

IN THE WAITANGI TRIBUNAL

Wai 2358

CONCERNING

the Treaty of Waitangi Act 1975

AND

the National Freshwater and
Geothermal Resources Inquiry

**MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER REGARDING
SEVERAL INTERESTED PARTY REQUESTS**

9 July 2024

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Introduction

1. This memorandum-directions:
 - (a) addresses 13 requests for interested party status; and
 - (b) provides an updated list of interested parties for stage three of the National Freshwater and Geothermal Resources Inquiry (Wai 2358).

Requests for interested party status

Wai 3344, the Climate Change (Fenwick) claim

2. On 4 July 2024, the Tribunal received a memorandum of counsel on behalf of John Fenwick, claimant for Wai 3344, seeking interested party status in this inquiry. Mr Fenwick is Chairman of the Ruahine Kuharua Incorporation (the Incorporation), a Māori forestry block which sits over the geothermal resources of the Taheke-Tikitere field on Lake Rotoiti (Wai 2358, #3.2.593 at [1]).
3. The beneficial owners of the Incorporation's lands, including Mr Fenwick and his whānau, hapū and iwi, have mana whenua interests in the Taheke-Tikitere geothermal reservoir, as well as it being a key taonga. The Incorporation has recently signed a development agreement with Mercury Energy on the exploration of the Taheke-Tikitere field. Mr Fenwick submits there is sufficient overlap between the Wai 3344 claim participating in the Climate Change (Wai 3325) Priority Inquiry, and the current inquiry (Wai 2358, #3.2.593 at [3] and [5]).

Wai 3284, the Climate Change (Ross) claim

4. On 4 July 2024, the Tribunal received a memorandum of counsel on behalf of Mark Ross, claimant for Wai 3284, seeking interested party status in this inquiry. Mr Ross is of Ngāti Tūwharetoa descent, is a beneficiary of two Tūwharetoa marae as well as a number of large forestry and farm trusts. He currently serves as a trustee for East Taupō Lands Trust and Owhaoko B&D Lands Trust (Wai 2358, #3.2.594 at [1]).
5. Both marae are connected to streams which are connected to the sustainability and wellbeing of the geothermal fields, and fall within the rohe of Ngāti Hineure, Ngāti Hinerau and Ngāti Kurarauria which hold significant areas of natural forest and plantation forestry (Wai 2358, #3.2.594 at [3]).
6. Both streams, and the geothermal fields, are taonga for Mr Ross' hapū with their traditional relationship to these resources including mana whenua, ancestral kōrero, bathing, healing, manaakitanga and raranga (Wai 2358, #3.2.594 at [3(d)]).

Wai 3280, the Climate Change (Whata) claim

7. On 4 July 2024, the Tribunal received a memorandum of counsel on behalf of Anthony Whata, claimant for Wai 3280, seeking interested party status in this inquiry. Mr Whata is the Chairman of the Tautara Matawhaura Māori Lands, which sits over the geothermal resources of the Rotoma field in the Rotorua Lakes district (Wai 2358, #3.2.595 at [1]).
8. The Rotoma geothermal reservoir is a key taonga of the beneficial owners of the Tautara Matawhaura Māori Lands Trust, including the whānau, hapū and iwi of Mr Whata. Since 2007, Mr Whata has been involved with neighbouring trusts and Mercury Energy regarding the exploration and development of the Rotoma geothermal field. These negotiations have

included discussion on the Emissions Trading Scheme and have resulted in significant development agreements signed between the parties (Wai 2358, #3.2.595 at [3]).

Trustees of Ngāti Tahu – Ngāti Whaoa Rūnanga Trust

9. On 1 July 2024, the Tribunal received a memorandum of counsel on behalf of Roger Pikia, Cedric Forrest, Blanche Reweti, Angela Werahiko and Evelyn Forrest as trustees of the Ngāti Tahu – Ngāti Whaoa Rūnanga Trust (the Rūnanga), seeking interested party status in this inquiry. The Rūnanga is a post-settlement governance entity established in 1991 to receive assets from the historical settlement for Te Pūmautanga o Te Arawa (Wai 2358, #3.2.582).
10. Ngāti Tahu – Ngāti Whaoa has a historical, cultural and contemporary association with geothermal resources within their traditional rohe. Such resources were used for cooking, drinking, bathing and healing. With the passing of the Geothermal Energy Act 1953, Ngāti Tahu – Ngāti Whaoa lost control of and access to some of their geothermal taonga. There are ten geothermal resources which fall within the traditional rohe of Ngāti Tahu – Ngāti Whaoa (Wai 2358, #3.2.582 at [6]).
11. The Rūnanga seek to file reply evidence, closing submissions and participate in upcoming hearings (Wai 2358, #3.2.582 at [14]).

Mataarae Marae

12. On 2 July 2024, the Tribunal received a memorandum of counsel on behalf of Mataarae Marae seeking interested party status in this inquiry. Mataarae Marae is located within the Ngāti Tahu Ngāti Whaoa rohe on part of Paeroa East 5 block, which has been set aside as a Māori reservation (Wai 2358, #3.2.583 at [3]).
13. Mataarae Marae has access to geothermal resources near the Paeroa East 5 block which they use for hot bathing, cooking, natural preserving and sites for ritual purposes and healing (Wai 2358, #3.2.583 at [4]).
14. Mataarae Marae seek to file reply evidence, closing submissions and participate in upcoming hearings (Wai 2358, #3.2.583 at [12]).

Ngāti Tahu Tribal Lands Trust

15. On 2 July 2024, the Tribunal received a memorandum of counsel on behalf of Ngāti Tahu Tribal Lands Trust seeking interested party status in this inquiry. The Trust holds several land blocks which fall within the Ngāti Tahu Ngāti Whaoa rohe (Wai 2358, #3.2.584 at [3]–[4]).
16. The Ohaaki geothermal system is located within the land blocks which fall under the Trust, and the Trust is affected by the Ohaaki Geothermal Power Station (Wai 2358, #3.2.584 at [4]).
17. The Trust seek to file reply evidence, closing submissions and participate in upcoming hearings (Wai 2358, #3.2.584 at [12]).

Ōhāki Marae

18. On 2 July 2024, the Tribunal received a memorandum of counsel on behalf of Ōhāki Marae seeking interested party status in this inquiry. Ōhāki Marae is located within the Ngāti Tahu Ngāti Whaoa rohe on 4.2134 hectares of Tahorakuri A No 1 Sec 1 (Wai 2358, #3.2.585 at [3]).

19. The Ohaaki geothermal system is located within the rohe of the Marae, and the Marae is affected by the operation of the Ohaaki Geothermal Power Station, that is referred to in this inquiry (Wai 2358, #3.2.585 at [3]–[4]).
20. The Marae seek to file reply evidence, closing submissions and participate in upcoming hearings (Wai 2358, #3.2.585 at [12]).

Paeroa South B2B1 Ahu Whenua Trust

21. On 2 July 2024, the Tribunal received a memorandum of counsel on behalf of Paeroa South B2B1 Ahu Whenua Trust seeking interested party status in this inquiry. The Trust is located within the Ngāti Tahu Ngāti Whaoa rohe (Wai 2358, #3.2.586 at [3]).
22. There are geothermal resources located below the Trust's land (Wai 2358, #3.2.586 at [4]).
23. The Trust seek to file reply evidence, closing submissions and participate in upcoming hearings (Wai 2358, #3.2.586 at [12]).

Tahorakuri A1 Sec 33B Ahu Whenua Trust

24. On 2 July 2024, the Tribunal received a memorandum of counsel on behalf of Tahorakuri A1 Sec 33B Ahu Whenua Trust seeking interested party status in this inquiry. The Trust is located within the Ngāti Tahu Ngāti Whaoa rohe (Wai 2358, #3.2.587 at [3]).
25. The Trust has access to geothermal resources near their land, referred to in this inquiry, which the beneficial owners of the land use for hot bathing, natural cooking, natural preserving and are sites for ritual purposes and healing (Wai 2358, #3.2.587 at [4]).
26. The Trust seeks to file reply evidence, closing submissions and participate in upcoming hearings (Wai 2358, #3.2.587 at [12]).

Te Toke Marae

27. On 2 July 2024, the Tribunal received a memorandum of counsel on behalf of Te Toke Marae seeking interested party status in this inquiry. Te Toke Marae is located within the Ngāti Tahu Ngāti Whaoa rohe (Wai 2358, #3.2.588 at [3]).
28. The Marae have geothermal taonga within their land, and rohe (Wai 2358, #3.2.588 at [5]).
29. The Marae seek to file reply evidence, closing submissions and participate in upcoming hearings (Wai 2358, #3.2.588 at [14]).

Tutukau East Z Trust

30. On 2 July 2024 the Tribunal received a memorandum of counsel on behalf of Tutukau East Z Trust seeking interested party status in this inquiry. Tutukau East Z Trust is located within the Ngāti Tahu Ngāti Whaoa rohe (Wai 2358, #3.2.589 at [3]).
31. There are geothermal resources located below the Trust's land (Wai 2358, #3.2.589 at [4]).
32. Tutukau East Z Trust seek to file reply evidence, closing submissions and participate in upcoming hearings (Wai 2358, #3.2.589 at [12]).

Waimahana Marae

33. On 2 July 2024, the Tribunal received a memorandum of counsel on behalf of Waimahana Marae seeking interested party status in this inquiry. Waimahana Marae is located within the Ngāti Tahu Ngāti Whaoa rohe (Wai 2358, #3.2.590 at [3]).
34. There are geothermal resources located below the Marae's land (Wai 2358, #3.2.590 at [4]).
35. Waimahana Marae seek to file reply evidence, closing submissions and participate in upcoming hearings (Wai 2358, #3.2.590 at [12]).

Raukawa Settlement Trust

36. On 5 July 2024, the Tribunal received a memorandum of counsel on behalf of Raukawa Settlement Trust (RST) seeking interested party status in this inquiry. RST was established in 2009 as a post-settlement governance entity (Wai 2358, #3.2.592 at [2]).
37. Within the takiwā of RST are a number of significant freshwater resources and seven geothermal fields. Raukawa have significant rights and interests in these geothermal fields as well as the surrounding natural resources within their takiwā (Wai 2358, #3.2.592 at [4]–[6]).
38. RST seeks to participate by filing reply evidence (if any) as currently timetabled for claimants and interested parties, and to participate in the hearings and make any closing submissions, as appropriate (Wai 2358, #3.2.592 at [11]).

Decision

39. Pursuant to section 4A(1) of the Commissions of Inquiry Act 1908, I consider the following parties as having an interest in this inquiry apart from any interest in common with the public, and can participate as interested parties in the inquiry:
 - (a) Wai 3344, the Climate Change (Fenwick) claim;
 - (b) Wai 3284, the Climate Change (Ross) claim;
 - (c) Wai 3280, the Climate Change (Whata) claim;
 - (d) Trustees of the Ngāti Tahu – Ngāti Whaoa Rūnanga Trust;
 - (e) Mataarae Marae;
 - (f) Ngāti Tahu Tribal Lands Trust;
 - (g) Ōhāki Marae;
 - (h) Paeroa South B2B1 Ahu Whenua Trust;
 - (i) Tahorakuri A1 Sec 33B Ahu Whenua Trust;
 - (j) Te Toke Marae;
 - (k) Tutukau East Z Trust;



(l) Waimahana Marae; and

(m) Raukawa Settlement Trust.

40. I consider that their inclusion as interested parties in Stage 3 of the Inquiry will not prejudice the progression of the Inquiry, nor any other party.

41. Attached as **Appendix A** is an updated list of interested parties for stage three of the National Freshwater and Geothermal Resources Inquiry.

The Registrar is to send this direction to all those on the notification list for Wai 2358, the National Freshwater and Geothermal Resources Inquiry.

DATED at Gisborne this 9th day of July 2024.

A handwritten signature in black ink, appearing to read 'W W Isaac', with a small flourish at the end.

Judge W W Isaac
Presiding Officer

WAITANGI TRIBUNAL