



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

Project Name: FTAA-2603-1180 Middle Road Project

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	22 May 2026

Number of attachments: 6	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. Statutory acknowledgement provisions of Heretaunga Tamatea Claims Settlement Act 20185. Heretaunga Tamatea statement of association and deed plan for Karamū Stream and its tributaries6. Comments received from invited Māori groups
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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-2603-1180 Middle Road Project referral application.
2. The applicant, CDL Land New Zealand Limited, proposes to develop an approximately 30.6-hectare site in Havelock North into approximately 300-350 residential dwellings. The intended subdivision layout will provide for a range of lot sizes and housing typologies, supported by integrated transport, three waters infrastructure and open space networks.

The referral application includes two alternative development scenarios, which respectively include and exclude a contiguous block, should the applicant obtain control over this landholding in the future. The applicant is seeking approvals under the Resource Management Act 1991 (RMA), and potentially an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.

3. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. We have identified Ngāti Kahungunu Iwi Inc, Tamatea Pōkai Whenua, Te Taiwhenua o Heretaunga, the Hawke's Bay Regional Planning Committee, and a number of marae, as the relevant groups for the project area.
4. The Heretaunga Tamatea Claims Settlement Act 2018 and the Hawke's Bay Regional Planning Committee Act 2015 are the relevant Treaty settlement Acts for the project area. The project is not within the marine and coastal area. No Mana Whakahono ā Rohe or joint management agreements have been entered into with local authorities under the RMA that are relevant to the project area.
5. The statutory acknowledgement over nearby Karamū Stream and its tributaries, provided for by the Heretaunga Tamatea Claims Settlement Act 2018, is relevant to this application as the proposed activities for which approvals are being sought may affect Karamū Stream and, in particular, one of its tributaries, Herehere Stream. Under the RMA and the Treaty settlement, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions, and must provide a summary of any consent applications relevant to the statutory area to the holder of the statutory acknowledgement. We consider the process of inviting comment (including providing information about the application) from Tamatea Pōkai Whenua under the Act is comparable to the requirements for statutory acknowledgements under the RMA and the Treaty settlement.
6. You received comments on the application from Tamatea Pōkai Whenua, who acknowledge the work undertaken by the applicant to date in relation to stormwater management, stream enhancement, ecological assessment, and broader infrastructure planning. Tamatea Pōkai Whenua identify a number of matters that will remain important considerations throughout the detailed design and future consenting phases of the project, including (but not limited to): active involvement of mana whenua; protection and enhancement of the mauri of Herehere Stream; opportunities for meaningful mana whenua and cultural narratives to be reflected in the development; and the development of cultural monitoring and tikanga-based approaches in partnership with mana whenua.
7. 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

Stephanie Frame
Manager – Fast-track Operations

Introduction

8. 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).
9. 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.
10. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

11. The applicant, CDL Land New Zealand Limited, proposes to develop an approximately 30.6-hectare site in Havelock North into approximately 300-350 residential dwellings. The intended subdivision layout will provide for a range of lot sizes and housing typologies, supported by integrated transport, three waters infrastructure and open space networks, including the retention and enhancement of the Herehere Stream corridor.
12. The project area comprises five separate titles at 92, 108, 148 Middle Road and 139 Te Aute Road. The applicant is the owner or has a sale and purchase agreement in place for the five titles. A separate but contiguous 3.1-hectare landholding at 80–84 Middle Road (the McKenna Block) adjoins the site. The referral application includes two alternative development scenarios, which respectively include and exclude the McKenna Block, should the applicant obtain control over this landholding in the future.
13. The applicant is seeking approvals under the RMA, including subdivision, land use, diversion and discharge of stormwater. An archaeological authority may also be required under the Heritage New Zealand Pouhere Taonga Act 2014.
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. 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.
17. We consider the following groups to be the relevant iwi authorities for the project area:

- a. Ngāti Kahungunu Iwi Inc, representing Ngāti Kahungunu; and
- b. Tamatea Pōkai Whenua, representing Heretaunga Tamatea.

18. We understand Te Taiwhenua o Heretaunga is the relevant hapū authority representing Heretaunga hapū for the purposes of the RMA. Strictly speaking this entity does not meet the definition of an iwi authority, but we have proposed their inclusion under another category below.

Treaty settlement entities

19. 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).*

20. 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).*

21. 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

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

- a. Tamatea Pōkai Whenua (previously known as Heretaunga Tamatea Settlement Trust), PSGE for the Heretaunga Tamatea Claims Settlement Act 2018; and
- b. Hawke’s Bay Regional Planning Committee, statutory body established under the Hawke’s Bay Regional Planning Committee Act 2015.

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.

23. The establishment of the Hawke's Bay Regional Planning Committee arose in discussions between the Crown, the Hawke's Bay Regional Council, Tūhoe, and tāngata whenua of Hawke's Bay, in the context of Treaty settlement negotiations which identified a need for greater tāngata whenua involvement in the management of natural resources in the region.² The Hawke's Bay Regional Planning Committee Act 2015 formally established the committee, confirmed its role and procedures, and confirmed that it cannot be discharged except by unanimous written agreement of the appointers.

Groups mandated to negotiate Treaty settlements

24. There are no groups which have recognised mandates to negotiate a Treaty settlement over an area which may include the project area. All historical claims under te Tiriti o Waitangi / the Treaty of Waitangi have been settled in respect of the project area.

Takutai Moana groups and ngā hapū o Ngāti Porou

25. 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.

26. 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

27. The project area does not include a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996.

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

28. 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.

29. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

² In the Ngāti Pāhauwera deed of settlement, signed in December 2010, the Crown committed to establish a committee comprised of an equal number of Council members and representatives of Treaty settlement claimant groups whose role would relate to natural resource planning processes that affect the region. The Maungaharuru-Tangitū Hapū deed of settlement, signed in May 2013, records that the Maungaharuru-Tangitū Trust, the Council, and other Hawke's Bay iwi and hapū agreed interim terms of reference for the committee that were adopted by the Hawke's Bay Regional Council on 14 December 2011. The Hawke's Bay Regional Planning Committee is also recognised in the Ngāti Tūwharetoa Claims Settlement Act 2018.

Iwi authorities and groups representing hapū who are party to relevant Mana Whakahono ā Rohe or joint management agreements

30. 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.
31. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify.

Any other Māori groups with relevant interests

32. The applicant advises that in addition to engaging with Tamatea Pōkai Whenua they also consulted with representatives from:
 - a. Mihiroa Marae (Ngāti Mihiroa); and
 - b. Korongatā Marae (Ngāti Pōporo, Ngāti Whatuiāpiti).
33. We have included these two marae as other Māori groups with relevant interests, under section 18(2)(k) of the Act, along with the following groups:
 - a. Te Taiwhenua o Heretaunga, representing Heretaunga hapū;
 - b. Kohupātiki Marae (Ngāti Hinemoa, Ngāti Hori);
 - c. Ruahāpia Marae (Ngāti Hāwea, Ngāti Hori);
 - d. Matahiwi Marae (Ngāti Hāwea, Ngāti Kautere);
 - e. Waipatu Marae (Ngāti Hāwea, Ngāti Hori, Ngāti Hinemoa);
 - f. Hougarea Marae (Ngāti Ngarengare, Ngāti Papatuamāro, Ngāti Rēhunga, Ngāti Tamaterā, Ngāti Kotahi); and
 - g. Taraia Marae (Ngāti Hotoa).

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. Heretaunga Tamatea Claims Settlement Act 2018; and
 - b. Hawke's Bay Regional Planning Committee Act 2015.

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. Of relevance to this application, the Crown acknowledged that:

- a. the lakes, rivers, springs, and wetlands of Heretaunga Tamatea, such as Whatumā, Rūnanga and Poukawa, the Tūtaekurī, Ngaruroro, Maraetōtara, Tukituki, Waipawa, Mākāretu, and Pōrangahau/Tāurekaitai Rivers, and the Pekapeka swamplands are mahinga kai that are central to the well-being of the hapū of Heretaunga Tamatea;
- b. the loss of traditional lands has limited the ability of the hapū of Heretaunga Tamatea to access these waterways, to gather traditional foods, and to provide the manaakitanga that is intrinsic to Heretaunga Tamatea; and
- c. the modification and degradation of the Heretaunga Tamatea environment due largely to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works have severely damaged traditional food resources and mahinga kai.

39. As part of its apology to Heretaunga Tamatea, the Crown stated that it looked forward to building a new relationship based on co-operation, trust, and respect for each other and te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Statutory acknowledgement

40. The Heretaunga Tamatea Claims Settlement Act 2018 provides for a statutory acknowledgement over Karamū Stream and its tributaries.³ The northeastern boundary of the project area incorporates part of Herehere Stream, which drains into Karamū Stream approximately 300 metres north of the site. The project area currently includes the Bake and Pomeroy Drains, which discharge to Herehere Stream, and the Gilpin Drain, which conveys flows from the south towards Karamū Stream. The applicant proposes activities which may affect Herehere Stream, including construction of stormwater outlet structures to the stream, and potential stream stabilisation works. While stormwater would continue to be discharged to Herehere Stream and Karamū Stream (via Gilpin Drain), the applicant has developed an integrated stormwater management framework to manage both quality and quantity, including treatment of stormwater prior to discharge and attenuation through swales and detention basins.

41. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area'). Under the RMA and relevant Treaty settlement Acts, a consent authority must, when considering a

³ The Heretaunga Tamatea deed of settlement and the Heretaunga Tamatea Claims Settlement Act 2018 label the statutory area as "Karamū Stream (with official name Karamu Stream) and its tributaries". We use "Karamū Stream and its tributaries" in this report.

resource consent for a proposed activity that is within, adjacent to, or affecting a statutory area:

- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and
 - b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.⁴
42. The holder of a statutory acknowledgement may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the EPA, board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
43. We consider the process of inviting comment (including providing information about the application) is comparable to the process under a Treaty settlement and the RMA of consent authorities having regard to statutory acknowledgements when considering who is an affected person for a consent application, and to providing a summary of the application to the holders of the statutory acknowledgement.⁵ You have already invited Tamatea Pōkai Whenua, as a relevant iwi authority and Treaty settlement entity, to comment on the application. Should you accept this application for referral, Tamatea Pōkai Whenua will also be invited for comment by the panel under section 53(2)(c) of the Act.
44. For your reference, we have provided the statutory acknowledgement provisions from the Heretaunga Tamatea Claims Settlement Act 2018 at **Attachment 4**, and the statement of association for Karamū Stream and its tributaries, and the deed plan of the statutory area, at **Attachment 5**.

Deed of recognition

45. In addition to the statutory acknowledgement, Tamatea Pōkai Whenua also have a deed of recognition with the Commissioner of Crown Lands and with the Minister of Conservation and Director-General of Conservation over Karamū Stream and its tributaries. A deed of recognition may be entered into between a PSGE and the Crown agency managing any statutory area for which a statutory acknowledgement has been agreed.
46. A deed of recognition requires the relevant Crown agency to consult with, and have regard to the views of, the relevant PSGE when undertaking specified activities relating to the statutory area. These activities primarily relate to the preparation of management plans or strategies, but may also include considering applications for rights of use or occupation, for example.
47. We do not consider these provisions are relevant to this application, as the respective Crown agencies are not undertaking any of the activities covered by the deeds of recognition, nor is the applicant seeking use rights or occupation in relation to the Crown-

⁴ In addition to consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga must also have regard to statutory acknowledgements in relation to some of their processes.

⁵ Although there are more limited rights of appeal under the Act compared to the RMA, where submitters have a broad right of appeal to the Environment Court.

owned parts of the streambed (that part of Herehere Stream within the project area is not Crown-owned).

Hawke's Bay Regional Planning Committee

48. The purpose of the Hawke's Bay Regional Planning Committee Act 2015 is to improve tāngata whenua involvement in the development and review of documents prepared in accordance with the RMA for the Hawke's Bay region.⁶ The Hawke's Bay Regional Planning Committee (the Committee) comprises an equal number of tāngata whenua members (including two members appointed by Tamatea Pōkai Whenua – formerly the Heretaunga Tamatea Settlement Trust) and Hawke's Bay Regional Council members.
49. While section 10(2)(d) of the Hawke's Bay Regional Planning Committee Act 2015 states that the functions of the Committee can also include "any other function specified in the terms of reference", the latest terms of reference (adopted on 26 February 2014) do not provide the Committee with a role in resource consenting under the RMA.⁷ Instead, the Committee is responsible for preparing RMA documents and plan changes or variations and recommending to the Council the adoption of those documents for public notification (clauses 3 and 4).
50. Similarly, the terms of reference enable the Committee to recommend to Council the membership of hearings panels, but this is only in relation to proposed regional plans, regional policy statements, plan variations, and plan changes (clause 4.8). Accordingly, our view is that the Hawke's Bay Regional Planning Committee Act 2015 does not include any procedural requirements that you must comply with under section 16 of the Act (or, in the case of a substantive application, that the panel must comply with under schedule 3 clause 5 of the Act).
51. However, we note that the Heretaunga Tamatea deed of settlement includes a section on the importance of waterways, including the statement that:
- The Heretaunga Tamatea area of interest boasts significant waterways including the Tūtaekurī, Ngaruroro, Maraetōtara, Waipawa, Tukituki and Pōrangahau/Tāurekaitai rivers and the Rūnanga, Oingo, Poukawa, Te Roto a Kiwa, Whatumā (Hatuma) and Pūrimu lakes.*
- The hapū of Heretaunga Tamatea define themselves through these waterways. These waterways, which they consider taonga, lie at the heart of the spiritual and physical wellbeing and the identity and culture of Heretaunga Tamatea. The hapū of Heretaunga Tamatea have responsibilities to protect these waterways.*
52. This section then goes on to list how the deed provides redress with respect to these waterways, including statutory acknowledgements and deeds of recognition (as noted above), and that the Hawke's Bay Regional Planning Committee Act 2015 provides for the establishment of the Hawke's Bay Regional Planning Committee. We think that this collective framing of these redress mechanisms provides important context for any future panel considering a substantive application for this project.
53. 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.

⁶ Section 3 of the Hawke's Bay Regional Planning Committee Act 2015 refers.

⁷ The terms of reference can be found at: [Feb 2014 council-adopted RPC TOR](#) (accessed 22 May 2026).

Customary Marine Title/Protected Customary Rights

54. 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

55. As noted above, the project area does not include a taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

56. As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

Summary of comments received and advice

Comments from invited Māori groups

57. Pursuant to section 17(1)(d) of the Act, on 30 April 2026 you invited written comments from the Māori groups identified above in paragraphs 15-33, 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.

58. You received comments on the application from Tamatea Pōkai Whenua, which can be summarised as follows:

- a. Tamatea Pōkai Whenua acknowledge the work undertaken by the applicant to date in relation to stormwater management, stream enhancement, transport integration, ecological assessment, and broader infrastructure planning;
- b. Tamatea Pōkai Whenua consider the following matters will remain important throughout the detailed design and future consenting phases of the development:
 - i. Mana whenua expect to be actively involved throughout this process, particularly in relation to freshwater management, stream enhancement works, landscape design, planting strategies, public/open space design, and cultural outcomes;
 - ii. the protection and enhancement of the mauri of Herehere Stream should remain a central consideration throughout the development and future management of the site, and opportunities to naturalise and restore modified stream environments should continue to be prioritised;
 - iii. further engagement through the Cultural Impact Assessment process will be important to identify any cultural values, wāhi tapu, cultural associations, or other matters of significance to mana whenua;
 - iv. Tamatea Pōkai Whenua support opportunities for meaningful mana whenua identity and cultural narratives to be visibly reflected in the development, through appropriate design responses, which may include public art, naming, interpretation, and indigenous planting;
 - v. any accidental discovery protocols, cultural monitoring requirements, and tikanga-based management approaches should be developed in partnership with mana whenua early in the process; and

- vi. Tamatea Pōkai Whenua expect future urban growth to occur in a manner that recognises and provides for Te Mana o Te Wai, and supports long-term environmental and community wellbeing.

59. We have provided a copy of these comments at **Attachment 6**.

Consultation with departments

60. We have previously 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.

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

61. 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.

62. 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.	8-10
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	16-23
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	36-53
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	24, 54
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	25, 54
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.	25, 54
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).	26
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).	27, 55
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).	28-29
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. 	30-31, 56

	(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	57-59
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.	61-62
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	60
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)
Ngāti Kahungunu Iwi Inc	Iwi authority (s18(2)(a))
Tamatea Pōkai Whenua	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Hawkes Bay Regional Planning Committee	Treaty settlement entity (s18(2)(a))
Te Taiwhenua o Heretaunga	any other Māori groups with relevant interests (s18(2)(k))
Korongatā Marae (Ngāti Pōporo and Ngāti Whatuiāpiti)	any other Māori groups with relevant interests (s18(2)(k))
Mihiroa Marae (Ngāti Mihiroa)	any other Māori groups with relevant interests (s18(2)(k))
Houngarea Marae (Ngāti Ngarengare, Ngāti Papatuamāro, Ngāti Te Rēhunga, Ngāti Tamaterā, Ngāti Kotahi)	any other Māori groups with relevant interests (s18(2)(k))
Taraia Marae (Ngāti Hotoa, Ngāti Taraia)	any other Māori groups with relevant interests (s18(2)(k))
Ruahāpia Marae (Ngāti Hāwea, Ngāti Hori)	any other Māori groups with relevant interests (s18(2)(k))
Matahiwi Marae (Ngāti Hāwea, Ngāti Kautere)	any other Māori groups with relevant interests (s18(2)(k))
Waipatu Marae (Ngāti Hāwea, Ngāti Hori, Ngāti Hinemoa)	any other Māori groups with relevant interests (s18(2)(k))
Kohupātiki Marae (Ngāti Hinemoa, Ngāti Hori)	any other Māori groups with relevant interests (s18(2)(k))

Attachment 4: Statutory acknowledgement provisions from Heretaunga Tamatea Claims Settlement Act 2018

Statutory acknowledgement

22 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association for the statutory areas.

23 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 24 to 26; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 27 and 28; and
- (c) to enable the trustees and any member of Heretaunga Tamatea to cite the statutory acknowledgement as evidence of the association of Heretaunga Tamatea with a statutory area, in accordance with section 29.

24 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.
- (3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

25 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

26 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

27 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
 - (a) a copy of sections 22 to 26, 28, and 29; and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

28 Provision of summary or notice to trustees

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application;
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

29 Use of statutory acknowledgement

- (1) The trustees and any member of Heretaunga Tamatea may, as evidence of the association of Heretaunga Tamatea with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
 - (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) the bodies referred to in subsection (1); or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
 - (a) neither the trustees nor members of Heretaunga Tamatea are precluded from stating that Heretaunga Tamatea has an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Deeds of recognition

30 Issuing and amending deeds of recognition

- (1) This section applies in respect of the statutory areas listed in Part 2 of Schedule 3.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3.1 of the documents schedule for the statutory areas administered by the Department of Conservation.
- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 3.2 of the documents schedule for the statutory areas administered by the Commissioner.
- (4) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deeds of recognition

- 31 Application of statutory acknowledgement and deed of recognition to river or stream**
- (1) If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement—
- (a) applies only to—
 - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) an artificial watercourse.
- (2) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—
- (a) applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or
 - (ii) the bed of an artificial watercourse.
- 32 Exercise of powers and performance of functions and duties**
- (1) The statutory acknowledgement and a deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Heretaunga Tamatea with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to—
- (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

33 Rights not affected

- (1) The statutory acknowledgement and a deed of recognition—
 - (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and
 - (b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

Consequential amendment to Resource Management Act 1991

34 Amendment to Resource Management Act 1991

- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order:
Heretaunga Tamatea Claims Settlement Act 2018

Attachment 5: Heretaunga Tamatea statement of association and deed plan for Karamū Stream and its tributaries

Excerpt from atatement of association (documents schedule to deed of settlement)





Karamū Stream and its tributaries

The Karamū Stream is one of four main water-bodies in Te Matau a Māui-Tikitiki-a-Taranga, Hawkes Bay. Other water-bodies include the Ngaruroro River, the Tūtaekurī River and the Tukituki River. Moreover, son of Pania is the kaitiaki of these rivers. The Karamū Stream has long been an important freshwater fishery for hapū in Heretaunga. The name Karamū encapsulates a sacred corpus of oral traditions that describe the deeds of tūpuna, imbuing the land with character, shape and mana in order to protect it, and kaitiakitanga to maintain and develop it. The long history of Māori occupation and travel on and around the stream has enabled hapū to accumulate extensive knowledge of its natural resources and to develop sustainable management practices around the use of fisheries, forests, and kai in and around the Karamū Stream.

The Karamū Stream was once the main channel of the old Ngaruroro River bed, also known as Ngā-ngaru-o-ngā-ūpokororo-mai-i-Mokotuararo-ki-Rangatira. After a major flood in 1867 the main river moved to its current course leaving behind a smaller flow which Karaitiana Takamoana and Henare Tomoana renamed Karamū in reference to the karamū trees which grew in abundance in the area. Other changes to the stream have occurred as a result of drainage mitigation works and flood control.

The Karamū Stream and its tributaries now drain the Poukawa Basin, the Kōhinerākau, Kaokaoroa and Raukawa Ranges and a large part of the Heretaunga Plains. Its current course begins in Poukawa, also known as Te Wai-nui-a-Tara, and travels through to Maungawharau, Havelock North, and then into the Karamū area, where it passes Ruahāpia, joins the Clive River at Pākōwhai and then out to Waipūreku, Clive. At some points along its length the Karamū Stream has different names. From Hawke's Bay to Pākōwhai it is now known as the Clive River. From Pākōwhai to Awanui it is known as the Karamū Stream. From Awanui to Longlands and around Flaxmere it is known as Te Awa-o-te-Atua. From Te Awa-o-te-Atua to Poukawa, also known as Te Wainui-a-Tara, it again takes the name Karamū Stream.

Attachment 6: Comments received from invited Māori groups

Feedback Details	
Feedback ID	* FDB002030X8N9
Title	* Middle Road
Regarding	 Tamatea Pōkai Whenua - Invitation to comment – Middle Road Project
Comments	<p>TPW acknowledge the work undertaken to date in relation to stormwater management, stream enhancement, transport integration, ecological assessment, and broader infrastructure planning associated with the proposed development. It is encouraging to see early consideration of integrated stormwater management, water-sensitive urban design, pedestrian and cycle connectivity, reserve/open space provision, and enhancement opportunities associated with Herehere Stream.</p> <p>Notwithstanding the technical work undertaken to date, TPW consider the following matters remain important through the detailed design and future consenting phases of the development:</p> <ul style="list-style-type: none"> - Mana whenua expect to be actively involved throughout the detailed design process, particularly in relation to freshwater management, stream enhancement works, landscape design, planting strategies, public/open space design, and cultural outcomes. - The protection, restoration, and long-term enhancement of the mauri of Herehere Stream should remain a central consideration throughout the development and future management of the site. Opportunities to naturalise and restore modified stream environments should continue to be prioritised wherever practicable. - While archaeological and ecological assessments have been undertaken, further engagement through the Cultural Impact Assessment process will be important to identify any cultural values, wāhi tapu, cultural associations, or other matters of significance to mana whenua. - TPW support opportunities for meaningful mana whenua identity and cultural narratives to be visibly reflected within the development through appropriate design responses, which may include pou, public art, indigenous planting, naming, interpretation signage, or other cultural design elements where appropriate. <p>- Any accidental discovery protocols, cultural monitoring requirements, and tikanga-based management approaches should be developed in partnership with mana whenua early in the process.</p> <p>- TPW expect future urban growth to occur in a manner that recognises and provides for Te Mana o te Wai and supports long-term environmental and community wellbeing.</p>
Feedback Contacts	
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Source	Portal
Application	 Middle Road Project
Created By	 # Portals-Fast Track Portal - ftaa-portal
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