

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2018-AKL-00078**

**I MUA I TE KOOTI TAIAO O AOTEAROA**

**UNDER THE**

Resource Management Act 1991 ("**Act**")

**IN THE MATTER OF**

a direct referral of an application for resource consent for the necessary infrastructure and related activities associated with holding the America's Cup in Auckland

**BETWEEN**

**PANUKU DEVELOPMENT AUCKLAND LIMITED**

**Applicant**

**AND**

**AUCKLAND COUNCIL**

**Respondent**

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**SECTION 274 NOTICE ON BEHALF OF THE NGATI PAOA TRUST BOARD**

**6 SEPTEMBER 2018**

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Counsel instructed:

**JGH** BARRISTER

J D K Gardner-Hopkins

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PO Box 25-160

**WELLINGTON**

**TO:** The Registrar  
 Environment Court  
 PO Box 7147  
 Wellesley Street  
**AUCKLAND 1141**  
[Janice.King@justice.govt.nz](mailto:Janice.King@justice.govt.nz)

**AND TO:** The Applicant

**AND TO:** The Respondent

**AND TO:** The Parties, as listed in **Attachment A**.

### **Wish to be party**

1. Ngati Paoa Trust Board ("**Board**") wishes to be a party to *Panuku Development Ltd v Auckland Council* (ENV-2018-AKL-000078) ("**proceedings**").
2. The proceedings are for direct referral to the Environment Court of an application under s87G RMA for resource consents for construction, occupation, use and maintenance of permanent and temporary infrastructure and undertaking of activities within the coastal marine area and on land associated with the America's Cup ("**proposal**").

### **Interest**

3. The Board has an interest in the proceedings that is greater than the interest that the general public has. This is because:
  - (a) The Maori Land Court in 2009 made a "determination and order" pursuant to section 30(1)(b) of Te Ture Whenua Maori Act 1993 that the Board is the appropriate representative of Ngati Paoa in relation to:
    - (i) The Resource Management Act 1991; and
    - (ii) The Local Government Act 2002.
  - (b) The 2009 determination and order of the Maori Land Court has not been amended, revoked, or otherwise superseded by any decision of the Maori Land Court or other Court having jurisdiction in respect of matters of mandate.
  - (c) Ngati Paoa's rohe includes the subject site and subject area within which the proposal is located. Ngati Paoa also has a relevant ancestral and contemporary relationship with the lands, waters and taonga affected by the proposal.
  - (d) As part of the proposal, Panuku Development Auckland Limited and Auckland Council has engaged with a number of mana whenua groups who have an interest in subject site and subject area within which the proposal is located. In respect of Ngati Paoa, Panuku Development Council and Auckland Council have directed all their engagement and communication efforts to the Ngati Paoa Iwi Trust ("**Trust**"). This has been to the exclusion of

the Board, despite the Board being the mandated representative of Ngati Paoa in respect of resource management matters.

- (e) Panuku Development and Auckland Council should have directed their engagement and communications about the proposal as it related to Ngati Paoa to the Board.
  - (f) Instead, the Trust has joined the proceedings as an interested party holding itself out as and/or adopting a position designed to imply that the Trust is authorised to speak for Ngati Paoa in respect of resource management matters, including the proposal.
  - (g) Conditions of consent include a requirement to prepare and implement a Mana Whenua Engagement Plan “consistent with relevant customary practices and in accordance with the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), especially the principles of consultation, active participation and partnership”.
4. As mana whenua, it is reasonable and appropriate for Ngati Paoa to participate in the proceedings through the Board, as its mandated representative, including in respect of the finalisation of the Mana Whenua Engagement conditions.
  5. Ngati Paoa, through the Board as its mandated representative, is interested in all aspects of the proceedings, but is particularly interested in those parts of the proceedings relating to cultural values including the Mana Whenua Engagement conditions.
  6. In terms of any “mandate issue” as between the Board and the Trust, the Board will be seeking for the Court to comply with and/ or take judicial notice of the 2009 Maori Land Court determination and order appointing the Board as mandated authority for Ngati Paoa in respect of the proceedings.

**No prohibited trade competition purposes**

7. The Board is not a trade competitor for the purposes of Section 308D of the Act.

**Mediation**

8. The Board agrees to participate in mediation or other alternative dispute resolution of the Application.

**DATED** 6 September 2018




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J D K Gardner-Hopkins  
**Counsel for the Board**

The Board's address for service is C/- James Gardner-Hopkins, Barrister, PO Box 25-160, Wellington 6011.

Documents for service on the Board may be left at that address for service or may be emailed to [james@jghbarrister.com](mailto:james@jghbarrister.com). Service by email is preferred, with receipt confirmed by return email.

## Attachment A – list of parties

	<b>Name</b>	<b>Address</b>	<b>Email</b>
9.	Panuku Development Auckland Limited	Bill Loutit, Simpson Grierson - Auckland, Private Bag 92518, Wellesley Street, DX CX10092, AUCKLAND	<a href="mailto:bill.loutit@simpsongrierson.com">bill.loutit@simpsongrierson.com</a> <a href="mailto:kate.stubbing@simpsongrierson.com">kate.stubbing@simpsongrierson.com</a>
10.	Auckland Council	Matthew Allan, Brookfields Lawyers - Auckland, PO Box 240, Shortland Street, DX CP24134, Auckland 1010	<a href="mailto:allan@brookfields.co.nz">allan@brookfields.co.nz</a> <a href="mailto:adams@brookfields.co.nz">adams@brookfields.co.nz</a>
11.	America's Cup Event Ltd	Alan Webb, DX CP 18023, Auckland	<a href="mailto:webb@quaychambers.co.nz">webb@quaychambers.co.nz</a>
12.	ASB bank Ltd	Marija Batistich, Kensington Swan - Auckland, Private Bag 92101, DX CP22001, Auckland 1142	<a href="mailto:Marija.Batistich@kensingtonswan.com">Marija.Batistich@kensingtonswan.com</a>
13.	Auckland City Centre Residents' Group	Noelene Buckland, Auckland City Centre Residents' Group, PO Box 106 667, Auckland 1143	<a href="mailto:nbuckland@xtra.co.nz">nbuckland@xtra.co.nz</a>
14.	Auckland Theatre Company Limited	Marija Batistich, Kensington Swan - Auckland, Private Bag 92101, DX CP22001, Auckland 1142	<a href="mailto:Marija.Batistich@kensingtonswan.com">Marija.Batistich@kensingtonswan.com</a>
15.	Challenger of Record America's Cup 36	Alan Webb, DX CP 18023, Auckland	<a href="mailto:webb@quaychambers.co.nz">webb@quaychambers.co.nz</a>
16.	Combined Owners and Residents of Apartments in Sheds 19, 20, 22, 23 and 24 Princes Wharf	Sarah Watson, Duncan Cotterill (Christchurch), PO Box 5, DX WP20314, Christchurch 8140	<a href="mailto:sarah.watson@duncancotterill.com">sarah.watson@duncancotterill.com</a>
17.	Emirates Team New Zealand Limited	Alan Webb, DX CP 18023, Auckland	<a href="mailto:webb@quaychambers.co.nz">webb@quaychambers.co.nz</a>
18.	Firth Industries - a division of Fletcher Concrete and Infrastructure	Katia Fraser, Meredith Connell, PO Box 2213, Auckland 1140	<a href="mailto:katia.fraser@mc.co.nz">katia.fraser@mc.co.nz</a> <a href="mailto:Laura.Bielby@mc.co.nz">Laura.Bielby@mc.co.nz</a>
19.	Fisher, Charlotte	Charlotte Fisher, 17 Livingstone Street, Westmere, Auckland 1022	<a href="mailto:seefish@slingshot.co.nz">seefish@slingshot.co.nz</a>
20.	Fu Wah New Zealand Limited	Fu Wah New Zealand Limited, 200 Pakenham Street West, Wynyard Quarter, Auckland 1010	<a href="mailto:richard.aitken@fuwahgroup.co.nz">richard.aitken@fuwahgroup.co.nz</a>
21.	Gladwell, Richard	Richard Gladwell, PO Box 33-260, Takapuna, Auckland 740	<a href="mailto:gladwell@icloud.com">gladwell@icloud.com</a>

22.	Hall, Russell	Russell Hall, 5/124 Customs Street West, Auckland Central, Auckland 1010	<a href="mailto:russell@multimedia.co.nz">russell@multimedia.co.nz</a>
23.	Hirepool Limited	Rachel Devine, Minter Ellison - Auckland, PO Box 3798, Shortland Street, DX CP24061, Auckland 1140,	<a href="mailto:rachel.devine@minterellison.co.nz">rachel.devine@minterellison.co.nz</a> <a href="mailto:Patrick.Senior@minterellison.co.nz">Patrick.Senior@minterellison.co.nz</a>
24.	Jeffery, Barry	Barry Jeffery	<a href="mailto:bj@bay.co.nz">bj@bay.co.nz</a>
25.	Kawau island Action Inc. Society (KIA)	Mr H R Coleman , Kawau island Action Inc. Society (KIA), 8/33 Vauxhall Road , Devonport	<a href="mailto:herc.ross.coleman@gmail.com">herc.ross.coleman@gmail.com</a>
26.	Kiwi Property Group Ltd	Douglas Allan, Ellis Gould, P O Box 1509, Shortland Street, DX CP22003, Auckland 1140	<a href="mailto:Dallan@ellisgould.co.nz">Dallan@ellisgould.co.nz</a>
27.	Ngaati Whanaunga Incorporated Society	Aidan Warren, McCaw Lewis, PO BOX 3240, Hamilton	<a href="mailto:aidan.warren@mccawlewis.co.nz">aidan.warren@mccawlewis.co.nz</a>
28.	Ngai Tai Ki Tamaki Tribal Trust	Aidan Warren, McCaw Lewis, PO BOX 3240, Hamilton	<a href="mailto:aidan.warren@mccawlewis.co.nz">aidan.warren@mccawlewis.co.nz</a>
29.	Ngati Maru Runanga Trust	Aidan Warren, McCaw Lewis, PO BOX 3240, Hamilton	<a href="mailto:aidan.warren@mccawlewis.co.nz">aidan.warren@mccawlewis.co.nz</a>
30.	Ngati Paoa Iwi Trust	Robert Enright, Magdalene Chambers, Level 1, Stanbeth House, 22 Customs Street East, Britomart, Auckland 1010	<a href="mailto:rob@publiclaw9.com">rob@publiclaw9.com</a> <a href="mailto:kaiarahi@ngatipaoaiwi.co.nz">kaiarahi@ngatipaoaiwi.co.nz</a>
31.	Ngati Tamaoho Trust	Aidan Warren, McCaw Lewis, PO BOX 3240, Hamilton	<a href="mailto:aidan.warren@mccawlewis.co.nz">aidan.warren@mccawlewis.co.nz</a>
32.	Ngati Tamatera	Aidan Warren, McCaw Lewis, PO BOX 3240, Hamilton	<a href="mailto:aidan.warren@mccawlewis.co.nz">aidan.warren@mccawlewis.co.nz</a>
33.	Ngati Te Ata Claims Support Whanau	Aidan Warren, McCaw Lewis, PO BOX 3240, Hamilton	<a href="mailto:aidan.warren@mccawlewis.co.nz">aidan.warren@mccawlewis.co.nz</a>
34.	Ngati Whatua Orakei	Robert Enright, Magdalene Chambers, Level 1, Stanbeth House, 22 Customs Street East, Britomart, Auckland 1010	<a href="mailto:rob@publiclaw9.com">rob@publiclaw9.com</a>
35.	Royal New Zealand Yacht Squadron	Alan Webb, DX CP 18023, Auckland	<a href="mailto:webb@quaychambers.co.nz">webb@quaychambers.co.nz</a>
36.	Sanford Limited	Daniel Sadlier, Ellis Gould, P O Box 1509, Shortland Street, DX CP22003, Auckland 1140	<a href="mailto:dsadlier@ellisgould.co.nz">dsadlier@ellisgould.co.nz</a>
37.	Sealink Travel Group New Zealand Limited	Bal Matheson, Richmond Chambers, PO Box 1008,	<a href="mailto:matheson@richmondchambers.co.nz">matheson@richmondchambers.co.nz</a>

		Shortland Street, Auckland 1140	
38.	Sealink Travel Group New Zealand Limited	Karl Stolberger, Lowndes Jordan, DX CP 21511, Auckland	<a href="mailto:kfs@lojo.co.nz">kfs@lojo.co.nz</a>
39.	St Marys Bay Association Incorporated	Mr D Abbott, St Marys Bay Association Incorporated, P O Box 47376, Ponsonby 1144	<a href="mailto:dabbott@xtra.co.nz">dabbott@xtra.co.nz</a>
40.	Stead, Frances	Frances Stead, 5B/124 Customs Street West, Auckland Central, Auckland 1010	<a href="mailto:frances@cliftoventers.com">frances@cliftoventers.com</a>
41.	Te Akitai Waiohua Waka Taua Incorporated	Aidan Warren, McCaw Lewis, PO BOX 3240, Hamilton	<a href="mailto:aidan.warren@mccawlewis.co.nz">aidan.warren@mccawlewis.co.nz</a>
42.	Te Kawerau Iwi Tribal Authority Incorporated	Edward Ashby, Te Kawerau Iwi Tribal Authority Incorporated, PO Box 59-243 , Mangere Bridge, Auckland	<a href="mailto:Edward.ashby@tekawerau.iwi.nz">Edward.ashby@tekawerau.iwi.nz</a>
43.	Te Kawerau Iwi Tribal Authority Incorporated	Robert Enright, Magdalene Chambers, Level 1, Stanbeth House, 22 Customs Street East, Britomart, Auckland 1010	<a href="mailto:rob@publiclaw9.com">rob@publiclaw9.com</a>
44.	Te Patukirikiri Iwi Trust	Aidan Warren, McCaw Lewis, PO BOX 3240, Hamilton	<a href="mailto:aidan.warren@mccawlewis.co.nz">aidan.warren@mccawlewis.co.nz</a>
45.	The Conservatory	Tricky Hartley, The Conservatory , The Conservatory, 1/17 Jellicoe Street, Wynyard Quarter, Auckland 1010	<a href="mailto:trickyhartley@gmail.com">trickyhartley@gmail.com</a>
46.	The Crown	Bronwyn Carruthers, Russell McVeagh - Auckland, PO Box 8, DX CX10085, Auckland	<a href="mailto:bronwyn.carruthers@russellmcveagh.com">bronwyn.carruthers@russellmcveagh.com</a>
47.	The Point Body Corporate 199318	Bianca Tree, Minter Ellison - Auckland, PO Box 3798, Shortland Street, DX CP24061, Auckland 1140	<a href="mailto:Bianca.Tree@minterellison.co.nz">Bianca.Tree@minterellison.co.nz</a>
48.	van Camp, Coralie	Coralie van Camp, 19 Garden Road, Remuera, Auckland	<a href="mailto:coralie.vancamp@gmail.com">coralie.vancamp@gmail.com</a>
49.	Vector Limited	Daniel Minhinnick, Russell McVeagh - Auckland, PO Box 8, DX CX10085, Auckland	<a href="mailto:daniel.minhinnick@russellmcveagh.com">daniel.minhinnick@russellmcveagh.com</a> <a href="mailto:Georgia.Cameron@russellmcveagh.com">Georgia.Cameron@russellmcveagh.com</a>
50.	Viaduct Harbour Holdings Limited	Douglas Allan, Ellis Gould, P O Box 1509, Shortland Street, DX CP22003, Auckland 1140	<a href="mailto:Dallan@ellisgould.co.nz">Dallan@ellisgould.co.nz</a>
51.	William C Daldy Preservation Society	Keith Ingram, William C Daldy Preservation Society, 4 Prince Regent Drive, Half	<a href="mailto:keith@skipper.co.nz">keith@skipper.co.nz</a>

		Moon Bay, Auckland 2012	
52.	Willis Bond and Co. Ltd	Michelle Van Kampen, Willis Bond & Co, PO Box 2007, Auckland 1140	<a href="mailto:michelle@willisbond.co.nz">michelle@willisbond.co.nz</a>