OFFICIAL

IN THE WAITANGI TRIBUNAL
I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 3325
WAI 3277

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	the Climate Change Priority Inquiry (Wai 3325)
AND	
IN THE MATTER OF	a claim by Rāhui Kātene on behalf of Ngāti Koata (Wai 3277)

SYNOPSIS OF CLOSING SUBMISSIONS FOR NGĀTI KOATA

DATED this 5th day of October 2026

RECEIVED
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MAY IT PLEASE THE TRIBUNAL

INTRODUCTION

1. This synopsis supports Wai 3277 and should be read alongside Ngāti Koata's closing submissions, dated 5 October 2026 (the Closings). Ngāti Koata seek findings that inadequate assessment, partnership and support have compounded their climate vulnerability and impaired rangatiratanga and kaitiakitanga.[1]

2. Wai 3277 concerns grievances arising after September 1992. The Wai 3277 Statement of Claim remains the primary expression of the allegations. Te Tiriti Settlement arrangements and Wai 262 inform the Crown's continuing obligations.[2]

3. Ngāti Koata adopt the generic claimant closings to the extent relevant to and consistent with Wai 3277. Their case answers the impacts of Crown action, applicable Tiriti principles, Crown conduct and recommendations.[3]

TE TIRITI O WAITANGI

4. Tino rangatiratanga protects Māori authority over tikanga, resources and people. Partnership requires good faith and meaningful influence while options remain open. Active protection requires adequate steps to assess and address foreseeable harm. Equity requires the Crown to inform itself about inequity and provide support commensurate with exposure and need.[4]

PHYSICAL, CULTURAL AND HEALTH IMPACTS

5. Ngāti Koata's coastal location, isolation, fisheries and forestry interests, and responsibilities for vulnerable taonga require tailored assessment and support. Acknowledging those differences without enabling an effective response falls short of these principles.

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[1] Closings, [1]–[7], [17] and [165]–[171]. Claimant evidence: Wai 3325, #A90–#A94 and associated exhibits.
[2] Closings, [7]; Wai 3277, #1.1.1, [4]–[7], [37], [47]–[59]; Wai 3325, #1.4.3, p 1.
[3] Closings, [6] and [18]–[22]; Wai 3325, #3.3.33 (biodiversity), #3.3.34 (Te Tiriti), #3.3.35 (forestry), #3.3.36 (local government), #3.3.37 (emergency management), #3.3.38 (adaptation), #3.3.39 (impacts); #1.4.3, Issues 1–4.
[4] Closings, [8]–[16]; Wai 3325, #3.3.34, [6.17]–[6.20], [7.58]–[7.69]; Hauora (Wai 2575, 2023), pp 27–34; New Zealand Māori Council v Attorney-General [1987] 1 NZLR 641 (CA), pp 664, 667; [1994] 1 NZLR 513 (PC), p 517.

6. Ngāti Koata face overlapping risks from erosion, rising seas, drought and severe weather. The Webbers' August 2022 storm experience included blocked access, property and septic-system damage, and contaminated floodwater. Their accounts establish lived harm. Attribution and statistical frequency of individual events depend on scientific evidence.[5]

7. Water-supply pressure in the Marlborough Sounds and French Pass compounds that exposure. Drought resilience, drinking-water quality and availability, wastewater failure and emergency supply require assessment with Ngāti Koata and agreed infrastructure, funding and implementation responsibilities.[6]

8. Erosion has exposed kōiwi at Hautai and Greville Harbour. Damage to whenua, moana, wāhi tapu and taonga species threatens whakapapa connections, customary practice and intergenerational mātauranga. Assessment must protect those relationships and continuing access alongside physical assets.[7]

9. Dr Old accepted that the Webbers' isolation, disrupted relationship with the moana and anxiety illustrated climate-related mental-health harm and effects on mauri ora and whānau ora. Rural Māori vulnerabilities and loss of cultural connections require tailored health and psychosocial support.[8]

10. The Health National Adaptation Plan recognises equity, autonomy and resourcing. Dr Old could not confirm consistently proportionate funding. Ngāti Koata seek a finding that the Crown has not demonstrated adequate planning and resourcing for their particular climate-related health risks, including continuity of essential services and safe access.[9]

[5] Closings, [23]–[33]; Wai 3325, #A90, [33]–[38], [50]–[59]; #A91, [6]; #A93, [4]–[6].
[6] Closings, [29]–[32]; Wai 3277, #1.1.1, [50]–[52]; Wai 3325, #A119, [16]; #A91, [49], [54(e)].
[7] Closings, [34]–[46]; Wai 3325, #A93, [4]–[9], [15]–[17], [24]–[25]; #A91, [11]–[12]; #4.1.10, pp 701–702.
[8] Closings, [46]–[50]; Wai 3325, #A90, [32], [35]–[36], [53]–[54]; #4.1.10, pp 684–685, 701–702.
[9] Closings, [51]–[54]; Wai 3325, #A134(a), Health National Adaptation Plan 2024–2027, p 15; #4.1.10, pp 691, 698.

ECONOMIC IMPACTS AND THE ETS

11. Ngāti Koata's fisheries, aquaculture and forestry assets support whānau and intergenerational development. Warming, acidification, marine heatwaves and storm-related inputs threaten marine resources. Mr Bolger accepted a material fisheries impact and that customary rights tied to particular places cannot simply be exercised elsewhere.[10]

12. Forestry faces wildfire, pests and extreme-weather risks. Hemi Toia described commercial constraints alongside nature-based management of waterways and slash, and willingness to reduce planted areas. He reported minimal damage within Hira Forest in August 2022, while erosion from neighbouring DOC land affected Ngāti Koata land.[11]

13. The Emissions Trading Scheme (ETS) must accommodate rangatiratanga, kaitiakitanga and future land-use choices. Elaine Bay illustrates Ngāti Koata's aspiration to withdraw radiata forestry after harvest and restore culturally significant whenua. Indigenous forestry's cost and slower growth create practical barriers.[12]

14. Toia identified potential ETS liability but also a 15-year transition period and possible retirement or offsetting pathways. He expected restoration could be managed without ETS economic cost. Harvesting and deforestation are distinct. Liability depends on the particular land, classification, exemptions and applicable rules.[13]

15. Ngāti Koata seek practical transition advice, incentives and support for their chosen restoration pathway. The concern includes weak incentives for indigenous restoration and treatment of existing indigenous forest. ETS returns alone do not resolve whether cultural and intergenerational priorities are accommodated.

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[10] Closings, [55]–[62]; Wai 3325, #A92, [37]–[41]; #A93, [23]–[25]; #4.1.10, pp 551–553.
[11] Closings, [63]–[68]; Wai 3325, #A92, [24]–[36], particularly [35], and [41].
[12] Closings, [151]–[159]; Wai 3325, #A92, [26]–[29]; #4.1.8, p 97; #3.3.35, [35]–[40].
[13] Closings, [154], [158] and [160]; Wai 3325, #A92, [27]; #A120, [302]. The deforestation estimate is illustrative, not a calculation of Koata Limited's liability.

ASSESSMENT, PARTNERSHIP AND RESOURCING

16. National assessments do not establish that Ngāti Koata's particular risks inform Crown decisions. Ms Prebble, Katherine Wilson and Ms Harrison could not identify the relevant Ngāti Koata or Takapourewa analysis. Ms Rawiri accepted that missing data limited advice on wāhi tapu and community resilience.[14]

17. The Cultural Impact Assessment (CIA) records DOC advancing Dynamic Adaptive Pathway Plan (DAPP) options for the Takapourewa frogs before involving Ngāti Koata from the outset. The Giegers describe exclusion from key discussions and treatment as stakeholders. That process fell short of the existing partnership arrangements.[15]

18. Ms Prebble confirmed no direct engagement with Tiriti partners on the methane-target policy, although advice drew on other engagement. Crown advice recognised possible disproportionate Māori impacts. Absence of a statutory consultation requirement did not answer what Tiriti partnership required.[16]

19. Pānui and national engagement cannot be assumed to represent Ngāti Koata's particular taonga relationships. The Giegers describe overwhelming engagement demands, underfunded projects, short grants and voluntary conservation work. An unanswered invitation does not establish an adequate partnership opportunity.[17]

20. Gina Rangi accepted that the taonga-species project put to her would not fit Māori Climate Platform criteria as administered that year. Continuing funding was uncertain. Ngāti Koata seek sustained support for their own planning, staffing, monitoring, research and implementation, with terms agreed in partnership.[18]

[14] Closings, [69]–[72]; Wai 3325, #4.1.10, pp 89–90, 138–140, 611; #4.1.11, p 226.
[15] Closings, [73]–[74], [105]–[106], [142]–[143]; Wai 3325, #A91, [21], [30]–[36]; #A91(a), pp 12–13, 43–44.
[16] Closings, [144]–[145]; Wai 3325, #A150, [12], [23]; #A150(a), briefing dated 30 May 2025, [54]; #4.1.10, pp 89–90.
[17] Closings, [78]–[79], [146]–[150]; Wai 3325, #A91, [15]–[20], [51]–[54]; #A133(c), [57], [59]; #4.1.10, p 139.
[18] Closings, [75]–[79]; Wai 3325, #4.1.10, p 231; #A162(b), Appendix H, [2.3], p 29; #3.3.38, [91]–[97], [144], [197(c)].

EMERGENCY MANAGEMENT AND CROWN RESPONSIBILITY

21. The Crown's responsibilities extend across reduction, readiness, response and recovery. Isolated coastal communities require pre-event assessment and known arrangements for communications, safe access, water, sanitation and essential services. Devolved delivery does not remove the Crown's responsibility for adequate direction, support and accountability.[19]

22. Ms Rogers accepted that isolated communities need plans and that taonga are for iwi and hapū to identify. She could not confirm relevant Marlborough assessment for Ngāti Koata, but did not concede that taonga species were excluded. The Crown must show how guidance becomes practical preparedness for these communities and taonga.[20]

23. The Webbers praised Marlborough District Council's help after the August 2022 storm. That assistance should be recognised. It does not resolve the adequacy of pre-event assessment, infrastructure resilience or iwi participation. Staff turnover also repeatedly requires Ngāti Koata to rebuild relationships and explain priorities.[21]

24. The global nature of climate change and New Zealand's small emissions share do not remove Tiriti duties within the Crown's sphere of action. Ngāti Koata rely on the international framework to reinforce participation, self-determination and taonga protection. UNDRIP has interpretive relevance.[22]

25. Agriculture's removal from the ETS in 2024 engages TSOI 3.13. Its major contribution to emissions and methane warming bears on the adequacy of mitigation protecting Ngāti Koata. They adopt the generic mitigation analysis. Climate harm alone does not establish a separate breach of an international instrument.[23]

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[19] Closings, [80]–[91], [135]–[141]; Wai 3325, #A131, [12], [25], [39]; #3.3.37, [19]–[27]; #3.3.36, [19]–[23], [67]–[68].
[20] Closings, [88]–[91]; Wai 3325, #4.1.11, pp 357–364, 385–389.
[21] Closings, [136]–[141]; Wai 3325, #A90, [55]; #A91, [49]–[50].
[22] Closings, [123]–[133]; Wai 3325, #A137, [95], [100]; #4.1.10, p 644. UNDRIP is the United Nations Declaration on the Rights of Indigenous Peoples. The international climate framework includes the UNFCCC, Kyoto Protocol and Paris Agreement.
[23] Closings, [129], [163]–[164]; Wai 3325, #A121, [38], [60], [93], [210]; #1.4.3, TSOI 3.13.

TAONGA SPECIES AND TAKAPOUREWA FROGS

26. Active protection encompasses vulnerable species and Ngāti Koata's kaitiaki relationships. Climate change interacts with habitat loss, introduced predators and other pressures. Takapourewa's rare endemic species are ecologically interdependent and embody whakapapa and identity. National vulnerability findings require targeted monitoring and adaptation.[24]

27. Hamilton's frog depends on moist microhabitat, including for respiration through its skin. The CIA records approximately 50 years of climate data showing warming and drying. Dr Sutherland and the Giegers describe risks from drought and habitat drying exceeding the frogs' ecological tolerance.[25]

28. Section 4 of the Conservation Act 1987 requires administration giving effect to Tiriti principles. The existing relationship includes the trustees' statutory-adviser role, DOC protocol and jointly prepared Operational Plan. These provide mechanisms for participation and continuing kaitiakitanga that must be effective in climate planning.[26]

29. The CIA seeks urgent support for mātauranga ā-iwi, maramataka and intergenerational observation. It supports in situ protection and a safety population within the rohe. Out-of-rohe translocation should be considered only if necessary, with Ngāti Koata's express agreement and continuing relationship protected.[27]

30. Dr Dean identified gaps in coordinated national monitoring and long-term understanding of taonga-species responses. Ngāti Koata seek an informed, coordinated response connecting specialist science with iwi priorities, durable resources and early shared decisions. Species survival and the cultural relationship require protection together.[28]

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[24] Closings, [92]–[100]; Wai 3325, #A91, [27]–[29]; #A93, [10], [14]; #A124, [43]–[44].
[25] Closings, [101]–[104]; Wai 3325, #A91, [8], [31]; #A93, [13]; #A91(a), pp 6, 24, 32.
[26] Closings, [104]–[106]; Wai 3325, #A91(a), pp 12–17; Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, ss 150–151.
[27] Closings, [105]–[107]; Wai 3325, #A91(a), pp 42–44, recommendations 1–11.
[28] Closings, [99]–[100], [118]–[119]; Wai 3325, #A132, [64]; #4.1.10, pp 648–649.

TUATARA, KAITIAKITANGA AND PREJUDICE

31. Takapourewa is a tuatara stronghold. Higher incubation temperatures produce more male hatchlings, creating a serious population risk alongside long generation times. Ngāti Koata seek timely action to a foreseeable threat..[29]

32. Island populations cannot readily migrate across sea and predator barriers. Translocation raises disease, access and continuing kaitiakitanga concerns. DOC's answers describe limited knowledge and return options. Species survival elsewhere does not fully remedy the cultural loss. Any adaptation must protect Ngāti Koata's continuing relationship.[30]

33. The Takapourewa tramway's disrepair impedes transport of supplies and kaitiaki participation. Safe access enables observation, customary practice and knowledge transmission. The Giegers also report unauthorised landings and biosecurity breaches requiring stronger enforcement and a resourced kaitiaki-led inspection programme.[31]

34. Prejudice is cumulative and intergenerational. Disrupted access and sanitation, anxiety, threatened wāhi tapu and taonga, constrained economic choices and increasing kaitiaki demands impair wellbeing, customary practice and rangatiratanga. Inadequate assessment, late participation and insecure support compound vulnerability and hinder an effective iwi response.[32]

35. Ngāti Koata do not attribute every storm or ecological change solely to the Crown. The DAPP timing, capacity demands and gaps in demonstrated local assessment connect Crown conduct to impairment of their rights. They seek a finding that Wai 3277 is well founded and that those failures breach partnership, rangatiratanga, active protection and equity.[33]

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[29] Closings, [108]–[114]; Wai 3325, #A93, [10]–[12]; #A93(a), p 2; #4.1.9, p 278; #4.1.11, pp 280–282.
[30] Closings, [115]–[119]; Wai 3325, #A124(c), [45.1]–[46.1]; #4.1.10, pp 643–646; #4.1.11, pp 322–323.
[31] Closings, [39], [120]–[122]; Wai 3325, #A91, [38]–[48], [54(c)–(d)]; #A91(a), p 35.
[32] Closings, [165]–[169]; Wai 3277, #1.1.1, [59]; Wai 3325, #A90, [35]–[59]; #A91, [30]–[54]; #A92, [26]–[41]; #A93, [4]–[26].
[33] Closings, [167]–[171]; Wai 3325, #1.4.3, TSOI 3.1.1–3.1.3.

FINDINGS AND RECOMMENDATIONS

36. Ngāti Koata respectfully seek the following findings and recommendations:[34]

    a. Find Wai 3277 well founded in respect of inadequate assessment, early and meaningful partnership, support for rangatiratanga, and active protection of Ngāti Koata communities and taonga relationships;

    b. Recommend co-development of adaptation and mitigation responses from the outset, grounded in tikanga, mātauranga ā-iwi and Ngāti Koata priorities, with agreed responsibilities and implementation timeframes;

    c. Recommend sustained Crown funding for iwi-led restoration, adaptation and biodiversity work, including staffing, planning, monitoring, research and implementation;

    d. Recommend that DOC give practical effect to settlement, protocol and operational-plan relationships, including the earliest participation in species-management and adaptation decisions;

    e. Recognise rangatiratanga and continuing kaitiakitanga, support mātauranga, maramataka and intergenerational learning, and develop translocation options jointly while addressing the CIA's conditions;

    f. Recommend a regional climate body with Ngāti Koata and relevant Te Tauihu iwi, iwi leadership and agreed shared decision-making arrangements;

    g. Recommend Crown funding and joint planning for isolated communities, including French Pass and Rangitoto, covering resilient access, communications, safe locations, drinking water, wastewater, emergency capacity and psychosocial support;

[34] Closings, [172(a)–(g)]; Wai 3325, #A91, [54(b)], [54(d)–(e)], [56]; #A91(a), pp 12–13, 42–44; #3.3.27, [29(d)–(g)].

h. Recommend legislative and policy settings enabling tikanga and mātauranga Māori in climate governance, and ETS transition advice and support for restoration and future land-use aspirations;

i. Recommend auditing climate expenditure and funding criteria against Māori and iwi risks and needs, and discussing results with affected iwi;

j. Recommend a process with Ngāti Koata to identify and address loss and impairment attributable to established Crown failures, including appropriate restoration and redress;[35]

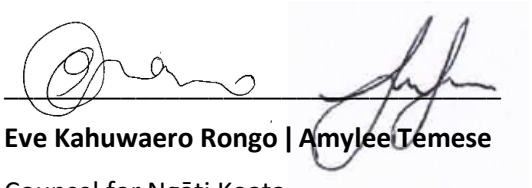
k. Recommend Crown funding to repair the Takapourewa tramway or provide a suitable safe alternative, developed with Ngāti Koata;

l. Recommend jointly developed, resourced and enforceable Takapourewa biosecurity arrangements, with kaitiaki-led inspections, public information and enforcement, and assessment of the proposed 500-metre marine exclusion zone and legal mechanism;[36]

m. Recommend continuity agreements and institutional records preserving Crown and council relationships, participation and agreed priorities through staff turnover; and

n. Recommend coordinated iwi-led assessment and long-term monitoring of the identified risks, specific Ngāti Koata priorities in national and regional plans, and joint reporting on implementation.[37]

DATED at Paraparaumu this 5th day of October 2026



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[35] Closings, [172(h)–(j)]; Wai 3325, #A92, [26]–[36]; #3.3.27, [29(h)], [29(j)]; Wai 3277, #1.1.1, [59], [61].
[36] Closings, [122], [172(k)–(l)]; Wai 3325, #A91, [38]–[48], [54(c)–(d)].
[37] Closings, [172(m)–(n)]; Wai 3325, #A91, [50], [54(b)], [54(e)–(f)]; #A91(a), pp 43–44.