

**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**

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**SUMMARY STATEMENT OF EVIDENCE OF JULIANE CHETHAM  
ON BEHALF OF PATUHARAKEKE TE IWI TRUST BOARD**

**(CULTURAL)**

**30 OCTOBER 2023**

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## **1. INTRODUCTION**

1.1 My full name is Juliane Chetham. I have qualifications and experience as set out in my Evidence in Chief (“**EiC**”) dated 18 September 2023.

## **2. SUMMARY OF EVIDENCE & RESPONSE TO KEY MATTERS**

2.1 In this statement I summarise my evidence in chief and respond to key matters of the applicant’s oral evidence that relate to cultural matters.

2.2 I am the author of the Cultural Values Assessment (“**CVA**”) and Cultural Effects Assessment (“**CEA**”) prepared by Patuharakeke Te Iwi Trust Board (“**Patuharakeke**”) in relation to this application. The CVA identified Patuharakeke’s cultural landscape and seascape associated with the project area, including our historical, traditional, cultural and spiritual relationships to it. This provided Northport a starting point to understand, and respond to the concerns raised by Patuharakeke.

### **Adverse Effects and Cultural Significance**

2.3 Our cultural values and effects assessments identified a range of adverse effects on Patuharakeke’s environmental, cultural and social wellbeing. From the perspective of Mana Whenua, Whangārei Terenga Parāoa is currently in a degraded state that is affecting our tikanga, customs, practices and role as kaitiaki and ahi kā.

2.4 The proposed reclamation will continue to degrade, and permanently modify the harbour, disrupt cultural landscape connections within our Place of Significance, extinguish access and relationship to this important part of Poupouwhenua, and severely frustrate or nullify our Treaty rights, and rights we seek to have recognised under the Marine and Coastal Area Act.

2.5 No economic analysis of the costs and benefits on mana whenua values has been undertaken by the Applicant, nor have any benefits been identified by the CEA that outweigh the significant and adverse cultural and ecological effects of the proposal. When the CVA was produced in April

2020, we requested Northport investigate the use of a holistic economic modelling approach to take cultural values into account. I note that the Panel asked a question of Mr Akehurst in this regard, and while he suggested these aspects would have been difficult to quantify, he clarified that such an assessment was not within scope of what he was engaged to do by Northport.

- 2.6 The CVA and CEA provided substantial evidence of the cultural significance of the site and surrounds, which had already been traversed in a number of previous resource management processes, including Environment Court hearings. Table 1 and Appendix 1 of my EIC, demonstrates and maps the significance of this place (site and surrounds) against the terms of Policy D.1.5. The planning relevance of this is addressed by Ms Dalton.

#### **Mitigation Measures**

- 2.7 Northport has engaged with Patuharakeke and continues to do so. However, I do not consider the proposed mitigation, which was developed without the input of Mana Whenua and is in no way commensurate to what is being lost and put at risk, to constitute a meaningful response to the significant adverse effects on our cultural values. These effects are permanent and irreversible, and as such an adaptive management approach is unable to be applied. Our evidence remains that the reclamation component of the application will not be able to be mitigated. To date, the applicant's witnesses have not expressed how this matter will be dealt with.
- 2.8 If I understand correctly, Mr Isaacs is of the opinion that the western science evidence submitted by Northport can inform appropriate means to address cultural matters insofar as that is practicable/appropriate. Yet he has not elaborated on how these experts have set out methods that could address cultural matters. It is difficult to identify in the evidence where Northport's experts have responded to matters raised in the CVA/CEA in framing their assessments and proposed mitigation measures. As such, I

am unable to agree with Mr Isaacs' opinion that Northport has taken an approach that seeks to integrate these concepts.<sup>1</sup>

- 2.9 Mr Isaacs evidence goes on to say that in situations such as this, where there is conflict between value systems and the outcomes they support, that western science value systems be balanced with mātauranga Māori/tikanga values to achieve the most appropriate resolution. The evidence of Patuharakeke's witnesses (western science disciplines) is not in conflict with the mātauranga Māori we have articulated in relation to this proposal. If, however these paradigms are in conflict Mr Isaac's recommends a mātauranga Pakeha (science and planning) approach to resolve these issues and the space for the tikanga can presumably be made through the relationship between Northport and Mana Whenua.<sup>2</sup>
- 2.10 In discussing engagement and cultural mitigation, Mr Isaacs describes Northport as being "between a rock and a hard place."<sup>3</sup> This is a space Patuharakeke know well. We have been clear that there are critical aspects of this proposal that are unable to be mitigated. However, we always adopt a pragmatic approach to discussing mitigation, even when it potentially undermines our fundamental position of opposition and seeking decline of a consent. I reject any insinuation that Patuharakeke have repeatedly refused to engage on conditions, when we have attended every meeting Northport has invited us to. That said, I don't think the onus should be on us to formulate the mitigation plan for a development that is repugnant to the relationships we hold with the site and harbour that are safeguarded by Part II and other parts of the statutory framework.<sup>4</sup>
- 2.11 As it stands, for the reasons set out in my EIC I remain of the view that the proposed Kaitiaki Group ("KG") has significant limitations, is significantly underfunded, and likely only has the potential to function as an advisory forum. There is no guarantee of outcomes and betterment for our harbour, cultural landscapes and places, and mahinga mātaimai and it can never

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<sup>1</sup> Dee Isaacs Rebuttal Evidence at para 6

<sup>2</sup> Dee Isaacs Rebuttal Evidence at para 9

<sup>3</sup> Dee Isaacs Rebuttal Evidence at para 15

<sup>4</sup> F.1.2 (8), F.1.9, F.1.12(3), D.1.1, D.1.2, D.1.4, D.1.5, D.2.7(a), and D.2.18(b)(ii) of the PRP; 3.12, 8.1.1, and 8.1.3 of the RPS; and objective 3 and policy 2 of the NZCPS.

mitigate or offset for the permanent severance of our relationship to the takutai moana at Te Koutu/ Poupouwhenua.

- 2.12 The concept of ‘Kaitiakitanga’ cannot be provided for through us having to essentially whakamana (validate) the port expansion through provision of interpretation, names and art, and to monitor the ongoing decline of the habitat of our taonga species. I cannot follow Mr Isaac’s process of linking the findings and recommendations of the CVA and CEA to the package of cultural mitigation that has been developed by the applicant, with no direct input from Mana Whenua. Further, when questioned by the Panel, Mr Isaacs could not provide examples of where a similar package has worked elsewhere. Therefore, it is my opinion, that there is no sound basis to conclude that the mitigation addresses our concerns in a culturally appropriate way.
- 2.13 In response to questions from the Panel Mr Isaacs called the KG a “starting point” and along with Northport’s planning witnesses, placed reliance on the relationships between Mana Whenua and Northport to provide what he called a “generational solution” and possible pathway for balancing of mātauranga and western value systems. At present Patuharakeke do not have any guarantees in this regard, particularly given the KG appears to dissolve 3 years after the completion of construction. The only thing that is guaranteed to be enduring is the reclamation and the permanent damage this will cause to Patuharakeke.
- 2.14 In light of what is on the line, if this expansion is to proceed Patuharakeke need certainty of outcome, not a hypothetical construct of a relationship that will supposedly develop over the next 3 decades or more.
- 2.15 In conclusion, I remain firmly of the view expressed in my evidence in chief that consent should be refused.

**30 October 2023**  
**Juliane Chetham**