



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

**Project Name: FTAA-2603-1181 Mt Welcome, Pukerua Bay, Porirua**

<b>To:</b>	<b>Date:</b>
Panel Convener, Jane Borthwick	2 April 2026

Number of attachments: 6	Attachments: <ol style="list-style-type: none"><li>1. Provisions of section 18 of the Fast-track Approvals Act 2024</li><li>2. Project location map</li><li>3. List of relevant Māori groups</li><li>4. Ngāti Toa Rangatira coastal statutory acknowledgement provisions</li><li>5. Ngāti Toa Rangatira statement of association (Pukerua Bay)</li><li>6. Ngāti Toa Rangatira poutiaki plan area</li></ol>
--------------------------	--

### Ministry for the Environment contacts:

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Stephen Church		
Manager, Fast-track Operations	Stephanie Frame	██████████	✓
General Manager, Investment Strategy & Operations	Ilana Miller	██████████	

### Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2603-1181 Mt Welcome, Pukerua Bay, Porirua.
2. The applicant, Pukerua Property Group Limited Partnership, proposes a residential development at Pukerua Bay, Porirua. The proposed development includes 949 residential allotments, an allotment and preparatory works to enable a future commercial centre, associated infrastructure, and a new intersection with State Highway 59. 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 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. Most of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act. Te Rūnanga o Toa Rangatira Inc is the relevant iwi authority and Treaty settlement entity for the project area. Muaūpoko Tribal Authority Inc may also have relevant interests.
4. The Ngāti Toa Rangatira Claims Settlement Act 2014 is the relevant Treaty settlement for the project area. The project area does not include the marine and coastal area, and we have not identified any other obligations such as Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.
5. The Ngāti Toa Rangatira Claims Settlement Act 2014 provides for a coastal statutory acknowledgement, which includes the marine and coastal area to the north, west, and south of the project area. The project area does not include this statutory area, but it incorporates three catchments which ultimately flow into the marine and coastal area. While the applicant's assessment is that the adverse effects of the project on the receiving environment are likely to be less than minor, the coastal statutory acknowledgement is relevant if the application will affect the statutory area.
6. We consider inviting Ngāti Toa Rangatira 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. We have identified a number of other settlement provisions – including a poutiaki plan and commercial redress – which do not appear to be impacted by the application as it currently stands, but nonetheless underline the traditional connection of Ngāti Toa with this area.

## Signature

---

A handwritten signature in black ink, appearing to read 'S Frame', with a stylized flourish at the end.

Stephanie Frame  
**Manager – Fast-track Operations**

## Introduction

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

## Proposed project

10. The applicant, Pukerua Property Group Limited Partnership, proposes a residential development at 422, 422A and 422B State Highway 59, 34 Muri Road, and within State Highway 59 road reserve at Pukerua Bay, Porirua. The proposed development includes 949 residential allotments, an allotment and preparatory works to enable a future commercial centre, associated infrastructure (including wastewater, stormwater, water reticulation, roading, and cycling and pedestrian trails), and a new intersection with State Highway 59.
11. The applicant is seeking approvals under the Act which would otherwise be sought under the following statutes: RMA (including subdivision, discharges, works in or near waterways, earthworks); Wildlife Act 1953 (capture, handling and relocation of lizards); Heritage New Zealand Pouhere Taonga Act 2014 (archaeological authority); and an approval or dispensation that would otherwise be applied for under regulation 42 or 43 of the Freshwater Fisheries Regulations 1983 in relation to a complex freshwater fisheries activity. The land is owned by the applicant and other private landowners who have agreements with the applicant.
12. We have provided a location map at **Attachment 2**.

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

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

### Iwi authorities

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

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

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

---

<sup>1</sup> 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.

- a. Te Rūnanga o Toa Rangatira Inc, representing Ngāti Toa Rangatira.

### **Treaty settlement entities**

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

*(a) a post-settlement governance entity (PSGE):*

*(b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:*

*(c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:*

*(d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):*

*(e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).*

17. Under the Act, a PSGE:

*(a) means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—*

*(i) by that group; or*

*(ii) by or under an enactment or order of a court; and*

*(b) includes—*

*(i) an entity established to represent a collective or combination of claimant groups; and*

*(ii) an entity controlled by an entity referred to in paragraph (a); and*

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

18. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.<sup>2</sup>

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

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

### **Groups mandated to negotiate Treaty settlements**

20. There are no groups which have recognised mandates to negotiate a Treaty settlement over an area which includes the project area. The Office of Treaty Settlements and Takutai Moana – Te Tari Whakataū (Te Tari Whakataū) advise that the proposed area of interest for Muaūpoko, represented by the Muaūpoko Tribal Authority Inc, does not include the

---

<sup>2</sup> 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.

project area but is nearby. Muaūpoko are in the early stages of negotiating the settlement of their historical Treaty claims with the Crown.

### **Takutai Moana groups and ngā hapū o Ngāti Porou**

21. 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.
22. 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**

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

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

24. 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.
25. 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**

26. 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.
27. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify.

### **Any other Māori groups with relevant interests**

28. As noted at paragraph 20, Muaūpoko Tribal Authority Inc may also have relevant interests in the project area.

## Relevant principles and provisions in Treaty settlements and other arrangements

### Treaty settlements

29. 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.
30. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
  - a. Ngāti Toa Rangatira Claims Settlement Act 2014.

### Relevant principles and provisions

31. 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*

32. 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.
33. As part of its apology to Ngāti Toa Rangatira, the Crown stated that it hoped that the settlement would mark the beginning of a new, positive, and enduring relationship with Ngāti Toa Rangatira founded on mutual trust and co-operation and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

#### *Statutory acknowledgement*

34. 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 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.<sup>3</sup>
35. 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

---

<sup>3</sup> 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.

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

36. The Ngāti Toa Rangatira Claims Settlement Act 2014 provides for a coastal statutory acknowledgement, which includes the marine and coastal area to the north, west, and south of the project area. While the project area does not include the statutory area, it incorporates three catchments which ultimately flow into the statutory area:
  - a. the western part of the site drains into the Taupō Stream, which flows south to the sea at Plimmerton;
  - b. the eastern part of the site is part of the Kakaho Stream catchment, which flows south to Pāuatahanui Inlet (Te Awarua-o-Porirua Harbour); and
  - c. a small northern portion of the site is part of the Waimapihi Stream catchment, which drains north into the sea at Pukerua Bay.
37. Based on the information provided by the applicant, the streams within the project area are degraded, with poor habitat quality and low biodiversity, and have been significantly altered due to stock access, sedimentation, and past land use. The applicant proposes to treat and attenuate stormwater, through raingardens and retention wetlands, prior to discharge into on-site streams or natural wetlands. Works proposed in and near waterways include reclamation, remediation and creation of new wetland habitat through planting as part of offsetting works, and upgrading and installation of new culverts.
38. While the applicant's assessment is that the adverse effects of the project on the receiving environment are likely to be less than minor, if the application is found to affect the statutory area then it brings the coastal statutory acknowledgement into play.
39. Under section 53(2)(b) and (c) of the Act, the panel must direct the EPA to invite written comments from Te Rūnanga o Toa Rangatira Inc, who will be provided access to the application information which has been provided to the EPA. We consider the process of inviting comment (including providing information about the application) under the Act is comparable to the process under a Treaty settlement and the RMA of providing those who hold statutory acknowledgements with a summary of the application (and having regard to statutory acknowledgements when considering who is an affected person for the purposes of limited notification of a resource consent application).
40. For your reference, we have provided the coastal statutory acknowledgement provisions for Ngāti Toa Rangatira, including the relevant statements of association and deed plan, at **Attachment 4**.
41. The Ngāti Toa Rangatira Claims Settlement Act 2014 also provides for a statutory acknowledgement over Pukerua Bay Scientific Reserve. This statutory area is located approximately 2-3 kilometres northwest of the project area, and is unlikely to be affected by the application. However, for your information we have included the statement of association for this statutory acknowledgement at **Attachment 5**, as it sets out the historical connection of Ngāti Toa to this area.

#### *Other redress*

##### *Poutiaki plan*

42. Sections 145-148 of the Ngāti Toa Rangatira Claims Settlement Act 2014 provide for redress in relation to the poutiaki area, which includes Cook Strait, Porirua Harbour, Port

Underwood and Pelorus Sound. Ngāti Toa may prepare and lodge a poutiaki<sup>4</sup> plan with relevant councils (including Wellington Regional Council), setting out:

- a. their values and principles in relation to the poutiaki coastal marine area;
- b. resource management issues of significance to Ngāti Toa in relation to the poutiaki coastal marine area; and
- c. a statement of kaitiakitanga for fisheries management in relation to the poutiaki area.

43. Should a poutiaki plan be lodged with a relevant council, then the council must:

- a. take into account the poutiaki plan to the extent that its content has a bearing on the resource management issues of the poutiaki coastal marine area;
- b. include in the regional policy statement or regional coastal plan a statement of the resource management issues of significance to Ngāti Toa Rangatira as set out in the poutiaki plan;
- c. refer to the poutiaki plan, to the extent that it is relevant, in its report under section 32(5) of the RMA on an evaluation of the proposed regional policy statement or regional coastal plan.

44. The area covered by the poutiaki plan includes the marine and coastal area near the project area, but not the project area itself. In addition, we note the poutiaki redress provisions relate primarily to the preparation or amendment of planning documents. Further, we understand that Ngāti Toa has yet to lodge a poutiaki plan. However, the provision of this redress suggests that the Crown recognises the kaitiaki role of Ngāti Toa with regard to the poutiaki marine and coastal marine area. This may be relevant for the panel in considering any impact of the application on this area.

45. We have included a map of the poutiaki area at **Attachment 6**.

#### *Commercial redress*

46. The Ngāti Toa Rangatira settlement provides for commercial redress in the vicinity of the project area, including:

- a. a 'right of first refusal' (RFR) over Crown-owned properties on Muri Road, Weku Road, Toenga Road, and Onepu Road at Pukerua Bay; and
- b. Pukerua Bay School (land only, leaseback to the Crown) offered as a 'deferred selection property' (DSP).<sup>5</sup>

47. The RFR property at 70 Muri Road is adjacent to 34 Muri Road, which is part of the project area. The property at 34 Muri Road is owned by a party other than the applicant, and has been included in the project area as some of the proposed earthworks will cross the boundary into this property. It appears unlikely that the proposed works will affect the RFR property.

48. Further, we cannot confirm whether the RFR has been triggered in favour of Ngāti Toa Rangatira for any of the relevant properties, or whether Ngāti Toa Rangatira have elected to activate the DSP.

---

<sup>4</sup> A pou tiaki is a Māori customary practice whereby a carved post stands guard over an area and protects it from physical and metaphysical harm.

<sup>5</sup> A deferred selection property enables a PSGE to decide whether to purchase certain Crown properties during a fixed period after settlement. In this case, the deferred selection period is ten years.

49. Finally, we note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

#### **Customary Marine Title/Protected Customary Rights**

50. 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**

51. 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**

52. As noted above, As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

#### **Consultation with departments**

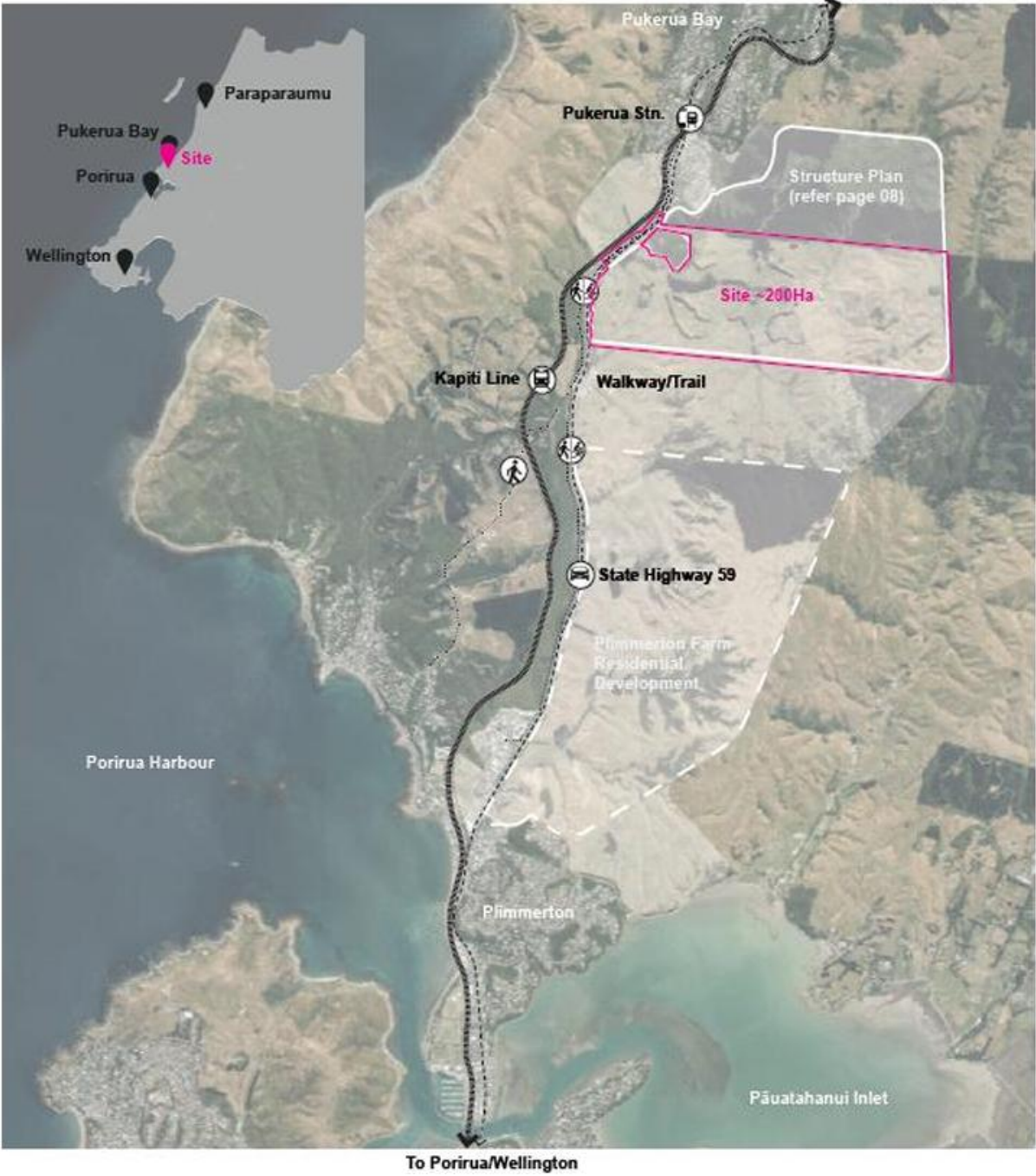
53. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri and Te Tari Whakatau regarding the relevant Māori groups, and have incorporated their views into this report.

## 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	14-19
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	29-30
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	31-49
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	20
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	21, 50
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.	21, 50
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).	22, 50
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaimai 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).	23, 51
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).	24-25
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),	26-27, 52

	<p>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</p> <p>(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.</p>	
<b>18(2)(k)</b>	Any other Māori groups with relevant interests.	28
<b>18(2)(l)</b>	<p>A summary of—</p> <p>(i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e);</p> <p>(ii) any further information received by the Minister from those groups</p>	Not applicable to substantive applications
<b>18(2)(m)</b>	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
<b>18(3)</b>	In preparing the report required by this section, the responsible agency must consult relevant departments.	53
<b>18(4)</b>	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
<b>18(5)</b>	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 map**





**Figure 10: Map of the site at which the activity is to occur**

**Attachment 3: List of relevant Māori groups**

Name of group	Type of group (section of Act)	Contact person	Contact email
<b>Te Rūnanga o Toa Rangatira Inc</b>	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))	[REDACTED] [REDACTED]	[REDACTED]
<b>Muaūpoko Tribal Authority Inc</b>	Other Māori group with relevant interests (s18(2)(k))	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]

## Attachment 4: Ngāti Toa Rangatira coastal statutory acknowledgement provisions

### Statutory acknowledgement provisions (Ngāti Toa Rangatira Claims Settlement Act 2014)

#### *Statutory acknowledgement*

#### **24 Interpretation**

- (1) In this Act, **statutory acknowledgement** means the acknowledgement made by the Crown in section 25 in respect of each statutory area, on the terms set out in this subpart.
- (2) In this subpart,—  
**coastal statutory area** means a statutory area described in Schedule 1 under the heading “Coastal statutory areas”  
**relevant consent authority**, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

**statements of association** means the statements—

- (a) made by Ngati Toa Rangatira of their particular cultural, spiritual, historical, and traditional association with the statutory areas (except the coastal statutory areas); and
- (b) that are in the form set out in part 2.1 of the documents schedule of the deed of settlement

**statements of coastal values** means the statements—

- (a) made by Ngati Toa Rangatira of their particular values relating to the coastal statutory areas; and
- (b) that are in the form set out in part 2.2 of the documents schedule of the deed of settlement

**statutory area** means an area described in Schedule 1, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

## **25 Statutory acknowledgement by the Crown**

The Crown acknowledges the statements of association and the statements of coastal values.

## **26 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, as provided for in sections 27 to 29; and
- (b) to require relevant consent authorities to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the trustee of the Toa Rangatira Trust, as provided for in section 31; and
- (c) to enable the trustee of the Toa Rangatira Trust and members of Ngati Toa Rangatira to cite the statutory acknowledgement as evidence of the association of Ngati Toa Rangatira with a statutory area, as provided for in section 32.

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

## **27 Relevant consent authorities to have regard to statutory acknowledgement**

- (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustee of the Toa Rangatira Trust is an affected person in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.

- (2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

**28 Environment Court to have regard to statutory acknowledgement**

- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustee of the Toa Rangatira Trust is a person who has an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.
- (2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

**29 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 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 29: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

**30 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 24 to 33 in full; and
- (b) the descriptions of the statutory areas wholly or partly covered by the plan; and

- (c) any statements of association or statements of coastal values for the statutory areas.
- (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.

### **31 Provision of summaries or notices of certain applications to trustee**

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the trustee of the Toa Rangatira Trust 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) 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 trustee of the Toa Rangatira Trust and the relevant consent authority.
- (3) A summary of an application must be provided under subsection (1)(a)—
- (a) as soon as is reasonably practicable after the consent authority receives the application; but
  - (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice of an application must be provided under subsection (1)(b) no later than 10 working days after the day on which the consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation,—
- (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or
  - (b) under section 95E of that Act, to decide whether the trustee of the Toa Rangatira Trust is an affected person in relation to an activity.

### **32 Use of statutory acknowledgement**

- (1) The trustee of the Toa Rangatira Trust and any member of Ngati Toa Rangatira may, as evidence of the association of Ngati Toa Rangatira 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 or statement of coastal values 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 those bodies;
  - (f) 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 trustee of the Toa Rangatira Trust nor members of Ngati Toa Rangatira are precluded from stating that Ngati Toa Rangatira 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.

Section 32(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

### **33 Trustee may waive rights**

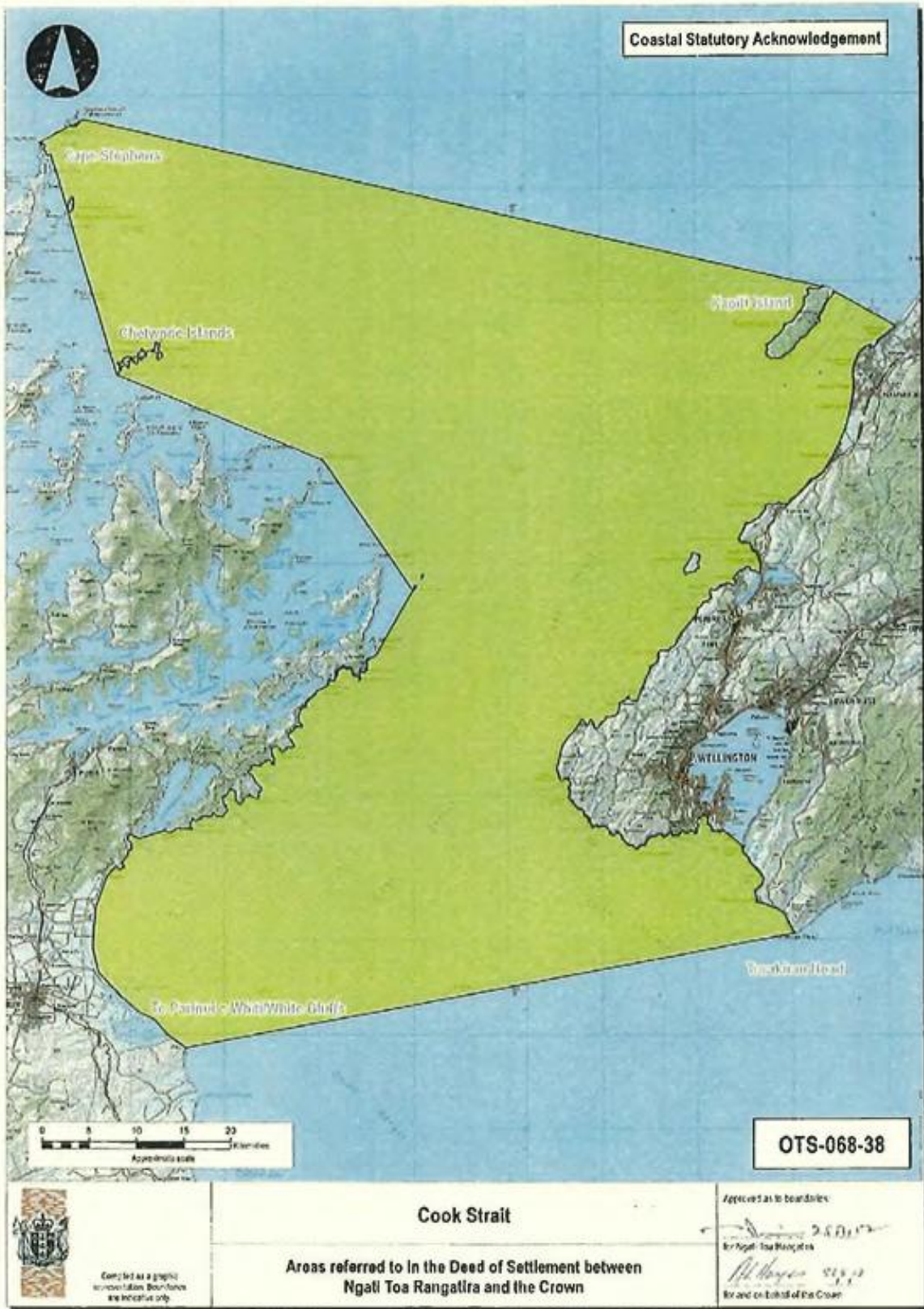
- (1) The trustee of the Toa Rangatira Trust may waive the right to be provided with summaries, and copies of notices, of resource consent applications under section 31 in relation to a statutory area.
- (2) The trustee may waive the right to have a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga have regard to the statutory acknowledgement under sections 27 to 29 in relation to a coastal 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.

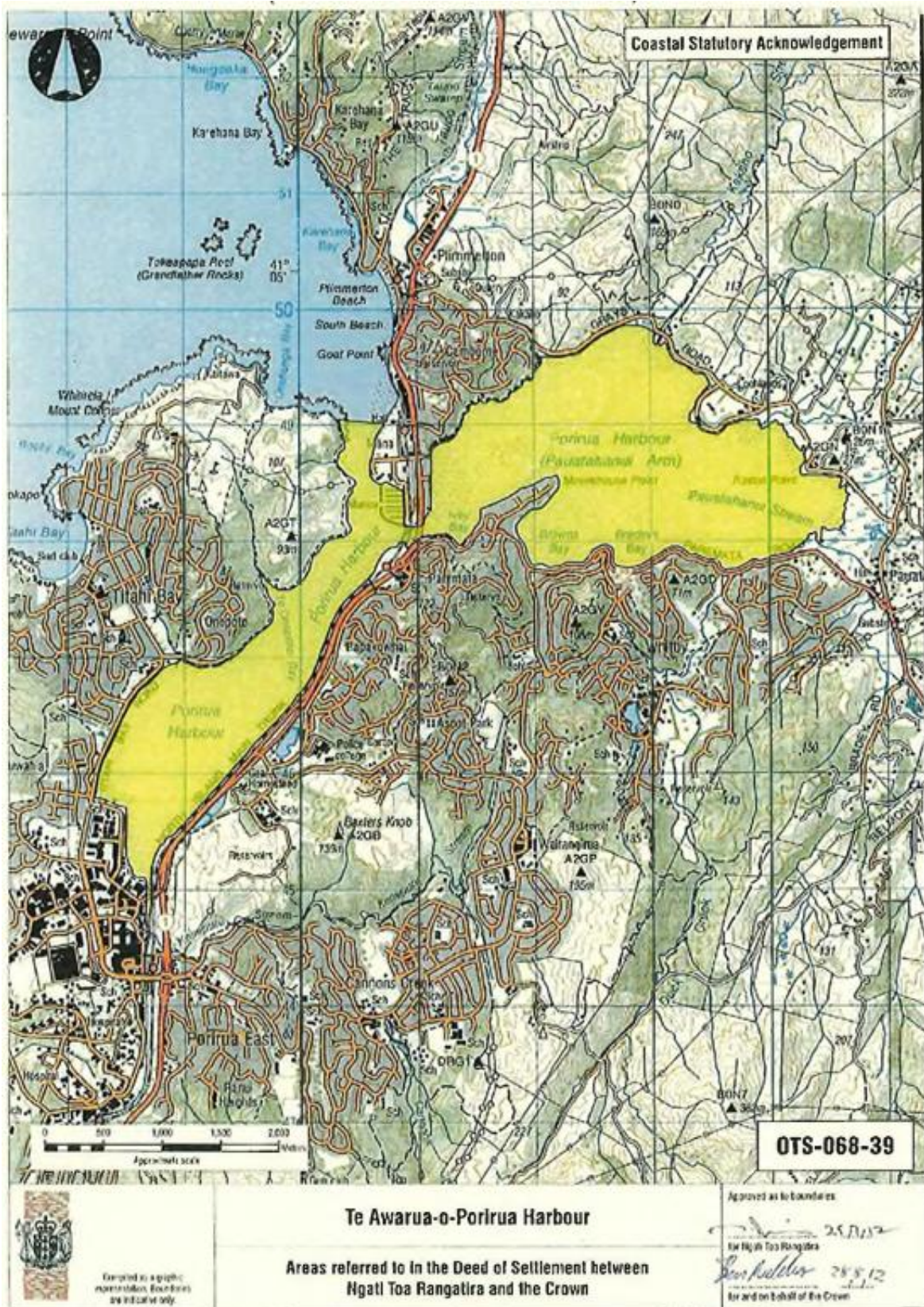
- 
- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

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

Section 33(3): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Deed plans for statutory area (attachments schedule to deeds of settlement)





## Excerpts from statement of coastal values (documents schedule to deed of settlement)

### Cook Strait

Te Moana o Raukawa, the Cook Strait, is of the highest significance to Ngati Toa Rangatira. Not only does Te Moana o Raukawa have great traditional and spiritual significance, it was crucial as a political and economic asset to Ngati Toa Rangatira and important as a means of transport and a rich source of various resources.

Te Moana o Raukawa is rich in its own kawa and tikanga, folklore and stories, handed down through the generations from Maui and Kupe through to the present day. As well as having great traditional and spiritual significance, the Strait was important as a navigable route between Te Ika a Maui and Te Waka a Maui which linked these two diverse islands. Lands on both sides of the moana were usually occupied by the same iwi groupings and thus it was important for the tribes to understand its differing moods and potential dangers, and to develop seafaring capabilities to cross with safety the stretch of notoriously dangerous water.

The name 'Te Moana o Raukawa' has its origins in the narrative of Kupe's voyage to Aotearoa. Having followed Te Wheke a Muturangi from Hawaiiiki, Kupe killed the giant octopus at the entrance to the Tory channel. Nga Whatu Kaiponu (The Brothers Islands) are said to be the eyes of the wheke. So, in order that the wheke not be reawakened, the eyes of people on their maiden crossing of the straits were always covered. This tradition was called Koparetia and was undertaken so that tauhou could not gaze at the rocks as so often the sea was rough and dangerous and in this area paddlers would have to concentrate on getting the waka across the sea.

This was done with kawakawa leaves, hence the original name, 'Te Moana o Raukawakawa'.

According to Sir Maui Pomare this chant was recited to him by Aperahama of Wainui, Paekakariki, who said it was sung by a woman named Tuhupu for her husband who had sailed across Te Moana o Raukawa. The chant contains reference to the custom of koparetia.

*Ao ma uru e tauhere mai ra na runga ana mai te hiwi kei Te Tawake.  
Katahi te aroha ka makuru I ahau ki te tau ra e nui ai te itinga.  
Pirangi noa ake ki te kimi moutere, kia utaina au Te ihu o Te Rewarewa,  
Te waka o Patutahi, e whiu ki tawhiti; kia koparetia te rerenga I Raukawa,  
Kia huna iho, kei huna iho, kei kite ai Nga Whatu, kia hipa ki muri ra  
Ka titiro kau, kia noho taku iti te koko ki Karauriupu [sic], nga mahi a Kupe,  
I topetopea iho. Kei whea te tane i rangi ai te itinga? Mo nga riri ra,  
Ka rukea ki ahau, waiho I roto nei, ka nui te ngakau -i-i-i.  
Far over the western sea a cloud clings to Tawake's peak it drifts this way, it brings me  
fond hope of one who's far away. Of him to whom I was betrothed while still young.  
Oh, I would go with you across the swelling sea to seek some island of our own.*

*I'd seat me in Te Rewa's bows Te Patutahi's great canoe and sail so far away.  
I'd bind my eyes so carefully to cross Raukawa's rolling sea lest I imprudently behold  
the dread crags of Nga Whatu. And when we'd safely cross the Straits and free to  
gaze around again I'd see the shores of Karaurupe [sic].  
The wondrous works of Kupe.*

*Our ancestor who sailed these seas, and severed the island from the main.  
But where is my loved one?  
I'm left behind to mourn alone, my heart swells high with sorrow.*

Te Rau o Titapua (the feather plume of the Albatross) is said to be an island that stood at the east entrance to Te Moana o Raukawa that sank beneath the sea. This narrative ties in with the stories of how Te Whanganui a Tara (Wellington Harbour) was formed by nga taniwha Ngake and Whataitai. Ngake escaped, forming the entrance to the harbour, and as the water shallowed from what is now Wellington Harbour, Whataitai became stranded. The body of Whataitai became the hills close to the harbour entrance. The soul of Whataitai left him in the form of a bird named Te Keo. Mount Victoria is known by Maori as Tangi Te Keo or the weeping of Te Keo.

This ngeri or chant is taken from the whakapapa book of Miriama Ngapaki of Ngati Toa Rangatira who was a daughter of Horipoti Thoms.

*Ka tito au, ka tito au, ka tito au ki a Kupe te tangata nana I hoehoe te moana  
Te tangata nana I topetope te whenua. Tu ke a Kapiti, tu ke a Mana tau ke a Arapaoa  
Ko nga tohu tena a taku tupuna a Kupe, nana I whakatomene Titapua,  
Ka toreke I a au te whenua nei.*

*I sing I sing I sing of Kupe the man who paddled over the ocean. The man who divided off the land. Solitary is Kapiti, separated is Mana, removed is Arapaoa. Such are the great signs of my ancestor Kupe. It was he who caused Titapua to sink then left this new found land.*

Te Moana o Raukawa was central to the development of Ngati Toa Rangatira's maritime trading domain. Its strategic importance became apparent to Te Rauparaha during the Amiowhenua expedition when a trading ship was seen passing through the Strait. Te Rauparaha saw the ship from Omere, an important lookout commanding wide views over the Strait, located on the ridge above Cape Terawhiti (just north of Oteranga Bay). Te Rauparaha was advised by allied chiefs to seize these lands as the ship indicated potential access to Europeans and their technologies, particularly muskets and steel. A maritime domain which included the Straits would also bring Ngati Toa Rangatira closer to pounamu.

Following their migrations south from Kawhia in the 1820s, Ngati Toa Rangatira quickly established themselves in the Cook Strait Region. In 1824, only six years after the iwi's first taua, Amiowhenua, into the southern North Island, a coalition of southern North Island tribes and northern South Island tribes attacked the Ngati Toa Rangatira pa at Waiorua on Kapiti Island only to be defeated by Ngati Toa Rangatira and their kinfolk of the Ngati Mango confederation.

With Kapiti Island safely under its mana Ngati Toa Rangatira was able to establish its influence over the extended Cook Strait region based on further battles with other iwi, invasions of key sites on both sides of the Cook Strait, and on its relationships with other related iwi groupings.

Tapu Te Ranga Island on Wellington's south coast is another important site to Ngati Toa Rangatira and their association with the Cook Strait region. In 1827, Ngati Toa Rangatira were part of a force that attacked Tapu Te Ranga, the last refuge of the iwi residing on the south coast. Eventually, the defending force fled around the coast to Owhiro Bay where the greenstone mere Tawhito Whenua was relinquished to Te Rangihaeata.

Widespread coastal settlements provided the iwi with access to the abundant resources of the ocean, including extensive fisheries and shellfish resources. Their coastal settlements also

gave Ngati Toa Rangatira access to trade opportunities with early settlers. There was multiple whaling stations established within the rohe of Ngati Toa Rangatira, including on Kapiti Island, at Porirua, Mana Island, Port Underwood, Wairau and on Arapaoa Island.

Control of Te Moana o Raukawa was important to Ngati Toa Rangatira for political and economic reasons, but this was not the total extent of the significance of the lands and sea of this region. Te Moana o Raukawa could be relied upon at different parts of the seasons for its well-sheltered bays and the supplies of fish in the harbours.

Following the migration of the iwi from Kawhia, Ngati Toa Rangatira were re-established in an environment with great potential and opportunity for expansion; this allowed the iwi to revitalise their identity which was largely shaped by the material conditions of Te Moana o Raukawa.

To Ngati Toa Rangatira, Te Moana o Raukawa was never seen as a barrier to maintaining their areas of mana whenua on both sides of Cook Strait. Instead, Te Moana o Raukawa was more akin to a highway, which facilitated the transportation of resources and trade goods across Cook Strait, and enabled the development of key relationships between Ngati Toa Rangatira and their communities of interest. Thus, it has always been considered to be just as much a part of the iwi's rohe as the land upon which they settled.

Te Moana o Raukawa remains a site of immense cultural, historical, and spiritual significance to Ngati Toa Rangatira. Ngati Toa Rangatira are kaitiaki of Te Moana o Raukawa and its resources. Ngati Toa Rangatira regard Te Moana o Raukawa as one of their most significant resources. The extensive fisheries resources that exist in the strait provide for the iwi's customary fishing, and allow the iwi to manaaki manuhiri at Ngati Toa Rangatira hui.

#### **Te Awarua-o-Porirua Harbour**

Te Awarua o Porirua is of primary cultural, historical, spiritual, and traditional significance to Ngati Toa Rangatira. The harbour includes both the Pauatahanui and Onepoto arms. Ngati Toa Rangatira continue to have a very strong association with the Te Awarua o Porirua which has played a fundamental role over the generations in sustaining their physical and cultural needs, and is integral to the identity of the iwi.

Coastal settlement and the use of marine resources largely influenced the way of life of those Ngati Toa Rangatira living around the harbour. The iwi initially settled around the harbour in the early 1820s and since that time Ngati Toa Rangatira have maintained an inextricable connection to the area. Ngati Toa Rangatira, maintained control over the harbour until the mid nineteenth-century when its control was challenged by the Crown and settlers. The harbour was regarded by both Maori and Pakeha as a valuable asset. Te Rauparaha is reputed to have told Governor Grey that whoever held Paremata and Porirua Harbour controlled the northern approaches to Wellington.

Te Awarua o Parirua is the name of the taniwha who is said to live in the harbour. Te Awarua o Parirua resides near Mana and created the distinctive shape of Te Mana o Kupe ki Aotearoa (Mana Island).

A large number of Ngati Toa Rangatira settlements and sites of significance are located around Te Awarua o Porirua. Takapuwahia, where Te Hiko established his principal residence, became the most important kainga of Ngati Toa Rangatira following the detention of Te Rauparaha. By the 1850s, Takapuwahia had become a substantial village comprised of residences, two reed chapels and intensive cultivations of potatoes, maize, wheat and kumara. Today, Takapuwahia is the site of the iwi's Marae matua, Takapuwahia, and the location of the wharetupuna, Toa Rangatira. This is the tūrangawaewae for the iwi and continues to be a site

## 2.2: STATEMENT OF COASTAL VALUES

of great significance to Ngati Toa Rangatira. There are three urupa associated with Takapuwhia and located nearby. These urupa reflect early Christian allegiances: Anglican, Wesleyan and Catholic. Surprisingly the largest is the Wesleyan, followed by the Catholic and then the Anglican.

Te Rauparaha's principal residence was Taupo Pa at Plimmerton at the entrance to Porirua Harbour. This was the site where Te Rauparaha was captured by the Crown. Te Rangihaeata held Matai-taua Pa, located in the inner harbour at Pauatahanui, and a whare, Kai Tangata, on Mana Island. At the mouth of the Porirua Harbour, Paremata was another site of Ngati Toa Rangatira settlement. Paremata Pa was constructed in the 1830s and was the residence of Nohorua, Te Rauparaha's older brother. Joseph Thoms, in 1835, established a shore-based whaling station at Paremata. Thoms married Nohorua's daughter, Te Ua Torikiriki, and signed the Treaty of Waitangi at the insistence of Nohorua.

At the southern entrance of Porirua Harbour lies Whitireia Peninsula. This is another area of importance containing numerous wāhi tapu including burial places, kainga, pa, middens, pits, terraces, and tauranga waka. Areas of settlement included Te Kahikatoa, Te Neke, Te Onepoto, Kaiaua, Onehunga, and Kaitawa.

Te Awarua o Porirua was an important source of food for those settlements located around or near the harbour. Shellfish was of great importance as a food resource for the Ngati Toa Rangatira communities located around Porirua Harbour. Tuangi could be gathered from the uncovered mud flats. "Nga whatu o Topeora", a sand bank named for the niece of Te Rauparaha, in the eastern arm of the harbour was mahinga kai and the site of a storehouse. Toka-a-Papa, another mahinga kai, located in the sea between Rewarewa point and Whitireia Peninsula, was a location which was valued as a source of mussels. Koura, paua and kina were in abundance around the coastal fringes. Paua were referred to as "nga whatu o Tuhaha". Cockles, mussels, and finfish were extensively collected from the harbour. Parts of the harbour are still considered an important mahinga kai to this day.

During the 1950s and 1960s, the harbour experienced huge development pressure from reclamation for what is now the city centre. Over the following decades the effects of intensified land use, contamination, and siltation, resulted in poor water quality and an inability to harvest kaimoana. Today almost a third of the Porirua arm of the harbour has been lost to reclamations.

Ngati Toa Rangatira consider themselves the kaitiaki of the harbour itself, its resources, and the countless sacred and historical sites located in the vicinity of the harbour. Because of this, and the increasing pressures on the harbour, Ngati Toa Rangatira consider it vitally important that they play a role in its ongoing protection.

## Attachment 5: Ngāti Toa Rangatira statement of association (Pukerua Bay)

### Pukerua Bay Scientific Reserve

Pukerua Bay was historically an area of concentrated Ngati Toa Rangatira settlement, and remains an area of historical and cultural significance. There were three pa located around the area known today as Pukerua Bay.

There are a number of Ngati Toa Rangatira wāhi tapu located at Pukerua Bay, including pa sites and urupa.

The Waimapihi pa complex is located at the northern end of the Taua-tapu track, which led to Taupo pa in Plimmerton. Waimapihi pa became an important settlement for Ngati Toa Rangatira when the former inhabitants left the area. Ngati Toa Rangatira's connection began initially with the Amiowhenua expedition in 1819 which was followed by the Te Heke Mai Raro migration of 1822. In the early nineteenth century the pa was occupied by Te Hiko, son of Te Peehi Kupe, and many of his relatives. It was also known for its extensive cultivations.

In close proximity to the former Ngati Toa Rangatira settlement is an urupa which features four rows of visible tombstones. When the coastal route was under construction many graves were disinterred and the koiwi were placed in a common grave.

Located at the western end of Pukerua Railway Station was Pukerua Pa, an important fortified settlement. The pa was constructed by Te Hiko following the battle of Kuititanga in 1839. Another Ngati Toa Rangatira pa site was Wairaka pa. This pa was also constructed by Te Hiko. There are a series of urupa associated with Wairaka pa located along the ridgeline at Te Hau Kopua.

Archaeological remains, including terraces and middens, have been identified at both Pukerua pa and Wairaka pa.

Pukerua Bay was traditionally a significant mahinga kai, and a source of paua, kina and koura. Ngati Toa Rangatira, as kaitiaki of Pukerua Bay, with the support of the local community, have established mechanisms founded in our tikanga to protect the marine environment.

Attachment 6: Ngāti Toa Rangatira poutiaki area

