

Application 2021-071 Ariki Tahī Sugarloaf Wharf Upgrade (Ariki Tahī Sugarloaf Wharf Limited)

To:	Required action:
Hon David Parker, Minister for the Environment	Consider this report prior to making a decision jointly under section 24 of the FTCA
Hon Kiritapu Allan, Minister of Conservation	
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)	✓
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). We also sought advice from the Ministry for Primary Industries (Fisheries NZ) in relation to the aquaculture settlement matters discussed in the report.
2. To satisfy obligations under section 6 of the FTCA, you must both consider this report before you make any decision under section 24 of the FTCA to accept the application to refer the Ariki Tahī Sugarloaf Wharf Upgrade project to an expert consenting panel (a panel).

Proposed project

3. The applicant is an entity owned (equally) by the Thames Coromandel District Council, the Coromandel Marine Farmers Association and the Ministry for Business, Innovation and Employment (via the Provincial Growth Fund Ltd). The project is to upgrade the existing public wharf facilities at Ariki Tahī (Sugarloaf Wharf) to cater for increased aquaculture production in the Firth of Thames (in the southern part of the Hauraki Gulf /Tikapa Moana), provide separate areas for commercial and recreational use, and improve resilience to flooding from extreme weather and tidal events.
4. A location map is in Attachment 1. Parts of the project will occur in the coastal marine area (CMA).

Essential information

5. 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 (11) <i>Contact details are in Attachment 2</i>	Hauraki Māori Trust Board Ngaati Whanaunga Incorporated Society Ngāi Tai ki Tāmaki Tribal Trust Ngāti Maru Rūnanga Trust Ngāti Paoa Iwi Trust Ngāti Paoa Trust Board Ngāti Pūkenga ki Manaia Management Committee Ngāti Tamaterā Treaty Settlement Trust Ngāti Tumutumu Trust Te Kupenga o Ngāti Hako Incorporated Te Patukirikiri Iwi Trust
s17(3)(b)	Treaty settlements that relate to the project area (5)	Ngāti Pūkenga Claims Settlement Act 2017 Ngāi Tai ki Tāmaki Claims Settlement Act 2018 Pare Hauraki Collective Redress Deed – signed 2 August 2018 Te Patukirikiri Deed of Settlement – signed 7 October 2018 Māori Commercial Aquaculture Claims Settlement Act 2004
s17(3)(a)	Relevant Treaty settlement entities (10) <i>Contact details are in Attachment 2</i>	Te Tāwharau o Ngāti Pūkenga Ngāi Tai ki Tāmaki Trust Hako Tūpuna Trust Te Patukirikiri Iwi Trust Ngāti Maru Rūnanga Trust Ngāti Tamaterā Treaty Settlement Trust Ngāti Tumutumu Trust Ngaati Whanaunga Ruunanga Trust Pare Hauraki Fishing Trust (Hauraki Māori Trust Board) Te Whakakitenga o Waikato
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 who are yet to commence Treaty settlement negotiations	None

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) Hako (Ngāti Hako Treaty Settlement Negotiators) Ngāti Rāhiri Tumutumu (Ngāti Tumutumu Ngāti Rāhiri Settlements Committee) Ngaati Whanaunga (Ngaati Whanaunga Ruunanga Trust)
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

Supporting material

Project site

- Ariki Tahi is an existing publicly owned commercial and recreational wharf facility adjacent to Te Kouma Road, in Waipapa Bay, Coromandel Harbour (see Attachment 3). The site includes approximately 3770 m² of reclaimed land vested in the Crown under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA) and under the administrative jurisdiction of the Minister for Land Information. The wharf and associated facilities are managed by Thames-Coromandel District Council.
- The existing facility is the primary wharf servicing the aquaculture industry in the Firth of Thames, presently handling approximately 25,000 tonnes of harvested aquaculture per annum (predominantly mussels). This represents approximately 90% of the mussels harvested in the North Island. The applicant advises this is predicted to increase by 68% (to approximately 42,000 tonnes per annum) by 2040.
- Coromandel Harbour lies on the eastern side of the Firth of Thames, which is part of the Hauraki Gulf / Tīkapa Moana. Tīkapa Moana was a convergence point for many iwi and/or hapū, and numerous settlements were established around its shorelines. Accordingly, each have cultural and ancestral associations to Tīkapa Moana, Hauraki and the surrounding areas.
- Ariki Tahi Paa was a Ngaati Whanaunga stronghold formerly located at the project site. Ngaati Whanaunga do not view the landscape solely for its current form but with its past cultural and spiritual values, especially where they relate to important tribal ancestors and events that were significant to the mana and identity of the iwi/hapuu. The cultural sites and features within the landscape are imbued with the mana of the ancestors that binds the current generations to those ancestors and ultimately to the whenua (land) and ngaa atua (the gods).¹

¹ As noted in the Cultural Impact Assessment for Sugar Loaf Wharf Expansion 2018–2019 prepared by Ngaati Whanaunga Incorporated Society.

Project details

10. The applicant, Ariki Tahi Sugarloaf Wharf Limited, is an entity owned equally by the Thames Coromandel District Council, Coromandel Marine Farmers Association and the Ministry for Business, Innovation and Employment (via the Provincial Growth Fund Ltd).
11. The proposed project is to expand the existing site by reclamation, allowing for separation and upgrade of berthing, launching, parking and other facilities for commercial and recreational users, together with creation of an all-tide approach channel to the wharf. The approximate areas to be reclaimed and dredged (respectively) are shown in Attachment 3.
12. Specifically, as shown in Attachment 4, the project scope includes:
 - a. dredging approximately 29,000 m³ of the seabed north of Ariki Tahi to provide an all-tide approach channel to the wharf
 - b. reclaiming approximately 6,900 m² of foreshore and seabed by constructing a seawall and revetment and using the dredged material as fill
 - c. establishing a commercial facility at the western side of the site with separate access off Te Kouma Road (with an automated gate), carparks for commercial vehicles and trailers, a storage area for equipment and an enclosed area for forklifts and other equipment, a boat ramp and up to five berths for commercial vessels
 - d. establishing a recreational facility at the eastern side of the site with separate access off Te Kouma Road, including carparks for vehicles and boat trailers, and a 25-metre-long rock groyne and dual lane boat ramp
 - e. relocating the existing boat maintenance grid facility to the eastern side of the recreational area, and providing a new single lane boat ramp to access this grid
 - f. lengthening the existing right turn bay on Te Kouma Road to allow vehicle access to both the recreational and commercial areas
 - g. installing a kiosk and toilet block, stormwater treatment and disposal infrastructure and signage.

Statutory matters relating to this report

13. As parts of the proposed project will occur in the CMA, decisions relating to referral of the project to a panel must be made jointly by you both in your respective roles as the Minister for the Environment and the Minister of Conservation, in accordance with section 16(1) of the FTCA.
14. Section 17(1) of the FTCA requires you both to consider this report before deciding under section 24 of the Act to refer the project to a panel, in order to satisfy your joint obligations under section 6 (Treaty of Waitangi) of the FTCA.
15. 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. We confirm that currently there are no such court orders relevant to the project area to consider in your referral decision.²

² To date four orders recognising customary interests have been made under the Marine and Coastal Area (Takutai Moana) Act 2011, and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou (Recognition of Customary Marine Title) Order 2020 came into force 1 February 2021. These do not affect the proposed project area.

Iwi authorities

Methodology and information sources

16. 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.
17. '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. Waikato Regional Council's online interactive map depicting iwi acknowledgement areas in the Waikato Region³ and information the council provided in response to the invitation to comment on the referral application under section 21(2)(a) of the FTCA.
18. 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.
19. To identify the relevant iwi authorities for the identified areas of interest, we sourced and considered information from the TKM online directory noted above.

Iwi authorities relevant to project

20. The project site lies within the areas of interest identified from one or more of the sources in paragraph 17 for the following 10 iwi or groups: Hako, Ngaati Whanaunga, Ngāi Tai ki Tāmaki, Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Pūkenga ki Waiau, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Te Patukirikiri and the Pare Hauraki Collective.⁴
21. We have identified the following 11 iwi authorities representing one or more of these iwi or groups as follows:

³ [Waikato Iwi Information interactive map](#)

⁴ Although the TPK and i-Cat databases do not show the project site lying in the area of interest for Ngāti Pūkenga (ki Waiau), the Manaia Kāinga Area of Interest shown in the [Attachments to the Ngāti Pūkenga Deed of Settlement](#) includes Coromandel Harbour. Similarly, although not shown on the online databases, the project site lies within the Pare Hauraki Redress area shown in [Part 1 of the Attachments to the Pare Hauraki Collective Redress Deed](#) and in the Area of Interest for the Marutūāhu Iwi Collective shown in the [Marutūāhu Collective Redress Deed of Settlement Summary](#).

- a. Hauraki Māori Trust Board, representing the 12 Iwi of Hauraki (including Hako, Ngaati Whanaunga, Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Pūkenga ki Waiau, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā and Te Patukirikiri)
- b. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga
- c. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
- d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki)
- e. Ngāti Paoa Iwi Trust, representing Ngāti Paoa
- f. Ngāti Paoa Trust Board, also representing Ngāti Paoa
- g. Ngāti Pūkenga ki Manaia Management Committee, representing Ngāti Pūkenga ki Waiau
- h. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
- i. Ngāti Tumutumu Trust, representing Ngāti Rāhiri Tumutumu
- j. Te Kupenga o Ngāti Hako Incorporated, representing Hako
- k. Te Patukirikiri Iwi Trust, representing Te Patukirikiri.

Treaty settlements and Treaty settlement entities

22. 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 17(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

- 23. 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.
- 24. The project site falls within the area of interest covered by Treaty settlements with the following four iwi/groups:
 - a. Ngāti Pūkenga
 - b. Ngāi Tai ki Tāmaki
 - c. the 12 iwi of Hauraki (the Pare Hauraki Collective)
 - d. Te Patukirikiri.
- 25. The Ngāti Pūkenga Claims Settlement Act 2017 gave effect to certain provisions of the deed of settlement signed by Ngāti Pūkenga, the Trustees of Te Tāwharu o Ngāti Pūkenga Trust and the Crown on 7 April 2013. Five subsequent amendment deeds were signed in 2013, 2014 (two), 2016 and 2017. A [settlement summary, the deeds and accompanying documents](#) are on the NZ Government Treaty settlement website.
- 26. The Ngāi Tai ki Tāmaki Claims Settlement Act 2018 gave effect to certain provisions of the deed of settlement signed by Ngāi Tai ki Tāmaki, the Ngāi Tai Tāmaki Trust and the Crown on 7 November 2015, and subsequent amendment deeds signed in 2016, 2017 and 2018. A [settlement summary, the deeds and associated documents](#) are available on the NZ Government Treaty settlements website.

27. The Crown and the 12 Iwi of Hauraki signed the Pare Hauraki Collective Redress Deed on 2 August 2018. The deed provides collective redress for the historical Treaty claims of the 12 iwi of Hauraki, some of which are yet to be settled through individual Treaty settlements.⁵ [A settlement summary, the deed and associated documents](#) are available on the NZ Government Treaty settlements website. Legislation to enact the settlement has yet to be introduced to Parliament.
28. The Crown and Te Patukirikiri signed a deed of settlement on 7 October 2018. Legislation has yet to be enacted. [The deed and associated documents](#) are available on the NZ Government Treaty settlement website.
29. For the purposes of the FTCA, Treaty settlements also include the Māori Commercial Aquaculture Claims Settlement Act 2004. Hauraki iwi have assets in the form of reserved space for aquaculture development in the Waikato Region's coastal marine area that have been provided pursuant to this settlement, and have aspirations for progressing aquaculture development of these areas in the near future.

Relevant Treaty settlement entities

30. We have identified 10 relevant Treaty settlement entities for the project. These are listed in paragraph 5 and further explanation is provided below.

Post-settlement governance entities

31. 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.
32. The respective post-settlement governance entities associated with the Treaty settlement Acts noted in paragraphs 25 and 26 are:
- a. Te Tāwharau o Ngāti Pūkenga
 - b. Ngāti Tai ki Tāmaki Trust.
33. As a post-settlement governance entity includes a body corporate or trustees of a trust established by a claimant group for receiving redress, it 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 Patukirikiri Iwi Trust, which was ratified as the post-settlement governance entity for the Treaty settlement with Te Patukirikiri on 2 September 2013
 - 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
 - d. Hako Tūpuna Trust, which was ratified as the post-settlement governance entity for Hako on 26 August 2014

⁵ The Pare Hauraki Collective Redress Deed does not directly settle any historical Treaty of Waitangi claims.

- e. Ngāti Tumutumu Trust, which was ratified as the post-settlement governance entity following the initialling of a deed of settlement between Ngāti Rāhiri Tumutumu and the Crown on 13 July 2017
 - f. Ngaati Whanaunga Ruunanga Trust, which was ratified as the post-settlement governance entity for the Ngaati Whanaunga Treaty settlement in December 2017, following the initialling of a deed of settlement by Ngaati Whanaunga and the Crown on 25 August 2017.
34. The Pare Hauraki Collective Redress Deed provides for three post-settlement governance entities: the Pare Hauraki collective cultural entity, the Pare Hauraki collective commercial entity and the Pare Hauraki collective Crown Forestry Land entity. These entities must be established prior to the introduction of the collective redress legislation however they have not been established at the time of preparing this report.

Other bodies recognised or established under a Treaty settlement Act

35. 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.
36. The Māori Commercial Aquaculture Settlement Trust (Takutai Trust) was established by the Maori Aquaculture Claims Settlement Act 2004 to receive settlement assets from the Crown or regional councils and hold and maintain them until transfer to an Iwi Aquaculture Organisation (IAO)⁶. Te Ohu Kaimoana Trustee Ltd (Te Ohu Kaimoana)⁷ was appointed as trustee of the Takutai Trust under section 37 of the Act. Although both bodies qualify as Treaty settlement entities under the FTCA, they are unlikely to have a direct interest in the Ariki Tahī Sugarloaf Wharf Upgrade project (because, as explained in paragraphs 48 to 53, they do not have a direct role in the development of aquaculture settlement assets once they are allocated).
37. Under the FTCA a mandated iwi organisation (MIO) under section 5 of the Maori Fisheries Act 2004 and an IAO recognised under section 33 of the Maori Commercial Aquaculture Claims Settlement Act 2004 are also Treaty settlement entities. For the project area, the relevant MIOs and IAOs are Te Whakakitenga o Waikato and the Pare Hauraki Fishing Trust (of which the Hauraki Māori Trust Board is the trustee⁸). These entities are likely to have a direct interest in the project, as it supports the use and development of their settlement-derived (and other) fisheries assets. We note also that the Hauraki Māori Trust Board is a member of the Coromandel Marine Farmers Association which is a part owner of the applicant company.

⁶ An IAO represents iwi/Māori who have coastal interests and meet the criteria set out in the Maori Aquaculture Claims Settlement Act 2004.

⁷ Te Ohu Kaimoana Trustee Ltd is a company established in accordance with section 33 of the Maori Fisheries Act 2004.

⁸ The Hauraki Māori Trust Board and Pare Hauraki Fishing Trust together with its commercial company Pare Hauraki Asset Holdings Limited have consolidated all their fishing and aquaculture assets into a single combined entity now known as Pare Hauraki Kaimoana.

Relevant principles and provisions of the Treaty settlements

Ngāti Pūkenga, Ngāi Tai ki Tāmaki and Te Patukirikiri Treaty settlements and Pare Hauraki Collective Redress Deed

Crown acknowledgements and apologies

38. The Crown offers acknowledgements and an apology as part of Treaty settlement redress to atone for historical wrongs, restore its honour, and begin the process of healing.
39. As part of the apology to Ngāti Pūkenga, their ancestors and descendants, the Crown acknowledges the suffering it caused Ngāti Pūkenga through its breaches of te Tiriti o Waitangi/the Treaty of Waitangi. The Crown states it sincerely hopes the settlement will mark the beginning of a new relationship with Ngāti Pūkenga that is founded on respect for te Tiriti o Waitangi/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. In the Te Patukirikiri Deed of Settlement, 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.

Other redress

42. The deeds of settlement with Ngāti Pūkenga, Ngāi Tai ki Tāmaki and Te Patukirikiri, and the Pare Hauraki Collective Redress Deed each include statements concerning the cultural, historical, and spiritual importance of the Hauraki Gulf / Tīkapa Moana and the harbours within it (which include Coromandel Harbour) to the respective iwi or group and their aspirations for co-governance of the resource as envisaged under Te Tiriti o Waitangi/the Treaty of Waitangi that will:
 - a. restore and enhance the ability of Tīkapa Moana (and the harbours within it) to provide nourishment and spiritual sustenance
 - b. recognise the significance of Tīkapa Moana as a maritime pathway to settlements throughout the Hauraki rohe
 - c. uphold the exercise of kaitiakitanga, rangatiratanga and/or tikanga manaakitanga.
43. The deeds also record that they do not provide for all redress in relation to Tīkapa Moana and the harbours within it, and that the Crown will negotiate with Ngāti Pūkenga, Ngāi Tai ki Tāmaki, Te Patukirikiri and the Pare Hauraki Collective to develop this redress.
44. We note that the respective iwi/groups will not consider their respective settlements complete until this redress has been provided.

Maori Commercial Aquaculture Claims Settlement Act 2004

Background

45. The Maori Aquaculture Claims Settlement Act 2004 provides a full and final settlement of Māori claims to commercial aquaculture arising on or after 21 September 1992 and provides for the allocation and management of aquaculture settlement assets.
46. The Act requires the Crown to provide IAOs with the equivalent of 20 percent of the aquaculture space created in the coastal marine area from September 1992 onwards. Obligations arising from space established for marine aquaculture before October 2011 have been fully settled. There is an ongoing settlement obligation for all new space created after October 2011, which is forecasted and valued via the New Space Plan prepared by Fisheries New Zealand⁹ on behalf of the Crown (represented by the Minister for Oceans and Fisheries).
47. The New Space Plan is prospective, meaning the value of settlement assets for upfront allocation is based on forecasts of future regional aquaculture growth (currently out to 2035). This is in addition to settlement assets that may be determined for unanticipated growth (such as new consented space beyond the bounds of the agreed forecasts).
48. The Crown's aquaculture settlement obligations in relation to new space are delivered via Regional Agreements negotiated between the Crown, Te Ohu Kaimoana and IAOs. Regional Agreement areas are based on regional council boundaries. Fisheries New Zealand represents the Crown and the IAOs represent their own interests in the negotiations. Te Ohu Kaimoana supports the negotiations and acts as trustee to receive and allocate the settlement assets to IAOs.
49. IAOs can choose to receive settlement assets in the form of RMA authorisations that provide exclusive right to apply to the appropriate regional council for a resource consent to occupy aquaculture space in the CMA, payments from the Crown of a financial equivalent of that space, or any other agreed benefit.

Relevant redress

50. The Regional Agreement for the Waikato Region (in which the project site lies) is split into two separate agreements: Waikato-East and Waikato-West (ie one for each coast). The Crown, Te Whakakitenga o Waikato, the Hauraki Māori Trust Board (as trustee of Pare Hauraki Fishing Trust) and Te Ohu Kaimoana signed a new space aquaculture Regional Agreement for the Waikato-East region in 2016 and an Addendum to this Regional Agreement in 2021.
51. Assets provided to Waikato-Tainui iwi and Hauraki iwi under the Regional Agreement included 143.44 hectares of commercial aquaculture space for mussels and oysters.
52. In addition, Hauraki iwi have been allocated 240 hectares of aquaculture space in the Coromandel Marine Farming Zone and recently submitted a resource consent application for a 300-hectare marine farm (finfish, mussels, and other species such as seaweed). The 2021 Addendum provided an additional RMA authorisation for 60 hectares of new aquaculture space in the Coromandel Marine Farming Zone.
53. The aquaculture space provided under the Regional Agreement and Addendum is in the early stages of being utilised. The Ariki Tahī upgrade has the potential to be a catalyst for significant private investment and growth and to enable Hauraki iwi to further utilise their aquaculture settlement assets.

⁹ A business unit of the Ministry for Primary Industries/Manatū Ahu Matua.

Current negotiation mandates and settlement negotiations

- 54. 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.
- 55. Treaty settlement negotiations have commenced but are yet to be concluded with Ngāti Maru (Hauraki), Ngāti Tamaterā, Hako, Ngāti Rāhiri Tumutumu and Ngaati Whanaunga.

Details in this report affect certain provisions of the FTCA

Notices of referral decision

- 56. Under section 25(1) 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.
- 57. You invited comment on the referral application from Pare Hauraki Kaimoana, which manages the fishing and aquaculture assets of Hauraki iwi. If you decide to refer this project to a panel, section 25(2) of the FTCA requires you must also give the notice of decisions and reasons 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.
- 58. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 5; contact details are in Attachment 2.
- 59. 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 two iwi authorities representing Ngāti Paoa. We note that as these bodies are listed as relevant iwi authorities in paragraph 5 of this report, they must receive the notice of decisions in accordance with section 25(2)(c) of the FTCA if you decide to refer the project.
- 60. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership

- 61. 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.
- 62. 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.
- 63. Relevant iwi authorities for the project are identified in paragraph 5.

Panel invitations to comment

- 64. 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).
65. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 5.
66. A MACAA applicant group 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 (through The Office for Māori Crown Relations – Te Arawhiti). The groups who have applications under the MACAA covering the common marine and coastal area including the project site are listed in Attachment 5.
67. A panel may also invite comments from any other person it considers appropriate.
68. The Minister for Treaty of Waitangi Negotiations has requested that you direct a panel to invite comments from the two iwi authorities representing Ngāti Paoa. The requirement for a panel to seek comment from these parties is already provided via their identification as relevant iwi authorities in paragraph 5 of this report, so your specific direction to a panel under section 24(2)(e) of the FTCA on this matter is not required.

Provision of Cultural Impact Assessment

69. 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.¹⁰ 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.
70. 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 Ariki Tahi Sugarloaf Wharf Upgrade project are listed in paragraph 5.
71. The applicant has advised that Ngaati Whanaunga has prepared a cultural impact assessment on behalf of the relevant iwi. It would be advisable for the Environmental Protection Authority to check with all relevant iwi authorities noted in paragraph 5 of this report that this cultural impact assessment satisfactorily represents their interests, before confirming any resource consent applications for the project as complete.

¹⁰ Clause 9(5) of Schedule 6 of 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
Iwi of Hauraki	Hauraki Māori Trust Board	PO Box 33 Paeroa 3640	Represents Hako, Ngaati Whanaunga, Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Pāoa, Ngāti Pūkenga ki Waiau, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā & other Hauraki iwi as an iwi authority for RMA purposes	Trustee of Pare Hauraki Fishing Trust (MIO/IAO under the Maori Commercial Aquaculture Claims Settlement Act 2004)		CEO/GM: John McEnteer general@hauraki.iwi.nz	
Hako	Te Kupenga o Ngāti Hako Incorporated		Represents Hako as an iwi authority for RMA purposes			CEO & RMA Contact: Pauline Clarkin hako@xtra.co.nz	
	Hako Tūpuna Trust			Post-settlement governance entity [ratified 26 August 2014]	In Treaty settlement negotiations	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 [deed of settlement initialled 25 Aug 2017]	In Treaty settlement negotiations		
Ngāi Tai ki Tāmaki	Ngāi Tai ki Tāmaki Tribal Trust	PO Box 141 Clevedon	Represents Ngāi Tai ki Tāmaki as an			Chairperson: James Brown	Kaitiaki Unit kaitiaki@ngaitaitamaki.iwi.nz

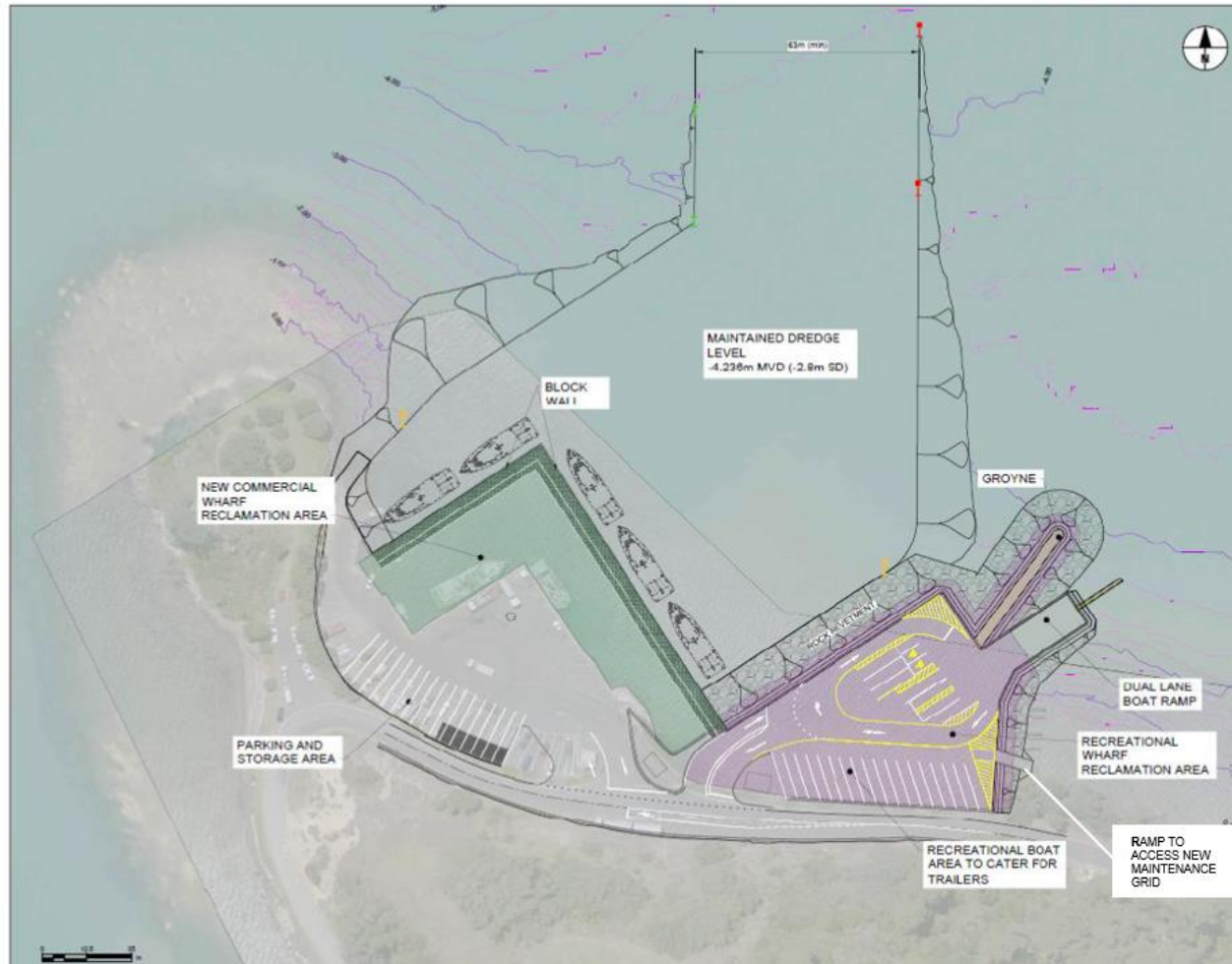
		Auckland 2248	iwi authority for RMA purposes			c/- s9(2)(a) [REDACTED] [REDACTED] (office manager)	
	Ngāi Tai ki Tāmaki Trust			Post-settlement governance entity under the Ngāi Tai ki Tāmaki Claims Settlement Act 2018		Jacque Lindsay s9(2)(a) [REDACTED]	
Ngāti Maru (Hauraki)	Ngāti Maru Rūnanga Trust	PO Box 37 Thames 3540	Represents Ngāti Maru (Hauraki) as an iwi authority for RMA purposes	Post-settlement governance entity [deed of settlement initialled 8 September 2017]	In Treaty settlement negotiations	CEO: David Taipari office@ngatimaru.iwi.nz	RMA Contact: William Peters
Ngāti Pāoa	Ngāti Pāoa Iwi Trust	Level 12 Britomart Place Auckland	Represents Ngāti Pāoa 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 Pāoa Trust Board	PO Box 204 144 Highbrook Auckland 2161	Represents Ngāti Pāoa as an iwi authority for RMA purposes			Principal Officer: Dave Roebeck nptb@ngatipaoatrustboard.co.nz	
Ngāti Pūkenga ki Waiau	Ngāti Pūkenga ki Manaia Management Committee	PO Box 102 Coromandel 3543	Represents Ngāti Pūkenga ki Waiau as an iwi authority for RMA purposes			Chairperson: Harry Mikaere ngati-pukenga@xtra.co.nz	RMA Contact: Harry Mikaere
	Te Tāwharau o Ngāti Pūkenga	PO Box 13610, Tauranga 3141		Post-settlement governance entity under the Ngāti Pūkenga Claims Settlement Act 2017		General Manager: Kylie Smallman tetawharau@ngatipukenga.com	
Ngāti Rāhiri Tumutumu	Ngāti Tumutumu Trust		Represents Ngāti Rāhiri Tumutumu as an iwi authority for RMA purposes			Chair: Daniel Braid s9(2)(a) [REDACTED]	

	Ngāti Tumutumu Settlement Trust			Post-settlement governance entity [deed of settlement initialled 13 July 2017]	In Treaty settlement negotiations		
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
Te Patukirikiri	Te Patukirikiri Iwi Trust	103 Herewaka Street Thames 3500	Represents Te Patukirikiri as an iwi authority for RMA purposes	Post-settlement governance entity [DOS signed 7 Oct 2018]		CEO: William Peters s9(2)(a)	
Waikato-Tainui	Te Whakakitenga o Waikato	PO Box 648 Waikato Mail Centre Hamilton 3240		Iwi Aquaculture Organisation in the Māori Commercial Aquaculture Claims Settlement Act 2004	Mandated Iwi Organisation in the Māori Fisheries Act 2004	CEO: Donna Flavell secretariat@tainui.co.nz	RMA contact: Marae Tukere s9(2)(a)

Attachment 3 – Project site



Attachment 4 – Proposed project layout



Source: Application documents (Figure 2 Appendix 71.02)

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

No.	Application Number	Applicant	Contact details	Track	Application Status
1	MAC-01-01-091	Ngaati Whanaunga	Representative: Mike Baker Phone: s9(2)(a) Email: s9(2)(a)	Crown engagement	Not determined
2	MAC-01-01-135/ CIV-2017-404-528	Te Kupenga o Ngāti Hako	Representative: John Linstead Phone: s9(2)(a) Email: s9(2)(a) (solicitor)	Crown engagement High Court	Not determined
3	MAC-01-03-001	Hauraki Māori Trust Board	Representative: Terrence John McEnteer Phone: s9(2)(a) Email: s9(2)(a) (solicitor)	Crown engagement	Not determined
4	MAC-01-03-006	Ngāti Maru	Representative: Terrence John McEnteer Phone: s9(2)(a) Email: s9(2)(a) (solicitor)	Crown engagement	Not determined
5	MAC-01-03-010	Ngāti Tamaoho	Phone: s9(2)(a) Email: info@tamaoho.maori.nz	Crown engagement	Not determined
6	MAC-01-03-011	Ngāti Tamaterā	Phone: s9(2)(a) Email: s9(2)(a)	Crown engagement	Not determined
7	MAC-01-05-015/ CIV-2017-485-250	Ngāti Pūkenga	Representative: Kylie Smallman Phone: s9(2)(a) Email: generalmanager@ngatipukenga.com	Crown engagement High Court	Not determined

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