



Proposed Plan Change 078 (PPC78)

PPC78 to the Auckland Unitary Plan (Operative in part)

Section 32 and section 77J new or additional qualifying matter
EVALUATION REPORT

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Executive Summary

1. The purpose of this report is to evaluate the identification of Pararēkau Island as a *Māori Relationship with Taonga* qualifying matter under sections 32 and 77J of the RMA. It is one of two such sites identified in the Intensification Planning Instrument, the second being adjacent to Pukekiwiriki Pā in Red Hills which is addressed in a separate report.
2. The involvement of Mana Whenua groups in the discussions around the urbanisation of the island over the years has demonstrated that iwi and hapū have a historic and enduring relationship with the island as wāhi tapu, wāhi nohoanga and wāhi taonga, and also as a cultural tohu (marker) within a wider cultural landscape. The site has been nominated by Mana Whenua for evaluation as a scheduled Site and Place of Significance to Mana Whenua. Iwi and hapū have consistently opposed urbanisation of this site.
3. Advice has been received from Mana Whenua representatives that the scale of intensification enabled through the application of the Medium Density Residential Standards will have significant adverse effects on the relationship Mana Whenua have with this taonga. The new provisions enable a scale of built form and land fragmentation well beyond what is currently provided for as a Residential – Single House Zone site.
4. An assessment of the existing objectives and policies in the Auckland Unitary Plan identifies a policy framework for implementing this council identified qualifying matter, and evaluation against the new policies introduced through the Medium Density Residential Standards finds the application of a qualifying matter to be consistent with these provisions.
5. An options evaluation finds that the relatively limited constraint the qualifying matter puts on housing capacity is justified when considering the minimal to low effect it will have on the *level of development*. The cultural costs of doing nothing, and cultural benefits to be achieved through not intensifying the island are significant. The risk of not acting is found to be high.
6. The proposed qualifying matter response addresses only those plan provisions necessary to accommodate the qualifying matter, and does not constrain development beyond the level currently provided for in the operative Auckland Unitary Plan. The planning response is implemented via amendments to the existing precinct over the islands and the application of the Residential-Low Density Residential Zone. It will not interfere with granted resource consents already applying to the island.

1. Introduction

7. This report is prepared as part of the evaluation required by Section 32 and Section 77J of the Resource Management Act 1991 ('the Act' or 'RMA') for proposed Plan Change 78 (PPC78) to the Auckland Unitary Plan (Operative in Part) (AUP).
8. The background to, and objectives of, PPC78 are discussed in the overview report, as is the purpose and required content of section 32 and 77J evaluations. Section 77J relates to evaluation steps for relevant residential zones.
9. This report discusses the implications of applying the Residential – Low Density Residential Zone (LDRZ) and modified I429 Pararēkau and Kōpuahingahinga Precinct as a Māori Relationship with Taonga qualifying matter to the Medium Density Residential Standards (MDRS) of Schedule 3A of the RMA. The *Māori Relationship with Taonga* qualifying matter is applied in two locations subject to the MDRS, the other location being adjacent to Pukekiwiriki/Pukeōiwiriki Pā in Red Hills. This second location is discussed in a separate report.
10. The application of the LDRZ and precinct seeking to retain a Residential - Single House Zone (SHZ) level of development intensity on Pararēkau Island is a new qualifying matter, being a qualifying matter referred to in section 77I (a) to (i) that is not operative in the relevant district plan when the IPI is notified. In this case, the recommended qualifying matter is responding to a section 77I(a) matter: *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*.
11. The council may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate one or more of the qualifying matters listed in 77I.

2. Integrated evaluation for qualifying matters

12. For the purposes of PPC78, evaluation of the LDRZ and modified precinct as a new or additional qualifying matter has been undertaken in an integrated way that combines the section 32 and 77J requirements. The report follows the evaluation approach described in Table 1.
13. Preparation of this report has involved the following:
 - Review of the AUP to identify all relevant provisions that apply this qualifying matter;
 - Identification of the site and the risks posed by MDRS intensification through engagement with Mana Whenua representatives;
 - A review of the research of council's Māori Heritage Team into this site as a nominated Site and Place of Significance to Mana Whenua;
 - A review of the plan change and resource consenting history of this site which has included two cultural impact assessments;
 - A site visit in April 2022 to Pararēkau Island with the landowner, a resource consents planner, and a Māori Heritage Team representative;
 - Analysis of verbal advice provided by Mana Whenua groups during hui undertaken between October 2021 and June 2022;
 - The analysis of written advice provided by Mana Whenua to council with respect to this site in June 2022;
 - Development of draft amendments to the operative district plan provisions of the AUP to implement this matter as a Qualifying Matter in accordance with s77J;
 - Review of the AUP to identify all relevant provisions that require a consequential amendment to integrate the application of this qualifying matter;
 - Review of the AUP Maps to assess the spatial application of this qualifying matter.
14. The scale and significance of the issue is assessed to be **large (significant)** with multiple iwi and hapū recognised by council as holding mana whenua within Tāmaki Makaurau expressing an interest in maintaining the cultural integrity of this site.
15. This section 32/77J evaluation report will continue to be refined in response to any consultation feedback provided to the council and in response to any new information received.

Table 1: Integrated Approach

Standard section 32 steps	Section 77J steps for a new qualifying matter
<p>Issue</p> <p>A level of development enabled by the Medium Density Residential Standards which will result in significant and permanent adverse effects on the relationship of Mana Whenua and their culture and traditions with this wāhi tapu and taonga.</p>	<p>Section 77J(3)(a) (i) and (ii)</p> <p>This <i>Māori Relationship with Taonga</i> qualifying matter proposes amendments to an existing precinct over the Pararēkau and Kōpuahingahinga Islands. It assumes the underlying zone is LDRZ.</p> <p>Refer to Figure 1 and Figure 4 for the site location and extent of Pararēkau and Kōpuahingahinga Islands Sub precinct A.</p>

<p>Identify and discuss objectives / outcomes</p> <p>These are identified and discussed in Table 2 of this assessment where existing policy support for this qualifying matter is identified.</p>	<p>Section 9.2 of this report assesses the options identified against the objectives and policies of the MDRS and concludes the preferred option is consistent with these policy directions.</p>
<p>Identify and screen response options</p>	<p>Section 77J(4)(b)</p> <p>Section 9 of this report develops and considers options and recommends amending only those MDRS standards necessary to accommodate the qualifying matter (Option 3).</p>
<p>Collect information on the selected option(s)</p>	<p>Section 77J(3)(b)</p> <p>Section 11 assesses the impact of applying the qualifying matter on the level of land development, where it is concluded that the preferred option will have minimal to low effects.</p>
<p>Evaluate options – costs for housing capacity</p>	<p>Section 77J(3)(c)</p> <p>Sections 9.2, 11, and Table 4 evaluate costs for housing capacity arising from the preferred option where these are found to be low.</p>
<p>Evaluate option(s) - environmental, social, economic, cultural benefits and costs</p>	<p>Section 77J(2)</p> <p>Section 9.2 and Table 4 evaluate environmental, social, economic, cultural benefits and costs where these are found to be low for all but cultural benefits and costs, which are found to be significant.</p>
<p>Selected method / approach</p>	<p>Section 77J(4)(b)</p> <p>Section 9.2 discusses the preferred approach to implementing the qualifying matter which is limited to only those modifications necessary to accommodate it (Option 3). Section 7 discusses how the qualifying matter is applied.</p>
<p>Overall judgement as to the better option (taking into account risks of acting or not acting)</p>	<p>Sections 9.2 and 10 discuss the preferred option, taking into account the risks of acting or not acting.</p>

3. Issues

16. A new qualifying matter, a *Māori Relationship with Taonga* qualifying matter, is proposed to recognise the cultural significance of Pararēkau Island to Māori. The island is part of the Hingaia Islands in the Pahurehure Inlet. The island is culturally significant to several Mana Whenua entities within Tāmaki Makaurau and advice has been received from Mana Whenua that it is not culturally appropriate to apply the MDRS to this residential site. Mana Whenua have identified that such intensive development would have significant adverse effects on their cultural relationship with this wāhi tapu site and cultural landmark. This is considered a qualifying matter under section 77I(a) of the RMA.

Residential zones:

- 77I(a) –the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga is a matter of national importance that decision makers are required to recognise and provide for under section 6 of the RMA.
- 77J – As the protection of this aspect of Māori cultural heritage is not operative in the AUP, a site-by-site assessment of the impact of the proposed qualifying matter is required.

4. Background

17. Pararēkau and Kōpuahingahinga Islands are collectively known as the Hingaia Islands or Pahurehure Islands. As illustrated in Figure 1, they are to the north of the Hingaia Peninsula and accessed from the mainland via a causeway through Kōpuahingahinga Island.

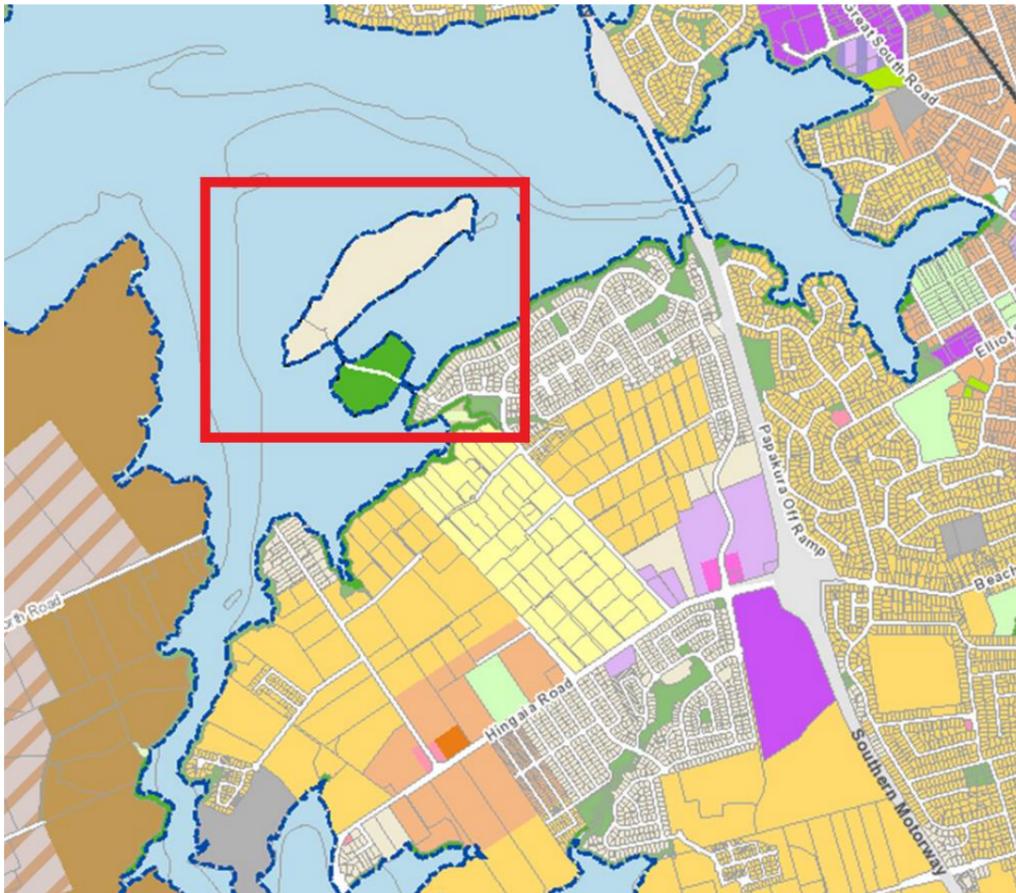


Figure 1: Hingaia Islands

18. Pararēkau Island has an area of approximately 18ha and has an operative zoning of SHZ in the AUP. A precinct currently applies to both Pararēkau and Kōpuahingahinga Islands and regulates a limited range of matters relating to subdivision carried over from a previous private plan change (Private Plan Change 8). These include covenanting open space on Kōpuahingahinga Island, vesting a majority of Kōpuahingahinga in public ownership, access, issues relating to landscaping, vegetation management and herpetofauna relocation.
19. Pararēkau Island and the adjoining coastal marine area are subject to several existing overlays and controls. These are listed as follows:
 - Significant Ecological Area – Marine 2;
 - Notable Tree 2287 – Pohutukawa;
 - Several Historic Heritage places and extents identifying midden and pits from early Māori use of the island;
 - Coastal Inundation 1% plus 1m control – 1m sea level rise.

The island is also identified as being subject to coastal instability and erosion, which is a matter being addressed as a separate qualifying matter.
20. The development of the Hingaia Peninsula extends back to July 2000 when the Papakura District Council commenced a structure plan/charrette process for Hingaia to identify constraints and opportunities for the land as well as the objectives of the community and development sector. At that time, the Hingaia Islands were zoned as rural and outside the Hingaia Structure Plan area.
21. In 2009, Private Plan Change 8 (PC8) was introduced to the (as it was then) Auckland Council District Plan – Operative Papakura Section 1999. PC8 sought to enable countryside living development on Pararēkau Island from what was then a site used for pastoral farming. PC8 proposed the use of a structure plan for the island in addition to the application of the Countryside Living Zone. It proposed bespoke objectives and environmental outcomes. This was opposed by Mana Whenua groups on cultural grounds.
22. The decision by independent hearing commissioners to grant PC8 was appealed to the Environment Court by Te Ara Rungatu o Te Iwi o Ngāti Te Ata Waiohū and Te Akitai Waiohū Waka Taua Trust (a s274 party). A substantial cultural impact assessment was jointly provided by Ngāti Te Ata, Ngāti Tamaoho Trust and Te Akitai in June 2011 as part of that process¹. The appeal was settled by consent order on 31 October 2012. The consent order rezoned the island from rural to Countryside Living Zone and introduced a structure plan and other plans and guidelines to enable the limited urbanisation of the island in conjunction with the wider Hingaia area. The PC8 density standards allowed the development of 11 lots with identified building platforms subject to various access, easement, landscaping and other matters as outlined in Figure 2.

¹ Cultural Impact Assessment – prepared for Auckland Council and Karaka Harbourside Estate Ltd, June 2011.

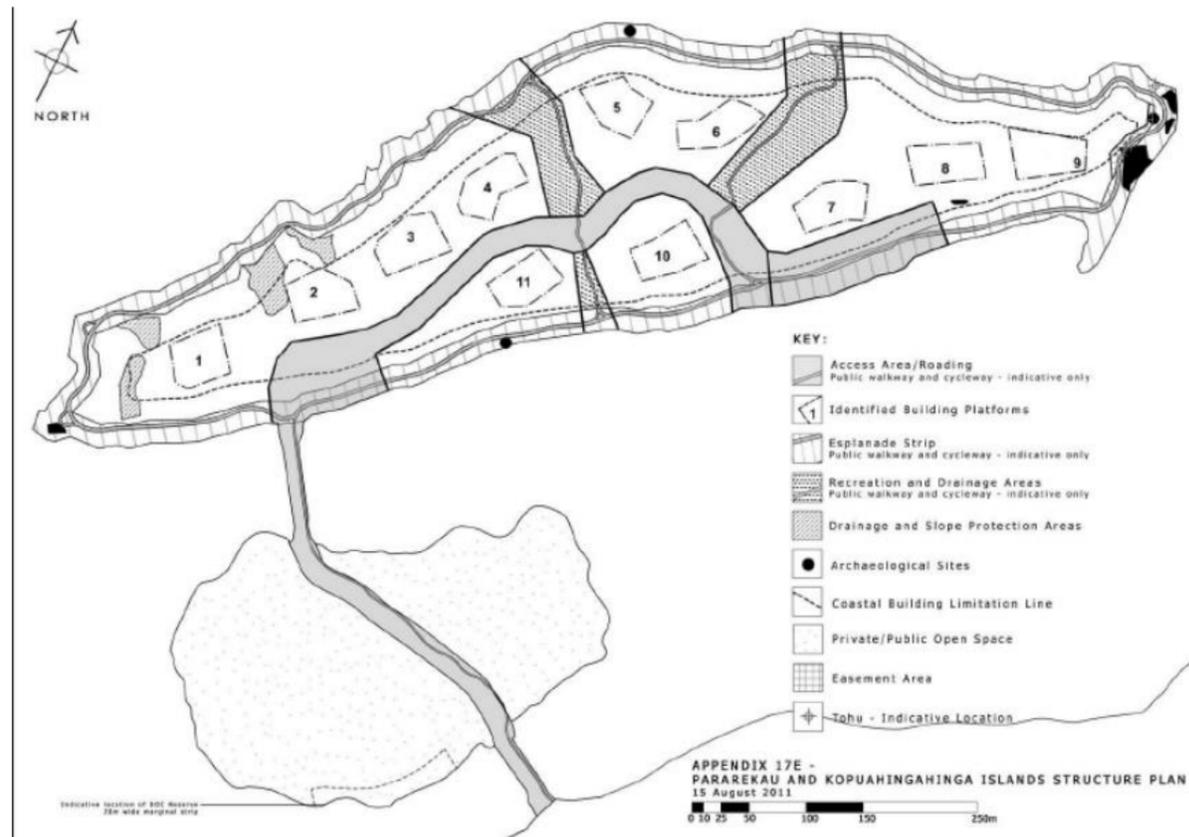


Figure 2: Pararēkau and Kōpuahingahinga Islands Structure Plan²

23. The next time the resource management of this island was considered by Auckland Council was during the hearings on the Proposed Auckland Unitary Plan (PAUP) in February 2016. At those hearings, the council position was not to include the island within the extent of the Rural-Urban Boundary (RUB) nor urbanise it further than was enabled through PC8. This was in recognition of the landscape characteristics of the coastal environment, existing open space, visual amenity values and cultural and archaeological values of the island assessed during the PC8 process.
24. Submitters to the PAUP sought inclusion of the islands within the RUB and an urban residential zone to be applied to Pararēkau Island. The Independent Hearings Panel (IHP) agreed with the case of Karaka Harbourside Estate Limited that the islands were a logical form of extension of the Hingaia Peninsula urban area. They also agreed that the landscape amenity values that arise from the "character, ecology, heritage and cultural values are not of such significant value as to prevent urban development"³ and could instead be "managed through other controls in the Plan, including zoning and precinct provisions".
25. The RUB was extended to include the islands and a SHZ was applied to the site along with a precinct, which carried over some of the relevant provisions of PC8.
26. On 23 December 2019, a bundled land use, coastal, discharge and subdivision consent (BUN60346237) was granted to undertake vacant lot subdivision and enabling works to create 103 residential lots. The approved lots vary in size from 504m² to 1,332m² with an average size of 720m² as is consistent with a SHZ pattern of development. An approved scheme plan is included as Figure 3.
27. Some minor amendments have since been approved to the consent, including staging amendments. Site works are nearing completion on the island with earthworks, access and drainage activities largely finished (refer to the images in Appendix 1). The lots are yet to be created and titles issued.

² Appendix 17E of Papakura Section of the Auckland Council District Plan

³ IHP Report to AC Changes to RUB, rezoning and precincts Annexure 3 Precincts South, p.77

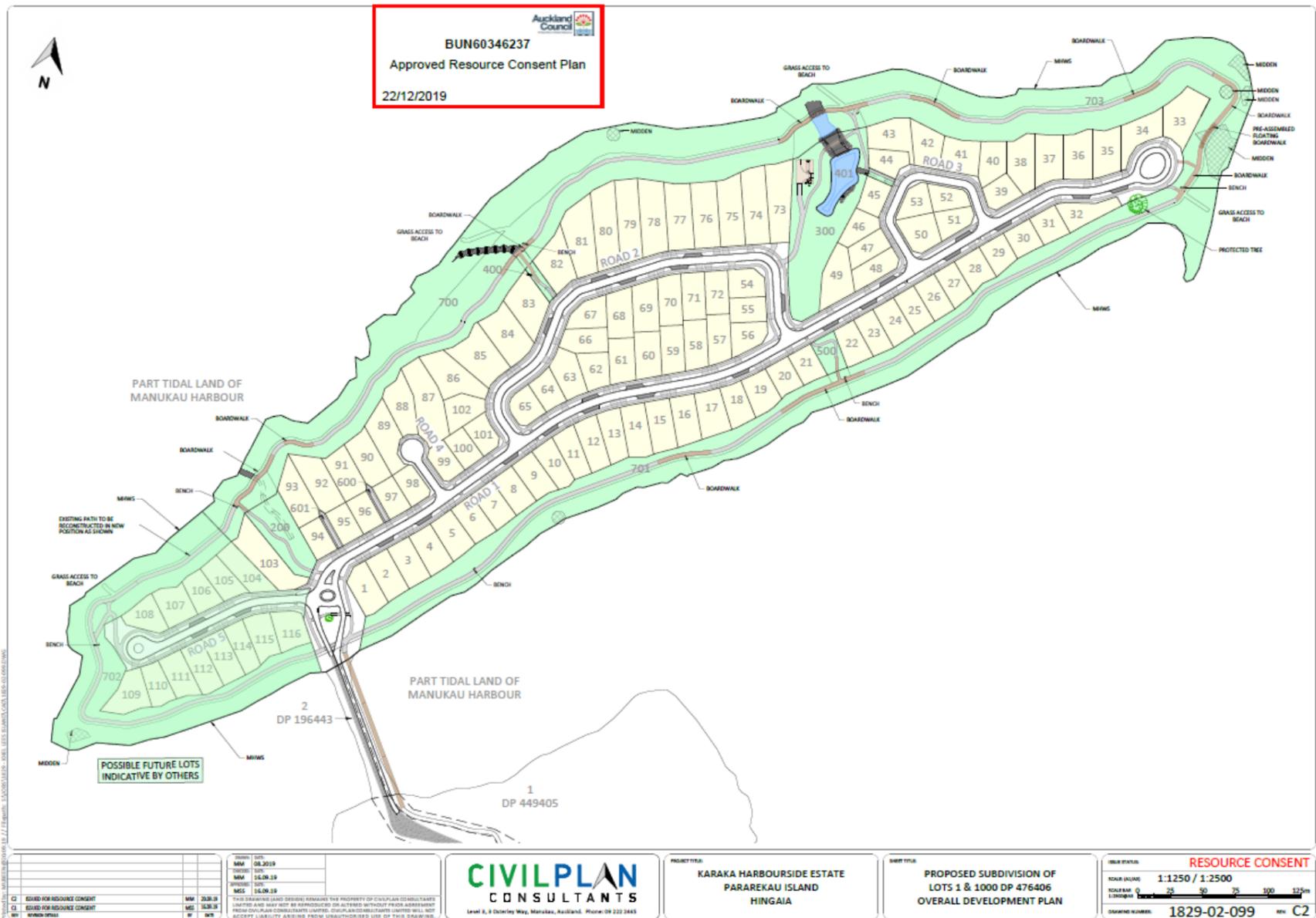


Figure 3: Approved Scheme Plan for Pararēkau Island

5. Cultural Significance of the Islands

28. As mentioned, an extensive Cultural Impact Assessment (CIA) was originally prepared in June 2011 for appeals to the Environment Court on PC8 and is included as Appendix 2. An addendum to that CIA, prepared in November 2017 in response to a proposal to create a 170 lot subdivision, is also included. Approval has been granted by Ngāti Te Ata, Ngāti Tamaoho and Te Akitai Waiohua, the original authors of this document, to use these CIAs as evidence of the ongoing cultural significance of this site. These Mana Whenua groups have also confirmed the cultural concerns within the assessments remain valid in light of the risk posed by the application of the MDRS.
29. The Hingaia Islands, including Pararēkau Island, are identified as wāhi tapu, wāhi nohoanga and wāhi taonga¹ (p.6, 22). They have been identified by Mana Whenua representatives as forming an intrinsic part of a wider cultural landscape which includes Te Manukanuka o Hoturoa (the Manukau Harbour), Kauri Point, Te Karaka Pā and Pukekiwiriki Pā⁴. This is both as stated in the cultural impact assessment, and confirmed via discussions with Mana Whenua representatives⁵. The importance of the Hingaia Peninsula as a tohu (marker) as part of a wider cultural landscape is also mentioned in other publicly available information sources⁶.
30. The Manukau Harbour including the coastal marine area surrounding the Hingaia Islands is a Statutory Acknowledgement Area under the Ngāti Tamaoho Claims Settlement Act 2018⁷. Under section 36 of that Act, the trustees and any member of Ngāti Tamaoho may cite the statutory acknowledgement, and decision makers may take this into account when considering activities within, adjacent to, or directly affecting the statutory area.
31. The coastal marine area surrounding the Hingaia Islands is also a Statutory Acknowledgement Area under the Ngāi Tai ki Tāmaki Claims Settlement Act 2018⁸. It is a proposed Statutory Acknowledgement Area under the Te Ākitai Waiohua's Deed of Settlement, signed with the Crown in November 2021⁹. Several iwi and hapū groups, including Ngāti Tamaoho, Ngāi Tai ki Tāmaki and Ngāti Te Ata have applied for customary interests under Te Takutai Moana Act 2011 over the common marine area around the islands¹⁰.
32. The islands have been nominated by Mana Whenua for assessment as a Site and Place of Significance to Mana Whenua under the evaluation criteria in Chapter B6.5.2(2) of the AUP. Evidence of the cultural significance of this site has been provided independently to

⁴ This site is separately proposed to be a *Māori Relationship with Taonga* Qualifying Matter.

⁵ Discussion with Ngāti Tamaoho representative Edith Tuhimata, 13 July 2022, Pukekiwiriki Pā.

⁶ Pukekiwiriki Pā Reserve Management Plan 2010 – Te Mahere Whakahaere o Pukekiwiriki, p. 27. Ngāti Tamaoho Deed of Settlement p 10.

⁷ Schedule 1 – Map OTS-129-03

⁸ Schedule 2 – Map OTS-403-128

⁹ Map OMCR -131- 037

¹⁰ <https://tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/applications/tamaki/>

council by Mana Whenua, and archaeological assessments support a history of occupation and use is recognised through existing historic heritage scheduling and existing resource consent conditions.

6. Adverse Cultural Effects and Cultural Outcome Sought

33. As was the case for PC8, the urbanisation of Pararēkau Island is an ongoing concern for Mana Whenua who have an association to the island. Concerns are outlined on page 25 of the CIA and can be summarised as follows:
- a. A loss of cultural and natural identity and value, resulting in disconnection to the area and the traditional relationship with tangata whenua;
 - b. Fragmentation of indigenous vegetation and open space through subdivision and development. The cumulative effect of housing in terms of cultural landscape effects, vegetation removal and land disturbance;
 - c. Erosion of the character of the landscape between the Hunua foothills and Hingaia plains;
 - d. Urban development within riparian margins leading to effects on native habitat, exacerbating coastal erosion, and discharges into the coastal marine area;
 - e. Loss of access to the foreshore to visit customary fishing areas;
 - f. Impacts on unrecorded historic heritage;
 - g. The impact of existing causeways on the ecology of the harbour;
 - h. That Mana Whenua groups have rangatiratanga – the opportunity to participate in and contribute to decision making over their ancestral taonga.
34. Resource consents which have been granted in the intervening years have considered many of these matters and provide for the following:
- a. An esplanade strip around the island to provide ongoing access to customary fishing grounds;
 - b. The protection of known archaeological features through the locating of the esplanade strip and features such as a boardwalk.
 - c. The protection of a significant pohutukawa as a notable tree;
 - d. The avoidance of construction on the perimeter of the island to address coastal hazards and sea-level rise;
 - e. The provision of service connections to available reticulated public networks for wastewater and potable water, and the use of stormwater management devices;
 - f. Visual mitigation through planting plans;
 - g. Application of the Accidental Discovery Rule for unknown cultural heritage that may be discovered during development.
35. As part of the engagement process undertaken by Karaka Harbourside Estate Ltd when developing their bundled subdivision consent (BUN60346237), an addendum to the cultural impact assessment of June 2011 was provided by Mana Whenua. The most recent November 2017 version was based on a 170 lot subdivision (Appendix 2).
36. The November 2017 CIA continued to maintain the view that subdivision will interfere with traditional relationships with the site and therefore must avoid adversely affecting the taonga of Mana Whenua. The assessment states a list of conditions for inclusion in the consents if council determines that they should be granted.
37. The first stage of the subdivision of Pararēkau Island is nearing completion and the current development is intended to be consistent with a SHZ intensity of development. I understand from discussions with both the developer and Mana Whenua representatives, that a significant amount of work has been undertaken to reach a level of development that all parties are broadly comfortable with.
38. Advice that has been provided to council by Mana Whenua representatives is that the level of development intensification enabled by the MDRS across Pararēkau Island, is totally inappropriate from a cultural perspective.
39. The bulk and scale of the buildings which could be enabled on such a site as a permitted activity under the MDRS, in conjunction with the permissive subdivision provisions, could if fully implemented result in a level of development which might obscure a larger part of the island as a cultural landmark.
40. More houses, of greater height, and greater building coverage are key concerns to Mana Whenua representatives as this could result in further land disturbance, greater stormwater run-off, and increase pressure on the mataitai areas (traditional fishing and harvesting areas) through having a greater number of residents. The advice from Mana Whenua is that retaining the SHZ standards is required.
41. Also of concern are the non-notification requirements of clause 5 of Schedule 3A in respect to subdivision (cl 5(3)). This is with respect to non-notified controlled activity subdivision around granted land use consents¹¹, and around existing buildings and development¹². This is seen to prevent Mana Whenua from exercising rangatiratanga with respect to this site. Being a wāhi tapu site, where subdivision boundaries are drawn is an important consideration for mitigating or avoiding cultural effects through the use of mātauranga¹³.

7. Application of the Qualifying Matter

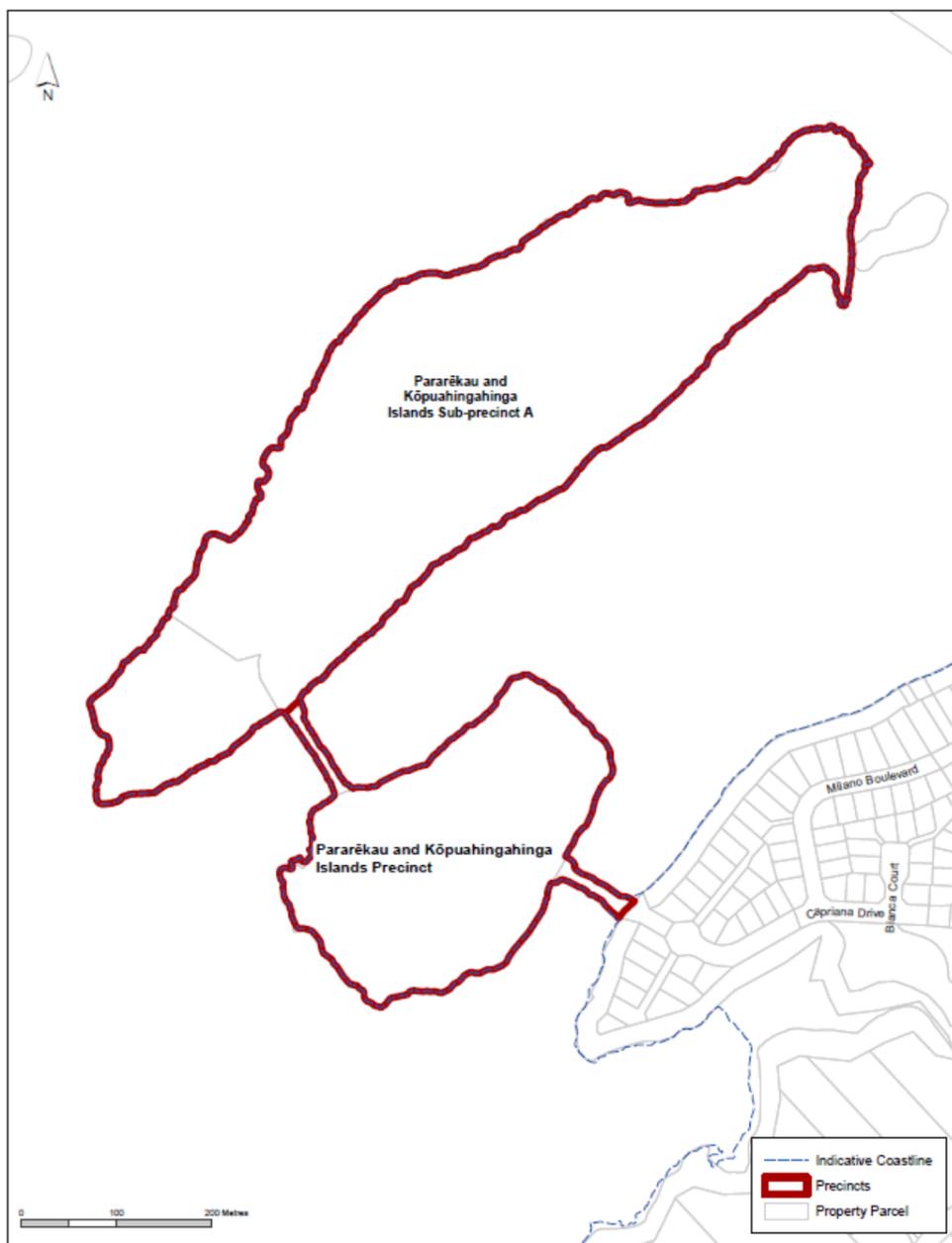
42. The recommended planning response to Pararēkau Island is to apply a LDRZ to the site to maintain the expectation of a SHZ level of development intensity.

¹¹ Chapter E38 Activity (A13A)

¹² Chapter E38 Activity (A13B)

¹³ Tribal knowledge

43. In order to provide the necessary policy direction, notification requirements, and matters of control and discretion, an amendment to existing precinct I429 Pararēkau and Kōpuahingahinga Islands Precinct is also recommended.
44. The amended precinct retains the original matters but adds to them. It adds a sub precinct which applies only to Pararēkau Island, and then introduces provisions which apply just to that island (refer to Figure 4). Changes apply only to district level and subdivision matters and respond directly to those issues of concern to Mana Whenua. In accordance with section 77J(4)(b), the MDRS have been amended only to the extent necessary to accommodate the qualifying matter.
45. In the case of subdivision, while this remains a controlled activity as prescribed by the MDRS, a matter of control enables Mana Whenua cultural values to be considered in determining the most appropriate configuration. The modified standards of the precinct in combination with the provisions of the LDRZ are intended to maintain a net site area of approximately 600m².



Pararēkau and Kōpuahingahinga Islands

Figure 4: Proposed Precinct Plan with Sub precinct A illustrated

8. Objectives and Policies (existing)

46. Chapter B6 of the AUP Regional Policy Statement (RPS) sets out the issues of significance to Māori and to iwi authorities within Tāmaki Makaurau. It provides the policy framework for the lower order regional and district plan provisions in the plan. RPS policies of relevance to Māori also appear in other chapters of the RPS, such as under Chapter B5 relating to historic heritage, and Chapter B4 as they apply to outstanding natural features and landscapes.
47. The RPS identifies that the development and expansion of Tāmaki Makaurau has negatively affected Mana Whenua taonga and the customary rights and practices of Mana Whenua within their ancestral rohe. The participation of Mana Whenua in resource management decision making and the integration of mātauranga into resource management processes are identified as being of paramount importance. Protecting Mana Whenua culture, landscapes and historic heritage are a particular issue of significance across the region, given that only a small proportion of Mana Whenua cultural heritage is formally protected.

48. Table 2 provides a commentary on the existing AUP objectives and policies relevant to this qualifying matter, something which has no current policy framework at a district plan level but which has district plan level objectives and policies proposed in the newly created LDRZ and amended precinct.

Table 2: Assessment of Relevant Existing Objectives and Policies

RPS Objective and Policy	Comment
B6.2 Recognition of Te Tiriti o Waitangi partnerships and participation	This chapter provides the strategic direction for how Māori are to be involved in plan making and resource management decision making. It supports the premise that Mana Whenua are specialists in their tikanga and in identifying effects on their cultural relationships as described in section 6(e) of the RMA.
Obj B6.2.1(1) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural and physical resources including ancestral lands, water, air, coastal sites, wāhi tapu and other taonga.	The key Treaty principles of relevance in this instance are the principles of partnership, active protection, rangatiratanga (self determination) and kaitiakitanga (the ability to exercise guardianship) over taonga tuku iho (treasures handed down through generations).
Obj. B6.2.1(2) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised through Mana Whenua participation in resource management processes.	Linked to the principles of partnership and mutual obligations to act reasonably and in good faith, it is through early, meaningful engagement in resource management decisions where this occurs. The proposed qualifying matter response provides a mechanism to involve Mana Whenua in matters of significance to them.
Pol B6.2.2 (1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following: (a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga; ... (c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans; ... (e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga; ... (g) recognises and provides for mātauranga and tikanga; and (h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them.	These policies state the actions needed to achieve the above objectives. They set the policy direction throughout the AUP of recognising the specialist knowledge Mana Whenua hold and why it is important this knowledge is gathered and appropriately considered during resource management processes. The references to relationships, mātauranga and tikanga convey a holistic approach which considers both tangible and intangible matters. These concepts are more specifically referenced in subsequent sections of Chapter B6. In this instance, Pararēkau Island is wāhi tapu and taonga in its own right and also is a cultural marker within a wider cultural landscape. What is often sought by iwi representatives is an equitable relationship where mutually beneficial outcomes can be achieved, rather than fixed resource management outcomes for every development scenario. This is consistent with discretion being exercised through resource consenting processes rather than the application of absolute limits.
B6.3 Recognising Mana Whenua values	This section of the RPS enables Mana Whenua to identify their values with respect to natural and physical resources regulated by the plan. This sets the framework for cultural values to be considered when scheduling resources for other matters, such as outstanding natural features and historic heritage areas. More broadly, it directs decision makers to consider how Mana Whenua cultural values are affected by resource management decisions.
Objective B6.3.1 (1) Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.	This seeks an outcome where specialist Mana Whenua knowledge can be gathered and considered in an appropriate way.
Objective B6.3.1 (2) The mauri of, and the relationship of Mana Whenua with, natural and physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall.	The concept of mauri, life force, essence, source of emotions, reinforces the fact that both the tangible and intangible qualities of a site are important when considering Mana Whenua values.
Objective B6.3.1 (3) The relationship of Mana Whenua and their customs and traditions with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, natural resources or historic heritage values is recognised and provided for.	This objective is specific to scheduled items and provides policy support for consequential recognition of Mana Whenua relationships in other sections of the plan. In this instance, several locations on the island have been scheduled as they contain midden or pits.

<p>Policy B6.3.2 (1) Enable Mana Whenua to identify their values associated with all of the following:</p> <p>(a) ancestral lands, water, air, sites, wahi tapu, and other taonga; ... (d) historic heritage places and areas; ...</p>	<p>With respect to the application of the proposed zone and precinct, these two subclauses have been singled out. The full policy covers all aspects of the natural environment regulated by the plan. The proposed precinct allows consideration of these values as opposed to a blanket approach adopted by the MDRS.</p>
<p>Policy B6.3.2(2) Integrate Mana Whenua values, mātauranga and tikanga:</p> <p>(a) in the management of natural and physical resources within the ancestral rohe of Mana Whenua, including:</p> <p>(i) ancestral lands, water, sites, wāhi tapu and other taonga; ... (iii) historic heritage places and areas.</p>	<p>The zone and precinct is proposed to manage the natural and physical resources in a manner that accords with Mana Whenua mātauranga and tikanga. The mātauranga provides a cultural narrative of the significance of the island and its significance within the wider cultural landscape. The tikanga is that these relationships should be maintained for current and future generations.</p>
<p>Policy B6.3.2(3) Ensure that any assessment of environmental effects for an activity that may affect Mana Whenua values includes an appropriate assessment of adverse effects on those values.</p>	<p>This policy supports matters of control, discretion and assessment criteria in the plan to consider effects on Mana Whenua values arising from activities that may generate cultural sensitivities. In this instance, it supports the matters of control and discretion to consider the effects on these cultural values when undertaking subdivision and development.</p>
<p>Policy B6.3.2(4) Provide opportunities for Mana Whenua to be involved in the integrated management of natural and physical resources in ways that do all of the following:</p> <p>(a) recognise the holistic nature of the Mana Whenua world view; (b) recognise any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011; and (c) restore or enhance the mauri of freshwater and coastal ecosystems.</p>	<p>All three elements of this policy are relevant to the application of MDRS on Pararēkau Island. The cultural values assessments Mana Whenua have provided discuss the cultural effects in a holistic context. Customary interests have been registered under Te Takutai Moana Act 2011 over the common marine area around the islands, although to date no rights have been conferred. The health and wellbeing of the coastal ecosystems in light of the development of the island has been raised as a concern.</p>
<p>Policy B6.3.2(6) Require resource management decisions to have particular regard to potential impacts on all of the following:</p> <p>(a) the holistic nature of the Mana Whenua world view; (b) the exercise of kaitiakitanga; (c) mauri, particularly in relation to freshwater and coastal resources; (d) customary activities, including mahinga kai; (e) sites and areas with significant spiritual or cultural heritage value to Mana Whenua; and ...</p>	<p>This policy again references the holistic nature of the Māori world view. Apart from Sites and Places of Significance to Mana Whenua, recognised in B6.5 of the RPS, it also requires particular regard to be had to other sites and areas with significant spiritual or cultural heritage value to Mana Whenua. Pararēkau Island is one such site.</p>
<p>B6.5 Protection of Mana Whenua cultural heritage</p>	<p>This section of Chapter B6 specifically references both tangible and intangible values associated with Mana Whenua cultural heritage. It seeks to identify, protect and enhance this heritage, primarily through scheduling in the plan.</p>
<p>Obj. B6.5.1 (1) The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.</p>	<p>While Pararēkau Island is not currently a Scheduled Site and Place of Significance to Mana Whenua, it has been nominated by Mana Whenua.</p>
<p>Obj. B6.5.1 (2) The relationship of Mana Whenua with their cultural heritage is provided for.</p>	<p>The application of the zone and precinct achieves this in part insofar as the MDRS creates a cultural concern and the IPI provides the scope. Full achievement of this objective is currently being investigated through the site's nomination as a Site and Place of Significance to Mana Whenua.</p>
<p>Obj. B6.5.1 (3) The association of Mana Whenua cultural, spiritual and historical values with local history and whakapapa is recognised, protected and enhanced.</p>	<p>The Hingaia Islands are identified as having a history and whakapapa to several Mana Whenua entities of Tāmaki Makaurau. The application of the LDRZ and modified precinct seeks to protect these relationships insofar as they may be impacted by the MDRS.</p>

Obj. B6.5.1 (4) The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, primarily through partnerships between Mana Whenua and the Auckland Council, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.	Upon enactment of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 which introduced the MDRS, this site was prioritised due to the identified threat the standards represented to the cultural heritage of this site.
Pol. B6.5.2 (1) Protect Mana Whenua cultural and historic heritage sites and areas which are of significance to Mana Whenua.	This site has been identified as being significant to Mana Whenua. While the primary tool used within the plan is scheduling, other planning mechanisms have also been used, such as is the case with the Puhinui Precinct.
(2) Identify and evaluate Mana Whenua cultural and historic heritage sites, places and areas considering the following factors: (a) Mauri: ko te mauri me te mana o te wahi, te taonga ranei, e ngakaunuitia ana e te Mana Whenua. The mauri (life force and life-supporting capacity) and mana (integrity) of the place or resource holds special significance to Mana Whenua; (b) Wahi tapu: ko tera wahi, taonga ranei he wahi tapu, ara, he tino whakahirahira ki nga tikanga, ki nga puri mahara, o nga wairua a te Mana Whenua. The place or resource is a wahi tapu of special, cultural, historic, metaphysical and or spiritual importance to Mana Whenua; (c) Korero Tuturu/historical: ko tera wahi e ngakaunuitia ana e te Mana Whenua ki roto i ona korero tuturu. The place has special historical and cultural significance to Mana Whenua; (d) Rawa Tuturu/customary resources: he wahi tera e kawea ai nga rawa tuturu a te Mana Whenua. The place provides important customary resources for Mana Whenua; (e) Hiahiatanga Tuturu/customary needs: he wahi tera e eke ai nga hiahia hinengaro tuturu a te Mana Whenua. The place or resource is a repository for Mana Whenua cultural and spiritual values; and (f) Whakaaronui o te Wa/contemporary esteem: he wahi rongonui tera ki nga Mana Whenua, ara, he whakaahuru, he whakawaihanga, me te tuku mātauranga. The place has special amenity, architectural or educational significance to Mana Whenua.	The Hingaia Islands have been nominated as a potential Site and Place of Significance to Mana Whenua. This nomination includes an evaluation against these factors. The site is currently undergoing options evaluation and public engagement.

9. Development of Options

49. The application of the MDRS to the relevant residential zone on Pararēkau Island increases the permitted level of development from that which currently exists, or is anticipated to occur, in the SHZ. Table 3 identifies the current zone in comparison to the MDRS standards. This has been applied with reference to the matters Mana Whenua representatives have raised as being of cultural concern.

Table 3: SHZ to MHU (MDRS) comparison table

Permitted Density Standard	Current Residential – Single House Zone	Proposed Residential – Mixed Housing Urban (with MDRS)
Number of residential units per site	One dwelling per site	Up to three dwellings per site
Building height	8m + 1m roof variation	11m + 1m roof variation
Building coverage	35% of net site area	50% of net site area
Subdivision	Restricted Discretionary activity in accordance with approved land use consent or around existing buildings and development.	Controlled activity if consistent with density standards or undergo RD consent for density infringements. No minimum lot size or other size-related subdivision requirements (excluding vacant lot subdivision).
Notification Requirements		

	<u>Land use</u> Normal tests for notification apply except for front, side, rear fences and walls infringements unless special circumstances exist.	<u>Land use</u> Public and limited notification precluded for construction of 4 or more residential units that comply with the density standards.
	<u>Subdivision</u> Normal tests for notification with the exception of controlled activities unless special circumstances exist.	<u>Subdivision</u> Public and limited notification precluded for subdivision resource consent associated with construction and use of up to 3 residential units and 4 or more meeting density standards.

50. It is important to note that the council position is that it is inappropriate to use the IPI to schedule additional sites and features in the plan using current overlays, such as the Sites and Places of Significance to Mana Whenua Overlay. This is due in part to natural justice issues that arise from the limited appeal rights available through the Intensification Streamlined Planning Process (ISPP). Accordingly, scheduling with an existing overaly has been discarded as an option.

9.1. Assessment of Cultural Effect

51. Section 6 of this report has reviewed cultural impact assessments written by three Mana Whenua entities which discuss the cultural significance of Pararēkau Island and the impacts development of the island will have on their cultural relationship with it.
52. The development potential enabled by rezoning what was once a rural site to Countryside Living Zone through PC8 was opposed by iwi. Similarly when considering a proposed 170 lot subdivision in November 2017 over what was then SHZ, iwi continued to maintain the view that subdivision and development would interfere with their traditional relationships with the site and therefore must be avoided.
53. As identified in Table 3, the application of the MDRS could significantly increase the density and height of buildings permitted to be developed on the island. It also has the potential to increase the number of allotments that can be created on the island through subdivision. The notification provisions in the MDRS provide limited opportunity in some cases for Mana Whenua to be able to participate in resource consenting processes that directly affect their wāhi tapu and taonga.

9.2. Evaluation of options

54. Table 4 summarises and evaluates the options that have been considered to respond to Policies 3 and 4 of the NPS-UD. These are with respect to the MDRS standards and the mandatory objectives and policies introduced by Schedule 3A of the RMA. The objectives and policies are repeated below. Pararēkau Island is not within an area proposed by council for intensification under Policy 3.

Objective 1

(a) a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future:

Objective 2

(b) a relevant residential zone provides for a variety of housing types and sizes that respond to—
(i) housing needs and demand; and
(ii) the neighbourhood's planned urban built character, including 3-storey buildings.

Policy 1

(a) enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments:

Policy 2

(b) apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga):

Policy 3

(c) encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance:

Policy 4

(d) enable housing to be designed to meet the day-to-day needs of residents:

Policy 5

(e) provide for developments not meeting permitted activity status, while encouraging high-quality developments.

Table 4: Evaluation of Options

	Options		
	Option 1	Option 2	Option 3 - The Recommended Option
	Status Quo (retain the MDRS standards in their entirety)/ do not apply any qualifying matters	Retain all standards in the currently operative zoning on the island/ apply a qualifying matter across all MDRS standards in a form of the modified precinct and LDRZ	Amend the number of dwellings standard (clause 10 of Schedule 3A), building height standard (cl 11), Maximum building coverage (cl 14), notification requirements (cl 5) as a qualifying matter across Pararēkau Island. Utilising the LDRZ and precinct.
Costs			
Costs of applying QM – housing supply / capacity	<p>No cost</p> <p>The qualifying matter would not be applied, therefore there would be no restriction to development</p>	<p>Low cost</p> <p>The island is already being subdivided into 103 residential lots with an average lot size of 720m². The ability to still develop the island at a Single House Zone level of development will remain.</p> <p>A full application of the MDRS standards could significantly increase the number of dwellings developed, in the order of 5 or 6 times the amount. Lot sizes could similarly be reduced to somewhere in the vicinity of 90m² depending on site configuration.</p> <p>An analysis of the existing housing capacity, and that enabled by the MDRS elsewhere in the Hingaia Peninsula has been undertaken. It is concluded that sufficient existing capacity exists for the foreseeable future. Accordingly, this is considered to be minimal to low.</p>	<p>Low cost</p> <p>The island is already being subdivided into 103 residential lots with an average lot size of 720m². The ability to still develop the island at a Single House Zone level of intensity will remain.</p> <p>This option addresses only those standards which Mana Whenua representatives have identified as being of concern. They are, however, core standards to achieving the density sought by the MDRS.</p> <p>For the same reasons as Option 2, the costs on housing supply and capacity are considered low in light of the significant capacity already enabled on the Hingaia Peninsula and elsewhere in the region.</p>
Costs: Social	<p>No cost</p> <p>No restriction is proposed in this option so any social benefits attributed to the application of MDRS remain.</p>	<p>Low cost</p> <p>The ability to develop the island at a Single House Zone level of development will remain.</p> <p>While this option would prevent a significant increase in the number of dwellings that could be developed on the island, the MDRS will apply elsewhere on the Hingaia Peninsula and wider urban environment which has significant housing capacity already.</p>	<p>Low cost</p> <p>The ability to develop the island at a Single House Zone level of development will remain.</p> <p>While this option would prevent a significant increase in the number of dwellings that could be developed on the island, the MDRS will apply elsewhere on the Hingaia Peninsula and wider urban environment which has significant housing capacity already.</p>
Costs: Economic (not otherwise covered by housing capacity issues)	<p>No cost</p> <p>No restriction is proposed in this option so any economic benefits attributed to the application of MDRS remain.</p>	<p>Low cost</p> <p>The ability to develop the island at a Single House Zone level of development will remain.</p> <p>While this option would prevent a significant increase in the number of dwellings that could be developed on the island, the MDRS will apply elsewhere on the Hingaia Peninsula and wider urban environment so there will only be limited economic cost if any (to the landowner).</p>	<p>Low cost</p> <p>The ability to develop the island at a Single House Zone level of development will remain.</p> <p>While this option would prevent a significant increase in the number of dwellings that could be developed on the island, the MDRS will apply elsewhere on the Hingaia Peninsula and wider urban environment so there will only be limited economic cost if any (to the landowner).</p>
Costs: Environmental	No cost	No cost	No cost

	No restriction is proposed in this option so any environmental costs attributed to the application of MDRS will remain unchanged.	This option proposes a lesser density of development than the MDRS, resulting in less disturbance of ecosystems, and natural and physical resources.	This option proposes a lesser density of development than the MDRS, resulting in less disturbance of ecosystems, and natural and physical resources.
Costs: Cultural	<p>Significant cost</p> <p>From a Mana Whenua cultural perspective, the unfettered application of the MDRS on this culturally significant site could result in a significant and permanent impact on their cultural relationship with this site.</p> <p>The site is culturally significant to several Mana Whenua groups and is therefore considered to have regional scale of cost.</p>	<p>No cost</p> <p>This option will generally limit development intensity to the levels in the Single House Zone. It addresses iwi concerns around building coverage, fragmentation, and the bulk and scale of buildings on the island arising from the MDRS.</p>	<p>No cost</p> <p>This option will generally limit development intensity to the levels in the Single House Zone. It addresses iwi concerns around building coverage, fragmentation, and the bulk and scale of buildings on the island arising from the MDRS.</p>
Benefits			
Benefits of the QM - social	<p>Low benefit</p> <p>By fully implementing the MDRS, some social benefit may be accrued to the immediate area. The region-wide social benefit would be low.</p>	<p>No benefit</p> <p>When compared to the 'do nothing' approach, there is likely to be no social benefit in retaining the existing Single House Zone standards across Pararēkau Island.</p>	<p>No benefit</p> <p>When compared to the 'do nothing' approach, there is likely to be limited to no social benefit in retaining the Single House Zone level of intensity across Pararēkau Island.</p>
Benefits - economic	<p>Low benefit</p> <p>By fully implementing the MDRS, some economic benefits may accrue to the individual property owner in the form of increased development potential although given the already enabled capacity in the wider Hingaia area, this is likely to be minimal to low.</p>	<p>No benefit</p> <p>When compared to the 'do nothing' approach, there is likely to be no economic benefit to retaining the existing Single House Zone standards across Pararēkau Island.</p>	<p>No benefit</p> <p>When compared to the 'do nothing' approach, there is likely to be limited to no economic benefit in retaining the Single House Zone level of intensity across Pararēkau Island.</p>
Benefits – environmental	<p>No benefit</p> <p>Fully implementing the MDRS is unlikely to result in environmental benefits.</p>	<p>Low benefit</p> <p>Retaining the Single House Zone standards as opposed to incorporating the MDRS will result in less building intensity and therefore less disturbance of ecosystems and natural and physical resources. The benefit is low as the island has already undergone significant development as part of the existing subdivision consent.</p>	<p>Low benefit</p> <p>As with Option 2, a lower intensity of development will result in less disturbance of ecosystems and natural and physical resources. The benefit is low as the island has already undergone significant development as part of the existing subdivision consent.</p>

Benefits – cultural	No benefit Fully implementing the MDRS will not provide any cultural benefit with respect to the island that is not already provided for in the existing consent.	Significant benefit Retaining a Single House Zone level of development, while not an ideal outcome for iwi (who prefer no development at all), represents a significant benefit over the application of the MDRS. The site is culturally significant to a large number of Mana Whenua groups and is therefore considered to have regional scale of benefit	Significant benefit Retaining a Single House Zone level of development, while not an ideal outcome for iwi (who prefer no development at all), represents a significant benefit over the application of the MDRS. The site is culturally significant to a large number of Mana Whenua groups and is therefore considered to have regional scale of benefit
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55. The above evaluation informed by section 11 of this report concludes that none of the options identified will have regional scale effects on housing capacity and supply. The economic cost will fall to the single landowner, but only insofar as there is a difference between what is enabled by the MDRS and what is currently operative in the AUP. Social and environmental costs and benefits are low.
56. The potential cultural costs and benefits to Māori are significant and the costs are permanent. The site is culturally significant to several Mana Whenua groups and is therefore considered to have regional scale of cultural cost and benefit.
57. When assessed against the MDRS objectives and policies, Options 2 and 3 respond to Policy 2 of the MDRS, a policy which makes specific reference to the relationship of Māori with their wāhi tapu. The Single House Zone level of height and density still allows residents to meet their day-to-day needs (Policy 4), and the application of the precinct still provides for developments not meeting the permitted activity status to achieve quality design outcomes (Policy 5).
58. In my view, the current recommended option, Option 3, alters the MDRS only to the extent necessary to accommodate this qualifying matter. It therefore demonstrates the greatest consistency with the objectives and policies of the MDRS.

10. Risks of acting or not acting.

59. Clause 32(2)(c) of the RMA requires an assessment of the risks of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions. In the case of cultural effects on Pararēkau Island arising from development, cultural impacts assessments completed in June 2011 and November 2017 articulate tangible and intangible associations several Mana Whenua groups have with the islands and the effect of development on those relationships.
60. The iwi groups have maintained that subdivision and development of the island degrades natural and physical resources and visually and physically compromises the integrity of Pararēkau Island as part of a cultural landscape. In the past, iwi groups have been prepared to work with developers to ensure that the protection, preservation and appropriate management of the environment and natural and cultural heritage are achieved. This was based on a level of development intensity Mana Whenua were already concerned about.
61. The application of the MDRS with immediate legal effect would enable four or five times more housing, and significantly smaller subdivision allotments on the island. This would be possible from the date the IPI is notified. The advice of Mana Whenua representatives is that this is an unacceptable future outcome and a significant risk to their cultural relationship with this site.
62. While enabling development through the AUP provisions doesn't necessarily mean that such development would occur, if it does it would result in permanent degradation of that cultural relationship. The information provided for the proposed provisions is not, in my view, either uncertain or insufficient to an extent that outweighs the risks of not acting.

11. Consequences for the level of development

11.1. Development capacity

63. In Dr. Fairgray's view, there is a difference between 'development capacity' which can be viewed as the gross number of dwellings possible on a site, and 'level of development' which includes the concept of development capacity but also considers other components such as dwelling type, size, value, location and demand for housing within the community.
64. The restriction in *development capacity* resulting from the recommended option (Option 3) applies to Pararēkau Island which is approximately 18ha in total area. About 16.5ha of the island is currently being subdivided into 103 residential lots, which vary in allotment size from 504m² to 1,332m². The average lot size is 720m². The balance of the island to the south west is held in a separate title and is not proposed to be subdivided at this time. Were it to be developed, an additional 13 residential lots are one possibility (refer to Figure 3).
65. The island's residential lots are intended to be sold as vacant residential lots for typical single detached dwelling typologies¹⁴. With reference to Table 3, the MDRS would allow up to three dwellings at three storeys per dwelling as a permitted activity. In addition, subdivision as a controlled activity with no minimum lot sizes could allow allotment sizes as low as is physically necessary to meet all of the density standards. It is estimated that allotments could be as small as 90m².
66. The proposed zone and precinct seek to retain a SHZ development intensity on the island. An immediate consequence for development capacity is that, under the current subdivision proposal, development potential would reduce from 309 dwellings (MDRS) to 103. This is a reduction in 206 potential dwellings (excluding the separate title on the island). Building height would also be reduced by one storey from 3 storeys (MDRS) to a maximum of 2 storeys.
67. When considering the development capacity afforded by having no minimum subdivision lot size under the MDRS, a 720m² property could be subdivided several times. Recognising that vacant lot subdivision is not permitted under the MDRS, this would either require construction of multiple dwellings and then subsequent subdivision around the existing uses, or subdivision in accordance with an approved land use consent as a controlled activity.

¹⁴ Resource Consent Application – Assessment of Environmental Effects and Statutory Assessment, Sept 2019. p. 12.

68. Either way, the potential is for multiple lots to be created in place of larger single house lots and possibly a five or six fold increase in the number of dwellings. Each of these could be constructed up to three storeys as a permitted activity. A conservative estimate might be an increase to 780 possible three storey dwellings (6 per site x 130 sites) from what would otherwise be 130 detached dwellings of 1 to 2 storeys.

11.2. Level of development

69. Considering the effect of the proposed zone and precinct response on the *level of development*, Dr. Fairgray's model has been consulted to determine how the MDRS will influence the housing enabled in the wider Hingaia area. He identifies there are 1,200 existing dwellings and an enabled capacity for 10,100 more under the currently operative provisions of the Unitary Plan. His analysis concludes that a total of 11,000 dwellings would be enabled through the incorporation of the MDRS, representing an increase of 900 dwellings.
70. This analysis identifies that the currently operative plan enables significantly greater housing capacity than is currently being taken up, and has sufficient capacity for the long term. The adoption of the MDRS simply adds to this in gross terms but does not address the other qualitative matters Dr. Fairgray identifies as being important to driving the *level of development*.
71. These matters are determined by market demand and the extent to which developers respond to this. As development is currently unfettered by enabled housing capacity in the wider Hingaia area, while the proposed zone and precinct reduce the development capacity on the island, on that basis the effect on the *level of development* through incorporating the qualifying matter will be low.

12. Overall conclusion

72. A council identified qualifying matter is proposed for Pararēkau Island in the Hingaia Islands to maintain the relationship of Mana Whenua and their culture and traditions with this culturally important site. Mana Whenua have identified it as being a wāhi tapu site, as well as wāhi nohoanga and wāhi taonga. It is an important cultural marker in a wider cultural landscape.
73. While the island is currently identified as being subject to a separate qualifying matter relating to coastal erosion, this doesn't recognise the relationship Mana Whenua have with it under s6(e) of the RMA. Cultural impact assessments and the advice of Mana Whenua representatives confirms that intensified development enabled through the application of the Medium Density Residential Standards will result in significant and permanent adverse effects on their relationship with this taonga.
74. An options assessment identifies three responses to this issue, with the recommended option (Option 3) being only the changes necessary to accommodate the qualifying matter. This is through the application of the Low Density Residential Zone and a modified precinct. Analysis of the costs and benefits of the recommended option, and the impact it will have on the level of development, identify a minimal to low level of cost and benefit, with the exception of the cultural costs and benefits which are found to be significant.
75. An analysis of the AUP's existing objectives and policies relating to Mana Whenua, and consideration of the new objectives and policies introduced by the MDRS, find the recommended approach is supported by this policy direction.
76. The recommended planning response retains the existing level of development potential in the operative plan, upon which the developer has planned a comprehensive subdivision. The developer is not disadvantaged beyond the status quo, and Mana Whenua have added surety and involvement in any future resource consent processes which may seek to increase beyond a Single House Zone level of development.
77. Accordingly, in my view the recommended qualifying matter is both justified, and strikes an appropriate balance with the growth aspirations of the National Policy Statement on Urban Development.

13. Appendices

13.1. Appendix 1 – Site Photos – April 2022



From southeastern end of Pararekau Island looking west toward protected pohutukawa (notable tree)



Northeastern end of Pararekau Island looking west

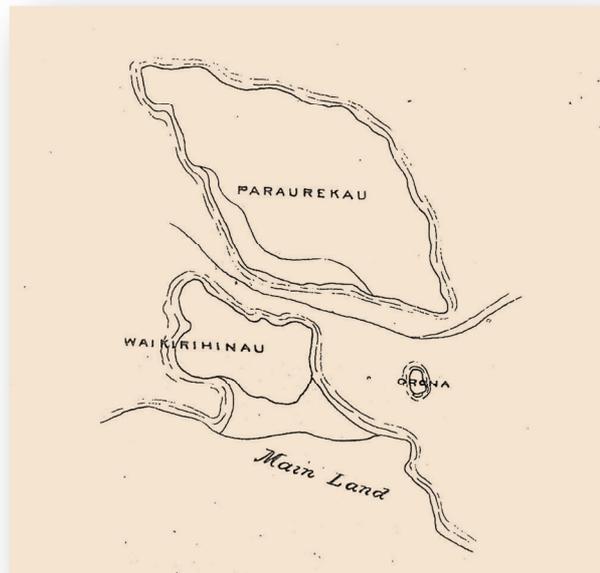
13.2. Appendix 2 – Cultural Impact Assessments

CULTURAL IMPACT ASSESSMENT

Prepared for

Auckland Council and Karaka
Harbourside Estate Ltd (KHEL)

Proposed Private Plan Change No.8
Pararekau Island Country-Side Living
Zone



June 2011



*HE TIKANGA Ā TE RŌPŪ
KAITIAKI
KI TE TIAKI TE
WAIRUA-TANGA,
TE AHUREA MŌ ŌNA AKE
WHENUA
ME NGĀ PUNA TAONGA.*

*TĒNEI WHAKAATURANGA KI
TE WHAKAMŌHIA IA KOUTOU
TO TĀTOU WHAKAPAPA,
WHENUA,
WHAKAHAERE Ā MANA
WHENUA*

*IT IS ESSENTIAL THAT WE,
THE GUARDIANS HAVE
SPIRITUAL AND
CULTURAL COMMAND OVER
OUR TRADITIONAL LANDS,
WATERS, AND RESOURCES.*

*OUR INTENTION IS TO GIVE
YOU A GLIMPSE INTO OUR
CULTURE, REGION,
CULTURAL RESOURCES,
AND CARETAKER
RESPONSIBILITIES*



Prepared By: Karl Whare Tipeti Flavell (Ngati Te Ata)
Lucie Rutherford (Ngati Tamaoho Trust RM Officer)
Paddy O'Driscoll and David Wilson (Te Akitai)

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*Nga Hua Tawhiti me Nga Tohu Tuturu o Te Whenua
He wahi tuturu, he wahi hirahira puta noa i te rohe. Aua enei wahi e
whakaitingia e nga mahi whakawehe i nga whenua.
Kei a tatou te mahi kia whakauwhia enei wahi hirahira ki te ihi.*

*Landscapes and Natural Features
There are many special places which must not be diminished
in any way by inappropriate development.
Let us make sure that these special places always retain the qualities
that make them unique.*

The definition of a cultural landscape

is perhaps best described¹:

*As Maori we have a unique sense of our landscape.
It includes past, present and future.*

*It includes both physical and spiritual dimensions.
It is how we express ourselves in our environment.*

*It connects whanau and whenua, flora and fauna
through whakapapa
It does not disconnect urban from rural.*

*It transcends the boundaries of landscape into other scapes,
rivers, lakes, ocean and sky.*

*It is enshrined in our whakapapa, pepeha, tauparapara,
whaikorero, karakia, waiata, tikanga, nga korero e kui ma, a koro
ma, and our mahi toi*

It is not just where we live it is who we are!

The Islands, Pararekau (Paraurekau), Kopuahingahinga (Waikirihinau), and Orona, in their entirety are taonga and any development on them will be an adverse impact upon their cultural integrity and our identity as tangata whenua

¹ Te Aranga Maori Cultural Landscape Strategy 28th April 2008 (2nd Edition)

1.0 BACKGROUND

Ngati Te Ata, Te Akitai, and Tamaoho (Ref: Iwi)

Pararekau (Paraurekau), Kopuahingahinga (Waikirihinau²) and Orona (Ref: The Islands)

- 1.1 Proposed Plan Change 8 (PPC8) relates to Pararekau (Paraurekau) and Kopuahingahinga (Waikirihinau) Islands which are situated in the Pahurehure Inlet of the Manukau Harbour, near the coastal harbour edge of Karaka on the Hingaia Peninsula. The two islands are linked by causeways that provide access to and from the Hingaia Peninsula.
- 1.2 The Proposed Plan Change seeks to introduce a new Part 17.3 for a 'Pararekau Island Countryside Living Zone' to Section Three (Urban Papakura) of the Papakura Operative District Plan ("the District Plan"); to make amendments to Section One (General) Part 5B Hingaia Structure Plan, including the introduction of a structure plan for Pararekau Island; and to rezone Pararekau Island and an access road across Kopuahingahinga Island to the new 'Pararekau Island Countryside Living Zone'.
- 1.3 Initial discussions among iwi members identified the following concerns and issues;

Will PPC8:

1. **Conflict** with our cultural, environmental and social values and our traditional relationship to our taonga within the Manukau 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

² Cultural Heritage Plan: Hingaia 2003 (Page 62): It is possible that along the foreshore of Bottletop Bay hinau trees grew. This possibility is derived from the name of the body of water between 'Paraureka' Island and the mainland - Waikiri Hinau. The hinau tree bears purplish fruits which are a popular food for the native pigeon, it being a popular food of the Maori. Pre-European Maori 'gathered the berries in great quantities and, after lengthy preparation, made them into bread or a pudding-like cake'

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 purpose to:

- 1) facilitate and resource assistance for various environmental and cultural enhancement projects and/or scientific studies in respect of the Manukau harbour
- 2) Facilitate and resource assistance for the education, health and well-being of our youth, for example through the provision of study scholarships
- 3) Facilitate and resource assistance for the protection of waahi tapu and waahi taonga associated with the project sites and immediate surrounds

1.4 The following affirmations (among others) by iwi were made over the course of the Council Hearings³:

Ngati Te Ata Waiohua

- ❑ Pararekau Island is a waahi tapu
- ❑ The developers have 'assumed ownership of the islands foreshore
- ❑ The causeways were granted a retrospective consent effectively making an illegal activity legal - the causeways have created an adverse effect on the Harbour, remove the causeways
- ❑ All the islands of the Manukau Harbour are of regional and national significance
- ❑ The PPC8 fails to protect our taonga, cultural values and traditional relationship from inappropriate subdivision, use and development
- ❑ The Hingaia area is already over urbanised PPC8 is unnecessary
- ❑ Cumulative effects of the proposed subdivision will be more than minor
- ❑ PPC8 should be rejected

Te Akitai (Te Uri o Ihaka Takanini)

- ❑ The islands, including Pararekau Island are taonga to the people of Te Akitai

³ Council Hearings: Submissions Refer Appendix 1

- Under the Deed of Sale, the foreshore of the islands were not to be sold as the foreshore is a fishery of the tupuna (ancestors) that sold it.
- There has been a lack of cultural assessment and values
- Maori have not been included in any decision making capacity and consultation has been limited

Tamaoho⁴

- Cultural issues have been given a lesser weight in the commissioner's decision.
- The decision did not provide for the islands REGIONAL significance. The values are of regional significance (cultural, archaeological, landscape, and ecological, geological and historic heritage).
- That PPC8 Pararekau Island Country-Side Living Zone is rejected in the first instance until a cultural values assessment has been provided for, and that this assessment is taken into account when a decision is reached.

Ngai Tai ki Tamaki

- This area is of historic significance
- The foreshore of the islands Pararekau, Kopuahingahinga and the Hingaia region are considered a taonga, as is the whole of the harbor
- Noted on the Deed of Sale that the foreshore of the islands were not to be sold as the foreshore is a fishery of the tupuna (ancestors) that sold it.
- That PPC8 be refused

Our views and position regarding PPC8 have not changed and remain consistent to what we affirmed and expressed at the Council Hearing

⁴ Letter to Environment Court: Warahi H Paki (Tamaoho Chairman) dated 24th January 2011

2.0 BACKDROP

- 2.1 All iwi descend from Te Waiohūa and Waikato-Tainui. It is through these associations that connect us to the Auckland, Manukau and Waikato areas. With particular regard to the Manukau Harbour, associated tributaries and the islands therein.
- 2.2 All iwi have a cultural and traditional relationship to the islands including the Manukau Harbour.
- 2.3 All iwi have had a long history in resource management and environmental issues within their tribal rohe (area). Many changes over the years have not always been in the best interests of the iwi. Such change has often resulted in the continual degradation of our natural and physical resources, waahi tapu sites, landscapes and other taonga.
- 2.4 Our issues, in general, regarding PPC8 and changes in the cultural landscape include:
- a) Disconnection of our traditional relationship and cultural use to the islands, and cultural and heritage landscape
 - b) Inappropriate subdivision regarding the use and development of Pararekau (Paraurekau)
 - c) Erosion of the character of the landscape buffer between the Hunua foothills and Hingaia plains
 - d) Expansive urban development within riparian margins of water courses and the coastal edge
 - e) Open space and rural character of the plains at risk from urban growth and expansion
- 2.5 This harbour landscape (and the name for the Manukau Harbour), of which PPC8 falls within, is known by our people as:

“Te Manukanuka o Hoturoa”

Manuka takes its name from the anxiety (manukanuka) of Hoturoa (the captain of Tainui). Before making their way down the west coast, Hoturoa circumnavigated the harbour, he then decided to head out again to the open sea but found that the mouth waters were very hazardous giving Hoturoa a cause for concern.

While at Otaiki Taamaki River), Hoturoa had major misgivings (manukamanuka) about Rakataura (the priest of Tainui) having designs on his daughter Kahukeke. Rakataura then caused the waka to slip from the skids and lie on the muddy bed of the

Otaiki. Rakataura and a party of Tainui crew members left on foot into the interior of the north island naming certain places as he travelled. Added to this the fact that certain places along the harbour foreshore were overgrown with Manuka trees, a fact that would not have been missed by Hoturoa and the members on board Tainui.

Another account says that while at the Otaiki Stream, the portage place into the Manukau, Hoturoa sent members of the canoe ahead to scope the landscape. There some members heard loud chattering; they mistakenly thought it was human voices. After a little exploration, they found a colony of birds were the culprit for the noise exclaiming, “A he manu kau noa” (it is only birds), giving rise to the name by which it is known generally as Manukau.

Te Akitai Waiohua

2.6 Te Akitai Waiohua asserts the following:

1. *Te Akitai Waka Taua Trust (Trust) is based upon a model for Maori entities proposed by Justice Durie.*
2. *In Waka Umaga: A Proposed Law for Māori Governance Entities (NZLC R92), published in 2006 he proposed that consultation, organization and other tasks be undertaken by Maori on Maori terms rather than as per requirements imposed by other parties to consultation and other issues.*
3. *The Trust has adopted this model and promotes good governance and hapu and iwi participation according to tikanga Maori.*
4. *The Trust is a not for profit organization that aims to promote Maori environmental and cultural aspirations while also having regard for the wider needs of the community.*
5. *This cultural impact assessment is prepared by Te Akitai Waiohua Trust and Pukaki Maori Marae Committee (Te Akitai) at the request of the Applicant and Auckland Council relating to PPC8.*
6. *This document is part of an exchange of information with the Applicant and the Council. It is a response to the information provided by those parties. Exchanging information is a preliminary step to consultation but is not in itself consultation. This report is therefore provided on the basis it will not be relied upon as evidence consultation has occurred but rather as evidence that a preliminary exchange of information between the parties occurred.*

7. *Secondly it is provided on the basis that it is not to be used against Te Akitai. It is not to be used as sufficient additional information on Maori issues to enable the Applicant and the Council to address and provide for the requirements of Part 2 of the RMA. This is simply not the case. To do so would be bad faith negotiation and a breach of tikanga Maori, which the Act provides for. More importantly Te Akitai Waiohua will hold back key cultural information from this report which it is prepared to present in the confidential environs of a consultation process.*
8. *The tangata whenua of this region are Waiohua. The tribes of the Waiohua Confederation but have overlapping kaitiakitanga/guardianship in this area. Several Waiohua iwi have ties to the islands. Te Akitai, Ngati Pare and Ngati Pou are Waiohua-Tainui although they also have Waikato affiliations.*
9. *Te Akitai Waiohua particularly acknowledges Ngati Pare Waiohua have whakapapa (ancestral connections) directly to these islands. Therefore they take a supportive role to the primary role of Ngati Pare Waiohua in relation to these motu.*
10. *It is noteworthy that there has been no consultation with Ngati Pare Waiohua insofar as the Fourth Schedule is concerned by the Applicants. Nor has there been consultation by the Council yet with Ngati Pare – who was not informed of the initial hearings or supplied information until after the hearing. It is only through the work of Ngati Te Ata Waiohua and Te Akitai Waiohua that they have been able to participate.*
11. *Te motu toru (three islands) are ancestral fishing reserves of Ngati Pare Waiohua.*
12. *As the islands have been in private ownership, the traditional fishing reserve has not been accessible to Ngati Pare Waiohua. They note that there has been refuse and landfill on the foreshore and that one of the islands has been densely planted in pine trees which are not a sustainable use of that island.*

3.0 PURPOSE OF THE REPORT

- 3.1 As a result of the Ngati Te Ata (Te Ara Rangatu o te iwi Ngati Te Ata Waiohua) ENV-2010-AKL 000314 appeal and the Te Akitai s.274 Notice regarding the need for a cultural impact assessment (CIA) council and KHEL agreed to commission the CIA. This cultural assessment will therefore;
1. Inform the applicant and council of our historical heritage and traditional associations that relate to the PPC8 site and wider surrounds
 2. Identify issues, concerns and any effects of PPC8 on our social, environmental and cultural heritage, interests and values including on the wider surrounding environment
 3. Assist with the identification and formulation of methods and make recommendations to avoid, remedy or mitigate adverse effects (if identified) regarding our interests and values
 4. Assist the applicant and council with decision-making under the Resource Management Act 1991⁵
- 3.2 This assessment represents only a starting point for initial engagement and will require further consultation and dialogue between iwi, council and KHEL. Further discussion will be needed around the implications of the PPC8 to identify information gaps in our thinking, raise issues or opportunities we had not foreseen, and clarify and reach agreement of those issues as identified in this report.
- 3.3 It is intended that this assessment will assist with ongoing decision making from all relevant parties involved and ensure that iwi issues, concerns, interests and values are provided for including resource consent requirements. The ultimate goal for Iwi being the protection, preservation and appropriate management of natural and cultural resources, including landscapes, in a manner that recognises and provides for our interests and values, and enables positive environmental outcomes.

⁵ Identifying outstanding and amenity landscapes:

recognising and providing for the following matters of national importance: s.6(b) “The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development”

having particular regard to: s.7(c) “The maintenance and enhancement of amenity values”

s.6(e), s.6(f), 7(a) and 8

4.0 BRIEF HISTORY

- 4.1 When the Tainui waka arrived in Tamaki Makarau there were already people living here, including Te Waiohua of Nga Oho and Nga Iwi. Members of the Tainui waka settled around the isthmus and began to intermarry with the ancestors of Te Waiohua. It was this intermarriage and the development of other bonds between the people that settlement established.
- 4.2 Our rohe (tribal area) is surrounded by water. Manukatanga O Hoturoa - Manukau Harbour to the north and east and Te Awa O Waikato - Waikato River to the south. This includes the many significant waterways used for food harvesting and ceremonial purposes. The Hingaia, Whangamaire, Whangapouri, Oira, Ngakaroa, Pahurehure, Drury and Papakura waterways are but a few. Papakura acts as the gateway to the south as is emphasised by its position between the Manuka Harbour and the Hunua ranges.
- 4.3 The main waka route used by all tribes traversing North and South was via the Waikato River then onto the Manukau harbour via the Awaroa River. Harbour headlands and promontories were settled and highly valued for their access to kaimoana in the harbour. Numerous Iwi and hapu were mobile throughout the area. Whether visiting, passing through or conquest, a number of complex inter-tribal relationships developed around the harbour shoreline. The Manukau harbour was the “food bowl” for everyone.



The Old Awaroa ki Manuka Passageway: Waka route from the Waikato River to the Manukau harbour and inland

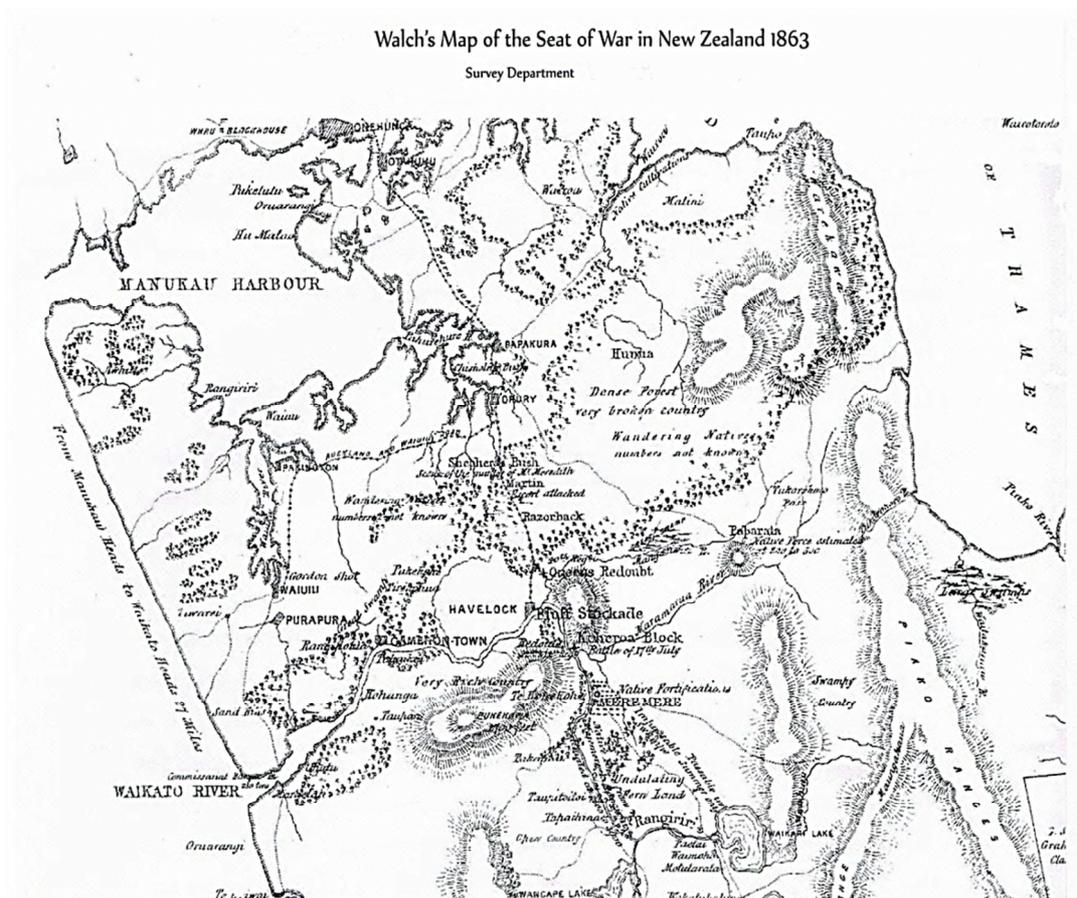
- 4.4 Te Motu a Pararekau (Paraurekau) was part of the domain that came under the watchful eye of the current occupiers of the Pa high ground. This domain stretched out over the flat land and extended to the shores of the Manukau Harbour. From these advantage points, it was possible to observe waka movements and receive early warning of the approach of friend or foe. In this early time the rivers and streams were wider and had different courses than they do now. The waka were able to traverse the district with far greater ease than seems possible today. From here the main canoe portage between the East and West Coasts could be monitored and smoke from cooking fires observed.
- 4.5 The harbor landscape of Manukau and Papakura has a long historical association of habitation by tangata whenua. While habitation during pre-European times was not generally in established or elaborate pa, the nomadic population appeared to utilise the area fully for food gathering, food production, and for shelter and protection during times of attack and war.
- 4.6 In pre-European times the landscape would have been more varied with swamps and bush. It was a well-travelled route and considered a 'gateway' into areas of settlement, resource use and occupation. Waahi nohoanga (encampments) are still known among iwi today on the many headlands and promontories around the harbour. Numerous creeks originating from deep swamps dissected Papakura making travel difficult and reducing the amount of firm, habitable land.
- 4.7 Papakura - Hingaia has always been regarded by iwi as having a strategic position to Tamaki Makaurau (Auckland). Numerous Iwi and hapu were mobile throughout the area. Whether visiting, passing through or conquest, a number of complex inter-tribal relationships developed around the harbour shoreline. The relationship of our people to the water is evidenced by the many marae and Pa remnants still in close proximity to the harbour shores. The marae have traditionally enjoyed rights to the water, its resources and access to them.

New Zealand Wars and Confiscation

- 4.8 The New Zealand Wars had a major impact and devastating effect on the lives of our people, many of whom were forced from their homes and ancestral lands. As settler numbers grew, the Tainui tribes in the Waikato decided to resist selling any more land and to establish a king, Potatau Te Wherowhero, in 1858. Governor Gore Browne and his successor, Sir George Grey, as well as the settler government, viewed the Maori

King as incompatible with British sovereignty and prepared for war.

- 4.9 On the 9th July 1863, the Government issued an order requiring all natives living in the Manukau district and on the Waikato frontier north of the Mangatawhiri to take the oath of allegiance to the Queen and to give up their arms, and warning the Maoris that those refusing to range themselves on the side of the British must retire to the Waikato. Those not complying with this instruction were to be ejected from their settlements. This ultimatum was followed by the following Proclamation sent to the Kingites summarizing the reasons which prompted the military measures adopted by the Government:



CHIEFS OF WAIKATO, —

Europeans living quietly on their own lands in Waikato have been driven away; their property has been plundered; their wives and children have been taken from them. By the instigation of some of you, officers and soldiers were murdered at Taranaki. Others of you have since expressed approval of these murders. Crimes have been committed in other parts of the island, and the

criminals have been rescued or sheltered under the colour of your authority.

You are now assembling in armed bands; you are constantly threatening to come down the river to ravage the Settlement of Auckland and to murder peaceable settlers. Some of you offered a safe passage through your territories to armed parties contemplating such outrages.

The well-disposed among you are either unable or unwilling to prevent these evil acts. I am therefore compelled, for the protection of all, to establish posts at several points on the Waikato River, and to take necessary measures for the future security of persons inhabiting that district. The lives and property of all well-disposed people living on the river will be protected and armed and evil-disposed people will be stopped from passing down the river to rob and murder Europeans.

I now call on all well-disposed natives to aid the Lieutenant-General to establish and maintain these posts, and to preserve peace and order. Those who remain peaceably at their own villages in Waikato, or move into such districts as may be pointed out by the Government, will be protected in their persons, property, and land.

Those who wage war against Her Majesty, or remain in arms, threatening the lives of Her peaceable subjects, must take the consequences of their acts, and they must understand that they will forfeit the right to the possession of their lands guaranteed to them by the Treaty of Waitangi, which lands will be occupied by a population capable of protecting for the future the quiet and unoffending from the violence with which they are now so constantly threatened.

*Auckland, 11th July, 1863.
G. Grey, Governor.*

- 4.10 Grey's troops moved to invade the Waikato on 12 July 1863. Most Maori on the Manukau Harbour were forced to abandon their settlements and retreat into the Waikato. Government policy treated Waikato Maori as 'rebels' that included those from Manukau. The process of ejection of those natives who could not bring themselves to abandon their fellow-countrymen was now carried out at the Manukau, Papakura, Patumahoe, Tuakau, and other districts between Auckland and the frontier waters. Te Akitai, Tamaoho, and Ngati Te Ata lands on the Manukau were confiscated as 'punishment'.

- 4.11 In early 1865, the Crown proclaimed 135,907 acres in South Auckland under the New Zealand Settlements Act 1863 (although there is some uncertainty of the actual extent of the lands confiscated because the acreage of some blocks was not documented and some lands were later returned). The confiscated land, which covered east Wairoa (estimated at 50,000 acres), west Pukekohe (1133 acres), Mangere, Pukaki, Ihumatao, and Kerikeri (2730 acres), also included the reserves from previous Crown purchases in the Waiuku North and Waiuku South blocks.
- 4.12 Land was also forcibly taken by the Crown at Patumahoe (702 acres), Pokeno (19,000 acres), Pukekohe (5381 acres), Tuakau (10,887 acres), and Tuhimata (640 acres). The Crown reserved about 4 percent of the total area for Maori from earlier Crown purchases, but it then confiscated a further 7000 acres, leaving less than 3 percent as Maori land. An estimated 100,000 acres were confiscated from Maori overall within the district.

Manukau Harbour Claim

- 4.13 The loss of customary land ownership is no better described than in the Manukau Harbour Claim findings, as follows:

“Despite pleas that remaining Native Reserves should be held by tribes as a whole, in accordance with Maori custom, the Maori Land Court was established and directed by Parliament to convert tribal titles to titles held in individual ownership and this was duly done. In accordance with the same laws, lands that were owned by large numbers were vested by the Court in ten or fewer persons to facilitate the issuing of Crown Grants These people, being recorded on the titles without reference to any trust, came to be regarded as absolute owners and disposed of the land as such, or were succeeded by their children so as to defeat the inheritance of the majority. Tribal control was thereby lost, and with pressure from the growth of Auckland, further lands were sold”.

- 4.14 Report of the Waitangi Tribunal on the Manukau Claim: The Nature of the Claim

The "Manukau claim" is the most wide-ranging claim that this Tribunal has had to consider. To consider it in any broad and coordinated way it could not be severed into the several claims that it really constitutes. Basically the claim is about the despoliation of the Manukau Harbour and the loss of certain surrounding lands of the Manukau tribes. More potently underlying this claim is an enormous sense of grievance, injustice

and outrage that continues to haunt the Manukau Maori and bedevil the prospect of harmony in greater Auckland.

We are seriously disturbed by what we heard of recent events affecting the Manukau Maori people. Our jurisdiction prevents us from investigating those events that occurred before 1975 but it is still necessary to consider them. The claim in respect of current concerns cannot be severed from the earlier events of the past. From their one time extensive lands, forests, estates and fisheries all that is left to the claimants is a few pockets of land, a severely restricted ability to enjoy traditional fisheries, and a legacy of their denigration as a people.

If that which is left to them cannot be protected for their benefit, not as a consequence of a recent environmental awareness, but through a substantive recognition of their status as the indigenous people, then the pattern of the past, the plundering of the tribes for the common good, will simply be affirmed and continued. We have examined the history of past events in that context. We present them in that form to you, so that the people's current concerns, and hope for a better future, can be assessed in terms of what has gone before. We are frankly appalled by the events of the past and by the effect that they have had on the Manukau tribes.

We were told of a large number of instances by which it was alleged that traditional rights to the enjoyment of the land or waters of the Manukau had been limited or denied. The claims were wide-ranging and although some were outside our jurisdiction to determine, each illustrated a central theme, that the promise of undisturbed possession of the lands, homes and fisheries of the Maori people had not been and was still not being recognised in the Manukau and lower Waikato river areas.

It was claimed:

- 1. That the tribes having the traditional right to use and occupy the land and waters of the Manukau area are various.*
- 2. That those tribes have used and enjoyed the lands and waters of the Manukau and lower Waikato from early times to the present day. The river and harbour are as much their gardens as their cultivations on land.*
- 3. That the use and enjoyment of their land has been severely limited by compulsory acquisitions, the effects of growth and development and a failure to recognise or give proper consideration to tribal occupational rights.*

4. *That the use and enjoyment of the waters has been severely limited by pollution from farm runoff, sewage, residential and industrial discharges, the effect of major works, commercial fishing and a failure to recognise or give proper thought to tribal fishing rights.*
5. *Particular respects in which it was claimed tribal interests in the land are not recognised include:*
 - ❑ *compulsory acquisition of certain lands*
 - ❑ *siting of major works on or near Maori lands so that land ownership is lost or land enjoyment limited*
 - ❑ *denial of access to the harbour, river and lakes, and*
 - ❑ *destruction or failure to protect sacred sites (wahi tapu)*
6. *It was claimed the promise in the Treaty of Waitangi to full exclusive and undisturbed possession of Maori lands, homes and fisheries and not been kept and is still ignored in current projects and policies.*
7. *Recognition of tribal fishing rights was sought but opinions varied on how recognition should be given. Some claimed the whole harbour belonged to the local tribes and ought to be vested in them. Others claimed representatives of the tribes ought to be appointed as Guardians of the harbour. Others asked for particular areas to be reserved for their use. Others asked simply that tribal fishing rights be recognised in fishing laws and planning policies and be given greater priority.*

4.15 Statements made by elders during the Manukau Harbour hearings enlighten us of the principles, which have dominated from the very beginning and provided the foundation for later environmental controls and customary practices (tikanga).

“We were taught a respect for the sea, the sea gods and for Kaiwhare the guardian spirit of the Manukau who wreaked havoc on transgressors. We were told of the maintenance of the laws of the sea through tapu and rahui (with their self-imposed punishments by whaka hawea and Maori mate). “We were introduced to rules that compelled quietness at sea and prohibited food on the water, gutting fish at sea or opening shellfish, lighting fires or cooking on the shoreline. Bathing was prohibited in certain places at certain times and urinating in the water was prohibited at all times. We were told how the people used kits not sacks, never dragged the kits over shellfish beds, dug only with their hands, replaced upturned rocks, and never took more than their needs. We were given brief references to incantations and rituals (still practised by many). The reading of signs was a specialised art, the reading being taken from wave patterns, fish breaking the waves, shellfish digging deeper into

the bed, bird movements and the growth or blooms of trees. The appropriate places for collecting various fish and shellfish according to seasonal migratory and spawning and feeding habits”

- 4.16 A sense of grievance still exists today with the loss of lands and fisheries for iwi. Much ‘ill feeling’ underlies the sentiment from iwi regarding the large-scale drainage and accelerated settlement of these places, the swamps and wetlands. The damage which has been caused to the mauri of waterways, the cultural offence caused by practices such as sewage and effluent discharge, the damage to and loss of mahinga kai, rongoa, and building resources these natural places once held and the damage to the health of the iwi.

5.0 THE CULTURAL LANDSCAPE

- 5.1 There has been more than a thousand years of Maori settlement in the Tamaki (Auckland), Manukau and Waikato regions. It is pointless to view our heritage resources in isolation, as separate from each other. They all inter connect and inter relate forming a wider and more comprehensive 'landscape' of a networked settlement of occupation and use. From coast to harbour and from sea to river.

The Islands, Pararekau (Paraurekau), Kopuahingahinga (Waikirihinau), and Orona, in their entirety are taonga and any development on them will be an adverse impact upon their cultural integrity and our identity as tangata whenua

- 5.2 The PPC8 area lies within this *Maori* networked settlement of occupation and use.
- 5.3 This subdivision will not stop us from entering the land, which we still consider to be ancestral land, if it is subdivided into an exclusive sanctuary for the rich. Subdividing the land would completely change its character and is a radical shift from the status quo.
- 5.4 The developers 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 island in strictly legalistic terms, Maori lore is as important as law. It is not about ownership, it is about whakapapa. For iwi whakapapa are the islands in their entirety.
- 5.5 The issue is how you reconcile European-style freehold ownership with the concept of spiritual ownership⁶. That is the challenging area and we need to work through it. For each and every one of us, the islands are us and we are the islands⁷. Also coupled with this is the considerable demand for residential properties with beach frontage and/or sea views, especially along the eastern coastline of the harbour which is in conflict

⁶ Waikato Iwi Management Plan 2007: Pg 128 (Extract) "With regard to tino rangatiratanga issues, as recorded in the Findings of the Waitangi Tribunal on the Manukau Claim 1985 Carmen Kirkwood in her evidence stated "We did not sell the Manukau Harbour. We did not gift it. We did not lease it."

⁷ Waikato Iwi Management Plan 2007: Pg 63 (extract) "Despite the pollution, the destruction and the desecration Carmen Kirkwood of Whatapaka Marae stated in 1986 "The Manuka not only belongs to us but we to it. We are a people begotten from within the depths of its waters"

with tangata whenua interests in gaining access, via traditional paths, to food-gathering areas.

Kaitiakitanga

- 5.6 This knowledge of the workings of the environment and the perceptions of humanity as part of the natural and spiritual world is expressed in the concept of **mauri** and **kaitiaki**.
- 5.7 Mauri can be described as the life force that is present in all things. Mauri generates regenerates and upholds creation, binding physical and spiritual elements of all things together. Without mauri things cannot survive. 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.
- 5.8 The Manukau harbour has mauri (a living energy). It is this mauri which provides for all living things and every place with a unique disposition. It is therefore imperative that nothing adversely impacts upon its integrity. Such an action detrimentally affects the mauri of the resource and consequently the mana, wellbeing and health of the people. The key here is the importance of not altering the mauri to the extent that it is no longer recognisable as a healthy component, wai ora. The act of discharging wastewater, including stormwater, into natural water (harbour water) goes against this very belief.
- 5.9 Kaitiakitanga underpins everything we (iwi) do in ‘our’ world. Kaitiakitanga or guardianship is inextricably linked to tino rangatiratanga and is a diverse set of tikanga or practices which result in sustainable management of a resource. Kaitiakitanga involves a broad set of practices based on a world and environmental view. The root word is tiaki, to guard or protect, which includes a holistic environmental management approach which provides for the following:
1. restoration of damaged ecological systems
 2. restoration of ecological harmony
 3. ensuring that resources and their usefulness increases
 4. reducing risk to present and future generations
 5. providing for the needs of present and future generations
- 5.10 For our people it is vital that three key considerations are provided for regarding PPC8;
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

Nga Taonga Tuku Iho: The Landscape

- 5.11 Arguably Pararekau Island is relatively small and not that well defined by its physical characteristics. However it does contain a number of landscape features that contribute to its character and amenity. The edge of the Manukau harbour are prominent physical features which contain and define growth and land use within the district. The SH1 corridor is the other significant feature that defines and constrains land use within the boundaries of the district.
- 5.12 The definition of landscape essentially encompasses both physical and subjective aspects. Physical aspects include matters such as height, depth, scale, form, or colour and these components result from natural processes and human activity. The significance of the physical however, is how it is perceived and experienced, and what it means to people. 'Landscape' is the relationship between natural and human landscape patterns, human experience and perception of these patterns and meanings associated with them.
- 5.13 In order to consider the concerns of the iwi one must have regard to the cultural landscape. Recorded and un-recorded archaeological sites are, in general, key indicators and only one layer of the cultural landscape. Waahi whakahirahira (sites of significance) is amongst some of the additional key indicators of the wider cultural landscape. In order to provide the context of cultural connection one must also have regard to the physical landscape as it was when the occupation took place.
- 5.14 The islands *Nga motu a Pararekau (Paraurekau), Kopuahingahinga (Waikirihinau), and Orona* are waahi whakahirahira. Our oral traditional history tells us they were **waahi nohoanga** (encampments used for fishing, cultivations and other seasonal activity).
- 5.15 The harbours and islands, promontories and adjacent land were used extensively, particularly during the summer months, for fishing camps and the collection of resources from the forests and coasts, including timber, birds and plant fibres.

Archaeological evidence shows a clear pattern of site distribution, with settlement particularly focussed on headlands jutting out into the harbour and at the entrance to major estuaries or creeks. These locations provided easy access to the harbour and inland sites, easy canoe landings, fresh water and land suitable for seasonal gardens and would have been visited year after year to keep the gardens and maintain fishing rights.

- 5.16 For iwi it is pointless to view our heritage resources in isolation, as separate from each other. They all inter connect and inter relate forming a wider and more comprehensive cultural landscape' of a networked settlement of occupation and use. From coast to harbour and from sea to river.
- 5.17 **The PPC8 site is thus an inextricable part of that cultural landscape.**
- 5.18 The general key indicator areas of the wider physical cultural landscape⁸ (in this sense) which remain today.
- a) Pararekau (Paraurekau), Kopuahingahinga (Waikirihinau), and Orona: Waahi nohoanga
 - b) Te Manukanuka o Hoturoa: Manukau Harbour and cultural seascape
 - c) Te Awa o Papakura: Papakura Stream
 - d) Takirangaranga Point: Waahi nohoanga
 - e) Kauri Point: Waahi nohoanga
 - f) Te Pahurehure Inlet: Karore Bank, Papakura Channel and Hikihiki Bank (Kutai Mussel harvesting areas)
 - g) Whatapaka: Kainga and Creek
 - h) Te Karaka Pa: Reserve
 - i) Waka turanga: Waka landing areas
 - j) Hingaia (Tupuna Chieftness: Kainga (places of residence)
 - k) Nga Mara o Manuka: Cultivations
 - l) Pukekiwiriki Pa
 - m) Nga Ara Hikoi: Pathways traversing from high ground to low
- 5.19 The main concern for iwi is to ensure that the cultural and physical integrity of the islands are not adversely affected by PPC8. We acknowledge that parts of Pararekau are already modified. This means it is even more imperative that whatever cultural features remains are protected and avoided.

⁸ Cultural Landscaping: 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)

Archaeology

- 5.20 Russell Foster and Associates prepared an archaeological assessment. Recommendation one stated: *That this report is concerned with archaeological values. Tangata whenua should also be consulted in case there are traditional or cultural associations with the property that could be affected by the proposed development.*
- 5.21 The results of this assessment determined that the likelihood of *in situ* archaeological evidence being present on this property is very low. Although a lack of any archaeological evidence in the study area is clear, the possibility that some evidence remains is still a possibility. However a walkover⁹ of the property showed that there are definitely cultural features present on the island namely, midden shell deposits, depression in land (whare sites), traces of rua pits and drainage.
- 5.22 The promontories, headlands and islands of the Manukau are rich in archaeological material and cultural remnants – the problem is that it is only exposed in full view when the top layer has been ‘taken off’, has been stripped. We draw your attention to the enormous amount of artifacts, finds and archaeology *in situ* that was exposed in a recent excavation undertaken at Taputiketike Pa¹⁰, a headland at Waitangi Falls on the Manukau Harbour. We predict this will be a similar situation on Pararekau Island.
- 5.23 The inability of archaeology to locate the history and associations of a significant place is a case in point. Although we acknowledge limitations to archaeological assessments in reflecting the historical events in time that may have taken place, it is important for Iwi to participate in these processes to fill in the missing pieces of research in terms of the historical relevance of any given area.
- 5.24 This invaluable exercise can assist in forming an overall historical picture of the area for the benefit of public knowledge. Iwi believe that all sites are protected until the appropriate information relating to the site has been researched. These sites link us to the past. We must be given the opportunity to research these sites of significance in detail with the appropriate time given to learn more about our history.
- 5.25 In 2001 a report was prepared by ARC archaeologist Kim Tatton titled Cultural Heritage in the Auckland Region: Priority Areas

⁹ Walkover (site visit) conducted 24th May 2011 those iwi reps in attendance Karl Flavell, William Brown, Lucie Rutherford and David Wilson

¹⁰ See Appendix 2

for Survey and Assessment. The *Papakura District Cultural Heritage Resources* section of that report states:

Maori archaeological sites make up the greater part of all recorded cultural heritage sites in Papakura district. It is predicted that Papakura district would have been intensively settled by Maori because of its strategic location at the south eastern extremity of the Manukau Harbour, and at the entrance to major inland route ways to Clevedon and Wairoa in the east, and along the flats on the edge of the Hunua Ranges between the Tamaki isthmus and the Waikato in the South. Traditional and archaeological records indicate that each of the main valley systems of the Drury – Papakura Hills were occupied at least on a seasonal basis to hunt and gather forest resources. Recorded sites in this area on the whole are widely scattered, but with occasional clusters adjacent to streams and on the high ridges of the hills and ranges.

The low lying poorly drained soil areas of the lowlands in the west of Papakura district would not have been attractive to Maori for settlement, although they would have been exploited for their wetland resources and birdlife. Selected areas at the base of the foothills where there were arable and swamp soils are likely to be cultivated. Recent archaeological surveys have confirmed this settlement pattern. The lowland area of Papakura district has subsequently undergone extensive modification by 20th century development.

- 5.26 Today the guardian families of the Manukau are represented in various marae (Whatapaka, Tahunakaitoto, Pukaki, Makaurau and Te Puea) all in close proximity to its shores. Each of these marae once thrived and relished in easy access to the bounty of the harbour.
- 5.27 It is our determination that the cultural landscape, of which the proposed development site, and immediate surrounds form part of, were definitely utilized and occupied, settled by our people. Whether traversed through, settled long term or short term it is an area that is culturally significant to iwi and forms part of the wider Manuka cultural landscape.
- 5.28 The following tabulated format was produced to assist with decision making and to help facilitate the readers understanding:

PPC8		
Potential Change	Potential Effects	Appropriate Response
Loss of cultural and natural identity and value	Disconnection to the area and traditional relationship for tangata whenua	Land transferred to iwi for a Maori reservation/reserve Walking access extended into the cultural landscape

		<p>Appropriate interpretative signage and placement of Tohu (Plaque/Monument)</p> <p>Naming of reserves, roads, retaining old names of the area</p>
<p>Subdivision, use and development of the islands</p>	<p>Fragmentation of the existing patterns of indigenous vegetation and open space</p> <p>A cumulative effect of housing</p>	<p>No subdivision, use and development within the islands should be allowed to take place</p> <p>The visible parts of the island should be protected from subdivision and development</p> <p>Subdivision and development within the island should be subject to a visual and landscape assessment, with controls over location, reflectivity, height, bulk, earthworks and planting</p> <p>Design guidelines should be applied to ensure that the purposes of design restrictions are understood</p> <p>Earthworks within the islands should be carefully considered and controlled</p> <p>Existing vegetation within the islands, particularly tracts of remnant indigenous vegetation should be protected, and enhanced.</p>
<p>Loss of visual rural amenity</p>	<p>Suburban density development on the islands, which currently provides an intermediate density buffer between the urbanized Hingaia Peninsula and the shoreline development around the harbour edge.</p>	<p>Subdivision and development within the island which is currently buffering the Hingaia and Pahurehure development and should be limited to lifestyle rural/countryside living density subdivision only, if developed at all.</p> <p>A framework of vegetation should be maintained to ensure that subdivision and development can integrate into the surrounding landscape</p> <p>Un-vegetated sites should require additional planting to ensure a consistent pattern of buffering between the developed plains and the undeveloped upper slopes</p>
<p>Urban development within riparian margins of watercourses and the rural environment</p>	<p>Urban development within riparian margins may compromise the future provision of esplanade reserves / strips, and lead to the</p>	<p>Sensitive edges of watercourses and wetlands should be identified and protected from development, including developing them into stormwater retention areas.</p> <p>High priority esplanade edges should be highlighted for the future acquisition of land for esplanade purposes</p>

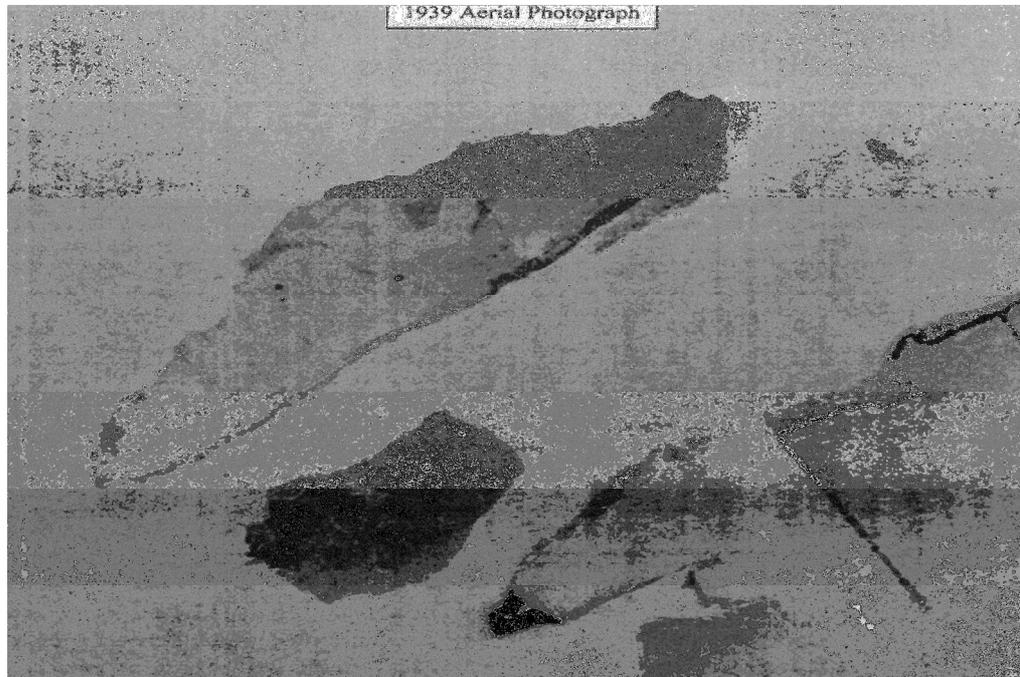
	de-naturalisation of the rural environment	<p>Where coastal erosion is likely to erode the esplanade, provisions should be made to allow for the reserve to ‘move inland’ as erosion occurs, to ensure continued public access</p> <p>In addition to protection of esplanade lands from development, margins should be planted with long term vegetation to provide physical buffering and protection</p> <p>Earthworks within riparian margins should be carefully controlled and monitored</p>
Stream corridors require re-vegetation in order to protect and enhance landscape and ecological values On Pararekau Island stormwater detention wetlands/ponds should be ‘outside’ the islands natural wetland areas.	The continual erosion of stream edges, leading to water quality and habitat degradation within stream corridors and downstream On Pararekau Island the natural wetlands are close to the harbour and are more susceptible to pollution, thereby polluting the harbour	<p>Sensitive stream corridors within the district should be identified and protected from erosion by planting, fencing, and retiring from stock access</p> <p>A framework of stream corridors interlinked with the district, retired, and established in largely indigenous vegetation will have wider ecological and landscape pattern benefits for the district, including the linking of the Manukau harbour edge</p> <p>A legible pattern of vegetated riparian corridors is a key indicator of long term water body protection</p>
Open space and rural character of the Hingaia are at risk from urban expansion and growth	The sprawl of urban development outside of the existing Hingaia urban limits into the surrounding rural areas.	<p>The urban limits of Hingaia should be contained to ensure that low density development patterns on the rural plains are maintained</p> <p>Any extensions to the urban limits should be carefully considered and assessed at a strategic district level.</p> <p>Sensitive areas such as islands should be left undeveloped, and if development is unavoidable, should be at a very low density to provide for cultural and visual amenity.</p> <p>Adhoc plan change applications for rural land to be rezoned for urban and residential development should be carefully considered, with appropriate design and location controls put in place</p> <p>Country side living should be just that. Countryside Living, not urbanization.</p>

6.0 PPC8 ASSESSMENT AND EVALUATION

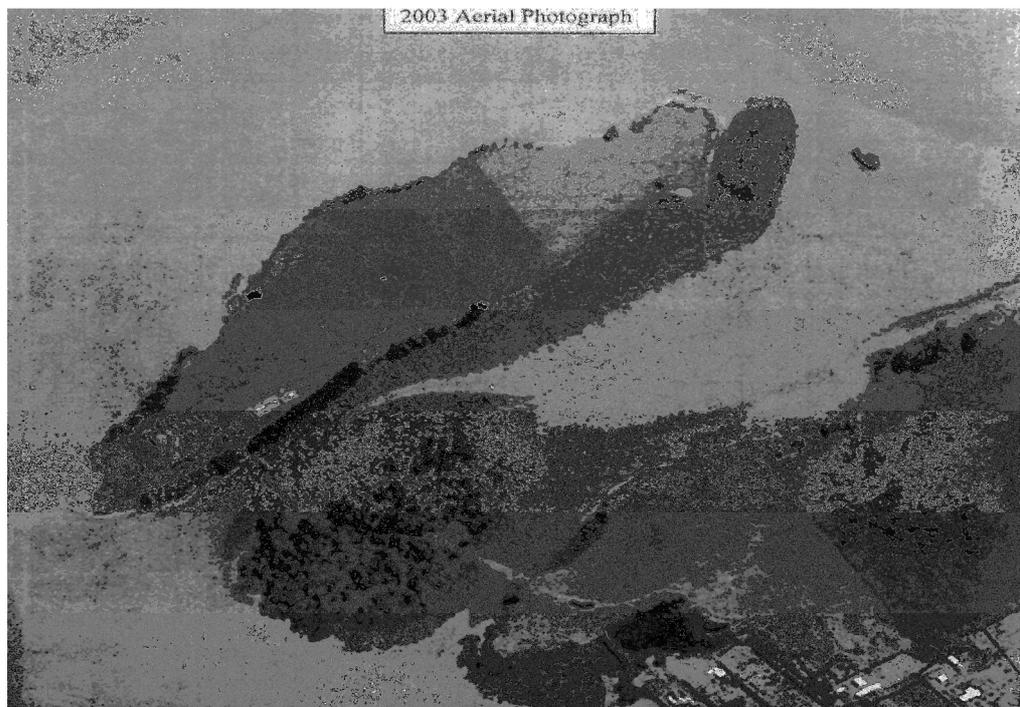
Background

- 6.1 The Hingaia Peninsula was identified through the Regional Growth Strategy as an area to accommodate future growth of 10,000 people over the next 50 years within the Auckland Region, with 5,000 being accommodated within the next 20 years.
- 6.2 A Hingaia Peninsula Structure Plan was developed with a total land area of 684ha.
- 6.3 Hingaia East has been identified as the first stage of the Hingaia Peninsula Structure Plan Area. Hingaia East comprises some 318ha of currently rural zoned land.
- 6.4 Hingaia East is itself split into two sub areas - Area 1a comprising some 146ha, and the balance. Rural Papakura zone was retained for the balance of the smaller Kopuahingahinga Island.
- 6.5 Pararekau and Kopuahingahinga Islands were not included in the Hingaia Peninsula Structure Plan Area.
- 6.6 Pararekau and Kopuahingahinga Islands, have been identified through a structure plan process as not being suitable for urbanisation due to the combination of existing coastal, landscape and visual amenity values and the potential for adverse effects on the receiving ecological environment
- 6.7 Pepene, Hunia and Ihaka Takanini originally sold the islands of Pararekau and Kopuahingahinga on 15th June 1853 for 25 pounds. (Turton Deed No 266).
- 6.8 The Deeds stated that ‘all the dry land down to high water mark the parts which the tide covers is not sold*’. The asterisk footnote states that “The natives insisted on this being specified, intending thereby to retain the right of putting down the stakes for their nets when fishing.
- 6.9 Pararekau and Kopuahingahinga Islands are located within the Pahurehure Inlet on the Manukau Harbour. The islands are connected to the Hingaia Peninsula via two causeways.
- 6.10 The causeways were constructed illegally and given retrospective consent. A retrospective coastal permit for the causeways was issued in 1999 (Permit No 21849). This was followed by a certificate under section 245 of the RMA, which

was issued by the Department of Conservation on 17th March 1999 confirming that the reclamations (causeways) conformed to the provisions of the coastal permit granted. **These consents were opposed by iwi.**



Photos from Jim Dahm Coastal Report and Evidence on behalf of KHEL



- 6.11 There has been considerable discussion surrounding the final outcome for Kopuahingahinga Island and the gifting of it as a reserve for public use. The outcome of these discussions is still unclear, although there is mention of the island being gifted in return for financial contributions not being paid to council.
- 6.12 Karaka Harbourside Estate Limited made a submission to the Hingaia Peninsula Structure Plan to have Pararekau Island included in the Structure Plan for urban development. The ARC rejected this request.
- 6.13 Proposed Plan Change 8 to the Papakura District Plan to rezone Pararekau Island for Countryside Living was initiated.
- 6.14 Pararekau and Kopuahingahinga Islands have both been identified as being of significant cultural value to Iwi.
- 6.15 Ngati Te Ata and Ngai Tai submitted against the Proposed Plan Change for Pararekau Island.
- 6.16 The islands of the Manukau Harbour are a taonga to iwi. Presently the two largest islands of the Manukau are both under threat. Te Motu a Hiaroa (Puketutu Island) is currently in the Environment Court for a proposal to dump biosolids in it for the next 35 years. Ngati Te Ata is presently engaged in those proceedings.
- 6.17 Pararekau Island has a proposal for Countryside Living which could see the island become semi urbanized as a playground for the rich. Both of these proposals are unacceptable to iwi. Our islands are our treasures and need to be treated as such.
- 6.18 A Cultural Assessment is being prepared to ascertain that value and to decide on what is and what isn't acceptable to Iwi within the current Proposed Plan Change for the islands.

Proposed Plan Change 8; Pararekau Island Countryside Living Zone

- 6.19 The proposed amendment to the Hingaia Peninsula Structure Plan is by inserting a new section regarding the New Pararekau Island Countryside Living Zone.
- 6.20 Pararekau Island was proposed as a Countryside Living Area and it is a small island with high visibility within the Pahurehure Inlet. The island has been identified as being unsuitable for intensive urban dwelling and with the Hingaia Structure Plan coming into effect, as being unsuitable for continued farming practices.

- 6.21 A Countryside Living Zone has been proposed as being the most suitable option for Pararekau Island.
- 6.22 This Plan Change proposes to introduce a new Pararekau Island Countryside Living Zone. The purpose of the zone is to provide for the subdivision and development of Pararekau Island for countryside living purposes in a manner that will retain and enhance the ecological integrity and characteristics that contribute to its amenity qualities.
- 6.23 Built form and architectural guidelines are included in the zoning provisions to ensure that the design of the residential dwellings respects the natural features, landform, and existing scale and context of the coastal setting. More intensive subdivision on the island is prohibited within the zone to ensure that the zone provides for a permanent level and intensity of development.
- 6.24 Improved access to the coastal environment is enhanced through the establishment of a public esplanade strip around the perimeter of Pararekau Island, which will provide members of the public with pedestrian and cycle access to the island.
- 6.25 The planners report recommends a walkway that cuts across the island to give walkers a shorter alternative walk if desired. This recommendation is supported.

Subdivision

- 6.26 *(ii) Be subject to an encumbrance or other legal mechanisms on the titles of the lots created to ensure that no more than 11 Countryside Living/rural residential lots are created and no more than 11 household units are constructed in total within the Pararekau Island Countryside Living Zone in perpetuity.*
- 6.27 The ability to construct 11 household units rather than the original 22 is supported. However this density will have a major impact on the islands natural landscape and there are still the accessory buildings to be considered and the impact of all of this built form on a natural environment.

Part 17:

The sections set out and referred to below are from:

Private Plan Change 8 Pararekau Island Countryside Living Zone. As modified by Papakura District Council's decision 28th September 2010, and Incorporating amendments agreed by Karaka Harbourside Estate Limited and Auckland Council 7th June 2011.

- 6.28 The issues and objectives identified in part 17 of the proposed amendment are supported, however 17.3.2.1.4. [3] is not supported, and reference to the causeways should be deleted.
- 6.29 The causeways are illegal and should be replaced by a bridge to allow the harbour to return to its natural flow and protect historic fishing rights.
- 6.30 This request is also extended to Part 9, Access areas within causeways. The entire reference should be deleted and replaced with the term 'bridge'.
- 6.31 While some parts of the proposed amendments are clear and defined, others are not.
- 6.32 The proposed plan change is for Countryside Living. Not urban dwelling. The size of the lots, building height restrictions, number of buildings on each lot, wastewater disposal, stormwater design impacts, who owns the access and the esplanade strip are all areas where there needs to be further clarity.
- 6.33 It is our opinion that what is not set out in strict rules at the beginning of the development in such a sensitive location can lead to developers 'pushing the boundaries' and creating a final outcome which is not compatible to its environment.
- 6.34 A Cultural Assessment is being prepared to ascertain that value and to decide on what is and what isn't acceptable to iwi within the current Proposed Plan Change for the islands.
- 6.35 This report intends to identify area of concern to iwi that relate to the relationship with the islands and surrounding waters How the provisions of PPC8 currently impact on those sites and what changes we would like to see made to PPC8.
- 6.36 The proposed Pararekau Island Countryside Living Area has had some of its provisions taken from the Hingaia Peninsula Structure Plan, which is for an urban development.
- 6.37 For example the height restriction for a building within the Hingaia Peninsula Structure Plan is 9mtrs. The proposed Pararekau Island building height is at 8mtrs to ensure built structure do not dominate the landscape and to prevent a potential 3 story building from being developed.
- 6.38 It is our belief that the amendments agreed to by KHEL and Auckland Council (on the 7th June 2011)are totally contrary to Part 17.3.2 Objectives and Policies of PPC8.

6.39 **17.3.2.1.4 Policies**

- 1) “allows a permanent pattern of settlement to be implemented”
DELETE

6.40 We support the deletion to the reference of “economically viable”

6.41 The addition of the word esplanade **reserve**

It is our understanding that the difference between an esplanade reserve and an esplanade strip is that a strip must always be retained at its 20mtr width, but a reserve does not, and therefore over time the esplanade reserve will eventually erode, leaving no public access available.

Delete all reference to esplanade ‘reserve’

17.3.3 RULES SUBDIVISION

6.42 **17.3.3.4. Subdivision Standards**

1 **Density**

b) reinstate entire section

6.43 2; Work on Kopuahingahinga

- i) Subdivision to create one or more countryside living allotments

What is this referring to?

6.44 4 Minimum lot size

The minimum lot size has been reduced from 1ha to 8,000m²

Delete reference to 8,000m²

6.45 5 Identified Building Platforms

Reinstate entire (c) referring to the Coastal regression Report

New c) ‘have in each case a maximum area of 2,350m²’

Reinstate ‘have in each case a maximum area of 2,200m²’

6.46 6 Infrastructure and Services

Reinstate ‘and Kopuahingahinga’

6.47 9 Access Areas within Causeways

Replace Causeways with ‘Bridge’

iii) Reinstate 3mtr wide pedestrian/cycle way

6.48 **17.3.3.5 Specific Information Requirements for Subdivision**

4 Coastal Regression Report

Reinstate entire section

6.49 **17.3.3.7 Assessment Criteria**

1 Density
Reinstate entire section

6.50 9 Coastal Erosion-the extent to which:
a) (other than within the esplanade reserve)
Delete reference

b) Reinstate 'and stable for 100 year period....'
11 Provision of a public walkway and cycleway within any
esplanade strip/reserve within Pararekau Island-the extent to
which:

Reinstate 'and will be stable for 100 year period'

6.51 24 Ownership of Access Areas and Controls on Public Access

We note this entire section has been deleted. What decisions
have been made on access ownership?

6.52 **17.3.4.2 Controlled Activities**

l) Delete reference to 'and/or one minor Household Unit'

Delete bullet point two; 'The relationship of any Minor
Household Unit with the principal household unit.'

6.53 V1) Construction or modification of a security gate or gates at
the entrance to Pararekau and Kopuahingahinga Islands
Delete reference to Kopuahingahinga Island

6.54 **17.3.5. Assessment Criteria**

17.3.5.1.1
Delete 'accessory building(s) [delete the(s)]

Delete bullet point three; 'The relationship of any Minor
Household Unit....
Delete entire paragraph

6.55 **17.3.5.1.6 Construction or modification of a security gate
or gates at the entrance to Pararekau and
Kopuahingahinga Islands**

Delete reference to Kopuahingahinga Island.

6.56 This island is to be a reserve. The residents of Pararekau Island
do not need two sets of security gates for protection. This will

have a gated, prison and visually ugly effect on the entrance to a significant historic site.

17.3.6 PERFORMANCE STANDARDS FOR PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES

6.57 17.3.6.1 Maximum Height

- i) the maximum height of a Household Unit within a Countryside Living Allotment shall be 9mtrs
- ii) the maximum height of a Minor Household Unit or an accessory building within a Countryside Living Allotment shall be 5mtrs

Delete 9mtrs and replace with 7mtrs

Delete reference to Minor Household Units

6.58 Reason

The 9mtr building height is for **urban** development. This is a proposed Countryside Living Zone in a highly visual, cultural and coastal environment.

The ability to build to 9mtrs for the Household Unit and to have a Minor Household Unit, as well as accessory buildings will create an urban built environment, as opposed to a Countryside Living environment, with effects that can never be mitigated.

In this landscape we propose that 9mtrs is too high and that buildings be restricted to single story developments only, with associated landscape plantings to ensure that built form sits more comfortably within the landscape.

6.59 17.3.6.2 Maximum Building Coverage for any Countryside Living Allotment shall be 1000m²

Delete 1000m² and reinstate 700m²

6.60 17.3.6.6 Density

- i) Delete reference to 'and a single Minor Household Unit'

6.61 **Section one Part 10 Definitions- insert the following;**

Minor Household units within the Pararekau Countryside Living zone means;

Delete rest of sentence and a) and b)

6.62 Note

There do not appear to be any comments in the entire plan Change proposal regarding the proposed private recreation allotment

Archaeological Sites

- 6.63 There are several other areas within Papakura District where there is a concentration of cultural heritage sites or a surviving cultural heritage landscape, one such area includes the Coastal midden sites at Kopuahingahinga, Pararekau and Orona Islands. The combination of site types and their close proximity increases their significance, giving them additional value as a group. These groups/landscapes should be considered a priority for protection¹¹.
- 6.64 All of the recorded archaeological sites are located within the coastal margin and are proposed to be protected by an esplanade strip. The esplanade strip is to be 20mtr wide and contain a 3mtr wide pedestrian/cycle walkway.
- 6.65 The esplanade strip is prone to erosion and the proposed walkway will mean that the archaeological site will be prone to further damage by human users.
- 6.66 The esplanade strip needs to be increased to at least 30mtrs to ensure that cultural sites are not impacted upon unnecessarily by natural erosion and walkway/cycle way proposed.
- 6.67 It is recognized that that a strip is/was proposed rather than a reserve to allow for the strip to progress inland as natural erosion occurs so as to always provide for pedestrian use.

Resource Management Act 1991

- 6.68 Section 6: Section 6 requires matters of national importance to be recognized and provided for:

S.6 Matters of national importance

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 recognize and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

¹¹ Cultural Heritage Plan: Hingaia 2003 (Page 46)

- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of recognized customary act*

6.69 Planners Report: Conclusions on the Manukau Harbour (planners report May 2010):

The Maori people have been further affected by the loss of their traditional access to the sea, the destruction of their traditional fishing grounds by physical works, and by a failure properly to define and protect areas of special significance to them. The Maori people have been further affected by the loss of their traditional access to the sea, the destruction of their traditional fishing grounds by physical works, and by a failure properly to define and protect areas of special significance to them.

6.70 Tangata Whenua have stated: (Cultural Heritage Plan: Hingia Peninsula July 2003)

“By virtue of this ancient status, along with its healing, cleansing, food producing and life sustenance principles, water is acknowledged by Maori as the most sacred and significant entity...”

“Tangata Whenua and the Manuka Harbour are an integral part of these principles. Our spiritual and traditional values are embodied within the harbour’s waterways and environs. The continued degradation of the Manuka is a direct affront to the preservation and observance of these values”

“...Direct disposal of wastewater, irrespective of pre-treatment standards to any waterway is spiritually and culturally offensive. Discharge of wastewater contaminated by human effluent to a waterway containing a food source is equally unacceptable spiritually and culturally. ”

6.71 The Waitangi Tribunal recorded the Manuka claim as:

“...these tribes have used and enjoyed the...waters of the Manukau...from early time...The...Harbour (was) as much their gardens as their cultivations on land.

.... the use and enjoyment of the waters has been severely limited by the pollution from farm run-off, sewage and industrial discharges, the effects of major works, commercial fishing and a failure to recognise or give proper thought to tribal fishing rights.”

And that:

“...More fresh clean water...is needed in the Manuka to flush her out. Dams are one of the major problems for holding backwater from doing this... (p147)...the water must be clear; septic tanks are needed at factories dealing with chemicals. Also there is a need for a separate system for storm water...”

6.72 In the December 2010 “Maori Values Supplement” to the Resource Management Act 1991, it is stated

- The High Court has stated the need for RMA decision makers to use a wider lens than that of western culture when addressing Maori values
- The Environment Court has confirmed that Maori values must be approached from the Maori world view in accordance with tikanga Maori

6.73 The views of Maori have not been recognised and provided for, neither was their request for the foreshore not to be sold as part of the Pararekau Island sale, as they wanted to retain their fishing rights.

6.74 We do not believe that Maori values were recognized and provided for when the decision to legalize the causeways and not have them removed was considered.

6.75 Submission (6.3) by Lesley Robyn Middleton states the causeways were illegally reclaimed and there is no documentation available which raises the issue of safety. The submitter states if the proposed plan is to precede it is important that these past issues be rectified.

6.76 Submission (17.50) by Papakura District Council states feedback from the open days highlighted the negative effects on the harbour caused by the causeways and included suggestions that the causeways should be opened up to provide better flows. It is considered to be important to ensure that the development enabled with the future zoning of both islands does not create a situation that restricts the ability to open up the causeways by piping or bridging. The submitters states that if found to be potentially beneficial to the environment, it would be

appropriate that the Plan Change include provision that culverts or bridging should be provided within the causeways.

6.77 Submission (5.8) by Ngati Te Ata Waiohewa states:

The developers have 'assumed ownership of the islands foreshore. This is not the case. When the causeways were granted a retrospective consent from council,-effectively making an illegal activity legal,-the causeways have created an adverse effect on the Harbour, by restricting the natural water flow, and thereby over the years will have an immense cumulative effect on the health of the Harbour, seabed and ecosystems. The causeways should be removed. The causeways have already created an environmental effect on the Manukau harbor.

"Leave the islands alone'

6.78 Submission by Ngai Tai Ki Tamaki states;

- 1) This area is of historic significance
- 2) The foreshore of the Islands Pararekau, Kopuahingahinga and the Hingaia region are considered a taonga, as the whole of the harbor Te Manuka is a taonga. When the islands of Waikirihinau, Paraureka and Orona (one identified today as Kopuahingahinga) were sold by Pepene, Ihaka Takanini and Hunia Wiker of Akitai, it is noted on the Deed of Sale that the foreshore of the island was NOT to be sold as the foreshore is a fishery of these tupuna.

Coastal Report

6.79 The Coastal Report finds that the stormwater effects after development of the Hingaia Structure Plan will not be significant; stormwater discharges during development could be managed and would not be significant given existing heavy sediment discharges from the catchment.

6.80 This means that the Pahurehure Inlet is already polluted by existing heavy metal discharges, therefore all developments on Pararekau Island must be of a high discharge standard so as not to create more pollution in the harbor.

6.81 A report was commissioned from Jim Dahm, a coastal expert in 2009. In view of further questions raised Jim Dahm was engaged by KHEL in May 2010 to further comment on coastal erosion for Pararekau Island.

6.82 The report noted that it is important that subdivision is managed to avoid shoreline armoring and associated

degradation of natural values. Coastal erosion is predicted to be 30mtrs per 100 years and climate change predictions are that the sea level will rise by up to 1 meter or even higher within 100years.

- 6.83 When you combine the rate of regression and the expected sea level rise, the recommended required building setbacks should be at least 40-50meters.
- 6.84 The esplanade strip is a proposed 20mtr strip around the perimeter of the island and slow erosion also has implications for tree planting, so that trees planted should be set back 10-15mtrs from the coastal edge.
- 6.85 The north western shoreline is more susceptible to erosion and subdivision and location of dwellings should reflect this. The removal of existing shoreline protection works from the embankment towards the eastern end of the island would probably restore a useful high tide beach that would enhance amenity for landowners and foreshore users.
- 6.86 In addition, the nature of the proposed subdivision and the proposed access strip will avoid the need for shoreline protection works in the foreseeable future.
- 6.87 However, given existing cultural forms, it may be useful to add an additional setback equal to half the width of the present foreshore regression line with consent conditions requiring that any erosion seaward over the next 50 years will be lived with. (Recommendation 45, Jim Dahm report).

The conservation, efficient use and reuse of the Regions water shall be promoted.

Stormwater

- 6.88 A Stormwater Management Plan

58: A Stormwater Management Plan that has regard to the relevant Stormwater Catchment Management Plan and which identifies how the following design principles have been incorporated into the subdivision design and layout and stormwater management design:

- (i) All stormwater management measures shall be in place prior to impervious surfaces being formed on the site;*
(ii) Minimising site disturbance, including by using land efficiently.

- (iii) Location of all buildings and structures within the Identified Building Platforms as shown on the Pararekau Island and Kopuahingahinga Island Structure Plan (Appendix 17E);*
- (iv) Impervious areas limited to the minimum practical requirement and within the limits of Rule 17.3.6.3;*
- (v) The natural drainage patterns shall be retained;*
- (vi) Pre-treatment of stormwater runoff prior to discharge to the coastal edge and discharge to the northeast coastline of Pararekau Island*
- (vii) Lowering of flow velocities prior to reaching the coastal edge and avoidance of exacerbating coastal erosion;*
- (viii) Creation of natural areas, including plating of riparian and coastal margins;*
- (ix) Preservation of amenity values;*
- (x) Appropriate methods of stormwater treatment implemented before stormwater is dispersed into natural watercourses using biofiltration practices, including vegetated swales, filter strips, raingardens, wetlands, and creating natural areas;*
- (xi) Providing for water reuse;*
- (xii) low impact design that will minimise the potential adverse effects of stormwater runoff on the coastal environment. This may include the use of raintanks, detention tanks and re-use systems and methods to minimise the run-off of stormwater such as by the re-use of rainwater.*
- (xiii) mechanisms to manage and maintain communally owned parts of the system and parts of the system to be located on privately owned lots that will service other lots and/or communally owned areas.*
- (xiv) Preserving historic heritage and archaeological sites*

Stormwater management measures:

- (i) will avoid, remedy or mitigate potential adverse effects on the environment.*
- (ii) will be implemented and all stormwater management measures be provided and be in place prior to any impervious surfaces being developed;*
- (iii) demonstrates the use of low impact design to minimise the potential adverse effects of stormwater runoff on the coastal environment. This may include the use of raintanks, detention tanks and re-use systems and methods to minimise the run-off of stormwater such as by the re-use of rainwater;*
- (iv) provide mechanisms to manage and maintain communally owned parts of the system and parts of the system to be located on privately owned lots that will service it and/or other private lots and/or communally owned areas.*

6.89 While the stormwater proposals are generally supported there are a number of natural springs and natural wetland areas on

the island which should be enhanced in their natural state, and not be a part of the stormwater control proposal.

- 6.90 It is of significance to iwi that these natural springs and wetlands are retained and enhanced and not subject to further pollution as a stormwater retention area.
- 6.91 LID systems are supported, as is the preserving of historic heritage and archaeological sites.

Visual Amenity

6.92 The proposed landscape design by D.J Scott and associated building restrictions and planting proposals all show how highly visible and valued this landscape is within its natural surrounds.

6.93 Part 17.3.2.1.3 Objectives

ii) To maintain and protect the Open space rural character of Pararekau and Kopuahingahinga Islands as predominantly 'unbuilt' landscapes

6 94 17.3.2.1.4 Policies

1 (i) ensures the preservation of the natural character of the coastal environment from inappropriate subdivision use or development;
(ii) ensures the protection and enhancement of the landscape character and rural amenity values of the islands;
(iii) ensures the protection of the open and largely unbuilt landscape;
(iv) Provides for public pedestrian and cycle access to and around the island while ensuring that cultural, historic heritage, archaeological and ecological values are not adversely affected;
and
(v) Incorporates appropriate landscaping within Pararekau Island and maintenance and enhancement of the native vegetation of Kopuahingahinga Island in order to mitigate the potential adverse effects of the subdivision, development and use of Pararekau Island for countryside living.

6.95 While the objectives and policies are supported, the outcome of 11 lots, the 25% impervious covering (including the building coverage), the building heights and size, accessory buildings, is still going to have a major, rather than minor effect on the visual amenity of the island

6.96 It is clear to us that Policies 1 i), ii) and iii) are not being provided for.

Wastewater

6.97 Wastewater treatment and disposal:

Wastewater treatment and disposal - the extent to which the proposed wastewater treatment and disposal measures:

(i) will avoid, remedy or mitigate potential adverse effects on the environment. It is expected that the wastewater system will be a low pressure effluent disposal system that connects to the public system on the mainland; and that the system will be provided at the time of subdivision and be in place and operational or ready to become operational prior to any development taking place and conditions may be imposed to require this in order to ensure that potential adverse effects on the environment, including the sensitive coastal environment, are avoided;

(ii) will be are to effectively able to treat and dispose of the wastewater from the expected level of development;

(iii) will provide for mechanisms to manage and maintain communally owned parts of the system and parts of the system to be located on privately owned lots that will service it and/or other private lots and/or communally owned areas.

6.98 United Water has concerns about the low number of proposed lots and the maintenance costs involved with owning the Low Pressure Sewer System (the Developer would take care of all installation costs). The system would need regular flushing due to the low number of houses connected to the system. Due to the low number of lots, and the probable high maintenance costs, United Water expects the islands water and wastewater infrastructure would be privately owned and managed”.

6.99 It is absolutely necessary if this proposal is to go ahead in any shape or form, that the wastewater is pumped off the island and not disposed of on site.

Historic Heritage

6.100 *Historic Heritage - Whether the proposal will adversely affect the built heritage, archaeology, Maori values or heritage landscape of Pararekau Island, Kopuahingahinga Island and the causeways and whether adverse effects can be avoided, remedied or mitigated.*

6.101 This report is intended to show that Maori values will be adversely impacted upon by this proposal. The islands of the Manukau Harbour are all of significance to iwi.

Vegetation Clearance

6.102 The residential settlements of Bottletop Bay and Towai, Karaka Park lifestyle blocks, farming and horticultural blocks, the New Zealand Bloodstock Centre and Strathallan School and other exiting activities on the Hingaia have caused extensive modification of the vegetation. The most noteworthy ecological areas that remain are the freshwater wetland areas in the south-east and the forested island of Kopuahingahinga Island in the north¹².

6.103 Vegetation Clearance – the extent to which the proposed vegetation clearance: ii) The presence of a suitably experienced ecologist be onsite during the initial phase of site works to capture any disturbed lizards and remove them from the area of works to a temporary refuge;

6.104 Works have already begun to clear out exotic trees from Pararekau and Kopuahingahinga Islands. What provisions have been made for the removal of the native lizards prior to these works taking place?

6.105 The native lizard is considered a taonga to Maori. There has been no consultation regarding the temporary relocation of these taonga.

¹² Cultural Heritage Plan: Hingaia 2003 (Page 5)

7.0 CONCLUSIONS AND RECOMMENDATIONS

- 7.1 There has been more than a thousand years of Maori settlement in the Tamaki (Auckland), Waikato and Franklin regions. It is pointless to view our heritage resources in isolation, as separate from each other. They all inter connect and inter relate forming a wider and more comprehensive 'landscape' of a networked settlement of occupation and use. From coast to harbour and from sea to river.
- 7.2 The PPC8 area lies within this networked settlement of occupation and use.
- 7.3 **We do not support PPC8 as the project area is a waahi nohoanga and a significant cultural landscape and any subdivision (at the scale proposed) would interfere with our traditional relationships with the site and adversely affect our taonga.**
- 7.4 However; any future management of the project area and wider surrounds should aim to preserve the cultural sites from further damage. In our opinion valuable cultural information is being lost as a result.
- 7.5 This proposed plan change is contrary to the RMA, Auckland Coastal Policy Statement, and the Policies and Objectives of its own Plan Change.
- 7.6 The provisions of the RMA section 6 were not recognized or provided for during the decision to give the causeways a retrospective consent in 2003. They are still not being recognised and provided for in PPC8.
- 7.7 The RMA section 6 a, b, e, f and g are not being recognized and provided for in this current plan change proposal.
- 7.8 The rights of Maori to their customary fishing grounds, places of significance and the natural flow of the harbour have not been taken into consideration.
- 7.9 The environmental effects on the harbour and its natural ecology have not been taken into account.
- 7.10 The causeways have been requested to be removed and replaced by a bridge or similar structure which will allow for the natural flow of the harbour by several submitters (including the Papakura District Council), none of these requests were taken into consideration.

- 7.11 The cultural significance of the island to iwi has not been given enough 'weighting' in the decision to allow for subdivision as countryside living.
- 7.12 Iwi have asked for the island to be 'left alone', with no subdivision taking place.
- 7.13 The Hingaia Peninsula Structure Plan Area comprises some 684ha of land. Hingaia East is the first stage of this structure plan to be developed, area 1 is 146ha, and development has already began, with some development already being lived in. The effects of this development are obvious as you drive down the number one highway, the buildings are of a similar size and quality as is normal for the current building trend and are highly visible and obtrusive on the natural coastal landscape.
- 7.14 The effects of this much urban land being rezoned and developed over the next 50 years are almost uncomprehensible. The visual effects will be with us forever. The environmental effects even under today's present rules will also have a negative impact on the harbour forever.
- 7.15 Every development at present under the ARC TP10 standards only has to remove 75% of pollutants prior to it reaching a waterway. This means that 25% of all pollution can enter the natural harbour and waterways as of right per each new development. The accumulative effects of each of these developments all contribute to the effect of the health of our harbour and waterways.
- 7.16 The Pahurehure inlet and Manukau Harbour forever impacted upon. The need for open space will be immense and our visual vistas will be highly prized.
- 7.17 The need to protect our natural open space is of great importance to not only iwi but all of our population. The impact of rezoning the island at present does not seem so great, as the Hingaia Peninsula development is only just began. However as time goes by and the Hingaia Peninsula development is realised it is our belief that the results of developing the Pararekau Island will be realised at a time when development effects will be irreversible.
- 7.18 This proposal is contrary to the objectives and policies of the Pararekau Proposed Plan Change 8.
- 7.19 This proposal as amended in PPC8 Pararekau Island Countryside Living Zone As modified by Papakura District Councils Decision 28th September 2010 and incorporating

amendments agreed to by Karaka Harbourside Estate Limited and Auckland council are TOTALLY unacceptable.

- 7.20 The amendments are totally contrary and at odds with the Objectives and Policies of the Pararekau Island Countryside Living Zone.
- 7.21 The new amendments are nothing short of greed for a proposal which will totally undermine the integrity of Pararekau Island.
- 7.22 The smaller lot sizes proposed, the total coverage requested, the building height proposals, the recommendation for an esplanade reserve rather than an esplanade strip, the proposed deletion of all references to the coastal regression report all show a total disrespect for the island and its natural environment within the Manukau Harbour.
- 7.23 If this proposal goes ahead as amended there will be NO esplanade reserve left in 50 years' time for the public to have access to and all that will remain of the island will be an urban, environmental, cultural and visual disaster.
- 7.24 The visual effects of the proposal will not be able to be mitigated within the present recommendations.
- 7.25 There is uncertainty surrounding the ownership of Kopuahingahinga Island
- 7.26 The stormwater management plan is supported in theory, however there needs to be more detail around how the stormwater is to be discharged into the natural waterways. From the plan provided it appears that the existing natural springs and wetland areas on the island are to be extended and used as stormwater treatment areas.
- 7.27 There is uncertainty surrounding the ultimate disposal of wastewater as the island will not have a large population, and as proposed, each lot is of large enough size to dispose independently of its wastewater.
- 7.28 To date iwi have not been informed of any temporary lizard relocation programs and works have already begun on both islands removing exotic vegetation.
- 7.29 The coastal report recommends that existing beach erosion control on the north western shoreline be removed to provide for an accessible high tide beach. And that building development is set back at least 40-50mtrs.

- 7.30 There is no reference to the proposed private reserve allotment within the proposed plan change. Has this proposed allotment been deleted?
- 7.31 The proposed gate/s to the entrance of both islands and the accessibility to the public are uncertain.
- 7.32 The ownership of access ways, esplanade areas and their maintenance are uncertain.

Recommendations: Cultural Mitigation

Our recommendation is for the one allowable lot under the present Rural Zone. However if the planner sees fit to grant this application then our recommendations are as follows;

- 7.33 **As stated earlier, we do not support PPC8 as the project area is a waahi nohoanga and a significant cultural landscape and any subdivision (at the scale proposed) would interfere with our traditional relationships with the site and adversely affect our taonga.**
- 7.34 Any future management of the project area and wider surrounds should aim to preserve the cultural sites from further damage. In our opinion valuable cultural information will be lost as a result.
- 7.35 If Council determine that PPC8 (and the consequential subdivision) proceeds then iwi request that the following stipulations (as consent conditions) and ‘those’ issues and concerns as raised in the cultural impact assessment are provided for to ensure that the protection, preservation and appropriate management of natural and cultural heritage and environmental resources are provided for in PPC8 and the proposed subdivision.
- 1) That the amendments agreed to by KHEL and Auckland Council are reconsidered regarding minor household units and the effects that these extra units will have on the natural, visual, coastal environment. The provision for ‘minor household units could provide for a minimum of 33 privately owned buildings, in total on the island. Not taking into account the private reserve.
 - 2) That the overall project design must incorporate historical and traditional aspects and materials. Linkages and cultural connectivity need to be provided for. This would entail a heritage walkway and the linking of important ancestral sites.

- 3) That the causeways are removed to allow for the natural flow of the harbour to be restored and historic iwi rights to be retained as is regarded of national importance.
- 4) That the lots be 9, 10 and 11 be deleted from the structure plan to allow for natural wetland and visual open space amenity.
- 5) That the remaining 8 lots are increased in size (to a minimum of 2ha).
- 6) That where lots 9, 10 and 11 were located become an open public space reserve vested in iwi to mitigate the visual effect of the development from adjacent areas.

An iwi reserve is supported by Te Akitai and Ngati Te Ata and should include at least two of the islands Orona/Orewa and Kopuahingahinga. Te Akitai would acknowledge that these reserves should vest in Ngati Pare Waiohua as at present this tribe has no land at all and is virtually forgotten. Both Ngati Te Ata and Te Akitai have close links to Ngati Pare. It is clear from the Turtons deed these are motu of Ngati Pare and that the descendants of Hunia, Pepene and Ihaka whakapapa to these motu through their Ngati Pare connections.

- 7) That the building height be restricted to 6-7mtrs allowing for single story dwellings only.
- 8) That the building setback be extended to 50- 60mtrs to allow for visual amenity, natural coastal erosion and climate change sea level rise to ensure public access to the foreshore for at least the next 100 years.
- 9) That the Coastal Regression Report be reinstated into the Plan Change
- 10) That the existing beach erosion control measures on the north western shoreline be removed to provide for an accessible high tide beach
- 11) That the esplanade reserve be an esplanade strip.
- 12) That the proposed private recreation allotment has the same rules surrounding its development as any public coastal reserve would have.
- 13) That Kopuahingahinga Island is gifted to council without the expectation of contribution waiver.

- 14) That there is NO control gates at the entrance to Kopuahingahinga Island.
- 15) That access is provided over the centre of Pararekau Island to the public.
- 16) That iwi are involved in the temporary lizard relocation program.
- 17) That all wastewater is reticulated via pump to the public reticulation system.
- 18) That stormwater retention ponds and wetlands are built outside of the existing natural wetlands to ensure the best treatment prior to it reaching the existing wetland areas and final discharge to the Manukau Harbour.
- 19) That the LID system is mandatory in all development.
- 20) That all existing wetland area and springs are riparian planted, protected and outside the proposed stormwater retention areas.
- 21) That interpretative signage/pou is provided for and placed within the iwi reserve.
- 22) That all steps are taken to minimize the effects of silt into the stream/wetland areas.
- 23) That trees are planted to minimize the visual effects of the proposal. That all proposed native gully and riparian plantings are adhered to.
- 24) That iwi has the first right to name any new roads and access ways to ensure the old names are retained. This will be in conjunction with discussions with council and the applicant.
- 25) That all steps are taken to ensure that less than 10% of allowable silt reaches the water away (TP 90 standards).
- 26) That the recommendations for building height and colour in the Landscape plan are adhered to as consent conditions.
- 27) That iwi are first shown the specific site location(s) and provision made for karakia (prayer) before any earth/water works proceed.

- 28) That iwi are engaged directly with the applicant and/or their agents, project manager regarding any further required consultation requirements, are informed of the results of all monitoring and consent related assessments relating to PPC8 and the proposed subdivision, and that iwi participate on a regular basis with regard to the monitoring of any proposed works from a kaitiaki perspective. That all earthworks are monitored by iwi.
- 29) That the applicant undertake the following procedures in the event of uncovering and/or discovery of koiwi (skeletal remains), archaeological finds, cultural material or artefacts including any deaths occurring on site will proceed as follows:
- a) all work in the vicinity immediately ceases
 - b) the area is secured and remains untouched. Immediately form a 5 to 50 metre fenced protection zone.
 - c) contractors, council and anyone else related to the site to immediately contact the following person, in the first instance, to organise the appropriate iwi reps).

Karl Flavell and William Brown
Paddy O'Driscoll and David Wilson
Lucie Rutherford and Ted Ngataki
 - d) iwi representatives must be contacted no later than 6 hours after the site has been uncovered and the contractor must not recommence work until iwi representatives have given specific approval to proceed.
- 30) That iwi are provided the opportunity for further cultural research and ongoing archaeological investigation as the development progresses.
- 31) Should there be any significant changes to the proposed subdivision application then iwi are to be notified and consulted with immediately and reserve the right to reconsider any of our earlier decisions.

APPENDIX 1:

APPENDIX 2:

**BEFORE THE ENVIRONMENT COURT AT AUCKLAND IN THE MATTER of the
Resource Management Act 1991 (the Act)**

AND

IN THE MATTER of an Appeal against a decision in respect of Proposed Private Plan Change No.
8 (Pararekau Island Countryside Living Zone) to the Papakura District Plan

BETWEEN KARAKA HARBOURSIDE ESTATE LIMITED (ENV- 2010-AKL-000310)

TE ARA RANGATU O TE IWI O NGATI TE ATA WAIOHUA (ENV- 2010-AKL-000314)
Appellants

AND AUCKLAND COUNCIL (formerly Papakura District Council)
Respondent

AND TE AKITAI WAIOHUA WAKA TAUA TRUST
Section 274 Party to ENV-2010-AKL-000314

**Addendum to Cultural Impact Assessment [CIA], prepared for Auckland Council
and Karaka Harbourside Limited [KHEL]**

Dated: 17th June 2011

Proposed Private Plan Change No.8

Pararekau Island Countryside Living Zone. June 2011

After having had time to more thoroughly read through the ‘without prejudice’ document incorporating amendments agreed to by Karaka Harbourside Estate Limited and Auckland Council 7th June 2011 (which was received on), we would like to make the following amendments to our Cultural Impact Assessment:

Page 49 [CIA] Recommendation 4,

‘That the lots 9, 10 and 11 be deleted from the structure plan to allow for natural wetland and visual open amenity’.

Amend and Delete 10 and 11, and add 7 and 8. To read ‘lots 7, 8 and 9’

Page 49 [CIA] Recommendation 6,

‘That where lots 9, 10 and 11 were located become an open public space reserve vested in iwi to mitigate the visual effect of the development from adjacent areas’

Amend and Delete 10 and 11 and replace with ‘7 and 8’. To read ‘lots 7, 8 and 9’

Page 49 [CIA], Add beneath 7

- (i) All buildings inclusive of decking, pools, tennis courts, or any built structure is to remain within the building platforms as shown on the structure plan

Page 36 [CIA], 6.66

Amend to read ‘the esplanade strip needs to be increased to at least 30mtrs to *encompass all of the identified cultural archaeological sites and ensure the footpath/cycleway is kept outside these sites, especially on lot 9.*

Page 42 [CIA] Visual Amenity; Add

Especially on lots 7, 8 and 9 iwi have concerns regarding any buildings in this landscape. Any building here would have to have strict controls regarding height to preserve the cultural and visual amenity of this portion of the island.

Page 50 [CIA], Recommendation 14

Delete reference to Kopuahingahinga and replace with 'Pararekau'

Page 34 [CIA], 6.55

Delete reference to Kopuahingahinga and replace with 'Pararekau'

We note that 17.3.3.1, 17.3.3.6, 17.3.3.7, of the 'without prejudice amendments agreed to by KHEL and Auckland Council 7th June 2011' document, have had their status changed from Restricted Discretionary Activity to Controlled Activity.

This status will give iwi no ability to participate in any landuse, subdivision, or earthworks applications.

Iwi consider themselves to be an effected party and want to be notified for all landuse, subdivision and earthworks applications.

Recommendation: Delete Controlled, and replace with 'Restricted Discretionary' Activity

Note.

As iwi are opposed to the causeways and question the legality of them we would request that our following recommendation be 'appended (tagged)' by Council.

That any future works for repairs/maintenance or upgrading of the causeways be subject to a full AEE report, with consultation with iwi, on the viability of replacing the causeways with a bridge to reinstate the natural flow of the harbour.

That there be a condition placed on each new title that any animals will be fully fenced within their lot, with the fence extending no more than to within 10mtrs of a stream/wetland, and 5mtrs from a cycle/walkway.

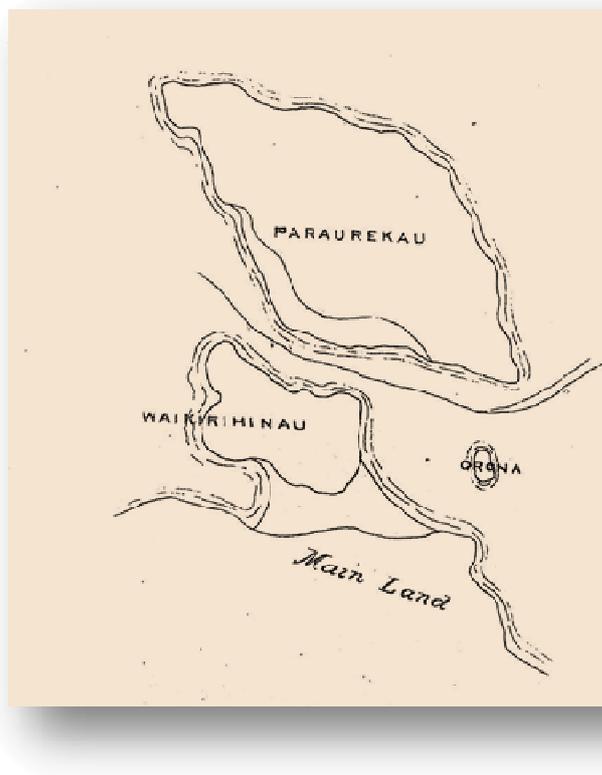
**ADDENDUM REPORT TO:
CULTURAL IMPACT ASSESSMENT (June 2011)**

Regarding:

**A proposed 170 lot subdivision development
at 149 and 149A Capriana Drive,
Pararekau Island, Hingaia**

Prepared for

Karaka Harbourside Estate Ltd (KHEL)



November 2017

The Proposal

Proposed Development and Staging

The proposed subdivision of the island includes:

- private roads,
- coastal esplanade reserve,
- drainage and recreation lots,
- 105 residential lots, and
- a 3 Ha superlot in the centre of the island, which will be developed into 65 residential lots in a series of subsequent stages.

Refer to Figure 2 below.

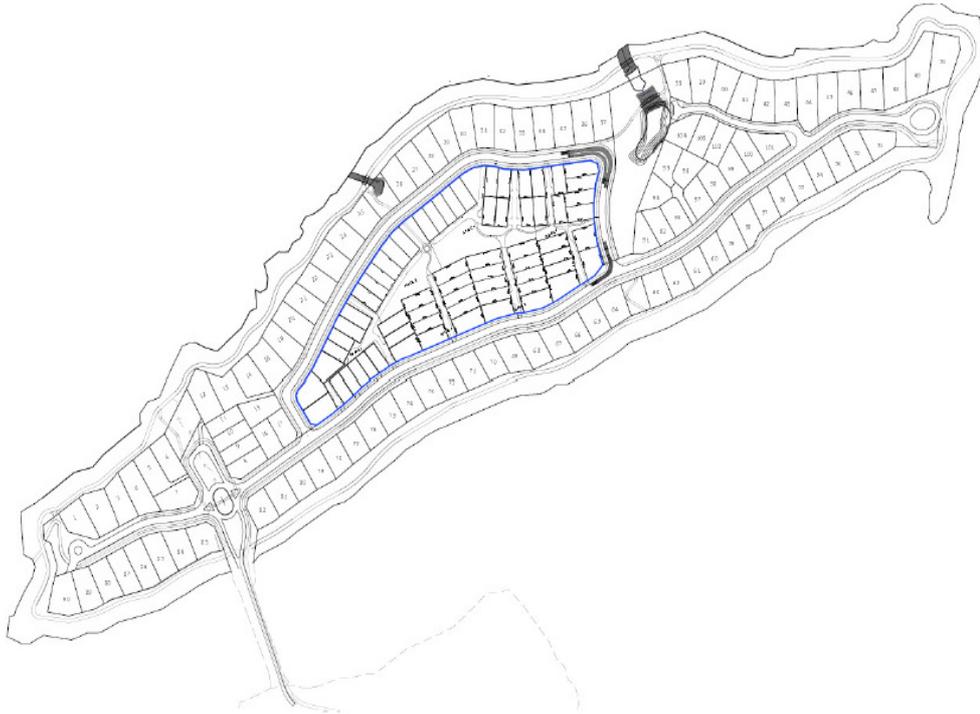


Figure 2 – Possible Comprehensive Subdivision Layout (superlot outlined in blue).

Brief Background

This cultural report is an addendum to the;

“Cultural Impact Assessment (June 2011) prepared for Auckland Council and Karaka Harbourside Estate Ltd (KHEL) regarding PPC8 the Proposed Private Plan Change No.8 Pararekau Island Country-Side Living Zone”.

Our primary recommendation in that report was that iwi did not support PPC8 as the project area is a waahi nohoanga and a significant cultural landscape and any subdivision (at the scale proposed) would interfere with our traditional relationships with the site and adversely affect our taonga.

The site is zoned Residential – Single House Zone under the Auckland Unitary Plan. The proposal relates to a 170 lot subdivision at 149 and 149A Capriana Drive, Hingaia. All services and infrastructure will be private. A new rock sea-wall (rock revetment) around the perimeter of the exposed, seaward face of the coastal edge.

Prior to rezoning of the island as Single House Zone an 11 lot rural residential subdivision was approved for the site including stormwater management works and erosion control improvements at the outlets of the two ponds and of the gulley at the middle of the island.

It continues to be our iwi view that any subdivision would interfere with our traditional relationships with the site and therefore must avoid adversely affecting our taonga. As previous record, our iwi opposition to the development of Pararekau Island and issues of concern can be found in the *“Cultural Impact Assessment Report (June 2011)”*.

Purpose of Addendum Report

The addendum report will;

1. Reassert our historical heritage and traditional associations that relate to the site and wider surrounds
2. Identify issues, concerns and any effects of the proposed 170 lot subdivision on our social, environmental and cultural heritage, interests and values including on the wider surrounding environment
3. Assist with the identification and formulation of methods and make recommendations to avoid, remedy or mitigate adverse effects our cultural and environmental interests, preferences and values.

4. This assessment represents only a starting point for initial engagement and will require further consultation (resource consent process) and dialogue between iwi, council and KHEL. Further discussion will be needed around the implications of the proposed subdivision to identify information gaps in our thinking, raise issues or opportunities we had not foreseen, and clarify and reach agreement of those issues as identified in this report.
5. It is intended that this assessment will assist with ongoing decision making from all relevant parties involved and ensure that iwi issues, concerns, interests and values are provided for including resource consent requirements. The ultimate goal for iwi being the protection, preservation and appropriate management of natural and cultural resources, including landscapes, in a manner that recognises and provides for our interests and values, and enables positive environmental outcomes.

Te Taiao (The Environment)

Kaitiakitanga

This knowledge of the workings of the environment and the perceptions of humanity as part of the natural and spiritual world is expressed in the concept of mauri and kaitiaki. As Kaitiaki it is our responsibility to speak for and protect those who cannot speak for themselves the earth, the trees, water, fish, birds, the crabs, every single element on this earth which man has not created, is alive. It has wairua (the breath of life) and mauri (life force).

Mauri can be described as the life force that is present in all things. Mauri generates regenerates and upholds creation, binding physical and spiritual elements of all things together.

Without mauri things cannot survive. 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.

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, causeways, 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

The waters of the Auckland region have been modified to support economic gains, and the impacts of previous poor management practices are increasingly being seen. As a result, human impacts from such uses as farming/agriculture, wastewater discharges, damming, horticulture, urban development, alterations to the natural hydrology (straightening/piping) of rivers and streams, and forestry conversions have modified natural water flows and increased the degree of contaminants that a water body receives resulting in a decrease in water quality of rivers and streams.

Water is a fundamental component for all dimensions of life. Water not only sustains life, but also serves an economic, social, cultural, spiritual, and political purpose. Regardless of the significance of water, the increase in water contamination by cities, industries, and agriculture/horticulture has led to the deterioration of the mauri of water.

Sustainable Development

Sustainable development is essential in today's climate, and *all* new development should in some, if not most ways, be self-reliant and self-sustainable.

There are many options for sustainability, with solar panels and green roofs to roof water capture for re-use and groundwater recharge being among a few. Each new development should be considering "where is my power coming from" and "how can we not waste any of the good clean water that falls from the sky".

Sustainable also includes the retention of landscapes, cultural, visual and archaeological, enhancement of streams, bush areas, flora and fauna.

Treatment of contaminants

Water and water quality is such an important part of life for all, and as such new approaches to treating contaminated road runoff and

stormwater in general are constantly being looked into and methods becoming more “natural”.

The mixing of clean roof water runoff and contaminated road water is now considered a wasted resource, and often the cause of stormwater devices becoming “inundated” during heavy rainfall, leading to further pollution and erosion of natural waterways.

Often in the common “stormwater pond” the sediments that have “dropped out” during the “settlement” phase within the ponds; are “re-suspended” during heavy rain fall and inundation, and so all those contaminants become “mobile” again and are flushed out of the pond and into the water ways, making the pond in-effective, and a source of contaminants.

The “treatment train” approach is promoted as current best practice as this promotes at source retention, provides quality contaminant removal, less inundation at the final stage, ensures the cost is more evenly spread, and easier to maintain.

The treatment train approach includes methods such as roof water detention on site via rain tanks and or soakage pits, where clean rainwater can be reused or used to recharge the underground water systems as first treatment, then road water to vegetated swale and/or rain-garden, and then to a wetland for a final “polish”. Natural stream greenways are being designed into natural waterways instead of piping to produce a more natural look, and further treatment. This is particularly important when creating a “coastal or stream outfall”, natural vegetated, semi rocked outfall/flow structures also add additional treatment and are more natural.

The regeneration of any wetland (even if degraded) should always be promoted as wetlands featured prominently in the past as nature’s natural filters.

Rain gardens/swales for contaminated road water retention/detention, underground Stormwater 360 or Hynds Up-Flo devices can be used where a site is already developed if space is available and then a wetland or attenuation device (large vegetated dry swale system) for a final “polish”.

This system is currently best International practice; it serves to reduce initial runoff by infiltrating the first 10mm back into source, while containing contaminants, and adding to the recharge of the ground water. This also lessens volumes to device, which improves the function of the treatment device.

Green roofs are also becoming popular mainly in overseas countries, and where pollution is a problem, the green roof concept not only adds

to more oxygen being produced but to the health and well-being of people who can grow their own vegetables, fruit trees etc. It is important to note that as time goes by technologies change and monitoring has time to gather data and gain understandings of how stormwater is best treated.

At the very least, all cess pits to be fitted with a “litter trap” or “enviro-pod”. These devices fit easily into a cess pit, and have been designed to fit under the grate for easy convenient installation and cleaning.

Groundwater Recharge

Groundwater recharge is vital to retain base flows within streams, and to keep aquifers recharged. In some areas (depending on soil type) rainwater can take between 1-100 years to seep down into aquifer. Stream base recharge does not take so long.

Native Trees and Plants

Native trees and biodiversity are what make New Zealand unique. Prior to the arrival of Europeans, native trees were abundant, and used only following Karakia [prayer] and for specific purposes. To Mana Whenua these old trees were Tupuna Taonga, living entities that commanded respect.

Following the arrival of Europeans, entire Regions were “clear felled” then burnt for both the profit from the trees that were not only used for building houses within the country, but exported by the ship full, then the land turned into farm land. Imagine the greed of being able to destroy thousands of hectares of forest, hundreds and thousands of years old, there for “the taking.”

Sadly this attitude prevails today in some instances, and even our current and proposed Council Plans to not offer “blanket protection” to these remaining old trees. Each tree has to be individually protected if not within a covenant. All trees over 200 years old should be automatically protected.

There are so many exotic plants and trees within our society today, and not all of them are welcomed. Some have proven to be pests, while others drop their leaves in the autumn and block stormwater infrastructure, while adding to the nitrate content within the waterways. There are also a lot of “hybrid” trees and plants around, as people meddle with nature to achieve “better looking” or “producing” trees/plants. It is distressing to see areas denuded of original flora. Some areas were specifically named because of a particular tree species

that thrived there, only today to find not even one still flourishing.

The use of “eco-sourced” or “Whakapapa” trees and plants should be promoted when revegetating and replanting. This promotes the return of the native bird and insect species back into the immediate and surrounding environment.

The use of pesticides/sprays is not supported. There are very few weed species that cannot be controlled by hand. At the very most, once a pest tree/plant has been cut/removed, poison can be hand painted onto the remaining stump.

Mangroves (Manawa)

Mangroves have been a part of the history of Aoteroa [New Zealand] for centuries, although the increase of them started only around 50-60 years ago. This coincides with the land practice of the day, accumulating from when land was clear felled of trees for timber and farming, and silt, nitrogen's, sewerage and stormwater pollutants from growing towns ran freely unchecked into our streams, waterways, estuaries and harbours.

There are arguments both for and against the removal of mangroves, and there are two sides to the argument. While current land practice continues to pollute our harbours and estuaries from agriculture, horticulture, wastewater discharge and industrial and road pollution, mangroves are a necessary part of our current ecology. They “bind” the silt/sediments and trap contaminants.

Mangroves are the result of continuing bad land use from both rural and urban use. The silt builds up and contamination is a great fertile environment for mangroves to grow in and they are a good filter of pollutants. They also provide breeding grounds for some fish and bird species.

Mangroves spread very easily and as they continue to spread they continue to slow down the natural tidal movement, producing more ideal circumstances in which to grow. They also cover over traditional shell beds of pipi and cockles and reduce channels for boating access and recreation.

Earthworks

Earthworks involving cut to fill are a necessary part of most developments in order to create roads and a sub-division that can accommodate building platforms. This has the potential to release

sediment and [in the case of contaminated soils] contaminants into the environment. Most contaminants, while they can become inert over time become reactivated when disturbed.

Under the current TP90 guidelines it is allowable to release up to 10% of sediment into the receiving environment. That is 1 ton if 10 ton of earth moved, or 10 ton per 100, and so on. When there are 1000's of ton of earthworks carried out, this amounts to many ton of sediment per development entering the receiving environment, through pipes, into streams, waterways and finally the estuaries/harbours.

When a site is confined due to available land space developers are required to use a variety of methods of containing silt, by "silt fence", hay bales, silt ponds and if/when it rains a flocculent. These, [flocculent] is generally a chemical product that binds the sediments together so that they "fall out" of the muddy water and settle and are not released into the waters. These flocculants are generally a chemical "poly aluminium chloride" (PAC) and can have a devastating effect on the receiving environment if accidental over-dosing occurs. There are a variety of organic flocculent available currently on the market.

When undertaking earthworks applicants must use the TP90 guidelines as absolute "bottom Lines", and strive to achieve a much higher percentage of silt retention onsite.

There are proven ways to reduce the amount of sediment entering the ecosystem;

- By creating a series of pools instead of just one fore-bay/silt pond.
- Earth Bunds can assist the settling of sediment-laden runoff and are particularly useful for controlling runoff after top soiling and grassing before vegetation becomes established.
- Using organic flocculent compounds when flocculation is necessary.
- Use silt fences in conjunction with silt ponds, a "treatment train" approach".

Conclusions

To reiterate from earlier, Pararekau Island is a waahi tapu, a waahi nohoanga and sits within a very significant cultural landscape. Any future management of the project area and wider surrounds should aim to preserve the cultural sites from further damage. In our opinion valuable cultural information will be lost as a result.

The site is zoned 'Residential Single House Zone' under the Auckland Unitary Plan. The proposal relates to a 170 lot subdivision at 149 and 149A Capriana Drive, Hingia. All services and infrastructure will be private. A new rock sea-wall (rock revetment) around the perimeter of the exposed, seaward face of the coastal edge.

It continues to be our iwi view that any subdivision would interfere with our traditional relationships with the site and therefore must avoid adversely affecting our taonga. As previous record, our iwi opposition to the development of Pararekau Island and issues of concern can be found in the "Cultural Impact Assessment Report (June 2011)".

This proposed subdivision has the potential to be self-sustainable and environmentally positive by providing for the following as referred to in the "Te Taiao" (environment) sections of this report.

Recommendations:

If Council determines that consents should be granted for the subdivision and development of Pararekau Island, then iwi request that the following stipulations (as consent conditions) are provided for to ensure that the protection, preservation and appropriate management of natural and cultural heritage and environmental resources are achieved.

1. That the overall project design must incorporate historical and traditional aspects and materials. Linkages and cultural connectivity need to be provided for. This would entail a heritage walkway and the linking of important ancestral sites.
2. That the causeways are removed and then bridged (our first preference), but will be agreeable to the installation of three culverts as agreed to by KHL. One on the first causeway and two on the second causeway (the 3 culverts each being 6 metres long and 1 metre high). These culverts are placed into the causeways to re-establish tidal flows as this will provide for positive long term environmental outcomes to allow for the natural tidal flow and health of the harbour to be restored and historic iwi rights to be retained as is regarded of national importance.
3. That the proposed landscape and planting response to recreate bush/wetland environments uses native Pohutukawa in the coastal reserve, Kowhai and Puriri as specimen trees in reserves. Specific native wetland species and plantings used to soften coastal protection structures that will tolerate the conditions. The use of whakapapa, eco-sourced natives for landscaping.

4. That reserve maintenance (weed pest management) is to be undertaken by hand maintenance and not chemicals, with only stump painting where required. The 'statement of works' for maintenance (as agreed to onsite with iwi) must be provided for.
5. We support the removal of pine tree species particularly within the coastal strip as they are the most destructive of all the exotics to our coastal environment and our sites of significance (in support of and continuity for the restoration plans of Kopuahingahinga with council).
6. That cutting/poisoning of exotics in the reserve is undertaken to avoid the disturbance of archeological sites.
7. That the coastal protection structures are in place and maintained to protect the reserve and archaeological sites from the effects of coastal erosion and climate change sea level rise to ensure public access to the foreshore for at least the next 100 years.
8. That the existing beach erosion control measures on the north western shoreline be removed to provide for an accessible high tide beach.
9. That the esplanade reserve be an esplanade strip.
10. That the proposed private recreation allotments have the same rules surrounding its development as any public coastal reserve would have. (I.e. public access is secured).
11. That Kopuahingahinga Island is to remain protected under conservation covenant (9954490.5 dated 05/03/2015).
12. That there is a no-cats covenant in place and that prospective house buyers are given that information. Cats pose a danger to the native and migratory birds, some of which nest on the sand flats. Also, that signage is installed to prohibit dogs entering the estuary to protect any wildlife there.
13. That the control gates at the entrance to Kopuahingahinga Island prohibit general public vehicle traffic to the island but provide unimpeded public pedestrian access.
14. That access is provided over the centre of Pararekau Island to the public.
15. That iwi are involved in the temporary lizard relocation program.

16. That all wastewater is reticulated via pump to the public reticulation system. Discharges of wastewater to sea to be avoided through 24 hour storage to address system failures.
17. That there is a return of 'wet areas' to functioning wetlands and that wetlands are used as secondary treatment prior to discharge. Stormwater retention ponds and wetlands are built to ensure the best treatment prior to it reaching the existing wetland areas and final discharge to the Manukau Harbour.
18. That all existing wetland area and springs are riparian planted and protected.
19. That native tree species are planted to minimize the visual effects of the proposal. That all proposed native gully and riparian plantings are adhered to.
20. That rain gardens/vegetated swales are provided for the treatment of all road runoff.
21. That there is the recreation of green infrastructure to discharge stormwater to the estuarine environment.
22. That the LID system is mandatory in all development.
23. That Roof water should be captured for reuse and recharge.
24. That the solar panels are promoted by the developer as a means of generating household power.
25. That interpretative signage/carved pou is provided for and placed within the reserve. Floating or staked boardwalk structures to be used where appropriate to avoid affecting archeological sites.
26. That all steps are taken to minimize the effects of silt into the stream/wetland areas.
27. That all steps are taken to ensure that less than 10% of allowable silt reaches the water away (TP 90 standards).
28. That Organic flocculants are to be used if flocculation is necessary
29. That super silt fences, silt retention ponds and bunds are to be utilised for all earthworks and soil moving.

30. That there is no further mangrove removal outside of the consented removal until land practices have been cleaned up and no further silt or contaminants enter the harbour.
31. That iwi has the first right to name any new roads and access ways to ensure the old names are retained. This will be in conjunction with discussions with the applicant.
32. That iwi are first shown the specific site location(s) and provision made for karakia (prayer) before any earth/water works proceed.
33. That iwi are engaged directly with the applicant and/or their agents, project manager regarding any further required consultation requirements, are informed of the results of all monitoring and consent related assessments relating to the proposed subdivision, and that iwi participate on a regular basis with regard to the monitoring of any proposed works from a kaitiaki perspective. That all earthworks are monitored by iwi.
34. That iwi are provided an opportunity to provide advice to the applicant on contract terms for works to ensure mana whenua views are recognized – e.g. blessings/cultural inductions.
35. That if iwi (cultural monitors) are not onsite at the time, then the applicant undertake the following procedures in the event of uncovering and/or discovery of koiwi (skeletal remains), archaeological finds, cultural material or artefacts including any deaths occurring on site will proceed as follows:
 - a) That all work in the vicinity immediately ceases.
 - b) That the area is secured and remains untouched. Immediately form a 5 to 50 metre fenced protection zone.
 - c) That the site manager, contractors and anyone else related to the site immediately contact the appropriate iwi representatives.
 - d) That those iwi representatives must be contacted no later than 6 hours after the site has been uncovered and the contractor must not recommence work until iwi representatives have given specific approval to proceed.
36. That if koiwi and taonga are found, after the Archaeologist has determined age and authenticity, then they to be returned to iwi for reinternment. (Note: that no bone is used for radio carbon dating purposes).

37. That iwi are provided the opportunity for further cultural research and ongoing archaeological investigation as the development progresses.
38. Should there be any significant changes to the proposed subdivision application then iwi are to be notified and consulted with immediately and reserve the right to reconsider any of our earlier decision.