

under: the Fast-track Approvals Act 2024

in the matter of: an application by RCL Homestead Bay Limited for
replacement resource consents in relation to the
Homestead Bay project

Memorandum of counsel on behalf of Te Rūnanga o Moeraki, Kāti
Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui
Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua and Te
Rūnanga o Ōraka-Aparima in advance of Convener's conference

Dated: 11 August 2025

Reference: Ben Williams (ben.williams@chapmantripp.com) /
Rachel Robilliard / (rachel.robilliard@chapmantripp.com)

chapmantripp.com
T +64 3 353 4130
F +64 4 472 7111

PO Box 2510
Christchurch 8140
New Zealand

Auckland
Wellington
Christchurch



MAY IT PLEASE THE PANEL CONVENER

- 1 This memorandum of counsel is filed on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua and Te Rūnanga o Ōraka-Aparima in advance of the convener's conference, scheduled for 10am on Wednesday 13 August 2025.
- 2 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua and Te Rūnanga o Ōraka-Aparima (collectively, *Kā Rūnaka*) represent mana whenua in the Tāhuna (Queenstown) area.

Parties at the conference

- 3 Kā Rūnaka are seven of the eighteen Papatipu Rūnanga of Ngāi Tahu who uphold the manawhenua and mana moana of their takiwā.
- 4 The takiwā of Te Rūnanga o Moeraki centres on Moeraki and extends from Waitaki to Waihemo and inland to the Main Divide.
- 5 The takiwā of Kāti Huirapa ki Puketeraki centres on Karitane and extends from Waihemo to Pūrehurehu and includes an interest in Ōtepoti and the greater harbour of Ōtākou. The takiwā extends inland to the Main Divide sharing an interest in the lakes and mountains to Whakatipu-Waitai with Runanga to the south.
- 6 The takiwā of Te Rūnanga o Ōtākou centres on Ōtākou and extends from Pūrehurehu to Te Matau and inland, sharing an interest in the lakes and mountains to the western coast with Rūnanga to the North and to the South.
- 7 The takiwā of Hokonui Rūnaka centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhititarere with other Murihiku Rūnanga and those located from Waihemo southwards.
- 8 The takiwā of Waihōpai Rūnaka centres on Waihōpai and extends northwards to Te Matau sharing an interest in the lakes and mountains to the western coast with other Murihiku Rūnanga and those located from Waihemo southwards.
- 9 The takiwā of Te Rūnanga o Awarua centres on Awarua and extends to the coasts and estuaries adjoining Waihōpai sharing an interest in the lakes and mountains between Whakatipu-Waitai and Tawhititarere with other Murihiku Rūnanga and those located from Waihemo southwards.
- 10 The takiwā of Te Rūnanga o Ōraka Aparima centres on Ōraka and extends from Waimatuku to Tawhititarere sharing an interest in the lakes and mountains from Whakatipu-Waitai to Tawhititarere with

other Murihiku Rūnanga and those located from Waihemo southwards.

Section 18 Report and cultural significance

- 11 The Section 18 Report for this application correctly identifies the relevant groups as Kā Rūnaka and Te Rūnanga o Ngāi Tahu. It also identifies Aukaha Limited and Te Ao Mārama Incorporated (as other Māori groups with relevant interests being entities owned by Papatipu Rūnanga).
- 12 This memorandum is not provided on behalf of Te Rūnanga o Ngāi Tahu but counsel (and Kā Rūnaka) are communicating with Te Rūnanga o Ngāi Tahu and it is anticipated that Kā Rūnaka will take the active interest/role in this application.
- 13 Kā Rūnaka consider that the statutory acknowledgement over Whakatipu-wai-māori (Lake Wakatipu), provided for by the Ngāi Tahu Claims Settlement Act 1998 is directly relevant to the Panel's consideration of the application.
- 14 That statutory acknowledgement recognises the cultural, spiritual, historic, and traditional association of Ngāi Tahu to Whakatipu-wai-māori. It records that Whakatipu-wai-māori once supported permanent and seasonal villages and nohoanga that have been significant to Otago and Murihiku whānau and hapū for many generations, exercising ahi kā, accessing mahinga kai and providing a route to access the treasured pounamu located beyond the head of the lake.
- 15 The lake is recognised as being of continuing importance to Kā Rūnaka. Whakatipu-wai-māori is an important source of freshwater, fed by hukawai (melt waters) at the highest level of purity in traditional classifications. It is a puna (spring) which sustains many ecosystems important to Ngāi Tahu. Kā Rūnaka carry the responsibilities of kaitiaki in relation to the area.
- 16 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.
- 17 The Section 18 Report also identifies:
 - 17.1 the relevance of the Crown acknowledgement in the Ngāi Tahu settlement, recognising Ngāi Tahu as the tāngata whenua of, and holding Manawhenua within, the takiwā of Ngāi Tahu whānui;
 - 17.2 the presence of streams flowing through the project area into Whakatipu-wai-māori;

- 17.3 the deed of recognition between Te Rūnanga o Ngāi Tahu and the Commissioner of Crown Lands (LINZ) over Whakatipu-wai-māori;
 - 17.4 taonga species listed in the Ngāi Tahu Claims Settlement Act;¹
 - 17.5 the 'right of first refusal' over Crown land on the western slopes of The Remarkables, under lease to D S and J F Jardine and Others, approximately one kilometre east of the project area;
 - 17.6 a nohoanga site at Wye Creek where it enters the lake, approximately five kilometres south of the project area; and
 - 17.7 the wāhi tupuna status of Kawarau (The Remarkables) with cultural associations to ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements.
- 18 In addition, as outlined in the Assessment of Environmental Effects (AEE), the Regional Plan: Water for Otago identifies Lake Wakatipu as holding the following Kāi Tahu beliefs, values and uses – kaitiakitanga, mauri, wāhi tapu, wāhi taoka, Mahika kai, kohanga, trails and cultural materials.
- 19 The Queenstown Lakes Proposed District Plan further identifies Whakatipu-wai-Māori as a wāhi tupuna area and identifies the following key manawhenua values – whakapapa, rakatirataka, kaitiakitanga, mana, mauri, wāhi taoka, mahika kai and ara tawhito.
- 20 Identified threats to mana whenua values in the Proposed District Plan are:
- 20.1 damming, activities affecting water quality.
 - 20.2 buildings and structures, utilities.
 - 20.3 earthworks.
 - 20.4 subdivision and development.
 - 20.5 new roads or additions/alterations to existing roads, vehicle tracks and driveways.
 - 20.6 commercial and commercial recreational activities.

¹ Recognising, however, that this should not be considered an exhaustive list of species significant to the iwi.

- 21 Consistent with the Regional and District Plans (and as identified in the section 18 report), the proposal Kā Rūnaka consider the proposal has the potential to threaten mana whenua values.

Mana whenua engagement with the applicant and AEE

- 22 The AEE and Appendix DD records engagement between the applicant, Aukaha and Te Ao Marama Inc (TAMI) in relation to the proposal has been ongoing since December 2022. Further consultation specifically in relation to this fast-track application was held with Aukaha, TAMI and Kā Rūnaka representatives earlier this year. A consultation process agreement has been signed between the applicant and Kā Rūnaka.
- 23 The AEE records the initial advice and requests from Te Ao Marama Inc that the proposal only occur to the that extent that it is able to retain or facilitate:
- 23.1 connections and linkages between development areas and non-development areas to improve and retain the mauri of the immediate and wider landscape;
 - 23.2 the movement of people and species between areas - Mahinga kai access and opportunities;
 - 23.3 biodiversity protection, enhancement and availability for continued intergenerational use;
 - 23.4 maintenance of the health of the waterways; and
 - 23.5 sustainable wastewater and stormwater management and disposal
- 24 Ka Rūnaka have also identified an interest in addressing socio-economic effects and potential benefits for whānau resulting from the development. Discussions in relation to this are ongoing.
- 25 Kā Rūnaka disagree with the applicant that these matters are 'parallel' to the fast-track consenting process and not determinative in terms of whether approval can be granted. The Kā Rūnaka view is that the application cannot proceed to decision until they are addressed. Kā Rūnaka also consider that further analysis is required to confirm the assertion in the AEE that the proposal, including the stormwater and wastewater discharge will maintain the mauri of the waterbodies and their ecosystems, particularly Lake Wakatipu, as well as protecting the health needs of people.
- 26 Therefore, at this point in time, Kā Rūnaka are concerned that the proposal will have negative effects on mana whenua values.

Issues requiring determination

- 27 The Homestead Bay Project is an overall non-complying activity consisting of consents under the Queenstown Lakes Proposed

District Plan, the Otago Regional Water, Air and Waste Plans and the National Environmental Standards for Freshwater and Contaminated Soil. Consent is also sought under the FTAA for Wildlife Authority for destruction of lizard habitat and possibly lizards during subdivision works.

28 Kā Rūnaka (and their environmental organisations) are still working through more detailed reviews of the AEE and technical assessments. Therefore, at this stage we are unable to narrow or identify with great accuracy the issues Kā Rūnaka consider will need to be addressed by the Panel.

29 It is however anticipated that the following issues may or will be raised by Kā Rūnaka:

29.1 cultural landscape

29.2 freshwater quality including discharges from wastewater and stormwater;

29.3 contamination risks due to the presence of contaminated land;

29.4 wetlands and awa including ephemeral watercourses;

29.5 indigenous vegetation;

29.6 indigenous species effects, including, but not limited to, lizards;

29.7 social and economic effects on mana whenua; and

29.8 consent duration and review conditions.

Relevance of tikanga and procedural considerations

30 Tikanga is relevant to this application, particularly in relation to effects on Whakatipu-wai-Māori and the Kawarau wāhi tūpuna.


31 Kā Rūnaka consider it is highly desirable that at least one member of the panel member have expertise in Ngāi Tahu tikanga, given the significance of Whakatipu-wai-Māori and the wider Kawarau area to Kā Rūnaka and the wider iwi.

32 Kā Rūnaka are also considering whether:

32.1 further technical assessment, such as a cultural impact assessment, would be beneficial, given the scale of the proposal; and

32.2 whether wānanga, mediation or expert conferencing on key issues of concern to mana whenua may be beneficial.

Dated: 11 August 2025



Ben Williams / Rachel Robilliard

Counsel for Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua and Te Rūnanga o Ōraka-Aparima