

COVID-19 Recovery (Fast-track Consenting) Act 2020

Dominion Road Mixed-use Development resource consent application (the application)

M-7 Minute of the Dominion Road Mixed-use Development Expert Consenting Panel – 29 June 2021

Invitation to comment by Tupuna Maunga o Tāmaki Makaurau Authority and further information to be requested from Ministers

1. Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) the Panel was required to invite comments from the relevant iwi authorities and any Treaty settlement entity.
2. On 25 May 2021, the Panel invited comments on the Dominion Road Mixed-use Development application from the relevant iwi authorities and Treaty settlement entities identified in the s17 report prepared by the Ministry for the Environment in consultation with the Office for Maori Crown Relations – Te Arawhiti, being:
 - Te Ākitai Waiohū Iwi Authority
 - Ngāti Tamaoho Trust
 - Ngāi Tai ki Tāmaki Tribal Trust
 - Te Rūnanga o Ngāti Whātua
 - Ngāti Tamaterā Treaty Settlement Trust
 - Ngāti Maru Runanga Trust
 - Ngāti Paoa Iwi Trust
 - Te Whakakitenga o Waikato Incorporated
 - Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū
 - Te Kawerau Iwi Settlement Trust
 - Makaurau Marae Māori Trust
 - Ngāti Paoa Trust Board
 - Ngāti Whātua o Ōrākei Trust Board
 - Ngā Mana Whenua o Tāmaki Makaurau Collective
 - Marutūāhu Rōpu Limited Partnership (as part of Marutūāhu Collective)
 - Taonga o Marutūāhu Trustee Ltd (as part of Marutūāhu Collective)
 - Whenua Haumi Roroa o Tamaki Makaurau Limited Partnership and Tupuna Taonga o Tāmaki Makaurau Trust (as part of Ngā Mana Whenua o Tāmaki Makaurau Collective)

3. The Panel did not receive any comments from any of the iwi authorities or treaty settlement entities identified in paragraph 2 above.

Ngā Mana Whenua o Tāmaki Makaurau Collective – Invitation to Comment

4. Ngā Mana Whenua o Tāmaki Makaurau Collective is made up of Tupuna Maunga o Tāmaki Makaurau Authority, Whenua Haumi Roroa o Tamaki Makaurau Limited Partnership and Tupuna Taonga o Tāmaki Makaurau Trust. Whenua Haumi Roroa o Tamaki Makaurau Limited Partnership and Tupuna Taonga o Tāmaki Makaurau Trust share the same contact details and were invited to comment on the application. Tupuna Maunga o Tāmaki Makaurau Authority were not invited to comment on the application. This was an error.
5. In reliance on section 13 of the Interpretation Act 1991 the panel directs the EPA to seek comment from Tupuna Maunga o Tāmaki Makaurau Authority on the application. Any comments are to be sent to the EPA by email to dominionroad.fasttrack@epa.govt.nz no later than **Tuesday 13 July 2021**.

Further Information from Ministers

6. The Panel received comments from the Minister for Treaty of Waitangi Negotiations. This comment noted that the application site falls within the area of interest of a number of groups that are yet to settle their historical Treaty of Waitangi claims, including Ngāti Koheriki. Hon Minister Little stated that Ngāti Koheriki *may* not fit a definition under the COVID-19 Recovery (Fast-track Consenting) Act 2020 that requires the Panel to invite their comment on this application and requested the Panel to provide the Ngāti Koheriki Claims Committee with a copy of the application and invite them to comment on the application.
7. The Panel understands that there are four marae of the Ngati Koheriki hapu and that Te Whakakitenga o Waikato Incorporated is the relevant iwi authority that represents Ngati Koheriki as identified on the Te Kahui Mangai Director of Iwi and Maori Organisations¹. Te Whakakitenga o Waikato Incorporated were invited to comment on the application and were advised that the iwi authority may share the consent application with hapū whose rohe is in the project area proposed in the application and could include comments from that hapū with the comments provided to the panel by the iwi authority.
8. The Panel sought legal advice from Matthew Allen, Brookfields and received that advice on 28 June 2021. A copy is available on the EPA website. <https://www.epa.govt.nz/fast-track-consenting/referred-projects/dominion-road-mixed-use-development/reports-and-advice/>
9. In accordance with that advice, the Panel directs the EPA to request further information under clause 25(1)(a)(iii):
 - a. From the Minister responsible for Maori Crown Relations: Te Arawhiti² confirming whether a ratification process has taken place for a governance entity or post-settlement governance entity such that the Panel was required to invite comment from the Ngāti Koheriki Claims Committee; and

¹ <http://www.tkm.govt.nz/>

² Clause 17(6)(i) cross refers to clause 17((4)(h)(x).

- b. From the Minister responsible for Treaty of Waitangi negotiations³ as to whether there are any particular considerations he considers the Panel should be aware of in relation to the Ngāti Koheriki Claims Committee and this application (which may include the Minister seeking and forwarding comments for the Panel's consideration).

A handwritten signature in blue ink, appearing to be 'Bronwyn Carruthers', written in a cursive style.

Bronwyn Carruthers
Chairperson
Dominion Road Mixed-use Development

³ Clause 17(6)(i) cross refers to clause 17((4)(h)(xii).