

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

Project Name: FTAA-2502-1012 Auckland Surf Park Community

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	10 June 2025

Number of attachments: 6	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location map - List of relevant Māori groups - Statutory Acknowledgement provisions from Te Kawerau ā Maki Claims Settlement Act 2015 - Comments received from invited Māori groups - Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti
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Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2502-1012 Auckland Surf Park Community referral application.
- The applicant, AW Holdings 2021, proposes to construct and operate a hyperscale artificial intelligence data centre, integrated residential development comprising approximately 400 residential units, a village centre, work-live precinct and associated activities over 54 hectares of land at Dairy Flat, Auckland. The project is stage 2 of the development, and the applicant is seeking new resource consents and variations to existing resource consents under the Resource Management Act 1991 (RMA).
- 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. Auckland has a complex

Treaty settlement landscape with many overlapping interests. There are groups in the post-settlement phase with others at different stages of the Treaty settlement process, including some groups seeking both individual and collective settlement redress. We have provided a summary of the relevant Māori groups identified under section 18(2) at **Attachment 3**.

4. Treaty settlements relevant to the project area include settlement Acts and signed deeds of settlement (where settlement legislation has yet to be passed). Identified Treaty settlement Acts are Ngāti Manuhiri Claims Settlement Act 2012, Ngāti Whātua o Kaipara Claims Settlement Act 2013, Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Te Kawerau ā Maki Claims Settlement Act 2015, Ngāti and Ngāi Tai ki Tāmaki Claims Settlement Act 2018. Deeds of Settlement have been signed by the Crown and Te Ākitai Waiohū in 2021, and with Ngāti Pāoa in 2021.
5. There are no court orders or agreements recognising Customary Marine Title (CMT) or Protected Customary Rights (PCR) under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), Mana Whakahono ā Rohe, or Joint Management Agreements relevant to the project area.
6. The relevant provisions of the identified Treaty settlements are primarily the statutory acknowledgement over the Rangitōpuni Stream and its tributaries in the Te Kawerau ā Maki Claims Settlement Act 2015. Under the RMA and the settlement legislation, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder.
7. Section 7 of the Act requires the panel and other decision makers to act consistently with existing Treaty settlements and recognised customary rights under MACA. Under section 53(2) of the Act, the panel is required to invite comment from all Treaty settlement entities (defined below), which includes those with statutory acknowledgements.
8. We consider the process of inviting comment (including providing information about the application) is comparable to the process under the RMA and Treaty settlements where local authorities are required to have regard to statutory acknowledgements when considering who is an affected person for a consent application.
9. Of those Māori groups invited to comment on the application, you received feedback from Ngāi Tai ki Tāmaki, who advised they have no comment, and Te Kawerau Iwi Settlement Trust who noted there would be cultural impacts arising from the project and proposed mitigations.
10. Minister for Māori Development/ Minister for Māori Crown Relations: Te Arawhiti, Hon. Tama Potaka supports this application subject to the applicant undertaking further consultation with relevant Maori groups and having regard to the statutory acknowledgement in the Te Kawerau ā Maki Settlement Act 2015.
11. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Introduction

12. Under section 18 of the Fast-track Approvals Act 2024 (the Act), you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment).
13. The information which must be provided in this report includes:

- a. relevant iwi authorities, Treaty settlement entities, applicant groups under the MACA, and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
14. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

15. The applicant, AW Holdings 2021, proposes to construct and operate a hyperscale artificial intelligence data centre, integrated residential development comprising approximately 400 residential units, a village centre, work-live precinct and associated activities over 54 hectares of land at approximately 1350 Dairy Flat Highway, Dairy Flat. The project is stage 2 of the development.
16. The applicant is seeking new resource consents and variations to existing resource consents under the RMA. The project site involves land in private ownership. We have provided a location map at **Attachment 2**.

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

17. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**.

Iwi authorities

18. We consider the following groups to be the relevant iwi authorities for the project area:
- a. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki;
 - b. Hako Tupuna Trust, representing Hako;
 - c. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua;
 - d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
 - e. Ngāti Paoa Iwi Trust, representing Ngāti Paoa;
 - f. Ngāi Tai ki Tamaki Trust, representing Ngāi Tai ki Tamaki;
 - g. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā;
 - h. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga;
 - i. Ngāti Manuhiri Settlement Trust, representing Ngāti Manuhiri;
 - j. Te Ākitai Waka Taua Inc, representing Te Ākitai Waiohūa;
 - k. Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara; and
 - l. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata.

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

- a. Ngāti Manuhiri Settlement Trust, PSGE for Ngāti Manuhiri Claims Settlement Act 2012;
- b. Ngā Maunga Whakahii o Kaipara Development Trust, PSGE for Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- c. Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGEs for the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
- d. Te Kawerau Iwi Settlement Trust, PSGE for Te Kawerau ā Maki Claims Settlement Act 2015; and
- e. Ngāi Tai ki Tamaki Trust, PSGE for Ngāi Tai ki Tāmaki Claims Settlement Act 2018.

21. 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. Ngāti Tamaterā Treaty Settlement Trust, PSGE representing Ngāti Tamaterā;
- b. Ngāti Paoa Iwi Trust, PSGE representing Ngāti Paoa;
- c. Ngaati Whanaunga Ruunanga Trust, PSGE representing Ngaati Whanaunga;
- d. Te Ākitai Waiohua Settlement Trust, PSGE representing Te Ākitai Waiohua;
- e. Ngāti Maru Rūnanga Trust, PSGE representing Ngāti Maru; and
- f. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, PSGE representing Marutūāhu Iwi Collective.

Groups mandated to negotiate Treaty settlements

22. In addition to the PSGEs identified at paragraphs 20-21, Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua and Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata, have recognised mandates to negotiate a Treaty settlement over an area which may include the project area. They are both in the early stages of negotiating their Treaty settlement with the Crown.

Takutai Moana groups and ngā hapū o Ngāti Porou

23. 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.
24. 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 customary management areas

25. The project area is not within a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw made under Part 9 of the Fisheries Act 1996.

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

26. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:
- a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
 - b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.
27. 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

28. 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.
29. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify. We have identified that Ngai Tai ki Tamaki began negotiating a Mana Whakahono a Rohe agreement with Auckland Council in 2018, however an agreement has not yet been reached.

Any other Māori groups with relevant interests

30. We are not aware of any other Māori groups with relevant interests in the project area.

Consultation undertaken by the applicant

31. The applicant contacted 13 Māori groups. Ngāti Manuhiri, Te Kawerau ā Maki (who provided the applicant with a cultural advice memo), Ngaati Whanaunga, and Te Rūnanga o Ngāti Whātua confirmed interest in engaging in stage 1 of the Auckland Surf Park

Community proposal. The application has received confirmation of interest in further engagement on stage 2 from Ngāti Manuhiri only.

32. The applicant has also identified Ngātiwai and Ngāti Whātua Ōrākei. They are not groups relevant to project area according to Te Kāhui Māngai Directory of Iwi and Maori organisations¹.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

33. 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.
34. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

Settlement Acts

- a. Ngāti Manuhiri Claims Settlement Act 2012;
- b. Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- c. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
- d. Te Kawerau ā Maki Claims Settlement Act 2015;
- e. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;

Deeds of settlement

- f. Ngāti Paoa deed of settlement signed 2021; and
- g. Te Ākitai Waiohūa deed of settlement signed 2021.

Relevant principles and provisions

35. 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

36. 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.
37. As part of the Crown's apologies to Ngāi Tai ki Tāmaki, Ngāti Whātua o Kaipara, Te Kawerau ā Maki, Ngāti Manuhiri, Ngāti Paoa, and Te Ākitai Waiohūa, the Crown stated that it looked forward to building a new relationship with iwi based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress provided for in Treaty settlements should be viewed in the context of these intentions.

¹ Te Kāhui Māngai | Directory of Iwi and Māori Organisations

Statutory acknowledgement

38. Te Kawerau ā Maki Claims Settlement Act 2015 provides for a statutory acknowledgement over the Rangitōpuni Stream and tributaries. We have identified this as relevant to the project area because the project site drains to the Rangitōpuni Stream tributaries.
39. 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.
40. 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 Environmental Protection Authority (EPA), board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
41. Section 7 of the Act provides that persons exercising functions and powers under the Act must act consistently with existing Treaty settlements and recognised customary rights. 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 all the same application information which has been provided by the applicant to the EPA.
42. Te Kawerau ā Maki has been identified earlier in this report as relevant Treaty settlement entities to be invited for comment by the panel under section 53(2)(c), alongside the other groups listed in section 53(2). 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.
43. For your reference, we have the relevant statutory acknowledgement provisions from Te Kawerau ā Maki Claims Settlement Act 2015 at **Attachment 4**.
44. We also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

45. 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/mātaaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

46. As noted above, the project area is not within a taiāpure-local fishery, mātaaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

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

Summary of comments received and advice

Comments from invited Māori groups

48. Pursuant to section 17(1)(d) and (e) of the Act, on 11 April 2025 you invited written comments from the Māori groups identified above in paragraphs 18-22, from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.

49. You received feedback from two groups:

- a. Ngāi Tai ki Tāmaki advised they have no comment on the application; and
- b. Te Kawerau Iwi Settlement Trust noted they were invited to provide a cultural report on Stage 1 of the project and that their comments generally still apply to stage 2. They noted that the project will have cultural impacts but proposed mitigations which would result in less than minor or beneficial impacts.

Consultation with departments and Ministers

50. In preparing this report, we are required to:

- a. consult relevant departments; and
- b. provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti (for response within 10 working days).

51. We sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups and have incorporated their views into this report.

52. Minister for Māori Development/ Minister for Māori Crown Relations: Te Arawhiti, Hon. Tama Potaka supports this application subject to the following:

- a. the applicant undertaking reasonable steps to consult with all relevant Māori groups identified, including but not limited to further engagement with Ngāti Manuhiri; and
- b. the applicant having regard to the statutory acknowledgement provided under the Te Kawerau ā Maki Settlement Act 2015.

Advice on whether it may be more appropriate to deal with the proposed approvals under another Act/s

53. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
54. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	12-14
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities.	18-21
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area.	33-34
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.	35-44
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	22
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	23
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.	23
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).	24
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	25
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	26-27
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	28-29

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	30
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.	48-49
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.	53-54
18(3)	In preparing the report required by this section, the responsible agency must— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	50-51
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report.	52

Attachment 2: Project location map



Attachment 3: List of relevant Māori groups

Name of group	FTAA section
Te Rūnanga o Ngāti Whātua	18(2)(a)
Ngā Maunga Whakahii o Kaipara Development Trust	18(2)(a)
Hako Tūpuna Trust	18(2)(a)
Ngāti Maru Rūnanga Trust	18(2)(a), 18(2)(d)
Ngāti Manuhiri Settlement Trust	18(2)(a)
Ngāti Pāoa Iwi Trust	18(2)(a), 18(2)(d)
Ngāi Tai ki Tāmaki Trust	18(2)(a)
Ngāti Tamaterā Treaty Settlement Trust	18(2)(a)
Te Kawerau Iwi Settlement Trust	18(2)(a)
Te Ākitai Waiohua Waka Taua Inc	18(2)(a)
Te Ākitai Waiohua Settlement Trust	18(2)(a), 18(2)(d)
Ngaati Whanaunga Incorporated Society	18(2)(a)
Ngaati Whanaunga Ruunanga Trust	18(2)(a)
Ngāti Te Ata Claims Support Whānau Trust	18(2)(a), 18(2)(d)
Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	18(2)(a)
Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership	18(2)(a), 18(2)(d)

Attachment 4: Statutory Acknowledgement provisions from Te Kawerau ā Maki Settlement Act 2015

28 Statutory acknowledgement by the Crown

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

29 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with [sections 30 to 32](#); and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with [sections 33 and 34](#); and
- (c) to enable the trustees and any member of Te Kawerau ā Maki to cite the statutory acknowledgement as evidence of the association of Te Kawerau ā Maki with a statutory area, in accordance with [section 35](#).

30 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under [section 95E](#) of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.
- (3) Subsection (2) does not limit the obligations of a relevant consent authority under the [Resource Management Act 1991](#).

31 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under [section 274](#) of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the [Resource Management Act 1991](#).

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

- (1) This section applies to an application made under [section 44](#), [56](#), or [61](#) of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under [section 48](#), [56](#), or [62](#) of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under [section 59\(1\)](#) or [64\(1\)](#) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in [section 6](#) of the Heritage New Zealand Pouhere Taonga Act 2014.

33 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
 - (a) a copy of [sections 28 to 32](#), [34](#), and [35](#); and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of [Schedule 1](#) of the Resource Management Act 1991.

34 Provision of summary or notice to trustees

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under [section 145\(10\)](#) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under [section 95B](#) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under [section 95](#) of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under [section 95](#) of the Resource Management Act 1991, whether to notify an application;
 - (b) under [section 95E](#) of that Act, whether the trustees are affected persons in relation to an activity.

35 Use of statutory acknowledgement

- (1) The trustees and any member of Te Kawerau ā Maki may, as evidence of the association of Te Kawerau ā Maki with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
 - (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under [Part 6AA](#) of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) the bodies referred to in subsection (1); or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
 - (a) neither the trustees nor members of Te Kawerau ā Maki are precluded from stating that Te Kawerau ā Maki has an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Attachment 5: Comments received from invited Māori groups

Ngāi Tai ki Tāmaki Trust Feedback Auckland Surf Park Community - Stage 2 - Saved

Feedback · FTA - Feedback ▾

General Documents Related ▾

Feedback Details

Feedback ID

*

FDB001076D0W7

Title

*

Ngāi Tai ki Tāmaki Trust Feedback Auckland Surf Park Community - Stage 2

Regarding

 [Invitation to Comment - Ngāi Tai ki Tamaki Trust - Auckland Surf Park Community - Stage 2](#)

Comments

Tēnā koe, Ngāi Tai ki Tāmaki have no comments or feedback regarding Auckland Surf Park Community - Stage 2.

Feedback Contacts

Created By (Contact)

 [Revell Butler](#)

Source

Portal

Application

 [Auckland Surf Park Community - Stage 2](#)

Created By

 [# Portals-Fast Track Portal - ftaa-portal](#)

Created On

13/04/2025

Te Kawerau Iwi Trust

Auckland Surf Park Community - Stage 2 - Saved

Feedback · FTA - Feedback ▾

Portals-Fast Track Portal - ftaa-portal

Owner

Submitted

Portal Status

In 2023, Te Kawerau ā Maki provided a cultural memo outlining our conditional support of the proposal (I believe that this stage the proposal included - a 2-hectare surfing lagoon, Accommodation, Restaurants and retail outlets, Surf Club and surf academy, Farm to table agriculture, restaurant, and market, Restoration planting incorporating walkways and recreation, Solar farm and Data facility.

We noted at the time that the site sits within our rohe and in the takiwa of our Ngāti Poataniwha hapū. We know this general part of the takiwa by several names, including Pukeatua (a nearby maunga), Pukekauere (a nearby ridgeline), and Managa Rangitōpuni (the nearby river). We consider ourselves to be a lead iwi or holding mana whenua here, though we acknowledge our close ancestral ties with our Ngāti Manuhiri and Ngāti Whātua (specifically Ngāti Rongo) whanaunga who share rights and interests. This cultural landscape is deeply important to us and is legislated within our Treaty Settlement as the Manga Rangitōpuni statutory acknowledgement area. We are the only iwi with a statutory acknowledgment over the site. We are primarily concerned about the mauri of our ancestral awa manga Rangitōpuni and the conservation of the mauri of the relatively productive alluvial soils that surround it. This still remains true.

I note that the Stage 2 Masterplan builds upon the foundational elements of Stage 1 (which we wrote the cultural memo for in 2023) and introduces key developments that potentially enhance the park's functionality, community focus. The masterplan expands on Stage 1 through the inclusion of additional land holdings to the north and south of the consented development site. These expansions enable the creation of a distinct northern and southern neighbourhood surrounding the Surf Lagoon, alongside a live-work precinct to the south. In summary, Stage 2 includes:

- A hyperscale artificial intelligence data centre campus;
- Northern and southern residential neighbourhoods;
- Village centre;
- Live-work precinct;
- Accommodation; and
- Associated infrastructure.

While we have not been able to engage recently re: Stage 2 - we were invited to karakia at the end of 2024 and but were told another iwi were conducting this. To us, this was a bit confusing as we had been engaged previously and expressed our whakaaro about our connection to the site as a lead iwi of this whenua. Regardless, we would still like to engage in this project and support it in principle - however, our recommendations are still similar from the Stage 1 cultural memo. There will be cultural impacts (bearing in mind this is not a formal CIA so the degree of impact is not fully explored) that arise from the proposal but these will likely be mitigated to less than minor adverse or even beneficial if the proposals set out within the current masterplan (and particular those items of the masterplan highlighted in this memo) and the recommendations below are implemented. There are four key recommendations:

- Wāhi Tohu: (a) the proposal is adjacent to Manga Rangitōpuni which is an ancestral awa of Te Kawerau ā Maki the catchment of which, including the tributary within the property, forms cultural redress (statutory acknowledgement) in our Treaty Settlement; (b) the mauri and wairua of this feature must be upheld through supporting the kaitiakitanga (active participation) of our iwi; (c) this can be achieved through water sensitive design, restoration planting, and celebrating mana whenua values (including through urban design) as embedded in the current masterplan; (d) an access covenant should be placed on the stream in favour of Te Kawerau ā Maki to ensure we have reasonable access to the site.
- Whenua: (a) earthworks should be kept to a minimum and a cut-fill neutrality on site achieved or to the greatest extent possible; (b) where possible topsoil in particular should be retained on site and reincorporated into landscaping; (c) robust sediment controls will be required; (d) the retention of an area of the site for farming will help ensure the mauri of the soil continues and is highly supported; (e) earthworks and landform modification should be reduced wherever possible (particularly in the residential area) by adopting foundation design that sits lightly on the land such as pile foundation rather than benched on-grade; (f) where cut material cannot be reincorporated within the site boundaries, it should (in order of preference) be deposited within the local (catchment), takiwa (district) or rohe (northern half of the Auckland region); (g) winter or wet season earthworks should be avoided.

- Wai Māori: (a) development setback from the stream (and preferably floodplain) should be maintained and a esplanade reserve established and covenanted; (b) the set-back should be revegetated to ensure maximum filtration and habitat protection/enhancement; (c) water-sensitive or multi-step stormwater system should be designed such as a combination of retention/detention tanks (including in particular re-use of water collected from the roof of the data centre), permeable surfaces, tree pits/vegetated swales, ponds, and wetlands (this will ensure multi-stage treatment and ensure different waters are not mixed which is a breach of tikanga); (d) any direct outfall to a waterway should be avoided or designed via wetland or riprap to avoid scouring; (e) the use of water tanks is encouraged for potable or at least outdoor use to reduce the reliance on water takes and the public reticulation system; (f) water takes from the waterway/puna should be avoided, and where unavoidable, should only occur when the baseline levels, recharge rate, and long-term monitoring are in place; (g) many of the above can be achieved within the current masterplan which is supported in principle.

- Rerenga Rauropi: (a) removal of native vegetation should be avoided, and where not possible, reduced and minimised; (b) where native vegetation, and particularly mature trees, are removed this will require a 1:2 replacement with native eco-sourced species appropriate to the area, and/or productive fruit/flower bearing species provided they are species that do not self-seed and spread (e.g. pest species); (c) it is acknowledged that the current masterplan includes significant native planting and restoration along the length of the stream within the site which is highly supported in achieving item a and b above and restoring the mauri to the land; (d) removal of vegetation and earthworks should be undertaken in such a way as to avoid or minimise injury or mortality to native birds, bats and lizards including through survey, translocations, management plans and seasonality; (e) works within or adjacent to waterways or waterbodies should avoid or minimise injury or mortality to native aquatic species including through survey, translocations, management plans and seasonality.

- General: (a) Cultural protocols should be undertaken on this site by way of cultural induction and / karakia for the sod turning (start of works); (b) cultural monitoring is recommended on this site to ensure the above values and impacts are managed in accordance with tikanga. Monitoring likely would consist of spot-checks at the initiation, mid-point (i.e. earthworks complete and sediment controls in place) and conclusion of works; (c) the development should incorporate ways to celebrate the history and importance of the land by providing Te Kawerau ā Maki opportunity for cultural design, mahi toi (art), and interpretive elements.

I trust the above advice is of assistance in progressing the proposal. We are supportive of this project in principle subject to the recommendations above and our ongoing engagement as mana whenua.

Attachment 6: Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti

Hon Tama Potaka comment - Saved

Feedback · FTA - Feedback ▾

Portals-Fast Track Portal - ftaa-portal

Owner

Submitted

Portal Status ▾

General

Documents

Related ▾

Title

*

Hon Tama Potaka comment

Regarding



[Section 18 report for Minister comment](#)

Comments

I support this referral application subject to:

- the applicant undertaking reasonable steps to consult with all relevant Māori groups identified, including but not limited to further engagement with Ngāti Manuhiri; and

- the applicant having regard to the statutory acknowledgement provided under the Te Kawerau ā Maki Settlement Act 2015.