



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

Project Name: FTAA-2603-1190 100 Halsey Street

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	25 June 2026

Number of attachments: 5	Attachments: <ol style="list-style-type: none">1. Provisions of section 18 of the Fast-track Approvals Act 20242. Project location map3. List of relevant Māori groups4. Ngāi Tai ki Tāmaki coastal statutory acknowledgement5. Te Ākitai Waiohū coastal statutory acknowledgement
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Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Stephen Church		
Manager, Fast-track Operations	Stephanie Frame	s 9(2)(a)	✓
General Manager, Investment Strategy & Operations	Ilana Miller	s 9(2)(a)	

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-2603-1190 100 Halsey Street referral application.
2. The applicant, RP Financial, proposes to develop an approximately 1.7142-hectare site at 100 Halsey Street, Auckland Central, into five new buildings with ground floor retail activities and offices on upper levels. Associated car parking and a network of laneways are also proposed. The applicant is seeking approvals under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA). No other approvals are being sought.

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. 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: Ngāti Whātua Ōrākei Claims Settlement Act 2012; Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; Te Kawerau ā Maki Claims Settlement Act 2015; Ngāi Tai ki Tāmaki Claims Settlement Act 2018; Ngāti Tamaoho Claims Settlement Act 2018; Ngāti Pāoa Claims Settlement Act 2025; Te Ākitai Waiohua deed of settlement; and the Te Patukirikiri deed of settlement.
5. While the Ngāi Tai ki Tāmaki and Te Ākitai Waiohua settlements each provide for coastal statutory acknowledgements a short distance from the project area, they do not appear to be relevant to this application unless the proposed activities directly affect these statutory areas. We have not identified any other principles and provisions of the Treaty settlements, or other obligations under the Act, which may be directly relevant to this application.
6. None of the Māori groups invited to comment under section 17(1)(d) of the Act provided a response.
7. 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 blue ink, appearing to read 'S. Frame', with a large, stylized initial 'S' and 'F'.

Stephanie Frame
Manager – Fast-track Operations

Introduction

8. 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).
9. 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.
10. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

11. The applicant, RP Financial, proposes to develop an approximately 1.7142-hectare site at 100 Halsey Street, Auckland Central, into five new buildings with ground floor retail activities and offices on upper levels. A substation and data centre may be located in one of the buildings. Associated car parking and a network of laneways are also proposed.
12. NZCRE 100 Halsey Street is a legal ownership entity of the applicant and is the current leaseholder of the project area (from the owner, Viaduct Harbour Holdings Limited). The applicant is seeking approvals under the Act that would otherwise be sought under the RMA (including demolition, land disturbance, construction). No other approvals are being sought.
13. We have provided a location map at **Attachment 2**.

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

14. 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

15. 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.

16. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Ngāti Whātua Ōrākei Trust, representing Ngāti Whātua Ōrākei;
 - b. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
 - c. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki;
 - d. Ngāti Tamaoho Trust, representing Ngāti Tamaoho;

- e. Ngāti Pāoa Iwi Trust, representing Ngāti Pāoa;
- f. Te Ākitai Waiohua Waka Taua Inc, representing Te Ākitai Waiohua;
- g. Te Patukirikiri Iwi Trust, representing Te Patukirikiri;
- h. Hako Tupuna Trust, representing Hako;
- i. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
- j. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā;
- k. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua; and
- l. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata.

Treaty settlement entities

17. 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).

18. 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).

19. 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

20. We have identified the following relevant Treaty settlement entities for this 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.

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

21. 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 Ākitai Waiohua Settlement Trust, PSGE for Te Ākitai Waiohua deed of settlement (signed November 2021);
- b. Te Patukirikiri Iwi Trust, PSGE for Te Patukirikiri deed of settlement (signed October 2018);
- c. Ngāti Tamaterā Treaty Settlement Trust, PSGE for Ngāti Tamaterā deed of settlement (initialled September 2017);
- d. Ngāti Maru Rūnanga Trust, PSGE for Ngāti Maru deed of settlement (initialled September 2017);
- e. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, PSGEs for Marutūāhu collective redress deed (initialled July 2018); and
- f. Hako Tūpuna Trust, PSGE for Hako settlement (deed of on-account signed October 2014, agreement in principle signed July 2011).

Groups mandated to negotiate Treaty settlements

22. In addition to the PSGEs identified at paragraph 21, the following groups have recognised mandates to negotiate a Treaty settlement over an area which may include the project area:

- a. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata;
- b. Ngāti Koheriki Claims Committee, representing Ngāti Koheriki; and
- c. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua (remaining claims).

23. These groups are in the early stages of negotiating their Treaty settlements with the Crown.

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).

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. We understand that in 2018, Ngāi Tai ki Tāmaki initiated negotiations with Auckland Council to develop a Mana Whakahono ā Rohe, but an agreement has yet to be reached.

Any other Māori groups with relevant interests

31. The applicant advises they have consulted with most of the groups identified above, as well as Te Whakakitenga o Waikato, Ngaati Whanaunga, Ngāti Whātua o Kaipara and Te Ahiwaru Waiohua. We note that the project area is outside the area of interest of the first three of these groups, but we have included Te Ahiwaru Waiohua as another Māori group with relevant interests under section 18(2)(k) of the Act.

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:

Treaty settlement Acts

- a. Ngāti Whātua Ōrākei Claims Settlement Act 2012;
- b. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
- c. Te Kawerau ā Maki Claims Settlement Act 2015;
- d. Ngāti Tamaoho Claims Settlement Act 2018;
- e. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
- f. Ngāti Pāoa Claims Settlement Act 2025;

Treaty settlement deeds

- g. Te Ākitai Waiohua deed of settlement (signed November 2021); and
- h. Te Patukirikiri deed of settlement (signed 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. As part of its apologies to Ngāti Whātua Ōrākei, Te Kawerau ā Maki, Ngāti Tamaoho, Ngāi Tai ki Tāmaki, Ngāti Pāoa, Te Ākitai Waiohua, and Te Patukirikiri, the Crown stated that it looked forward to building a new relationship with these groups based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Coastal statutory acknowledgements

37. The Ngāi Tai ki Tāmaki and Te Ākitai Waiohua settlements each provide for a coastal statutory acknowledgement over the coastal marine area a short distance to the east and north of the project area (incorporating Viaduct Basin).²
38. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area'). 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

² Ngāti Tamaoho also have a coastal statutory acknowledgement nearby but it begins further north, on the outer edge of Wynyard Quarter, whereas the Ngāi Tai ki Tāmaki and Te Ākitai Waiohua statutory areas incorporate Viaduct Basin.

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.³
39. 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.
 40. The project area is not within or adjacent to the statutory areas. Based on the information provided by the applicant, it does not appear that the project will directly affect the statutory area. The applicant states that the site is connected to, and able to access, existing three waters infrastructure (including stormwater and wastewater). While some of the existing stormwater infrastructure discharges to the harbour, the applicant notes that the site is already largely impervious and the project is not expected to materially increase the impervious area.
 41. Should you accept the application for a referral, and a substantive application is made, then the panel may want to consider whether there will be any impact on the statutory areas of the proposed activities, thereby bringing the coastal statutory acknowledgements into play.
 42. In any case, we consider the process of inviting comment from relevant Treaty settlement entities under section 17 of the Act (including providing information about the application) is comparable to the process under Treaty settlements and the RMA of providing those who hold statutory acknowledgements with a summary of the application.
 43. For your reference, we have provided the coastal statutory acknowledgement provisions for Ngāi Tai ki Tāmaki and Te Ākitai Waiohū, including the relevant statements of association and deed plans, at **Attachments 4 and 5** (respectively).⁴
 44. While we did not identify any other Treaty settlement provisions (or other obligations under the Act) relevant to this application, we note that 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

45. 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.

³ 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.

⁴ Since the statutory acknowledgements provisions are standard drafting across Treaty settlement Acts, we have only provided the legislative provisions from the Ngāi Tai ki Tāmaki Claims Settlement Act 2018.

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

46. 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

47. 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

48. Pursuant to section 17(1)(d) of the Act, on 29 April 2026 you invited written comments from the Māori groups identified above in paragraphs 14-31, 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.

49. You did not receive comments from any of these groups.

Consultation with departments

50. 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

51. 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.

52. 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.	8-10
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	15-21
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	32-33
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	34-44
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	22-23
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	24, 45
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, 45
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, 45
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, 46
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).	27-28
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. 	29-30, 47

	(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	48-49
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.	51-52
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	50
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 map



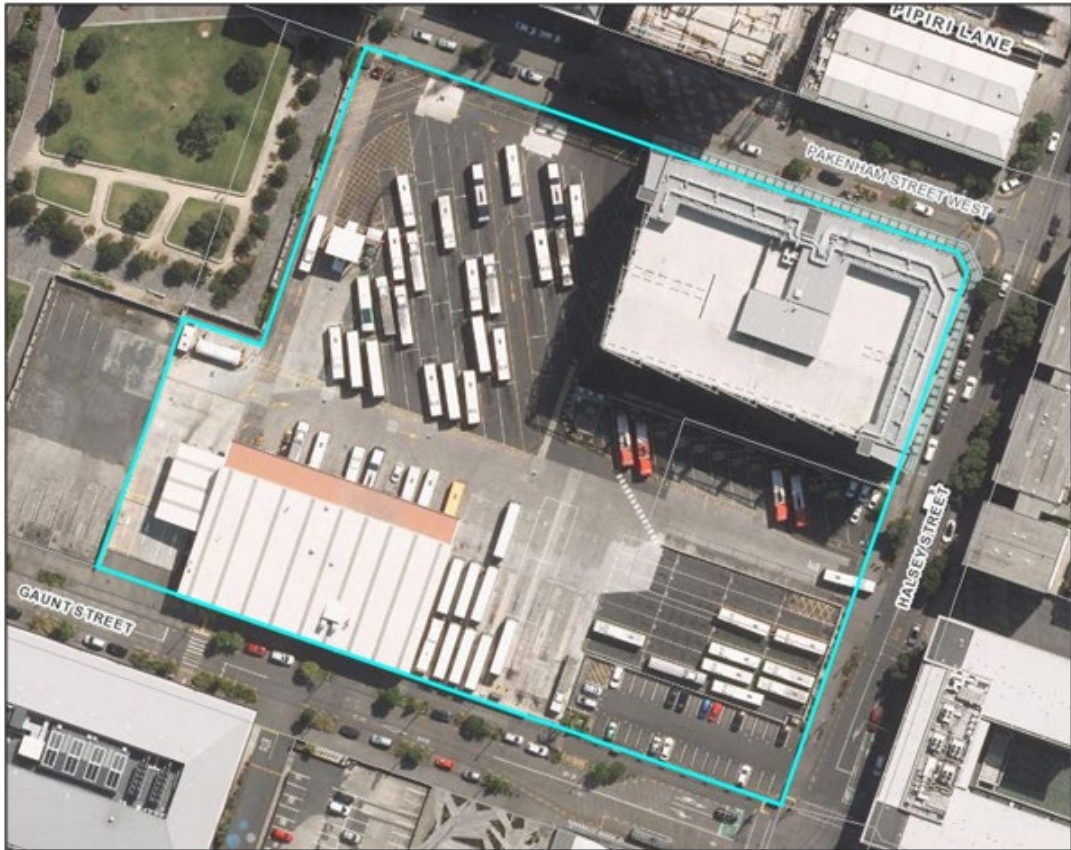
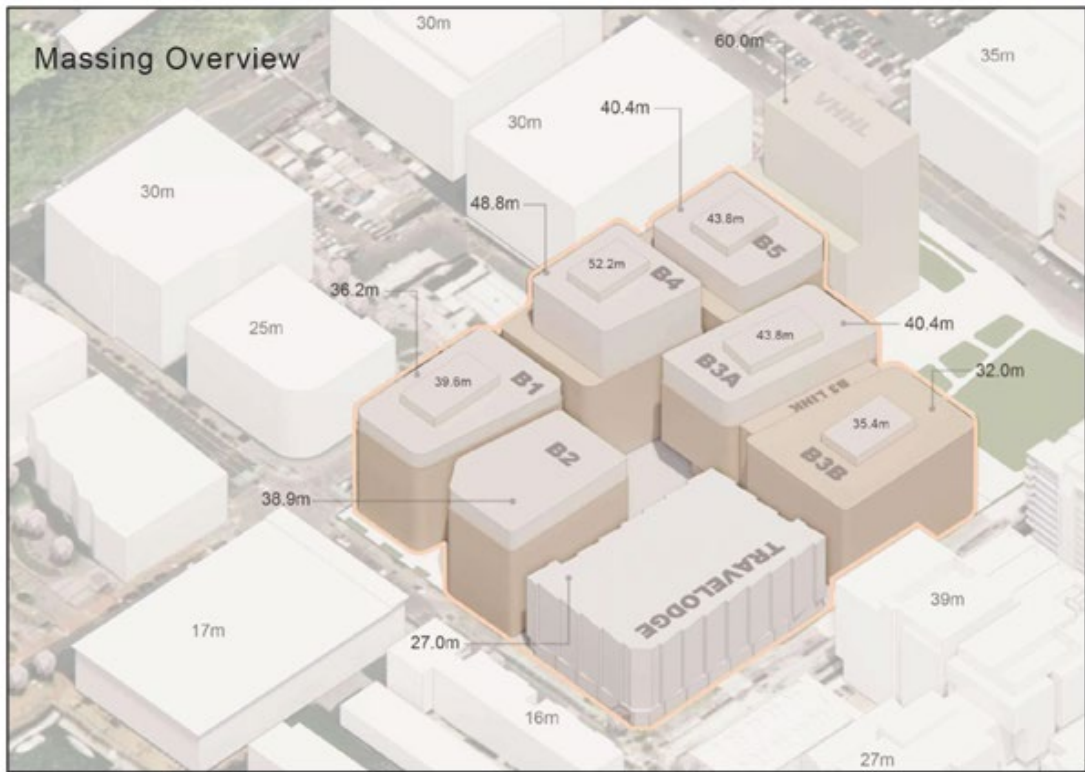


Figure 18-1: Aerial view of the site showing the proposed development footprint.



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngāti Whātua o Ōrākei Trust Board	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))
Te Kawerau Iwi Settlement Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Ngāti Tamaoho Settlement 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))
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 Treaty Settlement Trust	iwi authority s18(2)(a); Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))
Te Ākitai Waiohua Waka Taua Inc	iwi authority (s18(2)(a));
Te Rūnanga o Ngāti Whātua	iwi authority (s18(2)(a)); mandated entity (s18(2)(d))
Ngāti Te Ata Claims Support Whānau Trust	iwi authority (s18(2)(a)), mandated entity (s18(2)(d))
Hako Tūpuna Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))
Te Ākitai Waiohua Settlement Trust	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))
Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership	Treaty settlement entity (s18(2)(a))
Ngāti Koheriki Claims Committee	Mandated entity (s18(2)(d))
Te Ahiwaru Waiohua	other Māori group with relevant interests (s18(2)(k))

Attachment 4: 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)

DOCUMENTS

1: STATEMENTS OF ASSOCIATION

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.

...

Te Wai o Taikahu ki Waitematā

Te Wai o Taikahu (Tāmaki River), also called Otaiki and Te Waimokoia. The name Te Wai o Taiki was given by the Ngāi Tai ancestor Taiki and refers specifically to the mouth of the Tāmaki River. The name Te Waimokoia is the proper name for the whole of the Tāmaki Estuary, and was named after the guardian Taniwha of Ngāi Tai and Tainui called Mokoiahikuwaru. According to Anaru Makiwhara it was Taikahu who named the awa Te Waimokoia, and therefore another name is Te Wai o Taikahu, another korero suggests that Taiki is another name for Taikahu. This awa was a main thoroughfare for waka wanting to portage through to the west coast and as such was a main trading route providing passage past many Pa and trading centres of Ngāi Tai and their related tribes.

Waiorohe (Karaka Bay) was a mooring site of Tainui waka inside the west heads of the Tāmaki. From here Horoiwi left the waka and settled with the Tangata whenua at Te Pane o Horoiwi. Te Keteanataua and Taihaua disembarked and made their way to Taurere, whilst Taikahu and others of Ngāi Tai/ Ngāi Tai went on by foot to explore the upper reaches of the river and the shores of the Manukau Harbour. The Karaka trees of the bay descend from the sacred Karaka grove Te Uru-Karaka a Parehuia of Taurere Pa. Te Waiorohe was the site of a great battle at which some important ancestors of Ngāi Tai were killed. Te Waiorohe was also the scene of the first of Aucklands two Treaty of Waitangi signings on 4th March 1840. Although this signing largely involved another Iwi it is said that some Ngāi Tai rangatira were present and signed with others.

Te Pane o Horoiwi headland was known by an earlier name, Te Upokotamarimari. When Horoiwi arrived on the Tainui he sighted this headland giving it the ancient Ngāi Tai and Ngā Oho name Te Pane o Horoiwi. Horoiwi went ashore there, marrying Whakamuhu, chieftainess of the Tangata

Whenua. In due course the people of Whakamuhu and Horoiwi became simply known as Horoiwi and merged over time with Ngāi Tai and later Waiohua, consequently the history of Te Pane o Horoiwi and origins of the name are sometimes also associated with Te Naupata peninsula on the eastern head of the Tāmaki River. With the escalation of warfare between Northland peoples and the Tāmaki, Hauraki and Waikato districts of Tainui, Te Pane o Horoiwi became a frequent landing site for invading ope taua during the late 18th and 19th centuries. Ngāi Tai became embroiled in some of these conflicts in support of their Hauraki relations and continued to share occupation well into the 1800s.

The headland Pā Whakamuhu and associated kainga were situated west of Te Pane o Horoiwi with some sources saying that the name of the Pā was not after the ancestress Whakamuhu herself but after the ambush (Whakamuhu) of her father who had been killed there. His daughter had been given the name Whakamuhu in memorial of his death, before she married Horoiwi.

Te Whanganui (St Heliers Bay) was known because of its importance as a landing site for Waka arriving at the Tāmaki Heads from Te Waitemata or further north.,

Te Matarae a Mana “The eyebrow of Mana” is the headland named after the (Ngāi Tai /Te Kawerau) ancestor Manaoterangi who built his Pā here in the mid 1700s. Ngāi Tai share interests at Te Matarae a Mana and also in the associated shark fishing grounds.

Te Onewa Pā is situated at the end of Northcote Point and protected kumara gardens and fishing grounds. The name refers to the ditch separating the fortified point from the mainland and is also the name of a type of stone used in digging trenches of that type. Held by Ngāti Tai / Ngāi Tai from the time of Tainui settlement, Te Onewa was attacked repeatedly throughout the 17th and 18th centuries. The fluctuating tides of fortune saw Ngāi Tai and their allies come and go but continue their occupation up until the time of the Musket Raids when they were forced to vacate until about the 1830s at which time they reoccupied the Pa and remained in occupation during Heteraka Takapuna's time.

Statutory acknowledgement provisions (Ngāi Tai ki Tāmaki Claims Settlement Act 2018)

Subpart 2—Statutory acknowledgement and deed of recognition

73 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

statement of association, for a statutory area, means the statement—

- (a) made by Ngāi Tai ki Tāmaki of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 1 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 74 in respect of the statutory areas, on the terms set out in this sub-part

statutory area means an area described in Schedule 2, the general location of which is indicated on the deed plan for that area

statutory plan—

- (a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and
- (b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

74 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association for the statutory areas.

75 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, in accordance with sections 76 to 78; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 79 and 80; and
- (c) to enable the trustees and any member of Ngāi Tai ki Tāmaki to cite the statutory acknowledgement as evidence of the association of Ngāi Tai ki Tāmaki with a statutory area, in accordance with section 81.

76 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.
- (3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

77 Environment Court to have regard to statutory acknowledgement

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

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

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

79 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each 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) a copy of sections 74 to 78, 80, and 81; and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.

- (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.

80 Provision of summary or notice to trustees

- (1) Each relevant consent authority must, for a period of 20 years on and from 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.
- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B(4) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
- (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
- (a) under section 95 of the Resource Management Act 1991, whether to notify an application;
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

81 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāi Tai ki Tāmaki may, as evidence of the association of Ngāi Tai ki Tāmaki with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
 - (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, because of the statutory acknowledgement, binding as fact on—
 - (a) the bodies referred to in subsection (1); or
 - (b) parties to proceedings before those bodies; or
 - (c) 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 Ngāi Tai ki Tāmaki are precluded from stating that Ngāi Tai ki Tāmaki 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.

Attachment 5: Te Ākitai Waiohua 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 statutory acknowledgement area (as shown on deed plan OMCR-131-037)

The shores of Hikurangi (Waitakere Ranges) and the Hauraki Gulf (Tikapa Moana) through to the Manukau and Waitematā Harbours, are vital coastal areas to Te Ākitai Waiohū.

Te Ākitai Waiohū maintains an enduring association with the coastal marine area, incorporating the western coast of Hikurangi from Woodhill in the north, to Whatipu in the south, through to the Manukau Harbour in its entirety, across to the Waitematā Harbour and out to the Hauraki Gulf, from Whangaparaoa in the north to Orere Point in the south ('the Coastal Area').

The Coastal Area was the primary means of obtaining fresh kaimoana (seafood), incorporating a variety of fish and shellfish, as well as accessing coastal bird roosting and nesting sites. Some food was also prepared by smoking, drying or curing before it was stored at appropriate sites along the coast. In a time when fish, birds and shellfish were the primary sources of protein, the sustenance provided by the Coastal Area was not just significant, but critical to the survival of Te Ākitai Waiohū and their ancestors. Different bodies of water and parts of the Tāmaki Makaurau coastline provided access to kaimoana that varied depending on location and season.

A vast selection of shellfish including Pipi, Tuangi (Cockle), Tio (Pacific Oyster), Tipa (Scallop), Kutai (Mussels), Kuku (Freshwater Mussel), Tio Para (Rock Oyster), Pupu (Cats eye), Peraro (Scimitar Shell), Koura (Crayfish), Papaka (Crab), Titiko or Karahu (Mud Snail), Hanikura (Wedge Shell), Pupu rore (Volute), Kaikaikaroro (Ostrich Foot Mollusc), Kawari (Whelk), Ngaeti (Periwinkle), Ngakihi (Limpet), Tuatua, Kina (Sea Urchin or Sea Egg) and, in specific places, Toheroa, are found in the Coastal Area.

Gathering such a wide variety of shellfish species was possible in the harbours alone which were seen as natural 'foodbowls'. The shallow, sandy intertidal environment of the Manukau Harbour is more appropriate to some species while the deeper waters of the Waitematā Harbour are better suited to others. The same is true of shellfish in the cooler, choppy waters of the Hikurangi coast compared to the warmer, calmer environment of the Hauraki Gulf.

Similarly Mango (Shark), Whai (Stingray), Tuna (Eel), Patiki (Flounder), Tamure (Snapper), Kanae (Mullet), Arara (Trevally), Tarakihi, Kahawai, Moki, Kahu (Kingfish), Koinga or Pioke (Dogfish), Parore (Black Bream), Puwhaiu (Gurnard), Hapuku (Groper), Mohimohi (Pilchard), Uku (Skate) and, in some areas, Inanga (Whitebait) are all fish that were traditionally caught in the Coastal Area.

Catching such fish demanded an intimate knowledge of the ideal water temperature and conditions, migration patterns and spawning grounds of different species. The Manukau Harbour was known to empty in the autumn months as fish returned to the deeper waters of the ocean during the winter. However, the fish would return from the open sea again in the spring months to spawn in the warmer waters of the harbour.

The people of Te Ākitai Waiohū were able to maximise the amount of fish caught while making allowances for spawning to occur, thus ensuring future stocks were adequately replenished.

Various species of migratory birds also nest along the shores of the Coastal Area. The name of the Manukau Harbour is said to originate from the existence of these colonies with "Manukau Noa Iho" meaning "just birds" as a reference to what was initially heard and found in the harbour area.

Local birdlife including the Kotuku (Heron), Takapu (Gannet), Kawaupaka or Parekareka (Shag), Parera (Duck), Tete (Teal), Tuturiwhatu (Dotterel), Karoro (Gull), Tara (Tern), Torea (Oystercatcher), Pohowera (Dotterel), Kuaka (Godwit), Kereru (Wood Pigeon), Ruru (Morepork), Oi (Petrel), Kotare (Kingfisher), Pihoihoi (Pipit), Riroriro (Warbler), Piwakawaka (Fantail) and Korora (Penguin) can be found in the Coastal Area.

These birds were captured and in some cases their eggs gathered for food. The feathers of specific birds, such as the Kotuku, were also worn or weaved into clothing. Key bird roosting sites in the Manukau Harbour were traditionally found at Māngere, Onehunga, Te Motu a Hiaroa (Puketutu Island), Kohia (Wiroa Island), Ihumātao, Puhinui, Waimahia (Weymouth), Karaka, Paraheka (Seagrove), Whakarongotukituki (Auckland Airport) and Whatāpaka (Clarks Beach). The Hikurangi coast also has bird gathering sites with Takapu (Gannet) and Tete (Teal) colonies as far north as Te One Rangatira (Muriwai Beach.)

The Coastal Area was a crucial means of transportation by waka (canoe) throughout the region. This is particularly true of Tāmaki Makaurau, which is dominated by its harbours and became a place where waka travel was much faster and more efficient than trekking over land.

To assist in travel, various landmarks were used as navigation points and boundary markers. In the Coastal Area, these markers were usually motu (islands) or notable features along the coastline such as naturally elevated headlands. In Tāmaki Makaurau, the numerous maunga on the mainland also served as obvious landmarks that can be easily seen from the Coastal Area.

Travelling conditions along the western parts of Tāmaki Makaurau were viewed as treacherous. The rocky coastline of Hikurangi is open to the cold, harsh waters of Te Tai o Rehua (Tasman Sea). The Manukau Harbour, although less exposed, is no less dangerous with its shallow waters, strong tidal currents and shifting sandbanks. This is particularly true for the narrow entrance of

the Manukau Harbour, which features a series of sand bars that have a long-standing reputation of stranding and sinking vessels.

This is reflected in a traditional story behind the name for the Manukau Harbour, Te Manukanuka a Hoturoa 'the anxiety of Hoturoa' which is a reference to Hoturoa, the captain of the Tainui waka. It is said Hoturoa became anxious when the Tainui waka first approached the Manukau heads and its dangerous sand bars, which led to the name for the harbour.

The inner sections of the Manukau Harbour are no less complicated and contain a network of water channels and beds to navigate. The northern channels Wairopa and Purakau flow between the Motukaraka, Karore, Oriori and Te Tau banks, while the southern channels, Papakura and Waiuku, flow around the Hikihiki, Poutawa, Hangore and Huia banks.

In comparison the Hauraki Gulf and Waitematā Harbour, with its deeper navigable channel, gentle current and limited tidal range, feature much calmer waters with Rangitoto island and the numerous other motu in Tikapa Moana providing some shelter from the South Pacific Ocean.

The name Waitematā or 'water of Te Matā is said to come from Kahumatamomoe of the Te Arawa waka when he laid his mauri stone Te Matā on Boat Rock in the harbour south west of Te Matarae o Mana (Kauri Point).

The Coastal Area was and continues to be a vital transport route facilitating travel, exploration, communication and trade throughout Tāmaki Makaurau. Sites along the coastline were selected to build and maintain waka. Strategically placed waka landing and launch sites were also identified along the shores of the Coastal Area, some leading on to waka portages over land.

The Māngere inlet is a key transport route between the main harbours of Tāmaki Makaurau. There is a waka (canoe) portage Te Tō Waka that connects the eastern section of the Manukau Harbour from the Māngere inlet over land in Ōtāhuhu through to the Tāmaki River (Te Wai o Taiehu or Te Waimokoia) and on to the Waitematā Harbour and Hauraki Gulf. The waka portage is just over one kilometre in length and represents the shortest distance between the eastern and western coasts of Tāmaki Makaurau. This is also the shortest distance between the Tasman Sea and South Pacific Ocean in Aotearoa, making it a logical passage for travel.

Numerous other motu of significance to Te Ākitai Waiohūa populate the entire Coastal Area.

Te Motu a Hiaroa (Puketutu Island) is the largest island in the Manukau Harbour. It was occupied and cultivated by Waiohūa and their Ngā Oho ancestors dating back to the first arrival and settlement of people in Tāmaki Makaurau. Given its ancient history, Te Motu a Hiaroa is a tapu (sacred) island that featured a series of stonefields or stone walls for kumara and food gardens, defensive fortifications and tuahu or places of worship to engage in ceremony.

Waiohūa also utilised seasonal fishing settlements in the Manukau Harbour which were based on motu, including Paraurekau (Pararekau Island), Waikirihinau (Kopuahingahinga Island), Orewa and Puketakauere (Shark Island).

The Waitematā Harbour also features notable motu including Pahiki (Herald Island) and Motumanawa (Pollen Island). Motungaegae (Watchmans Island) off the coast of Herne Bay was said to be a former Waiohua pā site based on a motu that was much larger than the sandstone islet that exists today.

The Hikurangi coast and Manukau heads feature a series of rocky islets from Whatipu north to Te One Rangatira. These include Motutara, Ohaea (Oaia Island), Kauwahaia, Te Ihumoana, Taitomo, Panatahi, Paratutai, Taitomo (Camel Rock), Te Piha (Lion Rock), Te Marotiri o Takamiro (Cutter Rock) and Te Toka Tapu a Kupe (Ninepin Rock). In ancient times, a food gathering landscape named Paorae was also said to exist around the Manukau heads. This openly exposed terrain with shifting sands and ceaseless erosion did not survive beyond the 18th Century.

The Tikapa Moana motu of significance to Te Ākitai Waiohua are located from Tiritiri o Matangi (Tiritirimatangi Island) in the north at Whangaparaoa through to Rangipukea in the east, on the coast of the Coromandel. Between these particular motu lie Motukorea (Browns Island), Rotoroa (Rotoroa Island), Motuhurakia (Rākino Island), Motutapu, Motuihe, Rangitoto, Waiheke, Pakatoa, Ponui and Pakihi, all of which are closely associated with the volcanic history of the Hauraki gulf. Tikapa (Gannet Rock) sits north of Waiheke Island and is named after the sobbing sound made by tidal waters against the islet. These motu were not only used as landmarks, but were places of shelter.

The importance of the coastal areas for food and transport also meant that many Te Ākitai Waiohua pā and kainga (settlements) were built along the coastline or on motu. These sites were used to defend and take advantage of the natural resources and transport routes provided by the Coastal Area. Key coastal kainga at Ihumātao, Pūkaki, Māngere, Karaka and Waimihia (Conifer Grove) were still occupied by Te Ākitai Waiohua through to the 19th Century.

Many pā or kainga were strategically built on headlands and naturally elevated sections of motu or the coast, to provide a strategic vantage point overlooking the surrounding area. Natural landmarks on the coast were also used by Te Ākitai Waiohua to signify events, associations, boundaries or navigation points. Coastal settlements usually featured natural escape routes to avoid extensive conflict as they did not have the defensive features of inland pā, such as those based on maunga, to defend resources or transport routes. Te Puponga in Hikurangi was used as a fishing boundary marker and navigation point for entering the Manukau Harbour. The Karangahape pā site is at Puponga Point in Karangahape (Cornwallis).

The waters of the Coastal Area are also seen as a living entity with its own mauri (life force) and mana (prestige), representative of the iwi associated with these waters. The life sustaining waters of the Coastal Area are a sacred resource with cleansing, purifying and healing properties that must be nurtured and protected. The various bodies of water have their own taniwha or spiritual guardians associated with them. As kaitiaki (stewards), these taniwha protect the waters and natural resources along with iwi associated with the area.

As a result, the Coastal Area is seen as a taonga of great cultural and spiritual significance to Te Ākitai Waiohua.