



Wai - Pirirākau Assessment of
Cultural Effects (W-PACE)

Kaimai Hydro Electric Power Scheme
(Kaimai HEPS)

FTAA-2502-1024 / RM-0268

Fast-track Approvals Application for
Resource Consent Renewal

2025



The Wai-Pirirākau Assessment of Cultural Effects (W-PACE) was prepared for the Pirirākau Tribal Authority - Incorporated (PTAI).
Final version 2025

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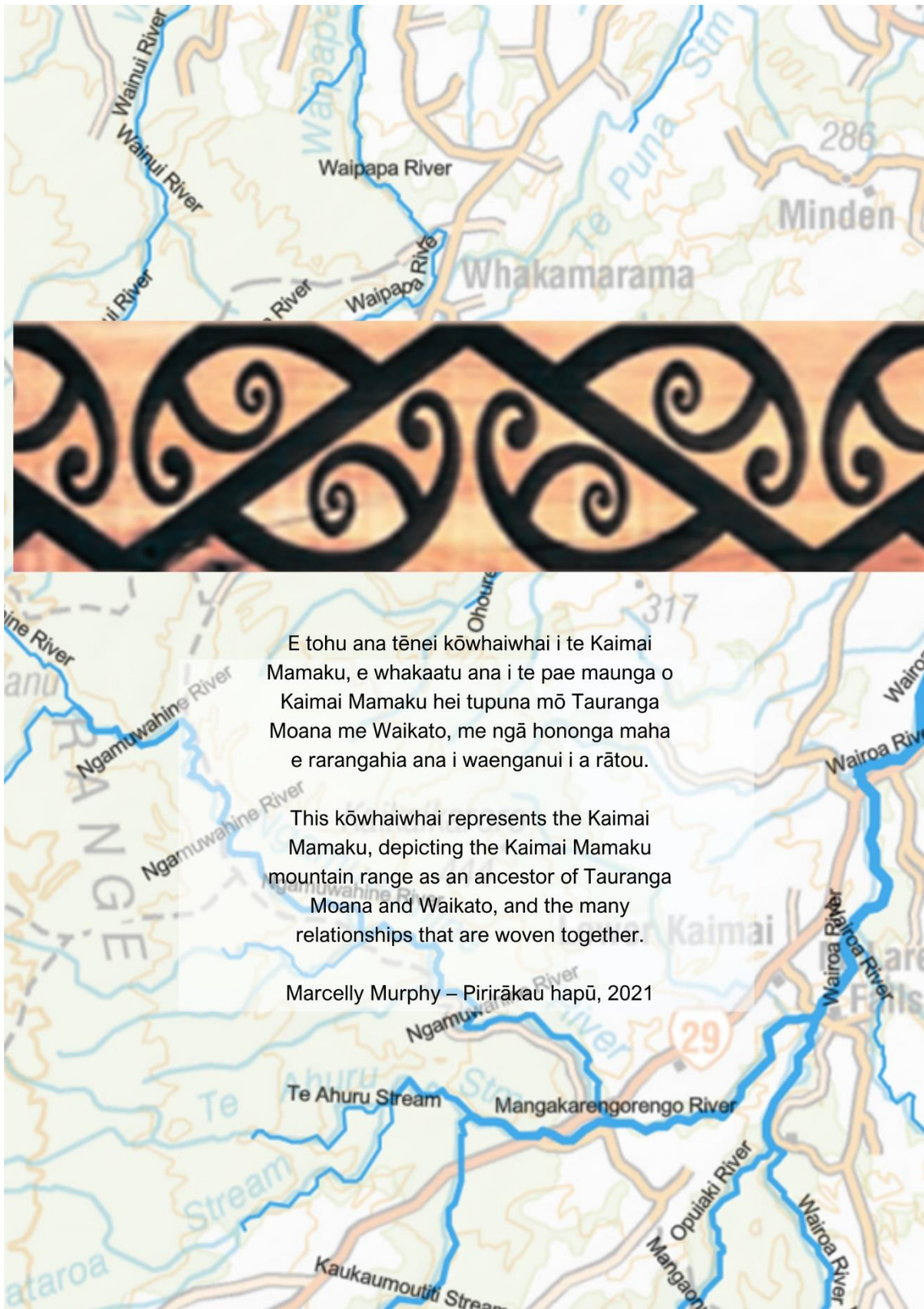
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This Wai-Pirirākau Assessment of Cultural Effects (W-PACE) has been prepared as a cultural evaluation for the:

Kaimai Hydro Electric Power Scheme (Kaimai HEPS)
(FTAA-2502-1024 / RM-0268)
Fast-track Approvals Application for Resource Consent Renewal

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1. Executive Summary

The Kaimai Hydro-Electric Power Scheme (Kaimai HEPS), currently owned by Manawa Energy and proposed to be acquired by Contact Energy, is a major renewable energy asset located in the Wairoa River Catchment, southwest of Tauranga. Constructed in stages from 1912 to 1996, the scheme channels water from nine sub-catchments of the Wairoa River to generate electricity at five power stations.

The Kaimai HEPS operates within the rohe of several hapū and iwi, including Ngā hapū ō Ngāti Ranginui, Ngāti Raukawa, and Ngāti Hinerangi. Pirirākau, a hapū of Ngāti Ranginui, maintains mana whenua over a significant part of the catchment and has strong ties with Tauranga Moana iwi and hapū.

The scheme's impact on waterways extends beyond traditional land-based boundaries, necessitating the involvement of all tangata whenua whose waterways are affected. This inclusive approach acknowledges the interconnectedness of land and water, reinforcing the role of all tangata whenua as kaitiaki of their ancestral taonga.

The Kaimai HEPS application (RM23-0268 / FTAA-2502-1024) seeks to renew resource consents expiring in 2026, aiming to ensure continuity of renewable electricity generation while addressing environmental and cultural concerns. The application proposes measures such as maintaining residual water flows, developing a Fish Management Plan, and engaging with tangata whenua to ensure that cultural, and environmental values are respected and integrated into scheme management.

Pirirākau recognises the scheme's importance for regional energy security and New Zealand's decarbonisation goals but also highlights the legacy of minimal consultation with tangata whenua during the scheme's development. This has resulted in inherited issues for kaitiakitanga, including the loss of traditional practices, impacts on indigenous biodiversity, and the need for remediation rather than just management.

The Pirirākau rohe is a rich tapestry of land and waterways, vital to Pirirākau hapū spiritual and physical wellbeing. The Kaimai Ranges and their tributaries are of deep cultural and historical significance, and the waterways are the lifeblood of the rohe. As kaitiaki, Pirirākau is committed to protecting and restoring these ancestral lands and waters for future generations.

The Final W-PACE provides a comprehensive evaluation of the cultural and environmental impacts of the Kaimai HEPS re consenting process, ensuring that the perspectives, values, and interests of Pirirākau are respected and integrated into all decision-making. It addresses the need for remediation, ongoing relationships, and robust consent conditions, and serves as a formal response to the substantive application under the Fast-track Approvals Act 2024.

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2 Introduction

This document is the **Final Wai-Pirirākau Assessment of Cultural Effects (W-PACE)** for the Kaimai Hydro-Electric Power Scheme (Kaimai HEPS) reconsenting process. It supersedes and replaces the draft W-PACE provided in December 2024, reflecting the outcomes of further engagement, negotiation, and the partnership relationship between Pirirākau Tribal Authority, Contact Energy Limited (formerly Manawa Energy Limited), the Bay of Plenty Regional Council, and other key stakeholders.

The Kaimai HEPS, located in the Wairoa River Catchment southwest of Tauranga, is a major renewable energy asset constructed in stages from 1912 to 1996. The scheme operates within the rohe of several hapū and iwi, including Ngā hapū o Ngāti Ranginui, Ngāti Raukawa, and Ngāti Hinerangi. Pirirākau, a hapū of Ngāti Ranginui, maintains mana whenua over a significant part of the catchment and has strong ties with Tauranga Moana iwi and hapū.

The Final W-PACE has been prepared in the context of the substantive application for resource consent renewal (RM23-0268 / FTAA-2502-1024) under the Fast-track Approvals Act 2024. This assessment is grounded in the requirements of the Resource Management Act 1991, the National Policy Statement for Freshwater Management, Te Tiriti o Waitangi, and the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025.

Notably, the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025 explicitly provides for the recognition of hapū and their entities as recipients of redress and as decision-makers in resource management (see section 11 of the Settlement Act). This is discussed further in the W-PACE.

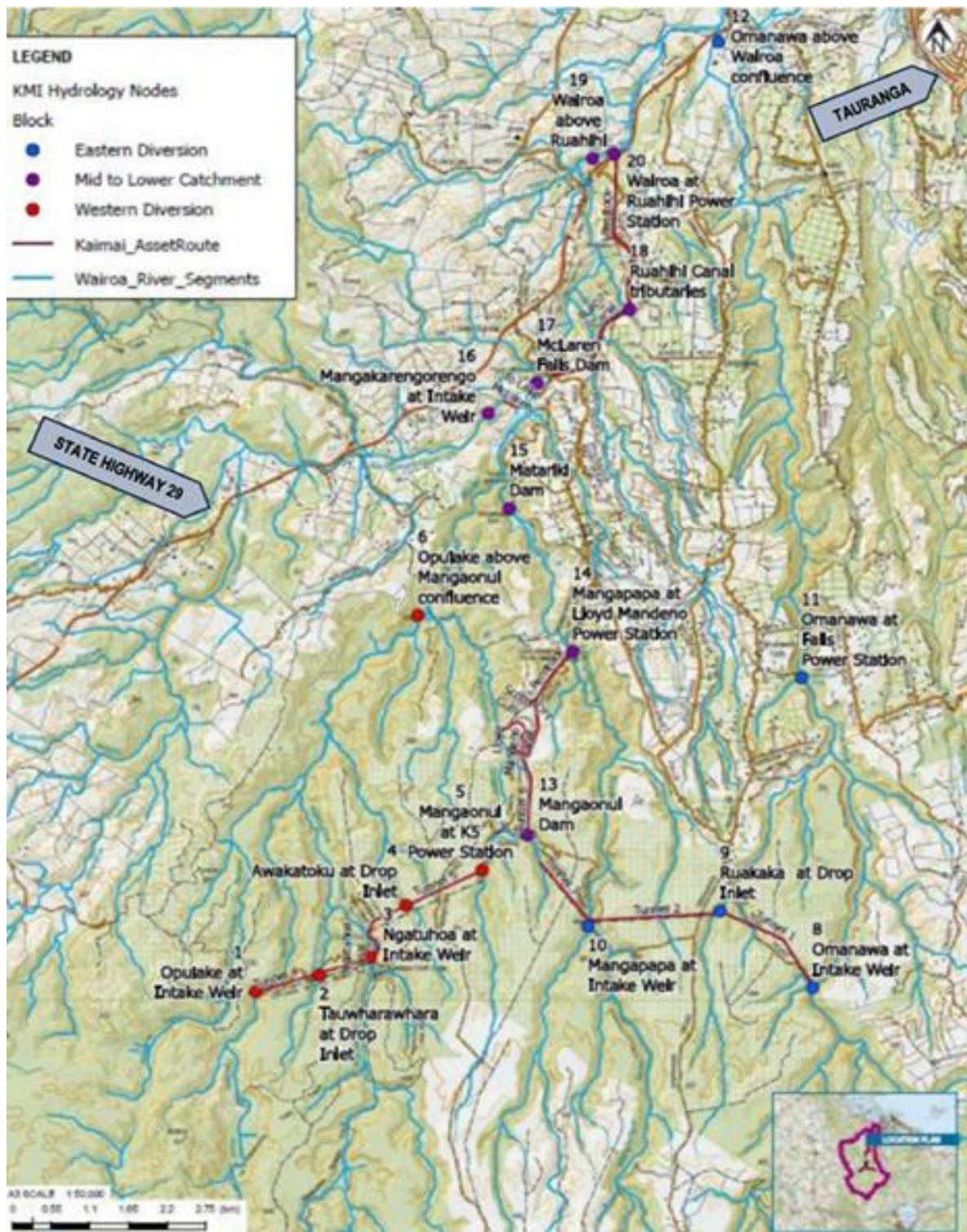
This Final W-PACE provides a comprehensive evaluation of the cultural, and environmental impacts of the Kaimai HEPS reconsenting process on Pirirākau and the wider network of tangata whenua whose waterways are affected. It is intended to ensure that the perspectives, values, and aspirations of Pirirākau are respected and integrated into all decision-making processes relating to the continued operation of the Kaimai HEPS.

Key features of this assessment include:

- A detailed account of Pirirākau cultural values, identity, and kaitiakitanga responsibilities;
- An evaluation of the scheme's effects on migratory fish passage, the health of ngā pūtaka awa (headwaters), mahinga kai, and traditional practices;

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- Recommendations for remediation and restoration, including the restoration of fish passage, infrastructure modifications, and the revitalisation of cultural relationships with the awa;
 - The importance of ongoing, genuine partnership and engagement, as reflected in the draft Relationship Agreement and the collaborative approach to the Fish Management Plan;
 - Guidance for decision-makers, applicants, and stakeholders to uphold the cultural and environmental values central to the wellbeing of Pirirākau and the wider Tauranga Moana and Waikato communities.

This Final W-PACE replaces the draft version and serves as the authoritative cultural effects assessment for the Kaimai HEPS reconsenting process. It is intended to support robust, informed, and culturally responsive decision-making that honours the mana, mauri, and future of Pirirākau and all tangata whenua whose rohe and waterways are affected by the scheme.



¹ Project Map - Application for listed project under the fast-track Approvals Bill - Kaimai Hydro-Electric Power Scheme Re-Consenting Project for Schedule 2A



2. Purpose of the Wai – Pirirākau Assessment of Cultural Effects (W-PACE)

The purpose of this Wai-Pirirākau Assessment of Cultural Effects (W-PACE) is to provide a comprehensive evaluation of the cultural and environmental impacts of the Kaimai Hydro-Electric Power Scheme (Kaimai HEPS) reconsenting process on Pirirākau and the wider network of tangata whenua whose waterways are affected. This assessment is prepared in the context of the substantive application for consent under the Fast-track Approvals Act 2024 (FTAA-2502-1024 / RM-0268).

The W-PACE is intended to ensure that the perspectives, values, and interests of Pirirākau are respected and integrated into all decision-making processes relating to the continued operation of the Kaimai HEPS. It responds to the requirements of the Resource Management Act 1991, the National Policy Statement for Freshwater Management, Te Tiriti o Waitangi, and the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025, all of which require meaningful engagement with tangata whenua and the protection of Māori values.

This assessment specifically addresses:

The cultural and ecological impacts of the Kaimai HEPS, with a focus on the obstruction of passive fish passage, the health of ngā pūtaka awa (headwaters), and the loss of traditional mahinga kai and practices.

The need for remediation, not just management, including the restoration of fish passage, infrastructure modifications, and the revitalisation of cultural relationships with the awa.

The importance of ongoing, genuine partnership and engagement, as reflected in the draft Relationship Agreement and the collaborative approach to the Fish Management Plan.

The statutory and Treaty obligations that underpin the reconsenting process, ensuring that the renewed consents deliver conditions of consent to provide for positive outcomes for both the environment and tangata whenua and the obligations of kaitiakitanga.

The W-PACE serves as a formal response to the substantive application, providing clear guidance on the expectations and aspirations of Pirirākau for the future management of the Kaimai HEPS. It is intended to support decision-makers, applicants, and all stakeholders in understanding and upholding the cultural and environmental values that are central to the wellbeing of Pirirākau and the wider Tauranga Moana and Waikato iwi and hapū.



3. Scope of the W-PACE

This Wai-Pirirākau Assessment of Cultural Effects (W-PACE) provides a comprehensive assessment of the cultural, spiritual, and environmental effects of the Kaimai Hydro-Electric Power Scheme (Kaimai HEPS) consenting process on Pirirākau and other tangata whenua whose waterways are affected. The scope of this assessment is directly informed by the substantive application for consent under the Fast-track Approvals Act 2024 (FTAA-2502-1024 / RM-0268).

The W-PACE covers the following key areas:

- **Pirirākau Cultural Values and Identity:** Articulating the cultural, spiritual, and historical values of Pirirākau, including the significance of ngā pūtake awa (headwaters), mahinga kai, and the role of Pirirākau as kaitiaki.
- **Assessment of Cultural and Ecological Impacts:** Evaluating the effects of the Kaimai HEPS on migratory fish passage, the health of waterways, traditional practices, and the interconnectedness of land and water within the Pirirākau rohe.
- **Remediation and Restoration:** Identifying the need for remediation, not just management, including the restoration of fish passage, infrastructure modifications, and the revitalisation of cultural relationships with the awa.
- **Partnership and Engagement:** Recognising the importance of ongoing, genuine partnership and engagement, as reflected in the draft Relationship Agreement and the collaborative approach to the Fish Management Plan.
- **Statutory and Treaty Obligations:** Ensuring that the consenting process upholds the requirements of the Resource Management Act 1991, the National Policy Statement for Freshwater Management, Te Tiriti o Waitangi, and the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025.
- **Guidance for Decision-Makers:** Providing clear recommendations and expectations for the future management of the Kaimai HEPS, to support decision-makers, applicants, and stakeholders in upholding the values and aspirations of Pirirākau and the wider Tauranga Moana and Waikato communities.

This W-PACE is intended to be read alongside the substantive application and supporting technical assessments, and to inform the decision-making process for the renewed consents for the Kaimai HEPS.



4. Methodology

The preparation of this Wai-Pirirākau Assessment of Cultural Effects (W-PACE) has followed a robust and inclusive process to ensure that the perspectives, values, and aspirations of Pirirākau are accurately reflected and integrated into the substantive application for the Kaimai HEPS reconsenting (FTAA-2502-1024 / RM-0268).

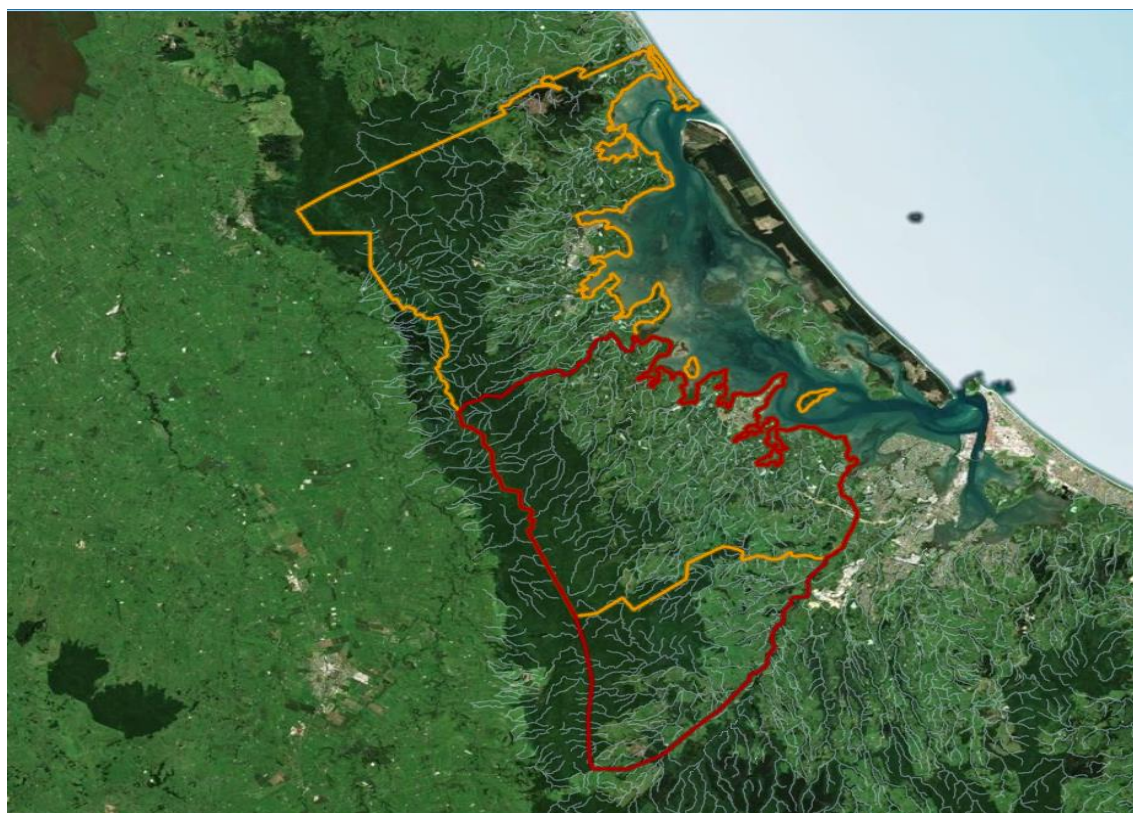
The methodology for this assessment included:

- **Desktop Review:** Analysis of the substantive application, supporting technical reports, historical and cultural information, and all relevant legislative and policy frameworks, including the Fast-track Approvals Act 2024, Resource Management Act 1991, National Policy Statement for Freshwater Management, Te Tiriti o Waitangi, and the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025.
- **Engagement and Consultation:** Ongoing engagement with Pirirākau Tribal Authority, including hui, workshops, and wānanga, as well as direct consultation with other tangata whenua, independent experts, and the applicant (Manawa Energy/Contact Energy). This included the review and discussion of the draft Relationship Agreement and the Fish Management Plan seeking a commitment to remediation efforts.
- **Site Visits and Field Observations:** Site visits to key locations within the Pirirākau rohe and the Kaimai HEPS footprint, to observe the current state of the waterways, headwaters (ngā pūtake awa), and areas of cultural significance.
- **Cultural Effects Assessment:** Compilation and synthesis of mātauranga Māori (Māori knowledge), lived experience, and technical evidence to assess the cultural, spiritual, and environmental effects of the scheme, with a focus on fish passage, mahinga kai, and the interconnectedness of land and water.
- **Collaboration and Review:** Collaboration with independent technical experts in freshwater ecology, fish passage, and environmental management, as well as review and feedback from Pirirākau representatives and other tangata whenua.
- **Development of Recommendations:** Formulation of recommendations and proposed consent conditions to address identified effects, support remediation and restoration, and ensure ongoing partnership and engagement.

This methodology ensures that the W-PACE is grounded in both mātauranga Māori and technical best practice, and that it provides a credible, evidence-based foundation for decision-making in the reconsenting of the Kaimai HEPS.

5. *Pirirākau Historical and Contemporary Background*

Pirirākau is a hapū of Ngāti Ranginui, with ancestral ties to the lands and waterways between the Wairoa and Aongatete Rivers, Te Awanui (Tauranga Harbour), and the Kaimai Mamaku ridgeline. The rohe of Pirirākau is a landscape shaped by generations of occupation, stewardship, and deep spiritual connection to the whenua (land) and awa (rivers).



Pre-European Era

Before European contact, the Kaimai Mamaku ranges and their tributaries were a thriving ecosystem, supporting abundant mahinga kai (food gathering places) and sustaining the Pirirākau way of life. The headwaters (ngā pūtake awa) and forests provided kai, rongoā (medicinal plants), and materials for daily life, while the rivers and streams were vital for the migration of taonga species such as tuna (eels) and kōkopu. These resources were managed according to tikanga and mātauranga Māori, with a strong ethic of kaitiakitanga (guardianship) and intergenerational responsibility.



Colonial Impacts

The arrival of European settlers and subsequent Crown actions brought profound changes to the Pirirākau rohe. The confiscation of land, the imposition of new laws, and the construction of infrastructure, including the Kaimai Hydro-Electric Power Scheme—disrupted traditional relationships with the environment. The loss of land and access to waterways undermined the ability of Pirirākau to exercise rangatiratanga (authority) and maintain their role as kaitiaki.

The development of the Kaimai HEPS, in particular, proceeded with little or no consultation with Pirirākau or other tangata whenua. This resulted in the fragmentation of river systems, the obstruction of migratory pathways for native fish, and the loss of traditional mahinga kai. The impacts of these changes are still felt today, as the hapū continues to seek restoration of their rights, responsibilities, and relationships with the environment.

The Explicit Hapū Nature of the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025

The Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025 is unique and significant in its explicit recognition of the hapū as the primary entities of redress, authority, and kaitiakitanga within the settlement framework. Unlike many earlier Treaty settlements that focused on iwi-level governance, this Act is hapū-centric, reflecting the reality that the identity, mana, and responsibilities for whenua and awa are held at the hapū level.

The Act specifically names and defines the constituent hapū of Ngāti Ranginui, including Pirirākau, as the rightful recipients of redress and as the holders of mana whenua and mana moana within their respective rohe. “Hapū entities” are established as the legal and cultural representatives for the purposes of receiving land, managing cultural redress, and exercising kaitiakitanga. This means that decision-making, resource management, and the exercise of customary rights are not simply devolved from an iwi authority but are grounded in the authority of each hapū.

The return of land, the vesting of reserves, and the management of wāhi tapu and natural resources are structured to enable hapū to exercise direct control and stewardship. The Act requires that engagement, consultation, and partnership in resource management and development processes—including projects like the Kaimai HEPS reconsenting—must occur directly with the relevant hapū. This is a statutory affirmation of the principle that hapū are the appropriate and mandated voices for their lands and waters.

By centring hapū in the settlement, the Act restores the rangatiratanga (authority) that was undermined by Crown actions and colonial processes. It affirms the right of hapū to be active participants and decision-makers in the ongoing management of their taonga, and to uphold their responsibilities as kaitiaki for future generations.

Enduring Connection and Kaitiakitanga

Despite these challenges, Pirirākau has maintained a strong connection to their ancestral lands and waters. Pirirākau hapū identity, tikanga, and whakapapa are inextricably linked to the Kaimai Mamaku ranges and the waterways that flow from them. The role of Pirirākau as



kaitiaki is not only a matter of cultural heritage but an ongoing responsibility to protect and restore the mauri (life force) of the environment for future generations.

The reconsenting of the Kaimai HEPS presents an opportunity to address the historical grievances and inherited issues that have arisen from past decisions. It is a chance to restore the balance between development and kaitiakitanga, to uphold the mana of Pirirākau, and to ensure that the cultural, spiritual, and environmental values of the hapū are respected and integrated into the future management of the scheme, in accordance with the intent and obligations of the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025.

6. Consultation

The consultation process for Pirirākau Tribal Authority – Incorporated and the Kaimai Hydro-Electric Power Scheme (Kaimai HEPS) reconsenting has been shaped by the explicit requirements of the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025, which was assented to on **21 May 2025**. This Act recognises Pirirākau and other hapū as the primary entities for engagement, redress, and kaitiakitanga. This approach ensures that consultation is not merely a procedural step, but a genuine partnership grounded in the authority and mana of hapū.

Pirirākau Tribal Authority (PTAI) provided a draft Wai-Pirirākau Assessment of Cultural Effects (W-PACE) in December 2024 as part of the early engagement process. Our core position and cultural values have not altered since that time. However, this final W-PACE reflects the negotiated developments and progress made through the consultation process, including the formal commitment to fish passage remediation and the development of a draft Relationship Agreement between Kaimai HEPS and Pirirākau.

Engagement with Pirirākau and Tangata Whenua

PTAI has engaged in ongoing dialogue with Manawa Energy Limited (now Contact Energy Limited) recognising Lisa Mead, Caleb Sjardin, Rongomai Hoskin, and Abi Collins and their representatives throughout the reconsenting process. This engagement has included:

- Early notification of the intention to seek consent and the inclusion of the project in the Fast-track Approvals Act 2024.
- Hui, workshops, and wānanga with Pirirākau hapū members, independent experts, and technical advisors to discuss the cultural, ecological, and operational impacts of the scheme.
- Direct consultation with other tangata whenua whose waterways are affected, recognising the interconnectedness of the river system and the need for a collective approach to kaitiakitanga.

Collaborative Development of Remediation and Relationship Agreements



As part of the substantive application, Kaimai HEPS has proposed a comprehensive Fish Management Plan and has put forward a draft Relationship Agreement to formalise the partnership with Pirirākau. The development of these documents has involved:

- Joint review and feedback on the draft Fish Management Plan, with a focus on passive fish passage, restoration of mahinga kai, and the revitalisation of cultural practices.
- Negotiation and drafting of the Relationship Agreement, setting out the principles, commitments, and mechanisms for ongoing collaboration, monitoring, and adaptive management.
- Inclusion of independent technical and cultural experts to ensure that mātauranga Māori and best practice science inform all recommendations and decisions.

Statutory and Treaty-Based Consultation

The consultation process has been guided by the statutory obligations under the Resource Management Act 1991, the National Policy Statement for Freshwater Management, Te Tiriti o Waitangi, and the later Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025. These frameworks require:

- Direct engagement with hapū entities as defined in the Settlement Act, rather than relying solely on iwi-level representation.
- Recognition of the rangatiratanga and kaitiakitanga of Pirirākau and other hapū over their respective rohe and waterways.
- Transparent, inclusive, and ongoing consultation throughout the life of the consent, not just at the application stage.

Outcomes and Ongoing Commitment

Pirirākau acknowledges the genuine desire and commitment from all parties to work in partnership to remediate fish passage, restore the health of the waterways, and uphold the mana of tangata whenua. The collaborative approach reflected in the draft Relationship Agreement and the substantive application provides a strong foundation for achieving positive outcomes for both the environment and the people.

Consultation will continue as an integral part of the implementation, monitoring, and review of the renewed consents, ensuring that Pirirākau and other hapū remain active partners and decision-makers in the ongoing management of the Kaimai HEPS. We are satisfied that the retention of key ex Manawa Energy onboarding to Contact Energy of staff listed in this section will provide for continuity and positive working relationships with Pirirākau Tribal Authority.



7. Uara Ahurea – cultural values

Any interest which requires a Pirirākau Assessment of Cultural Effects (PACE) agrees to respect and respond to the Uara Ahurea that are selected.

Uara Ahurea are what is impacted when an activity is undertaken seeking to purposefully modify or remediate whenua (land) or wai (water).

All engagement with Pirirākau should be held in a good faith light to reach agreements which integrates the recognition of our hapū and the ongoing relationship Pirirākau maintain with our rohe.

Rangatiratanga: Sovereignty, leadership, autonomy, and self-determination. The right to exercise authority over traditional taonga (treasures) such as land, water, and resources.

Kaitiakitanga: Guardianship of the environment. The responsibility to protect, preserve, restore, and sustainably manage natural resources for future generations.

Mauri: Ensures the mauri (life force) of the environment is protected. Mauri is the life force that exists in all living and non-living things. Represents the health and vitality of the environment, which must be preserved and restored. Can be degraded through physical harm or failure to observe appropriate cultural practices.

Kotahitanga: Unity and solidarity within the hapū and community. Promotes social and community cohesion and collective responsibility.

Wairuatanga: Spiritual connection to space, place, and people. Reflects the embedded spiritual and emotional relationships with the environment.

Manaakitanga: Social care, hospitality, and responsibility. Demonstrates respect, generosity, care for others and the environment.

Tūrangawaewae: A sense of identity and belonging ties to ancestral whenua, wai and taonga. Represents the ability to stand with authority in one's place and maintain connection with the rohe of a hapū.

Tapu: Sacredness or spiritual restriction. Acknowledges the sanctity of certain places, objects, or people, which may require protection or specific restrictions.

Noa: The opposite of tapu, representing the lifting of restrictions or the concept of being common. Includes blessings that remove tapu from a person, place or object.

Rāhui: Temporary protection or restriction. Used to restrict access after a person has passed, conserve resources, protect tapu areas, or ensure sustainability.

Ahikāroa: Long-standing occupation and connection to land. Represents the continuous relationship with ancestral lands through occupation, whakapapa (genealogy), and cultural practices.



Te Ao Mārama: The Māori worldview of interconnectedness and balance. Emphasises harmony between the physical and spiritual realms, people, and the environment.

Mana: Prestige, authority, and spiritual power. Closely tied to tapu, reflecting the integrity and strength of the hapū and its relationship with the land and natural resources.

Mahinga Kai: Traditional food gathering practices and areas. Represents the importance of sustaining and restoring food sources, such as tuna (eels), and ensuring access for future generations.

Whakapapa: Genealogy and ancestral connections. Provides the foundation for relationships with the land, waterways, and taonga (treasures).

Mātauranga Māori: Traditional Māori knowledge and wisdom. Informs resource management practices and environmental indicators (tohu), such as the health of waterways and native species (taonga)

8. Existing Consents

The Kaimai Hydro-Electric Power Scheme (Kaimai HEPS) has operated under a series of resource consents since its initial development, with the current suite of consents due to expire in 2026. These consents, originally granted to Trustpower Limited and subsequently transferred to Manawa Energy Limited (and now Contact Energy Limited), authorise the damming, diversion, take, use, and discharge of water from multiple tributaries within the Wairoa River Catchment for hydroelectric generation.

Key Features of Existing Consents

- **Scope:** The existing consents cover the operation of four power stations, the use of Lakes Mangaonui, Matariki, and McLaren for daily storage, and the associated network of weirs, canals, tunnels, and intakes.
- **Conditions:** The consents include requirements for the installation of fish screens and ladders, the release of compensation water (residual flows), and the establishment of refuges for tuna (eels) and koura (freshwater crayfish). There are also conditions for monitoring, reporting, and the management of environmental effects such as erosion and sedimentation.
- **Compliance and Review:** Over the life of the scheme, compliance with consent conditions has varied. While some technical requirements have been met, there have been ongoing concerns from tangata whenua and regulatory authorities regarding the adequacy of fish passage, the effectiveness of mitigation measures, and the overall impact on mahinga kai and ecological health.



Transition to Reconsenting

The current substantive application seeks to renew and update these consents under the Fast-track Approvals Act 2024 (FTAA-2502-1024 / RM-0268). This process provides an opportunity to address historical shortcomings and to incorporate new commitments, such as the proposed Fish Management Plan and the draft Relationship Agreement with Pirirākau.

Pirirākau acknowledges that while the existing consents provided a legal framework for the operation of the scheme, they did not adequately address the cultural, and ecological values of tangata whenua. The reconsenting process is therefore seen as a critical juncture to ensure that future consents are aligned with the aspirations of Pirirākau, statutory and Treaty obligations, and best practice in environmental management.

Looking Forward

The final W-PACE reflects the expectation that renewed consents will:

- Move beyond minimum compliance to genuine remediation and restoration of fish passage and mahinga kai.
- Embed ongoing partnership and co-management with Pirirākau and other hapū.
- Ensure that consent conditions are robust, enforceable, and adaptive to changing knowledge and circumstances.
- Uphold the intent and obligations of the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025 and other relevant statutory frameworks.

9. Resource Consent Renewal

The current suite of resource consents for the Kaimai Hydro-Electric Power Scheme (Kaimai HEPS) is due to expire in 2026. In anticipation of this, Contact Energy Limited (formerly Manawa Energy Limited) has lodged a substantive application for renewal and replacement of these consents under the Fast-track Approvals Act 2024 (FTAA-2502-1024 / RM-0268). The project's inclusion in Schedule 2 of the Act recognises its status as critical infrastructure with significant regional and national benefit.

Scope of the Renewal Application

The consent renewal application seeks to authorise the continued operation, use, and maintenance of the Kaimai HEPS for a further term. This includes:

- The ongoing use of existing dams, weirs, canals, tunnels, and power stations.
- The continued abstraction, diversion, and discharge of water from multiple tributaries within the Wairoa River Catchment.
- The operation of Lakes Mangaonui, Matariki, and McLaren for daily storage.

- The implementation of updated environmental management measures, including a comprehensive Fish Management Plan and a draft Relationship Agreement with Pirirākau.

Fast-track Approvals Act 2024 and Reconsents

The Fast-track Approvals Act 2024 expressly provides for the renewal (reconsenting) of existing approvals, not just new projects. The Act enables the renewal of resource consents for existing activities, provided the project meets eligibility criteria and is not an ineligible activity. The Kaimai HEPS reconsenting is a clear example of the Act's intent to support the continued functioning of nationally significant infrastructure while ensuring robust environmental and cultural assessment.

Relationship and Negotiated Developments

Since the initial draft W-PACE was provided by Pirirākau Tribal Authority in December 2024, the core position of Pirirākau has remained consistent. However, this final W-PACE reflects negotiated developments, including:

- A formal commitment by Contact Energy to remediate fish passage, moving beyond previous reliance on human intervention and towards passive, sustainable solutions.
- The development of a draft Relationship Agreement between Kaimai HEPS and Pirirākau, setting out principles for ongoing partnership, monitoring, and adaptive management.
- The inclusion of new consent conditions and management plans that better reflect the cultural, spiritual, and ecological values of Pirirākau and other tangata whenua.

Expectations for the Renewed Consents

Pirirākau expects that the renewed consents will:

- **Provide for the restoration of passive fish passage and the revitalisation of mahinga kai** through clear, enforceable resource consent conditions that require the implementation of effective fish passage solutions, habitat restoration, and ongoing monitoring.
- **Embed ongoing partnership and co-management with Pirirākau and other hapū**, as required by the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025, through consent conditions that formalise the Relationship Agreement, ensure regular engagement, and provide for joint decision-making in environmental management.
- **Ensure that consent conditions are robust, enforceable, and adaptive**, supporting both environmental outcomes and the exercise of kaitiakitanga. This includes conditions for adaptive management, regular review, and the ability to respond to new information or changing circumstances.
- **Uphold statutory and Treaty obligations**, and reflect best practice in environmental and cultural management, by requiring compliance with the Resource Management



Act 1991, the National Policy Statement for Freshwater Management, Te Tiriti o Waitangi, and the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025.

- **Require transparent reporting and accountability**, including regular reporting to Pirirākau and other tangata whenua on the implementation of consent conditions, fish passage remediation, and the health of the waterways.

Pirirākau considers that these outcomes must be secured through specific and enforceable resource consent conditions, not left to voluntary measures or management plans alone. The consent renewal process is a critical opportunity to address historical grievances, restore the mana and responsibilities of Pirirākau as kaitiaki, and ensure the long-term health and wellbeing of the waterways, taonga species, and the Pirirākau people.

10. Barriers to fish passage and habitat quality

The Kaimai Hydro-Electric Power Scheme (Kaimai HEPS) has fundamentally altered the natural flow, connectivity, and ecological integrity of the Wairoa River and its tributaries. The construction and operation of dams, weirs, diversion structures, and associated hydro infrastructure have created significant barriers to the natural migration of native fish species, particularly tuna (longfin and shortfin eels), kōkopu, and other taonga species. These barriers disrupt the natural passage of migratory species between the sea and the **ngā pūtake awa** (headwaters), impacting life cycles that have persisted for generations and undermining the mauri (life force) of the river system.

Key Barriers within the Scheme

- **Dams and Weirs:** Structures such as McLaren Falls Dam, Mangapapa Weir, Opuiki Weir, and others present physical and hydraulic barriers to both upstream and downstream fish passage. While some structures allow for limited passage during high flow events or through existing fish ladders, many migratory fish are unable to complete their natural journeys. The cumulative effect of multiple barriers across the catchment is a significant reduction in the ability of native fish to access critical habitats.
- **Intake and Diversion Structures:** Intakes, canals, and tunnels associated with the scheme can entrain or injure fish, particularly juvenile tuna and other small species. Screens and other mitigation devices have been installed at some locations, but their effectiveness is variable and often insufficient to provide for the full range of migratory species. The risk of impingement and mortality remains high, especially during peak migration periods.
- **Altered Flow Regimes:** The regulation of flows for hydroelectric generation, including rapid changes in water levels (ramping) and reduced residual flows, can further impede fish movement, strand fish, and degrade habitat quality in both mainstem and tributary reaches. The loss of natural flow variability reduces the



availability of suitable habitats and disrupts the cues required for migration and spawning.

Habitat Quality Impacts

The fragmentation of the river system and the alteration of natural flow regimes have led to:

- **Decline of Tuna and Native Fish Populations:** The inability of tuna and other migratory species to access upstream habitats has resulted in population declines, impacting customary harvest (mahinga kai) and kai sovereignty for Pirirākau and other tangata whenua.
- **Loss of Traditional Practices:** The loss of access to migratory ngā pūtaka awa and the decline in fish populations have undermined traditional practices such as hīnaki (eel trapping), the gathering of mahinga kai, and the intergenerational transmission of mātauranga Māori (Māori knowledge).
- **Degradation of Aquatic and Riparian Habitats:** Reduced flows, sedimentation, and changes in water quality have degraded habitats for both fish and macroinvertebrates, further reducing the ecological health of the river system.
- **Diminished Mauri and Wairua:** The disruption of natural rhythms and cycles has diminished the mauri (life force) and wairua (spiritual essence) of the awa, impacting the wellbeing of both the environment and the people.

Cultural and Ecological Significance

For Pirirākau and other tangata whenua, the ability of tuna and other taonga species to migrate freely is not only an ecological necessity but a matter of cultural identity, whakapapa, and kaitiakitanga. The disruption of migratory pathways severs connections between people, place, and taonga, undermining the role of hapū as kaitiaki and the exercise of rangatiratanga (authority) over their ancestral waterways.

Pathways to Remediation

Pirirākau acknowledges the commitment in the substantive application to remediate fish passage through a comprehensive Fish Management Plan and the development of a Relationship Agreement. The focus is on passive, sustainable solutions that restore natural migratory pathways, such as:

- Retrofitting and improving fish ladders, bypasses, and other passage solutions at key structures.
- Enhancing residual flows and managing ramping rates to support fish movement and habitat quality.
- Ongoing monitoring, research, and adaptive management to ensure the effectiveness of fish passage solutions and habitat restoration.
- Collaborative implementation with tangata whenua, technical experts, and scheme operators, ensuring mātauranga Māori and best practice science are integrated.



Pirirākau does not seek the removal of McLaren Falls Dam or other major infrastructure, but instead advocates for innovative and effective measures that enable the restoration of fish passage and the revitalisation of mahinga kai, while maintaining the critical infrastructure role of the scheme.

Expectations for Consent Conditions

Pirirākau expects that renewed resource consent conditions will:

- Require the implementation of effective, passive fish passage solutions at all key barriers.
- Mandate the restoration and maintenance of habitat quality, including minimum residual flows and ramping controls.
- Provide for ongoing monitoring, reporting, and adaptive management in partnership with Pirirākau and other tangata whenua.
- Ensure that remediation measures are robust, enforceable, and responsive to new knowledge and changing circumstances.

The restoration of fish passage and habitat quality is essential to uphold the mana, mauri, and wellbeing of the river system and the people who depend on it. The reconsenting process is a critical opportunity to address historical impacts, restore ecological and cultural connections, and ensure the long-term sustainability of the Kaimai HEPS and the waterways of Pirirākau.

10.1 Fish Passage Barriers, Habitat Quality, and Remediation Pathways

This section should be read in conjunction with the substantive application for the Kaimai Hydro-Electric Power Scheme Reconsenting (FTAA-2502-1024 / RM-0268), including all technical appendices and supporting documents submitted by Contact Energy Limited (formerly Manawa Energy Limited) under the Fast-track Approvals Act 2024. The following analysis cross-references the application's technical reports, management plans, and consultation records to demonstrate how Pirirākau concerns are being addressed.

10.2 Technical Reviews and Key Locations for Remediation

The Kaimai Hydro-Electric Power Scheme (Kaimai HEPS) has been the subject of extensive technical review, including the Kaimai Hydro-Electric Power Scheme Fish Report (Greg Ryder, 2023) and the Draft Technical Peer Review of the Tonkin Taylor Terrestrial Ecological Assessment (Wildlands, 2024). These reviews, appended to the substantive application (see



Application Appendices: Ryder Report, Tonkin Taylor/Wildlands Peer Review), identify key locations and interventions to address fish passage and habitat quality.

Key Diversions and Modifications (see Application, Ryder Report)

- **Ruahiri Power Station:** The application proposes continued use of trap and transfer systems to move juvenile tuna and other climbing species upstream. However, as outlined by Greg Ryder and supported by Pirirākau, trap and transfer is not a reliable or sustainable long-term solution and does not provide broad coverage for all species. The application (Section 6.6, Ryder Report) acknowledges this limitation and commits to investigating passive bypass solutions.
- **Mangakarengorengo Weir:** The application (Section 6.6, Ryder Report) proposes passive fish passes and adjustments to the residual flow culvert to improve passage for a range of species.
- **McLaren Falls Dam:** The application (Section 6.6, Ryder Report) commits to exploring options for safe downstream passage for fish, including controlled spillways and bypass systems, in response to Pirirākau concerns about downstream migration.
- **Lower Mangapapa Power Station, Opuiaki Weir, Ngatūhoa Weir and Canal, Ōmanawa Weir:** The application identifies these as key sites for further investigation and modification to improve fish passage, including retrofitting fish ladders, improving intakes, and enhancing residual flows (see Application, Ryder Report, and Fish Management Plan).

Pirirākau have taken a position that trap and transfer is not appropriate long-term is explicitly acknowledged in the application, which commits to a transition toward passive, sustainable bypass solutions (see Application, Fish Management Plan, Section 7).

10.3 Terrestrial and Ecological Assessment

The application's ecological assessment (Tonkin Taylor/Wildlands Peer Review, Application Appendix) highlights:

- **Fish Passage Barriers:** Dams and weirs present barriers to both upstream and downstream fish passage. Power stations also present barriers, though juvenile fish and larvae have higher survival rates.
- **Residual Flows for Fish Passage:** The application proposes (Section 6.6, Peer Review) providing residual flows in several rivers to facilitate fish passage:
 - 150 L/s in the Ōmanawa River
 - 100 L/s in the Mangapapa River
 - 150 L/s in the Wairoa River below McLaren Falls Dam

- **Fish Management Plan:** The application (Fish Management Plan, Section 4) commits to developing and implementing a Fish Management Plan in conjunction with mana whenua/tangata whenua, including modifying structures where necessary to improve fish passage.
- **Cultural Concerns:** The application (Section 8, Consultation Summary) records concerns raised by Pirirākau and other mana whenua about the impact of the Kaimai HEPS on indigenous fish passage, including tuna (eel) mortality at power stations, and commits to ongoing engagement and co-design of solutions.

10.4 Habitat and Water Quality

The application's Aquatic Ecology and Water Quality Assessment (4Sight, Application Appendix) provides further insights:

- **Water Quality:** Surface water quality in the Wairoa River catchment is generally good, with localised elevations in phosphorus and faecal bacteria not attributed to the scheme (Section 5, 4Sight).
- **Reservoir Lakes:** The application details the trophic status of the lakes and confirms that the scheme does not significantly impact the lakes through deoxygenation or toxic algal blooms (Section 5, 4Sight).
- **Dissolved Oxygen (DO) and Temperature:** The application (Section 5, 4Sight) identifies areas of concern for DO and temperature and proposes residual flows to address these.
- **Residual Flows:** The application (Section 6.6, Peer Review) proposes minimum flows at key locations to improve habitat and fish passage, directly addressing Pirirākau concerns about habitat quality and connectivity.

10.5 Fish Passage Management Plan Collaborative Approach

The application includes a draft Fish Passage Management Plan (Application Appendix, Fish Management Plan 2024), developed in consultation with Pirirākau and other tangata whenua. Key commitments include:

- **Progressive Implementation:** The plan outlines actions over the next one to three migration seasons to improve fish passage, including retrofitting passive structures and developing monitoring systems (Fish Management Plan, Section 5).
- **Collaboration:** The plan commits to ongoing engagement with tangata whenua, knowledge sharing, and a “learning by doing” approach that blends mātauranga Māori with contemporary science (Fish Management Plan, Section 6).

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- **Monitoring and Reporting:** The application (Fish Management Plan, Section 7) provides for regular monitoring, reporting, and adaptive management, with transparent reporting to Pirirākau and other tangata whenua.
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10.6 Revisiting Barriers and Human Interventions

The application (Ryder Report, Fish Management Plan) acknowledges:

- The limitations of trap and transfer and the need for passive, sustainable solutions.
 - The need for further improvements to screen cleaners and bypasses at key structures.
 - The importance of residual flows and bypass channels for unobstructed fish passage.
 - The challenges posed by natural barriers (e.g., waterfalls) and the need for site-specific solutions.
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10.7 Regulatory Compliance and Data Collection

Pirirākau concerns about regulatory compliance for trap and transfer are acknowledged in the application (Section 8, Consultation Summary). The application commits to ensuring all future interventions are fully permitted and compliant with Ministry for Primary Industries (MPI) and other regulatory requirements.

10.8 Recreation and Ecological Priorities

The application (Recreation Technical Assessment, Thrive, Application Appendix) recognises that ecological requirements, such as fish passage, must take precedence over recreational activities, especially during tuna heke. The application commits to managing flows and access to prioritise ecological and cultural values.

10.9 Tuna Heke – Migration and Cultural Significance

The application (Consultation Summary, Section 8) acknowledges the cultural and ecological significance of tuna heke and commits to protecting migration periods and flows, in line with Pirirākau expectations and Te Tiriti o Waitangi obligations.



10.10 Collaborative Cultural Approach Recommendations

Pirirākau recommendations, developed with independent experts, are reflected in the application's commitments to:

- Ensure residual flows overtop rather than pass through pipes and valves.
- Protect tuna heke from injuries and develop an overall remediation management plan.
- Establish landing systems at various dams and weirs.
- Conduct trials and monitoring, including juvenile fish release and upper catchment release trials.
- Develop a Fish Passage Remediation Management Plan, focusing on species, lifespan, and habitat assessments.
- Provide maps of all affected waterways and address infrastructure needs.
- Implement fish ladder systems at key locations.
- Organise fish passage workshops and create a care group for ongoing engagement and training.
- Avoid electric fishing due to its harmful effects.
- Require certification for Fish Passage SMEs and provide training courses.
- Address historical engagement gaps and conduct independent audits.

Summary of Alignment:

All of the above cross-referenced commitments and technical solutions are included in the substantive application and its supporting documentation. Pirirākau concerns about fish passage, habitat quality, regulatory compliance, and cultural values are directly addressed through the application's proposed consent conditions, management plans, and ongoing partnership mechanisms.

11 Pirirākau – Statutory and Regulatory Layers

The Kaimai HEPS resource consent renewal application is for a discretionary activity under the Bay of Plenty Regional Natural Resources Plan and is being processed under the Fast-track Approvals Act 2024. This means the decision-makers have full discretion to consider all relevant cultural, environmental, and Treaty matters, and to impose conditions as necessary to address effects and uphold statutory obligations.

Key Statutory and Policy Frameworks

FINAL Wai-Pirirākau Assessment of Cultural Effects (W-PACE) – Kaimai Hydro-Electric Power Scheme
Reconsenting FTAA-2502-1024 / RM-0268 | October 2025 | Pirirākau Tribal Authority

Resource Management Act 1991 (RMA)

- The RMA is the primary legislation governing environmental management in Aotearoa New Zealand.
- **Section 6(e):** Requires recognition and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.
- **Section 7(a):** Requires particular regard to be given to kaitiakitanga (guardianship).
- **Section 8:** Requires all persons exercising functions and powers under the Act to take into account the principles of Te Tiriti o Waitangi.
- **Section 104:** When considering an application for resource consent, the consent authority must have regard to any actual and potential effects on the environment, relevant planning documents (including regional plans), and any other matter the authority considers relevant and reasonably necessary.
- **Section 108:** Provides for the imposition of conditions on resource consents, including conditions to avoid, remedy, or mitigate adverse effects, and to give effect to cultural values and kaitiakitanga.
- **Application to Pirirākau-supported conditions:**
 - Pirirākau supports resource consent conditions that provide for passive fish passage, restoration of mahinga kai, ongoing partnership, and robust monitoring and reporting.
 - Under the RMA, these conditions are lawful and appropriate, as they address effects on the relationship of Māori with their ancestral waters and taonga, and support the exercise of kaitiakitanga.

Fast-track Approvals Act 2024

- The application is being processed under the Fast-track Approvals Act 2024, which provides for the renewal of existing consents for nationally significant infrastructure.
- **Acknowledgement of Regional Council Activities:**
- The Act explicitly incorporates regional council activities—including discretionary activities—within its process:
 - **Section 42(4):** Allows applications for approvals that would otherwise be required under the RMA, including resource consents for discretionary activities.

- **Section 81:** The expert panel must consider and decide applications as if it were the consent authority, applying the relevant regional plan provisions and statutory tests for discretionary activities.
- **Section 104 (RMA cross-reference):** The panel must have regard to the relevant regional policy statements and plans and consider the same matters as a regional council would.
- **Section 108 (RMA cross-reference):** The panel may impose any conditions on a resource consent that a regional council could impose under the RMA, including those supported by Pirirākau.
- **Section 7:** Requires all persons performing functions and exercising powers under the Act to act in a manner consistent with existing Treaty settlements and recognised customary rights.
- **Recognition and Consideration of Cultural Effects and W-PACE:**
 - **Section 53(2)(b) and (c):** The panel must invite comments from relevant iwi authorities and Treaty settlement entities, including hapū, and must consider any cultural effects assessments (such as this final W-PACE) provided in response.
 - **Section 81(2):** When making decisions, the panel must consider all comments, reports, and cultural assessments received, and may impose conditions to address cultural effects.
 - **Section 82:** The panel must give effect to Treaty settlements and consider any relevant documents, including cultural effects assessments and settlement legislation, as they would be considered under the RMA.
- **In summary:** This final W-PACE and Pirirākau-supported resource consent conditions are key documents for the panel's consideration under sections 53, 81, 82, 84, 104, and 108 of the Fast-track Approvals Act 2024.

Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025

- This Act provides explicit statutory recognition of Pirirākau and other hapū as the primary entities for redress, authority, and kaitiakitanga within the settlement framework.
 - The Act affirms the mana whenua and mana moana of Pirirākau, establishes hapū entities as the legal and cultural representatives for redress, and requires direct engagement and partnership in resource management and development processes.
 - The Act's provisions must be given effect to in the assessment and decision-making for the Kaimai HEPS application.
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National Policy Statement for Freshwater Management (NPS-FM 2020, as amended 2024)

- The NPS-FM 2020 is the central national direction for freshwater management in New Zealand.
- **Te Mana o te Wai** remains the fundamental concept and objective of the NPS-FM 2020, requiring all freshwater management to prioritise:
 1. The health and well-being of water bodies and freshwater ecosystems,
 2. The health needs of people (such as drinking water), and
 3. The ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- **2024 Amendments (Section 30, Resource Management (Freshwater and Other Matters) Amendment Act 2024):**
 - Clause 3.22(1)(e)(i) of the NPS-FM 2020 now allows for mineral extraction and ancillary activities in relation to natural inland wetlands.
 - No change was made to the requirement to give effect to Te Mana o te Wai.
- Regional councils and all persons exercising functions and powers under the RMA must continue to give effect to Te Mana o te Wai in all freshwater management and planning.

Bay of Plenty Regional Natural Resources Plan (RNRP)

- The RNRP includes policies and rules that require the recognition of tangata whenua values, the exercise of kaitiakitanga, and the avoidance, remedying, or mitigation of adverse effects on sites of spiritual, cultural, or historical significance.
- The application is for a discretionary activity under the RNRP, which means all relevant cultural and environmental matters must be considered.

Summary of Cultural Statutory Obligations

- The Kaimai HEPS application must be assessed in light of all relevant statutory and Treaty obligations, including the RMA, Fast-track Approvals Act 2024, Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025, NPS-FM (as amended 2024), and the RNRP.
- Decision-makers have full discretion to consider cultural effects, impose conditions (including those supported by Pirirākau), and require ongoing partnership and co-management with Pirirākau and other hapū.

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- This final W-PACE and Pirirākau-supported resource consent conditions are key documents for the panel’s consideration under sections 53, 81, 82, 84, 104, and 108 of the Fast-track Approvals Act 2024, and must be given due weight in the assessment and decision-making process.
 - The application must demonstrate meaningful engagement with tangata whenua, the protection of Māori values and interests, and the restoration of mauri and kaitiakitanga in the management of the Kaimai HEPS.

The Kaimai HEPS application is for a discretionary activity under the Bay of Plenty Regional Natural Resources Plan and is being processed under the Fast-track Approvals Act 2024. This means the decision-makers have full discretion to consider all relevant cultural, environmental, and Treaty matters, and to impose conditions as necessary to address effects and uphold statutory obligations.

12 Pirirākau Resource Consent Conditions and Statement of Support

Background

Pirirākau Tribal Authority has actively participated in the development and review of the proposed resource consent conditions for the continued operation, use, and maintenance of the Kaimai Hydro-Electric Power Scheme (Kaimai HEPS). The draft consent conditions were provided to Pirirākau Tribal Authority by Lisa Mead on 5 November 2025. The draft Relationship Agreement with Pirirākau was provided by Rongomai Hoskin on 10 November 2025. These documents have been reviewed alongside the final Wai-Pirirākau Assessment of Cultural Effects (W-PACE).

²Contact Energy’s approach to biodiversity and partnership at its Clutha Hydro Scheme demonstrates a commitment to thriving, self-sustaining ecosystems, collaboration with mana whenua, and transparent, adaptive management. Pirirākau expects these principles to be fully reflected in the Kaimai HEPS consents, ensuring enduring ecological and cultural outcomes for all rohe affected by the headwaters (ngā pūtaka awa) and connected waterways.

Note: The draft resource consent conditions document (Kaimai HEPS Draft Consent Conditions – 4 Nov 2025) are generally supported and may be assisted by recommended resource consent conditions that follow in this section, the document includes the following statement:

² <https://storymaps.arcgis.com/collections/2b94dd941be4472f9a033732cc45b0e6?item=3>



“These draft consent conditions are under ongoing review and have been through several iterations with BOPRC. BOPRC is currently refining specific wording to align with their parameters for the monitoring conditions, particularly in Appendix A. These draft conditions should not be taken as Manawa’s final endorsement.”

Application of RMA Provisions

All conditions below are enabled and supported by the Resource Management Act 1991 (RMA), specifically:

- **Section 6(e):** Relationship of Māori with ancestral lands, water, and taonga.
- **Section 7(a):** Kaitiakitanga.
- **Section 8:** Te Tiriti o Waitangi.
- **Section 104:** Consideration of effects, planning documents, and relevant matters.
- **Section 108:** Imposition of conditions to avoid, remedy, or mitigate adverse effects, and to give effect to cultural values and kaitiakitanga.

Pirirākau-Supported and Recommended Resource Consent Conditions

1. Establishment of Mana Whenua Kaitiaki Rōpū

The consent conditions require the formation of a Mana Whenua Kaitiaki Rōpū, with mandated representatives from Pirirākau and other hapū, to facilitate ongoing engagement, monitoring, and advisory input throughout the life of the consent.

2. Relationship Agreements

Proposed Condition: The consent holder shall, within 12 months of the commencement of this consent, prepare, negotiate, and enter into a formal Relationship Agreement with each hapū whose rohe is affected by the Kaimai Hydro-Electric Power Scheme, including but not limited to Pirirākau. Each Relationship Agreement must set out principles for the relationship, engagement, dispute resolution, and advisory roles in management and monitoring, and must be developed in good faith and in consultation with the respective hapū. The existence and ongoing implementation of these agreements shall be a condition of consent for the duration of the consent.

Context: Pirirākau has negotiated a draft Relationship Agreement with Contact Energy Limited (received 10 November 2025), which sets out clear commitments to relationships, cultural monitoring, adaptive management, and dispute resolution. This agreement is intended as a model for other hapū and demonstrates the value of formalising relationships to ensure enduring, meaningful engagement and shared outcomes.

3. Native Fish Management Plan

The conditions require the development and implementation of a Native Fish Management Plan in partnership with mana whenua, with objectives to:

- Provide for passive fish passage (upstream and downstream) **where practicable,**

- Salvage tuna and other native fish where necessary,
- Monitor and report on the effectiveness of passage and salvage measures,
- Clearly define the roles of the consent holder and hapū in plan implementation.

Comment on “where practicable”: The use of “where practicable” in the conditions allows for the possibility that passive fish passage may not be delivered in all locations or circumstances. While this provides operational flexibility, it also means there is no absolute guarantee of delivery at every site. Pirirākau notes that this language could be used to justify non-delivery in challenging locations, and ongoing engagement and monitoring will be essential to ensure best efforts are made.

4. Commitment to Fish Passage

Manawa/Contact have made a clear commitment to improving fish passage and have included this in both the draft consent conditions and the draft Relationship Agreement. The establishment of the Mana Whenua Kaitiaki Rōpū and the requirement for a Native Fish Management Plan are positive steps towards genuine partnership and ecological restoration.

5. Phasing Out of Human Intervention (Trap and Transfer)

Proposed Condition: The consent holder shall, within 3 years of the commencement of this consent, prepare and submit to the Bay of Plenty Regional Council for certification a Trap and Transfer Transition Plan. The objective of this plan is to phase out reliance on human intervention (trap and transfer) for fish passage, except where no practicable passive solution exists. All practicable measures identified in the certified plan must be implemented within 6 years of the commencement of this consent.

6. Residual Flows and Intake Screens

The conditions specify minimum residual flows for key rivers and streams and require the maintenance of intake screens to protect aquatic life.

7. Intake Screen and Turbine Fish Protection

Proposed Condition: The consent holder shall, within 3 years of the commencement of this consent, prepare and submit to the Bay of Plenty Regional Council for certification a Fish Protection Technology Assessment and Implementation Plan. The objective of this plan is to investigate, identify, and implement (where practicable) additional treatment options and technological upgrades to intake screens and turbines to further reduce the risk of injury or mortality to native fish species, including tuna (eels), at all major intakes and turbines associated with the Kaimai Hydro-Electric Power Scheme. All practicable measures identified in the certified plan must be implemented within 6 years of the commencement of this consent.

8. Biodiversity and Habitat Restoration

Proposed Condition: The consent holder shall, within 3 years of commencement, prepare and submit to the Bay of Plenty Regional Council for certification a Biodiversity and Habitat



Restoration Plan. The plan must be developed in partnership with the Mana Whenua Kaitiaki Rōpū and all affected hapū, and shall:

- Identify priority sites for riparian planting, fencing, and weed/pest control,
- Set out actions for the restoration and enhancement of native plant and animal habitats,
- Include a schedule for implementation and monitoring,
- Be reviewed and updated every 6 years.

9. Sediment Monitoring and Adaptive Management

The conditions require a Sediment Monitoring Plan, regular review of monitoring results, and the ability to update methodologies and frequency as needed, with input from the Mana Whenua Kaitiaki Rōpū.

10. Cultural Monitoring

Proposed Condition: The consent holder shall, within 3 years of the commencement of this consent, prepare and submit to the Bay of Plenty Regional Council for certification a Cultural Monitoring and Mātauranga Māori Integration Plan. The objective of this plan is to ensure that mātauranga Māori and cultural indicators are integrated into all monitoring, reporting, and management activities associated with the Kaimai HEPS. All practicable measures identified in the certified plan must be implemented within 6 years of the commencement of this consent.

11. Prohibition of Electric Fishing

Proposed Condition: The consent holder shall not use electric fishing (electrofishing) as a method for salvage, monitoring, or fish passage within the Kaimai Hydro-Electric Power Scheme, except where expressly required for scientific monitoring and only with the prior written approval of the Mana Whenua Kaitiaki Rōpū and the Bay of Plenty Regional Council.

12. Adaptive Management Trigger

Proposed Condition: Each management plan required by these conditions shall include clear performance indicators and adaptive management triggers. If monitoring shows objectives are not being met, the plan must be reviewed and updated in consultation with the Mana Whenua Kaitiaki Rōpū and relevant stakeholders.

13. Data Sharing and Transparency

Proposed Condition: All monitoring data collected under these consents shall be made publicly available via an online platform and shared with the Mana Whenua Kaitiaki Rōpū and relevant community groups.

14. Transparency, Reporting, and Review



The conditions require regular reporting to the Bay of Plenty Regional Council and annual summaries of engagement and outcomes with mana whenua. The consent also provides for periodic review to address any new issues or concerns.

15. Bi-annual and 6-Yearly Independent Audit

Proposed Condition: The consent holder shall provide a bi-annual report to the Bay of Plenty Regional Council and the Mana Whenua Kaitiaki Rōpū summarising progress on all management plans, monitoring results, cultural engagement, and adaptive management actions. Every 6 years, an independent audit of compliance with all consent conditions and management plans shall be commissioned, with findings and recommendations reported to all parties.

Statement of Support and Caution

Pirirākau Tribal Authority confirms that the draft resource consent conditions (received 5 November 2025) and the draft Relationship Agreement (received 10 November 2025) align with the final W-PACE and reflect the negotiated outcomes and cultural priorities of Pirirākau. The Authority supports the inclusion of these conditions in the final resource consent package, subject to ongoing engagement and the ability to review and adapt conditions as necessary.

Mana whenua note: These conditions and the role of mana whenua apply to all rohe that are affected by the headwaters (**ngā pūtake awa**) and waterways influenced by the Kaimai Hydro-Electric Power Scheme. The exercise of kaitiakitanga, partnership, and cultural monitoring must extend across all catchments and communities whose ancestral connections and responsibilities are linked to these waters.

While these conditions represent positive steps forward and demonstrate a genuine commitment to partnership and ecological improvement, Pirirākau retains a measure of caution. The reliance on “where practicable” language, the absence of a clear pathway to phase out human intervention (trap and transfer) in the current draft, and the need for explicit requirements for further treatment options for intake screens and turbines mean that some aspirations may not be fully realised without continued vigilance and advocacy. Ongoing monitoring, transparent reporting, and adaptive management will be essential to ensure that the intent of these conditions is achieved in practice.

Pirirākau acknowledges the collaborative approach taken by ex-Manawa Energy Limited/Contact Energy Limited, the Bay of Plenty Regional Council, and other stakeholders, and looks forward to continued partner relationship in the implementation, monitoring, and adaptive management of the Kaimai HEPS.



13 Conclusion

The Kaimai Hydro-Electric Power Scheme represents both a challenge and an opportunity for Pirirākau and all tangata whenua whose rohe and waterways are affected. While the scheme is a critical component of New Zealand's renewable energy strategy, it must operate in a way that respects and incorporates the cultural and environmental values of the hapū.

Pirirākau remains steadfast in advocating for the protection and restoration of our waterways, and for active involvement in the management and decision-making of the Kaimai HEPS. The legacy of the scheme continues to shape Pirirākau identity and kaitiakitanga, and the reconsenting process is a critical juncture for addressing historical grievances and ensuring that future consents are aligned with statutory and Treaty obligations, best practice in environmental management, and the aspirations of Pirirākau.

The final W-PACE reflects the expectation that renewed consents will move beyond minimum compliance to genuine remediation and restoration, embed ongoing partnership and engagement with all hapū, and ensure robust, enforceable, and adaptive consent conditions. The collaborative approach taken by Contact Energy, the Bay of Plenty Regional Council, and other stakeholders is acknowledged, and Pirirākau looks forward to working together with all hapū to achieve the restoration and long-term wellbeing of ngā pūtaka awa, our taonga species, and the cultural and ecological integrity of the Kaimai catchment for present and future generations.

14 Ngā mihi / Acknowledgements

Pirirākau Tribal Authority wishes to acknowledge and thank all those who have contributed to the Kaimai HEPS reconsenting process, and to the ongoing journey of restoring and protecting the health of ngā pūtaka awa and all connected waterways at the Kaimai HEPS location.

Ngā mihi nui

Pirirākau, Ngāti Hanganau, Ngāti Kahu, me ērā atu hapū e noho ana, e tiaki ana i ngā rohe me ngā awa o te Kaimai. E mihi kau ana ki a koutou mō tō koutou kaha, tō koutou manawanui, me tō koutou kaitiakitanga mō ngā taonga tuku iho.

We also wish to acknowledge the significant efforts and commitment of the following individuals, all of whom have worked with Pirirākau and the wider hapū throughout the process as part of their roles with Manawa Energy and subsequently Contact Energy:

- **Lisa Mead** – for her leadership, coordination, and communication in progressing the draft consent conditions and engagement with Pirirākau and other hapū.

- **Caleb Sjardin** – for his ongoing support, project management, and commitment to collaborative outcomes with Pirirākau and other hapū.
- **Rongomai Hoskin** – for her dedication to upholding the values and aspirations of Pirirākau, and for her work in developing the draft Relationship Agreement and representing hapū interests.
- **Abi Collins** – for her technical input, collaborative approach, and commitment to advancing fish passage and ecological restoration outcomes in a collaborative partnership with Pirirākau and other hapū.

Special thanks to:

- **Kelly Hughes** (ATS Environmental Ltd) – for providing independent fish passage advice and technical expertise.
- **Des Heke** (Papatūānuku Services Ltd) – for his background knowledge, insight, and support throughout the project.
- **Willy Tai** – for his long-term leadership as Kaitiaki for the project and his unwavering commitment to the wellbeing of the awa and the people.

He mihi maioha ki a koutou katoa:

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Acknowledgement is also extended to the Fast Track Approvals Convenor Panel for their role in considering the cultural, environmental, and community perspectives throughout the Kaimai HEPS reconsenting process.

We look forward to working collaboratively with all hapū to achieve the restoration and long-term wellbeing of ngā pūtake awa, our taonga species, and the cultural and ecological integrity of the Kaimai catchment for present and future generations.