

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2018-AKL-000078

**TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU**

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of section 274 of the RMA

BETWEEN **PANUKU DEVELOPMENT AUCKLAND LIMITED**

Applicant

AND

AUCKLAND COUNCIL

Consent Authority

**MEMORANDUM OF COUNSEL FOR THE CROWN
REGARDING SECURITY CONCERNS**

14 AUGUST 2018

**Russell
McAugh**

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MAY IT PLEASE THE COURT:

1. This memorandum of counsel is filed on behalf of the Crown.
2. At the pre-hearing conference on 18 July, counsel for ASB expressed concerns regarding the safety and security of the public during the America's Cup event from threats such as terrorism. A suggestion offered by the Court was that Panuku may consider calling evidence from the Auckland District Commander of the New Zealand Police to address this concern.
3. The Crown has considered the concerns raised, and the most appropriate way to alleviate the concerns at this point in time. The Major Events Management Act 2007 provides certain protections for events that are declared to be "major events" by Order in Council made by the Governor-General. The 36th America's Cup has not yet been declared a major event.
4. The Department of the Prime Minister and Cabinet ("**DPMC**") is responsible for coordinating the national security system. Mr Andrew Kibblewhite, Chief Executive of the DPMC has prepared a letter, **attached** to this memorandum. In summary, Mr Kibblewhite's letter records that:
 - (a) It is expected that the 36th America's Cup will be declared to be a major event and, as a consequence, will be afforded a national security arrangement.
 - (b) The national terrorist threat level is currently assessed as low. A threat assessment will be produced closer to the event in order to guide the security arrangements.
 - (c) The "all hazard – all risks" approach to national security means that natural disasters, biosecurity outbreaks, pandemics, infrastructure failure as well as terrorist incidents are all considered when preparing a security arrangement.
 - (d) The New Zealand Police will be the lead security agency during the event, and will be responsible for implementing the security arrangements.
 - (e) If there is a major crisis during the event, the national security system will be activated, and the Officials Committee for Domestic and External Security Coordination will coordinate the

national response, working on the assumption that the event will continue.

5. Counsel for ASB has been provided a copy of the letter, and confirmed that no further evidence is required on the point. On the assumption that the **attached** letter will satisfy the concerns raised by the Court (or held by any other section 274 party), the Crown does not intend to call Mr Kibblewhite nor the Auckland District Commander.
6. The Crown respectfully requests confirmation from the Court and parties as to whether any further information is required in this regard.

Dated 14 August 2018



B S Carruthers / M V Doesburg
Counsel for the Crown



25 July 2018

Iain Cossar
General Manager, Tourism and Economic Development
Ministry of Business, Innovation and Employment
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36th AMERICA'S CUP

It is anticipated that the 36th America's Cup will be designated a major event and accordingly will be afforded a national security arrangement. The Department of the Prime Minister and Cabinet (DPMC) is responsible for coordinating the national security system.

The New Zealand Government takes an "all hazard – all risks" approach to national security and as such considers risks such as natural disasters, biosecurity outbreaks, pandemics, infrastructure failure as well as terrorist incidents when preparing a security arrangement. If there is a major crisis during the America's Cup the national security system will be activated and the Officials Committee for Domestic and External Security Coordination (ODESC) will come together to coordinate the national response. In the event of a major crisis, ODESC works on the assumption that the event will continue.

Consideration for the event time arrangements is delegated to an all of government Major Event Security Committee. The DPMC chaired Major Event Security Committee meets monthly and considers the security arrangements for major events hosted in New Zealand and overseas when there is a significant New Zealand presence. In the lead-up to the America's Cup, a threat assessment will be produced in order to guide the security arrangements. The national terrorist threat level is currently assessed as LOW (a terrorist attack is assessed as possible but not expected).

During the event, New Zealand Police will be the lead security agency and will be responsible for implementing the security arrangements for the America's Cup. This includes responsibility for operational level coordination of agencies of which a number will be supporting them. The objective of the security arrangements will be to ensure a safe and secure environment for the successful conduct of the America's Cup. As with many other major international events hosted in New Zealand, the New Zealand security organisations have demonstrated a proven record of professionalism and competence.

A handwritten signature in blue ink, appearing to read 'Andrew Kibblewhite'.

Andrew Kibblewhite
Chief Executive
Department of the Prime Minister and Cabinet