

Report prepared in accordance with Section 17 Covid-19 (Fast-track Consenting) Act 2020

Application 2023-153 Reimagining Aquaculture – Trials of Novel Aquaculture Structures Project

To:	Required action:
Hon David Parker, Minister for the Environment	Consider this report prior to making a decision under section 24 of the FTCA
Willow-Jean Prime, Minister of Conservation	
Date submitted: 24 May 2023	

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 both consider this report before you jointly make any decision under section 24 of the FTCA regarding the application request to refer the Reimagining Aquaculture - Trials of Novel Aquaculture Structures Project (project) to an expert consenting panel (panel).

Proposed project

3. The applicant (The New Zealand Institute for Plant and Food Research Limited) proposes to develop an approximately 3.6-hectare site into an aquaculture fish trail development, located approximately 6 kilometres to the west of Sauvage Point, D'Urville Island, in the Tasman Bay region.
4. The project is to install aquaculture structures and conduct trials within the boundary of an existing consented 450-hectare marine farm.
5. The project will occur wholly in the coastal marine area.
6. A location map is in Attachment 1.

Essential information

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

FTCA Section	Information required	Detail	
17(3)(a)	Relevant iwi authorities	8	Refer to relevant sections below. Contact details are in Attachment 2
17(3)(b)	Treaty settlements that relate to the project area	4	
17(3)(a)	Relevant Treaty settlement entities	10	
17(3)l	Relevant principles and provisions of the Treaty settlements	Details in blue-shaded section below	
17(3)(d)	Groups with a negotiation mandate recognised by the Crown which are yet to commence Treaty settlement negotiations	N/A	
17(3)(d)	Current Treaty settlement negotiations	N/A	
17(3)l	Court orders recognising customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 or another Act	-	

Supporting information

Project details

8. The project is to install structures for open-ocean finfish aquaculture within the boundary of a consented 450-hectare marine farm operated by Wakatū Incorporation and located in Tasman Bay, approximately 6 kilometres to the west of Sauvage Point, D'Urville Island.
9. The project will involve conducting trials involving fish contained within the installed structures at several locations. Each set of structures will temporarily occupy an area of approximately 3.6 hectares within the project site, and only one set of structures will be installed at any one time.
10. The project layout is in Attachment 3.

Statutory matters relating to this report

11. The proposed project will occur wholly in the coastal marine area (CMA), meaning: in accordance with section 16(1) of the FTCA, decisions relating to referral of the project to a panel must be made jointly by the Minister for the Environment and the Minister of Conservation.
12. Section 17(1) of the FTCA requires you both to consider this report before making a joint decision 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.
13. Section 17(3) of the FTCA requires this report to identify any court orders granted under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA) or another Act which recognise, in relation to the project area, customary marine title or protected customary rights. We note there are no such court orders relevant to the project area to consider in your joint referral decision.

Iwi authorities

Methodology and information sources

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

19. To identify iwi authorities associated with the identified areas of interest, we considered information from:
 - a. the sources noted above including the TKM online directory
 - b. Marlborough District Council¹ (MDC) as the sole relevant local authority.

Iwi authorities relevant to project

20. We have identified, via the information sources, the relevant iwi authorities for the project area, as:
 - a. Te Rūnanga o Toa Rangatira Incorporated representing Ngāti Toa Rangātira iwi
 - b. Te Runanga o Ngāti Kuia Trust representing Ngāti Kuia iwi
 - c. Rangitāne o Wairau Settlement Trust representing Rangitāne o Wairau iwi
 - d. Te Pātaka a Ngāti Kōata representing Ngāti Kōata iwi
 - e. Ngāti Rārua Settlement Trust representing Ngāti Rārua iwi
 - f. Te Atiawa o Te Waka-a-Māui Trust representing Te Ātiawa o Te Waka-a-Māui iwi
 - g. Ngāti Apā ki te Rā Tō Charitable Trust representing Ngāti Apa ki Te Rā Tō iwi
 - h. Ngāti Tama ki Te Waipounamu Trust representing Ngāti Tama ki Te Tau Ihu.

Other parties which may have an interest in the project

21. The information sources identify that Ngāti Toa Rangatira ki Wairau Trust may have an interest in the project, however this is not supported by any other available information.
22. We have also identified Te Tau Ihu Fisheries Forum is mandated to represent the customary fisheries interest of all eight iwi within Te Tau Ihu (Ngāti Kuia, Ngāti Toa Rangatira, Te Atiawa ki Te Waka a Maui, Ngāti Apa ki Te Ra To, Rangitāne o Wairau, Ngāti Rārua, Ngāti Kōata, Ngāti Tama ki Te Waipounamu).
23. We recommend both entities be included as other parties which may have an interest.

Treaty settlements and Treaty settlement entities

24. This report must identify the Treaty settlements that relate to the project area and relevant Treaty settlement entities, in accordance with sections 17(3)(b) and 17(3)(a) respectively. We use information relevant to the project area from the iCat online database and [NZ Government Treaty settlements website](#), together with advice from the Office for Māori Crown Relations – Te Arawhiti.
25. Under the FTCA, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and the representative Māori group.
26. The project site falls within the area of interest covered by Treaty settlements with the following iwi:
 - a. Ngāti Toa Rangātira – settlement act
 - b. Ngāti Kuia and Rangitāne o Wairau – settlement act
 - c. Ngāti Kōata, Ngāti Rārua and Te Ātiawa o Te Waka-a-Māui – settlement act
27. [Ngāti Toa Rangātira Claims Settlement Act 2014](#) is a settlement of historical Treaty claims relating to the project area. The Act gives effect to certain provisions of the deed

¹ Marlborough District Council is a Unitary local authority with regional and local government responsibilities.

of settlement signed by Ngāti Toa Rangātira, Trustee of the Toa Rangātira Trust and the Crown on 7 December 2012 and amendment dated November 2013. [Ngāti Toa Rangātira deed of settlement documents](#) can be accessed on the NZ Government Treaty settlements website.

28. [Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014](#) is a settlement of historical Treaty claims relating to the project area. The Act gives effect to certain provisions of the following deeds of settlement:
 - a. Ngāti Kuia and the Crown signed a deed of settlement on 23 October 2010, including amendments in December 2012, August 2013, July 2014 and December 2014. [Ngāti Kuia deed of settlement documents](#) are accessible on the NZ Government Treaty settlements website
 - b. Rangitāne o Wairau and the Crown signed a deed of settlement on 4 December 2010, including amendments in December 2012, October 2013, May 2014 and July 2014. [Rangitāne o Wairau deed of settlement documents](#) are accessible on the NZ Government Treaty settlements website.
29. [Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014](#) is a settlement of historical Treaty claims relating to the project area. The Act gives effect to certain provisions of the following deeds of settlement:
 - a. Ngāti Kōata, Te Pātaka a Ngāti Kōata and the Crown signed a deed of settlement on 21 December 2012, including an amendment in August 2013 and a second deed amendment in July 2014. [Ngāti Kōata deed of settlement documents](#) are accessible on the NZ Government Treaty settlements website
 - b. Ngāti Rārua and the Crown signed a deed of settlement on 13 April 2013 including an amendment in October 2013. [Ngāti Rārua deed of settlement documents](#) are accessible on the NZ Government Treaty settlements website
 - c. Te Ātiawa o Te Waka-a-Māui and the Crown signed a deed of settlement on 21 December 2012 including an amendment in October 2013. [Te Ātiawa o Te Waka-a-Māui deed of settlement documents](#) are accessible on the NZ Government Treaty settlements website.
30. [Maori Commercial Aquaculture Claims Settlement Act 2004](#) is also relevant to the project area. This Act 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.
31. The Act establishes an obligation on the Crown to provide Iwi Aquaculture Organisations (IAOs) (being iwi/Māori who have coastal interests and meet the criteria set out in the Act) with the equivalent of 20% of the aquaculture space created between 21 September 1992 and 31 December 2004 (referred to as 'pre-commencement space'). It also establishes a process (amended in 2011) for the allocation of the equivalent of 20% of all new aquaculture space created after 1 January 2005.
32. In relation to new space, the settlement is delivered via regional agreements negotiated between the Crown, Te Ohu Kaimoana Trustee Ltd (Te Ohu Kaimoana)² and IAOs. New space is delivered prospectively based on anticipated growth of aquaculture out to 2035. Fisheries New Zealand³ manages the process for forecasting, valuing and reserving new space and represents the Crown in negotiations. The IAOs represent their own interests

² Te Ohu Kaimoana Trustee Ltd is a company established in accordance with section 33 of the Maori Fisheries Act 2004.

³ A business unit of the Ministry for Primary Industries/Manatū Ahu Matua.

and Te Ohu Kaimoana administers the assets provided under settlement agreements and allocates them to IAOs. Assets take the form of RMA authorisations that provide exclusive right to apply for a resource consent to occupy aquaculture space in the CMA, payments from the Crown of a financial equivalent of that space were it to have been developed for aquaculture, or any other agreed benefit.

33. Te Ohu Kaimoana allocates the assets to IAOs within a region or harbour once all the relevant iwi have attained IAO status, the settlement assets have been delivered through a regional agreement, and entitlements and allocations have been determined.

A holder of an authorisation to occupy aquaculture space has the right to apply to the appropriate regional council for a resource consent to undertake aquaculture activities.

Relevant Treaty settlement entities

Post-settlement governance entities

34. 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.
35. We have identified the following post-settlement governance entities associated with the Treaty settlements:
- a. Te Rūnanga o Toa Rangatira Incorporated under the [Ngāti Toa Rangātira Claims Settlement Act 2014](#)
 - b. Ngāti Apā ki te Rā Tō Post-Settlement Trust, Te Runanga o Ngāti Kuia Trust and Rangitāne o Wairau Settlement Trust under the [Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014](#)
 - c. Te Pātaka a Ngāti Kōata, Ngāti Rārua Settlement Trust, Ngāti Tama ki Te Waipounamu Trust and Te Atiawa o Te Waka-a-Māui Trust under the [Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014](#).

Other bodies recognised or established under a Treaty settlement Act

36. 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.
37. 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 IAO. Te Ohu Kaimoana was appointed as trustee under section 37 of the Act. As such, both bodies qualify as Treaty settlement entities under the FTCA.
38. Under the FTCA an IAO is also a Treaty settlement entity. We have identified eight relevant IAOs associated with the iwi named above, as shown in Attachment 2.

Relevant principles and provisions of the Treaty settlements for:

[Ngāti Toa Rangatira](#)

[Ngāti Apa ki te Rā Tō, Ngāti Kuia and Rangitāne o Wairau](#)

[Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu and Te Atiawa o Te Waka-a-Māui](#)

Crown acknowledgements and apologies

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

Relevant principles and provisions of the Ngāti Toa Rangatira Treaty settlement

40. The Crown recognises that a number of Ngāti Toa Rangatira, including Te Rauparaha and Te Rangihaeata, signed Te Tiriti o Waitangi/the [Treaty of Waitangi](#) in 1840. The Crown profoundly regrets that it has not always lived up to its obligations to Ngāti Toa Rangatira under Te Tiriti o Waitangi/the Treaty of Waitangi.
41. As part of the apology offered by the Crown to Ngāti Toa Rangatira, to their ancestors, and to their descendants in the Ngāti Toa Rangatira Claims Settlement Act 2014, the Crown unreservedly apologises for failing its obligations and for breaching Te Tiriti o Waitangi/the Treaty of Waitangi and its principles which have hurt and caused prejudice to Ngāti Toa Rangatira.
42. The Crown says it is deeply sorry for its actions that intentionally undermined the mana and rangatiratanga of leading Ngāti Toa Rangatira chiefs, in particular, for its indefinite detention of Te Rauparaha, and deeply regrets it has failed, until now, to acknowledge this injustice in an appropriate manner.
43. The Crown profoundly regrets and apologises for leaving Ngāti Toa Rangatira virtually landless and unable to access customary resources and significant sites.
44. The Crown deeply regrets the cumulative effect of its actions and omissions which severely damaged Ngāti Toa Rangatira social and traditional tribal structures, their autonomy and ability to exercise customary rights and responsibilities, their capacity for economic and social development, and physical, cultural, and spiritual well-being.
45. Through the settlement and the apology, the Crown states it hopes the apology and settlement will mark the beginning of a new, positive and enduring relationship with Ngāti Toa Rangatira founded on mutual trust and co-operation and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Relevant principles and provisions of the Ngāti Apa ki te Rā Tō, Ngāti Kuia and Rangitāne o Wairau Treaty settlement

Ngāti Apa ki te Rā Tō

46. The Crown makes the following apology to Ngāti Apa, and to their ancestors and descendants. The Crown is deeply sorry that it has not always fulfilled its obligations to Ngāti Apa under the Treaty of Waitangi and unreservedly apologises to Ngāti Apa for the breaches of the Treaty of Waitangi and its principles.
47. The Crown profoundly regrets its failure since 1840 to appropriately acknowledge the mana and rangatiratanga of Ngāti Apa. The Crown's failure to recognise Ngāti Apa in any land purchases in Te Tau Ihu quickly left Ngāti Apa landless and almost wrote the iwi out of the history of Te Tau Ihu. The Crown is deeply sorry that its failure to recognise and protect the interests of Ngāti Apa has had a devastating impact on the social and economic well-being and development of Ngāti Apa.
48. The Crown acknowledges that its actions have impacted on the ability of Ngāti Apa to access many of their traditional resources, including the rivers, lakes, forests, and wetlands. The Crown also acknowledges that Ngāti Apa have lost control of many of their significant sites, including wahi tapu, and that this has had an ongoing impact on their physical and spiritual relationship with the land.

49. The Crown acknowledges that by 1900 Ngāti Apa were a landless iwi. The Crown failed to ensure that Ngāti Apa were left with sufficient land for their present and future needs and this failure was a breach of the Treaty of Waitangi and its principles
50. The Crown regrets and apologises for the cumulative effect of its actions and omissions, which have had a damaging impact on the social and traditional tribal structures of Ngāti Apa, their autonomy and ability to exercise customary rights and responsibilities, and their access to customary resources and sites of significance.
51. Through this apology the Crown seeks to atone for these wrongs, restore its honour, and begin the process of healing. The Crown looks forward to building a new relationship with Ngāti Apa that is based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

Ngāti Kuia

52. The Crown recognises the efforts and struggles of the ancestors of Ngāti Kuia over several generations in pursuit of their grievances against the Crown and makes this apology to Ngāti Kuia, to their ancestors and descendants.
53. The Crown acknowledges that during the late nineteenth century Ngāti Kuia made several claims to the Crown for islands and land areas they did not believe had been sold in the Waipounamu transaction. This included the Tītī Islands, which were an important mahinga kai source for Ngāti Kuia. The Crown's 1933 agreement with Ngāti Kuia over harvesting from the Tītī Islands enabled the iwi to exercise a kaitiaki role over their use of the resource. The Crown acknowledges its decision in the mid-twentieth century to withhold permission for Ngāti Kuia to harvest tītī from these islands has been an ongoing source of frustration for the iwi.
54. The Crown is deeply sorry that it has not always fulfilled its obligations to Ngāti Kuia under the Treaty of Waitangi. The Crown profoundly regrets its long-standing failure to appropriately acknowledge the mana and rangatiratanga of Ngāti Kuia. The Crown is deeply sorry that its failure to protect the interests of Ngāti Kuia when purchasing their land in Te Tau Ihu rapidly left Ngāti Kuia landless. Its failure to provide Ngāti Kuia with sufficient reserves in Te Tau Ihu marginalised them from the benefits of economic development in the region.
55. The Crown acknowledges that its actions have impacted on the ability of Ngāti Kuia to access many of their traditional resources, including the rivers, lakes, forests, and (wetlands. The Crown also acknowledges that Ngāti Kuia has lost control of many of their significant sites, including wahi tapu, and that this has had an ongoing impact on their physical and spiritual relationship with the land.
56. The Crown regrets and apologises for the cumulative effect of its actions and omissions, which have had a damaging impact on the social and traditional tribal structures of Ngāti Kuia, their autonomy and ability to exercise customary rights and responsibilities and their access to customary resources and significant sites.
57. The Crown unreservedly apologises to Ngāti Kuia for the breaches of the Treaty of Waitangi and its principles. Through this apology the Crown seeks to atone for these wrongs, restore its honour and begin the process of healing. The Crown looks forward to building a new relationship with Ngāti Kuia that is based on mutual trust, co-operation and respect for the Treaty of Waitangi and its principles.

Rangitāne o Wairau

58. The Crown makes the following apology to Rangitāne, and to their ancestors and descendents.
59. On 17 June 1840, the Rangitāne rangatira Ihaia Kaikoura signed the Treaty of Waitangi at Horahora-kakahu, Port Underwood. The Crown is deeply sorry that it has not fulfilled

its obligations to Rangitāne under the Treaty of Waitangi and unreservedly apologises to Rangitāne for the breaches of the Treaty of Waitangi and its principles acknowledged above.

60. The Crown profoundly regrets its long-standing failure to appropriately acknowledge the mana and rangatiratanga of Rangitāne
61. The Crown did not recognise Rangitāne when it purchased the Wairau district in 1847 and recognition of Rangitāne mana in the Te Waipounamu purchase was belated. The Crown is deeply sorry that its acts and omissions quickly left Rangitāne landless and this has had a devastating impact on the economic, social, and cultural well-being and development of Rangitāne.
62. The Crown regrets and apologises for the cumulative effect of its actions and omissions, which have had a damaging impact on the social and traditional structures of Rangitāne, their autonomy and ability to exercise customary rights and responsibilities and their access to customary resources and significant sites.
63. With this apology the Crown seeks to atone for its past wrongs and begin the process of healing. It looks forward to re-establishing its relationship with Rangitāne based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

Relevant principles and provisions of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-a-Māui Treaty settlement

Ngāti Kōata

64. The Crown makes the following apology to Ngāti Kōata, to their ancestors and to their descendants.
65. When Ngāti Kōata rangatira signed the Treaty of Waitangi at Rangitoto Island in May 1840, they entered into a relationship with the Crown based on hope and mutual respect. However, the Crown accepts and is deeply sorry that it has not always fulfilled its obligations under the Treaty of Waitangi and, for this, unreservedly apologises to Ngāti Kōata.
66. The Crown acknowledges that it has failed to deal with the longstanding grievances of Ngāti Kōata in an appropriate way and that recognition of these grievances is long overdue. The Crown acknowledges that it failed to adequately inform itself of and protect the interests, including the ongoing needs of Ngāti Kōata during the process by which land was granted to the New Zealand Company in 1848, and this failure was a breach of the Treaty of Waitangi and its principles. The Crown acknowledges that in the reserves that became known as the Nelson and Motueka 'tenths' it failed to ensure that the area ultimately reserved was sufficient for the ongoing use and benefit of Ngāti Kōata. The Crown acknowledges that this failure was in breach of the Treaty of Waitangi and its principles
67. The Crown regrets and apologises for its failure to properly respect the rangatiratanga of Ngāti Kōata. Crown actions, moreover, left Ngāti Kōata virtually landless in Te Tau Ihu and alienated them from many of their most sacred sites. For this too the Crown apologises. Their disconnection from their lands, marginalised Ngāti Kōata in the economic development of Te Tau Ihu, and had devastating consequences for the social, cultural, and spiritual wellbeing of Ngāti Kōata. Those consequences continue to be felt today.
68. The Crown acknowledges that the discouragement of the use of Te Reo Maori in Native Schools established in areas where Ngāti Kōata lived detrimentally impacted on the retention of Ngāti Kōata culture
69. With this apology and settlement the Crown seeks to atone for its wrongs. The Crown hopes that through this apology and settlement it can build a new, positive and

enduring relationship with Ngāti Kōata based on mutual trust and co-operation and respect for the Treaty of Waitangi and its principles.

Ngāti Rārua

70. The Crown sincerely offers the following apology to Ngāti Rārua, to their tupuna, and to their descendants. The Crown recognises the efforts and struggles of Ngāti Rārua and their tupuna over several generations in pursuit of justice. The Crown is deeply sorry that it has not fulfilled its obligations to Ngāti Rārua under Te Tiriti o Waitangi / the Treaty of Waitangi and, for this, unreservedly apologises to Ngāti Rārua.
71. The Crown admits it did not include Ngāti Rārua in its purchase of the Wairau district in 1847, and only belatedly recognised Ngāti Rārua interests in its Te Waipounamu purchase. The Crown apologises for these failures to recognise the rangatiratanga of Ngāti Rārua and protect their interests.
72. The Crown is sorry that its actions rendered Ngāti Rārua virtually landless in their rohe. This had a devastating impact on the social and cultural well-being of the people of Ngāti Rārua that continues to be seen today. The Crown also accepts that the loss of their land and their restriction to inadequate reserves has significantly marginalised Ngāti Rārua from the benefits of economic development, and limited the autonomy and ability of the iwi to exercise customary rights and responsibilities throughout the Ngāti Rārua rohe.
73. The Crown with this settlement acknowledges the rangatiratanga of Ngāti Rārua and seeks to restore the Crown's honour. The Crown hopes this apology and settlement will mark the beginning of a renewed and enduring relationship with Ngāti Rārua based on mutual trust, co-operation and respect for Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

Ngāti Tama ki Te Tau Ihu

74. The Crown makes the following apology to Ngāti Tama and to their ancestors and descendants. The Crown profoundly regrets and unreservedly apologises for breaching its obligations to Ngāti Tama under the [Treaty of Waitangi](#).
75. The Crown profoundly regrets and apologises for its cumulative acts and omissions which left Ngāti Tama virtually landless in Te Tau Ihu. The Crown deeply regrets and sincerely apologises that it did not adequately protect the interests of Ngāti Tama and appropriately respect Ngāti Tama rangatiratanga when purchasing their land.
76. The Crown is deeply remorseful for the significant damage that the alienation of Ngāti Tama from their whenua and customary resources in Golden and Tasman Bays has caused over many generations to the traditional social and cultural structures, mana, and well-being of Ngāti Tama as an iwi. The Crown also acknowledges that this contributed to some Ngāti Tama leaving Te Tau Ihu and losing their connection with Ngāti Tama and their turangawaewae.
77. The Crown is sincerely sorry that its actions and omissions have detrimentally affected the ability of Ngāti Tama to exercise customary rights and responsibilities within their rohe and contributed to their economic and social marginalisation in Te Tau Ihu.
78. With this apology the Crown seeks to atone for its past wrongs, restore its honour, which has been damaged by its actions, and begin the process of healing. With this settlement the Crown looks forward to beginning a renewed and enduring relationship with Ngāti Tama based on good faith, mutual trust and co-operation, and respect for the [Treaty of Waitangi](#) and its principles.

Te Atiawa o Te Waka-a-Māui

79. The Crown makes the following apology to Te Atiawa, and to their ancestors and descendants. The Crown is deeply sorry that it has failed to live up to the obligations it

accepted when more than twenty Te Atiawa rangatira signed the Treaty of Waitangi at Tōtaranui (Queen Charlotte Sound) in May 1840.

80. The Crown profoundly regrets and apologises for its actions, which left Te Atiawa virtually landless in Te Tau Ihu. The Crown recognises that by 1860 Crown land purchases in Te Tau Ihu had largely restricted Te Atiawa to isolated reserves and marginalised the iwi from the new emerging economy. In particular the Crown regrets that when it arranged the purchase of Waitohi as the site of a town for settlers, this meant Te Atiawa had to forsake their principal settlement in Tōtaranui.
81. The Crown acknowledges that Waitohi, at the head of Tōtaranui (Queen Charlotte Sound), was Te Atiawa's principal settlement on the mainland, and that: the Crown's promise to survey a town at Waikawa was the main incentive for Te Atiawa to finally agree to sell Waitohi and move to Waikawa; the Crown did not precisely define the boundaries of the land to be purchased in the preliminary 1848 agreement and did not show the boundaries of the purchase on a map until a deed was signed in 1850; the land set aside for Te Atiawa at Waikawa was less suitable for their cultivations than the land they gave up at Waitohi; and the Crown did not fulfil its promise in the 1850 deed to build a chapel for Te Atiawa at Waikawa until 1860. The Crown acknowledges the sense of grievance felt by Te Atiawa at having to relocate from Waitohi to Waikawa and that this grievance exists to the present day.
82. The Crown acknowledges that environmental modification and degradation, particularly in the Marlborough Sounds, has had a detrimental impact on sites of cultural and spiritual significance to Te Atiawa and limited the ability of Te Atiawa to access some of their traditional land and sea resources.
83. The Crown acknowledges that it has failed to appropriately respect Te Atiawa rangatiratanga. It is greatly remorseful that, over the generations to the present day, Crown actions have undermined your social and traditional structures, and your autonomy and ability to exercise your customary rights and responsibilities.
84. The Crown unreservedly apologises to Te Atiawa for failing to honour its obligations under the Treaty of Waitangi. Through this apology the Crown seeks to atone for these wrongs and hopes that this settlement will mark the beginning of a new relationship with Te Atiawa based on the Treaty of Waitangi and its principles.

Cultural redress of the Treaty settlements

85. We have identified deeds of settlements that contain statements of the particular cultural, spiritual, historical and traditional association that each iwi respectively has with the area, that is recognised within the coastal statutory acknowledgement areas for the Te Tai Ihu coastal marine area:

Ngāti Apa ki te Rā Tō

Ngāti Apa's association with the coastal marine area is an integral part of their rohe in Te Tau Ihu. Areas of particular cultural significance include Kahurangi, Paturau, the Whanganui Inlet, the area adjoining Te One Tahua, Puponga, Pakawau, Parapara, Te Matau, Te Tai Aorere Tasman Bay, Whakatu, Waimea, Tarakaipa Island, the area around Nga Whatu Kai Ponu and Te Anamahanga. Occupation of pa, kainga and fishing stations in the outer Sounds, Te Tai Aorere and Whakatu areas were shared with Ngāti Kuia and Rangitāne.

Coastal fisheries and other resources were controlled and managed by the various Ngāti Apa hapu, who exercised a kaitiaki role. Ngāti Apa iwi have strong and unbroken traditional, historical, cultural and spiritual associations with this long coastline and its rich ecosystems. These associations remain today, and are central to identity and mauri of the iwi. A large complex of pa, cultivations and fishing areas were located at river mouths all along the coastal margin. Seals, which were once common along much

of the coast, formed a valuable resource. Ngati Apa river-mouth settlements also provided access to inland settlements and (mahinga kai areas, including the Nelson Lakes.

Ngāti Kuia

“E kore a Parawhenua e haere, ki te kore a Rakahore” (“Water would not flow if it were not for rock - the interdependence of life”). This whakatauki is an expression of how our atua Hine-parawhenua (atua of foreshore) and Rakahore (atua of rocks) have to co-exist. Hine-parawhenua and Rakahore are descendants of Tane, as we Ngati Kuia are. The Hine-parawhenua (coastline) area forms part of Te Kupenga a Kuia (the net of Kuia) area of interest. We describe the area of the coastal statutory acknowledgement as our tipuna and atua. This Hine-parawhenua area incorporates our cultural values of take kitea and take tipuna. It is a place which our tipuna discovered, explored, named and used.

Ngati Kuia tipuna had considerable knowledge of places for gathering kai and other taonga, ways in which to use the resources of Hine-parawhenua and moana and tikanga for the proper and sustainable utilisation of resources. All these values incorporate our take kaitiaki and remain important to Ngati Kuia today. Ngati Kuia's Hine-parawhenua symbolises the intense nature of our relationship to their environment, and the mauri or life force that is contained in all parts of the natural environment and binds the spiritual and physical world.

Rangitāne o Wairau

Rangitāne o Wairau's association with the coastal marine area is an integral part of their rohe in Te Tau Ihu. The coastline of the East Coast and Marlborough Sounds formed a vast fishery and major communication routes linking numerous Rangitāne communities. The waters of the Marlborough Sounds formed important trade routes with other Kurahaupo communities in the west coast of Te Tau Ihu. The sheltered waters of the Sounds meant that Rangitāne could fish and travel these waters at most times of the year. Coastal fisheries and other resources were controlled and managed by the various Rangitāne hapu, who exercised a strong conservation ethic or kaitiaki role.

The Rangitāne hapu and iwi have strong and unbroken traditional, historical, cultural and spiritual (associations with this long coastline and its rich ecosystems. These associations remain strong in the traditions of present day Rangitāne, and are central to the identity and wellbeing (mauri) of the iwi.

Ngāti Kōata

Ngati Koata have always been known as a coastal people, very skilled at sea and well known for our manakitanga, especially of kai moana. The sea and coastline have always been important to Ngati Koata. The coastal regions from Kahurangi Point to Te Parinui o Whiti are wahi tapu and incorporate the Ngati Koata cultural values of take tuku, take tupuna and take ahi kaa roa. These areas are where our tupuna lived and exercised mana. These areas are intrinsic to our cultural history, identity, kaitiakitanga and mauri, and incorporate our cultural values.

Ngati Koata has mana, whakapapa associations and history along these coastal regions. Ngati Koata have tikanga and kawa, including tapu and noa in these wahi tapu. Kahurangi Point to Te Parinui o Whiti are culturally, spiritually, historically and

traditionally significant to Ngati Koata as kaitiaki of the coast and who are recognised as tangata whenua in Te Tau Ihu. Ngāti Rārua

Ngāti Tama ki Te Tau Ihu

The association of Ngati Tama ki Te Tau Ihu with the coastal marine area is an integral part of their rohe in Te Tau Ihu. Ngati Tama ki Te Tau Ihu used the seaways to move their people quickly and efficiently throughout Te Tau Ihu, and later to transport produce from Mohua and Motueka to Whakatu for sale to the newly arrived pakeha settlers. Ngati Tama ki Te Tau Ihu tupuna has mana, whakapapa associations and history associated with the coastal pounamu trails (Heaphy Track), through which pounamu, argillite and other taonga were transported. Areas of particular cultural significance include Onetahua (Farewell Spit) and its surrounds, Puponga, Te Tai Tapu, Pakawau, Parapara, Motupipi, Wainui, Tasman Bay, Kaiteriteri, Whakatu, Waimea and Wakapuaka. Ngati Tama ki Te Tau Ihu occupied pa, kainga and fishing stations throughout Mohua (Golden Bay), Tasman Bay and Whakatu, sometimes sharing these with whanaunga from Ngati Rārua and Te Atiawa.

Coastal fisheries and other resources were guarded and maintained by hapu of Ngati Tama ki Te Tau Ihu, who continue to exercise a kaitiaki role to the present day. Ngati Tama ki Te Tau Ihu have maintained ahi ka roa in these areas, and so maintain very strong and unbroken traditional, historical, cultural and spiritual associations with the long coastline and the rich eco-systems of Te Tau Ihu. These associations remain today and are central to the identity, mana and mauri of the iwi

Te Ātiawa o Te Waka-a-Māui

Te Atiawa o Te Waka-a-Maui o Te Waka-a-Maui, by geographical choice and necessity, are coastal dwellers that have placed high cultural and historical values upon the foreshore, seabed, coastal and maritime waterways. Te Atiawa o Te Waka-a-Maui consider the coastline our gardens, and the kaimoana the fruits of our gardens. Kaitiakitanga for Te Atiawa o Te Waka-a-Maui is about preserving what our tupuna fought for and attained - it is both a right and responsibility acquired by proving an ability to give effect to trusteeship and management. Kaitiakitanga is intertwined with customary authority and exercising protection of the environment.

Te Atiawa o Te Waka-a-Maui is a seafaring iwi known for our great navigated sea voyages from Te Waka-a-Maui to Wellington, Waikanae, Taranaki and the Chatham Islands. Te Atiawa o Te Waka-a-Maui o Te Waka-a-Maui view the land and water as an indivisible whole. The land is connected to the water resources which flow in, on and under it, as is the water related to the land that surrounds it, including the foreshore and seabed. Both the lands and waters are in turn connected to the people as the mana whenua, mana moana, mana tangata in this rohe.

86. The Crown's formal acknowledgement of these statements of association are recognised in the coastal statutory acknowledgement over specified areas in the Te Tau Ihu coastal marine area and associated settlements.
87. We note that statutory acknowledgments are not indications of exclusive interest in a site, and sites subject to them may also hold importance for other iwi.

Current negotiation mandates and settlement negotiations

88. 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.
89. There are no current Treaty settlement negotiations affecting the project area.

Details in this report affect certain provisions of the FTCA

Notices of referral decisions

90. 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.
91. 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.
92. If you decide to refer, we have identified eight relevant iwi authorities and ten relevant Treaty settlement entities who must receive notice of the decisions. Contact details are in Attachment 2.
93. We have identified two 'other' parties and six groups seeking customary marine title or protected customary rights under the MACAA (as explained below and listed in Attachment 4) who may have an interest in the project, and whom we recommend receive the notice of decisions if you decide to refer the project. Contact details are in Attachment 2.
94. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership and invitation to comment

95. 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.
96. 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.
97. 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

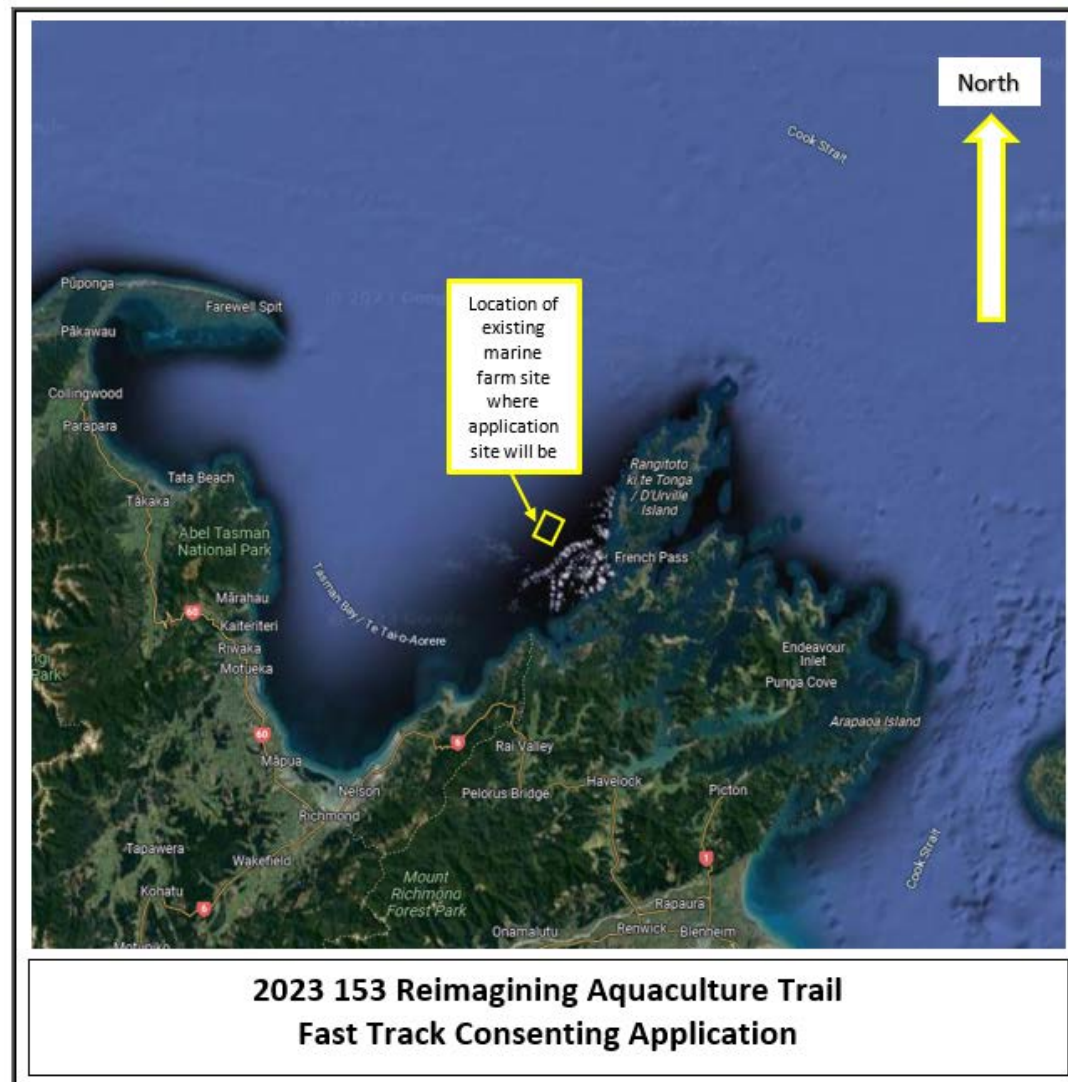
- c. any applicant group under the MACAA identified in the report obtained under section 17(1).
- 98. If you decide to refer, we have identified eight relevant iwi authorities and ten Treaty settlement entities for the proposed project, from whom a panel must invite comment.
 - 99. Under the MACA Act, an applicant group identified under the Act means one or more iwi, hapū, or whānau groups that seek recognition under Part 4 of the MACAA of their protected customary rights or customary marine title by either a recognition order granted by the High Court; or an agreement negotiated with the Crown (via The Office for Māori Crown Relations – Te Arawhiti).
 - 100. Those groups with applications under the MACAA in the common marine and coastal area of the project site who could be potentially affected by the project are shown in Attachment 4.
 - 101. We have identified two ‘other’ parties may have an interest in the project area. We recommend you direct a panel under section 24(2)(e) of the FTCA to invite comment from each party if you decide to refer the project.
 - 102. A panel may also invite comments from any other person it considers appropriate.

Provision of cultural impact assessment

- 103. Any resource consent application submitted to a panel for determination must include a cultural impact assessment prepared by or on behalf of the relevant iwi authorities, or a statement of any reasons given by the relevant iwi authorities for not providing that assessment.⁴ The Environmental Protection Authority which provides support services to a panel, will not confirm an application as complete and ready for consideration by a panel until this requirement is satisfied.
- 104. There is more than one relevant iwi authority. The project applicant will need to engage with each to determine their requirements for a cultural impact assessment, including whether they wish to prepare one individually or jointly, or whether they may wish to defer to another iwi in respect of the matter. Relevant iwi authorities are listed in Attachment 2.

⁴ Clause 9(5), 13(1)(k) and 13(1)(l) of Schedule 6 of the FTCA.

Attachment 1 – Project Location – Surrounding Area



Attachment 2 – Contact information

Iwi/hapū	Settlement documents / Status	Representative body	RMA relevant iwi authority	Treaty settlement entity	Other interest	Contact person
Ngāti Toa Rangatira		Te Rūnanga o Toa Rangatira Incorporated	Iwi authority for RMA purposes	Iwi Aquaculture Organisation in the Māori Commercial Aquaculture Claims Settlement Act 2004		CEO: Helmut Modlik s 9(2)(a) cc: RMA Contact – Debbie Rene resourcemanagement@ngatittoa.iwi.nz
	Ngāti Toa Rangatira Claims Settlement Act 2014	Toa Rangatira Trust		Post-settlement governance entity		
Ngāti Apa ki te Rā Tō		Ngāti Apa ki te Rā Tō Charitable Trust	Iwi authority for RMA purposes	Iwi Aquaculture Organisation in the Māori Commercial Aquaculture Claims Settlement Act 2004		GM: Simon Karipa office@ngatiapakiterato.iwi.nz cc: Taiao Advisor – Jen Skilton taiaoadvisor@ngatiapakiterato.iwi.nz
	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014	Ngāti Apa ki te Rā Tō Post-Settlement Trust		Post-settlement governance entity		
Ngāti Kuia		Te Rūnanga o Ngāti Kuia Trust	Iwi authority for RMA purposes	Iwi Aquaculture Organisation in the Māori Commercial Aquaculture Claims Settlement Act 2004		GM: Dave Johnston tari@ngatikuia.iwi.nz cc: RMA Contact – Lewis Smith s 9(2)(a)
	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014			Post-settlement governance entity		
Rangitāne o Wairau		Rangitāne o Wairau Settlement Trust	Iwi authority for RMA purposes			GM: Corey Hebbard admin@rangitane.org.nz
	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014			Post-settlement governance entity		
	Māori Commercial Aquaculture Claims Settlement Act 2004	Te Rūnanga a Rangitāne o Wairau Trust		Iwi Aquaculture Organisation		

Iwi/hapū	Settlement documents / Status	Representative body	RMA relevant iwi authority	Treaty settlement entity	Other interest	Contact person
Ngāti Kōata		Te Pātaka a Ngāti Kōata	Iwi authority for RMA purposes			GM: Justin Carter pa@ngatikoata.com cc: RMA Contact – Alice Woodward s 9(2) (a)
	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014			Post-settlement governance entity		
	Māori Commercial Aquaculture Claims Settlement Act 2004	Ngāti Kōata Trust		Iwi Aquaculture Organisation		
Ngāti Rārua		Ngāti Rārua Settlement Trust	Iwi authority for RMA purposes			GM: Shane Graham admin@ngatirarua.iwi.nz cc: RMA Contact – Rowena Cudby taiao@ngatirarua.iwi.nz
	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014			Post-settlement governance entity		
		Ngāti Rārua Iwi Trust		Iwi Aquaculture Organisation		
Te Ātiawa o Te Waka-a-Māui		Te Ātiawa o Te Waka-a-Māui Trust	Iwi authority for RMA purposes	Iwi Aquaculture Organisation in the Māori Commercial Aquaculture Claims Settlement Act 2004		CEO: Justin Carter office@teatiawatrust.co.nz
	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014			Post-settlement governance entity		
Ngāti Tama ki Te Tau Ihu		Ngāti Tama ki Te Waipounamu Trust	Iwi authority for RMA purposes	Iwi Aquaculture Organisation in the Māori Commercial Aquaculture Claims Settlement Act 2004		GM: Hemi Sundgren pouawhina@ngati-tama.iwi.nz cc: RMA Contact – Kura Stafford rma@ngati-tama.iwi.nz
	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014			Post-settlement governance entity		

Iwi/hapū	Settlement documents / Status	Representative body	RMA relevant iwi authority	Treaty settlement entity	Other interest	Contact person
		Te Ohu Kai Moana Trustee Limited		Appointed corporate trustee of the Takutai Trust under Maori Commercial Aquaculture Claims Settlement Act 2004		ika@teohu.maori.nz
		Takutai Trust (Māori Commercial Aquaculture Settlement Trust)		Established under the Maori Commercial Aquaculture Claims Settlement Act 2004		
		Te Tau Ihu Fisheries Forum			Other party may have interest	
Ngāti Toa Rangatira ki Wairau		Ngāti Toa Rangatira ki Wairau Trust			Other party may have interest	toa@kiwairau.nz

Attachment 3 – Planned Layout

Proposed aquaculture consent – location detail

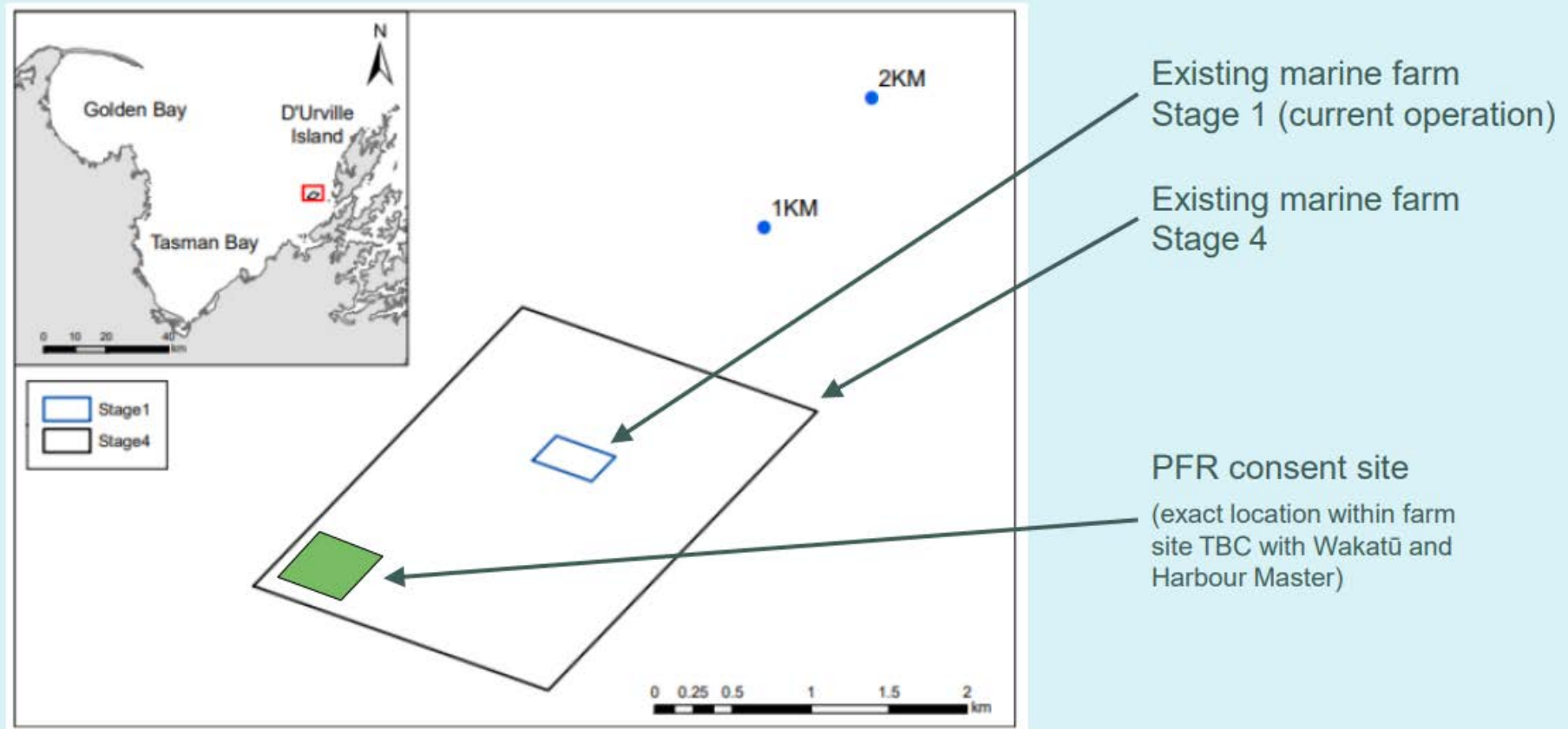


Figure courtesy of Cawthron Institute

Attachment 4 – Applicants for customary marine title or protected customary rights

Applicant Group Name	Engagement		Application Status	Contact person
	Crown	High Court		
Ngāti Koata Trust	MAC-01-12-07	CIV-2017-485-218	Progressing	Loretta Lovell - loretta@lovellassociates.co.nz
Rangitaane o Wairau	MAC-01-12-11	CIV-2017-485-251	Progressing	Corey Hebbard - corey.hebbard@rangitane.org.nz Sarah Wadworth - Sarah@radichlaw.co.nz
Te Ātiawa o te Waka a Maui Trust	MAC-01-12-17 MAC-01-12-18	CIV-2017-485-365	Progressing	Justin Carter - justin@teatiawatrust.co.nz Mireama Houra - info@mireamahoura.co.nz
Ngāti Toa Rangatira	MAC-01-12-21		Progressing	Naomi Solomon - naomi@ngatittoa.iwi.nz
Ngāti Apa ki te Rā To	MAC-01-12-06		Progressing	Hinemoa Conner - chair@ngatiapakiterato.iwi.nz Mark Moses - mark@pakohesolutions.org
Rangitaane o Kaituna		CIV-2017-485-167	Progressing	Tim Castle - tim.castle@xtra.co.nz

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