

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

Project Name: FTAA-2506-1083 Arataki

To:	Date:
Panel Convener, Jane Borthwick	1 September 2025

Number of attachments: 5	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location map - List of relevant Māori groups - Statutory acknowledgement provisions of Heretaunga Tamatea Claims Settlement Act 2018 - Heretaunga Tamatea statement of association for Karamū Stream and its tributaries
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Ministry for the Environment contacts:

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Key points

- As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application, FTAA-2506-1083 Arataki.
- The applicant, CDL Land New Zealand Limited, proposes the subdivision and development of 171 dwellings and associated activities on approximately 11 hectares in Havelock North, Hawkes Bay. The development will involve bulk earthworks and infrastructure, a new local road network, pedestrian accessways, drainage reserve and landscaping. The applicant is seeking approvals under the Act for resource consents under the Resource Management Act 1991 (RMA) only.
- 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. We have identified Ngāti Kahungunu Iwi Inc, Tamatea Pōkai Whenua, Te Taiwhenua o Heretaunga, the Hawke's Bay Regional Planning Committee, Ruahāpao Marae, and Matahiwi Marae as the relevant groups for the project area (as provided at Attachment 3).
- The Heretaunga Tamatea Settlement Act 2018 and the Hawke's Bay Regional Planning Committee Act 2015 are the relevant Treaty settlement Acts for the project area. The project is not within the marine and coastal area. No Mana Whakahono ā Rohe or joint

management agreements have been entered into with local authorities under the RMA that are relevant to the project area.

5. The statutory acknowledgement over nearby Karamū Stream, provided for by the Heretaunga Tamatea Settlement Act 2018, is relevant to the panel's consideration of this application as it appears that the proposed activities for which approvals are being sought may affect this waterway. Under the RMA, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to the holder of the statutory acknowledgement (Tamatea Pōkai Whenua).
6. Section 7 of the Act requires the panel and other decision makers to act consistently with existing Treaty settlements and recognised customary rights under MACA. Under section 53(2) of the Act, the panel is required to invite comment from all Treaty settlement entities (defined below), including Tamatea Pōkai Whenua.
7. We consider the process of inviting comment (including providing information about the application) is comparable to the process under the RMA and Treaty settlements, where consent authorities are required to have regard to statutory acknowledgements when considering who is an affected person for a consent application and to provide a summary of the application to the statutory acknowledgement holders. Clause 5 of schedule 3 requires that these procedural obligations under statutory acknowledgements are complied with. In the fast-track process, a Treaty settlement entity is automatically provided an opportunity to participate in the process.

Signature



Ilana Miller
General Manager – Delivery & Operations

Introduction

8. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3)(a) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
9. 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;
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
10. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

11. The applicant, CDL Land New Zealand Limited, proposes the subdivision and development of 171 dwellings and associated activities on approximately 11 hectares in Havelock North, Hawkes Bay. The development will involve bulk earthworks and infrastructure, a new local road network, pedestrian accessways, drainage reserve and landscaping. The applicant is seeking approvals under the Act for resource consent under the RMA only (subdivision consent, land use consent, stormwater discharge consent, stream works consent, temporary take and use of surface water). The applicant is the owner of the site comprising 86, 108, and 122 Arataki Road, Havelock North.
12. We have provided a location map at **Attachment 2**.

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

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

Iwi authorities

14. We consider that the following groups are the relevant iwi authorities for the project area:
 - a. Ngāti Kahungunu Iwi Inc, representing Ngāti Kahungunu; and
 - b. Tamatea Pōkai Whenua, representing Heretaunga Tamatea.
15. We understand Te Taiwhenua o Heretaunga is the relevant hapū authority representing Heretaunga hapū for the purposes of the RMA. Strictly speaking this entity does not meet the definition of an iwi authority, but we have proposed their inclusion under another category below.

Treaty settlement entities

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

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.

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

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

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

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

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

- a. Tamatea Pōkai Whenua (previously known as Heretaunga Tamatea Settlement Trust), PSGE for the Heretaunga Tamatea Claims Settlement Act 2018; and
- b. Hawke's Bay Regional Planning Committee, statutory body established under the Hawke's Bay Regional Planning Committee Act 2015.

18. The establishment of the Hawke's Bay Regional Planning Committee arose in discussions between the Crown, the Hawke's Bay Regional Council, Tūhoe, and tāngata whenua of Hawke's Bay, in the context of Treaty settlement negotiations which identified a need for greater tāngata whenua involvement in the management of natural resources in the region.² The Hawke's Bay Regional Planning Committee Act 2015 formally established the committee, confirmed its role and procedures, and confirmed that it cannot be discharged except by unanimous written agreement of the appointers.

Groups mandated to negotiate Treaty settlements

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

Takutai Moana groups and ngā hapū o Ngāti Porou

20. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.

21. 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).

² In the Ngāti Pāhauwera deed of settlement, signed in December 2010, the Crown committed to establish a committee comprised of an equal number of Council members and representatives of Treaty settlement claimant groups whose role would relate to natural resource planning processes that affect the region. The Maungaharuru-Tangitū Hapū deed of settlement, signed in May 2013, records that the Maungaharuru-Tangitū Trust, the Council, and other Hawke's Bay iwi and hapū agreed interim terms of reference for the committee that were adopted by the Hawke's Bay Regional Council on 14 December 2011. The Hawke's Bay Regional Planning Committee is also recognised in the Ngāti Tūwharetoa Claims Settlement Act 2018.

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

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

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

23. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:
- a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
 - b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.
24. 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

25. 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.
26. 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

27. We have also identified Te Taiwhenua o Heretaunga, representing Heretaunga hapū, as another Māori entity with relevant interests in the project area.
28. Further, we note that the applicant consulted with Ruahāpai Marae (Ngāti Hāwea, Ngāti Hori) and Matahiwi Marae (Ngāti Hāwea, Ngāti Kautere).

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

29. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
30. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
- a. Heretaunga Tamatea Claims Settlement Act 2018; and
 - b. Hawke's Bay Regional Planning Committee Act 2015.

Relevant principles and provisions

31. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below.

Crown acknowledgements and apologies

32. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.

33. Of relevance to this application, the Crown acknowledged that:

- a. the lakes, rivers, springs, and wetlands of Heretaunga Tamatea, such as Whatumā, Rūnanga and Poukawa, the Tūtaekurī, Ngaruroro, Maraetōtara, Tukituki, Waipawa, Mākāretu, and Pōrangahau/Tāurekaitai Rivers, and the Pekapeka swamplands are mahinga kai that are central to the well-being of the hapū of Heretaunga Tamatea;
- b. the loss of traditional lands has limited the ability of the hapū of Heretaunga Tamatea to access these waterways, to gather traditional foods, and to provide the manaakitanga that is intrinsic to Heretaunga Tamatea; and
- c. the modification and degradation of the Heretaunga Tamatea environment due largely to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works have severely damaged traditional food resources and mahinga kai.

34. As part of its apology to Heretaunga Tamatea, the Crown stated that it looked forward to building a new relationship based on co-operation, trust, and respect for each other and te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Statutory acknowledgement

35. The Heretaunga Tamatea Claims Settlement Act 2018 provides for a statutory acknowledgement over Karamū Stream and its tributaries.³ The application proposes that treated stormwater will be partially discharged into an unnamed tributary of Mangateretere Stream, which is itself a tributary of Karamū Stream, to the north-east of the project area. The other receiving environment is the Council's existing reticulated stormwater network in Arataki and Brookvale Roads, which discharges into the Karituwhenua Stream, another tributary of the Karamū Stream.

36. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area'). Under the RMA and relevant Treaty settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or affecting a statutory area:

- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent

³ The Heretaunga Tamatea deed of settlement and the Heretaunga Tamatea Claims Settlement Act 2018 label the statutory area as "Karamū Stream (with official name Karamu Stream) and its tributaries". We use "Karamū Stream and its tributaries" in this report.

authority receives the application, but before they decide whether to notify the application; and

- b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.⁴
37. The holder of a statutory acknowledgment may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the EPA, board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
 38. Under section 53(2)(c) of the Act, the panel must direct the EPA to invite written comments on a substantive application from any relevant Treaty settlement entities including, to avoid doubt, an entity that has an interest under a Treaty settlement (or an entity operating in a collective arrangement provided for under a Treaty settlement) within the area to which the application relates. Those invited to comment, including relevant Treaty settlement entities, will be provided access to all the same application information which has been provided by the applicant to the EPA.
 39. Tamatea Pōkai Whenua (holder of the statutory acknowledgement) has been identified earlier in this report as a relevant Treaty settlement entity and iwi authority to be invited for comment by the panel under section 53(2)(b) and (c) of the Act, alongside the other relevant groups listed in section 53(2). We consider the process of inviting comment (including providing information about the application) is comparable to the process under Treaty settlements and the RMA where consent authorities are required to have regard to statutory acknowledgements when considering who is an affected person for a consent application and to provide a summary of the application to the statutory acknowledgement holders. Clause 5 of schedule 3 requires that these procedural obligations under statutory acknowledgements are complied with.
 40. In the fast-track process, as a Treaty settlement entity and iwi authority, the group is automatically provided an opportunity to participate in the process, although there are more limited rights of appeal under the Act compared to the RMA (where submitters have a broad right of appeal to the Environment Court).
 41. For your reference, we have provided the statutory acknowledgement provisions from the Heretaunga Tamatea Claims Settlement Act 2018 at **Attachment 4**, and the statement of association with Karamū Stream and its tributaries at **Attachment 5**.

Deed of recognition

42. In addition to the statutory acknowledgement, Tamatea Pōkai Whenua also have a deed of recognition with the Commissioner of Crown Lands and with the Minister of Conservation and Director-General of Conservation over Karamū Stream and its tributaries. A deed of recognition may be entered into between a PSGE and the Crown agency managing any statutory area for which a statutory acknowledgment has been agreed.
43. A deed of recognition requires the relevant Crown agency to consult with, and have regard to the views of, the relevant PSGE when undertaking specified activities relating to the statutory area. These activities primarily relate to the preparation of management plans or strategies but may also include considering applications for rights of use or occupation, for example.

⁴ In addition to consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga must also have regard to statutory acknowledgements in relation to some of their processes.

44. We do not consider these provisions are relevant to this application, as the respective Crown agencies are not undertaking any of the activities covered by the deeds of recognition, nor is the applicant seeking use rights or occupation in relation to the Crown-owned parts of the streambed.

Hawke's Bay Regional Planning Committee

45. The purpose of the Hawke's Bay Regional Planning Committee Act 2015 is to improve tāngata whenua involvement in the development and review of documents prepared in accordance with the RMA for the Hawke's Bay region.⁵ The Hawke's Bay Regional Planning Committee (the Committee) comprises an equal number of tāngata whenua members (including two members appointed by Tamatea Pōkai Whenua – formerly the Heretaunga Tamatea Settlement Trust) and Hawke's Bay Regional Council members.
46. While section 10(2)(d) of the Hawke's Bay Regional Planning Committee Act 2015 states that the functions of the Committee can also include "any other function specified in the terms of reference", the latest terms of reference (adopted on 26 February 2014) do not provide the Committee with a role in resource consenting under the RMA.⁶ Instead, the Committee is responsible for preparing RMA documents and plan changes or variations and recommending to the Council the adoption of those documents for public notification (clauses 3 and 4).
47. Similarly, the terms of reference enable the Committee to recommend to Council the membership of hearings panels, but this is only in relation to proposed regional plans, regional policy statements, plan variations, and plan changes (clause 4.8). Accordingly, our view is that the Hawke's Bay Regional Planning Committee Act 2015 does not include any procedural requirements that the panel must comply with under schedule 3 clause 5 of the Act.
48. However, we note that the Heretaunga Tamatea deed of settlement includes a section on the importance of waterways, including the statement that:
- The Heretaunga Tamatea area of interest boasts significant waterways including the Tūtaekurī, Ngaruroro, Maraetōtara, Waipawa, Tukituki and Pōrangahau/Tāurekaitai rivers and the Rūnanga, Oingo, Poukawa, Te Roto a Kiwa, Whatumā (Hatuma) and Pūrimu lakes.*
- The hapū of Heretaunga Tamatea define themselves through these waterways. These waterways, which they consider taonga, lie at the heart of the spiritual and physical wellbeing and the identity and culture of Heretaunga Tamatea. The hapū of Heretaunga Tamatea have responsibilities to protect these waterways.*
49. This section then goes on to list how the deed provides redress with respect to these waterways, including statutory acknowledgements and deeds of recognition, and that the Hawke's Bay Regional Planning Committee Act 2015 provides for the establishment of the Hawke's Bay Regional Planning Committee. We think that this framing of the redress mechanisms referred to above provides important context for the panel in its consideration of Treaty settlement principles and provisions in respect of the Heretaunga Tamatea Claims Settlement Act 2018.
50. Finally, we also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a

⁵ Section 3 of the Hawke's Bay Regional Planning Committee Act 2015 refers.

⁶ The terms of reference can be found at: [Feb 2014 council-adopted RPC TOR](#) (accessed 28 August 2025).

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

51. 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

52. As noted above, the project area does not include a taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

53. 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

54. 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, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	Not applicable to substantive applications – s 18 report is required by s 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	14-18
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	29-30
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	31-50
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	19
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	20, 51
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.	20, 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).	21, 51
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).	22, 52
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).	23-24
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	25-26, 53

	(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.	27-28
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— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	54 Section 18(3)(b) not applicable to substantive applications
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	Not applicable to substantive applications

Attachment 2: Project location map



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Ngāti Kahungunu Iwi Inc.	Iwi authority (s18(2)(a))	██████████	████████████████████
Tamatea Pōkai Whenua	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))	██████████ ██████████	██████████████████ ██████████████████████████████ ██████████████████
Hawkes Bay Regional Planning Committee	Treaty settlement entity (s18(2)(a))	██████████████████ ██████████████████	██████████████████████████████ ██████████████████████████████ ██████████████████████████████
Te Taiwhenua o Heretaunga	any other Māori groups with relevant interests (s18(2)(k))	██████████	██████████████████ ██████████████████████████████
Ruahāpai Marae (Ngāti Hāwea, Ngāti Hori)	any other Māori groups with relevant interests (s18(2)(k))	██████████████████ ██████████	██████████████████
Matahiwi Marae (Ngāti Hāwea, Ngāti Kautere)	any other Māori groups with relevant interests (s18(2)(k))		██████████████████████████████

Attachment 4: Statutory acknowledgement provisions from Heretaunga Tamatea Claims Settlement Act 2018

Statutory acknowledgement

22 Statutory acknowledgement by the Crown

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

23 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 24 to 26; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 27 and 28; and
- (c) to enable the trustees and any member of Heretaunga Tamatea to cite the statutory acknowledgement as evidence of the association of Heretaunga Tamatea with a statutory area, in accordance with section 29.

24 Relevant consent authorities to have regard to statutory acknowledgement

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

25 Environment Court to have regard to statutory acknowledgement

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

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

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

27 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
 - (a) a copy of sections 22 to 26, 28, and 29; and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

28 Provision of summary or notice to trustees

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

29 Use of statutory acknowledgement

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

Deeds of recognition

30 Issuing and amending deeds of recognition

- (1) This section applies in respect of the statutory areas listed in Part 2 of Schedule 3.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3.1 of the documents schedule for the statutory areas administered by the Department of Conservation.
- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 3.2 of the documents schedule for the statutory areas administered by the Commissioner.
- (4) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deeds of recognition

31 Application of statutory acknowledgement and deed of recognition to river or stream

- (1) If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement—
 - (a) applies only to—
 - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) an artificial watercourse.
- (2) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—
 - (a) applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or
 - (ii) the bed of an artificial watercourse.

32 Exercise of powers and performance of functions and duties

- (1) The statutory acknowledgement and a deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Heretaunga Tamatea with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to—
 - (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

33 Rights not affected

- (1) The statutory acknowledgement and a deed of recognition—
 - (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and
 - (b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

Consequential amendment to Resource Management Act 1991

34 Amendment to Resource Management Act 1991

- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order:
Heretaunga Tamatea Claims Settlement Act 2018

Attachment 5: Heretaunga Tamatea statement of association for Karamū Stream and its tributaries

Karamū Stream and its tributaries

The Karamū Stream is one of four main water-bodies in Te Matau a Māui-Tikitiki-a-Taranga, Hawkes Bay. Other water-bodies include the Ngaruroro River, the Tūtaekurī River and the Tukituki River. Moreover, son of Pania is the kaitiaki of these rivers. The Karamū Stream has long been an important freshwater fishery for hapū in Heretaunga. The name Karamū encapsulates a sacred corpus of oral traditions that describe the deeds of tūpuna, imbuing the land with character, shape and mana in order to protect it, and kaitiakitanga to maintain and develop it. The long history of Māori occupation and travel on and around the stream has enabled hapū to accumulate extensive knowledge of its natural resources and to develop sustainable management practices around the use of fisheries, forests, and kai in and around the Karamū Stream.

The Karamū Stream was once the main channel of the old Ngaruroro River bed, also known as Ngā-ngaru-o-ngā-ūpokororo-mai-i-Mokotuararo-ki-Rangatira. After a major flood in 1867 the main river moved to its current course leaving behind a smaller flow which Karaitiana Takamoana and Henare Tomoana renamed Karamū in reference to the karamū trees which grew in abundance in the area. Other changes to the stream have occurred as a result of drainage mitigation works and flood control.

The Karamū Stream and its tributaries now drain the Poukawa Basin, the Kōhinerākau, Kaokaoroa and Raukawa Ranges and a large part of the Heretaunga Plains. Its current course begins in Poukawa, also known as Te Wai-nui-a-Tara, and travels through to Maungawharau, Havelock North, and then into the Karamū area, where it passes Ruahāpia, joins the Clive River at Pākōwhai and then out to Waipūreku, Clive. At some points along its length the Karamū Stream has different names. From Hawke's Bay to Pākōwhai it is now known as the Clive River. From Pākōwhai to Awanui it is known as the Karamū Stream. From Awanui to Longlands and around Flaxmere it is known as Te Awa-o-te-Atua. From Te Awa-o-te-Atua to Poukawa, also known as Te Wainui-a-Tara, it again takes the name Karamū Stream.