

**CULTURAL IMPACT ASSESSMENT**  
**FOR**  
**INDUSTRIAL DEVELOPMENT OF WAITOMOKIA**  
**(VILLA MARIA ESTATE)**

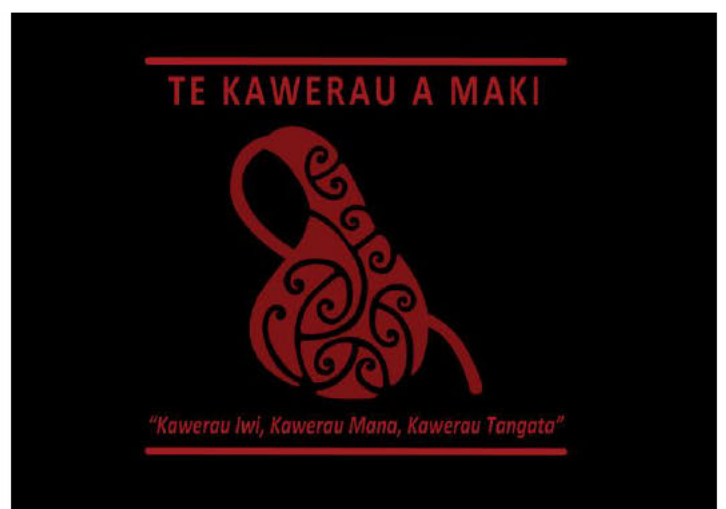
**PREPARED FOR**  
**GOODMAN GROUP**

**OCTOBER 2022**

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DRAFT

## PEPEHA

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Ko Hikurangi te maunga

Ko ngā Rau Pou ā Maki ngā tohu whakahi

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 (Waitakere 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

## 1.0 Project Background

Te Kawerau Iwi Tiaki Trust ('the Trust') have been commissioned by the Goodman Group (Goodman Nominee NZ Ltd) (hereafter the Client) to prepare a Cultural Impact Assessment (CIA) for the proposed industrial redevelopment and subdivision of part of the Waitomokia explosion crater otherwise locally known as the Villa Maria Estate. The property is located at 118 Montgomerie Road, 470 Ōruarangi Road, and 88 Pavillion Drive. Its legal description is Lot 2 DP 321974, Lot 3 DP 209528, Lot 1 DP 36092 and Lot 48 DP 358114. It is roughly 42ha in total.

The property recently went through a plan change to rezone the land (light industrial) and to prepare it for subdivision and development. Goodman Group have acquired the land for commercial and business property development (e.g. warehouses, office buildings), and have applied for a minor boundary adjustment to internal lots (fig 1) and will require several resource consents. The Waitomokia crater is a site of cultural significance that was nominated for scheduling in the Auckland Unitary Plan by Te Kawerau ā Maki and Makaurau Marae Māori Trust (Te Ahiwaru) in 2014. As Council does not prioritise the scheduling of Māori heritage however, the Client has agreed to work with mana whenua on a precinct that will be inserted into the Unitary Plan via a private plan change. The precinct will cover the Waitomokia feature and include co-designed provisions that recognise and protect key components of the cultural values of the place and provide design provisions to incorporate these. The design of the precinct is currently being done through a masterplanning process.

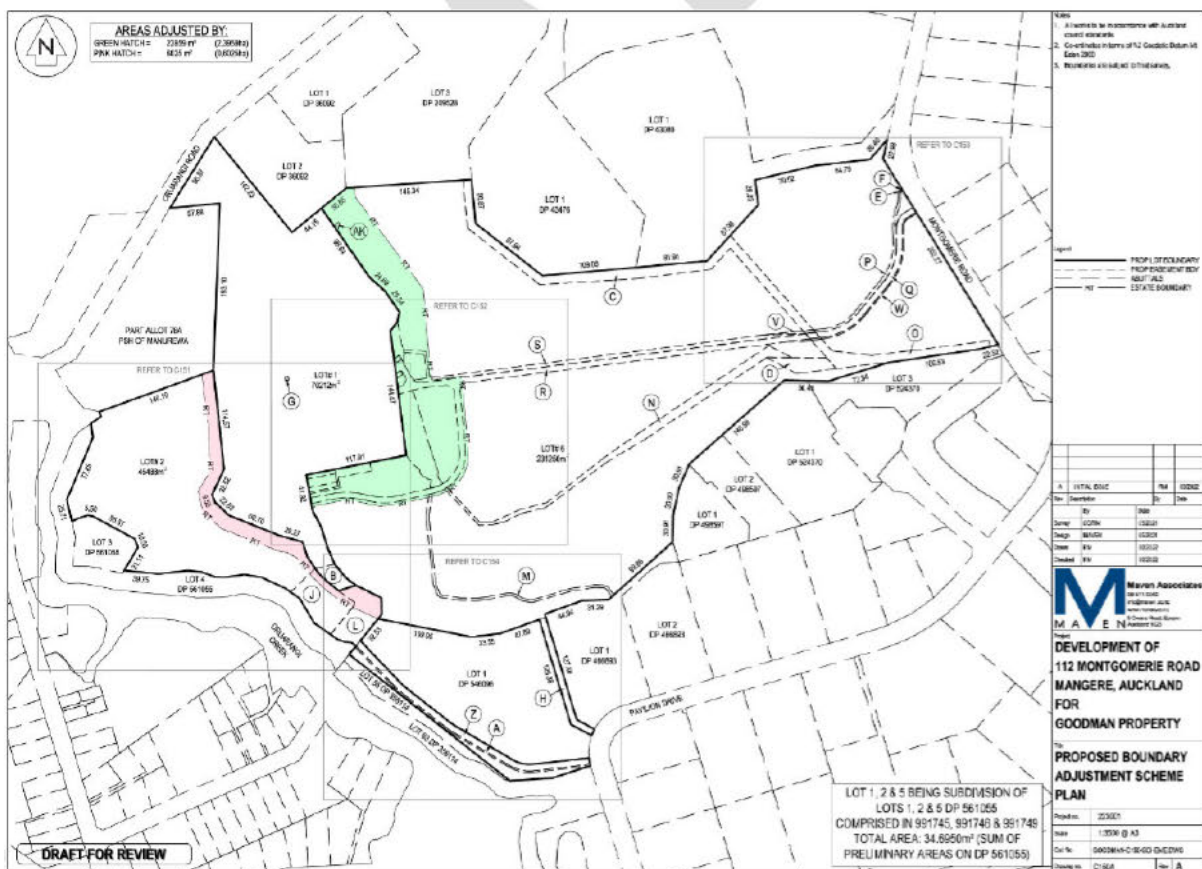


Figure 1: Plan showing property and internal boundary adjustments (source: Maven Associates)

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); Whānaungatanga (people focused); Auahatanga (innovation); Mātauranga Māori (culture-driven).

Te Kawerau ā Maki acknowledge our shared interests in this space with our resident whanunga Te Ahiwaru and Te Akitai o Waiohau.

## 2.0 Site Description

The project is located on the Ihumatao peninsula at Mangere on the northeastern shores of Te Mānukanuka ā Horturoa (Manukau Harbour). It is west of SH16, east of Te motu a Hiaroa (Puketutu Island), south of Te Pane a Mataōho (Mt Mangere), and north of Auckland Airport. It sits within most of the Waitomokia volcanic explosion crater, and is adjacent to the Ōruarangi awa which runs along its southern boundary. The wider proposed project area (hereafter the Study Area) includes a roughly 3km radius from the property which encompasses the Ihumatao/Mangere catchment.

For the purposes of this report, the proposed project site (hereafter the Site) includes Lot 2 DP 321974, Lot 3 DP 209528, Lot 1 DP 36092 and Lot 48 DP 358114 being the approximate land formerly known as the 'Villa Maria Estate'.

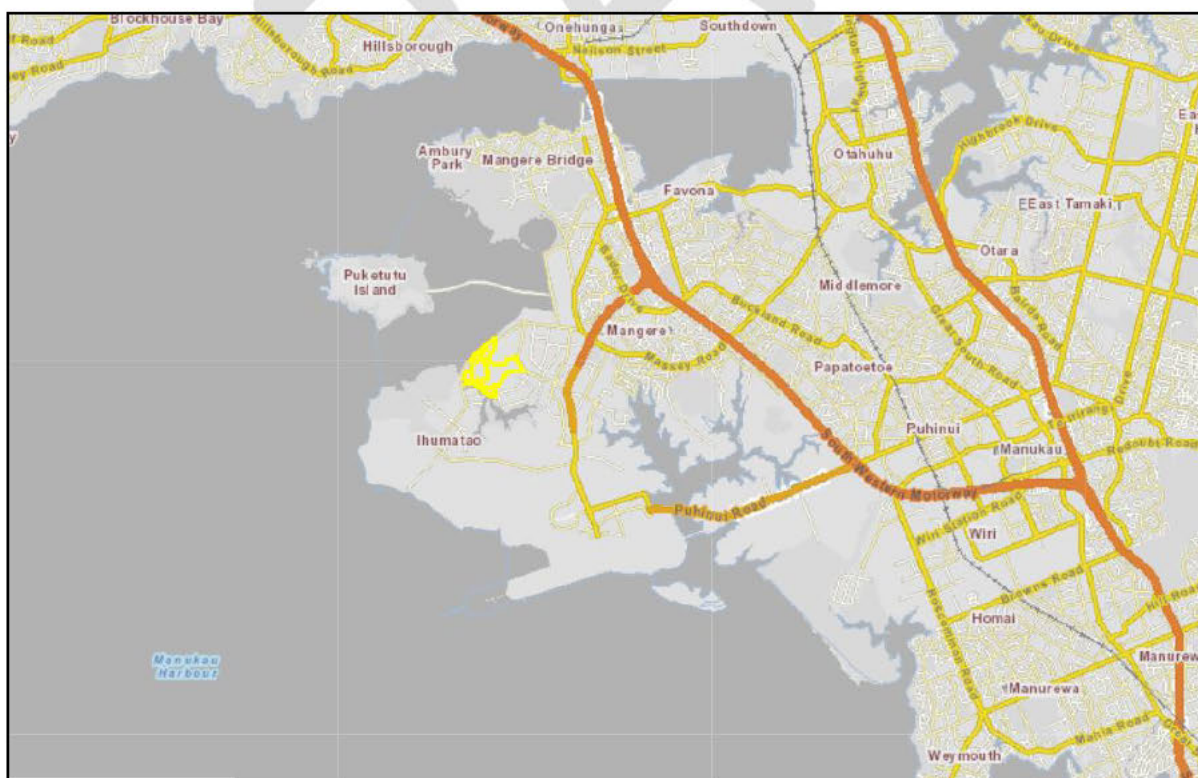


Figure 2: Plan/photo showing Site regional context (source: Council Geomaps)

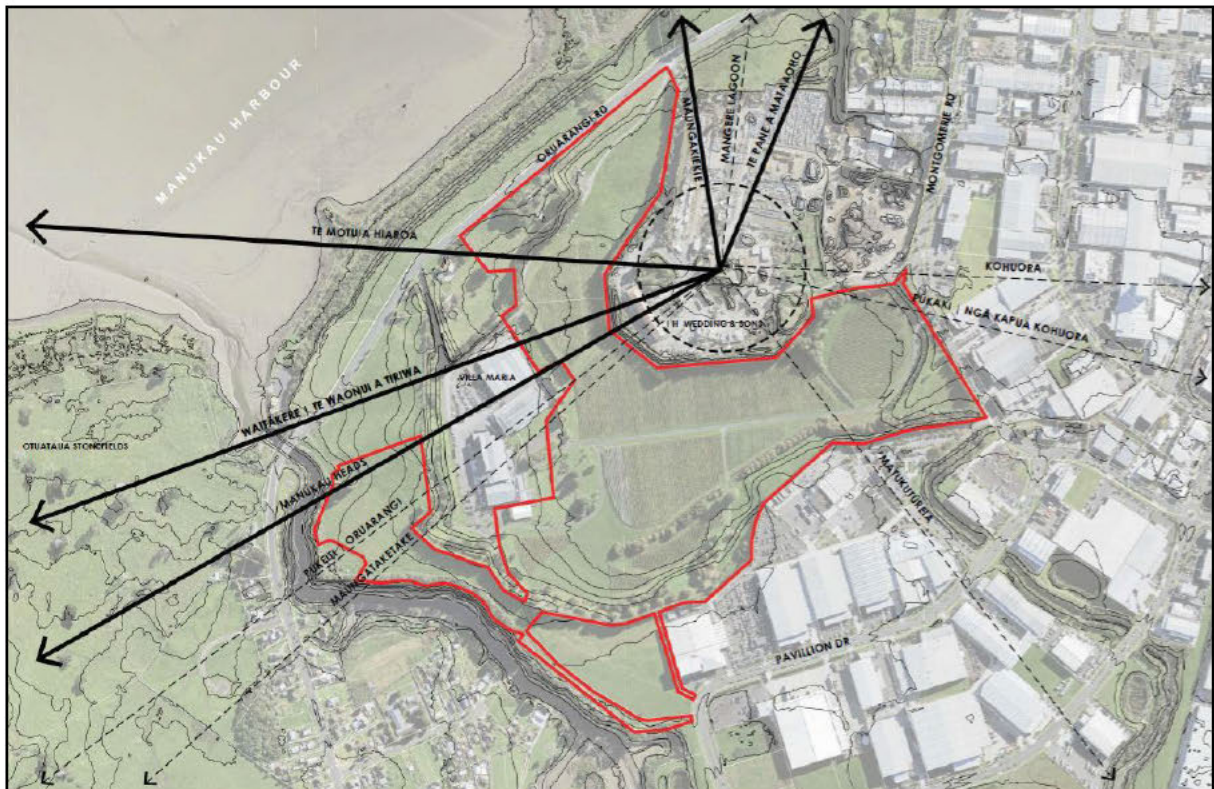


Figure 3: Plan showing Site in red boundaries (supplied by Client)

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

## METHODOLOGY

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### 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.

#### *Pending Ownership of the Ōruarangi River*

Mana whenua have a long-standing legal agreement with Watercare as part of the disestablishment of the Manukau Sewage Oxidisation Ponds in the 2000s for the tidal reaches of the Ōruarangi awa to be returned in ownership to mana whenua. The tidal reaches of the river were between the 1950s and 2000s blocked off by the oxidisation ponds with the river effectively becoming 'land title' owned by Watercare. The receiving entity to hold the title is currently planned to be Te Motu a Hiaroa Charitable Trust which owns the adjacent Puketutu Island and has representatives of Te Ahiwaru, Te Kawerau ā Maki, and Waikato Tainui. The only reason title has not yet been transferred is because Watercare is required to remediate the river on a 'best endeavours' basis to its original or pre-oxidisation pond state. Mana whenua and Watercare are still in discussion as to when this can occur.

#### *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 to work together in accordance with Te Tiriti. 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
- Kumeū River and tributaries
- Rangitōpuni Stream and tributaries
- Te Wai-ō-Pareira / Henderson Creek and tributaries
- Motutara Domain (part of Muriwai Beach Domain Recreation Reserve)
- Whatipū 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 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.

## **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) Manakitanga: 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 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, but are also embedded in the lower-order policies and rules throughout the Plan.

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 Matātua 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. Te Ao Māori places emphasis on the holistic link between people and the environment. 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.

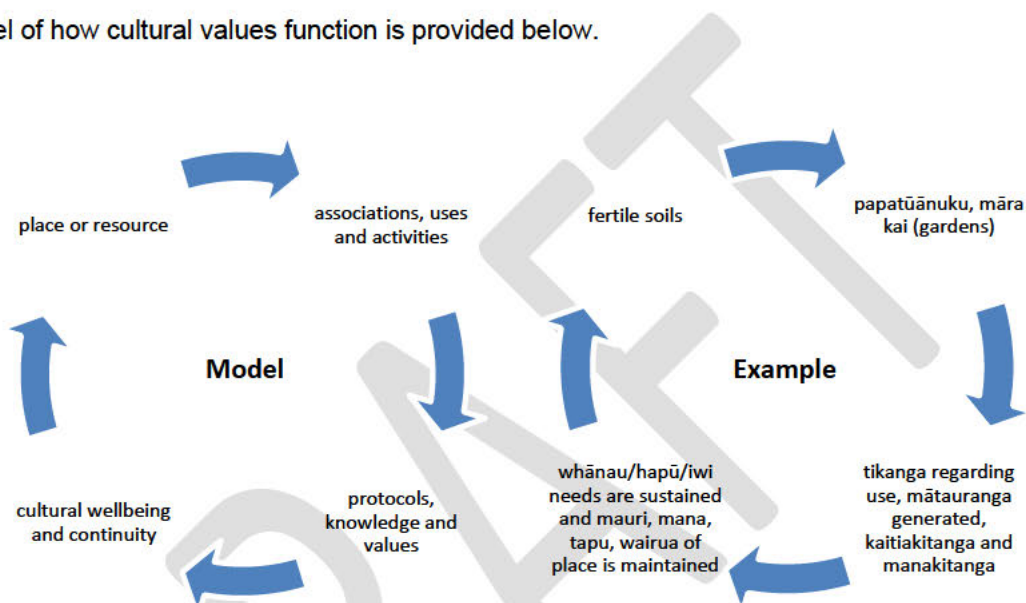
### *Tikanga*

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 kaitiakitanga (guardianship or stewardship).

A model of how cultural values function is provided below.



## 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 significance of the Site and its intimate context with Ihumatao and the volcanic landscape of Auckland. 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 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: civil engineering (Maven 2020), geotechnical (CMW Geosciences 2020), archaeology (CFG 2019 and 2020), and preliminary planning (Barker and Associates 2022). 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 in August 2022 to assess and confirm site conditions.

## 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 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 difficult to apply a Western paradigm of value hierarchy or significance ranking (i.e. 'low, medium, high') when using a Te Ao Māori lens. Nevertheless, the methodology here attempts to distinguish the relative importance of matters as determined by a number of criteria, including the degree of mana, tapu or mauri, the degree to which a resource has specific kōrero or mātauranga, its sensitivity to changes (ability to absorb impacts), and its relative scarcity. This approach recognises that a matters' value is intrinsic but relative to context. This approach is supported by RMA Part II matters noting the relationship of tangata whenua with their lands, waters, and taonga as nationally significant. The approach is set out below:
  - high: cultural sites/areas/resources that retain their integrity overall, are either rare or are common but hold specific customary uses or mātauranga, are considered a wāhi tohu or landscape indicator, or have a high sensitivity to change.
  - medium: cultural sites/areas/resources that retain the key elements of their integrity, are either uncommon or are common but hold specific customary uses or mātauranga, or have a moderate sensitivity to change.
  - low: cultural sites/areas/resources that have been significantly degraded or damaged, are common and do not hold specific current customary uses or mātauranga, or have a low sensitivity to change.

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. Kōrero 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:
- no change
  - negligible: changes result in small impacts on integrity of the site/area/resource such that their function is reduced but not notably diminished, ability to understand/appreciate/use/access is impacted to an inconsequential degree, the ability to interpret the cultural landscape or setting is impacted but the change can easily be absorbed.
  - minor: changes result in small impacts on integrity of the site/area/resource such that their function is reduced but not significantly diminished, ability to understand/appreciate/use/access is impacted to a small degree, the ability to interpret the cultural landscape or setting is impacted to a small degree or change can otherwise be largely absorbed.
  - moderate: changes result in appreciable/significant impacts on the integrity of the site/area/resource such that their function is impeded, ability to understand/appreciate/use/access is impacted to a notable degree, the ability to interpret the cultural landscape or setting is impacted to a notable degree or change can otherwise not be absorbed.
  - major: changes result in large scale/total impacts on the integrity of the site/area/resource such that their function is effectively destroyed, ability to understand/appreciate/use/access is impacted to a significant degree/is no longer possible, the ability to interpret the cultural landscape or setting is impacted to a significant degree or change can otherwise not be absorbed and the landscape or setting is no longer recognisable/able to function.

Impacts can be either adverse or beneficial. Impacts can also be temporary or permanent. They can occur during the construction or the operational phase of a development. 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. Note that positive effects will be coloured green.

Table 1: Significance of effect

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

## 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 Site consists of an Auckland Scoria Crater Cone (the volcanic 'plug' known as Moerangi) and a crater rim of Auckland Basalts Tuff of the Auckland Volcanic Field (Kerikeri Volcanic Group) of late Pleistocene to Holocene age. The crater floor is underlain by Tauranga Group alluvial deposits (riverine strata of sand, silt, mud, and clay with gravel and peat beds) of Holocene age (fig 4).

The Waitomokia Crater is part of the Auckland Volcanic Field (fig 5). This field has a key role in the Māori creation stories for Tāmaki Makaurau, involving the local atua (deity) of earthquakes and volcanic activity Matāoho and the events known as 'Te Riri ō Matāoho' (discussed later in this report). The Auckland Volcanic Field is currently part of a World Heritage Site bid.

Most of the small cone Moerangi has been quarried away, along with parts of the tuff ring, and the crater basin drained of surface water. The majority of the crater rim however remain intact and its stratigraphy can be seen within cuts on the western side (fig 14). Topsoil varies in depth to 0.3m, fill deposits are present but variable from 0.4m to 2.8m depth, and basalt bedrock is encountered within the basin from around 8m depth. As volcanic in nature the rim holds highly productive soils, while the drained alluvial soils of the basin are also suitable for horticulture (hence a vineyard).

Waitomokia is an important source of groundwater recharge on the peninsula and feeds the various springs around Ihumatao. Groundwater within the basin varies from 0.6m to 1.5m below ground level and could be perched or influenced by tidal force.

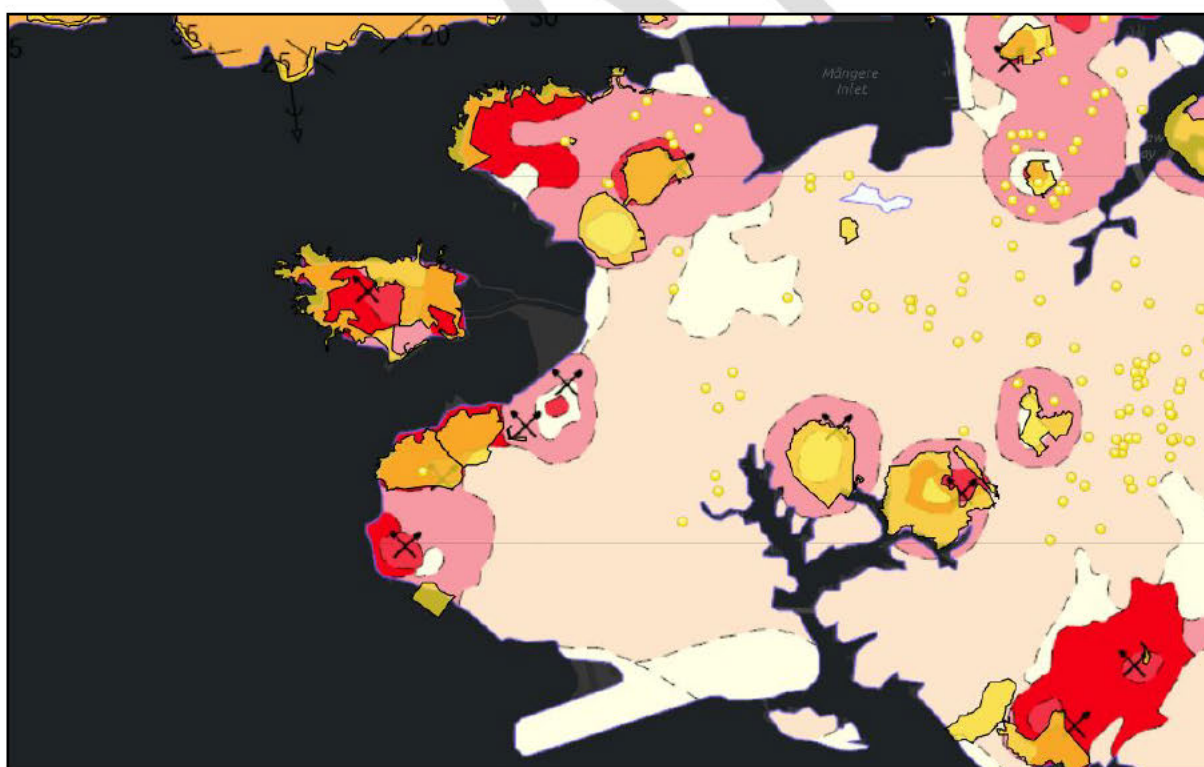


Figure 4: Map of the underlying geology of the Study Area



Figure 5: Image of Auckland Volcanic Field (source: Hochstetter 1859)

Within the Study Area most of the volcanic features have been scheduled as Outstanding Natural Features (fig 6), however only the southwest external edge of the Waitomokia rim has been scheduled (Schedule 6 #241 – ‘Waitomokia foreshore tuff with sedimentary bombs’).

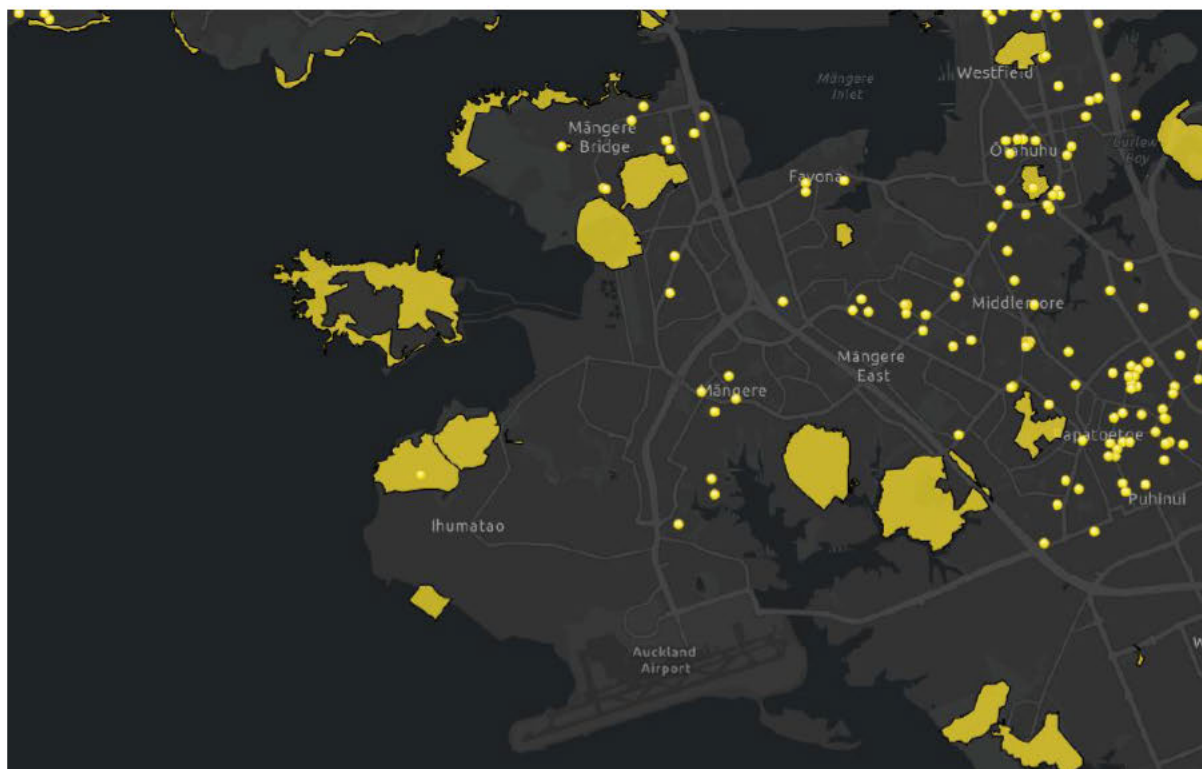


Figure 6: Map depicting ONFs within the Study Area



Figure 7: Photograph c.1896 view from Waitomokia across swamp to Otuaatua on right and Maungataketake on left (source: Hugh Boscawen 1899 in Ian Lawlor 2013)



Figure 8: Photograph c.1896 view from Otuataua across the small cone of Pukeiti, looking towards the multiple cones of Waitomokia on the right (source: Hugh Boscawen 1899 in Ian Lawlor 2013)



Figure 9: Photograph c.1896 view of Waitomokia cones and surrounding swamp, looking towards the largest terraced cone (Moerangi). (source: Hugh Boscawen 1899 in Ian Lawlor 2013)



Figure 10: Photograph c.1896 view view from within Waitomokia, between scoria cones looking towards Puketutu on the horizon across the harbour (source: Hugh Boscawen 1899 in Ian Lawlor 2013)



Figure 11: Photograph c.1950s across the three cones of Waitomokia, showing vegetation in the largest crater, and swampy vegetation infilling part of the explosion crater surrounding the cones (source: University of Auckland Library)



Figure 12: Photograph c.1960 aerial view of Waitomokia with quarrying well advanced on the outer tuff ring (source: LINZ)

The western and south-western boundaries of the site are bound by Ōruarangi Creek and the steep bank that rises from it. From its crest, the site has a gentle incline to the east until it reaches the top of the crater rim. The crater rim forms the northern western, southern and eastern boundary of the site. The elevation of the crater rim decreases from the west to the east. From the crater rim the site slopes downwards at a 1V:3H gradient from the north-west, the south and the east to the crater floor which is near-level. In the north of the site, the crater floor reaches the crater scoria cone and rises steeply. This scoria cone also marks the northern and north-eastern boundary of the site. Within the western section of the crater floor an artificial pond feeds through an underground pipe into a watercourse which flows from west to east along the boundary between the crater rim and floor. A second watercourse which flows from the north of the site, between the crater floor and crater scoria cone merges with the other watercourse before out letting into Ōruarangi Creek via an underground pipe to the east of the site. The north-west portion of the site is bound by Ōruarangi Road which resides near the top of the crater rim. North of Ōruarangi Road is the Manukau Harbour, which is fed in to by the stream on the western boundary. The eastern portion of the site is bound by Montgomerie Road, which also sits atop of the crater rim. The site is bound to the south east by large industrial warehouses, to the south by undeveloped land and to the north by a quarry occupying the scoria cone. Within the western portions of the crater floor, three large commercial buildings are present. A caretaker's residence is located in the northwest section (within Lot 1 DP 36092) and the rest of the crater floor is primarily covered by grape vines.





Figure 13: Map showing geotechnical investigations and alluvium (green) and volcanic (red) deposits (source: CMW Geosciences)



Figure 14: Photo showing exposed crater rim in section in north of Site

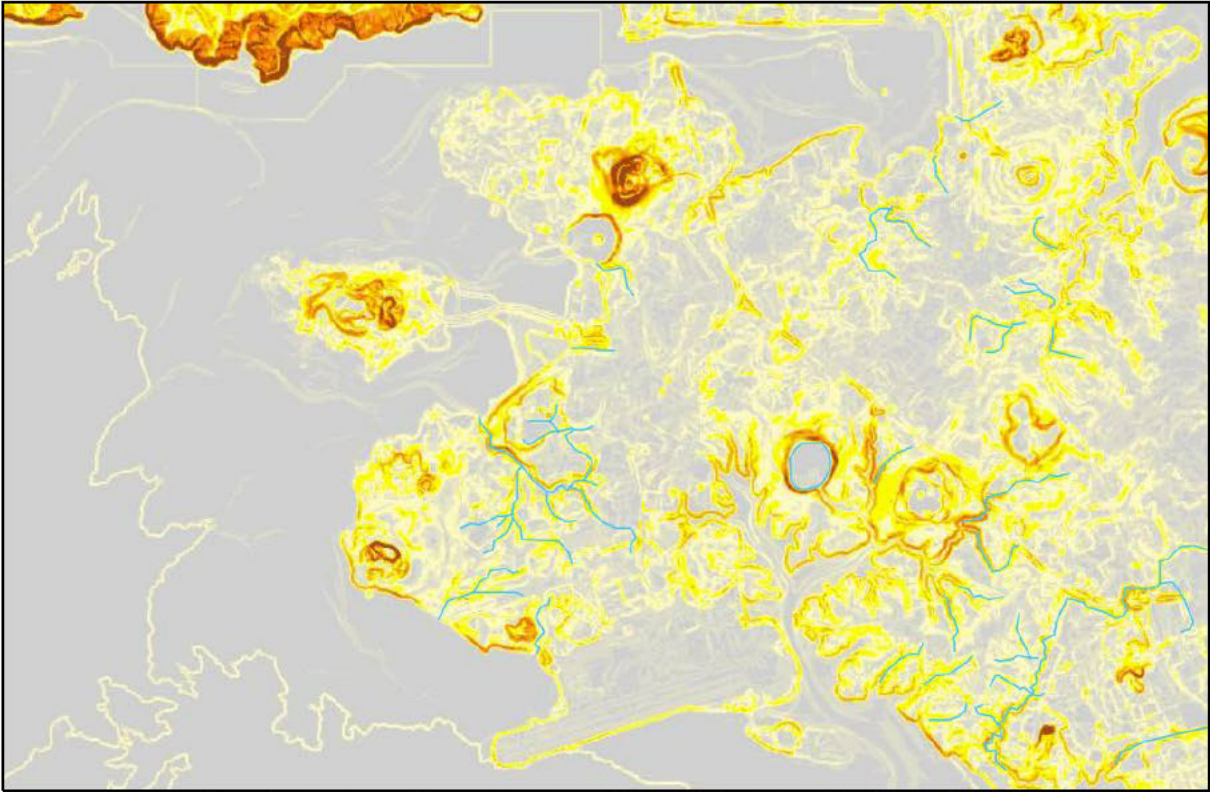


Figure 15: Map depicting slope and watercourses within the Study Area and Site



Figure 16: Photo looking east from SW tuff across the vineyard

## 11.0 Natural Resources and Ecology

The natural resources and ecology of the Site consist primarily of the waterways that discharge into the headwaters of the Ōruarangi awa and native trees and vegetation of varying species around the perimeter of the Site. The previous repo environment has been drained but remnants remain in the southeast corner of the Site.

A number of Significant Ecological Areas (SEAs) surround the site: SEA\_T\_6373a, SEA-M2-26a, and SEA-M1-26w1.

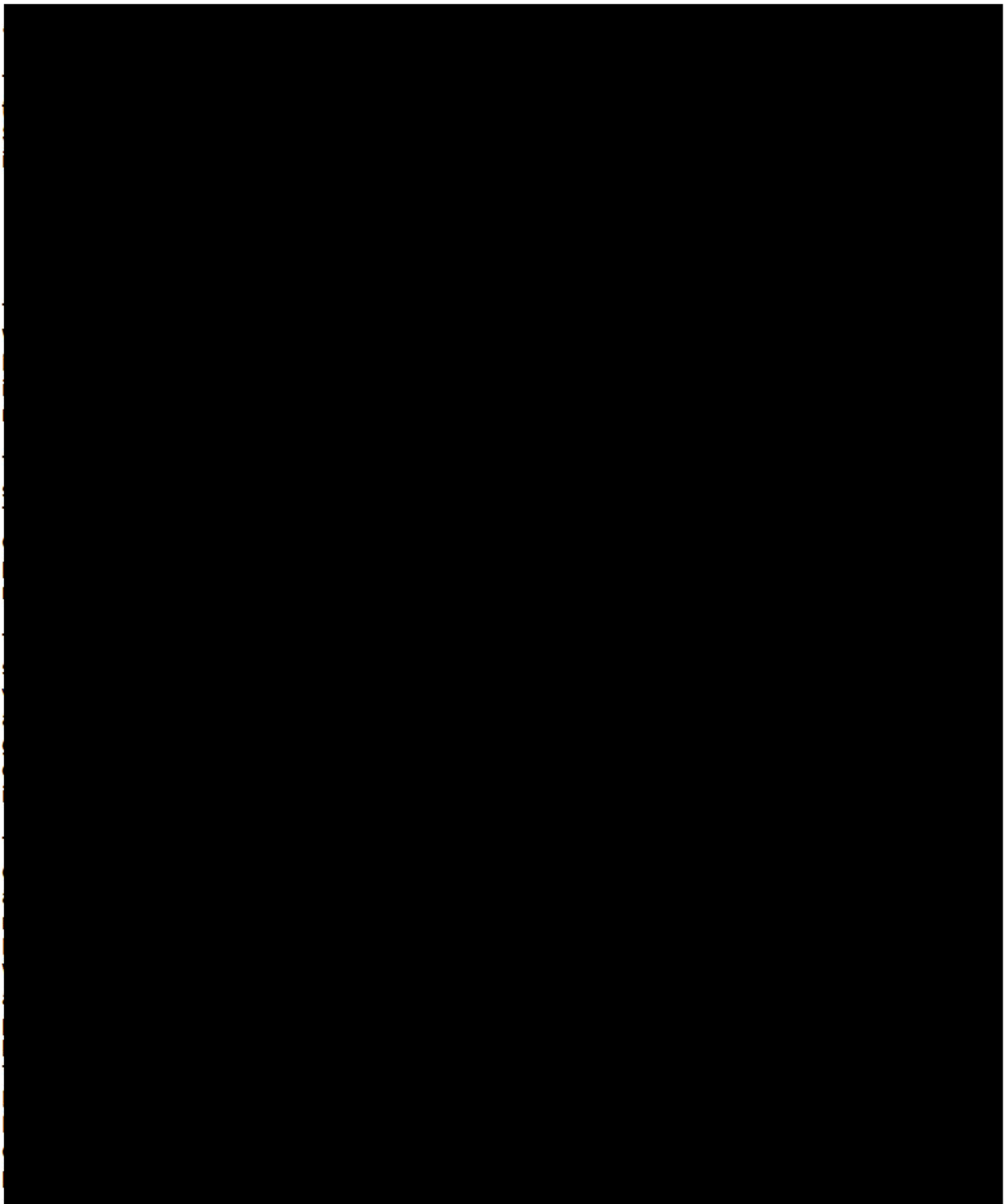
An ecological report has not been viewed at this time, but likely native fauna could include occasional kahu (swamp harrier), tui, fantail and tauhouo (Silvereye), mokomoko (copper and ornate skinks), tuna (eel), and potentially occasional pied oystercatcher, godwits and knots which are known in the adjoining coastal environment.

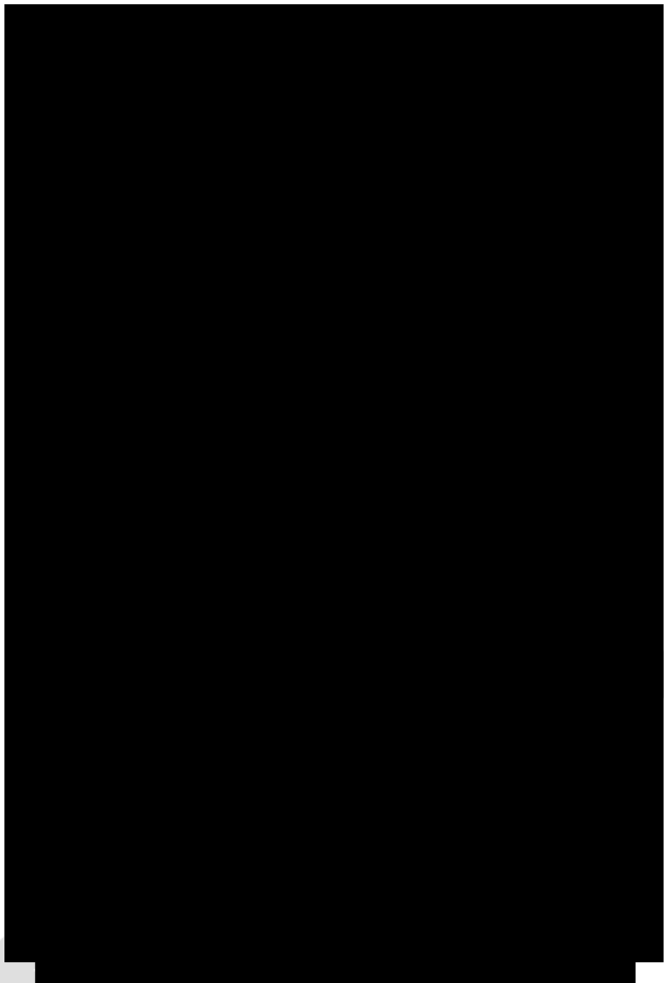


Figure 17: Map showing SEAs and streams

## CULTURAL BASELINE

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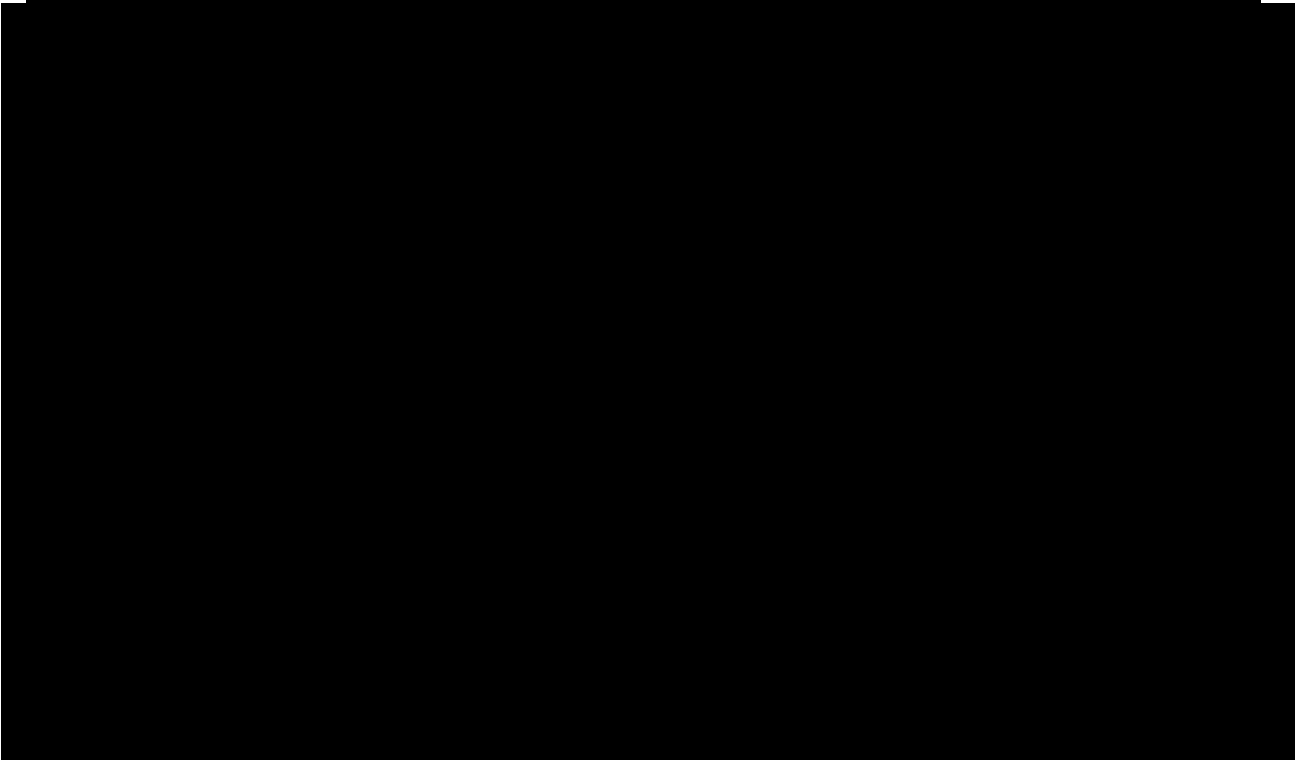
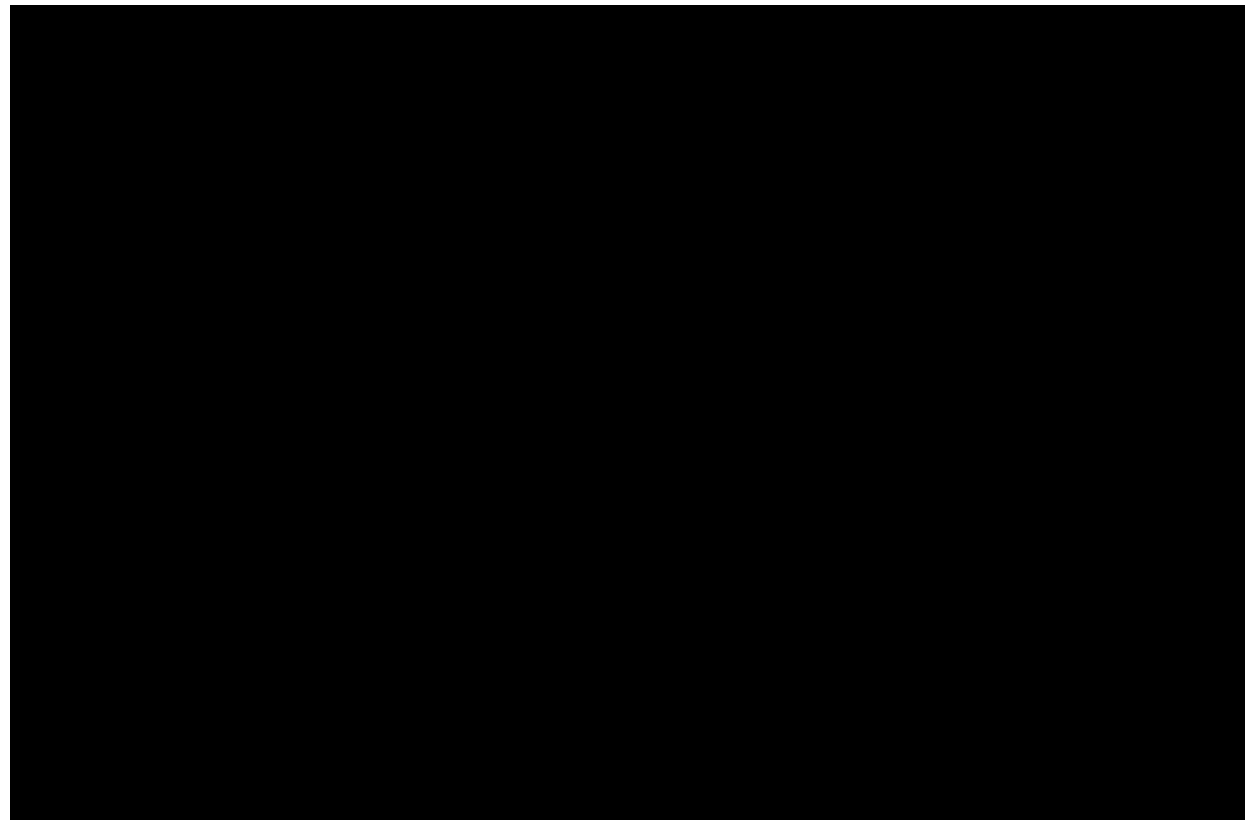
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Table 2: Summary of cultural sites, areas and resources within the Study Area.

Name	Description	AUP value	Cultural value
Ihumatao and Te Riri o Matāoho	Cultural landscape encompassing the Ihumatao Peninsula and also referencing the wider Auckland Volcanic Field. Associated with atua, ancestral waka, and some 32 generations of occupation by tūpuna	Mauri, Wāhi Tapu, Korero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu, Whakaaronui o te Wa	High
Te Mānukanuka o Hoturoa	The Manukau Harbour's cultural values were well canvassed in the Manukau Harbour Wai Claim but in some it is the ancestral moana of the Manukau Tribes – a food bowl for kaimoana, a transport route between pā and kāinga, the home of taniwha, and a spiritual connection to the past	Mauri, Korero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu	High
Waitomokia	The volcanic crater named for the waters that flow underground and feed the numerous surrounding springs, a wāhi atua or place associated with the deity Matāoho, a mahinga kai, repo, and place of depositing taonga that in whole is considered a wāhi tapu and wāhi tohu	Mauri, Wāhi Tapu, Korero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu	High
Moerangi	The volcanic plug or cone that originally had three peaks that have been nearly obliterated by quarrying that is still ongoing, the site used to be a pā, and while it's physical surface destruction is near-complete, it still holds important metaphysical value as a wāhi atua and wāhi tūpuna	Wāhi Tapu, Korero Tūturu	High
Ōruarangi Awa	Ancestral river named after the tūpuna Ruarangi, it can be considered a wai tapu, but was otherwise an important mahinga kai.	Mauri, Wāhi Tapu, Korero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu, Whakaaronui o te Wa	High
Oruru Pā	The small ring ditch pā has no official name but is located near Oruru which is the location near the mouth of the Ōruarangi river.	Mauri, Korero Tūturu,	Medium
Oruru	The kāinga location near the mouth of the Ōruarangi awa	Mauri, Korero Tūturu	High
Te Whakahekeheke	The name of the western tuff slopes of Waitomokia that face or adjoin the Manukau Harbour	Mauri, Rawa Tūturu	High
Te Motu ā Hiaroa	The ancestral motu named after the Tainui ancestress Hiaroa, it is a wāhi tapu and aneicne Tainui whare wānanga, that is today owned by the Te Motu ā Hiaroa Charitable Trust	Mauri, Wāhi Tapu, Korero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu, Whakaaronui o te Wa	High
Puketāpapa Papakāinga	The village sits between Ōruarangi awa and Puketāpapatanga o Hape, and was reserved as such following the end of hostilities between the Crown and the Kīngitanga in the late 1800s, it is the kāinga of Makaurau Marae, Te Ahiwaru and related whānau	Mauri, Wāhi Tapu, Korero Tūturu, Rawa Tūturu, Hiahiatanga Tūturu, Whakaaronui o te Wa	High
Te Puketāpapatanga a Hape (Pukeiti)	The ancestral hill named after Hape who dwelt here for a time following his journey	Mauri, Wāhi Tapu, Korero Tūturu, Whakaaronui o te Wa	High
Otuataua	The ancestral maunga near the centre of Ihumatao	Mauri, Wāhi Tapu, Korero Tūturu, Whakaaronui o te Wa	High
Te Pane a Matāoho (Mt Mangere)	The ancestral maunga at Mangere and 'the head' of Matāoho	Mauri, Wāhi Tapu, Korero Tūturu, Whakaaronui o te Wa	High
Maungataketake	The ancestral maunga at Te Ihu ā Matāoho that was a significant wāhi tapu and burial ground, but that is now mostly quarried away	Mauri, Wāhi Tapu, Korero Tūturu, Hiahiatanga Tūturu	High
Native Flora	Most of the native wetland habitat has been drained from Waitomokia and exotic plants and weeds proliferate, however native vegetation can be found on the periphery, particularly in the south, of the Site	Mauri, Rawa Tūturu	Low
Native Fauna	Most of the habitat that supports native fauna has been removed however tui, fantail and kahu are expected to be present, along with tuna (eel), lizards, and the occasional shorebird in small numbers	Mauri, Rawa Tūturu	Low

## IMPACT ASSESSMENT

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### 15.0 Potential Direct Impacts

Direct adverse impacts will arise from the further subdivision of the Waitomokia wāhi tapu and site of significance which will further erode its readability or integrity as a site. Impacts will also arise from the subsequent urbanisation of Waitomokia including the erection of warehouses and office buildings, increased hard surfaces from roads and parking areas, and an increase in infrastructure that will both physically alter the site but also its character. Other impacts may include further modification of the original tuff or underlying scoria through bulk earthworks or foundations, significant changes to the hydrology (flooding and stormwater discharges as well as impediment of natural recharge of the puna) of the site, increased light pollution within the site and adjacent to the Manukau Harbour and Ōruarangi river, setting impacts to Te Motu ā Hiaroa and potentially the papakāinga and Pukeiti, further industrial discharge to Ōruarangi awa, and disturbance or potential injury to native fauna (particularly lizards). In addition, it is noted in the Mavin 2020 civil engineering report that:

“The ICMP (integrated catchment management plan) confirmed that flooding within the Villa Maria basin would increase as the catchment was further developed. Several solutions were identified to remove this risk moving forward. Options included creating additional downstream capacity (between Montgomerie Road and Oruarangi Creek), installing a flapvalve on the existing culvert at the Montgomerie Road end of Villa Maria property and/or the construction of a diversion to a lower section of Oruarangi Creek... The ICMP identifies that even with the flapvalve installed, full development of the crater catchment will likely require the construction of a diversion from the Villa Maria Estate to a lower point of Oruarangi Stream. The construction of the diversion is considered (by Council and Maven Associates) as the long-term flooding solution for the Villa Maria Estate and contributing catchment. This outfall would enable the maximum possible development of the Vineyard Block...Resource consent would be required for the outfall, however, Council support to the new outfall is provided from Council within the ICMP... For the short term benefit it is suggested that the flapvalve is installed. For the full development of the Estate, the new outfall to lower Ōruarangi Creek should be constructed. This will maximise developable land and should reduce civil costs (notably earthworks).”

The reported long-term solution of Mavin and Auckland Council to drill a pipe and install an outfall to lower Ōruarangi awa is highly alarming. Ōruarangi awa is a wai tapu and mahinga kai to the people of Puketāpapa papakāinga, who, along with Te Kawerau ā Maki, have been fighting a long battle to protect and enhance the awa from increasing urbanisation of its catchment. Furthermore, the lower reaches are the intended property of mana whenua, and frankly it is not a developers nor Council's decision to make regarding drilling or discharging into Māori property. This would be a direct breach of Te Tiriti o Waitangi, UNDRIP and legal rights. We would rather support the alternatives noted in the Mavin report:

“There are other options which can be explored aside from the construction of the outfall to lower Oruarangi Stream which could enable the partial development of the Vineyard Block. Once such option is the creation of compensatory flood storage volume within the Villa Maria basin, via the formation of flood basins/wetlands that offset the flood volume displaced by the building platforms and roads/accessways. This approach is, again, reliant upon the construction of the flapvalve. Another option relies upon the construction of the flapvalve and provision of compensatory flood volume within the Villa

Maria basin through detention basins/wetlands which offsets the displaced flood volume created by the building platforms and access. Stormwater would continue to be disposed via the 1600mmØ culvert at Montgomerie Road. Based on the calculations provided in support of the Montgomerie Road subdivision, we have extrapolated out an approximate area that would need to be retained for the provision of flood storage within the site. In total, approximately 135,000m<sup>3</sup> of storage volume would be required. The water table (table drain) is assumed (for the purpose of this assessment) at 5m RL. If the flood basin were to feature a working flood storage range of 2m (7m 100-yr flood level) a roughly 70,000m<sup>2</sup> area would be required. Importation of fill would also be required to lift the building platforms above the applicable flood level, noting that levels through the basin range from 5-6m RL. The extent of required earthworks which would be governed by finished levels and extent of development proposed.”

Finally with regard to *existing* direct impacts, during the Villa Maria Estate plan change a precedent was set and accepted by Council that iwi must now bear the burden of. This relates to the subdivision and industrial zoning of Waitomokia, and the situation where the protection of the small ring ditch pā site was the matter focused on while the extremely high spiritual and cultural importance of the Waitomokia crater and Moerangi cone remnant was largely ignored. The decision reflected a western bias towards archaeology and the dismissal of very real cultural values into the realm of a kitsch version of ‘Māori heritage.’

Turning to potential positive direct impacts these are theoretical and depend upon further agreement with the Client and provisions within the new precinct. These could take the form of formally setting aside physical remnants of the tuff crater rim to be protected. It could also include revegetating the perimeter with native vegetation. Requiring cultural design could produce mitigation or positive outcomes such as in terms of height controls (e.g. not over the height of the rim from within the basin) and detailed design (e.g. structures within the ‘Moerangi cone zone’ could reflect a basalt patina while structures within the ‘Repo zone’ could reflect repo vegetation patina, could be a culturally derived choice of colours or textures etc, and could include other elements of interpretation or cultural acknowledgement in the built form or landscape such as pou whenua, waharoa, or wetland). Provision of access for mana whenua through open space, pathways, or even covenants would mitigate some impact. Sitting outside of the RMA would also be elements that might help secure opportunity for mana whenua to either participate in activities within the site or even acquire it in whole or in part one day. These could range from procurement opportunities, to provision of office space, to the provision of a first right of refusal (RFR) or similar mechanism that would provide the opportunity for mana whenua to acquire the site should it be sold.

## **16.0 Potential Indirect Impacts**

Indirect adverse impacts could arise from a worsening of the ability of mana whenua to access their wāhi tapu given that under the status quo most of the site could be accessed by arrangement or when visiting the vineyard, and an increase in traffic movements (particularly heavy vehicles) along Ōruarangi Road which is the main access to the papakāinga. Experience with the 2013 methyl violet dye spill from an industrial site into the Ōruarangi awa caused immense distress to whānau, and a repeat of this must be avoided. Discharges to the awa impact the hauora and mauri of people at the kāinga.



Figure 24: Photo of the methyl violet dye spill of 2013

## 17.0 Potential Cumulative Impacts

Cumulative adverse impacts will arise from the further urbanisation and industrialisation of the Ihumatao cultural landscape, the subdivision and further erosion of the mana and visibility of features that make up Te Riri ō Matāoho and potentially increased urban discharge to receiving environment of Ōruarangi.

## 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
Ihumatao and Te Riri ō Matāoho	Direct and cumulative adverse from subdivision and urbanisation	Moderate	Large Adverse	Precinct to incorporate cultural landscape provisions	Moderate Adverse	MOU or other instrument including elements such as RFR, procurement, investment into papakāinga projects

Name	Summary of impact	Level of Impact	Significance of effect	Proposed mitigation	Residual effect	Offsetting
Te Mānukanuka ō Hoturoa	Cumulative adverse from further urbanisation on its edge and thus setting	Minor	Moderate Adverse	Precinct to incorporate cultural landscape provisions – recommend specifically either avoidance or very sensitive visual design of section next to Ōruarangi Awa and Ōruarangi Road	Minor Adverse	Dependant upon final precinct provisions and design
Waitomokia	Direct and cumulative adverse from subdivision, urbanisation (character and hydrology including impeding natural recharge of the puna), and earthworks and foundations	Major	Large Adverse	Precinct to incorporate cultural landscape provisions – would require ideally groundwater/aquifer recharge and wetland creation	Large Adverse	Dependant upon final precinct provisions and design. MOU or other instrument including elements such as RFR, procurement, investment into papakāinga projects
Moerangi	Direct and cumulative adverse from subdivision, urbanisation, and earthworks and foundations	Moderate	Large Adverse	Precinct to incorporate cultural landscape provisions	Moderate Adverse	Dependant upon final precinct provisions and design. MOU or other instrument including elements such as RFR, procurement, investment into papakāinga projects
Ōruarangi Awa	Direct and cumulative adverse from upstream urban industrial discharges and if a outfall is created downstream in direct breach of Māori ownership	Major	Large Adverse	Precinct to incorporate cultural landscape provisions – would require treatment on-site and avoidance of direct outfall	Large Adverse	Dependant upon final precinct provisions and design. Onsite retention and treatment, and

Name	Summary of impact	Level of Impact	Significance of effect	Proposed mitigation	Residual effect	Offsetting
						avoidance of outfall into Ōruarangi
Oruru Pā	Direct adverse from further urbanisation on its edge and thus setting	Moderate	Moderate Adverse	Precinct to incorporate cultural landscape provisions – recommend specifically either avoidance or very sensitive visual design of section next to Ōruarangi Awa and Ōruarangi Road	Minor Adverse	Dependant upon final precinct provisions and design
Oruru	Direct adverse from urbanisation within the site and on its edge and thus setting	Major	Large Adverse	Precinct to incorporate cultural landscape provisions – recommend specifically either avoidance or very sensitive visual design of section next to Ōruarangi Awa and Ōruarangi Road	Large Adverse	Dependant upon final precinct provisions and design
Te Whakahekeheke	Cumulative adverse from further urbanisation on its edge and thus setting	Minor	Moderate Adverse	Precinct to incorporate cultural landscape provisions – recommend specifically either avoidance or very sensitive visual design of section next to Ōruarangi Awa and Ōruarangi Road	Minor Adverse	Dependant upon final precinct provisions and design
Te Motu ā Hiaroa	Cumulative adverse from further urbanisation on its edge and thus setting	Minor	Moderate Adverse	Precinct to incorporate cultural landscape provisions – recommend specifically either avoidance or very sensitive visual design of section next to Ōruarangi Awa and Ōruarangi Road	Minor Adverse	Dependant upon final precinct provisions and design
Puketāpapa Papakāinga	Defer to Te Ahiwaru to confirm, however likely to	Defer to Ahiwaru	Defer to Ahiwaru	Defer to Ahiwaru	Defer to Ahiwaru	Defer to Ahiwaru

Name	Summary of impact	Level of Impact	Significance of effect	Proposed mitigation	Residual effect	Offsetting
	be indirect and cumulative adverse from urbanisation of surrounding landscape, discharges, and traffic					
Te Puketāpapatanga a Hape (Pukeiti)	Direct and cumulative adverse from further urbanisation and changes to its setting	Minor	Moderate Adverse	Precinct to incorporate cultural landscape provisions – recommend specifically either avoidance or very sensitive visual design of section next to Ōruarangi Awa and Ōruarangi Road	Minor Adverse	Dependant upon final precinct provisions and design
Otuataua	Direct and cumulative adverse from further urbanisation and changes to its setting	Minor	Moderate Adverse	Precinct to incorporate cultural landscape provisions – recommend specifically either avoidance or very sensitive visual design of section next to Ōruarangi Awa and Ōruarangi Road	Minor Adverse	Dependant upon final precinct provisions and design
Te Pane a Matāoho (Mt Mangere)	No change	Neutral	Neutral	Nil	Neutral	N/A
Maungataketake	No change	Neutral	Neutral	Nil	Neutral	N/A
Native Flora	No change to direct beneficial from planting of new native trees	Minor	Negligible Beneficial	Planting Plan	Negligible Beneficial	N/A
Native Fauna	Direct adverse form disruption during construction phase	Moderate	Minor Adverse	Ecological Management Plan	Negligible Adverse	N/A



## CONCLUSION

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The proposal is to undertake industrial urban development within Waitomokia. The land is already zoned light industrial through an earlier plan change prior to the Client acquiring the Site. Minor amendments to the subdivision lots along with resource consents will be required. Waitomokia is a site of cultural significance within a cultural landscape of very high importance and highly sensitive to further change. The proposal presents a challenge and a tipping point in terms of the further eradication of wāhi tapu and wāhi tohu from the Ihmuatao landscape, and the further degradation of the key features of the Auckland Volcanic Field. Te Kawerau ā Maki and Te Ahiwaru together previously nominated Waitomokia for scheduling in 2014, and the need for protection of such features was formally identified as early as the 1984 Manukau Harbour Wai Claim hearings. These requests from iwi have not to date been met by the Crown. It is considered inconsistent with Te Tiriti Article II, UNDRIP, RMA Part II, and tikanga Māori for a wāhi atua or wāhi tapu of this nature to be subdivided or developed into industrial or business uses.

The Client has met with Te Kawerau ā Maki and other iwi and hapū several times. To try and address or mitigate these earlier matters, in recognising the importance of the site, the Client has agreed to co-develop a Waitomokia Precinct over the feature. The precinct will act to protect Waitomokia's key elements and incorporate cultural values while enabling clarity and certainty for development to proceed. The Client has shown considerable good will to date with this approach in the hopes of arriving at a compromised but acceptable outcome for all parties.

The current proposal is still being refined through a collaborative masterplanning process which will help inform the Waitomokia Precinct provisions. The findings in this report are therefore preliminary and subject to refinements and outcomes of that process. This report has identified five significant (moderate to large) adverse effects on Te Kawerau ā Maki related to direct, indirect and cumulative impacts to the cultural landscape, Waitomokia, Moerangi, Ōruarangi awa, and the kāinga site Oruru. There will likely be some degree of indirect impacts to Puketāpapa papakāinga but we defer to Te Ahiwaru to comment. Further mitigation and offsetting will be required in order to reduce impacts further. A further seven minor or less than minor adverse effects were identified relating primarily to setting or indirect impacts to surrounding cultural sites and some construction impacts to native fauna. One minor beneficial impact was identified relating to native planting. Recommendations are provided as to how to further avoid, remedy, or mitigate cultural impacts to Te Kawerau ā Maki. We note that we do not speak for our whānau Te Ahiwaru or Te Akitai o Waiohua but that we desire to support and collaborate with both. Subsequently the recommendations in this report should be read in conjunction with theirs.

## 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 consider subdivision and industrial development of wāhi tapu to be inconsistent with Te Tiriti ō Waitangi, tikanga, and legislation and policy so in principle do not support such activities at Waitomokia, however noting that the current situation is a legacy of Crown inaction rather than the Client's actions	Mana Motuhake; Kaitiakitanga Mātauranga Māori	4.1.2, 4.2.2	Te Tiriti Article II, RMA 6(e)/7(a)/8	B6.3.2(1), B6.3.2(2), B6.3.2(6)	UNDRIP, NPSFW, NZCPS, ICOMOS
2	Notwithstanding the above Te Kawerau ā Maki appreciate the goodwill of the Client to date, and note that should the development of Waitomokia proceed this should incorporate the below recommendations in order to ensure cultural impacts are avoided, remedies or mitigated	Mana Motuhake, Kaitiakitanga	2.2	RMA 6(e)/7(a)	B6.2.2(1) B6.3.2(2) B6.3.2(3) B6.3.2(6)	UNDRIP, NPSFW, NZCPS, ICOMOS
3	A Waitomokia Precinct should be co-developed over the Waitomokia feature in its entirety as a mechanism by which to formally identify the cultural values of the site and landscape, protect and enhance key features of the site and landscape, incorporate tikanga and cultural design into precinct provisions, and provide certainty for the Client to proceed with development while providing for participation mechanisms for iwi/hapū	Kaitiakitanga Auaha Mātauranga Māori	2.2, 4.2.2, 4.4.2, 4.5.2, 4.7.2, 4.8.2, 4.9.2	RMA 6(e)/7(a)	B6.2.2(1) B6.3.2(1) B6.3.2(2) B6.3.2(6) B6.5.2(7) B6.5.2(9)	UNDRIP, NPSFW, NZCPS, ICOMOS
4	<b>Remaining physical features</b> or elements of Waitomokia (tuff crater rim) and Moerangi (basalt cone) as well as the pā should be avoided and enhanced including through: <ul style="list-style-type: none"> <li>Bulk and location set-backs from such features</li> <li>Avoidance of bulk earthworks or foundations or construction of structures</li> </ul>	Kaitiakitanga Mātauranga Māori	2.2, 4.1.2, 4.2.2, 4.7.2, 4.9.2	Te Tiriti Article II, RMA 6(e)/7(a)	B6.3.2(1) B6.3.2(2) B6.3.2(6) B6.5.2(9)	UNDRIP, ICOMOS

No.	Recommendation	TKaM Strategic Value alignment	IMP policy alignment	Legislative alignment	AUP policy alignment	Other policy alignment
	<ul style="list-style-type: none"> <li>Cultural design</li> </ul>					
5	<p><b>A soil conservation management plan</b> should be required (excluding fill material already in place) noting the cultural importance of the volcanic soils, tuff, basalt, and also any underlying (buried) wetland deposits that could contain taonga, with such a plan setting out:</p> <ul style="list-style-type: none"> <li>Avoidance or otherwise retention or redeposition of natural soils</li> <li>Avoidance or reduction in the exporting of natural soils to cleanfill or landfill</li> <li>Where material is removed from the site is should only be taken to locations agreed with mana whenua where practicable</li> </ul>	Kaitiakitanga Mātauranga Māori	2.2, 4.1.2, 4.2.2, 4.3.2, 4.6.2	RMA 6(e)/7(a)	B6.3.2(1) B6.3.2(2), B6.3.2(6), B6.5.2(7)	UNDRIP
6	<p><b>Water sensitive design</b> is required that recognises and supports the natural processes and nature of water at Waitomokia, being the matapuna of springs at Ihumatao and an aquifer and previous wetland/repo, through:</p> <ul style="list-style-type: none"> <li>Consideration of groundwater/aquifer recharge</li> <li>Repo restoration to mirror the original function</li> <li>Ensuring flood retention within Waitomokia via flapvalve, flood basin/wetland, and raised building platforms</li> <li>Treatment-train approach to stormwater treatment utilising where possible natural (soil</li> </ul>	Kaitiakitanga Auaha Mātauranga Māori	2.2, 4.1.2, 4.2.2, 4.4.2, 4.8.2, 4.9.2	RMA 6(e)/7(a)	B6.3.2(2), B6.3.2(3), B6.3.2(6), B6.5.2(9)	UNDRIP, NPSFW

No.	Recommendation	TKaM Strategic Value alignment	IMP policy alignment	Legislative alignment	AUP policy alignment	Other policy alignment
	<p>or plant-based) filtration</p> <ul style="list-style-type: none"> <li>Adequate redundancy to allow for 1 in 100 year events and climate change</li> </ul>					
7	<p>Avoidance of directional drilling through the tuff to the lower reaches of Ōruarangi awa and <b>avoidance of installation of new outfall into Ōruarangi awa</b> which is to be legally transferred to mana whenua and which is undergoing a process of healing following decades of abuse from industrial activities, and all lengths made to prevent increased industrial discharge and contaminants.</p>	<p>Mana Motuhake Kaitiakitanga Whanau Mātauranga Māori</p>	<p>2.2, 4.1.2, 4.2.2, 4.4.2, 4.5.2</p>	<p>Te Tiriti Article II, RMA 8, legal ownership of river, TKaM statutory acknowledgement</p>	<p>B6.3.2(1), B6.3.2(2), B6.3.2(6), B6.5.2(9)</p>	<p>UNDRIP, NPSFW, NZCPS, ICOMOS</p>
8	<p>Adoption of <b>native eco-sourced planting</b> as a default for the precinct, with a particular focus on:</p> <ul style="list-style-type: none"> <li>Long-term vegetation screening (including succession planting where exotic trees will eventually fall) along the Ōruarangi awa boundary to protect the landscape values and privacy of the papakāinga</li> <li>Use of vegetation elsewhere within the basin of the precinct that reflects the repo environment or otherwise significant specimen trees reflective of past use of the area such as pururi or totora</li> <li>Considering offsets toward the restoration of the Ōruarangi awa (e.g. planting, pest control) and projects being led by Te Ahiwaru to restore the mauri</li> </ul>	<p>Kaitiakitanga Mātauranga Māori</p>	<p>2.2, 4.1.2, 4.5.2, 4.7.2, 4.8.2, 4.9.2</p>	<p>RMA 6(e)/7(a)</p>	<p>B6.3.2(1) B6.3.2(2)</p>	<p>UNDRIP, NZCPS</p>
9	<p><b>Cultural design</b> of the bulk and location (e.g. masterplan) and Waitomokia Precinct provisions including matters such as:</p>	<p>Kaitiakitanga Whanau, Auaha, Mātauranga Māori</p>	<p>2.2, 4.2.2, 4.7.2, 4.9.2</p>	<p>RMA 6(e)/7(a)</p>	<p>B6.2.2(1), B6.3.2(1), B6.3.2(2), B6.5.2(7), B6.5.2(9)</p>	<p>UNDRIP, NZCPS, ICOMOS</p>

No.	Recommendation	TKaM Strategic Value alignment	IMP policy alignment	Legislative alignment	AUP policy alignment	Other policy alignment
	<ul style="list-style-type: none"> <li>• Retention of key cultural viewshafts e.g. Pukeiti/ Otuaataua/ Puketutu Island</li> <li>• Building height limits such that structures within the Waitomo basin do not have roof heights above the crest of the tuff crater rim</li> <li>• Avoidance of industrial use or structures (e.g. warehouses) on Lot 2 (the allotment adjoining Ōruarangi awa) or otherwise sensitive (low visual impact) design to avoid direct and setting impacts upon the pā, Oruru, Ōruarangi awa, Puketāpapa papakāinga, Pukeiti, Otuaataua, Puketutu Island and the Manukau Harbour</li> <li>• Roading layout that does not detract from the topography of Waitomokia (e.g. significant cuts)</li> <li>• Screen planting</li> <li>• Repo (wetland) construction</li> <li>• Detailed design such as structures within the Moerangi zone having a basalt patina and structures within the repo zone having a repo patina to help visually reference and demarcate these internal heritage spaces</li> <li>• The creation of pou whenua or waharoa within the Waitomokia Precinct</li> <li>• The creation and installation of other interpretive elements that recognise and celebrate the history of Waitomokia</li> </ul>	(culture-driven)]				

No.	Recommendation	TKaM Strategic Value alignment	IMP policy alignment	Legislative alignment	AUP policy alignment	Other policy alignment
10	<p>Mana Whenua access, participation and opportunities within the Waitomokia Precinct could be secured by way of an MOU and covenants to include:</p> <ul style="list-style-type: none"> <li>• Co-design of open space and or other means such as easement or covenant of providing for mana whenua to physically connect with Waitomokia and Moerangi</li> <li>• Procurement opportunities for construction and operation</li> <li>• Provision of office space</li> <li>• An RFR on the title in favour of mana whenua at market rate should the property (in part or in whole) be sold in the future</li> <li>• Consideration of gifting the ownership of or use of existing housing on Ōruarangi Road to the people of Puketapapa papakāinga</li> <li>• Opportunities to collaborate on other projects within the landscape including Ōruarangi awa mauri enhancement</li> </ul>	<p>Mana Motuhake, Kaitiakitanga Whanau, Auaha, Mātauranga Māori</p>	<p>2.2, 4.1.2 4.2.2</p>	<p>RMA 8, Te Tiriti Article II</p>	<p>B6.2.2(1), B6.3.2(2)</p>	<p>UNDRIP</p>