

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

Project Name: FTAA-2506-1077 Pohutukawa Business Park

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	19 September 2025

Number of attachments: 4	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Project location map List of relevant Māori groups Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Julian Jackson		
Manager, Fast-track Operations	Stephanie Frame	s 9(2)(a)	✓
Acting General Manager, Delivery and Operations	Suzanne Doig	s 9(2)(a)	

Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the Pohutukawa Business Park referral application.
- The applicant, Knight Investments Limited, proposes to develop a business park and service area on 13 hectares at 867 and 885 Whitford-Maraetai Road, in Beachlands, East Auckland. The approvals sought are resource consents under the Resource Management Act 1991 (RMA) for vegetation removal, soil disturbance, earthworks, diversion and discharge of water, change of land use, and other matters. No approvals are being sought under other Acts.

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 sixteen relevant Māori groups for this project area, which we have listed at **Attachment 3**.
4. The Treaty settlements relevant to this application are: Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Tamaoho Claims Settlement Act 2018, Te Patukirikiri deed of settlement signed 7 October 2018, Ngāti Pāoa deed of settlement signed 20 March 2021, and Te Ākitai Waiohūa deed of settlement signed 12 November 2021.
5. The provisions of the settlements identified above do not place any procedural obligations on you, or any subsequent panel should you accept the referral application, in relation to the approvals being sought by the applicant.
6. No Māori groups responded to the invitation to comment on the application under section 17(1)(d) of the Act.
7. The Minister for Māori Development and the Minister for Māori Crown Relations support the application subject to further consultation with the relevant Treaty settlement entities to understand their views and positions on the proposal, any concerns and risks raised by these entities being addressed, and ongoing engagements with relevant entities where necessary.
8. 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



Suzanne Doig
Acting General Manager, Delivery and Operations

Introduction

9. 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).
10. 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.
11. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

12. The applicant, Knight Investments Limited, proposes to subdivide land and develop a business park and service area on 13 hectares of land owned by Manukau Quarries Limited Partnership at 867 and 885 Whitford-Maraetai Road, located directly adjacent to the existing commercial and retail area in Beachlands, East Auckland. The project includes works within the Whitford-Maraetai Road road reserve and associated works at 855 and 865 Whitford-Maraetai Road. The Project is to be consented in a single stage and will be constructed in two stages. The project includes the establishment and operation of 12,160m² of commercial and retail floor area, and 37,010m² of light-industrial and service space, along with transport and services infrastructure. The project site is not located in or adjacent to the marine and coastal area.
13. The applicant is seeking RMA resource consents for vegetation removal, soil disturbance, earthworks, diversion and discharge of water, change of land use including a range of community facilities and commercial and light industrial activities, and other matters. No other approvals are being sought.
14. We have provided location maps 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**.

Iwi authorities

16. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
 - b. Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho;
 - c. Ngāti Pāoa Iwi Trust, representing Ngāti Pāoa;
 - d. Te Patukirikiri Iwi Trust, representing Te Patukirikiri;

- e. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki);
 - f. Ngāti Tamaterā Settlement Trust, representing Ngāti Tamaterā;
 - g. Hako Tūpuna Trust, representing Hako;
 - h. Te Ākitai Waiohua Waka Taua Inc, representing Te Ākitai Waiohua;
 - i. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga;
 - j. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata;
 - k. Te Whakakitenga o Waikato Incorporated, representing Waikato-Tainui; and
 - l. Hauraki Māori Trust Board, representing Hauraki iwi.
17. The Hauraki Māori Trust Board is a collective entity that may represent 12 Hauraki iwi for the purposes of the RMA, including Ngāti Tamaterā, Hako, and Ngāti Pāoa whose areas of interest overlap with the project area.

Treaty settlement entities

18. 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).
19. We have identified the following relevant Treaty settlement entities for this project area:
- a. Ngāi Tai ki Tāmaki Trust, PSGE for the Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
 - b. Ngāti Tamaoho Settlement Trust, PSGE for the Ngāti Tamaoho Claims Settlement Act 2018
20. 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. Ngāti Pāoa Iwi Trust, PSGE for the Ngāti Pāoa Claims Settlement Bill 2022 (passed second reading 11 April 2024), deed of settlement signed 20 March 2021;
 - b. Te Ākitai Waiohua Settlement Trust, PSGE for the deed of settlement signed 12 November 2021;
 - c. Te Patukirikiri Iwi Trust, PSGE for the deed of settlement signed 7 October 2018;
 - d. Ngāti Maru Rūnanga Trust, PSGE for the deed recording on-account arrangements 30 June 2014, deed of settlement initialled 8 September 2017;
 - e. Taonga o Marutūāhu Trustee Limited / Marutūāhu Rōpū Limited Partnership, PSGEs for the Marutūāhu Collective, deed of settlement initialled 17 July 2018;

- f. Ngāti Tamaterā Settlement Trust, PSGE for the deed recording on-account arrangements 30 June 2014, deed of settlement initialled 8 September 2017;
- g. Ngaati Whanaunga Incorporated Society, PSGE, deed of settlement initialled 27 August 2017
- h. Hako Tūpuna Trust, PSGE for the deed recording on-account arrangements 30 June 2014; and
- i. Te Whakakitenga o Waikato Incorporated, PSGE, terms of negotiation signed 14 December 2020.

Groups mandated to negotiate Treaty settlements

- 21. In addition to the PSGEs identified in paragraph 20, the following groups have recognised mandates to negotiate a Treaty settlement over an area which may include the project area:
 - a. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata; and
 - b. Ngāti Koheriki Claims Committee, representing Ngāti Koheriki.
- 22. These groups are in the early stages of negotiations with the Crown.

Takutai Moana groups and ngā hapū o Ngāti Porou

- 23. 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.
- 24. 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

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

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

- 26. 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.
- 27. This project does not involve an activity described in section 23(1)(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

28. 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.
29. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify. Ngāi Tai ki Tāmaki commenced discussions with Auckland Council regarding a Mana Whakahono ā Rohe in 2018 that is yet be agreed.

Any other Māori groups with relevant interests

30. We have not identified any other Māori group which may have relevant interests.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

31. 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.
32. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

Settlement Acts

- a. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
- b. Ngāti Tamaoho Claims Settlement Act 2018;

Deeds of Settlement

- c. Te Patukirikiri deed of settlement signed 7 October 2018
- d. Ngāti Pāoa Iwi Trust deed of settlement signed 20 March 2021; and
- e. Te Ākitai Waiohū deed of settlement signed 12 November 2021.

Relevant principles and provisions

33. 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

34. 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.
35. As part of its apologies to Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, Te Ākitai Waiohū and Te Patukirikiri, 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.

36. The settlements identified above do not contain any other provisions that place specific obligations on you as Minister, or any panel should you accept the application for referral, in relation to the approvals being sought by the applicant. However, the interests of those groups who have settled their historical Treaty claims in relation to the project area, and other relevant Māori groups, should be considered in the spirit of the Crown's acknowledgements and apologies to settlement groups.
37. Ultimately, 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

38. 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/mātaimai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

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

Mana Whakahono ā Rohe/Joint management agreement

40. 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

41. Pursuant to section 17(1)(d) of the Act, on 18 July 2025 you invited written comments from the Māori groups identified above in paragraphs 16-30, 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.
42. You did not receive comments from any of these groups.

Consultation with departments and Ministers

43. 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).
44. 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.

45. The Minister for Māori Development and the Minister for Māori Crown Relations support the application subject to:
- a. Further consultation with the relevant Treaty settlement entities with interests in the project area, to understand their views and positions on the proposal;
 - b. Any concerns and risks raised by these entities are addressed; and
 - c. Ongoing engagements with relevant entities where necessary.

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

46. 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.
47. 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.	9, 10
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	16-20
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	32
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	31-37
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	20, 21, 22
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	23, 38
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.	23, 38
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).	24, 38
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).	25, 39
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).	26, 27
18(2)(j)	<p>If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),</p> <p>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</p>	28, 29, 40

	(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.	30
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	41, 42
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.	46, 47
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.	43, 44
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	43

Attachment 2: Project location maps

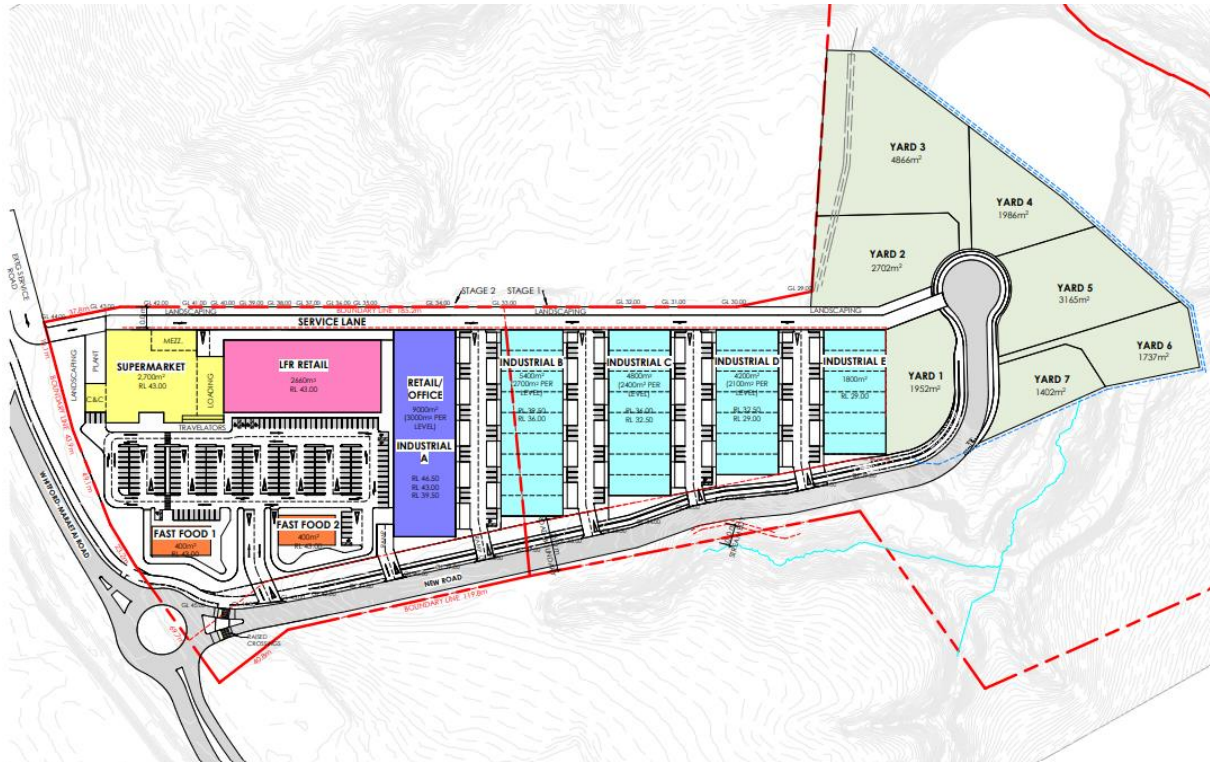
Map 1. Location of proposed Pohutukawa Business Park indicated by yellow circle below.



Map 2. Location of proposed Pohutukawa Business Park on eastern side of Beachlands shown below.



Map 3. Footprint of proposed Pohutukawa Business Park at Beachlands.



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngāi Tai ki Tāmaki Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāi Tai ki Tamaki Claims Settlement Act 2018)
Te Ākitai Waiohua Waka Taua Inc	iwi authority (s18(2)(a))
Ngāti Tamaoho Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāti Tamaoho Claims Settlement Act 2018)
Ngāti Pāoa Iwi Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Maru Rūnanga Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Tamaterā Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Te Patukirikiri Iwi Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngaati Whanaunga Incorporated Society	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a))
Ngāti Te Ata Claims Support Whānau Trust	iwi authority (s18(2)(a)), mandated entity (s18(2)(d))
Hako Tūpuna Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Te Whakakitenga o Waikato Incorporated	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d)), other Māori groups with relevant interests (s18(2)(k))
Hauraki Māori Trust Board	iwi authority (s18(2)(a)), other Māori group with relevant interests (s18(2)(k))
Te Ākitai Waiohua Settlement Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d)), other Māori group with relevant interests (s18(2)(k))
Ngaati Whanaunga Ruunanga Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Koheriki Claims Committee	Mandated entity (s18(2)(d))

Attachment 4: Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations

Recommended Action

It is recommended that you provide the following recommendation to MfE:

1. I support the application subject to:

- further consultation with the relevant Treaty Settlement entities with interests to the project area, to understand their views and positions on the proposal;
- any concerns and risks raised by these Māori entities are addressed; and
- ongoing engagements with relevant Māori entities where necessary.

☒ Yes ☐ No

Comments:


Hon Tama Potaka Te Minita Whanaketanga Māori
Date: 18/9/2025