

Appendix P – Treaty Settlements Assessment





Matakana Country Club

Treaty Settlements Provision & Analysis

Treaty Settlements Provisions & Analysis

There are seven Treaty settlements applying to the Matakana Country Club (MCC) 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;
- 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;
- 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.
- Ngāti Pāoa Deed of Settlement 2021 (signed on 20 March 2021). The related iwi authorities are Ngāti Pāoa Trust Board and Ngāti Pāoa Iwi Trust.
- 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.
- 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; and
- 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.

It is also 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 two documents falling within this exclusion that potentially relate to the project site. They are: The Deeds of Settlement initialed by Ngāti Maru (Hauraki) 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.

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

The Ngāti Manuhiri Claims Settlement Act 2012

The Ngāti Manuhiri Claims Settlement Act 2012 came into force on 19 November 2012, giving effect to the deed of settlement signed on 21 May 2011 and amended in February and June 2012. The Act acknowledges that Ngāti Manuhiri suffered historical injustices that impaired their economic, social and cultural development. It includes a formal apology from the Crown and provides redress through land transfers, financial compensation, rights of first refusal over specified Crown properties, statutory acknowledgements, overlay classifications, place name changes, and mechanisms to support ongoing relationships with government agencies.

The Act confirms Ngāti Manuhiri as mana whenua within their rohe, as defined in the deed and accompanying maps. Statutory acknowledgements recognise Ngāti Manuhiri's cultural, spiritual, historical and traditional associations with specific areas, and require consent authorities and the Environment Court to have regard to these associations in relevant decision-making under the RMA.

The site is not directly affected by the Act or deed provisions, as no statutory acknowledgement areas apply to the site and the redress relates only to Crown-owned assets.

The Act also includes provisions for a conservation protocol between the Crown and the Ngāti Manuhiri Settlement Trust. This protocol outlines how the Department of Conservation (DOC) will engage with Ngāti Manuhiri in relation to conservation matters within their area of interest. While not legally enforceable, the protocol must be considered in relevant DOC planning and freshwater fisheries management documents. The Act also establishes whenua rāhui over specified areas, recognising Ngāti Manuhiri's cultural values. Conservation authorities are required to have particular regard to these values when preparing or reviewing conservation management strategies and must consult with Ngāti Manuhiri on matters affecting these areas. These provisions support ongoing relationships between Ngāti Manuhiri and conservation agencies and ensure their values are reflected in conservation decision-making. At this time, neither the conservation protocol nor the whenua rāhui are considered to be relevant to the MCC site.

Te Kawerau ā Maki Deed of Settlement 2014

Te Kawerau ā Maki and the Crown signed a Deed of Settlement on 22 February 2014 at Makaurau Marae in Mangere. An amendment deed was signed in 2019. The deed of settlement acknowledges that Te Kawerau ā Maki suffered injustices that impaired the economic, social and cultural development of Te Kawerau ā Maki and records the matters required to give effect to a settlement of all the historical claims of Te Kawerau ā Maki.

The Deed of Settlement provides redress to Te Kawerau ā Maki 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.

The Deed defines formal agreements with DOC acknowledging the iwi's relationship with specific sites and outlining their role in site management. It also requires the development of principles to guide the Minister of Conservation in protecting the cultural and spiritual values of significant sites.

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

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. Sanderson Partners Ltd has contacted Ngāti Whātua o Kaipara about the Matakana Country Club who have deferred to Te Uri o Hau as their whanaunga with closer ties to Matakana.



Ngāti Pāoa Deed of Settlement 2021

The Ngāti Pāoa Deed of Settlement 2021 was signed on 20 March 2021. The deed of settlement acknowledges that Ngāti Pāoa suffered injustices that impaired the economic, social and cultural development of Ngāti Pāoa and records the matters required to give effect to a settlement of all the historical claims of Ngāti Pāoa. Ngāti Pāoa is part of several iwi collectives (Tāmaki Collective, Pare Hauraki, Marutūāhu), and receives additional redress through these agreements.

The Settlement seeks to provide redress to Ngāti Pāoa 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 Pāoa, 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.

Ngā Tai ki Tāmaki Claims Settlement Act 2018

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. The Deed also notes joint redress with iwi such as Ngāti Tamaoho and the Marutūāhu Collective.

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

None of the acknowledgment areas identified in the Deed applies to the site. However, one area of acknowledgment applies to parts of the coastal marine area at Ōrewa Beach. Although the site also does not directly adjoin the coastal marine area at Ōrewa specifically, 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, MCC is not expected to have any impact on the coastal marina area at Ōrewa, because of its geographical distance from Ōrewa and because:

- Stormwater from the site will drain via overland flow either directly to the coast (Matakana River and estuary adjacent to the site), or via two on-site streams and an existing dam/reservoir. The receiving environment is local low-energy mudflats and mangroves, not the Ōrewa coastal marine area.
- Stormwater management for the site includes quality treatment for runoff from paved areas, use of inert building materials, hydrological mitigation for impervious areas, and erosion protection at outlets. Discharge points are selected to maintain wetland flows and prevent erosion.
- Earthworks will be carefully managed to minimise environmental effects, particularly sediment runoff to waterways. Robust erosion and sediment controls, strict staging, and ongoing monitoring ensure that discharges from earthworks will not adversely affect the downstream receiving environments, including the coastal marine area.



- The master plan prioritises the protection of native vegetation, coastal margins, and wetlands across the site, while also incorporating significant enhancements to these natural features to support water quality and strengthen ecosystem health.
- Treated wastewater is not discharged to streams, rivers, or the coastal marine area, but is instead proposed to be irrigated to land within the property.

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. The Deed does not include financial redress or settle any historical claims of the Marutūāhu Iwi as that will be achieved by each iwi deed of settlement. The Deed will provide the Marutūāhu Iwi with collective cultural and commercial redress in Tāmaki Makaurau, Mahurangi and Hauraki Gulf/Tīkapa Moana. The settlement of the iwi-specific historical Treaty of Waitangi claims for each Marutūāhu Iwi will occur with their individual iwi deeds of settlement. These deeds of settlement were agreed in separate negotiations between the Crown and each iwi in parallel to the collective negotiations.

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

Hauraki Māori Trust Board Act 1988

The Hauraki Māori Trust Board Act 1988 establishes the Trust Board as a statutory body to represent the collective interests of 12 iwi of Hauraki. The beneficiaries of the Trust Board are Ngāti Hako, Ngāti Hei, Ngāti Maru, Ngāti Pāoa, 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 Hauraki Māori Trust Board Act 1988 is not a Treaty settlement deed. Rather, it is enabling legislation for the Board, which has been a key vehicle for Treaty claims and negotiations.

