

MEDIA STATEMENT

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Ngāti Whātua Ōrākei welcomes Environment Court decision

Ngāti Whātua Ōrākei has welcomed the findings of the Environment Court in a decision released last Thursday. The decision relates to Panuku development works in Westhaven Marina and Queens Wharf.

Ngāti Whātua Ōrākei were objecting to the mana whenua engagement conditions in the consent that do not acknowledge their primary interest in this area. The approach by Panuku in this instance, and Auckland Council more generally, is to favour general engagement on resource management matters with all tribes that affiliate as “mana whenua” of Tāmaki Makaurau.

Deputy Chair of the Ngāti Whātua Ōrākei Trust and Chair of the Trust’s Settlement Protection Committee, Ngarimu Blair says “This is a significant finding and supports our long-standing position that iwi and hapū will have different levels of interest, in different areas, and that those differences should be acknowledged in the way Council and CCOs engage”.

The question subject to the determination was whether the Environment Court has jurisdiction to determine primary mana whenua over an area the subject of a resource consent application.

In the decision, the Environment Court determined that **“there is clearly jurisdiction to hear and determine competing claims as to relative status between Maori groups”** (paragraph 82). It did not accept the need for the Court to enquire into primacy of mana whenua but did accept that there may be many layers of differing interests.

Mr Blair says the Council and other authorities should take note of the ruling.

“The Court’s decision provides a much-needed challenge to Auckland Council’s current approach to iwi engagement which is “one size fits all” and does not reflect the relative cultural or historical importance of areas to different iwi or hapu.

“We encourage Auckland Council to take this onboard”.

Importantly, the Court noted that Councils “must face up to the complexity of issues in all facets of resource consenting, whether of a Maori cultural nature or otherwise” (para 90).

The Court will now be proceeding with a substantive hearing in which Ngāti Whātua Ōrākei will demonstrate the strength of their relationship in the Westhaven Marina and Queens Wharf area.

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