

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT WHANGAREI**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI WHANGAREI**

**IN THE MATTER
AND**

of the Resource Management Act 1991

IN THE MATTER

**of the hearing of submissions on applications by the
Northport Ltd – Port Expansion project at Marsden
Point**

**SUMMARY STATEMENT OF EVIDENCE OF MAKARENA EVELYN TE PAEA DALTON
ON BEHALF OF PATUHARAKEKE TE IWI TRUST BOARD**

(PLANNING)

30 OCTOBER 2023

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1. INTRODUCTION

1.1 My full name is Makarena Evelyn Te Paea Dalton. I have qualifications and experience as set out in my Evidence in Chief (“**EiC**”) dated 18 September 2023. As per my EiC, 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.

1.2 The purpose of this statement, is to briefly:

- (a) Summarise the key points from my EiC; and
- (b) Highlight some additional points in response to matters raised during the hearing so far.

2. SUMMARY OF EVIDENCE

2.1 The Application is proposed in the middle of Patuharakeke’s Cultural Landscape and Place of Significance. A landscape and seascape that is made up of a collection of related resources directly associated with Patuhatakeke Te Iwi Trust Board’s (“**Patukarakeke**” or “**PTB**”) cultural, historic, spiritual and traditional relationship to their ancestral lands, waters, wāhi tapu and other taonga. Including taonga species and mahinga mātaītai within the coastal marine environment.

2.2 Cultural effects directly related to the proposed reclamation, dredging activities and future operation of the Northport expansion are assessed as significant, irreversible and permanent on Patuharakeke’s current and future generation’s cultural values.

2.3 This is broader than simply the adverse effects on their relationship to Poupouwhenua¹, but permeates across various environmental effect categories, namely indigenous biodiversity and recreational values and the correlation with taonga species. Cumulatively, these impacts are considered significant, not only on Patuharakeke’s cultural wellbeing, but their social and environmental wellbeing as well.

¹ Mapped Site of Significance to Tangata Whenua in the Proposed Regional Plan.

- 2.4 Other key areas of contention include coastal processes, marine ecology, marine mammals, avifauna and recreation.
- 2.5 In relation to coastal processes, taking into account Professor Bryan's opinions, the permanence of the reclamation, the likelihood of sea level rise and potential flow on impacts on marine ecology remain a concern. In this regard, I consider that the calibration and verification checks of the numerical hydrodynamic and sediment transport hydrodynamic modelling noted by Professor Bryan are necessary now.
- 2.6 With respect to marine mammals, Dr Tom Brough considers that Whangārei Terenga Paraoa is an area of importance for Bottlenose Dolphins, and considers that the assessment on operational effects of the proposed port does not adequately account for their presence. This is reflected in the proposed conditions of consent, which appear only to relate to construction activities, not the future operation of the port.
- 2.7 Patuharakeke's marine ecology expert, Dr Richard Bulmer, highlights that additional assessment on the connectivity of marine ecology is required. Of note, Dr Bulmer assesses potential adverse effects on shellfish (including Patuharakeke's taonga species) as moderate and adverse cumulative effects as potentially significant.
- 2.8 With respect to recreation and open space values, my opinions also remain unchanged, particularly after considering the extent of offsite mitigation that will be required to address the residual effects on the loss of coastal space, experiential values, recreational fishing, and other passive recreation activities.
- 2.9 In forming my overall opinion, I have considered the broader planning framework, including the enabling provisions for Regionally Significant Infrastructure that cascade from the New Zealand Coastal Policy Statement ("NZCPS") to the Proposed Regional Plan ("PRP"). However, when balanced against the statutory planning framework for indigenous biodiversity, recreation and open space and tāngata whenua matters which follow a similar cascade (from the NZCPS through to the PRP), it is

my opinion that the proposal does not fully accord with, and in some cases², is contrary to these policy directives.

3. RESPONSE TO MATTERS RAISED DURING THE HEARING

Weight of Policy D.1.4 and D.1.5

3.1 The relevance of policy D.1.5 of the PRP has been contested by Mr Hood in paragraph 50 of his rebuttal evidence, where he considers that a Place of Significance must be mapped in the PRP. However, in my opinion, I contend that this policy is the framework whereby sites, areas, places and/or landscapes of significance to tāngata whenua are to be identified, whether they are already mapped or are yet to be mapped by the PRP as stipulated in footnote 39:

“This policy sets out how a place of significance to tāngata whenua is to be identified and described. In order to be included in the mapped Sites and Areas of Significance to Tāngata Whenua in this Plan, a plan change will be required. Places which have been identified and described in the manner required by the policy but have not been subject to a plan change and hence are not included in this Plan, can still be given weight in consent application decisions”

3.2 Appendix 1 of Ms Chetham’s EIC³ helpfully maps and identifies the numerous land and water resources that collectively make up Patuharakeke’s Cultural Landscape, including the mapped Site of Significance to Tangata Whenua ‘Poupouwhenua’ (Mair Bank).

3.3 Footnote 39 of the PRP considers that in resource consent decisions, weight can be given to Policy D.1.5 in resource consent decisions. In my opinion, the overwhelming evidence from Patuharakeke clearly meets the requisites of the policy D.1.5 and given the overwhelming evidence and significant adverse effects stipulated, I consider significant weight should be afforded to this policy.

² Policy 11, 2 and 18 of the NZCPS, Policies 4.4.1 of the RPS, Policies D.2.18 and D.1.4 of the PRP, and NOSZ-P1 of the Whangarei District Plan.

³ Refer to Table 1 and Appendix 1 of Ms Chetham’s EIC. Appendix 1 helpfully consolidates a number of cultural resources that are mapped, described and discussed in PTB’s HEMP, Marine and Coastal Marine Area Claim, and from the CVA and CEA. Table 1 provides a succinct table that references where and how the terms of Policy D.1.5 of the PRP have been satisfied.

- 3.4 As such, in my opinion, Policy D.1.4 is relevant and directs that resource consents for an activity **may only be granted if** the adverse effects on the values of Places of Significance to tāngata whenua in the coastal marine area are avoided, remedied or mitigated to that they are **no more than minor**.



Makarena Dalton.

31 October 2023