



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

Project Name: FTAA-2607-1265 Shipyard and Drydock Facility

To:	Date:
Panel Convener, Jane Borthwick	15 September 2026

Number of attachments: 7	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location map 3. List of relevant Māori groups 4. Maps of customary fisheries areas 5. Mana Whakahono ā Rohe between Northland Regional Council and Te Rūnanga o Ngāti Hine 6. Mana Whakahono ā Rohe between Northland Regional Council and hapū of Te Taitokerau 7. Patuharakeke Hapū Environmental Management Plan
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Ministry for Cities, Environment, Regions & Transport contacts:

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Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for Cities, Environment, Regions & Transport (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2607-1265 Shipyard and Drydock Facility.
2. The applicant, the Ministry of Business, Innovation and Employment (MBIE), proposes the construction, operation, and maintenance of a shipyard and drydock facility for the maintenance, repair, and servicing of large vessels at Marsden Point, Whangārei Harbour. The project area is within the marine and coastal area immediately west of the existing Northport facility, including the proposed dredging of two areas, and on land owned by Northport. The applicant is seeking approvals under the Act which would otherwise be sought under the Resource Management Act 1991 (RMA), and Wildlife Act 1953.

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.
4. While historical Treaty of Waitangi claims in this area have yet to be settled, there are a significant number of relevant Māori groups, including iwi authorities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), tangata whenua for customary fisheries established by regulations made under the Fisheries Act 1996, iwi and hapū who are parties to Mana Whakahono ā Rohe, and other groups with relevant interests. We have listed all the relevant groups at **Attachment 3**.
5. There are currently no individual Treaty settlements which apply to the project area, apart from those which have settled claims relating to fisheries and aquaculture more broadly. However, the project area is within, or close to, customary fisheries areas/rohe moana pursuant to regulations made under Part 9 of the Fisheries Act 1996. In addition, the project area is within an area subject to Mana Whakahono ā Rohe between Northland Regional Council and each of Te Rūnanga o Ngāti Hine, Patuharakeke Te Iwi Trust Board, and Te Pouwhenua o Tiakiriri Kukupa Trust.
6. Under Schedule 3 clause 5 of the Act, we consider the panel will need to comply with the relevant procedural requirements outlined in the Mana Whakahono ā Rohe, including:
 - a. providing copies of the application to Ngāti Hine, Patuharakeke, and Te Parawhau and inviting comments;
 - b. engagement with Ngāti Hine, Patuharakeke, and Te Parawhau on their comments;
 - c. observing the provisions relating to the appointment of hearing commissioners; and
 - d. recording the relevant Iwi/Hapū Environmental Management Plans and how they were considered in any decision documents.

Signature

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

Stephanie Frame
Manager – Fast-track Operations

Introduction

7. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3) 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 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, MBIE, proposes the construction, operation, and maintenance of a shipyard and drydock facility for the maintenance, repair, and servicing of large vessels at Marsden Point, Whangārei Harbour. The project includes the construction and operation of an approximately 9.7 ha reclamation, a vessel haul-out system, wharf and wet berth structures, dredged access and manoeuvring areas, hardstand and laydown areas, workshops, fixed plant, buildings, stormwater and washwater infrastructure, access, parking, services and associated marine industrial activities. The vessel haul-out system will comprise either a floating drydock or ship lift.
11. The project area is within the marine and coastal area immediately west of the existing Northport facility, and on land owned by Northport. The project includes dredging of two areas: the western turning basin, and the secondary dredge area.
12. The applicant is seeking approvals under the Act which would otherwise be sought under the RMA (including reclamation, coastal occupation, capital and maintenance dredging, marine structures, shipyard and vessel maintenance activities, earthworks, and associated discharges to air and water), and Wildlife Act 1953 (accidental discovery of kororā/little penguin).
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 the following groups to be the relevant iwi authorities 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.

- a. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua;
- b. Ngātiwai Trust Board, representing Ngātiwai;
- c. Patuharakeke Te Iwi Trust Board, representing Patuharakeke;
- d. Te Rūnanga a Iwi o Ngāpuhi, representing Ngāpuhi; and
- e. Te Rūnanga o Ngāti Hine, representing Ngāti Hine.

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 a Iwi o Ngāpuhi, mandated iwi organisation/iwi aquaculture organisation;
- b. Ngātiwai Trust Board, mandated iwi organisation/iwi aquaculture organisation;

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.

- c. Te Rūnanga o Ngāti Whātua, mandated iwi organisation/iwi aquaculture organisation; and
- d. Te Ohu Kaimoana.

Groups mandated to negotiate Treaty settlements

21. The following groups have recognised mandates to negotiate a Treaty settlement over an area which may include the project area, and are in the early stages of negotiating their Treaty settlements with the Crown:
 - a. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua (remaining claims), agreement in principle signed August 2017; and
 - b. Ngātiwai Trust Board, representing Ngātiwai, deed of mandate recognised October 2015.
22. The project area is also within the rohe of Ngāpuhi. Ngā hapū o Ngāpuhi are currently at the pre-negotiation or mandating stage of Treaty settlement negotiations. We discuss this further below.

Takutai Moana groups and ngā hapū o Ngāti Porou

23. At the time of writing, there are no groups with court orders or agreements that recognise protected customary rights (PCR) or customary marine title (CMT) within the project area, under MACA.
24. The following applicant groups are seeking recognition of CMT or PCR within the project area, under MACA:
 - a. MAC-01-01-013/CIV-2017-404-566 Hapū o Te Waiariki, Ngāti Korora, Ngāti Takapari, CMT and PCR;
 - b. MAC-01-01-073/CIV-2017-485-398 Ngāti Kawau and Te Waiariki Korora, CMT and PCR;
 - c. MAC-01-01-040/CIV-2017-404-579 Ngā Hapū o Tangaroa ki Te Ihu o Manaia tai atu ki Mangawhai, CMT and PCR;
 - d. MAC-01-01-101/CIV-2017-485-286 Patuharakeke Te Iwi Trust, CMT and PCR;
 - e. MAC-01-01-136/CIV-2017-485-799 Te Parawhau Hapū, PCR and CMT;
 - f. MAC-01-01-140/CIV-2017-404-563 Te Rūnanga o Ngāti Whātua, CMT and PCR;
 - g. MAC-01-01-125/CIV-2017-404-570 Te Hikutu Whānau and Hapū, PCR;
 - h. MAC-01-01-039/CIV-2017-404-554 Ngā Hapū o Ngāti Wai Iwi, CMT and PCR;
 - i. MAC-01-01-050/CIV-2017-404-537 Ngā Puhi Nui Tonu (Awataha Marae), Ngāti Rāhiri, Ngāti Awa, Ngāi Tāhuhu and Ngāitawake, CMT and PCR;
 - j. MAC-01-01-137/CIV-2017-485-305 Te Parawhau ki Tai;
 - k. MAC-01-01-060 Ngā Puhi, Ngāti Wai, Haki Pereki and Ngāwhetu Sadler Whānau Trust;
 - l. MAC-01-01-056 Ngā Puhi Nui Tonu (Te Kotahitangā Marae);
 - m. MAC-01-01-133/ CIV-2017-404-558 Te Kaunihera o Te Tai Tokerau, Ngāitawake;
 - n. MAC-01-01-090 Ngāti Wai;

- o. MAC-01-01-131/CIV-2017-485-283 Iwi, whānau and hapū of Ngātiwai;
 - p. MAC-01-01-105/CIV-2017-485-515 Reti Whānau, Whangaruru, Whangārei and Whangaroa, CMT and PCR;
 - q. MAC-01-01-146 Te Uri o Tautohe;
 - r. MAC-01-01-023 Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngatirua Iti Ngati Muri Ngatiruamahue Ngati Kawau Ngati Haiti Ngaitupango Nga Puhi Ngati Kahu Te Aupouri;
 - s. CIV-2017-404-573 Ngāti Tū ki Ngāpuhi, CMT and PCR; and
 - t. MAC-01-01-064/ CIV-2017-485-231: Ngāti Hine.
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 or mātaihai reserve.
27. However, the project area is within an area subject to regulations made under Part 9 of the Fisheries Act 1996. Pursuant to Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998, the Fisheries (Kaimoana Customary Fishing) Notice (No. 1) 2009 (No. F482), provides for the management of customary food-gathering within an area/rohe moana which includes the project area. The tangata whenua of this area/rohe moana under this notice is Patuharakeke.
28. The project area is also very close to another customary fisheries area/rohe moana. The Fisheries (Notification of Tāngata Kaitiaki/Tiaki) for Area/Rohe Moana of Ngāti Kahu, Parawhau, Ngāti Tu and Patuharakeke) Notice 2021 (Notice No. MPI 1353) provides for the management of customary food-gathering within an area/rohe moana known as Te Rerenga Paraoa. The tangata whenua of the area/rohe moana under this notice are Ngāti Kahu, Parawhau, Ngāti Tu, and Patuharakeke.
29. At the request of tangata whenua, there is also a temporary closure in place at Marsden Bank and Mair Bank to the taking of all shellfish except pipi, scallops, and spiny rock lobster under the Fisheries (Marsden Bank and Mair Bank Temporary Closure) Notice 2026 (Notice No. MPI 2007). The application was made under section 186A of the Fisheries Act 1996, which is within Part 9, but closures are made directly under the statute rather than through regulations. The temporary closure area lies approximately 1.5km east of the project area.
30. We have provided maps of each of these areas at **Attachment 4**.

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

31. 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.
32. 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

33. 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.
34. The project area is within the boundaries of a Mana Whakahono ā Rohe between Northland Regional Council (NRC) and each of:
- a. Patuharakeke Te Iwi Trust Board, signed December 2020;
 - b. Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau ki Tai), signed April 2024; and
 - c. Te Rūnanga o Ngāti Hine, signed December 2024.
35. In addition, the approvals sought by the applicant fall within those outlined at section 42(4)(a) of the Act (resource consent).

Any other Māori groups with relevant interests

36. As noted at paragraph 28, the project area is very close to, but not within, Te Rerenga Paraoa customary fisheries area/rohe moana. Of the tangata whenua for that rohe moana, we have already identified Te Parawhau and Patuharakeke as parties to a relevant Mana Whakahono ā Rohe, and Patuharakeke as tangata whenua for the rohe moana which includes the project area. Given the proximity of Te Rerenga Paraoa to the project area, we propose Ngāti Kahu and Ngāti Tu be included as other Māori groups with relevant interests under section 18(2)(k) of the Act.
37. The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau (Te Tari Whakatau) advise that the following hapū groupings, for Treaty settlement mandating purposes, include hapū holding interests in Whangārei, and should also be considered for completeness:
- a. Te Whakaaetanga (deed of mandate recognised July 2025);
 - b. Ngā Pūriri Pūmau o te Waimate me Taiāmai (mandate strategy endorsed by Te Puni Kōkiri and Te Tari Whakatau July 2026); and
 - c. Ngā Hapū o te Takutai Moana (confirmed as hapū grouping September 2025).
38. This report has already identified Te Rūnanga o Ngāti Hine as a relevant iwi authority and a party to a Mana Whakahono ā Rohe, but we note for completeness that they have also been confirmed as a hapū grouping for Treaty settlement mandating purposes. Te Puni Kōkiri and Te Tari Whakatau endorsed the mandate strategy for Te Rūnanga o Ngāti Hine in December 2025, but the mandate has yet to be ratified and recognised.
39. Finally, we note that Te Tāwharau o Ngāti Pūkenga have an area of interest, known as Pakikaikutu Kainga, around Tamaterau on the northern coastline of Whangārei Harbour,

approximately 10km northwest of the project area, as recognised in the Ngāti Pūkenga settlement.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

40. 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.
41. There are currently no individual Treaty settlements relating to land, species of plants or animals, or other resources which apply to the project area, apart from those which have settled claims relating to fisheries and aquaculture more broadly. As noted above, Te Rūnanga a Iwi o Ngāpuhi, Ngātiwai Trust Board, and Te Rūnanga o Ngāti Whātua are recognised as mandated iwi organisations (under the Maori Fisheries Act 2004) and iwi aquaculture organisations (under the Maori Commercial Aquaculture Claims Settlement Act 2004).

Relevant principles and provisions

42. 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.

Maori Fisheries Act 2004

43. The Maori Fisheries Act 2004 provides a framework for the allocation and transfer of specified settlement assets to iwi, in the form of fisheries quota, and management of the remainder of those settlement assets. While Te Rūnanga a Iwi o Ngāpuhi, Ngātiwai Trust Board, and Te Rūnanga o Ngāti Whātua hold fishing quota in the wider Quota Management Area, it is not clear whether the application will affect these interests.

Maori Commercial Aquaculture Claims Settlement Act 2004

44. Similarly, the Maori Commercial Aquaculture Claims Settlement Act 2004 provides for the settlement of Māori claims to commercial aquaculture through the allocation and management of aquaculture settlement assets. While Te Rūnanga a Iwi o Ngāpuhi, Ngātiwai Trust Board, and Te Rūnanga o Ngāti Whātua are iwi aquaculture organisations for the purposes of the Maori Commercial Aquaculture Claims Settlement Act 2004, the project area is not located within an aquaculture settlement area established under section 12 of that legislation (or within an area reserved for aquaculture through an individual iwi settlement).

Future settlement negotiations

45. As noted above, in relation to the area surrounding the proposed project, Te Rūnanga o Ngāti Whātua and Ngātiwai Trust Board have negotiation mandates, and there are a number of Ngāpuhi hapū groupings at various stages of the mandating process. While Te Rūnanga o Ngāti Whātua signed an agreement in principle with the Crown in 2017, which did not include redress over or near the project area, the proposed redress package may

be subject to change. Accordingly, future settlement negotiations with these groups may propose redress within or near the project area.

46. With this in mind, Te Tari Whakatau has made the following observations:

- a. the project area appears to include part of Marsden Spit Government Purpose Wildlife Management Reserve and Whangarei Harbour Wildlife Refuge;
- b. the project area is adjacent to land/harbour owned by Whangarei Harbour Board, and the Board's ownership of parts of the harbour, including reclaimed land, is a historical grievance for some groups in this region; and
- c. there is a Treaty settlements landbank property located at 1 Albany Road, One Tree Point (Lot 24 DP 43670), within 1 km of the project area.³

47. 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

48. The applicant advises that the project will result in further modification, and permanent occupation, of the marine and coastal area at Marsden Point/Poupouwhenua. The applicant has assessed the possible effects on the marine and coastal area, including:

- a. construction effects associated with reclamation, seawalls, and dredging;
- b. conversion of the existing seabed and intertidal/subtidal area into land;
- c. changes to waves, currents, and sediment transport;
- d. effects on Marsden Bay and the Blacksmiths Creek spit;
- e. effects on bathymetry, seabed morphology, and the need for maintenance dredging;
- f. effects on water levels, the wider lower harbour, Mair Bank, the ebb tide delta, and the open coast;
- g. effects on coastal hazards; and
- h. deposits of airborne particulates or contaminants to the marine and coastal area during operational activities.

49. As noted above, the project area is not within a CMT, PCR, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.

50. However, as noted at paragraph 24, there are currently 20 applicant groups seeking recognition of PCR or CMT over areas which include the project area. Under section 53(2)(e) of the Act, the panel must invite comments from MACA applicants identified in this report. This will provide groups an opportunity to comment on the application and have

³ Landbank properties are properties which are no longer required by the Crown and are held in the interim by Land Information New Zealand for potential use as redress in Treaty settlements.

their views taken into consideration by the panel when making a decision on the substantive application for this project.⁴

51. We note that if any of the CMT/PCR applications are ultimately successful, a number of rights would be conferred on the relevant applicants under MACA, including a permission right that applies to activities that are to be carried out under future resource consents within a CMT area.

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

52. As noted at paragraphs 26-30, the project area is within an area/rohe moana subject to regulations under Part 9 of the Fisheries Act 1996 for the management of customary food-gathering, and is very close to another such area. The Fisheries (Kaimoana Customary Fishing) Notice (No. 1) 2009 (No. F482) (Patuharakeke), and the Fisheries (Notification of Tāngata Kaitiaki/Tiaki) for Area/Rohe Moana of Ngāti Kahu, Parawhau, Ngāti Tu and Patuharakeke) Notice 2021 (Notice No. MPI 1353), establishing these rohe moana were issued under Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998.
53. These regulations/notices provide that the tangata kaitiaki/tiaki appointed for the areas may authorise any individual to take fisheries resources, managed under the Fisheries Act 1996, for customary food-gathering purposes from within the whole or any part of the area/rohe moana. No customary food-gathering of fisheries resources may take place in the area/rohe moana without an authorisation from a tangata kaitiaki/tiaki.
54. While the application itself does not include the proposed taking of fisheries resources, the applicant has noted that the project may affect the ability of the tangata whenua to exercise customary food-gathering practices within the project area, and the resources upon which that activity depends. For example, the applicant has advised that the proposed activities will permanently remove or modify high value intertidal and subtidal habitats. Dredging will also alter the benthic habitat within the dredged areas, and the recolonising communities post-dredging are expected to have lower abundance, diversity, and productivity than the existing communities.
55. In addition, the Ministry for Primary Industries (MPI) advise that the tangata whenua who appointed tangata kaitiaki under Notice F482 and Notice 1353 are currently developing applications for mātaimai reserves across most of their rohe. They are deciding whether to apply for one mātaimai covering both areas or to have two separate sites.
56. In relation to the temporary closure in place at Marsden Bank and Mair Bank, under section 186A of the Fisheries Act 1996 the Minister for Oceans and Fisheries may make such a closure to recognise and provide for the use and management practices of tangata whenua in the exercise of non-commercial fishing rights, by improving the availability or size of fisheries resources or by recognising a customary fishing practice. This temporary closure has recently been reviewed, and the Minister for Oceans and Fisheries has renewed it until 2028, unless it is replaced in the interim by more permanent protections such as the proposed mātaimai reserve. In light of this restriction a relatively short distance from the project area, the panel may wish to consider whether the application will have an impact

⁴ We note sections 62(2) and 62A of MACA provide for CMT applicants to be notified of, and consulted on, applications for resource consents in that part of the common marine and coastal area where CMT is being sought.

on the long-term health of this fishery. Tangata whenua may be best placed to advise on possible effects.

Mana Whakahono ā Rohe/Joint management agreement

57. As noted above, the project area is within the boundaries of Mana Whakahono ā Rohe between NRC and each of Te Rūnanga o Ngāti Hine, Patuharakeke Te Iwi Trust Board, and Te Pouwhenua o Tiakiriri Kukupa Trust (Te Parawhau ki Tai), and the application includes proposed approvals outlined in section 42(4)(a) of the Act (resource consent).
58. Under section 18(2)(j)(ii) of the Act, this report must include the relevant principles and provisions in any relevant Mana Whakahono ā Rohe. In this instance, the Mana Whakahono ā Rohe comprise:
- a. an iwi Mana Whakahono ā Rohe between NRC and Te Rūnanga o Ngāti Hine, which we have provided a copy of at **Attachment 5**; and
 - b. a hapū Mana Whakahono ā Rohe agreed between NRC and the hapū of Te Taitokerau, which has been signed by three hapū entities to date: Patuharakeke Te Iwi Trust Board, Te Pouwhenua o Tiakiriri Kukupa Trust (Te Parawhau ki Tai), and Te Rūnanga o Ngāti Rēhia. We have provided a copy of the Mana Whakahono ā Rohe at **Attachment 6**.⁵
59. The iwi and hapū Mana Whakahono ā Rohe include a set of common relationship principles:
- a. working together in good faith and in a spirit of co-operation;
 - b. communicating with each other in an open, transparent, and honest manner;
 - c. recognising and acknowledging the benefit of working together by sharing each other's respective vision, aspirations and expertise; and
 - d. the Treaty of Waitangi Principles (citing the interpretation of the Waitangi Tribunal).
60. The two Mana Whakahono ā Rohe have common provisions relating to regional plan and regional policy statement processes, including the status of Iwi/Hapū Environmental Management Plans (IHEMPs), identifying sites or areas of significance, policy statement and plan change prioritisation, consultation, hearing panels, hearings, and review of the regional plan and regional policy statement. The Mana Whakahono ā Rohe also include provisions regarding resource consent monitoring, delegation of functions, powers or duties, and training opportunities.
61. Of most direct relevance to this application, both Mana Whakahono ā Rohe include provisions relating to resource consent applications, including agreement that NRC will:
- a. provide Te Rūnanga o Ngāti Hine/Patuharakeke Te Iwi Trust Board/Te Pouwhenua o Tiakiriri Kukupa Trust a copy to of all resource consent applications within their rohe;
 - b. provide Te Rūnanga o Ngāti Hine/Patuharakeke Te Iwi Trust Board/Te Pouwhenua o Tiakiriri Kukupa Trust 12 working days to respond from the date the copy of the resource consent application was sent;
 - c. talk with Te Rūnanga o Ngāti Hine/Patuharakeke Te Iwi Trust Board/Te Pouwhenua o Tiakiriri Kukupa Trust representatives (phone or meeting, followed by email) to get a better understanding of any concerns they have raised, or to let

⁵ The project area is outside the rohe of Ngāti Rēhia.

them know what NRC's response is to the concerns raised (with an explanation). This is to occur prior to a formal request for further information from the resource consent applicant, or before the decision on the resource consent application if no formal request for further information is made;

- d. in all resource consent decision documents for activities within the rohe of Te Rūnanga o Ngāti Hine/Patuharakeke Te Iwi Trust Board/Te Pouwhenua o Tiakiriri Kukupa Trust, record any IHEMP lodged with NRC and provide a summary of how the IHEMP was considered;
- e. decide whether to appoint a Māori commissioner to the hearing panel for a notified resource consent application and, if a Māori commissioner is to be appointed, it will be from a list of preferred independent Māori commissioners it maintains, to which Te Rūnanga o Ngāti Hine/Patuharakeke Te Iwi Trust Board/Te Pouwhenua o Tiakiriri Kukupa Trust may nominate candidates, unless there is a good reason not to; and
- f. if requested by Te Rūnanga o Ngāti Hine/Patuharakeke Te Iwi Trust Board/Te Pouwhenua o Tiakiriri Kukupa Trust, provide a written response within 20 working days outlining the reasons for its decision, for a notified resource consent application, to include a Māori commissioner on the hearing panel, and/or to select a particular Māori commissioner.

62. In line with paragraph 61(d), in 2022 Te Rūnanga o Ngāti Hine have lodged an IHEMP with NRC, which is included as Schedule 3 of their Mana Whakahono ā Rohe (see Attachment 5 of this report). Te Rūnanga o Ngāti Hine raise a number of matters in their IHEMP that are likely to be relevant to this application, including (but not limited to):

- a. the issue of increasing pollution of the seas from the bilge waters and contaminated hulls of passing ships, effluent and litter discharges by boat owners and, in particular, the discharges and sedimentation of poor land use practices and pollutants and contaminants flushed into the seas from our waterways;
- b. the issue of ongoing damage and destruction to areas or sites of customary value which contribute to or are a part of Ngāti Hine cultural land and seascapes;
- c. a policy that all public access plans prepared by statutory agencies should recognise the rights of access that Ngāti Hine must have to water bodies and the coast, for wāhi tapu, harvesting and collection of kaimoana and mahinga kai, fisheries, and to taonga prized for traditional customary and cultural uses; and
- d. a suite of policies relating to consideration of Ngāti Hine interests by agencies when processing resource consents, permits and concessions, including effects on Ngāti Hine values and resources, and participation by Ngāti Hine in decision-making processes.

63. Further to paragraph 61(d), Patuharakeke have lodged an IHEMP with NRC, which we have included at **Attachment 7** of this report. Patuharakeke raise a number of objectives, policies, and methods in their IHEMP that are likely to be relevant to this application, including (but not limited to):

- a. requesting that councils and other relevant agencies afford cultural landscape and seascape values at least as high a priority as other landscape values when preparing plans and policies and when considering landscape values during resource consent processes;

- b. the mauri and cultural health of the harbour, Bream Bay, and estuaries is to be protected and enhanced in ways that enable Patuharakeke to provide for their physical, social, economic and cultural wellbeing;
 - c. coastal water quality is required to be consistent with protecting and enhancing customary fisheries, and with enabling Patuharakeke to exercise their customary rights and safely harvest kaimoana;
 - d. Patuharakeke will participate fully in any decision-making over the management of coastal waters in our rohe;
 - e. decision-makers will ensure that economic costs do not take precedence over the cultural, environmental and intergenerational costs of degrading coastal water quality;
 - f. councils and other relevant agencies will recognise and support the use of cultural monitoring and assessment tools by Patuharakeke to compile base line data and assess the state of coastal water resources;
 - g. councils issuing consents that could affect customary access to the coastal environment will include consent conditions to protect and enhance customary access;
 - h. Patuharakeke will continue to advocate for a clean and healthy marine environment for marine life, including dolphins and whales;
 - i. NRC will require protection or restoration mechanisms such as bonds, levies and mitigation funds as consent conditions for any application with the potential to adversely impact the Patuharakeke rohe moana; and
 - j. NRC will require that water quality in the harbour, bays and estuaries is such that Patuharakeke can exercise customary rights to safely harvest kaimoana.
64. As far as we can ascertain in the time available, Te Parawhau has yet to lodge a IHEMP with NRC. The panel may wish to make further enquiries to satisfy themselves that this is the case.
65. Under Schedule 3 clause 5 of the Act, if a Mana Whakahono ā Rohe includes procedural arrangements relating to the appointment of a decision-making body for hearings and other procedural matters (including notice or consultation requirements), the panel convener or panel must comply with those arrangements or obtain the agreement of the relevant party to the Mana Whakahono ā Rohe to adopt a modified arrangement.
66. Accordingly, we consider the panel will need to comply with the relevant procedural requirements in the Mana Whakahono ā Rohe between NRC and Te Rūnanga o Ngāti Hine, Patuharakeke Te Iwi Trust Board, and Te Pouwhenua o Tiakiriri Kukupa Trust, including:
- a. providing copies of the application to Ngāti Hine, Patuharakeke, and Te Parawhau and inviting comments;
 - b. engagement with Ngāti Hine, Patuharakeke, and Te Parawhau on their comments;
 - c. observing the provisions relating to the appointment of hearing commissioners; and
 - d. recording the IHEMPs and how they were considered in any decision documents.

Consultation with departments

67. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri and Te Tari Whakatau regarding the relevant Māori groups, and MPI in relation to customary fisheries, 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	40-41
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	42-47
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	21-22
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	23, 48-49
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, 48, 50-51
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, 48-49
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).	26-30, 52-56
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).	31-32
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),	33-35, 57-66

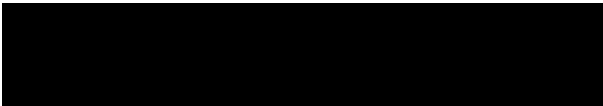
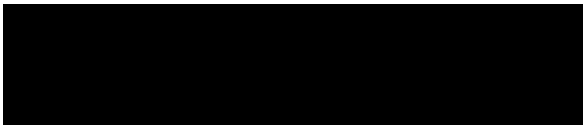
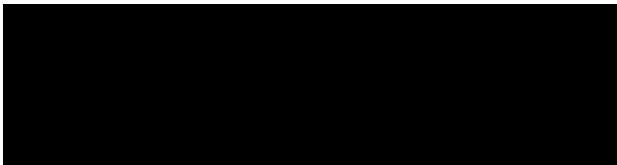
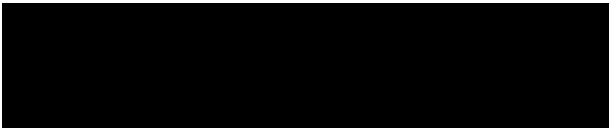
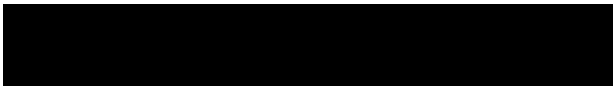
	(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. (ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	36-39
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.	67
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



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Rūnanga o Ngāti Whātua	Iwi authority (s18(2)(a)); Treaty settlement entity – mandated iwi organisation & iwi aquaculture organisation (s18(2)(a)); mandated entity (s18(2)(d))		
Ngātiwai Trust Board	Iwi authority (s18(2)(a)); Treaty settlement entity – mandated iwi organisation & iwi aquaculture organisation (s18(2)(a)); mandated entity (s18(2)(d))		
Te Rūnanga-Ā-Iwi-O-Ngāpuhi	Iwi authority (s18(2)(a)); Treaty settlement entity – mandated iwi organisation & iwi aquaculture organisation (s18(2)(a))		
Patuharakeke Te Iwi Trust Board	Iwi authority (s18(2)(a)); tangata whenua for customary fisheries (s18(2)(h)); party to Mana Whakahono ā Rohe (s18(2)(j))		
Te Rūnanga o Ngāti Hine	Iwi authority (s18(2)(a)); party to Mana Whakahono ā Rohe (s18(2)(j))		
Te Ohu Kaimoana	Treaty settlement entity (s18(2)(a))		
Te Pouwhenua o Tiakiriri Kukupa Trust (Te Parawhau ki Tai)	Party to Mana Whakahono ā Rohe (s18(2)(j))		

MAC-01-01-013/CIV-2017-404-566 Hapū o Te Waiariki, Ngāti Korora, Ngāti Takapari, CMT and PCR	MACA applicant (s18(2)(f))	
MAC-01-01-073/CIV-2017-485-398 Ngāti Kawau and Te Waiariki Korora, CMT and PCR	MACA applicant (s18(2)(f))	
MAC-01-01-040/CIV-2017-404-579 Ngā Hapū o Tangaroa ki Te Ihu o Manaia tai atu ki Mangawhai, CMT and PCR	MACA applicant (s18(2)(f))	
MAC-01-01-101/CIV-2017-485-286 Patuharakeke Te Iwi Trust, CMT and PCR	MACA applicant (s18(2)(f))	
MAC-01-01-136/CIV-2017-485-799 Te Parawhau Hapū, PCR and CMT	MACA applicant (s18(2)(f))	
MAC-01-01-140/CIV-2017-404-563 Te Rūnanga o Ngāti Whātua, CMT and PCR	MACA applicant (s18(2)(f))	
MAC-01-01-125/CIV-2017-404-570 Te Hikutu Whānau and Hapū, PCR	MACA applicant (s18(2)(f))	
MAC-01-01-039/CIV-2017-404-554 Ngā Hapū o Ngāti Wai Iwi, CMT and PCR	MACA applicant (s18(2)(f))	
MAC-01-01-050/CIV-2017-404-537 Ngā Puhi Nui Tonu	MACA applicant (s18(2)(f))	

(Awataha Marae), Ngāti Rāhiri, Ngāti Awa, Ngāi Tāhuhu and Ngāitawake, CMT and PCR		
MAC-01-01-137/CIV- 2017-485-305 Te Parawhau ki Tai	MACA applicant (s18(2)(f))	
MAC-01-01-060 Ngā Puhi, Ngāti Wai, Haki Pereki and Ngāwhetu Sadler Whānau Trust	MACA applicant (s18(2)(f))	
MAC-01-01-056 Ngā Puhi Nui Tonu (Te Kotahitangā Marae)	MACA applicant (s18(2)(f))	
MAC-01-01-133/ CIV-2017-404-558 Te Kaunihera o Te Tai Tokerau, Ngāitawake	MACA applicant (s18(2)(f))	
MAC-01-01-090 Ngāti Wai	MACA applicant (s18(2)(f))	
MAC-01-01-131/CIV- 2017-485-283 Iwi, whānau and hapū of Ngātiwai	MACA applicant (s18(2)(f))	
MAC-01-01-105/CIV- 2017-485-515 Reti Whānau, Whangaruru, Whāngarei and Whangaroa, CMT and PCR	MACA applicant (s18(2)(f))	
MAC-01-01-146 Te Uri o Tautohe	MACA applicant (s18(2)(f))	
MAC-01-01-023 Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua	MACA applicant (s18(2)(f))	

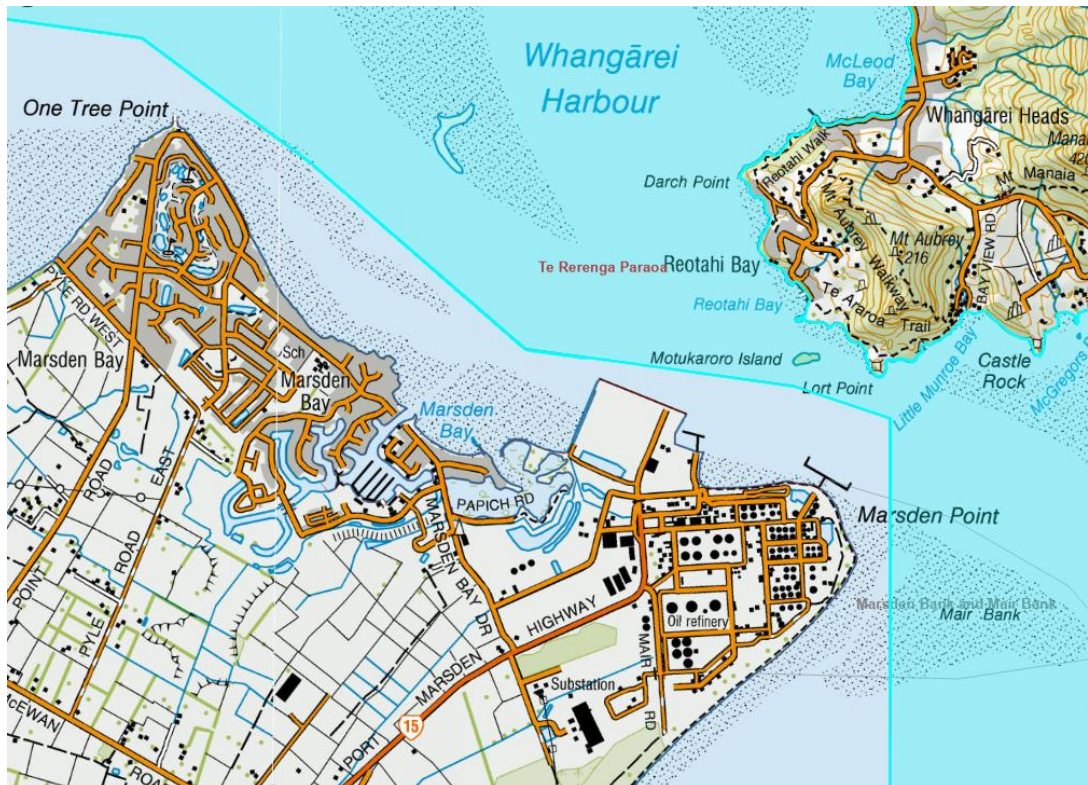
Reserve Trust Ngatirua Iti Ngati Muri Nagatirumahue Ngati Kawau Ngati Haiti Ngaitupango Nga Puhi Ngati Kahu Te Aupouri		
CIV-2017-404-573 Ngāti Tū ki Ngāpuhi, CMT and PCR	MACA applicant (s18(2)(f))	
MAC-01-01-064/ CIV-2017-485-231: Ngāti Hine	MACA applicant (s18(2)(f))	
Ngāti Kahu o Torongare	Other Māori group with relevant interests	
Ngāti Tu ki Ngāpuhi	Other Māori group with relevant interests	
Te Tāwharau o Ngāti Pūkenga	Other Māori group with relevant interests	
Te Whakaaetanga Trust	Other Māori group with relevant interests	
Ngā Pūriri Pūmau o te Waimate me Taiāmai	Other Māori group with relevant interests	
Ngā Hapū o te Takutai Moana	Other Māori group with relevant interests	

Attachment 4: Maps of customary fisheries areas

Patuharakeke rohe moana area (in aqua shading)



Te Rerenga Paraoa (Ngāti Kahu, Parawhau, Ngāti Tu and Patuharakeke) rohe moana area (in aqua shading)



Marsden Bank and Mair Bank temporary closure area (in aqua shading)



**Attachment 5: Mana Whakahono ā Rohe between Northland Regional Council
and Te Rūnanga o Ngāti Hine**

**Attachment 6: Mana Whakahono ā Rohe between Northland Regional Council
and hapū of Te Taitokerau**

Attachment 7: Patuharakeke Hapū Environmental Management Plan