

**In the High Court of New Zealand
Auckland Registry**

**I Te Kōti Matua O Aotearoa
Tāmaki Makaurau Rohe**

CIV-2019-404-2682

under the Judicial Review Procedure Act 2016

between

Averil Rosemary Norman and Warwick Bruce Norman

Applicants

and

Tūpuna Maunga o Tāmaki Makaurau Authority

First Respondent

and

Auckland Council

Second Respondent

**REPLY AFFIDAVIT OF CHRISTOPHER CONNELL
PARKINSON**

13 February 2020

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REPLY AFFIDAVIT OF CHRISTOPHER CONNELL PARKINSON

I, Christopher Connell Parkinson, Company Director, of Auckland, swear:

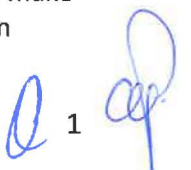
Background

1. I am a former member of the Tūpuna Maunga o Tāmaki Makaurau (Tūpuna Maunga Authority). I was a member of the Tūpuna Maunga Authority from its inception to the end of 2019.
2. Since October 2010 I have also been a board member of the Ngati Whatua Orakei Reserves Board. The primary focus of that board is the governance of that land in partnership with Auckland City Council and the Ngati Whatua o Orakei Maori Trust Board.
3. For the past 9 years I have also been involved with the Orakei Local Board, including as Deputy Chair for 2012 and 2015 and 2016, and Chairman from May 2018.
4. I was Chairman of the Tamaki Estuary Environmental Forum from 2010 to 2014. The vision of the Tamaki Estuary Environmental Forum is: *"To see Te Wai o Taiki (the Tamaki Estuary) as a thriving, dynamic and healthy ecosystem that is loved and used by the community and which positively enhances and connects with the Manukau Harbour, the Waitemata Harbour and the Hauraki Gulf."* Its purpose is to protect, sustain and enhance the health of the Tamaki Estuary by enabling integrated environmental management to achieve minimised pollution and high water quality and biodiversity.

Appointment to TMA and Involvement

5. I was appointed by Auckland Council as a representative on the Tūpuna Maunga Authority for two 3-year terms and until the end of 2019.
6. The Tūpuna Maunga Authority allow Mana Whenua and Auckland Council, through a unique co-governance arrangement, to care for and restore the wellbeing of the Tūpuna Maunga. That is meant to be an equal governance arrangement with neither group having priority.
7. The Tūpuna Maunga Authority is the 'administering body' of the reserves under the Reserves Act. The Tūpuna Maunga remain as reserves under the Reserves Act with their existing reserve classifications.
8. I have read the affidavits of Mr Majurey, Ms Bell, and Mr Turoa. I make this affidavit in reply to their comments on the TMA's processes in

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201.132
201.104

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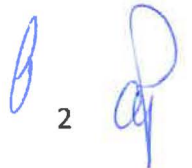
creating and implementing the Integrated Management Plan (IMP), and specifically in relation to the Reserves Act 1977.

Consideration of the Reserves Act 1977

9. Aside from a few absences, I attended all the Hui and prior workshops held by the Tūpuna Maunga Authority, both during our formation of the IMP and thereafter, while I was a member.
10. Mr Majurey and others make references to the Reserves Act 1977 in their affidavits. That can be characterised by Mr Majurey's reference at paragraph 121 of his affidavit where he "*confirm[s] that the Authority is well aware of the Reserves Act*". The references in the above affidavits all largely appear in the present tense and there are no comments on discussion or consideration given to Owairaka as a recreation reserve as part of the drafting and formation of the IMP. That is because that did not happen.
11. I can confirm that, in all of the Hui and workshops that I attended and to the best of my knowledge, there was no discussion or consideration specifically given to Owairaka being classified as a recreation reserve and how the IMP should be shaped or drafted to address that.
12. While the TMA agrees the annual operational plan, those documents do not contain any detail on this proposed felling. To the best of my knowledge there was no discussion of the removal of all of those trees on Owairaka by us as part of that process. Nothing of that sort occurred at any of the Hui or workshops I was a part of.

Implementation of the IMP

13. Mr Majurey and Mr Turoa seem to refer in their affidavits to the IMP being only document that would govern the management of the Tūpuna Maunga.
14. That is not the case. It was always my understanding that there would be individual management plans formed for each of the Tūpuna Maunga. Ms Bell indicates that was to occur in her affidavit. Mr Majurey also refers to those individual management plans.
15. The IMP does set out the following mandatory considerations that must be addressed in the preparation and development of Individual Tūpuna Maunga Plans with respect to vegetation management:
 - a. manage vegetation to protect cultural features and visitor safety (9.26.10);
 - b. native planting and ecological restoration and enhancement (9.26.22); and



- c. proactively manage plant pests and inappropriate exotic vegetation (9.26.23).

16. The above are all worthy goals and are worth aspiring to. How they were to be implemented for each Tūpuna Maunga was to be addressed in management plans to be formed. It is at that stage that I believe the reserve classification of Owairaka would have been considered.

304.1344

17. I have seen exhibit AY7 annexed to Mr Yates affidavit. At page 2 of that exhibit it refers to the follow:

Page 90-91: Individual Tupuna Maunga Plans.

The Tupuna Maunga Plans must, as a minimum, address:

- *Manage vegetation to protect cultural features and visitor safety;*
- *Areas of planting to be appropriately located to complement the landform and to reduce visual distractions;*
- *Identification and protection of the archaeological and geological values, and where appropriate, enhancement of the landforms;*
- *Native planting and ecological restoration and enhancement;*
- *Proactively manage plant pests and inappropriate exotic vegetation.*

18. That is consistent with my understanding that there would be future, individual management plans to address the 'proactive management' of plant pests and 'inappropriate' exotic vegetation. That was not something that the IMP was specifically covering or detailing.

19. In the formation of the IMP, we acknowledged that not all exotic species were necessarily pests, and many have heritage significance. The wording in *Section 10. "Delivering the Values and Pathways"*, under the heading "Individual Tūpuna Maunga Management Plans" was amended following public consultation to "*Proactively manage plant pests and inappropriate exotic vegetation [emphasis added]*" to address that. The word "inappropriate" was added as it was not the case that all pest plants or exotics were to be 'managed' out over time. What was "inappropriate", what that meant and how it was to be carried out, was to be assessed at a future date.

20. The foreword that appears in the IMP states: "*Future individual maunga plans will provide an opportunity for us to work closely with the Local Boards and diverse communities to produce plans that capture and enhance the unique qualities of each maunga.*" That was always to occur. We were aware of how important the Maunga are to the people of Auckland and the special place they are for local communities.

21. Any removal and revegetation work was to be carried out over the short, medium and long term. It was not to be *all* done in the short term. That is reflected in the annual operational plans which indicate

that landscape, ecological and biodiversity matters were to be carried out over time.

101.001


22. I have read the plaintiff's statement of claim dated 6 December 2019. I was not previously aware of a number of the matters that are set out in that claim, including:

- a. The extent and species of native birds on the Maunga (as set out in paragraphs 11 and 12 of the claim).
- b. The olive grove that was planted from seeds sent from Palestine during World War II (as set out in paragraph 24(d) of the claim).
- c. The cherry blossom trees planted in remembrance of a serviceman from the Great War (as set out in paragraph 24(e)).

23. The above are not matters that were addressed by the TMA when we drafted the IMP. Those points raised by the applicants are specific to Owairaka and I believe they would have been identified as part of the consultation processes over the individual management plan that was to be created for that Maunga.

SWORN at **AUCKLAND** this 13th
day of February 2020 before me:


 Christopher Connell Parkinson


 Barrister/Solicitor of the High
Court of New Zealand

