

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

Project Name: FTAA-2502-1015 Delmore

To:	Date:
Panel Convener, Jane Borthwick	10 April 2025

Number of attachments: 4	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Location maps of project List of relevant Māori groups Excerpt from Whakaaetanga Tiaki Taonga agreement
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Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Joanne Waitoa		
Manager, Delivery	Stephanie Frame		✓
General Manager, Delivery & Operations	Ilana Miller		

Key points

- As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2502-1015 Delmore.
- The applicant, Vineway Limited, proposes a residential development in Ōrewa. The project will require approvals under the Resource Management Act 1991 (RMA) and the Heritage New Zealand Pouhere Taonga Act 2014. The application is a substantive application for a listed project under the Act.
- Section 18(2) of the Act requires that the report identify all relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Those groups may also be invited by the panel to comment on the application under section 53(2) of the Act.
- Auckland has a complex Treaty settlement landscape with many overlapping interests. There are groups in the post-settlement phase with others at different stages of the Treaty settlement process, including some groups seeking both individual and collective settlement redress.

5. Treaty settlements that are relevant to the project area include Treaty settlement Acts and signed Treaty settlement deeds (where Treaty settlement Acts have yet to be passed). Treaty settlements Acts identified as relevant to the application are the Ngāti Manuhiri Claims Settlement Act 2012, Ngāti Whātua o Kaipara Claims Settlement Act 2013, Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Te Kawerau ā Maki Claims Settlement Act 2015 and Ngāi Tai ki Tāmaki Claims Settlement Act 2018. Signed Treaty settlement deeds that do not yet have Treaty settlement Acts are Ngāti Paoa, Te Ākitai Waiohū and Te Patukirikiri.
6. We have not identified any court orders or agreements recognising customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) that are relevant to the application. Similarly, we have not identified any Mana Whakahoā ā Rohe or joint management agreements that have been entered into with local authorities under the RMA that are relevant to the project area.
7. While some of the principles and provisions of these Treaty settlements apply broadly to the project, we have not identified any specific provisions that must be considered when assessing the application under the Act.
8. We have not identified any documents that the panel must give the same or equivalent effect to under section 82, or procedural requirements that the panel must comply with under schedule 3, clause 5 of the Act.

Signature

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Ilana Miller
General Manager – Delivery and Operations

Introduction

9. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3)(a) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
10. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under MACA and other Māori groups with interests in the project area; and
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
11. This report is structured accordingly. A list of the relevant provisions of section 18 is provided as **Attachment 1**.

Proposed project

12. The applicant, Vineway Limited, proposes a residential development in Ōrewa. The project will include the construction of up to 1,250 dwellings, one unserviced residential superlot, open space areas, protected vegetation zones, roads, supporting infrastructure, and other associated works. The project will require approvals under the RMA and the Heritage New Zealand Pouhere Taonga Act 2014.
13. Vineway Ltd is the signatory to sale and purchase agreements for all properties in the proposed project area (conditional on it securing the approvals necessary to deliver the project).
14. We have provided a location map at **Attachment 2**.

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

15. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**, including contact details.

Iwi authorities

16. We consider the following 11 iwi authorities to be the relevant iwi authorities for the project:
 - a. Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara;
 - b. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua;
 - c. Te Kupenga o Ngāti Hako, representing Hako;
 - d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
 - e. Ngāti Pāoa Iwi Trust, representing Ngāti Paoa;
 - f. Te Patukirikiri Iwi Trust, representing Te Patukirikiri;
 - g. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
 - h. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā;
 - i. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki;
 - j. Te Ākitai Waiohua Waka Taua Inc, representing Te Ākitai Waiohua; and
 - k. Ngāti Manuhiri Settlement Trust, representing Ngāti Manuhiri.

Treaty settlement entities

17. 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).

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

- a. Ngāi Tai ki Tāmaki Trust, PSGE for Ngāi Tai ki Tāmaki Claims Settlement Act 2018
- b. Te Kawerau Iwi Settlement Trust, PSGE for Te Kawerau ā Maki Claims Settlement Act 2015;
- c. Ngā Whakahii o Kaipara Development Trust, PSGE for Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- d. Ngāti Manuhiri Settlement Trust, PSGE for Ngāti Manuhiri Claims Settlement Act 2012; and
- e. Tūpuna Taonga o Tāmaki Makaurau Trust/Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGE for the Tāmaki Collective.

19. A PSGE may be established ahead of finalising a Treaty settlement deed and/or the enactment of a Treaty settlement Act. The following PSGEs in this category are also relevant:

- a. Ngāti Tamaterā Treaty Settlement Trust, PSGE representing Ngāti Tamaterā;
- b. Te Ākitai Waiohū Settlement Trust, PSGE representing Te Ākitai Waiohū;
- c. Ngāti Paoa Iwi Trust, PSGE representing Ngāti Paoa;
- d. Ngaati Whanaunga Ruunanga Trust, PSGE representing Ngaati Whanaunga;
- e. Te Patukirikiri Iwi Trust, PSGE representing Te Patukirikiri;
- f. Ngāti Maru Rūnanga Trust, PSGE representing Ngāti Maru;
- g. Marutūāhu Rōpū Limited Partnership, PSGE representing Marutūāhu Collective; and
- h. Hako Tūpuna Trust, PSGE representing Hako.

Groups mandated to negotiate Treaty settlements

20. In addition to the PSGEs identified at paragraphs 18 and 19, 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 negotiating their Treaty settlements with the Crown:

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

- b. Te Rūnanga o Ngāti Whātua, representing Te Rūnanga o Ngāti Whātua.

Takutai Moana groups and ngā hapū o Ngāti Porou

21. The project area does not include the common marine and coastal area, therefore there are no relevant applicant groups under MACA.
22. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through customary management areas

23. The project area is not within a taiāpure-local fisheries area, mātaihai reserve or area subject to a bylaw made under Part 9 of the Fisheries Act 1996.

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

24. 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.
25. This project does not involve an activity described in section 23(1)(a) or (b) of the Act.

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

26. 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 represents hapū that are parties to these arrangements.
27. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area. 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 reached.

Any other Māori groups with relevant interests

28. Te Puni Kōkiri advise that the Hauraki Māori Trust Board also have interests in the project area. The Hauraki Trust Board represents the interests of 12 Hauraki iwi.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

29. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by the Crown and representatives of a group of Māori.
30. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

Treaty settlement Acts

- a. Ngāti Manuhiri Claims Settlement Act 2012;
- b. Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- c. Te Kawerau ā Maki Claims Settlement Act 2015;
- d. Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
- e. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Treaty settlement deeds

- f. Te Patukirikiri Deed of Settlement signed 07 October 2018;
- g. Te Ākitai Waiohū Deed of Settlement 12 December 2021; and
- h. Ngāti Paoa Deed of Settlement signed 20 March 2021.

Relevant principles and provisions

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

Crown acknowledgements and apologies

32. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached Te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.
33. As part of the Crown's apologies to Ngāi Tai ki Tāmaki, Te Patukirikiri, Ngāti Whātua o Kaipara, Te Kawerau ā Maki, Ngāti Manuhiri, Ngāti Paoa, and Te Ākitai Waiohū, the Crown stated that it looked forward to building a new relationship with iwi based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. Treaty settlement redress must be viewed in the context of these important principles.

Other redress

34. The Te Ākitai Waiohūa deed provides for a Whakaaetanga Tiaki Taonga to be entered into with the Cultural and Heritage Parties,¹ including Heritage New Zealand Pouhere Taonga (HNZPT). Appendix B of the Whakaaetanga Tiaki Taonga briefly summarises the process for seeking an archaeological authority from HNZPT under the Heritage New Zealand Pouhere Taonga Act 2014, including the requirement in that legislation that applicants must consult tangata whenua. We have provided this excerpt at **Attachment 4** and draw the panel's attention to the reference to this consultation requirement in the Whakaaetanga Tiaki Taonga since it forms part of the Treaty settlement deed for Te Ākitai Waiohūa. We note that schedule 8 clause 2(1)(i) of the Fast-track Act requires that applications for an archaeological authority include a statement regarding consultation with tangata whenua.
35. The Ngāti Whātua o Kaipara Claims Settlement Act 2013 provides for a first right of refusal to Ngāti Whātua for the Nukumea Scenic Reserve which is adjacent to the project site. The applicant advises that in consultation with the Department of Conservation they plan to set the development 10 metres back so as to not adversely affect the reserve.
36. We have analysed the other settlements referred to above, and have not identified any other redress, such as statutory acknowledgments, deeds of recognition or joint management arrangements, which apply to the project.
37. We also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.
38. The applicant has provided evidence of pre-application engagement, in the form of Cultural Impact Assessments from Ngaati Whanaunga Incorporated Society and Manuhiri Kaitiaki Charitable Trust (Ngāti Manuhiri Settlement Trust environmental arm) and a Cultural Investigation Report from Te Kawerau Iwi Trust. The applicant has advised that they have responded to the recommendations in these reports and that engagement is ongoing.

Customary Marine Title/Protected Customary Rights

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

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

40. As noted above, the project area is not within a Taiāpure-local fishery, mātaitai reserve or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

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

¹ Manatū Taonga Ministry for Culture and Heritage (MCH), Department of Internal Affairs (DIA), Archives New Zealand (DIA), National Library of New Zealand (DIA), Museum of New Zealand (Te Papa Tongarewa), Heritage New Zealand Pouhere Taonga (HNZPT), Ngā Taonga Sound & Vision (Ngā Taonga).

Consultation with departments and Ministers

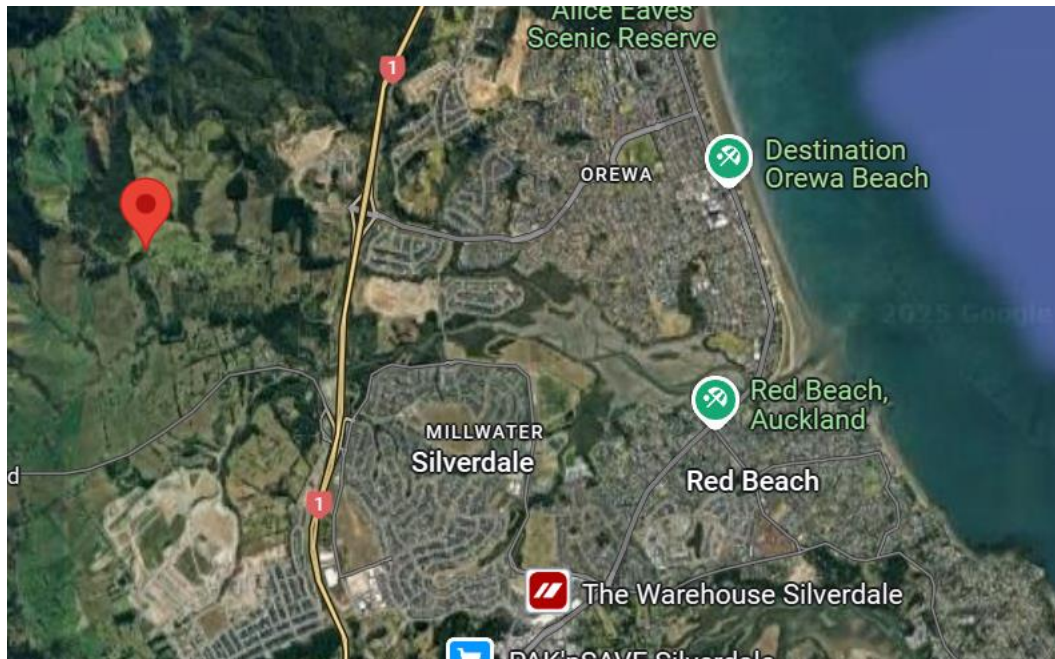
42. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri, and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups, and have incorporated their views into this report.

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

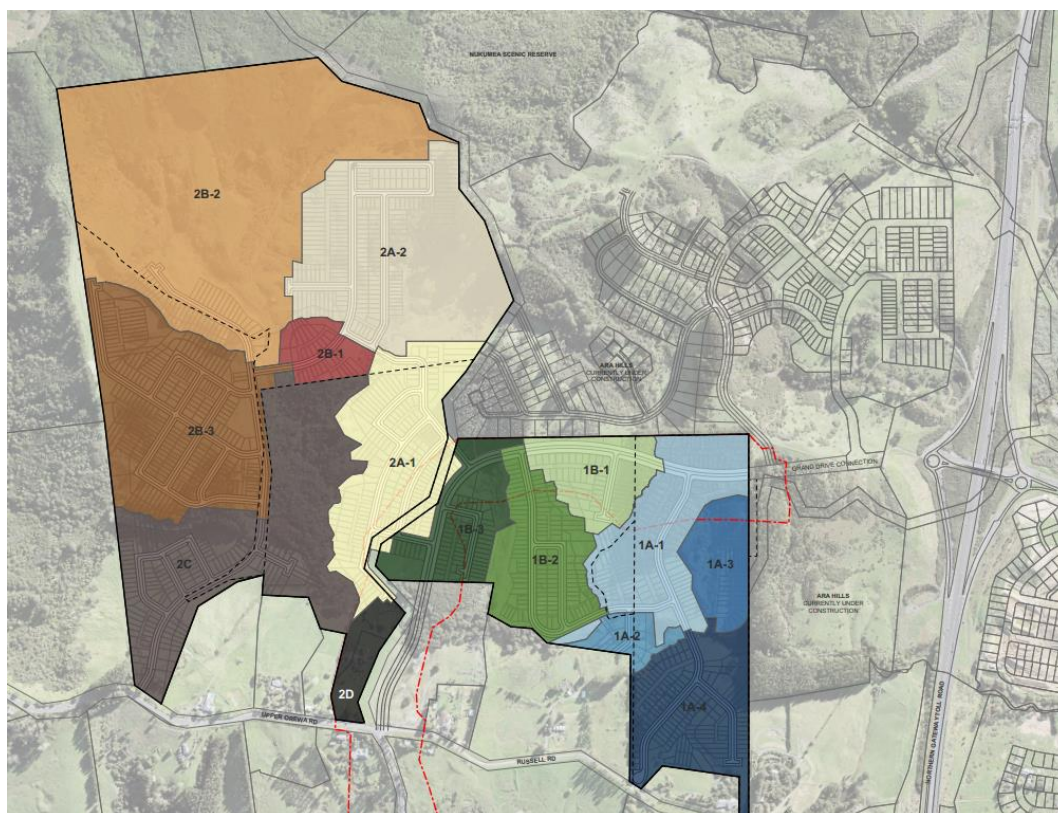
Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	Not applicable to substantive applications – s 18 report is required by s 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	16-19
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	29-30
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	31-38
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	20
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	21
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.	21
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).	22
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).	23
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).	24-25
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), -	26-27

	<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; and (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.	28
18(2)(l)	<p>A summary of—</p> <ul style="list-style-type: none"> (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups 	Not applicable to substantive applications
18(2)(m)	The responsible agency's advice on whether there are significant rights and interests identified in the report and, as a result, it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	Not applicable to substantive applications
18(3)	<p>In preparing the report required by this section, the responsible agency must—</p> <ul style="list-style-type: none"> (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. 	<p>42</p> <p>Section 18(3)(b) not applicable to substantive applications</p>
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report.	Not applicable to substantive applications

Attachment 2: Location maps of the project



Google Maps image of site location



Delmore site map

Attachment 3: List of relevant Māori groups

Name of group	FTAA section	Contact person	Contact email	Copies to
Te Rūnanga o Ngāti Whātua	18(2)(a)	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Ngā Maunga Whakahii o Kaipara Development Trust	18(2)(a)	[REDACTED]	[REDACTED]	[REDACTED]
Te Kupenga o Ngati Hako	18 (2)(a)	[REDACTED]	[REDACTED]	[REDACTED]
Hako Tūpuna Trust	18(2)(a), 18(2)(d)	[REDACTED]	[REDACTED]	
Ngāti Maru Rūnanga Trust	18(2)(a), 8(2)(d)	[REDACTED]	[REDACTED]	[REDACTED]
Ngāti Manuhiri Settlement Trust	18(2)(a)	[REDACTED]	[REDACTED]	[REDACTED]
Ngāti Pāoa Iwi Trust	18(2)(a), 8(2)(d)	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Te Patukirikiri Iwi Trust	18(2)(a), 18(2)(d)	[REDACTED]	[REDACTED]	[REDACTED]
Ngāi Tai ki Tāmaki Trust	18(2)(a)	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]
Ngāti Tamaterā Treaty Settlement Trust	18(2)(a)	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Te Kawerau Iwi Settlement Trust	18(2)(a)	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Te Ākitai Waiohua Waka Taua Inc	18(2)(a)	[REDACTED]	[REDACTED]	[REDACTED]
Te Ākitai Waiohua Settlement Trust	18(2)(a), 18(2)(d)	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]
Ngaati Whanaunga Incorporated Society	18(2)(a)	[REDACTED]	[REDACTED]	

Ngaati Whanaunga Ruunanga Trust	18(2)(a)	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Ngāti Te Ata Claims Support Whānau Trust	18(2)(a), 18(2)(d)	[REDACTED]	[REDACTED]	
Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	18(2)(a)	[REDACTED]	[REDACTED]	[REDACTED]
Marutūāhu Rōpū Limited Partnership	18(2)(a), 18(2)(d)	[REDACTED]	[REDACTED]	
Hauraki Māori Trust Board	18(2)(a), 18(2)(k)	[REDACTED]	[REDACTED]	

Attachment 4: Excerpt from Whakaaetanga Tiaki Taonga agreement (Te Ākitai Deed of Settlement 2021)

DOCUMENTS

5: WHAKAAETANGA TIAKI TAONGA

MAHI HURA WHENUA - MĀORI HERITAGE AND ARCHAEOLOGY

15. The Heritage New Zealand Pouhere Taonga Act 2014 ("the Act") defines an archaeological site as a place associated with pre-1900 human activity where there may be evidence relating to the history of Aotearoa/New Zealand. When any development is planned that may affect an archaeological site or suspected archaeological site, the developer must apply for an archaeological authority. The archaeological authority provisions are contained in the Act. The developers must consult tāngata whenua. Pouhere Taonga staff:

- a) assess the impact of proposed land development on Māori cultural values, and check that consultation between developers and hapū or iwi has been conducted; and
- b) help liaise with communities – tāngata whenua, landowners, developers, archaeologists.