

Application 2021-070 Whenuapai Green (Neil Construction Limited & Maraetai Land Development Limited)

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: 17 February 2022	

Ministry for the Environment contacts

Position	Name	Cell Phone	1 st Contact
Principal Author	Pip Lee		
Manager	Stephanie Frame	s9(2)(a)	ü
Director	Sara Clarke	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 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 Whenuapai Business Park project to an expert consenting panel (a panel).

Proposed project

3. The applicant proposes to establish a housing development of either approximately 459 residential units, or approximately 353 residential units and a lot for future development of a primary school, on a greenfield site at the western edge of the NZ Defence Force Whenuapai Airbase, Auckland. 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 (13) <i>Contact details are in Attachment 2</i>	Ngā Maunga Whakahii o Kaipara Development Trust Ngāi Tai ki Tāmaki Tribal Trust Ngāti Maru Rūnanga Trust Ngāti Manuhiri Settlement Trust Ngāti Paoa Iwi Trust Ngāti Paoa Trust Board Ngāti Tamaoho Trust Ngāti Tamaterā Treaty Settlement Trust Ngāti Whātua Ōrākei Trust Board Te Ākitai Waiohūa Iwi Authority Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa Te Kawerau Iwi Settlement Trust Te Rūnanga o Ngāti Whātua
s17(3)(b)	Treaty settlements that relate to the project area (6)	Ngāti Whātua Ōrākei Claims Settlement Act 2012 Ngāti Whātua o Kaipara Claims Settlement Act 2013 Te Kawerau ā Maki Claims Settlement Act 2015 Ngāi Tai ki Tāmaki Claims Settlement Act 2018 Ngāti Tamaoho Claims Settlement Act 2018 Te Ākitai Waiohūa Deed of Settlement – signed 12 November 2021
s17(3)(a)	Relevant Treaty settlement entities (8) <i>Contact details are in Attachment 2</i>	Ngā Maunga Whakahii o Kaipara Development Trust Ngāi Tai ki Tāmaki Trust Ngāti Maru Rūnanga Trust Ngāti Tamaoho Settlement Trust Ngāti Tamaterā Treaty Settlement Trust Ngāti Whātua Ōrākei Trustee Limited Te Ākitai Waiohūa Settlement Trust Te Kawerau Iwi Settlement Trust
s17(3)(c)	Relevant principles and provisions of the Treaty settlements	<i>See below</i>
s17(3)(d)	Groups with a negotiation mandate recognised by the Crown but yet to commence negotiations	Ngāti Te Ata Claims Support Whānau Trust Ngāti Koheriki Claims Committee

Section of the FTCA	Information required	Detail
s17(3)(d)	Current Treaty settlement negotiations	Ngāti Maru (Hauraki) (Ngāti Maru Treaty Settlement Negotiators) Ngāti Tamaterā (Ngāti Tamaterā Negotiators) Marutūāhu Iwi Collective (Ngāti Whātua) Te Runanga o Ngāti Whātua Ngaati Whanaunga (Ngaati Whanaunga Ruununga Trust) Hako (Ngāti Hako Treaty Settlement Negotiators)
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 as the project does not occur in the coastal marine area

Supporting material

Project details

5. The project site covers approximately 16 hectares, as shown on Attachment 3.
6. The project includes:
 - a. subdivision of the site to create up to 459 residential lots, jointly owned access lots, roads and recreation and drainage reserves intended to vest in Auckland Council
 - b. provision of three-waters services to each residential lot
 - c. construction of residential dwellings on each of the residential lots, in a variety of typologies including terrace duplex and standalone housing ranging between one and two storeys high.
7. The conceptual project layout is shown in Attachments 4 and 5. The project includes an option to use a 2.79-hectare area in the northern part of the site (hatched red in Attachment 4) for a primary school. If progressed, this would remove approximately 99 residential units and associated road sections.
8. Attachment 4 shows the site drains to waterways on both the western and eastern sides of the site. These waterways flow a short distance northward to the upper Waitematā Harbour.

Statutory matters relating to this report

9. 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.

10. There are therefore 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

11. This report must identify the relevant iwi authorities for a 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.
12. 'Area of interest' can mean different things depending on context and can be difficult to define precisely on a map, particularly on small scale maps depicting large geographical areas. For the purposes of this report, we have used information from the following sources as a basis for identifying iwi areas of interest:
- 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, which includes information on rohe (tribal areas) provided by those organisations
 - c. the 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
 - d. area of interest maps in signed Treaty settlement deeds or other Treaty settlement documents
 - e. Auckland Council's online interactive map depicting tribal regions and iwi in the Auckland Region².
13. 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.
14. To identify the relevant iwi authorities for the identified areas of interest, we sourced and considered information from:
- a. the TKM online directory noted above
 - b. Auckland Council's [online tool](#) for identifying mana whenua contacts for a particular address
 - c. Auckland Council's response to the invitation to comment on the referral application under section 21(2)(a) of the FTCA.

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>

Iwi authorities relevant to project

15. The project site lies within, or very close to³, the areas of interest, identified from one or more of the sources in paragraph 12, for the following 14 iwi or groups: Ngāi Tai ki Tāmaki, Ngāti Koheriki, Ngāti Manuhiri, Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whātua, Ngāti Whātua o Kaipara, Ngāti Whātua o Ōrākei, Te Ākitai Waiohua, Te Kawerau ā Maki and the Marutūāhu Iwi Collective.
16. We have identified 13 iwi authorities associated with these groups; Ngāti Paoa is represented by two iwi authorities and all the remaining parties, with the exception of Ngāti Koheriki and the Marutūāhu Iwi Collective, have one representative iwi authority, as follows:
- a. Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara
 - b. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
 - c. Ngāti Manuhiri Settlement Trust, representing Ngāti Manuhiri
 - d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru Rūnanga
 - e. Ngāti Paoa Iwi Trust, representing Ngāti Paoa
 - f. Ngāti Paoa Trust Board, also representing Ngāti Paoa
 - g. Ngāti Tamaoho Trust, representing Ngāti Tamaoho
 - h. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
 - i. Ngāti Whātua Ōrākei Trust Board, representing Ngāti Whātua o Ōrākei
 - j. Te Ākitai Waiohua Iwi Authority, representing Te Ākitai Waiohua
 - k. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua, representing Ngāti Te Ata
 - l. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki
 - m. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua.

Treaty settlements and Treaty settlement entities

17. 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. The Te Arawhiti i-Cat database listed in paragraph 12(c) and documents on the [NZ Government Treaty settlements website](#) were the primary information sources for our analysis.

Treaty settlements relating to the project area

18. 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.
19. The project site falls within the area of interest covered by Treaty settlements with the following six iwi/groups:
- a. Ngāti Whātua Ōrākei

³ the area of interest for Ngāi Tai ki Tāmaki as mapped on i-Cat lies very close to the northern boundary of the site; the map in the Ngāi Tai ki Tāmaki Deed of Settlement is not at a sufficient scale to determine if the project site lies within or outside the area of interest for the Treaty settlement.

- b. Ngāti Whātua o Kaipara
 - c. Te Kawerau ā Maki
 - d. Ngāi Tai ki Tāmaki
 - e. Ngāti Tamaoho
 - f. Te Ākitai Waiohū.
20. The Ngāti Whātua Ōrākei Claims Settlement Act 2012 gives effect to certain provisions of the deed of settlement signed by Ngāti Whātua o Ōrākei, Ngāti Whātua Ōrākei Trustee Limited and the Crown on 5 November 2011. [A settlement summary, the deed and associated documents](#) are on the NZ Government Treaty settlements website.
 21. The Ngāti Whātua o Kaipara Claims Settlement Act 2013 gives effect to certain provisions of the deed of settlement signed by Ngāti Whātua o Kaipara and the Crown on 9 September 2011, and amendment deeds signed in 2012 and 2020. [Relevant settlement documents](#) are available on the NZ Government Treaty settlements website.
 22. Te Kawerau ā Maki Claims Settlement Act 2015 gives effect to certain provisions of the deed of settlement signed by Te Kawerau ā Maki, Te Kawerau Iwi Settlement Trust and the Crown on 22 February 2014, and amendment deeds signed in 2015 and 2019. [Relevant settlement documents](#) are available on the NZ Government Treaty settlements website.
 23. The 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 amendment deeds signed in 2016, 2017 and 2018. [Relevant settlement documents](#) are available on the NZ Government Treaty settlements website.
 24. The Ngāti Tamaoho Claims Settlement Act 2018 gives 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.
 25. 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. The [deed and associated documents](#) are available on the NZ Government Treaty settlement website.

Relevant Treaty settlement entities

26. We have identified eight relevant Treaty settlement entities for the project. These are listed in paragraph 4 and further explanation is provided below.

Post-settlement governance entities

27. 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.
28. The respective post-settlement governance entities associated with the five Treaty settlement Acts noted above are:
 - a. Ngāti Whātua Ōrākei Trustee Limited (in its capacity as trustee of the Ngāti Whātua Ōrākei Trust)
 - b. Ngā Maunga Whakahi o Kaipara Development Trust
 - c. Te Kawerau Iwi Settlement Trust

- d. Ngāi Tai ki Tāmaki Trust
 - e. Ngāti Tamaoho Settlement Trust.
29. A post-settlement governance entity may exist ahead of finalisation of a deed of settlement and/or enactment of Treaty settlement legislation. The following post-settlement governance entities in this category are also relevant:
- a. Te Ākitai Waiohua Settlement Trust, which was ratified as the post-settlement governance entity for the Te Ākitai Waiohua Treaty settlement in June 2014 and signed the deed of settlement with the Crown (noted in paragraph 25) on 12 November 2021.
 - b. Ngāti Maru Rūnanga Trust, which 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
 - c. Ngāti Tamaterā Treaty Settlement Trust, which 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.
30. The Marutūāhu Rōpū Limited Partnership was 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. It therefore meets the definition of a post-settlement governance entity under the FTCA.
31. The Marutūāhu Iwi Collective represents Ngāti Maru (Hauraki), Ngāti Paoa and Ngāti Tamaterā (whose individual areas of interest include the project site) and Ngaati Whanaunga and Te Patukirikiri (whose individual areas of interest do not include the project site). The Marutūāhu Iwi Collective area of interest⁴ covers parts of the Auckland, Waikato and Bay of Plenty Regions, and includes the project site.
32. 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, however it is yet to be established.
33. The cultural and commercial redress provided under the Marutūāhu Iwi Collective Redress Deed forms part of the individual settlements with each of the Collective's five iwi. None of this redress, to be managed by the two redress entities named above (once the redress deed is signed and given effect through legislation), is affected by the Whenuapai Green project. On this basis, we have not identified the Marutūāhu redress entities as relevant Treaty settlement entities for the project.

Other bodies recognised or established under a Treaty settlement Act

34. 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.
35. No such entities established by any of the above-named Treaty settlement Acts are relevant to the proposed project.

⁴ The area of interest is shown on the map attached to the [Marutūāhu Collective Redress deed summary](#).

Relevant principles and provisions of the Treaty settlements

Ngāti Whātua o Ōrākei, Ngāti Whātua o Kaipara, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho and Te Ākitai Waiohua Treaty settlements

Crown acknowledgements and apologies

36. 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.
37. In the Ngāti Whātua o Ōrākei settlement, the Crown unreservedly apologises to Ngāti Whātua Ōrākei, to their ancestors and descendants for not having honoured its obligations to them under the Treaty of Waitangi. The Crown also says it looks forward to repairing its relationship with Ngāti Whātua Ōrākei based on mutual trust, co-operation and respect for the Treaty of Waitangi and its principles.
38. In the settlement with Ngāti Whātua o Kaipara, the Crown acknowledges among other things that the cumulative effect of its breaches of the Treaty of Waitangi and its principles significantly undermined the tino rangatiratanga of Ngāti Whātua o Kaipara, their economic and social development, and physical, cultural and spiritual well-being with effects that continue to be felt to the present day. The Crown profoundly regrets and unreservedly apologises for its actions, which have resulted in the virtual landlessness of Ngāti Whātua o Kaipara. The Crown says it intends to improve and strengthen its historically close relationship with Ngāti Whātua o Kaipara based on the Treaty of Waitangi and its principles so as to create a solid foundation for the future.
39. In the Te Kawerau ā Maki settlement, the Crown unreservedly apologises to Te Kawerau ā Maki, their ancestors and descendants, for not having honoured its obligations to them under the Treaty of Waitangi. The Crown states it seeks through the apology and the settlement to atone for its wrongs and lift the burden of grievance so that the process of healing can begin. The Crown says it 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.
40. 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. The Crown says it hopes 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.
41. The Crown states, in the Ngāti Tamaoho settlement, 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. 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.
42. In the Te Ākitai Waiohua settlement, the Crown acknowledges its failure to deal with long-standing grievances of Te Ākitai Waiohua. 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 Waiohua. The Crown apologises that its actions have not only separated Te Ākitai Waiohua from their wāhi tapu but hindered the socio-economic development of their people and the ability of Te Ākitai Waiohua to grow as an iwi. The Crown says it hopes the settlement marks

the beginning of a new relationship with Te Ākitai Waiohū based on partnership, trust and mutual respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

43. Affording respect to the views of each iwi on resource management matters and enabling meaningful participation of each iwi as Treaty partners in resource management decision-making within their areas of interest, are important ways in which the Crown can give effect to these acknowledgements and apologies.

Other redress

44. We noted in paragraph 8 that the site is drained by waterways that flow to the upper Waitematā Harbour.

45. The Ngāi Tai ki Tāmaki and Te Kawerau ā Maki deeds of settlement both contain statements of the particular cultural, spiritual, historical and traditional association that each iwi respectively has with the Waitematā Harbour, as follows:

‘Ngāi Tai Ki Tāmaki are a maritime people without boundaries and have been voyagers since ancient times. Ngāi Tai ki Tāmaki are acknowledged as being amongst the original inhabitants of Aotearoa. It is inevitable that some of the most significant sites of arrival, ritual, landmark and subsequent habitation, both seasonal and permanent, are now shared with others, others with whom we share close links through whakapapa and shared histories, others who through the passage of time and history hold ahi kaa in different places. Ngāi Tai hold fast to the knowledge of our associations to the places and the people as taonga tuku iho. From Te Arai out to Hauturu out to Aotea and throughout Hauraki and Tāmaki Makarau and all the islands within, Ngāi Tai have significant multiple, and many layered associations.’⁵

...

‘Te Kawerau ā Maki hold a long and enduring ancestral and customary relationship with the coastal marine area bordering the northern shores of the Manukau Harbour, the west coast of the Waitākere Ranges and the upper Waitematā Harbour.’⁶

46. The Crown’s formal acknowledgement of these statements of association are recognised in coastal statutory acknowledgements over specified areas⁷ in the Te Kawerau ā Maki and Ngāi Tai ki Tāmaki settlements.
47. The location of the project site in relation to part of the Te Kawerau ā Maki and Ngāi Tai ki Tāmaki coastal statutory acknowledgement areas is shown in Attachment 6. Te Kawerau Iwi Settlement Trust, Ngāi Tai ki Tāmaki Trust or any member of either iwi 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 two Trusts.
48. 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.

⁵ Pt 1 of Ngāi Tai ki Tāmaki Deed of Settlement - Documents Schedule

⁶ Pt 4 of Te Kawerau ā Maki Deed of Settlement - Documents Schedule

⁷ As shown on Deed Plan OTS-106-14 in Te Kawerau ā Maki Deed of Settlement - Attachments Schedule and Deed Plan OTS-403-128 in Ngāi Tai ki Tāmaki Deed of Settlement - Attachments Schedule

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.

49. None of the settlements create any new co-governance or co-management processes which would affect decision-making under the RMA for this project, and no other cultural or commercial redress would be directly affected by the project.

Current negotiation mandates and settlement negotiations

50. Section 17(3) (d) of the FTCA requires this report to identify any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.
51. As noted in paragraphs 29 and 30, Treaty settlement negotiations have commenced but are yet to be concluded with Ngāti Maru (Hauraki), Ngāti Tamaterā and the Marutūāhu Iwi Collective. The Crown is also negotiating a final settlement with Te Rūnanga o Ngāti Whātua, whose area of interest includes the project site.
52. The indicative areas of interest for Ngaati Whanuanga and Hako lie relatively near to the project site. Ngaati Whanaunga and the Crown initialled a deed of settlement on 25 August 2017. Hako is in an early stage of its Treaty settlement negotiations.
53. The project area also falls within the areas of interest for Ngāti Te Ata and Ngāti Koheriki. 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 have yet to establish a post-settlement governance entity to receive redress under their settlement.
54. The Treaty settlement negotiation mandate of Ngāti Koheriki Claims Committee gained Crown recognition in June 2013. Negotiations have yet to commence, but the Crown has not withdrawn its recognition of the mandate. Ngāti Koheriki have 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

55. 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.
56. 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 decision 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.
57. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 4; contact details are in Attachment 2.

58. The Minister for Treaty for Waitangi Negotiations has requested that the notice of decisions and a copy of the referral application is forwarded to the Ngāti Koheriki Claims Committee and also Te Kupenga o Ngāti Hako Incorporated and Ngaati Whanaunga Incorporated Society. Contact details (should you agree to the Minister's request) are in Attachment 2.
59. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership

60. 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.
61. 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.
62. Relevant iwi authorities for the project are identified in paragraph 4.

Panel invitations to comment

63. 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.
64. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 4. A panel may also invite comments from any other person it considers appropriate.
65. The Minister for Treaty of Waitangi Negotiations has requested that you direct a panel to invite comments from the Ngāti Koheriki Claims Committee and also from Te Kupenga o Ngāti Hako Incorporated and Ngaati Whanaunga Incorporated Society. If you decide to refer the project, your direction to the panel under section 24(2)(e) of the FTCA would be required to give effect to this request.

Provision of Cultural Impact Assessment

66. 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.⁸ 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 has been satisfied.
67. Where 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. The relevant iwi authorities for the Whenuapai Green project are listed in paragraph 4.

⁸ Clause 9(5) of Schedule 6 of the FTCA.

Attachment 1 – Location



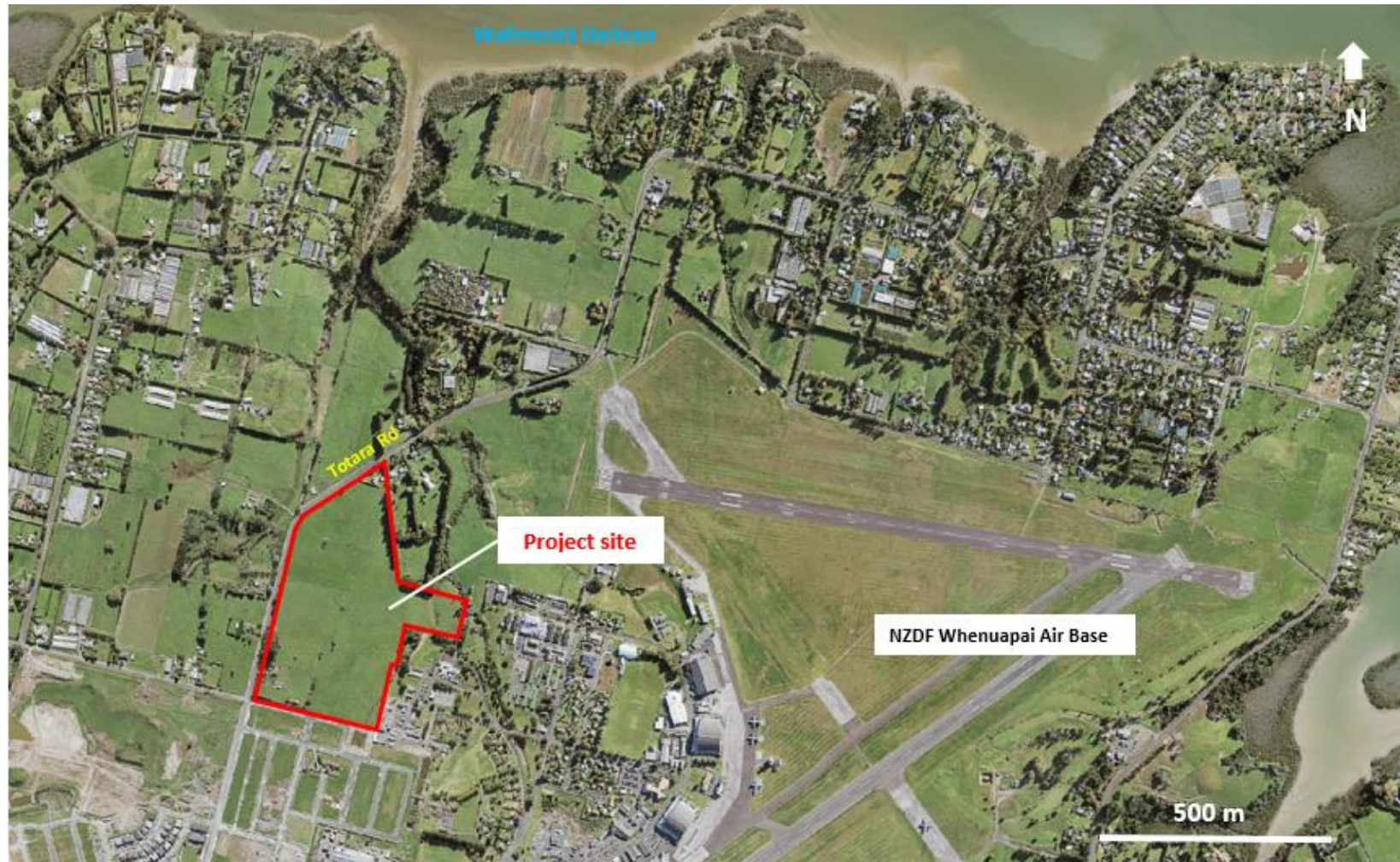
Attachment 2 – Contact information

Iwi/hapū	Representative body	Contact details	Relevant RMA Iwi authority	Relevant Treaty settlement entity	Other	Contact person	Copies to
Hako	Te Kupenga o Ngāti Hako Incorporated					CEO & RMA Contact: Pauline Clarkin hako@xtra.co.nz	
Ngaati Whanaunga	Ngaati Whanaunga Incorporated Society					Boni Renata General Manager s9(2)(a)	
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 c/- s9(2)(a) (office manager)	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)	Kiwi Johnson s9(2)(a)
Ngāti Manuhiri	Ngāti Manuhiri Settlement Trust	PO Box 117 Warkworth 1910	Represents Ngāti Manuhiri as an iwi authority for RMA purposes			Chair: Terrence (Mook) Hohneck info@ngatimanuhiri.iwi.nz	RMA Kaitiaki kaitiaki@ngatimanuhiri.iwi.nz
Ngāti Maru (Hauraki)	Ngāti Maru Rūnanga Trust		Represents Ngāti Maru (Hauraki) as an	Post-settlement governance entity [deed of settlement]	In Treaty settlement negotiations	CEO: David Taipari office@ngatimaru.iwi.nz	RMA Contact: William Peters

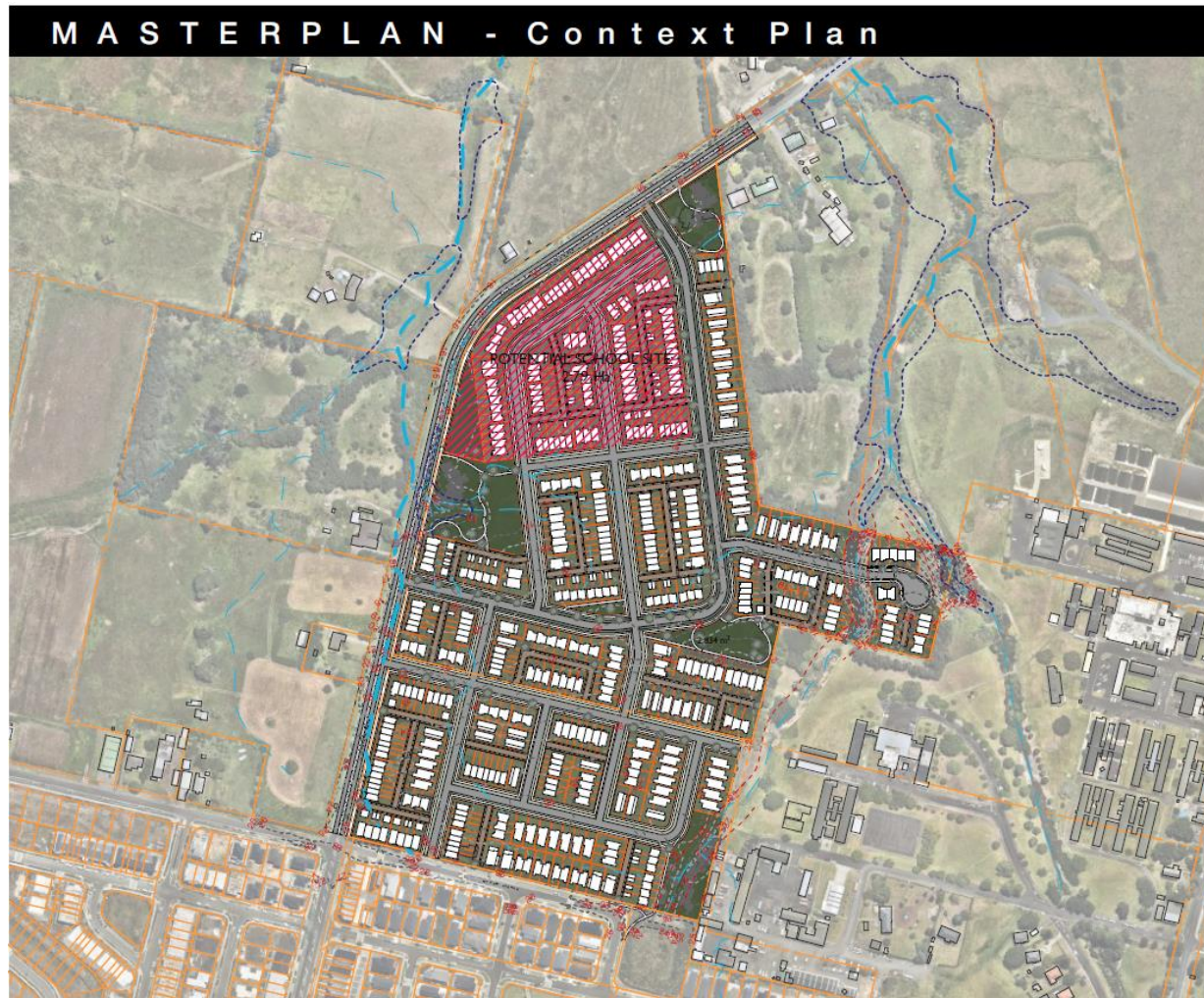
			iwi authority for RMA purposes	initialled 8 September 2017]			
Ngāti Paoa	Ngāti Paoa Iwi Trust	Level 12 Britomart Place Auckland	Represents Ngāti Paoa as an iwi authority for RMA purposes			Kaiarahi: Haydn Solomon kaiarahi@ngatipaoaiwi.co.nz	Taiao Manager: Crystal Cherrington kaitiaki@ngatipaoaiwi.co.nz environment@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 [deed of settlement initialled 20 Sep 2017]	In Treaty settlement negotiations	Chair: Antony Royal chair@tamatera.iwi.nz	RMA Kaitiaki rma@tamatera.iwi.nz
Ngāti Te Ata	Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua		Represents Ngāti Te Ata as an iwi authority for RMA purposes		Mandate recognised by the Crown for Treaty settlement negotiations	Manager: Karl Flavell	RMA Kaitiaki taiao@ngatiteata.iwi.nz
Ngāti Whātua	Ngā Maunga Whakahii o Kaipara		Represents Ngāti Whātua o Kaipara as an	Post-settlement governance entity under the Ngāti		Interim CEO: Helen Woods admin@kaiparamoana.com	RMA Contact: Shona Oliver

	Development Trust		iwi authority for RMA purposes	Whātua o Kaipara Claims Settlement Act 2013			
	Ngāti Whātua o Ōrākei Trust Board	PO Box 42 045 Ōrākei Auckland 1745	Represents Ngāti Whātua o Ōrākei as an iwi authority for RMA purposes			CEO: Jamie Sinclair s9(2)(a)	RMA Contact: Andrew Brown tokitaiao@ngatiwhatuaorakei.com
	Ngāti Whātua Ōrākei Trustee Limited			Post-settlement governance entity under Ngāti Whātua Ōrākei Claims Settlement Act 2012			
	Te Rūnanga o Ngāti Whātua	PO Box 1784 Whangarei 0140	Represents Ngāti Whātua as an iwi authority for RMA purposes			Manahautū / CE: Alan Riwaka	RMA Contact: Antony Thompson s9(2)(a)
Te Ākitai Waiohūa	Te Ākitai Waiohūa Iwi Authority	PO Box 59 185 Māngere Bridge Auckland 2151	Represents Te Ākitai Waiohūa as an iwi authority for RMA purposes			Chairperson: Karen Wilson tawia@teakitai.com	RMA Contact: Nigel Denny kaitiaki@teakitai.com
	Te Ākitai Waiohūa Settlement Trust			Post-settlement governance entity [deed of settlement signed 12 November 2021]			
Te Kawerau ā Maki	Te Kawerau Iwi Settlement Trust		Represents Te Kawerau ā Maki as an iwi authority for RMA purposes	Post-settlement governance entity under Te Kawerau ā Maki Claims Settlement Act 2015		Executive Chair: Te Warena Taua s9(2)(a)	Kaitiaki: Robin Taua-Gordon s9(2)(a)

Attachment 3 – Project site detail



Attachment 4 – Project layout



Attachment 5 – Visual

ILLUSTRATIVE PERSPECTIVE



Attachment 6 – Coastal statutory acknowledgement area

