

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

**Project Name: FTAA-2503-1039 Sunfield Masterplanned Community**

To:	Date:
Panel Convener, Jane Borthwick	26 May 2025

Number of attachments: 5	<b>Attachments:</b> <ol style="list-style-type: none"> <li>Provisions of section 18 of the Fast-track Approvals Act 2024</li> <li>Project location map</li> <li>List of relevant Māori groups</li> <li>Map of statutory area (Otūwairoa Stream and its tributaries)</li> <li>Statutory acknowledgement provisions from Ngāti Tamaoho Claims Settlement Act 2018</li> </ol>
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### Ministry for the Environment contacts:

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Stephen Church	██████████	
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-2503-1039 Sunfield Masterplanned Community.
- The applicant, Winton Land Limited, proposes to develop an approximately 244.5-hectare site to the north-east of Papakura into approximately 3,400 residential dwellings, three retirement villages, as well as employment, healthcare and education buildings. This application relates to approvals under the Resource Management Act 1991 (RMA), including subdivision, discharge, land use, and water – no other approvals are being sought.
- 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. 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. There are a significant number of relevant Māori groups for this project area, which we have listed at **Attachment 3**. Many of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act.

4. The Treaty settlements and other arrangements relevant to the project area are: Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; Ngāi Tai ki Tāmaki Claims Settlement Act 2018; Ngāti Tamaoho Claims Settlement Act 2108; Ngāti Paoa deed of settlement; and Te Ākitai Waiohūa deed of settlement.
5. The Ngāti Tamaoho Claims Settlement Act 2108 provides for a statutory acknowledgement over the Otūwairoa Stream and its tributaries. The southern part of the Sunfield project area incorporates part of this catchment. Under the RMA and settlement legislation, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions, and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder.
6. Section 7 of the Act requires the panel and other decision makers to act consistently with existing Treaty settlements and recognised customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA). Under section 53(2) of the Act, the panel is required to invite comment from all Treaty settlement entities (defined below), which includes those with statutory acknowledgements. We consider the process of inviting comment (including providing information about the application) is comparable to the process under the RMA and Treaty settlements where local authorities are required to have regard to statutory acknowledgements when considering who is an affected person for a consent application.
7. We have not identified any documents that the panel must give the same or equivalent effect to under section 82, or any other 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

8. For a substantive application that relates to a listed project, under section 49 of the Fast-track Approvals Act 2024 (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)).
9. 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.
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, Winton Land Limited, proposes to develop an approximately 244.5 hectare site to the north-east of Papakura into approximately 3,400 residential dwellings, a 7.6 hectare town centre, retail and healthcare buildings, three retirement villages (with approximately 600 independent living units and care beds), approximately 27.7 hectares of open spaces, green links, recreation parks and reserves, and to enable the potential development of a school. This is a substantive application under the Fast-track process for approvals under the RMA (including subdivision, discharge, land use, water). The applicant is not seeking approvals under other Acts. The applicant owns, or has contracted to purchase, the majority of the land, with the option for the balance of the land to be incorporated into the development if the landowners agree.
12. We have provided a location map at **Attachment 2**.

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

13. 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

14. We consider the following groups to be the relevant iwi authorities for the project area:
  - a. Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho;
  - b. Te Ākitai Waiohū Waka Taua Inc, representing Te Ākitai Waiohū;
  - c. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
  - d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
  - e. Ngāti Paoa Iwi Trust, representing Ngāti Paoa;
  - f. Ngāti Tamaterā Settlement Trust, representing Ngāti Tamaterā;
  - g. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga; and
  - h. Hako Tūpuna Trust, representing Hako;
  - i. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata; and
  - j. Te Whakakitenga o Waikato, representing Waikato-Tainui.

## **Treaty settlement entities**

15. 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).

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

- a. Ngāti Tamaoho Settlement Trust, PSGE for the Ngāti Tamaoho Claims Settlement Act 2108;
- b. Ngāi Tai ki Tāmaki Trust; PSGE for the Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
- c. Tūpuna Taonga o Tāmaki Makaurau Trust/Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGEs for the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

17. 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, representing Te Ākitai Waiohua (deed of settlement signed November 2021);
- b. Ngāti Paoa Iwi Trust, representing Ngāti Paoa (deed of settlement signed March 2021);
- c. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
- d. Ngāti Tamaterā Settlement Trust, representing Ngāti Tamaterā;
- e. Ngaati Whanaunga Ruunanga Trust, representing Ngaati Whanaunga;
- f. Hako Tūpuna Trust, representing Hako; and
- g. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, representing the Marutūāhu Iwi collective; and
- h. Te Whakakitenga o Waikato Incorporated, representing Waikato-Tainui (remaining claims).

## **Groups mandated to negotiate Treaty settlements**

18. In addition to the PSGEs identified at paragraph 17, 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; and
- b. Ngāti Koheriki Claims Committee, representing Ngāti Koheriki.

19. These groups 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 the Marine and Coastal Area (Takutai Moana) Act 2011 (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, and accordingly there no parties to these arrangements to identify. We note 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**

27. The applicant has also engaged with Papakura Marae, which is an urban marae for the Takanini, Papakura, Ardmere, and Drury areas. The applicant reports that the six iwi authorities they have undertaken the closest engagement with (Ngāti Tamaoho, Te Ākitai Waiohua, Ngāti Te Ata, Ngaati Whanaunga; Ngāti Paoa; Ngāi Tai ki Tāmaki) have acknowledged the appropriateness of this consultation with Papakura Marae. However,

those iwi authorities have noted that they recognise Papakura Marae as a community stakeholder and not mana whenua, and contend that engagement with the marae should not be considered as equal to the engagement afforded to iwi authorities. For completeness, we have included Papakura Marae in the list at Attachment 3.

## 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:
- 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 Paoa deed of settlement (signed March 2021), Ngāti Paoa Claims Settlement Bill currently before the House; and
  - e. Te Ākitai Waiohū deed of settlement (signed November 2021).

### Relevant principles and provisions

30. 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 its apologies to Ngāti Tamaoho, Ngāi Tai ki Tāmaki, Te Ākitai Waiohū, and Ngāti Paoa, 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.

#### *Statutory acknowledgement*

33. The Ngāti Tamaoho Claims Settlement Act 2018 provides for a statutory acknowledgement over the Otūwairoa Stream and its tributaries (includes Waipokapū Stream, Mangapū Stream, and Waihoehoe Stream). The southern part of the Sunfield project area incorporates part of this catchment, as depicted in the map at **Attachment 4**.
34. 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 relevant settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or directly affecting a statutory area:

- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and
  - b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.
35. 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 EPA, or a board of inquiry), which may, in turn, take that statutory acknowledgement into account.
36. Under section 53(2)(c) of the Act, the panel must direct the EPA to invite written comments on a substantive application from any relevant Treaty settlement entities including, to avoid doubt, an entity that has an interest under a Treaty settlement (or an entity operating in a collective arrangement provided for under a Treaty settlement) within the area to which the application relates. Those invited to comment, including relevant Treaty settlement entities, will be provided access to the application information.
37. Ngāti Tamaoho has been identified earlier in this report as a relevant Treaty settlement entity to be invited for comment by the panel under section 53(2)(c) of the Act. We consider the process of inviting comment (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. This does not prevent the panel from inviting other relevant Māori groups, such as the others identified in this report, to comment on the application.
38. For your reference, we have provided an example of the statutory acknowledgement provisions from one of the Treaty settlement Acts referred to above at **Attachment 5**.
39. We understand that the applicant has engaged with Ngāti Tamaoho and other iwi authorities on those aspects of the development which might be expected to affect the Otūwairoa Stream, such as the discharge of stormwater, and that those groups will be involved in the design of the proposed extension of the Awakeri Wetlands (which will be subject of a separate consent).
40. We also 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**

41. 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**

42. As noted above, the project area is not within 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**

43. 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**

44. 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.

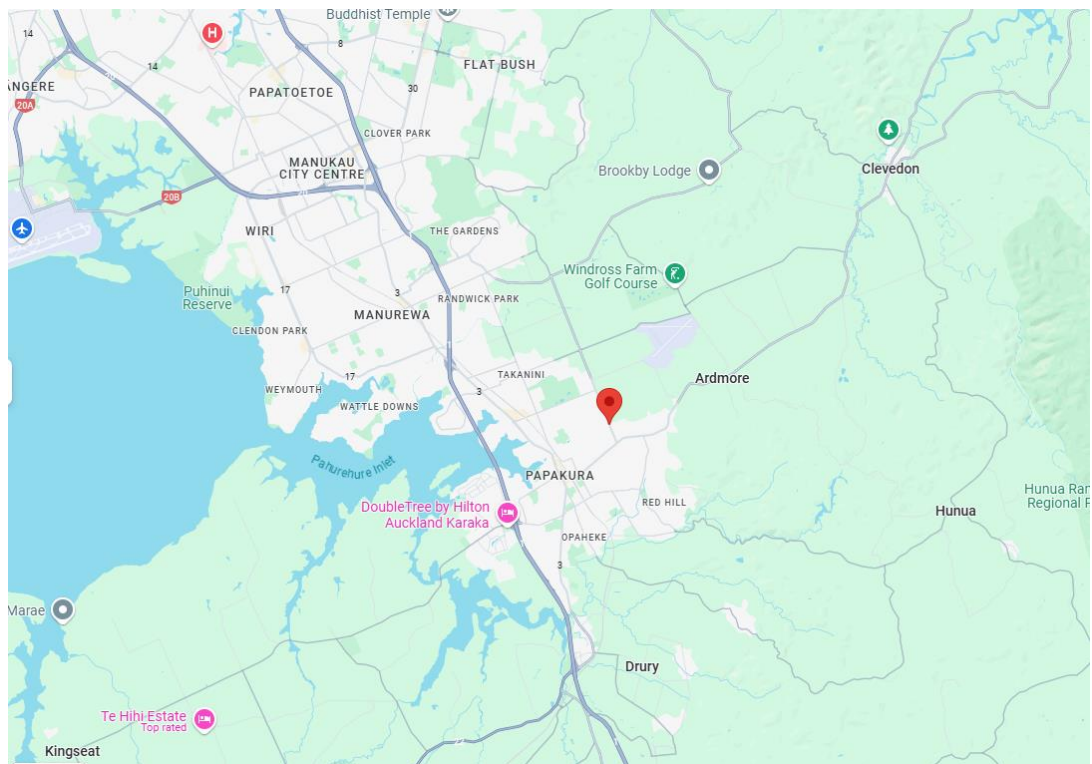


## Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

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	14-17
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	28-29
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	30-40
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	18-19
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	20, 41
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, 41
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, 41
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, 42
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),	25-26, 43

	<ul style="list-style-type: none"> <li>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</li> <li>(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.</li> </ul>	
<b>18(2)(k)</b>	Any other Māori groups with relevant interests.	27
<b>18(2)(l)</b>	A summary of— <ul style="list-style-type: none"> <li>(i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e);</li> <li>(ii) any further information received by the Minister from those groups</li> </ul>	Not applicable to substantive applications
<b>18(2)(m)</b>	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
<b>18(3)</b>	In preparing the report required by this section, the responsible agency must— <ul style="list-style-type: none"> <li>(a) consult relevant departments; and</li> <li>(b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.</li> </ul>	44 (section 18(3)(a))  Section 18(3)(b) not applicable to substantive applications
<b>18(4)</b>	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



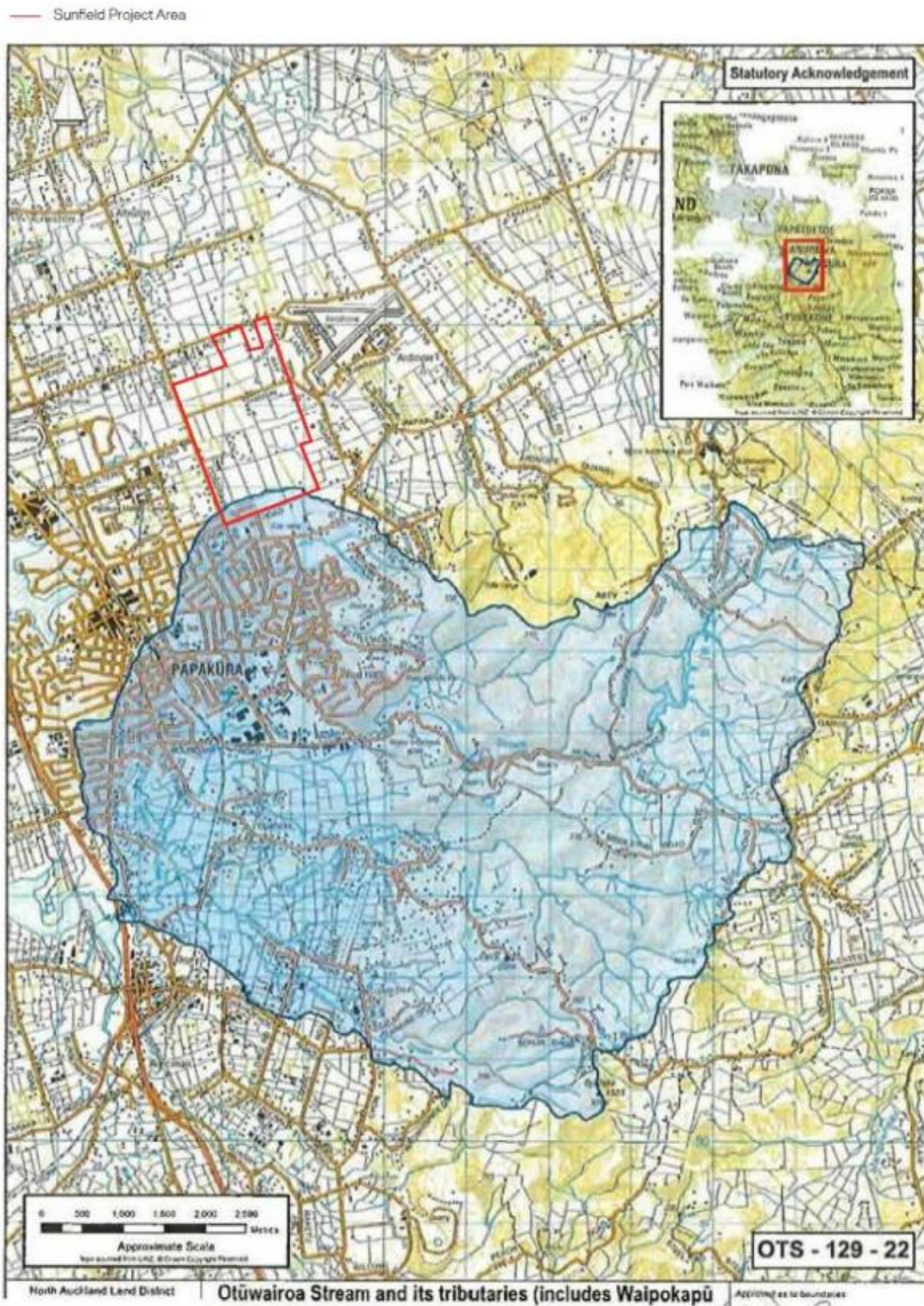


### Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
<b>Ngāti Tamaoho Settlement Trust</b>	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāti Tamaoho Claims Settlement Act 2018)	Karleen Puriri	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Te Ākitai Waiohū Waka Taua Inc</b>	iwi authority (s18(2)(a))	Nigel Denny Snr, Chair	[REDACTED] [REDACTED]
<b>Ngāi Tai ki Tāmaki Trust</b>	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāi Tai ki Tāmaki Claims Settlement Act 2018)	Rewa Brown, Chair	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Ngāti Maru Rūnanga Trust</b>	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Waati Ngamane, Chair	[REDACTED] [REDACTED]
<b>Ngāti Paoa Iwi Trust</b>	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Herearoha Skipper, Chair	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Ngāti Tamaterā Settlement Trust</b>	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Michelle Wilson, CE	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Ngaati Whanaunga Incorporated Society</b>	iwi authority (s18(2)(a))	Boni Renata, GM	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Hako Tūpuna Trust</b>	iwi authority (s18(2)(a)), Treaty settlement entity	John Linstead	[REDACTED]

	(s18(2)(a)), mandated entity (s18(2)(d))		
<b>Ngāti Te Ata Claims Support Whānau Trust</b>	iwi authority (s18(2)(a)), mandated entity (s18(2)(d))	Josie Smith, Chair	████████████████████
<b>Te Whakakitenga o Waikato Incorporated</b>	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))	Jaedyn Falwasser	████████████████████ ████████████████████
<b>Te Ākitai Waiohū Settlement Trust</b>	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Karen Wilson, Chair	████████████████████ ████████████████████ ████████████████████
<b>Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership</b>	Treaty settlement entity (s18(2)(a))	Paul Majurey, Chair	████████████████████
<b>Ngaati Whanaunga Ruunanga Trust</b>	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Boni Renata, GM	████████████████████ ████████████████████ ████████████████████ ████████████████████
<b>Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership</b>	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Paul Majurey, Chair	████████████████████
<b>Ngāti Koheriki Claims Committee</b>	Mandated entity (s18(2)(d))	Kiwi Johnson	████████████████████ ████████████████████
<b>Papakura Marae</b>	any other Māori groups with relevant interests (s18(2)(k))	Tony Kake, CE	████████████████████

## Attachment 4: Map of statutory area (Otūwairoa Stream and its tributaries)





## Attachment 5: Statutory acknowledgement provisions from Ngāti Tamaoho Claims Settlement Act 2018

### Subpart 2—Statutory acknowledgement and deed of recognition

#### 28 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 Ngāti Tamaoho 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 29 in respect of the statutory areas, on the terms set out in this subpart

**statutory area** means an area described in Schedule 1, 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*

#### 29 Statutory acknowledgement by the Crown

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

#### 30 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 31 to 33; 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 34 and 35; and
- (c) to enable the trustees and any member of Ngāti Tamaoho to cite the statutory acknowledgement as evidence of the association of Ngāti Tamaoho with a statutory area, in accordance with section 36.

**31 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.

**32 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.

**33 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.



### **34 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 29 to 33, 35, and 36; 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.

### **35 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 of the Resource Management Act 1991 or as 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.

### **36 Use of statutory acknowledgement**

- (1) The trustees and any member of Ngāti Tamaoho may, as evidence of the association of Ngāti Tamaoho 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, by virtue 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 Ngāti Tamaoho are precluded from stating that Ngāti Tamaoho 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.