



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

### Project Name: FTAA-2606-1254 State Highway 29 Tauriko Network Connections (including Ōmanawa Bridge replacement)

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|--------------------------------|----------------|
| <b>To:</b>                     | <b>Date:</b>   |
| Panel Convener, Jane Borthwick | 14 August 2026 |

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Number of attachments: 5 | 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 maps</li><li>3. List of relevant Māori groups</li><li>4. Excerpts from Tauranga Moana Iwi Collective deed (legislative matters schedule) regarding Tauranga Moana Framework</li><li>5. Excerpt from Ngāti Ranginui Whakaaetanga Tiaki Taonga agreement</li></ol> |
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#### Ministry for Cities, Environment, Regions & Transport contacts:

| Position                                          | Name            | Cell phone   | 1 <sup>st</sup> contact |
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#### Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for Cities, Environment, Regions & Transport (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2606-1254 State Highway 29 Tauriko Network Connections (including Ōmanawa Bridge replacement).
2. The applicant, the New Zealand Transport Agency (NZTA), seeks approvals to construct, operate, and maintain the Tauriko West – Tupenga Project, a roading project focusing on State Highway 29 (SH29) and State Highway 29A (SH29A) on the western edge of Tauranga. 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. Many of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the

Act. There are a significant number of groups who have, or may have, interests in the project area, which we have listed at **Attachment 3**.

4. There are two Treaty settlement Acts (Ngāti Pūkenga Claims Settlement Act 2017, Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025), a signed deed of settlement (Ngāi Te Rangi and Ngā Potiki), and signed collective redress deed (Tauranga Moana Iwi Collective) that are relevant to the project area. The project area is not in the marine and coastal area, and no Mana Whakahono ā Rohe or joint management agreements currently apply.
5. Some Treaty settlement arrangements which would apply to the project area are subject to the finalisation of settlements. The Tauranga Moana Framework, provided for in the Tauranga Moana Iwi Collective deed, includes several procedural arrangements regarding resource consent applications – such as information sharing, the appointment of hearing commissioners, and having regard to the Ngā Tai ki Mauao framework document – which would be relevant to the panel’s consideration of this application if the collective legislation had been enacted. Nevertheless, in accordance with section 7 of the Act, it may be appropriate for the panel to consider how it might act consistently with the intent of the Tauranga Moana Framework redress, as set out in the signed collective deed.
6. Similarly, there is conservation relationship redress which may be applicable to consideration of some of the approvals sought by the applicant, namely the proposed Wildlife Act 1953 authorities, but these agreements have yet to be finalised or are subject to enactment of the Tauranga Moana Iwi Collective redress legislation.

## Signature

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A handwritten signature in blue ink, appearing to read 'S Frame', is positioned above the printed name.

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 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, NZTA, seeks approvals to construct, operate, and maintain the Tauriko West – Tupenga Project, a roading project focusing on SH29 and SH29A on the western edge of Tauranga. The project area extends from the SH29 Ōmanawa Road intersection in the west, through Tauriko West urban growth area and the Tauriko Business Estate, and east towards Barkes Corner intersection, including connections with Takitimu Drive and the Takitimu North interchange.
11. The project involves the construction, operation and maintenance of:
  - a. a new offline four-lane SH29 corridor between the Ōmanawa Bridge project and the Takitimu North Link Interchange, prioritising inter-regional freight movement;
  - b. a new offline SH29A corridor providing a high-standard regional connection that relieves pressure on the existing urban-constrained alignment;
  - c. upgrades to key intersections, including the Ōmanawa Road intersection, together with grade separated interchanges at Redwood Lane, Takitimu Drive and Barkes Corner, and local road overbridges to maintain connectivity and walking and cycling links;
  - d. widening of Takitimu Drive (to four lanes) up to the Takitimu North Link intersection; and
  - e. project-wide works, including stormwater and drainage works, stream realignments, landscaping, ecological and noise mitigation, and relocation of utilities.
12. The applicant is seeking approvals under the Act which would otherwise be sought under the RMA (notices of requirement for new designations and resource consents, including for contaminated land disturbance, activities relating to wetlands and beds of rivers, earthworks, water, and discharges), Wildlife Act 1953 (authorising the handling, salvage, transfer and relocation of native lizards), Heritage New Zealand Pouhere Taonga Act 2014 (archaeological authorities), and Freshwater Fisheries Regulations 1983 (complex freshwater fisheries approval for temporary dams or diversions).
13. The land required for the project is either currently owned by the Crown or will need to be acquired or otherwise secured by the Crown. The applicant advises there is no Māori land, marae, or identified wāhi tapu within the project area.
14. We have provided location maps at **Attachment 2**.

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

15. 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

16. 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.*

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

- a. Ngā Hapū o Ngāti Ranginui Settlement Trust, representing Ngāti Ranginui;
- b. Ngāti Ranginui Iwi Society Inc, representing Ngāti Ranginui;
- c. Ngāti Pūkenga Iwi ki Tauranga Trust, representing Ngāti Pūkenga;
- d. Te Rūnanga o Ngāi Te Rangi Iwi Trust, representing Ngāi Te Rangi; and
- e. Ngāti Maru Rūnanga Trust, representing Ngāti Maru.

### Treaty settlement entities

18. 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).*

19. 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*

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<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.

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

20. 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>
21. We have identified the following relevant Treaty settlement entities for this project area:
- a. Te Tāwharau o Ngāti Pūkenga, PSGE for Ngāti Pūkenga Claims Settlement Act 2017; and
  - b. Ngā Hapū o Ngāti Ranginui Settlement Trust, PSGE for Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025.
22. A PSGE may be established ahead of finalising a deed of settlement and/or enactment of Treaty settlement legislation. The following PSGEs in this category are also relevant:
- a. Ngāi Te Rangi Settlement Trust, PSGE for Ngāi Te Rangi deed of settlement (signed December 2013);
  - b. Tauranga Moana Iwi Collective Limited Partnership, PSGE for Tauranga Moana Iwi Collective (Ngāti Pūkenga, Ngā Hapū o Ngāti Ranginui, Ngāi Te Rangi) redress deed (signed January 2015); and
  - c. Ngāti Maru Rūnanga Trust, PSGE for Ngāti Maru deed of settlement (initialled September 2017).

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

23. Apart from those negotiating groups which have already been established as PSGEs (paragraph 22 refers), there are no other groups with recognised mandates to negotiate a Treaty settlement over an area which may include the project area.

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

24. 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.
25. 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**

26. 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.
27. For your information, we note that Tauranga Harbour downstream of the project area is area subject to regulations for customary food-gathering made under Part 9 of the Fisheries Act 1996. Pursuant to Regulation 9 of the Fisheries (Kaimoana Customary Fishing)

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<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. For example, the Ngā Hapū o Ngāti Ranginui deed of settlement includes a stated intention to on-transfer certain redress to hapū entities after settlement.

Regulations 1998, the Fisheries (Kaimoana Customary Fishing) Notice (No. 14) 2011 provides for management of customary food-gathering within an area/rohe moana by the appointed tangata kaitiaki/tiaki for Ngāi Te Rangi, Ngāti Ranginui, and Ngāti Pūkenga (represented by Tauranga Moana Iwi Customary Fisheries Trust).

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

28. 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.

29. 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**

30. 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.

31. 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**

32. The applicant has primarily engaged with the following hapū:

- a. Ngāti Kahu;
- b. Ngāti Hangarau; and
- c. Ngāi Tamarāwaho.

33. The applicant also undertook initial engagement with a wider partnership group, Te Kauae e Roopu, which included the following additional hapū:

- a. Ngāti Rangi;
- b. Ngāti Pango; and
- c. Pirirākau.

34. In addition, we have identified the following as other Māori groups who may also have relevant interests:

- a. Te Puāwaitanga o Ngāti Hinerangi Trust, PSGE for the Ngāti Hinerangi Claims Settlement Act 2021, whose area of interest for Treaty settlement purposes is the Wairoa River, near the project area;

- b. Poripori Farm A Trust, who administer Poripori Farm, Māori freehold land on the opposite side of the Wairoa River to the project area; and
- c. Te Papa 453 Ahu Whenua Trust, who administer Māori freehold land adjacent to the Wairoa River, downstream of the project area (near Wairoa Pā).

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

### Treaty settlements

- 35. 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.
- 36. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

#### *Treaty settlement Acts:*

- a. Ngāti Pūkenga Claims Settlement Act 2017;
- b. Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025;

#### *Treaty settlement deeds:*

- c. Ngāi Te Rangi and Ngā Potiki deed of settlement, signed December 2013; and
- d. Tauranga Moana Iwi Collective deed (Ngāi Te Rangi, Ngāti Pūkenga, Ngāti Ranginui), signed January 2015.

### Relevant principles and provisions

- 37. 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*

- 38. 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.
- 39. With specific reference to Tauranga Moana, which includes Tauranga Harbour and the catchments that flow into it and the surrounding sea, the Crown has acknowledged:
  - a. that Ngāti Pūkenga describe Tauranga Moana as a significant taonga, and that environmental degradation of the harbour and species within has been a source of distress for Ngāti Pūkenga;
  - b. the significance of the land, forests, harbours and waterways of Tauranga Moana as a physical and spiritual resource for Ngāi Te Rangi and Ngā Potiki;
  - c. the loss of most of their coastal lands has reduced Ngāi Te Rangi and Ngā Potiki's access to coastal urupā, kainga, food-gathering areas, and associated resources;
  - d. the development of the Port of Tauranga, the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana, and the construction of effluent ponds on Te Tahuna o Rangataua, have resulted in the

environmental degradation of Tauranga Moana and reduction of biodiversity and food resources which remain a source of great distress to Ngāi Te Rangi and Ngā Potiki;

- e. the significance of the land, forests, harbours and waterways of Tauranga Moana to the hapū of Ngāti Ranginui as a physical and spiritual resource over which Ngāti Ranginui hapū acted as kaitiaki; and
- f. that the development of the Port of Tauranga, and the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana have resulted in environmental degradation of Tauranga Moana which remains a source of great distress to the hapū of Ngāti Ranginui.

40. As part of its apologies to Ngāti Pūkenga, the hapū of Ngāti Ranginui, and Ngāi Te Rangi, the Crown stated it looked forward to building a new relationship with these groups based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

#### *Tauranga Moana Framework*

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

- a. the establishment of a statutory committee called the Tauranga Moana Governance Group; and
- b. the preparation, review, amendment and adoption of a Tauranga Moana framework document – Ngā Tai ki Mauao – which will identify the vision, objectives and desired outcomes for Tauranga Moana.

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

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

- a. copies of applications for resource consent for any activities referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the RMA, in relation to waters within Tauranga Moana, must be provided to Tauranga Moana iwi and hapū within five working days of receipt by Bay of Plenty Regional Council (BOPRC);
- b. at least once every two years BOPRC and the Tauranga Moana Governance Group must jointly establish a working party to develop/review criteria and policies for procedural matters related to resource consent applications;
- c. if a hearing is to be held under the RMA in relation to an application for a resource consent referred to in paragraph 43(a), BOPRC must appoint at least one person from the register of hearing commissioners maintained by the Tauranga Moana Governance Group; and
- d. until such time as Ngā Tai ki Mauao has been recognised and provided for in the preparation, review, variation or change of the Bay of Plenty regional policy statement, a consent authority must have regard to the contents of Ngā Tai ki

Mauao when making a decision on a resource consent which applies to Tauranga Moana.

44. Some of the RMA approvals included in this application would be subject to these provisions. However, while these provisions are contained in a signed deed of settlement, they are to be provided for through legislation, which has yet to be enacted.<sup>3</sup> This means the Tauranga Moana Governance Group has yet to be established and, as far as we are aware, Ngā Tai ki Mauao has not been developed. Accordingly, the panel's obligations under clause 5 Schedule 3 of the Act to comply with any relevant procedural requirements set out in a Treaty settlement Act do not apply to the Tauranga Moana Framework provisions at this time.
45. Section 82 of the Act requires that, if a Treaty settlement provides for the consideration of any document, then the panel must give the same or equivalent effect to that document in their decision-making. This would mean having regard to Ngā Tai ki Mauao in considering this application, as set out in paragraph 43(d).<sup>4</sup> Again, this is not possible if Ngā Tai ki Mauao has yet to be developed.
46. Notwithstanding this, the overarching provision at section 7 of the Act requires all persons performing and exercising functions, powers, and duties to act in a manner that is consistent with the obligations arising under existing Treaty settlements (where 'Treaty settlements' includes a signed Treaty settlement deed). Accordingly, it would be appropriate for the panel to consider how it might act consistently with the intent of the Tauranga Moana Framework redress, acknowledging that the settlement legislation which would bring these arrangements into force has yet to be enacted. For your information, we have provided the relevant excerpts from the Tauranga Moana Iwi Collective deed at **Attachment 4**.

#### *Conservation relationship redress*

47. Relationship agreements and protocols between the Minister of Conservation/Director-General of Conservation and iwi, as provided for in Treaty settlements, may be relevant to this application where they include consultation requirements relating to conservation approvals, such as those being sought under the Wildlife Act 1953 (and potentially the Freshwater Fisheries Regulations 1983 if within the scope of the agreement/protocol).
48. The Ngāti Pūkenga deed of settlement includes provisions to agree on a conservation relationship agreement but the contents are not specified.<sup>5</sup> The Department of Conservation (DOC) advise that the relationship agreement has yet to be finalised, and discussions are currently focused on the Maunga Kāinga area of interest (an area surrounding Coromandel Harbour).
49. The Ngāti Ranginui deed of settlement states that a relationship agreement with the Tauranga Moana Iwi Collective will be provided for through the collective deed, including how Ngā Hapū o Ngāti Ranginui and the Director-General of Conservation will engage on

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<sup>3</sup> The Tauranga Moana Framework provisions are included in the legislative matters schedule to the collective deed. At the time of preparing this report, the Tauranga Moana Iwi Collective Redress Bill currently before the House (awaiting second reading) does not include these provisions.

<sup>4</sup> This includes any statutory planning document amended as a consequence, which in this instance would mean the Bay of Plenty regional policy statement.

<sup>5</sup> The deed of settlement signed in April 2013 initially stated that a conservation relationship agreement with the Tauranga Moana Iwi Collective would be provided for through the collective deed, but the fifth deed to amend (signed in August 2017) included a commitment to a relationship agreement directly with Ngāti Pūkenga.

conservation matters. There will be no separate conservation relationship agreement directly with Ngāti Ranginui.

50. The Tauranga Moana Iwi Collective deed includes a conservation relationship agreement, under the broader Te Kūpenga Framework. The agreement refers to engagement to be undertaken with Tauranga Moana Iwi by DOC when exercising its powers and functions under the Conservation Act 1987 and its Schedule 1 Acts (which includes the Wildlife Act 1953).<sup>6</sup> Apart from commitments to open communication and information sharing, there are no specific requirements regarding consultation on statutory authorisations. The relationship agreement itself has yet to be developed as the collective redress legislation has not been enacted.

### *Whakaaetanga Tiaki Taonga*

51. The Ngāti Ranginui deed of settlement provides for a Whakaaetanga Tiaki Taonga to be entered into with the Cultural and Heritage Parties,<sup>7</sup> including Heritage New Zealand Pouhere Taonga (HNZPT). Appendix A of the Whakaaetanga Tiaki Taonga briefly summarises the process for seeking an archaeological authority from HNZPT under the Heritage New Zealand Pouhere Taonga Act 2014, including the requirement in that legislation that applicants must consult tangata whenua. For your information, we have provided this excerpt at **Attachment 5**.
52. While the reference to this consultation requirement in the Whakaaetanga Tiaki Taonga forms part of the Treaty settlement deed for Ngāti Ranginui, we note that schedule 8 clause 2(1)(i) of the Act already requires applications for an archaeological authority to include a statement regarding consultation with tangata whenua.

### *Other redress*

53. The application proposes activities such as the realignment of streams, increases in impervious area (as it relates to stormwater runoff), construction of drainage and stormwater management systems, earthworks, and works in waterways, which may affect the Wairoa River, Kōpūrererua Stream, and Waimapu Stream catchments. The potential effects of these activities on freshwater receiving environments includes loss or modification of wetland and streams, potential habitat disturbance, increased stormwater volume, erosion, and discharge of sediment and contaminants. However, the applicant proposes mitigating these effects through erosion and sediment controls, wetland remediation, riparian planting, restoration of streams, fish passage design, and stormwater treatment and management.
54. The historical account in the Ngāti Ranginui deed of settlement identifies the Wairoa River, Kōpūrererua Stream, and Waimapu Stream amongst the significant awa for Ngā Hapū o Ranginui. The account records that the alienation of Ngāti Ranginui land by the Crown also involved the loss of connection to significant awa and maunga. The loss of their former role as kaitiaki of their natural and cultural environment has brought a feel of disconnection amongst Ngāti Ranginui.

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<sup>6</sup> While the Director-General of Conservation administers aspects of the Freshwater Fisheries Regulations 1983, these regulations are not listed in Schedule 1 of the Conservation Act 1987.

<sup>7</sup> Manatū Taonga Ministry for Culture and Heritage, Department of Internal Affairs, Archives New Zealand, National Library of New Zealand, Museum of New Zealand Te Papa Tongarewa, HNZPT, Ngā Taonga Sound & Vision.

55. The Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025 also provides for Ngā Hapū o Ngāti Ranginui Settlement Trust to be the administering body of the Te Wharepoti/Margaret Jackson Wildlife Management Reserve, as if they were appointed to control and manage the reserve under section 35 of the Reserves Act 1977. This reserve is on the eastern bank of the Wairoa River as it enters the Tauranga Harbour, approximately 7 kilometres downstream of the project area, and is adjacent to Māori freehold land administered by Te Papa 453 Ahu Whenua Trust.
56. 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**

57. 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**

58. 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.
59. While the customary food-gathering area/rohe moana over Tauranga Harbour outlined at paragraph 27 is several kilometres from the project area, it is possible that some of the proposed activities may affect the ability of the tangata whenua to exercise customary food-gathering practices. Tangata whenua are best suited to inform the panel of these effects.

### **Mana Whakahono ā Rohe/Joint management agreement**

60. 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**

61. In preparing this report, we are required to consult relevant departments. 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.

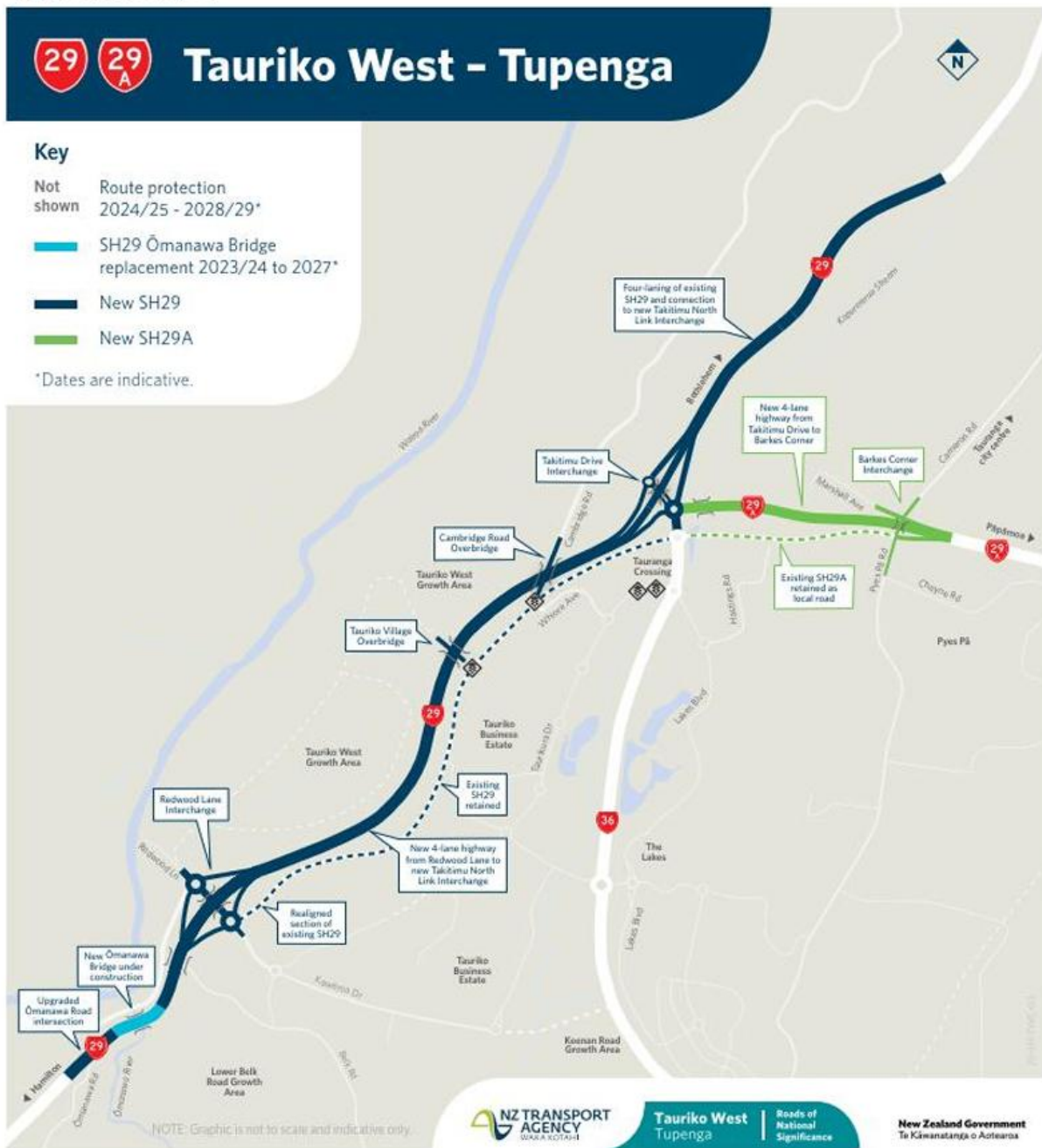
## Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

| 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                                                                                                                                                                  | 16-22                                                                                     |
| 18(2)(b) | Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area                                                                                                                  | 35-36                                                                                     |
| 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                                     | 37-56                                                                                     |
| 18(2)(d) | Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.                                                                                                             | 23                                                                                        |
| 18(2)(e) | Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.                                                                                                           | 24, 57                                                                                    |
| 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.                                                | 24, 57                                                                                    |
| 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). | 25, 57                                                                                    |
| 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).           | 26-27, 58-59                                                                              |
| 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).                                                                                          | 28-29                                                                                     |
| 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),                                                                             | 30-31, 60                                                                                 |

|                 |                                                                                                                                                                                                                                                                     |                                            |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
|                 | <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.                                                                                                                                                                                                                     | 32-34                                      |
| <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.                                                                                                                                                         | 61                                         |
| <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 maps





### Attachment 3: List of relevant Māori groups

| Name of group                                            | Type of group (section of Act)                                                               | Contact persons                                      | Contact email                                        |
|----------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------|
| <b>Ngā Hapū o Ngāti Ranginui Settlement Trust</b>        | Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a))                              | [REDACTED]<br>[REDACTED]                             | [REDACTED]                                           |
| <b>Ngāti Ranginui Iwi Society Inc</b>                    | Iwi authority (s18(2)(a))                                                                    | [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] | [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] |
| <b>Ngāti Pūkenga Iwi ki Tauranga Trust</b>               | Iwi authority (s18(2)(a))                                                                    | [REDACTED]<br>[REDACTED]                             | [REDACTED]<br>[REDACTED]                             |
| <b>Te Rūnanga o Ngāi Te Rangi Iwi Trust</b>              | Iwi authority (s18(2)(a))                                                                    | [REDACTED]<br>[REDACTED]                             | [REDACTED]<br>[REDACTED]<br>[REDACTED]               |
| <b>Ngāti Maru Rūnanga Trust</b>                          | Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d)) | [REDACTED]<br>[REDACTED]                             | [REDACTED]<br>[REDACTED]                             |
| <b>Te Tāwharau o Ngāti Pūkenga</b>                       | Treaty settlement entity (s18(2)(a))                                                         | [REDACTED]                                           | [REDACTED]<br>[REDACTED]                             |
| <b>Ngāi Te Rangi Settlement Trust</b>                    | Treaty settlement entity (s18(2)(a)), mandated entity (s18(2)(d))                            | [REDACTED]<br>[REDACTED]                             | [REDACTED]                                           |
| <b>Tauranga Moana Iwi Collective Limited Partnership</b> | Treaty settlement entity (s18(2)(a))                                                         | [REDACTED]<br>[REDACTED]                             | [REDACTED]<br>[REDACTED]                             |

|                                               |                                                       |                                              |                                  |
|-----------------------------------------------|-------------------------------------------------------|----------------------------------------------|----------------------------------|
| <b>Ngāti Kahu</b>                             | Other Māori group with relevant interests (s18(2)(k)) | ██████████<br>██████████<br>██████           | ██████████<br>██████████████████ |
| <b>Ngāti Hangarau</b>                         | Other Māori group with relevant interests (s18(2)(k)) | ██████████<br>██████                         | ██████████<br>██████████████████ |
| <b>Ngāi Tamarāwaho</b>                        | Other Māori group with relevant interests (s18(2)(k)) |                                              | ██████████████████<br>■          |
| <b>Ngāti Rangi</b>                            | Other Māori group with relevant interests (s18(2)(k)) |                                              |                                  |
| <b>Ngāti Pango</b>                            | Other Māori group with relevant interests (s18(2)(k)) |                                              |                                  |
| <b>Pirirākau Incorporated Society</b>         | Other Māori group with relevant interests (s18(2)(k)) | ██████████<br>██████<br>██████████<br>██████ | ██████████████████               |
| <b>Te Puāwaitanga o Ngāti Hinerangi Trust</b> | Other Māori group with relevant interests (s18(2)(k)) | ██████████████████<br>██████                 | ██████████████████               |
| <b>Poripori Farm A Trust</b>                  | Other Māori group with relevant interests (s18(2)(k)) | ██████████<br>██████████                     | ██████████████████               |
| <b>Te Papa 453 Ahu Whenua Trust</b>           | Other Māori group with relevant interests (s18(2)(k)) |                                              | ██████████████████               |

## Attachment 5: Excerpts from Tauranga Moana Iwi Collective deed (legislative matters schedule) regarding Tauranga Moana Framework

### RESOURCE CONSENT PROCESS

3.8 The collective legislation will provide that:

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

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

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

- (a) returned the application to the applicant pursuant to section 88(3) of the Resource Management Act 1991; or
- (b) made a determination under section 91(1) of the Resource Management Act 1991 to defer the application;

3.8.4 to avoid doubt:

- (a) the requirements of paragraphs 3.8.2 and 3.8.3:
  - (i) do not confer affected person status on the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū; but
  - (ii) do not affect any entitlement of Tauranga Moana iwi and hapū to:
    - (I) make a submission to the Bay of Plenty Regional Council about an application for a resource consent in accordance with section 96 of the Resource Management Act 1991; or
    - (II) otherwise participate in any resource consent hearing process;
- (b) compliance by the Bay of Plenty Regional Council with paragraphs 3.8.2 and 3.8.3 does not amount to a decision that the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū, or any of them has or does not have affected person status; and
- (c) any decision by the Bay of Plenty Regional Council as to whether the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū are affected persons must be made in accordance with section 95E of the Resource Management Act 1991; and

### 3: TAURANGA MOANA FRAMEWORK

- 3.8.5 at least once every two years the Bay of Plenty Regional Council and the Tauranga Moana Governance Group must jointly establish a working party to develop and/or review criteria and policies for procedural matters related to resource consent applications, such as:
- (a) pre-application processes;
  - (b) section 87D (request that an application be determined by the Environment Court rather than the consent authority);
  - (c) section 88(3) (incomplete application for resource consent);
  - (d) section 91 (deferral pending additional consents);
  - (e) section 92 (requests for further information);
  - (f) section 95 to 95F (notification of applications for resource consent); and
  - (g) processes consistent with the requirements of the Resource Management Act 1991 for engaging with Tauranga Moana iwi and hapū;
- 3.8.6 when developing or reviewing criteria, the working party established under paragraph 3.8.5 must consult with Tauranga Moana iwi and hapū;
- 3.8.7 to avoid doubt:
- (a) the criteria developed and agreed under paragraph 3.8.5:
    - (i) are additional to, and must not derogate from, the existing criteria to be applied by the Bay of Plenty Regional Council under the Resource Management Act 1991;
    - (ii) do not impose any requirement on a consent authority to change, cancel or review consent conditions; and
    - (iii) must not be inconsistent with the requirements of the Resource Management Act 1991; and
    - (iv) must meet the requirements of natural justice; and
  - (b) the working party established under paragraph 3.8.5 may agree not to propose criteria additional to the existing criteria to be applied by the Bay of Plenty Regional Council under the Resource Management Act 1991; and
- 3.8.8 if requested by the Tauranga Moana Governance Group, the Bay of Plenty Regional Council may consider establishing a working party for the purposes of paragraph 3.8.5 more frequently than once every two years if it is reasonably practicable to do so having regard to:
- (a) the number and frequency of such requests received from the Tauranga Moana Governance Group; and
  - (b) the time and cost involved in complying with the request.

## RESOURCE CONSENT HEARING COMMISSIONERS

- 3.9 The collective legislation will provide that:
- 3.9.1 paragraphs 3.9.2 to 3.9.7 apply only to applications to the Bay of Plenty Regional Council for resource consent for any activity referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the Resource Management Act 1991 in relation to waters within Tauranga Moana;
  - 3.9.2 the Tauranga Moana Governance Group must establish and maintain a register of persons who:
    - (a) are qualified Resource Management Act 1991 decision-makers; and
    - (b) have been appointed to the register by Tauranga Moana iwi and hapū;
  - 3.9.3 if a hearing is to be held under the Resource Management Act 1991 in relation to an application for resource consent referred to in paragraph 3.9.1 (other than a hearing solely in relation to objections under section 357 of the Resource Management Act 1991) the Bay of Plenty Regional Council must:
    - (a) as soon as practicable serve notice on the Tauranga Moana Governance Group that a hearing is to be held;
    - (b) exercise its power under section 34A(1) of the Resource Management Act 1991 to delegate its functions, powers and duties required to hear and decide the application to one or more commissioners; and
    - (c) appoint as the commissioner or commissioners:
      - (i) only persons who are qualified Resource Management Act 1991 decision-makers; and
      - (ii) at least one person whose name appears on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2;
  - 3.9.4 a person must not be appointed as a commissioner, or continue to be a commissioner referred to in paragraph 3.9.3(b) or paragraph 3.9.9:
    - (a) if that person:
      - (i) is or becomes a party or the parent, child, spouse, civil union partner, or de facto partner of a party in the proceeding before commissioner or commissioners;
      - (ii) has or develops a relationship or connection with a party in the proceeding before commissioner or commissioners that is or may be in conflict with the person's duties and responsibilities as a commissioner;
      - (iii) has or acquires a financial interest in, or is or becomes a director, officer, member, or trustee of, a party in the proceeding before the commissioner or commissioners;

#### 3. Tauranga Moana Governance

- (iv) has an interest in, or connection with, the subject-matter of the proceeding before the commissioner or commissioners of such a nature that any decision in which that person participated would be, or would have the appearance of being, improperly influenced by the interest or connection;
    - (v) is affected by some other interest or duty that is or may be in conflict with the person's duties and responsibilities as a commissioner; or
    - (vi) without limiting the application of sub-paragraphs (i) to (iv) of paragraph (a) of paragraph 3.9.4, would be prohibited under section 6 of the Local Authorities (Members' Interests) Act 1968 from voting on or taking part in the discussion of any matter before commissioner or commissioners; or
  - (b) if there are grounds upon which a fair minded observer might reasonably apprehend that that person:
    - (i) has predetermined the outcome of the application; or
    - (ii) is biased;
- 3.9.5 the following circumstances do not, of themselves, disqualify a person under paragraph 3.9.4 or any rule of law from being appointed as a commissioner:
- (a) the person is a ratepayer;
  - (b) the person is a member of a local authority;
  - (c) the person is descended from an ancestor of an iwi or hapū; or
  - (d) the, social, cultural or spiritual values of any iwi or hapū are, or may be considered:
    - (i) relevant to the subject-matter of the proceeding before the commissioner or commissioners; or
    - (ii) reflected in the person's membership of the commissioner or commissioners;
- 3.9.6 if a question arises as to whether a person is ineligible to be appointed as a commissioner, or continue to be a commissioner, under paragraph 3.9.4, the Bay of Plenty Regional Council may refer the question to the Tauranga Moana Governance Group which may provide advice and guidance to the Bay of Plenty Regional Council to assist the Bay of Plenty Regional Council to determine whether a person is ineligible;
- 3.9.7 the requirements of paragraph 3.9.3 will not apply if:
- (a) no-one has been appointed by Tauranga Moana iwi and hapū to the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2; or

- (b) there is no person on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2 who is eligible to be appointed as a commissioner under paragraphs 3.9.3(b) or 3.9.9; or
  - (c) the Tauranga Moana Governance Group has, in respect of a particular hearing, waived in writing the requirements of paragraph 3.9.3;
- 3.9.8 if an application for resource consent is lodged with the Environment Protection Authority under section 145 of the Resource Management Act 1991, and a direction is made under section 147(1)(c) to refer the matter to Bay of Plenty Regional Council, then paragraph 3.9.3 will apply; and
- 3.9.9 if a request is made under section 100A of the Resource Management Act 1991 for the Bay of Plenty Regional Council to delegate its functions, powers and duties required to hear and decide an application for resource consent referred to in paragraph 3.9.1 to a commissioner or commissioners, then the commissioner (if the delegation is to a single commissioner) or at least one commissioner (if the delegation is to more than one commissioner) must be a qualified Resource Management Act 1991 decision-maker whose name appears on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2.

## NGĀ TAI KI MAUAO - THE TAURANGA MOANA FRAMEWORK DOCUMENT

### Purpose

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

### Content

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

3.15.1 must include provisions that:

- (a) the Tauranga Moana Governance Group considers are relevant to and further the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document);
- (b) identify the significant environmental management issues for Tauranga Moana from the perspective of the Tauranga Moana Governance Group;
- (c) identify and reflect iwi and hapū values and mātauranga Māori relating to Tauranga Moana; and
- (d) describe objectives to achieve the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document), which, without limitation, may include objectives for:
  - (i) preserving and improving the natural character and heritage of the Tauranga Moana environment;
  - (ii) integrating and co-ordinating the management of natural, historical and traditional resources within Tauranga Moana;
  - (iii) providing for the relationship of Tauranga Moana iwi and hapū and their culture and traditions with Tauranga Moana and protecting and enhancing those characteristics of the Tauranga Moana environment that are of special value to Tauranga Moana iwi and hapū;
  - (iv) maintaining and improving indigenous biological diversity and the biological diversity of the aquatic environment of Tauranga Moana;

### 3: TAURANGA MOANA FRAMEWORK

- (v) protecting and enhancing the habitats of significance for fisheries management and sustainable customary fishing;
- (vi) sustaining and developing the potential of the natural and physical resources of Tauranga Moana to meet the reasonably foreseeable needs of present and future generations including their social, economic, and cultural well-being;
- (vii) avoiding natural hazards and adverse effects from the storage, use, disposal and transportation of hazardous substances;
- (viii) protecting the marine environment from pollution; and
- (ix) measuring the health of the Tauranga Moana environment;

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

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

#### **Relationship to Resource Management Act 1991 planning documents**

3.16 The collective legislation will provide that:

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

3.16.2 the obligation under paragraph 3.16.1:

- (a) applies each time the Bay of Plenty Regional Council prepares, reviews, varies or changes the Bay of Plenty regional policy statement;
- (b) does not apply to a review, variation or change that does not relate to Tauranga Moana;
- (c) is deemed to have been satisfied if the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relating to the resource management issues of the region:
  - (i) are already recognised and provided for in the Bay of Plenty regional policy statement; or
  - (ii) in relation to the content of the Bay of Plenty regional policy statement, have been considered by the Bay of Plenty Regional Council or the Environment Court within the previous two years; and

### 3: TAURANGA MOANA FRAMEWORK

- (d) applies only to the extent that:
    - (i) the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relate to the resource management issues of the region which are within the scope of the regional policy statement; and
    - (ii) complying with the obligation is the most appropriate way of achieving the purpose of the Resource Management Act 1991, having regard to efficiency and effectiveness and the matters set out in section 32(4) of the RMA; and
  - (e) to avoid doubt, must be carried out in accordance with:
    - (i) the requirements of the Resource Management Act 1991 relating to processes for the preparation, review or change of a Resource Management Act 1991 planning document including, without limitation, the requirement to carry out an evaluation under section 32 of that Act; and
    - (ii) the requirements and procedures in Schedule 1 of the Resource Management Act 1991;
- 3.16.3 until such time as the obligation under paragraph 3.16.1 is complied with, where a consent authority is processing or making a decision on an application for resource consent within the areas marked "A" and "B" on the Tauranga Moana framework plan in the attachments, that consent authority must have regard to Ngā Tai ki Mauao (the Tauranga Moana framework document) if:
- (a) the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relate to the resource management issues of the region or district;
  - (b) complying with the obligations is consistent with the purpose of the Resource Management Act 1991; and
  - (c) the consent authority considers that section 104(1)(c) applies to Ngā Tai ki Mauao (the Tauranga Moana framework document).

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

## Attachment 5: Excerpt from Ngāti Ranginui Whakaaetanga Tiaki Taonga agreement

### MAHI HURA WHENUA – MĀORI HERITAGE AND ARCHAEOLOGY

15. The Heritage New Zealand Pouhere Taonga Act 2014 ("the Act") defines an archaeological site as a place associated with pre-1900 human activity where there may be evidence relating to the history of Aotearoa/New Zealand. When any development is planned that may affect an archaeological site or suspected archaeological site, the developer must apply for an archaeological authority. The archaeological authority provisions are contained in the Act. The developers must consult tāngata whenua. Pouhere Taonga staff:

- a) assess the impact of proposed land development on Māori cultural values, and check that consultation between developers and hapū or iwi has been conducted; and
- b) help liaise with communities –relevant iwi, hapū and hapori, landowners, developers, archaeologists.

The complete Whakaaetanga Tiaki Taonga can be found in Schedule 2 of the Third Deed to Amend the Ngāti Ranginui deed of settlement at this link: [Ngati Ranginui - Third deed to amend - draft 9 February 2024](#)