

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

Project Name: FTAA-2504-1055 Rangitootuni

To:	Date:
Panel Convener, Jane Borthwick	30 June 2025

Number of attachments: 8	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 Deed plan for statutory acknowledgement over Rangitootuni Stream and its tributaries Deed plans for statutory acknowledgements over the coastal marine area Excerpt from Ngāi Tai ki Tāmaki conservation relationship agreement Excerpt from Ngā Mana Whenua o Tāmaki Makaurau Collective conservation relationship agreement Excerpt from Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter
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Ministry for the Environment contacts:

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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 substantive application FTAA-2504-1055 Rangitootuni.
- The applicant, Te Kawerau ā Maki in partnership with Avant Property Development Limited (under Rangitootuni Developments Limited Partnership), proposes the development of two properties totalling 395 hectares at Old North Road and Forestry Road, Riverhead, Auckland. The development will include a 208-lot residential subdivision and a 296-unit retirement village. The applicant seeks various RMA approvals (land use consents, subdivision consent, groundwater consents, water permit, discharge permits, stream works

consents), and a Wildlife Act 1953 authorisation. The land was transferred to Te Kawerau ā Maki through their 2015 Treaty settlement.

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. Many of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act.
4. Auckland has a complex Treaty settlement landscape with many overlapping interests. There are a number of individual settlements as well as collective redress, while other groups have yet to settle their historical Treaty claims. We have provided a composite list of relevant groups at **Attachment 3**.
5. The following Treaty settlements are relevant to this application: Ngāti Whātua Ōrākei Claims Settlement Act 2012; Ngāti Whātua o Kaipara Claims Settlement Act 2013; Te Kawerau ā Maki Claims Settlement Act 2015; Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Tamaoho Claims Settlement Act 2018, and the Te Ākitai Waiohūa deed of settlement signed in 2021.
6. The Ngāi Tai ki Tāmaki Claims Settlement Act 2018 and the Te Ākitai Waiohūa deed of settlement include statutory acknowledgements over the coastal marine area downstream of the project area, but they are only relevant to the extent that the Waitematā Harbour is likely to be affected by the project.
7. The relevant Treaty settlements for the project area include conservation relationship agreements which require consultation for the approvals being sought under the Wildlife Act 1953. In particular, the Ngāi Tai ki Tāmaki conservation relationship agreement states that the consultation for these approvals will be consistent with the process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. The consultation process under the Ngā Mana Whenua o Tāmaki Makaurau collective anticipates a more iterative process of consultation which we consider is not necessarily satisfied through inviting Ngāi Tai ki Tamaki to comment on the application. The panel may therefore need to consider how it could comply with these procedural requirements, consistent with clause 5 of schedule 3 of the Act. The panel may also want to consider whether to apply this approach to its consultation with other relevant Treaty settlement entities (who are also party to the Tāmaki Collective redress), whose conservation relationship redress is less clear about following the Ngā Mana Whenua o Tāmaki Makaurau consultation process.

Signature



Ilana Miller
General Manager – Delivery and Operations

Introduction

8. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3)(a) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
9. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
10. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

11. The applicant, Te Kawerau ā Maki in partnership with Avant Property Development Limited (under Rangitōopuni Developments Limited Partnership), proposes the development of two properties totalling 395 hectares at Old North Road and Forestry Road, Riverhead, Auckland. The development will include a 208-lot residential subdivision, a 296-unit retirement village, protection of wetlands, native forest restoration, water-sensitive design approaches and infrastructure, and public amenities such as walking tracks. The applicant seeks various RMA approvals (land use consents, subdivision consent, groundwater consents, water permit, discharge permits, stream works consents), and a Wildlife Act 1953 authorisation. The land was transferred to Te Kawerau ā Maki through their 2015 Treaty settlement and is held by Rangitōopuni Land Holdings Limited Partnership.
12. We have provided a location map at **Attachment 2**.

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

13. 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

14. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki;
 - b. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua;
 - c. Ngāti Maru Runanga Trust, representing Ngāti Maru;
 - d. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
 - e. Ngāti Tamaterā Treaty Settlement Trust; representing Ngāti Tamaterā;
 - f. Te Ākitai Waiohū Waka Taua Inc., representing Te Ākitai Waiohū;
 - g. Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara;
 - h. Ngāti Tamaoho Trust, representing Ngāti Tamaoho;
 - i. Ngāti Whātua Ōrākei Trust Board, representing Ngāti Whātua Ōrākei; and

- j. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata.

Treaty settlement entities

15. 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).

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

- a. Te Kawerau Iwi Settlement Trust, PSGE for Te Kawerau ā Maki Claims Settlement Act 2015;
- b. Ngāti Whātua Ōrākei Trust Board, PSGE for Ngāti Whātua Ōrākei Claims Settlement Act 2012;
- c. Ngā Maunga Whakaiti o Kaipara Development Trust, PSGE for Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- d. Ngāi Tai ki Tāmaki Trust, PSGE for Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
- e. Ngāti Tamaoho Settlement Trust, PSGE for Ngāti Tamaoho Claims Settlement Act 2018.

17. 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 Rūnanga o Ngāti Whātua, representing Ngāti Whātua;
- b. Ngāti Maru Runanga Trust, representing Ngāti Maru;
- c. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā; and
- d. Te Ākitai Waiohū Settlement Trust, representing Te Ākitai Waiohū.

Groups mandated to negotiate Treaty settlements

18. In addition to the PSGEs identified at paragraph 17, 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.

Takutai Moana groups and ngā hapū o Ngāti Porou

19. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.

20. 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

21. 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

22. 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.
23. 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

24. 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.
25. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there are no parties to these arrangements to identify. We note that in 2018, Ngāi Tai ki Tāmaki initiated negotiations with Auckland Council to develop a Mana Whakahono ā Rohe, but an agreement has yet to be reached.

Any other Māori groups with relevant interests

26. The project area is just outside the area of interest (for Treaty settlement purposes) of Ngāti Pāoa Iwi Trust, the PSGE for Ngāti Pāoa, but we note they were included in the consultation undertaken by the applicant.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

27. 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.

28. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
- a. Ngāti Whātua Ōrākei Claims Settlement Act 2012;
 - b. Ngāti Whātua o Kaipara Claims Settlement Act 2013;
 - c. Te Kawerau ā Maki Claims Settlement Act 2015;
 - d. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
 - e. Ngāti Tamaoho Claims Settlement Act 2018; and
 - f. Te Ākitai Waiohū deed of settlement (signed November 2021).

Relevant principles and provisions

29. 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

30. 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.
31. As part of its apologies to Ngāti Whātua Ōrākei, Ngāti Whātua o Kaipara, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, and Te Ākitai Waiohū, 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.
32. Of particular note for this application, the Crown acknowledged that Te Kawerau ā Maki have experienced ongoing difficulties in accessing and managing their few remaining lands. The cumulative effect of Crown purchasing, public works takings and private purchasing left Te Kawerau ā Maki virtually landless. The Crown acknowledged its failure to ensure that Te Kawerau ā Maki were left with sufficient land for their present and future needs was a breach of the Treaty and its principles. This hindered the social, economic and cultural development of Te Kawerau ā Maki as a tribe and undermined their ability to protect and manage their taonga and wāhi tapu, and to maintain spiritual connections to their lands. The Crown acknowledged that this has severely impacted on the wellbeing of Te Kawerau ā Maki today.

Land transferred in settlement

33. The land within the project area forms part of the larger Riverhead Forest Licensed Land (3,275 hectares), which was transferred to Te Kawerau ā Maki through their settlement as commercial redress. The transfer value of the Riverhead Forest Licensed Land comprised the total amount of financial and commercial redress provided to Te Kawerau ā Maki.

Statutory acknowledgements

34. The Te Kawerau ā Maki Claims Settlement Act 2015 provides for a statutory acknowledgement over Rangitopuni Stream and its tributaries. Several streams draining the project area flow into the Rangitopuni Stream just above where it joins an inlet of the Waitematā Harbour at Riverhead.

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.¹
36. 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.
37. 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.
38. In this instance, one of the applicants is also the holder of the relevant statutory acknowledgement, so there is no need to share information about the application with Te Kawerau ā Maki. More broadly, the statutory acknowledgement over Rangitopuni Stream and its tributaries underlines the longstanding connection of Te Kawerau ā Maki with this area. For your information, we have included the deed plan for this statutory acknowledgement at **Attachment 4**.
39. There are also statutory acknowledgements over the coastal marine area, including that part of the Waitematā Harbour downstream of the project area, in the Ngāi Tai ki Tāmaki Claims Settlement Act 2018 and the Te Ākitai Waiohūa deed of settlement. For your information, we have included the deed plans for these statutory acknowledgements at **Attachment 5**.
40. We do not have the necessary information or technical expertise to comment on whether the approvals sought by the applicant are likely to affect the coastal marine area downstream from the project area, but we note that both Ngāi Tai ki Tāmaki Trust and Te Ākitai Waiohūa Settlement Trust 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

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

application.² 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.

Conservation relationship redress

41. The Wildlife Act 1953 authorisation sought by the applicant, to capture and relocate native lizards from the earthworks area, is within scope of conservation relationship redress provided through relevant Treaty settlements.

Ngāi Tai ki Tāmaki conservation relationship agreement

42. The Ngāi Tai ki Tāmaki deed of settlement provides for a conservation relationship agreement with the Department of Conservation (DOC). This relationship 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 conservation relationship agreement in the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed.³ We have included the relevant excerpt from the Ngāi Tai ki Tāmaki conservation relationship agreement at **Attachment 6**.

43. The consultation process for statutory authorisations set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement requires iterative engagement with Ngā Mana Whenua o Tāmaki Makaurau, that includes DOC seeking their feedback, confirming how their feedback will be included in decision making processes, considering how their interests are reconciled with other considerations, and communicating the final decision to them. We have included the relevant excerpt from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement at **Attachment 7**.

Ngāti Whātua Ōrākei conservation protocol

44. The Ngāti Whātua Ōrākei deed of settlement provides for a conservation protocol. Where DOC is required to consult Ngāti Whātua Ōrākei under the protocol, there are a series of principles for consultation regarding providing sufficient time and information. The protocol includes a section on indigenous flora and fauna, but the provisions do not include specific obligations in relation to approvals under the Wildlife Act 1953. Similarly, the protocol includes provisions for notifying Ngāti Whātua Ōrākei of concession applications, but Wildlife Act 1953 approvals are not within the scope of this obligation.
45. While this conservation protocol does not include any specific procedural requirements to consult with Ngāti Whātua Ōrākei on Wildlife Act 1953 applications, we note that this settlement pre-dated the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. The Ngāti Whātua Ōrākei deed of settlement anticipates that further redress will be provided through the Tāmaki Makaurau collective deed.

Te Kawenata Taiao o Ngāti Whātua o Kaipara

46. The Ngāti Whātua o Kaipara deed of settlement provides for Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter. Te Kawenata sets out a series of general consultation principles, whereby Ngāti Whātua o Kaipara is to be consulted as soon as reasonably practicable, given sufficient information to make informed decisions, and given

² Noting that the statutory acknowledgement for Te Ākitai Waiohū is not operative until the settlement legislation is enacted.

³ The Tāmaki Collective comprises Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Paoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohū, Te Kawerau ā Maki, Te Patukirikiri, Te Rūnanga o Ngāti Whātua.

sufficient time to participate effectively in decision-making. DOC should also genuinely consider feedback, consider options to provide for that feedback and report back to the iwi on the decision.

47. More specifically, this agreement sets out a process for dealing with 'taonga statutory authorisations' (including those relating to species), which includes the following steps:
- a. within 10 working days of receiving an application, DOC will discuss with Ngāti Whātua o Kaipara the potential impacts of the application on their cultural, spiritual and historic values, ways to address those impacts, and how to proceed with the application;
 - b. DOC will encourage the applicant to discuss with Ngāti Whātua o Kaipara the potential impact of the application on Ngāti Whātua o Kaipara values, and how those impacts might be addressed;
 - c. should those discussions prove inconclusive, DOC will make an informed decision under the relevant statutory frameworks, taking into account and recording Ngāti Whātua o Kaipara views in writing; and
 - d. after making a decision on taonga authorisation, DOC will report back to Ngāti Whātua o Kaipara explaining the decision, including how regard was given to the views of Ngāti Whātua o Kaipara throughout the process.
48. We consider this process may be able to be accommodated within the panel's consideration of the application under the Act. The process outline above might require more active engagement with Ngāti Whātua o Kaipara than an invitation to comment, but it also upholds the ability of the panel to make a decision under the 'relevant statutory frameworks' if that consultation is inconclusive. The panel may also need to provide a more detailed explanation to Ngāti Whātua o Kaipara of its decision than might otherwise be the case. We have included the relevant excerpt from Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter at **Attachment 8**.
49. As with Ngāti Whātua Ōrākei, we note that the Ngāti Whātua o Kaipara settlement pre-dated the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. The Ngāti Whātua o Kaipara deed of settlement notes that there will be further negotiations between the Crown and representatives of tangata whenua in relation to conservation management in the Auckland conservancy.

Ngāti Tamaoho conservation relationship agreement

50. 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 that Ngāti Tamaoho is interested in working more closely with DOC on, 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 consultation provisions for statutory authorisations outlined at paragraph 43/Attachment 7).

Te Ākitai Waiohū deed of settlement

51. The Te Ākitai Waiohū deed of settlement provides for a conservation relationship agreement with DOC. This agreement includes taonga species and statutory authorisations amongst those activities where Te Ākitai Waiohū seeking to work more closely with DOC. The agreement includes some general principles for involvement of Te Ākitai Waiohū in conservation decision-making processes, such as providing sufficient information and time for Te Ākitai to identify their interests in an issue, while taking into

account DOC's statutory obligations. As with the Ngāti Tamaoho conservation relationship agreement, the Te Ākitai Waiohū 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

52. 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.
53. By way of reference to the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement, the Ngāi Tai ki Tāmaki conservation relationship agreement requires a consultation process for Wildlife Act 1953 approvals which would be partially met by inviting comments as per section 53(2) of the Act. To comply with all of the procedural requirements, and to thereby meet its obligations under clause 5 schedule 3 of the Act, the panel may need to consider how it could accommodate the iterative, 'back and forth' nature of the consultation processes required by the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. This might include the panel following the consultation process required in the relevant Treaty settlements or seeking agreement to a modified arrangement with Ngāi Tai ki Tāmaki.
54. Ngāti Whātua Ōrākei, Ngāti Whātua o Kaipara, Ngāti Tamaoho, and Te Ākitai o Waiohū also have conservation relationship redress (of varying specificity) that incorporates the project area and suggests they should be invited to comment on this application as it relates to the Wildlife Act 1953 approvals being sought. However, unlike the Ngāi Tai ki Tāmaki conservation relationship agreement, it is less clear from the conservation relationship redress agreed with these four other groups whether the more interactive consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement must be applied. Bearing in mind section 7 of the Act, our view is that the panel may also want to consider whether it would be consistent with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to apply those same processes to consultation with:
- a. Ngāti Tamaoho, whose conservation relationship agreement is to be read in conjunction with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement;
 - b. Te Ākitai Waiohū, 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); and

- c. Ngāti Whātua Ōrākei and Ngāti Whātua o Kaipara, whose settlements were both completed before the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, but who are both parties to that collective redress.
55. Finally, we also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

56. 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

57. 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

58. 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

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

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

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	[Not applicable to substantive applications – s 18 report is required by s 49]
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	14-17
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	27-28
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	29-55
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	18
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	19, 56
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.	19, 56
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).	20, 56
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).	21, 57
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).	22-23
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),	24-25, 58

	<ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. (ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements. 	
18(2)(k)	Any other Māori groups with relevant interests.	26
18(2)(l)	<p>A summary of—</p> <ul style="list-style-type: none"> (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups 	[Not applicable to substantive applications]
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	[Not applicable to substantive applications]
18(3)	<p>In preparing the report required by this section, the responsible agency must—</p> <ul style="list-style-type: none"> (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. 	<p>59</p> <p>[Section 18(3)(b) not applicable to substantive applications]</p>
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	[Not applicable to substantive applications]

Attachment 2: Project location map



Figure 1 - Aerial photo of the site (Lot 1 & 2 DP 590677), Riverhead, Auckland (source: Auckland Council GIS)

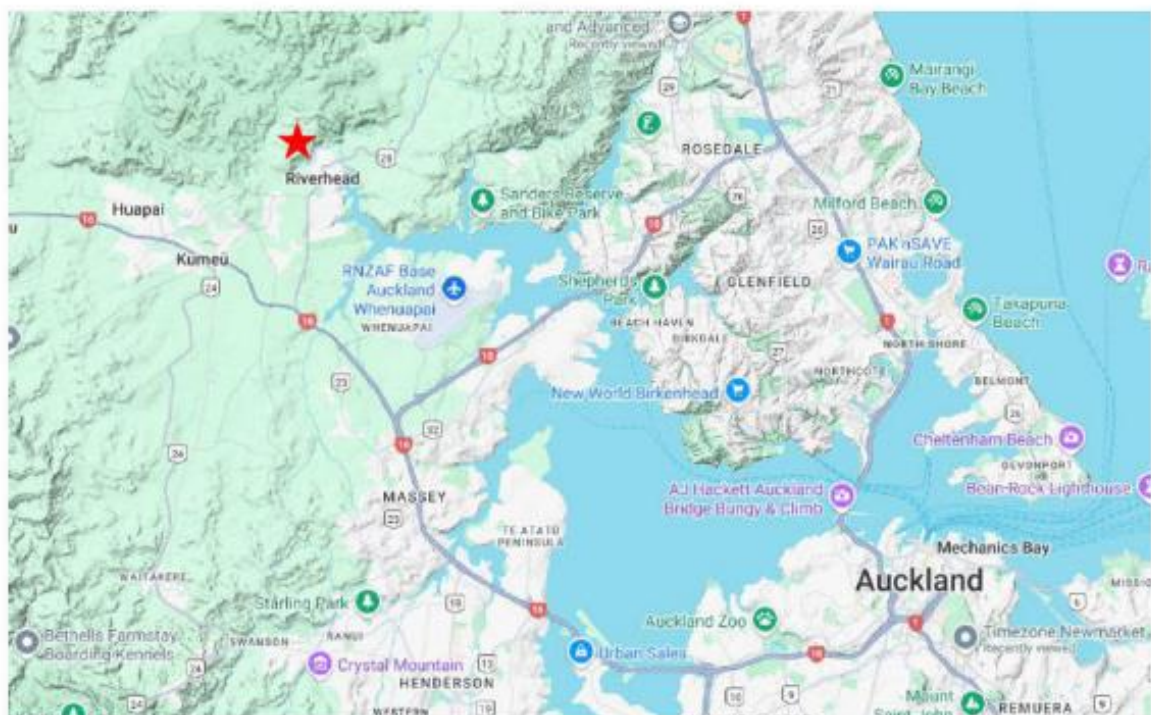
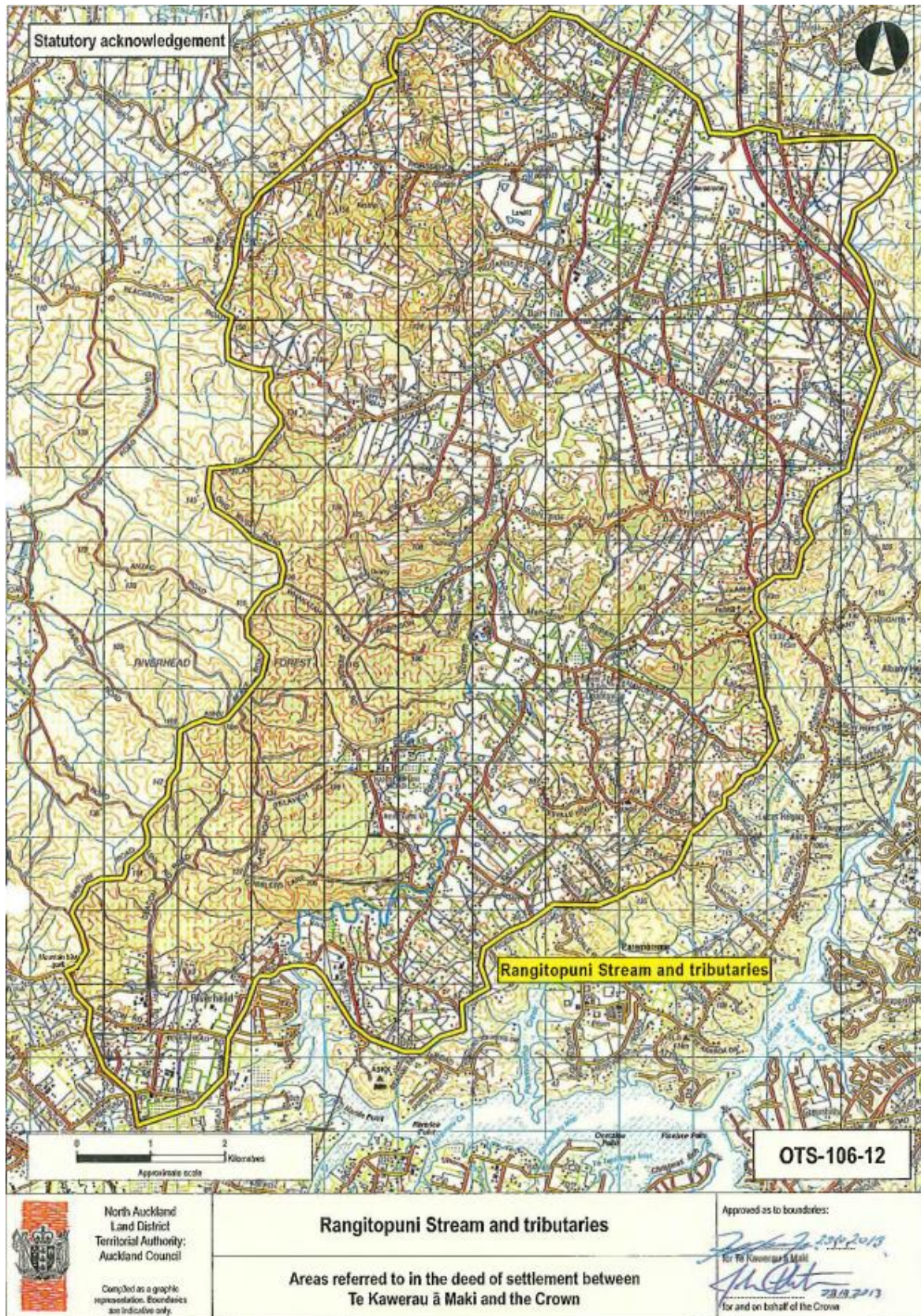


Figure 2 - Location of the site within the broader Auckland region (source: Google Maps)

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Kawerau Iwi Settlement Trust	Applicant and owner of Māori land (s17(1)(e.)); iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Te Kawerau ā Maki Claims Settlement Act 2015))	Edward Ashby	[REDACTED]
Ngā Maunga Whakahii o Kaipara Development Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a) – Ngāti Whātua o Kaipara Claims Settlement Act 2013)	Dame Naida Glavish	[REDACTED]
Ngai Tai ki Tamaki Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a) – Ngāi Tai ki Tāmaki Claims Settlement Act 2018)	Jada Macfie, CE	[REDACTED]
Ngāti Tamaoho Settlement Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a) – Ngāti Tamaoho Claims Settlement Act 2018)	Tori Ngataki, Chair	[REDACTED]
Ngāti Whātua Ōrākei Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a) – Ngāti Whātua Ōrākei Claims Settlement Act 2012)	Marama Royal, Chair	[REDACTED]
Te Runanga o Ngati Whatua	iwi authority (s18(2)(a)); mandated entity (s18(2)(d))	Dame Rangimarie Naida Glavish, DNZM, JP	[REDACTED]
Te Ākitai Waiohū Waka Taua Inc	iwi authority (s18(2)(a))	Nigel Denny Snr, Chair	[REDACTED]
Te Akitai Waiohū Settlement Trust	Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))	Karen Wilson	[REDACTED]
Ngati Maru Runanga Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))	Waati Ngamane	[REDACTED]
Ngāti Tamaterā Treaty Settlement Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))	Antony Royal	[REDACTED]
Ngāti Te Ata Claims Support Whānau Trust	iwi authority (s18(2)(a)); mandated entity (s18(2)(d))	Josie Smith	[REDACTED]
Ngāti Pāoa Iwi Trust	Other Māori group with relevant interests (s18(2)(k))	Herearoha Skipper, Chair	[REDACTED]

Attachment 4: Deed plan for statutory acknowledgement over Rangitopuni Stream and its tributaries



Attachment 5: Deed plans for statutory acknowledgements over the coastal marine area





Attachment 6: 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 7: Excerpt 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.

The entire document can be found at this link (from page 18): [Tāmaki Makaurau Collective Redress Deed Schedule - Documents 5 Dec 2012](#)

Attachment 8: Excerpt from Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter

CONSULTATION

11. The basic principles that will be followed by the Department in consulting with Ngāti Whātua o Kaipara in each case are:
 - 11.1 ensuring that Ngāti Whātua o Kaipara is consulted as soon as reasonably practicable following the identification and determination by the Department of the proposal, or issues, to be the subject of the consultation;
 - 11.2 providing Ngāti Whātua o Kaipara with sufficient information to make informed decisions and submissions in relation to any of the matters that are the subject of the consultation;
 - 11.3 ensuring, subject to statutory and policy time constraints, that sufficient time is given for the effective participation of Ngāti Whātua o Kaipara in the decision making process and for the preparation of submissions by Ngāti Whātua o Kaipara in relation to any of the matters that are the subject of the consultation;
 - 11.4 ensuring that the Department will approach the consultation with Ngāti Whātua o Kaipara with an open mind, and will genuinely consider any feedback or concerns that Ngāti Whātua o Kaipara has advised the Department of in relation to any of the matters that are the subject of the consultation, and will consider options to provide for that feedback, and/or the concerns raised; and
 - 11.5 reporting back to Ngāti Whātua o Kaipara on the decision made as a result of any such consultation.

1: TE KAWENATA TAIAO O NGĀTI WHĀTUA O KAIPARA

Notification

15. When the Department is approached regarding a proposed statutory authorisation application that falls within Te Kawenata Taiao Area, it will notify Ngāti Whātua o Kaipara and encourage the prospective applicant to consult with Ngāti Whātua o Kaipara.
16. The Department will provide separate written notification to Ngāti Whātua o Kaipara prior to any statutory authorisation being publicly notified.

Process for Statutory Authorisations

17. There are two processes for dealing with statutory authorisations:
 - 17.1 taonga statutory authorisations; and
 - 17.2 other statutory authorisations.
18. Taonga statutory authorisations shall be considered using the process set out in clauses 19 - 25, and all other statutory authorisations shall follow the process set out in clauses 26 - 28.

Taonga Statutory Authorisations

19. The Department recognises that statutory authorisations may potentially affect taonga of Ngāti Whātua o Kaipara. Ngāti Whātua taonga include:
 - 19.1 species;
 - 19.2 the Kaipara Harbour, rivers and other waterways in Te Kawenata Taiao Area; and
 - 19.3 wāhi tapu sites.
20. At an early stage during the development of the operational plan, Ngāti Whātua o Kaipara and the Department will meet to agree and record those categories of statutory authorisation that are likely to affect taonga of Ngāti Whātua o Kaipara ("taonga statutory authorisations").
21. The Parties recognise when dealing with taonga statutory authorisations:
 - 21.1 the benefits of seeking agreement, where possible; and
 - 21.2 that the Department works within statutory and government policy frameworks.
22. When considering a taonga statutory authorisation application, the Department will, in addition to the process set out in clauses 15 and 16 and 26 – 28, and within 10 working days of receipt of the application, discuss with Ngāti Whātua o Kaipara:
 - 22.1 the potential impacts that the application may have for Ngāti Whātua o Kaipara's cultural, spiritual and historic values;
 - 22.2 ways to address those impacts; and
 - 22.3 how to proceed with the application.
23. The Department will encourage the applicant to discuss with Ngāti Whātua o Kaipara, the potential impacts their application may have on Ngāti Whātua o Kaipara cultural, spiritual and historic values and how those impacts might be addressed.

1: TE KAWENATA TAI AO O NGĀTI WHĀTUA O KAIPARA

24. Should discussions on the potential impacts of the application (clauses 22 and 23 refer) prove inconclusive, within statutory and policy frameworks (including timeframes), the decision-maker will make an informed decision under the relevant statutory frameworks, taking into account and recording Ngāti Whātua o Kaipara views in writing, including matters where agreement was reached between the parties.
25. The Department will, after making any decision on a taonga authorisation, report back to Ngāti Whātua o Kaipara explaining the decision, and in particular, how regard was given to the views of Ngāti Whātua o Kaipara throughout the process.

Other categories of statutory authorisations

26. In relation to any other statutory authorisation applications or renewals of applications applied for within Te Kawenata Taiao Area, the Department will consult with Ngāti Whātua o Kaipara with a view to identifying any potential impacts on Ngāti Whātua o Kaipara cultural, spiritual and historic values.
27. The Department has limited time to process concession applications, and therefore the time for Ngāti Whātua o Kaipara to indicate views on the concession application will also be limited.
28. The Minister and Director-General will have regard to the views expressed by Ngāti Whātua o Kaipara when considering whether to grant the application.

The entire document can be found at this link (from page 3): [Ngāti Whātua o Kaipara Deed of Settlement Schedule - Documents 9 Sep 2011](#)