

Application 2021-057 The Strand – Takapuna (HND TS Limited, HND MK Limited & HND CB Limited)

To:	Required action:
Hon David Parker, Minister for the Environment	Consider this report prior to making a decision under section 24 of the FTCA
Date submitted: 23 September 2021	

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 (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 Strand – Takapuna project to an expert consenting panel (a panel).

Proposed project

3. The applicant proposes to demolish some existing buildings in central Takapuna, Auckland and construct a mixed-use development consisting of a cluster of buildings up to 12 storeys high connected by publicly accessible courtyards and pedestrian accessways. A location map is in Attachment 1.
4. The development will provide approximately 300 apartments in a variety of configurations, a pool and/or gym, private gardens, associated basement vehicle parking and storage, and street-front and ground-level retail and hospitality spaces.

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	<p>Ngaati Whanaunga Incorporated Society</p> <p>Ngāi Tai ki Tāmaki Tribal Trust</p> <p>Ngāti Maru Rūnanga Trust</p> <p>Ngāti Paoa Iwi Trust</p> <p>Ngāti Paoa Trust Board</p> <p>Ngāti Tamaoho Trust</p> <p>Ngāti Tamaterā Treaty Settlement Trust</p> <p>Ngāti Whātua o Ōrākei Trust Board</p> <p>Te Ākitai Waiohūa Iwi Authority</p> <p>Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohūa</p> <p>Te Kawerau Iwi Settlement Trust</p> <p>Te Patukirikiri Iwi Trust</p> <p>Te Rūnanga o Ngāti Whātua</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>Hako Tūpuna Trust</p> <p>Ngaati Whanaunga Ruunanga Trust</p> <p>Ngāi Tai ki Tāmaki Trust</p> <p>Ngāti Maru Rūnanga Trust</p> <p>Ngāti Paoa Iwi Trust</p> <p>Ngāti Tamaoho Settlement Trust</p> <p>Ngāti Tamaterā Treaty Settlement Trust</p> <p>Ngāti Whātua Ōrākei Trustee Limited</p> <p>Te Ākitai Waiohūa Settlement Trust</p> <p>Te Kawerau Iwi Settlement Trust</p> <p>Te Patukirikiri Iwi Trust</p> <p><i>Contact details are in Attachment 2</i></p>
s17(3)(c)	Relevant principles and 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	Ngāti Te Ata Claims Support Whānau Trust Ngāti Koheriki Claims Committee
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) Ngaati Whanaunga (Ngaati Whanaunga Ruunanga Trust) Marutūāhu Iwi Collective
s17(3)(e)	Court orders recognising customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 or another Act	None that are relevant and the project does not occur in the coastal marine area.

Supporting material

Project area

6. The project site covers approximately one hectare at the southern end of the block bounded by Hurstmere Road and The Strand, in central Takapuna. As shown in Attachment 3, the site is currently occupied by low rise commercial buildings and a parking area. Takapuna Beach lies approximately 100 metres to the east.
7. The project site lies within the areas of interest¹ for Ngāti Whātua Ōrākei, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Patukirikiri and Ngāti Paoa, and within the indicative areas of interest² for Ngāti Maru (Hauraki), Ngāti Tamaterā, Te Ākitai Waiohū, Ngaati Whanaunga, Ngāti Te Ata, Hako and Ngāti Whātua.

Project details

8. The concept layout for the development is shown in Attachment 4. The main parts of the project are:
 - a. the Hurstmere Road Block, comprising 11 storeys and 2 basement levels (with an above-ground height of 43.5 metres)

¹ In this context, 'area of interest' means the area over which the iwi exercises kaitiakitanga for Resource Management Act 1991 (RMA) purposes that is based on the area of interest in a signed deed of settlement, as recorded on Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by Te Puni Kōkiri.

² In this context, 'indicative area of interest' means the area over which the iwi exercises kaitiakitanga for RMA purposes that is shown on TKM is either not recorded in a signed deed of settlement or has yet to be confirmed.

- b. the Channel View Road Block, a cluster of four separate buildings of a similar height to the Hurstmere Block but consisting of 12 storeys and 4 basement levels.
- 9. Together the two blocks will provide approximately 100 serviced studio apartments, 200 premium apartments in a range of sizes, retail, office and restaurant space and provision for parking.
- 10. Public access with connections to both the Strand and Hurstmere Road will be provided through the site, and will connect to the existing Hurstmere Green public reserve on the northwest side of the site.

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. There are therefore no court orders granted under the MACAA or another Act to consider in your referral decision for this project.³

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 (TPK)
 - b. Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by TPK
 - c. Ministry for the Environment
 - d. Auckland Council - the relevant local authority for this project.

Iwi authorities relevant to project

- 16. Thirteen iwi authorities are relevant to the area in which the proposed project site lies. Twelve have been identified via the TPK viewer and TKM website:

³ 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.

- a. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga
 - b. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
 - c. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki)
 - d. Ngāti Paoa Iwi Trust, representing Ngāti Paoa
 - e. Ngāti Paoa Trust Board, also representing Ngāti Paoa
 - f. Ngāti Tamaoho Trust, representing Ngāti Tamaoho
 - g. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
 - h. Ngāti Whātua o Ōrākei Trust Board, representing Ngāti Whātua Ōrākei
 - i. Te Ākitai Waiohūa Iwi Authority, representing Te Ākitai Waiohūa
 - j. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki
 - k. Te Patukirikiri Iwi Trust, representing Te Patukirikiri
 - l. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua iwi.
17. Auckland Council identifies Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa, representing Ngāti Te Ata, and Ngā Maunga Whakahii o Kaipara Development Trust, which represents Ngāti Whātua o Kaipara, as additional relevant iwi authorities for the project site.
18. The TKM website contains a map showing the area over which Ngāti Whātua o Kaipara exercises kaitiakitanga for RMA purposes.⁴ The project site lies well outside this area and on this basis Auckland Council's identification of Ngā Maunga Whakahii o Kaipara Development Trust as relevant to the project site appears to be incorrect.

Treaty settlements and Treaty settlement entities

19. Information from the first two sources listed in paragraph 15, 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. The project site falls within the area of interest covered by Treaty settlements with the following iwi/groups:
- a. Ngāti Whātua Ōrākei
 - b. Te Kawerau ā Maki
 - c. Ngāi Tai ki Tāmaki
 - d. Ngāti Tamaoho
 - e. Te Patukirikiri

⁴ <http://www.tkm.govt.nz/rohe/AOI-NgatiWhatuaoKaipara.jpg>

- 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 associated with the five Treaty settlement Acts noted above 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. 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).
 - iv. Waiohū-Tāmaki Rōpū Limited Partnership, representing 5 members of the Tāmaki Collective, including Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Ākitai Waiohū 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 interest⁵ covers parts of the Auckland, Waikato and Bay of Plenty Regions, and includes the project area.
31. As explained further in paragraphs 50 - 52, none of the cultural or commercial redress provided under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 and managed by the entities named in paragraph 30(e) is affected by the proposed project.
32. A post-settlement governance entity may exist ahead of finalisation and enactment of a Treaty settlement. The post-settlement governance entities in this category, for yet-to-be concluded Treaty settlements and settlement negotiations relevant to the project site, are:
- a. Te Patukirikiri Iwi Trust, which was ratified as the post-settlement governance entity for the Treaty settlement with Te Patukirikiri on 2 September 2013.
 - b. Ngāti Paoa Iwi Trust, which was ratified as the post-settlement governance entity for the Ngāti Paoa Treaty settlement on 25 September 2013.
 - c. Hako Tūpuna Trust, that was established and confirmed as the post-settlement governance entity for Hako on 26 August 2014.
 - d. Ngāti Maru Rūnanga Trust, that 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.
 - e. Ngāti Tamaterā Treaty Settlement Trust, that 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.
 - f. Te Ākitai Waiohū Settlement Trust, that was ratified as the post-settlement governance entity for the Te Ākitai Waiohū Treaty settlement in June 2014. Te Ākitai Waiohū initialled a deed of settlement with the Crown on 23 December 2020.
 - g. Ngaati Whanaunga Ruunanga Trust, which was ratified as the post-settlement governance entity for the Ngaati Whanaunga Treaty settlement in December 2017, following the initialling of a deed of settlement by Ngaati Whanaunga and the Crown on 25 August 2017.

⁵ The area of interest is shown on the map attached to the [Marutūāhu Collective Redress deed summary](#).

- h. the Marutūāhu Rōpū Limited Partnership, established to receive the collective commercial redress provided in the Marutūāhu Iwi Collective Redress Deed that was initialled by the Crown and the Marutūāhu Iwi Collective on 27 July 2018.
33. The Marutūāhu Iwi Collective represents Ngāti Maru (Hauraki), Ngāti Tamaterā, Ngāti Paoa, Te Patukirikiri and Ngaati Whanaunga. The Marutūāhu Iwi Collective area of interest⁶ covers parts of the Auckland, Waikato and Bay of Plenty Regions, and includes the project site.
34. The Marutūāhu Iwi Collective Redress Deed also provides for establishment of the Taonga o Marutūāhu Trustee Limited, to receive the Marutūāhu Iwi collective cultural redress. This redress entity would also qualify as a post-settlement governance entity under the FTCA but it is yet to be established.
35. The cultural and commercial redress provided under the Marutūāhu Iwi Collective Redress Deed forms part of the individual settlements with each of the Collective's five iwi. None of this redress, to be managed by the two redress entities named above (once the redress deed is signed and given effect through legislation) is affected by the project.

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. No such entities established by any of the above-named Treaty settlement Acts are relevant to the proposed project.

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 to atone for historical wrongs, restore its honour and begin the process of healing.
39. In the Ngāti Whātua o Ōrākei settlement, 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

⁶ The area of interest is shown on the map attached to the [Marutūāhu Collective Redress deed summary](#).

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 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. 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 The Strand – Takapuna project.
47. The project site lies close to Takapuna Beach (100 metres at its closest point). We note that the adjacent coastal marine area (which lies seaward of the line of mean high water springs (MHWS)) is covered by a statutory acknowledgement in both the Ngāi Tai ki Tāmaki and Te Kawerau ā Maki Treaty settlements. It is unlikely that this statutory area or any other cultural or commercial redress provided in the settlements would be directly affected by the proposed project.
48. Importantly however, cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga – regardless of whether or not they are specifically identified in a Treaty settlement or affected by a statutory acknowledgement – are deemed to be matters of national importance that must be recognised and provided for in decision-making under Part 2 section 6(e) of the RMA. The individual iwi and their representative bodies are best placed to advise on such matters.

Tāmaki Collective Redress Act

49. 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.

50. 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). Although the project site lies within the Auckland Volcanic Field, it is not close to any of the Tūpuna Maunga and is unlikely to have any significant effect on them or the connectivity between them.
51. Some commercial redress is also included in the Tāmaki collective arrangements, in the form of rights of first refusal (RFR) over Crown properties over a wide area of Auckland⁷, and second rights to purchase deferred selection properties not selected or acquired by iwi/hapū under their individual settlements.
52. Similarly, although the proposed project site 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

53. Treaty settlement negotiations have commenced but are yet to be concluded with the following groups noted in paragraph 32: Hako, Ngāti Maru (Hauraki), Ngāti Tamaterā, Te Ākitai Waiohū, Ngaati Whanaunga and the Marutūāhu Iwi Collective.
54. As noted in paragraph 7, the project area also falls within the indicative area of interest for Ngāti Te Ata and Ngāti Koheriki.
55. 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 this Trust in June 2011. Negotiations have paused, but Crown-recognition of the mandate has not been withdrawn. Ngāti Te Ata has yet to establish a post-settlement governance entity to receive redress under their settlement.
56. 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

57. 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.

⁷ Part 3 of [Attachments to Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed](#).

58. You did not invite comment on the referral application from iwi authorities or other Māori groups. However, if you decide to refer this project to a panel, the notice of decisions and associated reasons must be given to:
- a. the relevant iwi authorities and Treaty settlement entities identified in this report
 - b. any other iwi authorities or Treaty settlement entities you consider have an interest in the matter
 - c. any group that is or party to either a joint management agreement or Mana Whakahono ā Rohe under the RMA that relates to the project area.
59. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 5; contact details are in Attachment 2.
60. We also recommend that the notice of decisions be copied to the Ngāti Koheriki Claims Committee. Contact details are in Attachment 2.
61. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership

62. 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.
63. 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.
64. Relevant iwi authorities for the project are identified in paragraph 5; contact details are in Attachment 2.

Panel invitations to comment

65. 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.
66. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 5; contact details are in Attachment 2.
67. A panel may also invite comments from any other person it considers appropriate. We recommend 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

68. 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.⁸ The

⁸ Clause 9(5) of Schedule 6 of the FTCA.

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.

69. 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 Strand – Takapuna project are listed in paragraph 5.

Attachment 1 - Location



Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	Relevant RMA Iwi authority	Relevant Treaty settlement entity	Other	Contact person	Copies to
Hako	Hako Tūpuna Trust			Post-settlement governance entity [confirmed 26 August 2014]		Contact: Josie Anderson s9(2)(a)	
Ngaati Whanaunga	Ngaati Whanaunga Incorporated Society		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]			
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 Koheriki	Ngāti Koheriki Claims Committee	PO Box 250 Whitianga 3542			Mandate recognised by the Crown for Treaty settlement negotiations	Chair: Joe Johnson s9(2)(a)	

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]		Manager: David Taipari office@ngatimaru.iwi.nz	
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 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 Tamatera	Ngāti Tamatera Treaty Settlement Trust	PO Box 28 Thames 3540	Represents Ngāti Tamatera as an iwi authority for RMA purposes	Post-settlement governance entity [DOS initialled 20 Sep 2017]		Chair: Antony Royal chair@tamatera.iwi.nz	RMA Kaitiaki rma@tamatera.iwi.nz
Ngāti Te Ata	Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua		Represents Ngāti Te Ata as an iwi authority for RMA purposes			Manager: Karl Flavell	RMA Kaitiaki taiao@ngatiteata.iwi.nz
Ngāti Whātua	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 tokitaiao@ngatiwhatuorakei.com

	Ngāti Whātua Ōrākei Trustee Limited			Post-settlement governance entity under Ngāti Whātua Ōrākei Claims Settlement Act 2012			
	Te Rūnanga o Ngāti Whātua	PO Box 1784 Whangarei 0140	Represents Ngāti Whātua as an iwi authority for RMA purposes			Manahautū / CE: Alan Riwaka	RMA Contact: Antony Thompson s9(2)(a)
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 Waiohū Settlement Trust			Post-settlement governance entity [DOS initialled 23 Dec 2020]			
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)
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)	

Attachment 3 – Project site



Attachment 4 – Project layout

