CULTURAL VALUES REPORT FOR THE EAST WEST LINK

FEBRUARY 2017
PREAMBLE

A. The East West Link Alliance Project team, in consultation with and review from representatives of the Mana Whenua partners group (set out in section 2.2 of this report), has prepared this report.

B. This report provides a summary of the Project team’s understanding of Mana Whenua values and issues in respect of the East West Link Project and in particular, understanding of:
   (a) the issues, information and recommendations contained in various Mana Whenua Values Assessments that the team has received for the Project, and from matters arising out of engagement with Mana Whenua;
   (b) the aspirations of Mana Whenua; and
   (c) the cultural values of Mana Whenua (to inform how these can be recognised and provided for throughout the Project).

C. The engagement and processes set out in this report have assisted to inform the Project team’s development and assessment of alignment options for the East West Link Project. The themes and conclusions of an earlier draft of the report are reflected in the East West Link Assessment of Effects on the Environment report (December 2016).

D. Mana Whenua reviewed this report in December 2016. Since December 2016, the Project team undertook a further review of the report. This review has included the writing of this preamble and changes to correction typographical errors and provide clarification / consistency with terms used in other documentation.

E. Mana whenua engagement on the project does not constitute mana whenua approval or support of the project, and this report does not limit, restrict, or otherwise confine mana whenua from submitting on and participating in any future consenting Resource Management Act processes.
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1. ENHANCING THE MAURI OF THE MĀNGERE INLET

1.1 The water bodies of the Manukau Harbour, including the Māngere Inlet, which the East West Link Project ("Project") traverses, are of great spiritual importance to Mana Whenua.

1.2 The Inlet has a long history of Mana Whenua use and development, due to its fertile volcanic soils, abundant marine life and strategic importance for east-west transport. Small fishing settlements once dotted the shoreline where Mana Whenua gathered kai moana and harvested the rich soils of the surrounding land.

1.3 Although the Inlet had strong mauri in its early days, intensive industrial growth in the late 18th and 19th centuries resulted in large amounts of untreated human and commercial waste being discharged into the Inlet. This was documented in the 1985 Waitangi Tribunal Report and the resulting 1990 Manukau Harbour Action Plan.

1.4 To this day, historic landfills across the northern coastal edge of the Inlet continue to discharge contaminants into the water, significantly degrading water quality and the overall ecological health of the Inlet.

1.5 In addition, extensive landfilling and industrial development around the Inlet has resulted in gradual reclamation of the coastal edge.

1.6 In Principle, Mana Whenua do not support reclamations. Ngati te Ata Waiohua state they are opposed to reclamation.

1.7 Larger reclamation of the foreshore was proposed early on in the Project's development. Mana Whenua opposed the extent of this reclamation and because of this engagement and by working together, were able to revise the design and significantly reduce the land area set to be reclaimed.

1.8 In this Project, due to extenuating circumstances and the need to clean up contamination (including sediment) in and around the Māngere Inlet. Mana Whenua are not opposed to the proposed design. Extenuating circumstances of this Project include the need to progress the containment, remediation and clean up of contamination (including sediment) in and around the Inlet.

1.9 Significantly, early on in the Project's development Mana Whenua recognised opportunities to incorporate environmental improvements into the Project design to enhance the mauri of the Inlet for further generations. This is integral to their kaitiaki role.

1.10 As a result of engagement with Mana Whenua, the foreshore design provides for the removal of materials from the closed landfills along the Inlet (for construction of the EWL Project) and the installation of a contamination containment bund ("bund") at Onehunga.

1.11 The bund will sit between the existing reclaimed industrial land once used as a landfill, and the Inlet. This will provide a physical barrier between the areas releasing contaminants
(such as asbestos and leachate) and the broader coastal environment. It will reduce the concentration of contaminants entering the Inlet by trapping them in the bund.

1.12 As well as restoring the natural environment, the bund is expected to have significant positive social effects by separating the traffic coming out of town and connecting the town to the foreshore. These factors will positively contribute to the economic functioning of the region, enhancing employment and productivity throughout the Onehunga area.

1.13 In addition to the installation of the bund, Mana Whenua have developed a number of other initiatives to enhance the mauri of the Inlet. These include:

(a) The development of a vision document focussed on restoring the mauri of the Inlet. Mana Whenua created this in partnership with central government, Auckland Council, Auckland Transport, KiwiRail and Watercare. The purpose of the document is to present a shared vision, a set of values as well as desired outcomes to be achieved through current and future investments and activities in and around the Māngere Inlet. A copy of the document is attached at Appendix A;

(b) Sediment controls and stormwater measures to prevent further pollution of the Inlet. These are discussed further in the 'Identification and mitigation of potential effects' section of this Report; and

(c) The development of an ongoing monitoring programme for the bund and stormwater outcomes for the wetlands. A monitoring liaison group including Mana Whenua, the NZ Transport Agency ("Transport Agency") and Auckland Council will monitor progress and develop any contingency measures that may be required.

1.14 Through regular and sustained engagement with the Project team, Mana Whenua have sought to turn their aspirations for the Inlet into a reality. In doing so, they have enabled the Project to achieve positive environmental and cultural outcomes that will work to enhance the mauri of the Inlet.

2. INTRODUCTION

2.1 This Cultural Values Report ("Report") has been commissioned by the Transport Agency to support the Assessment of Environmental Effects ("AEE") for the notices of requirement ("NOR") and resource consents for the Project.

2.2 The following iwi and hapū (listed in alphabetical order) have been engaged with and have provided input into the Project to date:

(a) Ngāi Tai Ki Tāmaki;
(b) Ngāti Maru;
(c) Ngāti Paoa;
(d) Ngāti Tamaoho;
(e) Ngāti Te Ata Waiohua;
(f) Ngāti Whātua Ōrākei;
(g) Te Ahiwaru;
(h) Te Ākitai Waiohua;
(i) Te Kawerau ā Maki; and
(j) Te Rūnanga o Ngāti Whātua.

2.3 These iwi and hapū are recognised as the Project's key Mana Whenua Partners ("Mana Whenua").

2.4 A number of Mana Whenua submitted Māori Values Assessments ("MVAs") on this Project. These iwi and hapū are listed at paragraph 12.12 of this Report.

3. PURPOSE

3.1 The purpose of this Report is to:

(a) Outline the aspirations of Mana Whenua to enhance the mauri of the Māngere Inlet and record how this is to be achieved;
(b) Outline the cultural values of Mana Whenua and how these have been recognised and provided for throughout the development of the Project;
(c) Record the effective engagement undertaken with Mana Whenua for the Project; and
(d) Summarise the issues, information and recommendations contained in the MVAs received to date, and arising out of engagement with Mana Whenua.

4. CULTURAL VALUES

4.1 Following earlier engagement on the East West Connection, at a Project Hui on 9 February 2016, Mana Whenua emphasised once again the deep and important relationship Mana Whenua have with the natural environment surrounding the Project area and the need to recognise this throughout the development and construction of the Project.

4.2 Incorporating cultural values throughout the Project was identified as one way the Project can respond to Mana Whenua and enhance the work that has already been done to date.

4.3 To Mana Whenua, the entire Project area has a mauri that binds the current generations through mana, tapu and whakapapa to the whenua. Included is the myriad of wāhi tapu and cultural sites all of which have links to tūpuna and kōrero tawhito. The landscape and cultural sites act as a repository for the whakapapa, mana, tikanga and traditions for the current and future generations.
4.4 Mana Whenua acknowledge the environment, and objects within the environment, as having not only a physical presence, but also as having spiritual and metaphysical values. Every living thing is recognised as having value and as having a mana, wairua and mauri of its own. The spiritual values are as important as the physical. Mana Whenua believe that the physical and spiritual aspects of a person or thing are joined by mauri to make a complete whole.

4.5 For Mana Whenua, kaitiakitanga means more than just mere guardianship. It is the intergenerational responsibility inherited at birth to care for the environment, which is passed down from generation to generation. Kaitiakitanga is the key means by which sustainability is achieved.

4.6 The purpose of kaitiakitanga is not only about protecting the life supporting capacity of resources, but of fulfilling spiritual and inherited responsibilities to the environment, maintaining mana over those resources and ensuring the welfare of the people those resources support.

5. HISTORY AND ASSOCIATION WITH THE PROJECT AREA

5.1 The cultural landscape includes areas of historic through to current settlement, trade, economic prosperity and occupation extending across the whole Project area. In particular, local iwi and hapū place specific importance on the cultural values of Onehunga and the Manukau Harbour. Mana Whenua retain important connections to these areas today.

Onehunga

5.2 Onehunga dates from the earliest time of occupation by the older tribes of Tāmaki such as Te Waiohua and Te Kawarau ā Maki. By 1100AD, the Ōtāhuhu portage linking the Māngere Inlet with the Tāmaki River was already in use. Onehunga saw the arrival of the Great Fleet's Tainui Waka into the project area via the Kāretu and Ōtāhuhu portages in 1350AD. From this time onwards, successive tribes gained territory on the isthmus by marriage and through allegiances and warfare.

5.3 Historically, Onehunga was a desirable location for many reasons. Its location, adjacent to the Māngere Inlet was once a rich source of food and its proximity to strategic portages connecting the Manukau Harbour, Tāmaki River and Māngere Inlet made it an important trade and commerce hub.

5.4 The area is also known for its agriculture and was previously densely populated by Māori who produced gardens of kumara, taro and gourds within the rich soils, providing an important resource for successive generations of iwi and hapū.

5.5 The area includes a range of landscapes, values and significant sites and areas of value to Mana Whenua, including the water bodies of the Manukau Harbour.
Manukau Harbour

The Manukau Harbour, for Māori, was a place of sustenance, commerce, transport and communication for many hundreds of years. It has specific significance to Mana Whenua as a strategic resource for east-west movements, he wāhi mahinga mātaitai (a customary seafood gathering site) and a valuable food basket for kai moana, it was said:

"e ai kī ngā kōrero.....Ngā pōtiki toa a Taikehu", it was once said in the sea off Te Mānuka (now called Manukau) they found many kanae (mullet), so many they could catch one in each hand.

5.6 The water bodies of the Manukau Harbour, including the Māngere Inlet, continue to hold considerable importance to Mana Whenua who regard them as taonga. As guardians, or kaitiaki of the Inlet and its surrounding environment, Mana Whenua have an obligation to protect and enhance its wellbeing for future generations.

6. PARTICULAR SITES AND AREAS OF SIGNIFICANCE

6.1 The Project traverses an area rich in Māori history that dates back to the earliest time of Māori occupation in the region.

6.2 The Project area includes the following specific cultural sites and features, as identified by Mana Whenua:

(a) Te Waimokoia (Māngere Inlet);
(b) Ngā Tapuwae o Mataoho;
(c) The Kāretu, Ōtāhuhu and Pukaki portages;
(d) Ancestral pā; and
(e) Te Apunga o Tainui.

Te Waimokoia (Māngere Inlet)

6.3 Te Waimokoia is identified as a taonga. Notable features within the Inlet include:

(a) The portages between the Manukau and Tāmaki harbours that extend from the reaches of the Inlet. These include the Ōtāhuhu and Kāretu portages;
(b) The small island Ngā Rano e Rua o Tainui, the final resting place of the skids used to haul the great waka Tainui across the Ōtāhuhu portage around 1300AD; and
(c) All coastline and riverbanks, marine and freshwater areas including Ann’s Creek.
Ngā Tapuwae o Mataoho

6.4 Several maunga form the backdrop and landscape setting of the Project area. These include Te Pane o Mataoho (Māngere Mountain), Maungakiekie (One Tree Hill), Maungarei (Mt Wellington), and Rarotonga (Mt Smart).

6.5 Other significant maunga have been quarried out of the landscape, including Maungataketake (Mt Ellett), Te Ihu a Mataoho, Pukeiti / Puketāpapa (Otuataua Historic Reserve), Te Motu a Hiaroa (Puketutu Island) and Waitomokia (Mt Gabriel).

6.6 Features in the immediate area include:
   (a) Te Hōpua a Rangi, the basin of Rangi Huamoa (the wife of the first Waiohua paramount chief Huakaiwaka). This is the tuff ring formally open to the Manukau Harbour and now infilled and bisected by State Highway 20 ("SH20");
   (b) Pahoehoe lava flows at Pikes Point and west of Alfred Street;
   (c) Mutukāroa (Hamlin’s Hill); and
   (d) Ōtāhuhu / Maungatorohe (Mt Richmond).

Portages

6.7 Waka portages were vital for east-west trade and supported a strategic network of pā from the far North to the South Island.

6.8 Mana Whenua have identified the following portages within the Project area:
   (a) The Kāretu portage linking Ann’s Creek with Kāretu, south of the Panmure Basin. The portage is located alongside Mutukāroa;
   (b) The Ōtāhuhu portage was in use by 1100AD and was the most important in the area because of its location, gradient and length: it was the narrowest point between east and west coasts of New Zealand, sloping gently for less than one kilometre from the Tāmaki River to the Manukau Harbour; and
   (c) The Pukaki portage, while outside the immediate project area, formed part of the linked waterway routes.

Ancestral pā

6.9 Mana Whenua have identified a number of ancestral pā in the Project area. These include:
   (a) Mutukāroa – a strategic site for the Kāretu portage, with many houses and storage pits among the cultivated slopes;
   (b) Rarotonga – to the north of the Project area but whose cultural sites reach down towards the Māngere Inlet;
   (c) Ōtāhuhu / Maungatorohe – just north of the Ōtāhuhu portage routes and closely associated with the portage;
(d) Mauinaina and Mokoia – fortified pā at the mouth of the Panmure basin positioned to control movement on the Tāmaki River;

(e) At Ihumatao on or around the volcanic cones of Te Ihu o Mataoho / the nose of Mataoho, and at Te Pane o Mataoho; and

(f) Maungakiekie, which dominates the centre of the isthmus between the harbours and one of the largest and most significant pā sites in the area.

Te Apunga o Tainui

6.10 Within the cultural landscape, the area referred to as Te Apunga o Tainui is an area of specific heritage and history, initially for Māori settlement (referring to the arrival of the Tainui waka) and subsequently as the colonial military camp area at McLennan Hills. This area is geographically defined by the current landmark areas from Maungarei (Mt Wellington) to the Ōtāhuhu Creek.

6.11 Mana Whenua have specific ancestral associations with this area and identify the area as wāhi tapu.

6.12 This significance is formally acknowledged by the recorded and protected urupā, which is a specific property site to the west of SH1 in this area at Mutukāroa. However, the Project team acknowledge that the particular grievances and issues of the wāhi tapu extend well beyond the identified urupā.

7. LEGAL FRAMEWORK

Te Tiriti o Waitangi/ The Treaty of Waitangi

7.1 Te Tiriti o Waitangi has constitutional significance and is regarded as the founding document of Aotearoa. Both Te Tiriti and its principles are referenced in legislation, including the Resource Management Act 1991 (“RMA”).

7.2 The principles of Te Tiriti o Waitangi have been found to include:

(a) Rangatiratanga – the duty to recognise Māori rights of independence, autonomy and self-determination. This principle empowers Māori to determine and manage matters of significance to them.

(b) Partnership – the duty to interact in good faith and in the nature of a partnership. This includes a sense of shared enterprise and mutual benefits; where each partner must take into account the needs and interests of the other.

(c) Active protection – the duty of the Crown to proactively protect the rights and interests of Māori, including the need to build Māori capacity and capability.

(d) Mutual benefit – the need to recognise that benefits should accrue to both Māori and non-Māori, and that both must participate in the prosperity of Aotearoa.
(e) The Right of Development – recognising that Treaty rights are not confined to customary uses or the state of knowledge as at 1840, but include an active duty to assist Māori in the development of their properties and taonga.

Part 2 of the RMA

7.3 Various sections of Part 2 of the RMA require the consideration of Māori values. These provisions are relevant to the lodging of the NOR and resource consents for the Project.

7.4 All persons exercising functions and powers under the RMA must:

(a) Give effect to the purpose of the Act in section 5 which refers to ‘cultural wellbeing’;

(b) under section 6(e), recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga, being a matter of national importance;

(c) Under section 6(f), recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development, being a matter of national importance;

(d) Under section 6(g), recognise and provide for the protection of recognised customary activities, being a matter of national importance;

(e) Under section 7(a), have particular regard to kaitiakitanga; and

(f) Under section 8, take into account the principles of the Te Tiriti o Waitangi (including those listed above).

7.5 The Supreme Court in King Salmon,1 provided guidance as to the interpretation of Part 2 of the RMA. The Court described section 5 as a guiding principle, supplemented by sections 6, 7 and 8, which refer to particular obligations, including the principles of Te Tiriti o Waitangi.

Marine and Coastal Area (Takutai Moana) Act 2011

7.6 The Marine and Coastal Area (Takutai Moana) Act 2011 provides useful context to this Report. The Act sets in place a regime to:

(a) Recognise the mana tuku iho exercised in the marine and coastal area by iwi, hapū, and whānau as tangata whenua;

(b) Provide for the exercise of customary interests in the common marine and coastal area;

(c) Acknowledge Te Tiriti o Waitangi; and

1 Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38.
(d) Ensure the protection of the legitimate interests of all New Zealanders in the marine and coastal area of New Zealand.

8. TREATY SETTLEMENTS

8.1 The Treaty settlement process involves negotiations between iwi and the Crown relating to historic (pre-1992) breaches of the Te Tiriti o Waitangi by the Crown. The Treaty settlement process provides important context to the Project.

8.2 In recent years, a number of iwi and hapū in Auckland have settled claims with the Crown for breaches of the Treaty. Other iwi are at various stages of negotiations with the Crown.

8.3 Of particular relevance to this Project are the Ngāti Whata Ōrākei Claim Settlement Act 2012, the Te Kawerau ā Maki Claims Settlement Act 2015 and the Tāmaki Collective Settlement.

Tāmaki Collective Settlement

8.4 In July 2009, a collective of 13 iwi and hapū with interests in the Tāmaki Inquiry district began negotiating with the Crown on a collective deed of settlement. The resulting Tāmaki Makaurau Collective Deed of Settlement (“Deed”) was signed on 8 September 2012.

8.5 The 13 iwi and hapū negotiated as Ngā Mana Whenua o Tāmaki Makaurau / Tāmaki Collective (“Tāmaki Collective”).

8.6 Mana Whenua involved in the Project and the Tāmaki Collective settlement include Ngāti Maru, Ngāti Paoa, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Te Ata, Ngāti Whātua Ōrākei, Te Ākitai Waiohua, Te Kawerau ā Maki, and Te Rūnanga o Ngāti Whātua.

8.7 The Deed provides redress for the shared interests of the Tāmaki Collective, recognising the traditional, historical, cultural and spiritual association of iwi and hapū with maunga, motu and lands within Tāmaki Makaurau.

8.8 The redress includes a 172 year right of first refusal over Crown-owned land and certain Crown Entity-owned land that becomes surplus in the area specified in the Deed.

8.9 Although not providing specific redress for the Manukau Harbour (to be developed in separate negotiations), the Deed recognises its great cultural and spiritual importance to the Tāmaki Collective by way of a specific Crown acknowledgement:

“2.5 Ngā Mana Whenua has a centuries old spiritual, ancestral, cultural, customary and historic relationship with Tikapa Moana, the Waitematā and Manukau Harbours, the motu of those seas, and the whenua, waters, and indigenous flora and fauna within the Tāmaki Makaurau Region.”
2.6 Ngā Mana Whenua has an inter-generational responsibility as Mana Whenua and kaitiaki under tikanga Māori to preserve, protect, manage and utilise those taonga for all generations.”

8.10 The need to develop separate redress for the Waitematā and Manukau harbours is acknowledged at Part 10 of the Deed:

10.1 Ngā Mana Whenua o Tāmaki Makaurau and the Crown acknowledge and agree that -

10.1.1 the Waitematā and Manukau harbours are of extremely high spiritual, ancestral, cultural, customary and historical importance to Ngā Mana Whenua o Tāmaki Makaurau; and

10.1.2 This deed does not -

(a) provide for cultural redress in relation to those harbours, as that is to be developed in separate negotiations between the Crown and Ngā Mana Whenua o Tāmaki Makaurau; nor

(b) Prevent the development of cultural redress in relation to these harbours in those negotiations.

Harbour Settlements

8.11 Treaty settlement negotiations to address the Report of the Waitangi Tribunal on the Manukau Claim (“Wai 8”) and other claims relating to the harbours have not been settled. Wai 8 is the oldest Waitangi Tribunal claim yet to be settled and provides important context to this Report.

9. POLICY DOCUMENTS AND PLANS

9.1 The following RMA policy and planning documents containing provisions relating to Māori values are relevant to the NOR and resource consents:

(a) New Zealand Coastal Policy Statement 2010 (“NZCPS”); and

(b) The Auckland Unitary Plan (operative in part).

9.2 Relevant Iwi Management Plans, for example:

(a) Waikato Tainui Environmental Plan (2013);

(b) Hauraki Iwi Environmental Plan (2000);

(c) Ngāi Tai Ki Tāmaki Iwi Management and Development Plan;

(d) Ngā Tikanga o Ngāti Te Ata: Tribal Policy Statement 1991;

(e) Te Kawerau ā Maki Resource Management Statement (1995);

(f) Ngāti Paoa Resource Management Plan (May 1996) / Ngāti Paoa Interim Iwi Management Plan (2013); and

(g) Ngāti Whātua Ōrākei Iwi Management Plan (2012).
NZCPS

9.3 The whole NZCPS is relevant to the Project; however, Objective 3 and Policy 2 are of particular importance.

9.4 Objective 3 of the NZCPS reinforces the role of Mana Whenua as kaitiaki and recognises this kaitiaki role in the management of the coastal environment.

9.5 Policy 2 similarly recognises the relationship of Mana Whenua with the coastal environment, and recognises the need to incorporate mātauranga Māori (among other matters) as part of the consideration of the NOR and resource consents.

Auckland Unitary Plan

9.6 The Auckland Unitary Plan became operative in part on 15 November 2016. The operative Chapters B6 and D21 are particularly relevant to the Project.

9.7 Chapter B6 contains the Mana Whenua part of the Regional Policy Statement. It contains objectives and policies that enhance Te Tiriti o Waitangi partnerships and participation and the consideration of Mana Whenua values.

9.8 Chapter D21 contains objectives and policies to protect and enhance sites and places of significance to Mana Whenua.

10. PROJECT DESCRIPTION

10.1 The Project involves the construction, operation and maintenance of a new four lane arterial road from SH20 at the Neilson Street Interchange in Onehunga, connecting to State Highway 1 ("SH1") at Mount Wellington and an upgrade to SH1 between the Mount Wellington Interchange and the Princes Street Interchange at Ōtāhuhu.
10.2 New local road connections are provided at Galway Street, Captain Springs Road, the port link road and Hugo Johnston Drive and cycle and pedestrian facilities are provided along the alignment.

10.3 The primary objective of the Project is to address the current traffic congestion problems in the Onehunga, Penrose and Mount Wellington commercial areas that will improve freight efficiency and travel reliability for all road users. Improvements to public transport, cycling and walking facilities are also proposed.

10.4 The Project also includes environmental enhancement to the Project area including planting along the alignment and a contamination containment bund and stormwater treatment wetlands on the coastal edge of the Māngere Inlet.

11. PROJECT OUTCOMES

11.1 The Transport Agency has identified a number of key outcomes they are seeking to achieve through the construction and operation of the Project. These include:

(a) Enhancing the mauri of Māngere Inlet and Manukau Harbour through improved water quality outcomes from stormwater treatment wetlands (treating the wider run-off from the Onehunga-Penrose catchment) and a contamination containment bund (preventing leachate from existing landfills from entering the Inlet along the proposed embankment);

(b) Creating better access to the Māngere Inlet foreshore through the new coastal edge and boardwalks;
(c) Restoring the ecology of the area through planting of ‘green corridors’ and providing improved habitat for wildlife;

(d) Recognising the cultural significance of the area, including at Ōtāhuhu Creek (removal of culverts and replacement with a bridge), improving the ecology and water quality in this area;

(e) Safer access to schools, community facilities and places of employment through improved walking and cycling connections (such as across the Princes Street Bridge);

(f) Supporting economic growth by reducing the cost of transporting goods and people and improving the reliability of freight journeys;

(g) Enabling more reliable journey times for buses and commuters (especially between SH20 and the Onehunga Town Centre);

(h) Implementing more direct walking and cycling routes between Māngere Bridge, the Onehunga Town Centre and Sylvia Park;

(i) Opening up access to the Onehunga wharf and enabling its development; and

(j) Improving access to the rail freight hub at Southdown and the interface between road and rail.

12. ENGAGEMENT UNDERTAKEN WITH MANA WHENUA

Partnership and collaboration

12.1 The Transport Agency (with Auckland Transport in the early stages of the East-West Connections Project) recognised early on in the development of the Project that the way to achieve the best outcomes for the Project and for wider infrastructure development was to engage comprehensively with Mana Whenua.

12.2 This engagement has been underpinned by the commitment of partnership between Mana Whenua and the Transport Agency (as representative of the Crown) founded by Te Tiriti o Waitangi.

12.3 As reflected in the Transport Agency’s ‘Working with Māori’ statement:3

“...we acknowledge the status of Māori as tangata whenua – the indigenous people of Aotearoa New Zealand – and as partners with the Crown in the Treaty of Waitangi. As a Crown agency we:

- work to achieve the principles of the Treaty of Waitangi;
- extend the opportunity for Māori to participate in our decision making;

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12.4 Throughout the Project development, the Transport Agency has actively recognised the relationship Mana Whenua have with the Project area and has worked to address and appropriately mitigate any potential effects.

12.5 The Transport Agency is engaging with Mana Whenua in a number of ways, including:

(a) At governance level; and

(b) Through a kaitiaki group made up of Mana Whenua and the Project team. This group continue to work collaboratively to identify and mitigate issues as they arise.

12.6 Mana Whenua consider that the process of engagement undertaken for the Project has been exemplary, respecting the mana of the iwi involved and the values Mana Whenua have with the Project area.

Early engagement

12.7 The Transport Agency and Auckland Transport formally initiated the collaborative working process for the Project (then the East-West Connections Project’) on 13 November 2013. A memorandum was sent to Mana Whenua inviting them to a series of workshops between 18 and 21 November 2013.

12.8 The memorandum identified that the Transport Agency and Auckland Transport would be managing the proposal for the Project, and outlined the background, status and targeted outcomes sought for the workshops.

12.9 During the initial workshops Mana Whenua were presented the proposal. The presentation identified key options for consideration, the specific Project area involved and potential framework policies. A further full day workshop with Mana Whenua took place on 4 December 2013 to discuss and evaluate options.

MVAs

12.10 During these early workshops, Mana Whenua identified processes they wished to be implemented to minimise potential impacts on their cultural interests. As part of this, Mana Whenua requested that the Transport Agency and Auckland Transport invite MVAs.

12.11 The opportunity for Mana Whenua to receive support to undertake MVAs was made by Auckland Transport in September 2013 and the by the Transport Agency in October 2015.

12.12 Subsequently, between 2013 and November 2016 the following Mana Whenua have submitted MVAs on the Project:

(a) Ngāi Tai Ki Tāmaki;

(b) Ngāti Maru;
12.13 These MVAs are considered to hold sensitive information. They have been made available to the Project Team in option evaluation (MCA) and wider environmental assessments of the Project and have been reviewed in the compilation of this Report.

Hui

12.14 Throughout the development of the Project, the Project team have engaged with Mana Whenua through a variety of different fora, including:

(a) The EWL Mana Whenua Group;
(b) Monthly Southern Iwi Integration Group;
(c) The Māngere Inlet Environment Steering Group; and
(d) Attendance at / participation in other technical, stakeholder and community engagement processes.

12.15 A schedule of the Mana Whenua specific engagement is set out at Appendix B. More information on the wider engagement processes for the Project is provided in the AEE.

12.16 During these meetings, Mana Whenua were engaged on their aspirations for the Project area and bespoke issues relating to the Project design, the assessment of option alternatives and the measures needed to mitigate and address identified effects. In particular, Mana Whenua gave feedback on the options being assessed through the Multi Criteria Analysis Process and helped to determine the preferred concept alignment for the Project.

Ongoing engagement

12.17 Regular hui are scheduled to continue up to the lodgement of the NOR and resource consents and through the hearings process. The key objectives of this engagement have been and will be to:

(a) Inform Mana Whenua of any updates to the design and seek feedback, and work collaboratively on outcomes, particularly regarding reclamation, stormwater, leachate treatment options and biodiversity and ecology outcomes;

(b) Collaborate on the production of the Urban Landscape and Design Framework ("ULDF"); and
Gather cultural values information from iwi and hapū to assist in design response and for input into the AEE documentation for lodgement.

12.18 It is anticipated that there will be ongoing engagement following lodgement of the NOR and resource consents, particularly as submissions are received from parties. The key objectives of this engagement will be to:

(a) Inform Mana Whenua of any updates or responses to the Project that are being considered in respect of submissions received (particularly regarding extent of reclamation, treatment of leachate and stormwater, outcomes for the quality of the receiving environment and any other design changes that may impact on identified cultural values);

(b) Collaborate with Mana Whenua to understand any cultural issues / concerns they have regarding design or management responses to the above and the appropriate response to maintain the objective that the Project provides an integrated response to these issues; and

(c) To receive specific comment / feedback on the drafting of proposed conditions for the NOR and resource consents for the Project.

12.19 To maintain and enhance the processes throughout the delivery and operation of the Project, measures have been proposed to ensure Mana Whenua continue to be involved in the development of the Project's detailed design, construction management, implementation and monitoring. These measures are proposed to be implemented through conditions (referred to above) but also wider processes in respect of the Transport Agency's procurement and contract management processes.

13. IDENTIFICATION AND MITIGATION OF POTENTIAL EFFECTS

13.1 Although Mana Whenua appreciate the benefits that this Project is likely to have, they also acknowledge the potential for the Project to negatively affect the cultural values of Mana Whenua.

13.2 As part of the application process for the NOR and resource consents, the Project team have sought to identify all potential cultural, environmental, social and economic effects of the Project and have worked with Mana Whenua to determine how best to avoid, remedy or mitigate adverse effects.

13.3 Mana Whenua identified a number of adverse effects in their MVAs, including the potential for:

(a) Increased sedimentation;

(b) Increased stormwater discharge;

(c) Negative impacts on sites and values of significance;
(d) Damage to archaeological sites; and
(e) Impacts on ecology.

**Sedimentation effects**

13.4 One of the effects identified was the risk of Project earthworks increasing sediment discharge into the Māngere Inlet. This was likely to detrimentally affect local ecosystems and habitats in and around the Inlet, including sea birds, shellfish, fish species and indigenous vegetation.

13.5 In order to mitigate this, Mana Whenua recommended the implementation of robust sediment controls, to reduce the risk of sediment from the Project entering nearby waterways.

13.6 Mana Whenua play a role in the ongoing construction planning, monitoring and implementation of measures to reduce sediment discharge.

13.7 As discussed earlier in the Report, the construction methodology also provides for the removal of materials from the closed landfills along the Māngere Inlet (for construction of the road) and the establishment of a contamination containment bund at Onehunga. These measures will also work to reduce sediment entering the Inlet.

**Effects of increased stormwater discharge**

13.8 In the past, large volumes of untreated stormwater have been discharged into the Inlet carrying a significant amount of pollutants. This pollution has adversely affected the ecological environment in and around the Inlet. The mauri of the Inlet has also been reduced through the mixing and cross contamination of different water sources.

13.9 The effects of contamination are discussed further in Technical Report 17 – Contaminated Land Assessment, which was lodged with the AEE. Those are the extenuating circumstances that have extensively degraded the mauri of the Māngere Inlet and impact the whole harbour.

13.10 During engagement, Mana Whenua identified the need to ensure that appropriate stormwater systems are in place to prevent environmental degradation in and around the Project area caused by increased stormwater runoff. These measures will seek to ensure that the mauri of the water is not further degraded.

13.11 As well as improvements to the management of closed landfills (including the removal of landfill materials for construction) that have been polluting the water, the Project team have worked to establish new systems to manage stormwater discharge.

13.12 The Project design provides for the collection and treatment of stormwater from all new and some existing road areas in the Project area. This equates to a total road surface area of 46 hectares. This will improve the quality of water being discharged into nearby coastal marine areas, including the Māngere Inlet and the Tāmaki estuary. Temporary stormwater...
ponds will also be installed to manage sediment discharges throughout the Project’s construction.

13.13 Another feature of the Project is the foreshore stormwater treatment areas that cater for existing runoff from over 600 hectares of land in the Onehunga and Penrose area. These areas currently drain directly into the Inlet without treatment, including discharge from the contaminated industrial land areas. This is expected to enhance the mauri of this water body and help to restore the mana of the wider area. It is expected that Auckland Council will take long-term responsibilities for these treatment facilities.

Effects on sites and values of significance

13.14 Mana Whenua have identified a number of sites of cultural significance in and around the Project area. Sites are listed in the ‘Particular sites and areas of significance’ section of the Report.

13.15 The Project team has sought to recognise and acknowledge the importance of these sites and avoid any potential adverse effects to these areas. Specific mitigation measures include:

(a) Full bridging of Ōtāhuhu Creek to acknowledge the significance of this historic portage and removing existing restrictive culverts on SH1;

(b) Avoiding cutting into or through the tuff ring of Te Hōpua ā Rangi and works that would require covering exposed lava in the coastal marine area and no waste footprint for SH20 (e.g. realigning ramps);

(c) Avoiding the mapped area of Mutukāroa by dismissing earlier corridor options and alignment designs that had the potential to require land from the reserve at Mutukāroa (along Sylvia Park Road);

(d) Ensuring the design does not intrude on existing view shafts to the maunga, including Māngere and Maungakiekie; and

(e) Reducing the impact on Te Apunga o Tainui by developing a construction design including ramps to connect the Project with SH1 at Mt Wellington.

13.16 The avoidance of these sites acknowledges the importance the Project team has placed in retaining these cultural features within the Project landscape.

Damage to archaeological sites

13.17 The construction of the Project will require earthworks and the disturbance of ground surfaces in and around areas of previous Māori occupation. These works have the potential to disturb or uncover previously unknown artefacts of cultural significance, including taonga and kōiwi tangata.

13.18 Throughout engagement, Mana Whenua have expressed the need for contractors to have a clear commitment to environmental and heritage protection. They suggested that
education and training, including cultural induction, would be needed to assist project managers and construction workers to recognise archaeological sites and, once recognised, enable these sites to be managed in accordance with tikanga and the law.

13.19 A number of iwi also presented specific protocols and processes for dealing with archaeological artefacts in their MVAs. These recommendations can be summarised as follows:

(a) Cultural monitoring of works;
(b) If intact subsurface archaeological features or artefacts are associated with Māori should be exposed, earthworks should cease immediately; or
(c) If kōiwi should be exposed, works should cease immediately and the police, Mana Whenua and the Heritage New Zealand Pouhere Taonga should be contacted; and
(d) Mana Whenua, in consultation with others, should determine next steps in accordance with relevant legislation and tikanga principles.

13.20 To minimise any potential impacts to cultural artefacts, specific tikanga protocols are to be applied when undertaking works in culturally significant areas, such as the area between SH1 and Ōtāhuhu Creek. These will supplement the accidental discovery protocols already provided for in legislation.

13.21 These requirements will be prepared in consultation with Mana Whenua who will be involved in the preparation of management procedures to ensure these are in accordance with tikanga.

14. ENHANCING CULTURAL VALUES THROUGH ONGOING PROJECT DESIGN

14.1 As well as identifying and mitigating adverse impacts, Mana Whenua have recognised significant opportunities for the Project to positively enhance cultural values. In addition to enhancing the mauri of the Māngere Inlet, Mana Whenua have played an important role in incorporating cultural values and concepts into the Project design.

14.2 Through their MVAs, Mana Whenua emphasised the importance of the Project recognising and celebrating the cultural significance of the Project area to Māori. One way Mana Whenua suggested this could be achieved was by incorporating cultural values into the Project design.

14.3 In order to give effect to this, Mana Whenua requested that an adequate budget be assigned for the incorporation of cultural elements, including design motifs, lighting design, sculptural elements or artworks. Where possible, the use of Māori colours, symbols and building materials were requested, as well as traditional Māori place names.

14.4 Te Aranga Principles and other processes were also incorporated into the ULDF to ensure that these values were properly acknowledged and reflected through the Project design.
14.5 As a result, a number of cultural values and concepts have been included in the Project design. Examples include:

(a) Te Hōpuā ā Rangi – Mana Whenua artworks are to be included in the design;
(b) Ann’s Creek – design and interpretive signage is to be included within the Ann’s Creek area to acknowledge the value of this environment to Mana Whenua;
(c) Kāretu Portage alongside Mutukāroa – signage and interpretive information is to be included in the portage area; and
(d) Ōtāhuhu Portage – the importance of the portage is recognised in the design of the bridge and the passage beneath the bridge is to be enhanced.

14.6 Implementation of the Project design is planned through conditions setting a process of ongoing consultation and engagement with Mana Whenua. This will include design reviews and input to design development and approval of design outcomes as they relate to cultural values and will ensure that contractors and the Project team work effectively in partnership with Mana Whenua.

15. **CONCLUSIONS**

15.1 The primary focus for Mana Whenua throughout the development of the Project has been the opportunity to enhance the mauri of the Māngere Inlet, the Ōtāhuhu Creek, and the Manukau and Waitematā Harbours.

15.2 Mana Whenua have also been mindful of the social and economic outcomes provided by the Project.

15.3 As a result, exemplary engagement between Mana Whenua and the Project team has resulted in a number of environmental improvements being added to the Project design. These include the installation of a contamination containment bund at Onehunga, improvements to the management of landfills, the removal of contaminated materials along the Inlet (for road construction), and increased stormwater and sediment controls.

15.4 The ongoing process of engagement between Mana Whenua and the Transport Agency has enabled potential effects of the Project to be identified and has helped to ensure that mitigation measures are targeted and effective.
APPENDIX A – RESTORING THE MAURI OF THE MĀNGERE INLET
THE WAY FORWARD

Despite its aspirational nature, the Vision for the Māngere Inlet provides a solid foundation for resource management in and around the Inlet. This document seeks to guide how public agencies can align their activities to contribute to the Vision – to improve the mauri of the Māngere Inlet.

While this document serves as a reflection of mana whenua expectations for the Inlet, it is not a substitute for public agencies engagement with mana whenua. At a minimum, it serves as a reference point that will guide the work that the organisations do within the Māngere Inlet catchment.

It is not just public agencies that can effect positive change, but private institutions and the wider community can also influence the health of the Inlet. This document serves to inform and build a consensus around a common vision. Many of the outcomes and measures in this document are already contributing to similar objectives of whānau, community organisations and businesses. If it is seen as useful, the wider community may use this tool to align their projects and actions to a shared vision.

The document also aims to serve a wider audience with an interest in or connection to the Manukau Harbour. The outcomes sought are beneficial to a wide cross-section of Auckland. These include healthy water, a place where nature is an attraction and where the local history and relationships are alive.

The vision and outcomes can best be achieved if all parties involved commit to working in a more collaborative manner when considering future investment opportunities and activities.

EAST WEST LINK

The East West Link is a proposed new state highway connecting SH1 at Mt Wellington to SH20 at Neilson St, generally running along the northern foreshore of the Māngere Inlet.

To find out more about the East West Link project, please visit www.nzta.govt.nz/east-west or contact the EWL team by Freephone at 0508 NZTA EWL (0508 698 2395)

A VISION FOR THE MĀNGERE INLET

PURPOSE OF THIS DOCUMENT

This document presents a shared vision, set of values and desired outcomes to be achieved through current and future investments and activities in and around the Māngere Inlet.

The document has been developed using kaitiaki or guardianship principles. These will help embed Māori cultural values in decision-making that could affect the Inlet and surrounding catchment area.

The vision, “Restoring the mauri of the Māngere Inlet,” is a reflection of mana whenua aspirations for the Manukau Harbour.

The area in and around the Inlet has a legacy of projects and activities undertaken with limited consideration or understanding of their broader impacts or opportunities. At times, the result has been that the health and accessibility of the Inlet has been affected.

The Vision takes a holistic approach to a wide range of cultural, natural, social and economic issues while recognising that the Inlet is an integral part of the Manukau Harbour and the wider region.

The aim of the Vision is to provide for more integrated decision-making across current and future investments and activities which may affect the Inlet, directly and indirectly. The desired outcomes and indicators are intended to influence the planning, implementation, and operation of projects and activities that may influence or otherwise affect the mauri of the Inlet.

BACKGROUND

This document has been developed out of the ‘East West Link’, which is a proposed NZ Transport Agency (NZTA) project generally located along the northern edge of the Māngere Inlet.

The catchment surrounding the Māngere Inlet has been considerably compromised as a result of historic land use decisions and activities in and around the Inlet.

In early planning for the project, the NZTA and Auckland Transport in partnership with mana whenua, identified potential environmental improvements that could be achieved through the project. The organisations also recognised the need to acknowledge that there are wider influences on the health of the Inlet, beyond just the northern shore.

Early engagement with mana whenua on the East West Link project showed the need to develop a unified vision, set of values and desired outcomes. To do so, the Agency invited other local and central government organisations with an investment and/or policy interest around the Māngere Inlet (as indicated in the diagram to the right) to join them.

This Vision is an expression of matauranga Māori and the special relationship of mana whenua with the Manukau Harbour and its resources.
Mauri

In Māori belief, every natural object or aggregate of objects possesses a spiritual essence, a non-material core, or life principle – this is Mauri, and to this is due their vitality, even their very existence.

Māngere Inlet has a marine area of 6.6 km² and a land catchment of 34.5 km². As a distinctive part of the larger Manukau Harbour, the Inlet is sensitive to changes in the local environment.

The area has a long history of human use and development, due to the fertile soil and abundant marine life. Māngere has long been home to Māori who cleared forests to grow crops such as kumara, yams, tara and gourds.

Intensive European settlement began in the 1840s and the area around the Inlet became Auckland's agricultural centre. By the late 1870s many small industries were established around the Inlet and the railway line was laid along the eastern shore. Commercial and industrial development expanded throughout the 19th century.

Unfortunately, from the early days of industrial growth, the environment was of little concern. First commercial, then human waste was discharged untreated into the Inlet, resulting in severe environmental degradation.

On top of this, landfilling and industrial development has resulted in a gradual reclamation of the coastal edge. This has led to huge and lasting changes to the character of the environment from a natural environment abounding in wildlife to one of heavy industry and infrastructure including roads, railways, ports and critical utilities.

Access to the coastal area for recreational activities is recognised as something that needs to be improved and various initiatives have been undertaken or planned. Although some of the environment is degraded, several valued resources have been recognised and are protected. These include bird and plant communities as well as scrubland and saline vegetation habitats and intertidal mud- and sand-flats.

This document follows other work focused on the health of the Inlet and its communities. A 1985 Waitangi Tribunal report documented the impacts on the Manukau Harbour and its inhabitants through government action and inaction. The 1990 Manukau Harbour Action Plan that resulted for the Tribunal report also highlighted key issues and areas for improvement.

Desired Outcomes and Indicators

The following is a set of outcomes that can inform and be integrated into projects and activities across the Inlet and its catchment. Along with defining desired outcomes, some high level indicators have been identified to try and give guidance to what success might look like. These have been defined as matters that would traditionally be considered as having the ability to enhance mauri.

Desired Outcomes

1. Meaningful Engagement

   This outcome encourages the understanding of how the surrounding environment has affected the health of the Māngere Inlet. The ability to have cultural and traditional values recognised through legislative tools is considered to provide greater opportunities for co-management among those parties with the responsibility for the Māngere Inlet and the wider Manukau Harbour.

2. Improved Water Quality measured by technical indicators (e.g. chemical composition)

   The majority of water entering the marine environment from the surrounding catchment is currently degraded. This outcome attempts to measure an activity’s ability to demonstrate quantitative improvements to the quality of water entering the Inlet through established and agreed technical indicators.

3. Understanding and recognising all heritage assets

   The area around the Inlet is steeped in indigenous and colonial history. This includes the presence of Ōtahuhu as a portage route for early Māori and the history of Onhunga as a significant trade port. This indicator seeks to better communicate the rich heritage of this area, resulting in a greater appreciation and understanding of the area and its heritage assets.

Outcome 1

Mana Whenua Expectations & Understanding Will Form Part of How Organisations Operate

Outcome 2

To Achieve a Quality of Water that Sustains Diverse and Balanced Life

Outcome 3

To Rehabilitate and Improve Local and Regional Connections for People and the Environment

Outcome 4

A Connected Community that is Thriving and Nurturing – a Place that is Valued

Inlet Values

The Inlet has a number of key values as depicted to the right. Auckland’s development and growth are increasing the demands on these values. Therefore these require careful consideration in future decision-making.

From their settlement of the area and its heritage assets, mana whenua have enduring relationships with these values. Of key importance to mana whenua is the mauri of the Inlet. This is the energy which binds and animates all things in the physical world covering its vital essence and special nature.

The view of mana whenua is that the Inlet had strong mauri in its early days but this is much less so now. Enhancing mauri should underpin development, use and management of land and water in the Inlet and its catchment area.

Everything in nature has its physical basis and its Mauri – the psychic counterpart or vital essence. In the Māori world, it is essential to protect the Mauri because without it, objects wither and die.
### APPENDIX B – SUMMARY OF MANA WHENUA ENGAGEMENT FOR THE PROJECT\(^4\)

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<th>Date</th>
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<tbody>
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\(^4\) It is important to note this schedule relates to engagement processes specifically for the EWL Project (not earlier phases of the East West Connections process 2013-2015, see earlier paragraphs 12.7 – 12.9). The different phases of the engagement and processes are also described further in the Engagement section of the AEE.