

IN THE MATTER The Resource Management Act 1991

AND

IN THE MATTER of a Board of Inquiry appointed under s149J of the Resource Management Act 1991 to consider notices of requirement and applications for resource consent made by the New Zealand Transport Agency in relation to the East West Link roading proposal in Auckland

SUBMITTER Ngāti Whātua Orākei Trust

SUBMITTER Te Kawerau Iwi Tribal Authority Inc

**STATEMENT OF REBUTTAL EVIDENCE BY NGARIMU ALAN HUIROA BLAIR ON
BEHALF OF NGĀTI WHĀTUA ORĀKEI**

16 August 2017

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1. My name is Ngarimu Alan Huiroa Blair. I am an Elected Representative of the Ngāti Whātua Orākei Trust which is an elected body that represents the collective interests of the descendants of Tuperiri who established Te Taou, Nga Oho and Te Uringutu mana and Ahi Kaaroa on the Auckland Isthmus in the mid 17th Century. Today those 3 sub-tribes are more commonly known as Ngāti Whātua Orākei.

2. I am authorised to give evidence on behalf of Ngāti Whātua Orākei in support of our submission against the notices of requirement and applications for resource consent made by the New Zealand Transport Agency in relation to the East West Link roading proposal in Auckland. I am authorised to give this evidence on behalf of Ngāti Whātua Orākei based on my expertise in the specific history, korero, tikanga and kawa of Ngāti Whātua Orākei.

3. To the extent relevant, I have already confirmed my expertise and confirm compliance with the Code of Conduct for Experts, noting my qualifications at [5] of my primary evidence. I confirm as correct my primary and rebuttal evidence.

4. The first issue I wish to address is the assertion from the NZTA that Ngati Whātua Orākei by virtue of attending project meetings called by the NZTA thereby constitutes support for the project. I refer the Board to the very first page of the 'Cultural Values Report for the East West Link' dated February 2017 and more specifically section E of the preamble which states;

*"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"*¹

5. It is not disputed by Ngati Whātua Orākei that our people engaged. It is our right to be informed of such major infrastructure projects but our right to object to the project was reserved and is emphasised in the Cultural Values Report and confirmed by both Amelia Linzey and Eynon Delamere during cross examination. The minutes of meetings attended by my people also do not confirm our express support for the project.

2.

6. At times we send our people to the many 'Mana Whenua Consultation Groups' that have appeared in Auckland recently to keep a watching brief on other iwi. You will know we are currently engaged in litigation against the Crown with respect to their treaty cross-claims policy. We dispute how they and also Auckland Council have recently recognised iwi with mere historical interests in places as having rights akin to that of ours as 'ahi kaa' iwi or those with the primary mana rights

¹ Cultural values Report for the East West Link, February 2017, NZTA; page 1

at 1840. As Dr Malcolm Patterson's evidence and that of Te Warena Taua, the broader iwi of Waiohūa and Ngāti Whātua Ōrākei hold those rights at Onehunga.

3.

7. The second issue I wish to focus on is with regard to outstanding Treaty settlement issues in relation to the marine and coastal area. NZTA would be well aware that there are unsettled claims of Ngāti Whātua Ōrākei in relation to the Manukau. On March 30, 2017, Ngāti Whātua Ōrākei filed in the High Court for orders recognising customary marine title and customary protected rights under the Marine and Coastal Area (Takutai Moana) Act 2011. The Crown is currently determining how it will process these claims across the country and we continue to await their direction.

4.

8. Given NZTA is an arm of the Crown we would expect that they would engage with our Trust Board and our Treaty Settlement Negotiation Team directly on their proposal to reclaim 24 hectares of the coastal marine area.

5.

9. Thirdly we support the submissions from the Te Kawerau a Maki-Waiohūa Rangatira, Te Warena Taua that the destruction of 24 hectares of coastal area is unacceptable. We are further aggrieved that NZTA themselves decided to offset habitat loss by improving bio-diversity in the South Island and the Waimakariri River. I have spoken with the Chair of Ngāi Tahu who is also aggrieved that they are potentially directly benefitting from our loss. NZTA did not engage with Ngāti Whātua Ōrākei and did not engage with Ngāi Tahu on this South Island programme of offsetting.

6.

10. *Fourthly I note in my submission that Tamaki Drive has had serious negative consequences for our people severing our connection with Okahu Bay and destroying a once tranquil place where our meeting house, Te Puru o Tamaki once stood and where our deceased continue to be buried at our urupa. 40,000 vehicles a day pass close by our urupa. Had the road taken an inland option to give new Aucklanders access to the eastern bays this could have been avoided. Waikaraka cemetery can be protected today with a similar inland option for the East-West link.*

11. Finally I wish to address the argument from NZTA that the highway and reclamations will bring positive benefits for storm water treatment of the broader 611 hectare catchment for Onehunga-Penrose, which treats part of the Mangere Inlet. We do not contest this. The potential storm water treatment benefits however do not outweigh the negative impacts of reclamation on the Manukau as a taonga for Ngāti Whātua Ōrākei, significant adverse impacts on biodiversity and the habitat of our taonga seabirds, excavation of our ancestor Te Hopua a Rangi and the severance of Waikaraka Cemetery from the Manukau.

7.

Dated this 17th August 2017

Ngarimu Alan Huiroa Blair