Ministry for Cities, Environment, Regions & Transport

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

Project Name: FTAA-2605-1244 Rangitoopuni Forest

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	19 August 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. Te Kawerau ā Maki statutory acknowledgement over Rangitopuni Stream and its tributaries 5. Deed plans for coastal statutory acknowledgements 6. Excerpt from Ngāi Tai ki Tāmaki conservation relationship agreement 7. Excerpt from Ngā Mana Whenua o Tāmaki Makaurau Collective conservation relationship agreement 8. Excerpt from Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter

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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-2605-1244 Rangitoopuni Forest referral application.
2. The applicant, Rangitoopuni Developments Limited Partnership, proposes the development of seven properties totalling 3,052.47 hectares near Riverhead, Auckland. The development will comprise approximately 3,407-4,164 residential forest lots, four community hubs, extensive native planting and ecological restoration, walking and cycle ways, the creation of Rangitoopuni Forest Reserve, and supporting infrastructure. The

applicant is seeking approvals under the Act which would otherwise be sought under the Resource Management Act 1991 (RMA), Wildlife Act 1953, Heritage New Zealand Pouhere Taonga Act 2014, and potentially the 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. Many of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act. 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.**

4. The following Treaty settlements are relevant to this application: 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 Waiohua deed of settlement signed in 2021.

5. Te Kawerau ā Maki is one of the partners for this application. The land within the project area, formerly Riverhead Forest, was transferred to Te Kawerau ā Maki as commercial redress through their Treaty settlement.

6. The Te Kawerau ā Maki Claims Settlement Act 2015 also provides for a statutory acknowledgement over Rangitopuni Stream and its tributaries, which incorporates the project area. This statutory acknowledgement may be relevant if the proposed activities directly affect the statutory area, although we note that in this instance Te Kawerau ā Maki is both a holder of the statutory acknowledgement and one of the applicants. The Ngāi Tai ki Tāmaki Claims Settlement Act 2018 and the Te Ākitai Waiohua deed of settlement include coastal statutory acknowledgements downstream of the project area, but they are only relevant to the extent that the Waitematā Harbour may be affected by the project.

7. Under the RMA and 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.

8. Most of the relevant Treaty settlements for the project area include conservation relationship agreements which require consultation for the Wildlife Act 1953 approvals being sought (and potentially the Freshwater Fisheries Regulations 1983). While all of the relevant groups with conservation relationship agreements have been invited to comment on this referral application, our advice is that these consultation provisions are most relevant to the panel when considering a substantive application.

9. In particular, the Ngāi Tai ki Tāmaki conservation relationship agreement states that the consultation for these approvals should be consistent with the process set out in conservation relationship agreement included in the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed. The consultation process under the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement 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. Ngāti Whātua o Kaipara, Te Ngāti Tamaoho, Ākitai Waiohua, and Te Kawerau ā Maki are also parties to the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, but it is less clear whether a panel must also apply these provisions to consultation with these groups.

10. Accordingly, 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 which includes a Wildlife Act 1953 approval to consider:
    a. how to apply the consultation process in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to its engagement with Ngāi Tai ki Tāmaki; and
    b. whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to its engagement with other relevant Treaty settlement entities who are party to the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed.
11. You did not receive a response from any of the Māori groups invited to comment on this application under s17(1)(d) of the Act.
12. 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

13. 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).

14. 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.

15. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

16. The applicant, Te Kawerau ā Maki in partnership with Avant Property Development Limited (under Rangitoopuni Developments Limited Partnership), proposes the development of seven properties (Lots 2-8 DP 590677) totalling 3,052.47 hectares at Forestry Road, Old North Road, Mill Flat Road, Ararimu Valley Road, and Robinson Road, near Riverhead, Auckland.

17. The development will comprise approximately 3,446-4,212 residential forest lots, four community hubs, extensive native planting and ecological restoration, 200km of walking and cycle ways, and the creation of a 573-hectare Rangitoopuni Forest Reserve. The development will be supported by integrated private infrastructure, including water, wastewater, stormwater, and transport networks.

18. The land (formerly Riverhead Forest) was transferred to Te Kawerau ā Maki through their 2015 Treaty settlement, and is held by Rangitoopuni Land Holdings Limited Partnership. The development of residential lots and a retirement village on Lots 1 and 2 DP 590677 was a project listed under Schedule 2 of the Act, and in November 2025 a substantive application for that project (FTAA-2504-1005 Rangitoopuni) was approved by a panel. This referral application proposes the development of the balance of the land returned to Te Kawerau ā Maki through their settlement, including a proposal for residential forest lots in an area of Lot 2 that was previously intended for a wastewater irrigation field to service the retirement village. A variation in the location of the wastewater irrigation field will be progressed under the RMA.

19. The applicant is seeking approvals under the Act which would otherwise be sought under the RMA (including subdivision, earthworks, wastewater discharge, damming and diversion of water, stormwater discharge, vegetation clearance), Wildlife Act 1953, Heritage New Zealand Pouhere Taonga Act 2014 (archaeological authority), and potentially under the Freshwater Fisheries Regulations 1983 (authorisations relating to standard and/or complex freshwater fisheries activity).

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

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

21. 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

22. 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*.

23. 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. Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara;

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

d. Ngāti Tamaoho Trust, representing Ngāti Tamaoho;

e. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua;

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

g. Ngāti Maru Runanga Trust, representing Ngāti Maru;

h. Ngāti Tamaterā Treaty Settlement Trust; representing Ngāti Tamaterā; and

i. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata.

Treaty settlement entities

24. 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).*

25. 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).

26. 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]

27. 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. Ngā Maunga Whakaii o Kaipara Development Trust, PSGE for Ngāti Whātua o Kaipara Claims Settlement Act 2013;

    c. Ngāi Tai ki Tāmaki Trust, PSGE for Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and

    d. Ngāti Tamaoho Settlement Trust, PSGE for Ngāti Tamaoho Claims Settlement Act 2018.

28. 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 (remaining claims);

    b. Ngāti Maru Runanga Trust, representing Ngāti Maru;

    c. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā; and

    d. Te Ākitai Waiohua Settlement Trust, representing Te Ākitai Waiohua.

Groups mandated to negotiate Treaty settlements

29. In addition to the PSGEs identified at paragraph 28, 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

30. 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.

31. 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).

[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.

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws

32. 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

33. 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.

34. 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

35. 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.

36. 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 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. More recently, Te Kawerau Iwi Tiaki Trust initiated a Mana Whakahono ā Rohe with Auckland Council in June 2026.

Any other Māori groups with relevant interests

37. In addition to the groups identified above, the applicant advises they have consulted with Ngaati Whanaunga, Ngāti Pāoa, Ngāti Whātua Ōrākei, Ngātiwai, Ngāti Manuhiri, Ngāti Koheriki, and Te Patukirikiri. While the project area is outside the respective areas of interest of all of these groups, it is close to the areas of interest of the first three groups. Accordingly, we have identified Ngaati Whanaunga, Ngāti Pāoa, and Ngāti Whātua Ōrākei as other Māori groups with relevant interests under section 18(2)(k) of the Act.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

38. 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.

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

    a. Ngāti Whātua o Kaipara Claims Settlement Act 2013;

    b. Te Kawerau ā Maki Claims Settlement Act 2015;

    c. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;

    d. Ngāti Tamaoho Claims Settlement Act 2018; and

    e. Te Ākitai Waiohua deed of settlement (signed November 2021).

Relevant principles and provisions

40. 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

41. 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.

42. As part of its apologies to Ngāti Whātua o Kaipara, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, 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.

43. 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.

Commercial redress properties

44. The land which comprises the project area is a significant proportion of the Riverhead Forest Licensed Land (3,275 hectares), which was transferred to Te Kawerau ā Maki through their settlement as commercial redress. The agreed transfer value of the Riverhead Forest Licensed Land comprised the total amount of financial and commercial redress provided to Te Kawerau ā Maki.

45. The Crown provides financial and commercial redress to recognise that where claims for the loss of land and/or resources are established, the Crown's breaches of the principles of the Treaty will usually have held back the potential economic development of the claimant group concerned.

Statutory acknowledgements

46. The ecological assessment provided by the applicant notes that the eastern side of the project area includes streams contributing to the Rangitopuni Stream, which ultimately discharges into the Waitematā Harbour at Riverhead. The western side of the project area includes streams contributing to Ararimu Stream, which then discharges into the Kaipara River and Kaipara Harbour.

47. The Te Kawerau ā Maki Claims Settlement Act 2015 provides for a statutory acknowledgement over Rangitopuni Stream and its tributaries. 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. [2]

48. 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.

49. The project area includes tributaries of Rangitopuni Stream, and it is possible that some of the proposed activities may directly affect the statutory area. For example, while all stormwater flows will discharge via the existing stream and wetland networks, the proposed development has been designed to avoid the most sensitive waterbodies, and the applicant proposes a number of measures to harvest, attenuate and treat stormwater.

50. 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 consent authorities having regard to statutory acknowledgements when considering who is an affected person for a consent application, and to providing a summary of the application to the holders of the statutory acknowledgement.[3] In this instance, Te Kawerau ā Maki is both a holder of a statutory acknowledgement, and one of the applicants. You have already invited Te Kawerau Iwi Settlement Trust, as a relevant iwi authority and Treaty settlement entity, to comment on the application. Should you accept this application for referral, Te Kawerau Iwi Settlement Trust will also be invited for comment by the panel under section 53(2)(c) of the Act.

51. 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

[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] Although there are more limited rights of appeal under the Act compared to the RMA, where submitters have a broad right of appeal to the Environment Court.

information, we have included the statutory acknowledgement provisions, including the deed plan and statement of association, at **Attachment 4**.

52. There are also coastal statutory acknowledgements, 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 Waiohua deed of settlement. For your information, we have included the deed plans for these statutory acknowledgements at **Attachment 5**.

53. We do not have the technical expertise to comment on whether the approvals sought by the applicant are likely to affect the coastal statutory area downstream from the project area, but we note that both Ngāi Tai ki Tāmaki Trust and Te Ākitai Waiohua Settlement Trust have already been invited to comment on this application.[4]

54. With regard to the Ararimu Stream in the western part of the project area, we understand there is currently no settlement redress over the Kaipara River catchment, and negotiations with Ngāti Whātua iwi over Kaipara Moana are still at an early stage. Under the Kaipara Moana Framework Agreement, signed in 2014, the scope of the proposed Kaipara Moana body (a joint entity) includes "any agreed parts of the rivers flowing into Kaipara Moana". The Framework Agreement also records that the Crown and Ngāti Whātua iwi agree to further discussions regarding the scope of statutory acknowledgements. In the agreement in principle signed with Te Rūnanga o Ngāti Whātua in 2017, the Crown acknowledged the Kaipara Moana Framework Agreement and agreed to provide redress over Kaipara Moana.

Conservation relationship redress

55. The Wildlife Act 1953 approvals (and potentially the Freshwater Fisheries Regulations 1983 approvals) which may be sought by the applicant are within scope of the conservation relationship redress provided through relevant Treaty settlements. Our advice is that these provisions are most relevant to the panel when considering a substantive application, as the decision-maker on the proposed approvals.

Ngāi Tai ki Tāmaki conservation relationship agreement

56. 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, through a process consistent with consultation provisions in the conservation relationship agreement in the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed.[5] We have included the relevant excerpt from the Ngāi Tai ki Tāmaki conservation relationship agreement at **Attachment 6**.

57. 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

[4] Noting that the statutory acknowledgement for Te Ākitai Waiohua is not operative until the settlement legislation is enacted.

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

decision to them. We have included the relevant excerpt from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement at **Attachment 7**.[6]

Te Kawenata Taiao o Ngāti Whātua o Kaipara

58. 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 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.

59. More specifically, this agreement sets out a process for dealing with 'taonga statutory authorisations' (including those relating to species),[7] 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.

60. We consider this process may be able to be accommodated within the panel's consideration of the application under the Act. The process outlined 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.**

61. We note that the Ngāti Whātua o Kaipara settlement pre-dated the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement, to which Ngāti Whātua o Kaipara is a party. The Ngāti Whātua o Kaipara deed of settlement noted at the time that there will

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[6] While 'statutory authorisations' is not defined in the Ngāi Tai ki Tāmaki conservation relationship agreement, the interpretation section states that the agreement is to be read in conjunction with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. 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.

[7] Under Te Kawenata, statutory authorisations include permits or authorisations under the Wildlife Act 1953, and any other statutory authorisation granted by the Minister or Director-General of Conservation. This would include approvals under the Freshwater Fisheries Regulations 1983.

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

62. 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 57/Attachment 7).

Te Ākitai Waiohua deed of settlement

63. 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 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.

64. 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. However, the Te Ākitai Waiohua Claims Settlement Bill has yet to be 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 settlement legislation.

Te Kawerau ā Maki

65. The Te Kawerau ā Maki settlement does not provide for a separate conservation relationship agreement, but Te Kawerau ā Maki is a party to the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed.

Summary of advice

66. 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.

67. 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 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 the consultation process required by the Treaty settlement or seeking agreement to a modified arrangement with Ngāi Tai ki Tāmaki.
68. Ngāti Whātua o Kaipara, Ngāti Tamaoho, and Te Ākitai o Waiohua 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 (and, at least in the case of Ngāti Whātua o Kaipara, any Freshwater Fisheries Regulations 1983 approvals). However, unlike the Ngāi Tai ki Tāmaki conservation relationship agreement, it is less clear from the conservation relationship redress agreed with these groups whether the more interactive consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement must be applied.
69. Accordingly, 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 which includes a Wildlife Act 1953 approval to consider:
    a. how to apply the consultation process in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to its engagement with Ngāi Tai ki Tāmaki; and
    b. whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to its engagement with other relevant Treaty settlement entities who are party to the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed.
70. 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

71. 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

72. 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

73. 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

74. Pursuant to section 17(1)(d) of the Act, on 30 June 2026 you invited written comments from the Māori groups identified above in paragraphs 21-37, 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.

75. You did not receive comments from any of these groups.

Consultation with departments

76. In preparing this report, we are required to consult relevant departments. We previously sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups in the project area, 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

77. 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.

78. 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.

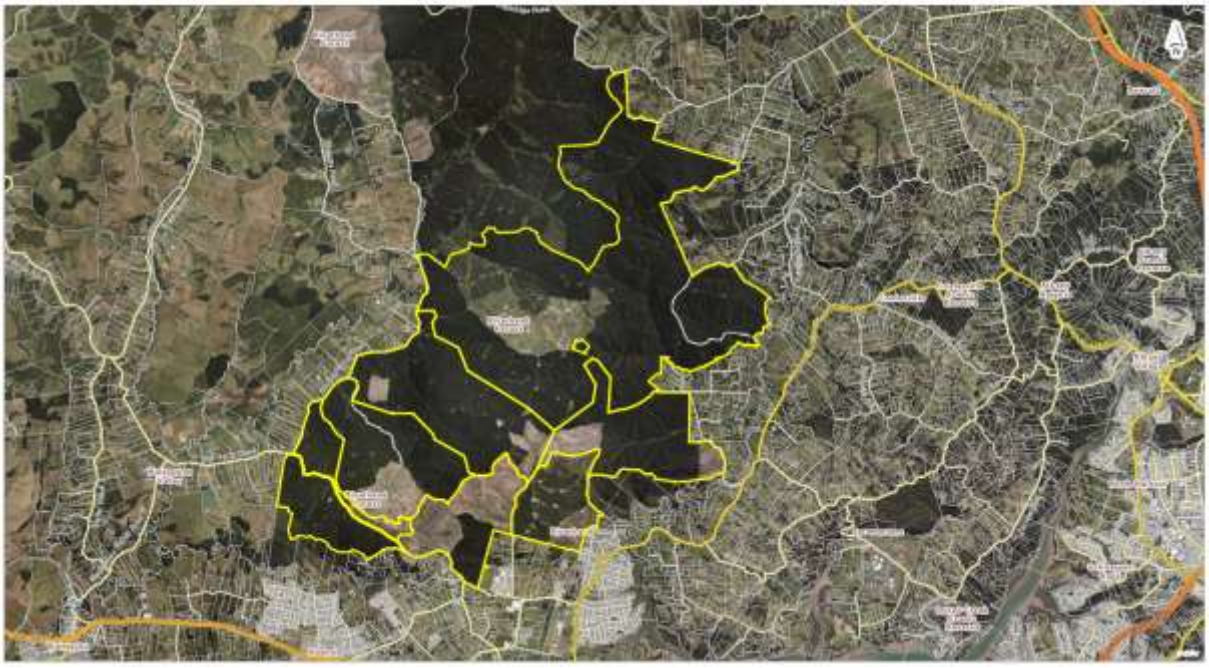
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

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.	13-15
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	22-28
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	38-39
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	40-70
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	29
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	30, 71
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.	30, 71
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).	31, 71
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).	32, 72
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).	33-34
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.	35-36, 73

	(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.	37
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	74-75
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.	77-78
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	76
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





Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Te Kawerau Iwi Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Te Kawerau ā Maki Claims Settlement Act 2015))
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)
Ngai Tai ki Tamaki Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a) – Ngāi Tai ki Tāmaki Claims Settlement Act 2018)
Ngāti Tamaoho Settlement Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a) – Ngāti Tamaoho Claims Settlement Act 2018)
Te Runanga o Ngati Whatua	iwi authority (s18(2)(a)); mandated entity (s18(2)(d))
Te Ākitai Waiohua Waka Taua Inc	iwi authority (s18(2)(a))
Te Akitai Waiohua Settlement Trust	Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))
Ngati Maru Runanga Trust	iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); mandated entity (s18(2)(d))
Ngāti Tamaterā Treaty 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))
Ngāti Pāoa Iwi Trust	Other Māori group with relevant interests (s18(2)(k))
Ngāti Whātua Ōrākei Trust	Other Māori group with relevant interests (s18(2)(k))
Ngaati Whanaunga Ruunanga Trust	Other Māori group with relevant interests (s18(2)(k))

Attachment 4: Te Kawerau ā Maki statutory acknowledgement over Rangitopuni Stream and its tributaries

Statutory acknowledgement provisions (Te Kawerau ā Maki Claims Settlement Act 2015)

28 Statutory acknowledgement by the Crown

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

29 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 30 to 32; 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 33 and 34; and

(c) to enable the trustees and any member of Te Kawerau ā Maki to cite the statutory acknowledgement as evidence of the association of Te Kawerau ā Maki with a statutory area, in accordance with section 35.

30 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.

31 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.

32 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.

33 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 28 to 32, 34, and 35; 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.

34 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 may be 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.

35 Use of statutory acknowledgement

(1) The trustees and any member of Te Kawerau ā Maki may, as evidence of the association of Te Kawerau ā Maki 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.

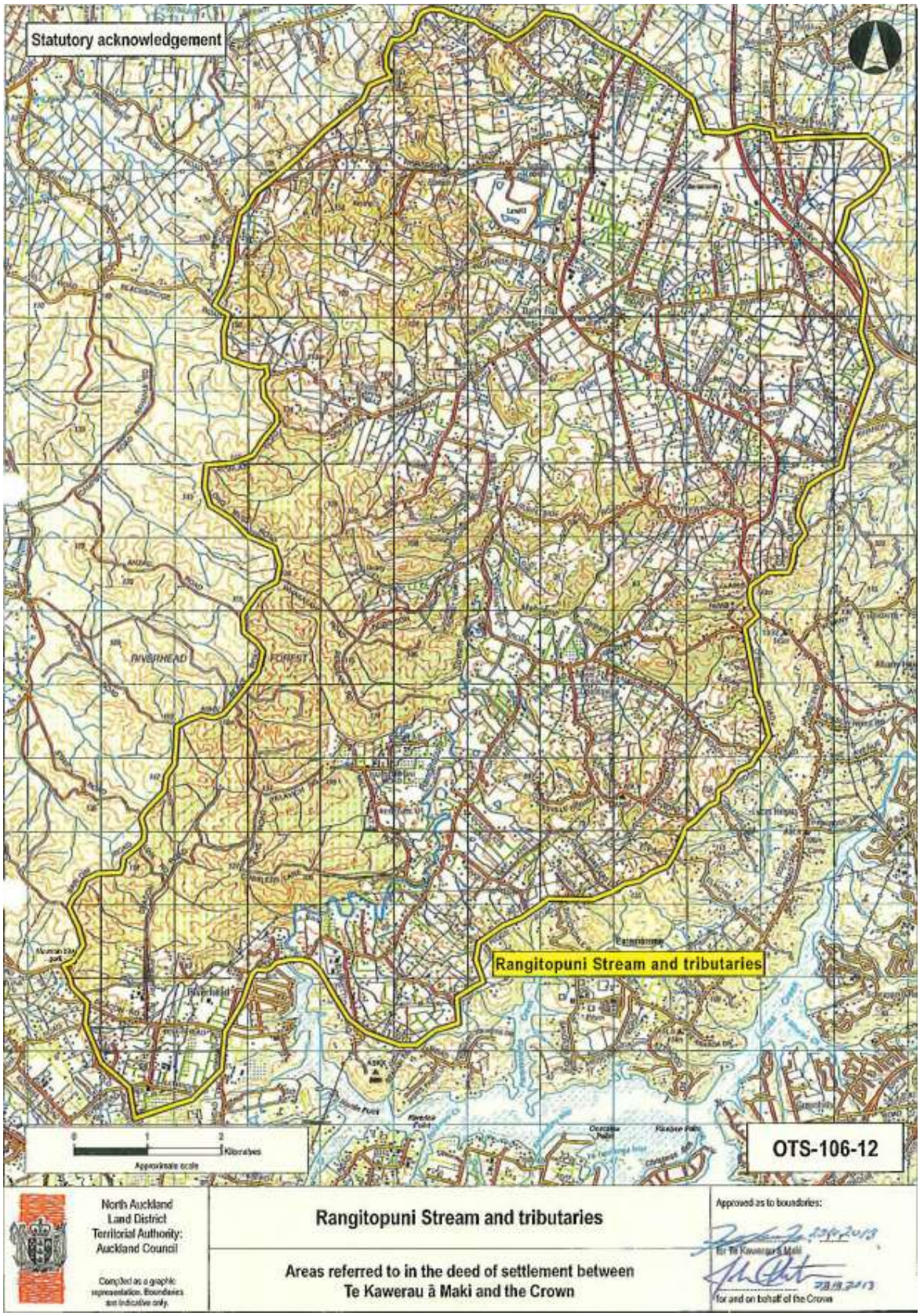
(3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.

(4) To avoid doubt,—

(a) neither the trustees nor members of Te Kawerau ā Maki are precluded from stating that Te Kawerau ā Maki 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 statutory area (attachments schedule to deed of settlement)



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

RANGITOPUNI STREAM

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as Rangitōpuni Stream, or to Te Kawerau ā Maki as Manga Rangitōpuni, as shown on deed plan OTS-106-12.

Cultural, Spiritual, Historic and Traditional Association of Te Kawerau ā Maki with Manga Rangitōpuni.

Te Kawerau ā Maki hold significant historical, cultural and spiritual associations with Manga Rangitōpuni and its catchment. The Rangitōpuni Stream extends inland for approximately 15 kilometres from the head of the Waitematā Harbour at Riverhead to the extensive land block known as Pukeatua. Its large catchment is enclosed in the north-west by part of what is now Riverhead Forest and the high point of Te Ahu. In the north east the catchment covers the areas known as Pukekauere and Paeraorao, from which flows the tributary stream known as Huruhuru. On the east the catchment is enclosed by the sacred hill Pukeatua and the long ridgeline known as Heruroa. The main sub-catchment in this area is the Mahoenui Stream, which extends over the area now known as Coatesville. Within this catchment is located the wāhi tapu area known as Onehungahunga. At the south western edge of the catchment is the sacred hill known as Te Pane ō Poataniwha, named after the Te Kawerau ā Maki ancestor Poataniwha.

Within the southern portion of the stream catchment is the locality which gives the Rangitōpuni Stream its name. Here, in the early eighteenth century, Te Kawerau ā Maki concluded a series of peace making meetings with another tribe, in an event known as "Rangi tōpuni", "the day of the (gifting of) the dog skin cloaks".

Traditionally occupation was concentrated in the southern area of the catchment around the strategically important area of Rangitōpuni, now known as Riverhead. At the falls marking the outlet of the Rangitōpuni Stream were two kāinga (settlements) known as Taurangatira and Ōrangikānohi. The latter settlement was named after a Te Kawerau ā Maki ancestress. On the south-western edge of the lower catchment is the locality known as Papakoura, which is a reminder of the harvesting of the fresh water crayfish, and the wide array of food that was traditionally taken from the steam and its margins. Also located within this area of the Rangitōpuni Stream catchment are several localities of considerable historical importance, including Te Wā Tira, Rakau Tūrua, Kaiakeake and Moaruku. These places are of particular significance to Te Kawerau ā Maki as they are linked with the tradition "Ruarangi haerere", associated with the ancestor Ruarangi and his eventful journey from Tāmaki Makaurau to Kaipara.

Attachment 5: Deed plans for coastal statutory acknowledgements




Statutory Acknowledgement
12 Nautical Miles
12 Nautical Miles
0
10
20
30
40
km
Approximate Scale
OMCR-131-037
North Auckland and South Auckland Land Districts
Territorial Authority: Auckland Council
and Waikato Regional Council
Compiled as a graphic representation
Boundaries are indicative only
Te Arawhiti
Coastal statutory acknowledgement area
Areas referred to in the deed of settlement between
Te Ākitai Waiohua and the Crown
Approved as to boundaries
for Te Akitai Waiohua
20/07/2021
for and on behalf of the Crown

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.

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. Ngati Whatua 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.

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