Ministry for Cities, Environment, Regions & Transport

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

Project Name: FTAA-2610-1306 Capital and Maintenance Dredging Reconsenting

To:	Date:
Panel Convener, Jane Borthwick	11 November 2026

Number of attachments: 7	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location maps 3. List of relevant Māori groups 4. Map of Te Maunga o Mauao Mātaitai Reserve 5. Waitaha coastal statutory acknowledgement provisions 6. Ngāi Te Rangi/Ngā Pōtiki coastal statutory acknowledgement provisions 7. Excerpt from Tauranga Moana Iwi Collective deed regarding Tauranga Moana Framework

Ministry for Cities, Environment, Regions & Transport contacts:

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Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), 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 (section 18 of the Act) in relation to the FTAA-2610-1306 Capital and Maintenance Dredging Reconsenting substantive application.
2. The applicant, Port of Tauranga Limited, is proposing to continue dredging to maintain the Port's existing navigation channels, and to deepen discrete areas within the existing channel through capital dredging. The applicant is seeking approvals under the Act which would otherwise be sought under the Resource Management Act 1991 (RMA) for the renewal of existing resource consents (coastal permit), specifically for:

a. the disturbance of the seabed by maintenance and capital dredging and any associated discharges;

b. the deposition of the dredged material to the marine and coastal area both within and outside of Tauranga Harbour/Te Awanui and any associated discharges; and

c. the removal of some of the dredged material from the marine and coastal area to dispose of it onshore.

3. Section 18(2) of the Act requires that this 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. There are a significant number of groups relevant to the project area, including applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), which we have listed at **Attachment 3**.

4. There are three Treaty settlement Acts (Waitaha Claims Settlement Act 2013, Ngāti Pūkenga Claims Settlement Act 2017, Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025), a signed deed of settlement (Ngāi Te Rangi and Ngā Pōtiki), and signed collective redress deed (Tauranga Moana Iwi Collective) relevant to the project area. Some of these settlements include Crown acknowledgements that specifically refer to the environmental and cultural impact of the development of the Port of Tauranga.

5. The Waitaha Claims Settlement Act 2013 and the Ngāi Te Rangi and Ngā Pōtiki deed of settlement both provide for statutory acknowledgements over a coastal area which incorporates part of the project area. We consider inviting Te Kapu o Waitaha Trust, Ngāi Te Rangi Settlement Trust, and Ngā Pōtiki a Tamapahore Trust to comment on the application under section 53 of the Act will meet the obligation under the statutory acknowledgement provisions to provide a summary of the application to the holder of the statutory acknowledgement.

6. The Tauranga Moana Framework, provided for in the Tauranga Moana Iwi Collective deed, includes several procedural arrangements regarding resource consent applications – such as information sharing, the appointment of hearing commissioners, and having regard to the Ngā Tai ki Mauao framework document – which would be relevant to the panel's consideration of this application if the collective legislation had been enacted. Nevertheless, in accordance with section 7 of the Act, it may be appropriate for the panel to consider how it might act consistently with the intent of the Tauranga Moana Framework redress, as set out in the signed collective deed.

7. Similarly, the panel may also want to consider whether customary fishing rights provided for under the Fisheries Act 1996 within the project area, through customary fisheries areas/rohe moana and a mātaitai reserve, may be affected by the approvals being sought by the applicant.

8. We have identified a number of other settlement provisions – including the vesting of cultural redress sites adjoining the project area or Tauranga Harbour, and the alteration of place names – which do not appear to have any direct implications for the panel's consideration of this application but provide relevant context regarding the traditional connection of tangata whenua with the project area and its immediate surrounds.

Signature



Stephanie Frame
Manager – Fast-track Operations

Introduction

9. 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) of the Act (but does not contain the matters in section 18(2)(l) and (m)).

10. The information which must be provided in this report includes:

    a. relevant iwi authorities, Treaty settlement entities, applicant groups under MACA, and other Māori groups with interests in the project area; and

    b. relevant principles and provisions in Treaty settlements and other arrangements.

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

Proposed project

12. The applicant, Port of Tauranga Limited, is proposing to continue dredging to maintain the Port's existing navigation channels, and to deepen discrete areas within the existing channel through capital dredging. The applicant is seeking approvals under the Act which would otherwise be sought under the RMA for the renewal of existing resource consents (coastal permits), specifically for:

    a. the disturbance of the seabed by maintenance and capital dredging and any associated discharges;

    b. the deposition of the dredged material to the marine and coastal area both within and outside of Te Awanui (Tauranga Harbour) and any associated discharges; and

    c. the removal of some of the dredged material from the marine and coastal area to dispose of it onshore.

13. The proposed capital dredging will comprise:

    a. deepening the approach to Berth 1 (approximately 3 metres), which is part of the existing resource consents;

    b. deepening an area of the Passing Lane to smooth the entrance corner (approximately 7 metres), which is not a part of the existing resource consents; and

    c. deepening the existing Sitting Basins (depths vary from 1 metre to 7 metres), which is part of the existing resource consents.

14. The applicant proposes increasing the amount dredged on average each year from 185,000 cubic metres (m^3) under the existing consent, to 250,000m^3 averaged over ten years (with a cap of 350,000m^3 in any calendar year). In addition to retaining the existing volumes of capital dredging to be deposited in the deposition grounds (shown as sites A, B, C, H1, H2 in the attached maps), the application includes the deposit of 1,500,000m^3 dredged under the Stella Passage resource consent. The application also seeks approval to extract up to 500,000m^3 from the coastal marine area for use on land and/or in reclamations.

15. No other approvals are being sought under the Act. We have provided location maps at **Attachment 2**.

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

16. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**, including contact details.[1]

Iwi authorities

17. Under section 4(2) of the Act, 'iwi authority' has the same meaning as in section 2(1) of the RMA:

> *the authority which represents an iwi and which is recognised by that iwi as having authority to do so*.

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

    a. Ngāti Pūkenga Iwi ki Tauranga Trust, representing Ngāti Pūkenga;
    b. Te Rūnanga o Ngāi Te Rangi Iwi Trust, representing Ngāi Te Rangi;
    c. Ngāti Ranginui Iwi Society Inc, representing Ngāti Ranginui;
    d. Ngā Pōtiki a Tamapahore Trust, representing Ngā Pōtiki; and
    e. Te Kapu o Waitaha Trust, representing Waitaha.

Treaty settlement entities

19. Under section 4(1) of the Act, "Treaty settlement entity" means any of the following:

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

20. Under the Act, a PSGE:

> *(a) means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—*
>
> > *(i) by that group; or*
> >
> > *(ii) by or under an enactment or order of a court; and*
>
> *(b) includes—*
>
> > *(i) an entity established to represent a collective or combination of claimant groups; and*
> >
> > *(ii) an entity controlled by an entity referred to in paragraph (a); and*

[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.

(iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a).

21. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.[2]

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

    a. Te Kapu o Waitaha Trust, PSGE for Waitaha Claims Settlement Act 2013;

    b. Te Tāwharau o Ngāti Pūkenga, PSGE for Ngāti Pūkenga Claims Settlement Act 2017;

    c. Ngā Hapū o Ngāti Ranginui Settlement Trust, PSGE for Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025;

    d. Ngāti Pūkenga Iwi ki Tauranga Trust, mandated iwi organisation/iwi aquaculture organisation for Ngāti Pūkenga;

    e. Te Rūnanga o Ngāi Te Rangi Iwi Trust, mandated iwi organisation/iwi aquaculture organisation for Ngāi Te Rangi;

    f. Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, mandated iwi organisation/iwi aquaculture organisation for Waitaha;

    g. Ngāti Ranginui Fisheries Trust, mandated iwi organisation/iwi aquaculture organisation for Ngāti Ranginui; and

    h. Te Ohu Kaimoana.

23. A PSGE may be established ahead of finalising a deed of settlement and/or enactment of Treaty settlement legislation. The following PSGEs in this category are also relevant:

    a. Ngāi Te Rangi Settlement Trust, PSGE for Ngāi Te Rangi;

    b. Ngā Pōtiki a Tamapahore Trust, PSGE for Ngā Pōtiki;

    c. Tauranga Moana Iwi Collective Limited Partnership, PSGE for Tauranga Moana Iwi Collective (Ngāti Pūkenga, Ngū Hapū o Ngāti Ranginui, Ngāi Te Rangi); and

    d. Ngāti Maru Rūnanga Trust, PSGE for Ngāti Maru.

Groups mandated to negotiate Treaty settlements

24. Apart from those negotiating groups which have already established PSGEs (paragraph 23 refers), there are no other groups with recognised mandates to negotiate a Treaty settlement over an area which may include the project area.

25. Ngāi Te Rangi and Ngā Pōtiki signed a joint deed of settlement with the Crown in December 2013 (Ngā Pōtiki is a hapū of Ngāi Te Rangi), and their settlement Bill was introduced to the House in May 2016. However, we understand negotiations with the Crown are currently paused.

[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.

Takutai Moana groups and ngā hapū o Ngāti Porou

26. At the time of writing, there are no groups with court orders or agreements under MACA that recognise protected customary rights or customary marine title within the project area. In October 2021, the High Court granted five applicant groups a joint customary marine title (CMT) over Te Tāhuna o Rangataua, an estuary in the eastern-most part of Tauranga Harbour.[3]

27. The following applicant groups are seeking recognition of CMT and/or protected customary rights (PCR) under MACA over an area which includes the project area:

    a. MAC-01-05-005 – Ngā Hapū o Matakana;
    b. MAC-01-05-006/CIV-2017-485-244 – Ngā Hapū o Ngāi Te Rangi;
    c. MAC-01-05-009 – CMT/PCR – Ngāi Tamarawaho;
    d. MAC-01-05-013/CIV-2017-485-219 – Ngāti Hē;
    e. MAC-01-05-015/CIV-2017-485-250 – PCR – Ngāti Pukenga;
    f. MAC-01-05-016/CIV-2017-485-294 – Ngā Hapū o Ngāti Ranginui Settlement Trust;
    g. MAC-01-05-020 – CMT & PCR – Pomare Paora Trust;
    h. MAC-01-05-024/CIV-2017-485-355 – Te Whānau a Mokomoko;
    i. MAC-01-05-025 – Waaka and Holloway Whānau;
    j. MAC-01-06-005 – CMT & PCR – Waitaha Iwi;
    k. MAC-01-03-001 – Hauraki Māori Trust Board;
    l. MAC-01-03-006 – Ngāti Maru;
    m. MAC-01-03-011 – Ngāti Tamaterā;
    n. MAC-01-01-091 Ngaati Whanaunga; and
    o. MAC-01-05-007/CIV-2011-485-793 Ngā Pōtiki.

28. 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

29. The project area is within several areas subject to regulations for customary food-gathering made under Part 9 of the Fisheries Act 1996.

30. Pursuant to Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 (the Regulations), the Fisheries (Kaimoana Customary Fishing) Notice (No. 14) 2011 provides for management of customary food-gathering, by the appointed tangata kaitiaki/tiaki, within an area/rohe moana which includes Tauranga Harbour and the adjacent coast from Bowentown Heads to Papamoa Beach. Ngāi Te Rangi, Ngāti Ranginui, and Ngāti Pūkenga are the tangata whenua of this rohe moana (who nominate the tangata kaitiaki/tiaki), represented by Tauranga Moana Iwi Customary Fisheries Trust.

31. It also appears that the proposed H1 and H2 deposition grounds may be within Te Rourou a Toi Collaborative Pātaka Kai rohe moana, established by the Fisheries (Notification of

[3] Four of these applicant groups (Ngāti Hē, Ngāti Pūkenga, Ngāi Te Rangi, and Ngāti Ranginui) are also seeking CMT/PCR over an area encompassing the project area, as set out in paragraph 27.

Kaitiaki for Moana a Toi Pātaka of Mai i Ngā Kuri a Whārei ki Tihirau Iwi Fisheries Forum) Notice 2022 (No. 1580). This rohe moana covers an area between two nautical miles offshore and 24 nautical miles offshore, from Bowentown Heads in the west to Waipuna Stream in the eastern Bay of Plenty. Tangata whenua are represented by Mai i Ngā Kuri a Whārei ki Tihirau Iwi Fisheries Forum.

32. In addition, the project area includes Te Maunga o Mauao Mātaitai Reserve, which is depicted on the map at **Attachment 4**. Pursuant to Part 9 of the Fisheries Act 1996 and Regulation 22 of the Regulations, the Fisheries (Declaration of Mataitai Reserve at Mt Maunganui and Part of Tauranga Harbour and Appointments of Tangata Kaitiaki/Tiaki) Notice 2008 (No. F456) established the mātaitai reserve. The current tangata kaitiaki/tiaki for the mātaitai reserve is Kia Māia Ellis.[4]

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

33. Section 39 of the Act provides that before a substantive application is lodged for a listed project or a referred project, the Minister may determine under section 23 or 24 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 joint management agreements

35. If the project area is within the boundaries of a 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 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

37. We have also identified the following groups with relevant interests in the project area:

    a. Ngāi Tukairangi (hapū of Ngāi Te Rangi);

    b. Ngāti Kuku (hapū of Ngāi Te Rangi);

    c. Ngāti Hē Hapū Trust (hapū of Ngāi Te Rangi);

    d. Ngāti Kaahu Ki Mangatawa Hapū (hapū of Ngāi Te Rangi);

    e. Ngāti Tapu (hapū of Ngāi Te Rangi);

[4] Fisheries (Notification of Tangata Kaitiaki/Tiaki for Mātaitai Reserve at Mt Maunganui and Part of Tauranga Harbour – Te Maunga o Mauao Mātaitai Reserve) Notice 2022 (No. 1531).

f. Te Whānau a Tauwhao ki Otawhiwhi Trust (hapū of Ngāi Te Rangi);

g. Ngāi Tamawhariua (hapū of Ngāi Te Rangi);

h. Ngāi Tuwhiwhia (hapū of Ngāi Te Rangi);

i. Ngāti Kahu (hapū of Ngāti Ranginui);

j. Ngāi Tamarāwaho (hapū of Ngāti Ranginui);

k. Ngāi Te Ahi Settlement Trust (hapū of Ngāti Ranginui);

l. Ngāti Ruahine Hapū Trust hapū of Ngāti Ranginui);

m. Ngāti Hangarau Hapū Trust (hapū of Ngāti Ranginui);

n. Pirirākau Tribal Authority (hapū of Ngāti Ranginui);

o. Ngā Hapū o Ngā Moutere Trust, collective of Matakana Island hapū: Ngāi Tuwhiwhia, Ngāi Tamawhariua, Ngāti Tauaiti, Te Ngare, Whānau a Tauwhao;

p. Ngā Tai ki Mauao hapū, collective comprising: Ngāi Tuwhiwhia, Ngāi Tamawhariua, Te Ngare, Whānau a Tauwhao (ki Rangiwaea), Ngāti Tauaiti, Ngāti Kuku, Whareroa Marae Trust, Ngāti Tapu; Ngāti Kaahu a Tamapahore; Ngā Kaitiaki o Rangataua; Ngāti Hē; Ngāti Kahu (ki Tauranga);

q. Whareroa Marae (Ngāti Kuku, Ngāi Tukairangi);

r. Huria Marae (Ngāi Tamarāwaho); and

s. Mauao Trust.

38. We note the applicant has identified a number of other groups for notification/consultation not included in this report.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

39. 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.

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

Treaty settlement Acts:

a. Waitaha Claims Settlement Act 2013;

b. Ngāti Pūkenga Claims Settlement Act 2017;

c. Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025;

Treaty settlement deeds:

d. Ngāi Te Rangi and Ngā Pōtiki deed of settlement, signed December 2013; and

e. Tauranga Moana Iwi Collective deed (Ngāi Te Rangi, Ngāti Pūkenga, Ngāti Ranginui), signed January 2015.

Relevant principles and provisions

41. 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

42. 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.

43. As part of its apologies to Waitaha, Ngāti Pūkenga, the hapū of Ngāti Ranginui, Ngāi Te Rangi and Ngā Pōtiki, the Crown stated 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.

44. With specific reference to Tauranga Moana, the Crown has also acknowledged:

    a. that Ngāti Pūkenga describe Tauranga Moana as a significant taonga, and that environmental degradation of the harbour and species within has been a source of distress for Ngāti Pūkenga;

    b. the significance of the land, forests, harbours and waterways of Tauranga Moana as a physical and spiritual resource for Ngāi Te Rangi and Ngā Pōtiki;

    c. the loss of most of their coastal lands has reduced Ngāi Te Rangi and Ngā Pōtiki's access to coastal urupā, kainga, food-gathering areas, and associated resources;

    d. the development of the Port of Tauranga, the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana, and the construction of effluent ponds on Te Tahuna o Rangataua, have resulted in the environmental degradation of Tauranga Moana and reduction of biodiversity and food resources which remain a source of great distress to Ngāi Te Rangi and Ngā Pōtiki;

    e. the significance of the land, forests, harbours and waterways of Tauranga Moana to the hapū of Ngāti Ranginui as a physical and spiritual resource over which Ngāti Ranginui hapū acted as kaitiaki; and

    f. that the development of the Port of Tauranga, and the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana have resulted in environmental degradation of Tauranga Moana which remains a source of great distress to the hapū of Ngāti Ranginui.

Statutory acknowledgements

45. The Waitaha Claims Settlement Act 2013 and the Ngāi Te Rangi and Ngā Pōtiki deed of settlement both provide for statutory acknowledgements over a coastal area which incorporates part of the project area (but not that part within Tauranga Harbour).

46. Statutory acknowledgements are 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 Treaty settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or 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.[5]

47. 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 EPA, board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.

48. The activities proposed by the applicant are within the statutory areas or are adjacent to them (in the case of works within Tauranga Harbour). The application documents note that:

    a. during the excavation of the seabed, the main potential impacts are excavation of benthic biota and the release of potential contaminants into the water column, including suspended sediment (turbidity) and dissolved or absorbed materials such as heavy metals, hydrocarbons, and pesticides;

    b. during the disposal of the extracted sediment, the main potential impacts are burial of benthic biota and release of potential contaminants into the water column (of the type described above); and

    c. during the post-dredging or recovery period, the main potential impacts are changes to: tidal circulation and sediment transport within and outside the harbour; the behaviour of depth-dependent phenomena, such as waves and storm surges; and patterns of erosion, accretion, and dispersal of sediment from the disposal site.

49. 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.

50. Te Kapu o Waitaha Trust, Ngāi Te Rangi Settlement Trust, and Ngā Pōtiki a Tamapahore 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 application. This does not prevent the panel from inviting other relevant Māori groups, such as those identified in this report, to comment on the application.

51. We have included the relevant statutory acknowledgement provisions from the Waitaha Claims Settlement Act 2013, deed plan of the statutory area, and statement of association at **Attachment 5**. The Ngāi Te Rangi and Ngā Pōtiki statutory acknowledgement is subject to the enactment of the settlement legislation, but will include very similar provisions as this is standardised drafting across Treaty settlements. We have included the deed plan of the

[5] 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.

statutory areas and statement of association for the Ngāi Te Rangi/Ngā Pōtiki statutory acknowledgement at **Attachment 6**.

Tauranga Moana Framework

52. The Tauranga Moana Iwi Collective deed provides for the Tauranga Moana Framework, which includes:

    a. the establishment of a statutory committee called the Tauranga Moana Governance Group; and

    b. the preparation, review, amendment and adoption of a Tauranga Moana framework document – Ngā Tai ki Mauao – which will identify the vision, objectives and desired outcomes for Tauranga Moana.

53. The shared principles for the Tauranga Moana Framework, as set out at paragraph 2.24 of the Tauranga Moana Iwi Collective deed, include:

    a. for Tauranga Moana iwi and the Crown to operate in accordance with their relationship under the Treaty of Waitangi;

    b. to provide for Tauranga Moana iwi and hapū to participate meaningfully in decision-making and the framing of policy related to Tauranga Moana;

    c. to promote holistic and integrated management of Tauranga Moana; and

    d. to provide for iwi and hapū values and Mātauranga Maori in the management of Tauranga Moana.

54. The purpose of the Tauranga Moana Governance Group is to provide leadership and strategic direction to restore, enhance and protect the health and wellbeing of Tauranga Moana (which includes the project area). The Group will achieve sustainable management of Tauranga Moana through the implementation of Ngā Tai ki Mauao and by providing for participation by Tauranga Moana iwi and hapū in the management of Tauranga Moana. The Group will comprise equal numbers appointed by iwi and by local authorities/Minister for the Environment.

55. The Framework includes several procedural provisions of relevance to the application:

    a. copies of applications for resource consent for any activities referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the RMA, in relation to waters within Tauranga Moana, must be provided to Tauranga Moana iwi and hapū within five working days of receipt by Bay of Plenty Regional Council (BOPRC);

    b. at least once every two years BOPRC and the Tauranga Moana Governance Group must jointly establish a working party to develop/review criteria and policies for procedural matters related to resource consent applications;

    c. if a hearing is to be held under the RMA in relation to an application for a resource consent referred to in paragraph 55(a), BOPRC must appoint at least one person from the register of hearing commissioners maintained by the Tauranga Moana Governance Group; and

    d. until such time as Ngā Tai ki Mauao has been recognised and provided for in the preparation, review, variation or change of the Bay of Plenty regional policy statement, a consent authority must have regard to the contents of Ngā Tai ki Mauao when making a decision on a resource consent which applies to Tauranga Moana.

56. The RMA approvals included in this referral application would be subject to these provisions. However, while these provisions are contained in a signed deed of settlement, they are to be provided for through collective legislation, which has yet to be enacted.[6] This means the Tauranga Moana Governance Group has yet to be established and, as far as we are aware, Ngā Tai ki Mauao has not been developed. Accordingly, the panel's obligations under Schedule 3 clause 5 of the Act to comply with any relevant procedural requirements set out in a Treaty settlement Act do not apply to the Tauranga Moana Framework provisions at this time.

57. Section 82 of the Act requires that, if a Treaty settlement provides for the consideration of any document, then the panel must give the same or equivalent effect to that document in their decision-making. This would mean having regard to Ngā Tai ki Mauao in considering this application, as set out in paragraph 55(d).[7] Again, this is not possible if Ngā Tai ki Mauao has yet to be developed.

58. Notwithstanding this, the overarching provision at section 7 of the Act requires all persons performing and exercising functions, powers, and duties to act in a manner that is consistent with the obligations arising under existing Treaty settlements (where 'Treaty settlements' includes a signed Treaty settlement deed). Accordingly, it would be appropriate for the panel to consider how it might act consistently with the intent of the Tauranga Moana Framework redress, acknowledging that the settlement legislation which would bring these arrangements into force has yet to be enacted. For your information, we have provided the relevant excerpts from the Tauranga Moana Iwi Collective deed at **Attachment 7**.

Other redress

59. The relevant Treaty settlements provide for other redress which is near the project area or adjacent to Tauranga Harbour, including (but not limited to):

    a. the proposed vesting of Mouotau Island in Ngāi Te Rangi as a scenic reserve;

    b. the vesting of cultural redress properties near the shores of Tauranga Harbour in Ngā Hapū o Ngāti Ranginui Settlement Trustee Limited (as custodian trustee), such as Waikareao Estuary Recreation Reserve and Te Hopuni Local Purpose (Cultural Centre) Reserve;

    c. the appointment Ngā Hapū o Ngāti Ranginui Settlement Trust to be the administering body of the Te Wharepoti/Margaret Jackson Wildlife Management Reserve, as if they were appointed to control and manage the reserve under section 35 of the Reserves Act 1977;

    d. a right of first refusal over Mauao Recreation Reserve in favour of Ngāi Te Rangi; and

    e. alteration of official geographic names to Hūhārua (Plummers Point) and Parewhataroa Peninsula (Te Puna West) in the Ngāti Ranginui settlement, and the proposed change to Te Tehe/Welcome Bay (Welcome Bay) in the Ngāi Te Rangi and Ngā Pōtiki settlement.

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[6] The Tauranga Moana Framework provisions are included in the legislative matters schedule to the collective deed. At the time of preparing this report, the Tauranga Moana Iwi Collective Redress Bill currently before the House (awaiting second reading) does not include these provisions.

[7] This includes any statutory planning document amended as a consequence, which in this instance would mean the Bay of Plenty regional policy statement.

60. While this redress does not appear to have any direct implications for the panel's consideration of this application, it underlines the traditional connection of tangata whenua with the project area and its immediate surrounds.

61. The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau (Te Tari Whakatau) also advise that there is a Treaty settlements landbank property close to the port at 124-132 Hull Road, Mount Maunganui.[8] This property is not currently part of a proposed redress package for any specific settlement, nor is it the subject of ongoing negotiations.

62. 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.

Maori Fisheries Act 2004

63. The Maori Fisheries Act 2004 provides a framework for the allocation and transfer of specified settlement assets to iwi, in the form of fisheries quota, and management of the remainder of those settlement assets. While Ngāti Pūkenga Iwi ki Tauranga Trust, Te Rūnanga o Ngāi Te Rangi Iwi Trust, Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, and Ngāti Ranginui Fisheries Trust hold fishing quota in the wider Quota Management Area, it is not clear whether the application will affect these interests.

Maori Commercial Aquaculture Claims Settlement Act 2004

64. The Maori Commercial Aquaculture Claims Settlement Act 2004 provides for the settlement of Māori claims to commercial aquaculture through the allocation and management of aquaculture settlement assets. While Ngāti Pūkenga Iwi ki Tauranga Trust, Te Rūnanga o Ngāi Te Rangi Iwi Trust, Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, and Ngāti Ranginui Fisheries Trust are iwi aquaculture organisations for the purposes of the Maori Commercial Aquaculture Claims Settlement Act 2004, the project area is not located within an aquaculture settlement area established under section 12 of that legislation (or within an area reserved for aquaculture through an individual iwi settlement).

Customary Marine Title/Protected Customary Rights

65. 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.

66. However, as noted at paragraph 27, there are currently 15 applicant groups seeking recognition of PCR or CMT over areas which include the project area. Under section 53(2)(e) of the Act, the panel must invite comments from MACA applicants identified in this report. This will provide groups an opportunity to comment on the application and have their views taken into consideration by the panel.[9]

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[8] Landbank properties are properties which are no longer required by the Crown and are held in the interim by Land Information New Zealand for potential use as redress in Treaty settlements.

[9] We note sections 62(2) and 62A MACA provide for CMT applicants to be notified of, and consulted on, applications for resource consents in that part of the common marine and coastal area where CMT is being sought.

67. We note that if any of the CMT/PCR applications are ultimately successful, a number of rights would be conferred on the relevant applicants under MACA, including in relation to permission for certain resource consents.

Taiāpure-local fisheries/mātaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

68. As noted at paragraphs 29-32, the project area is within several areas subject to regulations made under Part 9 of the Fisheries Act 1996:

    a. a customary food gathering area/rohe moana for Ngāi Te Rangi, Ngāti Ranginui, and Ngāti Pūkenga, as represented by the Tauranga Moana Iwi Customary Fisheries Working Committee;

    b. a customary food gathering area/rohe moana for Te Rourou a Toi Collaborative Pātaka Kai, as represented by Mai i Ngā Kuri a Whārei ki Tihirau Iwi Fisheries Forum; and

    c. Te Maunga o Mauao Mātaitai Reserve.

69. The Regulations and relevant notices for customary food-gathering areas/rohe moana provide that the tangata kaitiaki/tiaki appointed for the area may authorise any individual to take fisheries resources, managed under the Fisheries Act 1996, for customary food-gathering purposes from within the whole or any part of the area/rohe moana.

70. The purpose of the Mātaitai Reserve is to sustainably manage kai moana health and population within the specified area. The Fisheries (Declaration of Mataitai Reserve at Mt Maunganui and Part of Tauranga Harbour and Appointments of Tangata Kaitiaki/Tiaki) Notice 2008 prohibits commercial fishing within the reserve, and provides that the tangata kaitaki/tiaki appointed for the reserve may authorise any individual to take fisheries resources, managed under the Fisheries Act 1996, for customary food-gathering purposes from within the reserve.

71. While the application itself does not include the proposed taking of fisheries resources, it is possible that the project may affect the ability of the tangata whenua to exercise customary food-gathering practices under the authority of the kaitiaki/tiaki. We have noted the main potential impacts of the proposal on the marine environment, as identified by the applicant, at paragraph 48. In addition, the assessment of effects on marine ecology provided by the applicant suggests that the effect of dredging on fish at the location of dredging is negligible, and the effect of dredging on pipi is low. However, tangata whenua are likely to have their own views on the impact of the proposed activities on mahinga kai.

Joint management agreement

72. As noted above, we have not identified any joint management agreements that are relevant to the project area.

Consultation with departments

73. In preparing this report, we are required to consult relevant departments. We have sought advice from Te Puni Kōkiri – the Ministry for Māori Development and Te Tari Whakatau regarding the relevant Māori groups, and from the Ministry for Primary Industries – Manatū Ahu Matua in relation to fisheries and aquaculture settlements, and have incorporated their views into this report.

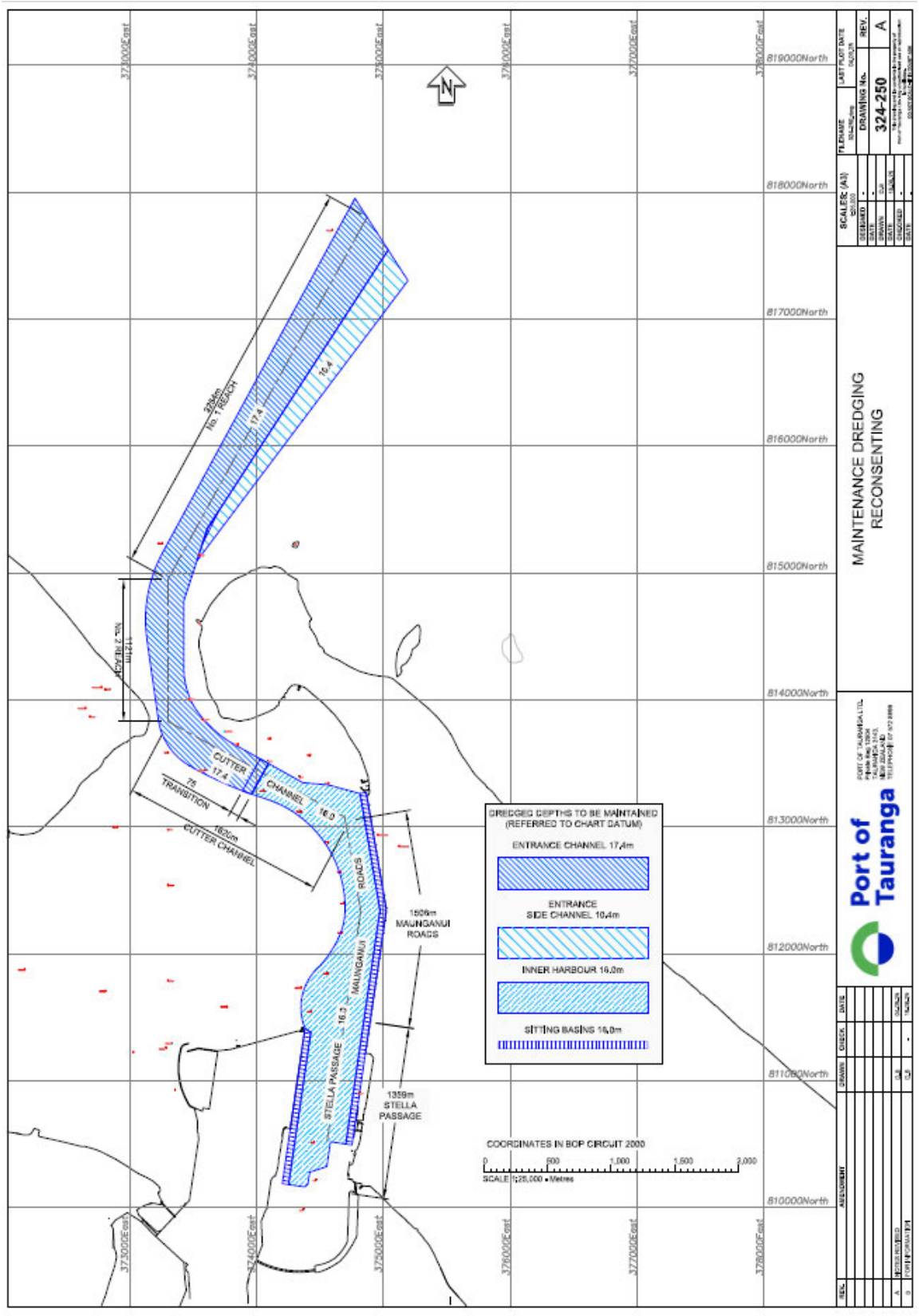
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided 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	17-23
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	39-40
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	41-64
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	24-25
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	26, 65
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.	27, 66-67
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	28, 65
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).	29-32, 68-71
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),	35-36, 72

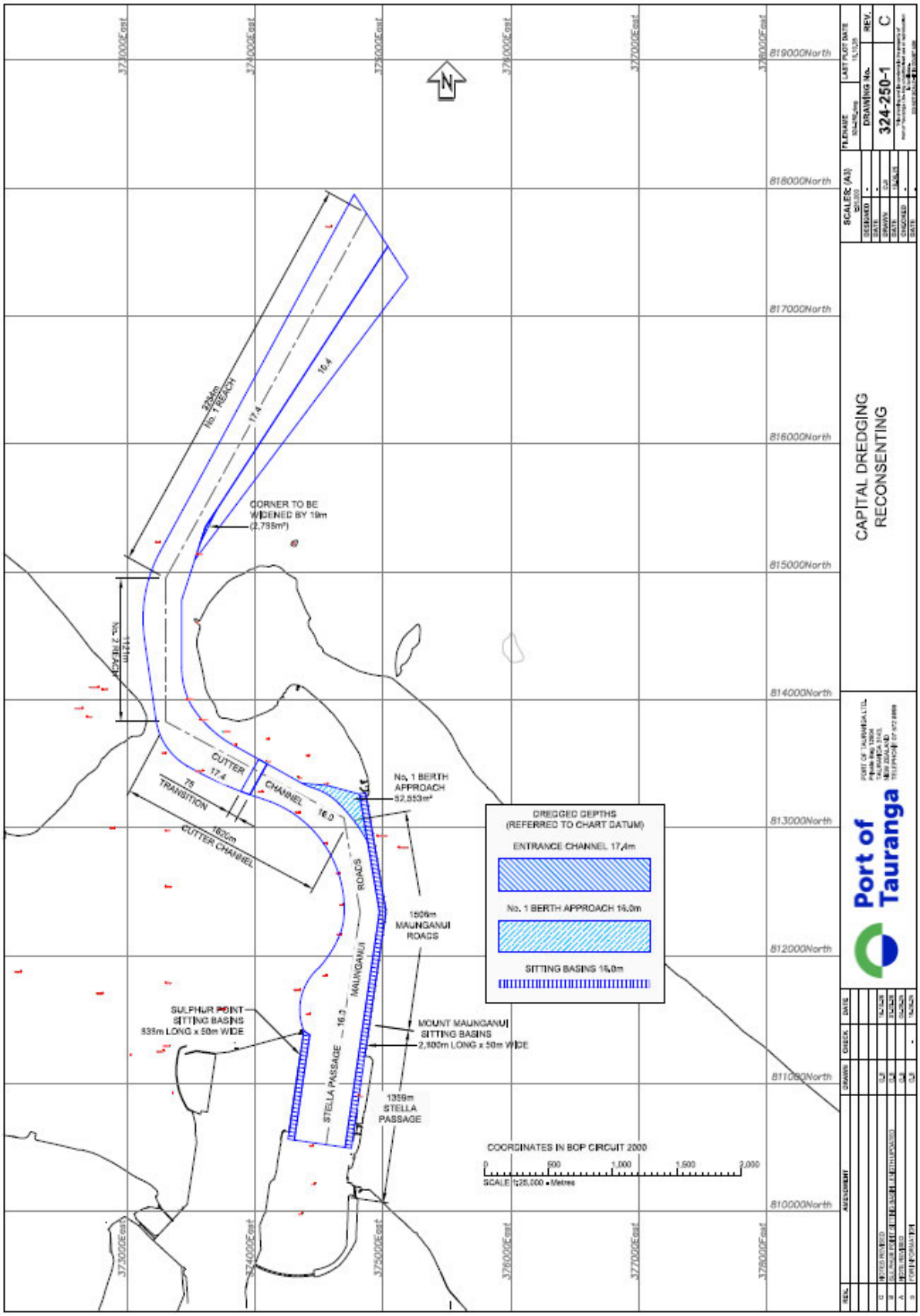
	(i) iwi authorities and groups that represent hapū that are parties to relevant joint management agreements. (ii) The relevant principles and provisions in those joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	37-38
18(2)(l)	A summary of— (i) comments received by 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 consult relevant departments.	73
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

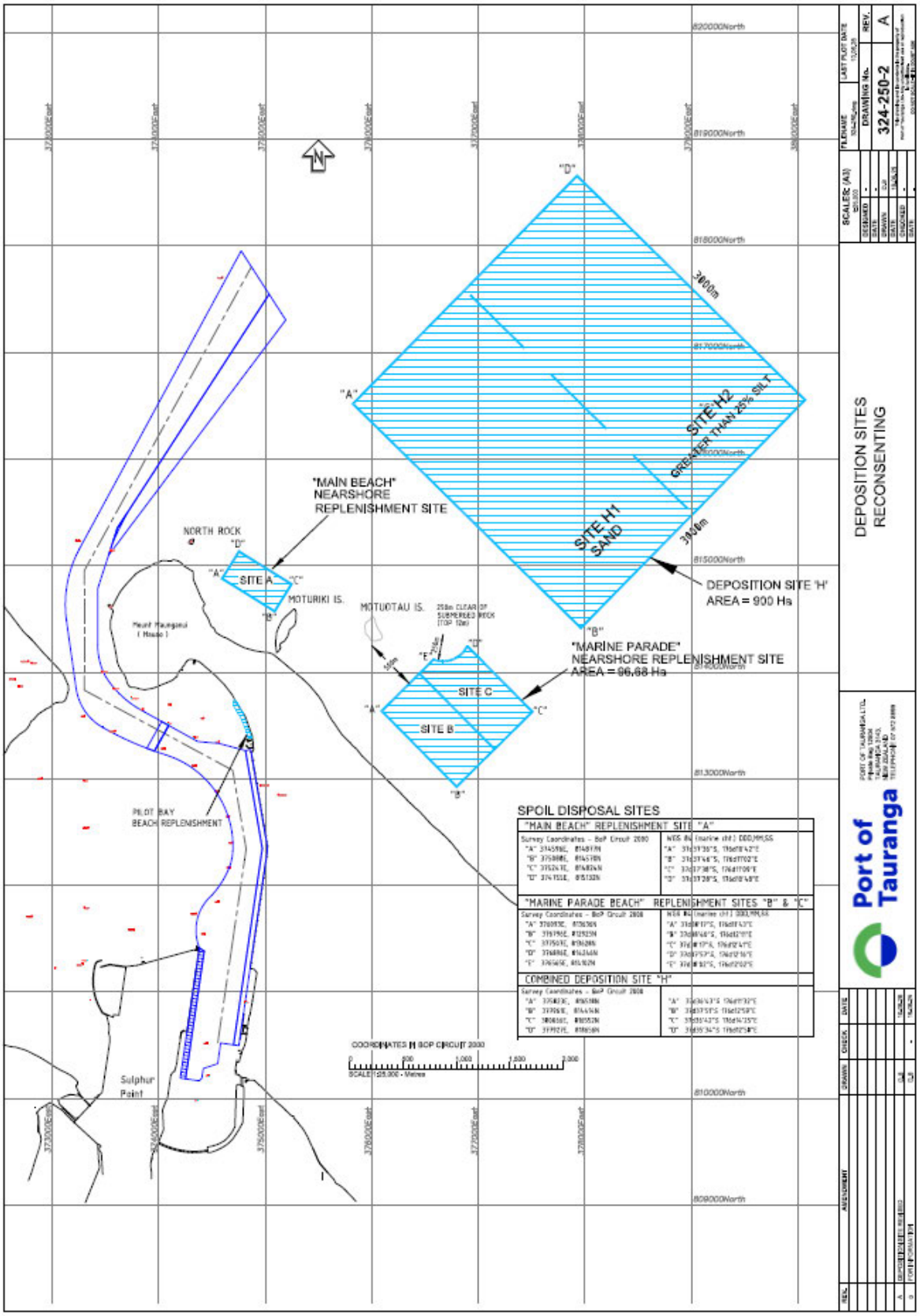
Maintenance dredging areas:



Capital dredging areas:



Deposition areas:



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Ngāti Pūkenga Iwi ki Tauranga Trust	Iwi authority (s18(2)(a)); Treaty settlement entity – MIO/IAO (s18(2)(a))	[redacted]	[redacted]
Te Rūnanga o Ngāi Te Rangi Iwi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity – MIO/IAO (s18(2)(a))	[redacted]	[redacted]
Ngāti Ranginui Iwi Society Inc	Iwi authority (s18(2)(a))	[redacted]	[redacted]
Te Kapu o Waitaha Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a))	[redacted]	[redacted]
Te Tāwharau o Ngāti Pūkenga	Treaty settlement entity (s18(2)(a))	[redacted]	[redacted]
Ngāi Te Rangi Settlement Trust	Treaty settlement entity (s18(2)(a)), negotiation mandate (s18(2)(d))	[redacted]	[redacted]
Ngā Pōtiki a Tamapahore Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)), negotiation mandate (s18(2)(d))	[redacted]	[redacted]

Ngā Hapū o Ngāti Ranginui Settlement Trust	Treaty settlement entity (s18(2)(a))	[redacted]	[redacted]
Tauranga Moana Iwi Collective Limited Partnership	Treaty settlement entity (s18(2)(a))	[redacted]	[redacted]
Ngāti Maru Rūnanga Trust	Treaty settlement entity (s18(2)(a)), negotiation mandate (s18(2)(d))	[redacted]	[redacted]
Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, representing Waitaha	Treaty settlement entity – MIO/IAO (s18(2)(a))	[redacted]	[redacted]
Ngāti Ranginui Fisheries Trust	Treaty settlement entity – MIO/IAO (s18(2)(a))	[redacted]	[redacted]
Te Ohu Kaimoana	Treaty settlement entity – MIO (s18(2)(a))	[redacted]	[redacted]
MAC-01-05-024/CIV-2017-485-355 – Te Whānau a Mokomoko	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-03-006 – Ngāti Maru	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-05-020 – CMT & PCR – Pomare Paora Trust	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-05-005 – Ngā Hapū o Matakana	MACA applicant group (s18(2)(f))	[redacted]	[redacted]

MAC-01-05-006/CIV-2017-485-244 – Ngā Hapū o Ngāi Te Rangi	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-05-009 – CMT/PCR – Ngāi Tamarawaho	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-05-013/CIV-2017-485-219 – Ngāti He	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-05-015/CIV-2017-485-250 – PCR – Ngāti Pukenga	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-05-016/CIV-2017-485-294 – Ngā Hapū o Ngāti Ranginui Settlement Trust	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-05-025 – Waaka and Holloway Whānau	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-06-005 – CMT & PCR – Waitaha Iwi	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-03-001 – Hauraki Maori Trust Board	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-03-011 – Ngāti Tamatera	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-01-091 Ngaati Whanaunga	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
MAC-01-05-007/CIV-2011-485-793 Ngā Pōtiki	MACA applicant group (s18(2)(f))	[redacted]	[redacted]
Kia Māia Ellis – tangata kaitiaki/tiaki for Te Maunga o Mauao Mātaitai Reserve	Customary fisheries (s18(2)(h))	[redacted]	[redacted]

Tauranga Moana Iwi Customary Fisheries Trust	Customary fisheries (s18(2)(h))	[redacted]	[redacted]
Mai i Ngā Kuri a Whārei ki Tihirau Iwi Fisheries Forum	Customary fisheries (s18(2)(h))	[redacted]	[redacted]
Ngāi Tukairangi (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Ngāti Kuku (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Ngāti Hē (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Ngāti Kaahu Ki Mangatawa Hapū (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Ngāti Tapu (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Te Whanau a Tauwhao ki Otawhiwhi Trust	other Māori groups with relevant interests (s18(2)(k))		[redacted]
Ngāi Tamawhariua (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))		[redacted]
Ngāi Tuwhiwhia (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))		[redacted]
Ngāti Kahu (hapū of Ngāti Ranginui)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Ngāi Tamarāwaho (hapū of Ngāti Ranginui)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Ngāi Te Ahi Settlement Trust (hapū of Ngāti Ranginui)	other Māori groups with relevant interests (s18(2)(k))		[redacted]

Ngāti Ruahine Hapū Trust hapū of Ngāti Ranginui)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Ngāti Hangarau Hapū Trust (hapū of Ngāti Ranginui)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Pirirākau Tribal Authority	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Ngā Hapu o Ngā Moutere Trust (collective of Matakana Island hapū: Ngāi Tuwhiwhia, Ngāi Tamawhariua, Ngāti Tauaiti, Te Ngare, Whānau a Tauwhao)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Ngā Tai ki Mauao hapū collective (comprising Ngāi Tuwhiwhia, Ngāi Tamawhariua, Te Ngare, Whānau a Tauwhao (ki Rangiwaea), Ngāti Tauaiti, Ngāti Kuku, Whareroa Marae Trust, Ngāti Tapu; Ngāti Kaahu a Tamapahore; Ngā Kaitiaki o Rangataua; Ngāti Hē; Ngāti Kahu (ki Tauranga)).	other Māori groups with relevant interests (s18(2)(k))		[redacted]
Whareroa Marae (Ngāti Kuku, Ngāi Tukairangi)	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Huria Marae	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]
Mauao Trust	other Māori groups with relevant interests (s18(2)(k))	[redacted]	[redacted]

Attachment 4: Map of Te Maunga o Mauao Mātaitai Reserve



Attachment 5: Waitaha coastal statutory acknowledgement provisions

Statutory acknowledgement provisions in the Waitaha Claims Settlement Act 2013

Statutory acknowledgement

25 Interpretation

In this subpart,—

specified freehold land has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

statements of association means the statements—

(a) made by Waitaha of their particular cultural, spiritual, historical, and traditional association with each statutory area; and

(b) that are in the form set out in part 2 of the documents schedule at the settlement date.

26 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association.

27 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are to—

(a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 28 to 30; and

(b) require relevant consent authorities to give summaries and notices of resource consent applications to the trustees, in accordance with section 32; and

(c) enable the trustees and any member of Waitaha to cite the statutory acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, in accordance with section 33.

Section 27(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

28 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.

29 Environment Court to have regard to statutory acknowledgement

(1) This section applies to proceedings before the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting the 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 proceedings greater than that of the general public.

(3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

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

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory

(b) require relevant consent authorities to give summaries and notices of resource consent applications to the trustees, in accordance with section 32; and

(c) enable the trustees and any member of Waitaha to cite the statutory acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, in accordance with section 33.

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(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory

acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 30: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

31 Recording statutory acknowledgement on statutory plans

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

(2) The information attached to a statutory plan must include—

(a) the relevant provisions of sections 26 to 30 in full; and

(b) the description of the statutory area wholly or partly covered by the plan; and

(c) the statement of association for the statutory area.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and the information is not, unless adopted by the relevant consent authority,—

(a) part of the statutory plan; or

(b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

32 Provision of summaries or notices of resource consent applications to trustees

(1) Each relevant consent authority must, for a period of 20 years starting on the effective date, give 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; and

(b) if notice of an application for resource consent is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

(2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority.

(3) A summary of an application must be given under subsection (1)(a)—

(a) as soon as is reasonably practicable after the relevant consent authority receives the application; and

(b) before the consent authority decides under section 95(a) of the Resource Management Act 1991 whether to notify the application.

(4) A copy of the notice under subsection (1)(b) must be given no later than 10 business days after the day on which the relevant consent authority receives the notice.

(5) This section does not affect a relevant consent authority's obligation—

(a) under section 95(a) of the Resource Management Act 1991, to decide whether to notify an application:

(b) under section 95E of that Act, to decide whether the trustees are affected persons in relation to an application.

33 Use of statutory acknowledgement

(1) The trustees and any member of Waitaha may, as evidence of the association of Waitaha with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.

(2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—

(a) relevant consent authorities:

(b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991:

(c) the Environment Court:

(d) Heritage New Zealand Pouhere Taonga:

(e) parties to proceedings before the bodies specified in paragraphs (a) to (d):

(f) any other person who is entitled to participate in the proceedings.

(3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.

(4) To avoid doubt,—

(a) neither the trustees nor members of Waitaha are precluded from stating that Waitaha have an association with a statutory area that is not described in the statutory acknowledgement; and

(b) the content and existence of the statutory acknowledgement do not limit any statement made.

Section 33(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 33(2)(d): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

34 Trustees may waive rights

(1) The trustees may waive the right to be given summaries, and copies of notices, of resource consent applications under section 32 in relation to a statutory area.

(2) The trustees may waive the right to have a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga have regard to the statutory acknowledgement under sections 28 to 30 in relation to a statutory area.

(3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga, stating—

(a) the scope of the waiver; and

(b) the period for which it applies.

(4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Section 34(2): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 34(3): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

35 Application of statutory acknowledgement to river, stream, or coastal marine area

(1) If a statutory acknowledgement applies to a river or stream, that part of the acknowledgement—

(a) applies only to—

(i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and

(ii) the bed of the river or stream; but

(b) does not apply to—

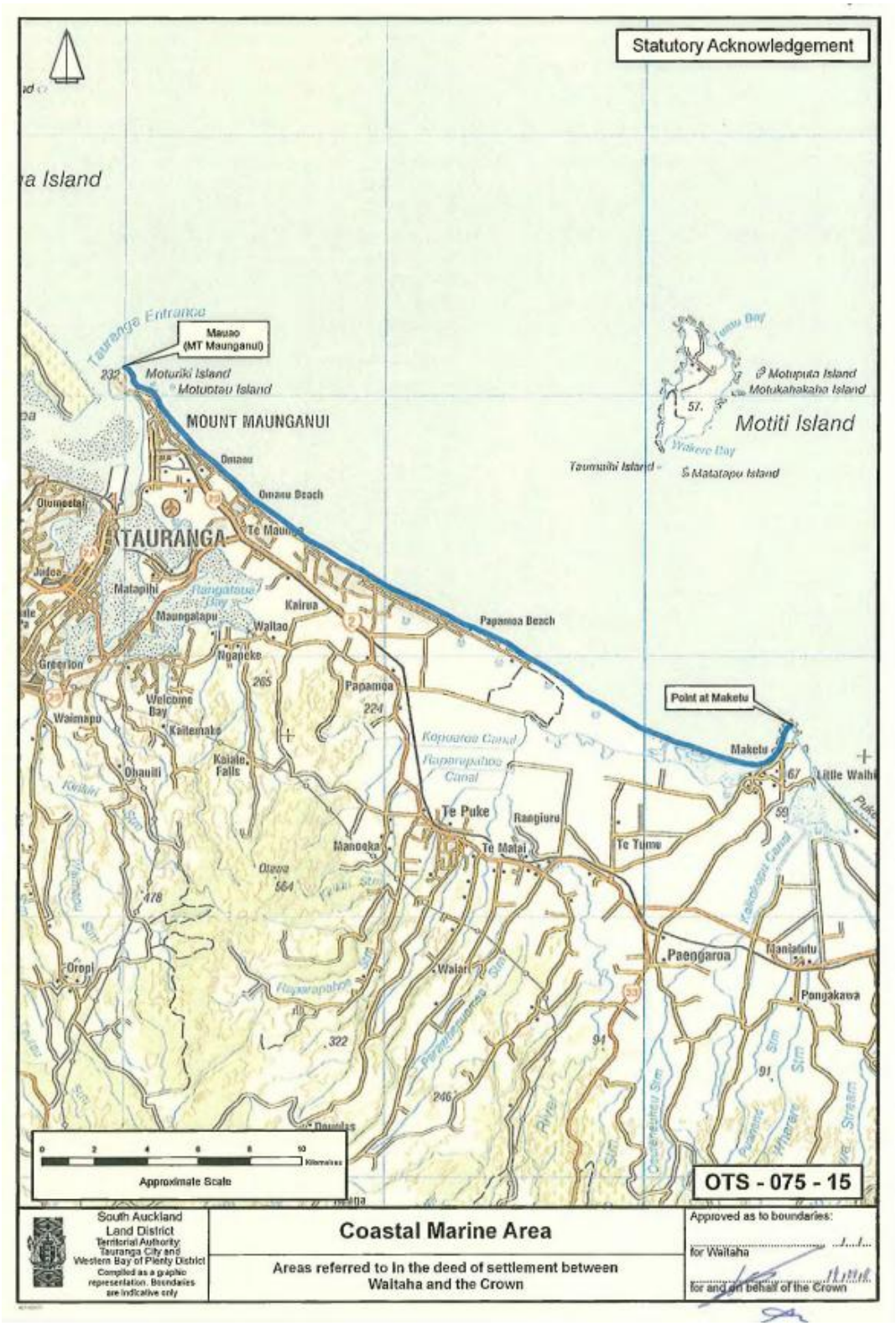
(i) a part of the bed of the river or stream that is not owned by the Crown; or

(ii) land that the waters of the river or stream do not cover at their fullest flow without flowing over its banks; or

(iii) an artificial watercourse.

(2) If a statutory acknowledgement applies to the coastal marine area, the acknowledgement does not apply to any specified freehold land in the area.

Waitaha statutory area (attachments schedule to the deed of settlement)



Waitaha statement of association (documents schedule to the deed of settlement)

Coastal area from Maketu to Mauao (as shown on deed plan OTS-075-15)

From Maketu we go to the Kaituna River, then to Otūmatawhero, Wairākei, Te Houhou ki Repehunga, Waitahanui, Maikukutea, Otira, Te Manu Whakahoro and then to Mauao, to Waikorire where the Waimapu River flows out to the ocean.

The plains between Maketu and Mauao contained a complex navigational system. There were many waterways and tracks linking coastal and inland sites to each other. The main routes across the Pāpāmoa Hills and coastal plains between Tauranga, Maketū and Rotorua have been formed along these working tracks. The Tapuae Track is one of these routes.

Otūmatawhero is located on the coast about midway between Wairākei and Te Tumu in an area that was known to Waitaha as Te Oku. Te Oku was the name of the porpoise that followed the waka Te Arawa into Maketū. Otūmatawhero was also on the ancient highway system, with a major track heading east following the Wairākei Stream then crossing the Horoipia repo, toward the Kaituna.

There is also a strong relationship between Otūmatawhero and Te Tumu which was a significant coastal site as it was a strategic location linking Pāpāmoa to Maketu. Whoever held Te Tumu Pā had military advantage for that area. In the 1830's Te Tumu and Maketu were fiercely contested.

Wairākei is located mid-way between Maketu and Mauao. Individual pā and other significant sites were physically linked as stepping-stones across the vast wetlands and dune plains. Streams originating in the hills around Ōtawa crossed the plain, emptying into the wetlands, then finding their courses into Te Awa o Wairākei or the Kaituna River. This included Te Kopuaroa and Te Raparapa-ā-Hoe. The former lagoon at Wairākei was fringed with raupō and manuka and had an abundance of fish which could be seen by a person standing on the banks because the water was as clear as glass. The lagoon became a casualty of drainage and flood protection works and urban development.

The first Waitaha occupation of Wairākei began when the waka Te Arawa followed a porpoise up the Wairākei River. It is historically known as Te Okuroa o Wairākei. The first settler in that area was Rongomaitane, a son of Waitaha. His son was Te Haehae and the son of Te Haehae was Whitikiore who is associated with the Pā Te Kio.

This is the Waitaha whakataukī relating to Wairākei

"He pou tou
He awatea tera
He pukana mutunga i te awatea
I te rā e whiti ana"
The deed of thy ancestor was one of darkness! (treachery)
The other (death of Hikareia) was done in the daylight

After warfare, under the shining sun according to tikanga!

All tracks led to Wairākei and to Te Houhou area. Te Houhou is situated within the Horoipia swamp adjacent to Wairākei. The track that ran from the Pāpāmoa Hills to Wairākei intersected with the track from Tauranga to Te Houhou. The main roadways today were built to follow these old tracks.

Tamangarangi of Waitaha was married to Haua. Haua also assisted Waitaha during the occupation of Maketu by another iwi. Their descendant Te Waharoa, set an aukati along Pāpāmoa beach during the battles with Te Arawa to enable free passage for those travelling to and from

Maketu and Tauranga and for those gathering food. Te Waharoa also stated that nobody was to stay there permanently and no battles were to be fought in that area. This area is known as Te Rii o Waharoa.

Te Houhou was the main papakāinga along the Pāpāmoa coast and is near Wairākei. It provides a tangible link to Te Rae o Pāpāmoa, Te Kio, Kiore Te Kopua and other associated pā in this area. It is considered to be the most significant remnant of archaeological landscape that once covered hundreds of hectares between Mauao and the Kaituna River.

Te Houhou area is of very ancient occupation, dating back to the arrival of the waka Te Arawa. Tamatekapua was the captain of Te Arawa. His mokopuna Taramainuku was also on board the waka. Taramainuku stayed in this area with his Waitaha whānau on his way to Moehau in the Coromandel. There is a place in the Te Houhou area named Te Tohihi a Taramainuku. Te Tohihi is the end on the kamokamo plant. The name refers to the place where Taramainuku had his mahinga kai (food garden). Te Kio was a pā and kāinga at the time of Taramainuku.

Te Kio, Kiore and Paraoa were defensive pā. The area looks quite different now because the swamp has been drained, but back in those times the pā were located on the high ground rising above the swamp. The swamp was a natural defensive area, because war parties would have to cross through the swamp to reach the pā.

Te Kio was a pā and a papakāinga at the time of Taramainuku, who arrived on the waka Te Arawa, so it is a very ancient pā. Due to urban development, it is no longer visible.

Te Kio was occupied by Whitikiore, the son of Haehae, who was the son of Rongomaitane, who was the son of Waitaha. During the time of Whitikiore there was a volcanic eruption in the middle of the North Island, and ash was blown over to the coast. After that, Whitikiore moved to Tuhua Island where he settled. Other hapū subsequently made claims to the Waitaha tupuna Whitikiore and became known as Ngāti Whitikiore; they remained there for some time. In later times, Te Kio was a nohoanga papakāinga used in times of food gathering.

Kiore was a swamp pā near Te Kio. The pā was named after Whitikiore. Whitikiore later moved to Tuhua (Mayor Island). Kiore and Paraoa have been recorded as the oldest swamp pā in the Bay of Plenty.

Paraoa was a Waitaha pā protruding out of the swamp which is how it got its name. When Waitaha tūpuna first explored this site, they found the remains of the whale Paraoa, hence the name of the pā. This pā is located near Te Kio and is further along the ridge from Kiore. Part of Paraoa is still visible today. Paraoa is also the name of a son of Takakōpiri, who was nine generations down from Hei.

Te Repehunga was a nohoanga kāinga of Waitaha, but it was demolished by sand quarrying. It marks the boundary between Te Iwikoroke and Kumaramaoa. This was an important nohoanga kāinga and mahinga kai and it provided a thoroughfare between the Pāpāmoa Hills, Te Houhou, Maungamana and Kopukairua.

Maikukutea was named after a battle between Ngātoro-i-rangi and his brother-in-law Manaia. Manaia wanted utu for an insult made by Ngātoro-i-rangi. The taua of Manaia anchored off the island Motiti and his pā Matarehua where he then challenged Ngātoro-i-rangi to a fight. However, being late in the afternoon Ngāatoro-i-rangi stated that they would fight the next day. During that evening Ngātoro-i-rangi offered up his prayers to his atua and they sent a storm that annihilated the taua of Manaia. The next morning all that remained of the forces of Manaia were their washed up bodies buried under the sand and their finger nails protruding through the sand at Te Akau.

Waitahanui is an ancient urupā of Waitaha on the coast and is located at Otira. Te Manu Whakahoro is an important area for Waitaha.

Mauao is significant to Waitaha as Tutauaroa, the son of Waitaha, first occupied Mauao. When Tutauaroa left for Ōtamarākau, his son Taiwhanake and mokopuna Kinonui and their descendants continued to occupy Mauao. The well known pakiwaitara of Pūwhenua, Mauao and Ōtanewainuku explains how the Waimapu River was formed and how Mauao got its name.

Attachment 6: Ngāi Te Rangi/Ngā Pōtiki coastal statutory acknowledgement provisions

Ngāi Te Rangi/Ngā Pōtiki statutory area (attachments schedule to the deed of settlement)



Ngāi Te Rangi statement of association (documents schedule to the deed of settlement)

Waiorooro ki Maketu (as shown on deed plan OTS-078-13)

Ngāi Te Rangi are a coastal people and for centuries have lived along the coastline in particular, from Waiorooro through to Te Tumu. The area is significant as it tells a story about the existence of Ngāi Te Rangi over time. In particular, Te Whānau a Tauwhao were sentinels for the most northern region of our rohe. All along the coastline from that point, we see symbols of residence, occupation, and active living by our hapū members and our people. From Mauao, our residence stretches unhindered along the shoreline to Waikarei and Te Tumu.

There is a saying for Ngāi Te Rangi that goes, said of a people truly of the water, of the sea and of the people.

"*Ko te moana ko au, ko au te moana*".

It is therefore part of Ngāi Te Rangi culture and heritage to source much traditional learning and knowledge building from the moana; and the sea is as important if not more so than the land. The moana was the source of food and the means of access and continuing communication between the village communities around its shores.

This is expressed in the whakatauki which describes this tribal area:

"*Ko Mauao te maunga, Ko Tauranga te moana, Ko Tupaea te tangata*".

Our people are often described as kaimoana, for instance, Tauwhao are patiki, Ngāti He are the papaka, Matapihi is sometimes referred to as titiko, and the island hapu known as mako. This association with taonga of the sea is an essential aspect of our character as Ngāi Te Rangi.

Ngā Pōtiki statement of association (documents schedule to the deed of settlement)

NGĀ POTIKI STATEMENTS OF ASSOCIATION

The statements of association of Ngā Pōtiki are listed as follows. These statements recognize the spiritual, cultural, historical associations Ngā Pōtiki have and continue to have with those areas.

TE AKAU (as shown on deed plan OTS-078-13)		
Site Type	Coastline & ancestral seascape	Nga Potiki association (history and significance)
Location	Papamoa coast - West of Girven Road to Wairakei (Taylor's Reserve) ending at Te Tumu (mouth of the Kaituna River)	The coast (Te Akau) and ocean (Te Moana a Toi) represent the easterly extent of the Nga Potiki rohe. The abundant ocean fisheries and fresh water fisheries from the adjacent and extensive wetlands attracted settlement along the length of the coastal dune system and Papamoa coastal plain. Te Akau served as an important pataka kai for Nga Potiki for many centuries. Te Akau is also a wahi tapu. Nga Potiki kaumatua referred to Te Akau as 'nga urupa katoa', where for centuries Nga Potiki buried their dead. The last known burial was in 1912. The coast and walking trails along the length of the dune system linked Mangatawa to Te Houhou, Te Tumu and Maketu. Te Akau served as a 'highway' well into the nineteenth century.
Description of site	Beach and sand dunes	
Nga Potiki tupuna association	Tamapahore Te Tauhou Wiparera Tarakiteawa Pine Awanui	
Pepeha, waiata, kiwaha, whakatauki	'Mai Parakihi ki Wairakei' 'Mai Parakihi ki Maketu' 'Nga urupa katoa'	

Attachment 7: Excerpt from Tauranga Moana Iwi Collective deed (legislative matters schedule) regarding Tauranga Moana Framework

RESOURCE CONSENT PROCESS

3.8 The collective legislation will provide that:

3.8.1 paragraphs 3.8.2 to 3.8.8 apply only to applications to the Bay of Plenty Regional Council for resource consent for any activity referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the Resource Management Act 1991 in relation to waters within Tauranga Moana;

3.8.2 not less than quarterly, the Bay of Plenty Regional Council must provide the Tauranga Moana Governance Group with resource consent activity reports;

3.8.3 no later than 5 business days after receiving an application for resource consent referred to in paragraph 3.8.1, the Bay of Plenty Regional Council must provide Tauranga Moana iwi and hapū with a complete physical or electronic copy of the application unless, within that time, the Bay of Plenty Regional Council has:

(a) returned the application to the applicant pursuant to section 88(3) of the Resource Management Act 1991; or

(b) made a determination under section 91(1) of the Resource Management Act 1991 to defer the application;

3.8.4 to avoid doubt:

(a) the requirements of paragraphs 3.8.2 and 3.8.3:

(i) do not confer affected person status on the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū; but

(ii) do not affect any entitlement of Tauranga Moana iwi and hapū to:

(I) make a submission to the Bay of Plenty Regional Council about an application for a resource consent in accordance with section 96 of the Resource Management Act 1991; or

(II) otherwise participate in any resource consent hearing process;

(b) compliance by the Bay of Plenty Regional Council with paragraphs 3.8.2 and 3.8.3 does not amount to a decision that the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū, or any of them has or does not have affected person status; and

(c) any decision by the Bay of Plenty Regional Council as to whether the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū are affected persons must be made in accordance with section 95E of the Resource Management Act 1991; and

3.8.5 at least once every two years the Bay of Plenty Regional Council and the Tauranga Moana Governance Group must jointly establish a working party to develop and/or review criteria and policies for procedural matters related to resource consent applications, such as:

(a) pre-application processes;

(b) section 87D (request that an application be determined by the Environment Court rather than the consent authority);

(c) section 88(3) (incomplete application for resource consent);

(d) section 91 (deferral pending additional consents);

(e) section 92 (requests for further information);

(f) section 95 to 95F (notification of applications for resource consent); and

(g) processes consistent with the requirements of the Resource Management Act 1991 for engaging with Tauranga Moana iwi and hapū;

3.8.6 when developing or reviewing criteria, the working party established under paragraph 3.8.5 must consult with Tauranga Moana iwi and hapū;

3.8.7 to avoid doubt:

(a) the criteria developed and agreed under paragraph 3.8.5:

(i) are additional to, and must not derogate from, the existing criteria to be applied by the Bay of Plenty Regional Council under the Resource Management Act 1991;

(ii) do not impose any requirement on a consent authority to change, cancel or review consent conditions; and

(iii) must not be inconsistent with the requirements of the Resource Management Act 1991; and

(iv) must meet the requirements of natural justice; and

(b) the working party established under paragraph 3.8.5 may agree not to propose criteria additional to the existing criteria to be applied by the Bay of Plenty Regional Council under the Resource Management Act 1991; and

3.8.8 if requested by the Tauranga Moana Governance Group, the Bay of Plenty Regional Council may consider establishing a working party for the purposes of paragraph 3.8.5 more frequently than once every two years if it is reasonably practicable to do so having regard to:

(a) the number and frequency of such requests received from the Tauranga Moana Governance Group; and

(b) the time and cost involved in complying with the request.

RESOURCE CONSENT HEARING COMMISSIONERS

3.9 The collective legislation will provide that:

3.9.1 paragraphs 3.9.2 to 3.9.7 apply only to applications to the Bay of Plenty Regional Council for resource consent for any activity referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the Resource Management Act 1991 in relation to waters within Tauranga Moana;

3.9.2 the Tauranga Moana Governance Group must establish and maintain a register of persons who:

(a) are qualified Resource Management Act 1991 decision-makers; and

(b) have been appointed to the register by Tauranga Moana iwi and hapū;

3.9.3 if a hearing is to be held under the Resource Management Act 1991 in relation to an application for resource consent referred to in paragraph 3.9.1 (other than a hearing solely in relation to objections under section 357 of the Resource Management Act 1991) the Bay of Plenty Regional Council must:

(a) as soon as practicable serve notice on the Tauranga Moana Governance Group that a hearing is to be held;

(b) exercise its power under section 34A(1) of the Resource Management Act 1991 to delegate its functions, powers and duties required to hear and decide the application to one or more commissioners; and

(c) appoint as the commissioner or commissioners:

(i) only persons who are qualified Resource Management Act 1991 decision-makers; and

(ii) at least one person whose name appears on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2;

3.9.4 a person must not be appointed as a commissioner, or continue to be a commissioner referred to in paragraph 3.9.3(b) or paragraph 3.9.9:

(a) if that person:

(i) is or becomes a party or the parent, child, spouse, civil union partner, or de facto partner of a party in the proceeding before commissioner or commissioners;

(ii) has or develops a relationship or connection with a party in the proceeding before commissioner or commissioners that is or may be in conflict with the person's duties and responsibilities as a commissioner;

(iii) has or acquires a financial interest in, or is or becomes a director, officer, member, or trustee of, a party in the proceeding before the commissioner or commissioners;

(iv) has an interest in, or connection with, the subject-matter of the proceeding before the commissioner or commissioners of such a nature that any decision in which that person participated would be, or would have the appearance of being, improperly influenced by the interest or connection;

(v) is affected by some other interest or duty that is or may be in conflict with the person's duties and responsibilities as a commissioner; or

(vi) without limiting the application of sub-paragraphs (i) to (iv) of paragraph (a) of paragraph 3.9.4, would be prohibited under section 6 of the Local Authorities (Members' Interests) Act 1968 from voting on or taking part in the discussion of any matter before commissioner or commissioners; or

(b) if there are grounds upon which a fair minded observer might reasonably apprehend that that person:

(i) has predetermined the outcome of the application; or

(ii) is biased;

3.9.5 the following circumstances do not, of themselves, disqualify a person under paragraph 3.9.4 or any rule of law from being appointed as a commissioner:

(a) the person is a ratepayer;

(b) the person is a member of a local authority;

(c) the person is descended from an ancestor of an iwi or hapū; or

(d) the, social, cultural or spiritual values of any iwi or hapū are, or may be considered:

(i) relevant to the subject-matter of the proceeding before the commissioner or commissioners; or

(ii) reflected in the person's membership of the commissioner or commissioners;

3.9.6 if a question arises as to whether a person is ineligible to be appointed as a commissioner, or continue to be a commissioner, under paragraph 3.9.4, the Bay of Plenty Regional Council may refer the question to the Tauranga Moana Governance Group which may provide advice and guidance to the Bay of Plenty Regional Council to assist the Bay of Plenty Regional Council to determine whether a person is ineligible;

3.9.7 the requirements of paragraph 3.9.3 will not apply if:

(a) no-one has been appointed by Tauranga Moana iwi and hapū to the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2; or

(b) there is no person on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2 who is eligible to be appointed as a commissioner under paragraphs 3.9.3(b) or 3.9.9; or

(c) the Tauranga Moana Governance Group has, in respect of a particular hearing, waived in writing the requirements of paragraph 3.9.3;

3.9.8 if an application for resource consent is lodged with the Environment Protection Authority under section 145 of the Resource Management Act 1991, and a direction is made under section 147(1)(c) to refer the matter to Bay of Plenty Regional Council, then paragraph 3.9.3 will apply; and

3.9.9 if a request is made under section 100A of the Resource Management Act 1991 for the Bay of Plenty Regional Council to delegate its functions, powers and duties required to hear and decide an application for resource consent referred to in paragraph 3.9.1 to a commissioner or commissioners, then the commissioner (if the delegation is to a single commissioner) or at least one commissioner (if the delegation is to more than one commissioner) must be a qualified Resource Management Act 1991 decision-maker whose name appears on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2.

...

NGĀ TAI KI MAUAO - THE TAURANGA MOANA FRAMEWORK DOCUMENT

Purpose

3.14 The collective legislation will provide that the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document) is to contribute to achieving the purpose of the Tauranga Moana Governance Group by identifying a vision, objectives and desired outcomes for Tauranga Moana.

Content

3.15 The collective legislation will provide that Ngā Tai ki Mauao (the Tauranga Moana framework document):

3.15.1 must include provisions that:

(a) the Tauranga Moana Governance Group considers are relevant to and further the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document);

(b) identify the significant environmental management issues for Tauranga Moana from the perspective of the Tauranga Moana Governance Group;

(c) identify and reflect iwi and hapū values and mātauranga Māori relating to Tauranga Moana; and

(d) describe objectives to achieve the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document), which, without limitation, may include objectives for:

(i) preserving and improving the natural character and heritage of the Tauranga Moana environment;

(ii) integrating and co-ordinating the management of natural, historical and traditional resources within Tauranga Moana;

(iii) providing for the relationship of Tauranga Moana iwi and hapū and their culture and traditions with Tauranga Moana and protecting and enhancing those characteristics of the Tauranga Moana environment that are of special value to Tauranga Moana iwi and hapū;

(iv) maintaining and improving indigenous biological diversity and the biological diversity of the aquatic environment of Tauranga Moana;

(v) protecting and enhancing the habitats of significance for fisheries management and sustainable customary fishing;

(vi) sustaining and developing the potential of the natural and physical resources of Tauranga Moana to meet the reasonably foreseeable needs of present and future generations including their social, economic, and cultural well-being;

(vii) avoiding natural hazards and adverse effects from the storage, use, disposal and transportation of hazardous substances;

(viii) protecting the marine environment from pollution; and

(ix) measuring the health of the Tauranga Moana environment;

3.15.2 must only include provisions that are consistent with the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document); and

3.15.3 will not apply to any part of Tauranga Moana which is a customary marine title area in respect of which a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 has effect.

Relationship to Resource Management Act 1991 planning documents

3.16 The collective legislation will provide that:

3.16.1 when preparing, reviewing, varying or changing the Bay of Plenty regional policy statement, the Bay of Plenty Regional Council must recognise and provide for Ngā Tai ki Mauao (the Tauranga Moana framework document);

3.16.2 the obligation under paragraph 3.16.1:

(a) applies each time the Bay of Plenty Regional Council prepares, reviews, varies or changes the Bay of Plenty regional policy statement;

(b) does not apply to a review, variation or change that does not relate to Tauranga Moana;

(c) is deemed to have been satisfied if the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relating to the resource management issues of the region:

(i) are already recognised and provided for in the Bay of Plenty regional policy statement; or

(ii) in relation to the content of the Bay of Plenty regional policy statement, have been considered by the Bay of Plenty Regional Council or the Environment Court within the previous two years; and

(d) applies only to the extent that:

(i) the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relate to the resource management issues of the region which are within the scope of the regional policy statement; and

(ii) complying with the obligation is the most appropriate way of achieving the purpose of the Resource Management Act 1991, having regard to efficiency and effectiveness and the matters set out in section 32(4) of the RMA; and

(e) to avoid doubt, must be carried out in accordance with:

(i) the requirements of the Resource Management Act 1991 relating to processes for the preparation, review or change of a Resource Management Act 1991 planning document including, without limitation, the requirement to carry out an evaluation under section 32 of that Act; and

(ii) the requirements and procedures in Schedule 1 of the Resource Management Act 1991;

3.16.3 until such time as the obligation under paragraph 3.16.1 is complied with, where a consent authority is processing or making a decision on an application for resource consent within the areas marked "A" and "B" on the Tauranga Moana framework plan in the attachments, that consent authority must have regard to Ngā Tai ki Mauao (the Tauranga Moana framework document) if:

(a) the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relate to the resource management issues of the region or district;

(b) complying with the obligations is consistent with the purpose of the Resource Management Act 1991; and

(c) the consent authority considers that section 104(1)(c) applies to Ngā Tai ki Mauao (the Tauranga Moana framework document).

The entire document can be found here (from page 4): Tauranga Moana Iwi Collective Deed - Legislative matters 21 Jan 2015