I MUA TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI **WAI 2358**
BEFORE THE WAITANGI TRIBUNAL **WA 3444**

I TE TAKE O	the Treaty of Waitangi Act 1975
ME	
I TE TAKE O	the National Fresh Water and Geothermal Resources Inquiry – Stage Three
ME	
I TE TAKE O	A claim filed by Roger Pikia on behalf of the Trustees of the Ngāti Tahu – Ngāti Whāoa Rūnanga Trust for and on behalf of the hapū and whānau of Ngāti Tahu – Ngāti Whāoa iwi
ME	
I TE TAKE O	A claim filed by Wikitoria Hepi-Te Huia on behalf of the Trustees of the Tauhara North No.2 Trust for and on behalf of the Trust and the beneficial owners of the lands held and administered by the Trust

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JOINT BRIEF OF EVIDENCE OF AROHA CAMPBELL AND DESTERNEY MANA NEWTON

17 OCTOBER 2025

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INTRODUCTION – AROHA CAMPBELL

1. My name is Aroha Campbell, QSM. I am a trustee or former trustee of the following entities:

   (a) Tauhara North No.2 Trust, current;

   (b) Ngāti Tahu Tribal Lands Trust, retired;

   (c) Paeroa East 5 Trust, current;

   (d) 338 Ohaki Pa Trust, current;

   (e) Taheke 8C Trust, current;

   (f) Tahorakuri A1 Sec 14, current.

2. I am also a former Chief Executive Officer for Tauhara North No.2 Trust, a position I held for over a decade.

3. I am a Director for Hau Rakau Limited, Tauhara North Holdings Ltd, Rotokawa Joint Venture, New Zealand Geothermal Association, Taheke 8C Limited, a Kaitiaki Consultant at Upflow Limited, and a member of Global Women and a volunteer member of WING - Women in Geothermal.

4. I have previously provided a brief of evidence in this inquiry that sets out my qualifications and experience.[1]

INTRODUCTION – MANA NEWTON

5. My name is Desterney Mana Newton.

6. I am the Chief Executive Officer (**CEO**) of the Tauhara North No.2 Trust. I was previously a trustee of the Trust between 2017 - 2019.

7. I am also a trustee and current chair of the Ngāti Tahu Tribal Lands Trust.

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[1] A Campbell, *Brief of Evidence of Aroha Campbell QSM* dated 28 April 2025, Wai 2358, #I76, at [1-4].

8. I have previously provided a brief of evidence in this inquiry that sets out my qualifications and experience.[2]

SCOPE OF EVIDENCE

9. We are authorised to provide this evidence on behalf of the following Ngāti Tahu – Ngāti Whāoa entities (the "**NTNW Collective**"):

   (a) Ngāti Tahu – Ngāti Whāoa Rūnanga Trust ("**Rūnanga**").

   (b) Tauhara North No.2 Trust ("**Tauhara North**").

   (c) Ngāti Tahu Tribal Lands Trust ("**NTTLT**").

   (d) Paeroa South B2B1 Trust.

   (e) Tahorakuri A1 Sec 33 Ahu Whenua Trust.

   (f) East Z Trust.

   (g) Te Toke Marae.

   (h) Mataarae Marae.

   (i) Ohaki Marae.

   (j) Waimahana Marae.

10. This brief of evidence provides further detail on the joint NTNW submission (the "**NTNW Submission**") on the Crown's consultation document "*From the Ground Up – A Draft Strategy to Unlock New Zealand's Geothermal Potential*"[3] (the "**Draft Strategy**").

11. In this regard, the focus of this evidence is on the recommendations that the NTNW Collective seeks from the Tribunal with respect to changes to the Draft Strategy.

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[2] D Newton, Brief of Evidence of Desterney Mana Newton dated 29 April 2025, Wai 2358, #I72, at [2-4].

[3] Ministry of Business, Innovation and Employment, *'From the Ground Up: A draft strategy to unlock New Zealand's geothermal potential'* dated 5 August 2025, Wai 2358, #I82.

12. We have read the draft expert evidence of Deborah Kissick to be filed alongside this brief setting out relevant planning matters and we generally support the recommendations she has made.

THE DRAFT STRATEGY

13. The Draft Strategy sets out the Crown's vision for unlocking New Zealand's geothermal potential as follows ("**Vision**"):[4]

> **VISION:** New Zealand is a global leader in sustainable geothermal development, delivering innovation, resilience and inclusive growth for future generations.

14. The Draft Strategy proposes that the Vision can be achieved by securing three strategic outcomes ("**Strategic Outcomes**"):[5]

> **STRATEGIC OUTCOMES**
>
> 1. Extend New Zealand's position as a world-leader in geothermal innovation.
> 2. Accelerate energy resilience through the development of increased electricity generation and harnessing geothermal heat to support New Zealand's energy transition.
>
> **GOAL: Double geothermal energy use by 2040**
>
> 3. Strengthen regional economies and te Ōhanga Māori by advancing geothermal development in collaboration with tāngata whenua, and unlock industrial growth, tourism and trade to support New Zealand's goal of doubling exports.

15. Five Action Plan Goals ("**Plan Goals**") are identified to focus the Crown's approach:

How will we get there? Five ACTION PLAN GOALS have been identified to focus the Government's approach.

Improving access to geothermal data and insights	Ensuring regulatory and system settings are fit for purpose	Advancing knowledge and uptake of geothermal technologies	Enabling place-based geothermal clusters	Driving science, research and innovation, including supercritical geothermal technology

[4] Ministry of Business, Innovation and Employment, *'From the Ground Up: A draft strategy to unlock New Zealand's geothermal potential'* dated 5 August 2025, Wai 2358, #I82 at 16.

[5] Ministry of Business, Innovation and Employment, *'From the Ground Up: A draft strategy to unlock New Zealand's geothermal potential'* dated 5 August 2025, Wai 2358, #I82 at 16.

16. Those Plan Goals are then split up into 3 separate timelines for implementation:

    (a) **Horizon 1**: From 2025-2026.

    (b) **Horizon 2:** From 2027- 2028.

    (c) **Horizon 3:** From 2029 onwards.

17. A number of specific proposed action points are then identified in the Draft Action Plan on pages 20-21 of the Draft Strategy under each of the three Horizons.

NTNW SUBMISSION

18. The NTNW Submission on the Draft Strategy was submitted on 12 September 2025. A copy is provided in the bundle of documents filed with this brief as **JB1**.

19. As a general comment, NTNW supports the overall Vision, Strategic Outcomes and Plan Goals identified in the Draft Strategy. However, NTNW believes that the Draft Strategy could be strengthened in the following specific areas and respectfully seeks recommendations from the Tribunal on the matters outlined below.

NATIONAL POLICY STATEMENT FOR GEOTHERMAL DEVELOPMENT

20. The Strategy includes an action Plan Goal of "*Ensuring regulatory and system settings are fit for purpose*" and identifies six specific proposed actions under this Goal to take place during Horizon 1 from 2025-2026. NTNW's view is that a further action should be included under this Plan Goal, which is to introduce a National Policy Statement (**NPS**) for Geothermal Development.

21. We have read the draft expert evidence of Deborah Kissick to be filed alongside this brief setting out relevant planning matters. In that brief she notes that the Draft Strategy currently would have no legal status under the Resource Management Act 1991 (**RMA**). Deborah suggests that the draft Strategy could be incorporated into an NPS in order to give it the necessary legal status under the RMA to ensure "*the*

development of robust, nationally consistent policy direction through an NPS for geothermal resources". We agree with that approach.

22. An NPS for Geothermal Development would assist NTNW including our iwi, hapū, marae and landowning entities, to navigate decision-making with greater certainty and assist to accelerate development, where appropriate, and to protect our geothermal taonga, where appropriate. As explained by Ms Kissick in greater detail, the NPS could also be used to provide better management and consistency in field classifications, rules, engagement with tangata whenua, renewal of resource consents and National Environmental Standards (**NES**) which we discuss further below.

23. As we have identified in our evidence previously filed, one of the key areas of difficulty and prejudice for NTNW in the development, use and protection of our geothermal taonga to date has been the lack of clarity, certainty and recognition of our rights in relation to those taonga. The introduction of an NPS based on the Draft Strategy that includes the following additional Strategic Outcome is supported by NTNW:

> *Embed Te Tiriti o Waitangi principles in geothermal resource management to ensure equitable participation, shared benefits and enduring partnerships with tāngata whenua.*

24. NTNW therefore seek recommendations from the Tribunal that the Crown should:

    (a) Add the development of an NPS on Geothermal Development based on the Draft Strategy in consultation with tangata whenua and other stakeholders in order to provide clear and consistent guidance across the country to Horizon 1 (2025 - 2026); and

    (b) Add the following Strategic Outcome to the Draft Strategy, for inclusion in that NPS "*Embed Te Tiriti o Waitangi principles in geothermal resource management to ensure equitable participation, shared benefits and enduring partnerships with tāngata whenua*".

NATIONAL ENVIRONMENTAL STANDARDS (NES)

25. The Draft Strategy does not address the potential for the introduction of an NES for geothermal resources and particularly to address the renewal of existing resource consents for geothermal use. NTNW support the recommendation made in Ms Kissick's evidence for a new geothermal NES "*to provide a nationally-consistent rule framework to reflect the policy direction provided through the NPS*."

26. NTNW would welcome the formulation of an NES that would reduce unnecessary duplication or uncertainty in relation to long-standing geothermal operations where the environmental effects are well-known, well-managed, and have been monitored over time to prove sustainability. Having a consistent approach through an NES to issues such as monitoring, reinjection, system management plans, engagement with tangata whenua, and the notification and renewal of resource consents would alleviate some of the current prejudice that we have experienced in the use of our geothermal taonga and given evidence about to the Tribunal previously.

27. The implementation of an NES for geothermal use could ensure that a consistent set of rules is applied across the Waikato and Bay of Plenty regions where our geothermal taonga are located and managed under two different regional councils with two different sets of regional plans and other relevant planning documents. An appropriately calibrated geothermal NES could go some way towards addressing the concerns that we have already expressed about these existing legal barriers that make geothermal developments so restrictive and prohibitive due to the costs and uncertainty associated with obtaining resource consents and with renewing resource consents for existing activities.

28. NTNW also supports the comments made in Ms Kissick's evidence about consideration of the extension of the maximum term for geothermal consents beyond 35 years due to the extremely high cost of development and investment required, but only in relation to the reconsenting for existing projects. NTNW supports extending the maximum possible consent term for reconsenting geothermal projects under the RMA from 35 years to 45 years where projects are proven to

have met their environmental, cultural, sustainability and other condition requirements.

29. We agree that an NES could also be used to streamline the reconsenting process for existing consents where they can be proven to comply with relevant requirements set in an NES. NTNW supports the inclusion of both these actions in the Draft Strategy, as part of the development of an NES and the pending RMA reforms.

30. NTNW therefore seek recommendations from the Tribunal that the Crown should:

    (a) Add the development of a geothermal NES based on the Draft Strategy in consultation with tangata whenua and other stakeholders as a proposed action to occur within Horizon 1 (2025 - 2026);

    (b) Specify that the NES must address issues including streamlining the renewal of resource consents, monitoring, reinjection, system management plans, and engagement with tangata whenua; and

    (c) Amend the RMA to provide for a maximum term for reconsenting existing geothermal projects from 35 years to 45 years, where projects meet their conditions and NES requirements.

CLASSIFICATION OF GEOTHERMAL FIELDS

31. One of the issues we raised in our previous evidence was that NTNW do not believe the present geothermal system classifications are fit for purpose, adaptive enough to meet changes in technology or respond to the aspirations of tangata whenua with respect to our geothermal taonga.

32. In our NTNW submission on the Draft Strategy, we noted that the field classification work proposed under the draft Action Plan, to *"Investigate the appropriateness of field classifications"* is not proposed to commence until 2029 under Horizon 3. NTNW strongly recommend

that this field classification work instead be prioritised and completed as soon as possible during Horizon 1 (2025-2026) because field classification provides the foundation for geothermal investment decision-making by iwi landowners, industry, and investors. NTNW believes that bringing this critical field classification work forward will help achieve the Strategic Outcome to double geothermal energy use by 2040.

33. NTNW also supports the inclusion of the updated geothermal field/system classifications in an NPS and NES as suggested by Ms Kissick in her evidence in order to provide greater flexibility and responsiveness than the present geothermal system classifications under the regional plans. Instead of having to go through very long and expensive plan change processes under the RMA, the system classifications could be amended by the Minister for the Environment directly, providing a much quicker, efficient and less expensive option that can adapt to advances in technology. The supercritical project is a perfect example where greater flexibility is desirable in order to allow development that requires high levels of investment to adapt in a more responsive manner.

34. NTNW therefore seek recommendations from the Tribunal that the Crown should:

    (a) Bring the investigation of the appropriateness of geothermal field / system classifications forward to Horizon 1 in 2025 – 2026, to commence as soon as possible; and

    (b) Provide for the inclusion updated geothermal field/system classifications in an NPS and NES also to be developed within Horizon 1.

CROWN EXPLORATION AND R&D FUNDING

35. The Draft Strategy highlights the role of Crown involvement in exploration and modelling but does not establish a dedicated exploration and research fund. NTNW recommended in our submission that consideration be given to establishing Crown-led funding for early-stage exploration and technology development.

NTNW believe that Crown support at this stage could help unlock significant downstream investment and job creation. NTNW also note that a number of other claimants raised the lack of access to funds to conduct exploration and research as one of the key barriers to their entry into geothermal development.

36. NTNW therefore seek a recommendation from the Tribunal that the Crown should establish a dedicated fund for early-stage geothermal exploration, research and technology development.

GEOTHERMAL FEATURES MAPPING

37. The Draft Strategy mentions low-heat geothermal mapping as a proposed action under the draft Action Plan in Horizon 2 (2027-2028). NTNW recommend that consideration be given to modernising geothermal feature mapping more broadly in order to assist in the identification of geothermal development opportunities as well as the protection of surface feature taonga. NTNW believes that updated mapping would strengthen both the protection of geothermal taonga and responsible development.

38. NTNW therefore seek a recommendation from the Tribunal that the Crown should amend the proposed geothermal mapping action to go under Horizon 1 (2025-2026) and reword it to read "*Initiate a project for geothermal mapping across the heat spectrum in order to assist in the identification of geothermal development opportunities as well as the protection of surface feature taonga*".

NATIONAL GEOTHERMAL DATA REPOSITORY

39. The Draft Strategy identifies the importance of data under the first Action Plan Goal of "*Improving access to geothermal data and insights*". However, NTNW understands the highly critical role that data availability plays in the investment decision-making process as well as in the selection of appropriate protection methods for geothermal taonga. The recommendations we have sought above around the development of geothermal NPS/NES go hand in hand with data access and insights.

40. NTNW therefore recommend that completing a comprehensive national geothermal data backbone repository be made a priority under the Draft Strategy. A centralised, enduring, and publicly available data system would enhance transparency, support research and investment, and reduce duplication of effort across the sector.

41. NTNW therefore seek a recommendation from the Tribunal that the Crown should amend the proposed action under Horizon 2 for a central data repository by moving it to Horizon 1 (2025-2026) and reword it to read "*Initiate a project for the creation of a central data repository for geothermal data*".

UPDATING THE REGULATORY TOOLKIT

42. The Strategy proposes reviews of various legacy regulations, under the second action plan goal of "*Ensuring regulatory and system settings are fit for purpose*". NTNW recommends this work be prioritised and expanded. Updating the regulatory toolkit during Horizon 1 as part of the incoming RMA reforms would ensure that the regulatory frameworks are fit for purpose, particularly in light of advances such as supercritical geothermal and other emerging uses.

43. In particular we note the evidence provided by Deborah Kissick regarding the existing RMA provisions and regulations that allow for the Crown, through regional councils, to charge royalties for geothermal resource use. We understand that these provisions are not currently being used by the regional councils in our rohe, and that the Waikato Regional Council has stated that this is because their position is that nobody owns the geothermal resources. However, the existence and potential use of these Crown royalty provisions is yet another area of uncertainty that we believe is highly prejudicial to the development of our geothermal taonga that should be removed as soon as possible by repealing those provisions.

44. In our draft settlement legislation provided as part of our previous evidence to the Tribunal, we have included provision for geothermal royalties for the use of our geothermal taonga to be negotiated privately with the relevant NTNW entity on a case-by-case basis. We assert our tino rangatiratanga over these geothermal taonga and therefore

strongly oppose the charging of any Crown royalties by the regional councils for geothermal resources.

45. If the Crown were to commence charging royalties for the use of geothermal resources under these RMA regulations our view is that it would create a significant barrier to the viability of geothermal development projects that are already extremely expensive and could effectively halt some current developments. NTNW believes the imposition of Crown royalties would effectively undermine the entire Draft Strategy and in particular the Strategic Goal to double geothermal energy use by 2040.

46. NTNW therefore seek a recommendation from the Tribunal that the Crown should:

(a) Add a proposed action for Horizon 1 (2025-2026) under the regulatory system settings goal that states "*Repeal the RMA provisions and regulations that allow for the charging of Crown royalties for geothermal resource use*".

(b) Bring the following proposed actions from Horizon 2 up to Horizon 1:

(i) *"Ensure **geothermal regulatory frameworks** are fit for purpose (including the Geothermal Energy Regulations 1961 and those required for supercritical geothermal)".*

(ii) *"Explore the **role of policy direction** for managing geothermal resource (e.g. national direction)".*

(c) Bring the following proposed action from Horizon 3 up to Horizon 1:

(i) *"Investigate the appropriateness of field classifications (following data collation undertaken in horizons 1-2)".*

(d) Delete the following proposed action in Horizon 3:

(i) *"Consider **system-wide funding mechanisms".***

CONCLUSION

47. The following is a summary of the recommendations that NTNW seek from the Tribunal with respect to the Draft Strategy:

National Policy Statement for Geothermal Development

(a) Add the development of an NPS on Geothermal Development based on the Draft Strategy in consultation with tangata whenua and other stakeholders in order to provide clear and consistent guidance across the country to Horizon 1 (2025 - 2026); and

(b) Add the following Strategic Outcome to the Draft Strategy, for inclusion in that NPS "*Embed Te Tiriti o Waitangi principles in geothermal resource management to ensure equitable participation, shared benefits and enduring partnerships with tāngata whenua*".

(c) Add the development of a geothermal NES based on the Draft Strategy in consultation with tangata whenua and other stakeholders as a proposed action to occur within Horizon 1 (2025 - 2026);

National Environmental Standards for Geothermal Resources

(d) Specify that the NES must address issues including streamlining the renewal of resource consents, monitoring, reinjection, system management plans, and engagement with tangata whenua; and

(e) Amend the RMA to provide for a maximum term for reconsenting existing geothermal projects from 35 years to 45 years, where projects meet their conditions and NES requirements.

CLASSIFICATION OF GEOTHERMAL FIELDS

(f) Bring the investigation of the appropriateness of geothermal field / system classifications forward to Horizon 1 in 2025 – 2026, to commence as soon as possible; and

(g) Provide for the inclusion updated geothermal field/system classifications in an NPS and NES also to be developed within Horizon 1.

CROWN EXPLORATION AND R&D FUNDING

(h) Establish a dedicated fund for early-stage geothermal exploration, research and technology development.

GEOTHERMAL FEATURES MAPPING

(i) Amend the proposed geothermal mapping action to go under Horizon 1 (2025-2026) and reword it to read "*Initiate a project for geothermal mapping across the heat spectrum in order to assist in the identification of geothermal development opportunities as well as the protection of surface feature taonga*".

NATIONAL GEOTHERMAL DATA REPOSITORY

(j) Amend the proposed action under Horizon 2 for a central data repository by moving it to Horizon 1 (2025-2026) and reword it to read "*Initiate a project for the creation of a central data arepository for geothermal data*".

UPDATING THE REGULATORY TOOLKIT

(k) Add a proposed action for Horizon 1 (2025-2026) under the regulatory system settings goal that states "*Repeal the RMA provisions and regulations that allow for the charging of Crown royalties for geothermal resource use*".

(l) Bring the following proposed actions from Horizon 2 up to Horizon 1:

(i) *"Ensure **geothermal regulatory frameworks** are fit for purpose (including the Geothermal Energy Regulations 1961 and those required for supercritical geothermal)".*

(ii) *"Explore the **role of policy direction** for managing geothermal resource (e.g. national direction)".*

(m) Bring the following proposed action from Horizon 3 up to Horizon 1:

(i) *"Investigate the appropriateness of field classifications (following data collation undertaken in horizons 1-2)".*

(n) Delete the following proposed action in Horizon 3:

(i) *"Consider **system-wide funding mechanisms".***

DATED this 17th day of October 2025

Aroha Campbell QSM
Trustee

Desterney Mana Newton
Chief Executive Officer / Trustee