



Te Rūnanga o NGĀI TAHU

5 March 2026

Expert Panel – Waitaha Hydro Scheme
Environmental Protection Authority
substantive@fastrack.govt.nz

Tēnā koe

Re: Waitaha Hydro Scheme (FTAA 2505 1069) under section 53 of the Fast Track Approvals Act 2024

Te Rūnanga o Ngāi Tahu understands that as part of the fast-track application for the Waitaha Hydro scheme on Tai Poutini, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (PNT) met with the Fast-Track Panel on 27 February 2026 to discuss PNT's comments provided under section 53 of the Fast-track Approvals Act.

As part of that engagement a question arose regarding whether the proposed concession arrangements from the Department of Conservation to Westpower Limited may trigger the Right of First Refusal under Part 9 of the Ngāi Tahu Claims Settlement Act 1998 (the RFR).

The RFR was agreed as part of the "Economic Redress" negotiated by Ngāi Tahu to settle historic treaty breaches in the 1990s. The Economic Redress component of the settlement gives Ngāi Tahu the capacity, right and opportunity to re-establish its tribal asset base. The asset base provides the platform to generate funds required for the tribes social and cultural development.

The RFR is therefore a vitally important and hard won right that has been, and continues to be, integral to Ngāi Tahu's future aspirations.

The RFR is vested in Te Rūnanga o Ngāi Tahu. Te Rūnanga o Ngāi Tahu is a statutory entity created by the Te Rūnanga o Ngāi Tahu Act 1996. The Te Rūnanga o Ngāi Tahu Act provides [15(1)] that:

Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.

Therefore, Te Rūnanga o Ngāi Tahu is the entity with authority to make decisions about the RFR, including whether it has been triggered or not.

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 Ngāi Tahu believes the proposed concession arrangements from the Department of Conservation to Westpower Limited as part of the Waitaha Project **clearly do trigger** the Right of First Refusal under Part 9 of the Ngāi Tahu Claims Settlement Act 1998. We thank the Expert Panel for raising this matter.

Te Rūnanga o Ngāi Tahu want the Expert Panel to be aware of Te Rūnanga o Ngāi Tahu's view about this matter, hence this letter.

Te Rūnanga o Ngāi Tahu is in discussion with Westpower Limited about how to address this matter. These discussions have been constructive to date and we hope to reach a resolution.

If you'd like to discuss, please let me know.

Nāhaku noa, nā



Chris Ford

General Counsel – Te Rūnanga o Ngāi Tahu

[Redacted]

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