



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

Project Name: FTAA-2511-1135 Orawaahi – A Complete Community

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	16 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. Ngāti Tamaoho statutory acknowledgement provisions5. Te Ākitai Waiohua statutory acknowledgement provisions6. Ngāi Tai ki Tāmaki statutory acknowledgement provisions7. Comments received from invited Māori groups8. Comments received from the Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts:

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Key points

1. The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2511-1135 Orawaahi – A Complete Community referral application.
2. The applicant, Knight Investments Limited, proposes to develop an approximately 76-hectare site into a 220-unit retirement village and 700-800 residential lots at Clarks Beach, approximately 25 kilometres (km) west of Drury, south Auckland. The proposal also

includes establishing a neighbourhood centre, allocating ten per cent of the residential homes to a shared equity scheme, and setting aside land for a Ngaati Te Ata cultural centre. The applicant is seeking approvals under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA) and Heritage New Zealand Pouhere Taonga Act 2014.

3. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Auckland has a complex Treaty settlement landscape with many overlapping interests. Some groups have settled while others are still in settlement negotiations with the Crown for both individual group and collective redress. The project area also borders the marine and coastal area. Accordingly, there are a number of relevant Māori groups for this project area, which we have listed at **Attachment 3**.
4. The Treaty settlements and other arrangements relevant to the project area are the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāti Tamaoho Claims Settlement Act 2018, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, and the Te Ākitai Waiohua deed of settlement.
5. Some of the sites which comprise the overall project area either adjoin or incorporate statutory acknowledgements provided for through the Ngāti Tamaoho Claims Settlement Act 2018, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, and Te Ākitai Waiohua deed of settlement. The activities proposed by the applicant, including the discharge of stormwater, may also affect these statutory areas.
6. Under the RMA and the relevant Treaty settlements, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder. We consider the process of inviting comment (including providing information about the application) from these groups under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements.
7. You received comments on the application from Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua and Ngāti Tamaoho Settlement Trust. Te Ara Rangatu o Te Iwi o Ngaati Te Ata state that while they have undertaken an onsite visit, to date they have not heard from the applicant regarding the Fast-track application, and have not formalised a response. Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua request they undertake a Cultural Impact Assessment and note there are outstanding cultural matters that are yet to be addressed.
8. Ngāti Tamaoho Settlement Trust emphasise their strong connection to the project area, as recognised in their Treaty settlement (including the coastal statutory acknowledgement), and their aspiration to restore the wellbeing of the Manukau Harbour. In relation to the management of stormwater, wastewater, and sediment and erosion, Ngāti Tamaoho contend that the project must adopt best-practice standards that move beyond minimum compliance. Ngāti Tamaoho expect robust monitoring and a meaningful role in oversight of these matters, extending beyond construction to the development of an enduring partnership.
9. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application for referral, subject to the applicant undertaking further engagement with Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua.

10. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature

A handwritten signature in black ink, appearing to read 'S Frame', is centered on a light gray rectangular background.

Stephanie Frame
Manager, Fast-track Operations

Introduction

11. 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).
12. 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.
13. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

14. The applicant, Knight Investments Limited, proposes to develop an approximately 76-hectare site into a 220-unit retirement village and 700-800 residential lots at Clarks Beach, approximately 25km west of Drury, south Auckland. The proposal also includes establishing a neighbourhood centre on approximately 1.7 hectares, allocating then per cent of the residential homes to a shared equity scheme for 'frontline heroes' (e.g. healthcare workers, police, teachers), and setting aside land for a Ngaati Te Ata cultural centre.
15. The applicant is seeking approvals under the Act that would otherwise be sought under the RMA (including land use, subdivision, coastal, river and lake beds, water, discharges) and Heritage New Zealand Pouhere Taonga Act 2014 (archaeological authority). The applicant owns one of the two primary sites (Lot 3 DP 337204) and has an agreement with the owner of the second site (156 Clarks Beach Road). The application also entails works on other, secondary sites to the north (including another development at 115 Clarks Beach Road), an esplanade reserve and unformed legal road to the south (owned by Auckland Council), and to the east (50 Sydney Owen Road and Lot 11 DP 492623 on McKenzie Road – owned by a sister company to the applicant).
16. We have provided a location map at **Attachment 2**.

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

17. 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

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

the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

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

- a. Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho;
- b. Te Ākitai Waiohua Waka Taua Inc, representing Te Ākitai Waiohua;
- c. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
- d. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata; and
- e. Te Whakakitenga o Waikato, representing Waikato-Tainui.

Treaty settlement entities

20. 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).

21. 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).

22. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.¹

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

- a. Ngāti Tamaoho Settlement Trust, PSGE for the Ngāti Tamaoho Claims Settlement Act 2108;

¹ Should a panel be made aware of a Treaty settlement entity established after the Treaty settlement Act is enacted (e.g. on the advice of a PSGE), then there would appear to be nothing to prevent the panel from inviting that entity to comment on the application under section 53(2)(c) of the Act.

- b. Ngāi Tai ki Tāmaki Trust; PSGE for the Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
 - c. Tūpuna Taonga o Tāmaki Makaurau Trust/Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGEs for the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.
24. 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); and
 - b. Te Whakakitenga o Waikato Incorporated, representing Waikato-Tainui (remaining claims).

Groups mandated to negotiate Treaty settlements

25. In addition to the PSGEs identified at paragraph 24, the following groups have recognised mandates to negotiate a Treaty settlement over an area which may include the project area:
- a. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata; and
 - b. Ngāti Koheriki Claims Committee, representing Ngāti Koheriki.
26. Te Whakakitenga o Waikato, Ngāti Te Ata Claims Support Whānau Trust, and Ngāti Koheriki Claims Committee are in the early stages of negotiating their Treaty settlements with the Crown, whereas Te Ākitai Waiohua Settlement Trust has signed a deed of settlement and is awaiting introduction of their settlement legislation into Parliament.

Takutai Moana groups and ngā hapū o Ngāti Porou

27. 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.
28. 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

29. The project area does not include a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996.

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

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, 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 joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify. We note that Ngāi Tai ki Tāmaki initiated negotiations for a Mana Whakahono ā Rohe with Auckland Council in 2018, but an agreement has not been finalised.

Any other Māori groups with relevant interests

34. While the project area is not within the marine and coastal area, the applicant proposes works on an esplanade reserve and unformed legal road south of the primary sites that border the Tahiki River, a tidal estuary of the Waiuku River and Manukau Harbour (as shown in the maps at Attachment 2). The applicant also proposes works on the 115 Clarks Beach Road property which adjoins Manukau Harbour to the north. Other proposed activities on the primary site may also affect the marine and coastal area (see paragraph 45).

35. Accordingly, we have included the following applicants for protected customary rights and/or customary marine title over the marine and coastal area surrounding the project area as ‘other Māori groups with relevant interests’ (section 18(2)(k) of the Act):

- a. MAC-01-04-014/CIV-2017-419-084: Ngāa marae o te takutai moana o Waikato-Tainui/Te Whakakitenga o Waikato Inc;
- b. MAC-01-03-010: Ngāti Tamaoho;
- c. MAC-01-02-005/CIV-2017-404-569: Ngāti Te Ata;
- d. MAC-01-02-003/CIV-2017-404-564: Ngāi Tai ki Tāmaki;
- e. MAC-01-01-056: Ngā Puhī Nui Tonu (Te Kotahitangā Marae);
- f. MAC-01-01-073/CIV-2017-485-398: Ngāti Kawau and Te Waiariki Korora;
- g. CIV-2017-404-558: Ngāitawake; and
- h. CIV-2017-404-537: Ngā Puhī nui tonu, Ngāti Rāhiri, Ngāti Awa, Ngāi Tāhuhu and Ngāitawake.

36. For your information, the applicant advises they have consulted with most of the iwi authorities, Treaty settlement entities, and MACA applicants identified above. In addition, the applicant has consulted with a number of other iwi authorities in Tāmaki Makaurau (whose areas of interest do not include the project area), and two other groups:

- a. Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua (who gifted the name of the development “Orawaahi”, and have engaged with the applicant on other opportunities in relation to the development, including space for a cultural centre); and

- b. Te Ahiwaru Waiohua.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

37. 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.
38. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
- a. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
 - b. Ngāti Tamaoho Claims Settlement Act 2018;
 - c. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;² and
 - d. Te Ākitai Waiohua deed of settlement signed 12 November 2021.

Relevant principles and provisions

39. 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

40. 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.
41. Of potential relevance to this application, the Crown acknowledged the significance to Ngāti Tamaoho of the natural resources in their rohe, and that:
- a. the Crown has modified significant parts of the natural environment by clearing forest, draining wetlands, and diverting rivers for the construction of dams, which has resulted in the loss of mahinga kai and caused prejudice and distress to Ngāti Tamaoho;
 - b. the modification and degradation of the environment has undermined the ability of Ngāti Tamaoho to exercise kaitiakitanga, manaakitanga and whanaungatanga and other rights and responsibilities; and
 - c. the Crown has failed to provide and protect the special relationship of Ngāti Tamaoho with the wāhi tapu, culturally significant sites, and environmental reserves in their rohe.
42. Similarly, the Crown has acknowledged that the environmental degradation of Manukau Harbour and waterways by the industrial development of South Auckland has been a source of distress and grievance for Te Ākitai Waiohua that is still held today, and has caused significant harm to kaimoana sources relied upon by Te Ākitai Waiohua.

² The secondary sites at McKenzie Road and Sydney Owen Road fall within the Ngāi Tai ki Tāmaki area of interest, but the primary site at 156 Clarks Beach Road/Lot 3 DP 337204 and the other secondary sites do not.

43. As part of its apologies to Ngāti Tamaoho, Ngāi Tai ki Tāmaki, and Te Ākitai Waiohua, the Crown stated that it looked forward to building a new relationship with these groups based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Statutory acknowledgements

44. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area'). The various sites which comprise the project area either adjoin or incorporate the following statutory acknowledgements:

- a. the Ngāti Tamaoho Claims Settlement Act 2018 and Te Ākitai Waiohua deed of settlement provide for coastal statutory acknowledgements which border the esplanade reserve and unformed road south of the primary site, and to the north of the 115 Clarks Road site;
- b. the Ngāi Tai ki Tāmaki Claims Settlement Act 2018 provides for a coastal statutory acknowledgement to the north of the 115 Clarks Road site;³
- c. the Ngāti Tamaoho Claims Settlement Act 2018 provides for a statutory acknowledgement over Puhitahi Creek and its tributaries, which incorporates the Sydney Owen Road site and most of the McKenzie Road site; and
- d. the Ngāti Tamaoho Claims Settlement Act 2018 provides for a statutory acknowledgement over Karaka Creek and its tributaries, which appears to include part of the McKenzie Road site.⁴

45. The primary site includes a permanent stream flowing south-east before discharging into the Tahiki River estuary, and intermittent tributaries which incorporate several wetlands. The application includes the proposed discharge of treated stormwater (and potentially treated wastewater), ultimately to be received into the marine and coastal area, and the possibility of minor coastal works for scour and erosion at stream outlets. In addition, the applicant notes that the project may include water supply, infrastructure works, and ecological offsetting at the McKenzie Road site, and water supply and infrastructure works at the Sydney Owen Road site.

46. Under the RMA and the relevant settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or directly affecting a statutory area:

- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and

³ While our GIS mapping shows the statutory areas for the Ngāti Tamaoho and Te Ākitai Waiohua coastal statutory acknowledgements directly adjoining this part of the project area, the statutory area for the Ngāi Tai ki Tāmaki coastal statutory acknowledgement appears to begin a short distance offshore.

⁴ Both Puhitahi and Karaka Creeks flow into Whatapaka Creek, over which Ngāti Tamaoho also have a statutory acknowledgement.

- b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.⁵

47. The holder of a statutory acknowledgment may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the Environment Court, Heritage New Zealand Pouhere Taonga, the Environmental Protection Authority, or a board of inquiry), which may, in turn, take that statutory acknowledgement into account.

48. We consider the process of inviting comment (including providing information about the application) is comparable to the process under a Treaty settlement and the RMA of providing those who hold statutory acknowledgements with a summary of the application. You have already invited Ngāti Tamaoho, Te Ākitai Waiohua, and Ngāi Tai ki Tāmaki, as relevant iwi authorities and Treaty settlement entities, to comment on the application. Should you accept this referral application, these groups will also be invited for comment by the panel under section 53(2)(c) of the Act.

49. For your reference, we have provided the statutory acknowledgement provisions for Ngāti Tamaoho, Te Ākitai Waiohua, and Ngāi Tai ki Tāmaki, including the relevant statements of association and deed plans, at **Attachments 4, 5 and 6** (respectively).⁶

Other redress

50. The Ngāti Tamaoho settlement provided for the transfer of the Waitete Pā Historic Reserve to Ngāti Tamaoho as cultural redress. While this is approximately 1.8km to the west of the project area, the provision of this redress underlines the connection of Ngāti Tamaoho with this area.

51. 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

52. 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

53. As noted above, the project area does not include a taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

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

⁵ In addition to consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga must also have regard to statutory acknowledgements in relation to some of their processes.

⁶ Since the statutory acknowledgements provisions are standard drafting across Treaty settlement Acts, we have only provided the legislative provisions from the Ngāti Tamaoho Claims Settlement Act 2018.

Summary of comments received and advice

Comments from invited Māori groups

55. Pursuant to section 17(1)(d) of the Act, on 11 December 2025 you invited written comments from the Māori groups identified above in paragraphs 17-36, 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.
56. You received comments on the application from Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua, which can be summarised as follows:
- a. Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua state that while they have undertaken an onsite visit, to date they have not heard from the applicant regarding the Fast-track application, and have not formalised a response;
 - b. Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua request they undertake a Cultural Impact Assessment (CIA), given the traditional and cultural significance of the site, and note there are outstanding cultural matters that are yet to be addressed.
57. You also received comments from Ngāti Tamaoho Settlement Trust (representing Ngāti Tamaoho) after the statutory timeframe. The Trust prepared their comments on time but made a technical error in submitting them. Under section 17(7)(b) of the Act, you may consider these comments at your absolute discretion, as long as you have not already made a decision on the application under section 21. These comments can be summarised as follows:
- a. Ngāti Tamaoho Settlement Trust note their strong connection to the project area and the relevance of their statutory acknowledgements over the coastal marine area. The Trust also point to the strong interest of nearby Whātāpaka Marae (one of three Ngāti Tamaoho marae) in the wellbeing of Te Mānukanuka o Hoturoa (Manukau Harbour).
 - b. Ngāti Tamaoho aspires to see the wellbeing of Te Mānukanuka o Hoturoa restored, given the degradation which has already taken place due to unfettered urban growth and inadequate water infrastructure. Accordingly, their concerns relate to the proposed approach to management of stormwater, wastewater, and sediment and erosion;
 - c. For example, Ngāti Tamaoho support the applicant's approach to stormwater management, but caution that it must be sufficiently resilient to adapt to up-to-date information about the impacts of climate change.
 - d. Ngāti Tamaoho expect their views on stormwater, wastewater, and sediment and erosion to directly inform the design and implementation of the project, including adopting best-practice standards that move past minimum compliance and embed cultural considerations. Ngāti Tamaoho expect that robust monitoring and a meaningful role in oversight of these matters should extend beyond construction to the development of an enduring partnership.
58. We have provided copies of these comments at **Attachment 7**.

Consultation with departments and Ministers

59. 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).
60. 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.
61. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application for referral, subject to the applicant undertaking further engagement with Te Ara Rangatū o Te Iwi o Ngaati Te Ata Waiohua, including their request to prepare a CIA (which the Minister considers should be completed within three months). We have provided a copy of the Minister’s feedback at **Attachment 8**.

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

62. 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.
63. 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.

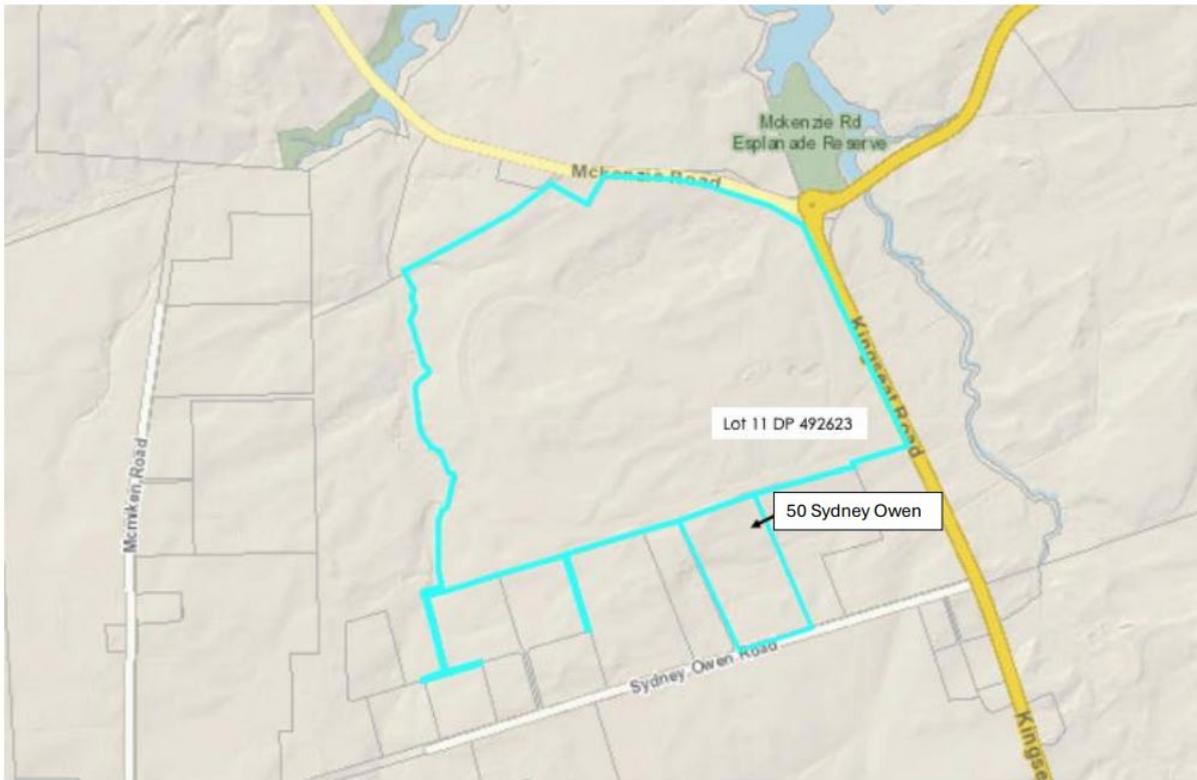
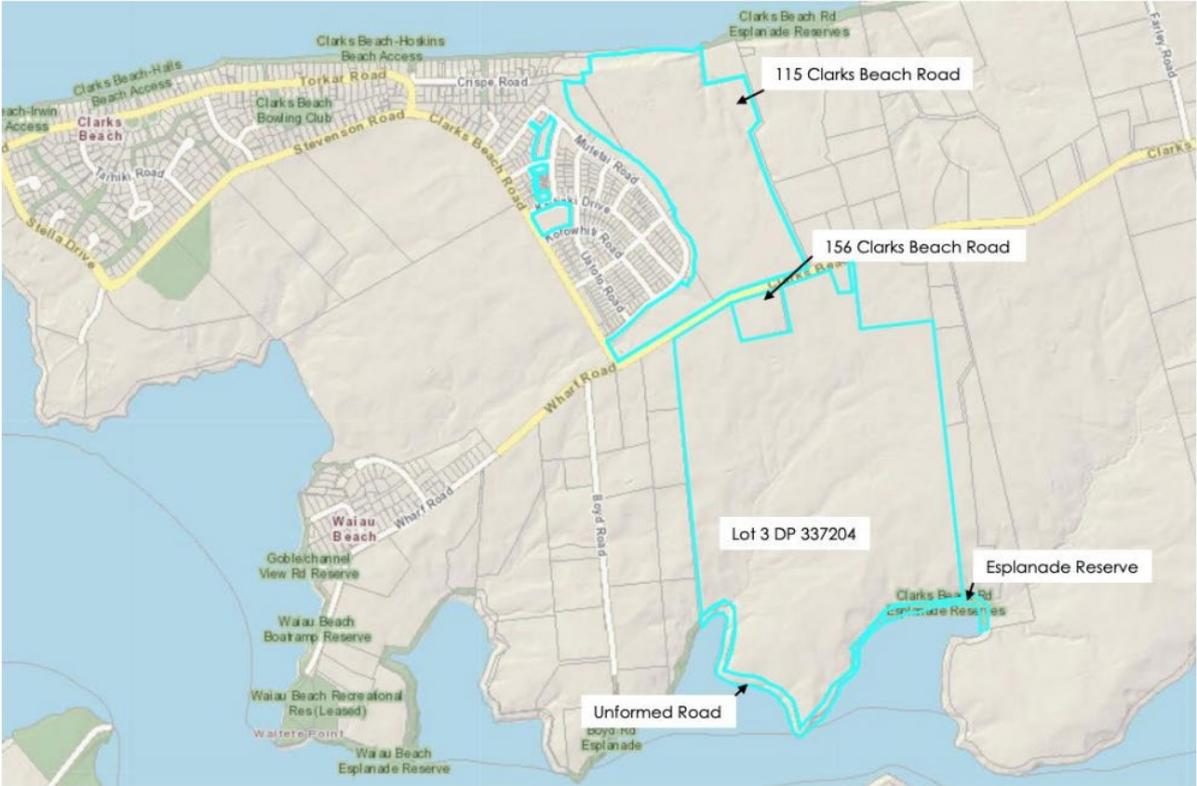
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

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.	11-13
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	18-24
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	37-38
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	39-51
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	25-26
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	27, 52
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.	27, 52
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).	28, 52
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).	29, 53
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).	30-31
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), <ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. 	32-33, 54

	(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.	34-36
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	55-58
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.	62-63
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.	59-60
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	61

Attachment 2: Project location map





Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngāti Tamaoho Settlement Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Ngāi Tai ki Tāmaki Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Te Ākitai Waiohua Waka Taua Inc	iwi authority (s18(2)(a));
Ngāti Te Ata Claims Support Whānau Trust	iwi authority (s18(2)(a)), mandated entity (s18(2)(d))
Te Whakakitenga o Waikato Incorporated	iwi authority (s18(2)(a)), mandated entity (s18(2)(d))
Te Ākitai Waiohua Settlement Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	Treaty settlement entity (s18(2)(a))
Ngāti Koheriki Claims Committee	mandated entity (s18(2)(d))
Te Ahiwaru Waiohua	other Māori group with relevant interests (s18(2)(k))
Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua	other Māori group with relevant interests (s18(2)(k))
MAC-01-04-014/CIV-2017-419-084: Ngāa marae o te takutai moana o Waikato-Tainui/Te Whakakitenga o Waikato Inc	other Māori group with relevant interests (s18(2)(k))
MAC-01-03-010: Ngāati Tamaoho	other Māori group with relevant interests (s18(2)(k))
MAC-01-02-005/CIV-2017-404-569: Ngāti Te Ata	other Māori group with relevant interests (s18(2)(k))
MAC-01-02-003/CIV-2017-404-564: Ngāi Tai ki Tāmaki	other Māori group with relevant interests (s18(2)(k))
MAC-01-01-056: Ngā Puhī Nui Tonu (Te Kotahitangā Marae)	other Māori group with relevant interests (s18(2)(k))

MAC-01-01-073/CIV-2017-485-398: Ngāti Kawau and Te Waiariki Korora	other Māori group with relevant interests (s18(2)(k))
CIV-2017-404-558: Ngāitawake	other Māori group with relevant interests (s18(2)(k))
CIV-2017-404-537: Ngā Puhi nui tonu, Ngāti Rāhiri, Ngāti Awa, Ngāi Tāhuhu and Ngāitawake	other Māori group with relevant interests (s18(2)(k))

Attachment 4: Ngāti Tamaoho statutory acknowledgement provisions

Statutory acknowledgement provisions (Ngāti Tamaoho Claims Settlement Act 2018)

Subpart 2—Statutory acknowledgement and deed of recognition

28 Interpretation

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

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

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

statutory acknowledgement means the acknowledgement made by the Crown in section 29 in respect of the statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 1, the general location of which is indicated on the deed plan for that area

statutory plan—

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

Statutory acknowledgement

29 Statutory acknowledgement by the Crown

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

30 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 31 to 33; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 34 and 35; and
- (c) to enable the trustees and any member of Ngāti Tamaoho to cite the statutory acknowledgement as evidence of the association of Ngāti Tamaoho with a statutory area, in accordance with section 36.

31 Relevant consent authorities to have regard to statutory acknowledgement

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

32 Environment Court to have regard to statutory acknowledgement

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

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

- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

34 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
 - (a) a copy of sections 29 to 33, 35, and 36; and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

35 Provision of summary or notice to trustees

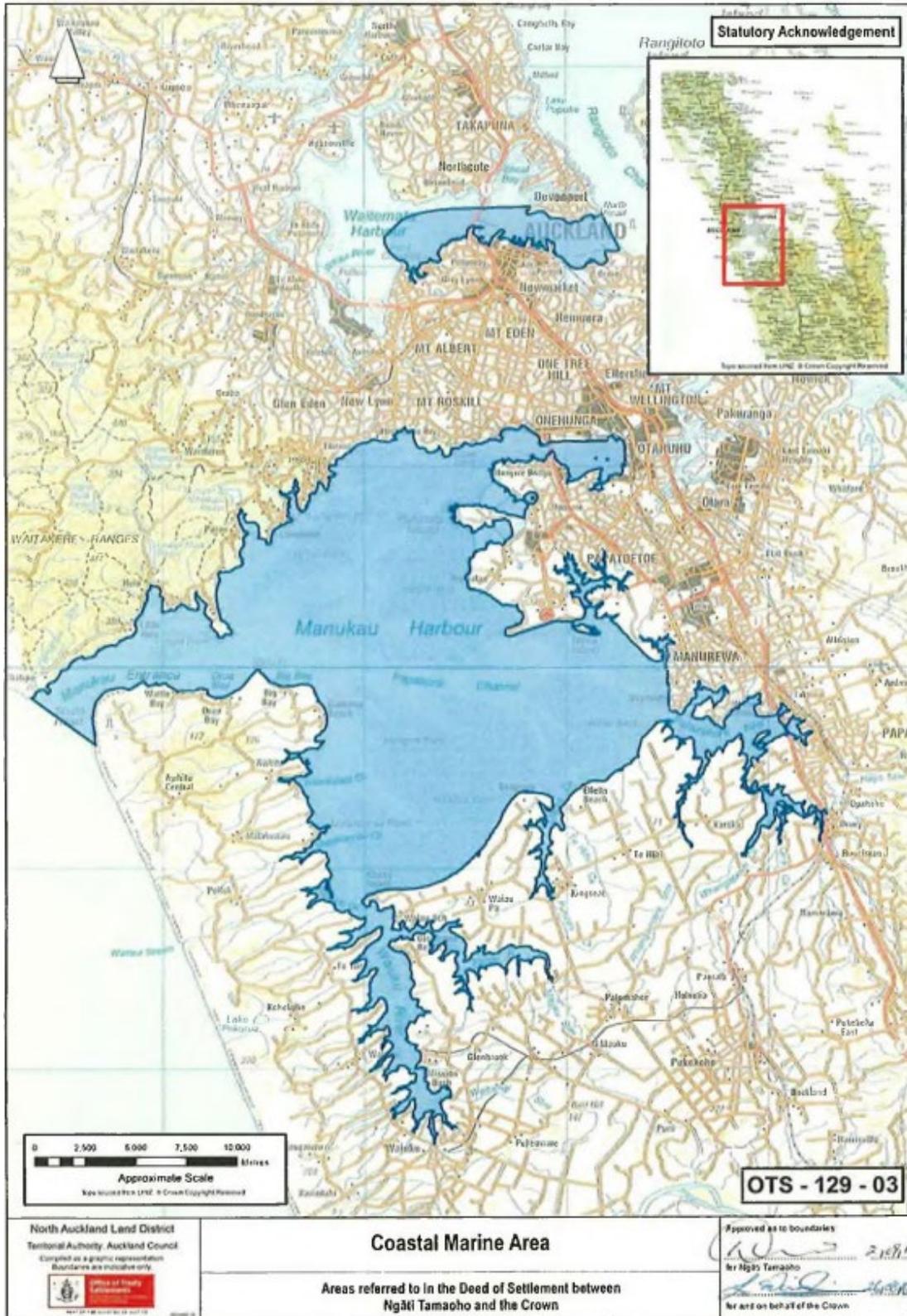
- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and

- (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application:
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

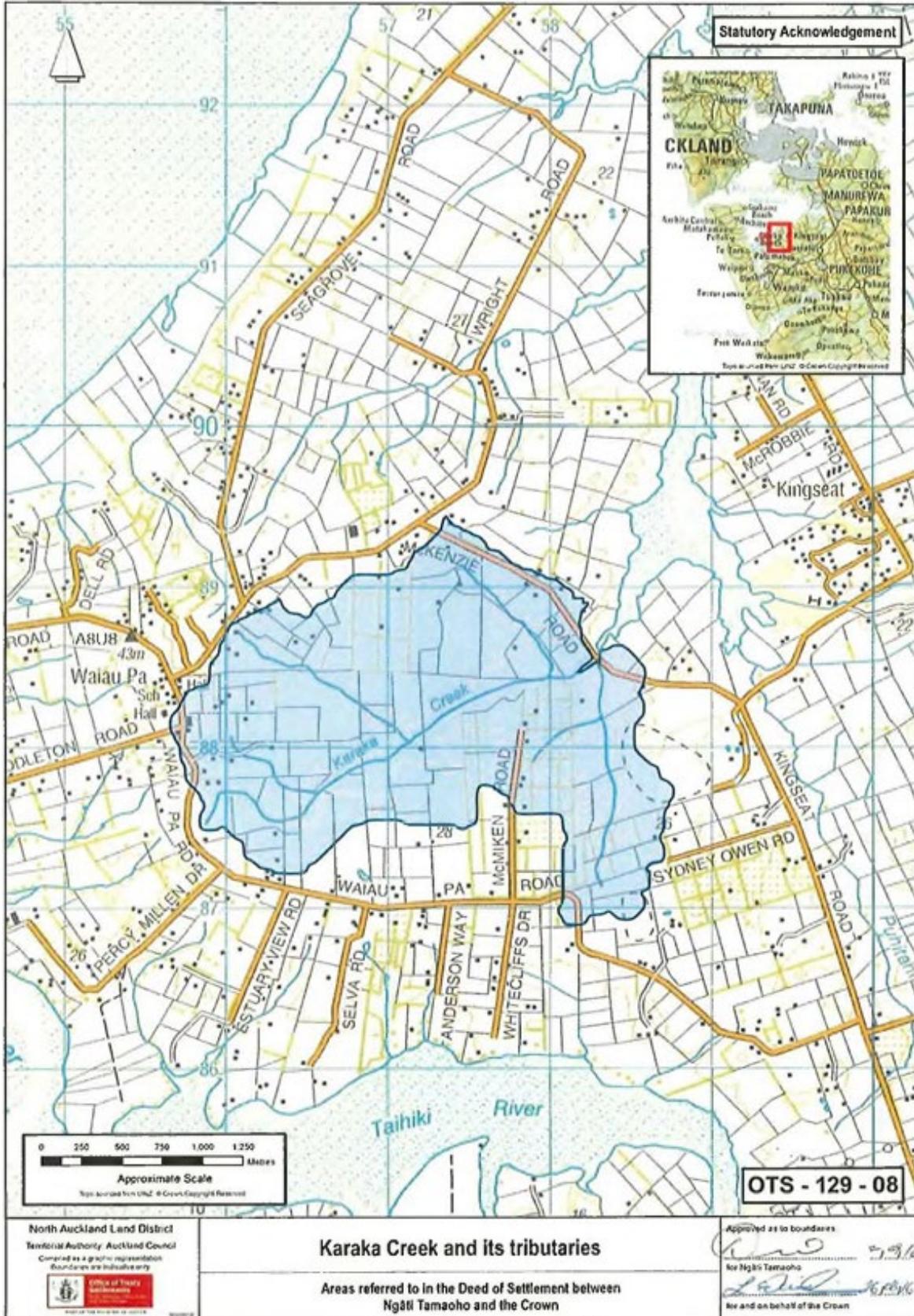
36 Use of statutory acknowledgement

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

Deed plan for coastal marine area of Manukau Harbour statutory area (attachments schedule to deed of settlement)



Deed plan for coastal marine area of Karaka Creek and tributaries statutory area (attachments schedule to deed of settlement)



Excerpts from statements of association (documents schedule to deed of settlement)

SITES OF SIGNIFICANCE: MANUKAU HARBOUR - TE MĀNUKANUKA O HOTUROA

Coastal Marine Area of Manukau Harbour (as shown on deed plan OTS-129-03)

Te Mānukanuka O Hoturoa (Manukau Harbour) is central to Ngāti Tamaoho's identity. We are a people born from the very waters of the harbour itself. It is an important part of our turangawaewae and central to our rohe. It features in all stages of our history and is a source of great mana to our people. Its traditional use as a fishing ground and transport and trade route is an essential part on our identity, as is our deep spiritual relationship with it.

The harbour's name recalls the travels of our tūpuna of the Tainui waka through these waters. Specifically, it speaks of the dangers encountered by Tainui commander Hoturoa at the harbour heads. More generally it speaks of the traditional history of the descendants of the crew of the Tainui who remain here today including Ngāti Tamaoho.

Our people's connection with the Manukau Harbour is illustrated by the story of Papaka, a tūpuna of Ngāti Tamaoho. There are several ways of telling of this korero, one of which we record here.

Papaka was a bailer on the Tainui waka as it arrived in Aoteroa. After being portaged from the Waitemata to the Manukau at Otahuhu, the Tainui set out across the harbour. Near the middle of the harbour Papaka was ejected from the waka and immediately swam to a sand bar where he survived on the plentiful kaimoana and kai ika of Te Mānuka.

In time Papaka became one with his surroundings. His children arose from the waters in human form and eventually intermarried with the Ngā Oho and Nā Iwi people already established there. As this story illustrates, we are a people begotten from the waters of the Manukau itself.

The harbour is also protected under the mana of Kaiwhare, taniwha and gaurdian of Te Mānukanuka O Hoturoa. Like the taniwha of Waikato, Te Mānuka is home to many taniwha including Haumia, Taramainuku and Papaka. These gaurdians protect the creatures, health and wairua of the waters.

The harbour itself is a diverse area including many important natural ecosystems and encompassing many of our people's most important sites. The deeper waters were used for fishing by net and line, with the shallower waters being used by nets and weirs. The wetland fringes provided delicate habitats for many important fish and waterfowl species, as did the inter-tidal zones and tidal inlets. The harbour also encompassed many wāhi tapu and sites of great spiritual importance. It also provided bulding materials, rongoa and important species of edible plants.

Te Mānukanuka was plentiful in kahawai, snapper, mullet, shark, stingray and flounder with the shellfish banks providing mussels, pipi, pupu, oysters and the many other species that existed at that time. Their use was guided by our tikanga and especially the spiritual importance of the tidal flows to our people. Over the course of centuries, our people have developed a highly complex body of tikanga which governs our relationship with the harbour and the use of its resources.

The harbour was also of great importance as a trade and travel route. The Awaroa River portage allowed whanaunga from the Waikato to travel north with ease and was particularly important for trade during the early 19th century. Similarly, the portages of the Ōahuhunui land-brige, including Pukaki, Te To Waka and Karetu, allowed shared access to Te Mānuka from the Waitematā and vice versa.

The harbour, along with its inlets and tributaries was also the connecting tissue of our rohe. Many of our peoples most important sites lay along the coastline of Te Mānuka or were easily accessible by means of its tributary awa, of which there are many. Te Mānukanuka o Hoturoa binds our people together by connecting our rohe together as one.

SITES OF SIGNIFICANCE: WATERWAYS OF WHATAPAKA CREEK

Ngāti Tamaoho has strong cultural, traditional and historic links with the many awa of our rohe. These rivers are the life-blood of our ancestral lands and are the connecting tissue of our rohe and our hapū. Their use for travel, resources and kai was governed by our principles of tikanga and kaitiakitanga.

Whatakapa has many awa that converge with it. Each awa has a story and is a source of great mana as each waterway carries its own mauri. A water body with a healthy mauri will sustain healthy ecosystems, support cultural uses and mahinga kai.

Ngāti Tamaoho often built settlements at the mouths of rivers to benefit from their great wealth of kaimoana. Tuna were harvested with nets or weirs built across strategic parts of the rivers. Our tūpuna were experts at the sustainable use of the resources. Sometimes their use was shared and at other times it was used by other hapū on a reciprocal basis.

The lives of the people were closely intertwined with the quantity and quality of the freshwater that was available to them. It provided habitat and spawning grounds for native plants, bird and fish, building and weaving materials such as raupō and harakeke, and precious medicines and dyes.

Each awa is a source of pride and identity to our people, each with its own narrative. The protection of freshwater resources remains one of most important parts of the responsibilities of Ngāti Tamaoho as kaitiaki of the environment and our rohe. We continue as tangata whenua and kaitiaki of these places which remain an integral part of our tribal identity and a vital part of our story as a people.

Whatapaka Creek (as shown on deed plan for Coastal Marine Area OTS-129-03)

Whatapaka is one of the most important awa in Ngāti Tamaoho's rohe. Ngāti Tamaoho's deep connection with Whatapaka and Te Manukanuka o Hoturoa is the story of how our tūpuna came to this land.

The river and original papakāinga were known as Te Whata O Papaka, or the place where the crabs are hung up (to dry). The name recalls the traditional bounty of crab which was one of the delicacies of the area and also the story of one of our tūpuna - Papaka.

Papaka was a bailer on the Tainui waka as it arrived in Aotearoa. After being portaged from the Waitemata to the Manukau at Onehunga, the Tainui set out across the harbour. Near the middle of the harbour Papaka was ejected from the waka and immediately swam to a sand bar, where he survived on the plentiful kaimoana of the Manukau.

In time Papaka became one with his surroundings, becoming half man and half crab. His children arose from the waters at Whatapaka in human form and eventually intermarried with Nga Oho.

As well as being a source of Whatapaka creek and the wider Manukau were plentiful in Kahawai, snapper, mullet, shark, stingray and flounder with the shellfish banks providing mussels, pipi, pupu and oysters.

The Whatapaka creek has significant spiritual and ceremonial associations for Ngāti Tamaoho. For centuries our people have lived and cultivated on its banks and fished, bathed and undertaken our rituals in its waters.

Today the Ngāti Tamaoho whareniui, Whatapaka marae, is located on the eastern bank of the mouth of the awa and adorned with carvings illustrating the spiritual and ancestral connection to the river.

...

Puhitahi Creek and its tributaries (as shown on deed plan OTS-129-25)

Puhitahi was the site of an ancient Ngāti Tamaoho marae that tradition holds was also called Whatapaka. Puhitahi was a famous Tauranga waka and trading centre with connections around Te Manukanuka o Hoturoa, and the settlements between the Waikato River and Te Manukanuka o Hoturoa (Manukau Harbour).

Puhitahi Creek flows from the Manukau lowlands, through an area of ancient Ngāti Tamaoho urupa carrying the mauri and tapu of this place with its waters. From here it flows north toward Whatapaka Creek and the ancient site of the Puhitahi kainga. After entering the Whatapaka Creek, its waters merge with the Great Manukau Harbour.

...

Karaka Creek and its tributaries (as shown on deed plan OTS-129-08)

Karaka Creek begins in the Waiau Pā area, flowing north-east. It passes to the west of the ancient Ngāti Tamaoho kāinga and tauranga-waka - Puhitahi so is intimately tied to the story of this place. The Karaka Creek also flows through the area of ancient Ngāti Tamaoho urupā carrying the mauri and tapu of this place with its waters before draining into the Whatapaka Creek

Attachment 5: Te Ākitai Waiohū statutory acknowledgement provisions

Deed plan for coastal marine statutory area (attachments schedule to deed of settlement)



Excerpts from statement of association (documents schedule to deed of settlement)

Coastal statutory acknowledgement area (as shown on deed plan OMCR-131-037)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment 6: Ngāi Tai ki Tāmaki statutory acknowledgement provisions

Deed plan for coastal marine statutory area (attachments schedule to deed of settlement)



Excerpts from statement of association (documents schedule to deed of settlement)

DOCUMENTS

1: STATEMENTS OF ASSOCIATION

Coastal Marine Area (as shown on deed plan **OTS-403-128**)

Ngāi Tai Ki Tāmaki are a maritime people without boundaries and have been voyagers since ancient times. Ngāi Tai ki Tāmaki are acknowledged as being amongst the original inhabitants of Aotearoa. It is inevitable that some of the most significant sites of arrival, ritual, landmark and subsequent habitation, both seasonal and permanent, are now shared with others, others with whom we share close links through whakapapa and shared histories, others who through the passage of time and history hold ahi kaa in different places. Ngāi Tai hold fast to the knowledge of our associations to the places and the people as taonga tuku iho. From Te Arai out to Hauturu out to Aotea and throughout Hauraki and Tāmaki Makarau and all the islands within, Ngāi Tai have significant multiple, and many layered associations.

Attachment 7: Comments received from invited Māori groups

From: Karl Flavell s 9(2)(a)
Sent: Thursday, 29 January 2026 3:34 pm
To: Fast-Track Info <info@fasttrack.govt.nz>
Subject: Orawaahi Fast Track Application Re: You have a new Request from Fast-track Application Team CRM:0139007974

Teena Koe

To date we have not heard from the applicant regarding this fast track application - **Orawaahi, Clark's Beach.**

We did do an onsite but have not formalised a response.

We request a Cultural Impact Assessment report be undertaken by us, given the traditional and cultural significance of the site.

There are outstanding cultural matters that are yet to be addressed.

Nгаа mihi
Regards

Karl Flavell
Te Pou Taiao Manager (Environment and Heritage)
Nгааati Te Ata Waiohуа
s 9(2)(a)



29 January 2026

Ministry for the Environment

Attention: Stephanie McNicholl

referral@fastrack.govt.nz

Comments on the application for referral of the Orawaahi – A Complete Community project under the Fast-track Approvals Act 2024

Ko Te Mānukanuka o Hoturoa te moana

Ko Tainui te waka

Ko Mangatangi, Whātāpaka me Ngā Hau e Whā ngā marae

Introduction

1. These comments have been prepared by the Ngāti Tamaoho Settlement Trust. As the post-settlement governance entity for Ngāti Tamaoho, the Settlement Trust was established to advocate for the rights and interests of Ngāti Tamaoho. We welcome the opportunity to make comments on the application for referral of the Orawaahi – A Complete Community project (the Project). The application is by Knight Investments Limited (the Applicant).

Background to Ngāti Tamaoho

2. Ngāti Tamaoho descend from the first peoples of Tāmaki Makaurau. And, since the arrival of our tūpuna – the earliest inhabitants of this land who formed groups, including Te Tini o Toi, Ngā Oho, Ngā Iwi, Ngā Ririki – we have exercised rangatiratanga across our takiwā. Our tūpuna also included members of the Tainui waka, including Taiehu, Poutūteka and Rakataura. We are the descendants of the union of these great peoples, brought together under the leadership of our eponymous tupuna, Tamaoho.

And the whenua, including Te Mānukanuka o Hoturoa (Manukau Harbour), Āwhitu and Te Pūaha o Waikato, is our takiwā.

3. Our tūpuna never ceded sovereignty. Our people were once prosperous. Since prior to 1840, our tūpuna sought to develop commercial relationships with Pākehā settlers by entering into land transactions with them and the Crown. However, in 1863, Ngāti Tamaoho were unfairly labelled as ‘rebels’; their homes were burned and looted, they were evicted from their settlements, and their remaining land was confiscated. By 1900, our tūpuna were virtually landless, leading to generations of Ngāti Tamaoho suffering severe deprivation, which was further compounded by calamitous environmental degradation to serve Auckland’s growth that Ngāti Tamaoho had no control over.
4. Our tūpuna never gave up on re-establishing our mana, within ourselves and across our takiwā. Since the middle of the 19th century, Ngāti Tamaoho has sought redress for its historical grievances with the Crown. The responsibility for seeking redress passed down through generations of Ngāti Tamaoho, and this journey saw our people engage in successive attempts to address the hurt of the past and to find a pathway forward for our people. This journey culminated in the realisation of:
 - 4.1. the Waikato Raupatu Claims Settlement Act 1995;
 - 4.2. the Waikato River Settlement Act 2010;
 - 4.3. the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; and
 - 4.4. the Ngāti Tamaoho Claims Settlement Act 2018 (the Act).

Relevant Provisions of the Ngāti Tamaoho Claims Settlement Act 2018

5. The Deed of Settlement reflects on the historical relationship of the Crown and Ngāti Tamaoho, which we have developed into the following principles to guide decision-making on the Project:
 - 5.1. Ngāti Tamaoho’s customary interests, including those across the takutai, should be adequately considered (cl.3.2.1);
 - 5.2. Ngāti Tamaoho retains adequate reserves for their own use (cl. 3.4);
 - 5.3. Provision for and protection of the special relationship of Ngāti Tamaoho with wāhi tapu, culturally significant sites and environmental reserves in their rohe (cl.3.14.3);

- 5.4. The Crown honours its obligations to Ngāti Tamaoho under te Tiriti o Waitangi/the Treaty of Waitangi and recognising that not doing so would be harmful to successive generations of Ngāti Tamaoho (cl.3.31);
- 5.5. The Crown's honour should be restored, relieving Ngāti Tamaoho of its justified sense of grievance, and a new relationship with Ngāti Tamaoho based on cooperation, mutual trust and respect for te Tiriti o Waitangi/the Treaty of Waitangi (cl.3.35).
6. Ngāti Tamaoho has a strong relationship with the project area. While we intend for a cultural values assessment to be developed that would articulate that relationship, the Ngāti Tamaoho Deed of Settlement goes some way to articulate our interests in the project area, through a statement of association.
7. The Act provides for the statutory acknowledgement of the coastal marine area (OTS-129-03). The Act requires that consent authorities must have regard to the statutory acknowledgement when deciding whether the trustees are affected persons in relation to the activity. Consent authorities must provide a summary of the application to the trustees. The Act also empowers Ngāti Tamaoho to use a statutory acknowledgement as evidence of association with a statutory area.
8. Our relationship with the project area should not be viewed as constrained by the Deed of Settlement; rather, the Deed of Settlement should constitute a starting point for a conversation. We retain the expertise required to articulate our association with the project area and the impacts that the project may have on that relationship.

Whātāpaka Marae

9. The foundation of Ngāti Tamaoho are three marae: Mangatangi, Whātāpaka and Ngā Hau e Whā. The Settlement Trust is accountable to its beneficiaries and the relationship with the marae is critical to that. The Settlement Trust does not represent the marae, but provides a platform for their aspirations. Each marae is represented by their respective trustees. Of the three marae, Whātāpaka Marae has the strongest interest in the Project.
10. Whātāpaka Marae has occupied the banks of the harbour for nearly 1000 years. Ngāti Tamaoho's relationship with the harbour is anchored by the whakapapa of our whānau at Whātāpaka Marae. This whakapapa stems from, among other tūpuna, Pāpaka, whose descendants went on to integrate with the people of Ngā Oho and Ngā Iwi.
11. Our whānau at Whātāpaka Marae recall how the harbour system was bountiful in its resources; it was the food basket for our people. It also supported trade and travel. The Deed of Settlement records this relationship as follows:

The harbour itself is a diverse area including many important natural ecosystems and encompassing many of our people's most important sites. The deeper waters were used for fishing by net and line, with the shallower waters being used by nets and weirs. The wetland fringes provided delicate habitats for many important fish and waterfowl species, as did the inter-tidal zones and tidal inlets. The harbour also encompassed many wāhi tapu and sites of great spiritual importance. It also provided building materials, rongoa and important species of edible plants.

12. We acknowledge that Whātāpaka Marae is also home to Ngāti Koheriki and Ngāi Tai ki Tāmaki.

Comments

The environment

13. Ngāti Tamaoho aspires to see the wellbeing of Te Mānukanuka o Hoturoa restored. Unfettered urban growth and inadequate water infrastructure have contributed to the degradation of the harbour, with increased stormwater runoff and poorly managed wastewater systems. The combination of harmful contaminants from these pressures have been destructive, with reduced water quality, damaged habitats for native fauna, and accelerated sedimentation. Urgent attention is required on the state of the ecological health of the harbour; the case for sustainable and advanced approaches to infrastructure has never greater than now.
14. Te Mānukanuka o Hoturoa is an ecologically and culturally sensitive environment that demands a sophisticated approach to urban development planning and management. The harbour's complex network of tidal channels, wetlands and marine habitats supports significant biodiversity that is vulnerable to the cumulative impacts of sedimentation, pollution and habitat loss. Development in the vicinity, irrespective of its scale, must integrate advanced stormwater management, resilient infrastructure and strict environmental safeguards. A long-term strategy that prioritises the ecological integrity of the harbour is essential to its protection.
15. Ngāti Tamaoho also aspires for the relationship with the land and harbour to be restored. This includes our whānau at Whātāpaka Marae being able to exercise their customary fishing rights in accordance with their tikanga. This will take time. But it will also require bold decision-making around urban development planning and management to ensure the relationship with, and wellbeing of, the harbour is restored to what it once was.

Anticipated effects on the environment

16. We anticipate that the Project, if placed on the fast-track and subsequently approved, would impact an already sensitive environment and exacerbate existing pressures on that environment.
17. Our concerns centre on three matters:
 - 17.1. stormwater infrastructure;
 - 17.2. wastewater infrastructure; and
 - 17.3. sediment and erosion.

Stormwater discharge

18. Stormwater infrastructure is critical to realising our aspirations for the environment and our relationship with the environment. Poorly managed stormwater can carry contaminants – including heavy metals, hydrocarbons and sediment – and cause harm to the harbour. For Ngāti Tamaoho, the health of this ecosystem is directly tied to our kaitiakitanga responsibilities and the ability to exercise customary practices, either within the project area or the wider environment. Robust, well-designed stormwater systems is necessary to support that.
19. The Applicant proposes for stormwater management to include communal rain gardens and water quality devices designed in accordance with GD01 (with the particular stormwater devices and sizing calculations to be provided as part of the substantive application, if carried over to the ‘fast-track’). This is a positive aspect of the proposal, as these measures have the potential to provide effective, proven mechanisms for improving stormwater quality and reducing contaminant loads before discharge. Rain gardens help slow, filter and absorb runoff, supporting healthy ‘downstream’ environments, while designing water quality devices that meet best practice standards gives confidence that infrastructure will function as intended over the long term. We support this approach, subject to our engagement with the Applicant on those matters that the Applicant intends to cover in their substantive application.
20. We also support the proposal for the raingardens to provide retention, extended detention, and treatment, with the pipe network accommodating storm and climate-driven fluctuation. However, it is important to retain flexibility around the appropriate design standard for flood events and climate change allowances given our recent experience with calamitous weather events that have had an unimaginable impact on our coastal communities and the varying rigour of data regarding climate change. Flood-risk assumptions often do, and should, evolve as new modelling and updated

climate change projections become available. We look forward to engaging with the Applicant to ensure the final stormwater design reflects the most current information, appropriately manages discharge, and delivers the level of resilience required to support long-term community needs.

Wastewater discharge

21. The key issue we seek to avoid is the discharge of inadequately treated wastewater into the Manukau Harbour, which can introduce harmful pathogens, nutrients, and contaminants into this sensitive ecosystem. Poorly treated effluent can degrade water quality, accelerate algal blooms, and disrupt marine habitats, posing risks to biodiversity and cultural values associated with the harbour. It also threatens public health and undermines trust in infrastructure systems. Without advanced treatment processes and safeguards, such as ultraviolet disinfection and wetland polishing, wastewater discharge could contribute to long-term ecological damage and compromise the harbour's resilience.
22. The Application contemplates the option for on-site MBR treatment and the option of connecting with the adjacent public network. Irrespective of which option is pursued, advanced wastewater treatment is essential to safeguard the ecological and cultural integrity of the Manukau Harbour and its connected waterways. This requires the implementation of cutting-edge technology that ensures the highest possible treatment standards, including ultraviolet disinfection prior to discharge into a constructed wetland. The wetland itself must be carefully designed and scaled to withstand the pressures of extreme weather events, such as flooding or prolonged drought, while maintaining sufficient water levels to remain functional and ecologically healthy. By integrating resilient infrastructure with natural systems, this approach not only provides a final polish to treated wastewater but also creates a robust buffer that protects water quality, supports biodiversity, and upholds the mauri of the environment.

Sediment and erosion

23. Erosion and sedimentation pose significant risks to the health of the harbour. When soil is disturbed during construction, heavy rainfall can wash large volumes of sediment into waterways, smothering aquatic habitats, reducing water clarity, and transporting contaminants attached to soil particles. These impacts degrade ecological integrity, harm native species, and compromise cultural values associated with the harbour. Careful management is therefore essential to prevent irreversible damage, particularly in a sensitive environment where cumulative effects from multiple developments can quickly escalate. Robust erosion and sediment controls are not just

a regulatory requirement; they are a critical safeguard for protecting water quality and the mauri of these taonga.

24. The Applicant proposes measures that reflect the need to maintain a high standard of erosion and sediment control across the site, in line with GD05. Using GD05 measures typically improves site stability, reduces the risk of off-site effects, and provides a clear framework for monitoring and maintenance throughout the project. We look forward to further engagement with the Applicant on confirming the suitability and sizing of specific controls for site conditions, clarifying maintenance schedules, ensuring contingency measures are in place for high-rainfall events, and verifying how the applicant will document and report ongoing compliance during the construction period.

Expectations for how Ngāti Tamaoho's views should inform the project

25. The responsibilities for how our views should inform the project go beyond consultation; the Deed of Settlement demands genuine partnership, respect for cultural values and recognition of kaitiakitanga. Development within this sensitive environment must reflect the principles held in the Deed of Settlement by ensuring that the Ngāti Tamaoho voice is integral to decision-making; and not an afterthought. Early engagement, transparent communication, and a commitment to co-design solutions that uphold both environmental integrity and cultural heritage.
26. Our views on stormwater, wastewater, sediment and erosion must directly inform the design and implementation of the Project. This includes adopting best-practice standards that move past minimum compliance and embed cultural considerations into the range of plans that will support the Project. We expect robust monitoring through the construction phase, with real-time reporting and adaptive management strategies to address any emerging risks. Ngāti Tamaoho should have a meaningful role in oversight, ensuring that agreed standards are met and that the mauri of the harbour and its tributaries are protected at every stage of development.
27. The relationship between Ngāti Tamaoho and the Applicant does not end when construction ends. Long-term stewardship is essential to maintain the health of the harbour ecosystem. We expect ongoing collaboration in monitoring, maintenance and restoration initiatives, as well as a commitment to address any unforeseen impacts that arise post-construction. This enduring partnership should be guided by the principles of kaitiakitanga and continuous improvement, ensuring that the development contributes positively to the environment and the values of Ngāti Tamaoho.

Conclusion

28. In the interest of creating the space for engaging further with the Applicant on that assessment, we have intended to set out the elements above that we anticipate will need to be considered as part of our ongoing engagement with the Project. These comments do not seek to constrain the scope of that engagement.

Attachment 8: Comments received from the Minister for Māori Development and Minister for Māori Crown Relations

Hon Tama Potaka Comments - Saved

Portals-Fast Track Portal - ftaa-portal
Owner

Submitted
Portal Status

Feedback · FTA - Feedback

General Documents Related

Feedback ID	* FDB001790R3Q7
Title	* Hon Tama Potaka Comments
Regarding	 Draft section 18 report for Minister comment
Comments	<ol style="list-style-type: none"> 1. I support the application progressing to the Expert Panel for Substantive consideration subject to: <ol style="list-style-type: none"> a. the applicant undertaking further engagement with Te Ara Rangatu o Te Iwi Ngāti Te Ata Waiohū and their request to complete a Cultural Impact Assessment. The assessment should be completed within three months of the date of this support note.

Feedback Contacts

Created By (Contact)	 Bria Kerei-Keepa
Source	Portal
Application	 Orawaahi - A Complete Community
Created By	 # Portals-Fast Track Portal - ftaa-portal
Created On	16/02/2026 9:02 AM