

Before the Waitangi Tribunal

Wai TBA

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF An Application for an Urgent Inquiry into the Crown's actions concerning the Housing Accords and Special Housing Areas Act 2013 and the development of the Ihumātao Special Housing Area by Haki Wilson, Bobbi-Jo Pihema, Qiane Matata-Sipu, Pania Newton, Waimarie McFarland, and Moana Waa on behalf of Makaurau Marae and Ngāti Te Ahiwaru (the Claimants)

Sworn Affidavit of Haki Wilson

Dated 7 December 2015

RECEIVED Waitangi Tribunal
07 Dec 2015
Ministry of Justice WELLINGTON

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MAY IT PLEASE THE TRIBUNAL

1. My name is Haki Manutapuwaenui Wilson, I am one of the six named claimants.

Whakapapa

2. Ko Tainui te Waka, Ko Puketapapa te maunga, Ko Oruarangi te Awa, Ko Makaurau te Marae, Te Manukanuka-a-Hoturoa te Moana, Ko Kaiwhare te Kaitiaki, Ko Hape te Tangata, Ko te Ahiwaru te Hapu, Ko Te Waiohua, Waikato, Ngāti Whatua ngā Iwi.
3. I am one of the rangatahi of Makaurau Marae.

The History of Ihumātao Māori

4. The relationship that Te Waiohua, Te Kawerau a Maki, Ngāti Whatua and Waikato-Tainui hold with Ihumātao is unchallenged and has been presented on numerous occasions in many forum and to many audiences.
5. It is from this long history of connection with the whenua at Ihumātao that the wahi tapu and taonga have been formed, and it is from these wahi tapu and taonga that our duty as kaitiaki arose, and which continues to this day.
6. It is important that I also acknowledge that our wahi tapu and taonga on the Ihumātao Peninsula do not stop at these areas but extends further to the south to the location of the land around the Auckland Airport and further east into areas that are now heavily developed for industrial use.
7. Ihumātao was taken by the Crown in 1863 as part of the raupatu committed against the Kingitanga and those hapū and iwi that supported it.
8. As a result of the raupatu and alienation of whenua at Ihumātao we lost full control of our whenua and the protection of our whenua and taonga became threatened.
9. The extent of our history and mana in Ihumātao has been described in full most recently in a number of Cultural Impact Assessments produced by our Iwi.
10. Attached as Appendix A is the Cultural Impact Assessment prepared by the Te Kawerau Iwi Tribal Authority.
11. Attached as Appendix B is the Cultural Impact Assessment prepared by Te Akitai Waiohua.

The Taonga of Ihumātao

12. The long history and extensive presence of our tupuna at Ihumātao is the reason for the huge number of taonga at Ihumātao. As we lost our whenua through raupatu and now have only small holdings of Māori

whenua those taonga are located on all of the different types of whenua that now characterize Ihumātao.

13. Attached as Appendix C are a series of maps showing the Māori whenua of Ihumātao, which lie in the area now known as the Ihumātao papakainga also known as the Puketapapa papakainga (the Papakainga).
14. Ihumātao Peninsula (Ihumātao) features a Historic Reserve, general land and Māori land.
15. Our taonga lie across all these whenua.
16. Our taonga lie in the Otuataua Stonefields Historic Reserve (the Stonefields); a Historic Reserve created by the Manukau City Council in 2001 after Manukau City Council purchased the land in 1999.
17. Attached as Appendix D is a brochure of the Stonefields produced by the Auckland Council.
18. Our taonga lie in the area of the Papakainga.
19. Our taonga include Oruarangi River that crosses Ihumātao and feeds into the Manukau Harbour.
20. Our taonga lie on the whenua designated as the Ihumatao Special Housing Area (SHA 62).
21. Attached as Appendix E is a map showing the location and extent of SHA 62.
22. SHA 62 lies in the heart of Ihumātao. To the north and west of SHA 62 is the Stonefields. To the north and east of SHA 62 lies the Ihumātao papakainga. SHA 62 is larger than all the area of the Ihumātao papakainga, it is almost half the size of the Stonefields.
23. The proposed development of SHA 62 by Fletchers Residential (Fletchers), while only taking place on the SHA Land, will have a huge and irreversible impact on a huge number of the taonga at Ihumātao. This is because SHA 62 lies right in the heart of all these lands.
24. The details of the proposed development are most well detailed in the Oruarangi Road Special Housing Area Plan Variation Request (the SHA 62 Plan), a copy of which is attached as Appendix F.
25. It is expected that SHA 62 will put as many as 520 houses in Ihumātao with as many as 1560 occupants, assuming only three people per house. This is shown in the Wastewater Calculations for the SHA 62 Plan attached as Appendix G.
26. In 2013 there were just 87 homes in the Ihumātao Papakainga providing for 294 people. Attached as Appendix H are maps showing this detail from Statistics New Zealand. With the development of SHA 62 the Ihumātao Papakainga will increase from 87 to 387 homes and from 294 to 1800 residents.

27. SHA 62 will dramatically change the characteristics of the area and have a huge impact on both the whenua and the waterways; which are our taonga, and host our taonga.
28. For the sake of understanding exactly where these various wahi tapu and taonga are located, I will deal with them according to their location on the three different types of whenua, describing where they lie on SHA 62, the Stonefields and the surrounding Māori and private land.
29. I will follow this with an account of the historical and continuing kaitiaki practice of our people over these areas to ensure that tikanga is maintained.

SHA 62

30. We of Ihumātao see all of Ihumātao as a sacred landscape, a whenua tapu. It is not natural for us to look at Ihumātao and say, this part does not need protection, this part does need protection, but this other part over here needs protection. This whenua is ours to protect, to act as kaitiaki and to ensure that that taonga and tapu of the whenua is protected to whatever extent we are able.
31. SHA 62 features a large number of wahi tapu and taonga. These have been well documented over the years and have been described by a large number of people in different forum.
32. In order to show the extent of the impact of the development of SHA 62 I will describe the location and history of the wahi tapu and taonga and how they will be impacted.
33. These are the wahi tapu and taonga of Ihumātao on SHA 62:
 - a. Te Hopua, a sacred cave;
 - b. Te Haupapa, a sacred cave;
 - c. The Lava Tubes/Tunnels.
 - d. Te Puketapapatanga a Hapū, a volcanic cone;
 - e. Otuataua Maunga;
 - f. Te Punarere a Hape, sacred natural springs;
 - g. Koiwi/Urupa.
34. We do not know what lies under the whenua at SHA 62, as there has not been an archaeological assessment of the whenua that would reveal if there are any more wahi tapu or urupa. It is my belief and the belief of all the claimants, based on what we have been told by our old people, that there are more wahi tapu and urupa that lie buried in the whenua of SHA 62.
35. Attached as Appendix I is the Archaeological Assessment of the SHA 62 site provided by Clough & Associates.

36. It is acknowledged in the SHA 62 Plan that this kind of assessment has not taken place. The plan for the koiwi and urupa that are found on SHA 62 is for them to be "dealt with by tikanga". This is shown in the supplementary comments provided by the Archaeologist's assessment attached as Appendix J.
37. It is our tikanga to leave koiwi where they have been placed, to ensure that they are not disturbed, to allow the tapu to lie in its place. The SHA 62 Plan directly breaches that tikanga.
38. In addition to this the firm that conducted the Archaeological assessment acknowledge that they are not in a position to assess the importance of a site for its value to tangata whenua. This is shown the statement from the firm's website attached as Appendix K.
39. Despite this, the archaeological assessment is a critical step in the development process. Avoiding damage to wahi tapu and taonga is not a part of the development process.
40. Meaningful consultation with tangata whenua is not a part of the development process.

Te Hopua, he ana tapu.

41. Te Hopua is a sacred cave entrance and significant wahi tapu.
42. Te Hopua lies directly to the north of SHA 62.
43. Much of the lava tunnel network which link to Te Hopua lies under SHA 62.

Te Haupapa, he ana tapu

44. Te Haupapa is another sacred cave entrance.
45. Te Haupapa lies directly to the north of SHA 62.
46. Again, much of the lava tunnel network that links to Te Haupapa and the other caves lie under SHA 62.
47. Our old people can remember this cave being navigable, however it has been covered over by land reclamation and in filling.

Lava Tubes

48. The lava tubes connect the sacred caves I have mentioned and connect to each other and run in various places underneath SHA 62 and the whenua which surrounds it, including the private land and the Stonefields.
49. These lava tubes are an integral part of the caves and cannot be seen as separate to them, they share the same tapu as the caves themselves and in the same way require proper protection from damage.
50. Our traditional stories identify at least half a dozen cave entrances across the Ihumātao area west of Oruarangi Road. This is supported by the evidence in Appendix A at page 7 and 16.

51. Our people used to use these tunnels to escape when other iwi were attacking them. On one occasion when they were attempting to escape via the tunnels the attacking iwi lit fires at the entrance to the tunnels. This caused our people to suffer from smoke inhalation and they died in the tunnels. Those who died have been left in the caves as kaitiaki.
52. For all these reasons these caves and the tunnels that connect them are deeply tapu, and remain tapu to this day.

Maunga

Te Puketapapatanga a Hape 'The flat resting place of Hape'

53. Te Puketapapatanga a Hape is the name given to the small volcanic cone on the northwest of the project site, also sometimes called Pukeiti ('the small hill') and also known as Rakataura.
54. Hape was a senior tohunga of Tainui. This was the area where Hape lay to rest after his journey to Aotearoa.
55. Our tupuna would place their whenua and pito here. This practice still continues to this day.
56. It is this maunga that gave its name to our Papakainga. This maunga is also associated with Mataoho. While the peak of this wahi tapu is within the Stonefields, much of the eastern slope extends into the SHA Land and is not protected by the Historic Reserve.
57. It is not appropriate, due to the significant tapu of this maunga, to develop the whenua on its slopes, and it is inappropriate to place 1500 people in 520 houses directly on the edge of its slopes.
58. This account of Te Puketapapatanga a Hape is support by the evidence at Appendix A at pages 8 to 9 and 10, 15 and 17.

Otuataua Maunga

59. Otuataua Maunga lies in the western corner of SHA 62. While the peak of the maunga lies in the Stonefields, much of the slope of the maunga lies inside the development area of SHA 62.
60. This maunga is associated with Mataoho and Atua-Taua, and its name means "the war-party approaching yonder". The name of the maunga is the source of the name for the Stonefields.

Te Punarere a Hape - the Springs

61. There are several springs that lie along the Northern boundary of the SHA land. We know these springs as Te Punarere a Hape.
62. The water from these springs have always been used for ceremonial purposes. This tikanga has not stopped. These waters continue to be used for baptism and healing.
63. For this reason these springs are wahi tapu and taonga to us.
64. Parts of these wahi tapu are located on the SHA land.

65. All of the springs in the area were significant to our people, they served a great number of purposes, both functional and spiritual, they were an important resource that we have guarded and defended jealously. They are the feature of many of our stories and tikanga. This is supported by details provided in Appendix A at page 16.
66. Over the years there have been a number of projects that have involved the regeneration and cleansing of the springs, namely Te Puna.
67. The water from these springs are still used for blessings and with karakia to this day by a great number of our people.

Koiwi/Urupa

68. Before being owned by the Wallaces, the SHA Land was our whenua, it was where our people lived and were buried.
69. Because of the extent of time that the Wallaces have held the whenua and used it for farming it is no longer clear where the urupa are on the whenua. It is well documented that the caves referred to before contained koiwi and that many of those koiwi were lost from people looking for relics and collectors items.
70. Ailsa Blackwell is a descendent of the original occupants and she reported that she had helped a friend gather a sugar bag full of human bones from the caves on her farm for a talk at school in 1940. This was reported in an article from the New Zealand Herald attached as Appendix L.
71. These bones were taken from what is now SHA 62.
72. The SHA 62 development will prevent us from protecting our koiwi from being disturbed. It will also prevent us from locating the koiwi on SHA 62 or any urupa that are in that area.
73. These koiwi, these bones of our people, and the urupa they lie in, are tapu. They need to be treated with an enormous amount of care and respect. We have not been able to assess the whenua, or obtain the assistance of properly trained archaeologists in order to find where these wahi tapu lie that need our protection.
74. The importance of the whenua and awa at Ihumātao was noted by Te Akitai Waiohua in the Cultural Impact Assessment attached as Appendix B at pages 4, 5 and 13-19.

The Historic Reserve: The Otataua Stonefields

75. The Stonefields were highly prized for cultivation. They contain archaeological features, cultural sites and wahi tapu resulting from 800 years of use, and remain a site of regional and national importance.
76. The 89 hectares of the Stonefields that make up the Historic Reserve was once part of an estimated 8000 hectares. Parts of these taonga are located within the project site. I refer again to Appendix D, the Stonefields brochure, which shows the location of many of these taonga and the importance of them to us as a result of the information

provided by our people to the Manukau City Council and Auckland Council.

77. The kind of taonga preserved on the Stonefields include:
- a. Maunga (volcanic cones);
 - b. Rock gardens;
 - c. Historical gardening areas;
 - d. Sites of whare;
 - e. Lookout sites;
 - f. Midden sites;
 - g. Lava flows.

Maunga

78. As I already noted, Te Puketapapatanga a Hape and Otutataua stand within the Stonefields, the shoulders of these volcanic cones falling into the SHA 62.
79. A summary of the Cultural details of the Stonefields is shown in Appendix A at page 12.

The Surrounding Māori and General Land

Ihumātao/Puketapapa Papakainga

80. Our village is known as Ihumātao Village or the Puketapapa Papakainga, and it is the location of our marae; Makaurau Marae. Our village is known to be the oldest continually occupied Maori village in Auckland. As I have already stated, our marae, and our village is closely associated with Tainui and many Te Kawerau a Maki people reside here. This is shown in the document attached as Appendix A at page 17.
81. The wahi tapu and taonga of the area extend out to the north, east and south of the site into the private land owned by Māori and Pakeha.

Waterways

82. Oruarangi Creek The once navigable and clean awa associated with the village. It is a taonga of high importance to the identity and wellbeing of the people and used to be a source of food and swimming. In European times the banks were lined with fruit trees.
83. The detail of this wahi tapu is shown in Appendix A at page 7.
84. There will be a large and irreversible impact on Oruarangi Creek should SHA 62 go ahead, compromising its health and life-giving properties.

Other Significant Features at Ihumātao

Maungataketake 'The everlasting mountain'.

85. Maungataketake is a very sacred maunga, former pa site, and battleground. Te Tiki pa/kainga was located immediately to the south. The maunga and its slopes were a sacred burial place. A great number of koiwi were exhumed when this wahi tapu was quarried. To this day, the site remains tapu and access is prohibited to residents of Puketapapa. This maunga is closely associated with Te Ihu a Mataoho. This is shown in Appendix A at page 16.

Te Motu a Hiaroa

86. The correct name of Puketutu Island (Puketutu is the name of one of the cones on the Island) is Te Motu a Hiaroa. It is a highly sacred island named after Hiaroa, the daughter of Hoturoa, and is also associated with the deity Mataoho. There are many wahi tapu and taonga on the island.
87. This detail is seen at Appendix A page 16.

Te Puna a Potatau Te Wherowhero

88. There is another spring that is associated with Potatau Te Wherowhero. This freshwater spring is known to have been used by the first Maori King. A number of ancient relics were buried near it and remain there. It is located to the west of the SHA land, near the coast.
89. This is shown in Appendix A page 16.

Kaitiakitanga ki Ihumātao

90. We are the kaitiaki of Ihumātao. We have maintained the role of our tupuna in maintaining the taonga present in Ihumātao.
91. The role of kaitiaki for us of Ihumātao is threefold and contains three key concepts;
- a. Mana;
 - b. Tapu; and
 - c. Mauri.
92. Our mana as mana whenua, requires us to act as the kaitiaki, to ensure that we uphold the status of our people and maintain Ihumātao with the respect it deserves. Should we fail to maintain this mahi as kaitiaki, it would result in a loss of mana to us all.
93. The tapu is the tapu of our taonga; the koiwi, maunga, urupa, awa, the markers of our tupuna and their long occupation at Ihumātao. This tapu requires us to act in a way that keeps an appropriate distance, treats with care and does not cause harm to those taonga. Breaking the tapu of these taonga would cause harm, to us, to those involved and to those that come after us. Breaking the tapu would break important connections with our tupuna, as those taonga could be degraded as if they were ordinary objects and not vessels of our history and the stories of our tupuna.



94. The mauri is the mauri of Ihumātao. Ihumātao is the whenua and awa and the mauri of them must be maintained, it must not be lost. The mauri is strongest in the awa, the springs and the maunga. If those taonga are not treated properly the mauri will be lost. If the mauri is lost then the whenua and the awa will not sustain the people, and will instead make them sick.
95. As the rangatahi of Makaurau Marae, and lucky enough to live on our ancestral whenua, we have inherited this role from our tupuna.
96. There are a number of koroua and kuia that we have been able to follow as they maintain the kaitiakitanga of Ihumātao.

Kaitiaki

97. Auntie Kowhai Olsen maintains the practice of kaitiakitanga over the whenua preserved by the Stonefields. As this is still a public space which we cannot prevent people from accessing, there is work to be done to ensure the area is clear, that taonga are not moved or damaged, and of course to ensure that the whenua is properly maintained.
98. Maurice Wilson, my grandfather, wrote about the History of Otuataua and how our tupuna lived there.
99. I and other members of our whanau maintain the practice of karakia over the whenua at Ihumātao, reciting the appropriate karakia from the maunga of Puketapapatanga o Hape. I also take my kids to Puketapapa and Otuataua to tell them about the story of Hape and Kaiwhare, and to tell them about the history of our tupuna.
100. Waimarie, Jerry and Mataaoho McFarland perform karakia on the whenua and arrange gatherings with their whanau there.
101. Max, Karina and Ayla Powys-Clader-Watson walk the whenua regularly, at least weekly, as a way to stay connected to the whenua, it is for them a time of "soul-cleansing."
102. Betty King grew up playing in and collecting kai from Otuataua Creek. For her this is a place of peace and a way for her to connect her whanau who have passed on.
103. Pania Newton goes to the tupuna maunga to maintain a connection with the whenua via karakia and waiata. It is also a place of recreation and peace for her. She often travels to the Stonefields through the SHA 62 land with her nieces and nephews to tell stories of the arrival of Hape.
104. Qiane Matata-Sipu leads tours of the whenua, explaining its history and how it connects us with our tupuna. She performs karakia on the whenua and is documenting the ongoing state of the whenua through photography.
105. Tracey Sanday collects avocados from Otuataua and is involved with the pest control there alongside Auckland Council.
106. Bobbi-Jo Pihema meditates while going on hikoi on the whenua at Ihumātao. She and her whanau collect watercress and gather avocados from the trees at the Stonefields. Bobbi-Jo has also been involved in various projects involving the reconstruction of the

stonefields stone walls, and the re-vegetation and planting projects in the surrounding areas to Otuaataua.

107. Roger Gummer and Delwyn Roberts go to the whenua for peace, calm, restoration of the spirit and for recreation.
108. The Ihumatao 'Pa Boys' often collect kaimoana, watercress and were Kaitiaki at Puketutu when the Motu was under construction. They also clear out the Puna (spring) so that our watercress can grow.
109. During Matariki the whānau gather at the base of Puketapapa for a dawn karakia.
110. We share the knowledge of the whenua with guided hikoi through Ihumātao and the Stonefields, this is a way that we can educate those in the area, so that their presence at the Stonefields can be enlightening to them while ensuring the mana and tapu of the various taonga are identified and protected.
111. Similarly, our people have shared our stories with Auckland Council so that the stories go into the brochures and information sheets about Ihumātao and the Stonefields. Again, this shares knowledge that allows people to treat the whenua in a way that acknowledges the mana and tapu of the taonga present.
112. We undertake the marae to maunga hikoi where we invite local marae to share our stories about the whenua and history of Ihumatao.
113. Our kaitiakitanga has been written into our waiata, karakia and whaikorero. These are used at our marae as a way to share our knowledge amongst ourselves, with our young people, to ensure this knowledge is retained.
114. Copies of some of these are attached as Appendix M.
115. We still use the water from the springs on SHA 62 for blessings.
116. As SHA 62 has been private land, it has been difficult to practice our kaitiakitanga over that whenua. We are aware that we could not simply turn up on the whenua there and do our jobs; this is why there has been so much desecration of our taonga and wahi tapu on the SHA 62 land over the years.
117. The principles of kaitiakitanga as set out by Te Akitai Waiohūa are set out in Appendix B at pages 5 and 6.
118. Makaurau Marae passed a resolution giving their support to us in our defense of Ihumātao on the 2nd of August this year. A copy of the letter setting out that support is attached as Appendix N.

The Lack of Consultation by the Crown

119. As I have now set out, Ihumātao is a whenua marked with taonga, which require protection, our protection as kaitiaki.
120. The Crown took our whenua from us through raupatu.
121. Since that time we have not had the ownership of the whenua of our tupuna, nor have we been able to re-acquire the whenua.

122. The taonga at Ihumātao are still where they have been since before our whenua was taken from us.
123. The protection of these taonga requires the Crown to talk to us, to ensure whatever is proposed for the area does not bring further harm to us, to our taonga and to our role as kaitiaki.
124. There were numerous opportunities for the Crown to consult with us on the potential impact of their actions on us and our taonga, but no one came to us, no attempt was made.

The Housing Accords and Special Housing Areas Act 2013

125. The Housing Accords and Special Housing Areas Act (the SHA Act) was passed in 2013.
126. The SHA Act was passed under urgency conditions. This is noted in the New Zealand Law Society review of the Housing Accords and Special Housing Areas Bill (the Bill) attached as Appendix O.
127. The Bill was only available for consultation and submissions for 10 business days. This is shown in the New Zealand Parliament records of the Bill attached as Appendix P.
128. There were no rounds of consultation on the Bill.
129. The Crown did not consult with us. The Crown did not consult with Māori.

The Creation of a Special Housing Area at Ihumatao

130. Harrison-Grierson Consultants Ltd requested land at Ihumātao be included as a Special Housing Area on behalf of Fletchers and the Wallaces.
131. Auckland Council received this request and submitted to the Minister of Housing that land at Ihumātao become a Special Housing Area. A copy of the Auckland Council Due Diligence documents for SHA 62 are attached as Appendix Q.
132. The Independent Māori Statutory Board did not take a position on SHA 62 or provide any advice to the Auckland Council as to the importance of Ihumātao to us. This is confirmed in a letter from one of the Board members Karen Wilson at Appendix R.
133. At this point, when considering the list of lands to be established as Special Housing Areas, the Minister of Housing, as a Minister of the Crown had a duty to consult with us, to consult with Māori due to the impact that a SHA would have at Ihumātao.
134. At this stage it was necessary for a hui to take place at Makaurau Marae. But no such hui took place.
135. The Minister of Housing recommended to the Governor-General that the list of land blocks provided by the Auckland Council, including land at Ihumātao, be included as Special Housing Areas.

136. On the 29th of October 2013 the Governor-General made the Housing Accords and Special Housing Areas (Auckland) Order 2013 by Order in Council (the SHA Order).
137. Whenua at Ihumātao was now a Special Housing Area. It was known as SHA 62, Oruarangi Road, Mangere special housing area and included in Schedule 9AA of the SHA Order (SHA 62).
138. The relevant parts of the SHA Order and Schedule 9AA are attached as Appendix S.
139. We found out about the creation of SHA 62 of Ihumātao on the 6th day of March this year. One of my whanaunga, and one of the other claimants Pania Newton rang the Council to get the confirmation from them that whenua at Ihumātao had been designated as an SHA.
140. We were never consulted, and we were never invited by the Crown to participate in a discussion about the value of Ihumātao to us, and the potential impact of an SHA on our papakainga.

Notification Regarding the Re-zoning of SHA 62

141. In order for SHA 62 to be constructed, Fletchers must have the SHA 62 land re-zoned.
142. The land at SHA 62 is currently zoned as a "Future Development Zone" in the Auckland District Plan.
143. The land at SHA 62 is currently zoned as "Future Urban" in the Proposed Auckland Unitary Plan (the PAUP).
144. These zonings allow the land to be used as rural land while flagging it for possible future development.
145. In the process of forming their development plan Fletchers requested a Cultural Impact Assessment from Te Akitai Waiohua, which has been attached as Appendix B. In this report it is stated at page 9 that "This report is not a consultation. It is a presentation of information to facilitate a written response prior to a future consultation meeting."
146. Te Akitai Waiohua provided this report to Fletchers and it was regarding the formation of the development plan for SHA 62.
147. It was not a form of consultation.
148. It was not an open hui with the people of Ihumātao.
149. It was not consultation by the Crown with us.
150. In June 2015 Fletchers applied to the Auckland Council for a plan variation to have SHA 62 re-zoned as a combination of "Mixed Housing Suburban, Public Open Space – Conservation, and Green Infrastructure Corridor"(the Application). This can be seen in Appendix F at pages 2, 15 and 20-23.
151. The Application was considered received by the Auckland Council on the 25th of September 2015. This can be seen in an email from Auckland Council staff attached as Appendix T.

152. Section 29(3)(a) of the SHA Act requires and limits notice of the progress of the development to adjacent landowners only.
153. The notifications required by the SHA Act were issued on the 6th of October 2015. This too can be seen in Appendix T.
154. Attached as Appendix U is the list of adjacent landowners notified by the Auckland Council about the progress of the development of SHA 62.
155. Adjacent landowners were informed they had 20 days to provide submissions and that were due on the 5th of November. Those adjacent landowners received a second letter indicating that this was incorrect and that submissions would be accepted until the 9th of November in order to provide 20 days for submissions as required. A copy of this letter is attached as Appendix V.
156. There is no capacity here for consultation with us as Māori, as mana whenua or as the people of Ihumātao and Makaurau Marae.
157. This is another stage at which we should be notified; when the plans for development are being made and assessed.
158. This would allow consultation about the presence of taonga on the whenua at SHA 62 and the possibility of damage to those taonga.
159. However the legislation the Crown created with the SHA Act explicitly prevents that kind of consultation to take place.
160. Auckland Council is required to make a decision on the application within 130 working days.² The final date that this decision will be provided is on the 7th of April 2016.
161. With us blocked out from this stage of notification and consultation, the development of SHA 62 will move to its final stage before development.
162. Once 130 working days have closed, by April the 7th of 2016 at the latest, a decision will be made by Auckland Council and the development plan for SHA 62 will be finalised as a plan for the whenua at Ihumātao.

The Purpose of SHA 62

163. We have been told that the purpose of SHA 62 is to establish more affordable homes for people in Auckland.
164. Some of the houses to be sold from SHA 62 if it goes ahead, will be at the discount rate of 75% of the median house rate; \$578,250 by this years records. Attached as Appendix W is the record on house prices from Real Estate Institute of New Zealand.
165. Or they will be set with annual repayments of \$22,950 based on last year's median household income in Auckland. Attached as Appendix X is the record of median household income in Auckland from Statistics New Zealand.
166. Our people that live in this area cannot afford houses that cost this

² Section 72 of the Housing Accords and Special Housing Areas Act 2013.




much, and yet that is the reason why they tell us they have to built on our whenua at Ihumātao.

The State of Ihumātao before SHA 62

167. We had opposed development in Ihumātao prior to the SHA Act. This took place in the Environment Court where a decision was made to allow some re-zoning. The decision of the Court is attached as Appendix Y and shows that while a re-zoning was ordered, the Court said specifically at paragraph 207, page 53 that they wished to “provide a mechanism that allows sensitive development, while at the same time safeguarding the special characteristics of this land.”
168. Less than a year after that decision the SHA Bill was introduced to Parliament and the process for us protecting our whenua was about to be completely removed.

The Taonga and Tapu across SHA 62

169. As I stated earlier, this area, Ihumātao is to us a sacred landscape, a whenua tapu, marked with a great number of taonga that require protection from harm.
170. This whenua, SHA 62, has not had been listed under our name on the official certificate of title since 1867 when the Crown Grant was issued to Mr Wallace.
171. But it is still marked with our names, with the names of our tupuna, with their deaths and urupa, their koiwi. SHA 62 is still a part of Ihumātao, and it requires our kaitiakitanga.
172. It is significant that the whenua at SHA 62 has only ever been subject to pastoral use, for grazing stock and farming. It has only ever housed a small number of buildings. Because of this the impact on our taonga has been relatively minor, the whenua has not been heavily developed and built on.
173. The threat posed to our taonga by 520 houses and 1560 residents, the roads and structures proposed by SHA 62 will erase these taonga, the tapu will be utterly compromised, and the sacred landscape of Ihumātao will turn into just another suburb.

Dated at Auckland this 7th day of December 2015



Haki Manutapuwaenui Wilson



07/12/15
Emo F Wood-Coe JP-Reg: 00033
Auckland
Justice of the Peace
for New Zealand