

MANA WHENUA ANALYSIS

A report for The Congestion Question



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Version 1.6

Forward note: Māori were not involved in the development of this report. This report was developed independent of the other project evaluations. It is recommended that the Project Team integrate these matters across the wider workstreams. Mana Whenua should be engaged at all levels of decision-making

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SCOPE

1. This report provides an initial assessment of how the two options proposed for Phase 2 of the Auckland Congestion Question Project (“the Project”) could likely impact on Mana Whenua in Tāmaki Makaurau and recommends actions to be carried out in any subsequent stage of the Project.
2. This report builds on the advice for the Project in 2018 which set out relevant factors that determine the effect of the Project on Māori in Tāmaki Makaurau, in particular Mana Whenua. Identity and wellbeing, as defined by the Auckland Plan, provided the framework for carrying out this assessment.
3. The report: -
 - a. Identifies components of Mana Whenua identity and wellbeing
 - b. Considers how the two Project options overlap with these components
 - c. Explains and assesses the effect of the Project option on Mana Whenua identity and wellbeing
 - d. Recommends next steps for future phases of the Project.
4. This report is a pre-assessment of the Project impact on Mana Whenua. It is to be used as a starting point for Mana Whenua input and Project decision-making.

Out of scope

5. This report does not consider the effect of other Project workstreams and technical advice on Mana Whenua. Mana Whenua identity and wellbeing may be affected by matters addressed in the other workstreams. Opportunity should be provided for Mana Whenua to understand the other workstreams in any future stage of the Project.
6. The social assessment evaluation on households considered the financial impact of the Project on Māori households. An assessment was carried out and results are briefly referred to here in this report. The Independent Māori Statutory Board (IMSB) members requested that the Project confirms the options do not disproportionately impact Māori as was the result of the assessment by Sapere Research Group on the regional fuel tax¹. The social assessment evaluation considered this advice in the development of its assessment. This report does not consider these findings.
7. Mana Whenua Engagement was not part of the development of this report. In 2018, the Project team engaged with the Auckland Transport Kaitiaki Forum who requested that the Project team carry out further work to articulate how it has considered information already provided to Auckland Transport about their values, rather than expecting Mana Whenua to read, process and advise the Project team without any prior analysis. This report responds directly to that request to support engagement in any future stage of the Project.

¹ Sapere Research Group. “Analysis of the regional fuel tax and increase to national Fuel Excise Duty”, July 2018.

EXECUTIVE SUMMARY

1. This report forms part of the overall assessment of the Project on Māori in Tāmaki Makaurau. In particular, the financial impacts of the Project on Māori households have been assessed separately in the social assessment evaluation, and those results are briefly referred to in this report.
2. This report provides an initial assessment of how the two options proposed for Phase 2 of the Auckland Congestion Question Project (“the Project”) could likely impact on the identity, wellbeing and values of Mana Whenua in Tāmaki Makaurau and recommends actions to be carried out in any subsequent stage of the Project.
3. The results suggest that both the City Centre Cordon and Strategic Corridor options are likely to have some negative impacts on Mana Whenua well-being and identity.
4. The Strategic Corridor option affects more Mana Whenua groups in a more substantial way than the City Centre Cordon option. This is due to the Strategic Corridor area being larger and the nature for which Mana Whenua access places within the City Centre Cordon area, compared to places in the Strategic Corridor area.
5. The key conflict between the Project and a thriving Mana Whenua well-being and identity is the constraint that the Project poses on Mana Whenua access to and engagement with places of importance. Such access provides a significant and necessary contribution to Mana Whenua well-being and identity. Places of importance to Mana Whenua include places: -
 - a) that define Mana Whenua identity;
 - b) where tikanga (Māori custom) determines behaviour and conduct;
 - c) where cultural obligations and benefits are fulfilled; and
 - d) where Treaty redress obligations including collective commercial interests are fulfilled.
6. In assessing the degree in which the Project impacts on Mana Whenua well-being and identity, the impact is determined by three factors.
 - Location – the proximity of places of importance to the Project area
 - Accessway – the requirement to use the Project area to access places of importance
 - Time – the need to access places of importance during times subject to congestion pricing.
7. The Project impact is likely to be greater where these places of importance are located within or where access is necessary through the Project areas and at times that are subject to congestion pricing. There is likely to be a lesser but relevant impact on Mana Whenua whose places of importance are proximate to the Project areas.
8. The extent of this impact will increase for those who deal with this restriction on a daily basis e.g. papakāinga communities or for places that support regular traditional practices that cannot easily be rescheduled e.g. tangi (funerals).
9. In most cases, I have assessed the Project against each layer as having a negative impact because it restricts the ability for Mana Whenua to freely access the places of importance during the congestion pricing period. For Mana Whenua, whose context is based on the significant loss of lands and the displacement of their communities, such decisions act as another impediment.
10. In order to assess the Project impact as positive, the Project will need to actually facilitate greater access. The ability for the Project to improve access for Mana Whenua can be determined by Mana Whenua during engagement. The question is whether the negative impact of restricting Mana Whenua access can be offset by the potential improvement in access by restricting others’ movement.

11. A gradual roll out of congestion pricing, beginning with the City Centre Cordon option for example, and involving Mana Whenua during the monitoring phase will help to inform this question.
12. In mitigating the negative Project impact, the Project Partners should consider the respective commitments to Mana Whenua². An assessment of their statutory and policy obligations to Māori should inform both procedural and substantive matters. Relevant procedural matters can include Mana Whenua representation on decision-making. Relevant substantive matters can include boundary adjustments to the scheme or mitigation options such as exemptions or allocation of funds to offset the cultural cost of the Project.
13. I recommend that these substantive mitigation options are considered particularly where access to places of importance to fulfil traditional practices during the congestion period are identified. Internal Māori advisors and Mana Whenua should guide decision-makers as to how best the statutory and policy obligations to Māori are fulfilled.

² Including statutory requirements to take into account the Treaty of Waitangi / Te Tiriti o Waitangi and the priority outcomes set out in the Auckland Plan

BACKGROUND

THE PROJECT

1. The Project builds on the Auckland Transport Alignment Project (ATAP) which found that there is a requirement to make a shift to a greater focus on influencing travel demand through smarter transport pricing.
2. The Terms of Reference (TOR) states that the primary objective of congestion pricing is to improve the performance of Auckland's transport network, and that as part of achieving the objective, particular consideration must be given to economic, social and environmental effects including the following matters:
 - a. Ensuring key impacts of pricing on those using the transport system, businesses and households, including fairness, equity and distributional impacts are understood and appropriately addressed.
 - b. Ensuring any pricing system is cost-effective to implement, operate, administer and enforce
 - c. Ensuring pricing is flexible and adaptable to changing circumstances, such as developing technology
 - d. National and regional implications including impacts on the existing land transport funding system
3. The Project involves three phases.
 - a. Phase I involved initial investigations and found that there was a strong case to continue the investigation of congestion pricing. A report was published in early 2018.
 - b. Phase II was designed to identify potential congestion pricing options for Auckland and analyse these in order to determine a recommendation on which option(s) to progress to further design and testing. This process involved:
 - i. Developing a long list of 27 initial options
 - ii. Carrying out a multi criteria analysis (MCA) resulting in 5 congestion pricing schemes being shortlisted
 - iii. Evaluating the five shortlist options in four categories:
 1. Network assessment from modelling of shortlist options by Auckland Forecasting Centre (AFC) using the Macro Strategic Model (MSM) to provide a range of data and outputs, to measure the impact of each pricing option on the performance of the Auckland road network
 2. Practical assessment of shortlist options based on international experience and benchmarks, including consideration of scalability/flexibility, enforcement, privacy, risks and cost
 3. Social assessment of main equity and distributional impacts of congestion pricing on households and businesses
 4. Cost benefit analysis of the economic costs and benefits associated with the shortlist options
 - iv. Recommending that two options - City Centre Cordon (CCC) and Strategic Corridors (SC) - be taken forward for further refinement and analysis.
 - c. Phase III involves the development and evaluation of the preferred option(s). This will lead to a recommendation to the Mayor of Auckland, Minister of Transport and Minister of Finance on whether congestion pricing should be introduced in Auckland.

Two recommended options

4. The Governance Group endorsed the recommendation to proceed with further refinement and analysis of the CCC and SC options in December 2018.
5. The evaluation has shown that the two proposed charging schemes have the potential to make a positive difference to Auckland's network performance. The two options propose charges for vehicle journeys travelling on the roads set out in CCC or SC locations (refer below) on Monday – Friday from 6:30 – 9:29am and 16:00 – 18:59 ("travel period").

6. Key features of the scheme include: -
 - a. Charging \$1.50 - \$3.50 per journey which varies during the travel period
 - b. All vehicles charged the same amount regardless of location.
 - c. Journey is all trips within a 2 hour period during the travel period
 - d. Charges are not cumulative (single highest charge taken from all detections during a 2 hour journey)
7. The options also consider exemptions for emergency vehicles, buses, motorcycles/scooters and non-powered registered vehicles e.g. trailers. Other mitigation factors are also possible for vulnerable households.
8. The CCC is limited in its potential outcomes but could be a positive initial step. The SC would make a meaningful difference to Auckland's network performance but is a greater undertaking overall. It has the ability to be rolled out over time.



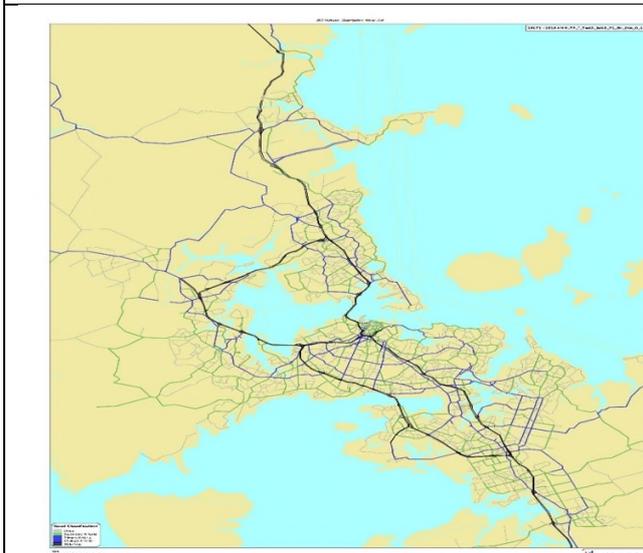
City Centre Cordon scheme is where vehicles are charged to enter and exit the city centre during peak travel periods:

Objective – Reduce congestion on routes leading into and across the cordon area.

Coverage – Targets vehicles passing across cordon boundaries, but not traffic circulating within the city centre. Through traffic on motorways is exempt.

Travel alternatives – Extensive PT services and high active mode share for trips to city centre.

Other - Impact is constrained by relatively small number of city centre commuter trips made by private vehicles (<50%).



Strategic Corridors scheme is where vehicles are charged to travel on Auckland's strategic and arterial network in the links contained in the Auckland region:

Objective – Reduce congestion on SH, arterial and other congested routes.

Coverage – Targets commuters travelling on 220km SH and main arterial road network across the Auckland region.

Travel alternatives – Main arterials are generally characterised by availability of PT services.

Other – May encourage some diversion onto suburban road network, however many arterial links are characterised by monopolistic qualities. This is further influenced by the tariff construct.

ENGAGEMENT ON MĀORI OUTCOMES

1. Mana Whenua were engaged during the prior stages of the project of ATAP. The outcome being that Mana Whenua supported the findings that something needed to be done to address congestion.
2. Engagement with Māori and Mana Whenua on the topic of congestion pricing has been limited since then. There was one specific engagement with external Māori stakeholders on this Project in November 2018 at the Kaitiaki Forum.
3. A separate report sets out the outcome of this engagement. In summary, the outcome was that the Project Team carry out work to consider the potential impacts of the Project on Mana Whenua based on information previously given to Auckland Transport (AT). It was stated by Mana Whenua participants that the onus should be on Project teams to consider how the Project impacts on Mana Whenua, rather than presenting technical Project data to Mana Whenua without considering how outcomes from previous Mana Whenua engagements or reports are relevant to this Project.
4. The Project Team spoke to Independent Māori Statutory Board (IMSB) staff to consider the relevance of the Sapere Research Group's assessment of the regional fuel tax. As a result of these discussions, the social assessment evaluation was refined. The outcome of this work is referenced below.

SOCIAL IMPACT ON MĀORI

METHODOLOGY

1. The social impact on Māori residents in Tāmaki Makaurau is not the focus of this report, however it is important to note its relevance given the impact on Māori.
2. A social assessment was carried out by Covec and MRCagney. Census data was analysed to understand the financial impact of changes in travel costs, based on socio-economic status. A further refinement of the social assessment was carried out which included understanding whether the financial impact on Māori households was any different to non-Māori households of the same income group.
3. A further piece of work was carried out by The Navigators. This involved sampling a range of households on the impact of a congestion charge but also targeted Māori households as part of the sample group and asked questions about access to places of Māori cultural importance.

FINDINGS

4. The updated social assessment found that due to limitations of the Census data it was only possible to draw high level conclusions about aggregated groups. The CCC and SC options generate higher absolute costs for high-income households, but higher costs as a percentage of income for low income households.
5. The financial impacts on Māori households are no different to non-Māori households of the same income group.
6. The survey sample did not find many significant differences in terms of impact on Māori. It did find that parents of young and school aged children, especially solo mums, and those with bigger families where they regularly visited each other, were more affected.
7. As a result of assessing poor social outcome measures, generally Māori are over-represented and therefore will likely be more exposed to impacts as a result of incurring additional costs.
8. The recommendation is that the options are likely to require a mitigation package to address the impact of a congestion charge on vulnerable households, of which Māori are likely to be a high proportion.

IMPACT ON MANA WHENUA

METHODOLOGY

1. The CCC and SC map options were compared against information contained in Te Waharoa. After comparing areas of overlap, an assessment of effects was carried out based on my understanding of Mana Whenua use and level of access to these places and a review of relevant Mana Whenua submissions and iwi management plans.
2. Te Waharoa is a database developed and managed by the Auckland Transport (AT) Māori Strategy and Engagement Team. It brings together key information about Māori and Mana Whenua of Tāmaki Makaurau onto one geo-spatial platform.
3. It maps layers such as places of importance and associated information. Some of the supporting information is publicly available, while others are reports that can only be accessed with consent from the author entity e.g Māori Values Assessments (MVAs).
4. The database is capable of holding and overlaying AT project information with the Māori information layers to visually capture project and Māori interest overlaps. The supporting information can be used to understand the potential impacts of the project on Māori communities.
5. For the purpose of this analysis, determining the impact on Mana Whenua was framed using the Auckland Plan definition of Māori identity and wellbeing.
 - Direction 1: Advance Māori Wellbeing – Thriving Māori identity and wellbeing means whānau, hapū, iwi and Māori communities lead healthy and prosperous lives where their housing, employment, education and health needs are met. Two key pathways have led to successful outcomes for Māori:
 - The role of marae as focal points for social, cultural and economic development
 - The delivery of services “by Māori, for Māori, based on te ao Maori values and practices”.
 - Direction 2: Promote Māori success, innovation and enterprise – An Auckland of prosperity and opportunity for all seeks to advance and support Māori business and iwi organisations to be significant drivers of the Auckland economy.
 - Direction 3: Recognise and provide for te Tiriti o Waitangi outcomes – For whānau, hapū, iwi and Māori communities in Tāmaki Makaurau, recognising Te Tiriti outcomes includes access to culture and traditional taonga and mātauranga. This means delivery for Māori, as Māori, through Māori organisations in relation to:
 - A flourishing language
 - Access to customary Māori arts and culture
 - Activities and initiatives that support Māori development.
6. At the time of drafting this report, the GIS Project information was not able to be uploaded into Te Waharoa. This made it difficult to accurately confirm the areas of overlap. The MVAs were also not available for this assessment and a recommendation to access these in future phases of the Project has been put forward.
7. Despite limited information, it was possible to provide high level conclusions about the impact on Mana Whenua. These matters should be further explored to mitigate the impact on Mana Whenua in line with the Project Partners’ commitments to Māori effectiveness and Te Tiriti o Waitangi / Treaty of Waitangi including:
 - a. Identifying groups and the nature of the affect on those Mana Whenua groups
 - b. Pre-engagement activities
 - c. Matters to focus Mana Whenua engagement
 - d. Other Project matters

OVERLAPS WITH MANA WHENUA INFORMATION

1. The table compares each Te Waharoa layer with the two Project options – City Centre Cordon (CCC) and Strategic Corridors (SC). The comparison identifies the layers that are proximate to the Project area or requires access through the Project area.
2. It is noted that Te Waharoa information still needs to be updated but provides a good starting point for engagement.
3. This table and an updated map should be used as an engagement tool in any future phase of the Project.

Te Waharoa Layer	Explanation	City Centre Cordon Option	Strategic Corridors Option ³
Iwi Rohe Area of Interest	The area which the tribe has a particular Mana Whenua interest	Contains: Te Ākitai Waiohua Ngāti Te Ata Ngāti Tamaterā Te Patukirikiri Ngāti Whātua o Kaipara Ngāti Tamaoho Ngāti Whātua Ōrākei Te Ahiwaru-Waiohua Ngāti Tai ki Tāmaki Te Rūnanga o Ngāti Whātua Te Kawera ā Maki Ngāti Paoa Ngāti Whanaunga Ngāti Maru Waikato-Tainui Ngāti Tai ki Tāmaki Access to: Ngāti Rehua Ngāti Wai	Contains: All CC options Ngāti Manuhiri Ngāti Wai
Marae	Land and complex of buildings that symbolise identity of group that descend from common ancestor	Access to: Kawa Marae Motairehe Marae And proximate to: Ōrākei Marae	Contains: Ōrākei Marae Access to: CC options And proximate to: Pūkaki Marae Makaurau Marae
Maunga	Mountains and Mountain Peaks	Proximate to: Pukekawa Access to: Ngā Pona Toru o Peretū	Contains: Pukeatua Ngā Pona Toru o Peretū Takarunga Takararo Maungauika Pukekawa

³ It is unclear where the Strategic Corridor option intersects so this information will need to be reviewed.

Te Waharoa Layer	Explanation	City Centre Cordon Option	Strategic Corridors Option ³
			Te Pane o Horoiwi Tauhinu Ohinerau Maungawhau (Ngāti Whātua Ōrākei) Te Kopuke Maungakiekie (Pūkaki Marae) Te Tātua o Riukiuta Pukewiwi Ōwairaka Mutukaroa Ōtāhuhu Te Pane o Mataoho Proximate to: Matukutūrūrū Matukutūreia (Tahuna Marae) Ihumātao
Te Aranga Principles	Symbols and signs that acknowledge and showcase Mana Whenua culture, history and traditions	Contains: Ngāti Whātua Ōrākei tohu Ngāti Paoa tohu Proximate to: Ngāi Tai naming	Contains: Multiple locations (approx 25)
Māori Value Assessments	Assessments carried out by Mana Whenua in response to AT projects ⁴	Contains: <i>Downtown Programme</i> – Ngāti Whanaunga, Te Ākitai Waiohua, Ngāti Maru <i>CRL</i> – Te Ākitai, Ngāti Whātua Ōrākei, Ngāti Te Ata, Ngāti Paoa <i>Britomart</i> – Ngāti Whātua Ōrākei Proximate to: <i>Parnell Rail Station</i> – Ngāti Whātua Ōrākei, Ngāti Te Ata, Ngāti Paoa, Te Ākitai and Ngāti Paoa	Contains: <i>All CC Options</i> <i>Glenvar Ridge Road</i> – Ngāti Manuhiri <i>Waterview Shared Path</i> – Ngāi Tai ki Tāmaki <i>Newmarket Level Crossing</i> – Ngāti Maru <i>Dominion Road</i> – Te Ākitai <i>Half Moon Bay</i> – Ngāti Tai ki Tāmaki <i>Glen Innes Tāmaki Dr Shared Path</i> – Te Ākitai <i>AMETI</i> – Ngāti Paoa, Te Ākitai, Ngāi Tai <i>Ōtāhuhu Bus and Train</i> – Te Ākitai, Ngāi Tai <i>Kings College Plan</i> – Ngāti Whanaunga <i>South West Gateway</i> – Te Ākitai <i>Puhinui Station</i> – Ngāti Whanaunga

⁴ Information not available for the purposes of this project.

Te Waharoa Layer	Explanation	City Centre Cordon Option	Strategic Corridors Option³
Wāhi Tawhito	Historical land transactions that transfer land from customary to current legal title	Proximate to: Ngāti Whātua Ōrākei – Mahon Way, Shipwright Lane, York St	Contains: Multiple locations (approx 35)
Māori Freehold Land	Land defined as Māori Freehold Land under Te Ture Whenua Māori Act	Contains: Land parcels held by Māori Trustee Proximate to: Ngāti Whātua Ōrākei settlement Access to: Rangitoto Waiheke Aotea	Contains parcels at: All CCC options Glenfield Hibiscus Bays Mangere Bridge Howick East Tāmaki
Awa	Rivers	No physical awa but Māori Place Names indicate rivers and streams that previously ran through the area.	Contains: Multiple locations
Māori Place Names	Provide indication of events or resources that existed and the connection of that place to Mana Whenua	Contains: Multiple locations	Contains: Multiple locations
Other layers not available in Te Waharoa but should be included to provide full consideration			
Papakāinga	Tribal settlement	Information to be added Proximate to: Ngāti Whātua Ōrākei Access to: Ngāti Rēhua	Information to be added Contains: Ngāti Whātua Ōrākei Access to: Ngāti Rēhua And proximate to: Te Ākitai Te Ahiwaru
Urupā	Cemetery	Information to be added Proximate to: Ngāti Whātua Ōrākei	Information to be added Contains: Ngāti Whātua Ōrākei Proximate to: Te Ākitai Te Ahiwaru
Cultural redress	Land returned to a tribe from the Crown under Treaty settlement for cultural purposes	Information to be added 13 hapū and iwi	Information to be added
Commercial redress	Land returned to a tribe from the Crown under Treaty settlement for cultural purposes	Information to be added 13 hapū and iwi	Information to be added
Wāhi tapu	Places of cultural importance to Māori	Information to be added	Information to be added

ANALYSIS

Use of information

1. This analysis applies the areas of overlap to the Auckland Plan definition of Māori identity and wellbeing to explain the Project impacts on Mana Whenua.
2. There are two key points that premise this analysis: -
 - a. Mana Whenua are best placed to understand and protect the interests of Mana Whenua; and
 - b. Mana Whenua groups generally share common practices and views, however the way in which they exercise these functions are not the same, and must not be treated as such.
3. In essence, any analysis is only useful where Mana Whenua have had an opportunity to confirm its accuracy and relevance. As such, this analysis is to be used as a starting point for engagement.
4. In most cases, I have assessed the Project against each layer as having a negative impact because it restricts the ability for Mana Whenua to freely access the places of importance during the congestion pricing period. For Mana Whenua, whose context is based on the significant loss of lands and the displacement of their communities, such decisions act as another impediment.
5. In order to assess the Project impact as positive, the Project will need to be successful in actually opening up space to facilitate greater access. The ability for the Project to improve access for Mana Whenua can only be determined by Mana Whenua prior to implementation and once the Project is rolled out with input from Mana Whenua. The question prior to implementation is whether Mana Whenua believe the negative impact of restricting Mana Whenua movement is offset by the potential improvement in access by restricting others' movement. This should be a key focus of engagement.

Assessment of Project against Te Waharoa Layers

Iwi Rohe Area of Interest

6. The iwi rohe area of interest (tribal area) is the area within which Mana Whenua maintain an ancestral, cultural and spiritual connection to place. The ability to circulate, access and engage in places within this space supports well-being and sustains custom and practice. The iwi rohe encompasses those places where Mana Whenua have an important connection and in turn those places uphold their iwi identity e.g. marae, maunga (mountains) and iwi. The iwi rohe is the general value that sits behind the more specific layers that are explored in this report.
7. In addition to the cultural connection, Crown Treaty settlement policy and iwi investment strategies determine potential economic interests and Treaty settlement rights are activated within a tribal rohe. So not only does a tribal rohe contain places of cultural importance, but also facilitates economic well-being. Access to iwi rohe area of interest contributes to the advancement of Mana Whenua well-being, supports a thriving Mana Whenua economy and provides for Te Tiriti o Waitangi outcomes. All priority outcomes are set out in the Auckland Plan.
8. **Both the CCC and SC options disrupt movement, ability to access and engage in space within the iwi rohe of 18⁵ Mana Whenua groups.** This will have a negative cultural effect on Mana Whenua although the practical impact is likely to be minor given there are multiple existing factors that already affect movement and access

⁵ 18 is based on the iwi entities that are identified in Te Waharoa although its accuracy will need to be confirmed prior to engagement as it is understood that at least 19 iwi and hapū are recognised by Auckland Council.

e.g. urban development and private property rights. This is somewhat mitigated by the fact that Mana Whenua supported the ATAP outcome to find a way to address congestion, which provides some comfort that there is support for something to be done. However when Mana Whenua supported the ATAP outcome, involvement and input into the decision-making process was anticipated. The effects on Mana Whenua economic interests will need to be confirmed with Mana Whenua but are likely to mirror similar effects on general commercial interests.

Marae

9. The marae is the space in which tikanga (Māori customs) determines behaviour and conduct and is a place where Mana Whenua fulfil their cultural obligations. It is the focal point for Māori cultural, social and economic development and a well-functioning marae enhances the mana of those people. It is one of the few remaining spaces where descendants of a common ancestor actively practice and immerse themselves in their unique traditions. Marae are a major contributor to Mana Whenua identity and well-being.
10. Marae have always been important places for Māori but for many people in Tāmaki Makaurau they have an increased importance because there are few remaining spaces left where tikanga determines behaviour and conduct. The majority of Mana Whenua groups in Tāmaki Makaurau do not have active marae. These groups may have aspirations for an active marae to be established so it not correct to rely only on the existence of physical buildings.
11. While this assessment focuses on Mana Whenua marae, in some cases non-Mana Whenua marae in Tāmaki Makaurau for taura here (iwi who hold Mana Whenua status outside Tāmaki Makaurau but reside in Tāmaki Makaurau); mataawaka (pan tribal or Māori who do not know their tribal links); and even institutions such as education institutions, can provide an important function for Mana Whenua either in addition to or in the absence of active physical Mana Whenua marae.
12. **The CCC option will restrict access during the congestion period to Ngāti Whātua Ōrākei marae and to a lesser extent the two Ngāti Rēhua marae.** These marae require access through or are located proximate to the CCC area.
13. These marae not only include whare nui (ancestral house) and whare kai (dining room) for hosting people, but also include nearby urupā (cemetery), papakāinga settlement (tribal housing), places of cultural importance and wāhi tapu (sacred places). Some of these components are discussed further below.
14. The marae is synonymous with the identity of those iwi and consideration should specifically be given to these marae in future phases of the Project. Access to the marae on Aotea may have a lesser impact only insofar as the time it takes by ferry to get to Aotea from Auckland and preferred alternative routes.
15. There are other institutional marae within the CCC area where access for Mana Whenua will be disrupted. This will have a lesser importance than Mana Whenua marae as they are not exclusive symbols of Mana Whenua identity, but are relevant for accessing cultural practices. It is noted, although not the focus of this report, that such restrictions to these marae will be similar for non-Mana Whenua commuters.
16. **The SC option will restrict access during the congestion period to Ōrākei, Kawa and Motairehe Marae and to an extent Pūkaki and Makaurau Marae that are either within, through or proximate to the Strategic Corridors.** Further detail will need to be explored to determine the extent of the impact on the identified Mana Whenua Maraе.

Maunga – (Mountains and Mountain Peaks)

17. The ability to maintain access to maunga and preserve collective use that benefits members of an iwi supports Mana Whenua wellbeing. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 demonstrates the importance of the 14 tūpuna maunga (volcanic cones) to 13 iwi and hapū for their spiritual, ancestral, cultural, customary and historical interests. All the individual iwi settlements acknowledge the important connection between Mana Whenua people and maunga.
18. While access for members to connect and carry out cultural activities on maunga will vary across iwi and hapū, particular consideration should be given to those maunga where certain cultural obligations are fulfilled such as kaitiaki of taonga (protection and monitoring areas of cultural importance or treasures), kōhi kai (food collection), tangi (funerals) or urupā (burial sites). Further consideration must be given to activities where timing is inflexible. Tangi, harvesting or other activities best performed according to times indicated by the Maramataka (Māori calendar) on maunga are considered to be such activities.
19. In most cases during the day, important ceremonial practices occur during the transition of the rising of the sun. The completion of these practices including the ability to transition those participants from a state of tapu (sacred) to the state of noa (common) must also be considered. This would have an impact on the cross-over between completion of the ritual and the Project morning travel period.
20. Te Waharoa locates mountains and mountain peaks in GIS form but the Māori Values Assessments and other information (oral and written) will be required to understand the nature of use by iwi and hapū of these maunga. Such an assessment is necessary to determine the affect of this project on maunga and the consequent effect on the people. Te Aranga Principles and Wāhi Tawhito layers also refer to maunga that previously stood but are no longer visible. These such maunga are just as significant.
21. **The CCC option will restrict access to maunga for Ngāti Whātua Ōrākei when considering a starting point from Ōrākei Marae and those iwi that require access to maunga within or through the CCC area.** Rangitoto and Pukekawa must be accessed through and are located proximate to the CCC area respectively. There are at least 13 iwi and hapū with interests in these maunga.
22. The nature and use of these maunga as sites for regularly carrying out cultural obligations is not obvious - thus increasing the need for access - as the maunga do not hold sites such as marae, urupā or papakāinga however this use may change over time or such use may be discovered through engagement.
23. A further matter to be considered is that Rangitoto may be the site of Mana Whenua commercial interests. These commercial interests are recognised Treaty matters and a priority outcome in the Auckland Plan. Ngāi Tai ki Tāmaki is one iwi with such interests at Rangitoto.
24. **The SC option will restrict access by those iwi where access to maunga to fulfil cultural obligations is required through the SC area.** The majority of the affected maunga are held by 13 iwi and hapū of Ngā Mana Whenua and are co-managed by iwi and Council. It is important to understand how Mana Whenua typically engage with these maunga and how access will be impacted.

Te Aranga Principles

25. Te Aranga Principles are a contemporary way of acknowledging the relationship between Mana Whenua and the location marked. This is done through name changes, signs, art or design pieces.
26. In most cases, these tohu (symbols) act as markers and are not typically used as places of cultural practice. At the very least, these markers provide an indication of which Mana Whenua groups may be impacted by the Project and therefore who should be engaged.
27. **Both the CCC and SC options are likely to have no material effect on Te Aranga Principles, particularly where the places are more symbolic.** Engagement should confirm whether these markers are places where access is necessary for carrying out cultural practices.

Māori Values Assessments

28. The Māori Values Assessments (MVAs) are not outcome indicators but should be used to inform the Project about the relationship between Mana Whenua and place. It will provide a picture of the level of access required and consequently the extent of the impact of this Project on those Mana Whenua.
29. At the time of this analysis, MVAs were not available. Permission should be sought from iwi to review this information in preparation for engagement. Any assumptions drawn from this review should specifically be discussed with the relevant Mana Whenua group.
30. This information is more procedural so no assessment of impact is provided.
31. **Both the CCC and SC option areas contain a number of Māori Values Assessments which should be used to inform engagement.**

Wāhi Tawhito

32. Wāhi Tawhito are layers that indicate the historical land transactions from customary to current legal title.
33. This information will assist the Project to determine which iwi and hapū have a relation to the land. This will help to confirm which Mana Whenua may be affected by the Project and therefore determine who should be engaged.
34. This information is more procedural than it is substantive so no assessment of impact is provided.
35. **Both the CCC and SC option areas contain a number of Wāhi Tawhito sources which should be used to inform engagement.**

Māori Freehold Land

36. Māori Freehold Land in Tāmaki Makaurau represents only a small portion of land in Tāmaki Makaurau and so by virtue of being rare, there is a greater emphasis to preserve access to these places as a means of preserving tikanga (Māori customs and practices). Māori Freehold Land can often consist of papakāinga (tribal housing), marae, urupā (burial grounds) and wāhi tapū (sacred places).
37. These places provide a strong conduit for Mana Whenua to interact with places important to members of that whānau (family), hapū (sub-tribe) and iwi (tribe). Unlike general land holdings, Māori freehold land is intergenerational so cultural beliefs and even legal processes make it difficult to alienate the land. In this sense,

the location of Māori freehold land is not chosen, but rather Mana Whenua are destined to live in or preserve for generations. Access to and from these places hold a strong positive contribution to Mana Whenua well-being and identity.

38. Appropriate Mana Whenua access to Māori freehold land must not be restricted and the Project does introduce a barrier that does not currently exist. As mentioned above however, there is a converse effect where reducing the circulation of visitors to these spaces may improve access for Mana Whenua. This should be explored further in engagement.
39. In most cases, Māori Freehold Land is held by land trusts or managed by committees so engagement may need to extend beyond iwi entities, however it is through the iwi entities that engagement should be initiated.
40. Te Waharoa includes the remnants of Māori freehold land that are in Tāmaki Makaurau. It does not however show land that is general land that serves a purpose similar to that of Māori freehold land such as general land owned by Māori or Treaty settlement lands. Te Waharoa will need to be updated or any Project team members will need to understand what they are looking for to ensure the information is complete.
41. **The CCC option restricts access to Māori Freehold Land holdings proximate to or where access is required through the CCC area.** The lands owned by the Māori Trustee would have a lesser impact on Mana Whenua, but this may change over time as Mana Whenua in Tāmaki Makaurau seek to take more active roles in land held by the Māori Trustee. The key considerations would be the impact that this Project has firstly on those communities who are living on these lands and those members who will access these spaces to fulfil cultural obligations. This should be explored in further work and engagement.
42. The SC option has a greater negative impact on Māori freehold land holdings that are contained in the SC area. To a lesser, but still relevant extent, those areas that require access through or where the SC is proximate to will also be negatively impacted.
43. During engagement with the relevant iwi entities or through accessing information on Te Waharoa that is not currently available for the purposes of this analysis, it would be important for the Project to understand the extent and nature of the use of these places. If it is used for marae, papakāinga, urupā, other cultural or commercial purposes then those more specific issues should be factored in.

Awa

44. Awa (rivers) and bodies of water, like maunga, are of similar significance to Mana Whenua identity and well-being. Well functioning awa provide a valuable source of kai (food) that supports the survival of those communities and associated practices. Unrestricted access to such places is a considerably important Mana Whenua value.
45. Te Waharoa includes awa however the extent of Mana Whenua use for collecting kai or fulfilling cultural obligations would heighten the need for access. This is not clear from identifying the awa locations and further engagement is required.
46. Another key feature in Te Waharoa that is more relevant to awa, is the Māori Place Names layer. These are not physically functioning awa but pay homage to an awa that once flowed. Culturally these are significant to Mana Whenua and are largely celebrated symbolically or through kōrero rather than requiring physical access. It is still important to acknowledge these places and whether physical access is necessary to support Mana Whenua traditions.

47. **The CCC option does not appear to have a practical impact on the ability for Mana Whenua to access awa within the CCC area.** There are a number of Māori place names contained within the CCC area that acknowledge awa previously running towards the Waitematā. It is likely that the Project has a minor effect on these awa, however engagement should assist to determine any effects.
48. **The SC option is likely to have restrict access to awa within and proximate to the SC area.** A similar effect is identified for those Māori place names that acknowledge the prior existence of awa as set out in the CCC option. There are likely to be awa under this option where the Project will inconvenience access during travel periods. This should be discussed during engagement.

Māori Place Names

49. Māori Place Names provide a glimpse into the relationship of Mana Whenua to place but also iwi and hapū who travelled to Tāmaki Makaurau but no longer exercise Mana Whenua responsibilities. They also point to those intangible qualities that cannot be seen. These names all play a strong role in Mana Whenua identity and well-being.
50. These place names are largely symbolic and will support the Project team to identify which Mana Whenua groups are affected and potentially how.
51. **Both the CCC and SC option areas contain a number of Māori Place Names which should be used to inform engagement or past use.**

Assessment of Project against other Mana Whenua Values

Papakāinga

52. Papakāinga have been described in the assessment of the Marae and Māori freehold land layers.
53. Papakāinga is a subset of these layers, however understanding where they are in Tāmaki Makaurau and the nature of their use is significant for the Project. This is largely because Mana Whenua members live in papakāinga on their ancestral lands and participate or have access to places to learn, work and play. To some Mana Whenua members, maintaining a daily physical connection to ancestral lands and family as you fulfil other cultural, social and economic objectives is an important value. It was noted above in the Māori freehold land assessment that Mana Whenua do not get to choose where their ancestral lands are so it is important that it is practical for whānau to live on those lands and have access to other places in Tāmaki Makaurau.
54. Te Waharoa should be updated to provide a Mana Whenua papakāinga layer as a subset of Māori Freehold Land to recognise the important contribution that this layer makes to Mana Whenua well-being. There are also Māori community papakāinga in Tāmaki, where communities that support the functions of a marae often live nearby to service the needs of the marae. This should also be an additional layer to Te Waharoa as part of the marae complex, although again non-Mana Whenua outcomes are not the focus of this report.
55. **The CCC option will restrict access to the proximate papakāinga at Ōrākei and to a lesser extent the papakāinga on Aotea (Great Barrier Island).** The nature and extent of this impact will need to be considered and mitigated where necessary to ensure that access to and from these places and spaces every day is not restrictive. This will be a major issue the Project should come to terms with to ensure that those living on the papakāinga are not being penalised for doing so. Mitigation may need to be considered in these circumstances.
56. **The SC option will restrict access to the papakāinga at Ōrākei marae and a lesser extent on proximate papakāinga for Te Ākitai and Te Ahiwaru.** The issues will be similar to those identified for the CCC option

because daily access to and from these communities is a necessary requirement. This will be a major issue the Project should come to terms with to ensure that those living on papakāinga are not being unduly penalised for doing so. Mitigation may need to be considered in these circumstances.

Urupā

57. Urupā (burial grounds) have been alluded to in the assessment of the Te Waharoa Marae and Māori freehold land layers. Urupā are important sites as one of the few places where tikanga (Māori custom) determines behaviour and conduct. It is also important as a place which is sacred and preserved for those who connect to those lands or people from those lands.
58. This is another major factor that the Project needs to consider given access to these sites for nehu (burials), hurakohatu (unveilings) and maumahara (rememberance) are an important part of fulfilling customary activities. Particularly for tangi where times may not be flexible.
59. Given there is no information on the location of urupā, it is assumed that the impact of the Project on urupā will be similar to that of marae.

Cultural and commercial redress properties

60. Cultural redress is lands or resources that have been returned to iwi or hapū by the Crown as part of Treaty settlement negotiations and legislation. In all circumstances, Treaty settlements do not restore Mana Whenua to the position they once enjoyed prior to the breaches of the Crown but are intended to provide a means to restore the social, economic, physical and cultural wellbeing of Mana Whenua.
61. There is an ongoing commitment by government agencies to ensure that the intent of those redress properties are not undermined – a position that is reflected in the Auckland Plan priority outcomes.
62. The Project will need to confirm during engagement and further technical work how the Project options intersect with these properties and whether access will be negatively or positively impacted.
63. **There was no information available to make a specific assessment as to impact of the Project on these properties.**

Wāhi tapu

64. Wāhi tapu (sacred places) are often the subject of resource management and heritage law and policies. They are places of cultural significance and are largely defined as a wāhi tapu by the Mana Whenua who determine them to be so. In some cases, there is formal legal recognition of these places under regional and local plans or under Heritage legislation. It would be useful to have these included in Te Waharoa as they mark sites where access may be required to fulfil cultural obligations. Urupā are wāhi tapu.
65. The nature and extent of use of these places can vary. Some are deliberately kept out of public documents or databases for fear of tikanga (protocols) being breached. Other places are recognised to encourage protection or enable use for Mana Whenua. Understanding where and how these spaces are to be used, must be determined by Mana Whenua. Importing the information that is already in the public domain, is encouraged.
66. **There was no specific information available to make a specific assessment as to impact of the Project on these properties.**

CONCLUSIONS

FINDINGS

1. Overall, the results of this initial assessment suggest that both the City Centre Cordon and Strategic Corridor options are likely to have some negative impacts on Mana Whenua well-being and identity.
2. The Strategic Corridor option affects more Mana Whenua groups in a more substantial way than the City Centre Cordon option. This is due to the Strategic Corridor area being larger and the nature in which Mana Whenua access places within the City Centre Cordon area compared to places in the Strategic Corridor area.
3. The key conflict between the Project and a thriving Mana Whenua well-being and identity is the constraint that the Project poses on Mana Whenua movement, access to and engagement with places of importance. Such access provides a significant and necessary contribution to Mana Whenua well-being and identity. This includes access to places: -
 - a) that define Mana Whenua identity;
 - b) where tikanga (Māori custom) determines behaviour and conduct;
 - c) where cultural obligations and benefits are fulfilled; and
 - d) where Treaty redress obligations including collective commercial interests are fulfilled.
4. The Project impact is likely to be greater where these places are located within or where access is necessary through areas and at times that are subject to congestion pricing. There is likely to be a lesser but relevant impact on those specific iwi and hapū places, as opposed to general tribal rohe, that are proximate to the Project option areas.
5. The extent of this impact will increase for those who deal with this restriction on a daily basis e.g. papakāinga communities or for places that support practices that are inflexible in terms of time e.g. tangi (funerals).
6. It is important to consider that any constraints on Mana Whenua to move about, access and engage in these places, can be compounded when one considers the cumulative effects of historical restrictions. While on the face of it, it may seem minor, Mana Whenua context and the Project Partners' Treaty partnership commitments including the priority outcomes set out in the Auckland Plan, require a deliberate turning of one's mind to avoid or mitigate the impact.
7. It is possible to provide appropriate mitigation to offset the negative impact on Mana Whenua, as is being considered for social and economic outcomes.

RECOMMENDATIONS FOR SUBSEQUENT PHASES

1. Any subsequent phases of this Project require four key areas of focus: -
 - a. Building on this initial assessment of Project impact on Mana Whenua
 - b. Mana Whenua engagement
 - c. Mitigation option development
 - d. Decision-making

Building on initial assessment of Project impact on Mana Whenua

2. The following steps would help to advance this assessment, namely: -
 - a. Update Te Waharoa Database with Māori information layers such as Treaty settlement redress properties, papakāinga, urupā
 - b. Seek permission from Mana Whenua to view relevant Māori Values Assessments⁶ and other information held by partner organisations that relate to these locations
 - c. Upload the Project GIS locations into Te Waharoa to get accurate locations of affected areas
 - d. Update engagement tools for discussion with Mana Whenua including simplifying the general Project information
 - e. Consider relevance of other Project workstreams on Mana Whenua and include in engagement materials
 - f. Compile an engagement package to support engagement with Mana Whenua that includes: -
 - i. Simplified project need, options and process
 - ii. Wider project considerations e.g. social impact on Māori
 - iii. Specific Mana Whenua assessment
 - iv. Process for Mana Whenua input
 - v. Decision-making
 - vi. Mitigation options

Mana Whenua Engagement

3. Auckland Transport (AT) Kaitiaki Forum is a good airing house for gaining feedback from Mana Whenua on common issues and general Project concerns. Where there are unique issues identified in the assessment for particular iwi and hapū, then these should be discussed directly and provided to those iwi to confirm accuracy of any assessment made and any feedback for how to address these.
4. The Project should also consider Mana Whenua involvement beyond stakeholder engagement. This is discussed further in decision-making.

Mitigation Option Development

5. This initial assessment identifies that the Project will have some likely negative impacts on Mana Whenua. Where these impacts are not able to be avoided, mitigation options should be developed with Mana Whenua that address areas of particular concern.
6. There are three mitigation options which could be developed: -
 - a. Boundary adjustments to CCC or SC options
 - b. Discounts or waivers for Mana Whenua members or holders of cultural obligations
 - c. Allocation of funds collected applied towards Mana Whenua outcomes.

⁶ This includes making guarantees to confirm any assumptions drawn from this information with Mana Whenua and factoring this into the Project engagement plan.

7. While there might be some practical constraints around these mitigation options, offering substantive relief demonstrates a strong intention to deliver on commitments to Mana Whenua and Treaty relationships.

Decision-making

8. Mana Whenua have had limited input into this Project. Mana Whenua continue to advocate for input at every stage of a Project including decision-making. The Project ought to consider Mana Whenua input at the highest levels of decision-making.
9. The partner organisations all have commitments to Mana Whenua either through legislation or specific Treaty and Māori effectiveness policies. The decision should demonstrate how these commitments have been taken into account in a substantive way, and Mana Whenua input is not just limited to procedural means.
10. Determining whether and at what level any mitigation would be considered to address the negative impact on Mana Whenua, will largely depend on how the decision-makers prioritise their Treaty obligations and commitments against other competing priorities. It is important that these obligations are made clear to Project decision-makers including: -
 - Auckland Plan
 - Auckland Unitary Plan
 - Regional Land Transport Programme
 - Future Urban Land Supply Strategy
 - Maori and Mana Whenua submissions on the Auckland Unitary Plan
 - Submissions from Future Urban Land Supply Strategy
 - Iwi Management Plans (where available)
 - Treaty settlement deeds and legislation
11. Māori Advisor roles within the partner organisations will help to assist decision-makers to fulfil these commitments.