

BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND
AT AUCKLAND

I MUA I TE KOOTI TAIA O AOTEAROA
TĀMAKI MAKĀURĀU

ENV-2018-AKL-000078

UNDER the Resource Management Act 1991 (**RMA**)

A N D

IN THE MATTER of direct referral of an application for resource consents
for the necessary infrastructure and related activities
associated with holding the America's Cup in Auckland

BETWEEN **PANUKU DEVELOPMENT AUCKLAND**

Applicant

A N D **AUCKLAND COUNCIL**

Regulatory Authority

MEMORANDUM OF COUNSEL

Dated 17 August 2018

Director
Aidan Warren
Aidan.Warren@mccawlewis.co.nz


McCaw Lewis
GOOD PEOPLE. GREAT LAWYERS.

ONE ON LONDON, 1 LONDON STREET, PO BOX 9348
HAMILTON 3240, NEW ZEALAND
DX GP 20020, TEL +64 - 7 - 838 2079
WWW.MCCAWLEWIS.CO.NZ

MAY IT PLEASE THE COURT

1. This Memorandum of Counsel is filed on behalf of the section 274 Mana Whenua iwi/hapū opposing an application for resource consent made by Panuku Development Auckland Limited, for the necessary infrastructure and related activities associated with holding the America's Cup in Auckland ("the Application").¹
2. This Memorandum of Counsel is in response to the Minute of the Environment Court Following Pre Hearing Conference on 18 July 2018, dated 19 July 2018 ("the Minute"). The Minute directed that the Auckland Council's revised timetable had been considered and approved. On that basis, section 274 party evidence is to be exchanged on Tuesday 21 August 2018 and filed in Court on Wednesday 22 August 2018.
3. A generic Cultural Values Assessment ("CVA") in relation to the Waitematā Harbour is currently being prepared on behalf of the majority of the section 274 Mana Whenua iwi/hapū opposing the Application.
4. Counsel intimated at the Pre Hearing Conference on 18 July 2018 that there may be timing issues with the filing of the CVA. Whilst significant progress has been made within a very short timeframe, we seek a short extension to finalise the CVA.
5. Counsel respectfully requests an extension to file the CVA by 31 August 2018. The extra time sought will allow Mana Whenua to review and provide comment on the draft CVA. This process is currently underway. This will also allow Mana Whenua to finalise their own specific evidence due for filing next week.

¹ The section 274 Mana Whenua iwi/hapū opposing the Application, Ngāti Maru Rūnanga Trust, Ngāti Tamaoho Trust, Ngāti Tamaterā, Ngāti Te Ata Claims Support Whānau, Te Patukirikiri Iwi Trust, Ngaati Whanaunga Incorporated Society and Te Ākitai Waiohua Waka Taua Incorporation. Ngāi Tai ki Tāmaki Trust may prepare their own Cultural Values Assessment.

6. We appreciate the time constraints before the Court and in turn all parties, however, this is very important evidence for those Mana Whenua currently opposing the Application.

Dated: 17 August 2018



Counsel for the section 274 Mana Whenua iwi/hapū opposing the Application