

Before the Proposed Porirua District Plan Hearings Panel In Porirua

Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Porirua District Plan - Hearing Stream 2

Between **Porirua City Council**
Local authority

And **Te Rūnanga o Toa Rangatira**
Submitter 264 and Further Submitter 70

Memorandum of counsel for Te Rūnanga o Toa Rangatira in response to the directions in Minute 18

Dated 3 February 2022

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MAY IT PLEASE THE HEARINGS PANEL

- 1 Te Rūnanga o Toa Rangatira (**TRONT**) holds a dual role - as Mana Whenua, and as submitter and further submitter on the Proposed Porirua District Plan (**PDP**).
- 2 On 12 January 2022, the PDP Hearings Panel issued Minute 18 with respect to Landscape Assessment of Whitireia Park (**Minute 18**).
- 3 Minute 18 directs Ms Rose Armstrong, Council's expert landscape adviser, to seek confirmation from TRONT of the relevant tangata whenua values so as to complete her landscape assessment report¹. The aim of the report was to inform the Hearing Panel's decision on whether to impose a Special Amenity Landscapes overlay in Whitireia Park.
- 4 Ms Armstrong held an online hui with Ms Onur Oktem-Lewis, TRONT's principal planner, on 26 January 2022. An outline of the discussion, and of TRONT's position, is found in the letter from Ms Oktem-Lewis to the Hearings Panel. The letter is **attached** to this memorandum.
- 5 TRONT wishes to be heard in relation to the matters outlined in the letter.

Dated 3 February 2022



Nicky McIndoe | Ana Coculescu
Counsel for Te Rūnanga o Toa Rangatira

¹ Hearings Panel, Minute 18 (12 Jan 2022) at [11]

ATTACHMENT



TE RŪNANGA O TOA RANGATIRA

Ā UPANE KA UPANE WHITI TE RA

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3 February 2022

Hearings Panel
Proposed Porirua District Plan
Email: dpreview@porirua.govt.nz

Cc: Rose Armstrong
Isthmus

Re: SAL (Special Amenity Landscapes) Extension Proposal in the Whitireia Park ONFL003 and Tangata Whenua landscape values

Tēnā koutou katoa,

On the 26th of January 2022, I met with Rose Armstrong, Porirua District Council's expert landscape adviser, at an online hui to discuss the 'Tangata Whenua Values' on the RNZ land north.

The purpose of the meeting was for Ms Armstrong, as a landscape expert commissioned to investigate the landscape values at this part of Whitireia Park, to confirm whether Ngāti Toa Rangatira as the Mana Whenua can confirm her assessment of the area's Tangata Whenua values as being 'VH' (very high). Ms Armstrong stated that, if the value is VH, then the area would qualify as a Special Amenity Landscape which will then be the basis of her recommendation to the Hearings Panel.

Below is our response which also repeats and reiterates the points I made at our hui:

- To be clear, Mana whenua consider that the Tangata Whenua values of Whitireia Park are adequately protected via the existing zoning for the land and the **Ngāti Toa Rangatira Deed of Settlement Act (2012)**. Mana Whenua do not support any landscape or amenity overlay over the land.
- Mana Whenua do not wish to comment on the Tangata Whenua values of Whitireia Park or rank these values in a technical landscape assessment. Doing so could disadvantage iwi's rights to land which are clearly spelled out in the **Ngāti Toa Rangatira Deed of Settlement Act (2012)**.
- The technical SAL assessment process for further extension of this overlay asks Mana Whenua to make a final decision about one important iwi value (protection of whenua) over another (exercising tino rangatiratanga over claimed land via Deed of Settlement). This is inappropriate and unnecessary in this instance.

- Ms Armstrong's assessment will have a significant impact on a greater picture which is the rights and interests of Mana Whenua on Whitireia Park. Whitireia Park is important for Ngāti Toa, and the multiple values Ngāti Toa attribute to this maunga cannot be separated and reported in the framework suggested in Ms Armstrong's report. Protecting those values as 'amenity' values would not truly reflect their complexity and breadth.
- Ms Armstrong's report will be part of the evidence provided to offer relief to submitters. Therefore even though it remains as 'just' a landscape assessment from a technical standpoint, and 'expert' opinion, it only can offer a binary view to the Panel (SAL overlay, or no overlay). The Hearings Panel asked for the 'complete picture', however because Ms Armstrong's assessment is offering landscape binary values, it does not convey the iwi's rights to exercise their tino rangatiratanga on this land into the future. If the Tangata Whenua values of Whitireia Park are to be protected via a RMA planning mechanism, then Mana Whenua should initiate and drive that process (rather than be asked to comment on a process instigated by others).
- For these reasons, we are not able to comment whether the RNZ land area is of VH value to Tangata Whenua and therefore is a SAL. To do so would be for iwi to leave the exercise of Tino Rangatira to Porirua City Council. Mana Whenua object to this, and consider it to be contrary to te Tiriti.
- Ngāti Toa would like to speak to the Hearings Panel in relation to these points.

Ngā mihi nui,

Onur Oktem-Lewis
Principal Planner