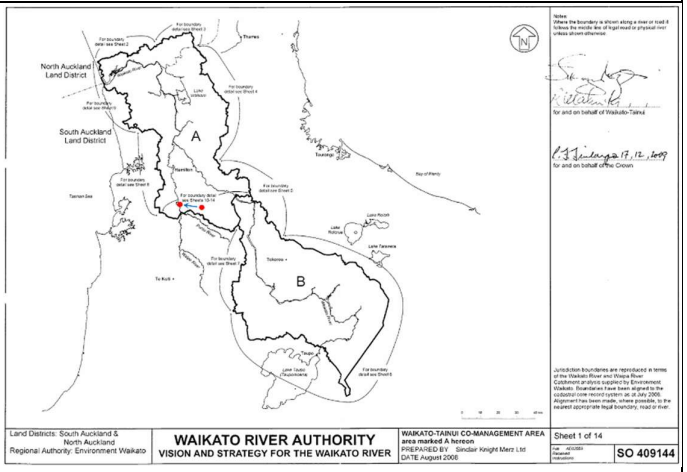
Appendix 27 – Treaty Settlement Provisions

TREATY SETTLEMENTS SUMMARY TABLE FOR THE HARLOW LIFESTYLE VILLAGE PROJECT UNDER THE FAST-TRACK APPROVALS ACT 2024

1. Waikato-Tainui	
Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010: Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 | New Zealand Legislation Settlement Deed and supporting documents: Te Tari Whakatau - Waikato and Waipā rivers co-management; Waikato-Tainui Kiingitanga Accord	
Whether the site is within or adjacent to "a statutory area" as defined in the relevant Treaty settlement Act[1] (Schedule 5 cl 5(1)(b)(i) of the Fast-track Approvals Act 2024 (**Act**))	There are no 'statutory areas' within the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the **Waikato River Settlement Act**).
Information about any Treaty settlements that apply in the area covered by the consent application, including identification of the relevant provisions in those Treaty settlements (Section 13(4)(l) and sch 5 cl 5(1)(i)(i) of the Act)	• The project footprint is located within the Waikato River catchment identified in the Waikato River Settlement Act. This is indicated in the adjacent figure, where the site's waterways (indicated in red) feed an unnamed tributary of the Mangapiko Stream which later joins the Waipā and Waikato Rivers. • The Waikato River Settlement Act must be interpreted in a manner that best furthers its purpose, Te Ture Whaimana, and the Kiingitanga Accord. • Section 17 of the Waikato River Settlement Act provides that a person carrying out functions or exercising powers under the Fast-track Approvals Act 2024 (**FTAA**) which relate to the Waikato River or activities in the catchment that affect the Waikato River must have particular regard to Te Ture Whaimana (the vision and strategy for the Waikato River) in addition to any requirements in the FTAA. • There is an obligation on Waikato Regional Council (**WRC**) to notify the Waikato River Authority (the **Authority**) of any applications for resource consent involving point source discharge to the Waikato River (including all tributaries in the area shown on the above plan). In addition to notice, the following requirements would apply in these circumstances: 

[1] 'Statutory areas' means those areas subject to a statutory acknowledgement in a Treaty settlement Act.

1. Waikato-Tainui	
	○ Section 28 requires that a hearing committee for such an application must comprise equal numbers of WRC-appointed Resource Management Act 1991 (**RMA**) decision-makers and Authority-appointed registered members, plus an independent chair jointly appointed by both parties. ○ The hearing duties, functions, and powers of those Authority-appointed members may not be delegated to a commissioner or commissioners. ○ Similar obligations exist if the application is called in and referred to a board of inquiry. • There are obligations which require WRC and local authorities to review planning documents to maintain consistency with Te Ture Whaimana. Relevant authorities may also review consent conditions or require alterations to a designation to ensure consistency with Te Ture Whaimana. Reviews must be consistent with joint management agreements. • There are obligations in relation to an integrated river management plan, to be prepared by the Waikato Raupatu River Trust and relevant departments, local authorities and agencies. This requires the inclusion of a number of matters including conservation, fisheries and regional council components plus any others jointly agreed between the parties. • There are obligations in relation to the preparation of joint management agreements between the Trust and WRC and the Trust and Waipā District Council, which must include the following provisions: ○ *RMA monitoring and enforcement* In relation to the Waikato River and activities within its catchment affecting the Waikato River, parties must meet to discuss and agree monitoring priorities, methods and extent of monitoring, and the potential for Waikato-Tainui participation in monitoring. Enforcement provisions (criteria for the commencement of prosecutions, applications for enforcement orders, and the service of abatement and infringement notices) may be reviewed no less than twice a year. ○ *Review and preparation of planning documents* The parties may discuss and recommend processes, forms and contents of any preparation, review, change, or variance of an RMA planning document, to the extent that it relates to Te Ture Whaimana. The Trust is provided a participation mechanism under Part 2 of Schedule 1 of the RMA. ○ *Applications for resource consents* For resource consent applications for certain activities, including the discharge of water into a tributary, stream, or watercourse flowing into the Waikato River, the local authority must give limited notification to the Trust and jointly develop and agree criteria to assist local authority decision-making.[2] The proposed activity is captured by these provisions. ○ *Customary activities* The parties have agreed processes related to the management of authorised customary activities, rahui, Waikato River restoration or enhancement activities or initiatives, and participation within related planning developments, navigation bylaws, and management plans for reserves.

[2] This is contained to joint development and agreed criteria on the best practice for pre-application processes and ss 87E (request for determination by the Environment Court), 88(3) (incomplete application for resource consent), 91 (deferral pending additional consents), 92 (requests for further information), 95 to 95F (notification of applications for resource consent), and 127 – 128 (change, cancellation, or review of consent conditions) of the RMA.

1. Waikato-Tainui	
	○ Each joint management agreement is enforceable between the parties to it. • A consent authority may have regard to the Waikato-Tainui environmental plan if it considers it necessary to determine the application. That plan sets out Waikato-Tainui's vision, objectives, policies and methods for protecting, restoring and enhancing the natural environment, cultural heritage, and resources within its rohe. It provides statutory guidance for councils, consent authorities, and developers in recognition of Waikato-Tainui values, supporting meaningful engagement and work towards present and future environmental restoration. • There are obligations between the Director-General of Conservation and the Trust in relation to the harvest of flora within conservation protected areas in the Waikato River and its catchment, set out in a Waikato-Tainui flora cultural harvest plan (these conservation protected areas are not relevant to the area of the proposed activities). • The Act includes the Crown's acknowledgement and apology for historical grievances. • There is acknowledgement of the importance of the Waikato River to Waikato-Tainui, including as an integral part of its relationship with the Waikato River, of customary activities and the use of traditional whitebait stands and eel weirs. The continuance of such authorised customary activities, tangihanga, and hari tuupaapaku is provided legislative protection. • Before creating, disposing of, or starting a statutory or other process to create or dispose of a property right or interest in the Waikato River the Crown, a Crown entity, a state enterprise, or a mixed ownership model company must first engage with Waikato-Tainui in accordance with the principles described in the Kiingitanga Accord. *Te Ture Whaimana*: • Te Ture Whaimana is the vision and strategy for the Waikato River. It categorises the Waikato River and its contribution to New Zealand's cultural, social, environmental, and economic wellbeing as of national importance. It is the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River. • The vision is for a future where the Waikato River sustains abundant life and prosperous communities who have an intergenerational responsibility for the restoration and protection of the Waikato River's health, wellbeing, and all it embraces. Objectives to achieve this vision include: (a) the restoration and protection of the health and wellbeing of the Waikato River; (b) the restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships; (c) the restoration and protection of the relationships of Waikato River iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural, and spiritual relationships; (d) the restoration and protection of the relationships of the Waikato Region's communities with the Waikato River, including their economic, social, cultural, and spiritual relationships; (e) the integrated, holistic, and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River;

1. Waikato-Tainui	
	(f) the adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River; (g) the recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River; (h) the recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities; (i) the protection and enhancement of significant sites, fisheries, flora, and fauna; (j) the recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental, and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River; (k) the restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length; (l) the promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities; and (m) the application to the above of both maatauranga Maaori and the latest available scientific methods. • The following strategy is set out in order to achieve the vision: (a) ensure that the highest level of recognition is given to the restoration and protection of the Waikato River; (b) establish what the current health status of the Waikato River is by utilising maatauranga Maaori and the latest available scientific methods; (c) develop targets for improving the health and wellbeing of the Waikato River by utilising maatauranga Maaori and the latest available scientific methods; (d) develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River; (e) develop and share local, national, and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River; (f) recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they do decide) to promote their cultural, spiritual, and historic relationship with the Waikato River;

1. Waikato-Tainui	

	(g) recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community;
	
	(h) actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community;
	
	(i) encourage and foster a "whole of river" approach to the restoration and protection of the Waikato River, including the development, recognition, and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River;
	
	(j) establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River iwi (where they so decide), and stakeholders with an interest in advancing, restoring, and protecting the health and wellbeing of the Waikato River;
	
	(k) ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review;
	
	(l) ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.
	
	Waikato River Authority
	
	• The Authority is established as a statutory body through the Waikato River Settlement Act. Its purpose is to set Te Ture Whaimana, promote an integrated, holistic and coordinated approach to its implementation and the management of the Waikato River, and to fund rehabilitation efforts as the trustee for the Waikato River Clean-up Trust.
	• Its principal function is to achieve its purpose. The Authority is also mandated to engage with and provide advice to:
	  ○ Local authorities amending RMA planning documents, in assuring Te Ture Whaimana is given effect to.
	  ○ Local authorities and biosecurity, conservation, and fisheries agencies with responsibilities relating to the Waikato River, in relation to the implementation of Te Ture Whaimana and river management.
	  ○ The Environmental Protection Authority (**EPA**).
	• The Authority may conduct monitoring in relation to its functions and at least every 5 years report to the Crown, Waikato-Tainui, and other appointers on the result of such monitoring.

1. Waikato-Tainui	
	Kiingitanga Accord • The Kiingitanga Accord is a deed made between the Crown and Waikato-Tainui in 2008, further affirming and acknowledging the importance of effective co-management arrangements and processes. It comprises a core guide to interpretation of the Waikato River Settlement Act through its principles.[3]
Information about any Treaty settlements that apply in the area covered by the consent application, including a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area. (Sch 5 cl 5(1)(i)(ii) of the Act)	Redress for Waikato-Tainui is primarily in relation to the management of the Waikato River to achieve the overall purpose of the Waikato River Settlement Act and recognise the special relationship of Waikato-Tainui with the Waikato River. There are also a number of sites of significance and properties that vested in the Trust on the Settlement Date, none of which overlap or are in the vicinity of the project site.

2. Waikato	
Waikato Raupatu Claims Settlement Act 1995: Waikato Raupatu Claims Settlement Act 1995 | New Zealand Legislation Settlement Deed and supporting documents: Te Tari Whakatau - Waikato-Tainui Raupatu[4]	
Whether the site is within or adjacent to "a statutory area" as defined in the relevant Treaty settlement Act	There are no statutory areas defined in the Waikato deed, Treaty settlement Act, and supporting documents, refer: Waikato-Tainui Deed of Settlement 22 May 1995

[3] These principles are:
Te mana o te awa (the spiritual authority, protective power, and prestige of the river)
Mana whakahaere (authority and rights of control)
Health and wellbeing
Co-management
Integration
Te Tiriti o Waitangi/the Treaty of Waitangi and its principles
Honour and integrity

[4] The deed of settlement has been amended.

2. Waikato	
(Schedule 5 cl 5(1)(b)(i) of the Fast-track Approvals Act 2024 (**Act**))	
Information about any Treaty settlements that apply in the area covered by the consent application, including identification of the relevant provisions in those Treaty settlements (Section 13(4)(l) and sch 5 cl 5(1)(i)(i) of the Act)	• The Waikato Raupatu Claims Settlement Act 1995 (**Raupatu Settlement Act**) provides a historical account of Waikato raupatu and related invasion, hostilities, war, loss of life, destruction of taonga and property, and consequent suffering, distress, and deprivation, and the acknowledgements of the Crown's wrong doings to the Kiingitanga and Waikato. • As part of its acknowledgements the Crown recognised the need to atone and begin the process of healing by entering into a new age of co-operation with the Kiingitanga and Waikato. This has formed the impetus for the Waikato River Settlement Act and its supporting documents. • There are obligations in relation to land and trusts outside of the proposed activities.
Information about any Treaty settlements that apply in the area covered by the consent application, including a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area. (Sch 5 cl 5(1)(i)(ii) of the Act)	The redress included in the Raupatu Settlement Act does not affect the natural and physical resources relevant to the project or project area.