

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of Intensification Planning Instrument Proposed Plan Change 78: Intensification (**PC78**) to the Auckland Unitary Plan Operative in Part (**AUP**)

**JOINT WITNESS STATEMENT IN RELATION TO:**

Hearing Topic 010J Qualifying Matters (Other) Māori Cultural Heritage – Pukekiwiriki Pā and Pararēkau Island

<b>Expert conferencing held on</b>	14/04/2023
<b>Venue</b>	Online
<b>Independent facilitator</b>	Mark Farnsworth
<b>Secretariat planner</b>	Beth Maynard

**1. Attendance**

1.1. The list of participants is included in the schedule at the end of this Statement.

**2. Basis of attendance and Environment Court Practice Note 2023**

2.1. All participants agree to the following:

- a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- c) They will make themselves available to appear before the Independent Hearing Panel;
- d) This statement is to be filed with the Independent Hearing Panel and posted on the Council's website.

**3. Matters considered at conferencing – agenda and outcomes**

**3.1. What is the most appropriate way to determine the relationship of Māori with sites, wāhi tapu and other taonga within Tāmaki Makaurau?**

3.1.1. Consideration of the role of iwi and hapū both as Mana Whenua and mataawaka in the context of Tāmaki Makaurau.

- a) **Edith Tuhimata** notes that Council’s process requires that all Mana Whenua groups are consulted with, including those who do not whakapapa to the wāhi tapu in question. From a Ngati Tamaoho perspective, when consulting with our iwi we would prefer to consult with those who have whakapapa to respective areas, like is happening today.

Mana Whenua is a new term, as opposed to ahi kā. In determining who to consult with, preference is for those who whakapapa directly to sites. Where disputes arise, whānau can come to iwi governing bodies. Waiohua confederation have come together in a collaborative approach in this aspect for these sites.

- b) **Nathan Kennedy** notes that this specific issue is not contentious. The iwi who have submitted are well aligned. Other iwi who have submitted on these issues are Waiohua for both sites. Council is driven by statutes, but in this instance those iwi who don’t have interests have not submitted. Falls under Local Government Act and other issues.
- c) **Ben Leonard** notes that we can see the tikanga process mentioned occurring here today; Waiohua iwi have come here today. Important to relate back to values of whakapapa, ahi kā, and whanaungatanga.

### 3.1.2. Consideration of supporting material, and if so, what is relevant?

- a) **All present** note that there are a number of available documents with which the Panel should come to grips to help inform their decision making, notably:
- b) For **Pukekiwiriki Pā** material based on hīkoi with Council officers, including Rob Pryor, discussions on values and issues. Material which has been attached to S32 reports – reserve management plan written by iwi, evidence to come in hearings, visual simulations prepared by landscape architects, cultural landscape maps developed in consultation with Mana Whenua.
- c) For **Pararēkau Island** material based on hīkoi with Council officers, discussions on values and issues. Material which has been attached to S32 reports CV, visual simulations prepared by landscape architects, cultural landscape maps developed in consultation with Mana Whenua.

### 3.1.3. Consideration of the role of engagement with iwi and hapū when assessing sites

- a) **Edith Tuhimata** notes that she is speaking for Ngati Tamaoho. Iwi have different tikanga and autonomy in engagement and different tools for assessment. The Māori Cultural Heritage database informs relevant information, but Ngati Tamaoho has different ways of assessing their own sites. The way an archaeologist looks at a cultural landscape for instance assesses physical remnants but cannot attach stories and genealogical ties; only iwi can determine these. Multiple stories occur over long periods of time. Informed decisions cannot be made until all relevant information is available.

- b) **Ben Leonard** notes support of Edith Tuhimata’s statement. Engagement starts with the Treaty of Waitangi and flows down; partnership requires engagement, down to Section 6(e) and the AUP; living up to partnership envisioned by Te Tiriti. The key issue with engagement is that it starts as early in process as possible.
- c) **Nathan Kennedy** notes that it is commonly accepted and well established that iwi are the experts on their places and their values.

3.1.4. What can be considered as a relevant matter under section 6(e) of the RMA?

- a) **Edith Tuhimata** comes down to relationships, including relationships that iwi have to have with everyone else to continue relationships with their places. Defining kaitiakitanga and how this is implemented, Section 8 of the RMA etc.

Ngati Tamaoho don’t own their ancestral lands but want the owners to act as kaitiaki over these lands. This process is how iwi can continue to act as kaitiaki.

- b) **Nathan Kennedy** RMA section 77I refers to what can be a qualifying matter, Section 6 matters. Section 6(e) relationship of iwi and hapū with their places cannot be separated from section 8, Treaty principles. The principle of active protection is relevant, the Crown cannot circumvent its requirement for active protection. Pararēkau could easily be brought in under the New Zealand Coastal Policy Statement (NZCPS), for instance.

Useful for the panel to consider when considering 6(e) matters– relationships are explicitly stated in submitted material and Te Ākitai and Ngati Tamaoho’s Treaty Settlements.

- c) **Ben Leonard** if we’re asking what can be considered relevant, many ways this can be assessed, statutorily and traditionally – through waiata, mōteatea, mihimihi, pepeha etc. The way information is taught to young people, etc; there are many expressions of relationship between Mana Whenua and their whenua.

3.2. **To what extent is the consideration of cultural landscapes relevant when undertaking landscape assessments of a site or place?**

3.2.1. If cultural landscapes are relevant, how are these considerations best incorporated?

- a) **Stephen Brown** iwi connections with different sites vary considerably. In a situation like this, the first issue to address is degree of connection between iwi and hapū with both sites and places, which then leads into consultation. This has a bearing on the weight which is attributed to connections when looking at existing values and changes to values that could occur with proposed development. Individual locations have particular meanings and attachments which have to be recognised. The degree of weight put on these meanings and attachments will vary from site to site and the only way

to explore this is through direct engagement with iwi. This is consistent with contemporary best practise and Te Tangi a Te Manu (NZILA guidelines for landscape assessment 2022) which embodies our bicultural heritage.

- b) **Rob Pryor** notes his agreement with Stephen. Important to note as landscape architects and as Pākehā that kōrero with Mana Whenua representatives is critical; landscape architects can see what is on the ground but have to find out the values, aspirations and impacts of potential development on a site. For example, engagement at Pukekiwiriki Pā enabled understanding of the history and cultural values of the site.

In regard to connections from Pukekiwiriki Pā, views from the maunga looking outwards to culturally significant landscape features are just as important to landscape as views looking in.

- c) **Edith Tuhimata** notes that cultural landscapes have been worked on for a long time; it is important to normalise cultural landscapes as a way of looking at landscape. As a professional can look at how an archaeologist is guided by the principles of the Heritage Act, but what is important is to look at cultural landscapes as a whole. Kaitiaki can talk about a site's story, narrative and genealogical ties. An archaeologist can only look at certain features and this does not take into account all parts and parcel of a site. In regards to conversation with developers about sites; don't we want to know about sites, history, wāhi tapu etc. Without the full range of knowledge you can't make informed decisions, and this local knowledge can only come from iwi.

Agrees with Nathan Kennedy's points concerning Te Mānukanuka O Hoturoa and Pararēkau Island; the harbour and waterways are arterial routes within the cultural landscape. Ngati Tamaoho are a coastal people. Have not up to this stage considered the water context which is also important to weighing.

When looking from the ocean into Pararēkau the impact of intensification, as seen on landscape visualisation, is huge.

Pā sites are interconnected cultural landscapes; signal fires from Pukekiwiriki signal to surrounding pā, for instance, important to note interconnected cultural landscapes from pā site to pā site.

- d) **Nathan Kennedy** notes that cultural landscapes locate sites with values within their wider landscapes, essential as they cannot be considered in isolation, contextualises in iwi's rohe. I.e. Pukekiwiriki Pā is important to multiple iwi, some iwi express their relationships looking to the East, others looking to the South and the West. Essential to a Māori worldview to express these issues in terms of their wider relationship to place.

Regarding intensification, notes that Rob Pryor was careful for instance to look at visual impacts of intensification on sites from other culturally significant sites within the surrounding landscape. At Pukekiwiriki intensification impacts ability of iwi to make out the maunga as a tohu. Guidance that should be provided; mindful of seascapes, Manukau Harbour, visual effects – we don't have effects considered from on-sea viewpoints. Specific response to effects on cultural landscapes can be included in the

plan; cultural landscapes are well provided for, the NZCPS explicitly says that iwi must be allowed to express their places s cultural landscapes. Rules can explicitly refer to effects on cultural landscapes.

Notes that his evidence will primarily be based on cultural landscapes, the Cultural Values Assessment (CVA) for Pararēkau contains extensive cultural landscape input from iwi.

- e) **Ben Leonard** notes support of Edith Tuhimata’s statement. It is essential for those working on sites to understand them in context of the wider cultural landscapes; working on a certain parcel on Margan Ave for instance requires a wider context of the maunga to do good work on the whenua. Developers, landscape architects, designers etc. can discharge duties properly only when they understand the context of the maunga they’re working on, which filters through to built form, street layout, density etc. Mentioned in cultural values provided by Mana Whenua for AUP scheduling; Cultural Value G Horopaki asks us to consider the cultural landscape in which a site sits.

### 3.3. **Apart from adverse visual effects, to what extent does built intensification of a site or place also generate other adverse cultural effects?**

3.3.1. With reference to any other adverse cultural effects on Pararēkau Island and Pukekiwiriki Pā, what is the most appropriate development outcome for addressing these issues?

- a) **Edith Tuhimata** considering Pukekiwiriki Pā which is a public reserve, full public access has an impact on the pā site and intensification will generate more foot traffic. Wāhi tapu and burial areas are publicly accessible from reserve. Intensification results in building right up to footprint of maunga, people can stand at the bottom and not able to view the top with effects on viewshafts. Intensification is a sore point; a developer wanting to maximise the number of houses on Pōkeno Hill, for example. Trying to protect these once the plan change has been put in place.

Viewshafts are important and going up six storeys has a huge effect on maunga. Intensification; three RTS in greenfield areas in Drury West and Paerata; THAB zone surrounding these areas off the cuff. Sites going up will be looking into marae, for instance – these issues need to be taken into account when making decisions around cultural landscapes.

Single House Zone (SHZ) has been preferred in the past for Pararēkau and moving to Low Density Residential Zone (LDRZ) is also a change because two levels are enabled all around the island, even though there is previous conversation with the developer about what this looks like. More thought should be given to zoning, if a specific outcome has been sought with developer (SHZ around edge of island) and rezoning is going to take this away there is an issue.

Privacy and personal space issues caused by intensification are concerning, for instance in Kāinga Ora developments.

- b) **Nathan Kennedy** notes that there are a range of physical and intangible effects beyond the visual for both sites. These are well expressed in the CVA for Pararēkau; increased intensification will mean that it isn't viable to have buildings on piles, leading to increased earthworks for taller buildings. Ecological effects and loss of habitat are a concern in particular in coastal marine area, with knock on effects. Notes Pararēkau has significance as a traditional fishery. There will be effects on tapu as buildings are on or adjacent to tapu places, unless there is specific protection there will be explicit desecration of tapu places. Consider impact of increased parū and pollution on mauri at Pararēkau. Notes that amenity for Mana Whenua overlaps but is different from amenity value sought by new residents and conflicts will arise there.

In submissions iwi have sought downzoning and less intensive planning instruments and these have been deemed out of scope.

The loss of privacy and personal space and the impact on community and personal wellbeing that these issues have are particularly concerning to iwi in terms of their own members and impacts on society in general.

- c) **Stephen Brown** a by-product of intensification is the potential for diminution of Pararēkau Island as a landscape and cultural feature. The scale of development becomes dominant in its own right and effectively subjugates the island. Looking across the island from various perspectives, this also reduces the permeability of the landscape in general, creating walls which stop or limit some of the connections with locations beyond the island. This is particularly relevant to a low lying and flat topped island with greater potential for the landform to become secondary to development, "like going from an island to a sort of aircraft carrier."

Sense of place is very important, especially in relation to landscapes with cultural significance. An issue which will come out of intensification is the large scale loss of sense of place, homogenisation of urban areas, and a sameness which will become a characteristic of much of Auckland in the future. Up to this point, different parts of Auckland have had a distinctive character and identity, much of which will be lost.

- d) **Ben Leonard** not a one size fits all approach, but generally the most appropriate outcomes will be those which protect, uphold and express cultural values. Mauri and wairua are important to be thinking about, as is whakapapa – whakapapa between people and land and the whakapapa between the different places considered today. Should be upholding identity – these sites are expressions of identity. We want to be speaking about a place that is, not a place that was.

Homogenisation and sameness of the landscape will directly impact cultural landscapes and cultural identity.

#### 4. PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1. The participants to this Joint Witness Statement, as listed below, confirm that:

- a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- b) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- c) The matters addressed in this statement are within their area of expertise; and
- d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position to the Facilitator and this is recorded in the schedule below.

4.2. **Confirmed online 14/04/2023**

#### 5. **NOTE: DEFERRAL OF CONFERENCE BETWEEN PLANNING EXPERTS UNTIL FURTHER NOTICE**

5.1. **Following a request on behalf of Karaka Harbourside Estates Ltd. (KHEL), and with confirmation from all other parties who indicated the attendance of planning experts at conferencing for this topic, it was decided that discussion of matters relating to planning would be deferred until further notice and for at least four weeks from 14/04/2023.**

**This is to provide time for KHEL to engage in consultation outside of the PC78 process with the goal of reducing the scope of or removing disagreement between parties over this topic.**

5.2. **Parties who had indicated the attendance of planning experts will be notified when there is further information available about its rescheduling. This information will be made available on the Council’s website.**

5.3. **A separate Joint Witness Statement will be produced at this session. This will be filed with the Independent Hearing Panel and posted on the Council’s website.**

5.4. **Parties who attended this expert conferencing session were informed of this decision in writing before conferencing commenced.**

<b>Expert’s name and expertise</b>	<b>Party</b>	<b>Expert’s confirmation (refer para 4.1)</b>
Edith Tuhimata (Mana Whenua)	Ngati Tamaoho Te Tai Ao Unit	Yes
Nathan Kennedy (Specialist Māori Heritage)	Auckland Council	Yes
Ben Leonard (Specialist Māori Heritage)	Auckland Council	Yes
Stephen Brown (Landscape Architect – Pararēkau Island)	Auckland Council	Yes (not 3.1.1., 3.1.3., or 3.1.4.)
Rob Pryor (Landscape Architect – Pukekiwiriki Pā)	Auckland Council	Yes (not 3.1.1., 3.1.3., 3.1.4., or 3.3.1)

## Expert Conference attendance sheet

Topic 010J Māori Cultural Heritage – Pukekiwiriki Pā and Pararēkau Island

Date: 14/04/2023

Facilitator: Mark Farnsworth

Location: Online

Submission number	Submitter name	Representative at mediation	Email	Notes
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