

4 May 2026

For the Expert Panel  
Kaimai Hydro-electric Power Scheme [FTAA-2502-1024]

**BY EMAIL: substantive@fasttrack.govt.nz**

**KAIMAI HYDRO-ELECTRIC POWER SCHEME – COMMENTS ON DRAFT CONDITIONS ON BEHALF OF NGĀTI HANGARAU HAPŪ AND NGAMANAWA INCORPORATION**

Tēnā koutou

1. Ngāti Hangarau hapū (**Ngāti Hangarau**) and Ngamanawa Incorporation (**Ngamanawa**) were invited to provide comments on the substantive application as a relevant Treaty settlement entity (Ngāti Hangarau) and as an owner of land to which the substantive application relates (Ngamanawa).<sup>1</sup>
2. Both parties provided comments<sup>2</sup> in support of the version of the proposed conditions included as Appendix E to the substantive application lodged with the EPA (**Agreed Conditions**).
3. Ngāti Hangarau and Ngamanawa observe that the draft conditions proposed by the Panel closely reflect Agreed Conditions. Subject to the following comments in relation to a new condition proposed by the Panel relating to public access, Ngāti Hangarau and Ngamanawa maintain a position of general support for the draft conditions proposed by the Panel.<sup>3</sup>

**Comments on public access condition**

4. The Panel has proposed a new condition 1.13 relating to public access as follows:

**Public Access**

**1.13** The Consent Holder must maintain the nature and scope of public access to parts of the Scheme as described in the Application, subject to any modifications reasonably necessary to meet operational and safety requirements. For the avoidance of doubt, this condition does not limit the consent holder increasing or improving access.

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<sup>1</sup> The relevant landholdings are Ngamanawa Block BLK; Part Kaimai 3 Block; Section 1 SO 58345 at Omanawa Road and Part Whaiti Kuranui 5D2 Block at Hanga Road.

<sup>2</sup> By letter from Mary Hill Barrister dated 16 January 2026.

<sup>3</sup> This position is without prejudice to any appeal rights Ngāti Hangarau and Ngamanawa may have in relation to the final decision of the Panel.

5. The Panel's draft decision addresses this condition at paragraphs 175 to 182, explaining that the Scheme has maintained and enhanced public access to recreation opportunities in the Kaimai catchment and that the benefits for recreation need to be maintained. Accordingly, the Panel has included a condition requiring the current levels of access to be (at least) maintained, but subject to any modifications that may be reasonably required to ensure the safe and efficient operation of the Scheme.
6. The Panel's proposed condition makes provision for modifications to public access which might be necessary to ensure the safe and efficient operation of the Scheme. While Ngāti Hangarau and Ngamanawa acknowledge this reasoning, and support the intent of the proposed condition, they wish to invite the Panel's consideration of another appropriate exemption to the provision for public access.
7. It relates to the ability for Ngamanawa to continue to manage and restrict access to private land owned by Ngamanawa which is located within the upper catchment and within the wider operational area of the Scheme. That land includes forestry blocks, a private lodge dwelling and other private native forests. That land has never been available for public access and requires active management to ensure public safety, protect biosecurity of native flora (ancient Kauri and Rimu) and fauna (Kokako, Kiwi etc), and provide for management of landowner responsibilities. It is not uncommon for this private land to be subject to vandalism and illegal hunting and growing operations, and therefore it will be important to ensure the continued ability for Ngamanawa to manage (including to restrict) access to this land.
8. The draft condition currently makes broad provision for "*public access to parts of the Scheme as described in the Application*". This could be interpreted as including the privately owned Ngamanawa land within the operational area of the Scheme. Ngamanawa seeks an amendment to clearly exclude its land from the draft condition.
9. Ngāti Hangarau and Ngamanawa are working with Manawa to explore on how the intent of the condition might be maintained with some amendments to address these concerns. It is proposed that Manawa will submit some amended wording, agreed with Ngāti Hangarau and Ngamanawa, as part of its final response to comments due on 11 May. In the unlikely event that agreement cannot be reached, Ngāti Hangarau and Ngamanawa respectfully invite the Panel to consider how their concerns might be addressed in an amended condition.

Nāku noa, nā



Mary Hill  
Barrister