Ministry for Cities, Environment, Regions & Transport

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

Project Name: FTAA-2607-1270 Stillhaven

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	5 October 2026

Number of attachments: 9	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location map 3. List of relevant Māori groups 4. Te Ture Whaimana o Te Awa Waikato 5. Waikato-Tainui environmental plan 6. Waikato Regional Council Joint Management Agreement 7. Waikato District Council Joint Management Agreement (including Schedule B) 8. Excerpt from Ngāti Hauā conservation relationship agreement 9. Comments received from invited Māori groups

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Key points

1. The Ministry for Cities, Environment, Regions & Transport (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2607-1270 Stillhaven referral application.
2. The applicant, Stillhaven Limited, proposes to develop an approximately 104-hectare site into a mixed-use community located to the east of the existing Te Kowhai township, approximately 15km northwest of Hamilton City. The project comprises approximately 700 new homes across a range of housing typologies, a retirement village, commercial floor space across two neighbourhood centres, an integrated network of public open spaces including stormwater reserves, and associated infrastructure. The applicant is seeking approvals under the Act which would otherwise be sought under the Resource Management Act 1991 (RMA), Wildlife Act 1953, and the Conservation Act 1987.

3. As required by section 18(2) of the Act, we have identified Te Whakakitenga o Waikato, Ngāti Hauā Iwi Trust, Waikato Raupatu River Trust, the Waikato River Authority (a statutory body established by a settlement), Ngaati Maahanga, Ngaati Hourua, Ngāti Reko, Ngāti Wairere, Ngāti Tamainupō, and Te Haa o te Whenua o Kirikiriroa as relevant Māori groups in relation to the project area.
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.
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 Tai Tumu Tai Pari Tai Ao (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 at paragraph 76 of this report (pursuant to section 16(2)(c) of the Act).
7. Te Whakakitenga o Waikato, on behalf of Waikato-Tainui, provided comments on the application. Waikato-Tainui raised concerns about the capacity of water and wastewater infrastructure to support the development, the alignment of the proposal with relevant growth strategies for the region, and the conversion of Highly Productive Land. Should the project progress to a substantive application, the applicant should continue to engage with the relevant mana whenua and demonstrate how the project aligns with Te Ture Whaimana and the relevant provisions of Tai Tumu Tai Pari Tai Ao.
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



Stephanie Frame
Acting General Manager – Investment Strategy and Operations

Introduction

9. Under section 18 of the Act, you must consider a report on Treaty settlements and other obligations for each referral application, prepared and provided by the responsible agency (Secretary for the Environment).

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, Stillhaven Limited, proposes to develop an approximately 104-hectare site into a mixed-use community located to the east of the existing Te Kowhai township, approximately 15km northwest of Hamilton City. The project comprises approximately 700 new homes across a range of housing typologies, a retirement village comprising approximately 200 independent living units, up to 1,500m^2 of commercial floor space across two neighbourhood centres, an integrated network of public open spaces including stormwater reserves, and associated infrastructure.

13. The applicant is seeking approvals under the Act which would otherwise be sought under the RMA (including subdivision, earthworks, water take, discharges, damming and diverting), Wildlife Act 1953 (authority for the salvage and relocation of lizards, and potentially other approvals subject to further specialist reporting), and potentially the Conservation Act 1987 (complex freshwater fisheries – fish salvage and relocation activities).

14. The project area comprises five land parcels, bounded by Te Kowhai Road to the south and Horotiu Road to the northwest. The landowners have entered into agreements to sell their land to the applicant.

15. We have provided location maps at **Attachment 2**.

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

16. 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

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

> *the authority which represents an iwi and which is recognised by that iwi as having authority to do so*.

18. We consider the following groups to be the relevant iwi authorities for the project area:

    a. Te Whakakitenga o Waikato, representing Waikato-Tainui; and

    b. Ngāti Hauā Iwi Trust, representing Ngāti Hauā.

Treaty settlement entities

19. Under section 4(1) of the Act, "Treaty settlement entity" means any of the following:

> *(a) a post-settlement governance entity (PSGE):*
>
> *(b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:*
>
> *(c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:*
>
> *(d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):*
>
> *(e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).*

20. Under the Act, a PSGE:

> *(a) means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—*
>
> > *(i) by that group; or*
> >
> > *(ii) by or under an enactment or order of a court; and*
>
> *(b) includes—*
>
> > *(i) an entity established to represent a collective or combination of claimant groups; and*
> >
> > *(ii) an entity controlled by an entity referred to in paragraph (a); and*
> >
> > *(iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a).*

21. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.[1]

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

    a. 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;

[1] Should a panel be made aware of a Treaty settlement entity established after the Treaty settlement Act is enacted (e.g. on the advice of a PSGE), then there would appear to be nothing to prevent the panel from inviting that entity to comment on the application under section 53(2)(c) of the Act.

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.

23. Te Whakakitenga o Waikato is the sole trustee of the Waikato Raupatu River Trust.

Groups mandated to negotiate Treaty settlements

24. The following groups have recognised mandates 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.

25. 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

26. 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.

27. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

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

28. The project area does not include a taiāpure-local fisheries area or a mātaitai reserve.

29. However, the project area incorporates a stream and drains which flow into the lower Waipā River, which is part of the Waikato River catchment. The fisheries in all water bodies in the Waikato River and lower Waipā River catchments are subject to the Waikato-Tainui (Waikato River Fisheries) Regulations 2011, made under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Fisheries Act 1996. These regulations provide for Waikato-Tainui (as represented by the Waikato Raupatu River Trust) to manage customary fishing in the Waikato-Tainui fisheries area through the issuing of customary fishing authorisations and by recommending to the Minister for Oceans and Fisheries the making of bylaws restricting or prohibiting fishing.

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

30. 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.

31. 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

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

33. The approvals sought include resource consents, and the project area is within the boundaries of two JMAs, with the Waikato Regional Council and the Waikato District Council respectively, over matters relating to the Waikato River and activities within its catchment that may affect the Waikato River, as provided for by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. These JMAs are relevant because:

    a. the project area incorporates drains and a stream which flow into the lower Waipā River, which is part of the Waikato River catchment; and

    b. the approvals being sought include resource consents, including for the proposed discharge of stormwater.

34. 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).

35. We discuss the implications of the JMAs further below.

Any other Māori groups with relevant interests

36. We have identified the following groups as other groups with relevant interests in the project area:

    a. Ngaati Maahanga/Ngaa Uri o Maahanga (hapū of Waikato-Tainui);

    b. Ngaati Hourua (hapū of Waikato-Tainui);

    c. Ngāti Reko (hapū of Waikato-Tainui);

    d. Ngāti Wairere (hapū of Waikato-Tainui);

    e. Ngāti Tamainupō (hapū of Waikato-Tainui); and

    f. Te Haa o te Whenua o Kirikiriroa (collective representing Ngaati Maahanga, Ngāti Tamainupō, Ngāti Korokī Kahukura, and Ngāti Hauā).

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

37. 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.

38. 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

39. 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

40. 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.

41. 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.

42. 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.

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

Waikato River arrangements

44. The project area is located within the Waikato River catchment, and includes a stream located within the northeast portion and a drain running east-west through the centre. From what we can ascertain, the drain appears to be connected to a waterway west of Te Kowhai township, which becomes Te Otamanui Lagoon before joining the lower Waipā River. The onsite stream appears to flow separately into the Waipā River further north. A potential wetland is located within the southern part of the project area near Te Kowhai Road.

45. Amongst other approvals, the application seeks resource consent for the proposed discharge of stormwater. The proposed stormwater management system utilises the existing drainage network, which conveys runoff from the eastern side of Te Kowhai Road and discharges to the west. The applicant proposes that runoff from the development will be directed to eight stormwater ponds and basins, before discharging to the existing drainage network at controlled rates. A north-south greenway will divert flows to an oversized detention basin, and flows will then discharge via the Horotiu Road culvert downstream of the project area. The proposed stormwater ponds and basins will incorporate bioretention treatment systems to improve stormwater quality prior to discharge.

46. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010[2] provides for a suite of interconnected arrangements for co-governance and co-management of the Waikato River, and activities within its catchment affecting the Waikato River. In the following subsections, we have set out those provisions of the Waikato River arrangements which most closely relate to your consideration of this application under the Act. In light of

[2] 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.

the complexity of these arrangements, we have also provided a summary of our advice at paragraphs 74-76.

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

47. 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 at section 5 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide that it is the intention that Te Ture Whaimana is the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers. This is also reiterated in section 8 of the 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.

48. The vision contained in Te Ture Whaimana is "for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come". Te Ture Whaimana responds to four fundamental issues, and includes more specific objectives to realise the vision, and strategies to achieve the objectives. We have included the latest version of Te Ture Whaimana as **Attachment 4**.

49. 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.

50. 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 document in your decision-making.[3] On that basis, we consider you will need to have particular regard to Te Ture Whaimana.

51. 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.

Waikato River Authority

52. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act 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

[3] 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.

the Waikato River.[4] The Waikato River Authority consists of ten members, five members appointed from different River Iwi and five Crown appointees. The Authority does not speak on behalf of, or in place of, iwi or hapū.

53. Of potential relevance to the consideration of this application, sections 26-27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 Act require the Waikato Regional Council to give notice to the Waikato River Authority of certain applications for resource consent, including applications involving damming or diverting water in the Waikato River, or a point source discharge to the Waikato River.

54. 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.

55. 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, we suggest that you direct the panel to ask 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.

56. 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). The chair must be appointed by both the Authority and the Council.

57. Schedule 3 clause 5 of the Act requires the panel convener to comply with procedural matters in any Treaty settlement Act relating to the appointment of a decision-making body for hearings, or other procedural requirements, as if they were a relevant decision-maker, such as a local authority. In this case, our view is that the panel convener will be required to consider how they will comply with the above requirement as to the proportion of hearing commissioners appointed by the Waikato River Authority from the register of accredited commissioners. The Act also provides for the panel 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 – Tai Tumu, Tai Pari, Tai Ao

58. Sections 39-40 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide for the Waikato Raupatu River Trust to prepare a Waikato-Tainui environmental plan, which may then be served on relevant local authorities, amongst others. In considering an application for a resource consent under the RMA, a consent authority must have regard to the Waikato-Tainui environmental plan, if it considers the plan to be a matter that is relevant and reasonably necessary to determine the application.

59. The latest version of the Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao – outlines detailed policies on matters such as stormwater discharges. We have included

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

a copy of the plan as **Attachment 5**. Section 16(2)(a) 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.

60. If a substantive application is lodged for this project, 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.

61. In particular, we note that:

    a. objective 26.3.1 of the Waikato-Tainui Environmental Plan is that "Infrastructure development, upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui".

    b. the associated Policy 26.3.1.1 is "To ensure that infrastructure development, upgrade and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui"; and

    c. an associated method in the plan states that resource consent processes should be developed by the applicant, regulator and/or local authority in partnership with Waikato-Tainui and taking into account kaitiakitanga and maatauranga Maaori.

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

Joint management agreements

63. As identified at paragraph 33, 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 (as well as other relevant local authorities) to work together when carrying out certain duties and functions, and exercising certain powers, in the RMA relating to the Waikato River and activities within its catchment. These duties, functions and powers relate to monitoring and enforcement, preparation of planning documents, and applications for resource consents.[5]

64. 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, and damming or diverting water from or in the Waikato River) as soon as practicable after the application is received.[6] These information-sharing provisions are similar to those which apply to statutory acknowledgements.

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

Waikato Regional Council JMA

66. Some of the approvals being sought by the applicant, such as the discharge, damming or diverting of water, appear to fall within the scope of the Waikato Regional Council JMA, as

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

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

set out at section 47(1)(a) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. We have provided the Waikato Regional Council JMA as **Attachment 6**.

67. Schedule Three to the JMA includes a protocol to be applied to resource consents for those activities within the scope of the JMA, such as:

    a. preferred timing for the Council to provide Waikato-Tainui with a summary of relevant resource consents received, and associated information requirements;

    b. Waikato-Tainui are able to request further information about the application and may then provide comments on their overall position with regards to the application, and their views on whether the application should be notified;

    c. the Council may have regard to this advice when deciding whether to notify the application;

    d. if there are outstanding matters, Waikato-Tainui and the Council will identify a timeframe to address them;

    e. if a pre-application meeting is held with the applicant, Waikato-Tainui will be invited to attend;

    f. where an application indicates a potential adverse effect on the health and wellbeing of the Waikato River in terms of the matters addressed in Te Ture Whaimana (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 of Schedule Three); and

    i. the JMA sets out a process to ensure that the Council recognises and provides for the importance of authorised customary activities and the use of whitebait stands and eel weirs when considering resource consent applications. In particular, the Council will seek to avoid conflicts between resource consents and notified authorised customary activities.

Waikato District Council JMA

68. 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**).

69. 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.

70. Under Schedule B of the JMA, the scope for the provision of information about, and the engagement process for, resource consent matters include 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, even where these may not directly relate to the Waikato River itself.[7]

JMA requirements must be complied with

71. Under section 16 of the Act, you must comply with any applicable procedural requirements in JMAs, including the information-sharing provisions in JMAs provided for by section 47 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

72. The nature of the fast-track process means that Waikato-Tainui has already been, and will continue to be, involved in the process (through notification/consultation by the applicant, and being invited to comment by you and a 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.

73. The proposed stormwater discharge and damming and diverting of waterways which form part of the application appears to be 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

74. In accordance with sections 7 and 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 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 a panel, as the potential decision-maker for the approvals being sought.

75. 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).

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[7] 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.

76. 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 with 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.

Ngāti Hauā conservation relationship agreement

77. The Ngāti Hauā deed of settlement provides for a relationship agreement with the Department of Conservation (DOC) which incorporates the project area. This relationship agreement enables Ngāti Hauā to identify categories of statutory authorisations that may have a significant impact on their spiritual, cultural or historic values. Under the terms of the relationship agreement, statutory authorisations may include approvals under the Wildlife Act 1953 and Conservation Act 1987, such as those sought by the applicant in relation to the salvage and relocation of lizards and freshwater fish.
78. For those significant categories of statutory authorisations to be identified by Ngāti Hauā, the relationship agreement provides that DOC and Ngāti Hauā will adopt a specified consultation process, which can be summarised as:
    a. DOC notifying Ngāti Hauā of the application and timeframe for a response/decision;
    b. Ngāti Hauā notifying DOC of their views on the proposal within an agreed timeframe;
    c. DOC acknowledging the views of Ngāti Hauā, providing an opportunity to clarify DOC's understanding of those views, and how they will be reflected in the decision-making process;
    d. DOC considering whether it is possible to reconcile the views of Ngāti Hauā with other considerations in the decision-making process; and
    e. DOC recording in its decision the nature of the views of Ngāti Hauā.
79. We have included the relevant excerpt from the relationship agreement at **Attachment 8**.
80. DOC advise that they are still working with Ngāti Hauā to identify the categories of statutory authorisations that are of significance. In the interim, DOC consults Ngāti Hauā on all Wildlife Act 1953 applications within their area of interest.
81. You have invited Ngāti Hauā to comment on this application, and under section 53(2)(c) of the Act a panel will also be required to invite Ngāti Hauā to comment on any substantive application for this project. Although the statutory authorisations of significance to Ngāti Hauā have not been formally identified, the panel may wish to consider the procedures at Attachment 8 to inform their engagement with Ngāti Hauā during the substantive application process.

82. 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

83. 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

84. As noted above, the project area does not include a taiāpure-local fishery or mātaitai reserve but does include waterways which flow into the lower Waipā River, which are subject to the Waikato-Tainui (Waikato River Fisheries) Regulations 2011. These regulations provide for the Waikato Raupatu River Trust to manage customary fishing in the Waikato-Tainui fisheries area. Under the regulations, the Waikato Raupatu River Trust has recommended, and the Minister for Oceans and Fisheries has approved, the Fisheries (Declaration of Waikato-Tainui Fisheries Area Bylaws) Notice 2014, which also applies to the management of relevant fisheries in those catchments.

Mana Whakahono ā Rohe/Joint management agreement

85. 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

86. Pursuant to section 17(1)(d) of the Act, on 26 August 2026 you invited written comments from the Māori groups identified above in paragraphs 16-36, from a list we previously provided you. These groups were provided with access to the application material and had 15 working days from receipt of the copy of the application to respond.

87. You received comments on the application from Te Whakakitenga o Waikato, on behalf of Waikato-Tainui, which can be summarised as follows:

    a. with regard to the proposed connection to potable water and wastewater services currently under construction, the capacity of this infrastructure should be confirmed to ensure that it can accommodate the proposed development alongside existing and planned demand;

    b. Waikato-Tainui note that there is no projected shortfall in housing development capacity across the subregion and that demand for retirement living can largely be met within existing urban areas and settlements. Further, the proposal is outside planned growth areas and would result in the conversion of Highly Productive Land. Waikato-Tainui considers the application should be considered alongside the relevant growth strategies, and the deviation from those plans should be clearly justified;

c. the applicant should continue to engage with relevant Waikato-Tainui mana whenua if this project progresses to the substantive phase, as the potential effects and measures to address them are assessed in greater detail;

d. should the project progress to the substantive phase, Waikato-Tainui expects the application to be aligned with Te Ture Whaimana and the relevant provisions of Tai Tumu Tai Pari Tai Ao, particularly in relation to flooding and other hazards, loss of productive land, engagement with mana whenua, and protection of cultural vaues; and

e. while Waikato-Tainui does not support the use of an approvals process where condensed timeframes limit the opportunity for meaningful participation by iwi, the referral application and engagement to date provide sufficient high-level understanding of the proposal. This does not represent support for the proposal or its effects, which will require further assessment and engagement should a substantive application be lodged.

88. We have provided a copy of these comments at **Attachment 9**.

Consultation with departments

89. In preparing this report, we are required to consult relevant departments. 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 from DOC in relation to the Ngāti Hauā conservation relationship agreement, and have incorporated their views into this report.

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

90. 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.

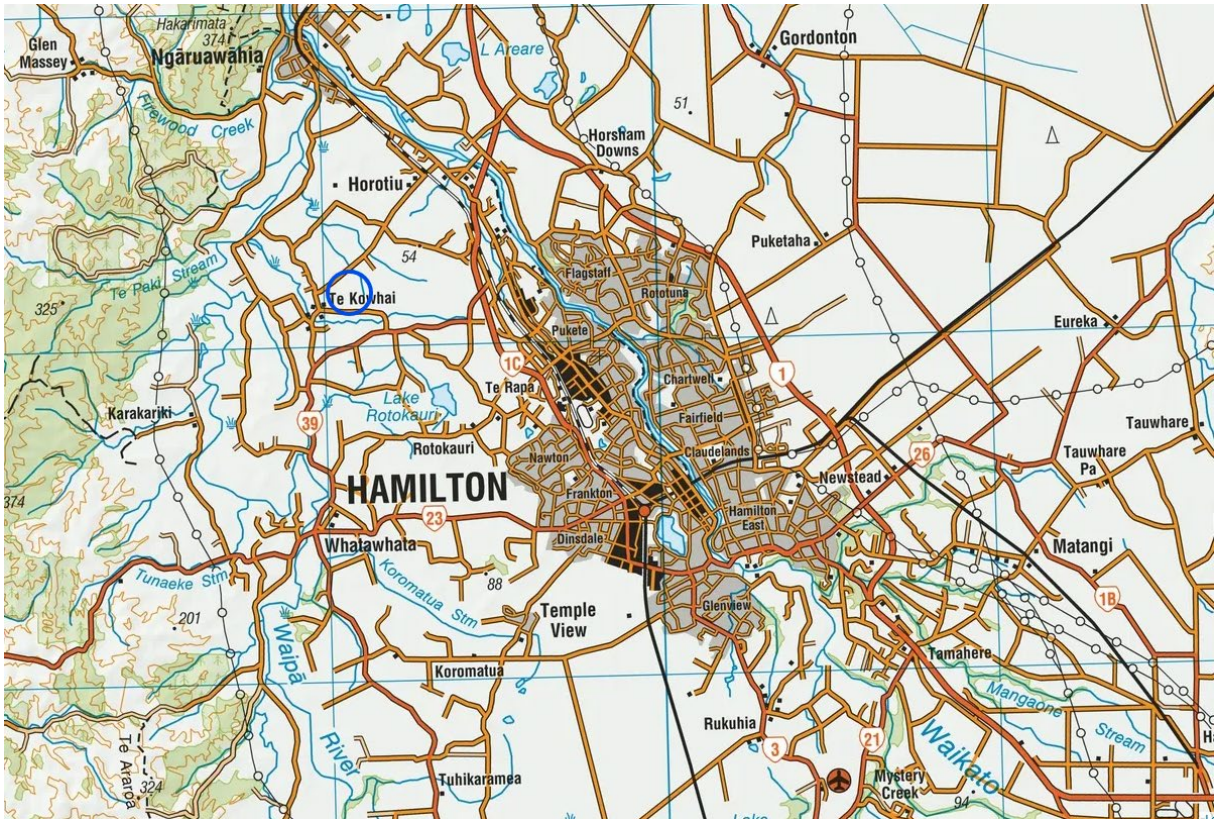
91. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

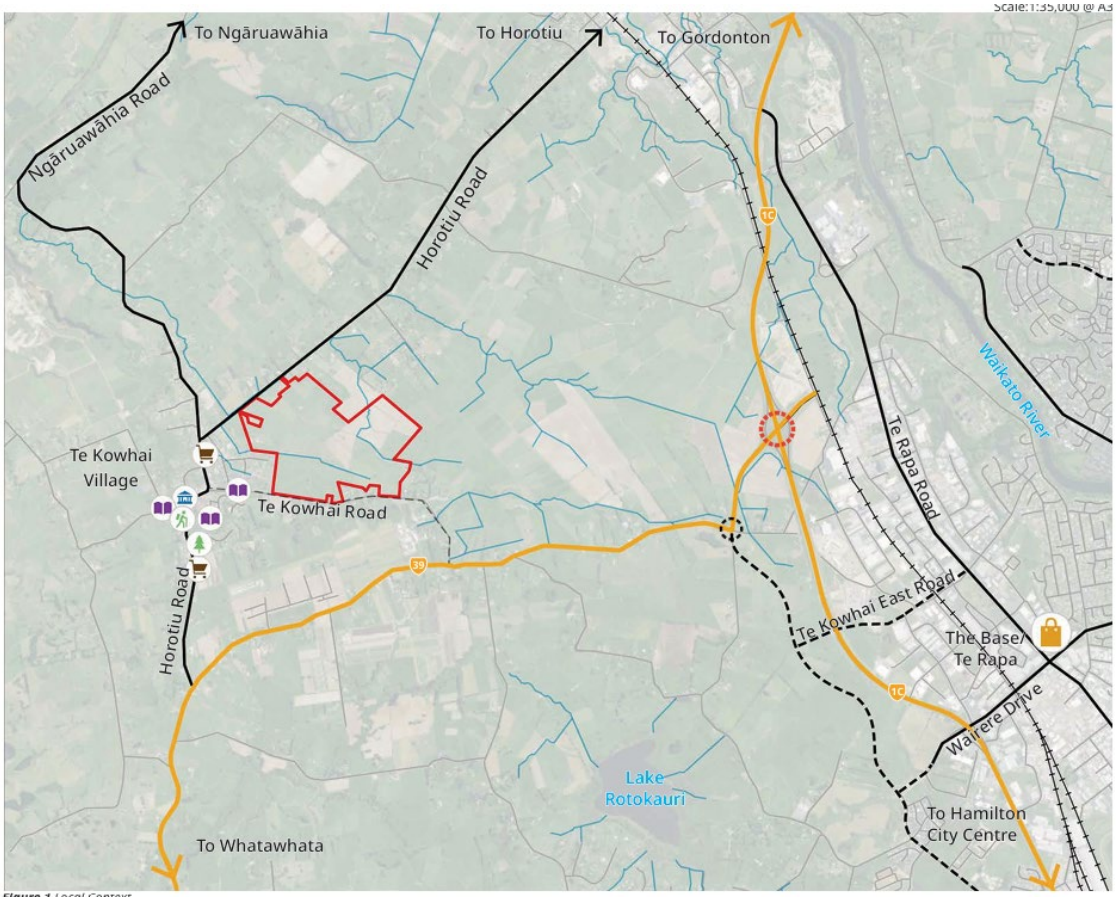
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

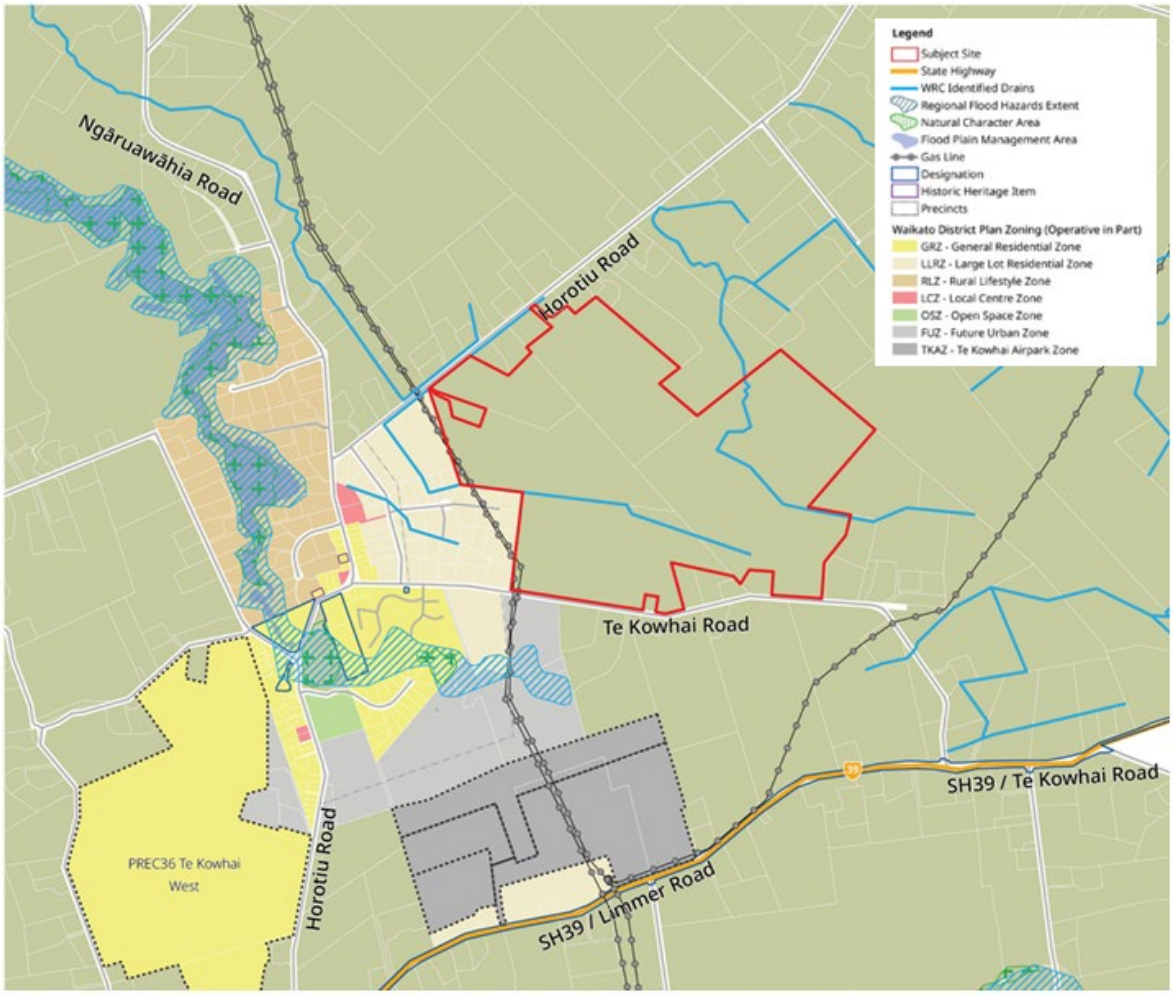
Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	9-11
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	17-23
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	37-38
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	39-82
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	24-25
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	26, 83
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.	26, 83
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).	27, 83
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaitai 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).	28-29, 84
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).	30-31
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), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	32-35, 85

	(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.	36
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	86-88
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.	90-91
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	89
18(4)	The responsible agency must provide the report to the Minister not later than 20 working days after the date for providing comments under section 17(6).	N/A
18(5)	However, if the Minister requests further information about a referral application under section 20, the time period specified in subsection (4) ceases to run for the period of time specified in the request.	N/A

Attachment 2: Project location maps






Legend
Subject Site
State Highway
WRC Identified Drains
Regional Flood Hazards Extent
Natural Character Area
Flood Plain Management Area
Gas Line
Designation
Historic Heritage Item
Precincts
Waikato District Plan Zoning (Operative in Part)
GRZ - General Residential Zone
LLRZ - Large Lot Residential Zone
RLZ - Rural Lifestyle Zone
LCZ - Local Centre Zone
OSZ - Open Space Zone
FUZ - Future Urban Zone
TKAZ - Te Kowhai Airpark Zone
Ngāruawāhia Road
Horotiu Road
Te Kowhai Road
SH39 / Te Kowhai Road
SH39 / Limmer Road
Horotiu Road
PREC36 Te Kowhai West

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)); representing tangata whenua in relation to a customary fisheries area (s18(2)(h)); iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements (s18(2)(j))
Waikato River Authority	Treaty settlement entity – Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s18(2)(a))
Ngaati Maahanga/Ngaa Uri o Maahanga	Any other Māori groups with relevant interests (s18(2)(k))
Ngaati Hourua	Any other Māori groups with relevant interests (s18(2)(k))
Ngāti Reko	Any other Māori groups with relevant interests (s18(2)(k))
Ngāti Wairere	Any other Māori groups with relevant interests (s18(2)(k))
Ngāti Tamainupō	Any other Māori groups with relevant interests (s18(2)(k))
Te Haa o te Whenua o Kirikiriroa	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: Excerpt from Ngāti Hauā conservation relationship agreement

14 STATUTORY AUTHORISATIONS

14.1 The Department acknowledges authorisations granted to third parties in relation to Conservation Land within the Rohe may impact on the spiritual, cultural or historic values of Ngāti Hauā. The Department will advise and encourage prospective applicants within the Ngati Hauā area of interest to consult with Ngāti Hauā before filing their application.

14.2 From time to time Ngāti Hauā and the Department will identify categories of Statutory Authorisations that may have a significant impact on the spiritual, cultural or historic values of Ngāti Hauā.

14.3 For the categories of any Statutory Authorisations that Ngāti Hauā and the Department agree may be significant to Ngāti Hauā, the Governance Entity and the Department will adopt the following processes:

14.3.1 the Department will notify Ngāti Hauā of the application, timeframe for a decision and the timeframe for a Ngāti Hauā response;

14.3.2 Ngāti Hauā, within an agreed timeframe, will notify the Department of their response including the nature of their interests in the proposal and their views in relation to the proposal;

14.3.3 the Department will acknowledge Ngāti Hauā interests and views as conveyed (providing an opportunity to clarify or correct the Department's understanding of those interests and views), how those interests and views will be included in the decision-making process and any apparent issues or conflict that may arise;

14.3.4 the Department will, in making a decision, consider whether it is possible to reconcile any conflict between Ngāti Hauā interests and views and other considerations in the decision-making process;

14.3.5 the Department will record in writing as part of a decision document the nature of Ngāti Hauā interests and the views of Ngāti Hauā as conveyed.

14.4 The Department will advise Ngāti Hauā of potential opportunities for Ngāti Hauā or its members to obtain statutory authorisations on Conservation Land within the Ngati Hauā area of interest, including in relation to commercial opportunities.

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

Attachment 9: Comments received from invited Māori groups