



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

Project Name: FTAA-2511-1165 Pookeno Housing and Tourism Project

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	25 March 2026

Number of attachments: 14	Attachments: <ol style="list-style-type: none">1. Provisions of section 18 of the Fast-track Approvals Act 20242. Project location map3. List of relevant Māori groups4. Te Ture Whaimana o Te Awa Waikato5. Waikato-Tainui Environmental Plan6. Waikato Regional Council Joint Management Agreement7. Waikato District Council Joint Management Agreement (including Schedule B)8. Mangatangi Stream and Mangatāwhiri River and Whangamarino wetland catchments deed plan9. Ngāti Tamaoho statutory acknowledgement provisions10. Excerpt from Ngā Mana Whenua o Tāmaki Makaurau Collective conservation relationship agreement11. Excerpt from Ngāi Tai ki Tāmaki conservation relationship agreement12. Excerpt from Te Ākitai Waiohua Whakaaetanga Tiaki Taonga agreement13. Comments received from invited Māori groups14. Comments received from the Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti
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Key points

1. The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2511-1165 Pokeno Housing and Tourism Project referral application.
2. The applicant, Pokeno Developments NZ Limited, proposes to develop approximately 350 hectares into housing and tourism activities to the west and south of Pōkeno, Waikato. The application comprises two residential precincts (totalling 2,250 residential lots), a tourism and recreation resort precinct, and a centralised wastewater treatment plant. The applicant is seeking approvals which would otherwise be sought under the Resource Management Act 1991 (RMA), Heritage New Zealand Pouhere Taonga Act 2014, 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. The project area is within a complex Treaty settlement landscape, where Waikato, Tāmaki, and Hauraki interests overlap. Some groups have settled while others are still in settlement negotiations with the Crown for both individual group and collective redress. Accordingly, there are a significant number of relevant Māori groups for this project area, which we have listed at **Attachment 3**.
4. The relevant Treaty settlements for this project area are: the Waikato Raupatu Claims Settlement Act 1995; Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; Ngāti Tamaoho Claims Settlement Act 2018; Ngāi Tai ki Tāmaki Claims Settlement Act 2018; Ngāti Pāoa Claims Settlement Act 2025; Pare Hauraki Collective Redress Bill; and Te Ākitai Waiohū deed of settlement.
5. We consider that a number of provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 apply to the project area. In accordance with section 7 and section 16 of the Act, we recommend that in considering this application, you have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato-Tainui Environmental Plan.
6. Pursuant to section 16 of the Act, we consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority and providing information about the application to the Waikato Raupatu River Trust (under the joint management agreement provisions). However, there is also a need to ensure that these, and other, procedural requirements are complied with throughout the process. Accordingly, should you decide to accept this referral application, we propose you direct any panel considering a substantive application for the project to comply with the applicable requirements identified at paragraph 83 of this report (under section 16(2)(c) of the Act).
7. The Ngāti Tamaoho Claims Settlement Act 2018 provides for a statutory acknowledgement over the Mangatāwhiri River and its tributaries, which incorporates part of the project area. Under the RMA and the relevant Treaty settlements, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder. We consider the process of inviting comment (including providing information about the application) from Ngāti Tamaoho under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements.

8. The Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, and the Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Ākitai Waiohua settlements, include conservation relationship redress which contains procedural requirements in relation to the approval being sought under the Wildlife Act 1953. Should you decide to accept this referral application, under section 16(2)(c) of the Act we propose you direct any panel considering a substantive application for the project to:
 - a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 approvals being sought (unless a modified arrangement can be agreed); and
 - b. consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.
9. You received comments on this application from Ngāti Tamaoho Settlement Trust, who highlighted their longstanding cultural, historical, and spiritual connections to the project area and its surrounds, including the Mangatāwhiri and Waikato Rivers. Ngāti Tamaoho Settlement Trust support the project on the condition that commitments made by the applicant are met, including absolute compliance with Te Ture Whaimana, anticipation of elevated standards, dedicated kaitiaki presence, and wastewater treatment plan failure contingency. Their residual concerns centre on ensuring that the project recognises the relationship of Ngāti Tamaoho with Te Taiao, and that the design of stormwater and wastewater infrastructure exceeds standard approaches in terms of treatment and resilience. Accordingly, Ngāti Tamaoho Settlement Trust are seeking an ongoing relationship with the applicant so their views can continue to shape the project.
10. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application for referral.
11. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature



Stephanie Frame
Manager – Fast-track Operations

Introduction

12. Under section 18 of the Act, you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment)].
13. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the 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;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
14. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

15. The applicant, Pokeno Developments NZ Limited, proposes to develop approximately 350 hectares into housing and tourism activities to the west and south of Pōkeno, Waikato. The application comprises three precincts: 'Pokeno West' (1500 residential lots); 'Pokeno South/Havelock' (750 residential lots); 'Yes Valley Resort' (tourism and recreation, including a 200-room hotel, glamping/motorhome areas, conference centre, spa and restaurant facilities, and a 'New Zealand-Made Hub'); and a centralised wastewater treatment plant.
16. The applicant is seeking approvals which would otherwise be sought under the RMA (including land use, subdivision, earthworks, water, discharges), Heritage New Zealand Pouhere Taonga Act 2014, and the Wildlife Act 1953. The project is over multiple sites, most of which are owned by the applicant or other companies associated with them, or under unconditional purchase agreements.
17. We have provided a location map at **Attachment 2**.

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

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

Iwi authorities

19. 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.

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

- a. Te Whakakitenga o Waikato, representing Waikato Tainui;
- b. Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho;
- c. Te Ākitai Waiohua Waka Taua Inc, representing Te Ākitai Waiohua;
- d. Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki;
- e. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata;
- f. Ngāti Pāoa Iwi Trust, representing Ngāti Pāoa;
- g. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
- h. Ngāti Tamaterā Settlement Trust, representing Ngāti Tamaterā;
- i. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga; and
- j. Hako Tūpuna Trust, representing Hako.

Treaty settlement entities

21. 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).*

22. 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).*

23. 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.¹

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

- a. Te Whakakitenga o Waikato, PSGE for Waikato Raupatu Claims Settlement Act 1995 and Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;
- b. Waikato Raupatu River Trust, as recognised in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and party to co-management arrangements in that settlement;
- c. Waikato River Authority, a statutory body established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;
- d. Tūpuna Taonga o Tāmaki Makaurau Trust/Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGEs for Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
- e. Ngāti Tamaoho Settlement Trust, PSGE for Ngāti Tamaoho Claims Settlement Act 2018;
- f. Ngāi Tai ki Tāmaki Trust, PSGE for Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
- g. Ngāti Pāoa Iwi Trust, PSGE for Ngāti Pāoa Claims Settlement Act 2025.

25. Te Whakakitenga o Waikato is the sole trustee of the Waikato Raupatu River Trust.

26. 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. Pare Hauraki Cultural Redress Trust/Pare Hauraki Whenua Limited Partnership/Pare Hauraki Ngahere Limited Partnership, PSGEs for Hauraki Collective (collective redress deed signed August 2018, Pare Hauraki Collective Redress Bill introduced December 2022);
- b. Te Ākitai Waiohua Settlement Trust, PSGE for Te Ākitai Waiohua (deed of settlement signed November 2021);
- c. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, PSGEs for Marutūāhu Iwi collective (collective redress deed initialled July 2018);
- d. Ngāti Maru Rūnanga Trust, PSGE for Ngāti Maru (deed of settlement initialled September 2017);
- e. Ngāti Tamaterā Settlement Trust, PSGE for Ngāti Tamaterā (deed of settlement initialled September 2017);
- f. Ngaati Whanaunga Ruunanga Trust, PSGE for Ngaati Whanaunga (deed of settlement initialled August 2017); and
- g. Hako Tūpuna Trust, PSGE for Hako (agreement in principle signed July 2011).

¹ 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.

Groups mandated to negotiate Treaty settlements

27. In addition to the PSGEs identified at paragraph 26, 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. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata;
 - b. Ngāti Koheriki Claims Committee, representing Ngāti Koheriki; and
 - c. Te Whakakitenga o Waikato, representing Waikato-Tainui (remaining claims).

Takutai Moana groups and ngā hapū o Ngāti Porou

28. 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.
29. 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

30. The project area does not include a taiāpure-local fisheries area or mātaihai reserve.
31. However, the Pokeno West and Pokeno South/Havelock precincts include streams that are tributaries of the Mangatāwhiri River, which flows into the Waikato River nearby. The Yes Valley Resort precinct incorporates watercourses which flow directly into the Waikato River. The fisheries in all water bodies in the lower Waikato River catchment below Karapiro (and the lower Waipa River) are subject to the Waikato-Tainui (Waikato River Fisheries) Regulations 2011, made under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Fisheries Act 1996. These regulations provide for Waikato-Tainui (as represented by the Waikato Raupatu River Trust) to manage customary fishing in the Waikato-Tainui fisheries area.

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

32. 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.
33. 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

34. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement (JMA), 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.

35. The approvals sought include resource consents, and the project area is within the boundaries of two JMAs – with the Waikato Regional Council and the Waikato District Council respectively – over matters relating to the Waikato River and activities within its catchment that may affect the Waikato River, as provided for by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. These JMAs are relevant because:
 - a. the project area incorporates streams which flow into the Mangatāwhiri River, which is a tributary of the Waikato River, and into the Waikato River itself; and
 - b. the resource consents being sought include the proposed discharge of stormwater and wastewater.
36. The relevant party that represents iwi/hapū for the JMAs over the lower Waikato River is the Waikato Raupatu River Trust (one of the Treaty settlement entities referred to above).
37. We discuss the implications of the JMAs further below.

Any other Māori groups with relevant interests

38. The applicant advises they have consulted with a number of other groups, including Ngaati Tipa, Huakina Development Trust, Raukawa, Te Arawa, and Ngāti Tūwharetoa. The project area is not within the area of interest for Raukawa, Te Arawa, and Ngāti Tūwharetoa. However, we consider Ngaati Tipa, Ngāti Naho, and Huakina Development Trust may be other groups with relevant interests.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

39. 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.
40. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

Treaty settlement Acts

- a. Waikato Raupatu Claims Settlement Act 1995;
- b. Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;
- c. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
- d. Ngāti Tamaoho Claims Settlement Act 2018;
- e. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
- f. Ngāti Pāoa Claims Settlement Act 2025;

Treaty settlement deeds

- g. Pare Hauraki collective redress deed (signed August 2018), and Pare Hauraki Collective Redress Bill (introduced December 2022); and
- h. Te Ākitai Waiohua deed of settlement (signed November 2021).

41. While the project area is not within the Pare Hauraki collective area, some of the redress provided for through those collective arrangements incorporates the project area, as discussed below.

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.

Crown acknowledgements and apologies

43. 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.
44. In the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Crown acknowledged that its actions denied the hapū of Waikato-Tainui their rights and interests and mana whakahaere over the Waikato River. The Crown also acknowledged the deterioration of the health of the river as a source of distress for the people of Waikato-Tainui.
45. The historical account in the Ngāti Tamaoho deed of settlement records that in July 1863, the Crown required Māori in the South Auckland region to swear an oath of allegiance or vacate their settlements. The Crown did not give Ngāti Tamaoho sufficient time to understand the oath, and despite Ngāti Tamaoho never having been in rebellion, Crown troops burned buildings and looted property at Pōkeno prior to the invasion of Waikato.
46. Accordingly, as part of the apology in the Ngāti Tamaoho Claims Settlement Act 2018, the Crown expressed its sincere regret for unfairly labelling Ngāti Tamaoho as rebels and confiscating much of their remaining land, and unreservedly apologised for the hurt and ongoing grievance caused by the burning and looting of Pōkeno.
47. As part of the apology included in the Waikato Raupatu Claims Settlement Act 1995, the Crown sought to atone for the acknowledged injustices and begin the process of healing and to enter a new age of co-operation with the Kīngitanga and Waikato.
48. In its apologies to Waikato-Tainui (in relation to the Waikato River settlement), Ngāti Tamaoho, Ngāi Tai ki Tāmaki, Ngāti Pāoa, and Te Ākitai Waiohua, the Crown stated that 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.
49. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Waikato River arrangements

50. The project area is located within the Waikato River catchment. As noted above, the Pokeno West and Pokeno South/Havelock precincts include streams that are tributaries of the Mangatāwhiri River, which flows into the Waikato River nearby. The Yes Valley Resort precinct incorporates watercourses which flow directly into the Waikato River.
51. Amongst other approvals, the application seeks resource consents for the proposed discharge of stormwater, wastewater, and the damming and diversion of water. The applicant proposes the treatment and attenuation of stormwater, including through wetlands, to maintain water quality and manage erosion from increased flows. Removal of stock from the Pokeno West and Pokeno South precincts, and planting of riparian margins

of stream and wetlands within all precincts, is likely to enhance water quality. Earthworks associated with the project will be undertaken in accordance with best practice erosion and sediment control measures to mitigate sediment discharge. The proposed wastewater treatment plant will provide a high quality of treatment, with discharge of treated wastewater to land and/or via constructed wetlands/land contact device prior to ultimate discharge to the Waikato River via surface drain.

52. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010² provides for a suite of interconnected arrangements for co-governance and co-management of the Waikato River, and activities within its catchment affecting the Waikato River. In the following subsections, we have set out those provisions of the Waikato River arrangements which most closely relate to your consideration of this application under the Act. In light of the complexity of these arrangements, we have also provided a summary of our advice at paragraphs 81-83.

Vision and Strategy – Te Ture Whaimana o Te Awa o Waikato

53. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provided for and recognised Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) as applying to the Waikato River and activities within its catchment affecting the Waikato River. The guiding principles of interpretation at section 5 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide that it is the intention that Te Ture Whaimana is the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers. This is also reiterated in section 8 of the Act, including affirming the status of Te Ture Whaimana as:
- a. prevailing over any inconsistent provisions in a national policy statement, coastal policy statement, or national planning standard; and
 - b. deemed to be part of the Waikato regional policy statement, and any regional or district plan that affects the river or activities within the catchment must give effect to Te Ture Whaimana.
54. The vision contained in Te Ture Whaimana is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come”. Te Ture Whaimana responds to four fundamental issues, and includes more specific objectives to realise the vision, and strategies to achieve the objectives. We have included the latest version of Te Ture Whaimana as **Attachment 4**.
55. There are a number of provisions in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 that relate to Te Ture Whaimana and its application in various RMA planning and consenting processes. Specifically, and of direct relevance to the application, section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 requires a person carrying out functions or exercising powers under certain statutes (including the Act) that relate to the Waikato River or activities in its catchment, to have particular regard to Te Ture Whaimana.
56. Section 16 of the Act requires that, if a Treaty settlement provides for the consideration of any document, then you are required to give the same or equivalent effect to that document

² The Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and the Ngā Wai o Maniapoto (Waipa River) Act 2012 apply the same or similar redress to other parts of the Waikato River, outside the project area.

in your decision-making.³ On that basis, we consider you will need to have particular regard to Te Ture Whaimana.

57. Section 82 of the Act also imposes the same requirement on a panel considering a substantive application. Should you decide to accept this referral application, the panel will also need to have particular regard to Te Ture Whaimana through its decision-making.

Waikato River Authority

58. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act provides for the establishment of the Waikato River Authority as a statutory body. The purpose of the Waikato River Authority is to (among other things) set the primary direction through Te Ture Whaimana to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations, and to promote an integrated, holistic and co-ordinated approach to the implementation of Te Ture Whaimana and the management of the Waikato River.⁴ The Waikato River Authority consists of ten members, five members appointed from different River Iwi and five Crown appointees. The Authority does not speak on behalf of, or in place of, iwi or hapū.
59. Of potential relevance to the consideration of this application, sections 26-27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act require the Waikato Regional Council to give notice to the Waikato River Authority of certain applications for resource consent, including applications involving a point source discharge to the Waikato River.⁵
60. We have identified the Waikato River Authority as a Treaty settlement entity for the purposes of the Act, and you have invited them to comment on this application under section 17 of the Act. Our advice is that this is comparable to the notice provision outlined above. We therefore consider that, in this respect, the requirement under section 16 of the Act for you to comply with any applicable procedural requirements in a Treaty settlement has been met.
61. Should you decide to accept this referral application, for consistency with sections 26-27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, we suggest that you direct the panel to ask the Environmental Protection Authority (EPA) to invite comments from the Waikato River Authority, as a relevant Treaty settlement entity, on the substantive application under section 53 of the Act.
62. A further implication for consideration of any substantive application for this project relates to the appointment of hearing panels. Under section 28 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, if the Regional Council holds a hearing on the application under the RMA, the committee to hear and make a decision on the application must consist of equal numbers (excluding the chair) of members appointed by the Council and accredited commissioners appointed by the Waikato River Authority from a register it maintains. The register comprises commissioners appointed by Waikato-Tainui

³ This includes any statutory planning document amended as a consequence. Section 8(2)(b) of the Act states that Te Ture Whaimana in its entirety is deemed to be part of the Waikato regional policy statement.

⁴ Section 22(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act refers.

⁵ The documentation provided by the applicant suggests that the proposed approach to the discharge of wastewater from the wastewater treatment plant, using land contact devices such as constructed wetlands, means that point source discharges of wastewater directly into waterways are not envisaged. We do not have the technical expertise to confirm whether this means the approvals relating to wastewater are captured by sections 26-27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act, but note that the consents sought for discharge of stormwater are likely to be relevant.

or iwi who appoint members of the Waikato River Authority (section 25). The chair must be appointed by both the Authority and the Council.

63. Under Schedule 3 clause 5 of the Act, if any Treaty settlement Act includes procedural arrangements relating to the appointment of a decision-making body for hearings and other procedural matters, the panel convener or panel must comply with the arrangements in the legislation as if they were a relevant decision maker. Other procedural matters include:
- a. a requirement for iwi or hapū to participate in the appointment of hearing commissioners to determine resource consent applications or notice of requirement lodged under the RMA;
 - b. a requirement that notice be given to any person or specified class of person of any steps in a resource management process;
 - c. any consultation requirements with iwi or hapū; or
 - d. any other matter of procedure for determining a matter granted under a specified Act that corresponds to an approval under the Act.
64. In this case, our view is that the panel convener will be required to consider how they will comply with the above requirement as to the proportion of hearing commissioners appointed by the Waikato River Authority from the register of accredited commissioners. The Act also provides for the panel convener to obtain the agreement of the relevant party under the Treaty settlement legislation (i.e. the Waikato River Authority) if they wish to adopt a modified arrangement.

Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao

65. Sections 39-40 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide for the Waikato Raupatu River Trust to prepare a Waikato-Tainui Environmental Plan, which may then be served on relevant local authorities, amongst others. In considering an application for a resource consent under the RMA, a consent authority must have regard to the Waikato-Tainui Environmental Plan, if it considers the plan to be a matter that is relevant and reasonably necessary to determine the application.
66. The latest version of the Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao – outlines detailed policies on matters such as stormwater discharges. We have included a copy of the plan as **Attachment 5**. Section 16(2)(a) of the Act requires you to give the same or equivalent effect to this document in your decision-making, although it will be more relevant for the panel given their more direct role in determining whether or not to grant approval.
67. If a substantive application is lodged for this project, then under section 82 of the Act the panel will be required to comply with the same obligation as applies to a consent authority in terms of having regard to the Environmental Plan.
68. In particular, we note that:
- a. objective 26.3.1 of the Waikato-Tainui Environmental Plan is that “Infrastructure development, upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui”;
 - b. the associated Policy 26.3.1.1 is “To ensure that infrastructure development, upgrade and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui”; and
 - c. an associated method in the plan states that resource consent processes should be developed by the applicant, regulator and/or local authority in partnership with Waikato-Tainui and taking into account kaitiakitanga and maatauranga Maaori.

69. This focus of the Waikato-Tainui Environmental Plan on partnership means that the panel will need to consider how they will provide for Waikato-Tainui participation in the substantive application process.

Joint management agreements

70. As identified at paragraph 35, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides for a JMA between the Waikato Raupatu River Trust and each of the Waikato Regional Council and Waikato District Council (as well as other relevant local authorities) to work together when carrying out certain duties and functions, and exercising certain powers, in the RMA relating to the Waikato River and activities within its catchment. These duties, functions and powers relate to monitoring and enforcement, preparation of planning documents, and applications for resource consents.⁶

71. In relation to this project, the JMA provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 require the local authority to provide the Waikato Raupatu River Trust with information on certain applications for resource consents (including discharging contaminants or water into the Waikato River) as soon as practicable after the application is received.⁷ These information-sharing provisions are similar to those which apply to statutory acknowledgements.

72. There are a range of other provisions in the JMAs themselves that relate to the resource consent process. Our advice is that these provisions are most relevant to the panel when considering the substantive application, and that the panel will need to consider how to comply with these procedural requirements in accordance with Schedule 3 clause 5 of the Act. We provide more detail on the relevant JMA provisions below.

Waikato Regional Council JMA

73. Some of the approvals being sought by the applicant, such as the discharge of water into the Waikato River, appear to fall within the scope of the Waikato Regional Council JMA, as set out at section 47(1)(a) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. We have provided the Waikato Regional Council JMA as **Attachment 6**.

74. Schedule Three to the JMA includes a protocol to be applied to resource consents for those activities within the scope of the JMA, such as:

- a. preferred timing for the Council to provide Waikato-Tainui with a summary of relevant resource consents received, and associated information requirements;
- b. Waikato-Tainui are able to request further information about the application and may then provide comments on their overall position with regards to the application, and their views on whether the application should be notified;
- c. the Council may have regard to this advice when deciding whether to notify the application;
- d. if there are outstanding matters, Waikato-Tainui and the Council will identify a timeframe to address them;
- e. if a pre-application meeting is held with the applicant, Waikato-Tainui will be invited to attend;

⁶ Sections 41-43 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act refer.

⁷ Section 47 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act refers.

- f. where an application indicates a potential adverse effect on the health and wellbeing of the Waikato River in terms of the matters addressed in Te Ture Whaimana (the Vision and Strategy) but that matter is not assessed in the Assessment of Environmental Effects, the Council may take that matter into account when determining the completeness of the application under section 88 of the RMA;
- g. the Council may have particular regard to any advice from Waikato-Tainui regarding the adequacy of the information within the application when considering the need for further information requests under section 92 of the RMA;
- h. there is a detailed process for Council to discuss the application with Waikato-Tainui before making notification decisions (see clause 6.2 of Schedule Three); and
- i. the JMA sets out a process to ensure that the Council recognises and provides for the importance of authorised customary activities and the use of whitebait stands and eel weirs when considering resource consent applications. In particular, the Council will seek to avoid conflicts between resource consents and notified authorised customary activities.

Waikato District Council JMA

75. Similarly, the Waikato District Council JMA, and particularly Schedule B, also contains provisions in relation to the process for resource consent applications (both the JMA and Schedule B are included as **Attachment 7**).
76. The requirements for the Waikato District Council under the JMA include an obligation to operate consistently with the JMA and guiding principles, and to ensure that Waikato-Tainui are aware of certain applications and can comment on them. There is also a commitment to develop criteria for the processing of resource consent applications.
77. At first glance, the resource consents sought by the applicant do not appear to include a matter that would trigger the information sharing provisions of the Waikato District Council JMA (i.e. use of or activities on the surface of the water in the Waikato River).⁸ However, under Schedule B of the JMA, the scope for the provision of information about, and the engagement process for, resource consent matters include all “resource consent matters on which the [Waikato Raupatu River] Trust may have an interest”. Therefore, it is likely that the Waikato District Council would be required to consult the Waikato Raupatu River Trust on some of the other consents being sought by the applicant, such as those for earthworks, even where these may not directly relate to the Waikato River itself.⁹

JMA requirements must be complied with

78. Under section 16 of the Act, you must comply with any applicable procedural requirements in JMAs, including the information-sharing provisions in JMAs provided for by section 47 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

⁸ Section 47(1)(b) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act refers.

⁹ This aspect of the JMA is the result of the parties agreeing to extend the process for information sharing on resource consent matters beyond the scope of s47(1)(b) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“applications to a territorial authority for resource consent for the use of or activities on the surface of the water in the Waikato River”), to include other resource consent matters in which the Waikato Raupatu River Trust may have an interest. This is provided for at section 52 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, which permits the parties to extend the scope of the JMA by agreement.

79. The nature of the fast-track process means that Waikato-Tainui has already been, and will continue to be, involved in the process (through consultation by the applicant, and being invited to comment by you and a panel). This fulfils, in part, the provisions in the JMAs regarding notification. However, there are certain aspects of the notification process that are not replicated in the fast-track process. For example, there is no right to appear and be heard at a hearing as is the case for notified consents under the standard RMA consent process.
80. The application includes approvals, such as the proposed stormwater and wastewater discharges, which appear to be within the scope of the consents to which the Waikato Regional Council JMA applies and, as noted above, the Waikato District Council JMA may apply to the other approvals being sought. You have already invited the Waikato Raupatu River Trust to comment on the application and, in so doing, have provided them with access to information about the application. We consider this to be comparable to some of the procedural requirements under the JMAs. As noted above, there are other procedural requirements that must be given careful attention in each stage of the process.

Summary of advice

81. In accordance with section 7 and section 16 of the Act, we recommend that in considering this application, you have:
- a. particular regard to Te Ture Whaimana; and
 - b. regard to the Waikato-Tainui Environmental Plan;
- as relevant documents which you must give the same or equivalent effect as under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. We note that, at face value, a decision to accept this application for referral would not necessarily be inconsistent with these documents, but that this question will need to be considered in more depth by a panel in assessing a substantive application, as the potential decision-maker for the approvals being sought.
82. Pursuant to section 16 of the Act, we consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority, and information about the application to the Waikato Raupatu River Trust (under the JMA provisions). However, there is also a need to ensure that these, and other, procedural requirements are complied with throughout the process (for example, the ability for Waikato-Tainui to comment on the adequacy of information under the JMA, and the provisions relating to the appointment of hearing commissioners).
83. Should you decide to accept this referral application, we propose you direct any panel considering a substantive application for the project to comply with the applicable requirements identified above (as provided for at section 16(2)(c) of the Act), namely to:
- a. have particular regard to Te Ture Whaimana;
 - b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act);
 - c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track process;

- d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and
- e. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.

Lower Mangatangi Stream and Mangatāwhiri River and Whangamarino wetland catchments

84. The Pare Hauraki Collective Redress Bill (currently before the House) provides for the Pare Hauraki Collective to participate in some of the co-management arrangements established by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to those parts of the catchments of the Lower Mangatangi Stream, Lower Mangatāwhiri River, and Whangamarino wetland within the area of operation of the Waikato River Authority (the subcatchments). Part of the project area is within the Lower Mangatāwhiri subcatchment that would be within the scope of this redress. We have included the relevant map from the Pare Hauraki collective redress deed at **Attachment 8**.¹⁰

85. Amongst other matters, the relevant provisions in the Pare Hauraki Collective Redress Bill propose:

- a. the Pare Hauraki governance entity must be provided an opportunity by the Waikato River Authority to participate in decisions relating to the management of the subcatchments;
- b. the Waikato River Authority must take into account any iwi objectives and iwi environmental plan prepared by the Pare Hauraki governance entity when reviewing the vision and strategy for the Waikato River;
- c. the register of hearing commissioners maintained by the Waikato River Authority must include the names of hearing commissioners appointed by the Pare Hauraki governance entity, and the Waikato River Authority must give particular consideration to those names when appointing commissioners to hear an application for resource consents in relation to the subcatchments; and
- d. the Pare Hauraki governance entity must enter into a JMA with the Waikato Regional Council and Waikato District Council which, amongst other matters, would require each local authority to provide the governance entity with information on applications for resource consents that would affect the subcatchments.

86. We note that these provisions relating to the Lower Mangatāwhiri subcatchment are not operative, because the Pare Hauraki Collective Redress Bill has yet to be enacted, but we draw it to your attention for context and completeness. Should you accept this application for referral, a panel considering a substantive application may need to consider these provisions in greater depth if the legislation has been enacted by that time.

Statutory acknowledgement

87. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area'). The Ngāti Tamaoho Claims Settlement Act 2018 provides for a statutory acknowledgement over the Mangatāwhiri River and its tributaries. As noted above, the project area incorporates streams within the Mangatāwhiri catchment (i.e. the statutory area).

¹⁰ The Pare Hauraki Collective Redress Bill also provides separate redress for the Upper Mangatangi and Mangatāwhiri catchments, but this is not relevant to the project area.

88. Ngāti Tamaoho also has a statutory acknowledgement over Part Mercer Domain Recreation Reserve (Te Pou Mangatāwhiri), on the southern bank of the Mangatāwhiri River as it joins the Waikato River. This statutory area is not within, or directly adjacent to, the project area. It is downstream of the West Pokeno and South Pokeno/Havelock precincts, and upstream of the Yes Valley Resort precinct, so it is unclear whether it will be directly affected by the application.
89. Under the RMA and the relevant settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or directly affecting a statutory area:
- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and
 - b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.¹¹
90. 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 Environment Court, Heritage New Zealand Pouhere Taonga (HNZPT), the Environmental Protection Authority, or a board of inquiry), which may, in turn, take that statutory acknowledgement into account.
91. We consider the process of inviting comment (including providing information about the application) is comparable to the process under a Treaty settlement and the RMA of providing those who hold statutory acknowledgements with a summary of the application. You have already invited the Ngāti Tamaoho Settlement Trust, as a relevant iwi authority and Treaty settlement entity, to comment on the application. Should you accept this referral application, they will also be invited for comment by the panel under section 53(2)(c) of the Act.
92. For your reference, we have provided the statutory acknowledgement provisions for Ngāti Tamaoho, including the relevant statements of association and deed plans, at **Attachment 9**.

Conservation relationship redress

93. The Wildlife Act 1953 approvals sought by the applicant in relation to any protected species identified within the project area is within the scope of conservation relationship agreements provided for in the relevant Treaty settlements.

Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement

94. The Ngā Mana Whenua o Tāmaki Makaurau (also known as the Tāmaki Collective) collective redress deed provides for a relationship agreement with the Department of

¹¹ 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.

Conservation (DOC) which applies to the project area.¹² Amongst other matters, this relationship agreement enables Ngā Mana Whenua o Tāmaki Makaurau (represented by Tūpuna Taonga o Tāmaki Makaurau Trust) and DOC to identify categories of statutory authorisations that may have a high impact on the spiritual, ancestral, cultural, customary, and historic values of Nga Mana Whenua o Tāmaki Makaurau. While we cannot confirm whether the categories of statutory authorisations of significance have been agreed between Ngā Mana Whenua o Tāmaki Makaurau and DOC, under the terms of the relationship agreement this may include approvals under the Wildlife Act 1953 such as that sought by the applicant.

95. The consultation process for statutory authorisations set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement requires iterative engagement with Ngā Mana Whenua on identified categories of authorisation. That process includes the following specific steps:
- a. DOC notifies Ngā Mana Whenua of the application, timeframe for a decision and the timeframe for Ngā Mana Whenua response;
 - b. Ngā Mana Whenua notify DOC of their response, interests, and views in relation to the proposal;
 - c. DOC acknowledges how Ngā Mana Whenua interests and views will be included in the decision-making process;
 - d. DOC will consider whether it is possible to reconcile any conflict between Ngā Mana Whenua interests and views and other considerations in the decision-making process;
 - e. DOC will record as part of a decision document the interests and views of Ngā Mana Whenua; and
 - f. DOC will communicate its decision to Ngā Mana Whenua as soon as practicable after it is made.
96. More broadly, the principles to be followed by DOC when consulting Ngā Mana Whenua include:
- a. ensuring consultation takes place as soon as reasonably practicable;
 - b. providing Ngā Mana Whenua with sufficient information to make informed comments and/or submissions;
 - c. approaching consultation with an open mind and genuinely considering any views or concerns of Nga Mana Whenua; and
 - d. requiring the DOC to report back to Ngā Mana Whenua on decisions made.
97. Should you accept the application for referral, a panel considering any substantive application will need to consider how to accommodate the consultation procedures set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement as part of their consideration of a Wildlife Act 1953 authority sought by the applicant.
98. We have included the relevant excerpts from the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement at **Attachment 10**.

¹² The Tāmaki Collective comprises Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Pāoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohua, Te Kawerau ā Maki, Te Patukirikiri, Te Rūnanga o Ngāti Whātua.

Ngāi Tai ki Tāmaki conservation relationship agreement

99. The Ngāi Tai ki Tāmaki deed of settlement provides for a conservation relationship agreement with DOC. This agreement requires DOC to consult with Ngāi Tai ki Tāmaki on applications for statutory authorisations in their area of interest, including Wildlife Act 1953 approvals, through a process consistent with consultation provisions in the conservation relationship agreement in the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed. The Ngāi Tai ki Tāmaki area of interest (and conservation relationship agreement) only applies to the northern part of the West Pokeno precinct. We have included the relevant excerpt from the Ngāi Tai ki Tāmaki conservation relationship agreement at **Attachment 11**.

Ngāti Tamaoho conservation relationship agreement

100. The Ngāti Tamaoho deed of settlement provides for a conservation relationship agreement with DOC. This agreement includes statutory authorisations as one of a number of management activities where Ngāti Tamaoho are interested in working more closely with DOC, but there are no specific details on consultation processes. However, this agreement states that it is to be read in conjunction with the relevant parts of Part A, and Parts B and C, of the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement (Part A includes the statutory authorisation provisions outlined at paragraph 95 and Part C includes the consultation principles at paragraph 96). The Ngāti Tamaoho conservation relationship agreement applies to the entire project area.

Te Ākitai Waiohua conservation relationship agreement

101. The Te Ākitai Waiohua deed of settlement provides for a conservation relationship agreement with DOC. This agreement includes taonga species and statutory authorisations amongst those activities where Te Ākitai Waiohua are seeking to work more closely with DOC. The agreement includes some general principles for involvement of Te Ākitai Waiohua in conservation decision-making processes, such as providing sufficient information and time for Te Ākitai to identify their interests in an issue, while taking into account DOC's statutory obligations. As with the Ngāti Tamaoho conservation relationship agreement, the Te Ākitai Waiohua agreement states that it is to be read in conjunction with the relevant parts of Part A, and Parts B and C, of the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. The Te Ākitai Waiohua conservation relationship agreement applies to the entire project area.

Ngāti Pāoa conservation relationship agreement

102. The Ngāti Pāoa deed of settlement states that the parties will use reasonable endeavours to agree, and enter into, a conservation relationship agreement by the settlement date. The deed does not include a draft conservation relationship agreement.
103. The Ngāti Pāoa Claims Settlement Act 2025 came into force on 13 November 2025, and the settlement date is 60 working days after that date. DOC advise that a conservation relationship agreement with Ngāti Pāoa and DOC is in progress, and that Ngāti Pāoa have signalled they are currently focused on other aspects of their settlement implementation. The Ngāti Pāoa area of interest only applies to the Pokeno South/Havelock precinct. Ngāti Pāoa is also a member of the Tāmaki Collective.
104. Depending on the relative timing of a substantive application for this project (should it be accepted for referral) and the finalisation of the Ngāti Pāoa conservation relationship agreement, the panel may need to consider the implications for their consultation with Ngāti Pāoa on the Wildlife Act 1953 approvals.

Summary of advice

105. Our advice is that these conservation relationship agreement provisions are most relevant to the panel when considering a substantive application, as the decision-maker on the proposed Wildlife Act 1953 approvals.
106. The Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement requires a consultation process for Wildlife Act 1953 approvals which would be partially met by inviting comments from Tūpuna Taonga o Tāmaki Makaurau Trust as per section 53(2) of the Act. To comply with all of the procedural requirements, and to thereby meet its obligations under clause 5 schedule 3 of the Act, the panel will need to consider how it could accommodate the iterative, ‘back and forth’ nature of the consultation processes required by the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement. This might include the panel following this consultation process or seeking agreement with Tūpuna Taonga o Tāmaki Makaurau Trust to a modified arrangement.
107. As members of the Tāmaki Collective, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Ākitai o Waiohua, and Ngāti Pāoa will be consulted on the proposed Wildlife Act 1953 authority through Tūpuna Taonga o Tāmaki Makaurau Trust, using whatever internal process is followed by the collective. In addition, all of these groups will be invited to comment on a substantive application as iwi authorities/Treaty settlement entities under section 53(2).
108. However, the panel may also need to consider whether to apply the more interactive consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement to their engagement with each of the relevant iwi members of the collective.
109. This is most apparent in the case of Ngāi Tai ki Tāmaki, whose conservation relationship agreement states that DOC will carry out consultation with them “consistent with the process set out in clause 11 of the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement”. It is less clear whether to apply those same processes to consultation with:
- a. Ngāti Tamaoho, whose conservation relationship agreement is to be read in conjunction with the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement;
 - b. Te Ākitai Waiohua, whose conservation relationship agreement includes the same provision, but their settlement legislation has not yet passed (while the conservation relationship agreement is provided for by the deed of settlement rather than the settlement Act, its execution is subject to the passage of the legislation); and
 - c. Ngāti Pāoa, who have yet to enter into a conservation relationship agreement.
110. In considering this matter, the panel will need to balance the requirements of section 7 of the Act, to act in a manner consistent with Treaty settlements, with the procedural principles set out at section 10, to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being exercised.
111. Should you decide to accept this referral application, under section 16(2)(c) of the Act we propose you direct any panel considering a substantive application for the project to:
- a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 authority being sought (unless a modified arrangement can be agreed); and
 - b. consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.

Other redress

Whakaaetanga Tiaki Taonga

112. The Te Ākitai Waiohūa deed of settlement provides for a Whakaaetanga Tiaki Taonga to be entered into with the Cultural and Heritage Parties,¹³ including HNZPT. Appendix B 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 12**.
113. While the reference to this consultation requirement in the Whakaaetanga Tiaki Taonga forms part of the Treaty settlement deed for Te Ākitai Waiohūa, 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. Further, the Whakaaetanga Tiaki Taonga has yet to be executed since the Te Ākitai Waiohūa settlement legislation has not been enacted.

Co-management of marginal strips

114. Paragraph 12.20 of the 2009 Waikato-Tainui deed of settlement in relation to the Waikato River provides for certain Crown properties to be subject to the arrangements contained in the 2008 Accord between Waikato-Tainui and the Minister of Conservation and Director-General of Conservation (provided for under the broader Kiingitanga Accord). The relevant accord arrangements appear to be those which provide for the parties to agree on co-management in respect of Crown-owned river-related land and Waikato-Tainui sites of significance. Two of these sites are near the project area:
- a. Havelock Marginal Strip – on the northern bank of the Mangatāwhiri River (opposite Part Mercer Domain Recreation Reserve) before it joins the Waikato River; and
 - b. Te Toki Marginal Strip – on the southern bank of the Waikato River, opposite the Yes Valley precinct.
115. We cannot confirm whether co-management has been implemented for these marginal strips, and note that it is unclear whether they will be affected by the application, but we include them for completeness.
116. Finally, we also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Other matters

Section 27B memorial

117. We note that one of the land parcels which comprises the proposed Pokeno South/Havelock precinct is subject to section 27B of the State-Owned Enterprises Act 1986 (Lot 1, 3, 5 Deposited Plan 202491, Lot 1-2 Deposited Plan 23610, and Allotment 9 Section X Havelock Village). A section 27B memorial is placed on the title of private land that has

¹³ 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.

previously been owned by a state-owned enterprise, and notes that the Waitangi Tribunal can recommend the return of that land to Māori.¹⁴

118. A Treaty settlement Act may remove Section 27B memorials on land within an area if all claims in that area have been settled. Private landowners can also apply to the Waitangi Tribunal to remove a section 27B memorial from a certificate of title, in accordance with sections 8D to 8H of the Treaty of Waitangi Act 1975.

Māori land

119. The South Pokeno/Havelock and Yes Valley Resort precincts are adjacent to Māori freehold land (North Western Portion of Allotment 54 Parish of Maungatawhiri and the North Eastern Portion of Allotment 68 Parish of Maungatawhiri). We note that, should you accept the application for referral, the owners of this land should be invited to comment on any substantive application for this project under section 53(2)(h) of the Act.

Customary Marine Title/Protected Customary Rights

120. 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

121. As noted above, the project area does not include a taiāpure-local fishery or mātaitai reserve but does include streams which form part of the lower Waikato River catchment, which is subject to the Waikato-Tainui (Waikato River Fisheries) Regulations 2011. These regulations provide for the Waikato Raupatu River Trust to manage customary fishing in the Waikato-Tainui fisheries area through the issuing of customary fishing authorisations and by recommending to the Minister of Fisheries the making of bylaws restricting or prohibiting fishing. Under the regulations, the Waikato Raupatu River Trust has recommended, and the Minister for Oceans and Fisheries has approved, the Fisheries (Declaration of Waikato-Tainui Fisheries Area Bylaws) Notice 2014, which also applies to the management of relevant fisheries in those catchments.

Mana Whakahono ā Rohe/Joint management agreement

122. The project area is within the boundaries of a JMA, and the application includes a proposed approval outlined in section 42(4)(a)-(d) of the Act. We have identified the relevant principles and provisions in the JMA above, including where there are obligations to involve the iwi authority/group in decision-making.

¹⁴ For this to happen, the Tribunal must first inquire into and report on any relevant claims relating to that land. If the Tribunal finds that a claim relating to that land is well founded, it can make a binding recommendation to the Crown that it purchase the land and return it to Māori ownership as a way of settling a claim (known as 'resumption'). See <https://www.waitangitribunal.govt.nz/en/claims-process/other-applications/memorialised-land>

Summary of comments received and advice

Comments from invited Māori groups

123. Pursuant to section 17(1)(d) of the Act, on 5 February 2026 you invited written comments from the Māori groups identified above in paragraphs 18-38, from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.
124. You received comments on the application from the Ngāti Tamaoho Settlement Trust, which can be summarised as follows:
- a. Ngāti Tamaoho Settlement Trust highlight the longstanding cultural, historical, and spiritual connections of Ngāti Tamaoho to Pōkeno and its surrounds, and are committed to ensuring that development occurs in a manner that protects the mauri of Te Taiao, including the Mangatāwhiri and Waikato Rivers, and their relationship with Te Taiao;
 - b. Ngāti Tamaoho Settlement Trust note the statutory acknowledgement over the Mangatāwhiri River provided through their Treaty settlement, and also acknowledge the importance of Te Ture Whaimana to upholding the health and wellbeing of the Waikato River;
 - c. Ngāti Tamaoho Settlement Trust support the project on the condition that commitments made by the applicant are met, including absolute compliance with Te Ture Whaimana, anticipation of elevated standards, dedicated kaitiaki presence, and wastewater treatment plan failure contingency;
 - d. residual Ngāti Tamaoho concerns centre on three matters:
 - i. the relationship of Ngāti Tamaoho with Te Taiao, including embedding cultural considerations within the design of the project, ensuring the risks of disturbing buried heritage are mitigated, and providing for continued engagement, commitments and conditions throughout the life of the project;
 - ii. stormwater infrastructure, including early and ongoing engagement with Ngāti Tamaoho on designing and delivering systems that reflect tikanga and exceed baseline requirements in relation to storm-peak rainfall and climate change capacity, overland flow paths, attenuation storage, and hydrology mitigation;
 - iii. wastewater infrastructure, including going beyond high treatment standards to design systems that actively support the long-term restoration objectives of Te Ture Whaimana, and ensuring resilience in the constructed wetlands and the wastewater treatment system generally; and
 - e. in light of their connection to the project area, as reflected in their Treaty settlement, Ngāti Tamaoho Settlement Trust are seeking an ongoing relationship with the applicant to ensure their views on stormwater, wastewater, hydrology, sites of significance and ecosystem health shape the project.
125. We have provided a copy of these comments at **Attachment 13**.

Consultation with departments and Ministers

126. In preparing this report, we are required to:
- a. consult relevant departments; and

- b. provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti (for response within 10 working days).
127. We sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakataua regarding the relevant Māori groups, and have incorporated their views into this report.
128. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application for referral. We have provided a copy of their feedback at **Attachment 14**.

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

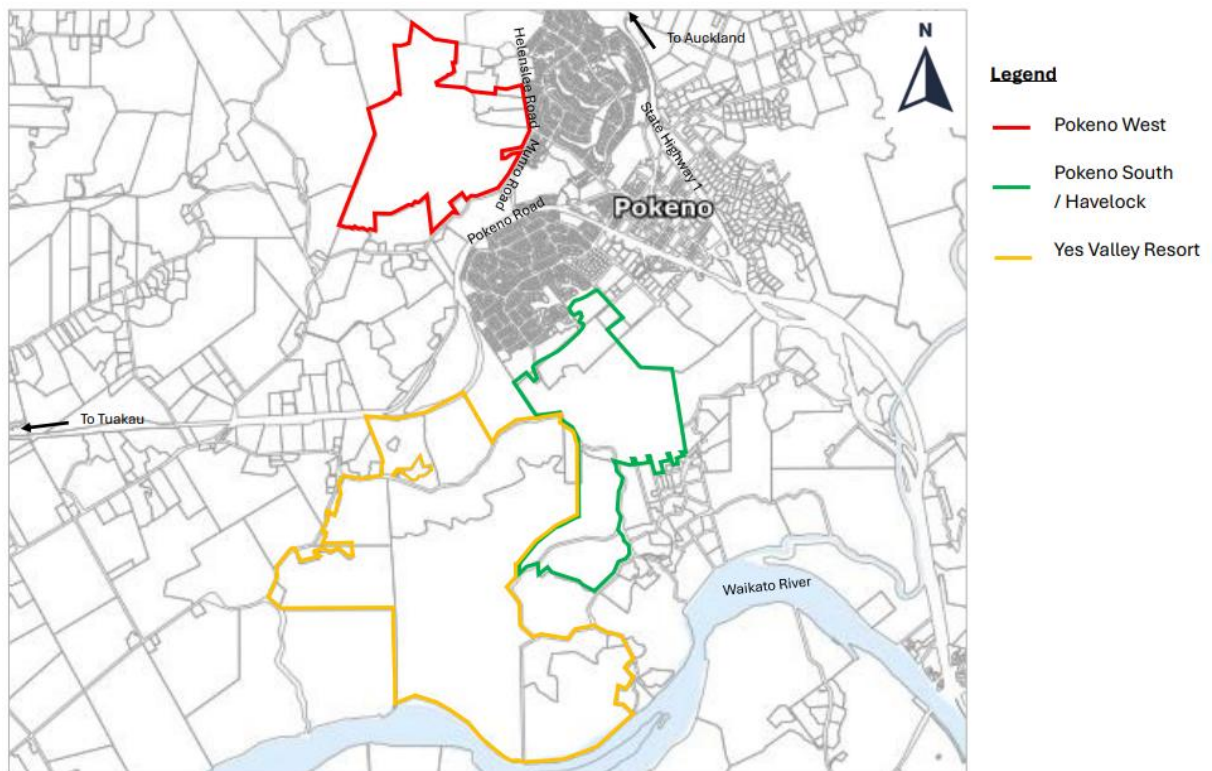
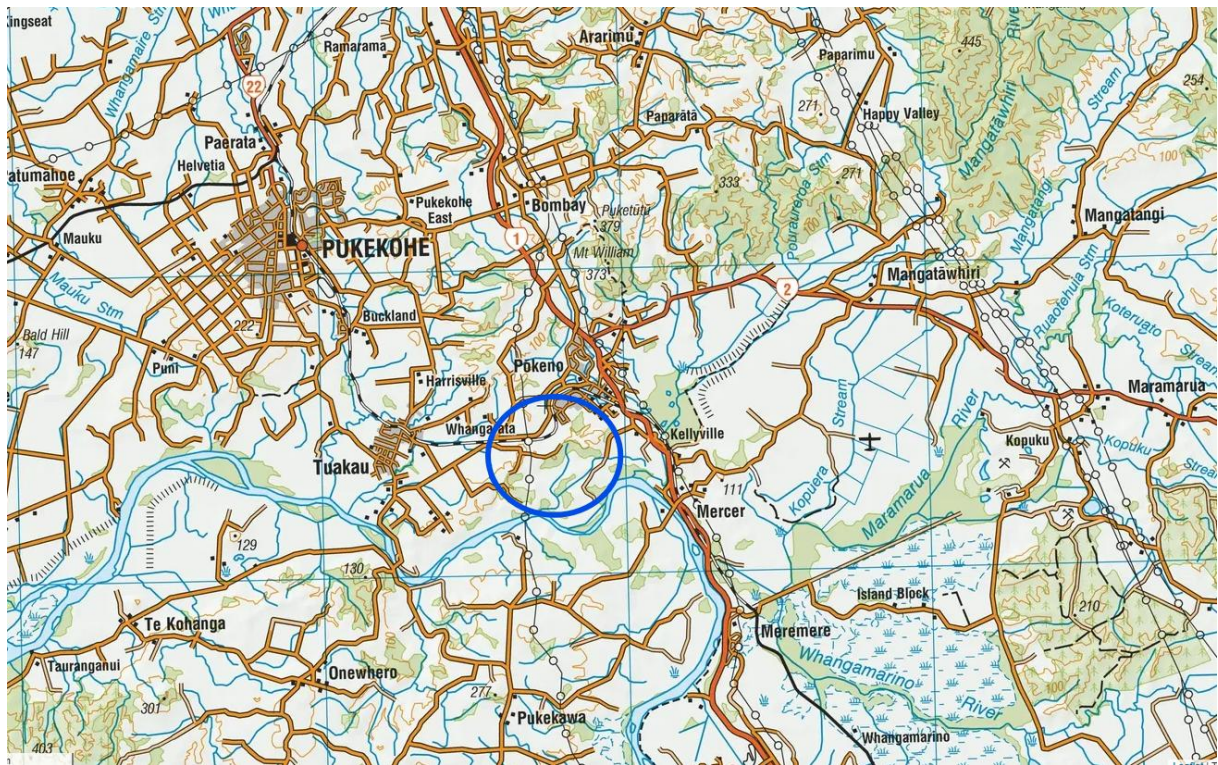
129. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
130. We do not consider there are any matters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

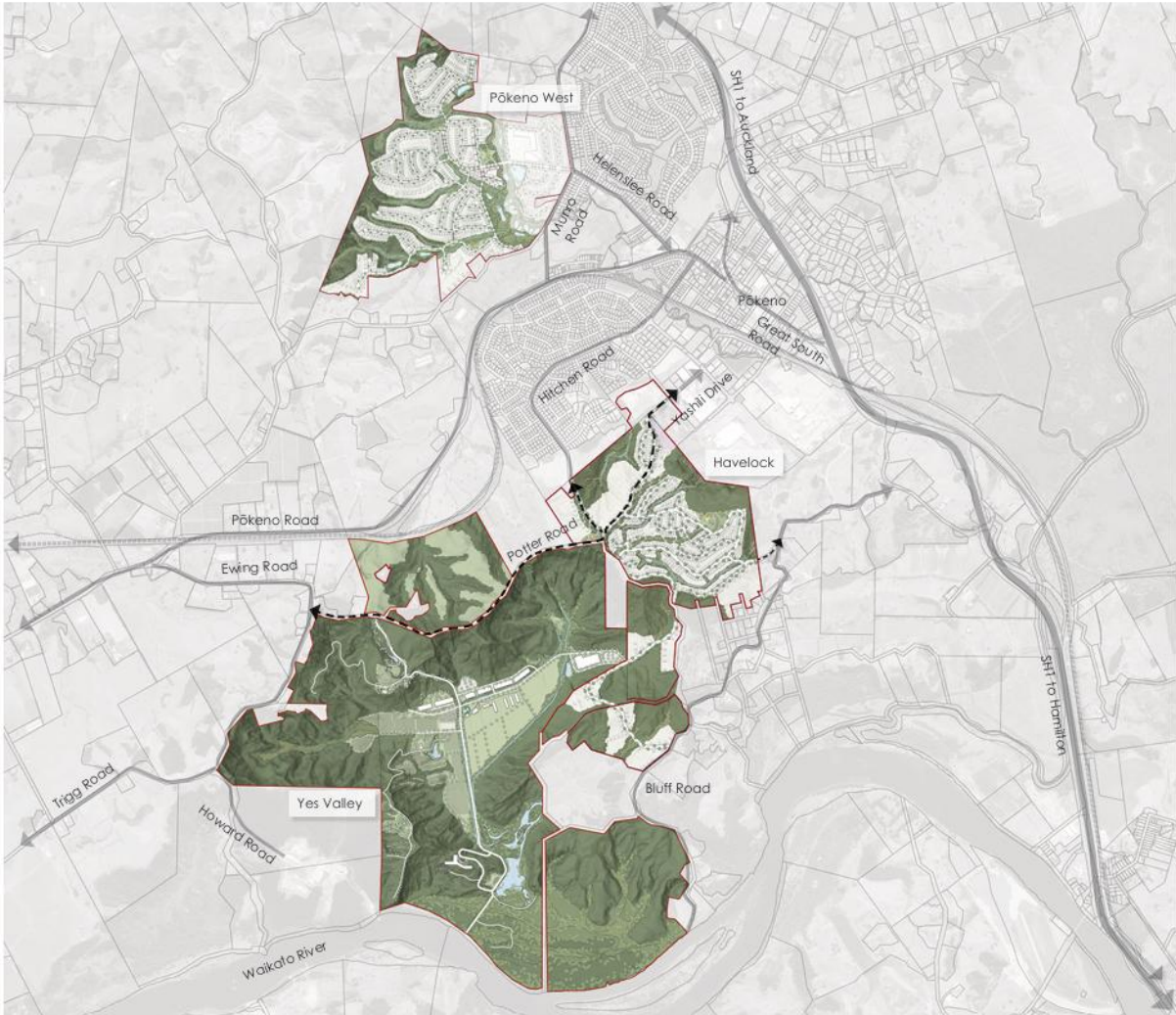
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	12-14
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	19-26
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	39-41
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	42-119
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	27
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	28, 120
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.	28, 120
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).	29, 120
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).	30-31, 121
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).	32-33
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), <ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. 	34-37, 122

	(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.	38
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	123-125
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.	129-130
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.	126-127
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	128

Attachment 2: Project location map





Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Te Whakakitenga o Waikato	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngāti Tamaoho Settlement Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Te Ākitai Waiohua Waka Taua Inc	Iwi authority (s18(2)(a))
Ngāi Tai ki Tāmaki Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Ngāti Pāoa Iwi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Hako Tūpuna Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngāti Maru Rūnanga Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngāti Tamaterā Treaty Settlement Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngaati Whanaunga Incorporated Society	Iwi authority (s18(2)(a))
Ngāti Te Ata Claims Support Whānau Trust	Iwi authority (s18(2)(a)); negotiating mandate (s18(2)(d))
Waikato Raupatu River Trust	Treaty settlement entity (s18(2)(a)); representing tangata whenua for regulations made under Part 9 of the Fisheries Act 1996 (s18(2)(h)); iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements (s18(2)(j))
Waikato River Authority	Treaty settlement entity (s18(2)(a))
Te Ākitai Waiohua Settlement Trust	Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngaati Whanaunga Ruunanga Trust	Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))

Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	Treaty settlement entity (s18(2)(a))
Pare Hauraki Cultural Redress Trust/Pare Hauraki Whenua Limited Partnership/Pare Hauraki Ngahere Limited Partnership	Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Taonga o Marutūāhu Trustee Limited/ Marutūāhu Rōpū Limited Partnership	Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngāti Koheriki Claims Committee	Negotiating mandate (s18(2)(d))
Ngāti Naho	Any other Māori groups with relevant interests (s18(2)(k))
Ngaati Tipa	Any other Māori groups with relevant interests (s18(2)(k))
Huakina Development Trust	Any other Māori groups with relevant interests (s18(2)(k))

Attachment 4: Te Ture Whaimana o Te Awa Waikato

Please note the attachments were included in their entirety as part of this submission, we have provided these as website links as they are publicly available documents.

Link: [Vision-and-Strategy-Reprint-2019web.pdf](#)

Attachment 5: Waikato-Tainui Environmental Plan

Please note the attachments were included in their entirety as part of this submission, we have provided these as website links as they are publicly available documents.

Link: [WRA11-112-Waikato-Tainui-Environmental-Plan.pdf](#)

Attachment 6: Waikato Regional Council Joint Management Agreement

Please note the attachments were included in their entirety as part of this submission, we have provided these as website links as they are publicly available documents.

Link: [Waikato_Tainui_JMA_web_signed.pdf](#)

Attachment 7: Waikato District Council Joint Management Agreement (including Schedule B)

Please note the attachments were included in their entirety as part of this submission, we have provided these as website links as they are publicly available documents.

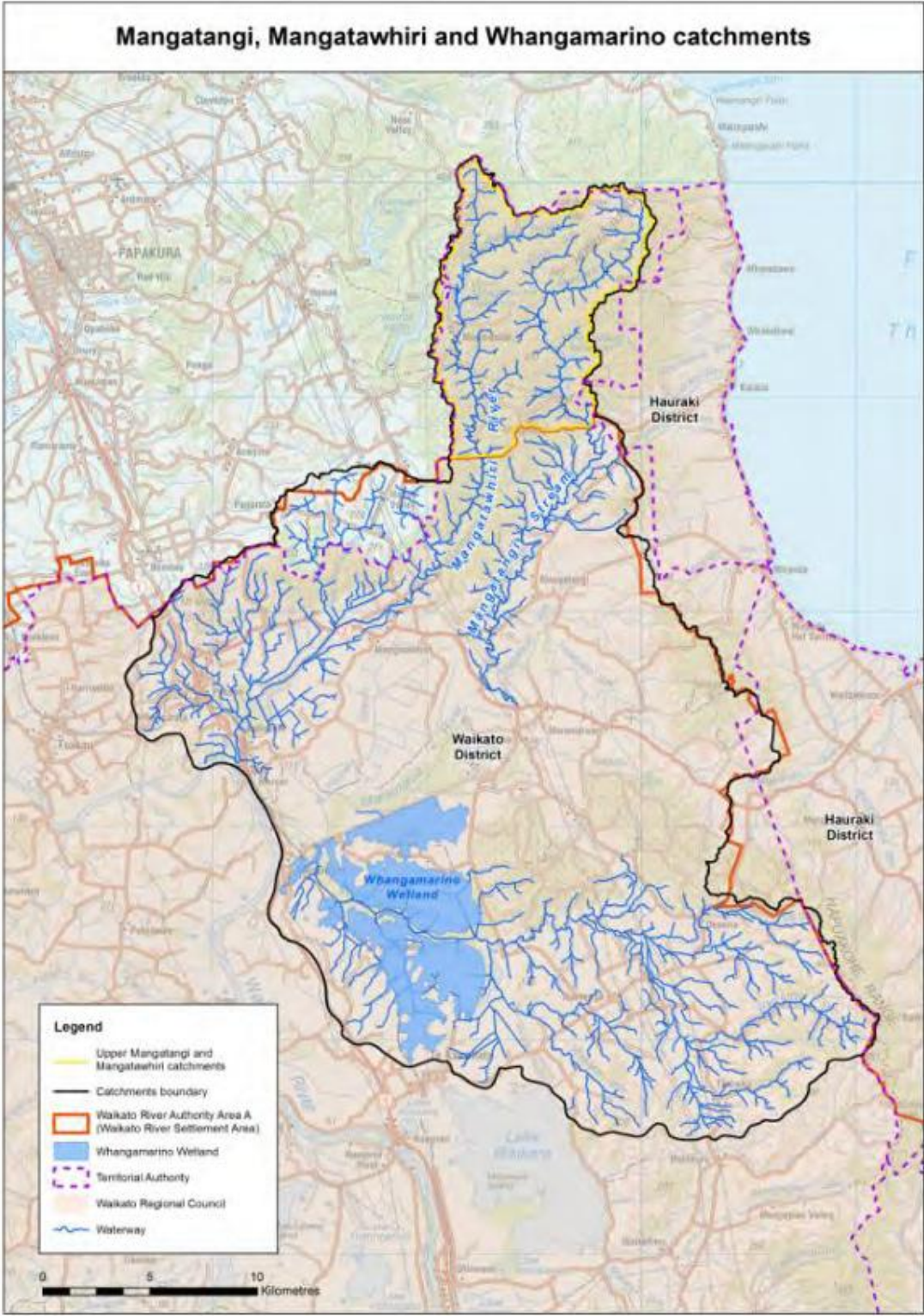
Links:

[waikato-river-joint-management-agreement.pdf](#)

[schedule-b---resource-consents-adopted-by-the-joint-committee-on-27-march-2013.pdf](#)

Attachment 8: Mangatangi Stream and Mangatāwhiri River and Whangamarino wetland catchments map

From attachments schedule to collective redress deed



Attachment 9: Ngāti Tamaoho statutory acknowledgement provisions

Statutory acknowledgement provisions (Ngāti Tamaoho Claims Settlement Act 2018)

Subpart 2—Statutory acknowledgement and deed of recognition

28 Interpretation

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statement of association, for a statutory area, means the statement—

- (a) made by Ngāti Tamaoho of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 1 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 29 in respect of the statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 1, the general location of which is indicated on the deed plan for that area

statutory plan—

- (a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and
- (b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

29 Statutory acknowledgement by the Crown

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

30 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 31 to 33; 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 34 and 35; and
- (c) to enable the trustees and any member of Ngāti Tamaoho to cite the statutory acknowledgement as evidence of the association of Ngāti Tamaoho with a statutory area, in accordance with section 36.

31 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.

32 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.

33 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.

34 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 29 to 33, 35, and 36; 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.

35 Provision of summary or notice to trustees

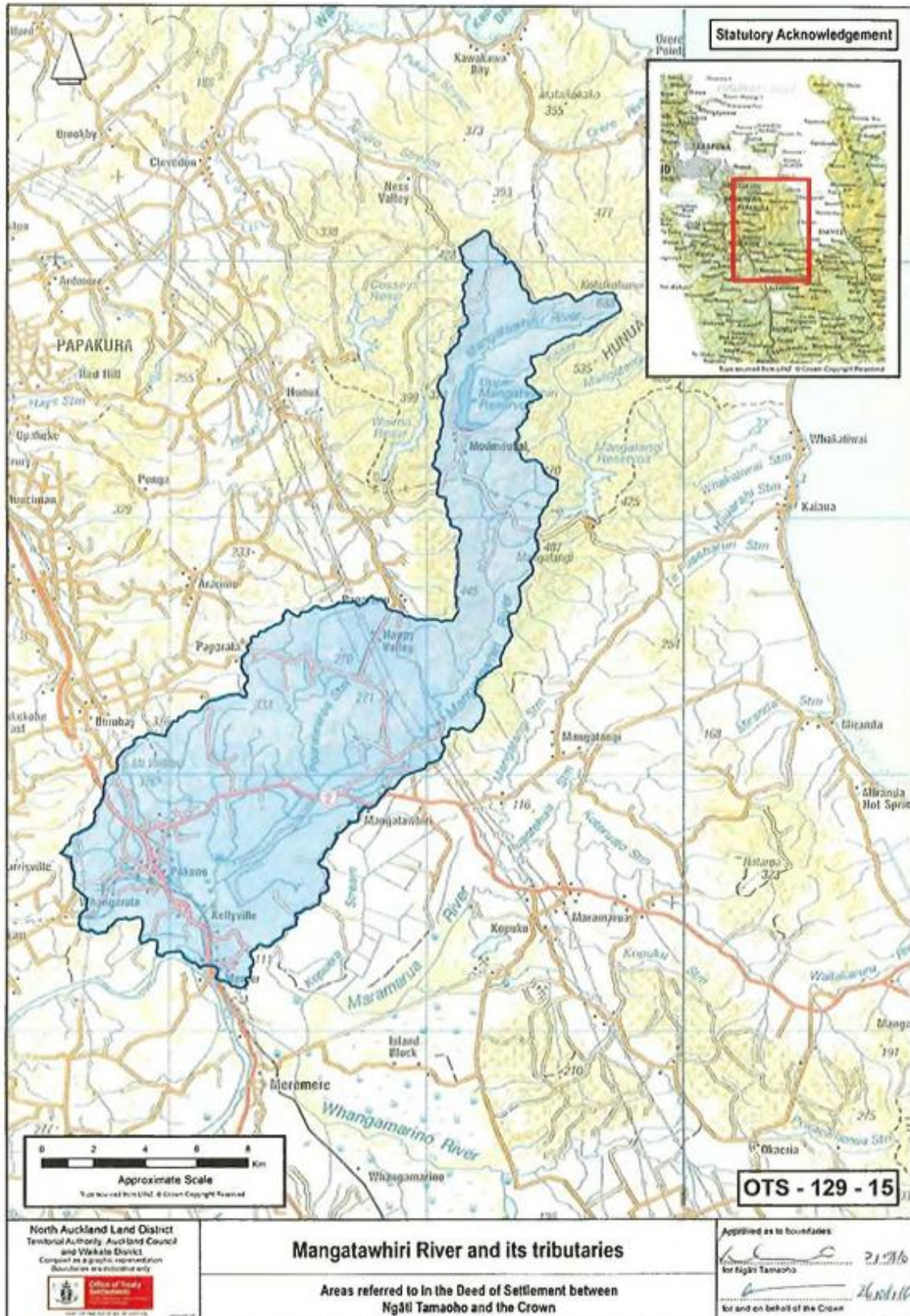
- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent 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 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.

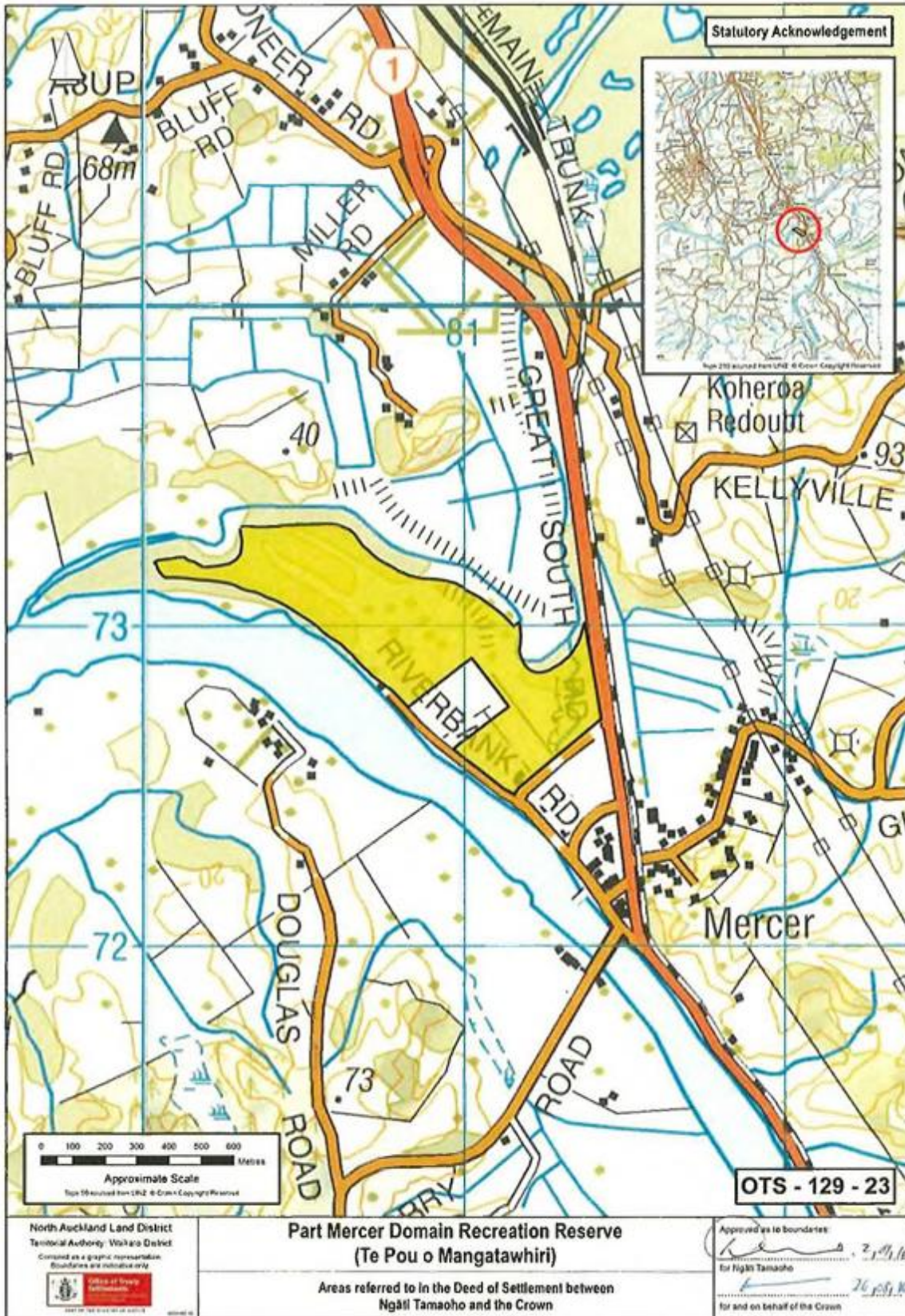
36 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāti Tamaoho may, as evidence of the association of Ngāti Tamaoho 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 Ngāti Tamaoho are precluded from stating that Ngāti Tamaoho 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.

Deed plan for Mangatāwhiri River and tributaries statutory area (attachments schedule to deed of settlement)



Deed plan for Part Mercer Domain Recreation Reserve (Te Pou Mangatāwhiri) statutory area (attachments schedule to deed of settlement)



Excerpts from statements of association (documents schedule to deed of settlement)

Mangatawhiri River and its tributaries (as shown on deed plan OTS-129-15)

The Mangatawhiri River is one of the longest and most significant awa in our rohe. As with other important awa, the Mangatawhiri also passes many sites of great cultural, strategic and spiritual importance on its journey to the sea.

The Mangatawhiri River runs from its catchment in Te Hunua (Hunua Ranges) south toward Paparata and the Paparimu basin. From here it travels south west through the Mangatawhiri Plains, once dominated by large wetland ecosystems. The river turns south as it passes Koheroa before finally flowing west into the great Waikato.

Our people's occupation of this awa stems from beyond the timeline of human history and through to Ngā Iwi and Ngā Riki, among the earliest human occupants of the area. Our tūpuna of Tainui, Te Uri O Pou and Te Tini O Toi made use of the river as both a means of trade and transport and as a provider of food, rongoa and other resources. Our connection with the awa also stretches back to before the coming of people to Aotearoa, to the time of the Turehu, Patupaiarehe and Urukehu.

The control and management of the Mangatawhiri was of huge strategic value, governing movement throughout the interior of our rohe. The Mangatawhiri was one of the major means of travel, communication and trade for the Ngāti Tamaoho people.

As well as being a communication, trade and travel route, the Mangatawhiri was our people's way of life by way of the food and cultural resources it supported. Tuna, pirahau, kokopu, inanga, patiki, koura and kouraura were all abundant as were kākahi and other shellfish and invertebrate species.

The Mangatawhiri and its wetlands also provided important building resources such as harakeke and raupo, and timber from kahikatea and pukatea. Other vegetation such as tī kōuka and māhoe were also highly valued resources in this area.

The Mangatawhiri was also a wāhi tapu owing to its mauri and the mauri of the creatures that lived within it. This tapu was enhanced by the taniwha that were kaitiaki to the various bends and stretches of the river. The water also carried with it the tapu of the areas it passed through, including many urupa, battle grounds and temporary burial sites. As such, the Mangatawhiri is of immense spiritual importance to our people.

Part Mercer Domain Recreation Reserve (Te Pou o Mangatawhiri) (as shown on deed plan OTS-129-23)

Te Pou o Mangatawhiri, on the south bank of the Mangatawhiri Stream, at its confluence with Waikato, is a site of regional and national significance. It is symbolic as a marker post of Tainui/Kingitanga mana and of Maori authority more generally.

Ngāti Tamaoho's relationship with Te Pou o Mangatawhiri and the surrounding area is nuanced and involves many of the most important events in Tamaoho history. Its location at the confluence of the Mangatawhiri stream and Waikato River made it strategically important as did its proximity to settlements such as Pokino and Mangatawhiri and the Te Iarua landing site.

Ngāti Tamaoho has a special relationship with Te Pou o Mangatawhiri and the surrounding area. It has been a home to them in times of need and a place for them to come together when faced with hardship.

Attachment 10: Excerpts from Ngā Mana Whenua o Tāmaki Makaurau Collective conservation relationship agreement

11 STATUTORY AUTHORISATIONS

- 11.1 The strategic partnership objectives will guide the parties to determine appropriate engagement on statutory authorisations within the Tāmaki Makaurau Region.
- 11.2 As part of these strategic objectives, Ngā Mana Whenua and the Department will identify, and keep under review, categories of statutory authorisations that may have high impact on the spiritual, ancestral, cultural, customary, and historic values of Ngā Mana Whenua.
- 11.3 As the Department works within time limits to process applications for some forms of statutory authorisations, it will notify Ngā Mana Whenua o Tāmaki Makaurau (as part of the meetings referred to in paragraph 11.2) of the time frames for providing advice.
- 11.4 The strategic partnership objectives will guide the parties to determine potential opportunities for Ngā Mana Whenua o Tāmaki Makaurau to obtain statutory authorisations on public conservation land within the Tāmaki Makaurau Region, including in relation to commercial opportunities.
- 11.5 The Department will actively advise and encourage all prospective applicants within the Tāmaki Makaurau Region to consult with Ngā Mana Whenua before filing their application. The Department will also consult Ngā Mana Whenua at an early stage on such categories of authorisations or renewal of authorisations within the Tāmaki Makaurau Region.
- 11.6 For the types of Statutory Authorisations within the Tāmaki Makaurau Region agreed to in clause 11.2 , Ngā Mana Whenua and the Department will adopt the following process:
- a. the Department notifies Ngā Mana Whenua of the application, timeframe for a decision and the timeframe for Ngā Mana Whenua response;
 - b. Ngā Mana Whenua, within an agreed timeframe, notify the Department of their response including the nature of their interests in the proposal and their views in relation to the proposal;
 - c. the Department acknowledges Ngā Mana Whenua interests and views as conveyed (providing an opportunity to clarify or correct the Department's understanding of those interests and views), how those interests and views will be included in the decision-making process and any apparent issues or conflict that may arise;
 - d. the Department will, in making a decision, consider whether it is possible to reconcile any conflict between Ngā Mana Whenua interests and views and other considerations in the decision-making process;
 - e. the Department will record in writing as part of a decision document the nature of Ngā Mana Whenua interests and the views of Ngā Mana Whenua as conveyed; and
 - f. the Department will communicate its decision to Ngā Mana Whenua as soon as practicable after it is made.

23 **CONSULTATION**

23.1 Where consultation is undertaken with Ngā Mana Whenua, the Department will:

- a) Ensure that Ngā Mana Whenua or the relevant iwi/hapū are consulted as soon as reasonably practicable following the identification of the proposal or issues to be the subject of the consultation;
- b) Provide Ngā Mana Whenua or the relevant iwi/hapū with sufficient information and time to make informed comments and/or submissions in relation to any of the matters that are subject of the consultation;
- c) Approach the consultation with an open mind and genuinely consider any views and/or concerns that Ngā Mana Whenua or the relevant iwi/hapū may have in relation to any of the matters that are subject to the consultation; and
- d) Report back to Ngā Mana Whenua or the relevant iwi/hapū Governance Entity on any decision that is made.

23.2 Where Ngā Mana Whenua participates in consultation under this Relationship Agreement, Ngā Mana Whenua will provide to the Department information on the nature of the Ngā Mana Whenua interest and the views of Ngā Mana Whenua in relation to the proposal or issue upon which they are being consulted.

The entire document can be found at this link [Tāmaki Makaurau Collective Redress Deed Schedule - Documents 5 Dec 2012](#) (pages19-36)

Attachment 11: Excerpt from Ngāi Tai ki Tāmaki conservation relationship agreement

4: CONSERVATION RELATIONSHIP AGREEMENT

7. STATUTORY AUTHORISATIONS

- 7.1 The Department will carry out consultation with Ngāi Tai ki Tāmaki, through its Kaitiakitanga Roopu, concerning applications for statutory authorisations within their area of interest consistent with the process set out in clause 11 of the Ngā Mana Whenua o Tāmaki Makaurau Conservation Relationship Agreement.
- 7.2 Ngāi Tai ki Tāmaki has strong interests in exploring the following types of opportunities for concessions that involve public conservation land:
- 7.2.1 Hikoi o Te Motu/ Guided walking tours on Rangitoto, Motutapu, Motuihenga, Motukorea, Waiheke, public conservation land in the southern Hunua and Maungauika (while under the Department's administration);
 - 7.2.2 Hikoi o Te Moana/Guided kayak or waka tours on the Gulf (including marine mammal and native coastal bird watching permits);
 - 7.2.3 glamping or hosted camping on Hauraki motu;
 - 7.2.4 hosting of sporting events; and
 - 7.2.5 hosting of cultural events eg Matariki.

The entire document can be found at this link (from page 48): [Ngāi Tai ki Tāmaki Deed of Settlement Documents Schedule 7 Nov 2015](#)

Attachment 12: Excerpt from Te Ākitai Waiohua Whakaaetanga Tiaki Taonga agreement

DOCUMENTS

5: WHAKAAETANGA TIAKI TAONGA

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 – tāngata whenua, landowners, developers, archaeologists.

The complete Whakaaetanga Tiaki Taonga can be found in the documents schedule to the Te Ākitai Waiohua deed of settlement at this link: [Te Ākitai Waiohua — Deed of Settlement — Documents](#)

Attachment 13: Comments received from invited Māori groups


Attachment 14: Comments received from the Minister for Māori Development and Minister for Māori Crown Relations

Hon Tama Potaka Comment - Saved

Feedback · FTA - Feedback ▾

General Documents Related ▾

Feedback Details

Feedback ID	* FDB001884T3W1
Title	* Hon Tama Potaka Comment
Regarding	 Draft section 18 report for Minister comment
Comments	I support the application progressing to the Expert Panel for Substantive consideration.

Feedback Contacts

Created By (Contact)	 Bria Kerei-Keepa
Source	Portal
Application	 Pookeno Housing and Tourism Project
Created By	 # Portals-Fast Track Portal - ftaa-portal
Created On	25/03/2026 9:41 AM