

Settlement provisions and Iwi Management Plan Assessment

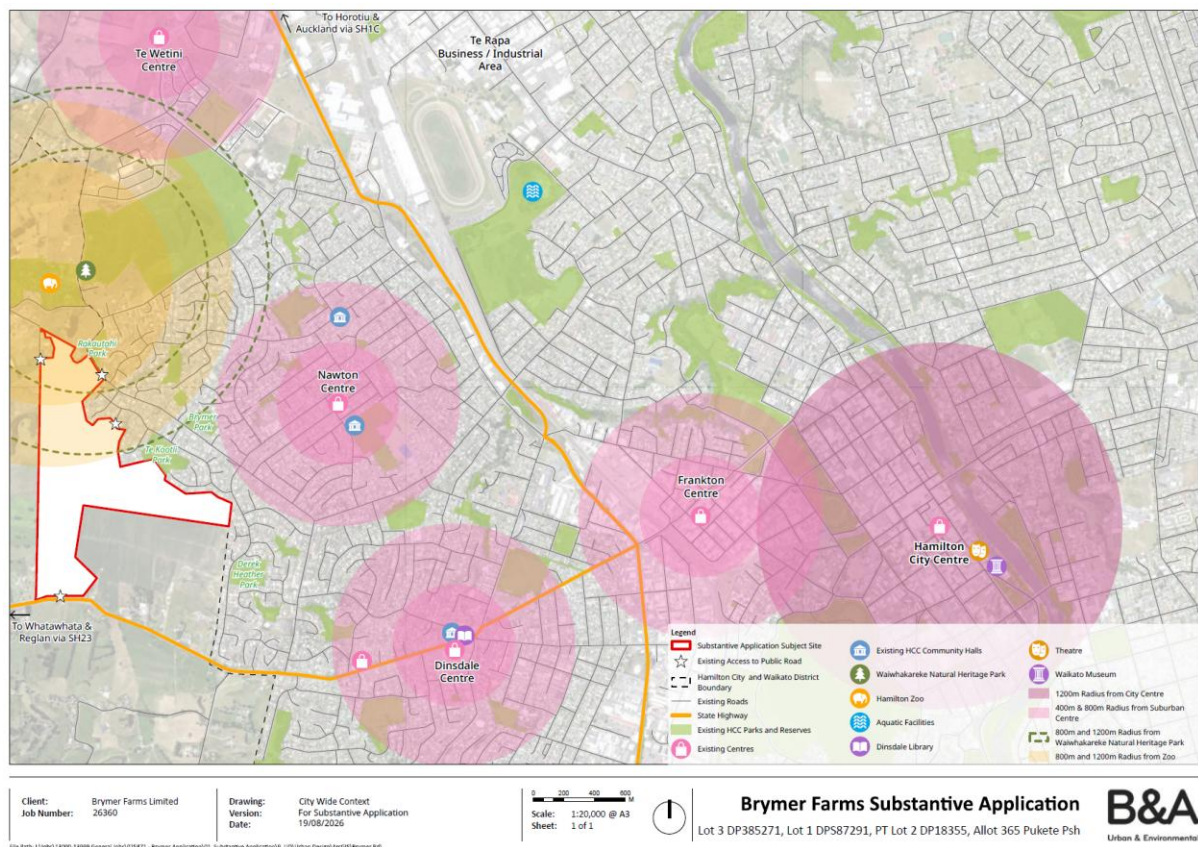
Re: **Assessment of statutory requirements relating to iwi authorities – Brymer Farms**

1. Description of the project Site in relation to identified Māori areas

Clause 5(1)(b) of Schedule 5 of the Act requires an application to provide:

- (b) a description and map of the site at which the activity is to occur, including whether the site is within or adjacent to—
 - (i) a statutory area (as defined in the relevant Treaty settlement Act); or
 - (ii) ngā rohe moana o ngā hapū o Ngāti Porou; or
 - (iii) a protected customary rights area under the [Marine and Coastal Area \(Takutai Moana\) Act 2011](#); and

The Site is not within or adjacent to a statutory area, or a protected customary rights are under the Marine and Coastal Area (Takutai Moana) Act 2011.



It is within protocol areas for several iwi. This is discussed further below.

2. Treaty Settlements

Overview

Clause 5(1)(i) of Schedule 5 of the Act requires an application to provide:

- (i) information about any Treaty settlements that apply in the area covered by the consent application, including—
 - (i) identification of the relevant provisions in those Treaty settlements; and
 - (ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area; and

There are two Treaty settlements applying to the Site. These are:

- Waikato Raupatu Claims Settlement Act 1995 (Lands Claim)
- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

The related iwi authority for both of these settlements is Waikato-Tainui.

Analysis

Waikato Raupatu Claims Settlement Act 1995

The Waikato Raupatu Claims Settlement Act 1995 is acknowledgement from the Crown that its representatives and advisers acted unjustly and in breach of the Treaty of Waitangi in its dealings with Kiingitanga and Waikato in sending its forces across the Mangataawhiri in July 1863.

This Settlement covers a significant part of the Waikato region, north of Pirongia and Maungatautari mountains, Ohinewai and some areas in Auckland.

Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the grievance of raupatu finally settled as to the matters set out in the Deed of Settlement signed on 22 May 1995 to begin the process of healing and to enter a new age of co-operation with the Kiingitanga and Waikato.

This Settlement sought to return land where possible, otherwise redress was provided in the form of money, right of first refusal of Crown land, the protection of excluded claims (Waikato River), and an apology from the Crown.

The Brymer development is located within the Waikato-Tainui rohe and within an area over which Ngāti Māhanga exercise mana whenua. As recognised in the Cultural Impact Assessment (CIA) (refer to **Appendix 24**), Ngāti Māhanga maintain enduring ancestral associations with the Whatawhata, Rotokauri and wider Hamilton West area, notwithstanding the historic land confiscations (raupatu) that gave rise to the Waikato Raupatu Claims Settlement Act 1995.

While the Brymer Site is not subject to any identified Site-specific settlement redress under the Act, the Proposal has been developed in a manner that recognises the settlement framework and the ongoing relationship of Waikato-Tainui and Ngāti Māhanga with their ancestral lands. The development acknowledges the role of Ngāti Māhanga as mana whenua and provides for their continued involvement through cultural monitoring, ecological restoration initiatives, environmental management and ongoing engagement throughout the life of the project.

The Proposal also recognises the cultural significance of the wider landscape, including its associations with Te Ara o Kāroro, Te Uhi Pā and historical Ngāti Māhanga occupation, and incorporates measures to protect

cultural values through accidental discovery protocols, cultural monitoring and the integration of mana whenua perspectives into project implementation. The Applicant and supporting project team has undertaken early engagement with mana whenua, and are committed to ensuring this remains ongoing through the processing of the substantive application to ensure Treaty settlement interests are respected and iwi are appropriately involved.

Accordingly, the Brymer development is considered to be consistent with the intent of the Waikato Raupatu Claims Settlement Act 1995 by recognising and respecting the ongoing rangatiratanga, mana whenua interests and kaitiakitanga responsibilities of Waikato-Tainui and Ngāti Māhanga within the settlement area, and by providing meaningful opportunities for iwi participation in environmental management and decision-making. Through this approach, the project upholds the Crown's duty of consistency under section 7 of the Fast-track Approvals Act and aligns with the intent of the 1995 settlement to restore the relationship between Waikato-Tainui and the Crown.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 supports the Waikato Raupatu Claims Settlement Act 1995. The overarching purpose of the Settlement is to restore and protect the health and wellbeing of the Waikato River for future generations.

The Settlement provides the following statement of significance of the Waikato River to Waikato-Tainui:

"The Waikato River is our tupuna (ancestor) which has mana (spiritual authority and power) and in turn represents the mana and mauri (life force) of Waikato-Tainui. The Waikato River is a single indivisible being that flows from Te Taheke Hukahuka to Te Puuaha o Waikato (the mouth) and includes its waters, banks and beds (and all minerals under them) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation, flood plains, wetlands, islands, springs, water column, airspace, and substratum as well as its metaphysical being. Our relationship with the Waikato River, and our respect for it, gives rise to our responsibilities to protect te mana o te Awa and to exercise our mana whakahaere in accordance with long established tikanga to ensure the wellbeing of the river. Our relationship with the river and our respect for it lies at the heart of our spiritual and physical wellbeing, and our tribal identity and culture".

The vision and strategy detailed within Schedule 2 of the Settlement Act, applies to the Waikato River and activities within its catchment affecting the Waikato River. Te Ture Whaimana o Te Awa o Waikato is the Vision and Strategy of the Waikato River that sets a vision 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.

In accordance with Section 13, the Waikato Regional Policy Statement incorporates policy to give effect to Te Ture Whaimana o Te Awa o Waikato; the Proposal will give effect to with the Waikato Regional Policy Statement.

The proposed Brymer development is located within the upper Ohote Stream catchment, which forms part of the wider Waikato River catchment. As such, the Proposal is directly relevant to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, which recognises the Waikato River as an indivisible and living entity and establishes Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) as the primary direction setting document for the river and its catchments.

The CIA (refer to **Appendix 24**) prepared by Ngāti Māhanga acknowledges that the Site contains wetlands, groundwater systems, peat soils and waterways that are hydrologically connected to the Ohote Stream and ultimately the Waikato River. The Proposal has therefore been developed with a strong focus on maintaining catchment health, protecting water quality, retaining and enhancing wetlands, restoring ecological values,

and avoiding adverse effects on connected freshwater systems. The Proposal also recognises the role of Ngāti Māhanga as mana whenua and provides for their ongoing involvement in environmental management through cultural monitoring, ecological restoration initiatives, adaptive management frameworks and continued engagement throughout the life of the project. These measures are consistent with the co-governance and co-management principles that underpin the Waikato River Settlement and support the exercise of kaitiakitanga within the Waikato River catchment.

Through its integrated approach to stormwater management, wetland protection and enhancement, biodiversity restoration, water quality management and mana whenua participation, the Brymer development is considered to be consistent with the intent of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and supportive of the Vision and Strategy's overarching objective of restoring and protecting the health and wellbeing of the Waikato River and its catchments for present and future generations.

Conclusion

The analysis above demonstrates that the Brymer development is consistent with obligations arising under existing, relevant Treaty settlements.

3. Planning document recognised by a relevant iwi authority

Clauses 5(1)(h) and 5(2)(g) of Schedule 5 of the Act requires an application to provide an assessment against a planning document recognised by a relevant iwi authority and lodged with a local authority.

The Proposal is located within an area subject to several iwi management plans, including Tai Tumu, Tai Pari, Tai Ao (Waikato-Tainui Environmental Management Plan) and relevant hapū and iwi plans where rohe overlap. In addition, Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy) applies to all activities within the Waikato River catchment and must be given particular regard.

Analysis of documents with relevant provisions

Waikato-Tainui Environmental Management Plan

The Waikato-Tainui Environmental Management Plan Tai Tumu Tai Pari Tai Ao (**WTEMP**) is a multifunctional plan with key strategic objectives:

- Grow tribal identity and integrity, including “to grow our tribal estate and manage our natural resources;
- Enhance Waikato-Tainui participation in resource and environmental management;
- Provide clear high-level guidance on Waikato-Tainui objectives and policies with respect to the environment to resource managers, users and activity operators, and those regulating such activities, within the Waikato-Tainui rohe; and
- To support and promote a coordinated, co-operative, and collaborative approach to natural resource and environmental management, restoration, and care within the Waikato-Tainui rohe.

The WTEMP recognises Te Ture Whaimana and states that it prevails (objective 11.7.1 and policy 11.7.1.1). The WTEMP have a number of overarching objectives and policies which apply to papakainga, customary activities, first right of refusal, natural heritage and biosecurity, historical items, highly prized Sites and Sites of significance and natural hazards.

WTEMP Objectives and Policies

Comment

The Vision and Strategy for the Waikato River – Te Ture Whaimana o te Awa o Waikato

Objective 11.7.1 Te Ture Whaimana prevails in any resource management, use and activity within the Waikato River catchment in the Waikato-Tainui rohe.

Policy 11.7.1.1 To ensure that Te Ture Whaimana prevails in any resource management, use and activity within the Waikato River catchment in the Waikato-Tainui rohe.

The Site is within the upper Ohote Stream catchment, which is hydrologically connected to the Waikato River, and the development has been designed to recognise Te Ture Whaimana as the prevailing direction for resource management in the catchment. The Proposal incorporates integrated stormwater treatment and attenuation, wetland retention/restoration, ecological enhancement, groundwater and water quality monitoring, and ongoing mana whenua involvement through Ngāti Māhanga. These measures support the restoration and protection of the health and wellbeing of the Waikato River and its catchment.

Objective 11.7.2 Te Ture Whaimana is a guide to resource management, use, and activities in all catchments within the Waikato-Tainui rohe.

Policy 11.7.2.1 To ensure that Te Ture Whaimana is used as a guide to resource management, use, and activities in all catchments within the Waikato-Tainui rohe.

Although the Site is within the upper Ohote Stream catchment, rather than directly adjoining the Waikato River, the Proposal has used Te Ture Whaimana as a guiding framework for managing land use, freshwater, stormwater, ecology and infrastructure effects. The integrated stormwater system, wetland retention and offsetting, riparian and ecological restoration, groundwater and water quality monitoring, and ongoing mana whenua involvement collectively support catchment health and align with the Vision and Strategy's broader purpose of restoring and protecting the health and wellbeing of the Waikato River and connected catchments.

Natural Heritage and Biosecurity

Objective 15.3.1 The full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.

Policy 15.3.1.1 To ensure that the full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.

The Site is currently a highly modified pastoral environment, but the Proposal includes retention and restoration of existing wetlands, creation of new wetland habitat, stream and riparian enhancement, indigenous planting, pest management, improved fish passage, and ecological corridors integrated through the open space and stormwater network. These measures are expected to improve indigenous biodiversity, strengthen ecological connectivity, and support

	native flora and fauna, resulting in a net positive ecological outcome.
<i>Objective 15.3.2 Cultural, spiritual and ecological features of the Waikato landscape that are significant to Waikato-Tainui are protected and enhanced to improve the mauri of the land.</i> <i>Policy 15.3.2.1 To ensure that there is greater protection and enhancement of cultural, spiritual and ecological features of significance to Waikato-Tainui.</i>	The Site's existing wetlands, waterways, riparian areas and wider landscape values have informed the masterplan, with ecological features retained, restored and integrated into the open space and stormwater network. The Proposal also provides for indigenous planting, ecological corridors, wetland enhancement, cultural monitoring, and ongoing mana whenua input into landscape design, naming and interpretation. These measures will protect and enhance cultural, spiritual and ecological features of significance and contribute to improving the mauri of the land.
Waahi tapu, waahi tuupuna and archaeological/cultural Sites	
<i>Objective 16.3.1 Site management protocols exist to ensure a precautionary approach to Site works to manage the potential for waahi tapu and taonga tuku iho discovery.</i> <i>Policy 16.3.2 The Project Manager for a project or consented activities incorporates Site management protocols and other protocols in this chapter into the Site management plan so as to ensure a precautionary approach to Site works to manage the potential discovery of waahi tapu and taonga tuku iho.</i>	The application includes an Archaeological Site Management Plan, accidental discovery protocols, and provision for cultural monitoring and ongoing mana whenua involvement during project implementation. These measures provide a precautionary framework for earthworks and Site disturbance, ensuring that any potential discovery of waahi tapu, taonga tuku iho or archaeological material is appropriately managed in consultation with mana whenua.
<i>Objective 16.3.3 Waikato-Tainui manages and/or owns all identified waahi tapu and waahi tuupuna.</i> <i>Policy 16.3.3.1 Waahi tapu and waahi tuupuna are identified and information is stored and shared appropriately.</i>	The application has been informed by mana whenua engagement and a CIA, and includes measures such as cultural monitoring, accidental discovery protocols and an Archaeological Site Management Plan. These measures provide a process for identifying and appropriately managing any waahi tapu, waahi tuupuna or related cultural information, while ensuring sensitive information is handled in consultation with mana whenua.
Natural hazards and land use	

<i>Objective 17.3.1 Land use and the construction of structures occurs in a way that does not increase the risk or magnitude of a natural hazard event, and that does not increase the risk or effects on human life or activity in the event that a natural hazard event occurs.</i> <i>Policy 17.3.1.1 To ensure that land use and structures do not increase the risk or magnitude of a natural hazard event, and does not increase the risk or effects on human life or activity in the event that a natural hazard event occurs.</i>	The development incorporates an integrated stormwater management system, including treatment, attenuation, conveyance measures, wetlands and water-sensitive design features, with peak flows attenuated to below pre-development levels. The Proposal also includes groundwater management, flood risk mitigation and staged infrastructure delivery to ensure development is appropriately serviced. These measures will manage natural hazard risks and avoid increasing the risk or magnitude of hazard events for people, property and the receiving environment.
<i>Objective 17.3.2 The risk of adverse effects on human, cultural, spiritual, or environmental wellbeing shall be prioritised over risks to individual properties when assessing natural hazard risks and/or the need for hazard protection structures.</i> <i>Policy 17.3.2.1 To ensure that human, cultural, spiritual, or environmental wellbeing is appropriately considered when assessing natural hazard risks and/or the need for hazard protection structures.</i>	The stormwater and flood management approach prioritises wider environmental, cultural and community wellbeing by using integrated treatment, attenuation, wetlands, groundwater recharge and water-sensitive design measures rather than relying solely on hard protection works. The Proposal also provides for ecological restoration, wetland enhancement, monitoring and mana whenua involvement, which assists in managing natural hazard risks while recognising cultural, spiritual and environmental values.
Freshwater	
<i>Objective 19.4.1 Waikato-Tainui engage and participate in the highest level of decision-making on matters that affect waters in the Waikato-Tainui rohe.</i> <i>Policy 19.4.1.1 To ensure that Waikato-Tainui engage and participate in the highest level of decision-making on matters that affect waters in the Waikato-Tainui rohe.</i>	The application has been informed by engagement with Waikato-Tainui and Ngāti Māhanga, including through the CIA, and provides for ongoing mana whenua involvement in cultural monitoring, ecological restoration, water quality, groundwater and wetland management. This enables Waikato-Tainui and mana whenua to participate in decisions and management measures affecting waters within the Waikato-Tainui rohe.
<i>Objective 19.4.2 Water quality is such that fresh waters within the rohe of Waikato-Tainui are drinkable, swimmable and fishable in all places (with water quality to the level that Kiingi Taawhiao could have expected in his time).</i> <i>Policy 19.4.2.1 Regulators to set clearer and higher water quality targets, and to develop and incentivise methods to achieve these targets.</i>	The development includes an integrated stormwater management system with treatment, attenuation, wetlands, groundwater recharge and monitoring measures to protect water quality in the upper Ohote Stream catchment and downstream Waikato River system. The Proposal also includes wetland and stream restoration, riparian enhancement and adaptive management, which will assist in maintaining and improving freshwater

	health and support the broader objective of restoring water quality over time.
Wetlands	
<i>Objective 20.3.1 Existing wetlands are protected and enhanced.</i> <i>Policy 20.3.1.1 To encourage improvements to local hydrology, where possible, to support healthy wetland function, and restoration of locally appropriate wetland biodiversity within local planning and land management practice.</i> <i>Policy 20.3.1.2 To ensure that all land use practices that have the potential to impact on wetlands have efficient sediment, drainage, discharge, fertiliser application, and riparian buffer control practices in place to ensure that adverse impacts on wetlands are prevented.</i>	While some wetland loss is proposed, the development retains and restores existing wetlands where practicable, creates new wetland habitat, and includes indigenous planting, buffering, pest management and long-term ecological monitoring. The stormwater system is also integrated with retained wetlands, including treatment and hydrological support where required, to manage sediment, drainage and discharge effects. Overall, the Proposal is expected to protect and enhance wetland function and deliver a net positive wetland outcome.
Land	
<i>Objective 21.3.1 Activities that accelerate soil erosion are managed effectively, including through the reforestation and retirement of marginal lands from existing intensive and environmentally unsustainable land uses.</i> <i>Policy 21.3.1.1 To encourage local authorities and landowners to retire highly erodible land from farming and to restore and protect highly erodible lands.</i> <i>Policy 21.3.1.2 All major excavation works that have the potential to impact on waterways shall have sufficient erosion and sediment control measures in place to ensure that adverse effects on water bodies are managed.</i>	The development will involve substantial earthworks, but these effects are proposed to be managed through consent conditions, construction management measures, and erosion and sediment controls to protect waterways and downstream receiving environments. The Proposal also includes riparian planting, wetland and stream restoration, indigenous enhancement and long-term ecological management, which will assist in stabilising land, reducing sediment runoff, and improving the health of the catchment over time.
<i>Objective 21.3.2 The life supporting capacity of land and soils effectively manages soil nutrient loss and water quality so there is minimal impact on nutrient loss to waterways.</i> <i>Policy 21.3.2.1 To promote the adoption of best practice land and soil management that minimises soil erosion, nutrient leaching, and sediment and nutrient runoff.</i> <i>Policy 21.3.2.2 Promote and encourage the development and adoption of land management practices that protects</i>	The Proposal incorporates erosion and sediment controls, integrated stormwater treatment, wetland and stream restoration, riparian planting, and long-term ecological management to reduce sediment, nutrient and contaminant runoff to waterways. These measures will assist in protecting the life-supporting capacity of land and soils, while

waterways from suspended sediments, nutrients and pollutants.	improving water quality outcomes within the Ohote Stream and wider Waikato River catchment.
<i>Objective 21.3.3 Effectively manage the impact of contaminated land on the surrounding environment.</i> <i>Policy 21.3.3.1 To ensure that the impact of contaminated land is effectively managed and, where possible and practicable, mitigate and restore the contaminated land.</i>	The application identifies existing areas of contamination associated with the Site's historic rural use and proposes remediation and management measures to ensure contaminated land does not adversely affect people, waterways or the surrounding environment. These measures, together with consent conditions and construction management controls, will appropriately manage and, where practicable, remediate contamination effects.
<i>Objective 21.3.4 Integrated catchment management occurs across the entire rohe of Waikato-Tainui, including in catchments that impact on, or flow into, the Waikato-Tainui rohe. Integrated catchment management includes the effective and sustainable management of floodplains and drainage areas to promote natural habitat enhancement.</i> <i>Policy 21.3.4.1 To promote the development and use of integrated catchment management plans that adequately considers land use, floodplain and drainage management and that promotes habitat restoration.</i> <i>Policy 21.3.4.2 To ensure that landowners and land managers that impact on the rohe manage land sustainably and effectively, including land upstream of the Waikato-Tainui rohe.</i> <i>Policy 21.3.4.3 To recognise and provide for the relationship of Waikato-Tainui with catchments in the Waikato-Tainui rohe.</i>	The development adopts an integrated catchment management approach by considering land use, stormwater, groundwater, wetlands, waterways, flood risk, infrastructure and ecological restoration together. The Proposal includes stormwater treatment and attenuation, groundwater recharge, wetland and stream restoration, riparian planting, habitat enhancement and long-term monitoring to manage effects on the upper Ohote Stream and wider Waikato River catchment. Ongoing mana whenua involvement also recognises the relationship of Waikato-Tainui and Ngāti Māhanga with the catchment.
Air	

<i>Objective 23.3.1 The quality and amenity of discharge to air is such that the life supporting capacity and quality of air within the rohe is retained at a level that does not compromise human health, amenity values, or property.</i> <i>Policy 23.3.1.1 To ensure that the quality of any discharge to air is retained at a level such that it does not compromise human health, amenity values, or property.</i>	Construction-related air quality effects, including dust and emissions, will be temporary and managed through construction management measures and consent conditions. Once developed, the Proposal is primarily residential with a local neighbourhood centre and is not expected to generate significant air discharges. The integrated transport network, pedestrian and cycle connections, open space network and landscaping will also assist in maintaining amenity and supporting a healthy urban environment.
Land Use Planning	
<i>Objective 25.3.1 Development principles are applied to land use and development, urban and rural, and in particular development in new growth cells, that enhance the environment.</i> <i>Policy 25.3.1.1 To encourage development principles to be applied to land use and developments, urban and rural, and in particular development in new growth cells, that enhance the environment.</i>	The development applies a comprehensive masterplanned approach to urban growth, incorporating a mix of housing, a neighbourhood centre, open space, transport connections, three-waters infrastructure, stormwater treatment, wetlands, ecological restoration and landscape enhancement. The Proposal also integrates water-sensitive design, wetland and stream restoration, indigenous planting, ecological corridors and long-term environmental management, which will assist in enhancing the environment while enabling well-planned urban development.
<i>Objective 25.3.2 Urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.</i> <i>Policy 25.3.2.1 To ensure that urban development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.</i>	The development is a comprehensively planned urban extension that provides a mix of housing, a neighbourhood centre, open space, transport connections and three-waters infrastructure in a staged and coordinated manner. Environmental, cultural, spiritual and social outcomes are supported through mana whenua engagement, wetland and stream restoration, ecological enhancement, water-sensitive stormwater design, pedestrian and cycle connections, and a connected open space network.
<i>Objective 25.3.3 Land use and development has positive environmental and cultural effects.</i>	The development is expected to deliver positive environmental and cultural effects through wetland and stream restoration, indigenous planting, ecological corridors, water-sensitive stormwater design, groundwater and water quality

<i>Policy 25.3.3.1 To ensure that land use and development, particularly new land use and development, has positive environmental and cultural effects.</i>	monitoring, and long-term environmental management. Ongoing mana whenua involvement, cultural monitoring, and opportunities to incorporate cultural identity into landscape design and interpretation also support positive cultural outcomes.
Infrastructure	
<i>Objective 26.3.1 Infrastructure development, upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui.</i> <i>Policy 26.3.1.1 To ensure that infrastructure development, upgrade and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui.</i>	The application has been informed by engagement with Waikato-Tainui and Ngāti Māhanga, including input into servicing, stormwater, freshwater, ecological and cultural matters. The Proposal also provides for ongoing mana whenua involvement through cultural monitoring, ecological restoration, environmental management and adaptive monitoring. This supports a partnership-based approach to infrastructure development, upgrade and maintenance within the Waikato-Tainui rohe.
<i>Objective 26.3.2 Infrastructure development, upgrade, and maintenance manages economic, social, cultural, spiritual, and environmental effects.</i> <i>Policy 26.3.2.1 To ensure that infrastructure development, upgrade, and maintenance manages economic, social, cultural, spiritual, and environmental effects.</i>	The development includes coordinated three-waters, transport and stormwater infrastructure to support staged urban growth, while managing effects through treatment, attenuation, wastewater and water supply connections, ecological restoration, and consent conditions. The infrastructure approach also recognises cultural, spiritual and environmental values through mana whenua engagement, wetland and stream enhancement, water quality monitoring and adaptive management, while delivering social and economic benefits through housing supply, local services and improved connectivity.
<i>Objective 26.3.3 Liquid, solid, and hazardous waste management is best practice and manages social, cultural, spiritual, economic and environmental effects.</i> <i>Policy 26.3.3.1 To ensure that liquid, solid and hazardous waste management is best practice and manages social, cultural, spiritual, economic, and environmental effects.</i>	The development will connect to reticulated wastewater infrastructure and includes integrated stormwater treatment and management to avoid untreated discharges to the receiving environment. Construction and operational effects associated with waste, hazardous substances and contaminated land will be managed through consent conditions, construction management measures and remediation controls. Overall, the Proposal adopts a best-practice approach to servicing and environmental management, while

	protecting cultural, spiritual and environmental values associated with land and water.
<i>Objective 26.3.4 Transportation infrastructure is developed and managed in a manner that provides for social, cultural, spiritual, economic, and environmental needs.</i> <i>Policy 26.3.4.1 To ensure that transportation infrastructure is developed and managed in a manner that provides for social, cultural, spiritual, economic, and environmental needs.</i>	The development includes an integrated transport network with new road connections, collector and local roads, pedestrian and cycle links, and public transport infrastructure to support safe and efficient access. The transport approach is integrated with the wider masterplan, open space network and neighbourhood centre, supporting social and economic needs while encouraging sustainable transport options and managing environmental and cultural effects through the overall design, consent conditions and mana whenua engagement.
<i>Objective 26.3.5 Infrastructure shall be Sited and operated in a way to avoid impacting on the risk of natural hazards occurring or the magnitude of a natural hazard event.</i> <i>Policy 26.3.5.1 To ensure that infrastructure is Sited and operated in a way to avoid impacting on the risk of natural hazards occurring or the magnitude of a natural hazard event.</i>	Infrastructure has been integrated into the masterplan and staging framework to ensure it is appropriately Sited, serviced and managed. The stormwater network includes treatment, attenuation, conveyance, wetlands, groundwater recharge and downstream flood mitigation measures, including attenuation of peak flows to below pre-development levels. These measures will assist in ensuring infrastructure does not increase natural hazard risk or the magnitude of hazard events.

Te Ture Whaimana o Te Awa o Waikato

Te Ture Whaimana o Te Awa o Waikato is the Vision and Strategy sets a vision 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 includes a set of objectives, which are as follows:

- (a) The restoration and protection of the health and wellbeing of the Waikato River.*
- (b) The restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.*
- (c) The restoration and protection of the relationships of Waikato River Iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural and spiritual relationships.*

(d) The restoration and protection of the relationships of the Waikato Region's communities, with the Waikato River, including their economic, social, cultural and spiritual relationships.

(e) The integrated, holistic and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River.

(f) The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular, those effects that threaten serious or irreversible damage to the Waikato River.

(g) The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River.

(h) The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.

(i) The protection and enhancement of significant Sites, fisheries, flora and fauna.

(j) The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing, requires the restoration and protection of the health and wellbeing of the Waikato River.

(k) The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.

The Proposal is considered consistent with the objectives of Te Ture Whaimana for the following reasons:

- The Proposal supports the health and wellbeing of the Waikato River by managing effects within the upper Ohote Stream catchment, which is hydrologically connected to the Waikato River. Integrated stormwater treatment, attenuation, groundwater recharge, wetland restoration, stream enhancement and long-term monitoring will assist in protecting downstream receiving environments and improving catchment health.
- The Proposal recognises Waikato-Tainui's relationship with the Waikato River through engagement with Waikato-Tainui and Ngāti Māhanga, and by providing for ongoing mana whenua involvement in cultural monitoring, ecological restoration, water quality management and adaptive monitoring. This supports the continued exercise of kaitiakitanga and recognition of cultural and spiritual relationships with the catchment.
- The Proposal has been informed by mana whenua engagement and a CIA, and includes mechanisms for cultural monitoring, accidental discovery protocols, ecological restoration and ongoing involvement in environmental management. These measures provide for tikanga-based input into project implementation and help protect iwi relationships with connected waterways.
- The development will create a new residential community supported by open space, wetlands, watercourses, pedestrian and cycle connections and ecological restoration areas. These features will improve community access to, and understanding of, local freshwater systems and support a stronger relationship between residents, the wider catchment and the Waikato River.
- The Proposal adopts an integrated masterplanned approach that considers land use, stormwater, wastewater, transport, ecology, groundwater, wetlands, cultural values and open space together. This

coordinated approach supports the holistic management of natural, physical, cultural and historic resources within the Waikato River catchment.

- The Proposal incorporates a precautionary framework through technical assessments, consent conditions, management plans, ecological offsetting, water quality and groundwater monitoring, cultural monitoring and adaptive management. These measures reduce the risk of significant adverse effects on the Waikato River and connected freshwater systems.
- The Proposal recognises cumulative effects arising from urbanising a large rural Site, including earthworks, stormwater, freshwater modification and infrastructure demand. These effects are managed through staging, integrated infrastructure delivery, stormwater attenuation to below pre-development peak flows, ecological restoration, wetland creation, riparian planting and long-term monitoring.
- The Proposal responds to the degraded state of the wider catchment by avoiding untreated discharges, providing stormwater treatment and attenuation, restoring wetlands and streams, enhancing riparian margins and improving ecological connectivity. These measures are intended to avoid further degradation and contribute to improved catchment outcomes.
- The Proposal includes retention and restoration of wetlands, creation of new wetland habitat, stream enhancement, indigenous planting, ecological corridors, pest management and improved fish passage. It also provides for cultural monitoring and accidental discovery protocols to manage potential effects on cultural or historic Sites.
- The Proposal recognises the Waikato River's strategic importance by treating catchment health as a core design and management consideration. The development integrates water-sensitive design, infrastructure planning, ecological restoration and mana whenua involvement to support the River's social, cultural, environmental and economic wellbeing.
- The Proposal contributes to this objective through stormwater treatment, attenuation, groundwater recharge, wetland and stream restoration, riparian enhancement and water quality monitoring. These measures will help reduce sediment and contaminant loads entering the Ohote Stream and downstream Waikato River system, supporting long-term water quality improvement.

Conclusion

The analysis above demonstrates that the Brymer development is consistent with existing, relevant Māori planning documents (including objectives, policies, rules, permissions, conditions, and requirements in those documents). There are no documents that the panel must give the same or equivalent effect to under section 82, or procedural requirements that the panel must comply with under schedule 3, clause 5 of the Act.

4. Mana whakahono a rohe

There are no manawhaka hono a rohe applying to the Site as far as Brymer Farms Limited is aware.

5. Cultural impact assessments and iwi consultation

Overview

Clauses 6(1)(e) and 6(1)(f) of Schedule 5 of the Act require that an assessment of environmental effects under the FTAA must include the following information:

- Identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the Proposal; and
- If iwi or hapū elect not to respond when consulted on the Proposal, any reasons that they have specified for that decision.

The iwi identified potentially being affected are listed in the Engagement and Consultation Summary Report appended to the application (refer to **Planning Attachment 2**). This details all engagement that has been recorded.

A CIA was prepared by Ngāti Māhanga in relation to the proposed Brymer development. The CIA assesses the cultural, environmental, and heritage impacts of the multi-use development and outlines iwi perspectives, values, concerns, and recommendations.

The CIA demonstrates that the Brymer development respects iwi relationships with the land, waterways, and cultural heritage, and that these are incorporated meaningfully into the planning and delivery of the development.

Ngāti Māhanga are neutral to the application, contingent upon the incorporation of the mitigation measures and cultural requirements set out in Section 6 as enforceable conditions of approval.

Conclusion

Engagement with iwi has resulted in the adoption of specific design and effects management measures to address issues raised and recommendations provided in the cultural impact assessment prepared for the Brymer Farm development. The CIA confirms the Brymer Farm development is acceptable to and supported by iwi with an interest in the project Site.

6. Customary Marine Title Groups

Clause 5(5)(b) of Schedule 5 of the Act requires that if an activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under Section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under Section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document must be provided.

This information requirement is not relevant to the Brymer development as the Site is not within the “common marine and coastal area” as defined in s9 of the Marine and Coastal (Takutai Moana) Act 2011, and so does not and cannot have a customary marine title group with customary marine title over the Site (as those terms are defined in s9 of Marine and Coastal (Takutai Moana) Act 2011. In addition, the Site is not within or adjacent to, and would have no effect on, ngā rohe moana o ngā hapū o Ngāti Porou.

7. Protected Customary Rights

Clause 6(1)(h) of Schedule 5 of the Act requires an application to include an assessment of any effects of the activity on the exercise of a protected customary right.

There are no protected customary rights that relate to the Site and as such an assessment under clause 6(1)(h) of Schedule 5 is not required.