

Application 2021.038 Waihoehoe Precinct (Oyster Capital Ltd)

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: 2 September 2021	

Ministry for the Environment contacts

Position	Name	Cell Phone	1 st Contact
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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 to accept the application to refer the Waihoehoe Precinct project to an expert consenting panel (a panel).

Proposed project

3. The applicant proposes to subdivide and develop land immediately to the east of the North Island Main Trunk railway line at Drury, in south Auckland, for residential use. Construction of up to 376 residential units is included in the project. A location map is in Attachment 1.

Essential information

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

Section of the FTCA	Information required	Detail
s17(3)(a)	Relevant iwi authorities	Makaurau Marae Māori Trust Ngaati Whanaunga Incorporated Society Ngāi Tai ki Tāmaki Tribal Trust Ngāti Maru Rūnanga Trust Ngāti Paoa Iwi Trust Ngāti Paoa Trust Board Ngāti Tamaoho Trust Ngāti Tamaterā Treaty Settlement Trust Te Ākitai Waiohua Iwi Authority Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua Te Whakakitenga o Waikato Incorporated <i>Contact details are in Attachment 2</i>
s17(3)(b)	Relevant Treaty settlements	Ngāi Tai ki Tāmaki Claims Settlement Act 2018 Ngāti Tamaoho Claims Settlement Act 2018 Ngāti Paoa Deed of Settlement – signed 20 March 2021 Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014
s17(3)(a)	Relevant Treaty settlement entities	Hako Tūpuna Trust Ngaati Whanaunga Ruunanga Trust Ngāi Tai ki Tāmaki Trust Ngāti Maru Rūnanga Trust Ngāti Paoa Iwi Trust Ngāti Tamaoho Settlement Trust Ngāti Tamaterā Treaty Settlement Trust Te Ākitai Waiohua Settlement 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 Te Ata Claims Support Whānau Trust Ngāti Koheriki Claims Committee
s17(3)(d)	Current Treaty settlement negotiations	Hako (Ngāti Hako Treaty Settlement Negotiators) Ngāti Maru (Ngāti Maru Treaty Settlement Negotiators) Ngāti Tamaterā (Ngāti Tamaterā Negotiators) Ngaati Whanaunga (Ngaati Whanaunga Incorporated Society) Te Ākitai Waiohua (Te Ākitai Waiohua Settlement Trust) Marutūāhu Iwi Collective Waikato-Tainui (Waikato-Tainui Negotiator)

Section of the FTCA	Information required	Detail
s17(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	None that are relevant and the project does not occur in the coastal marine area.

Supporting material

Project area

5. The project site covers approximately 35 hectares of predominantly rural land to the east of Drury township and lying north of Waihoehoe Road, as shown in Attachment 3. The site drains to Waihoehoe Stream (a tributary of Otūwairoa/Slippery Creek) in the north, and Hingaia Stream to the west. Both Otūwairoa and Hingaia Stream flow into Drury Creek, which in turn flows to the Manukau Harbour.
6. The site sits within a larger 49 hectare area that is subject to a private plan change application (PC50) by Oyster Capital (see Attachment 3). PC50 seeks to rezone this area to better allow for future urban development. Along with two other interrelated private plan change applications for adjacent areas¹, PC50 is currently under consideration by Auckland Council.
7. The project site lies within the areas of interest² of Ngāi Tai ki Tāmaki, Ngāti Tamaoho, and Ngāti Paoa, and within or close to the indicative areas of interest³ for Hako, Ngāti Maru (Hauraki), Ngāti Tamaterā, Ngaati Whanaunga, Te Ākitai Waiohua, Ngāti Te Ata and Waikato-Tainui. Other iwi who may also have an interest in the area are Te Ahiwaru Waiohua and Ngāti Koheriki.
8. The closest marae to the project site, shown on Attachment 1, are Whātāpaka in Waiuku, and Ngā Hau e Whā o Pukekohe on the northern outskirts of Pukekohe. The respective iwi and hapū associated with each marae are as follows:
 - a. Whātāpaka – Ngāti Koheriki, Ngai Tai ki Tāmaki and Ngāti Tamaoho
 - b. Ngā Hau e Whā o Pukekohe - Ngāti Tamaoho of the Waikato-Tainui confederation.

Project details

9. The applicant proposes to subdivide the project site to create up to 376 residential lots, nine 'balance' lots for future residential development, and open space park intended to be vested in Auckland Council. They also propose to construct up to 376 residential units on the residential lots,

¹ PC48 by Kiwi Property Holdings and PC49 by Fulton Hogan Ltd.

² In this context, 'area of interest' means the area over which the iwi exercises kaitiakitanga for Resource Management Act 1991 (RMA) purposes that is based on the area of interest in a signed deed of settlement, as recorded on Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by Te Puni Kōkiri.

³ In this context, 'indicative area of interest' means the area over which the iwi exercises kaitiakitanga for RMA purposes that is shown on TKM is either not recorded in a signed deed of settlement or has yet to be confirmed.

and the three waters infrastructure to support this both development and the future development of the remaining lots.

10. The applicant also advises that they will fund will upgrades to existing roads and transport infrastructure that will be required, either on an individual basis or jointly with the applicants associated with adjoining projects seeking fast-track referral.

Statutory matters relating to this report

11. 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.
12. 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. There are therefore no court orders to consider in your referral decision for this project.

Iwi and iwi authorities

Information sources

13. 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.
14. The FTCA does not define iwi authority, so under section 7(2) of the FTCA, 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.
15. To identify the iwi authorities for RMA purposes which are relevant to the project area, information was sourced from:
 - a. The Iwi Areas of Interest viewer, an online application managed by the Ministry of Māori Development - Te Puni Kōkiri (TPK)
 - b. Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by TPK
 - c. Ministry for the Environment
 - d. Auckland Council, as the relevant local authority.

Iwi authorities relevant to project

16. Eleven iwi authorities are relevant to the project area. Six have been identified via the TPK viewer and TKM website:
 - a. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
 - b. Ngāti Maru Rūnanga Trust, representing Ngāti Maru ki Hauraki
 - c. Ngāti Tamaoho Trust, representing Ngāti Tamaoho

- d. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
 - e. Te Ākitai Waiohua Iwi Authority, representing Te Ākitai Waiohua
 - f. Te Whakakitenga o Waikato Incorporated, representing Waikato-Tainui.
17. Auckland Council also identifies the following iwi authorities for the project location:
- a. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga
 - b. Makaurau Marae Māori Trust, representing Te Ahiwaru Waiohua
 - c. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua, representing Ngāti Te Ata.
18. The project site falls within the agreed area of interest included in the deed of settlement Ngāti Paoa signed with the Crown in March 2021.⁴ For this reason we consider the following two iwi authorities representing the Resource Management Act 1991 (RMA) interests of Ngāti Paoa are also relevant:
- a. Ngāti Paoa Iwi Trust
 - b. Ngāti Paoa Trust Board.

Treaty settlements and Treaty settlement entities

19. Information from the first two sources listed in paragraph 15, 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.

Treaty settlements relating to the project area

20. 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.
21. The project area lies within the area of interest covered by Treaty settlements with the following iwi/groups:
- a. Ngāi Tai ki Tāmaki
 - b. Ngāti Tamaoho
 - c. Ngāti Paoa
 - d. the Tāmaki Collective.
22. Ngāi Tai ki Tāmaki, the trustees of the Ngāi Tai ki Tāmaki Trust and the Crown signed a deed of settlement on 7 November 2015. Amendment deeds were signed in 2016, 2017 and 2018, and the Treaty settlement was enacted by the Ngāi Tai ki Tāmaki Claims Settlement Act 2018. [A settlement summary, the deeds and associated documents](#) are available on the NZ Government Treaty settlements website.
23. The Ngāti Tamaoho Claims Settlement Act 2018 gave effect to certain provisions of the deed of settlement signed by the Crown, Ngāti Tamaoho and the Ngāti Tamaoho Settlement Trust on 30 April 2017. [Relevant settlement documents](#) are available on the NZ Government Treaty settlement website.

⁴ <https://www.tkm.govt.nz/rohe/AOI-NgatiPaoa.pdf>

24. Ngāti Paoa, the Ngāti Paoa Iwi Trust and the Crown signed a deed of settlement on 20 March 2021. [The deed and associated documents](#) are available on the NZ Government Treaty settlement website.
25. Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective) signed the Tāmaki Makaurau Collective Redress deed on 5 December 2012. An amendment deed was signed 23 August 2013, and legislation to give effect to certain provisions of the deeds is contained in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. The FTCA defines this Act as a Treaty settlement Act for the purposes of the FTCA. [Relevant documents](#) are available on the NZ Government Treaty settlement website.

Relevant Treaty settlement entities

Post-settlement governance entities

26. Under the FTCA, 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.
27. The respective post-settlement governance entities associated with the Treaty settlement Acts noted above are:
- a. Ngāi Tai ki Tāmaki Trust
 - b. Ngāti Tamaoho Settlement Trust
 - c. redress entities associated with the Tāmaki collective arrangements:
 - i. Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership
 - ii. Tūpuna Taonga o Tāmaki Makaurau Trust
 - iii. Waiohua-Tāmaki Rōpū, representing five members of the Tāmaki Collective, including Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Ākitai Waiohua and Ngāti Te Ata (whose individual areas of interest include the project site) and Te Kawerau ā Maki (whose area of interest does not include the project site)⁵
 - iv. Marutūāhu Rōpū, representing Ngāti Maru (Hauraki), Ngāti Tamaterā, Ngaati Whanaunga and Ngāti Paoa (whose individual areas of interest include the project site), and Te Patukirikiri (whose area of interest does not include the project site)
 - v. Ngāti Whātua Rōpū, representing three members of the Tāmaki Collective: Ngāti Whātua Ōrākei, Ngāti Whātua o Kaipara and Te Rūnanga o Ngāti Whātua (none of whose individual areas of interest include the project site).
28. As explained further in paragraphs 52 to 55, no cultural or commercial redress managed by the Tāmaki collective redress entities is affected by the project.
29. A post-settlement governance entity may exist ahead of finalisation and enactment of a Treaty settlement. The following post-settlement governance entities in this category are:
- a. Ngāti Paoa Iwi Trust, that was ratified as the post-settlement governance entity for the Ngāti Paoa Treaty settlement on 25 September 2013.

⁵ According to the sources in paragraph 17.

- b. Hako Tūpuna Trust, that was established and confirmed as the post-settlement governance entity for Hako on 26 August 2014.
 - c. Ngāti Maru Rūnanga Trust, that was ratified as the post-settlement governance entity for the Ngāti Maru (Hauraki) Treaty settlement in August 2012. Ngāti Maru (Hauraki) initialled a deed of settlement with the Crown on 8 September 2017.
 - d. Ngāti Tamaterā Treaty Settlement Trust, that was ratified as the post-settlement governance entity for the Ngāti Tamaterā Treaty settlement in August 2012. The Crown and Ngāti Tamaterā initialled a deed of settlement on 20 September 2017.
 - e. Te Ākitai Waiohua Settlement Trust, that was ratified as the post-settlement governance entity for the Te Ākitai Waiohua Treaty settlement in June 2014. Te Ākitai Waiohua initialled a deed of settlement with the Crown on 23 December 2020.
 - f. Ngaati Whanaunga Ruunanga Trust, that was ratified as the post-settlement governance entity for the Ngaati Whanaunga Treaty settlement in December 2017. This followed the initialling of a deed of settlement by Ngaati Whanaunga and the Crown on 25 August 2017.
 - g. the Marutūāhu Rōpū Limited Partnership, established to receive the collective commercial redress provided in the Marutūāhu Iwi Collective Redress Deed that was initialled by the Crown and the Marutūāhu Iwi Collective on 27 July 2018.
30. The Marutūāhu Iwi Collective includes the five iwi noted in paragraph 27(c)(iv). Their collective area of interest covers parts of the Auckland, Waikato and Bay of Plenty Regions⁶, and includes the project site.
31. The Marutūāhu Iwi Collective Redress Deed also provides for establishment of the 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 but it is yet to be established.
32. The cultural and commercial redress provided under the Marutūāhu iwi Collective Redress Deed forms part of the individual settlements with each of the five iwi. None of this redress, to be managed by the above-named entities once the redress deed is signed and given effect through legislation, is affected by the Waihoehoe Precinct project.

Other bodies recognised or established under a Treaty settlement Act

33. 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.
34. The Tūpuna Maunga o Tāmaki Makaurau Authority (the Maunga Authority) was established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 as a statutory co-governance authority, to oversee the administration and management of the Tāmaki maunga.
35. However, the project site lies outside the Auckland volcanic field and does not include, or lie near, any of the maunga managed by the Maunga Authority.

⁶ The area of interest is shown on the map attached to the [Marutūāhu Iwi Collective Redress Deed summary](#).

Relevant principles and provisions of the Treaty settlements

Ngāi Tai ki Tāmaki, Ngāti Tamaoho and Ngāti Paoa Treaty settlements

Crown acknowledgements and apologies

36. The Crown offers acknowledgments and apologies as part of Treaty settlement redress in order to atone for historical wrongs, restore its honour, and begin the process of healing.
37. In the Ngāi Tai ki Tāmaki settlement, the Crown unreservedly apologises 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.
38. The Crown expresses the hope that the settlement will lead to a new relationship that fulfils the expectations of the tūpuna and mokopuna of Ngāi Tai ki Tāmaki, marked by cooperation, partnership, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
39. In the Ngāti Tamaoho settlement, the Crown states that its 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.
40. The Crown apologises to the iwi of Ngāti Tamaoho, their tūpuna and mokopuna 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. The Crown says it 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.
41. In the Ngāti Paoa Deed of Settlement 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 apologises to the tūpuna and mokopuna of Ngāti Paoa for its failure to uphold its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
42. 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.

Other redress

43. Neither of the settlements create any new co-governance or co-management processes which would affect decision-making under the RMA for this project.
44. The Ngāti Tamaoho Deed of Settlement contains statements of the particular cultural, spiritual, historical and traditional association that Ngāti Tamaoho has with a number of significant sites, including the Manukau Harbour/Te Mānukanuka o Hoturoa, the Pahurehure Inlet and Drury Creek into which the Waihoehoe and Hingaia Streams flow⁷.
45. The first paragraph of the statements of association is as follows:

“Te Mānukanuka O Hoturoa (Manukau Harbour) is central to Ngāti Tamaoho's identity. We are a people born from the very waters of the harbour itself. It is an important part of our turangawaewae and central to our rohe. It features in all stages of our history and is a source

⁷ See [Part 1 of the Ngāti Tamaoho Deed of Settlement Documents Schedule](#)

of great mana to our people. Its traditional use as a fishing ground and transport and trade route is an essential part on our identity, as is our deep spiritual relationship with it."

46. In relation to the Pahurehure Inlet, the statements include the following:

"The Pahurehure Inlet and surrounding land is an area of great importance to Ngāti Tamaoho, both because of its proximity to the wider Te Manukanuka o Hoturoa (Manukau Harbour), as well as a major source of kai moana.

The Pahurehure Inlet was plentiful in kahawai, snapper, mullet and flounder with the shellfish banks providing mussels, pipi, pupu, oysters and the many other species that existed at that time. The salt waters of the Pahurehure Inlet were renowned for their shark and stingray populations."

47. The statements of association with Drury Creek, Waihoehoe Stream, Otūwairoa Stream and Hingaia Stream include:

"Drury Creek is the culmination of several of Ngāti Tamaoho's most important awa including the Waipokapū (including Otūwairoa, Mangapū and Waihoehoe), Oira, Hingaia, Ngakoroa and Whangapouri located west of the Hingaia Peninsula at the headwaters of the Pahurehure Inlet. It is an awa of particular significance to our people as a cultural resource, travel route and wāhi tapu."

"The Hingaia Stream drains from the plains below Te Maketu. From here it flows north-west toward the Drury Creek connecting with this awa near the site of Ōpaheke Pa. From here it joins Pahurehure Inlet and the wider Manukau. As such it connects several of Ngāti Tamaoho's most important sites of occupation and was a key travel route in the area.

The Hingaia Stream would have historically been far wider, deeper and faster flowing. Traditional evidence recalls that the river was navigable to a point very close to the Te Maketu sites."

"Otūwairoa (Slippery Creek) is particularly important to Ngāti Tamaoho because of its traditional use and its location. The stream is a confluence of many other important awa of the area including the Waipokapū (Hays Stream) and the Mangapū (Symonds Stream) carrying the mauri of these streams before it drains into Te Mānukanuka o Hoturoa (Manukau Harbour)."

48. The Ngāti Tamaoho settlement legislation contains the Crown's acknowledgment of the statements of association (known as statutory acknowledgments). The statutory acknowledgement areas and the relationship of the project site to them are shown in Attachment 4. The project site lies within the statutory acknowledgement areas for both Hingaia Stream and its tributaries, and Otūwairoa Stream and its tributaries. These waterways drain to the coastal marine statutory acknowledgement area over Drury Creek, Pahurehure Inlet and the Manukau Harbour.
49. The Ngāti Tamaoho Settlement Trust or any member of Ngāti Tamaoho can cite the statutory acknowledgement as evidence of their association with the area. Auckland Council, the Environment Court and Heritage New Zealand Pouhere Taonga must have regard to it, and Auckland Council must forward summaries of resource consent applications it receives for activities within, adjacent to or directly affecting the statutory area (or notices served on the council under section 145(10) of the RMA) to the Ngāti Tamaoho Settlement Trust.

50. No areas covered by a statement of association, statutory acknowledgement or any other form of cultural or commercial redress provided in the Ngāi Tai ki Tāmaki Treaty settlement would be directly affected by the project.
51. As a general principle, an absence of specific settlement redress does not indicate the absence of an iwi's cultural association with ancestral lands, sites, wāhi tapu or other taonga within an area. Additionally, statutory acknowledgments are not indications of exclusive interest in a site, and sites subject to statutory acknowledgments may also hold importance for other iwi.

Tāmaki Collective Redress Act

52. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 and its associated deed provide collective redress for the shared interests of the 13 iwi and hapū of the Tāmaki Collective in maunga, motu and lands within Tāmaki Makaurau. These provisions do not settle any historical Treaty claims; this is addressed instead through the specific settlements with each iwi/hapū. The redress provided through the Act is provided 'on account' of those individual Treaty settlements.
53. A significant part of the collective redress is concerned with governance and management arrangements over the maunga of central Auckland and some of the islands of Tīkapa Moana (the Hauraki Gulf).
54. Some commercial redress is also included, in the form of rights of first refusal (RFR) over Crown properties over a wide area of Auckland⁸, and second rights to purchase deferred selection properties not selected or acquired by iwi/hapū under their individual settlements.
55. No maunga are affected by the proposed project. Although the proposed project area lies within the RFR area, none of the land within it is Crown-owned. Therefore, the project would not affect any commercial redress available to Ngā Mana Whenua o Tāmaki Makaurau under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Current negotiation mandates and settlement negotiations

56. Treaty settlement negotiations are yet to be concluded with the following groups identified in paragraph 32: Hako, Ngāti Maru (Hauraki), Ngāti Tamaterā, Ngaati Whanaunga, Te Ākitai Waiohū and the Marutūāhu Iwi Collective. Additionally, the Crown is currently negotiating a Treaty settlement with the mandated Waikato-Tainui negotiator, who signed terms of negotiation on 14 December 2020 for the settlement of the remaining historical Treaty of Waitangi claims of Waikato-Tainui. The project site lies within the indicative areas of interest for these pending Treaty settlements.
57. As noted in paragraph 7, the project area also falls within the indicative area of interest for Ngāti Te Ata, and Ngāti Koheriki may also have an interest in the area.
58. 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. Negotiations have paused, but 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.

⁸ Part 3 of [Attachments to Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed](#).

59. The Crown recognised the Treaty settlement negotiation mandate of Ngāti Koheriki Claims Committee in June 2013. Negotiations have yet to commence, but Crown-recognition of the mandate has not been withdrawn. Ngāti Koheriki 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 decision

60. 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.
61. 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.
62. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 4; contact details are in Attachment 2.
63. The Minister for Treaty for Waitangi Negotiations has requested that the notice of decisions be copied to the Ngāti Koheriki Claims Committee. Contact details are in Attachment 2.
64. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership

65. 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.
66. 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.
67. Eleven relevant iwi authorities for the project are identified in paragraph 4; contact details are in Attachment 2.

Panel invitations to comment

68. 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.

69. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 4; contact details are in Attachment 2.
70. A panel may also invite comments from any other person it considers appropriate. The Minister for Treaty of Waitangi Negotiations has requested that you direct a panel to seek comment on any resource consent applications for the project from the Ngāti Koheriki Claims Committee.

Provision of Cultural Impact Assessment

71. Any resource consent application that is submitted to a panel for determination must include a cultural impact assessment prepared by or on behalf of the relevant iwi authority or a statement of any reasons given by the relevant iwi authority for not providing that assessment.⁹ The Environmental Protection Authority (that provides support services to a panel) will not confirm an application as complete until this requirement has been satisfied.
72. Where there is more than one relevant iwi authority, it will be necessary for the project applicant 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 defer to another iwi in respect of the matter. The relevant iwi authorities for the Waihoehoe Precinct project are listed in paragraph 4.

⁹ Clause 9(5) of Schedule 6 to the FTCA.

Attachment 1 - Location



Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Other	Contact person	Copies to
Hako	Hako Tūpuna Trust			Post-settlement governance established 26 August 2014		Contact: Josie Anderson hako@xtra.co.nz	
Ngaati Whanaunga	Ngaati Whanaunga Incorporated Society	PO Box 160 Coromandel 3581	Represents Ngaati Whanaunga as an iwi authority for RMA purposes			Boni Renata General Manager s9(2)(a)	
	Ngaati Whanaunga Ruunanga Trust			Post-settlement governance entity [DOS initialled 25 Aug 2017]	In Treaty settlement negotiations		
Ngāi Tai ki Tāmaki	Ngāi Tai ki Tāmaki Tribal Trust	PO Box 141 Clevedon Auckland 2248	Represents Ngāi Tai ki Tāmaki as an iwi authority for RMA purposes			Chairperson: James Brown s9(2)(a) (office manager contact)	Kaitiaki Unit kaitiaki@ngaitaitamaki.iwi.nz
	Ngāi Tai ki Tāmaki Trust			Post-settlement governance entity under the Ngāi Tai ki Tāmaki Claims Settlement Act 2018			
Ngāti Koheriki	Ngāti Koheriki Claims Committee	PO Box 250 Whitianga 3542			Mandate recognised by the Crown for Treaty settlement negotiations	Chair: Joe Johnson s9(2)(a)	
Ngāti Maru (Hauraki)	Ngāti Maru Rūnanga Trust	PO Box 37 Thames 3540	Represents Ngāti Maru (Hauraki) as an iwi	Post-settlement governance entity		Manager: David Taipari office@ngatimaru.iwi.nz	

			authority for RMA purposes	[DOS initialled 8 Sep 2017]			
Ngāti Paoa	Ngāti Paoa Iwi Trust	Level 12 Britomart Place Auckland	Represents Ngāti Paoa as an iwi authority for RMA purposes	Post-settlement governance entity [DOS signed 20 March 2021]		Haydn Solomon Kaiahi s9(2)(a)	Taiao Manager: Crystal Cherrington kaitiaki@ngatipaoaiwi.co.nz Taiao@ngatipaoaiwi.co.nz
	Ngāti Paoa Trust Board	PO Box 204-144 Highbrook Auckland 2161	Represents Ngāti Paoa as an iwi authority for RMA purposes			Principal Officer: Dave Roebeck nptb@ngatipaoatrustboard.co.nz	
Ngāti Tamaoho	Ngāti Tamaoho Trust	PO Box 272 1652 Papakura Auckland 2244	Represents Ngāti Tamaoho as an iwi authority for RMA purposes			CEO: Geneva Harrison info@tamaoho.maori.nz	RMA Contact: Lucie Rutherford rmaofficer@tamaoho.maori.nz
	Ngāti Tamaoho Settlement Trust			Post-settlement governance entity under the Ngāti Tamaoho Claims Settlement Act 2018			
Ngāti Tamaterā	Ngāti Tamaterā Treaty Settlement Trust	PO Box 28 Thames 3540	Represents Ngāti Tamaterā as an iwi authority for RMA purposes	Post-settlement governance entity [DOS initialled 20 Sep 2017]	In Treaty settlement negotiations	Chair: Antony Royal chair@tamatera.iwi.nz	RMA Contact: Antony Royal
Ngāti Te Ata	Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohū		Recognised by Auckland Council as an iwi authority for RMA purposes			RMA Kaitiaki taiao@ngatiteata.iwi.nz	
Te Ahiwaru-Waiohū	Makaurau Marae Māori Trust		Recognised by Auckland Council as an iwi authority for RMA purposes			Kowhai Olsen s9(2)(a)	
Te Ākitai Waiohū	Te Ākitai Waiohū Iwi Authority	PO Box 59 185 Māngere Bridge Auckland 2151	Represents Te Ākitai Waiohū as an iwi authority for RMA purposes			Chairperson: Karen Wilson s9(2)(a)	RMA Contact: Nigel Denny kaitiaki@teakitai.com
	Te Ākitai Waiohū Settlement Trust			Post-settlement governance entity	In Treaty settlement negotiations		

				[DOS initialled 23 Dec 2020]			
Waikato-Tainui	Te Whakakitenga o Waikato	PO Box 648 Waikato Mail Centre Hamilton 3240	Represents Waikato-Tainui as an iwi authority for RMA purposes			CEO: Donna Flavell secretariat@tainui.co.nz	RMA contact: Marae Tukere s9(2)(a)

Attachment 3 – Project area details



Attachment 4 – Ngāti Tamaoho statutory acknowledgement areas

