

**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

FURTHER AFFIDAVIT OF PAUL FRANCIS MAJUREY

Filed 3 April 2020

the day of 2020

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I **PAUL FRANCIS MAJUREY**, Chair of the Tūpuna Maunga o Tāmaki Makaurau Authority, solemnly and sincerely swear:

INTRODUCTION

1. I provided an affidavit to the Court on 31 January 2020, in relation to these proceedings.
2. My earlier affidavit summarised the statutory background and context to the Tūpuna Maunga o Tāmaki Makaurau Authority (**Tūpuna Maunga Authority**), explained Mana Whenua world views, and described the statutory processes that relate to the Tūpuna Maunga Authority's application and decision to undertake a restoration project to establish 13,000 indigenous plantings and remove 345 exotics trees on Ōwairaka / Te Ahi-kā-a-Rakataura / Mt Albert.
3. In this affidavit, I respond to statements made by Mr Christopher (Kit) Connell Parkinson in his affidavit (dated 13 February 2020).

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Reserves Act

4. At paragraphs 9–12, Mr Parkinson asserts that the Reserves Act 1977 was not considered by the Tūpuna Maunga Authority when making decisions about Ōwairaka / Te Ahi-kā-a-Rakataura / Mt Albert, including with respect to the IMP, as follows:

"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 Ōwairaka being classified as a recreation reserve and how the IMP should be shaped or drafted to address that.

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 Ōwairaka by us as part of that process. Nothing of that sort occurred at any of the Hui or workshops I was a part of."

5. At paragraph 121 of my original affidavit, I confirmed the Authority is well aware of the Reserves Act and gave the example of every hui agenda containing a reference to the Reserves Act (see, for example, page 2 of **PM 4**).
6. At paragraph 122, I noted the Authority is also aware that Ōwairaka / Te Ahi-kā-a-Rakataura is a recreation reserve under the Reserves Act. An example of this can be seen at **PM1** being a copy of page 37 of the IMP, i.e. the aerial

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map of Ōwairaka / Te Ahi-kā-a-Rakataura showing the exact delineation of the recreation reserve designation for this Tūpuna Maunga. As is well known, the IMP is the single integrated reserves management plan for all the Maunga and is referred to at every hui of the Authority.

7. As Mr Turoa explains in his second affidavit, during Mr Parkinson's time as a Tūpuna Maunga Authority member between 2014 – 2019, he participated in various hui where the restoration programme for the Maunga, including Ōwairaka / Te Ahi-kā-a-Rakataura, was specifically reported on and discussed.
8. I also note that Mr Parkinson, a hard working member of the Authority, never voted against any resolution of the Authority on any matter, nor raised any objection to the restoration programme as a whole or in relation to Ōwairaka / Te Ahi-kā-a-Rakataura. In this regard, I note that Mr Parkinson, along with all other members of the Authority, was briefed on the three restoration projects previously completed: Maungarei / Mt Wellington, Ohuiarangi / Pigeon Mountain, and Te Pane O Mataoho / Te Ara Pueru / Mangere Mountain, and Ōwairaka / Te Ahi-kā-a-Rakataura including the granting of resource consent. Mr Turoa explains those projects in his original affidavit at paragraphs 92 – 117.

Individual Management Plans

9. Mr Parkinson says (in paragraphs 13–21) he understood Individual Management Plans for each maunga were required prior to commencing restoration projects on the various Maunga.
10. I confirmed this was not the case in my first affidavit (paragraph 83).
11. It was never suggested in any Authority hui, by Mr Parkinson or any other members, that the various restoration projects could not proceed until the

