

IN THE ENVIRONMENT COURT OF NEW ZEALAND
AT AUCKLAND

I TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU

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 SEEKING EXTENSION

Dated 27 August 2018

Director
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McCaw Lewis
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MAY IT PLEASE THE COURT

1. This Memorandum of Counsel is filed on behalf of the Mana Whenua groups opposing Panuku Development Limited's resource consent application dated 13 April 2018 ("Mana Whenua in opposition").¹
2. Counsel refers to the Court's directions that all Mana Whenua evidence is to be exchanged on 28 August 2018, including the generic Cultural Values Assessment ("CVA") for Mana Whenua in opposition.
3. Counsel was advised around the middle of last week that the CVA author, for a variety of reasons cannot complete the CVA and is not in a position to produce evidence for the purposes of the upcoming hearing.
4. The above situation has placed Mana Whenua in opposition in a very difficult position given that this is important evidence to support their positions as outlined in their submissions and the s 274 notices.
5. Counsel has worked with Mana Whenua in opposition to find a solution in light of the withdrawal of the CVA author. On Sunday 26 August 2018, a capable replacement was identified to complete the CVA and in preparation for the upcoming hearings.
6. As the Court will appreciate, the new CVA author will need some further time to finalise the CVA and bring it up to a presentable standard. To that end, we seek a further indulgence of the Court to have the CVA filed no later than **5pm on Monday 3 September 2018.**
7. All other evidence being produced by Mana Whenua in opposition will be exchanged by 5pm tomorrow. A soft copy will be filed on Wednesday 29 August 2018.
8. We acknowledge that rebuttal evidence is due to be exchanged on 4 September 2018, but given that Mana Whenua in opposition is likely to present at the back

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 is preparing it's own Cultural Values Assessment.

end of the hearing, it would be appropriate to allow any rebuttal evidence in regards to the CVA to be filed 7 days after the filing of the CVA.

9. Counsel has spoken to counsel for Mana Whenua in support and he will seek instructions and provide a view as required.

Date: 27 August 2018



Counsel for the Mana Whenua opposing the Application