

Application 2021-060 Federal Street Residences (P0012 Auckland NZ Pty 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: 14 October 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 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 Federal Street Residences project to an expert consenting panel (a panel).

Proposed project

3. The applicant proposes to demolish an existing carpark building and construct a 55-level building in the Auckland central business district, that will provide approximately 357 residential units and space for retail and commercial use.
4. A location map is in Attachment 1.

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>Makaurau Marae Māori Trust</p> <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 Waiohua Iwi Authority</p> <p>Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua</p> <p>Te Kawerau Iwi Settlement Trust</p> <p>Te Patukirikiri Iwi Trust</p> <p>Te Rūnanga o Ngāti Whātua</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>Hako Tūpuna Trust</p> <p>Ngāi Tai ki Tāmaki Trust</p> <p>Ngaati Whanaunga Ruunanga 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 Waiohua Settlement Trust</p> <p>Te Kawerau Iwi Settlement Trust</p> <p>Te Patukirikiri Iwi Trust</p> <p>Tūpuna Taonga o Tāmaki Makaurau Trust</p> <p>Tūpuna Maunga Authority</p>

Section of the FTCA	Information required	Detail
		<i>Contact details are in Attachment 2</i>
s17(3)(c)	Relevant principles and 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) Ngaati Whanaunga (Ngaati Whanaunga Ruunanga Trust) Ngāti Maru ki Hauraki (Ngāti Maru Treaty Settlement Negotiators) Ngāti Tamaterā (Ngāti Tamaterā Negotiators) Te Ākitai Waiohua (Te Ākitai Waiohua Settlement 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

- The project site covers 1641 square metres at the corner of Kingston and Federal Streets in downtown Auckland city. The southern boundary of the site lies approximately 50 metres to the north of the 328 metre high Sky Tower, as shown in Attachment 3.
- The site lies within the areas of interest¹ for Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Paoa, Ngāti Whātua o Ōrākei, Te Kawerau ā Maki and Te Patukirikiri, and within the indicative areas of interest² for Hako, Ngaati Whanaunga, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whātua, Te Ākitai Waiohua and Waikato-Tainui. Other groups/iwi who may also have an interest in the area are the Marutūāhu Iwi Collective, Te Ahiwaru-Waiohua and Ngāti Koheriki.
- The closest marae to the site is Ōrākei, lying approximately five kilometres to the east as shown on Attachment 1. This marae is associated with the hapū Ngā Oho, Te Taoū and Te Uringutu, who are collectively referred to as Ngāti Whātua o Ōrākei.

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.

9. The site is part of an area known as Ngā Wharau a Tako, which is included in Schedule 12 of the Auckland Unitary Plan (Sites and Places of Significance to Mana Whenua). Ngā Wharau a Tako was a small kāinga linked by a track (Te Tarapounamu) to the Wai Horotiu Stream valley (Queen St valley) and the larger village of Horotiu situated in what is now Albert Park.³

Project details

10. A seven-storey carpark currently located on the project site will be demolished.
11. The new building will be 54 storeys (approximately 183 metres) high, with a single level basement. It will consist of a residential tower sitting above a wider eight-level podium that will also accommodate some residential apartments plus parking, a landscaped garden/terrace and a ground floor marketplace precinct.
12. The project will provide approximately 357 residences comprising approximately 150 investor/entry-level apartments and approximately 207 owner/occupier apartments.

Statutory matters relating to this report

13. 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.
14. There are therefore no court orders granted under the MACAA or another Act to consider in your referral decision for this project.⁴

Iwi and iwi authorities

Information sources

15. 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.
16. 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.
17. 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)

³ Clough R, Judge C & Macready S, 2012: City Rail Link Project: Archaeological Assessment. *Report prepared by Clough & Associates Ltd for Auckland Transport, to support Assessment of Environmental Effects (City Rail Link Notice of Requirement).*

⁴ 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.

- 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 the project.

Iwi authorities relevant to project

18. Eleven iwi authorities identified via the TPK viewer and TKM website are relevant to the area in which the proposed project site lies:

- a. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
- b. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki)
- c. Ngāti Paoa Iwi Trust, representing Ngāti Paoa
- d. Ngāti Paoa Trust Board, also representing Ngāti Paoa
- e. Ngāti Tamaoho Trust, representing Ngāti Tamaoho
- f. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
- g. Ngāti Whātua o Ōrākei Trust Board, representing Ngāti Whātua o Ōrākei
- h. Te Ākitai Waiohū Iwi Authority, representing Te Ākitai Waiohū
- i. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki
- j. Te Patukirikiri Incorporated, representing Te Patukirikiri
- k. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua.

19. Auckland Council identifies the following additional iwi authorities for the project site on its online tool:⁵

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

20. Auckland Council's identification of Ngā Maunga Whakahii o Kaipara Development Trust as a relevant iwi authority for the project site appears to be incorrect. The area over which Ngāti Whātua o Kaipara exercises kaitiakitanga for Resource Management Act 1991 purposes, as recorded in the deed of settlement signed with the Crown in 2011 and shown on the TKM website, extends northwards from the shores of the Waitematā Harbour. The project site lies well outside this area.

21. In respect of Waikato-Tainui, we note that the project site lies outside the area covered by the map showing the area of interest for Waikato-Tainui remaining historical claims, which is on TKM. However the TKM site also notes that the area over which Waikato exercises kaitiakitanga for the purposes of the Resource Management Act 1991 has yet to be confirmed.

⁵ <https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/find-hapu-iwi-contacts-for-your-area.aspx>

Treaty settlements and Treaty settlement entities

22. Information from the first two sources listed in paragraph 17, 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. The project site falls within the area of interest covered by Treaty settlements with the following iwi/groups:

- a. Ngāti Whātua o Ōrākei
- b. Te Kawerau ā Maki
- c. Ngāi Tai ki Tāmaki
- d. Ngāti Tamaoho
- e. Te Patukirikiri
- f. Ngāti Paoa
- g. Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective).

25. The Ngāti Whātua Ōrākei Claims Settlement Act 2012 gave effect to certain provisions of 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.

26. Te Kawerau ā Maki Claims Settlement Act 2015 gave effect to certain provisions of the deed of settlement signed on 22 February 2014. Amendment deeds were signed in August 2015 and October 2019. [Relevant documents](#) are available on the NZ Government Treaty settlements website.

27. The Ngāi Tai ki Tāmaki Claims Settlement Act 2018 gave effect to certain provisions of the deed of settlement signed on 7 November 2015, and amendment deeds signed in 2016, 2017 and 2018. [Relevant documents](#) are available on the NZ Government Treaty settlements website.

28. 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 documents](#) are available on the NZ Government Treaty settlement website.

29. Te Patukirikiri, the Te Patukirikiri Iwi Trust and the Crown signed a deed of settlement on 7 October 2018. The [deed and associated documents](#) are available on the NZ Government Treaty settlement website.

30. 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.

31. 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

32. 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.
33. 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 as explained in paragraph 20 above).
 - 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 (whose individual areas of interest include or lie very close to the project area).
34. As explained further in paragraph 53 to 55, none of the commercial redress provided to the entities listed in paragraph 33(e) under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 is affected by the proposed project. Whether the project affects any of the cultural redress by would be best determined by the cultural redress entities.
35. A post-settlement governance entity may exist ahead of finalisation and enactment of a Treaty settlement. The following 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; established as the post-settlement governance entity for the Te Patukirikiri Treaty settlement by a trust deed dated 24 October 2013

- b. Ngāti Paoa Iwi Trust; ratified as the post-settlement governance entity for the Ngāti Paoa Treaty settlement on 25 September 2013
 - c. Hako Tūpuna Trust; established and confirmed as the post-settlement governance entity for Hako on 26 August 2014
 - d. Ngāti Maru Rūnanga Trust; 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; 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 Waiohua Settlement Trust; 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
 - g. Ngaati Whanaunga Ruunanga Trust; 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
 - h. the Marutūāhu Rōpū Limited Partnership; established to receive the collective commercial redress provided in the Marutūāhu Iwi Collective Redress Deed initialled by the Crown and the Marutūāhu Iwi Collective on 27 July 2018.
36. The Marutūāhu Iwi Collective represents Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Tamaterā, Te Patukirikiri and Ngaati Whanaunga. The Marutūāhu Iwi Collective area of interest⁶ extends over parts of the Auckland, Waikato and Bay of Plenty Regions, and includes the project site.
37. 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 however it is yet to be established.
38. 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 Federal Street Residences project.

Other bodies recognised or established under a Treaty settlement Act

39. 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.
40. The Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) was established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 as a statutory co-governance authority. The Maunga Authority has six members nominated by the three rūpū entities noted in paragraph 33(e)(iii) – (v), six members nominated by Auckland Council and one Crown appointee. It oversees the administration and management of 13 of the 14 Tāmaki maunga vested in the Tūpuna Taonga o Tāmaki Makaurau Trust.

⁶ 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

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

41. The Crown offers an apology as part of Treaty settlement redress to atone for historical wrongs, restore its honour, and begin the process of healing.
42. 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.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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. 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.
48. 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

49. No cultural or commercial redress provided in the settlements would be directly affected by the Federal Street Residences project. None of the settlements create new co-governance or co-management processes which would affect decision-making under the RMA for projects such as the one proposed.
50. Importantly however, cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga – regardless of whether 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.
51. Ngā Wharau a Tako, which is partially overlain by the project site, is one such area. The individual iwi and their representative bodies are best placed to advise on such matters. We note that the applicant has engaged with two iwi in particular – Ngāti Paoa and Ngāti Whātua Ōrākei – in relation to recognition of this area and on cultural design elements of the project.

Tāmaki Collective Redress Act

52. 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.
53. 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). The nearest Tūpuna Maunga to the project site are Maungawhau/Mt Eden, approximately 3.3 km to the south, and and Takarunga/Mt Victoria approximately 4.0 km to the northeast across the Waitematā Harbour.
54. Tūpuna Maunga are vested in the Tūpuna Taonga o Tāmaki Makaurau Trust and the Maunga Authority is responsible for their day-to-day administration and management. These two entities would be able to advise on the significance of any effects of the proposed project on the Tūpuna Maunga.
55. 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 Auckland⁷, and second rights to purchase deferred selection properties not selected or acquired by iwi/hapū under their individual settlements. Although the proposed project site lies within the RFR area, none of the land within it is Crown-owned. Therefore, the 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.

⁷ See Pt 3 of the [Attachments to Nga Mana Whenua o Tamaki Makaurau Collective Redress Deed](#)

Current negotiation mandates and settlement negotiations

56. In addition to Hako, Ngāti Maru (Hauraki), Ngāti Tamaterā, Te Ākitai Waiohū, Ngaati Whanaunga and the Marutūāhu Iwi Collective who have yet to complete their settlements as noted in paragraph 35, the project site 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 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.

Details in this report affect certain provisions of the FTCA

Notices of referral decision

59. 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.
60. 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.
61. The 15 relevant iwi authorities and 13 Treaty settlement entities for receipt of the notice are identified in paragraph 5; contact details are in Attachment 2.
62. 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.
63. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership

64. 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.
65. 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.

66. Relevant iwi authorities for the project are identified in paragraph 5 and contact details are in Attachment 2.

Panel invitations to comment

67. 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.
68. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 5 and contact details are in Attachment 2.
69. 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 invite comments from the Ngāti Koheriki Claims Committee.

Provision of Cultural Impact Assessment

70. 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 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.
71. 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 Federal Street Residences project are listed in paragraph 5.

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

Attachment 1 - Location



Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Other	Contact person	Copies to
Hako	Hako Tūpuna Trust			Post-settlement governance entity [confirmed 26 August 2014]		Contact: Josie Anderson hako@xtra.co.nz	
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		Jacquie Lindsay s9(2)(a)	
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)	Kiwi 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 [deed of settlement initialled 8 Sep 2017]		Manager: David Taipari office@ngatimaruiwi.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 [deed of settlement 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 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 [deed of settlement 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 Waiohū		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@ngatiwhatuaora.kei.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 Ahiwaru - Waiohū	Makaurau Marae Māori Trust		Represents Te Ahiwaru Waiohū an iwi authority for RMA purposes			Kowhai Olsen s9(2)(a)	

Te Ākitai Waiohūa	Te Ākitai Waiohūa Iwi Authority	PO Box 59 185 Māngere Bridge Auckland 2151	Represents Te Ākitai Waiohūa as an iwi authority for RMA purposes			Chairperson: Karen Wilson tawia@teakitai.com	RMA Contact: Nigel Denny kaitiaki@teakitai.com
	Te Ākitai Waiohūa Settlement Trust			Post-settlement governance entity deed of settlement 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)	
Waikato- Tainui	Te Whakakitenga o Waikato	PO Box 648 Waikato Mail Centre Hamilton 3240	Represents Waikato-Tainui as an iwi authority for RMA purposes			CEO: Donna Flavell secretariat@tainui.co.nz	RMA contact: Marae Tukere marae.tukere@tainui.co.nz
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 s9(2)(a)	
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)	

Attachment 3 – Project site details

