

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

Project Name: FTAA-2506-1080 Clutha Hydro Scheme – Increasing Flexibility and Security of Electricity Supply

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	16 October 2025

Number of attachments: 7	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location map - List of relevant Māori groups - Statutory acknowledgement for Lake Hāwea - Excerpt from Deed of Recognition for Lake Hāwea - Comments received from invited Māori groups - Comments received from the Minister for Māori Development and/or 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 FTAA-2506-1080 Clutha Hydro Scheme referral application.
- The applicant, Contact Energy Ltd, operates the Clutha Hydro Scheme and is seeking the following Resource Management Act 1991 (RMA) approvals:
 - a new consent to enable the minimum normal operating level of Lake Hāwea to be lowered to 336 metres above sea level (masl);
 - new consent to lower the allowable level for Lake Hāwea to 333 masl at 4% Electricity Risk Curve (ERC) and 330 masl at 8% ERC during defined contingent storage events; and
 - variations to the current resource consents for damming Lake Hāwea, to align with the new consents.
- The proposed changes do not require any physical works as they utilise existing infrastructure, and will enable greater flexibility to adjust downstream electricity generation to meet demand at critical times.

4. 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 Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, 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 for the project area.
5. The Ngāi Tahu Claims Settlement Act 1998 is the relevant Treaty settlement for the project area. We have not identified any other obligations such as Mana Whakahono ā Rohe or joint management agreements.
6. The Ngāi Tahu settlement provides for a statutory acknowledgement and a deed of recognition over Lake Hāwea, which encompasses most of the project area. Under the RMA and the settlement legislation, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder.
7. We consider the process of inviting comment (including providing information about the application) from Te Rūnanga o Ngāi Tahu under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements. Similarly, the process of inviting comment is also comparable with some of the procedural requirements of the deed of recognition. However, to comply fully with the procedural requirements of the deed of recognition, you must also have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Lake Hāwea.
8. More broadly, we have identified other redress delivered through the Ngāi Tahu settlement, such as land vested as redress for ancillary claims, nohoanga entitlements, and taonga species, which underscores the traditional relationship between Ngāi Tahu and the project area.
9. Te Rūnanga o Ngāi Tahu, Te Ao Mārama Inc., and Kā Rūnaka (representing seven papatipu rūnanga) provided comments on the application. All of the comments emphasised the deep connections Ngāi Tahu have with Lake Hāwea, Mata-au (Clutha River), and the surrounding area. All of the comments were consistent in adopting a neutral position on the application at this point, and are awaiting further engagement by, and information from, the applicant before they form a view. In particular, Te Rūnanga o Ngāi Tahu and Kā Rūnaka are seeking further detail on the impact of the project on all of their applicable settlement redress, as well as their broader connection with the area and its environment.
10. The Minister for Māori Development/Minister for Māori Crown Relations: Te Arawhiti support the application, subject to further engagement with the relevant Māori groups identified in this report, and giving reasonable consideration to their views, particularly as it relates to redress under the Ngāi Tahu Claims Settlement Act 1998.
11. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature



Ilana Miller

General Manager – Delivery & Operations

Introduction

12. 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).
13. 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 and further information received from invited Māori groups; 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.
14. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

15. The applicant, Contact Energy Ltd, operates the Clutha Hydro Scheme and is seeking the following RMA approvals:
 - a. a new consent to enable the minimum normal operating level of Lake Hāwea to be lowered to 336 masl;
 - b. new consent to lower the allowable level for Lake Hāwea to 333 masl at 4% ERC (the Alert Level) and 330 masl at 8% ERC during defined contingent storage events; and
 - c. variations to the current resource consents for damming Lake Hāwea, to align with the new consents.
16. The proposed change to the minimum normal operating level will provide the applicant with an additional 2m of hydro storage that can be immediately accessed as needed to increase the potential electricity that can be generated from the Clutha Hydro System during winter and spring in dry years. This will also help to backfill the space left by the retirement of thermal generation, as well as the increase in intermittent (and less predictable) renewable electricity generation systems (e.g. wind and solar). The proposed changes to the allowable levels of contingent storage during electricity emergency events will only be accessible when these events are determined by Transpower, as the system operator.
17. No physical works are required to implement the project, and the applicant is seeking RMA approvals only. The applicant has an operating easement over Lake Hāwea, through the Commissioner of Crown Lands, and owns dam infrastructure and land at the southern end of the lake.
18. We have provided a location map at **Attachment 2**.

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

19. 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

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

Treaty settlement entities

21. 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).

22. 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 Waihao, representing Waihao, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- c. Te Rūnanga o Moeraki, representing Moeraki, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- d. Kāti Huirapa Rūnaka ki Puketeraki, representing Puketeraki, 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

23. 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

24. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.
25. 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 regulation or bylaws

26. The project area does not include a taiāpure-local fisheries area, mātaihai reserve, or an area subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996.

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

27. 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.
28. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

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

29. 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.
30. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify.

Any other Māori groups with relevant interests

31. 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

¹ The variation in use of Rūnaka/Rūnanga is due to regional dialects.

- b. Te Ao Mārama Incorporated, representing Murihiku papatipu rūnanga – Ōraka Aparima, Waihōpai, Awarua and Hokonui.
32. For your information, the applicant advises they have consulted primarily with Te Rūnanga o Ngāi Tahu, Aukaha, and Te Ao Mārama Incorporated.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

33. 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.
34. 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

35. 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 each of these settlements are set out below.

Crown acknowledgements and apologies

36. 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.
37. 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 ongoing effect to these acknowledgements and uphold its relationship with Ngāi Tahu.

Statutory acknowledgement

38. 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').
39. The project area is directly situated at Lake Hāwea, which is subject to a statutory acknowledgement under Schedule 30 of the Ngāi Tahu Claims Settlement Act 1998. 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
40. 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, board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
 41. We consider the process of inviting comment under section 17 of the Act (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. You have already invited Te Rūnanga o Ngāi Tahu and the papatipu rūnanga, as the relevant Treaty settlement entities, to comment on the application, and their feedback is summarised below. Should you accept this referral application, these groups will also be invited for comment by the panel under section 53(2)(c) of the Act.
 42. The Ngāi Tahu Claims Settlement Act 1998 also provides for statutory acknowledgements over Mata-au (Clutha River), Te Wairere (Lake Dunstan), and Kā Moana Haehae (Lake Roxburgh), downstream of the project area. There is no statutory acknowledgement over the Hāwea River which connects Lake Hāwea to Mata-au.³
 43. While the application provides an assessment of the impact of the project on Lake Hāwea, it is less apparent whether the project will directly affect the Clutha River, Lake Dunstan, and Lake Roxburgh (and, accordingly, whether the statutory acknowledgement provisions as they relate to these other statutory areas will be activated). Should you accept the application for a referral, and a substantive application is made, the panel may wish to consider this further, bearing in mind the concept in Te Ao Māori of ki uta ki tai (from the mountains to the sea), whereby water is viewed in a holistic way.
 44. For your reference, we have provided the statutory acknowledgement provision for Lake Hāwea from the Ngāi Tahu Claims Settlement Act 1998 at **Attachment 4**.

Deed of recognition

45. In addition to the statutory acknowledgement, Te Rūnanga o Ngāi Tahu have a deed of recognition with the Commissioner of Crown Lands, administered by Land Information New Zealand (LINZ), over Lake Hāwea. 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.
46. Under section 213 of the Ngāi Tahu Claims Settlement Act 1998, a deed of recognition requires the relevant Crown agency to consult with, and have particular regard to the views

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.

³ 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.

of, Te Rūnanga o Ngāi Tahu concerning the management or administration of the statutory area.

47. More specifically, under clause 3.1 of the deed of recognition for Lake Hāwea, Te Rūnanga o Ngāi Tahu must be consulted, and particular regard had to its views, concerning the following management and administration activities which may be undertaken from time to time by the Crown in relation to those parts of the lake bed within the deed of recognition area that are administered by the Commissioner of Crown Lands:

the consideration of any application to the Crown for any rights for use or occupation (including any renewals) in relation to the Area, including the terms and conditions of rights of use or occupation.

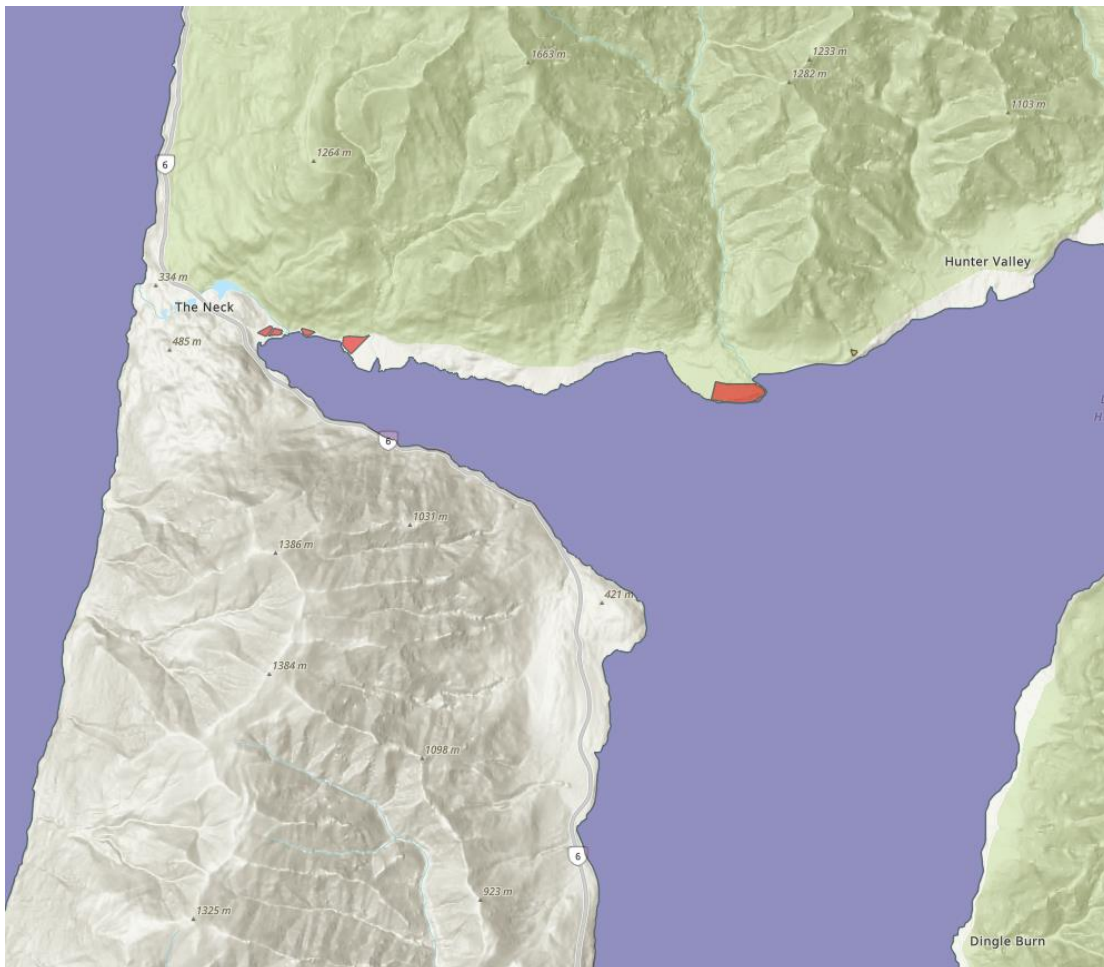
48. In order to enable Te Rūnanga o Ngāi Tahu to fulfil its role under clause 3.1, clause 3.3 of the deed of recognition requires the Crown to inform Te Rūnanga o Ngāi Tahu of any applications to the Crown for rights or use or occupation in relation to the Area, and provide Te Rūnanga o Ngāi Tahu with relevant information to enable it to consider and advise its views to the Crown on any matter on which it is consulted.
49. Notwithstanding the operating easement held by the applicant, our view is that the referral application may be considered 'an application to the Crown' in the context of the deed of recognition over Lake Hāwea.
50. Section 16 of the Act requires the Minister to comply with any applicable procedural requirements in a Treaty settlement. We consider that the process of inviting comment from Te Rūnanga o Ngāi Tahu on the application under the Act (including providing information about the application) is comparable to the deed of recognition consultation process set out at paragraphs 47-48. However, to comply fully with the procedural requirements of the deed of recognition, you must also have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Lake Hāwea outlined in clause 2 of the deed of recognition (refer to **Attachment 5** for the relevant excerpts from the deed of recognition from the Ngāi Tahu deed of settlement).

Land vested as redress for ancillary claims

51. In addition to settling the comprehensive Ngāi Tahu historical claims, the Ngāi Tahu Claims Settlement Act 1998 also provided redress to settle 'ancillary claims'. Ancillary claims are the private claims of individual Ngāi Tahu beneficiaries (or groups of beneficiaries). These claims arose from Crown actions when dealing with the individual property rights of members of Ngāi Tahu Whānui in the years following the execution of the original purchase agreements between Ngāi Tahu and the Crown.
52. Ancillary Claim 14 (Hāwea/Wānaka) included claims relating to the Crown's failure to set aside a 100-acre fishing reserve at Lake Hāwea.⁴ As redress, sections 390-391 of the Ngāi Tahu Claims Settlement Act 1998 vested the following properties adjacent to Lake Hāwea in the Ngāi Tahu Ancillary Claims Trust:
- a. Lakeside Sites No.1;
 - b. Lakeside Site No.2;
 - c. Lakeside Site No.3; and
 - d. Bushy Point site.

⁴ Section 14.11 of the Ngāi Tahu deed of settlement refers.

53. While these sites are not included in the project area itself, they are close to the shore of Lake Hāwea (east of Manuheia/'The Neck'), as shown from left to right (in red) in the figure below:



54. We note that these sites were vested as redress for the Crown's failure to provide for a fisheries reserve. Further, the applicant has identified "shallower beaches and potential boat access issues at The Neck and Kidds Bush Reserve Camping area" (adjacent to Bushy Point) as an effect of lowering the normal operating range of Lake Hāwea. Should you decide to accept this application for referral, this may be relevant information for a panel considering a substantive application for this project.

55. Ancillary Claim 14 (Hāwea/Wānaka) also included a claim relating to the Crown's failure to return 1,658 acres of land at The Neck to 57 named individuals in compliance with the South Island Landless Natives Act 1906. By the time Ngāi Tahu claims were heard by the Waitangi Tribunal, this land was no longer available for allocation to the successors of the original beneficiaries. Accordingly, section 15.2 of the Ngāi Tahu deed of settlement provides for 50 hectares of substitute land (known as 'Sticky Forest') near Wānaka township to be vested in the successors instead.

Nohoanga Entitlement

56. Nohoanga entitlements were established under the Ngāi Tahu settlement to provide seasonal occupation sites for traditional practices of gathering food and other natural

resources. Schedule 95 of the Ngāi Tahu Claims Settlement Act 1998 provides for the following nohoanga sites adjacent to the shores of Lake Hāwea:

- a. Adjoining Hāwea Camping Ground (on the southwestern shore, opposite the dam);
- b. Lake Hāwea – Western Shore (east of Bushy Point site referred to above); and
- c. Lake Hāwea Timaru Creek (on the eastern shore).

57. The Department of Conservation (DOC) advise that the Lake Hāwea – Western Shore site was subsequently considered unsuitable and not gazetted. However, the entitlement was included in the 2016 renewal Gazette notice to keep it ‘alive’ so that an alternative site could be investigated in the future.
58. There is also a nohoanga site at Hāwea River Albert Town Recreation Reserve, alongside the Hāwea River approximately 8km south of the lake.
59. Under section 260(5)(b) of the Ngāi Tahu Claims Settlement Act 1998, the landholding agent⁵ for the nohoanga entitlement land, in carrying out land and water management practices relating to that land, must notify Te Rūnanga o Ngāi Tahu of any activity which may affect the holder. The four nohoanga sites referred to above are held and administered under a variety of arrangements.⁶
60. Based on the referral application documents, it appears unlikely that the proposed project will directly affect the nohoanga entitlement land itself, although changes to the lake level may have implications for the wider purpose and use of the nohoanga entitlement. While Te Rūnanga o Ngāi Tahu have been notified of the application by being invited to comment, the nohoanga entitlement underscores the importance of Lake Hāwea to Ngāi Tahu in terms of maintaining customary practices and their deep connections to the area.

Deferred selection properties

61. The Ngāi Tahu settlement also provides for commercial redress which may be relevant to this application, in the form of two neighbouring ‘deferred selection properties’⁷ located on the eastern shore of Lake Hāwea.⁸ We are unable to confirm whether these properties were purchased by Ngāi Tahu post-settlement, but as with the vested sites and the nohoanga entitlements outlined above, the provision of this potential redress adjacent to Lake Hāwea indicates the significance of this waterbody to Ngāi Tahu.

Taonga species

62. 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

⁵ The Minister of the Crown responsible for the department which manages the existing or proposed entitlement land, or the Commissioner of Crown Lands, as the case may be.

⁶ The Adjoining Hāwea Camping Ground site is a hydrology parcel administered by LINZ (Commissioner of Crown Lands). The Lake Hāwea Timaru Creek site is within the Timaru Creek Recreation Reserve, held by LINZ but also subject to the Reserves Act 1977 (the primary use of the land is ‘development of waterpower’ and the secondary use is reserve). The Lake Hāwea – Western Shore site is within the Lake Hāwea (Western Shore) Recreation Reserve administered by DOC. Hāwea River Albert Town Recreation Reserve is vested in the Queenstown Lakes District Council in trust for the purpose of a recreation reserve.

⁷ A deferred selection property enables a PSGE to decide whether to purchase certain Crown properties during a fixed period after settlement.

⁸ Lots 2 and 3 SO 24092, 385 and 391 Timaru Creek Road.

the Minister of Conservation 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.

63. The applicant reports that a number of aquatic bird species may be found at Lake Hāwea, including several taonga species such as tara pirohe/black fronted tern, kōau/pied shag and black shag, tete/grey teal, pūtakitaki/paradise shelduck, and the karoro/southern black-backed gull. The applicant has provided advice which suggests that birds and other species of importance to Ngāi Tahu such as tuna/eel are able to adapt to any changes in lake level arising from the proposal.
64. Although the settlement provisions regarding taonga species do not place any obligations on you, or any subsequent panel should you accept the referral application, in relation to the approvals being sought by the applicant, the redress illustrates the importance of these species to Ngāi Tahu. Accordingly, the panel may wish to take the impact of the application on taonga species into consideration.
65. 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

66. 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/mātaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

67. As noted above, the project area does not include a taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

68. 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

69. Pursuant to section 17(1)(d) of the Act, on 24 July 2025 you invited written comments from the Māori groups identified above in paragraphs 19-32, 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.
70. You received comments on the application from three groups, which can be summarised as follows:

Te Rūnanga o Ngāi Tahu

71. Te Rūnanga o Ngāi Tahu restated that the Crown's apology in the Ngāi Tahu settlement recognised Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.

72. Te Rūnanga o Ngāi Tahu observed that:

- a. Te Rūnanga o Ngāi Tahu has a neutral position on whether the project proceeds through the fast-track approvals process;
- b. the statutory acknowledgement over Lake Hāwea, and over sites downstream (Clutha River, Lake Dunstan, Lake Roxburgh), signify the traditional importance of these areas for mahinga kai and as trading routes for pounamu. Knowledge of the traditional trails and utilisation of resources associated with the area continue to be held by whānau and hapū and remain important today;
- c. the importance of the area for mahinga kai has also been recognised in the Ngāi Tahu settlement through the establishment of nohoanga entitlements and through land vested as redress for ancillary claims;
- d. Te Rūnanga o Ngāi Tahu considers further consideration of the taonga species which may be affected by the project is required; and
- e. while the applicant has been engaging with mana whenua, and has identified statutory acknowledgements in their application documents, they have not considered other relevant settlement provisions (such as nohoanga), or the impact of the project on all of their applicable settlement redress.

Te Ao Mārama Inc.

73. Te Ao Mārama provided comments on behalf of Ngāi Tahu ki Murihiku, the kaitaiki rūnanga whose takiwā includes the project area (Te Rūnanga o Awarua, Hokonui Rūnanga, Te Rūnanga o Oraka Aparima and Waihōpai Rūnanga). Te Ao Mārama confirmed that the applicant has engaged with them and is committed to building an ongoing relationship. The project area is located in an area of deep connection for Ngāi Tahu, and Te Ao Mārama will continue to work with the applicant to understand the impact of the project on those cultural values and connections. In the interim, Te Ao Mārama retain a neutral position on the referral application.

Kā Rūnaka

74. Chapman Tripp also provided comments on behalf of Kā Rūnaka (collectively Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnaka o Ōtākou, Hokonui Rūnanga, Te Rūnaka o Awarua, Ōraka-Aparimu Rūnaka and Waihōpai Rūnaka). Kā Rūnaka are neutral as to whether the application should be referred. Particular issues of interest or concern to Kā Rūnaka include:

- a. appropriate recognition of statutory acknowledgements and ancillary claims land;
- b. the impact of the application on nohoanga entitlements (including those sites downstream of the project area);
- c. implications of changes in water levels for mahika kai and taonga species, and freshwater and terrestrial ecology generally; and
- d. impacts on the cultural values associated with Mata-au and the historical connections with the area.

75. We have provided copies of all three comments at **Attachment 6**.

Consultation with departments and Ministers

76. 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).
77. We have previously sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups for other projects in this area and have incorporated their views into this report. We also received advice from DOC on the landholding status of the nohoanga sites referred to in this report.
78. The Minister for Māori Development/Minister for Māori Crown Relations: Te Arawhiti support the application subject to:
- a. further engagement with the relevant Māori groups identified in the draft section 18 report; and
 - b. giving reasonable consideration to the views of Te Rūnanga o Ngāi Tahu and Te Ao Marama Inc, particularly as it relates to redress under the Ngāi Tahu Claims Settlement Act 1998.
79. We have included the comments from the Minister at **Attachment 7**.

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

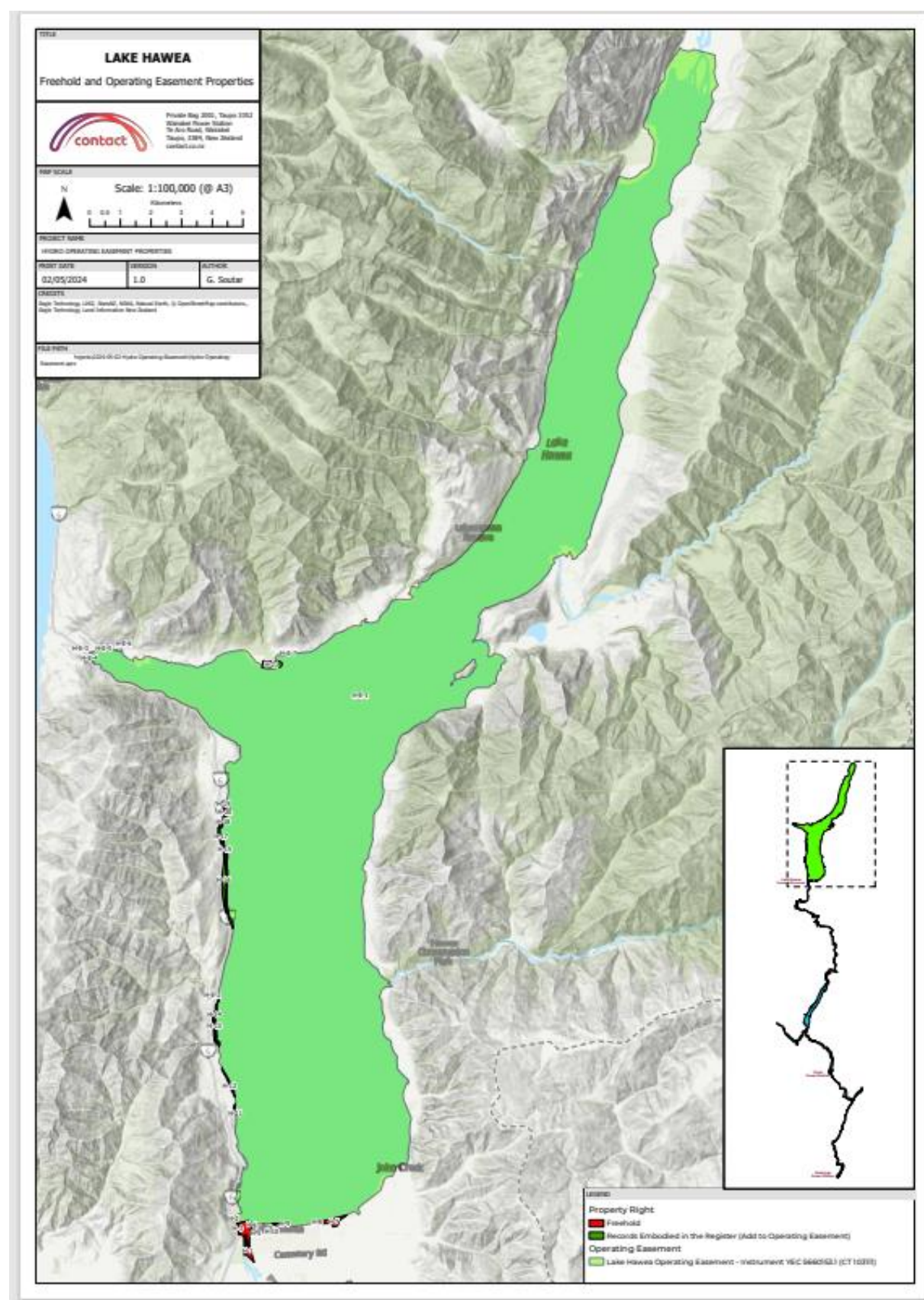
80. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
81. We do not consider there are any matters raised in this report 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.	12-14
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	20-22
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	33-34
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	35-65
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	23
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	24, 66
18(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.	24, 66
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).	25, 66
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).	26, 67
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).	27-28
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	29-30, 68

	(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.	31-32
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	69-75
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.	80-81
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.	76-77
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	78-79

Attachment 2: Project location map



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 Waihao	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))
Te Rūnanga o Moeraki	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))
Kāti Huirapa Rūnaka ki Puketeraki	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))
Te Rūnanga o Ōtākou	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))
Hokonui Rūnanga	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))
Waihōpai Rūnaka	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))
Te Rūnanga o Awarua	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))
Te Rūnanga o Ōraka-Aparima	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))
Aukaha (1997) Limited	Entity owned by Papatipu Rūnanga (s18(2)(k))
Te Ao Mārama Incorporated	Entity owned by Papatipu Rūnanga (s18(2)(k))

Attachment 4: Statutory acknowledgement for Lake Hāwea

Version as at
1 July 2022

Ngāi Tahu Claims Settlement Act 1998

Schedule 30

Schedule 30 Statutory acknowledgement for Lake Hawea

ss 205, 206

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Hawea, the location of which is shown on Allocation Plan MD 37 (SO 24718).

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 Lake Hawea, as set out below.

Ngāi Tahu association with Lake Hawea

Hawea is one of the lakes referred to in the tradition of "Ngā Puna Wai Karikari o Rakaihautu" which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Hawea.

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 solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The name Hawea may derive from Hawea, tupuna (ancestor) of the Waitaha hapū, Ngāti Hawea.

Hawea was traditionally noted as a rich tuna (eel) fishery, with many thousands of the fish once being caught, preserved and transported back to the kāinga nohoanga (settlements) of coastal Otago.

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 Hawea, 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.

The mauri of Hawea 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 Lake Hawea, 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 Lake Hawea 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 Lake Hawea 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 Lake Hawea (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 Lake Hawea.

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, Lake Hawea.

Schedule 30: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Attachment 5: Excerpt from Deed of Recognition for Lake Hāwea

ATTACHMENT 12.105 DEED OF RECOGNITION FOR LAKE HAWEA, OTAGO (Clause 12.3)

THIS DEED IS MADE ON

BETWEEN:

- (1) TE RŪNANGA O NGĀI TAHU (“Te Rūnanga”)
- (2) HER MAJESTY THE QUEEN in right of New Zealand acting by the Commissioner of Crown Lands (the “Crown”)

BACKGROUND

- A On [] Te Rūnanga and the Crown entered into a Deed of Settlement (the “Deed of Settlement”) recording the matters required to give effect to a settlement of all of the historical claims of Ngāi Tahu Whānui.
- B Pursuant to section [] of the Settlement Legislation (clause 12.3 of the Deed of Settlement), Te Rūnanga and the Crown agreed to enter into Deeds of Recognition acknowledging, on the terms identified below, Te Rūnanga’s statement of the cultural, spiritual, historic and/or traditional association on which the mana and tangata whenua status of Ngāi Tahu in relation to specific areas is based.

ACCORDINGLY, the parties acknowledge and agree as follows:

1 Specific Area of Lake Hawea

The area which is the subject of this Deed is the bed of the Lake known as Hawea (the “Area”) the location of which is shown on Allocation Plan MD 37 (SO Plan 24718). The Area is administered by the Commissioner of Crown Lands.

2 Cultural, Spiritual, Historic and/or Traditional Associations of Hawea

- 2.1 Pursuant to section [] of the Settlement Legislation (clause 12.2.2 of the Deed of Settlement), the Crown acknowledges Te Rūnanga’s statement of Ngāi Tahu’s cultural, spiritual, historic and/or traditional association to Hawea as set out below.
- 2.2 Hawea is one of the lakes referred to in the tradition of ‘Ngā Puna Wai Karikari o Rakaihautu’ which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in

two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Hawea.

- 2.3 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 solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.
- 2.4 The name 'Hawea' may derive from Hawea, tupuna (ancestor) of the Waitaha hapū, Ngāti Hawea.
- 2.5 Hawea was traditionally noted as a rich tuna (eel) fishery, with many thousands of the fish once being caught, preserved and transported back to the kainga nohoanga (settlements) of coastal Otago.
- 2.6 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 Hawea, 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.
- 2.7 The mauri of Hawea 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.

3 Role of Te Rūnanga

- 3.1 By reason of the Crown's acknowledgement of the association described in clause 2, Te Rūnanga must be consulted and particular regard had to its views relating to the association described in clause 2 concerning the following management and administration activities which may be undertaken from time to time by the Crown in relation to those parts of the lake bed within the Area that are administered by the Commissioner of Crown Lands:
 - (a) the consideration of any application to the Crown for any rights for use or occupation (including any renewals) in relation to the Area, including the terms and conditions of rights of use or occupation.

- 3.2 By reason of the Crown's acknowledgement of the association described in clause 2, Te Rūnanga must be consulted and particular regard had to its views relating to the association described in clause 2 concerning the following matters concerning the management and administration of the land within the Area if at any time the Crown at its discretion, undertakes these activities:
- (a) the preparation of any plans, strategies or programmes for the protection and management of the area (including the involvement of Te Rūnanga in such plans, strategies or programmes);
 - (b) any survey to identify the number and type of uses which are appropriate in relation to the Area; and
 - (c) any programme to eradicate noxious flora or fauna from the Area.
- 3.3 In order to enable Te Rūnanga to fulfil its role under clause 3.1 and 3.2, the Crown will:
- (a) inform Te Rūnanga of any applications to the Crown for rights of use or occupation (including any renewals) in relation to the Area (but retains the right to withhold commercially sensitive information); and
 - (b) provide Te Rūnanga with relevant information to enable Te Rūnanga to consider and advise its views to the Crown on any matter on which it is consulted.

Attachment 6: Comments received from invited Māori groups

22 August 2025

Ministry for the Environment
Wellington

Attn: Ilana Miller
General Manager Delivery and Operations

From: Ben Williams
Direct: s 9(2)(a)
Mobile: s 9(2)(a)
Email: s 9(2)(a)
Ref: 100692015/3467-0187-5772.2

E te Minita, tēnā koe,

CONTACT ENERGY LIMITED - APPLICATION FOR REFERRAL UNDER THE FAST TRACK APPROVALS ACT – MATA-AU / CLUTHA HYDRO SCHEME

- 1 This letter is provided on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnaka o Ōtākou, Hokonui Rūnanga, Te Rūnaka o Awarua, Ōraka-Aparimu Rūnaka and Waihōpai Rūnaka (collectively, *Kā Rūnaka*).
- 2 Kā Rūnaka represent mana whenua of the Mata Au (Clutha River) under the Te Rūnanga o Ngāi Tahu Act 1996 and the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001.
- 3 This letter provides a response to the request by Contact Energy Limited (Contact) that a proposal by it be referred under the Fast-track Approvals Act 2024 (*Fast-track Act*) that is intended to authorise a modification to Contact's consented operating range on Lake Hawea.
- 4 In preparing this letter Kā Rūnaka have had the opportunity to review the letter prepared by Te Rūnanga o Ngāi Tahu (*Te Rūnanga*). They defer to that letter to the extent that it discusses, Te Rūnanga and its relationship with Kā Rūnaka, and the requirements of the Ngāi Tahu settlement.
- 5 As also set out in its earlier letter (Ford/Fast Track, 17 June 2025) (attached as **Annexure 1**), Contact has discussed the proposal with Kā Rūnaka following initially raising it with Kā Rūnaka in April 2024. A reference group has been established and have been working with Contact to discuss the proposal.
- 6 Kā Rūnaka regard this consultation as ongoing, and they have a number of areas of interest or concern in relation to the proposal.
- 7 At this time they remain **neutral** to the application be referred.
- 8 If the application is referred, then it is likely that Kā Rūnaka will take an active part as a statutory participant in the processing of the application. Their final position may be to oppose or support, or be neutral to the grant of consent.



9 Particular issues of interest of Kā Rūnaka include:

- 9.1 the appropriateness recognition of the statutory acknowledgement areas and Ancillary Claims land¹ – including the Clutha River / Mata-au, (along with Lake Hāwea, Te Wairere/Lake Dunstan, upstream of the Clyde Dam and Kā Moana Haehae/Lake Roxburgh and upstream of the Roxburgh Dam);
- 9.2 the impact on Nohoanga Entitlements. Under the settlement, Nohoanga Entitlements enable Ngāi Tahu Whānui to temporarily occur land (camp) close to water ways, to have access for fishing and gathering of natural resources for Mahika kai purposes, following in the traditions of Ngāi Tahu Tīpuna. The impacted nohoanga entitlements include those associated with Lake Hāwea: Hawea Campground (near the outlet to Hawea River); Timaru Creek (opposite side of lake to SH6); and Western Shore (near the arm). Other Nohoanga Entitlements in close proximity to the waterbodies affected are those at Albert Town (adjoining the Hawea River), Clutha River Island (Upper Clutha River), McNulty Arm (adjoining Lake Dunstan), Te Kōwhai (Lower Clutha River), Kaitangata (Lower Clutha River), and the Coastal Marine Area and Statutory Acknowledgement Te Tai a Arai Te Uru;
- 9.3 changes to lake operating ranges and changes to the minimum flow at the Clyde Dam, Roxburgh Dam and Hāwea Dam and the implications that such changes will have for mahika kai and taonga species, and freshwater and terrestrial ecology more generally. This includes a likely reduction in habitat for freshwater species as result of changes to the operation and implications for Tuna, benthic macroinvertebrates and native fish communities. Changes in the 'varial' zone as water levels rise and fall are also likely to have adverse impacts on values;
- 9.4 impacts as a result of the above on taonga and other terrestrial species including lizards and birds such as Pied shag (Kōau), Black shag (Kōau), Pied stilt (Poaka), Grey teal (Tete), Paradise shelduck (Pūtakitaki) and Black-backed gull (Karoro);
- 9.5 impacts on the cultural landscape values associated more generally with the Mata-au and the historical and enduring connections with the area. This includes the use of the Mata-au itself as an important trail, providing direct access into lakes Wānaka, Hāwea and Whakatipu Waimāori (Lake Wakatipu) from coastal Otago. The ongoing impact (and increased impact as result if the proposal obtains approval) remains of concern to Kā Rūnaka; and

¹ Section 391, Ngai Tahu Claims Settlement Act - The Neck. Allocated to Manuhaea Ahu Whenua Trust. <https://www.legislation.govt.nz/act/public/1998/0097/latest/DLM430507.html> Note this is Māori land



- 9.6 the need to continue to promote and prosper the relationship of Kā Rūnaka Whānui to the whenua and wider Mata-au (including social and economic considerations).
- 10 Based on the consultation undertaken to date and their initial review of the application materials concerns remain. Even if those concerns are able to be addressed Kā Rūnaka consider that considerable work will need to be done to ensure consent conditions and managements, if approvals are provided, are robust and appropriately manage effects on and of interest to Kā Rūnaka. This comment is strictly provided in the context of the current Kā Rūnaka position on the proposal as set out in paragraphs [7] and [8] above.
- 11 Nothing in this letter should be taken as an indication of affected party approval and Kā Rūnaka expect to be invited to participate and will provide comments on the application (should it be referred and be progressed).

Nā māua noa, nā,

Ben Williams / Rachel Robilliard

Partner / Senior Associate

17 June 2025

Fast Track
Private Bag 63002
WELLINGTON 6140

CONTACT ENERGY LIMITED - APPLICATION UNDER FAST TRACK APPROVALS ACT – LAKE HAWEA OPERATING RANGE

1. This letter is provided on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Te Rūnanga o Awarua, Ōraka-Aparimu Rūnaka and Waihōpai Rūnaka (collectively, **Kā Rūnaka**).
2. Kā Rūnaka represent mana whenua of the Mata Au (Clutha River) under the Te Rūnanga o Ngāi Tahu Act 1996 and the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001.
3. Kā Rūnaka understand that Contact Energy Limited (**Contact**) is intending to seek consent(s) under the Fast-track Approvals Act 2024 (**Fast-track Act**) that will modify Contact's consented operating range on Lake Hawea
4. The purpose of this letter is to confirm that Contact mentioned this proposal to Kā Rūnaka at a hui on 17 April 2024. Subsequent to this, Kā Rūnaka have established a reference group who have met with Contact to discuss the proposal on two further occasions.
5. Kā Rūnaka accordingly confirm, for the purposes of section 11 of the Fast-track Act, that Contact has begun consultation with Kā Rūnaka.
6. For the avoidance of doubt, Kā Rūnaka:
 - 6.1 do not consider that consultation in relation to the substantive application is 'complete' - rather it is still in an initial establishment phase and is ongoing;
 - 6.2 have a number of initial concerns in relation to the proposal and are not in a position to be able to express any overall view on the proposal at this time;
 - 6.3 have not provided any affected party approval for the purposes of either sections 95A or 95B of the Resource Management Act 1991 or any equivalent under the Fast-track Act.
7. Kā Rūnaka expect to be invited to provide comments on the application under section 17 of the Fast-track Act. Further, in relation to the report on Treaty settlements and other obligations required under section 18 of the Fast-track Act Kā Rūnaka expect that the responsible agency will work with Kā Rūnaka (and Te Rūnanga o Ngāi Tahu as is consistent with its statutory role) in preparing the report.

Ngā mihi



Chris Ford
(on behalf of Kā Rūnaka)
Group General Counsel - Te Rūnanga Group

Te Rūnanga o Ngāi Tahu
Te Whare o Te Waipounamu
15 Show Place, Addington, Christchurch, 8024
PO Box 13-046, Christchurch, New Zealand
Phone + 64 3 366 4344, 0800 KAI TAHU
Email: info@ngaitahu.iwi.nz
Website: www.ngaitahu.iwi.nz



TE AO MĀRAMA INC.

1 August 2025

To Whom it may concern
Fast Track Approvals Act – Referrals
Ministry for the Environment
By way of upload to Fast Track Portal

Tēna koe

Clutha Hydro Scheme: Comments on Referral request under Fast Track Approvals Act 2024

Thank you for giving notice that a request for referral to the Fast Track approvals process has been received by the Environmental Protection Agency. We acknowledge that comments are due on 23 August 2025.

Te Ao Mārama Inc. provide comments on behalf of Ngāi Tahu ki Murihiku, the kaitiaki rūnanga whose takiwā includes the site the application is within. Ngāi Tahu ki Murihiku consists of Te Rūnanga o Awarua, Hokonui Rūnanga, Te Rūnanga O Oraka Aparima and Waihōpai Rūnanga, who together with Otago papatipu rūnaka hold mana whenua status within this rohe.

The Te Rūnanga o Ngāi Tahu Act 1996 (the TRONT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries.

As recorded in the Crown Apology to Ngāi Tahu, the Ngāi Tahu Settlement marked a turning point and a beginning for a “new age of co-operation”. In doing so, the Crown acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy or management regime would be developed and implemented in partnership with Ngāi Tahu.

Ngāi Tahu Claims Settlement Act 1998 – Principles and Provisions

The Fast Track Approvals Act 2024 requires applicants to identify the relevant principles and provisions of Treaty Settlements. These are the foundations and guiding concepts of what the Ngāi Tahu Settlements are based on. There are a number of principles and provisions contained within these Settlements.

Te Ao Marama Inc considers the following key principles are required to be recognised by this application (but not limited to):

- Ngāi Tahu holds and exercises rangatiratanga with the Ngāi Tahu Takiwā.
- The Crown and agents of the crown must act in good faith
- All areas and places within the Ngāi Tahu takiwā are important and form part of an intertwined network of values, places and resources which are relevant to Ngāi Tahu tribal history, contemporary values and the future of the tribe.

- Settlement provided a basis for continuing evolution from which Ngāi Tahu can express its ancestral relationship with the Ngāi Tahu takiwā into the future.

We can confirm that the applicant has engaged with Te Ao Marama Inc. and that this engagement is ongoing as per the letter from Te Rūnanga o Ngāi Tahu in attachment 5 of the referral application. We acknowledge the comments in the referral application that the applicant is committed to building an ongoing relationship with Mana Whenua.

Further, we wish to reiterate the request made in the letter from Te Rūnanga o Ngāi Tahu that the report required under Section 18 of the FTAA be informed by working with Kā Rūnaka (and Te Rūnanga o Ngāi Tahu).

We can confirm that the area within which the project is located is an area of deep connection and long association for Ngāi Tahu. Te Ao Marama Inc is continuing to work with the applicant to understand the impacts of the project on cultural values and connections, and whether those impacts can be mitigated satisfactorily.

Given the ongoing nature of these discussions Te Ao Marama Inc. is not able to express an overall view on the proposal currently. We therefore retain a neutral position on the request for referral application. We reserve the right to provide further comment if the application is referred to the fast-track process.

Nākau noa nā



Dean Whaanga
Kaiwhakahaere Kaupapa Taiao



**TE AO
MĀRAMA INC.**

CC: Ngā Rūnanga – Papatipu Rūnanga Chairs



Te Rūnanga o NGĀI TAHU

22 August 2025

Ilana Miller
General Manager Delivery and Operations
Ministry for the Environment
WELLINGTON

Uploaded through the Fast-track Portal

E te Minita, tēnā koe,

Te Rūnanga o Ngāi Tahu feedback on referral application under the Fast-track Approvals Act 2024 – Clutha Hydro Scheme [CRM:0139002113]

1. Introduction

- 1.1 Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) welcomes the opportunity to provide comments on the referral application made by Contact Energy Limited (the **Applicant**) regarding the Clutha Hydro Scheme, located at Lake Hāwea, Queenstown Lakes District (the **Project**).
- 1.2 Te Rūnanga is neutral towards the Project being allowed to go through the fast-track approvals process and our comments on the Project are set out below (see **Section 3**).
- 1.3 Te Rūnanga also supports the comments made by Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnaka o Ōtākou, Hokonui Rūnanga, Te Rūnaka o Awarua, Ōraka-Aparimu Rūnaka and Waihōpai Rūnaka.

2. Te Rūnanga o Ngāi Tahu

- 2.1 These comments are made on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) which is the statutorily recognised representative tribal body of Ngāi Tahu Whānui, as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**).
- 2.2 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their respective rohe.
- 2.3 Papatipu Rūnanga who have shared interest in Lake Hāwea and Mata-au Catchments are:
 - Te Rūnanga o Moeraki,
 - Kāti Huirapa Rūnaka ki Puketeraki,

Te Rūnanga o Ngāi Tahu
15 Show Place, Addington, Christchurch 8024
PO Box 13-046, Christchurch, New Zealand
Phone + 64 3 366 4344, 0800 KAI TAHU
Email: info@ngaitahu.iwi.nz
Website: www.ngaitahu.iwi.nz

- Te Rūnanga o Ōtākou,
- Hokonui Rūnanga,
- Te Rūnaka o Awarua,
- Ōraka-Aparimu Rūnaka, and
- Waihōpai Rūnaka.

2.4 Ngāi Tahu holds and exercises rangatiratanga within the Ngāi Tahu Takiwā (see **Appendix One**) and has done so since before the Crown began exercising its powers in New Zealand from 1840. The Takiwā covers most of Te Waipounamu and its surrounding islands, constituting over half of New Zealand's landmass, coastlines and waterways. The Crown and Parliament recognise and affirm Ngāi Tahu rangatiratanga in our Takiwā through:

- a) Article II of Te Tiriti o Waitangi (**Te Tiriti**);
- b) the 1997 Deed of Settlement between Ngāi Tahu and the Crown; and
- c) the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**).

2.5 As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning of a “new age of co-operation”. The Crown apologised for its “past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries” and confirmed that “it recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”. Those commitments are fundamental to the fast-track regime.

2.6 Te Rūnanga requests that the Minister accord these comments with the status and weight of the tribal collective of Ngāi Tahu Whānui comprising over 80,000 registered iwi members. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of Papatipu Rūnanga to make their own comments. Te Rūnanga understands that respective Papatipu Rūnanga (and their Regional Environmental Entities) have been separately invited to comment on the Project.

3. Comments

3.1. Our comments on the referral application for the Clutha Hydro Scheme are set out below.

Ngāi Tahu Settlement principles

3.2. Te Rūnanga considers the following Ngāi Tahu settlement principles are applicable for this referral application:

- Ngāi Tahu holds and exercises rangatiratanga within the Ngāi Tahu Takiwā¹.
- The Crown and agents of the Crown must act in good faith².
- The Crown committed to a new age of co-operation with Ngāi Tahu.

¹ Further details are set out paragraph 2.5 above.

² The Crown's Apology recognises that previously the Crown failed to act in good faith, and left Ngāi Tahu in a state of poverty and deprived Ngāi Tahu the opportunity to develop.

- All areas and places within the Ngāi Tahu takiwā are important and form part of an intertwined network of values, places and resources that are relevant to Ngāi Tahu tribal history, contemporary values and the future of the tribe.
- Settlement is a platform from which Ngāi Tahu can rebuild³.
- Settlement provided a basis for the continuing evolution from which Ngāi Tahu as a tribe and as a people⁴.

Ngāi Tahu Settlement noted sites: (Statutory Acknowledgement, Nohoanga, SILNA, Fenton Entitlements, Ancillary Claims)

- 3.3. The proposed project site is on Lake Hāwea Statutory Acknowledgement Area. Ngāi Tahu association with the Lake Hāwea is detailed in schedule 30 of the NTCSA (refer to **Appendix Three**) and includes important Ngāi Tahu sites, histories and traditions. Downstream and also potentially impacted by this project is Mata-au (Clutha River), Te Wairere (Lake Dunstan) and Kā Moana Haehae (Lake Roxburgh), which are also Statutory Acknowledgement Areas.
- 3.4. Lake Hāwea was named after Kāti Hāwea, one of the earliest iwi to occupy Te Waipounamu. Kā Huru Manu notes the following about the site:
- “Hāwea was an important component of the seasonal Kāi Tahu food-gathering patterns, with numerous kāinga mahinga kai (food-gathering places) and kāinga nohoanga (settlements) situated around the lake. Foods gathered at Hāwea included kea, kererū, kākā, kiwi, kākāpō, tūī, weka, pūtakitaki (paradise duck), pāpera (duck sp.), tuna (eel), kāuru (cabbage tree root), aruhe (bracken fernroot), and pora ('Māori turnips'). The artificial raising of Lake Hāwea in 1958 to store water for hydroelectric power generation flooded many of these kāinga mahinga kai and kāinga nohoanga, including the renowned Manuhāea kāinga near The Neck.”⁵*
- 3.5. The Mata-au/ Clutha River which connects the statutory acknowledgements impacted by this project, is a descendant of the creation traditions, part of a mahinga kai trail, a trading route for the transportation of pounamu and a boundary line⁶. Knowledge of the traditional trails and utilisation of resources associated with the area continue to be held by whānau and hapū and is regarded as a taonga.
- 3.6. The importance of the area for mahinga kai has also been recognised in settlement through the establishment of Nohoanga Entitlements. Under settlement, Nohoanga Entitlements are to enable Ngāi Tahu Whānui to temporarily occupy land (camp) close to water ways, to have access for fishing and gathering of natural resources, following in the traditions of Ngāi Tahu Tīpuna.
- 3.7. There are three Nohoanga Entitlements associated with Lake Hāwea: Hawea Campground (near the outlet to Hawea River); Timaru Creek (opposite side of lake to SH6); and Western Shore (near the arm).

³ For example through the mechanisms which enable the purchase of Crown lands (Right of First Refusal) and enabling Ngāi Tahu to exercise their kaitiaki responsibilities through the engagement template created by Statutory Acknowledgements.

⁴ The settlement is acknowledging that Ngāi Tahu will continue to develop, create an economic footprint for the benefit of Ngāi Tahu people, form a basis from which Ngāi Tahu can express its ancestral relationship with the Ngāi Tahu takiwā into the future.

⁵ Extracted from Kā Huru Manu on 19 August 2025. <https://kahurumanu.co.nz/atlas>

⁶ Schedule 40 Statutory Acknowledgment for Mata-au (Clutha River) of NTCSA

- 3.8. The importance of mahinga kia is outlined in each of the Statutory Acknowledgements as well as through the Ancillary Claims land⁷ that adjoins Lake Hāwea, and through the Fenton Entitlement at The Neck.
- 3.9. The South Island Landless Natives Act 1906 (SILNA) allocated land at The Neck to 57 individuals which was never transferred. As that land was not available at the time of settlement, substitute land known as “Sticky Forest” was allocated under the NTCSA.
- 3.10. Within the wider landscape, but still in close proximity to the waterbodies affected by this project are Nohoanga Entitlements at Albert Town (adjoining the Hawea River), Clutha River Island (Upper Clutha River), McNulty Arm (adjoining Lake Dunstan), Te Kōwhai (Lower Clutha River) and Kaitangata (Lower Clutha River), and the Coastal Marine Area and Statutory Acknowledgement Te Tai a Arai Te Uru. The values of these areas noted in settlement include mahinga kai and they have the potential to be impacted by this proposal as part of the interconnected environment.
- 3.11. While we acknowledge that the applicant has been engaging with mana whenua and that the application has noted the Statutory Acknowledgement areas in 3.5.1.1 of the application, it has not identified the Settlement Nohoanga Entitlements nor other relevant parts of the NTCSA which recognises the importance the wider area, associations, and interconnection with these settlement provisions. Therefore, they don't appear to have considered them as part of the referral application. Nor has it considered, the impact of the operation and construction of the project on these settlement provisions.

Ngāi Tahu Settlement Taonga Species

- 3.12. The special association Ngāi Tahu have with taonga species within the Ngāi Tahu Takiwā has been acknowledged by the Crown in the NTCSA⁸, with a list of taonga species provided in Schedule 97 (refer to **Appendix Four**) which includes 49 bird species, 54 plant species and 6 marine mammals. Those species listed in settlement does not include all species Ngāi Tahu considers taonga. The Statutory Acknowledgements also note species in the area with high value to Ngāi Tahu.
- 3.13. The application notes there are taonga species in Lake Hāwea but has not specifically identified which or how they will be ‘appropriately managed’. Taonga species are also not considered in the ecological values report. Bird species identified in the report that are also listed in schedule 97 include:
- Pied shag (Kōau)
 - Black shag (Kōau)
 - Pied stilt (Poaka)
 - Grey teal (Tete)
 - Paradise shelduck (Pūtakitaki)
 - Black-backed gull (Karoro)
- 3.14. Further consideration of taonga plant species and taonga fish species (schedule 98) is needed.

⁷ Section 391 NTCSA The Neck. Allocated to Manuhaea Ahu Whenua Trust. <https://www.legislation.govt.nz/act/public/1998/0097/latest/DLM430507.html> Note this is Māori land.

⁸ Section 288 of the NTCSA. Ngāi Tahu association includes cultural, spiritual, historic, and traditional.

- 3.15. While the ecological report has noted the potential effects on changing lake levels, this assessment is limited in scope and does not reflect the settlement in terms of the values of the areas identified in settlement and taonga species in its methodology, analysis and conclusion.
- 3.16. Te Rūnanga note that the applicant has meet with Papatipu Rūnanga which could result in answers to these unaddressed concerns. Te Rūnanga would encourage further discussion with Papatipu Rūnanga on these points and have the outcomes better reflected in the application.

4. Decision Sought

- 4.1 Te Rūnanga thanks the Minister for the opportunity to comment on the referral application.
- 4.2 Whilst Te Rūnanga is does not have a position on the Clutha Hydro Scheme Project being allowed to go through the fast-track approvals process, we seek that appropriate consideration is given to the provided comments.

Nuku noa nā,



Maru Rout
Programme Lead- Mauri
Te Rūnanga o Ngāi Tahu

Address for Service:
Rachael Pull
Senior Environmental Advisor
Te Rūnanga o Ngāi Tahu
Email: ttw@ngaitahu.iwi.nz
Ph s 9(2)(a) [REDACTED]

Cc:

Appendices:
Appendix One – Map of takiwā of Ngāi Tahu
Appendix Two – Crown Apology to Ngāi Tahu
Appendix Three- Statutory Acknowledgements
Appendix Four- Taonga Species Schedule

Appendix 3 – Statutory Acknowledgements

Schedule 30 - Statutory acknowledgement for Lake Hawea

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Hawea, the location of which is shown on Allocation Plan MD 37 (SO 24718).

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 Lake Hawea, as set out below.

Ngāi Tahu association with Lake Hawea

Hawea is one of the lakes referred to in the tradition of “Ngā Puna Wai Karikari o Rakaihautu” which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Hawea.

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 solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The name Hawea may derive from Hawea, tupuna (ancestor) of the Waitaha hapū, Ngāti Hawea.

Hawea was traditionally noted as a rich tuna (eel) fishery, with many thousands of the fish once being caught, preserved and transported back to the kāinga nohoanga (settlements) of coastal Otago.

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 Hawea, 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.

The mauri of Hawea 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 Lake Hawea, 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 Lake Hawea 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 Lake Hawea 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 Lake Hawea (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 Lake Hawea.

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, Lake Hawea.

Schedule 40 -Statutory acknowledgement for Mata-au (Clutha River)

Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Mata-au (Clutha River), the location of which is shown on Allocation Plan MD 122 (SO 24727).

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 the Mata-au, as set out below.

Ngāi Tahu association with the Mata-au

The Mata-au river takes its name from a Ngāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. 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 solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

On another level, the Mata-au was part of a mahinga kai trail that led inland and was used by Ōtākou hapū including Ngāti Kurī, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāti Tuahuriri. 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 river, the relationship of people with the river 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.

The river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus there were numerous tauranga waka (landing places) along it. 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 river. The river 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 river.

The Mata-au is where Ngāi Tahu's leader, Te Hautapunui o Tū, established the boundary line between Ngāi Tahu and Ngāti Mamoe. Ngāti Mamoe were to hold mana (authority) over the lands south of the river and Ngāi Tahu were to hold mana northwards. Eventually, the unions between the families of Te Hautapunui o Tū and Ngāti Mamoe were to overcome these boundaries. For Ngāi Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngāi Tahu as an iwi.

Strategic marriages between hapū further strengthened the kupenga (net) of whakapapa, and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to rūnanga located in 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.

Urupā and battlegrounds are located all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation between Ngāi Tahu and Ngāti Mamoe that led to the armistice established by Te Hautapunui o Tū. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

The mauri of Mata-au 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 river.

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 the Mata-au, 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 the Mata-au 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 the Mata-au 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 the Mata-au (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 the Mata-au.

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, the Mata-au.

Schedule 22 - Statutory acknowledgement for Kā Moana Haehae (Lake Roxburgh)

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Kā Moana Haehae (Lake Roxburgh), the location of which is shown on Allocation Plan MD 491 (SO 24730).

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 Kā Moana Haehae, as set out below.

Ngāi Tahu association with Kā Moana Haehae

The name Kā Moana Haehae refers to the joining of two waterways. In this case it refers to the confluence of the Mata-au and Manuherikia Rivers over which the lake lies.

The whole of the Mata-au (Clutha River), on which Kā Moana Haehae lies, was part of a mahinga kai trail that led inland and was used by Otago hapū including Ngāti Kurī, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāti Tuahuriri. The river was used as a highway into the interior, and provided many resources to sustain travellers on that journey. The river was a significant indigenous fishery, providing tuna (eels), kanakana (lamprey) and kōkopu in the area over which Kā Moana Haehae now lies. Manu (birds), including moa, were taken from areas adjoining the river, over which the lake now lies.

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 river, the relationship of people with the river 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.

The waterway was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus there were numerous tauranga waka (landing places) along it. 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 river. The waterway 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 waterway.

The mauri of Kā Moana Haehae 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 Kā Moana Haehae, 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 Kā Moana Haehae 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 Kā Moana Haehae 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 Kā Moana Haehae (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 Kā Moana Haehae.

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, Kā Moana Haehae.

Schedule 61 - Statutory acknowledgement for Te Wairere (Lake Dunstan)

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Te Wairere (Lake Dunstan), the location of which is shown on Allocation Plan MD 490 (SO 24729).

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 Te Wairere, as set out below.

Ngāi Tahu association with Te Wairere

The name "Te Wairere" refers to the speed with which the river once ran at this point.

The whole of the Mata-au (Clutha River), on which Te Wairere lies, was part of a mahinga kai trail that led inland and was used by Otago hapū including Kāti Kurī, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāti Tuahuriri. The river was used as a highway into the interior, and provided many resources to sustain travellers on that journey. The river was a significant indigenous fishery, providing tuna (eels), kanakana (lamprey) and kōkopu in the area over which Te Wairere now lies. Manu (birds), including moa, were taken from areas adjoining the river, over which the lake now lies.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka (landing places), places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river 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.

The waterway was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Because of its location at the confluence of Mata-au and Kawarau Rivers, Te Wairere was an important staging post on journeys inland and down-river. A tauranga waka and nohoanga sited at the junction of the two rivers acted as such a staging post. As a result of this history of use and occupation there are a number of wāhi taonga (including rock shelters and archaeological sites) in the area, some of which are now under the waters of the lake. Wāhi tapu are important as places holding the memories and traditions of Ngāi Tahu tūpuna.

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 river. The waterway 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 waterway.

The mauri of Te Wairere 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 Te Wairere, 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 Te Wairere 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 Te Wairere 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 Te Wairere (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 Te Wairere.

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, Te Wairere.

Appendix Four: Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 - Taonga species

Birds

Name in Māori	Name in English	Scientific name
Hoiho	Yellow-eyed penguin	<i>Megadyptes antipodes</i>
Kāhu	Australasian harrier	<i>Circus approximans</i>
Kākā	South Island kākā	<i>Nestor meridionalis meridionalis</i>
Kākāpō	Kākāpō	<i>Strigops habroptilus</i>
Kākāriki	New Zealand parakeet	<i>Cyanoramphus</i> spp
Kakaruai	South Island robin	<i>Petroica australis australis</i>
Kakī	Black stilt	<i>Himantopus novaezelandiae</i>
Kāmana	Crested grebe	<i>Podiceps cristatus</i>
Kārearea	New Zealand falcon	<i>Falco novaeseelandiae</i>
Karoro	Black-backed gull	<i>Larus dominicanus</i>
Kea	Kea	<i>Nestor notabilis</i>
Kōau	Black shag	<i>Phalacrocorax carbo</i>
	Pied shag	<i>Phalacrocorax varius varius</i>
	Little shag	<i>Phalacrocorax melanoleucos brevirostris</i>
Koekoeā	Long-tailed cuckoo	<i>Eudynamys taitensis</i>
Kōparapara or Korimako	Bellbird	<i>Anthornis melanura melanura</i>
Kororā	Blue penguin	<i>Eudyptula minor</i>
Kōtare	Kingfisher	<i>Halcyon sancta</i>
Kōtuku	White heron	<i>Egretta alba</i>
Kōwhiowhio	Blue duck	<i>Hymenolaimus malacorhynchos</i>
Kūaka	Bar-tailed godwit	<i>Limosa lapponica</i>
Kūkupa/Kererū	New Zealand wood pigeon	<i>Hemiphaga novaeseelandiae</i>
Kuruwhengu/Kuruwhengi	New Zealand shoveller	<i>Anas rhynchos</i>

Name in Māori	Name in English	Scientific name
Mātā	Fernbird	<i>Bowdleria punctata</i> <i>punctata</i> and <i>Bowdleria punctata</i> <i>stewartiana</i> and <i>Bowdleria punctata</i> <i>wilsoni</i> and <i>Bowdleria punctata</i> <i>candata</i>
Matuku moana	Reef heron	<i>Egretta sacra</i>
Miromiro	South Island tomtit	<i>Petroica macrocephala</i> <i>macrocephala</i>
Miromiro	Snares Island tomtit	<i>Petroica macrocephala dannefaerdi</i>
Mohua	Yellowhead	<i>Mohoua ochrocephala</i>
Pākura/Pūkeko	Swamp hen/Pūkeko	<i>Porphyrio porphyrio</i>
Pārera	Grey duck	<i>Anas superciliosa</i>
Pateke	Brown teal	<i>Anas aucklandica</i>
Pīhoihoi	New Zealand pipit	<i>Anthus novaeseelandiae</i>
Pīpīwharau	Shining cuckoo	<i>Chrysococcyx lucidus</i>
Pīwakawaka	South Island fantail	<i>Rhipidura fuliginosa fuliginosa</i>
Poaka	Pied stilt	<i>Himantopus himantopus</i>
Pokotiwaha	Snares crested penguin	<i>Eudyptes robustus</i>
Pūtakitaki	Paradise shelduck	<i>Tadorna variegata</i>
Riroriro	Grey warbler	<i>Gerygone igata</i>
Roroa	Great spotted kiwi	<i>Apteryx haastii</i>
Rowi	Ōkārito brown kiwi	<i>Apteryx mantelli</i>
Ruru koukou	Morepork	<i>Ninox novaeseelandiae</i>
Takahē	Takahē	<i>Porphyrio mantelli</i>
Tara	Terns	<i>Sterna</i> spp
Tawaki	Fiordland crested penguin	<i>Eudyptes pachyrhynchus</i>
Tete	Grey teal	<i>Anas gracilis</i>
Tīeke	South Island saddleback	<i>Philesturnus carunculatus</i> <i>carunculatus</i>

Name in Māori	Name in English	Scientific name
Tītī	Sooty shearwater/Muttonbird/Hutton's shearwater Common diving petrel South Georgian diving petrel Westland petrel Fairy prion Broad-billed prion White-faced storm petrel Cook's petrel Mottled petrel	<i>Puffinus griseus</i> and <i>Puffinus huttoni</i> and <i>Pelecanoides urinatrix</i> and <i>Pelecanoides georgicus</i> and <i>Procellaria westlandica</i> and <i>Pachyptila turtur</i> and <i>Pachyptila vittata</i> and <i>Pelagodroma marina</i> and <i>Pterodroma cookii</i> and <i>Pterodroma inexpectata</i>
Tītītipounamu	South Island rifleman	<i>Acanthisitta chloris chloris</i>
Tokoeka	South Island brown kiwi	<i>Apteryx australis</i>
Toroa	Albatrosses and Mollymawks	<i>Diomedea</i> spp
Toutouwai	Stewart Island robin	<i>Petroica australis rakiura</i>
Tūī	Tūī	<i>Prothemadera novaeseelandiae</i>
Tutukiwi	Snares Island snipe	<i>Coenocorypha aucklandica huegeli</i>
Weka	Western weka	<i>Gallirallus australis australis</i>
Weka	Stewart Island weka	<i>Gallirallus australis scotti</i>
Weka	Buff weka	<i>Gallirallus australis hectori</i>

Plants

Name in Māori	Name in English	Scientific name
Akatorotoro	White rata	<i>Metrosideros perforata</i>
Aruhe	Fernroot (bracken)	<i>Pteridium aquilinum</i> var <i>esculentum</i>
Harakeke	Flax	<i>Phormium tenax</i>
Horoeka	Lancewood	<i>Pseudopanax crassifolius</i>
Houhi	Mountain ribbonwood	<i>Hoheria lyalli</i> and <i>H. glabata</i>
Kahikatea	Kahikatea/White pine	<i>Dacrycarpus dacrydioides</i>
Kāmahi	Kāmahi	<i>Weinmannia racemosa</i>
Kānuka	Kānuka	<i>Kunzia ericoides</i>
Kāpuka	Broadleaf	<i>Griselinia littoralis</i>
Karaeopirita	Supplejack	<i>Ripogonum scandens</i>

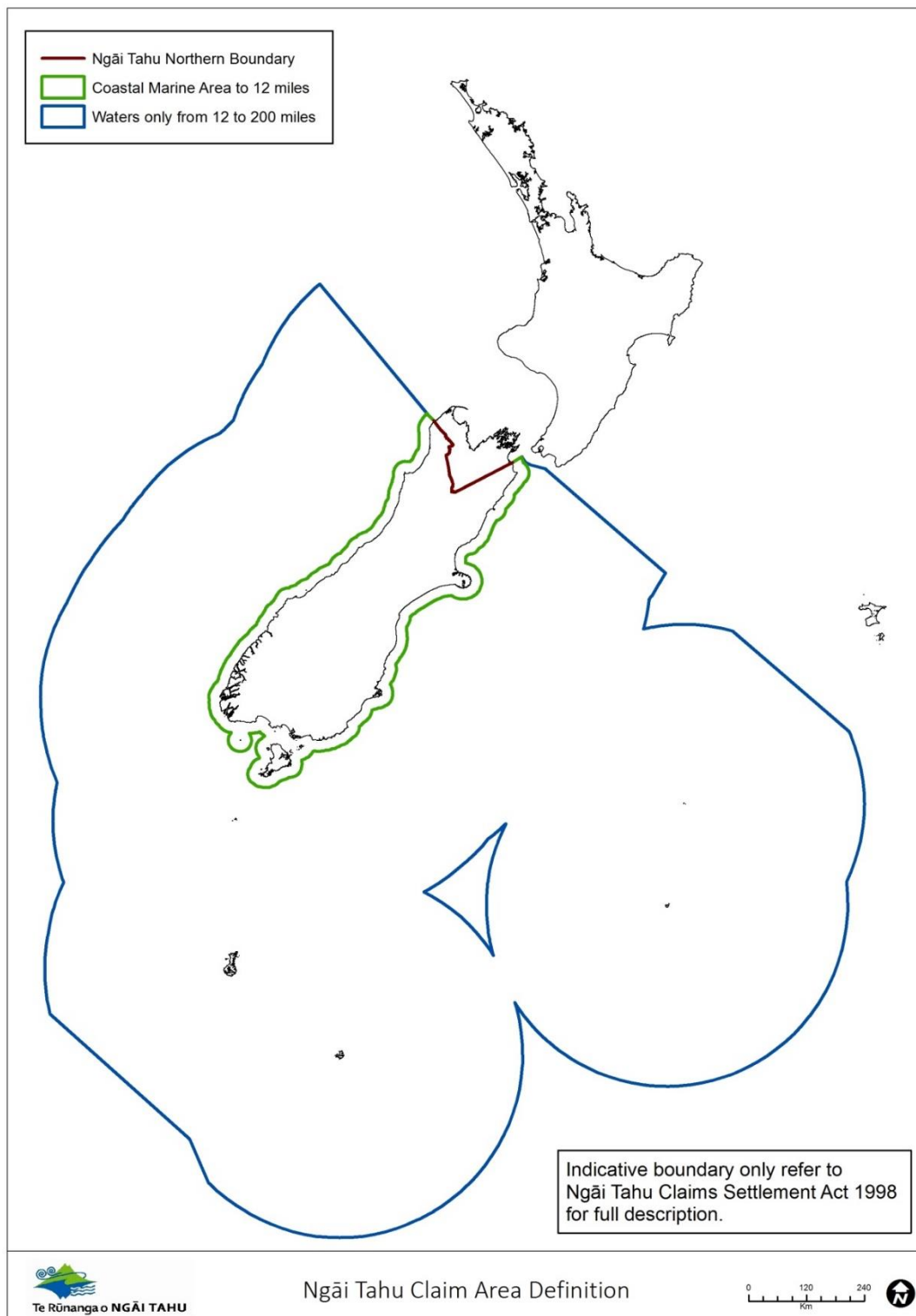
Name in Māori	Name in English	Scientific name
Karaka	New Zealand laurel/Karaka	<i>Corynocarpus laevigata</i>
Karamū	Coprosma	<i>Coprosma robusta, coprosma lucida, coprosma foetidissima</i>
Kātote	Tree fern	<i>Cyathea smithii</i>
Kiekie	Kiekie	<i>Freycinetia baueriana</i> subsp <i>banksii</i>
Kōhia	NZ Passionfruit	<i>Passiflora tetrandia</i>
Korokio	Korokio bush Wire-netting	<i>Corokia cotoneaster</i>
Koromiko/Kōkōmuka	Koromiko	<i>Hebe salicifolia</i>
Kōtukutuku	Tree fuchsia	<i>Fuchsia excorticata</i>
Kōwahi Kōhai	Kōwhai	<i>Sophora microphylla</i>
Mamaku	Tree fern	<i>Cyathea medullaris</i>
Mānia	Sedge	<i>Carex flagellifera</i>
Mānuka Kahikātoa	Tea-tree	<i>Leptospermum scoparium</i>
Māpou	Red matipo	<i>Myrsine australis</i>
Mataī	Mataī/Black pine	<i>Prumnopitys taxifolia</i>
Miro	Miro/Brown pine	<i>Podocarpus ferrugineus</i>
Ngaio	Ngaio	<i>Myoporum laetum</i>
Nīkau	New Zealand palm	<i>Rhopalostylis sapida</i>
Pānako	(Species of fern)	<i>Asplenium obtusatum</i>
Pānako	(Species of fern)	<i>Botrychium australe</i> and <i>B. biforme</i>
Pātōtara	Dwarf mingimingi	<i>Leucopogon fraseri</i>
Pīngao	Pīngao	<i>Desmoschoenus spiralis</i>
Pōkākā	Pōkākā	<i>Elaeocarpus hookerianus</i>
Ponga/Poka	Tree fern	<i>Cyathea dealbata</i>
Rātā	Southern rātā	<i>Metrosideros umbellata</i>
Raupō	Bulrush	<i>Typha angustifolia</i>

Name in Māori	Name in English	Scientific name
Rautāwhiri/Kōhūhū	Black matipo/Māpou	<i>Pittosporum tenuifolium</i>
Rimu	Rimu/Red pine	<i>Dacrydium cypressinum</i>
Rimurapa	Bull kelp	<i>Durvillaea antarctica</i>
Taramea	Speargrass, spaniard	<i>Aciphylla</i> spp
Tarata	Lemonwood	<i>Pittosporum eugenioides</i>
Tawai	Beech	<i>Nothofagus</i> spp
Tētēaweka	Muttonbird scrub	<i>Olearia angustifolia</i>
Tī rākau/Tī Kōuka	Cabbage tree	<i>Cordyline australis</i>
Tīkumu	Mountain daisy	<i>Celmisia spectabilis</i> and <i>C. semicordata</i>
Tītoki	New Zealand ash	<i>Alectryon excelsus</i>
Toatoa	Mountain Toatoa, Celery pine	<i>Phyllocladus alpinus</i>
Toetoe	Toetoe	<i>Cortaderia richardii</i>
Tōtara	Tōtara	<i>Podocarpus totara</i>
Tutu	Tutu	<i>Coriaria</i> spp
Wharariki	Mountain flax	<i>Phormium cookianum</i>
Whīnau	Hīnau	<i>Elaeocarpus dentatus</i>
Wī	Silver tussock	<i>Poa cita</i>
Wīwī	Rushes	<i>Juncus</i> all indigenous <i>Juncus</i> spp and <i>J. maritimus</i>

a) *Marine mammals*

Name in Māori	Name in English	Scientific name
Ihupuku	Southern elephant seal	<i>Mirounga leonina</i>
Kekeno	New Zealand fur seals	<i>Arctocephalus forsteri</i>
Paikea	Humpback whales	<i>Megaptera novaeangliae</i>
Parāoa	Sperm whale	<i>Physeter macrocephalus</i>
Rāpoka/Whakahao	New Zealand sea lion/Hooker's sea lion	<i>Phocarctos hookeri</i>
Tohorā	Southern right whale	<i>Balaena australis</i>

APPENDIX ONE: NGĀI TAHU TAKIWĀ



APPENDIX TWO: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 5: Text in Māori

The text of the apology in Māori is as follows:

1. Kei te mōhio te Karauna i te tino roa o ngā tūpuna o Ngāi Tahu e totohe ana kia utu mai rātou e te Karauna—tata atu ki 150 ngā tau i puta ai tēnei pēpeha a Ngāi Tahu arā: “He mahi kai tākata, he mahi kai hoaka”. Nā te whai mahara o ngā tūpuna o Ngāi Tahu ki ngā āhuatanga o ngā kawenga a te Karauna i kawea ai e Matiaha Tiramōrehu tana petihana ki a Kuini Wikitoria i te tau 1857. I tuhia e Tiramōrehu tana petihana arā: ‘Koia nei te whakahau a tōu aroha i whiua e koe ki runga i ēnei kāwana... tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia ōrite ngā āhuatanga mō te kiri mā kia rite ki tō te kiri waitutu, me te whakatakoto i te aroha o tōu ngākau pai ki runga i te iwi Māori kia noho ngākau pai tonu ai rātou me te mau mahara tonu ki te mana o tōu ingoa.’ Nā konei te Karauna i whakaae ai tērā, te taumaha o ngā mahi a ngā tūpuna o Ngāi Tahu, nā rēira i tū whakaiti atu ai i nāiane i mua i ā rātou mokopuna.
2. E whakaae ana te Karauna ki tōna tino hēanga, tērā i takakino tāruaruatia e ia ngā kaupapa o te Tiriti o Waitangi i roto i āna hokonga mai i ngā whenua o Ngāi Tahu. Tēnā, ka whakaae anō te Karauna tērā i roto i ngā āhuatanga i takoto ki roto i ngā pukapuka ā-herenga whakaatu i aua hokonga mai, kāore te Karauna i whai whakaaro ki tāna hoa nā rāua rā i haina te Tiriti, kāore hoki ia i whai whakaaro ki te wehe ake i ētahi whenua hei whai oranga tinana, whai oranga ngākau rānei mō Ngāi Tahu.
3. E whakaae ana te Karauna tērā, i roto i tāna takakino i te wāhanga tuarua o te Tiriti, kāore ia i whai whakaaro ki te manaaki, ki te tiaki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tino taonga i hiahia a Ngāi Tahu ki te pupuri.
4. E mōhio ana te Karauna tērā, kāore ia i whai whakaaro ki a Ngāi Tahu i runga i te ngākau pono o roto i ngā tikanga i pūtake mai i te mana o te Karauna. Nā tāua whakaaro kore a te Karauna i puaki mai ai tēnei pēpeha a Ngāi Tahu: “Te Hapa o Niu Tīreni”. E mōhio ana te Karauna i tāna hē ki te kaipono i ngā āhuatanga whai oranga mō Ngāi Tahu i noho pōhara noa ai te iwi ia whakatupuranga heke iho. Te whakatauāki i pūtake mai i aua āhuatanga: “Te mate o te iwi”.
5. E whakaae ana te Karauna tērā, mai rāno te piri pono o Ngāi Tahu ki te Karauna me te kawa pono a te iwi i ā rātou kawenga i raro i te Tiriti o Waitangi, pērā anō tō rātou piri atu ki raro i te Hoko Whitu a Tū i ngā wā o ngā pakanga nunui o te ao. E tino mihi ana te Karauna ki a Ngāi Tahu mō tōna ngākau pono mō te koha hoki a te iwi o Ngāi Tahu ki te katoa o Aotearoa.

6. E whakapuaki atu ana te Karauna ki te iwi whānui o Ngāi Tahu i te hōhonu o te āwhitu a te Karauna mō ngā mamaetanga, mō ngā whakawhiringa i pūtake mai nō roto i ngā takakino a te Karauna i takaongetia ai a Ngāi Tahu Whānui. Ewhakaae ana te Karauna tērā, aua mamaetanga me ngā whakawhiringa hoki i hua mai nō roto i ngā takakino a te Karauna, arā, kāore te Karauna i whai i ngā tohutohu a ngā pukapuka ā-herenga i tōna hokonga mai i ngā whenua o Ngāi Tahu, kāore hoki te Karauna i wehe ake kia rawaka he whenua mō te iwi, hei whakahaere mā rātou i ngā āhuatanga e whai oranga ai rātou, kāore hoki te Karauna i hanga i tētahi tikanga e maru motuhake ai te mana o Ngāi Tahu ki runga i ā rātou pounamu me ērā atu tāonga i hiahia te iwi ki te pupuri. Kore rawa te Karauna i aro ake ki ngā aurere a Ngāi Tahu.
7. E whakapāha ana te Karauna ki a Ngāi Tahu mō tōna hēanga, tērā, kāore ia i whai whakaaro mō te rangatiratanga o Ngāi Tahu, ki te mana rānei o Ngāi Tahu ki runga i ōna whenua ā-rohe o Te Wai Pounamu, nā rēira, i runga i ngā whakaritenga me ngā herenga a Te Tiriti o Waitangi, ka whakaae te Karauna ko Ngāi Tahu Whānui anō te tāngata whenua hei pupuri i te rangatiratanga o roto i ōna takiwā.
8. E ai mō ngā iwi katoa o Aotearoa e hiahia ana te Karauna ki te whakamārie i ngā hara kua whākina ake nei—otirā, ērā e taea i nāianei - i te mea kua āta tau ngā kōrero tūturu ki roto i te pukapuka ā-herenga whakaritenga i hainatia i te 21 o ngā rā o Whitu hei tīmatanga whai oranga i roto i te ao hōu o te mahinga tahi a te Karauna rāua ko Ngāi Tahu.

Section 6: Text in English

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb 'He mahi kai takata, he mahi kai hoaka' ('It is work that consumes people, as greenstone consumes sandstone'). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

“This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.”
2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.

5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying 'Te Hapa o Niu Tirenī' ('The unfulfilled promise of New Zealand'). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb 'Te mate o te iwi' ('The malaise of the tribe').
6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.
7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. The Crown apologises 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 recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu."

Attachment 7: Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations

FTAA-2506-1080 Clutha Hydro Scheme - Comment from Minister for Māori Development - Saved

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*

FTAA-2506-1080 Clutha Hydro Scheme - Comment from Minister for Māori Development

Regarding

 [Draft section 18 report for Minister comment](#)

Comments

I support the application subject to:

- further engagement with the relevant Māori groups identified in the draft section 18 Ministry for the Environment report; and
- giving reasonable consideration to the views of Te Rūnanga o Ngāi Tahu and Te Ao Marama Inc, particularly as it relates to redress under the Ngāi Tahu Claims Settlement Act 1998.

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