

**BEFORE THE WHANGAREI DISTRICT COUNCIL AND NORTHLAND REGIONAL
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application by Northport
Limited under section 88 of the Resource
Management 1991 for a port expansion
project at Marsden Point

APPLICATION NO. APP.005055.38.01

LU 2200107

**MEMORANDUM OF COUNSEL ON BEHALF OF NORTHPORT LIMITED REGARDING
EVIDENCE OF DEE ISAACS**

31 August 2023

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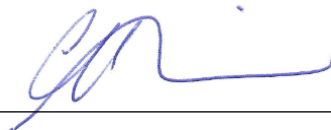
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MAY IT PLEASE THE PANEL

1. This memorandum of counsel has been prepared on behalf of the applicant, Northport Limited (“Northport”). It relates to the statement of evidence of Dee Isaacs relating to cultural matters.¹
2. Through further discussions with iwi, hapū since filing Mr Isaacs’ evidence, minor corrections to that evidence have been identified. In summary, these relate to:
 - (a) References to the “CEO” of Patuharakeke should be to the “Chair”;
 - (b) An amendment at paragraph 31 to clarify the protocols referred to;
 - (c) A new footnote at paragraph 58 to clarify Northport’s engagement prior to 2000;
 - (d) An amendment at paragraph 67 relating to Northport’s engagement with Patuharakeke; and
 - (e) The deletion of paragraphs 68 – 73.
3. An updated version of Mr Isaacs’ evidence incorporating the amendments listed above is attached as **Appendix A**. We respectfully request that this version replace the earlier version of Mr Isaacs’ evidence.

Dated: 31 August 2023



Chris Simmons
Counsel for Northport Limited

¹ Dated 25 August 2023.

APPENDIX A

**BEFORE THE WHANGAREI DISTRICT COUNCIL AND NORTHLAND REGIONAL
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application by Northport
Limited under section 88 of the Resource
Management 1991 for a port expansion project
at Marsden Point

APPLICATION NO. APP.005055.38.01

LU 2200107

STATEMENT OF EVIDENCE OF DEE PAEPAE ISAACS

(CULTURAL)

24 August 2023

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INTRODUCTION

Qualifications and experience

1. My name is Dee Paepae Isaacs.
2. I am a Technical Director of Mātauranga Māori & Planning at 4Sight Consulting Limited. I have held this position since January 2021. Prior to this, I was employed by Auckland Council from 2011, holding positions as a Senior Policy Advisor and prior to leaving Auckland Council as a Principal Planner for the Chief Planning Office (CPO). During this time, I was involved in the development of the mana whenua provisions of the Auckland Unitary Plan (AUP).
3. I hold a Bachelor of Laws (2005), and a Master of Laws (2010) from the University of Waikato. The focus of my Master of Laws was Indigenous Peoples and International Law, Environmental Law and International Trade. I also hold a Postgraduate Diploma in interpreting and translating specialised text in te reo Māori (2007), also from the University of Waikato.
4. I am the current national chair of Papa Pounamu, a technical, special interest group associated with the New Zealand Planning Institute (NZPI). Papa Pounamu advises NZPI on planning matters relating to mātauranga Māori (Māori knowledge). I am the Secretary for Ngā Aho, a national network of Māori design professionals in the fields of architecture, landscape architecture, planning and resource management. Ngā Aho supports the design aspirations of Māori communities. I am also a governance member of the Auckland Urban Design Panel. In this role I provide independent urban design advice and promote Māori aspirations.
5. A summary of my relevant experience is set out in **Appendix A**.
6. My tribal affiliations are with Te Aupōuri in the far north of Te Kao, Ngāti Tūwharetoa and Te Ātihaunui a Pāpārangi (Taumarunui). I was raised in Taumarunui under the Tūwharetoa and Te Ātihaunui a Pāpārangi tikanga.

Involvement in the Project

7. I have been involved in Northport's proposed expansion project (the Project) since December 2021 when I was approached to provide support with the iwi / hapū engagement process.

8. The support requested by Northport primarily related to kaihononga (liaison) and wānanga (meetings) with affected iwi / hapū groups, including Patuharakeke, Te Parawhau and Ngātiwai and other affected groups.
9. Prior to my engagement, Northport was supported by a cultural consultant, Mr Jason Cooper. I attended an initial meeting with Northport to discuss Northport's engagement process to that point and had a number of further discussions with Mr Cooper regarding Northport's early engagement with mana whenua.
10. My role has included providing advice to Northport regarding tikanga protocols and cultural matters and assisting Northport to understand the vision, goals and aspirations of iwi and hapū and translate this into the Project outcomes.
11. I reviewed the Interim Cultural Effects Assessment (CEA) prepared by Patuharakeke Te Iwi Trust Board (Patuharakeke) that is attached to the Assessment of Environmental Effects as Appendix 24. I have also reviewed the final CEA which was attached to the submission of Patuharakeke.
12. I have also been involved in facilitating consultation between Northport and mana whenua groups and had input into the preparation of Northport's proposed cultural conditions.
13. I am familiar with the application site and the surrounding locality. I have read the relevant parts of: the application; submissions; and the Section 42A Report.

Code of Conduct

14. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2023) and I agree to comply with it. In that regard, I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

15. My evidence relates to Northport's engagement with mana whenua groups, and the measures proposed to address the effects of the Project on cultural values. My evidence has a focus on cultural values of Patuharakeke, Te Parawhau, and Ngātiwai, and corresponding cultural effects of the Project.

16. In my evidence, I:
- (a) Provide an executive summary of my key conclusions;
 - (b) Outline the cultural engagement undertaken by Northport in relation to the Project, and how this aligns with best practice;
 - (c) Outline the cultural issues raised;
 - (d) Discuss Northport's response regarding cultural issues, including the cultural mitigation proposal it is putting forward through conditions of consent);
 - (e) Respond to the s42A Report; and
 - (f) Provide further commentary on proposed conditions advanced by Northport.

EXECUTIVE SUMMARY

Engagement

17. Northport's general approach to engagement with mana whenua has been to engage early with a view to understanding the potential cultural issues and to make a good faith attempt to address them. Northport is committed to meaningful ongoing engagement.
18. In my view, the engagement approach undertaken by Northport, as outlined in my evidence, aligns with best practice. Northport has achieved proactive and meaningful engagement with iwi, hapū groups. It is my understanding from discussions with iwi, hapū that they do not share the belief that engagement has been effective, however in my opinion a failure to reach substantive agreement does not equate with engagement being flawed.

Cultural issues raised

19. I summarise the key cultural issues raised regarding the Project as follows:
- (a) How Northport values tangata whenua;
 - (b) Loss of kaitiakitanga;
 - (c) The proposal will result in permanent significant changes to the environment (including people and communities);

- (d) The Project has high potential to result in adverse effects on Poupouwhenua (Marsden Point), the cultural values of Patuharakeke and negative impact on the various relationships of the hapū to the land, sea and other taonga;
- (e) Changes to the project have occurred since the Vision for Growth (VFG) was first promoted;
- (f) Impacts on mauri;
- (g) Concern that Northport has not fulfilled its obligations as a guardian;
- (h) Potential harm to cultural sites, disruption to traditional activities and infringements upon cultural practices including effects on tāiapure, mātaimai or Māori non-commercial fisheries;
- (i) Potential effects on the cultural landscape and seascape;
- (j) Loss of tangata whenua connection with whenua (land) and moana (sea);
- (k) Loss and alienation of the takutai moana, and loss of access to moana (sea) and areas of significance;
- (l) Effects associated with the movement of shellfish beds and depletion of shellfish beds;
- (m) Potential adverse effects on mahinga kai; and
- (n) Effects on intangible connections and values.

20. In my evidence I outline my understanding of the key cultural issues; Northport's proposed response to these issues (including with reference to Northport's proposed cultural mitigation proposal set out in its proposed conditions of consent, summarised below); and my analysis regarding Northport's proposed responses to these issues from a cultural perspective.

Proposed cultural mitigation / conditions of consent

21. Northport is proposing a comprehensive suite of cultural mitigation methods through proposed conditions of consent. While Northport has been engaging with iwi, hapū on the proposed cultural mitigation proposals and conditions for some time, the s42A Report authors did not have the benefit of seeing the cultural mitigation proposal and related conditions of consent (or the analysis in my evidence) at the time of writing the s42A

Report. The content of the s42A Report reflects this. Northport's proposed cultural mitigation proposal and related consent conditions also post-date iwi, hapū submissions and the cultural values/effects assessments provided.

22. Northport's cultural mitigation proposal includes the following, and engagement on the mitigation proposal is ongoing:

Kaitiaki Group

- (a) *The draft conditions proposed by Northport provide a framework for the establishment and operation, including funding, of a Kaitiaki Group with set functions and roles. Membership of the Kaitiaki Group is intended to be confirmed by mana whenua.*
- (b) *The proposed conditions set out the broad functions of the Kaitiaki Group and a range of more detailed roles/functions, both of which are intended to be further developed by the Kaitiaki Group. These include:*
- i. Recognise and provide for the importance of Poupouwhenua and Whangārei Te Rerenga Parāoa as a taonga to tangata whenua.*
 - ii. Recognise and provide for kaitiaki responsibilities and values and the involvement of Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa.*
 - iii. Provide a forum for engagement between Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa, Northport, and NRC and WDC.*
- (c) *Northport proposes to fund the Kaitiaki Group as follows (collectively called the "Kaitiaki Fund"):*
- i. Pre-construction: An annual payment of \$25,000 (plus GST, if any) to be made from the date of the site meeting required by condition 4 of the consents until commencement of construction works;*
 - ii. During construction: An annual payment of \$50,000 (plus GST, if any) to be made from commencement of construction works until Practical Completion; and*
 - iii. Post construction: An annual payment of \$25,000 (plus GST, if any) to be made from Practical Completion for a period of three years (totalling three (3) payments).*

Advice note: Where the above payments relate to a period of less than a full year, they will be pro-rated.

Harbour restoration and enhancement

A: Cultural ecological restoration and enhancement

- (a) *The proposed conditions provide that the Kaitiaki Group may scope, design and implement a range of initiative(s) for cultural and/or ecological restoration and enhancement of Poupouwhenua and Whangārei Te Rerenga Parāoa.*

B: Cultural/community recreation initiatives

- (b) *The proposed conditions provide that the Kaitiaki Group may scope, design, and implement specific and targeted cultural or community recreation projects in Poupouwhenua and Whangārei Te Rerenga Parāoa.*

Project design

- (a) *The proposed conditions provide for mana whenua involvement in matters of project design and delivery.*

Cultural monitoring framework

- (a) *Northport's proposed conditions provide for the establishment of an online monitoring and reporting platform, termed the "Cultural Indicators Hub". With the Kaitiaki Group's involvement, Northport would be responsible for developing, implementing, monitoring, and reporting on cultural indicators via this platform.*

Expertise/capacity building

- (a) *Northport's proposed conditions provide for initiatives to develop expertise and capacity building for mana whenua.*

Commentary on cultural issues

23. In summary:

- (a) Northport acknowledges the important cultural, historical, and spiritual associations of iwi, hapū with Poupouwhenua/Whangārei Te Rerenga Parāoa.
- (b) Northport acknowledges that the Project will have a range of cultural effects for iwi, hapū.
- (c) Northport has formulated a comprehensive cultural mitigation proposal – an integral part of its wider effects management framework – that includes a range of initiatives aimed at addressing cultural effects.

24. While I acknowledge that iwi, hapū have expressed a different view on the adequacy of the cultural mitigation proposal (in the context of the cultural values of the site; iwi, hapū assessments of the effect of the proposal; and the range of cultural issues raised), in my opinion the proposed cultural mitigation:
- (a) represents a genuine/good faith attempt by Northport to take on board its understandings from the engagement process and to offer a suite of initiatives to meaningfully address cultural effects; and
 - (b) represents a culturally appropriate response to the issues raised.
25. In my view the engagement with – and input of – iwi, hapū has enabled Northport to prepare proposed conditions that effectively respond to cultural issues raised in relation to the Project. It is my view that Northport’s proposed cultural conditions – and the cultural mitigation proposal they entail – are appropriate to address the cultural effects and concerns that have been identified by iwi, hapū. Engagement with iwi, hapū remains ongoing.

CULTURAL ENGAGEMENT BY NORTHPORT

26. Northport’s general approach to engagement with mana whenua has been to engage early with a view to understanding the potential cultural issues and to make a good faith attempt to address them. Initial engagement with mana whenua on the Project was undertaken prior to lodgement of the resource consent applications and, importantly, remains ongoing.
27. Northport has a pre-existing relationship with mana whenua, including through the Community Liaison Group (CLG) which was set up when the port was first established, but engagement with mana whenua specifically in relation to the Project began over five years ago.¹ To assist with engagement with mana whenua on this Project Northport engaged a facilitator, Mr Cooper, to identify and coordinate relevant groups, and to facilitate meetings / hui.
28. Three mana whenua groups were identified as being potentially affected by the Project, being Patuharakeke, Te Parawhau and Ngātiwai. Therefore, Northport’s cultural engagement has focused on these iwi, hapū.

¹ I note that my involvement in the Project began in December 2021. Prior to this, Northport was assisted by another cultural consultant.

29. Section 7.1 of the AEE sets out the general approach to engagement with mana whenua, which Northport advanced over several years, and covers initial engagement to the lodgement of the resource consent application.² Multiple hui have been held with Northport and mana whenua, beginning with a hui on Takahiwai marae in October 2017. A technical hui was held in May 2021 that was open to all mana whenua. This hui was attended by Northport's technical experts, who presented summaries of their initial draft reports and answered questions from the floor. The draft reports were then shared with mana whenua, including the sharing of feedback on the draft reports from Northland Regional Council (NRC) and Whangārei District Council (WDC).
30. While I was not involved with engagement processes with iwi prior to May 2022, it is important that these earlier processes are acknowledged here because they form an important part of the engagement processes that then followed, and which I have subsequently been actively involved with. Mr Cooper formally exited his position in June 2022. Te Parawhau, Patuharakeke and Ngātiwai were advised that I would be assisting Northport with future engagement process. I outline below the engagement process undertaken by Northport with these mana whenua groups from the time I became involved in the Project.
31. The purpose of the meetings undertaken with mana whenua groups was to better understand an iwi, hapū perspective of their association with the land and sea and all matters relating to the cultural effects of the Project. This required acknowledgement of tikanga (protocols) specific to each of the affected iwi, hapū groups. Protocols were invoked for iwi, hapū by iwi, hapū and were then shared with Northport, such as karakia whakatau.
32. I set out below the engagement undertaken by Northport with respect to each of the mana whenua groups.

Engagement with Ngātiwai

33. Ngātiwai is an iwi of the north with lineage to Ngāti Manaia - this is how Ngātiwai maintain a direct link to Northland's east coast. The occupation of Manaia established the iwi status in the northern Ngātiwai rohe. Ngātiwai rohe is located between Tuparehuia marae, on the Whangaruru Harbour, to the Auckland region and across to little Barrier and on to Great Barrier Island.

² Where I summarise engagement before my involvement, this is based on information provided by Northport.

34. Engagement with Ngātiwai (with which I have been involved) has been undertaken from June 2022 with a letter of introduction to Northport business and management, and remains ongoing. Meeting kanohi ki te kanohi (face to face) is, of course, the preferred method of communication, however attempts to do so were unsuccessful due to unforeseen circumstances, such as tangihanga, hazardous weather or other marae business priorities for Ngātiwai to conduct. Therefore, engagement with Ngātiwai has primarily been by way of phone and/or email.
35. The majority of engagement with Ngātiwai has been through its representative Allyce Te Huna. On two occasions I engaged with the previous Ngātiwai Chief Executive Officer (CEO) Huhana Lyndon.³
36. From June 2022, I would make regular (monthly) contact with Ngātiwai through Ms Te Huna to discuss opportunities to meet and to acknowledge the role of Ngātiwai as an affected iwi, hapū. These discussions focussed on Northport's business and how Northport had maintained communications with the other two affected iwi, hapū Te Parawhau and Patuharakeke. Meeting dates were tentatively agreed too, but subsequent issues made it difficult for Ngātiwai to commit to these dates. Ms Te Huna did express that Ngātiwai was a small hapū who had several challenges before them, with many people requesting to meet with them, but they had limited resourcing, capacity and capability to respond effectively.
37. In September 2022, Ngātiwai expressed a desire that outside of this application process, Ngātiwai would like to develop a working relationship with Northport to talk about opportunities that can support Ngātiwai iwi, hapū, marae and whānau.
38. In late 2022, Ngātiwai communicated through Ms Te Huna that it did not require Northport to continue communication regarding the Project as it would defer to Patuharakeke. My understanding of this request was that Ngātiwai did not require further communications about the application and that Ngātiwai would follow what Patuharakeke were doing and support them. I did not understand this to mean that Patuharakeke would be representing Ngātiwai, but that Ngātiwai would support Patuharakeke, and may decide to re-enter engagement with Northport when/if they deemed necessary to do so.
39. More recently (August 2023), Northport reached out to the interim CEO of Ngātiwai (Simon Mitchell), and Mariu Taua (manager). Engagement and communications

³ The role of CEO is currently being filled with an interim CEO.

between Ngātiwai and Northport are once again underway and there is agreement that ongoing engagement and communication will continue.

40. In my view Northport have made genuine attempts to meet with Ngātiwai. Northport understand the business of Ngātiwai and the relationship Ngātiwai have with their ancestral land and sea and every opportunity was made to support Ngātiwai in meeting in a mana enhancing way. This has included offering Northport's office space for meetings, moving Northport's other commitments to accommodate any proposed meetings, multiple attempts to meet kanohi ki te kanohi, in addition to resourcing for their time.
41. Over the course of communications with Ngātiwai, there were no key cultural issues identified other than a willingness to understand Northport business and a desire to support Patuharakeke in their submissions.

Engagement with Te Parawhau

42. Te Parawhau iwi, hapū are located to the north and south of Whangārei. Te Parawhau have close relationships with Ngātiwai and Patuharakeke along with other neighbouring northern tribes. The mountain of Parahaki changed when the ancestor Para performed a haka (war dance) when the mountain was under siege. The mountain name then changed to Parahaka (the haka of Para).
43. As set out in the AEE, in November 2021 a draft Manawhenua Cultural Report was received from Te Parawhau to respond to matters of cultural importance to this iwi, hapū. The report author requested that the partially completed report not be provided as part of Northport's application.
44. Te Parawhau iwi, hapū, like Ngātiwai, have also had challenges with meeting with Northport for the same reasons as outlined above for Ngātiwai. The core group of the Te Parawhau members who speak for the hapū do not all reside within the Whangārei rohe. Some are located in Auckland, making travel challenging.
45. An introductory email was sent to Te Parawhau in July 2022 reaching out to members (Marina Fletcher and Mira and Selwyn Norris) and asking if they were available to meet. Te Parawhau have been able to meet with Northport both online and kanohi ki te kanohi, although these meetings have been sporadic and challenging.
46. One of the first issues Te Parawhau highlighted for discussion with Northport was to question "*how does Northport value tangata whenua?*". This question was a central issue

that Te Parawhau wanted Northport to respond to. In several emails exchanged with Te Parawhau, an answer to this question was required before the Project detail could be discussed.

47. During the time this question was being asked, an opportunity came for Northport representatives to attend Takahiwai marae in support of the new CEO for Marsden Maritime Holdings (Rosie Mercer). On this occasion, Northport CEO Jon Moore and Northport managers attended the pōwhiri on Takahiwai marae, this is the marae of Patuharakeke. Northport's staff joined with local tangata whenua in learning about Takahiwai history, visiting a lake of ancestral importance to the marae and listening to historical issues affecting the ability for Patuharakeke in being effective kaitiaki (guardians) and protecting their cultural landscapes. The chair of Patuharakeke, (Deborah Harding) thanked Mr Moore for supporting the pōwhiri and talked of these examples of being seen (kanohi ki te kanohi) to be doing the right thing.
48. This example of manaakitanga (support) of Northport's commitment to one of the recognised tangata whenua of the area has shown Northport do value tangata whenua. I have discussed this further in my response to the cultural issues section of my evidence below.
49. Through discussions with Te Parawhau, my understanding was that there were other issues with recognition of iwi, hapū legitimacy to represent within the area. This conversation was never challenged by Northport as it was considered to be a discussion solely for iwi, hapū representatives to discuss in a culturally appropriate way.
50. Other issues raised by Te Parawhau with respect to the Project relate to adverse impacts on the tohorā (whales) environment, the risk of loss of bird habitat, and effects on benthic fauna. The cultural concerns related to the impact on mauri - mauri of the harbour's ecosystem, the degradation of mauri, and the effect of mauri on kaimoana practices. These matters are discussed further in my evidence below.
51. Discussions have been underway with Te Parawhau in relation to developing a relationship agreement. The purpose for this document is to establish a formal acknowledgement of both entities, Northport and Te Parawhau, their relationship and connection to the Port and the surrounding area, including the coastal area where Northport is located. The relationship agreement seeks to identify shared values and principles that are intended to guide the relationship in a mana enhancing way.

52. In terms of mātauranga Māori and the effects of mauri, discussions are ongoing with Te Parawhau as the relationship agreement is developed. While the relationship agreement is proposed to be separate from the Project engagement process, there are obvious potential synergies. An outcome of the relationship agreement involves Te Parawhau sharing their iwi perspective of history of the tribe, their boundaries, their values and how these elements of their culture specific to them are important. These conversations are intended to manifest the Te Parawhau life force (mauri) into the document.
53. Discussions have been undertaken by way of kanohi ki te kanohi, where meetings have been held with Te Parawhau members at the Northport offices. During these meetings, protocols are invoked and tikanga mechanisms supporting Te Parawhau protocols are actioned to better support the representative members.
54. Through its submission, Te Parawhau have identified that the Project conflicts with hapū cultural values relating to Atua, Wai, Whenua, Ao Tūroa and Tangata Whenua thereby resulting in adverse cultural and environmental effects. My understanding is that these identified concerns look to the relationships of Te Parawhau with the god of land (Papatūānuku), god of sea (Tangaroa) and god of the forest (Tāne Mahuta). The role of kaitiaki is to protect te ao tūroa (the natural environment). This is done to show a commitment to the gods that in protecting their natural/physical environment, they are satisfying reciprocity elements of natural environmental protection mechanisms.
55. Northport has continued to engage and develop the relationship to better understand the values specific to Te Parawhau. It is my opinion that Northport has demonstrated its support for a long-term relationship, acknowledging that many of the issues identified may take time to work through.

Engagement with Patuharakeke

56. Patuharakeke rohe is located on the south side of the Whangārei Harbour from the north of Mangawhai Heads to the entrance of the Mangapai River south of Whangārei, extending to Piroa (the Brynderwyns). Patuharakeke are a hapū of Ngātiwai with connections to Ngāti Whātua, Ngāpuhi and Te Uri o Hau. The ancestral marae is Takahiwai and connects to the local maunga, Manaia and the Whangārei Te Renga Parāoa harbour.
57. Patuharakeke have an operational relationship agreement (Whakahononga Relationship Agreement) with Northport, which was signed on 19 June 2021. The purpose of this Whakahononga Relationship Agreement is to build a stronger, more effective

relationship between the two parties. The agreement is also a mechanism for ongoing consultation regarding all matters concerning Northport, not just the proposed Port expansion.

58. Northport's engagement with Patuharakeke dates back to 1992,^{4,5} when Northport approached Patuharakeke to undertake a cultural values assessment (CVA) in relation to the construction of a timber port at Poupouwhenua.⁶ This CVA attempts to address the historic relationship Patuharakeke have with the site, and acknowledges their kaitiaki (guardian) roles of protecting the environment and future generational sustainability. This CVA details their role as Treaty partners, their customary practices and the relationship of Patuharakeke culture and their traditions, ancestral lands, water, sites and waahi tapu and other taonga.
59. In April 2020 a CVA was received from Patuharakeke (which is attached to the AEE as Appendix 24) in respect of the Project. The CVA identifies Patuharakeke's cultural relationships to the site and implications for the practice of kaitiakitanga. Importantly, the CVA has been used as a guide for Northport to understand cultural issues identified by Patuharakeke and has assisted with guiding engagement.
60. In respect to the engagement process, I consider the CVA highlights that a mistrust of engagement has affected the notion of genuine engagement. It is clear in the CVA that the value of genuine engagement for all parties is a key matter for Patuharakeke. This means transparency throughout the engagement process is a priority. The CVA is clear that Patuharakeke and all other parties to the Project need to establish trust before meaningfully entering engagement opportunities.
61. The CVA highlights that the decision makers of Patuharakeke see their rohe (area) through their iwi-esque view. As descendants of a chiefly tribe, their desire is to be an effective participant on issues affecting their tribal aspiration, to be heard, to be respected and to express their mana motuhake (independence) in a mana enhancing (respectful) way.
62. In October 2021 a Cultural Effects Assessment (CEA) was received from Patuharakeke (which is attached to the AEE as Appendix 24). The CEA raises a range of issues, some

⁴ Refer to section 3.1.1 , p6 of the Patuharakeke Te Iwi Trust Board Cultural Vales Assessment Report (Appendix 2 to the draft Cultural Effects Assessment, being Appendix 24 to the Assessment of Environmental Effects).

⁵ Note that Northport's engagement prior to 2000 was through Northland Port Corporation (NZ) Ltd as a 50% owner of Northport, prior to its establishment.

of which are proposed to be addressed through environmental management measures included with the application (as I outline later in my evidence). The provision of a CEA was identified as a key part of the engagement process.

63. In my view, the CEA highlights that the impacts and interactions between Northport and Patuharakeke are complex and multifaceted. The operations of the Port that affect Patuharakeke are identified in the CEA and include dredging, soil and sand removal / displacement, shipping traffic and infrastructure development. These activities have impacts for the coastal ecosystems (water quality, taonga species) and overall health of the environment. As a result of these impacts, Patuharakeke, as kaitiaki (of land and sea), have concerns about potential environmental impacts and work to ensure there is protection and preservation of valued natural resources.
64. The CEA identifies Patuharakeke's values and their importance to the tribe and their immediate interrelationships with their environment. These values provide a sense of identity and belonging. These values encourage a connection to Patuharakeke ancestors, land, language and traditions and encourage members to better understand their place within their Patuharakeke rohe. These relationships emphasise and recognise the reciprocal connections between people, the natural environment and spiritual realms. These values serve as a mechanism for protection or restoration of cultural effects on natural features.
65. In my view, many of the cultural issues identified in the CEA relate to environmental effects (acknowledging the interrelationships and overlaps between cultural and environmental issues). Environmental effects have been addressed in Northport's expert evidence, including how the management of the construction and the subsequent operation of the expanded Port can avoid, remedy or mitigate the environmental effects of concern to Patuharakeke.
66. The CVA and CEA have allowed Northport to gain an understanding of the cultural concerns of Patuharakeke. Through the ongoing discussions with Patuharakeke Northport has attempted to clarify and respond to these issues. I discuss these issues in the cultural issues section of my evidence, including Northport's response to these matters and my view as to the appropriateness of the responses.
67. The engagement with Patuharakeke began with Mr Cooper prior to my involvement in the Project. The first kanohi ki te kanohi meeting I attended took place in June 2022. This meeting was the start of several quarterly meetings, which continue to this day. The discussions at these meetings covered issues relating to Northport's business and the

means by which Northport could support Patuharakeke in their ability to engage with the Te Rerenga Parāoa Harbour and whenua (land).

68. Engagement with Patuharakeke has been more regular than with the other hapū (Te Parawhau and Ngātiwai). The discussions were frank and tōtika (direct), however any issues and concerns raised by Patuharakeke and Northport were done in a culturally safe manner. During these conversations, Patuharakeke shared their loss of connection to this area where the expansion was proposed, but advised that this is not limited to this area and these issues impact the wider community (not just the hapū).
69. Noise and heavy traffic impacted on the community as a result of the arrival of ships to Te Rerenga Parāoa and the increased traffic with trucks transporting cargo to and from the port. One of the concerns raised by Patuharakeke was the inability of children to cycle safely in the area as a result of the heavy traffic, and the noise of traffic and shipping into the harbour on the immediate community of this area.
70. Northport's experts have assessed the Project's noise and traffic/transport effects.
71. The engagement with Patuharakeke and Northport has focussed on addressing cultural concerns, supporting well-being and fostering collaboration through ongoing hui and responsive actions. This engagement reflects a commitment to preserving cultural values expressed by the hapū while ensuring sustainable and positive outcomes.
72. There is a commitment from Northport to continue the relationship between the two parties.

BEST PRACTICE

73. In my experience with iwi consultation processes, best practice to achieve proactive and meaningful engagement can be demonstrated through the following:
 - (a) Providing opportunities for iwi, hapū to express their concerns in a culturally appropriate and safe manner. To achieve this, iwi must be given the opportunity to express themselves in a manner that is consistent with their tikanga and tailored to their needs.
 - (b) Providing an opportunity for iwi, hapū to express and share how and why they feel aggrieved and the historical impediments to their ability to grow as an iwi, hapū. In some cases, the histories relate to how their disconnection to land also affected their ability to be effective kaitiaki. These narratives have been retold through the

iwi, hapū generations through a value referred to as taonga tuku iho (knowledge handed down, through the generations) - oral traditions.

- (c) Recognising that effective engagement is not transactional or project specific but is an ongoing process.
- (d) Ensuring that adequate resourcing is made available, to assist those groups who have not got the financial means or expertise required to enhance and enable their iwi, hapū aspirations.

Comment on the engagement for Northport's proposed expansion Project

- 74. In my view, the engagement approach undertaken by Northport that I have outlined in my evidence aligns with best practice. Northport has achieved proactive and meaningful engagement with the iwi, hapū groups, and has demonstrated a commendable commitment to engagement.
- 75. Northport has been proactive in implementing several best practice approaches for consultation with the iwi, hapū groups, that have enabled meaningful engagement, including:
 - (a) Provision of office space to conduct hui. In doing so, this means there was less disruption to iwi, hapū in providing manaakitanga (caring for others, such as manuhiri, and initiating protocols requiring kai to satisfy tapu and noa practices of tikanga).
 - (b) Use of peripherals (such as computers, internet wifi, screens, televisions)
 - (c) Provision of a specialist with tikanga and te reo capabilities to enable iwi, hapū members who choose to express themselves through mātauranga, te reo Māori me ōna tikanga (knowledge, language and culture) to do so in a culturally safe and appropriate manner, with Northport providing someone to respond if required.
 - (d) Commitment to an approach that reflects a deep respect to the process of 'tika' (to do the right thing). Northport management have gained better information and understanding over time and have been able to develop a deep respect for the cultural concerns shared in the engagement space and respect for iwi, hapū and their historical challenges in reconnecting with their ancestral lands and harbour.
 - (e) The application of the principle of kanohi ki te kanohi meetings and open discussions to create a platform for transparent kai a te rangatira (chiefly

conversations). This has been the foundation for a productive and mutually respectful relationship.

(f) Provision of resourcing and support to iwi, hapū in relation to their CVA and CEA. These documents have enabled Northport to better understand the histories of the iwi, hapū and made possible the development of relationship agreements to better foster how each group will commit to ongoing relationship enhancement. These strategic documents allow for a deeper understanding of cultural effects specific to the Project and form the basis for understanding these effects on iwi values.

76. It is my understanding from discussions with iwi, hapū that they do not share the belief that engagement has been effective and consider Northport's proposed mitigation will not satisfy an iwi, hapū perspective of appropriate cultural mitigation. Engaging with iwi, hapū where a proposal may impact on their ability to be good kaitiaki of their lands and harbour is at best challenging. These issues are complex, but the aim is to foster an understanding and attempt to find common ground. Despite the engagement undertaken, there are still iwi, hapū who have concerns rooted in their mātauranga and their role as kaitiaki. However, the engagement undertaken by Northport has allowed for a greater understanding of the cultural concerns, and how the cultural concerns may be able to be addressed. In other words, the fact that agreement has not been reached, should not reflect poorly on the engagement process.
77. Engagement can only be effective if all parties commit to being active participants and meeting regularly, with either face to face or online hui. Arranging meetings can be challenging for iwi, hapū because plans may be made well in advance, however tikanga may be invoked such as tangihanga (funerals) which take priority. All business is generally accommodated on marae if good planning preparation has been made, however when tangihanga arrive to marae such business is cancelled. This means the marae members relieve themselves of their duties with business entities like Northport and become kaitiaki as they look to hosting family members returning to the marae to farewell their bereaved.
78. These kinds of impediments to engagement are unavoidable and alternate dates are often the only solution. This has occurred on occasion for Project engagement, and Northport have been understanding of the changes required, which demonstrates the ongoing commitment to meaningful engagement.
79. While Northport acknowledge the challenges in finding mitigation that fully address all mana whenua concerns, Northport have demonstrated commitment to exploring

innovative and collaborative approaches by continuing to engage and finding solutions to uphold Māori values. The cultural conditions proposed by Northport have been offered in a manner that seeks ongoing further engagement with mana whenua, with the intent being to empower mana whenua groups to have input into strategies for mitigation.

80. Relationship building is one part of an ongoing long-term outcome; it is continuous; it is challenging (and ultimately often rewarding). Mana whenua and Northport have a long-term commitment to Whangārei and Te Rerenga Parāoa harbour and as such can benefit from a robust and resilient relationship. Northport has taken an approach that can allow for courageous conversations to be had in a safe manner and a culturally appropriate way.
81. It is also important to foster open dialogue, transparent discussions, and seek common ground through collaborative efforts. There have been many attempts by Northport and iwi, hapū to achieve this. However, at times there have been capacity and capability issues, which have made effective engagement difficult to achieve. Covid restrictions and protocols have also impacted on the ability of the parties to meet at marae. This has impacted on the regularity of meetings, meaning that meetings were often held several months apart.
82. However, despite these difficulties, I am of the view that the consultation approach undertaken by Northport has been appropriate and robust for the reasons I have outlined above. It is my experience that best practice consultation with iwi can be achieved in several different ways, and that the consultation undertaken by Northport should not be considered to be culturally deficient. In my view, reasonable means to accommodate iwi, hapū have been made and continue to be offered today, including opportunities for meetings at Northport's offices, providing for a tikanga supportive environment, providing kai to satisfy concepts of tapu and noa, applying tikanga practices for and by iwi, hapū representatives and the involvement of myself in a tikanga advisor and support role.
83. *Ahoakoa he iti, he pounamu* - this proverb relates to the smallness of things, that are seeds to grow. It means, though it is small, it is treasured. Tikanga protocols and the practical engagement opportunities/gestures offered by Northport such as the office space to have hui, the provision of kai to complete protocols and the use of wifi, ultimately provide the opportunity for kai a te rangatira (chiefly discussions) to be had. They contribute to an outcome and should not be viewed as an independent action but part of something cumulative/wider.

CULTURAL ISSUES RAISED

84. The key cultural issues raised through Northport's engagement with Patuharakeke, Te Parawhau and Ngātiwai, the submissions received from other iwi/hapū or representatives, and the CVA/CEA are as follows:

- (a) How Northport values tangata whenua;
- (b) Loss of kaitiakitanga;
- (c) The proposal will result in permanent significant changes to the environment (including people and communities);
- (d) The Project has high potential to result in adverse effects on Poupouwhenua (Marsden Point), the cultural values of Patuharakeke and negative impact on the various relationships of the hapū to the land, sea and other taonga;
- (e) Changes to the project have occurred since the Vision for Growth (VFG) was first promoted;
- (f) Impacts on mauri;
- (g) Concern that Northport has not fulfilled its obligations as a guardian;
- (h) Potential harm to cultural sites, disruption to traditional activities and infringements upon cultural practices including effects on tāiapure, mātaimai or Māori non-commercial fisheries;
- (i) Potential effects on the cultural landscape and seascape;
- (j) Loss of tangata whenua connection with whenua (land) and moana (sea);
- (k) Loss and alienation of the takutai moana, and loss of access to moana (sea) and areas of significance;
- (l) Effects associated with the movement of shellfish beds and depletion of shellfish beds;
- (m) Potential adverse effects on mahinga kai; and
- (n) Effects on intangible connections and values.

85. A number of issues have also been raised by mana whenua that, while relevant to cultural matters, are, in my view, also more generally identified as environmental, economic or social effects. I do not address those aspects in my evidence. These effects have been assessed in the expert evidence presented on behalf of Northport. These matters relate to the following:

- (a) Environmental degradation of harbour, deterioration of the ecosystem and negative impacts on the overall health of the harbour (water quality, taonga and flora species, Tohorā (whales) environment, bird habitat, benthic fauna).
- (b) Economic effects on iwi/hapū (such as decreased employment opportunities, reduced income, the possibility of damage to local industries or businesses important to iwi/hapū economic well-being), and social impacts on the community (such as increased inequalities, displacement of whānau, changes in social dynamics, reduced access to resources and services).
- (c) Effects associated with dredging activities.
- (d) Effects associated with soil and sand removal / displacement.
- (e) Shipping traffic.
- (f) Visual and lighting effects.
- (g) Construction noise and operational noise.
- (h) Increased heavy traffic movements and pedestrian and cyclist safety.
- (i) Concerns regarding the evidence relating to potential effects of increased maritime discharges, and selected use of ecological data for key cultural indicator species.
- (j) Climate change.

NORTHPORT'S PROPOSED CULTURAL MITIGATION

86. In order to comment on Northport's response to the cultural issues raised by mana whenua, it is first useful to summarise the cultural mitigation proposal Northport has proposed through the proposed conditions attached to the evidence of Mr Hood.

87. While Northport has been engaging with iwi, hapū on cultural mitigation proposals for some time, **the s42A Report authors did not have the benefit of seeing the mitigation proposal and related conditions of consent (or the analysis in my**

evidence) at the time of writing the s42A Report. The content of the s42A Report reflects this.⁷ Northport's cultural mitigation proposal and proposed cultural consent conditions also post-date iwi, hapū submissions and the cultural values/effects assessments provided.

Proposed cultural mitigation

Kaitiaki Group⁸

88. The draft conditions proposed by Northport provide a framework for the establishment and operation, including funding, of a Kaitiaki Group with set functions and roles. Membership of the Kaitiaki Group is intended to be confirmed by mana whenua.
89. The proposed conditions set out the broad functions of the Kaitiaki Group and a range of more detailed roles/functions, both of which are intended to be further developed by the Kaitiaki Group. These include:
- (a) Recognise and provide for the importance of Poupouwhenua and Whangārei Te Rerenga Parāoa as a taonga to tangata whenua.
 - (b) Recognise and provide for kaitiaki responsibilities and values and the involvement of Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa.
 - (c) Provide a forum for engagement between Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa, Northport, and NRC and WDC.

⁷ For example, at paragraph 270 the s42A Report states:
“At the time of writing, the application contained no cultural mitigation measures or demonstrated resolution of cultural concerns raised through consultation and the CVA. The consideration of cultural effects is therefore undertaken on the basis of the information provided within the application⁴⁰ and that provided through submissions”.

Paras 274 and 275 state:

“The applicant has chosen to rely on the expertise of Poupouwhenua based hapū to inform the magnitude of cultural effects, and in acknowledgment of this approach the Council has too. This approach and the conclusion that adverse cultural effects are significant and at this point remain unmitigated places a high burden on the cultural expert and applicant to continue engagement in the pursuit of relief to assist the hearings panels determination.

I am aware that engagement between the Applicant and the expert and Patuharakeke Iwi Trust Board, Ngāti Wai Trust Board and Te Parawhau has been occurring, is expected to continue through to a hearing, and that mitigation conditions are being contemplated. I strongly encourage this approach as it will be necessary to inform a conclusive view of the magnitude of cultural effects and then inform policy consistency conclusions.”

⁸ “Kaitiaki Group”, “Cultural Indicators Hub” (below), and other proposed terminology is preliminary only. The proposed draft conditions provide for the Kaitiaki Group to name itself.

90. Northport proposes to fund the Kaitiaki Group as outlined in paragraph 22 above. These payments, which are proposed to be termed the “Kaitiaki Fund”, are to be utilised by the Kaitiaki Group for the broad purposes set out in the conditions (including the matters summarised below) at the Kaitiaki Group’s discretion – provided that the use of the fund is consistent with the Kaitiaki Group’s charter.
91. Northport is committed to proactively resourcing the Kaitiaki Group to enable it to undertake initiatives for the benefit for the environment and community. This illustrates Northport’s commitment to cultural relationships and to addressing cultural effects.

Harbour restoration and enhancement

A: Cultural ecological restoration and enhancement

92. The proposed conditions provide that the Kaitiaki Group may scope, design and implement initiative(s) for cultural and/or ecological restoration and enhancement of Poupouwhenua and Whangārei Te Rerenga Parāoa, including:
- (a) Steps to improve water quality in the Whangārei Harbour, including relating to land use within and discharges from relevant catchments.
 - (b) Monitoring effects associated with dredging and reclamation.
 - (c) Initiatives to better understand and provide for avifauna and/or marine mammal species (e.g. nesting boxes for little penguin).
 - (d) Shellfish relocation and monitoring.
 - (e) Seagrass restoration and/or enhancement.
93. While decisions on such initiatives will be for the Kaitiaki Group, Northport’s suggestion is to identify a “flagship” type initiative for restoration/enhancement. Northport has suggested that these might include:
- (a) Developing and implementing a management plan for Blacksmiths Creek covering:
 - iv. water quality;
 - v. ecology & avifauna (including predator/pest control and enhancement planting);

- vi. land use in the wider catchment for Blacksmiths Creek in order to recognise / restore the mauri;
 - vii. information “storyboards” reflecting the cultural history and significance of the area.
- (b) A “Sea Change” / Tai Timu Tai Pari concept, similar to that which led to the development of the Hauraki Gulf Marine Spatial Plan.
- (c) Identifying locations elsewhere in Whangārei Te Rerenga Parāoa where works may be undertaken to improve water quality, for example Takahiwai or Parua Bay wetland.

B: Cultural/community recreation initiatives

94. The proposed conditions provide that the Kaitiaki Group may scope, design, and implement specific and targeted cultural or community recreation projects in Poupouwhenua and Whangārei Te Rerenga Parāoa. While decisions on the use of funds will be for the Kaitiaki Group, Northport suggests that initiatives may include:

- (a) Improvements to carpark and beach access at Mair Road.
- (b) Improvements to coastal tracks and associated signage at Mt Aubrey.
- (c) Enhancement planting and improved access around/through the beach dune system at Poupouwhenua and northern Bream Bay.

Project design

95. The proposed conditions provide for mana whenua involvement in matters of project design and delivery. Identified opportunities for involvement include:

- (a) Design of a new entranceway display at the principal entrance to Northport.
- (b) Naming internal roads and areas for the reclamation area and operating port.
- (c) Design contribution to the accessway to the “pocket park”, to facilitate access to the remaining beach area between Northport and the Channel Infrastructure jetties, for example construction and installation of pou or waharoa.

- (d) Design contribution to the “pocket park” itself, for example landscaping, planting plans, and storyboarding to provide information on the cultural history of the area, mahinga kai, and taonga species.

Cultural monitoring framework

96. Northport’s proposed conditions provide for the establishment of an online monitoring and reporting platform, termed the “Cultural Indicators Hub”. With the Kaitiaki Group’s involvement, Northport would be responsible for developing, implementing, monitoring, and reporting on cultural indicators via this platform. The content and methodologies of the Cultural Indicators Hub are proposed to be developed with the Kaitiaki Group but are anticipated to incorporate mātauranga Māori and include matters such as assessing changes in water quality, the health of taonga species, culturally significant flora and/or fauna, and the health of Poupouwhenua and/or Whangārei Te Rerenga Parāoa. The Cultural Indicators Hub is intended to facilitate the visualisation of monitoring data and other information recorded by Northport in a user-friendly and timely manner, and to be a tool for mana whenua and others to monitor performance and inform Project delivery in the context of the cultural conditions.

Expertise/capacity building

97. Northport’s proposed conditions provide for initiatives to develop expertise and capacity building for mana whenua. This could include, for example, establishing educational scholarships, providing post-graduation research funding, identifying opportunities for professional training (e.g. Directors Institute course), apprenticeships, and/or port operator training (e.g. forklift licence), and/or proposing suitable candidates for employment opportunities. It could also include facilitating external business opportunities for mana whenua where they arise (for example in relation to providing cruise ship services).

Engagement on cultural mitigation proposal is ongoing

98. The cultural mitigation proposal I have outlined above represents Northport’s proposal at the time of writing. Discussions with mana whenua remain ongoing, including in relation to alternative cultural conditions and/or mitigation measures. Northport is committed to maintaining ongoing discussions with affected iwi, hapū to further investigate and develop opportunities to enhance cultural mitigation initiatives.

COMMENTARY ON CULTURAL ISSUES

Summary

99. I outline below my understanding of the key cultural issues; Northport's proposed response to these issues (including with reference to Northport's proposed cultural mitigation proposal by way of proposed conditions of consent summarised above); and my analysis regarding Northport's proposed responses to these issues from a cultural perspective.
100. In summary:
- (a) Northport acknowledges the important cultural, historical, and spiritual associations of iwi, hapū with Poupouwhenua/Whangārei Te Rerenga Parāoa.
 - (b) Northport acknowledges that the Project will have a range of cultural effects for iwi, hapū.
 - (c) Northport has proposed a comprehensive suite of cultural mitigation conditions – an integral part of its wider effects management framework – that includes a range of initiatives aimed at addressing cultural effects.
101. While I acknowledge that iwi, hapū have expressed a different view on the adequacy of the proposed cultural mitigation (in the context of the cultural values of the site; iwi, hapū assessments of the effect of the proposal; and the range of cultural issues raised), in my opinion the proposed mitigation:
- (a) represents a genuine/good faith attempt by Northport to take on board its understandings from the engagement process and to offer a range of initiatives to meaningfully address cultural effects; and
 - (b) represents a culturally appropriate process to respond to the issues raised.
102. It is my view that Northport's proposed cultural conditions – and the cultural mitigation they envisage – are appropriate to address the cultural effects and concerns that have been identified by iwi, hapū.
- How Does Northport Value Tangata Whenua?**
103. Te Parawhau hapū have commented that Northport does not value tangata whenua and iwi, hapū do not value Northport.

104. In my view, Northport has demonstrated that it genuinely values and respects tangata whenua. This has been illustrated through its approach to engagement and ongoing consultation with tangata whenua, including the following examples:
- (a) Northport attended the pōwhiri on Takahiwai marae, applying the Māori value of kanohi ki te kanohi by attending and being acknowledged by the chair of Patuharakeke, in their participation of attendance to the marae.
 - (b) Northport learned the mātauranga (knowledge) and historical narratives specific to Patuharakeke. This is an example of Northport's tautoko (support) of and commitment to one of the recognised tangata whenua of the area.
 - (c) Northport has offered to support Patuharakeke in their move to new offices near the Port.
 - (d) Northport has assisted with the assessment of repair options for damage to the marae caused by recent adverse weather. This will assist the marae in their manaaki (care) obligations, and further demonstrates a commitment to valuing tangata whenua and their customs and protocols.
105. In my opinion, the cultural conditions proposed by Northport also demonstrate a commitment to understanding the customs and protocols of iwi/hapū and show that Northport places value on tangata whenua as a partner in the management of the effects that are associated with the Project.
106. Northport has continuously engaged with iwi/hapū in a culturally appropriate manner. Through the engagement process Northport has experienced Māori principles such as taonga tuku iho (the handing down of knowledge to others), waiata (song), whakawhanaungatanga (relationship building), karakia (prayer), whaikōrero (speech making) and karanga (calling of women). This illustrates Northport's commitment to learning and sharing of tikanga māori.
107. Therefore, I consider that Northport has shown - and continues to show - that they value tangata whenua. This view is supported by the positive commentary made by the chair of Patuharakeke.⁹

⁹ A pōwhiri (welcome) was held on Takahiwai marae for the new CEO of Maritime Holdings (Rosie Mercer), in attendance was Northport's CEO (Jon Moore), management and their cultural advisor, toward the end of the day, the chair of Patuharakeke, congratulated the representation of Jon Moore and the wider Northport management team for their support in attending the pōwhiri.

Loss of kaitiakitanga

108. Kaitiakitanga is a fundamental value for iwi / hapū. It relates to the role of iwi, hapū as guardians of their rohe to protect their environment. The means of protection is expressed through the tikanga (protocols) of iwi, hapū, such as karakia (prayer), waiata (song), and mihi (acknowledgement and greeting). In general, the notion of kaitiakitanga for iwi, hapū relates to the protection of the natural and physical environment as it relates to tribal values, knowledge and practice.
109. Through my engagement with iwi, hapū I have come to understand that they feel a sense of loss of their role as guardians / kaitiaki in asserting protection mechanisms in kaitiakitanga. As an example, iwi, hapū believe the shellfish beds in the expansion area will be adversely affected by the Port expansion, and that the mitigation that is being offered will not be sufficient to allow them to exercise their kaitiaki responsibilities in culturally meaningful way.
110. Through the cultural mitigation proposed, and continued engagement with iwi / hapū, opportunities will be made available to allow them to enhance and enable their aspirations. I consider this will assist to resolve the sense of loss that is felt by iwi / hapū in their role as guardians / kaitiaki. Northport's commitment to ongoing engagement is proposed to be ratified in the cultural conditions, specifically those that relate to the Kaitiaki Group. Under the proposed conditions, the functions of the Kaitiaki Group explicitly include the following:
- (a) *Recognise and provide for the importance of Poupouwhenua and Whangārei Te Rerenga Parāoa as a taonga to tangata whenua, within the framework of these resource consents;*
 - (b) *Recognise and provide for the **kaitiakitanga** of Māori who have a **kaitiaki** relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa, within the framework of these resource consents;*
 - (c) *Facilitate the involvement of Māori who have a **kaitiaki** relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa in the exercise of these resource consents;*
 - (d) *Facilitate the incorporation of **kaitiaki** responsibilities and values in the exercise of these resource consents; and*
 - (e) *Provide a forum for engagement between Māori who have a **kaitiaki** relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa, the Consent Holder and the council regarding the exercise of these resource consents.*
111. In my view this appropriately responds to the issue. I consider the commitment made by Northport to continued engagement with iwi / hapū through the Kaitiaki Group will provide the opportunity for them to realise their aspirations to have a meaningful role in the protection of Poupouwhenua and Whangārei Te Rerenga Parāoa.

The Project will result in permanent significant changes to the environment (including people and communities)

112. My understanding of this issue is that there is a concern around permanent and significant changes in terms of land and cultural significance. This perspective is informed by the historical experiences of land loss and the role of iwi, hapū as kaitiaki of the rohe.
113. The collective evidence of Northport's experts outlines the environmental effects that the Proposal will have within the various areas of technical expertise, and how effects are proposed to be managed. All Northport's technical experts consider that adverse effects can be appropriately managed.
114. In terms of concerns around the role of iwi, hapū as kaitiaki of the rohe, I have addressed this above at paragraphs 114-117. With regard to cultural impacts more broadly in the context of the particular issue raised, the cultural mitigation proposal addressed above is intended to go towards the issue, notwithstanding Northport acknowledges that the Project will result in some major permanent changes to the environment.
115. Including through the proposed conditions and through its wider relationships with iwi, hapū, Northport is committed to long-term discussions and ongoing engagement with mana whenua groups, applying the notion of ko te kai a te rangatira, he kōrero,¹⁰ which highlights the value of continued engagement, and effective decision-making processes.
116. It is my opinion that the focus of Northport on long term discussions and continued engagement with iwi, hapū reflects a proactive approach to finding mutually beneficial solutions and emphasises Northport's dedication to fostering meaningful relationships built on effective communication, mutual respect and genuine willingness to address concerns.

¹⁰ This translates to 'The substance of chiefs is discussion'. This proverb highlights a process of decision making, that the result is important however the process is reliant on the many conversations (he kōrero) and at the conclusion of meetings and discussions that the decision is the result of many hui (meeting) and the solutions are the substance (ko te kai) of chiefly discussions (a te rangatira).

The potential for adverse effects on Poupouwhenua (Marsden Point), the cultural values of Patuharakeke and the various relationships of the hapū to the land, sea and other taonga

117. I understand that this concern relates to the potential for the Project to have adverse effects, namely effects that are harmful to the environment and the cultural values of Patuharakeke and hapū relationships.
118. Northport acknowledges the deep concerns raised by Patuharakeke regarding potential adverse effects of the Project and acknowledges the cultural values expressed by the iwi, hapū concerned.
119. With regards to the potential adverse environmental effects of the Project, as outlined above, Northport has engaged a broad range of experts to undertake a comprehensive assessment of the effects of the Project and recommend appropriate management measures to address adverse effects.

Changes have occurred since the Vision for Growth (VFG) was first promoted

120. I understand this concern relates to the fact that, since the VFG was initially conceived, it has evolved in response to a variety of factors. For example, an early pre-application scheme concept included a western reclamation/dry dock proposal which would have had a range of impacts on the culturally and ecologically important Blacksmith's Creek area.
121. I understand it is commonplace for major projects to undergo an iterative process of design refinement. Northport's approach to engagement with mana whenua was to initiate consultation early and to continue to consult throughout all stages of the Project, including scoping, design, development and construction and continuing through operating the expanded port should consents be granted and implemented. Throughout its engagement with mana whenua, Northport has continued to update iwi, hapū in relation to developments with the Project. In my view, and in light of the best practice engagement principles I have outlined above, this approach is far preferable than the alternative of "consulting" on a final proposal that is set in stone.
122. Northport's proposed conditions include requirements for ongoing engagement with mana whenua, including through the establishment of the Kaitiaki Group. This will ensure that mana whenua continued to be updated and consulted on the Project.

Impacts on Mauri

123. Mauri refers to the life force or essence that exists within all living and non-living things. It is a vital energy that gives life and vitality to individuals and the natural environment. This concept is connected to the holistic worldview of Māoridom, where everything in the world is considered interconnected. The iwi, hapū groups consider that the mauri of Whangārei Te Rerenga Parāoa has been seriously diminished because of decades of management decisions that tangata whenua had no part in.
124. When mauri is strong, the wellbeing of all living things is considered healthy. The visual signs of a healthy foreshore for iwi, hapū are the attributes in or near the coast, such as abundance of taonga species and existence of mātauranga attributes, such as indigenous plants, trees, and bird life. These are examples of health indicators of the foreshore.
125. Iwi, hapū believe the construction of the port expansion and the operation of the port will have adverse effects on mauri / ecosystem health. This in turn will impact on cultural practices and traditions closely tied to iwi, hapū, such as food gathering (being able to access the coast and swim and gather shellfish) and engaging in tikanga protocols (such as welcomes on marae). I understand through my engagement with iwi, hapū that the removal of sand has an immediate impact on mauri.
126. Northport has responded to this issue generally through the design of the project and its effects-management regime, and specifically through the proposed cultural conditions/cultural mitigation proposal, including those that relate to the Kaitiaki Group. Northport's proposed cultural conditions will provide for the Kaitiaki Group to scope, design and implement initiatives for cultural and/or ecological restoration and enhancement of Poupouwhenua and Whangārei Te Rerenga Parāoa, including:
- (a) Steps to improve water quality in Whangārei Harbour, including relating to land use within and discharges from relevant catchments;
 - (b) Monitoring effects associated with dredging and reclamation;
 - (c) Initiatives to better understand and provide for avifauna and/or marine mammal species (e.g. nesting boxes for little penguin);
 - (d) Shellfish relocation and monitoring; and
 - (e) Seagrass restoration and / or enhancement.

127. As outlined above, other cultural/community recreation initiatives are also provided for.
128. The proposed establishment and funding of the Kaitiaki Group in my view illustrates a commitment by Northport to a meaningful cultural relationship, which provides for tangible outcomes to be achieved in partnership with iwi, hapū in the management of the impacts on mauri.
129. The proposed cultural conditions relating to the Cultural Monitoring Framework also provide for the Kaitiaki Group to develop cultural indicators, with the support of Northport, that assess the effects of the dredging, reclamation and construction works on Poupouwhenua and Whangārei Te Rerenga Parāoa. These conditions also provide for an appropriate person to be commissioned to undertake and provide a written report regarding the cultural indicators monitoring on an annual basis during construction of the Project.
130. I consider this appropriately responds to the concerns regarding the impacts on mauri as Northport will facilitate the opportunity for iwi, hapū to exercise rangatiratanga (self-determination) and to have a direct input into the restoration of mauri.

Northport has not fulfilled obligations as a guardian

131. My understanding of this issue through my engagement with iwi, hapū is that Northport is considered to have failed to fulfil its role as a guardian in relation to taonga species, specifically marine mammals within the harbour and wider Te Akau / Bream Bay area. There is a view that Northport has not listened to iwi, hapū about how they need to enable their responsibilities as a kaitiaki. There is an implication that Northport have not adequately acknowledged or respected the cultural, spiritual and customary connections that iwi, hapū have with these species.
132. This issue is linked to the concern about the loss of kaitiakitanga, which I discuss above at paragraphs 114-117.
133. Northport has sought input from a wide range of experts in relation to this Project to provide an assessment of the potential effects and advice on appropriate management measures. Through its engagement with mana whenua throughout the Project, Northport has gained a deeper understanding and appreciation of cultural concepts and values, including kaitiakitanga and the intrinsic connection of iwi, hapū with the environment. In my view, Northport has demonstrated that it has an understanding of its role in the context of the wider environmental/cultural setting and is committed to fulfilling its

environmental, social, and cultural obligations and responsibilities that come with that role. Several Northport personnel are presenting evidence that touches on this.

Harm to cultural sites, disruption to traditional activities and infringements upon cultural practices / effects on taiāpure, mātaītai or Māori non-commercial fisheries

134. This issue was raised through Patuharakeke's submission and I understand it to mean that the proposal may have negative effects on cultural heritage, values and practices; and that this in turn may cause damage to ecosystems, resulting in loss of biodiversity, depletion of natural resources and affecting land and water quality. Through discussions I understand that this concern also relates to shell beds holding significant cultural and historical importance as they represent historical food sources (mahinga mātaītai) for people and birds and have symbolic significance in traditional belief systems.
135. Northport has continued to engage to better understand the mana whenua perspective and bring together solutions that satisfy mātauranga Māori specific to Patuharakeke and are also based in science. Bringing these two knowledge bases together is critical to enhancing the relationships between Northport and iwi, hapū. The concerns raised may also benefit from the wide range of potential initiatives that will be available through the proposed cultural mitigation.
136. In my view this is an appropriate response to this issue. It reflects a genuine desire to enhance the relationships between Northport and Patuharakeke, fostering a mutual respect. Northport's commitment to ongoing engagement serves as a positive example of how development projects can be approached in a culturally sensitive and responsible manner.

Impacts on the cultural landscape and seascape

137. I consider that this issue is principally addressed through the Harbour Restoration Enhancement Initiatives/opportunities contained in the proposed cultural conditions. The primary goal of these initiatives relates to improving cultural and ecological tenets of the harbour area, and enabling efforts to restore and enhance the natural environment and cultural significance of the site. The harbour restoration initiatives will assist with preserving ecological balance.
138. Through its engagement with iwi, hapū, Northport has suggested potential flagship initiatives. The purpose of these initiatives is to restore and enhance the harbour's cultural and ecological values. For example, as outlined above, suggested flagship initiatives include developing a management plan for Blacksmiths Creek covering a

range of aspects relating to water quality, ecology and avifauna, land use, and cultural history/significance; a “sea change” Tai Timu Tai Pari concept, identifying improvement locations elsewhere in Whangārei Te Rerenga Parāoa where works may be undertaken to improve water quality. The proposed cultural monitoring framework is also relevant to this issue.

139. In my view the cultural mitigation proposed by Northport is an appropriate response to the cultural issues raised and demonstrates a commitment by Northport to revitalising the harbour’s natural and cultural assets. The suggested flagship initiatives show a proactive and holistic approach to achieving positive outcomes.

Loss of tangata whenua connection with whenua (land) and moana (sea)

140. My understanding of this issue through my engagement with iwi / hapū is that the Project has a direct impact on iwi, hapū ability to maintain connection to the land and harbour and therefore their ability to maintain their role as kaitiaki in protecting that area and to maintain spiritual connections to the site. This highlights the significance of maintaining and enhancing the cultural relationship between iwi, hapū and Northport and also the ongoing obligations to enhancing the cultural relationships between the iwi, hapū and the natural environment for future generations.
141. When this relationship with the whenua and/or moana is affected (either lost or disrupted) it may have important impacts on cultural identity and well-being for local iwi, hapū. These changes may affect the intricate relationships of local iwi, hapū to land, waters and resources that hold deep cultural meaning.
142. There is a reference in the submissions to mana atua (the power of the gods), including one submission¹¹ that makes references to taniwhā. In general, the role of taniwha is to protect their realm and this is often associated with (but not limited to) freshwater.
143. Northport acknowledges the cultural associations with the area, particularly the harbour, and values its relationship with iwi, hapū. While Northport acknowledges that the Project will impact iwi, hapū (and wider public) access to and connection with the whenua and moana, the proposed cultural mitigation– and wider effects management framework – includes a range of mechanisms/opportunities to address effects. The Project has been designed to provide opportunities to connect with the coast and sea to the extent practicable (for example in the vicinity of the pocket park and swimming area), and there

¹¹ Ngāti Kahu o Torongare/Te Parawhau Hapū Iwi Trust.

is also the potential to enhance connections with the wider area through projects pursued through the Kaitiaki Group/Fund. The proposed cultural monitoring framework hub aims to monitor and report on various cultural and ecological aspects.

144. As outlined, Northport is committed to maintaining ongoing discussions with affected iwi, hapū to further investigate and develop opportunities to enhance cultural mitigation mechanisms.
145. In my view Northport's commitment to ongoing engagement and its proposed cultural mitigation is an appropriate response to this issue as it allows for continued dialogue to further understand the ways in which the Project potentially impacts on cultural values specific to the tangata whenua of the area and enables tangata whenua to develop initiatives for cultural mitigation.
146. This is a comprehensive approach by Northport and demonstrates its preparedness to foster positive relationships with iwi, hapū and safeguard the cultural and ecological heritage of the harbour. By acknowledging the cultural associations and valuing the input of iwi, hapū, Northport is setting a strong foundation for collaboration and mutual understanding, thereby further providing for meaningful engagement between iwi, hapū, Northport and local authorities in relation to this Project and beyond.

Loss and alienation of the takutai moana and loss of access to moana (sea) and areas of significance

147. My understanding of this issue raised through the CEA is that Patuharakeke express concerns about the impact of the Project on their ownership and access to takutai moana (coastal area). Patuharakeke say that they never surrendered their authority over these areas. The consent given for the Project could potentially hinder the ability of Whangārei Te Rerenga Parāoa iwi, hapū to assert their rights under the Marine and Coastal Area (Takutai Moana) Act 2011. This could result in the loss of access to significant sites and areas and severing claims of rangatiratanga (sovereignty) over the coastal area.
148. I understand that the Marine and Coastal Area (Takutai Moana) Act 2011 will be addressed in legal submissions for Northport. However, my response on this issue is similar to my response to the above issue in paragraphs 149-152 above, which I do not unduly repeat here.
149. Northport has proposed a comprehensive cultural mitigation proposal, including the establishment of the Kaitiaki Group which will be involved in decisions relating to cultural aspects of the Project. The harbour restoration and enhancement conditions proposed

by Northport include initiatives for cultural and ecological restoration and enhancement of the harbour, in addition to cultural/community opportunities and other potential projects. The proposed cultural monitoring framework hub aims to monitor and report on various cultural and ecological aspects.

150. This demonstrates a proactive effort to address concerns and interests of Patuharakeke and other iwi, hapū and their relationship with the harbour. It reflects a genuine effort to incorporate indigenous perspectives and cultural values. The process recognises cultural importance and shows understanding and value of culture and heritage of Patuharakeke and other iwi, hapū. Northport has demonstrated a commitment to ongoing engagement with iwi, hapū and a desire to engage meaningfully.
151. The conditions relating to harbour restoration and enhancement initiatives aim to address and mitigate these potential impacts by providing for the Kaitiaki Group representing Māori interests to engage in various actions to restore and enhance the cultural and ecological values of the harbour area. These actions would serve to address negative effects and provide opportunities for iwi, hapū to maintain their connections to the coastal environment and cultural practices.

Movement of shellfish beds and depletion of shellfish beds

152. My understanding of this issue through my engagement with iwi / hapū is that it relates to concerns that there has been movement of shellfish to deeper water and this movement could add to a loss of connection with the cultural values associated with iwi, hapū in respect of their relationship with shellfish beds.
153. Northport's technical experts, including Dr Kelly, address potential effects of the Project on kaimoana in detail in their evidence. The harbour restoration/enhancement and cultural monitoring framework aspects of the cultural mitigation proposal/proposed conditions also provide opportunities for monitoring and enhancement of shellfish beds. The proposed conditions relating to potential cultural ecological restoration and enhancement initiatives explicitly refer to shellfish monitoring/relocation.
154. In my view this demonstrates Northport's commitment to investing in environmental improvements and acknowledging and respecting cultural associations to the area and valuing input from iwi, hapū.

Mahinga Kai

155. The term mahinga kai refers to food and other resources and the area they are sourced from. Mahinga mātaimai refers to a customary seafood gathering site, shellfish bed. On occasion these terms may be intertwined and mean similar things.
156. There are concerns about impacts on mahinga kai and indigenous biodiversity, where it impacts on the ability of tangata whenua to carry out cultural or traditional activities. This matter has been more specifically discussed with iwi, hapū in relation to the movement of shellfish beds. The Patuharakeke CEA outlines the decline of the Poupouwhenua mahinga mātaimai (Mair and Marsden Banks) and refers to the ongoing efforts of protection by way of invoking tikanga (rāhui – prohibition), administering legislation and raising further concerns relating to reclamation and dredging impacts on shellfish spat dispersal and settlement.
157. I understand that concerns were raised during the Te Paparahi o Te Raki (Wai 1040) Regional Inquiry Tribunal Statement of Issues Stage 2¹² where pipi and kōkata beds were being destroyed as a result of reclamation. There was hope that return of these mahinga kai would occur in the area to the west of the existing reclamation, but surveys have indicated this was not the case and further, do not support ongoing customary or recreational harvest.
158. Northport's proposed cultural conditions give the Kaitiaki Group responsibility for creating the design of a space called Pocket Park. The design involves making decisions about various aspects of the park's appearance, the goal being to design elements to educate visitors about things such as:
- (a) mahinga kai by providing insights into traditional practices related to food gathering producing and safeguarding traditional food resources and the ecosystems that support them;
 - (b) iwi, hapū cultural history, mahinga kai practices and taonga species located within mahinga kai and mahinga mātaimai.
159. The Kaitiaki Group also advise on improving access to sites where these practices occur with an emphasis on preserving cultural significance and environmental integrity.

¹² Refer to: <https://waitangitribunal.govt.nz/assets/Documents/Publications/wt-te-paparahi-o-te-raki-statement-of-issues-stage-2.pdf>

160. In my view, the creation of a Kaitiaki Group with functions including designing a park and providing advice on enhancing access to mahinga kai sites can be seen as a positive approach and is appropriate to address this concern. The preservation of cultural heritage by designing a space (Pocket Park) that incorporates cultural narratives, cultural design, cultural histories and information on mahinga kai practices and taonga species can help and preserve local iwi, hapū culture and heritage. The educational value contributes to raising awareness and understanding of the significance of mahinga kai practices, traditional food resources and taonga species. The cultural sensitivities associated with involving the Kaitiaki Group mean that the design and advice provided will be culturally appropriate. There may be environmental considerations providing advice on enhancing access to mahinga kai sites while preserving their integrity aligning with principles of sustainability. Properly managed access can minimise environmental impact and help these ecologically important areas.

Effects on intangible connections and values

161. The submission of Patuharakeke raises concerns regarding intangible connections and values, more specifically in the context of whakapapa, mauri, manaakitanga, mana, wairuatanga, rangatiratanga, kaitiakitanga, mātauranga and te reo Māori me ōna tikanga.
162. Northport acknowledges the intangible connections and values raised by iwi, hapū and the interconnectedness between ecology, landscape, and other western science effects and cultural values. While Northport understands the technical expert findings are essential, they also respect that iwi, hapū bring an additional layer of values based on their world view such as kaitiakitanga, rangatiratanga and whakapapa. Northport have demonstrated they are willing to collaborate and engage with mana whenua to better address these concerns. Northport acknowledge that reliance solely in technical experts may not capture the full extent of cultural effect and there are opportunities to integrate an iwi, hapū ao Māori view (local iwi, hapū perspective) into the evaluation and management of effects.
163. I have already addressed mauri, kaitiakitanga and other relevant concepts above. Through its cultural mitigation proposal Northport has proposed a framework that attempts to address the intangible values and connections raised, and also enables mātauranga Māori incorporated into the monitoring and management for the Project, including through the cultural monitoring framework/the cultural indicators hub.

164. In my view, Northport's response is respectful of the concerns raised by iwi, hapū. It illustrates Northport's willingness to engage and acknowledge the concerns raised in the Patuharakeke submission and the CEA (and other issues raised by iwi, hapū); and Northport's understanding of the importance and value of involving affected iwi, hapū in decisions making and management processes. The creation of the Kaitiaki Group, and the funding for cultural initiatives, shows Northport's commitment to enhancing iwi relations.

Site of Significance to tangata whenua (Te Poupouwhenua)

165. The submission by Ngātiwai raises a concern that Te Poupouwhenua is not recognised in the AEE.

166. The Northland Regional Plan identifies an area covering Mair and Marsden Banks¹³ as a *Site and Area of Significance to Tangata Whenua*.¹⁴ The worksheet that accompanies this Site of Significance¹⁵ identifies that Poupouwhenua has historical, traditional and cultural significance, including significance for kaimoana harvesting. The values to be protected include:

- (a) Traditional practices relating to customary management and harvest of kaimoana and other taonga species;
- (b) A source of Mātauranga Māori; and
- (c) Ecological values relating to biodiversity, taonga species and habitats.

167. I therefore understand that iwi, hapū may have concerns regarding the potential effects of the Project on mauri of kaimoana and on mātauranga specific to Patuharakeke (for example if the shellfish beds disappear, then so too may the way in which iwi and hapū interact with that part of the coastal marine area).

168. These matters have been addressed in my evidence above. In particular, I refer to my discussion regarding the loss of kaitiakitanga (paragraphs 114-117), impacts on mauri (paragraphs 129-136), movement of shellfish (paragraphs 158-160) and mahinga kai

¹³ Noting that this is outside of the Project footprint as discussed in the evidence of Mr Hood.

¹⁴ Te Poupouwhenua is acknowledged by Patuharakeke and wider hapū as a site of significance. This is enshrined in a number of iwi documents, including: The Patuharakeke Sites of Significance to Māori Final Cultural Landscape Report 2015; Patuharakeke Rohe Moana Management Plan 2018; Patuharakeke Statement of Claim before the Waitangi Tribunal (Te Paparahi o Te Raki); Northland Inquiry 2011; and Patuharakeke Hapū Environmental Management Plan 2014.

¹⁵ The Northland Regional Council worksheet <https://www.nrc.govt.nz/media/dqjbtn3y/patuharakeke-patute-poupouwhenua-mahinga-mataitai.pdf>

(paragraphs 161-166). As I have set out in relation to those issues, I consider the conditions proposed by Northport, particularly those that relate to Kaitiaki Group, establish a range of mechanisms to address these issues.

RESPONSE TO THE SECTION 42A REPORT

169. I have read the section 42A Report prepared by Whangārei District Council's and Northland Regional Council's consultant planners (s42A Report).
170. The s42A Report adopts the assessments by iwi, hapū that the Project's cultural effects will be significant. However, as identified above, the s42A Report authors did not have the benefit of seeing Northport's proposed cultural mitigation and related conditions of consent (or the analysis in my evidence) at the time of writing the s42A Report. Northport's proposed cultural mitigation and consent conditions also post-date iwi, hapū submissions and the cultural values/effects assessments provided.
171. Given the approach to cultural effects adopted in the s42A Report, it is not necessary for me to provide separate responses on the s42A Report (I have covered the relevant matters raised in my evidence above). In summary, I re-state that it is my view that the cultural matters raised have been appropriately addressed by Northport, including through:
- (a) The ongoing engagement with iwi, hapū in relation to the Project;
 - (b) The cultural mitigation proposal, and associated conditions of consent, proposed by Northport; and
 - (c) The commitment by Northport (including through proposed conditions of consent) to maintain and continue to enhance its relationships with mana whenua.
172. I set out below some additional responses to the s42A Report where I consider that is warranted.

Iwi / Hapū Management Plans

173. The s42A Report addresses the following Iwi / Hapū Environmental Management Plans, which are also addressed in the AEE:
- (a) Te Iwi o Ngātiwai Environmental Policy Document (2007);
 - (b) Patuharakeke Hapū Environmental Management Plan 2014; and

(c) Ngāti Hau Hapū Environmental Management Plan 2016.

174. In my opinion Northport's proposed cultural mitigation, including its proposal to establish a Kaitiaki Group with meaningful roles, provides a framework for engaging with iwi, hapū in the management of environmental matters for the Project in a way that aligns with the Iwi / Hapū Environmental Management Plans. Through the Kaitiaki Group iwi, hapū will have the opportunity to be involved in project design, delivery, and monitoring.

Marine and Coastal Area (Takutai Moana) Act 2011

175. My understanding is that, in accordance with the requirements of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act), Northport wrote to all known applicant groups with an application for customary marine title in the area to which the Project relates, prior to lodging its resource application to notify and seek the views of those groups in relation to the Project.
176. Prior to lodging its application, Northport received two responses: one confirming that the Project is outside the area cover by the claim for CMT and one generally in support of the Project.¹⁶ Since lodging, Northport recieved one further response from representatives for Hapū o Te Waiariki, Nāgti Kororā, Ngāti Takapari stating the groups' opposition to the Project.
177. To the extent that issues relevant to the Project are raised in the responses received, I have already adressed them in my evidence above.

COMMENT ON DRAFT PROPOSED CONDITIONS ADVANCED BY NORTHPORT

178. The s42A Report states:¹⁷

I am aware that engagement between the Applicant and the expert and Patuharakeke Iwi Trust Board, Ngāti Wai Trust Board and Te Parawhau has been occurring, is expected to continue through to a hearing, and that mitigation conditions are being contemplated. I strongly encourage this approach as it will be necessary to inform a conclusive view of the magnitude of cultural effects and then inform policy consistency conclusions.

179. Northport shares this support for – and is committed to – a collaborative approach.

¹⁶ These are detailed in the AEE at section 8.1.8.

¹⁷ At para 276 of the Officers Report.

180. I have set out a summary of the proposed cultural mitigation above. Northport has advanced a set of proposed conditions (appended to the evidence of Mr Hood) which encapsulate the cultural mitigation proposed.
181. Northport has engaged with iwi, hapū in relation to the proposed cultural mitigation conditions. Working draft proposed conditions have been provided to Patuharakeke, Te Parawhau and Ngātiwai. Engagement remains ongoing. This engagement represents an attempt by Northport in good faith to develop a comprehensive and effective suite of conditions to address the range of cultural concerns that have been raised in relation to the Project.
182. As outlined above, in my view the engagement with – and input of – iwi, hapū has enabled Northport to prepare conditions that appropriately respond to cultural issues raised in relation to the Project. Northport is continuing to engage with iwi, hapū regarding their concerns. It is my view that Northport’s proposed cultural conditions (and the cultural mitigation proposal they entail) are appropriate to address/manage the cultural effects and concerns that have been identified by iwi, hapū.
183. I consider the proposed cultural conditions will lay the framework for meaningful future engagement with iwi, hapū regarding the Project and that this will enable the importance of Poupouwhenua and Whangārei Te Rerenga Parāoa as a taonga to tangata whenua, the kaitiaki responsibilities and values, and the involvement of Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa to be recognised and provided for.
184. While I have addressed proposed conditions of consent in various sections of my evidence above, I confirm that I support the intent and purpose of Northport’s proposed cultural conditions, and reinforce the following specific points:
- (a) The establishment and operation, including funding, of the Kaitiaki Group shows Northport’s commitment to provide resources for cultural restoration enhancement and community projects. The financial support will enable initiatives that benefit connectivity of iwi, hapū to their ancestral lands as these are expressed through iwi, hapū documents and engagement.
 - (b) The proposed resourcing of the Kaitiaki Group will recognise the importance of Poupouwhenua and Whangārei Te Rerenga Parāoa as a taonga to local iwi, hapū; and provide for kaitiaki responsibilities and values and the involvement of iwi, hapū who have kaitiaki relationship with the area. Funding is intended to support the

Kaitiaki Group's activities, initiatives and projects that align with these cultural values. The financial support is crucial to ensuring that cultural values are recognised and provided for in the context of the Project. The proposed conditions demonstrate a commitment by Northport to ensure the active involvement of the local iwi, hapū in decision making processes and actions that impact on iwi, hapū matters relating to their tikanga (culture). By allocating funds for the Kaitiaki Group endeavours, Northport acknowledges the significance of local iwi, hapū perspectives in shaping the Project's outcomes and addressing potential adverse cultural effects. By providing financial resources, Northport is facilitating the execution of tangible actions that align with cultural values expressed by the local iwi, hapū.

- (c) By empowering the Kaitiaki Group to take a proactive role in cultural restoration and enhancement (community projects) and enabling the Kaitiaki Group to undertake initiatives that support the environment, the proposed conditions promote cultural heritage and will benefit the surrounding community.
- (d) The conditions provide the framework for the cultural values of local iwi, hapū to be recognised, respected, and integrated into the Project's development.

Dee Isaacs
4Sight Consulting

24 August 2023

APPENDIX A

SUMMARY OF RELEVANT EXPERIENCE

My experience of particular relevance to this proceeding includes:

(a) While working at Auckland Council (AC), I was involved in developing the Treaty partner relationships with the 19 mana whenua/iwi authorities through the development of the AUP. The project sought to have mana whenua contribute to the sections specific to mana whenua values, while drafting the mana whenua provisions of the AUP. My role was to develop, nurture and protect the draft provisions of the Plan while developing relationships with mana whenua. Meetings were conducted under tikanga specific to the needs of mana whenua of Auckland. Tikanga expressed during hui consisted of:

- Karanga (the call conducted by women)
- Pōwhiri (Formal welcome)
- Whakatau (Informal welcome)
- Karakia (Prayer)
- Whaikōrero (Formal speech-making)
- Harirū (Shaking of hands)
- Hongi (greeting through the pressing of noses)
- Waiata (song)
- Te reo Māori (the use of Māori language).

My role with regard to te reo Māori me ōna tikanga (relating to the language and culture) was to uphold AC's position in supporting mana whenua when and where required. Reciprocity required AC to support and provide tikanga specific to mana whenua when required. This meant where appropriate mana whenua might open with a karakia and AC were invited to close with a karakia. In its contemporary form, this process is known as 'utu' (reciprocity). My role therefore was to ensure that where AC were required to respond to mana whenua needs through tikanga Māori, AC were able to do so through the use of te reo Māori me ōna tikanga.

- (b) Developing the strategy for AC in respect of how mana whenua would be involved in the development of the National Policy Statement for Freshwater Management (NPS-FM), using lessons learned from the engagement strategy through the development of the AUP.
- (c) Developing and drafting AC's strategic document "The Māori Responsiveness Framework", identifying a range of over 100 NZ statutes acknowledging obligations to Māori, then creating a strategic document "Te Miro – The Māori Responsiveness Report" specific to the CPO division. This document highlighted AC's responsibilities to mana whenua and mātāwaka and specifically identified the CPO obligations in planning to Māori. This document was developed internally to show what capability and capacity issues CPO would require in order to respond to the needs of mana whenua of Auckland.
- (d) I have also presented both Council hearing and Environment Court evidence as an expert witness.