

# Court hears SKP's request for rehearing

Save Kennedy Point Inc was back in the Environment Court last week as it continues its fight against the proposed marina at Kennedy Point.

Judge Laurie Newhook, with Commissioner Leijnen and Commissioner Buchanan, heard the group's request for a rehearing of its appeal against the consent that Auckland Council granted for the proposed marina in May 2017.

SKP and Ron Walden appealed the granting of consent and that appeal was heard in the Environment Court in February and March 2018. In August 2018 SKP filed a request for a rehearing of its appeal, alleging there was new and important evidence or a change in circumstances about who was the mandated party to be consulted about Māori cultural values and that the Court was allegedly mistaken or misled on those issues.

A dispute between Ngāti Paoa Trust Board and Ngāti Paoa Iwi Trust as to which entity has the mandate to represent Ngāti Paoa iwi on matters relating to the Resource Management Act is simultaneously before the Māori Land Court. Auckland Council and Kennedy Point Boatharbour Ltd had consulted with the Iwi Trust with regards to cultural concerns around the proposed marina, but not the Trust Board.

Last Tuesday, Judge Newhook declined an application from SKP for its rehearing request to be heard after the Māori Land Court had decided on iwi representation.

Proceedings for the rehearing request went ahead on Wednesday and the court heard a number of witnesses questioned, including Auckland Council planner David Wren, Ngāti Paoa Trust Board principal



The Environment Court heard SKP's request for a rehearing on the Kennedy Point marina.

officer David Roebeck and former Ngāti Paoa settlement negotiator Morehu Wilson.

On Thursday, Ngāti Paoa Iwi Trust chair Gary Thompson attempted to appear from Canada via video conference, but technical issues meant that was not possible. The court heard Kennedy Point Boatharbour Ltd advisor Kitt Littlejohn questioned by SKP's lawyer James Gardner-Hopkins.

On Friday, head of Māori Relationships and Governance at Auckland Council Anthony Ormsby appeared and the video link issue was resolved so Mr Thompson appeared from Calgary.

In summing up SKP's arguments, Mr Gardner-Hopkins said the importance of mandate to represent Ngāti Paoa on matters regarding the Resource Management Act was reflected in the process by which the Trust Board had originally obtained it and the Iwi Trust had not gone through significant steps to take over the mandate.

He argued that resolutions to transfer mandate to the Iwi Trust made at the 2013

annual general meeting of the Ngāti Paoa Trust Board were made after the meeting had adjourned and were not resolutions of the Trust Board as such. Mr Gardner-Hopkins further argued that Auckland Council knew there was a dispute between Ngāti Paoa Iwi Trust and Ngāti Paoa Trust Board over representation in 2014 and that the Council had chosen one entity over the other to be consulted on consent matters.

He said if the rehearing with proper evidence didn't occur then the court would have made its decision on cultural matters erroneously.

Commissioner Buchanan asked Mr Gardner-Hopkins if he was aware the marina consent had been publicly notified and Mr Roebeck had acknowledged he and the Trust Board became aware of the proposal when he saw an article in a newspaper.

The hearing finished on Friday and the Judge's decision was reserved and is due to be issued within three months.

• Erin Johnson



## Waiheke Weather

Supplied by Weatherwise Auckland, 020 4023 0106

16-22 Sept 2019	Rainfall mm		Maximum temperature °C		Minimum temperature °C	
	Waiheke	Auckland	Waiheke	Auckland	Waiheke	Auckland
Monday	0.0	0.0	18.4	17.4	11.9	12.9
Tuesday	1.0	3.5	18.1	17.6	10.0	10.9
Wednesday	1.5	1.5	18.4	16.1	10.7	9.9
Thursday	0.0	0.0	16.6	16.0	9.6	8.7
Friday	0.0	0.0	18.4	15.8	9.5	9.3
Saturday	0.0	0.0	19.5	16.6	9.4	9.0
Sunday	0.0	0.0	18.1	15.2	11.4	11.6
Weekly Total	2.5	5.0				
September Total	89.0	131.0				
Weekly ave			18.2	16.4	10.4	10.3
September Hist Ave	89.5	114.7	17.2	17.3	9.9	9.9