

## Application 2021.045 George St Mixed Use Development (Newmarket Holdings Development Limited Partnership)

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 <sup>st</sup> 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 consider this report before you make any decision under section 24 of the FTCA to accept the application to refer the George St Mixed Use Development project to an expert consenting panel (a panel).

### Proposed project

3. The applicant proposes to redevelop and subdivide an urban site for a range of residential, commercial and retail uses (including four new residential buildings, one up to 65 metres high) on the southern edge of the Auckland Domain, in Newmarket, 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	<p>Ngāti Whātua o Ōrākei Trust Board</p> <p>Te Rūnanga o Ngāti Whātua</p> <p>Te Kawerau Iwi Settlement Trust</p> <p>Ngāi Tai ki Tāmaki Tribal Trust</p> <p>Ngāti Tamaoho Trust</p> <p>Te Patukirikiri Iwi Trust</p> <p>Ngāti Paoa Iwi Trust</p> <p>Ngāti Paoa Trust Board</p> <p>Ngāti Maru Rūnanga Trust</p> <p>Ngāti Tamaterā Treaty Settlement Trust</p> <p>Te Ākitai Waiohūa Iwi Authority</p> <p>Ngaati Whanaunga Incorporated Society</p> <p>Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa</p> <p>Makaurau Marae Māori Trust</p> <p>Te Whakakitenga o Waikato Incorporated</p> <p><i>Contact details are in Attachment 2</i></p>
s17(3)(b)	Relevant Treaty settlements	<p>Ngāti Whātua Ōrākei Claims Settlement Act 2012</p> <p>Te Kawerau ā Maki Claims Settlement Act 2015</p> <p>Ngāi Tai ki Tāmaki Claims Settlement Act 2018</p> <p>Ngāti Tamaoho Claims Settlement Act 2018</p> <p>Te Patukirikiri Deed of Settlement signed 7 October 2018</p> <p>Ngāti Paoa Deed of Settlement - signed 20 March 2021</p> <p>Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014</p>
s17(3)(a)	Relevant Treaty settlement entities	<p>Ngāti Whātua Ōrākei Trustee Limited</p> <p>Te Kawerau Iwi Settlement Trust</p> <p>Ngāi Tai ki Tāmaki Trust</p> <p>Ngāti Tamaoho Settlement Trust</p> <p>Te Patukirikiri Iwi Trust</p> <p>Ngāti Paoa Iwi Trust</p> <p>Ngāti Whātua Rōpū Limited Partnership</p> <p>Waiohūa-Tāmaki Rōpū Limited Partnership</p> <p>Marutūāhu Rōpū Limited Partnership</p> <p>Tūpuna Taonga o Tāmaki Makaurau Trust</p> <p>Tūpuna Maunga o Tāmaki Makaurau Authority</p> <p>Hako Tūpuna Trust</p> <p>Ngāti Maru Rūnanga Trust</p> <p>Ngāti Tamaterā Treaty Settlement Trust</p>

Section of the FTCA	Information required	Detail
		Te Ākitai Waiohū Settlement Trust <i>Contact details are in Attachment 2</i>
s17(3)(c)	Relevant principles & provisions of the Treaty settlements	<i>See below</i>
s17(3)(d)	Negotiation mandates recognised by the Crown	Ngāti Koheriki Claims Committee Ngāti Te Ata Claims Support Whānau Trust
s17(3)(d)	Current Treaty settlement negotiations	Hako (Ngāti Hako Treaty Settlement Negotiators) Ngāti Maru ki Hauraki (Ngāti Maru Treaty Settlement Negotiators) Ngāti Tamaterā (Ngāti Tamaterā Negotiators) Te Ākitai Waiohū (Te Ākitai Waiohū Settlement Trust) Marutūāhu Iwi Collective Waikato Tainui - remaining claims - (Waikato Tainui Negotiator - Rahui Papa) Ngaati Whanaunga (Ngaati Whanaunga Ruunanga Trust)
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 project site covers approximately 0.79 hectares, bounded by George St and Morgan St on its northern and western sides respectively. It is currently contains several large format buildings and car parking areas (see Attachment 3). The site slopes steeply, with a fall of approximately 10 metres between the northern and southern boundaries.
- The location of the site in relation to the key geographical features of the surrounding area, including the four maunga of Maungawhau/Mt Eden, Ōhinerāu/Mt Hobson, Te Kōpuke/Tītīkōpuke/Mt St John and Pukekawa (Auckland Domain), is shown in Attachment 4.

### Project details

- The project involves demolition of the existing buildings over the site and construction of four residential apartment towers set around a publicly accessible plaza edged by retail and commercial units.
- Overall, the applicant advises that the proposal will provide for approximately 324 dwellings, 1,300 square metres of retail and commercial tenancies, 2,000 square metres of supermarket and 464 car parking spaces.

9. The proposed tower blocks will range in height from 8 to 16 storeys (29.8 metres to 65 metres) above a four-level basement podium that will accommodate the supermarket and car parking.
10. The Auckland Unitary Plan currently imposes 27 metre height control across the site. The applicant lodged a request for a private plan change with Auckland Council, seeking to lift this height restriction and introduce new precinct provisions that would enable the proposed mixed-use development. This was notified on 25 June 2020; submissions closed on 23 July 2020 and further submissions closed 24 September 2020. Auckland Council has yet to release its decision on the plan change.

## **Statutory matters relating to this report**

11. 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.
12. 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**

13. 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.
14. 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.
15. 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, as the relevant local authority.

### **Iwi authorities relevant to project**

16. Fifteen iwi authorities are relevant to the project area. Eleven have been identified via the TPK viewer and TKM website:
  - a. Ngāti Whātua o Ōrākei Trust Board

- b. Te Rūnanga o Ngāti Whātua
- c. Te Kawerau Iwi Settlement Trust
- d. Ngāi Tai ki Tāmaki Tribal Trust
- e. Ngāti Tamaoho Trust
- f. Te Patukirikiri Iwi Trust
- g. Ngāti Paoa Iwi Trust
- h. Ngāti Paoa Trust Board
- i. Ngāti Maru Rūnanga Trust
- j. Ngāti Tamaterā Treaty Settlement Trust
- k. Te Ākitai Waiohūa Iwi Authority.

17. The following additional five iwi authorities are identified by Auckland Council:

- a. Ngaati Whanaunga Incorporated Society (representing Ngaati Whanaunga)
- b. Ngā Maunga Whakahii o Kaipara Development Trust (representing Ngāti Whātua o Kaipara)
- c. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa (representing Ngāti Te Ata)
- d. Makaurau Marae Māori Trust (representing Te Ahiwaru Waiohūa)
- e. Te Whakakitenga o Waikato Incorporated (representing Waikato-Tainui).

18. The area over which Ngāti Whātua o Kaipara exercises kaitiakitanga for Resource Management Act 1991 (RMA) purposes, as recorded in the deed of settlement signed with the Crown in 2011, extends northwards from the shores of the Waitematā Harbour.<sup>1</sup> The project site lies well outside this area and it is therefore unclear why Auckland Council identifies Ngāti Whātua o Kaipara as a mana whenua contact for the project site address.

## **Treaty settlements and Treaty settlement entities**

19. 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**

20. 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.

21. Treaty settlements with the following iwi/groups are therefore of relevance to the project area:

- a. Ngāti Whātua Ōrākei
- b. Te Kawerau ā Maki
- c. Ngāi Tai ki Tāmaki

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<sup>1</sup> <http://www.tkm.govt.nz/rohe/AOI-NgatiWhatuaoKaipara.jpg>

- d. Ngāti Tamaoho
  - e. Te Patukirikiri
  - f. Ngāti Paoa
  - g. Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective).
22. The Ngāti Whātua Ōrākei Claims Settlement Act 2012 gave effect to the deed of settlement signed by Ngāti Whātua o Ōrākei and the Crown on 5 November 2011. [A settlement summary, the deed and associated documents](#) can be accessed on the NZ Government Treaty settlements website.
  23. Te Kawerau ā Maki Claims Settlement Act 2015 gave effect to the deed of settlement signed by on 22 February 2014. [Relevant settlement documents](#) are available on the NZ Government Treaty settlements website.
  24. The Ngāi Tai ki Tāmaki Claims Settlement Act 2018 gave effect to the deed of settlement signed on 7 November 2015 and amendment deeds signed in 2016, 2017 and 2018. [Relevant settlement documents](#) are available on the NZ Government Treaty settlements website.
  25. The Ngāti Tamaoho Claims Settlement Act 2018 gave effect to 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.
  26. The Crown and Te Patukirikiri signed a deed of settlement on 7 October 2018. Legislation to give effect to the deed has yet to be enacted. [The deed and associated documents](#) are available on the NZ Government Treaty settlement website.
  27. 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.
  28. 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 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

29. 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.
30. The respective post-settlement governance entities for the Treaty settlements named in paragraph 21 are:
  - a. Ngāti Whātua Ōrākei Trustee Limited (in its capacity as trustee of the Ngāti Whātua Ōrākei Trust)
  - b. Te Kawerau Iwi Settlement Trust
  - c. Ngāi Tai ki Tāmaki Trust
  - d. Ngāti Tamaoho Settlement Trust

- e. Te Patukirikiri Iwi Trust
- f. Ngāti Paoa Iwi Trust
- g. the following trusts and partnerships associated with the Tāmaki collective arrangements:
  - i. Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, established 12 June 2014 to receive specified commercial redress
  - ii. Tūpuna Taonga o Tāmaki Makaurau Trust, established on 6 June 2014, to receive specified cultural redress relating to the maunga & motu (including vesting of sites)
  - iii. Ngāti Whātua Rōpū Limited Partnership, representing 3 members of the Tāmaki Collective: Ngāti Whātua Ōrākei, and Te Rūnanga o Ngāti Whātua (whose individual areas of interest include the project area) and Ngāti Whātua o Kaipara (whose individual area of interest does not include the project area<sup>2</sup>).
  - iv. Waiohua-Tāmaki Rōpū Limited Partnership, representing 5 members of the Tāmaki Collective, including Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Ākitai Waiohua and Ngāti Te Ata (whose individual areas of interest include the project area)
  - v. Marutūāhu Rōpū Limited Partnership, representing Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Tamaterā, Te Patukirikiri and Ngaati Whanaunga. Their area of interest<sup>3</sup> covers parts of the Auckland, Waikato and Bay of Plenty Regions, and includes the project area.

31. As explained further in paragraph 54, none of the commercial redress provided under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 and managed by Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership is affected by the proposed project.

#### **Bodies established to receive redress**

32. Additionally, the following bodies have been established by claimants for the purposes of receiving redress, and are therefore also regarded as post-settlement governance entities under the FTCA:
- a. Hako Tūpuna Trust, which was established and confirmed as the post-settlement governance entity for Hako on 26 August 2014
  - b. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki), which initialled a deed of settlement with the Crown on 8 September 2017
  - c. Ngāti Tamaterā Treaty Settlement Trust, which has been established following the initialling of a deed of settlement between Ngāti Tamaterā and the Crown on 20 September 2017
  - d. Te Ākitai Waiohua Settlement Trust, which initialled a deed of settlement with the Crown on 23 December 2020.
33. The Marutūāhu Iwi Collective, comprising the same iwi noted in paragraph 30(g)(v), initialled the Marutūāhu Iwi Collective Redress Deed on 27 July 2018. The redress provided under the

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<sup>2</sup> According to the agreed area of interest shown in [Part 1 of the Attachments to the Ngāti Whātua o Kaipara Deed of Settlement](#)

<sup>3</sup> The area of interest is shown on the map attached to the [Marutūāhu Collective Redress deed summary](#).

Marutūāhu Iwi Collective Redress Deed forms part of the individual settlements with each of the Collective's five iwi. This deed also provides for two further redress entities:

- a. the Marutūāhu Rōpū Limited Partnership, already established as part of the Tāmaki collective arrangements, to receive the Marutūāhu Iwi collective commercial redress
- b. the Taonga o Marutūāhu Trustee Limited, which has yet to be established, to receive the Marutūāhu Iwi collective cultural redress.

34. The George St Mixed Use Development Project will not affect any redress to be managed by these entities.

#### **Other bodies recognised or established under a Treaty settlement Act**

35. A Treaty settlement entity is also defined for the purposes of the FTCA as including a board, trust, committee, authority, or other body, recognised in, or established under a Treaty settlement Act.

36. The 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. It oversees the administration and management of 13 of the 14 Tāmaki maunga vested in the Tūpuna Taonga o Tāmaki Makaurau Trust.

37. The Authority is made up of 6 members nominated by the 3 rōpū entities noted in paragraph 30(g)(iii) – (v), 6 from Auckland Council and 1 Crown appointee. It also engages with the Department of Conservation in relation to governance issues relating to conservation lands within the Auckland Volcanic Field.

### **Relevant principles and provisions of the Treaty settlements**

#### **Ngāti Whātua o Ōrākei, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Patukirikiri and Ngāti Paoa Treaty settlements**

##### **Crown acknowledgements and apologies**

38. 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.

39. In the settlement with Ngāti Whātua Ōrākei, the Crown unreservedly apologises to Ngāti Whātua Ōrākei, to their ancestors and descendants for not having honoured its obligations to them under the Treaty of Waitangi. The Crown also says it looks forward to repairing its relationship with Ngāti Whātua Ōrākei based on mutual trust, co-operation and respect for the Treaty of Waitangi and its principles.

40. To Te Kawerau ā Maki, the Crown unreservedly apologises for not having honoured its obligations to them under the Treaty of Waitangi. The Crown states it seeks through the apology and the settlement to atone for its wrongs and lift the burden of grievance so that the process of healing can begin. The Crown says it hopes to form a new relationship with the people of Te Kawerau ā Maki based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

41. In the Ngāi Tai ki Tāmaki settlement, the Crown unreservedly apologises for its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, and for the prejudice its acts and omissions have caused. The Crown says it hopes the settlement will lead to a new relationship that fulfils the expectations of the tūpuna and mokopuna of Ngāi Tai ki Tāmaki, marked by cooperation, partnership, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.



42. The Crown states, in the Ngāti Tamaoho settlement, that its acts and omissions and its promotion of injurious laws and policies have harmed Ngāti Tamaoho, undermined their rangatiratanga and contributed to the loss of Ngāti Tamaoho autonomy. The Crown apologises to the iwi of Ngāti Tamaoho, their tūpuna and mokopuna for its failure to honour its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and recognises that this failure has harmed successive generations of Ngāti Tamaoho. The Crown says it looks forward to building a new relationship with Ngāti Tamaoho based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
43. In the Te Patukirikiri Deed of Settlement, the Crown apologises to the people of Te Patukirikiri for the prejudice they have suffered as a result of its actions, and its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown states it hopes that the settlement will mark the beginning of a new relationship with Te Patukirikiri based on good faith and cooperation.
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 Maori. The Crown apologises to the tupuna and mokopuna of Ngāti Paoa for its failure to uphold its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 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.
45. Respect for both the individual views of each iwi on resource management matters and enabling their meaningful participation as Treaty partners in decision-making relating to the management and use of natural and physical resources are important ways in which the Crown can give effect to these acknowledgements and uphold its relationship with each iwi.

#### **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. Of particular relevance to the George St Mixed Use Development project are the statements of association in the Ngāti Paoa Deed of Settlement, which include Maungawhau/Mt Eden. The pending legislation for this Treaty settlement will contain the Crown's acknowledgment (the statutory acknowledgement) of this, and other, statements of association.
48. Members of an iwi can cite a statutory acknowledgement as evidence of their association with the area in certain resource management forums. Auckland Council, the Environment Court and Heritage New Zealand Pouhere Taonga will be required to have regard to it, and Auckland Council will also be required to 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 relevant Treaty settlement entity.
49. No other form of cultural or commercial redress provided in the above six settlements would be directly affected by the proposed project.

#### **Tāmaki Collective Redress Act**

50. 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. The redress provided through the Act is provided 'on account' of those individual Treaty settlements.

51. The collective redress legislation contains the Crown's acknowledgement (statutory acknowledgement) of statements of association by Te Ākitai Waiohū and Ngāti Tamaoho of their particular spiritual, ancestral, cultural, customary and historical interests in the maunga, motu and areas vested under the settlement. The statements of association with Maungawhau/Mt Eden, Ōhinerāu/Mt Hobson and Te Kōpūke/Tītīkōpūke/Mt St John are relevant to the George St Mixed Use Development project.
52. A significant part of the Ngā Mana Whenua o Tāmaki Makaurau 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).
53. As noted above, the Maunga Authority oversees the administration and management of the Tāmaki maunga. In addition to the owner of the maunga (the Tūpuna Taonga o Tāmaki Makaurau Trust), the Maunga Authority is likely to have an interest in any proposal that may affect the spiritual, ancestral, cultural, customary, or historical integrity of the maunga. This includes the interconnections between them.
54. Some commercial redress is also included in the Tāmaki Collective Redress, in the form of rights of first refusal (RFR) over Crown properties over a wide area of Auckland<sup>4</sup>, and second rights to purchase deferred selection properties not selected or acquired by iwi/hapū under their individual settlements. Although the proposed project area lies within the RFR area, none of the land within it is Crown-owned. Therefore the proposed project would not directly affect any commercial redress available to Ngā Mana Whenua o Tāmaki Makaurau under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, which is managed by the Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership.

## **Current negotiation mandates and settlement negotiations**

55. In addition to Hako, Ngāti Maru (Hauraki), Ngāti Tamaterā, the Marutūāhu Iwi Collective and Te Ākitai Waiohū who have yet to complete their settlements as noted in paragraph 32, 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 area lies within the indicative area of interest for all these Treaty settlements.<sup>5</sup>
56. The project area also falls within the indicative areas of interest for the following groups:
  - a. Ngāti Te Ata
  - b. Ngāti Koheriki.
57. 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

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<sup>4</sup> See Pt 3 of the [Attachments to Nga Mana Whenua o Tamaki Makaurau Collective Redress Deed](#)

<sup>5</sup> Although as Treaty settlements with these iwi have yet to be concluded, the agreed area of interest for each iwi has yet to be finalised.

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

58. 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.
59. Finally, Ngaati Whanaunga Ruunanga Trust initialled a deed of settlement with the Crown on 25 August 2017. The George St Mixed Use Development project site currently lies close to, but outside, the indicative area of interest for this Treaty settlement negotiation. As such, the agreed area of interest for Ngaati Whanaunga has yet to be finalised.

## **Details in this report affect certain provisions of the FTCA**

### **Notices of referral decision**

60. 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.
61. You invited the Maunga Authority, among others, to comment on the referral application for the George St Mixed Use Development project.
62. If you decide to refer this project to a panel, the notice of decisions and associated reasons must also 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.
63. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 4; contact details are in Attachment 2.
64. 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.
65. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

### **Expert consenting panel membership**

66. 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.
67. 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.
68. Relevant iwi authorities for the project are identified in paragraph 4; contact details are in Attachment 2.

### **Panel invitations to comment**

69. 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.
70. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 4; contact details are in Attachment 2.
71. 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**

72. 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.
73. 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 George St Mixed Use Development project 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
Ngāti Whātua Ōrākei	Ngāti Whātua o Ōrākei Trust Board	PO Box 42 045 Ōrākei Auckland 1745	Represents Ngāti Whātua o Ōrākei as an iwi authority for RMA purposes			CEO: Jamie Sinclair s9(2)(a)	RMA Contact: Andrew Brown s9(2)(a)
	Ngāti Whātua Ōrākei Trustee Limited			Post-settlement governance entity under Ngāti Whātua Ōrākei Claims Settlement Act 2012			
Ngāti Whātua	Te Rūnanga o Ngāti Whātua	PO Box 1784 Whangarei 0140	Represents Ngāti Whātua as an iwi authority for RMA purposes			Manahautū / CE: Alan Riwaka runanga@ngatiwhatua.iwi.nz	RMA Contact: Antony Thompson s9(2)(a)
Te Kawerau ā Maki	Te Kawerau Iwi Settlement Trust		Represents Te Kawerau ā Maki as an iwi authority for RMA purposes	Post-settlement governance entity under Te Kawerau ā Maki Claims Settlement Act 2015		Executive Chair: Te Warena Taua s9(2)(a)	Kaitiaki: Robin Taua-Gordon s9(2)(a)
Ngāi Tai ki Tāmaki	Ngāi Tai ki Tāmaki Tribal Trust	PO Box 141 Clevedon Auckland 2248	Represents Ngāi Tai ki Tāmaki as an iwi authority for RMA purposes			Chairperson: James Brown c/- s9(2)(a) (office manager)	Kaitiaki Unit kaitiaki@ngaitaitamaki.iwi.nz
	Ngāi Tai ki Tāmaki Trust			Post-settlement governance entity under the Ngāi Tai ki Tāmaki Claims Settlement Act 2018			
Ngāti Tamaoho	Ngāti Tamaoho Trust	PO Box 272 1652 Papakura	Represents Ngāti Tamaoho as an			CEO: Geneva Harrison info@tamaoho.maori.nz	RMA Contact: Lucie Rutherford rmaofficer@tamaoho.maori.nz

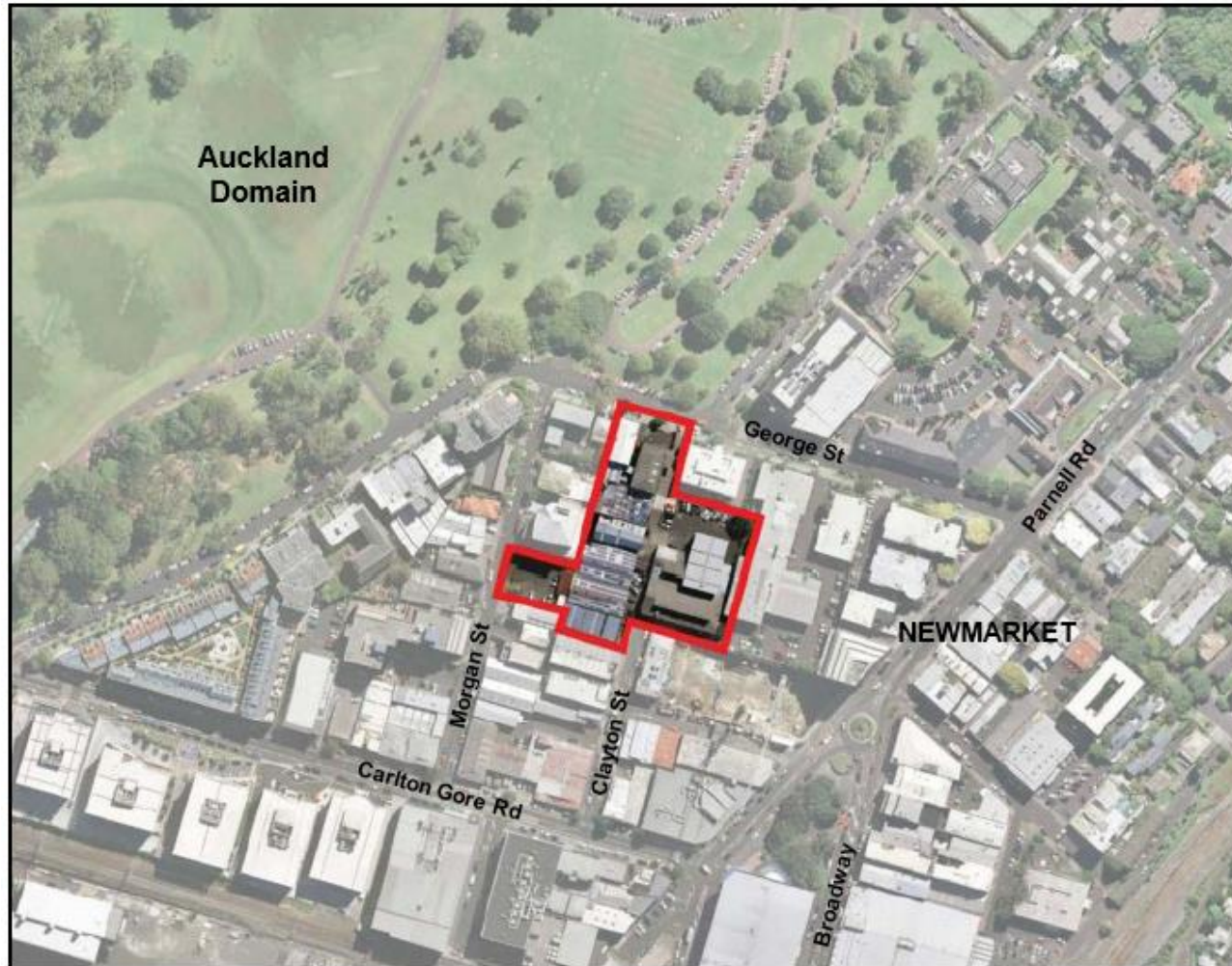
		Auckland 2244	iwi authority for RMA purposes				
	Ngāti Tamaoho Settlement Trust			Post-settlement governance entity under the Ngāti Tamaoho Claims Settlement Act 2018			
Te Patukirikiri	Te Patukirikiri Iwi Trust	103 Herewaka Street Thames 3500	Represents Te Patukirikiri as an iwi authority for RMA purposes	Post-settlement governance entity [DOS signed 07 Oct 2018]		CEO: William Peters 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]		Kaiarahi: Haydn Solomon kaiarahi@ngatipaoaiwi.co.nz	Taiao Manager: Crystal Cherrington kaitiaki@ngatipaoaiwi.co.nz environment@ngatipaoaiwi.co.nz
	Ngāti Paoa Trust Board	PO Box 204 144 Highbrook Auckland 2161	Represents Ngāti Paoa as an iwi authority for RMA purposes			Principal Officer: Dave Roebeck nptb@ngatipaoatrustboard.co.nz	
Ngāti Maru (Hauraki)	Ngāti Maru Runanga Trust	PO Box 37 Thames 3540	Represents Ngāti Maru as an iwi authority for RMA purposes	Post-settlement governance entity [DOS initialled 8 Sep 2017]	In Treaty settlement negotiations	Manager: David Taipari office@ngatimaruiwi.nz	
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
Te Ākitai Waiohū	Te Ākitai Waiohū Iwi Authority	PO Box 59 185 Māngere Bridge Auckland 2151	Represents Te Ākitai Waiohū as an iwi authority for RMA purposes			Chairperson: Karen Wilson tawia@teakitai.com	RMA Contact: Nigel Denny Ph: s9(2)(a) kaitiaki@teakitai.com

	Te Ākitai Waiohūa Settlement Trust			Post-settlement governance entity [DOS initialled 23 Dec 2020]	In Treaty settlement negotiations		
Ngaati Whanaunga	Ngaati Whanaunga Incorporated Society		Represents Ngaati Whanaunga as an iwi authority for RMA purposes			Boni Renata General Manager s9(2)(a)	
Ngāti Te Ata	Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa		Represents Ngāti Te Ata as an iwi authority for RMA purposes			Manager: Karl Flavell	RMA Kaitiaki <a href="mailto:taiao@ngatiteata.iwi.nz">taiao@ngatiteata.iwi.nz</a>
	Ngāti Te Ata Claims Support Whānau Trust				Mandate recognised by the Crown for Treaty settlement negotiations	Chair: Josie Smith s9(2)(a)	
Te Ahiwaru - Waiohūa	Makaurau Marae Māori Trust		Represents Te Ahiwaru Waiohūa an iwi authority for RMA purposes			Kowhai Olsen s9(2)(a)	
Waikato- Tainui	Te Whakakitenga o Waikato Incorporated	PO Box 648 Waikato Mail Centre Hamilton 3240	Represents Waikato-Tainui as an iwi authority for RMA purposes			CEO: Donna Flavell <a href="mailto:secretariat@tainui.co.nz">secretariat@tainui.co.nz</a>	RMA contact: Marae Tukere s9(2)(a)
Ngā Mana Whenua o Tāmaki Makaurau	Tūpuna Taonga o Tāmaki Makaurau Trust			Post-settlement governance entity (received cultural redress for the maunga & motu under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014)		C/- Don Wackrow Wackrow Williams & Davies Limited, Barristers & Solicitors, PO Box 461 Shortland Street, Auckland 1140	



	Ngāti Whātua Rōpū Limited Partnership			Post-settlement governance entity Under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (appoints members to Maunga Authority & Auckland Conservation Board)		s9(2)(a) [REDACTED]	
	Waiohūa-Tāmaki Rōpū Limited Partnership			Post-settlement governance entity Under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (appoints members to Maunga Authority & Auckland Conservation Board)			
	Marutūāhu Rōpū Limited Partnership			Post-settlement governance entity Under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (appoints members to Maunga Authority & Auckland Conservation Board)			
Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)				Co-management body for Tāmaki maunga, established under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014		Dominic Wilson Head of Co-governance s9(2)(a) [REDACTED]	
Hako	Hako Tūpuna Trust			Post-settlement governance entity [confirmed 26 August 2014]	In Treaty settlement negotiations	Contact: Josie Anderson s9(2)(a) [REDACTED]	
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 s9(2)(a) [REDACTED]	

## Attachment 3 – Project site details





## Attachment 4 – Project site and surrounding area

