

Ngāti Whātua Ōrākei

Media statement

23 October, 2020

Tāmaki Iwi Welcome High Court Decision

Ngāti Whātua Ōrākei and Ngāti Paoa welcome yesterday's High Court decision rejecting an appeal of an Environment Court decision in relation to Panuku's Westhaven Marina development.

Ngāti Whātua Ōrākei Trust deputy chair, Ngarimu Blair, said the High Court decision requires a significant change to the way Auckland Council consults with mana whenua in Auckland and will lead to much needed clarity and efficiency for both the Council and developers.

"As things currently stand, we have this nonsense where my people can see the development of Westhaven Marina, from our marae above Okahu Bay, yet Auckland Council makes no distinction between our engagement regarding the development and those of, say, iwi based as far away as Thames and Ngāruawāhia.

Mr Blair says the next step in the process will be a substantive hearing in the Environment Court where Ngāti Whātua Ōrākei will present evidence of the strength of its relationship to the consent area.

"Ngāti Whātua Ōrākei objected to the mana whenua engagement conditions in the consent because they do not acknowledge our deep intrinsic connection to this rohe and whenua. The approach by Panuku in this instance, and Auckland Council more generally, is to conduct a wide-ranging consultation with iwi who "self-select" as mana whenua, which has no regard to the true history of Tāmaki Makaurau.

Ngāti Paoa Iwi Trust CEO Haydn Solomon said the iwi consultation processes and outcomes should be enriched by the input of iwi and hapū so developments are enhanced by consultation which is informed by the knowledge and kaitiakitanga of those who have a real and eternal connection to the whenua.

"This outcome requires a significant change to the way the Council consults with mana whenua in Auckland. This will make things simpler for both Council and developers.

"The decision is a win for iwi across Aotearoa because it requires Councils to receive and evaluate expert evidence on "the relative strengths of mana whenua relationships" in decision making under the RMA (just as they do with other consenting aspects such as noise and amenity value).

"It's a win for consent applicants because it means they will ultimately have a simpler iwi consultation process with better outcomes.

"It's also a win for the people of Auckland because it will help build a greater understanding of the rich cultural heritage of our City. The efficiencies will be welcomed too - we are aware of the costs burden to rate payers of the Council's current approach.

Mr Blair said the ultimate outcome should be a robust fair process that gives clarity to iwi and hapū and developers. It should not require excessive cost and time, as it currently does. All those who live in Auckland understand how important quality, well--planned development is needed for the city.

“This is a win for iwi and tikanga, and ultimately will enhance and strengthen the process for all. We have no right nor desire to be consulted in areas outside our mana whenua. In Pukekohe for example, or Pakuranga. However, under this “one size fits all” policy, developers in those areas would be required to consult with us here in central Tāmaki. This does not serve anyone’s purpose except those who like to get involved when they should not.”

“The Council must abide by the decision and we are ready to help it do so” – End

For further information please contact Te Amohaere Morehu, Ngāti Whātua Ōrākei; tel: 021 805167, teamohaere@nwo.iwi.nz