauranga), practices, and spiritual and physical wellbeing. All cultural sites, areas and resources are of value and significance to Te Kawerau ā Maki, who hold a holistic view of the environment and the unique relationship of the iwi to the whenua. It is inappropriate to apply a Western paradigm of value hierarchy or significance ranking (i.e. 'low, medium, high') when using a Te Ao Māori lens. For planning purposes, all cultural sites, areas and resources can be considered to hold high value, which is supported by RMA Part II matters noting the relationship of tangata whenua with their lands, waters, and taonga as nationally significant. Value is also assigned against the cultural values identified in the AUP Policy B6.5.2(2):
 - i. Mauri: the mauri (life force and life-supporting capacity) and mana (integrity) of the place or resource holds special significance to Mana Whenua;
 - ii. Wāh Tapu: the place or resource is a wāhi tapu of special, cultural, historic, metaphysical and or spiritual importance to Mana Whenua;
 - iii. Korero Tūturu: The place has special historical and cultural significance to Mana Whenua;
 - iv. Rawa Tūturu: the place provides important customary resources for Mana Whenua;
 - v. Hiahiatanga Tūturu: the place or resource is a repository for Mana Whenua cultural and spiritual values; and
 - vi. Whakaaronui o te Wa: the place has special amenity, architectural or educational significance to Mana Whenua.
- c. Identify the potential **impacts** to cultural resources and elements. Only Mana Whenua can define the impact to their cultural values, but guidance is noted below. Cultural impacts can be neutral, negligible, minor, moderate, or major and either adverse or beneficial. Impacts can also be temporary or permanent. Impacts can be:

- i. direct (i.e. physical impacts resulting from a development, impacts to the settings of cultural sites or the character of cultural landscapes, visual, noise, odour, or culturally inappropriate land use activities).
 - ii. indirect (i.e. traffic congestion, erosion due to vegetation loss, or other secondary impacts that occur over time or in a secondary location to the original activity).
 - iii. cumulative (i.e. impacts which are caused by the combined result of past, current and future activities, or in-combination impacts).
- d. Define the **significance of effect** resulting from combining the value of a cultural site, area or resource and the level of potential impact to that site, area or resource. Significance of effect is assessed pre-mitigation but can also be assessed again post-mitigation to ascertain the *residual effect* and effectiveness of any proposed mitigation. Significant effects (within a planning framework) are those with moderate or large effects (either adverse or beneficial). This method is outlined below in Table 1.

Table 1: Significance of effect

		LEVEL OF IMPACT				
		No Change	Negligible	Minor	Moderate	Major
CULTURAL VALUE	High	Neutral	Minor	Moderate	Large	Large
	Medium	N/A	N/A	N/A	N/A	N/A
	Low	N/A	N/A	N/A	N/A	N/A

9.0 Assumptions and Limitations

Te Kawerau ā Maki are the experts of our own culture and tikanga. This expertise and the equal weighting of mātauranga Māori evidence is accepted in the courts and by statute. Through a necessity to work within a Western planning framework we utilise planning language where possible to aid in mutual understanding, however there is difficulty in the translation and application of some core cultural concepts to such a framework. This is particularly an issue when segmenting or demarcating value spatially, when ascribing a type of significance hierarchy, and when limiting value to tangible elements, whereas Māori hold a holistic perspective that operates differently to typical Western paradigms. This means that where there is doubt or confusion over a term or point of discussion, readers should contact Te Kawerau ā Maki directly for clarification.

Due to the sensitive nature of certain cultural knowledge, areas and sites (e.g. burial grounds), Te Kawerau ā Maki reserves the right not to identify the exact spatial extents or provide full information of such areas to retain and protect this knowledge within the iwi. In other situations, while a general area may be known to be of cultural significance the exact spatial extent or location of the site may have been lost over successive generations. Where possible and appropriate, sites are described and defined to enable discussion of the impacts while acknowledging these limitations.

The environmental and archaeological data relied upon for elements of this report are derived from secondary sources and it is assumed the data and opinions within these and other secondary sources is reasonably accurate.

The CHI and ArchSite databases are a record of known archaeological and historic sites. They are not an exhaustive record of all surviving historic or cultural sites and resources and do not preclude the existence of further sites which are unknown at present. The databases also utilise a site location point co-ordinate system rather than detailing site extents or cultural landscapes.

ENVIRONMENTAL BASELINE

10.0 Topography and Geology

The underlying geology of the area consists of Late Pliocene to Middle Pleistocene pumiceous river deposits (Puketoka Formation). These soils are, generally speaking, more suitable for gardening horticulture (negligible to moderate limitations on productivity) than the Waitematā series clays of the surrounding districts to the north and east. This is evidenced by past horticultural land use of the area, and the CMW report finding that a rich (moist to wet and dark brown) topsoil layer covers the Site. The land is relatively flat and low-lying being part of the Waitematā Harbour basin catchment. The adjacent and surrounding harbour is of obvious interest.



Figure 5: Geology of the Study Area (From GNS Science 1:250K map)

The Site itself slopes gently to the east and drains to the Waiarohia stream. The Waiarohia Stream runs past the southeast boundary, and a tributary of this running west-east is located within parcels 71, 151, and 155-157. The Site can be typified as enclosed pasture with stands of exotic trees (remnant horticultural windbreaks). Large areas of the Site are currently being earthworked however under the previous consent. A small number of existing dwellings and farming structures are situated on the Site.



Figure 6: Photograph looking north over the Site (source: Client)

11.0 Natural Resources and Ecology

The relatively productive soils and the stream systems are the main natural resources of cultural relevance to note. The native ecology of the Site is very poor and what vegetation exists is generally weedy species, although some of the more mature exotic trees can provide habitat worth considering in any phased enhancement works according to the Tree 3 Limited report (2021).

According to the Bioresarches report (2021), historically (pre-human) the area would have comprised the forest ecosystem type 'Pūriri forest' (WF7) and would have supported a diverse range of invertebrates, amphibians, reptiles, birds and bats. It has been devoid of such native habitat for at least most of the 20th century. Native vegetation is limited to riparian margins and has been characterised as:

"low value, consisting of low-stature, common native trees (e.g. pōnga, harakeke, tarata and tōtara) sparsely established in the riparian margins with a damaged understorey. The vegetation provides low quality fauna habitat as the vegetation is of low stature, lacked ecological complexity and is subject to high edge-effects and limited terrestrial connectivity."

In terms of fresh water habitat there are four watercourses, one pond and two wetlands identified within the Site which form a tributary of the Waiarohia Stream. Two ephemeral overland flow paths were present within the southern area and had been "clearly modified through straightening and deepening" according to the ecological report. Overall, the aquatic habitat is severely degraded through land-use practices.

In terms of native fauna nothing of note is reported within the preliminary ecological report, but a more detailed report to follow might confirm this. The habitat is considered highly degraded, but it could nonetheless host native lizards, avifauna (kahu or hawk over the pasture and other species in mature trees), an aquatic fauna including tuna (eels). It is unlikely the Site includes bat roosts. Ecological reports tend not to report on native insect populations, but the Kaipatiki district on the other side of the harbour is known to host important species around waterways, and while unlikely here, is worth noting.

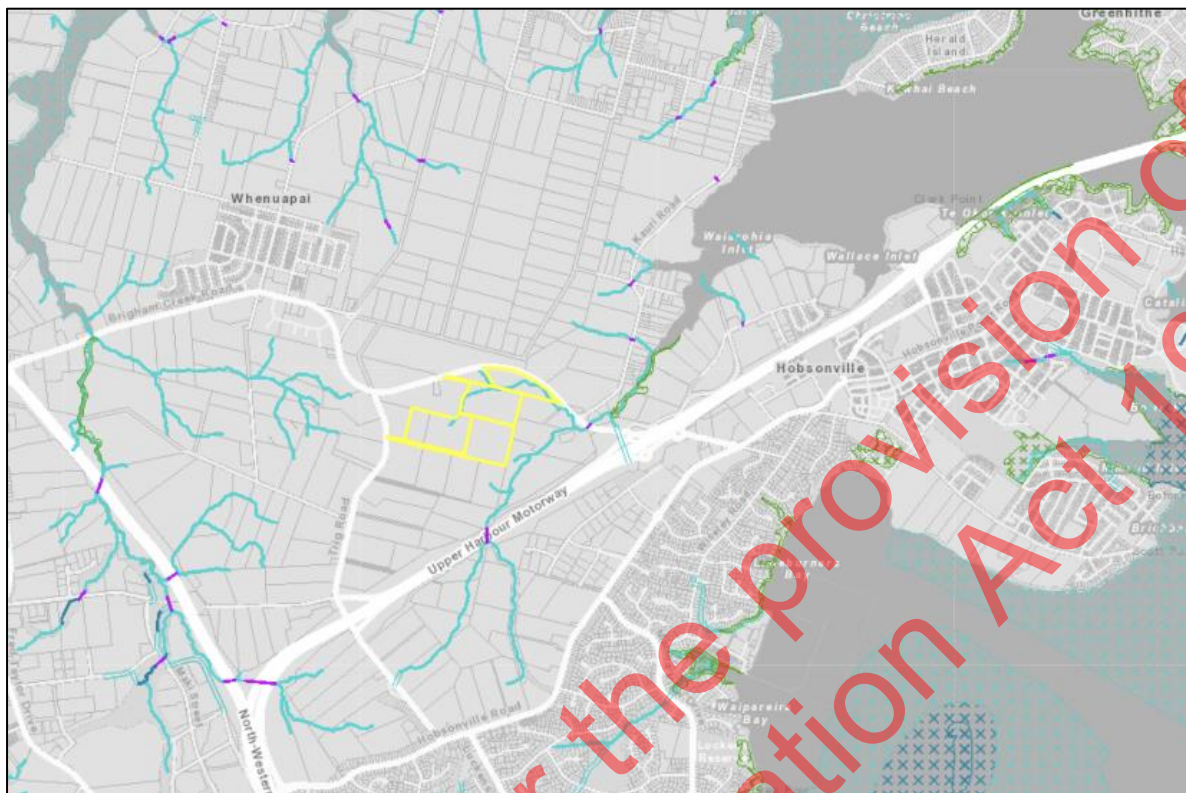


Figure 7: Map showing waterways and significant ecological area (source: Council Geomaps)

CULTURAL BASELINE

12.0 Statement of Association

Te Kawerau ā Maki is an iwi with customary interests that extend from Hikurangi (West Auckland), east through the Tāmaki isthmus, and north through lands around the upper Waitematā Harbour and North Shore (Te Whenua roa ō Kahu), and into the south Kaipara and Mahurangi. Te Kawerau ā Maki interests also extend into the Haurangi Gulf including islands such as Tiritiri Matangi. Te Kawerau ā Maki hold mana whenua or customary rights in particular over Hikurangi and the upper Waitematā which is the heartland of the iwi and where we assert lead cultural interests. Te Kawerau ā Maki have shared whakapapa with many other hapū and iwi who also have overlapping customary interests in these areas, though our take whenua (specific land rights) and take moana (specific water rights) may differ in nature and location.

Te Kawerau ā Maki are represented by Te Kawerau Iwi Settlement Trust (TKIST) which is the post-settlement governance entity established under the Te Kawerau ā Maki Claims Settlement Act 2015. The Settlement Act formally recognises the Te Kawerau ā Maki area of interest described above (figure 8). The central purpose of Te Kawerau Iwi Tiaki Trust (a subsidiary of TKIST) is to protect, enhance and progress the cultural, social and environmental wellbeing of the iwi and to support the kaitiaki responsibility of ensuring the restoration and maintenance of the cultural and natural environment.

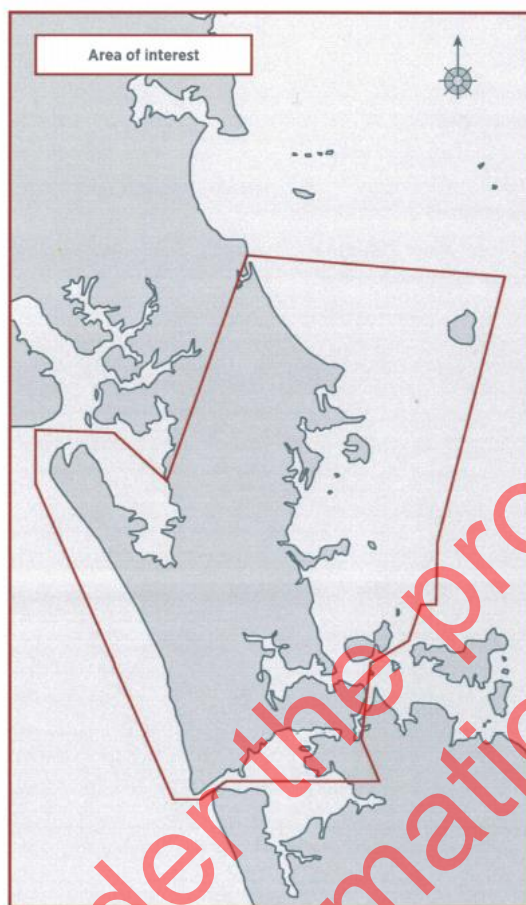


Figure 8: Map showing Te Kawerau ā Maki area of interest

Te Kawerau ā Maki trace their whakapapa back to the first inhabitants of the land – the Tūrehu, and on to the first migrants who descended from Kupe-mai-tawhiti and Toi-te-huatahi. Te Kawerau ā Maki also descend from the arrival of the Tainui, Aotea, Tokomaru, Kahuitara, Kurahaupo and Moekakara canoes around the 14th century, and the Ngā i Awa, Ngā Oho, and Ngāiwi people who occupied the wider Tāmaki Makaurau area prior to 1600. The eponymous ancestor Maki is an important figure in the history of Tāmaki Makaurau. He was a famed warrior and leader who was victorious in a number of battles and settled (through peace marriages) much of the region during the early 1600's. He descended directly from Rakataura (Hape) of the Ta nui waka, and from the Ngā Oho and Ngaiwi peoples of the region as well as their close relations at Kawhia. In time Maki's descendants occupied lands from Hikurangi, to Te Whenua roa o Kahu, Whangaparaoa, Mahurangi, Matakana, Pakiri, southern Kaipara, and the Gulf Islands of Aotearoa (Great Barrier Island), Hauturu o Toi (Little Barrier Island) and Tiriti Matangi, forming the Te Kawerau confederation, a group of interrelated hapū with shared descent from Maki and his brothers. The name Te Kawerau ā Maki itself arises from an incident which occurred while Maki was visiting the southern Kaipara and is also one of the names given to Maki and his wife Rotu's only southwest Kaipara-born son and the founding ancestor of the iwi, Tawhia-kī-terangi.

The Site cannot be examined in isolation of the wider cultural/ancestral landscape or takiwa. This wider context is required to better understand the cultural values associated with the lands and resources occupied by and surrounding the Site. Cultural landscapes are the sum of the tangible and intangible resources and geography, archaeological features, wāhi tapu, place names, histories, activity areas, places and sites that are interconnected and imbue a spatially defined area with context and meaning for a particular cultural group or groups. Cultural landscapes are what give meaning to and allow interpretation of otherwise spatially discrete sites and resources. They are also integral to Te Kawerau ā Maki's identity, sense of place and connection, and wellbeing. Cultural heritage (taonga-tuku-iho) sits

within and across cultural landscapes and includes Te Kawerau ā Maki history, culture, traditions, tikanga, place names, artefacts, archaeological features, wāhi tapu, natural features and resources with cultural value, and historic places. It is notable that cultural heritage encompasses both tangible (e.g. physical) and intangible (e.g. spiritual) elements. These features help tie the iwi to the whenua and create a web of cultural reference points within the rohe (tribal area).

The Study Area sits within the Hikurangi district and is thus part of the heartland of Te Kawerau ā Maki. Hundreds of years ago Te Wao Nui ā Tiriwa (the great forest of Tiriwa) stretched to the shores of the upper Waitematā. The Waitematā is named after a mauri stone placed by our Te Arawa tūpuna Kahumatamomoe, its waters and shores significant for kai and transport. This section of the harbour is known for the tribal kaitiaki the Kawau that roosted nearby.

Our ancestors have lived in the area for over 32 generations. The Study Area is particularly associated with our ancient princess Pareira of whom the bay and kāinga Wai-ō-Pareira (Waipareira Bay) to the south is named, along with the large river today known as Henderson Creek. Further south was the kāinga Kōpupāka (near Luckens Reserve). To the southeast is the mahinga kai called Tahingamanu and the important headland kāinga known as Te Onekiritea. To the east near the southern side of the upper harbour bridge is Te Okoriki, while immediately east and south is the wāhi tapu and kāinga called Te Waiarohia ō Ngariki so named after a sacred spring of an ancient Ngaoho subtribe. This wai tapu is of high significance to the tribe and we have called for its protection and enhancement for decades. To the northeast is motu pākihi, and across from it the cliffs known as Te Turerenga and the sandy headland known as Onetaipu. To the north is the coastal area known as Waikōtutukutuku and across from it on the northern side of the harbour is Te Tauhinu pā. Whenuapai is a modern Māori name for the general Study Area and references its fertile or habitable nature. Waimarie (peaceful waters) is another older name but Te Kawerau ā Maki generally refer to the area by the name Rawawaru (the name of the awa north of the Whenuapai airbase). North of Rawawaru on the other side of the harbour is the headland Te Kokanga. In the northwest of the Study Area is Ngongetepara awa sometimes also called Te Wai Pītoitoi or Waiteputa (Brigham's Creek). To the west is the awa known as Wai Whakataratara which runs southwest to Pukewhakataratara. This puke was an important landscape marker and transition point to the old ridgeline walkways that ran south towards Tītirangi and also west towards Te Henga.

These are ancient placenames passed down the generations and include names specific to Te Kawerau ā Maki. The Study Area was part of the domain of the Te Kawerau Confederation hapū Ngāti Poataniwha (named after a great-grandchild of Maki). The daughter of Poataniwha was Rangihina and she married Te Au ō Te Whenua, the great-grandchild of Maki and the rangatira of Te Kawerau ā Maki hapū during the late 1600s and early-1700s. Te Kawerau ā Maki thus occupied these lands through direct descent from both Te Kawerau ā Maki and Ngāti Poataniwha. Te Kawerau ā Maki continued to use both the permanent settlement named above, but also the entire coastline well into the 1850s and as late as the 1920s in some areas, before our remaining lands were alienated and our waters polluted.

Our deep association and customary rights with the Study Area was formally recognised by the Crown in our Treaty settlement signed in 2014 and enacted in 2015. It is reflected in the fact that we hold a statutory acknowledgement over Te Wai ō Pareira (Henderson Creek) and the Waitematā Harbour. It is also reflected in the fact that several local placenames were official changed to their traditional (Te Kawerau ā Maki) names through our settlement, including Te Onekiritea. Importantly it is also reflected in our exclusive Treaty settlement lands at the nearby Clark House and at Te Onekiritea. We hold land at the later in ownership for a future marae or cultural centre. We are the only iwi with marae land in proximity to the Site.

13.0 Māori Archaeology

The known archaeological record (surmised from NZAA and CHI databases) within the Study Area can be typified as predominantly coastal middens evidencing seasonal resource use and occupation on the coastline of the area. There are a few examples of more substantial settlement and occupation particularly on the headland pā on the periphery of the Study Area. The Clough and Associates reports

(March 2019) state that “for the most part the archaeological sites in the vicinity of Whenuapai relating to Māori occupation are small and dispersed around the shoreline of the upper harbour”. The report notes that:

“subsistence strategies employed by Māori inland from the coast consisted of the hunting (by spear and snare) of kaka, kereru, kiwi, wood-hen, tui and other small birds, while rats were caught in pits or traps. Forest plants also provided a range of foods with fruits, bracts and tubers from a variety of plants all gathered and consumed, while those Māori who dwelt on the coastlines of the Waitemata Harbour would have had an abundance of fish and shellfish resources at their disposal.”

The reports conclude that no archaeological material has been identified within the Site or within 500m of the Site, and that subsequently the archaeological values of the Site are nil. It is worth noting that the nature of archaeology means that the total resource of an area is not known until it is either fully investigated by exploratory means prior to works, or uncovered during project earthworks. While there is a low likelihood for potential unrecorded archaeology there remains a possibility. Finally, it must be understood that absence of archaeology does not necessarily equate to absence of cultural activity and cultural value (as shown in the earlier section).

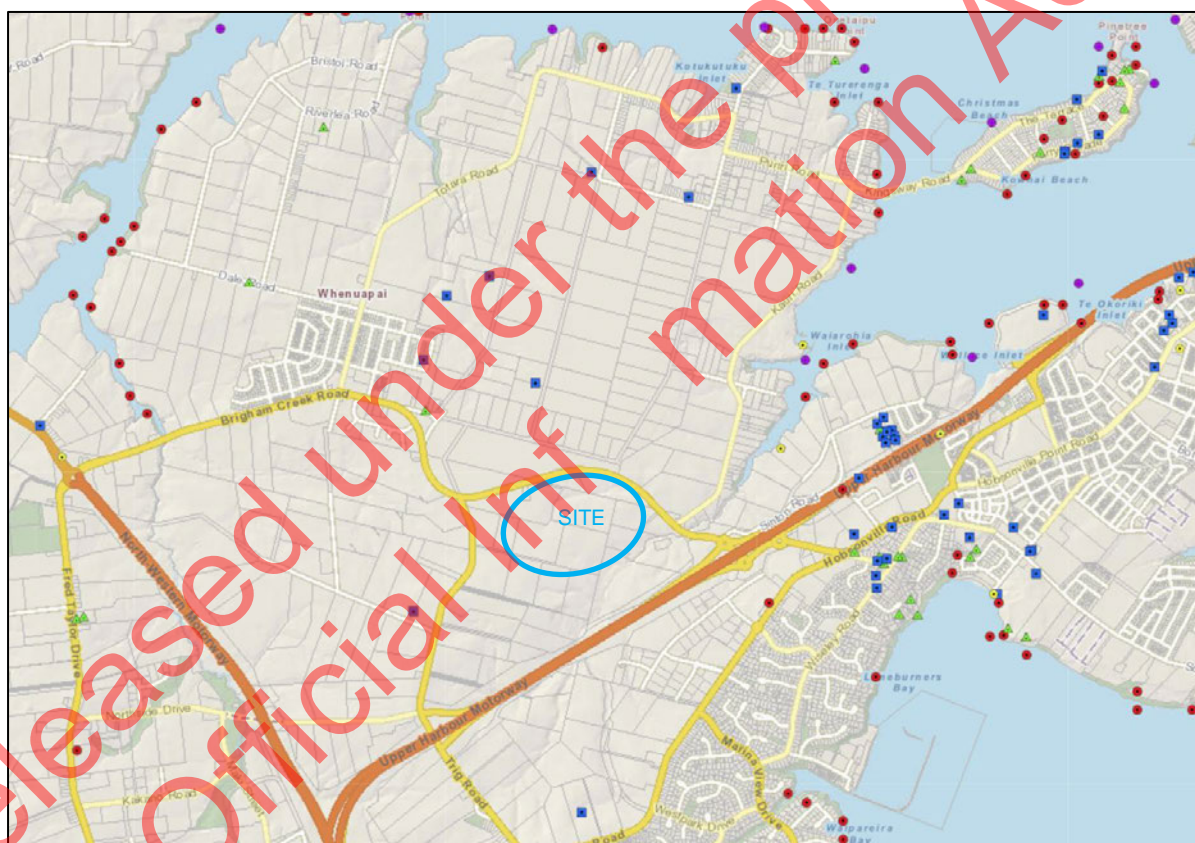


Figure 9: Map showing Māori archaeological records in the area (from Council CHI)

14.0 Cultural Sites and Resources

For Te Kawerau ā Maki the entire Whenuapai area is a cultural landscape, embedded with identity, meaning, and significance. The character and integrity of the whole is made up of its constituent parts, such as the upper Waitematā harbour setting, the numerous low-lying streams that intersect the relatively fertile land, the coastal kāinga sites, and the wider historic transport networks that run through important sites such as Pukewhakatarata. The land on which the project is proposed is significant due to its place within this landscape, as well as its productive soils and particularly its proximity to Te

Waiarohia o Ngariki and its tributaries. Below is an annotated list of specific sites, areas and resources of cultural significance in the Study Area which Te Kawerau ā Maki consider appropriate to disclose (Table 2).

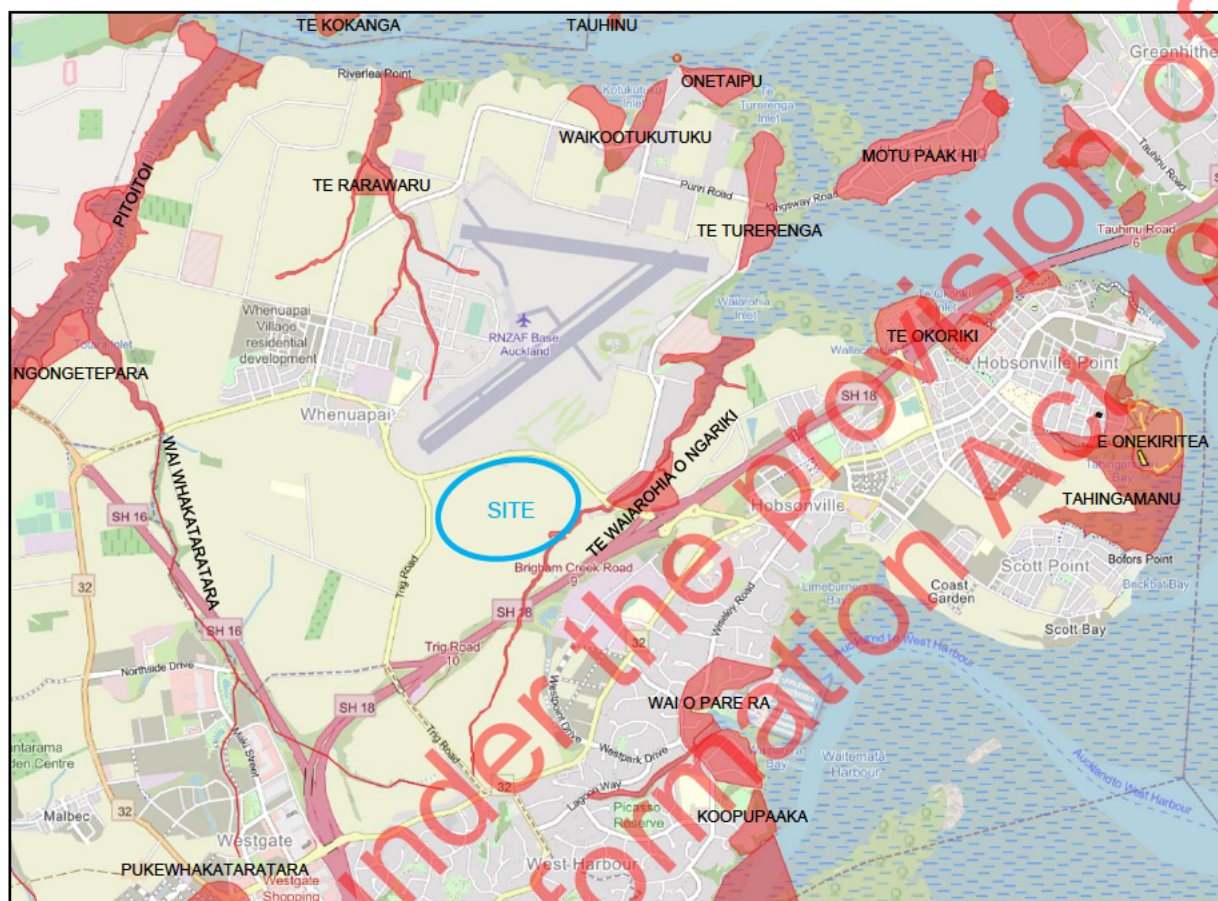


Figure 10: Map depicting some of the cultural sites, areas and resources within the Study Area and Site.

Table 2: Summary of cultural sites, areas and resources within the Study Area.

Name	Description	AUP value	Cultural value
Te Wai te mata o Kah	The waters of the harbour are of shared customary and ancestral rights, are integral to the understanding of our rohe and cultural landscapes, and provided a source of kai and transport for generations	Mauri, Wāhi Tapu, Kōrero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu,	High
Whenua (Soils)	The soils of the Site are relatively productive and able to be used for the growing of food and sustaining of habitat, and hence contain a strong sense of mauri	Mauri, Rawa Tūturu	High
Te Waiarohia o Ngariki (and tributaries)	The stream, spring, inlet, and kāinga that runs along the south of the site is a wai tapu and wāhi tupuna of immense significance associated with our ancient Ngariki ancestors. The freshwater bodies and courses of the Site, including intermittent waterways but in particular water that flows year-round, are a source of wai Māori that can sustain life and thus hold a strong sense of mauri	Mauri, Wāhi Tapu, Rawa Tūturu, Kōrero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu,	High
Native Vegetation	While the Site does not contain significant native vegetation, it does contain some young pōnga, harakeke, tarata and totara in places along the riparian margins	Mauri, Rawa Tūturu	High
Lizards	It is possible the Site includes native lizard (gecko) populations	Mauri	High

Avifauna	It is possible the Site includes native bird populations, particularly kahu (hawk) that are known to hunt in the wider area	Mauri	High
Aquatic Fauna	It is possible the Site includes native fish and other aquatic species, at least in the permanent watercourse in the northeast	Mauri, Rawa Tūturu	High
Māori occupation and use (archaeology)	The surrounding area was known to be utilised extensively by our ancestors, however most archaeological evidence is confined to the coastline. It is likely that use within the Site would have been relatively transitory or impermanent, and combined with the observed record, means the likelihood of unknown archaeology is low. If encountered however, such evidence is important as it relates directly to our ancestors	Kōrero Tūturu	High
Northwest Waitematā Cultural Landscape	The cultural landscape is one connected to the great forest that once reached to the shores of the Waitematā, and the character of the many low-lying ancient seasonal coastal kāinga that are located along the shores of the Waitematā wherever fresh water, food resources, and transport access were available	Mauri, Wāhi Tapu, Kōrero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu, Whakaaronui o te Wa	High
Wai-ō-Pareira kāinga	The ancient and important kāinga around the area of the West Harbour Marina	Wāhi Tapu, Kōrero Tūturu, Hiahiatanga Tūturu	High
Kōpupāka	The seasonal kāinga near the mouth of Te Wai ō Pareira	Wāhi Tapu, Kōrero Tūturu	High
Te Onekiritea	A major kāinga situated at Hobsonville	Wāhi Tapu, Kōrero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu, Whakaaronui o te Wa	High
Tahingamanu	A large and significant mahinga kai between Hobsonville and Scott Point	Mauri, Kōrero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu	High
Te Okoriki	The ancient kāinga and bay north of Hobsonville	Wāhi Tapu, Kōrero Tūturu	High
Motu Pākihi	Island in the middle of the upper harbour that was a centre of Ngāti Poataniwha	Wāhi Tapu, Kōrero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu	High
Te Turerenga	The crumbling coastline that holds ancient traditional associations	Wāhi Tapu, Kōrero Tūturu	High
Onetaipu	Headland area with sandy shoreline	Kōrero Tūturu, Rawa Tūturu	High
Waikōtuku	Estuarine coastal area and kāinga site	Mauri, Kōrero Tūturu, Rawa Tūturu	High
Tauhinu	Important pā site	Wāhi Tapu, Kōrero Tūturu	High
Te Rawaawa	Important awa and kāinga site	Mauri, Kōrero Tūturu, Rawa Tūturu	High
Te Kokanga	Headland settlement	Kōrero Tūturu	High
Pitoitoi Awa	One of several names for the awa known as Brigham's Creek	Mauri, Rawa Tūturu	High
Ngongetepara	An awa and a kāinga also related to Brigham's Creek	Mauri, Rawa Tūturu	High
Wai Whakataratara	Southern tributary of the Pitoitoi awa that originates at the so-named hill to the south	Mauri, Rawa Tūturu	High
Pukewhakataratara	An important puke/hill and wāhi tohu (landscape indicator)	Wāhi Tapu, Kōrero Tūturu	High
Treaty settlement redress	Includes statutory acknowledgements, geographic places names, cultural redress lands, and commercial redress lands	Kōrero Tūturu, Whakaaronui o te Wa	High

IMPACT ASSESSMENT

15.0 Potential Direct Impacts

Potential direct adverse impacts (arising from both construction and operation phases) include bulk earthworks and changed landuse that will remove productive topsoils (permanent adverse), installation of infrastructure including drainage pipes and crossings (the proposed earthworks and development are to be designed to ensure there is no partial or complete drainage of the natural wetland) in proximity to water (temporary adverse), installation of wastewater pipes in proximity to wai Māori (permanent adverse), discharge of stormwater to the waterways and harbour (permanent adverse), minor vegetation and habitat loss through site clearance and earthworks (temporary adverse), the creation of further habitat edge effects (permanent adverse), direct mortality or injury to less mobile species during site works (temporary adverse), light pollution (permanent adverse), and (low) potential to destroy or modify Māori archaeological sites.

Potential direct beneficial impacts can arise from the retention and enhancement of over 700 metres of watercourse and a small wetland area through a 10m riparian yard (approximately 8485m²), all of which will be protected by land covenants after being re-planted with native vegetation (permanent beneficial), and from provision of pedestrian access through the site from Brigham Creek Road to Trig Road and also into the Auckland Council future sports park adjacent (permanent beneficial).

16.0 Potential Indirect Impacts

Potential indirect impacts (arising from both construction and operation phases) include displacement of native fauna (temporary and permanent adverse), construction related noise and vibrations or dust (temporary adverse), construction related sediment and stormwater contaminants (temporary adverse), and plastic particulates, organics or heavy metal contaminants entering waterways from domestic and vehicular activities (permanent adverse).

Potential indirect beneficial impacts include attracting new avian individuals to the area (assuming ecological enhancement works), and thus overall fitness, through weed and pest management and enhancement planting, particularly as trees mature (permanent beneficial). Other potential indirect positive effects could arise from place-naming that could contribute to a growth in understanding of the cultural history of the area.

17.0 Potential Cumulative Impacts

Potential cumulative adverse impacts (arising from both construction and operation phases) include the removal of further productive soils from the landscape (permanent adverse), a net increase in urban discharges to the harbour (permanent adverse), increase in net light pollution (permanent adverse), and slight changes to the character of the cultural landscape through further urbanisation (permanent adverse) noting however that in this area of the landscape the sensitivity to change is low.

Potential cumulative beneficial impacts include from contributing to weed and pest control combined with stream and vegetation enhancement (permanent beneficial) that contribute to the net ecological outcome for the catchment, and from reintegrating Māori place-names.

18.0 Summary of Effects

Specific potential impacts identified as relating to the proposed project are included in Table 3 below:

Table 3: Summary of potential cultural impacts

Name	Summary of impact	Level of Impact	Significance of effect	Proposed mitigation	Residual effect	Offsetting
Te Wai te matā o Kahu	Direct, indirect, and cumulative temporary and permanent adverse from stormwater discharge carrying sediments and contaminants Potential combined neutral-beneficial impact if stream and ecological enhancement works undertaken and robust stormwater systems in place	Moderate Adverse	Large Adverse	Undertaking stream and wetland protection and restoration works within the property footprint, employ a 100% native vegetation palette for all street planting/public spaces, and will install a mixture of tree pits, vegetated swales, proprietary devices and retention/detention tanks for stormwater treatment	Minor Adverse	N/A
Whenua (Soils)	Direct and cumulative permanent adverse from bulk earthworks and land-use change removing relatively productive topsoil	Minor Adverse	Moderate Adverse	Nil – cut and fill balance/neutrality not likely/unknown to be achieved.	Moderate Adverse	Recommend pushing for cut/fill balance and/or reintegration of <i>in situ</i> topsoils into landscaping where possible
Te Waiarohia o Ngāriki (and tributaries)	Direct, indirect, and cumulative temporary and permanent adverse from installation of drainage pipes/infrastructure, discharge of stormwater, and domestic contaminant discharges	Moderate Adverse	Large Adverse	Stormwater management and sediment controls during construction phase, use a combination of raingardens, grassed swales, proprietary devices and detention/retention tanks to treat stormwater/allow infiltration, use riprap at the stormwater outfalls to prevent scouring, and 10m riparian yard establishment with weed management and native enhancement planting	Neutral to Minor Beneficial	N/A
Native Vegetation	Direct, indirect, and cumulative temporary adverse from site clearance and earthworks, habitat edge effects Potential direct, indirect, and cumulative permanent beneficial from ongoing weed and pest management and native enhancement planting, habitat	Minor Adverse	Moderate Adverse	Native enhancement planting within 10m riparian margin, and throughout streetscape, ongoing weed and pest management	Minor Beneficial	N/A Recommend a no weedy exotic plantings policy to support broader ecological and mauri values

Name	Summary of impact	Level of Impact	Significance of effect	Proposed mitigation	Residual effect	Offsetting
	enhancement, avian fitness					
Lizards	Direct and indirect permanent adverse from injury or mortality during construction works, loss of habitat (rank grasses), reduction in habitat quality from urbanisation (noise, light) Potential direct and cumulative permanent beneficial from improved habitat along riparian corridor	Minor Adverse	Moderate Adverse	Implement lizard management plan to avoid or minimise harm and disturbance, minimise light spill from dwellings and roads into the retained vegetation areas, enhance retained vegetation habitat areas	Neutral to Minor Beneficial	N/A
Avifauna	Direct, indirect and cumulative temporary and permanent adverse from injury or mortality during construction works, habitat edge effects, noise pollution, light pollution Potential direct and cumulative permanent beneficial from improved habitat along riparian corridor	Minor Adverse	Moderate Adverse	Any vegetation (tree) removal to take place outside of bird breeding season (Sep to Feb) OR a pre-vegetation removal bird nesting survey with identified nests protected until nestlings have fully fledged, minimise light spill into retained vegetation areas, enhance retained vegetation to increase quality of habitat	Neutral to Minor Beneficial	N/A
Aquatic Fauna	Direct, indirect and cumulative temporary and permanent adverse from loss of small areas of riparian vegetation to accommodate outfalls, construction disturbance to instream feature while installing outfalls/infrastructure, sediment discharge during construction, stormwater and contaminant discharge from roading and private activities (e.g. washing vehicles, spraying round-up) Potential direct and cumulative permanent beneficial from riparian yard protection and enhancement	Minor Adverse	Moderate Adverse	Stormwater management and sediment controls during construction phase, use a combination of raingardens grassed swales proprietary devices and detention/retention tanks to treat stormwater/allow infiltration, use riprap at any stormwater outfalls to prevent scouring, and 10m riparian yard establishment with weed management and native enhancement planting	Minor Beneficial	N/A Recommend freshwater baseline survey pre-site works and monitoring for 1-year post-construction
Māori occupation and use (archaeology)	Direct permanent adverse arising from earthworks or landscape planting	Neutral – Major Adverse	Varies but possible Minor Adverse	Nil – NB Te Kawerau ā Maki do not consider archaeological excavation a form	Minor Adverse (Potential)	If encountered interpretation /cultural

Name	Summary of impact	Level of Impact	Significance of effect	Proposed mitigation	Residual effect	Offsetting
	removing part or all material of a site, noting however that the likelihood of this occurring is low			of full cultural mitigation. Our participation in excavations is a mitigate, but only a minor one		design could help mitigate further
Northwest Waitematā Cultural Landscape	Cumulative permanent adverse arising from further urbanisation, noting however that in this section of the landscape the sensitivity to change is low	Negligible Adverse	Minor Adverse	Nil	Minor Adverse	N/A Recommend potential to reduce through reintegration of cultural history and values via placemaking
Wai-ō-Pareira kāinga	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Kōpupāka	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Te Onekiritea	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Tahingamanu	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Te Okoriki	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Motu Pākihi	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Te Turerenga	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Onetaipu	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Waikōtukutuku	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Tauhinu	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Te Rawarawa	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Te Kokanga	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Pitoitoi Awa	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A

Name	Summary of impact	Level of Impact	Significance of effect	Proposed mitigation	Residual effect	Offsetting
Ngongetepara	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Wai Whakataratara	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Pukewhakataratara	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A
Treaty settlement redress	The are no anticipated impacts.	Neutral	Neutral	N/A	Neutral	N/A

CONCLUSION

The proposal is for a large urban development (predominantly light industrial with some residential) and associated works as well as the creation of a riparian corridor through the site. The proposal sits within a highly significant and cultural landscape. It sits close to the Waitematā harbour and between several significant cultural sites, is located on an area of relatively productive soils, and is adjacent to the important wai tapu Te Waiarohia o Ngariki and includes one of its tributaries. The property is close to several pieces of Treaty settlement redress and our marae land at Te Onekiritea. The Site includes some native vegetation along the riparian edge. In total 26 cultural features were identified within a 3km radius of the Site, relating to the cultural landscape, a number of important cultural sites, Māori archaeology, environmental resources and native species.

The proposal has sought to avoid one of the most significant effects by proposing a stream and wetland riparian yard with property covenants and enhancement planting. The stream, in particular due to its connection to Te Waiarohia, is the key cultural feature of the site requiring protection (followed by the soils themselves which will not be protected). Other on-site cultural resources are in a degraded state, and while works will introduce new impacts, will likely ultimately end up with neutral or beneficial outcomes in conjunction with the stream corridor enhancement. A total of nine adverse cultural effects were recorded. Pre mitigation these were measured as overall moderate adverse (significant adverse effects). Post mitigation (including some mitigation that is assumed on the author's part) one of these effects were reduced to minor adverse, three to minor beneficial, two to neutral, and three were unchanged. While the proposal will result in adverse cultural effects, these are considered to be within acceptable limits provided the mitigation and offsets discussed in this report are properly implemented and monitored over time.

Further engagement is required in the form of confirmation of the outcome of the consent application, participation in place-naming and placemaking/interpretation opportunities, and opportunity to undertake a site visit during the construction phase.

RECOMMENDATIONS

Table 4: Recommendations and outcome alignment

No.	Recommendation	TKaM Strategic Value alignment	IMP policy alignment	Legislative alignment	AUP policy alignment	Other policy alignment
1	Te Kawerau ā Maki do not oppose the proposal provided that the mitigations discussed are incorporated – we desire notice of the outcome of the application and the final consent conditions	Mana Motuhake, Kaitiakitanga	2.2, 4.1.2, 4.2.2, 4.4.2, 4.5.2, 4.7.2, 4.8.2, 4.9.2	RMA Part 2, RMA s88(2)(b), HNZPTA s45, TKAMCSA s12(2b), Te Tiriti Active Protection	B6.2.2(1), Policy B6.3.2(2), B6.3.2(3), B6.3.2(6), B6.5.2(9)	UNDRIP, NPSFW, NZCPS, ICOMOS
2	The adoption of a combination of on-site detention/retention tanks, tree pits/rain gardens, vegetated swales, proprietary devices or other methods such as to develop a secondary or tertiary (three-step) stormwater treatment process for the development	Kaitiakitanga	4.1.2, 4.4.2	RMA Part 2	B6.2.2(1), B6.3.2(2), B6.3.2(3), B6.3.2(6)	NPSFW, NZCPS
3	That the 700m long riparian yard is established, covenanted, and enhanced in the long-term	Kaitiakitanga	4.8.2	RMA 6(e), 7(a), Te Tiriti Active Protection	B6.2.2(1), B6.3.2(2), B6.3.2(3)	NPSFW, NZCPS
4	Retain or reinter cut soils within the Site as much as possible, including through landscaping or other means	Kaitiakitanga	2.2, 4.7.2	RMA 6(e), 7(a)	B6.2.2(1), B6.3.2(2), B6.3.2(3), B6.3.2(6)	
5	The adoption of 100% native eco-sourced plantings for all streetscape, reserve or public spaces within the development (noting a phased approach including existing mature exotic trees might be warranted)	Kaitiakitanga	4.8.2	RMA Part 2	B6.2.2(1), B6.3.2(2), B6.3.2(3), B6.3.2(6)	
6	That a vegetation management plan be in place to control the removal, replanting (eco-sourced natives) and ongoing management (including weed and pest control) of vegetation and that this be an on-going/long-term activity	Kaitiakitanga	4.8.2	RMA 6(e), 7(a)	B6.2.2(1), B6.3.2(2), B6.3.2(3)	
7	That a native fauna management plan be prepared to address the construction and long-term protection of native birds, lizards and freshwater species	Kaitiakitanga	4.8.2	RMA 6(e), 7(a)	B6.2.2(1), B6.3.2(2), B6.3.2(3)	NZCPS
8	That a pest management plan be developed for the site, either as part of the vegetation and native fauna management plans (above) or separately, and it is recommended that this includes a policy discouraging the use of highly spreadable weed plants in private gardens	Kaitiakitanga	4.8.2	RMA 6(e), 7(a)	B6.2.2(1), B6.3.2(2), B6.3.2(3)	NZCPS

No.	Recommendation	TKaM Strategic Value alignment	IMP policy alignment	Legislative alignment	AUP policy alignment	Other policy alignment
9	That public pedestrian access through the site is achieved which will enable the iwi to reconnect with this part of the stream	Mana Motuhake, Mātauranga Māori, Kaitiakitanga	2.2, 4.9.2	RMA Part 2 (6(e)),	B6.2.2	UNDRIP, ICOMOS
10	If archaeological material is encountered obtain a HNZPTA authority and include TKaM in cultural monitoring – any cultural material found on site should be reinterred into the Site	Mana Motuhake, Mātauranga Māori, Kaitiakitanga	2.2, 4.9.2	RMA Part 2 (6(e)), HNZPTA 45	B6.2.2(9)	UNDRIP, ICOMOS
11	Work with TKaM on incorporating our wāhi tohu and history into the development through things like street naming, park/reserve naming and interp	Mana Motuhake, Mātauranga Māori, Kaitiakitanga	2.2, 4.9.2	RMA Part 2 (6(e)), HNZPTA	Policy B6.5.2(9)	UNDRIP, COMOS
12	Te Kawerau ā Maki are afforded the opportunity (and resourced) to undertake a site visit during the construction phase to examine controls	Kaitiakitanga	(s4.2.2(2))	RMA 6(e), 7(a)	B6.2.2(1), B6.3.2(2), B6.3.2(3)	



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