

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT WHANGAREI**

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

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

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

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

(CULTURAL)

18 SEPTEMBER 2023

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1. EXECUTIVE SUMMARY

- 1.1 I prepared a Cultural Values Assessment and Cultural Effects Assessment of the Application on behalf of Patuharakeke Te Iwi Trust Board. The CVA identified Patuharakeke's cultural landscape and seascape associated with the project area, made up of historical, traditional, cultural and spiritual relationships with and between our people as ahikā and the landscape components. These include tupuna maunga, mahinga mātaimai, Poupouwhenua and te wahapu o Whangārei Terenga Parāoa and are underpinned by values such as whakapapa, mauri, mana, manaakitanga and kaitiakitanga.
- 1.2 The CEA identified a range of effects on Patuharakeke environmental cultural and social wellbeing. Whangārei Terenga Parāoa is already in a degraded state such that many of our cultural practices and taonga species are impacted. The area of the harbour subject to this application is special habitat not universally distributed throughout the harbour and is a vital for taonga species at different life stages. As kaitiaki we have worked extremely hard to monitor and improve the health of our mahinga mātaimai after decades of cumulative impacts have set them on the brink of collapse and we believe the potential effects of this proposal on ecology are understated as echoed by our expert witnesses. These have flow on impacts undermining cultural values such as kaitiakitanga, manaakitanga, mauri and mana.
- 1.3 The proposed reclamation will permanently modify the harbour, disrupt cultural landscape connections, extinguish access and relationship to this important part of Poupouwhenua and severely frustrate our Treaty rights and rights we seek to have recognised under the Marine and Coastal Area Act. We do not consider the applicant has made a strong economic case for the port expansion nor did the CEA process identify benefits to the hapū that outweigh these significant and adverse cultural and ecological effects

- 1.4 I also reiterate my concerns about the adequacy of the assessment of alternatives and lack of full Multi Criteria Analysis including cultural considerations. The s42A report notes this issue as well. In my view the staff report correctly identifies the allocation of scarce coastal space in the context of unclear demand for the facility as a key matter for consideration.
- 1.5 While I consider the CVA and CEA provided abundant evidence of the cultural significance of the site and surrounds I have provided further analysis and a map to assist parties to understand the cultural landscape and how policies, particularly Policy D.1.5 of the Proposed Regional Plan, applies.
- 1.6 I concur with Ms Dalton that the applicant's planning and cultural witnesses have not determined the scale and magnitude of effects on cultural values which therefore undermines their conclusions that the proposed mitigation is adequate or appropriate.
- 1.7 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. As such I retain the view expressed in the CEA and PTB's submission that consent should not be granted.

2. INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

Ko Manaia te Maunga

Ko Whangārei Terenga Parāoa te Moana

Ko Pukekauri te Awa

Ko Takahiwai te Whenua

Ko Takahiwai te Marae

Ko Patuharakeke te hapū

Ko Ngāpuhi me Ngātiwai ōku iwi

Ko Juliane Chetham tōku ingoa

- 2.1 My name is Juliane Kathryn Chetham. I am a descendant of Patuharakeke and was raised at Rauiri (Blacksmiths Creek) on the shores of the Whangārei Harbour.
- 2.2 From 2010 I served more than a decade as a Trustee on Patuharakeke Te Iwi Trust Board (“**the Trust**” or “**PTB**”), holding the resource management and customary fisheries portfolios. For the last few years I have held the role of Co-convenor of PTB’s Pou Taiao (Resource Management Unit).
- 2.3 I provided evidence to the Waitangi Tribunal – Te Paparahi o Te Raki (Northland) Inquiry (WAI 1040, WAI 745, WAI 1308) on behalf of the Trust in October 2013 and February 2016, the WAI 2660 Marine and Coastal Area (Takutai Moana) 2011 kaupapa inquiry and currently for the High Court in relation to an application by PTB for an order recognizing customary marine title and protected customary rights. The focus of my evidence was on Patuharakeke’s natural resources and environment, including Whangārei Terenga Paraoa - the harbour, waterways, ancestral lands and other sites of significance to Patuharakeke; and our participation in local and central government processes.
- 2.4 I hold a Bachelor of Science degree majoring in Geography and Marine Biology and a Master of Science degree (with First Class Honours) specialising in Coastal Management, both from Auckland University. My Master’s thesis addressed Kaitiakitanga and the Resource Management Act, utilising a case study of the consent for the establishment of the Northland Port Corporation Timber Port (now known as Northport) in the Whangārei Harbour.
- 2.5 I have worked both in the field of environmental consultancy and in resource consent processing at the district council level. I spent several years as the Manager of the Environmental Arm of an Iwi Settlement Authority and for the last decade I have been running my own consultancy, Chetham Consulting Limited, specialising in Māori resource management matters and contracting to various iwi, hapū and central and local government agencies.

- 2.6 In my professional and trustee roles my experience has included preparation of cultural impact assessments and advice on tangata whenua engagement, preparation of cultural authority agreements and triggers documents, preparation of evidence for the Waitangi Tribunal, preparation of reports on cultural landscapes and sites of significance to tangata whenua, preparation of submissions and evidence on district and regional plan and policy development and resource consents, presentation of evidence at district and regional council hearings, development of cultural and mātauranga Māori monitoring frameworks, development of hapū/iwi management plans, customary fisheries policy, shellfish, freshwater and biosecurity monitoring programmes.
- 2.7 I am an accredited Hearings Commissioner. I have been a member of Auckland Council's independent hearing commissioner pool since December 2015, and have sat on hearing panels for Auckland Council, Queenstown Lakes District Council's District Council, and the Environmental Protection Authority.
- 2.8 I have formerly held advisory roles on the following regional and national groups:
- Māori Advisor to Whangārei District Council Planning Committee (2016)
 - Kauri Dieback National Programme's Tangata Whenua Roopu Executive Committee (2009-2020)
 - Te Huinga/ Te Karearea Hapū of Whangārei Advisory Committee to WDC (2016-2021)
 - Biosecurity 2025 Māori Focus Group
 - NZ Biological Heritage National Science Challenge Stage 1: Myrtle Rust and Kauri Dieback - Rapid Implementation Group & Scoping Group
 - Whangārei Harbour Catchment Advisory Group (2013-2021)
- 2.9 I hold current advisory roles on the following regional and national groups:

- Te Tira Whakamataki Māori Biosecurity Network
- Te Tai Tokerau Māori and Council (“**TTMAC**”) Working Party (Northland Regional Council)
- EPA Member Māori National Network (Te Herenga)
- NZ Biological Heritage National Science – Nga Rakau Taketake Research Programme - Māori co-lead

2.10 I confirm that I am authorised by PTB to present this evidence in my role as Co-Convenor of the Trust’s Pou Taiao (Resource Management Unit) and the author of our Cultural Values Assessment, Cultural Effects Assessment and Submission relating to this application.

Material reviewed

2.11 In preparing this evidence I have reviewed the following;

- (a) The Assessment of Environmental Effects (“**AEE**”) including all appendices (for preparation of CEA): Appendix 2 Issues and Options Report; Appendix; Appendix 3 Design Drawings; Appendix 6 Pocket Park Concept Plan; Appendix 19 Recreational Effects Assessment; Appendix 24 Cultural Values Assessment; Appendix 28 Planning and Policy Analysis, Applicant’s s92 Response Letter (21 Feb 2023) and Attachment 1- 10: Functional Need, Legal Opinion, Mana Whenua, Contamination, Traffic, Underwater Noise; and Updated Visual Simulations.
- (b) The s42A report prepared on behalf of the consenting authorities by Blair Masefield (NRC) and Stacey Sharp (WDC), Consultant Planners, Beca; including all appendices.
- (c) Northport’s evidence including the corporate evidence of Messrs Moore, Jagger and Blomfield; Recreation, Noise, Landscape, Avifauna, Ecology, Marine Ecology, Marine Mammals, Planning, Cultural, Economics, Coastal Processes.

Scope of Evidence

2.12 My evidence will address the following matters:

- (a) Summarize the findings of PTB’s CEA/CVA;
- (b) Respond to the findings of the S42A Report;
- (c) Respond to the Applicant’s evidence;

3. SUMMARY OF PATUHARAKEKE CULTURAL EFFECTS ASSESSMENT

3.1 Northport began discussing their “Vision for Growth” with PTB in 2018, and a process for engagement was agreed upon which included a two-phased approach entailing the preparation of a Cultural Values Assessment (“CVA”) to accompany (and inform) other technical reports Northport was compiling. The process culminated in production of a further report, a Cultural Effects Assessment (“CEA”). An interim version of the CEA was provided to the applicant in 2021 and a finalized version formed part of our submission in December 2022.¹

3.2 The CVA and CEA were informed by a collaborative process of hui and workshops (listed below), a number of which were attended by Northport staff and consultants:

- Hui providing an overview of VFG – 23rd November 2019 held at Bream Bay Community Trust;
- Nga Hapū Whaipānga ki Whangarei Te Rerenga Parāoa Hui - 26th November 2020 held at Takahiwai Marae and facilitated by Jason Cooper;
- Working Party/Roopu technicians hui² 5th and 24th March 2021, 26th August, 2nd September, 8th October 2021;

¹ Impacts of the Covid Pandemic delayed hui timetables and Northport released updated technical reports as part of their application resulting in an “iterative” CEA process.

² Facilitated by Jason Cooper, attendees on most occasions included Juliane Chetham (PTB) Alyx Pivac (Ngātiwai Trust Board), Marina Fletcher, Mere Kepa, Mira Norris (Te Parawhau), Marama Muru Lanning (Sir James Henare Research Centre), Catherine Murupenga-Ikenn (Te Rarawa, Ngāti Kuri/ United Nations Office of the High Commissioner for Human Rights, Indigenous fellow).

- Hui-a hapū Saturday 15th May 2021, Barge Park;
- PTB Zoom hui 26 July and hui with kahui kaumatua 26th July 2021 (Luana Pirihi's whare);
- Updates at PTB monthly board meeting July 19th, September 15th, October 15th 2021;
- Presentation and ratification of findings at Hui-a-hapū (special meeting) PTB AGM 31 July 2022;
- Meetings with Aperahama Edwards and Huhana Lyndon November, 2021 (Ngātiwai Trust Board), 30th November 2022.

Cultural Values Assessment (CVA)

- 3.3 The CVA identifies Patuharakeke relationships to the Northport site and environs, the implications for the knowledge and practice of Kaitiakitanga by tangata whenua over their taonga of the proposal, and matters that have potential to affect the principles of the Treaty of Waitangi. It highlights how Whangārei Terenga Parāoa was known to Patuharakeke and other Whangārei tribes as a bountiful and rich food basket or 'pataka kai'.
- 3.4 The mahinga mātaimai, wāhi tapu, wāhi tūpuna, and cultural landscapes including tūtohu or landmarks on the whenua and moana remain of utmost significance today. Their use still revolves around maintaining customary practices and feeding whānau, hapū and manuhiri as in the past. The layers of mātauranga and management through kaitiakitanga have been stripped back due to a number of factors, such as alienation of rights and access, imposition of government controls, subsequent mismanagement, pollution, industrialisation and overfishing. Consequently, today's kaitiaki seek increased control over the management of these places and resources. The key focus is to prevent further diminishing of the mauri or life force of the harbour and to enhance and restore the important māhinga mataimai that remain.
- 3.5 The CVA explained how, in terms of any adverse effects as a result of the port expansion, it is Mana Whenua who have, and will continue to bear

ultimate responsibility and impact for the effects on our environment and will once again lose access to more of the traditional takutai moana. Recommendations included that Northport provide a continued role for PTB throughout the scoping and undertaking of any further technical studies required throughout the consenting stages of project and that Northport engage with our whānaunga hapū and iwi with interests in the harbour which has occurred through the subsequent phase two (CEA) process and working party hui that were facilitated.

3.6 The CVA specifically recommended:

- further landscape assessment from additional viewpoints, this was undertaken by Stephen Brown/Build Media;
- discussions regarding landscape mitigation concepts – we note the “pocket park” concept has now been proposed was developed without our input (this is discussed further in paragraph 2.31 below);
- kaitiaki participation in any marine mammal and avifauna surveys/assessments – no marine mammal surveys were undertaken, however members of our Taiao team/whanau did participate in the Korora survey/s of the revetment;
- support for further longitudinal studies on the geomorphology and shellfish populations of Patangarahi Snake Bank – through our Relationship Agreement initiatives, Northport have agreed to fund an PTB Pou Taiao unit led baseline survey of the cultural health of Patangarahi, however PTB are clear this work relates to past and current impacts of the Port and other stressors on Snake Bank and in no way should be considered mitigation for the subject application;
- investigation of use of a holistic economic modelling approach that takes cultural values into account – there has been no attempt that we are aware of by Northport and its consultants to discuss this recommendation with us.

Cultural Effects Assessment (CEA)

3.7 The effects identified in the CEA are grouped under headings of the four wellbeings as identified in the RMA - Environmental, Cultural, Economic and Social and how these impact on our Patuharakeketanga. Largely these issues are interconnected and overlap as certain environmental effects could just as easily be discussed under the categories of cultural, social or economic wellbeing. Past effects of development at Poupouwhenua have impacted on the culture and values of Patuharakeke. This collective experience and memory informs the view of the hapū in relation to the proposal. Korero from interviews and hui and the provisions of our Hapū Environmental Management Plan (“HEMP”)³ and our Draft Hapū Strategic Plan⁴ have also informed the assessment. The effects identified are summarised below.

Environmental Effects

3.8 As regards marine ecology, PTB consider that the area of habitat that will be permanently eliminated currently supports important biodiversity and contributes to the overall functioning of the Whangārei Harbour ecosystem. It is implied that there is plenty of other similar habitat to go around to make up for this loss and the harbour is generally healthy overall. From a Mana Whenua perspective, Whangārei Te Rerenga Parāoa and the taonga species within is in a degraded state that we are currently working hard to turn around.

3.9 Patuharakeke also disagree with the “system-wide approach” taken by Coast and Catchment and espoused in the AEE⁵ as responding to Northland Proposed Regional Plan (pRP) Policy D2.18(5). In our view it is being used to dilute direct and cumulative adverse effects so they are less than significant when considered at this scale. As noted by Ms Dalton⁶ it also does not recognise that the impacts are concentrated with the area of rohe moana that our hapū is responsible for.

³ <https://patuharakeke.s3.ap-southeast-2.amazonaws.com/public/website-downloads/Patuharakeke-Hapū-Environmental-Management-Plan-December-2014.pdf?vid=3>

⁴ prepared through a series of hui-a-hapū in 2019-2020

⁵ e.g. AEE page 10

⁶ Paragraph 3.25 of her evidence

- 3.10 In our experience, since the original port development the health of our marine ecology has plummeted. Shellfish at Marsden Point (Poupouwhenua mātaitai) have been under rahui or s186A (Fisheries Act) closures since 2012 and last year the scallop fishery was closed.⁷ Mussels are mostly gone from the harbour and what pipi and cockle remain are of unharvestable size. Our taonga species are in a dire situation and this proposal will remove further habitat and disrupt ecological connectivity and sequences, for example the dispersal and settlement of spat. Patuharakeke consider the existing port reclamation and dredging activities have already impacted these processes and are contributing to the lack of recovery at our adjacent mātaitai. I rely on Dr Richard Bulmer's evidence which supports our concerns and note that Dr Lohrer shares similar concerns.
- 3.11 Patuharakeke are ahi kā responsible for kaitiakitanga in the portion of the harbour subject to the permanent loss of habitat. We have spoken at length in previous fora⁸ about intergenerational impacts on mana, mātauranga and tikanga. This is another example of erosion of those values and practices. Essentially, the argument that effects can be absorbed at the wider harbour scale infers that our whānaunga hapū around the harbour will uphold these values on our behalf, that their rohe moana will provide refuge, food and mates for our displaced taonga species.
- 3.12 The effects of increased marine biosecurity risk, and other cumulative effects in the face of climate change are given cursory attention.
- 3.13 Biosecurity management appears to focus on risks associated with construction and places reliance on NRC's current Marine Pathways Plan. These types of measures do little to assuage our concerns given the Port and Marina already host Mediterranean fanworm and styela which is proliferating throughout the harbour including in the Takahiwai Mātaitai. The importance of what remains and our ability to restore it is heightened

⁷ See CEA page 20

⁸ e.g. previous CEAs (Refining NZ Capital Dredging consent), Waitangi Tribunal 2013, 2016

due to the effects of the climate crisis that we are already seeing now, with rising sea temperatures contributing to diseases and die offs, storm damage affecting habitats, acidification and coastal squeeze.

- 3.14 The loss of over 6ha of high tide beach habitat for threatened and at-risk manu species such as dotterel and oystercatcher is proposed to be mitigated by provision of a high tide roost sandbank to the west of the port. It is difficult to ascertain the exact size of this proposed sandbank but the avifauna assessment mentions an area of approximately 2,703 m² above MHWS.⁹ In our view this is inadequate, and does not align with the effects management hierarchy. There is no proposed mitigation or otherwise for loss of feeding habitat for manu. We understand other submitters such as the Director General of Conservation and Forest and Bord share similar concerns which will no doubt be elaborated on at the hearing.
- 3.15 Further, the peer reviewer for the Councils was unable to confirm the cumulative effects assessment conclusions reached in Boffa Miskell's assessment and highlighted uncertainty around the efficacy of the proposed mitigation.
- 3.16 Our CVA and CEA focused on birds, but in reading the evidence of Ms Flynn for Northport in relation to terrestrial ecology I note no surveys for endangered taonga species such as copper and shore skinks or katipo spiders were undertaken. PTB's Pou Taiao unit were involved in dune surveys with NRC last year and found all of these species in Te Akau/ Bream Bay from Waipu Cove, Uretiti and Ruakākā. It's not inconceivable that these species could inhabit the dune and esplanade reserve area subject to the proposal and I see this as a gap in the assessments undertaken.
- 3.17 The presence of whale species in Whangārei Terenga Parāoa as a tohu or indicator species of ecological health and mauri is interconnected to the cultural health and wellbeing of the environment and Mana Whenua. As well as whales being kaitiaki in the true sense of the word, their presence

⁹ Refer to page 68 of Boffa Miskell Coastal Avifauna Assessment

is also a measure of our ongoing duties as tangata tiaki in striving to protect and nurture the environment. The naming of the harbour clearly illustrates the historical and traditional importance of whales within our rohe moana and this includes 'riu' or passageways within the harbour and Te Akau/Bream Bay and beyond. For marine mammals, our harbour is considered not particularly important habitat for marine mammals based on a desktop review and DOC's opportunistic sightings database rather than systematic survey. Effects assessment is mostly limited to construction related effects. PTB have sought advice from Dr Brough and I rely on his evidence which supports our concerns in this respect.

- 3.18 The lack of adequate consideration of climate change effects of the project is another concern we hold. We identified in the interim CEA the timing of amendments to the RMA that were scheduled for the end of 2021 but unfortunately were delayed until 30th November 2022. Sections 70A, 70B, 104E and 104F have now been repealed and therefore local government is no longer restricted from considering the effects that greenhouse gas discharges have on climate change. The RMA can now effectively be a long-term tool for reducing emissions because local government can now also consider greenhouse gas (GHG) emissions when they make consent decisions.
- 3.19 In the interim CEA we noted how convenient the timing of lodgement of this consent application is as it enables Northport to avoid consideration of the effects of the proposal on future GHG emissions – a point carefully highlighted by Northport¹⁰ and confirmed in the s 42A report.¹¹
- 3.20 The climate emergency is predicted to have a measurable impact on the sea temperature, level and acidity of the harbour and its ecology within the projected lifetime of the consent, all of which will compound and accelerate the level of negative stress this ecosystem is functioning within and predicted to have increasingly negative effects on shellfish, avifauna and marine mammals. Increased transport activity associated with growth

¹⁰ e.g. page 8 of Response to second request for further information dated 21 February 2023, evidence of Brett Hood para 9.5

¹¹ See paragraphs 202-205

models projected, in particular large ships such as cruise liners and container ships and increased large vehicular traffic, is likely to have an impact in regards the greatly increased air emissions from these modes. These will have an impact on GHG emissions that contribute to climate change, but also have potential to impact humans regardless of their additional impact of contribution to global warming.

- 3.21 The effects of the proposed reclamation and capital and maintenance dredging on coastal processes is also of concern to PTB. Tonkin and Taylor's assessment recognises there have been changes to the shell bank at the entrance to Rauiri Blacksmith's creek, migration of the toe of Patangarahi into the turning basin and local scour and deposition around the faces and corners of the port reclamation (particularly accretion of the beach areas between the port and the Refining NZ Jetty) which are expected to continue or increase slightly.¹² These changes are important because of the potential effects on mahinga mātaītai and taonga species, as well as cultural landscapes.
- 3.22 Mr Reinen-Hamill assesses overall cumulative effects on tidal flows and sediment transport as moderate to the east of the proposed reclamation.¹³ We note that Channel Infrastructure have raised concerns in their submission about coastal processes effects in relation to their infrastructure *"While localised areas of accretion and scour may result from the proposal, in my view the proposed consent conditions are sufficient to enable monitoring and, if necessary, responses to avoid any material implications of these coastal process changes - including for operation of other infrastructure assets."*¹⁴
- 3.23 I infer from this that monitoring will address any issues and as for responses to any effects identified by the monitoring he appears to be referring to maintenance dredging.¹⁵ To my mind, that would likely see increases in the need for maintenance dredging around the Jetty and

¹² Appendix 10 of Application

¹³ At paragraph 11 of his evidence

¹⁴ Evidence of Richard Reinen-Hamill paragraph 59(d)

¹⁵ Evidence of Richard Reinen-Hamill paragraph 53

Mooring Dolphins, directly adjacent to Marsden and Mair Banks /Poupouwhenua Mātaitai and in areas that our monitoring has shown to be important for pipi settlement/habitat/ukaipō (nursery).¹⁶

- 3.24 Professor Bryan’s evidence highlights a gap in the validation/calibration of the numerical modelling relied upon to reach conclusions in relation to coastal processes and a lack of baseline modelling which further supports our concerns regards coastal processes and hydrodynamics.

Cultural Effects

- 3.25 Poupouwhenua is a significant wāhi tūpuna that together with Whangārei Terenga Parāoa and the mosaic of sites identified in the CVA, forms our cultural landscape and seascape. Moreover, it is considered a sacred spiritual pathway - rerenga wairua for our people. The Poupouwhenua Mātaitai which is directly adjacent to the Channel Infrastructure NZ Jetty, is identified as a Site of Significance to tangata whenua in the pRP maps. Spatially Poupouwhenua, Te Koutu, Rauiri and Te Ara Kahika (the stretch from the wahapū or harbour mouth to One Tree Point for example) is a subset of our wider relationship to the harbour and Te Ākau/ Bream Bay.
- 3.26 Viewpoints and simulations provided by Stephen Brown and Buildmedia as part of the landscape assessment usefully illustrate views back towards the port from Poupouwhenua Mātaitai, in front of Rauiri, Reotahi, Patangarahi and other locations in the harbour - perspectives mana whenua regularly experience whether it be as whānau recreating – swimming, fishing, walking, kaitiaki/tangata tiaki undertaking monitoring and so forth. We consider the “before and after” shots with and without the reclamations and port infrastructure (eg. gantry cranes etc) demonstrate a substantial change and a significant adverse visual effect on our viewshafts to, on and around our harbour, maunga, mātaitai and other sites that collectively make up our cultural landscape. On the topic of cranes, it seems the applicant is unwilling to specify a maximum number of cranes¹⁷ which

¹⁶ See also paragraph 5.3 of Dr Bulmer’s evidence

¹⁷ See paragraph 88 S42A report and paragraph 13.4 of Brett Hood’s evidence

makes the potential effect more uncertain and unable to be fully assessed by us.

- 3.27 We note that Mr Farrow in responding to submissions from hapū on cultural landscape values and effects, including viewshafts and the integrity of landscape/seascape elements such as Mair Bank notes these submissions “do not specifically identify key viewshafts or visual connections of concern.”¹⁸
- 3.28 PTB’s CEA including CVA, was attached to our submission and I consider it to be clear and specific¹⁹ in describing the cultural landscape and seascape as a mosaic of interconnected elements and that the fully implemented consent would present as a “wall” between various tūtohu and wāhi tūpuna on the northern side of the harbour and Poupouwhenua on the southern side, as well as disrupting viewshafts from other component sites such as Patangarahi. Further discussion on the cultural landscape is provided in section 4 below.
- 3.29 Further, views are merely one component of the connection to cultural landscape of which there are other intangible connections (eg. as described in the CVA – in the context of whakapapa, pepeha, waiata, pūrākau, whakataukī and so on) as well as physical connections.
- 3.30 For Patuharakeke, the harbour’s geomorphology will continue to be artificially “reconstructed,” and the beautiful white stretch of beach that we follow on our haerenga to Poupouwhenua Mātaitai, while marred with the Refinery Jetty, still passable and still treasured, will be lost. Patuharakeke whānau, kaitiaki/tangata tiaki and the community will make their way to the beach via a narrow strip sandwiched between the security fences of two massive industrial complexes.
- 3.31 Mana Whenua were not involved in the design of the Pocket Park concept. In terms of somehow ameliorating impacts on our landscape we agree with Mr Brown’s conclusion that its effectiveness in mitigating the high

¹⁸ Mike Farrow’s Peer review at page 8 and at paragraph 283(e) of the S42a report.

¹⁹ CVA Section 5.2.2.2 and CEA Section 7.3.1 for example

landscape, natural character, and amenity effects at Marsden Bay beach will be low.²⁰ Mr Greenaway has drawn similar conclusions in his recreation assessment noting residual adverse effects on recreation, particularly the reduced sense of scale, are likely to be significant for recreational users of the beach and more than minor at the regional level.²¹ When we add the layers of value pertaining to Mana Whenua ahi kā, spiritual and whakapapa based connections, relationship to the location as kaitiaki, and diminishing of mauri through to recreational, landscape and amenity losses, in our view, the effects become unacceptable. The Pocket Park is cosmetic at best and cannot possibly be considered to mitigate recreation and amenity effects, let alone the severance of cultural connection and relationship to the site.

- 3.32 Patuharakeke have never subscribed to the argument that the presence of existing development enables the downgrading of landscape effects. The industrialisation of Poupouwhenua has had immense impact on our cultural landscape, relationship and access to it, as well as mātauranga and other tikanga and values associated with it. However, it does not diminish the significance of this place to us and should not be used to justify more development.²² The argument that visual and landscape effects of the port expansion will be absorbed into the landward Refinery/CINZ plant is less convincing as the refinery has transitioned to a terminal facility and plans are being made for the decommissioning and dismantling of much of the plant (excluding storage tanks) over the next 3-10 year time horizon (Naomi James, pers. comm, October 12th 2021). We note that Mr Farrow also raised this matter.
- 3.33 The loss of land, takutai moana and customary access to sites has numerous ensuing impacts. Notably the loss of te reo me ona tikanga, mātauranga, impacts on mauri, our obligations as kaitiaki, and mana. Effects such as removal of sand out of the system, potential import of reclamation material²³, the loss of benthic community, sediment plumes,

²⁰ Section 6.3 of LVEA (Appendix 15 Application)

²¹ See Recreation Effects Assessment page 10

²² e.g. see Policy 5.6.3 of Patuharakeke HEMP

²³ See AEE section 3.5.5

any impacts on tohora and parāoa (whales), kaimoana and manu for example, contribute to an overall effect on the mauri and cultural health of the harbour/ecosystem as a whole. Patuharakeke consider the mauri of Whangārei Terenga Parāoa has been seriously diminished as a result of decades of management decisions that we had no part in. The historic dumping of cement processing fines, dredge spoil, agricultural and waste water run-off, the Marsden Cove Marina development and reclamation of Northport berths along with existing and (unlikely but possible) future refinery/CINZ consents, fisheries pressure and future climate change impacts all add to this mix of past, present and future stressors on the harbour.

- 3.34 As kaitiaki of all natural resources within the rohe, Mana Whenua, ahi kā have a cultural and spiritual responsibility to ensure the mauri of these resources/taonga tuku iho is maintained, protected and enhanced. Due to our inability to manage our own taonga the mauri has been diminished. This has flow on impacts to our mana. For example, our mana as tāngata whenua, is affected by our inability to practice manaakitanga to gather kai moana for the table both for our families and manuhiri (something the people of Whangārei Te Rerenga Parāoa were formerly renowned for).
- 3.35 Mana is inter-generational. Decisions that were made during the time of previous generations of kaumātua (whether they were able to participate in their making or not) have caused long-term adverse effects on the ecosystem of the Whangārei Harbour and inevitably this has led to adverse consequences for the mana of this generation of kaumātua. Constraints to our participation today will affect the next generation and continue to transfer onwards to our future tamariki and mokopuna.
- 3.36 Our relationship to the site through Kaitiakitanga has been affected by historical impacts of colonisation including through land alienation and assumptive rights over the harbour, eroding our connection to whenua and moana and associated knowledge (mātauranga) and the practice (tikanga) of kaitiakitanga in relation to resources. The ability to tiaki the taiao/environment has been a key focus of Patuharakeke for decades and

in recent years we have made real inroads in re-establishing connections through revitalisation of tikanga, tiro tiro (observation/monitoring) and contemporary expression of kaitiakitanga through participating in RMA processes and undertaking a variety of projects with councils, DOC, CRI's and increasingly, our own mātauranga led research, much of which has been directed at Poupouwhenua mātaimai. This proposal will significantly undermine our role as kaitiaki.

- 3.37 I do not agree with the cultural evidence provided by Mr Isaacs on behalf of Northport and discuss reasons for this in section 4 below.

Social Effects

- 3.38 The CEA describes how construction of Northport and the Port Marsden Highway/ SH15 has enabled and promoted substantial industrial, commercial and residential growth in our rohe, however, this growth has been ad hoc and has not been accompanied by holistic infrastructure planning and future proofing. In our eyes, the growth has driven increased pressure on natural resources and the social, economic and cultural wellbeing of Patuharakeke has not improved as a result. Air and noise emissions impact on the experiential qualities of the cultural landscape at Poupouwhenua and are experienced throughout the harbour and kāinga. Developments like Marsden Cove have further alienated us from our harbour and its resources, the inability of the Ruakākā Wastewater Treatment Plant to cope with the growth was a catalyst for a consent for an ocean outfall in Bream Bay and our local highways and roads are less and less safe for the community. There are numerous examples like these in our rohe. For Patuharakeke, the potential effects on our social wellbeing, including physical (hauora) and cultural health (mauri ora) along with values such as amenity, consenting to expansion of Northport will have more than minor cumulative effects.
- 3.39 Mitigation has not been offered for noise effects beyond residential receptors and therefore does not address potential effects on kaitiaki, whānau, community and so forth when utilising beach or harbour,

dismissing how this can affect the experiential values of the cultural landscape (and similarly recreational and amenity values). These issues were raised in the CEA and our submission but were not specifically responded to in the s 42A or Mr Runcie's review.

3.40 The transport effects of the operation is limited to impacts on critical intersections, providing what are in our view fairly light and superficial solutions. Wider transport issues raised in the interim CEA and through the consultation process have not been responded to although we note Councils' peer reviewer Mr Inman has identified that Northport's proposed conditions do not provide a robust mechanism of considering potential safety effects of additional Port traffic on the roading network. He has recommended amendments such as: supporting Waka Kotahi's recommendation to include the SH15 – SH1 roundabout within the monitoring schedule, incorporating safety considerations in monitoring requirements, implementing an Operational Traffic Management Plan (including cruise ship shuttle services), and strengthening the use/uptake of the Marsden Rail Link when operational and the traffic reduction measures recommended in the WSP TIA.²⁴

3.41 While these measures represent an improvement from PTB's perspective, given the past promises associated with rail and what SH15 and trucks have done to our kāinga and wider community in terms of safety and amenity, rather than treating the rail connection as a "nice to have" - in our view its construction should be a prerequisite for commencement of the port's expansion at all. I further note that, on its own, the Marsden rail spur isn't going to solve the issue as it will be dependent on a range of other factors as acknowledged by Scott Keane in his Technical Memo in his Port demand and logistics review for Council.²⁵

Economic Effects

3.42 The CEA considers that insufficient analysis and evidence is provided to determine the economic effects (whether positive or adverse) of this

²⁴ See paragraphs 395-396 of the S42A Report

²⁵ See sections 5.2 and 6.1

proposal on Patuharakeke and its taonga. Our advice from Dr Nuttall²⁶ concludes that the economic evidence and, to a large extent, the business case underlying the expansion, is based on an assumption that Northport's role in the national economy needs to be greater than just a regionally significant asset, that is to say it has national interest. It is largely argued that a larger port at Poupouwhenua is needed, not to accommodate expanding regional trade, but to take the overspill from an expanding North Auckland economy. The modelling also shows the vast portion of economic benefit from this expansion will also not be to the regional economy but will flow south.

- 3.43 From what we have seen, we conclude any economic benefits to the hapū are based on what Council's peer reviewer has also confirmed are limited assumptions and uncertain outcomes presented by ME and the Polis Report which is more of an aspirational statement²⁷ and that these benefits will not outweigh the externalities particularly in terms of cultural and ecological effects.

4. SECTION 42A REPORT

- 4.1 Ms Dalton has provided a planning assessment and comprehensive response to the S42A report and I support and adopt her assessment. Some aspects I do wish to specifically comment on are outlined below.

Assessment of Alternatives

- 4.2 The s 42A includes a section on consideration of alternatives. PTB were of the understanding that an "alternatives assessment" is required under the RMA when seeking resource consent for projects with the potential to have significant adverse effects, and/or where the application is for a discharge permit or a coastal permit. Our CEA was critical of Northport's 2021 Options Evaluation Report which was prepared post design and included a Multi Criteria Analysis ("**MCA**") which included **no cultural criteria**.

²⁶ See section 7.5 and Appendix 2 of the CEA

²⁷ See evidence of Peter Clough at paragraph 8.1

- 4.3 For other MCA processes for large projects, notably the Refining NZ capital dredging proposal and Waka Kotahi/NZTA's Port Marsden Highway to Whangārei 4 laning project, Mana Whenua participated in the scoring process which took place well prior to finalisation of the design. Apart from engineering matters, other considerations appear to be primarily business or operational. The AEE lodged with the application appends an updated "Issues and Options Report" which again has been undertaken by Northport and in isolation of any cultural expertise/input. The S42A report also comments on this, noting *"In my experience, an MCA approach is not unusual for this scale of project."*²⁸

Allocation of coastal space

- 4.4 Councils' planners identify that *"the policy tests for using the method of reclamation to provide for the activity have been satisfied, however in the absence of demand for the activity to occupy coastal space, a lack of national direction and commitment to Northlands role in the upper north island freight task and supporting freight infrastructure (road, rail, coastal shipping), and customary marine title claims to this space, there is uncertainty that the Northport expansion satisfies the policy tests for allocation of this scarce coastal space."*²⁹
- 4.5 This statement largely echoes PTB's thinking in that by attempting to secure the largest footprint possible for a port that may not be built for 30 years (if at all) at this time, essentially forecloses the ability of Mana Whenua to exercise and continue to exercise the rights guaranteed to them under Te Tiriti o Waitangi, and have them recognised as Customary Marine Title and/or Protected Customary Rights under the MACA Act.
- 4.6 I broadly agree with the analysis provided in Section 12.1.1.9 of the S42A report as well as the commentary on coastal permit duration³⁰.

Tangata Whenua Provisions of DP and PRP

²⁸ Section 42A Report at para 564

²⁹ e.g. S42A report at paragraph 14, 561 and 656

³⁰ Paragraph 477 S42A Report

- 4.7 In discussing the Tangata Whenua provisions of the Whangārei District Plan, the reporting planner states “*whilst the PTB submission and CEA does not appear to detail how the proposal will exacerbate the unresolved Treaty claim, PTB do consider the actions (i.e. reclamation and development of the coastal environment) will likely prejudice concurrent legal Treaty claim and MACA processes.*”³¹ As set out in the CVA and CEA Patuharakeke have already had a bitter experience with the process of having new land and what effectively amounts to proprietary rights “created” in the moana, along with a corrosion of our relationships with Crown agencies. I stepped through how this consent will predetermining an outcome in advance of Customary Marine Title and Protected Customary Rights orders being made prevent us having a stronger set of rights and putting the reclaimed area out of reach.
- 4.8 With regard to the Te Paparahi o Te Raki (Northland Inquiry) a preliminary draft of Part 1 of the Stage 2 report was released in December of last year. The Tribunal’s findings specifically mention the loss of Poupouwhenua and our Tūpuna Koukou’s (Te Pirihi)³² involvement – a key tent of our Statement of Claim³³ and that the “*forfeit of 1,000 acres of the Whangārei headlands (known as Te Poupouwhenua) as payment for the January 1845 taua muru against the settlers Millon and Patten, the Governor acted inconsistently with the Crown’s duty to recognise and respect tino rangatiratanga, in breach of te mātāpono o te tino rangatiratanga. He also breached te mātāpono o te whakaaronui tētahi ki tētahi/the principle of mutual recognition and respect.*”³⁴
- 4.9 In its conclusions the Tribunal recommended that the Crown apologise for its treaty breaches and return all Crown owned land in the district to Te Raki Māori; provide compensation; and enter into discussions with claimants to determine appropriate constitutional processes and

³¹ S42A Report paragraph 546

³² See

https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_192668456/Te%20Raki%20W.pdf
at pg. 445

³³ CVA section 5.2.1 and CEA 7.3.2

³⁴ *ibid* pg. 1815

institutions to recognise, respect, and give effect to their treaty rights at the national, iwi, and hapū levels.

- 4.10 Patuharakeke is in the unenviable position of having had our Treaty claims subsumed into mandates of Ngāpuhi, Ngātiwai and Ngāti Whatua, a situation that has resulted in further urgent mandate inquiries before the Tribunal. Had the mandate process not been so fraught, settlement negotiations could be well underway by now. Regardless, there is clear direction from the Tribunal’s report for the Crown to enter into negotiations. The settlement process typically results in commercial and cultural redress including the return of whenua. If consented I consider the port expansion will likely impact the value of financial redress and foreclose the return of coastal Crown owned land at Poupouwhenua available for cultural redress thereby exacerbating our existing claim and outcomes.
- 4.11 The s 42A’s conclusion on consistency with planning provisions (for S104(1)(b)) regards cultural effects states that procedurally the policy intent is generally being applied but determination around the proposals location being a place/site of significance is important to the substantive policy consideration.³⁵ Mr Hood, referring to Policy D.1.5, notes that weight can still be given to unmapped sites in considering applications for resource consent. He goes on to say there “*is no evidence of such unmapped sites that I am currently aware of.*”³⁶ I consider the CVA and CEA made the cultural significance of the proposal site and surrounding cultural landscape/seascape abundantly clear, as have multiple other CVA, CEA, Waitangi Tribunal and MACA evidence on the public record. Nonetheless, to assist the parties and decision-makers I have completed a further assessment so there can be no confusion or doubt as to the significance of this area.
- 4.12 The following table has been set out to demonstrate how the cultural landscape referred to in Patuharakeke’s CVA and CEA is consistent with Policy D.1.5 of the pRP “Places of significance to tāngata whenua.” In terms

³⁵ S42A Report paragraph 558

³⁶ At paragraph 8.91 of his evidence

of D.1.5 (1) the place of significance in this case is the collection of elements making up Patuharakeke’s cultural landscape/seascape. The wahapū or outer harbour area falls within the coastal marine area and the values which may be impacted relate to aquatic ecosystems and indigenous biodiversity.

- 4.13 As for D.1.5 (2) the site and surrounds is a historic heritage resource, and meets the definition of ancestral land, water, site, wāhi tapu, or other taonga, and finally, for D.1.5 (3)(b) is a Landscape of Significance to tāngata whenua, being a collection of related resources identified and described within a mapped area. Figure 1 “Patuharakeke Cultural Landscape” attached to my evidence (refer to Appendix 1) provides a visual depiction of the web of interwoven relationships between the landscape components and Patuharakeke as ahikā as grounded in our Patuharakeke traditions and tikanga. These narratives are not only korero tuku iho but have been endorsed by the hapū over decades going back to the original Northland Port Corporation Hearings in 1997 and more recently in Waitangi Tribunal and MACA evidence as well as multiple resource consent and plan change hearings before WDC and NRC.

Table 1: Policy D.1.5 Assessment

D.1.5 (4) Attributes	
<i>a) historic associations, which include but are not limited to:</i>	
i. stories of initial migration, arrival and settlement	CVA s5.2.2 Eg. Manaia was the captain of the Māhuhu-kite-rangi canoe, other significant Tūpuna/Rangatira
ii. patterns of occupation, including permanent, temporary or seasonal occupation	CVA s5.2.1 Nohoanga See also Regional Plan maps mapped sites worksheets https://www.nrc.govt.nz/media/dqjbtn3y/patuharakeke-patute-poupouwhenua-mahinga-mataitai.pdf
iii. the sites of conflicts and the subsequent peace-making and rebuilding of iwi or hapū	CVA 5.2.2.3 Battle sites and preparation/marshalling sites

v. alliances to defend against external threats	CEA pg. 3 sites of taua “marshalling” before battle
vi. recognition of notable tupuna, and sites associated with them	CVA s5.2 List of sites/Tūpuna/Rangatira Pūrakau, Pepeha, Waiata etc

<i>b) traditional associations, which include but are not limited to:</i>	
ii. traditional travel and communication linkages, both on land and sea, or	CVA 5.2.1 Tauranga waka
i. resource use, including trading and trading routes between groups (for instance – with minerals such as matā/obsidian)	CVA 5.2.3 Nohoanga and seasonal harvest/migration by inland hapū
iii. areas of mana moana for fisheries and other rights	CVA 5.2.5.1 Gazetted rohe moana
v. implementation of traditional management measures, such as rāhui or tohatoha (distribution)	CVA s5.2.4.2 Rahui in relation to manu CVA s5.2.5.1 Contemporary shellfish/rohe moana rahui examples
<i>c) cultural associations, which include but are not limited to:</i>	
i. the web of whanaungatanga connecting across locations and generations	CVA s5.1 Tāngata Whenua o Whangārei Terenga Parāoa Whakapapa
ii. the implementation of concepts such as kaitiakitanga and manākitanga, with specific details for each whanau, hapū and iwi,	CVA s5.2.5.1 Contemporary shellfish/rohe moana rahui examples CEA s7.3.3 Mana, Manākitanga, Kaitiakitanga
<i>d) spiritual associations which pervade all environmental and social realities, and include but are not limited to:</i>	
i. the role of the atua Ranginui and Papatūānuku, and their offspring such as Tangaroa and Tāne	e.g. CVA S 5.2.2 <ul style="list-style-type: none"> • Rauiri Baptism site • Taniwha and Tupua CEA s7.2.1 Marine ecology, taonga species, whakapapa to “Te Tini ā Tangaroa” Tohu, Maramataka Mātauranga Tikanga

ii. the recognition of places with connection to the wairua of those with us and those who have passed away	CEA s7.3 Whangārei Terenga Pārāoa as sacred spiritual pathway - rerenga wairua for our people
iii. the need to maintain the mauri of all living things and their environment	CEA s7.3.3 Mauri

5. EVIDENCE OF APPLICANTS AND RESPONSE TO SPECIFIC ISSUES

Tangata whenua provisions of NZCPS, RPS and PRP

- 5.1 Mr Hood considers the various statutory provisions of the NZCPS, RPS and PRP with regard to effects on tangata whenua have been adhered to through the engagement that has occurred and through the proposed conditions, relying on the evidence of company witnesses and Mr Isaacs.³⁷
- 5.2 Ms Dalton has pointed out that both of these witnesses have not determined the scale and magnitude of effects on cultural values which therefore undermines their conclusions that the proposed mitigation is adequate or indeed “culturally appropriate”³⁸ and I agree with her.

Engagement

- 5.3 While I acknowledge that substantive engagement with Northport has occurred, a number of examples of engagement or events that are in my opinion unrelated to this application³⁹ have been provided by the applicant which is somewhat disingenuous. Mr Moore for example refers to the relationship with Patuharakeke and relays a number of initiatives which I consider should be placed in context as having been borne out of consent mitigation for the previous consent, and not a response to the effects identified in relation to this one.⁴⁰

³⁷ e.g. Paragraphs 3.12-3.13, 7.47 8.19-8.20, 13.10, 14.16 of his evidence

³⁸ Paragraph 8.3 of her evidence

³⁹ e.g. Paragraph 47, 67 and 104 of his evidence

⁴⁰ e.g. Paragraphs 120-125 of his evidence

- 5.4 When we were introduced to Mr Isaacs in 2022 it was through PTB’s quarterly Relationship Agreement meetings. We did not specifically discuss this application with him or any potential mitigation at those meetings. Until last month, we were not even aware that he would be providing evidence on behalf of the applicant. From my perspective, this “surprise” does not demonstrate good faith on Northport’s part.
- 5.5 Our CEA identified a range of cultural effects we consider are unable to be mitigated and that consent should be declined. That remains our primary position. However, if, despite the effects on our values, consent is to be granted, then PTB is willing to enter into discussions on potential mitigation or even measures to offset or compensate residual effects. However, the pocket park concept and bird roost and now the Kaitiaki Group conditions have also been developed without our input, and are woefully inadequate relative to the magnitude of permanent effects on our values. The applicant has had several years to discuss culturally appropriate and meaningful approaches to addressing effects but has not done so.

Evidence of Mr Isaacs

- 5.6 Mr Isaacs relies on the proposed Kaitiaki Group (“KG”) to appropriately address the cultural effects and concerns that have been identified.⁴¹
- 5.7 The CVA⁴² and CEA⁴³ were highly critical of the implementation and outcomes of the Kaitiaki Roopu associated with the existing consent and called for an independent assessment of (e.g. condition 11) of its efficacy to be undertaken prior to lodgement of this application. To my knowledge this did not occur. The applicant is now proffering a similar vehicle to what hasn’t worked in the past and I fail to see how it constitutes mitigation for the effects identified.
- 5.8 I am unsure as to how the KG in itself can have the function of recognising and providing for a taonga or for kaitiakitanga.⁴⁴ It could facilitate

⁴¹ At Paragraph 102 of his evidence

⁴² Section 5.2.7.1

⁴³ Section 2.1

⁴⁴ Draft condition 227 (a) and (b)

involvement and provide a forum for tangata whenua in relation to the exercise of these consents.⁴⁵ However, the proposed funding model⁴⁶ which appears to equate to 2 years pre commencement funding of \$25,000/annum; 3-4 years of \$50,000/annum (based on the expected construction period)⁴⁷; and a further \$25,000/annum for 3 years post construction; would be lucky in my experience to cover the establishment of the charter, secretariat and administrative costs and meeting attendance fees, let alone any other initiatives or research that might go some way towards enhancing or restoring mauri.

- 5.9 I also cannot understand why the KG would only be resourced for less than a decade if it is to recognise and provide for the kaitiakitanga of a place that will be permanently altered.
- 5.10 In terms of some of the other proposed roles and functions for the KG⁴⁸, I consider it would not be tika for Patuharakeke to engage in providing design, narratives and ingoa for the pocket park or roads for this newly constructed whenua that we did not ask for and degrades our cultural landscape and mātaimai values. This is not mitigation, it is mana diminishing.

Cultural Indicators Hub

- 5.11 In principle, I am not opposed to such a condition - Patuharakeke have been engaged in developing and instigating cultural monitoring frameworks for more than a decade. However, we were not apprised of this proposed consent condition prior to seeing it in Northport's evidence.
- 5.12 In my consultancy work I have also assisted in the design of very similar frameworks (although I note they are yet to be implemented or tested). Developing and implementing the framework anticipated here would be time and resource consuming and require costly technical expertise. The KG funding would be unlikely to be able to cover it and the advice notes at condition 42, e.g. *“Reasonable actual costs associated with commissioning*

⁴⁵ Draft condition 227 (c) - (e)

⁴⁶ Draft condition 230

⁴⁷ S42A Paragraph 55

⁴⁸ Draft condition 228

external person(s) to establish cultural indicators will be the responsibility of the consent holder, rather than the KG” and, “nothing in these conditions compels the consent holder to engage any person(s) for the delivery of monitoring under these consent” do not provide me with confidence that the applicant understands or would be willing to adequately fund such a mechanism in order for it to be successful.

- 5.13 Notwithstanding this, I consider cultural indicator monitoring that provides for kaitiaki to merely monitor the decline of cultural values to be mana diminishing, rather than mitigation.
- 5.14 Overall, in my opinion the mitigation package offered falls woefully short of appropriately recognising and providing for the cultural values that will be affected by the Port expansion rendering the application inconsistent with a range of key provisions of the statutory framework as pointed out by Ms Dalton and remain of the view that it must be refused.



Juliane Chetham

18 September 2023

APPENDIX 1