

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

Project Name: FTAA-2603-1194 Waikanae North Development

To:	Date:
Panel Convener, Jane Borthwick	8 May 2026

Number of attachments: 3	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location maps - List of relevant Māori groups
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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-2603-1194 Waikanae North Development.
- The applicant, Waikanae North Developments Limited, proposes to establish a greenfield master-planned urban development on the northern side of Waikanae at Peka Peka Road, Kāpiti Coast. The development will accommodate between 1,181 and 1,201 residential dwellings, a local commercial centre, and significant ecological restoration of wetlands and dunes. The applicant is seeking a range of resource consents under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA) and a wildlife authority under the Wildlife Act 1953. No identified Māori land is involved in the project.

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. We have identified Te Rūnanga o Toa Rangatira Inc as a relevant Treaty settlement entity/iwi authority, and Muaūpoko Tribal Authority Inc, Ātiawa ki Whakarongotai Charitable Trust, and Te Rūnanga o Raukawa Incorporated as relevant iwi authorities. We have also identified Puketapu ki Paraparaumu Trust and Ngā Hapū o Ōtaki as other Māori groups which may have an interest in the application.
5. The relevant Treaty settlement is the Ngāti Toa Rangatira Claims Settlement Act 2014. No other obligations (such as Mana Whakahono ā Rohe or joint management agreements) have been identified under section 18(2) as relevant to the project area.
6. In its acknowledgements and apology to Ngāti Toa Rangatira, the Crown recognised its failures to fulfil its Treaty obligations including adequately protecting the interests of Ngāti Toa Rangatira, and commits to a new age of co-operation with Ngāti Toa Rangatira based on mutual trust and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. We have not identified any other principles and provisions of the Treaty settlement, or other obligations, which may be directly relevant to this application.

Signature



Ben Bunting
Acting Manager, Fast-track Operations

Introduction

7. 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)).
8. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area; and
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
9. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

10. The applicant, Waikanae North Developments Limited (WNDL), proposes to establish a greenfield master-planned urban development on the northern side of Waikanae at 169 to 171 Peka Peka Road, Kāpiti Coast. The approximately 140-hectare project area will accommodate between 1,181 and 1,201 residential dwellings of various types, a local commercial centre, significant areas of public and private open space, extensive ecological restoration, walkways and active mode connections, and supporting roading and infrastructure. The development will include an amenity open space of approximately 19 hectares, approximately 17.5 hectares of dune restoration and enhancement planting, and re-naturalisation of an existing watercourse. The applicant owns the land on which the project is proposed. No identified Māori land is involved.
11. The applicant is seeking resource consents under the Act that would otherwise be sought under the RMA for buildings, structures and infrastructure in relation to bulk, height, location, structure plan and eco-design requirements, subdivision, reclamation of riverbed, activities involving vegetation clearance, earthworks (including a prohibited activity), and taking, use, damming or diversion of water in relation to setbacks from wetlands, and other matters. The applicant is also seeking a wildlife authority under the Wildlife Act 1953 for the salvage and relocation of lizards.
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**.¹

Iwi authorities

14. 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.

¹ These are the contact details we could locate in the time available, and in some cases they will be the generic email address for the entity.

15. We consider the following groups to be the relevant iwi authorities for the project area:
- a. Te Rūnanga o Toa Rangatira Inc, representing Ngāti Toa Rangatira;
 - b. Muaūpoko Tribal Authority Inc, representing Muaūpoko;
 - c. Ātiawa ki Whakarongotai Charitable Trust, representing Te Ātiawa ki Whakarongotai; and
 - d. Te Rūnanga o Raukawa Incorporated, representing Ngāti Raukawa ki te Tonga.

Treaty settlement entities

16. Under section 4(1) of the Act, “Treaty settlement entity” means any of the following:

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

17. 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).*

18. 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.²

19. We have identified the following relevant Treaty settlement entity for this project area:

- a. Te Rūnanga o Toa Rangatira Inc, PSGE for the Ngāti Toa Rangatira Claims Settlement Act 2014.

² 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.

Groups mandated to negotiate Treaty settlements

20. The following group has a recognised mandate to negotiate a Treaty settlement over an area which may include the project area and is in the early stages of negotiating their Treaty settlements with the Crown:
 - a. Muaūpoko Tribal Authority Inc, representing Muaūpoko.
21. Te Ātiawa ki Whakarongotai and Ngāti Raukawa ki te Tonga are as yet unmandated and therefore have not commenced their respective Treaty settlement processes.

Takutai Moana groups and ngā hapū o Ngāti Porou

22. 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.
23. 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

24. The project area does not include a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996.

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

25. 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.
26. 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

27. 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.
28. 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.

Any other Māori groups with relevant interests

29. In addition to the groups above, we have also identified Puketapu ki Paraparaumu Trust and Ngā Hapū o Ōtaki as other Māori groups which may have relevant interests.
30. For the panel's information, the applicant advises that, in addition to pre-lodgement consultation with mana whenua groups required by section 11(1) of the Act, WNDL has undertaken an early and proactive programme of engagement with Te Ātiawa ki Whakarongotai extending over more than four years from the earliest stages of project planning. The applicant anticipates further engagement with Te Ātiawa ki Whakarongotai during the Fast-track approvals process and implementation phase. The applicant reports that it has offered to support preparation of cultural impact assessments or review of supporting documentation by relevant iwi groups.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

31. 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.
32. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
 - a. Ngāti Toa Rangatira Claims Settlement Act 2014

Relevant principles and provisions

33. 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

34. 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.
35. As part of its apology to Ngāti Toa Rangatira, the Crown stated that it hopes that this apology and settlement will mark the beginning of a new, positive, and enduring relationship with Ngāti Toa Rangatira founded on mutual trust and co-operation and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in the Treaty settlement should be viewed in the context of these intentions.
36. The Ngāti Toa Rangatira settlement does not contain any provisions that place specific obligations on the panel in relation to the approvals being sought by the applicant. However, the interests of Ngāti Toa Rangatira should be considered in the spirit of the Crown's acknowledgements and apologies to this settlement group.
37. Ultimately, iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

38. 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

39. 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

40. 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

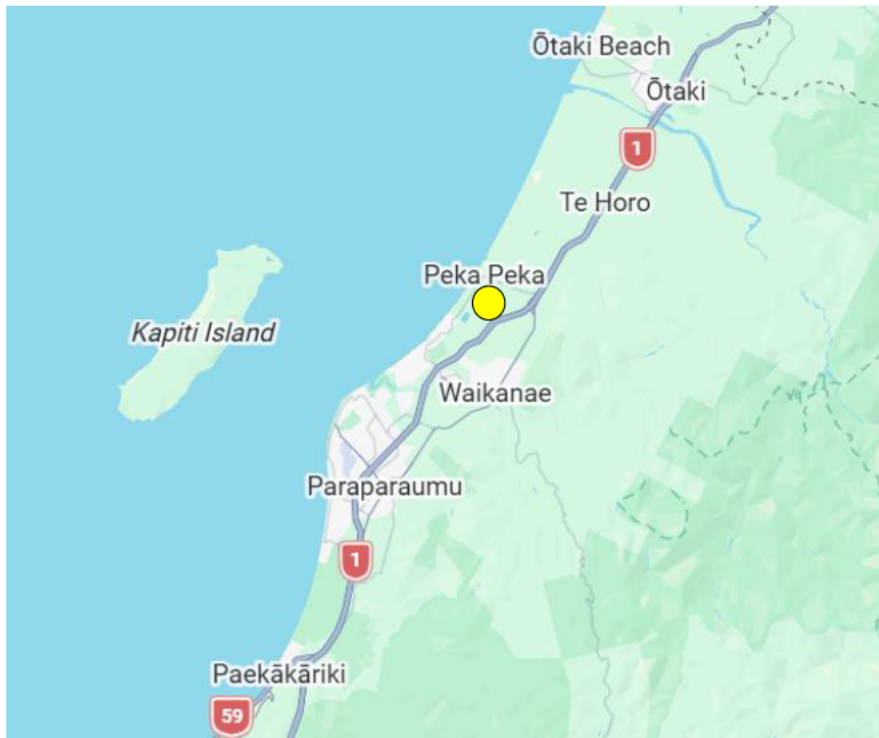
41. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups, and have incorporated their views into this report.

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

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	Not applicable to substantive applications – section 18 report is required by section 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	15, 19
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	32
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	34-37
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	20
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	22, 38
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.	22, 38
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).	23, 38
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).	24, 39
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).	26
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),	28, 40

	(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.	29
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	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)	In preparing the report required by this section, the responsible agency must— (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.	41 Section 18(3)(b) not applicable to substantive applications
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	Not applicable to substantive applications

Attachment 2: Project location maps



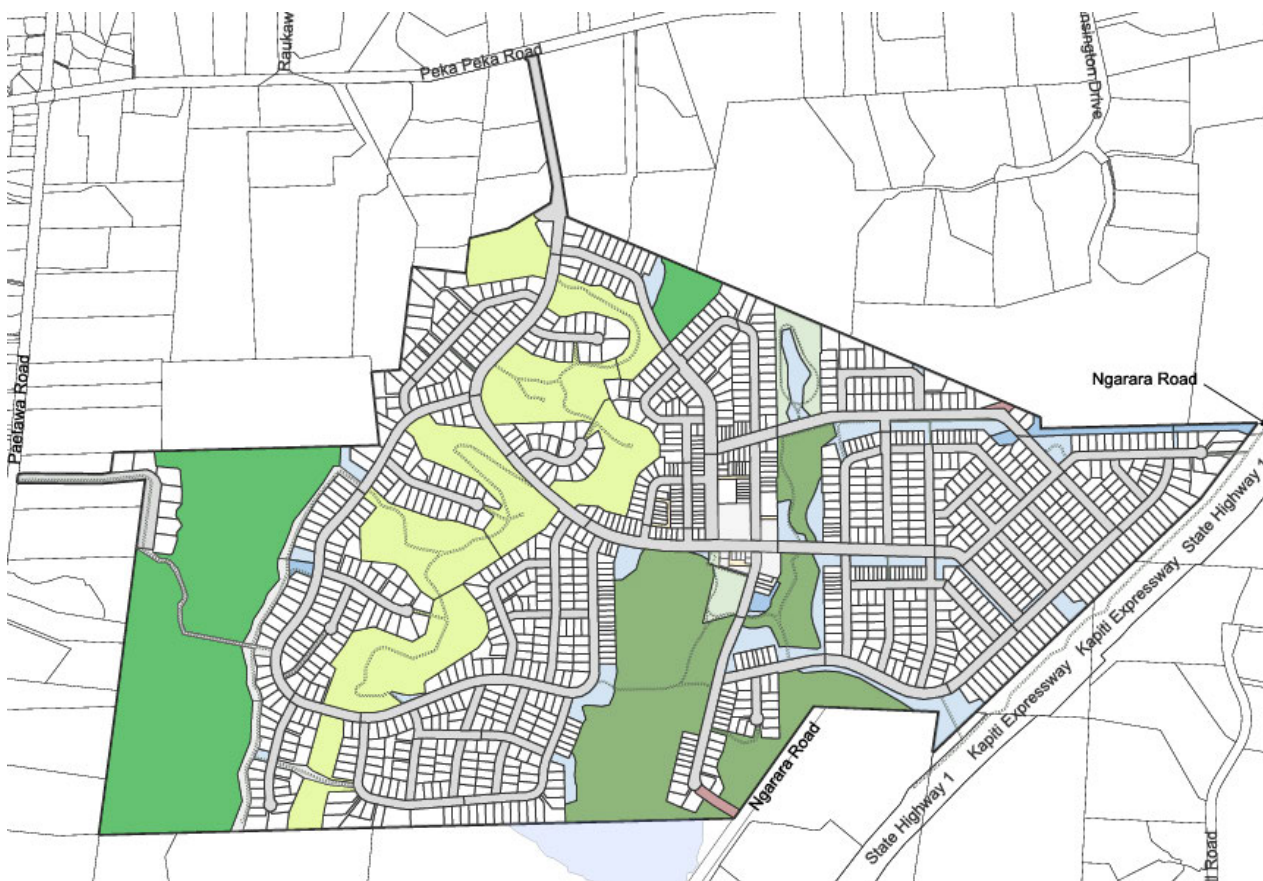
Map 1. Location of proposed Waikanae North Development shown by yellow circle above.



Map 2. Local area – location of proposed Waikanae North Development shown by red marking above.



Map 3. Footprint of proposed Waikanae North Development site shown by red marking above.



Map 4. Subdivision scheme for proposed Waikanae North Development.

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Rūnanga o Toa Rangatira Inc	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāti Toa Rangatira Claims Settlement Act 2014	Debbie Rene	[REDACTED]
Muaūpoko Tribal Authority Inc	Iwi authority (s18(2)(a)), mandated entity (s18(2)(d))	Di Rump (CEO) Dean Wilson (Environmental Mgr)	[REDACTED] [REDACTED]
Ātiawa ki Whakarongotai Charitable Trust	Iwi authority (s18(2)(a))	Rawiri Tawhai-Bodsworth (Chair) Richard Evans (Operations Mgr)	[REDACTED] [REDACTED] [REDACTED]
Te Rūnanga o Raukawa Incorporated	Iwi authority (s18(2)(a))	Freeman Paul (GM)	[REDACTED] [REDACTED]
Puketapu ki Paraparaumu Trust	Other Māori group with relevant interests (s18(2)(k))	Tony Jackson (Chair)	[REDACTED]
Ngā Hapū o Ōtaki	Other Māori group with relevant interests (s18(2)(k))	Denise Hapeta (Chair) Kim Tahiwī (GM)	[REDACTED] [REDACTED]