

Treaty Settlements Provisions and Redress:

There are nine Treaty settlements applying to the site. These are:

Ngāti Manuhiri Claims Settlement Act 2012 (associated Deed of Settlement signed on 21 May 2011). The related iwi authority is Ngāti Manuhiri Settlement Trust. The Trust has prepared a cultural impact assessment, see **Appendix 25**;

Te Kawerau a Maki Claims Settlement Act 2015 (associated Deed of Settlement signed on 22 February 2014). The related iwi authority is Te Kawerau Iwi Settlement Trust. The Trust has prepared a cultural investigation report, see **Appendix 25**;

Ngā Tai ki Tāmaki Claims Settlement Act 2018 (associated Deed of Settlement signed on 7 November 2015). The related iwi authority is Ngā Tai ki Tāmaki Trust;

Te Patukirikiri Deed of Settlement 2018 (signed on 07 October 2018). The related iwi authority is Te Patukirikiri Iwi Trust;

Ngāti Whātua o Kaipara Claims Settlement Act 2013 (associated Deed of Settlement signed on 9 September 2011). The related iwi authority is Ngā Maunga Whakahii o Kaipara Development Trust. Although the Trust has not responded to correspondence from Vineway Ltd, te Runanga o Ngāti Whatua has confirmed it will prepare a cultural impact assessment;

Ngāti Paoa Deed of Settlement 2021 (signed on 20 March 2021). The related iwi authorities are Ngāti Paoa Trust Board and Ngāti Paoa Iwi Trust;

Te Ākitai Waiohū Deed of Settlement 2021 (signed on 12 November 2021). The related iwi authority is Te Ākitai Waiohū Iwi Authority;

Marutūāhu Collective Redress Deed (signed 24 September). This provides collective cultural and commercial Treaty redress in respect of the shared interests of the Marutūāhu iwi: Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri. All iwi have been contacted by Vineway Ltd about Delmore;

Hauraki Māori Trust Board Act 1988. Ngāti Paoa and Te Patukirikiri are member iwi of the Hauraki Māori Trust Board which was established under the Act. Both iwi have been contacted by Vineway Ltd about Delmore; and

The Ngā mana whenua o Tāmaki Makaurau Collective Redress Deed (signed 5 December 2012 and amended 23 August 2013) and related Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed and related Act 2014, do not apply to Delmore because the site is located outside the Tāmaki Makaurau Area to which both the Deed and the Act apply (as shown in the Attachment1 to the Deed). Even if it did apply, it would not be relevant to Delmore and the site because it only relates to specific maunga in Auckland, none of which are at or near the site, and to various areas of Crown land and the site is not Crown land.

For completeness, it is noted that as defined by the FTAA a Treaty settlement deed does not include an agreement in principle or any document that is preliminary to a signed and ratified deed. There are four documents falling within this exclusion potentially relevant to the project site: The Deeds of Settlement initialled by Ngaati Whanaunga; Ngāti Maru (Hauraki) and Ngāti Tamaterā according to the record on the Māori Crown Relations office website; and the agreement in principle to settle historical claims signed by the Crown and Ngāti Whātua.

Despite these not being Treaty settlements for the purposes of the FTAA definition, Vineway Ltd has contacted these iwi about Delmore and Ngaati Whanaunga has prepared and provided a cultural impact assessment and te Runānga o Ngāti Whātua is in the process of preparing one which will be provided on receipt.

A summary of the relevant provisions and principles of the nine Treaty settlements applying to the site have been set out below, and Delmore is consistent with these.

The Ngāti Manuhiri Claims Settlement Act 2012

The Ngāti Manuhiri Claims Settlement Act 2012 gave effect to certain provisions of the deed of settlement signed by Ngāti Manuhiri and the Crown on 21 May 2011. Deeds to amend the settlement deed were signed in February and June 2012.

The deed of settlement acknowledged that Ngāti Manuhiri suffered injustices that impaired the economic, social and cultural development of Ngāti Manuhiri and recorded the matters required to give effect to a settlement of all the historical claims of Ngāti Manuhiri.

The Land Settlement provided redress to Ngāti Manuhiri in the form of land, money, the right of first refusal of certain Crown lands, facilitation of ongoing relationships with government agencies, imposition of overlay classifications and statutory acknowledgements placed over land sites, place name changes and an apology from the Crown.

Delmore and the site are not impacted by the Act or Deed because only Crown assets are involved in the redress offered, and because none of the statutory acknowledgement areas identified apply.

The Deed also requires the Minister for Conservation to enter into a Conversation protocol with Ngāti Manuhiri. The protocol is the 4th document in the Documents appended to the Deed. The protocol area does not appear to extend over the site (protocol area map, attachment to protocol). However, if it does, the two aspects of the protocol potentially relevant to Delmore are the emphasis placed on freshwater riparian planting and the aspiration to protect ecosystems and indigenous flora and fauna. Delmore includes extensive riparian planting and wider native planting, which has been designed with ecological and landscape input to ensure ecological benefits are maximised (refer to the Ecological Impact Assessment in Appendix 4). Delmore has also been carefully designed to avoid adverse effects on the Reserve, by setting all development at least 10m back from the Nukumea Reserve boundary as recommended by DoC. It is also planting this buffer area in native vegetation, also selected with DoC's input, and working with DoC about the potential for the north western parts of the site to be incorporated into the Reserve.

Ngā Tai ki Tāmaki Claims Settlement Act 2018 (associated Deed of Settlement signed on 7 November 2015)

Ngā Tai ki Tāmaki Claims Settlement Act 2018 gave effect to certain provisions of the deed of settlement signed on 7 November 2015. Amendment deeds were signed in June 2016, July 2017 and June 2018.

The deed of settlement acknowledges that Ngā Tai ki Tāmaki suffered injustices that impaired the economic, social and cultural development of Ngā Tai ki Tāmaki and records the matters required to give effect to a settlement of all the historical claims of Ngā Tai ki Tāmaki.

The Land Settlement provides redress to Ngā Tai ki Tāmaki in the form of land, money, the right of first refusal of Crown lands, an agreed historical account, imposition of overlay classifications and statutory acknowledgements/deeds of recognition placed over land sites recognising their interest, relationship agreements with government agencies, place name changes and an apology from the Crown.

Only Crown assets are involved in the redress offered, and the statutory acknowledgments are over Crown owned land only; therefore, Delmore and the site is unaffected by the Deed in this regard.

The Deed includes provision for a protocol to be prepared between the Minister of Conservation and the Director General of Conservation and Ngā Tai ki Tāmaki. This requires the Minister and Director General to consult with Ngā Tai ki Tāmaki about the management of 5 specific Reserve and Conservation Areas, and to prepare specific management plans for these areas. These do not include the site or the Nukumea Scenic Reserve to the north of the site (cl 1.2 Document 2 to the Deed).

The Deed also includes provision for a protocol between Ngā Tai ki Tāmaki and the Ministry for Primary Industries. The protocol sets out how the Minister and Director General will exercise their powers in relation to matters set out in the protocol (cl7). The site is within the protocol area (protocol Appendix A). However, the protocol only applies to functions and duties relating to agriculture, forestry, fisheries, biosecurity, and food safety, none of which are relevant to Delmore or the site.

None of the acknowledgment areas identified in the Deed apply to the site. However, one area of acknowledgment applies to parts of the coastal marine area at Ōrewa. Although the site also does not directly adjoin the coastal marine area, it is acknowledged that the coastal environment is the ultimate receiving environment for discharges from the project site. Based on the technical assessments supporting the application, Delmore is not expected to have any impact on the coastal marina area at Ōrewa, because of its distance from the coast and because:

The stormwater management approach has been designed to meet best practice water sensitive design and treatment requirements.

Earthworks will be carefully managed to minimise erosion and sediment generation and in accordance with an erosion and sediment control plan, and geotechnical recommendations to manage stability risks.

The master-plan includes the protection of native vegetation, streams and wetlands on the site, with incursions only as required to provide for essential crossings. It also includes and extensive enhancement to these natural features, which contribute to water quality and ecosystem values.

Wastewater is intended to be discharged to Watercare's network. If this is not possible for all or part of the development, then a on-site wastewater system will be constructed that provides the highest quality treatment available using reverse osmosis technology. Treated water would only be discharged on-site to the extent possible while retaining ecosystem health, and removed using an alternative method.

Te Patukirikiri Deed of Settlement 2018 (signed on 07 October 2018)

Te Patukirikiri Deed of Settlement was signed on 7 October 2018.

The deed of settlement acknowledges that Te Patukirikiri suffered injustices that impaired the economic, social and cultural development of Te Patukirikiri and records the matters required to give effect to a settlement of all the historical claims of Te Patukirikiri.

The Land Settlement provides redress to Te Patukirikiri in the form of land, money, the right of first refusal of Crown lands, an agreed historical account, change of conservation status of a scenic reserve, statements of association, relationship agreements with government agencies, and an apology from the Crown. It is noted that the settlement does not provide for redress in relation to the Hauraki Gulf. Agreement has been reached to address this relationship in the future.

Only Crown assets are involved in the redress offered to Te Patukirikiri, and the statements of association are over Crown owned land only; therefore, the site is unaffected by the redress offered.

Ngāti Whātua o Kaipara Claims Settlement Act 2013 (associated Deed of Settlement signed on 9 September 2011)

The Ngāti Whātua o Kaipara Deed of Settlement Act 2013 gave effect to certain provisions of the deed of settlement signed on 9 September 2011. Amendment deeds were signed in August 2012 and July 2020.

The Deed acknowledges that Ngāti Whātua o Kaipara suffered injustices that impaired the economic, social and cultural development of Ngāti Whātua o Kaipara and records the matters required to give effect to a settlement of all the historical claims of Ngāti Whātua o Kaipara.

The Land Settlement provides redress to Ngāti Whātua o Kaipara in the form of land, money, the right of first refusal of Crown lands, statutory acknowledgements; letters of introduction to certain Ministers/crown agencies, organisations and the Auckland Council, assigning place names and place name changes, relationship agreements with government agencies, and an apology from the Crown. It is noted that the settlement does not provide for redress in relation to the Kaipara Harbour. Agreement has been reached to address this relationship in the future.

Only Crown assets are involved in the property redress offered to Ngāti Whātua o Kaipara, and the statutory acknowledgements are over Crown owned land only; therefore, the site is unaffected by the redress offered.

The Deed provides for the Minister and Director General of Conservation to enter into the Te Kawenata Taiao o Ngāti Whātua o Kaipara (or Conservation Charter), with Ngāti Whātua o Kaipara. Te Kawenata applies to the Nukumea Scenic Reserve because it relates to the entire “Ngāti Whātua o Kaipara Area of Interest” which is shown on page 17 of the schedule to the Deed containing Te Kawenata. By way of summary, it requires DOC and Ngāti Whātua o Kaipara to work together to identify and implement ways in which Ngāti Whātua o Kaipara can exercise kaitiakitanga within areas administered by DOC within the Area of Interest and participate in conservation management and decision-making. Delmore is not located within DOC land within the Area of Interest, so Te Kawenata is not directly relevant. However, it is adjacent to the Nukumea Scenic Reserve. Delmore has been carefully designed to avoid adverse effects on the Reserve, by setting all development at least 10m back from the Reserve boundary as recommended by DoC. It is also planting this buffer area in native vegetation, also selected with DoC’s input, and working with DoC about the potential for the north western parts of the site to be incorporated into the Reserve. As a result, Delmore is not expected to undermine any of the commitments made in Te Kawenata, and it may provide DOC and Ngāti Whatua o Kaipara (and the Marutūāhu Iwi) with future opportunities for working together.

The Deed also provides for a right of first refusal to Ngāti Whātua o Kaipara, along with the Marutūāhu Iwi (discussed below) for the Nukumea Reserve. For the reasons just explained, Delmore is not inconsistent with and will in no way undermine this right.

Ngati Paoa Deed of Settlement 2021 (signed on 20 March 2021)

The Ngāti Paoa Deed of Settlement 2021 was signed on 20 March 2021.

The deed of settlement acknowledges that Ngāti Paoa suffered injustices that impaired the economic, social and cultural development of Ngāti Paoa and records the matters required to give effect to a settlement of all the historical claims of Ngāti Paoa.

The Settlement seeks to provide redress to Ngāti Paoa in the form of land, money, the right of first refusal of Crown lands, an agreed historical account, overlay classifications, statutory acknowledgements, statements of association, name changes to certain sites of interest, relationship agreements with government agencies, and an apology from the Crown. It is noted that the settlement does not provide for

redress in relation to the Hauraki Gulf. Agreement has been reached to address this relationship in the future.

Only Crown assets are involved in the redress offered to Ngāti Paoa, and the overlay classifications, statutory acknowledgements, and statements of association are over Crown owned land only; therefore, the project site is unaffected by the redress offered.

Te Ākitai Waiohū Deed of Settlement 2021 (signed on 12 November 2021)

The Te Ākitai Waiohū Deed of Settlement was initialled on 23 December 2022 and was signed on 12 November 2021.

The deed of settlement acknowledges that Te Ākitai Waiohū suffered injustices that impaired the economic, social and cultural development of Te Ākitai Waiohū and records the matters required to give effect to a settlement of all the historical claims of Te Ākitai Waiohū.

The Land Settlement provides redress to Te Ākitai Waiohū in the form of land, money, the right of first refusal of Crown lands, leaseback agreements, statutory acknowledgements, letters of introduction to certain Ministers/crown agencies, organisations and the Auckland Council, an agreed historical account, agreements with MPI with respect to fisheries, statements of association, relationship agreements with government agencies, and an apology from the Crown. It is noted that the settlement does not provide for redress in relation to the Manukau or Waitemata Harbours. Agreement has been reached to address this relationship in the future.

Only Crown assets are involved in the redress offered to Te Ākitai Waiohū, and the statutory acknowledgements/statements of association/leaseback agreements are over Crown owned land only; therefore, the project site is unaffected by the redress offered.

Marutūāhu Iwi Collective Redress Deed (signed on 27 July 2018)

The Marutūāhu Iwi Collective Redress Deed (Deed) provides the Marutūāhu Iwi with collective cultural and commercial redress in Tāmaki Makaurau, Mahurangi and Hauraki Gulf / Tīkapa Moana.

It vests 11 area of cultural significance in fee simple in the Marutūāhu Iwi. These do not include the site. It sets out restrictions on transfer and management of specified properties which do not include the site, and for the transfer of specified commercial properties.

The Deed also provides for a right of first refusal to the Marutūāhu Iwi (Ngāti Whatua o Kaipara as discussed above) for the Nukumea Reserve. Delmore has been carefully designed to avoid adverse effects on the Reserve, by setting all development at least 10m back from the Reserve boundary as recommended by DoC. It is also planting this buffer area in native vegetation, also selected with DoC's input, and working with DoC about the potential for the north western parts of the site to be incorporated into the Reserve. For the reasons just explained, Delmore is not inconsistent with and will in no way undermine this right. This is support by Ngaati Whanaunga's cultural impact assessment, which expresses strong support for Delmore.

Hauraki Māori Trust Board Act 1988

The Hauraki Māori Trust Board Act 1988 establishes the Trust Board. The beneficiaries of the Trust Board are Ngāti Hako, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Patukirikiri, Ngāti Porou ki Harataunga ki Mataora, Ngāti Pukenga ki Waiau, Ngāti Rahiri-Tumutumu, Ngāi Tai, Ngāti Tamatera, Ngāti Tara Tokanui, and Ngāti Whanaunga.

The Trust Board acts as a joint point of engagement for these iwi. Vineway Ltd has contacted the Trust Board as well as each of its member iwi with an interest in the site