



SALLY GEPP KC
BARRISTER

HOBBS BAY MARINA REFERRAL APPLICATION – ATTACHMENT 1

DATED: 1 August 2025

2.2 Project description and location

2.2.1 Project description

1. Marina and associated hardstand and breakwater, including:
 - a. Approximately 354 berths
 - b. Facilities for Coastguard Unit and capacity for other marine-based agencies
 - c. Hardstand with vessel maintenance infrastructure, dry stack, marine centre and marina offices
 - d. Public (membership based) boat ramp and associated parking
 - e. Public beach, walkways, park and wetland and associated public amenities
2. The Concept Plan is below.



2.3 Ineligible activities

1. The project does not involve any ineligible activities. In terms of s 5(1)(j) and (k), the following additional explanation is relevant:
 - a. The project requires vehicle access across a Local Purpose (Esplanade) Reserve (LOT 194 DP 112758) and a public walking access route which may require some track formation across the same Reserve, an adjacent Local Purpose (Esplanade) Reserve (LOT 3 DP 124672) and an adjacent recreation reserve (Lot 29 DP 472051). The project involves a seawall that will abut an existing seawall that forms part of LOT 3 DP 124672. These reserves are vested in Auckland Council.
 - b. Auckland Council has a two-tier governance structure comprising a governing body and local boards (Local Government (Auckland Council) Act 2009, s 7). Both the governing body and the local boards are responsible for Auckland Council decision making (Local Government (Auckland Council) Act 2009, s 14). Local boards do not have separate legal standing from Auckland Council (Local Government (Auckland Council) Act 2009, s 12(3)). The Hibiscus and Bays Local Board has some management functions in relation to Auckland local purpose reserves within the Board's area, including LOT 194 DP 112758 and LOT 3 DP 124672. Its allocated management functions are limited to non-regulatory matters. Its delegated regulatory responsibilities under the Reserves Act are limited to declaring, classifying, reclassifying and revoking reserve status. As the Hibiscus and Bays Local Board is part of Auckland Council, the reserves are both "vested in" and "managed by" Auckland Council.

2.6.1 and 2.6.2 Infrastructure or development project with significant regional or national benefits

2.6.1 *Explain how the project is an infrastructure or development project that would have significant regional or national benefits. Explain how this project satisfies the criteria.*

1. The Project will contribute significant regional benefits to the Auckland region. These benefits span economic, infrastructural, environmental, and social factors.
2. When this project applied to be listed in the Fast-track Approvals Act, the Fast-track Advisory Group included Hobbs Bay Marina in its list of projects that can provide significant regional benefits, and recommended that Hobbs Bay Marina be listed in Schedule 2 Part (see Attachment 6). The application has been substantially advanced since that time.
3. The benefits have been addressed in the Wardale Supply & Demand Study provided as Attachment 7, the letters of support from Coastguard NZ (Attachment 8) and Keep Whangaparaoa Greenspace (Attachment 9) and in the estimate of construction costings provided by the Applicant (Attachment 10). In summary these benefits are:

a. Addressing Critical Infrastructure Shortages

- i. Marina Berth Supply:

Despite being known as the “City of Sails,” the Auckland region faces a chronic shortage of marina berths. The city’s marina berth supply has not kept pace with population and vessel growth, with only ~450 new berths added between 1998 and 2018.

Hobbs Bay Marina will add ~354 new berths—representing a 6% increase in Auckland’s total supply and a 32% increase in the Gulf Harbour area.

ii. Hardstand Facilities:

The expanding vessel fleet along with the closure of key hardstand areas (e.g., Pier 21 and The Landing) due to prioritisation of inner city land for higher value uses like retirement villages has created a regional deficit in critical vessel servicing, refit and maintenance capacity and associated hardstand facilities.

Hobbs Bay will provide a new haulout and hardstand facility including boat hoist and covered and uncovered servicing areas with advanced discharge capture and treatment solutions. Covered servicing areas enable quicker servicing (as weather-dependency is removed) and better control of potential environmental impacts (noise, discharges, odour).

The facility will be compliant with modern environmental and biosecurity standards, and will provide for effective biofoul removal and disposal, resulting in better control of unwanted organisms. The applicant intends to develop a facility that will meet MPI certification requirements as a place of first arrival (PoFA) and Approved Transitional Facility (ATF) for vessels entering New Zealand.¹ This requires a significant investment in the facility’s design and systems (e.g. collection systems for solids and liquids that do not allow inadvertent discharges to the CMA) and operational controls (including staff training and procedures). This will support biosecurity objectives across the region.

iii. Boat stack facilities:

Boat stacks provide onshore storage for powered vessels. Hobbs Bay Marina will provide dry stack storage and boat lifting equipment for trailer boats of up to 10 m in length. This type of vessel storage/lifting must be proximate to the CMA, and provision in appropriate locations reduces the need to provide for boat parking/storage areas within housing developments, optimising residential land use, and reducing vehicle movements on roads. Retrofitting this storage into existing facilities is very difficult, so provision in a purpose-built facility is the only practical option.

Auckland has two uncovered boat stacks (Gulf Harbour 100 spaces and Pine Harbour 100) along with several much larger central city facilities to accommodate similar vessels. The nearby Gulf Harbour boat stack is consistently full with a waitlist, and only provides for 9 m boats. There is an increasing move towards larger (around 10 m) vessels, which are too large to

¹ To manage biosecurity risks from small recreational craft, PoFA must have access to an MPI-approved transitional facility for haul out and decontamination.

be towed by a vehicle and too small to be accommodated in modern marinas, so the reliance on boat stack facilities will increase.

iv. Boat launching facility with supporting trailer boat parking

New recreational trailer boat registration numbers in Auckland are about 2,500 to 4,000 per year. The existing public boat ramp at Gulf Harbour is the best trailer boat launching infrastructure in the Hibiscus area and draws a wide catchment of boaties. At peak times there is launching and parking congestion and reported delays of up to one hour. The proposed new boat ramp at Hobbs Bay Marina will provide access to the CMA, and is expected to alleviate this congestion.

b. Supporting Population and Recreational Growth

- i. Population Growth Alignment: The Auckland region is projected to grow to 2.3 million by 2048. The Hibiscus Coast and Rodney areas—immediate catchments for the marina—are growing faster than the regional average, reinforcing the need for expanded marine infrastructure.
- ii. Boating Participation: With over 1.7 million New Zealanders participating in recreational boating and Auckland accounting for ~20% of this activity, the marina will help meet growing demand in the country's most active boating region.

c. Supporting Economic Growth and Job Creation

- i. Marine Services Hub: The development will expand the existing marine services facilities at Gulf Harbour, stimulating demand for marine trades such as mechanics, electricians, riggers, and painters. This will support new business formation and job creation.
- ii. Private Investment and economic benefit: The project will attract private investment and generate ongoing yearly revenue. A recent industry study found that an average marina facility makes a \$9.3m annual economic contribution. Hobbs Bay Marina with 354 berths plus a haulout and hardstand facility is likely to provide a significantly larger than average economic impact (Wardale Supply and Demand Study).
- iii. Employment Impact: The marina will generate employment. A recent industry study found that on average a marina employs 8.8 people and supports 63 contractors. Hobbs Bay Marina is likely to provide a greater employment contribution than those average figures (Wardale Supply and Demand Study).
- iv. The Applicant has experience delivering such projects and has estimated the total construction costs for the development at \$82,432,350.00. This represents a significant investment into the region through the design and construction phase.
- v. The construction phase of the project would require 6 - 10 full time equivalent employees over the 4-year development period, plus work for 30 to 40 contractors/subcontractors. These are higher skilled roles. Procurement of materials and equipment for the project will spread the employment benefits beyond the Auckland region, because the specialist

building materials and equipment that are not available in Auckland will be sourced from further afield particularly Northland (armour rock and marina structures) and Bay of Plenty (marina structures).

d. Enhancing Maritime Safety and National Resilience

- i. The marina will host a new headquarters for Coastguard NZ with capacity for co-location of other maritime agencies (e.g., Customs, Police, MPI, DOC), improving emergency response capabilities in the Hauraki Gulf. This mirrors the successful model at Mechanics Bay and enhances national maritime safety infrastructure.

e. Improving Public Access and Community Amenities

- i. Public Infrastructure: The development includes a new public walkway, waterfront promenade, wetland reserve, and a sheltered swimming beach—enhancing recreational access and environmental amenity for the community.
- ii. Boat Ramp: A new ramp will provide a point of access for people seeking to recreate in the Hauraki Gulf, while alleviating congestion at the existing Gulf Harbour ramp, which currently experiences delays of up to one hour during peak times.

f. Environmental and Coastal Resilience

- i. Sustainable Design: The marina reuses dredged sediment for reclamation, reducing environmental impact. It also incorporates coastal protection features that mitigate erosion and inundation risks for adjacent residential areas.
- ii. Biosecurity: Development to a standard meeting PoFA and ATF certification requirements enhances national biosecurity by enabling vessel inspections and quarantine services.

2.6.2.1 *Explain how referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes*

1. The fast-track process offers a number of advantages in terms of time over the standard RMA process. Under a typical RMA process where it is expected that the resource consent would be publicly notified by Auckland Council the full processing timeframe (from lodgement to decision from the hearing) would likely take up to 2 years (minimum). The applicant's subdivision at 5 Daisy Burrell Drive (which did not involve any coastal works or reclamation type activities) took nearly 1.5 years from the time of lodgement to decision from a publicly notified hearing.
2. Previous marina developments within the Auckland region have been publicly notified and appealed to the Environment Court. As seen with the recent Kennedy Point marina, appeals were also filed to the Environment Court with a full Court hearing required. Depending on the court timetable this could add another 1-2 years to the project.
3. It is also the experience of the applicant and its advisors that having to secure the necessary authorisations for the project through the traditional Resource Management Act 1991, Wildlife Act 1953 and Heritage New Zealand Pouhere

Taonga Act 2014 processes is likely to take up to an extra 12 months (plus) and includes uncertainty associated with appeals to the Environment Court.

4. Under the Fast-track Approvals Act:

- a. Public and limited notification is precluded and the panel is only permitted to invite comments from specified persons. The process under the Fast-track Approvals Act for providing comment at the Expert Consenting Panel stage is appropriate and adequate to enable input on how any potential effects of the project are managed.
 - b. The Fast-track Approvals Act will allow the application to be processed in a more timely manner providing the consent panel with a clearer view of the design of the project.
 - c. The applicant is confident that the impacts of the Project can be managed through the substantive application (design, mitigation measures and management plans).
5. The consenting timeframe under the fast-track process is likely to be in the order of 6 months. This is a **significant** time saving, compared to a standard process and will enable the significant regional benefits some 2-4 years ahead of a standard process. This fast-track framework is therefore clearly fit for purpose for the project given how it materially progresses consents permits and authorities with delivery at pace.

2.6.2.2 *Explain how referring the project to the fast-track approvals process: Is unlikely to materially affect the efficient operation of the fast-track approval process*

1. The project is not expected to materially impact the operation of the fast-track approval process. The consents sought are those under the RMA, Wildlife Act, Heritage New Zealand Pouhere Taonga Act, and Reserves Act which are all explicitly listed in the Act.
2. The applicant has been actively engaging with the relevant Māori entities and bodies (which is ongoing). The applicant has consulted with all entities that the Fast-track Approvals Act 2024 requires.
3. The applicant's advisors are familiar with fast-track processes and will be able to meet the process requirements on applicants efficiently.

2.6.2.4 *Will the project deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure*

1. "Infrastructure" includes:²

(g) structures for transport on land by cycleways, rail, roads, walkways, or any other means

and

(k) facilities for the loading or unloading of cargo or passengers carried by sea ...

² The Fast-track Approvals Act 2024 defines "infrastructure" by reference to the definition in s 2 RMA.

2. The project includes a marina which inherently is a facility for transportation of passengers and cargo by sea. The boat ramp facility is also a facility as described in clause (k). The associated facilities would include:
 - a. Areas and structures to facilitate access to and from the marina berths, loading/unloading areas and parking, office structures, pontoons/walkways.
 - b. Facilities enable the Coastguard to support vessels transporting people by sea. These facilities include:
 - i. Wharf/heavy duty pontoon/floating dock infrastructure for rescue vessels and sufficient capacity for short-term berthage of recovered vessels
 - ii. High capacity boat ramp or slipway for all tide launch/recovery, with winch system for vessel recovery
 - iii. Facilities for vessel washdown after operations to prevent contamination
 - iv. Parking in very close proximity to the Unit, for quick access by volunteers
 - v. Operational spaces with dedicated areas for training, meetings, operations management, areas for PPE storage and drying, and secure lockers.
 - vi. Rescue vessel maintenance and storage areas with space for storing equipment used for repairs and upkeep
 - vii. Health and safety and security equipment and features
 - c. Facilities for loading/unloading of cargo via the proposed new haulout and hardstand facility with MPI certification requirements as a place of first arrival (PoFA) and Approved Transitional Facility (ATF) for vessels entering New Zealand.
3. As outlined under the section 2.6.1 there is a critical shortage of marina infrastructure in Auckland.
4. Provision of public walk/cycle pathways along the coast with connection to facilities in the wider area (for which the physical works and pathways would be considered as "structures") are also "infrastructure" (clause (g)).
5. The coastline in this location is largely inaccessible to the public due to its topography. The proposed marina development will improve public access to the coastal marine area through provision for public walkways, viewing areas and fishing platforms, and an enhanced public beach. The proposed boat ramp also enhances public access to the wider Hauraki Gulf and associated recreational boating opportunities.
6. Section 6 of the RMA lists as one of the Matters of National Importance the "maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers".
7. For these reasons it is considered that the Project delivers new regionally and nationally significant infrastructure.

2.6.2.5 Explain how referring the project to the fast-track approval process: Will the project increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020). If yes, explain how the project will achieve this

1. The National Policy Statement on Urban Development (NPS-UD) anticipates urban environments that are well-supported by infrastructure and "additional infrastructure". Additional infrastructure is defined as including [emphasis added]:

public open space³

community infrastructure as defined in section 197 of the Local Government Act 2002

social infrastructure, such as schools and healthcare facilities

2. **Community infrastructure**⁴ means land, or development assets on land, owned or controlled by the territorial authority for the purpose of providing public amenities; and includes land that the territorial authority will acquire for that purpose.
3. The proposed marina and its associated facilities will include works and specific activities which are located on and contribute towards:
 - a. Public open space:
 - i. being physical works on land zoned public open space to facilitate public access and recreational walkways and access to the beach;
 - ii. the wider project will enable public access and recreational walkways, a beach, fishing and viewing areas which will be treated as publicly available open spaces (despite not being located on land zoned as open space)
 - b. Community Infrastructure:
 - i. As above, on land owned by the Auckland Council physical works are proposed to facilitate public access and recreational walkways.
 - c. Social infrastructure:
 - i. The Project includes specific provisions for a Coastguard unit. Coastguard is Aotearoa New Zealand's primary maritime search and rescue organisation. Its six Hauraki Gulf Units are some of the busiest across the entire country. It requires a base in the northern Hauraki Gulf to support its search and rescue endeavours. Coastguard has been looking for opportunities to establish a permanent home for Coastguard Hibiscus in the northern Hauraki Gulf for several years. The Coastguard Unit's requirements, which will be provided as part of the project, are:
 - Water access infrastructure that provides secure, all-tide access to Hauraki Gulf for quick launching and retrieval of rescue vessels:
 - (i) Wharf/heavy duty pontoon/floating dock infrastructure for rescue vessels and sufficient capacity for short-term berthage of recovered vessels

³ "Public open space" is not defined and therefore has its natural meaning of open space available for public use. Notably the NPS-UD does not limit "public open space" to vested land, land held under the Reserves Act or land zoned as open space under the AUP.

⁴ As defined in section 197 of the Local Government Act 2002

- (ii) High capacity boat ramp or slipway for all tide launch/recovery, with winch system for vessel recovery
- (iii) Facilities for vessel washdown after operations to prevent contamination

- Parking in very close proximity to the Unit, for quick access by volunteers
- Operational spaces with dedicated areas for training, meetings, operations management, areas for PPE storage and drying, and secure lockers.
- Rescue vessel maintenance and storage areas with space for storing equipment used for repairs and upkeep
- Health and safety and security equipment and features

- ii. The marina itself is a form of social infrastructure, contributing to the community's recreational objectives.

4. Furthermore Policy 1 refers to environments which have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.
5. The Project will deliver benefits for recreation and access to the coast, including recreational boating, and through the provision public walkways, fishing and viewing areas and a boat ramp, enables access to natural and open spaces. Additional activities enabled (including provision for the Coastguard unit) will also provide for community services.
6. Overall, it is considered that the Project will contribute to a well-functioning urban environment.

2.6.2.6 *Explain how referring the project to the fast-track approval process: will deliver significant economic benefits, and if so how?*

Economic benefits during construction

1. The Applicant has experience delivering such projects and has estimated the total estimated construction cost for the development is \$82,432,350.00. This represents a significant investment into the Region through the design and construction phase. This supports other industries associated with the supply of product/materials towards the construction of the marina (e.g those associated with mining for rock for breakwater, aggregates for road and parking areas etc, supply of landscaping).
2. The construction phase of the project would require 6 - 10 full time equivalent employees over the 4-year development period, plus work for 30 to 40 contractors/subcontractors.

Economic benefits during operation

3. In addition to the construction benefits, the project will have an ongoing regional economic impact and create ongoing employment. As outlined in the Wardale Supply and Demand Study (Attachment 7) , the project will attract private investment

and generate ongoing yearly revenue. A recent industry study found that an average marina facility makes a \$9.3m annual economic contribution. Hobbs Bay Marina with 354 berths plus a haulout and hardstand facility is likely to provide a significantly larger than average economic impact.

4. The marina will generate employment. A recent industry study found that on average a marina employs 8.8 people and supports 63 contractors. Hobbs Bay Marina is likely to provide a greater employment contribution than those average figures (Attachment 7 Wardale Supply and Demand Study).
5. In addition, the new marina would have significant positive indirect economic benefits on those associated with the recreational boating and fishing industries through the sale and supply of boats, boating and fishing equipment etc. There is also potential for the Project to contribute towards marine-related tourism.

2.6.2.7 *Explain how referring the project to the fast-track approval process: Will support primary industries, including aquaculture, and if so, how?*

1. The Project will support primary industries, through the purchasing of raw materials that are required for the construction of the marina (e.g aggregates) which will positively contribute towards primary sector GDP and FTE employment.
2. Vessel maintenance and refit facilities will be available to commercial vessels, including those engaged in fishing and aquaculture. Marina berths can accommodate fishing and aquaculture servicing vessels. Most marinas have at least some vessels operating in fishing/aquaculture e.g. Opuia, Bayswater, Tauranga Bridge Marina.

2.6.2.9 *Explain how referring the project to the fast-track approval process: will support climate change mitigation, including the reduction or removal of greenhouse gas emissions, and if so, how?*

1. One of the benefits of the Project is the reduced travel distances for vessels for maintenance facilities. By offering a facility as part of the hardstand area, the Project minimizes the need for boats to journey long distances to reach necessary facilities. This reduction in travel time leads to lower fuel consumption and fewer greenhouse gas emissions.
2. Similarly, the provision for the boat ramp in this location will ease pressure on roads and at other local ramps thereby cutting potential vehicle emissions.
3. These cumulative reductions align with New Zealand's national carbon targets and contribute meaningfully to climate change mitigation.

2.6.2.10 *Explain how referring the project to the fast-track approval process: will support climate change adaption, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards, and if so, how?*

1. The LDE Assessment (Attachment 11) addresses the risk of hazards. Specifically:
 - a. Earthworks and dredging would be undertaken to ensure that potential effects on land stability are minimised. Reclamation fill, placement and compaction would adhere to the Code of Practice for Land Development in Auckland and meet the general compaction standards set out in NZS4431:2022 to ensure appropriate stability for future platforms/car parking areas.

- b. The potential for future sea level rise will be accounted for during detailed design with minimum finished level adopted for all structure(s), carpark(s) and hardstand(s) ensuring mitigation of any adverse effects.
 - c. The potential for coastal erosion within or surrounding the marina is expected to be effectively mitigated by the breakwater/groyne.
2. Climate change effects have been accounted for in the discussion above on sea level rise and coastal erosion.
 3. All stormwater devices to be utilised on the site will also be designed to account for climate change.

2.6.2.11 *Explain how referring the project to the fast-track approval process: Will address significant environmental issues, and if so, how?:*

1. As set out in the letter from Keep Whangaparaoa's Green Spaces (Attachment 9), there is significant community concern about the informal parking on green-space areas at Gulf Harbour boat ramp. The proposed boat ramp will alleviate this impact.

2.6.2.12 *Explain how referring the project to the fast-track approval process: is the project consistent with local or regional planning documents, including spatial strategies, and if so, how?*

1. There is currently no draft or adopted position that sets out the region's desired outcomes or strategy in respect of marinas.

Auckland Plan 2050

2. The provision of a marinas does however support and align with strategic outcomes in the Auckland Plan 2050. Specifically:

- a. Transport and Access Objective: *Deliver a low-carbon, safe transport system that provides social, economic and health benefits for all*

The Project supports this outcome by offering access to alternative transport including recreational boating, and an additional boat ramp facility. The project will directly provide for and integrate with walking and cycling infrastructure, contributing to a sustainable and resilient transport system.

- b. Belonging and Participation Objective: *Foster inclusive, vibrant, and resilient communities.*

The Project will enhance public access to the coastal marine area through the provision of public walkways, fishing and viewing areas and a boat ramp, enable access to natural and open spaces. Additional activities enabled (including provision for the Coastguard unit) will also provide for community services.

The public amenities within the Project will contribute to placemaking and community wellbeing.

- c. Māori Identity and Wellbeing Objective: *Advance Māori wellbeing and aspirations.*

The project is being developed with input through engagement with mana whenua, respecting Te Ao Māori values. Māori economic development

through marine-based tourism, cultural tours, and business opportunities can also be enabled through the delivery of the Project.

- d. Homes and Places Objective: Create inclusive, resilient, and high-quality urban environments.

As identified under the response to 2.6.2.4 The Project will deliver benefits for recreation and access to the coast, and will contribute to a well-functioning urban environment.

- e. Opportunity and Prosperity: Objective: Grow a productive, inclusive, and sustainable economy.

As identified under the economic benefits (2.6.2.6) direct and indirect economic impacts of the Project include supporting marine industries including boat building, maintenance, tourism, and hospitality, and the creation of employment. The Project will also contribute to the visitor/tourism economy.

Auckland Unitary Plan

- 3. The Auckland Unitary Plan ("AUP") was prepared after the New Zealand Coastal Policy Statement ("NZCPS") and thus the AUP has "given effect to" the NZCPS. The Planning memorandum (Attachment 4) has addressed the Project's consistency with the objectives and policies of the NZCPS. In respect of the relevant AUP objectives and policies (including those listed in Chapters B2 and F2 as well as the relevant chapters relating to infrastructure, natural hazards and the respective zones) the Project is considered to be generally consistent with these for the following reasons:

- a. Avoids development within identified outstanding natural character, outstanding natural features or marine significant ecological areas;
- b. Adverse effects of the proposed marina and associated works can be carried out in a manner that can avoid or mitigate long-term effects on biodiversity and natural coastal dynamics.
- c. All runoff—including stormwater, sediment, and other site-related discharges can be effectively managed to maintain coastal water quality.
- d. The proposal acknowledges the role of tangata whenua as kaitiaki. Engagement will be undertaken with relevant iwi and hapū to understand cultural values associated with the site. Opportunities for ongoing involvement and input from tangata whenua will be provided throughout the project lifecycle.
- e. The proposed marina development will deliver improved public access to the CMA through provision for public walkways, viewing areas and fishing platforms, and an enhanced public beach, ensuring the coastal space is accessible and enjoyable for a wide range of users.
- f. The effects of sea level rise on the marina infrastructure and its future operation will be taken into consideration during design, accounting for sea-level rise and increased storm intensity through features such as floating docks, reinforced breakwaters, and resilient infrastructure.

- g. The marina has a functional need to be located in the coastal environment (inclusive of the associated activities such as hardstands for the coastguard facilities and boat maintenance). There is no land outside of the CMA available or other practicable alternatives for the proposed activities.
 - h. The proposed marina will incorporate comprehensive erosion and sediment control measures during construction, including containment systems and best-practice site management. Dredging and reclamation will be accompanied by appropriate methods to manage sediment and other effects on marine ecology.
4. It is acknowledged that there may need to be some careful balancing at the substantive application stage between the final design and proposed activities. For example, Policy B8.3.2(9) which seeks to avoid reclamation unless all of the matters listed in (a)-(d) apply. This requires that the proposed reclamation and the suite of activities to be provided on the reclaimed land are considered carefully. However those are matters best considered by an Expert Consenting Panel on the basis of a substantive application and comments from invited parties.
 5. An assessment of relevant national planning instruments is in the Planning Memorandum (Attachment 4).

3.1 Approvals required (RMA)

1. The Project requires consents under the following sections of the RMA:
 - (a) Section 9: Land Use Consents
 - (b) Sections 12 and 15: Coastal Consents
 - (c) Section 13: River and lake beds
 - (d) Section 14: Water
 - (e) Section 15: Discharge
2. A fuller assessment of the individual consents sought under the Auckland Unitary Plan and relevant National Environmental Standards is contained in the Planning Memorandum in Attachment 4.

3.4 Adverse effects

1. An assessment of adverse effects is contained in the Planning Memorandum in Attachment 4. The project will not result in any significant adverse effects.

3.5.1 Persons affected

1. The persons likely to be affected are as follows:
 - (a) The iwi authorities whose area of interest includes the area in which the project occur:⁵

⁵ The groups listed at (i) to (xiii) are identified on Auckland Council's website as having an interest in the project area (<https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/find-hapu-iwi-contacts-for-your-area.aspx>) The groups listed at (xiv) and (xv) were identified in the section 17 report relating to an unrelated fast track application at Whangaparaoa and have been treated as potentially having an interest as a precaution.

- (i) Ngāi Tai ki Tāmaki
- (ii) Te Patukirikiri,
- (iii) Ngāti Pāoa,
- (iv) Te Ākitai Waiohū,
- (v) Te Rūnanga o Ngāti Whātua,
- (vi) Ngāti Whanaunga,
- (vii) Te Kawerau a Maki,
- (viii) Ngāti Whātua o Kaipara,
- (ix) Ngāti Whātua Ōrākei,
- (x) Ngāti Wai/Ngātiwai,
- (xi) Ngāti Manuhiri,
- (xii) Ngāti Te Ata,
- (xiii) Ngāti Maru.
- (xiv) Hako Tūpuna
- (xv) Trust Ngāti Tamaterā

(b) Auckland Council governing body and Hibiscus Bays Local Board

3.5.2 Consultation / How consultation has informed the project

1. Attachment 5 contains a Record of Engagement summarising all consultation undertaken.
2. The Applicant has contacted all relevant iwi authorities and relevant applicants for customary marine title regarding the Project.
3. Various consultation aspects have shaped the project so far. These include:
 - a. feedback from the Harbourmaster which has led directly to the now proposed concept design for the Project.
 - b. feedback from Gulf Harbour marina has led directly to the now proposed concept design for the Project (with previous options for the existing breakwater now being discounted).
 - c. feedback from the Coastguard has directly informed the layout and inclusion of facilities to accommodate the Coastguard unit and the ability to co-locate other emergency/regulatory services within the Project.
 - d. Ngāti Manuhiri have provided the applicant an initial Cultural Impact Assessment (Attachment 12) and the recommendations have been taken into account in the concept design (insofar as possible at this stage) and in the preliminary specialist assessments which have identified best practise techniques for sediment and erosion control and discharges for stormwater to minimise effects on the mauri of freshwater and coastal waters. Ngāti Manuhiri has recently confirmed that changes to the concept plan since the CIA was prepared do not affect its assessment or recommendations (detailed

in Record of Engagement). Continued engagement with Ngāti Manuhiri and other Mana Whenua through the Project, including the planning and development stages of the project, will occur.

- e. The applicant has engaged with Auckland Council governing body and Hibiscus and Bays Local Board with respect to both the resource consent and local purpose (esplanade) reserve related approvals. This is ongoing.
4. The applicant has engaged with the administering agencies:
 - a. Department of Conservation ("DOC").
 - b. Heritage New Zealand Pouhere Taonga ("Heritage NZ").
 - c. Ministry for the Environment ("MfE").
5. DOC's feedback noted the importance of assessing relevant national policy statements and the Hauraki Gulf Marine Park Act. DOC key issues of concern were effects on the significant ecological area in the eastern part of Hobbs Bay, effects on indigenous species (lizards, kororā, other coastal birds, marine mammals), and other indigenous biodiversity within the project area, and effects on public open space and public walking access within and adjacent to the CMA and along the coast. The project has been sited to avoid impacting marine significant ecological areas and outstanding natural landscapes, and will have minimal implications for the terrestrial significant ecological area. Surveys for indigenous species will occur as part of the substantive application, and any effects on indigenous species are expected to be less than minor. The project provides for enhanced public access to the coast in an area where there is currently legal but no practical access, and will enhance open space and amenity values.
6. Heritage NZ requested minor clarifications to the Archaeology Report (a summary table of identified heritage sites and how they are affected, a statement regarding information that will be included with the substantive application, and a reference to the cultural values of Māori archaeological sites being for mana whenua to describe). Those amendments were made to the Archaeology Report (Attachment 13).
7. MfE feedback was provided by letter stating: "As part of your referral application, you will need to provide an assessment of the project against any relevant national policy statement, national environmental standards and if relevant the New Zealand Coastal Policy Statement" and listing potentially relevant national policy statements and national environmental standards. The Planning Memorandum (Attachment 4) contains this assessment.

3.5.3 Treaty settlements

1. Seven Treaty settlements apply to the project area:
 - a. Ngāti Manuhiri Claims Settlement Act 2012 (associated Deed of Settlement signed on 21 May 2011). The related iwi authority is Ngāti Manuhiri Settlement Trust.
 - b. 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.
 - c. Ngāti Tamaoho Deed of Settlement 2017 (signed on 30 April 2017)

- d. Te Patukirikiri Deed of Settlement 2018 (signed on 07 October 2018). The related iwi authority is Te Patukirikiri Iwi Trust.
 - e. 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.
 - f. 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.
 - g. Te Ākitai Waiohū Deed of Settlement 2021 (signed on 12 November 2021). The related iwi authority is Te Ākitai Waiohū Iwi Authority.
2. A summary of the relevant provisions and principles of the 7 Treaty settlements applying to the site is set out below (as well as a summary of the Marutūāhu Collective Redress Deed). The project is consistent with these settlements.

Ngāti Manuhiri Claims Settlement Act 2012 (associated Deed of Settlement signed on 21 May 2011)

- 3. 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 Act mandates Ngāti Manuhiri as mana whenua for the rohe as outlined in the Deed of Settlement.
- 4. The Deed of Settlement acknowledges that Ngāti Manuhiri suffered injustices that impaired the economic, social and cultural development of Ngāti Manuhiri and records the matters required to give effect to a settlement of all the historical claims of Ngāti Manuhiri. The land settlement provides 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.
- 5. A statutory acknowledgment applies to the Ngāti Manuhiri Coastal Acknowledgement Area. This area is shown on deed plan OTS-125-06 included as an attachment to the deed. It includes the coastal area surrounding the Whangaparaoa Peninsula which forms part of the project site.
- 6. The statement of association for this area describes the important ancestral relationship that Ngāti Manuhiri have with the coastal marine area. It explains that there are places of spiritual, historical, cultural and economic importance to Ngāti Manuhiri along the entire coastline between Okura and Paepae o Tu (Bream Tail). It explains that the ocean area of Te Moana Nui o Toi (the central and northern Hauraki Gulf) and its mauri, kaitiaki, biodiversity, seaways, islands, and traditions, lie at the heart of the identity of Ngāti Manuhiri. The coastline extending between the Whangaparaoa Peninsula and Paepae o Tu (Bream Tail) includes a wide range of rocky, sandy and estuarine marine habitats, once rich in a variety of inshore fish species, koura and shellfish. Ngāti Manuhiri were traditionally reliant on this kaimoana resource. Places of special significance to Ngāti Manuhiri on this coastline include Whangaparaoa "the bay of sperm whales". The statement of association describes the ongoing association with the

Coastal Area. In their role as kaitiaki, Ngāti Manuhiri continue to play an active role in coastal planning, monitoring and management processes administered by the Auckland Council and the Department of Conservation.

7. As recorded in s 28 of the Settlement Act the purposes of the statutory acknowledgments are to require the relevant consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgment as provided for in ss 29 to 31⁶; require consent authorities to forward summaries of resource consent applications or copies of notices of resource consent application to the trustees as provided for in s 33 and to enable the trustees and members of Ngāti Manuhiri to cite the statutory acknowledgment as evidence of association of Ngati Manuhiri with a statutory area, as provided for in s 34.
8. The Deed requires the Minister for Conservation to enter into a conservation protocol with Ngāti Manuhiri. The protocol is the 4th document in the Documents appended to the Deed. The protocol area includes the Whangaparaoa peninsula and therefore the project site (protocol area map, attachment to protocol).
9. Clause 5.2 states that the Governance Entity and the Department will identify categories of statutory authorisations that may impact on the cultural, traditional and/or historic values of Ngāti Manuhiri.
10. Clause 6 relates to statutory land management. It is relevant where the Minister of Conservation is considering land management arrangements with third parties (not relevant here as the administering body for affected reserves is Auckland Council, not the Department of Conservation).
11. Clause 8 relates to sites of significance. These do not apply to the project site.
12. The Deed includes provisions relating to species and habitat protection (including programmes and pest control) (clause 9) and conservation advocacy (clause 11) which states that the governance entity and the department will seek to identify issues of mutual interest and/or concern ahead of each party making submissions in relevant processes.
13. The Deed includes provision for a protocols between Ngāti Manuhiri and the Ministry for Primary Industries and the Ministry for Culture and Heritage:
 - a. The protocols set out how their respective agency will interact with and consult Ngati Manuhiri governance entity when carrying out statutory duties and functions. The site is within the protocol area. The primary industries protocol only applies to functions and duties relating to agriculture, forestry, fisheries, biosecurity, and food safety and is therefore unlikely to be relevant to the application.

⁶ Section 29 provides that a relevant consent authority must have regard to the statutory acknowledgment relating to a statutory area in deciding, under section 95E of the RMA whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.

- b. The protocol with the Ministry for Culture and Heritage relates to taonga tūturu⁷. It addresses the Protected Objects Act 1975 and matters such as the claims process in relation to ngā taonga tūturu. Archaeological investigations undertaken to date have not identified any taonga tūturu, however should any taonga tūturu be found the Protected Objects Act 1975 will be complied with which will ensure that the Minister and Chief Executive can exercise their functions under the Act in accordance with the protocol.

14. There are no overlay classifications over the site and the site is not a whenua rāhui site.

Te Kawerau ā Maki Claims Settlement Act 2015 (associated Deed of Settlement signed on 22 February 2014).

- 15. Te Kawerau ā Maki Claims Settlement Act 2015 gave effect to certain provisions of a Deed of Settlement signed on 22 February 2014. Amendment Deeds were signed in August 2015 and October 2019.
- 16. 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.
- 17. The Land Settlement provides redress to Te Kawerau ā Maki in the form of land, cash, 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 recognizing their interest, place name changes and an apology from the Crown.
- 18. Te Kawerau ā Maki Coastal Statutory Acknowledgment Area includes the coastal area surrounding the Whangaparāoa peninsula including the project site. The statements of association are set out in section 4 of the documents attached to the Deed of Settlement. They describe the importance of the coastal marine area and the coastline adjoining it to the identity of Te Kawerau ā Maki. Shared ancestral interests are held with parts of Te Moana Nui o Toi (the Hauraki Gulf). The statement of association states:⁸

The coastal environment of the Whāngaparāoa Peninsula contains a number of sites of historical and cultural significance to Te Kawerau ā Maki. They include: Rarohara (a fortified pā), Matakātia, Kotanui, Ōkoromai and Te Hāruhi (Shakespear Bay). Standing off the eastern end of the peninsula is the island of Tiritiri Mātangi, where Te Kawerau ā Maki have enduring associations including at

⁷ taonga tūturu means an object that—

- (a) relates to Māori culture, history, or society; and
- (b) was, or appears to have been,—
 - (i) manufactured or modified in New Zealand by Māori; or
 - (ii) brought into New Zealand by Māori; or
 - (iii) used by Māori; and
- (c) is more than 50 years old

⁸ Page 11 of Documents attached to deed of settlement

the fortified pā Te Kawerau Pā (also known as Tiritiri Mātangi Pā. The seaways to the south and north of the Whāngaparāoa Peninsula are known respectively as Moana Te Rapu and Whānga-paraoa, because of their traditional association with the annual whale migration that took place through Te Moana nui ō Toi (the Hauraki Gulf).

19. As recorded in s 29 of the Settlement Act the purposes of the statutory acknowledgments are to require the relevant consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgment as provided for in ss 30 to 32⁹; require consent authorities to forward summaries of resource consent applications or copies of notices of resource consent applications to the trustees as provided for in s 34 and to enable the trustees and members of Te Kawerau ā Maki to cite the statutory acknowledgment as evidence of association of Te Kawerau ā Maki with a statutory area, as provided for in s 35.
20. The Deed includes provision for a protocol with the Ministry for Culture and Heritage relating to taonga tūturu. The protocols set out how their agency will interact with and consult the Te Kawerau ā Maki governance entity when carrying out statutory duties and functions. The site is within the protocol area. We refer to our comments above in relation to taonga tūturu.
21. The other protocol relates to Crown minerals. The site is within the protocol area but the subject matter of this protocol is not relevant to the project.
22. For completeness we note that Whangaparaoa Peninsula is included in the area shown on plan SO 459993 in part 3 of the attachments to the Deed. As a result this falls within the definition of an “RFR area” in s 109 of the Settlement Act. It is not however “non-exclusive RFR land” for the purposes of the Act as the site does not involve land vested in the Crown or a reserve vested in an administering body that derived title to the reserve from the Crown.¹⁰ In the case of the Local Purpose (Esplanade) Reserve at Hobbs Bay, this was not vested in the local authority by the Crown (as is evident from the Gazette Notice). The site is therefore not part of the commercial redress.
23. There are no overlay classifications or Deeds of Recognition affecting the site.

Ngāti Tamaoho Deed of Settlement (signed 30 April 2017)

24. The Deed of Settlement acknowledges that Ngāti Tamaoho suffered injustices that impaired the economic, social and cultural development of Ngāti Tamaoho and recorded the matters required to give effect to a settlement of all the historical claims of Ngāti Tamaoho.
25. The Settlement seeks to provide redress to Ngāti Tamaoho in the form of land and money, an agreed historical account, statutory acknowledgements, a deed of

⁹ Section 30 provides that a relevant consent authority must have regard to the statutory acknowledgment relating to a statutory area in deciding, under section 95E of the RMA whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.

¹⁰ S 109.

recognition, name changes to certain sites of interest, relationship agreements with government agencies, and an apology from the Crown.

26. There are a number of protocols and relationship agreements provided for by the Deed, including:

- a. A Crown's mineral protocol, the subject matter of which is not relevant to the application.
- b. A taonga tūturu protocol. We refer to our comments above in relation to taonga tūturu.
- c. A relationship agreement with the Minister of Conservation and the Director-General of Conservation. This states that in administering the conservation legislation Te Papa Atawhai (the Department of Conservation) must give effect to the principles of Te Tiriti o Waitangi in accordance with section 4 of the Conservation Act, which is deemed to include involving Ngāti Tamaoho in conservation decision making in matters of importance to them, ensuring Ngāti Tamaoho interests are fairly reflected. That will involve Ngāti Tamaoho and Te Papa Atawhai identifying the types of decisions that Ngāti Tamaoho will be involved in; Ngāti Tamaoho and Te Papa Atawhai maintaining open exchanges of information; Te Papa Atawhai providing Ngāti Tamaoho sufficient information and time for Ngāti Tamaoho to identify the nature and extent of their interest in an issue, while taking into account the importance of timely and efficient decision-making; and Te Papa Atawhai providing feedback on how Ngāti Tamaoho interests have been reflected in particular decisions (clause 1.7). The deed states that Ngāti Tamaoho is particularly interested in exploring and increasing opportunities to work more closely with Te Papa Atawhai in relation to range of management activities including reserves management; statutory authorisations and marine mammals. This may have relevance to the application for a wildlife approval.
- d. A relationship agreement with the Ministry for the Environment. This applies to all functions, powers, responsibilities and actions of the Secretary for the Environment that are exercised in relation to managing the use, development and protection of natural and physical resources within, or that affect, the Ngāti Tamaoho Area of Interest. It sets out ways in which to establish and maintain effective and efficient communication; including provision for an annual relationship meeting.

27. There are no deeds of recognition or statutory acknowledgements over the site (or statutory acknowledgements that may be directly impacted). The Coastal Marine Area statutory acknowledgment area is limited to the Manukau Harbour and parts of the Waitemata Harbour.

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

28. Te Patukirikiri Deed of Settlement acknowledges that Te Patukirikiri suffered injustices that impaired the economic, social and cultural development of Te Patukirikiri and recorded the matters required to give effect to a settlement of all the historical claims of Te Patukirikiri.

29. The Land Settlement provides redress 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. The settlement does not provide for redress in relation to the Hauraki Gulf. Agreement has been reached to address this relationship in the future.¹¹
30. The Deed includes provision for a protocol between Te Patukirikiri and the Ministry for Primary Industries and the Ministry for Culture and Heritage. The protocols set out how their respective agency will interact with and consult the Te Patukirikiri governance entity when carrying out statutory duties and functions. The site is within the protocol area. The primary industries protocol only applies to functions and duties relating to agriculture, forestry, fisheries, biosecurity, and food safety. The protocol with the Ministry for Culture and Heritage relates to taonga tūturu. We refer to our comments above in relation to taonga tūturu.
31. There are no statutory acknowledgements over the site and there are no statutory acknowledgements areas that will be directly impacted by the proposed project.

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

32. The Ngāti Paoa Deed of Settlement was signed on 20 March 2021. The Ngāti Paoa Claims Settlement Bill has been introduced but is yet to receive royal assent (it is being considered by the Committee of the Whole House).
33. The Deed of Settlement acknowledges that Ngāti Paoa suffered injustices that impaired the economic, social and cultural development of Ngāti Paoa and recorded 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. The settlement does not provide for redress in relation to the Hauraki Gulf. Agreement has been reached to address this relationship in the future.
34. The Deed acknowledges that Ngāti Paoa has associations with, and asserts certain spiritual, cultural, historical and traditional values in relation to the places listed which includes Hauraki Gulf/Tikapa Moana.
35. The Deed includes provision for a protocols between Ngāti Paoa and the Ministry for Primary Industries and the Ministry for Culture and Heritage. The protocols set out how their respective agency will interact with and consult Ngāti Paoa governance entity when carrying out statutory duties and functions. The site is within the protocol area. The primary industries protocol only applies to functions and duties relating to agriculture, forestry, fisheries, biosecurity, and food safety and is therefore unlikely to be relevant to the application. The protocol with the

¹¹ The Deed of Settlement Summary states: *The settlement does not provide for redress in relation to Tikapa Moana/ the Hauraki Gulf and Te Tai Tamahine/Te Tai Tamawahine. The Crown and Te Patukirikiri have agreed to conduct separate negotiations in the future to discuss potential cultural redress in relation to these areas.*

Ministry for Culture and Heritage relates to taonga tūturu. We refer to the comments above in relation to taonga tūturu.

36. There are no overlay classifications over the site.
37. There are no statutory acknowledgements over the site. There is a statement of association in relation to Hauraki Gulf/Tikapa Moana but this is not included as a statutory acknowledgment. This states that the coastal marine area of Hauraki Gulf / Tikapa Moana (Firth of Thames) and the Hauraki Gulf is an integral part of Ngāti Paoa's rohe in Hauraki and Tāmaki Makaurau. Areas of particular cultural significance include the coastal areas from the Piako River near Thames, running west to the Waitakaruru River, travelling northward along the western coast of Hauraki Gulf / Tikapa Moana, scattered around the inner harbour coastline of Tāmaki, and proceeding north again through to Mahurangi.

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

38. The Ngāi 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 Ngāi Tai ki Tāmaki suffered injustices that impaired the economic, social and cultural development of Ngāi Tai ki Tāmaki and records the matters required to give effect to a settlement of all the historical claims of Ngāi Tai ki Tāmaki.
39. The Land Settlement provides redress to Ngāi Tai ki Tāmaki in the form of land, money, the right of first refusal of Crown lands, an agreed historical account, 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.
40. The Deed includes provision for protocols between Ngāi Tai ki Tāmaki and the Ministry for Primary Industries and the Ministry for Culture and Heritage. The protocols set out how their respective agency will interact with and consult the Ngāi Tai ki Tāmaki governance entity when carrying out statutory duties and functions. The site is within the protocol area. The primary industries protocol only applies to functions and duties relating to agriculture, forestry, fisheries, biosecurity, and food safety and is therefore unlikely to be relevant to the application. The protocol with the Ministry for Culture and Heritage relates to taonga tūturu. We refer to our comments above in relation to taonga tūturu.
41. The Deed includes provision for a relationship agreement to be prepared between the Minister of Conservation and the Director General of Conservation and Ngāi Tai ki Tāmaki. A conservation relationship agreement is included as Document 4 to the deed. The agreement records that Ngāi Tai ki Tamaki and the Department share aspirations for conservation of Tikapa Moana/the Hauraki Gulf (and other marine areas in their rohe) and will look for opportunities to promote those aspirations (clause 11.1). Clause 12.1 concerns wāhi tapu and other areas of cultural significance to Ngāi Tai ki Tamaki within public conservation lands.
42. The project site is within the Coastal Marine Statutory Acknowledgment Area. There is no specific reference to Whangaparāoa Peninsula but associations are

described for Hauraki Gulf/Tikapa Moana including motu which provided shelter and a stop over during voyaging.

43. There are no deeds of recognition¹² over the project site.

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

44. The Te Ākitai Waiohū Deed of Settlement was initialled on 23 December 2022 and was signed on 12 November 2021. The Deed is conditional on the enactment of the settlement legislation. The Deed 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.

45. 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. 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.

46. The project site is within the Coastal Statutory Acknowledgment Area as shown on plan OMCR-131-037. The statements of association set out in the documents attached to the Deed explain that the shores of Hikurangi (Waitakere Ranges) and the Hauraki Gulf (Tikapa Moana) through to the Manukau and Waitematā Harbours, are vital coastal areas to Te Ākitai Waiohū. Te Ākitai Waiohū maintains an enduring association with the coastal marine area, incorporating the western coast of Hikurangi from Woodhill in the north, to Whatipu in the south, through to the Manukau Harbour in its entirety, across to the Waitematā Harbour and out to the Hauraki Gulf, from Whangaparaoa in the north to Orere Point in the south ('the Coastal Area'). The statement of association states that the Coastal Area was the primary means of obtaining fresh kaimoana. It also refers to various species of migratory birds that nest along the shores of the coastal area. The Coastal Area was a crucial means of transportation by waka throughout the region and it was and continues to be a vital transport route facilitating travel, exploration, communication and trade throughout Tāmaki Makaurau. The waters of the Coastal Area are seen as a living entity with its own mauri and mana, representative of the iwi associated with these waters. The various bodies of water have their own taniwha or spiritual guardians associated with them. The Coastal Area is seen as a taonga of great cultural and spiritual significance to Te Ākitai Waiohū.

47. We note that this coastal statutory acknowledgement area is not identified on the Auckland Unitary Plan maps. We assume this is because the deed is conditional on the enactment of settlement legislation.

¹² These relate to the 5 specific Reserve and Conservation Areas. These do not include the site (cl 1.2 Document 2 to the Deed).

48. There are a number of protocols and relationship agreements provided for by the deed, including:
- a. A Crowns mineral protocol (not relevant to the application).
 - b. A taonga tūturu protocol. We refer to our comments above in relation to taonga tūturu.
 - c. A relationship agreement with the Minister of Conservation and the Director General of Conservation. This states that in giving effect to section 4 of the Conservation Act the Department will seek to involve Te Akitai Waiohū in conservation decision making of importance to them, ensuring Te Akitai Waiohū interests are considered. This may be relevant to the wildlife approval.
 - d. A relationship agreement with the Ministry for the Environment. This applies to all functions, powers, responsibilities and actions of the Secretary for the Environment that are exercised in relation to managing the use, development and protection of natural and physical resources within, or that affect, the Ngāti Tamaoho Area of Interest. It sets out ways in which to establish and maintain effective and efficient communication; including provision for an annual relationship meeting.

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

49. 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 includes the 5 iwi known collectively as the Marutūāhu Iwi, being: Ngāti Maru, Ngāti Paoa, Ngāti Tamatera, Ngaati Whanaunga and Te Patukirikiri. The Marutūāhu Iwi Collective redress area in the Deed of Settlement that was initialled on 27 July 2018 includes the project site. It is understood, based on information from the Office of Treaty Settlements website, that the deed is subject to ratification by the members of the Marutūāhu Iwi and conditional on the enactment of legislation.
50. The Deed 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, and for the transfer of specified commercial properties, none of which are relevant to the project site.
51. For completeness we note that the attachments to the deed includes plan SO 459993 (at p 21) which identifies non exclusive RFR land. This is identified as a shared right of first refusal area between Marutūāhu iwi and Te Kawerau a Maki, Ngāti Whātua. This area includes the Whangaparaoa Peninsula. The Deed provides at clause 4.42 that the RFR applies to land that is vested in the Crown; fee simple estate held by the Crown; and a reserve vested in an administering body that derived title to the reserve from the Crown. In the case of the esplanade reserve at Hobbs Bay, this was not vested in the local authority by the Crown (as is evident from the gazette notice). The site is therefore not part of the commercial redress offered.
52. The deed includes a coastal statutory acknowledgement. The deed states: the plan referred to as “Ngā Tai Whakarewa Kauri Marutūāhu Iwi (Ngāti Maru, Ngāti Paoa, Ngāti Tamatera, Ngaati Whanaunga, and Te Patukirikiri) Coastal Statutory

Acknowledgement (OTS-403-01)" will be inserted prior to the signing of this deed and this note will be removed.

Documents that do not meet the definition of a Treaty Settlement Deed

53. 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.¹³ There are a number of documents falling within this exclusion potentially relevant to the project site:
- a. The Deed of Settlement initialled by Ngaati Whanaunga. The area of interest includes the proposed project site, based on the area of interest agreed between Ngaati Whanaunga and the Crown in a Deed of Settlement initialled on 25 August 2017.
 - b. Marutūāhu Collective Redress Deed (initialled 27 July 2018). 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. The project site falls within the area within which Marutuahu Iwi collective redress is being provided to the Marutuahu Iwi as set out in the map included in the deed (clause 1.4).
 - c. The Deeds of Settlement with Ngāti Maru initialled on 8 September 2017 and the Deed of Settlement with Ngāti Tamaterā initialled on 20 September 2017. These deeds do not include an area of interest but information from Te Kahui Mangai confirms the proposed project location as being within the area of interest for these iwi.
54. In addition, the claims of Ngati Te Ata; Ngati Hako/Hako Tupuna Trust; and Te Runanga o Ngāti Whātua are yet to be settled. Information from Te Kauai Mangai confirms the project location is within the area of interest for these groups (although the areas of interest may be refined and confirmed throughout the course of treaty settlement negotiations).

Hauraki Māori Trust Board Act 1988

55. For completeness we note that 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.

3.7.4 Climate change and natural hazards

1. The LDE Assessment (Attachment 11) addresses the risk of hazards. Specifically:
 - a. Earthworks and dredging would be undertaken to ensure that potential effects on land stability are minimised. Reclamation fill, placement and compaction would adhere to the Code of Practice for Land Development in Auckland and meet the general compaction standards

¹³ s 4 FTAA.

set out in NZS4431:2022 to ensure appropriate stability for future platforms/car parking areas.

- b. The potential for future sea level rise will be accounted for during detailed design with minimum finished level adopted for all structure(s), carpark(s) and hardstand(s) ensuring mitigation of any adverse effects.
 - c. The potential for coastal erosion within or surrounding the marina is expected to be effectively mitigated by the breakwater/groyne.
- 2. Climate change effects have been accounted for in the discussion above on sea level rise and coastal erosion.
 - 3. All stormwater devices to be utilised on the site will also be designed to account for climate change.

3.8.1.1 Approvals under the Resource Management Act 1991

An assessment of the project against any relevant national policy statement, any relevant national environmental standards and, if relevant, the New Zealand Coastal Policy Statement.

- 1. An assessment of these documents is contained in the Planning Memorandum in Attachment 4.