

Application 2021.043 Rangitane Maritime Development (Far North District Council & Far North Holdings Ltd)

To:	Required action:
Hon David Parker, Minister for the Environment	Consider this report prior to making a decision jointly with the Minister of Conservation under section 24 of the FTCA
Hon Dr Ayesha Verrall, Acting Minister of Conservation	Consider this report prior to making a decision jointly with the Minister for the Environment under section 24 of the FTCA

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).
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 Rangitane Maritime Development project to an expert consenting panel (a panel).

Proposed project

3. The applicants propose to reclaim approximately 7400 square metres of land from the coastal marine area (CMA) and construct a new public boat ramp and parking area adjacent to Rangitane Loop Road, approximately 6 km north-east of central Kerikeri, in the Bay of Islands, Northland. A location map is in Attachment 1.
4. The majority of the project will occur in the 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	Te Rūnanga-Ā-Iwi-O-Ngāpuhi <i>Contact details are in Attachment 2</i>
s17(3)(b)	Relevant Treaty settlements	none
s17(3)(a)	Relevant Treaty settlement entities	none
s17(3)(c)	Relevant principles & provisions of the Treaty settlements	none
s17(3)(d)	Negotiation mandates recognised by the Crown	none
s17(3)(d)	Current Treaty settlement negotiations	none
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

Supporting material

Project area

- The project site lies within the Kerikeri Inlet, on the seaward side of Rangitane Loop Road, where it passes close to the shore. As shown on Map 1 in Attachment 3, the site is adjacent to an existing jetty and currently has a smaller boat ramp and limited parking area. These facilities are used by predominantly recreational users, from both the local communities and further afield.
- The coastline in the area includes the rocky foreshore and extensive areas of mangrove vegetation. The marine environment is coastal tidal, intermixed with freshwater from the Kerikeri and Rangitane Rivers.
- The project site lies within the Taiāmai ki te Marangai takiwā (region) of the Ngāpuhi rohe. The marae associated with this takiwā, and their associated hapū¹ are as follows:
 - Tauwhara – Ngāti Hineira, Ngāti Rēhia, Whānautara, Ngāi Tāwake ki te Tuawhenua, Te Whiu and Te Wahineiti
 - Oromāhoe – Ngāti Kawa, Ngāti Rāhiri, Whānautara, Ngāre Hauata and Matarahurahu

¹ Sourced from [Māori Maps](#) and [Te Kāhui Māngai](#)

- c. Parawhenua – Ngāti Hineira, Ngāti Korohue, Te Uri Taniwha and Te Whanauwhero
- d. Rāwhiritoa – Ngāti Hineira, Te Kapotai, Te Popoto and Te Uri Taniwha
- e. Te Tii Waitangi – Ngāti Kawa and Ngāti Rāhiri
- f. Waitangi National – Ngāti Kawa and Ngāti Moko
- g. Ngāwhā – Ngāti Rangī, Te Uri Hoatau, Te Uri Taniwha, Ngāti Mau, Ngāti Kiriahi
- h. Mātauri – Ngāti Kura, Ngāti Miru
- i. Wharengaere – Ngāti Mau and Ngāti Torehina
- j. Hiruhārama Hou – Ngāti Rēhia
- k. Mātoa – Ngāti Rēhia and Ngāti Whakaeke
- l. Tākou – Ngāti Rēhia, Ngāti Tautahi, Ngāti Tūpango and Ngāti Whakaeke
- m. Whitiara – Ngāti Rēhia
- n. Kororareka – Te Kapotai.

Project details

9. The project will upgrade and expand the current boat ramp and parking facilities at Rangitane Loop Road. The new facilities, shown on Map 2 in Attachment 3, will include:
 - a. a double-width boat ramp, approximately 8 metres wide, with a central floating pontoon
 - b. a sealed parking area for approximately 16 trailers and 8 cars
 - c. a dinghy storage area, on the existing boat ramp
 - d. landscaping, including a public walkway and picnic facilities.
10. Project works will include clearance of mangroves, excavation and disturbance of the foreshore and seabed, deposition of fill on the foreshore and seabed, and construction of structures within the coastal marine area, to create the reclamation. There will also be some earthworks on land, and other construction activities associated with creation of the parking, walkway and picnic facilities.

Statutory matters relating to this report

11. Parts of the proposed project will occur in the CMA, so, 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 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)(e) 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 confirm that

currently there are no such court orders relevant to the project area to consider in your referral decision.²

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. Far North District Council and Northland Regional Council, as the relevant local authorities.

Iwi authorities relevant to project

17. Te Rūnanga-Ā-Iwi-O-Ngāpuhi is the sole relevant iwi authority for the project area.

Treaty settlements and Treaty settlement entities

18. There are no relevant Treaty settlements or Treaty settlement entities for the proposed project area.

Current negotiation mandates and settlement negotiations

19. In December 2019 the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Development invited mandate proposals from regional Ngāpuhi hapū groupings to negotiate cultural redress and mandate proposals to negotiate collective matters associated with the settlement of all their historical Treaty of Waitangi claims.
20. There is no deadline for the submission of mandate proposals, and to date one mandate proposal has been confirmed by the Crown. Once a mandate proposal has been confirmed, hapū groupings will undertake a formal mandate process before the Crown will decide whether to recognise the mandate and enter into Treaty settlement negotiations with the group.

² The Ngā Rohe Moana o Ngā Hapū o Ngāti Porou (Recognition of Customary Marine Title) Order 2020 came into force 1 February 2021. It establishes customary marine title areas for a specific part of ngā rohe moana o ngā hapū o Ngāti Porou (on the east coast of the North Island) aligning with those in schedule 2 to the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. This, and two other decisions by the High Court (*Re Tipene* [2016] NZHC 3199 and *Re Edwards (Whakatōhea) (No 2)* [2021] NZHC 1025) do not affect the proposed project area.

Details in this report affect certain provisions of the FTCA

Notices of referral decision

21. 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.
22. You invited Te Rūnanga-Ā-Iwi-O-Ngāpuhi and Taiāmai ki te Takutai Moana, the trust that represents the RMA interests of the hapū from the Taiāmai ki te Marangai takiwā of Ngāpuhi, to comment on the referral application for the Rangitane Maritime Precinct project.
23. If you decide to refer this project to a panel, the notice of decisions and associated reasons must also be given to 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. The Northland Regional Council has advised that it has a Manawhakahono ā Rohe with Ngāti Rēhia, who are one of the hapū of the Taiāmai ki te Marangai takiwā.
24. The Minister for Treaty of Waitangi Negotiations has also requested that the following parties receive the notice of decisions on the Rangitane Maritime Precinct referral application:
 - a. Ngā Hapū o Takutai Moana, a hapū group working to develop a mandate proposal for negotiation purposes
 - b. Taiāmai ki te Takutai Moana
 - c. representatives of 14 marae of the Taiāmai ki te Marangai takiwā listed in paragraph 8
 - d. applicants for customary marine title and/or protected customary rights under the MACAA in the common marine and coastal area adjacent to the proposed project site.
25. Contact details are in Attachment 2 and Attachment 4.

Expert consenting panel membership

26. 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.
27. 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) of Schedule 5 of the FTCA, which include matters unique to any relevant Treaty settlement Act.
28. Te Rūnanga-Ā-Iwi-O-Ngāpuhi is the sole relevant iwi authority for the proposed project.

Panel invitations to comment

29. 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 Marine and Coastal Area (Takutai Moana) Act 2011 identified in the report obtained under section 17(1).

30. The relevant iwi authority for the proposed project is listed in paragraph 5; contact details are in Attachment 2.
31. 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 of Māori Crown Relations – Te Arawhiti). The MACAA applicant groups for the common marine and coastal area adjacent to the proposed project area (in the Kerikeri Inlet) are listed in Attachment 4.
32. A panel may also invite comments from any other person it considers appropriate.
33. The Minister for Treaty of Waitangi Negotiations has requested that you direct a panel to invite comments from the parties listed in paragraph 24(a) – 24(d) above. The requirement for a panel to seek comment from the parties noted in paragraph 24(d) is already provided via the identification of those parties in Attachment 4 of this report. Contact details for the remaining parties are included in Attachment 2.

Provision of Cultural Impact Assessment

34. 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 EPA will not confirm an application as complete until this requirement has been satisfied.
35. The relevant iwi authority for the Rangitane project is TRAION. The applicant advises that they have commissioned a cultural impact assessment from one Ngāpuhi hapū, Ngāti Rēhia. TRAION will be able to advise if this assessment alone can be regarded as appropriately representative of all the parties whom it represents.

Attachment 1 - Location



Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Other	Contact person	Copies to
Ngāpuhi	Te Rūnanga-Ā-Iwi-O-Ngāpuhi	P O Box 263 Kaikohe 0440	Represents Ngāpuhi as an iwi authority for RMA purposes			CEO: Sam Napia s9(2)(a)	Chair: Wayne Wharerau s9(2)(a) RMA contact: Tania Pene s9(2)(a) RMA contact: Hera Dear s9(2)(a)
	Taiāmai ki te Takutai Moana	Postal Address: RD3, 918 Waimate North Road Kerikeri 0293			Charitable trust that represents all the hapū of the Taiāmai ki te Marangai takiwā that tātai to the whenua, for RMA purposes	General Manager: Hone Tiatia taiamaikitetakutaimoana@outlook.com	
	Ngāti Rēhia				Party to a Manawhakahono ā Rohe agreement with Northland Regional Council	s9(2)(a)	
	Ngā Hapū o Takutai Moana				A hapū group working to develop a mandate proposal for negotiation purposes	Alana Thomas s9(2)(a) s9(2)(a)	
	Tauwhara Marae	140 Whakataha Road Waimate North Kerikeri Northland 0472				Chair: Te Rau Arena s9(2)(a)	
	Oromāhoe Marae	41 Porotu Road, Oromāhoe Kaikohe Northland 0472				Kahu Peri s9(2)(a) s9(2)(a)	

Parawhenua Marae	20 Te Ahuahu Road, Te Ahuahu Waimate North Kerikeri Northland 0472				Arnold Maunsell s9(2)(a) s9(2)(a) s9(2)(a)	
Rāwhitiroa Marae	444 State Highway 1, Te Ahuahu Ohaewai Northland 0475				Chair: Camron Muriwai	Admin: Jean Morris-Riwhi s9(2)(a)
Ngāwhā Marae	5748 State Highway 12 Ngāwhā Northland 0472				Adreienne Tari s9(2)(a)	
Te Tii Waitangi Marae	30 Te Karuwha Parade, Northland				Waireti Paora s9(2)(a) info@tetiwaitangi.co.nz	
Mātauri Marae	60 Tāpui Road Mātauri Bay					
Wharengaere Marae	44 Wharengaere Road, Purerua Peninsula					
Hiruhārama Hou Marae	8 Te Tii Rd Extension Te Tii Kerikeri Northland 0294				s9(2)(a)	
Mātoa Marae	Kōwhai Road Kerikeri					
Tākou Marae	Otaha Road Tākou Bay				Caretakers: Waata & Nora Rameka s9(2)(a)	
Whitiora Marae	128 Te Tii Road Te Tii Kerikeri Northland 0294					
Kororareka Marae	C/o 22 Brind Rd Kororareka Russell Bay of Islands				marae@kororarekanz.com	

Attachment 3 – Project area details

Map 1 - Existing site



Map 2 - Proposed development



Source: provided by applicant (Appendix D1291_VisSim_20210517.pdf)

Attachment 4 - Applicants for a customary marine title area or protected customary rights area

No	MAC No	Applicant	Contact details	Track	Status
1	MAC-01-01-001	Awhirangi Panehina Lawrence Whanau, Mita Pomana Whanau, Takutai Moana whanau Trust	Awhirangi Panehina Lawrence s9(2)(a) s9(2)(a)	Crown engagement	Not determined
2	MAC-01-01-002	Craven Whānau	Bonny (Veronica) Craven s9(2)(a) s9(2)(a)	Crown engagement	Not determined
3	MAC-01-01-004	Garry Walmsley	Garry Walmsley s9(2)(a) s9(2)(a)	Crown engagement	Not determined
4	MAC-01-01-021	Hikuwai - Ihaia whānau	Ngatirumamahue Marae s9(2)(a) s9(2)(a)	Crown engagement	Not determined
5	MAC-01-01-023	Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngatirua Iti	Tahua Murray s9(2)(a) s9(2)(a)	Crown engagement	Not determined
6	MAC-01-01-033	Maungahoutoa Trust	Tarewa Rota s9(2)(a)	Crown engagement	Not determined
7	MAC-01-01-034	Merehora Taurua Whanau	Merehora Taurua s9(2)(a)	Crown engagement	Not determined
	CIV-2017-404-535		Charl Hirschfeld s9(2)(a) s9(2)(a)	High Court	Not determined
8	MAC-01-01-035	Mita Pomana and Takutai Moana Heke Pomana Whanau	Mary-Jane Pomana s9(2)(a) s9(2)(a)	Crown engagement	Not determined
9	MAC-01-01-040		Waimarie Kingi	Crown engagement	Not determined

		Ngā Hapū o Tangaroa ki Te Ihu o Manaia tai atu ki Mangawhai	s9(2)(a)		
	CIV-2017-404-579		Darrell Naden s9(2)(a)	High Court	Not determined
10	MAC-01-01-050	Ngāpuhi nui tonū (Awataha Marae)	Gerald Sharrock s9(2)(a)	Crown engagement	Not determined
11	CIV-2017-404-537	Ngāpuhi nui tonū, Ngāti Rāhiri, Ngāti Awa, Ngā Tahuhu and Ngāitawake	s9(2)(a)	High Court	Not determined
12	MAC-01-01-056	Ngāpuhi Nui Tonū (Te Kotahitanga Marae)	Joseph Robert Kingi s9(2)(a)	Crown engagement	Not determined
13	MAC-01-01-057	Ngāpuhi Nui Tonū (Te Tii Marae)	s9(2)(a)	Crown engagement	Not determined
14	MAC-01-01-059	Ngāpuhi Nui Tonu-Kota-toka-tutaha-moana o Whaingaroa	Jack Ralston Wyllie info@bekindbeauty.co.nz s9(2)(a)	Crown engagement	Not determined
15	MAC-01-01-060	Ngāpuhi, Ngāti Wai, Haki Pereki and Ngāwhetu Sadler Whanau Trust	Chris Sadler s9(2)(a) s9(2)(a)	Crown engagement	Not determined
16	MAC-01-01-073	Ngāti Kawau and Te Waiariki Korora	Janet Mason s9(2)(a)	Crown engagement	Not determined
	CIV-2017-485-398		s9(2)(a)	High Court	Not determined
17	MAC-01-01-082	Ngāti Rēhia Hapū	Tajim Mohammed Kapa s9(2)(a) s9(2)(a)	Crown engagement	Not determined
18	MAC-01-01-097	O Nga Hapū o Taiāmai ki te Marangai	John Leonard Pita Tiatoa s9(2)(a)	Crown engagement	Not determined
	CIV-2017-404-523		s9(2)(a)	High Court	Not determined
19	MAC-01-01-125	Te Hikitu Hapū	Anania Wikaira, Jane Hotere and Rosaria Hotere s9(2)(a) s9(2)(a)	Crown engagement	Not determined
	CIV-2017-404-570		Tony Shepherd	High Court	Not determined

			s9(2)(a) [REDACTED] s9(2)(a) [REDACTED]		
20	MAC-01-01-134	Te Kemara I Whanau, Ngāti Kawa and Ngāti Rāhiri	Dr Mary-Anne Cheryl Tapu Augustine Baker s9(2)(a) [REDACTED] s9(2)(a) [REDACTED]	Crown engagement	Not determined
	CIV-2017-485-265			High Court	Not determined
21	MAC-01-01-005	Whānau of Ohawini	Winston McCarthy	Crown engagement	Not determined
22	MAC-01-01-164	Whangaroa Ngaiotonga Trust	s9(2)(a) [REDACTED]	Crown engagement	Not determined
23	CIV-2017-485-306	Samuel Phillip George	s9(2)(a) [REDACTED]	High Court	Not determined
24	CIV-2017-485-409	Huhana Lyndon		High Court	Not determined
25	CIV-2017-488-029	Mokau Whānau		High Court	Not determined
26	MAC-01-01-014	The Hapū Patutoka, Tahawau, Whanau Pani Te Hokoheha Tawhiu (Waiparerea Marae)	Rihari Dargaville s9(2)(a) [REDACTED]	Crown engagement	Not determined
27	MAC-01-01-133	Te Kaunihera o Te Tai Tokerau		Crown engagement	Not determined
	CIV-2017-404-558			High Court	Not determined
28	CIV-2017-485-510	Te Ururoa Trust	Kiri Tahana s9(2)(a) [REDACTED] s9(2)(a) [REDACTED]	High Court	Not determined

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