Ministry for Cities, Environment, Regions & Transport

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

Project Name: FTAA-2606-1247 Whangapouri Road

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	18 September 2026

Number of attachments: 8	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location map 3. List of relevant Māori groups 4. Ngāti Tamaoho statutory acknowledgement provisions – Oira Creek and coastal marine area 5. Te Ākitai Waiohua coastal statutory acknowledgement provisions 6. Excerpt from Ngā Mana Whenua o Tāmaki Makaurau Collective conservation relationship agreement 7. Excerpt from Ngāi Tai ki Tāmaki conservation relationship agreement 8. Comments received from invited Māori groups

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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-2606-1247 Whangapouri Road referral application.
2. The applicant, Whangapouri Drury Limited, proposes to develop an approximately 99.58-hectare site into a residential development on the northern side of State Highway 22 in the Drury West area of Auckland. The project comprises approximately 1,050-1,150 dwellings, including approximately 850-950 residential dwellings of mixed lot size and density and approximately 200 retirement village dwellings, a local centre, and associated infrastructure. The applicant is seeking approvals under the Act which would otherwise be sought under the Resource Management Act 1991 (RMA), Wildlife Act 1953, and Freshwater Fisheries Regulations 1983.

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. Some groups have settled while others are still in settlement negotiations with the Crown for both individual group and collective redress. Accordingly, there are a number of relevant Māori groups for this project area, which we have listed at **Attachment 3**.

4. The Treaty settlements and other arrangements relevant to the project area are the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāti Tamaoho Claims Settlement Act 2018, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, and the Te Ākitai Waiohua deed of settlement.

5. The Ngāti Tamaoho Claims Settlement Act 2018 provided for a statutory acknowledgement over Oira Creek and its tributaries, which incorporates the project area. Further, the Ngāti Tamaoho and Te Ākitai Waiohua settlements provide for statutory acknowledgements over the nearby marine and coastal area, which may also be affected by the proposed activities.

6. Under the RMA and the relevant Treaty settlements, 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. We consider the process of inviting comment (including providing information about the application) from these groups under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements.

7. The Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, and the Ngāi Tai ki Tāmaki, Ngāti Tamaoho, and Te Ākitai Waiohua settlements, include conservation relationship redress which contains procedural requirements in relation to the approvals being sought under the Wildlife Act 1953. 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 to:

    a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 approvals being sought (unless a modified arrangement can be agreed); and

    b. consider whether, and how, 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.

8. You received comments on the referral application from Te Whakakitenga o Waikato, on behalf of Waikato-Tainui. Waikato-Tainui reserves its position on the application at the referral stage but note a number of matters of importance to them which should be addressed if the project is advanced to the substantive phase. This includes further consideration of the effects on freshwater and marine systems of the proposed three waters servicing strategy, loss of highly productive land and the cumulative effect of land use change, and how cultural values and engagement with mana whenua are reflected in the development.

9. 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



Stephanie Frame
Manager – Fast-track Operations

Introduction

10. 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).

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;

    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.

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, Whangapouri Drury Limited, proposes to develop an approximately 99.58-hectare site into a residential development on the northern side of State Highway 22 near the intersection with Whangapouri Road and Bycroft Road, in the Drury West area of Auckland. The project comprises approximately 1,050-1,150 dwellings, including approximately 850-950 residential dwellings of mixed lot size and density, and approximately 200 retirement village dwellings. The project also includes a local centre in the northern portion of the development to provide opportunities for mixed use and employment activities, and associated infrastructure.

14. The applicant is seeking approvals under the Act which would otherwise be sought under the RMA (including subdivision, earthworks, diversion of river or stream, stormwater discharge, wastewater discharge), Wildlife Act 1953 (relocation of skinks), and Freshwater Fisheries Regulations 1983 (complex freshwater fisheries activity approvals). The applicant has an arrangement in place with the private landowners to undertake the works set out in the referral application on their behalf.

15. We have provided location maps at **Attachment 2**.

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

16. 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

17. 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*.

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

    a. Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho;

b. Te Ākitai Waiohua Waka Taua Inc., representing Te Ākitai Waiohua;

c. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;

d. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata;

e. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;

f. Ngāti Tamaterā Treaty Settlement Trust; and

g. Te Whakakitenga o Waikato, representing Waikato-Tainui.

Treaty settlement entities

19. 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).

20. 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).

21. 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]

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

a. Ngāti Tamaoho Settlement Trust, PSGE for the Ngāti Tamaoho Claims Settlement Act 2108;

[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.

b. Ngāi Tai ki Tāmaki Trust; PSGE for the Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and

c. Tūpuna Taonga o Tāmaki Makaurau Trust/Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGEs for the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

23. 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. Te Ākitai Waiohua Settlement Trust, PSGE for Te Ākitai Waiohua deed of settlement (signed November 2021);

    b. Ngāti Maru Rūnanga Trust, PSGE for Ngāti Maru deed of settlement (initialled September 2017);

    c. Ngāti Tamaterā Treaty Settlement Trust; PSGE for Ngāti Tamaterā deed of settlement (initialled September 2017);

    d. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, PSGEs for Marutūāhu Iwi collective redress deed (initialled July 2018); and

    e. Te Whakakitenga o Waikato Incorporated, representing Waikato-Tainui (remaining claims).

Groups mandated to negotiate Treaty settlements

24. In addition to the PSGEs identified at paragraph 23, 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.

Takutai Moana groups and ngā hapū o Ngāti Porou

25. While the project area is close to a tidal stream which forms part of Manukau Harbour, it 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.

26. 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

27. The project area does not include a taiāpure-local fisheries area, mātaitai 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

28. 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.

29. 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

30. 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.

31. 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. We note that Ngāi Tai ki Tāmaki initiated negotiations for a Mana Whakahono ā Rohe with Auckland Council in 2018, but an agreement has not been finalised.

Any other Māori groups with relevant interests

32. In addition to most of the groups identified above, the applicant has consulted Te Ahiwaru Waiohua, so we have included them as another Māori group with relevant interests under section 18(2)(k) of the Act.

33. We have also included the following groups in this category, since their respective areas of interest, for Treaty settlement purposes, are nearby (but do not include) the project area:

a. Ngāti Pāoa Iwi Trust, representing Ngāti Pāoa; and

b. Hako Tūpuna Trust, representing Hako.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

34. 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.

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

a. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;

b. Ngāti Tamaoho Claims Settlement Act 2018;

c. Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and

d. Te Ākitai Waiohua deed of settlement, signed 12 November 2021.

Relevant principles and provisions

36. 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

37. 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.

38. Of potential relevance to this application, the Crown acknowledged the significance to Ngāti Tamaoho of the natural resources in their rohe, and that:

    a. the Crown has modified significant parts of the natural environment by clearing forest, draining wetlands, and diverting rivers for the construction of dams, which has resulted in the loss of mahinga kai and caused prejudice and distress to Ngāti Tamaoho;

    b. the modification and degradation of the environment has undermined the ability of Ngāti Tamaoho to exercise kaitiakitanga, manaakitanga and whanaungatanga and other rights and responsibilities; and

    c. the Crown has failed to provide and protect the special relationship of Ngāti Tamaoho with the wāhi tapu, culturally significant sites, and environmental reserves in their rohe.

39. Similarly, the Crown has acknowledged that the environmental degradation of Manukau Harbour and waterways by the industrial development of South Auckland has been a source of distress and grievance for Te Ākitai Waiohua that is still held today, and has caused significant harm to kaimoana sources relied upon by Te Ākitai Waiohua.

40. As part of its apologies to Ngāti Tamaoho, Ngāi Tai ki Tāmaki, 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 acknowledgements

41. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the ‘statutory area’).

42. The Ngāti Tamaoho Claims Settlement Act 2018 provides for a statutory acknowledgement over Oira Creek and its tributaries. The main branch of Oira Creek forms the eastern boundary of the project area for approximately half of its length. The northern part of the project area continues to follow Oira Creek but is separated by an unformed legal road/esplanade reserve. This part of Oira Creek forms part of the marine and coastal area. A tributary of Oira Creek also bisects the project area.

43. The Ngāti Tamaoho Claims Settlement Act 2018 and the Te Ākitai Waiohua deed of settlement include coastal statutory acknowledgements. The statutory areas for these acknowledgements include that part of Oira Creek which forms part of the marine and coastal area, a short distance from the project area.

44. Under the RMA and the 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. [2]

45. 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 Environmental Protection Authority, or a board of inquiry), which may, in turn, take that statutory acknowledgement into account.

46. The Oira Creek and tributaries statutory acknowledgement is relevant because the project area is within the statutory area. In addition, the proposed activities may directly affect both the Oira Creek and the nearby coastal statutory areas, including proposals for:

    a. the discharge of treated stormwater to overland flowpaths, streams and wetlands within the site, which will largely accord with existing catchments;

    b. a centralised wastewater treatment plant, with disposal of treated effluent via land to the marine and coastal area (the stream); and

    c. earthworks, diversion of water, or discharge of water within 100 metres of a natural wetland, and reclamation of streams and wetlands.

47. We consider the process of inviting comment (including providing information about the application) is comparable to the process under a Treaty settlement and the RMA of providing those who hold statutory acknowledgements with a summary of the application. You have already invited Ngāti Tamaoho and Te Ākitai Waiohua, as relevant iwi authorities and Treaty settlement entities, to comment on the application. Should you accept this referral application, these groups will also be invited for comment by the panel under section 53(2)(c) of the Act.

48. For your reference, we have provided the statutory acknowledgement provisions for Ngāti Tamaoho and Te Ākitai Waiohua, including the relevant statements of association and deed plans, at **Attachments 4 and 5** (respectively).[3]

Conservation relationship redress

49. The Wildlife Act 1953 approvals sought by the applicant in relation to the relocation of any skinks in the project area is within the scope of conservation relationship agreements provided for in the relevant Treaty settlements. Our advice is that these provisions are most

[2] 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.

[3] Since the statutory acknowledgements provisions are standard drafting across Treaty settlements, we have only provided the legislative provisions from the Ngāti Tamaoho Claims Settlement Act 2018.

relevant to the panel when considering a substantive application, as the decision-maker on the proposed approvals.

Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement

50. The Ngā Mana Whenua o Tāmaki Makaurau (also known as the Tāmaki Collective) collective redress deed provides for a relationship agreement with the Department of Conservation (DOC) which applies to the project area. [4] Amongst other matters, this relationship agreement enables Ngā Mana Whenua o Tāmaki Makaurau (represented by Tūpuna Taonga o Tāmaki Makaurau Trust) and DOC to identify categories of statutory authorisations that may have a high impact on the spiritual, ancestral, cultural, customary, and historic values of Nga Mana Whenua o Tāmaki Makaurau. While we cannot confirm whether the categories of statutory authorisations of significance have been agreed between Ngā Mana Whenua o Tāmaki Makaurau and DOC, under the terms of the relationship agreement this may include approvals under the Wildlife Act 1953 such as that sought by the applicant. [5]

51. 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 on identified categories of authorisation. That process includes the following specific steps:

    a. DOC notifies Ngā Mana Whenua of the application, timeframe for a decision and the timeframe for Ngā Mana Whenua response;

    b. Ngā Mana Whenua notify DOC of their response, interests, and views in relation to the proposal;

    c. DOC acknowledges how Ngā Mana Whenua interests and views will be included in the decision-making process;

    d. DOC will 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. DOC will record as part of a decision document the interests and views of Ngā Mana Whenua; and

    f. DOC will communicate its decision to Ngā Mana Whenua as soon as practicable after it is made.

52. More broadly, the principles to be followed by DOC when consulting Ngā Mana Whenua include:

    a. ensuring consultation takes place as soon as reasonably practicable;

    b. providing Ngā Mana Whenua with sufficient information to make informed comments and/or submissions;

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[4] 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 Waiohua, Te Kawerau ā Maki, Te Patukirikiri, Te Rūnanga o Ngāti Whātua.

[5] 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, but does not include the Fisheries Act 1996 which is the primary legislation for the Freshwater Fisheries Regulations 1983.

c. approaching consultation with an open mind and genuinely considering any views or concerns of Nga Mana Whenua; and

d. requiring the DOC to report back to Ngā Mana Whenua on decisions made.

53. Should you accept the application for referral, a panel considering any substantive application will need to consider how to accommodate the consultation procedures set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement as part of their consideration of a Wildlife Act 1953 authority sought by the applicant.

54. We have included the relevant excerpts from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement at **Attachment 6**.

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 agreement requires DOC to consult with Ngāi Tai ki Tāmaki on applications for statutory authorisations in their area of interest, including Wildlife Act 1953 approvals, through a process consistent with consultation provisions in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. We have included the relevant excerpt from the Ngāi Tai ki Tāmaki conservation relationship agreement at **Attachment 7**.

Ngāti Tamaoho conservation relationship agreement

56. The Ngāti Tamaoho deed of settlement provides for a conservation relationship agreement with DOC. This agreement includes statutory authorisations as one of a number of management activities where Ngāti Tamaoho are interested in working more closely with DOC, but there are no specific details on consultation processes. However, this 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 statutory authorisation provisions outlined at paragraph 51 and Part C includes the consultation principles at paragraph 52).

Te Ākitai Waiohua conservation relationship agreement

57. The Te Ākitai Waiohua deed of settlement provides for a conservation relationship agreement with DOC. This agreement includes taonga species and statutory authorisations amongst those activities where Te Ākitiai Waiohua are seeking to work more closely with DOC. The agreement includes some general principles for involvement of Te Ākitai Waiohua 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. As with the Ngāti Tamaoho conservation relationship agreement, the Te Ākitai Waiohua 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.

Summary of advice

58. As noted above, we consider the conservation relationship agreement 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.

59. The Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement requires a consultation process for Wildlife Act 1953 approvals which would be partially met by inviting comments from Tūpuna Taonga o Tāmaki Makaurau Trust 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 this consultation process or seeking agreement with Tūpuna Taonga o Tāmaki Makaurau Trust to a modified arrangement.

60. As members of the Tāmaki Collective, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, and Te Ākitai o Waiohua will be consulted on the proposed Wildlife Act 1953 authority through Tūpuna Taonga o Tāmaki Makaurau Trust, using whatever internal process is followed by the collective. In addition, all of these groups will be invited to comment on a substantive application as iwi authorities/Treaty settlement entities under section 53(2).

61. However, the panel may also need to consider whether to apply the more interactive consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to their engagement with each of the relevant iwi members of the collective.

62. This is most apparent in the case of Ngāi Tai ki Tāmaki, whose conservation relationship agreement states that DOC will carry out consultation with them "consistent with the process set out in clause 11 of the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement". It is less clear whether to apply those same processes to consultation with:

a. Ngāti Tamaoho, whose conservation relationship agreement is to be read in conjunction with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement; and

b. Te Ākitai Waiohua, whose conservation relationship agreement includes the same provision, but their settlement legislation has not yet passed (while the conservation relationship agreement is provided for by the deed of settlement rather than the settlement Act, its execution is subject to the passage of the legislation).

63. In considering this matter, the panel will need to balance the requirements of section 7 of the Act, to act in a manner consistent with Treaty settlements, with the procedural principles set out at section 10, to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being exercised.

64. 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 to:

a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 authority being sought (unless a modified arrangement can be agreed); and

b. consider whether, and how, 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.

Other redress

65. For your information, the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau (Te Tari Whakatau) advises there is a Treaty settlements landbank property on State Highway 22 at Drury, approximately 3 kilometres east of the project area. This property is currently not part of a Treaty settlement redress package or under negotiation, and we do not anticipate the application will have a significant impact on this property.

66. 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

67. 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

68. 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

69. 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

70. Pursuant to section 17(1)(d) of the Act, on 6 July 2026 you invited written comments from the Māori groups identified above in paragraphs 16-33, 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.

71. You received comments on the application from Te Whakakitenga o Waikato, representing Waikato-Tainui, which can be summarised as follows:

    a. given the scale and location of the proposed development, any substantive application should clearly demonstrate how cumulative effects associated with urban expansion have been addressed, including infrastructure provision, transport integration, freshwater outcomes, biodiversity, and landscape change;

    b. mana whenua values and input should continue to inform the development, particularly in relation to waterways, ecological restoration, and protection of areas of cultural importance;

c. the extent to which the National Policy Statement for Highly Productive Land 2022 applies to the site, including the balance between housing, social and economic benefits and the long-term effects of converting productive rural land, will need to be considered if the project is progressed to the substantive stage;

d. the potential effects of the proposed three waters servicing strategy need to be considered, including potential effects on freshwater and coastal receiving environments, the sustainability and resilience of the proposed water supply arrangements, the management of groundwater abstraction, and the long-term operation, maintenance, monitoring and governance of private wastewater and stormwater infrastructure;

e. the scale of the proposed development raises questions as to whether there is sufficient land to accommodate an onsite wastewater disposal field, which may have implications for environmental effects; and

f. further detail will be required regarding the scope and outcome of engagement with relevant iwi and hapū, including Ngāti Tamaoho and Ngāi Tai ki Tāmaki, and how this has informed the development.

72. Waikato-Tainui reserves its position on the application at the referral stage, but note that the matters identified above are important to Waikato-Tainui and should be addressed if the project is advanced to the substantive phase. In particular, further consideration should be given to the effects on freshwater and marine systems, loss of highly productive land and the cumulative effect of land use change, cultural and archaeological values within the project area, and alignment with Tai Tumu, Tai Pari, Tai Ao (Waikato-Tainui Environmental Plan).

73. We have provided a copy of these comments at **Attachment 8**.

Consultation with departments

74. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri and Te Tari Whakatau regarding the relevant Māori groups, 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

75. 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.

76. 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.

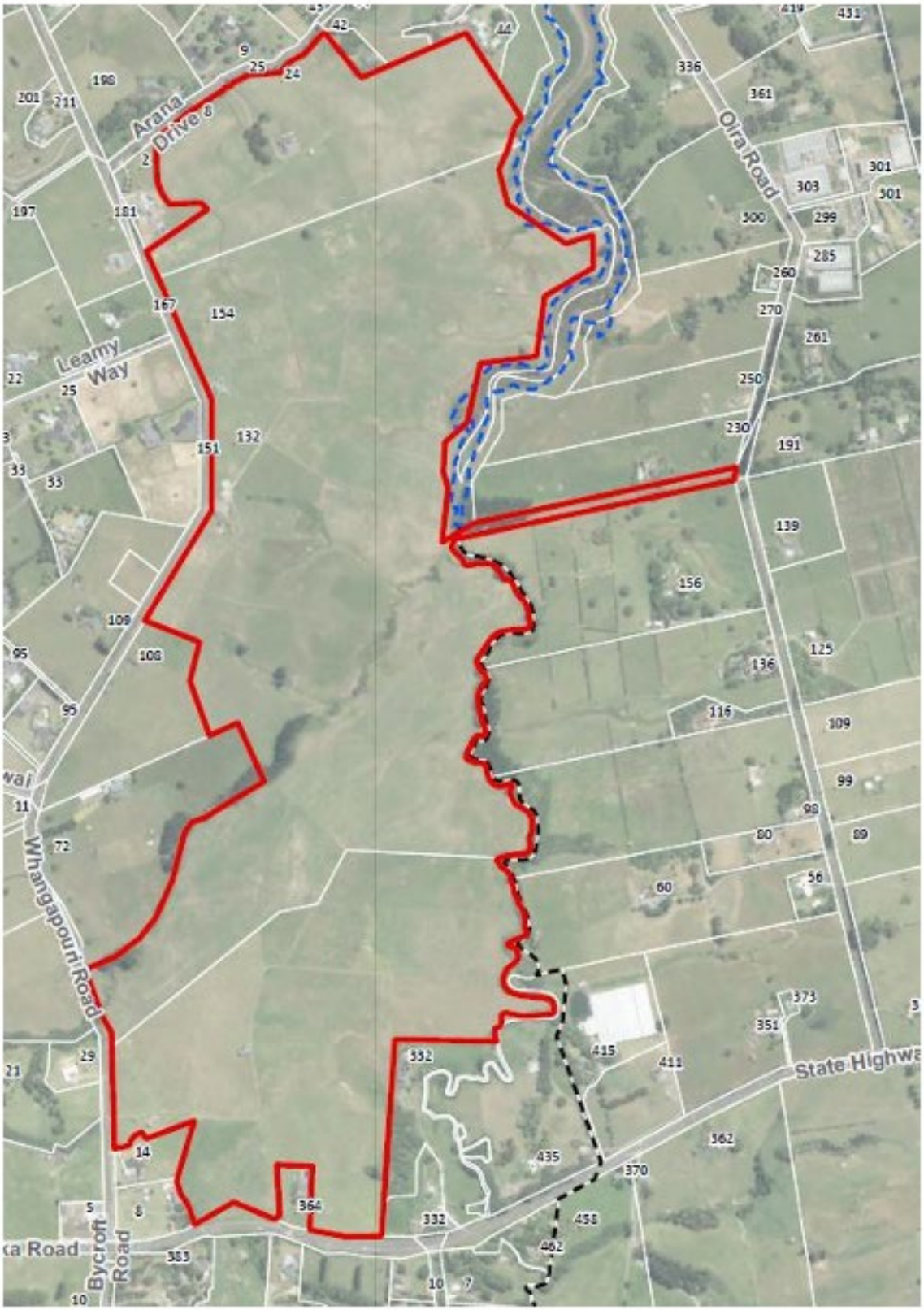
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

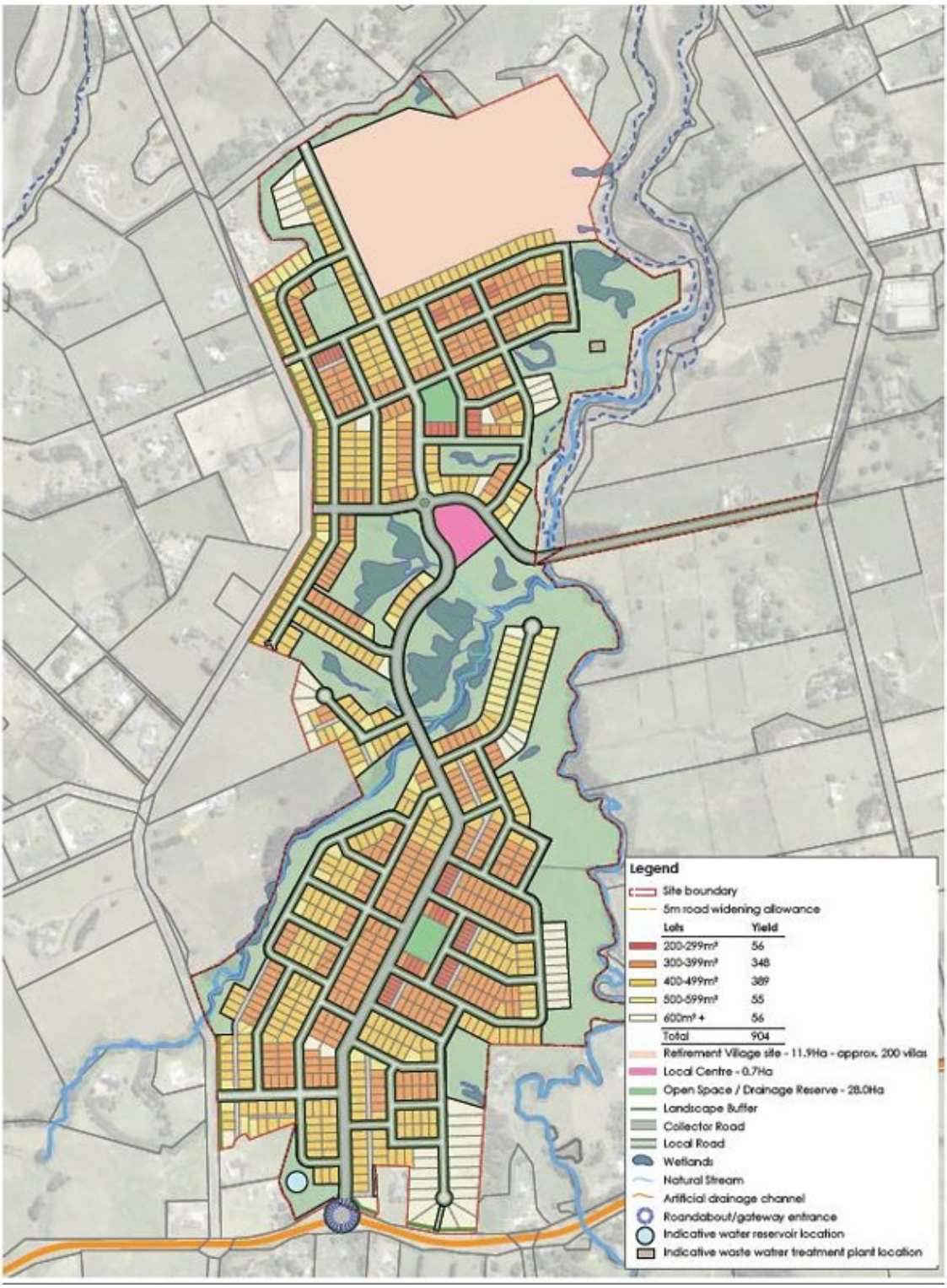
Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	10-12
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	17-23
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	34-35
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	36-66
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	24
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	25, 67
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.	25, 67
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).	26, 67
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaitai 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).	27
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).	28-29, 68
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.	30-31, 69

	(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.	32-33
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	70-73
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.	75-76
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	74
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




Arana Drive
Leamy Way
Whangapouri Road
Bycroft Road
Oira Road
State Highway
42
9
25
24
198
201
211
197
181
167
154
151
132
109
108
95
72
11
29
14
5
8
364
332
383
10
7
336
361
431
301
303
299
300
285
260
270
261
250
230
191
139
156
125
136
116
109
99
98
80
89
60
56
373
351
415
411
362
435
370
458
462


Legend
Site boundary
5m road widening allowance
Lots
Yield
200-299m²
56
300-399m²
348
400-499m²
389
500-599m²
55
600m² +
56
Total
904
Retirement Village site - 11.9Ha - approx. 200 villas
Local Centre - 0.7Ha
Open Space / Drainage Reserve - 28.0Ha
Landscape Buffer
Collector Road
Local Road
Wetlands
Natural Stream
Artificial drainage channel
Roundabout/gateway entrance
Indicative water reservoir location
Indicative waste watrer treatment plant location

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngāti Tamaoho Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāti Tamaoho Claims Settlement Act 2018)
Te Ākitai Waiohua Waka Taua Inc	iwi authority (s18(2)(a))
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 Maru Rūnanga Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Tamaterā Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Te Ata Claims Support Whānau Trust	iwi authority (s18(2)(a)), mandated entity (s18(2)(d))
Te Whakakitenga o Waikato Incorporated	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))
Te Ākitai Waiohua Settlement Trust	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	Treaty settlement entity (s18(2)(a))
Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership	Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))
Ngāti Koheriki Claims Committee	Mandated entity (s18(2)(d))
Ngāti Paoa Iwi Trust	Other group with relevant interests (s18(2)(k))
Hako Tūpuna Trust	Other group with relevant interests (s18(2)(k))
Te Ahiwaru Waiohua	Other group with relevant interests (s18(2)(k))

Attachment 4: Ngāti Tamaoho statutory acknowledgement provisions – Oira Creek and coastal marine area

Statutory acknowledgement provisions (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.

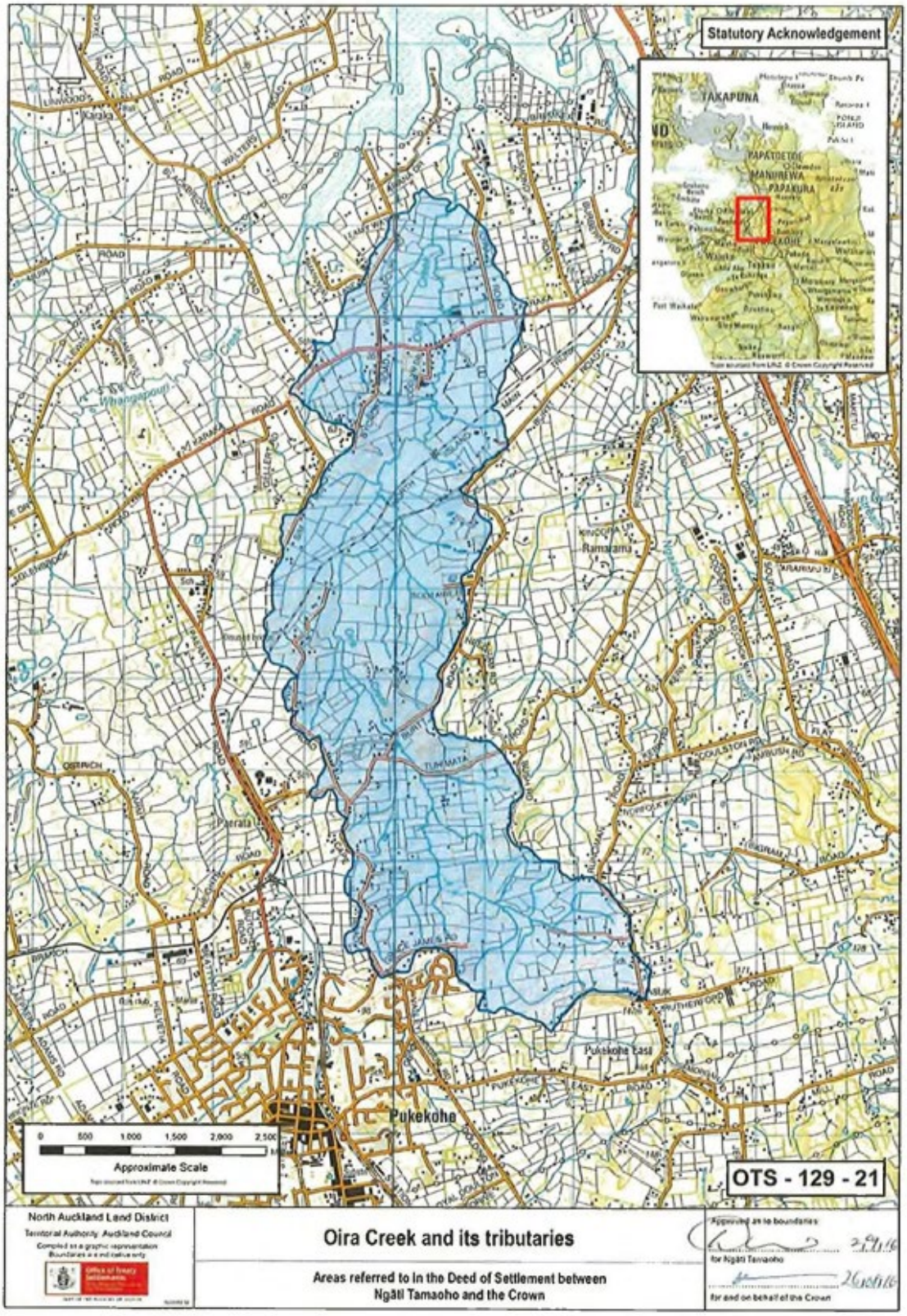
(3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.

(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.

Deed plan for Oira Creek and its tributaries statutory area (attachments schedule to deed of settlement)



Deed plan for coastal marine area of Manukau Harbour statutory area (attachments schedule to deed of settlement)



Excerpts from statements of association (documents schedule to deed of settlement)

SITES OF SIGNIFICANCE: PAHUREHURE INLET AND DRURY CREEK

Pahurehure Inlet and Marginal Strip

The Pahurehure Inlet and surrounding land is an area of great importance to Ngāti Tamaoho, both because of its proximity to the wider Te Manukanuka o Hoturoa (Manukau Harbour), as well as a major source of kai moana.

The Pahurehure Inlet was plentiful in kahawai, snapper, mullet and flounder with the shellfish banks providing mussels, pipi, pupu, oysters and the many other species that existed at that time. The salt waters of the Pahurehure Inlet were renowned for their shark and stingray populations. The adjacent Papakura Stream was home to freshwater whitebait species including the kōkopu, the kōara and the īnanga.

The use of the kai moana was guided by our tikanga and especially the spiritual importance of the tidal flows to our people. Over the course of centuries, our people have developed a highly complex body of tikanga which governs our relationship with this inlet and the use of its resources.

The Pahurehure Marginal Strip, and surrounding land contains several major pā and kāinga, numerous wāhi nohoanga, tauranga waka, mahinga kai and a major cultivation area for kumara (and later potato) and aruhe (fern root). One of the largest occupation sites was the Takirangaranga pa to the south east. Many other smaller occupation sites existed along the Pahurehure shoreline.

To the east of the marginal strip was the vast Mangapikopiko wetland. This wetland was an invaluable cultural and practical resource to our tūpuna who used it to collect rongoā and building materials as well as to fish, hunt waterfowl and gather other food. These wetland areas were important for their vegetation including kahikatea across the peninsula, with tōtara, karaka, taraire, pūriri, pukatea, kohekohe and tītoki found at better-drained locations. Along the wetland margins could be found valuable materials including harakeke, raupō and mānuka as well as food sources such as the mauku.

…

Drury Creek

Ngāti Tamaoho has strong cultural, traditional and historic links with the many awa of our rohe. These rivers are the life-blood of our ancestral lands and are the connecting tissue of our rohe and our hapū. Their use for travel, resources and kai was governed by our principles of tikanga and kaitiakitanga.

Whatakapa has many awa that converge with it. Each awa has a story and is a source of great mana as each waterway carries its own mauri. A water body with a healthy mauri will sustain healthy ecosystems, support cultural uses and mahinga kai.

Ngāti Tamaoho often built settlements at the mouths of rivers to benefit from their great wealth of kaimoana. Tuna were harvested with nets or weirs built across strategic parts of the rivers. Our tūpuna were experts at the sustainable use of the resources. Sometimes their use was shared and at other times it was used by other hapū on a reciprocal basis.

The lives of the people were closely intertwined with the quantity and quality of the freshwater that was available to them. It provided habitat and spawning grounds for native plants, bird and fish, building and weaving materials such as raupō and harakeke, and precious medicines and dyes.

Each awa is a source of pride and identity to our people, each with its own narrative. The protection of freshwater resources remains one of most important parts of the responsibilities of Ngāti Tamaoho as kaitiaki of the environment and our rohe. We continue as tangata whenua and kaitiaki of these places which remain an integral part of our tribal identity and a vital part of our story as a people.

Drury Creek is the culmination of several of Ngāti Tamaoho's most important awa including the Waipokapū (including Otuwairoa, Mangapū and Waihoehoe), Oira, Hingaia, Ngakoroa and Whangapouri located west of the Hingaia Peninsula at the headwaters of the Pahurehure Inlet. It is an awa of particular significance to our people as a cultural resource, travel route and wāhi tapu.

...

Oira Creek and its tributaries (as shown on deed plan OTS-129-21)

Oira Creek and its tributaries begins its journey just north of the modern town of Pukekohe. It then flows due north passing through the Manukau lowlands past Paerata bluff and other important Ngati Tamaoho sites. It continues north until eventually reaching the Drury Creek where it discharges into Te Manukanuka O Hoturoa (Manukau Harbour).

...

SITES OF SIGNIFICANCE: MANUKAU HARBOUR - TE MĀNUKANUKA O HOTUROA

Coastal Marine Area of Manukau Harbour (as shown on deed plan OTS-129-03)

Te Mānukanuka O Hoturoa (Manukau Harbour) is central to Ngāti Tamaoho's identity. We are a people born from the very waters of the harbour itself. It is an important part of our turangawaewae and central to our rohe. It features in all stages of our history and is a source of great mana to our people. Its traditional use as a fishing ground and transport and trade route is an essential part on our identity, as is our deep spiritual relationship with it.

The harbour's name recalls the travels of our tūpuna of the Tainui waka through these waters. Specifically, it speaks of the dangers encountered by Tainui commander Hoturoa at the harbour heads. More generally it speaks of the traditional history of the descendants of the crew of the Tainui who remain here today including Ngāti Tamaoho.

Our people's connection with the Manukau Harbour is illustrated by the story of Papaka, a tūpuna of Ngāti Tamaoho. There are several ways of telling of this korero, one of which we record here.

Papaka was a bailer on the Tainui waka as it arrived in Aoteroa. After being portaged from the Waitemata to the Manukau at Otahuhu, the Tainui set out across the harbour. Near the middle of the harbour Papaka was ejected from the waka and immediately swam to a sand bar where he survived on the plentiful kaimoana and kai ika of Te Mānuka.

In time Papaka became one with his surroundings. His children arose from the waters in human form and eventually intermarried with the Ngā Oho and Nā Iwi people already established there. As this story illustrates, we are a people begotten from the waters of the Manukau itself.

The harbour is also protected under the mana of Kaiwhare, taniwha and gaurdian of Te Mānukanuka O Hoturoa. Like the taniwha of Waikato, Te Mānuka is home to many taniwha including Haumia, Taramainuku and Papaka. These gaurdians protect the creatures, health and wairua of the waters.

The harbour itself is a diverse area including many important natural ecosystems and encompassing many of our people's most important sites. The deeper waters were used for fishing by net and line, with the shallower waters being used by nets and weirs. The wetland fringes provided delicate habitats for many important fish and waterfowl species, as did the inter-tidal zones and tidal inlets. The harbour also encompassed many wāhi tapu and sites of great spiritual importance. It also provided bulding materials, rongoa and important species of edible plants.

Te Mānukanuka was plentiful in kahawai, snapper, mullet, shark, stingray and flounder with the shellfish banks providing mussels, pipi, pupu, oysters and the many other species that existed at that time. Their use was guided by our tikanga and especially the spiritual importance of the tidal flows to our people. Over the course of centuries, our people have developed a highly complex body of tikanga which governs our relationship with the harbour and the use of its resources.

The harbour was also of great importance as a trade and travel route. The Awaroa River portage allowed whanaunga from the Waikato to travel north with ease and was particularly important for trade during the early 19th century. Similarly, the portages of the Ōahuhunui land-brige, including Pukaki, Te To Waka and Karetu, allowed shared access to Te Mānuka from the Waitematā and vice versa.

The harbour, along with its inlets and tributaries was also the connecting tissue of our rohe. Many of our peoples most important sites lay along the coastline of Te Mānuka or were easily accessible by means of its tributary awa, of which there are many. Te Mānukanuka o Hoturoa binds our people together by connecting our rohe together as one.

Attachment 5: Te Ākitai Waiohua coastal statutory acknowledgement provisions

Deed plan for coastal marine statutory area (attachments schedule to deed of settlement)



Excerpts from statement of association (documents schedule to deed of settlement)

Coastal statutory acknowledgement area (as shown on deed plan OMCR-131-037)

The shores of Hikurangi (Waitakere Ranges) and the Hauraki Gulf (Tīkapa Moana) through to the Manukau and Waitematā Harbours, are vital coastal areas to Te Ākitai Waiohua.

Te Ākitai Waiohua maintains an enduring association with the coastal marine area, incorporating the western coast of Hikurangi from Woodhill in the north, to Whatipu in the south, through to the Manukau Harbour in its entirety, across to the Waitematā Harbour and out to the Hauraki Gulf, from Whangaparaoa in the north to Orere Point in the south ('the Coastal Area').

The Coastal Area was the primary means of obtaining fresh kaimoana (seafood), incorporating a variety of fish and shellfish, as well as accessing coastal bird roosting and nesting sites. Some food was also prepared by smoking, drying or curing before it was stored at appropriate sites along the coast. In a time when fish, birds and shellfish were the primary sources of protein, the sustenance provided by the Coastal Area was not just significant, but critical to the survival of Te Ākitai Waiohua and their ancestors. Different bodies of water and parts of the Tāmaki Makaurau coastline provided access to kaimoana that varied depending on location and season.

A vast selection of shellfish including Pipi, Tuangi (Cockle), Tio (Pacific Oyster), Tipa (Scallop), Kutai (Mussels), Kuku (Freshwater Mussel), Tio Para (Rock Oyster), Pupu (Cats eye), Peraro (Scimitar Shell), Koura (Crayfish), Papaka (Crab), Titiko or Karahu (Mud Snail), Hanikura (Wedge Shell), Pupu rore (Volute), Kaikaikaroro (Ostrich Foot Mollusc), Kawari (Whelk), Ngaeti (Periwinkle), Ngakihi (Limpet), Tuatua, Kina (Sea Urchin or Sea Egg) and, in specific places, Toheroa, are found in the Coastal Area.

Gathering such a wide variety of shellfish species was possible in the harbours alone which were seen as natural 'foodbowls'. The shallow, sandy intertidal environment of the Manukau Harbour is more appropriate to some species while the deeper waters of the Waitematā Harbour are better suited to others. The same is true of shellfish in the cooler, choppier waters of the Hikurangi coast compared to the warmer, calmer environment of the Hauraki Gulf.

Similarly Mango (Shark), Whai (Stingray), Tuna (Eel), Patiki (Flounder), Tamure (Snapper), Kanae (Mullet), Arara (Trevally), Tarakihi, Kahawai, Moki, Kahu (Kingfish), Koinga or Pioke (Dogfish), Parore (Black Bream), Puwhaiau (Gurnard), Hapuku (Groper), Mohimohi (Pilchard), Uku (Skate) and, in some areas, Inanga (Whitebait) are all fish that were traditionally caught in the Coastal Area.

Catching such fish demanded an intimate knowledge of the ideal water temperature and conditions, migration patterns and spawning grounds of different species. The Manukau Harbour was known to empty in the autumn months as fish returned to the deeper waters of the ocean during the winter. However, the fish would return from the open sea again in the spring months to spawn in the warmer waters of the harbour.

The people of Te Ākitai Waiohua were able to maximise the amount of fish caught while making allowances for spawning to occur, thus ensuring future stocks were adequately replenished.

Various species of migratory birds also nest along the shores of the Coastal Area. The name of the Manukau Harbour is said to originate from the existence of these colonies with "Manukau Noa Iho" meaning "just birds" as a reference to what was initially heard and found in the harbour area.

Local birdlife including the Kotuku (Heron), Takapu (Gannet), Kawaupaka or Parekareka (Shag), Parera (Duck), Tete (Teal), Tuturiwhatu (Dotterel), Karoro (Gull), Tara (Tern), Torea (Oystercatcher), Pohowera (Dotterel), Kuaka (Godwit), Kereru (Wood Pigeon), Ruru (Morepork), Oi (Petrel), Kotare (Kingfisher), Pihoihoi (Pipit), Riroriro (Warbler), Piwakawaka (Fantail) and Korora (Penguin) can be found in the Coastal Area.

These birds were captured and in some cases their eggs gathered for food. The feathers of specific birds, such as the Kotuku, were also worn or weaved into clothing. Key bird roosting sites in the Manukau Harbour were traditionally found at Māngere, Onehunga, Te Motu a Hiaroa (Puketutu Island), Kohia (Wiroa Island), Ihumātao, Puhinui, Waimahia (Weymouth), Karaka, Paraheka (Seagrove), Whakarongotukituki (Auckland Airport) and Whatāpaka (Clarks Beach). The Hikurangi coast also has bird gathering sites with Takapu (Gannet) and Tete (Teal) colonies as far north as Te One Rangatira (Muriwai Beach.)

The Coastal Area was a crucial means of transportation by waka (canoe) throughout the region. This is particularly true of Tāmaki Makaurau, which is dominated by its harbours and became a place where waka travel was much faster and more efficient than trekking over land.

To assist in travel, various landmarks were used as navigation points and boundary markers. In the Coastal Area, these markers were usually motu (islands) or notable features along the coastline such as naturally elevated headlands. In Tāmaki Makaurau, the numerous maunga on the mainland also served as obvious landmarks that can be easily seen from the Coastal Area.

Travelling conditions along the western parts of Tāmaki Makaurau were viewed as treacherous. The rocky coastline of Hikurangi is open to the cold, harsh waters of Te Tai o Rehua (Tasman Sea). The Manukau Harbour, although less exposed, is no less dangerous with its shallow waters, strong tidal currents and shifting sandbanks. This is particularly true for the narrow entrance of

the Manukau Harbour, which features a series of sand bars that have a long-standing reputation of stranding and sinking vessels.

This is reflected in a traditional story behind the name for the Manukau Harbour, Te Manukanuka a Hoturoa 'the anxiety of Hoturoa' which is a reference to Hoturoa, the captain of the Tainui waka. It is said Hoturoa became anxious when the Tainui waka first approached the Manukau heads and its dangerous sand bars, which led to the name for the harbour.

The inner sections of the Manukau Harbour are no less complicated and contain a network of water channels and beds to navigate. The northern channels Wairopa and Purakau flow between the Motukaraka, Karore, Oriori and Te Tau banks, while the southern channels, Papakura and Waiuku, flow around the Hikihiki, Poutawa, Hangore and Huia banks.

In comparison the Hauraki Gulf and Waitematā Harbour, with its deeper navigable channel, gentle current and limited tidal range, feature much calmer waters with Rangitoto island and the numerous other motu in Tīkapa Moana providing some shelter from the South Pacific Ocean.

The name Waitematā or 'water of Te Matā is said to come from Kahumatamomoe of the Te Arawa waka when he laid his mauri stone Te Matā on Boat Rock in the harbour south west of Te Matarae o Mana (Kauri Point).

The Coastal Area was and continues to be a vital transport route facilitating travel, exploration, communication and trade throughout Tāmaki Makaurau. Sites along the coastline were selected to build and maintain waka. Strategically placed waka landing and launch sites were also identified along the shores of the Coastal Area, some leading on to waka portages over land.

The Māngere inlet is a key transport route between the main harbours of Tāmaki Makaurau. There is a waka (canoe) portage Te Tō Waka that connects the eastern section of the Manukau Harbour from the Māngere inlet over land in Ōtāhuhu through to the Tāmaki River (Te Wai o Taikehu or Te Waimokoia) and on to the Waitematā Harbour and Hauraki Gulf. The waka portage is just over one kilometre in length and represents the shortest distance between the eastern and western coasts of Tāmaki Makaurau. This is also the shortest distance between the Tasman Sea and South Pacific Ocean in Aotearoa, making it a logical passage for travel.

Numerous other motu of significance to Te Ākitai Waiohua populate the entire Coastal Area.

Te Motu a Hiaroa (Puketutu Island) is the largest island in the Manukau Harbour. It was occupied and cultivated by Waiohua and their Ngā Oho ancestors dating back to the first arrival and settlement of people in Tāmaki Makaurau. Given its ancient history, Te Motu a Hiaroa is a tapu (sacred) island that featured a series of stonefields or stone walls for kumara and food gardens, defensive fortifications and tuahu or places of worship to engage in ceremony.

Waiohua also utilised seasonal fishing settlements in the Manukau Harbour which were based on motu, including Paraurekau (Pararekau Island), Waikirihinau (Kopuahingahinga Island), Orewa and Puketakauere (Shark Island).

The Waitematā Harbour also features notable motu including Pahiki (Herald Island) and Motumanawa (Pollen Island). Motungaegae (Watchmans Island) off the coast of Herne Bay was said to be a former Waiohua pā site based on a motu that was much larger than the sandstone islet that exists today.

The Hikurangi coast and Manukau heads feature a series of rocky islets from Whatipu north to Te One Rangatira. These include Motutara, Ohaea (Oaia Island), Kauwahaia, Te Ihumoana, Taitomo, Panatahi, Paratutai, Taitomo (Camel Rock), Te Piha (Lion Rock), Te Marotiri o Takamiro (Cutter Rock) and Te Toka Tapu a Kupe (Ninepin Rock). In ancient times, a food gathering landscape named Paorae was also said to exist around the Manukau heads. This openly exposed terrain with shifting sands and ceaseless erosion did not survive beyond the 18th Century.

The Tīkapa Moana motu of significance to Te Ākitai Waiohua are located from Tiritiri o Matangi (Tiritirimatangi Island) in the north at Whangaparaoa through to Rangipukea in the east, on the coast of the Coromandel. Between these particular motu lie Motukorea (Browns Island), Ratoroa (Rotoroa Island), Motuhurakia (Rākino Island), Motutapu, Motuihe, Rangitoto, Waiheke, Pakatoa, Ponui and Pakihi, all of which are closely associated with the volcanic history of the Hauraki gulf. Tīkapa (Gannet Rock) sits north of Waiheke Island and is named after the sobbing sound made by tidal waters against the islet. These motu were not only used as landmarks, but were places of shelter.

The importance of the coastal areas for food and transport also meant that many Te Ākitai Waiohua pā and kainga (settlements) were built along the coastline or on motu. These sites were used to defend and take advantage of the natural resources and transport routes provided by the Coastal Area. Key coastal kainga at Ihumātao, Pūkaki, Māngere, Karaka and Waimihia (Conifer Grove) were still occupied by Te Ākitai Waiohua through to the 19th Century.

Many pā or kainga were strategically built on headlands and naturally elevated sections of motu or the coast, to provide a strategic vantage point overlooking the surrounding area. Natural landmarks on the coast were also used by Te Ākitai Waiohua to signify events, associations, boundaries or navigation points. Coastal settlements usually featured natural escape routes to avoid extensive conflict as they did not have the defensive features of inland pā, such as those based on maunga, to defend resources or transport routes. Te Puponga in Hikurangi was used as a fishing boundary marker and navigation point for entering the Manukau Harbour. The Karangahape pā site is at Puponga Point in Karangahape (Cornwallis).

The waters of the Coastal Area are also seen as a living entity with its own mauri (life force) and mana (prestige), representative of the iwi associated with these waters. The life sustaining waters of the Coastal Area are a sacred resource with cleansing, purifying and healing properties that must be nurtured and protected. The various bodies of water have their own taniwha or spiritual guardians associated with them. As kaitiaki (stewards), these taniwha protect the waters and natural resources along with iwi associated with the area.

As a result, the Coastal Area is seen as a taonga of great cultural and spiritual significance to Te Ākitai Waiohua.

Attachment 6: Excerpts from Ngā Mana Whenua o Tāmaki Makaurau Collective 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 (pages19-36)

Attachment 7: Excerpt from Ngāi Tai ki Tāmaki conservation relationship agreement

4: 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 8: Comments received from invited Māori groups