



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

Project Name: FTAA-2512-1163 POTL – Stella Passage Development

To:	Date:
Panel Convener, Jane Borthwick	23 February 2026

Number of attachments: 8	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. Consultation provisions in the Waitaha Conservation Protocol5. Excerpt from Tauranga Moana Iwi Collective deed (legislative matters schedule) regarding Tauranga Moana Framework6. Waitaha coastal statutory acknowledgement provisions7. Ngāi Te Rangi/Ngā Potiki coastal statutory acknowledgement provisions8. Map of Te Maunga o Mauao Mātaitai Reserve
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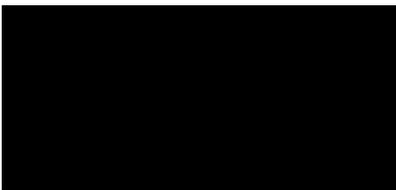
Key points

1. 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-2512-1163 POTL – Stella Passage Development.
2. The applicant, Port of Tauranga Limited (POTL), is proposing the extension of the Sulphur Point and Mount Maunganui wharves at the Port of Tauranga, dredging the bed of Stella Passage in Tauranga Harbour, and installation and use of four new cranes on the Sulphur Point wharves. The approvals being sought are under the Resource Management Act 1991 (RMA) and the Wildlife Act 1953. The project will primarily be undertaken in the marine and coastal area.
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. Many of those groups must

be invited by the panel to comment on a substantive application under section 53(2) of the Act. There are a significant number of groups relevant to the project area, including applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), which we have listed at **Attachment 3**.

4. There are three Treaty settlement Acts (Waitaha Claims Settlement Act 2013, Ngāti Pūkenga Claims Settlement Act 2017, Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025), a signed deed of settlement (Ngāi Te Rangi and Ngā Potiki), and signed collective redress deed (Tauranga Moana Iwi Collective) relevant to the project area. Some of these settlements include Crown acknowledgements that specifically refer to the environmental and cultural impact of the development of the Port of Tauranga.
5. The Waitaha Claims Settlement Act 2013 includes a conservation protocol that provides for general principles to be followed by the Department of Conservation (DOC) when consulting Waitaha. Under clause 5 of Schedule 3 of the Act, the panel will need to comply with these procedural requirements with regard to its consideration of the Wildlife Act 1953 approval. Conservation relationship agreements with other relevant Treaty settlement entities are less specific or are subject to enactment of the Tauranga Moana Iwi Collective redress legislation.
6. The Tauranga Moana Framework, provided for in the Tauranga Moana Iwi Collective deed, includes several procedural arrangements regarding resource consent applications – such as information sharing, the appointment of hearing commissioners, and having regard to the Ngā Tai ki Mauao framework document – which would be relevant to the panel’s consideration of this application if the collective legislation had been enacted. Nevertheless, in accordance with section 7 of the Act, it may be appropriate for the panel to consider how it might act consistently with the intent of the Tauranga Moana Framework redress, as set out in the signed collective deed.
7. Similarly, the panel may also want to consider whether statutory acknowledgements (for Waitaha and Ngāi Te Rangi/Ngā Potiki) over the nearby coast, and customary fishing rights provided for under the Fisheries Act 1996 within the project area, may be affected by the approvals being sought by the applicant.

Signature



Ilana Miller
General Manager – Investment Strategy & Operations

Introduction

8. 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)).¹
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, POTL, is proposing:
 - a. dredging approximately 10.55 hectares of the bed of Stella Passage in Te Awanui/Tauranga Harbour, and maintenance dredging to retain the depth of 16 metres;
 - b. reclamation of approximately 3.58 hectares of the marine and coastal area either side of Stella Passage;
 - c. extension of the Sulphur Point and Mount Maunganui wharves at the Port of Tauranga (by 385 metres and 315 metres respectively);
 - d. reconfiguration of existing structures and development of new structures in the marine and coastal area, such as wharf piles; and
 - e. construction and use of four new cranes on the Sulphur Point wharf extensions.
12. The approvals being sought are under the RMA (including land use consent, coastal permit, reclamation consent) and the Wildlife Act 1953 (capture and relocation of kororā/little blue penguins). The project will primarily be undertaken in the coastal marine area. The applicant owns the land adjacent to the project area.
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**.²

Iwi authorities

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

¹ The matters in section 18(2)(l) and (m) were covered in a Treaty settlements and other obligations report the Ministry prepared for a referral application lodged by the applicant for this project (FTAA-2509-1101): [FTAA-2509-1101 POTL -Stella Passage Development - Section 18 Report](#).

² These are the contact details we could locate in the time available, and in some cases they will be the generic email address for the entity.

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 Pūkenga Iwi ki Tauranga Trust, representing Ngāti Pūkenga;

17. Te Rūnanga o Ngāi Te Rangī Iwi Trust, representing Ngāi Te Rangī;

a. Ngāti Ranginui Iwi Society Inc, representing Ngāti Ranginui;

b. Ngā Pōtiki a Tamapahore Trust, representing Ngā Pōtiki; and

c. Te Kapu o Waitaha Trust, representing Waitaha.

Treaty settlement entities

18. Under section 4(1) of the Act, “Treaty settlement entity” means any of the following:

(a) a post-settlement governance entity (PSGE):

(b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:

(c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:

(d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):

(e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).

19. Under the Act, a PSGE:

(a) means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—

(i) by that group; or

(ii) by or under an enactment or order of a court; and

(b) includes—

(i) an entity established to represent a collective or combination of claimant groups; and

(ii) an entity controlled by an entity referred to in paragraph (a); and

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

20. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.³

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

³ 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. Te Kapu o Waitaha Trust, PSGE for Waitaha Claims Settlement Act 2013;
 - b. Te Tāwharau o Ngāti Pūkenga, PSGE for Ngāti Pūkenga Claims Settlement Act 2017;
 - c. Ngā Hapū o Ngāti Ranginui Settlement Trust, PSGE for Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025;
 - d. Ngāti Pūkenga Iwi ki Tauranga Trust, mandated iwi organisation/iwi aquaculture organisation for Ngāti Pūkenga;
 - e. Te Rūnanga o Ngāi Te Rangi Iwi Trust, mandated iwi organisation/iwi aquaculture organisation for Ngāi Te Rangi;
 - f. Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, mandated iwi organisation/iwi aquaculture organisation for Waitaha;
 - g. Ngāti Ranginui Fisheries Trust, mandated iwi organisation/iwi aquaculture organisation for Ngāti Ranginui; and
 - h. Te Ohu Kaimoana.
22. A PSGE may be established ahead of finalising a deed of settlement and/or enactment of Treaty settlement legislation. The following PSGEs in this category are also relevant:
- a. Ngāi Te Rangi Settlement Trust, PSGE for Ngāi Te Rangi;
 - b. Ngā Pōtiki a Tamapahore Trust, PSGE for Ngā Pōtiki; and
 - c. Tauranga Moana Iwi Collective Limited Partnership, PSGE for Tauranga Moana Iwi Collective (Ngāti Pūkenga, Ngū Hapū o Ngāti Ranginui, Ngāi Te Rangi).

Groups mandated to negotiate Treaty settlements

23. Apart from Ngāi Te Rangi Settlement Trust and Ngā Pōtiki a Tamapahore Trust, which have already been established as PSGEs (paragraph 21 refers), there are no other groups with recognised mandates to negotiate a Treaty settlement over an area which may include the project area.
24. Ngāi Te Rangi and Ngā Pōtiki signed a joint deed of settlement with the Crown in December 2013 (Ngā Pōtiki is a hapū of Ngāi Te Rangi), and their settlement Bill was introduced to the House in May 2016. However, we understand negotiations with the Crown are currently paused.

Takutai Moana groups and ngā hapū o Ngāti Porou

25. At the time of writing, there are no groups with court orders or agreements that recognise protected customary rights or customary marine title within the project area under MACA. In October 2021, the High Court granted five applicant groups a joint customary marine title (CMT) over nearby Te Tāhuna o Rangataua, an estuary in the eastern-most part of Tauranga Harbour.⁴
26. However, the following applicant groups are seeking recognition of CMT or protected customary rights (PCR) within the project area under MACA:

⁴ Four of these applicant groups (Ngāti Hē, Ngāti Pūkenga, Ngāi Te Rangi, and Ngāti Ranginui) are also seeking CMT/PCR over an area encompassing the project area, as set out in paragraph 25. The remaining Ngā Pōtiki application area is outside Tauranga Harbour.

- a. MAC-01-05-024/CIV-2017-485-355 – Te Whānau a Mokomoko;
- b. MAC-01-05-005 – Ngā Hapū o Matakana;
- c. MAC-01-05-006/CIV-2017-485-244 – Ngā Hapū o Ngāi Te Rangī;
- d. MAC-01-05-009 – CMT/PCR – Ngāi Tamarawaho;
- e. MAC-01-05-013/CIV-2017-485-219 – Ngāti He;
- f. MAC-01-05-015/CIV-2017-485-250 – PCR – Ngāti Pūkenga;
- g. MAC-01-05-016/CIV-2017-485-294 – Ngā Hapū o Ngāti Ranginui Settlement Trust;
and
- h. MAC-01-05-025 – Waaka and Holloway Whānau.

27. 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

28. The project area is within an area subject to regulations for customary food-gathering made under Part 9 of the Fisheries Act 1996. Pursuant to Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 (the Regulations), the Fisheries (Kaimoana Customary Fishing) Notice (No. 14) 2011 provides for management of customary food-gathering within an area/rohe moana by the appointed tangata kaitiaki/tiaki. The following are the tangata whenua of the rohe moana who nominate the tangata kaitiaki/tiaki, represented by Tauranga Moana Iwi Customary Fisheries Trust:

- a. Ngāi Te Rangī;
- b. Ngāti Ranginui; and
- c. Ngāti Pūkenga.

29. In addition, we note that the project area lies south of Te Maunga o Mauao Mātaitai Reserve. Pursuant to Part 9 of the Fisheries Act 1996 and Regulation 22 of the Regulations, the Fisheries (Declaration of Mātaitai Reserve at Mt Maunganui and Part of Tauranga Harbour and Appointments of Tangata Kaitiaki/Tiaki) Notice 2008 established the mātaītai reserve and appointed tangata kaitiaki/tiaki.

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

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

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

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

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

32. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement (JMA), and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.
33. We have not identified any Mana Whakahono ā Rohe or JMAs that are relevant to the project area, and accordingly there are no parties to these arrangements to identify.

Any other Māori groups with relevant interests

34. We have also identified the following groups with interests in the project area:
- a. Ngāi Tukairangi (hapū of Ngāi Te Rangi)
 - b. Ngāti Kuku (hapū of Ngāi Te Rangi)
 - c. Ngāti Hē Hapū Trust (hapū of Ngāi Te Rangi)
 - d. Ngāti Kaahu a Tamapahore;
 - e. Ngāti Kahu (hapū of Ngāti Ranginui)
 - f. Ngāti Tapu (hapū of Ngāi Te Rangi)
 - g. Ngāi Tamarawaho (hapū of Ngāti Ranginui)
 - h. Whareroa Marae (Ngāti Kuku, Ngāi Tukairangi);
 - i. Ngā Hapu o Ngā Moutere Trust (collective of Matakana Island hapū: Ngāi Tuwhiwhia, Ngāi Tamawhariua, Ngāti Tauaiti, Te Ngare, Whānau a Tauwhao); and
 - j. Ngā Tai ki Mauao hapū collective (comprising Ngāi Tuwhiwhia, Ngāi Tamawhariua, Te Ngare, Whānau a Tauwhao (ki Rangiwea), Ngāti Tauaiti, Ngā Hapu o Ngā Moutere Trust, Rangiwea Marae Trust, Ngāti Kuku, Whareroa Marae Trust, Ngāti Tapu; Ngāi Tukairangi, Ngāti Kaahu a Tamapahore; Ngā Kaitiaki o Rangataua; Ngāti Hē; Ngāti Kahu (ki Tauranga); Te Tāwharau o Ngāti Pūkenga; Te Rūnanga o Ngāti Pūkenga; Ngāi Te Rangi iwi; Ngā Potiki Settlement Trust).
35. We note the applicant has identified a number of other groups for consultation not included in this report.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

36. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
37. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
- a. Waitaha Claims Settlement Act 2013;
 - b. Ngāti Pūkenga Claims Settlement Act 2017;

- c. Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025;
- d. Ngāi Te Rangi and Ngā Potiki deed of settlement, signed December 2013; and
- e. Tauranga Moana Iwi Collective deed (Ngāi Te Rangi, Ngāti Pūkenga, Ngāti Ranginui), signed January 2015.

Relevant principles and provisions

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

Crown acknowledgements and apologies

39. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.

40. As part of its apologies to Waitaha, Ngāti Pūkenga, the hapū of Ngāti Ranginui, Ngāi Te Rangi and Ngā Potiki, the Crown stated 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.

41. With specific reference to Tauranga Moana, the Crown has also acknowledged:

- a. that Ngāti Pūkenga describe Tauranga Moana as a significant taonga, and that environmental degradation of the harbour and species within has been a source of distress for Ngāti Pūkenga;
- b. the significance of the land, forests, harbours and waterways of Tauranga Moana as a physical and spiritual resource for Ngāi Te Rangi and Ngā Potiki;
- c. the loss of most of their coastal lands has reduced Ngāi Te Rangi and Ngā Potiki's access to coastal urupā, kainga, food-gathering areas, and associated resources;
- d. the development of the Port of Tauranga, the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana, and the construction of effluent ponds on Te Tahuna o Rangataua, have resulted in the environmental degradation of Tauranga Moana and reduction of biodiversity and food resources which remain a source of great distress to Ngāi Te Rangi and Ngā Potiki;
- e. the significance of the land, forests, harbours and waterways of Tauranga Moana to the hapū of Ngāti Ranginui as a physical and spiritual resource over which Ngāti Ranginui hapū acted as kaitiaki; and
- f. that the development of the Port of Tauranga, and the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana have resulted in environmental degradation of Tauranga Moana which remains a source of great distress to the hapū of Ngāti Ranginui.

Conservation relationship redress

42. Relationship agreements and protocols between the Minister of Conservation/Director-General of Conservation and iwi, as provided for in Treaty settlements, may be relevant to

this application where they include consultation requirements relating to conservation approvals, such as those being sought under the Wildlife Act 1953.

43. The Waitaha Claims Settlement Act 2013 provides for a conservation protocol. The protocol, as set out in the deed of settlement, covers the project area and provides for general principles to be followed by DOC when consulting Waitaha, including:
 - a. ensuring consultation takes place as soon as reasonably practicable;
 - b. providing Waitaha with sufficient information to make informed submissions;
 - c. ensuring that sufficient time is given for the effective participation of Waitaha; and
 - d. requiring DOC to report back to Waitaha on decision made.
44. We have included the relevant excerpt from the protocol at **Attachment 4**. Under clause 5 of Schedule 3 to the Act, if a Treaty settlement Act includes procedural arrangements, the panel convener or panel must comply with those arrangements or obtain the agreement of the relevant party to adopt a modified arrangement. With regard to the Wildlife Act 1953 approval sought by the applicant, we consider the procedural requirements of the Waitaha conservation protocol are able to be complied with under the substantive process set out in the Act, if the panel invites Waitaha to comment on the application under section 53 of the Act.
45. The Ngāti Pūkenga deed of settlement includes provisions to agree on a conservation relationship agreement but the contents are not specified.⁵ DOC advise that the relationship agreement has yet to be finalised, and discussions are currently focused on the Maunga Kāinga area of interest (an area surrounding Coromandel Harbour).
46. The Ngāti Ranginui deed of settlement states that a relationship agreement with the Tauranga Moana Iwi Collective will be provided for through the collective deed, including how Ngā Hapū o Ngāti Ranginui and the Director-General of Conservation will engage on conservation matters. There will be no separate conservation relationship agreement directly with Ngāti Ranginui.
47. The Tauranga Moana Iwi Collective deed includes a conservation relationship agreement, under the broader Te Kūpunga Framework with DOC. The agreement refers to engagement to be undertaken with Tauranga Moana Iwi by DOC when exercising its powers and functions, including under the Wildlife Act 1953. Apart from commitments to open communication and information sharing, there are no specific requirements regarding consultation on statutory authorisations. The relationship agreement itself has yet to be developed as the collective redress legislation has not been enacted.

Tauranga Moana Framework

48. The Tauranga Moana Iwi Collective deed provides for the Tauranga Moana Framework, which includes:
 - a. the establishment of a statutory committee called the Tauranga Moana Governance Group; and
 - b. the preparation, review, amendment and adoption of a Tauranga Moana framework document – Ngā Tai ki Mauao – which will identify the vision, objectives and desired outcomes for Tauranga Moana.

⁵ The deed of settlement signed in April 2013 initially stated that a conservation relationship agreement with the Tauranga Moana Iwi Collective would be provided for through the collective deed, but the fifth deed to amend (signed in August 2017) included a commitment to a relationship agreement directly with Ngāti Pūkenga.

49. The purpose of the Tauranga Moana Governance Group is to provide leadership and strategic direction to restore, enhance and protect the health and wellbeing of Tauranga Moana (which includes the project area). The Group will achieve sustainable management of Tauranga Moana through the implementation of Ngā Tai ki Mauao and by providing for participation by Tauranga Moana iwi and hapū in the management of Tauranga Moana. The Group will comprise equal numbers appointed by iwi and by local authorities/Minister for the Environment.
50. The Framework includes several procedural provisions of relevance to the application:
- a. copies of applications for resource consent for any activities referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the RMA, in relation to waters within Tauranga Moana, must be provided to Tauranga Moana iwi and hapū within five working days of receipt by Bay of Plenty Regional Council (BOPRC);
 - b. at least once every two years BOPRC and the Tauranga Moana Governance Group must jointly establish a working party to develop/review criteria and policies for procedural matters related to resource consent applications;
 - c. if a hearing is to be held under the RMA in relation to an application for a resource consent referred to in paragraph 49(a), BOPRC must appoint at least one person from the register of hearing commissioners maintained by the Tauranga Moana Governance Group; and
 - d. until such time as Ngā Tai ki Mauao has been recognised and provided for in the preparation, review, variation or change of the Bay of Plenty regional policy statement, a consent authority must have regard to the contents of Ngā Tai ki Mauao when making a decision on a resource consent which applies to Tauranga Moana.
51. The RMA approvals included in this referral application would be subject to these provisions. However, while these provisions are contained in a signed deed of settlement, they are to be provided for through collective legislation, which has yet to be enacted.⁶ This means the Tauranga Moana Governance Group has yet to be established and, as far as we are aware, Ngā Tai ki Mauao has not been developed. Accordingly, the panel's obligations under clause 5 Schedule 3 of the Act to comply with any relevant procedural requirements set out in a Treaty settlement Act do not apply to the Tauranga Moana Framework provisions at this time.
52. Section 82 of the Act requires that, if a Treaty settlement provides for the consideration of any document, then the panel must give the same or equivalent effect to that document in their decision-making. This would mean having regard to Ngā Tai ki Mauao in considering this application, as set out in paragraph 49(d).⁷ Again, this is not possible if Ngā Tai ki Mauao has yet to be developed.
53. Notwithstanding this, the overarching provision at section 7 of the Act requires all persons performing and exercising functions, powers, and duties to act in a manner that is consistent with the obligations arising under existing Treaty settlements (where 'Treaty settlements' includes a signed Treaty settlement deed). Accordingly, it would be appropriate for the panel to consider how it might act consistently with the intent of the

⁶ The Tauranga Moana Framework provisions are included in the legislative matters schedule to the collective deed. At the time of preparing this report, the Tauranga Moana Iwi Collective Redress Bill currently before the House (awaiting second reading) does not include these provisions.

⁷ This includes any statutory planning document amended as a consequence, which in this instance would mean the Bay of Plenty regional policy statement.

Tauranga Moana Framework redress, acknowledging that the settlement legislation which would bring these arrangements into force has yet to be enacted. For your information, we have provided the relevant excerpts from the Tauranga Moana Iwi Collective deed at **Attachment 5**.

Statutory acknowledgements

54. The Waitaha Claims Settlement Act 2013 and the Ngāi Te Rangi and Ngā Potiki deed of settlement both provide for statutory acknowledgements along the nearby coast, but not within Tauranga Harbour. Strictly speaking, the statutory areas subject to the statutory acknowledgements do not include the project area.
55. We do not have the technical expertise to say whether the approvals being sought by the applicant would affect the statutory areas, but this may be something for a panel to consider in the course of deliberating on a substantive application. If so, there are two features of a statutory acknowledgement which are most relevant for consent authorities when considering a resource consent for an activity within, adjacent to, or directly affecting a statutory area:
 - a. a consent authority must have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions in relation to the activity under the RMA;
 - b. a consent authority must 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.
56. 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, which may, in turn, take that statutory acknowledgement into account.
57. 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.
58. Waitaha, Ngāi Te Rangi, and Ngā Potiki have been identified earlier in this report as relevant Treaty settlement entities 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.
59. For your reference, we have included the relevant statutory acknowledgement provisions from the Waitaha Claims Settlement Act 2013, deed plan of the statutory area, and statement of association at **Attachment 6**. The Ngāi Te Rangi and Ngā Potiki statutory acknowledgement is subject to the enactment of the settlement legislation, but will include very similar provisions as this is standardised drafting across Treaty settlements. We have included the deed plan of the statutory areas and statement of association for the Ngāi Te Rangi/Ngā Potiki statutory acknowledgement at **Attachment 7**.

Maori Fisheries Act 2004

60. The Maori Fisheries Act 2004 provides a framework for the allocation and transfer of specified settlement assets to iwi, in the form of fisheries quota, and management of the remainder of those settlement assets. While Ngāti Pūkenga Iwi ki Tauranga Trust, Te Rūnanga o Ngāi Te Rangī Iwi Trust, Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, and Ngāti Ranginui Fisheries Trust hold fishing quota in the wider Quota Management Area, it is not clear whether the application will affect these interests.

Maori Commercial Aquaculture Claims Settlement Act 2004

61. The Maori Commercial Aquaculture Claims Settlement Act 2004 provides for the settlement of Māori claims to commercial aquaculture through the allocation and management of aquaculture settlement assets. While Ngāti Pūkenga Iwi ki Tauranga Trust, Te Rūnanga o Ngāi Te Rangī Iwi Trust, Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, and Ngāti Ranginui Fisheries Trust are iwi aquaculture organisations for the purposes of the Maori Commercial Aquaculture Claims Settlement Act 2004, the project area is not located within an aquaculture settlement area established under section 12 of that legislation (or within an area reserved for aquaculture through an individual iwi settlement).

62. Finally, 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

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

64. However, as noted at paragraph 25, there are currently eight applicant groups seeking recognition of PCR or CMT over areas which include the project area. Under section 53(2)(e) of the Act, the panel must invite comments from MACA applicants identified in this report. This will provide groups an opportunity to comment on the application and have their views taken into consideration by the panel.⁸

65. We note that if any of the CMT/PCR applications are ultimately successful, a number of rights would be conferred on the relevant applicants under MACA, including in relation to permission for certain resource consents.

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

66. As noted at paragraph 27, the project area is also within an area/rohe moana subject to regulations under Part 9 of the Fisheries Act 1996 for the management of customary food-gathering. The Fisheries (Kaimoana Customary Fishing) Notice (No.14) 2011 provides that the tangata kaitiaki/tiaki appointed for the area may authorise any individual to take fisheries resources, managed under the Fisheries Act 1996, for customary food-gathering purposes from within the whole or any part of the area/rohe moana.

⁸ We note sections 62(2) and 62A MACA provide for CMT applicants to be notified of, and consulted on, applications for resource consents in that part of the common marine and coastal area where CMT is being sought.

67. We have also noted at paragraph 28 that the project area lies to the south of Te Maunga o Mauao Mātaitai Reserve, depicted in the map at **Attachment 8**. The purpose of the Mātaitai Reserve is to sustainably manage kai moana health and population within the specified area. The Fisheries (Declaration of Mātaitai Reserve at Mt Maunganui and Part of Tauranga Harbour and Appointments of Tangata Kaitiaki/Tiaki) Notice 2008 prohibits commercial fishing within the reserve, and provides that the tangata kaitiaki/tiaki appointed for the reserve may authorise any individual to take fisheries resources, managed under the Fisheries Act 1996, for customary food-gathering purposes from within the reserve.
68. While the application itself does not include the proposed taking of fisheries resources, it is possible that the project may affect the ability of the tangata whenua to exercise customary food-gathering practices under the authority of the kaitiaki/tiaki. For example, sediment disturbance from dredging may have a negative effect on fisheries in the harbour at Te Paritaha sand bank and near the harbour entrance, and customary fishing may be excluded from a larger area than the current port. Tangata whenua are best suited to inform the panel of these effects.

Mana Whakahono ā Rohe/Joint management agreement

69. As noted above, we have not identified any Mana Whakahono ā Rohe or JMAs that are relevant to the project area.

Consultation with departments

70. In preparing this report, we are required to consult relevant departments. We previously sought advice from Te Puni Kōkiri – the Ministry for Māori Development and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups, DOC regarding the current status of relationship agreements, and from the Ministry for Primary Industries – Manatū Ahu Matua in relation to fisheries and aquaculture settlements, 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 – section 18 report is required by section 49
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	35-36
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	37-61
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, 62
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.	25, 62-64
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).	26, 62
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).	27-28, 65-67
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).	29-30
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),	31-32, 68

	<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. (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.	33-34
18(2)(l)	<p>A summary of—</p> <ul style="list-style-type: none"> (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 	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> <ul style="list-style-type: none"> (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. 	<p>69 (section 18(3)(a))</p> <p>Section 18(3)(b) not applicable to substantive applications</p>
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

Map showing general location only



Site map provided by the applicant

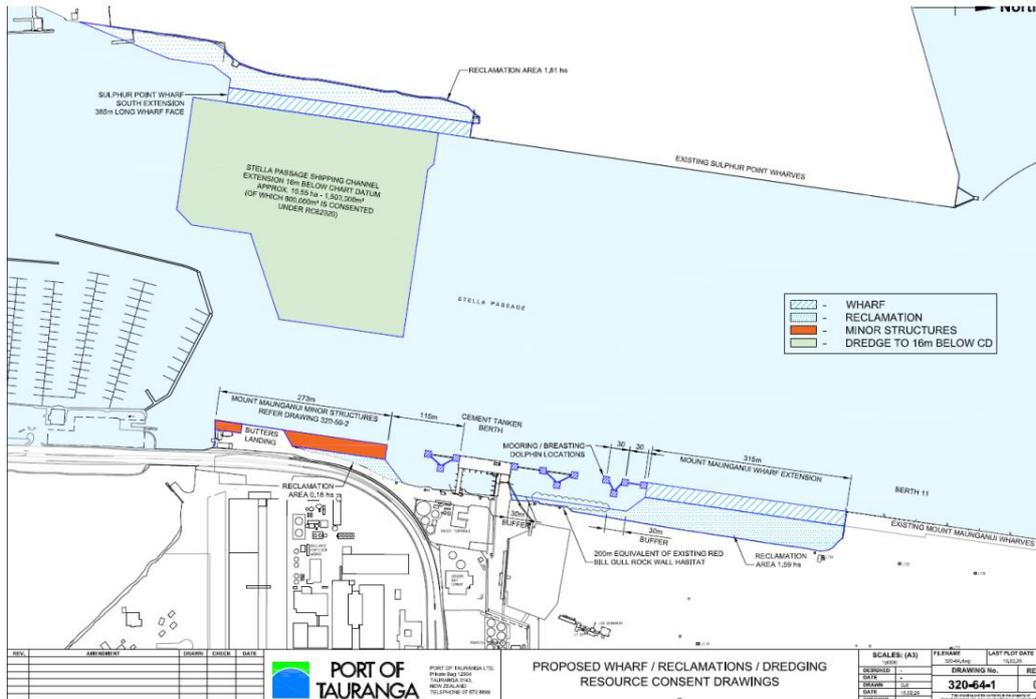


Figure 1: Project Location.

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Ngāti Pūkenga Iwi ki Tauranga Trust	Iwi authority (s18(2)(a)); Treaty settlement entity – MIO/IAO (s18(2)(a))	Kylie Smallman, chair	[REDACTED]
Te Rūnanga o Ngāi Te Rangi Iwi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity – MIO/IAO (s18(2)(a))	Charlie Tahwiao, chair	[REDACTED] reception@ngaiterangi.org.nz [REDACTED] ceo@ngaiterangi.org.nz
Ngāti Ranginui Iwi Society Inc	Iwi authority (s18(2)(a))	Charlie Rahiri, chair	info@ranginui.co.nz [REDACTED] [REDACTED] [REDACTED]
Te Kapu o Waitaha Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a))	Areta Gray, chair	info@waitaha-iwi.org.nz [REDACTED] [REDACTED]
Te Tāwharau o Ngāti Pūkenga	Treaty settlement entity (s18(2)(a))	Mark Scott, chair	tetawharau@ngatipukenga.com generalmanager@ngatipukenga.com
Ngāi Te Rangi Settlement Trust	Treaty settlement entity (s18(2)(a)), negotiation mandate (s18(2)(d))	Charlie Tahwiao, chair	reception@ngaiterangi.org.nz [REDACTED] [REDACTED]
Ngā Pōtiki a Tamapahore Trust,	Treaty settlement entity (s18(2)(a)), negotiation mandate (s18(2)(d))	Pita Stokes, trustee	[REDACTED] [REDACTED] [REDACTED]
Ngā Hapū o Ngāti Ranginui Settlement Trust	Treaty settlement entity (s18(2)(a))	Te Pio Kawe, chair	admin@ngatiranginui.org.nz [REDACTED] [REDACTED]
Tauranga Moana Iwi Collective Limited Partnership	Treaty settlement entity (s18(2)(a))		[REDACTED] [REDACTED] [REDACTED]
Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, representing Waitaha	Treaty settlement entity – MIO/IAO (s18(2)(a))	Carliza Patuawa, Waitaha trustee	iwi@tearawafisheries.maori.nz [REDACTED] info@tearawafisheries.maori.nz
Ngāti Ranginui Fisheries Trust	Treaty settlement entity – MIO/IAO (s18(2)(a))	Charlie Rahiri, chair	info@ranginui.co.nz [REDACTED]
Te Ohu Kaimoana	Treaty settlement entity – MIO (s18(2)(a))	Kylie Grigg, Oceans Manager	[REDACTED] [REDACTED]

MAC-01-05-024/CIV-2017-485-355 – Te Whānau a Mōkōmōkō	MACA applicant group (s18(2)(f))	McCaw Lewis, counsel	reception@mccawlewis.co.nz
MAC-01-05-005 – Ngā Hapū o Matakana	MACA applicant group (s18(2)(f))	Nessie Kuka	██████████
MAC-01-05-006/CIV-2017-485-244 – Ngā Hapū o Ngāi Te Rangī	MACA applicant group (s18(2)(f))	Charlie Tahwiao, chair	reception@ngaiterangi.org.nz
MAC-01-05-009 – CMT/PCR – Ngāi Tamarawaho	MACA applicant group (s18(2)(f))	Ngāi Tamarawaho Tribal Authority Trust	████████████████████
MAC-01-05-013/CIV-2017-485-219 – Ngāti He	MACA applicant group (s18(2)(f))	Mita Ririnui	██████████ ██████████
MAC-01-05-015/CIV-2017-485-250 – PCR – Ngāti Pūkenga	MACA applicant group (s18(2)(f))	Kylie Smallman	generalmanager@ngatipukenga.com
MAC-01-05-016/CIV-2017-485-294 – Ngā Hapū o Ngāti Ranginui Settlement Trust	MACA applicant group (s18(2)(f))	Te Pio Kawe, chair	admin@ngatiranginui.org.nz ████████████████████ ████████████████████ ████████████████████
MAC-01-05-025 – Waaka and Holloway Whānau	MACA applicant group (s18(2)(f))	Lance Waaka	████████████████████
Kia Māia Ellis – tangata kaitiaki/tiaki for Te Maunga o Mauao Mātaitai Reserve	Customary fisheries (s18(2)(h))	Kia Māia Ellis	████████████████████
Tauranga Moana Iwi Customary Fisheries Trust	Customary fisheries (s18(2)(h))	Kia Māia Ellis, chair	████████████████████ ████████████████████
Ngāi Tukairangi (hapū of Ngāi Te Rangī)	other Māori groups with relevant interests (s18(2)(k))	Ngawiki Dickson, administrator	████████████████████

Ngāti Kuku (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))	Nathan James	████████████████████
Ngāti Hē (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))	Anthony Ririnui	████████████████████
Ngāti Kaahu a Tamapahore	other Māori groups with relevant interests (s18(2)(k))		████████████████████
Ngāti Kahu (hapū of Ngāti Ranginui)	other Māori groups with relevant interests (s18(2)(k))	Charlie Rahiri, chair	████████████████████ ████████████████████
Ngāti Tapu (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))	Puhirake Ihaka	████████████████████
Ngāi Tamarawaho (hapū of Ngāti Ranginui)	other Māori groups with relevant interests (s18(2)(k))		info@ranginui.co.nz ████████████████████
Whareroa Marae (Ngāti Kuku, Ngāi Tukairangi)	other Māori groups with relevant interests (s18(2)(k))		████████████████████ ████████████████████ ████████████████████
Ngā Hapu o Ngā Moutere Trust (collective of Matakana Island hapū: Ngāi Tuwhiwhia, Ngāi Tamawhariua, Ngāti Tauaiti, Te Ngare, Whānau a Tauwhao)	other Māori groups with relevant interests (s18(2)(k))		████████████████████
Ngā Tai ki Mauao hapū collective (comprising Ngāi Tuwhiwhia, Ngāi Tamawhariua, Te Ngare, Whānau a Tauwhao (ki Rangiwaea), Ngāti Tauaiti, Ngāti Kuku, Whareroa Marae Trust, Ngāti Tapu; Ngāti Kaahu a Tamapahore; Ngā Kaitiaki o Rangataua; Ngāti Hē; Ngāti Kahu (ki Tauranga)).	other Māori groups with relevant interests (s18(2)(k))		████████████████████ admin@tupono.co.nz ████████████████████ ████████████████████ ████████████████████

Attachment 4: Consultation provisions in the Waitaha Conservation Protocol

16. CONSULTATION

- 16.1 Where the Department is required to consult under this Protocol, the basic principles that will be followed by the Department in consulting with the Governance Entity in each case are:
- 16.1.1 Ensuring that the Governance Entity is consulted as soon as reasonably practicable following the identification and determination by the Department of the proposal or issues to be the subject of the consultation;
 - 16.1.2 Providing the Governance Entity with sufficient information to make informed discussions and submissions in relation to any of the matters that are subject of the consultation;
 - 16.1.3 Ensuring that sufficient time is given for the effective participation of the Governance Entity, including the preparation of submissions by the Governance Entity, in relation to any of the matters that are the subject of the consultation;
 - 16.1.4 Ensuring that the Department will approach the consultation with an open mind and genuinely consider any views and/or concerns that the Governance Entity may have in relation to any of the matters that are subject to the consultation. Where the Department has consulted with the Governance Entity as specified in clause 16.1, the Department will report back to the Governance Entity on the decision made as a result of any such consultation.

The entire document can be found here (from page 35): [Waitaha Deed of Settlement Schedule - Documents 20 Sep 2011](#)

Attachment 5: Excerpt from Tauranga Moana Iwi Collective deed (legislative matters schedule) regarding Tauranga Moana Framework

RESOURCE CONSENT PROCESS

- 3.8 The collective legislation will provide that:
- 3.8.1 paragraphs 3.8.2 to 3.8.8 apply only to applications to the Bay of Plenty Regional Council for resource consent for any activity referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the Resource Management Act 1991 in relation to waters within Tauranga Moana;
 - 3.8.2 not less than quarterly, the Bay of Plenty Regional Council must provide the Tauranga Moana Governance Group with resource consent activity reports;
 - 3.8.3 no later than 5 business days after receiving an application for resource consent referred to in paragraph 3.8.1, the Bay of Plenty Regional Council must provide Tauranga Moana iwi and hapū with a complete physical or electronic copy of the application unless, within that time, the Bay of Plenty Regional Council has:
 - (a) returned the application to the applicant pursuant to section 88(3) of the Resource Management Act 1991; or
 - (b) made a determination under section 91(1) of the Resource Management Act 1991 to defer the application;
 - 3.8.4 to avoid doubt:
 - (a) the requirements of paragraphs 3.8.2 and 3.8.3:
 - (i) do not confer affected person status on the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū; but
 - (ii) do not affect any entitlement of Tauranga Moana iwi and hapū to:
 - (I) make a submission to the Bay of Plenty Regional Council about an application for a resource consent in accordance with section 96 of the Resource Management Act 1991; or
 - (II) otherwise participate in any resource consent hearing process;
 - (b) compliance by the Bay of Plenty Regional Council with paragraphs 3.8.2 and 3.8.3 does not amount to a decision that the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū, or any of them has or does not have affected person status; and
 - (c) any decision by the Bay of Plenty Regional Council as to whether the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū are affected persons must be made in accordance with section 95E of the Resource Management Act 1991; and

3: TAURANGA MOANA FRAMEWORK

- 3.8.5 at least once every two years the Bay of Plenty Regional Council and the Tauranga Moana Governance Group must jointly establish a working party to develop and/or review criteria and policies for procedural matters related to resource consent applications, such as:
- (a) pre-application processes;
 - (b) section 87D (request that an application be determined by the Environment Court rather than the consent authority);
 - (c) section 88(3) (incomplete application for resource consent);
 - (d) section 91 (deferral pending additional consents);
 - (e) section 92 (requests for further information);
 - (f) section 95 to 95F (notification of applications for resource consent); and
 - (g) processes consistent with the requirements of the Resource Management Act 1991 for engaging with Tauranga Moana iwi and hapū;
- 3.8.6 when developing or reviewing criteria, the working party established under paragraph 3.8.5 must consult with Tauranga Moana iwi and hapū;
- 3.8.7 to avoid doubt:
- (a) the criteria developed and agreed under paragraph 3.8.5:
 - (i) are additional to, and must not derogate from, the existing criteria to be applied by the Bay of Plenty Regional Council under the Resource Management Act 1991;
 - (ii) do not impose any requirement on a consent authority to change, cancel or review consent conditions; and
 - (iii) must not be inconsistent with the requirements of the Resource Management Act 1991; and
 - (iv) must meet the requirements of natural justice; and
 - (b) the working party established under paragraph 3.8.5 may agree not to propose criteria additional to the existing criteria to be applied by the Bay of Plenty Regional Council under the Resource Management Act 1991; and
- 3.8.8 if requested by the Tauranga Moana Governance Group, the Bay of Plenty Regional Council may consider establishing a working party for the purposes of paragraph 3.8.5 more frequently than once every two years if it is reasonably practicable to do so having regard to:
- (a) the number and frequency of such requests received from the Tauranga Moana Governance Group; and
 - (b) the time and cost involved in complying with the request.

RESOURCE CONSENT HEARING COMMISSIONERS

- 3.9 The collective legislation will provide that:
- 3.9.1 paragraphs 3.9.2 to 3.9.7 apply only to applications to the Bay of Plenty Regional Council for resource consent for any activity referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the Resource Management Act 1991 in relation to waters within Tauranga Moana;
 - 3.9.2 the Tauranga Moana Governance Group must establish and maintain a register of persons who:
 - (a) are qualified Resource Management Act 1991 decision-makers; and
 - (b) have been appointed to the register by Tauranga Moana iwi and hapū;
 - 3.9.3 if a hearing is to be held under the Resource Management Act 1991 in relation to an application for resource consent referred to in paragraph 3.9.1 (other than a hearing solely in relation to objections under section 357 of the Resource Management Act 1991) the Bay of Plenty Regional Council must:
 - (a) as soon as practicable serve notice on the Tauranga Moana Governance Group that a hearing is to be held;
 - (b) exercise its power under section 34A(1) of the Resource Management Act 1991 to delegate its functions, powers and duties required to hear and decide the application to one or more commissioners; and
 - (c) appoint as the commissioner or commissioners:
 - (i) only persons who are qualified Resource Management Act 1991 decision-makers; and
 - (ii) at least one person whose name appears on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2;
 - 3.9.4 a person must not be appointed as a commissioner, or continue to be a commissioner referred to in paragraph 3.9.3(b) or paragraph 3.9.9:
 - (a) if that person:
 - (i) is or becomes a party or the parent, child, spouse, civil union partner, or de facto partner of a party in the proceeding before commissioner or commissioners;
 - (ii) has or develops a relationship or connection with a party in the proceeding before commissioner or commissioners that is or may be in conflict with the person's duties and responsibilities as a commissioner;
 - (iii) has or acquires a financial interest in, or is or becomes a director, officer, member, or trustee of, a party in the proceeding before the commissioner or commissioners;

3. TAUANGA MOANA COMMISSIONERS

- (iv) has an interest in, or connection with, the subject-matter of the proceeding before the commissioner or commissioners of such a nature that any decision in which that person participated would be, or would have the appearance of being, improperly influenced by the interest or connection;
 - (v) is affected by some other interest or duty that is or may be in conflict with the person's duties and responsibilities as a commissioner; or
 - (vi) without limiting the application of sub-paragraphs (i) to (iv) of paragraph (a) of paragraph 3.9.4, would be prohibited under section 6 of the Local Authorities (Members' Interests) Act 1968 from voting on or taking part in the discussion of any matter before commissioner or commissioners; or
- (b) if there are grounds upon which a fair minded observer might reasonably apprehend that that person:
- (i) has predetermined the outcome of the application; or
 - (ii) is biased;
- 3.9.5 the following circumstances do not, of themselves, disqualify a person under paragraph 3.9.4 or any rule of law from being appointed as a commissioner:
- (a) the person is a ratepayer;
 - (b) the person is a member of a local authority;
 - (c) the person is descended from an ancestor of an iwi or hapū; or
 - (d) the social, cultural or spiritual values of any iwi or hapū are, or may be considered:
 - (i) relevant to the subject-matter of the proceeding before the commissioner or commissioners; or
 - (ii) reflected in the person's membership of the commissioner or commissioners;
- 3.9.6 if a question arises as to whether a person is ineligible to be appointed as a commissioner, or continue to be a commissioner, under paragraph 3.9.4, the Bay of Plenty Regional Council may refer the question to the Tauranga Moana Governance Group which may provide advice and guidance to the Bay of Plenty Regional Council to assist the Bay of Plenty Regional Council to determine whether a person is ineligible;
- 3.9.7 the requirements of paragraph 3.9.3 will not apply if:
- (a) no-one has been appointed by Tauranga Moana iwi and hapū to the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2; or

- (b) there is no person on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2 who is eligible to be appointed as a commissioner under paragraphs 3.9.3(b) or 3.9.9; or
 - (c) the Tauranga Moana Governance Group has, in respect of a particular hearing, waived in writing the requirements of paragraph 3.9.3;
- 3.9.8 if an application for resource consent is lodged with the Environment Protection Authority under section 145 of the Resource Management Act 1991, and a direction is made under section 147(1)(c) to refer the matter to Bay of Plenty Regional Council, then paragraph 3.9.3 will apply; and
- 3.9.9 if a request is made under section 100A of the Resource Management Act 1991 for the Bay of Plenty Regional Council to delegate its functions, powers and duties required to hear and decide an application for resource consent referred to in paragraph 3.9.1 to a commissioner or commissioners, then the commissioner (if the delegation is to a single commissioner) or at least one commissioner (if the delegation is to more than one commissioner) must be a qualified Resource Management Act 1991 decision-maker whose name appears on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2.

NGĀ TAI KI MAUAO - THE TAURANGA MOANA FRAMEWORK DOCUMENT

Purpose

- 3.14 The collective legislation will provide that the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document) is to contribute to achieving the purpose of the Tauranga Moana Governance Group by identifying a vision, objectives and desired outcomes for Tauranga Moana.

Content

- 3.15 The collective legislation will provide that Ngā Tai ki Mauao (the Tauranga Moana framework document):

3.15.1 must include provisions that:

- (a) the Tauranga Moana Governance Group considers are relevant to and further the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document);
- (b) identify the significant environmental management issues for Tauranga Moana from the perspective of the Tauranga Moana Governance Group;
- (c) identify and reflect iwi and hapū values and mātauranga Māori relating to Tauranga Moana; and
- (d) describe objectives to achieve the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document), which, without limitation, may include objectives for:
 - (i) preserving and improving the natural character and heritage of the Tauranga Moana environment;
 - (ii) integrating and co-ordinating the management of natural, historical and traditional resources within Tauranga Moana;
 - (iii) providing for the relationship of Tauranga Moana iwi and hapū and their culture and traditions with Tauranga Moana and protecting and enhancing those characteristics of the Tauranga Moana environment that are of special value to Tauranga Moana iwi and hapū;
 - (iv) maintaining and improving indigenous biological diversity and the biological diversity of the aquatic environment of Tauranga Moana;

3: TAURANGA MOANA FRAMEWORK

- (v) protecting and enhancing the habitats of significance for fisheries management and sustainable customary fishing;
- (vi) sustaining and developing the potential of the natural and physical resources of Tauranga Moana to meet the reasonably foreseeable needs of present and future generations including their social, economic, and cultural well-being;
- (vii) avoiding natural hazards and adverse effects from the storage, use, disposal and transportation of hazardous substances;
- (viii) protecting the marine environment from pollution; and
- (ix) measuring the health of the Tauranga Moana environment;

3.15.2 must only include provisions that are consistent with the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document); and

3.15.3 will not apply to any part of Tauranga Moana which is a customary marine title area in respect of which a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 has effect.

Relationship to Resource Management Act 1991 planning documents

3.16 The collective legislation will provide that:

3.16.1 when preparing, reviewing, varying or changing the Bay of Plenty regional policy statement, the Bay of Plenty Regional Council must recognise and provide for Ngā Tai ki Mauao (the Tauranga Moana framework document);

3.16.2 the obligation under paragraph 3.16.1:

- (a) applies each time the Bay of Plenty Regional Council prepares, reviews, varies or changes the Bay of Plenty regional policy statement;
- (b) does not apply to a review, variation or change that does not relate to Tauranga Moana;
- (c) is deemed to have been satisfied if the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relating to the resource management issues of the region:
 - (i) are already recognised and provided for in the Bay of Plenty regional policy statement; or
 - (ii) in relation to the content of the Bay of Plenty regional policy statement, have been considered by the Bay of Plenty Regional Council or the Environment Court within the previous two years; and

3: TAURANGA MOANA FRAMEWORK

- (d) applies only to the extent that:
 - (i) the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relate to the resource management issues of the region which are within the scope of the regional policy statement; and
 - (ii) complying with the obligation is the most appropriate way of achieving the purpose of the Resource Management Act 1991, having regard to efficiency and effectiveness and the matters set out in section 32(4) of the RMA; and
- (e) to avoid doubt, must be carried out in accordance with:
 - (i) the requirements of the Resource Management Act 1991 relating to processes for the preparation, review or change of a Resource Management Act 1991 planning document including, without limitation, the requirement to carry out an evaluation under section 32 of that Act; and
 - (ii) the requirements and procedures in Schedule 1 of the Resource Management Act 1991;

3.16.3 until such time as the obligation under paragraph 3.16.1 is complied with, where a consent authority is processing or making a decision on an application for resource consent within the areas marked "A" and "B" on the Tauranga Moana framework plan in the attachments, that consent authority must have regard to Ngā Tai ki Mauao (the Tauranga Moana framework document) if:

- (a) the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relate to the resource management issues of the region or district;
- (b) complying with the obligations is consistent with the purpose of the Resource Management Act 1991; and
- (c) the consent authority considers that section 104(1)(c) applies to Ngā Tai ki Mauao (the Tauranga Moana framework document).

The entire document can be found here (from page 4): [Tauranga Moana Iwi Collective Deed - Legislative matters 21 Jan 2015](#)

Attachment 6: Waitaha coastal statutory acknowledgement provisions

Statutory acknowledgement provisions in the Waitaha Claims Settlement Act 2013

Statutory acknowledgement

25 Interpretation

In this subpart,—

specified freehold land has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

statements of association means the statements—

- (a) made by Waitaha of their particular cultural, spiritual, historical, and traditional association with each statutory area; and
- (b) that are in the form set out in part 2 of the documents schedule at the settlement date.

26 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association.

27 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are to—

- (a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 28 to 30; and

- (b) require relevant consent authorities to give summaries and notices of resource consent applications to the trustees, in accordance with section 32; and
- (c) enable the trustees and any member of Waitaha to cite the statutory acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, in accordance with section 33.

Section 27(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

28 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.

29 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings before the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting the 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 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.

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

- (1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—
 - (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
 - (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory

- (b) require relevant consent authorities to give summaries and notices of resource consent applications to the trustees, in accordance with section 32; and
- (c) enable the trustees and any member of Waitaha to cite the statutory acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, in accordance with section 33.

Section 27(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

28 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.

29 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings before the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting the 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 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.

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

- (1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—
 - (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
 - (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory

acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

- (2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 30: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

31 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) the relevant provisions of sections 26 to 30 in full; and
 - (b) the description of the statutory area wholly or partly covered by the plan; and
 - (c) the statement of association for the statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and the information is not, unless adopted by the relevant consent authority,—
- (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

32 Provision of summaries or notices of resource consent applications to trustees

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, give 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; and
 - (b) if notice of an application for resource consent is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) The information provided in a summary of an application 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 may be agreed between the trustees and the relevant consent authority.
- (3) A summary of an application must be given under subsection (1)(a)—

- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; and
 - (b) before the consent authority decides under section 95(a) of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of the notice under subsection (1)(b) must be given no later than 10 business days after the day on which the relevant consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation—
- (a) under section 95(a) of the Resource Management Act 1991, to decide whether to notify an application:
 - (b) under section 95E of that Act, to decide whether the trustees are affected persons in relation to an application.

33 Use of statutory acknowledgement

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

Section 33(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 33(2)(d): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

34 Trustees may waive rights

- (1) The trustees may waive the right to be given summaries, and copies of notices, of resource consent applications under section 32 in relation to a statutory area.
- (2) The trustees may waive the right to have a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga have regard to the statutory acknowledgement under sections 28 to 30 in relation to a statutory area.
- (3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga, stating—
 - (a) the scope of the waiver; and
 - (b) the period for which it applies.
- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

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

Section 34(3): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

35 Application of statutory acknowledgement to river, stream, or coastal marine area

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

Waitaha statutory area



Waitaha statement of association

2: STATEMENTS OF ASSOCIATION

Coastal area from Maketu to Mauao (as shown on deed plan OTS-075-15)

From Maketu we go to the Kaituna River, then to Otūmatawhero, Wairākei, Te Houhou ki Repehunga, Waitahanui, Maikukutea, Otira, Te Manu Whakahoro and then to Mauao, to Waikorire where the Waimapu River flows out to the ocean.

The plains between Maketu and Mauao contained a complex navigational system. There were many waterways and tracks linking coastal and inland sites to each other. The main routes across the Pāpāmoa Hills and coastal plains between Tauranga, Maketū and Rotorua have been formed along these working tracks. The Tapuae Track is one of these routes.

Otūmatawhero is located on the coast about midway between Wairākei and Te Tumu in an area that was known to Waitaha as Te Oku. Te Oku was the name of the porpoise that followed the waka Te Arawa into Maketū. Otūmatawhero was also on the ancient highway system, with a major track heading east following the Wairākei Stream then crossing the Horoipia repo, toward the Kaituna.

There is also a strong relationship between Otūmatawhero and Te Tumu which was a significant coastal site as it was a strategic location linking Pāpāmoa to Maketu. Whoever held Te Tumu Pā had military advantage for that area. In the 1830's Te Tumu and Maketu were fiercely contested.

Wairākei is located mid-way between Maketu and Mauao. Individual pā and other significant sites were physically linked as stepping-stones across the vast wetlands and dune plains. Streams originating in the hills around Ōtawa crossed the plain, emptying into the wetlands, then finding their courses into Te Awa o Wairākei or the Kaituna River. This included Te Kopuaroa and Te Raparapa-ā-Hoe. The former lagoon at Wairākei was fringed with raupō and manuka and had an abundance of fish which could be seen by a person standing on the banks because the water was as clear as glass. The lagoon became a casualty of drainage and flood protection works and urban development.

The first Waitaha occupation of Wairākei began when the waka Te Arawa followed a porpoise up the Wairākei River. It is historically known as Te Okuroa o Wairākei. The first settler in that area was Rongomaitane, a son of Waitaha. His son was Te Haehae and the son of Te Haehae was Whitikiore who is associated with the Pā Te Kio.

This is the Waitaha whakataukī relating to Wairākei

"He pou tou

He awatea tera

He pukana mutunga i te awatea

I te rā e whiti ana"

The deed of thy ancestor was one of darkness! (treachery)

The other (death of Hikareia) was done in the daylight

After warfare, under the shining sun according to tikanga!

All tracks led to Wairākei and to Te Houhou area. Te Houhou is situated within the Horoipia swamp adjacent to Wairākei. The track that ran from the Pāpāmoa Hills to Wairākei intersected with the track from Tauranga to Te Houhou. The main roadways today were built to follow these old tracks.

Tamangarangi of Waitaha was married to Haua. Haua also assisted Waitaha during the occupation of Maketu by another iwi. Their descendant Te Waharoa, set an aukati along Pāpāmoa beach during the battles with Te Arawa to enable free passage for those travelling to and from

Maketu and Tauranga and for those gathering food. Te Waharoa also stated that nobody was to stay there permanently and no battles were to be fought in that area. This area is known as Te Rii o Waharoa.

Te Houhou was the main papakāinga along the Pāpāmoa coast and is near Wairākei. It provides a tangible link to Te Rae o Pāpāmoa, Te Kio, Kiore Te Kopua and other associated pā in this area. It is considered to be the most significant remnant of archaeological landscape that once covered hundreds of hectares between Mauao and the Kaituna River.

Te Houhou area is of very ancient occupation, dating back to the arrival of the waka Te Arawa. Tamatekapua was the captain of Te Arawa. His mokopuna Taramainuku was also on board the waka. Taramainuku stayed in this area with his Waitaha whānau on his way to Moehau in the Coromandel. There is a place in the Te Houhou area named Te Tohihi a Taramainuku. Te Tohihi is the end on the kamokamo plant. The name refers to the place where Taramainuku had his mahinga kai (food garden). Te Kio was a pā and kāinga at the time of Taramainuku.

Te Kio, Kiore and Paraoa were defensive pā. The area looks quite different now because the swamp has been drained, but back in those times the pā were located on the high ground rising above the swamp. The swamp was a natural defensive area, because war parties would have to cross through the swamp to reach the pā.

Te Kio was a pā and a papakāinga at the time of Taramainuku, who arrived on the waka Te Arawa, so it is a very ancient pā. Due to urban development, it is no longer visible.

Te Kio was occupied by Whitikiore, the son of Haehae, who was the son of Rongomaitane, who was the son of Waitaha. During the time of Whitikiore there was a volcanic eruption in the middle of the North Island, and ash was blown over to the coast. After that, Whitikiore moved to Tuhua Island where he settled. Other hapū subsequently made claims to the Waitaha tupuna Whitikiore and became known as Ngāti Whitikiore; they remained there for some time. In later times, Te Kio was a nohoanga papakāinga used in times of food gathering.

Kiore was a swamp pā near Te Kio. The pā was named after Whitikiore. Whitikiore later moved to Tuhua (Mayor Island). Kiore and Paraoa have been recorded as the oldest swamp pā in the Bay of Plenty.

Paraoa was a Waitaha pā protruding out of the swamp which is how it got its name. When Waitaha tūpuna first explored this site, they found the remains of the whale Paraoa, hence the name of the pā. This pā is located near Te Kio and is further along the ridge from Kiore. Part of Paraoa is still visible today. Paraoa is also the name of a son of Takakōpiri, who was nine generations down from Hei.

Te Repehunga was a nohoanga kāinga of Waitaha, but it was demolished by sand quarrying. It marks the boundary between Te Iwikoroke and Kumaramaoa. This was an important nohoanga kāinga and mahinga kai and it provided a thoroughfare between the Pāpāmoa Hills, Te Houhou, Maungamana and Kopukairua.

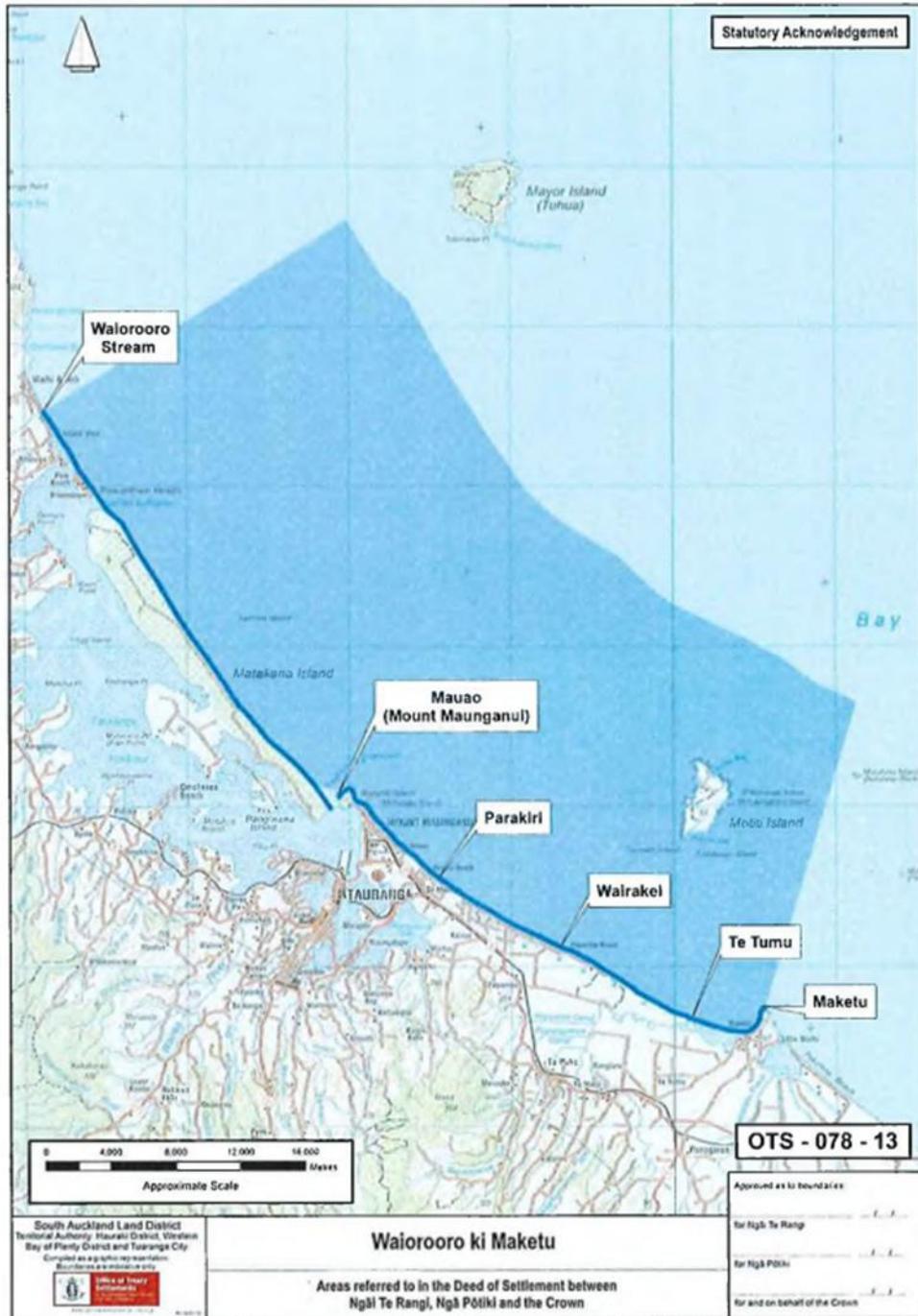
Maikukutea was named after a battle between Ngātoro-i-rangi and his brother-in-law Manaia. Manaia wanted utu for an insult made by Ngātoro-i-rangi. The taua of Manaia anchored off the island Motiti and his pā Matarehua where he then challenged Ngātoro-i-rangi to a fight. However, being late in the afternoon Ngātoro-i-rangi stated that they would fight the next day. During that evening Ngātoro-i-rangi offered up his prayers to his atua and they sent a storm that annihilated the taua of Manaia. The next morning all that remained of the forces of Manaia were their washed up bodies buried under the sand and their finger nails protruding through the sand at Te Akau.

Waitahanui is an ancient urupā of Waitaha on the coast and is located at Otira. Te Manu Whakahoro is an important area for Waitaha.

Mauao is significant to Waitaha as Tutauaroa, the son of Waitaha, first occupied Mauao. When Tutauaroa left for Ōtamarākau, his son Taiwhanake and mokopuna Kinonui and their descendants continued to occupy Mauao. The well known pakiwaitara of Pūwhenua, Mauao and Ōtanewainuku explains how the Waimapu River was formed and how Mauao got its name.

Attachment 7: Ngāi Te Rangi/Ngā Potiki coastal statutory acknowledgement provisions

Ngāi Te Rangi/Ngā Potiki statutory area



Ngāi Te Rangi/Ngā Potiki statement of association

Waiorooro ki Maketu (as shown on deed plan OTS-078-13)

Ngāi Te Rangi are a coastal people and for centuries have lived along the coastline in particular, from Waiorooro through to Te Tumu. The area is significant as it tells a story about the existence of Ngāi Te Rangi over time. In particular, Te Whānau a Tauwhao were sentinels for the most northern region of our rohe. All along the coastline from that point, we see symbols of residence, occupation, and active living by our hapū members and our people. From Mauao, our residence stretches unhindered along the shoreline to Waikareī and Te Tumu.

There is a saying for Ngāi Te Rangi that goes, said of a people truly of the water, of the sea and of the people.

"Ko te moana ko au, ko au te moana".

It is therefore part of Ngāi Te Rangi culture and heritage to source much traditional learning and knowledge building from the moana; and the sea is as important if not more so than the land. The moana was the source of food and the means of access and continuing communication between the village communities around its shores.

This is expressed in the whakatauki which describes this tribal area:

"Ko Mauao te maunga, Ko Tauranga te moana, Ko Tupaea te tangata".

Our people are often described as kaimoana, for instance, Tauwhao are patiki, Ngāti He are the papaka, Matapihi is sometimes referred to as titiko, and the island hapu known as mako. This association with taonga of the sea is an essential aspect of our character as Ngāi Te Rangi.

NGĀ POTIKI STATEMENTS OF ASSOCIATION

The statements of association of Ngā Pōtiki are listed as follows. These statements recognize the spiritual, cultural, historical associations Ngā Pōtiki have and continue to have with those areas.

TE AKAU (as shown on deed plan OTS-078-13)		
Site Type	Coastline & ancestral seascape	Nga Potiki association (history and significance)
Location	Papamoa coast - West of Girven Road to Wairakei (Taylor's Reserve) ending at Te Tumu (mouth of the Kaituna River)	The coast (Te Akau) and ocean (Te Moana a Toi) represent the easterly extent of the Nga Potiki rohe. The abundant ocean fisheries and fresh water fisheries from the adjacent and extensive wetlands attracted settlement along the length of the coastal dune system and Papamoa coastal plain.
Description of site	Beach and sand dunes	
Nga Potiki tupuna association	Tamapahore Te Tauhou Wiparera Tarakiteawa Pine Awanui	Te Akau served as an important pataka kai for Nga Potiki for many centuries. Te Akau is also a wahi tapu. Nga Potiki kaumatua referred to Te Akau as 'nga urupa katoa', where for centuries Nga Potiki buried their dead. The last known burial was in 1912.
Pepeha, waiata, kiwaha, whakatauki	'Mai Parakihi ki Wairakei' 'Mai Parakihi ki Maketu' 'Nga urupa katoa'	The coast and walking trails along the length of the dune system linked Mangatawa to Te Houhou, Te Tumu and Maketu. Te Akau served as a 'highway' well into the nineteenth century.

Attachment 8: Map of Te Maunga o Mauao Mātaitai Reserve

Te Maunga o Mauao Mātaitai Reserve

