

**Cultural Values Assessment in Support of  
the Notices of Requirement for the  
Proposed City Rail Link Project**

**Prepared for Auckland Transport**

**by**

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**11 December 2012**

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## I. INTRODUCTION

### A. DESCRIPTION OF THE PROPOSAL

1. Auckland Transport has served six Notices of Requirement ("**NOR**") on Auckland Council to designate the City Rail Link ("**CRL**") in the Auckland Council District Plan.
2. As set out in the NOR and supporting assessment of environmental effects ("**AEE**") the CRL Project comprises a 3.4 km underground passenger railway between Britomart station and the North Auckland Rail Line ("**NAL**") in the vicinity of the Mount Eden Station. The CRL includes two tracks and three underground stations and 850 metres of modifications to the NAL and local road network.
3. The three stations along the alignment have been temporarily named Aotea Station, Karangahape Station, and Newton Station.
4. The project is anticipated to involve five phases to move to the operational stage:
  - a. The current design phase, Phase 1, comprises:
    - i. Protection of the CRL for future construction, operation and maintenance via a designation;
    - ii. Engineering and architectural design to a concept design level;
    - iii. Initial site analysis and investigations;
    - iv. Development of an Environmental Management Framework to manage the effects of the CRL through the next phases of design, construction and operation; and
    - v. Consultation.
  - b. Phase 2: further site investigations, preliminary design, preparation and obtaining of resource consents, on-going consultation;
  - c. Phase 3: any further site investigations, detailed design, preparation and obtaining resource consents (if not undertaken in phase 2), on-going consultation;
  - d. Phase 4: construction site investigations and final construction design, any ancillary / minor resource consents, preparation of Outline Plans, tender and award of the construction contract, preparation of management plans to manage the effects during construction, on-going consultation, on site construction of CRL;
  - e. Phase 5: CRL commissioning and operation, preparation of any management plans required during the operational phase.
5. The NOR are part of the first phase of the overall project delivery. This stage also includes engineering and concept design, preliminary investigations,

consultation, and preparation of the AEE, Urban Design Framework (“**UDF**”) and Environmental Management Framework (“**EMF**”).<sup>1</sup>

6. The designation, if confirmed, would allow Auckland Transport (as the requiring authority) to do anything in accordance with the purpose of the designation, and any conditions attached to it, that may otherwise require consent under a district plan<sup>2</sup>, while regional consents still need to be obtained prior to undertaking works.

## **B. SCOPE AND ROLE OF CVA**

7. This Cultural Values Assessment (“**CVA**”) has been commissioned by Auckland Transport to support the AEE for the NOR.
8. This CVA report:
  - a. Considers the issues, information and recommendations contained in the Māori Values Assessments (“**MVAs**”) received to date, and arising out of consultation with mana whenua. For completeness, this CVA is not intended to detract from or substitute the MVAs;
  - b. Represents an independent review of information relevant to consideration of Māori values and interests in the Project area; and
  - c. Provides recommendations on measures to avoid, remedy or mitigate any adverse effects on Māori values, or measures to recognise and provide for the relationship of iwi/hapū with their ancestral lands and tāonga.
9. Mana whenua have also had input into this report through consultation, reviewing drafts of this CVA and providing feedback.
10. The author has over 11 years’ experience as a specialist resource management lawyer and is currently employed by the firm Atkins Holm Majurey Limited. The author specialises in resource management law and has an intimate understanding of the assessment of Māori values in the context of the Resource Management Act 1991 (“**RMA**”). The author co-authored the Māori Values Supplement for the Making Good Decisions Commissioner Training Programme (2010), has undertaken Māori cultural assessments in relation to RMA plan reviews (such as the recent Thames Coromandel District Plan review and the draft Auckland Council Unitary Plan - on behalf of the Independent Māori Statutory Board). The author has reviewed and overseen a number of Māori cultural values assessments in a legal role.
11. The author is also training through customary wānanga on tikanga Māori (though not in the tikanga of Tāmaki mana whenua).
12. The author is of Ngā Potiki (Ngai Te Rangi), Ngā Puhī, Ngāti Whātua (ki tokerau), and Ngāti Tamatera descent. The author does not hold any formal positions within these iwi.

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<sup>1</sup> AEE – para 2.1.

<sup>2</sup> AEE – para 2.2.2.

### **C. MVAs**

13. MVAs have been commissioned by Auckland Transport directly from those mana whenua who have confirmed their interest in the Project.
14. MVAs for those iwi/hapū who have completed their MVAs at the time of completing this CVA are attached (being Ngāti Te Ata Waiohua, Ngāti Whātua Ōrākei, and Te Ākitai Waiohua). Ngāti Maru has provided a draft MVA to inform this CVA report. Some iwi/hapū have chosen to provide letters for this stage of the process and are continuing to complete their MVAs to be provided at a later stage of the process (being Ngai Tai ki Tāmaki and Ngāti Pāoa). In addition, the author has consulted with representatives of all mana whenua, including those groups that have not provided MVAs or letters at this stage.
15. Mana whenua MVAs and/or letters are attached at Appendix A.

### **D. METHODOLOGY**

16. On being engaged, the author was briefed by the Auckland Transport CRL Project team on the steps it had taken to engage with mana whenua on the Project. This included early consultation with mana whenua by the Project team and commissioning iwi/hapū to produce MVAs.
17. Following engagement, the Auckland Transport Māori Relations Manager and the author met with most of the representatives of mana whenua groups who have confirmed their interest in the Project.
18. This CVA report has been guided by the following principles:
  - a. Mana whenua are best placed to convey their customs and relationship with their ancestral rohe and tāonga and have the expertise to do so;
  - b. Kanohi ki te kanohi – face to face meetings with relevant mana whenua representatives (kaitiaki) where agreed by mana whenua.
19. In producing this report, the author has undertaken an independent review of relevant public material to assist in the consideration of Māori values relevant to the Project, including:
  - a. Waitangi Tribunal reports;
  - b. Historical reports in connection with Waitangi Tribunal inquiries;
  - c. Treaty of Waitangi settlement documentation;
  - d. Iwi/hapū documentation, including:
    - i. Iwi Management Plans;
    - ii. Submissions by iwi/hapū on Auckland Council policy and planning instruments.

- e. Review of information produced by the Independent Māori Statutory Board, including:
    - i. Te Tiriti o Waitangi audit;
    - ii. Māori plan;
    - iii. Issues of significance.
20. This report relies on the information provided to date from mana whenua through consultation and MVAs as well as the public material outlined above. The author has relied on the accuracy of this information for the purposes of this report. This report is based on the information available to the author at the time of completing this report and is therefore subject to any further information that may be supplied by mana whenua (or others) throughout the process.

## **II. STATUTORY CONTEXT**

### **A. RMA**

21. The RMA is the primary legislation governing the NOR.
- i. Part 2 of the RMA**
    - 22. Part 2 of the RMA contains provisions of particular relevance to the consideration of Māori values.
    - 23. In achieving the sustainable management purpose of the RMA, all persons exercising functions and powers under it must:
      - a. Under section 6(e), recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other tāonga, being a matter of national importance;
      - b. Under section 6(f), recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development, being a matter of national importance;
      - c. Under section 6(g), recognise and provide for the protection of recognised customary activities, being a matter of national importance;
      - d. Under section 7(a), have particular regard to kaitiakitanga;
      - e. Under section 8, take into account the principles of the Treaty of Waitangi.
  - ii. NOR statutory considerations**
    - 24. In addition to the Part 2 matters, the need to consider alternative sites, routes, or methods for undertaking the work sought to be designated (pursuant to section 171(1)(b)) is also of particular relevance to the consideration of Māori values in relation to the NOR.

### iii. Consultation

25. Under section 36A of the RMA, there is no duty to consult with any person in relation to a notice of requirement.
26. Nevertheless, consultation is recognised as being important and necessary to address the requirements of Part 2 of the RMA as well as relevant policy and planning provisions. The Environment Court has stated:<sup>3</sup>

“[260]... Although consultation is not mandatory, it is difficult to see how the applicant could have addressed these issues without doing so. In fact, as consultation has continued in the case, the applicant's proposals in this regard have also become more consistent with that identified in the Coastal Policy Statement and the outcome sought in Part 2 of the Act.”

27. The Environment Court made further observations relevant to the context of that case:<sup>4</sup>

“[318] Put simply, a publicly listed company working in a highly sensitive area identified in all relevant national and regional documents, cannot purport that it has no obligation to consider tangata whenua issues or consult with the relevant parties. This is not the case of a small business having no specific provisions and regional plans relating to it. This is the case of a major infrastructural company which has been dealing with these issues constantly for the last 50 to 60 years since its inception, and prior to that, the Harbour Board. To pretend that these matters are not being addressed through the Waitangi Tribunal (and having repercussions to on-going operations), is not in our view a reasonable position to take.”

28. The RMA provisions do not preclude consultation that may be required under other legislation.

### B. HAURAKI GULF MARINE PARK ACT 2000

29. Part of the CRL Project is located within the catchment of the Hauraki Gulf Marine Park Act 2000 (“**HGMPA**”) and is therefore subject to its provisions.
30. Section 13 of the HGMPA requires particular regard to be had to sections 7 and 8 of the HGMPA:
- a. Section 7<sup>5</sup> recognises the national significance of the Hauraki Gulf, its islands and catchments, and the need to provide for the historic, traditional, cultural and spiritual relationships of mana whenua to them;

<sup>3</sup> *Te Runanga o Ngai Te Rangi Trust v Bay of Plenty Regional Council* [2001] NZEnvC 402 at paragraph [260].

<sup>4</sup> At paragraph [318].

<sup>5</sup> Which states:

#### “7 Recognition of national significance of Hauraki Gulf

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—
- (a) to provide for—
- (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
- (ii) the social, economic, recreational, and cultural well-being of people and communities:
- (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:

- b. Section 8<sup>6</sup> seeks to protect and enhance, as matters of national significance, the natural, historic, and physical resources which tāngata whenua have a historic, traditional, cultural, and spiritual relationship with.

### C. LAND TRANSPORT MANAGEMENT ACT 2003

31. The statutory provisions of the LTMA are discussed in the AEE.

### D. SETTLEMENT LEGISLATION

32. The recently assented Ngāti Whātua Ōrākei Claims Settlement Act 2012 is also relevant to the NOR.

## III. AUCKLAND TRANSPORT

33. Auckland Transport is a council-controlled organisation ("**CCO**") wholly owned by Auckland Council and is responsible for managing and controlling Auckland's transport system under the Local Government (Auckland Council) Act 2009 ("**Auckland Council Act**").
34. Auckland Transport's statutory purpose is to contribute to the effective and efficient land transport system to support Auckland's social, economic, environmental, and cultural well-being.
35. As a CCO, Auckland Transport may be said to have greater responsibilities to take account of the Treaty principles than might apply to private individuals.
36. Auckland Transport has specific statutory responsibilities under the LTMA and the Auckland Council Act relevant to Māori interests. These provisions relate primarily to planning and decision-making functions of Auckland Transport.
37. As an organisation, Auckland Transport has developed a Māori Engagement Framework to help guide its engagement with mana whenua of Tāmaki Makaurau. This is attached as Appendix B to this CVA.

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(c) to maintain the soil, air, water, and ecosystems of the Gulf."

- <sup>6</sup> Which provides:

#### "8 Management of Hauraki Gulf

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:
- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:
- (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:
- (f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand."

38. The Māori Engagement Framework is a positive statement by Auckland Transport reflecting good practice engagement with mana whenua.
39. This Framework is Auckland Transport's response to its statutory responsibilities under the LGA and LTMA and contributes to achieving the Māori outcomes in the Auckland Plan and in Auckland Transport's Statement of Intent.
40. Auckland Transport has advised that it is still working to implement best practice and its approach is evolving as a newly constituted organisation.
41. Auckland Transport, through the Māori Relationships Manager, has held hui with a group of Tāmaki mana whenua on other Auckland Transport projects, which has also provided a forum to discuss this Project. This is an informal forum (ie, not underpinned by any legal or agreed obligations), but has provided a forum to discuss matters with mana whenua on relevant Auckland Transport projects including this Project.
42. One of the recommendations in this report is the establishment of a formal kaitiaki forum as part of the conditions for this Project or otherwise through an agreed arrangement, and this is discussed at various points below. The Māori Engagement Framework outlines principles and values which can help guide the establishment of such a forum for this Project.

#### **IV. CONSULTATION UNDERTAKEN WITH MANA WHENUA**

43. Consultation with mana whenua was initiated by Auckland Transport with 15 iwi/hapū,<sup>7</sup> who were sent letters<sup>8</sup> in March 2012 containing information about the CRL Project and requesting whether they wished to be involved in the Project.
44. The following iwi/hapū confirmed their interest in the CRL Project, and subsequent consultation was undertaken with them (in alphabetical order):
  - a. Ngāi Tai ki Tāmaki
  - b. Ngāti Maru
  - c. Ngāti Pāoa
  - d. Ngāti Tamaoho

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<sup>7</sup> The iwi/hapū were identified by Auckland Transport's Māori Relationship Manager being (in alphabetical order):

- Hauraki Māori Trust Board;
- Ngaitai ki Tāmaki (represented by Ngaitai ki Tāmaki Tribal Trust);
- Ngāti Manuhiri (represented by Manuhiri Omaha Kaitiaki Trust);
- Ngāti Maru (represented by Ngāti Maru Runanga);
- Ngāti Pāoa (represented by Ngāti Pāoa Trust Board);
- Ngāti Tamaoho (represented by Ngāti Tamaoho Trust);
- Ngāti Tamatera (represented by Te Runanga a Iwi o Ngāti Tamatera);
- Ngāti Te Ata Waiohua (represented by Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohua);
- Ngāti Wai;
- Ngāti Whanaunga (represented by Ngāti Whanaunga Society Incorporated);
- Ngāti Whātua (represented by Te Runanga o Ngāti Whātua);
- Ngāti Whātua ki Kaipara (represented by Te Wahanga Manaakitanga o Te Tai Ao / Ngāti Whātua Ngā Rima o Kaipara);
- Ngāti Whātua Ōrākei (represented by Ngāti Whātua Ōrākei);
- Te Akitai Waiohua (represented by Pukaki Māori Marae Committee & Te Akitai Waiohua);
- Te Kawerau a Maki (represented by Te Kawerau Iwi Tribal Authority).

Refer AEE – paragraph 5.5.1(a).

<sup>8</sup> The letter template is attached to the Consultation Report – Refer AEE, Volume 2, Appendix 5.

- e. Ngāti Te Ata
  - f. Ngāti Whātua Ōrākei
  - g. Te Ākitai Waiohua
  - h. Te Kawerau ā Maki
45. Prior to lodging the NOR and associated AEE with Auckland Council, a range of meetings with mana whenua occurred, including:
- a. Hikoi (site visit) along the Project route;
  - b. Hui with mana whenua representatives.
46. Volume 2, Appendix 5 of the AEE sets out a schedule of engagement with mana whenua.
47. Following lodgement of the NOR, consultation has been on-going, including:
- a. Hui with individual iwi/hapū;
  - b. Hui with a forum of mana whenua representatives;
  - c. A workshop with mana whenua representatives;
  - d. Telephone and email correspondence with mana whenua representatives who were not able to attend hui.
48. At all stages, mana whenua have been resourced to enable them to adequately respond to the invitation to consult and to contribute to the assessment of cultural effects for the Project.

## **V. BACKGROUND TO CULTURAL VALUES**

### **A. MANA WHENUA**

49. To many Māori, the isthmus between the Waitematā and Manukau harbours was and remains known as Tāmaki Makaurau, often translated as 'Tāmaki of a hundred lovers' or 'Tāmaki desired by many'. Its central location, sheltered harbours, rich volcanic soils ideal for cultivation, extensive fishing and shell fishing grounds, easy canoe access between coastal settlements and the gulf islands, all made it a highly desirable location for settlement. Access between the two harbours and the east and west coasts was easy using major rivers and portage routes, where waka were dragged across the shortest stretches of land separating them.
50. These same features made Tāmaki Makaurau a natural intersection for sea transport, and a convergence point for descendants of different chiefly ancestry. Notable occupants include descendants of Toi (who is said to have arrived in the dawn of time); descendants from the crew of the Tainui and Te Arawa waka, with multiple places around the Tāmaki isthmus and the harbours being directly associated with voyages, events and crew of these

waka; and those from the north who descended from the Māhuhu waka and of renowned warrior rangatira.

51. Over many centuries mana whenua established numerous settlements on and around the shoreline and major rivers of the isthmus. Many were substantial long term settlements, others were occupied seasonally or temporarily while resource gathering or gardening. Pā defended with ditches and palisades were constructed at strategically located sites, notably the volcanic cones and on coastal headlands.
52. Tāmaki Makaurau was the area of various waves of iwi/hapū occupation by rights of *take tūpuna* (ancestral rights to the land through whakapapa), *take raupatu* (conquest), *ahi kā* (permanent or seasonal occupation), *kaitiakitanga* (exercise of authority and control) and *rangatiratanga* (a combination of the above).
53. Professor Stone's 1992 report for the Crown Congress Joint Working Party<sup>9</sup> recognised that the interests in Tāmaki were not simple:<sup>10</sup>

"The constant struggle for the tāonga of the isthmus, material and spiritual, and the warfare it provoked gave Tāmaki-makau-rau a unique tribal character. Nga iwi o Tāmaki, the tribes of Tāmaki, though remaining as entities had land holdings subject to constant change. Ngāti Whātua, Ngāti Pāoa, Kawerau, Ngāti Tai, and Te Akitai ... – each had relatively defined areas generally undisputed, but when it came to the central isthmus, conflicts could develop. Some continue today. That is why Tāmaki's past has not moved completely out of politics into history."

54. Dr Ward's 1992 Supplementary Historical Report on Central Auckland Lands points out the complexity of Māori history in the region:<sup>11</sup>

"The complexity of Maori history in the region is well known. From the mixing of waves of Maori settlers it is sometimes difficult to discern when a particular group retains independent identity and authority over land and when it has been essentially incorporated into another group. To some extent, in the constant flux of Maori society, this question of independence/dependence must often remain to a large extent relative and several groups might have rights in the same land, differing in kind and degree. They sincerely contest competing claims of right. Moreover, any attempts to determine the situation at say, 1840, has the drawback of a still photograph; the action is frozen at that moment and the dynamism of social movement not fully reflected. Some regard to the years just prior to the acquisition of the land by settlers (but not too much beforehand) might better reflect Maori right and entitlement than an over-rigid interpretation of the 1840 rule..."

55. The Waitangi Tribunal Ōrākei Report<sup>12</sup> notes some of the challenges for rights to Tāmaki Makaurau:<sup>13</sup>

"We need not record the many challenges and changing occupations over hundreds of years but some in the period up to 1700 stand out, the invasions of Turangi-i-mua, son of Turi the captain of the Aotea canoe, Maki of Waikato, Kawharu of Ngāti Whātua, the Hauraki tribes and Rau-tao of Marutuahu."

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<sup>9</sup> Which was established to prepare research for the surplus railway land negotiations.

<sup>10</sup> At page 51.

<sup>11</sup> At page 5.

<sup>12</sup> Report of the Waitangi Tribunal on the Ōrākei Claim (Wai 9) (November 1987).

<sup>13</sup> At page 16.

56. This background underpins the complexity of customary and ancestral claims associated with Tāmaki Makaurau, with a complex arrangement of overlapping interests based on custom and tikanga.
57. Speaking about the nature of overlapping interests in Tāmaki, the Waitangi Tribunal Tāmaki Process Report states:<sup>14</sup>
- “... This is a consequence of the intensive occupation of Tāmaki Makaurau by Māori over the centuries, and the different groups’ fluctuating levels of influence and activity in different places over that time.”
58. The Tāmaki Process Report identified at least 10 iwi/hapū regarded as mana whenua to Tāmaki Makaurau,<sup>15</sup> encompassing the eight iwi/hapū who have confirmed their customary interests in the Project.
59. Appendix C attaches maps showing identified areas of interests for some of the iwi/hapū with interests in the Project area. These maps have been obtained from Te Kāhui Māngai (website maintained by Te Puni Kokiri), relevant Treaty settlement documents (such as Agreements in Principle or Deeds of Settlement), or as provided from iwi/hapū directly (all which illustrate the ancestral interests in the Project area).
60. Unlike current concepts of ownership, the tikanga of mana whenua recognises overlapping interests. Moreover, tikanga Māori does not determine ancestral and customary interests by reference to a fixed point in time. Thus, the 1840 date and the propensity to define exclusive interests do not align with tikanga Māori and mana whenua customary rights.
61. Customary interest areas of mana whenua in Tāmaki overlap in many instances (which is no surprise with its numerous waves of occupation and competition). It is not the role of this report (or this forum) to address the merits of the respective rohe of mana whenua. This report recognises the traditions of each iwi and hapū as confirmed by them.
62. Each iwi/hapū has its own traditions establishing its cultural and spiritual association to the Tāmaki isthmus, the spiritual maunga and the surrounding lands and harbours. These accounts are supported by whakapapa, ahi kā roa and iwi/hapū traditions.
63. In the circumstances here, the accounts of mana whenua groups are among the best information available to identify their relationships with their ancestral lands and tāonga:
- a. The Tāmaki Process Report outlined some of the limitations in determining the layers of interests in the Auckland district:<sup>16</sup>

“... unlike many other parts of the country that were intensively occupied by Maori, most land blocks did not go through the Native Land Court in the nineteenth century, and neither has the Tāmaki isthmus been the subject of a

<sup>14</sup> Waitangi Tribunal Tāmaki Makaurau Settlement Process Report (Wai 1362) (June 2009), (“**Tāmaki Process Report**”), page 105.

<sup>15</sup> Pages 13-14 and endnote 32, being Ngāti Te Ata, Te Kawerau a Maki, Ngai Tai ki Tāmaki, Ngāti Pāoa, Waiohua, Marutuahu/Hauraki Māori Trust Board, Te Ākitai, Te Taou, Ngāti Tamaoho, Ngāti Wai, and Ngāti Whātua Ōrākei.

<sup>16</sup> At page 14.

district inquiry by the Waitangi Tribunal. Compared with the usual situation, therefore, we have here less information about the occupation of the area by Māori in pre-contact times, and also about the effects of colonisation.

b. The Tāmaki Process Report later states:<sup>17</sup>

"... The best source of information on custom will often not be found in a historical report, but in a conversation with matatau Maori, whose scholarship is grounded in whakapapa."

64. What is clear is that there are multiple mana whenua customary interests in the Tāmaki isthmus, including the Project area. For the purposes of this report, they all have their place as part of the statutory and policy considerations for the NOR.
65. It is also important to recognise that iwi/hapū exercise their mana independently and each have their own tikanga unique to them (while there are some commonalities). It is important to respect the independent mana of each iwi/hapū. Similarly, it cannot be assumed that the tikanga of one iwi/hapū on a particular matter will be the same as others.

## **B. NATURAL LANDSCAPE**

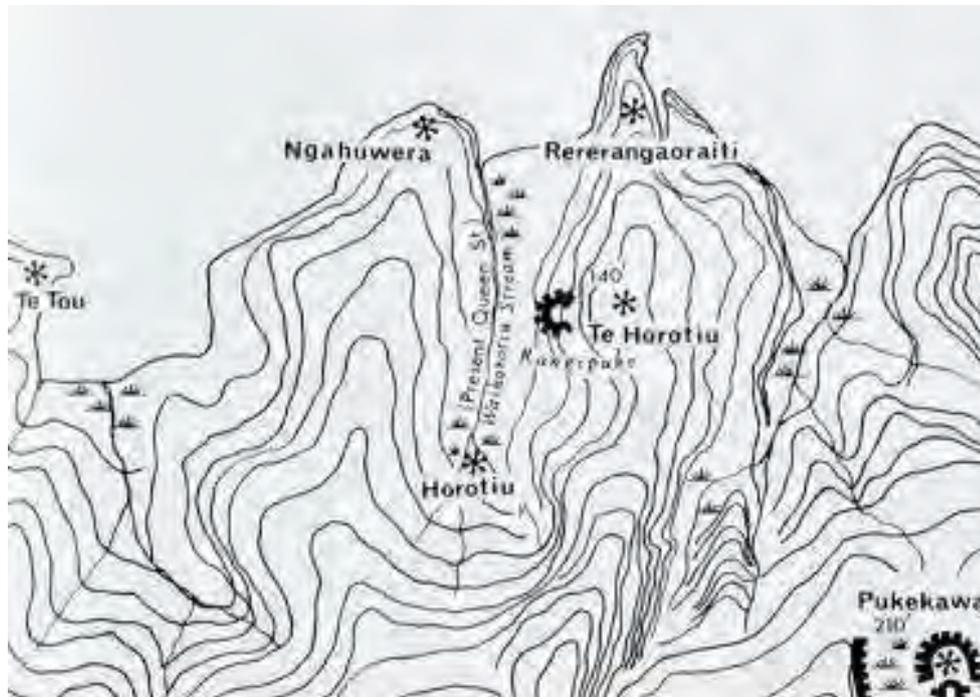
66. The shoreline of what is now the Auckland CBD originally had three bays separated by headland pā sites:
- a. The bays included:
- i. *Waiatarau* ('waters reflecting shadows') or *Waikokota* ('cockle water'), now beneath Victoria Park in Freemans Bay). Streams known as *Waikuta* ('water-reed river'), and *Tunamau* ('eel caught') drained into the bay.
  - ii. *Horotiu* bay near the foot of what is now Queen Street, with its shoreline along Fort Street. The *Waihorotiu*, a stream named after the adjacent maunga, ran down the Queen Street valley, entering the bay near the Queen St/Fort St junction.
  - iii. *Te Toangaroa* ('The long pulling or dragging' (of canoes), its original shoreline roughly defined by Beach Road and The Strand), with two streams known as the *Waipapa* ('the waters of the flats' and *Waiparuru* ('shady or gloomy creek') draining into the bay.
- b. The headland pā included:
- i. *Te To* ('the dragging up' (of canoes)) was on the western side of Waikokota (Freemans Bay).
  - ii. *Ngahuwera* (Ngā Ū Wera) ('Burnt Breasts') was located on the headland to the west of Te Rerenga-ora-iti.

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<sup>17</sup> At page 47.

- iii. *Te Rerenga-ora-iti* ('the leap of the survivors') - the name for the pā on the headland that was later known as Point Britomart.

67. These headlands and bays are illustrated in Figure 1 below.



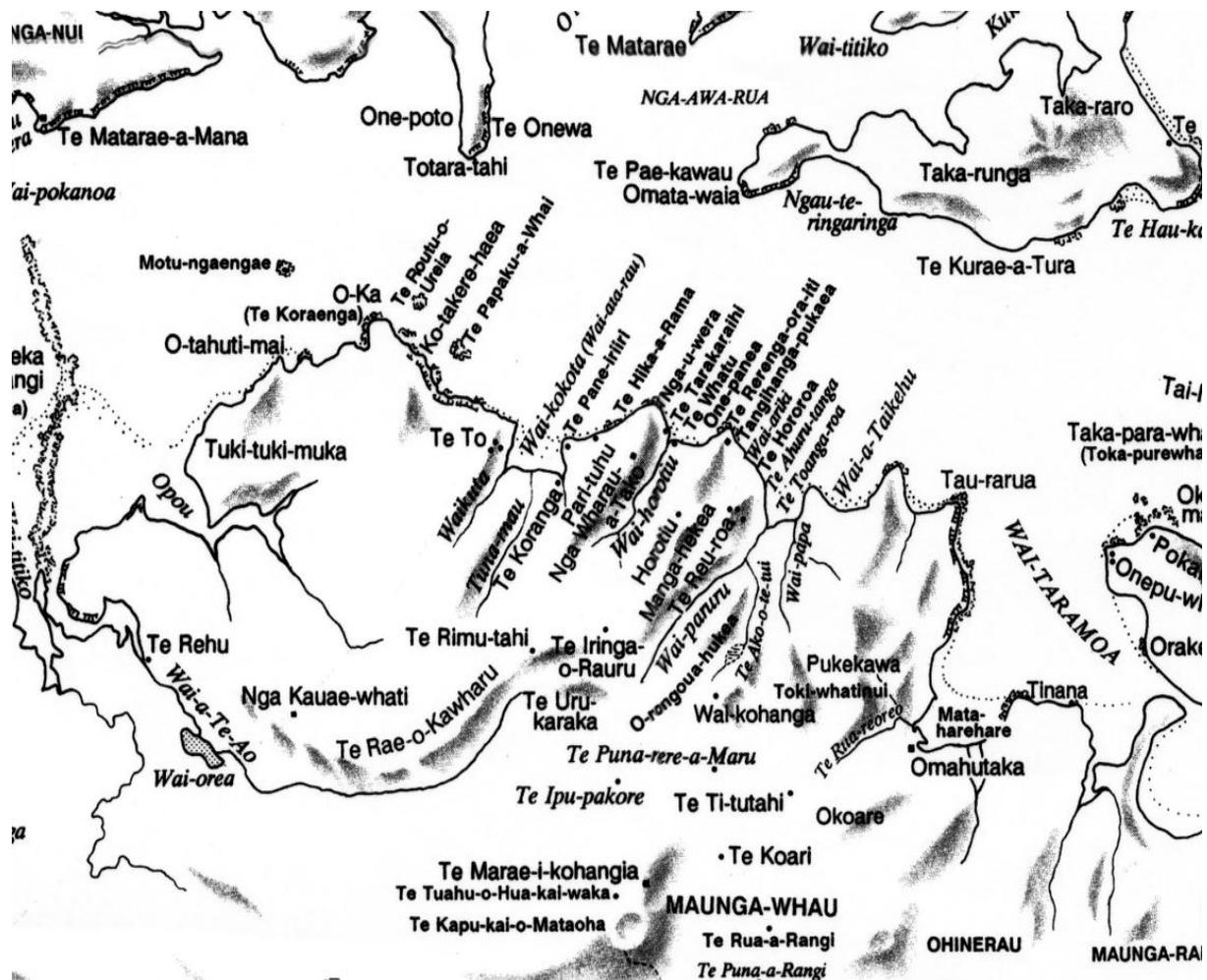
Site of Auckland in its Natural State. In: G.W.A. Bush. *Decently and in order: the government of the city of Auckland 1840-1971: the centennial history of the Auckland City Council*. Auckland: Collins for the Auckland City Council, 1971. Sir George Grey Special Collections, Auckland Libraries, photo ref. no. Decently&InOrder1971pg20-21.

68. This area was very rich in Māori use, occupation and association as can be demonstrated by the names of multiple sites and associated traditions in this area. These include:
- Pā - such as the headland pā separating the bays mentioned above; *Paritutu* ('perched on the cliff') on the cliff on the eastern side of Freemans bay; *Te Reuroa* ('the long outer palisading') a pā in the vicinity of today's High Court, extending down to the foreshore; *Ngā Wharauatako* ('Tako's reed huts') a settlement located on the Swanson Street ridge, with a track (*Te Tarapounamu*) leading down to the Queen St valley (among others); *Horotiu* ('crumbling away') said to be in the vicinity of the current day Town Hall<sup>18</sup>.
  - Natural landmarks – such as *Te Whatu* ('the rock'), *Te Ahurutanga* ('the haven or sheltering place' – a small cave); *Waiariki* ('Waters of the ariki' (chief) or 'waters having a curative value'), a natural spring in the vicinity of Eden Crescent (among many others).
  - Places where particular customary activities were carried out – *Te Koranga* ('the scaffolding' (for drying fish) at the foot of Victoria St West); *Te Roukai* ('the food gathering'), near the junction of Queen St and Customs St West, *Te Uru Karaka* a Karaka grove in the vicinity of current day Basque Park and Karaka Street (among many others).

<sup>18</sup> Refer Ngāti Whātua Ōrākei MVA – page 13.

- d. Places related to notable events – *Te Hika a Rama* ('The fire lighting of Rama'); *Te Hororoa* ('The long land slip'), when a place on the eastern side of the former Point Britomart collapsed, taking part of a pā with it and killing many people. *Onepanea* ('beach of the heads in line') referred to the Fort St area, where the heads of slain warriors were said to have been stuck on a line of posts along the beach; *Te Pane-iriiri*, where customary rites were undertaken; *Te Iringa-o-Rauru* at the junction of Symonds Street and Karangahape Road (among many others).

69. Figure 2 below shows these and other recorded Māori place names in the area (translations and brief explanations for some of these names are set out in Appendix D):<sup>19</sup>



1938 George Kelly Map

## C. SETTLEMENT OF AUCKLAND

### i. Invitation to the Governor

70. In the 1820s, there was a period of unrest in the Tāmaki isthmus with Ngā Puhi conducting devastating musket raids in Tāmaki. Tāmaki iwi/hapū were

<sup>19</sup> The author acknowledges the assistance of Clough & Associates Limited for this map and the related Appendix D.

forced to vacate their ancestral lands in the Tāmaki isthmus for a period, returning and re-settling sometime before 1840. Following re-settlement of Tāmaki, mana whenua held hui to ensure peace in the Tāmaki isthmus.

71. In 1840, a delegation of rangatira encouraged Governor Hobson to establish a settlement on the Tāmaki isthmus, partly to provide protection as well as trading and other opportunities.
72. The Ngāti Whātua Ōrākei Deed of Settlement records the following account:<sup>20</sup>

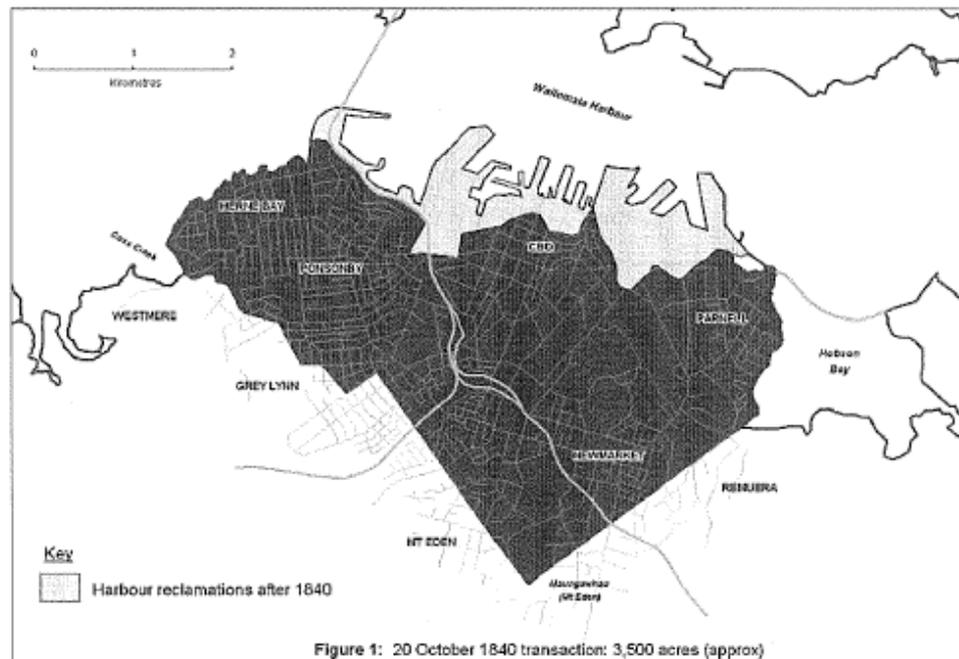
“Around this time, paramount chief Te Kawau sent a delegation of seven chiefs under Te Reweti to the Bay of Islands to offer land to Hobson to settle in the Tāmaki isthmus. This delegation represented a bid for power and mutual benefit from the establishment of a European settlement and a desire for peace across the Isthmus following a period of inter-tribal conflict.”
73. Other iwi/hapū of Tāmaki are yet to reach deeds of settlement where they will have their own historical accounts recorded.
74. Other iwi/hapū accounts record that this delegation was a multi iwi/hapū delegation, representing an invitation by a number of the mana whenua of the Tāmaki isthmus.
75. In response to this invitation, New Zealand's first Governor, William Hobson, chose Tāmaki-makaurau to be the site of the country's capital and the Crown proceeded to purchase land from the iwi/hapū to develop the new capital.
76. The Ngāti Whātua Ōrākei Deed records the background to the first land block purchase, being the area which is now the Auckland CBD:<sup>21</sup>

“On 20 October 1840, officials drew up a formal deed for the transfer of an estimated 3000 acres (3500 acres of modern calculation) between approximately Hobson Bay (Mataharehare), Coss Creek (Opou/Opoututeka) and Mt Eden (Maungawhau). This area is depicted on Figure 1.

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<sup>20</sup> Ngāti Whātua Ōrākei Deed of Settlement (5 November 2011) – Agreed Historical Account (“**AHA**”) – paragraph 2.16.

<sup>21</sup> AHA – paragraphs 2.20-2.21. It is noted that other iwi/hapū state that their interests should have been considered as part of this transaction.



The deed signed by the parties recorded that £50 in coin and goods amounting to approximately £215 were "te utu mo taua wahi wenua koia tenei". This was translated into English as "the payment for the said land".

77. There were further land sales in Auckland and the surrounding suburbs (most transactions involving multiple iwi) which provided the basis for the wider development of Auckland. During this time, Crown agents stressed that the very low purchase prices would be off-set by the benefits of colonisation, for example, by provision of infrastructure, schools and hospitals to support mana whenua.
78. As demonstrated by the invitation to the Governor and subsequent 'sales'<sup>22</sup> of land, the Tāmaki iwi/hapū anticipated a partnership relationship and mutual benefits accruing to both Māori and Pākehā from their co-location in Auckland.<sup>23</sup>
79. Reflecting this sentiment, mana whenua were also instrumental to the growth, development and early success of Auckland. Stone records that:<sup>24</sup>

"The Maori people:

- provided ... the most valuable piece of real estate in New Zealand;

<sup>22</sup> Stone records (page 11):

"From a Maori viewpoint certain of the first land sales – and this is particularly true of the sale of central Auckland ... embodied a common principle with the Treaty. Māori tended to look on these transactions as an exchange of gifts expressing an earnest of commitment to a mutually beneficial relationship, not to be thought of in material terms alone."

<sup>23</sup> The Ngāti Whātua Ōrākei Deed records:

"From Ngāti Whātua's point of view, the term "utu" in 1840 represented a broader concept of reciprocity, ongoing mutual obligation and the maintenance of balance between groups.

...

This transaction enabled the establishment of the town of Auckland, which soon became the main European settlement, the leading commercial port and the seat of government in the colony. Ngāti Whātua and the Crown entered the transaction with a view to a mutually beneficial and enduring relationship."

<sup>24</sup> Stone – at page 26.

- because ... the balance of numbers and military power was with them, ... they ... maintained 'the Queen's peace' over the isthmus;
- provided a labour force, both unskilled and skilled;
- provisioned the settlement cheaply;
- enriched the commercial community by the purchase of merchandise;
- and provided many of the first experts: mainly timber and flax, and (later) kauri gum.

In practice, Auckland settlers never accepted the Maori people on Maori terms; and therefore never as true partners. Yet rarely did the leading colonists fail to recognize how indispensable the Maori contribution to the growth of Auckland was proving. One settler accurately caught the general mood when he said in 1847, that for the town the Maori were 'our very life blood, the vital fluid!'"

80. However, as Auckland developed, mana whenua came to realise that their expectations of partnership and mutual benefit were not met, but rather that the new relationship had damaging consequences for mana whenua. The Ngāti Whātua Ōrākei Deed records:<sup>25</sup>

"In the Native Land Court in 1868, Judge Fenton asked paramount chief Te Kawau: "Who were the people who sold Auckland. To the Europeans?" Apihai replied, "I did not sell it, I gave it to them." When asked again, "Did not the Gov[ernmen]t give you and your people payment for it afterwards?" Apihai answered, "No. I have been looking constantly for payment but have not got it." From Ngāti Whātua's point of view, the reference to "payment" indicates that, from 1840, Ngāti Whātua had expected a reciprocal relationship with the Crown, but this relationship had not eventuated."

81. The consequences of these historical events are also being considered through the Treaty settlement process. This historical context illustrates the importance of principles of partnership and mutual benefit to some iwi/hapū of Tamaki Makaurau.

## **ii. Change in landscape**

82. The establishment of the capital in Auckland led to major changes to the natural environment. Mana whenua of Tāmaki would not have envisaged the major changes that would be made to the landscape and desecration of cultural sites and areas which were important to them.
83. From 1859 through to the early 1880s, reclamations of the Auckland waterfront were undertaken with many of the natural headlands (where ancestral pā and landmarks were located) being excavated for fill for the reclamation works.
84. The below images show these headlands prior to the reclamation works.

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<sup>25</sup> AHA – paragraph 2.91.



1840-1849, Looking south-west from the water, showing Mechanics Bay (left) Official Bay (left) Point Britomart (right of centre) Commercial Bay (right)



1844, Looking east from Smales Point across Commercial Bay towards Point Britomart, showing Shortland Street (diagonally through centre) Fort Britomart and Saint Paul's Church (on the skyline) Fort Street along the foreshore and canoes on the beach<sup>26</sup>

85. Figure 3 below shows the original foreshore, bays and headlands and the extent of subsequent reclamations around the Auckland waterfront (reclamations shown in grey shading).



86. The Auckland CBD has developed further over the last 170 years into its current form as the largest metropolitan and commercial centre of New Zealand.

<sup>26</sup> Images sourced from Britomart Transport Centre website.

87. The history of this development after 1840 is also discussed in the Built Heritage and Archaeological assessments attached to the AEE.<sup>27</sup>
88. Many of the important ancestral places and landmarks have been impacted, with headlands excavated, streams culverted, bays infilled, lands traversed by roads, rail and buildings, among many other changes brought about by the development of the Auckland CBD and adjacent suburbs.
89. Notwithstanding these changes, as discussed below, mana whenua continue to recognise and assert their mana whenua and kaitiakitanga over their ancestral lands, cultural and spiritual sites and areas in and around the Auckland CBD.

## VI. TREATY SETTLEMENTS

### A. SEPARATE PROCESS

90. Many of the events after 1840 which led to the loss of land and displacement of Tāmaki iwi/hapū customary rights in their ancestral lands and waters, the desecration of cultural sites and tāonga, and the social and cultural impacts of colonisation are the subject of Treaty of Waitangi settlement claims.
91. The Treaty settlement process (governed by the Treaty of Waitangi Act 1975) is separate to the RMA process which governs the NOR.
92. However, there are overlaps between these two processes, particularly with reference to recognition of iwi/hapū values and interests in areas subject of Treaty settlement redress (including land transfers), potential co-management arrangements, and other arrangements such as statutory acknowledgements.
93. In addition, the Treaty settlement process provides a useful source of information to help understand the relationship of iwi/hapū with their ancestral lands, sites and tāonga and to provide context to the relevant RMA matters to be addressed in relation to the NOR.

### B. TĀMAKI COLLECTIVE SETTLEMENT

94. Since July 2009, a collective of 13 iwi and hapū<sup>28</sup> with interests in the Tāmaki Inquiry district (inquiry district map attached as Appendix E) have been

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<sup>27</sup> Volume 3 - Appendices 3 and 4.

<sup>28</sup> Being:

- Ngāti Maru
- Ngāti Pāoa
- Ngāi Tai ki Tāmaki
- Ngāti Tamaoho
- Ngāti Tamaterā
- Ngāti Te Ata
- Ngāti Whanaunga
- Ngāti Whātua o Kaipara
- Ngāti Whātua Ōrākei
- Te Ākitai Waiohua
- Te Kawerau ā Maki
- Te Patukirikiri
- Te Rūnanga o Ngāti Whātua

Within the Tāmaki Collective, the iwi/hapū are further grouped into the following three rōpū:

- Marutūāhu Rōpū: Ngāti Maru, Ngāti Pāoa, Ngāti Tamaterā, Ngāti Whanaunga, Te Patukirikiri;
- Ngāti Whātua Rōpū: Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Rūnanga o Ngāti Whātua; and
- Waiohua-Tāmaki Rōpū: Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Te Ata, Te Ākitai Waiohua, Te Kawerau ā Maki.

negotiating with the Crown on a collective deed of settlement, recognising that the iwi and hapū have overlapping customary interests within Tāmaki Makaurau, which are not possible to consider separately.

95. The 13 iwi/hapū have been negotiating as Ngā Mana Whenua o Tāmaki Makaurau / Tāmaki Collective ("**Tāmaki Collective**") and the Tāmaki Makaurau Collective Deed of Settlement was signed on 8 September 2012 ("**Collective Deed**").
96. The Collective Deed provides redress for the shared interests of the Tāmaki Collective, recognising the traditional, historical, cultural and spiritual association of the iwi/hapū with maunga<sup>29</sup> (volcanic cones), motu<sup>30</sup> (islands), and lands<sup>31</sup> within Tāmaki Makaurau.
97. The Collective Deed does not provide redress for the harbours, which will be the subject of separate Treaty negotiations, but recognises their cultural and spiritual significance.<sup>32</sup> Nor does it settle historical claims, which are being settled separately through iwi/hapū-specific settlements.<sup>33</sup>
98. The Tāmaki Makaurau Collective Deed describes the relationship of Ngā Mana Whenua o Tāmaki Makaurau with the rohe as follows:

"2.5 Ngā Mana Whenua has a centuries old spiritual, ancestral, cultural, customary and historic relationship with Tikapa Moana, the Waitemata and Manukau Harbours, the motu of those seas, and the whenua, waters, and indigenous flora and fauna within the Tāmaki Makaurau Region.

2.6 Ngā Mana Whenua has an inter-generational responsibility as mana whenua and kaitiaki under tikanga Māori to preserve, protect, manage and utilise those tāonga for all generations."

### C. IWI/HAPŪ HISTORICAL SETTLEMENTS

99. Ngāti Whātua Ōrākei has previously settled its claims in relation to the Ōrākei Block as part of the provisions of the Ōrākei Act 1991.
100. The Ngāti Whātua Ōrākei Claims Settlement Act 2012 having passed into law on 19 November 2012 settling other historical claims for Ngāti Whātua Ōrākei.
101. Te Kawerau ā Maki entered into an Agreement in Principle with the Crown on 12 February 2010 and the related Bill is currently before the House.

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<sup>29</sup> Through the transfer of 14 maunga to the Tāmaki Collective, on conditions that they are held in trust for the common benefit of the iwi/hapū of the Tāmaki Collective and all other people of Auckland.

<sup>30</sup> Through the transfer of four motu (islands) to the Tāmaki Collective for a one month period, after which the Tāmaki Collective will vest back the motu to the Crown for the benefit of all New Zealanders. Three areas on Rangitoto will vest in the permanent ownership of Ngā Mana Whenua o Tāmaki Makaurau: the summit, and two sites at Islington Bay.

<sup>31</sup> Through:

- Co-governance arrangements for public conservation land.
- Geographic name changes.
- The right of first refusal ("**RFR**") for 172 years over Crown-owned land and certain Crown Entity-owned land that becomes surplus in the area specified in the Collective Deed. The RFR area for the Collective Deed is shown in Appendix F and encompasses the Project area.

<sup>32</sup> Through a Crown acknowledgement that the Waitematā and Manukau Harbours are of great traditional, cultural, historical and spiritual importance to the Tāmaki Collective.

<sup>33</sup> The collective redress provided by the Collective Deed will form part of each individual iwi/hapū Treaty settlement.

102. Ngāti Whātua o Kaipara signed a Deed of Settlement with the Crown on 9 September 2011 and the related Bill is currently before the House.
103. Ngāi Tai ki Tāmaki entered into an Agreement in Principle with the Crown on 8 November 2011.

#### **D. FUTURE SETTLEMENTS**

104. Treaty settlement processes are still on-going and there is a potential for the CRL Project to impact on future Treaty settlement redress interests. The Treaty settlement process is limited to Crown owned land for 'proprietary' redress interests. It is understood that there are no Crown lands directly affected by the Project alignment.
105. Statutory acknowledgements (which are another form of redress) and statements of association may involve non-Crown land.
106. In the event that there may be future Treaty settlement redress interests directly or indirectly impacted by the Project alignment, it may be appropriate to include mechanisms to enable these matters to be addressed at a future stage to take into account future settlement outcomes. This might include provision in the proposed Communications Plan or similar arrangement for on-going communication with mana whenua on the Project to consider such matters.

### **VII. ASSESSMENT OF CULTURAL EFFECTS**

#### **A. EXISTING ENVIRONMENT**

107. The existing environment for the Project alignment is outlined in the AEE.<sup>34</sup> The physical environment of the Project alignment is built up urban environment, with the natural state of many of the traditional sites and tāonga having been excavated or built over with roads and buildings.
108. The area is also associated with modern values as the central city, with built heritage, industrial, business and metropolitan values.
109. Notwithstanding the built environment, iwi/hapū maintain their mana whenua and kaitiakitanga relationships with the area, and that the cultural and spiritual connection to their ancestral whenua and tāonga, while it may have been undermined by previous development, is still present and profound.<sup>35</sup>

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<sup>34</sup> AEE (pages 84-108).

<sup>35</sup> For example, Ngāti Te Ata Waiohū MVA states:

"... in a Māori world view all physical landscapes are inseparable from tupuna (ancestors), events, occupations and cultural practices. These dimensions remain critical to cultural identity and to the maintenance of a Māori sense of place. A critical point is that the term 'cultural landscapes' was preferred as it does not make a distinction between urban and rural areas, for the role of iwi extend across urban and rural divides with all areas holding cultural and spiritual significance..."

Our spiritual connection to the Auckland CBD and surrounds has and never can be extinguished it is our traditional relationship to the Auckland CBD, the occupation, use and customary practice that has suffered as a result of major development and infrastructure, including intensive settlement."

Ngāti Whātua Ōrākei record (MVA – page 5):

"Developments of the landscape in that time are part of our history too, eg. Railways, roading, parkland/reserves, buildings, landscaping – even if such developments have not always been supported and in many instances have damaged significant sites, failing to recognise the values held by their traditional kaitiaki. We have never ceased visiting

110. It is also relevant that the Project involves considerable works below ground, additional to the current built form above ground, and therefore in areas which may not have been previously affected.

## **B. CULTURAL LANDSCAPE**

111. On a wider scale, the Tāmaki isthmus, with its numerous and spiritually significant maunga (volcanic cones) and craters, the Waitematā and Manukau harbours, the motu (islands), the Tāmaki River, Whau and other portages that connect the harbours, swamps, the multiple coastal bays, headlands, and gullies and streams, all which bear names commemorating important ancestors and past events, make up the cultural landscape of Tāmaki Makaurau.
112. To mana whenua, all of these cultural sites have a mauri that binds the current generations through mana, tapu and whakapapa to the whenua, the cultural sites and to the early ancestors. The landscape and cultural sites act as a repository for the whakapapa, mana, tikanga and traditions for the current and future generations.<sup>36</sup>
113. The Tāmaki landscape has links with the descendants of the very early Māori rangatira of Toi, and his son Ohomairangi, as well as the crew and journeys of the Te Arawa and Tainui waka. There are numerous place names on the landscape that commemorate the voyages of the people of Ohomairangi and these ancestral waka, their commanders and crew.
114. Mana whenua do not look at the landscape solely for its current form. Mana whenua view the landscape with its cultural and spiritual values associated with its past, especially where it relates to important ancestors and events that were significant to the mana and identity of the iwi/hapū.<sup>37</sup> The spiritual bond with the whenua and tāonga based on mauri, tapu and whakapapa connect iwi/hapū to the whenua, their ancestors and waka as the source of their mana today. The integrity of important sites, whakapapa and mana of the iwi/hapū is in turn important to their current and future well-being.
115. The historical and customary importance of these sites and features charges mana whenua with inter-generational kaitiakitanga responsibilities to preserve the mauri and wairua of these landscapes and tāonga to ensure the continued integrity, mana and well-being of iwi/hapū for future generations.
116. The spiritual maunga and volcanic features are significant cultural features in the landscape which has also been affirmed in the recent Collective

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these places or appreciating their cultural significance and we share an interest in their ongoing sustainable management."

<sup>36</sup> Ngāti Te Ata Waiohua MVA states:

"There has been more than a thousand years of Māori occupation in the Tāmaki region. These wāhi taonga, significant features in the landscape, cannot be seen in isolation, or as separate. They all interconnect and interrelate thus forming a bigger picture, a networked settlement of occupation and use.

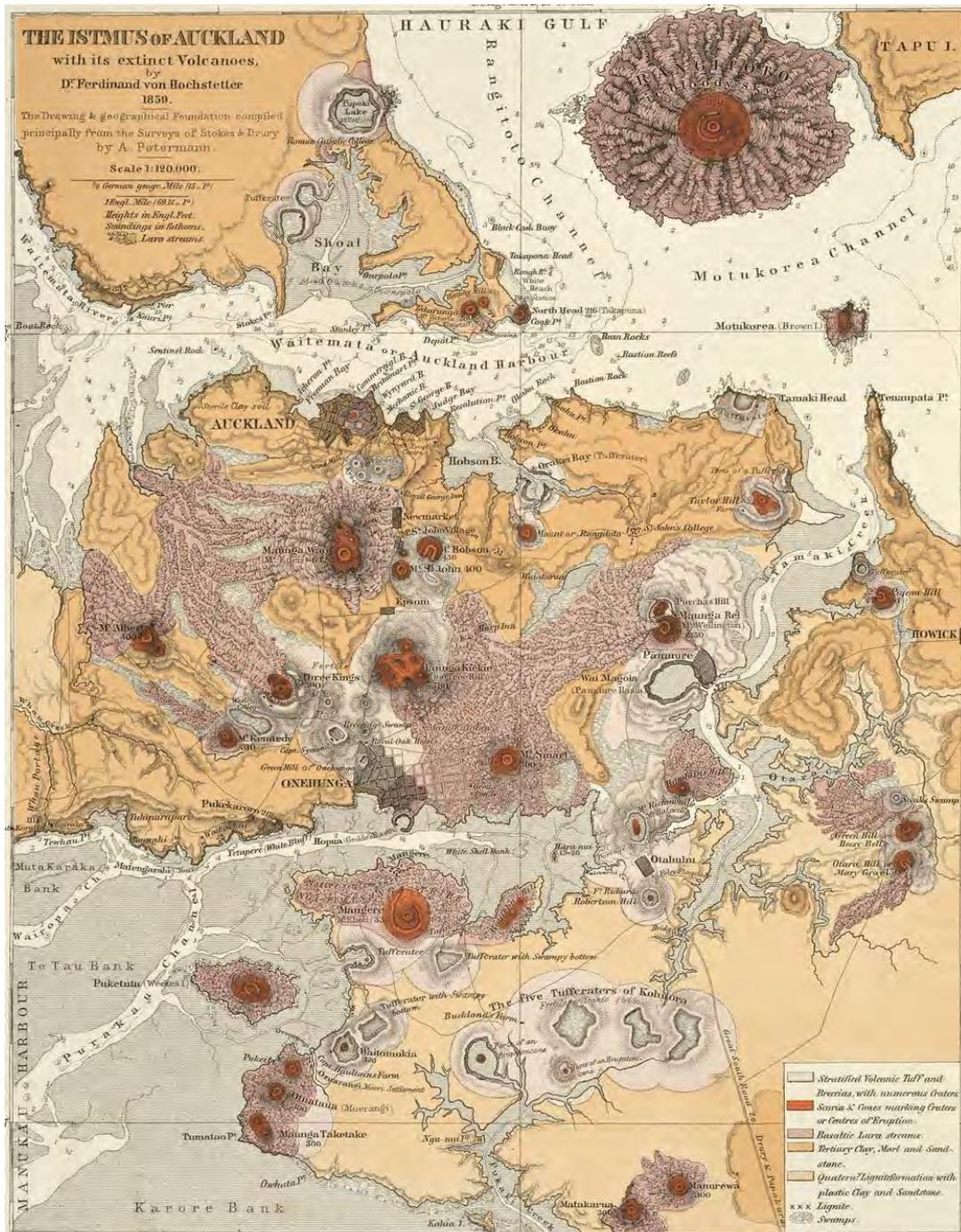
To provide the context of cultural connection one must also have regard to the physical landscape as it was when the occupation took place. Regarding the CRL project, the three key cultural nexus that bind Ngāti Te Ata Waiohua to the landscape are:

1. Tupuna Maunga,
2. Water resources
3. Nga Ara Hikoi, and traditional waka and trade portage routes."

<sup>37</sup> Refer footnote 35 above.

Settlement. Volcanic maunga proximate to the Project area include Maungawhau, Horotiu and Pukekawa.

117. The natural landscape which was the basis for the cultural and spiritual sites and associations in the wider Tāmaki isthmus is perhaps illustrated in Figure 4 below.<sup>38</sup>



<sup>38</sup> Ferdinand von Hochstetter. *Geological and topographical atlas of New Zealand*. Auckland: T. Delattre, 1864. 'Sir George Grey Special Collections, Auckland Libraries, photo ref. no. NZMap5964b'

### **C. CULTURAL LANDSCAPE FOR PROJECT AREA**

118. As a preliminary point, it is notable that the Project follows soon after Treaty settlement processes which have affirmed the multiple layers of customary interests in the Tāmaki rohe. This clears a path for recognising the respective mana whenua interests in this rohe and supports the role of this forum. Auckland Transport has also recognised this in its approach of allowing iwi/hapū to confirm their interests in the Project area rather than seeking to pre-determine which iwi/hapū may have interests.
119. In relation to the Project area, it may be observed that different iwi/hapū view this landscape from different perspectives depending on their ancestral settlements and associations with particular areas of importance to them.
120. Waiohua iwi/hapū emphasise the landscape from Maungawhau looking north towards important cultural sites of Te Ipu-pakore, Te Iringa-o-Rauru, Pukekawa, Horotiu, and the Auckland coastal bays and headlands. Te Kawerau ā Maki may similarly view this landscape from the southern and western perspectives.
121. Ngāti Pāoa and Hauraki iwi/hapū emphasise the pā and customary sites on the coastal headlands, bays and looking south along the Albert and Symonds Street ridges towards Maungawhau. They also have strong associations with the surrounding coastal environment from the east and north. They record many important sites along the coast. Ngai Tai also view the landscape from the coastal landscape to the east.
122. Ngāti Whātua Ōrākei perhaps affiliate with both perspectives based on their movement throughout the rohe. They have strong links with Waiohua and views from Maungawhau and from Te-Rae-o-Kawharu (Karangahape Road ridge), looking north towards the Waitemata Harbour, while also having strong associations with the waterfront area, the bays and headlands around the waterfront, as well as from Ōrākei in the east and the north.

#### **i. Foreshore/waterfront to Aotea station area**

123. What is now the Auckland waterfront and CBD area was an important area for mana whenua, with its headlands, sheltered bays, and renowned seafood resource.
124. Ngāti Te Ata Waiohua explains the name of the original series of bays from current day Harbour Bridge to Stanley Street as Te One Manu o Te Huatau ('the sheltered bay of Huatau'). The significance of this ancestor is explained in the Ngāti Te Ata MVA. Te Ākitai also explain the pā Te Hororoa as part of their traditions in the foreshore area. Huatau and Te Hororoa connect the coastal area with Maungawhau, as a strong hold of Huakaiwaka (the eponymous ancestor of Waiohua), and the landscape in between.
125. Ngāti Whātua Ōrākei has strong links to the waterfront area for its seafood resources, settlement and use as māra (gardens) and through its continued ahi kā roa in this area, which it maintains to this day. The Ngāti Whātua Ōrākei Deed of Settlement records the Crown acknowledgement on the impact of the reclamation works as follows:

"The Crown acknowledges that reclamations and other forms of development of the Waitematā ... which had a damaging effect upon fisheries and other harbour resources, caused a sense of grievance for Ngāti Whātua Ōrākei that is still held today."

126. The Hauraki iwi/hapū, which were seafaring iwi/hapū, have strong associations with the Auckland waterfront area and its bays as tauranga waka, fishing grounds and settlements of their tupuna.
127. Ngāti Pāoa record the headland pā of Ngā Ū Wera as one of the ancestral pā of important tupuna who overcame Waiohūa in battle and who are therefore important foundations for Ngāti Pāoa mana whenua and customary rights in Tāmaki. Te Pane-iriiri ('head hung up') is a site to the west of Ngā Ū Wera (on the Freemans Bay side of this headland) and is said to be the site where Ngāti Pāoa tōhunga (experts or priests) performed the customary rites to establish their mana whenua in Tāmaki. Ngā Ū Wera is registered as a scheduled site in the Auckland District Plan and is recorded to be at the intersection of Customs and Albert Streets.
128. The Albert Street ridge just south of the original headland point was the site of Ngā Wharau a Tako ('the reed huts of Tako') which also has particular significance to mana whenua. Ngā Wharau a Tako is also a scheduled site (recorded to be at 87-89 Albert Street, and areas to the west). These scheduled sites are discussed more specifically below.
129. In the Auckland waterfront area, the Project tunnels extend west from the current Britomart station (in the customary foreshore area) before turning south towards and through the historical headland point of Ngā Ū Wera. The Project alignment proceeds south along Albert Street (adjacent to Ngā Wharau a Tako) to the proposed Aotea station. It is understood the works in this area (up to and including Aotea station) may be undertaken by cut and cover method which will involve substantial earthworks.
130. The alignment will likely require the removal of the rock art known as 'Te Ahi Kā Roa' currently in Queen Elizabeth II square, and which symbolises the *take ahi ka* of Ngāti Whātua Ōrākei in this area. The detail for removing, storing and reinstating this rock art is proposed to be set out in the EMP. This is a matter that will need to be discussed with Ngāti Whātua Ōrākei and it is understood that this will occur through this process.
131. The addition of further development in the traditional foreshore area adds a further layer of development which impacts on the relationship of mana whenua to this important customary area.
132. The alignment of the Project directly through the Ngā Ū Wera and past the Ngā Wharau a Tako sites is of particular concern to mana whenua. As discussed more specifically below, the Project has the potential to affect the mauri and tapu of these sites.

## **ii. Aotea station to Karangahape station**

133. The historical pā site of Horotiu is recorded to be in the vicinity of the current day Town Hall (at the head of the Waihorotiu stream). This pā site is recorded in some accounts to be the pā of Ihenga, the grandson of Tamatekapua

(captain of Te Arawa waka). Ihenga was also on board the Te Arawa waka on its voyage to Aotearoa from Hawaiiki and is credited for naming various sites around Tāmaki and other parts of Aotearoa. Horotiu is also recorded as a historical pā site for current mana whenua of Tāmaki.

134. From the Aotea station, the Project alignment travels south along Albert Street, Mayoral Drive, Vincent Street and Pitt Street to the proposed Karangahape station in the vicinity of Karangahape road.
135. While the alignment does not travel directly through Horotiu pā site, there may be potential for the works to affect sites associated with this pā or related mana whenua sites.

### **iii. Karangahape Road ridge and Newton**

136. The Karangahape Road ridge is known as Te Rae-o-Kawharu ('the forehead of Kawharu' – who was a famous Ngāti Whātua warrior chief). This ridge was used as a traditional walking track by mana whenua.
137. At the eastern end of Te Rae o Kawharu (at the junction of Symonds Street and Karangahape Road) is Te-Iringa-o-Rauru. This site is a significant site to both Ngāti Whātua and Waiohua. This is said to be the place where the body of Rauru (a Ngāti Whātua chief) was hung in a tree by Waiohua, which was a contributing factor in Ngāti Whātua's attack and subsequent occupation in Tāmaki. This site is not directly affected by the Project, but conveys the importance of the sites in this area to mana whenua.
138. From the Karangahape station, the alignment travels south-east under Te Rae o Kawharu (Karangahape Road) and the adjacent gully and then towards the high point in the area of Te Uru Karaka. Te Uru Karaka is said to be in the vicinity of current day Basque Park and was an important resource for mana whenua<sup>39</sup>. The adjacent hill acts as a central point between the Maungawhau pā (in the south) and the volcanic and coastal landscape and pā to the north. Te Uru Karaka was a significant customary resource to mana whenua and is also said to be the source of Te-Wai-o-Te-Ao stream which leads to Waiorea (Western Springs).
139. The construction of the Newton station on the high point associated with Te Uru Karaka with the depth of the station and associated earthworks raises concerns for mana whenua.

### **iv. Maungawhau area**

140. Waiohua iwi/hapū explain the significance of Maungawhau and the surrounding area as the strong hold of the original paramount chiefs and progenitors of Waiohua. This area is of particular significance to iwi/hapū today who descend from these eponymous ancestors who once lived on the maunga and surrounding area.
141. Mana whenua record Maungawhau as an important wāhi tapu, with areas on its slopes being reserved for important ceremonial events. The crater was also the resting and ceremonial location of an ancient tupuna (ancestor)

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<sup>39</sup> For example, refer Ngāti Whātua Ōrākei MVA – page 13.

Mataaoho said to be a giant deity and creator of the volcanic craters around southern Tāmaki Makaurau. The customs refer to the volcanic craters of Tāmaki Makaurau as Ngā Tapuwāe a Mataaoho ('the sacred footprints of Mataaoho').

142. For mana whenua, the spiritual significance of Maungawhau is not limited to its summit, but includes its slopes and base, and the basaltic caverns, caves, and water springs below ground. The surrounding swamps were very important for their resources, while the water springs supplied the Maungawhau pā and surrounding settlements. Many of the sites are detailed in the MVAs and record the cultural and spiritual significance of these features to mana whenua.
143. The scale of Maungawhau, its basaltic base, and the surrounding features which make up this cultural area are illustrated in Figure 5 below.



Ferdinand von Hochstetter. *Geological and topographical atlas of New Zealand*. Auckland: T. Delattre, 1864. Source 'Sir George Grey Special Collections, Auckland Libraries, photo ref. no. NZMap5964b'

144. From the Newton station, the CRL alignment travels south towards Maungawhau. It ends with its connection with the existing train tracks and therefore does not directly affect the summit and immediate slopes of Maungawhau as we know them today. There is the potential however that the Project alignment will enter into the basaltic base of Maungawhau which has cultural and spiritual value to mana whenua.
145. Te-Ipu-Pakore is also in the vicinity of the existing train tracks (to the east of the Mt Eden train station) and provides an example of water springs in the area which are important to mana whenua traditions. Mana whenua also record traditions of strong association with the basalt caverns and caves in this area.

146. The Project also travels through the traditional swamp land areas which were important customary resources to mana whenua.

#### **D. PARTICULAR SITES AND AREAS OF SIGNIFICANCE**

##### **i. Scheduled sites**

147. As noted above, there are two Māori heritage sites scheduled in the Auckland City District Plan along the Project alignment:
- a. Ngahu Wera (or 'Ngā Ū Wera')(being where Albert Street borders Customs Street West)(reference 271 in the District Plan).
  - b. Ngā Wharau a Tako (87-89 Albert Street, and areas to the west)(reference 266 in the District Plan).
148. Detailed information held by Auckland Council for these sites is kept on confidential 'silent files' and a process is underway between mana whenua and Auckland Council to access this information. The sites were scheduled in response to requests by Ngāti Pāoa rangatira to recognise the cultural and spiritual significance of these sites.

##### Ngā Ū Wera

149. Mana whenua traditions record Ngā Ū Wera as the name of the headland pā once located in the area which is now the intersection of Albert and Customs Streets, and is translated to 'burnt breasts', commemorating a cannibal affair that occurred at this site.<sup>40</sup> This area remains a significant cultural site and wāhi tapu to mana whenua which is important to the tikanga, mana, identity and thus, the wellbeing of the iwi/hapū.
150. The existing environment for the Ngā Ū Wera site is urban, with roads and buildings now covering it. The original headland was also excavated and used for fill as part of the 19<sup>th</sup> century reclamations.
151. Figure 6 below shows the outline of the Ngā Ū Wera headland as it was in 1841 (identified by number 2) and the associated road network (of approximately 1930).

<sup>40</sup> Journals of Polynesian Society, Volume 30 1921, Volume 30, No. 119, A legend of Te Tātua pa---Three Kings, Auckland isthmus, by Te Tete Ngahuripoko, p 164-171 – Endnote 10.



152. Notwithstanding the existing built structures above the site, mana whenua maintain that the site is wāhi tapu with significant cultural and spiritual value to them. Mana whenua say that the modifications do not extinguish the mauri and tapu nor the spiritual relationship to it. This is affirmed in the scheduling of this site in the Auckland City district plan. In some accounts, this site is said to be associated with Kapetawa – an important Ngāti Pāoa rangatira who led the battle to establish their mana whenua in Tāmaki. This fact, and the proximity of *Pane-iriri* to the west convey the significance of this site to Ngāti Pāoa.
153. Other accounts record the ancestors of the pā around Horotiu as symbolising the union of descendants from Te Arawa and Tainui waka and therefore being an important site in the iwi/hapū history and whakapapa.
154. The ability to recall whakapapa (and associated sites and events) which link different iwi and particularly different waka is highly revered in Māori custom and is knowledge that is reserved for appropriate events and locations. This may be a feature of this site. These are matters for mana whenua to address directly.
155. For mana whenua, it is relevant that they did not sanction the previous modifications of this site and have not taken the requisite steps to whakanoa (traditional rites to remove tapu) the site for previous works. While the site is overlain by buildings and roads, for them, they maintain the mauri and tapu of this site continue to exist within the whenua below.<sup>41</sup> Mana whenua also say that the spiritual essence, or wairua of important wahi tapu sites such as this cannot be extinguished.
156. Mana whenua continue to visit the site and recall the traditions and whakapapa associated with it. In accordance with their kaitiakitanga responsibilities, mana whenua continue to protect the mauri and tapu of the site.
157. The Project development will involve cut and cover construction works of this site and placement of permanent tunnels for train transport, introducing a

<sup>41</sup> For example, refer to similar points by Ngāti Whātua Ōrākei – MVA page 14.

further layer of development below ground. For mana whenua, this will affect the mauri and tapu of the site, and will give rise to effects on the mana and relationship of mana whenua that associate with it.

158. The means to address effects of the Project on this site are not simple. The cultural and spiritual values of the site are important to the mana and well-being of the iwi/hapū. The ideal for mana whenua would be to avoid the proposed alignment through this site. On the other hand, mana whenua are aware that the Project also has wider benefits which will be relevant. In the event that this site cannot be avoided, mana whenua may have little option but to take steps to whakanoa the site for the purposes of this activity. For them, this is an extreme cultural and spiritual measure. The tapu of the site protects its mauri and taking this step for an important wāhi tapu represents a takahi (trampling or desecration) of the mana of the iwi/hapū and their relationship with the site.

#### Ngā Wharau a Tako

159. Ngā Wharau a Tako is translated to 'the reed huts of Tako' and is a reference to an ancestral settlement in this location. This site is also subject to confidential 'silent files'. At the time of completing this report, the author has limited information on the details associated with this site and a process is underway to consider this information in an appropriate manner. Mana whenua have affirmed the significance of this site to them. Its significance is also affirmed in its scheduling in the district plan.
160. As will be discussed below, measures are proposed to mitigate potential effects on cultural values and the relationship of mana whenua with these ancestral sites and tāonga.

#### **ii.      Unscheduled sites**

161. The Project area is rich in Māori use, occupation and association. There is potential for other sites which have not been scheduled to be affected by the Project.
162. There may also be sites which have not been disclosed due to the sensitive nature of the information or where knowledge of sites is held by particular kaitiaki, or even where the knowledge has been lost and not transmitted to the current generations of iwi/hapū.
163. This report is based on the information available to the author at the time of completing this report. To the extent known, sites of importance to mana whenua have been discussed above. It is possible that mana whenua may provide further information throughout the process, including information on the above sites or additional sites.

#### **E.      CUMULATIVE EFFECTS**

164. As has been noted, the environment being considered here is a modified urban environment.
165. The cultural landscape, ancestral sites and tāonga, and the relationship of mana whenua to them have been impaired by historic activities in the

Auckland CBD and surrounding suburbs. The lack of mana whenua landholdings largely removed mana whenua presence, identity and ahi kā in the Auckland CBD. The historic destruction of many sites and areas of cultural significance has undermined the mauri of those sites, and the mana and kaitiakitanga of mana whenua.

166. Many of these events were undertaken at a time when there was little or no consideration given to the effects of activities on mana whenua or their customs and relationship with their ancestral tāonga. Many of these issues are also the subject of Treaty settlement processes.
167. Relevant to this process however, the effects caused by these activities are still apparent and continue to have an enduring effect on the mauri and tapu of sites, on mana whenua and their relationship with their ancestral sites and tāonga to this day.
168. The Project introduces another layer of development which further impairs the relationship of mana whenua with important cultural sites. The Project alignment travels through an important cultural landscape and beneath a number of features and sites of importance to mana whenua traditions, whakapapa and mana.
169. In this respect, there is the potential for the CRL Project to give rise to adverse cumulative effects on cultural values and the relationship of mana whenua with their ancestral lands and tāonga.
170. In some ways, all the potential effects arising in respect of this Project may be characterised as cumulative effects arising from this Project.

#### **F. SUMMARY OF POTENTIAL EFFECTS**

171. The above account illustrates the cultural and spiritual importance of the Project area cultural landscape and important sites to mana whenua.
172. For iwi/hapū, the Project will involve both physical and metaphysical impacts along its alignment. Physical impacts derive from the construction of tunnels and stations through an important cultural landscape, and through and adjacent to important cultural sites. The additional development will occur below ground in areas which in some cases have remained undisturbed. Metaphysical effects include effects on the mauri and tapu of important sites and areas which are significant to iwi as a source of mana, whakapapa, and traditions for the iwi/hapū and which connect them to the whenua and important ancestors. This has potential to give rise to effects on the mana, customs and wellbeing of mana whenua directly.
173. For some iwi/hapū there are factors that mitigate the impact of the Project on the cultural and spiritual values:
  - a. Mana whenua acknowledge the existing urban environment;
  - b. Similarly, in a modern (post-1840) context the Auckland CBD landscape is equally important to mana whenua as a symbol of partnership and mutual benefit, and mana whenua acknowledge the metropolitan values;

- c. The Project involves a major public transport proposal which will benefit Aucklanders, visitors and also mana whenua alike.<sup>42</sup>
174. In saying this, mana whenua also have concerns with the Project, for example:
- a. The Project will involve major construction works below ground, with a potential to disturb ancestral tāonga;
  - b. Parts of the Project will involve substantial works at important sites of cultural significance (such as the sites of Ngā Ū Wera and Ngā Wharau a Tako, the base of Maungawhau and associated sites, and the customary waterfront area);
  - c. The added development further entrenches the built form, further removing the mauri and tapu associated with the cultural landscape and wāhi tapu. The operation of the CRL will involve permanent development of public train transport which is incompatible with sites of cultural significance which are considered tapu;
  - d. Part of the Project is within the traditional foreshore area, which was a customary anchorage and fishing resource, with traditional headland pā and wāhi tapu.
175. The significance of the events and ancestors associated with the area are such that iwi/hapū continue to strongly assert their mana whenua and kaitiakitanga in this landscape to this day, despite the changed urban environment.<sup>43</sup>
176. In the circumstances, the Project has the potential to give rise to adverse effects on the cultural and spiritual landscape values for mana whenua.

## **G. AVOIDANCE, REMEDIATION AND MITIGATION MEASURES**

### **i. UDF principles**

177. The EMF is the overarching framework within which mechanisms are to be developed to mitigate actual and potential adverse effects from construction and operation of the CRL.<sup>44</sup> The EMF sets out a hierarchy of documents which will guide the design, construction, and maintenance of the CRL.
178. The UDF is one of the key documents to guide the development of the Project in regards to design and integration of the CRL into the surrounding environment, particularly above ground elements. It establishes a set of

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<sup>42</sup> For example, Ngāti Te Ata Waiohua note the benefits associated with such an activity and the history of Māori transportation methods.

<sup>43</sup> Mana whenua provided other examples of such views including Mt Smart (which has been quarried and is now the site of Mt Smart stadium), and Matukutururu (one of the spiritual maunga of Te Akitai Waiohua which has been significantly quarried) – where iwi/hapu continue to maintain very strong spiritual relationships with these sites.

<sup>44</sup> AEE – paragraph 2.2.6.

principles which will inform all later stages of design to apply at each location where the CRL manifests itself above ground.<sup>45</sup>

179. These UDF principles include a set of mana whenua principles which seek to recognise the relationship of mana whenua with the Project area. These mana whenua principles (which are drawn on principles from the Te Aranga Māori Cultural Landscape Project) are described in the UDF and include:
- a. Mana/rangatiratanga<sup>46</sup>
  - b. Whakapapa<sup>47</sup>
  - c. Tohu<sup>48</sup>
  - d. Taiao<sup>49</sup>

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<sup>45</sup> AEE – para 1.7.3(b). The UDF explains the role of the principles as follows:

"The first set of principles relates to Mana whenua cultural design, recognising the opportunity to acknowledge and celebrate the rich Māori pre and post European contact history that is prevalent in this area. All of these principles apply to all locations...."

From the early 1840s to the present time, the development of Auckland City has overlain and erased iwi/hapū cultural landscape elements making it difficult for iwi/hapū to maintain kaitiakitanga or a sense of place connection which acknowledges this rich iwi/hapū history."

<sup>46</sup> Described as follows:

"**Mana/rangatiratanga** - As the original local authorities of Tāmaki Makaurau, Iwi/hapū require high level Treaty based relationships with all key stakeholders including Auckland Transport and Auckland Council which recognise their Tāngata Whenua status in order to fulfil their roles as kaitiaki. Such partnership relationships can then inform engagement with AT / Council at all levels including direct involvement with design consortia.

Relationships are required at governance and senior management levels.

Such relationships are a precursor to actualising the other 6 principles."

<sup>47</sup> Described as follows:

"**Whakapapa** - Names and genealogical connections– reviving names revives mana through Iwi/hapū connections to specific ancestors and events / narratives associated with them. An Iwi/hapū inventory of names associated with a given site can be developed so that the most appropriate names are identified to develop design, interpretation and artistic responses.

Some names that have been identified as relevant to the CRL project route are as follows:

- Te Roukai
- Te Tarakaraihi
- Nga U Wera
- Te Tara pounamu
- Nga wharau a Tako
- Horotiu / Te Wai Horotiu
- Te Karanga a Hape
- Te Uru karaka
- Te Ipu pakore

Iwi/hapū will be able to provide detailed explanations of these and other ancestral names that are relevant to the CRL route and wider project area."

<sup>48</sup> Described as follows:

"**Tohu** – Acknowledging the wider significant Iwi/hapū cultural land marks associated with the CRL route and their ability to inform the design of the station precincts, entrances and exits. In particular exploring opportunities to maximise view shafts to such tohu / landmarks as a way of both enhancing cultural landscape connections and as way finding / location devices. Primary tohu identified are:

- Te Waitemataa
- Rangitoto
- Te Pae o te Raki
- Maungawhau
- Owairaka
- Te Waonui a Tiriwa
- Pukematakeo
- Te Manukanuka a Hoturoa

NB With the necessary land purchases and demolition process, Mana whenua will be able to guide the acknowledgment of such tohu together with other significant landmarks that may be revealed in this process."

- e. Mauri tu<sup>50</sup>
  - f. Mahi toi<sup>51</sup>
  - g. Ahi kā<sup>52</sup>
180. The UDF in turn provides examples of how these principles might manifest in different parts of the Project through design, public art works, or introduction of indigenous planting.
181. Mana whenua have generally endorsed these principles and their role within the Project.
182. The adoption of these principles by Auckland Transport and their role in the design of the CRL Project where it manifests above ground represents an important measure in acknowledging mana whenua history and association with the Project area. These measures have particular meaning in the context of this area which has been substantially modified, where mana whenua seek greater presence and visibility to recognise the cultural heritage values in this area, and seek to ensure that the Auckland CBD (as a focal point for wider Tāmaki) reflects mana whenua associations.
183. As such, mana whenua acknowledge the role of these principles in enabling Māori design and public art features within the CRL to recognise their association with the rohe. These principles also reflect good design practice.
184. However, for mana whenua, the principles also have limitations:
- a. The principles are part of the UDF, which is limited to design of the CRL Project where it manifests above ground:
    - i. The principles do not guide input by mana whenua on wider aspects of the CRL Project, for example, any mana whenua role in construction, monitoring or on-going consultation on the

<sup>49</sup> Being described as follows:

**"Taiao** – Exploring opportunities to bring natural landscape elements back into urban /modified areas eg. specific native trees, water / puna wai (springs) – promoting bird, insect and aquatic life to create meaningful urban eco systems which connect with former habitats, mahinga kai (food gathering areas) and living sites. Key iwi/hapū natural landscape elements identified:

- Use of Pakawera / basalt
- Puna / springs and streams
- Use of selected native plantings which have local cultural relevance to Iwi."

<sup>50</sup> Being described as follows:

**"Mauri tu** – Ensuring emphasis on maintaining or enhancing environmental health / life essence of the wider site – in particular focusing on the quality of wai / water (puna / springs), whenua / soil and air. In particular any puna or underground waterways encountered should be carefully treated with Mana whenua assistance to ensure their mauri is respected and enhanced where possible. It is also important to minimise the disturbance to Papatuanuku through carefully planned ground works."

<sup>51</sup> Being described as follows:

**"Mahi toi** – Harnessing the Creative dimension through drawing on names and local tohu to develop strategies to creatively re-inscribe iwi/hapū narratives into architecture, interior design, landscape, urban design and public art. Iwi/hapū appointed designers and artists will be available to assist in such collaborative design projects."

<sup>52</sup> Being described as follows:

**"Ahi kaa** – need to explore opportunities to facilitate living presences for iwi/hapū / hapu to resume ahi-kaa and kaitiaki roles in and around the CRL route and new station precincts. Acknowledging the post Treaty of Waitangi settlement environment where Iwi/hapū living presences can include customary, cultural and commercial dimensions including joint ventures with local authorities and private developers."

Project development, or as relevant to more substantive decision-making aspects of the Project (such as measures to avoid cultural effects);

- ii. Mana whenua consider the principles of mana/rangatiratanga and ahi kā entail wider iwi/hapū roles, and are not fully realised through design aspects. Mana whenua say that proper application of these particular principles could be achieved through appropriate relationship instruments between iwi/hapū and Auckland Transport at a higher level rather than limited to design;
- iii. Mana whenua say that the principles and their application through the UDF (via artistic or design features) do not fully or directly avoid, remedy, or mitigate the spiritual effects associated with the loss of and impacts on important sites caused by the Project.

b. Also related to the above, the principles rely on future determination:

- i. It cannot be determined now whether the UDF (and mana whenua principles) will be sufficient alone to address actual or potential cultural effects;
- ii. The success of the principles will depend on the process and structure for their future interpretation and implementation and what they mean in practice for the Project and the relationship of mana whenua with their ancestral rohe and tāonga. Mana whenua consider it important for iwi/hapū to determine how these principles are interpreted and applied in the context of the Project.

185. The UDF principles are yet to be transferred into detailed conditions and methods outlining how they will operate in practice. Draft conditions to be developed through this NOR process may assist to address some of the matters noted above.

186. This report recommends that mana whenua have a central role in interpreting and determining how the UDF principles are implemented into the design of the Project - reflecting the fact they are mana whenua principles and the role of the principles in conveying the relationship of mana whenua with the Project area. It is recommended that this form part of the provision and scope for a kaitiaki/mana whenua forum (discussed further below).

187. Additional measures (beyond the UDF principles) to address direct cultural and spiritual effects are considered below in the section on Part II matters and in the recommendations section.

## ii. **Discovery protocols**

188. Mana whenua support appropriate discovery protocols for the Project.<sup>53</sup> They have raised issues with the practical operation of protocols, such as

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<sup>53</sup> For example:

notice timeframes and notice procedures or the role of iwi in monitoring the works. Discovery protocols are proposed as part of the conditions for this Project and it may be appropriate to work with mana whenua directly to consider detailed aspects of the discovery protocol provisions to address any practical measures and to confirm their role in the process.

## VIII. PART TWO MATTERS

### A. SECTION 6

189. As noted above, in achieving the sustainable management purpose of the RMA, all persons exercising functions and powers under it must:
- a. Under section 6(e), recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other tāonga, being a matter of national importance;
  - b. Under section 6(f), recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development, being a matter of national importance;
  - c. Under section 6(g), recognise and provide for the protection of recognised customary activities, being a matter of national importance.
190. The area of the Project alignment is an important cultural landscape for mana whenua. The relationship of mana whenua with this area is a matter to be recognised and provided for under Part II of the RMA. The UDF principles (with supporting provision as recommended above) assist in recognising this relationship.
191. The Project directly affects two scheduled sites of importance to mana whenua as well as other sites and areas of cultural importance to mana whenua (such as Te Uru Karaka, the base of Maungawhau and the customary foreshore area). The sites in question have been modified by urban development which militate the effects of the Project on them. Conversely, the construction works in important cultural areas, and the addition of permanent development gives rise to cumulative effects on these sites. Mana whenua continue to assert a strong cultural and spiritual association with the relevant sites and consider the sites retain a mauri and tapu which will be affected by the Project.
192. Given the nature of the Project, consideration of alternative routes to avoid direct effects on important sites (such as Ngā Ū Wera) would likely be a substantive task, and may bring into question other mana whenua sites or areas of significance. In the circumstances, such consideration would likely involve significant practicable difficulties.
193. Mana whenua consider the UDF framework is not sufficient to address direct effects on these sites. In the circumstances, there is the potential for the Project to compromise the relationship of mana whenua and their culture

and traditions, particularly with these sites directly affected by the Project. There is a corresponding potential to contravene the need to protect mana whenua historic heritage.

194. It is acknowledged that the Part II matters do not give rise to a power of veto and are subject to the sustainable management purpose of the RMA. This is a matter for RMA decision makers to determine. Conversely, there is a need to recognise and provide for these matters of national importance.
195. In the circumstances, it is recommended that measures are considered to address direct effects on cultural and spiritual sites and values. One option may be the consideration of offsets which respond to the cultural and spiritual effects concerned (some options of which are discussed below).
196. The Part II matters are also overlaid by the provisions of the HGMPA. There is the potential for the Project to contravene the need to recognise the Hauraki Gulf, its catchment and the historic, traditional, cultural and spiritual relationship of mana whenua with it, and the need to protect or enhance the natural, historic and physical resources which mana whenua have a historic, traditional, cultural and spiritual relationship with. This consideration of offsets would assist to address these matters.

## **B. KAITIAKITANGA**

197. Mana whenua have emphasised the need for their on-going involvement in the project, particularly to enable them to undertake their kaitiakitanga responsibilities through monitoring roles and through an on-going relationship with the project team as the Project is developed.<sup>54</sup>
198. A practical mechanism for enabling kaitiakitanga provision in developments is the establishment of a kaitiaki/mana whenua forum to have an on-going role in the proposal (or in some cases parallel forums where there is more than one iwi/hapū). This Project is particularly suited to a kaitiaki/mana whenua forum:
  - a. The Project is a large and significant infrastructure proposal in an important cultural landscape (also being the Auckland CBD).
  - b. The designation is the first stage of a number of future stages, including future RMA approvals. It will be important for mana whenua to have on-going input into the future stages in order for them to carry out their kaitiakitanga responsibilities and to address relevant RMA matters.
  - c. The Project involves substantial earthworks below ground with the potential to disturb tāonga. There is therefore the need to involve mana whenua in these aspects of the Project through discovery protocols or similar matters.
  - d. Such a forum provides a useful vehicle to take account of the principle of partnership (among others), particularly in the context of a CCO. This is also consistent with the Auckland Transport Māori Environmental Framework.

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<sup>54</sup> For example, Ngāti Whātua Ōrākei MVA – page 17.

199. Some mana whenua have raised concerns about a single forum and the need to recognise the independent roles and mana of iwi/hapū. A parallel forum is a potential mechanism that may be considered if necessary. These are matters that can be discussed with mana whenua.
200. A forum may be established through conditions on the NOR or through agreed arrangements directly between mana whenua and Auckland Transport.

### C. TREATY PRINCIPLES

201. Section 8 of the RMA requires those exercising functions under it to take into account the principles of the Treaty of Waitangi in achieving the purpose of the RMA.
202. Relevant Treaty principles include:

a. Rangatiratanga.<sup>55</sup>

This Treaty principle corresponds with the principle by the same name included in the UDF. This principle will therefore have the opportunity to find some expression in the design elements of the Project. In saying this, mana whenua say this Treaty principle is wider than the UDF and should guide the wider relationship between mana whenua and Auckland Transport. The establishment of a kaitiaki/mana whenua forum to have a role in on-going Project development would provide a means to take account of this principle.

The Treaty principle of rangatiratanga also supports proposals for mana whenua to interpret and determine the application of the UDF mana whenua principles.

b. Partnership.<sup>56</sup>

As outlined in the background context above, the partnership principle has particular relevance for Tāmaki iwi/hapū. A mana whenua/kaitiaki forum which has an appropriate role in the development of the Project would also provide the opportunity to take account of this principle. This principle has particular relevance in the context of this Project by a CCO and major infrastructure manager for the region.<sup>57</sup>

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<sup>55</sup> Can be described as the duty to recognise Māori rights of independence, autonomy and self-determination – this principle enables the empowerment of Māori to determine and manage matters of significance to them.

Ngāti Te Ata Waiohua further states:

"Rangatiratanga is embodied within the concept of mana whenua, and defines the ability to exercise and manage the relationship between tāngata whenua, their culture, traditions and environment. Rangatiratanga incorporates the right to make, alter and/or enforce decisions pertaining to how the whenua is used and managed in accordance with the tikanga and kawa of the relevant iwi/hapu."

<sup>56</sup> Can be described as the duty to interact in good faith and in the nature of a partnership. There is a sense of shared enterprise and mutual benefit where each partner must take account of the needs and interests of the other.

<sup>57</sup> Refer, for example, Ngāti Whātua Ōrākei MVA – page 17:

c. Active protection.<sup>58</sup>

The Project will impact on some mana whenua tāonga and values as outlined above and does not actively protect these tāonga. The consideration of alternative routes to avoid mana whenua sites and tāonga also has practicable difficulties. Conversely, Auckland Transport has been proactive in its engagement with mana whenua including commissioning of MVAs directly from mana whenua, and proposing measures to provide for associations of mana whenua with the Project area through the UDF.

d. Mutual benefit.<sup>59</sup>

Like the principle of partnership, this principle also has particular relevance for Tāmaki iwi/hapū. Mana whenua acknowledge the role of the Project in benefiting both Māori and non-Māori alike. The UDF mana whenua principles also provide the potential to recognise mana whenua associations with their ancestral rohe and the Auckland CBD through design aspects of the CRL.

Mana whenua have sought other opportunities as part of the Project. For example, mana whenua have specifically noted their ability to undertake Māori design aspects. They have also raised the prospect of commercial and investment opportunities in or around stations as a means of re-establishing their ahi kā in their ancestral rohe. These are not matters that can be required as part of the RMA process and therefore sit outside the scope of this RMA assessment. These are matters for mana whenua and Auckland Transport. While these matters sit outside the RMA, if provided, it may be that they can be taken into account as a means of addressing RMA matters associated with the Project.

e. The Right of Development.<sup>60</sup>

The UDF principles will enable thought to be given to new modern approaches to recognising the relationship of mana whenua with their ancestral rohe and tāonga. This is particularly relevant in the urban context of this Project. Likewise, this principle affirms the right for tikanga Māori to evolve with society and the environment, which may include recognition of wāhi tapu in an urban setting. This is also consistent with the Treaty principle of 'options'.

f. Redress.<sup>61</sup>

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"For NWO projects such as the CRL development are opportunities for us to work with our government partners (whichever facets of government they may be) to realise our shared social, cultural, business and environmental ambitions."

<sup>58</sup> Can be described as the duty to proactively protect the rights and interests of Māori, including the need to proactively build the capacity and capability of Māori.

<sup>59</sup> Can be described as the need to recognise that benefits should accrue to both Māori and non-Māori, that both would each participate in the prosperity of Aotearoa giving rise to mutual obligation and benefits.

<sup>60</sup> Can be described as recognising that the Treaty right is not confined to customary uses or the state of knowledge as at 1840, but includes an active duty to assist Māori in the development of their properties and tāonga.

The Project potentially enters into the base of Maungawhau which is one of the ancestral maunga and part of the redress for the Collective Settlement. In saying this, the Project does not reach the summit and immediate slopes of the maunga which form the current day reserve.

With Treaty settlements still on-going, it may be appropriate to include a mechanism to enable future consideration of any future Treaty settlement redress matters relevant to the Project.

## IX. POLICY DOCUMENTS AND PLANS

203. The following RMA policy and planning documents (containing provisions relating to Māori values) are relevant to the NOR:

- a. New Zealand Coastal Policy Statement 2010 ("**NZCPS**");
- b. Auckland Council Regional Policy Statement;
- c. Auckland Council District Plan: Central Area and Isthmus Sections.

204. Relevant Local Government and iwi documents include:

- a. Auckland Plan;
- b. Iwi Management Plans:
  - i. Ngāti Te Ata Strategy (Honongoi 1991);
  - ii. Kawerau ā Maki Trust Resource Management Statement (1995);
  - iii. Ngāti Pāoa Resource Management Plan (May 1996);
  - iv. Ngāti Whātua Ōrākei Iwi Management Plan (2012).

### A. NEW ZEALAND COASTAL POLICY STATEMENT

205. Objective 3<sup>62</sup> and Policy 2<sup>63</sup> of the NZCPS are relevant to the Project.

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<sup>61</sup> Can be described as the obligation to remedy past breaches of the Treaty. Redress is necessary to restore the honour and integrity of the Treaty partner, and the mana and status of Māori, as part of the reconciliation process. The provision of redress must also take account of its practical impact and the need to avoid the creation of fresh injustice. While the obligation of redress sits with the Crown, Council has a role in implementation of redress at the regional and local level.

<sup>62</sup> Which provides:

**“Objective 3**

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.”

<sup>63</sup> Which provides:

“Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

206. Objective 3 of the NZCPS reinforces the role of mana whenua as kaitiaki and recognises this kaitiaki role in the management of the coastal environment.
207. Policy 2 similarly recognises the relationship of mana whenua with the coastal environment, and recognises the need to incorporate mātauranga Māori as part of the consideration of the NOR (among other matters).
208. The proposed kaitiaki forum would assist to achieve the relevant NZCPS provisions. This forum would also provide a structure to consider how mātauranga Māori may be incorporated into the Project.

## B. AUCKLAND REGIONAL POLICY STATEMENT

209. Chapter 3 of the ARPS deals with matters of significance to iwi. Relevant provisions include Objective 3.3<sup>64</sup> and Policies 3.4.1<sup>65</sup> and 3.4.10.<sup>66</sup>

- 
- (a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;
  - (b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;
  - (c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation 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, and Māori experts, including pūkenga, may have knowledge not otherwise available;
  - (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, to the extent that its content has a bearing on resource management issues in the region or district; and
    - (i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and
    - (ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;
  - (f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:
    - (i) bringing cultural understanding to monitoring of natural resources;
    - (ii) providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;
    - (iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaitai or other non commercial Māori customary fishing; and
  - (g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:
    - (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, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages."

<sup>64</sup> Which provides:

- "1. To sustain the mauri of natural and physical resources in ways which enable provision for the social, economic and cultural wellbeing of Maori.
- 2. To afford appropriate priority to the relationship of Tangata Whenua and their culture and traditions with their ancestral taonga when this conflicts with other values.
- 3. To involve Tangata Whenua in resource management processes in ways which:
  - (i) take into account the principles of the Treaty of Waitangi, including rangatiratanga;
  - (ii) have particular regard to the practical expression of kaitiakitanga."

<sup>65</sup> Which provides:

- "Waahi tapu and other ancestral taonga of special value to Tangata Whenua shall, where agreed by Tāngata Whenua, be identified, evaluated, recognised and provided for in accordance with tikanga Maori, and given an appropriate level of protection."

<sup>66</sup> Which provides:

210. Chapter 6 recognises the value of the region's heritage resource. Relevant policies include Policies 6.4.1<sup>67</sup> and 6.4.16.<sup>68</sup>
211. The Project would directly affect scheduled sites and affect other sites and areas of cultural importance. As currently proposed, the Project is not consistent with these provisions. The adoption of measures proposed below would assist to address these matters.
212. Effects on Treaty claims may be addressed by a provision for on-going discussion with mana whenua to enable consideration of any future settlement redress.

**C. AUCKLAND COUNCIL DISTRICT PLANS: CENTRAL AREA AND ISTHMUS SECTIONS**

213. Chapter 10 of the Central Area Section seeks to preserve and maintain cultural heritage elements.
214. Chapter 5C of the Isthmus Section provides for the recognition and protection of heritage values.
215. As noted above, the Project may not be consistent with these provisions. These matters may be addressed through appropriate mitigation measures as discussed below.

**D. AUCKLAND PLAN**

216. The Auckland Plan prescribes priorities to:
- a. Recognise and provide for the unique cultural heritage status of wāhi tapu;<sup>69</sup>

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"The management of natural and physical resources shall take into account the effects on relevant Treaty claims and/or customary rights of Tangata Whenua."

<sup>67</sup> Which provides:

The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga shall be recognised and provided for in the preservation or protection of the heritage resources of the Auckland Region.

<sup>68</sup> Which provides:

"6.4.16 Policy: Evaluation of cultural heritage

The significance of cultural heritage resources in the Region, and the identification of the qualities and values which give rise to their significance, shall be determined using criteria which include the following:

- (i) the extent to which the place reflects important or representative aspects of Auckland's or New Zealand's history;
- (ii) the association of the place with the events, persons, or ideas of importance in Auckland's or New Zealand's history;
- (iii) the potential of the place to provide knowledge of Auckland's or New Zealand's history;
- (iv) the importance of the place to Tangata Whenua;
- (v) the community association with, or public esteem for, the place;
- (vi) the potential of the place for public education;
- (vii) the technical accomplishment or value, or design of the place;
- (viii) the symbolic or commemorative value of the place;
- (ix) the importance of historic places which date from periods of early settlement in Auckland;
- (x) rare types of historic place;
- (xi) the extent to which the place forms part of a wider historical and cultural complex or historical and cultural landscape;
- (xii) the integrity and state of preservation."

<sup>69</sup> Directive 2.3.

- b. Ensure that historic heritage informs new development, and inspires high quality design.<sup>70</sup>
217. The Project affects cultural heritage sites and wāhi tapu. The recommendations in this report would address the first of these priorities.
218. The UDF principles specifically address the second of these priorities providing the opportunity for historic heritage to inform the development and design.

#### **E. IWI MANAGEMENT PLANS**

219. The Iwi Management Plans (“**IMPs**”) assist to understand the worldview and tikanga of mana whenua, the customs and spiritual relationships with their ancestral lands and tāonga and have been considered in preparing this report. For example, the Ngāti Pāoa IMP conveys the importance of the spiritual relationship to wāhi tapu and ancestral sites to the identity and well-being of the iwi/hapū
220. The Ngāti Whātua Ōrākei IMP has been very recently submitted (as at the time of completing this report) and the author is yet to receive and consider this IMP.

#### **X. OTHER MATTERS RAISED BY TĀNGATA WHENUA**

##### **A. REGIONAL MATTERS**

221. Mana whenua have raised issues related to potential storm water and groundwater effects and the potential impacts on ancestral waterways.
222. The location of the Project alignment under or near ancestral waterways is discussed above in the context of the cultural landscape.
223. Any impacts on waterways or groundwater flows arising from activities which require regional consents would be addressed through future phases of the Project.
224. These issues affirm the need for on-going involvement of mana whenua in future stages of the Project.

##### **B. BUILT HERITAGE AND ARCHAEOLOGICAL**

225. Ngāti Te Ata suggests mana whenua work collaboratively with archaeological and built heritage assessments.
226. Mana whenua have also acknowledged the built heritage history of Tāmaki as part of their history which is relevant to their cultural relationship with the Project area. A kaitiaki forum can include provision to work with these disciplines.

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<sup>70</sup> Directive 4.4.

### **C. OFFSETS**

227. Mana whenua have suggested concepts of off-setting as a means of addressing effects associated with the Project, particularly cultural and spiritual effects in relation to important sites where effects cannot be avoided. Some mana whenua have suggested planting indigenous plants in areas of cultural significance (such as Te Uru Karaka), and identifying opportunities to enhance the customary relationship of mana whenua with the coastal environment.
228. Mana whenua have also suggested opportunities to provide for the cultural and spiritual customs of iwi/hapū through research projects, assistance with books, wānanga or similar measures to assist iwi/hapū to transmit the customs and traditions associated with the sites and areas impacted by the Project (or similar cultural measures) to future generations. These are some examples of measures that may be explored between mana whenua and Auckland Transport to address the direct impacts on wāhi tapu and important cultural sites.

### **D. MEMORANDA OF UNDERSTANDING**

229. Mana whenua have raised the proposal of Memoranda of Understanding relationships between Auckland Transport and mana whenua in relation to the Project as a means of giving effect to the mana/rangatiratanga and ahi kā principles, and as a means to take account of relevant Treaty principles.
230. Memoranda of Understanding are matters for Auckland Transport and mana whenua to discuss directly. While an RMA decision-maker cannot require MOU, such instruments, if entered into, may be taken into account as a means of remedying or mitigating any potential effects associated with the Project.

### **E. OTHER MATTERS**

231. Mana whenua have raised consideration of rights of first refusal in relation to properties that Auckland Transport may acquire and then dispose of as part of the Project (subject to other legislative requirements), as well as other opportunities for economic or investment opportunities.
232. As above, these are matters for Auckland Transport and mana whenua directly.

## **XI. RECOMMENDATIONS**

233. It is recommended that Auckland Transport establish a kaitiaki or mana whenua forum either as part of the conditions of the NOR or an agreed arrangement to have an on-going role in the design, construction and maintenance of the CRL Project:
- a. The detailed scope of a forum is yet to be developed, but might include provision for:
    - i. Scope for development of the practical measures to give effect to the principles in the UDF;

- ii. Input into the preparation of the EMP;
- iii. To work collaboratively with the built heritage and archaeological disciplines in carrying out its role and as relevant to the built heritage and archaeological matters;
- iv. To undertake kaitiakitanga responsibilities associated with the Project, including monitoring, assisting with discovery procedures, and providing mātauranga Māori input in the relevant stages of the Project;
- v. To provide a forum to discuss and consider names for the Project stations.

(Among other things that may be identified by mana whenua or arise throughout the process).

- b. Such forum can provide an entity for on-going input and mana whenua advice to designers, contractors and Auckland Transport in relation to the CRL Project;
  - c. The forum can ensure that the UDF mana whenua principles can be interpreted and any specific design aspects agreed by mana whenua (possibly in collaboration with relevant designers or contractors where appropriate) and implemented in the design of the Project;
  - d. Such forum (or a parallel forum) can operate at a higher management level with Auckland Transport project team in relation to the Project development consistent with the principle of partnership (among others) and/or in line with the Auckland Transport Māori Engagement Framework. For completeness, this forum would be specific to the CRL project rather than having a wider role within Auckland Transport.
234. Consideration of off-sets or similar measures to address direct effects on sites or features of cultural importance associated with the Project that may not be otherwise avoided, remedied or mitigated.
235. Consideration of provision to enable consideration of future Treaty settlement outcomes in relation to the Project. This may be part of the scope of a kaitiaki forum or on-going discussion arrangements.
236. Development of discovery protocols in collaboration with mana whenua.

11 December 2012



**Tama Hovell**  
Atkins Holm Majurey Limited

**APPENDIX A**

**MANA WHENUA MĀORI VALUES ASSESSMENTS / MANA WHENUA LETTERS**



**MĀORI VALUES ASSESSMENT  
BY TE ĀKITAI WAIOHUA**

for

**CITY RAIL LINK PROJECT**

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“Te toto o te tangata he kai, te oranga o te tangata he whenua”  
Food is the blood of the people, but the welfare of the people lies in  
the land

## **TE ĀKITAI WAIOHUA STRUCTURE**

The Te Ākitai Waiohua Waka Taua Trust (‘the Trust’) is a not for profit tribal organisation that aims to promote cultural and environmental values and have regard to the wider needs of the community. The Trust promotes good governance and hapū/iwi participation according to tikanga Māori.

The Trust represents Te Ākitai Waiohua, Ngāti Pare Waiohua and Ngāti Pou Waiohua, three related but separate hapū/iwi, in matters relating to the environment and resource management. Waiohua are the tangata whenua of this region who traversed their tribal domain (rohe) in a seasonal cycle of shared harvesting, gathering and fishing.

The Pūkaki Māori Marae Committee Inc (‘the Committee’) operates as a management structure that deals with the day to day operational activities of Pūkaki Marae and any ongoing engagement with Auckland Council. Pūkaki Marae acts as an open forum for Te Ākitai Waiohua iwi/hapū members to raise any issues they may have. The Pūkaki Māori Marae Trust acts as the governance structure and handles any governance related issues as and where required.

The Te Ākitai Waiohua Iwi Authority (‘the Authority’) is an entity created primarily to engage with the Crown for the negotiation and settlement of matters under the Treaty of Waitangi. Its membership includes an elected board of negotiators who have a formal mandate to settle with the Crown on behalf of all registered members of Te Ākitai Waiohua iwi/hapū.

This body has an interest in resource management projects in the rohe with regards to appropriate redress for settling Te Ākitai Waiohua historical claims. A recent example of this includes the vesting of ownership and co-management of Mt Eden (Maungawhau) with the Nga Mana Whenua o Tamaki Makaurau Collective, of which the Authority is a member.

These interrelated entities together form the foundation for the involvement of Te Ākitai Waiohua in resource management issues at various levels.

## **PRINCIPLES OF THE ENVIRONMENT**

The earth is a living entity. All living entities have a mauri or life force. Māori are connected to the land, forests, mountains, sky, ocean and waterways. Sustainable management of the land and the protection of its productive capacity are vital. Since Māori need access to flora and fauna for cultural harvest and craft, they are required to protect indigenous resources and facilitate the regeneration of the related eco-systems.

Māori are natural scientists who use environmental indicators as guides to the wai ora (health) of an eco-system. In doing so, they complement but do not replace the work of technical scientists. The reverse is also true.

A major natural indicator for Māori includes the life sustaining properties of an eco-system. Does a forest or bush area produce food and shelter that sustains bird and animal life? Does a waterway have sufficient bio-diversity and health that it can provide sustainable harvests of kai moana (sea food) of a standard fit for human consumption? Shellfish, berries, fish, medicinal herbs, flax and birdlife are all important indicators for Māori that reveal the strength and health of an eco-system.

As with certain other cultures, Māori holistically view human beings as an integral part of the eco-system and not as a separate entity. All living things share a natural balance, an 'interconnectedness and oneness' akin to a web of which humanity is only a part of. An imbalance in this complex network has a flow on effect that impacts the entire eco-system and ultimately humanity.

These values, passed from generation to generation, are a significant part of the intangible heritage of Māori and overall culture of New Zealand. Like the haka, these values help to make the country a place that is unique internationally.

Te Ākitai Waiohua adheres to these core principles in relation to the environment and applies the philosophies contained within when examining any issues that involve natural resources and eco-systems. Te Ākitai Waiohua believes it is essential that spiritual and cultural concepts are recognised as key factors in the management of the environment with programmes that actively enhance and facilitate these concepts.

## KAITIAKITANGA

The term “tiaki” means to guard, keep, preserve, conserve, foster or watch over, while the prefix “kai” with a verb conveys the agent of the act. Therefore a Kaitiaki is a guardian, preserver, conservator, foster parent and protector. The suffix “tanga” added to the noun means guardianship, sheltering, preservation, conservation, fostering and protecting.<sup>1</sup>

In essence, Kaitiakitanga is the role played by kaitiaki.

All of the elements of the natural world - the sky father (Ranginui) and earth mother (Papatuanuku) as well as their offspring the seas, sky, forests and birds, food crops, winds, rain and storms, volcanic activity, humankind and wars – are often referred to as taonga or elements that are to be treasured and respected.

To watch over these natural resources, Kaitiaki manifest themselves in physical forms such as fish, animals, trees, reptiles or sea creatures. Each kaitiaki is imbued with mana or prestige, although that mana can be removed if violated or abused. There are many forms and aspects of mana of which one is the power to sustain life.

Māori are careful to preserve the many forms of mana held and, in particular, to ensure that the mana of kaitiaki is preserved. Humans are also kaitiaki, being the minders of physical elements of the world.

As guardians, kaitiaki ensure the protection of the mauri or life forces of their taonga. Tangata whenua are warned of the impending depletion of their ancestral lands in a similar way for any major development.

A taonga whose life force becomes severely depleted, as in the case of the Manukau harbour which has experienced many years of pollution, presents a major task for kaitiaki in restoring the mauri of the taonga to its original strength.

Each whanau or hapū are kaitiaki for the area over which they hold mana whenua, that is, their ancestral lands and seas. Thus, a whanau or a hapū who still hold mana in a particular area take their kaitiaki responsibilities very seriously. The penalties for not doing so can be particularly harsh. Apart from depriving the whanau or hapū of the life sustaining capacities of the land and sea, failure to carry out kaitiakitanga roles adequately may result in the

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<sup>1</sup> Paper by Marsden, Rev Maori & Henare, Te Aroha “Kaitiakitanga, A Definitive Introduction to the Holistic World View of the Maori” November 1992 at p15

premature death of members of that whanau or hapū. Kaitiaki is a right, but it is also a responsibility for tangata whenua.<sup>2</sup>

The mana (prestige) of Te Ākitai Waiohū is represented in its manaakitanga (hospitality) and kaitiakitanga (guardianship) over the environment.<sup>3</sup>

The capacity to exercise kaitiakitanga is dependent upon prudent sustainable management and the protection of natural resources which requires the careful monitoring and safeguarding of the environment. Te Ākitai Waiohū welcomes any opportunity to fulfil its role as kaitiaki in a relationship that also provides for future progression and development.

## **RESOURCE MANAGEMENT ACT**

Part 2 of the Resource Management Act 1991 (“RMA”) considers the “purpose and principles” of the statute, which provide the foundation for persons to exercise their functions and powers using this legislation.

The purpose of the RMA is to promote the sustainable management of natural and physical resources according to section 5 of the RMA.

To achieve this purpose, one of the matters that must be recognised and provided for is the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga under section 6 of the RMA.

Particular regard must also be given to kaitiakitanga and the ethic of stewardship following section 7 of the RMA. Kaitiakitanga is defined in the RMA as the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources and includes the ethic of stewardship. Tangata whenua also exercise kaitiakitanga over the coastal environment.<sup>4</sup>

However, one should note the difference between kaitiakitanga as stewardship or ‘guarding property’ in the definition of the RMA as opposed to kaitiaki protecting the communal usage of natural resources.

Finally, the principles of the Treaty of Waitangi must also be taken into account under section 8 of the RMA.

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<sup>2</sup> McCully, Matiu & Mutu, Margaret “Te Whanau Moana Nga Kaupapa Me Nga Tikanga” Reed NZ 2003

<sup>3</sup> Waikato Iwi Management Plan Manukau 1996, Huakina Development at p97

<sup>4</sup> New Zealand Coastal Policy Statement 2010, Policy 2

## **PRINCIPLES OF THE TREATY OF WAITANGI**

In addition to the RMA, the principles of the Treaty of Waitangi are also referred to in section 4 of the Local Government Act 2002. This has an express impact on Part 2 (purpose, role and powers of local government) and Part 6 (planning, decision making and accountability of local government) of the statute.

In its engagement with the Crown, local government and parties under the RMA, and through its development of other relationships, Te Ākitai Waiohū recognises the most relevant principles of the Treaty of Waitangi.

### **Reasonable Cooperation**

In recognition of the unity of the parties involved, consultation with Te Ākitai Waiohū is encouraged to facilitate an effective partnership where all members act reasonably and in good faith with each other.

### **Rangatiratanga**

Te Ākitai Waiohū retains control and enjoyment of the resources and taonga it wishes to retain and benefits from the active protection of these interests.

### **Equality**

Te Ākitai Waiohū has legal equality with all citizens of New Zealand, including the right to pursue its customary interests to the extent recognised in the law and seek redress for the historical actions of the Crown.

“Whatungarongaro te tangata toi tu whenua”  
As man disappears from sight the land remains

## **MĀORI VALUES ASSESSMENT**

For Te Ākitai Waiohua a Māori Values Assessment (MVA) represents an opportunity to provide a unique cultural lens over our affairs that can be shared with others. This exclusive perspective allows Te Ākitai Waiohua to address the issues, interests and concerns it has in a way that is consistent with its own history and core principles.

The main interests of Te Ākitai Waiohua include:

- The recognition and acknowledgment of Te Ākitai Waiohua and its history in Tamaki Makaurau (Auckland);
- The opportunity for Te Ākitai Waiohua to exercise its role as Kaitiaki in Tamaki Makaurau;
- The ability for Te Ākitai Waiohua to protect and preserve its interests, resources and taonga in Tamaki Makaurau.

The MVA is an invaluable tool to obtain a better understanding of Te Ākitai Waiohua, its history and aspirations, which can be considered and applied in various other forums. Through these opportunities, there is plenty of scope for Te Ākitai Waiohua to work together productively with other parties. However, the MVA is not deemed a consultation or part of consultation between Te Ākitai Waiohua and an applicant.

The MVA's purpose is primarily to provide information before consultation so that all parties are fully informed of our position. Appreciating this position is essential to understanding our responses if ongoing consultation occurs. Although there is no general obligation to consult, it is undoubtedly useful to do so and Te Ākitai Waiohua adheres to a key set of principles in the consultation process.

## **PRINCIPLES OF CONSULTATION**

Consultation, to be meaningful, requires that:

- Genuine efforts are made to consult with Te Ākitai Waiohua in good faith;
- An application has not already been finally decided upon before or during consultation; the applicant must have an open mind throughout and be ready to modify the application or even start again if necessary;

- The applicant provides all relevant information to Te Ākitai Waiohūa (including further material if requested); but the act of presenting, supplying or sending out information alone is not deemed consultation<sup>5</sup>;
- The applicant allows sufficient time for the information supplied to be properly considered by Te Ākitai Waiohūa;
- A response is prepared and offered by the applicant to Te Ākitai Waiohūa.

## TE ĀKITAI WAIOHUA GENEALOGY

Hua-Kai-Waka  
 Eponymous Ancestor of Waiohūa  
 √  
 Te Ikamaupoho = Te Tahuri  
 √  
 Kiwi Tamaki  
 √  
 Rangimatoru  
 √  
 Pepene te Tihi  
 √  
 Ihaka Wirihana Takaanini  
 √  
 Te Wirihana  
 √  
 Wirihana Takaanini of Pūkaki

“Te Pai me te whai rawa o Taamaki”  
 The luxury and wealth of Taamaki

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<sup>5</sup> Ngati Hokopu Ki Hokowhitu v Whakatane District Council, 9 ELRNZ 125

## TE ĀKITAI WAIOHUA TIMELINE SUMMARY

**Pre-history** - Te Ākitai Waiohua tupuna inhabit Tamaki Makaurau.

**1000** – First radio carbon dating of occupation in New Zealand.

**1100** – Portage at Otahuhu between Manukau Harbour and Tamaki River in use.

**1200** – First radio carbon dating of occupation of Te Ākitai Waiohua sites at Wiri Mountain and Puhinui Estuary, Mangere.

**1300** - Tainui canoe from Hawaiki travels up Tamaki River to the Otahuhu portage and crosses to the Manukau Harbour and Motu a Hiaroa/ Puketutu Island.

**1620–1690** - Huakaiwaka (Hua) forms Waiohua. He lived and died at Maungawhau (Mt Eden.)

**Early 1600's** - Maki, the leader of an immigrant group from the South known as Kawerau a Maki, attack and defeat their Nga Oho (pre-Waiohua) hosts at the Rarotonga (Mt Smart) pa. Kawerau a Maki then leaves the district for North and West Auckland and Waiohua reoccupies the area.

**Late 1600's** - Kawharu from Kaipara engages in raids down to Maungarei and Wiri.

**1690–1720** - Ikamaupoho, son of Hua, leads Waiohua. He lived and died at Maungakiekie (One Tree Hill.)

**Late 1600's-early 1700's** - Ngapuhi raiders attack Rangikaimata of Waiohua at Maungakiekie.

**1720–1750** - Kiwi Tamaki, grandson of Hua, son of Ikamaupoho and progenitor of Te Ākitai Waiohua, leads Waiohua at Maungakiekie before he is killed in battle by Te Taou Ngāti Whatua.

**1750–1754** - Waiohua lose a series of pa in Tamaki Makaurau to Ngāti Whatua and retreat to Drury, Pokeno, Kirikiri/Papakura and other parts of South Auckland. The last Waiohua pa in Tamaki is taken in 1755.

**1760** - Te Taou Ngāti Whatua settles in Tamaki having defeated Waiohua tribes who withdraw south from Tamaki to Papakura, Ramarama and surrounding areas.

**1769** - Cook visits the Hauraki Gulf in the Endeavour. The canoe Kahumauroa is hollowed out by Ngāti Pou Waiohua and hauled across the portage to the Tamaki River where it is beached and finished.

**Mid 1780's** – Ngāti Whatua gift land at Taouma (western bank of the Tamaki River) to their rivals, Ngāti Paoa. During this time Te Ākitai Waiohua re-establish themselves at their traditional residences at Wiri, Pūkaki and Otahuhu. They include Ngai Tahuhu, Ngai Marama and Ngāti Huatau hapū.

**Late 1700's** - Ngāti Whatua consolidate their hold on central Tamaki but are unable to maintain their hold on the whole of south east Tamaki.

**1790-1793** - Ngāti Whatua and Waiohua fight together as allies against Ngāti Paoa.

**1793** - Rangimatoru, son of Kiwi Tamaki, is killed fighting alongside Ngāti Whatua against Ngāti Paoa. He is succeeded by his son Pepene te Tihi.

**1795** - Tuperiri of Ngāti Whatua dies at Maungakiekie. Ngāti Whatua, who have occupied for less than fifty years, cease residing there and move to coastal kainga at Orakei, Mangere and Kauri Point.

**1821** - All volcanic cone pa of Tamaki Makaurau have been virtually abandoned as defensive fortresses with the introduction of the musket. Ngapuhi war parties from Northland begin to raid the region and come into conflict with Te Ākitai Waiohua, Ngāti Whatua and Ngāti Paoa, which creates a period of great instability in Tamaki Makaurau.

**1822-1825** - Te Ākitai Waiohua and Ngāti Whatua continue to stay in Tamaki.

**1825** - One of a series of Ngapuhi expeditions arrives in Tamaki. The threat of Ngapuhi forces armed with muskets eventually leads to Tamaki being abandoned.

**1828-1835** - No one is attempting to reside in Tamaki.

**1830-1835** - Te Ākitai Waiohua and Ngāti Whatua are based in Waikato under the protection of Waikato Chief Potatau Te Wherowhero. They only return to parts of Tamaki for short periods of time.

**1831** - Te Ākitai Waiohua are observed by Charles Marshall at Pūkaki.

**1835** - After nearly ten years in exile, Te Ākitai Waiohua and Ngāti Whatua return to Tamaki under the protection of Chief Potatau Te Wherowhero, who makes peace with Ngāti Paoa at Pūkeke on the east side of the Tamaki river mouth.

**1857-1858** - Chief Potatau Te Wherowhero becomes the first Maori King. Te Ākitai Waiohūa become a part of Kiingitanga or the Maori King Movement, which aims to unite Maori, authorise land sales, preserve Maori lore and deal with the Crown on more equal terms.

**1861** - Ihaka Wirihana Takaanini is chief of Te Ākitai Waiohūa along with his father Pepene te Tihi and reside at Pukaki, Mangere and Ramarama (Red Hill near Papakura.) Ihaka is a significant landowner, land assessor for the Crown and keeper of the Maori hostels at Onehunga and Mechanics Bay.<sup>6</sup>

**1863-1864** – Before the invasion of the Waikato in the time of the New Zealand Wars, Ihaka is stripped of his roles and accused of being a Kiingitanga sympathiser and rebel. Pukaki is razed and the surrounding land at Mangere is looted by soldiers and eventually confiscated due to the allegiance of Te Ākitai Waiohūa to the King Movement. Ihaka and several whanau members, including three of his children, wife Riria and father Pepene te Tihi are arrested at Ramarama and held without charge by the Crown at Otahuhu. Pepene te Tihi and two of Ihaka’s children die while in custody. Ihaka is moved to Rakino Island in the Hauraki Gulf and held there without charge or trial until his death in 1864. It is still not known where Ihaka Wirihana Takaanini is buried. Ihaka is succeeded by his son Te Wirihana Takaanini, the only survivor of the three children originally held in custody.

**1866-1969** – Although most of the land had been confiscated and sold into private ownership, Te Ākitai Waiohūa returned to Mangere and built a new marae in the 1890’s. The marae and associated community remained until the 1950’s when the construction of Auckland Airport in Mangere created zoning restrictions which meant that buildings within the area were not allowed to be maintained. Without the ability to rebuild or preserve their marae and community structures, most Te Ākitai Waiohūa members moved to live in other areas.

**1970-Today** – Te Ākitai Waiohūa and the Waiohūa tribes as tangata whenua re-establish their ahi kaa in the central and southern areas of Tamaki Makaurau. A new marae is built at Pukaki, Mangere and opened in 2004.

“Kei Taamaki te rua o Te Waiohūa”  
The storepit of Te Waiohūa is at Taamaki

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<sup>6</sup> Return of the Native Secretary’s Department, Appendix to the Journals of the House of Representatives (AJHR), 1861, E-05

## TE ĀKITAI WAIOHUA HISTORICAL SUMMARY

According to korero, Waiohua descend from the original people of the area and trace their whakapapa in this region back before recorded time. Radio carbon dating so far has established occupation in New Zealand back as far as 1000 AD.<sup>7</sup>

In the Te Ākitai Waiohua rohe (district), of which the project area forms a part, the earliest radio carbon dates have been at the ancestral maunga at Wiri near Papatoetoe and at the Puhinui estuary on the Manukau harbour. They are consistent with the view that the Otahuhu portage between the Waitemata and the Manukau harbours was in use at this time.<sup>8</sup>

In the era of Huakaiwaka (Hua), the eponymous ancestor of the Waiohua confederation of iwi, Waiohua owned all of Tamaki in the 17<sup>th</sup> century.<sup>9</sup> This continued until the time of Hua's grandson, Kiwi Tamaki, in the 18<sup>th</sup> century.

The historical interests of Te Ākitai Waiohua<sup>10</sup> extend from South Kaipara in the North West across to Puhoi and Wenderholm Park in the North East and follow the coast down to Tapapakanga Regional Park and the Hunua Ranges in the South East. The boundary continues from the Hunuas across Mangatawhiri, Mercer, Onewhero and Port Waikato in the South West before moving North to Pukekohe and Patumahoe while excluding Awhitu and Waiuku. The boundary continues North along the coast, including the islands of the Manukau Harbour, past the Waitakere Ranges in the West of Auckland and back up to South Kaipara.

The territory of Waiohua was established throughout Tamaki Makaurau with pa located at Maungawhau (Mt Eden) and Pukekāroa (Auckland Domain).<sup>11</sup> There were Waiohua pa located on other cones and hills as well, including Maungakiekie (One Tree Hill), Owairaka (Mt Albert), Puketapapa (Mt Roskill), Te Tatua (Three Kings), Te Kopuke (Mt St John), Remuwera (Mt Hobson), Rarotonga (Mt Smart), Taurere (Mt Taylor) and Maungarei (Mt Wellington.) At that time, hilltop pa made ideal locations defensively.

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<sup>7</sup> Sullivan supra at p2

<sup>8</sup> Sullivan supra at p3

<sup>9</sup> Paora Tuhaere, Chief of Ngāti Whatua at the hearing on Ihumatao, RDB Vol 103, p3917

<sup>10</sup> The historical area of interest is subject to change.

<sup>11</sup> Kay, Richard & Bassett, Heather "Maori Occupation of Land within the Boundaries of Auckland City Council 1800-1940 - An Historical Report for the Auckland City Council", August 1997, pg 10

However, Waiohua also held pa at Horotiu, Onehunga, Mangere, Ihumatao, Remuera, Omaha (near Remuera), Orakei, Kohimarama, Taurarua (Judge's Bay), Te To (Freeman's Bay) and other places<sup>12</sup>.

In the 15th century the Waiohua chief Whauwhau was the victim of a surprise attack by Maki and his followers. After the departure of Te Kawerau a Maki to the West Coast and the Waitakeres, Waiohua re-established themselves at Rarotonga. The pa and the mountain have been quarried and Mt Smart Stadium now stands in its place.

Te Ākitai Waiohua traces its ancestry to the mingling of the original people of the land with members of the Tainui canoe. Tainui members who settled in this area included Horowī, whose pa was at St Heliers and Poutukeka at Pūkaki pa, another portage to the Tamaki River. There was also Marama, wife of Hoturoa the captain of the Tainui canoe, and Hiaroa at Te Motu a Hiaroa (Puketutu Island) pa on the Manukau harbour. Marama's descendants, known as Ngai Marama, lived in the area and became part of Te Ākitai Waiohua.

Another important tupuna is Taihaua, son of Keteanataua of the Tainui canoe. He settled with his father on the Tamaki River at Taurere (Mount Taylor) and established a pa at Owairoa (Cockle Bay)<sup>13</sup>

Taihaua begat Poro who begat Kokoia who had a son Tarahape. Tarahape's daughter was Paretutanganui, who married Kiwi Tamaki and had a son Rangimatoru. Kiwi Tamaki's grandson was Pepene te Tihi who also had a son Ihaka Takaanini. During the Land Wars, Pepene te Tihi and Ihaka Takaanini were accused of being rebels and held in custody without trial until their eventual deaths. Three of Ihaka's children were also held in custody and only one, Te Wirihana Takaanini, survived the ordeal. The descendants live at Pūkaki, Mangere today and are known as Te Ākitai Waiohua.

Te Taou Ngāti Whatua first entered Tamaki in 1740 and held pa at Mangere, Orakei and Onewha (Kauri Point North Shore.)<sup>14</sup> Prior to this date they had no association with Tamaki which had been the home of Waiohua as a tribe for over one hundred years. Although Te Taou Ngāti Whatua were able to defeat Waiohua in the 18<sup>th</sup> century following the death of Kiwi Tamaki, they did not have the numbers to maintain an enduring hold over the Auckland isthmus.<sup>15</sup> Competing tribes such as Ngati Paoa and Ngapuhi meant that Te Taou Ngāti Whatua had to form alliances with others, including Waiohua and Waikato Tainui, to maintain their place in Tamaki.

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<sup>12</sup> Fenton J F D, Important Judgments delivered in the Compensation Court and Native Land Court 1866 to 1879, Orakei, 22 December 1869, Auckland

<sup>13</sup> Moon, Paul "The Struggle for Tamaki Makaurau: The Maori Occupation of Auckland to 1820", Auckland 2007

<sup>14</sup> Evidence of Warena Hengaia of Ngati Whatua, 1 Orakei MB 222

<sup>15</sup> Graham Bush, "The History of Epsom", Eden District Historical Society, Auckland, 2006 at 13

## Auckland City



Pukekāroa<sup>16</sup> was the Maori pa occupied by Waiohua at Pukekawa, which is now known as the Auckland Domain. Pukekawa was originally a reference to the volcanic cone where the Auckland Museum is currently situated.

Pukekāroa was utilised for kumara and food gardens and sat close to eeling grounds in the swampy crater where the playing fields of the Auckland Domain are now. The traditional territory of the pa extended to Parnell, Newmarket, Grafton and the Auckland Central Business District.

Waiohua also held sites at Horotiu on Queen Street and Te Hororoa on the Anzac Avenue end of Symonds Street in Auckland City<sup>17</sup> as well as pa at Taurarua (Judge's Bay)<sup>18</sup> and Whakatakataka (Orakei)<sup>19 20</sup> before the defeat of Kiwi Tamaki by Te Taou Ngāti Whatua.

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<sup>16</sup> An Historical Guide to the Auckland Domain, Auckland City Council, Auckland 14p and Simmons D, "George Graham's Place Names of Auckland", RAIM 16 at 27

<sup>17</sup> Martin Jones, Joan McKenzie, Reg No 7753 - Symonds Street Cemetery registration report, Historic Places Trust, 2008

<sup>18</sup> Angela Ballara, "Iwi – The Dynamics of Maori Tribal Organisation from c.1769 to c.1945", Victoria University Press, 1998 at 99

<sup>19</sup> John White, 'The Ancient History of the Maori, his Mythology and Traditions – Ngapuhi Vol XI', Victoria University of Wellington at p16

<sup>20</sup> Evidence of Paora Tuahere, Ibid at p83

Maungawhau (Mt Eden) was the site of a significant Waiohua pa inhabited by Huakaiwaka, the paramount chief and progenitor of Waiohua. Kiwi Tamaki, who eventually inherited the title of paramount chief of Waiohua from his grandfather Hua, is the progenitor of Te Ākitai Waiohua.

The site, as with other pa located on the volcanic cones of Tamaki, had constructed terraces, walls, banks and storage pits on the outer slopes of the maunga as well as kumara and food plantations that extended into the surrounding areas. This includes swamplands that were fed by the lava caves and water caverns that surrounded and lay beneath the maunga.

Maungawhau is a particularly tapu (sacred) place. Te Tuahu o Huakaiwaka is a tapu ceremonial area on the slopes of Maungawhau that was reserved for important events.

The main crater of Maungawhau is known as Te Ipu a Mataaoho (the food bowl of Mataaoho). It is a tapu place where Mataaoho the giant deity of volcanoes came to rest and engage in ceremony. An ancient tupuna of Waiohua, Mataaoho found Tamaki Makaurau too cold and generated warmth with the creation of the volcanoes in the region. The volcanic craters in Southern Tamaki Makaurau are collectively known as Nga Tapuwae o Mataaoho (the footprints of Mataaoho.)

Ipu Pakore a water spring to the east of Mt Eden Road, near the railway line overbridge on Enfield Street used to be one of the main water wells that supplied the Maungawhau pa. The name Ipu Pakore or Cracked Water Bowl initially comes from two women who were ambushed after returning from the spring. However it also refers to a later incident in Arch Hill involving a massacre of Waiohua women that took place when the pa and water spring were taken by a rival tribe following the death of Kiwi Tamaki.

The lava caves under the Mt Eden area also house Nga Ana Wai or the watery caverns. These caverns sustained water and food in other areas and include a network of related sites such as Eden Park, Mahuru Spring (a water spring named after the 'spring' season around Nuffield and Mahuru Street, Newmarket), Te Puna a Rangi (a water spring near the junction of Manukau Road and Mt St John Avenue, Epsom), Te Ana a Rangi (a cave near Bycroft's Windmill on St Andrews Road, Epsom) and Te Roto a Rangi (a lake behind St Albans Church in Dominion Road, Mt Eden), the use of the name Rangi coming from Rangihuamoā, the wife of the first paramount Chief of Waiohua, Huakaiwaka, who lived at Maungawhau.

Maungakiekie or Totara I Ahua (One Tree Hill) was the main pa site for Waiohua in the era of Waiohua paramount Chief Te Ikamaupoho and his son, Kiwi Tamaki, the progenitor of Te Ākitai Waiohua. The landscaping and food gardens of the pa were so extensive and complex that it required intensive settlement to build and maintain and housed a population of Waiohua that numbered in the thousands.

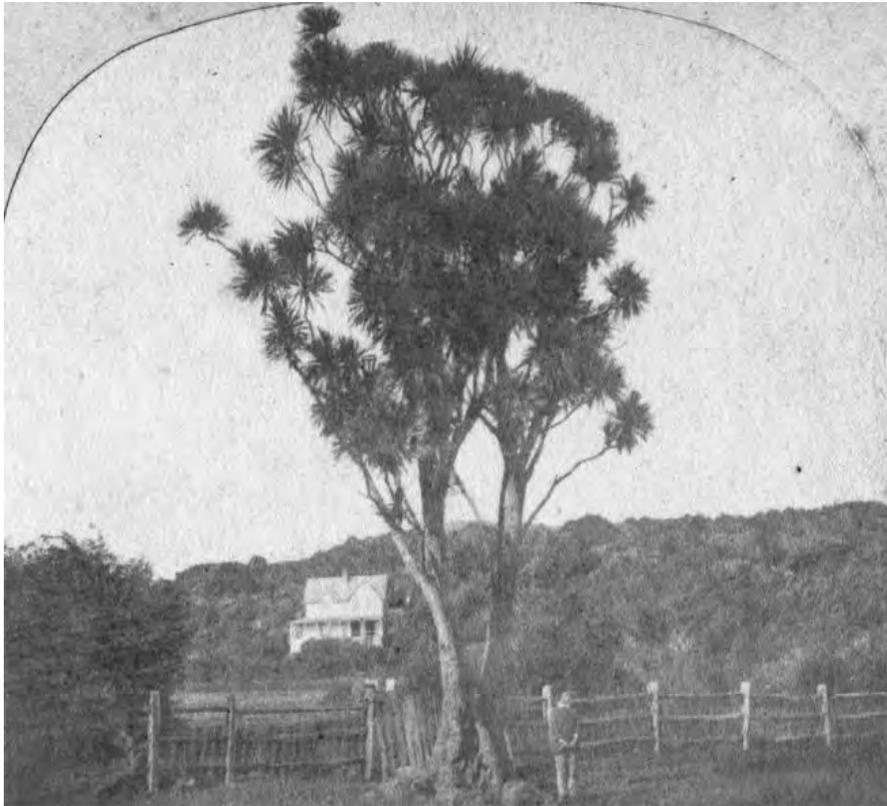
Maungakiekie also had the name Te Totara I Ahua, the tapu (sacred) totara tree 'used as an altar.' The lone totara tree stood on the maunga as a tohu (landmark) and symbol of the welfare of the local people and was already over 150 years old during the time of Kiwi Tamaki. The significance of this totara and the idea of having a lone tree on the summit of the volcanic cone remain in the modern English name for the maunga, One Tree Hill.

Although Kiwi Tamaki inhabited Maungakiekie he seasonally stayed at different pa throughout Tamaki, as it came time to harvest various types of food – fish, shellfish, birds, bird eggs and vegetables.

These pa were places of protection and sustenance for generations of Waiohua and were occupied through to the end of Kiwi Tamaki's leadership at a time when the community was at its height in strength, unity and stability. Waiohua engaged in traditional and symbolic cultural practices, but they were also homes where the people lived, fought and died.

### **Newmarket**

The Waiohua name for Newmarket, Te Ti Tutahi (the Sacred Cabbage Tree Stands Alone), is from a tapu cabbage tree that grew on the corner of Mortimer Pass and Broadway in Newmarket.<sup>21</sup>



<sup>21</sup> Dinah Holman, "Newmarket Lost and Found" Bush Press, Auckland, 2001 at 13

The pito (umbilical cords) of children born into the Chief lineage of Waiohua, such as Kiwi Tamaki, were buried at Te Ti Tutahi. The close proximity of the cabbage tree to Maungawhau pa, which was itself a tapu place of ceremony, suggests that this practice was being followed when Huakaiwaka was living on the maunga.

Ti Kouka, the Maori name for cabbage trees, were used extensively as a source of food, medicine and textiles to create rope, baskets and clothing. It is traditional Maori practice to bury the whenua (afterbirth) of children in areas where there are significant ancestral ties to connect that child to the land. The use of ti kouka to represent the ancestry of Waiohua Chiefs in Tamaki Makaurau makes Te Ti Tutahi a waahi tapu to Te Ākitai Waiohua.

The cabbage tree was cut down in 1908 as it was seen as a danger to the children attending the Newmarket Manual Training School across the road.

## **Protect Spiritual and Cultural Relationship**

The physical landscape in the Auckland Central Business District has developed and been modified so extensively over a relatively short period of time that it is almost unrecognisable. Aside from the general shape of the landform in the area, in many ways the spiritual and cultural bond Te Ākitai Waiohua shares with the landscape is all that remains.

The maunga and waters of the Waitemata Harbour have changed over time as well, although to a lesser extent. They are no longer active sites of occupation, water travel or food collection (with food gardens and kaimoana), but the spiritual and cultural significance of the maunga and harbour are still recognised today. This has been affirmed in the Tamaki Makaurau Collective Treaty Settlement and ongoing Manukau and Waitemata Harbour Treaty Settlement process.

Te Ākitai Waiohua have historically occupied Wiri, a name that comes from Te Wirihana Takaanini, a paramount chief of Te Ākitai Waiohua and direct descendant (great great grandson) of Kiwi Tamaki. Two historic pa were based at Nga Matukurua in Wiri. Nga Matukurua are a pair of volcanic cones known as 'the two bitterns.'

Matukutūreia (McLaughlin's Mountain) or 'the watchful bittern' was named after the Waiohua chief whose vigilance saved his people from being attacked at the pa there. Matukutururu (Wiri Mountain) is the 'careless bittern' or 'bittern standing at ease' named after the chief who was assaulted at the pa after falling asleep at the end of a fishing expedition.

The Matukutururu maunga has disappeared due to quarrying and most of the Matukutūreia cone has also been lost to extensive quarry development. The

material obtained from these quarries has been used to develop Auckland and what remains of these South Auckland landmarks inhabited by ancestors of Te Ākitai Waiohua is the cultural and spiritual relationship with the maunga. This connection is still of huge importance today as can be seen in the return of Matukutururu as a reserve to the collective tribes of the Tamaki Makaurau Collective Treaty Settlement.

Te Ākitai Waiohua acknowledge the importance of this project in meeting the ongoing transport needs and aspirations of Auckland as a dynamic city with a growing populace. Maori individually may be able to benefit from the use of improved transport options in the central city. However, there must be a corresponding recognition that this development also succeeds in undermining the existing spiritual and cultural relationship Te Ākitai Waiohua has with the project area.

Te Ākitai Waiohua have a strong spiritual (Taha wairua) association with the land which provide its people with a sense of meaning, connection and purpose. Tribal landmarks and resources such as maunga and waterways that were present in the time of our ancestors impact upon the descendants that exist today. If those landmarks and resources are damaged, contaminated or even destroyed the consequences can manifest themselves in the spiritual, physical and mental detachment of the people, leading to cultural disassociation, ill health and even death.

Te Ākitai Waiohua has deep concerns that the proposed tunnels burrow into the lava stream foundations of Maungawhau, which are a part of the spiritual maunga. Any excavation into these caverns may interfere with the important underground waterways and caves which have considerable cultural and spiritual significance to Te Ākitai Waiohua.

The proposal involves modification and tunnelling under the whenua (land) that successfully distances Maori from the area by changing the cultural landscape. Te Ākitai Waiohua expresses its spiritual and cultural connection to the area through its whakapapa and history of occupation, but this is undermined with each successive local development. This project adds development underground which is an area that has largely remained intact despite the major urban modifications on the surface of the land. Strong measures to mitigate against the effects of this should be included in the project to avoid damage to or remedy the spiritual and cultural relationship of Te Ākitai Waiohua with the area.

## **PROJECT RECOMMENDATIONS**

Given the history of Te Ākitai Waiohua with the project area and the principles it follows in terms of the environment, kaitiakitanga, consultation and relevant legislation the following recommendations can be offered:

### **Te Aranga Cultural Landscape Principles**

Te Ākitai Waiohua supports the application of the seven Te Aranga principles to this project in the design and development of an iwi based cultural landscape. The principles as listed in the Te Aranga Maori Cultural Landscape Strategy 2006 have been modified for the purposes of this report. However, the relevant principles are directly cited in each of the other recommendations.

There is some concern at the lack of meaningful commitment in the project to the Te Aranga principles to recognise and provide for the relationship of Te Ākitai Waiohua with its ancestral rohe and taonga. At this stage, there are no firm proposals that outline what the measures under Te Aranga will look like and how they can be expressed in the proposed development. Te Ākitai Waiohua suggests that this can be remedied by ensuring iwi participation.

### **Participation**

The ongoing participation, consultation and involvement of Te Ākitai Waiohua must be ensured in all phases of the project. This includes the sharing of information about the project as it becomes available, which will allow Te Ākitai Waiohua to amend or make further recommendations based on any new information.

A Kaitiaki forum established for this specific project is supported to facilitate ongoing participation and give effect to Te Aranga principles. The Kaitiaki forum should be made responsible for 'signing off' any relevant design aspect of the project to ensure that the principles of Te Aranga are being implemented properly. The support for such a forum is conditional on Te Ākitai Waiohua and other members maintaining their independence as iwi hapu and the forum does not become the only possible vehicle for enduring involvement with the project.

Te Ākitai Waiohua seeks a direct Memorandum of Understanding (MOU) relationship with Auckland Transport to provide for more definitive measures. Without these measures, the project is likely to have continued effects on the iwi which may not be addressed. It will simply exacerbate the current modification of

the cultural landscape of Te Ākitai Waiohua in a way that further undermines its cultural and spiritual relationship and reinforces the displacement from this very important part of its rohe.

This recommendation follows the principle of Mana Rangatiratanga and the development of a relationship that recognises the status of Te Ākitai Waiohua as mana whenua and reflects the desire to engage at a governance level.

It also demonstrates the principle of Ahi Kaa and the desire to explore opportunities for Te Ākitai Waiohua to affirm its role as kaitiaki in the project area.

## **Acknowledgement**

The history of Te Ākitai Waiohua with the project areas should be acknowledged throughout the project. This can be achieved with accurate 'historical' signage of landmarks and correct naming in the area as well as express references in published material related to the project.

Te Ākitai Waiohua has a spiritual and cultural connection to the area which is expressed through whakapapa and in our history of occupation.

This recommendation reflects the principles of Whakapapa and Tohu with the recognition of Te Ākitai Waiohua place names and landmarks in the project area.

## **Design**

Māori cultural values and concepts should be recognised in the design aspects of the project and incorporate:

- traditional Māori colours including red, white and black, or contemporary earth tones (Papatuanuku) such as brown and green, or blue hues representing water and sky (Ranginui) that fit with the rest of the project;
- appropriate symbolism such as the pohutukawa flower, flax, koru patterns and toetoe;
- the use of native building materials where suitable such as rimu, totara, kahikatea and other types of beech.

This recommendation follows the principle of Mahi Toi and the incorporation of iwi design into the project.

## **Landscaping**

Where possible the natural and cultural landscape should be preserved in the design and long term maintenance of the project.

Provision must be made for input on the type of suitable trees and plants in the project area. For example the planting of deciduous trees (such as willow) tend to block waterways and drainage systems. Native trees are preferred as part of an ongoing effort by Te Ākitai Waiohua to protect, preserve and re-establish native flora and fauna in the region.

Buffer areas between existing and replanted areas of trees, grasses, bushes should also be considered.

This recommendation reflects the principle of Taiao and incorporating natural landscapes into the project area.

## **Iwi monitoring and Water Quality**

The iwi monitoring role and associated responsibilities should include the following:

- The appropriate usage of Kaitiakitanga protocols and establishment of unknown site discovery protocols;
- The recognition of historical sites of significance, waahi tapu and waahi taonga in the project area and related Te Ākitai Waiohua tikanga (traditional cultural practices) regardless of whether the site is modified or unmodified.

All stormwater systems should aim to maintain the highest possible treatment standards in relation to (clean) water quality and flow. Polluted stormwater runoff and contaminants should be eliminated and any weeds/pests and silt removed where possible. This can be achieved with appropriate stormwater systems including the use of coarse sediment traps and sand filters prior to discharging water to ponds or wetlands.

Current council standards allow for some adverse environmental impact to land and waterways, but the cumulative effects of this over many different projects in the same area results in pollution that is not sustainable in a city with an ever increasing population. We strongly recommend that any project minimises all adverse environmental effects to land or waterways now and in the future through prudent project design. Where possible, the environment must be rehabilitated to negate the impact of historical damage or any effects the project may have had or yet have on the area.

Concerted efforts and a firm commitment must be made towards ensuring fresh water and stormwater are kept separate and not be allowed to mix together so as to degrade the mauri (life force) of the water. This is a culturally provocative act in the same vein as discharging treated effluent or waste directly into water.

These recommendations follow the principle of Mauri Tu in emphasising the environmental health and life essence of the eco-systems in the project area.

Te Ākitai Waiohua acknowledges the process that Auckland Transport has undertaken to collaborate with iwi for this project and congratulates them for its measured, inclusive method of engagement. On the basis of this document, Te Ākitai Waiohua seeks conditions to give effect to all of the recommendations and matters raised in the Maori Values Assessment.

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# The City Rail Link Project



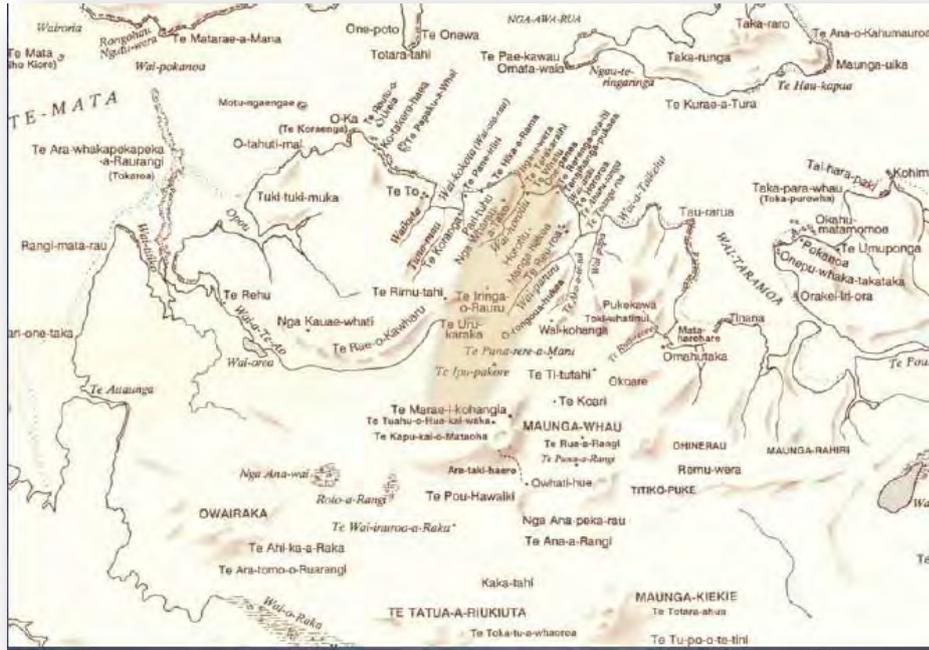
**Ngati Te Ata  
Waiohua**

Maori Values  
Assessment for  
Auckland Transport  
Oct 2012

*“Ka Pa Taua*

*Ko nga Kahu Pokere Ko nga Kuri Rangaunu o Tamaki*

*E kore e ngaro i te Hinepouri”*



*“Our chieftainship in Tamaki will never be lost to darkness”*

**Na Te Rangi Hahautu, Te Rangi Kaimata**

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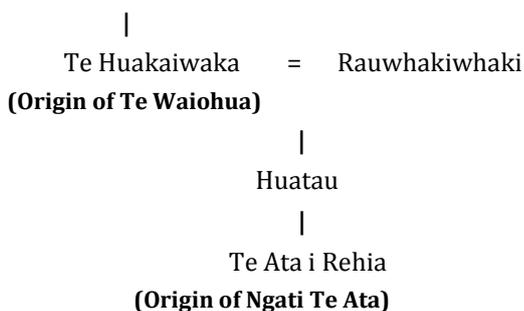
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*Fig. 1. John Adams Auckland in February 1844 Alexander Turnbull Library, B-176-003. In the foreground a waka is shown beached at Commercial Bay [Horotiu].*

## Forward

Ngati Te Ata Waiohua issues and values originate from our world view and our tikanga. They are not available to be compromised or interpreted by those without our history, our whakapapa, and our matauranga Ngati Te Ata descends from Te Waiohua. Te Waiohua – the enduring spirit of Hua. This is a name significant to a number of Auckland iwi. Te Waiohua represents a time when the Pa of Tamaki were at full muster, swelling for harvest, cramming for defence, or abandoned for fallow replenishment. The existence of several tribal identities before and after this period alludes to the notion of an economic regional union under the leadership of Te Huakaiwaka. Te Huakaiwaka translates as the *Consumer of Waka*.



The key economic drivers at this time were the trade of kai like root crops, supplemented by seafood, fish and birds, land and resources. The main modes of transport being by waka and by foot, giving effect to this trade. The economic objectives in those days are the same objectives sought today albeit in a slightly different context - to provide for the movement of people, goods and services, the connectivity between iwi whanaunga, and to promote and engage in sustainable economic trade for the social wellbeing of the people.

It is no different today.

The City Rail Link (CRL) project aim is to give people living in the area transport choices by improving public transport, walking and cycling facilities and reducing traffic congestion. Other major aims are to unlock the economic potential of the area by improving strategic transport links, to promote good urban design and revitalise town centres.

However such major development and infrastructure, including intensive settlement, has alienated Ngati Te Ata Waiohua from the Auckland CBD – divorced from the heart of our “cultural nexus”. In the twentieth century, a large influx of Maori moved to Auckland. A lot of these Maori were Ngati Te Ata, compelled by central and local government policies and financial inducements; Maori moved from their *wa kainga* (tribal communities) and fragmented uneconomic agricultural holdings into industrialised urban centres. This was the experience for many of the Ngati Te Ata Waiohua whanau that moved into Auckland. Generations of our people continue to reside in and contribute to the development and profile of Auckland city. That spiritual relationship to the Auckland CBD for us has never been extinguished.

However, as Maori urban migration accelerated, there was a struggle to adapt to the urban environment, and it was soon apparent that urban areas had failed to keep pace with the growing population of Auckland and cultural needs. Our people (the Maori community) developed a number of initiatives to

overcome the experience of social, economic, spiritual and political deprivation of the urban Maori. Maori strived to preserve and transpose the values of their traditional culture, to city life.

Initial discussions among iwi members identified the following concerns and issues with the City Rail Link (CRL) project:

1. **Conflict** with our cultural, environmental and social values and our traditional and spiritual relationship to the Auckland CBD, our taonga and the Waitemata Harbour.
2. **Degrade or adversely impact** upon our waahi taonga (natural and physical resources) and our mataitai areas (traditional fishing and harvesting areas).
3. **Visually and physically compromise** the integrity of significant landscapes and natural features including landforms, ridgelines, trees, bush, wetlands, waterways, and any other natural outstanding features.
4. **Provide an opportunity** for reinvestment in cultural, environmental, social and economic wellbeing with the intention and commitment to developing and maintaining an interactive and positive, long-term working relationship with iwi, and to establish a process for working together for the purpose of achieving mutual and respective objectives.

The Auckland Transport and council talk legal ownership whereas we talk about whakapapa (genealogy) and Maori lore. It is our spiritual land; it is our bloodline, our connections. We do not see ownership of the project 'footprint' in strictly legalistic terms, Maori lore is as important as law. It is not about ownership, it is about whakapapa. For iwi whakapapa is Tamaki in its entirety. The issue is how you reconcile European-style freehold ownership with the concept of spiritual ownership. That is the challenging area and we need to work through it.

*"Tangata Whenua are an integral part of these principles. Our spiritual and traditional values are embodied within Tamaki Makaurau's harbours, waterways and environs. The continued degradation of the Tamaki is a direct affront to the preservation and observance of these values"*

The term *cultural landscaping* was initially adopted by the Maori arm of the Ministry for the Environment (Maru Whenua). In this, they were acknowledging that in a Maori world view all physical landscapes are inseparable from tupuna (ancestors), events, occupations and cultural practices. These dimensions remain critical to cultural identity and to the maintenance of a Maori sense of place. A critical point is that the term 'cultural landscapes' was preferred as it does not make a distinction between urban and rural areas, for the role of Iwi extend across urban and rural divides with all areas holding cultural and spiritual significance. (Rau Hoskins, June 2008).

Our spiritual connection to the Auckland CBD and surrounds has and never can be extinguished it is our traditional relationship to the Auckland CBD, the occupation, use and customary practice that has suffered as a result of major development and infrastructure, including intensive settlement.

## Introduction

Ngati Te Ata Waiohua issues and values originate from our world view and our tikanga. They are not available to be compromised or interpreted by those without our history, our whakapapa, and our matauranga o Ngati Te Ata Waiohua. Our focus is on the development and enhancement of the spiritual, cultural, social, and economic welfare of our people. Our intention is to increase our kaitiaki capacity to ensure that the good health and wellbeing of our environment is restored and maintained. Ngati Te Ata Waiohua, the land and the waters are as one. Our outlook is to the future, as the land recovers and begins to thrive so too will the spiritual, cultural, social and economic welfare of Ngati Te Ata Waiohua.

*Toku Mana*  
*The right to be ourselves*

Ngati Te Ata Waiohua is an iwi. We are mana whenua in Tamaki Makaurau, Franklin, Manukau and the Waikato including the lower Waikato River Catchment. Our history and association with these places is well documented.

Traditionally...

*...the rohe of Ngāti Te Ata Waiohua embraced Tamaki Makaurau (Auckland Region) beginning at Maungawhau, the foundation of Te Wai o Hua, consolidating Nga Iwi and Nga Oho under the waters of Huakaiwaka, overlooking Te Waitemata. The rising sun awakens Ngati Te Ata Waiohua from the depths of the Manuka forming a genealogical alignment from Maungawhau to Matukutureia, the foundations and mauri (life force) of Ngati Te Ata Waiohua. The stand of Te Rangihahautu ascends Te Manurewa o Tamapahore and accompanied by Te Horeta heading directly toward Whenua Kite, to the Southeast. It then transcends westward and extends the breadth of the Wairoa ranges south to Pukekohai before reaching the banks of the Waikato River and being alerted to its mauri. From Pukekawa it turns to salute Te Paki o Matariki before embracing ngā motu that lead toward Te Puaha o Waikato. From Maioro the site of Ngā Wai Hohonu o Rehua opens the path along the ancient lands of Paorae to Te Puaha o Manukau. The stand at Pukehorokatoa is followed by a tribute to Uenuku, Kaiwhare and Puketapu before crossing Te Whare o Te Atua to gather Te Rau o Te Huia. The stakes placed at Taupaki reaffirm the takiwa abounds the southern shores of Kaipara. From Hikurangi, Te Totara Tapu o Huatau places a moko over the land. The deep tattoo of Te Kahupokere sustains Te Kainga Ahi through Okahu, Orakei, and Remuera in full abode at the height of its prosperity. At Mauinaina the bonds of Te Tawha endure and cross to Waiheke where the treasured kowhatu remains steadfast....*

There are many reasons why Ngati Te Ata Waiohua is mana whenua and tangata whenua within the Auckland region. These are tied to one or a combination of the following 'take' issues: Take Tupuna (ancestral land), Take Raupatu (conquest), Ahi Kaa (keeping the fires burning, through for example, pa, kainga and cultivations), Kaitiakitanga (exercise of authority and control) and Rangatiratanga (a combination of exercising the above take).



Fig. 2. The traditional "footprints" and customary relationship Ngati Te Ata Waiohuria has to Tamaki Makaurau

#### The Goals of Ngati Te Ata Waiohuria

- ✚ Economic independence as an iwi
- ✚ Establishment of business and development opportunities which benefit the iwi
- ✚ Achievement of high standards of iwi health, education, housing, general wellbeing
- ✚ Acquisition of all natural and physical resources confiscated from the iwi including land, water, air and resources therein
- ✚ Acquisition, retention and enhancement of all iwi taonga.

Three principles are expressed in Nga Tikanga o Ngati Te Ata Waiohuria Tribal Policy Statement adopted in 1991. These principles have not changed and will be the basis for Ngati Te Ata Waiohuria in regard to our relationship with Auckland Transport. The principles are crosscutting and form the foundation for all the issues and values expressed in this paper.

#### *Self-determination*

The principle of self-determination means that Ngati Te Ata Waiohuria and no other person or organisation external to it determines its preferences and how these preferences are to be expressed, managed and controlled.

#### *Self-sufficiency*

It includes the maximum utilisation of all resources of the iwi including its people, its land and physical and natural resources (including those which have been confiscated or illegally taken) in a manner which improves the physical, cultural, and economic well-being of the iwi and its members.

### *Kaitiaki*

It denotes obligations or responsibilities incumbent on the iwi, its members and appointed kaumaatua, kuia or tohunga to carry out particular functions, be custodians, protectors and guardians of iwi interests, its taonga and the various resources that it owns.

This Maori Values Assessment has been prepared to consider the potential impact of the Central Rail Link (CRL) project on sites and values significant to Ngati Te Ata Waiohua and to suggest means by which any negative impacts may be mitigated. It is intended that this assessment, in response to Auckland Transport's engagement with iwi, will assist with ongoing decision making by all the parties involved and ensure that iwi issues, concerns, interests and values are provided for within the resource consent process. The ultimate goal for iwi is the protection, preservation and appropriate management of natural and cultural resources, including landscapes, and important cultural sites, in a manner that recognises and provides for our interests and values, and enables positive environmental outcomes.

For Ngati Te Ata Waiohua it is vital that three key considerations are provided for regarding this engagement process and development proposal:

1. That the mana of our people is upheld, acknowledged and respected
2. That our people have rangatiratanga (opportunity to participate, be involved and contribute to decision making) over our ancestral taonga
3. That as kaitiaki we fulfil our obligation and responsibility to our people (current and future generations) as custodians, protectors and guardians of our cultural interests and taonga.



*Fig. 3. Portrait of Ahipene Kaihau, chief of Ngati Te Ata, 1864. Sir George Grey Special Collections, Auckland Libraries, 4-1366.*

## Purpose & Scope of Report

Auckland Transport plans to extend the Central Rail Link by constructing a railway line from Britomart to the Mount Eden Station. This work is intended to complete the inner-city rail network and enhance the capacity and effectiveness of the city's suburban rail network. 'The CRL will extend the existing rail line underground through Britomart, under Albert, Vincent and Pitt Streets, then beneath Karangahape Road and the Central Motorway Junction to Symonds Street before rising to join the western line near Eden Terrace' [CRL Media Release, 3 July 2012]. Ngati Te Ata Waiohua has commissioned this report to consider the affect the proposed works will have on the cultural heritage values of the subject area.

The report addresses the Terms of Reference dated July 2012 that were developed by Auckland Transport to guide the preparation of Maori Values Assessments by mana whenua. It specifically addresses the seven principles of Te Aranga and offers some recommendations as to how the cultural values of Ngati Te Ata Waiohua can be embodied in the design and implementation of the CRL.

## Authorship

Dr Ann McEwan (Principal) & Lynette Williams (Senior Researcher / Associate), Heritage Consultancy Services

Karl Whare Tipeti Flavell, Ngati Te Ata Waiohua  
Contributions: Te Iwi o Ngati Te Ata Waiohua

Note: Comment (personal correspondence) from Dr Ann McEwan:

*"There are so many dimension to the CRL project that it is a daunting task to try and address them all. As you'll see from the images I have inserted thus far, they tend to be historic ones and it would be good to add in some more modern colour photos. Short of looking at every heritage building in the path of the CRL it is not possible at this stage to extend the discussion about late 19th/20th and early 21st Maori heritage and associations with the project area.*

*As you have written for earlier reports these MVA reports are only the beginning of iwi engagement with the design and implementation of a major infrastructure project. My feeling is that the best outcome will derive from a holistic discussion about Maori, archaeology and built heritage values and design responses. The silo approach of iwi in one corner and the archaeology and heritage building folk in another won't be able to generate the mature and sophisticated response to heritage values that everyone can embrace and appreciate".*

## Project Site Location



*Fig. 4. CRL Map with new route shown in red, Auckland Transport.*

Ngati Te Ata Waiohua is of Waiohua lineage and Waiohua is commonly acknowledged as the original inhabitants of Tamaki.

Between the founding tupuna of Waiohua and due to their predominance in Tamaki during their time, is reflected in those direct whakapapa and occupation ties to the maunga of Tamaki and the exercise of rangatiratanga to them and surrounding areas.

**It is through our Waiohua lineage, occupation and historic use which are the foundation of our traditional relationship to the maunga of Tamaki Makaurau and the CRL project footprint, including the Auckland CBD.**

## Definition of a Maori Values Assessment (MVA)

Auckland Transport have stated that they will make a genuine and continued effort to involve iwi, to ensure tangata whenua sites and values are recognised protected and provided for.

A Maori Values Assessment will best articulate this. For Ngati Te Ata Waiohua a MVA provides for our own unique perspective, tells our story in our words, and incorporates our tikanga (the way we do 'things') into our decision making and ultimately our findings, conclusions and recommendations.

A MVA ensures that all our issues, concerns and interests are captured, recorded and included as part of the overall documentation that goes before decision makers. For an example, archaeological surveys cannot detect waahi tapu or areas of traditional significance to Maori. Tangata whenua will always need to be consulted regarding the existence of such sites.

A MVA is supported under the Resource Management Act Fourth Schedule 88 (6) (b) which states 'matters that should be considered when preparing an assessment of effects on the environment include:

- (a) Any effect on those in the neighbourhood and, where relevant, the wider community, including any socio-economic and cultural effects
- (b) Any physical effect on the locality, including any landscape and visual effects
- (d) Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations.'

### *Primary purpose of the MVA*

The primary reasons for undertaking a MVA are to ensure that:

1. the mana of Ngati Te Ata Waiohua is upheld, acknowledged and respected
2. Ngati Te Ata Waiohua assert (their) rangatiratanga over (their) ancestral taonga
3. as kaitiaki we fulfil our obligation and responsibility to our people and future generations as custodians, protectors and guardians of the tribe's interests, its taonga and the various resources it owns.

Mana is the authority, control, influence, and prestige over the taonga that we customarily own. Our mana comes from our ability to whakapapa to these taonga resources. Mana is also recognition that others give for (your) deeds and actions. A person may be born with mana but it is the way they conduct themselves throughout life which will either strengthen or weaken their own personal mana and by that the mana of their tupuna.

Our people therefore are very careful and conscientious of how we conduct ourselves when waahi tapu and taonga are involved. Our actions today have consequences on the issues of tomorrow.

Rangatiratanga over our tribal resources reflects the relationship between people and resources. Not only as physical commodities but also of personal and tribal identity. Rangatiratanga is an essential prerequisite for our people's ability to use (our) resources to meet tribal needs and objectives in ways which express our cultural preferences.

The very essence of the words Rangatiratanga denotes the 'weaving' together of our people. *Ranga* meaning to weave, *tira* into a bundle and *tanga* the act of weaving together into a bundle. The ability of the chief to weave his people together in communal pursuit of political, social and cultural development.

The principle of Kaitiakitanga has dominated from the very beginning and provided the foundation for later environmental controls and customary practices. There is an obligation from birth, even if not realised until later life, as custodians, protectors and guardians of the tribe's interests, its taonga and resources it owns. This means treating resources in ways, which respect, conserve and sustain us both physically and spiritually. Kaitiakitanga is an integral part of the expression of rangatiratanga.



## Ngati Te Ata Waiohua and the Treaty

### Background

Ngati Te Ata Waiohua was first brought into contact with the Crown through the signing of the Treaty of Waitangi in 1840. Captain William Symonds and James Hamlin were unsuccessful in securing any signatures to the Treaty of Waitangi at two meetings convened at Manukau in March 1840.

However, the Ngati Te Ata Waiohua chiefs Te Katipa, Maikuku, Aperahama Ngakainga and Wairakau were among the 23 who signed a copy of the Treaty in March or early April 1840 at a large missionary meeting at Waikato Heads. The copy of the Treaty they signed was the only English text signed by Maori. Between 18 and 26 April another three Ngati Te Ata Waiohua – Wiremu Ngawaro, Te Tawha and Te Awarahi signed a copy of the Treaty taken back to Manukau by Symonds.

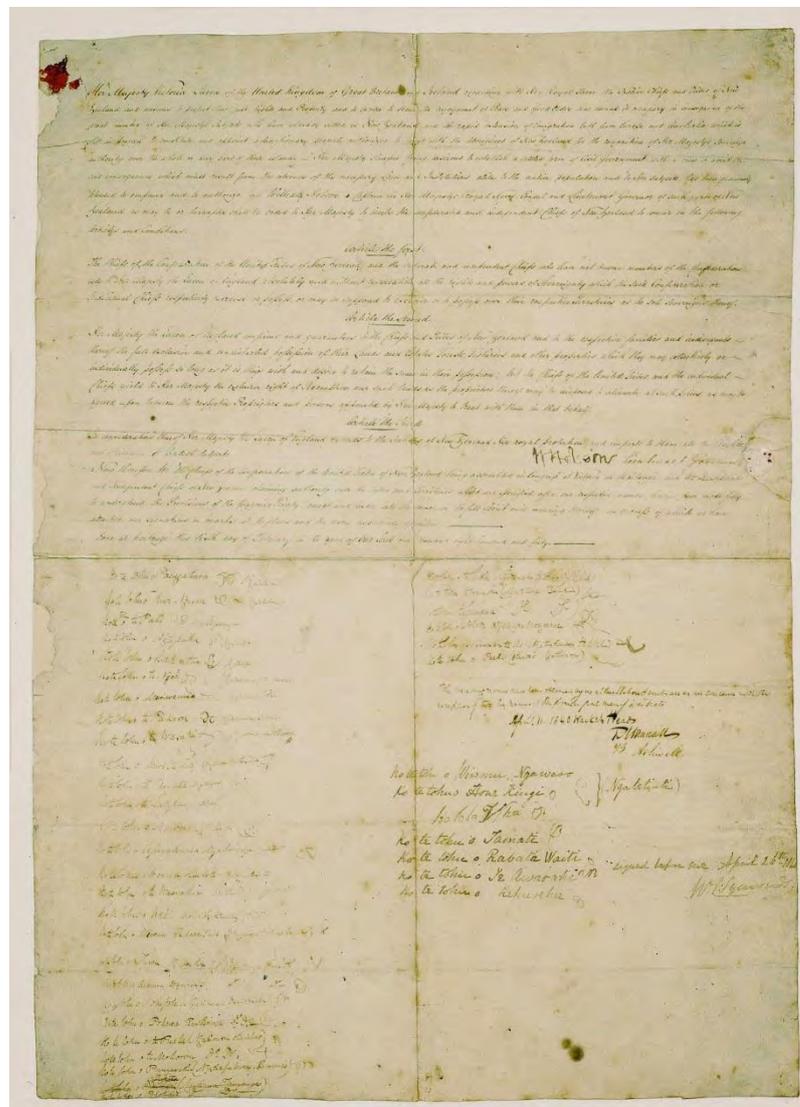
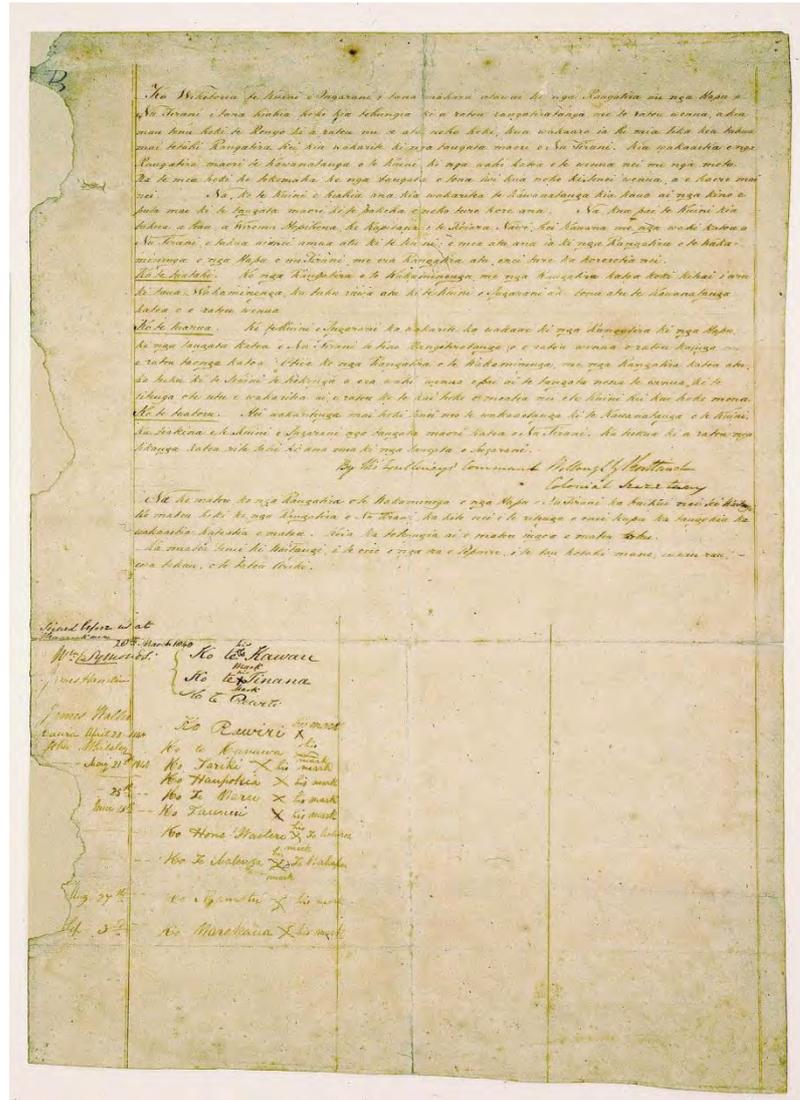


Figure 5: The Treaty of Waitangi Ngati Te Ata Signatories



Ngati Te Ata Waiohua exercises self-determination within its ancestral rohe. At Ngararapapa Awhitu, Ngati Te Ata Waiohua signed the 1835 Declaration of Independence of New Zealand.

*All sovereign power and authority...is declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes.*

Te Tiriti o Waitangi Article II acknowledges our Rangatiratanga and our self-determination. Ngati Te Ata Waiohua will determine how our resources and our taonga are to be managed in accordance with our tikanga. Ngati Te Ata Waiohua are active kaitiaki within our rohe.

### Treaty Principles

The 1991 Resource Management Act section 8 states that the principles of the Treaty of Waitangi shall be taken into account. Since the mid-1980s a set of principles have emerged from the findings of the Waitangi Tribunal, legal judgements and Crown reports and policies. These have emphasised tribal rangatiratanga, the active protection of Maori people in the use of their lands, waters and other taonga, and the duty to

consult with Maori. Although there is no common agreement on what the status of the principles should be, there is some agreement on core principles and acknowledgement that principles will later evolve.

If Auckland Transport is to practically engage with the meaning of the Treaty in their work, then there must clearly be a need for guidelines. The central principles identified by the Parliamentary Commissioner for the Environment [1988] provide a useful starting point:

- ✚ The duty to act fairly and in good faith;
- ✚ Active protection of Maori interests by the Crown; and
- ✚ The recognition of tribal rangatiratanga

#### *Ngati Te Ata Waiohua Treaty Principles*

1. Reciprocity or recognition of the essential bargain – whereby Maori ceded sovereignty and the right to govern, in return for guarantees to protect rangatiratanga.
2. Rangatiratanga – the duty to recognise Maori rights of independence, autonomy and self-determination – this principle enables the empowerment of Maori to determine and manage matters of significance to them.
  - ✚ Rangatiratanga was traditionally the personal authority that Chiefs (Rangatira) had over the assets of an iwi or tribe; hapu or sub tribe. Rangatiratanga is embodied within the concept of mana whenua, and defines the ability to exercise and manage the relationship between tangata whenua, their culture, traditions and environment.
  - ✚ Rangatiratanga incorporates the right to make, alter and/or enforce decisions pertaining to how the whenua is used and managed in accordance with the tikanga and kawa of the relevant iwi/hapu.
3. Shared decision-making – a balance of the kawanatanga role in Article 1 and the protection of rangatiratanga in Article 2.
4. Partnership – the duty to interact in good faith and in the nature of a partnership. There is a sense of shared enterprise and mutual benefit where each partner must take account of the needs and interests of the other.
5. Active protection – the duty to proactively protect the rights and interests of Maori, including the need to proactively build the capacity and capability of Maori.
6. Oritetanga (mutual benefit) – to recognise that benefits should accrue to both Maori and non-Maori, that both would each participate in the prosperity of Aotearoa giving rise to mutual obligation and benefits.
7. The Right of Development – the Treaty right is not confined to customary uses or the state of knowledge as at 1840, but includes an active duty to assist Maori in the development of their properties and taonga.

8. Redress – the obligation to remedy past breaches of the Treaty. Redress is necessary to restore the honour and integrity of the Treaty partner, and the mana and status of Maori, as part of the reconciliation process. The provision of redress must also take account of its practical impact and the need to avoid the creation of fresh injustice. While the obligation of redress sits with the Crown, Council has a role in implementation of redress at the regional and local level.

Ngati Te Ata Waiohua draws your attention in particular to Section 8 of the RMA which states that:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

In this instance, contemporary practical expressions of Rangatiratanga include active involvement of tangata whenua in resource management decision making and in giving involvement effect through Iwi Management Plans and the like.



*Fig. 6. The tauhū [proa carving] of Te Toki a Tapiri, acquired by Kaihau and Te Katipa of Ngati Te Ata in c.1863. Sir George Grey Special Collections, Auckland Libraries, 121-A10815.*

## CRL Project Site: Traditional Relationship, Use and Occupation

The following whakapapa reflects Ngati Te Ata Waiohua specific ties to the maunga of Tamaki Makaurau, whilst reinforcing our general ties throughout the entire Auckland region, maunga, harbours and motu included.



As stated earlier, Ngati Te Ata Waiohua is of Waiohua lineage and Waiohua is commonly acknowledged as the original inhabitants of Tamaki. Between the founding tupuna of Waiohua and due to their predominance in Tamaki during their time, is reflected in those direct whakapapa and occupation ties to the maunga of Tamaki and the exercise of rangatiratanga to them and surrounding areas. It is through our Waiohua lineage, occupation and historic use which are the foundation of our traditional relationship to all the maunga of Tamaki Makaurau and the Auckland CBD.

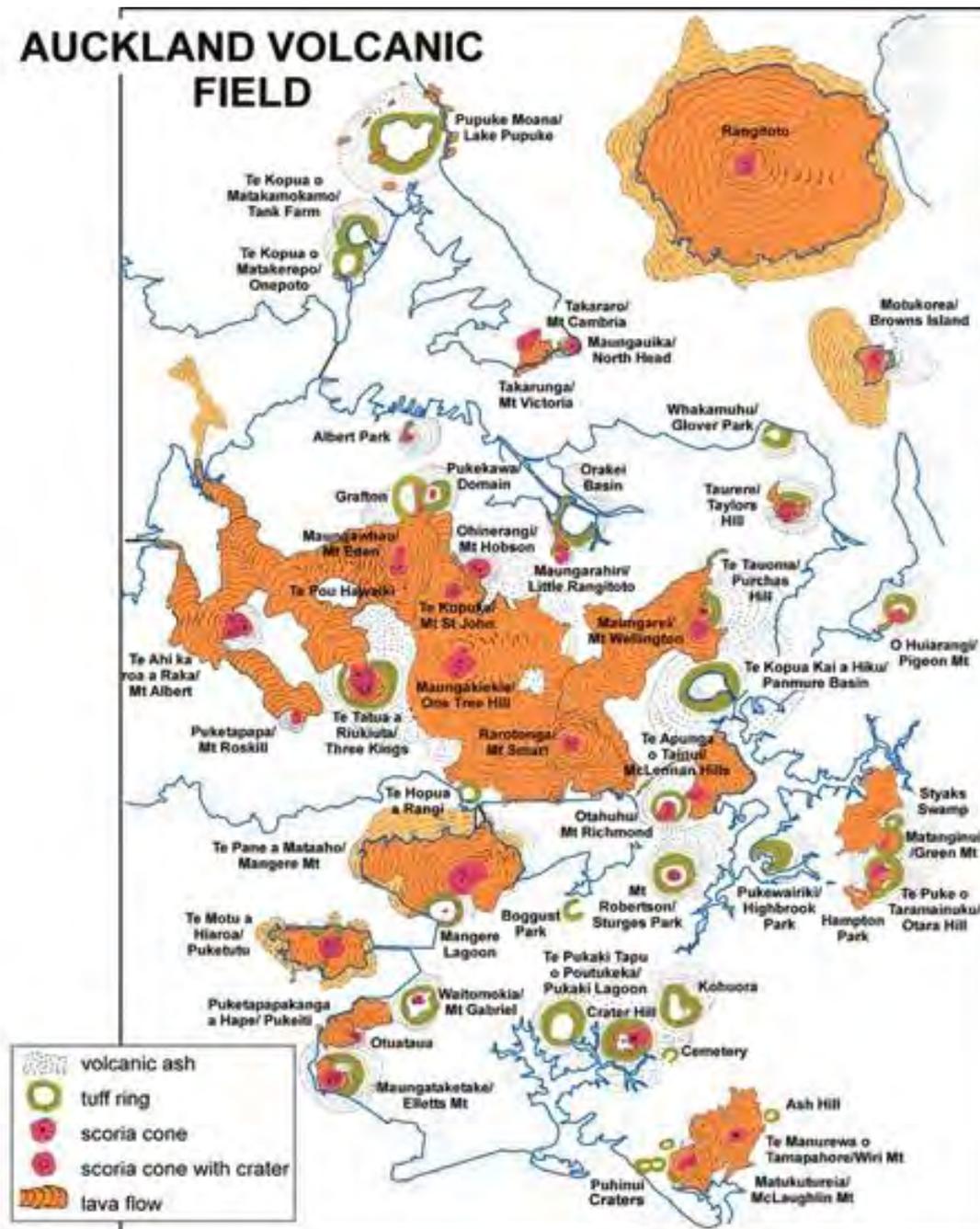


Fig. 7. Auckland Volcanic Field

There has been more than a thousand years of Maori occupation in the Tamaki region. These waahi taonga, significant features in the landscape, cannot be seen in isolation, or as separate. They all interconnect and interrelate thus forming a bigger picture, a networked settlement of occupation and use.

To provide the context of cultural connection one must also have regard to the physical landscape as it was when the occupation took place. Regarding the CRL project, the three key cultural nexus that bind Ngati Te Ata Waiohuria to the landscape are:

1. Tupuna Maunga,
2. Water resources (including Harbours and resources and freshwater resources)
3. Nga Ara Hikoi, and traditional waka and trade portage routes.

### *Tupuna Maunga*

As well as their volcanic origins the regional significance of the Auckland maunga stems from the cultural history and present day importance of each site for iwi. With this in mind the challenge is to fully integrate the project site area with the encompassing cultural landscape.

The maunga of Tamaki are referred to as 'maunga tupuna' (ancestral mountains), 'maunga tapu' (sacred mountains), and 'maunga korero' (mountains that speak). Every tribe has a whakatauki or proverbial sayings about each of the maunga. Iwi today still have an ancestral association to Maungawhau (Mt Eden), for example, and continue to operate within the wider Auckland region. These tribes have maintained and continue to exercise their customs, ritual, song and karakia at Tamaki maunga, despite the disastrous effects of colonisation.

Ngati Te Ata Waiohuria interests in Tamaki Makaurau are thus based on tradition, culture and a history of direct links that have remained intact under tikanga Maori since the beginning of time. Context is everything. In the first instance our relationship to the maunga and the islands of Tamaki Makaurau must be placed within the above context. Leading up to 1840 and following it, we consider Waiohuria held predominant interests in Tamaki Makaurau. Within the above context and due to the aforementioned ties, all of the maunga in Tamaki Makaurau are an indivisible part of our customary heritage and kaitiakitanga responsibility. Those ties are bound by tikanga protocols and are determined by values such as tapu, wehi, ihi, mana, kaha and the exercise of rangatiratanga. They cannot be expressed in any other order according to Ngati Te Ata Waiohuria tikanga.

Maungawhau, Maungakiekie, Horotiu and the other surviving Auckland volcanic cones, although they are damaged and battered, and largely deprived of their surrounding settlements and gardens, are still remarkable monuments not only in the New Zealand context but on the world scene. They are of great significance to Maori; they deserve the World Heritage status that has been suggested for them. Protection and appropriate management of what remains should be a top priority. That is why it is so crucial to re-establish these connections through landscape, cultural, heritage, design, geological, environmental and water linkages.

### *Nga Ara Hikoi & Waka and Trade Portage*

The Tamaki River and the portages by which waka were moved across land, formed a natural communications centre within Tamaki Makaurau. It was the route to the important Otahuhu portage that

provided a connection between the Waitemata and Manukau harbours. This route was extensively used by Ngati Te Ata Waiohua for a variety of reasons and was the shortest of all portages between the harbours. As one of the most widely used traditional portages between the Waitemata Harbour and the Manukau Harbour, Ngati Te Ata Waiohua would beach their waka at the end of a small creek that now passes under the southern motorway and drag them overland where Portage Road is now to the Manukau harbour.

This was the route of war parties, the path of trade goods and supplies and of visitors and travellers. Iwi like Ngati Te Ata Waiohua living in the Waikato and Waiuku districts gained access to the western side of the Hauraki Gulf via the Manukau Harbour and by using portages across the narrow part of the isthmus. After voyaging down the Tamaki River, northbound voyagers proceeded north off the east coast, hugging the land, and portaging again across the Whangaparaoa Peninsula. The southern circular route enabled iwi from the Waikato River to reach the Waitemata Harbour by carrying their waka over only one portage.



Fig. 8. Waka portaging routes in the Auckland region.

Those portages Ngati Te Ata Waiohua regularly used to and into Tamaki were:

- Whau Portage
- |
- Te Tapotu o Tainui (Otahuhu) Portage
- |
- Waokauri (or Pukaki) Portage
- |
- Papakura Portage
- |
- Pokorua Portage
- |
- Te Pae o Kaiwaka (Waiuku) Portage

## Ngati Te Ata Waiohua Kaitiakitanga

*Kaitiakitanga by working together  
Kaitiakitanga underpins everything Ngati Te Ata Waiohua does*

The Ngati Te Ata Waiohua Tribal Policy (1991) states the following:

### 2.2.3 Kaitiaki

The kaitiaki principle also emanates from the kaupapa. It denotes obligations or responsibilities incumbent on the iwi, its members and appointed kaumaatua, kuia or tohunga to carry out particular functions, be custodians, protectors and guardians of Iwi interests, its taonga and the various resources it owns. Kaitiaki are directly accountable to the iwi. Only manawhenua can be kaitiaki.

Within Ngati Te Ata Waiohua tribal territory and in respect of resources it owns only persons sanctioned by Ngati Te Ata through whakapapa, inherited nurtured responsibility, or election and instruction by Ngati Te Ata elders, can be regarded as kaitiaki.

The Kaitiaki approach to environmental management is holistic and provides for the following:

1. Protecting the mauri and wairua of cultural tāonga
2. Restoration of damaged ecological systems
3. Restoration of ecological harmony
4. Ensuring that resources and their usefulness increases
5. Reducing risk to present and future generations
6. Providing for the needs of present and future generations.

The objectives of Ngati Te Ata Waiohua kaitiaki are as follows;

#### KAITIAKI OBJECTIVES

- |  |
|--|
| <ol style="list-style-type: none"><li>1. Restore mana of the iwi</li><li>2. Plan long term usage of taonga</li><li>3. Protect sensitive features of the environment</li><li>4. Plan for the provision of kai (including kaimoana) for future generations</li></ol> |
|--|

Ngati Te Ata Kaitiaki have prescribed methods for carrying out their functions and attempting to meet their stated objectives. All who interact with Ngati Te Ata within their tribal territory must give effect to and positively support objectives set by Kaitiaki O Ngati Te Ata.

For Ngati Te Ata Waiohua the principle of Kaitiakitanga has dominated from the very beginning and provided the foundation for later environmental controls and customary practices. There is an obligation from birth, even if not realised until later life, as custodians, protectors and guardians of the tribe's interests, its taonga and resources. This means treating resources in ways that respect, conserve and sustain us both physically and spiritually. Kaitiakitanga is an integral part of the expression of Rangatiratanga.

Kaitiakitanga underpins everything Ngati Te Ata Waiohua does. The notion of guardianship is one that has over the years become common to people who know about Maori culture. However the notion of active guardianship and what this means in modern culture is something that needs to be thoroughly examined.

Kaitiakitanga is about healing and rehabilitation, healing through the land, healing through the water. Tangata whenua need to participate in the co-management of natural resources so we can better exercise our kaitiakitanga obligations and responsibilities to our people.

Expressing kaitiakitanga is the way in which iwi maintain their “mana of the whenua”. Kaitiakitanga is defined in the RMA as “the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship”.

In a Maori worldview, kaitiakitanga runs with the land, it is about managing natural resources in a sustainable way to provide for future generations and in particular, protecting and enhancing the few remaining remnants of what used to be. Natural resources such as, in this case, the land are not seen simply as resources to be commercialised.

Ngati Te Ata Waiohua is intrinsically linked to the project area through whakapapa. This is expressed and acknowledged in a number of ways. As an example, Ngati Te Ata Waiohua refer to the landmarks that have been important to them for generations –

*Ko Uenuku Te Atua  
Ko Maungawhau te maunga  
Ko Waitemata Te Moananui  
Ko Waiohua Hei Toi Ake No Te Whenua*

The kaitiaki role carries certain obligations for Ngati Te Ata Waiohua regarding kaitiakitanga and manaakitanga or guardianship and protection of the land and certain hosting and welfare responsibilities for the people that occupy the land (Manuwhiri or visitors). From a Ngati Te Ata Waiohua perspective, the on-going relationships with the Auckland Transport also upholds the principles of the Treaty of Waitangi with regard to the relationship between mana whenua iwi and the Crown in carrying out activities on the project site.

Kaitiaki Outcomes for Ngati Te Ata Waiohua regarding the CRL Project

The ultimate outcomes that Ngati Te Ata Waiohua are seeking to achieve as mana whenua and kaitiaki of the project area includes:

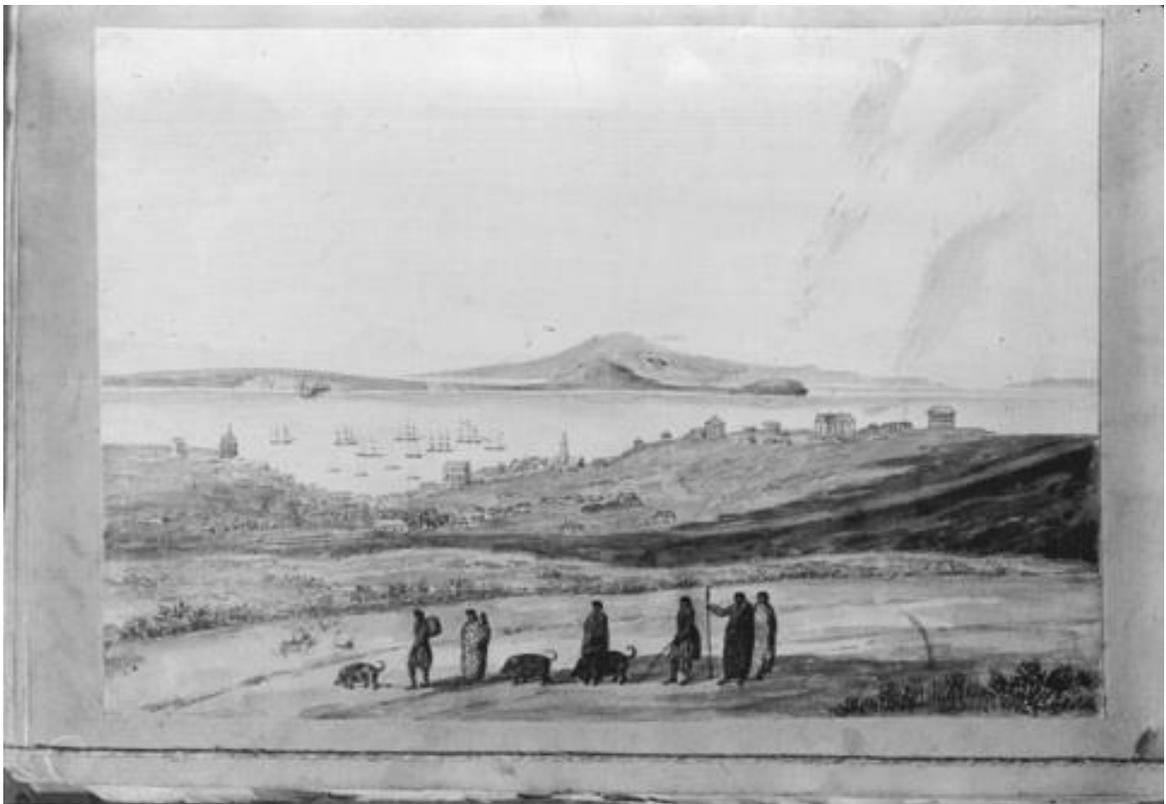
1. That Ngati Te Ata Waiohua tikanga (traditional cultural practices) will be observed on the site to:
  - ✚ support the wellbeing of general public including those occupying the fixed site infrastructure
  - ✚ acknowledge the special ancestral, cultural and spiritual association that Ngati Te Ata Waiohua has to the project area.
2. The natural and cultural landscape in and around the project area is enhanced through the good management of the design, build and long-term operation of the infrastructure being proposed

3. That the general public (users) who utilise these services gain a greater understanding of our history, connection to these places (project route) and our values;
4. That, wherever possible, Ngati Te Ata Waiohua are able to support the achievement of better outcomes for the general public (users) through:
  - ✚ the expression and practice of kaitiakitanga;
  - ✚ ensuring the management philosophies reflect the tikanga of Ngati Te Ata Waiohua and indeed Maori.

#### *The evolution of Kaitiakitanga*

As kaitiaki in this day and age iwi should not be boxed in the “conversationalist” corner. Iwi have to work within the New Zealand legal framework, more explicitly, Ngati Te Ata Waiohua do not have “legal title” to the project area sites proposed and therefore we cannot express kaitiakitanga as we have traditionally done. The concept of kaitiakitanga has evolved. Iwi now have to express kaitiakitanga in other ways. There are two obvious ways that Ngati Te Ata Waiohua can express kaitiakitanga in its modern sense over the project area:

1. Form meaningful relationships with those who have legal title to the land and those who lease/licence the land and for those people to assist iwi in expressing kaitiakitanga over the land; and
2. Ensure that those people respect the tikanga of Ngati Te Ata Waiohua – who have kaitiaki obligations on the site.



*Fig. 9. A view over Horotiu [Queen Street valley] from the vicinity of Karangahape Road, c.1849? Sir George Grey Special Collections, Auckland Libraries, 4-4549.*

## Te Kaitiakitanga o Te Taio Environment

In articulating the connection of Ngati Te Ata Waiohua to the land and the use of and exploitation of the natural resources within the CRL project’s defined geographical space – Auckland Transport needs to understand what is of cultural and environmental significance to our people and the underlying beliefs, values and principles of our people and therefore what motivates their decisions and responses – our worldview.

### Auckland Transport’s contribution to regional environment and sustainability objectives

Outcomes sought for the Transport Network, Infrastructure and its use e.g.	Practices & Impacts during construction and our procurement e.g.
<ul style="list-style-type: none"> <li>•Greenhouse gas emission reductions on the network</li> <li>•Improved biodiversity connection</li> <li>•Reduced material lifecycle impact</li> <li>•Enhanced water quality</li> <li>•Increased energy efficiency</li> </ul>	<ul style="list-style-type: none"> <li>•Minimised waste material creation</li> <li>•Fuel and energy reduction</li> <li>•Minimised storm water impacts</li> <li>•Minimised impacts to air, land and water</li> </ul>

#### *Our Worldview:*

In Te Ao Maori, resources belong to the earth, the embodiment of which is Papatuanuku. Humankind, just like birds, fish and other beings, has only user rights with respect to these resources, not ownership. The relationship between Ngati Te Ata Waiohua and the environment is a symbiotic one of equality and mutual benefit

*Our environment must be looked after so that it sustains our communities.*

Ngati Te Ata Waiohua is descended from the land. The word whenua also refers to the placenta. At birth, this is traditionally buried in the land of the hapu, strengthening relationships with the land and with whanau. Land, water, air, flora and fauna are nga taonga i tuku iho, treasures handed down to our descendants.

#### *Whenua (Land)*

*Without a relationship with the land, Ngati Te Ata Waiohua are cut adrift and have no place to stand. The land gives identity and also turangawaewae, a place to stand.*

Ngati Te Ata Waiohua has strong spiritual bonds to the land. Papatuanuku our Earth Mother provides unity and identity to the people and sustains us. Papatuanuku is seen as a living organism, sustained by species that facilitate the processes of ingestion, digestion and excretion. Pou whenua, the prestige of the land, relies on marae and human activity for its visible expression and the environment also provides sustenance. In return, mankind as the consciousness of Papatuanuku has a duty to sustain and enhance her life support systems.

It is important that we protect our land from inappropriate land use. Iwi consider that Papatuanuku sustains all life, and are spiritually connected to her. This connection is shown when a baby is born and the whenua (after birth) is buried in a sacred site. That is why the loss of ancestral lands is a key issue for Ngati Te Ata Waiohua.

### *Earthworks*

Issues and concerns with the amount of large-scale earthworks and the implications that this may have on stability, water sources and other related issues. These issues are also covered under erosion and sediment control.

### *Soils*

Soil resources are important for plant cultivation and for use as dyes. For instance, *kumara* gardens were an important source of food. Maori added gravel to the soil used for growing kumara. Large areas of land were modified for food production, and many of the borrow pits; gravel excavation pits are still visible today.

Taonga (such as carvings and whariki) were stored in peat soils in wetlands to both hide and preserve them during times of trouble. Soil also has an important cleansing role. Only by passing treated waste through Papatuanuku can the mauri of water be restored.

### *Erosion and sediment control*

The amount of sediment that could be mobilised as a result of the proposed works. Auckland Council requires 75% of total suspended solids (sediments) be retained. Issues with flocculant if proposed for use, which could achieve 95% retention of sediments. Flocculant overdose is particularly harmful to the receiving environment.

Some of the methods proposed for sediment retention that are supported include:

- ✚ ARC TP approved sediment control measures
- ✚ A temporary sediment retention pond to be installed
- ✚ Runoff diversion channels and bunds
- ✚ Silt fences and super silt fences
- ✚ Mulching geotextile fabric for containment.

### *Wai (Water)*

*Ko te wai te ora o nga mea katoa  
Water is the life giver of all things*

All things in the Maori world can be traced and explained through whakapapa. The whakapapa of the natural world – animals, plants, mountains, rivers, lakes, air, and coasts - is linked to that of Maori. Maori have an ancestral obligation to ensure that these taonga are protected and managed when passed on to the next generation. Mauri is the life force that generates, regenerates, and binds the physical and spiritual elements of resources together.

Ngati Te Ata Waiohua has strong cultural, traditional and historic links with wetlands and inland waterways, including lakes, rivers, streams and springs. These taonga are spiritually significant and closely linked to the identities of the tangata whenua. Water is the life giver, it represents the blood of Papatuanuku, the Earth Mother, and the tears of Ranginui, the Sky Father. Waterways are home to our many taniwha that look after the people and ensure their physical and spiritual protection

*The main point is that spiritual and cultural concepts be recognised and provided for as key issues in water management.*

The Waitemata Harbour, water bodies and associated tributaries continue to be under environmental threat and are not managed in accordance with our tikanga preferences. Our traditional activities, fisheries and our access to them are compromised. Our traditional practices and lore are not observed. Ngati Te Ata Waiohua emphasises the importance of healthy uncontaminated water throughout Tamaki Makaurau.

It is a Ngati Te Ata Waiohua right to drink clean water at any of our marae throughout Tamaki Makaurau. It is also our right to eat the kai from our land and waterways without fear of being poisoned or suffering some other aspect of ill health.

Mauri is the binding force between spiritual and physical; when mauri is extinguished, death results. Mauri is the life force, passed down in the genealogy through the atua to provide life. It is also strongly present in water; the mauri of a water body or other ecosystem is a measure of its life-giving ability (or its spiritual and physical health). Where mauri is strong, flora and fauna, the people and culture will flourish. Where it is weak, there will be sickness and decay.

Water is thus highly valued for its spiritual qualities as well as for drinking, transport, irrigation and as a source of kai. Bodies of water that hapu include in whakapapa have mana as ancestors. Their physical and spiritual qualities are key elements in the mana and identity of iwi, hapu and whanau.

Water is defined in terms of its spiritual or physical state as shown below:

Table Categories of Water (Douglas, 1984)

Waiora	Purest form of water, with potential to give and sustain life and to counteract evil.
Waimāori	Water that has come into unprotected contact with humans, and so is ordinary and no longer sacred. Has mauri.
Waikino	Water that has been debased or corrupted. Its mauri has been altered so that the supernatural forces are non-selective and can cause harm.

Waipiro	Slow moving, typical of swamps, providing a range of resources such as rongoa for medicinal purposes, dyes for weaving, eels and birds.
Waimate	Water which has lost its mauri. It is dead, damaged or polluted, with no regenerative power. It can cause ill-fortune and can contaminate the mauri of other living or spiritual things.
Waitai	The sea, surf or tide. Also used to distinguish seawater from fresh water.
Waitapu	When an incident has occurred in association with water, for example a drowning, an area of that waterway is deemed tapu and no resources can be gathered or activities take place there until the tapu is lifted.

Mixing water of different types is a serious concern for Ngati Te Ata Waiohua. The mauri of a water body can be destroyed by an inappropriate discharge, with serious consequences for the mauri and ecosystem concerned. Our reliance on the spiritual and physical well-being of the water body will also be affected. The diversion or combining of waters from different sources or catchments is considered culturally inappropriate.

#### *Stormwater*

The British brought with them an old system which had caused many diseases and illness regarding their waste. It was common English practise to dispose of 'waste' into moats surrounding castles, and into streams, rivers and harbours. These practises were continued in their 'new land'. Unfortunately towns were built with the mind set of disposing waste to water. Maori living on the Waitemata and Manukau despaired at the despoiling of their harbour, long treasured for its fisheries.

Estuaries were favoured for food gathering and provided safe, sheltered waters with an abundance of fish, shellfish, and birds for eating. Estuaries also gave access to the interior of the country and its wealth of resources-tall timbered rain forests, abundant bird life, flax swamps and rivers full of eels.

Because estuaries were viewed by many European settlers as unproductive wastelands, estuarine land was reclaimed for harbours, and filled in for pasture, sewerage schemes and stormwater discharge. Many are still under threat from:

- ☒ excess silt
- ☒ pollution from sewerage, industrial/ agricultural runoff and stormwater
- ☒ invasion by introduced species [plant and animal]
- ☒ reclamation
- ☒ extraction of sand and gravel.

#### *Auckland Council (ARC) TP standards*

There are two ARC standards to be complied with regards to most developments.

ARC TP10 standard is a guideline set by the ARC for levels of suspended solids allowed when discharging to a receiving environment. This standard states that 75% of all Total Suspended Solids [TSS] are to be removed prior to discharge. Effectively this means that only 75% of all suspended solids are to be removed, allowing for a compliant 25% of all suspended solids from each new development to enter into a receiving environment. Unfortunately the TP10 standard only refers to 'suspended solids' and not to actual chemical pollution.

ARC TP90 standard. This standard refers to the amount of silt to be retained onsite with any one development; in this case its 90% of all silt is to be retained on site, allowing for 10% reaching the receiving environment as of right. Where this standard cannot be achieved successfully on a small site, where stormwater detention ponds are difficult to use because of the land they need in order to operate successfully, then often the use of flocculants is encouraged. A flocculant is a chemical used to coagulate or bind together soil particles, to achieve the compliant discharge limit [90%]. To date there is unsatisfactory data available regarding the long term use of flocculants on the receiving environment, particularly where the discharge is to a stream or harbour, where it becomes dispersed into the wider water mass.

It is our opinion that neither of these standards are enough to prevent further degradation of our receiving environments, and therefore further detention and pollutant removal measures are necessary.

#### *Auckland Council Current Stormwater Overview*

September 20-October 2011 Stormwater Activity Workshop presented by Council and outlining the regional context within which local board priorities for stormwater management sit. The sustainable Management of rainwater and the water cycle; delivering resilient communities, and healthy built natural environments.

- Protection and enhancement of our waterways
- Work with natural systems not against them
- Avoid mistakes of the past, it is costly and difficult to mitigate stormwater impacts retrospectively
- Focus retrospective effort where we need to and can make a difference
- Stormwater management is a partnership

Key Regional Issues include:

Prevention at source is significantly cheaper and more effective than fixing the problem at the end of a pipe. Natural assets are a critical component of our stormwater network and provide for important functions. However looking after these assets was not always included in asset management plans and LTPs.

#### Strategic Approach

Use redevelopment and other opportunities to improve stormwater management and its effects. Address environmental effects in priority areas and catchments; which include

- Growth areas
- Ecological priorities
- Environmental impacts

## ✚ Local board priorities/community interest.

The Auckland Council is now responsible for all stormwater priorities, projects and quality of discharge within the Auckland Region. More importantly their standards of water quality discharge are adopted by other regions i.e. Waikato and have to be adhered to by developers and other agencies throughout most of the whole of the North Island.

While it is generally accepted throughout New Zealand that our streams, rivers, lakes, estuaries and harbours are of poor water quality, until the ARC TP10 and ARC TP90 standards are reviewed and strengthened there is not going to be a change in water quality to our receiving environments.

There always has been a strong argument within our society for economic gain versus environmental and cultural gain. Because money talks, the gains more often than not are weighted on behalf of the economic argument.

### *Stormwater Detention Devices*

There are a number of ways to effectively treat stormwater prior to discharge to a natural water body, listed below are three options preferred by iwi that are not disposal to land (land disposal being most preferred, but due to land cost often unachievable).

#### *Option 1: The stormwater pond*

Each stormwater pond needs to be 'relevant' to the size of the catchment to treat and clean the polluted inflow. This option works by having different ground levels to the pond. These are underwater and not able to be seen. They work by collecting heavy particles as they drop/settle out of the water into the underground 'bays'. The stormwater then gets to settle out over two or three of these bays prior to discharge to the natural water body. It is preferable to iwi that there are at least two ponds for each treatment and that they are 'separate' or 'offline' to the natural stream/waterway they discharge into. The stormwater pond often attracts ducks and other exotic bird species which contribute to water pollution through their faeces, but are an 'attractive' amenity to some public.

#### *Option 2: The stormwater wetland*

This option works similar to a stormwater pond, but doesn't necessarily have the same underwater 'bays'. It is planted in native water wetland plants that help to filter out pollutants prior to discharge to the natural environment. As with the option 1, stormwater pond, two wetlands or a combination of a pond and a wetland is preferred by iwi as the most effective method of cleansing polluted stormwater inflows prior to discharge to a natural water body. This option is most preferable as it works the best, however usually costs more than the ordinary stormwater pond. Options 1 and 2 are often 'on-line' meaning that any overflows are directly into the receiving environment. A preferred option for iwi and best practice stormwater detention is for at least two 'off-line' wetlands/detention ponds (preferably a mix of both) prior to being able to enter a receiving environment.

#### *Option 3: The Coarse Sediment Trap (CST)*

This option is a series of baffles device designed to be incorporated into stormwater conveyance systems for pre-treatment of stormwater and primarily to filter sediment, oil and grease prior to discharge or final

treatment. They are designed to help reduce the pollutant load prior to entering wetland or detention ponds. While CST's are easier to clean than a wetland or detention pond, maintenance is required regularly. If not maintained they can act as a source of contaminants.

Many devices have limited flow capacity and must be inspected regularly during storms and high rainfall periods. Accumulated sediment must be removed (usually by truck) and need to be maintained/inspected at least biannually.

Monitoring may be warranted if discharge is directly to surface or ground water. Often in the instances of our roading pollution problem, we see the best solution being a combination on of option 3 (CST device) and option 2 (wetland).

There are many stormwater detention methods which can help to cleanse the water prior to discharge to our natural environment. Three are mentioned above, however there are also sand filters, rapid dispersion [where water is passed down a series of rocks/structures resembling a waterfall effect], gabion structures. The list is many and varied and often different developments can utilise a number of these methods.

### *Conclusions on Stormwater*

To date every development within Tamaki Makaurau rohe produces pollution which ends up in our harbours. This is unacceptable and not sustainable. When our water is sick and poisoned so too are we the people. All current developments within Tamaki Makaurau only have to comply with the current Auckland Council TP standards. The current Auckland Council TP standards are not sufficient enough to prevent further, on-going pollution of our waterways. All new developments need to acquire discharge standards that have NO effects on our waterways and harbours.

We advocate the highest level of treatment of stormwater before it is discharged into waterways. The protection of the mauri of all natural waterways, and that the food producing capacity of natural waterways is protected and enhanced, as is their life supporting capacity.

We advocate water conservation and efficient use of water, opposes the direct disposal of any waste into waterways and requires that waste pass through the soils before discharge.

Our preference is that waterways be managed to a level that ensures their use as a food source and supports active restoration programmes, including stream edge planting.

Recognise that flocculant overdose will cause unacceptably high levels of flocculant to the receiving environment. It is vital that works and activities do not adversely alter the mauri to the extent that it is no longer recognisable as wai ora.

Stormwater contaminants of concern are oils, greases and other hydrocarbons, composite brake dust, principally iron and other trace contaminants.

Stormwater must be treated with a propriety device, i.e. storm filter, sand filter or up flow, in an underground water retention device, wetland filtration natural planting and other high quality treatment. The proposed wetland needs to be enhanced with riparian planting, and serve as a final cleansing after the stormwater has passed through the filtration device to be installed, prior to its discharge to the receiving

catchments. This option is do-able and is an obvious, natural way to further enhance the mauri. It would have an aesthetic appeal and be of major environmental benefit for this and future proposed works.

We acknowledge that any catchment integrated management plan and/or comprehensive network discharge consent application should address the issues raised here and provide more detailed information.

### *Groundwater*

There are concerns regarding future groundwater implications in the long term, especially if there is a lowering of levels. It is vital to identify Puna (spring water) and the impact on these resources.

We recommend commissioned reports are undertaken to carry out an initial groundwater study particularly around the Maungawhau area.

### *Biodiversity*

Biodiversity is integral to Ngati Te Ata Waiohua. We are not separated from it; rather it is part of us and our conception of health and wellbeing. Biodiversity continues to be under threat despite successive plans to „turn the tide“. Its value cannot be over-estimated and it is interwoven with many of our traditional values and practices. As Kaitiaki we take an ecosystem view and we have a responsibility to manage and protect healthy ecosystems and the biodiversity that they support.



### *Sustainable Development*

*Ngati Te Ata Waiohua is obliged to accommodate another million people in our rohe by 2040.*

We support a number of key initiatives. We advocate native tree planting with Auckland Transport on a major scale. Ngati Te Ata Waiohua is interested in collaborating with major industry to work within our kaitiaki principles and initiate a 10 year planting programme.

The current management of stormwater and wastewater is in contravention of our principles. Water recycling is a major opportunity that should be pursued and primary stormwater retention and treatment methods should be universally applied.

Developments are not sustainable if their wastes and wastewater cannot be managed consistent with our cultural values. Discharging hazardous, toxic, wastewater into our waterways and water bodies remains a cultural and spiritual offence. It is one of the greatest contributors to Maori ill health. Others may not understand that but our wairua, our inner being does. Landfills (contaminated fill from development) which poison the environment as a result of appalling land use practices should be remediated.

Ngati Te Ata Waiohua understands that sustainability will allow us to reconnect with our traditional whenua, the coast and with water. We, the Ngati Te Ata Waiohua people, Iwi Maori, need to once again reoccupy these places of traditional usage and occupation.

### *Infrastructure*

Inadequate, outmoded infrastructure is not keeping up with the rate of growth and contributing to environmental degradation.

Ngati Te Ata Waiohua is concerned about leaking stormwater and wastewater pipes and wastewater overflows. Non-compliant and unconsented Wastewater Treatment Plants do not meet acceptable environmental standards and needs to be upgraded.

Transport options need to be improved with a focus on creating environments for people not cars and de-emphasising road building. There are other priorities to focus on.

Broadband supports our intent to live locally but be global players. Fast broadband is required for rural areas and in support of the papakainga, puna reo, whareoranga and other services that NTAW provides to its people. Access will assist Ngati Te Ata Waiohua to network with its members, to communicate more effectively and to deliver services and benefits.

### *The Resource Management Process*

*Ngati Te Ata Waiohua needs to have the capacity to be directly involved in decision-making processes which affect us.*

The Resource Management Act 1991 (RMA) provides protection for our values through Part II. We refer to Section 6(e) 'the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga' must be recognised and provided for as a matter of national importance. Section 7(a) requires that particular regard must be given to kaitiakitanga, and Section 8 requires that the principles of the Treaty of Waitangi be taken into account.

Despite these and other provisions and protections in the Resource Management Act and other legislation, we remain a step behind. The processes involved demand resources and capacity that we frequently do not have. We are nevertheless committed and we constantly produce submissions and cultural impact assessments. We are known for our attendance of hearings and for the legal cases that we have pursued over the years to protect our interests. We have no option but to continue.

Relief does not appear in sight as Auckland Council contemplates a further 1 million people in our rohe. Ngati Te Ata Waiohua has said that Tamaki Makaurau does not need further population increase. Many other towns and cities would welcome added population. The more people in Tamaki, the more sewage goes into our food bowls and this significantly contributes to our health problems. Maori/Ngati Te Ata Waiohua may not physically understand that but our wairua does.

We have also lost the checks and balances provided by the predecessor Councils who routinely objected to significant consents or plan changes or proposed provisions as an advocate on behalf of the community. The Council's had the legal and technical resources at hand to be effective through statutory processes. They are now a thing of the past.

We find we must forge new relationships as Council staff and organisational structures have changed and our values must once again be explained. These changes need to be communicated to us and new processes and protocols established, and mechanisms put in place so the burden does not fall on Ngati Te Ata Waiohua to fill the gap.

Many of these statutory processes are inherently reactive. That situation has not changed and statutory deadlines are even more demanding. Witness for example the stringent timeline requirements for resource consents and the apparent removal of obligation to consult (RMA Section 36A). The Auckland Plan was prepared at high pace and we expect that there will be significant time pressure on the proposed Unitary Plan preparation.

Ngati Te Ata Waiohua needs to have appropriate capacity and resourcing (technical and financial) to fulfil our kaitiaki obligations.



*Fig. 10. Maori congregate on a roadway at Point Britomart overlooking Horotiu [Commercial Bay] in 1859. Sir George Grey Special Collections, Auckland Libraries, 1012-46.*

*Mehemea kare ana  
He whakakitenga, Ka mate te iwi*

*Where there is no vision, the people will perish*

## **The CRL Site - A Ngati Te Ata Waiohua Response to Te Aranga Principles**

'It is a commonplace of tribal traditions that Tamaki, in the years of Waiohua ascendancy, was one of the most settled and extensively cultivated regions in Aotearoa, and that it was, in Maori terms, extremely wealthy' [Stone, p. 31]. Traditional history, and the research of Auckland historians such as Professor Stone, point to extensive and intensive use of the Auckland isthmus by iwi prior to European contact and during the nineteenth century.

Many different iwi and hapu have featured in the history of Tamaki-makau-rau, with tribal territories or rohe changing in response to migration, warfare and intermarriage. Te Waiohua, Ngai Tai, Ngati Whatua, Ngati Paoa and Te Kawerau a Maki in particular have historical associations with the isthmus. [Clough & Associates, *CBD Waterfront Historical Summary*]

By the mid-18th century Ngati Whatua had control over most of the isthmus. According to Stone's *From Tamaki-Makau-Rau to Auckland*, the relationship between Ngati Whatua and Ngati Te Ata was a close one, at least by the early 19<sup>th</sup> century. Not only were there intermarriages, but it was habitual for Ngati Te Ata and Ngati Tamaoho to cross amicably through Ngati Whatua territory 'to establish temporary stations on the Waitemata from which they exercised fishing rights' [Stone, p. 293].

[I]n 1840 when New Zealand's first Governor, William Hobson, chose Tamaki-makau-rau to be the site of the country's capital, Ngati Whatua had only recently returned to the isthmus after years of exile caused by the musket wars. Settling first at Cornwallis in 1836, then at Mangere, they moved to the northern side of the isthmus c.1838-9, establishing gardens at Horotiu in the Queen Street valley, Waiariki near Princes Street, Orakei, Okahu and Purewa, with villages at Orakei, Okahu and the Upland Road area of Remuera.

Following the settlement of Auckland, Maori have been and continue to be part of the development of our towns and cities. Developments of the landscape are a part of Maori history now also; roading, grazing, reserves, buildings, reservoirs, construction, quarrying, wastewater/stormwater disposal. Some and such developments have not always been supported by tangata whenua. In many cases these developments have damaged or destroyed significant sites and failed to recognise the values held by their kaitiaki. Mana whenua have never ceased visiting these places or appreciating their cultural significance. Maori still share an interest in the on-going sustainable management.



Fig. 11. *Auckland in 1844* [cf Fig. 1.] Sir George Grey Special Collections, Auckland Libraries, 1-W465.

Today, many Ngati Te Ata people are city dwellers, Auckland city residents. Before the Second World War, over 80% of Maori were living in rural areas, primarily within their own tribal districts. From the 1920s there had been a trickle of people moving to the cities, but that was largely checked by the economic depression of the 1930s. Today, 84% of Maori live in urban areas. Most are in the main metropolitan centres: a quarter live in Auckland, New Zealand's largest city.

The urban migration of Maori has been described as the most rapid movement of any population. This episode in history has had a profound effect on Ngati Te Ata people, giving rise to poor relationships to our marae and a lack of access to our traditional resources. However we never forget that the majority of our Ngati Te Ata people are city dwellers and therefore we have an obligation to provide for their sustenance and needs within the urban domain.

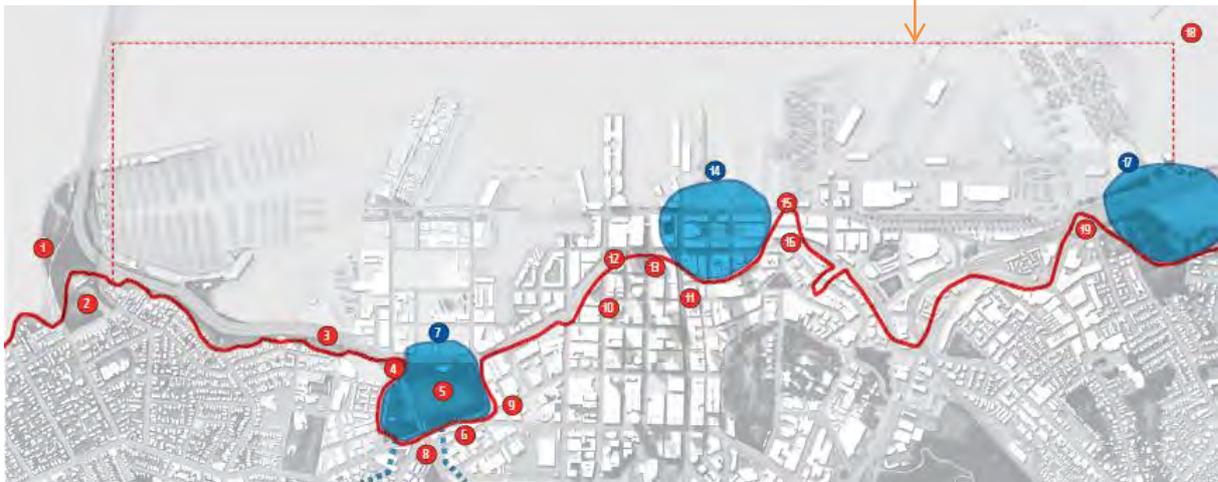
From a Ngati Te Ata cultural perspective, the project area has been heavily modified but the CRL may give forth archaeological evidence of earlier use and occupation by Ngati Te Ata and other iwi. It also has the potential to deliver historic and cultural heritage gains in the areas of interpretation, conservation of built heritage, and through good urban design that embody iwi's cultural values and association with our ancestral lands. The cultural landscape through which the CRL will pass can be re-inscribed with the stories of Auckland's Maori, Pakeha and new migrant populations.

### *Te Aranga*

When it comes to urban design Ngati Te Ata are frustrated that our Maori culture is rarely reflected in the urban/built environment, particularly across Auckland, which we identify as a unique cultural landscape featuring significant historical pa on volcanic cones. Indigenous, local character is a vital ingredient in good urban design, in contrast to the increasingly homogenised urban environments that arise out of globalisation. Urban design that responds to iwi-specific values and features will foster healthy expressions of different cultural identities and realities within our urban environments.



**Te One Manu o Te Huatau** the sheltered bay of Huatau, an ancestor of Te Waiohūa (Father of Te Atārehia). The bay starts at the harbour bridge and stretched to Stanley Street.



The following list of place names is reproduced from Clough & Associates' *CBD Waterfront Historical Summary*, which in turn draws upon David Simmons' *Maori Auckland, including the Maori Place Names of Auckland Collected by George Graham* [Auckland, 1987].

**Te Hika a Rama** 'The fire lighting of Rama'. Rama was a chief of Waiohūa. He was hiding at this place and foolishly lit a fire to warm his grandchild. A Ngāti Whatua war-party camped at Northcote Point noticed the smoke and crossed the harbour. This surprised Rama and he and his people were captured. This place was a small bay or gap in the cliff at the foot of Nelson St.

**Horotiu** 'Crumbling away'. Site of the flagstaff, Albert Park. Formerly a pa. See Waihorotiu.

**Te Koranga** 'The scaffolding' (for drying fish). At the foot of Victoria St West. Probably a modern name as the fish were dried there in the 1840s.

**Ngahuwera** 'Burnt Breasts'. The headland at the mouth of Waihorotiu (Queen Street) site of Waitemata Hotel approximately. [The Waitemata Hotel was on the southern corner of Queen St and Customs St West.]

**Onepanea** 'Beach of the heads in line'. The beach, now reclaimed, and now Fort Street. Nga Puhī had been on an expedition into the Waikato country and on their way back to the north stopped at Tamaki. Certain ceremonies to lift the tapu from the warriors were performed at a stream which flowed down where Swanson St is now. The heads of their slain enemies were stuck on a line of posts at the beach and it is said that they were so numerous that the line of dried heads stretched from one end of the beach to the other.

**Te Paneiriri** 'The head hung up'. The eastern headland of Freeman's Bay. Probably a wartime incident where a ceremony of Whangaihou was performed by Ngāti Paoa in conquest of Tamaki.

**Paritutu** 'Perched on the cliff'. The cliff above the site of the old graving dock, hence the name of Graham's homestead 'The Perch', since demolished when the cliff was cut away in 1884. A pa there in olden days. This is the cliff on the eastern side of Freeman's Bay.

**Te Rerengaoraiti** ‘The leap of the survivors’. The headland afterwards called Pt Britomart. Also spelt Te Terengaoraiti. Named after an incident in Kawharu’s time (1680 AD) and repeated during a Nga Puhi raid in 1822.

**Te Reuroa** ‘The long outer palisading’. A pa that stood on the site of the Supreme Court, extending to the foreshore.

**Te Roukai** ‘The food gathering’. A pipi bank which lay formerly between the site of the Waitemata Hotel and Pt Britomart, mouth of Horotiu Creek. [The Waitemata Hotel was on the southern corner of Queen St and Customs St West.]

**Tangihangapukaea** ‘The blowing of the war trumpet’. A pa on the site of Pt Britomart.

**Te Tarakaraihi** ‘A small sea-bird of the tern variety’. A canoe landing at the foot of what is now Swanson St, opposite Te Whatu.

**Te Tarapounamu** Track from Swanson St to Queen St. Te To or Te Too, ‘the dragging up’ (of canoes). A pa on the western headland of Freeman’s Bay. Site of present orphanage. [This was St Mary’s Catholic orphanage, removed to Takapuna to make way for Harbour improvements in 1911.]

**Waiariki** ‘Waters of the ariki’ (head chief) or ‘waters having a curative value’. Probably a spring of water so reputed hereabouts. Formerly Official Bay. [Presumably the same spring later used by early manufacturers of aerated water products, based around Eden Crescent.]

**Waiatarau** ‘Waters reflecting shadows’. Stream in Freeman’s Bay [or the bay itself].

**Waihorotiu** ‘Horotiu Creek’. The name of the creek that formerly flowed down Queen St. Named after Horotiu Pa on the hill above, namely Albert Park.

**Waikokota** ‘Cockle water’. Freeman’s Bay. Probably a modern name. Now reclaimed. Ancient name said to be Waiatarau ‘waters reflecting shadows’.

**Te Whatu** ‘The rock’. A rocky ledge formerly at the foot of what is now Shortland St, where canoes were moored, it being a convenient landing.

**Nga Wharauatako** ‘Tako’s reed huts’. The name of an old village on the ridge between Queen St and Hobson St, near the foreshore probably near the site of the Star Hotel, because the track to the creek now Queen St, led down where Swanson St is now situated. [The Star Hotel was on the corner of Queen and Swanson Streets.]

The names that are currently inscribed on the streets and open spaces within the CRL also embody historic associations and cultural values. The following information about these place names comes from the Auckland War Memorial Museum’s Index of Streets.

*Albert Street* - named for Prince Albert, husband and consort of Queen Victoria.

*Mayoral Drive* - ‘Mayoral Drive was until 1971 known as Quadrant Road. It was proposed as a ‘tree-lined

boulevard', functioning as a green link between Albert and Myers Parks.'

*Vincent Street* - 'Originally St Vincent, but by 1878 the 'St' had been dropped.'

*Pitt Street* - previously Pyt Street, named by the first Surveyor General, Matthew Felton.

*Karangahape Road* - 'Karangahape was the former name of the Cornwallis district. The meaning is uncertain. Possibly karanga, "to call" and Hape the name of a chief who lived there in ancient times, thus Hape's call". Prior to 1849 Karangahape Road was a track along the ridge, and the access to it from Queen Street was a track from the Town Hall upwards. As a result of the Government House fire and the relocation of the governor's residence to Scoria House, new roads were made. Queen Street was extended up to the ridge by a gang of 300 Maori labourers, and a road was built along the ridge from the present Symonds Street cemetery to Scoria House by the engineers of the 58th Regiment. Karangahape Road was originally two separate streets, named by the first Surveyor General, Felton Matthew, Pyt (now Pitt) and Bennett Streets. From early times this street was the main route from the Auckland isthmus to the Manukau Heads.'

*Symonds Street* - Captain William Cornwallis Symonds, agent for the Waitemata and Manukau Land Co. In 1836 Symonds was responsible for the siting of a new settlement on the Manukau Harbour. At his death he was the Chief Magistrate and Deputy Surveyor-General.

*Mount Eden Road* - the European name for Maungawhau.



Fig. 74—Sites of Old Terraced Hill Forts. Auckland Isthmus. (See p. 289.)

Cf. Boorman, Photo

Fig. 13. Elsdon Best 'Hillside Pa on the Auckland Isthmus' Fig. 74 in *The Pa Maori* Wellington, 1927.

### 3] Tohu [Landmarks]

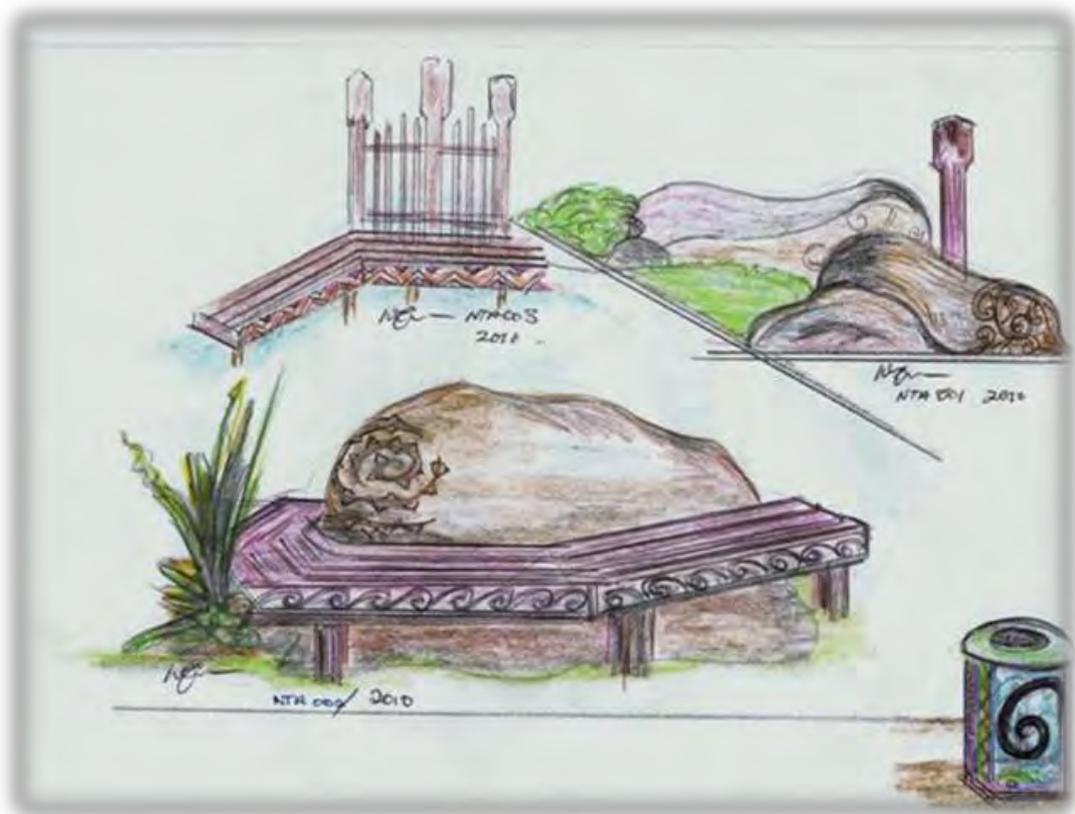
It is important to look beyond the immediate development site to acknowledge significant local and regional landmarks (eg. maunga, moana, wāhi tapu). The project should embrace opportunities for creating or enhancing visual and physical connections to these tohu.

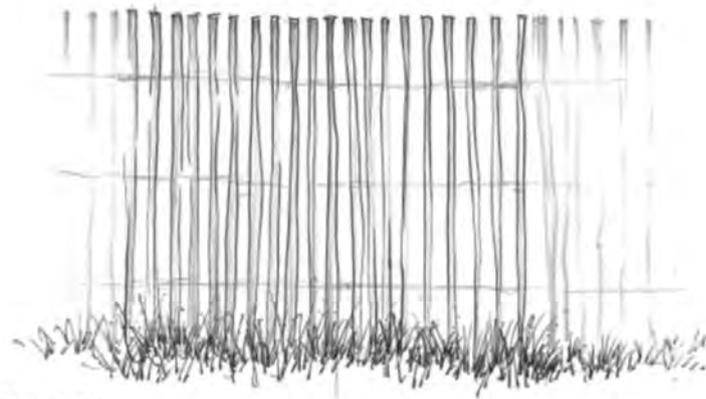
Views of Te Waitemata and the maunga of the Auckland isthmus are fundamental markers for mana whenua, city residents, workers and commuters. The natural forms, colours and cultural meanings of these iconic landmarks should be fully integrated into the CRL design tool box. Wherever possible the new stations and associated structures should offer new views of Tamaki landmarks within the existing framework of the city centre.

### 4] Taio [Natural Landscape Elements]

Opportunities to reintroduce natural landscape elements back into the urban streetscape - e.g. specific native trees, water / puna wai (springs) - promoting bird, insect and aquatic life to create meaningful urban ecosystems, which connect with former habitats, mahinga kai (food gathering areas) and living sites.

Natural elements may be introduced at above ground locations within the CRL - including stations, pedestrian entries and access ways. The natural world could also be referenced through the use of artistic motifs above and below ground. Images of gourd, kumara and harakeke [flax] would connect the traveller to the earth through they which are travelling and serve as a reminder of the bounty of Tamaki Makarau and the sustenance of its people.





PALISADING



INFORMATION SIGNAGE



WATER FEATURE



POU

Fig 14: Tohu Design Suite



FIG. 58. *Tahā Huahua*. Calabash to contain preserved food supplies. The gourd vessel is enwrapped with a plaited fabric, fitted with a carved mouthpiece (*tuki*), and mounted on carved supports. Bunches of feathers were added as additional adornments, and the vessel served as a kind of centre piece when guests were entertained.

*H. Hamilton, Photo.*

*Fig. 15. Gourd for food storage, from Elsdon Best's Maori Agriculture Wellington, 1925.*

#### 5] Mauri tu [Enhancing Health]

Ensuring emphasis on maintaining and enhancing the environmental quality of water, soil and air and where possible remediating sites to enhance mauri. It is desirable to use materials which have cultural familiarity and connection to the CRL route.





*Fig. 16. 'Jubilee Celebrations on Auckland Harbour'. Sir George Grey Special Collections, Auckland Libraries, 7-A7721.*

#### 6] Mahi tu [Reinscribing Iwi Narratives]

Developing strategies to creatively re-inscribe iwi narratives into architecture, landscape, urban design and public art to enhance a sense of place and ensuring iwi appointed Māori design professionals are appropriately engaged in such processes.

A sustained programme of reclamation in Commercial Bay from the 1850s until the 1880s significantly altered the shoreline of Horotiu, with the result that a section of the CRL will traverse a part of the CBD that was once under water. Design elements within the tunnel system could communicate to travellers and rail staff that they are making a journey from Nga One Maru o Te Huatau [the sheltered bay of Huatau] to the land of the ancestors. Travel upon the ocean by waka and the catching and gathering of kai moana could be invoked artistically in murals and design elements, using fish hooks, pipis and cockles. A visual representation of the transition from one environment to another, in the vicinity of the intersection of Customs and Albert Streets, would be a simple, but effective way of drawing attention to the essential cultural landscape that has long since vanished beneath a built-up central city.

Pa sites that once overlooked the bay might be evoked through palisade motifs, both constructed and rendered artistically. An evocation of the pre-colonial landscape environment, which has been almost entirely overlaid by the built environment, might be embodied in images of trees, ferns, birds and insects.

Near the top or southern end of the CRL, where it will connect with Mt Eden Road, the swamp of earlier times might be alluded to in the form of eels being caught in hinaki.

The desire here is to create a visual evocation of the past in order for the modern-day traveller to have some sense of connection to an ancestral landscape in which ara [trails] and waka tauranga [canoe landings] established different patterns of movement and community than the cars and trains of the modern era.



*Fig. 17. CF Goldie Portrait of Aperahama Rairai of Ngati Te Ata reproduced in the New Zealand Graphic and Ladies' Journal Christmas 1909. Alexander Turnbull Library, A-385-025.*

#### 7] Ahi kaa [Living Presence]

Exploring opportunities to facilitate meaningful living presences for iwi / hapu to resume ahi kaa and kaitiaki roles within urban areas. This may include exploring environmental, cultural and commercial opportunities in partnership with iwi entities.

Since the European colonisation of New Zealand, Maori and Pakeha have lived and worked together. Modern-day Ngati Te Ata people live and work in Auckland and will travel upon the CRL as staff and public transport users. The local histories of Ngati Te Ata and other Auckland iwi does not end with colonisation, despite the loss of land and livelihood that came about as a result of the alienation of land. Urban design elements and heritage interpretation opportunities within the CRL should acknowledge the past but also affirm the post-colonial history of Ngati Te Ata and other Auckland iwi. The story of late 19th and 20th century Maori individuals and groups who have helped to shape the city might also be told in

strategic locations within the CRL. These stories are likely to be found in the heritage narratives embodied in the built environment, hence the desirability of bringing Maori cultural, archaeological and built heritage values together.



*Fig. 18. Maori soldiers are farewelled during a procession along Queen Street. Auckland Weekly News 23 September 1915, p. 46. Sir George Grey Special Collections, Auckland Libraries, AWNS-19150923-46-2.*

## Recommendations

1. Ngati Te Ata Waiohua reserves its position on the City Rail Link (CRL) project until such time that the issues and concerns we have raised have been addressed and provided for.
2. That the archaeological report prepared by Clough & Associates for Auckland Transport (July 2012) satisfactorily examines the recorded archaeological sites in the vicinity of the CRL and identifies other areas where there is potential to disturb archaeological material.
  - a. The reclamation soils of Queen Elizabeth Square may contain material from the pa Te Rerengaoraiti on Point Britomart; while these are no longer in-situ deposits they still retain cultural significance.
  - b. A midden site associated with a small swamp near the junction of Mt Eden Rd and Symonds St may be an indication of a larger Maori archaeological site in that area, however the likelihood of any intact deposits being disturbed by the works is slim. This area is a natural high point and likely part of the pa associated with the nearby Te Iringa a Rauru and the large pa Maungawhau (Mt Eden).
3. That two pa sites, above or immediately adjacent to the proposed rail route, are not recorded as archaeological sites but are recorded as Maori heritage sites and are of considerable significance to local iwi. These are the pa Ngahu Wera on the former headland at the end of Albert Street and Nga Wharau a Tako approximately at 87-89 Albert Street, 4,12-14 and 16 Kingston Street, and Federal Street. While the works will be below ground level in the vicinity of the former, the access to Aotea Station may disturb intact deposits relating to Nga Wharau a Tako. Appropriate protocols must be in place for this eventuality.
4. That Archaeological Accidental Discovery Protocols are adhered to throughout the course of the cut-and-cover sections of the rail works. Ngati Te Ata Waiohua Protocols [see below] should be observed along the alignment. If other parties, including but not limited to the NZ Historic Places Trust, require that on-site monitoring during earthworks operations be carried out by a qualified archaeologist that person should have the trust and confidence of Ngati Te Ata Waiohua. We recommend appropriate qualified tāngata whenua are present to ensure incorporation of mātauranga Maori.
5. That the built heritage aspects of the project assessment, design and implementation are also viewed through the lens of Maori cultural values and open to scrutiny by iwi. Archaeological values alone are not the sole concern of Ngati Te Ata in terms of the sustainable management of historic heritage as it is defined in the Resource Management Act. Buildings and the public realm within the path of the CRL may have links with Maori individuals, iwi and hapu. That is to say the historic connection of Ngati Te Ata and other Auckland iwi with what became Auckland's commercial centre did not end with the land wars of the 1860s and should be acknowledged in a comprehensive and holistic manner.
6. That the names of the new stations along the CRL should be carefully selected in consultation with iwi.
7. That the urban design principles and practices applied to this project should be reflective of Ngati Te Ata culture rather than bringing our ideas to bear in a westernised approach. The basis of these

principles references the cultural landscape and the interaction of Te Waiohau (indigenous) settlement patterns and urban form with the landscape, not apart from it.

*Cultural Design Principles important to Ngati Te Ata:*

- Kaitiakitanga – kaitiakitanga underpins everything Ngati Te Ata does.
  - Restoration – we believe that everything has life force and energy (mauri) and through the restoration of the natural environment we are reconnecting with our ancestors.
  - Wairua – spirituality / a living presence, this involves empowering a repatriation of tangata whenua to urban environments in a way that is meaningful for them and renews connections.
  - Retaining Iwi Names/Pou – our history exists in oral and visual form but is not historically written. Most names of places were originally Maori but have been replaced during the process of colonisation. There is the belief in Maori culture that restoring names restores mana.
  - Oral Histories – our tawhito korero (stories) are connected to a place, these places need to be recognised and relationships rectified and imbued in the landscape by forming relationships that enhance these narratives. We also need to practice our customs and traditions of passing down our culture about ancestors, historical events and whenua in the knowledge that the mauri, wairua and tapu of these sites have not been desecrated or compromised. This ensures the ongoing health and wellbeing of the iwi's mana and tapu.
8. That creative lighting should be considered as an integral part of the public space design, which will provide the opportunity to create special night-time effects throughout the project environment. Functional lighting would also help to create and establish safe environment for evening excursions, but specifically designed lighting is desirable.
9. Comment: Key point; The archaeology report is good but the CRL study site is just too big to respond to adequately as per Onehunga and Parnell station sites. Also the interaction between Maori cultural, archaeology and built heritage values needs to be married somehow (through the cultural values assessment currently undertaken by Tama Hovell) so that all are uplifted through the course of the project. Alternative is that all suffer if a token, piecemeal kind of approach is taken.

## Conclusion

On this basis, we are not opposed (in principle) to the City Rail Link (CRL) project providing that, and notwithstanding, the number of issues and concerns that have been highlighted in this MVA Report are addressed and provided for. Ngati Te Ata Waiohua reserves its position on the City Rail Link (CRL) project until such time that the issues and concerns we have raised have been addressed and provided for.

Our spiritual connection to the Auckland CBD and surrounds has and never can be extinguished it is our traditional relationship to the Auckland CBD, the occupation, use and customary practice that has suffered as a result major development and infrastructure, including intensive settlement.

In the broader scheme of things our people will be users of this infrastructure. They are also tax and rate payers and will therefore have a vested interest in the effectiveness and success of the proposal, particularly the expected improvement in transport connectivity. Our people too, like any other city dweller, want sufficient capacity into the future as road users, improved safety for vehicles, cyclists and pedestrians, improved efficiency of the road network by reducing delays along the main roads and at intersections, the promotion of walking and cycling by providing safe and efficient bus, cycling and walking facilities; and the development of an environmentally, safe and people friendly city.

Centuries of Maori occupation and resource use in Tamaki Makarau have resulted in the creation of a rich cultural landscape, which persists even in the most modified situations. Where they have survived, waahi tapu and other Maori heritage sites can never be viewed in isolation but are part of a network in which the presence of Maori cultural values may still be felt.

A holistic consideration of all natural, cultural and historic heritage values within the CRL will help to ensure the successful realisation of the project. Maori cultural values, archaeological values and built heritage values need to be seen as distinct but interconnected parts of the inner-city's cultural landscape, to which generations of Aucklanders, both Maori and non-Maori, have contributed. Just as Ngati Te Ata Waiohua read in Auckland's built and natural environments a landscape that is redolent of their history and heritage, a sense of the historic continuum of people and place within Horotiu / Commercial Bay / Auckland's CBD will generate more authentic, engaging and integrated design responses that can speak to all communities of interest.

Ngati Te Ata Waiohua are supportive in principle of the project objectives and indicate that we wish to play a primary role in the design process. Further ongoing discussion will be needed to identify information gaps in our thinking, raise issues or opportunities we had not foreseen, and clarify any issues as identified in this project.

The ultimate goal for Ngati Te Ata Waiohua is that the city's public transport network transport embodies the natural and cultural resources that are valued by iwi and other Aucklanders. A CRL urban design strategy that provides for our cultural interests and values will facilitate positive outcomes (use of space) for the community as a whole.

As stated earlier, this MVA represents only a starting point for engagement and will require further consultation and dialogue between Ngati Te Ata Waiohua, whanaunga iwi and Auckland Transport.

Further discussion will be needed to fully grasp the potential impacts and opportunities afforded by the CRL project. It is intended that this assessment will assist with ongoing decision making from all relevant parties involved and ensure that Ngati Te Ata Waiohuria issues, concerns, interests and values are provided for, including resource consent requirements. Input into design principles that touch upon all aspects of the cultural and historic heritage resources of the subject site is desired.

Ideals that influence Ngati Te Ata Waiohuria design concepts are drawn from the following:

- ✚ Whanau ora (safety, healthy, non-threatening environment)
- ✚ Strong public space, not a corporate space (no advertising), but a public space, a strong sense of space
- ✚ A place not overwhelmed with art and sculpture but simplistic in its design
- ✚ Strong cultural values
- ✚ A welcoming place, arriving at a destination
- ✚ Strong conservation values
- ✚ Strong geological values
- ✚ Place of gathering (people from the four winds of all cultures)
- ✚ Wai (water) the life giving element
- ✚ Place of spiritual wellbeing
- ✚ Linkage between whenua, moana and te rangi
- ✚ Place of attitude that invokes emotion, feelings, and experiences, when entering and leaving area
- ✚ Enhancing sightlines to significant places (Nga Maunga tupuna o Tamaki)
- ✚ Design that makes public take ownership of the place
- ✚ A mix of lighting ambient and bright and strong on places where needed
- ✚ A place that is self-contained using sustainable renewable resources.

Ngati Te Ata Waiohuria have their own artisans (Appendix 2) that are skilled in both wood and rock/stone carving, and have the resources and tools to undertake such tasks. We wish to be considered / involved in any commissioned art works, sculpture and carving.

Ngati Te Ata Waiohuria believe that a coherent design palette needs to be developed for the entire CRL project area, taking into account the practical requirements of station buildings, public realm furniture and fittings, interpretative signage, and lighting.

Ngati Te Ata Waiohuria indicate that we have an interest in ALL aspects of design regarding the CRL proposal and will articulate these overtime as the project develops. Design and materials need to be sustainable to give effect to our kaitiaki responsibilities of nurturing the mother, Papatuanuku.

## Sources

'Auckland's Original Shoreline' *Auckland City Heritage Walks* Available at <http://www.hotcity.co.nz/downloads/hwforeshore.pdf>

Bruce W Hayward 'Prehistoric sites of metropolitan Auckland' Tane 29, 1983 Available at <http://www.thebookshelf.auckland.ac.nz/docs/Tane/Tane-29/2%20Prehistoric%20pa%20sites%20of%20metropolitan%20Auckland.pdf>

*City of Auckland - District Plan - Isthmus Section - Operative 1999*

Clough & Associates *City Rail Link Project: Archaeological Assessment Report* Prepared for Auckland Transport, July 2012

Historic photographs and maps available at [www.matapihi.org.nz](http://www.matapihi.org.nz); <http://beta.natlib.govt.nz/>

JASMAX *City Rail Link Urban Design Framework* July 2012

Rau Hoskins *CRL Iwi Cultural Landscape Inputs Presentation - Inputs to Urban Design Framework* 9 July 2012

Rāwiri Taonui 'Tāmaki tribes' *Te Ara - the Encyclopedia of New Zealand*, updated 24-Sep-11 See <http://www.teara.govt.nz>

RCJ Stone *From Tamaki-makau-rau to Auckland* Auckland 2001



Fig. 18. 4 February 1916 military parade past the Chief Post Office, Queen Street. Among the 1500 troops were the 3rd Maori Reinforcements, including troops from Niue. *Auckland Weekly News* 10 February 1916, p. 35. Sir George Grey Special Collections, Auckland Libraries, AWNS-19160210-35-2.

## Appendix 1: Ngati Te Ata Waiohua Cultural and Archaeological Protocols

### 1. Objective

These protocols provide an operational guideline and procedures for day-to-day activities that may affect archaeological-cultural sites during all earthworks. This will provide clarity to all parties involved including, but not limited to, the contractor (and any sub-contractors), the project archaeologist, Iwi, and Council.

### 2. Protocols

#### 2.1 General Recommendations relating to Construction

- (a) Where archaeological-cultural remains are uncovered during earthworks there should be sufficient flexibility to re-route an access road or relocate a Lot to avoid the remains.
- (b) Where this is not considered practical, the remains would have to be investigated in accordance with the HPT Authority.
- (c) Opportunity will be provided for Iwi representatives to be involved in any archaeological investigation work.

#### 2.2 Procedures to be Followed Prior to the Start of Construction Works

- (a) All recorded sites to be retained should be marked out or fenced off prior to construction to ensure that they are not accidentally damaged by heavy machinery.
- (b) The site foreman will be fully briefed on the requirements of the Authority, the locations of recorded sites and the approved protocols.
- (c) A workshop will be held for all relevant contractors, and appropriate contracted staff, where a presentation will be given by Iwi outlining the cultural importance of the area and the taonga that may possibly be exposed.
- (d) 'Taonga cards' will be produced that show visual examples to assist with onsite identification by machine operators involved in construction works. Cards to be carried in all earth moving machinery.
- (e) A project archaeologist (approved by the HPT under the conditions of the Authority) to be identified and selected by Iwi and Council (to be engaged by Council). The archaeologist must be available to monitor the initial earthworks.

#### 2.3 Monitoring of Initial Earthworks

- (a) An archaeologist will be on site for the preliminary earthworks (e.g the opening up of access roads and construction platforms). The level of monitoring will depend on the type and location of earthworks and will decrease after the initial phase of earthworks.
- (b) Iwi representatives will undertake a site visit once a week during the initial phase of construction with the archaeologist (unless cultural material is uncovered in which case there may be more frequent visits). The timing of these visits would be reviewed as work proceeds.
- (c) If significant in situ archaeological-cultural features or deposits are identified, the archaeologist will stop earthworks in their immediate vicinity, advise the Iwi representatives, and define the extent of the archaeological-cultural deposit by probing or subsurface testing.
- (d) Earthworks may continue in other parts of the development site provided there is an archaeologist available to monitor them.
- (e) If the newly discovered archaeological-cultural site can be avoided, it will be temporarily fenced off to avoid further machine damage. If avoidance is not practical, then the remains should be recorded in accordance with the requirements of the HPT authority (under 14 of the Historic Places Act 1993).
- (f) In agreement with Iwi additional archaeologists would be brought on site as required to assist in recording and to monitor earthworks being carried out concurrently.
- (g) The archaeologist(s) will excavate and record the archaeological-cultural feature(s) or deposit(s) as quickly as possible so that earthworks may resume without undue delay, and will not exceed the specified stand down period (see below, 2.6). If more complex remains are found and additional time is required to excavate and record the feature(s) or deposit(s) an extension to the stand down period would be agreed in consultation with the site engineer.
- (h) If human bone is unearthed the protocol set out below (2.4) will be followed.
- (i) If taonga or archaeological-cultural deposits or features of Maori origin are unearthed the protocol set out below (2.5) will be followed.

#### 2.4 Protocols to be followed in the Event that Human Bone (Koiwi) is Exposed

- (a) If a contractor uncovers bone(s) during earthworks and suspects they may be human, they will stop work in the immediate vicinity and notify the site foreman who will notify the archaeologist and project director(s). No works shall continue until approved by the archaeologist and Iwi representatives.
- (b) If the bone is identified by the archaeologist as human, the archaeologist will stop earthworks in the immediate vicinity by notifying the site foreman and project director(s), and clearly defining the area in which earthworks are to cease.
- (c) If it is not clear whether the bone is human, work will cease in the immediate vicinity until the University's reference collection and/or a specialist can be consulted and a definite identification made.
- (d) If bone is confirmed as human, the archaeologist will immediately contact the nominated Iwi representatives, the Historic Places Trust and the New Zealand Police.
- (e) The site will be secured in a way that protects the koiwi as far as possible from further damage.
- (f) Kaumatua (as determined by the Iwi representatives) will be given the opportunity to conduct karakia and such other religious or cultural ceremonies and activities as are appropriate to Maori tikanga, within the specified stand down period (see below, 2.6), and to remove the bones for reburial.
- (g) Activity on site can recommence as soon the bones have been removed by the Iwi representatives or a representative authorised by them.
- (h) If the bones cannot be removed by Iwi within the stand down period for any reason, the site foreman may request the Historic Places Trust to authorise the archaeologist to remove the bones and deposit them at the museum until reburial can be arranged. If more additional time is required to remove the bones, an extension to the stand down period would be agreed in consultation with the site engineer.

#### 2.5 Protocols to be followed in the Event that Taonga or Archaeological-Cultural Remains of Maori Origin are Found

There is a potential for archaeological-cultural remains of Maori origin to be exposed during earthworks. Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are artefacts within the meaning of the Antiquities Act 1975. If archaeological-cultural features, deposits or artefacts are discovered on site the following protocols will be adopted:

- (a) If a contractor suspects an archaeological-cultural feature, deposit or artefact has been uncovered they will stop earthworks in the immediate vicinity of the find and notify the site foreman who will notify the archaeologist and project director(s). No works shall continue until approved by the archaeologist and Iwi representatives.
- (b) The archaeologist may also stop earthworks in the immediate vicinity of a find by notifying the site foreman and project director(s).
- (c) The archaeologist must clearly define the area in which earthworks are to cease, consistent with conditions of the HPT Authority.
- (d) The archaeologist will inform the Historic Places Trust and the nominated Iwi representatives so that the appropriate actions (from cultural and archaeological perspectives) can be determined.
- (e) These actions will be carried out within the stand down period specified below (2.6), and work may resume at the end of this period or when advised by the Historic Places Trust or archaeologist, whichever is the earlier.
- (f) In the case of artefacts of Maori origin the archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Antiquities Act 1975. This can be done through the Auckland War Memorial Museum. All taonga found on site may remain the property of Iwi so long as Iwi has agreed this with the Ministry for Culture and Heritage.
- (g) The Ministry for Culture and Heritage, in consultation with the Iwi, will decide on custodianship of the artefact. If the artefact requires conservation treatment (stabilisation), this can be carried out by the Department of Anthropology, University of Auckland (09-373-7999) and would be paid for by the Ministry. It would then be returned to the custodian or museum.

#### 2.6 Stand Down Protocols

Depending on what is revealed by the earthworks, stand down periods may be required at various stages to allow for excavation and recording of archaeological-cultural features, or dealing with human bone (koiwi) or artefacts and archaeological-cultural remains of Maori cultural heritage significance.

Stand down will require earthworks to cease only in the immediate vicinity of the feature or find, and work may proceed in other areas of the development site. The following maximum stand down periods will apply, but earthworks may be resumed earlier if the required work has been completed.

Trigger	Stand Down Period	Requirements	Release
Significant in situ archaeological-cultural feature, deposit or artefacts found	Up to 5 days	Excavation and/or recording by standard archaeological techniques	Work resumes when the archaeologist advises the site foreman that work is completed
Human bone found	Up to 5 days	HPT and NZ Police to be satisfied that koiwi identification is correct. Iwi representative to organise removal of bones from site and appropriate cultural ceremonies	Work resumes following removal of bones from site
Taonga or archaeological-cultural remains of Maori origin found	Up to 5 days	HPT and Iwi representatives to be consulted on appropriate action. Archaeological recording as required	Work resumes when the archaeologist or HPT advises the site foreman that work is completed

## 2.7 Authority Holder's Responsibilities

COUNCIL or its designated representative has the following responsibilities:

- (h) To advise the Historic Places Trust of the start and finish dates of any required archaeological work.
- (i) To ensure that the preliminary earthworks are monitored by an archaeologist, by giving 24 hours' notice of these activities to the project archaeologists.
- (j) To provide sufficient site security to ensure that archaeological-cultural material on site is protected from unlawful excavation or removal (typical condition of the Authority).
- (k) To ensure that a copy of the archaeological authority is kept on site and its contents are made known to all contractors and subcontractors.
- (l) To ensure that the conditions, protocols and stand down periods outlined in the authority and the strategy document are observed by contractors and subcontractors.
- (m) To provide a safe environment for the archaeologists to carry out their work.

## 2.8 Dispute Resolution

In the event of a dispute relating to the Authority investigation the following procedure for resolution should be followed:

- (a) If the dispute relates to archaeological issues, a meeting between the Authority holder (or designated representative), contractor or subcontractor and archaeologists should be convened as soon as possible to attempt to resolve the dispute.
- (b) If the dispute relates to cultural issues, a meeting between the Authority holder (or designated representative), contractor or subcontractor, Iwi representatives, and archaeologists should be convened as soon as possible to attempt to resolve the dispute.
- (c) If the dispute cannot be resolved a further meeting of all parties with representatives of the Historic Places Trust will be arranged within 1 working day to resolve the dispute. The Historic Places Trust has ultimate responsibility for resolving issues relating to the conditions of the Authorities it issues.

## Appendix 2: Ngati Te Ata Artisans

Ngati Te Ata has their own artisans that are skilled in both wood and rock/stone carving, and have the resources and tools to undertake such tasks.



*Blue Rock  
Granite sourced  
from Puketutu  
and Wiri  
Quarries*





### Appendix 3: Kaitiaki Native Tree Planting and Weed Clearance team





**Cover map:** Wild. University of Auckland. 2002.

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## Introduction

"Named features present a cultural grid over the land which provides meaning, order and stability to human existence without which we are strangers on the land, lost souls with nowhere to attach ourselves."

[Professor Hirini Moko Mead]

The pre-European history of Tāmaki Makaurau (Auckland Isthmus) is richly layered with centuries of occupation by various tribal groups. This report identifies the cultural overlay of almost a thousand years of Māori heritage associated with the Central Rail Link project footprint and makes recommendations on how this can be recognised through the CRL development.

## Background

This assessment refers to the planned construction of a new (mostly underground) 'Central Rail Link' plus associated infrastructure, stations and connections, from Britomart to near the existing Mt Eden Railway Station and Dominion Rd overbridge.

Auckland Transport has agreed to commission 'Māori Values Assessments' which it hopes result in the following outcomes:

- Auckland Transport has a clear, documented statement of the cultural sites and values held for the project area by iwi and the effects that projects may have on these sites and values
- The MVA is incorporated into the project and included in the Assessment of Environmental Effects
- Enrichment of Auckland Transport's knowledge of Māori sites and values for the geographic areas included in the MVA" [Auckland Transport. Correspondence, 2012].

For NWO this assessment builds on meetings and correspondence we have had with Auckland Transport this year regarding the project - which identified NWO's interest and desire for meaningful, effective engagement. This is supported by the Resource Management Act which includes key provisions around the requirement for all persons exercising functions and powers (including policy/plan making and resource consent processes) to:

- recognise and provide for, as a matter of National Importance (section 6):

- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- the protection of historic heritage from inappropriate subdivision, use, and development;
- the protection of recognised customary activities;
- have particular regard to Kaitiakitanga;
- take into account the principles of the Treaty of Waitangi [eg. partnership].

NWO as mana whenua are concerned about everything that affects our tribal area - much as a council is. This includes the management and care of lands and waters and the wider environment, and the wellbeing of people (social, cultural and economic). We do not consider anything should be beyond our sphere of interest or influence. Therefore, whilst for the purposes of this report we will focus on particular aspects of the CRL project, this does not limit our ability nor willingness to engage over other matters should we wish. Reference to the Ngāti Whātua Ōrākei Iwi Management Plan 2012 will enhance understanding of NWO's perspectives and ambitions with respect to such matters.

## **Tāmaki – A Brief History**

The Auckland Isthmus has seen almost a millennium of Māori occupation and use. Tāmaki Makaurau or 'Tāmaki - the bride sought by a hundred suitors', is an ancestral name for the Auckland Isthmus that reflects the area's desirability. There are numerous ancient names and whakataukī (proverbs) identifying 'Tāmaki Herenga Waka' – Tāmaki, the resting place of many waka - in reference to the layers of tribal association which developed over time.

Many tribes descended from ancestral waka including Te Arawa, Mataatua, Aotea, Tainui and Māhuhu have flourished in Tāmaki, as the volcanic soils provided nutrient rich material for gardening across the Isthmus. The short distance between the east and the west coasts was also attractive, as resources could be obtained easily from both. The Isthmus itself provides no less than 8 waka portages, with the most significant at Te Tō Waka - the Ōtāhuhu portage (Portage Road). The tūpuna (ancestors) had their food production organised into gardening and fishing circuits dictated by soils, fish stocks and the local calendar (maramataka). The circuits involved establishing

satellite fishing, hunting and gardening camps away from the main centres for resource gathering during the summer months. Food would then be preserved and taken back to base camp stores for the winter.

By 1740, the Waiohua tribe under their paramount leader Kiwi Tāmaki held the mana on the central Isthmus. Kiwi had his residence at Maungakiekie (One Tree Hill), an elaborate fortified pā. The Ngāti Whātua tribes had been steadily moving from the far north and were well established in the south Kaipara region after displacing the Kawerau community. However Ngāti Whātua coveted Tāmaki-Makau-rau and had cause to obtain it after Kiwi killed a number of prominent people while attending an unuhanga ceremony in the Kaipara. Under the leadership of Tuperiri and other rangatira, the Taoū section of Ngāti Whātua undertook an intensive campaign against the Waiohua, culminating in the death of Kiwi Tāmaki in battle near Big Muddy Creek in west Auckland. After further battles, Tuperiri took up residence at Maungakiekie and the possession of all the Isthmus lands formerly held by the Waiohua. The progeny of subsequent intermarriages reaffirmed the ancient bloodlines of Tāmaki within Ngāti Whātua.

The 1820s and 30s saw the Tāmaki Isthmus temporarily deserted, as Ngāti Whātua and other tribes in wider Auckland sought refuge in the Waikato, Mahurangi and Waitākere regions from the musket bearing tribes from the north - seeking utu (revenge) for past defeats. Tāmaki became generally unsafe to reside in during this period as war parties from the north travelling south frequently passed through using the short Ōtāhuhu portage to access the west coast from the east, and vice versa. However, Ngāti Whātua under the chief Te Kawau (with the assistance of Te Wherowhero and their Waikato relatives) returned to the central Isthmus permanently in 1835 as the power of the musket was balanced, restoring peace. Crops were re-established and the home fires burned again at the numerous settlements across Tāmaki.

In 1840 Governor Hobson arrived after an invitation to settle from Te Kawau, who was a signatory to the Treaty of Waitangi. Much land was gifted (including the original 3000 acres offered to establish a capital - which included the route of the proposed CRL). Land was also sold by Ngāti Whātua, but much of our estate was alienated through the imposition of individualised title to break down communal land ownership, questionable land transactions and compulsory Government acquisition. By 1951 Ngāti Whātua was virtually landless, with only ¼ of an acre left at Ōkahu Bay. This loss of land other breaches of the Treaty, are to be addressed when the Deed of Settlement presently making its way through Parliament is enacted.

We have continued to be active participants in the society and development of Auckland in the post-Treaty era. Thus we share in the history of the past one hundred and seventy two years of this city with all Aucklanders. Developments of the landscape in that time are a part of our history too, eg. railways, roading, parkland/reserves, buildings, landscaping – even if such developments have not always been supported and in many instances have damaged significant sites, failing to recognize the values held by their traditional kaitiaki. We have never ceased visiting these places or appreciating their cultural significance and we share an interest in their ongoing sustainable management.

### **Tāmaki Herenga Waka - The Destination of Voyagers**

Tāmaki Herenga Waka is another name for the Auckland Isthmus. As kūmara and other crops became established successfully in the Pacific Islands, contest for resources and authority (and a culture of seaborne exploration) precipitated voyages of migration - with Aotearoa the last of the Pacific islands to be settled. Many waka visited Tāmaki but none stayed permanently - having regard for the existing population and the need to avoid conflict. Various crew members however did stop and settle in the area - leaving a legacy of place names and tribal identity.

<b>Waka</b>	<b>Place</b>	<b>Ancestor</b>
Tokomaru	Ōrākei	Rākei Iriora
Aotea	Taurere (Mt Taylor)	Tūranga i Mua
Te Arawa	Te Rangi i totongia a Tamatekapua	Tama Te Kapua
	Te Motu a Ihenga	Ihenga
Tainui	Te Mānuka o Hoturoa (Mānukau)	Hoturoa
	Karangahape	Hape (or Rakataura, also Riukiuta)

Te Motu Tapu o Taikehu

Taikehu

Ōpoutūkeka (Cox's Bay)

Poutūkeka, son of Hoturoa

### **Ngā Oho, Waiohua and Ngāti Whātua**

Ngā Oho became a name for the descendants of the Tainui and Te Arawa waka living amongst the local peoples of Tāmaki - after Ohomairangi, the grandfather of Tama Te Kapua and Hoturoa. The maintenance of these kinship ties would eventually bring about a confederation of the peoples of the isthmus under the leadership of Hua Kaiwaka.

Hua Kaiwaka is a name and a title, as it describes his status as the leader of that confederation of various waka descent groups. All vessels that came into view on either harbour came under his mana. This was a time of prosperity when mountain and headland pā of Tāmaki were at full muster. Hua's people became known as Waiohua and his grandson was Kiwi Tāmaki - with whom Ngāti Whātua would come into fatal conflict. Following the conquest of the central Isthmus, Tuperiri revived Ngā Oho as a hapū name within Ngāti Whātua in Tāmaki, acknowledging ancestral whakapapa links.

### **Named Wāhi Tūpuna along the Central Rail Link Corridor**

Karangahape

Ngā Ana Wai

Ngā Ū Wera

Ngā Wharau a Tako

Pari Tuhu

Rimutahi

Te Hika a Rama

Te Ipu Pākore

Te Iringa a Rauru

Te Rerengaoraiti

Te Roukai

Eden Park & surrounds

Queen St / Customs St intersection

Ridge between Queen and Hobson Sts

Coastal cliff at foot of Albert St

Karangahape Rd Reservoir

Foot of Nelson St

Foot of Maungawhau

Karangahape Rd / Symonds St intersection

Pt Britomart

From foot of Queen St to Pt Britomart

Te Tarapounamu	Track from Queen St / Swanson St to Te Tō (Freemans Bay)
Te Uru Karaka	Newton Gully
Te Wai Horotiu	Queen St Gully

**Fort Ligar** was where the Mid City Transport Centre and Sky City Casino are located, in the block bounded by Victoria and Wellesley Streets (west), and Federal and Hobson Street. The fort was built in 1845 by colonial settlers in response to rumours of impending attack from Māori from the north [Smith, I. Rediscovering Fort Ligar, 1989]. This reminds us of the social milieu at the heart of which was the (often fraught) developing race relations between Māori and settlers.

**Karangahape.** Other names of this senior tohunga of the Tainui waka are Riukiuta (because he bound the people together like a belt) and Rakataura. Karangahape was also of great fame in Hawaiki (especially Rangiatea) [Taua, Te Warena. Brief of Evidence, WAI 470].

Karangahape Rd is built on the footprint of a traditional Māori ridgeline track.

**Ngā Ana Wai** meaning "watery caverns", is a site that early colonial settlers dubbed 'Cabbage Tree Swamp'. Ancient lava flows and underground rivers running from the slopes of Maungawhau towards Eden Park have formed subsurface aquifers where the water is collected and channelled to surface springs. Wetlands and swamps created by the geology of the volcanic cones (in this case Maungawhau) provided tangata whenua with significant food and material resources. Cabbage Tree Swamp Road, now known as Sandringham Road, is one of the earliest roads in Auckland. The road provided a route to the Wesleyan Mission School (established in 1847) at Three Kings which, at its peak, had over a hundred local Māori students. However, on the eve of the invasion of the Waikato in the 1860s, the classrooms were suddenly emptied [Scott, D. In Old Mt Albert. Southern Cross Books. Auckland. 1983].

**Ngā Ū Wera** – ""The Burnt Breasts". "The headland at the mouth of Waihorotiu (Queen St) and the approximate site of the Waitemata Hotel" [Simmons, D. Maori Auckland. The Bush Press. Auckland. 1987] and the Customs Buildings [Brown, HJR. Site Reference Form N42/73 (R11/80), "headland Pā". NZAA. Auckland. 1961]. Formerly Smale's or Stanley Pt – cut down in the 1880s to facilitate Albert St's expansion into the wharf area [Heart of

Auckland City, Auckland City Council, NZHPT, Tourism Auckland. Auckland City Heritage Walks – Auckland’s Original Shoreline. Auckland City and Heart of Auckland City (Publishers)].

**Ngā Wharau a Tako** - ""Tako’s reed huts”. The name of an old village on the ridge between Queen St and Hobson St, near the foreshore probably near the site of the Star Hotel, because the track to the creek now Queen St [see Tarapounamu], led down where Swanson St is now situated. [N42 c 282605]” [Simmons, D. Maori Auckland. The Bush Press. Auckland. 1987]. The village was “well famed for its hospitality” [Nepia, E. Queen Street Gully. Landmarks in Maori Days. Auckland Star. October 10, 1931].

**Pari Tuhu** – “Perched on a Cliff”. Located near the junction of Wolfe and Federal Street. This was a pā in former times, demolished in 1884 when the cliff was cut away. Nepia places this pā “Bold against the foreshore, at the foot of what is now Albert St, and perched above the...roadway to the municipal baths...Later this became the home of the [George] Graham family...it became a recognized stopping place for such notable chiefs as Tawhiao, Te Wherowhero and others when passing through Akarana” [Nepia, E. Queen Street Gully. Landmarks in Maori Days. Auckland Star. October 10, 1931].

**Rimutahi**, the “lone Rimu”, formerly grew in the location of the reservoir on the corner of Karangahape and Ponsonby Roads. This tree was a significant marker in the traditional landscape of central Tāmaki.

**Te Tarapounamu**. “Track from Swanson St. to Queen St” [Graham, G. “Maori Place Names”. Rec. Auckland Inst. Mus. 16: 1-10. 1980. P31]. Nepia states that the track here lead to / from the settlements of Ngā Wharau ā Tako and Te Tō [Nepia, E. Queen Street Gully. Landmarks in Maori Days. Auckland Star. October 10. 1931]. Some traditional Māori pathways were important enough to be given their own names.

**Te Hika a Rama** – “Rama’s Fire”. Located at the foot of Nelson Street and the junction with Quay Street west. Here Rama, a Waiohua chief, lit a fire to warm his grandchild. An advancing Ngāti Whātua taua was camped across the harbour at Te Ōnewa Pā (Northcote Point). The smoke alerted them of Rama’s location and they immediately crossed the Waitematā, capturing Rama and those with him. This was one of several incidents that contributed to the subsequent war between the two tribes.

**Te Ipupākore** ( “the cracked water bowl”) was a spring located in the low area around where the railway line now runs at the foot of Water St, just north of Maungawhau (Mt Eden). This was an important water source for the pā on the adjacent mountain and later supplied the early European settlers in the area. During Te Raupatu Tihore (raids carried out by Ngāti Whātua in the late 1600s under the generalship of Kāwharu) some Waiohua women were slain here, and the calabashes they were carrying broken.

Another possibility for the description of the spring as a bowl comes from its physical location in a depression surrounded by the ridges associated with Symonds St / upper New North Rd and upper Khyber Pass, with Maungawhau to the south. The reference is also echoed in the name of the crater on Maungawhau - Te Ipu a Mataaho (the bowl of Mataaho) .

Today, Te Ipupākore lies buried beneath the railway and urban development (drained like most of the wetlands of the area). There is nothing now that marks this significant historic site.

Nearby Maungawhau, along with the other Auckland mountains, is said to result from the efforts of powerful tohunga from Waitākere to destroy a war party from Hunua (provoked by the illicit love affair between a girl of their people, Hinemairangi, and Tamaireia of Waitākere), releasing the volcanic forces of the earth (controlled by the unborn god child Rūaumoko, restless within the womb of his earth mother Papatūānuku). An alternative explanation is their creation via the efforts of Mahuika, goddess of fire, called upon by Mataaho the giant to warm him. Finally, although the name can also be specifically applied to Maungakiekie, the earthworked volcanoes of Tāmaki are said to be ngā whakairo a Titahi (‘the carvings of Titahi’ - a tupuna rangatira who revolutionised such development in Tāmaki about 1500AD). These traditions reflect Tāmaki tribal cosmological beliefs and explain the environment our ancestors and we have encountered. They link ancestral names and events to landscapes and provide an unbroken association with the formation of Tāmaki Makaurau and its many generations of ongoing human occupation. They also reflect the spiritual nature of the mountains – associated with the actions of the gods themselves and the very body of our earth parent.

In their traditional heydays the maunga were settlements of hundreds if not thousands of people, their gardens extending far out from the lower slopes of the hills themselves. Indeed, fields of up to 1500 hectares are described in association with many of Auckland’s cones [Bulmer, S. Prehistoric settlement patterns in the volcanic fields of Taamaki: a review. *Man and Culture in Oceania*. 1987: 3 Special Issue: 133-156], extending out as far as

a kilometre [Bulmer S. *City without a State? Urbanisation in pre-European Taamaki-makau-rau. World Archaeological Inter-Congress. Kenya; 1993*].

**Te Iringa a Rauru** - "The Hanging of Rauru". Rauru was of Ngāti Whātua and killed by Waiohua. His body was displayed hanging on a tree which grew near the site of the old Partington's Windmill (northwest corner of Karangahape Rd & Symonds St intersection). The death of Rauru contributed to the increasing list of causes for Ngāti Whātua's incursions into and conquest of Tāmaki [Simmons, D. *Maori Auckland, 1987*].

### **Te Rerengaoraiti / Tangihangapūkāea (Pt Britomart)**

Ihenga (brother of Tamatekapua) of the Arawa Waka stayed in Tāmaki. His grandson Haurere [sic] settled with his people at ... Britomart..." [Belgrave, M., Young, G. and A. Deason. *Tikapa Moana and Auckland's Tribal Cross Currents. Hauraki Maori Trust Board and the Marutuahu Confederation. 2006. P507 citing G. Graham*].

This is the site of the September 18, 1840 signing of the deed through which Ngāti Whātua gifted land to the Government to establish itself in Tāmaki. The signing took place before a flagstaff. Paora Tuhaere, the Ngāti Whātua rangatira, stated in the Native Land Court that, "Captain Symonds [the Police Magistrate] put up the first flagstaff at Fort Britomart". James Mackay concurs that "Captain Symonds ... put up the flagstaff on Fort Britomart". George Graham (brick-maker) disagrees with some details, replying when asked about when he came to Auckland at the end of 1840, "Was there a flagstaff?", that "There was a small nikau. I erected a flagstaff on Britomart Point". John Robertson (hotel keeper) also stated in court that the first flagstaff was erected "at Britomart Barracks" [Fortune, G. and G. Young. (*Transcription of*) *Orakei Minutes of the Native Land Court, 1867*]. These repeated references to the flagstaff being erected at Britomart Point, or more specifically Britomart Barracks or Fort, place its location at Tangihangapūkāea – the former headland pā at the very seaward end of Britomart Point that was also given the name Te Rerengaoraiti (The Leaping Place of Few Survivors) after its Ngāti Rauiti defenders were defeated by Ngāti Whātua under Kāwharu in the late 1600s. A similar incident occurred again during a Ngāpuhi raid in 1822 [Simmons, D. *Maori Auckland. The Bush Press. Auckland. 1987*] during the Musket Wars.

Stone reports that the ceremony began at one o'clock with Captain Symonds reading out, via the interpreter Williams, the agreement negotiated over the previous couple of days between himself and Ngāti Whātua rangatira,

led by Te Reweti [Stone, R. From Tāmaki-Makau-rau to Auckland. Auckland University Press, 2001]. Through this arrangement, a wedge of several thousand acres (its apex at Maungawhau and its seaward borders the stream of Ōpou (Cox’s Creek) and Mataharehare, had been made available by Ngāti Whātua to the Government. At this point Ngāti Whātua verbally confronted the Government party, citing concerns that the Queen would take all their land. They were assured “that this was false...that the governor would come to see that neither Pakeha nor Mauris [sic] were wronged and that all he or his Officers promised them should be strictly performed” [Stone, op. cit.]. This clarification made, the rangatira Apihai Te Kawau, Te Reweti and Tinana signed a copy of the agreement on behalf of Ngāti Whātua (of whom a large number were in attendance), the Police Magistrate (Symonds) and other officers for the Government. The “flag of St George” was then run up to the cheers of bystanders, followed by salutes from the guns of ships in the harbour and toasts of wine. Later in the day a regatta was held, which saw various boat races held separately within the European and Maori parties [Stone, op. cit.].

The ceremony and the agreement it symbolised, were the culmination of concerted efforts by Ngāti Whātua o Orākei to bring about European settlement of their lands, to improve their trade opportunities and the mutual protection of their ancestral rohe. Their ariki Apihai Te Kawau had previously sent a deputation, led by his nephew Te Reweti, to the Bay of Islands to offer land to Hobson to relocate the seat of Government to Tāmaki.

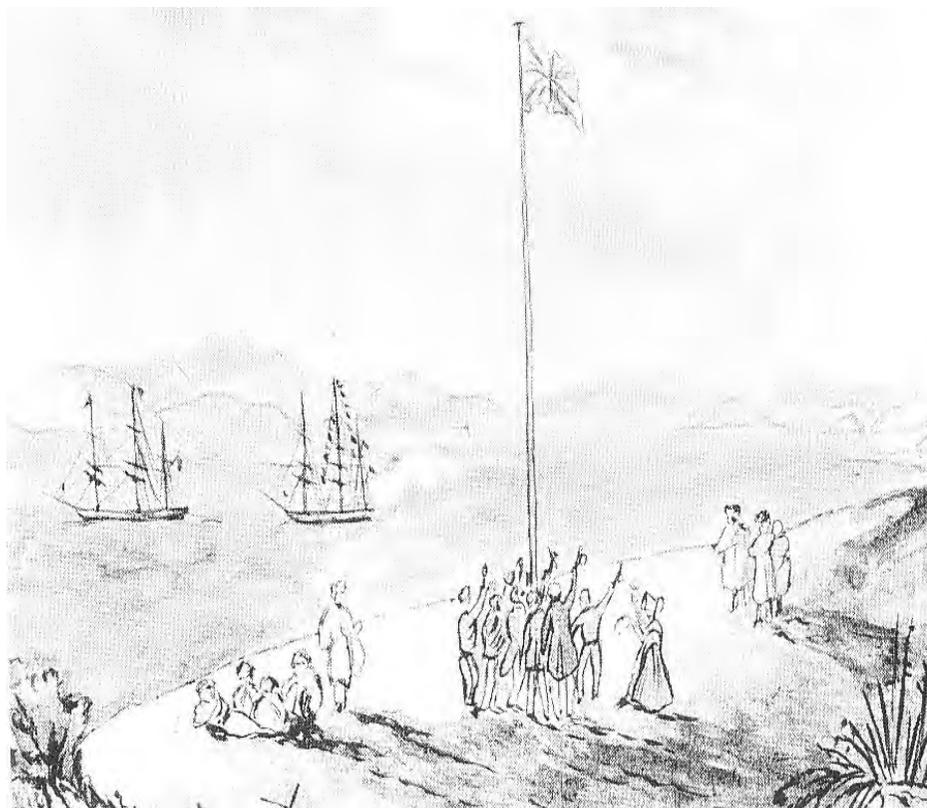
Tangihangapūkāea was converted by 1842 from a pā into the fort. “The building was of stone, built on a tongue of land separated from the mainland by a broad, deep ditch and parapet. It had evidently at some time or another been a fort of the natives. The entrance was across the ditch, a part of the parapet having been thrown down to fill it up for that purpose” [Major Thomas Bunbury *quoted by Wynne Colgan in “The Past Today”* (published by Pacific Publishers for the NZ Historic Places Trust, 1987)]. Tangihangapūkāea /Te Rerengaoraiti however was destroyed with the development of the city in the later 1800s as Pt Britomart was demolished as landfill for surrounding harbour reclamation work. The NZAA database states that the headland Pā “covered an area of c. 7260 square yards”.

The author noted a small lens of shell (eg. kūtai/mussel) in what seemed to be ashy soil in a roadside ditch cut outside 89 Anzac Ave in August 2008. It was a well defined anomaly in an otherwise clay-sided trench (although there appeared to be gravelly fill over the top of the shell/ash layer). The HPT was alerted but unfortunately several days elapsed before the site was assessed and the shell was by then almost entirely removed. The HPT

archaeologist who subsequently viewed the site felt that it had been modified. A single half-shell of kūtai was retrieved after this from the site by the author.

Some aspects of the shape of the former headland may still be discerned from the layout of the roads that now cover the area. The location of its tip is marked by a plaque on a rock just inside the red fence that is the boundary of the dockland on the northern side of Quay St, roughly opposite Britomart Place. The Historic Places Trust identifies this as "Flagstaff Point", the site of the flag-raising ceremony of 1840.

The drawing below of the flag-raising is sourced from "Mrs Hobson's Album" [Reproduced with Commentary and Catalogue by Elsie Locke and Janet Paul, Auckland University Press, 1990].



**Te Roukai** - "The food gathering". A pipi bank which lay formerly between the site of the Waitemata Hotel and Pt Britomart, mouth of Horotiu Creek" [Simmons, D. Maori Auckland. The Bush Press, Auckland. 1987].

**Te Uru Karaka** refers to an iconic karaka grove that filled the area around today's Karaka St and Basque Park in Newton/Eden Terrace. The āwheto caterpillar used in the preparation of dye for tā moko (tattooing), could be found in the vegetable litter beneath these trees. Karaka trees were also often used as ātamira – platforms or repositories for corpses kept in an elevated position until the flesh came off the bones. This type of tree has certain properties that encourage the peaceful repose of associated burials. The karaka berries themselves are an important food resource and any or all of these customs may have applied at Te Uru Karaka.

There is an informative sign at Basque Park describing Te Uru Karaka but conversely the dominant planting in the park comprises many exotic palms and nīkau. There is only a single row of young karaka to recall the former grove – and they are at the very periphery of one side of the park, hard up against the wall of a commercial building.

**Horotiu** - "Crumbling away". Site of the flagstaff, Albert Park. Formerly a Pā" [Graham, G. Maori Place Names, 1980. P15]. Graham states that **Waihorotiu** (the creek that ran down the Queen St valley) was named for this pā, which overlooked it. This could relate to the assessment by Best that today's town hall site was a likely place for a satellite village related to one of the nearby fortified settlements, as the site itself would have been difficult to defend (being a flat, dry area at the end of a spur running between two branches of the **Waihorotiu** and adjacent to the swamp at their junction) [Best, S. The Thin Edge of the 'Wedge'. Archaeological Excavations Under the Town hall, Auckland. Auckland City Council. 1996]. This assumption is supported by an assertion in the Auckland Star newspaper of October 10, 1931 (in an article authored by an E. Nepia) that "near the present site of the Town Hall stood a small Pā".

There is further reference to Māori habitation in the **Waihorotiu** valley: "Ihenga (brother of Tamatekapua) of Arawa Waka stayed in Tāmaki. His grandson Haurere [sic] settled with his people at ... Queen St..." [Belgrave, M., Young, G. and A. Deason. Tikapa Moana and Auckland's Tribal Cross Currents. Hauraki Maori Trust Board and the Marutuahu Confederation. 2006. P507, citing G. Graham].

Auckland's old gaol and courthouse buildings occupied "the entire block bounded by Victoria Street West, Elliott Street, Darby and Queen Street" [Heart of Auckland City, Auckland City Council, New Zealand Historic Places Trust

and Tourism Auckland. Auckland City Heritage Walks pamphlet. P58]. When the site was redeveloped in the late 1980s, traditional Māori gardening implements (ketu and kō), midden and woven / plaited / knotted fibre (at least some being harakeke) were uncovered. The archaeological conclusion was that “the immediate area, about 500 years ago, supported a resident population pursuing an agricultural and marine based economy” [Best, S. The Queen Street Gaol, 1992]. Other pre-European implements were discovered when the excavations were being made for the Civic Theatre [Nepia, E. Queen Street Gully: Landmarks in Maori Days, 1931].

Various witnesses at the Ōrākei hearings of the Native Land Court mentioned Horotiu. Hori Tauroa (of Ngāti Paoa and Ngāti Te Ata) recalled Ngāti Whātua and Ngāti Te Ata living and cultivating at Horotiu prior to, and at the time of, the arrival of the Governor. Te Keene Tangaroa (Ngāti Whātua and Te Mangamata) named Uruamo (Te Taoū) and Te Watarangi as two of the prominent people who resided at Horotiu. Warena Hengia (Ngā Oho / Te Taoū) asserted that at the time of the Governor’s arrival Horotiu was being gardened by Te Taoū for potatoes. Te Hemara recalled that just after the Governor came, “there were houses at Horotiu Te Taoū’s were living there and also N. Mahuta of Te Wherewhero” [Excerpts from (typed transcript of) Orakei Minutes of the Native Land Court, 1867].

## **Preliminary Statement of Ngāti Whātua Ōrākei Interest in the CRL**

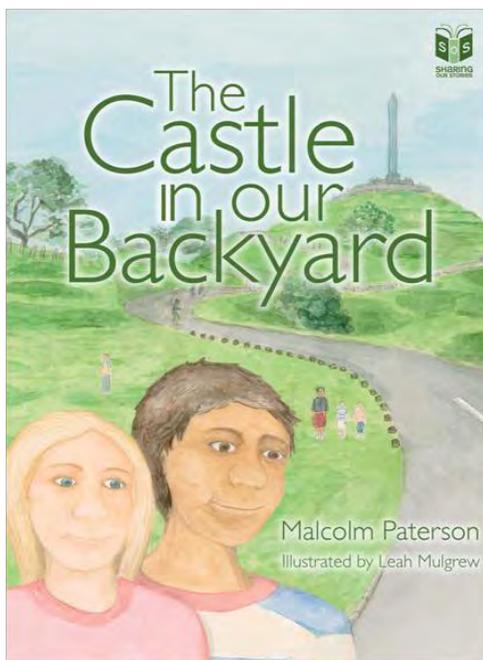
### Sites and Topics of Specific Interest

#### *Cultural heritage sites*

We are cognizant of the potential for disturbance and damage to Māori cultural heritage / archaeological sites through these works, although this is reduced by the depth underground at which most of the work will be conducted. Potential for disturbance remains however, especially where works reach ground level, even in areas of previous modification (many of the traditional settlement sites mentioned in this report were broken down to facilitate the development of the modern city, but remains from them persist in the fill underneath our cityscape). We request that an accidental discovery protocol be developed for this project and formal recognition and support for our role in its use be confirmed. As a minimum this would require that works stop within 10m of any Māori cultural material revealed through works until NWO has made an assessment. We also seek an understanding that

we are to work in partnership with Auckland Transport / Council and the HPT in the management of any Māori cultural heritage / archaeological sites that may be revealed. Please note that Ngāti Whātua Ōrākei is a registered collector of taonga tūturu and therefore can hold artefacts that may be found during works (while they are notified and ownership determined).

Another objective of ours is that through the design process, the ancestral association with the area and its ongoing cultural importance are celebrated. This can be achieved through the use of Māori inspired infrastructure, design and landscaping elements / furniture, and even stand-alone artworks. Heritage recognition can also come through interpretive and bi-lingual signage and the development of other informative resources. We recognise an opportunity within this massive project to celebrate the history of the area involved, by adding a new title to sit alongside a children's book we developed a few years ago to promote understanding of Auckland's heritage. 'The Castle in Our Backyard' told the story of Maungakiekie / One Tree Hill and the CRL could be a vehicle through which knowledge and interest in the history of the central city could be fostered in an emerging generation.



Another very tangible action would be to select appropriate Māori names for the new stations drawing on the traditions presented in this report.

We are comfortable to work closely with other iwi groups who have connections to the area and the project planning, design and delivery teams, to realise the possibilities identified in this section and ensure their cultural authenticity.

#### *Stormwater management*

Large infrastructure projects such as the CRL development offer environmental challenges but also opportunities for enhancement. NWO anticipates that through this project advanced approaches to stormwater management will be embraced and methods such as wetland treatment, daylighting, riparian planting, rain gardens and filtering will all be considered so that it leads to a demonstrable improvement in the quality of local stormwater making its way into the aquifer or sea, and enhances local indigenous habitats, biodiversity, ecosystems and **mauri**. "The land, forests, waters, and all the life they support, together with natural phenomena such as mist, wind and rocks, possess mauri (Marsden, 1992). Mauri is the binding force between the physical and the spiritual (Barlow, 1991)...In a contemporary sense, mauri ora is considered the life-force in living things and the capacity to support life of the soil, water and atmosphere" [Morgan, Kepa. Mauri Model Decision Making Framework based Cultural Impact Assessment for Wastewater Solution Rotoiti and Rotoma. Mahi Maioro Professionals. 2011]. Mauri is a critical aspect of the spiritual relationship of Māori with our environment and various features (such as waterways) within it. The condition of these reflects our ability as kaitiaki and predicts our own wellbeing.

#### *Vegetation selection, procurement, planting and maintenance*

NWO anticipates that through this project opportunities are seized where possible to enhance local indigenous habitats, biodiversity and ecosystems. Some loss of existing native plants may be suggested (eg. the kauri outside the Downtown Shopping Mall) and NWO requests to be part of the team which considers any such action - with the principle in mind being to facilitate the development whilst minimising the loss of any extant indigenous vegetation. This would then need to be mitigated by the planting of replacement **and** additional plants, plus weeding of pest species, so that overall there is a net gain in native biodiversity as a result of the project. NWO has expertise and experience in indigenous vegetation selection, supply, planting and maintenance, pest species control, and the design of restoration programmes. We request to be fully engaged in planting design and

vegetation selection for the project, and to have the opportunity to tender for landscaping, supply, planting, weeding and maintenance work. This is a key way in which our kaitiakitanga for the environment and cultural heritage can be expressed.

We advocate strongly for the use of native plants over exotics. This recognises the need in a country where so much bush cover has been lost, to restore first and foremost our own indigenous vegetation. It confirms that we would like to see landscapes / cityscapes that are immediately identifiable as New Zealand (as opposed to faux-Australian, European or American through the use of gums, elms, oaks, plane trees etc). It also recognises that native trees do more than just look good but also provide important food resources for native birds and insects and cultural resources for our people (eg. preferred cultivars of harakeke for weaving). There has been much success in recent years on the Gulf islands in restoring bird populations, and the provision of year-round food stock on the mainland will be essential in bringing these birds back into our cities and gardens.

#### *Sustainable transport development*

In principle we are supportive of the rail corridor / station development works in that we understand they should contribute to enhanced public transport in Tāmaki / Auckland. We also endorse the principle that the works should see enhanced pedestrian connectivity in association with the stations.

## **Concluding comment**

For NWO projects such as the CRL development are opportunities for us to work with our government partners (whichever facets of government they may be) to realise our shared social, cultural, business and environmental ambitions. We consider successful projects to be ones where positive gains are made in **all** these respects. For us meaningful, effective input would be achieved by being part of the project team as the development is designed and planned in detail - giving us opportunity to expand on the general points of interest raised through this report. This would require funding of time and expertise and we are ready to discuss this and the exact mechanism of engagement.



NGATI PAOA TRUST  
Po Box 272-1788  
Papakura 2244

**AUCKLAND TRANSPORT**

6 Henderson Valley Rd,  
Henderson, Auckland 0612

**Attn:** Tipa Compain  
Maori Relationships Manager

30<sup>th</sup> November 2012

To whom it may concern,

**Re:** Auckland Transport City Rail Link Project

As Mana whenua and Kaitiaki of the Tamaki CBD, Ngati Paoa has longstanding historical ties to Tamaki Makaurau. Throughout the Tamaki Treaty Negotiations process currently taking place, our dominance in the region over many many years is becoming more meaningful and apparent.

On 4<sup>th</sup> March 1840, sixteen Ngati Paoa rangatira signed Te Tiriti o Waitangi on the shores of Karaka Bay, Glendowie. The Ngati Paoa Trust as the mandated authority for Ngati Paoa intends to continue the legacy of our tupuna and for our mokopuna for which we undertake to engage in this project from this basis.

In regards to the project footprint, it is important to acknowledge the domain of Ruaumoko and the potential that exists in volcanic environments and thus heed the warning, kia tupato. The regard and attention to our cultural values and the elimination and mitigation of any adverse effects working through this project are to be provided for.

In light of this and other aspects it is important that our tikanga be upheld and that Ngati Paoa be engaged at all levels where necessary to undertake matters of protocol in order to provide for our kaitiakitanga and manaakitanga responsibilities.

Ngati Paoa therefore confirms the following points:

- Ngati Paoa express strong concerns with regards to the effects that the project will have on our cultural sites of significance and also the impacts on the environment such as the historical foreshore and relationships to the wider cultural landscape
- Ngati Paoa confirm and affirm that we have strong interest in the project area affected by the CRL

- Ngati Paoa are working with kaumatua and council to discuss the sites of significance within the project alignment which are affected by the CRL. An MVA will be submitted once we have gone through the proper process of ensuring our kaumatua have conveyed their views on these tāonga in accordance with our Tikanga
- Ngati Paoa confirms that we have been consulted on the project and undertook a walkthrough of the project site and have read the CVA produced by Tama Hovell
- Ngati Paoa confirm our engagement in the development of the CVA thereby reflects meaningful consultation and that the CVA reflects the matters discussed in consultation

Ngati Paoa encourages and supports ongoing and timely engagement on this project. We look forward to receiving a copy of the final CVA document.

All future communications can be directed to the writer via the following:

Mobile: 021 431519

Email: [lucy.t@xtra.co.nz](mailto:lucy.t@xtra.co.nz) (c.c to [kaitiaki@ngatipaoa.co.nz](mailto:kaitiaki@ngatipaoa.co.nz))

Naaku noa iti nei,

Lucy Tukua  
Ngati Paoa Trust  
Trustee and RM Portfolio



**27 November 2012**

Tama Hovell  
Auckland Transport  
Re: Central Rail Link CVA

Tena koe Tama,

Thank you for sending through the CVA document prepared for the Central Rail Link project currently being investigated by Auckland Transport.

The document reflects the comprehensive discussions and workshops carried out with Iwi who have expressed an interest in the CRL project.

Ngai Tai ki Tamaki are still at this point working on our MVA and will furnish this (via yourself) to the project within a fortnight, for inclusion in the project planning documentation.

In the meantime Ngai Tai Ki Tamaki support the CVA produced by yourself as a distillation of concepts and issues raised by Iwi during consultations held to this point.

Ngai Tai ki Tamaki confirm again our historic interest in the project area and that we have been included in consultation to this point.

We wish to ensure through our MVA submission that our concerns and issues are incorporated and mitigated throughout the planning, instigation and completion of the CRL project.

Ngai Tai support the inclusion of your CVA into the planning documentation and look forward to submitting our Ngai Tai Ki Tamaki specific MVA in the near future.

Naaku noa, naa

Dave Beamish  
Ngai Tai Ki Tamaki Kaitiaki Manager

**APPENDIX B**  
**AUCKLAND TRANSPORT MĀORI ENGAGEMENT FRAMEWORK**

# Auckland Transport Māori Engagement Framework

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2 April

2012

## Introduction

This **Māori Engagement Framework provides** Auckland Transport with an opportunity to become the leading Council Controlled Organisation (CCO) within Auckland Council to develop meaningful engagement with **Māori**. It starts a journey that will enable Auckland Transport to **exemplify Māori engagement** for Auckland Council and set the benchmark for other CCOs.

As our core business is currently transactional in nature, it will be a challenge to reach our goals of engagement in the first instance. Meaningful engagement with **Māori** requires relationship building in a wider context, and so Auckland Transport will need to adopt a new approach to their daily operations if they are to be successful. However, it is not impossible and the gains will be far more beneficial to our constituents if our goals are achieved collectively rather than separately.

This framework draws from the **draft Māori Relations Framework** currently under development at Auckland Council and the New Zealand Transport Authority (NZTA) **Framework for Engaging Effectively with Māori**. They are deliberately aligned. This will assist the agencies, and **Māori**, in applying consistency to their approach to engagement.

## Who we are

Auckland Transport is an Auckland Council Controlled Organisation, established on 1 November 2010. The organisation is wholly owned by Auckland Council. Auckland Transport is responsible for all local authority transport delivery functions in Auckland, including local roads and public transport infrastructure and services.

The purpose of Auckland Transport is **to** “contribute to an effective and efficient land transport system to support Auckland's social, economic, environmental, and cultural well-being.”

## Auckland Council's Overarching Vision

The Mayor's vision is for Auckland to be the world's the most liveable city, characterised by its:

- Cohesive, resilient communities
- Excellent transport system
- Productive, high value economy
- Quality urban-rural environments

## Who Māori are

Māori are accepted as the original people of New Zealand.

Māori recite their roots back to a fleet of seven waka on which their tupuna (ancestors) arrived in Aotearoa. The whakapapa (genealogy) linking them to those people is remembered, maintained and honoured in traditional custom – through marae whaikorero and oral history.

Iwi are a collective of descendants who whakapapa back to a single tupuna from those original waka.

A hapū is a sub-group within an iwi; distinctive perhaps by geographical settlement or marriage and new family lines.

Mana Whenua describes the rights and responsibilities an iwi or hapu holds over their ancestral lands.

Mataawaka describe Māori who live outside their own iwi boundaries and reside within the boundaries of another. Within the boundaries of another iwi, Māori of mataawaka respect the mana of the residing iwi and the residing iwi accept the responsibility of manaakitanga (care, hospitality).

## The Treaty of Waitangi

The Treaty of Waitangi is a covenant agreement between the Queen and the Rangatira of Iwi Māori. Mutually signed in 1840, the principles and the Reo Māori text of the Treaty are what Māori anticipated their relationship with the Crown would be based on. However the Crown adhered to, and officiated on, the significantly different English text. Misunderstandings have arisen because of the variances between the two versions. Words from the English text were misinterpreted (purposely or not is irrelevant) into Māori – meaning Māori did not sign up for the same things the British did.

Intellectuals continue to debate the principles and literal meaning of the Treaty today however the Crown now acknowledges its obligations to the Treaty of Waitangi and accordingly makes provision.

## Why engaging effectively with Māori is important

### Legislative Obligations

Local Government (Auckland Council) Act 2009 No 32

As an Auckland Council Controlled Organisation, Auckland Transport is obliged to the principles of the Treaty of Waitangi just as Auckland Council is. This is articulated in Local Government (Auckland Council) Act 2009 No 32, specifically:

#### *40 Operating Principles*

*In meeting its principal objective (as a council-controlled organisation) under [section 59](#) of the Local Government Act 2002, and in performing its functions, Auckland Transport must:*

***(a) establish and maintain processes for Māori to contribute to its decision-making processes; and***

*(b) operate in a financially responsible manner and, for this purpose, prudently manage its assets and liabilities and endeavour to ensure -*

- *(i) its long-term financial viability; and*
- *(ii) that it acts as a successful going concern; and*

*(c) use its revenue efficiently and effectively, and in a manner that seeks value for money; and*

*(d) ensure that its revenue and expenditure are accounted for in a transparent manner; and*

*(e) ensure that it acts in a transparent manner in making decisions under this Act and the [Land Transport Management Act 2003](#).*

Land Transport Management Act 2003

As an organisation that receives NZTA funding, Auckland Transport is also obligated to NZTA's commitment to the Treaty of Waitangi. **The Agency's principle legislative obligations with respect to engagement with Māori** are found in Section 4 of the Land Transport Management Act 2003 (LTMA 2003), which reads:

*In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to land transport decision-making processes, sections 18, 18A, 18G, 18H, 49, 59, 65H, 65I, 78, and 100(1)(f) and clause 6 of Schedule 7 provide principles and requirements that are intended to facilitate participation by Māori in land transport decision making processes.*

The emphasis here is on “improving opportunities for Māori to contribute to land transport decision-making processes” and “facilitate participation by Māori in land transport decision-making processes”.

The practical application of this legislation is in the **NZTA’s Framework** and reads:

*Māori must be included in the development of the following planning frameworks:*

- *regional land transport strategies*
- *regional policy statements and regional and district plans*
- *strategies and other strategic planning documents*

**In a sense this means sharing decision making with Māori when identifying priorities for investment and when identifying the best choice of transport system for their communities.**

The Auckland Regional Land Transport Programme further states that Auckland Transport acknowledges its responsibilities to the Treaty of Waitangi and **expects that transport plans and programmes will contribute to the aspirations and wellbeing of Māori. It says Auckland Transport recognises Māori cultural values and perspectives and is developing its partnership with Māori.**

## **Māori are Partners**

In addition to the above legal requirements, **Auckland Transport recognises Māori as one of its *partners*** therefore commits to investing more time and effort in the relationship than given to other *stakeholder* types.

Partnership means sharing benefits and obligations, rights and responsibilities.

The characteristics of a partnership are:

- *A commitment to sharing values, risks and rewards, resources, accountability, visions and ideas, and decision-making;*
- *Process, systems and mechanisms are developed to support the partnership (eg structures, principles and visions, plans, conflict resolution)*

In establishing a meaningful relationship **with Māori, Auckland Transport** should not be attempting to only fulfil legal obligations but be building a partnership of shared knowledge that supports collaborative creation of solutions to mutual issues. Such a mature relationship will withstand the types of issues and tensions that Auckland Transport does from time to time confront, and could be critical in avoiding or mitigating these tensions.

Identified engagement practices for all stakeholder groups – early engagement, no surprises, engagement for the relationship rather than the issue, take a long term view, know your stakeholders – **are particularly pertinent to Māori, because of their partnership with us.**

### **Public sector best practice**

**Māori-Crown** engagement best practice is evolving. The **recent emphasis by Iwi Māori leaders in Treaty**-led developments has been on co-management and co-governance. **This represents a shift in engagement between the Crown and Iwi Māori from first-generation to second-generation interaction.**

First generation interaction is characterised by relationships of consultation and the mechanics of the consultation rather than the relationship itself.

Second-generation focuses on the relationship – a partnership – and promotes **Iwi Māori** involvement in early planning, not just for individual projects or work programme but in developing strategy and, potentially, commercial partnership. For Auckland Transport, **second-generation interaction could lead toward closer involvement of Māori in the development of transport plans and strategies, or pre-planning work which engages Iwi Māori in exploring decision-making and collaboration with Auckland Transport.**

The challenge for Auckland Transport is to move toward second-generation interactions and to develop robust and lasting **relationships with Māori rather** than reactive, token, event-based interaction. We also need to be ready to respond to evolving engagement practices.

### **There are some unique aspects to consider when engaging with Māori**

#### **Māori representation**

**Māori honour** traditional geographical boundaries and responsibilities. **Being aware that a number of Māori groups may relate to a particular geographical area or issue is critical. Iwi, hapu, Māori** trusts and corporations may overlap. Understanding the dynamics between these groups is critical to ensuring engagement of the most appropriate group at a given time.

Understanding kawa and tikanga

**Māori hold relationships of integrity and goodwill in the highest regard.** Being aware of and having respect for their kawa (protocols) and tikanga (customs) will greatly assist in developing relationships of cooperation and mutual benefit.

Communication preferences

A natural hierarchy of leadership **exists within Māoridom, and it is important to respect the mana (esteem, pride) of each person within the order.**

**Many Māori prefer face-**to-face communication. If there is a written submission process, **meaningful engagement with Māori will require at** least one kanohi ki te kanohi (face-to-face) meeting.

Prepare for wide discussion

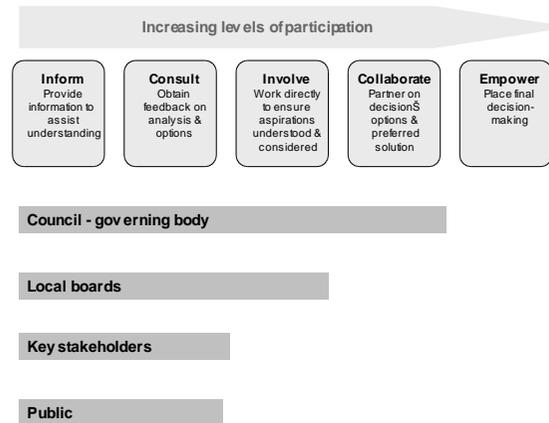
**Māori culture is based on a holistic** view of an interrelated life and world. This holistic worldview can mean that participants may raise issues outside the immediate topic of discussion. Be prepared to listen and consider these issues before moving on.

## **Key issues currently facing Auckland Transport's engagement with Māori**

Some of the themes here are drawn from work carried out by Busby Ramshaw Grice (BRG) for the NZTA. A copy of their full report can be found in Appendix I of the NZTA Iwi Engagement Framework. Other points are raised from an Auckland Council review, and anecdotal accounts of Auckland Transport experiences.

### **Summary of current Māori engagement**

Current Auckland Transport engagement with Māori **can be summarised as issue-**based, and **relationships with key Māori** are held by less than a handful of experienced individuals. The current level of engagement could best be described as sitting somewhere between **inform** and **consult** on the partnering continuum below, used by both Auckland Council and Auckland Transport as an engagement best practice model.



## Current challenges

There is no clear policy or approach to engaging with Māori

- It's unclear how Māori perspectives should be incorporated into the development of strategies and practices
- Engagement is principally project or issue specific which does not lend itself to the holistic view Māori have

Roles and responsibilities for engaging with Māori are unclear

- There are differing views and confusion about the responsibilities of each Auckland Transport department
- There is a lack of clarity about what level Iwi Māori engagement should occur at
- The role of engaging with Māori is now very broad given the wide range of functions the Auckland Transport has to discharge
- Māori engagement is referred to inconsistently across current Auckland Transport policy

There is a lack of institutional knowledge regarding Māori relationships

- The vast majority of existing relationships between Māori and Auckland Transport exist between individuals, most particularly Directors and key operations staff from now obsolete Crown entities (eg. ARTA, ARC)
- In the past individual consultants and contractors have often held the relationships with Māori

- There is no real mechanism for effectively storing or recording information about relationships with Māori or engagement activity

Māori are suffering from consultation fatigue

- Iwi Māori capacity is overextended, due in part to Auckland Transport's current inability to approach land transport responsibilities with the same holistic view that Māori hold

## **Auckland Transport's new Māori engagement objectives**

**Māori** (Iwi) are partners of Auckland Transport. Thus, this organisation recognises the need to move the relationship along the partnering continuum toward **collaborate**.

Derived from NZTA objectives and influenced by Auckland Council's Māori engagement objectives, Auckland Transport identifies the following as pertinent to advancing to second-generation engagement with Māori.

There is strong awareness of the statutory requirement to engage with Māori

- There is ongoing engagement with Māori on transport projects, work programmes and issues
- Māori know their interests and values are considered as part of the way Auckland Transport works

There is an agreed Auckland Transport approach to engaging with Māori

- Iwi Māori are included in the development of values and beneficial outcomes
- Māori perspectives are included as part of the development and implementation of Auckland Transport strategies and practices
- Māori are offered the opportunity to participate in discussions about projects and work programmes
- We employ holistic worldview thinking to our planning
- Relationship arrangements between Auckland Transport and Māori are clearly defined
- Knowing the right protocols and being able to enlist the most appropriate support when engaging with Māori is clear
- Specialist resources are available to assist staff with their individual responsibility for engaging with Māori

Roles and responsibilities for engaging with Māori are clear

- Directors, business units and departments are clear about their roles, and about the tools, support and advice offered by the TRM and know how to access the information they need
- Employees responsible for engaging with Māori have the skills and competencies they need to engage confidently and effectively
- All employees clearly understand the role they play when engaging with Māori, and are aware of their responsibilities

#### There is strong understanding of Māori relationships

- Auckland Transport's Iwi Māori partners are clearly defined; and other Māori stakeholders are differentiated appropriately
- The Chief Executive, Board Chair and members of the Board as appropriate hold relationships with Iwi Māori equivalents (eg: Rangatira to Rangatira)
- We have a simple process for sharing information and intelligence about Māori

#### Capacity and resource will not be a barrier to effective engagement

- Auckland Transport departments will work together to optimise meeting and engagement opportunities with Māori
- Auckland Transport will ensure internal systems and communication do not hinder any relationship with Māori
- We will impose no cost on Māori to participate in engagement, instead offering hospitality and koha in kind for their contribution

#### Iwi Māori are recognised as potential commercial investors in Auckland Transport projects

- Iwi Māori are offered opportunities to develop business and infrastructure in partnership with Auckland Transport

## **Roles and responsibilities of Auckland Transport employees**

An awareness of the principles of engagement with iwi and adherence to the Treaty of Waitangi is required across all Auckland Transport staff to align with the Auckland Council and NZTA obligations.

Within an overall awareness, different levels of action can be taken at varying levels of leadership, and then engagement must be aligned with the hierarchy of the iwi.

### Chief Executive Officer

- Engage directly with iwi leaders to set values, share risks and rewards, and outcomes of mutual benefit
- **Set the organisation's tone for Māori Engagement by articulating Auckland Transport's strategic priorities for effective and meaningful engagement with Māori**
- **Ensure references to Māori Engagement are consistent across all Auckland Transport policy documents**
- Engage directly with iwi leaders as otherwise needed

### Department Managers

- With the **CEO, collectively meet with Māori to discuss values and establish suitable work timetables and courses of action**
- Engage directly with iwi **Māori and other Māori groups on projects/work programmes or issues that directly affect Māori as required**
- Identify any **capability gaps that exist within their department and ensure staff engaging with Māori have the skills and competencies they need to engage confidently and respectfully**

### Communications & Public Affairs

- Develop a work programme for effective and meaningful engagement with Mataawaka
- **Ensure public statements and marketing materials corroborate Auckland Transport's respect of Te Ao Māori and allow for feedback from the wider community to be received**
- Ensure the methodology suits the audience

#### Key Relationship Manager

- **Identify Auckland Transport's key Iwi Māori leaders**
- Identify the priorities the Chief Executive, Board Chair and members of the Board should engage on
- Monitor and evaluate engagement activity **undertaken with Māori**
- **Facilitate relationships with Auckland Transport's Iwi Māori equivalents**
- **Develop the protocols and tools required to support staff to effectively engage with Māori**

#### Māori Advisor

- Provide advice, mentoring and support to regions and business units as needed
- **Identify training needs and develop training programmes to assist departments to implement Māori engagement practices**
- Facilitate hui as and when needed
- **Provide introductions to key iwi, hapū and mataawaka organisation as appropriate**

## **Suggestions for engaging effectively with Māori**

These suggestions are theme highlights from within the Framework document:

- Approach engagement as a partnership, with an emphasis on relationship building beyond the limits of a specific project or work programme
- Involve Iwi **Māori in strategic** and business decision-making
- Be open, honest and authentic in your interactions
- Be open to discussing many projects and/or issues at a single meeting
- Start engagement early in the development of the project or work programme
- Start with local **iwi or hapū, and work through them to identify other Māori groups and networks**
- Respect Tikanga **Māori**
- Convey information clearly and succinctly
- Kanohi ki te kanohi interactions are highly valued **in Māori culture**

These guidelines can form the basis for a discussion about the types of resources Auckland Transport could develop to support staff to effectively engage **with Māori**.

## **Kupu Māori**

### **Hapū**

A subset or group (more than one whanau) within an Iwi

### **Iwi**

All the descendants of a single Tupuna (ancestor), associated with the arrival of waka to Aotearoa

### **Kanohi ki te kanohi**

Face to face

### **Kaupapa**

Philosophy, ideology

### **Kawa**

Protocols

### **Mana**

Esteem, prestige, pride

### **Mana Whenua**

Mana Whenua of the Auckland region are iwi **and hapū** who have ancestral interests and connections to land and places within the Auckland region

### **Manaaki**

Care for, give hospitality to, protect

### **Mataawaka**

**Mataawaka are Māori** living in the Auckland region who affiliate to iwi and hapū **outside the Auckland region (or may not know their hapū and iwi affiliations).**

Mataawaka does not assume the status of Mana Whenua; Mana Whenua holds the relationship with the Crown as Treaty partners and performs a manaaki role for mataawaka within their iwi **and hapū** boundaries.

### **Rangatira**

Chief, Iwi leader, Authority

**Take**

Reason, purpose

**Tikanga**

Customs

**Tupuna**

Ancestors

**Waka**

Canoe, vehicle

**Whakapapa**

Genealogy, lineage, family history

*Footnote: When using kupu Māori in English sentences, the word is both singular and plural*

## APPENDIX C

### MANA WHENUA AREAS OF INTERESTS

#### Ngāi Tai ki Tāmaki – Agreement in Principle



#### Ngāti Maru – Te Kahui Mangai



Ngāti Pāoa – Te Kahui Mangai



Ngāti Tamaoho – Te Kahui Mangai



Te Kawerau a Maki



Te Ākitai Waiohū



Ngāti Whātua Ōrākei – Deed of Settlement



Ngāti Te Ata Waiohū - MVA



## APPENDIX D

### INDEX OF MĀORI PLACE NAMES FOR FIGURE 2

**Te Ahurutanga** 'the haven or sheltering place' (for canoes). Following a slip on the east side of Pt Britomart, the sea rapidly washed the spoil and formed a small cave.

**Te Ako o te Tui** 'the teaching of the tui'. A bush creek and waterfall funning through the Auckland Domain and joining the Waipapa Creek.

**Te Hika a Rama** 'The fire lighting of Rama'. Rama was a chief of Waiohua. He was hiding at this place and foolishly lit a fire to warm his grandchild. A Ngāti Whātua war-party camped at Northcote Point noticed the smoke and crossed the harbour. The surprised Rama and he and his people were captured. This place was a small bay or gap in the cliff at the foot of Nelson St.

**Te Hororoa** 'The long land slip'. A place to the east of Pt Britomart. The pa front there slipped away and many of the people perished. Said to have been a 'tohu' or omen of coming disaster. This happened just prior to the Ngāti Whātua invasion, Parerautoroa was the chief and Ngati Rauiti was the hapū. The place rapidly washed away and formed eventually a cave known as Te Ahurutanga – sheltering place for canoes [see above].

**Horotiu** 'Crumbling away'. Site of the flagstaff, Albert Park. Formerly a pa. See Waihorotiu.

**Te Koranga** 'The scaffolding' (for drying fish). At the foot of Victoria St West. Probably a modern name as the fish were dried there in the 1840s.

**Mangahekea** 'The branch hanging down or falling down'. A place in Albert Park.

**Ngahuwera** 'Burnt Breasts'. The headland at the mouth of Waihorotiu (Queen Street) site of Waitemata Hotel approximately. [The Waitemata Hotel was on the southern corner of Queen St and Customs St West]

**Onepanea** 'Beach of the heads in line'. The beach, now reclaimed, and now Fort Street. Ngā Puhi had been on an expedition into the Waikato country and on their way back to the north stopped at Tāmaki. Certain ceremonies to lift the tapu from the warriors were performed at a stream which flowed down where Swanson St is now. The heads of their slain enemies were stuck on a line of posts at the beach and it is said that they were so numerous that the line of dried heads stretched from one end of the beach to the other.

**Te Paneiriri** 'The head hung up'. The eastern headland of Freemans Bay. Probably a wartime incident. Where a ceremony of Whangaihou was performed by Ngāti Pāoa in conquest of Tāmaki.

**Paritutu** 'Perched on the cliff'. The cliff above the site of the old graving dock, hence the name of Graham's homestead 'The Perch', since demolished when the cliff was cut away in 1884. A pa there in olden days. [this is the cliff on the eastern side of Freemans bay]

**Te Rerengaoraiti** 'The leap of the survivors'. The headland afterwards called Pt Britomart. Also spelt Te Terengaoraiti. Named after an incident in Kawharu's time (1680 AD) and repeated during a Ngā Puhi raid in 1822.

**Te Reuroa** 'The long outer palisading'. A pa that stood on the site of the Supreme Court, extending to the foreshore.

**Te Roukai** 'The food gathering'. A pipi bank which lay formerly between the site of the Waitemata Hotel and Pt Britomart, mouth of Horotiu Creek. [The Waitemata Hotel was on the southern corner of Queen St and Customs St West]

**Tangihangapukaea** 'The blowing of the war trumpet'. A pa on the site of Pt Britomart.

**Te Tarakaraihi** (a small sea-bird of the tern variety). A canoe landing at the foot of what is now Swanson St, opposite Te Whatu.

**Te Tarapounamu.** Track from Swanson St to Queen St.

**Te To** or **Te Too** 'The dragging up' (of canoes). A pa on the western headland of Freemans Bay. Site of present orphanage. [This was St Mary's Catholic orphanage, removed to Takapuna to make way for Harbour improvements in 1911- photos AWNS-19111116-11-1, 2 and 3]

**Te Toangaroa** 'The long pulling or dragging' (of canoes). Mechanics Bay

**Tunamau** 'Eel caught'. A creek formerly between the foot of Franklin Rd and Union St.

**Waiariki** 'Waters of the ariki' (head chief) or 'waters having a curative value'. Probably a spring of water so reputed hereabouts. Formerly Official Bay. [presumably the same spring later used by early manufacturers of aerated water products, based around Eden Crescent]

**Waiatarau** 'Waters reflecting shadows'. Stream in Freemans Bay [or the bay itself].

**Waihorotiu** 'Horotiu Creek'. The name of the creek that formerly flowed down Queen St. Named after Horotiu Pa on the hill above, namely Albert Park.

**Waikokota** 'Cockle water'. Freemans Bay. Probably a modern name. Now reclaimed. Ancient name said to be *Waiatarau* 'waters reflecting shadows'.

**Waikuta** 'Water-reed river'. A creek at the foot of College Hill to the south thereof. (Kuta a weed used for making floor mats)

**Waipapa** 'The waters of the flats'. The name of a tidal creek which formerly flowed down Stanley Street, Mechanics Bay.

**Waiparuru** 'Shady or gloomy creek'. Cemetery gully [Grafton gully].

**Te Whatu** 'The rock'. A rocky ledge formerly at the foot of what is now Shortland St, where canoes were moored, it being a convenient landing.

**Ngā Wharauatako** 'Tako's reed huts'. The name of an old village on the ridge between Queen St and Hobson St, near the foreshore probably near the site of the Star Hotel, because the track to the creek now Queen St, led down where Swanson St is now situated. [The Star Hotel was on the corner of Queen and Swanson Streets].

**APPENDIX E**  
**MAP OF TĀMAKI MAKAURAU INQUIRY DISTRICT**



## APPENDIX F

### MAP OF RFR AREA

