

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

Project Name: FTAA-2506-1074 Green Steel

To:	Date:
Panel Convener, Jane Borthwick	14 August 2025

Number of attachments: 7	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Project location map List of relevant Māori groups Te Ture Whaimana o Te Awa Waikato Waikato-Tainui environmental plan Waikato Regional Council joint management agreement Waikato District Council joint management agreement (including Schedule B)
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Ministry for the Environment contacts:

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Key points

- As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2506-1074 Green Steel.
- The applicant, National Green Steel Limited, is seeking approval under the Act for resource consents under the Resource Management Act 1991 (RMA) to construct and operate a structural steel manufacturing plant and ancillary activities on 53-hectares of land at 61 Hampton Downs Road, Hampton Downs, Te Kauwhata.
- Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Many of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act.
- Treaty settlements relevant to the project area include Treaty settlement Acts and signed Treaty settlement deeds (where Treaty settlement Acts are yet to be passed). Treaty settlement Acts that have been identified as being relevant to the application area are the Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato

River) Settlement Act 2010, and Ngāti Tamaoho Claims Settlement Act 2018. The Pare Hauraki collective redress deed was signed in 2018 and a bill is currently working its way through the legislative process.

5. There are no court orders or agreements recognising customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA). No Mana Whakahono ā Rohe have been entered into with local authorities under the RMA that are relevant to the project area.
6. We have identified a number of provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 as potentially relating to the application, including the vision and strategy – Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana), the Waikato River Authority, the Waikato-Tainui environmental plan, and the joint management agreements (JMAs) that Waikato Raupatu River Trust has entered into with Waikato Regional Council and Waikato District Council.
7. Section 7 of the Act requires the panel and other decision makers to act consistently with existing Treaty settlements and recognised customary rights under MACA. Under section 53(2) of the Act, the panel is required to invite comment from all Treaty settlement entities (defined below), which includes the Waikato River Authority and Waikato Raupatu River Trust. This process of inviting comment is comparable to the notice requirements under section 27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 for resource consent applications to make what appears to be a point source discharge to the Waikato River.
8. Section 82 of the Act requires the panel to give the same or equivalent effect in its decision making to Te Ture Whaimana and the Waikato-Tainui environmental plan. Procedural requirements that the panel must comply with under schedule 3 clause 5 of the Act include the membership requirements for hearing committees under section 28 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the resource consent processes set out in the JMAs with Waikato Regional Council and Waikato District Council.

Signature

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Ilana Miller
General Manager – Delivery and Operations

Introduction

9. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3)(a) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
10. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the MACA, and other Māori groups with interests in the project area; and
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
11. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

12. The applicant, National Green Steel Limited, proposes to construct and operate a structural steel manufacturing plant, using recycled steel as the source material, on 53-hectares of land at 61 Hampton Downs Road, Hampton Downs, Te Kauwhata. The plant will operate by shredding existing steel which will be processed using electric arc furnaces. It is proposed to produce up to 200,000 tonnes of various steel grades annually. Two industrial monofills are proposed onsite to stockpile floc materials. The applicant owns the land and is seeking approval under the Act for resource consents under the RMA, including for land use, discharges, and water.
13. We have provided a location map at **Attachment 2**.

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

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

Iwi authorities

15. 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 Trust, representing Ngāti Tamaoho;
 - c. Hako Tūpuna Trust, representing Hako; and
 - d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru.

Treaty settlement entities

16. Under section 4(1) of the Act, "Treaty settlement entity" means any of the following:
 - (a) a post-settlement governance entity (PSGE);
 - (b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:

¹ These are the contact details we could locate in the time available, and in some cases they will be the generic email address for the entity.

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

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

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

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

- a. Te Whakakitenga o Waikato, representing Waikato-Tainui, as PSGE for the Waikato Raupatu Claims Settlement Act 1995 and the 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; and
- d. Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho, as PSGE for Ngāti Tamaoho Claims Settlement Act 2018.

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

19. A PSGE may be established ahead of finalising a deed of settlement and/or the enactment of Treaty settlement legislation. The following PSGEs in this category are also relevant:

- a. Hako Tūpuna Trust, representing Hako;
- b. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki);
- c. Pare Hauraki Cultural Redress Trust/Pare Hauraki Whenua Limited Partnership/Pare Hauraki Ngahere Limited Partnership; and
- d. Te Whakakitenga o Waikato, in relation to the remaining Waikato-Tainui claims.

Groups mandated to negotiate Treaty settlements

20. In addition to the PSGEs identified at paragraph 19, the following groups have recognised mandates to negotiate a Treaty settlement over an area which may include the project area:

- a. Ngāti Koheriki Claims Committee, representing Ngāti Koheriki.

21. Ngāti Koheriki Claims Committee is in the early stages of negotiating the settlement of their historical claims with the Crown.

Takutai Moana groups and ngā hapū o Ngāti Porou

22. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under the MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.

23. 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

24. The project area does not include a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw or regulation made under Part 9 of the Fisheries Act 1996.
25. We note the project area is adjacent to Waipapa Stream, a tributary of the Waikato River. The fisheries in all water bodies in the Waikato River and lower Waipa River catchments 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 through the issuing of customary fishing authorisations and by recommending to the Minister of Fisheries the making of bylaws restricting or prohibiting fishing.

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

26. 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.
27. 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

28. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or 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.
29. The project area is within the boundaries of two JMAs 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 with the Waikato District Council² and the Waikato Regional Council,³ and are relevant because:
- a. the project site is located near the Waikato River and within the Waikato River catchment; and
 - b. the approvals being sought are for resource consents, which include the proposed discharge of stormwater to water or land from a high-risk facility (as a discretionary activity under rule 3.5.11.8 of the Waikato Regional Plan).

² Joint Management Agreement between the Waikato Raupatu River Trust and Waikato District Council dated 23 March 2010.

³ Joint Management Agreement between the Waikato Raupatu River Trust and Waikato Regional Council dated 18 June 2013.

30. The relevant party that represents iwi/hapū for the JMAs is the Waikato Raupatu River Trust (referred to above). We discuss the implications of the JMAs further below.

Any other Māori groups with relevant interests

31. The applicant has recorded consultation with a number of those groups identified above (Waikato-Tainui, Ngāti Tamaoho, Ngāti Maru, Hako, Pare Hauraki Collective) and the following groups:

- a. Ngā Muka Development Trust;⁴
- b. Ngāti Naho;
- c. Ngāti Te Ata;
- d. Ngāti Paoa;
- e. Ngāti Tamaterā; and
- f. Ngaati Whanaunga.

32. The applicant has included a cultural impact assessment (CIA) prepared by Ngā Muka Development Trust for the project, on behalf of the uri of Ngāti Hine, Ngāti Naho, Ngāti Pou, Ngāti Mahuta, Ngaati Whāwhākia and Waikato Tainui nui tonu.

33. In addition to the groups listed at paragraph 31, Te Puni Kōkiri advise that the following may also be considered to have relevant interests under section 18(2)(k) of the Act:

- a. Ngāti Hine (ki Waikato);
- b. Horahora Marae (Ngāti Hine, Ngāti Mahuta, Ngāti Naho and Ngāti Pou); and
- c. Maurea Marae (Ngāti Hine, Ngāti Mahuta, Ngāti Naho and Ngāti Pou).

34. We note there is likely to be some overlap between these groups but have included all of them for completeness.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

35. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.

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

Treaty settlement Acts

- a. Waikato Raupatu Claims Settlement Act 1995;
- b. Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;
- c. Ngāti Tamaoho Claims Settlement Act 2018;

⁴ Ngā Muka Development Trust is described in the cultural impact assessment as being a regional development mandated tribal entity established in 1987 under the Tainui Māori Trust Board. It is the representative arm of five marae (Horahora, Maurea, Waikare, Okaerea and Taniwha) which hold ancestral and cultural connections to the project area.

Treaty settlement deeds (bills introduced but not yet enacted)

d. Pare Hauraki Collective Redress Deed signed 2 August 2018.

37. The project area appears to be on the edge of the Pare Hauraki Redress Area, as provided for under the Pare Hauraki Collective Redress Deed. However, it is outside of the Waihou, Piako, and Coromandel catchments and the Mangatangi, Mangatāwhiri and Whangamarino catchments. Therefore, the redress arrangements applying to those catchments do not apply.

Relevant principles and provisions

38. 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

39. 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.
40. As part of its apologies to Ngāti Tamaoho, the Crown stated that it looked forward to building a new relationship based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. In its apology to Waikato-Tainui, the Crown stated that it seeks to begin the process of healing, and enter a new age of cooperation with these groups.
41. Further, 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, and in its apology undertook to embark on a new relationship founded on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.
42. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Waikato River arrangements

43. The project area is located within the Waikato River catchment. The application is seeking resource consent to discharge treated stormwater from a stormwater pond situated at the western end of the project site, immediately adjacent to Hampton Downs Road. The discharge is proposed to occur via a box culvert structure into an existing concrete stormwater culvert located under the road, and then into the Waipapa Stream (a small tributary which runs adjacent to the site), which flows towards the Waikato River.⁵
44. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010⁶ 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

⁵ Attachment 25 (Stormwater and Rooding Report) to the substantive application, page 9 and 85675-1, Sheet 405.

⁶ 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.

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 paragraph 70.

Vision and Strategy – Te Ture Whaimana

45. The project site is located within the statutory area of Te Ture Whaimana. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides for and recognises Te Ture Whaimana as applying to the Waikato River and activities within its catchment that affect the Waikato River. The guiding principles of interpretation at section 5 of that Act provide that Te Ture Whaimana is intended to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the river. The significance of the river to Waikato-Tainui is described in section 8 of the Fast-track Approvals Act 2024 and Te Ture Whaimana has been extended to include the Waipā River and its catchment.
46. 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 objectives and policies to achieve the vision and strategy. We have included the latest version of Te Ture Whaimana at **Attachment 4**.
47. 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 RMA planning and consenting processes.
48. 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 that relate to the Waikato River or activities in its catchment, to have particular regard to Te Ture Whaimana. Section 82 of the Act requires that if a Treaty settlement provides for the consideration of any document, then the panel must give it the same or equivalent effect in its decision-making, in addition to complying with section 7 (requirement to act consistently with Treaty settlements). The panel must therefore have particular regard to Te Ture Whaimana in its decision making under the Act.
49. As described above, the applicant has consulted with a number of Māori groups prior to lodging the substantive application. The CIA prepared by Ngā Muka Development Trust states that:
 - a. at present, the principles and objectives of Te Ture Whaimana are being upheld by the applicant; and
 - b. it is anticipated that, through ongoing engagement and a relationship agreement, there will be no negative effects on the health and wellbeing of the Waikato River as a result of the project.
50. The application records that the various technical aspects of the project and associated assessments have been considered and are regarded as appropriate and supported by Ngā Muka Development Trust. These reports, including the stormwater report, scored well against the CIA objectives for environmental effects, including effects on the Waikato River, as well as cultural and economic outcomes.
51. While the application records that the project has given particular regard to Te Ture Whaimana in protecting the health/mauri of the awa, the panel will be required to make its own assessment under section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

52. We note that Waikato-Tainui has expressed support for the CIA, noting that it “reflects a depth of engagement, maatauranga Maaori, and alignment with Te Ture Whaimana o Te Awa o Waikato and other guiding documents that underpin the environmental and cultural aspirations of our people”. However, Waikato-Tainui has reserved its right to provide separate commentary or responses in respect of the application where it is deemed to be in the interests of the wider iwi, or in alignment with its specific governance structures and strategic priorities.

Waikato River Authority

53. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides for the establishment of the Waikato River Authority as a statutory body. The purpose of the 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. The Authority consists of 10 members, five members appointed from different River Iwi and five Crown appointees. The Authority does not speak on behalf of or in the place of iwi or hapū.
54. Of relevance to the application, under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010:
- a. the Waikato Regional Council is required to give notice to the Authority and the Waikato Raupatu River Trust of certain applications for resource consent, including applications involving a point source discharge to the Waikato River (sections 26 and 27); and
 - b. if the 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 Authority from a register maintained by the Authority (section 28). The chair must be appointed by both the Authority and the Council. In order to comply with schedule 3 clause 5 of the Act, the panel will be required to reflect this membership composition.
55. Under section 53(2)(c) of the Act, the panel must direct the EPA to invite written comments on a substantive application from any relevant Treaty settlement entities including, to avoid doubt, an entity that has an interest under a Treaty settlement (or an entity operating in a collective arrangement provided for under a Treaty settlement) within the area to which the application relates. Those invited to comment, including relevant Treaty settlement entities, will be provided access to the application information.
56. Waikato River Authority and Waikato Raupatu River Trust, as Treaty settlement entities, will be invited to comment on the application under section 53(2) of the Act. We consider the process of inviting comment (including providing information about the application) is comparable to the notification requirement referred to above.
57. In respect of the proposed stormwater discharge, the CIA provides that:
- a. the applicant has actively engaged with Ngā Muka Development Trust regarding the management of stormwater diversions, treatment solutions, and discharges during the development phase of the project;
 - b. discussions are ongoing and have been positive, especially in regard to section 2 of the Waikato-Tainui environmental plan (described below) and section 3.2 of the National Policy Statement for Freshwater Management; and
 - c. Ngā Muka Development Trust has indicated that they are encouraged by the applicant's assurance that all stormwater from earth-worked areas is treated before

being discharged, and stormwater generated on the site once development is completed will be treated through either an engineered wetland or other treatment device to ensure there are no adverse effects upon downstream, adjacent or subterranean water bodies.

Waikato-Tainui environmental plan - Tai Tumu, Tai Pari, Tai Ao

58. Sections 39 and 40 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide for a Waikato-Tainui environmental plan to be prepared by the Waikato Raupatu River Trust. The latest version of the plan – Tai Tumu, Tai Pari, Tai Ao – includes more detailed policies on matters such as stormwater discharges, and a copy of this is included at **Attachment 5**.

59. In particular, we note that:

- a. objective 26.3.1 of the environmental management plan is “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 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.

60. A consent authority considering an application for a resource consent under the RMA must have regard to the Waikato-Tainui environmental plan, if it considers that section 104(1)(c) of the RMA – which enables the consent authority to have regard to any other matters it considers relevant and reasonably necessary to determine the application – applies to the plan. The application states that, overall, the project is considered to be consistent with the Waikato-Tainui environmental plan. However, the commentary in the CIA (referenced above) is less definitive, indicating that ongoing engagement and further work may be required.

61. As discussed above, section 82 of the Act requires that the Waikato-Tainui environmental plan be given equivalent weight through the panel's decision making as it would under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

Joint management agreements

62. As identified at paragraph 29, 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, under the RMA relating to the Waikato River and activities within its catchment. These duties, functions and powers relate to matters including monitoring and enforcement, preparation of planning documents, and applications for resource consents.

63. 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 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. Inviting the Waikato Raupatu River Trust to comment on this application under section 53(2) of the Act, including providing access to the application information, is comparable to this provision.

64. There are a range of other provisions in the JMAs themselves that relate to the resource consent process. Our advice is 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

65. The JMA with Waikato Regional Council includes Schedule Three, which sets out resource consent processes for implementing sections 47 and 62 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The JMA and Schedule Three are attached as **Attachment 6**.

66. Schedule Three provides for the following (by way of example):

- 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 them;
- 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;
- 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, 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);⁷ 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

67. Similarly, the Waikato District Council JMA, and particularly Schedule B, also contains provisions relating to the process for resource consent applications (both the JMA and that schedule are attached as **Attachment 7**).

⁷ We note 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.

68. 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.
69. 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 Trust may have an interest”. Therefore, it is likely that the Waikato District Council would be required to consult the Trust on some of the other approvals being sought by the applicant, even where these may not directly relate to the Waikato River itself.⁸

Summary of advice

70. In accordance with sections 7, 8, 82, and schedule 3 clause 5, of the Act, we recommend that in considering this application, you:
- 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 provisions of the JMAs in relation to information-sharing with the Waikato Raupatu River Trust, as they may be applied to the fast-track process.

Customary Marine Title/Protected Customary Rights

71. 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/mātaihai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

72. As noted above, the project area does not include a taiāpure-local fishery, mātaihai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.
73. However, the adjacent Waipapa Stream, which is outside the project area, is subject to the Waikato-Tainui (Waikato River Fisheries) Regulations 2011, which provide for the Waikato Raupatu River Trust to manage customary fishing in the Waikato-Tainui fisheries area. 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.

⁸ 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 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.

74. The application includes the proposed discharge of treated stormwater to Waipapa Stream (paragraph 43 refers). The Waikato Raupatu River Trust, who must be invited to comment on the application under section 53(2) of the Act, will be best placed to advise on the potential impact of the project on their customary fisheries.

Mana Whakahono ā Rohe/Joint management agreement

75. 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.

Consultation with departments

76. We sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups, and the Ministry for Primary Industries in relation to customary fisheries, and have incorporated their views into this report.

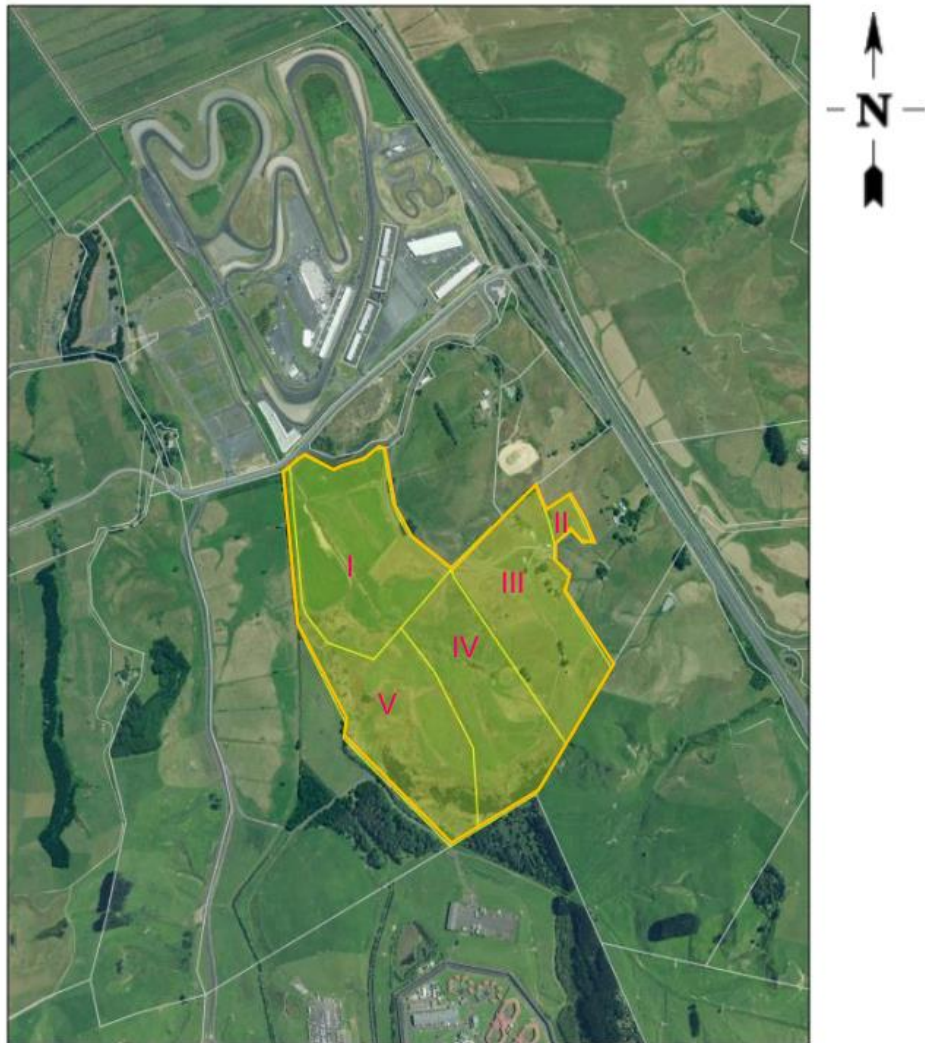
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	Not applicable to substantive applications – s 18 report is required by s 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	15-19
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	35-37
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	38-70
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	20-21
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	22, 71
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.	22, 71
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).	23, 71
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).	24-25, 72-74
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).	26-27
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	28-30, 75

	(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.	31-34
18(2)(l)	A summary of— <ul style="list-style-type: none"> (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups 	Not applicable to substantive applications
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	Not applicable to substantive applications
18(3)	In preparing the report required by this section, the responsible agency must— <ul style="list-style-type: none"> (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. 	76 Section 18(3)(b) not applicable to substantive applications
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	Not applicable to substantive applications

Attachment 2: Project location map





*Figure 1: 61A, 61C, 61D and 91 Hampton Downs Road Highlighted Yellow (refer above numbering)
Source Grip Maps*

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Whakakitenga o Waikato	Iwi authority (s18(2)(a)); Treaty settlement entity – Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a)); negotiating mandate (s18(2)(d))	Jaedyn Falwasser	Jaedyn.Falwasser@tainui.co.nz TeMakarini.Mapu@tainui.co.nz
Ngāti Tamaoho Trust	Iwi authority (s18(2)(a))	Edith Tuhimate	edith@tamaoho.maori.nz
Hako Tūpuna Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))	John Linstead	hako@xtra.co.nz
Ngāti Maru Rūnanga Trust	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a)); negotiating mandate (s18(2)(d))	Waati Ngamane	office@ngatimaru.iwi.nz eu@ngatimaru.iwi.nz
Ngāti Tamaoho Settlement Trust	Treaty settlement entity - for Ngāti Tamaoho Claims Settlement Act 2018	Karleen Puriri	Karleen@tamaoho.maori.nz hauauru.rae@gmail.com
Waikato Raupatu River Trust	Treaty settlement entity – Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a)); iwi authorities and	Jaedyn Falwasser	Jaedyn.Falwasser@tainui.co.nz TeMakarini.Mapu@tainui.co.nz

	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 – Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a))	Justine Young	justine@waikatoriver.org.nz
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))	Paul Majurey	paul.majurey@holmmajurey.nz
Ngāti Koheriki Claims Committee	negotiating mandate (s18(2)(d))	Joe Johnson	joejohnson52@gmail.com kiwi.johnson@fultonhogan.com
Ngā Muka Development Trust	Any other Māori groups with relevant interests (s18(2)(k))	Glen Tupuhi	ngamuka@outlook.com
Ngāti Naho	Any other Māori groups with relevant interests (s18(2)(k))	Crystal Katipa	crystal@ngatinaho.com haydn@ngatinaho.com
Ngāti Te Ata Claims Support Whānau Trust	Any other Māori groups with relevant interests (s18(2)(k))	Josie Smith	josiesmithnz@gmail.com
Ngāti Pāoa Iwi Trust	Any other Māori groups with relevant interests (s18(2)(k))	John Hutton	ceo@paoa.co.nz tipa@paoa.co.nz
Ngāti Tamaterā Treaty Settlement Trust	Any other Māori groups with relevant interests (s18(2)(k))	Michelle Wilson	Michelle.wilson@tamatera.iwi.nz rma@tamatera.iwi.nz

Ngaati Whanaunga Incorporated Society	Any other Māori groups with relevant interests (s18(2)(k))	Boni Renata	hrenata@ngaatiwhanaunga.maori.nz
Ngāti Hine (ki Waikato);	Any other Māori groups with relevant interests (s18(2)(k))		
Horahora Marae	Any other Māori groups with relevant interests (s18(2)(k))	Miri Kingi-Grace	kingigrace.m@gmail.com
Maurea Marae	Any other Māori groups with relevant interests (s18(2)(k))		

Attachment 4: Te Ture Whaimana o Te Awa Waikato

Attachment 5: Waikato-Tainui environmental plan

Attachment 6: Waikato Regional Council Joint Management Agreement

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