

CULTURAL IMPACT ASSESSMENT
FOR
DEVELOPMENT AT 98-100 & 102 TOTARA ROAD
WHENUAPAI
PREPARED FOR
NEIL CONSTRUCTION LTD & MARAETAI LAND LTD

SEPTEMBER 2021

98-100 & 102 Totara Road Project

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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

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INTRODUCTION

1.1 Project Background

Te Kawerau Iwi Tiaki Trust ('the Trust') have been commissioned by Neil Construction Ltd & Maraetai Land Ltd (hereafter the Client) to prepare a Cultural Impact Assessment (CIA) for the proposed development of 354 residential lots on land at 98 – 100 and 102 Totara Road, Whenuapai.

The Client seeks to develop 16.36ha into 354 residential lots, together with jointly owned access lots, public roads, pedestrian accessways, and recreation and drainage reserves to the west. Dwellings would be constructed on the residential lots in a variety of typologies, including terrace, duplex and standalone housing ranging between one and two storeys in height and comprising 2, 3 and 4 bedroom dwellings. The project is proposed to be undertaken in three to four stages and earthworks will be required over the site to create building platforms, roads, infrastructure and landscaping. The Client is also in discussions with the Ministry of Education regarding a proposed primary school on the site to cater for up to 1200 children, and have set aside 2.7ha in the northern part of the site for this purpose.

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).

1.2 Site Description

The project is situated in west Auckland on the upper Waitematā harbour at Whenuapai. The harbour is approximately 1km to the north of the site, Brigham Creek is 1.5km to the west, the RNZAF Whenuapai Airbase is immediately to the east, State Highway 16 is approximately 2km southwest, and State Highway 18 is 2km southeast. The area is broadly flat and low-lying being alluvium and colluvium river deposits. The Rawawaru Creek and inlet immediately north of the proposal is fed by two tributaries, the eastern of which is a continuation of Rawawaru Creek (but sometimes referred to as Ratara Stream) and the western branch which is called Ratara Stream. The wider proposed project area (hereafter the Study Area) includes a mixture of open, peri-urban, urban, and defence land within a 1km radius.

For the purposes of this report, the proposed project site (hereafter the Site) includes 16.36ha of relatively flat and low-lying open pastureland with several existing residential buildings in the north and southeast corners. The Site is bordered along the west and northwest by Totara Road, the south by McCaw Avenue, the east by the Rawawaru Creek tributary, and the southeast by existing residential housing. The site contains a small number of exotic trees, and the watercourse running along the east which is in poor condition.

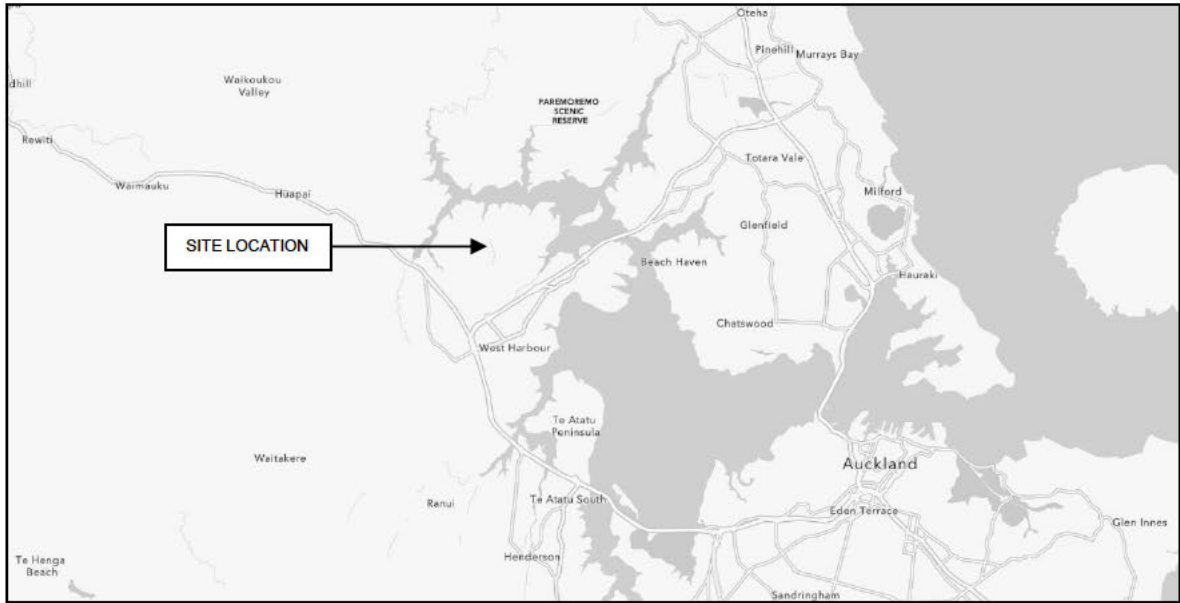


Figure 1: Plan showing Site regional context



Figure 2: Aerial showing Site (sourced from Auckland Council Geomaps)



Figure 3: Plan showing proposal (sourced from Construkt/Neil Group)

1.3 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;
- provide recommendations for further assessment where necessary and/or measures to avoid, remedy or mitigate adverse effects upon Te Kawerau ā Maki.

METHODOLOGY

1.4 Statutory Process

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 protocols 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 ō 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 ō 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.

1.5 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 2014

The NPS for freshwater management provides national policy settings that relevant statutory agencies including local authorities must comply with. Policy AA1 provides for the recognition of Te Mana o Te Wai, being the connection between water and the broader environment. Policy D1 provides for the involvement of iwi/hapū in the management of fresh water and freshwater ecosystems; enabling iwi/hapū to identify cultural values and interests in fresh water and freshwater ecosystems; and reflects tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems.

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 Waitangi 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 waters, 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; hiahiatanga 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 s.4.8.2 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.

1.6 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: rangatiratanga (chiefly authority or self-governorship), whānaungatanga (kinship and reciprocal connection through shared whakapapa), wairuatanga (spirituality), manakitanga (hospitality and showing care), and kaitiakitangata (guardianship or stewardship).

1.7 Scoping and Consultation

The Study Area comprises a 1000m radius from the centre of the Site. This radius is considered appropriate given relatively large scale of the Site and presence of heritage sites that could have setting or indirect impacts. Within this area all appropriate 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 papakāinga, 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: an archaeological assessment by Clough and Associates (dated January 2021), and a watercourse classification memorandum from Bioreserches (ref.63907). 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, as well as a site visit to assess and confirm site conditions.

1.8 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 1000m 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. Wāhi 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

1.9 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

1.10 Topography and Geology

The Study area is relatively flat and low-lying with the underlying geology being alluvial and colluvial material of Late Pliocene to Middle Pleistocene pumiceous river deposits (e.g it has a geological formation history as shallow marine sediments). The subsoils are pumiceous mud, sand and gravel with muddy peat and lignite: rhyolite pumice, including non-welded ignimbrite, tephra and alluvia. The soils land use classification is 1 (negligible limitations to productive use) which is reflective of the European history of the wider area for horticulture and farming. While gardening was not a major focus of Māori settlement, the kāinga along the Upper Harbour would have all maintained māra kai.

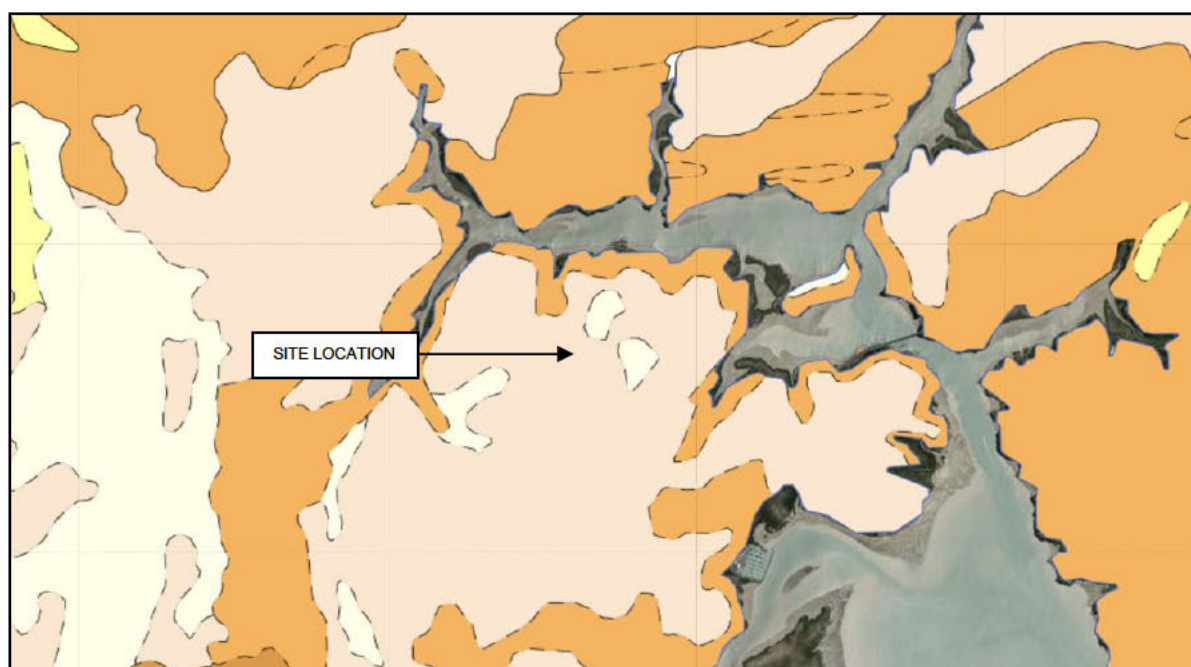


Figure 4: Geology of the Study Area (sourced from GNS Science)

The Site is characterised as open pastureland with several residential buildings on the northern and southwest corners. The northeast boundary is lined with a windbreak of exotic trees. The land slopes in general very gently to the northwest.

The Study Area is notable for its large number of slow-flowing and intermittent and ephemeral streams that feed the main tributaries of the harbour. The Site contains tributaries of two different stream networks: Rawawaru Creek to the east which flows for 500m before entering the marine environment, and Ratara Stream to the west which flows for 700m before entering the marine environment. All waterways are of a heavily degraded state due to pugging by cattle and a lack of riparian vegetation.



Figure 5: Waterways of the Site (sourced from Bioreserches)



Figure 6: Photograph looking north over the Site



Figure 7: Photograph looking south over the Site



Figure 8: Photograph looking east over the Site



Figure 9: Photograph of Rawawaru Creek just prior to entering marine environment (on RNZAF Land)

1.11 Natural Resources and Ecology

The riverine terrace soils, although not as productive of the volcanic soils of Central and South Auckland, are considered productive for horticulture and agriculture. The other major resource is the waterway systems, being a mixture of permanent, intermittent, and ephemeral, although all are in a poor and degraded condition from cattle and pastureland. An ecological report is not currently available, but it is assumed that the site is likely to contain limited native animals with the exception of possible aquatic invertebrates and eels within some of the waterways at least during heavy water flows. There is a possibility of native lizards being present in periphery areas, mostly on the northeast edge of the Site.

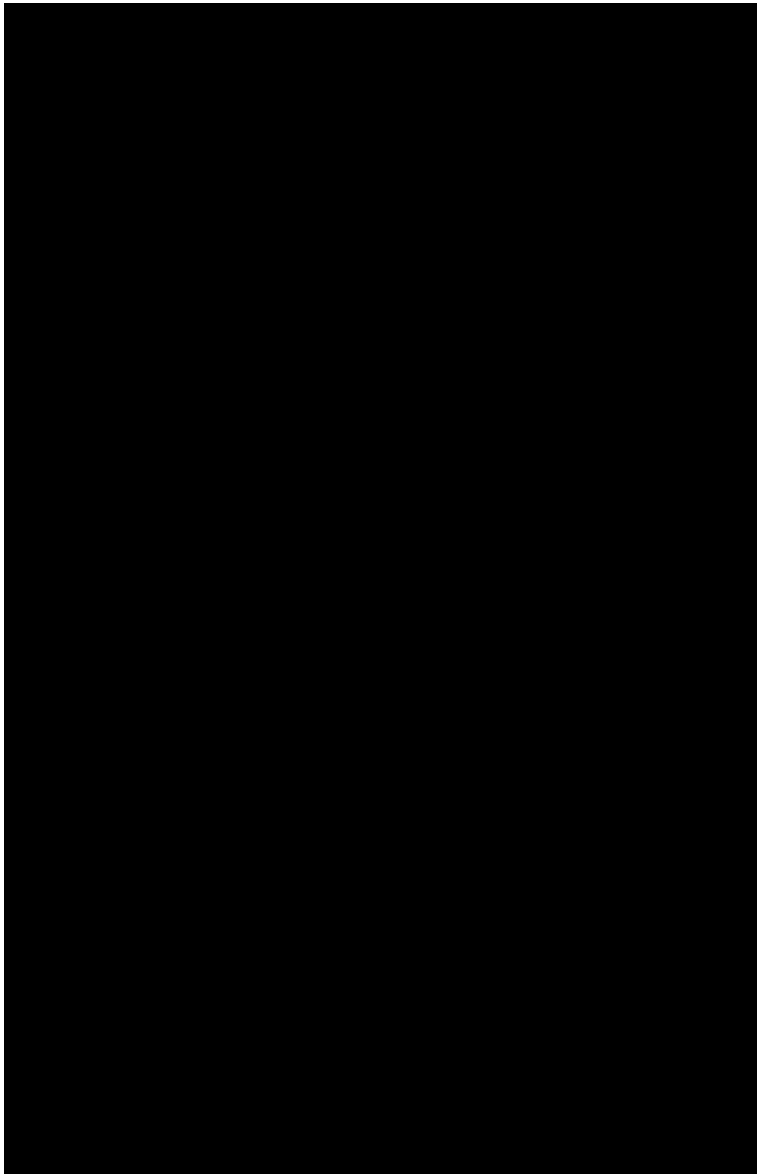
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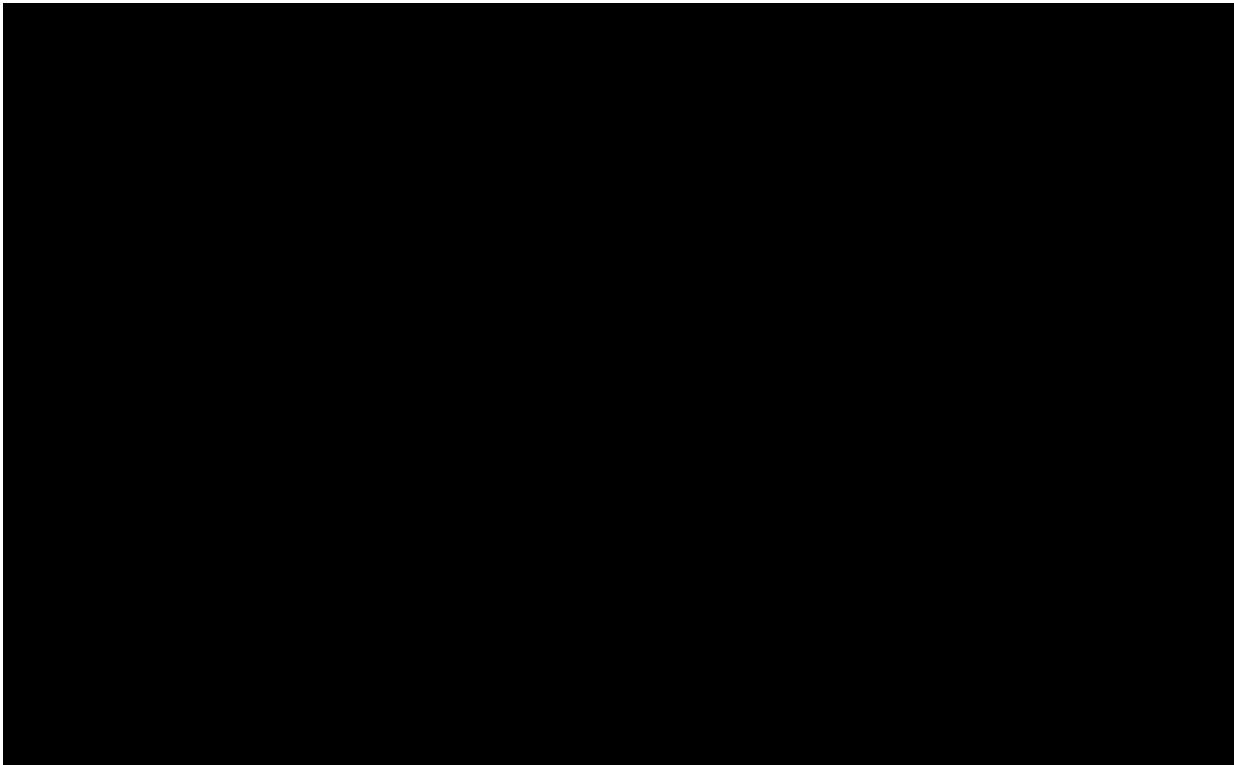
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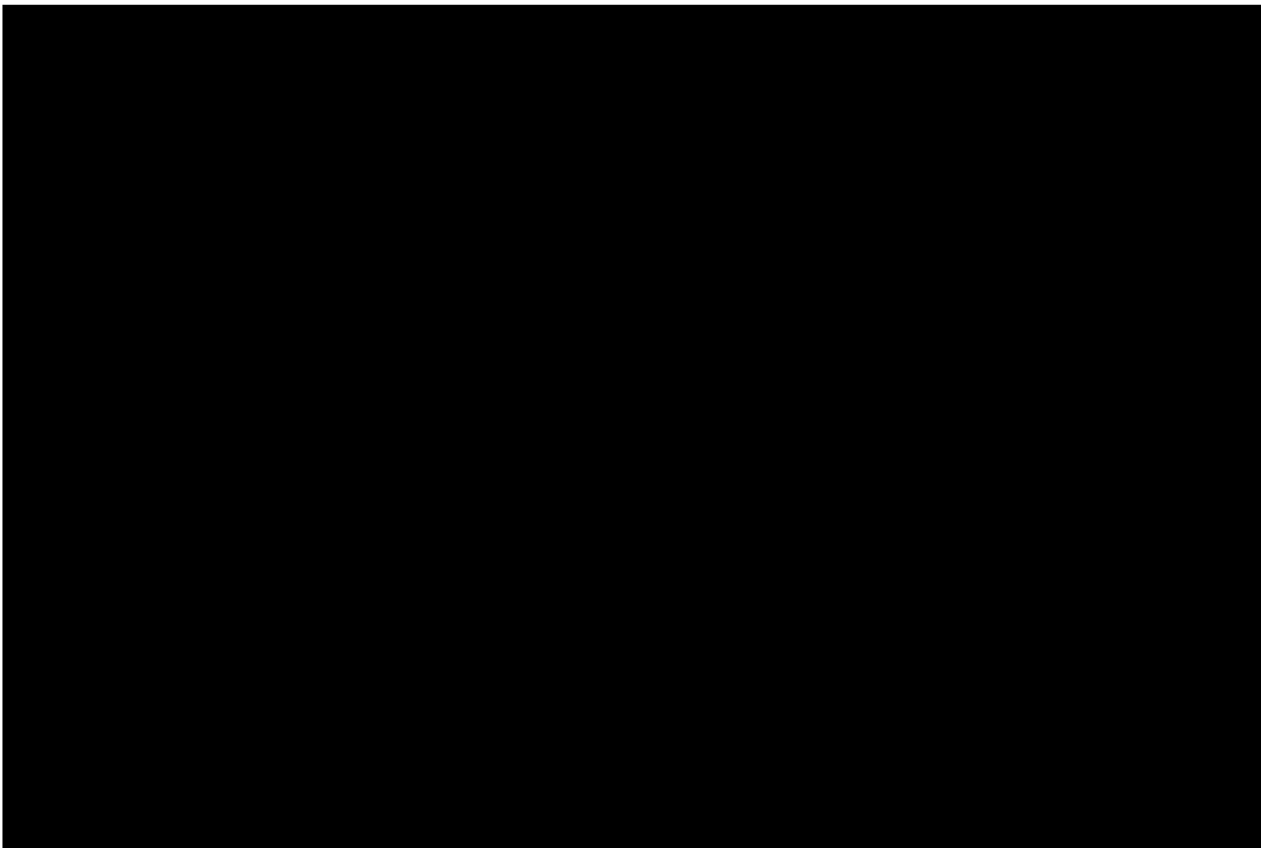


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IMPACT ASSESSMENT

1.15 Potential Direct Impacts

Potential adverse direct impacts are likely to occur from bulk earthworks, stream works, light pollution, and stormwater discharge. Potential positive direct impacts could arise from stream restoration and native vegetation.

1.16 Potential Indirect Impacts

Indirect impacts may occur from the increased presence of vehicles and other secondary activities contributing heavy metals, particulate matter, and organic compounds that could collect from impervious surfaces and create a larger loading on stormwater. Potential indirect positive impacts could arise from improvements to stream habitat (in part) and from place-naming that could contribute to a growth in understanding of the cultural history of the area.

1.17 Potential Cumulative Impacts

Potential adverse cumulative impacts are likely to arise from bulk earthworks and urban land use changes removing productive soils from the landscape, and also could arise from additional contaminant loading on the Waitematā from stormwater discharges. Potential positive cumulative impacts could include stream restoration works and native vegetation that contribute to the net ecological outcome for the catchment, and from reintegrating Māori place-names.

1.18 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
Waitematā Harbour	direct adverse from stormwater discharge carrying sediments and contaminants; indirect adverse from extra vehicles on impervious surfaces; cumulative adverse from net contaminant loading of the harbour; potential combined beneficial impact if	Negligible Adverse/Potential Negligible Beneficial	Minor Adverse/Potential Minor Beneficial	Understand from verbal comms that the Client intends to/is agreeable with undertaking stream restoration works within the property footprint, employ a 100% native vegetation palette for all street planting/public spaces, and will	Minor Beneficial assuming mitigation	Nil required although encouraging stream remediation in neighbouring properties would be highly supported

Name	Summary of impact	Level of Impact	Significance of effect	Proposed mitigation	Residual effect	Offsetting
	stream restoration works undertaken and robust stormwater systems in place			install a mixture of tree pits, vegetated swales, and proprietary devices for stormwater treatment		
Whenua	direct and cumulative adverse from removal of productive topsoil to make way for urban typology	Negligible Adverse	Minor Adverse	No mitigation proposed/known however one mitigation would be to reintegrate <i>in situ</i> soils on site via landscaping	Minor Adverse, or Negligible Adverse if suggested mitigation agreed	Loss of productive soils is not able to be fully mitigated and hence we encourage an ecological offset
Te Rawawaru Kāinga	Potential indirect and cumulative beneficial impact if the name and history is reflected in street/park naming and interp	Potential Minor Beneficial	Potential Moderate Beneficial	Incorporate into street naming, place-making, school naming, and other interp in partnership with TKaM	Moderate Beneficial assuming mitigation	Nil
Te Rawawaru/Waionoke Stream	direct adverse from stormwater discharge carrying sediments and contaminants; indirect adverse from extra vehicles on impervious surfaces; potential combined beneficial impact if stream restoration works undertaken and robust stormwater systems in place	Negligible Adverse/Potential Negligible Beneficial	Minor Adverse/Potential Minor Beneficial	Understand from verbal comms that the Client intends to/is agreeable with undertaking stream 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, and proprietary devices for stormwater treatment	Minor Beneficial assuming mitigation	Nil required although encouraging stream remediation in neighbouring properties would be highly supported
Ratarā Stream	direct adverse from stormwater discharge carrying sediments and contaminants; indirect adverse from extra vehicles on impervious surfaces; potential combined	Negligible Adverse/Potential Negligible Beneficial	Minor Adverse/Potential Minor Beneficial	Understand from verbal comms that the Client intends to/is agreeable with undertaking stream restoration works within the property	Minor Beneficial assuming mitigation	Nil required although encouraging stream remediation in neighbouring properties would be

Name	Summary of impact	Level of Impact	Significance of effect	Proposed mitigation	Residual effect	Offsetting
	beneficial impact if stream restoration works undertaken and robust stormwater systems in place			footprint, employ a 100% native vegetation palette for all street planting/public spaces, and will install a mixture of tree pits, vegetated swales, and proprietary devices for stormwater treatment		highly supported

CONCLUSION

The proposal is to develop 16.36ha into several hundred residential lots, roading and other infrastructure, amenities, and potentially a school catering for up to 1200 children. The site sits on relatively productive soils within a cultural landscape focused on coastal settlements and resource extraction around the upper Waitematā harbour. The site is in very close proximity to Te Rarawaru historic kāinga site and the Rarawaru, Waionoke, and Ratara streams. A total of five impacts are noted in relation to the development (not including individual potential animal impacts which are not covered in this report), most of which could be minor to moderate beneficial (one would be negligible adverse) if mitigations discussed are incorporated, which would be a net benefit from a cultural perspective. Without mitigation minor (but not less than minor) adverse cultural effects would occur. Mitigations include a mixture of stream restoration, native planting, stormwater treatment, and place-naming/interpretation.

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 development but seek the below in order to endorse it	Mana Motuhake	2.2(2), 2.2(3), 4.1.2(3), 4.4.2, 4.7.2, 4.8.2, 4.9.2	RMA Part 2, Reserves Act 1977	B6.2.2(1), Policy B6.3.2(2), B6.3.2(3), B6.3.2(6), B6.5.2(9)	
2	The adoption of 100% native eco-sourced plantings for all streetscape, reserve or public spaces within the development	Kaitiakitanga	4.8.2	RMA Part 2, Reserves Act 1977	B6.2.2(1), Policy B6.3.2(2), B6.3.2(3), B6.3.2(6)	
3	The adoption of a combination of tree pits, vegetated swales, proprietary devices or other methods such as to develop a secondary or tertiary (three-step)	Kaitiakitanga	4.1.2(3), 4.4.2	RMA Part 2, Reserves Act 1977	B6.2.2(1), Policy B6.3.2(2), B6.3.2(3), B6.3.2(6)	NPSFW, NZCPS

No.	Recommendation	TKaM Strategic Value alignment	IMP policy alignment	Legislative alignment	AUP policy alignment	Other policy alignment
	stormwater treatment process for the development					
4	Stream restoration (including in order of preference daylighting/use of bridge/decently sized culvert with fish passage design) within the property footprint including riparian planting	Kaitiakitanga	4.1.2(3), 4.4.2	RMA Part 2, Reserves Act 1977	B6.2.2(1), Policy B6.3.2(2), B6.3.2(3), B6.3.2(6)	NPSFW, NZCPS
5	That the developer encourages neighbouring properties to undertake stream restoration works, and, where possible, co-ordinate efforts for a net positive outcome	Kaitiakitanga	4.1.2(3), 4.4.2	RMA Part 2, Reserves Act 1977	B6.2.2(1), Policy B6.3.2(2), B6.3.2(3), B6.3.2(6)	NPSFW, NZCPS
6	Retain or reinter cut soils within the Site as much as possible, including through landscaping or other means	Kaitiakitanga	4.7.2	RMA Part 2, Reserves Act 1977	B6.2.2(1), Policy B6.3.2(2), B6.3.2(3), B6.3.2(6)	
7	Work with TKaM on incorporating our wāhi tohu and history into the development through things like street naming, park/reserve naming, and naming the new school	Mana Motuhake, Mātauranga Māori, Kaitiakitanga	2.2(2), 4.9.2	RMA Part 2	Policy B6.5.2(9)	UNDRIP, ICOMOS