



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

Project Name: FTAA-2609-1294 Southern Links 1 (SL1)

To:	Date:
Panel Convener, Jane Borthwick	24 September 2026

Number of attachments: 8	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location map 3. List of relevant Māori groups 4. Te Ture Whaimana o Te Awa Waikato 5. Waikato-Tainui environmental plan 6. Waikato Regional Council Joint Management Agreement 7. Waipā District Council Joint Management Agreement 8. Excerpt from Ngāti Hauā conservation relationship agreement
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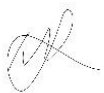
Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for Cities, Environment, Regions & Transport (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2609-1294 Southern Links 1 (SL1).
2. The applicants, Golden Ridge Farm Limited, Golden Ridge Park Limited, Industrie Property Rua Limited, and Southpark Agri Development Limited, propose to develop approximately 106 hectares (combined) into residential and industrial developments within the SL1 Growth Cell on the southwestern edge of Hamilton. The SL1 Residential South Development is expected to provide for 938 residential lots and dwellings, a local commercial node, stormwater and riparian networks, and open space areas. The SL1 Industrial North Development is expected to provide capacity for 22 industrial lots and buildings, a small food and beverage node, and transport connections. The applicants are

seeking approvals under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA) and Wildlife Act 1953.

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. Many of those groups must be invited by the panel to comment on a substantive application under section 53(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), Ngaati Maahanga, Ngāti Tamainupō, Ngāti Wairere, Ngaati Apakura, Te Haa o te Whenua o Kirikiriroa, and Ngāti Koroki Kahukura, as relevant to the application.
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, and the Ngāti Hauā Claims Settlement Act 2014.
5. We have identified a number of provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 as relevant to the panel's consideration of the application, including those relating to the Vision and Strategy – Te Ture Whaimana o Te Awa o Waikato, the Waikato River Authority, the Waikato-Tainui environmental plan, and joint management agreements (particularly that entered into between Waikato Raupatu River Trust and Waikato Regional Council).
6. In accordance with sections 7, 8, 82, and Schedule 3 clause 5, of the Act, we recommend that in considering this application, the panel convener and panel:
 - 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 how the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority may be applied to the fast-track process;
 - d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui; and
 - e. provide the Waikato Raupatu River Trust, as party to the joint management agreement (JMA) with Waikato Regional Council, with information about the application and consider how to apply the detailed information-sharing provisions in the JMA to the fast-track process.
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 approval sought by the applicant. Under section 53(2)(c) of the Act, the panel is 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.

Signature



Max Gander-Cooper
Acting Manager – Fast-track Operations

Introduction

8. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
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; and
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
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 applicants, Golden Ridge Farm Limited, Golden Ridge Park Limited, Industrie Property Rua Limited, and Southpark Agri Development Limited, propose to develop approximately 106 hectares (combined) into residential and industrial developments within the SL1 Growth Cell on the southwestern edge of Hamilton.
12. The project comprises the SL1 Industrial North Development (approximately 60 hectares) located at 20 and 24 Wickham Street and 160 and 162 Higgins Road, Frankton, and the SL1 Residential South Development (approximately 46 hectares) located at 49B and 129 Saxbys Road, Deanwell. The SL1 Residential South Development is expected to provide for 938 residential lots and dwellings of varying typologies and densities, a local commercial node of approximately 1,000m², stormwater and riparian networks, and open space areas. The SL1 Industrial North Development is expected to provide capacity for 22 industrial lots and buildings, a small food and beverage node, and transport connections. The SL1 Residential South Development and SL1 Industrial North Development each comprise four land parcels, and the land is owned by the applicants.
13. The applicants are seeking approvals under the Act that would otherwise be sought under the RMA (including subdivision, land use, land disturbance, water permits – diversion of tributaries and temporary groundwater take, stormwater diversion and discharge) and Wildlife Act 1953 (handling, salvage/relocation, and accidental injury/kill of lizards).
14. We have provided location maps 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**, including contact details.¹

Iwi authorities

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

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

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. Te Whakakitenga o Waikato, representing Waikato-Tainui; and
- b. Ngāti Hauā Iwi Trust, representing Ngāti Hauā.

Treaty settlement entities

18. 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).*

19. 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).*

20. 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.²

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

- a. Te Whakakitenga o Waikato, representing Waikato-Tainui, as PSGE for the Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;

² 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.

- b. Waikato Raupatu River Trust, as recognised in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and party to co-management arrangements in that settlement;
 - c. Waikato River Authority, a statutory body established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and
 - d. Ngāti Hauā Iwi Trust, representing Ngāti Hauā, as PSGE for the Ngāti Hauā Claims Settlement Act 2014.
22. Te Whakakitenga o Waikato is the sole trustee of the Waikato Raupatu River Trust.

Groups mandated to negotiate Treaty settlements

23. 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

24. 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.
25. 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

26. The project area does not include a taiāpure-local fisheries area or a mātaihai reserve.
27. 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.

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

28. Section 39 of the Act provides that before a substantive application is lodged for a listed project or a referred project, the Minister may determine under section 23 or 24 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.

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 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.
31. The approvals sought include resource consents, and the project area is within the boundaries of two JMAs, with the Waikato Regional Council and the Waipā 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 2010.³ 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 activities which may affect the Waikato River (such as the proposed discharge of stormwater and damming/diversion of water).
32. 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).
33. We discuss the implications of the JMAs further below.

Any other Māori groups with relevant interests

34. 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 Apakura (hapū of Waikato-Tainui);
 - e. Te Haa o te Whenua o Kirikiriroa (collective representing Ngaati Maahanga, Ngāti Tamainupō, Ngāti Korokī Kahukura, and Ngāti Hauā).
35. While the project area is outside the area of interest (for Treaty settlement purposes) of Ngāti Korokī Kahukura, we note the applicant has consulted them so we have also included them here for completeness.

³ The applicant advises that Waipā District Council and Hamilton City Council have agreed that the Southern Links 1 land, including the project area, is intended to become part of the Hamilton City Council territory subject to terms to be agreed between the councils. However, as this has yet to take effect we have drafted this report on the basis that the project area is currently within the jurisdiction of Waipā District Council.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

36. 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.
37. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
 - a. Waikato Raupatu Claims Settlement Act 1995;
 - b. Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and
 - c. Ngāti Hauā Claims Settlement Act 2014.

Relevant principles and provisions

38. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below.

Crown acknowledgements and apologies

39. 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.
40. In the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Ngāti Hauā Claims Settlement Act 2014, the Crown acknowledged that its actions denied the hapū of Waikato-Tainui, including Ngāti Hauā, their rights and interests and mana whakahaere over the Waikato River. The Crown also acknowledged the deterioration of the health of the river as a source of distress for the people of Waikato-Tainui, and in its apology undertook to embark on a new relationship founded on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.
41. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Waikato River arrangements

42. Both sites within the project area are located within the Waikato River catchment. The SL1 Residential South Development site incorporates a series of artificial farm drains and the upper reach of the Mangakōtukutuku Stream, which discharges to the Waikato River approximately 3 kilometres northeast in Hamilton City. The SL1 Industrial North Development site includes farm drains which ultimately drain into the Waitāwhiriwhiri Stream, which joins the Waikato River in Hamilton City, approximately 4-5 kilometres to the north.
43. The application proposes a number of activities which could affect these watercourses, including damming and diversion of water, discharge of water from temporary dewatering activities, discharge of stormwater into water (including into Mangakōtukutuku and Waitāwhiriwhiri Streams), temporary groundwater take, and riverbed disturbance. The applicant anticipates that some of the proposed activities will ultimately be beneficial to the

catchments, by removing existing farm culverts and drains, improving connectivity along the streams, undertaking riparian restoration, and by managing and treating stormwater.

44. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010⁴ 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 paragraph 70.

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

45. The project site is located within the statutory area of Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana). The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provided for and recognised 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.
46. The vision contained in Te Ture Whaimana is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come”. Te Ture Whaimana responds to four fundamental issues, and includes 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**.
47. There are a number of provisions in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 that relate to Te Ture Whaimana and its application in various RMA planning and consenting processes.
48. Specifically, and of direct relevance to the application, section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 requires a person carrying out functions or exercising powers under certain statutes (including the Act) that relate to the Waikato River or activities in its catchment, to have particular regard to Te Ture Whaimana.
49. Section 82 of the Act requires that if a Treaty settlement provides for the consideration of any document, then the panel must give it the same or equivalent effect in its decision-making.⁵ The panel must therefore have particular regard to Te Ture Whaimana in their decision making under the Act.

⁴ 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.

⁵ 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.

50. The application notes that the proposed development gives effect to Te Ture Whaimana by embedding water-sensitive urban design, celebrating the cultural significance of the waterways, and supporting kaitiakitanga and restoration-led development outcomes. The panel will need to make its own assessment of the extent to which the application is in keeping with Te Ture Whaimana.

Waikato River Authority

51. 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.⁶ 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.
52. Of 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 to take, use, dam, or divert water in the Waikato River, or to be allowed to make a point source discharge to the Waikato River.
53. Under section 53(2)(c) of the Act, the panel must direct the EPA to invite written comments on a substantive application from any relevant Treaty settlement entities including, to avoid doubt, an entity that has an interest under a Treaty settlement (or an entity operating in a collective arrangement provided for under a Treaty settlement) within the area to which the application relates. Those invited to comment, including relevant Treaty settlement entities, will be provided access to the application information.
54. The Waikato River Authority and Waikato Raupatu River Trust, as Treaty settlement entities, should be invited to comment on the application under section 53(2) of the Act. We consider the process of inviting comment (including providing information about the application) is comparable to the notification requirement referred to above.
55. The Waikato River Authority provisions also have implications for the appointment of a panel to consider this application. Under section 28 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, if the Waikato 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.
56. 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. We note the Act also provides for the panel convener to obtain the

⁶ Section 22(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 refers.

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

57. 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 (under section 104(1)(c) of the RMA).
58. Under section 82 of the Act, discussed above, the panel will be required to comply with the same obligation as applies to a consent authority in terms of having regard to the Waikato-Tainui Environmental Plan.
59. The latest version of the Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao – is designed to enhance Waikato-Tainui participation in resource and environmental management. The Plan outlines issues, objectives, policies, and methods on a range of matters which may be relevant for this application, including natural heritage, fresh water, wetlands, land, land use planning, and infrastructure. We have included a copy of the plan as **Attachment 5**.
60. 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.

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

Joint management agreements

62. As identified at paragraph 31, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides for a JMA between the Waikato Raupatu River Trust and each of the Waikato Regional Council and Waipā 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.⁷
63. In relation to this application, 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 to dam, divert, take, or use water from or in the Waikato River, or to discharge a

⁷ Sections 41-43 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 refer.

contaminant or water into the Waikato River) as soon as practicable after the application is received.⁸ Inviting the Waikato Raupatu River Trust to comment on this application under section 53(2) of the Act, including providing access to the application information, is comparable to this provision.

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

Waikato Regional Council JMA

65. As noted above, 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**.
66. Schedule Three to this 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;
 - e. if a pre-application meeting is held with the applicant, Waikato-Tainui will be invited to attend;
 - f. where an application indicates a potential adverse effect on the health and wellbeing of the Waikato River in terms of the matters addressed in Te Ture Whaimana, but that matter is not assessed in the Assessment of Environmental Effects, the Council may take that matter into account when determining the completeness of the application under section 88 of the RMA;
 - g. the Council may have particular regard to any advice from Waikato-Tainui regarding the adequacy of the information within the application when considering the need for further information requests under section 92 of the RMA;
 - h. there is a detailed process for Council to discuss the application with Waikato-Tainui before making notification decisions (see clause 6.2 of Schedule Three); 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.

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

67. Under Schedule 3 clause 5 of the Act, the panel must comply with any applicable procedural requirements in JMAs. While inviting Waikato Raupatu River Trust to comment on the application fulfils the information-sharing provisions at section 47 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the panel must also give careful attention to the other procedural requirements found in the JMA itself, including the relevant protocol provisions set out at paragraph 66.

Waipā District Council JMA

68. Under section 47(1)(b) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the scope of the resource consent processes outlined in the Waipā District Council JMA is limited to applications “for the use of or activities on the surface of the water in the Waikato River”. Based on the information provided by the applicant, it does not appear as if the approvals being sought fall within these parameters.

69. However, for completeness we have provided a copy of this JMA as **Attachment 7**, should further information about the approvals being sought suggest that the Waipā District Council JMA is relevant to the application. Schedule A of this JMA sets out the processes and timeframes for consultation with Waikato-Tainui on relevant consent applications, including additional procedures for pre-application meetings, incomplete applications, and requests to an applicant for further information.

Summary of advice

70. In accordance with sections 7, 8, 82, and Schedule 3 clause 5, of the Act, we recommend that in considering this application, the panel convener and panel:

- 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 how the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority may be applied to the fast-track process;
- d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and
- e. provide the Waikato Raupatu River Trust, as party to the JMA with Waikato Regional Council, with information about the application and consider how to apply the detailed information-sharing provisions in the JMA to the fast-track process.

Ngāti Hauā conservation relationship agreement

71. 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.⁹

72. 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:

⁹ Paragraph 26.1 of the Ngāti Hauā conservation relationship agreement refers.

- 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.

73. We have included the relevant excerpt from the relationship agreement at **Attachment 8**.

74. DOC advise that they are still working with Ngāti Hauā to identify the categories of statutory authorisations that are of significance. In the interim, as a matter of practice DOC consults Ngāti Hauā on all Wildlife Act 1953 applications within their area of interest.

75. Under section 53(2)(c) of the Act the panel will be required to invite Ngāti Hauā to comment this application. 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.

76. 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.

Customary Marine Title/Protected Customary Rights

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

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

78. As noted above, the project area does not include a taiāpure-local fishery or mātaihai 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

79. As noted above, 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 relevant iwi authority/group in decision-making.

Consultation with departments

80. In preparing this report, we are required to consult relevant departments. 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.

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.	Not applicable to substantive applications – section 18 report is required by section 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	16-22
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	36-37
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	38-76
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	23
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	24, 77
18(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	24, 77
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	25, 77
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	26-27, 78
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	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),	30-33, 79

	(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. (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.	34-35
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	Not applicable to substantive applications
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	Not applicable to substantive applications
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	80
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 maps





Figure 1: SL1 Industrial North and Residential South parcels

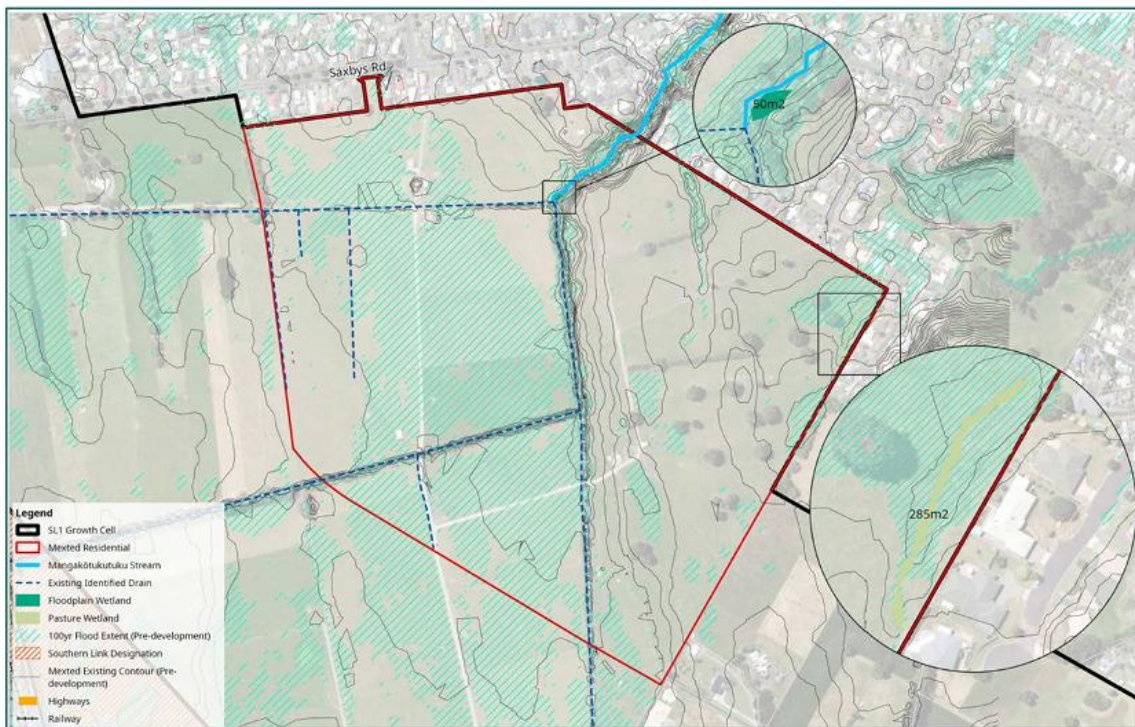


Figure 4: Identified Ecological Features and Pre-development Flooding for Residential South

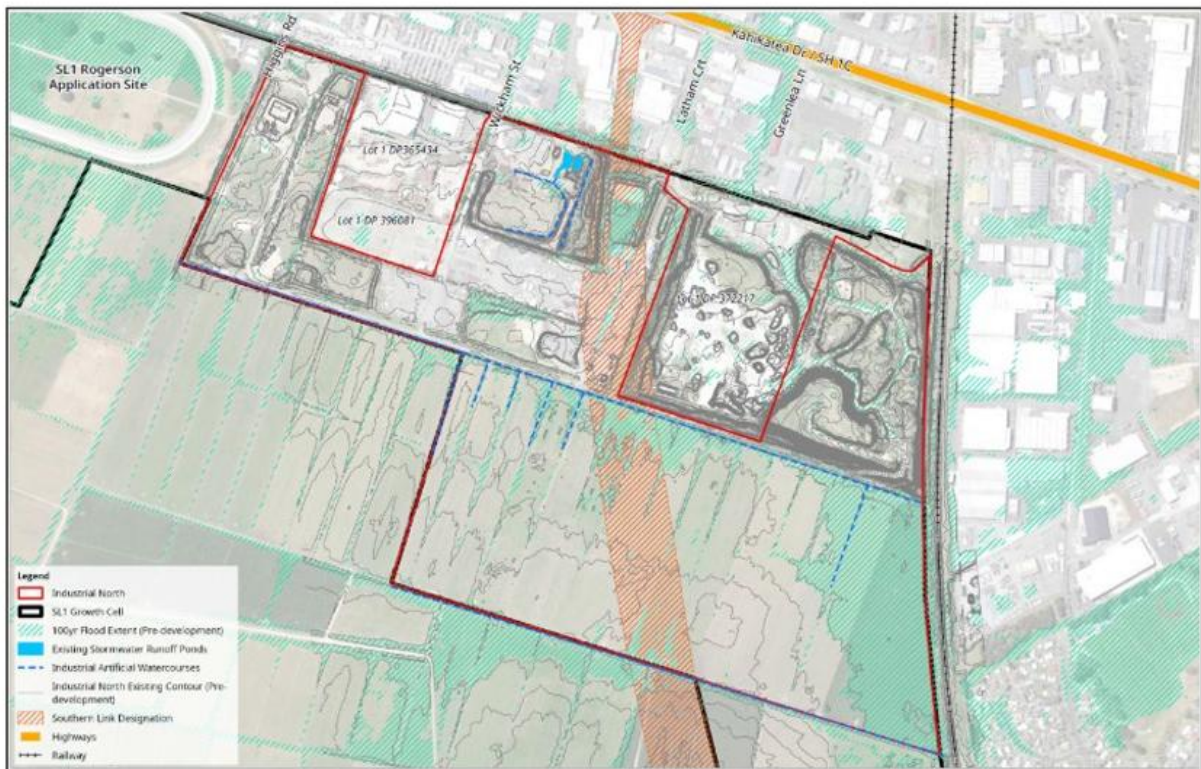


Figure 5: Identified Ecological Features and Pre-development Flooding for Industrial North

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Whakakitenga o Waikato	Iwi authority (s18(2)(a); Treaty settlement entity – Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a)); negotiating mandate (s18(2)(d))	Jaedyn Falwasser Te Makarini Mapu	
Ngāti Hauā Iwi Trust	Iwi authority (s18(2)(a); Treaty settlement entity – Ngāti Hauā Claims Settlement Act 2014 (s18(2)(a))	Lisa Gardiner, CE	
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))	(see Te Whakakitenga above)	
Waikato River Authority	Treaty settlement entity – Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a))	Justine Young, Senior Policy Advisor	
Ngaati Maahanga/Nga Uri o Maahanga	Any other Māori groups with relevant interests (s18(2)(k))	Jo Kukutai Warren Williams	
Ngāti Tamainupō	Any other Māori groups with relevant interests (s18(2)(k))	Terei Huirama (Chair) Tineka Wymer (Taiao Lead)	

Ngāti Wairere	Any other Māori groups with relevant interests (s18(2)(k))	Carolyn Hopa	██████████ ██████████ ██████████
Ngaati Apakura	Any other Māori groups with relevant interests (s18(2)(k))	Hori (George) Griggs	██████████████████
Te Haa o te Whenua o Kirikiriroa	Any other Māori groups with relevant interests (s18(2)(k))	Harry Wilson	██
Ngāti Korokī Kahukura	Any other Māori groups with relevant interests (s18(2)(k))	Karaitiana Tamatea, co-chair	████████████████████

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: Waipā District Council Joint Management Agreement

Attachment 8: Excerpt from Ngāti Hauā conservation relationship agreement

14 STATUTORY AUTHORISATIONS

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

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