Ministry for Cities, Environment, Regions & Transport

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

Project Name: FTAA-2606-1255 Western Bays Solar Farm

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	[x] September 2026

Number of attachments: 6	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location maps 3. List of relevant Māori groups 4. Lake Taupō Catchment deed plan 5. Te Kaupapa Kaitiaki (Taupō Catchment Plan) 6. Joint management agreement between Tūwharetoa Māori Trust Board and Taupō District Council

Ministry for Cities, Environment, Regions & Transport contacts:

Position	Name	Cell phone	1st contact
Principal Author	Stephen Church		
Manager, Fast-track Operations	Stephanie Frame	s9(2)(a)	✓
General Manager, Investment Strategy & Operations	Ilana Miller	s9(2)(a)	

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-2606-1255 Western Bays Solar Farm referral application.
2. The applicant, Meridian Energy, is seeking approvals to construct, operate and maintain a solar farm on Karangahape Road, off State Highway 32 (SH32) on the western side of Lake Taupō. The project will generate up to 420MW, and will comprise the solar farm itself, including battery energy storage systems, a transmission line corridor, and a grid injection point to connect with the National Grid. The applicant is seeking approvals under the Act which would otherwise be sought under the Resource Management Act 1991 (RMA) and Heritage New Zealand Pouhere Taonga Act 2014.
3. Section 18(2) of the Act requires that this report provide a list of the Māori groups relevant to the application. We have identified Tūwharetoa Māori Trust Board, Te Kotahitanga o Ngāti Tūwharetoa, Tūwharetoa Settlement Trust, CNI Iwi Holdings Trust, Raukawa Settlement Trust, Ngāti Uenukukōpako Iwi Trust, and Te Kōpua Kānapanapa as relevant iwi authorities/Treaty settlement entities. We have also included a number of other groups who may have relevant interests, including the administrators of nearby Māori land.

4. The following Treaty settlements are relevant to the project area for this application: the 2007 Lake Taupō deed; Central North Island Forests Land Collective Settlement Act 2008; Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; Raukawa Claims Settlement Act 2014; and the Ngāti Tūwharetoa Claims Settlement Act 2018. In addition, the Tūwharetoa Māori Trust Board and Taupō District Council signed a joint management agreement (under the RMA) in 2009.
5. The Ngāti Tūwharetoa Claims Settlement Act 2018 includes provisions for Ngāti Tūwharetoa participation in decision-making on resource management matters within the Taupō Catchment, which incorporates the project area. This redress centres on the role and functions of Te Kōpua Kānapanapa, a permanent joint committee of Waikato Regional Council and Taupō District Council, and the development of Te Kaupapa Kaitiaki (Taupō Catchment Plan).
6. The 2009 joint management agreement between Tūwharetoa Māori Trust Board and Taupō District Council provides for applicants to opt for joint decision making in relation to notified resource consents and private plan changes on, or affecting, multiply-owned Māori land within the Taupō District. The application would appear to be within the scope of this agreement, since part of the project area is Māori freehold land.
7. The Te Kōpua Kānapanapa/Te Kaupapa Kaitiaki obligations arising from the Ngāti Tūwharetoa settlement, and the 2009 joint management agreement between Tūwharetoa Māori Trust Board and Taupō District Council, are most relevant to the panel's consideration of a substantive application for this project, should you accept it for referral. Accordingly, we propose you direct any panel considering a substantive application to comply with the following requirements identified in this report (as provided for at section 16(2)(c) of the Act):
    a. the relevant procedural arrangements in the Ngāti Tūwharetoa settlement relating to notification to Te Kōpua Kānapanapa of resource consent applications pertaining to the Taupō Catchment, the appointment of hearing commissioners, and consideration of Te Kaupapa Kaitiaki (as set out at paragraphs 54, 56, and 59 of this report); and
    b. the relevant requirements in the joint management agreement between Tūwharetoa Māori Trust Board and Taupō District Council for notifying the applicant and the Tūwharetoa Māori Trust Board of the option of having the application considered by a joint panel, and defaulting to this joint decision-making process if no notification is received from the applicant within 20 working days (as set out at paragraphs 70-71 of this report).
8. You did not receive a response from any of the Māori groups invited to comment on this application under s17(1)(d) of the Act.

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

Signature



Stephanie Frame
Manager – Fast-track Operations

Introduction

10. 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).

11. The information which must be provided in this report includes:

    a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;

    b. relevant principles and provisions in Treaty settlements and other arrangements;

    c. a summary of comments and further information received from invited Māori groups; and

    d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.

12. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

13. The applicant, Meridian Energy, is seeking approvals to construct, operate and maintain a solar farm on Karangahape Road, off State Highway 32 (SH32) on the western side of Lake Taupō. The solar farm will generate up to 420MW (enough to power 113,000 homes), and will consist of the following key components:

    a. the Solar Farm, comprising photovoltaic panels, inverters, power conversion and storage blocks (including co-located battery energy storage systems) and related electrical infrastructure across an area of approximately 620ha. There will also be an onsite 33/220kV substation and associated operational facilities and buildings, including a perimeter fence for security;

    b. Transmission Line Corridor – this contains a 220kV double circuit transmission line, approximately 9.7km in length, supported by towers of up to 60m in height; and

    c. Grid Injection Point (GIP) – this is a 220kV switchyard which will connect the Solar Farm, via the transmission line to the National Grid (specifically, Transpower New Zealand Limited's Bunnythorpe-Whakamaru (BPE-WKM) A and B 220 kV lines) located on the western side of SH32.

14. The Solar Farm is located on the properties at 624, 632 and 808 Karangahape Road. The Transmission Line Corridor spans across the properties at 632 and 624 Karangahape Road, and 403 SH32 (Part Hauhungaroa 1D3B Block). The GIP is located on that part of the Hauhungaroa 1D3B Block on the western side of SH32. The Solar Farm site is owned by a single landowner who has entered into a development agreement with the applicant. The land on which the GIP and most of the Transmission Line Corridor are proposed is Māori freehold land administered by Hauhungaroa 1D3B Incorporation, which has resolved to agree in principle to grant an easement and lease over its land.

15. The applicant is seeking approvals under the Act which would otherwise be sought under the RMA (including land use, groundwater take and use, discharge, earthworks) and an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.

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

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

17. 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

18. 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*.

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

    a. Tūwharetoa Māori Trust Board, representing Ngāti Tūwharetoa;

    b. Raukawa Settlement Trust, representing Raukawa; and

    c. Ngāti Uenukukōpako Iwi Trust, representing Ngāti Uenukukōpako.

Treaty settlement entities

20. 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).*

21. 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).*

22. 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]

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

    a. Tūwharetoa Māori Trust Board, in relation to the Lake Taupō deed signed 10 September 2007;

    b. Tūwharetoa Settlement Trust, PSGE for Central North Island Forests Land Collective Settlement Act 2008;

    c. CNI Iwi Holdings Trust, PSGE for Central North Island Forests Land Collective Settlement Act 2008;

    d. Raukawa Settlement Trust, PSGE for Raukawa Claims Settlement Act 2014;

    e. Te Kotahitanga o Ngāti Tūwharetoa, PSGE for Ngāti Tūwharetoa Claims Settlement Act 2018; and

    f. Te Kōpua Kānapanapa, a statutory entity established by the Ngāti Tūwharetoa Claims Settlement Act 2018.

Groups mandated to negotiate Treaty settlements

24. 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

25. 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.

26. 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

27. The project area does not include a taiāpure-local fisheries area, mātaitai 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

28. 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

[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.

b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.

29. While the application involves the construction of electricity lines on identified Māori land, the administrators of that land (Hauhungaroa 1D3B Incorporation) have agreed to the proposed activity, meaning a determination under section 23 is not required.

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

30. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or 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.

31. The application includes a proposed approval outlined in section 42 (4)(a) – resource consents – and the project area is within the boundaries of two JMAs:

    a. a 2009 JMA between Tūwharetoa Māori Trust Board and Taupō District Council regarding RMA functions, powers, and duties in relation to Māori multiply-owned freehold land; and

    b. a 2018 JMA between Tūwharetoa Māori Trust Board and Waikato Regional Council regarding functions, powers, and duties in relation to the Upper Waikato River and Taupō Waters, as provided for by the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.[2]

32. The relevant iwi authority under both JMAs is the Tūwharetoa Māori Trust Board. We discuss the implications of the JMAs below.

Any other Māori groups with relevant interests

33. We have also identified the following Māori groups who may have relevant interests:

    a. Te Whiringa Kākaho o Ngāti Hāua — PSGE for the Ngāti Hāua Claims Settlement Act 2026, whose area of interest is a several kilometres from the project area;

    b. Whakarawa Trust – administrators/owners of nearby Māori land;

    c. Hauhungaroa 1D2 Incorporation – administrators/owners of nearby Māori land;

    d. Hauhungaroa 2C Incorporation – administrators/owners of nearby Māori land;

    e. Hauhungaroa 7 Trust – administrators/owners of nearby Māori land;

    f. Hauhungaroa 1C Incorporation – administrators/owners of nearby Māori land;

    g. Ngāti Parekaawa – hapū;

    h. Poukura Marae – marae; and

    i. Ngāti Te Maunga/Whanganui Marae – hapū/marae.

34. We have also identified two other Māori land blocks nearby the project area – Hauhungaroa 1B and Hauhungaroa 1D 3A. We have been unable to locate contact details for the

[2] Taupō District Council has also developed a draft JMA with Tūwharetoa Māori Trust Board Council in relation to the Upper Waikato River and Taupō Waters, but we understand the agreement has yet to be adopted.

owners/administrators of these blocks, but we have included them in this report for completeness.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

35. 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.
36. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
    a. Lake Taupō deed, signed September 2007;
    b. Central North Island Forests Land Collective Settlement Act 2008;
    c. Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010;
    d. Raukawa Claims Settlement Act 2014; and
    e. Ngāti Tūwharetoa Claims Settlement Act 2018.

Relevant principles and provisions

37. 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

38. 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.
39. In its apology to Ngāti Tūwharetoa, the Crown recognised how the resilience of hapū and as an iwi depends upon their deep connection to the whenua and their desire to protect it. The Crown looked forward to building an enduring relationship of mutual trust and co-operation with Ngāti Tūwharetoa based on te Tiriti o Waitangi/the Treaty of Waitangi and its principles, and to support them in the revitalisation of ngā hapū o Ngāti Tūwharetoa.
40. Similarly, as part of its apology to Raukawa, the Crown stated that it looked forward to building a new relationship based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
41. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Taupō Waters

42. Under the 2007 Lake Taupō deed between Tūwharetoa Māori Trust Board and the Crown, the ownership of the bed of Lake Taupō and the beds of the Waikato River from Lake Taupō to Huka Falls and certain rivers and streams flowing into Lake Taupō, known as the 'Taupō Waters', is vested in the Tūwharetoa Māori Trust Board as Māori freehold land. There is no vesting of ownership in the water itself.

43. Taupō Waters are managed as a reserve by the Taupō-nui-ā-Tia Management Board comprising eight members, these being four Crown appointees and four Tūwharetoa Māori Trust Board appointees. The Taupō-nui-a-Tia Management Board has developed a Management Plan for Taupō Waters (as part of its role as an administrative body under the Reserves Act 1977), which came into effect on 1 August 2021.

44. As owner, Tūwharetoa Māori Trust Board may grant rights of occupation or use of parts of Taupō Waters for any purpose (and charge for the same) provided that no such rights shall conflict with: any enactment affecting navigation or safety over Taupō Waters; any other provisions of the 2007 Lake Taupō deed; and the provisions of any management plan established by the Taupō-nui-ā-Tia Management Board.

45. However, the granting of land use consents, water permits or discharge permits continues to be controlled by local authorities and is not affected by the 2007 Lake Taupō deed. The Taupō Waters are subject to all other enactments that apply to land including, in particular, the RMA.

46. The applicant advises that the project area includes one waterway, Orongopioi Stream, which drains to nearby Lake Taupō. As far as we can ascertain, Orongopioi Stream is not part of the Taupō Waters, as it is not included amongst the rivers or streams specified in the 2007 Lake Taupō deed. Accordingly, while the 2007 Lake Taupō deed provides important context for any consideration of Ngāti Tūwharetoa interests in waterways in this area, it does not place any procedural obligations on you or the panel in relation to the approvals being sought by the applicant. [3]

Te Kōpua Kānapanapa

47. The Ngāti Tūwharetoa Claims Settlement Act 2018 provides for Ngāti Tūwharetoa participation in decision-making on resource management matters within the Taupō Catchment, which incorporates the project area. We have provided the deed plan of the Lake Taupō Catchment at **Attachment 4**.

48. Section 171 of the Ngāti Tūwharetoa Claims Settlement Act 2018 provides for the establishment of Te Kōpua Kānapanapa, an eight-member permanent joint committee of Waikato Regional Council and Taupō District Council consisting of four members appointed by Te Kotahitanga o Ngāti Tūwharetoa, two Waikato Regional Council appointees and two Taupō District Council appointees.

49. The primary function of Te Kōpua Kānapanapa is to promote the restoration, protection, and enhancement of the environmental, cultural, and spiritual well-being of the Taupō Catchment. Te Kōpua Kānapanapa prepares the statutory document Te Kaupapa Kaitiaki (Taupō Catchment Plan) and participates in any statutory or non-statutory process that concerns or has implications for the health and well-being of the Taupō Catchment, including by making submissions on resource consent processes under the RMA.

50. We have identified three procedural requirements which we consider are particularly relevant to the panel's consideration of a substantive application for this project, should you accept it for referral: notification of applications pertaining to the Taupō Catchment; the appointment of hearing commissioners; and consideration of Te Kaupapa Kaitiaki.

[3] For your information, a copy of the 2007 Lake Taupō deed can be found here: Ngati-Tuwharetoa-Lake-Taupo-Deed-10-Sep-2007.pdf

Notification of applications

51. Under section 186(1) of the Ngāti Tūwharetoa Claims Settlement Act 2018, the relevant authority[4] must inform Te Kōpua Kānapanapa on receipt of any application for a resource consent or for a review of the conditions of a resource consent, if it:
    a. has been or is to be notified in accordance with the RMA; and
    b. relates to one or more of the following activities:
        i. using land in the Taupō Catchment;
        ii. taking heat or energy from water in the Taupō Catchment;
        iii. taking heat or energy from the material surrounding geothermal water in the Taupō Catchment;
        iv. taking, using, damming, or diverting water in the Taupō Catchment;
        v. making a point source discharge to Lake Taupō or its tributaries;
        vi. any activity listed in section 13(2A) of the RMA in relation to Lake Taupō or its tributaries;[5] or
        vii. any activity that the relevant authority considers appropriate for this subpart to apply to.[6]
52. The resource consents sought by the applicant relate to the use of land in the Taupō Catchment. With regard to potential effects on the catchment, the application documents also note:
    a. the applicant proposes the discharge of stormwater onto land;
    b. stormwater runoff from internal roads and other built structures will be collected and attenuated;
    c. the proposed works and presence of solar panels may result in sedimentation and erosion in downstream waterbodies, but this will be mitigated by adoption of best practice control measures;
    d. a small section of mixed native-exotic vegetation along Orongopioi Stream will be cleared for the Transmission Line Corridor;
    e. the change in land use from dairy farming to a solar farm is expected to improve the water quality of the catchment; and
    f. approval for groundwater take will be sought for the construction and operation of the project.
53. You have already invited Te Kōpua Kānapanapa to comment on this application under section 17 of the Act. Should you decide to accept this referral application, any substantive application lodged for this project will be equivalent to a resource consent application. Schedule 3 clause 5 of the Act requires the panel convener to comply with procedural matters in any Treaty settlement Act, as if they were a relevant decision-maker, relating to the appointment of a decision-making body for hearings, or other procedural requirements,

---

[4] Under section 184(2) of the Ngāti Tūwharetoa Claims Settlement Act 2018, 'relevant authority' means a Minister who appoints a board of inquiry under Part 6AA of the RMA, or a local authority that appoints one or more hearing commissioners for the purposes of Part 6 of the RMA.

[5] Section 13(2A) of the RMA provides for restriction of certain uses of beds of lakes and rivers.

[6] Section 184(1) of the Ngāti Tūwharetoa Claims Settlement Act 2018 refers.

such as “a requirement that notice be given to any person or specified class of person of any steps in a resource management process”.

54. For consistency with section 186(1) of the Ngāti Tūwharetoa Claims Settlement Act 2018 outlined above, we propose you direct the panel to invite comments from Te Kōpua Kānapanapa on any substantive application under section 53 of the Act.

Appointment of hearing commissioners

55. Under section 186(2) of the Ngāti Tūwharetoa Claims Settlement Act 2018, if the relevant authority decides to appoint hearing commissioners to hear an application described at paragraph 51, the authority:

    a. must have particular regard to any register of hearing commissioners developed by Te Kōpua Kānapanapa;[7]

    b. may appoint one or more hearing commissioners listed on the register;

    c. must be guided by the need for the hearing commissioner to have the appropriate skills, knowledge, and experience, including an appropriate knowledge of tikanga; and

    d. must, if requested by Te Kōpua Kānapanapa, provide Te Kōpua Kānapanapa with a written explanation of the reasons why it appointed a hearing commissioner in relation to a particular application, and how the authority has complied with the appointment requirements.

56. As noted above, Schedule 3 clause 5 of the Act requires the panel to comply with procedural matters in a Treaty settlement Act relating to the appointment of a decision-making body for hearings, as if they were a relevant decision-maker such as a local authority. In this case, our view is that the panel convener will need to consider how they will comply with the hearing commissioner provisions set out above when convening a panel for any substantive application lodged for this project. Should you decide to accept this referral application, we propose you include compliance with these provisions in your directions to the panel.

Consideration of Te Kaupapa Kaitiaki

57. Under section 181 of the Ngāti Tūwharetoa Claims Settlement Act 2018, a local authority must recognise and provide for the vision, objectives, desired outcomes, and values of Te Kaupapa Kaitiaki each time the authority prepares, reviews or varies an RMA planning document. Until these obligations are complied with, a local authority or the Environmental Protection Authority processing or deciding upon an application for a resource consent for an activity outlined at paragraph 51 must have particular regard for Te Kaupapa Kaitiaki under section 182(2).

58. We understand that Taupō District Council has already incorporated Te Kaupapa Kaitiaki into the strategic direction of the Taupō District Plan, and Waikato Regional Council is yet to recognise and provide for Te Kaupapa Kaitiaki in its regional RMA planning documents. Accordingly, the requirement to have particular regard to Te Kaupapa Kaitiaki only applies to consideration of regional RMA matters.

[7] As provided for by section 185 of the Ngāti Tūwharetoa Claims Settlement Act 2018, Te Kōpua Kānapanapa has been constituted, but we cannot confirm whether the register of hearing commissioners has been developed.

59. Section 82 of the Act requires that, if a Treaty settlement provides for the consideration of any document, the panel is required to give the same or equivalent effect to that document in the panel's decision-making. Should you decide to accept this referral application, for consistency with section 182(2) of the Ngāti Tūwharetoa Claims Settlement Act 2018 we propose you direct the panel to consider how it may have particular regard to Te Kaupapa Kaitiaki in its decision-making on matters that would otherwise be the responsibility of Waikato Regional Council.

60. We have provided a copy of Te Kaupapa Kaitiaki at **Attachment 5**.

61. In addition, we 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

62. 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

63. 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

64. As noted above, the project area is within the boundaries of two JMAs and the application includes a proposed approval outlined in section 42(4)(a) of the Act, i.e. a resource consent that would otherwise be applied for under the RMA.

Tūwharetoa Māori Trust Board and Taupō District Council JMA (2009) in relation to Māori multiply-owned freehold land

65. The JMA between Tūwharetoa Māori Trust Board and Taupō District Council was established under section 36B of the RMA and provides for joint decision-making on notifîed resource consents and private plan changes on or affecting multiply-owned Māori land within the Taupō District.

66. Under clause 6 of the JMA, once Taupō District Council has made the decision to notify a resource consent or private plan change, the Council gives notice to the applicant and the Tūwharetoa Māori Trust Board of the option of having the application heard by a joint hearing committee. The applicant will then have 20 working days to notify the Council if they wish to opt out of the joint hearing process. If no notifîcation is received from the applicant within 20 working days then the hearing of the application will default to the joint decision-making process as defined in the JMA.

67. Under clause 7 of the JMA, if an applicant opts in to the joint management process, the application will be heard by a joint panel of hearing commissioners comprising two Taupō District Council appointees and two Tūwharetoa Māori Trust Board appointees. The chosen commissioners then select an additional member for the panel and identify the chairperson of that panel.

68. We consider the JMA between Tūwharetoa Māori Trust Board and Taupō District Council is relevant for the application because it includes proposed resource consents for activities

on or affecting multiply-owned Māori land, namely Hauhungaroa 1D3B Block. According to the Māori Land Court information available online, on 17 January 2012 the Māori Land Court determined that Hauhungaroa 1D3B Block is Māori freehold land within the meaning of Te Ture Whenua Maori Act 1993. This appears to meet the description of multiply-owned Māori land in the JMA,[8] although it does not form the entirety of the project area.

69. Our view is that the procedural obligations in the JMA between Tūwharetoa Māori Trust Board and Taupō District Council are most relevant for a panel considering a substantive application, as the decision-maker on the proposed resource consents. In addition to Treaty settlement Acts, Schedule 3 clause 5 of the Act also requires the panel convener or panel to comply with procedural matters in any JMA, as if they were a relevant decision-maker, or obtain the agreement of the party to the JMA to a modified arrangement.

70. Should you decide to accept this referral application, we propose you direct any panel considering a substantive application for the project (as provided for at section 16(2)(c) of the Act) to either:

    a. comply with the applicable requirements of the JMA identified at paragraphs 66-67, namely to notify the applicant and the Tūwharetoa Māori Trust Board of the option of having the application considered by a joint panel, and, if no notification is received from the applicant within 20 working days then the application will default to the joint decision-making process in the JMA;[9] or

    b. obtain the agreement of Tūwharetoa Māori Trust Board to adopt a modified arrangement that is consistent with achieving the purpose of this Act and the JMA.

71. As discussed above, the Te Kōpua Kānapanapa provisions in the Ngāti Tūwharetoa Claims Settlement Act 2018 also include some procedural obligations which must be followed in the process of appointing a panel for a substantive application under the Act. These Treaty settlement obligations do not appear to be incompatible with the procedural requirements in the JMA with Taupō District Council outlined above, in the event that the applicant opts for a joint decision-making process.

72. We have provided a copy of the JMA between Tūwharetoa Māori Trust Board and Taupō District Council at **Attachment 6**.

Tūwharetoa Māori Trust Board and Waikato Regional Council JMA (2018) in relation to the Upper Waikato River and Taupō Waters

73. While we have included the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 as a relevant settlement, the project area is generally outside the scope of the co-governance arrangements over the Waikato River. However, section 44 of the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 provides for a JMA between Tūwharetoa Māori Trust Board and Waikato Regional Council over the upper

[8] Defined as land which is subject to Te Ture Whenua Maori Act 1993, is registered at the Māori Land Court, and there are three or more owners. The online Māori Land Court records do not provide the number of owners of this block. As administrator of the land the Hauhungaroa 1D3B Incorporation has eight management committee members.

[9] This is able to be accommodated under the Act, as there is no statutory timeframe for setting up a panel once a substantive application is found to be complete.

Waikato River to include matters relating to the waterways within the Taupō Waters by agreement.[10]

74. Under section 45 of the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, the JMA between the Tūwharetoa Māori Trust Board and the Waikato Regional Council must provide for the parties to work together when carrying out certain duties and functions, and exercising certain powers, in the RMA relating to monitoring and enforcement, preparation of planning documents, and applications for resource consents.

75. In 2018, the JMA between Tūwharetoa Māori Trust Board and Waikato Regional Council in relation to the upper Waikato River was updated to include provision for Taupō Waters (in Part 3). The JMA includes a number of provisions that relate to the resource consent process:

    a. Tūwharetoa Māori Trust Board and Waikato Regional Council are to undertake joint decision making on notified resource consent applications under section 104 of the RMA within Taupō Waters that require a hearing, and on private plan changes (clause 22.1);[11]

    b. in the event of a hearing, clause 24.7 of the JMA requires the full hearing panel to be identified as soon as possible from the register of accredited hearing commissioners jointly maintained by Tūwharetoa Māori Trust Board and Waikato Regional Council, and appointed at least 20 working days prior to the hearing; and

    c. under clause 24.5 of the JMA, the default number of hearing commissioners for a hearing panel is three (made up of one Iwi Commissioner, one Council Commissioner and one Jointly Appointed Commissioner). Alternatively, the JMA Parties may agree that for a particular application there may be five or one hearing commissioner sitting (clause 24.6).[12]

76. As noted at paragraph 46, the project area includes one waterway, Orongopioi Stream, which drains to nearby Lake Taupō but is not included as part of Taupō Waters. We note that the JMA provisions set out above relate to decision-making on resource consent applications 'within Taupō Waters', so they do not appear to be procedural arrangements which must be followed in relation to this application.[13]

---

[10] We understand that the definition of 'Taupō Waters' is the same as that for the 2007 Lake Taupō deed. In relation to the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Taupō Waters is defined in clause 3 of the 'Deed in relation to Co-Governance and Co-Management Arrangements for the Waikato River' as: "the Taupō Nui A Tia Block, Te Awa O Waikato Ki Te Toka A Tia Block and Te Hokinga mai o te papa o nga awa ki te Poari hei Kaitiaki o nga Hapu o Ngāti Tūwharetoa Block". This includes the bed of Lake Taupō, the bed of the Waikato River extending from Lake Taupō to Te Toka a Tia (inclusive of the Huka Falls, but excluding the site of the Taupō Control Gates) and the beds of certain rivers and streams flowing into Lake Taupō.

[11] The parties agreed over the following two years to explore opportunities to make decisions jointly over resource consent applications under section 104 of the RMA that affect Taupō Waters and that are notified but do not require a hearing (clause 22.3).

[12] Where five commissioners are appointed, the panel will comprise two Iwi Commissioners, two Council Commissioners and one Jointly Appointed Commissioner; or where one commissioner is to be appointed, that commissioner will be appointed from the Jointly Appointed Commissioners section of the Register.

[13] For your information, a copy of the JMA between Tūwharetoa Māori Trust Board and Waikato Regional Council can be found here: JMATuwharetoa33046995.pdf

Summary of comments received and advice

Comments from invited Māori groups

77. Pursuant to section 17(1)(d) and (e) of the Act, on 10 August 2026 you invited written comments from the Māori groups identified above in paragraphs 17-34, and the owners of Māori land in the project area, 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.

78. You did not receive comments from any of these groups.

Consultation with departments

79. In preparing this report, we are required to consult relevant departments. We sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups, and have incorporated their views into this report.

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

80. 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.

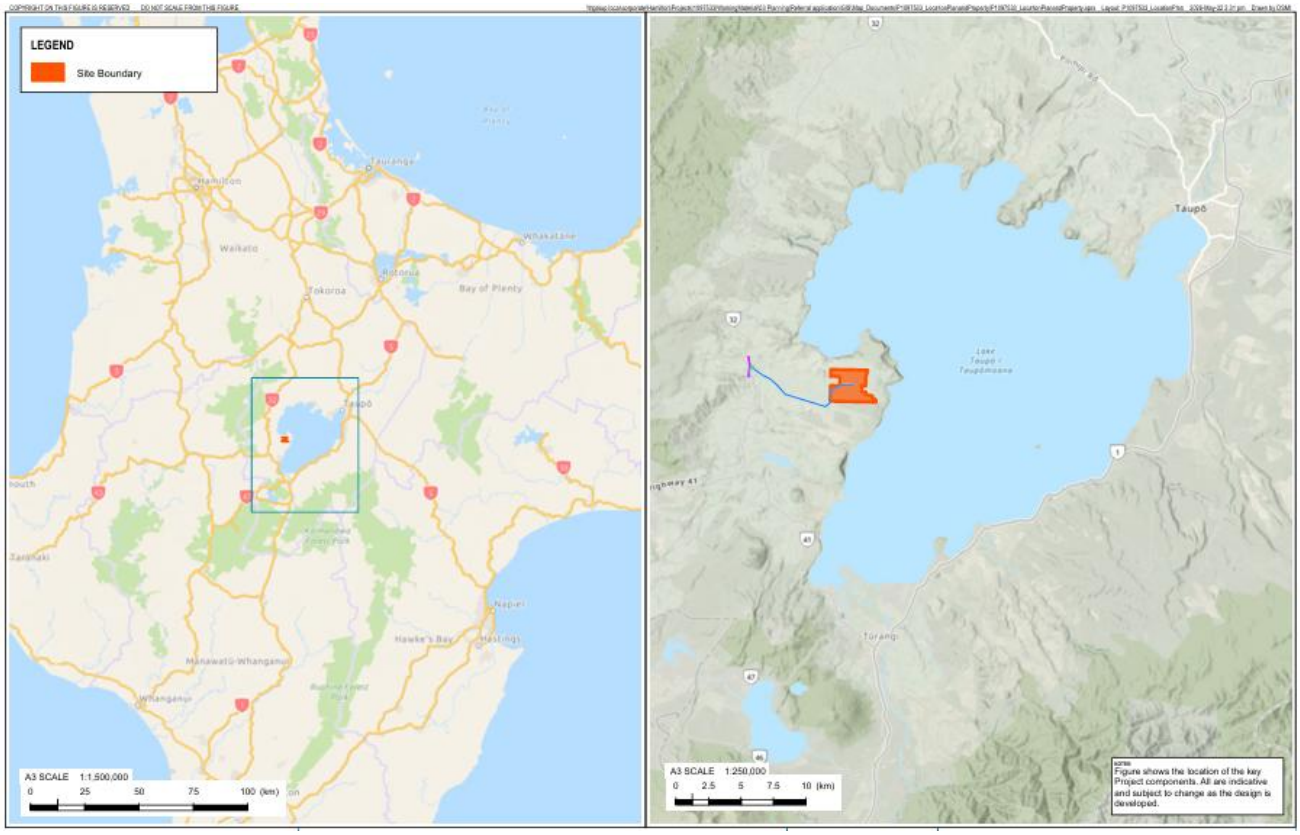
81. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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.	10-12
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	18-23
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	35-36
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	37-61
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	24
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	25, 62
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.	25, 62
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).	26, 62
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).	27, 63
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	28-29
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	30-32, 64-76

	(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.	33-34
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	77-78
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.	80-81
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	79
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





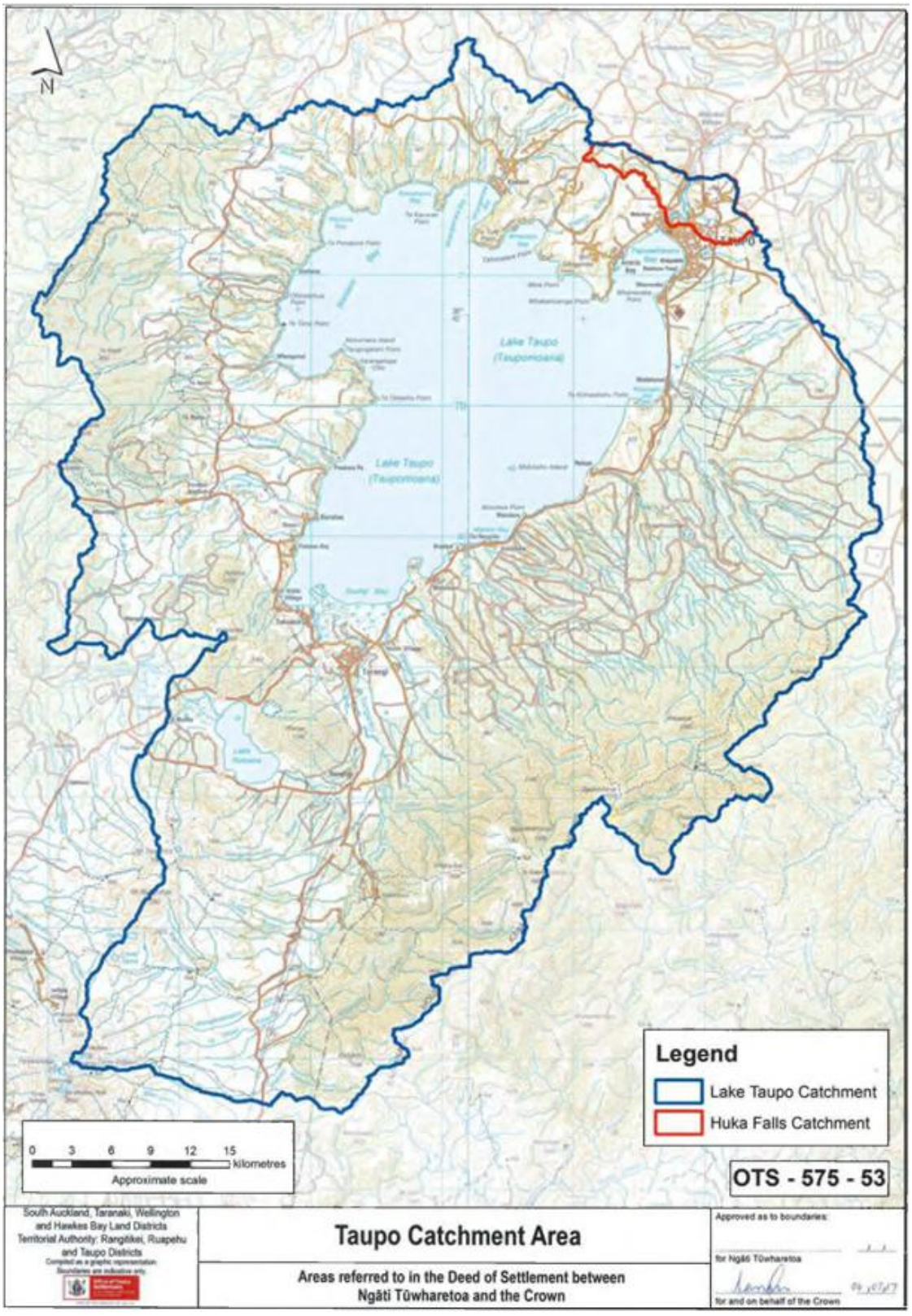
Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Hauhungaroa 1D3B Incorporation	Owners of Māori land in the project area (s17(1)(e))
Tūwharetoa Māori Trust Board	iwi authority (s18(2)(a)), Treaty settlement entity – Taupō Waters deed (s18(2)(a)), party to JMA (s18(2)(j))
Te Kotahitanga o Ngāti Tūwharetoa	Treaty settlement entity - Ngāti Tūwharetoa Claims Settlement Act 2018 (s18(2)(a))
Tūwharetoa Settlement Trust	Treaty settlement entity - Central North Island Forests Land Collective Settlement Act 2008 (s18(2)(a))
CNI Iwi Holdings Trust	Treaty settlement entity - Central North Island Forests Land Collective Settlement Act 2008 (s18(2)(a))
Raukawa Settlement Trust	iwi authority (s18(2)(a)), Treaty settlement entity - Raukawa Claims Settlement Act 2014 (s18(2)(a))
Ngāti Uenukukōpako Iwi Trust	iwi authority (s18(2)(a))
Te Kōpua Kānapanapa	Treaty settlement entity - Ngāti Tūwharetoa Claims Settlement Act 2018 (s18(2)(a))
Te Whiringa Kākaho o Ngāti Hāua	other Māori group with relevant interests (s18(2)(k))
Whakarawa Trust	other Māori group with relevant interests (s18(2)(k))
Hauhungaroa 1D2 Incorporation	other Māori group with relevant interests (s18(2)(k))
Hauhungaroa 2C Incorporation	other Māori group with relevant interests (s18(2)(k))
Hauhungaroa 7 Trust	other Māori group with relevant interests (s18(2)(k))
Hauhungaroa 1C Incorporation	other Māori group with relevant interests (s18(2)(k))
Ngāti Parekaawa	other Māori group with relevant interests (s18(2)(k))
Poukura Marae	other Māori group with relevant interests (s18(2)(k))
Ngāti Te Maunga/Whanganui Marae	other Māori group with relevant interests (s18(2)(k))

We have also identified two other Māori land blocks nearby the project area – Hauhungaroa 1B and Hauhungaroa 1D 3A – but we have been unable to locate contact details for the owners/administrators of these blocks.

Attachment 4: Lake Taupō Catchment deed plan

Attachments schedule to the Ngāti Tūwharetoa deed of settlement



Attachment 5: Te Kaupapa Kaitiaki (Taupō Catchment Plan)

Attachment 6: Joint management agreement between Tūwharetoa Māori Trust Board and Taupō District Council