

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

Project Name: FTAA-2502-1009 Maitahi Village

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

Number of attachments: 4	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Project location map List of relevant Māori groups Statutory acknowledgement provisions
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Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
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General Manager, Delivery & Operations	Ilana Miller	██████████	

Key points

- As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act), in relation to the Maitahi Village substantive application.
- The applicant, CCKV Maitai Dev Co Limited Partnership, proposes to develop an approximately 66-hectare site into 184 residential allotments to the east of Nelson City. The land is owned by the applicant, and the application seeks multiple approvals under the RMA. The application is a substantive application for a listed project under the Act.
- Section 18(2) of the Act requires that this report identify all relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Those groups may also be invited by the panel to comment on the application under section 53(2) of the Act.
- Treaty settlements that are relevant to the project area include Treaty settlement Acts and signed Treaty settlement deeds (where Treaty settlement Acts have yet to be passed). Treaty settlement Acts that have been identified as being relevant to application are: the Ngāti Toa Rangatira Claims Settlement Act 2014; Ngāti Koata, Ngāti Rārua, Ngāti Tama

ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Maui Claims Settlement Act 2014; and Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014. We have not identified any relevant signed Treaty settlement deeds that do not yet have Treaty settlement Acts.

5. We have identified statutory acknowledgements, deeds of recognition and redress relating to the establishment of a River and Freshwater Advisory Committee, provided for by the Treaty settlement Acts listed above, as potentially relating to this application. However, we consider statutory acknowledgements to be the provisions of most direct relevance.
6. Under the RMA, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder.
7. Section 7 of the Act requires the panel and other decision makers to act consistently with existing Treaty settlements and recognised customary rights under MACA. Under section 53(2) of the Act, the panel is required to invite comment from all Treaty settlement entities (defined below), which includes those with statutory acknowledgements.
8. We consider the process of inviting comment (including providing information about the application) is comparable to the process under the RMA and Treaty settlements where local authorities are required to have regard to statutory acknowledgements when considering who is an affected person for a consent application.
9. We have not identified any documents that the panel must give the same or equivalent effect to under section 82, or procedural requirements that the panel must comply with under schedule 3, clause 5 of the Act.

Signature

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Ilana Miller
General Manager – Delivery and Operations

Introduction

10. 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)).
11. 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. relevant principles and provisions in Treaty settlements and other arrangements.
12. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

13. The applicant, CCKV Maitai Dev Co Limited Partnership, proposes to develop an approximately 66-hectare site into 184 residential allotments (including 10-50 houses for Ngāti Koata, one allotment for commercial use, and allotments for development of a retirement village), to the east of Nelson City. The land, at 7 Ralphine Way, Maitai Valley, is owned by the applicant. The application seeks multiple approvals under the RMA, including for demolition, earthworks, water diversion, stormwater discharge, and subdivision.
14. We have provided a location map at **Attachment 2**.

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

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

Iwi authorities

16. We consider the following groups to be the relevant iwi authorities for the project:
 - a. Te Rūnanga o Toa Rangatira Inc, representing Ngāti Toa Rangatira;
 - b. Te Ātiawa o Te Waka-a-Māui Trust, representing Te Ātiawa o Te Waka-a-Māui;
 - c. Ngāti Apa ki Te Rā Tō Charitable Trust, representing Ngāti Apa ki Te Rā Tō;
 - d. Rangitāne o Wairau Settlement Trust, representing Rangitāne o Wairau;
 - e. Te Rūnanga o Ngāti Kuia Trust, representing Ngāti Kuia;
 - f. Ngāti Rārua Settlement Trust, representing Ngāti Rārua;
 - g. Te Pātaka a Ngāti Kōata, representing Te Ngāti Kōata; and
 - h. Ngāti Tama ki Te Waipounamu Trust, representing Ngāti Tama ki Te Tau Ihu.

Treaty settlement entities

17. Under section 4(1) of the Act, “Treaty settlement entity” means any of the following:
 - (a) a post-settlement governance entity (PSGE):

- (b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act;
- (c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood;
- (d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004);
- (e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).

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

- a. Te Rūnanga o Toa Rangatira Inc, representing Ngāti Toa Rangatira, as PSGE for the Ngāti Toa Rangatira Claims Settlement Act 2014;
- b. Te Ātiawa o Te Waka-a-Māui Trust, representing Te Ātiawa o Te Waka-a-Māui, as PSGE for the Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Maui Claims Settlement Act 2014;
- c. Ngāti Apa ki Te Rā Tō Post-Settlement Trust, representing Ngāti Apa ki Te Rā Tō, as PSGE for the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014;
- d. Rangitāne o Wairau Settlement Trust, representing Rangitāne o Wairau, as PSGE for the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014;
- e. Te Rūnanga o Ngāti Kuia Trust, representing Ngāti Kuia, as PSGE for the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014;
- f. Ngāti Rārua Settlement Trust, representing Ngāti Rārua, as PSGE for the Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Maui Claims Settlement Act 2014;
- g. Te Pātaka a Ngāti Kōata, representing Te Ngāti Kōata, as PSGE for the Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Maui Claims Settlement Act 2014; and
- h. Ngāti Tama ki Te Waipounamu Trust, representing Ngāti Tama ki Te Tau Ihu, as PSGE for the Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Maui Claims Settlement Act 2014.

19. The applicant advises they have consulted with all eight Treaty settlements entities. Ngāti Koata are a partner in the development through its subsidiary Koata Ltd, and it is proposed that up to 50 dwellings will be available for Māori housing, in addition to a planned cultural base for Ngāti Koata ('Te Whare o Te Koata').

Groups mandated to negotiate Treaty settlements

20. There are no groups which have recognised mandates to negotiate a Treaty settlement over an area which may include the project area, as the area is considered settled in relation to historical claims.

Takutai Moana groups and ngā hapū o Ngāti Porou

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

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

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

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

24. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5 (1)(a) is not an ineligible activity if it:
 - a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
 - b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.
25. This project does not involve an activity described in section 23(1)(a) and (b) of the Act.

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

26. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that are parties to these arrangements.
27. We have not identified any Mana Whakahono ā Rohe or joint management agreement that are relevant to the project area, and accordingly there no parties to these arrangements to identify.

Any other Māori groups with relevant interests

28. We consider Wakatū Incorporation, customary Māori landowners in the region (comprising descendants of Ngāti Koata, Ngāti Rārua, Ngāti Tama, and Te Ātiawa), may be another Māori group with relevant interests.

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. Ngāti Toa Rangatira Claims Settlement Act 2014;
 - b. Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Maui Claims Settlement Act 2014; and
 - c. Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014.

Relevant principles and provisions

31. 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. In its apology to all eight groups represented across the three Treaty settlement Acts identified above, the Crown stated that it looks forward to building a new relationship with these groups based on mutual trust, co-operation, and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. Treaty settlement redress should be viewed in the context of these important principles.

Statutory acknowledgements

33. The project area is adjacent to the Maitai River, and incorporates part of Kākā Stream, a tributary of the Maitai. The application includes plans to re-align the already-modified Kākā Stream to its natural course and developing wetlands and undertaking planting to address the historical degradation of the stream. The project may have implications for the Kākā Stream and Maitai River outside the immediate project area.
34. Seven of the eight relevant Treaty settlement entities identified at paragraph 18 have a statutory acknowledgement over the Maitai River and its tributaries. The exception is Ngāti Apa ki te Rā Tō.
35. A statutory acknowledgement is 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 settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or directly 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.
38. 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 Environment Court, Heritage New Zealand Pouhere Taonga, the EPA, or a board of inquiry), which may, in turn, take that statutory acknowledgement into account.
 39. Section 7 of the Act provides that persons exercising functions and powers under the Act must act consistently with existing Treaty settlements and recognised customary rights. 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.
 40. Those with statutory acknowledgements over the Maitai River and its tributaries (Ngāti Toa Rangatira, Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Maui, Ngāti Kuia, and Rangitāne o Wairau) have been identified earlier in this report as relevant Treaty settlement entities 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.
 41. For your reference, we have provided an example of the statutory acknowledgement provisions from one of the Treaty settlement Acts referred to above at **Attachment 4** (this is relatively standard drafting reflected across the settlements).

Deeds of recognition

42. In addition to a statutory acknowledgement, Ngāti Toa Rangatira, Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Maui, Ngāti Kuia, and Rangitāne o Wairau also have a deed of recognition over the Maitai River and its tributaries.
43. A deed of recognition may be entered into between a PSGE and the Crown agency managing any statutory area for which a statutory acknowledgment has been agreed. In this instance, the seven PSGEs with statutory acknowledgements over the Maitai River and its tributaries have separate deeds of recognition with the Minister of Conservation and the Director-General of Conservation, and the Commissioner of Crown Lands, over those parts of the bed of the river and its tributaries that are held and managed by the Department of Conservation (DOC) and Land Information New Zealand (LINZ) respectively. The deed of recognition requires the relevant Crown agency to consult with, and have regard to the views of, the relevant PSGE when undertaking specified activities relating to the statutory area. These activities primarily relate to the preparation of management plans or strategies, but may also include developing structures, or considering applications for rights of use or occupation, for example.
44. We do not consider these provisions are relevant to this application, as neither DOC or LINZ are undertaking any of the activities covered by the deeds of recognition, nor is the

applicant seeking use rights or occupation in relation to the Crown-owned parts of the riverbed.

River and Freshwater Advisory Committee

45. The three Treaty settlement Acts referred to at paragraph 30 also provide for the establishment of a River and Freshwater Advisory Committee. The purpose of the committee is to provide advice in relation to the management of the rivers and fresh water within the regions of the relevant councils (Marlborough District Council, Nelson City Council, and Tasman District Council). This committee would comprise representatives of all eight Te Tau Ihu PSGEs referred to at paragraph 18. If invited by any of the relevant councils, the committee may provide written advice in relation to the management of rivers and freshwater within the region, before that council prepares, notifies or makes decisions on an RMA policy statement or plan. The relevant council must have regard to the advice provided by the committee if it is within the parameters set out in the settlement legislation.
46. We understand that the River and Freshwater Advisory Committee has yet to be established. In addition, we do not consider that the provisions relating to the committee would be relevant for this application, as it does not relate to Nelson City Council activities in relation to a proposed policy statement or plan (although if it had been established, the Treaty settlement Acts also enable the committee to provide written advice to the council on any other matter in relation to the RMA, by agreement).
47. Finally, we 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

48. 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

49. 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

50. 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 and Ministers

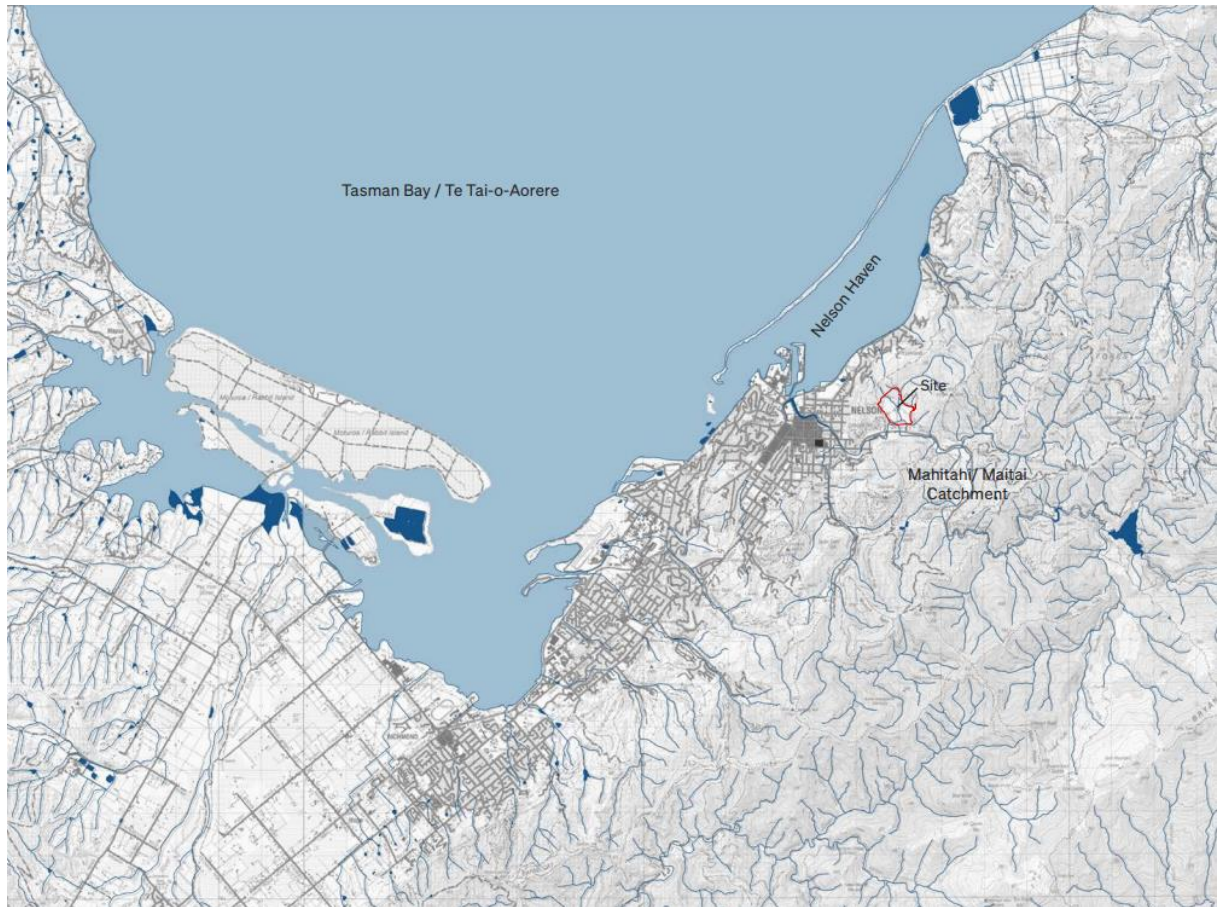
51. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri regarding the relevant Māori groups and have incorporated their views into this report.

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 s49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	16-19
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	29-30
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	31-47
18A(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	20
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	21, 48
198(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	21, 48
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	22, 48
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	23, 49
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	24-25
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),	26-27, 50

	<p>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements; and</p> <p>(ii) the relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.</p>	
18(2)(k)	Any other Māori groups with relevant interests.	28
18(2)(l)	<p>A summary of—</p> <p>(i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e);</p> <p>(ii) any further information received by the Minister from those groups</p>	Not applicable to substantive applications
18 (2)(m)	The responsible agency's advice on whether there are significant rights and interests identified in the report and, as a result, it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	Not applicable to substantive applications
18(3)	<p>In preparing the report required by this section, the responsible agency must—</p> <p>(a) consult relevant departments; and</p> <p>(b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.</p>	Section 18(3)(b) not applicable to substantive applications
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



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Rūnanga o Toa Rangatira Inc	Iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a))	Debbie Rene (RMA contact)	[REDACTED] [REDACTED]
Te Ātiawa o Te Waka-a-Māui Trust	Iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a))	Rachel Hāte (Chair)	[REDACTED]
Ngāti Apa ki Te Rā Tō Charitable Trust	Iwi authority (s18(2)(a))	Jen Skilton (RMA contact)	[REDACTED]
Ngāti Apa ki Te Rā Tō Post-Settlement Trust	Treaty settlement entity (s18(2)(a))	Hinemoa Conner (Chair)	[REDACTED]
Rangitāne o Wairau Settlement Trust	Iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a))	Janis de Thierry (Co-Chair)	[REDACTED]
Te Rūnanga o Ngāti Kuia Trust	Iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a))	Lewis Smith (RMA contact)	[REDACTED] [REDACTED]
Ngāti Rārua Settlement Trust	Iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a))	Rowena Cudby (RMA contact)	[REDACTED] [REDACTED]
Te Pātaka a Ngāti Kōata	Iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a))	Caroline Palmer (Chair)	[REDACTED]
Ngāti Tama ki Te Waipounamu Trust	Iwi authority (s18(2)(a); Treaty settlement entity (s18(2)(a))	Dayreen Stephens (RMA contact)	[REDACTED] [REDACTED]
Wakatū Incorporation	Any other relevant Māori group (s18(2)(k))	Joe Hanita (CE)	[REDACTED]

Attachment 4: Statutory acknowledgement provisions from Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Maui Claims Settlement Act 2014

Subpart 2—Statutory acknowledgement and deeds of recognition

Statutory acknowledgement

40 Interpretation

- (1) In this Act, **statutory acknowledgement** means the acknowledgement made by the Crown in section 41 in respect of each statutory area, on the terms set out in this subpart.
- (2) In this subpart,—
coastal statutory area means the statutory area described in Schedule 1 as Te Tau Ihu coastal marine area
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

relevant iwi, for a statutory area, means the 1 or more iwi listed in Schedule 1 as having an association with the statutory area

relevant trustees, for a statutory area, means the trustees of the settlement trust of each of the relevant iwi for the statutory area

statements of association means the statements—

- (a) made by the relevant iwi of their particular cultural, spiritual, historical, and traditional association with the statutory areas (except the coastal statutory area); and
- (b) that are in the form set out in part 2 (or, for Te Ātiawa o Te Waka-a-Māui, in part 1.3) of the documents schedule of each deed of settlement

statements of coastal values means the statements—

- (a) made by the relevant iwi of their particular values relating to the coastal statutory area; and
- (b) that are in the form set out in part 2.1 (or, for Te Ātiawa o Te Waka-a-Māui, in part 1.4) of the documents schedule of each deed of settlement

statutory area means an area described in Schedule 1, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

41 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association and the statements of coastal values.

42 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, as provided for in sections 43 to 45; and
- (b) to require relevant consent authorities to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the relevant trustees, as provided for in section 47; and
- (c) to enable the relevant trustees and members of the relevant iwi to cite the statutory acknowledgement as evidence of the iwi's association with a statutory area, as provided for in section 48.

Section 42(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

43 Relevant consent authorities to have regard to statutory acknowledgement

- (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the relevant

trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.

- (2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

44 Environment Court to have regard to statutory acknowledgement

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

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

- (1) If, on or after the effective date, an application is 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,—
 - (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
 - (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.
- (2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 45: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

46 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) the relevant provisions of sections 40 to 49 in full; and

- (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) any statements of association or statements of coastal values for the statutory areas.
- (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.

47 Provision of summaries or notices of certain applications to relevant trustees

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the relevant 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) The information provided in a summary of an application 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 relevant trustees and the relevant consent authority.
- (3) A summary of an application must be provided under subsection (1)(a)—
 - (a) as soon as is reasonably practicable after the consent authority receives the application; but
 - (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice of an application must be provided under subsection (1)(b) no later than 10 working days after the day on which the consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation,—
 - (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or
 - (b) under section 95E of that Act, to decide whether the relevant trustees are affected persons in relation to an activity.

48 Use of statutory acknowledgement

- (1) The relevant trustees and any member of the relevant iwi may, as evidence of the iwi's association with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.
- (2) The content of a statement of association or statement of coastal values is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) relevant consent authorities;
 - (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991;
 - (c) the Environment Court;
 - (d) Heritage New Zealand Pouhere Taonga;
 - (e) parties to proceedings before those bodies;
 - (f) 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 relevant trustees nor members of a relevant iwi are precluded from stating that the iwi 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.

Section 48(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 48(2)(d): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

49 Relevant trustees may waive rights

- (1) The relevant trustees may waive the right to be provided with summaries, and copies of notices, of resource consent applications under section 47 in relation to a statutory area.
- (2) The relevant trustees may waive the right to have a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga have regard to the statutory acknowledgement under sections 43 to 45 in relation to the coastal statutory area.
- (3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga stating—

- (a) the scope of the waiver; and
 - (b) the period for which it applies.
- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Section 49(2): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 49(3): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).