

## SCHEDULE OF PROVISIONS RELEVANT TO MĀORI

*This document details the provisions of the Fast-track Approvals Act 2024 relevant to Sunfield Māori-related considerations. In each case the relevant statutory provision is identified together with a statement of what that statutory provision provides for or requires. Under each heading below, a response is provided which identifies whether the provision is applicable and therefore relevant, identifies what any applicable heading requires to be identified and provides any other information required by that heading.*

### **s11 Before lodging an application, the applicant must consult:**

#### **(b) any relevant iwi authorities, hapū, and Treaty settlement entities, including:**

##### **(i) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements**

Not applicable.

##### **(ii) the tāngata whenua of any area within the project area that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996**

Not applicable.

##### **(iii) Other relevant iwi authorities, hapu and entities**

Please refer to the Sunfield Mana Whenua/Māori Engagement Report prepared by Navigator Limited which details the consultation and engagement undertaken on Sunfield which commenced March 2021.

#### **(c) any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011**

Of the six Iwi Authorities involved with Sunfield, three – Ngaati Tamaoho, Ngaati Te Ata Waiohua, Ngaati Whanaunga – are applicants for customary marine title under the Takutai Moana Act 2011. However, those applications relate to coastal and marine areas of Auckland. The Sunfield masterplanned community (Sunfield) is located on land a significant distance from coastal and marine areas and as such the applications are not applicable.

#### **(d) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou**

Not applicable.

**s13(4)(j) a list of the persons the applicant considers are likely to be affected by the project, including:**

**(ii) iwi authorities and groups that represent hapu that are parties to relevant Mana Whakahono ā Rohe or joint management agreements;**

Not applicable.

**(iii) other relevant iwi authorities;**

As detailed within the Sunfield Mana Whenua / Māori Engagement Report dated December 2024 prepared by Navigator Ltd (the 'Sunfield Mana Whenua / Māori Engagement Report'), the relevant iwi authorities are:

- Ngaati Tamaoho,
- Ngaati Te Ata Waiohua,
- Te Akitai Waiohua,
- Ngaati Whanaunga,
- Ngāti Paoa, and
- Ngai Tai ki Tamaki

**(iv) relevant Treaty settlement entities;**

Not applicable.

**(v) relevant protected customary rights groups and customary marine title groups;**

Not applicable.

**(vi) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou;**

Not applicable.

**(vii) relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011;**

Not applicable.

**s13(4)(k) Summary of:**

**(i) the consultation undertaken for the purposes of s16 and any other consultation undertaken on the project with the persons and groups referred to in paragraph (j) above**

Please refer to the Sunfield Mana Whenua/Māori Engagement Report prepared by Navigator Limited which details the consultation and engagement undertaken with the relevant Iwi Authorities on Sunfield which commenced March 2021.

## **(ii) how the consultation has informed the project**

The consultation with Iwi Authorities has informed the Sunfield project in several ways.

1. **Reaffirmation from mana whenua** about the initial Sunfield masterplanned community concepts. As an example, the engaged Iwi Authorities confirmed the Eight Sunfield masterplan design principles as appropriate and recommended continued engagement with mana whenua on ensuring a Te Ao Māori (Māori worldview) perspective is provided to those principles including the translation into Te Reo Māori.
2. **Direct feedback accepted** by Sunfield Developments Limited and woven into the Sunfield masterplan. An example being the Wai Mauri Stream Park and its development as outlined within the Wai Mauri Stream Park Landscape Design Report.
3. **Acceptance of the recommendations of two Cultural Values Assessments (CVAs) and one Cultural Impact Assessment (CIA)** – Sunfield Developments Limited (SDL) has written to the three Iwi Authorities who provided Sunfield CVAs and CIA that the recommendations within those reports from the Iwi Authorities were acceptable and would be incorporated into the Sunfield Masterplan during the detailed design phase. These recommendations are listed at Appendix 2, and are summarised below:
  - a. Under the Ngaati Te Ata Waiohū CVA, all activities in pages 18 – 27 are accepted and were considered during the development of technical reports and planning assessment. Those activities were discussed in hui, onsite visits, online meetings between SDL and the Iwi which are reflected in the numerous file notes and contact log. The recommended activities are captured under the following headings:
    - physical landscape,
    - cultural heritage on landscape,
    - urban development,
    - soil and earthworks,
    - wai / water,
    - biodiversity,
    - Awakeri Stage 2 and 3,
    - open spaces,
    - infrastructure,



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- urban design, and
  - economic development.
- b. Under the Te Akitai Waiohua CVA, SDL recognises the kaitiaki / guardian role of the Iwi especially in relation to environment and reaffirms the acceptance of the Cosgrave Road Plan Change CVA recommendations (pages 22 – 26 of that CVA). In addition to those, Te Akitai Waiohua recommends the environmental and sustainability activities provided by Ngaati Te Ata Waiohua (via their engagement and CVA) and Ngaati Tamaoho (via their engagement) are accepted by SDL given they are acceptable also to Te Akitai Waiohua. Lastly, the preservation and protection of the Iwi's cultural, kaitiaki and environmental values can be achieved through two specific precinct projects – Awakeri Stage 2 and 3 and Wai Mauri Stream Park. Consultation with the Iwi on these two specific projects within Sunfield has informed the overall Sunfield Masterplan.
  - c. Under the Ngaati Whanaunga CIA, the Iwi had assessed Sunfield as having overall no impact on their cultural values. The CIA raised four specific concerns which were already informed by the technical reports and the Iwi was satisfied with the responses from the technical experts via their reports and peer reviews.
  - d. SDL has also offered to the three Iwi Authorities the opportunity to co-develop an Outcomes Framework or MOU specific to their CVA / CIA, so that the recommendations which informed the Sunfield Masterplan can be captured formally and adequate resourcing (if applicable), provided for their activation.
4. **Support for the adopted Three Water Strategy for Sunfield of the incorporation of Water Sensitive Urban Design.** Water Sensitive Urban Design is a land planning and engineering design approach which integrates the urban water cycle, including stormwater, groundwater and wastewater management and water supply, to minimise environmental degradation and improve aesthetic and recreational outcomes.
  5. Support for the Awakeri Stage 2 and 3 resource consent application (as detailed within the Sunfield Mana Whenua / Māori Engagement Report) including for the urban design and landscape design. Three of the six Iwi Authorities were heavily involved with Awakeri Stage 1 so the consistency of cultural design and thinking translated across the projects. Engagement with those three Iwi Authorities has informed the project to take a Awakeri Precinct approach in terms of Sunfield.
  6. Iwi Authorities were engaged with SDL and their consultants on the three Habitat Objectives which influence the initial thinking in relation to social, land and water (As detailed within the Sunfield Mana Whenua / Māori Engagement Report.)



Full details of the engagement undertaken for Sunfield can be found in the Sunfield Mana Whenua / Māori Engagement Report.

**s13(4)(l) List of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements**

It is acknowledged that the Sunfield project area is partially covered by a statutory acknowledgement stemming from the Ngaati Tamaoho Claims Settlement Act 2018. The southern section of the Property is covered by the Otūwairoa Stream statutory acknowledgement. This acknowledges the ancestral significance of this area to the Ngaati Tamaoho people, and the importance of the waterways, wetlands and their flow into Ngaati Tamaoho tupuna moana Te Mānukanuka O Hoturoa/Te Maanuka. A statutory acknowledgement is a formal legal acknowledgement by the Crown that recognises the mana of tangata whenua in relation to specified areas - particularly the cultural, spiritual, historical and traditional associations with an area. It is a legal recognition of Ngaati Tamaoho cultural values in the lands and waters of this area and requires consultation with Ngaati Tamaoho as Mana Whenua and information on resource consent activities affecting their statutory acknowledgement. Ngaati Tamaoho have provided details on this statutory acknowledgment within their Cultural Values Assessment which accompanies this application within the Sunfield Mana Whenua / Māori Engagement Report and are described in further detail below.

The assent of the Ngaati Tamaoho Claims Settlement Act 2018 occurred on 10 July 2018. Under the Ngaati Tamaoho Deed of Settlement with the Crown, 37 land areas and waterways were offered as statutory acknowledgement.

Of those 37 land areas and waterways, one waterway - Otūwairoa Stream and its tributaries - Waipokapo, Mangapu, Waihoehoe Streams – has statutory acknowledgement status. This Otūwairoa Stream statutory acknowledgement includes an area of the southwest corner of the Sunfield project area. The Otūwairoa Stream statutory acknowledgement shown in the map below attached as Appendix 1 is taken from the Deed of Settlement between Ngaati Tamaoho and the Crown with the Sunfield project area overlayed.

No other provision of the Deed of Settlement between Ngaati Tamaoho and the Crown applies to the Sunfield project area.

**s13(4)(n) A statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019**

Not applicable.

**s13(4)(o) Information identifying the parcels of Māori land, marae, and identified wahi tapu within the project area**

Not applicable. No parcels of Māori land, marae and identified wahi tapu are within the Sunfield project area.

## Schedule 5

### **5(1)(b) Whether the site is within or adjacent to:**

- (i) a statutory area (as defined in the relevant Treaty settlement Act);**

See response to question s14(3)(j) regarding the Ngaati Tamaoho Claims Settlement Act 2018 and the Otūwairoa Stream statutory acknowledgement.

- (ii) a statutory overlay (as identified in section 11 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019);**

Not applicable.

- (iii) a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.**

Not applicable.

### **5(1)(i) Information about any Treaty settlements that apply in the area covered by the consent application, including:**

- (i) identification of the relevant provisions in those Treaty settlements;**

See response to s14(3)(j) about the Ngaati Tamaoho Claims Settlement Act 2018 and the Otūwairoa Stream statutory acknowledgement.

- (ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area.**

Not applicable.

### **5(1)(j) List of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011**

Not applicable.

### **5(5)(b) If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019,**



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**an assessment of the activity against any resource management matters set out in that document**

Not applicable.

- 5(5)(c) If the activity is to occur in an area that is taiāpure-local fishery, a mātaimai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area**

Not applicable.

- 5(6) If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is Māori land in multiple ownership, the applicant must include a statement to that effect**

Not applicable.

- 6(1)(e) Identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal**

Refer to the Sunfield Mana Whenua/Māori Engagement Report in which the relevant Iwi representatives across the six Iwi Authorities are named and details of the engagement with them is described including their responses through the consultation period of March 2021 – to December 2024.

- 6(1)(f) If iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision**

Refer to the Sunfield Mana Whenua/Māori Engagement Report which details the following:

Ngāti Paoa is one of the six Iwi Authorities who expressed an interest in the project. At their first engagement, the CEO noted due to capacity issues within their organisation they are unable to be engaged deeply on the project, however would:

- welcome being kept apprised of the project as it goes through the planning processes including if a change to the planning strategy occurs,
- advise the assessor of the application of this capacity challenge within the Iwi but support the submission of the application and that the applicant is keeping the Iwi apprised, and
- request that, when the resource consent is achieved, the applicant via Navigator Ltd is to re-engage with the Ngāti Paoa regarding activation of the conditions and provisions.

Ngai Tai ki Tamaki advised that they could not actively engage during the plan change for Sunfield, however would like to be:

- apprised of the planning strategy and any change in the planning strategy and
- informed when the resource condition is granted and the consent holder is seeking to activate the conditions and provisions

As detailed within the Sunfield Mana Whenua / Māori Engagement Report, Sunfield Developments Limited has to date adhered, and will continue to adhere, to the requests of Ngāti Paoa and Ngai Tai ki Tamaki.

**6(1)(h) An assessment of any effects of the activity on the exercise of a protected customary right**

Not applicable.

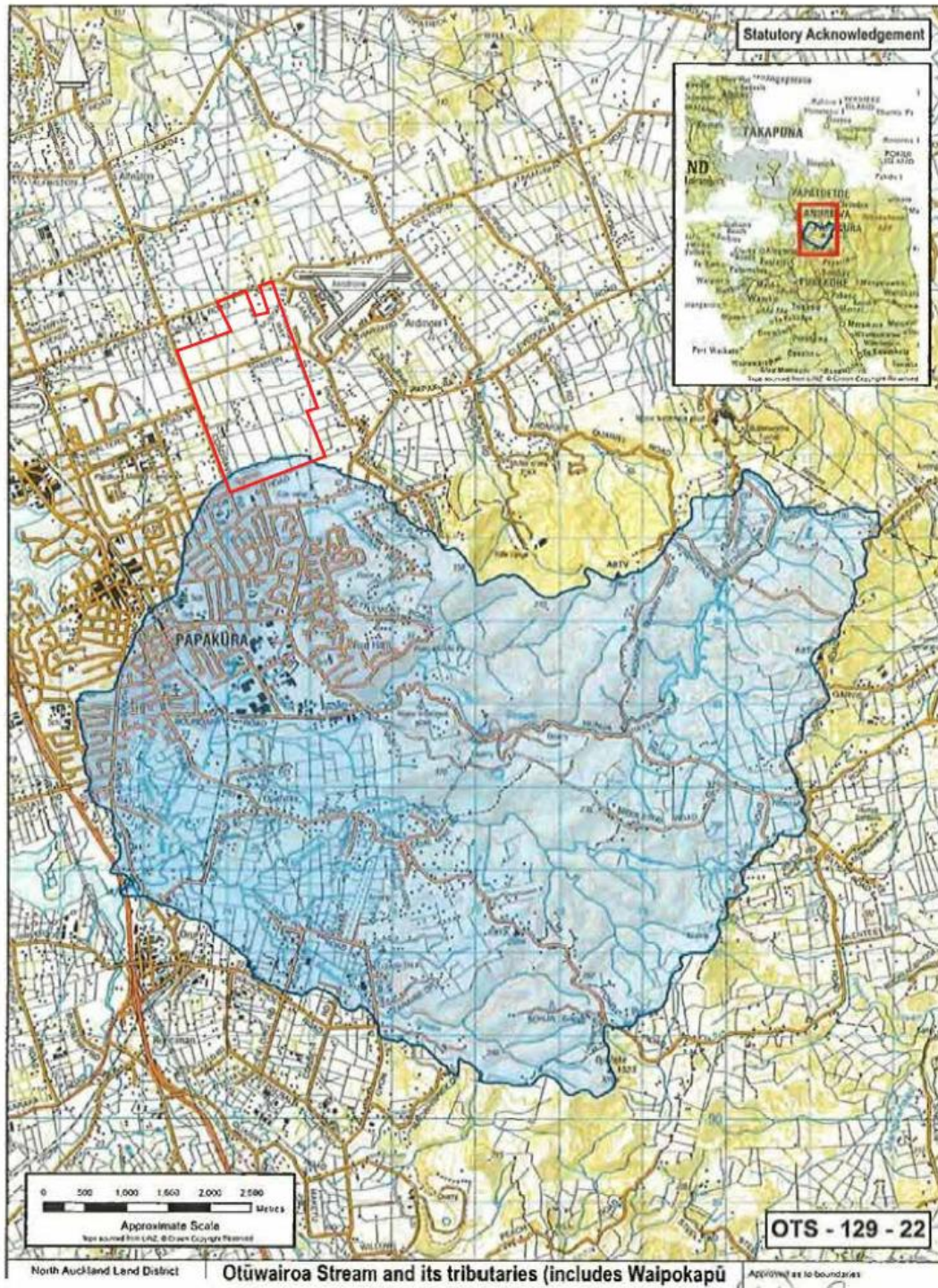


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## Appendix 1: Ngaati Tamaoho Statutory Acknowledgement with the Sunfield Project Area identified

— Sunfield Project Area



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## Appendix 2: Acceptance of the recommendations from the two Cultural Values Assessments (CVAs) and one Cultural Impact Assessment (CIA) completed for Sunfield

### Ngaati Te Ata Waiohewa CVA recommendations – accepted by SDL

- Agreement that there is alignment of the Sunfield Eight Design Principles with the Cultural Values of the Iwi. This can specifically be activated through the cultural and landscape design, planning, and implementation of these three specific projects:
  1. Awakeri Stage 2 and 3 – cultural, urban and landscape design.
  2. Wai Mauri Stream Park – cultural, urban landscape design.
  3. Framework such as a MOU or Outcomes Agreement with Iwi cultural design expertise provided on two specific Design Principles – Kaitiakitanga and Connection to the Natural Environment / Biodiversity. That is, when a project / activity needs to be assessed under the Design Principles, the Iwi expert is part of or works closely with that design team.
- The activities listed on pages 18 – 27 of the CVA are examples of how the Iwi's cultural values are confirmed within a project. Many of those activities / actions are already captured within the project's technical reports due to Sunfield being an exemplary master planned sustainable inter-generational community. Below is a summary outlining the headings and majority of the set of activities within the CVA (pp 18 – 27) and accepted by SDL:
  - **Physical landscape:** ridgeline is protected and enhanced; use of protections such as building and stream setbacks to allow for pedestrian paths; wetlands retained and returned to natural state (if possible).
  - **Cultural heritage on landscape:** cultural identity opportunities via mahi toi (artwork, craftwork) and other cultural expression; cultural heritage assessment for each precinct; opportunity for Māori place names (e.g. street name, park name where appropriate); accidental discovery protocols; identification and protection of any wahi tapu (sacred sites); good riparian margins.
  - **Urban development:** future planning provides opportunity for Sunfield residents to understand Māori history of area along with settler history; gateways to Sunfield could be a cultural reflection e.g. pou (landmark pillar) at entry point (roadside) into the site; efficient use of the landholding; urban development standard above the current (along Cosgrave Road); cumulative effects are considered; access to water bodies is retained / maintained; management plans are part of the resource consent conditions to ensure environmental and cultural considerations are considered; and there is on-going monitoring by Iwi representatives during the lifetime of the project (during milestones such as earthworks).
  - **Soil and earthworks:** process to manage any contaminated soil given former kauri forest; state of the art mitigation plans including potential impact from building on peat soils; the Iwi supports the three waters report and solutions provided; cultural monitoring agreement with Iwi to support activation of those three water solutions; support the erosion and sediment control solutions provided particularly around waterways; riparian



planting is critical (preferable indigenous species); support landscape design plans provided by SDL.

- **Wai / water:** the Iwi supports all solutions provided by SDL under each of the CVA sub-headings of: *Waterways, Water quality, Stormwater, Wastewater*. The Iwi regards the co-design and development of the Wai Mauri Stream Park will activate all its cultural values under wai / water.
- **Awakeri Wetlands Stage 2 and 3:** the Iwi was heavily involved with Stage 1. Accepts all solutions for Stages 2 and 3 provided by SDL as the Iwi is involved with a separate resource consent process.
- **Biodiversity:** the Iwi has offered up specific actions which all align with the solutions offered up by SDL. It also reaffirms the commitment to the Eight Design Principles in particular Kaitiakitanga and Connected to the Natural Environment / Biodiversity.
- **Open Spaces:** the Iwi supports the activities of SDL in relation park and open spaces. The Iwi has a threshold of 15% of the site being green spaces. Sunfield is at 11% however the Iwi accepts this given all the other sustainability elements e.g. solar panels, limited vehicle access, waterways protection.
- **Infrastructure:** support the solutions offered up by SDL if it aligns to the “Low Impact and Sustainable Living” Masterplan design principle. The Iwi’s recommendations for any development includes: sustainable materials used, reduce transport congestion, connecting new road routes to current ones, support use of water sensitive design, easement covenanted around elements such as a gas line, de-emphasis car park congestion and emphasise pedestrian and cycle networks. All those elements are in Sunfield.
- **Urban design:** Te Aranga Design Principles should be considered and activated; Iwi specific cultural design needs should be considered e.g. park edge development aligns with Iwi cultural design value. SDL discussions with Ngaati Te Ata Waiohū have been extensive around urban design and cultural design values.
- **Economic development:** SDL supports the empowerment of small businesses in Sunfield and during the construction phases. Māori economic development is underpinned by small business opportunities and social enterprises including maintenance sub-contracting, artists / sculptors, cultural design, landscaping, environmental monitoring of waterways / green spaces, retail businesses.

#### Te Akitai Waiohū CVA recommendations – accepted by SDL

- **Kaitiakitanga / Guardianship:** The CVA outlines the history of the Iwi in the Auckland area including on the land with which the Sunfield project now sits. SDL recognise the whakapapa / history of the Iwi in the Takaanini area.
- Due to that whakapapa, SDL recognises the need for the Iwi to continue to have a kaitiaki role in relation to the environmental and cultural impact of the Sunfield project on the area. There is agreement on the three ways in which this can be done. These are reaffirmed by SDL’s Letter of Response to the CVA:

**1. Recognise and acknowledge Te Akitai Waiohūa's whakapapa in Takaanini.**

There are several ways we can do that within Sunfield. Most of those were covered and accepted in the Iwi's Cosgrave Road Plan Change CVA (especially the recommendations on pages 22 – 26). Those recommendations can be extrapolated out to the whole Sunfield landholding.

**2. Opportunities provided to exercise your role as kaitiaki / guardian in relation to the environment.**

SDL is open to how that role might be exercised, where appropriate and achievable. This is reaffirmed by the overall Vision of Sunfield and one of our Masterplan Design Principles being 'Kaitiakitanga' and another as being 'Connected to the Environment and Encouraging biodiversity.' Acknowledge that other activities under environment / sustainability named by other Iwi particularly Ngaati Te Ata Waiohūa and Ngaati Tamaoho are acceptable to Te Akitai Waiohūa as they represent common themes across Te Ao Māori (Māori worldview / perspective).

**3. Ability to preserve and protect the interests of Te Akitai Waiohūa.**

Given the strong interest of the Iwi in the environment particularly the water / wai, we support the Iwi's continued support and engagement on the two large waterway projects at Sunfield:

- Awakeri Wetlands Stage 2 and 3
- Wai Mauri Stream Park Precinct.

SDL is open to developing an Outcomes Agreement with the Iwi on agreed outcomes under the above three headings and the two waterway projects / precincts.

**Ngaati Whanaunga CIA (Cultural Impact Assessment) recommendations – accepted by SDL**

- The Iwi's CIA provided an assessment of the Iwi's cultural values with the Sunfield project and SDL's way of working on it, particularly in relation to the environment. It also provided fulsome history of the Iwi in the Takaanini area.
- SDL has offered the opportunity to develop an Outcomes Framework in relation to the CIA which will provide for opportunities that will be up to the Iwi to take up. It will also provide for an agreed direction and way of working on achieving the recommendations of the CIA. Many of the activities noted are the same as those offered up in the Ngaati Te Ata Waiohūa CVA.
- Whilst the CIA concluded with the Iwi's support for Sunfield, the CIA raised four specific concerns of which SDL responded to. Those concerns and responses are set out below. Those concerns have informed the project by reaffirming with that Iwi (and other mana whenua Iwi Authorities) their concerns have been adequately assessed and addressed.

**1. 75% of the development site is located within a flood plain and the associated stormwater management required.**

Sunfield Three Waters Report prepared by Maven Associates, has developed an infrastructure solution for the Sunfield development which deals with this issue. Sunfield's proposed infrastructure solution has been independently peer reviewed by three respected engineering firms who have found that the proposed engineering and infrastructure for Sunfield to be an appropriate and adequate solution. Under the Council's Future Development Strategy (FDS) 2023, the area left of Mill Road / Cosgrave Road has been designated flood plain and not the right of the same roads which includes Sunfield. An open offer to the Iwi's representatives for them to meet with Maven Associates, to discuss the Sunfield infrastructure solution, has been made.

**2. Development being undertaken on highly productive soils.**

The Soil Assessment for the development prepared by Landsystems has found several productive soil constraints on the site, particularly due to heavy clay soils and wetness limitations. These restrictions reduce the range of viable production land uses and means that intensive horticulture and cropping during wet periods is unsustainable.

**3. Location of Ardmore Airport on the site boundary.**

The Sunfield masterplan has been designed to comply with the existing constraints associated with the Ardmore Airport noise contours.

**4. Gas line which traverses the site.**

SDL has engaged with First Gas, the owner of this gas line. A 25m 'no build' easement restriction is registered against the Records of Title of the land containing this gas line and this required set back is incorporated into the Sunfield Masterplan. This easement was also sought by Ngaati Te Ata Waiohua in their Sunfield CVA.