

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

Project Name: FTAA-2503-1030 The Point Mission Bay

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	3 June 2025

Number of attachments: 5	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location map - List of relevant Māori groups - Comments received from invited Māori groups - Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts:

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Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to FTAA-2503-1030 The Point Mission Bay referral application.
- The applicant, Generus Living Group (in partnership with Ngāti Whātua Ōrākei) proposes to develop a multistorey retirement village in Mission Bay, Auckland. The land is owned by Ngāti Whātua Ōrākei. The approvals being sought are in relation to the RMA (land use, take/diversion of water, land disturbance, tree removal, and other consents).
- Section 18(2) of the Act requires that the report identify relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Auckland has a complex Treaty settlement landscape with many overlapping interests. There are a significant number of relevant Māori groups for this project area, which we have listed at **Attachment 3**.

4. Almost all of the proposed development will be on land vested in Ngāti Whātua Ōrākei through the Ngāti Whātua Ōrākei Claims Settlement Act 2014 (and before that, the Ōrākei Act 1991). The project area is adjacent to other land held by Ngāti Whātua Ōrākei. We could not identify any provisions in other Treaty settlements that are relevant to the project area.
5. We received feedback from two Māori groups invited to comment on the application under section 17(1)(d) and (e) of the Act. As the landowner and co-applicant, Ngāti Whātua Ōrākei Trust reiterated their support for the application, noting other benefits to Ngāti Whātua Ōrākei in addition to the commercial partnership with Generus Living Group. Te Whakakitenga o Waikato expressed support for the proposed development.
6. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application subject to the co-applicants keeping other relevant groups informed of the project's progress.
7. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Introduction

8. Under section 18 of the Act, you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment)].
9. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
10. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

11. The applicant, Generus Living Group (in partnership with Ngāti Whātua Ōrākei) proposes to develop a multistorey retirement village on the northernmost end of Kupe Street, Te Arawa Street, Rukutai Street and Aotea Street, in Mission Bay, Auckland. The land is owned by Ngāti Whātua Ōrākei. The approvals being sought are only in relation to the RMA (land use, take/diversion of water, land disturbance, tree removal, and other consents).
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**.

Iwi authorities

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

- a. Ngāti Whātua Ōrākei Trust, representing Ngāti Whātua Ōrākei;
- b. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
- c. Te Ākitai Waiohū Waka Taua Inc, representing Te Ākitai Waiohū;
- d. Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho;
- e. Te Patukirikiri Iwi Trust, representing Te Patukirikiri;
- f. Ngāti Paoa Iwi Trust, representing Ngāti Paoa;
- g. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki;
- h. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
- i. Ngāti Tamaterā Settlement Trust, representing Ngāti Tamaterā;
- j. Ngaati Whanaunga Ruunanga Trust, representing Ngaati Whanaunga; and
- k. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata.

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 Whātua Ōrākei Trust, PSGE for the Ngāti Whātua Ōrākei Claims Settlement Act 2014;
- b. Ngāti Whātua Ōrākei Reserves Board, statutory authority established under the Ngāti Whātua Ōrākei Claims Settlement Act 2014;
- c. Ngāi Tai ki Tāmaki Trust; PSGE for the Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
- d. Ngāti Tamaoho Settlement Trust, PSGE for the Ngāti Tamaoho Claims Settlement Act 2108;
- e. Te Kawerau Iwi Settlement Trust, PSGE for the Te Kawerau ā Maki Claims Settlement Act 2015; and

- f. 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. Te Patukirikiri Iwi Trust, representing Te Patukirikiri (deed of settlement signed October 2018);
- c. Ngāti Paoa Iwi Trust, representing Ngāti Paoa (deed of settlement signed March 2021);
- d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
- e. Ngāti Tamaterā Settlement Trust, representing Ngāti Tamaterā;
- f. Ngaati Whanaunga Ruunanga Trust, representing Ngaati Whanaunga;
- g. Hako Tūpuna Trust, representing Hako;
- h. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, representing the Marutūāhu Iwi collective; and
- i. 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. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua (remaining claims);
- b. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata; and
- c. 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 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. In addition to the groups above, we have also identified the Hauraki Māori Trust Board as another Māori group with relevant interests.

Consultation undertaken by the applicant

28. For your information, the applicant has not undertaken consultation with other relevant Māori groups. This position is based on a statement from Ngāti Whātua Ōrākei, as co-applicant and owner of the land within the project area, that they are the only relevant group and no others are affected by the project.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

29. 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.
30. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
- a. Ngāti Whātua Ōrākei Claims Settlement Act 2014;

- b. Te Kawerau ā Maki Claims Settlement Act 2015;
- c. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
- d. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
- e. Ngāti Tamaoho Claims Settlement Act 2108;
- f. Te Patukirikiri deed of settlement (signed October 2018);
- g. Te Ākitai Waiohūa deed of settlement (signed November 2021); and
- h. Ngāti Paoa deed of settlement (signed March 2021), Ngāti Paoa Claims Settlement Bill currently before the House.

Relevant principles and provisions

31. 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

32. 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. Of particular relevance to this referral application, the Crown acknowledged that historical land alienation had diminished the ability of Ngāti Whātua Ōrākei to exercise mana whenua.
33. As part of its apologies to Ngāti Whātua Ōrākei, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Kawerau ā Maki, Te Ākitai Waiohūa, Te Patukirikiri, 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.

Land transferred in settlement

34. Apart from two small Council-held reserve parcels (pedestrian walkways), all of the land within the proposed project area was vested in the Ngāti Whātua Ōrākei Trust as 'development land', as part of the settlement of their historical claims. The land was initially vested through the Ōrākei Act 1991, which was repealed and replaced by the Ngāti Whātua Ōrākei Claims Settlement Act 2014.¹
35. Under section 63(3) of the Ngāti Whātua Ōrākei Claims Settlement Act 2014, the Ngāti Whātua Ōrākei Trust may:
- a. use the development land (of which the project land forms part) for housing or other non-commercial purposes; or
 - b. subdivide the development land for housing purposes; or
 - c. lease the development land for commercial purposes—
 - i. as if the land were General land within the meaning of section 4 of Te Ture Whenua Māori Act 1993; and

¹ Under the Orakei Act 1991, the land in question was vested in the Ngāti Whātua Ōrākei Trust Board. The Ngāti Whātua Ōrākei Claims Settlement Act 2014 dissolved the Ngāti Whātua Ōrākei Trust Board (section 78), and vested the land in the Ngāti Whātua Ōrākei Trust established through the settlement (section 60).

ii. on the terms it thinks fit.

36. The proposed project area is within the wider Ngāti Whātua Ōrākei whenua rangatira. Ōrākei Marae is adjacent to the site, in addition to other land returned under the settlement for papakāinga and other non-commercial and commercial purposes.
37. The project area is also adjacent to the Whenua Rangatira Recreation Reserve. Under the settlement, this land was set apart as a Māori reservation and to be treated as it were a recreation reserve under the Reserves Act 1977, for the use and benefit of members of the hapū and the citizens of Auckland City. The reserve is controlled and managed by the Ngāti Whātua Ōrākei Reserves Board, which comprises equal numbers of representatives of Ngāti Whātua Ōrākei and Auckland Council, and the Board is responsible for preparing a reserves management plan.
38. We could not identify any provisions in the other Treaty settlements referred to at paragraph 30 that would be relevant to the project area. However, as a general statement, we note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

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

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

40. As noted above, the project area is not within a Taiāpure-local fishery, 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

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

Summary of comments received and advice

Comments from invited Māori groups

42. Pursuant to section 17(1)(d) and (e) of the Act, on 1 April 2025 you invited written comments from the Māori groups identified above in paragraphs 13-27 (including the owners of Māori land in the project area) from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.
43. You received comments on the application from two groups, which can be summarised as follows:
- a. Ngāti Whātua Ōrākei Trust, as co-applicant through their subsidiary Ngāti Whātua Ōrākei Whai Rewa Limited, reiterated their support for the application, noting:
 - i. the project site is part of a wider Ngāti Whātua Ōrākei landholding;

- ii. the development would be designed in line with in Ngāti Whātua Ōrākei cultural principles; and
 - iii. in addition to the commercial partnership, the project will bring other benefits to Ngāti Whātua Ōrākei, including use of the facilities by adjacent kaumātua housing residents, employment opportunities for Ngāti Whātua Ōrākei uri, and a scholarship for members of Ngāti Whātua Ōrākei;
- b. Te Whakakitenga o Waikato expressed their support for the proposed development, acknowledging the interests of Ngāti Whātua Ōrākei in the Mission Bay area, the benefits of the project for the local community, and the proposed integration of the development within the surrounding environment.

Consultation with departments and Ministers

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

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

45. 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.

46. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application subject to the co-applicants keeping other relevant groups informed of the project's progress, on the grounds the land for the project was vested in Ngāti Whātua Ōrākei through the Ngāti Whātua Ōrākei Claims Settlement Act 2014. The Ministers' comment is included at **Attachment 5**.

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

47. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
48. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	8-10
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	30
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	31-38
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, 39
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, 39
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, 39
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, 40
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), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	25-26, 41

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	27
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	42-43
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.	47-48
18(3)	In preparing the report required by this section, the responsible agency must— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	44-45
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	46

Attachment 2: Project location map



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngāti Whātua Ōrākei Trust	Joint applicant, owner of Māori land (s.17(1)(e)), iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)) – Ngāti Whātua Ōrākei Claims Settlement Act 2012
Ngāi Tai ki Tāmaki Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)) – Ngāi Tai ki Tāmaki Claims Settlement Act 2018
Te Ākitai Waiohū Waka Taua Inc	iwi authority (s18(2)(a))
Ngāti Tamaoho Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)) – Ngāti Tamaoho Claims Settlement Act 2018
Te Patukirikiri Iwi Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Paoa Iwi Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Te Kawerau Iwi Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)) – Te Kawerau ā Maki Claims Settlement Act 2015
Ngāti Maru Rūnanga Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Tamaterā Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngaati Whanaunga Ruunanga Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Te Ata Claims Support Whānau Trust	iwi authority (s18(2)(a)), mandated entity (s18(2)(d))
Te Ākitai Waiohū Settlement Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Hako Tūpuna Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Whātua Ōrākei Reserves Board	Treaty settlement entity (s18(2)(a))

Ngāti Koheriki Claims Committee	Mandated entity (s18(2)(d))
Hauraki Māori Trust Board	other Māori groups with relevant interests (s18(2)(k))
Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	Treaty settlement entity (s18(2)(a)), other Māori groups with relevant interests (s18(2)(k))
Te Rūnanga o Ngāti Whātua	Mandated entity (s18(2)(d)), other Māori groups with relevant interests (s18(2)(k))
Te Whakakitenga o Waikato Incorporated	Treaty settlement entity (s18(2)(a)), Mandated entity (s18(2)(d)), other Māori groups with relevant interests (s18(2)(k))

Attachment 4: Comments received from invited Māori groups

Attachment 5: Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations

Hon Tama Potaka Comment - Saved

Feedback · FTA - Feedback

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General

Documents

Related

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FD8001221P1K4

Title

Hon Tama Potaka Comment

Regarding

 [Draft Section 18 report for Minister comment](#)

Comments

I support the application subject to the co-applicants keeping other relevant groups informed of the project's progress, on the grounds the land for the project was vested in Ngāti Whātua Ōrākei through the Ngāti Whātua Ōrākei Claims Settlement Act 2014.

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