



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

Project Name: FTAA-2606-1253 Ōhoka Residential Subdivision

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

Number of attachments: 3	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location map - List of relevant Māori groups
--------------------------	---

Ministry for Cities, Environment, Regions & Transport contacts:

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

Key points

- As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for Cities, Environment, Regions & Transport (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2606-1253 Ōhoka Residential Subdivision.
- The applicant, Carter Group Limited, proposes to develop an approximately 154-hectare site at Ōhoka, in the Waimakariri District. The project comprises approximately 879 residential allotments, a retirement village allotment, a local centre, a polo ground, supporting access lots, and land to vest for roading, reserves and utilities. The applicant is seeking approvals under the Act which would otherwise be sought under the Resource Management Act 1991 (RMA), Wildlife Act 1953, and Heritage New Zealand Pouhere Taonga Act 2014.
- 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. We have identified Te Rūnanga o Ngāi Tahu, Te Ngāi Tūāhuriri Rūnanga, and Whitiara Centre Limited as the relevant groups.

4. The relevant Treaty settlement is the Ngāi Tahu Claims Settlement Act 1998. No other obligations have been identified under section 18(2) as relevant to the project area.
5. In its acknowledgements and apology to Ngāi Tahu, the Crown recognised its failures to fulfil its Treaty obligations and commits to a new age of co-operation with Ngāi Tahu. The Crown also recognised Ngāi Tahu as holding rangatiratanga and mana within the Takiwā of Ngāi Tahu Whānui.
6. While other redress provided through the Ngāi Tahu settlement provides important context for this application – such as that relating to taonga species, the conservation protocol, and licensed land – we have not identified any other principles and provisions of the settlement which are directly relevant.

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', is written over a light blue rectangular background.

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) 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, Carter Group Limited, proposes to develop an approximately 154-hectare site at Ōhoka, in the Waimakariri District. The project comprises approximately 879 residential allotments, a large allotment to accommodate a retirement village, two super lots to enable a local centre, a 7.5 hectare allotment to accommodate a polo ground, supporting access lots, and land to vest for roading, reserves and utilities. The development would extend the existing Ōhoka settlement.
11. The applicant is seeking approvals under the Act which would otherwise be sought under the RMA (including subdivision, earthworks, activities in the bed of rivers, water permits, discharge), Wildlife Act 1953 (disturbing native lizard habitat and capture and relocation of any native lizards), and Heritage New Zealand Pouhere Taonga Act 2014 (archaeological authority).
12. The land is at 531 and 535 Mill Road, 325 and 347 White Road, and 236 Bradleys Road. The applicant owns one of the titles through a subsidiary and has contracts to purchase the remaining titles.
13. We have provided location maps at **Attachment 2**.

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

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

Iwi authorities

15. 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.

16. We consider Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu, to be the relevant iwi authority for the project area.

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

Treaty settlement entities

17. 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).*

18. 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).*

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

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

- a. Te Rūnanga o Ngāi Tahu, PSGE for the Ngāi Tahu Claims Settlement Act 1998; and
- b. Te Ngāi Tūāhuriri Rūnanga, representing Ngāi Tūāhuriri, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998.

Groups mandated to negotiate Treaty settlements

21. There are no groups which have recognised mandates to negotiate a Treaty settlement over an area which may include the project area. All historical claims under te Tiriti o Waitangi / the Treaty of Waitangi have been settled in respect of the project area.

² Should a panel be made aware of a Treaty settlement entity established after the Treaty settlement Act is enacted (e.g. on the advice of a PSGE), then there would appear to be nothing to prevent the panel from inviting that entity to comment on the application under section 53(2)(c) of the Act.

Takutai Moana groups and ngā hapū o Ngāti Porou

22. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.
23. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

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

24. The project area does not include a taiāpure-local fisheries area or mātaihai reserve. Under the Fisheries (South Island Customary Fishing) Regulations 1999, made under Part 9 of the Fisheries Act 1996, the project area is within the South Island fisheries waters. However, to date no notice has been issued under those regulations to establish a customary food gathering area/rohe moana that would include the project area.

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

25. 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.
26. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

Iwi authorities and groups representing hapū who are party to relevant Mana Whakahono ā Rohe or joint management agreements

27. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.
28. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify.

Any other Māori groups with relevant interests

29. We have identified Whitiara Centre Limited, owned by Te Ngāi Tūāhuriri Rūnanga and representing it on environmental and other matters, as another Māori group with relevant interests in the project area.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

30. 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.
31. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
 - a. Ngāi Tahu Claims Settlement Act 1998.

Relevant principles and provisions

32. 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

33. As part of the Ngāi Tahu Treaty settlement, the Crown apologised to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown states that it recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu whānui.
34. Respect for Ngāi Tahu views on resource management matters and enabling effective involvement of Ngāi Tahu as a Treaty partner in resource management decision-making within the takiwā are important ways in which the Crown can give ongoing effect to these acknowledgements and uphold its relationship with Ngāi Tahu.

Other redress

Taonga species

35. The Crown has acknowledged the special association of Ngāi Tahu with certain taonga species of birds, plants and animals. The Ngāi Tahu Claims Settlement Act 1998 contains several other provisions relating to taonga species, including a requirement that the Minister of Conservation consult with, and have particular regard to the views of, Te Rūnanga o Ngāi Tahu when making policy decisions concerning the protection, management, or conservation of a taonga species.
36. As noted above, the application seeks an authority under the Wildlife Act 1953 for the disturbance, capture and relocation of native lizards in the project area. While lizards are not included amongst the taonga species in the Ngāi Tahu Claims Settlement Act 1998, the information provided by the applicant suggests that several taonga bird species were observed onsite, including pūtakitaki/paradise shelduck, kāhu/swamp harrier, pīwakawaka/fantail; tūī, and korimako/bellbird.
37. Although the settlement provisions regarding taonga species do not place any procedural obligations on the applicant or consent authority in relation to the approvals being sought as part of this application, the redress illustrates the importance of these species to Ngāi Tahu. Accordingly, the panel may wish to take any impact of the application on taonga species into consideration.

Conservation protocol

38. The Ngāi Tahu Claims Settlement Act 1998 provided for the Minister of Conservation to issue a protocol which sets out how the Department of Conservation (DoC) will exercise its functions, powers, and duties in relation to specified matters within the Ngāi Tahu claim area, and how DoC will interact with Te Rūnanga o Ngāi Tahu and provide for their input into DoC's decision-making process.
39. While the current version of the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,³ in general it does not address the types of conservation-related approvals sought by the applicant (i.e. the Wildlife Act 1953 authority).

Commercial redress - licensed land

40. The Ngāi Tahu Claims Settlement Act 1998 provided for the transfer of Crown forest licensed land to Te Rūnanga o Ngāi Tahu as commercial redress, including Eyrewell Forest (6,764 hectares) approximately ten kilometres from the project area. While this redress is unlikely to be affected by the application, it underlines the connection of Ngāi Tahu to this area.
41. Finally, we also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements.
42. For example, while the Ngāi Tahu settlement does not provide redress over the South Ōhoka Stream or Ōhoka Tributary which traverse the project area, these are tributaries of the Kaiapoi and Waimakariri Rivers, which are significant waterways for Ngāi Tahu and Ngāi Tūāhuriri in particular. Since the application includes a number of activities that may affect these waterways (including discharge of stormwater, removal of wetlands, and realignment of spring-fed waterways), tangata whenua will have interests in any activity which protects or threatens the mauri of the catchment. 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

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

44. As noted above, the project area does not include a taiāpure-local fishery or mātaihai reserve, but it is within the South Island fisheries waters for the purposes of the Fisheries (South Island Customary Fishing) Regulations 1999, made under Part 9 of the Fisheries

³ The protocol specifies the following matters: cultural materials; freshwater fisheries; culling of species of interest to Ngāi Tahu; historic resources; RMA involvement; and visitor and public information. The freshwater fisheries provisions cover engagement with Ngāi Tahu on the establishment of customary fisheries regulations (i.e. the Fisheries (South Island Customary Fishing) Regulations 1999), and consultation on the conservation and management of, and research into, freshwater fisheries, but not in relation to decision-making on approvals. The protocol provisions relating to the RMA are about working with DOC on advocacy regarding the environmental effects of activities controlled and managed under the RMA, and are unlikely to be directly relevant to this application. The latest version of the protocol is appended to the 2016 Conservation Management Strategy for Canterbury (Waitaha) at pages 290-300: [Canterbury \(Waitaha\) Conservation Management Strategy 2016](#).

Act 1996. To date, no notice has been issued under those regulations to establish a customary food gathering area/rohe moana that would include the project area. If a notice is issued, it provides for tangata whenua to take fisheries resources and manage customary fishing within the rohe moana.

Mana Whakahono ā Rohe/Joint management agreement

45. 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

46. In preparing this report, we are required to consult relevant departments. We have previously sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups in this area, 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	15-20
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	30-31
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	32-42
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	21
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	22, 43
18(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	22, 43
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	23, 43
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	24, 44
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).	25-26
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),	27-28, 45

	(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. (ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	29
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	Not applicable to substantive applications
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	Not applicable to substantive applications
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	46
18(4)	The responsible agency must provide the report to the Minister not later than 20 working days after the date for providing comments under section 17(6).	N/A
18(5)	However, if the Minister requests further information about a referral application under section 20, the time period specified in subsection (4) ceases to run for the period of time specified in the request.	N/A

Attachment 2: Project location maps

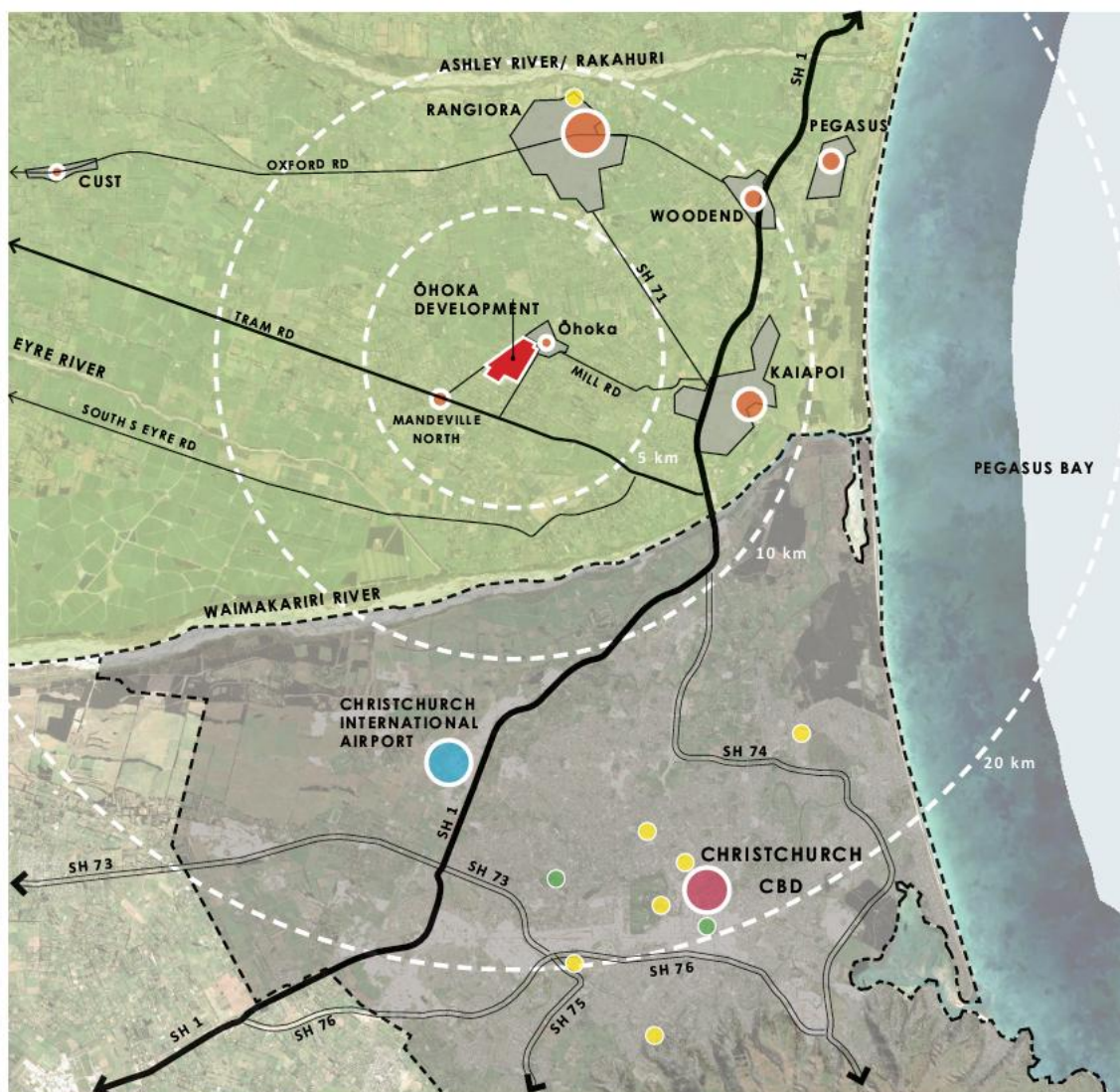




Figure 2: Aerial image indicating the site and locality
Source: Toitū Te Whenua (LINZ)

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Rūnanga o Ngāi Tahu	Iwi authority (s18(2)(a)); Treaty settlement entity – Ngāi Tahu Claims Settlement Act 1998 (s18(2)(a))	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Te Ngāi Tūāhuriri Rūnanga	Ngāi Tahu Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))	[REDACTED] [REDACTED]	[REDACTED]
Whitiora Centre Limited	Entity owned by Papatipu Rūnanga (s18(2)(k))	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]