



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

Project Name: FTAA-2511-1134 Waimauku West

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	26 February 2026

Number of attachments: 7	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. Excerpt from Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter5. Excerpt from Ngā Mana Whenua o Tāmaki Makaurau Collective conservation relationship agreement6. Comments received from invited Māori groups7. Comments received from the Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti
--------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Stephen Church		
Acting Manager, Fast-track Operations	Max Gander-Cooper	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

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-2511-1134 Waimauku West referral application.
2. The applicant, Halberd Holdings Limited, proposes to develop part of an approximately 796-hectare site into a residential community at Waimauku, 31.5km north-west of Auckland CBD. The development will comprise approximately 1500-2020 residential dwellings, a neighbourhood centre, public open spaces, and a light industrial area. The applicant is seeking approvals under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA) and the Wildlife Act 1953.
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. There are a number of individual settlements as well as collective redress, while other groups have yet to settle their historical Treaty claims. We have provided a composite list of relevant groups at **Attachment 3**.
4. The following Treaty settlements are relevant to this application: Ngāti Whātua o Kaipara Claims Settlement Act 2013; Te Kawerau ā Maki Claims Settlement Act 2015; and the Te Ākitai Waiohū deed of settlement signed in November 2021.

5. The Ngāti Whātua o Kaipara and Te Ākitai Waiohua settlements include conservation relationship agreements which require consultation on the approvals being sought under the Wildlife Act 1953. While both groups have been invited to comment on this referral application, our advice is that these provisions are most relevant to the panel when considering a substantive application.
6. Ngāti Whātua o Kaipara, Te Ākitai Waiohua, and Te Kawerau ā Maki are also parties to the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement, which includes a more iterative consultation process that would not necessarily be satisfied by simply inviting comments. It is unclear whether a panel must also apply these provisions to a substantive application for this project, given the location of the project area and the content and status of the Treaty settlements for those groups.
7. Accordingly, should you decide to accept this referral application, under section 16(2)(c) of the Act we propose you direct any panel considering a substantive application for the project to consider whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to consultation with the relevant Treaty settlement entities, in relation to the Wildlife Act 1953 approvals being sought.
8. You received comments on the application from Ngāti Tamaoho Settlement Trust and Te Kawerau Iwi Trust. Ngāti Tamaoho acknowledge the deep relationship that Te Kawerau ā Maki and Ngāti Whātua have with the project area, and support the concerns of Te Kawerau ā Maki regarding the proximity of the wastewater treatment plant to the Kaipara River. Ngāti Tamaoho propose that wastewater management for the project should be guided by ongoing engagement by the applicant with Te Kawerau ā Maki and Ngā Maunga Whakahii o Kaipara Development Trust.
9. The project area is of high historical significance to Te Kawerau ā Maki. Te Kawerau Iwi Trust note the engagement undertaken by the applicant to date, and want to continue to be involved in the project alongside their Te Taoū (Ngāti Whātua) whanaunga. Te Kawerau ā Maki do not oppose the application in principle, subject to a series of recommendations to avoid or mitigate the potential effects of the project on the surrounding environment, including in relation to earthworks, native vegetation, and waterways and wetlands, and potential archaeological sites.
10. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti is supportive of accepting this application for referral, but recommends the panel considering a substantive application give consideration to the consultation processes set out in the conservation relationship agreements discussed at paragraphs 5-7. The Minister also encourages the applicant to continue to engage with all groups identified who are either in Treaty negotiations relevant to the project area or have Treaty settlement commitments relevant to the area.
11. 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



Ilana Miller
General Manager – Delivery and Operations

Introduction

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

Proposed project

15. The applicant, Halberd Holdings Limited, proposes to develop part of an approximately 796-hectare site into a residential community that will form an extension of the existing Waimauku settlement, 31.5km north-west of Auckland CBD. The site is located between State Highway 16 and the North Auckland Railway Line. The development will comprise approximately 1500-2020 residential dwellings, a neighbourhood centre, public open spaces, and a light industrial area. The applicant is seeking approvals that would otherwise be sought under the RMA (including subdivision consent, discharge permit, water permit, land use consent) and the Wildlife Act 1953 (relocation of lizards). The land is owned by 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. Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara;
 - b. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki;
 - c. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua;
 - d. Te Ākitai Waiohua Waka Taua Inc., representing Te Ākitai Waiohua; and

- e. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata.

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. Ngā Maunga Whakahii o Kaipara Development Trust, PSGE for Ngāti Whātua o Kaipara Claims Settlement Act 2013; and

b. Te Kawerau Iwi Settlement Trust, PSGE for Te Kawerau ā Maki Claims Settlement Act 2015.

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 Rūnanga o Ngāti Whātua, representing Ngāti Whātua for purposes of negotiating remaining claims (agreement in principle signed August 2017); and

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. Te Ākitai Waiohū Settlement Trust, representing Te Ākitai Waiohū (deed of settlement signed November 2021).

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, and are in the early stages of negotiation their Treaty settlements with the Crown:

- a. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata.

Takutai Moana groups and ngā hapū o Ngāti Porou

26. 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.

27. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws

28. The project area does not include a taiāpure-local fisheries area, mātaītai 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

29. 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.

30. 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

31. 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.

32. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there are no parties to these arrangements to identify.

Any other Māori groups with relevant interests

33. Te Puni Kōkiri advised that the following groups potentially have interests in the project area, although it is outside the areas of interest outlined in their respective Treaty settlements:
- a. Ngāti Whātua Ōrākei; and
 - b. Ngāti Tamaoho.
34. In addition to the iwi authorities identified at paragraph 19, the applicant advises they have also consulted with the following groups:
- a. Ngāti Whātua Ōrākei;
 - b. Ngāti Maru;
 - c. Ngātiwai; and
 - d. Ngāti Manuhiri.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

35. 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.
36. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
- a. Ngāti Whātua o Kaipara Claims Settlement Act 2013;
 - b. Te Kawerau ā Maki Claims Settlement Act 2015; and
 - c. Te Ākitai Waiohua deed of settlement, signed November 2021.

Relevant principles and provisions

37. 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

38. 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.
39. As part of its apologies to Ngāti Whātua o Kaipara, Te Kawerau ā Maki, 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.

Conservation relationship redress

40. The Wildlife Act 1953 authorisation sought by the applicant for the relocation of native lizards is within the scope of conservation relationship redress provided through relevant Treaty settlements.

Te Kawenata Taiao o Ngāti Whātua o Kaipara

41. The Ngāti Whātua o Kaipara deed of settlement provides for Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter (Te Kawenata Taiao). Te Kawenata sets out a series of general consultation principles, whereby Ngāti Whātua o Kaipara is to be consulted as soon as reasonably practicable, given sufficient information to make informed decisions, and given sufficient time to participate effectively in decision-making. The Department of Conservation (DOC) should also genuinely consider feedback, consider options to provide for that feedback, and report back to the iwi on the decision.

42. More specifically, this agreement sets out a process for dealing with ‘taonga statutory authorisations’ (including those relating to species), which includes the following steps:

- a. within 10 working days of receiving an application, DOC will discuss with Ngāti Whātua o Kaipara the potential impacts of the application on their cultural, spiritual and historic values, ways to address those impacts, and how to proceed with the application;
- b. DOC will encourage the applicant to discuss with Ngāti Whātua o Kaipara the potential impact of the application on Ngāti Whātua o Kaipara values, and how those impacts might be addressed;
- c. should those discussions prove inconclusive, DOC will make an informed decision under the relevant statutory frameworks, taking into account and recording Ngāti Whātua o Kaipara views in writing; and
- d. after making a decision on taonga authorisation, DOC will report back to Ngāti Whātua o Kaipara explaining the decision, including how regard was given to the views of Ngāti Whātua o Kaipara throughout the process.

43. Our advice is that these provisions are most relevant to the panel when considering a substantive application, as the decision-maker on the proposed Wildlife Act 1953 approvals. We consider the process outlined in Te Kawenata Taiao may be able to be accommodated within the panel’s consideration of the application as set out in the Act. The process outlined above might require more active engagement with Ngāti Whātua o Kaipara than solely an invitation to comment on the application, but Te Kawenata Taiao also upholds the ability of the panel to make a decision under the ‘relevant statutory frameworks’ if that consultation is inconclusive. The panel may also need to provide a more detailed explanation to Ngāti Whātua o Kaipara of its decision than might otherwise be the case. We have included the relevant excerpt from Te Kawenata Taiao at **Attachment 4**.

44. The Ngāti Whātua o Kaipara settlement pre-dated the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement, as set out in the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, to which Ngāti Whātua o Kaipara is a party.² The Ngāti Whātua o Kaipara deed of settlement noted at the time that there will be further negotiations between the Crown and representatives of tangata whenua in relation to

² The Tāmaki Collective comprises Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Pāoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohua, Te Kawerau ā Maki, Te Patukirikiri, Te Rūnanga o Ngāti Whātua.

conservation management in the Auckland conservancy. We discuss the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement further below.

Te Ākitai Waiohūa conservation relationship agreement

45. The Te Ākitai Waiohūa deed of settlement provides for a conservation relationship agreement with DOC. This agreement includes taonga species and statutory authorisations amongst those activities where Te Ākitai Waiohūa is seeking to work more closely with DOC. The agreement includes some general principles for involvement of Te Ākitai Waiohūa in conservation decision-making processes, such as providing sufficient information and time for Te Ākitai to identify their interests in an issue, while taking into account DOC's statutory obligations.
46. The Te Ākitai Waiohūa conservation relationship agreement also states that it is to be read in conjunction with the relevant parts of Part A, and Parts B and C, of the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. The consultation process for statutory authorisations set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement requires iterative engagement with Ngā Mana Whenua o Tāmaki Makaurau on identified categories of authorisation that may have high impact on their spiritual, ancestral, cultural, customary and historic values. That process includes DOC seeking their feedback, confirming how their feedback will be included in decision making processes, considering how their interests are reconciled with other considerations, and communicating the final decision to them. We have included the relevant excerpt from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement at **Attachment 5**.

Summary of advice

47. As noted above, we consider the conservation relationship agreement provisions are most relevant to the panel when considering a substantive application. Under clause 5 schedule 3 of the Act, if any Treaty settlement Act includes procedural arrangements relating to the appointment of a decision-making body for hearings and other procedural matters, the panel convener or panel must comply with the arrangements in the legislation as if they were a relevant decision maker. Other procedural matters include:
 - a. a requirement for iwi or hapū to participate in the appointment of hearing commissioners to determine resource consent applications or notice of requirement lodged under the RMA;
 - b. a requirement that notice be given to any person or specified class of person of any steps in a resource management process;
 - c. any consultation requirements with iwi or hapū; or
 - d. any other matter of procedure for determining a matter granted under a specified Act that corresponds to an approval under the Act.
48. As outlined above, the Ngāti Whātua o Kaipara and Te Ākitai o Waiohūa settlements include conservation relationship redress that incorporates the project area and provides for consultation processes (relating to the Wildlife Act 1953 approvals being sought) which may be complied with by inviting them to comment on a substantive application under section 53(2) of the Act.
49. The more iterative, 'back and forth' nature of the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement would not necessarily be satisfied by the panel simply inviting comment on the substantive application under the Act. However, it is unclear whether the panel must apply the Ngā Mana Whenua o Tāmaki Makaurau process in this instance. While Ngāti Whātua o Kaipara, Te Ākitai

Waiohua, and Te Kawerau ā Maki are parties to Ngā Mana Whenua o Tāmaki Makaurau collective redress, the project area is outside the 'Tāmaki Makaurau Region' subject to the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. The Te Ākitai Waiohua conservation relationship agreement, which is to be read in conjunction with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement, has yet to be executed as the Te Ākitai Waiohua settlement legislation has not been enacted. The Ngāti Whātua o Kaipara includes its own Te Kawenata Taiao, whereas the Te Kawerau ā Maki settlement does not provide for a separate conservation relationship agreement.

50. Should you decide to accept this referral application, under section 16(2)(c) of the Act we propose you direct any panel considering a substantive application for the project to consider whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to consultation with the relevant Treaty settlement entities, in relation to the Wildlife Act 1953 approvals being sought.

Other redress

51. The Kaipara River runs east to west to the north of the project area, with several tributaries flowing through the site. Waimauku Stream, a tributary of the Kaipara River, is adjacent to the east. The applicant proposes the discharge of treated stormwater, which will ultimately be received by the Kaipara River, and that this river may also be considered as a back-up to the available groundwater supply.
52. There is currently no settlement redress over the Kaipara River, and negotiations with Ngāti Whātua iwi over Kaipara Moana are still at an early stage. Under the Kaipara Moana Framework Agreement, signed in 2014, the scope of the proposed Kaipara Moana body (a joint entity) includes "any agreed parts of the rivers flowing into Kaipara Moana". The Framework Agreement also records that the Crown and Ngāti Whātua iwi agree to further discussions regarding the scope of statutory acknowledgements. In the agreement in principle signed with Te Rūnanga o Ngāti Whātua in 2017, the Crown acknowledged the Kaipara Moana Framework Agreement and agreed to provide redress over Kaipara Moana.
53. For your information, the Ngāti Whātua o Kaipara settlement provided for redress near the project area, including a right of first refusal over Crown land in the area, the sale and leaseback of nearby Waimauku School and Woodhill School, and the transfer of Woodhill Forest. The Te Kawerau ā Maki settlement provided for the vesting of the Kōpironui Block (next to Woodhill Forest) as cultural redress.
54. There is also a Treaty settlement landbank property (1 Mabbett Lane, Waimauku) located directly across SH16 from the southern edge of the project area. At the time of writing this property has not been included in a Treaty settlement, and is not currently being considered as redress for a settlement that has yet to be completed.
55. Finally, 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

56. 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

57. 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

58. 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

59. Pursuant to section 17(1)(d) of the Act, on 8 December 2025 you invited written comments from the Māori groups identified above in paragraphs 17-34, 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.

60. You received comments on the application from Ngāti Tamaoho Settlement Trust, which can be summarised as follows:

- a. Ngāti Tamaoho acknowledge the deep relationship that Te Kawerau ā Maki and Te Taoū (Ngāti Whātua) have with the project area, and their position on the application will be contingent on that adopted by those groups;
- b. Ngāti Tamaoho support the concerns previously expressed by Te Kawerau ā Maki regarding the proximity of the wastewater treatment plant to the Kaipara River, and the risk that poses to the awa;
- c. Ngāti Tamaoho support the recommendations made by Te Kawerau ā Maki that wastewater infrastructure should be located away from waterways; and
- d. the proposed wastewater management for the project should be guided by ongoing engagement by the applicant with Te Kawerau ā Maki and Ngā Maunga Whakahii o Kaipara Development.

61. You also received comments from Te Kawerau Iwi Trust (representing Te Kawerau ā Maki) after the statutory timeframe. 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. the applicant has previously engaged with Te Kawerau Iwi Trust, and the Trust want to continue to be involved in the project alongside their Te Taoū whanaunga;
- b. the project area is of high historical significance to Te Kawerau ā Maki, as part of a traditional peace-making site, and in close proximity to the pā where the iwi originated, significant maunga, the Kaipara River, Rewiti Marae, and land returned through settlement; and
- c. Te Kawerau ā Maki do not oppose this application in principle, subject to a series of recommendations relating to light pollution, management of earthworks, use of native vegetation, mitigation or avoidance of effects on waterways and wetlands, management of dust and particulate matter, incorporation of the cultural significance of the area into the design of the development, and involvement of Te Kawerau ā Maki in monitoring potential archaeological sites.

62. We have provided a copy of these comments at **Attachment 6**.

Consultation with departments and Ministers

63. 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).

64. 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. Te Tari Whakatau also provided advice on the status of a Treaty settlements landbank property near the project area.

65. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti is supportive of accepting this application for referral, but recommends the panel considering a substantive application give consideration to:

- a. whether the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement applies to Te Ākitai Waiohua, Ngāti Whātua o Kaipara and Te Kawerau ā Maki, in relation to the Wildlife Act 1953 approvals being sought;
- b. the consultation process set out Te Kawenata Taiao o Ngāti Whātua o Kaipara; and
- c. the process outlined in the Te Ākitai Waiohua conservation relationship agreement.

66. The Minister also encourages the applicant to continue to engage with all groups identified who are either in Treaty negotiations relevant to the project area or have Treaty settlement commitments relevant to the area.

67. We have provided a copy of the Minister's comments at **Attachment 7**.

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

68. 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.

69. 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.	12-14
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	35-36
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	37-55
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	25
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	26, 56
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.	26, 56
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).	27, 56
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).	28, 57
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	29-30
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), <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. 	31-32, 58

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	33-34
18(2)(l)	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	59-62
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.	68-69
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.	63-64
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	65-67

Attachment 2: Project location map

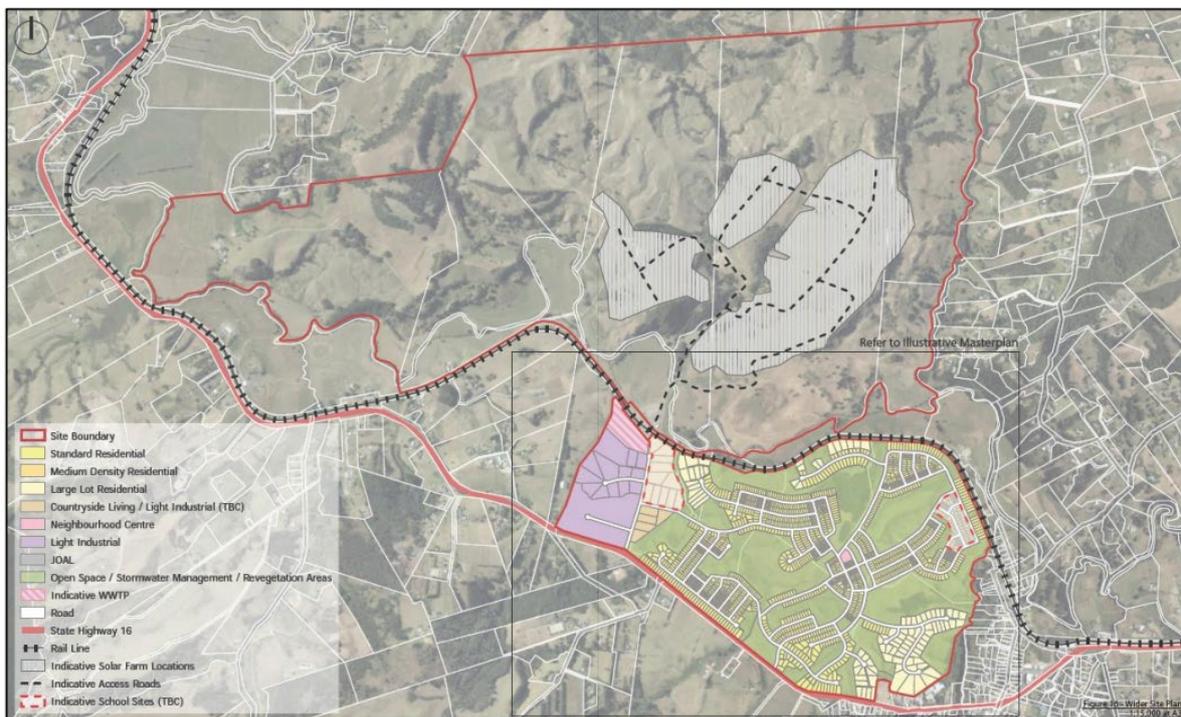


Figure 2: Waimauku West Masterplan for the wider site. Source: Barker & Associates.

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngā Maunga Whakahii o Kaipara Development Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a) – Ngāti Whātua o Kaipara Claims Settlement Act 2013)
Te Rūnanga o Ngāti Whātua	iwi authority (s18(2)(a)); mandated entity (s18(2)(d))
Te Kawerau Iwi Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Te Kawerau ā Maki Claims Settlement Act 2015))
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 Ākitai Waiohua Settlement Trust	Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))
Ngāti Maru Rūnanga Trust	Other Māori group with relevant interests (s18(2)(k))
Ngāti Tamaoho Settlement Trust	Other Māori group with relevant interests (s18(2)(k))
Ngāti Whātua Ōrākei Trust	Other Māori group with relevant interests (s18(2)(k))
Ngāti Manuhiri Settlement Trust	Other Māori group with relevant interests (s18(2)(k))
Ngātiwai Trust	Other Māori group with relevant interests (s18(2)(k))

Attachment 4: Excerpt from Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter

CONSULTATION

11. The basic principles that will be followed by the Department in consulting with Ngāti Whātua o Kaipara in each case are:
 - 11.1 ensuring that Ngāti Whātua o Kaipara is consulted as soon as reasonably practicable following the identification and determination by the Department of the proposal, or issues, to be the subject of the consultation;
 - 11.2 providing Ngāti Whātua o Kaipara with sufficient information to make informed decisions and submissions in relation to any of the matters that are the subject of the consultation;
 - 11.3 ensuring, subject to statutory and policy time constraints, that sufficient time is given for the effective participation of Ngāti Whātua o Kaipara in the decision making process and for the preparation of submissions by Ngāti Whātua o Kaipara in relation to any of the matters that are the subject of the consultation;
 - 11.4 ensuring that the Department will approach the consultation with Ngāti Whātua o Kaipara with an open mind, and will genuinely consider any feedback or concerns that Ngāti Whātua o Kaipara has advised the Department of in relation to any of the matters that are the subject of the consultation, and will consider options to provide for that feedback, and/or the concerns raised; and
 - 11.5 reporting back to Ngāti Whātua o Kaipara on the decision made as a result of any such consultation.

1: TE KAWENATA TAI AO O NGĀTI WHĀTUA O KAIPARA

Notification

15. When the Department is approached regarding a proposed statutory authorisation application that falls within Te Kawenata Taiao Area, it will notify Ngāti Whātua o Kaipara and encourage the prospective applicant to consult with Ngāti Whātua o Kaipara.
16. The Department will provide separate written notification to Ngāti Whātua o Kaipara prior to any statutory authorisation being publicly notified.

Process for Statutory Authorisations

17. There are two processes for dealing with statutory authorisations:
 - 17.1 taonga statutory authorisations; and
 - 17.2 other statutory authorisations.
18. Taonga statutory authorisations shall be considered using the process set out in clauses 19 - 25, and all other statutory authorisations shall follow the process set out in clauses 26 - 28.

Taonga Statutory Authorisations

19. The Department recognises that statutory authorisations may potentially affect taonga of Ngāti Whātua o Kaipara. Ngāti Whātua taonga include:
 - 19.1 species;
 - 19.2 the Kaipara Harbour, rivers and other waterways in Te Kawenata Taiao Area; and
 - 19.3 wāhi tapu sites.
20. At an early stage during the development of the operational plan, Ngāti Whātua o Kaipara and the Department will meet to agree and record those categories of statutory authorisation that are likely to affect taonga of Ngāti Whātua o Kaipara ("taonga statutory authorisations").
21. The Parties recognise when dealing with taonga statutory authorisations:
 - 21.1 the benefits of seeking agreement, where possible; and
 - 21.2 that the Department works within statutory and government policy frameworks.
22. When considering a taonga statutory authorisation application, the Department will, in addition to the process set out in clauses 15 and 16 and 26 – 28, and within 10 working days of receipt of the application, discuss with Ngāti Whātua o Kaipara:
 - 22.1 the potential impacts that the application may have for Ngāti Whātua o Kaipara's cultural, spiritual and historic values;
 - 22.2 ways to address those impacts; and
 - 22.3 how to proceed with the application.
23. The Department will encourage the applicant to discuss with Ngāti Whātua o Kaipara, the potential impacts their application may have on Ngāti Whātua o Kaipara cultural, spiritual and historic values and how those impacts might be addressed.

1: TE KAWENATA TAI AO O NGĀTI WHĀTUA O KAIPARA

24. Should discussions on the potential impacts of the application (clauses 22 and 23 refer) prove inconclusive, within statutory and policy frameworks (including timeframes), the decision-maker will make an informed decision under the relevant statutory frameworks, taking into account and recording Ngāti Whātua o Kaipara views in writing, including matters where agreement was reached between the parties.
25. The Department will, after making any decision on a taonga authorisation, report back to Ngāti Whātua o Kaipara explaining the decision, and in particular, how regard was given to the views of Ngāti Whātua o Kaipara throughout the process.

Other categories of statutory authorisations

26. In relation to any other statutory authorisation applications or renewals of applications applied for within Te Kawenata Tai ao Area, the Department will consult with Ngāti Whātua o Kaipara with a view to identifying any potential impacts on Ngāti Whātua o Kaipara cultural, spiritual and historic values.
27. The Department has limited time to process concession applications, and therefore the time for Ngāti Whātua o Kaipara to indicate views on the concession application will also be limited.
28. The Minister and Director-General will have regard to the views expressed by Ngāti Whātua o Kaipara when considering whether to grant the application.

The entire document can be found at this link (from page 3): [Ngāti Whātua o Kaipara Deed of Settlement Schedule - Documents 9 Sep 2011](#)

Attachment 5: Excerpt from Ngā Mana Whenua o Tāmaki Makaurau Collective conservation relationship agreement

11 STATUTORY AUTHORISATIONS

- 11.1 The strategic partnership objectives will guide the parties to determine appropriate engagement on statutory authorisations within the Tāmaki Makaurau Region.
- 11.2 As part of these strategic objectives, Ngā Mana Whenua and the Department will identify, and keep under review, categories of statutory authorisations that may have high impact on the spiritual, ancestral, cultural, customary, and historic values of Ngā Mana Whenua.
- 11.3 As the Department works within time limits to process applications for some forms of statutory authorisations, it will notify Ngā Mana Whenua o Tāmaki Makaurau (as part of the meetings referred to in paragraph 11.2) of the time frames for providing advice.
- 11.4 The strategic partnership objectives will guide the parties to determine potential opportunities for Ngā Mana Whenua o Tāmaki Makaurau to obtain statutory authorisations on public conservation land within the Tāmaki Makaurau Region, including in relation to commercial opportunities.
- 11.5 The Department will actively advise and encourage all prospective applicants within the Tāmaki Makaurau Region to consult with Ngā Mana Whenua before filing their application. The Department will also consult Ngā Mana Whenua at an early stage on such categories of authorisations or renewal of authorisations within the Tāmaki Makaurau Region.
- 11.6 For the types of Statutory Authorisations within the Tāmaki Makaurau Region agreed to in clause 11.2 , Ngā Mana Whenua and the Department will adopt the following process:
- a. the Department notifies Ngā Mana Whenua of the application, timeframe for a decision and the timeframe for Ngā Mana Whenua response;
 - b. Ngā Mana Whenua, within an agreed timeframe, notify the Department of their response including the nature of their interests in the proposal and their views in relation to the proposal;
 - c. the Department acknowledges Ngā Mana Whenua interests and views as conveyed (providing an opportunity to clarify or correct the Department's understanding of those interests and views), how those interests and views will be included in the decision-making process and any apparent issues or conflict that may arise;
 - d. the Department will, in making a decision, consider whether it is possible to reconcile any conflict between Ngā Mana Whenua interests and views and other considerations in the decision-making process;
 - e. the Department will record in writing as part of a decision document the nature of Ngā Mana Whenua interests and the views of Ngā Mana Whenua as conveyed; and
 - f. the Department will communicate its decision to Ngā Mana Whenua as soon as practicable after it is made.

The entire document can be found at this link (from page 18): [Tāmaki Makaurau Collective Redress Deed Schedule - Documents 5 Dec 2012](#)

Attachment 6: Comments received from invited Māori groups

Attachment 7: Comments received from the Minister for Māori Development and Minister for Māori Crown Relations

Hon Tama Potaka Comment - Saved

Feedback · FTA - Feedback ▾

Portals-Fast Track Portal - ftaa-portal | Submitted Portal Status

Owner

General Documents Related ▾

Title * Hon Tama Potaka Comment

Regarding [Draft section 18 report for Minister comment](#)

Comments

1. I am supportive of this application progressing to the Expert Panel for substantive application consideration. I recommend however, the Expert Panel
 - a. give consideration to whether the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement applies to Te Ākitai Waiohū, Ngāti Whātua o Kaipara and Te Kawerau ā Maki, in relation to the Wildlife Act 1953 approvals being sought.
 - b. give consideration to the consultation process set out Te Kawenata Taiao o Ngāti Whātua o Kaipara; and
 - c. give consideration to the process outlined in the Te Ākitai Waiohū conservation relationship agreement.
2. I also encourage the applicant to continue to engage with all groups identified who are either in Treaty negotiations relevant to the project area or have Treaty settlement commitments relevant to the area.

Feedback Contacts

Created By (Contact) [Bria Kerei-Keepa](#)

Source Portal

Application [Waimauku West](#)

Created By [# Portals-Fast Track Portal - ftaa-portal](#)

Created On 12/02/2026 9:28 AM