

Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report

Project Name: FTAA-2502-1025 Powerhouse Funicular Railways Queenstown Regional Development

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	8 August 2025

Number of attachments: 6	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Project location maps List of relevant Māori groups Ngāi Tahu Claims Settlement Act 1998 – Statutory Acknowledgment for Whakatipu-wai-māori (Lake Wakatipu) Comments received from invited Māori groups Comments received from the Minister for Māori Development/Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts:

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Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the Powerhouse Funicular Railways Queenstown Regional Development referral application (FTAA-2505-1025).
- The applicant, Bowen Peak Limited, proposes developing two funicular railways with their combined lower station located in a planned new retail, hospitality and conferencing precinct by Lake Wakatipu. They are seeking approvals under the Resource Management Act 1991 (RMA), Heritage New Zealand Pouhere Taonga Act 2014, Reserves Act 1977, Wildlife Act 1953, and Conservation Act 1987. Relevant land title holders include private owners, council, and the Crown.
- Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. We have identified Te Rūnanga o Ngāi Tahu, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te

Rūnanga o Waihao, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima, Aukaha, and Te Ao Marama Incorporated as the relevant groups.

4. We have identified the Ngai Tahu Claims Settlement Act 1998 as relevant to the project area. We have not identified any other obligations such as Mana Whakahono ā Rohe or joint management agreements.
5. We have identified several redress mechanisms under the settlement Act, such as a statutory acknowledgement over nearby Whakatipu-wai-māori (Lake Wakatipu), but based on the information provided by the applicant it is not apparent whether the project will have implications for any redress obligations.
6. Five of the eleven Māori groups invited for comment have provided feedback on the application: Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ōtākou, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, and Te Ao Marama Inc. All groups recommend you decline the referral request, as they consider the application does not meet the consultation or information requirements of the Act.
7. The Minister for Māori Development/Minister for Māori Crown Relations, Hon. Tama Potaka raised concerns there has been no meaningful consultation with relevant Māori groups and that they have not been provided with sufficient information to assess the impact of the proposal. He recommends the applicant provides more information to the groups and consults them in a meaningful way.
8. We do not consider there are any matters identified in section 18 which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature



Ilana Miller
General Manager – Delivery and Operations

Introduction

9. Under section 18 of the Act, you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment).
10. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments received from invited Māori groups and specified Ministers; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
11. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

12. The applicant, Bowen Peak Limited, proposes to develop two funicular railways with their combined lower station located in a planned new retail, hospitality and conferencing precinct by Lake Wakatipu. The project will involve approvals under the RMA, Heritage New Zealand Pouhere Taonga Act 2014, Reserves Act 1977, Wildlife Act 1953, and the Conservation Act 1987. The project is based on land held by several land title holders including private owners, Queenstown Lakes District Council (QLDC), and the Crown.
13. We have provided a location map at **Attachment 2**.

Relevant iwi authorities, Treaty settlement entities, and other Māori groups

14. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**.

Iwi authorities

15. We consider that Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu, is the relevant iwi authority for the project area.

Treaty settlement entities

16. Under section 4(1) of the Act, "Treaty settlement entity" means any of the following:
 - (a) a post-settlement governance entity (PSGE):
 - (b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:
 - (c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:
 - (d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):

(e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).

17. We have identified the following relevant Treaty settlement entities for this project area:

- a. Te Rūnanga o Ngāi Tahu, PSGE for the Ngāi Tahu Claims Settlement Act 1998;
- b. Te Rūnanga o Moeraki, representing Moeraki, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- c. Kāti Huirapa Rūnaka ki Puketeraki, representing Puketeraki, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- d. Te Rūnanga o Waihao, representing Waihao, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- e. Te Rūnanga o Ōtākou, representing Ōtākou, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- f. Hokonui Rūnanga, representing Hokonui, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- g. Waihōpai Rūnaka, representing Waihōpai, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- h. Te Rūnanga o Awarua, representing Awarua, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998; and
- i. Te Rūnanga o Ōraka-Aparima, representing Ōraka-Aparima, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998.

Groups mandated to negotiate Treaty settlements

18. There are no groups which have recognised mandates to negotiate a Treaty settlement over an area which may include the project area. All historical claims under te Tiriti o Waitangi / the Treaty of Waitangi have been settled in respect of the project area.

Takutai Moana groups and ngā hapū o Ngāti Porou

19. The project area does not include the common marine and coastal marine area, and accordingly there are no relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.

20. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through customary management areas

21. The project area is not within a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw made under Part 9 of the Fisheries Act 1996.

Owners of identified Māori land where electricity infrastructure or land transport infrastructure is proposed

22. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:
- a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
 - b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.
23. This project does not involve an activity described in section 23(1)(a) and/or (b) of the Act.

Iwi authorities and groups representing hapū who are party to relevant Mana Whakahono ā Rohe or joint management agreements

24. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.
25. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there are no parties to these arrangements to identify.

Any other Māori groups with relevant interests

26. We have also identified the following entities, owned by the relevant papatipu rūnanga, as other Māori groups with relevant interests, as they may represent the papatipu rūnanga on environmental and other matters in the project area:
- a. Aukaha, representing Otago based papatipu rūnaka¹ – Moeraki, Puketeraki, Ōtākou and Hokonui; and
 - b. Te Ao Mārama Incorporated, representing Murihiku papatipu rūnanga – Ōraka Aparima, Waihōpai, Awarua and Hokonui.

Consultation undertaken by the applicant

27. For your information, the applicant advises they were directed by Te Rūnanga o Ngāi Tahu to meet with Te Rūnanga o Ōtākou who, the applicant states, agreed to distribute development concepts to the seven relevant rūnanga.

¹ Rūnaka/Rūnanga difference is due to regional dialect variations

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

28. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
29. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
 - a. Ngāi Tahu Claims Settlement Act 1998.

Relevant principles and provisions

30. We note that section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for Ngāi Tahu Claims Settlement Act 1998 are set out below:

Crown acknowledgements and apologies

31. As part of the Ngāi Tahu Treaty settlement, the Crown apologised to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown states that it recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu whānui.
32. Respect for Ngāi Tahu views on resource management matters and enabling effective involvement of Ngāi Tahu as a Treaty partner in resource management decision-making within the Takiwā are important ways in which the Crown can give on-going effect to these acknowledgements and uphold its relationship with Ngāi Tahu.

Statutory acknowledgements

33. As one of the first comprehensive settlements of historical claims, the Ngāi Tahu settlement pre-dated some of the redress mechanisms which have subsequently been developed for use in later settlements to provide for participation by iwi and hapū in decision-making over natural resources. However, the Ngāi Tahu settlement was the first settlement to include statutory acknowledgements, which are an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area').
34. Under the RMA and relevant Treaty settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or affecting a statutory area:
 - a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and

- b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.²
35. The holder of a statutory acknowledgment may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the Environmental Protection Authority (EPA), board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
36. We have checked the project area in relation to any statutory acknowledgements held by Te Rūnanga o Ngāi Tahu, and the nearest is over Whakatipu-wai-māori (Lake Wakatipu). The proximity of the project area to the lake is shown in the images at **Attachment 2**. The applicant is seeking various RMA approvals including a discharge permit and a water permit; however, the applicant has not provided sufficient detail regarding the nature of those approvals to assess whether the project will affect Whakatipu-wai-māori.
37. We note that a number of streams in the project area flow into Whakatipu-wai-māori. While the Ngāi Tahu settlement includes a statutory acknowledgement over Whakatipu-wai-māori, under section 205 of the Ngāi Tahu Claims Settlement Act 1998, a statutory acknowledgement for a lake does not include any river or watercourse, artificial or otherwise, draining into or out of a lake.
38. Under section 53(2)(c) of the Act, the panel must direct the EPA to invite written comments on a substantive application from any relevant Treaty settlement entities including, to avoid doubt, an entity that has an interest under a Treaty settlement (or an entity operating in a collective arrangement provided for under a Treaty settlement) within the area to which the application relates. Those invited to comment, including relevant Treaty settlement entities, will be provided access to all the same application information which has been provided by the applicant to the EPA.
39. Te Rūnanga o Ngāi Tahu and the relevant papatipu rūnanga have been identified earlier in this report as the relevant Treaty settlement entities to be invited for comment by the panel under section 53(2)(c), alongside the other groups listed in section 53(2). We consider the process of inviting comment (including providing information about the application) is comparable to the process under Treaty settlements and the RMA of providing those who hold statutory acknowledgements with a summary of the application. Based on the information provided by the applicant, it is not apparent that the project will affect the statutory area (Whakatipu-wai-māori), although as noted below this statutory acknowledgement was referenced by those groups invited to comment on the application.
40. For your reference, we have provided the statutory acknowledgement provision for Whakatipu-wai-māori from the Ngāi Tahu Claims Settlement Act 1998 at **Attachment 4**.

Deed of recognition

41. In addition to the statutory acknowledgement, Te Rūnanga o Ngāi Tahu also have a deed of recognition with the Commissioner of Crown Lands (LINZ) over Whakatipu-wai-māori. A deed of recognition may be entered into between a PSGE and the Crown agency managing any statutory area for which a statutory acknowledgment has been agreed.

² In addition to consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga must also have regard to statutory acknowledgements in relation to some of their processes.

42. The deed of recognition requires the relevant Crown agency to consult with, and have regard to the views of, the relevant PSGE when undertaking specified activities relating to the statutory area. These activities primarily relate to the preparation of management plans or strategies but may also include considering applications for rights of use or occupation, for example.
43. We do not consider these provisions are relevant to this application, as LINZ are not undertaking any of the activities covered by the deeds of recognition, nor is the applicant seeking use rights or occupation in relation to the Crown-owned parts of the lakebed.

Other redress

44. Two of the property titles related to the project area are held by QLDC and subject to part 9 of the Ngāi Tahu Claims Settlement Act 1998. This provides for a 'right of first refusal' for Te Rūnanga o Ngāi Tahu if the land is to be disposed of or leased for more than 50 years. We have not identified this provision as relevant to the application. The project will not trigger these provisions as the applicant is seeking a shorter lease.
45. The Crown has also acknowledged the special association of Ngāi Tahu with certain taonga species of birds, plants and animals. The Ngāi Tahu Claims Settlement Act 1998 contains several other provisions relating to taonga species, including a requirement that the Minister of Conservation to consult with, and have particular regard to the views of, Te Rūnanga o Ngāi Tahu when making policy decisions concerning the protection, management, or conservation of a taonga species. The applicant is seeking approvals under the Wildlife Act 1953, but it is not clear if any taonga species are affected. At this stage of the process the applicant has yet to provide further information regarding the nature of those approvals, or which birds, plants and animals are within the project area.
46. We also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

47. As noted above, the project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.

Taiāpure-local fisheries/mātaimai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

48. As noted above, the project area is not within a Taiāpure-local fishery, mātaimai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

49. As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

Summary of comments received and advice

Comments from invited Māori groups

50. Pursuant to section 17(1)(d) and (e) of the Act, on 28 March 2025, you invited written comments from the eleven Māori groups identified above in paragraphs 15-26, from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.

51. You received comments on the application from five groups:

- a. Te Rūnanga o Ngāi Tahu;
- b. Te Rūnanga o Moeraki;
- c. Kāti Huirapa Rūnaka ki Puketeraki;
- d. Te Rūnanga o Ōtākou; and
- e. Te Ao Mārama Incorporated.

52. Comments from the groups were consistent and are summarised as follows:

- a. They do not support the referral request, and they ask that you decline it as they consider the application does not meet the consultation or information requirements of the Act;
- b. They believe the applicant has misrepresented the consultation that occurred with Te Rūnanga o Ōtākou, and that consultation with one entity does not represent consultation with all relevant parties;
- c. Te Rūnanga o Ōtākou state that the applicant sent them some background information, which was shared with a komiti, but no formal response was provided. The applicant was advised in writing that sharing information does not represent meaningful engagement, and that Ōtākou does not speak for the wider interests of other papatipu rūnanga;
- d. None of the other groups who commented had previous contact with the applicant and were not aware of the project until they received the invitation to comment via the Fast-track portal. Kāti Huirapa Rūnaka ki Puketeraki contacted the applicant on two occasions to seek clarification on their statements about consultation. According to Kāti Huirapa Rūnaka ki Puketeraki, the information the applicant subsequently provided them does not support the claims in their application that the CEO of Te Rūnaka o Ōtākou distributed information to the other seven rūnaka and that no negative feedback was received from them;
- e. All five groups confirm the project is located in an area of deep connection and long association for Ngāi Tahu, but note the application lacks sufficient detail to understand the impacts of the proposal on cultural values and connections;
- f. In regard to Whakatipu-wai-māori, they have noted the statutory acknowledgement in the Ngāi Tahu Claims Settlement Act 1998, and also the Water Conservation (Kawarau) Order 1997 as evidence its significance has been recognised by the Crown. The lake is identified as a wāhi tūpuna under the QLDC Proposed District Plan (PDP) and has a notation as an Outstanding Natural Landscape. The proposal also partly relates to another wāhi tūpuna, Te Taumata o Hakitekura (Ben Lomond) in the QLDC PDP; and

- g. Te Rūnanga o Ngāi Tahu also reference the provisions relating to taonga species and Right of First refusal in the Ngāi Tahu Claims Settlement Act 1998.

Consultation with departments and Ministers

53. In preparing this report, we are required to:

- a. consult relevant departments; and
- b. provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti (for response within 10 working days).

54. We sought advice from Te Puni Kōkiri regarding the relevant Māori groups and have incorporated their views into this report.

55. The Minister for Māori Development and the Minister for Māori Crown Relations, Hon. Tama Potaka, raised concerns as obligations related to Treaty redress have not been identified or addressed. Relevant Māori groups suggest they have not been provided with sufficient information to accurately assess the impact of the proposal and that there has been no meaningful engagement or consultation with them.

56. He recommends that the applicant:

- a. carry out more work to understand and address any and all Treaty redress obligations that exist for the area in question;
- b. provide more information to the groups affected by the proposal so that their application can be properly assessed; and
- c. engages and consults with the relevant Māori groups in a meaningful way.

57. We have provided the Minister's comment at **Attachment 6**.

Advice on whether it may be more appropriate to deal with the proposed approvals under another Act/s

58. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.

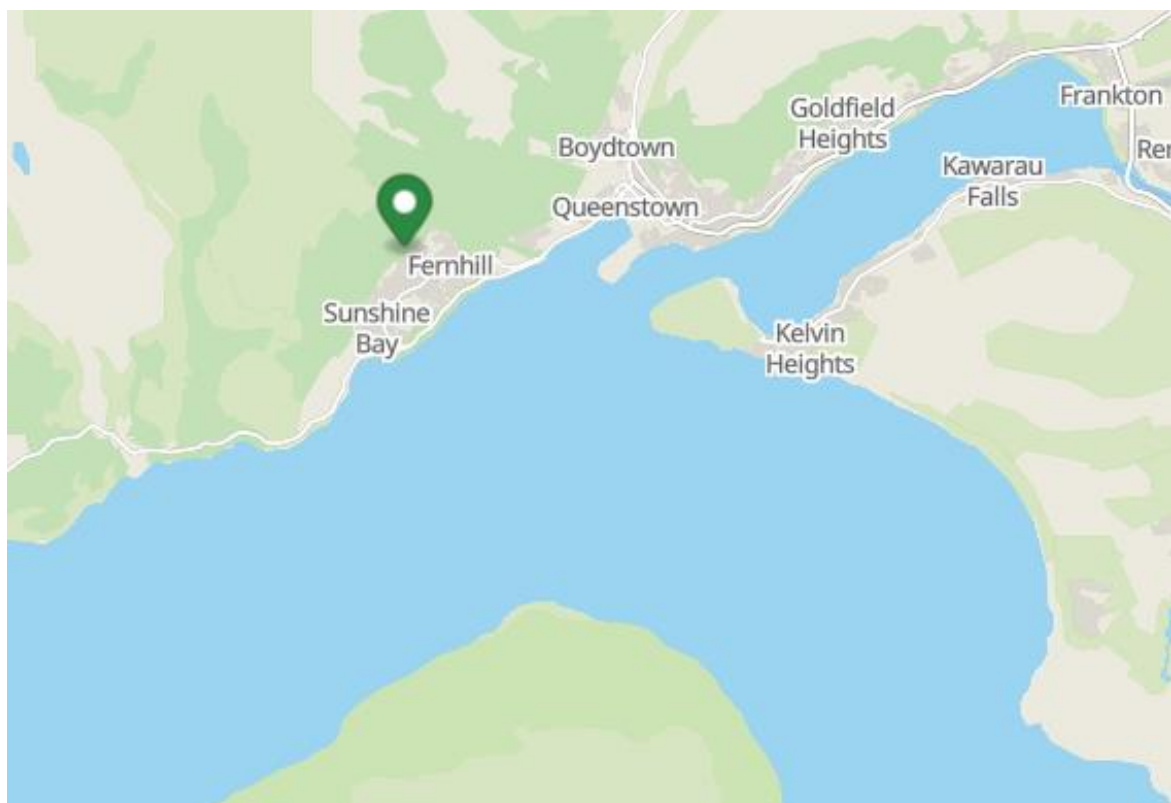
59. We do not consider there are any matters identified in section 18 which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	9-11
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	15-17
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	29
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	30-46
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	18
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	19
19(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	19
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	20
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	21
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	22-23
18(2)(j)	<p>If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),</p> <p>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</p>	24-25

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	26
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	50-52
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	58-59
18(3)	In preparing the report required by this section, the responsible agency must— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	53-54
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	55-57

Attachment 2: Project location maps



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Te Rūnanga o Ngāi Tahu	Iwi authority (s18(2)(a)); Treaty settlement entity – Ngāi Tahu Claims Settlement Act 1998 (s18(2)(a))
Te Rūnanga o Moeraki	Papatipu Rūnanga (s18(2)(a))
Kāti Huirapa Rūnaka ki Puketeraki	Papatipu Rūnanga (s18(2)(a))
Te Rūnanga o Waihao	Papatipu Rūnanga (s18(2)(a))
Te Rūnanga o Ōtākou	Papatipu Rūnanga (s18(2)(a))
Hokonui Rūnanga	Papatipu Rūnanga (s18(2)(a))
Waihōpai Rūnaka	Papatipu Rūnanga (s18(2)(a))
Te Rūnanga o Awarua	Papatipu Rūnanga (s18(2)(a))
Te Rūnanga o Ōraka-Aparima	Papatipu Rūnanga (s18(2)(a))
Aukaha	Entity owned by Papatipu Rūnanga (s18(2)(k))
Te Ao Mārama Incorporated	Entity owned by Papatipu Rūnanga (s18(2)(k))

Attachment 4: Ngāi Tahu Claims Settlement Act 1998 – Statutory Acknowledgment for Whakatipu-wai-māori

Schedule 75

Statutory acknowledgement for Whakatipu-wai-māori (Lake Wakatipu)

ss 205, 206

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Whakatipu-wai-māori (Lake Wakatipu), the location of which is shown on Allocation Plan MD 39 (SO 24720).

Preamble

Under [section 206](#), the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Whakatipu-wai-māori, as set out below.

Ngāi Tahu association with Whakatipu-wai-māori

The name Whakatipu-wai-māori originates from the earliest expedition of discovery made many generations ago by the tupuna Rakaihautu and his party from the Uruao waka. Rakaihautu is traditionally credited with creating the great waterways of the interior of the island with his famous kō (a tool similar to a spade), known as Tū Whakaroria and renamed Tuhiraki at the conclusion of the expedition.

There are many traditions relating to the lake. One of the most famous tells that the hollow which forms the bed of the lake was created when the people known as Te Rapuwai came upon the giant tipua (ogre) Matau as he lay there in a deep sleep. Matau had been responsible for the disappearance of many small hunting parties and had entrapped a beautiful maiden, Manatā. The father of Manatā offered her in marriage to the man who could bring her safely home. Matakauri, who was in love with Manatā, ventured forth, discovering that Matau slept when the northwest wind blew. Matakauri selected a day when the wind was blowing the right way and set forth. He found Manatā and, using his mere, he attempted to sever the bonds which held her, but try as he would he failed. Manatā began to sob bitterly, and as her tears fell on the cords, they melted away. Matakauri carried Manatā back to the village where they became man and wife. However, Matakauri knew that while Matau lived no maiden was safe, so he set forth when again the northwest wind blew, and set fire to the large growth of bracken that acted as a bed for the giant. Matau was smothered in flames, the fat from his body augmenting the fire, until the blaze was so fierce that it burned a hole more than 1,000 feet deep. The snow on the surrounding hills melted and filled the hole, which is known today as Lake Wakatipu.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Whakatipu-wai-māori once supported nohoanga and villages which were the seasonal destinations of Otago and Murihiku (Southland) whānau and hapū for many generations, exercising ahi kā and accessing mahinga kai and providing a route to access the treasured pounamu located beyond the head of the lake. Strategic marriages between hapū strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the lake. It is because of these patterns of activity that the lake continues to be important to rūnanga located in Murihiku, Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

The lake also supported permanent settlements, such as the kaika (village) Tahuna near present-day Queenstown, Te Kirikiri Pā, located where the Queenstown gardens are found today, a Ngāti Mamoe kaika near the Kawarau Falls called Ō Te Roto, and another called Takerehaka near Kingston. The Ngāti Mamoe chief Tu Wiri Roa had a daughter, Haki Te Kura, who is remembered for her feat of swimming across the lake from Tāhuna, a distance of some three kilometres.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

A key attraction of the lake was the access it provided to seasonal campsites and the pounamu located at the head of the lake at the Dart and Routeburn River catchments, from which countless generations gathered inaka and koko-takiwai pounamu and transported it back to coastal settlements for fashioning into tools, ornaments and weapons.

Waka and mōkihi were the key modes of transport for the pounamu trade, travelling the length and breadth of Whakatipu-wai-māori. Thus there were numerous tauranga waka (landing places) on the lake and the islands upon it (Matau and Wāwāhi-waka). The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the lake. The lake was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the roto (lake).

Whakatipu-wai-māori is an important source of freshwater, the lake itself being fed by hukawai (melt waters). These are waters with the highest level of purity and were accorded traditional classifications by Ngāi Tahu that recognised this value. Thus it is a puna (spring) which sustains many ecosystems important to Ngāi Tahu. The mauri of Whakatipu-wai-māori represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

Purposes of statutory acknowledgement

Pursuant to [section 215](#), and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to [section 207](#) (clause 12.2.3 of the deed of settlement); and
- (b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Whakatipu-wai-māori, as provided in [sections 208 to 210](#) (clause 12.2.4 of the deed of settlement); and
- (c) to empower the Minister responsible for management of Whakatipu-wai-māori or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in [section 212](#) (clause 12.2.6 of the deed of settlement); and
- (d) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Whakatipu-wai-māori as provided in [section 211](#) (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in [sections 208 to 211](#), [213](#), and [215](#),—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Whakatipu-wai-māori (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Whakatipu-wai-māori.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Whakatipu-wai-māori.

Schedule 75: amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Attachment 5: Comments received from invited Māori groups

Te Rūnanga o Moeraki Incorporated comments on Powerhouse Funicular Railways

Tēnā koe

Thank you for providing us with the opportunity to provide feedback on the referral application made by Bowen Peak Limited (the Applicant) for the Powerhouse Funicular Railways project, in Tāhuna/Queenstown (the Project).

Horopaki/Context

Whakatipu wai māori and the surrounding rohe has high importance for Kāti Huirapa Rūnaka ki Moeraki. Our tīpuna and our whānau hold intergenerational connections to the wai and whenua of the area.

The lakes are traditionally known as Ka Puna Karikari o Rākaihautū, the pools dug by Rākaihautū, the first known mortal person to explore the lands of Te Waipounamu. Hāwea, Wānaka and Whakatipu wai māori are the three principal lakes of the interior, all feeding the Mata-au which weaves its way ki uta ki tai. Whakatipu wai māori provided a basis for our nohoaka and villages that were the seasonal destinations of our whānau, hapū and our cousins from other Papatipu Rūnaka for many generations.

Whakatipu wai māori is a place of ancestral, historic, and contemporary significance to Te Rūnanga o Moeraki. This significance is recognised, in part, via the status of the lake as a Statutory Acknowledgement Area as conferred under the Ngāi Tahu Claims Settlement Act 1998. The significance of Whakatipu wai māori is also recognised in the Water Conservation (Kawarau) Order 1997, which declares the following waters to be protected for '*significance in accordance with tikanga Maori, in particular sites at the head of the lake, and the legend of the lake itself*'.

The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning documents for Kāi Tahu ki Otago and the embodiment of Kāi Tahu rakatirataka and kaitiakitaka. The kaupapa of the plans is 'Ki Uta ki Tai' (Mountains to the Sea), which reflects the holistic Kāi Tahu ki Otago philosophy of resource management. The plans express Kāi Tahu ki Otago values, knowledge and perspectives on natural resource and environmental management issues. The Project is located within the Clutha/Mata-au catchment.

Under the Queenstown Lakes District Council Proposed District Plan (PDP), the proposal partly lies within a wāhi tūpuna, Te Taumata o Hakitekura (Ben Lomond). Hakitekura is the Māori name for Ben Lomond and Fernhill, located at Whakatipu Waimāori. It is also an area related to Hakitekura, the Kāti Māmoe woman who was the first woman to swim across Whakatipu wai māori. The mountains that she would look across the lake to were named Te Taumata-a-Hakitekura meaning 'The Resting Place of Hakitekura'. Mana whenua values include Wāhi taoka, wāhi tapu. Threats to these values include: exotic species including wilding pines; buildings and structures, utilities; new roads or additions/alterations to existing roads, vehicle tracks and driveways; activities affecting the ridgeline and upper slopes. The proposal partly lies within an Outstanding Natural Landscape notation under the PDP including the funicular upper rail segments and two upper stations.

The lake is identified as a wāhi tūpuna under the PDP - Whakātipu wai māori, and has a notation as an Outstanding Natural Landscape (and also has Statutory Acknowledgement status as noted above). Mana whenua values in this area include but are not limited to wāhi taoka, mahika kai, ara tawhito. Threats to these values include: damming, activities affecting water quality; building and structures and utilities; earthworks; subdivision and development; new roads or additions/alterations to existing roads, vehicle tracks and driveways; commercial and commercial recreational activities.

Chapter 21 of the PDP refers to the Rural Environment, Priority Area (PA) Landscape Schedules; the Western Whakātipu Basin PA is particularly relevant.

Schedule 1D of the Regional Plan: Water for Otago, identifies the spiritual and cultural beliefs, values and uses of significance to Kāi Tahu including for Lake Whakātipu wai māori, Kawarau River (between Lakes Dunstan and Whakātipu wai māori), and the Shotover River.

The Referral Application

Te Rūnanga o Moeraki (Moeraki) do not support the referral application in its current form and seek that the application is declined by the Minister. Te Rūnanga o Moeraki does not consider that the applicant has met the referral application requirements (specifically general information and consultation requirements) prescribed under the Fast-track approvals Act.

Mana whenua regard the whole of the district as its ancestral land, whether or not it is mapped as a wāhi tūpuna or is recognised by statute. Intrinsic cultural values such as whakapapa, rangatiratanga, kaitiakitanga, mana, and mauri inform our relationships and association with wai māori and te taiao.

Ongoing significant and rapid development in Tāhuna and around Whakātipu wai māori, has contributed to a loss of connection for mana whenua. Rūnaka seek to uplift the mauri and mana in this catchment.

Significantly the Project is lacking in detail, which restricts full understanding of the impacts of the proposal on cultural values and connections.

It is also noted that the Project relates to areas that have not been contemplated by the strategic planning documents prepared by Queenstown Lakes District Council. Rūnaka note that infrastructure in Tāhuna is already experiencing significant non-compliances.

In terms of consultation, the first occasion that Moeraki received any information about the project was the notification via the portal. There had been no previous contact between the applicant and Moeraki.

We are not in a position to take any view on the merit of the project given that no consultation has occurred. We do, however, note that we have no confidence in the Applicants approach to engagement with mana whenua.

We also note that the “Regionally Significant Infrastructure” definition in the Proposed Otago Regional Policy Statement (PORPS) is under appeal, including the inclusion of “ski area infrastructure” under that definition. “Ski area infrastructure” as defined in the NPSFM and in the PORPS does not include transport for mountain biking.

Te Rūnanga o Moeraki reserve the right to provide further comment if the application is referred to the fast-track process.

Kāti Huirapa Rūnaka ki Puketeraki comments on Powerhouse Funicular Railways

Tēnā koe

Thank you for providing us with the opportunity to provide feedback on the referral application made by Bowen Peak Limited (the Applicant) for the Powerhouse Funicular Railways project, in Tāhuna/Queenstown (the Project).

Horopaki/Context

Whakatipu wai māori and the surrounding rohe has high importance for Kāti Huirapa Rūnaka ki Puketeraki. Our tīpuna and our whānau hold intergenerational connections to the wai and whenua of the area.

The lakes are traditionally known as Ka Puna Karikari o Rākaihautū, the pools dug by Rākaihautū, the first known mortal person to explore the lands of Te Waipounamu. Hāwea, Wānaka and Whakatipu wai māori are the three principal lakes of the interior, all feeding the Mata-au which weaves its way ki uta ki tai. Whakatipu wai māori provided a basis for our nohoaka and villages that were the seasonal destinations of our whānau, hapū and our cousins from other Papatipu Rūnaka for many generations.

Whakatipu wai māori is a place of ancestral, historic, and contemporary significance to Kāti Huirapa Rūnaka ki Puketeraki. This significance is recognised, in part, via the status of the lake as a Statutory Acknowledgement Area as conferred under the Ngāi Tahu Claims Settlement Act 1998.

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The Referral Application

Kāti Huirapa Rūnaka ki Puketeraki (Puketeraki) do not support the referral application in its current form and seek that the application is declined by the Minister. Rūnaka consider that the applicant has not met the referral application requirements (specifically general information and consultation requirements) prescribed under the Fast-track approvals Act.

Mana whenua regard the whole of the district as its ancestral land, whether or not it is mapped as a wāhi tūpuna or is recognised by statute. Intrinsic cultural values such as whakapapa, rangatiratanga, kaitiakitanga, mana, and mauri inform our relationships and association with wai māori and te taiao.

Ongoing significant and rapid development in Tāhuna and around Whakatipu wai māori, has contributed to a loss of connection for mana whenua. Rūnaka seek to uplift the mauri and mana in this catchment.

Significantly the Project is lacking in detail, which restricts full understanding of the impacts of the proposal on cultural values and connections.

It is also noted that the Project relates to areas that have not been contemplated by the strategic planning documents prepared by Queenstown Lakes District Council. Rūnaka note that infrastructure in Tāhuna is already experiencing significant non-compliances.

In terms of consultation, the first occasion that Puketeraki was informed about the project was the notification via the portal. There had been no previous contact between the applicant and Puketeraki.

On receiving the notification via the fast-track portal we reviewed the information provided by the applicant and immediately had some concerns about the integrity of the statements made.

On the 9th of April our nominated representative emailed the Applicant at the email address provided in the portal seeking 'further information to assist our leadership with their decision-making process' regarding the referral application. The Applicant was informed that Puketeraki has no knowledge of the Applicants concept plan developments.

Further, the Applicant was requested to provide evidence of the communication between the Chief Executive Officer (CEO) of Te Rūnaka o Ōtākou including the concept development plans and a copy of the 'in-writing confirmation that there was no negative feedback from the seven Rūnaka of Te Rūnaka o Ngāi Tahu' that is referred to in Applicants referral application.

Puketeraki received no response to this email.

On 23 April the Puketeraki representative sent a further email to the Applicant. He received a phone call immediately and subsequently received the email correspondence between the Applicant and the CEO of Te Rūnaka o Ōtākou.

The email correspondence does not support key claims made by the Applicant in the referral application in respect of information being provided to the other seven rūnaka or that there was written confirmation "...that there was no negative feedback from the seven Rūnaka of Te Rūnanga o Ngāi Tahu."

Puketeraki holds the strong view that the information provided by the Applicant misrepresents the status of engagement with Puketeraki and the CEO of Te Rūnaka o Ōtākou.

We are not in a position to take any view on the merit of the project given that no consultation has occurred. We do, however, note that we have no confidence in the Applicants approach to engagement with mana whenua.

We also note that the "Regionally Significant Infrastructure" definition in the Proposed Otago Regional Policy Statement (PORPS) is under appeal, including the inclusion of "ski area infrastructure" under that definition. "Ski area infrastructure" as defined in the NPSFM and in the PORPS does not include transport for mountain biking.

Kāti Huirapa Rūnaka ki Puketeraki reserve the right to provide further comment if the application is referred to the fast-track process.

Attachment 6: Comments received from the Minister for Māori Development/Minister for Māori Crown Relations

From: Jaz Nathan

Sent: Thursday, May 29, 2025 11:20:03 AM

To: Rob Schick s 9(2)(a)

Cc: Jordan Small s 9(2)(a)

Rose Austen s 9(2)(a)

Subject: S 18 Comment - Funicular

Kia ora Rob,

Please yell out if any issues with Minister Potaka's s 18 comment as below can't feed into the process. Apologies for the delay,

The Minister raised concerns as obligations related to Treaty redress have not been identified or addressed and that relevant Māori groups have not been provided with sufficient information to accurately assess the impact of the proposal and there has been no meaningful engagement/consultation with those groups.

I recommend that the applicant:

- *carry out more work to understand and address any and all Treaty redress obligations that exist for the area in question;*
- *provide more information to the groups affected by the proposal so that their application can be properly assessed; and*
- *engages and consults with the relevant Māori groups in a meaningful way.*



Jaz Nathan

Private Secretary (Māori Crown Relations) | Office of Hon Tama Potaka

Minister of Conservation | Minister for Māori Crown Relations: Te Arawhiti

Minister for Māori Development | Minister for Whānau Ora

Associate Minister of Housing

Phone: s 9(2)(a)

Email:

Website: www.beehive.govt.nz

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand