

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2018-AKL-000078

I MUA I TE KOOTI TAIAO O AOTEAROA

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

AND

IN THE MATTER of 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

NOTICE OF NGĀTI PAOA IWI TRUST WISH TO BE PARTY TO PROCEEDINGS

16 July 2018

Ngāti Paoa Iwi Trust
Level 12, 11 Britomart Place
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Tāmaki Makaurau
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TO: The Registrar
Environment Court
AUCKLAND

1. **NGĀTI PAOA IWI TRUST (NGĀTI PAOA)** gives notice under section 274 of the RMA that it wishes to be a party to these proceedings:

- *Panuku Development Ltd v Auckland Council* (ENV-2018-AKL-000078) **(the Appeal)**.

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)**.¹

3. Ngāti Paoa:

- Is an Iwi Authority and mana whenua in terms of tikanga and matauranga Māori for purposes of the Auckland Unitary Plan;
- Its' mana whenua involvement in resource management processes is enabled by the NZCPS and RPS, as expression of Treaty principles and exercise of kaitiakitanga;²
- Its' rohe includes the subject site and subject area within which the proposal is located;
- identifies with the collective Nga Iwi o Tamaki;³
- has a relevant ancestral and contemporary relationship with the lands, waters and taonga affected by the proposal;
- supports the position adopted by Ngāti Whātua Orākei in relation to the proposal; and
- (by reason of the foregoing) has an interest in the proceedings greater than the interest that the general public has.

¹ Identified in the Environment Court's decision at [2018] NZEnvC098.

² Such as NZCPS Policy 3; AUP RPS Objective B6.2.1(1), Policy B6.2.2(1)

³ Nga Iwi includes Ngāti Whātua Orākei, Te Runanga o Ngāti Whatua, Te Uri o Hau, Ngāti Whatua o Kaipara, Waikato-Tainui, Te Kawerau a Maki, Ngai Tai ki Tamaki, Ngāti Manuhiri, Ngāti Rehua ki Aotea, Ngāti Paoa and Ngāti Whanaunga.

4. Ngāti Paoa is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. Ngāti Paoa is interested in the proceeding in its entirety.
6. Ngāti Paoa is interested in the following particular issues:
 - Ngāti Paoa supports the position of Ngāti Whatua Orākei, for reasons identified in Orākei's submission.
 - Ngāti Paoa is interested in the impacts of the proposal on Part 2 RMA values (to the extent relevant under *King Salmon* principles) and corresponding provisions in the relevant planning instruments, especially NZCPS, HGMPA⁴ and regional planning provisions. This includes s5 RMA wellbeing, matters of national importance under s6(e) RMA, exercise of kaitiakitanga under s7(a), and relevant Treaty principles under s8 RMA (including active protection of taonga and maintenance or protection of relevant Treaty relationships).
7. Ngāti Paoa supports the proposal in its entirety, subject to cultural offsetting and proposed consent conditions identified by Ngāti Whatua Orākei in its submission.
8. Proposed consent conditions should include (in particular) establishment of a mana whenua Māori/Polynesian cultural centre within the footprint of the proposed extension to Hobson Wharf and/or waterfront surrounds as a legacy project to recognise and celebrate Ngāti Whātua Orākei's, and Nga Iwi o Tamaki's, mana whenua relationships with the Waitematā and the wider Pacific.⁵
9. Ngāti Paoa agrees to participate in mediation or other alternative dispute resolution of the proceedings.

⁴ Hauraki Gulf Marine Park Act, as deemed coastal policy statement.

⁵ Reflecting relief sought at [3.7] of Orākei's submission:

"3.7 Ngāti Whātua Orākei requests that the legacy and cultural identity of America's Cup 36 be addressed in two specific ways:

- a) cultural design to be incorporated in the bases and their buildings, as well as in the urban design fabric of the neighbourhood;
- b) a permanent Maori/Polynesian Cultural Centre as a lasting legacy appropriate to both the America's Cup and the cultural heritage of Tamaki Makaurau should be established

Dated this 16th day of July 2018



R B Enright
Counsel for Ngāti Paoa Iwi Trust

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(most likely on Halsey Wharf or Hobson Wharf or Queens Wharf) for the development of a Maori Cultural Centre.”