



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

Project Name: FTAA-2502-1019 Drury Metropolitan Centre – Consolidated Stage 1 and Stage 2

To:	Date:
Panel Convener, Jane Borthwick	27/05/2025

Number of attachments: 5	Attachments: <ol style="list-style-type: none">1. Provisions of section 18 of the Fast-track Approvals Act 20242. Project location map3. List of relevant Māori groups4. Hingaia Stream statutory acknowledgement5. Statutory acknowledgement provisions from Ngāti Tamaoho Claims Settlement Act 2018
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Ministry for the Environment contacts:

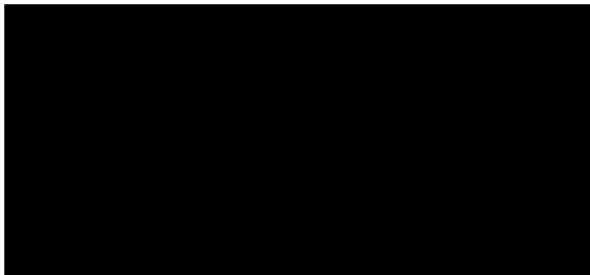
Position	Name	Cell phone	1 st contact
Principal Author	Julian Jackson		
Manager, Delivery	Stephanie Frame	██████████	✓
General Manager, Delivery & Operations	Ilana Miller	██████████	

Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2503-1038 Drury Metropolitan Centre – Consolidated Stage 1 and Stage 2.
2. The applicant, Kiwi Property Holdings No.2 Limited (Kiwi Property), proposes a mixed-use housing and land development project comprising retail, commercial, community, residential and visitor accommodation activities on a 49-hectare site at the southern edge of the Drury urban area, South Auckland. The land is owned by Kiwi Property. The applicant only seeks approvals in relation to the Resource Management Act 1991 (RMA), these being for land use, subdivision, stream works, stormwater discharges, and other matters.

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 seventeen 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; Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāti Paoa deed of settlement, and Te Ākitai Waiohūa deed of settlement.
5. The Ngāti Tamaoho Claims Settlement Act 2018 includes a statutory acknowledgement over Hingaia Stream and its tributaries. The project area is located entirely within the Hingaia Stream catchment. The statutory acknowledgement obliges a consent authority (in this case the expert panel) to provide a summary of the application to the holder of the statutory acknowledgement (Ngāti Tamaoho Settlement Trust) and the consent authority must have regard to the statutory acknowledgement in its decision making.
6. The applicant has engaged with Māori groups, including Ngāti Tamaoho, regarding the proposed development.
7. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature



Ilana Miller
General Manager – Delivery and Operations

Introduction

8. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3)(a) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
9. 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; and
 - b. the relevant principles and provisions in Treaty settlements and other arrangements.
10. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

11. The applicant, Kiwi Property Holdings No.2 Limited (Kiwi Property), proposes a mixed-use housing and land development on a 49-hectare site at the southern edge of the Drury urban area, South Auckland. The Proposal is to amend Stage 1 and to obtain all necessary resource consents in respect of Stage 2 of the Drury Metropolitan Centre Project, involving: subdivision of superlots on Stage 1; the construction and operation of retail, commercial, community, residential and visitor accommodation activities with associated buildings and ancillary car parking on Stage 2; bulk earthworks to enable the Project; and the construction and installation of reticulation networks and roading infrastructure to service the Project.
12. The approvals being sought are only in relation to the RMA for land use, subdivision, stream works including diversion, stormwater management and discharges, land disturbance, reclamation, and other consents. The land in the project area is owned by Kiwi Property.
13. We have provided a location map at **Attachment 2**.

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

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

Iwi authorities

15. 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. Te Ākitai Waiohua Waka Taua Inc, representing Te Ākitai Waiohua;
 - c. Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho;
 - d. Ngāti Paoa Iwi Trust, representing Ngāti Paoa;
 - e. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
 - f. Ngāti Tamaterā Settlement Trust, representing Ngāti Tamaterā;
 - g. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga;

- h. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata;
- i. Hako Tūpuna Trust, representing Ngāti Hako;
- j. Te Whakakitenga o Waikato Incorporated, representing Waikato-Tainui.

Treaty settlement entities

16. 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).

17. 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;
- b. Ngāti Tamaoho Settlement Trust, PSGE for the Ngāti Tamaoho Claims Settlement Act 2018; and
- c. Tūpuna Taonga o Tāmaki Makaurau Trust / Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGEs for Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

18. 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 Paoa 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. Ngāti Maru Rūnanga Trust, PSGE for Ngāti Maru (Hauraki), deed of settlement initialled 8 September 2017;
- c. Ngāti Tamaterā Settlement Trust, PSGE for deed of settlement initialled 20 September 2017;
- d. Ngaati Whanaunga Ruunanga Trust, PSGE for deed of settlement initialled 25 August 2017;
- e. Te Ākitai Waiohua Settlement Trust, PSGE for deed of settlement signed 2 December 2021;
- f. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, PSGEs for deed of settlement initialled 27 July 2018; and
- g. Te Whakakitenga o Waikato Incorporated, representing Waikato-Tainui (remaining claims).

Groups mandated to negotiate Treaty settlements

19. In addition to the PSGEs identified at paragraph 18, 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. Hako Tūpuna Trust, representing Ngāti Hako, Agreement in Principle signed 22 July 2011;
 - b. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata, Terms of Negotiation signed 29 June 2011; and
 - c. Ngāti Koheriki Claims Committee, representing Ngāti Koheriki, Crown Recognition of Mandate 26 June 2013;

Takutai Moana groups and ngā hapū o Ngāti Porou

20. 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.
21. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

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

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

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

23. 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.
24. 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

25. 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.
26. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there are no parties to these arrangements to identify. We note that in 2018, Ngāi Tai ki Tāmaki initiated negotiations

with Auckland Council to develop a Mana Whakahono ā Rohe, but an agreement has yet to be reached.

Any other Māori groups with relevant interests

27. In addition to the groups above, we have also identified Hauraki Māori Trust Board and Te Ahiwaru o Waiohua as Māori groups which may have relevant interests.
28. The applicant contacted Te Ahiwaru o Waiohua in the early stages of the project. Te Ahiwaru Trust and Makaurau Marae Māori Trust, which are based in Māngere and represent Te Ahiwaru o Waiohua hapū interests, are not iwi authorities or Treaty settlement entities/negotiating groups. We are bringing this to your attention as there are other marae and groups closer to the project area. However, we are including Te Ahiwaru o Waiohua for completeness.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

29. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
30. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
 - a. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
 - b. Ngāti Tamaoho Claims Settlement Act 2018;
 - c. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
 - d. Ngāti Pāoa Claims Settlement Bill 2022 (passed second reading 11 April 2024), deed of settlement signed 20 March 2021; and
 - e. Te Ākitai Waiohua deed of settlement signed 2 December 2021.

Relevant principles and provisions

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

Crown acknowledgements and apologies

32. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.
33. As part of its apologies to Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Waikato-Tainui, Ngāti Paoa, and Te Ākitai Waiohua, the Crown stated that it looked forward to building a new relationship with these groups based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Statutory acknowledgment

34. The Ngāti Tamaoho Claims Settlement Act 2018 includes a statutory acknowledgement over the Hingaia Stream and its tributaries. We have included a map at **Attachment 4** showing the location of the project area in relation to the Hingaia Stream statutory acknowledgement. We have also included statutory acknowledgement provisions from the Ngāti Tamaoho Claims Settlement Act 2018 at **Attachment 5**.
35. The proposed development lies entirely within the Hingaia Stream catchment. The wetlands and waterways within the project area flow into Hingaia Stream, including site runoff and proposed stormwater systems draining directly to the Hingaia Stream. Furthermore, the applicant indicates the project will involve land disturbance, earth works, streamworks including channel diversion, roading and other construction activities within, around or in close proximity to Hingaia Stream or waterways and drainage surfaces flowing into it.
36. Statutory acknowledgements are an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area'). 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.¹
37. 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 EPA, board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
38. Under section 53(2)(c) of the Act, the panel must direct the EPA to invite written comments on a substantive application from any relevant Treaty settlement entities including, to avoid doubt, an entity that has an interest under a Treaty settlement (or an entity operating in a collective arrangement provided for under a Treaty settlement) within the area to which the application relates. Those invited to comment, including relevant Treaty settlement entities, will be provided access to the application information.
39. Ngāti Tamaoho has been identified earlier in this report as a relevant Treaty settlement entity to be invited for comment by the panel under section 53(2)(c) of the Act. We consider the process of inviting comment (including providing information about the application) is comparable to the process under Treaty settlements and the RMA of providing those who hold statutory acknowledgements with a summary of the application. This does not prevent the panel from inviting other relevant Māori groups, such as the others identified in this report, to comment on the application.
40. We note the applicant has engaged with Ngāti Tamaoho regarding the project and proposes to implement a suite of plans to manage construction activities in relation to

¹ In addition to consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga must also have regard to statutory acknowledgements in relation to some of their processes.

wetlands and waterways including a Construction Management Plan, Chemical Treatment Management Plan, Erosion and Sediment Control Management Plan, Streamworks Methodology Plan, and Ecological Management Plans.

41. Finally, we also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

42. 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

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

Mana Whakahono ā Rohe/Joint management agreement

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

Consultation with departments

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

Attachment 1: 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.	Not applicable to substantive applications – s 18 report is required by s 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	15-18
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	30
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	31-41
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	19
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	42
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.	20, 42
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).	21, 42
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaimai 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).	22, 43
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).	23
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),	25-26

	<ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. (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.	27-28
18(2)(l)	<p>A summary of—</p> <ul style="list-style-type: none"> (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups 	Not applicable to substantive applications
18(2)(m)	The responsible agency's advice on whether, 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.	Not applicable to substantive applications
18(3)	<p>In preparing the report required by this section, the responsible agency must—</p> <ul style="list-style-type: none"> (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. 	<p>47 (Section 18(3)(a))</p> <p>Section 18(3)(b) not applicable to substantive applications</p>
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	Not applicable to substantive applications

Attachment 2: Project location map

Location of Drury Metropolitan Centre indicated by yellow circle below



Footprint of Drury Metropolitan Centre indicated by yellow outline below



Attachment 3: List of relevant Māori groups

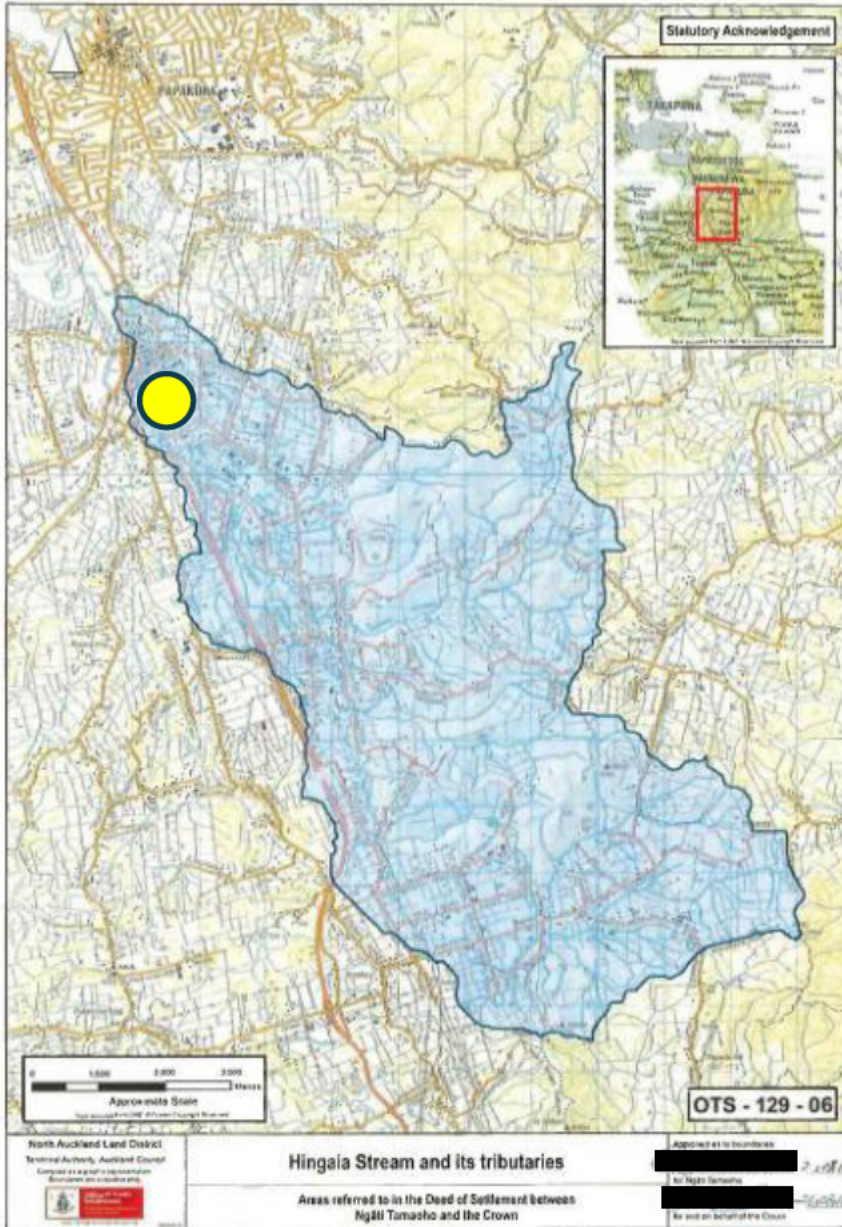
Name of group	Type of group (section of Act)	Contact persons	Contact email
Ngāi Tai ki Tāmaki Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāi Tai ki Tāmaki Claims Settlement Act 2018)	Rewa Brown, Chair	[REDACTED]
Te Ākitai Waiohua Waka Taua Inc	iwi authority (s18(2)(a))	Nigel Denny Snr, Chair	[REDACTED]
Ngāti Tamaoho Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāti Tamaoho Claims Settlement Act 2018)	Karleen Puriri	[REDACTED]
Ngāti Paoa Iwi Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Herearoha Skipper, Chair	[REDACTED]
Ngāti Maru Rūnanga Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Waati Ngamane, Chair	[REDACTED]
Ngāti Tamaterā Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Michelle Wilson, CE	[REDACTED]
Ngaati Whanaunga Incorporated Society	iwi authority (s18(2)(a))	Boni Renata, GM	[REDACTED]
Ngāti Te Ata Claims Support Whānau Trust	iwi authority (s18(2)(a)), mandated entity (s18(2)(d))	Josie Smith, Chair	[REDACTED]
Te Ākitai Waiohua Settlement Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Karen Wilson, Chair	[REDACTED]
Hako Tūpuna Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	John Linstead	[REDACTED]
Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Paul Majurey, Chair	[REDACTED]

Ngaati Whanaunga Ruunanga Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))	Boni Renata, GM	[REDACTED]
Ngāti Koheriki Claims Committee	Mandated entity (s18(2)(d))	Kiwi Johnson	[REDACTED]
Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	Treaty settlement entity (s18(2)(a)), other Māori groups with relevant interests (s18(2)(k))	Paul Majurey, Chair	[REDACTED]
Te Whakakitenga o Waikato Incorporated	Treaty settlement entity (s18(2)(a)), Mandated entity (s18(2)(d)), other Māori groups with relevant interests (s18(2)(k))	Jaedyn Falwasser	[REDACTED]
Hauraki Māori Trust Board	other Māori groups with relevant interests (s18(2)(k))	David Taipari, Chair	[REDACTED]
Te Ahiwaru Trust	other Māori groups with relevant interests (s18(2)(k))	Stephanie Tawha, GM	[REDACTED]

Attachment 4: Hingaia Stream Statutory Acknowledgement

Location of Drury Metropolitan Centre indicated by yellow circle below

Hingaia Stream and its tributaries (OTS-129-06)



Attachment 5: Statutory acknowledgement provisions from Ngāti Tamaoho Claims Settlement Act 2018

Subpart 2—Statutory acknowledgement and deed of recognition

28 Interpretation

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statement of association, for a statutory area, means the statement—

- (a) made by Ngāti Tamaoho of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 1 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 29 in respect of the statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 1, the general location of which is indicated on the deed plan for that area

statutory plan—

- (a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and
- (b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

29 Statutory acknowledgement by the Crown

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

30 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 31 to 33; 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 34 and 35; and
- (c) to enable the trustees and any member of Ngāti Tamaoho to cite the statutory acknowledgement as evidence of the association of Ngāti Tamaoho with a statutory area, in accordance with section 36.

31 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.

32 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.

33 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.

34 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 29 to 33, 35, and 36; 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.

35 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 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.

36 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāti Tamaoho may, as evidence of the association of Ngāti Tamaoho 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 Ngāti Tamaoho are precluded from stating that Ngāti Tamaoho 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.