

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

Project Name: FTAA-2505-1063 Brymer

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	22 August 2025

Number of attachments: 10	Attachments: - 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) - Excerpt from Ngāti Hauā conservation relationship agreement - Comments received from invited Māori groups - Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts:

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Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2505-1063 Brymer referral application.
- The applicant, Brymer Farms Limited, proposes a residential development comprising approximately 1,650 residential units on around 81 hectares on the western fringe of Hamilton City. The applicant owns the land in question (along with two other persons) and seeks approvals for a range of approvals under the Resource Management Act 1991 (RMA) and an authority under the Wildlife Act 1953.
- We have identified Te Whakakitenga o Waikato, Ngāti Hauā Iwi Trust, Waikato Raupatu River Trust, the Waikato River Authority (a statutory body established by a settlement),

Ngaati Mahanga, and Ngaati Hourua as relevant Māori groups in relation to the project area, as defined in section 18(2) of the Act.

4. We have identified the following Treaty settlements that are relevant to the project area: Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the Ngāti Hauā Claims Settlement Act 2014. No other arrangements have been identified as relevant to the project area.
5. We consider that a number of provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 apply to the project area. In accordance with section 7 and section 16 of the Act, we recommend that in considering this application, you have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato-Tainui Environmental Plan.
6. Pursuant to section 16 of the Act, we consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority and providing information about the application to the Waikato Raupatu River Trust (under the joint management agreement provisions). However, there is also a need to ensure that these, and other, procedural requirements are complied with throughout the process. Accordingly, should you decide to accept this referral application, we propose you direct any panel considering a substantive application for the project to comply with the applicable requirements identified at paragraph 69 of this report (under section 16(2)(c) of the Act).
7. Ngaati Mahanga (Ngaa Uri o Mahanga Trust) and Te Whakakitenga o Waikato provided comments on the referral application. Both groups sought continued engagement from the applicant prior to lodging any substantive application, including further hui, development of a relationship agreement, sharing of more detailed technical information, and preparation of a Cultural Values Assessment in relation to the project. Te Whakakitenga o Waikato expressed support for the referral application but noted that their position on any substantive application would be subject to further engagement on the part of the applicant.
8. The Minister for Māori Development/Minister for Māori Crown Relations: Te Arawhiti supports the application, subject to the applicant undertaking continued engagement with the Māori groups identified in this report, having regard to Te Ture Whaimana and the Waikato-Tainui Environmental Plan, and complying with the requirements of the joint management agreements established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
9. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature



Ilana Miller
General Manager – Delivery & Operations

Introduction

10. Under section 18 of the Act, you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment).
11. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
12. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

13. The applicant, Brymer Farms Limited, proposes a residential development comprising approximately 1,655 residential units on around 81 hectares on the western fringe of Hamilton City. The applicant owns the land in question (along with two other persons) and seeks approvals for a range of approvals under the RMA (including earthworks, subdivision, stormwater discharge) and an authority under the Wildlife Act 1953 (for the handle, capture and relocation of salvaged lizards, including accidental kill).
14. We have provided a location map at **Attachment 2**.

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

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

Iwi authorities

16. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Te Whakakitenga o Waikato, representing Waikato-Tainui; and
 - b. Ngāti Hauā Iwi Trust, representing Ngāti Hauā.

Treaty settlement entities

17. Under section 4(1) of the Act, "Treaty settlement entity" means any of the following:
 - (a) a post-settlement governance entity (PSGE):
 - (b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:
 - (c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:

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

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

18. We have identified the following relevant Treaty settlement entities for this 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 Hauā Iwi Trust, representing Ngāti Hauā, as PSGE for the Ngāti Hauā Claims Settlement Act 2014.

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

Groups mandated to negotiate Treaty settlements

20. The following groups have recognised mandates to negotiate a Treaty settlement over an area which may include the project area:

- a. Te Whakakitenga o Waikato, in relation to remaining Waikato-Tainui claims.

21. Te Whakakitenga o Waikato are in the early stages of negotiating the settlement of their remaining 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 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 or a mātaimai reserve.

25. However, the project area incorporates drains which flow into Ohote Stream, which is part of the Waikato River catchment. 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 joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.
29. The project area is within the boundaries of two joint management agreements (JMAs), with the Waikato Regional Council and the Waikato District Council, over matters relating to the Waikato River and activities within its catchment that may affect the Waikato River, as provided for by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. These JMAs are relevant because:
- a. the project area incorporates drains which flow into Ohote Stream, which is part of the Waikato River catchment; and
 - b. the approvals being sought include resource consents for the proposed discharge of stormwater.
30. The relevant party that represents iwi/hapū for the JMAs over the lower Waikato River is the Waikato Raupatu River Trust (one of the Treaty settlement entities referred to above).
31. We discuss the implications of the JMAs further below.

Any other Māori groups with relevant interests

32. We have identified the following groups as other groups with relevant interests in the project area:
- a. Ngaati Mahanga (hapū of Waikato-Tainui); and
 - b. Ngaati Hourua (hapū of Waikato-Tainui).
33. For your information, the applicant advises they have consulted with Te Whakakitenga o Waikato and Ngaati Mahanga.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

34. 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.
35. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
 - a. Waikato Raupatu Claims Settlement Act 1995;
 - b. Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and
 - c. Ngāti Hauā Claims Settlement Act 2014.

Relevant principles and provisions

36. 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

37. 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.
38. As part of the apology included in the Waikato Raupatu Claims Settlement Act 1995, the Crown sought to atone for the acknowledged injustices and begin the process of healing and to enter a new age of co-operation with the Kiingitanga and Waikato.
39. In the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Ngāti Hauā Claims Settlement Act 2014, the Crown acknowledged that its actions denied the hapū of Waikato-Tainui, including Ngāti Hauā, 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.
40. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Waikato River arrangements

41. The project area is located within the Waikato River catchment. Amongst other approvals, the application seeks resource consents for the proposed discharge of stormwater. The project area incorporates drains which flow into Ohote Stream, a tributary of the Waipa River and part of the Waikato River catchment. The referral application documents note that the project seeks to improve the health and wellbeing of the Waikato River by treating stormwater prior to discharge through a number of best-practice stormwater management devices.

42. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010¹ provides for a suite of interconnected arrangements for co-governance and co-management of the Waikato River, and activities within its catchment affecting the Waikato River. In the following subsections, we have set out those provisions of the Waikato River arrangements which most closely relate to your consideration of this application under the Act. In light of the complexity of these arrangements, we have also provided a summary of our advice at paragraphs 67-69.

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

43. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provided for and recognised Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) as applying to the Waikato River and activities within its catchment affecting the Waikato River. The guiding principles of interpretation at section 5 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide that it is the intention that Te Ture Whaimana is the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers. This is also reiterated in section 8 of the Fast-track Approvals Act 2024, including affirming the status of Te Ture Whaimana as:

- a. prevailing over any inconsistent provisions in a national policy statement, coastal policy statement, or national planning standard; and
- b. deemed to be part of the Waikato regional policy statement, and any regional or district plan that affects the river or activities within the catchment must give effect to Te Ture Whaimana.

44. The vision contained in Te Ture Whaimana is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come”. Te Ture Whaimana responds to four fundamental issues, and includes more specific objectives to realise the vision, and strategies to achieve the objectives. We have included the latest version of Te Ture Whaimana as **Attachment 4**.

45. There are a number of provisions in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 that relate to Te Ture Whaimana and its application in various RMA planning and consenting processes. Specifically, and of direct relevance to the application, section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 requires a person carrying out functions or exercising powers under certain statutes (including the Fast-track Approvals Act 2024) that relate to the Waikato River or activities in its catchment, to have particular regard to Te Ture Whaimana.

46. Section 16 of the Act also requires that, if a Treaty settlement provides for the consideration of any document, then you are required to give the same or equivalent effect to that document in your decision-making.² On that basis, we consider you will need to have particular regard to Te Ture Whaimana.

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

¹ 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.

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

Waikato River Authority

48. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act provides for the establishment of the Waikato River Authority as a statutory body. The purpose of the Waikato River Authority is to (among other things) set the primary direction through Te Ture Whaimana to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations, and to promote an integrated, holistic and co-ordinated approach to the implementation of Te Ture Whaimana and the management of the Waikato River. The Waikato River Authority consists of ten members, five members appointed from different River Iwi and five Crown appointees. The Authority does not speak on behalf of, or in place of, iwi or hapū.
49. Of potential relevance to the consideration of this application, sections 26-27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act require the Waikato Regional Council to give notice to the Waikato River Authority of certain applications for resource consent, including applications involving a point source discharge to the Waikato River.
50. We have identified the Waikato River Authority as a Treaty settlement entity for the purposes of the Act, and you have invited them to comment on this application under section 17 of the Act. Our advice is that this is comparable to the notice provision outlined above. We therefore consider that, in this respect, the requirement under section 16 of the Act for you to comply with any applicable procedural requirements in a Treaty settlement has been met.
51. Should you decide to accept this referral application, for consistency with sections 26-27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, we suggest that you direct the panel to ask the Environmental Protection Authority (EPA) to invite comments from the Waikato River Authority, as a relevant Treaty settlement entity, on the substantive application under section 53 of the Act.
52. A further implication for consideration of any substantive application for this project relates to the appointment of hearing panels. Under section 28 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, if the Regional Council holds a hearing on the application under the RMA, the committee to hear and make a decision on the application must consist of equal numbers (excluding the chair) of members appointed by the Council and accredited commissioners appointed by the Waikato River Authority from a register it maintains. The register comprises commissioners appointed by Waikato-Tainui or iwi who appoint members of the Waikato River Authority (section 25). The chair must be appointed by both the Authority and the Council.
53. Schedule 3 clause 5 of the Act requires the panel convener to comply with procedural matters in any Treaty settlement Act relating to the appointment of a decision-making body for hearings, or other procedural requirements, as if they were a relevant decision-maker, such as a local authority. In this case, our view is that the panel convener will be required to consider how they will comply with the above requirement as to the proportion of hearing commissioners appointed by the Waikato River Authority from the register of accredited commissioners. The Act also provides for the panel convener to obtain the agreement of the relevant party under the Treaty settlement legislation (i.e. the Waikato River Authority) if they wish to adopt a modified arrangement.

Waikato-Tainui environmental plan – Tai Tumū, Tai Pari, Tai Ao

54. Sections 39-40 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide for the Waikato Raupatu River Trust to prepare a Waikato-Tainui environmental plan, which may then be served on relevant local authorities, amongst others. In considering an application for a resource consent under the RMA, a consent authority must

have regard to the Waikato-Tainui environmental plan, if it considers the plan to be a matter that is relevant and reasonably necessary to determine the application.

55. The latest version of the Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao – outlines detailed policies on matters such as stormwater discharges. We have included a copy of the plan as **Attachment 5**. Section 16 of the Act requires you to give the same or equivalent effect to this document in your decision-making, although it will be more relevant for the panel given their more direct role in determining whether or not to grant approval.

56. If a substantive application is lodged for this project, then under section 82 of the Act the panel will be required to comply with the same obligation as applies to a consent authority in terms of having regard to the environmental plan.

57. In particular, we note that:

- a. objective 26.3.1 of the Waikato-Tainui Environmental Plan is that “Infrastructure development, upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui”.
- b. the associated Policy 26.3.1.1 is “To ensure that infrastructure development, upgrade and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui”; and
- c. an associated method in the plan states that resource consent processes should be developed by the applicant, regulator and/or local authority in partnership with Waikato-Tainui and taking into account kaitiakitanga and maatauranga Maaori.

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

Joint management agreements

59. As identified at paragraph 28, 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 provide for the parties to the JMA to work together when carrying out certain duties and functions, and exercising certain powers, in the RMA relating to the Waikato River and activities within its catchment. These duties, functions and powers relate to monitoring and enforcement, preparation of planning documents, and applications for resource consents.

60. 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. These information-sharing provisions are similar to those which apply to statutory acknowledgements.

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

Waikato Regional Council JMA

62. The JMA with Waikato Regional Council includes Schedule Three, which addresses resource consent processes for implementing sections 47 and 62 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 in more detail (we have provided the JMA as **Attachment 6**). For example, Schedule Three to the JMA provides for the following:
- a. preferred timing for the Council to provide Waikato-Tainui with a summary of relevant resource consents received, and associated information requirements;
 - b. Waikato-Tainui are able to request further information about the application and may then provide comments on their overall position with regards to the application, and their views on whether the application should be notified;
 - c. the Council may have regard to this advice when deciding whether to notify the application;
 - d. if there are outstanding matters, Waikato-Tainui and the Council will identify a timeframe to address them;
 - e. if a pre-application meeting is held with the applicant, Waikato-Tainui will be invited to attend;
 - f. where an application indicates a potential adverse effect on the health and wellbeing of the Waikato River in terms of the matters addressed in Te Ture Whaimana (the Vision and Strategy) but that matter is not assessed in the Assessment of Environmental Effects, the Council may take that matter into account when determining the completeness of the application under section 88 of the RMA;
 - g. the Council may have particular regard to any advice from Waikato-Tainui regarding the adequacy of the information within the application when considering the need for further information requests under section 92 of the RMA;
 - h. there is a detailed process for Council to discuss the application with Waikato-Tainui before making notification decisions (see clause 6.2 of Schedule Three); and
 - i. the JMA sets out a process to ensure that the Council recognises and provides for the importance of authorised customary activities and the use of whitebait stands and eel weirs when considering resource consent applications. In particular, the Council will seek to avoid conflicts between resource consents and notified authorised customary activities.

Waikato District Council JMA

63. Similarly, the Waikato District Council JMA, and particularly Schedule B, also contains provisions in relation to the process for resource consent applications (both the JMA and Schedule B are included as **Attachment 7**).
64. 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.
65. 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 consents being sought

by the applicant, such as those for earthworks and for three waters infrastructure and servicing, even where these may not directly relate to the Waikato River itself.³

JMA requirements must be complied with

66. Under section 16 of the Act, you must comply with any applicable procedural requirements in both JMAs, including in relation to the ability for Waikato-Tainui to comment on the adequacy of information in the application.
67. The nature of the fast-track process means that Waikato-Tainui has already been, and will continue to be, involved in the process (through consultation by the applicant, and being invited to comment by you and a panel). This fulfils, in part, the provisions in the JMAs regarding notification. However, there are certain aspects of the notification process that are not replicated in the fast-track process. For example, there is no right to appear and be heard at a hearing as is the case for notified consents under the standard RMA consent process.
68. The proposed stormwater discharge which forms part of the application appears to be within the scope of the consents to which the Waikato Regional Council JMA applies and, as noted above, the Waikato District Council JMA may apply to the other approvals being sought. You have already invited the Waikato Raupatu River Trust to comment on the application and, in so doing, have provided them with access to information about the application. We consider this to be comparable to some of the procedural requirements under the JMAs. As noted above, there are other procedural requirements that must be given careful attention in each stage of the process.

Summary of advice

69. In accordance with section 7 and section 16 of the Act, we recommend that in considering this application, you have:
- a. particular regard to Te Ture Whaimana; and
 - b. regard to the Waikato-Tainui Environmental Plan;
- as relevant documents which you must give the same or equivalent effect as under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. We note that, at face value, a decision to accept this application for referral would not necessarily be inconsistent with these documents, but that this will need to be considered in more depth by a panel, as the potential decision-maker for the approvals being sought.
70. Pursuant to section 16 of the Act, we consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority, and information about the application to the Waikato Raupatu River Trust (under the JMA provisions). However, there is also a need to ensure that these, and other, procedural requirements are complied with throughout the process (for example, the ability for Waikato-Tainui to comment on the adequacy of information under the JMA, and the provisions relating to the appointment of hearing commissioners).

³ 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.

71. Should you decide to accept this referral application, we propose you direct any panel considering a substantive application for the project to comply with the applicable requirements identified above (as provided for at section 16(2)(c) of the Act), namely to:
- a. have particular regard to Te Ture Whaimana;
 - b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act);
 - c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track process;
 - d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and
 - e. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.

Ngāti Hauā conservation relationship agreement

72. The Ngāti Hauā deed of settlement provides for a relationship agreement with the Department of Conservation (DOC) which incorporates the project area. This relationship agreement enables Ngāti Hauā to identify categories of statutory authorisations that may have a significant impact on their spiritual, cultural or historic values. Under the terms of the relationship agreement, statutory authorisations may include approvals under the Wildlife Act 1953, such as that sought by the applicant.
73. For those significant categories of statutory authorisations to be identified by Ngāti Hauā, the relationship agreement provides that DOC and Ngāti Hauā will adopt a specified consultation process, which can be summarised as:
- a. DOC notifying Ngāti Hauā of the application and timeframe for a response/decision;
 - b. Ngāti Hauā notifying DOC of their views on the proposal within an agreed timeframe;
 - c. DOC acknowledging the views of Ngāti Hauā, providing an opportunity to clarify DOC's understanding of those views, and how they will be reflected in the decision-making process;
 - d. DOC considering whether it is possible to reconcile the views of Ngāti Hauā with other considerations in the decision-making process; and
 - e. DOC recording in its decision the nature of the views of Ngāti Hauā.
74. We have included the relevant excerpt from the relationship agreement at **Attachment 8**.
75. DOC advise that they are still working with Ngāti Hauā to identify the categories of statutory authorisations that are of significance. In the interim, DOC consults Ngāti Hauā on all Wildlife Act 1953 applications within their area of interest.
76. You have invited Ngāti Hauā to comment on this application, and under section 53(2)(c) of the Act a panel will also be required to invite Ngāti Hauā to comment on any substantive application for this project. Although the statutory authorisations of significance to Ngāti Hauā have not been formally identified, the panel may wish to consider the procedures at Attachment 8 to inform their engagement with Ngāti Hauā during the substantive application process.

Customary Marine Title/Protected Customary Rights

77. As noted above, the project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.

Taiāpure-local fisheries/mātaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

78. As noted above, the project area does not include a taiāpure-local fishery or mātaitai reserve, but does include drains which flow into Ohote Stream, which is subject to the Waikato-Tainui (Waikato River Fisheries) Regulations 2011. These regulations provide for the Waikato Raupatu River Trust to manage customary fishing in the Waikato-Tainui fisheries area. Under the regulations, the Waikato Raupatu River Trust has recommended, and the Minister for Oceans and Fisheries has approved, the Fisheries (Declaration of Waikato-Tainui Fisheries Area Bylaws) Notice 2014, which also applies to the management of relevant fisheries in those catchments.

Mana Whakahono ā Rohe/Joint management agreement

79. 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.

Summary of comments received and advice

Comments from invited Māori groups

80. Pursuant to section 17(1)(d) of the Act, on 26 June 2025 you invited written comments from the Māori groups identified above in paragraphs 15-32, from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.

81. You received comments on the application from two groups, included at **Attachment 9** of this report, which can be summarised as follows:

- a. *Ngaati Maahanga (Ngaa Uri o Mahanga Trust)* have met with the applicant and been provided with technical information about the project. Ngaa Uri o Mahanga Trust have developed a draft Cultural Values Assessment (CVA) which will require further information to complete if a substantive application is lodged. Ngaa Uri o Mahanga Trust recommend:
 - i. the applicant meets with Ngaa Uri o Mahanga Trust to consider a co-designed best practice engagement approach;
 - ii. all technical documents required for the substantive application be drafted alongside a CVA;
 - iii. Ngaa Uri o Maahanga Trust be engaged and resourced to review all technical documents, hold and facilitate hui with whaanau, and develop a comprehensive CVA; and
 - iv. at this phase of the comprehensive CVA development the objectives of Ngaa Uri o Maahanga Trust will be discussed with the applicant and, if desired, the development of a long-term relationship;

- b. *Te Whakakitenga o Waikato* expressed their support for the referral application but noted that this did not necessarily extend to any substantive application, which would be subject to further engagement. In particular, *Te Whakakitenga* seeks confirmation that:
- i. The applicant will engage directly with Ngaa Uri o Mahanga, in addition to mana whenua who have already been engaged, and a relationship agreement should be established prior to lodging a substantive application;
 - ii. Mana whenua must be appropriately resourced to carry out key responsibilities, such as holding hui, co-design of a relationship agreement, participating in technical workshops and reviewing technical documents, and developing a comprehensive CVA; and
 - iii. all mana whenua parties should be given the opportunities to prepare their own CVAs if they so choose.
- c. *Te Whakakitenga* also reserved the right to provide separate commentary or responses on the application where it is in the interests of the wider iwi.

Consultation with departments and Ministers

82. In preparing this report, we are required to:

- a. consult relevant departments; and
- b. provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti (for response within 10 working days).

83. 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 from DOC in relation to the Ngāti Hauā conservation relationship agreement, and have incorporated their views into this report.

84. The Minister for Māori Development/Minister for Māori Crown Relations: Te Arawhiti supports the application, subject to the applicant:

- a. undertaking continued engagement with the Māori groups identified in this report;
- b. having regard to Te Ture Whaimana;
- c. having regard to the Waikato-Tainui Environmental Plan; and
- d. complying with the requirements of the two JMAs established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, with the Waikato District Council and Waikato Regional Council.

85. We have provided a copy of the Minister's comments as **Attachment 10**.

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

86. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.

87. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	10-12
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	16-19
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	34-35
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	36-76
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, 77
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, 77
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, 77
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, 78
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.	28-31, 79

	(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.	32-33
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	80-81
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.	86-87
18(3)	In preparing the report required by this section, the responsible agency must— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	82-83
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	84-85

Attachment 2: Project location map





Figure 2.1: Site location and approximate site boundaries.

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Te Whakakitenga o Waikato	Iwi authority (s18(2)(a)); Treaty settlement entity – 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))
Ngāti Hauā Iwi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity – Ngāti Hauā Claims Settlement Act 2014 (s18(2)(a))
Waikato Raupatu River Trust	Treaty settlement entity – Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a)); representing tangata whenua in relation to a customary fisheries area (s18(2)(h)); iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements (s18(2)(j))
Waikato River Authority	Treaty settlement entity – Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a))
Ngaati Maahanga	Any other Māori groups with relevant interests (s18(2)(k))
Ngaati Hourua	Any other Māori groups with relevant interests (s18(2)(k))

Attachment 4: Te Ture Whaimana o Te Awa Waikato

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

Attachment 4 - Te Ture Whaimana o Te Awa Waikato [Vision-and-Strategy-for-the-Waikato-River.pdf](#)

Attachment 5: Waikato-Tainui environmental plan

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

Attachment 5 - Waikato-Tainui environmental plan [Waikato-Tainui-Environmental-Plan-2013.pdf](#)

Attachment 6: Waikato Regional Council Joint Management Agreement

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

Attachment 6 - Waikato Regional Council Joint Management Agreement

[Waikato_Tainui_JMA_web_signed.pdf](#)

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

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

Attachment 7 - Waikato District Council Joint Management Agreement (including Schedule B) [waikato-river-joint-management-agreement.pdf](#)

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

Attachment 8: Excerpt from Ngāti Hauā conservation relationship agreement

14 STATUTORY AUTHORISATIONS

- 14.1 The Department acknowledges authorisations granted to third parties in relation to Conservation Land within the Rohe may impact on the spiritual, cultural or historic values of Ngāti Hauā. The Department will advise and encourage prospective applicants within the Ngāti Hauā area of interest to consult with Ngāti Hauā before filing their application.
- 14.2 From time to time Ngāti Hauā and the Department will identify categories of Statutory Authorisations that may have a significant impact on the spiritual, cultural or historic values of Ngāti Hauā.
- 14.3 For the categories of any Statutory Authorisations that Ngāti Hauā and the Department agree may be significant to Ngāti Hauā, the Governance Entity and the Department will adopt the following processes:
- 14.3.1 the Department will notify Ngāti Hauā of the application, timeframe for a decision and the timeframe for a Ngāti Hauā response;
 - 14.3.2 Ngāti Hauā, within an agreed timeframe, will notify the Department of their response including the nature of their interests in the proposal and their views in relation to the proposal;
 - 14.3.3 the Department will acknowledge Ngāti Hauā interests and views as conveyed (providing an opportunity to clarify or correct the Department's understanding of those interests and views), how those interests and views will be included in the decision-making process and any apparent issues or conflict that may arise;
 - 14.3.4 the Department will, in making a decision, consider whether it is possible to reconcile any conflict between Ngāti Hauā interests and views and other considerations in the decision-making process;
 - 14.3.5 the Department will record in writing as part of a decision document the nature of Ngāti Hauā interests and the views of Ngāti Hauā as conveyed.
- 14.4 The Department will advise Ngāti Hauā of potential opportunities for Ngāti Hauā or its members to obtain statutory authorisations on Conservation Land within the Ngāti Hauā area of interest, including in relation to commercial opportunities.

The entire conservation relationship agreement can be found in the documents schedule to the Ngāti Hauā deed of settlement: [Ngāti Hauā Deed of Settlement - Documents Schedule 18 Jul 2013](#)

Attachment 9: Comments received from invited Māori groups

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	FTAA-2505-1063
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Ngaa Uri o Maahanga Trust		
*First name	Jo		
*Last name	Kukutai		
Postal address			
*Contact phone number	s 9(2)(a)	Alternative	
*Email	s 9(2)(a)		

2. Please provide your comments on this application
The developers engaged Te Huia Natural Resources Ltd to act as the intermediary between themselves and mana whenua, Ngaati Maahanga. It was a productive and pleasant meeting. Ngaa Uri o Maahanga Trust met with the developers on-site in January 2024 to review the Master Plan and gain a better understanding of the proposed development. A portal was provided following the meeting, which included the technical documentation. A draft CVA has been developed, and if the fast-track consenting process is approved, a more substantive application will be required to complete the CVA. I make the following recommendations for this project: - That Brymer Farms organises a hui with Ngaa Uri o Maahanga Trust to consider a co-designed best practice engagement approach; - That all technical documents required will be drafted during this substantive phase, alongside a CVA; - That Ngaa Uri o Maahanga Trust will be engaged and resourced to review all technical documents, hold and facilitate hui with whaanau, and develop a comprehensive CVA;

Insert Fast-track logo

- It is at this phase of the comprehensive CVA development that the objectives of Ngaa Uri o Maahanga Trust will be discussed with Brymer Farms and, if desired, the development of a long-term relationship.

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Managers signoff



Jo Kukutai – Chair of Ngaa Uri o Maahanga Trust

Date: 24/07/25

26 July 2025

Environmental Protection Authority
Private Bag 63002
WELLINGTON 6140
NEW ZEALAND

Teenaa koe

RE: APPLICATION FOR REFERRAL TO THE FAST TRACK PROCESS FOR THE “BRYMER ROAD DEVELOPMENT”

On behalf of Te Whakakitenga o Waikato, I am expressing our support for the proposed Brymer Road Development, which is to be applied for by Brymer Farms Limited. This support is limited to the application being referred to the substantive phase only and should not be interpreted as endorsement of the proposal in its entirety. We note that matters will effectively be reset during the substantive phase, and any further engagement, assessment, or endorsement will be subject to the processes and outcomes of that phase.

Should the application be approved for referral, several matters must be confirmed. Firstly, direct engagement must occur with Ngaa Uri o Maahanga, in addition to mana whenua who have already been engaged, and a relationship agreement should be established prior to lodging any substantive application. Furthermore, mana whenua must be appropriately resourced to carry out key responsibilities. These include facilitating, hosting, and holding hui with their whaanau; co-designing a lasting relationship agreement with Brymer; developing and confirming the preferred engagement approach; participating in technical workshops; and reviewing all related technical documentation, which will inform a comprehensive Cultural Values Assessment (CVA). All mana whenua parties should be given the opportunity to prepare and submit their own individual CVAs if they so choose.

We respectfully note that Waikato-Tainui reserves the right to provide separate commentary or responses where it is deemed in the interests of the wider iwi or in alignment with our specific governance structures and strategic priorities. This includes, but is not limited to, further engagement with the Crown or developers, environmental assessments, and iwi-wide implications arising from the proposed development.

Naaku i roto i ngaa mihi, naa

Te Maakariini Mapu
SENIOR PLANNER
WAIKATO-TAINUI

Attachment 10: Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations

FTAA-2505-1063 Brymer - Comment from Minister for Māori Development - Saved

Portals-Fast Track Portal - ftaa-port
Owner

GeneralDocumentsRelated

Title

FTAA-2505-1063 Brymer - Comment from Minister for Māori Development

Regarding

Draft section 18 report for Minister comment

Comments

I support the application subject to the applicant:

• undertaking continued engagement with the Māori groups identified in the S18 Ministry for the Environment report;

• having regard to Te Ture Whaimana;

• having regard to the Waikato-Tainui Environmental Plan; and

• comply with the requirements of the two Joint-Management Arrangements established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, with the Waikato District Council and Waikato Regional Council.

Feedback Contacts

Created By (Contact)

Kahutaiki Torepe-Ormsby

Source

Portal

Application

Brymer

Created By

Portals-Fast Track Portal - ftaa-portal

Created On

21/08/2025

2:42 PM

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Section 18 Report – Application FTAA-2505-1063 Brymer

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