

Application 2021-046 Drury Central and Paerata Stations (KiwiRail Holdings Ltd)

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

Ministry for the Environment contacts

Position	Name	Cell Phone	1 st Contact
Principal Author	Pip Lee		
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Introduction

1. The Ministry for the Environment has prepared this report in consultation with the Office for Māori Crown Relations – Te Arawhiti and in accordance with section 17 of the Covid-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. To satisfy obligations under section 6 of the FTCA, you must consider this report before you make any decision under section 24 of the FTCA to accept the application to refer the Drury Central and Paerata Stations project to an expert consenting panel (a panel).

Proposed project

3. The applicant proposes to develop new railways stations and associated facilities at two separate sites, at Drury and Paerata, in south 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	<u>Drury Central</u> Ngāi Tai ki Tāmaki Tribal Trust Ngāti Tamaoho Trust Ngāti Maru Rūnanga Trust Te Ākitai Waiohūa Iwi Authority Te Whakakitenga o Waikato Incorporated Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa Makaurau Marae Māori Trust Ngāti Paoa Trust Board Ngāti Paoa Iwi Trust Ngaati Whanaunga Incorporated Society	<u>Paerata</u> Ngāi Tai ki Tāmaki Tribal Trust Ngāti Tamaoho Trust Ngāti Maru Rūnanga Trust Te Ākitai Waiohūa Iwi Authority Te Whakakitenga o Waikato Incorporated Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa Makaurau Marae Māori Trust <i>Contact details are in Attachment 2</i>
s17(3)(b)	Relevant Treaty settlements	<u>Drury Central</u> Ngāi Tai ki Tāmaki Claims Settlement Act 2018 Ngāti Tamaoho Claims Settlement Act 2018 Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 Ngāti Paoa Deed of Settlement – signed 20 March 2021	<u>Paerata</u> Ngāi Tai ki Tāmaki Claims Settlement Act 2018 Ngāti Tamaoho Claims Settlement Act 2018 Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014
s17(3)(a)	Relevant Treaty settlement entities	<u>Drury Central</u> Ngāi Tai ki Tāmaki Trust Ngāti Tamaoho Settlement Trust Ngāti Maru Rūnanga Trust Te Ākitai Waiohūa Settlement Trust Ngāti Paoa Iwi Trust Ngaati Whanaunga Ruunanga Trust Hako Tūpuna Trust Ngāti Tamaterā Treaty Settlement Trust	<u>Paerata</u> Ngāi Tai ki Tāmaki Trust Ngāti Tamaoho Settlement Trust Ngāti Maru Rūnanga Trust Te Ākitai Waiohūa Settlement Trust <i>Contact details are in Attachment 2</i>
s17(3)(c)	Relevant principles & provisions of the Treaty settlements	<i>See below</i>	

Section of the FTCA	Information required	Detail	
s17(3)(d)	Negotiation mandates recognised by the Crown	<u>Drury Central</u> Ngāti Te Ata Claims Support Whānau Trust Ngāti Koheriki Claims Committee	<u>Paerata</u> Ngāti Te Ata Claims Support Whānau Trust Ngāti Koheriki Claims Committee
s17(3)(d)	Current Treaty settlement negotiations	<u>Drury Central</u> Ngāti Maru (Ngāti Maru Treaty Settlement Negotiators) Te Ākitai Waiohua (Te Ākitai Waiohua Settlement Trust) Marutūāhu Iwi Collective Waikato-Tainui (Waikato-Tainui Negotiator) Hako (Ngāti Hako Treaty Settlement Negotiators) Ngaati Whanaunga (Ngaati Whanaunga Incorporated Society) Ngāti Tamaterā (Ngāti Tamaterā Negotiators)	<u>Paerata</u> Ngāti Maru (Ngāti Maru Treaty Settlement Negotiators) Te Ākitai Waiohua (Te Ākitai Waiohua Settlement Trust) Marutūāhu Iwi Collective Waikato-Tainui (Waikato-Tainui Negotiator)
s17(3)(e)	Court orders recognising customary marine title or protected customary rights under the Marine & Coastal Area (Takutai Moana) Act 2011 or another Act	None that are relevant and the project does not occur in the coastal marine area.	

Supporting material

Project area

- The Drury Central Station part of the project will be located on a brownfield site to the southeast of Drury township, covering multiple landholdings accessed off Great South Rd, Flanagan Rd, and Waihoehoe Rd – see Map 1 in Attachment 3.
- This site lies within the areas of interest of Ngāi Tai ki Tāmaki, Ngāti Tamaoho and Ngāti Paoa, and within the indicative areas of interest for Hako, Ngaati Whanaunga, Ngāti Maru (Hauraki), Ngāti Tamaterā, Te Ākitai Waiohua, Waikato-Tainui, Ngāti Te Ata, Ngāti Koheriki and Te Ahiwaru Waiohua.¹

¹ In this context, ‘area of interest’ means an area which has been agreed and recorded in a signed deed of settlement.

7. The Paerata Station part of the project will be located approximately three kilometres north of Pukekohe, on a predominately greenfield site lying over multiple landholdings accessed from Paerata Rd (State Highway 22) and Sim Rd – see Map 2 in Attachment 3.
8. This site lies within the areas of interest for Ngāi Tai ki Tāmaki and Ngāti Tamaoho, and within the indicative areas of interest for Ngāti Maru (Hauraki), Te Ākitai Waiohua, Waikato-Tainui, Ngāti Te Ata, Ngāti Koheriki and Te Ahiwaru Waiohua.
9. The closest marae to the project sites is the Ngāti Tamaoho marae Ngā Hau e Whā o Pukekohe, on the northern outskirts of Pukekohe, shown on Attachment 1.

Project details

10. The project is to:
 - a. secure designations allowing for development of the new railway stations and transport interchange facilities at the Drury Central and Paerata sites
 - b. construct and operate:
 - i. a railway station, including rail platforms, buildings and structures on the North Island Main Trunk railway line at Drury
 - ii. a railway station, including rail platforms, buildings and structures on the North Island Main Trunk railway line at Paerata
 - iii. transport interchange facilities at both station locations, including:
 1. 'park and ride' carpark areas
 2. train and bus interchange and layover areas
 3. accessways and plazas
 4. cycle parking facilities
 - iv. realignment and upgrade of Flanagan Rd and upgrade of Waihoehoe Rd, at Drury
 - v. upgrades to State Highway 22 and a new rail overbridge at Paerata.
11. The project will occur in at least two stages. Stage 1 will include initial civil works (earthworks, demolition etc) and construction of the initial stages of the railway stations and transport interchange facilities. Stage 2 will include expansion of the railway station tracks and platforms and other public transport interconnection infrastructure as the demand from the surrounding urban area grows.

Statutory matters relating to this report

12. 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.

13. Section 17(3)(e) of the FTCA requires this report to identify any court orders granted under the MACAA or another Act which recognise, in relation to the project area, customary marine title or protected customary rights. There are therefore no court orders to consider in your referral decision for this project.

Iwi and iwi authorities

Information sources

14. 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. 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.
16. To identify the iwi authorities for RMA purposes which are relevant to the project area, information was sourced from:
- a. The Iwi Areas of Interest viewer, an online application managed by the Ministry of Māori Development - Te Puni Kōkiri
 - b. Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by the Ministry of Māori Development - Te Puni Kōkiri
 - c. Ministry for the Environment
 - d. Auckland Council, the relevant local authority.

Iwi authorities relevant to project

Drury Central site

17. Ten iwi authorities are relevant to the Drury Central part of the project area. Five have been identified via the TPK viewer and TKM website:
- a. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
 - b. Ngāti Tamaoho Trust, representing Ngāti Tamaoho
 - c. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki)
 - d. Te Ākitai Waiohū Iwi Authority, representing Te Ākitai Waiohū
 - e. Te Whakakitenga o Waikato Incorporated, representing Waikato-Tainui.
18. Auckland Council identifies the following additional three iwi authorities for this site:
- a. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga
 - b. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū, representing Ngāti Te Ata
 - c. Makaurau Marae Māori Trust, representing Te Ahiwaru Waiohū.
19. The site also falls within the agreed area of interest included in the deed of settlement Ngāti Paoa signed with the Crown in March 2021. For this reason we consider the following two iwi authorities representing the Resource Management Act 1991 (RMA) interests of Ngāti Paoa are also relevant:
- a. Ngāti Paoa Trust Board
 - b. Ngāti Paoa Iwi Trust.

Paerata site

20. Seven iwi authorities are relevant to the part of the project area located at Paerata. Five have been identified via the TPK viewer and TKM website:
- a. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
 - b. Ngāti Tamaoho Trust, representing Ngāti Tamaoho
 - c. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki)
 - d. Te Ākitai Waiohūa Iwi Authority, representing Te Ākitai Waiohūa
 - e. Te Whakakitenga o Waikato Incorporated, representing Waikato-Tainui.
21. Auckland Council identifies the following additional two iwi authorities for this site:
- a. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa, representing Ngāti Te Ata
 - b. Makaurau Marae Māori Trust, representing Te Ahiwaru Waiohūa.

Treaty settlements and Treaty settlement entities

22. Information from the first two sources listed in paragraph 16, the [NZ Government Treaty settlements website](#), and the Office for Māori Crown Relations – Te Arawhiti was used to identify relevant Treaty settlements and any associated Treaty settlement entities of relevance to the proposed project.

Treaty settlements relating to the project area

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. Both the Drury Central and Paerata sites fall within the areas of interest specified in the relevant Treaty settlements between the Crown and the following iwi/groups:
- a. Ngāi Tai ki Tāmaki
 - b. Ngāti Tamaoho
 - c. the Tāmaki Collective.
25. Additionally, the Drury Central site falls within the area of interest of Ngāti Paoa, as specified in the Treaty settlement between Ngāti Paoa and the Crown.
26. Ngāi Tai ki Tāmaki, the trustees of the Ngāi Tai ki Tāmaki Trust and the Crown signed a deed of settlement on 7 November 2015. Amendment deeds were signed in 2016, 2017 and 2018, and the Treaty settlement was enacted by the Ngāi Tai ki Tāmaki Claims Settlement Act 2018. [A settlement summary, the deeds and associated documents](#) are available on the NZ Government Treaty settlements website.
27. The Ngāti Tamaoho Claims Settlement Act 2018 gave effect to certain provisions of the deed of settlement signed by the Crown, Ngāti Tamaoho and the Ngāti Tamaoho Settlement Trust on 30 April 2017. [Relevant settlement documents](#) are available on the NZ Government Treaty settlement website.
28. Ngāti Paoa, the Ngāti Paoa Iwi Trust and the Crown signed a deed of settlement on 20 March 2021. [The deed and associated documents](#) are available on the NZ Government Treaty settlement website.

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

Relevant Treaty settlement entities

Post-settlement governance entities

30. 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.

31. The respective post-settlement governance entities for the Treaty settlements in paragraphs 24 and 25 are:

- a. Ngāi Tai ki Tāmaki Trust
- b. Ngāti Tamaoho Settlement Trust
- c. Ngāti Paoa Iwi Trust
- d. redress entities associated with the Tāmaki collective arrangements:
 - i. Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership
 - ii. Tūpuna Taonga o Tāmaki Makaurau Trust
 - iii. Waiohua-Tāmaki Rōpū, representing five members of the Tāmaki Collective, including Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Ākitai Waiohua and Ngāti Te Ata (whose individual areas of interest include the project area) and Te Kawerau ā Maki (whose area of interest does not include the project area)²
 - iv. Marutūāhu Rōpū, representing Ngāti Maru (Hauraki), Ngaati Whanaunga, Ngāti Tamaterā, and Ngāti Paoa (whose individual areas of interest include some or all of the project area) and Te Patukirikiri (whose area of interest does not include the project area).
 - v. Ngāti Whātua Rōpū, representing three members of the Tāmaki Collective: Ngāti Whātua Ōrākei, Ngāti Whātua o Kaipara and Te Rūnanga o Ngāti Whātua (none of whose individual areas of interest include the project area).

32. As explained further in paragraphs 56 to 59, no cultural or commercial redress managed by the Tāmaki collective redress entities is affected by the project.

33. Note that a post-settlement governance entity may exist ahead of any finalised Treaty settlement. The following post-settlement governance entities in this category are also relevant for both the Drury Central and Paerata sites:

- a. The Ngāti Maru Rūnanga Trust was ratified as the post-settlement governance entity for the Ngāti Maru (Hauraki) Treaty settlement in August 2012. Ngāti Maru (Hauraki) initialled a deed of settlement with the Crown on 8 September 2017.

² According to the sources in paragraph 17.

- b. Te Ākitai Waiohua Settlement Trust was ratified as the post-settlement governance entity for the Te Ākitai Waiohua Treaty settlement in June 2014. Te Ākitai Waiohua initialled a deed of settlement with the Crown on 23 December 2020.
 - c. The Marutūāhu Iwi Collective, comprising the same iwi noted in paragraph 31(d)(iv), was established for the purposes of negotiating redress; the Crown initialled a collective redress deed with the Marutūāhu Iwi Collective on 27 July 2018. This deed provides for creation of two redress entities:
 - i. the Marutūāhu Rōpū Limited Partnership, to receive the collective commercial redress; this entity has been established
 - ii. the Taonga o Marutūāhu Trustee Limited, to receive the cultural redress; this entity has yet to be established.
34. The Marutūāhu Iwi Collective's area of interest covers parts of the Auckland, Waikato and Bay of Plenty Regions³, and includes the project site. The cultural and commercial redress provided under this deed forms part of the individual settlements with each of the five iwi. None of this redress, to be managed by the above-named entities once the redress deed is signed and given effect through legislation, is affected by the project.
35. The following post-settlement governance entities with yet-to-be completed Treaty settlements are also relevant for the Drury Central site:
- a. Hako Tūpuna Trust was established and confirmed as the post-settlement governance entity for Hako on 26 August 2014.
 - b. Ngāti Tamaterā Treaty Settlement Trust 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.
 - c. Ngaati Whanaunga initialled a deed of settlement with the Crown on 25 August 2017; Ngaati Whanaunga Ruunanga Trust was ratified as the post-settlement governance entity for the Ngaati Whanaunga Treaty settlement in December 2017.

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

³ 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

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

Crown acknowledgements and apologies

39. The Crown offers acknowledgments and apologies as part of Treaty settlement redress in order to atone for historical wrongs, restore its honour, and begin the process of healing.
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.
41. The Crown expresses the hope that the settlement will lead to a new relationship that fulfils the expectations of the tūpuna and mokopuna of Ngāi Tai ki Tāmaki, marked by cooperation, partnership, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
42. In the Ngāti Tamaoho settlement, the Crown states that its acts and omissions and its promotion of injurious laws and policies have harmed Ngāti Tamaoho, undermined their rangatiratanga and contributed to the loss of Ngāti Tamaoho autonomy.
43. 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.
44. In the Ngāti Paoa Deed of Settlement the Crown apologises to Ngāti Paoa for the suffering it has inflicted through its acts and omissions, and for the laws and policies enacted in Aotearoa/New Zealand that have led to the loss of Ngāti Paoa whenua and taonga te reo Māori. The Crown apologises to the tūpuna and mokopuna of Ngāti Paoa for its failure to uphold its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
45. The Crown seeks to atone for these injustices and hopes that through this settlement it can rebuild the relationship that it established with Ngāti Paoa in 1840, begin the process of healing and enter a new age of co-operation with Ngāti Paoa.

Other redress

46. The settlements do not create any new co-governance or co-management processes which would affect decision-making under the RMA for this project.
47. The Ngāti Tamaoho Deed of Settlement contains statements of the particular cultural, spiritual, historical and traditional association that Ngāti Tamaoho has with a number of significant sites.⁴ These include Drury Creek, which flows into the Pahurehure Inlet of the Manukau Harbour/Te Mānukanuka o Hoturoa, and the Hingaia Stream, Oira Creek, Whangapouri Creek and their respective tributaries, which all flow to Drury Creek. The Drury Central Station part of the project site lies in the catchment of the Hingaia Stream; the Paerata Stream straddles the catchments of Oira and Whangapouri Creeks.
48. The first paragraph of the statements of association is as follows:

“Te Mānukanuka O Hoturoa (Manukau Harbour) is central to Ngāti Tamaoho's identity. We are a people born from the very waters of the harbour itself. It is an important part of our

⁴ See [Part 1 of the Ngāti Tamaoho Deed of Settlement Documents Schedule](#)

turangawaewae and central to our rohe. It features in all stages of our history and is a source of great mana to our people. Its traditional use as a fishing ground and transport and trade route is an essential part on our identity, as is our deep spiritual relationship with it."

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

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

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

50. The statements of association with Drury Creek and Hingaia Stream include:

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

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

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

51. The statements of association with Oira and Whangapouri Creeks note that:

"Oira Creek and its tributaries begins its journey just north of the modern town of Pukekohe. It then flows due north passing through the Manukau lowlands past Paerata bluff and other important Ngāti Tamaoho sites."

"Whangapouri Stream begins its journey just north of Paerata, in the Manukau lowlands. From here it flows north, passing Te Maunu a Tu (Paerata Bluff). It continues north, eventually reaching the Drury Creek where it returns its waters to Te Mānukanuka o Hōturoa (Manukau Harbour)."

52. The Ngāti Tamaoho settlement legislation contains the Crown's acknowledgment of the statements of association (known as statutory acknowledgments). The statutory acknowledgement areas and the relationship of the project sites to them are shown in Attachment 4. The project sites lie within the statutory acknowledgement areas for Hingaia Stream, Oira Creek, Whangapouri Creek, and their tributaries, and drain to the coastal marine statutory acknowledgement area over Drury Creek, Pahurehure Inlet and the Manukau Harbour.

53. The Ngāti Tamaoho Settlement Trust or any member of Ngāti Tamaoho can cite the statutory acknowledgement as evidence of their association with the area. Auckland Council, the Environment Court and Heritage New Zealand Pouhere Taonga must have regard to it, and Auckland Council must forward summaries of resource consent applications it receives for activities within, adjacent to or directly affecting the statutory area (or notices served on the council under section 145(10) of the RMA) to the Ngāti Tamaoho Settlement Trust.

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

Tāmaki Collective Redress Act

56. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 and its associated deed provide collective redress for the shared interests of the 13 iwi and hapū of the Tāmaki Collective in maunga, motu and lands within Tāmaki Makaurau. These provisions do not settle any historical Treaty claims. This is addressed instead through the specific settlements with each iwi/hapū, and the collective. The redress provided through the Act is provided 'on account' of those individual Treaty settlements.
57. A significant part of the collective redress is concerned with governance and management arrangements over the maunga of central Auckland and some of the islands of Tīkapa Moana (the Hauraki Gulf).
58. Some commercial redress is also included, in the form of rights of first refusal (RFR) over Crown properties over a wide area of Auckland⁵, and second rights to purchase deferred selection properties not selected or acquired by iwi/hapū under their individual settlements.
59. No maunga are affected by the proposed project. Although the proposed project area lies within the RFR area, none of the land within it is Crown-owned. Therefore, the project would not affect any commercial redress available to Ngā Mana Whenua o Tāmaki Makaurau under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Current negotiation mandates and settlement negotiations

60. In addition to Ngāti Maru (Hauraki), Te Ākitai Waiohū, the Marutūāhu Iwi Collective, Hako, Ngāti Tamaterā and Ngaati Whanaunga who have yet to complete their settlements, as explained in paragraphs 33 to 35, the Crown is currently negotiating a Treaty settlement with the mandated Waikato-Tainui negotiator, who signed terms of negotiation on 14 December 2020 for the settlement of the remaining historical Treaty of Waitangi claims of Waikato-Tainui. The project sites lie within the indicative areas of interest for some or all of these pending Treaty settlements.
61. As noted in paragraph 6 and 8, the project area also falls within the indicative areas of interest for:
- a. Ngāti Te Ata
 - b. Ngāti Koheriki.
62. 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

⁵ Part 3 of [Attachments to Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed](#).

Te Ata has yet to establish a post-settlement governance entity to receive redress under their settlement.

63. The Crown recognised the Treaty settlement negotiation mandate of Ngāti Koheriki Claims Committee in June 2013. Negotiations have yet to commence, but Crown-recognition of the mandate has not been withdrawn. Ngāti Koheriki has yet to establish a post-settlement governance entity to receive redress under their settlement.

Details in this report affect certain provisions of the FTCA

Notices of referral decision

64. 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.
65. 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 identified in this report
 - b. any other iwi authorities 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.
66. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 4; contact details are in Attachment 2.
67. The Minister for Treaty for Waitangi Negotiations has requested that the notice of decisions be copied to the Ngāti Koheriki Claims Committee. Contact details are in Attachment 2.
68. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership

69. 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.
70. In the event iwi authorities nominate more than one person, the panel convener must decide which nominee to appoint. The panel convener has discretion to increase the panel membership to accommodate the matters specified in clause 3(6)(a) – 3(6)(e), which include matters unique to any relevant Treaty settlement Act.
71. Relevant iwi authorities for the project are identified in paragraph 4; contact details are in Attachment 2.

Panel invitations to comment

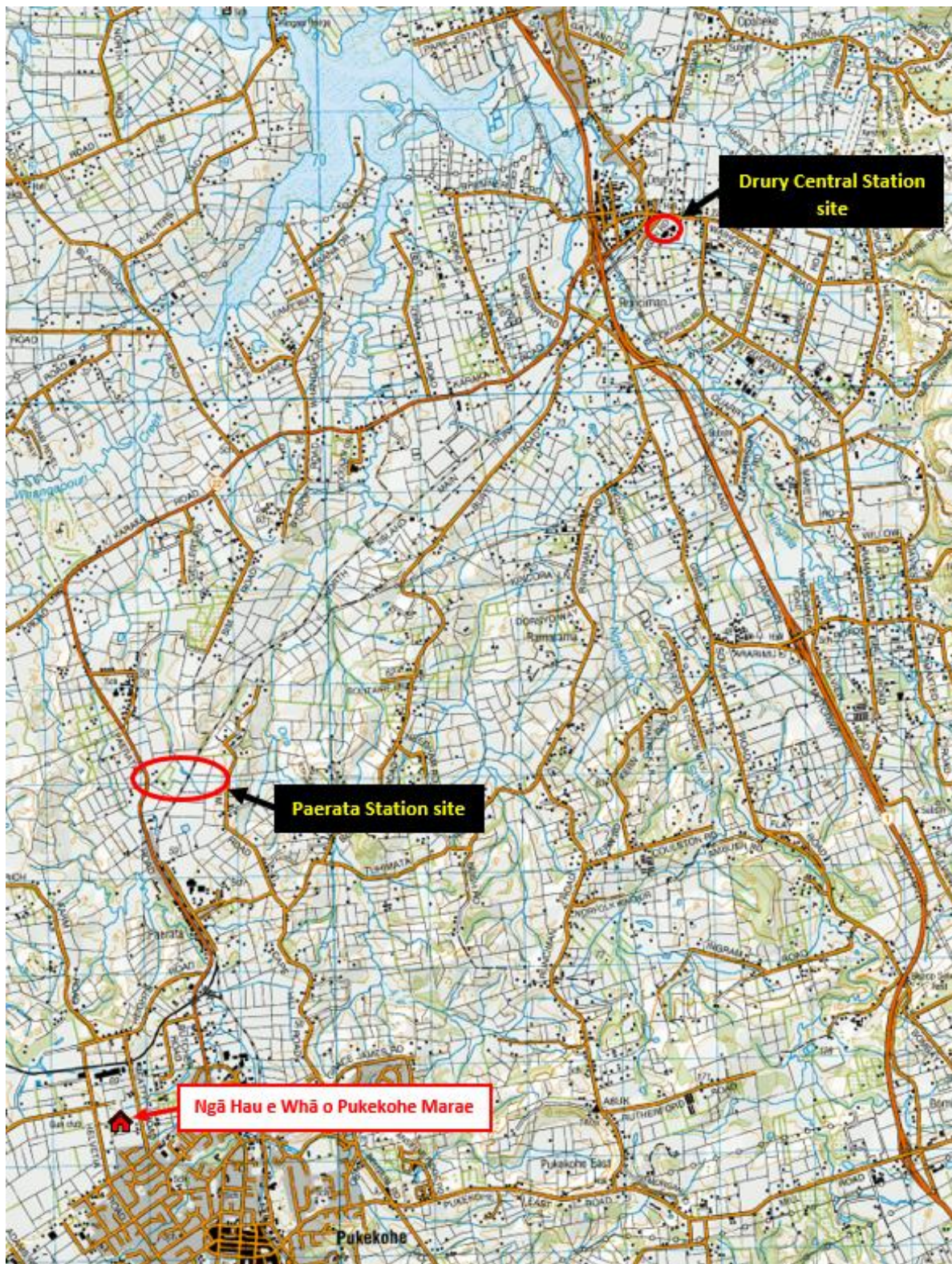
72. A panel must invite comments on a resource consent application or notice of requirement for a referred project from the parties listed in clause 17(6) of Schedule 6 of the FTCA. This includes:
- a. the relevant iwi authorities, including those identified in this report
 - b. a Treaty settlement entity 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

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

Provision of Cultural Impact Assessment

75. 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. 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.
76. Where there is more than one relevant iwi authority, it will be necessary for the project applicant to engage with each to determine their requirements for a cultural impact assessment, including whether they wish to prepare one individually or jointly, or whether they may wish defer to another iwi in respect of the matter. The relevant iwi authorities for the project sites are listed in paragraph 4.

Attachment 1 - Location



Attachment 2 - Contact information

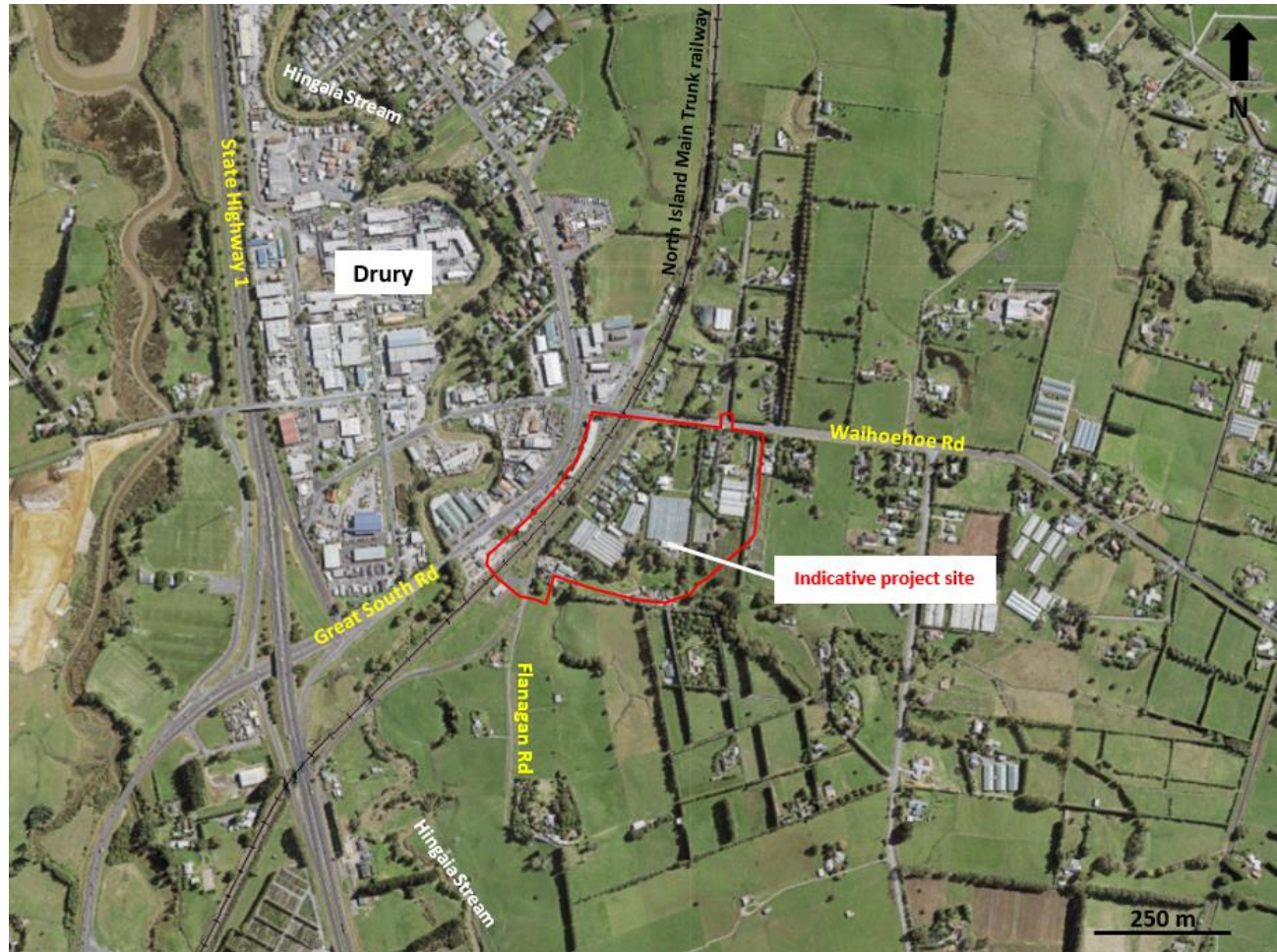
Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Other	Contact person	Copies to
Ngāi Tai ki Tāmaki	Ngāi Tai ki Tāmaki Tribal Trust	PO Box 141 Clevedon Auckland 2248	Represents Ngāi Tai ki Tāmaki as an iwi authority for RMA purposes			Chairperson: James Brown s9(2)(a) [REDACTED] (office manager contact)	Kaitiaki Unit kaitiaki@ngaitaitamaki.iwi.nz
	Ngāi Tai ki Tāmaki Trust			Post-settlement governance entity under the Ngāi Tai ki Tāmaki Claims Settlement Act 2018			
Ngāti 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 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 [DOS signed 8 Sep 2017]		Manager: David Taipari office@ngatimaru.iwi.nz	
	Ngāti Maru Treaty Negotiators				In Treaty settlement negotiations		
Te Ākitai Waiohua	Te Ākitai Waiohua Iwi Authority	PO Box 59 185 Māngere Bridge Auckland 2151	Represents Te Ākitai Waiohua as an iwi authority for RMA purposes			Chairperson: Karen Wilson tawia@teakitai.com	RMA Contact: Nigel Denny kaitiaki@teakitai.com

	Te Ākitai Waiohū Settlement Trust			Post-settlement governance entity [DOS initialled 23 Dec 2020]	In Treaty settlement negotiations		
Waikato-Tainui	Te Whakakitenga o Waikato	PO Box 648 Waikato Mail Centre Hamilton 3240	Represents Waikato-Tainui as an iwi authority for RMA purposes		In Treaty settlement negotiations	CEO: Donna Flavell secretariat@tainui.co.nz	RMA contact: Marae Tukere s9(2)(a)
Ngāti Te Ata	Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū		Recognised by Auckland Council as an iwi authority for RMA purposes			RMA Kaitiaki taiao@ngatiteata.iwi.nz	
	Ngāti Te Ata Claims Support Whānau Trust				Mandate recognised by the Crown for Treaty settlement negotiations	Chair: Josie Smith s9(2)(a)	
Te Ahiwaru-Waiohū	Makaurau Marae Māori Trust		Recognised by Auckland Council as an iwi authority for RMA purposes			Kowhai Olsen s9(2)(a)	
Ngāti Paoa	Ngāti Paoa Iwi Trust	Level 12 Britomart Place Auckland	Represents Ngāti Paoa as an iwi authority for RMA purposes	Post-settlement governance entity [DOS signed 20 March 2021]		Haydn Solomon Kaiarahi kaiarahi@ngatipaoaiwi.co.nz	Taiao Manager: Crystal Cherrington kaitiaki@ngatipaoaiwi.co.nz Taiao@ngatipaoaiwi.co.nz
	Ngāti Paoa Trust Board	PO Box 204-144 Highbrook Auckland 2161	Represents Ngāti Paoa as an iwi authority for RMA purposes			Principal Officer: Dave Roebeck nptb@ngatipaoatrustboard.co.nz	
Ngaati Whanaunga	Ngaati Whanaunga Incorporated Society	PO Box 160, Coromandel 3581	Represents Ngaati Whanaunga as an iwi authority for RMA purposes			Boni Renata General Manager s9(2)(a)	
	Ngaati Whanaunga Ruunanga Trust			Post-settlement governance entity [DOS initialled 25 Aug 2017]	In Treaty settlement negotiations		

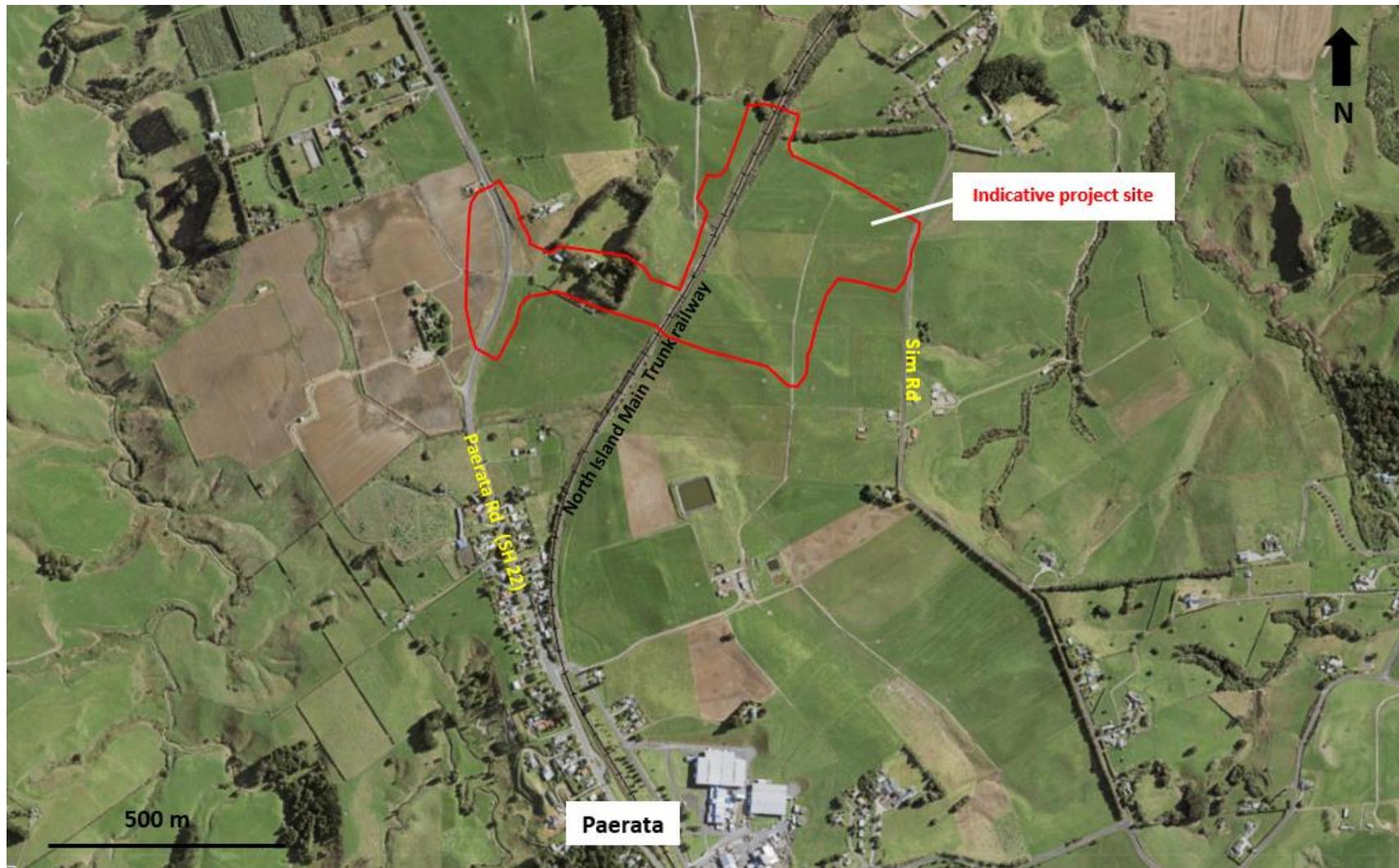
Hako	Hako Tūpuna Trust			Post-settlement governance entity [confirmed 26 August 2014]	In Treaty settlement negotiations	Contact: Josie Anderson s9(2)(a)	
Ngāti Tamaterā	Ngāti Tamaterā Treaty Settlement Trust	PO Box 28 Thames 3540	Represents Ngāti Tamaterā as an iwi authority for RMA purposes	Post-settlement governance entity [DOS initialled 20 Sep 2017]	In Treaty settlement negotiations	Chair: Antony Royal chair@tamatera.iwi.nz	RMA Kaitiaki rma@tamatera.iwi.nz
Ngāti Koheriki	Ngāti Koheriki Claims Committee	101 Albert Rd RD 4 Palmerston North 4474			Mandate recognised by the Crown for Treaty settlement negotiations	Lead Negotiator: Kiwi Johnson	

Attachment 3 – Project area details

Map 1: Drury Central Station



Map 2: Paerata Station



Attachment 3 – Ngāti Tamaoho statutory acknowledgement areas

