



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

Project Name: FTAA-2604-1215 Waikato Thoroughbred Racing Greenfield Racing Hub

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	9 June 2026

Number of attachments: 9	Attachments: <ol style="list-style-type: none">1. Provisions of section 18 of the Fast-track Approvals Act 20242. Project location map3. List of relevant Māori groups4. Te Ture Whaimana o Te Awa Waikato5. Waikato-Tainui environmental plan6. Waikato Regional Council Joint Management Agreement7. Waikato District Council Joint Management Agreement (including Schedule B)8. Excerpt from Ngāti Hauā conservation relationship agreement9. Comments received from invited Māori groups
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Ministry for the Environment contacts:

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Key points


1. The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2604-1215 Waikato Thoroughbred Racing Greenfield Racing Hub referral application.
2. The applicant, Waikato Thoroughbred Racing Incorporated, proposes to develop an approximately 163.9-hectare site into a hub for horse training, racing and associated equine activities, located near Tamahere, between Hamilton and Cambridge. A driver of

the project is the consolidation of four existing racecourse facilities: Te Rapa, Waipā, Cambridge, and the Cambridge harness track. The proposal includes a range of complementary activities across the balance of the site, including equine support services, rural residential housing, a retirement living community, a village centre, and bloodstock sales precinct. The applicant is seeking approvals under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA), Wildlife Act 1953, and the Heritage New Zealand Pouhere Taonga Act 2014.

3. In accordance with section 18(2) of the Act, 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), Raukawa Settlement Trust, Ngaati Maahanga, Ngāti Tamainupō, Ngāti Wairere, Ngāti Koroki Kahukura, Te Haa o te Whenua o Kirikiriroa, and Ngaati Hauaa Tribal Trust as relevant to the project area.
4. The following Treaty settlements are relevant to the project area: Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngāti Hauā Claims Settlement Act 2014, and the Raukawa Claims Settlement Act 2014.
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 78 of this report (under section 16(2)(c) of the Act).
7. The Ngāti Hauā settlement provides for a conservation relationship agreement which sets out a consultation process for certain categories of statutory authorisations, which currently includes the Wildlife Act 1953 authority sought by the applicant. 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. In doing so, the panel may wish to consider the consultation process in the conservation relationship agreement to inform their engagement with Ngāti Hauā.
8. You received comments on the application from Te Whakakitenga o Waikato and Raukawa Charitable Trust. Te Whakakitenga o Waikato reserves its position on the proposal at the referral stage but identifies a number of matters that will require further detailed assessment should the application be accepted into the Fast-track process. Raukawa Charitable Trust note that while part of the project area falls within the Raukawa area of association, it is well removed from their core mana whenua interests, and no further engagement with Raukawa is required for this project.

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

A handwritten signature in black ink, appearing to read 'S Frame', written over a light blue grid background.

Stephanie Frame
Manager – Fast-track Operations

Introduction

10. Under section 18 of the Act, you must consider a report on Treaty settlements and other obligations for each referral application, prepared and provided 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, Waikato Thoroughbred Racing Incorporated, proposes to develop an approximately 163.9-hectare site into a hub for horse training, racing and associated equine activities, located near Tamahere, between Hamilton and Cambridge. A driver of the project is the consolidation of four existing racecourse facilities: Te Rapa, Waipā, Cambridge, and the Cambridge harness track operated by Waikato-Bay of Plenty Harness. The proposal includes a range of complementary activities across the balance of the site, including equine support services, rural residential housing, a retirement living community, a village centre, and bloodstock sales precinct.
14. The project area is located at 536, 592, 636 Pencarrow Road, 37 Hooker Road, and 38 Duncan Road, Tamahere, Hamilton. The applicant has a conditional agreement to purchase the land, subject to the approvals sought through the Fast-track process. Discussions are ongoing to have the future option to acquire a further property at 644 Pencarrow Road.
15. The applicant is seeking approvals under the Act that would otherwise be sought under the RMA (including subdivision, earthworks, discharge and diversion), Wildlife Act 1953 (handle, capture and relocation of lizards), and an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
16. We have provided a location map at **Attachment 2**.

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

17. 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

18. Under section 4(2) of the Act, 'iwi authority' has the same meaning as in section 2(1) of the RMA:

the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

19. 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 Hauā Iwi Trust, representing Ngāti Hauā; and
- c. Raukawa Settlement Trust, representing Raukawa.

Treaty settlement entities

20. 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).

21. Under the Act, a PSGE:

(a) means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—

(i) by that group; or

(ii) by or under an enactment or order of a court; and

(b) includes—

(i) an entity established to represent a collective or combination of claimant groups; and

(ii) an entity controlled by an entity referred to in paragraph (a); and

(iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a).

22. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.¹
23. We have identified the following relevant Treaty settlement entities for this project area:
- a. Te Whakakitenga o Waikato, 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;
 - d. Ngāti Hauā Iwi Trust, PSGE for the Ngāti Hauā Claims Settlement Act 2014; and
 - e. Raukawa Settlement Trust, PSGE for the Raukawa Claims Settlement Act 2014.
24. Te Whakakitenga o Waikato is the sole trustee of the Waikato Raupatu River Trust.

Groups mandated to negotiate Treaty settlements

25. The following groups have recognised mandates to negotiate a Treaty settlement over an area which may include the project area and are in the early stages of negotiating their Treaty settlements with the Crown:
- a. Te Whakakitenga o Waikato, in relation to remaining Waikato-Tainui claims.

Takutai Moana groups and ngā hapū o Ngāti Porou

26. 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.
27. 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

28. The project area does not include a taiāpure-local fisheries area or a mātaimai reserve.
29. However, the project area incorporates watercourses which are part of the lower Waikato River catchment (see further below). The fisheries in all waterbodies in the Waikato River catchment below Karapiro (and the Lower Waipā River) are subject to the Waikato-Tainui (Waikato River Fisheries) Regulations 2011, made under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Fisheries Act 1996. These regulations provide for Waikato-Tainui (as represented by the Waikato Raupatu River Trust) to manage customary fishing in the Waikato-Tainui fisheries area.

¹ Should a panel be made aware of a Treaty settlement entity established after the Treaty settlement Act is enacted (e.g. on the advice of a PSGE), then there would appear to be nothing to prevent the panel from inviting that entity to comment on the application under section 53(2)(c) of the Act.

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

30. 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.
31. 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

32. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement (JMA), and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.
33. The approvals sought include resource consents, and the project area is within the boundaries of two JMAs, with the Waikato Regional Council and the Waikato District Council respectively, over matters relating to the Waikato River and activities within its catchment that may affect the Waikato River, as provided for by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. These JMAs are relevant because:
- a. the project area incorporates watercourses which are part of the Waikato River catchment (see further below); and
 - b. the approvals being sought include resource consents for the proposed discharge of stormwater and diversion of water.
34. 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).
35. We discuss the implications of the JMAs further below.

Any other Māori groups with relevant interests

36. We have identified the following as other groups with relevant interests in the project area:
- a. Ngāti Wairere (hapū of Waikato-Tainui);
 - b. Ngaati Maahanga (hapū of Waikato-Tainui);
 - c. Ngāti Tamainupō (hapū of Waikato-Tainui);
 - d. Ngaati Hauaa Tribal Trust; and
 - e. Te Haa o te Whenua o Kirikiriroa (collective representing Ngaati Maahanga, Ngāti Tamainupō, Ngāti Korokī Kahukura, and Ngāti Hauā).
37. In addition to consulting some of the groups identified in this report, the applicant has also engaged with Ngāti Korokī Kahukura. While the project area is outside the area of interest for Ngāti Korokī Kahukura, we have included them here for completeness.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

38. 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.
39. 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;
 - c. Ngāti Hauā Claims Settlement Act 2014; and
 - d. Raukawa Claims Settlement Act 2014.

Relevant principles and provisions

40. 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

41. In the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Crown acknowledged, amongst other matters, that:
 - a. its actions denied the Waikato-Tainui their rights and interests in, and mana whakahaere over, the Waikato River;
 - b. to Waikato-Tainui the Waikato River is a tupuna which has mana and in turn represents the mana and mauri of Waikato-Tainui;
 - c. the Crown has failed to respect, provide for and protect the special relationship of Waikato-Tainui with the Waikato River;
 - d. the deterioration of the health of the Waikato River, while under the authority of the Crown, has been a source of distress for the people of Waikato-Tainui;
 - e. the pollution, degradation and development of the Waikato River, its lakes, streams and wetlands have caused the decline of once rich fisheries that, for generations, had sustained the people's way of life and their ability to meet obligations of manaakitanga, and this is a further source of distress; and
 - f. that the Crown respects the deeply felt obligation of Waikato-Tainui to protect te mana o te awa.
42. In the Ngāti Hauā Claims Settlement Act 2014, the Crown reiterated these acknowledgements in relation to Ngāti Hauā, as a hapū of Waikato-Tainui, including their rights and interests and mana whakahaere over the Waikato River.
43. 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.

44. In its apologies to Ngāti Hauā and Raukawa, the Crown undertook to embark on a new relationship founded on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.
45. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Waikato River arrangements

46. The project area is located within the Waikato River catchment. There is a network of artificial watercourses throughout the site which drain to the northwestern boundary with Pencarrow Road.² This watercourse connects into the Mangaone Stream further downstream at Tamahere, and then into the main flow of the Waikato River at the southern end of Hamilton.
47. The applicant states that, amongst other approvals, resource consents will be required for the proposed discharge of stormwater to new stormwater basins, and the infill and diversion of the existing drainage system within the site. Notwithstanding the proposed attenuation and treatment of stormwater onsite, the information provided by the applicant suggests that it will continue to drain into the Waikato River catchment.
48. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010³ 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 76-78.

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

49. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provided for and recognised Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) as applying to the Waikato River and activities within its catchment affecting the Waikato River. The guiding principles of interpretation at section 5 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide that it is the intention that Te Ture Whaimana is the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers. This is also reiterated in section 8 of the Act, including affirming the status of Te Ture Whaimana as:
 - a. prevailing over any inconsistent provisions in a national policy statement, coastal policy statement, or national planning standard; and
 - b. deemed to be part of the Waikato regional policy statement, and any regional or district plan that affects the river or activities within the catchment must give effect to Te Ture Whaimana.

² The definition of the Waikato River in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 includes 'all tributaries, streams, and watercourses' flowing into the river, but does not distinguish between natural and artificial watercourses.

³ 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.

50. 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**.
51. There are a number of provisions in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 that relate to Te Ture Whaimana and its application in various RMA planning and consenting processes. Specifically, and of direct relevance to the application, section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 requires a person carrying out functions or exercising powers under certain statutes (including the Act) that relate to the Waikato River or activities in its catchment, to have particular regard to Te Ture Whaimana.
52. 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.⁴ On that basis, we consider you will need to have particular regard to Te Ture Whaimana.
53. Section 82 of the Act imposes the same requirement on a panel considering a substantive application. Should you decide to accept this referral application, the panel will also need to have particular regard to Te Ture Whaimana through its decision-making.

Waikato River Authority

54. 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 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.⁵ 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.
55. Of potential relevance to the consideration of this application, sections 26-27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 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.
56. 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.

⁴ 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.

⁵ Section 22(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 refers.

57. 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.
58. 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.
59. 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 Tumu, Tai Pari, Tai Ao

60. 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.
61. The latest version of the Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao – outlines detailed policies on matters such as stormwater discharges. We have included a copy of the plan as **Attachment 5**. Section 16(2)(a) of the Act requires you to give the same or equivalent effect to this document in your decision-making, although it will be more relevant for the panel given their more direct role in determining whether or not to grant approval.
62. 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.
63. 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.

64. 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

65. As identified at paragraph 33, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides for a JMA between the Waikato Raupatu River Trust and the Waikato Regional Council and Waikato District Council (as well as other relevant local authorities) to work together when carrying out certain duties and functions, and exercising certain powers, in the RMA relating to the Waikato River and activities within its catchment. These duties, functions and powers relate to monitoring and enforcement, preparation of planning documents, and applications for resource consents.⁶

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

67. 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

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

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

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

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

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

- 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

70. Similarly, the Waikato District Council JMA, and particularly Schedule B, also contain provisions in relation to the process for resource consent applications (both the JMA and Schedule B are included as **Attachment 7**).
71. 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.
72. At first glance, the resource consents sought by the applicant do not appear to include a matter that would trigger the information sharing provisions of the Waikato District Council JMA (i.e. use of or activities on the surface of the water in the Waikato River).⁸ However, under Schedule B of the JMA, the scope for the provision of information about, and the engagement process for, resource consent matters include all “resource consent matters on which the [Waikato Raupatu River] Trust may have an interest”. Therefore, it is likely that the Waikato District Council would be required to consult the Waikato Raupatu River Trust on some of the other consents being sought by the applicant, even where these may not directly relate to the Waikato River itself.⁹

JMA requirements must be complied with

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

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

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

74. 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.
75. The proposed stormwater discharge and diverting of water which form part of the application appear to be within the scope of the consents to which the Waikato Regional Council JMA applies and, as noted above, the Waikato District Council JMA may apply to the other approvals being sought. You have already invited the Waikato Raupatu River Trust to comment on the application and, in so doing, have provided them with access to information about the application. We consider this to be comparable to some of the procedural requirements under the JMAs.¹⁰ As noted above, there are other procedural requirements that must be given careful attention in each stage of the process.

Summary of advice

76. 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.
77. 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).
78. 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 appointing a panel under the fast-track process;

¹⁰ Such as the information sharing provisions at section 47 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act.

- 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

79. 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.¹¹
80. 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.
81. We have included the relevant excerpt from the relationship agreement at **Attachment 8**.
82. 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.
83. 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.
84. Finally, we also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

¹¹ Paragraph 26.1 of the Ngāti Hauā conservation relationship agreement refers.

Customary Marine Title/Protected Customary Rights

85. 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

86. As noted above, the project area does not include a taiāpure-local fishery or mātaitai reserve but is within that part of the Waikato River catchment 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

87. The project area is within the boundaries of two JMAs, 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 JMAs 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

88. Pursuant to section 17(1)(d) of the Act, on 13 May 2026 you invited written comments from the Māori groups identified above in paragraphs 17-37, from a list we previously provided you. These groups were provided with access to the application material and had 15 working days from receipt of the copy of the application to respond.

89. You received comments on the application from two groups, which can be summarised as follows:

Te Whakakitenga o Waikato

90. Te Whakakitenga o Waikato reserves its position on the proposal at the referral stage, noting that there are a number of matters that will require further detailed assessment should the application be accepted into the Fast-track process, including:

- a. effects on sites of cultural and archaeological significance, including Māori horticultural soils and borrow pits;
- b. loss and modification of highly productive land and associated landscape change;
- c. effects on indigenous biodiversity, including long-tailed bat habitat and the Kahikatea stand;
- d. cumulative effects associated with large-scale land use change and infrastructure consolidation; and
- e. adequacy, enforceability, and long-term effectiveness of proposed mitigation and management plans.

91. Te Whakakitenga notes the engagement with mana whenua that the applicant has undertaken to date, and that it is preferable that cultural assessments and engagement outcomes are available as early as practicable to inform decision making.

Raukawa Charitable Trust

92. Raukawa Charitable Trust note that while part of the project area falls within the Raukawa area of association, it is well removed from their core mana whenua interests. Accordingly, Raukawa Charitable Trust does not consider that ongoing engagement with Raukawa is required for this project. Raukawa Charitable Trust note that mana whenua groups with direct interests in the project area are better placed to represent and articulate its cultural values.

93. We have provided copies of both comments at **Attachment 9**.

Consultation with departments

94. 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 have incorporated their views into this report. We have previously consulted DOC in relation to the Ngāti Hauā conservation relationship agreement, and the Ministry for Primary Industries in relation to customary fisheries in this area.

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

95. 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.

96. 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.

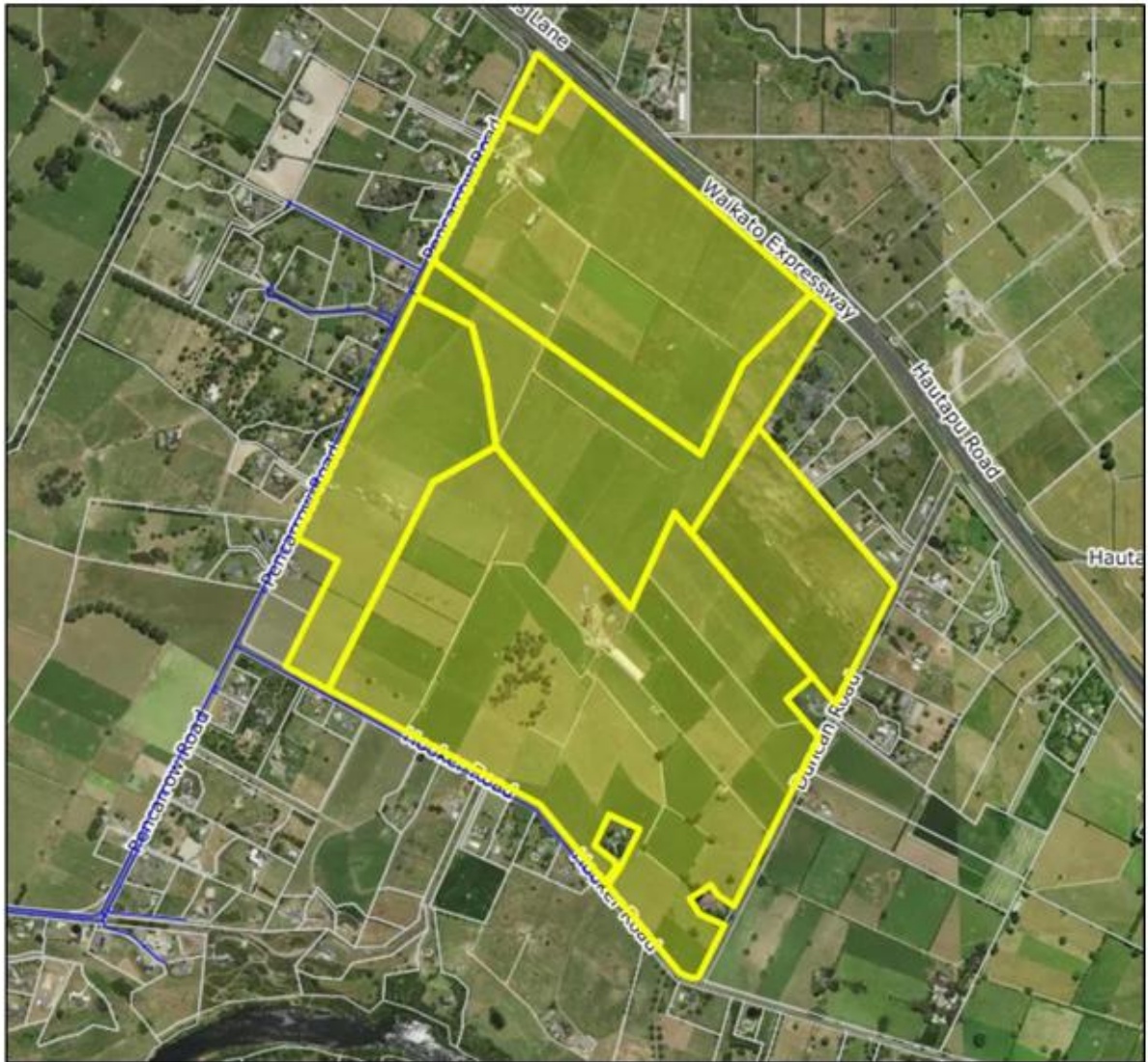
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	10-12
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	18-24
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	38-39
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	40-84
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	25
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	26, 85
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.	26, 85
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).	27, 85
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).	28-29, 86
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).	30-31
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), <ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. 	32-35, 87

	(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.	36-37
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	88-93
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.	95-96
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	94
18(4)	The responsible agency must provide the report to the Minister not later than 20 working days after the date for providing comments under section 17(6).	N/A
18(5)	However, if the Minister requests further information about a referral application under section 20, the time period specified in subsection (4) ceases to run for the period of time specified in the request.	N/A

Attachment 2: Project location map





Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Te Whakakitenga o Waikato	Iwi authority (s18(2)(a); Treaty settlement entity – 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))
Raukawa Settlement Trust	Iwi authority (s18(2)(a); Treaty settlement entity – Raukawa 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 for customary fisheries regulations (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))
Ngāti Tamainupō	Any other Māori groups with relevant interests (s18(2)(k))
Ngāti Wairere	Any other Māori groups with relevant interests (s18(2)(k))
Ngāti Koroki Kahukura	Any other Māori groups with relevant interests (s18(2)(k))
Te Haa o te Whenua o Kirikiriroa	Any other Māori groups with relevant interests (s18(2)(k))
Ngaati Hauaa Tribal Trust	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)**

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 Ngati 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 Ngati 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