



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

Project Name: FTAA-2605-1241 Horseshoe Bush Road, Dairy Flat - Residential Development

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	14 August 2026

Number of attachments: 10	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location maps 3. List of relevant Māori groups 4. Map of statutory acknowledgement for Rangitōpuni Stream and tributaries. 5. Statement of association for Rangitōpuni Stream from Te Kawerau ā Maki deed of settlement. 6. Statutory Acknowledgement provisions from Te Kawerau ā Maki Claims Settlement Act 2015 7. Excerpts from Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter 8. Excerpt from Ngāi Tai ki Tāmaki conservation relationship agreement 9. Excerpts from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement 10. Comments received from Te Kawerau Iwi Tiaki Trust
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Ministry for Cities, Environment, Regions & Transport contacts:

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Key points

1. The Ministry for Cities, Environment, Regions & Transport (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-2605-1241 Horseshoe Bush Road, Dairy Flat – Residential Development referral application.

2. The applicant, Tuakiri Property Limited, proposes a master-planned residential development comprising 1,000 – 1,100 residential lots/dwellings at Dairy Flat, Auckland. The applicant is seeking a range of resource consents under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA). The applicant may also seek approvals under the Wildlife Act 1953 and Heritage New Zealand Pouhere Taonga Act 2014. No identified Māori land is involved.
3. Section 18(2) of the Act requires that this 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 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. We have provided a summary of the relevant Māori groups identified under section 18(2) at **Attachment 3**.
4. Treaty settlements relevant to the project area include settlement Acts and signed deeds of settlement (where settlement legislation has yet to be passed). Ngāti Whātua o Kaipara Claims Settlement Act 2013, Te Kawerau ā Maki Claims Settlement Act 2015, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Paoa Claims Settlement Act 2025, and Te Ākitai Waiohū deed of settlement (signed 2021) are the relevant Treaty settlements for this application.
5. The Te Kawerau ā Maki Claims Settlement Act 2015 provides for a statutory acknowledgement over the Rangitōpuni Stream and its tributaries. The project area is situated entirely within this catchment.
6. We consider that your invitation (including providing information about the application) to Te Kawerau Iwi Trust to comment on the application under section 17(1)(d) of the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements. Should you accept this referral application, Te Kawerau Iwi Trust will also be invited for comment by the panel on a substantive application under section 53(2)(c) of the Act.
7. The Ngāti Whātua o Kaipara, Ngāi Tai ki Tāmaki, Ngāti Pāoa, and Te Ākitai Waiohū settlements provide for relationship agreements with the Department of Conservation (DOC) that set out procedures to be followed by DOC when consulting on statutory authorisations.
8. 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 that includes a Wildlife Act 1953 approval, to consider:
 - a. how to comply with the consultation process set out in Te Kāwenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter when engaging with Ngāti Whātua o Kaipara;
 - b. how to comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Ngāi Tai ki Tāmaki;
 - c. whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.
9. In response to the invitation to Māori groups to comment on the application under section 17(1)(d) of the Act, you received comments from Te Kawerau Iwi Trust. Te Kawerau Iwi Trust voiced concern in relation to impacts on cultural values, dark skies, productive soils, native flora and fauna, waterways and aquatic species, the coastal

environment, native forest restoration, and archaeological sites. Te Kawerau Iwi Tiaki Trust recommended actions for addressing these effects.

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

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', with a stylized flourish at the end.

Stephanie Frame
Manager – Fast-track Operations

Introduction

11. Under section 18 of the Act, you must consider a report on Treaty settlements and other obligations for each referral application, prepared and provided by the responsible agency (Secretary for the Environment).
12. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
13. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

14. The applicant, Tuakiri Property Limited, proposes a master-planned residential development between Horseshoe Bush Road and Kahikatea Flat Road at Dairy Flat, Auckland. The project will be delivered in eight stages over a 10-year period, but a single substantive application will be lodged for the necessary approvals for all stages. The Project will comprise 1,000 – 1,100 residential lots/dwellings across a spectrum of densities and typologies, and provision of a neighbourhood centre, including retail, commercial, and community activities. The project will include provision of all necessary infrastructure and transport elements to support the establishment of the development, and a substantial green open space network of approximately 18.5 hectares.
15. The land on which the project is proposed is owned by multiple private landowners. No identified Māori land is involved.
16. The applicant is seeking a range of resource consents under the Act that would otherwise be sought under the RMA, which may include subdivision, vegetation removal, earthworks, contaminated land, dwellings, retail and commercial activities, stormwater management systems, diversion of surface water and excavation groundwater, stream reclamation and culverting, wastewater treatment and disposal, roading and access infrastructure, various structures and activities in relation to setbacks, size limits, and natural hazards, and other matters.
17. The applicant may also seek a wildlife authority for relocating lizards under the Wildlife Act 1953, and an archaeological authority covering the entire project area under the Heritage New Zealand Pouhere Taonga Act 2014.
18. We have provided a location map at **Attachment 2**.

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

19. 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

20. 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.

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

- a. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki;
- b. Hako Tūpuna Trust, representing Hako;
- c. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua;
- d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
- e. Ngāti Pāoa Iwi Trust, representing Ngāti Paoa;
- f. Ngāi Tai ki Tamaki Trust, representing Ngāi Tai ki Tamaki;
- g. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā;
- h. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga;
- i. Te Ākitai Waka Taua Inc, representing Te Ākitai Waiohau;
- j. Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara; and
- k. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata.

Treaty settlement entities

22. 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).*

23. 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).

24. 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

25. 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;
- b. Te Kawerau Iwi Settlement Trust, PSGE for Te Kawerau ā Maki Claims Settlement Act 2015;
- c. Ngāi Tai ki Tamaki Trust, PSGE for Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
- d. Ngāti Paoa Iwi Trust, PSGE for Ngāti Paoa Claims Settlement Act 2025.

26. 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. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, PSGEs representing Marutūāhu Iwi Collective, a record of agreement signed 17 May 2013;
- b. Ngāti Tamaterā Treaty Settlement Trust, PSGE representing Ngāti Tamaterā, deed of settlement initialled 8 September 2017;
- c. Ngāti Maru Rūnanga Trust, PSGE representing Ngāti Maru, deed of settlement initialled 8 September 2017;
- d. Te Rūnanga o Ngāti Whātua, PSGE representing Ngāti Whātua for settlement of remaining claims, agreement in principle signed 18 August 2017;
- e. Ngaati Whanaunga Ruunanga Trust, PSGE representing Ngaati Whanaunga, deed of settlement initialled 25 August 2017; and
- f. Te Ākitai Waiohua Settlement Trust, PSGE representing Te Ākitai Waiohua, deed of settlement signed 12 November 2021; and
- g. Hako Tūpuna Trust, PSGE representing Hako, agreement in principle signed July 2011)

Groups mandated to negotiate Treaty settlements

27. In addition to the PSGEs identified at paragraph 26, 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. Ngāti Koheriki Claims Committee, representing Ngāti Koheriki.

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.

Takutai Moana groups and ngā hapū o Ngāti Porou

28. 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.
29. 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

30. 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

31. 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.
32. 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

33. 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.
34. 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. Ngai Tai ki Tamaki and Te Kawerau ā Maki began negotiating Mana Whakahono a Rohe agreements with Auckland Council in 2018 and 2026 respectively, however no agreement has yet been reached in either case.

Any other Māori groups with relevant interests

35. We are not aware of any other Māori groups with relevant interests in the project area.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

36. 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.
37. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

Settlement Acts

- a. Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- b. Te Kawerau ā Maki Claims Settlement Act 2015;
- c. Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
- d. Ngāti Paoa Claims Settlement Act 2025;

Deeds of settlement

- e. Te Ākitai Waiohū deed of settlement, signed 2021.

Relevant principles and provisions

38. 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

39. 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.
40. Through the Treaty settlement process, the Crown seeks to build a new relationship with settled groups based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. As part of its apologies to Ngāti Whātua o Kaipara, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Pāoa, and Te Ākitai Waiohū, the Crown made the following undertakings to these groups:
- a. Ngāti Whātua o Kaipara – The Crown intends to improve and strengthen its historically close relationship with Ngāti Whātua o Kaipara based on the Treaty of Waitangi and its principles so as to create a solid foundation for the future.
 - b. Te Kawerau ā Maki – By the same means the Crown hopes to form a new relationship with the people of Te Kawerau ā Maki based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.
 - c. Ngāi Tai ki Tāmaki – The Crown hopes this settlement will lead to a new relationship that fulfils the expectations of their tūpuna and mokopuna, a relationship marked by cooperation, partnership, and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

- d. Ngāti Pāoa – The Crown hopes that through this settlement it can rebuild the relationship that it established with Ngāti Pāoa in 1840, begin the process of healing and enter a new age of co-operation with their people.
 - e. Te Ākitai Waiohua – The Crown hopes that this settlement marks the beginning of a new relationship with Te Ākitai Waiohua, one based on partnership, trust, and mutual respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
41. The redress mechanisms provided for in the Treaty settlements should be viewed in the context of the above intentions.

Statutory acknowledgement

42. The Te Kawerau ā Maki Claims Settlement Act 2015 provides for a statutory acknowledgement over the Rangitōpuni Stream and tributaries. We have identified this as relevant to the project area because the project area drains to the Rangitōpuni Stream tributaries.
43. We note the project may involve earthworks and other construction activities, possibly on contaminated land, which have potential to result in sediment and other contaminants entering tributaries of the Rangitōpuni Stream.
44. The applicant states that management of any areas of potential contamination will be undertaken and designed into the proposal. Furthermore, the proposal seeks to limit earthworks and water diversion around the central raupō wetland and streams within the project area. The applicant advises that detailed erosion and sediment control plans for the works will be provided at the substantive application stage.
45. We have provided a map at **Attachment 4** showing the location of the project area in relation to the statutory acknowledgement. We have also included a statement of association regarding Rangitōpuni Stream from the Te Kawerau ā Maki deed of settlement at **Attachment 5**.
46. Under the RMA and relevant Treaty settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or affecting a statutory area:
- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and
 - b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.
47. The holder of a statutory acknowledgment may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the Environmental Protection Authority (EPA), board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
48. We consider the process of inviting comment (including providing information about the application) under the Act is comparable to the process under Treaty settlements and the RMA of providing those who hold statutory acknowledgements with a summary of the application. You have already invited Te Kawerau Iwi Settlement Trust, as the relevant

Treaty settlement entity, to comment on the application. Should you accept this referral application, this group will also be invited to comment by the panel on any substantive application for this project under section 53(2)(c) of the Act.

49. For your reference, we have included the relevant statutory acknowledgement provisions from the Te Kawerau ā Maki Claims Settlement Act 2015 at **Attachment 6**.

Conservation relationship redress

50. The Wildlife Act 1953 approvals which may be sought by the applicant are within scope of the conservation relationship redress provided through relevant Treaty settlements. Our advice is that these provisions are most relevant to the panel when considering a substantive application, as the decision-maker on the approvals.

Te Kawenata Taiao o Ngāti Whātua o Kaipara

51. The Ngāti Whātua o Kaipara deed of settlement provides for Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter. 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. DOC should also genuinely consider feedback, consider options to provide for that feedback and report back to the iwi on the decision.
52. 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 a 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.
53. We consider this process may be able to be accommodated within the panel’s consideration of a substantive application under the Act. Ngāti Whātua o Kaipara has already been identified earlier in this report as a relevant Treaty settlement entity to be invited for comment by the panel on the application under section 53(2)(c) of the Act. The process outlined above might require more active engagement with Ngāti Whātua o Kaipara than an invitation to comment, but it 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. Further detail on Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter is at **Attachment 7**.
54. We note that the Ngāti Whātua o Kaipara settlement pre-dated the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. The Ngāti Whātua o Kaipara deed of settlement notes that there will be further negotiations between the Crown and

representatives of tangata whenua in relation to conservation management in the Auckland conservancy.

Ngāi Tai ki Tāmaki conservation relationship agreement

55. The Ngāi Tai ki Tāmaki deed of settlement provides for a conservation relationship agreement with DOC. This relationship agreement requires DOC to consult with Ngāi Tai ki Tāmaki on applications for statutory authorisations in their area of interest, through a process consistent with consultation provisions in the conservation relationship agreement in the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed.² We have included the relevant excerpt from the Ngāi Tai ki Tāmaki conservation relationship agreement at **Attachment 8**.

56. 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, that 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 9**.³

Te Ākitai Waiohū conservation relationship agreement

57. The Te Ākitai Waiohū 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 Waiohū are seeking to work more closely with DOC. The agreement includes some general principles for involvement of Te Ākitai Waiohū 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. The Te Ākitai Waiohū conservation relationship agreement 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. Part A includes the consultation provisions for statutory authorisations outlined at **Attachment 9**.

Ngāti Pāoa conservation relationship agreement

58. The Ngāti Pāoa deed of settlement provides for a conservation relationship agreement between Ngāti Pāoa and DOC, but an agreement has not yet been entered into. However, Ngāti Pāoa are part of the Tāmaki Collective, therefore the relevant consultation process on statutory authorisations, including a wildlife authority, outlined in the Ngā Mana Whenua o Tāmaki Makaurau Conservation Relationship Agreement may apply.

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 Waiohū, Te Kawerau ā Maki, Te Patukirikiri, Te Rūnanga o Ngāti Whātua.

³ While 'statutory authorisations' is not defined in the Ngāi Tai ki Tāmaki conservation relationship agreement, the interpretation section states that the agreement is to be read in conjunction with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. Statutory authorisations are defined in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement as authorisations granted under the Conservation Act 1987 and the first schedule of that Act. Schedule 1 of the Conservation Act 1987 includes the Wildlife Act 1953.

Te Kawerau ā Maki

59. The Te Kawerau ā Maki settlement does not provide for any individual conservation relationship agreement or protocol with DOC, but as with Ngāti Pāoa, Te Kawerau ā Maki is also a party to the Ngā Mana Whenua o Tāmaki Makaurau collective redress.

Summary of advice

60. As noted above, we consider the conservation relationship agreement and protocol 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.

61. By way of reference to the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement, the Ngāi Tai ki Tāmaki conservation relationship agreement requires a consultation process for Wildlife Act 1953 approvals which would be partially met by inviting comments as per section 53(2) of the Act. To comply with all of the procedural requirements, and to thereby meet its obligations under clause 5 schedule 3 of the Act, the panel will need to consider how it could accommodate the iterative, 'back and forth' nature of the consultation processes required by the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. This might include the panel following the consultation process required by the Treaty settlement or seeking agreement to a modified arrangement with Ngāi Tai ki Tāmaki.

62. Unlike the Ngāi Tai ki Tāmaki conservation relationship agreement, it is less clear whether the more interactive consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement should be applied to other relevant members of the Tāmaki Collective, i.e. Ngāti Whātua o Kaipara, Ngāti Pāoa, Te Ākitai Waiohū, or Te Kawerau ā Maki. Bearing in mind section 7 of the Act, our view is that the panel may also want to consider whether it would be consistent with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to apply those same processes to consultation with all members of the Tāmaki Collective relevant to the project area.

63. 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 which includes a Wildlife Act 1953 approval to consider:

- a. how to comply with the consultation process set out in Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter when engaging with Ngāti Whātua o Kaipara;
- b. how to comply with the consultation process in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement in its engagement with Ngāi Tai ki Tāmaki; and

- c. whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to its engagement with other relevant Treaty settlement entities who are party to the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed.
64. 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

65. 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

66. 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

67. 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

68. Pursuant to section 17(1)(d) of the Act, on 29 June 2026 you invited written comments from the Māori groups identified above in paragraphs 21 to 27, from a list we previously provided you. These groups were provided with access to the application material and had 15 working days from receipt of the copy of the application to respond.
69. You received comments on the application from Te Kawerau Iwi Tiaki Trust on behalf of Te Kawerau ā Maki, which can be summarised as follows:
- a. Te Kawerau Iwi Tiaki Trust does not oppose this referral application, however, the Trust –
 - i. identifies potential effects on cultural values, including impacts on dark skies, productive soils, native flora and fauna, waterways and aquatic species, the coastal environment, archaeological sites, and the wider cultural landscape associated with Rangitoopuni Stream, Kaipara Moana (Harbour), and Te Wai Roa o Kahu (Upper Waitematā Harbour);
 - ii. considers these effects can likely be avoided, remedied, or mitigated through conditions if the substantive application addresses the Trust's concerns to the Trust's satisfaction; and
 - iii. recommends land-based disposal for wastewater treatment systems, additional native forest restoration, covenanting regenerating forest, minimising stream subdivision, and an archaeological survey of the project area.

70. We have provided a copy of the Te Kawerau Iwi Tiaki Trust comments at **Attachment 10**.

Consultation with departments

71. We have previously sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups in this area, and have incorporated their views into this report.

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

72. 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.

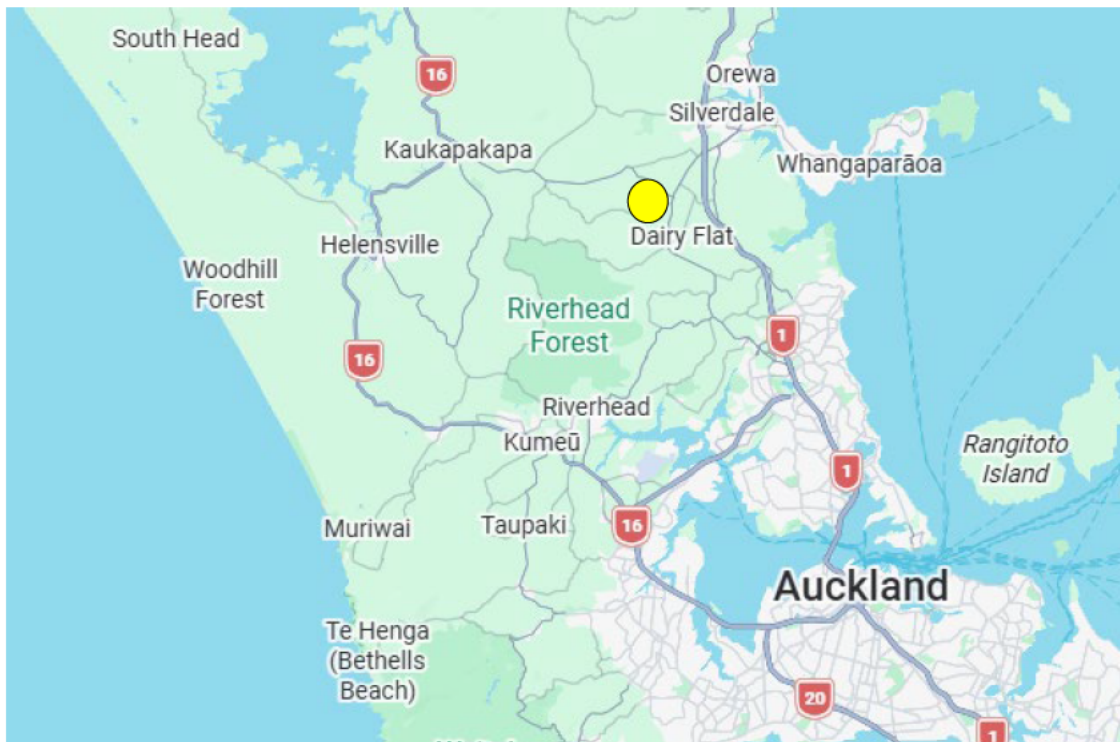
73. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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, consider a report that is prepared and provided by the responsible agency in accordance with this section.	11, 12
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	21, 25
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	37
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	38-64
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	27
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	28, 65
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.	28, 65
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).	29, 65
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).	30, 66
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).	32
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), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	34, 67

	(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.	35
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	68, 69
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.	73
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	71
18(4)	The responsible agency must provide the report to the Minister not later than 20 working days after the date for providing comments under section 17(6).	N/A
18(5)	However, if the Minister requests further information about a referral application under section 20, the time period specified in subsection (4) ceases to run for the period of time specified in the request.	N/A

Attachment 2: Project location maps



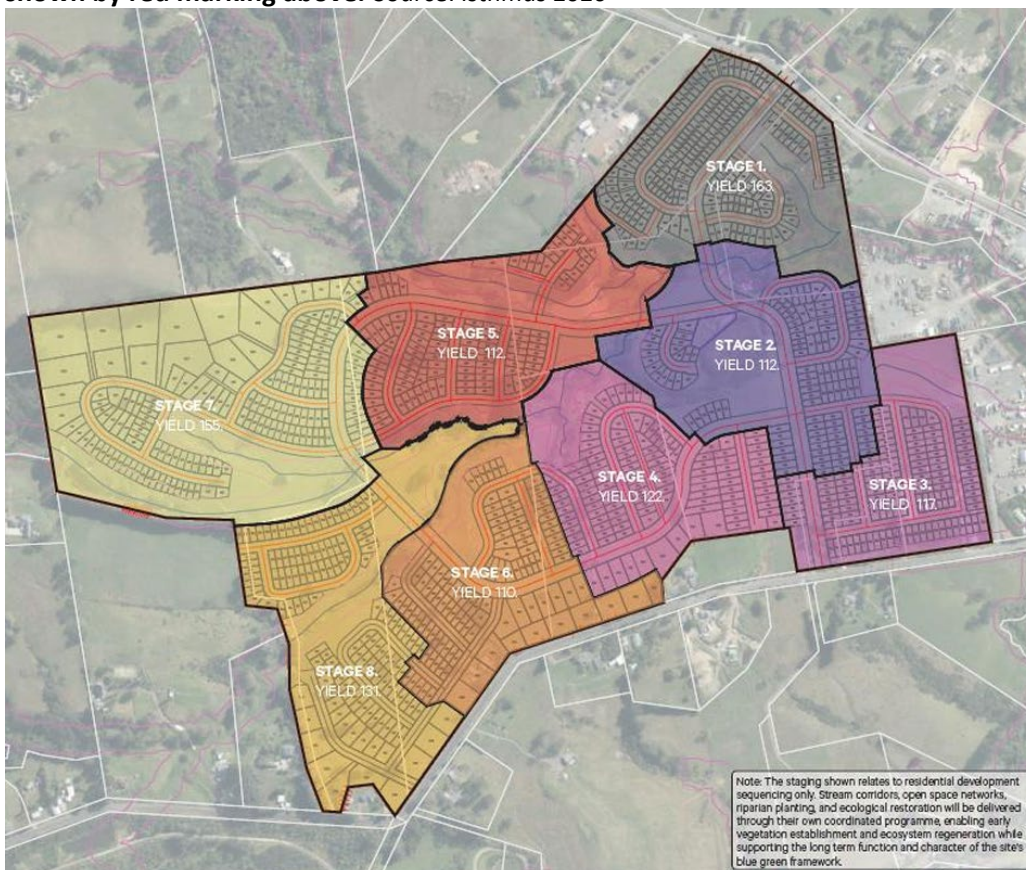
Map 1. Location of proposed Horseshoe Bush Road, Dairy Flat - Residential Development shown by yellow circle above.



Map 2. Local area – general location of proposed Horseshoe Bush Road, Dairy Flat - Residential Development shown by red marking above.



Map 3. Footprint of the proposed Horseshoe Bush Road, Dairy Flat - Residential Development shown by red marking above. Source: Isthmus 2026

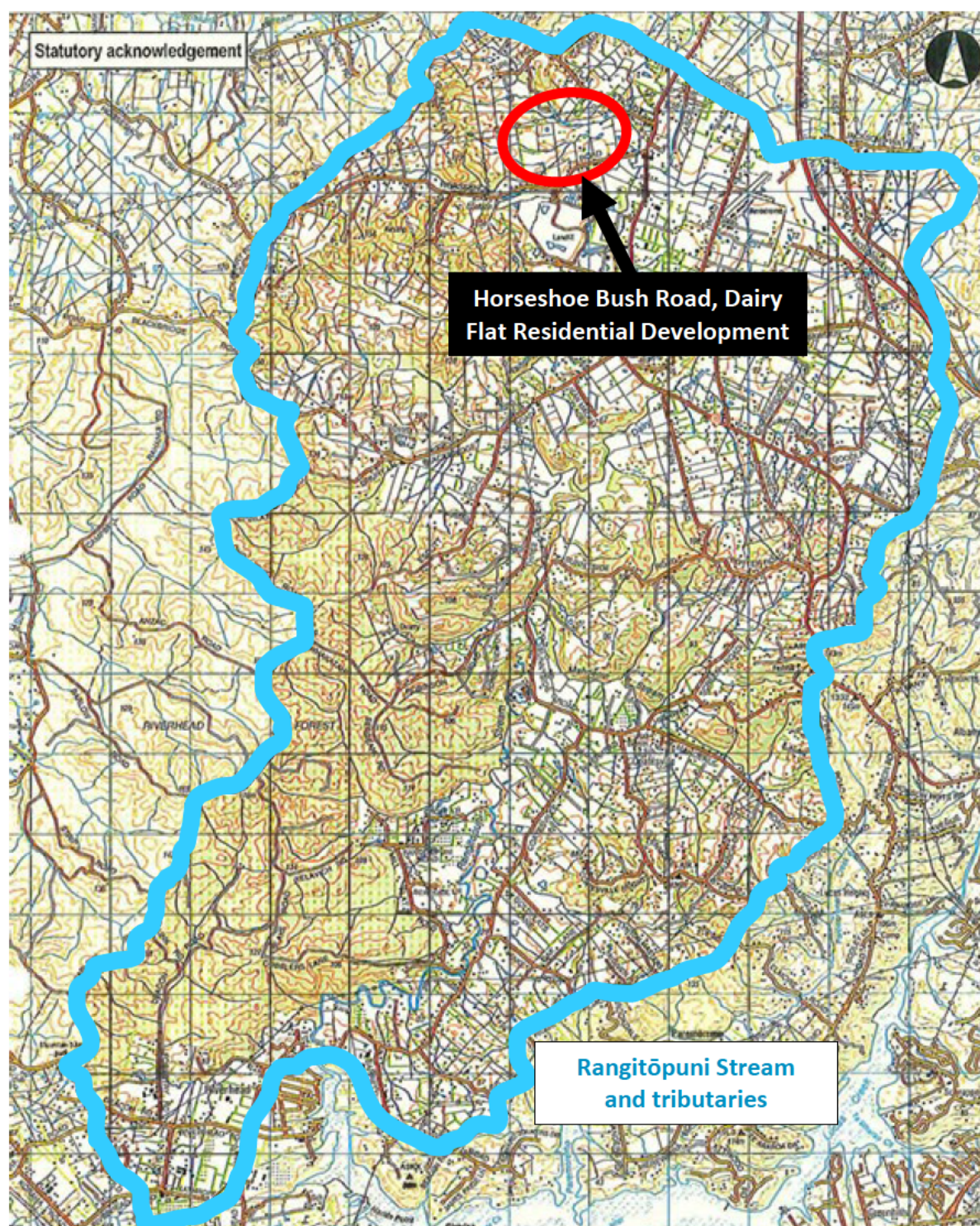


Map 4. Layout and staging of the proposed Horseshoe Bush Road, Dairy Flat – Residential Development. Source: Isthmus 2026

Attachment 3: List of relevant Māori groups

Name of group	FTAA section
Te Rūnanga o Ngāti Whātua	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
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)
Hako Tūpuna Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – deed recording on-account arrangements 30 June 2014), mandated entity (s18(2)(d))
Ngāti Maru Rūnanga Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – deed recording on-account arrangements 30 June 2014), mandated entity (s18(2)(d))
Ngāti Pāoa Iwi Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāti Pāoa Claims Settlement Act 2025)
Ngāi Tai ki Tāmaki Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāi Tai ki Tāmaki Claims Settlement Act 2018)
Ngāti Tamaterā Treaty Settlement Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – deed recording on-account arrangements 30 June 2014), mandated entity (s18(2)(d))
Te Kawerau Iwi Settlement 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))
Te Ākitai Waiohua Settlement Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d) – deed of settlement signed 12 November 2021)
Ngaati Whanaunga Incorporated Society	Iwi authority (s18(2)(a))
Ngaati Whanaunga Ruunanga 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))
Ngāti Te Ata Claims Support Whānau Trust	Iwi authority (s18(2)(a)), mandated entity (s18(2)(d))

Attachment 4: Map of statutory acknowledgement for Rangitōpuni Stream and tributaries.



Map 4. Location of project area (red marking) within the statutory area of Rangitōpuni Stream and tributaries statutory acknowledgement (blue marking).

Attachment 5: Statement of association for Rangitōpuni Stream from Te Kawerau ā Maki deed of settlement.

DOCUMENTS

4: STATEMENTS OF ASSOCIATION

RANGITOPUNI STREAM

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as Rangitōpuni Stream, or to Te Kawerau ā Maki as Manga Rangitōpuni, as shown on deed plan OTS-106-12.

Cultural, Spiritual, Historic and Traditional Association of Te Kawerau ā Maki with Manga Rangitōpuni.

Te Kawerau ā Maki hold significant historical, cultural and spiritual associations with Manga Rangitōpuni and its catchment. The Rangitōpuni Stream extends inland for approximately 15 kilometres from the head of the Waitematā Harbour at Riverhead to the extensive land block known as Pukeatua. Its large catchment is enclosed in the north-west by part of what is now Riverhead Forest and the high point of Te Ahu. In the north east the catchment covers the areas known as Pukekauere and Paeraorao, from which flows the tributary stream known as Huruhuru. On the east the catchment is enclosed by the sacred hill Pukeatua and the long ridgeline known as Heruroa. The main sub-catchment in this area is the Mahoenui Stream, which extends over the area now known as Coatesville. Within this catchment is located the wāhi tapu area known as Onehungahunga. At the south western edge of the catchment is the sacred hill known as Te Pane ō Poataniwha, named after the Te Kawerau ā Maki ancestor Poataniwha.

Within the southern portion of the stream catchment is the locality which gives the Rangitōpuni Stream its name. Here, in the early eighteenth century, Te Kawerau ā Maki concluded a series of peace making meetings with another tribe, in an event known as “Rangi tōpuni”, “the day of the (gifting of) the dog skin cloaks”.

Traditionally occupation was concentrated in the southern area of the catchment around the strategically important area of Rangitōpuni, now known as Riverhead. At the falls marking the outlet of the Rangitōpuni Stream were two kāinga (settlements) known as Taurangatira and Ōrangikānohi. The latter settlement was named after a Te Kawerau ā Maki ancestress. On the south-western edge of the lower catchment is the locality known as Papakoura, which is a reminder of the harvesting of the fresh water crayfish, and the wide array of food that was traditionally taken from the stream and its margins. Also located within this area of the Rangitōpuni Stream catchment are several localities of considerable historical importance, including Te Wā Tira, Rakau Tūrua, Kaiakeake and Moaruku. These places are of particular significance to Te Kawerau ā Maki as they are linked with the tradition “Ruarangi haerere”, associated with the ancestor Ruarangi and his eventful journey from Tāmaki Makaurau to Kaipara.

The entire document can be found at this link (from page 4): [Te Kawerau ā Maki Deed of Settlement Schedule - Documents 22 Feb 2014](#)

Attachment 6: Statutory Acknowledgement provisions from Te Kawerau ā Maki Claims Settlement Act 2015

28 Statutory acknowledgement by the Crown

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

29 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with [sections 30 to 32](#); and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with [sections 33 and 34](#); and
- (c) to enable the trustees and any member of Te Kawerau ā Maki to cite the statutory acknowledgement as evidence of the association of Te Kawerau ā Maki with a statutory area, in accordance with [section 35](#).

30 Relevant consent authorities to have regard to statutory acknowledgement

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

31 Environment Court to have regard to statutory acknowledgement

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

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

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

33 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
 - (a) a copy of [sections 28 to 32](#), [34](#), and [35](#); and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of [Schedule 1](#) of the Resource Management Act 1991.

34 Provision of summary or notice to trustees

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

35 Use of statutory acknowledgement

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

The entire Settlement Act can be found at this link: [Te Kawerau ā Maki Claims Settlement Act 2015 | New Zealand Legislation](#)

Attachment 7: Excerpts 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.
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 Taiao 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 [Ngāti Whātua o Kaipara Deed of Settlement Schedule - Documents 9 Sep 2011](#) (pages 3-27)

Attachment 8: Excerpt from Ngāi Tai ki Tāmaki conservation relationship agreement

7. STATUTORY AUTHORISATIONS

- 7.1 The Department will carry out consultation with Ngāi Tai ki Tāmaki, through its Kaitiakitanga Roopu, concerning applications for statutory authorisations within their area of interest consistent with the process set out in clause 11 of the Ngā Mana Whenua o Tāmaki Makaurau Conservation Relationship Agreement.
- 7.2 Ngāi Tai ki Tāmaki has strong interests in exploring the following types of opportunities for concessions that involve public conservation land:
- 7.2.1 Hikoi o Te Motu/ Guided walking tours on Rangitoto, Motutapu, Motuihenga, Motukorea, Waiheke, public conservation land in the southern Hunua and Maungauika (while under the Department's administration);
 - 7.2.2 Hikoi o Te Moana/Guided kayak or waka tours on the Gulf (including marine mammal and native coastal bird watching permits);
 - 7.2.3 glamping or hosted camping on Hauraki motu;
 - 7.2.4 hosting of sporting events; and
 - 7.2.5 hosting of cultural events eg Matariki.

The entire document can be found at this link (from page 48): [Ngāi Tai ki Tāmaki Deed of Settlement Documents Schedule 7 Nov 2015](#)

Attachment 9: Excerpts from the Ngā Mana Whenua o Tāmaki Makaurau 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.

23 CONSULTATION

23.1 Where consultation is undertaken with Ngā Mana Whenua, the Department will:

- a) Ensure that Ngā Mana Whenua or the relevant iwi/hapū are consulted as soon as reasonably practicable following the identification of the proposal or issues to be the subject of the consultation;
- b) Provide Ngā Mana Whenua or the relevant iwi/hapū with sufficient information and time to make informed comments and/or submissions in relation to any of the matters that are subject of the consultation;
- c) Approach the consultation with an open mind and genuinely consider any views and/or concerns that Ngā Mana Whenua or the relevant iwi/hapū may have in relation to any of the matters that are subject to the consultation; and
- d) Report back to Ngā Mana Whenua or the relevant iwi/hapū Governance Entity on any decision that is made.

23.2 Where Ngā Mana Whenua participates in consultation under this Relationship Agreement, Ngā Mana Whenua will provide to the Department information on the nature of the Ngā Mana Whenua interest and the views of Ngā Mana Whenua in relation to the proposal or issue upon which they are being consulted.

The entire document can be found at this link [Tāmaki Makaurau Collective Redress Deed Schedule - Documents 5 Dec 2012](#) (pages18-36)

Attachment 10: Comments received from Te Kawerau Iwi Trust

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Horseshoe Bush Road, Dairy Flat – FTAA-2605-1241
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Te Kawerau Iwi Tiaki Trust		
*First name	Tanya		
*Last name	Sorrell		
Postal address	1 Smythe Road Henderson 0612		
*Contact phone number	s 9(2)(a)	Alternative	
*Email	s 9(2)(a)		

2. Please provide your comments on this application
If you need more space, please attach additional pages. Please include your name, page numbers and the project name on the additional pages.
Comments on following pages

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Managers signoff



Ashleigh McDonald

Date: 15/07/2026

Pou Taiao – Environment Manager
Te Kawerau Iwi Tiaki Trust



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1 Smythe Road
Auckland 0612
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Lincoln North, Henderson
www.tekawerau.iwi.nz
tiaki@tekawerau.iwi.nz

15 July 2026

Environmental Protection Authority

Via Fast Track portal

RE: Horseshoe Bush Road, Dairy Flat – FTA Referral Stage Comments

Thank you for the opportunity to make comments on the referral of this application. At this stage we have undertaken a desktop assessment of the potential impacts that might arise for our cultural values as a result of this project. What follows is a short-form screening and advisory report that does not include the detailed identification and history of all cultural sites and resources in the area or a detailed analysis of impacts or effects to these. It should provide enough information to inform the referral decision.

VALUES

Te Kawerau ā Maki are the Hikurangi (West Auckland) based iwi with shared interests over the northern half of the Auckland region (particularly the North Shore). Our origins arise from the first inhabitants of the land - the Tūrehu, through successive peoples, to the establishment of Te Kawerau as a tribal group by our eponymous tupuna Maki around 1600 CE. Our rohe or area of shared ancestral interest extends from Whatipu to Waionui (South Head) in the west, and from the Tāmaki River to Mangawhai on the east including the northern inner Hauraki Gulf islands (particularly Tiritiri Matangi). Te Kawerau ā Maki rights and interests are protected under Te Tiriti o Waitangi and through legislation including the Te Kawerau ā Maki Claims Settlement Act 2015. Our values hinge around the core concepts of mana, mauri, wairua, tapu, noa, and whakapapa as expressed through our mātauranga and tikanga. We remain kaitiaki (guardians) over our taonga (valued things) and our participation in resource management is required by legislation and policy.

This development sits within the takiwā of Te Whenua Roa o Kahu, in an area now known as Dairy Flat. It sits close to the upper reaches of Rangitōpuni Stream, which flows south west toward Te Wai Roa o Kahu (the upper Waitemātā Harbour). The development is proposed within undulating land that slopes downward from an area of hills, incised by tributaries of Rangitōpuni.

The following table includes a high-level assessment of cultural values and their potential impacts.

Cultural Domain (Resource)	Potentially Impacted	Description of Impact (Mana, Mauri, Wairua, Tapu)
RANGINUI (dark skies, stars, rain, light)	☒	Impacts to mana, mauri and wairua of uri Kawerau, communities, night-time ecology, and the cultural landscape through the effects of increased light pollution on dark skies and the visibility of key tohu in the night sky.

PAPATŪĀNUKU (productive soils, geologic features, minerals, landform)	☒	Significant earthworks will be required to establish development platforms, roads and service corridors. This could affect the mauri of the landscape through changes to the underlying landform. At least one of the maunga near the site has a name in Te Kawerau ā Maki records (Pukeatua). Sightlines and spatial connectivity to local puke/maunga are also at risk from the development. This could reduce the mana of these landforms and the mana of the wider landscape.
TĀNE (native terrestrial flora and fauna)	☒	Impacts to mauri of the wider takiwā due to the permanent reduction in the amount of land available in the north-west wildlife corridor for future restoration. Birds, bats, and other species rely on areas of native bush to support migration between pest-free islands in the Hauraki Gulf (home to Kawerau pā) and Te Wao Nui a Tiriwa (the great forest of Tiriwa of the Waitakere Ranges). Potentially beneficial impacts to mauri due to the extension and revegetation of stream esplanade reserves with native species. Possible risks to mauri of native species who often live in grasses and exotic trees (e.g. lizards and bats) To be investigated at substantive phase.
PARAWHENUAMEA (fresh waterways, waterbodies, native aquatic flora and fauna)	☒	Potential impacts to mauri of Rangitōpuni stream from Wastewater discharge that isn't fully filtered through land. Potential impacts to mauri from sediment contamination due to earthworks and construction near Rangitōpuni Stream. Potential preservation/long-term improvement of mauri for the tributary streams in the development due to increased riparian planting and eventual incorporation into the public stormwater network.
TANGAROA (sea, coastline, native marine flora and fauna)	☒	Potential to contribute to cumulative impacts on the mauri of Te Wai Roa o Kahu (a customary food basket for Te Kawerau ā Maki) from wastewater, sediment and other contaminants. The upper harbour is already under pressure from contamination from outdated septic systems, sediment, roading and other sources flowing into it from its tributary streams.
TĀWHIRIMĀTEA (air quality)	☐	Provided dust from construction is managed, there is not likely to be a significant effect in this domain.



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TŪMATAUENGA (wāhi tapu, wāhi tupuna, marae, papakāinga, mahi toi, presence/visibility of Te Kawerau on the site)	☒	Sits within a rich cultural landscape that sustained Te Kawerau hapū alongside whakapapa connections to other iwi. The site is walking distance from ancestral ara (pathways) linking the area from north to south and to both the east and west coast. Not far from portage routes to/from Kaipara Moana accessible via Rangitōpuni Stream. The area would likely have been heavily forested. Te Kawerau ā Maki commercial redress land at Rangitōpuni/Riverhead is located about 8km southwest of the site. Little archaeological survey has been done in the area and so there are no archaeological records relating to Māori use and occupation on or near the site. This does not mean an absence of sites. Potential impacts on the mauri of cultural heritage is unclear at this time.
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We do not oppose this application moving to the substantive application phase; however we do have matters that must be considered to address potential effects on our cultural values. If the substantive application is able to address these matters to our satisfaction then it is likely we will be able to avoid, remedy or mitigate adverse cultural effects through conditions.

Recommendations

- Wastewater: The wastewater treatment plant proposed for the development MUST be discharged to land before entering any stream. Our tikanga does not support wastewater (even where treated to a high standard) to be discharged directly to water bodies.
- We support the overall landscape approach set out in the Masterplan by Isthmus, which focuses on a revegetated riparian network surrounded by open space (which also coincides with floodplains). We consider that more restoration of ngahere (native forest) could be incorporated into the development, bearing in mind the North-West wildlife link and the pre-colonial character of the area. One way to do this is to conceive of the hillside lots in Stage 7 as "bush lots" with covenanted regenerating forest planted outside of building platforms.
- We generally do not support the subdivision of natural streams as it hinders kaitiakitanga; their ability to be maintained and cared for over time. Therefore, we support the proposal to keep the tributary streams in as few lots as possible, conceived of as essential stormwater infrastructure and transferrable to another responsible party. Provision for the ongoing care and maintenance of riparian vegetation will need to be considered.
- Cultural landscape/cultural heritage: We request that the substantive application include the results of an archaeological survey of the area so that the likelihood for discovery of archaeological sites related to Māori use and occupation can be better understood. We would be interested in participating in site visits with the archaeologist doing the work.
- Cultural landscape: We would like to be involved in updating the landscape plan to consider the wider cultural landscape of Te Kawerau and the descendants of Maki and Rotu. This might include amendments that address matters such as key sightlines to maunga, relationships to Rangitōpuni stream, ancestral ara (pathways) and other cultural sites. We are happy to work with related iwi on this endeavour.