



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

Project Name: FTAA-2603-1183 Waiheke Onsen

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	9 June 2026

Number of attachments: 10	Attachments: <ol style="list-style-type: none">1. Provisions of section 18 of the Fast-track Approvals Act 20242. Project location maps3. List of relevant Māori groups4. Excerpts from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement5. Excerpt from Ngāi Tai ki Tāmaki conservation relationship agreement6. Te Patukirikiri statement of association with Waiheke Island from deed of settlement7. Ngāti Pāoa statement of association and statutory area for Matietie Historic Reserve from deed of settlement8. Te Waero Awe Houkura cultural redress properties from Ngāti Pāoa deed of settlement.9. Comments received from invited Māori groups10. Comments received from the Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts:

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Key points

1. The Ministry for the Environment (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-2603-1183 Waiheke Onsen referral application.

2. The applicant, Waiheke Mon E Limited, proposes to develop the Waiheke Onsen project at 32 Tiri Road, Oneroa, which may include a 180-room hotel, 10 Japanese inspired Ryokan villas, a luxury Japanese geothermal retreat (onsen), and a café/restaurant. The applicant is seeking a range of resource consents under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA) and a wildlife authority under the Wildlife Act 1953. No part of the project is located in the marine and coastal area, and no identified Māori land is involved.
3. Section 18(2) of the Act requires that this 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. There are twelve relevant Māori groups for this project area, which we have listed at **Attachment 3**.
4. The Treaty settlements relevant to this application are: Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Tamaoho Claims Settlement Act 2018, Ngāti Pāoa Claims Settlement Act 2025, and Te Patukirikiri Iwi deed of settlement signed 7 October 2018.
5. 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 to:
 - a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 approvals being sought (unless a modified arrangement can be agreed); and
 - b. consider whether, and how, 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 i.e. Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Patukirikiri.
6. Ngāti Pāoa Iwi Trust provided feedback on the application, stating that Ngāti Pāoa objects to the Waiheke Onsen proposal due to the lack of consultation with Ngāti Pāoa, and the lack of supporting archaeological information detailing the impact on an area widely recognised as having historical connections and deposits dating back to the first inhabitants of New Zealand.
7. The Minister for Māori Development and the Minister for Māori Crown Relations support referral of the application and recommend that the expert panel considering the substantive application give due consideration to the consultation process under the relevant conservation agreements, and to the concerns raised by Ngāti Pāoa Iwi Trust.
8. 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



Stephanie Frame
Manager, Fast-track Operations

Introduction

9. Under section 18 of the Act, you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment).
10. 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.
11. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

12. The applicant, Waiheke Mon E Limited, proposes to develop the Waiheke Onsen at 32 Tiri Road, Oneroa, Waiheke Island. The project area is located approximately 700m from the Waiheke Ferry Terminal at Matiatia. The Waiheke Onsen will consist of a 180-room hotel, 10 Japanese inspired Ryokan villas, a luxury Japanese geothermal retreat (onsen) including hot pools that can accommodate 150 guests, 16 private day pools, 4 private saunas, and a café/restaurant. The Waiheke Onsen will also include a spa facility with treatment room and a pool, a wedding conference venue that can accommodate 200 guests, a yoga and meditation pavilion, and associated facilities including carparking, reception, changing rooms and service kitchen. The development is not proposed to be staged. The applicant owns the land on which the project is proposed. No identified Māori is involved.
13. The applicant is seeking a range of resource consents under the Act that would otherwise be sought under the RMA, which may include buildings in relation to height, boundary, yard, and site coverage requirements, commercial and accommodation uses, vegetation removal, land disturbance, earthworks (including a potentially prohibited activity), diversion of surface water and groundwater, take and use of geothermal water, on-site wastewater treatment and disposal, diversion and discharge of stormwater runoff from impervious areas, discharge of contaminants onto land, construction noise, activities in relation to slopes, wetland and stream setbacks, vegetation driplines, and ridgelines, and other matters. The applicant is also seeking a wildlife authority under the Wildlife Act 1953 for the relocation of skinks.
14. We have provided a location map at **Attachment 2**.

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

15. 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

16. 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.

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

- a. Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho;
- b. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
- c. Ngāti Pāoa Iwi Trust, representing Ngāti Pāoa;
- d. Ngāti Tamaterā Settlement Trust, representing Ngāti Tamaterā;
- e. Te Patukirikiri Iwi Trust, representing Te Patukirikiri;
- f. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki);
- g. Hako Tūpuna Trust, representing Hako; and
- h. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga.

Treaty settlement entities

18. 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).

19. 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).

20. 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
21. We have identified the following relevant Treaty settlement entities for this project area:
- a. Tūpuna Taonga o Tāmaki Makaurau Trust / Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGEs for Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
 - b. Ngāi Tai ki Tāmaki Trust, PSGE for the Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
 - c. Ngāti Tamaoho Settlement Trust, PSGE for the Ngāti Tamaoho Claims Settlement Act 2018; and
 - d. Ngāti Pāoa Iwi Trust, PSGE for the Ngāti Pāoa Claims Settlement Act 2025.
22. 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. Hako Tūpuna Trust, PSGE for the deed recording on-account arrangements signed 30 October 2014;
 - 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 collective redress deed initialled 27 July 2018; and
 - f. Te Patukirikiri Iwi Trust, PSGE for the deed of settlement signed 7 October 2018.

Groups mandated to negotiate Treaty settlements

23. Aside from the PSGEs identified at paragraph 22, there are no other groups that have recognised mandates to negotiate a Treaty settlement over an area which may include the project area or are yet to commence the Treaty settlement process.

Takutai Moana groups and ngā hapū o Ngāti Porou

24. 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.
25. 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).

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.

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

26. The project area does not include a taiāpure-local fisheries area, mātaītai 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

27. 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.

28. 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

29. 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.

30. 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 began negotiating a Mana Whakahono a Rohe agreement with Auckland Council in 2018, however an agreement has not yet been reached.

Any other Māori groups with relevant interests

31. In addition to the groups above, we have also identified Hauraki Māori Trust Board as a Māori group which may have relevant interests. Hauraki Māori Trust Board represents twelve Hauraki iwi as an iwi authority for the purposes of the RMA, six of whose areas of interest include the project area and are identified above i.e. Ngāti Pāoa, Te Patukirikiri, Hako, Ngaati Whanaunga, Ngāti Maru, and Ngāti Tamaterā.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

32. 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.

33. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

Settlement Acts

- a. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
- b. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
- c. Ngāti Tamaoho Claims Settlement Act 2018;
- d. Ngāti Pāoa Claims Settlement Act 2025; and

Deed of Settlement

- e. Te Patukirikiri deed of settlement signed 7 October 2018.

Relevant principles and provisions

34. 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

35. 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.

36. 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 Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Patukirikiri, the Crown made the following undertakings to these groups:

- a. 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.
- b. Ngāti Tamaoho – The Crown hopes to restore its honour and relieve Ngāti Tamaoho's justified sense of grievance. The Crown looks forward to building a new relationship with Ngāti Tamaoho based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- c. 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.
- d. Te Patukirikiri – The Crown hopes that this settlement marks the beginning of a new relationship with Te Patukirikiri, based on good faith and cooperation.

37. The redress mechanisms provided for in the Treaty settlements should be viewed in the context of the above intentions.

Conservation relationship redress

38. The proposed Wildlife Act 1953 authority which may sought by the applicant in relation to the relocation of protected skinks is within scope of conservation relationship agreements provided for in the relevant Treaty settlements.

Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement

39. The Ngā Mana Whenua o Tāmaki Makaurau (also known as the Tāmaki Collective) collective redress deed provides for a relationship agreement with the Department of Conservation (DOC) which applies to the project area. Amongst other matters, this relationship agreement enables Ngā Mana Whenua (represented by Tūpuna Taonga o Tāmaki Makaurau Trust) and DOC to identify categories of statutory authorisations that may have a high impact on the spiritual, ancestral, cultural, customary, and historic values of Nga Mana Whenua. While we cannot confirm whether the categories of statutory authorisations of significance have been agreed between Ngā Mana Whenua and DOC, under the terms of the relationship agreement, this may include the wildlife authority which may be sought by the applicant.
40. The consultation process for statutory authorisations set out in the Ngā Mana Whenua conservation relationship agreement requires iterative engagement with Ngā Mana Whenua on identified categories of authorisation. That process includes the following specific steps:
- a. DOC notifies Ngā Mana Whenua of the application, timeframe for a decision and the timeframe for Ngā Mana Whenua response;
 - b. Ngā Mana Whenua notify DOC of their response, interests, and views in relation to the proposal;
 - c. DOC acknowledges how Ngā Mana Whenua interests and views will be included in the decision-making process;
 - d. DOC will 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. DOC will record as part of a decision document the interests and views of Ngā Mana Whenua; and
 - f. DOC will communicate its decision to Ngā Mana Whenua as soon as practicable after it is made.
41. More broadly, the principles to be followed by DOC when consulting Ngā Mana Whenua include:
- a. ensuring consultation takes place as soon as reasonably practicable;
 - b. providing Ngā Mana Whenua with sufficient information to make informed comments and/or submissions;
 - c. approaching consultation with an open mind and genuinely considering any views or concerns of Nga Mana Whenua; and
 - d. requiring the DOC to report back to Ngā Mana Whenua on decisions made.
42. In keeping with section 7 of the Act, and the procedural obligations outlined at clause 5 in Schedule 3 of the Act, should you accept this application for referral, the panel will need to consider how to accommodate the consultation procedures set out in the Ngā Mana Whenua conservation relationship agreement as part of their consideration of the wildlife authority sought by the applicant in a substantive application. We discuss this further below.
43. We have included the relevant excerpts from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement at **Attachment 4**.

Ngāi Tai ki Tāmaki conservation relationship agreement

44. The Ngāi Tai ki Tāmaki deed of settlement provides for a conservation relationship agreement with DOC. This agreement requires DOC to consult with Ngāi Tai ki Tāmaki on applications for statutory authorisations in their area of interest, including the wildlife authority which may be sought by the applicant, through a process consistent with consultation provisions in the conservation relationship agreement in the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed.² We have included the relevant excerpt from the Ngāi Tai ki Tāmaki conservation relationship agreement at **Attachment 5**.

Ngāti Tamaoho conservation relationship agreement

45. The Ngāti Tamaoho deed of settlement provides for a conservation relationship agreement with DOC. This agreement includes statutory authorisations as one of a number of management activities where Ngāti Tamaoho are interested in working more closely with DOC, but there are no specific details on consultation processes. However, this agreement states that it is to be read in conjunction with the relevant parts of Part A, and Parts B and C, of the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement (Part A includes the consultation provisions for statutory authorisations outlined at paragraphs 40 and 41 and in **Attachment 4**).

Ngāti Pāoa conservation relationship agreement

46. 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. The deed does not include a draft conservation relationship agreement. DOC advise that the development of a conservation relationship agreement with Ngāti Pāoa is in progress, but Ngāti Pāoa are currently focused on other aspects of their settlement implementation. Ngāti Pāoa are also part of the Tāmaki Collective.

Te Patukirikiri conservation relationship agreement

47. Te Patukirikiri's deed of settlement provides for a conservation relationship agreement between Te Patukirikiri and DOC, but an agreement has not yet been entered into as legislation for this settlement has not yet been enacted (and the deed does not include a draft conservation relationship agreement). Te Patukirikiri are part of the Tāmaki Collective.

Summary of advice

48. Our advice is that these conservation relationship agreement provisions are relevant to the panel when considering a substantive application, as the decision-maker on the proposed wildlife authority under the Wildlife Act 1953. Under clause 5 of 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 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. 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. requirement that notice be given to any person or specified class of person of any steps in a resource management process;

² 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 Waiohua, Te Kawerau ā Maki, Te Patukirikiri, Te Rūnanga o Ngāti Whātua.

- 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.
49. The Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement requires a consultation process for the wildlife authority which would be partially met by inviting comments from Tūpuna Taonga o Tāmaki Makaurau Trust 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 of 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 this consultation process or seeking agreement with Tūpuna Taonga o Tāmaki Makaurau Trust to a modified arrangement.
50. As members of the Tāmaki Collective, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa and Te Patukirikiri, will be consulted on the proposed wildlife authority through the Tūpuna Taonga o Tāmaki Makaurau Trust, using whatever internal process is followed by the collective. In addition, all of these groups will be invited to comment on the substantive application as iwi authorities/Treaty settlement entities under section 53(2).
51. However, the panel may also need to consider whether to apply the more interactive consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to their engagement with each of the relevant iwi members of the collective.
52. This is most apparent in the case of Ngāi Tai ki Tāmaki, whose conservation relationship agreement states that DOC will carry out consultation with them "consistent with the process set out in clause 11 of the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement". It is less clear whether to apply those same processes to consultation with:
- a. Ngāti Tamaoho, whose conservation relationship agreement is to be read in conjunction with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement;
 - b. Ngāti Pāoa and Te Patukirikiri, who have yet to enter into a conservation relationship agreement.
53. In considering this matter, the panel will need to balance the requirements of section 7 of the Act, to act in a manner consistent with Treaty settlements, with the procedural principles set out at section 10, to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being exercised.
54. Our view is that the panel will need to consider how it might:
- a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the wildlife authority being sought (unless a modified arrangement can be agreed); and
 - b. consider whether, and how, 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.

Other redress

55. We did not identify any other Treaty settlement redress that directly impacts on your consideration of the Waiheke Onsen application. However, for your information, the following redress shows the interests of iwi in the wider area.

Te Patukirikiri statement of association with Waiheke Island

56. The Te Patukirikiri deed of settlement contains a statement of association in which Te Patukirikiri express their spiritual, cultural, historical and traditional association with, and values in relation to, Waiheke Island. Although the Te Patukirikiri statement of association with Waiheke Island does not place any procedural obligations on you, or any panel considering a substantive application should you accept this application for referral, the redress illustrates the importance of Waiheke Island to Te Patukirikiri. Accordingly, any panel may wish to take these cultural associations into consideration.

57. We have included the relevant excerpt from the Te Patukirikiri deed of settlement at **Attachment 6**.

Ngāti Pāoa Matietie Historic Reserve statutory acknowledgement

58. The Ngāti Pāoa Claims Settlement Act 2025 includes a statutory acknowledgement over Matietie Historic Reserve, which extends around the peninsula at the western end of Waiheke Island between Owhanake Bay and Matiatia Bay. The Ngāti Pāoa deed of settlement contains a statement of association in relation to Matietie Historic Reserve. The statutory area of Matietie Historic Reserve is located too far away from the Waiheke Onsen site to be directly affected by the project.

59. We have included the Ngāti Pāoa statement of association for Matietie Historic Reserve at **Attachment 7**, as well as map showing the location of the Matietie Historic Reserve statutory area in relation to the Waiheke Onsen project.

Ngāti Pāoa Te Waero Awe Houkura cultural redress properties

60. The Ngāti Pāoa settlement provides for Crown land at Blackpool Park, in nearby Oneroa, to be vested in Ngāti Pāoa as cultural redress properties. These cultural redress properties, known collectively as Te Waero Awe Houkura in the settlement, are located too far away from the Waiheke Onsen site to be directly affected by the project.

61. We have included maps at **Attachment 8** showing the Te Waero Awe Houkura cultural redress properties and their location in relation to the Waiheke Onsen project.

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 14 April 2026 you invited written comments from the Māori groups identified above in paragraphs 17 to 31, from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.

67. You received comments on the application from Ngāti Pāoa Iwi Trust, which can be summarised as follows:

- a. Ngāti Pāoa objects to this referral application due to:
 - i. The lack of consultation with Ngāti Pāoa as the tāngata whenua; and
 - ii. the lack of supporting archaeological information detailing the impact of the proposed development upon an area that is widely recognised as having historical connections and deposits dating back to the first inhabitants of New Zealand.

68. We have provided a copy of these comments at **Attachment 9**.

Consultation with departments and Ministers

69. In preparing this report, we are required to:

- a. consult relevant departments; and
- b. provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti (for response within 10 working days).

70. 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.

71. The Minister for Māori Development and the Minister for Māori Crown Relations support referral of the application and recommend that the expert panel considering the substantive application give due consideration to the consultation process under the relevant conservation agreements, and to the concerns raised by Ngāti Pāoa Iwi Trust.

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

72. 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.

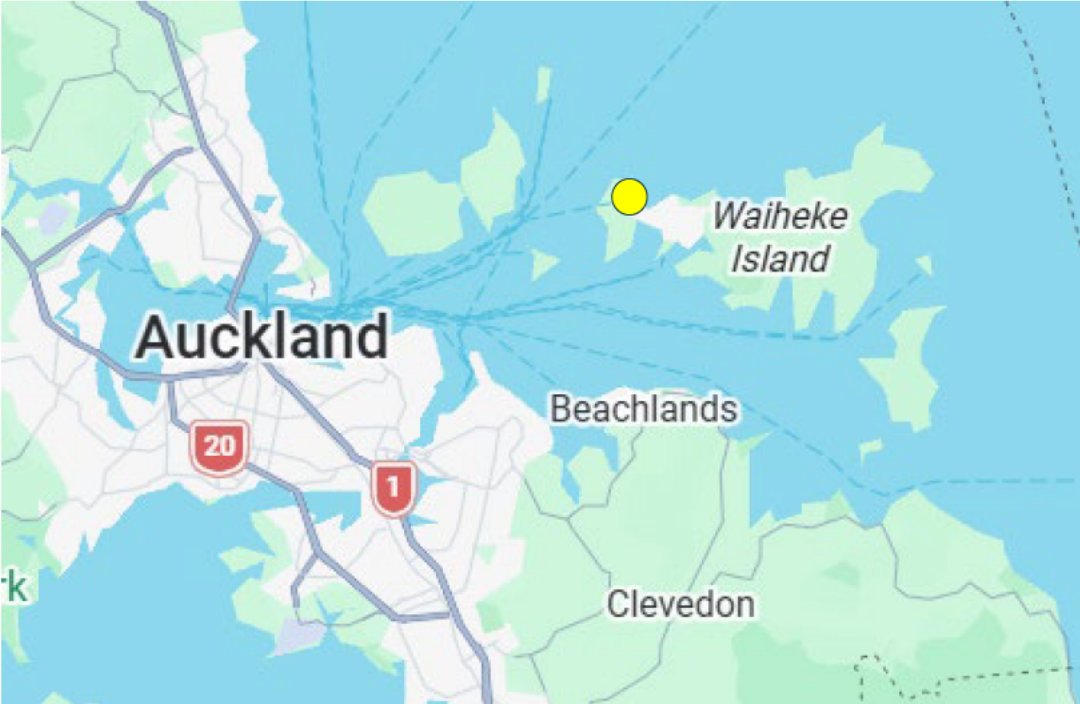
73. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	9, 10
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	17
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	33
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	35-62
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	23
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	24, 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.	24, 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).	25, 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).	26, 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).	28
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), <ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. 	30, 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.	31
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	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.	73
18(3)	In preparing the report required by this section, the responsible agency must— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	69, 70
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	69

Attachment 2: Project location maps



Map 1. Location of proposed Waiheke Onsen on Waiheke Island shown by yellow circle above.



Map 2. Local area – location of proposed Waiheke Onsen at Oneroa shown by yellow circle above.



Map 3. Footprint of proposed Waiheke Onsen shown by red marking above.
Source: Adapted from B&A Urban & Environmental



Map 4. Layout of proposed Waiheke Onsen.
Source: Fearon Hay, B&A Urban & Environmental

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngāti Tamaoho Settlement Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāti Tamaoho Claims Settlement Act 2018)
Ngāi Tai ki Tāmaki Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāi Tai ki Tāmaki Claims Settlement Act 2018)
Ngāti Pāoa Iwi Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāti Pāoa Claims Settlement Act 2025)
Ngāti Maru Rūnanga Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Te Patukirikiri Iwi Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Tamaterā Settlement Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngaati Whanaunga Ruunanga Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngaati Whanaunga Incorporated Society	Iwi authority (s18(2)(a))
Hako Tūpuna Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	Treaty settlement entity (s18(2)(a) – Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014)
Hauraki Māori Trust Board	Other Māori group with relevant interests (s18(2)(k))

Attachment 4: 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 [Tāmaki Makaurau Collective Redress Deed Schedule - Documents 5 Dec 2012](#) (pages18-36)

Attachment 5: Excerpt from 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 6: Te Patukirikiri statement of association with Waiheke Island from deed of settlement

DOCUMENTS

3 STATEMENTS OF ASSOCIATION

The statements of association of Te Patukirikiri are set out below. These are statements of their spiritual, cultural, historical and traditional association with, and values in relation to, identified areas.

Waiheke Island

As a teenager Kapetaua returned to Tāmaki Makaurau to avenge himself against his brother-in-law, Tarakumukumu. He discovered that Tarakumukumu was living on Waiheke Island. Kapetaua crossed to Waiheke and engaged his forces there, defeating his brother-and-law and those with him.

This was a major event in the history of Te Patukirikiri. As is customary from force of arms, Kapetaua succeeded to his brother-in-law's estate, establishing a land base for Kapetaua, his family, and his descendants.

Te Patukirikiri held a strong presence at Waiheke. It was through this presence that Te Patukirikiri established connections and whakapapa ties with Marutūāhu tribes when they came to Waiheke. Together with the Marutūāhu tribes, Te Patukirikiri were occupants of Waiheke into the 1800s.

Te Patukirikiri continue to hold customary interests at Waiheke today.

Rangihoua is a Te Patukirikiri pā area on the hills just south of Pūtiki Bay on Waiheke Island. This pā contained general purpose lands used by Te Patukirikiri to maintain the survival of the pā. This land block was acknowledged by Ngāti Paoa as belonging to Pita Taurua, the principal chief of Te Patukirikiri, who was about to be awarded the block when he directed his relatives of shared Te Patukirikiri and Ngāti Paoa lineage to accept the role of guardianship of all Te Patukirikiri lands on Waiheke Island. Three chiefs accepted this direction, so the land was then jointly awarded to those chiefs with both Te Patukirikiri and Ngāti Paoa lineage in the 1800s.

Huruhī is a general purpose land block area used by Te Patukirikiri as a tauranga waka and beach area to access and process kaimoana in Putiki Bay on Waiheke Island to support the Patukirikiri pā settlements of Rangihoua, Kopuamotomoto, Kūpapa, and 'Kohairoa' pā in the vicinity. This land block was a Te Patukirikiri block, whose tribal interests were left in the hands of Ngāti Paoa by Pita Taurua in the 1800s.

Deed of Settlement Schedule: Documents

[Te Patukirikiri Deed of Settlement Documents - signing version 5 October 2018](#) (page 3)

Attachment 7: Ngāti Pāoa statement of association and statutory area for Matietie Historic Reserve from deed of settlement

DOCUMENTS

2: STATEMENTS OF ASSOCIATION (STATUTORY ACKNOWLEDGEMENT)

Matietie Historic Reserve (OTS-403-262)

Matietie Historic Reserve has historical, spiritual, cultural and traditional significance for Ngāti Paoa. This coastal reserve area includes some flat terrain where the kāinga Ahipao was once situated, as well as sloping terrain leading to the important site of Mokemoke Pā – a powerful and important remnant of Ngāti Paoa’s cultural association to this bay and the wider surrounding area. The reserve extends north as far as Ōwhanake Bay, another significant site to Ngāti Paoa.

Mokemoke Pā, an ancient fortified pā site, was once occupied by Rawiri Takurua and his people of Ngāti Hura and Ngāti Kapu. The pā would act as a sanctuary for the hapū residing within the area in times of small-scale warfare. Rawiri Takurua’s son, Rawiri Pūhata, was born at the Ahipao kāinga adjacent to the pā.

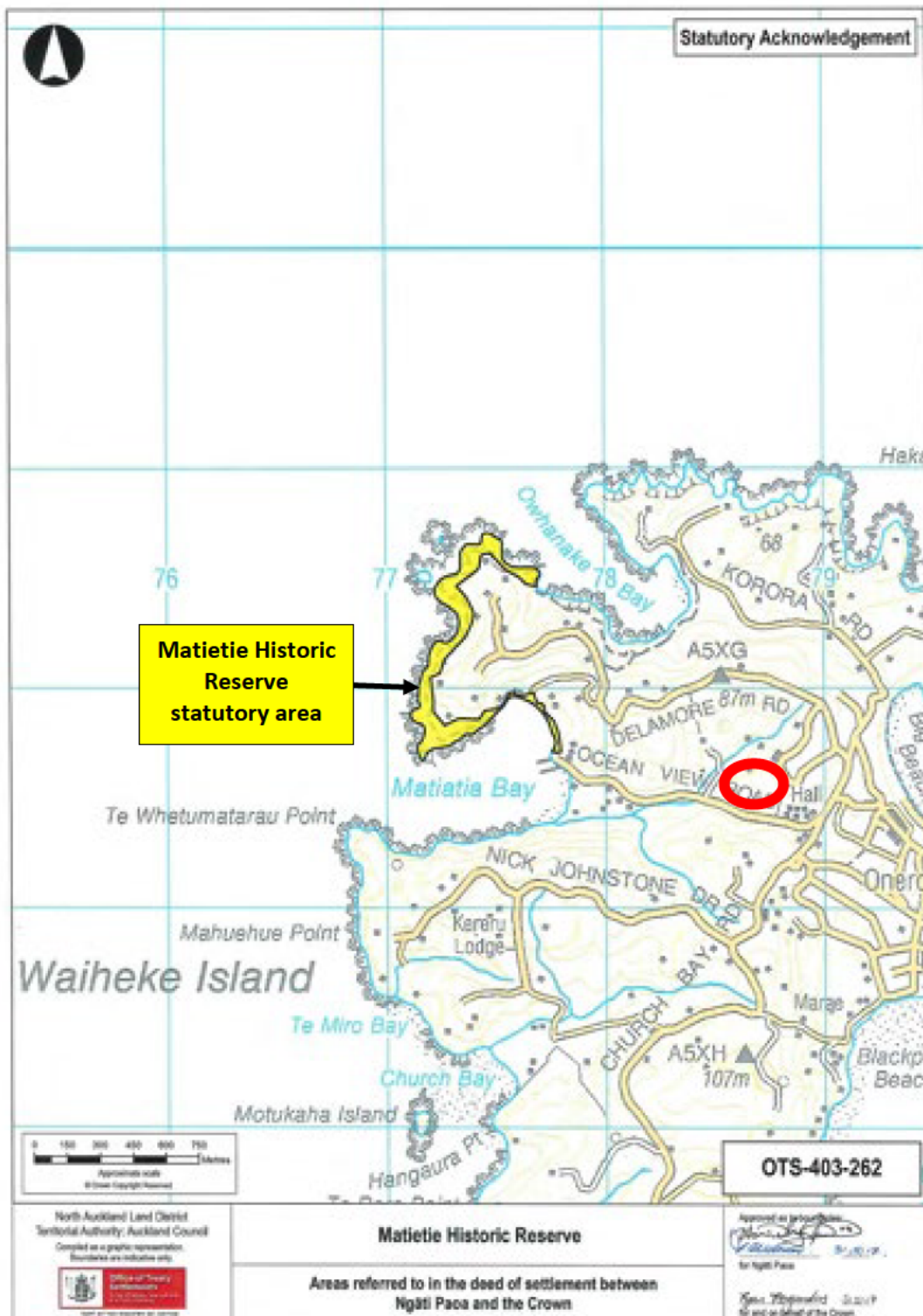
Rawiri Pūhata was a recognised leader among the Ngāti Paoa people and during the Native Land Court hearings, he was a prominent speaker and learned provider of historical knowledge and genealogy. Rawiri Pūhata was later interred at the Te Huruhi reserve urupā with his wife and their family.

The northern periphery of the Matietie Historic Reserve includes steep terrain and precipitous rock. The rocks that border the shoreline at sea level once provided Ngāti Paoa with the seafood delicacy, oysters, and the sea was used for transport and food gathering purposes.

The area was known to Ngāti Paoa as Mātietie, as described by Ngāti Paoa kaumatua Te Kaaho Andrews. He explained that the word Mātietie has a similar meaning to the word “wharo” (cough/sneeze). Mātietie is also used to describe the type of fauna growing on the flat lands there that included swampy reeds and grass.

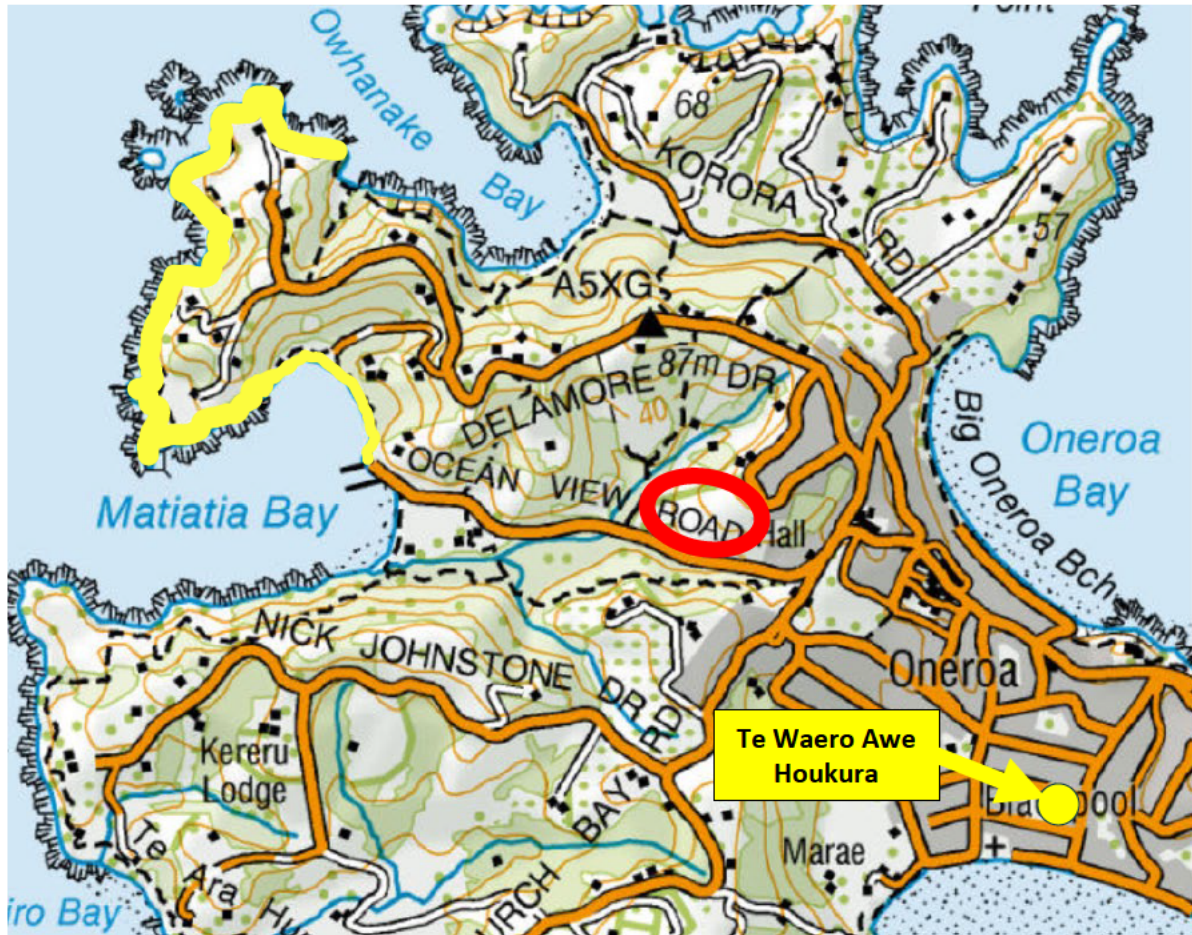
Deed of Settlement Schedule: Documents

[Ngati Paoa Documents signing version 19 March 2021](#) (page 9)



Map 5. Matietie Historic Reserve statutory area shown by yellow shading and Waiheke Onsen project area shown by red marking above.

Deed of Settlement Schedule: Attachments
[Ngāti Paoa Deed of Settlement Attachments Mar 2021 \(page 16\)](#)



Map 7. Location of Waiheke Onsen project area (red marking) in relation Te Waero Awe Houkura cultural redress properties (yellow circle) in Oneroa.

Attachment 9: Comments received from invited Māori groups


Ngāti Pāoa Iwi Trust

Waiheke Onsen - Saved # Portals-Fast Track Portal - ftaa-portal **Submitted** Portal Status




Feedback · FTA - Feedback Owner

General Documents Related

Feedback Details

Feedback ID	* FDB001928D0Z4
Title	* Waiheke Onsen
Regarding	 Ngāti Pāoa Iwi Trust - Invite to comment - Waiheke Onsen
Comments	<p>Ngāti Pāoa Iwi are the tāngata whenua on Waiheke Island as recognised in the Ngāti Pāoa Settlement Claims Act 2025. I am the Post Settlement Governance Entity representative that resides permanently on Waiheke Island and this application has been referred to me for response.</p> <p>Having considered the application submitted, Ngāti Paoa would object to the application upon the following:</p> <ol style="list-style-type: none">1. The lack of consultation with Ngāti Pāoa as the tāngata whenua, noting advice was received by the applicants representative to this effect; and2. The lack of supporting archaeological information detailing the impact of the proposed development upon an area that is widely recognised as having historical connections and deposits dating back to the first inhabitants of New Zealand.

Feedback Contacts

Created By (Contact)	 Blair Anderson
Source	Portal
Application	 Waiheke Onsen
Created By	 # Portals-Fast Track Portal - ftaa-portal
Created On	14/04/2026 9:38 PM

Attachment 10: Comments received from the Minister for Māori Development and Minister for Māori Crown Relations

Recommended Action

It is recommended that you provide the following recommendation to MfE:

1. I am supportive of this application progressing to the Expert Panel for substantive application consideration and recommend the Panel:
- give due consideration to the consultation process under the relevant conservation agreements; and
 - give due consideration to concerns raised by Ngāti Pāoa Iwi Trust.

Yes / No

Comments:

 Hon Tama Potaka Te Minita Whanaketanga Māori me Te Minita mō Te Arawhiti
Date: 07/06/2026