

Application 2022-114 Ara Weiti Village 1 Project

To:	Required action:
Hon David Parker, Minister for the Environment	Consider this report prior to making a decision under section 24 of the FTCA
Date submitted: 4 April 2023	

Ministry for the Environment contacts

Position	Name	Cell Phone	1 st Contact
Principal Author	Stephanie McNicholl		
Acting Manager	Rebecca Perrett	s 9(2)(a)	✓
Acting Director	Lorena Stephen	s 9(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 FTCA).
2. To satisfy obligations under section 6 of the FTCA, you must consider this report before you make any decision under section 24 of the FTCA regarding the application request to refer the Ara Weiti Village 1 Project (the project) to an expert consenting panel (a panel).

Proposed project

3. The applicant (Ara Weiti Development Limited) proposes to develop an approximately 33.55-hectare site into an urban development located at Lot 172 DP 513840 Ara Weiti Road, Okura Bush, Auckland region.
4. The project will involve the creation of 220 residential lots, one 4-hectare balance lot (intended for a retirement village), one lot intended for future commercial use, and will include the construction and operation of a community centre/whare manaaki.
5. A location map is in Attachment 1.

Essential information

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

FTCA Section	Information required	Detail	
17(3)(a)	Relevant iwi authorities	13	Refer Iwi authorities section below. <i>Contact details are in Attachment 2</i>
17(3)(b)	Treaty settlements that relate to the project area	7	
17(3)(a)	Relevant Treaty settlement entities	10	
17(3)(c)	Relevant principles and provisions of the Treaty settlements	Details in blue-shaded section below	
17(3)(d)	Groups with a negotiation mandate recognised by the Crown which are yet to commence Treaty settlement negotiations	Ngāti Te Ata (Ngāti Te Ata Claims Support Whānau Trust)	
17(3)(d)	Current Treaty settlement negotiations	Ngaati Whanaunga (Ngaati Whanaunga Ruunanga Trust) Ngāti Maru (Hauraki) (Ngāti Maru Treaty Settlement Negotiators) Ngāti Tamaterā (Ngāti Tamaterā Negotiators) Ngāti Whatua (Te Rūnanga o Ngāti Whātua) Marutūāhu Iwi Collective	
17(3)(e)	Court orders recognising customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 or another Act	-	

Supporting information

Project details

7. The project site covers approximately 33-hectares of characteristically rural land. The site has frontage onto and access will be gained directly from Ara Weiti Road to the north.
8. The project intends to provide for construction of roads, three-waters infrastructure, stream works and ecological restoration, and creation of open space and reserves. The project includes construction of public facilities (boot cleaning station, public seating and toilets, beach dune boardwalk, artwork and information boards) along a coastal walkway.
9. Aspects of the project will also occur on land owned and managed by Auckland Council and the Department of Conservation. Attachment 3 shows the project layout.

Statutory matters relating to this report

10. No parts of the proposed project will occur in the coastal marine area, meaning:
 - a. pursuant to section 16(1) of the FTCA you are the sole party required to consider this report

- b. the project is unaffected by the provisions of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA) or any other Act pertaining to the grant of protected customary rights or customary marine title.
11. There are no court orders granted under the MACAA or another Act to consider in your referral decision for this project.¹

Iwi authorities

Methodology and information sources

12. This report must identify the relevant iwi authorities for the project, in accordance with section 17(3)(a) of the FTCA. Under section 7(1) of the FTCA, 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.
13. 'Area of interest' can mean different things depending on context and perspective and can be indicative (such as an area identified at the outset of Treaty settlement negotiations), formally agreed (such as in a deed of settlement or memorandum of understanding) or self-nominated. An area of interest can be difficult to define precisely on a map, particularly where a boundary that has been depicted on a small-scale map is scaled up and used precisely in relation to an individual site or property.
14. For the purpose of this report, we have considered information from the following sources as a starting point for identifying iwi areas of interest:
 - a. Te Arawhiti Internal Crown Asset Tracking Tool (i-Cat), an online database that records areas of interest associated with Treaty settlements and Treaty settlement negotiations
 - b. area of interest maps in signed Treaty settlement deeds or other Treaty settlement negotiation documents (including deeds of mandate)
 - c. Auckland Council's online interactive map depicting tribal regions and iwi in the Auckland Region²
 - d. the Iwi Areas of Interest viewer, an online application managed by the Ministry of Māori Development – Te Puni Kōkiri (TPK)
 - e. Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by TPK, which includes information on rohe (tribal areas) provided by those organisations.
15. Generally, the areas of interest shown on these databases for an iwi or group do not always completely align, and sometimes the differences can be significant. We carefully consider the reasons for such discrepancies, including the reliability or accuracy of the information shown and the local context and decision-making environment, before deciding which areas of interest we consider apply to a project under FTCA process.
16. The FTCA does not specifically define iwi authority but pursuant to section 7(2) of the FTCA, 'iwi authority' has the same meaning as in the Resource Management Act 1991

¹ Section 17(3)(e) of the FTCA requires this report to identify any court orders granted under the MACAA or another Act which recognise, in relation to the project area, customary marine title or protected customary rights.

² Accessed via the webpage for the Auckland Plan 2025 (the long-term spatial plan for Tāmaki Makaurau): <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/about-the-auckland-plan/Pages/iwi-tamaki-makaurau.aspx>

(RMA): the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

17. To identify iwi authorities associated with the identified areas of interest, we considered information from:
 - a. the sources noted above including the TKM online directory
 - b. Auckland Council's online tool: [Find mana whenua contacts](#) for a particular address
 - c. Auckland Council³ as the sole relevant local authority.

Iwi authorities relevant to project

18. We consider the project site lies within the areas of interest of Ngāti Manuhiri, Te Kawerau ā Maki, Ngāti Tamaoho, Ngāi Tai ki Tāmaki, Te Patukirikiri, Ngāti Paoa, Te Ākitai Waiohua, Ngaati Whanaunga, Ngāti Maru (Hauraki), Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whatua and Marutūāhu Iwi Collective.
19. Not all of these iwi or groups are represented by an iwi authority, and some are represented by more than one iwi authority.
20. We have identified the relevant iwi authorities for the project area, as:
 - a. Ngāti Manuhiri Settlement Trust, representing Ngāti Manuhiri
 - b. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki iwi
 - c. Ngāti Tamaoho Trust, representing Ngāti Tamaoho iwi
 - d. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
 - e. Te Patukirikiri Iwi Trust, representing Te Patukirikiri
 - f. Ngāti Paoa Iwi Trust and Ngāti Paoa Trust Board, representing Ngāti Paoa iwi
 - g. Te Ākitai Waiohua Iwi Authority, representing Te Ākitai Waiohua iwi
 - h. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga
 - i. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki) iwi
 - j. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā iwi
 - k. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua, representing Ngāti Te Ata iwi
 - l. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua iwi
21. We note in their invited comments, Auckland Council identified 10 of the same relevant iwi authorities.

Other iwi authorities which may have an interest in the project

22. Auckland Council comments and databases note Ngāti Whātua o Kaipara, Ngāti Whātua Ōrakei and Ngātiwai, however this is not supported by any other available information. We note the project area lies outside of each respective area of interest.
23. We note the Hauraki Māori Trust Board represents six of the iwi⁴ identified as an iwi authorities relevant to the project. To avoid unnecessary duplication of input, while still providing opportunity for involvement in the consideration of consent applications for

³ Auckland Council is a Unitary local authority with regional and local government responsibilities.

⁴ Ngaati Whanaunga, Ngāi Tai ki Tāmaki, Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Tamaterā and Te Patukirikiri.

the project, we have included Hauraki Māori Trust Board as an 'other' iwi authority which may have an interest.

Treaty settlements and Treaty settlement entities

24. This report must identify the Treaty settlements that relate to the project area and relevant Treaty settlement entities, in accordance with sections 17(3)(b) and 17(3)(a) respectively. We use information relevant to the project area from the iCat online database and [NZ Government Treaty settlements website](#), together with advice from the Office for Māori Crown Relations – Te Arawhiti.
25. Under the FTCA, 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.
26. The project site falls within the area of interest covered by Treaty settlements with the following 8 iwi:
 - a. Ngāti Manuhiri – settlement act
 - b. Te Kawerau ā Maki – settlement act
 - c. Ngāti Tamaoho – settlement act
 - d. Ngāi Tai ki Tāmaki – settlement act
 - e. Te Patukirikiri – deed of settlement
 - f. Ngāti Paoa – deed of settlement
 - g. Te Ākitai Waiohua – deed of settlement
 - h. Marutūāhu Iwi Collective – redress deed of settlement.
27. [Ngāti Manuhiri Claims Settlement Act 2012](#) gives effect to certain provisions of the deed of settlement signed by Ngāti Manuhiri and the Crown on 21 May 2011. [Ngāti Manuhiri deed of settlement documents](#) can be accessed on the NZ Government Treaty settlements website.
28. [Te Kawerau ā Maki Claims Settlement Act 2015](#) gives effect to certain provisions of the deed of settlement signed on 22 February 2014 and amendment deeds signed in August 2015 and October 2019. [Te Kawerau ā Maki deed of settlement documents](#) can be accessed on the NZ Government Treaty settlements website.
29. [Ngāti Tamaoho Claims Settlement Act 2018](#) gives effect to certain provisions of the deed signed by Ngāti Tamaoho and the Crown on 30 April 2017. [Ngāti Tamaoho deed of settlement documents](#) can be accessed on the NZ Government Treaty settlements website.
30. [Ngāi Tai ki Tāmaki Claims Settlement Act 2018](#) gives effect to certain provisions of the deed of settlement signed by Ngāi Tai ki Tāmaki, Ngāi Tai ki Tāmaki Trust and the Crown on 7 November 2015, and amendments signed in 2016, 2017 and 2018. [Ngāi Tai ki Tāmaki deed of settlement documents](#) can be accessed on the NZ Government Treaty settlements website.
31. Te Patukirikiri and the Crown signed a deed of settlement on 7 October 2018. Legislation has yet to be enacted. [Te Patukirikiri deed of settlement documents](#) can be accessed on the NZ Government Treaty settlements website.
32. Ngāti Paoa, the Ngāti Paoa Iwi Trust and the Crown signed a deed of settlement on 20 March 2021. Legislation has yet to be enacted. [Ngāti Paoa deed of settlement documents](#) can be accessed on the NZ Government Treaty settlements website.

33. Te Ākitai Waiohū, Te Ākitai Waiohū Iwi Settlement Trust and the Crown signed a deed of settlement on 12 November 2021. Legislation has yet to be enacted. [Te Ākitai Waiohū deed of settlement documents](#) can be accessed on the NZ Government Treaty settlements website.
34. Marutūāhu Iwi Collective and the Crown signed the Marutūāhu Collective Redress deed on 28 July 2018. Legislation has yet to be enacted. [Marutūāhu Collective Redress deed documents](#) are accessible on the NZ Government Treaty settlements website.

Relevant Treaty settlement entities

Post-settlement governance entities

35. Under the FTCA, a Treaty settlement entity includes a post-settlement governance entity, 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.
36. We have identified the following post-settlement governance entities associated with the Treaty settlements:
 - a. Ngāti Manuhiri Settlement Trust under the [Ngāti Manuhiri Claims Settlement Act 2012](#)
 - b. Te Kawerau Iwi Settlement Trust under the [Te Kawerau ā Maki Claims Settlement Act 2015](#)
 - c. Ngāti Tamaoho Settlement Trust under the [Ngāti Tamaoho Claims Settlement Act 2018](#)
 - d. Ngāi Tai ki Tāmaki Trust under the [Ngāi Tai ki Tāmaki Claims Settlement Act 2018](#)
37. A post-settlement governance entity may exist ahead of finalisation of a deed of settlement and/or enactment of Treaty settlement legislation.
38. We have identified the following post-settlement governance entities in this category are also relevant:
 - a. Te Patukirikiri Iwi Trust was ratified as the post-settlement governance entity for the Treaty settlement with Te Patukirikiri on 2 September 2013
 - b. Ngāti Paoa Iwi Trust was ratified as the post-settlement governance entity for the Ngāti Paoa Treaty settlement on 25 September 2013
 - c. Te Ākitai Waiohū Settlement Trust was ratified as the post-settlement governance entity for the Te Ākitai Waiohū Treaty settlement in June 2014. Te Ākitai Waiohū and the Crown signed a deed of settlement on 12 November 2021
 - d. Ngaati Whanaunga Ruunanga Trust was ratified as the post-settlement governance entity for the Ngaati Whanaunga Treaty settlement in December 2017. Ngaati Whanaunga and the Crown initialled a deed of settlement on 25 August 2017
 - e. Ngāti Maru Rūnanga Trust was ratified as the post-settlement governance entity for the Ngāti Maru (Hauraki) Treaty settlement in August 2012. Ngāti Maru (Hauraki) and the Crown initialled a deed of settlement on 8 September 2017
 - f. Ngāti Tamaterā Treaty Settlement Trust was ratified as the post-settlement governance entity for the Ngāti Tamaterā Treaty settlement in August 2012. Ngāti Tamaterā and the Crown initialled a deed of settlement on 20 September 2017

39. We note the Marutūāhu Iwi Collective (which comprises Ngāti Paoa, Ngāti Maru (Hauraki), Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri) and the Crown initialled a Collective Redress Deed on 27 July 2018. The Marutūāhu Iwi Collective area of interest⁵ covers parts of the Auckland, Waikato and Bay of Plenty regions including the project site.
40. The Marutūāhu Rōpū Limited Partnership was established to receive the collective commercial redress provided in the Marutūāhu Iwi Collective Redress Deed, and therefore meets the definition of a post-settlement governance entity under the FTCA. The Marutūāhu Iwi Collective Redress Deed also provides for establishment of Taonga o Marutūāhu Trustee Limited to receive the Marutūāhu Iwi collective cultural redress. This redress entity would also qualify as a post-settlement governance entity under the FTCA however it is yet to be established.
41. The cultural and commercial redress provided under the Marutūāhu Iwi Collective Redress Deed forms part of the individual settlements with each of the 5 iwi of the Collective. None of this redress, to be managed by the two redress entities identified (once the redress deed is signed and given effect through legislation), is affected by the project. We have not identified these redress entities as relevant Treaty settlement entities for the project.

Other bodies recognised or established under a Treaty settlements Act

42. A Treaty settlement entity is also defined for the purposes of the FTCA as including a board, trust, committee, authority, or other body, recognised in or established under a Treaty settlement Act. No such entities established by any of the above Treaty Claims Settlement Acts are relevant to the proposed project.

Relevant principles and provisions of the Treaty settlement

Ngāti Manuhiri, Te Kawerau ā Maki, Ngāti Tamaoho, Ngāi Tai ki Tāmaki, Te Patukirikiri, Ngāti Paoa, Te Ākitai Waiohua Treaty settlements

Crown acknowledgements and apologies

43. As part of all of the identified Treaty settlements, the Crown offers acknowledgements and an apology as part of Treaty settlement redress to atone for historical wrongs, restore honour, and begin the process of healing.

Relevant principles and provisions of the Ngāti Manuhiri Treaty settlement

44. As part of the apology offered by the Crown to Ngāti Manuhiri, to their ancestors and to their descendants, the Crown recognises the efforts and struggles of the ancestors of Ngāti Manuhiri in pursuit of their claims for redress and justice.
45. The Crown states it profoundly regrets its breaches of the Treaty of Waitangi and its principles which left Ngāti Manuhiri with few landholdings by 1865. The Crown is deeply sorry for its failure to protect the remaining lands of Ngāti Manuhiri, the loss of which had devastating consequences for the cultural, spiritual, economic and physical well-being of Ngāti Manuhiri that continue to be felt today.
46. The Crown unreservedly apologises for not having honoured its obligations to Ngāti Manuhiri under the Treaty of Waitangi. Through this settlement the Crown seeks to build a new relationship with Ngāti Manuhiri based on the Treaty of Waitangi and its

⁵ The area of interest is shown on the map attached to the [Marutūāhu Collective Redress deed summary](#).

principles, so that Ngāti Manuhiri and the Crown can work together to revitalise Ngāti Manuhiri.

Relevant principles and provisions of the Te Kawerau ā Maki Treaty settlement

47. The Crown recognises the grievances of Te Kawerau ā Maki are long-held and acutely felt. For too long the Crown has failed to appropriately respond to claims for redress and justice. The Crown apology is to Te Kawerau ā Maki, their ancestors and descendants.
48. The Crown profoundly regrets its breaches of the [Treaty of Waitangi](#) and its principles, which alienated much Te Kawerau ā Maki land by 1856. The Crown is deeply sorry for its failure to protect land reserved for Te Kawerau ā Maki. The loss of the land and other traditional lands has had devastating consequences for the spiritual, cultural, social, economic, and physical well-being of Te Kawerau ā Maki, that continue to be felt today.
49. The Crown unreservedly apologises for not having honoured its obligations to Te Kawerau ā Maki under the Treaty of Waitangi. Through this apology and this settlement, the Crown seeks to atone for its wrongs and lift the burden of grievance so that the process of healing can begin. By the same means the Crown hopes to form a new relationship with the people of Te Kawerau ā Maki based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

Relevant principles and provisions of the Ngāti Tamaoho Treaty settlement

50. The Crown apologises to the iwi of Ngāti Tamaoho, to their tūpuna and to their mokopuna.
51. The Crown apologises for its failure to honour its obligations under te Tiriti o Waitangi/the [Treaty of Waitangi](#) and recognises that this failure has harmed successive generations of Ngāti Tamaoho, who have endured adversity and been treated as strangers within their own rohe. The Crown is deeply sorry for failing to appropriately respond in a timely and meaningful way to long-standing and acutely felt grievances.
52. The Crown sincerely regrets unfairly labelling Ngāti Tamaoho as rebels and confiscating much of their remaining land. The Crown unreservedly apologises for the hurt and ongoing grievance caused by the burning and looting of Pokeno. The Crown attacked the settlement prior to its invasion of Waikato despite Ngāti Tamaoho never having been in rebellion and for this it is truly sorry.
53. The Crown is deeply sorry for the loss of life and injuries Ngāti Tamaoho suffered during the New Zealand Wars of the 1860s, and the resulting destruction of property and disruption of social life. The Crown's acts and omissions and its promotion of injurious laws and policies have harmed Ngāti Tamaoho, undermined their rangatiratanga and contributed to the loss of Ngāti Tamaoho autonomy. The Crown profoundly apologises that the cumulative effects of its actions have led to Ngāti Tamaoho's landlessness and socio-economic marginalisation.
54. Through this settlement, the Crown seeks to atone for the past injustices it has inflicted upon Ngāti Tamaoho. The Crown hopes to restore its honour and relieve Ngāti Tamaoho's justified sense of grievance. The Crown looks forward to building a new relationship with Ngāti Tamaoho based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Relevant principles and provisions of the Ngāti Tai ki Tāmaki Treaty settlement

55. The Crown apologises to Ngāti Tai ki Tāmaki, to their tūpuna, and to their mokopuna.

56. Ngāi Tai ki Tāmaki sought to establish mutually beneficial relationships with European settlers and the Crown by welcoming them into their rohe and offering land, but the Crown did not honour this gesture. The Crown's acts and omissions undermined relationships that should have been based on good will and mutual benefit. The Crown broke its promise to protect your interests, confiscated your whenua, and promoted policies which had devastating economic, social, and cultural consequences for Ngāi Tai ki Tāmaki.
57. For its breaches of Te Tiriti o Waitangi/the [Treaty of Waitangi](#) and its principles and for the prejudice its acts and omissions have caused Ngāi Tai ki Tāmaki, the Crown unreservedly apologises. The Crown hopes this settlement will lead to a new relationship that fulfils the expectations of your tūpuna and mokopuna, a relationship marked by cooperation, partnership, and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Relevant principles and provisions of the Te Patukirikiri Treaty settlement

58. The Crown acknowledges that until now it has failed to deal with the long-standing grievances of Te Patukirikiri and that recognition of and redress for these grievances is long overdue. The Crown acknowledges the willingness of Te Patukirikiri to provide resources and lands for settlement, and that these early land transactions contributed to the establishment of the settler economy and the development of New Zealand
59. The Crown acknowledges that it took Te Patukirikiri lands and that its policy of taking surplus land has been a source of grievance to Te Patukirikiri; and it did not always protect Te Patukirikiri interests during investigations into these transactions; and breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it failed to assess whether Te Patukirikiri retained adequate lands for their needs.
60. The Crown acknowledges its representatives and advisers acted unjustly and in breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles in sending its forces across the Mangatāwhiri Awa in July 1863, and invading and occupying land in which Te Patukirikiri had interests; and its naval blockade of the Hauraki Gulf/Tīkapa Moana using heavily armed gun boats intimidated Te Patukirikiri; and the confiscation of land in East Waikato in which Te Patukirikiri had interests was unjust and a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown acknowledges that valuable gold resources on lands leased by Te Patukirikiri and others provided economic benefits to the nation.
61. The Crown acknowledges that the cumulative effect of its actions and omissions, including confiscation, the operation and impact of the native land laws, continued Crown purchasing, and Public Works takings has left Te Patukirikiri virtually landless, undermined their economic, social, and cultural development, and led to the alienation of sites of cultural and spiritual significance. The Crown's failure to ensure that they retained sufficient land for their present and future needs was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
62. The Crown acknowledges the harm endured by many Te Patukirikiri children from decades of Crown policies that strongly discouraged the use of te reo Māori in school. The Crown also acknowledges the detrimental effects on Māori language proficiency and fluency and the impact on the inter-generational transmission of te reo Māori and knowledge of tikanga Māori practices. The Crown recognises that through its actions and omissions it has contributed to the economic and spiritual hardship and marginalisation of Te Patukirikiri in its rohe.
63. The Crown apologises to the people of Te Patukirikiri for the prejudice they have suffered as a result of its actions, and its breaches of te Tiriti o Waitangi/the Treaty of

Waitangi and its principles. The Crown states it hopes that the settlement will mark the beginning of a new relationship with Te Patukirikiri based on good faith and cooperation.

Relevant principles and provisions of the Ngāti Paoa Treaty settlement

64. The Crown acknowledges until now it has failed to deal with the long-standing grievances of Ngāti Paoa and recognition of and redress for these grievances is long overdue; and Ngāti Paoa rangatira sought to establish a relationship with the Crown in 1840 by signing te Tiriti o Waitangi/the Treaty of Waitangi; and the Crown did not always honour its part in that relationship.
65. The Crown acknowledges that the lands Ngāti Paoa provided for settlement purposes contributed to the establishment of the settler economy and the development of New Zealand. The Crown acknowledges that it took 78,000 acres of land in the Tāmaki block including land in which Ngāti Paoa had interests; and a large portion of the "surplus lands" in the Tāmaki block were lands that the settler who made the transaction agreed would return to Māori ownership and this has long been a source of grievance for Ngāti Paoa; and it never compensated Ngāti Paoa for their interests in the "surplus lands" in the Tāmaki block as it did several other iwi involved in this transaction; and it did not provide reserves for Ngāti Paoa or other Marutūāhu iwi within the bounds of the Tāmaki purchase; and thereby breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
66. The Crown acknowledges it failed to require any assessment of whether Ngāti Paoa retained adequate lands for their needs which was compounded by flaws in the way the Crown implemented the policy in further breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
67. The Crown acknowledges its representatives and advisers acted unjustly and in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles in sending its forces across the Mangatāwhiri in July 1863, invading and occupying land in which Ngāti Paoa had interests; and it intimidated Ngāti Paoa by using heavily armed gunboats to blockade Hauraki Gulf/Tīkapa Moana, and destroying waka; and it caused the deaths of Ngāti Paoa individuals when its forces shelled an unfortified village at Pūkorokoro in November 1863; and attacked a number of Ngāti Paoa without warning in December 1863.
68. The Crown apologises to Ngāti Paoa for the suffering it has inflicted through its acts and omissions, and for the laws and policies enacted in Aotearoa/New Zealand that have led to the loss of Ngāti Paoa whenua and taonga te reo Māori. The Crown unreservedly apologises to the tupuna and mokopuna of Ngāti Paoa for its failure to uphold its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
69. The Crown seeks to atone for these injustices and hopes that through this settlement it can rebuild the relationship that it established with Ngāti Paoa in 1840, begin the process of healing and enter a new age of co-operation with Ngāti Paoa.

Relevant principles and provisions of the Te Ākitai Waiohū Treaty settlement

70. The Crown offers this apology to Te Ākitai Waiohū, to their tūpuna, and to their mokopuna. The Crown regrets its actions which breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles and caused significant prejudice and suffering for Te Ākitai Waiohū.
71. The Crown is profoundly sorry for the manner in which it conducted purchases of Te Ākitai Waiohū land, and for the tens of thousands of acres of land it took as 'surplus'

from transactions between Te Ākitai Waiohū and private settlers. The Crown recognises that Te Ākitai Waiohū welcomed Pākehā into their rohe, seeking friendly and cooperative relations with settlers and the Crown, and that the willingness of Te Ākitai Waiohū to participate in land transactions contributed significantly to the development of the city of Auckland.

72. The Crown repaid this manaakitanga by treating members of Te Ākitai Waiohū as rebels, confiscating their lands and forcing them from their kāinga, and for this the Crown is truly sorry. In particular, the Crown sincerely regrets its treatment of rangatira, Ihaka Takaanini and his father Pepene Te Tihi, and the 21 others it imprisoned without good cause, without charge or trial. The Crown recognises that Ihaka Takaanini and Pepene Te Tihi were skilled and respected leaders, and the loss of these totara haemata was a significant blow to Te Ākitai Waiohū.
73. The cumulative effect of the Crown's purchasing and confiscations have left Te Ākitai Waiohū virtually landless. The Crown apologises that its actions have not only separated Te Ākitai Waiohū from their wāhi tapu, but also hindered the socio-economic development of their people and the ability of Te Ākitai Waiohū to grow as an iwi. The Crown hopes that this settlement marks the beginning of a new relationship with Te Ākitai Waiohū, one based on partnership, trust, and mutual respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Cultural redress of the Treaty settlements

74. We have identified deeds of settlements that contain statements of the particular cultural, spiritual, historical and traditional association that each iwi respectively has with the area, that is recognised within a coastal statutory acknowledgement for Ngāti Manuhiri:

Ngāti Manuhiri

The coastal marine area and the coastal environment adjoining are central to the origins, mana and identity of Ngāti Manuhiri as an iwi, and as part of the ocean-focused tribal grouping Ngāti Wai ki te Moana. Ngāti Manuhiri have an important ancestral relationship with the coastal marine area extending from Mangawhai (the Mangawhai Harbour) to Matakana (the Matakana Estuary). Broader and shared ancestral interests are also maintained within a coastal area covering the seaway known as Te Moana Nui ō Toi – the great sea of Toi (the central and northern Hauraki Gulf).

The southern boundary of the Ngāti Manuhiri coastal statutory acknowledgement area extends from the south western extremity of Aotea (Great Barrier Island) through the seas known traditionally as Taitūmata and Te Awanui ō Hei, to Takapou (Channel Island). It then runs westward through the seaway known as Moana Te Rapu, to the south of the Whāngaparāoa Peninsula, to reach the eastern coastline of the Auckland region at Ōkura. There are places of spiritual, historical, cultural and economic importance to Ngāti Manuhiri along the entire coastline between Ōkura and Paepae ō Tū (Bream Tail). Seaways of particular significance to Ngāti Manuhiri include Waimiha (Ōmaha Bay) which was associated with the annual whale migrations described below, Moanauriuri (Kawau Bay), and Waihi (the North Channel of Kawau Bay). This latter area is a place of particular mana associated with the landmarks and ritually important areas of Karangatuoro, Matatūahu, Tangaroa and Tokatū.

75. The Crown's formal acknowledgement of these statements of association are recognised in the coastal statutory acknowledgement over specified areas in the Ngāti Manuhiri settlement. The location of the project site in relation to the coastal statutory acknowledgement area is shown in Attachment 4.

76. Ngāti Manuhiri or any member of the associated iwi can cite their statutory acknowledgements as evidence of their association with the area. Auckland Council, the Environment Court and Heritage New Zealand Pouhere Taonga must have regard to them, and Auckland Council must forward to the relevant Trusts summaries of resource consent applications it receives (or notices served on the council under section 145(10) of the RMA) for activities within, adjacent to or directly affecting a statutory area.
77. We note that statutory acknowledgments are not indications of exclusive interest in a site, and sites subject to them may also hold importance for other iwi.

Other redress of the Treaty settlements

78. Affording respect to the views of each iwi on resource management matters and enabling iwi to meaningfully participate as a Treaty partner in resource management decision-making within their takiwā/area of interest are important ways in which the Crown can give effect to these acknowledgements and apologies.
79. We note none of the Treaty settlements creates any new co-governance or co-management processes which would affect decision-making under the RMA for the project. The proposed project does not directly affect any specific commercial or cultural redress provided by the Treaty settlements.
80. As a general principle, an absence of specific settlement redress does not indicate the absence of an iwi cultural association with ancestral lands, sites, wāhi tapu or other taonga within an area. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.
81. Importantly, cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga – irrespective of whether or not they are specifically identified in a Treaty settlement – are deemed to be matters of national importance that must be recognised and provided for in decision-making under Part 2 section 6(e) of the RMA.

Current negotiation mandates and settlement negotiations

82. Section 17(3)(d) of the FTCA requires this report to identify any recognised negotiation mandates for, or current negotiations for, Treaty settlements relating to the project area.
83. We have identified Treaty settlement negotiations have commenced with Ngaati Whanaunga, Ngāti Maru (Hauraki), Ngāti Tamaterā and the Marutūāhu Iwi Collective. In addition, the Crown is negotiating a final settlement with Te Rūnanga o Ngāti Whātua on behalf of Ngāti Whātua. The project site lies within the areas of interest for each of these settlement negotiations.
84. We have identified the recognised negotiation mandates relating to the project area for:
 - a. Ngāti Te Ata
85. The Crown recognised the mandate of the Ngāti Te Ata Claims Support Whānau Trust to negotiate a Treaty settlement in May 2011 and signed terms of negotiation with the Trust in June 2011. Although negotiations have paused, the Crown-recognition of the mandate has not been withdrawn. Ngāti Te Ata has yet to establish a post-settlement governance entity to receive redress under their settlement.

Details in this report affect certain provisions of the FTCA

Notices of referral decisions

86. Under section 25 of the FTCA, you must give notice of the decisions made on an application for referral of a project to a panel, and the reasons for your decisions, to the applicant and anyone invited to comment under section 21 of the FTCA.
87. You did not invite comment on the referral application from iwi authorities or other Māori groups. However, if you decide to refer this project to a panel, the notice of decisions and associated 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.
88. We have identified 13 relevant iwi authorities and associated Treaty settlement entity for receipt of the notice of decisions. Contact details are in Attachment 2.
89. We have identified Hauraki Māori Trust Board as an 'other' iwi authority or Treaty settlement entity who may have an interest in the project, for receipt of the notice of decisions, if you decide to refer the project. Contact details are in Attachment 2.
90. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership

91. If a project is referred to a panel, the appointed panel must include one person nominated by the relevant iwi authorities under clause 3(2)(b) of Schedule 5 of the FTCA.
92. 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 clauses 3(6)(a) – 3(6)(e) of Schedule 5 of the FTCA, which include matters unique to any relevant Treaty settlement Act.

Panel invitation to comment

93. A panel must invite comments on a resource consent application or notice of requirement for a referred project from the parties listed in clause 17(6) of Schedule 6 of the FTCA. 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
 - c. any applicant group under the MACAA identified in the report obtained under section 17(1).
94. We have identified 13 relevant iwi authorities and associated Treaty settlement entities for the proposed project.
95. Under the MACA Act, an applicant group identified under the Act means one or more iwi, hapū, or whānau groups that seek recognition under Part 4 of the MACAA of their protected customary rights or customary marine title by either a recognition order

granted by the High Court; or an agreement negotiated with the Crown (via The Office for Māori Crown Relations – Te Arawhiti).

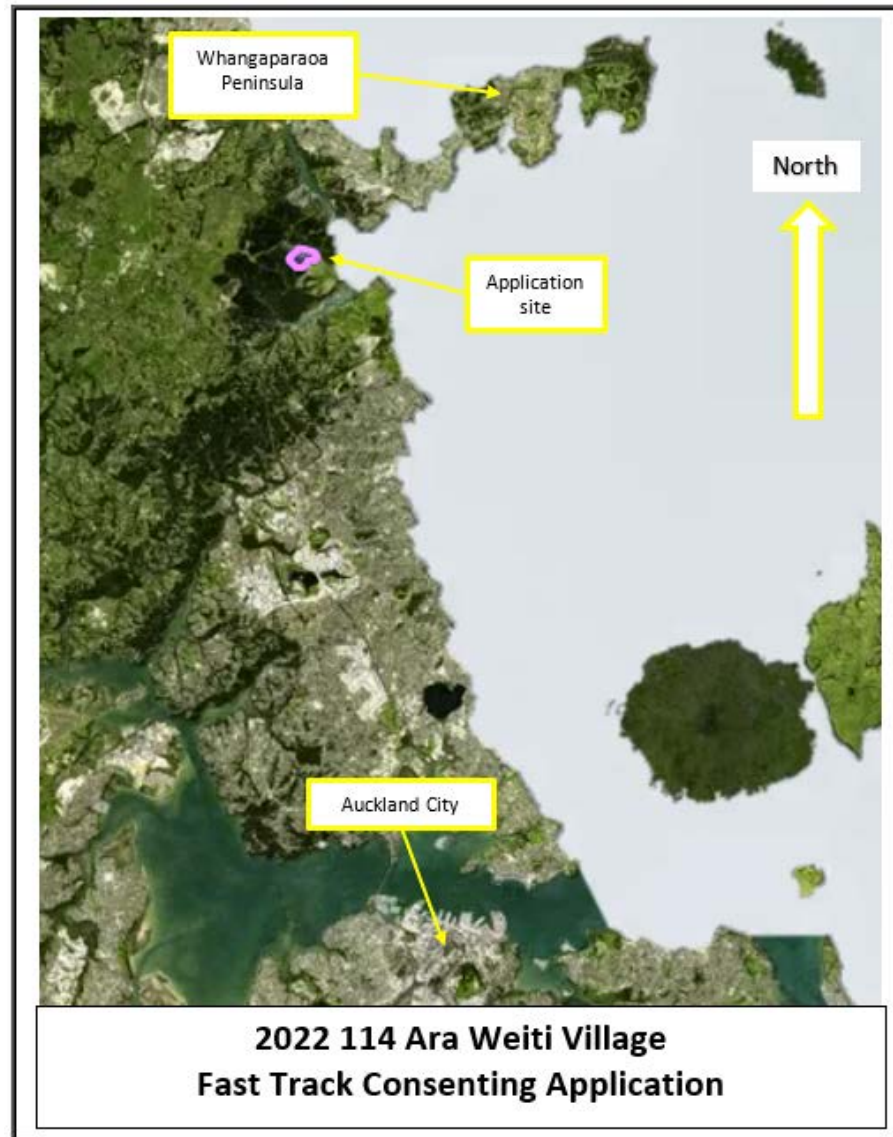
96. Those groups with applications under the MACAA in the common marine and coastal area of the project site who could be potentially affected from the project are listed in Attachment 5. We recommend that you direct a panel to invite their comments if you decide to refer the project.
97. A panel may also invite comments from any other person it considers appropriate.
98. We have identified Hauraki Māori Trust Board may have an interest in the project area. We recommend you direct a panel under section 24(2)(e) of the FTCA to invite comment from Hauraki Māori Trust Board if you decide to refer the project.

Provision of cultural impact assessment

99. Any resource consent application submitted to a panel for determination must include a cultural impact assessment prepared by or on behalf of the relevant iwi authorities, or a statement of any reasons given by the relevant iwi authorities for not providing that assessment.⁶ The Environmental Protection Authority which provides support services to a panel, will not confirm an application as complete and ready for consideration by a panel until this requirement is satisfied.
100. There is more than one relevant iwi authority. The project applicant will need to engage with each to determine their requirements for a cultural impact assessment, including whether they wish to prepare one individually or jointly, or whether they may wish to defer to another iwi in respect of the matter. Relevant iwi authorities are listed in Attachment 2.

⁶ Clause 9(5), 13(1)(k) and 13(1)(l) of Schedule 6 of the FTCA.

Attachment 1 – Project Surroundings



Attachment 1 – Project Location



Attachment 2 – Contact information

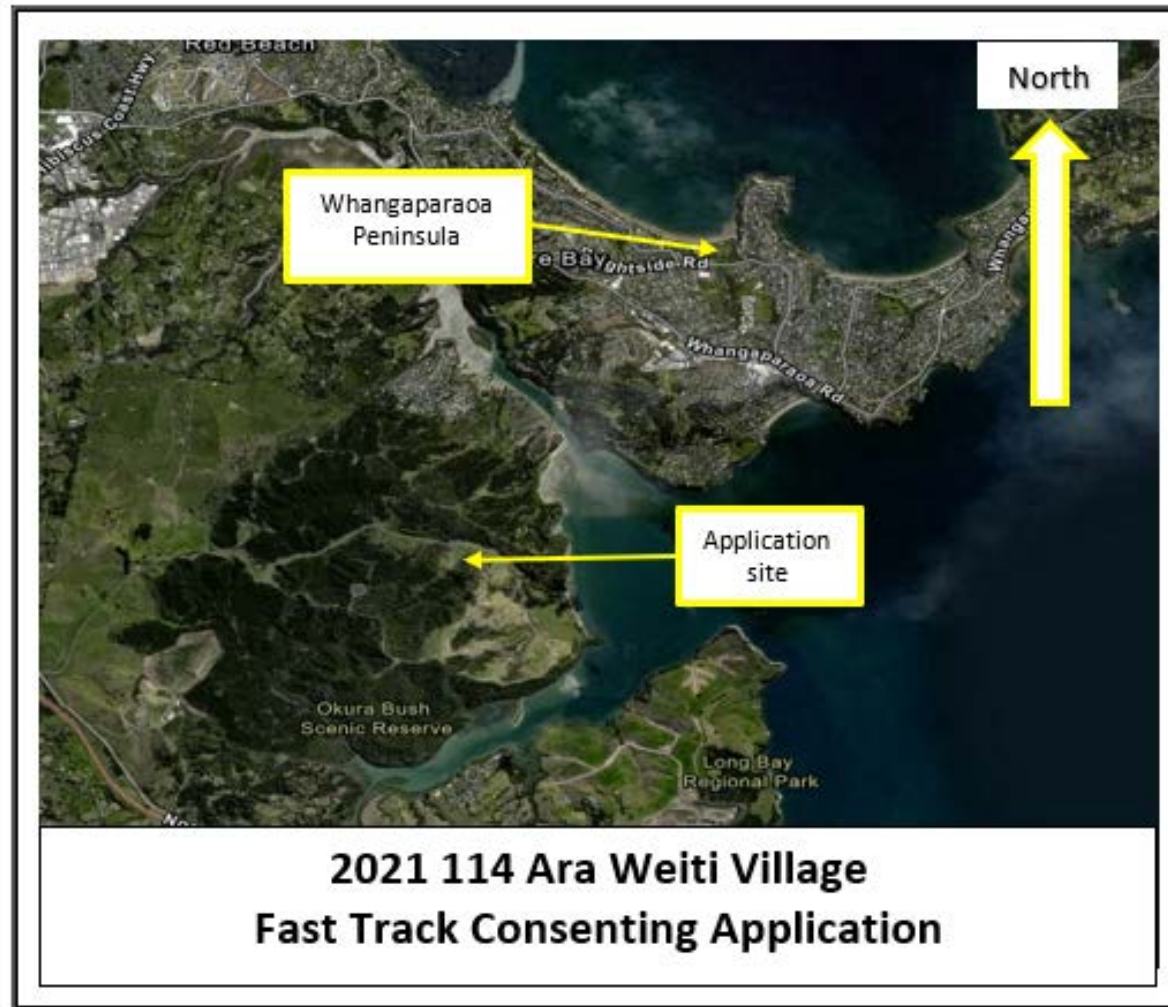
Iwi/hapū	Settlement documents / Status	Representative body	RMA relevant iwi authority	Treaty settlement entity (PSGE)	Other Iwi authority interest	Contact person
Ngāti Manuhiri	Ngāti Manuhiri Claims Settlement Act 2012	Ngāti Manuhiri Settlement Trust	Iwi authority for RMA purposes	Post-settlement governance entity		CEO: Nicola MacDonald info@ngatimanuhiri.iwi.nz cc: RMA Kaitiaki s 9(2)(a)
Te Kawerau ā Maki	Te Kawerau ā Maki Claims Settlement Act 2015	Te Kawerau Iwi Settlement Trust	Iwi authority for RMA purposes	Post-settlement governance entity		Executive Chair: Te Warena Taua s 9(2)(a) cc: Kaitiaki - Edward Ashby s 9(2)(a)
Ngāti Tamaoho	Ngāti Tamaoho Claims Settlement Act 2018	Ngāti Tamaoho Trust	Iwi authority for RMA purposes			CEO: Geneva Harrison info@tamaoho.maori.nz cc: RMA Contact - Lucie Rutherford rmaofficer@tamaoho.maori.nz
		Ngāti Tamaoho Settlement Trust		Post-settlement governance entity		
Ngāi Tai ki Tāmaki	Ngāi Tai ki Tāmaki Claims Settlement Act 2018	Ngāi Tai ki Tāmaki Trust	Iwi authority for RMA purposes	Post-settlement governance entity		Tumu Whakahaere: Lynette Penrose admin@ngaitaitamaki.iwi.nz cc: RMA contact - Jacquie Lindsay s 9(2)(a)
Te Patukirikiri	Deed of settlement signed 7 Oct 2018	Te Patukirikiri Iwi Trust	Iwi authority for RMA purposes	Post-settlement governance entity		CEO/RMA contact: William Peters s 9(2)(a)
Ngāti Paoa	Deed of settlement signed 20 March 2021	Ngāti Paoa Iwi Trust	Iwi authority for RMA purposes	Post-settlement governance entity		Tumuaki (Chair): Tania Tarawa kaiarahi@ngatipaoaiwi.co.nz
		Ngāti Paoa Trust Board	Iwi authority for RMA purposes			Principal/RMA contact: Dave Roebeck nptb@ngatipaoatrustboard.co.nz
Te Ākitai Waiohua	Deed of settlement signed 12 Nov 2021	Te Ākitai Waiohua Iwi Authority	Iwi authority for RMA purposes			Chairperson: Karen Wilson tawia@teakitai.com
		Te Ākitai Waiohua Settlement Trust		Post-settlement governance entity		
Ngaati Whanaunga	Deed of settlement initialled 25 Aug 2017	Ngaati Whanaunga Incorporated Society	Iwi authority for RMA purposes			GM: Boni Renata s 9(2)(a)
		Ngaati Whanaunga Ruunanga Trust		Post-settlement governance entity		
Ngāti Maru (Hauraki)	Deed of settlement initialled 8 Sept 2017	Ngāti Maru Rūnanga Trust	Iwi authority for RMA purposes	Post-settlement governance entity		CEO: David Taipari office@ngatimaru.iwi.nz cc: RMA Contact - William Peters
Ngāti Tamaterā	Deed of settlement initialled 20 Sep 2017	Ngāti Tamaterā Treaty Settlement Trust	Iwi authority for RMA purposes	Post-settlement governance entity		General Manager & RMA contact: s 9(2)(a)

Iwi/hapū	Settlement documents / Status	Representative body	RMA relevant iwi authority	Treaty settlement entity (PSGE)	Other iwi authority interest	Contact person
Ngāti Te Ata		Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohū	Iwi authority for RMA purposes			Manager: Karl Flavell cc: RMA Kaitiaki taiao@ngatiteata.iwi.nz
Ngāti Whātua		Te Rūnanga o Ngāti Whātua	Iwi authority for RMA purposes			Manahautū / CE: Alan Riwaka runanga@ngatiwhatua.iwi.nz cc: RMA Contact - Antony Thompson s 9(2)(a)
Hauraki Māori Trust Board					Other iwi authority who may have an interest	CEO/GM: John McEnteer general@hauraki.iwi.nz

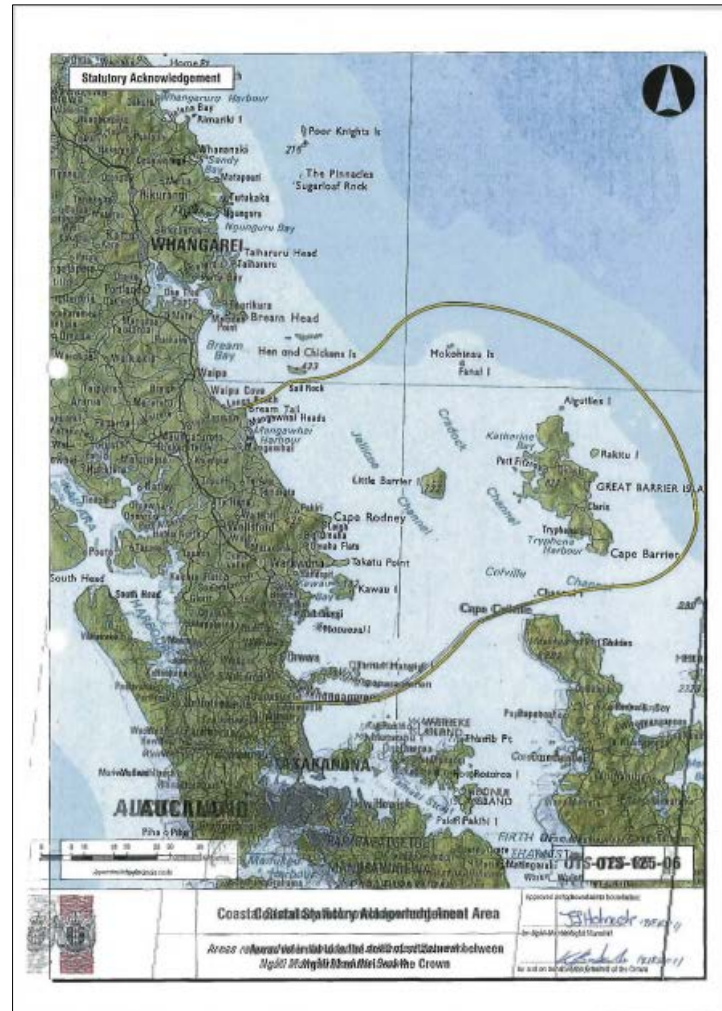
Attachment 3 – Planned Layout



Attachment 3a – Site Map



Attachment 4 – Ngāti Manuhiri – Coastal statutory acknowledgement



Attachment 5 – Applicants for customary marine title or protected customary rights area

Applicant Group Name	MAC	CIV	Primary Contact	Email
Ngāti Kawau and Te Waiariki Korora	MAC-01-01-073	CIV-2017-485-398	Janet Mason (legal counsel)	s 9(2)(a)
Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngāti Rua Iti Ngāt iMuri Nagatirumahue Ngāti Kawau Ngāti Haiti Ngāitupango Ngā Puhi Ngāti Kahu Te Auopouri	MAC-01-01-023		Tahua Murray (applicant)	taraire.cottage@xtra.co.nz
Ngā Puhi Nui Tonu (Awataha Marae)	MAC-01-01-050	CIV-2017-404-537	Tim Castle (legal counsel) Joseph Kingi (applicant)	s 9(2)(a) s 9(2)(a)
Ngā Puhi Nui Tonu (Waitangi Marae)	MAC-01-01-058		Joseph Kingi (applicant)	s 9(2)(a)
Ngāti Maru	MAC-01-03-006		Walter Ngakoma Ngamane	s 9(2)(a) (appears to be legal counsel email address)
Ngā Puhi Nui Tonu (MauNgārei Marae)	MAC-01-01-053		Joseph Kingi (applicant)	s 9(2)(a)
Ngā Puhi Nui Tonu (Te KotahitaNgā Marae)	MAC-01-01-056		Joseph Kingi (applicant)	s 9(2)(a)
Ngāti Manuhiri	MAC-01-01-079	CIV-2017-404-545	Jason Pou (legal counsel) Merehora Taurua Trustees of the Ngāti Manuhiri Settlement Trust (Applicant)	s 9(2)(a) taurumerehora@gmail.com
Ngāati Whānaunga	MAC-01-01-091		Mike Baker (applicant)	s 9(2)(a)
Reti Whānau	MAC-01-01-105	CIV-2017-485-515	Janet Mason (legal counsel)	s 9(2)(a)
Te Hikutu Whānau and Hapū	MAC-01-01-125	CIV-2017-404-570	Tim Castle (legal counsel)	s 9(2)(a)
Te Kaunihera o Te Tai Tokerau	MAC-01-01-133	CIV-2017-404-558	Tim Castle (legal counsel) Rihari Dargaville (applicant)	s 9(2)(a) s 9(2)(a)
Te Rūnanga o Ngāti Whātua	MAC-01-01-140	CIV-2017-404-563	Mai Chen (legal counsel) Alan Riwaka (applicant)	s 9(2)(a) s 9(2)(a)
Te Uri Taniwha	MAC-01-01-148	CIV-2017-404-524	Charl Hirschfeld (legal counsel)	s 9(2)(a)
Ngāi Tai ki Tāmaki	MAC-01-02-003	CIV-2017-404-564	James Brown (applicant)	s 9(2)(a)

Applicant Group Name	MAC	CIV	Primary Contact	Email
Ngāti Taimanawaiti	MAC-01-02-004	CIV-2017-404-518	Darrell Naden/Stephanie Roughton (legal counsel)	s 9(2)(a) s 9(2)(a)
Ngāti Te Ata	MAC-01-02-005	CIV-2017-404-569	Lisa Roberts (legal counsel) Roimata Minhinnick (applicant)	maoriadmin@corbanrevell.co.nz s 9(2)(a)
Te Kawerau a Maki	MAC-01-02-007		Robin Taua-Gordon (applicant)	s 9(2)(a)
Ngāti Rongo o Mahurangi	MAC-01-01-085	CIV-2017-485-276	Annette Sykes (legal counsel) Arapeta Hamilton (applicant)	s 9(2)(a) s 9(2)(a)
Ngāti Rehua Ngātiwai ki Aotea	MAC-01-01-084	CIV-2017-404-546	Tavake Afeaki (applicant)	chair@ngatirehua.com
Hauraki Maori Trust Board	MAC-01-03-001		Terrence John McEnteer (applicant)	s 9(2)(a) (appears to be legal counsel email address)
Ngāti Tamatera	MAC-01-03-011		Debra Liane Ngamane (applicant; deceased)	s 9(2)(a)

Source: Kōrero Takutai (Te Kete Kōrero a Te Takutai Moana Information Hub – Te Arawhiti) & Te Arawhiti