

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

I TE KŌTI TAIAO O AOTEAROA

ENV-2018-CHC-277

BETWEEN

AURORA ENERGY LIMITED

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF PARTIES' WISH TO BE PARTY TO PROCEEDINGS

TE RŪNANGA O NGĀI TAHU

Dated 31 January 2019

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Notice of wish to be party to proceedings

Under clause 274 of the Resource Management Act 1991 ("RMA")

To The Registrar
 Environment Court
 Christchurch

- 1 Te Rūnanga o Ngāi Tahu ("Te Rūnanga"), wish to be a party to the above proceedings.
- 2 Te Rūnanga did not make a submission about the subject matter of the proceedings. Te Rūnanga wish to become a party pursuant to s 274(1)(d) as a person who has an interest in the proceedings that is greater than the interest that the general public has.
- 3 Te Rūnanga considers for the following reasons that it has an interest in the proceedings greater than the general public:

Treaty Relationship

- a Te Rūnanga have an expectation that the Crown will honour Te Tiriti o Waitangi ("Te Tiriti") and the principles upon which Te Tiriti is founded. The Dunedin City Council as the delegated representative of the Crown, is required to take into account the principles of Te Tiriti in exercising its functions.
- b Te Rūnanga is reliant upon RMA decision-makers understanding the context of Te Tiriti and the need to uphold Crown responsibilities that have been delegated to them.
- c Further, Part 2 of the RMA provides support for the greater interest Te Rūnanga has in the proceedings, in sections 6(e), 7(a) and 8.

Kaitiakitanga

- d In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Te Rūnanga has an interest in ensuring sustainable management of natural resources, including protection of taonga species and mahika kai for future generations.

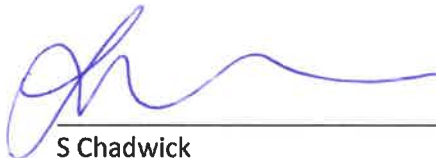
- e Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Te Rūnanga is guided by the tribal whakataukī: "mō tātou, ā, mō kā uri ā muri ake nei" (for us and our descendants after us).

Whanaungatanga

- f Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.
 - g Section 5 of the Te Rūnanga o Ngāi Tahu Act 1996 statutorily defines the Ngāi Tahu takiwā as those areas "south of the northern most boundaries described in the decision of the Māori Appellate Court ...", which in effect is south of Te Parinui o Whiti on the East Coast and Kahurangi Point on the West Coast of the South Island.
 - h The Dunedin District is within the Ngāi Tahu takiwā.
- 4 It is also noted that a submission was made by Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively Kāi Tahu) are the Papatipu Rūnanga within the Dunedin District.
- 5 Te Rūnanga is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 6 Te Rūnanga is interested in all of the proceedings.
- 7 Te Rūnanga is interested in the proceedings in respect of the following issues:
- a Any changes proposed in this appeal that have the potential to impact how the 2GP provides for and protects Kāi Tahu values in the Dunedin district.
 - b Any changes to the 2GP that have the potential to impact on Kāi Tahu involvement in planning and consenting decisions such as exemptions from the setback from the coast provisions.

- c Any changes to the 2GP that result in the strengthening of the planning framework to enable activities that threaten Kāi Tahu values, such as network utilities, and any activities within mean high water springs.
 - d The proposed addition of new definitions (such as for strategic infrastructure) for activities that might threaten values in wāhi tūpuna.
 - e Changes that seek to amend the activity status for network utility structures – large scale, and other related activities that might threaten cultural values.
- 8 Te Rūnanga opposes the relief sought by Aurora Energy Limited because:
- a Kāi Tahu have interests in the protection of wāhi tūpuna areas and the wider district. They are particularly interested in the protection of waterways, mahinga kai and access to the coast and freshwater.
 - b Threats to wāhi tūpuna include network utilities, sedimentation created by earthworks and the earthworks themselves.
 - c Strengthening the policy and assessment provisions in favour of network utilities may have the effect of weakening protection of Kāi Tahu values and Te Rūnanga wish to ensure an appropriate policy balance is struck.
 - d It is important that Kāi Tahu values are fully considered in consenting decisions about network utilities, both through appropriate provisions in the rules and policy of the 2GP and through Manawhenua involvement in consenting processes.
 - e The 2GP contains a trigger that provides for all activities that are discretionary or non complying to be notified to Manawhenua, whether they are in identified wāhi tūpuna or not. Changing the activity status of an activity from discretionary to restricted discretionary removes this requirement for notification which is inappropriate.

- f The Appellant's proposed amendments do not promote sustainable management and do not adequately reflect or take account of the important matters in Part II of the Resource Management Act 1991, including sections 6(b), 6(e), 6(g), 7(a), 7(aa) and 8.
 - g Any new network utility policy must include adequate provision for consideration of impacts on Kāi Tahu values.
- 9 Te Rūnanga agree to participate in mediation or other alternative dispute resolution.



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