

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

Project Name: FTAA-2502-1006 Ashbourne

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	12 May 2025

Number of attachments: 5	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Location map of project List of relevant Māori groups Comments received from invited Māori groups Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts:

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Principal Author	Joanne Waitoa		
Manager, Delivery	Stephanie Frame	s 9(2)(a)	✓
General Manager, Delivery & Operations	Ilana Miller	s 9(2)(a)	

Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment), as the responsible agency, has provided this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the Ashbourne referral application.
- The applicant, Matamata Development Limited, proposes a mixed-use development on approximately 125 hectares of land approximately 1.8 kilometres southwest of Matamata. The project will require resource consents under the Resource Management Act 1991 and all relevant land titles are in private ownership.
- We have identified Ngāti Hauā Iwi Trust, Raukawa Settlement Trust, Te Puāwaitanga o Ngāti Hinerangi Trust, and Te Whakakitenga o Waikato Incorporated as the relevant Māori groups in relation to the project area.
- We have identified the following Treaty settlements as relevant to the project area: Ngāti Hauā Claims Settlement Act 2014, Raukawa Claims Settlement Act 2014, Ngāti Hinerangi Claims Settlement Act 2021, Waikato Raupatu Claims Settlement Act 1995, and elements

of the Pare Hauraki iwi Collective Redress Deed 2018. No other agreements have been identified as relevant to the project area.

5. Some of the principles and provisions of these Treaty settlements identified in the Crown acknowledgements and apology apply broadly to the project, however there are no specific redress provisions relevant to the project area. Accordingly, we did not identify any documents that you must give the same or equivalent effect to, or procedural requirements you must comply with, under section 16.
6. Te Whakakitenga o Waikato Incorporated provided comments on the application. They acknowledge the potential benefits of the proposal but have some concerns regarding the environmental, cultural and social aspects of the project and consenting process. They expect the applicant to enable ongoing engagement opportunities with mana whenua including cultural impact assessments. No other comments were received.
7. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti were invited to comment on the draft of this report, and did not have any comments or concerns.
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.

Introduction

9. Under section 18 of the Act, you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment).
10. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, and other Māori groups with relevant interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments 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, Matamata Development Limited, proposes a mixed-use development on approximately 125 hectares of land approximately 1.8 kilometres southwest of Matamata. The project will require resource consents under the Resource Management Act 1991 (RMA) and all titles are in private landownership.
13. We have provided a location map at **Attachment 2**.

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

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

Iwi authorities

15. We consider the following four groups to be the relevant iwi authorities for the project:

- a. Ngāti Hauā Iwi Trust, representing Ngāti Hauā;
- b. Raukawa Settlement Trust, representing Ngāti Raukawa;
- c. Te Puāwaitanga o Ngāti Hinerangi Trust, representing Ngāti Hinerangi; and
- d. Te Whakakitenga o Waikato, representing Waikato-Tainui.

Treaty settlement entities

16. 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).

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

- a. Ngāti Hauā Iwi Trust, representing Ngāti Hauā, as PSGE for the Ngāti Hauā Claims Settlement Act 2014;
- b. Raukawa Settlement Trust, representing Ngāti Raukawa, as PSGE for the Raukawa Claims Settlement Act 2014;
- c. Te Puāwaitanga o Ngāti Hinerangi Trust, representing Ngāti Hinerangi, as PSGE for the Ngāti Hinerangi Claims Settlement Act 2021; and
- d. Te Whakakitenga o Waikato, representing Waikato-Tainui, as PSGE for the Waikato Raupatu Claims Settlement Act 1995 (also for the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, which does not apply to the project area).

Groups mandated to negotiate Treaty settlements

18. The following group has a recognised mandate to negotiate a Treaty settlement over an area which may include the project area:

- a. Te Whakakitenga o Waikato Incorporated, PSGE, representing Waikato-Tainui in negotiating settlement of their remaining claims.

Takutai Moana groups and ngā hapū o Ngāti Porou

19. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.

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

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through customary management areas

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

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

22. 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.

23. This project does not involve an activity described in section 23(1)(a) and/or (b) of the Act.

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

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

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

Any other Māori groups with relevant interests

26. We are not aware of any other Māori groups with relevant interests in the project area.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

27. 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.

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

- a. Ngāti Hauā Claims Settlement Act 2014;
- b. Raukawa Claims Settlement Act 2014;
- c. Ngāti Hinerangi Claims Settlement Act 2021;
- d. Waikato Raupatu Claims Settlement Act 1995;

- e. Pare Hauraki Collective Redress Deed signed on 2 August 2018.
29. While we have included the Pare Hauraki Collective Redress Deed as a relevant Treaty settlement, we have not included any of the Hauraki iwi in the lists of the relevant iwi authorities, Treaty settlement entities, or groups mandated to negotiate settlements, outlined above. This is because the project area does not fall within the areas of interest of Hauraki iwi.
30. However, the Pare Hauraki Collective Redress Deed provides for redress over the entire Piako River catchment, which extends south beyond the areas of interest of Hauraki iwi to include the project area. Generally, the Crown does not offer redress outside the area of interest of a negotiating group. In this instance, the agreed redress – establishment of the Waihou, Piako and Coromandel Catchment Authority (discussed further below) – also incorporates those groups with interests in the upper Piako catchment: Ngāti Hauā, Ngāti Hinerangi, and Raukawa. Accordingly, the Pare Hauraki Collective Redress Deed is pertinent to the extent that it provides for redress over the project area, and to those groups relevant to the project area.
31. We note the project does not include the Waikato River or its catchment and will therefore not interact with the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

Relevant principles and provisions

32. We note that section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below:

Crown acknowledgements and apologies

33. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.
34. As part of its apologies to Ngāti Hauā, Raukawa, Ngāti Hinerangi and Waikato-Tainui, the Crown stated that it looked forward to the beginning of a new relationship between the Crown and iwi founded on mutual trust, co-operation, and respect for te Tiriti o Waitangi / the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Natural resources redress and other cultural redress

35. We have analysed the Ngāti Hauā Claims Settlement Act 2014, Raukawa Claims Settlement Act 2014, and Ngāti Hinerangi Claims Settlement Act 2021, and did not find any specific natural resources redress or other cultural redress that is relevant to the project area.
36. The project area is within the Piako River catchment. As noted above, the Pare Hauraki Collective Redress Deed (signed on 2 August 2018, with settlement legislation currently before the House) provides for the establishment of the Waihou, Piako and Coromandel Catchment Authority (the WPCC Authority) to provide co-governance, oversight and direction for the Coromandel, Waihou and Piako waterways. The WPCC Authority would include a subcommittee, Te Mātāpuna o Ngā Awa o Waihou Piako, with a specific focus on the upper Waihou and Piako catchments. Te Mātāpuna comprises one member appointed by each of Raukawa, Ngāti Hauā and Ngāti Hinerangi, one member appointed by Pare Hauraki, and one member appointed by each of the Waikato Regional Council, Matamata-Piako District Council, Hauraki District Council, and South Waikato District

Council. Te Mātāpuna would provide one member to the WPCC Authority which oversees the entirety of all three catchments.

37. The proposed WPCC Authority would also maintain a register of hearing commissioners, in consultation with Te Mātāpuna, for resource consents relating to the waterways in the catchments. The Pare Hauraki Collective Deed provides that the relevant consent authority must have particular regard to the commissioner register when appointing hearing commissioners in relation to consent applications that affect the catchments. The relevant local authorities would also be required to provide the WPCC Authority, Ngāti Hauā, Ngāti Hinerangi, Raukawa, and the Pare Hauraki collective cultural entity with information about resource consent applications for activities which would affect the catchments.
38. We note that these provisions relating to the Piako catchment are not operative, and that the WPCC Authority has yet to be established, because the Pare Hauraki settlement legislation is yet to be enacted, but we draw it to your attention for context and completeness.
39. In their comments on the Ashbourne referral application (summarised below), Te Whakakitenga o Waikato make reference to the Waikato-Tainui Environmental Plan (Tai Tumu, Tai Pari, Tai Ao). The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides that a consent authority considering an application for a resource consent under the RMA must have regard to the Waikato-Tainui Environmental Plan. As noted above, the project area is outside the Waikato River catchment, so we have not addressed this provision or other redress in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. Although not a relevant Treaty settlement provision in this context, we note that as an iwi management plan under the RMA the Waikato-Tainui Environmental Plan would apply to the wider Waikato-Tainui rohe (including the project area), and its inclusion in the comments from Te Whakakitenga is a reflection of Waikato-Tainui perspectives.
40. Finally, 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

41. 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

42. As noted above, the project area is not within a Taiāpure-local fishery, mātaitai reserve or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

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

Summary of comments received and advice

Comments from invited Māori groups

44. Pursuant to section 17(1)(d) and (e) of the Act, on 4 March 2025 you invited written comments from the Māori groups identified above in paragraphs 14-17, (from a list previously provided you). These groups were provided access to the application material and had 20 working days from receipt of the copy of the application to respond.
45. You received comments on the application from one group, which are summarised as follows:

Te Whakakitenga o Waikato Incorporated

46. Waikato-Tainui are neither in support or opposition of the proposal and have noted limited engagement has occurred with them so far (they acknowledge that the applicant has engaged with Ngāti Hauā, a recognised hapū of Waikato-Tainui and mana whenua of the proposed application site). They have commented on the following environmental, cultural and social aspects of the application:
- a. Environmental – effects of altering the landscape; effects of land use change and impact on highly productive lands; and effects of stormwater and risk to waterways during construction.
 - b. Cultural – proposal needs to be assessed against all relevant parts of Tai Tumu, Tai Pari, Tai Ao - Waikato-Tainui Environmental Plan and a Cultural Impact Assessment needs to be completed by mana whenua with any recommendations incorporated into development plans.
 - c. Social – ongoing engagement with Waikato-Tainui and relevant hapū is necessary and a fair and comprehensive hearing process is required. It is essential that the consenting process provides a platform for open dialogue, the consideration of iwi perspectives, and the resolution of issues identified.

Consultation with departments and Ministers

47. In preparing this report, we are required to:
- a. consult relevant departments; and
 - b. provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti (for response within 10 working days).
48. We sought advice from Te Puni Kōkiri regarding the relevant Māori groups, and have incorporated their views into this report.
49. Minister Potaka, as Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti, has advised he has no comments or concerns with this application (**Attachment 5** refers).

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

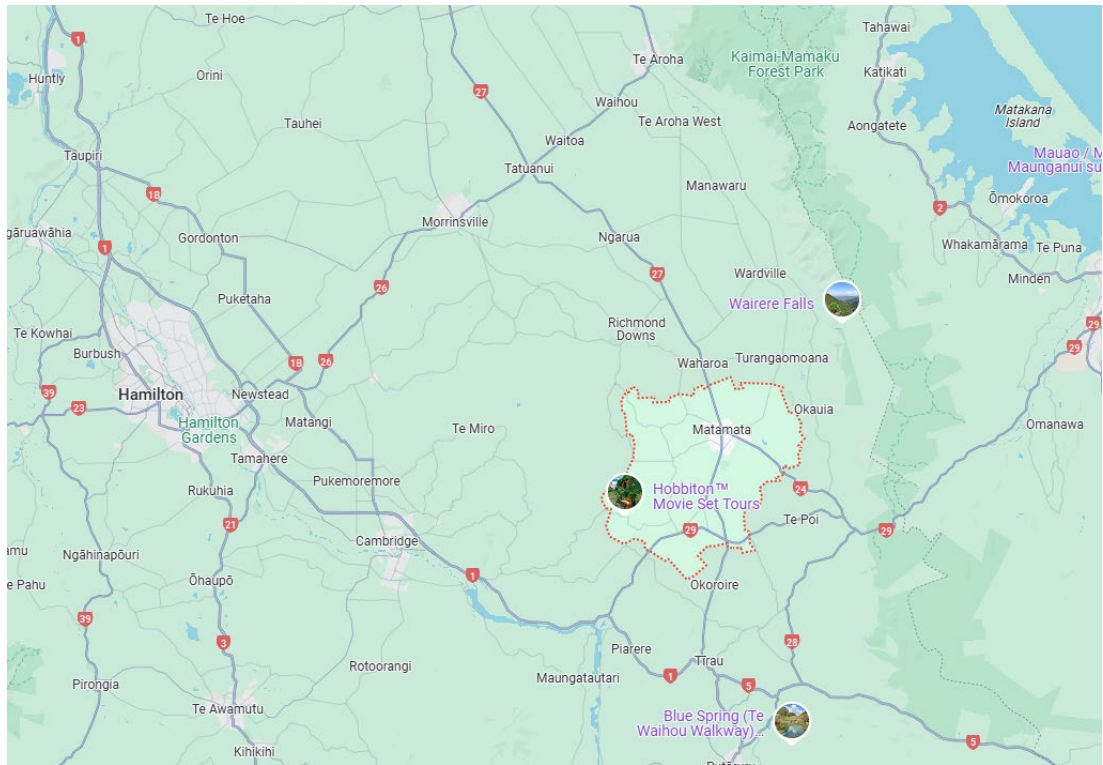
50. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
51. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	Not applicable to substantive applications – s 18 report is required by s 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	14-17
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	27-31
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	32-40
18A(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	18
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	19
198(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.	19
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).	20
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	21
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).	22-23
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),	24-25

	<ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. (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.	26
18(2)(l)	A summary of— <ul style="list-style-type: none"> (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 	44-46
18 (2)(m)	The responsible agency's advice on whether there are significant rights and interests identified in the report and, as a result, it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	50-51
18(3)	In preparing the report required by this section, the responsible agency must— <ul style="list-style-type: none"> (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. 	47-48
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	49

Attachment 2: Project location map



Site location – Station Road, Matamata

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngāti Hauā Iwi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity - Ngāti Hauā Claims Settlement Act 2014 (s18(2)(a))
Raukawa Settlement Trust	Iwi authority (s18(2)(a)); Treaty settlement entity - Raukawa Claims Settlement Act 2014 (s18(2)(a))
Te Puāwaitanga o Ngāti Hinerangi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity - Ngāti Hinerangi Claims Settlement Act 2021 (s18(2)(a))
Te Whakakitenga o Waikato Incorporated	Treaty settlement entity – current negotiation mandate for remaining Waikato-Tainui claims (s18(2)(d))

Attachment 4: Comments received from invited Māori groups



**RESPONSE TO REQUEST FOR COMMENT – ASHBOURNE DEVELOPMENT FAST-
TRACK REFERRAL APPLICATION**

This response is filed for Waikato-Tainui by:

Te Whakakitenga o Waikato Incorporated

PO Box 648
Hamilton 3240

INTRODUCTION

1. This response is made on behalf of Te Whakakitenga o Waikato Incorporated (Waikato-Tainui).
2. Te Whakakitenga o Waikato Incorporated (**Waikato-Tainui**) is the governing body for the 33 hapuu and 68 marae of Waikato (see **Appendix A**) and manages the tribal assets for the benefit of over 91,000 registered tribal members. It is also:
 - a) the trustee of the Waikato Raupatu Lands Trust, the post-settlement governance entity for Waikato-Tainui for the purposes of the Waikato Raupatu Lands Deed of Settlement 1995 and the Waikato Raupatu Claims Settlement Act 1995;
 - b) the trustee of the Waikato Raupatu River Trust, the post-settlement governance entity for Waikato-Tainui for the purposes of the Waikato-Tainui River Deed of Settlement 2009 and the Waikato Raupatu Claims (Waikato River) Settlement Act 2010;
 - c) the mandated iwi organisation for Waikato-Tainui for the purposes of the Maaori Fisheries Act 2004; and
 - d) the iwi aquaculture organisation for Waikato-Tainui for the purposes of the Maaori Commercial Aquaculture Claims Settlement Act 2004.
3. Waikato-Tainui welcomes the opportunity to respond to the “Ashbourne” fast-track referral application. This response is made on behalf of our 33 hapuu, 68 marae and more than 94,000 iwi members.
4. Waikato-Tainui recognizes that there may be overlapping interests with other iwi. Waikato-Tainui supports the views expressed in their separate comments regarding this referral application.
5. The comments provided here cover:
 - (a) overarching comments on key issues
 - (b) some specific topic-based submissions

BACKGROUND TO WAIKATO-TAINUI

7. Waikato-Tainui marae are kaitiaki of our environment and regard the holistic integrated management of all elements of the environment (such as flora, fauna, land, air and water) with utmost importance.
8. Waikato-Tainui are tangata whenua and exercise mana whakahaere within our rohe (tribal region). Our tribal rohe is bounded by Auckland in the north and Te Rohe Pootae (King Country) in the south and extends from the west coast to the mountain ranges of Hapuakohe and Kaimai in the east. Significant landmarks within the rohe of Waikato include the Waikato and Waipaa Rivers, the sacred mountains of Taupiri, Karioi, Pirongia and Maungatautari, and the west coast harbours of Whaangaroa (Raglan), Manukau, Aotea and Kawhia moana, the eastern areas of Tikapa Moana (Firth of Thames), and principally, New Zealand's longest river, Te Awa o Waikato.
9. Both through its hapuu and collectively as an iwi, Waikato-Tainui has maintained ahi kaa, continues to exercise mana whakahaere, rangatiratanga, and kaitiakitanga, and upholds and exercises Waikato-Tainui tikanga, kawa, maatauranga, and reo within the Waikato-Tainui Rohe.
10. We acknowledge and affirm the intrinsic relationship of Waikato-Tainui with our natural environment, which carries with it both rights and responsibilities as a matter of tikanga and kawa.
11. Waikato-Tainui entered into a Deed of Settlement regarding our Waikato River claim under Te Tiriti o Waitangi in 2008 ("2008 Settlement"). This was followed by the signing of a revised Deed in 2009 and ultimately, enactment of the Waikato- Tainui Raupatu (Waikato River) Settlement Act 2010 ("Settlement Act"). The settlement marked the genesis of the Crown's statutory recognition of Te Mana o te Awa and the establishment of a "co-management" approach between Waikato-Tainui and the Crown regarding matters relating to the Waikato River.

WAIKATO-TAINUI OUTSTANDING AND REMAINING CLAIMS

12. Waikato-Tainui has several unresolved outstanding (Wai 30) and remaining te Tiriti o Waitangi grievances that are currently being negotiated with the Crown under the Treaty settlement negotiations process. These include (but are not limited to) claims in relation to the West Coast Harbours (Kaawhia, Aotea, Whaaingarua and Manukau) and Taamaki Makaurau. These claims are comprehensive in nature and extend to matters concerning whenua, the takutai moana, the moana itself, social, cultural and economic issues.
13. Wai 30 is held by Te Whakakitenga o Waikato to be negotiated on behalf of all 33 hapuu of Waikato-Tainui. The Wai 30 claim is inclusive of those parts and interests included in the original Wai 30 claim filed in 1987, that were intentionally set aside to be addressed, negotiated and settled separately to the Waikato Raupatu Claims Settlement 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010. This settlement represents a key part of the Wai 30 claim and is a continuation of these previous settlements.
14. Waikato-Tainui considers that our area of interest for settlement purposes to the moana includes the area of foreshore and seabed in and adjacent to each harbour bounded on the landward side by the line of mean high-water springs and on the seaward side by the outer limits of the Exclusive Economic Zone, including the beds of any rivers, lagoons, lakes and other water bodies that are part of the coastal marine area (within the meaning of the Resource Management Act 1991), as well as:
 - a) the airspace and the water space;
 - b) the subsoil, bedrock, minerals and other materials below the water bodies;
 - c) the marine and estuarine waters (including the waters of any rivers, lagoons, lakes or other water bodies);
 - d) the plants, animals and fish – flora and fauna;
 - e) the physical and metaphysical elements of the areas, waters, natural resources and geographic features;
 - f) the land, waters, water bodies (including rivers, lakes, wetlands, swamps, estuaries, streams, tributaries, springs, artesian waterways, and other natural watercourses), geographic features, natural resources, plants, animals, and activities within the catchment of each harbour which directly or indirectly interconnect with or affect the harbour; and

- g) all physical and biological processes (including sediment movement, waves, tides, currents, and activities) within or affecting the areas, waters, natural resources and geographic features.
- 15. The claims themselves and the approach to negotiations is underpinned by the principles of mana motuhake, mana whakahaere and te mana o te moana. These principles are reflected in a Takarangi Framework (see **Appendix B**) and aspire to achieve autonomy, decision making rights, and co-governance/co-management rights to ensure the health and wellbeing of the moana.
- 16. Redress mechanisms in this regard are still being developed and negotiated with the Crown. In absence of settlement protections for these remaining claims, Waikato-Tainui seeks to provide and secure environmental protections for te taiao through other levers.

OVERARCHING COMMENTS ON THE PROJECT APPLICATION REFERRAL

- 17. Waikato-Tainui has assessed the available information. Our findings and recommendations have been included with this response. We note that a limitation of those findings, in particular as they relate to Iwi consultation, is that the information upon which they are formed is preliminary and high level, given the fast-track application is only at the referral stage.
- 18. It is noted that consultation with Waikato-Tainui has been limited.
- 19. Waikato-Tainui welcomes engagement with Waikato-Tainui iwi, hapuu and marae on this project, noting that preliminary discussions with Ngaati Hauaa representatives took place in June 2024. Waikato-Tainui notes that the information provided is limited with respect to Ngaati Hauaa's position on the application for fast-track referral.
- 20. Ngaati Hauaa are a recognised hapuu of Waikato-Tainui and are mana whenua of the rohe for the proposed application. It should be noted that Ngaati Hauaa also have their own settlement directly with the crown.

Waikato-Tainui Position

21. While Waikato-Tainui acknowledges the potential benefits of this proposal, we have some concerns regarding the environmental, cultural, and social effects associated with the project. These include, but are not limited to:

Environmental Impacts

- (a) Landscape effects – The scale of the proposal will potentially alter the landscape and character of the area. It is unclear if the extent of the potential effects have been socialized with mana whenua and wider communities.
- (b) Land-use – Waikato-Tainui has consistently emphasized the importance of protecting highly productive land from inappropriate development. Waikato-Tainui see this as crucial to ensuring that land is preserved for food security, cultural practices, and future generations, etc.
- (c) Stormwater effects – In particular during construction, land disturbances may pose risks to waterways.

Cultural Impacts

- (d) Mana Whenua Consultation - It is essential that a Cultural Impact Assessment (CIA) be prepared by mana whenua for the proposed site, serving as a tool to fully understand and mitigate cultural impacts. Waikato-Tainui expects the applicant to incorporate all information and recommendations from any CIA produced into the development plans, ensuring the process adequately addresses cultural concerns.

Tai Tumu, Tai Pari, Tai Ao Plan – Waikato-Tainui Environmental Plan

- (e) Tai Tumu, Tai Pari, Tai Ao advocates for partnership and collaboration to uphold mana whakahaere. Without robust participation, the proposal fails to reflect the values of mana whenua.
 - (f) A CIA will help to ensure that the cultural and spiritual values associated with the proposed site are able to be considered in an appropriate way, thereby facilitating the protection, enhancement, and honouring of these Taonga for current and future generations.
22. Waikato-Tainui expects that the proposal will be assessed against all relevant parts of Tai Tumu, Tai Pari, Tai Ao. Key areas for ensuring full alignment include: i) ongoing

consultation with iwi, hapuu, and marae regarding any cultural and heritage concerns; and ii) ensuring the project integrates Maaori values and maatauranga in its implementation.

23. Waikato-Tainui's expectation is that appropriate weighting and consideration is given to the recommendations and concerns discussed here, in particular the following:

Strengthened Engagement and Cultural Input

- a) Waikato-Tainui encourages continued engagement with relevant Waikato-Tainui iwi, hapuu, and marae to ensure that the cultural values associated with the proposed site are considered in full and reflected in the development plans,
 - b) Require the Applicant to engage with Waikato-Tainui and relevant Waikato-Tainui iwi, hapuu and marae throughout the project to ensure that mana whenua perspectives shape the project's development where appropriate,
24. Waikato-Tainui expects that all negative effects identified as part of the proposal will be mitigated by using the highest targets or measures as outlined in section 8.3 of Tai Tumu, Tai Pari, Tai Ao and that the applicant will, together with us, appropriately address and/or resolve these concerns prior to or immediately following any decision on the referral application.
25. Waikato-Tainui's expectation is that engagement is ongoing with our iwi, hapuu and marae and that they are appropriately resourced by the applicant to the completion of the project so that the aspirations of Tai Tumu, Tai Pari, Tai Ao are achieved through collaboration and partnership.
26. Waikato-Tainui wish to remain directly engaged and informed throughout the entire process (i.e., from consenting to project execution and beyond, if necessary) and, in addition, we will continue to monitor progress in support of our iwi, hapuu, or marae for their separate engagements on this matter.

CONCLUSION

27. Waikato-Tainui supports a fair and comprehensive hearing processes that ensures all concerns raised in these comments are thoroughly addressed. It is essential that the final consenting process—whether streamlined or otherwise—provides a platform for

open dialogue, allowing for the consideration of iwi perspectives and the resolution of any issues identified. A transparent and balanced process will help ensure that all relevant matters are properly examined and that any potential impacts on iwi values, culture, and interests are adequately mitigated.

Naaku noa, naa

A handwritten signature in black ink, appearing to be 'D. P. L.' or similar, written in a cursive style.

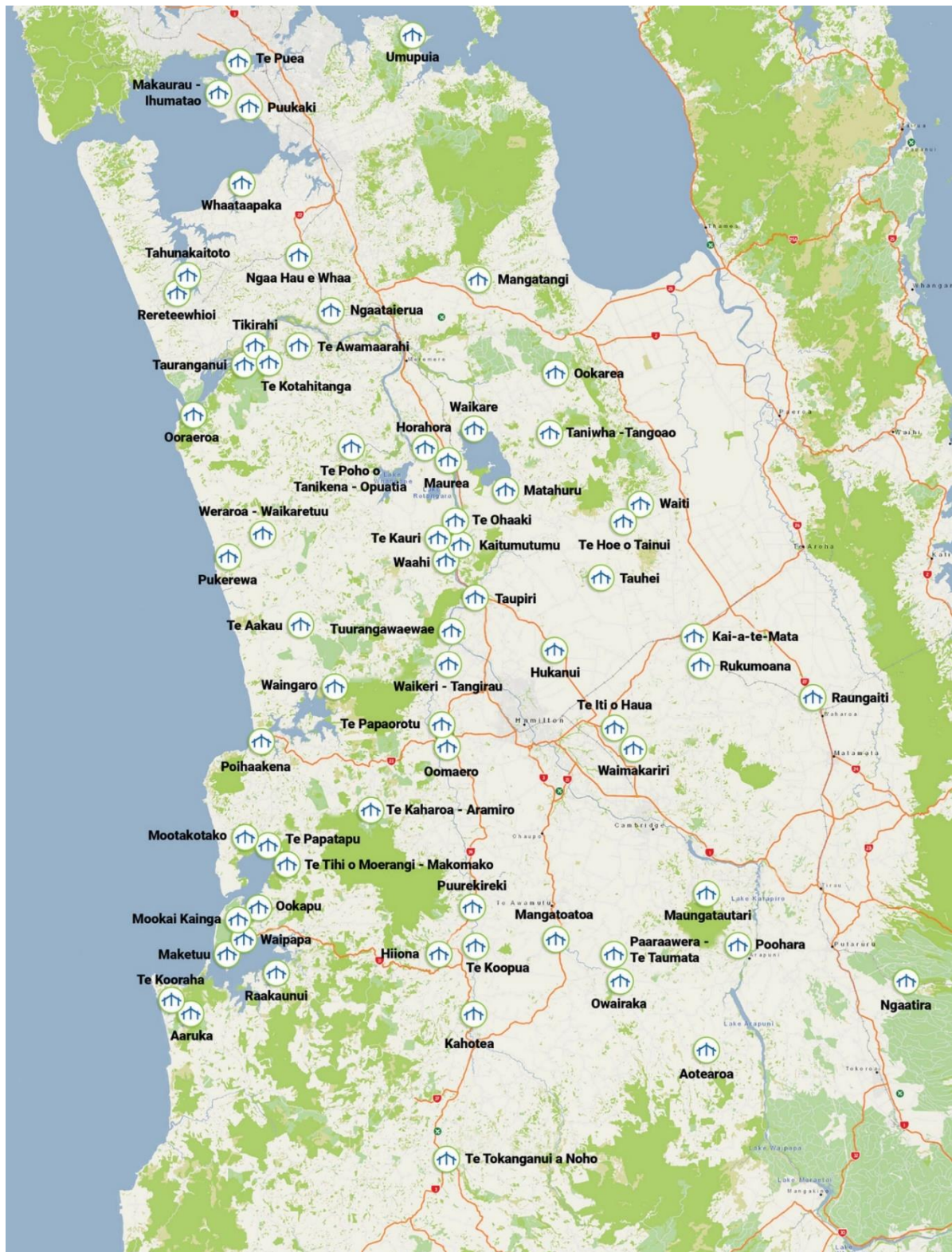
Te Maakariini Mapu

SENIOR PLANNER

WAIKATO-TAINUI

APPENDICES

APPENDIX A – Waikato-Tainui 68 Marae



APPENDIX B – Waikato-Tainui Remaining Claims Takarangi Framework



Attachment 5: Comments received from the Minister for Māori Development and Minister for Māori Crown Relations

Hon Tama Potaka

- Saved

Feedback

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FTA - Feedback

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General

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Hon Tama Potaka

Regarding


 [Section 18 report for Minister comment](#)

Comments

No comments or concerns.

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