

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

Project Name: FTAA-2503-1038 Milldale

To:	Date:
Panel Convener, Jane Borthwick	21 May 2025

Number of attachments: 4	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Project location map List of relevant Māori groups Excerpt from Whakaaetanga Tiaki Taonga agreement (Te Ākitai Deed of Settlement 2021)
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Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
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Manager, Delivery	Stephanie Frame		✓
General Manager, Delivery & Operations	Ilana Miller		

Key points

- As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2503-1038 Milldale.
- The applicant, Fulton Hogan Land Development Limited, proposes a residential development in Milldale, Auckland. The approvals sought are under the Resource Management Act 1991 (RMA) and the Heritage New Zealand Pouhere Taonga Act 2014. The applicant owns the land subject to the application.
- 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. Many of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act.
- Auckland has a complex Treaty settlement landscape with many overlapping interests. There are groups in the post-settlement phase with others at different stages of the Treaty settlement process, including some groups seeking both individual and collective settlement redress.

5. Treaty settlements that are relevant to the project area include Treaty settlement Acts and signed Treaty settlement deeds (where Treaty settlement Acts have yet to be passed). Treaty settlements Acts identified as relevant to the application are the Ngāti Manuhiri Claims Settlement Act 2012, Ngāti Whātua o Kaipara Claims Settlement Act 2013, Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Te Kawerau ā Maki Claims Settlement Act 2015, and Ngāi Tai ki Tāmaki Claims Settlement Act 2018. Signed Treaty settlement deeds that do not yet have Treaty settlement Acts are the Ngāti Paoa, Te Ākitai Waiohū, and Te Patukirikiri deeds of settlement.
6. While some of the principles and provisions of these Treaty settlements apply broadly to the project, we have not identified any specific provisions that must be considered when assessing the application under the Act.
7. We have not identified any court orders or agreements recognising customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) that are relevant to the application. Similarly, we have not identified any Mana Whakahoā ā Rohe or joint management agreements that have been entered into with local authorities under the RMA that are relevant to the project area.
8. We have not identified any documents that the panel must give the same or equivalent effect to under section 82, or procedural requirements that the panel must comply with under schedule 3, clause 5 of the Act.

Signature

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Ilana Miller
General Manager – Delivery and Operations

Introduction

9. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3)(a) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
10. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under MACA, and other Māori groups with interests in the project area; and
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
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, Fulton Hogan Land Development Limited, proposes to undertake earthworks and civil works at the Wainui precinct, in Milldale. They expect to create over 1,100 residential sites which will be built on by the 40 house building partners already active in the earlier stages of Milldale. The applicant is seeking approvals under the RMA (subdivision consent, discharge permit, water permit, land use consent) and the HNZPTA (archaeological authority, variation to an archaeological authority). The applicant owns the land subject to the application.
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**, including contact details.

Iwi authorities

15. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Ngāti Manuhiri Settlement Trust, representing Ngāti Manuhiri;
 - b. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua;
 - c. Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara;
 - d. Ngāti Whātua Ōrākei Trust, representing Ngāti Whātua Ōrākei;
 - e. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki;
 - f. Te Ākitai Waiohua Waka Taua Inc, representing Te Ākitai Waiohua;
 - g. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tamaki;
 - h. Ngāti Paoa Iwi Trust, representing Ngāti Paoa;
 - i. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga;
 - j. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
 - k. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā;
 - l. Hako Tupuna Trust, representing Hako; and
 - m. Te Patukirikiri Iwi Trust, representing Te Patukirikiri.

Treaty settlement entities

16. 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).

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

- a. Ngāti Manuhiri Settlement Trust, PSGE for Ngāti Manuhiri Claims Settlement Act 2012;
- b. Ngā Maunga Whakahii o Kaipara Development Trust; PSGE for Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- c. Ngāti Whātua Ōrākei Trust, PSGE for Ngāti Whātua Ōrākei Claims Settlement Act 2012;
- d. Te Kawerau Iwi Settlement Trust, PSGE for Te Kawerau ā Maki Claims Settlement Act 2015;
- e. Ngāi Tai ki Tamaki Trust, PSGE for Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
- f. Tūpuna Taonga o Tāmaki Makaurau Trust/Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGE for the Tāmaki Collective.

18. 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. Ngāti Tamaterā Treaty Settlement Trust, PSGE representing Ngāti Tamaterā;
- b. Te Ākitai Waiohū Settlement Trust, PSGE representing Te Ākitai Waiohū;
- c. Ngāti Paoa Iwi Trust, PSGE representing Ngāti Paoa;
- d. Ngaati Whanaunga Ruunanga Trust, PSGE representing Ngaati Whanaunga;
- e. Ngāti Maru Rūnanga Trust, PSGE representing Ngāti Maru;
- f. Te Rūnanga o Ngāti Whātua, PSGE representing Te Rūnanga o Ngāti Whātua; and
- g. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, PSGE representing Marutūāhu Iwi Collective.

Groups mandated to negotiate Treaty settlements

19. In addition to the PSGEs identified at paragraphs 17-18, Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata has a recognised mandate to negotiate a Treaty settlement over an area which may include the project area. They are in the early stages of negotiating their Treaty settlements with the Crown.

Takutai Moana groups and ngā hapū o Ngāti Porou

20. 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.
21. 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 customary management areas

22. The project area is not within a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw made under Part 9 of the Fisheries Act 1996.

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

23. 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.
24. 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

25. 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.
26. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area. We note that Ngāi Tai ki Tāmaki initiated negotiations for a Mana Whakahono ā Rohe with Auckland Council in 2018, but an agreement has not been reached.

Any other Māori groups with relevant interests

27. We are not aware of any additional Māori groups with relevant interests in the project area.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

28. 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.

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

Treaty settlement Acts

- a. Ngāti Manuhiri Claims Settlement Act 2012;
- b. Ngāti Whātua Ōrākei Claims Settlement Act 2012;
- c. Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- d. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
- e. Te Kawerau ā Maki Claims Settlement Act 2015;
- f. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;

Treaty settlement deeds

- g. Te Patukirikiri Deed of Settlement signed 07 October 2018;
- h. Te Ākitai Waiohua Deed of Settlement signed 12 December 2021; and
- i. Ngāti Paoa Deed of Settlement signed 20 March 2021.

Relevant principles and provisions

30. We note that 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

31. 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.
32. As part of the Crown's apologies to Ngāi Tai ki Tāmaki, Te Patukirikiri, Ngāti Whātua o Kaipara, Te Kawerau ā Maki, Ngāti Manuhiri, Ngāti Paoa, and Te Ākitai Waiohua, the Crown stated that it looked forward to building a new relationship with iwi 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.

Other redress

33. The Te Ākitai Waiohua deed of settlement provides for a Whakaaetanga Tiaki Taonga to be entered into with the Cultural and Heritage Parties¹, including HNZPT. Appendix B of the Whakaaetanga Tiaki Taonga briefly summarises the process for seeking an archaeological authority from HNZPT under the Heritage New Zealand Pouhere Taonga Act 2014, including the requirement in that legislation that applicants must consult tangata whenua.
34. We have provided this excerpt at **Attachment 4** and draw the panel's attention to the reference to this consultation requirement in the Whakaaetanga Tiaki Taonga since it forms

¹ Manatū Taonga Ministry for Culture and Heritage (MCH), Department of Internal Affairs (DIA), Archives New Zealand (DIA), National Library of New Zealand (DIA), Museum of New Zealand (Te Papa Tongarewa), Heritage New Zealand Pouhere Taonga (HNZPT), Ngā Taonga Sound & Vision (Ngā Taonga).

part of the Treaty settlement deed for Te Ākitai Waiohū. We note that schedule 8 clause 2(1)(i) of the Fast-track Approvals Act 2024 requires applications for an archaeological authority include a statement regarding consultation with tangata whenua.

35. The proposed site is within the exclusive Right of First Refusal area of the Ngāti Whātua o Kaipara Claims Settlement Act 2013. The applicant owns the land within the project area, so this redress is not relevant to the application.
36. We have analysed the other settlements referred to above, and have not identified any other redress, such as statutory acknowledgments, deeds of recognition or joint management arrangements, which apply to the project.
37. 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.
38. We note that the applicant has provided evidence of pre-application engagement in the form of a Cultural Investigation Report from Te Kawerau Iwi Settlement Trust and Kaitiaki Report from Manuhiri Kaitiaki Charitable Trust (Ngāti Manuhiri Settlement Trust environmental arm). The applicant has not advised if they have addressed the recommendations in these reports.

Customary Marine Title/Protected Customary Rights

39. 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/mātaihai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

40. As noted above, the project area is not within a Taiāpure-local fishery, mātaihai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

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

Consultation with departments

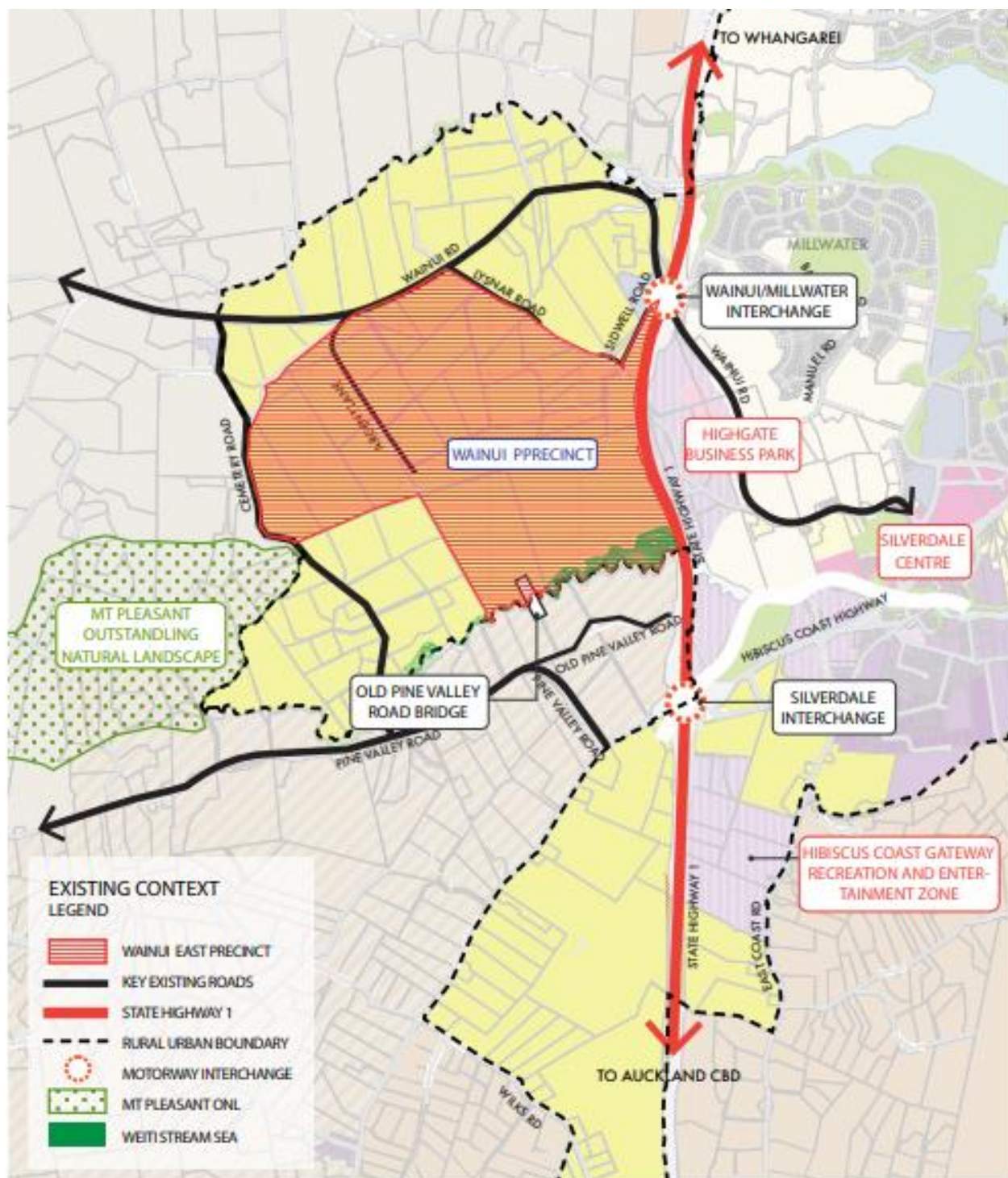
42. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups and have incorporated their views into this report.

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.	Not applicable to substantive applications – s 18 report is required by s 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	15-18
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	29
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	30-36
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	19
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	20
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.	20
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).	21
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).	22
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).	23-24
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. 	25-26

	(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.	27
18(2)(l)	<p>A summary of—</p> <p>(i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e);</p> <p>(ii) any further information received by the Minister from those groups</p>	Not applicable to substantive applications
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.	Not applicable to substantive applications
18(3)	<p>In preparing the report required by this section, the responsible agency must—</p> <p>(a) consult relevant departments; and</p> <p>(b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.</p>	Section 18(3)(b) not applicable to substantive applications
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	Not applicable to substantive applications

Attachment 2: Project location map



Attachment 3: List of relevant Māori groups

Name of group	FTAA section	Contact person	Contact email	Copies to
Te Rūnanga o Ngāti Whātua	18(2)(a)	Dame Naida Glavish	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Ngā Maunga Whakahii o Kaipara Development Trust	18(2)(a)	Dame Naida Glavish	[REDACTED]	[REDACTED]
Ngāti Whātua Ōrākei Trust	18(2)(a)	Marama Royal	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Hako Tūpuna Trust	18(2)(a), 18(2)(d)	John Linstead	[REDACTED]	
Ngāti Maru Rūnanga Trust	18(2)(a), 18(2)(d)	Waati Ngamane	[REDACTED]	[REDACTED]

Ngāti Manuhiri Settlement Trust	18(2)(a)	Terrence Hohneck	[REDACTED]	[REDACTED]
Ngāti Pāoa Iwi Trust	18(2)(a), 18(2)(d)	Herearoha Skipper	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Te Patukirikiri Iwi Trust	18(2)(a), 18(2)(d)	Wiremu Peters	[REDACTED]	[REDACTED] [REDACTED]
Ngāi Tai ki Tāmaki Trust	18(2)(a)	Rewa Brown	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Ngāti Tamaterā Treaty Settlement Trust	18(2)(a)	Antony Royal	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Te Kawerau Iwi Settlement Trust	18(2)(a)	Te Warena Taua	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]

Te Ākitai Waiohua Waka Taua Inc	18(2)(a)	Nigel Denny Snr	[REDACTED]	[REDACTED]
Te Ākitai Waiohua Settlement Trust	18(2)(a), 18(2)(d)	Karen Wilson	[REDACTED]	[REDACTED] [REDACTED]
Ngaati Whanaunga Incorporated Society	18(2)(a)	Boni Renata	[REDACTED]	
Ngaati Whanaunga Ruunanga Trust	18(2)(a)	Boni Renata	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Ngāti Te Ata Claims Support Whānau Trust	18(2)(a), 18(2)(d)	Josie Smith	[REDACTED]	
Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	18(2)(a)	Paul Majurey	[REDACTED]	[REDACTED]
Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership	18(2)(a), 18(2)(d)	Paul Majurey	[REDACTED]	

Attachment 4: Excerpt from Whakaaetanga Tiaki Taonga agreement (Te Ākitai Deed of Settlement 2021)

DOCUMENTS

5: WHAKAAETANGA TIAKI TAONGA

MAHI HURA WHENUA - MĀORI HERITAGE AND ARCHAEOLOGY

15. The Heritage New Zealand Pouhere Taonga Act 2014 ("the Act") defines an archaeological site as a place associated with pre-1900 human activity where there may be evidence relating to the history of Aotearoa/New Zealand. When any development is planned that may affect an archaeological site or suspected archaeological site, the developer must apply for an archaeological authority. The archaeological authority provisions are contained in the Act. The developers must consult tāngata whenua. Pouhere Taonga staff:

- a) assess the impact of proposed land development on Māori cultural values, and check that consultation between developers and hapū or iwi has been conducted; and
- b) help liaise with communities – tāngata whenua, landowners, developers, archaeologists.