

BEFORE THE PANEL CONVENERS UNDER THE FAST-TRACK APPROVALS ACT 2024

IN THE MATTER OF an application for resource consents under the Fast-track Approvals Act 2024 (FTAA) by Manawa Energy Ltd (now Contact Energy Ltd) for activities associated with a listed project, being the Kaimai Hydroelectric Power Scheme Re-Consenting.

MEMORANDUM OF PIRIRĀKAU TRIBAL AUTHORITY – INCORPORATED
DATED 18 NOVEMBER 2025



Registered office : 3 Lochhead Road, RD 6, Te Puna,
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Jason Ake – Chair

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Introduction

1. This memorandum is filed on behalf of Pirirākau Tribal Authority - Incorporated (PTAI), a hapū entity with mana whenua over significant parts of the Wairoa River catchment affected by the Kaimai Hydroelectric Power Scheme (Kaimai HEPS).
2. PTAI submits this memorandum and the attached Annexure 1 - Wai-Pirirākau Assessment of Cultural Effects (W-PACE) as our formal response to the substantive application for resource consent renewal under the FTAA.
3. This memorandum addresses the matters raised in the Panel Conveners' first minute dated 12 November 2025 and sets out Pirirākau position in relation to the appointment of panel members, the timing of the panel's decision, and the key cultural and environmental issues for the conference on 19 November 2025.
4. Pirirākau will be represented at the conference by Julie Shepherd (Senior Environmental Planner, PGDip Environmental Planning, University of Waikato; MfE Accredited Commissioner holding Certification for RMA Decision Makers) and Jason Ake (Chairperson). Legal counsel is not engaged for this submission; PTAI presents its position directly as the mandated hapū entity.

Approvals Sought

5. Pirirākau understands that Manawa Energy Ltd (now Contact Energy Ltd) has applied pursuant to s 42(4)(a) and Schedule 5 of the FTAA for all necessary replacement resource consents for the damming, taking, diverting, use, and discharge of water associated with the continued operation of the Kaimai HEPS.
6. Pirirākau interest is in ensuring that the renewed consents provide for the restoration of fish passage, the revitalisation of mahinga kai, and the ongoing exercise of kaitiakitanga, as set out in the attached W-PACE.

Complexity

7. While the replacement consents are described as controlled activities under the relevant planning documents, Pirirākau considers that the cultural effects and the legacy of historical impacts on our waterways and taonga species add significant complexity to the application.
8. The Kaimai HEPS has operated for many decades with minimal consultation with tangata whenua. The reconsenting process is a critical opportunity to address these inherited issues and to embed genuine partnership and co-management with Pirirākau and other hapū.
9. The matters of complexity for Pirirākau include:
 - a) The cumulative effects of barriers to fish passage and the loss of traditional mahinga kai;
 - b) The need for enforceable consent conditions that move beyond minimum compliance to genuine remediation and restoration;

- c) The statutory recognition of Pirirākau as a hapū entity under the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025, and the requirement for direct engagement and partnership in resource management.

Issues

10. The principal matters to be resolved from the Pirirākau perspective are:

- a) The restoration of passive fish passage and the revitalisation of mahinga kai, including enforceable conditions for remediation and monitoring;
- b) The establishment of a Mana Whenua Kaitiaki Rōpū and formal Relationship Agreements to ensure ongoing partnership and co-management;
- c) The integration of mātauranga Māori and cultural indicators into all monitoring and reporting;
- d) The need for transparent data sharing, adaptive management, and independent auditing of compliance;
- e) The recognition of Pirirākau rangatiratanga and kaitiakitanga as affirmed in the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025¹.

11. As set out in the W-PACE, the mana whenua for the Kaimai Hydro-Electric Power Scheme area are the hapū whose rohe and ancestral headwaters (ngā pūtaka awa) are directly affected by the scheme. The W-PACE emphasises that the identity, mana, and responsibilities for whenua (land) and awa (rivers) are held at the hapū level, not simply devolved from iwi authority.

12. The Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025 explicitly recognises hapū entities as the rightful recipients of redress and as the holders of mana whenua and mana moana within their respective rohe². This means that engagement, consultation, and partnership in resource management and development processes, including projects like the Kaimai HEPS re consenting - must occur directly with the relevant hapū.

13. The W-PACE further highlights that the interconnectedness of land and water, and the role of all tangata whenua as kaitiaki of their ancestral taonga, must be respected and provided for. The impacts of the scheme extend beyond traditional land-based boundaries, necessitating the involvement of all hapū whose waterways and taonga species are affected. The restoration of the mauri (life force) of the awa and the exercise of kaitiakitanga are central to the wellbeing of Pirirākau and all tangata whenua with interests in the catchment³.

14. These issues are addressed in detail in the attached W-PACE, which Pirirākau requests be read in full by the Panel.

¹ RMA 1991, s 6(e), s 7(a), s 8; FTAA 2024, s 7, s 53(2)(b)-(c), s 81(2), s 82; Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025, s 11.

² Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025, s 11, s 13; FTAA 2024, s 7, s 82.

³ RMA 1991, s 6(e), s 7(a); FTAA 2024, s 53(2)(b)-(c), s 81(2), s 82; Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025, s 11.

Panel Membership

15. Pirirākau supports the appointment of a panel that includes members with expertise in te ao Māori, Māori development, aquatic ecology, and environmental planning.
16. It is essential that at least one panel member has a deep understanding of hapū-level governance, Treaty settlement obligations, and mātauranga Māori, to ensure that the statutory and cultural context is fully understood⁴.

Procedural Requirements

17. Pirirākau is willing to engage directly with the panel, including participating in briefings, meetings, and conferencing as necessary.
18. Pirirākau can provide an overview of the cultural values, historical context, and aspirations for the Kaimai HEPS, and is available to facilitate site visits or hui as required.
19. Pirirākau considers that a hearing may be helpful to ensure that the voices of tangata whenua are fully heard but is open to the panel's direction on process.

Consultation and Engagement

20. Pirirākau has engaged in ongoing consultation with Manawa Energy Ltd/Contact Energy Ltd, Bay of Plenty Regional Council, and other stakeholders, as detailed in the W-PACE.
21. The collaborative development of the Fish Management Plan and the draft Relationship Agreement is acknowledged, but Pirirākau emphasises the need for these commitments to be secured through enforceable consent conditions⁵.

Timeframes

22. Pirirākau supports a prompt and efficient process, provided that there is sufficient time for meaningful engagement and consideration of cultural effects.
23. Pirirākau requests that the panel allow adequate time for hapū and iwi to review and respond to draft conditions and management plans. A meeting with the Bay of Plenty Regional Council is scheduled for the 5th of December 2025 for reviews, and Pirirākau has accepted a calendar invite for this.
24. Given the evolving nature of discussions and the detailed conditions set out in the W-PACE, Pirirākau seeks that a reasonable window be provided following this meeting to enable full consideration of any revised or additional conditions. This flexibility is necessary to ensure that both partnership and environmental obligations, including the restoration of mauri, fish passage, and ecological health are fully addressed and reflected in the final consent conditions.

⁴ FTAA 2024, Schedule 3, cl 7(1).

⁵ RMA 1991, s 108; FTAA 2024, s 81(2), s 83, s 84, s 104, s 108.

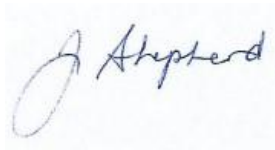
25. Pirirākau requests that the panel allow adequate time for hapū and iwi to review and respond to draft conditions and management plans, a meeting with the Bay of Plenty Regional Council is scheduled for the 5th of December for reviews.

Conclusion

26. Pirirākau Tribal Authority - Incorporated respectfully requests that the panel give full consideration to the attached W-PACE (Annexure 1) and the recommendations contained therein.

27. Pirirākau seeks robust, enforceable, and adaptive consent conditions that will restore the mana, mauri, and wellbeing of the Wairoa River catchment and its taonga, now and for future generations.

DATED at Tauranga this 18th day of November 2025

A handwritten signature in blue ink, appearing to read 'Julie Shepherd', is written over a light blue rectangular background.

Julie Shepherd

Pirirākau Tribal Authority – Incorporated

Senior Environmental Planner

Annexure 1: Wai-Pirirākau Assessment of Cultural Effects (W-PACE) – Kaimai Hydro-Electric Power Scheme Reconsenting (October 2025)
