

Application 2020.008 – Executive Wing Adaptation (Her Majesty the Queen)

To:	Required action:
Hon David Parker, Minister for the Environment	Consider this report prior to making a decision under section 24 of the Act

Ministry for the Environment contacts

Position	Name	Cell Phone	1 st Contact
Principal Author	Pip Lee		
Responsible Manager	Sara Clarke	s9(2)(a)	✓
Director	Keita Kohere	s9(2)(a)	

Introduction

1. The Ministry for the Environment has prepared this report in consultation with the Office for Māori Crown Relations – Te Arawhiti and in accordance with section 17 of the Covid-19 Recovery (Fast-track consenting) Act 2020 (the Act).
2. To satisfy obligations under section 6 of the Act, you must consider this report before making a decision under section 24 of the Act on whether to refer a project to an expert consenting panel.

Proposed project

3. The proposed project site lies within the 4.6 ha Crown-owned property containing the Parliamentary buildings and Parliamentary grounds, in central Wellington city. A location map is in Attachment 1.
4. The applicant proposes to partially demolish the two-storey Press Gallery at the rear of the Executive Wing of Parliament building and construct a new three-storey Executive Wing Annexe building in its place.

Essential information

5. The following information is required under section 17(3) of the Act for the project area.

Section of the Act	Information required	Detail
s17(3)(a)	Relevant iwi authorities	Port Nicholson Block Settlement Trust Te Rūnanga o Toa Rangatira Incorporated <i>Contact details are in Attachment 2</i>
s17(3)(b)	Relevant Treaty settlements	Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 Ngāti Toa Rangatira Claims Settlement Act 2014
s17(3)(a)	Relevant Treaty settlement entities	Port Nicholson Block Settlement Trust Toa Rangatira Trust <i>Contact details are in Attachment 2</i>
s17(3)(c)	Relevant principles & provisions of the Treaty settlements	<i>See below</i>
s17(3)(d)	Negotiation mandates recognised by the Crown	Ngāti Tama
s17(3)(d)	Current Treaty settlement negotiations	None
s17(3)(e)	Court orders recognising customary marine title or protected customary rights under the Marine & Coastal Area (Takutai Moana) Act 2011	None, and the project does not affect the coastal marine area.

Supporting material

Proposed project area

- The project involves alterations to the rear of the Executive Wing building, which lies at the southern end of Parliament Grounds and includes the Beehive. This building forms part of the national parliamentary precinct and is listed on the New Zealand Heritage List/Rārangi Kōrero, both in its own right as a category 1 historic place and also as part of the Government Centre Historic Area.
- The proposed new Annexe building is to provide accommodation for all Ministers of the Crown and would be connected to Parliament House by a new link bridge.
- No parts of the proposed project will occur in the coastal marine area, meaning it is unaffected by the provisions of the Marine & Coastal Area (Takutai Moana) Act 2011 (MACAA). You are therefore the sole party required to consider this report.

Iwi and iwi authorities

Information sources

9. Under section 7(1) of the Act, a relevant iwi authority for a referred project means an iwi authority whose area of interest includes the area in which a project will occur.
10. The Act does not define iwi authority, so under section 7(2) of the Act, it has the same meaning as in the Resource Management Act 1991 (RMA): the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
11. To identify the relevant iwi authorities, and to check if there were any groups that represent hapū, for RMA purposes, information was sourced from:
 - a. The Iwi Areas of Interest viewer, an online application managed by the Ministry of Māori Development - Te Puni Kōkiri
 - b. Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by the Ministry of Māori Development - Te Puni Kōkiri
 - c. Ministry for the Environment
 - d. Wellington City Council and Greater Wellington Regional Council, as the relevant local authorities.

Iwi authorities relevant to project site

12. Two iwi and their corresponding iwi authorities have overlapping areas of interest in Wellington City:
 - a. Taranaki Whānui ki Te Upoko o Te Ika, represented by the Port Nicholson Settlement Block Trust
 - b. Ngāti Toa Rangatira, represented by Te Rūnanga o Toa Rangatira Incorporated.
13. The Taranaki Whānui ki Te Upoko o Te Ika comprises:
 - a. the collective group of individuals who descend from both:
 - i. one or more recognised ancestor of Te Atiawa, Ngāti Tama, Taranaki, Ngāti Ruanui and other iwi from the Taranaki area
 - ii. the original signatories of the 27 September 1839 Port Nicholson Block purchase deed, the persons listed in the Schedule to the Declaration of the Native Land Court in Wellington dated 11 April 1888 and others who exercised customary rights in the Port Nicholson Block on or after 6 February 1840 by virtue of being descended from 1 or more of the recognised ancestors of the iwi referred to above.
 - b. any whānau, hapū, or group (including a group composed of the beneficiaries of the Wellington Tenths Trust and a group composed of the beneficiaries of the Palmerston North Māori Reserves Trust) of individuals referred to in paragraph (a).¹
14. Te Atiawa (Wellington) is also represented by Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust. Information provided by this Trust on the TKM website notes that it only deals with RMA issues

¹ See section 8 Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009
<https://www.legislation.govt.nz/act/public/2009/0026/latest/DLM1525843.html>

associated with fresh water and marine environments, so it is unlikely that it would have an interest in the proposed project.

15. We have not identified any other iwi authority which represents Ngāti Tama in Wellington for RMA purposes.

Treaty settlements and Treaty settlement entities

16. Information from the first two sources listed in paragraph 10, the [NZ Government Treaty settlements website](#) and the Office for Māori Crown Relations – Te Arawhiti was used to identify relevant Treaty settlements and any associated Treaty settlement entities of relevance to the proposed project.
17. The Office for Māori Crown Relations – Te Arawhiti provided further advice on relevant mandated bodies recognised by the Crown for Treaty of Waitangi settlement purposes, and any current Treaty settlement negotiations applying to the proposed project area.

Relevant Treaty settlements

18. Under the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and the representative Māori group.
19. Treaty settlements with the following iwi/groups are of relevance to the project area:
 - a. Taranaki Whānui ki Te Upoko o Te Ika
 - b. Ngāti Toa Rangatira.
20. Legislation to enact the settlement with Taranaki Whānui ki Te Upoko o Te Ika is contained in the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009. The associated deed of settlement was signed on 19 Aug 2008 and an amendment deed was signed on 19 December 2018. The [deeds, associated documents and a settlement summary](#) are on the NZ Government Treaty settlement website.
21. The settlement applies to the Port Nicholson Block, which covers a large part of the Wellington Region – see Attachment 3.
22. The deed of settlement with Ngāti Toa Rangatira was signed 7 December 2012. An amendment deed was signed 5 November 2013. [All documents and a settlement summary](#) are on the NZ Government Treaty settlement website.
23. Legislation to enact the settlement is contained in the Ngāti Toa Rangatira Claims Settlement Act 2014. The settlement area of interest extends over parts the lower North Island including the Kāpiti coast and Wellington, and also includes Cook Strait, large areas of the Marlborough Sounds and the northern South Island – see Attachment 3.

Relevant Treaty settlement entities

24. Under the Act, a treaty settlement entity includes a post-settlement governance entity, which is defined as a body corporate or trustees of a trust established by a claimant group for receiving redress, or for participating in arrangements established under a Treaty settlement Act.
25. The Port Nicholson Block Settlement Trust is the post-settlement governance entity for the Taranaki Whānui Treaty settlement.
26. The Toa Rangatira Trust is the relevant post-settlement governance entity for the Ngāti Toa Rangatira Treaty settlement. Te Rūnanga o Toa Rangatira Incorporated is the trustee of this trust.

27. A Treaty settlement entity is also defined for the purposes of the Act as including a board, trust, committee, authority, or other body, recognised in, or established under a Treaty settlement Act.
28. The Ngāti Toa Rangatira settlement provided for establishment of a River and Freshwater Advisory Committee in relation to areas in the northern South Island, a strategic advisory committee for the Kāpiti Islands reserves and a joint management board for reserves adjoining Porirua Harbour. The Taranaki Whānui settlement established a Harbour Islands Kaitiaki Board, which relates only to management of islands in Wellington Harbour. None of these entities is relevant to the proposed project.
29. The Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust is also a Treaty settlement entity, but only in relation to the Māori Commercial Aquaculture Claims Settlement Act 2004 (which is not relevant to the project).
30. Ngāti Tama (Wellington) are part of the Taranaki Whānui settlement but have the option to choose to have their historical claims settled by another group with a Crown recognised mandate. Ngāti Tama Mandate Ltd (NTML) was established in 2009 to represent Ngāti Tama in negotiations and had their mandate to negotiate a settlement recognised by the Crown in 2013. It is unclear if NTML would qualify as a Treaty settlement entity for the purposes of the Act, but according to information available online, this company was dissolved on 9 September 2016.

Relevant principles and provisions of the Treaty settlements

Crown acknowledgements and apologies

31. Acknowledgements by the Crown are an important part of Treaty settlements as they provide context for the apology and the offers of redress which follow.
32. In the settlement with the Taranaki Whānui the Crown acknowledged, among other things, that the cumulative effect of the Crown's breaches of the Treaty of Waitangi and its principles significantly undermined the tino rangatiratanga of Taranaki Whānui ki Te Upoko o Te Ika, their economic and social development capacity and their physical, cultural and spiritual well-being.
33. As part of its apology to the people of Taranaki Whānui, the Crown expressed profound regret for its breaches of the Treaty of Waitangi. The Crown said it sought through the settlement to atone for its past wrongs, restore its honour which had been tarnished by its actions, and to begin the process of healing.
34. The apology, which was publicly delivered by the Prime Minister, specifically mentioned that the location of government has added a special dimension to the relationship with the Taranaki Whānui.
35. The Crown apology to Ngāti Toa Rangatira expressed (among other things) deep regret for the cumulative effect of Crown actions and omissions, which severely damaged the iwi's social and traditional tribal structures, their autonomy and ability to exercise customary rights and responsibilities, their capacity for economic and social development and their physical, cultural and spiritual well-being.
36. The Crown said it hoped that the apology and settlement would mark the beginning of a new, positive and enduring relationship with Ngāti Toa Rangatira founded on mutual trust and co-operation and respect for Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

37. Respect for the views of each iwi on resource management matters, and enabling their effective involvement as Treaty partners in resource management decision-making within their respective areas of interest, are important ways in which the Crown can give on-going effect to the statements and sentiments contained in its apologies to each iwi.

No specific redress is affected by the proposed project

38. Neither settlement created any new co-governance or co-management processes which would affect decision-making under the RMA for this application.

39. No areas covered by a statutory acknowledgement, overlay classification or other form of cultural redress would be directly affected by the proposed project.

40. Additionally, the proposed project does not include or affect any site included as commercial redress in either settlement.

41. The Taranaki Whānui settlement included a relationship agreement with the Crown, which is outlined in a Whole of Government Accord signed on 29 March 2011. The Accord provided for several specific 'portfolio' agreements with individual agencies, including the Ministry for the Environment. No specific issues relating to either the Accord or the portfolio agreements have been identified with respect to the proposed project.

Current negotiation mandates and settlement negotiations

42. Following the Taranaki Whānui settlement, Ngāti Tama expressed a desire to negotiate an individual settlement with the Crown, and established NTML for this purpose. In 2013 NTML was recognised by the Crown as the mandated representative to negotiate a settlement of historical claims. However, the negotiation process stalled and has not yet progressed to any significant milestone.

43. The Crown is not in active negotiations with Ngāti Tama, and the iwi would need to refresh its mandate before re-entering Treaty settlement negotiations.

Details in this report affect certain provisions of the Act

Notices of referral decision

44. Under section 25 of the Act, you must give notice of the decisions made on an application for referral, and the reasons for them, to the applicant and anyone invited to comment under section 21 of the Act.

45. You did not invite any iwi authorities or Treaty settlement entities to comment on this application.

46. If your decision is to refer this project to an expert consenting panel, the notices of decision and reasons must be given to:

- a. the relevant iwi authorities and Treaty settlement entities identified in this report
- b. any other iwi authorities or Treaty settlement entities you consider have an interest in the matter
- c. any group that is or party to either a joint management agreement or Mana Whakahono ā Rohe under the RMA that relates to the project area.

47. The relevant iwi authorities and Treaty settlement entities for this application are identified in paragraph 5 and in Attachment 2.

48. No other iwi authorities or Treaty settlement entities have been identified as having an interest in the application, and there are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership

49. If a project is referred to an expert consenting panel, the appointed panel must include one person nominated by the relevant iwi authorities under clause 3(2)(b) of Schedule 5 of the Act.

50. In the event iwi authorities nominate more than one person, the panel convener must decide which nominee to appoint. The panel convener has discretion to increase the panel membership to accommodate the matters specified in clause 3(6)(a) – 3(6)(e), which include matters unique to any relevant Treaty settlement Act.

51. Relevant iwi authorities for this application are identified in paragraph 5 and in Attachment 2.

Panel invitations to comment

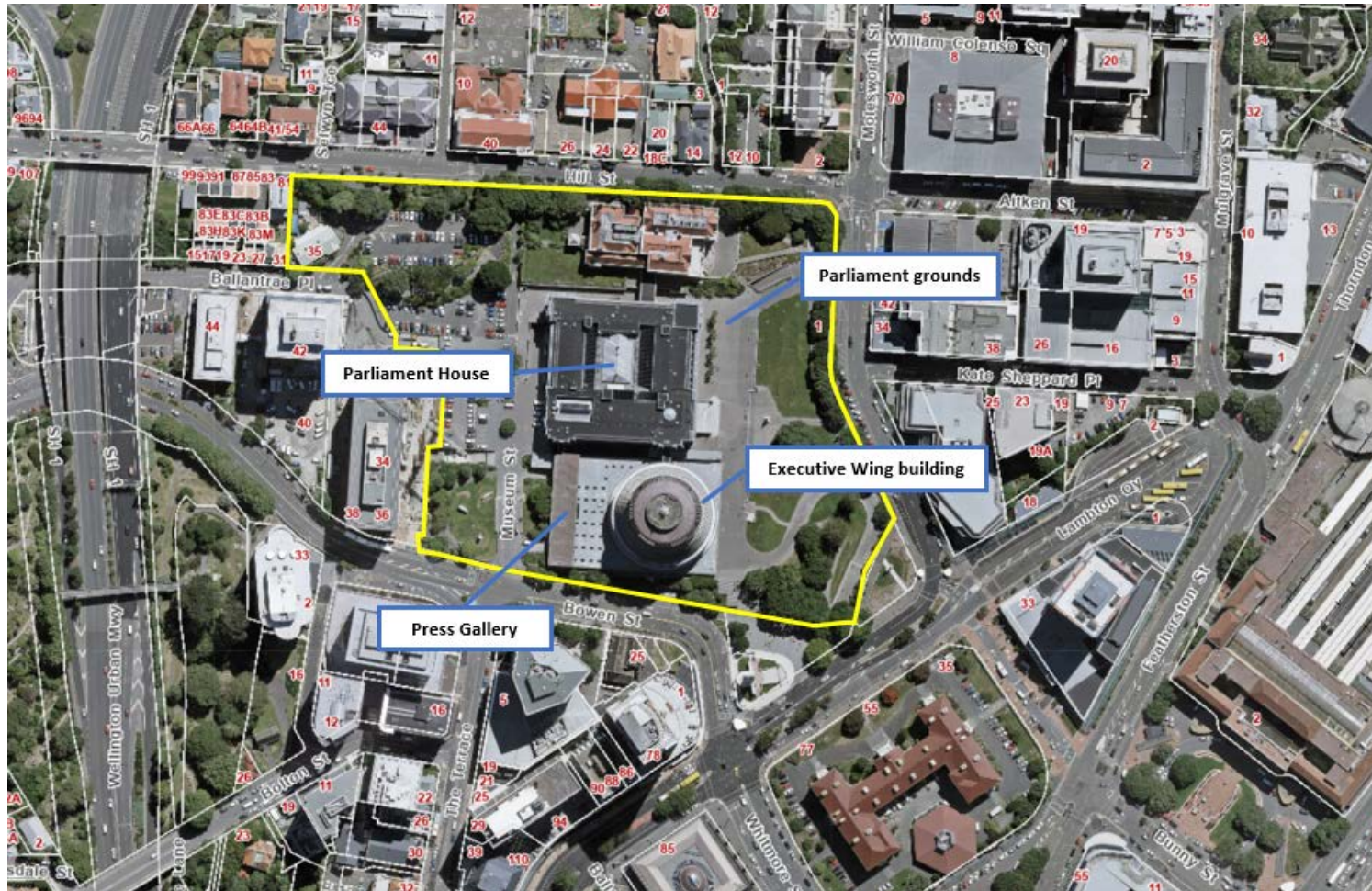
52. An expert consenting panel must invite comments on a consent application or notice of requirement for a referred project from the parties listed in clause 17(6) of Schedule 6 of the Act. This includes:

- a. the relevant iwi authorities, including those identified in this report
- b. a Treaty settlement entity relevant to the referred project, including an entity that has an interest under a Treaty settlement in an area where a referred project is to occur, and an entity identified in this report.

53. Relevant iwi authorities and Treaty settlement entities for this application are listed in paragraph 5 and in Attachment 2.

54. The panel may also invite comments from any other person it considers appropriate. For this application, no additional relevant iwi or Māori groups have been identified.

Attachment 1 - Location

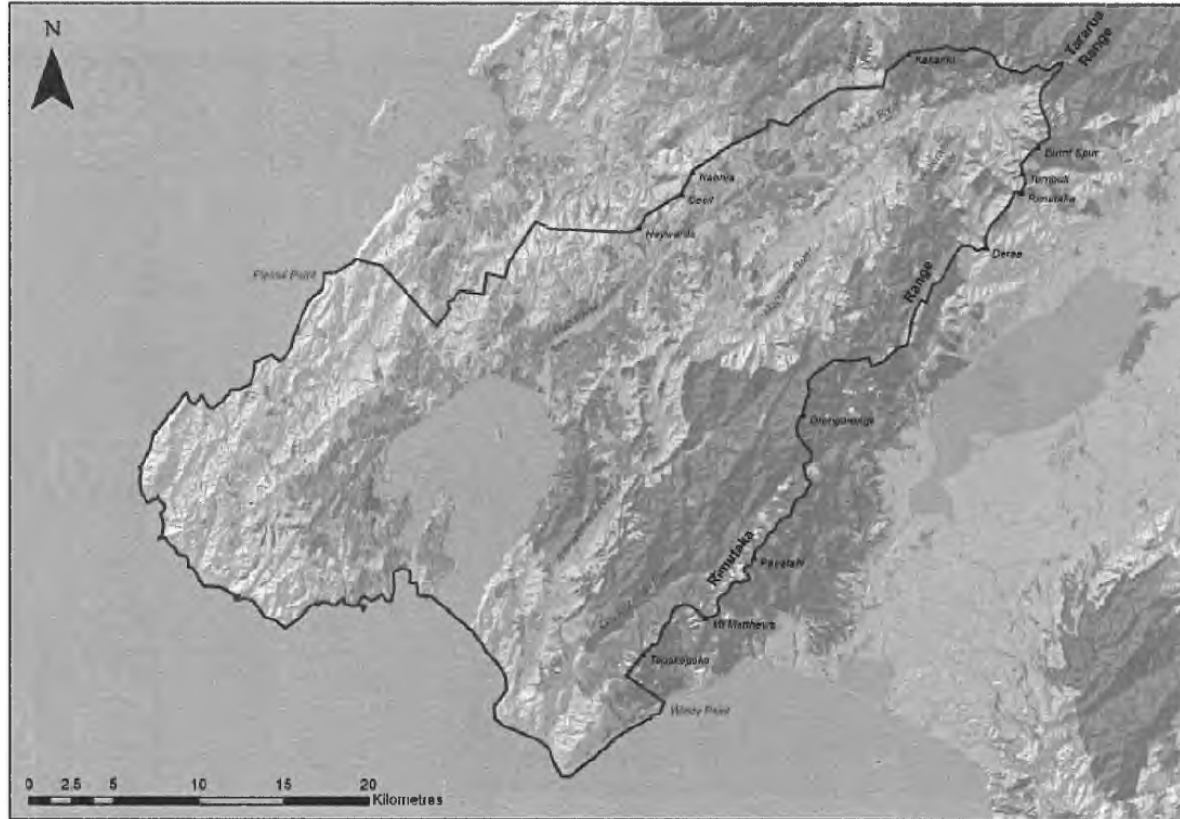


Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	Treaty settlement entity	RMA Iwi authority	Other	Contact person	Copies to
Taranaki Whānui ki Te Upoko o Te Ika	Port Nicholson Block Settlement Trust	PO Box 12-164, Wellington 6144	Post-settlement governance entity under Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009	Represents the interests of Taranaki Whānui ki te Upoko o Te Ika as an iwi authority for RMA purposes		Kirsty Tamanui General Manager/Kaiwhakahaere Pakihi reception@portnicholson.org.nz	
Ngāti Toa Rangatira	Te Rūnanga o Toa Rangatira Incorporated	PO Box 50355, Porirua 5240 Phone: s9(2)(a) runanga@ngatittoa.iwi.nz		Represents the interests of Ngāti Toa Rangatira as an iwi authority for RMA purposes		Helmut Modlik CEO s9(2)(a)	Naomi Solomon RMA contact s9(2)(a)
	Toa Rangatira Trust		Post-settlement governance entity under the Ngāti Toa Rangatira Claims Settlement Act 2014				

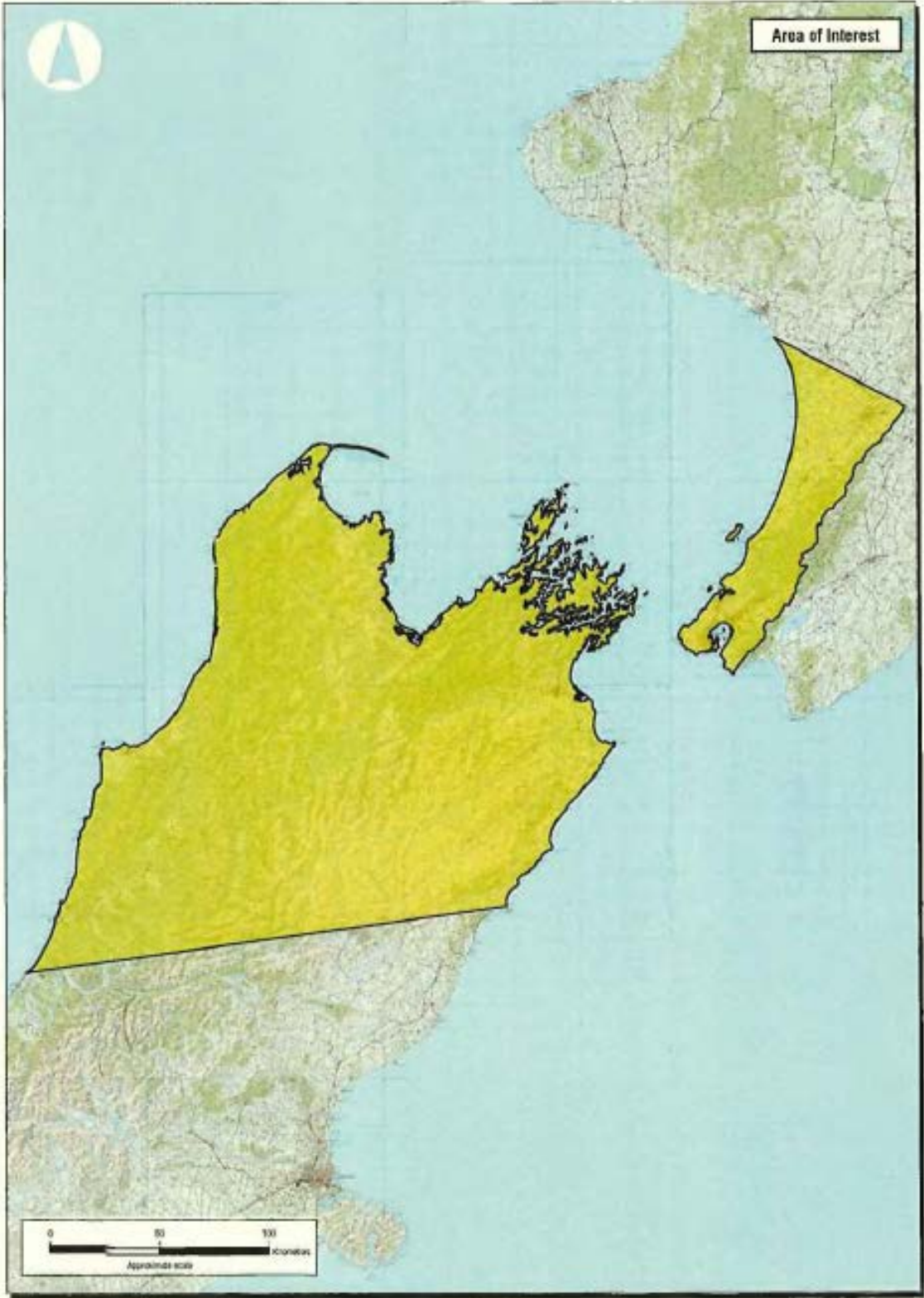
Attachment 3 – Treaty settlement Areas of Interest

Taranaki Whānui ki Te Upoko o Te Ika Area of Interest



Source: Pt 7 of the Documents Schedule to the deed of settlement: <https://www.govt.nz/assets/Documents/OTS/Taranaki-Whanui-ki-Te-Upoko-o-Te-Ika/Taranaki-Whanui-Deed-of-Settlement-Documents-19-Aug-2008.pdf>

Ngāti Toa Rangatira Area of Interest



Source: Part 1 of the Attachments to the deed of settlement: <https://www.govt.nz/assets/Documents/OTS/Ngati-Toa-Rangatira/Ngati-Toa-Rangatira-Attachments-7-Dec-2012.pdf>