

**Appendix C – Treaty Settlements and Iwi Management Plan
Assessment**





Treaty Settlements & Iwi Management Plan Assessment

Te Kowhai East Industrial Development

1. Treaty Settlements

The relevant Treaty settlement legislation and settlement documents have been reviewed to identify any statutory acknowledgements, cultural redress properties, protocols, relationship arrangements or other settlement provisions relevant to the Te Kowhai East Industrial Development (the Project).

The section 18 of the Fast-track Approvals Act (FTAA) report prepared for the referral application identifies the following Treaty settlements as relating to land, species of plants or animals, or other resources within the Project area:

- Waikato Raupatu Claims Settlement Act 1995;
- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and
- Ngāti Hauā Claims Settlement Act 2014.

These settlements recognise the cultural, historical, spiritual and traditional associations of the relevant iwi and hapū with the ancestral lands, waterways and other natural and cultural resources. They are therefore relevant to understanding the cultural context within which the development is being considered.

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 establishes an integrated framework for the restoration and protection of the Waikato River, including Te Ture Whaimana o Te Awa o Waikato as the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting those rivers. The settlement framework also establishes the Waikato River Authority, provides for joint management arrangements with local authorities and provides for the Waikato-Tainui Environmental Plan.

The Project spans catchments draining to both major river systems. The Mangaheka catchment drains west to the lower Waipā River, while the Te Rapa catchment drains east to the Waikato River. The Project is therefore appropriately considered within the wider Waikato River settlement and co-management framework.

Te Whakakitenga ō Waikato are also in the early stages of negotiating the settlement of their remaining claims with the Crown in relation to the remaining claims of Waikato-Tainui.

The section 18 report also notes that the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and Ngā Wai o Maniapoto (Waipā River) Act 2012 provide the same or similar River redress in relation to other parts of the Waikato and Waipā Rivers outside the Project area. During pre-lodgement consultation, DOC nevertheless identified these settlement arrangements as potentially relevant to the Project because of its location within the wider Waikato and Waipā co-governance area and its potential effects on freshwater and fisheries. DOC also identified Maniapoto as a Treaty partner with interests that may be relevant to the Site.

The review has not identified any cultural redress property, settlement land or statutory acknowledgement area directly affected by the Project. The Project is, however, subject to relevant statutory and procedural requirements arising from the Waikato River settlement framework. In particular, the section 18 report identifies requirements relating to Te Ture Whaimana, the Waikato-Tainui Environmental Plan, the Waikato River Authority and applicable joint management arrangements.



The relevant Treaty settlements and related River settlement arrangements, and their relationship to the Project, are summarised below.

Treaty Settlement	Relevance to the Project
The Waikato Raupatu Claims Settlement Act 1995	The Act gives effect to the 1995 settlement of Waikato raupatu claims and records the Crown apology and commitment to a new relationship with Waikato-Tainui. The Project is within the wider Waikato-Tainui rohe and will convert rural land to a substantial industrial precinct. The settlement is therefore relevant to understanding the historical and contemporary relationship of Waikato-Tainui with the whenua and to the need for ongoing engagement. No settlement land or cultural redress property has been identified as being directly affected by the Project.
The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010	The Project includes land within catchments draining to both the lower Waipā River and the Waikato River. The Act establishes Te Ture Whaimana as the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting those rivers. It also establishes the Waikato River Authority and provides for the Waikato-Tainui Environmental Plan and joint management arrangements. The section 18 report confirms that the substantive decision-maker must have particular regard to Te Ture Whaimana and have regard to the Waikato-Tainui Environmental Plan. It also identifies procedural requirements relating to notification of the Waikato River Authority, panel appointments and information-sharing under the relevant joint management arrangements.
Waikato River Authority (established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010)	The Waikato River Authority is the co-governance body established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. Its functions include setting the primary direction, through Te Ture Whaimana, for restoration and protection of the health and wellbeing of the Waikato River and promoting an integrated and coordinated approach to implementation. The section 18 report identifies the Authority as a relevant Treaty settlement entity and identifies applicable procedural requirements relating to notice and appointment of panel members.
Ngati Tuwharetoa Raukawa and Te Arawa River Iwi Waikato River Act 2010	The section 18 report records that this Act provides the same or similar River redress in relation to other parts of the Waikato River outside the Project area. DOC has nevertheless identified the Act as potentially relevant because of the Project's location within the wider Waikato River catchment and the potential for freshwater and fisheries effects. The Act is therefore recognised as part of the broader Waikato River settlement framework rather than as a Treaty settlement identified by the section 18 report as directly relating to resources within the Project area.
Nga Wai o Maniapoto (Waipa River) Act 2012	The section 18 report records that this Act provides the same or similar River redress in relation to parts of the Waipā River outside the Project area. DOC has identified Maniapoto as a Treaty partner with potentially relevant interests and has identified the Act as relevant given the Project's location within the wider Waikato and Waipā co-governance area and its freshwater and fisheries effects. This is particularly relevant context for the Mangaheka catchment, which drains to the lower Waipā River. The Act is therefore acknowledged as part of the broader Waipā River settlement context, rather than as a settlement identified by the section 18 report as directly relating to resources within the Project area.



The Ngāti Hauā Claims Settlement Act 2014	The Act records Crown acknowledgements and apology and gives effect to cultural and commercial redress for Ngāti Hauā. The section 18 report identifies Ngāti Hauā Iwi Trust as both a relevant iwi authority and Treaty settlement entity. The Ngāti Hauā settlement framework also includes a Conservation Relationship Agreement with DOC. The section 18 report identifies that agreement as relevant to statutory authorisations under the Wildlife Act 1953, including the Wildlife Approval sought for the Project.
---	--

Overall, no identified Treaty settlement property or cultural redress property is directly affected by the Project. The Project nevertheless engages the wider Waikato River settlement framework because of its location within catchments draining to the Waikato and lower Waipā Rivers and its potential effects on whenua, freshwater, indigenous biodiversity, fisheries and cultural values. The substantive process must therefore give appropriate effect to the statutory status of Te Ture Whaimana, the Waikato-Tainui Environmental Plan, the Waikato River Authority and applicable joint management arrangements, while providing appropriate opportunities for ongoing participation by Waikato-Tainui, Ngāti Hauā and relevant mana whenua.



2. Iwi Management Plans

In addition to the Treaty settlement framework outlined above, the relevant iwi and hapū management plans and environmental management documents have been reviewed. These documents provide a more detailed expression of the values, priorities and resource management outcomes sought by iwi and hapū with interests in the Project area and the wider Waikato and Waipā River catchments.

The management documents considered include:

- Waikato-Tainui Environmental Plan, *Tai Tumu, Tai Pari, Tai Ao*;
- Ngāti Haua Environmental Management Plan; and
- *Te Mata Herenga Ngāti Tamainupō Mātauranga and Taonga Management Plan 2021*

The documents reflect distinct rohe, relationships and aspirations, but also identify a number of recurring resource management outcomes relevant to the Project. The assessment below is therefore thematic approach and should be read alongside the Cultural Impact Assessment (CIA) and the Project-specific engagement record. Collectively, the documents emphasise:

- Recognition of mana whenua, mana whakahaere, rangatiratanga and the exercise of kaitiakitanga;
- Active tangata whenua participation in environmental management, monitoring and decision-making processes;
- Protection and restoration of the mauri of freshwater and receiving environments, consistent with Te Mana o Te Wai and integrated catchment management approaches;
- Recognition of the interconnected relationship between whenua, waterways, ecosystems, indigenous biodiversity and the wider Waikato River catchment;
- Protection and enhancement of indigenous biodiversity, aquatic habitat, fish passage, taonga species, mahinga kai and customary practices;
- Protection of wāhi tapu, wāhi taonga, cultural heritage, cultural landscapes and tangata whenua relationships with these places;
- Integration of mātauranga Māori alongside technical and scientific approaches to environmental management and monitoring; and
- Restoration and enhancement of degraded natural and cultural resources to achieve long-term environmental resilience and improved ecological outcomes.

Given the significant overlap between the relevant management documents, the assessment below considers these matters thematically rather than undertaking a separate assessment of each document. Particular values, outcomes or implementation expectations identified in individual plans are discussed where directly relevant to the Project.

3. Mana whakahaere, partnership and participation

The relevant plans consistently seek recognition of mana whenua, mana whakahaere and kaitiakitanga, together with active iwi and hapū participation in decisions affecting ancestral lands, freshwater, biodiversity, cultural heritage and other taonga. They contemplate involvement that is early, properly informed and capable of influencing Project design and implementation, rather than consultation undertaken solely to satisfy statutory process requirements.

The Ngāti Hauā Environmental Management Plan states that the Plan does not replace direct engagement with Ngāti Hauā. Its engagement principles include early and kanohi ki te kanohi engagement, provision of sufficient and clear information, ongoing communication throughout the life of a project, and establishment of a feedback loop so that Ngāti Hauā can understand how its input has been addressed. The Plan also records that silence does not constitute approval or indicate an absence of interest or concern. Engagement is specifically anticipated in relation to activities including land disturbance, contaminant discharges and the taking of surface water or groundwater, all of which are relevant to the Project.



Te Mata Herenga similarly seeks early and ongoing consultation, two-way information exchange and a willingness to reconsider design where necessary. For large-scale projects, it promotes collaboration that enables Ngāti Tamainupō concerns and aspirations to be reflected in Project outcomes.

The section 18 report reinforces this direction. Te Whakakitenga o Waikato supported the referral application but identified the need for ongoing and appropriately resourced mana whenua involvement, including facilitation of hui, co-design of an enduring relationship arrangement, participation in technical workshops and review of Project documentation.

The Project has been informed by tangata whenua engagement, including through the tangata whenua working group, hui, technical engagement and preparation of the Cultural Impact Assessment. That engagement has informed the development of the Project and the identification of cultural, freshwater, ecological and implementation matters relevant to the substantive application.

Ongoing mana whenua participation is provided for through the proposed Tangata Whenua Management Plan and associated management-plan and monitoring framework. This provides a mechanism for continued involvement through detailed design, preparation and review of relevant management plans, construction, cultural and environmental monitoring, restoration and adaptive management.

4. Whenua, sustainable land use and integrated management

The relevant plans recognise the interconnected relationship between whenua, wai, ecosystems and people, and seek a holistic approach to land-use change and environmental management.

The Ngāti Hauā Environmental Management Plan identifies the potential effects of rural and urban development on indigenous vegetation, soil quality, freshwater, cultural heritage and biodiversity. It seeks land use and development that recognises the mauri of whenua and soils, the relationship of Ngāti Hauā with ancestral lands, intergenerational knowledge, mātauranga and tikanga, and the principle of *ki uta ki tai*. It also promotes integrated catchment and sub-catchment planning.

The Plan also supports erosion and sediment controls before, during and following land disturbance; protection and restoration of riparian margins; pest management; use of locally sourced indigenous vegetation; low-impact design; and water and energy efficiency. These matters are directly relevant to the Project given the scale of proposed earthworks, conversion of rural land to urban use, stream works and associated infrastructure.

The Project responds through an integrated development framework that brings together earthworks, transport and three-waters infrastructure, stormwater and flood management, stream restoration, riparian planting, ecological management and landscape outcomes. These matters have been considered at a catchment scale rather than as isolated components of the Development.

Although the Project will result in substantial land-use change, its integrated design and proposed environmental management framework respond to the common direction in the iwi and hapū management plans for holistic management of whenua, wai and ecosystems, and for development to be undertaken in a manner that recognises their interrelationships.

5. Freshwater, mauri and Te Ture Whaimana

Freshwater protection and restoration are central themes across the relevant iwi and hapū management plans. The plans recognise freshwater and freshwater ecosystems as taonga and connect the health of wai with the health of whenua, indigenous biodiversity, cultural practices and communities.



Te Mata Herenga supports Te Ture Whaimana and Te Mana o te Wai and seeks freshwater ecosystem health that sustains indigenous aquatic life and provides for customary harvesting. It also seeks to avoid new direct contaminant discharges to freshwater bodies within the Ngāti Tamainupō takiwā.

The Ngāti Hauā Environmental Management Plan similarly seeks restoration and protection of the mauri of freshwater so that water is sufficiently clean and plentiful for drinking, swimming and sustaining mahinga kai. It promotes holistic and integrated freshwater management that recognises Te Mana o te Wai, whakapapa relationships, intergenerational knowledge, mātauranga, tikanga, *ki uta ki tai*, climate change and innovative responses to the long-term effects of discharges.

The Ngāti Hauā Environmental Management Plan also expresses opposition to direct contaminant discharges, particularly wastewater, to rivers and streams. In relation to stormwater and wastewater, it seeks additional treatment or alternative disposal methods, including new technologies, land-based disposal and use of wetlands. It also seeks appropriate recognition of tangata whenua values when treatment and disposal alternatives are evaluated, together with mātauranga-based tools for assessing and monitoring cultural effects.

These matters are directly relevant to the Project's stormwater discharges, earthworks, stream reconstruction, groundwater management, culverts and outfalls. The Project spans catchments draining to both the Waikato and Waipā River systems. The Mangaheka catchment drains west to the lower Waipā River, while the Te Rapa catchment drains east to the Waikato River. Freshwater effects have therefore been considered within the wider Waikato River settlement and catchment-management framework.

The Project responds through an integrated stormwater and freshwater management approach incorporating source controls, raingardens, vegetated conveyance systems, filters, constructed stormwater wetlands, attenuation, stream restoration, riparian planting and erosion and sediment controls. The treatment-train approach is intended to manage contaminants close to source, provide treatment and attenuation before discharge, and avoid further degradation of downstream receiving environments.

The Mangaheka Stream is also proposed to be reconstructed and enhanced as part of the Project, with associated riparian planting, habitat enhancement and improved ecological connectivity. Together, these measures respond to the restorative direction of the relevant iwi and hapū management plans and to the emphasis they place on integrated management of whenua, wai and receiving environments.

The proposed consent conditions and management-plan framework provide for implementation, monitoring and maintenance of these freshwater and stormwater measures, together with ongoing mana whenua involvement in environmental and cultural monitoring.

6. Indigenous biodiversity, fisheries and taonga species

The relevant iwi and hapū management plans consistently seek the protection and restoration of indigenous biodiversity, aquatic habitat, customary fisheries and taonga species. They recognise that ecological health, freshwater health and cultural wellbeing are interconnected, and support measures that restore habitat, ecological connectivity and species abundance.

The Mangaheka and Te Kowhai Stream catchments form part of the wider Waikato River fisheries area, where customary fisheries are recognised through the Waikato-Tainui (Waikato River Fisheries) Regulations 2011. The section 18 report confirms that fisheries within the Waikato River and lower Waipā River catchments are subject to those regulations. Protection and restoration of aquatic habitat, fish passage and indigenous fisheries values are therefore relevant considerations for the Project.

The Ngāti Hauā Environmental Management Plan identifies habitat degradation, wetland drainage, vegetation removal, invasive species, impediments to fish passage and restricted access to customary fishing areas as pressures on freshwater fisheries. It seeks no further degradation or loss of habitat for taonga fish



species, removal of fish-passage impediments, restoration of habitat, improved access to waterways, and hapū and whānau involvement in fisheries restoration and monitoring.

The Project proposes restoration and enhancement of the Mangaheka Stream corridor, provision for fish passage, fish salvage and relocation, creation of black mudfish habitat, riparian planting and long-term biodiversity management. These measures are intended to restore habitat quality, improve ecological connectivity and support indigenous freshwater species.

The Project also includes measures to manage effects on indigenous terrestrial fauna and habitat, including the proposed Wildlife Approval and associated species-management plans. These measures sit alongside the freshwater restoration and fisheries measures and contribute to the broader biodiversity outcomes sought by the relevant iwi and hapū management plans.

Overall, the Project responds to the restorative direction of the relevant plans through habitat restoration, improved fish passage, species management, ecological enhancement and long-term monitoring and maintenance. The proposed conditions and management-plan framework provide the mechanism for implementing and monitoring these measures, including ongoing mana whenua involvement where relevant.

7. Cultural Heritage and sites of significance

The relevant iwi and hapū management plans consistently seek the identification and protection of wāhi tapu, wāhi taonga, archaeological sites, ancestral landscapes and other places and values of cultural significance. They also recognise that not all culturally significant places or information are recorded in public databases and that archaeological evidence alone does not determine cultural significance.

The Ngāti Hauā Environmental Management Plan seeks the use of accidental discovery protocols for land disturbance and, where archaeological sites may be affected, appropriate archaeological authority processes. It also seeks Ngāti Hauā cultural monitoring in areas where there is a heightened risk of discoveries, and consultation and cultural impact assessment where activities may damage, modify or destroy cultural heritage. The Plan expressly recognises that the cultural value of sites or areas is appropriately determined through engagement with Ngāti Hauā and that sensitive cultural information must be protected.

The Ngāti Hauā settlement framework also includes a Taonga Tūturu Protocol establishing arrangements for engagement with Ngāti Hauā Iwi Trust in relation to taonga tūturu. This reinforces the need for appropriate notification, protection and mana whenua involvement where such material is discovered.

Te Mata Herenga similarly seeks Ngāti Tamainupō involvement where proposals may affect wāhi tapu, wāhi taonga, archaeological sites or areas of cultural association. It also emphasises appropriate attribution and controlled use of Ngāti Tamainupō mātauranga and other cultural information.

The Project is supported by a CIA and archaeological assessment, together with proposed accidental discovery procedures and relevant consent conditions. These provide for notification, cessation of works following a discovery, protection and security of the affected area, mana whenua involvement, cultural monitoring where required, and appropriate management of sensitive cultural information.

Overall, the Project responds to the relevant iwi and hapū management-plan direction by recognising that cultural heritage extends beyond recorded archaeological sites and by providing mechanisms for mana whenua involvement, accidental discovery, cultural monitoring and protection of sensitive cultural information throughout implementation.



8. Mātauranga Māori and cultural monitoring

The relevant iwi and hapū management plans seek the practical application of mātauranga Māori alongside technical and scientific assessment. Mātauranga is not treated solely as background information, but as a source of environmental knowledge that can inform design, monitoring, restoration and decision-making.

Te Mata Herenga identifies a range of potential kaupapa Māori and mātauranga-based approaches, including taonga species monitoring, Cultural Health Index assessments, the Mauri Compass, cultural flows, cultural mapping and Māori environmental performance indicators. It also makes clear that the appropriate methods are to be developed with Ngāti Tamainupō rather than selected unilaterally.

The Ngāti Hauā Environmental Management Plan similarly seeks culturally based methods for assessing the health of land, rivers, streams, aquifers, wetlands, fisheries and air. It promotes hapū and whānau involvement in physical and cultural monitoring and specifically seeks mātauranga-based assessment of the cultural effects of discharges.

A Tangata Whenua Management Plan is to be prepared for the Project and will provide the principal mechanism for establishing how mana whenua involvement, mātauranga Māori and cultural monitoring are carried through into implementation. This will include the identification of appropriate cultural indicators and participation in monitoring of freshwater, ecological restoration, taonga species and other matters of cultural significance. Cultural monitoring measures may operate alongside conventional scientific monitoring while retaining their distinct purpose and remaining subject to agreed protocols for the protection and use of cultural information.

9. Management plans, implementation and accountability

The relevant iwi and hapū management plans emphasise that cultural and environmental outcomes identified through assessment and engagement must be carried through into Project implementation.

Te Mata Herenga identifies a direct interest in Project-specific management plans addressing matters including earthworks, dust and vibration. The Ngāti Hauā Environmental Management Plan similarly expects Project information to identify the location, methodology and timing of works, together with proposed avoidance, remediation and mitigation measures. Depending on the scale and nature of the activity, it anticipates meetings, site visits, written cultural responses and cultural monitoring. It also emphasises the importance of providing feedback on how tangata whenua input has influenced the resulting decision or Project.

For this Project, a Tangata Whenua Management Plan is to be prepared to establish the framework for ongoing mana whenua involvement during implementation. That plan will sit alongside the wider suite of Project management plans and provide a mechanism for mana whenua input into matters relevant to cultural values and taonga.

10. Restoration, enhancement and resilience

The relevant iwi and hapū management plans seek restoration and enhancement of degraded environments rather than reliance solely on mitigation. Common priorities include stream and wetland restoration, riparian planting, restoration of fisheries habitat, improved ecological connectivity, pest management and revitalisation of customary knowledge and practices.

The Ngāti Hauā Environmental Management Plan seeks collaborative restoration of freshwater, wetlands, riparian margins and fisheries. It also recognises climate change as a relevant consideration in freshwater management and seeks resilient land-use and infrastructure outcomes.



The Project responds through stream restoration and enhancement, constructed wetland creation, riparian and landscape planting, ecological enhancement, flood-conveyance improvements, stormwater treatment and climate-adjusted flood management. Together, these measures provide an opportunity to improve the long-term health, ecological function and resilience of the Mangaheka catchment and other receiving environments affected by the Project.

These restoration and enhancement outcomes will be supported through the proposed consent conditions, Project management plans, staging requirements, monitoring, maintenance and adaptive management. The Tangata Whenua Management Plan, once prepared, will also provide a mechanism for ongoing mana whenua involvement in relevant restoration and monitoring activities.

11. Overall assessment

The relevant iwi and hapū management plans express a broadly consistent set of outcomes centred on mana whakahaere and kaitiakitanga, early and meaningful participation, holistic management of whenua and wai, restoration of freshwater and ecological health, protection of indigenous biodiversity and fisheries, protection of cultural heritage, application of mātauranga Māori, and delivery of enduring restoration outcomes.

The Project will result in substantial land-use change and effects on whenua, freshwater environments and habitats. However, it also incorporates an integrated framework of stormwater treatment, stream restoration and enhancement, fish passage and habitat measures, riparian planting, ecological management, cultural engagement and long-term monitoring. These measures respond to the principal outcomes identified across the relevant iwi and hapū management plans.

The Project has been informed by ongoing engagement with mana whenua and preparation of the Cultural Impact Assessment. That involvement is intended to continue through detailed design and implementation, including through preparation of the Tangata Whenua Management Plan, relevant management plans, cultural and environmental monitoring, restoration and adaptive management.

Overall, the Project is considered generally consistent with the common resource management outcomes sought by the relevant iwi and hapū management plans. This conclusion reflects:

- The early and ongoing mana whenua engagement undertaken for the Project and provision for continued involvement through detailed design and implementation;
- The integrated approach to management of whenua, freshwater, stormwater, biodiversity and receiving environments;
- The proposed stream restoration, habitat enhancement, fish-passage, riparian planting and ecological management measures;
- Provision for mātauranga Māori and cultural indicators to inform monitoring through an agreed process;
- The proposed framework for protecting cultural heritage and sensitive cultural information;
- Opportunities for mana whenua to contribute to relevant management plans and cultural and environmental monitoring; and
- The proposed conditions, management plans, monitoring, maintenance and adaptive management framework that will support delivery of the Project's freshwater, biodiversity and cultural restoration outcomes.

