

# CULTURAL IMPACT ASSESSMENT FOR PROPOSED FOSTER CRESCENT PLAN CHANGE AND RESIDENTIAL SUBDIVISION

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## **1.0 Introduction**

This document provides a Mana Whenua Cultural Impact Assessment (CIA) on behalf of Ngāti Manuhiri with regard to the proposed Foster Crescent Plan Change and (if approved) subsequent residential subdivision in Snells Beach. This report was commissioned by the Barker & Associates on behalf of the applicant/developer Prime Properties Limited.

As part of this assessment, reports prepared for the plan change and provided for our reference at time of writing include an Executive Summary, Engineering, Geotechnical, Ecological, Traffic and Landscape reports as well as plans and drawings. These reports and plans have been reviewed.

## **1.1 Cultural Background**

Ngāti Manuhiri are the descendants of the eponymous ancestor Manuhiri, the eldest son of the Rangatira and warrior chieftain Maki who, along with other tribal members, came from Kāwhia to live among their relatives, all descendants of the Tainui waka, who occupied the greater Tāmaki Makaurau area from the 14<sup>th</sup> Century. From this whakapapa Ngāti Manuhiri in their own right through Maki and his sons, have unbroken ties to their ancestral rohe. After migrating from Kāwhia in the early 17<sup>th</sup> Century, Maki and his people progressively settled in the southern Kaipara, Waitākere, Waitematā, on to Whenua roa o Kahu (North Shore), Albany up to Mahurangi districts including Pakiri, Matakana, Puhinui (Warkworth), and finally the offshore islands such as Hauturu o Toi/Little Barrier and Āotea/Great Barrier.

Ngāti Manuhiri made strategic marriages with other tribal groupings such as Ngāi Tāhuhu and Ngāti Wai among others, who occupied the eastern coastline and many of the offshore islands. Through these marriages Ngāti Manuhiri strengthened their links with the land, sea, and islands on the eastern coastline from Paepae o Tū (Bream Tail) to Te Raki Paewhenua (Takapuna area) and inland Kaipara areas.



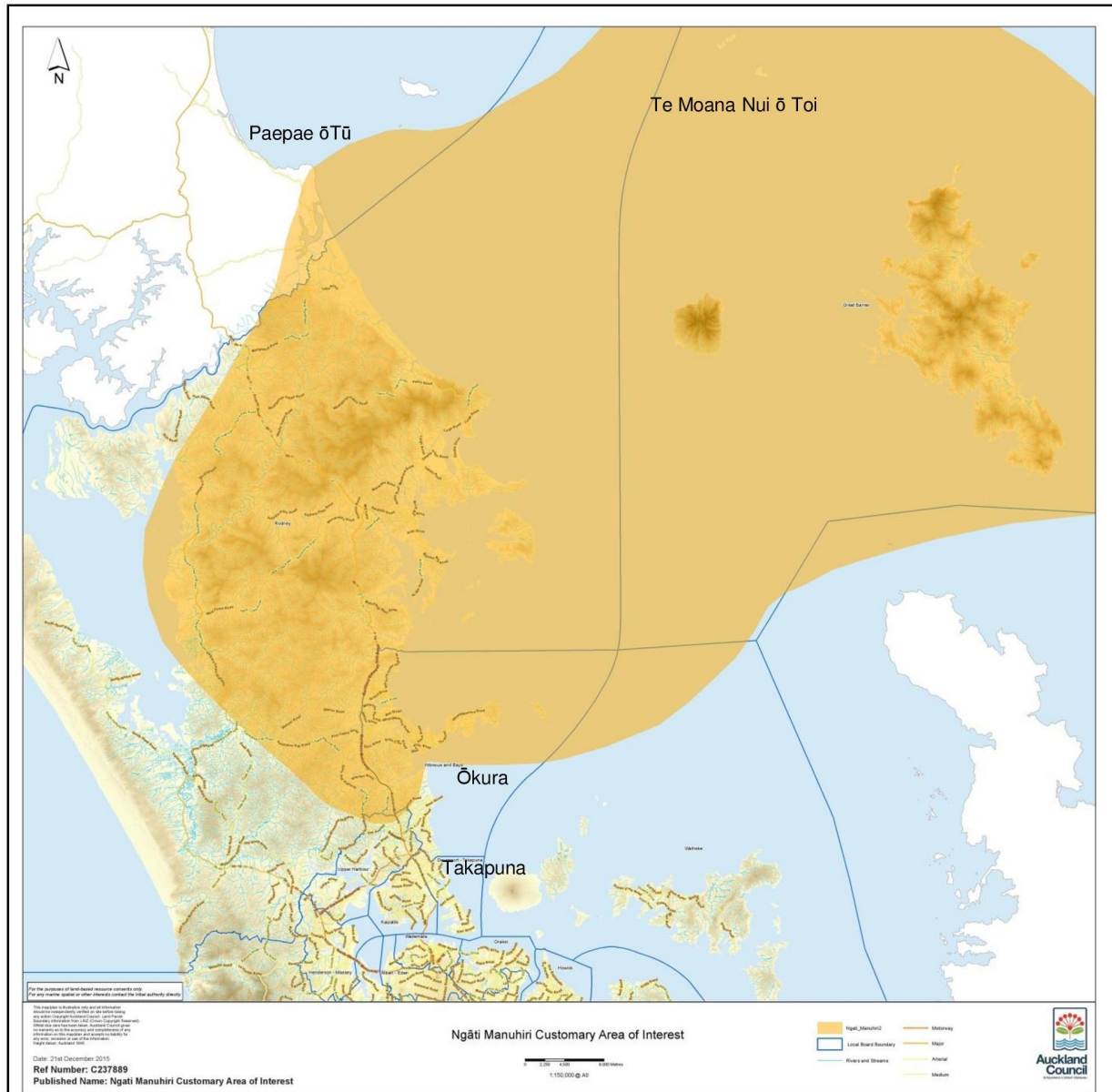


Figure 1: Statutory Ngāti Manuhiri Rohe (Area of Interest). Does not include ancestral domain.

Manuhiri, our Tupuna, has ancestral ties with his brothers Maraeariki, Ngawhetu and Tawhia Ki te Rangi but descent from Maki, his father, and Manuhiri himself is the basis of our mana today. Through the Ngāi Tahu and Te Uri o Katea descent, along with marriages, Ngāti Manuhiri developed intimate ties with the neighbouring iwi of Te Uri o Hau in the northwest. Ongoing strategic marriages also saw Ngāti Wai become an important relationship for Ngāti Manuhiri. Prior to the arrival of Europeans, Ngāti Manuhiri occupied all parts of their ancestral domain in a seasonal cycle of cultivation and resource gathering. While predominantly a coastal tribe because of the vast kaimoana resources available within Te Moana Nui o Toi, upper Waitematā, Mangawhai and Kaipara Harbours, other resources were routinely gathered from the

heavily forested interior, also occupied and utilised by Ngāti Manuhiri. These resources included food such as forest and wetland birds, freshwater fish and plants, but also medicines, weaving and building materials, as well as the vast kauri and other native trees valued for waka building. Specific areas within the forest interior are also immensely significant as they became sacred places, such as Te Ahiahi and Te Wahawaha. Ngāti Manuhiri frequently travelled to the Kaipara and west coast exchanging resources and strengthening their relationships with their whanaunga.

Ngāti Manuhiri maintain an unbroken connection with their rohe exercising their mana through manuhiritanga in the form of tribal, traditions, songs, place names, tupuna (ancestral rights), urupā (burial grounds) and kaitiakitanga (guardianship and management of cultural and natural resources).

## **1.2 Legislative Framework**

Through the Waitangi Tribunal process, the Ngāti Manuhiri Claims Settlement Act 2012 came in to effect 19 November 2012. The act formally mandates and supports Ngāti Manuhiri as Mana Whenua for the rohe as outlined in the Deed of Settlement (Figure 1.). It recognised and apologised for breaches of the Treaty by the Crown - the actions of which have impacted negatively on the iwi for the past 150 years. The legislation provides statutory acknowledgement of statements by Ngāti Manuhiri regarding their particular cultural, spiritual, historical and traditional association, requiring the relevant authorities to have regard to the views of Ngāti Manuhiri in all matters affecting these areas.

The Resource Management Act (RMA) 1991 provides statutory recognition of the Treaty of Waitangi and the principles derived from the Treaty. It introduces the Māori resource management system via the recognition of kaitiakitanga and tino rangatiratanga and accords Territorial Local Authorities with the power to delegate authority to iwi over relevant resource management decisions. The Act contains over 30 sections, which require Councils to consider matters of importance to tangata whenua. Some of the most important of these are:

- The principles of the Treaty of Waitangi and their application to the management of resources (Section 8).
- Recognition and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga (Section 6(e)).
- Having particular regard to the exercise of kaitiakitanga or the iwi's exercise of guardianship over resources (Section 7(a)).
- Having regard to any relevant planning document recognised by an iwi/hapū authority (Sections 61(2)(a)(ii), 66(2)(c)(ii), 74(2)(b)(ii)).
- The obligation to consult with iwi/hapū over consents, policies and plans. (Combination of all the sections above and Clause 3(1)(d) of Pt 1 of the first schedule of the RMA).

The Auckland Unitary Plan (AUP) further recognizes:

*“Māori have a special relationship with natural and physical resources through whakapapa. Inherent in this relationship is kaitiakitanga which seeks to maintain the mauri of these resources, while allowing their use for social, cultural and economic well-being.”*

Also

*“Development and expansion of Auckland has negatively impacted on Mana Whenua taonga, on customary rights and practices of Mana Whenua within their ancestral rohe. Further deterioration of taonga, sites and places of significance, and the values associated with cultural landscapes must be avoided. Degraded taonga and customary rights must be actively enhanced in order to restore the well-being and mana of those taonga, sites and places – and therefore the mana of the people. Mana Whenua participation in resource management decision-making, and the integration of mātauranga Māori and tikanga in resource management is of paramount importance to ensure a sustainable future for Mana Whenua and for Auckland as a whole”.*

### **1.3 Ngāti Manuhiri Settlement Trust**

The post settlement interests of Ngāti Manuhiri are managed and administered by the Ngāti Manuhiri Settlement Trust. The central purpose of the Trust is to enhance the spiritual, cultural, social, and economic wellbeing of the iwi and to provide for the kaitiaki responsibilities of ensuring the restoration and maintenance of the sociocultural and natural environment. These goals form the basis of any meaningful consultation or engagement with Ngāti Manuhiri.

### **1.4 Purpose**

This assessment of actual and potential impacts on cultural values and interests will assist Prime Properties Limited in meeting their obligations in a number of ways, including:

- having regard to the statutory acknowledgement of Ngāti Manuhiri as Mana Whenua for north-east Tāmaki Makaurau
- preparation of an Assessment of Environmental Effects (AEE) in accordance with s88(2)(b) and Schedule 4 of the Resource Management Act 1991 (RMA)
- requests for further information under s92 of the RMA in order to assess the application
- providing information to assist the council in determining notification status under ss95 to 95F of the RMA
- providing information to enable appropriate consideration of the relevant Part II matters when making a decision on an application for resource consent under s104 of the RMA
- consideration of appropriate conditions of resource consent under s108 of the RMA.

## **1.5 Objective**

The objective of this CIA report is to provide Prime Properties Limited with insights into the potential cultural impacts associated with the proposed plan change and subsequent residential subdivision of the site, as far as can be ascertained, and recommendations as to how they might be considered and addressed.

## **1.6 Proposed Works**

An overview of the proposed works as outlined by Barker & Associates is summarized below:

*'Prime Properties Limited is applying to Auckland Council for a Plan Change to rezone Lot 1 DP 149776 (approximately 4.6Ha) from Residential - Large Lot Residential (11 lots) to Residential - Single House zone (additional 41 lots).*

*At the same time, resource consent is proposed to be lodged for a 52 lot subdivision in accordance with the Single House zone rules.'*

### **1.6.1 Access**

Access into the 52 lot subdivision would be via a road appending the end of the existing Foster Crescent. It is not known at this time whether this would be an extension of Foster Crescent or a 'new' road. Within the subdivision itself there would be a secondary loop (or linking) road. The main road will have footpaths on both sides while the link road (narrower) will only have a footpath on one side.

Pedestrian (and presumably cycle) access linking to the Te Whau Esplanade Reserve and Walkway, along the northern boundary would be gained via a utility reserve in the northeastern corner of the development.

### **1.6.2 Earthworks**

A total volume of 19,000m<sup>3</sup> of cut to fill earthworks is proposed for the bulk earthworks, installation of sediment controls, infrastructure and final stabilisation, to create the lot building platforms and roading network.

Soil from the swampy areas is not considered suitable for reuse on site, therefore approximately 1,050m<sup>3</sup> excess cut has been allowed for disposal off site.

### **1.6.3 Vegetation**

Existing vegetation on site primarily consists of grazed pasture with pockets of gorse (- from site visit grazing appears to have been halted with the grass now overgrown kikuyu or rank grass). Four small tōtara trees around the wetland are the only native plants of significance.

### **1.6.4 Waterways**

Within the site itself there are 3 waterways all classified as ephemeral and in poor ecological condition. The 3 waterways meet in the northeastern (lowest) corner of the site, where approximately 30m of stream has then been classified as permanent. There is also a small, degraded wetland again with low ecological value. All ephemeral reaches and approximately 10m of permanent watercourse are proposed to be reclaimed.

Elsewhere on site are overland flowpaths (often 'fed' by drains from the neighbouring properties), a man-made pond for watering stock and 'boggy' areas. These areas are proposed to be reclaimed.

The Ecological Assessment recommends that the Plan Change ensures that the permanent section (below the confluence of the 3 waterways) as well as the wetland and its associated boggy areas are enhanced through restoration planting and protected through a covenant. There was also a requirement for a Weed Management and Planting Plan prior to earthworks commencing. The recommended enhancement would entail the restoration of approximately 40m of permanent watercourse and 110m<sup>2</sup> of wetland habitat, including the retention of the tōtara.

To the north the property abuts the Te Whau Esplanade reserve which is next to Dawson's Creek, a tributary of the Mahurangi River and Harbour – the receiving environments for runoff from this site.

### **1.6.5 Sediment and Erosion Controls**

Erosion and sediment control and site stabilisation during the earthworks are proposed to be undertaken in accordance with the methodologies of Auckland Council's GD05. Controls will include a sediment pond, decanting earth bund, clean and dirty water diversion channels, stabilised entrance, staging and ground stabilising (i.e. reseeding and/or mulching).

### **1.6.6 Stormwater**

The stormwater network is proposed to be designed generally in accordance with the Auckland Council's technical document TP10. It is considered that stormwater attenuation on this site is not

required as runoff from the site discharges directly into the Mahurangi Harbour and therefore there is no substantial increase in the risk of flooding or inundation of the surrounding properties from the creation of new impervious areas within the site.

Stormwater flows from both the roads and other impervious surfaces will be treated in one of two, Stormwater 360 stormfilter units to be installed within the utility reserve. It is understood the treated stormwater will discharge into a wetland before flowing to the Mahurangi Harbour (via Dawsons Creek).

#### **1.6.7 Biodiversity**

Given the lack of quality habitat to sustain native biodiversity on this site, very little was identified. No reptiles, fish or bats and the only birds seen were two exotic species. It is likely however that some native bird species do visit or utilize the site from time to time.

### **1.6.8 Archaeology**

An archaeological assessment of the property was undertaken in late 2017. No archaeological sites of Māori origin were recorded for the site at that time, nor were any discovered or identified during the assessment. The likelihood of finding artifacts as the result of any physical works is considered to be low.

### **1.6.9 Utilities**

Currently above ground powerlines cross the property in a north-south direction. These will have to be undergrounded for the development.

Watercare has (apparently) indicated that their reticulated water supply and wastewater systems have enough capacity for the additional residential lots to connect. Currently across the northeastern corner of the site, Watercare has an existing underground wastewater pipeline (rising main) that connects to a pumpstation just outside (east) of the property boundary.

It is assumed other services such as telecommunications are readily available.

## 2.0 Ngāti Manuhiri Cultural Impact Assessment Process

### 2.1 Cultural Values

Our cultural leaders are experienced in our whakapapa, history mātauranga and tikanga. We have leaders in all areas of environmental management, influencing stakeholders to protect Ngā Taonga tuku iho, providing guidance and inspiration for our people.

Ngā Tikanga – the values and principles which guide our role as kaitiaki, in environmental management:

- Manuhiritanga – our identity and uniqueness as Ngāti Manuhiri, upholding the mana of Ngāti Manuhiri
- Mana Motuhake – active leadership and decision making
- Kiatiakitanga – cultivating a sustainable healthy environment and healthy lifestyle for all people
- Kotahitanga – participating together; having open, honest and transparent communication; unity
- Whanaungatanga – through our whakapapa, our identity; knowing our matauranga Ngāti Manuhiri
- Manaakitanga – caring for the environment so that Ngāti Manuhiri can care for the people
- Sustainability – promoting use of environmentally friendly and sustainable practices and materials
- Principle of enhancement – restoration of degraded sites
- Long-term cultural wellbeing – a healthy environment for future generations
- Ki uta, ki tai (mountains to sea) – holistic integrated catchment management

### 2.2 Ngāti Manuhiri Cultural Footprint

Our uniqueness and identity as Ngāti Manuhiri is expressed in all the things that we do, that we can see, touch and hear. Our cultural footprint is underpinned by Manuhiritanga and how we express that through our tikanga and kawa.

One of our responsibilities and obligations as Mana Whenua Kaitiaki is to actively protect and enhance Ngā Taonga for the use and benefit of future generations as acknowledged in our governance and management protocols.

The role and responsibilities of Mana Whenua kaitiaki in contemporary cultural and natural resource management includes, but is not limited to:

- Protection and maintenance of wāhi tapu and other heritage sites



- Protection of taonga
- Placing of rahui (temporary ritual prohibition) to allow replenishment of harvested resources
- Restoration of damaged ecosystems
- Protection of sensitive environments
- Directing development in ways which are in keeping with the environment
- Ensuring the sustainable use of resources
- Observing the tikanga associated with traditional activities
- Providing for the needs of present and future generations

### **2.2.1 Te Ao Māori (Māori World View)**

Māori traditionally believe that the forests, the waters, and all the life supported by them, together with natural phenomena such as mist, wind and rocks, possess a mauri or life force (Marsden, 1992).

Mauri is the life energy force or unique life essence that gives being and form to all things in the universe. All elements of the natural environment, including people, possess mauri and all forms of life are related. This interconnectedness of all things means that the wellbeing of any part of the environment will directly impact on the wellbeing of the people. The primary objective of Māori environmental management is to protect mauri from desecration and to maintain and restore the integrity of mauri and thus the interconnectedness of all forms of life.

Sustaining the mauri of taonga (treasure) whether a resource, species or place, is central to the exercise of kaitiakitanga. Tikanga (custom, protocol) has emerged around this duty bringing with it mātauranga, (knowledge, wisdom) or intimate knowledge and understanding about local environments, and a set of rules that guide our way of life, both spiritual and secular.

Mātauranga Māori (Māori knowledge) is dynamic and evolving, encompassing historical traditions as well as the aspirations of Tangata Whenua (indigenous people) for the provision of services for future generations. The protection of indigenous flora and fauna species as taonga species is important to the Kaitiaki role of Tangata Whenua.

### **2.2.2 Kaitiakitanga**

The people of Ngāti Manuhiri have an obligation and responsibility to guard, protect and maintain the interests and associations of all aspects relating to the wellbeing of the iwi. In Te Ao Māori knowledge of the workings of the environment and the perception of humanity as part of the natural and spiritual world is expressed in the concept of mauri and Kaitiaki as described above. Practices have been

developed over many centuries to maintain the mauri of all parts of the world. Observing these practices involves the ethic and exercise of kaitiakitanga.

The root word is 'tiaki' which includes notions of guardianship, care, respect and wise management. The kaitiaki is the tribal guardian and can be spiritual or physical, human or non-human. The human kaitiaki must be a member of the local iwi holding customary authority of Mana Whenua or their appointed representative.

Expressing kaitiakitanga is an important way in which iwi maintain their Mana Whenua.

## **2.3 Methodology**

This report is largely a desk top study, with oral kōrero provided by Manuhiri elders. An iwi representative attended a site visit on 16 August 2018. Satellite imagery, the Auckland Council's GIS and Cultural Heritage Inventory (CHI) database have been referenced. Historical material pertaining to Ngāti Manuhiri and the Snells Beach/Mahurangi area was obtained internally, however a full history of association is not offered here.

### 3.0 Ngāti Manuhiri Association With Site

#### 3.1 Physical Setting

The Mahurangi Peninsula lies on the east coast approximately 70km north of Auckland City in the Rodney District. Predominantly rural it features two main urban areas being Snells Beach (pop. ~3,200) and Algies Bay (pop. ~ 900). The western edge of the peninsula is adjacent the Mahurangi River and Estuary, while the eastern coast adjoins Kawau Bay (Moanauriuri) and faces Te Kawau Tūmārō ō Toi (Kawau Island). The property proposed for the plan change and development is located adjacent the inner Mahurangi Harbour.

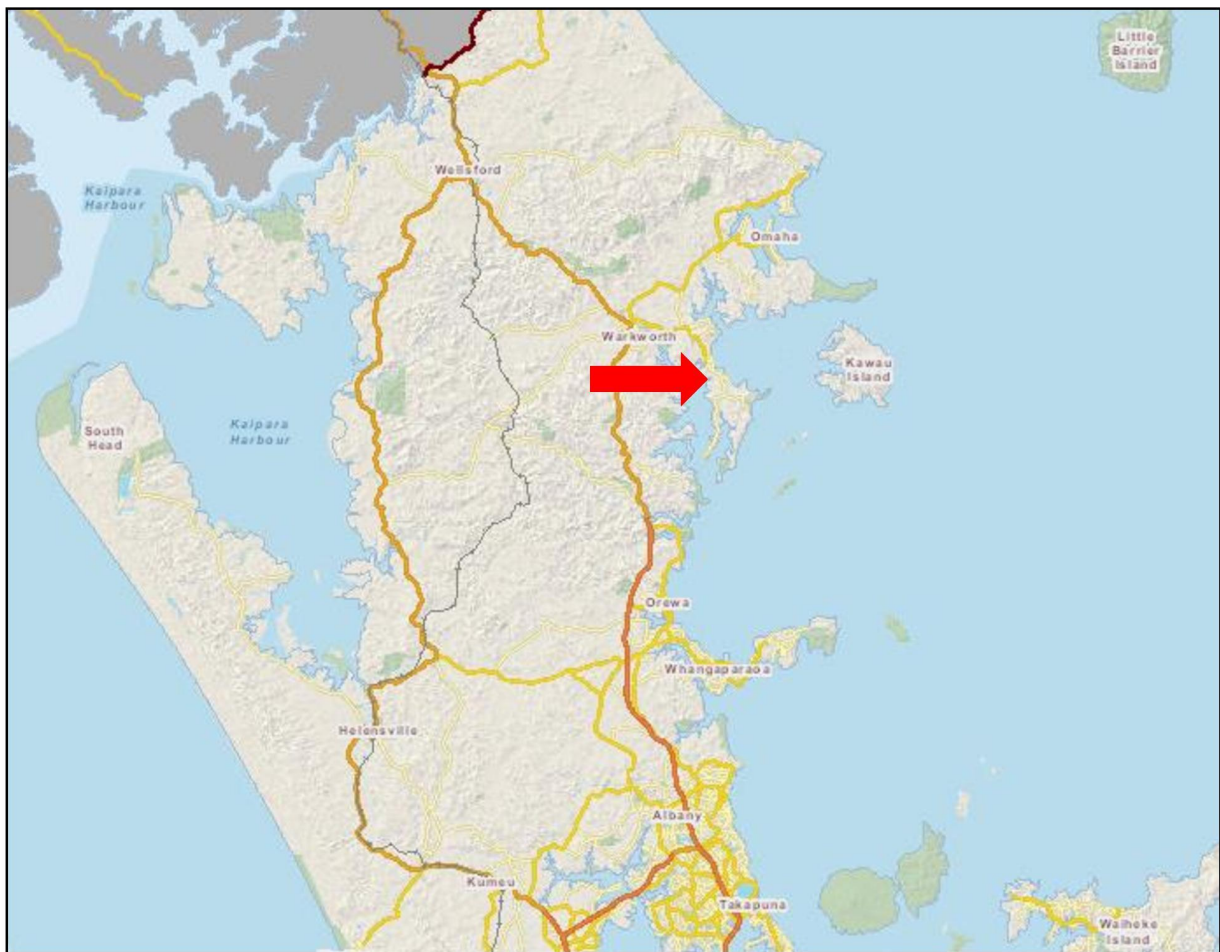


Figure 2: Map depicting approximate location of Foster Crescent (red arrow), Snells Beach, within the wider northeast Tāmaki Makaurau coastal region

### 3.2 Cultural Significance

As outlined previously, Ngāti Manuhiri links with the entire north east of Tāmaki Makaurau and eastern Kaipara date back to at least the 14th century. Ngāti Manuhiri maintained kāinga and pā throughout the rohe, with a focus on both coastlines. Pā were usually located in defensive, significant or strategic places and there were both permanent and temporary (seasonal) kāinga (settlements), particularly adjacent to sheltered waters or rivers. Rivers and streams were not only a source of fresh water and kai (food) but were the main highways inland to kāinga or cultivations and often the beginning of overland pathways. As previously stated, the entire rohe was occupied and utilised by Ngāti Manuhiri and their whanaunga (relations) for generations. This is evidenced by the large number of recorded archaeological sites of Māori origin (Figure 3) and traditional place names.

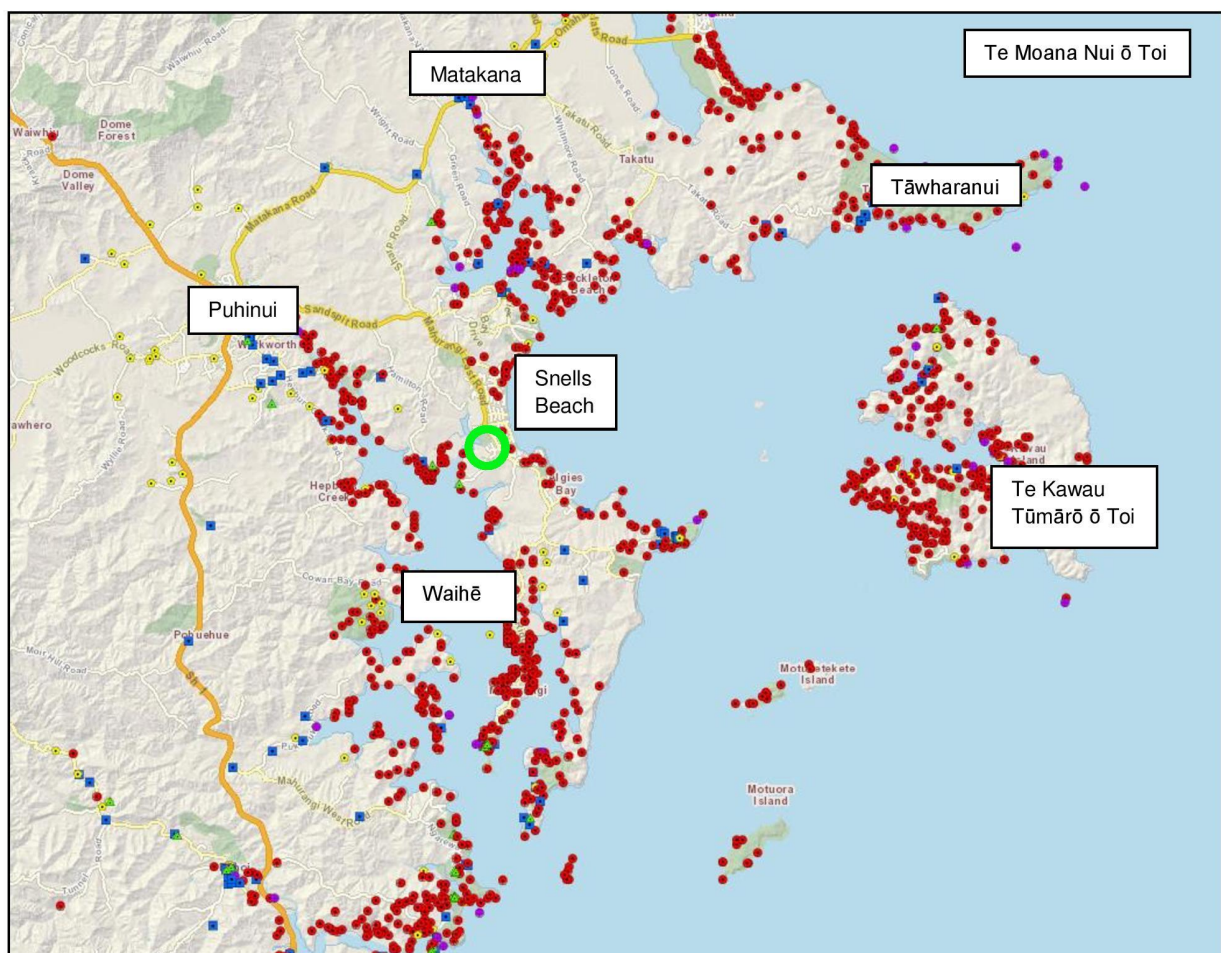


Figure 3: Map depicting location of recorded archaeological sites (red dots) around the wider Mahurangi area. Approximate development indicated with green circle.

It is notable that the majority of sites are dispersed around the coastal and riverine areas, which is in line with general pre- (and post-) European settlement patterns. There are fewer sites recorded further inland



and also within the heavily developed (urban) areas. The reasons for this apparent disparity may be attributed, in part at least, to; previous development activities that did not consider pre-European occupation; historic modification of the landscape by tree felling, horticulture and farming of heavy stock; and a lack of access and therefore archaeological recording within the forested interior rather than to a lack of occupation or activity within these locations. Thus, often what is recorded is merely representative of the actual number of sites and of the original occupation. Further, archaeological recording of sites does not/cannot capture esoteric or spiritual sites of significance to iwi.

The Mahurangi Peninsula is known to have been heavily occupied and utilised by Ngāti Manuhiri, and is evidenced by the multitude of recorded archaeological sites depicted in Figure 3 (Ngāti Manuhiri are aware of other currently unrecorded sites throughout the peninsula). Importantly, Manuhiri's father, Maki and his wife Rotu, occupied Te Korotangi Pā at the southern entrance to the harbour.

Generational occupation is also reflected by the numerous place names and landmarks that dominate the wider area e.g. Mahurangi (name taken from Motu Mahurangi, an island at the mouth of the Waiwera River - important in Ngāti Manuhiri traditions), Waihē (inner Mahurangi River), Motu Kororā (Saddle Island), the island pā of Maunganui (Casnell Island), Motu Kauri (Grant's Island), Puhinui (the waterfalls at Warkworth), and Pukapuka, a kāinga and now the site of a Cemetery which remains at the head of the harbour.

The traditional name for the harbour originates from the fact that its resources were jealously guarded and fought over down the generations, as recorded in the whakatauki;

*Kō te iti ō Waihē, he puta kino nui – Even though Waihē (the disputed harbour) is not large, it has been the cause of great trouble.*

This entire coastal region is associated with important tupuna, significant battles, kāinga, pā, wahi tapu, and rich resource gathering areas. Harbours, estuaries and rivers offered shelter, significant transport routes inland and food gathering areas, while the ridgelines of the forested interior were followed as walking tracks, with appropriate aspects utilised for gardening.

Snells Beach, mostly established on the eastern side of the peninsula, but growing, was protected by two pā, located at each end of the main beach (as was Algies Bay immediately to the south). It faces Te Kawau Tūmārō ō Toi (Kawau Island) across a stretch of water known as Moanauriuri. The tauranga mango (shark fishing grounds) of Moanauriuri were used by Ngāti Manuhiri and others to catch the school shark species known locally as muri. This important winter food source was desired by many iwi and became the cause of significant conflict. Recorded sites along the coastline include midden, pits, terraces, ovens and potentially remnant karaka groves that were cultivated.

To the north of Snells Beach is Te Awa Matakana (Matakana River) a river of major significance to Ngāti Manuhiri as a sub-regional boundary marker. The river provided an important inland route to kāinga

and cultivations located on the fertile country at the navigable head of the river. It also provided a wide range of food taken from both the fresh and salt water sections. The upper reaches were protected by several pā, including Pukematekeo, while the lower reaches and the adjoining harbour were protected by the headland pā (opposite Sandspit) known as Matakana – ‘the glowering eyes’. This pā, which is of considerable significance to Ngāti Manuhiri gives its name to the river, town and surrounding district. The 2012 Ngāti Manuhiri Claims Settlement Act recognised the iwi’s Statutory Acknowledgement of te Awa Matakana. The awa discharges into Te Moana Nui ō Toi (see below).

The area known today as Warkworth was once called Puhinui. The waterfalls at the head of the Mahurangi River, in the centre of town, are called the Puhinui Falls and are of particular significance to Ngāti Manuhiri. Further south of the Falls along the awa (river) are waka landing sites used by the people as they travelled inland from the coast.

Te Moana Nui ō Toi – the Great Sea of Toi. This is the name Ngāti Manuhiri use to describe the seas north and east of Whāngaparāoa. Named for the famous early Māori ancestor and voyager Toi Te Huatahi. This ocean area and its mauri, kaitiaki, biodiversity, seaways, islands and traditions lie at the heart of the identity of Ngāti Manuhiri. Tradition tells that Te Moana Nui ō Toi was a place of arrival for famous ancestral voyaging waka, a place intimately associated with the early ancestors of Ngāti Manuhiri, a place that is watched over by kaitiaki and a vast economic resource that was jealously guarded and desired over generations. Resources included sea mammals, fish, shellfish, seaweed and seabirds. School sharks locally known as muri, were an important winter food source, desired by many iwi and became the cause of significant conflict.

The impacts of post-European contact were devastating to Ngāti Manuhiri and included rewharewha (disease) and alienation of land from multiple illegal sales or confiscation events (including the controversial Mahurangi Purchase (1841) which encompassed land from Takapuna and north to Te Ārai, including Snells Beach) - without the knowledge of Ngāti Manuhiri - all of which was further compounded by significant losses in battle during the Musket Wars.

Today, Manuhiri’s traditional lands and Mana Whenua interests are protected and watched over by his living descendants, with the Ngāti Manuhiri Settlement Trust the entity mandated to represent, manage and protect these interests.

## **4.0 Cultural Impact Assessment**

The CIA is largely a desktop study although a site visit was undertaken by a Ngāti Manuhiri representative in August 2018. This report documents Ngāti Manuhiri's cultural values, interests and associations with the site and its resources, and the potential impacts of the proposed activity on these from our perspective as Kaitiaki. Consideration of the proposal is made in regard to its impact upon Ngāti Manuhiri in the areas of wāhi tapu, taonga, spiritual values, and wellbeing.

Note: Any development, especially those involving cut or disturbance of the subsoil, has the potential to disturb archaeological materials and taonga. Under the Heritage New Zealand Pouhere Taonga Act (2014), any archaeological site or object, even if not previously recorded, is protected and it is prohibited to damage, modify, or destroy any such sites without an authority from Heritage New Zealand.

### **4.1 Wāhi tapu**

Wāhi tapu may include pā sites, battlefields, burial grounds, significant historic iwi sites, canoe landings etc.

A search of the Auckland Council Cultural Heritage Inventory (CHI) and GIS Maps did not identify any recorded wāhi tapu sites/sites of significance or value to Mana Whenua specifically within the property boundaries. Given however the proximity of other recorded sites and the known intense occupation and use of the harbor to which this property is adjacent, we would highlight the potential for sites to be uncovered during any works.

### **4.2 Taonga**

Taonga can refer to artifacts or parts thereof, objects, flora, fauna, water bodies, or people.

As for 4.1. While no physical cultural features are immediately apparent upon looking over the land, there is always potential for sub-surface taonga and sites of significance, especially when adjacent waterbodies.

Living taonga include plants, birds, reptiles and fish all of which are found in the area, although it is noted specifically for this site that natural habitats are seriously degraded. As Kaitiaki, Ngāti Manuhiri support all initiatives (e.g. avoidance, mitigation/enhancement planting) that will protect or enhance their continued presence and environment. This includes the ultimate receiving environments of Te Waihē and Te Moana Nui ō Toi.

### **4.3 Spiritual values**

Spiritual values pertain to mauri (life force) and wairua (spiritual nature/forces/essences) of people, flora, fauna, land, bodies of water etc.

The significance of the harbour to Ngāti Manuhiri as a resource and transport route inland has already been stated. Te Waihē is also known to have a taniwha and Kaitiaki, known as Wāwaea. Historic land clearance and land use practices have resulted in large scale siltation of this awa, which impacts on both its mauri and wairua, including that of Wawaea.

The impacts affect the life force or life sustaining properties of the awa and the land, both in terms for the native biodiversity and water quality.

As Kaitiaki, Ngāti Manuhiri would see this mauri restored and enhanced rather than just mitigated.

### **4.4 Wellbeing**

Wellbeing relates to the potential effects to the people of Ngāti Manuhiri by outside influences or events that affect their way of life or traditions.

On face value this project does little to directly enhance the wellbeing of Ngāti Manuhiri, other than this opportunity to express our concerns from a cultural perspective. Therefore, consideration, inclusion and implementation of our recommendations in this subdivision development project is appreciated.

Being Mana Whenua, Ngāti Manuhiri have kaitiakitanga (guardianship) obligations to fulfil. These obligations include the protection of our culture, heritage and taonga on behalf of past, present and future generations.



## 5.0 Recommendations

This CIA report considers the potential impacts of the proposed plan change and subsequent proposed subdivision development with its associated works at the property off Foster Crescent, Snells Beach, from a Ngāti Manuhiri cultural perspective.

The following recommendations for avoidance or mitigation of cultural impacts are provided as points of discussion between applicant Prime Properties Limited and Ngāti Manuhiri.

**5.1** Ngāti Manuhiri are aware of the pressure the housing demand creates within Tāmaki Makaurau, which does not appear to be lessened in the Mahurangi region even given its distance from the CBD. The nearby settlement of Warkworth has been identified as a satellite town which will see population growth increase over the next 30 years from approximately 4-5,000 to 25-30,000. With an emphasis on creating local employment in the satellite towns, the attraction of this plan change, facilitating additional new homes close to jobs is obvious. In the context of Warkworth's predicted growth, this plan change is small in scale, however consideration needs to be given to cumulative impacts. Some of these concerns are outlined further in the points below. We request these concerns or recommendations are taken into consideration, discussed and implemented where possible/feasible.

- It is understood the original intention of the Large Lot Residential Zoning was to provide a visual transition from the dense urban housing of Snells Beach in the east to the largely rural aspect of the land to the west. As such the idea has merit as currently the urban density housing (off Fosters and Cornal Circle) ends very abruptly and sharply. Rezoning this site will simply move that urban density further west. We are aware that at the northern end of the site there is a buried Watercare Wastewater pipeline and further it is our understanding that such infrastructure cannot be built over. The current subdivision plan submitted shows 5 residential Lots over this pipe. It would be our preference if these Lots were removed from the Plan change and subdivision proposals and instead left as an extension to the proposed reserve. There are several advantages to this that would reduce cultural impacts:
  - Given these Lots are adjacent Dawson Creek (Mahurangi), leaving them undeveloped means that any undiscovered sub-surface taonga (which has a higher likelihood of being located near water) will remain undisturbed and protected
  - A larger reserve area provides the opportunity for the developer to 'enhance' the environment of the developed site, rather than just to 'mitigate' the works. Planting this expanded reserve with native fruiting and flowering trees will provide much more habitat for native biodiversity
  - The larger reserve area would be required to have a Weed and Pest control management plan. It is highly likely that native, cryptic wetland birds such as Banded

Rail and Australasian Bittern utilize the mangrove environment to the north of the site. A predator free/or controlled riparian reserve would provide a safe habitat for such birds.

- By leaving these Lots as reserve instead of developing means the northern end of the site would not require earthworks a) reducing the amount of sediment generated and b) providing an extra buffering zone for leeching sediment from the exposed soils during bulk earthworks
- The reduced number of Lots and larger reserve area would go some way toward providing the visual transitioning originally intended
- Fewer Lots will translate to fewer vehicles adding cumulative pressure onto the already congested Hill Street intersection in Warkworth
- Not building adjacent the foreshore future-proofs against sea level rise

### Subdivision

**5.2** All costs associated with any ceremonies, monitoring, reports, site visits and/or meetings attended by Ngāti Manuhiri representatives or the creation of any cultural structures, art or design, are to be met by the applicant.

**5.3** While all archaeological sites, known and unknown, are afforded protection under the Heritage New Zealand Pouhere Taonga Act (2014), because of the potential for sub-surface taonga to be discovered during works, especially adjacent waterways, Ngāti Manuhiri request the following;

- We expect all contractors will be made aware of and adhere to Accidental Discovery Conditions. A Ngāti Manuhiri representative can present and/or review these with contractors at a pre-construction hui
- A Ngāti Manuhiri representative may be required to be present for all ground disturbing works adjacent the waterways. Applicant to keep Ngāti Manuhiri advised of the timing of these works
- If intact subsurface archaeological features or artifacts associated with Māori are exposed during any works, it will be necessary to cease works in the vicinity and representatives of Ngāti Manuhiri and the Heritage New Zealand should be notified immediately of the discovery (as outlined in section 6.0)
- If intact subsurface archaeological features or artifacts associated with Māori are exposed during works, Ngāti Manuhiri may wish to increase cultural monitoring to the remaining earthworks

- If any koiwi (human remains) should be exposed at any time, works should cease in the immediate vicinity and the police, Ngāti Manuhiri and the Heritage New Zealand should be contacted so that appropriate arrangements can be made (as outlined in section 6.0).

**5.4** Maintaining a cut to fill balance within the same site is the preferred practice of Ngāti Manuhiri i.e. keeping the natural resources within the area where it has whakapapa (i.e. where it's from)

- It is understood that some of the swampy ground that will be cut is considered unsuitable for fill and will be taken off site. Ngāti Manuhiri request that the excess soil is deposited in a location as close as possible to the original site.

**5.5** It is proposed that the erosion and sediment controls for the development will be designed in accordance with Auckland Council GD05;

- Ngāti Manuhiri request to be able to review and input into the detailed Erosion and Sediment Control Plan when available
- A Ngāti Manuhiri representative will require to visually inspect the sediment controls in place prior to bulk earthworks commencing.
- A sediment pond is proposed for receiving and treating runoff during earthworks. It is not stated whether or not the pond will be flocculated. The preference of Ngāti Manuhiri is that the contractors investigate the use an organic flocculant (e.g. HaloKlear), being more environmentally friendly, as opposed to the usual Polyaluminium Chloride (PAC)
- These requests stem not from rules or policy that require our waterways to be 'wadeable' or 'swimable' or to have so many ppm suspended solids (for example), but from our aspiration to see our waterways returned to a state that it is 'drinkable' and that freshwater food and other resources are both abundant and able to be harvested and eaten or utilized safely

**5.6** It is understood that all stormwater from the subdivision will be treated through proprietary devices and a wetland before discharging into Dawson's Creek

- Ngāti Manuhiri are assuming that the devices and wetland are adequately sized to appropriately treat all runoff.

**5.7** The manmade pond and ephemeral waterways are proposed to be infilled

- It is likely that tuna (eels) are resident within the stock pond at the very least. We request that fish are transferred out of these waterbodies prior to them being filled in.

**5.8** It is our expectation that all re-vegetation will be of locally sourced, fruiting and flowering natives, appropriate for the riparian/esplanade environment.

- We assume all re-vegetation planting includes exotic weed removal
- We recommend that reptile-friendly plants are included to provide suitable habitat for native reptiles.
- Ngāti Manuhiri would appreciate being able to review and input into the Weed and Pest Management Plan

**5.9** New buildings and associated infrastructure can contribute to good cultural and environmental outcomes through the use of sustainable, energy efficient materials and construction methods. Earthen, recycled or other sustainably sourced materials and careful design of natural lighting sources and heating, e.g. solar, can enhance the overall value of the project and site.

**5.10** Ngāti Manuhiri welcome opportunities to reflect our cultural footprint as Mana Whenua and Kaitiaki via this development including but not limited to:

- Opportunities to name roads or reserves
- The commissioning of cultural art or design within the site

**5.11** Ngāti Manuhiri request a formal written response to the above recommendations from the applicant.

## 6.0 Discovery Protocols

### Protocol for the discovery of koiwi or taonga unearthed during construction operations

The term 'koiwi' here refers to human remains such as skeletal material, while 'taonga' means cultural artifacts such as implements, weapons or decorations traditionally and historically used by tangata whenua and includes parts or the remains thereof. Features such as pits, midden or terraces are afforded the same legal protection as other archaeological materials or taonga. Iwi play an important role as kaitiaki in the care and management of koiwi tangata/human skeletal remains and taonga following discovery. It is essential that iwi are notified at the earliest opportunity should any koiwi or taonga be unearthed during earthworks or other operations.

The following procedures should be adopted in the event that koiwi, archaeological features or taonga are discovered or are suspected to have been unearthed during construction activities:

- If koiwi, archaeological features, or taonga are exposed during development, earthworks should immediately cease in the vicinity. It is important that any remains or artifacts are left undisturbed or *in situ* once discovered.
- The Site Supervisor should take steps immediately to secure the area so that koiwi or taonga remain untouched and site access is restricted.
- The Site Supervisor will ensure that eating, drinking, and smoking in the immediate vicinity is prohibited.
- The Project Manager will notify
  - a) the New Zealand Police (in the case of koiwi/skeletal remains only)
  - b) Heritage New Zealand
  - c) Manuhiri Kaitiaki Charitable Trust
  - d) The Project Archaeologist (if applicable)
- Manuhiri Kaitiaki Charitable Trust will contact the appropriate kaumatua in order to guide and advise the parties involved as to the appropriate course of action. Any associated costs should be met by the developer.
- The Project Manager will ensure staff are available on site to guide police (as appropriate) and kaumatua to the site.
- In the case of koiwi, site access should be restricted to other parties until Police are satisfied the remains are not of forensic relevance.
- If the parties involved are satisfied that the koiwi or taonga are of Māori origin the kaumatua will decide how they are to be dealt with and will communicate this to

the New Zealand Police and other parties are appropriate.

- Activity on the site will remain on hold until the Police (in the case of koiwi), the kaumatua and Heritage New Zealand have given approval for activity to recommence.
- The Project Manager shall ensure that kaumatua have the opportunity to undertake karakia and other cultural ceremonies and activities at the site as may be considered appropriate in accordance with tikanga Māori (Māori customs and protocols).

## **7.0 Confidentiality**

This report has been prepared for the particular brief given i.e. to inform applicant and Council. The data and opinions contained in it may not be used in any other context, shared with any other person or organization or for any other purposes without prior review and agreement with Ngāti Manuhiri.

## **8.0 Disclaimer**

This report does not reflect the opinions, traditions or recorded history of any other iwi who express an interest in the Snells Beach region.

Should information in technical reports provided to Ngāti Manuhiri as reference material subsequently prove to be incorrect or inaccurate Ngāti Manuhiri should be informed immediately as this may result in the potential cultural impacts having to be reviewed.

## **9.0 References**

Marsden, Māori. (1992). *God, Man and Universe*. King M. (ed) Te Ao Hurihuri. Reed Publishers. Auckland.

Murdoch, G. (2011). Ngāti Manuhiri – Mana Whenua, Mana Moana. Unpublished Report.

Ngāti Manuhiri and the Crown (2011). Deed of Settlement of Historical Claims