



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

### Project Name: FTAA-2509-1102 Brookvale Green

<b>To:</b>	<b>Date:</b>
Hon Chris Bishop, Minister for Infrastructure	3 December 2025

Number of attachments: 6	Attachments: <ol style="list-style-type: none"><li>Provisions of section 18 of the Fast-track Approvals Act 2024</li><li>Project location map</li><li>List of relevant Māori groups</li><li>Statutory acknowledgement provisions of Heretaunga Tamatea Claims Settlement Act 2018</li><li>Heretaunga Tamatea statement of association and deed plan for Karamū Stream and its tributaries</li><li>Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti</li></ol>
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### Ministry for the Environment contacts:

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Stephen Church		
Manager, Fast-track Operations	Stephanie Frame	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

### 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 FTAA-2509-1102 Brookvale Green referral application.
- The applicant, Vermont Street Partners No.4 Limited, proposes to develop an approximately 24 hectare site into 189 - 215 new homes on Brookvale Road, Havelock North. The applicant is seeking approvals under the Resource Management Act 1991 (RMA) and an authorisation under the Wildlife Act 1953. The project area is adjacent to another residential development, Arataki, a listed project for which a substantive application has been lodged.
- Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. We have identified Ngāti Kahungunu Iwi Inc, Tamatea Pōkai Whenua, Te Taiwhenua o Heretaunga, and the Hawke's Bay Regional Planning Committee as the relevant groups for the project area. In addition, the applicant has consulted with a number of marae near the project area (Kohupatiki Marae, Ruahāpia Marae, Matahiwi Marae, and Waipatu Marae).

4. The Heretaunga Tamatea Claims Settlement Act 2018 and the Hawke's Bay Regional Planning Committee Act 2015 are the relevant Treaty settlement Acts for the project area. The project is not within the marine and coastal area. No Mana Whakahono ā Rohe or joint management agreements have been entered into with local authorities under the RMA that are relevant to the project area.
5. The statutory acknowledgement over nearby Karamū Stream, provided for by the Heretaunga Tamatea Claims Settlement Act 2018, is relevant to the panel's consideration of this application as it appears that the proposed activities for which approvals are being sought may affect this waterway. Under the RMA and the Treaty settlement, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions, and must provide a summary of any consent applications relevant to the statutory area to the holder of the statutory acknowledgement. We consider the process of inviting comment (including providing information about the application) from Tamatea Pōkai Whenua under the Act is comparable to the requirements for statutory acknowledgements under the RMA and the Treaty settlement.
6. None of the groups invited to comment on the referral application under section 17(1)(d) of the Act provided a response.
7. The Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti supports referral of the application, subject to the panel considering a substantive application having regard to the statutory acknowledgement over Karamū Stream and its tributaries, the applicant considering ongoing engagement with the relevant Māori rōpū, and the panel considering inviting the relevant Māori rōpū to comment on the application.
8. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

## Signature

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Ilana Miller  
**General Manager – Investment Strategy & Operations**

## Introduction

9. 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).
10. The information which must be provided in this report includes:
  - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
  - b. relevant principles and provisions in Treaty settlements and other arrangements;
  - c. a summary of comments and further information received from invited Māori groups; and
  - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
11. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

## Proposed project

12. The applicant, Vermont Street Partners No.4 Limited, proposes to develop an approximately 24 hectare site into 189 - 215 new homes on Brookvale Road, Havelock North. The project also includes extensive landscape and ecological enhancement, including approximately 4.3 hectares of native planting and pest control, and integration with existing and proposed walking and cycling trails. The applicant is seeking approvals under the RMA (including subdivision consent, discharge permit, and land use consent) and an authorisation under the Wildlife Act 1953 (capture/relocation of lizards). The project area is adjacent to another residential development, Arataki, a listed project for which a substantive application has been lodged.
13. We have provided a location map at **Attachment 2**.

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

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

### Iwi authorities

15. We consider the following groups to be the relevant iwi authorities for the project area:
  - a. Ngāti Kahungunu Iwi Inc, representing Ngāti Kahungunu; and
  - b. Tamatea Pōkai Whenua, representing Heretaunga Tamatea.
16. We understand Te Taiwhenua o Heretaunga is the relevant hapū authority representing Heretaunga hapū for the purposes of the RMA. Strictly speaking this entity does not meet the definition of an iwi authority, but we have proposed their inclusion under another category below.

### Treaty settlement entities

17. 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).

18. We have identified the following relevant Treaty settlement entities for this project area:
- a. Tamatea Pōkai Whenua (previously known as Heretaunga Tamatea Settlement Trust), PSGE for the Heretaunga Tamatea Claims Settlement Act 2018; and
  - b. Hawke's Bay Regional Planning Committee, statutory body established under the Hawke's Bay Regional Planning Committee Act 2015.
19. The establishment of the Hawke's Bay Regional Planning Committee arose in discussions between the Crown, the Hawke's Bay Regional Council, Tūhoe, and tāngata whenua of Hawke's Bay, in the context of Treaty settlement negotiations which identified a need for greater tāngata whenua involvement in the management of natural resources in the region.<sup>1</sup> The Hawke's Bay Regional Planning Committee Act 2015 formally established the committee, confirmed its role and procedures, and confirmed that it cannot be discharged except by unanimous written agreement of the appointers.

### **Groups mandated to negotiate Treaty settlements**

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

### **Takutai Moana groups and ngā hapū o Ngāti Porou**

21. 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.
22. 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).

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<sup>1</sup> In the Ngāti Pāhauwera deed of settlement, signed in December 2010, the Crown committed to establish a committee comprised of an equal number of Council members and representatives of Treaty settlement claimant groups whose role would relate to natural resource planning processes that affect the region. The Maungaharuru-Tangitū Hapū deed of settlement, signed in May 2013, records that the Maungaharuru-Tangitū Trust, the Council, and other Hawke's Bay iwi and hapū agreed interim terms of reference for the committee that were adopted by the Hawke's Bay Regional Council on 14 December 2011. The Hawke's Bay Regional Planning Committee is also recognised in the Ngāti Tūwharetoa Claims Settlement Act 2018.

### **Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws**

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

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

24. 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.

25. 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**

26. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.

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

### **Any other Māori groups with relevant interests**

28. We have also identified Te Taiwhenua o Heretaunga, representing Heretaunga hapū, as another Māori entity with relevant interests in the project area.

29. We note that, in addition to engaging with Tamatea Pōkai Whenua, the applicant consulted with Kohupatiki Marae (Ngāti Hinemoa, Ngāti Hori), Ruahāpia Marae (Ngāti Hāwea, Ngāti Hori), Matahiwi Marae (Ngāti Hāwea, Ngāti Kautere), and Waipatu Marae (Ngāti Hāwea, Ngāti Hori, Ngāti Hinemoa).

## **Relevant principles and provisions in Treaty settlements and other arrangements**

### **Treaty settlements**

30. 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.

31. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

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

### **Relevant principles and provisions**

32. 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*

33. 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.

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

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

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

#### *Statutory acknowledgement*

36. The Heretaunga Tamatea Claims Settlement Act 2018 provides for a statutory acknowledgement over Karamū Stream and its tributaries.<sup>2</sup> Two modified watercourses traverse the the project area – these join Mangateretere Stream to the north of the site, which is itself a tributary of Karamū Stream.<sup>3</sup> The proposed works involve the realignment of a section of one of the onsite watercourses, the temporary removal of a wetland area, and the restoration of both stream channels through riparian planting. The application proposes that treated stormwater (via constructed wetlands) will be discharged into these two watercourses.

37. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area'). Under the RMA

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<sup>2</sup> The Heretaunga Tamatea deed of settlement and the Heretaunga Tamatea Claims Settlement Act 2018 label the statutory area as "Karamū Stream (with official name Karamu Stream) and its tributaries". We use "Karamū Stream and its tributaries" in this report.

<sup>3</sup> North of the site, the watercourses may also flow into a drain which runs west to join Karituhenua Stream, another tributary of Karamū Stream.

and relevant Treaty settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or affecting a statutory area:

- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and
- b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.<sup>4</sup>

38. The holder of a statutory acknowledgement may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the EPA, board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.

39. We consider the process of inviting comment (including providing information about the application) is comparable to the process under a Treaty settlement and the RMA of consent authorities having regard to statutory acknowledgements when considering who is an affected person for a consent application, and to providing a summary of the application to the holders of the statutory acknowledgement.<sup>5</sup> You have already invited Tamatea Pōkai Whenua, as a relevant iwi authority and Treaty settlement entity, to comment on the application. Should you accept this application for referral, Tamatea Pōkai Whenua will also be invited for comment by the panel under section 53(2)(c) of the Act.

40. For your reference, we have provided the statutory acknowledgement provisions from the Heretaunga Tamatea Claims Settlement Act 2018 at **Attachment 4**, and the statement of association with Karamū Stream and its tributaries, and the deed plan of the statutory area, at **Attachment 5**.

#### *Deed of recognition*

41. In addition to the statutory acknowledgement, Tamatea Pōkai Whenua also have a deed of recognition with the Commissioner of Crown Lands and with the Minister of Conservation and Director-General of Conservation over Karamū Stream and its tributaries. A deed of recognition may be entered into between a PSGE and the Crown agency managing any statutory area for which a statutory acknowledgement has been agreed.

42. A deed of recognition requires the relevant Crown agency to consult with, and have regard to the views of, the relevant PSGE when undertaking specified activities relating to the statutory area. These activities primarily relate to the preparation of management plans or strategies but may also include considering applications for rights of use or occupation, for example.

43. We do not consider these provisions are relevant to this application, as the respective Crown agencies are not undertaking any of the activities covered by the deeds of

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

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

recognition, nor is the applicant seeking use rights or occupation in relation to the Crown-owned parts of the streambed.

#### *Hawke's Bay Regional Planning Committee*

44. The purpose of the Hawke's Bay Regional Planning Committee Act 2015 is to improve tāngata whenua involvement in the development and review of documents prepared in accordance with the RMA for the Hawke's Bay region.<sup>6</sup> The Hawke's Bay Regional Planning Committee (the Committee) comprises an equal number of tāngata whenua members (including two members appointed by Tamatea Pōkai Whenua – formerly the Heretaunga Tamatea Settlement Trust) and Hawke's Bay Regional Council members.
45. While section 10(2)(d) of the Hawke's Bay Regional Planning Committee Act 2015 states that the functions of the Committee can also include "any other function specified in the terms of reference", the latest terms of reference (adopted on 26 February 2014) do not provide the Committee with a role in resource consenting under the RMA.<sup>7</sup> Instead, the Committee is responsible for preparing RMA documents and plan changes or variations and recommending to the Council the adoption of those documents for public notification (clauses 3 and 4).
46. Similarly, the terms of reference enable the Committee to recommend to Council the membership of hearings panels, but this is only in relation to proposed regional plans, regional policy statements, plan variations, and plan changes (clause 4.8). Accordingly, our view is that the Hawke's Bay Regional Planning Committee Act 2015 does not include any procedural requirements that you must comply with under section 16 of the Act (or, in the case of a substantive application, that the panel must comply with under schedule 3 clause 5 of the Act).
47. However, we note that the Heretaunga Tamatea deed of settlement includes a section on the importance of waterways, including the statement that:

*The Heretaunga Tamatea area of interest boasts significant waterways including the Tūtaekurī, Ngaruroro, Maraetōtara, Waipawa, Tukituki and Pōrangahau/Tāurekaitai rivers and the Rūnanga, Oingo, Poukawa, Te Roto a Kiwa, Whatumā (Hatuma) and Pūrimu lakes.*

*The hapū of Heretaunga Tamatea define themselves through these waterways. These waterways, which they consider taonga, lie at the heart of the spiritual and physical wellbeing and the identity and culture of Heretaunga Tamatea. The hapū of Heretaunga Tamatea have responsibilities to protect these waterways.*

48. This section then goes on to list how the deed provides redress with respect to these waterways, including statutory acknowledgements and deeds of recognition (as noted above), and that the Hawke's Bay Regional Planning Committee Act 2015 provides for the establishment of the Hawke's Bay Regional Planning Committee. We think that this collective framing of these redress mechanisms provides important context for any future panel considering a substantive application for this project.

#### *Conservation relationship redress*

49. The Heretaunga Tamatea deed of settlement include a commitment by the Department of Conservation (DOC) to "meet with Heretaunga Tamatea to develop a framework for a

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

<sup>7</sup> The terms of reference can be found at: [Feb 2014 council-adopted RPC TOR](#) (accessed 11 November 2025).

positive, collaborative, and enduring relationship based on the Treaty of Waitangi and its principles, as well as mutual conservation aims and aspirations.” Accordingly, the deed does not include a conservation relationship agreement as such, which in some instances can include agreed consultation processes for statutory authorisations, such as the Wildlife Act 1953 approvals sought by the applicant.

50. DOC advise that, at this stage, no relationship framework has been developed in line with the commitment in the Heretaunga Tamatea deed of settlement. However, Tamatea Pōkai Whenua and DOC have jointly developed a draft memorandum of understanding (yet to be signed) and a 5-year Treaty plan which captures some of the mutual aims and aspirations. There is no specific reference to the Wildlife Act 1953 in this document.
51. 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**

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

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

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

### **Mana Whakahono ā Rohe/Joint management agreement**

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

## **Summary of comments received and advice**

### **Comments from invited Māori groups**

55. Pursuant to section 17(1)(d) of the Act, on 21 October 2025 you invited written comments from the Māori groups identified above in paragraphs 14-29, from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.
56. None of the groups invited to comment on the referral application under section 17(1)(d) of the Act provided a response.

### **Consultation with departments and Ministers**

57. 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).
58. We have previously sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups

in this area, and have incorporated their views into this report. We also received advice from DOC on the current status of the Heretaunga Tamatea conservation relationship redress.

59. The Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti supports the application progressing to a panel, subject to:

- a. the panel having regard to the statutory acknowledgement over the Karamū Stream and its tributaries, as provided for in the Heretaunga Tamatea Claims Settlement Act 2018;
- b. the applicant considering ongoing engagement with the relevant Māori rūpū identified in Attachment 3 of this report; and
- c. the panel considering inviting the relevant Māori rūpū, being Ngāti Kahungunu Inc, Tamatea Pōkai Whenua and Hawkes Bay Regional Planning Committee, as identified in Attachment 3 of this report, to comment on the application under section 53(2)(c) of the Act.

60. We have provided the Minister's comments at **Attachment 6**.

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

61. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.

62. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	9-11
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	15-19
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	30-31
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	32-51
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	20
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	21, 52
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.	21, 52
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).	22, 52
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).	23, 53
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).	24-25
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), <ul style="list-style-type: none"> <li>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</li> </ul>	26-27, 54

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
<b>18(2)(k)</b>	Any other Māori groups with relevant interests.	28-29
<b>18(2)(l)</b>	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	55-56
<b>18(2)(m)</b>	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	61-62
<b>18(3)</b>	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.	57-58
<b>18(4)</b>	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	59-60

**Attachment 2: Project location map**

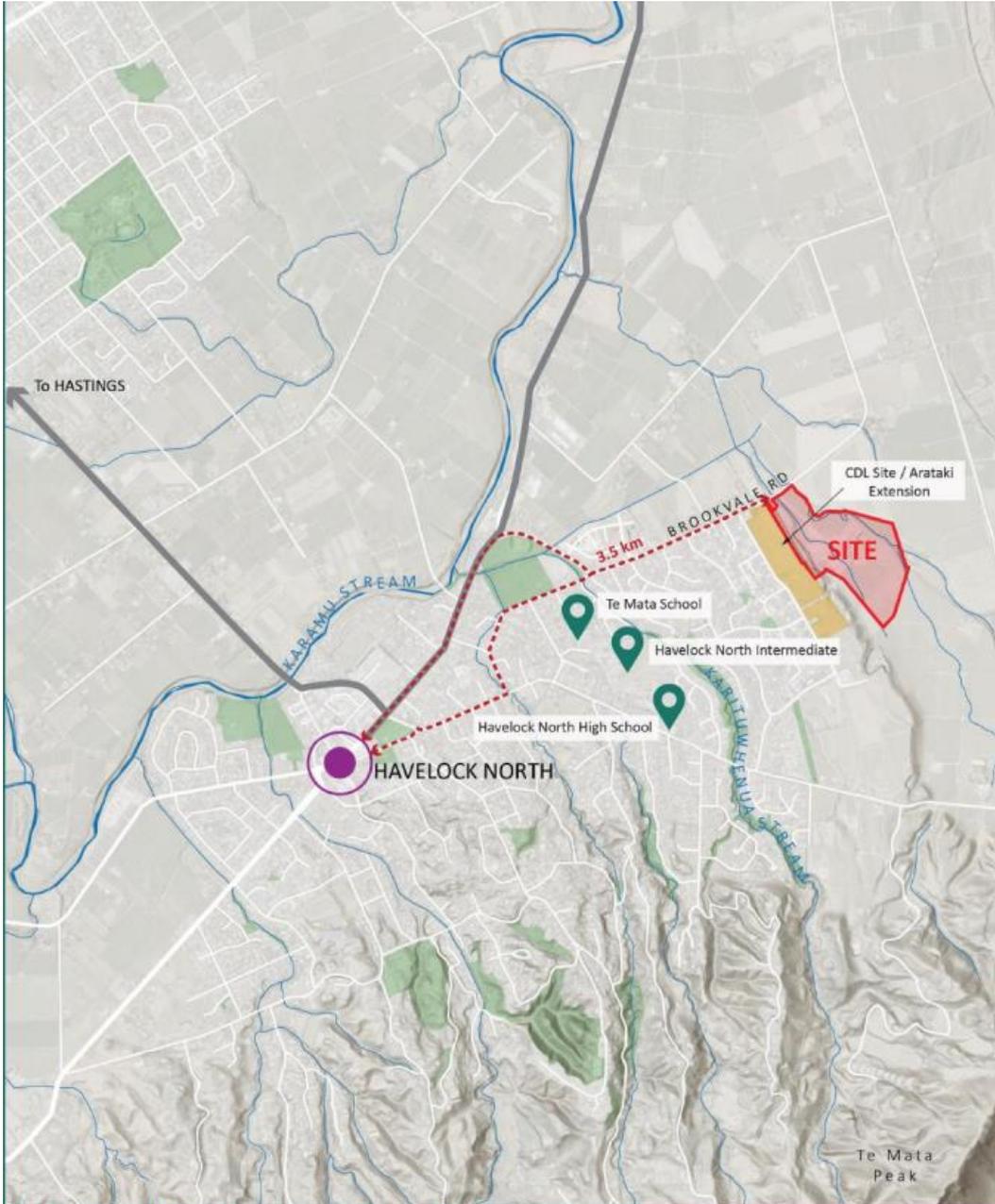


Figure 2: Site location context map. Source: B&A. (See Appendix 2)



### Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
<b>Ngāti Kahungunu Iwi Inc</b>	Iwi authority (s18(2)(a))
<b>Tamatea Pōkai Whenua</b>	Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
<b>Hawkes Bay Regional Planning Committee</b>	Treaty settlement entity (s18(2)(a))
<b>Te Taiwhenua o Heretaunga</b>	any other Māori groups with relevant interests (s18(2)(k))
<b>Ruahāpia Marae (Ngāti Hāwea, Ngāti Hori)</b>	any other Māori groups with relevant interests (s18(2)(k))
<b>Matahiwi Marae (Ngāti Hāwea, Ngāti Kautere)</b>	any other Māori groups with relevant interests (s18(2)(k))
<b>Waipatu Marae (Ngāti Hāwea, Ngāti Hori, Ngāti Hinemoa)</b>	any other Māori groups with relevant interests (s18(2)(k))
<b>Kohupātiki Marae ((Ngāti Hinemoa, Ngāti Hori)</b>	any other Māori groups with relevant interests (s18(2)(k))

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

### *Statutory acknowledgement*

#### **22 Statutory acknowledgement by the Crown**

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

#### **23 Purposes of statutory acknowledgement**

The only purposes of the statutory acknowledgement are—

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

#### **24 Relevant consent authorities to have regard to statutory acknowledgement**

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

#### **25 Environment Court to have regard to statutory acknowledgement**

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

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

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

**27 Recording statutory acknowledgement on statutory plans**

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

**28 Provision of summary or notice to trustees**

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

## **29 Use of statutory acknowledgement**

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

### *Deeds of recognition*

## **30 Issuing and amending deeds of recognition**

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

*General provisions relating to statutory acknowledgement and deeds of recognition*

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

**33 Rights not affected**

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

*Consequential amendment to Resource Management Act 1991*

**34 Amendment to Resource Management Act 1991**

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

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

### **Statement of association (documents schedule to deed of settlement)**

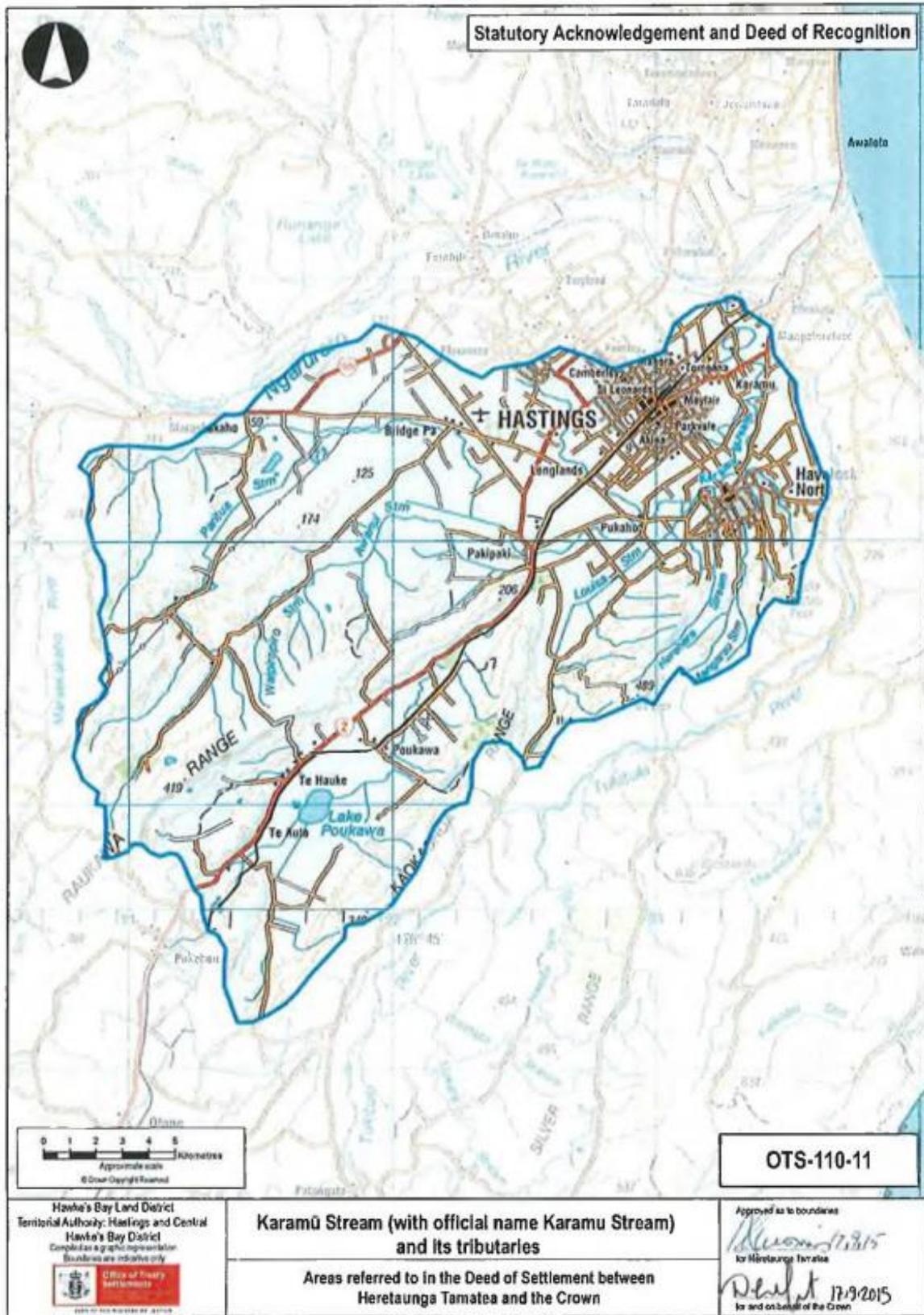
#### ***Karamū Stream and its tributaries***

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

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

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

Deed plan for statutory area (attachments schedule to deed of settlement)



## Attachment 6: Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations

Hon Tama Potaka Feedback - Saved

Feedback · FTA - Feedback ▾

# Portals-Fast Track Portal - ftaa-portal  
Owner

Submitted  
Portal Status

General Documents Related ▾

### Feedback Details

Feedback ID	* FDB001650F1C5
Title	* Hon Tama Potaka Feedback
Regarding	<a href="#">Draft section 18 report for Minister comment</a>
Comments	<p>I support the application progressing to the Expert Panel subject to:</p> <ol style="list-style-type: none"> <li>the Expert Panel having regard to the statutory acknowledgement over the Karamū Stream and its tributaries, as provided for in the Heretaunga Tamatea Claims Settlement Act 2018;</li> <li>the applicant considering ongoing engagement with the relevant Māori rūpū identified in Attachment 3 of the Ministry for the Environment's section 18 report; and</li> <li>the Expert Panel considering inviting the relevant Māori rūpū, being Ngāti Kahungunu Inc, Tamatea Pōkai Whenua and Hawkes Bay Regional Planning Committee, as identified in Attachment 3 of the Ministry for the Environment's section 18 report to comment on the application under section 53(2)(c) of the Act.</li> </ol>

### Feedback Contacts

Created By (Contact)	<a href="#">Bria Kerei-Keepa</a>
Source	Portal
Application	<a href="#">Brookvale Green</a>
Created By	<a href="#"># Portals-Fast Track Portal - ftaa-portal</a>
Created On	3/12/2025 10:55 AM