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## Shadow Report to the Committee on the Elimination of All Forms of Racial Discrimination on Special Housing Area 62 in Ihumātao, Mangere, Aotearoa

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Unique Landscape (SOUL)

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## 1. PURPOSE OF THIS SHADOW REPORT

The purpose of this Shadow Report is to provide background information to the United Nations Committee on the Elimination of Racial Discrimination (CERD). Our focused concern for this Shadow Reports is centered on an area land known as Puketapapa on Oruarangi in Mangere, Aotearoa, which is now designated as a Special Housing Area (SHA 62).

## 2. THE SHADOW REPORT

### 2.1 Recommendations

- 2.1.1 SOUL calls for the dis-establishment of SHA 62 under s18(4) of the Housing Accords Special Housing Areas Act and asks that no building on this land be allowed.
- 2.1.2 Calls to have the land recognized for its significant historical, cultural and archaeological values and preserved for future generations as a public open space.

### 2.1 SHA 62 breaches the Government's obligations under the ICERD

- 2.1.3 SOUL submits that the Government breached anti-discrimination laws in designating the land at Oruarangi Road a Special Housing Area. ICERD as interpreted by the UN Committee on Elimination of Racial Discrimination in General Recommendation 23 (contained in doc A/52/18, annex V 1997). Paragraph 5 is set out here in full:

*The Committee especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. Such compensation should as far as possible take the form of lands and territories.*

Articles 10, 25, 26, 27 and 28 of the Declaration are consistent with General Recommendation 23 and should colour the interpretation of it.

- 2.1.4 The rights set out in the above instruments make it clear that the original confiscation of Puketapatapa and Ihumātao lands was in breach of international anti-discrimination rights and the rights set out in the

Declaration. Moreover, the impact of contemporary New Zealand legislation, the HASHAA, has been to facilitate commercial development of Ihumātao, thus reducing, if not preventing, the likelihood of its return to the customary land owners. This is particularly concerning given that mana whenua have retained their mana over Puketapapa, living proximate to it and claiming authority over it since prior to confiscation in 1863 (under the New Zealand Settlements Act 1863). An anti-discriminatory approach under ICERD GR 23, para 5 (and the Declaration), would set out the ongoing rights of mana whenua to their traditional territories and require the return of Puketapapa to the customary land owners. The sale of this land by the Wallace family in 2016 would have provided the ideal opportunity to achieve that.

2.1.5 Indigenous peoples' rights to consultation and the duty to obtain Indigenous peoples' free, prior and informed consent are set out in Paragraph 5 of ICERD also sets out requirements with respect informed consent that are clearly breached in the confiscation of Puketapapa and the application of the HASHAA legislation in the creation of SHA 62. Similar requirements are set out in article 32 of the Declaration. Descendants of Ihumātao have not been consulted or agreed to the proposal to designate Puketapapa as SHA62. Indeed, the HASHAA has denied mana whenua any opportunity to formally take part in decision-making with respect to Puketapapa as well as any opportunity they might have had to appeal or judicially review decisions.

2.1.6 ICERD General Recommendation 23 paragraph 3 highlights the associations between colonization, land loss and Indigenous peoples' rights practise their to culture:

*The Committee is conscious of the fact that in many regions of the world indigenous peoples have been, and are still being, discriminated against and deprived of their human rights and fundamental freedoms and in particular that they have lost their land and resources to colonists, commercial companies and State enterprises. Consequently, the preservation of their culture and their historical identity has been and still is jeopardized.*

As the background outlined above makes clear, mana whenua have experienced all of these issues and their culture and identity as well as their kaitiaki (guardianship) responsibilities for the land in question is under severe threat. The commercial development of land of tremendous cultural importance to the mana whenua groups of Ihumātao, which includes burial sites, middens, burial caves and is close to the understood landing place of

their ancestors, contravenes their right to practice and develop their culture as set out by CERD and in the Declaration.

- 2.1.7 We argue that Indigenous peoples' rights to recognition and protection are required under para 4 a and b and self-determination is effectively implied under 4c, d and e of GR 23 of ICERD; 4c states:

*Provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics.*

- 2.1.8 The abrogation of sovereignty in New Zealand by the Crown after 1840 and the entrenchment of absolute regulatory control (evident in legislation such as the New Zealand Settlements Act, 1863 and the HASHAA) with respect to Indigenous peoples' lands, territories and resources, denies recognition and protection of the right to culturally-consistent development. It also undermines the rights of Te Wai o Hua of Ihumātao to self-determination and development and, in the New Zealand context, tino rangatiratanga/sovereignty.

### **3 THE SUBMITTERS: SAVE OUR UNIQUE LANDSCAPE (SOUL) CAMPAIGN**

#### **3.1 Membership of the SOUL Campaign Group**

- 3.1.3 SOUL founding members are rangatahi of Makaurau Marae and mana whenua.
- 3.1.4 SOUL has mana whenua links to Te Wai-o-Hua, Te Kawerau a Maki, Ngati Whatua and Waiakto-Tainui.
- 3.1.5 The SOUL campaign Group is made up of residents and ratepayers of Ihumātao, Mangere and Mangere Bridge, others from across Auckland and the Country, as well as a wide range of community groups opposed to the development of SHA 62.

#### **Public and political support for the Campaign**

- 3.2.1 The SOUL Campaign (the Campaign) has generated considerable and growing public support.
- SOUL has strong support among local residents and community leaders as well as support from others in Auckland and around the country.
  - SOUL events demonstrate active and diverse community participation.
- 3.2.2 The Campaign has also gained significant political support.

- Auckland City Council Local Board, Māngere-Ōtāhuhu, unanimously opposed the creation of SHA62.
- Seven Auckland City Councillors signed a Notice of Motion dated 4 August 2015, requesting the revocation of the Governing Body resolution that designated the Ihumātao site as a Special Housing Area. Those Councillors were Cathy Casey, Mike Lee, Alf Filipaina, Arthur Anae, Wayne Walker, John Watson and Ross Clow.
- A number of Members of Parliament from all major parties except National also support the Campaign.

## 4 PROPOSED HOUSING DEVELOPMENT

- 4.1 Fletcher Residential Limited plans to develop land at 545-561 Oruarangi Road, now designated as SHA 62. The land is privately owned and borders the Ōtuataua Stonefield Historic Reserve in a rural part of Māngere called Ihumātao, situated near Auckland Airport. The private owners have accepted a conditional purchase agreement from Fletchers to buy the land.
- 4.2 Fletcher Residential has been granted resource consent from Auckland Council to rezone most of the 32.7 ha site, to build up to 480 homes. Their plan is to build a mix of housing types including standalone, terraced and duplex dwellings.

## 5 SOCIAL IMPLICATIONS OF PROPOSED HOUSING DEVELOPMENT

### 5.1 **Negative impacts on the community and residents of Ihumātao.**

The circumstances of the SHA development (location, scale, and proximity to village) mean that the wellbeing of the associated iwi, and those who reside in the papakainga, will be directly and intimately impacted.

#### 5.1.1 **Population and urbanization**

The increased population created through SHA 62 has the potential to impact negatively on the character and integrity of the papakainga. The proposed housing will force suburban development upon the papakainga, without the prerequisites for the building up of community. The population of the SHA will outnumber that of the papakainga by 3-5 times, depending on what figure you take for the expected number of residents per dwelling.<sup>17</sup> This will effectively make the existing village a small neighbour within its own landscape and turn a rural community into an urban one.

#### 5.1.2 **Economic impacts**

The SHA development is likely to significantly impact local land prices and housing rentals in the long-term. If this happens, iwi members will struggle to purchase land

within or near their village. Increased rates and rental prices may force resident whanau to leave their papakainga.

#### 5.1.3 **Increased traffic**

The increase in population will lead to an increase in traffic flows through the centre of the village, with various knock-on effects including: increased noise, congestion, vehicle emissions, and road safety issues, a particular concern given the large number of children living in the village. During the construction phase, multiple truck and earthwork movements will inevitably give rise to potential dust and noise issues, creating disturbance among those living in the papakainga.

#### 5.1.4 **Cultural impacts**

SHA 62 sits between the Ihumātao village and its maunga, with expected stormwater discharge to the Oruarangi awa potentially impacting on the wellbeing of the iwi kāinga. The awa has been polluted before and stormwater discharge could further undermine the aspiration of mana whenua to restore its health and once again use the creek for kai and recreation.

## 6 SPECIAL HOUSING AREA LEGISLATIVE PROBLEMS

### 6.1 **SHA incorrectly designated**

SOUL submits that the land at 545-561 Oruarangi Road Ihumātao was incorrectly designated as a Special Housing Area (SHA 62) under the Housing Accords and Special Housing Areas (Auckland) Order 2013 (the SHA Order). This land does not meet the criteria specified in Section 16(3) of the Housing Accords and Special Housing Areas Act 2013 (HASHA).

6.1.3 **Criteria** - Section 16(3) HASHA provides that the Minister for Housing must not recommend the making of an SHA unless the Minister is satisfied that there is (or will be) adequate infrastructure to service the likely developments and there is evidence of demand for housing in the area. Auckland Council has issued additional guidance on the criteria it is to take into account when assessing a request to create an SHA. The Council will consider current or future infrastructure, demand for housing, whether the SHA is in a strategic location, proposed housing yield and contribution to housing affordability. It is also to consider local board and iwi views.

6.1.4 **Demand and Affordability** - While there is high demand for housing in Auckland, there is no demand from Māngere residents for housing of the type proposed at SHA 62. The price range proposed for housing proposed at SHA 62 will not alleviate the chronic shortage of affordable houses in Māngere. While 10 % of the SHA 62 housing stock will be sold at 75% of the

Auckland region median price (\$770,000 in December 2015), \$577,000 is not within the reach of most Māngere residents. There are no plans for social housing at SHA 62.

6.1.5 **Infrastructure** - SHA 62 is not well serviced by existing infrastructure. Relevant facilities would include transport links, parks, and social and community infrastructure. SHA 62 is not within walking distance of a town centre, shops or any stations on the Rapid Transit Network or the Frequent Transit Network.

6.1.6 Views of the Local Board and Iwi - The Māngere-Ōtāhuhu Local Board is firmly opposed to SHA 62 and has stated that it was not consulted prior to its creation. Mana whenua are also totally opposed to SHA 62 and have made an urgent application to the Waitangi Tribunal outlining their concerns. They state that they were not adequately consulted prior to the creation of SHA 62 (discussed below).

## 6.2 Treaty of Waitangi implications

6.2.3 SOUL submits that the Housing Accords and Special Housing Areas Act 2013 (HASHA) and the development of the SHA 62 fail to uphold Treaty principles. In brief, the following principles have been breached:

*The principle of partnership:* Both the Act and SHA 62 were created without proper and adequate consultation with Māori. Local residents and mana whenua of Ihumātao have been denied almost all rights to object to the development of the land at SHA 62.

*The principle of active protection:* The SHA legislation does not provide any mechanism for the active protection of sacred sites and taonga associated with the land at 545-547 Oruarangi Road. It fails to acknowledge and therefore undermines the ability of the residents of Ihumātao to exercise their kaitiaki role in relation to the land.

6.2.4 Once SHA 62 was created, rights of mana whenua and local residents to object to developments on the land were severely curtailed. Within special housing areas, “Qualifying Developments” are afforded a streamlined consenting process. Developers of Qualifying Developments have the option of applying for resource consent under the HASHA. Where the developer elects to proceed under the HASHA, the Resource Management Act (RMA) does not apply, except as expressly stated in the HASHA.<sup>6</sup> The RMA provides protection for local and iwi interests through requirements for notification and the opportunity to make submissions.

- 6.2.5 Where the HASHA applies, a local authority is prohibited from notifying or holding a hearing in relation to a resource consent or plan variation application except as specified in the Act. Only the owners of adjacent land, local councils, and infrastructure providers may be notified. Only a notified person may make an objection to and be heard on the resource consent application. This notification excludes anyone who is not an adjacent landowner, local council or infrastructure provider. And allowance for participation by adjacent owners only in the development of SHA 62 is minimal.
- 6.2.6 The HASHA effectively excludes participation of any kind by Māori in relation to the development of their traditional customary whenua regardless of the level of potential impact as a result of the developments proposed by the HASHA.
- 6.2.7 An Application for an Urgent Inquiry was lodged with the Waitangi Tribunal on 7 December 2015 (WAI 2547) in respect of these concerns. It requests that the Tribunal examine and make recommendations on the Crown's actions concerning the Housing Accords and Special Housing Areas Act 2013 (HASHA) and the development of the Ihumātao SHA 62. Among recommendations sought is that, "The Crown should immediately remove the Special Housing area designation of the SHA 62, the Ihumātao SHA."

### **6.3 SHA 62 breaches the Government's human rights obligations**

- 6.3.3 SOUL also submits that the creation of SHA 62 breaches New Zealand's obligations under the International Covenant on Civil and Political Rights (ICCPR). In particular New Zealand is in violation of its obligations under Article 27. In passing the Act, the New Zealand Government did not take account of the rights of mana whenua to use and enjoy their ancestral lands and to be consulted with, in respect of developments which may impact on their ancestral lands or sacred sites. These rights have frequently been recognised by the United Nations Human Rights Committee in its decisions interpreting Article 27. Similar rights are recognized in the United Nations Declaration of the Rights of Indigenous Peoples, See Articles 18 (right to participate in decision making), 19 (right to consultation), 25 and 26 (right to enjoyment of traditional lands), and 37 (right to recognition of treaties).
- 6.3.4 The creation of SHA 62 is also a violation of mana whenua's right to access to justice as recognized under the ICCPR. Sections 78 and 79 of the HASHA deny residents of Ihumātao the right to object to or appeal against any

decision made by the local authority in respect of a resource consent or plan change unless they are adjacent land owners. This is a violation of Article 2 of the ICCPR which provides:

*Each State Party to the present Covenant undertakes:*

*(a) To ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.*

See also Article 40 of the Declaration of the Rights of Indigenous Peoples which provides:

*Article 40 - Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.*

7. We are grateful for the opportunity to submit to the United Nations Committee on the Elimination of Racial Discrimination (CERD). Thank you for taking the time to consider our shadow report.





# SOUL.



## APPENDICES

### 1. LAND OWNERSHIP AND POLICY BACKGROUND

**1.1 Timeline of events** - The following timeline provides a historical view of the ownership and policy decisions affecting the land in question in Ihumātao.

1160 – 14 <sup>th</sup> Century	Ihumātao is among the sites of earliest human occupation of Aotearoa New Zealand and home to the longest continually occupied papakainga (village) in Auckland. Carbon dating of an archaeological site on nearby Puketūtu Island dates human settlement by the people of Ihumātao in the range of 1160 A.D. Around the 14 <sup>th</sup> century the Tainui waka settle in Ihumātao with ancestors of Te Wai-o-Hua. Archaeologists argue that Ihumātao area is internationally significant because it contains crucial knowledge of the end point of the 5000-year Polynesian migration across the Pacific. This area offers one of the last remnants of an original 8000 hectares of volcanic stonefields in the Auckland area, all intensively cultivated by early Maori settlers.
1863	Governor George Grey issues a proclamation on 9 July, 1863. The proclamation demands that mana whenua swear allegiance to Queen Victoria or withdraw into the Waikato beyond the Mangatawhiri Stream on pain of forced eviction. After the land is emptied, it is handed to the 'Waste Lands Office' for survey and sale. Over 1000 acres belonging to Te Wai-o-Hua were confiscated at Ihumātao because of their support for Kingitanga (the Māori King Movement).
1860s to 2016	Through a Crown Land Grant on 28th December 1867, a Scottish settler Gavin Struthers Wallace gains ownership of land at Ihumātao (Puketāpapa). He and his descendants farm the land until they sell it in 2016 to Fletcher Residential Ltd (as outlined below). The 1867 Crown Grant explains how the land becomes known as 'the Wallace Block'.
2001	Manukau City Council, the Auckland Regional Council, the central government and mana whenua combine forces to create Ōtuataua Stonefields Historic Reserve. The land (around 100 hectares) was purchased from four separate farming families at Ihumātao in 1999 for \$4.7 million.
2007	Manukau City Council, as part of planning for the Manukau Gateway Heritage Area, states that, "Land adjacent to the Ōtuataua Stonefields Historic Reserve is designated and will be acquired by Council for Public Open Space, for the protection of the landscape and natural and cultural heritage values." This includes the Wallace Block. The Council tries to buy the Wallace Block, but the owners (descendants of Gavin Wallace) refuse to sell the land to Council because they are dissatisfied with its offer of \$6.5 million.
1 Nov 2010	Manukau City Council (along with six other territorial authorities and one regional council) is amalgamated into the new unitary authority of the Auckland Council.
15 June 2012	Despite strong opposition from Auckland Council and mana whenua of Ihumātao, an Environment Court decision directs Auckland Council to rezone land at Ihumātao from "Rural Land" to "Future Development Zone" (FDZ). The Court and the other parties accepted that "the land to the west of Oruarangi Road, including the Wallace Block was of special significance to Māori", but the Court felt that "sympathetic development which protected the heritage, cultural and historic values of the area could be undertaken "with the right planning regime". The Court ordered Council to amend the District Plan, including a description of the new FDZ subzone that was to identify and provide for, among other things, the Māori cultural associations with the area, including wāhi tapu, the heritage and historic

	associations, the coastal environment and the landscape values. The Environment Court could not have foreseen the Housing Accords and Special Housing Areas Act (HASHA) which effectively takes away any right to oppose plan change applications.
13 Sept 2013	Parliament passes the Housing Accords and Special Housing Areas Act (HASHA) under urgency. This Act is designed to fast-track housing developments in Auckland in response to a growing housing crisis in the city.
20 March 2014	Fletcher Residential Ltd enters into a conditional purchase agreement for the Oruarangi Road Wallace Block, dependent on obtaining a resource consent from Auckland Council that would allow for the development of a Special Housing Area (SHA). Fletcher plans to build 480 dwellings on the land.
1 May 2014	Auckland Council votes that the land at 545-561 Oruarangi Road, Ihumātao (the Wallace Block) be recommended to the Minister of Housing for declaration as an SHA.
31 July 2014	The 32 hectares Wallace Block at 545-561 Oruarangi Road is gazetted as an SHA.
3 Sept 2014	The Overseas Investment Office (OIO) allows Fletcher Residential Ltd to purchase of land at 545-561 Oruarangi Road. Fletcher Residential. Although having NZ origins, Fletcher is now a majority foreign-owned company which explains why it needed OIO approval to buy the land.
Early 2015	<ul style="list-style-type: none"> <li>• Following discussions among rangatahi (younger members) of Makaurau Marae (Māori community centre) at Ihumātao and with local community leaders also concerned about the future of Puketāpapa, the SOUL Campaign is created.</li> <li>• A working group is established and weekly meetings continue to this day with various advisers (cultural, legal, archaeological, geological, cultural, political, media) offering advice and assistance on a voluntary basis.</li> </ul>
May 2015 - present	<p>SOUL activates a multi-media public awareness-raising strategy:</p> <ul style="list-style-type: none"> <li>• SOUL establishes a website and active Facebook page (now with over 4500 followers)</li> <li>• SOUL engages with news media through national and local media with stories, commentaries and letters to the editor appearing in print, radio and television media outlets, including <i>Māori TV</i>, <i>TV One News</i>, <i>NZ Herald</i>, <i>Manukau Courier</i>, <i>Radio NZ</i>, <i>The Wire – Bfm</i> and others (mentioned below).</li> <li>• SOUL delivers presentations to numerous community groups and organisations across Auckland</li> <li>• SOUL offers numerous guided tours across the land at Ihumātao, to the public, politicians and school groups, including tours led by respected archaeologists, volcanologists and geologists.</li> <li>• Stories of Ihumātao are told to a wider audience via video clips published online.</li> </ul>
June 2015	<ul style="list-style-type: none"> <li>• Fletcher Residential Ltd applies to Auckland Council for a plan variation to the Proposed Auckland Unitary Plan (PAUP) to rezone SHA 62 from “Future Development Zone” in the District Plan and “Future Urban” in the PAUP to a combination of Mixed Housing Suburban, Public Open Space – Conservation, and Green Infrastructure Corridor. (The Re-zoning)</li> <li>• Te Kawerau a Maki Iwi Tribal Authority produce a report entitled: “Cultural Impact Assessment for Fletcher Residential Oruarangi Road SHA 545 Oruarangi Road, Ihumātao, Auckland.” The introduction states: “Te Kawerau was not consulted by Central or Local Government regarding the placement of a SHA in this location, and has not supported moves to urbanise this landscape generally. Nevertheless, to ensure effects are managed and the outcome is culturally robust, Te Kawerau Iwi Tribal Authority (TKITA) has been working closely and constructively with Fletcher Residential and their agent Harrison Grierson in the development of the structure plan. The intention of this CIA report is to provide the applicant and Council with some insights into whether there are any cultural impacts associated with the development of Oruarangi Road SHA, and if so, how they might be addressed.”</li> </ul>
10 June 2015	SOUL hosts a ‘packed’ public meeting at Manukau Rugby League Club in Māngere at which participants strongly oppose the SHA 62 development.

11 June 2015	SOUL presentation to the Māngere-Ōtāhuhu Local Board who reaffirm their opposition to SHA 62.
11 June 2015	SOUL requests the NZ Overseas Investment Office (OIO) to review the consent granted to Fletcher Residential to purchase 32 ha of farmland at 545-561 Oruarangi Road Ihumātao in 2014. The Office agrees to conduct the review. (Case 201410052).
16 June 2015	SOUL presentation to Auckland Council's Heritage Advisory Panel uncovers deep concerns over the SHA designation of the land at 545-561 Oruarangi Road, given its unique archaeological, historical, cultural, farming features, and social implications.
6 July 2015	SOUL sends letters to every Member of Parliament. The Labour Party, Green Party, and Māori Party express support for the SOUL Campaign.
2 August 2015	Makaurau Marae Committee endorse their rangatahi [members of SOUL] and give them full support to proceed with opposition to the SHA at 545 Oruarangi Rd.
4 August 2015	Seven Auckland Councillors sign a Notice of Motion requesting the revocation of the Auckland Council Governing Body resolution that designated the Ihumātao site as a Special Housing Area
27 August 2015	<ul style="list-style-type: none"> <li>• SOUL presentation to Auckland Council Governing Body. Around 250 SOUL supporters attend, including a large mana whenua presence. Some Councillors declare their decision-making was not properly informed when voting on the SHA designation for the Ihumātao site. They argue the decision-making process did not allow for proper consideration of crucial factors in relation to the site. Regardless, a motion to revoke the Auckland Council's recommendation for SHA62 is lost, with 7-12 votes. The Council also refuse to consider the land swap option proposed by SOUL, which would have allowed for an equivalent number of residential dwellings to be built on other non-controversial, council-controlled land</li> <li>• Same day, an hour after the Auckland Council Governing Body meeting. Minister Nick Smith and Mayor Len Brown declare 11 new SHAs in South Auckland including SHA62.</li> </ul>
August-September 2015 onwards	<ul style="list-style-type: none"> <li>• SOUL erects protest signs around the papakainga (Ihumātao village) which remain to this day and are periodically refreshed.</li> <li>• SOUL also erects white flags along the perimeter of the land at 545-561 Oruarangi Road so everyone can see what is at stake.</li> </ul>
23 September 2015	Mayor Len Brown hosts, what he describes as, the first of a series of 'round table' discussions including a SOUL delegation and representatives of Fletcher Residential, Auckland Council Housing Projects Office and Māngere-Ōtāhuhu Local Board. Others are invited but do not attend. Participants share points of view and explore alternatives. SOUL explains again why mana whena, Ihumātao residents and the broader community oppose SHA 62. Despite SOUL's commitment to work with interested parties to resolve the problem, the meetings do not continue.
24 September 2015	SOUL holds a silent protest at an Auckland Council Governing Body meeting held on Makaurau Marae at Ihumātao.
14 October 2015	SOUL engages with the Minister of Māori Affairs through a Ministry of Māori Development Housing Advisor who attends a SOUL meeting.
5 November 2015	SOUL presents a 4,000+ signature petition to Parliament in Wellington and receives support from a number of Labour and Green Party MPs. The local Mangere MP is a strong supporter of the Campaign.

9 November 2015	SOUL meets with representatives from the Auckland Council Resource Consents Department staff to deliver more than 300 submissions against the zone change for the proposed SHA development at Ihumātao.
November 2015	13,000 copies of SOUL Times newspaper delivered to households across Māngere, Māngere Bridge and Ihumātao (Edition 1)
December 2015	15,000 copies of SOUL Times newspaper delivered to households across Māngere, Māngere Bridge and Ihumātao (Edition 2).
7 December 2015	An application is submitted to the Waitangi Tribunal 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 SHA. The application argues that the Crown has breached principles of the Treaty of Waitangi, New Zealand's founding document, in particular the principle of partnership (by failing to consult with Māori) and the principle of active protection (by disrupting the ability of mana whenua to exercise kaitiaki (guardianship) responsibilities in relation to the area).
December 2015 onwards	SOUL Sundays (public open days) initiated to create opportunities for people to visit the area and learn about its history and unique features
3-5 Feb 2016	<ul style="list-style-type: none"> <li>• Auckland Council hearing on the re-zoning of the SHA 62 from 'future urban' to 'residential'. With SOUL support, the representatives of notified adjacent landowners make submissions opposing the housing development to the panel of independent commissioners on 4 February, and call their own experts. Concerns are expressed about the behaviour of the Chair and her moderation of the hearing during those submissions.</li> <li>• SOUL Peaceful Protest Rally outside the Auckland Council hearing</li> </ul>
5 February 2016	SOUL submits a 43-page written submission to Parliament's Social Services Committee in relation to SHA 62 – seeking immediate Government intervention to revoke the SHA designation and arguing the need for a highly skilled, independent facilitator to help resolve the problem. The Government is alerted to the possibility of an occupation of the land by those opposed to the development.
13 March 2016	A SOUL peaceful protest at Ihumātao – “Make a Stand for the Land” – draws over 400 people, who form a human chain along the perimeter of SHA62, with speeches by concerned politicians and community leaders. Over 13,000 views recorded on Facebook after the event.
6 April 2016	<ul style="list-style-type: none"> <li>• SOUL presentation to Parliament's Social Services Committee in Wellington regarding the SOUL petition and submission.</li> <li>• SOUL representatives also meet with members of the Maori, Green and Labour political parties who again express their support for the Campaign.</li> </ul>
26 April 2016	SOUL meeting with Rt Hon Dr. Nick Smith, the Minister of Building and Housing, and for the Environment, as well as with the Maori Party Co-leader (and their officials) at Mangere Mountain Education Centre, near Ihumātao. The Minister recognises that the value of the area and that it deserves an international visitor / education / research centre because of its unique features and history. SOUL reiterates it wants to avoid occupation of the land and asks again for an independently facilitated process to help resolve the problem. The Minister recommends that SOUL pursue direct engagement with Fletcher Residential Limited over its concerns about the proposed housing development.
22 April–27 May 2016:	Art Exhibition at St Paul's Gallery, Auckland City. “Te Ihu o Mataoho” by SOUL supporter and artist Rebecca Ann Hobbs. “Te Ihu o Mataoho” focuses on the Ihumātao peninsula, which encompasses the volcanic features Maungataketake, Otūataua, Waitomokia and, most importantly, Puketāpapa. The

	exhibition responds to the area's historic and contemporary geological, volcanic, social and cultural narratives.
29 April 2016	SOUL meets with mayoral candidate (now the Mayor of Auckland City) and Labour Member of Parliament Phil Goff on the land, to discuss the proposed development. Responding to the pressure of Auckland's housing crisis, he favours a different kind of housing development on the land. Phil Goff writes to Minister Nick Smith (on 4 May 2016) raising the issue and supports the idea of an independently facilitated process to resolve the problem. The Minister's letter in reply to Phil Goff (10 May) reinforces that the land meets the SHA designation and that he advised SOUL to engage direct with the new owner.
10 May 2016	Update given to Auckland Council's Heritage Advisory Panel who remain very concerned about the proposed development.
18 May 2016	Following the Auckland Council Zoning Hearing in February, the panel of independent commissioners recommend that Auckland Council approve the plan variation and consents for Fletcher's proposed development for SHA62. Heritage New Zealand archaeological authorities are required for site development.
May 2016	SOUL Sundays continue – SOUL hosts regular family-orientated activities on the land such as workshops, working bees and guided tours
25 May 2016	<i>NZ Herald</i> publishes an 800-word Opinion Piece on SHA 62 by two SOUL supporters.
31 May 2016	A SOUL supporter lodges a written complaint to Auckland Council, regarding concerns about the Chair's behavior at the SHA hearing in February. The complaint includes evidence from 10 participants (witnesses and those making submissions), testifying that the Chair's behavior created a perception of bias in favour of the applicant. The complaint also documented other concerns related to the Chair's moderation of the meeting.
4 and 18 June 2016	Two <i>NZ Listener</i> feature articles by Geoff Chapple, "Ihumātao and the Otuataua Stonefields: A very special area" and "Photo-essay: Ihumātao and the Otuataua Stonefields Historic Reserve" generate public awareness and interest.
21 June 2016	Auckland Council is asked to provide a copy of the current management plan for the Otuataua Stonefields Historic Reserve. Auckland Council advises that the original 2003 Manukau City Council Management Plan "is still the current document, although with Auckland Council now there may well have been some improvements or departures." SOUL speaks to archaeologists who express concern about the ongoing management of the Reserve.
14 July 2016	SOUL hosts another public meeting at Manukau Rugby League Club in Māngere
July–August 2016	SOUL meets twice with Deputy Mayor Penny Hulse and Councillors Cathy Casey and Mike Lee to explain community opposition to the SHA designation and, in particular, concern about the lack of consultation with mana whenua and community during the process, and to discuss a 'Land Swap' proposal aimed at protecting Ihumātao for future generations, while allowing for the housing construction the city needs.
19 August 2016	SOUL tables a Land Swap proposal at the Māngere-Ōtāhuhu Local Board Meeting

22 August 2016	Fletcher Residential Building (FRL) applies to the Overseas Investment Office to extend the land purchase date, as further resource consents are required. Date of final purchase extended to the 13 December 2016.
24 August 2016	NZ Parliament's Social Services Committee releases its report on SOUL's earlier petition and submission. While it "sympathise[s] with the petitioners' concerns", it says the SHA designation could not be revoked a) because the Act has an expiry date, 16 June 2016, which has now passed and b) "Even if the status were revoked, development could still occur on SHA 62 under its preexisting zoning designation." Labour and Green Party committee members express a minority view, reiterating SOUL's request "to Government and Auckland Council to convene a collaborative process enabling stakeholders to explore alternative approaches to the future use of the site that may resolve the current dispute." The Committee overlooks the opportunity it had in the months preceding the Act's expiry date to consider and decide on the matter.
September 2016 onwards	SOUL initiates Friday lunchtime protests outside Fletcher Headquarters in Auckland – ongoing.
9 September 2016	A "Community Leader's List" is established, listing community leaders who support the SOUL Campaign
11 September 2016	Installation of a Tohu Whenua (Land Marker) at the centre of the contested land at Ihumātao, with over 200 supporters who gather to peacefully protest the planned SHA62 development.
18 September 2016	<i>TVNZ Channel One Sunday Programme</i> on Ihumātao: "A Rock and a Hard Place" exposing issues related to the SHA62 development– 500,000 viewers. The <i>Sunday Programme</i> website states that it offers "Weekly in-depth current affairs bringing viewers award-winning investigations into the stories that matter".
19 September 2016	SOUL receives the Council's decision on its complaint regarding February Hearing. Auckland Council accepts some flaws in the process and outlines action underway to make improvements to the hearing process. SOUL believes the decision does not go far enough and the investigation process itself has flaws. SOUL begins to prepare a new complaint on the complaint investigation process.
30 September 2016	'Midden' find on Ihumātao Quarry Road (in the middle of the proposed development) is verified by an archaeologist and calls into question the adequacy and conclusions of a report presented by Fletcher as part of the consent process.
9 October 2016	<ul style="list-style-type: none"> <li>• <i>Sunday Star Times</i> feature article on Ihumātao</li> <li>• Ihumātao Heritage Hikoi on the land, led by a cross-disciplinary team with intimate knowledge of the area, including an archaeologist, a geologist, an environmental scientist.</li> </ul>
13 October 2016	SOUL meets with the new City Councillor for the Manukau Ward of Auckland Council, who agrees to call a political summit of local body politicians and the Mangere Member of Parliament to discuss next steps in the political strategy.
19 October 2016	Archaeologist, Ian Lawlor, produces a "Review of Oruarangi SHA Archaeology" for Te Ākitai Wai-o-Hua and finds that the SHA archaeological report is "limited", especially regarding "the 19th century drystone walls" and recommends "a more comprehensive and robust approach to the assessment, evaluation, investigation, management, together with iwi consultation". Lawlor states: "This is particularly important, given the proposal is to destroy rare and unique Auckland region Māori and European historic heritage that pre-dates 1900; historic records (maps, plans and photographs),

	together with the recorded archaeological sites, suggest that some of the estimated 2.5km of drystone walls planned for destruction date to the Ihumātao Mission period of 1846 to 1863, being early examples of this Maori site-type in New Zealand.”
Late October 2016	<ul style="list-style-type: none"> <li>• SOUL launches a Virtual Occupation of the SHA62 site and, despite computer glitches, generates immediate interest.</li> <li>• Copies of the original July 1863 Proclamation of Governor George Grey (forcing mana whenua off the land) are posted on billboards around the city with imagined present-day applications, to demonstrate the impact of the original unjust land confiscation.</li> </ul>
October–November 2016	Fletcher Residential Limited submits an application for an archaeological authority from Heritage NZ, requesting permission to modify or destroy archaeological sites on the land.
5 November 2016	Kaitiaki Village is established at Ihumātao on the public road in between the two tracts of land known collectively as the Wallace Block leading to the entrance of the Otūataua Historic Stonefields Reserve. Peaceful, non-violent occupation of the land begins. This event draws over 100 people to commemorate another NZ peaceful protest at Parihaka following the 1860s Taranaki land wars.
6 November 2016	TV <i>One News</i> item on Kaitiaki Village and SOUL Campaign to protect Ihumātao
17 November 2016	SOUL members attend the Fletcher AGM to raise awareness amongst shareholders of company’s participation in SHA 62. A SOUL member, also a shareholder, voices concerns inside the meeting (garnering media coverage in the <i>NZ Herald</i> ) and others protested outside.
28 November 2016	Mana whenua members of SOUL lodge an injunction to the Maori Land Court in relation to the original confiscation of the land. The injunction aims to block any developments on the land until the case regarding Native Title and the Treaty of Waitangi claim have been heard.
2 December 2016	SOUL lodges its second complaint to Auckland Council concerning the February 2016 Hearing. The new complaint focuses on the investigation process and aspects of the decision in response to the first complaint about the Chair’s behaviour.
Early December 2016	SOUL meets with Ngāti Whātua elder and leader of the Takaparawha Bastion Point Occupation (1979-82), Joe Hawke and whanau (family members), at Ihumātao, to discuss the SOUL Campaign and share reflections. Joe Hawke extends his full support and encouragement to the Campaign.
13 December 2016	<ul style="list-style-type: none"> <li>• Fletcher Residential Building purchases 545-561 Oruarangi Road Ihumātao.</li> <li>• SOUL Facebook page now has over 4000 followers and SOUL reaffirms to them its determination to continue its Campaign for justice.</li> </ul>
December 2016	Senior archaeologist Ian Lawlor reports new information on the stone walls on SHA 62 site. Following a careful review, he argues that many of the large walls particularly on the south of the block were built by Māori as part of their gardening enterprises in the 1850s, well before the confiscation of the land and settlement by Europeans. This review enhances the archaeological value of the land and again calls into question the archaeology reports submitted by Fletcher at the February 2016 Hearing.
January 2017	<ul style="list-style-type: none"> <li>• SOUL petitions Heritage NZ weekly to ascertain if Fletcher Residential has submitted a new application for an archaeological authority – ongoing.</li> <li>• SOUL members begin working with Associate Professor of Law, Claire Charters (University of Auckland) and The Equal Justice Project (University of Auckland Law School) on legal options to inform submissions to various United Nation bodies</li> </ul>

5 January 2017	SOUL attends Takaparawha Bastion Point commemoration.
Early February 2017	SOUL submits an Official Information Request to Heritage New Zealand relating to Fletcher's application for an archaeological authority to develop the land at 545-561 Oruarangi Road Ihumātao. SOUL also asks how many applications for archaeological authority related to Māori archaeological sites has Heritage NZ received since May 2014 (excluding post Canterbury earthquake-related applications) and how many were granted?
3 February 2017	Auckland Council stands by the Council investigation into SOUL's original complaint into the February 2016 hearing. Council says it will make contact with the author of the complaint to discuss the findings, but as of 30 April 2017 there was no Council follow-up.
6 February 2017	SOUL presentation at Te Tii Marae Hui (gathering) held on Waitangi Day – which commemorates the signing of New Zealand's founding document). The hui focuses on local, regional and national actions. Again, strong support for the SOUL Campaign.
Early March 2017	SOUL submits an application to Heritage NZ to upgrade the Otuaatua Stonefields Historic Reserve from Category Two to Category One. SOUL is concerned about the failure of Auckland Council to properly manage the reserve and the deterioration of archaeological features.
March 2017	<ul style="list-style-type: none"> <li>• Curators at NZ's National Museum Te Papa are working on a book project focused on 'Resistance and Protest' and will include the SOUL Campaign as a nationally significant protest.</li> <li>• Victoria University (Wellington) <i>Salient</i> magazine publish a story and video about the SOUL campaign, now on line.</li> <li>• Other short documentaries on Ihumātao in progress.</li> <li>• A <i>National Geographic</i> story is underway.</li> <li>• King's College Kapa Haka Group create a haka in support of the Ihumātao struggle for justice which is performed at Polyfest, the annual Auckland high school festival of Polynesian music and culture.</li> </ul>
13 March 2017	<ul style="list-style-type: none"> <li>• Heritage NZ formerly confirms that Fletcher's application for an archaeological authority was declined in 2015. Heritage NZ found that Fletcher had not adequately consulted with mana whenua groups who have an interest in the land.</li> <li>• Heritage NZ, in response to the earlier request for information, also advises that, of 907 applications for archaeological authority related to Māori archaeological sites, 877 were granted. Two were declined but granted on appeal. The remainder were withdrawn by the applicant or returned because they were incomplete.</li> </ul>
March 2017	SOUL learns that Fletcher approached Makaurau Marae but the whanau refused to consult because they feel deeply upset about the proposed development and the lack of democracy in the process. The Fletcher development raises again the injustice of the original land confiscation and the mamae (hurt, suffering, pain) felt over the generations and which is still acutely felt today.
20 March 2017	SOUL invites the Rt. Hon Maggie Barry, Minister for Culture and Heritage, to visit Ihumātao to discuss the SHA 62 proposed development and the future of the Otuaatua Historic Stonefields Reserve as a national and international taonga (treasure). SOUL expresses concern that the Reserve is not being adequately managed by Auckland Council. (As of 30 April 2016, the invitation has not been accepted).
23 March 2017	SOUL meets with Heritage NZ to discuss the possibility of Wāhi Tūpuna (Ancestral Place) status being granted for the land and to better understand the appeal process following the granting of an archaeological application. Other meetings occur in the following weeks.
23 April 2017	Hui-ki-Puketāpapa (a gathering at Puketāpapa) held at Kaitiaki Village and a mandate is given for SOUL to continue its efforts to "#ProtectIhumātao". Approximately 60 mana whenua members attend and a

	genuine conversation occurs, enabling people to feel better informed about the history of the land and the issues surrounding its sale. Further discussion is planned at Makaurau Marae. The 2017 hui (gathering) recognises the great hui held at Puketāpapa in 1858 “to decide upon the fair and proper use of the land”.
26 April 2017	A delegation from The Equal Justice Project visit Ihumātao to meet the people, walk the land and discuss their research about possible breaches of corporate business ethics pertaining to the purchase of 545-561 Oruarangi Road Ihumātao.
26 April – 3 May 2017	<ul style="list-style-type: none"> <li>• A SOUL delegation and its legal advisors attend the United Nations Permanent Forum on Indigenous Issues in New York and make presentations on breaches of the human rights of mana whenua and failure of Government to act in relation to injustices at Ihumātao. They meet with the Special Rapporteur (who has the authority to engage the government on the issue) and invite her to visit Ihumātao.</li> <li>• As of 30 April 2016, (in less than a week) Over 85, 500 people were reached through a Facebook regarding a video post of Pania Newton’s first presentation to the United Nations, resulting in 32,000 video views, 579 ‘shares’ of the post and 245 comments.</li> </ul>
9 May 2017	<ul style="list-style-type: none"> <li>• Three hour briefing hui at Ihumātao with NZ Police Maori Liaison Officers and area operational commander</li> </ul>
16 May 2017	<ul style="list-style-type: none"> <li>• Fletcher issue a trespass notice at Kaitiaki Village but it is invalid due to improper issuing procedure.</li> </ul>
21 May 2017	<ul style="list-style-type: none"> <li>• Written update to Heritage New Zealand and copied to Fletcher, with a request to meet discuss the trespass notice.</li> </ul>
3 June 2017	<ul style="list-style-type: none"> <li>• Political summit meeting with local MP, Councillors and Local Board at Mangere Mountain Education Centre – to update them on SOUL activities and seek further support.</li> </ul>
26 June and 4 July 2017	<ul style="list-style-type: none"> <li>• Maori Land Court hearing at Whangarei and Tenancy Tribunal hearing in Manukau</li> </ul>
2017- Future Actions	<ul style="list-style-type: none"> <li>• Ongoing media engagement to build public awareness and support for the Campaign.</li> <li>• Ongoing peaceful non-violent occupation at Kaitiaki Village.</li> <li>• SOUL will promote its Virtual Occupation (As of 30 April 2017 - 3896 occupiers).</li> <li>• SOUL considering an Ombudsman’s Review of Auckland Council’s decisions/investigation process related to its (SOUL’s) February 2016 Hearing complaints.</li> <li>• the Waitangi Tribunal claim continues</li> <li>• SOUL will appeal any archaeological authority granted by Heritage NZ to Fletcher Residential in the Environment Court.</li> <li>• SOUL considers establishing a Charitable Trust to gain funding for its legal appeal.</li> <li>• Working bees on the land.</li> <li>• SOUL will continue to seek constructive engagement with Government Ministers.</li> <li>• Ongoing guided tours across the land for school and university groups and members of the public (Over 1000 visitors in the first three months of 2017).</li> <li>• Ongoing protest of Fletcher’s intentions to build 480 high cost dwellings on the land.</li> <li>• Other creative, timely, responsive action as opportunities arise.</li> </ul>