

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of an appeal under section 156(1) of the LGATPA

BETWEEN **WELI YANG, ZHI LU & JING NI and OKURA HOLDINGS LIMITED**

Appellants

And **AUCKLAND COUNCIL**

Respondent

And **WEITI DEVELOPMENT LIMITED PARTNERSHIP**

Section 274 Party

And **LONG BAY-OKURA GREAT PARK PROTECTION SOCIETY**

Section 274 Party

And **ROYAL FOREST AND BIRD PROTECTION SOCIETY INCORPORATED**

Section 274 Party

**STATEMENT OF EVIDENCE OF EDWARD ASHBY
OF TE KAWERAU IWI TRIBAL AUTHORITY AND SETTLEMENT TRUST
ON BEHALF THE LONG BAY - OKURA GREAT PARK SOCIETY INCORPORATED**

27 JULY 2017

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1. INTRODUCTION

- 1.1. My full name is Edward Colin Ashby. I hold the degree of M.A. (Hons) in Anthropology (2009) from the University of Auckland. I am employed as the Executive Manager for Te Kawerau Iwi Tribal Authority and Settlement Trust (TKITAST). I have been employed in this role since June 2017. I was employed as the Heritage and Environment Manager for Te Kawerau Iwi Tribal Authority between March 2013 and October 2015. During my time with TKITAST I have represented the iwi on all matters pertaining to resource management. This has included consultation with public and private consent applicants, engagement with regulatory bodies including Auckland Council and Heritage New Zealand Pouhere Taonga, and the preparation of numerous Cultural Impact Assessments.
- 1.2. I have a research and practice background that has focused on Cultural Resource Management (Cultural Heritage). My Masters thesis examined archaeological landscapes as a management and research tool.
- 1.3. I am authorised to present this evidence on behalf of the people of Te Kawerau a Maki.
- 1.4. I have read and support the evidence supplied by Lezette Reid on behalf of the Long Bay – Okura Great Park Society.

2. CODE OF CONDUCT

- 2.1. I have read the Environment Court's Code of Conduct for Expert Witnesses and I agree to comply with it. Except where I state that I am relying on the specified evidence of another person, my evidence in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. SCOPE OF EVIDENCE

- 3.1. The scope of this evidence is threefold. Firstly to briefly describe the nature of the ancestral relationship that Te Kawerau a Maki hold with the wider Okura area. Second to provide comment on the cultural values associated with Okura as they exist today. Third, this evidence provides comment in relation to the impacts the development will cause in relation to the cultural values and wellbeing of Te Kawerau a Maki.

4. TE KAWERAU A MAKI RELATIONSHIP AND ASSOCIATION WITH OKURA

4(a) Te Kawerau Iwi Tribal Authority and Te Kawerau Iwi Settlement Trust

- 4.1. Te Kawerau a Maki are an iwi represented by the Te Kawerau Iwi Settlement Trust, which was established through a Deed of Settlement upon the passing of the Te Kawerau a Maki Claims Settlement Act 2015. The Act recognises Te Kawerau a Maki as holding customary interests that extend from the Tamaki Isthmus, northwards through Hikurangi (West Auckland) and lands around the upper Waitemata Harbour and North Shore, and into the Kaipara and Mahurangi. The Act recognised and apologised for breaches of the Treaty by the Crown, and for its failure to protect lands which were reserved for Te Kawerau a Maki. The Act gives statutory acknowledgements to Te Kawerau a Maki cultural, spiritual, historical and traditional associations, and requires relevant authorities to have regard to the views of Te Kawerau a Maki in all matters affecting these areas.
- 4.2. The central purpose of Te Kawerau Iwi Tribal Authority is to enhance the spiritual, cultural, social, and economic wellbeing of the iwi and to provide for the kaitiaki responsibility of ensuring the restoration and maintenance of the cultural and natural environment. This requires robust engagement and participation through the RMA and planning process over issues and development within the rohe (area of cultural interest).

4(b) Te Kawerau a Maki

- 4.3. The history of Te Kawerau a Maki as a distinct tribe goes back around 400 years to the arrival in south Tamaki of the eponymous ancestor Maki. Earlier ancestral ties to the land reach back more than 800 years to the time of the Turehu and the later Polynesian explorers who arrived by waka. This depth of history inexorably binds Te Kawerau a Maki to the places, landscapes, and resources of Auckland. The whenua or land base is an integral piece of Kawerau identity. Te Kawerau a Maki have a particularly strong connection to West Auckland (Hikurangi), the southern Kaipara, the Upper Waitemata Harbour, the North Shore (Te Whenua roa o Kahu), and Mahurangi (figure 1).

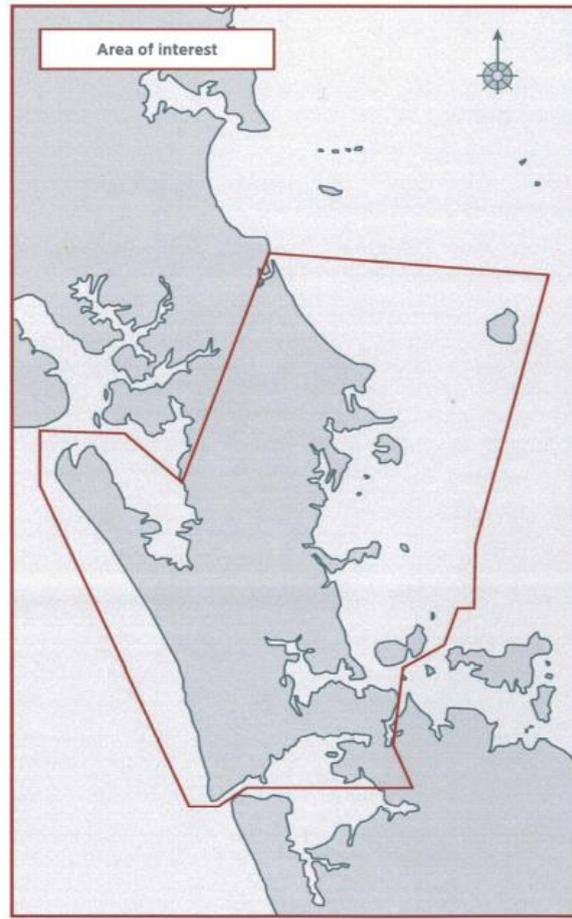


Figure 1: Map showing Te Kawerau a Maki area of cultural interest

- 4.4. The landscape here is connected through legends to the earliest of times. These include the time of various atua (gods) such as Mataoho (the deity of earthquakes and volcanoes) who shaped the land, and the Turehu (those earliest of peoples who arose from the earth itself). In Te Kawerau tradition, the Turehu chieftain Tiriwa was the tohunga responsible for placing Rangitoto in its current position after carrying it from Mercer Bay near Karekare on the west coast. Other traditions tell of the secretive Tahurangi (patupaiarehe) and various taniwha associated with the area. Te Kawerau a Maki not only descend from the Turehu, but also from the many early tribal groups who migrated into the area. One such group was the Tini o Maruiwi who undertook the first of several major migrations into the Auckland region around 850 AD.
- 4.5. While descending from these earliest of peoples and a number of the later great migratory waka that arrived around the 14th century, the famous Tainui waka is perhaps one of the most prevalent in the Kawerau whakapapa. The arrival of the Tainui waka to the area around the 14th century is of high significance to Te

Kawerau a Maki as descendants of its crew members. The Tainui made landfall at Whangaparaoa, before journeying further south and eventually across the Otahuhu Portage at the southern end of the Tamaki Isthmus. Many of the place names and sites in the surrounding landscape come from this event and were named by or are associated with Rakataura (Hape). He was the prominent tohunga (priest) of the Tainui and a renowned explorer.

- 4.6. Over time, the descendants of the Tainui Waka and the local people became known under the general name of Nga Oho, and also Nga Iwi (the later referring to Nga Oho people residing in the north). The eponymous ancestor Maki was part of Nga Iwi, his grandfather residing in Southern Tamaki. Maki was also a direct descendant of Hape.
- 4.7. The arrival of Maki to Tamaki Makaurau is told in-depth elsewhere but was significant in the history of Tamaki (in Kawerau tradition, literally Ta-Maki in reference to Maki conquering the Isthmus). Suffice to say that Te Kawerau a Maki, as a distinct tribe, emerged in the 1600s following the arrival of Maki from Kawhia. Maki's arrival in the region, and the importance of the southern Isthmus in his rise to dominance, are told by the traditions known as Te Ipu kura a Maki (the red bowl of Maki) and Te Whawhai Waewaekotuku (the battle of the heron footed). After moving to the west and north of the Tamaki region, his people settled and the descendants came to form into individual hapu who collectively were known as Te Kawerau. It was in the southern Kaipara that Maki's youngest son Tawhiakiterangi was born, adopting the name Te Kawerau a Maki, and occupying the lands of Hikurangi and the southwest Kaipara.
- 4.8. Te Kawerau a Maki as a distinct tribe, both as a part of Kawerau (descent from Maki) and through other ancestry, are inextricably linked through ancestral rights, occupation, and history to the Okura/Long Bay region dating to the 1600s. These rights arise from Nga Iwi and the arrival of the rangatira Maki. They also derive specifically from Kahu, Tawhiakiterangi, Marukiterangi, and Taimaro.
- 4.9. This area was part of the lands traditionally known as 'Te Whenua roa o Kahu' (the extensive lands of Kahu) which extended from Takapuna (Devonport) to Whangaparaoa including the contemporary North Shore. The name belongs to the Ngati Kahu, who descend from Kahu, a grandchild of Maki and part of the Te Kawerau confederation. From Kahu descended Marukiterangi who lived at Te Oneroa o Kahu around the beginning of the seventeenth century. Marukiterangi married Tawhiakiterangi (Te Kawerau a Maki), this union further consolidating Te Kawerau a Maki rights and associations to the area. This Kawerau relationship to

the land is evident in local place names including Whakarewatoto, Te Oneroa o Kahu, and Otaimaro to name a few.

- 4.10. Te Oneroa o Kahu (Long Bay) is named after the tupuna Kahu and holds significance for Te Kawerau a Maki as the location of a decisive battle where, lead by Maki, Manuhiri and his brothers Ngawhetu and Maraeariki defeated the original occupants of Whakarewatoto (southern Long Bay). It was also the home of Marukiterangi and others along with a settlement at Awaruaika (Vaughan's Stream).
- 4.11. The name Okura can be interpreted as 'the dwelling place of Kura' and applies to the Okura area and pa (Dacre Point) to the north of Long Bay. Te Kura was a local chiefly Nga Oho woman who married Maki's younger brother Mataahu. The place known as Karepiro in Okura was the location of a battle between Te Kawerau and the original Nga Oho people then in occupation.
- 4.12. Otaimaro is the traditional Kawerau name for a kainga that was situated at Karepiro Bay. The name comes from Taimaro (also known as Maru) the son of Tawhiakiterangi and Marukiterangi. Taimaro lived at times at Long Bay, Okura, Karepiro Bay (Weiti Station), Rarohara (Arkles Bay) and Te Haruhi (Shakespear Regional Park). Karepiro Bay is named after the battle that followed Whakarewatoto (southern Long Bay). Maki and his taua were again successful in the battle which was fought in the surf. Taimaro's occupation of the area is remembered in the sand spits/wahi tapu at Karepiro Bay – "Te Ringa Kaha o Manu". The main Te Kawerau pa in the area were at Te Weiti and Rarohara at Arkles Bay.
- 4.13. 'Tossed by the wind', Tiritiri Matangi has particular significance in that it was named by Maki, in memory of his home beside the Kawhia Harbour and also the ancestral home in Hawaiki. Long Bay/Okura was a seasonal fishing place and a base for shark fishing at Tiritiri Matangi Island.
- 4.14. To Te Kawerau a Maki this region is a cultural landscape that has been occupied over many generations. Te Kawerau hapu occupied the area up until the late 19th century. This is reflected by the numerous place names, landmarks, and recorded archaeological sites that dominate the wider area. The area is associated with important tupuna and significant battles, as well as a network of kainga (open settlements), gardens, pa, walking tracks, wahi tapu, and resource gathering areas. Landscape features such as the Okura and Weiti rivers were significant transport routes and food gathering areas, while the ridgelines of the interior were used as walking tracks and also for gardening using terraces and

pits. The river catchments and coast afforded an abundance of marine birds and fish, while the wooded interior provided timber and complimentary terrestrial and freshwater bird and fish resources. The relationship between Long Bay, Okura, Weiti, Whangaparaoa, and Tiritiri Matangi cannot be understated as a cultural landscape on a macro level, while this region also has important connections with the outer Hauraki Gulf islands.

4(c) Kawerau Kaitiakitanga

4.15. As mana whenua Te Kawerau's involvement and participation in matters which may affect their wellbeing, spiritual values, wahi tapu or taonga must be taken into account during a plan, development or project. The Resource Management Act 1991 provides statutory recognition of the Treaty of Waitangi and the principles derived from the Treaty. It introduces the Maori resource management system via the recognition of kaitiakitanga and tino rangatiratanga, and accords Territorial Local Authorities with the power to delegate authority to iwi over relevant resource management decisions. The Act contains over 30 sections which require Councils to consider matters of importance to tangata whenua. Some of the most important of these are:

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

4.16. The people of Te Kawerau a Maki have an obligation to guard, protect and maintain the interests of the iwi, its taonga, wahi tapu, and the natural resources within its rohe. In Te Ao Maori 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.

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

4.18. Expressing kaitiakitanga is an important way in which iwi maintain their mana whenua. Te Kawerau a Maki is inextricably bound to Okura through whakapapa which is expressed by many of the place names within the area.

4.19. It is important that the exercise of kaitiakitanga is applied to all aspects of Te Kawerau a Maki's relationship with the features and resources within the rohe. This includes cultural heritage but also protection of, access to and cultural activities within the coastal and marine area, the protection of native vegetation, and the protection and management of natural waterways and water bodies.

5. TE KAWERAU A MAKI CULTURAL VALUES ASSOCIATED WITH OKURA

5.1. The cultural values associated with the Okura area are outlined in a July 2015 Cultural Impact Assessment (CIA) report (ref. TKITA-2015-0028) which is attached to this Statement.

- 5.2. To summarise the content of that report, significant cultural value is ascribed to the Okura cultural landscape, which is viewed as the interrelated elements consisting of the Okura River and coastal area, the native terrestrial and marine habitat and ecology, the traditional cultural sites, places and placenames, and the archaeological record. It is viewed as an associative landscape imbued with meaning and history.
- 5.3. There are multiple tohu and wahi tapu within the Okura catchment that should be considered to be of high cultural value and significance. These are located primarily along the coastline.
- 5.4. In addition, a number of taonga are identified within the Okura catchment. These include at least 20 recorded archaeological sites, ridgeline walking tracks, and a potential for further archaeology of Maori origin. These features are also of value to Te Kawerau a Maki.
- 5.5. Of particular high cultural value and significance is the Okura River and estuary which is considered a taonga. The mauri (life force) of the river is a core element of its cultural value. Related to the values of the river is the ecological values of the catchment as a whole, in particular as habitat for various native fish and bird species which are also considered taonga by Te Kawerau a Maki. The ecological values, as an element of the cultural values of the Okura catchment, are considered to be high.
- 5.6. The area is considered to contain a strong sense of wairua through association with Kura, Maki, Taimaro, Kahu and Marukiterangi, and the ahi kaa (living presence) of Kawerau people who lived here. The mauri, wairua and mana of a place is enhanced when the landscape has such associations. Spiritual associations are also left when a place has been subject to numerous battles, as is the case with Okura/Long Bay, in particular, for Te Kawerau, the battles involving Maki himself. For Te Kawerau a Maki these spiritual values are very much tangible and are a core part of the relationship Te Kawerau a Maki has with these ancestral lands. It is part of the whakapapa and cultural knowledge.

6. CULTURAL IMPACTS RESULTING FROM THE DEVELOPMENT

- 6.1. An extension of the RUB and subsequent urbanisation of the Okura catchment as currently proposed will cause irreparable and irreversible harm and significant adverse effects to the cultural values and wellbeing of Te Kawerau a Maki.

- 6.2. The cultural effects cannot be fully mitigated.
- 6.3. Te Kawerau a Maki have previously opposed the urbanisation of Okura through the Proposed Unitary Plan consultation process.
- 6.4. Te Kawerau a Maki's concerns regarding the impacts of development are outlined in a July 2015 Cultural Impact Assessment (CIA) report (ref. TKITA-2015-0028) which is attached to this Statement.
- 6.5. To summarise the content of that report, development is likely to create significant adverse cultural impacts through direct adverse and cumulative effects to the Okura cultural landscape through land re-contouring and urbanisation; significant adverse effects to the Okura River through discharges and sedimentation; significant adverse cumulative effects to native flora and fauna through urbanisation of the catchment; potential significant adverse effects to unrecorded archaeology/cultural sites; temporary and possibly permanent adverse effects to fauna within stream habitats and coastal birdlife.
- 6.6. The potential positive effects of protecting recorded archaeology through a coastal reserve, and vegetation enhancement and day-lighting of main and permanent flow streams within the development area are acknowledged, but do not mitigate nor offset the overall significance of effect to cultural values and heritage.

7. CONCLUSIONS

- 7.1. Te Kawerau a Maki hold Mana Whenua status at Okura and seek this evidence be received and read.
- 7.2. Te Kawerau a Maki have serious concerns regarding the proposal to extend the RUB and urbanise the Okura catchment. In our view this will cause irreparable and irreversible harm and significant adverse effects to the cultural values and wellbeing of Te Kawerau a Maki.
- 7.3. The cultural effects cannot be fully mitigated.
- 7.4. Te Kawerau a Maki, while supportive in principle of coastal reserves, believes the current coastal reserve proposal is not sized adequately to protect the environmental and cultural values of the Okura River catchment.



Edward Ashby (MA, PgDip For.Sci.)

Executive Manager

Te Kawerau Iwi Tribal Authority and Settlement Trust