

CULTURAL VALUES ASSESSMENT FOR AMERICA'S CUP 36 - WYNYARD AND HOBSON PLANNING APPLICATION



Project Area in red overlayed on The 2012 Waterfront Plan by Waterfront Auckland (currently being refreshed)

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On behalf of
Heritage and Environment Unit
Te Kawerau Iwi Tribal Authority



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1.0 Preamble

Te Kawerau ā Maki were one of the earliest tribes to settle within the wider Auckland area, known as Tāmaki Makaurau. Our origins arise from the first inhabitants of the land - the Tūrehu, to the arrival of the Tainui, Aotea, Tokomaru, Kahuitara, and Kurahaupū canoes in the 14th century, and the Ngāti Awa, Ngaoho, and Ngaiwi people who occupied the wider area prior to 1600.

The eponymous ancestor Maki is an important figure in the history of Tāmaki Makaurau. He was a famed warrior who conquered much of the region during the early 1600's after migrating with some 300 of his hapū to Tāmaki Makaurau through the lands of his Tainui relatives from the northern Taranaki-Kawhia area to lands as far north as the Kaipara. It is through this whakapapa that when Maki settled Tāmaki Makaurau he was in the land of his Ngaiwi and Ngaoho relatives and ancestral home. The name Te Kawerau ā Maki arises from an incident which occurred while Maki was visiting the southern Kaipara, and is also one of the names given to Maki and his wife Rotu's only Kaipara-born son and the founding ancestor of the iwi, Tawhiakiterangi.

In time Maki's descendants occupied lands from Hikurangi (West Auckland), to Te Whenua Roa o Kahu (the North Shore), Whangaparāoa, Mahurangi, Matakana, Pakiri, southern Kaipara, and the gulf islands of Aotea (Great Barrier Island), Hauturu o Toi (Little Barrier Island) and Tiriti Matangi, forming the Te Kawerau confederation. By the early 1700's the traditional Kawerau rohe was thus from Ōkaka (South Head, Kaipara) to Paratutai (North Head, Manukau) in the west; and from Te Arai o Tāhuhu (Te Arai Point) in the northeast to Takapuna in the southeast as well as the gulf islands. The heartland of Te Kawerau ā Maki was and remains Hikurangi, the lands between Southern Kaipara and the Manukau (the area known today as Waitakere Region or greater West Auckland).

Today, Te Kawerau ā Maki maintain tangata whenua status and ancestral interests over much of greater Auckland, our rohe extending from the Manukau Harbour in the south to South Head in the Kaipara Harbour to the northwest and Mangawhai to the northeast, including the eastern outlying islands (**fig. 1.1**). While it is recognized that this broad area is of interest to other iwi and hapū, Te Kawerau ā Maki is associated with many geographic locations and areas through the traditions, songs, place names, and histories of the people, including resource gathering and migratory settlement patterns near the project area.

Te Kawerau's mana whenua status is established through *take tūpuna* (ancestral rights), *ahi kā* (occupation), and *kaitiakitanga* (guardianship and management of cultural and natural resources). Te Kawerau ā Maki are recognised as the principle iwi with rights over the Waitakere Region and greater West Auckland. In the project area (Hobson Wynyard, Waitematā), we are also recognised as mana whenua holding customary interests along with Nga Iwi o Tamaki, but acknowledge that Ngāti Whātua o Ōrākei holds a lead interest within the specific project area.

Te Kawerau history and values originate from our whakapapa and tikanga. The information presented here is not to be compromised or interpreted by those without Te Kawerau whakapapa and tikanga. It is also important to note that the story of Te Kawerau ā Maki comprises over 800 years and cannot be summarised here in detail, just as our traditional knowledge is regarded as taonga and many aspects of this will not be commented on.

Through the Waitangi Tribunal process, Te Kawerau ā Maki and the Crown signed a Deed of Settlement (DoS) on 22 February 2014. This was then implemented into legislation as the Te Kawerau ā Maki Claims Settlement Act 2015. In brief, this process recognizes Te Kawerau ā Maki as holding customary interests that extend from the Tāmaki Isthmus, northwards through Hikurangi (West Auckland) and lands around the upper Waitematā Harbour and North Shore, and into the southern Kaipara and Mahurangi. The DoS recognised and apologised for breaches of the Treaty of Waitangi by the Crown, and for its failure to protect lands which were reserved for Te Kawerau ā Maki. The Settlement Claim Act now gives statutory acknowledgements to Te Kawerau ā Maki cultural, spiritual, historical and traditional associations, and requires relevant authorities to have regard to the views of Te Kawerau ā Maki in all matters affecting these areas.



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The central purpose of Te Kawerau Iwi Tribal Authority is to enhance the spiritual, cultural, and social wellbeing of the iwi and to provide for the kaitiaki responsibility of ensuring the restoration and maintenance of the sociocultural and natural environment. These goals form the basis of any meaningful consultation or engagement with Te Kawerau.

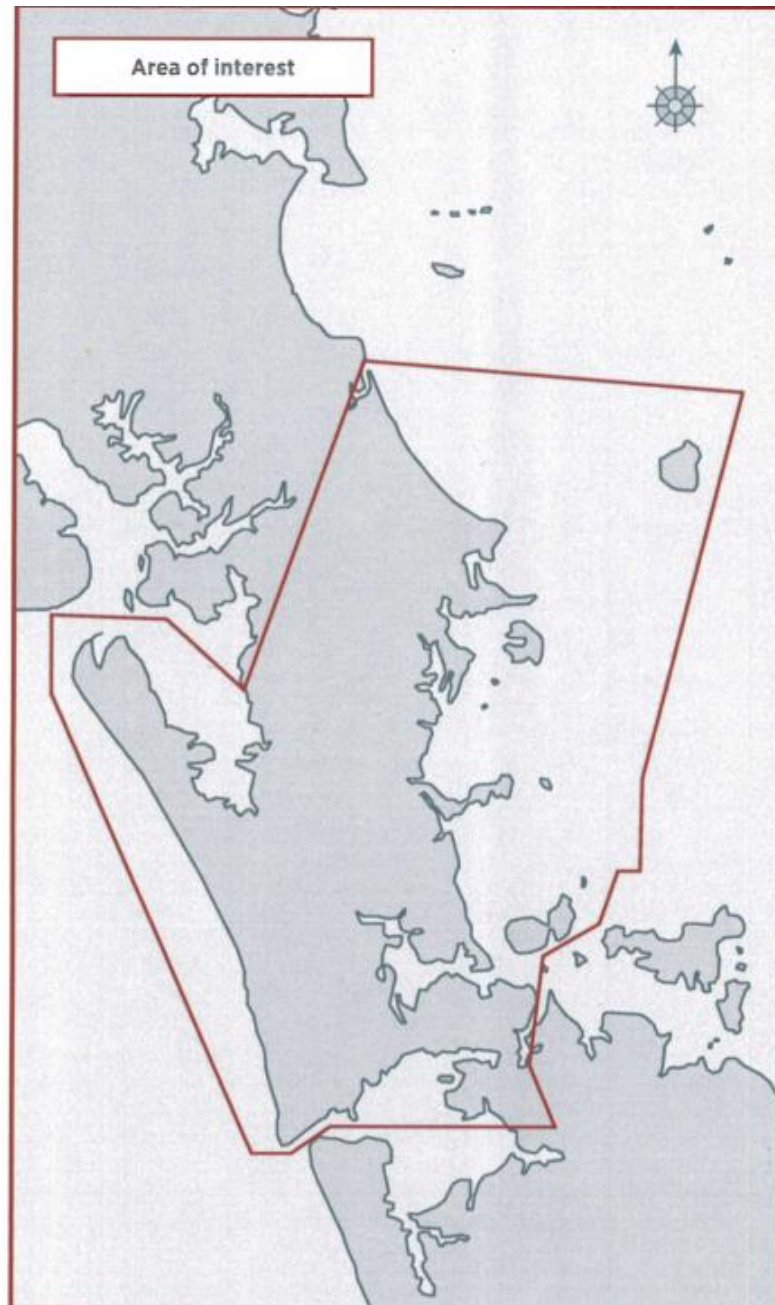


Figure 1.1: Map showing Te Kawerau ā Maki traditional or customary footprint

Please note, this map is not intended to identify exclusive claim areas or to fix or endorse tribal boundaries. This map shows the area where Te Kawerau ā Maki consider they have interests. Both the Crown and Te Kawerau ā Maki recognise that other groups may also have interests within the area.



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2.0 Background and Purpose

In 2017 Emirates Team New Zealand (ETNZ) defeated Oracle Team USA 7 – 1 in the 35th America's Cup regatta in Bermuda. The winning team hosts the next regatta within four years' time, to be held in March 2021. The planning application therefore seeks to enable the 36th America's Cup regatta to be hosted in Auckland with supporting events, development and uses.

Panuku Development Auckland (a Council Controlled Organisation) has been a joint partner with Central Government (through the Ministry of Business, Innovation and Employment, the State Services Commission and Treasury) in developing the project assumptions, location options and decision-making criteria for the America's Cup infrastructure (as outlined in the Executive Summary of the Assessment of Environmental Effects dated 13th April 2018). It is noted, that Te Kawerau ā Maki were not involved in this initial scoping phase so is only commenting on the proposal submitted with the Assessment of Effects in 2018.

Under the principals of the Treaty of Waitangi and provided for under the Resource Management Act (1991) and other applicable legislation, Te Kawerau ā Maki (among other mana whenua) have been part of this process by way of consultation either through the Panuku Mana Whenua Forum or direct with Panuku and Crown partners since September 2017, and proposed engagement through a collective mana whenua forum (see Fiona Knox report submitted with referral to Environment Court). Te Kawerau ā Maki consider engagement (among other good faith relationships) is an integral part of the assessment of success of a project for Māori values and how these have been incorporated into all phases of a proposal (scoping, planning, pre-construction, construction, use/events, demolition/removal, post-demolition/removal, legacy opportunities).

As part of the resource consent application process, Panuku Development Auckland have commissioned Cultural Values Assessments (CVA) from mana whenua to inform what the Māori cultural values are within the area and how these can be protected and enhanced, or what alternatives are available.

The purpose of this document is to provide a CVA on behalf of Te Kawerau ā Maki in association with the America's Cup 36 proposal within Hobson Wynyard areas and the Waitematā Harbour. The purpose of a CVA is to provide background information about the interests, issues and values which mana whenua associate with an area or resource to help inform and incorporate these values into the preparation of a plan, other high-level policy or initial project planning.

Whilst the scope of this report is broad, where possible it is refined to the stories and associations of land and connections with the Waitematā Harbour and in relation to the planning application. It includes Te Kawerau ā Maki values, interests, issues, and aspirations in regards to the natural and cultural environment (urban and natural), the cultural history, and the cultural landscape of the region. Where possible, the CVA provides high level principles for engagement, concerns and aspirations which are specific to the project area/vicinity of the project area.

It is important to note, a CVA is not intended to assess the cultural impacts or other effects associated with the specific activities of a particular project or site, and will not necessarily replace the need for a Cultural Impact Assessment(s) (CIA) required for a specific project i.e. detailed design, additional consents and/or compliance with consent conditions. However, it is acknowledged that Panuku Development Auckland would like an awareness of the potential cultural impacts alongside the values to assist with the assessment of effects of the project. Although Te Kawerau ā Maki are reluctant to combine with this with a CVA, in this circumstance - due to the urgency and national/international importance of this event, we have decided to provide outcomes we would like implemented to avoid, remedy or mitigate impacts on cultural values (see further detail in section 6 of this document).

Please note, Te Kawerau ā Maki reserve the right to provide Council and others, with updates to this report in the future, if required.



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3.0 America's Cup 36 planning application

Panuku Development Auckland is the applicant for the non-complying resource consent application and has submitted a non-complying resource consent application to secure the use and development of parts of the Waitematā Harbour (both land and water bodies) to support the hosting of the America's Cup 36 in 2021. The decision on the application is to be made by the Environment Court, and includes a commissioner with expertise in Māori values.

The resource consent application covers over 26 ha of land (reclaimed wharfs and hardstands) and coastal areas within the Waitematā Harbour:

- Princes Wharf to the East;
- Hamer Street and Silo Marine to the west;
- Jellicoe Street, the Jellicoe Street carpark and Te Wero Island to the south; and
- Stolthaven North Facility, the northern tanker berth on Wynyard Wharf and the Waitematā Harbour to the North.

The America's Cup racing activities are held in the Hauraki Gulf.

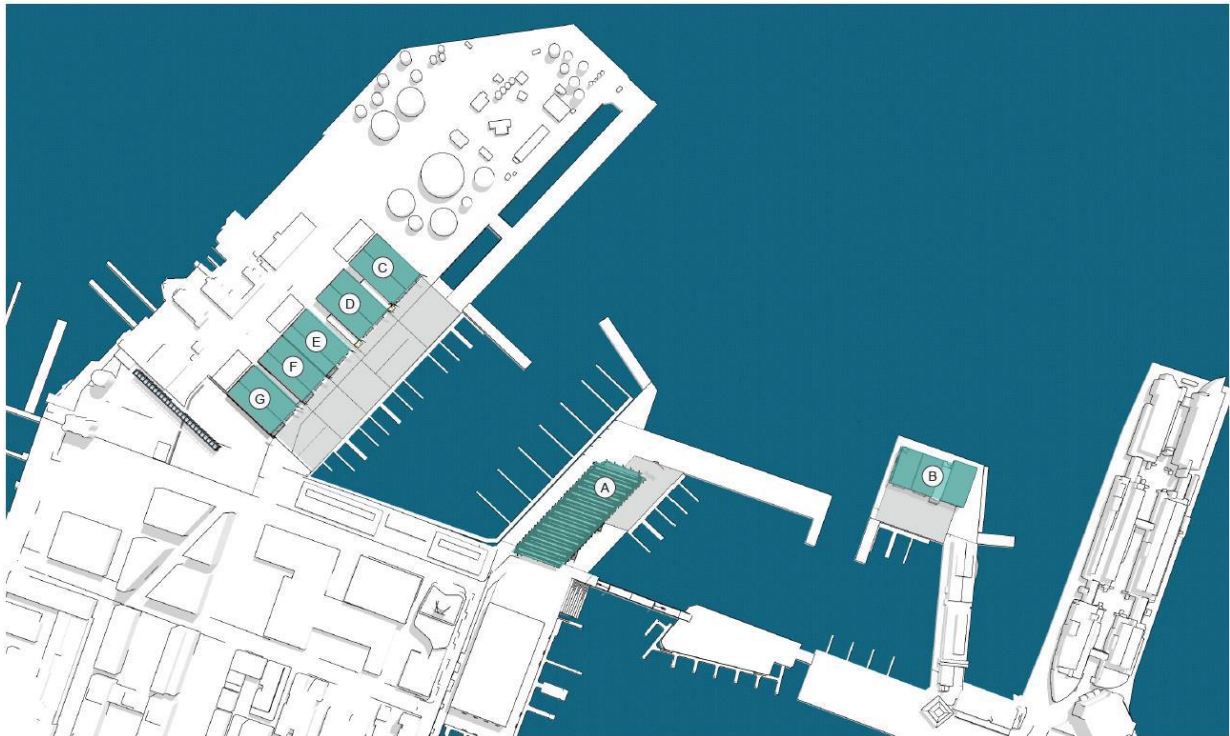


Figure 3.1: America's Cup proposed syndicate bases A-G as shown in Figure 1 of AEE report by UNIO

The application seeks a longer duration of consent, in the chance that the America's Cup regatta is won again, or lost and won again and therefore the application is seeking consent for a ten year period for the proposed 6 temporary syndicate bases (B-G) in Figure 3.1. Emirates Team New Zealand is anticipated to be located in the 7th syndicate base A, in the existing Viaduct Events Centre (VEC).

The consent application seeks temporary bases B-G to be constructed, used, removed, retained or reconstructed before the expiry of any consent granted (10 years), but all bases will be removed once consent is expired, unless separate consents are granted (excludes any permanent syndicate base B).

There are proposals for permanent structures in the coastal marine area, such as breakwaters and an extension to the northern aspect of Hobson Wharf (7,000m²). The supporting infrastructure to enable this will require 78,000m³ of dredging proposed among other significant construction of the bases and is an



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extremely tight timeframe to complete before syndicate teams from other countries start arriving for practice racing (usually 2 years ahead of the anticipated regatta). These coastal structures are anticipated to remain for 35 years of any consent granted. Free public areas are outlined in yellow below (Fig 3.2)

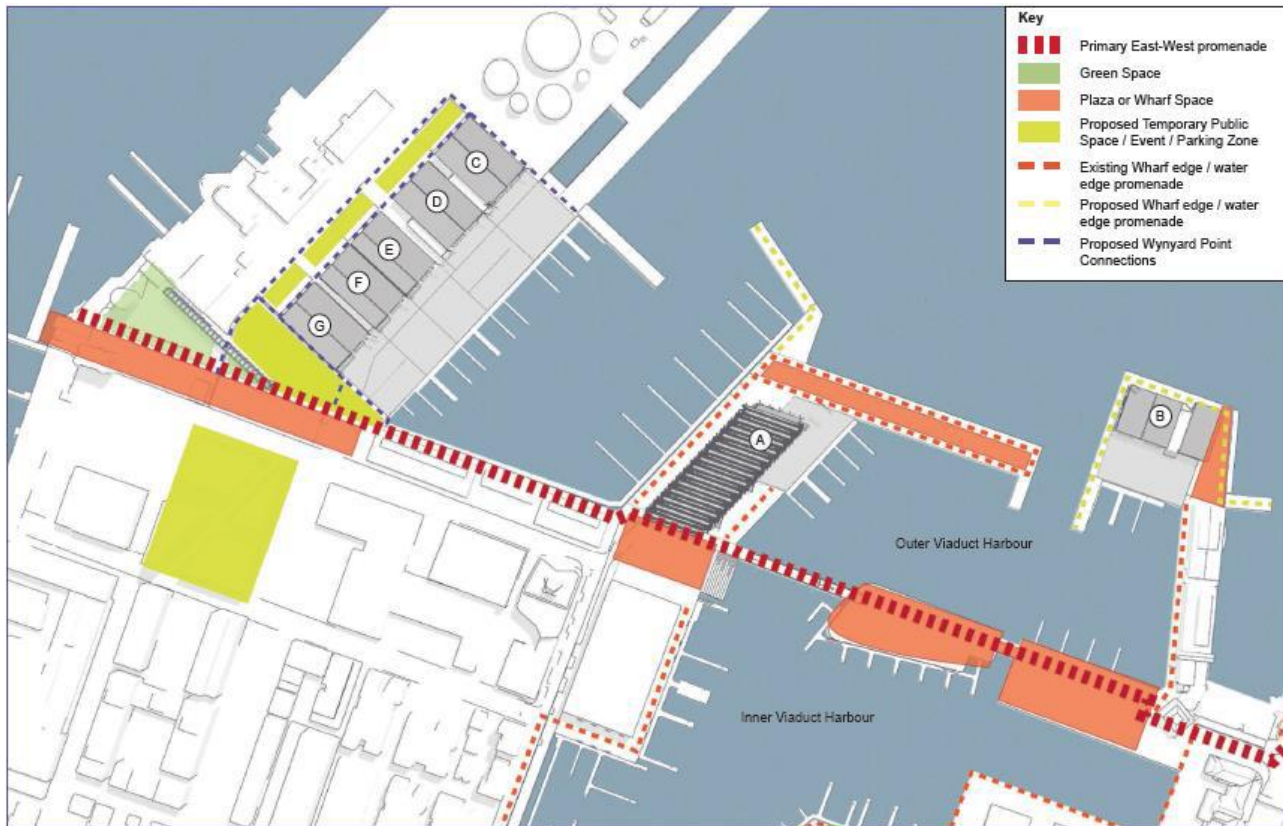


Figure 3.2 Draft Plan showing public access (Source: Figure 24 of the AEE)

It is noted that part of the consent application area has previously been utilised for reconfiguration, dredging and reclamation of the former Viaduct Harbour, including the provision of bases for syndicates in 2000 and 2003 for the America's Cup. This included the extension of Halsey Street Wharf Extension to create additional sheltered water space and berthage area (as outlined in the Assessment of Effects report page 20).

A summary of the proposal from the Assessment of Effects report (page 14) dated 13th April 2018 outlines three main elements of the proposal as follows:

1. *Use and operation of land and water space associated with the 36th America's Cup event to be held in the six month period from December 2020 to May 2021 (including pack in and pack out of land based and water based activities/structures) and any subsequent America's Cup event(s) held (with a six month period each) during the 10 year period from the commencement of consent.*

Note: This includes two other boats events referred to as the Christmas Cup and the Prada Cup, all of which will take place between November 2017 and February 2018, with the America's Cup beginning in March 2018.

2. *The use and operation of the syndicate bases (buildings and associated yards on land/wharves and water space) for a period up to 10 years from the commencement of consent.*

3. *The construction, establishment and maintenance of the wharves, piles, berths, buildings, other structures, and related works, services and access (including ground improvement works,*



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contamination management, earthworks). The infrastructure will be provided on a temporary and permanent basis, as follows:

- a. *Temporary (up to 10 years in order to accommodate up to three potential America's Cup regatta events)*
 - i. *Syndicate base buildings B to G;*
 - ii. *Use of all syndicate base buildings (including ETNZ use of VEC);*
 - iii. *Wynyard Wharf 'wharf infill' to be removed (no less than 50%);*
 - iv. *Marine and Port structures/facilities within the Wynyard Wharf South Waterspace and Outer Viaduct Harbour.*
- b. *Permanent (35-year CMA):*
 - i. *A 74m extension to Hobson Wharf;*
 - ii. *Four new breakwaters located as follows:*
 - 1. *An 81m breakwater east of Wynyard Wharf (Wynyard Wharf east breakwater);*
 - 2. *A 39m and 84m breakwater north and west of Halsey Wharf (Halsey Wharf west breakwater);*
 - 3. *A 35m breakwater east of Hobson Wharf (Hobson Wharf east breakwater) and a 42m breakwater south of Hobson Wharf (Hobson Wharf south breakwater);*
 - iii. *Wave panels on Hobson Wharf, Hobson Wharf extension and Halsey Wharf;*
 - iv. *Wynyard Wharf 'wharf infill' to remain (up to 50%); and*
 - v. *Physical modifications to the VEC including the following key changes:*
 - 1. *Removal of the eastern public access ramp to the northern public viewing deck and replacement with a lift on the western side of the building;*
 - 2. *Modifications to the eastern façade of the building to construct new doors to facilitate for use as a syndicate base; and*
 - 3. *The additional of a mezzanine floor at the northern end of the building for a sail loft.*

The above description of proposed permanent coastal occupation areas can be seen in **Figure 3.3** below.



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Figure 3.3: Proposed Occupation Areas outlined in black and the blue striped area (Source: Figure 8 from AEE)



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4.0 Te Kawerau ā Maki History and Relationship with Waitematā Harbour and Hobson Wynyard project area

The proposal area is within an area of interest to Te Kawerau ā Maki. Whilst there are no formally designated sites of cultural significance in the project area, Te Waitematā and Te Ipu Kura a Maki (the Tāmaki Isthmus) are an integral piece of Te Kawerau cultural identity due to our ancestral and customary relationships.

What is offered here is not an in-depth account of Te Kawerau a Maki history with the area, but rather an outline of association giving context to the significance of the area.

The history of Te Kawerau ā Maki as a distinct tribe goes back over 350 years to the arrival in south Tāmaki of the eponymous ancestor Maki. Earlier ancestral ties to the land reach back more than 800 years to the time of the Tūrehu and the later Polynesian explorers who arrived by waka. Later ancestors include the arrival of the Tainui waka in the 14th century, which was carried across the portage at Ōtāhuhu from the Hauraki Gulf to the Manukau Harbour. Te Kawerau ā Maki have a particularly strong connection to West Auckland (Hikurangi), the southern Kaipara, the Upper Waitematā Harbour, and the North Shore (Te Whenua Roa o Kahu).

Early connections

Through ancient ancestral ties Te Kawerau ā Maki trace their unbroken relationship with Tāmaki Makaurau to the time of earliest human occupation. This was the time of the Tūrehu (who in Kawerau tradition are known to have arisen from the earth) and the Tahurangi (also known as the Patupaiarehe, the secretive forest-dwelling ‘people’). Many places and geographic features around Auckland are associated with or named after these peoples – the extensive forest covering the Waitakere Ranges is known as Te Wao nui a Tiriwā – The great forest of Tiriwā, so-named after one of the greatest Tūrehu chieftains. Tiriwā is even credited in Kawerau tradition of uplifting Rangitoto from Mercer Bay and carrying it across the Waitematā Harbour to its current location in the Hauraki Gulf.

In addition to the Tūrehu and Tahurangi ancestors, Te Kawerau a Maki associate with many guardian taniwha whom Kawerau tūpuna saw as both kindly and benevolent (Taua, 2009). To Te Kawerau ā Maki, many taniwha live on as kaitiaki or guardians and are of great spiritual significance to the people. One benevolent taniwha of huge significance to the wider project area is Mokai o Kahu who watches over the Waitematā Harbour from his lair known as O rua a mokai. This is the area near Beach Haven generally known as ‘Oruamo’ but in recent times incorrectly known as ‘Uruamo’ (Taua, 2009). Mokai o Kahu took the form of a shark and is still acknowledged in the Harbour today.

Ancestral waka

In time a number of early Polynesian explorers arrived to the shores of Tāmaki including the famous Māori navigator Kupe mai tawhiti, who named many sites and places around the region. Another early ancestor was Toitehuatahi who ventured into the Upper Waitematā harbour in his waka Paepae ki Rarotonga. Some of his people settled permanently here and their names are referenced today in many place names in the area. From around the 14th century a number of waka migrated to Aotearoa from their homeland in Hawaiki in the Pacific. These waka are the ancestors of all iwi in New Zealand. Te Kawerau ā Maki descend from six such waka including the Moekakara, Tokomaru, Kahuitara, Aotea, Kurahaupō and Tainui (Taua, 2009). Through direct descent from Maki, the waka that predominates Kawerau ancestry is the famous Tainui which arrived in the Tamaki region in the mid- 14th century. Some members of the Tainui waka remained and settled in Tamaki, while the Tainui itself continued south to Kawhia.

One of the most prominent ancestors of the Tainui waka was Rakataura. Rakataura is also known by the names of Riukiuta and Hape. He was a man of great power and the senior tohunga of the Tainui waka. Rakataura is remembered in many place names in the southern Kaipara and Tāmaki. From Rakataura descended Tahinga (not to be confused with Tahinga of Waikato), from whom descended Purerehua, from whom descended Rakeiora, from whom descended Tumomi, Ruarangi and Ohomatakamokamo. From Tumomi descended Mawake and from Mawake descends Maki (Taua, 1994). Rakataura gave old links that brought Maki to his home and on to his whenua tūpuna, or ancestral land. This is why Rakataura is so important to Te Kawerau a Maki. He was not just a Tainui ancestor; he is also a Kawerau ancestor. In time



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the Tainui descendants in Tāmaki developed their own tribal names, but were collectively known as Nga Oho. The Nga Oho occupied the wider Tāmaki region for centuries.

The arrival of Maki

In the early 17th century Maki, who was an ariki and a famous warrior, took a large following with him from Kawhia and moved north to Tāmaki in search of a new home. At this time, Maki and his people were known as Nga Iwi (this was also the name of Maki's great grandfather) who were in turn a part of the wider Nga Oho. Upon arriving in Tāmaki, due to his leadership and prowess as a warrior, Maki immediately became involved in numerous local disputes. One such dispute known as Te Ipu kura a Maki took place at Rarotonga (Mt Smart) and ultimately lead to the conquering of the isthmus by Maki and the establishment, in Kawerau tradition, of the name 'Ta-Maki' (the taking by Maki). Maki and his people then moved west and north, consolidating their occupation through battle and marriage. In time these lands came under the power of Maki and his followers' children, forming the tribal groupings known as Ngāti Manuhiri, Uriokatea, Ngāti Te Kahupara, Ngāti Rongo, Ngāti Waitaua, Ngāti Kahu, Ngāti Ka, Ngāti Raupo, Ngāti Poataniwha, Te Kawerau ā Maki and Ngāti Rehua. This grouping collectively formed the Te Kawerau Confederation (Murdoch, 2011). Maki and his followers undertook a series of famous battles against Nga Oho hapu along the upper eastern coast of the North Shore and into the Mahurangi. Tiritiri Matangi Island, in the north of the Hauraki Gulf, was named by Maki in reference to his home in Kawhia, the ancient name in turn coming from the original homeland in the East Pacific. Te Kawerau people maintained pa and settlements up and down the eastern coastline of the North Shore and still hold ownership of Kawerau Pa on Tiritiri Matangi.

Te Kawerau a Maki

Te Kawerau a Maki descend from the founding ancestor Tawhiakiterangi (who was also called Te Kawerau a Maki). He was so-named in reference to an event involving Maki in the southern Kaipara. Te Kawerau also came to be the general name for those who descended from Maki. Tawhiakiterangi was the youngest son of Maki and his wife Rotu and the only son born in the Kaipara. His mana initially extended roughly from the southern shores of the Kaipara Harbour south past Muriwai and into the Waitakere Ranges proper to the northern shores of the Manukau, and from the west coast east towards Riverhead and Massey. The North Shore's traditional name is 'Te Whenua Roa o Kahu' (the extensive lands of Kahu). The name belongs to Ngāti Kahu, who descend from Kahu, the child of Maeaeariki (Tawhiakiterangi's older brother), and a grandchild of Maki. Tawhiakiterangi married Marukiterangi, the daughter of Kahu (and hence his grandniece). It is from this union in particular that Te Kawerau a Maki claim rights to the North Shore. Through the marriage of Te Auotewhenua (Tawhiakiterangi's grandson) to Rangihina of Ngāti Poataniwha, and through descent from Ngawhetu and Kahu, they also came to occupy the western shores of the Waitematā Harbour between Rangitopuni (Riverhead), Orangihina (Te Atatu Peninsula) and Rangimatariki (Rosebank Peninsula, Avondale).

From the early 1700s Kawerau came into increasing contact with other tribal groupings including from the Hauraki and from the emerging Ngāti Whātua to the north. During this time battles and skirmishes occurred as did strategic marriages, alliances, and periods of relative peace. While the movement of people followed and reacted to seasons and military threats, Te Kawerau ā Maki always returned to their kāinga and pā. It was only during the Ngā Puhi raids in the 1820s that Kawerau, like other Tāmaki iwi, were forced from the area and retreated to the Waikato. Kawerau however again returned a decade later to reclaim their lands. It was ultimately European land confiscations and illegal land purchases that finally alienated Te Kawerau ā Maki from the area – the 9,500 acre Mahurangi block was sold in the 1840s by others without knowledge or consent from Te Kawerau. With the near-total loss of land transferred to Europeans, and with no reserves or access to schooling or hospitals on the North Shore and in Waitakere, some Kawerau people moved to Ōrākei to live with their whanaunga/relatives and to be near native schools. Despite this, Kawerau people continued to live at Awataha (near Northcote) and other local kāinga until the 1920s.

Settlement patterns

Te Kawerau ā Maki moved around their rohe or tribal domain in a cycle of seasonal resource gathering and gardening. While many pā and kāinga were permanent, often with established gardening systems (kūmara and taro for example), the people themselves would move depending on what resources were available. The Waitematā provided a rich abundance of shellfish, fish, and marine birds, as well as ready access via the Waitematā tributaries to the forested interior where birds, freshwater fish, and timber could be resourced. The harbour and its rivers and streams also provided the main means of transport via waka,



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including the crossroads of three main portage routes: the Kaipara portage to the northwest, the Albany portage to the northeast from the head of Lucas Creek to Browns Bay, and the Whau portage to the south.

The abundance of food resources and proximity to ready transport routes meant that long-term settlement patterns tended to hug the coast and rivers. This is also reflected by the spatial distribution of the recorded archaeological sites and the most significant kāinga and pā located around the lower parts of the North Shore (opposite the project area) and along the Waitematā/Hauraki waterfront of the Isthmus and CBD. The exception to this focus on coastal settlement is the many impressive pā that were constructed on the volcanic cones of the Auckland Isthmus and the extensive gardens and settlements that surrounded and inter-connected these pa.

Kawerau people who occupied the northern shores of the Waitematā Harbour lived between Te Ōnewa, Awataha, Te Matarae o Manaoterangi (Kauri Point), and Oruamo. Kāinga included Wawaroa (Chelsea), Rongohau (Kendall Bay), Onetaunga (Onetaunga and Soldiers Bay), Wa iti o Toroa (Island Bay), Kaiwhanake (Charcoal Bay), Opaketāi (north of Charcoal Bay), and Kaipatiki and Te Wharau a Kae around O-rua-a-Mokai (Oruamo/Hellyer's Creek). The historical focal point of Te Kawerau ā Maki associations with the northern Waitematā Harbour is Te Matarae o Mana (Kauri Point). This fortified pā, named after the Te Kawerau ancestor Manaoterangi, and the adjacent kāinga of Rongohau (Kendall Bay), were occupied by Te Kawerau ā Maki, with others, until the early 1840s (Murdoch, 2011). Te Matarae o Mana was strategically important as it controlled access to the upper Waitematā Harbour and overlooked a renowned tauranga mango (shark fishery). Through descent from both Tawhiakiterangi and his wife Marukiterangi, Te Kawerau ā Maki have ancestral and customary interests in the Oneoneroa (Shoal Bay) area. Te Kawerau ā Maki also occupied the shores of the Upper Waitematā including at Te Onekiritea (Hobsonville) and the western Waitematā including at Orangihina (Te Atatu Peninsula) and Rangimatariki (near the mouth of the Whau River).

Te Kawerau also share common ancestral history with other iwi in this area, and this forms part of the connections for Te Kawerau within this broader cultural landscape and which would be visually connected with the project area. For example, as outlined by Saul Roberts (2007 Statement of Evidence for Long Bay Structure Plan):

3.2 The ongoing ancestral relationship held by Te Kawerau ā Maki with Te Whenua Roa o Kahu (the North Shore) has long been recognised within the Maori world. In 1904 for example, the iwi of the region gathered at at Te Ōnewa, Northcote Point, to formally acknowledge mana whenua on the North Shore. At this time three carved pou (posts) were placed in the ground to represent the three Iwi who were acknowledged as Tangata Whenua in the area. The three pouwhenua were named:

- (a) Paoa*
- (b) Ngati Whatua, and*
- (c) Te Kawerau.*

3.3 At the same time, a totara tree was planted within the old pa at Te Ōnewa known as Whareroa. The totara tree was named 'Tainui'. The naming of this tree was important. It provided recognition of the joint ancestral relationships held by the three Iwi on the North Shore, on the basis of their Tainui (including Waiohau, Ngati Tai and Te Kawerau) ancestry. From that time, these three iwi have all worked in various ways to sustain their ancestral relationships with Te Whenua roa o Kahu (the North Shore).

3.4 In 1980, the three pouwhenua that had stood at Te Ōnewa (Northcote Point) were re-erected at Awataha Marae, Northcote, to acknowledge the ongoing mana of the three iwi within this district, including in relation to Te Oneroa o Kahu (Long Bay).

The Te Kawerau ā Maki connection to the project area specifically is ancient and tied to the arrival of ancestral waka in the 1400s, the activities of Maki on the Isthmus in the early 1600s, and the association with the Waitemata Harbour which is considered a single living entity by Te Kawerau ā Maki with its own mana, wairua, and mauri.



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5.0 Te Kawerau ā Maki Kaitiakitanga

As mana whenua with interest in the Hobson Wynyard area, we would like to see Te Kawerau's involvement and participation in matters which may affect their wellbeing, spiritual values, wāhi tapu or taonga incorporated into this project. We will also work alongside lead mana whenua and other mana whenua in this regard.

The Resource Management Act (1991) provides statutory recognition of the Treaty of Waitangi and the principles derived from the Treaty. It introduces the Māori resource management system via the recognition of kaitiakitanga and tino rangatiratanga, and accords local authorities and unitary authorities with the power to delegate authority to iwi over relevant resource management decisions and/or with the obligation to consult with iwi/hapū over consents, policies and plans. The Act contains over 30 sections which require Councils to consider matters of importance to tangata whenua. Some of the most important of these are:

- Promote sustainable management and development of natural and physical resources which enables people and communities to provide for their social, economic and cultural well-being and either avoid, remedying or mitigating effects (Section 5).
- The principles of the Treaty of Waitangi and their application to the management of resources (Section 8).
- Recognition and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (Section 6(e)) and the protection of historic heritage from inappropriate subdivision, use and development (Section 6f)), and protection of customary rights (Section 6g)).
- Having particular regard to the exercise of kaitiakitanga or the iwi's exercise of guardianship over resources (Section 7(a)) and the ethic of stewardship (Section 7(aa)).
- Joint management arrangement between Local Authority and iwi (Section 36B).

Te Kawerau ā Maki (along with other iwi) also have an outstanding Treaty Claim on the Waitematā Harbour (and the Manukau Harbour) which is identified in the Tamaki Collective Act (2014).

The people of Te Kawerau ā Maki have an obligation to guard, protect and maintain the interests of the iwi, its taonga, wāhi tapu, and the natural resources within its rohe. In Te Ao Māori knowledge of the workings of the environment and the perception of humanity as part of the natural and spiritual world is expressed in the concept of mauri and kaitiaki. 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.

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

The role of kaitiaki continues in current cultural and natural resource management. Kaitiaki responsibilities include, but are not limited to:

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



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Expressing kaitiakitanga is an important way in which iwi maintain their mana whenua. Te Kawerau ā Maki is inextricably bound to the planning application area through surrounding kāinga, social connections and resource gathering predominantly occurring north of the Hobson Wynyard area. The measure of success for the development, use and management of the project area is therefore partly dependant on the kaitiaki responsibilities listed above and ways of engagement.

As a general guideline Te Kawerau ā Maki seeks to be engaged:

1. In such a way that Te Kawerau ā Maki are understood to be experts in their own history and values, and that inclusion of the iwi can strengthen the community and project.
2. At the earliest practicable phase (e.g. planning) of a project. This will ensure a proactive rather than reactive engagement process.
3. For the design and construction lifetime of a project (including regular updates of significant changes to a design).
4. In such a way that cultural inputs (i.e. mitigation or offsetting) are acknowledged and incorporated into a plan or design, and if not incorporated, a clear evidenced rationale for why not. How this has been achieved or not, would need to be included in a cultural monitoring plan.
5. Through any draft tendering phase of a project, to ensure that tendering drafts contain provision for 'cultural responsiveness' as one of the cost-benefit measures.
6. In cases and situations where Council may not be sure of the need or requirements of iwi engagement

It is noted that in August 2018, engagement with mana whenua has now been made explicit in the proposed draft resource consent conditions 5 (5A-5F) submitted to the Environment Court. These conditions relate to a mana whenua forum where Panuku Development Auckland will regularly report findings and seek clarification on matters of cultural value or impact or outcome that need to be guided by mana whenua input. Te Kawerau ā Maki is generally satisfied with the intent of this condition. See **Appendix 1** of this report for these proposed draft conditions included in the application.

Lastly, Te Kawerau ā Maki consider there are additional methods to express kaitiakitanga responsibilities within the area where these cannot be covered legally by resource consent conditions - but the matters themselves are deemed by iwi to be a necessary requirement to enhance cultural values as a catalyst from such a project. These could include legal agreements between Panuku Development Auckland and mana whenua groups as part of negotiations for mutual benefit to Māori cultural values.



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6.0 Management of the Cultural and Natural Environment

The proposed America's Cup use and development encompasses both coastal and land areas which in principle are compatible with the function of the water spaces and adjoining harbour areas in the Waitematā. However, it is important that the management of the cultural and natural environment as a result of development and use is in line with the principals of kaitiakitanga to achieve positive outcomes for the environment.

In this section of the document we have broadly outlined the values and the actual and potential concerns within the proposal area of Waitematā Harbour and the neighbouring land areas. Under each value we outline general or specific aspirations, and include a summary of outcomes at the end which are relevant to this project that we would like to see implemented, either by the resource consent process or by other means of agreements, partnerships, advocacy and/or negotiations. Future discussions on how these will/can be incorporated the proposal or strategic area are expected to be had with Panuku Development Auckland and/or other applicable agencies. We expect these matters will be included in cultural monitoring reports or, as a minimum included in engagement.

The outcomes specified in the document are included to assist the applicant with possible ways to avoid, remedy or mitigate any negative impacts from the proposal, but are not in themselves a thorough assessment of the cultural impacts. They are therefore general outcomes which could be expanded upon as part of future engagement and dialogue with Te Kawerau ā Maki, or by way of a CIA specific to the detailed aspects of the project or compliance with a consent condition and/or work with other agencies.

6.1 Air (hau)

Air is a taonga which is valued for its life-sustaining qualities. As with all taonga and resources air quality must be maintained and enhanced to ensure respectful and sustainable use for present and future generations. The issues concerning air quality can be broken down into two main themes: discharges to air, and amenity values. Discharges to air can lead to air pollution or quality issues, and can be comprised of particulate matter (defined as PM₁₀ (Particulate Matter up to 10 micrometers in size) by the National Environmental Standards for Air Quality), combustion products or hazardous air pollutants. Amenity values are those physical qualities or characteristics that contribute to aesthetic, cultural, and recreational attributes of an area.

As part of this project (at present) there is no proposal for discharges to air.

In general, our concerns focus on:

- vehicle emissions
- existing industrial activities/hazardous waste facilities
- impact on the protection of wāhi tapu from corrosive airborne contaminants
- impact upon the health and mauri of waterways, kai, and biodiversity
- impact upon human health such as odour, visibility and noise
- light-pollution
- impeded views to our cultural areas due to new buildings and other structures

Our aspirations for air quality and amenity in the area are:

- a) prevention of discharging contaminants that may threaten the life-sustaining qualities of air
- b) regular monitoring of the hazardous waste facilities in Wynyard, and the planned removal of such facilities in the long term
- c) sustainable transport initiatives to reduce transport impacts to the environment and are in line with proven climate change principles
- d) development is appropriately designed and located to protect and enhance the natural and cultural landscape values



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- e) the restriction of activities which contribute odours near culturally important land or seascapes (wāhi tapu, urupā)
- f) meaningful engagement and effective, early communication regarding proposals or applications that have air quality or visual amenity matters to assess

6.2 Land (whenua)

Te Kawerau ā Maki has strong cultural and spiritual links to the land. Land is viewed as life-sustaining and cleansing and is embodied by the deity Papatūānuku. Mana over ancestral land does not derive from the Treaty of Waitangi or legislation, but rather from our whakapapa and association with the land. Te Kawerau people retain kaitiaki responsibilities whether or not land has been sold: the land is taonga and any proposals to develop it must be balanced with the need to protect its mauri, productive capacity, heritage values, and native flora and fauna.

In general our concerns with land focus on:

- impacts on natural landscape values
- impacts on cultural landscape values (e.g. the erection of masts and other built structures which will block visual, physical connection to other important places)
- coastal erosion and its effects upon heritage
- erosion arising from development activities
- discharge of untreated sewage to land
- discharge of contaminants to land

Our aspirations for land include:

- a) increasing and allowing access to culturally important places
- b) the use of Te Kawerau ā Maki place names on the landscape
- c) protection of cultural landscapes from inappropriate development
- d) ensuring the right of Te Kawerau ā Maki to use ancestral lands and other taonga according to our own customs, needs, and preferences
- e) seeking to balance development of the land with the protection of the values of the landscape
- f) the use of robust sediment control mechanisms
- g) encouragement of management strategies to mitigate coastal and walkway erosion
- h) Reclaimed areas of hardstand and any public areas, parks and reserves are supported and managed in a way to enhance and promote their relationship with our cultural values through design, visual and physical connection, and traditional cultural functions, where applicable.

6.3 Water (wai)

Te Kawerau ā Maki value water both generally through Te Ao Māori (the Māori world view) and our cultural, historic, and traditional links with specific streams, rivers, wetlands, lakes, springs, and other water bodies. Mauri is a binding force between the spiritual and physical; it sustains all life and is strongly present in water. The mauri of a water body is thus a measure of its life-giving capacity or physical and spiritual health. In addition, water is valued for drinking, transport, as a source of kai, and for irrigation. In some areas within Auckland, waterways have become severely degraded due to poor management of waste, stormwater, earthworks and other pollutants which have destroyed or significantly decreased their mauri. The mauri of water is destroyed when used to carry waste, even if treated, and can only be restored through the cleansing properties of land.

In general, our concerns with water focus on:

- degradation or destruction of the mauri of natural waterways and waterbodies
- degradation of the food producing capacity of natural waterways and waterbodies
- the disposal of any wastewater or waste directly into natural waterways



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- the mixing of water from different sources
- industrial contaminants entering water via either point-source or non-point source discharge
- sedimentation
- invasive species (plant and animal)
- reclamation
- construction of hard structures within the CMA
- extraction of materials from waterbeds
- a culture and attitude of neutrality or maintenance of already degraded waterways rather than enhancement of waterways
- discharges to groundwater
- the impacts of dredging and the movement and displacement of contaminants in sediment

Our aspirations for water include:

- a) ensuring that spiritual and cultural concepts are recognised as key issues in water management
- b) ensuring that natural waterways are recognised as food sources and that water management places a priority on protecting and enhancing the food producing capacity of waterways
- c) ensuring that land and water management is not directed at only maintaining water quality levels but that programmes are established to ensure the enhancement of natural waterways
- d) ensuring robust sediment control mechanisms during earthworks
- e) ensuring stormwater is managed in a way to enhance the receiving environment using appropriate methods and technologies (i.e. stormwater ponds, stormwater wetlands/rain gardens, coarse sediment traps, all designed to account for stormwater overflows)
- f) ensuring stormwater is managed utilising dual- or multi-series treatment (e.g. secondary or tertiary filtration via in-line devices), and utilising natural processes where possible
- g) encouragement of the use of permeable surfaces on public infrastructure projects
- h) monitoring and enforcement of industrial runoff or discharges to waterways
- i) promotion of water conservation and efficient use of water

6.4 Biodiversity

Biodiversity and the health of our ecosystems is of high importance to Te Kawerau ā Maki. In line with the principals of kaitiaki, humans and the natural world including animals are viewed as interconnected and biodiversity is perceived as a part of the health and wellbeing of the iwi. Native flora and fauna are part of our heritage and culture and continued access to and use is important in the maintenance of our culture and traditions. Indigenous species, and the habitats that support them, need to be protected and conserved both for their own intrinsic qualities and for future generations.

In general, our concerns with biodiversity focus on:

- loss of native species, particularly those endemic to the area
- introduction or use of exotic plant species in infrastructure or development projects
- impact of weeds and pests on native species
- loss or decline in native and introduced plant pollinators including bees
- impacts of development (e.g. earthworks, stormwater, waste, traffic, pets) on native species and ecosystems
- the effective privatisation of native flora and fauna through their location on private properties or restricted access

Our aspirations for biodiversity include:

- a) the health of marine environment and species is not deteriorated
- b) protection and enhancement of ecological corridors
- c) protection and enhance native species and their habitats through sustainable, responsive, and holistic development where development must occur
- d) encourage the use of native plant species



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- e) education and partnership with the public including private landowners

6.5 Wāhi Tapu and Taonga

Wāhi tapu and taonga form part of the cultural heritage of Te Kawerau ā Maki and include archaeological sites, ecofacts and artefacts as well as sites of historic significance to the iwi. Wāhi tapu may include pā sites, battlefields, burial grounds, significant historic hapū sites, and canoe landings, for example. Taonga can refer to artefacts or parts thereof, objects, flora, fauna, water bodies, tikanga, history, traditions, or people. Te Kawerau are kaitiaki of all aspects of our history, culture, traditions and tikanga. Only Te Kawerau ā Maki or the agents of Te Kawerau Iwi Tribal Authority can establish the significance of any historic place of area associated with our iwi. There are many sites of significance which are only known to iwi members. In particular these sites include urupā and places associated with significant events. Such places are wāhi tapu and will be protected by the iwi.

There are no specific wāhi tapu sites within the project area which is predominantly reclaimed land which was not an area utilised for kāinga by Te Kawerau ā Maki. However, the spiritual and cultural use and access to the coast and these adjoining coastal land use areas is of extreme importance to Te Kawerau ā Maki.

In general, our concerns with wāhi tapu and taonga focus on:

- development in areas where archaeological materials, wāhi tapu, sites of significance, or other taonga exist (whether known or otherwise)
- lack of access to culturally important sites by Te Kawerau ā Maki due to their location on private land
- the unearthing, mishandling, and mismanagement of kōiwi (human skeletal remains) by members of the public, developers, and even responding police officers
- a reactive culture whereby heritage is only managed when a development occurs and impacts upon it

Our aspirations for wāhi tapu and taonga include:

- a) protection of all wāhi tapu and taonga within the Te Kawerau ā Maki rohe
- b) enabling Te Kawerau to effectively exercise their role of kaitiaki over wāhi tapu and taonga
- c) early engagement or consultation with Te Kawerau Iwi Tribal Authority with regard to the presence of archaeological sites, wāhi tapu, sites of significance, and taonga whether recorded or not
- d) developing and maintaining effective relationships with agencies involved in the management of heritage resources
- e) developing and maintaining effective relationships with landowners and the wider community in educating about and protecting cultural heritage
- f) the use of Accidental Discovery Protocols which take effect if cultural material (including kōiwi or bone) is uncovered through earthworks, ground disturbance, or natural erosion

6.6 Social, Economic, and Cultural Wellbeing

Provision for the social, economic and cultural wellbeing of Te Kawerau is central to our concept of sustainable management. Te Kawerau ā Maki once had possession of vast resources which provided for our needs, however, dislocation from the land base has weakened our tribal structure and resulted in a loss of identity for many. Provision for the social, economic and cultural well-being of Te Kawerau requires that our people are able to live and work within our rohe and in association with marae belonging to the iwi. Initiation of commercial activities in traditional kāinga areas are important ways to facilitate iwi development. Such developments are a part of the relationship between Te Kawerau culture and traditions with our ancestral lands, water, sites of significance, wāhi tapu and other taonga. Iwi development is also a part of the kaitiaki responsibilities of Te Kawerau members.

Having no permanent cultural facility within the harbour edge limits the ability for Māori to showcase their cultural connection to the area, alongside other cultural connections to this important maritime space. As



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outlined in the historical report, this has been exacerbated by the loss of land to Te Kawerau ā Maki, alongside other devastating consequences of European settlement.

In general our social, economic and cultural well-being concerns focus on:

- cumulative effects of development on Te Kawerau ā Maki and our taonga
- lack of Te Kawerau ā Maki design elements or character represented in buildings and public areas
- lack of physical presence in terms of employment, kāinga, marae, or visual cultural markers
- lack of land and economic base
- lack of Māori cultural presence (cultural facility) on the coast/harbour of Wynyard Hobson

Our aspirations for social, economic and cultural well-being include:

- a) ensuring maintenance and enhancement of Te Kawerau ā Maki tikanga and spiritual well-being within the area
- b) the establishment of a Māori cultural facility centre to showcase mana whenua and cultural values (linking cultural values with our connections to the land and water)
- c) ensuring that the cumulative effects of activities and development upon Te Kawerau ā Maki and our taonga are fully recognised and provided for in all resource management decision-making
- d) engagement that is entered into in good faith and in the spirit of partnership/Māori cultural enhancement

6.7 Summary of development and initial outcomes sought by Te Kawerau ā Maki

In general, it is considered the development associated with the America's Cup could have positive outcomes for Te Kawerau ā Maki provided our concerns are acknowledged, and our aspirations are meaningfully considered. We would like to see sustainable development whereby it promotes and enhances, rather than mere mitigation of impacts on the natural and cultural environment. This includes recognition of our wellbeing and our spiritual, cultural, and heritage values.

The development of this waterfront area is of importance to all peoples and it is an opportunity to adequately reflect Māori cultural connections with this landscape on a more permanent basis.

Summary of outcomes sought by Te Kawerau ā Maki:

Legacy cultural centre

1. A permanent Māori cultural centre on the Wharf area could help promote and enhance the connection Māori have with the area with all peoples. Overall we want to achieve with other mana whenua a cultural presence on the waterfront and be located in a position that positively fits with our values and is integrated with other uses and development of the area. For these reasons, we want a Māori cultural facility centre to be investigated, researched (feasibility and case study) within the wharf hardstands. This includes, opportunities for joint management arrangements, first right of refusal, or other side agreements for the potential legacy of a Māori cultural facility centre.

In addition, we would like to see a reasonable timeframe included for engagement on scoping future use and development in respect of an aspired Māori cultural centre with ATEED, RFA, Panuku or relevant other bodies. It is noted that the timeframe for a report to be provided on future use and development for resource consent purposes is a minimum of 6 months prior to the expiry of the 10 year consent (see proposed condition 198C – Legacy Options), however feasibility and business cases, current and future leases will take much longer than 6 months. In general, we would like a minimum of 3 to 5 years prior to the 10 year expiry of consent; or 2 years prior to the removal of any temporary building to be included in the scoping of future use and development of the area (particularly base B) to form part of the planning application.



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Cultural monitoring report

2. Preparation of a mana whenua monitoring report/outcomes report by Panuku Development for each phase of the project (construction, post construction, event, demolition/removal of buildings, legacy), taking into account the historical and current contexts; and/or the same report be prepared independently and paid for by Panuku Development.

This is to demonstrate whether there have been positive outcomes for mana whenua from the project. This could assist with future engagement, mitigation options and future developments for Māori cultural centre. It could demonstrate if outcomes were met; or if they were not met, where to from here; or how the project or future developments/uses has enabled the principles of the Treaty of Waitangi, Māori outcomes/commitments and aspirations.

Design

3. Development of the syndicate bases and other buildings are appropriately located aesthetically and are fit for purpose, and show case Te Aranga Māori design principles, where possible. Of particular interest is the Hobson Wharf public open space area and the design of the hardstand pavement, no features physically obstructing the space; Halsey Wharf VEC (public viewing area); light poles and official event signage. Noting this does not have to be Te Kawerau ā Maki specific.
4. Input on concept and detailed design stages for development which has high visual impacts on natural or cultural landscape value. The impact is to be determined by Te Kawerau ā Maki.

Engagement specific to mana whenua

5. Engagement plan with Te Kawerau ā Maki to include updates on (among other matters):
 - Dredging (noting a particular concern that dredging may be dumped in the moana of our whanaunga Ngāti Rehua off Aotea/Great Barrier)
 - Accidental discovery protocol
 - Design (buildings, lights, public areas, signage, hardstand areas, breakwaters etc)
 - Event planning
 - Marine health
 - Ground water monitoring and contingency
 - Erosion and sediment control
 - Pre-construction and assessment of appropriate sites for storage of construction materials
 - Noise and vibration
 - Lighting
 - Signage
 - Bio-security
 - Industrial and Trade Activities
 - Legacy opportunities

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Use

6. Access to coastal area particularly around Base B is to be for public purposes once the event is completed, and Base B is to be removed no longer than the duration of 10 years from this consent (if granted).

Environmental advocacy

7. Actively encourage and campaign for reduce waste and recycling as part of the events, but also as part of the development projects.
8. Actively encourage and provide for cycle commuter showers (where necessary), particularly for those who will be working on the construction of the project.
9. Boats in the water to connect with land based wastewater facility so no wastewater is disposed directly into the Waitematā Harbour or Hauraki Gulf/Tikapa Moana. Undertake regular review and monitoring of this.
10. Supporting water infrastructure be provided around the events areas to encourage and enable the refill of water bottles, particularly during events in 2020 and 2021 thereby reducing the use of plastic and encouraging re-use.
11. Educational campaigns with the Harbour Master, airlines, tourism boards (or other relevant agencies) advising water vessels during the term of the America's Cup event on the significance of our water and to not dispose of wastewater directly into the Waitematā Harbour or Hauraki Gulf/Tikapa Moana.
12. Council make urgent upgrades and or reasonable mitigation to the stormwater outfall from Freemans Bay which discharges beneath North wharf at the southwestern corner of Wynyard Wharf south of water space, as the stormwater is not treated and localised sedimentation is evident.

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7.0 Conclusions

Te Kawerau ā Maki have a spiritual and cultural connection to the area encompassed within the Wynyard and Hobson scheme, and its surrounds and this has never been extinguished. Te Kawerau ā Maki are mana whenua of the area, and as such have kaitiaki and other obligations and responsibilities to the whenua and moana and its cultural and natural resources. We intend to work with lead mana whenua and other mana whenua on this project.

Te Kawerau Iwi Tribal Authority are positive about the notions of joint management, joint advocacy, and local participation and engagement for this project and in particular, any legacy outcomes associated with a Māori cultural facility in the area. The matters outlined within this document aim to guide and assist Council and other organisations in interpreting and giving action to the proposal from the perspective of Te Kawerau ā Maki.

The proposed development and use of the Waitematā Harbour (Wynyard and Hobson) as part of the America's Cup 36 (2021) for temporary buildings (up to 10 years) and for coastal structures such as wharf extension and breakwater for 35 years supports, the functional use of the space for coastal land-related activities, and has the opportunity to further provide for a spiritual, social and cultural connection between land and water for the public as well as Te Kawerau ā Maki.

8.0 Applicability

This report has been prepared for the particular brief given, and data or opinions contained in it may not be used in any other context or for any other purpose without prior review and agreement.



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Reviewed by (and on behalf of) Te Kawerau ā Maki
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9.0 References

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Appendix 1 - Mana Whenua Engagement draft Consent Conditions August 2018

5. Prior to the Commencement of Consent, the consent holder shall invite the existing Auckland Council Mana Whenua Kaitiaki Forum (ACMWKF) to:
- a) Assist the consent holder in the preparation of an America's Cup Kaitiaki Engagement Plan (ACEKP) (Conditions 5A-5F) consistent with relevant customary practices and in accordance with the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), especially the principles of consultation, active participation and partnership; and
 - b) Fulfil the obligations set out in the America's Cup Kaitiaki Engagement Plan on behalf of mana whenua.

The consent holder shall facilitate and fund the additional resourcing of the ACMWKF to meet all its fair and reasonable costs associated with any work streams required for the ACMWKF to fulfil its role in respect of this condition.

Advice Note 1: *It is acknowledged that Te Tiriti o Waitangi/The Treaty of Waitangi underpins the relationship between Mana Whenua and the Crown. Inherent in this are (amongst other things) the principles of partnership, reciprocity, active protection and equity. Importantly, the principle of partnership is endorsed by the concept of good faith. Those principles are acknowledged in the Local Government Act 2002.*

Advice Note 2: *The Consent Holder acknowledges that the Waitematā is of extremely high spiritual, ancestral, cultural, customary and historical importance to Mana Whenua*

Advice Note 3: *The Consent Holder records its commitment to implementing this condition in good faith, and to using the services of an independent mediator, as necessary.*

- 5A. The consent holder shall prepare an **America's Cup Kaitiaki Engagement Plan** (ACEKP) for the Project with the assistance of the ACMWKF. Within ten (10) working days of the Commencement of Consent or prior, the consent holder shall provide a copy of the ACEKP to the Team Leader Compliance Monitoring – Central.
- 5B. The purpose of the ACEKP is to assist mana whenua to express tikanga, fulfil their role as kaitiaki, and establish the engagement process before, during and after the completion of construction activities for implementation throughout the project. It shall be formulated through:
- a) Providing the framework for a collaborative approach between the consent holder and mana whenua to address the matters which impact cultural values / interest, before, during and after the completion of the construction activities; and
 - b) Identifying how the consent holder and the ACMWKF will ensure that effective relationships are provided for throughout the Event.
- 5C. The objectives of the ACEKP are to:
- a) Acknowledge the cultural and spiritual importance of the Waitemata and its surrounds to mana whenua;
 - b) Acknowledge mana whenua as kaitiaki;



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- c) Recognise the importance of engagement and identification of key mana whenua values, areas of interest and matters concern in relation to the Project;
- d) Provide mana whenua with an opportunity to be actively involved with the formulation and implementation of the ACKEP; and
- e) Facilitate engagement between the consent holder and mana whenua in relation to the activities authorised by this consent, and to assist mana whenua to fulfil their role as kaitiaki.

5D As a minimum, the ACKEP shall include details of the following matters:

- a) How mana whenua who have historic associations with the Project area and its surrounding waters have been involved in the formulation of the ACKEP and are to be involved in its implementation;
- b) The process for involvement of mana whenua in the preparation and implementation of the engineering design, construction management, and operational plans as they relate to:
 - (i) Managing water quality during the construction and operation of the Infrastructure;
 - (ii) Managing underwater noise during construction so as to protect marine animals;
 - (iii) Protecting the waters of the area from biosecurity risks;
 - (iv) Providing cultural markers within the Infrastructure to recognise the historic associations of mana whenua with the area and the significance of the land and seascapes of Waitematā to mana whenua; and
 - (v) Enabling use of the Infrastructure for cultural activities.
- c) In giving effect to Condition 5Db), involvement by mana whenua in preparation and implementation of the following management plans:
 - i. Management Plan for Dredging and Placement of Mudcrete in the CMA (MPDPM);
 - ii. Erosion and Sediment Control Plan (ESCP);
 - iii. Remediation Action Plan (RAP);
 - iv. Groundwater Monitoring and Contingency Plan (GWMCP);
 - v. Construction Noise and Vibration Management Plan (CNVMP);
 - vi. Biosecurity Management Plan (BMP);
 - vii. Inner Viaduct Harbour Environmental Management Plan (IVHEMP);
 - viii. Industrial and Trade Activities Hazardous Substances and Environmental Management Plans (ITA HSEMPs);
 - ix. Industrial and Trade Activities Emergency Spill Response Plans (ITA ESRPs); and
 - x. Event Management Plan (EMP).
- d) Accidental discovery protocols;
- e) Procedures for the cultural induction of construction workers and Event staff;
- f) Timing, frequency, location and methods of cultural monitoring procedures and



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protocols during construction activities to demonstrate achievement of the objective(s) for the ACEP;

- g) Ongoing mana whenua engagement procedures following the completion of construction; and
- h) The process by which amendments can be made to the ACEP.

5E. The Consent Holder shall operate in accordance with the ACEP.

5F. The role of the Forum in terms of this consent shall continue for the duration of the 10-year period of the consent, and until the requirements of Conditions of 6 to 7C have been complied with.



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