

Fast-track Approvals Act 2024 – Treaty settlements and other obligations report

Project Name: FTAA-2502-1005 Gordonton Country Estate

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	26 May 2025

Number of attachments: 9	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Project location map List of relevant Māori groups Te Ture Whaimana o Te Awa Waikato Waikato-Tainui environmental plan Waikato Regional Council Joint Management Agreement Waikato District Council Joint Management Agreement (including Schedule B) Comments received from invited Māori groups Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts:

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Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the Gordonton Country Estate referral application.
- The applicant, Gordonton Country Estate Development, seeks approvals under the Act for multiple resource consents under the Resource Management Act 1991 (RMA) to enable the construction of a retirement village at 57 Piako Road, Gordonton, Waikato. The land is held by Fermanagh Trust Limited.
- We have identified Te Whakakitenga o Waikato, Ngāti Hauā Iwi Trust, Waikato Raupatu River Trust, Ngāti Wairere, and the Waikato River Authority (a statutory body established

by a settlement), as relevant Māori groups in relation to the project area, as defined in section 18(2) of the Act.

4. We have identified the following Treaty settlements that are relevant to the project area: Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the Ngāti Hauā Claims Settlement Act 2014. No other arrangements have been identified as relevant to the project area.
5. We consider that a number of provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 apply to the project area. In accordance with section 7 and section 16 of the Act, we recommend that in considering this application, you have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato-Tainui Environmental Plan.
6. Pursuant to section 16 of the Act, we consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority, and providing information about the application to the Waikato Raupatu River Trust (under the joint management agreement provisions). However, there is also a need to ensure that these, and other, procedural requirements are complied with throughout the process. Accordingly, should you decide to accept this referral application, we propose you direct any panel considering a substantive application for the project to comply with the applicable requirements identified in this report (as provided for at section 16(2)(c) of the Act).
7. Te Whakakitenga o Waikato provided comments on the application. They acknowledge the potential benefits of the project, but also raised concerns regarding environmental, cultural and social effects. They expect that the emphasis on partnership and mana whakahaere (authority of Waikato-Tainui) in Tai Tumu, Tai Pari, Tai Ao (the Waikato-Tainui Environmental Plan) will be given effect through continued engagement with Waikato-Tainui iwi and hapū (including Ngāti Hāua and Ngāti Wairere) on the project, and by incorporating mana whenua perspectives into the development.
8. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application, subject to addressing the concerns raised by Waikato-Tainui, continuing to uphold Treaty settlement arrangements, maintaining engagement with iwi, and consultation with adjacent Māori landowners.
9. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Introduction

10. Under section 18 of the Act, you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment).
11. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements; and
 - c. a summary of comments and further information received from invited Māori groups; and

- d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
12. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

13. The applicant, Gordonton Country Estate Development, seeks approvals for multiple resource consents under the RMA to enable the construction of a retirement village at 57 Piako Road, Gordonton, Waikato. The land is held by Fermanagh Trust Limited.
14. We have provided a location map at **Attachment 2**.

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

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

Iwi authorities

16. We consider the following to be the relevant iwi authorities for the project:
- a. Te Whakakitenga o Waikato, representing Waikato-Tainui; and
 - b. Ngāti Hauā Iwi Trust, representing Ngāti Hauā.
17. We note that the applicant has consulted both these groups regarding the project.

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. We have identified the following relevant Treaty settlement entities for the project area:
- a. Te Whakakitenga o Waikato, representing Waikato-Tainui, as PSGE for the Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;
 - b. Waikato Raupatu River Trust, as recognised in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and party to co-management arrangements in that settlement;
 - c. Waikato River Authority, a statutory body established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and

- d. Ngāti Hauā Iwi Trust, representing Ngāti Hauā, as PSGE for the Ngāti Hauā Claims Settlement Act 2014.
20. Te Whakakitenga o Waikato is the trustee of the Waikato Rauapatu River Trust.

Groups mandated to negotiate Treaty settlements

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

Takutai Moana groups and ngā hapū o Ngāti Porou

23. 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.
24. 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 customary management areas

25. The project area is not within a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw made under Part 9 of the Fisheries Act 1996.

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

26. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:
- a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
 - b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.
27. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

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

28. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), under section 18(2)(j) of the Act we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.
29. The project area is within the boundaries of two joint management agreements (JMAs), with Waikato Regional Council and Waikato District Council, over matters relating to the

Waikato River and activities within its catchment affecting the Waikato River, as provided for by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. These JMAs are relevant because:

- a. the project site borders Komakorau Stream, which is part of the Waikato River catchment; and
 - b. the approvals being sought are for resource consents, which include the proposed discharge of stormwater into Komakorau Stream.
30. The relevant party that represents iwi/hapū for the JMAs over the lower Waikato River is the Waikato Raupatu River Trust (one of the Treaty settlement entities referred to above).
31. We discuss the implications of the JMAs further below.

Any other Māori groups with relevant interests

32. We have identified Ngāti Wairere, a hapū of Waikato-Tainui, as another group with relevant interests in the project area. The applicant reports that they have consulted with Ngāti Wairere on the project and have included a cultural impact assessment undertaken by Ngāti Wairere as part of their application documents.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

33. 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.
34. 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

35. The relevant principles and provisions for these settlements are set out below:

Crown acknowledgements and apologies

36. 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.
37. 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.
38. 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.

39. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Waikato River arrangements

40. The project area adjoins Komakorau Stream, a tributary of the Waikato River, and the application includes a proposed resource consent to discharge stormwater into this stream. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010¹ provides for a suite of interconnected arrangements for co-governance and co-management of the Waikato River, and activities within its catchment affecting the Waikato River. We have identified the following provisions of the Waikato River arrangements which most closely relate to your consideration of this application under the Act.

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

41. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provided for and recognised Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) as applying to the Waikato River and activities within its catchment affecting the Waikato River. The guiding principles of interpretation in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide that it is the intention that Te Ture Whaimana is the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers. This is also reiterated in section 8 of the Fast-track Approvals Act 2024, including affirming the status of Te Ture Whaimana as:
- a. prevailing over any inconsistent provisions in a national policy statement, coastal policy statement, or national planning standard; and
 - b. deemed to be part of the Waikato regional policy statement, and any regional or district plan that affects the river or activities within the catchment must give effect to Te Ture Whaimana.
42. 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 also 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**.
43. There are a number of provisions in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 that relate to Te Ture Whaimana and its application in various RMA planning and consenting processes. Specifically, and of direct relevance to the application, section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 requires a person carrying out functions or exercising powers under certain statutes (including the Fast-track Approvals Act 2024) that relate to the Waikato River or activities in its catchment, to have particular regard to Te Ture Whaimana.
44. Section 16 of the Act also requires that, if a Treaty settlement provides for the consideration of any document, then you are required to give the same or equivalent effect to that

¹ The Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and the Ngā Wai o Maniapoto (Waipa River) Act 2012 apply the same or similar redress to other parts of the Waikato River, outside the project area.

document in your decision-making.² On that basis, you will need to have particular regard to Te Ture Whaimana.

45. Section 82 of the Act also imposes the same requirement on a panel considering a substantive application. Should you decide to accept this referral application, the panel will also need to have particular regard to Te Ture Whaimana through its decision-making. The applicant has cited Te Ture Whaimana in their application, and has stated that the proposed use of a proprietary stormwater treatment and the effective implementation of erosion and sediment control measures during construction/earthworks will specifically address the health and wellbeing of immediate and wider water tributaries. A key task for the panel will be to assess these detailed elements of the application for consistency against Te Ture Whaimana.

Waikato River Authority

46. 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. The Waikato River Authority consists of ten members, five members appointed from different River Iwi and five Crown appointees.
47. 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 a point source discharge to the Waikato River.
48. We have identified the Waikato River Authority as a Treaty settlement entity for the purposes of the Act, and you have invited them to comment on this application under section 17 of the Act. Our advice is that this is comparable to the notice provision outlined above. We therefore consider that, in this respect, the requirement under section 16 of the Act for you to comply with any applicable procedural requirements in a Treaty settlement has been met.
49. Should you decide to accept this referral application, for consistency with sections 26-27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the panel must also direct the Environmental Protection Authority (EPA) to invite comments from the Waikato River Authority, as a relevant Treaty settlement entity, on the substantive application under section 53 of the Act.
50. A further implication for consideration of any substantive application for this project relates to the appointment of hearing panels. Under section 28 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, if the Regional Council holds a hearing on the application under the RMA, the committee to hear and make a decision on the application must consist of equal numbers (excluding the chair) of members appointed by the Council and accredited commissioners appointed by the Waikato River Authority from a register it maintains. The register comprises commissioners appointed by Waikato-Tainui or iwi who appoint members of the Waikato River Authority (section 25).
51. 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

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

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 convener will be required to consider how they will comply with the above requirement as to the proportion of hearing commissioners appointed by the Waikato River Authority from the register of accredited commissioners. The Act also provides for the convener to obtain the agreement of the relevant party under the Treaty settlement legislation (i.e. the Waikato River Authority) if they wish to adopt a modified arrangement.

Waikato-Tainui environmental plan

52. Sections 39-40 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides 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.
53. The applicant has stated that their proposal is consistent with the objectives of the Waikato-Tainui Environmental Plan which relate to ensuring that urban development is well-planned and the environmental, cultural, spiritual, and social outcomes are positive. The latest version of the plan – Tai Tumu, Tai Pari, Tai Ao – includes more detailed policies on matters such as stormwater discharges, and we have included a copy as **Attachment 5**. Section 16 of the Act requires you to give the same or equivalent effect to this document in your decision-making, although it will be more relevant for the panel given their more direct role in determining whether or not to grant approval.
54. As noted below, Te Whakakitenga o Waikato provided comments on the referral application. They acknowledge the potential benefits of the project, but also raised concerns regarding environmental, cultural and social effects. They expect that the emphasis on partnership and mana whakahaere (authority of Waikato-Tainui) in the Waikato-Tainui Environmental Plan will be given effect through continued engagement with Waikato-Tainui iwi and hapū (including Ngāti Hauā and Ngāti Wairere) on the project, and by incorporating mana whenua perspectives into the development.
55. If this application is referred to a panel, then under section 82 of the Act the panel will be required to comply with the same obligation as applies to a consent authority in terms of having regard to the environmental plan.
56. In particular, we note that objective 26.3.1 of the Waikato-Tainui Environmental Plan is that *"[i]nfrastructure development, upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui."* The associated Policy 26.3.1.1 is *"[t]o ensure that infrastructure development, upgrade and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui"*. 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. This focus of the Waikato-Tainui Environmental Plan on partnership will need to be carefully considered by the panel in considering the substantive application.

Joint management agreements

57. As identified at paragraph 29, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides for a JMA between the Waikato Raupatu River Trust and each of the Waikato Regional Council and Waikato District Council (and other relevant local authorities), to provide for the parties to the JMA to work together when carrying out certain duties and functions, and exercising certain powers, in the RMA relating to the Waikato River and activities within its catchment. These duties, functions and powers relate

to monitoring and enforcement, preparation of planning documents, and applications for resource consents.

58. In relation to this project, the JMA provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 require the local authority to provide the Trust with information on certain applications for resource consents (including discharging contaminants or water into the Waikato River) as soon as practicable after the application is received. These information-sharing provisions are similar to those which apply to statutory acknowledgements.
59. There are a range of other provisions in the JMA that relate to the resource consent process. Our advice is that these provisions are most relevant to the panel when considering the substantive application, and the panel will need to consider how to appropriately give effect to these obligations in accordance with section 82 of the Act. We provided more detail on the relevant JMA provisions below.

Waikato Regional Council JMA

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

Waikato District Council JMA

61. Similarly, the Waikato District Council JMA, and particularly Schedule B, also contains provisions in relation to the process for resource consent applications (both the JMA and Schedule B are included as **Attachment 7**). The requirements for the Waikato District Council under the JMA include an obligation to operate consistently with the JMA and guiding principles, and to ensure that Waikato-Tainui are aware of certain applications and can comment on them. There is also a commitment to develop criteria for the processing of resource consent applications.
62. Under Schedule B of the JMA, the scope for the provision of information about, and the engagement process for, resource consent matters includes all “resource consent matters on which the Trust may have an interest”. Therefore, it is likely that the Waikato District Council would be required to consult the Trust on some of the other consents being sought by the applicant, such as those for earthworks and infrastructure, even where these do not directly relate to the Waikato River itself.³

JMA requirements must be complied with

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

Summary of advice

66. In accordance with section 7 and section 16 of the Act, we recommend that in considering this application, you have:
- a. particular regard to Te Ture Whaimana; and
 - b. regard to the Waikato-Tainui Environmental Plan;
- as relevant documents which you must give the same or equivalent effect as under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. We note that, at

³ This aspect of the JMA is the result of the parties agreeing to extend the process for information sharing on resource consent matters beyond the scope of s47(1)(b) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“applications to a territorial authority for resource consent for the use of or activities on the surface of the water in the Waikato River”), to include other resource consent matters in which the Trust may have an interest. This is provided for at section 52 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, which permits the parties to extend the scope of the JMA by agreement.

face value, a decision to accept this application for referral would not necessarily be inconsistent with these documents, but that this will need to be considered in more depth by the panel, as the potential decision-maker for the approvals being sought.

67. Pursuant to section 16 of the Act, we consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority, and information about the application to the Waikato Raupatu River Trust (under the JMA provisions). However, there is also a need to ensure that these, and other, procedural requirements are complied with throughout the process (for example, the ability for Waikato-Tainui to comment on the adequacy of information under the JMA, and the provisions relating to the appointment of hearing commissioners).
68. Should you decide to accept this referral application, we propose you direct any panel considering a substantive application for the project to comply with the applicable requirements identified above (as provided for at section 16(2)(c) of the Act), namely to:
- a. have particular regard to Te Ture Whaimana;
 - b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act);
 - c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track process;
 - d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership between the applicant and Waikato-Tainui (as a consistent theme running through the plan); and
 - e. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.

Customary Marine Title/Protected Customary Rights

69. 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

70. The project area is not within 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

71. The project area is within the boundaries of a JMA, and the application includes a proposed approval outlined in section 42(4)(a)-(d) of the Act. We have identified the relevant principles and provisions in the JMA above, including where there are obligations to involve the iwi authority/group in decision-making.

Summary of comments received and advice

Comments from invited Māori groups

72. Pursuant to section 17(1)(d) of the Act, on 5 March 2025 you copied the referral application to, and invited written comments from, the Māori groups identified above in paragraphs 15-32 from a list we previously provided you. These groups had 20 working days from receipt of the copy of the application to respond.

73. You received comments on the application from one group, which can be summarised as follows:

Te Whakakitenga o Waikato

74. Te Whakakitenga o Waikato did not express support or opposition to the project. They noted the limited information available about the project while it is in the referral stage.

75. Te Whakakitenga noted that discussions between the applicant and representatives of Ngāti Hauā and Ngāti Wairere, recognised hapū of Waikato-Tainui and mana whenua for the project area, have been ongoing since May 2024, including commissioning a cultural impact assessment from Ngāti Wairere. Te Whakakitenga asked that engagement with these groups continue.

76. Te Whakakitenga acknowledged the potential benefits of the project, but also raised concerns regarding environmental, cultural and social effects, including:

- a. Landscape effects – noting that the development will alter the character of the area;
- b. Land-use – emphasising the importance of protecting highly productive land;
- c. Stormwater effects – in particular, land disturbances during construction poses risks to waterways such as the Komakorau Stream;
- d. Cultural values – requesting that the applicant incorporate all the recommendations from the cultural impact assessment into the final development.

77. Te Whakakitenga expects that all negative effects will be mitigated using the highest targets or measures as outlined in Tai Tumu, Tai Pari, Tai Ao – the Waikato-Tainui Environmental Plan (discussed at paragraphs 52-56 above). They point to the Plan's emphasis on partnership and collaboration to uphold mana whakahaere (authority of Waikato-Tainui) and expect this will be given effect through continued engagement with Waikato-Tainui iwi and hapū, and incorporating mana whenua perspectives into the development.

Consultation with departments and Ministers

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

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

79. 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.

80. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application, subject to:

- a. addressing the concerns raised by Waikato-Tainui, to the satisfaction of Waikato-Tainui;
- b. Treaty settlement arrangements continuing to be upheld throughout the process;
- c. Continued engagement with the iwi identified; and
- d. consultation with the adjacent Māori land owners identified by the Te Puni Kōkiri Waikato-Waiariki Regional Office.

81. We have included the Ministers' comments as **Attachment 9**.

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

82. 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.

83. 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.

Signatures

A handwritten signature in black ink, consisting of a large, stylized 'I' followed by a horizontal stroke that tapers to a point.

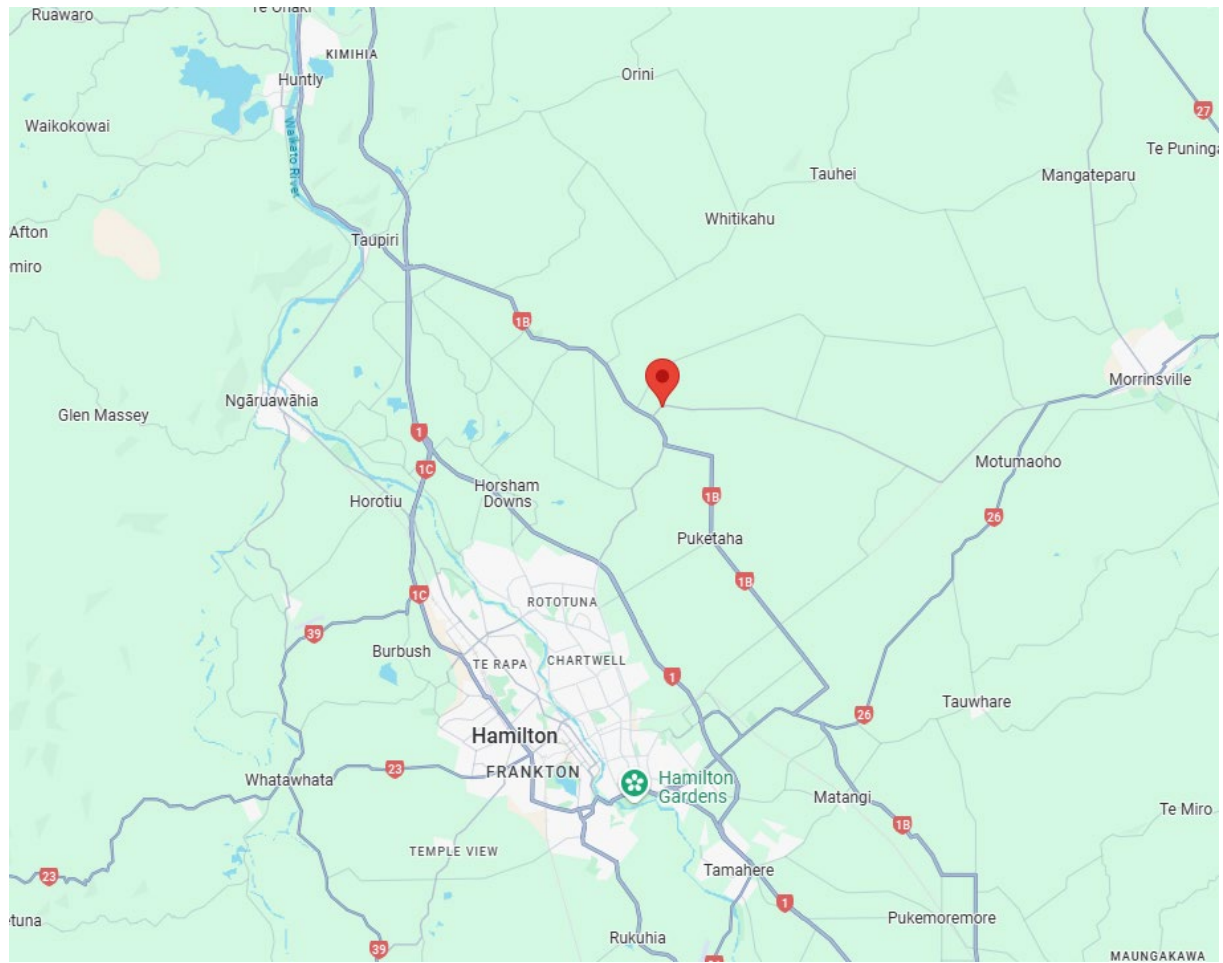
Ilana Miller
General Manager, Delivery and Operations

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

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	10-12
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	16-20
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	33-34
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	35-68
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	21-22
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	23, 69
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.	23, 69
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).	24, 69
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).	25, 70
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	26-27
18(2)(j)	<p>If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),</p> <p>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</p>	28-31, 71

	(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
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	72-77
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.	82-83
18(3)	In preparing the report required by this section, the responsible agency must— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	78-81
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	80-81

Attachment 2: Project location map



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Te Whakakitenga o Waikato	Iwi authority (s18(2)(a)); Treaty settlement entity – Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a)); negotiating mandate (s18(2)(d))
Ngāti Hauā Iwi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity – Ngāti Hauā Claims Settlement Act 2014 (s18(2)(a))
Waikato Raupatu River Trust	Treaty settlement entity – Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a))
Waikato River Authority	Treaty settlement entity – Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a))
Ngāti Wairere	Any other Māori groups with relevant interests (s18(2)(k))

Attachment 4: Te Ture Whaimana o Te Awa Waikato

Attachment 5: Waikato-Tainui environmental plan

Attachment 6: Waikato Regional Council Joint Management Agreement

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

Attachment 8: Comments received from invited Māori groups

Attachment 9: Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations

Title	* Hon Tama Potaka Comment
Regarding	 Draft Section 18 report for Minister comment
Comments	<p>Hon Tama Potaka supports the application subject to:</p> <ul style="list-style-type: none"> - the concerns that have been raised by Waikato-Tainui being addressed to the satisfaction of Waikato Tainui; - that Treaty settlement arrangements continue to be upheld throughout the process; - continued engagement with the Iwi listed; and - consultation with the adjacent Māori land owners identified by the TPK Waikato Waiariki Regional Office

As noted by the Minister, the Te Puni Kōkiri Waikato-Waiariki Regional Office identified six neighbouring sections of Māori land on Gordonton Road whose administering bodies/responsible trustees may wish to be consulted and are listed in the table below:

Block Name	Adminstrating Body	Trustees/Shareholders
Lot1 B of Section 148 Parish of Komakorau	Parish of Komakorau 1B Sec 148 Trust	Responsible Trustees: Anita Taylor Bosun James Rota Christina Holmes Kahu Sorenson Lynette Anne Whiteman Ratauhinga Turner Robyn Ann Puhi Pene
Lot 2A of Section 148 Parish of Komakorau	No Land Administrator Listed	Major Shareholders: Marie, Desmond, Barry Te Kare Whānau Trust Tutiki Henare
Parish of Komakorau Lot 2b2c Section 148	No Land Administrator Listed	Major Shareholders: Atakohu Matenga Christopher William Heka
Allotment 326A Komakorau Parish	No Land Administrator Listed	Major Shareholders: Ngapare Kaihina Hopa Taurima Hopa

Allotment 326B1 Komakorau Parish	No Land Administrator Listed	Major Shareholder: Manuwhiri/Muriaroha Hopa Trust Responsible Trustees: Blake Mikaira Hopa Charlene Marama Olsen Desmond Rangiatea Hopa
Allotment 326B2 Komakorau Parish	Allotment 326B2 Komakorau Parish Ahu Whenua Trust	Responsible Trustees: Abe Hepi Annette Hopa Christopher Hepi