



Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report

Project Name: FTAA-2603-1204 Brick Bay Lodge

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	29/07/2026

Number of attachments: 9	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location maps - List of relevant Māori groups - Ngāti Manuhiri statutory acknowledgements - Te Kawerau ā Maki coastal statutory acknowledgement - Ngāi Tai ki Tāmaki coastal statutory acknowledgement - Excerpt from the Ngāi Tai ki Tāmaki conservation relationship agreement - Excerpts from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement - Excerpt from the Ngāti Manuhiri conservation protocol
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Ministry for Cities, Environment, Regions & Transport contacts:

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Key points

- The Ministry for Cities, Environment, Regions & Transport (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2603-1204 Brick Bay Lodge referral application.
- The applicants, Christine and Richard Didsbury, propose to establish Brick Bay Lodge, a luxury 45 suite accommodation complex at Snells Beach, on the coastline approximately

7.5 km east of Warkworth. The applicant is seeking a range of resource consents that would otherwise be sought under the Resource Management Act 1991 (RMA), as well as approvals under the Wildlife Act 1953 and Heritage New Zealand Pouhere Taonga Act 2014.

3. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Auckland has a complex Treaty settlement landscape with many overlapping interests. Some groups have settled while others are still in settlement negotiations with the Crown for both individual group and collective redress. The project area also borders the marine and coastal area. Accordingly, there are a significant number of relevant Māori groups for this project area, which we have listed at **Attachment 3**.
4. The Treaty settlements and other arrangements relevant to the project area are the Ngāti Manuhiri Claims Settlement Act 2012, Te Kawerau ā Maki Claims Settlement Act 2015, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, and Ngāti Pāoa Claims Settlement Act 2025.
5. The Ngāti Manuhiri, Te Kawerau ā Maki, and Ngāi Tai ki Tāmaki settlements provide for coastal statutory acknowledgements that adjoin the project area. In addition, the Ngāti Manuhiri settlement provides for a statutory acknowledgement over the Matakana River, which incorporates the northern margins of the project area.
6. Under the RMA and the relevant Treaty settlements, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder. We consider the process of inviting comment (including providing information about the application) from these groups under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements.
7. The Ngāi Tai ki Tāmaki, Ngāti Pāoa, Te Kawerau ā Maki, and Ngāti Manuhiri deeds of settlement, and the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, provide for conservation relationships agreements or a conservation protocol setting out consultation requirements for Department of Conservation (DOC) statutory authorisations.
8. Should you decide to accept this referral application, under section 16(2)(c) of the Act we propose you direct any panel considering a substantive application for the project that includes a Wildlife Act 1953 approval, to consider:
 - a. how to comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Ngāi Tai ki;
 - b. whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective; and
 - c. how to apply the consultation procedures in the Ngāti Manuhiri conservation protocol to inform its engagement with that iwi.
9. None of the groups invited to comment on the referral application under section 17(1)(d) of the Act provided a response.

10. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', with a stylized, cursive script.

Stephanie Frame
Manager – Fast-track Operations

Introduction

11. Under section 18 of the Act, you must consider a report on Treaty settlements and other obligations for each referral application, prepared and provided by the responsible agency (Secretary for the Environment).
12. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
13. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

14. The applicants, Christine and Richard Didsbury, propose to establish Brick Bay Lodge at 15 Arabella Lane/52 Kauri Drive, Snells Beach, on the Kawau Bay coastline approximately 7.5 km east of Warkworth. Brick Bay Lodge will provide luxury visitor accommodation comprising some 45 accommodation suites and associated lodge amenities. Accommodation suites will comprise a mix of villas, cottages, and tree houses. They will be supported by shared amenities including reception services, a restaurant, pool house and gym, restoration pavilion and wellness retreat, and a beach house. The project will include earthworks and civil works for building platforms, roading and landscaping, and the installation and operation of services and infrastructure associated with the facilities, potentially including onsite wastewater treatment and disposal. The applicants own the land on which the project is proposed. No identified Māori land is involved.
15. The applicant is seeking a range of resource consents under the Act that would otherwise be sought under the RMA, which may include vegetation alteration or removal, earthworks, land disturbance, contaminated land, landscape impacts of buildings and structures, visitor accommodation and ancillary activities, activities in streambeds and wetlands, activities in a coastal erosion hazard area, taking, using, damming and diversion of water and drilling, parking, loading, access, and roads, the diversion and discharge of stormwater runoff, potentially onsite wastewater treatment and disposal, and other matters.
16. The applicant is also seeking a wildlife authority under the Wildlife Act 1953 to allow for the capture, relocation and incidental killing of lizards, and an archaeological authority under Heritage New Zealand Pouhere Taonga Act 2014 to modify recorded and unrecorded archaeological sites.
17. We have provided location maps at **Attachment 2**.

Relevant iwi authorities, Treaty settlement entities, and other Māori groups

18. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**.

Iwi authorities

19. Under section 4(2) of the Act, 'iwi authority' has the same meaning as in section 2(1) of the RMA:

the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

20. We consider the following groups to be the relevant iwi authorities for the project area:

- a. Ngāti Manuhiri Settlement Trust, representing Ngāti Manuhiri;
- b. Te Kawerau Iwi Trust, representing Te Kawerau ā Maki;
- c. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
- d. Ngāti Pāoa Iwi Trust, representing Ngāti Pāoa;
- e. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua Ōrākei;
- f. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki);
- g. Ngāti Tamaterā Settlement Trust, representing Ngāti Tamaterā;
- h. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga;
- i. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata;
- j. Hako Tūpuna Trust, representing Hako; and
- k. Ngātiwai Trust, representing Ngātiwai.

Treaty settlement entities

21. Under section 4(1) of the Act, "Treaty settlement entity" means any of the following:

- (a) *a post-settlement governance entity (PSGE):*
- (b) *a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:*
- (c) *an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:*
- (d) *Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):*
- (e) *an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).*

22. Under the Act, a PSGE:

- (a) *means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—*
 - (i) *by that group; or*
 - (ii) *by or under an enactment or order of a court; and*
- (b) *includes—*
 - (i) *an entity established to represent a collective or combination of claimant groups; and*
 - (ii) *an entity controlled by an entity referred to in paragraph (a); and*

(iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a).

23. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.¹

24. We have identified the following relevant Treaty settlement entities for this project area:

- a. Ngāti Manuhiri Settlement Trust, PSGE for the Ngāti Manuhiri Claims Settlement Act 2012;
- b. Te Kawerau Iwi Trust, PSGE for the Te Kawerau ā Maki Claims Settlement Act 2015;
- c. Ngāi Tai ki Tāmaki Trust, PSGE for the Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
- d. Ngāti Pāoa Iwi Trust, PSGE for the Ngāti Pāoa Claims Settlement Act 2025.

25. A PSGE may be established ahead of finalising a deed of settlement and/or enactment of Treaty settlement legislation. The following PSGEs in this category are also relevant:

- a. Te Rūnanga o Ngāti Whātua, PSGE for Ngāti Whātua remaining claims, agreement in principle signed 18 August 2017;
- b. Ngaati Whanaunga Ruunanga Trust, PSGE for the deed of settlement initialled 25 August 2017;
- c. Ngāti Maru Rūnanga Trust, PSGE for the deed of settlement initialled 8 September 2017;
- d. Ngāti Tamaterā Settlement Trust, PSGE for the deed of settlement initialled 8 September 2017;
- e. Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership, PSGEs for the Marutūāhu Collective, deed of settlement initialled 17 July 2018; and
- f. Hako Tūpuna Trust, PSGE for the deed recording on-account arrangements signed 30 June 2014;

Groups mandated to negotiate Treaty settlements

26. In addition to the PSGEs identified at paragraph 25, the following groups have recognised mandates to negotiate a Treaty settlement over an area which may include the project area and are in the early stages of negotiating their Treaty settlements:

- a. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata; and
- b. Ngātiwai Trust, representing Ngātiwai.

Takutai Moana groups and ngā hapū o Ngāti Porou

27. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.

¹ Should a panel be made aware of a Treaty settlement entity established after the Treaty settlement Act is enacted (e.g. on the advice of a PSGE), then there would appear to be nothing to prevent the panel from inviting that entity to comment on the application under section 53(2)(c) of the Act.

28. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws

29. The project area does not include a taiāpure-local fisheries area, mātaimai reserve, or area subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996.

Owners of identified Māori land where electricity infrastructure or land transport infrastructure is proposed

30. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:

- a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
- b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.

31. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

Iwi authorities and groups representing hapū who are party to relevant Mana Whakahono ā Rohe or joint management agreements

32. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.

33. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify. Ngai Tai ki Tamaki and Te Kawerau ā Maki began negotiating Mana Whakahono a Rohe agreements with Auckland Council respectively in 2018 and 2026, however no agreement has yet been reached in either case.

Any other Māori groups with relevant interests

34. While the project area is not within the marine and coastal area, it is adjacent to the foreshore of Kawau Bay (as shown in the maps at Attachment 2). Accordingly, we have included the following applicants for protected customary rights and/or customary marine title over the marine and coastal area surrounding the project area as 'other Māori groups with relevant interests' (under section 18(2)(k) of the Act):

- a. MAC-01-01-131 / CIV 2017-485-283 Iwi, whānau and hapū of Ngātiwai, CMT and PCR;
- b. MAC-01-02-003 Ngāi Tai ki Tāmaki, CMT and PCR;
- c. MAC-01-01-073 / CIV-2017-485-398 Ngāti Kawau and Te Waiariki / Ngāti Korora, CMT and PCR;
- d. MAC-01-02-005 / CIV-2017-404-569 Ngāti Te Ata Waiohua, CMT and PCR;

- e. MAC-01-02-007 Te Kawerau ā Maki, CMT and PCR;
 - f. MAC-01-03-006 Ngāti Maru, CMT and PCR;
 - g. MAC-01-03-011 Ngāti Tamaterā, CMT and PCR;
 - h. MAC-01-01-105 / CIV-2017-485-515 Reti whānau, CMT and PCR;
 - i. MAC-01-01-023 Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngāti Rua Iti Ngāti Muri Ngatiruamahue Ngāti Kawau Ngāti Haiti Ngāitupango Ngā Puhī Ngāti Kahu Te Auopouri, CMT and PCR;
 - j. MAC-01-01-050/ CIV-2017-404-537 Ngā Puhī Nui Tonu (Awataha Marae), CMT and PCR;
 - k. MAC-01-01-058 Ngā Puhī Nui Tonu (Waitangi Marae), CMT and PCR;
 - l. MAC-01-01-050 Ngapuhī nui tonu (Awataha Marae);
 - m. MAC-01-01-056 Ngā Puhī Nui Tonu (Te Kotahitangā Marae), CMT and PCR;
 - n. MAC-01-01-079 / CIV-2017-404-545 Ngāti Manuhiri, CMT and PCR;
 - o. MAC-01-01-091 Ngaati Whānaunga, PCR;
 - p. MAC-01-01-125 Te Hikutu Whānau and Hapū, PCR;
 - q. MAC-01-01-133 / CIV-2017-404-558 Te Kaunihera o Te Tai Tokerau, CMT and PCR;
 - r. MAC-01-01-140 / CIV-2017-404-563 Te Rūnanga o Ngāti Whātua, CMT and PCR;
 - s. MAC-01-01-085 / CIV-2017-485-276 Ngāti Rongo o Mahurangi, CMT and PCR;
 - t. MAC-01-03-001 Hauraki Māori Trust Board, CMT and PCR;
 - u. MAC-01-01-080 / CIV-2017-485-378 Ngāti Maraeāriki and Ngāti Rongo and Hapū, CMT and PCR; and
 - v. CIV-2017-404-567 Te Taou (Waitematā), CMT and PCR.
35. The applicants advise that they have developed a memorandum of understanding (MOU) with Ngāti Manuhiri with respect to the project. The MOU sets out the partnership principles/ngā mātāpono whanaungatanga by which the parties will work together. The applicant wishes to offer authentic Māori cultural experiences for visitors to Brick Bay Lodge. The opportunity to share and present the cultural history and narratives of Ngāti Manuhiri, including contemporary kaitiakitanga initiatives within the Hauraki Gulf / Tīkapa Moana, is a central reason for Ngāti Manuhiri participating in the MOU.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

36. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
37. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
- a. Ngāti Manuhiri Claims Settlement Act 2012;

- b. Te Kawerau ā Maki Claims Settlement Act 2015;
- c. Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
- d. Ngāti Pāoa Claims Settlement Act 2025.

Relevant principles and provisions

38. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below.

Crown acknowledgements and apologies

39. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.
40. Through the Treaty settlement process, the Crown seeks to build a new relationship with settled groups based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. As part of its apologies to Ngāti Manuhiri, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, and Ngāti Pāoa, the Crown made the following undertakings to these groups:
- a. Ngāti Manuhiri – It is the desire of the Crown to build a new relationship with Ngāti Manuhiri based on the Treaty of Waitangi and its principles, so that Ngāti Manuhiri and the Crown can work together to revitalise Ngāti Manuhiri.
 - b. Te Kawerau ā Maki – By the same means the Crown hopes to form a new relationship with the people of Te Kawerau ā Maki based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.
 - c. Ngāi Tai ki Tāmaki – The Crown hopes this settlement will lead to a new relationship that fulfils the expectations of their tūpuna and mokopuna, a relationship marked by cooperation, partnership, and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
 - d. Ngāti Pāoa – The Crown hopes that through this settlement it can rebuild the relationship that it established with Ngāti Pāoa in 1840, begin the process of healing and enter a new age of co-operation with their people.
41. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Statutory acknowledgements

42. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area'). The Ngāti Manuhiri, Te Kawerau ā Maki, and Ngāi Tai ki Tāmaki settlements provide for a coastal statutory acknowledgement over the marine and coastal area adjacent to the project area (the site sits directly above the Kawau Bay foreshore). In addition, the Ngāti Manuhiri settlement provides for a statutory acknowledgement over the Matakana River, which incorporates the northern margins of the project area.
43. We note the project may involve earthworks, land disturbance and other construction activities near surface flow paths and in a coastal erosion hazard area that have potential to stimulate movement of soil and other contaminants into coastal waters, either directly into the foreshore or via waterways draining the project area.

44. Under the RMA and the relevant settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or directly affecting a statutory area:
- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and
 - b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.²
45. The holder of a statutory acknowledgment may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the Environment Court, Heritage New Zealand Pouhere Taonga, the Environmental Protection Authority, or a board of inquiry), which may, in turn, take that statutory acknowledgement into account.
46. We consider the process of inviting comment (including providing information about the application) is comparable to the process under a Treaty settlement and the RMA of providing those who hold statutory acknowledgements with a summary of the application. You have already invited Ngāti Manuhiri, Te Kawerau ā Maki, and Ngāi Tai ki Tāmaki, as relevant iwi authorities and Treaty settlement entities, to comment on the application. Should you accept this referral application, these groups will also be invited for comment by the panel on a substantive application under section 53(2)(c) of the Act.
47. For your reference, we have provided the statutory acknowledgement provisions for Ngāti Manuhiri, Te Kawerau ā Maki, and Ngāi Tai ki Tāmaki, including the relevant statements of association and deed plans, at **Attachments 4, 5, and 6** (respectively).³

Conservation relationship redress

48. The Wildlife Act 1953 approvals which may be sought by the applicant are within scope of the conservation relationship redress provided through relevant Treaty settlements. Our advice is that these provisions are most relevant to the panel when considering a substantive application, as the decision-maker on the approvals.

Ngāi Tai ki Tāmaki conservation relationship agreement

49. The Ngāi Tai ki Tāmaki deed of settlement provides for a conservation relationship agreement with DOC. This relationship agreement requires DOC to consult with Ngāi Tai ki Tāmaki on applications for statutory authorisations in their area of interest, through a process consistent with consultation provisions in the conservation relationship agreement in the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed.⁴ We have included

² In addition to consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga must also have regard to statutory acknowledgements in relation to some of their processes.

³ Since the statutory acknowledgements provisions are standard drafting across Treaty settlement Acts, we have only provided the legislative provisions from the Ngāti Manuhiri Claims Settlement Act 2012.

⁴ The Tāmaki Collective comprises Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Pāoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohū, Te Kawerau ā Maki, Te Patukirikiri, Te Rūnanga o Ngāti Whātua.

the relevant excerpt from the Ngāi Tai ki Tāmaki conservation relationship agreement at **Attachment 7**.

50. The consultation process for statutory authorisations set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement requires iterative engagement with Ngā Mana Whenua o Tāmaki Makaurau, that includes DOC seeking their feedback, confirming how their feedback will be included in decision making processes, considering how their interests are reconciled with other considerations, and communicating the final decision to them. We have included the relevant excerpt from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement at **Attachment 8**.⁵

Ngāti Pāoa conservation relationship agreement

51. The Ngāti Pāoa deed of settlement provides for a conservation relationship agreement between Ngāti Pāoa and DOC, but an agreement has not yet been entered into. However, Ngāti Pāoa are part of the Tāmaki Collective, therefore the relevant consultation process on statutory authorisations, including a wildlife authority, outlined in the Ngā Mana Whenua o Tāmaki Makaurau Conservation Relationship Agreement may apply.

Te Kawerau ā Maki

52. The Te Kawerau ā Maki settlement does not provide for any individual conservation relationship agreement or protocol with DOC, but Te Kawerau ā Maki is a party to the Ngā Mana Whenua o Tāmaki Makaurau collective redress.

Ngāti Manuhiri conservation protocol

53. The Ngāti Manuhiri deed of settlement provides for a conservation protocol with DOC which applies to the project area. DOC and Ngāti Manuhiri have identified categories of statutory authorisations that may impact on the cultural, traditional and/or historic values of Ngāti Manuhiri. The two parties have agreed that authorities under the Wildlife Act 1953 are in this category. The expectation is that they will seek agreement on an appropriate response to the application, in a timely manner, before the decision is made under the relevant legislation. Further detail on the Ngāti Manuhiri Conservation Protocol is at **Attachment 9**.
54. We consider that your invitation to Ngāti Manuhiri Settlement Trust to comment on this application under section 17 of the Act would partially meet the consultation requirements in clauses 5.2 and 5.4 of the conservation protocol.
55. Should you accept this application for referral, and a substantive application is lodged, under section 53(2)(m) of the Act the panel will need to consider the procedures set out at **Attachment 9** to inform its consultation with Ngāti Manuhiri on the Wildlife Act 1953 authority.

Summary of advice

56. As noted above, we consider the conservation relationship agreement and protocol provisions are most relevant to the panel when considering a substantive application. Under clause 5 schedule 3 of the Act, if any Treaty settlement Act includes procedural arrangements relating to the appointment of a decision-making body for hearings and other

⁵ While 'statutory authorisations' is not defined in the Ngāi Tai ki Tāmaki conservation relationship agreement, the interpretation section states that the agreement is to be read in conjunction with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. Statutory authorisations are defined in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement as authorisations granted under the Conservation Act 1987 and the first schedule of that Act. Schedule 1 of the Conservation Act 1987 includes the Wildlife Act 1953, but does not include the Fisheries Act 1996 which is the primary legislation for the Freshwater Fisheries Regulations 1983.

procedural matters, the panel convener or panel must comply with the arrangements in the legislation as if they were a relevant decision maker. Other procedural matters include:

- a. a requirement for iwi or hapū to participate in the appointment of hearing commissioners to determine resource consent applications or notice of requirement lodged under the RMA;
- b. a requirement that notice be given to any person or specified class of person of any steps in a resource management process;
- c. any consultation requirements with iwi or hapū; or
- d. any other matter of procedure for determining a matter granted under a specified Act that corresponds to an approval under the Act.

57. By way of reference to the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement, the Ngāi Tai ki Tāmaki conservation relationship agreement requires a consultation process for Wildlife Act 1953 approvals which would be partially met by inviting comments as per section 53(2) of the Act. To comply with all of the procedural requirements, and to thereby meet its obligations under clause 5 schedule 3 of the Act, the panel will need to consider how it could accommodate the iterative, 'back and forth' nature of the consultation processes required by the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. This might include the panel following the consultation process required by the Treaty settlement or seeking agreement to a modified arrangement with Ngāi Tai ki Tāmaki.

58. Unlike the Ngāi Tai ki Tāmaki conservation relationship agreement, it is less clear whether the more interactive consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement should be applied to Ngāti Pāoa or Te Kawerau ā Maki. While both groups are also members of the Tāmaki Collective, the Ngāti Pāoa conservation relationship agreement has yet to be developed, and there is no provision for separate conservation relationship redress for Te Kawerau ā Maki. Bearing in mind section 7 of the Act, our view is that the panel may also want to consider whether it would be consistent with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to apply those same processes to consultation with all members of the Tāmaki Collective relevant to the project area.

59. Accordingly, should you decide to accept this referral application, under section 16(2)(c) of the Act we propose you direct any panel considering a substantive application for the project which includes a Wildlife Act 1953 approval to consider:

- a. how to comply with the consultation process in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to its engagement with Ngāi Tai ki Tāmaki; and
- b. whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to its engagement with other relevant Treaty settlement entities who are party to the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed; and
- c. how to apply the procedures in the Ngāti Manuhiri conservation protocol to inform its engagement with that iwi.

Ministry for Culture and Heritage Taonga Tuturu Protocols

60. We note there are seven recorded archaeological sites within the project area (including a notable pā occupying a prominent position on the property), and that the applicant is seeking an archaeological authority under the Heritage New Zealand Pouhere Taonga Act

2014. We also note the applicant intends to undertake cultural heritage assessment and archaeological investigation of the property with Ngāti Manuhiri.

61. While the settlements of Ngati Manuhiri, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, and Ngāti Pāoa provide for the Minister for Arts, Culture and Heritage to issue taonga tuturu protocols regarding interaction with these groups on specified matters relating to the care, recording, custody, and protection of taonga tuturu (objects that relate to Māori culture, history, or society and are more than 50 years old), these protocols do not include provisions relating to archaeological authorities.
62. Ultimately, iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

63. As noted above, the project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.

Taiāpure-local fisheries/mātaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

64. As noted above, the project area does not include a taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

65. As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

Summary of comments received and advice

Comments from invited Māori groups

66. Pursuant to section 17(1)(d) of the Act, on 9 June 2026 you invited written comments from the Māori groups identified above in paragraphs 20 to 34, from a list we previously provided you. These groups were provided with access to the application material and had 15 working days from receipt of the copy of the application to respond.
67. You did not receive comments from any of these groups.

Consultation with departments

68. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups, and have incorporated their views into this report.

Advice on whether it may be more appropriate to deal with the proposed approvals under another Act/s

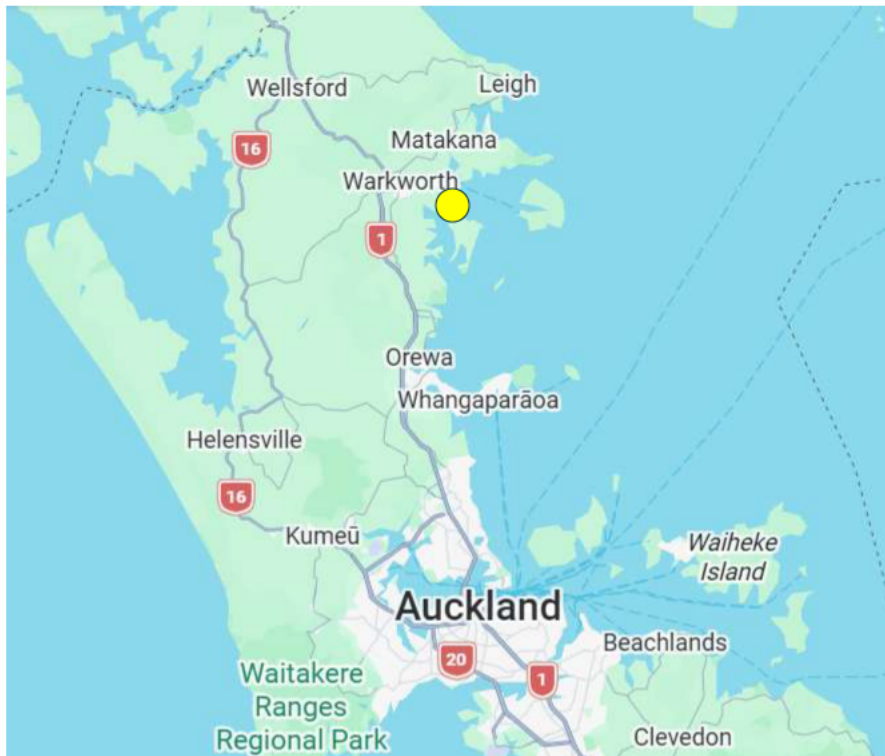
69. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
70. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	11, 12
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	20, 24, 25
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	37
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	38-62
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	26
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	27, 63
18(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	27, 63
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	28, 63
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	29, 64
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	31
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	33, 65

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	34
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	66, 67
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	70
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	68
18(4)	The responsible agency must provide the report to the Minister not later than 20 working days after the date for providing comments under section 17(6).	N/A
18(5)	However, if the Minister requests further information about a referral application under section 20, the time period specified in subsection (4) ceases to run for the period of time specified in the request.	N/A

Attachment 2: Project location maps



Map 1. Location of proposed Brick Bay Lodge shown by yellow circle above.



Map 2. Local area – location of proposed Brick Bay Lodge shown by red marking above.



Map 3. Section of land proposed for development of Brick Bay Lodge.

Source: Christine and Richard Didsbury 2026



Map 4. Footprint of proposed Brick Bay Lodge.

Source: Peter Hall Planning Limited 2026

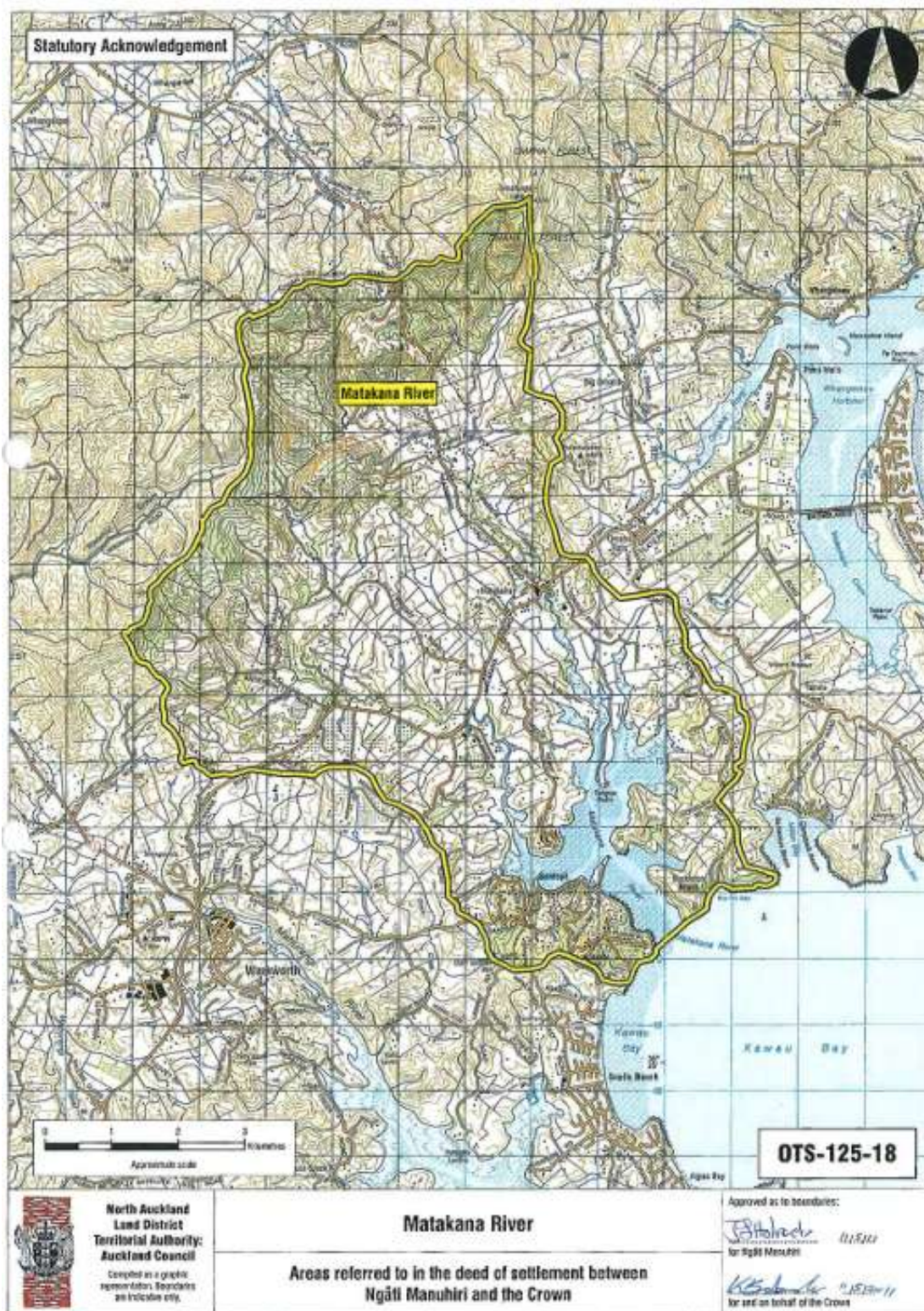
Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngāti Manuhiri Settlement Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Te Kawerau Iwi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Ngāi Tai ki Tāmaki Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Ngāti Pāoa Iwi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Te Rūnanga o Ngāti Whātua	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngāti Maru Rūnanga Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngāti Tamaterā Settlement Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngaati Whanaunga Incorporated Society	Iwi authority (s18(2)(a))
Ngāti Te Ata Claims Support Whānau Trust	Iwi authority (s18(2)(a)); negotiating mandate (s18(2)(d))
Hako Tūpuna Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngātiwai Trust	Iwi authority (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngaati Whanaunga Ruunanga Trust	Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership	Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
MAC-01-01-131 Iwi, whānau and hapū of Ngātiwai	Other Māori group with relevant interests (s18(2)(k))
MAC-01-02-003 – Ngāi Tai ki Tāmaki, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-073 / CIV-2017-485-398 – Ngāti Kawau and Te Waiairiki / Ngāti Korora, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-02-005 / CIV-2017-404-569 – Ngāti Te Ata Waiohua, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-02-007 – Te Kawerau ā Maki, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-03-006 – Ngāti Maru, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))

MAC-01-03-011 – Ngāti Tamaterā, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-105 / CIV-2017-485-515 – Reti whānau, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-023 Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngatirua Iti Ngati Muri Ngatiruamahue Ngati Kawau Ngati Haiti Ngaitupango Nga Puhi Ngati Kahu Te Aupouri, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-050/ CIV-2017-404-537 Ngā Puhi Nui Tonu (Awataha Marae), CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-058 Ngā Puhi Nui Tonu (Waitangi Marae), CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-050 Ngapuhi nui tonu (Awataha Marae)	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-056 Ngā Puhi Nui Tonu (Te Kotahitangā Marae), CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-079 / CIV-2017-404-545 Ngāti Manuhiri, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-091 Ngaati Whānaunga, PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-125 Te Hikutu Whānau and Hapū, PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-133 / CIV-2017-404-558Te Kaunihera o Te Tai Tokerau, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-140 / CIV-2017-404-563 Te Rūnanga o Ngāti Whātua, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-085 / CIV-2017-485-276 Ngāti Rongo o Mahurangi, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-03-001 Hauraki Māori Trust Board, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
MAC-01-01-080 / CIV-2017-485-378 Ngāti Maraeariki and Ngāti Rongo and Hapū, CMT and PCR	Other Māori group with relevant interests (s18(2)(k))
CIV-2017-404-567 Te Taou (Waitematā), CMT and PCR	Other Māori group with relevant interests (s18(2)(k))

Attachment 4: Ngāti Manuhiri statutory acknowledgements

Deed plans for statutory areas (attachments schedule to deed of settlement)





Excerpts from statements of association (documents schedule to deed of settlement)

MATAKANA RIVER

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as the Matakana River, and specifically that section of the river located above the river mouth boundary with the coastal marine area, as shown on deed plan OTS-125-18.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with Te Awa Matakanakana - the Matakana River

Te Awa Matakanakana (also known as the Matakana River) is of major significance to Ngāti Manuhiri as a sub-regional boundary marker. In 1853 the Crown identified the area north of the river as 'Parihoro's Claim', with Parihoro then being the oldest Ngāti Manuhiri rangatira in occupation of the district. The river provided an important inland route to kāinga and cultivations located on the fertile country located at the navigable head of the river. It also provided a wide range of food taken from both the fresh and salt water sections of the river. Beyond the river mouth was one of the most valued tauranga mango (shark fishing grounds) in the region. Here over many generations, down to the late nineteenth century, Ngāti Manuhiri and their relatives gathered large quantities of school sharks known locally as muri. The upper reaches of the Matakana River were protected by several pā, including Pukematekeo, while the lower reaches and the adjoining harbour were protected by the headland pā known as Matakanakana – 'the glowering eyes'. This pā, which is of considerable significance to Ngāti Manuhiri, gives its name to the river and the surrounding district.

COASTAL STATUTORY ACKNOWLEDGEMENT AREA

Statutory Area

The area to which this Statutory Acknowledgement applies is the Ngāti Manuhiri Coastal Acknowledgement Area, as shown on deed plan OTS-125-06. This statutory acknowledgment should be considered alongside the Ngāti Manuhiri statutory acknowledgments for the adjoining coastal environment, rivers and the offshore islands.

Statement of Association for the Ngāti Manuhiri Coastal Statutory Acknowledgement Area

The coastal marine area and the coastal environment adjoining are central to the origins, mana and identity of Ngāti Manuhiri as an iwi, and as part of the ocean-focused tribal grouping Ngāti Wai ki te Moana.

Ngāti Manuhiri have an important ancestral relationship with the coastal marine area extending from Mangawhai (the Mangawhai Harbour) to Matakanakana (the Matakana Estuary). Broader and shared ancestral interests are also maintained within a coastal area covering the seaway known as Te Moana Nui ō Toi – the great sea of Toi (the central and northern Hauraki Gulf). In the north, Ngāti Manuhiri share ancestral relationships and interests from Paepae ō Tū (Bream Tail) on the eastern coastline, out to the islands of Tūturu (Sail Rock) and Pokohinu (the Motuhinau Islands group).

The Ngāti Manuhiri coastal statutory acknowledgement area encompasses the islands of Hauturu-o-Toi / Little Barrier Island, and Aotea (Great Barrier Island), where Ngāti Manuhiri have shared ancestral interests, including on Rangiahua (Flat Island), Motu Mahuki, Motu Taiko, and their marine environs. Ngāti Manuhiri accept that their relatives Ngāti Rehua act as primary kaitiaki of these interests at Aotea.

The southern boundary of the Ngāti Manuhiri coastal statutory acknowledgement area extends from the south western extremity of Aotea (Great Barrier Island) through the seas known traditionally as Taitūmata and Te Awanui ō Hei, to Takapou (Channel Island). It then runs westward through the seaway known as Moana Te Rapu, to the south of the Whāngaparāoa Peninsula, to reach the eastern coastline of the Auckland region at Ōkura. There are places of spiritual, historical, cultural and economic importance to Ngāti Manuhiri along the entire coastline between Ōkura and Paepae ō Tū (Bream Tail). Seaways of particular significance to Ngāti Manuhiri include Waimiha (Ōmaha Bay) which was associated with the annual whale migrations described below, Moanauriuri (Kawau Bay), and Waihi (the North Channel of Kawau Bay). This latter area is a place of particular mana associated with the landmarks and ritually important areas of Karangatuoro, Matatūahu, Tangaroa and Tokatū.

Te Moana Nui ō Toi Te Huatahi – The Great Sea of Toi Te Huatahi

Ngāti Manuhiri trace descent from the famous early Māori ancestor and voyager Toi Te Huatahi, after whom Te Moana Nui ō Toi (the central and northern Hauraki Gulf) is named. This ocean area, and its mauri or spiritual essence, kaitiaki or spiritual guardians, biodiversity, seaways, islands, and traditions, lie at the heart of the identity of Ngāti Manuhiri. Te Moana Nui ō Toi, and its islands and coastal margins are also associated with the earliest ancestral origins of Ngāti Manuhiri, through descent from the ancestors Maui Pae, Manaia, and Tahuhunuiorangi. This seaway was also associated with the arrival of the Tainui and Aotea waka in the region, and the renowned ancestors Rakataura and Turi from whom the eponymous ancestor Manuhiri descends.

The annual whale migrations through Te Moana nui ō Toi were of major significance to Ngāti Manuhiri, and remain so. They symbolise ancestral associations, the changing of the seasons, and the rich marine biodiversity contained within this vast ocean area. The coastal seaways between Whāngaparāoa, 'the bay of the sperm whales', and Tokatū Point, provided a resting place for migrating whales and their calves. The seaway lying to the north of Tāwharanui, and extending towards Hauturu-o-Toi / Little Barrier Island, was known traditionally as Waimiha or Te Aumiha. This name has layers of meaning relating to the whale calves that rested in the coastal waters, the ambergris cast ashore by the whales, and the heavy seas that arise in this area. Whales often stranded on this part of the coast, in particular on the northern side of the Tokatū Peninsula, bringing a rich bounty for Ngāti Manuhiri. On occasions whales were also caught by the young men of the tribe, both as a symbol of manhood and as a resource. The name of the nineteenth century Ngāti Manuhiri leader Te Kiri Kaiparaoa symbolises this activity and the exercise of rangatiratanga:

He reirei ngā niho parāoa, he parāoa ngā kauae.

"If you wear a necklace of sperm whale teeth, you need the jaws of a sperm whale to carry them".

Te Ao ō Tangaroa - The Realm of Tangaroa

The seas of Te Moana Nui ō Toi provided a vast source of food for Ngāti Manuhiri over the generations, including sea mammals, a great variety of fish, shellfish, seaweed and sea birds. Knowledge relating to the location and resources of individually named tauranga ika (fishing grounds) was handed down over the generations until this practice was disrupted by the introduction of modern sonar devices. Of particular importance to Ngāti Manuhiri were tauranga ika associated with whāpuku (groper), tarakihi, tawatawa (mackerel), tāmure (snapper), kahawai, and haku (kingfish). The tauranga mango (shark fishing grounds) of Kawau Bay were used by Ngāti Manuhiri and others to catch the school shark species known locally as muri. This important winter food source was coveted by iwi and became the cause of significant conflict in the eighteenth century. Ngāti Manuhiri continued to harvest muri from this area regularly until the establishment of a shark oil processing factory at Sandspit in the late nineteenth century, and periodically until the 1920s.

Te Takutaimoana – the Coastline

The coastline extending between the Whāngaparāoa Peninsula and Paepae ō Tū (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, which was harvested seasonally according to strict customary practices until the alienation of most of the Ngāti Manuhiri tribal domain by the late nineteenth century. In spite of this, the Ngāti Manuhiri rangatira Te Kiri Kaiparaoa continued to assert rights over the resources of the coastline between Tokatū and Pākiri until his death in 1873. Prior to the introduction of animal pest species, deforestation and land clearance in the mid nineteenth century, the coastal environment also contained seal colonies, for example Te Pūrei Kekenō at Hāwera (Ti Point). There were also large seabird breeding colonies on most of the larger coastal headlands from which birds and eggs were harvested. Settlement was focused around sheltered bays, harbours and river mouths, with fortified pā protecting the resources of each of these communities.

Places of special significance to Ngāti Manuhiri on this coastline include: Tiritiri Mātangi Island, named after the Waikato birthplace of the eponymous ancestor Manuhiri, Whangaparāoa, "the bay of the sperm whales", Motu Mahurangi (Mahurangi Island), Awa Waiwerawera (the Waiwera River), Te Awa Pūhoi (the Pūhoi River), Te Muri ō Tarariki, Waihē (the Mahurangi River), Te Korotangi (a fortified pā), Ōpahi, Motu Kororā (Saddle Island), Matakanakana (a fortified pā), Awa Matakanakana (Matakana Harbour and River), Purahurawai (Scandrett's Bay/Mullet Point), and the islands of Te Mau Tohorā ā Manaia (Motuora), Moturekareka, Motumanu, Motuketekete, Taungamārō, Takangaroa, Ruakoura, Tangaroa, and Te Kawau Tūmārō ō Toi (Kawau Island).

The coastline extending from Matakanakana northward around the Tokatū Peninsula to Whāngateau contains numerous areas of significance to Ngāti Manuhiri. These include traditional inshore fishing grounds, netting and kaimoana gathering areas, pā, kāinga, wāhi tapu, tūahu, and navigational and historical landmarks. Examples are provided by: Waimarumaru, Wai ihe, Pākaraka, Karangatuoro, Te Ngaere, Waikauri, Matatūahu, Ōponui (a fortified pā), Mangatāwhiri, Pāhī (a fortified pā), Tokatū, Waikōkōwai, Pukeruhiruhi (a fortified pā), Waimaru, Waitapu, Te Kieke, Te Wairenga and Te Taumutu (Ōmaha Spit), Whāngateau, Waikōkopu, Uruhau, Pātito (a fortified pā), Koekoea (a fortified pā), Hāwera, Te Pūrei Kekenō, Piupiu (a fortified pā), Kohuroa (Matheson Bay), Whānga ō maha (Leigh Harbour), Panetiki, Motururu, Wakatūwhenua, Motu Hāwere, Ōkākari (a fortified pā), Pitokuku, Taumata (a fortified pā), Ngā One Haea (Pākiri Beach), Te Ārai ō Tāhuhu (a fortified pā), Mangawhai, and Paepae ō Tū (Bream Tail). Several of these coastal sites, including the main harbours and the region's longest east coast beach, are of particular significance to Ngāti Manuhiri as outlined below.

Ongoing Association with the Coastal Area

Following the alienation of most of their coastal land in the nineteenth century, Ngāti Manuhiri continued to utilise the resources of the coastal marine area. The Ngāti Manuhiri rangatira Te Kiri Kaiparaoa operated the coastal trading vessel *Industry* from 1858. His son in law Tenetahi Te Riringa was a renowned sailing captain, operating such vessels as the *Rangatira*, and his sons Wi Taiawa and Kiri Paraone ran a trading service and commercial fishing operation out of Whānga ō Maha (Leigh Harbour) for many years. Ngāti Manuhiri were involved in commercial fishing operations in the area until recently, and continue to hold significant commercial fishing interests through the Ngāti Wai Trust Board. Ngāti Manuhiri were associated with the establishment and operation of the Hauraki Gulf Maritime Park in 1967, and have more recently played an active role on the Hauraki Gulf Forum established under the provisions of the Hauraki Gulf Marine Park Act 2000.

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. Ngāti Manuhiri has also played an active partnership role with the Auckland Council in the establishment and management of the Tāwharanui Open Sanctuary ecological restoration project, and its associated Marine Protection Area. As the iwi develops further capacity it looks forward to being fully engaged in exercising kaitiakitanga in partnership with other iwi, the Crown and the wider community, within its coastal acknowledgement area.

The entire document can be found at this link (from page 6): [Ngāti Manuhiri Deed of Settlement Schedule - Documents 21 May 2011](#)

Statutory acknowledgement provisions (Ngāti Manuhiri Claims Settlement Act 2012)

Version as at
30 November 2022

Ngāti Manuhiri Claims Settlement Act 2012

Part 2 s 29

Subpart 2—Statutory acknowledgement and deed of recognition

Statutory acknowledgement

26 Interpretation

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statements of association means the statements—

- (a) made by Ngāti Manuhiri of their particular cultural, spiritual, historical, and traditional association with the statutory areas; and
- (b) that are in the form set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 27 in respect of each statutory area, on the terms set out in this subpart

statutory area means an area described in Schedule 1, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

27 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association.

28 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, as provided for in sections 29 to 31; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications, or copies of notices of resource consent applications, to the trustees, as provided for in section 33; and
- (c) to enable the trustees and members of Ngāti Manuhiri to cite the statutory acknowledgement as evidence of the association of Ngāti Manuhiri with a statutory area, as provided for in section 34.

Section 28(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

29 Relevant consent authorities to have regard to statutory acknowledgement

- (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, 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.
- (2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

30 Environment Court to have regard to statutory acknowledgement

- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons who have an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.
- (2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

31 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

- (1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

- (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
 - (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.
- (2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 31: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

32 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, a relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
 - (a) the provisions of sections 26 to 31 and 33 to 36 in full; and
 - (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) any statements of association for the statutory areas.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

33 Provision of summaries or notices of certain applications to trustees

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

34 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāti Manuhiri may, as evidence of the association of Ngāti Manuhiri with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) relevant consent authorities;
 - (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991;
 - (c) the Environment Court;
 - (d) Heritage New Zealand Pouhere Taonga;
 - (e) parties to proceedings before those bodies;
 - (f) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
 - (a) neither the trustees nor members of Ngāti Manuhiri are precluded from stating that Ngāti Manuhiri has an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Section 34(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 34(2)(d): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

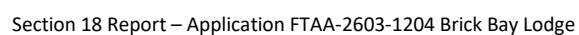
35 Trustees may waive rights

- (1) The trustees may waive the right to be forwarded summaries, and copies of notices, of resource consent applications under section 33 in relation to a statutory area.
- (2) Rights must be waived by written notice to the relevant consent authority stating—
 - (a) the scope of the waiver; and
 - (b) the period for which it applies.
- (3) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

36 Application to river or stream

- (1) If any part of the statutory acknowledgement applies to a harbour, that part of the acknowledgement also applies to the bed of the harbour and everything above the bed.
- (2) If any part of the statutory acknowledgement applies to a river or stream, that part of the acknowledgement—
 - (a) applies only to—
 - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) an artificial watercourse; or
 - (iii) a tributary flowing into the river or stream.

Deed plan for statutory area (attachments schedule to deed of settlement)



Excerpts from statement of association (documents schedule to deed of settlement)

TE KAWERAU Ā MAKI COASTAL STATUTORY ACKNOWLEDGEMENT AREA

Statutory Area

The area to which this Statutory Acknowledgement applies is the Te Kawerau ā Maki Coastal Acknowledgement Area, as shown on the deed plan OTS-106-14. This statutory acknowledgement should be considered alongside the Te Kawerau ā Maki statutory acknowledgements for the adjoining coastal environment and rivers of significance.

Statement of Association for the Te Kawerau ā Maki Coastal Statutory Acknowledgement Area

The coastal marine area and the coastline adjoining it are of central importance to the identity of Te Kawerau ā Maki, particularly in relation to the area adjoining the heartland of the iwi in West Auckland. Te Kawerau ā Maki hold a long and enduring ancestral and customary relationship with the coastal marine area bordering the northern shores of the Manukau Harbour, the west coast of the Waitākere Ranges and the upper Waitematā Harbour. Broader and shared ancestral interests are also held with a more extensive coastal area of interest covering Te One Rangatira (Muriwai Beach), the lower Waitematā Harbour, the coastline adjoining the North Shore – Mahurangi districts, and parts of Te Moana nui ō Toi (the Hauraki Gulf).

Mahurangi

The wider coastal environment lying between Ōrewa and the Mahurangi River is known traditionally as Mahurangi. It takes its name from the small island pā located off the mouth of Awa Waiwerawera (the Waiwera River). Te Kawerau ā Maki have a shared ancestral and customary interest in this locality, which was named by the ancestor Rakataura, and which was occupied by Maki and his descendants. The customary relationship held by Te Kawerau ā Maki with the adjoining land block of Maungatauhoro was recognised by Te Kawerau rangatira and the Native Land Court when title to the Mahurangi reserve was investigated in 1866. The enduring Te Kawerau ā Maki relationship with this area, and its hot springs, was reflected by the fact that the late nineteenth and early twentieth century tribal leader, Te Utika Te Aroha, named one of his daughters Waiwera. This name has continued to be passed down within the iwi to commemorate the ancestral and customary association with Mahurangi.

Through descent from Maki and all four of his sons, Te Kawerau ā Maki have shared ancestral interests in the coastline extending to the north of Mahurangi. Places with which Te Kawerau ā Maki hold a special ancestral association include: Te Korotangi (a fortified pā at the mouth of Waihē, the Mahurangi River), Ōpāheke ō Rotu (Ōpāheke Point), Pukeruhihi (a fortified pā at Tāwharanui), and Te Hāwere ā Maki / Goat Island. Te Kawerau ā Maki ancestral and customary relationships with the coastal area north of Matakana were recognised by related Te Kawerau rangatira when they were placed on the title to the Mangatāwhiri Block (Tāwharanui–Ōmaha) with other Te Kawerau people in 1873.

Te Kawerau ā Maki also have a shared ancestral association with the main islands standing off this coastline, in particular Te Kawau-tūmārō-ō-Toi (Kawau Island) and Te Hauturu-ō-Toi / Little Barrier Island. This association is claimed through the conquest of Hauturu by Maki and his brother Mataahu, and the subsequent occupation of the island by their descendants until the early 1840s. It was at this time that the Te Kawerau ā Maki rangatira Te Ngerengere is documented to have visited his Ngāti Manuhiri relative Taurekura on Hauturu. Te Kawerau ā Maki continue to treasure their ancestral relationship with Hauturu and the wider coastal environment that surrounds it, while also recognising the enduring kaitiaki role that their Ngāti Manuhiri whanaunga play.

Link to entire document: [Te Kawerau ā Maki Deed of Settlement Schedule - Documents 22 Feb 2014](#)

Attachment 6: Ngāi Tai ki Tāmaki coastal statutory acknowledgement

Deed plan for statutory area (attachments schedule to deed of settlement)



Excerpts from statement of association (documents schedule to deed of settlement)

Coastal Marine Area (as shown on deed plan **OTS-403-128**)

Ngāi Tai Ki Tāmaki are a maritime people without boundaries and have been voyagers since ancient times. Ngāi Tai ki Tāmaki are acknowledged as being amongst the original inhabitants of Aotearoa. It is inevitable that some of the most significant sites of arrival, ritual, landmark and subsequent habitation, both seasonal and permanent, are now shared with others, others with whom we share close links through whakapapa and shared histories, others who through the passage of time and history hold ahi kaa in different places. Ngāi Tai hold fast to the knowledge of our associations to the places and the people as taonga tuku iho. From Te Arai out to Hauturu out to Aotea and throughout Hauraki and Tāmaki Makarau and all the islands within, Ngāi Tai have significant multiple, and many layered associations.

Tiritirimatangi ki Te Kawau Tu Maro o Toi ki Mahurangi

Through Ngāti Taihaua ancestry shared with other close relations there emerged the later descent groups of Ngāti Kahu and Ngāti Poataniwha through whom Ngāi Tai ki Tāmaki established shared occupation of the North Shore and Upper Waitemata Harbour, going on to extend mutual interests along the Mahurangi coastline as far north as Orewa and Te Arai Point. Through Ngāti Taihaua, Ngāti Kahu and Ngāti Poataniwha ancestry, Ngāi Tai Ki Tāmaki and others hold shared interests in the adjacent islands of Rangitoto, Tiritirimatangi and Te Kawau Tu Maro o Toi.

It is a Ngāi Tai Tradition that through the relationships of Taihaua with subsequent aggressors Ngāi Tai enjoyed ongoing occupation of those places. During hearings into land transactions that were ongoing post 1840 Ngāi Tai Rangatira continued to assert their whakapapa and claims to this entire area and to these motu.

The entire document can be found at this link (from page 1): [Ngāi Tai ki Tāmaki Deed of Settlement Documents Schedule 7 Nov 2015](#)

Attachment 7: Excerpt from the Ngāi Tai ki Tāmaki conservation relationship agreement

4: CONSERVATION RELATIONSHIP AGREEMENT

7. STATUTORY AUTHORISATIONS

- 7.1 The Department will carry out consultation with Ngāi Tai ki Tāmaki, through its Kaitiakitanga Roopu, concerning applications for statutory authorisations within their area of interest consistent with the process set out in clause 11 of the Ngā Mana Whenua o Tāmaki Makaurau Conservation Relationship Agreement.
- 7.2 Ngāi Tai ki Tāmaki has strong interests in exploring the following types of opportunities for concessions that involve public conservation land:
- 7.2.1 Hikoi o Te Motu/ Guided walking tours on Rangitoto, Motutapu, Motuihenga, Motukorea, Waiheke, public conservation land in the southern Hunua and Maungauika (while under the Department's administration);
 - 7.2.2 Hikoi o Te Moana/Guided kayak or waka tours on the Gulf (including marine mammal and native coastal bird watching permits);
 - 7.2.3 glamping or hosted camping on Hauraki motu;
 - 7.2.4 hosting of sporting events; and
 - 7.2.5 hosting of cultural events eg Matariki.

The entire document can be found at this link (from page 48): [Ngāi Tai ki Tāmaki Deed of Settlement Documents Schedule 7 Nov 2015](#)

Attachment 8: Excerpts from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement

11 STATUTORY AUTHORISATIONS

- 11.1 The strategic partnership objectives will guide the parties to determine appropriate engagement on statutory authorisations within the Tāmaki Makaurau Region.
- 11.2 As part of these strategic objectives, Ngā Mana Whenua and the Department will identify, and keep under review, categories of statutory authorisations that may have high impact on the spiritual, ancestral, cultural, customary, and historic values of Ngā Mana Whenua.
- 11.3 As the Department works within time limits to process applications for some forms of statutory authorisations, it will notify Ngā Mana Whenua o Tāmaki Makaurau (as part of the meetings referred to in paragraph 11.2) of the time frames for providing advice.
- 11.4 The strategic partnership objectives will guide the parties to determine potential opportunities for Ngā Mana Whenua o Tāmaki Makaurau to obtain statutory authorisations on public conservation land within the Tāmaki Makaurau Region, including in relation to commercial opportunities.
- 11.5 The Department will actively advise and encourage all prospective applicants within the Tāmaki Makaurau Region to consult with Ngā Mana Whenua before filing their application. The Department will also consult Ngā Mana Whenua at an early stage on such categories of authorisations or renewal of authorisations within the Tāmaki Makaurau Region.
- 11.6 For the types of Statutory Authorisations within the Tāmaki Makaurau Region agreed to in clause 11.2, Ngā Mana Whenua and the Department will adopt the following process:
- a. the Department notifies Ngā Mana Whenua of the application, timeframe for a decision and the timeframe for Ngā Mana Whenua response;
 - b. Ngā Mana Whenua, within an agreed timeframe, notify the Department of their response including the nature of their interests in the proposal and their views in relation to the proposal;
 - c. the Department acknowledges Ngā Mana Whenua interests and views as conveyed (providing an opportunity to clarify or correct the Department's understanding of those interests and views), how those interests and views will be included in the decision-making process and any apparent issues or conflict that may arise;
 - d. the Department will, in making a decision, consider whether it is possible to reconcile any conflict between Ngā Mana Whenua interests and views and other considerations in the decision-making process;
 - e. the Department will record in writing as part of a decision document the nature of Ngā Mana Whenua interests and the views of Ngā Mana Whenua as conveyed; and
 - f. the Department will communicate its decision to Ngā Mana Whenua as soon as practicable after it is made.

23 CONSULTATION

23.1 Where consultation is undertaken with Ngā Mana Whenua, the Department will:

- a) Ensure that Ngā Mana Whenua or the relevant iwi/hapū are consulted as soon as reasonably practicable following the identification of the proposal or issues to be the subject of the consultation;
- b) Provide Ngā Mana Whenua or the relevant iwi/hapū with sufficient information and time to make informed comments and/or submissions in relation to any of the matters that are subject of the consultation;
- c) Approach the consultation with an open mind and genuinely consider any views and/or concerns that Ngā Mana Whenua or the relevant iwi/hapū may have in relation to any of the matters that are subject to the consultation; and
- d) Report back to Ngā Mana Whenua or the relevant iwi/hapū Governance Entity on any decision that is made.

23.2 Where Ngā Mana Whenua participates in consultation under this Relationship Agreement, Ngā Mana Whenua will provide to the Department information on the nature of the Ngā Mana Whenua interest and the views of Ngā Mana Whenua in relation to the proposal or issue upon which they are being consulted.

The entire document can be found at this link (from page 18): [Tāmaki Makaurau Collective Redress Deed Schedule - Documents 5 Dec 2012](#)

Attachment 9: Excerpt from the Ngāti Manuhiri conservation protocol

5 STATUTORY AUTHORISATIONS

- 5.1 The strategic objectives for the relationship will guide the parties to determine appropriate engagement on Statutory Authorisations within the Protocol Area.
- 5.2 As part of these strategic objectives, 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. These categories will be reviewed as agreed. The Department will advise and encourage all prospective applicants within the Protocol Area to consult with the Governance Entity before filing their application. The Department will also consult the Governance Entity at an early stage on such categories of authorisations or renewal of authorisations within the Protocol Area.
- 5.3 The Department will consult with the Governance Entity and have regard to its views for Statutory Authorisations for Te Hauturu-o-Toi / Little Barrier Island.
- 5.4 For the types of statutory authorisations that Ngāti Manuhiri and the Department agree have potential significance the Department and the Governance Entity see the benefit of seeking agreement, in a timely manner, on an appropriate response to the application, before the decision is made under the relevant legislation.
- 5.5 As the Department works within time limits to process concession applications, it will notify the Governance Entity (as part of the meetings referred to in paragraph 4.2) of the time frames for providing advice.
- 5.6 It is expected that the strategic objectives for the relationship will guide the parties to determine potential opportunities for Ngāti Manuhiri to obtain statutory authorisations on public conservation land within the Protocol Area, including concessions for cultural tours.

The entire document can be found at this link (from page 31) [Ngāti Manuhiri Deed of Settlement Schedule - Documents 21 May 2011](#)