



KAIPARA

**23 Brigham Creek Road and 44 Spedding Road, Whenuapai
Oyster Capital.**



NGĀ MAUNGA WHAKAHII O KAIPARA

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1.1 Document Purpose

This document takes into account the principles of Te Tiriti o Waitangi / Treaty of Waitangi. It recognises the core values, the historic, traditional, cultural, and spiritual relationship of Mana Whenua to the Brigham Creek/Whenuapai area.

1.2 Executive Summary:

The document aim is to provide input into the Application by Oyster Capital for a Private Plan Change for an area included in the Whenuapai Structure Plan 2016. The area is adjacent to the North Western Motorway/SH16, in the triangle bordered by Brigham Creek Road and Spedding Road. The original Zoning was for High Density Housing. Oyster Capital are applying for a Private Plan Change in Zoning to Light Industrial/Business Hub.



The following information outlines the basis that the decision to support the application (at this point) has been made.

A site visit was undertaken on 17th February. The land is predominantly farmland, with poor pasture cover, some swamp patches (currently dry due to drought), streams and a variety of shelter belts, Willow/Pine/Barberry and Pest Plants such as Privet and Blackberry. Adjacent to the Motorway, the property is bordered on the West by Totara Stream. This is fenced but much of the vegetation is pine or exotic weed varieties with some natives interspersed.

The area contains Power Pylons and Lines which in the future will be undergrounded. A current Watercare Project, which will involve a pipeline through the property from Spedding Road through to a new pump station planned for Brigham Creek Road, is under design.

There is no Wahi Tupuna (ancestral sites) sites recorded on this land but a tidal arm of the Waitemata joins Totara Stream at Brigham Creek, the Northern point of the property. It is logical that the area was a source of seasonal kai and kaimoana. There are many recorded midden and hangi sites around the coastal fringe with the Upper Waitemata part of the portage, home to some and a stop off point for travellers.

The area sits across the motorway, opposite the NorthWest Mall Development. This contains the Shopping Mall and is Zoned for High Density/High Rise Housing, currently under construction. Behind NorthWest, across Fred Taylor Drive, the Future Urban Zone of

Redhills is currently being developed. A number of Live Zoned areas are now under build. Down SH16 another West Future Urban Zone, Huapai, has several thousand homes already built and occupied, as does Whenuapai.

With this housing growth the best answer is to provide more local employment and workspace. The rezoning of this area is a logical choice. The proximity to homes, people and transport networks makes it ideal.

The benefits to people and industry of having locally available workforce are well documented. Better quality of life, proximity to Childcare/Schools, increased reliability, ease of access which benefits the environment. People able to walk/cycle and use public transport which means a reduction in travel time, transport congestion and associated pollution.

In a time when we are all looking to how we can reduce Carbon Emissions and reduce our footprint on the planet, the ability to live and work locally is a huge contributor.

Earlier work by the New Zealand Transport Agency (NZTA)/Auckland Transport indicated that Spedding Road was the likely extension of Northside Drive across SH16 to meet SH18 to the North Shore.

In the future, as an area in close proximity to Motorways/Connector Roads, with associated noise/emissions, it seems logical to relook at the Zoning away from High Density Housing.

The benefits that Light Industrial/Business would bring to the area are extensive and it appears to be a good use of the site.

On behalf of Te Tari Taiao, Ngā Maunga Whakahii o Kaipara, I support this application to rezone.

1.3 Document Control

This is the intellectual property of Ngā Maunga Whakahii o Kaipara representing the interests of the five Marae of Ngāti Whātua o Kaipara.

- Puatahi, Araparea, Kakanui, Haranui, Reweti

This report has been prepared to ensure that Ngāti Whātua o Kaipara values and interests are a consideration.

It is not to be copied or distributed without the approval of both Ngā Maunga Whakahii o Kaipara and Watercare.

1.4 Project

Oyster Capital Application for a Private Plan Change to rezone to Light Industrial/Business Hub, the area of 23 Brigham Creek and 44 Spedding Road, Whenuapai.

Ngā Maunga Whakahii o Kaipara as Mana Whenua endorse the recognition and enhancement of the spiritual values of the area, when done respectfully according to tikanga. This may include:

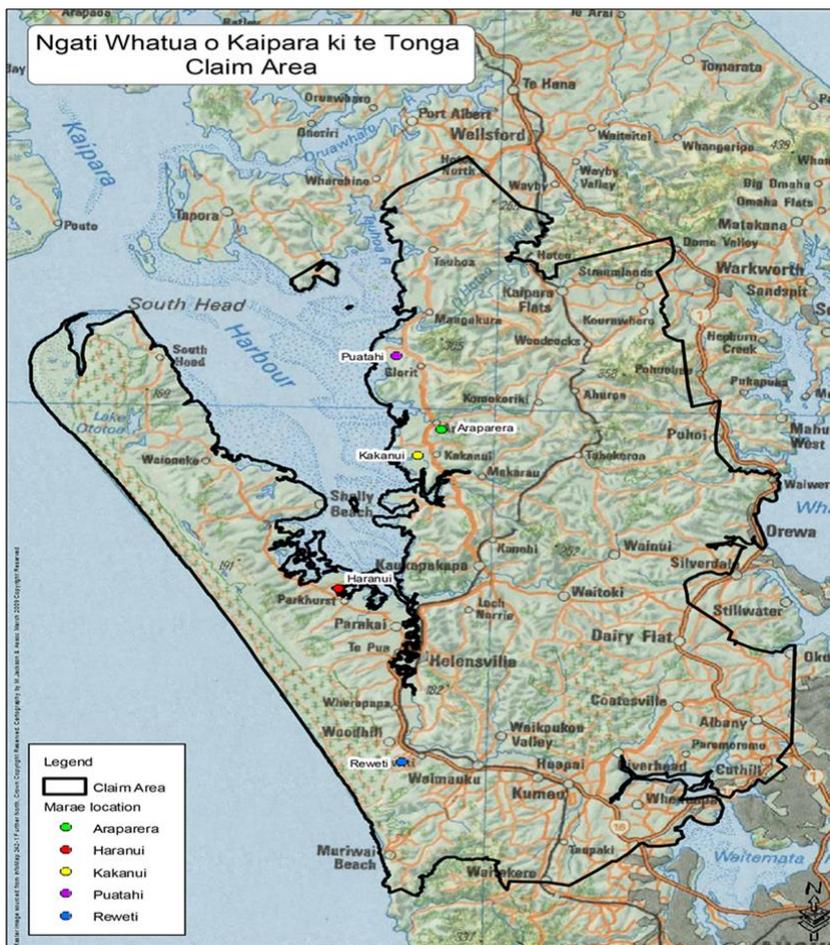
- Karakia or blessing over the area prior to any excavations and earthworks.
- The planting of eco-sourced vegetation.

- Wastewater mechanisms eliminating adverse effect of discharges.
- Sustainable building and construction methods.
- Robust control systems to ensure water quality is not compromised.
- Retaining topsoil in the development.
- Flora appropriate to the location that supports insects, bats, birds and aquatic life.
- Respect for those things of value on site, plants, insects, birds.
- The importance as part of the North West Wildlink Corridor.

The impact on the cultural landscape can be partially mitigated and enhanced through protection/recognition of known sites, adherence to accidental discovery processes, planting native vegetation and incorporating references to Maori heritage where appropriate. IE: Street naming, Artwork etc.

1.5 Areas of Interest

Map 1: Land Map of the Ngāti Whātua o Kaipara Area.



As kaitiaki we aim to protect the unique qualities and mauri of this resource and the surrounding whenua.

Map 2: Coastal Statutory Acknowledgement.



2.0 Ngāti Whātua o Kaipara values.

Tikanga - to protect and uphold the customary cultural rights and ownerships, beliefs and values of the Ngāti Whātua o Kaipara Marae. Through the use and promotion of cultural practice unique to the Kaipara, Te Reo, Powhiri, Rahui, Tangi, Waiata and other protocols.

Whakawhānaungatanga - to strengthen and maintain relationships with each of the Ngāti Whātua o Kaipara Marae and other whānaunga.

Rangātiratanga - to develop relationships with Crown agencies between the Ngāti Whātua o Kaipara Marae and local government and other organisations that give positive and sustainable outcomes to Te Tiriti o Waitangi obligations.

Manaakitanga - to foster opportunities for the welfare and well-being of the whānau of the Ngāti Whātua o Kaipara Marae. Respect our shared knowledge and experiences.

Kaitiakitanga – to foster, strengthen and develop the Ngāti Whātua o Kaipara guardianship of the natural environment. Our fresh water, waterways, sea, islands, air, land, birds, fish, plants and trees. Safeguard the mauri and mana of the area and its resources. Ensure that what we pass on to future generations is the same or better than we came to it.

Aroha - to foster goodwill and trust among our whānau of the five Marae at every opportunity – Whaia te Kotahitanga (seek to unite as one).

The area cannot be seen in isolation. It should be viewed as part of a Kaipara landscape of connected kāinga (villages), pā and its associated waterways used by both resident and itinerant travellers. Our tūpuna, utilised all the resources of the region in different seasons at different places – as is attested to by the prevalence of archaeological sites, many concentrated along the extensive waterways and coastline. This reliance on the land and sea is still utilised and valued today.

2.1 Cultural values- Ngāti Whātua o Kaipara

It is the land and water's integrity, the mauri, (the life force) which Ngāti Whātua o Kaipara has a responsibility to protect and uphold. This includes the land at Whenuapai, a place of coming together between Ngāti Whātua o Kaipara and other Iwi.

The loss of cultural wellbeing by the degradation of the mauri of the land and waterways will have devastating implications for the cultural interests of Ngāti Whātua o Kaipara.

Waahi Tapu sites are special and unique to Ngāti Whātua o Kaipara. These sites are evidence of Ngāti Whātua o Kaipara occupation and association to the landscape. Waahi Tapu represents; burial sites, these often marked by specific trees, sacred or ritual sites, significant waka landing, & battle grounds. Waahi Tupuna includes signs of ancestral occupation, pa, kainga, gardens, kumara pits & midden. Across the Rohe there are a number of sites which have not been disclosed to the general public due to the personal connection to these areas.

The Harbours are a taonga (precious treasure), the Kaipara is part of Ngāti Whātua o Kaipara cultural identity and along with the Waitemata, sustaining the people with its abundance of kaimoana (sea food) and nourishes Ngāti Whātua o Kaipara spiritual wellbeing.

Along with the known and unknown heritage sites, the effects on waterways both ephemeral or permanent, the Coastal fringe, land, birdlife, fish, trees and access to resources are a consideration when reviewing any application.

3.0 Ngāti Whātua o Kaipara historical context

Ngāti Whātua o Kaipara progressively extended their control over the area from 1680s onwards and they exerted control over this area of land up until European settlement.

Ngāti Whātua signed the Treaty at Waitangi and also at Manukau on 20 March 1840, thus beginning a long tradition of Ngāti Whātua commitment to and support for the Crown. Apihai Te Kawau the paramount chief of Ngāti Whātua sent an envoy north to Kororareka to offer land to Hobson to build his new capital in Tamaki Makaurau (Auckland).

The Kaipara region (Aotea) was selected by the Crown as the first place for the Native Land Court to operate, from 1864, the Native Land Court granted land to individuals, rather than to Iwi and hapu, this made those lands more susceptible to partition, fragmentation, and alienation. Significant costs were also carried by Ngāti Whātua. By 1880, Ngāti Whātua were no longer selling land as a strategic move to promote development but using it as a means of repaying debts and as a source of much-needed income.

From 1844 to 1845, the Crown allowed direct dealings in land between settlers and Māori. A substantial amount of land bordering the Kaipara and upper Waitemata Harbour, was alienated at this time. Regulations put in place by the Crown were not correctly applied and later investigations did not always protect Māori interests. The Crown retained a “surplus” of around 24,000 acres.

By the 1940s, Ngāti Whātua had lost most of their ancestral land. This, and the cumulative effect of the Crown’s breaches of the Treaty, has continually undermined the tino rangatiratanga of Ngāti Whātua. Ngāti Whātua have always exercised their responsibilities as mana whenua in this area to retain and maintain the cultural heritage and values of Ngāti Whātua o Kaipara that is embodied in the ethics of Kaitiakitanga, even though Ngāti Whātua no longer owned much of the land in their rohe.

Following colonisation, the Kaipara Harbour was used extensively for shipping with the land progressively cleared of kauri forest and gum extracted. Later the land was used for either pastoral farming or horticulture.

This report documents Ngāti Whātua values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these. Consideration of the proposal is made in regard to its impact upon taonga, spiritual values and wellbeing.

3.1 Ngāti Whātua o Kaipara contemporary context

Ngā Maunga Whakahii o Kaipara Development Trust is the legal entity that manages the settlement assets, coordinates and facilitates the interests of Ngāti Whātua o Kaipara, including Kaitiakitanga (Guardianship). A key priority is to retain and maintain our cultural and traditional practices of Ngāti Whātua that are embodied in Kaitiakitanga roles and responsibilities.

Ngāti Whātua o Kaipara refers to the uri (descendants) from ancestors of each of the five marae of South Kaipara; namely Reweti (Whiti te Ra) to the South and Haranui (Nga Tai i Turia ki te Maro Whara) to the North West, Kakanui (Te Kia Ora) and Araparera (Te Aroha Pa) to the East and Puatahi (Te Manawanui) to the North.

These descendants are also linked across the wider Ngāti Whātua and as such their interests are interrelated and serve to uphold and strengthen the mana (customary authority) of Ngāti Whātua within the Auckland region.

June 2013 the Ngāti Whātua o Kaipara Claims Settlement Act 2013 was recognised and an acknowledgement given of the Treaty breaches that had occurred.

As part of the settlement Woodhill and parts of the Riverhead Forest were returned as commercial redress along with other significant land areas such as Atuanui Scenic Reserve, Moturemu Island, Makarau Bridge Reserve, the land under a number of School across the Rohe, thus making Ngāti Whātua o Kaipara the largest Maori private landowner within Auckland.

Ngāti Whātua o Kaipara continues to welcome settlers to live amongst them, and uphold the approach, “that we work together to develop, according to our tikanga (customs), the land so that we may all benefit and provide a future for our generations to come.”

Ngāti Whātua o Kaipara has a cultural connection with the land and seeks to uphold its kaitiakitanga (guardianship) and tangata whenua values, with regard to the construction of the sewer line and associated plant. Through this, to protect the waterways, manage future storm water network and ultimately the health of the Waitemata and Kaipara Harbours.

The marae is the nucleus of a Maori community and where there are activities of change, construction and development within our rohe, it is imperative that the Marae closest to this activity is advised and encouraged to participate in these activities of advising the appropriate tikanga to be observed. In this case strong links are recognised to Reweti Marae.

3.2 Kaitiakitanga

Ngā Maunga Whakahii o Kaipara Development Trust responsibilities include, but are not limited to, the following:

- Protection and maintenance of wahi tapu (sacred) and other heritage sites.
- Protection of taonga (treasures); this includes native species.
- Placing of rahui (temporary traditional practice of prohibition) to allow replenishment of natural resources.
- Restoration of damaged ecosystems.
- Protection of sensitive environments.
- Planting area with site appropriate native flora.
- Directing development in ways which are in keeping with the environment.
- Ensuring the sustainable use of resources.

- Upholding the tikanga (customs and cultural practices) associated with traditional activities, such as karakia (prayer);
- Providing for the needs of present and future generations.

Effects:

- The effects of the Plan Change would be positive. These are linked to closer access to employment in relationship to Housing Expansion. Providing for the needs of present and future generations.
- The landscape is also suitable, it requires minimum modification for development being primarily flat. The reduction in High Density Housing in an area which would likely be affected by Road/Airport noise is also a consideration, the site is in the flight path. Directing development in ways which are in keeping with the environment.
- **Other effects will be linked to further consents for development once the Private Plan Change is approved.** Site development, access, bulk earthworks, terrain, trenching, possible sedimentation, effects of stream crossing and some vegetation disturbance or removal. These will be addressed at that time.
- It is noted that it is very close to a sensitive waterway which ultimately leads to the harbour. The risk should there be any breach of onsite systems, eg: impact of flooding, sedimentation control, storage of hazardous material etc, must be recognised.
- Further work will occur as the site develops regarding storm water systems which is not part of this application but could have effects on this stream. This will apply to either Zone Designation.
- Much of the vegetation is exotic & weed species, privet, tobacco weed etc. The removal of such species will be of overall benefit. This vegetation will be home to birds and other invertebrates so care will be needed regarding timing of this work.
- There is the opportunity to enhance the environment given its current degraded space. Restoration of damaged ecosystems and Protection of sensitive environments.
- Confirmation of Bat use of Pines, including dead trees. The ecological Plan must take this and safety into consideration. Note: These Bats have been recorded at Redhills a short distance away.

3.3 Taonga

Taonga can refer to artefacts or parts thereof, objects, flora, fauna, water bodies or people. Spiritual values relate to mauri (life force) and wairua (spiritual nature/forces/essences) or people, flora, fauna land, bodies of water etc.

The long-term objective for the Ngāti Whātua o Kaipara is to protect and restore the mauri of land, waterways and harbours.

3.4 Ngāti Whātua o Kaipara Accidental Discovery Protocol

There are sites of significance and sites of value across South Kaipara, including Whenuapai which are at risk of being lost or invisible, therefore Ngā Maunga Whakahii o Kaipara Development Trust, provide the following Accidental Discovery Protocol to be followed and maintained:

- If koiwi (bones), taonga (treasures) or archaeological features are exposed during development, works must cease immediately.
- Should any skeletal remains or artefacts be found, it is important that Ngā Maunga Whakahii o Kaipara Development Trust be contacted immediately to perform a release blessing prior to releasing to authorities.
- The area should be secured so that koiwi or taonga remain untouched and site access is restricted.
- The Project Manager will also notify NZ Police*, Heritage NZ & Project archaeologist.
- Note*: NZ Police in the case of koiwi or skeletal remains being found.
- Heritage NZ should be notified for all discoveries.
- Ngā Maunga Whakahii o Kaipara Development Trust will advise all parties present of the appropriate tikanga (cultural practices) accordingly.
- The “Discoverer” should guide the authorities; the police and kaumatua to the site affected.
- The “Discoverer” will ensure that kaumatua have the opportunity to undertake karakia (prayer) and other cultural ceremonies and activities at the site as may be considered appropriate in accordance with tikanga (cultural practices) prior to the release to other authorities.

Note: The term “Discoverer” is used to describe anyone who locates or has responsibility for the site work being undertaken at the time of any discovery.

4.0 Recommendations

1. Ngā Maunga Whakahii o Kaipara Development Trust, as the legal entity that governs the operations and management of Ngāti Whātua o Kaipara acknowledges the intention of Auckland Council and Oyster Capital to meet their statutory obligation and to ensure the cultural heritage and values of Ngati Whatua o Kaipara are a key consideration in reviewing this application.
2. Ngā Maunga Whakahii o Kaipara Development Trust acknowledges the application in relation to the mauri of the land, wetland and sea.
3. The Private Plan Change is supported as it will bring positive benefit to the wider Community.

4. When the Private Plan Change is Accepted and moves to the next stage. Ngā Maunga Whakahii o Kaipara Development Trust request the opportunity to undertake Karakia or Blessing (turning the soil) to acknowledge Ngāti Whātua o Kaipara association to the land, to whakanoa - clear the land for the way forward.
5. Ngā Maunga Whakahii o Kaipara require all persons (Developers, Watercare, Contractors etc), directly involved in the construction to be present at the site induction.
6. Acknowledging the commitment to Zero Harm worksites, Ngā Maunga Whakahii o Kaipara Development Trust is willing to provide cultural ritual to address any incident or accident, in the event this should occur.
7. Ngā Maunga Whakahii o Kaipara Development Trust requires that Ngāti Whātua o Kaipara Cultural monitors are present at the commencement of work across streams.
8. That ongoing reporting and quality management be maintained as part of the compliance controls provided through the Consent process. This includes all sediment control requirements.
9. Ngā Maunga Whakahii o Kaipara requests opportunity to contribute to landscaping design and planting. Given the concern regarding pathogens such as Myrtle/Totara Rust, Ti Kouka (Cabbage Tree) Wilt and Kauri Dieback, that a range of native species be planted to contribute to the natural corridors.
10. Consistent with Ngā Maunga Whakahii o Kaipara Development Trust view, earthworks be retained and reused on site.
11. That should any works expose any cultural artefacts, middens, koiwi (skeletons) that Heritage New Zealand (Pouhere Taonga) Accidental Discovery Protocols are implemented.

5.0 Conclusion

This report is submitted on behalf of Ngā Maunga Whakahii o Kaipara Development Trust. The Trust is the legal entity that governs the operations and managerial systems of Ngāti Whātua o Kaipara, who have responsibilities to uphold the cultural heritage and values of Ngāti Whātua o Kaipara that is embodied in the ethics of Kaitiakitanga.

We are committed to both the retention of our history and the advancement of our people. As kaitiaki Ngā Māunga Whakahii o Kaipara need to ensure the resources are managed and will be there for future generations.

Shona Oliver

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