

**IN THE MATTER** of an appeal under section 120 of the Resource  
Management Act 1991

**BETWEEN** **McCallum Bros Limited**

**Appellant**

**AND** **Auckland Council**

**Respondent**

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**STATEMENT OF EVIDENCE OF ANTONY BOYD THOMPSON  
FOR THE APPELLANT**

**DATED 30 SEPTEMBER 2022**

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**PRESENTED FOR FILING BY**

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## **Introduction**

1. My full name is Antony Boyd Thompson, I am 45 years old.
2. I am a descendant of Te Uri o Hau and Ngāti Whātua.
3. I am the Chair of the Te Uri o Hau Settlement Trust elected in 3<sup>rd</sup> March, 2020. Prior to that I engaged in social services for my iwi of Ngāti Whātua.
4. I have been a trustee of Waihaua Marae, Arapaoa since the 22<sup>nd</sup> September, 2018. I am also a director of Environs Holdings Limited, the Resource Management Arm of Te Uri o Hau.
5. I am currently employed as the Chief of Operations for Te Rūnanga o Ngāti Whātua.
6. I am providing evidence on behalf of the Chairman of the Te Uri o Hau Settlement Trust.

## **Te Uri o Hau Place in the Mangawhai Pākiri Embayment**

7. Te Uri o Hau Settlement Trust are a mandated hapū of Ngāti Whātua with a Deed of Settlement with the Crown signed in 2002. The area covered includes Mangawhai Harbour as well as the coastal area north of Te Ārai Point.
8. The Te Uri o Hau Settlement Trust has a range of interests over the proposed area of sand extraction
9. Te Uri o Hau Settlement Trust exercised a Treaty Settlement redress option over commercial forestry land located north of Te Arai point which was sold in part to Darby Partners. Part of that block was subsequently cleared for the Tara Iti golf course development.
10. Te Uri o Hau Settlement Trust has a commercial entity named the Renaissance Group which focuses on the financial sustainability of the Trust. It has various interests across our rohe but importantly still owns approximately 60 Hectares of land adjacent to what was sold to Darby partners in 2016. This land is home to the Te Arai native nursery, is partly leased to a local farmer with the rest of the land in the process of being developed by Te Uri o Hau.

### **Te Uri o Hau Relationship with McCallum Bros. Ltd.**

- 11.** Te Uri o Hau has had a strong relationship with members of the McCallum family with one of our late granduncles being a long-term employee of McCallum Bros.
- 12.** In 2018 McCallum Bros began consultation with the Te Uri o Hau Settlement Trust on its inner and midshore consent applications. This has continued with various members of the Settlement Trust governance, executive, environmental arm - Environs Holdings Ltd as well as Te Taumata Kaumātua - the Council of Elders.
- 13.** October 2021 saw the preliminary discussions around a relationship arrangement between the two parties that could have an agreement to enable Te Uri o Hau Settlement Trust to apply its Kaitiaki role in its rohe.
- 14.** In October of 2021 we were notified that McCallum Bros. Ltd. had purchased the current offshore consent and the associated renewal application from Kaipara Ltd. We were happy with this arrangement as it placed all sand extraction consents and applications under the control of one entity. Given the history we were satisfied we could trust and work together with McCallum Bros. Ltd.
- 15.** This also meant that any application that had consent granted in the embayment would be covered by the aforementioned agreement.
- 16.** This agreement is important to Te Uri o Hau Settlement Trust for several reasons:
  - a) It recognizes the mana whenua status of Te Uri o Hau.
  - b) It provides for Te Uri o Hau to exercise its kaitiakitanga over its rohe.
  - c) It provides an ability to activate monitoring options as well as having input to the exercise of any consents issued, thus ensuring cultural values would not be compromised.
  - d) Te Uri o Hau shares in the economic benefit derived from the resource upon consent being granted.

### **TUOH and its involvement with this Application**

- 17.** In late 2019 Kaipara Ltd, the original owners of the offshore consent, made an application to renew their offshore consent. In February of 2019, Kaipara Ltd

began its consultation with TUOH and as part of this process requested a Cultural Impact Assessment of the application.

- 18.** Environs Holdings Ltd, undertook this work led by the manager at the time Stephen Brown. Stephen is an Ecologist with a Master of Science aligned to his experience across various Councils and consultancy firms being also deeply knowledgeable regarding Assessments of Effects.
- 19.** Stephen's report to the Settlement Trust and the Taumata Kaumātua group was positive of the sand extraction applications. At the time remembering that we were required to address two different entities (MBL and Kaipara Ltd) running separate applications in the embayment.
- 20.** The overall scientific opinion from Stephen was that the expert reports for the offshore application were sufficiently robust and that effects of the activity, with appropriate conditions, were minor to less than minor and could be supported by Te Uri o Hau.
- 21.** Based on all this information the Te Uri o Hau Settlement Trust were satisfied that under the direction of Environs Holdings, its involvement as Kaitiaki could be maintained and preserved.
- 22.** The technical assessments undertaken for the offshore application showed that less than minor effects were anticipated regarding the physical aspects of the local natural environment. This included effects on ecological values as well as coastal processes. The distance from the shore of the offshore application was seen as the preferred option of any of the applications being applied for.
- 23.** This preference is based both on previous feedback from engagement with stakeholders and the Taumata Kaumātua group, as well as the recognition that off-shore extraction will have fewer adverse effects on the local environment.
- 24.** It was also agreed that the TUOH Settlement Trust would be further supported through a negotiated relationship arrangement in the form of a cultural liaison agreement with both Kaipara Ltd and MBL based upon one or more of the consent applications being granted.

- 25. In the off-shore application area, there were not found to be shellfish of any conservation significance or rarity. Benthic ecology will be minimally affected, and benthic species will be able to rapidly recolonize the disturbed seabed.
- 26. In addition to this, the operation of the activity will have only minimal effects on fish given the low levels of noise generated during extraction and the limited effects on the food sources of the fish species. The low speed of the dredge head and vessel will also ensure that mobile species are not within the immediate extraction pathway and given its low speed they will be able to move away from it and not be taken through the effect of dredging.
- 27. The proposed discharge will have limited effects on water quality, and consequently on ecological values. The material discharged originates from the extraction zone with no additional foreign material.
- 28. Access to Pākiri sand will deliver significant economic benefits to Auckland. Due to its high quality, Pakiri sand is a key component in the continued development of the Auckland region and it plays a critical component in the production of high-quality concrete.
- 29. TUOH sees no reason why sand extraction cannot continue, provided the appropriate conditions, as proposed in this application occur.

#### **Concerns raised in the Commissioners Decision of the Offshore Application**

- 30. I note the original recommendation of the Council in its s42A report was to grant the offshore consent application based on lack of effects of the activity. I also note that the Council recommendation post the Hearing was changed to recommending a decline decision based on the cultural effects being so significant that they could not be mitigated. It followed that the decision of the Commissioners agreed with this finding where they cited cultural matters as a key reason for declining the offshore consent application.
- 31. In many of the submissions related to this application and at the Hearing concerns were raised as to the cultural effects of the activity and why the application should be declined. These related to:
  - a) Loss of fish and shellfish in the embayment
  - b) Erosion of the sand dunes

- c) Damage to the seafloor
  - d) Effects on Taonga species
  - e) Moving sand from one rohe to another
- 32.** Our internal scrutiny of the decision as it relates to these matters portrays a different picture. Overall, this is that the effects remain less than minor to negligible and acceptable from a consenting perspective. TUOH is also of the view that this remains the case. Matters of ecological and other physical effects were considered low (which was covered off by the information imparted to us from the various experts, including our own in-house person). Along with the positive effects of the activity and after having in large part agreed to a cultural liaison agreement, it is TUOH belief that any cultural effects have been addressed from TUOH's perspective.
- 33.** It is difficult to see how many of the reported cultural effects described by submitters are occurring. If the experts cannot find a significant effect from sand extraction it follows that there can be little to no cultural effects on mana whenua values that relate to these topics.
- 34.** With reference to sand having a cultural value, and in particular to movement of sand from one rohe to another, sand has mauri (lifeforce) which interacts with the environment. When the sand is taken and placed or used in another area, there is a transformation of the mauri and mana is lost, which can cause offence. However, due to the affinity TUOH has with the land, the sea, the ocean, when the transformation of the mauri occurs with the blessing of the iwi/hapu (ie through karakia), this tapu is lifted.

### **Conclusion**

- 35.** Te Uri o Hau are the mandated hapū for the area north of Te Arai point. We are kaitiaki.
- 36.** Our environmental team at Environs Holdings, has been provided all the relevant reports and made assessments of these. It has reported to the kaumatua of the Te Uri o Hau Settlement Trust.
- 37.** Based on these reports TUOH is satisfied that the effects are less than minor to negligible and so extraction, with appropriate conditions of consent and monitoring, may occur in the embayment.

- 38.** TUOH does not agree that cultural matters are so significant that they cannot be remedied or mitigated by McCallum Bros Ltd.
- 39.** MBL have provided opportunities for Te Uri o Hau to engage with the application that provide meaningful input to avoid, mitigate as well as the remediation of adverse effects on cultural values.
- 40.** The agreement that TUOH and MBL are working on provides a platform for the hapū to undertake its role as Kaitiaki in its rohe and provides for the economic wellbeing of our people.
- 41.** Te Uri o Hau believe that from its internal scrutiny and the expert evidence provided that sand can be sustainably sourced from Pakiri. The commissioners decision to decline the offshore application based on cultural values did not take into consideration Te Uri o Hau and the benefits it will obtain for its members.
- 42.** Being involved in the monitoring will allow Te Uri o Hau Settlement Trust to keep a close eye on how extraction is occurring and enable it to undertake its role as kaitiaki in the embayment.
- 43.** It follows that Te Uri o Hau is in support of the offshore application and believes that consent can be granted.

**Antony Boyd Thompson**

30 September 2022