



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

Project Name: FTAA-2604-1206 Auld Creek Project

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	29 July 2026

Number of attachments: 6	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location map - List of relevant Māori groups - Mana Whakahono ā Rohe between Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu, and West Coast Regional Council - Letters from Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu - Comments received from Te Rūnanga o Makaawhio
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Ministry for Cities, Environment, Regions & Transport contacts:

Position	Name	Cell phone	1 st contact
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General Manager, Investment Strategy & Operations	Ilana Miller	s 9(2)(a)	

Key points

- The Ministry for Cities, Environment, Regions & Transport (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-2604-1206 Auld Creek Project referral application.
- The applicant, Reefton Resources Pty Limited, proposes to develop an underground gold and antimony mining operation at Auld Creek approximately 3 km south of Reefton in the Buller District. The Auld Creek deposit is located beneath public conservation land administered by the Department of Conservation (DOC), i.e. Victoria Forest Park, and is New Zealand's largest known antimony resource. The project area also includes several blocks of identified Māori land owned by Ngāi Tahu Forestry Limited. The mineral resource

estimate for the Auld Creek deposit indicates a total combined resource of 110,000 ounces of gold and 13,000 tonnes of antimony.

3. The applicant is seeking a range of resource consents under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA). The applicant is also seeking wildlife authorities under the Wildlife Act 1953, concessions under the Conservation Act 1987, a complex freshwater fisheries activities approval or dispensations under the Freshwater Fisheries Regulations 1983, a mining permit and land access arrangements under the Crown Minerals Act 1991.
4. Section 18(2) of the Act requires that the report provide a list of Māori groups relevant to the project area. We have identified Te Rūnanga o Ngāi Tahu and Te Rūnanga o Ngāti Waewae as relevant Treaty settlement entities, and Te Rūnanga o Makaawhio and Pokeka Poutini Ngāi Tahu Limited as parties to a Mana Whakahono ā Rohe (MWaR). Te Rūnanga o Ngāti Waewae is supportive of the project.
5. The Treaty settlement relevant to this application is the Ngāi Tahu Claims Settlement Act 1998. Ngai Tahu Forestry Limited land within the project area is licensed land transferred through the settlement, and Ngāi Tahu Forestry Limited approves the applicant's use of this land. The provisions of the Ngāi Tahu settlement do not contain any specific procedural obligations for you, or any panel considering a substantive application should you accept this referral application.
6. The MWaR between Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu, and West Coast Regional Council includes procedural requirements which we consider are relevant to the panel's consideration of a substantive application in relation to notification of applications, the appointment of hearing commissioners, and protocols for hearings at marae and cultural evidence.
7. We consider that your invitation to Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu, and Pokeka Poutini Ngāi Tahu Limited to comment on this application under section 17 of the Act is comparable to the advisory and information requirements in Schedule B of the MWaR.
8. Should you decide to accept this referral application, we propose you direct any panel considering a substantive application for the project to:
 - a. consider how it will comply with the hearing commissioner provisions in Schedule C of the MWaR when convening a panel for this application; and
 - b. consider how the protocol for hearings at marae and cultural evidence in Schedule D of the MWaR may apply to this application under the Fast-track process, should the panel decide to hold hearings.
9. In response to the invitation for Māori groups to comment on the application under section 17(1)(d) of the Act, Te Rūnanga o Makaawhio indicated they are supportive of the Auld Creek Project referral application, citing substantial economic benefit and a minimal environmental footprint. Prior to your invitation, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu had each sent a letter to the Environmental Protection Authority, with Ngāti Waewae expressing support for the application and Ngāi Tahu deferring to Ngāti Waewae.

10. 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

A handwritten signature in black ink, appearing to read 'S. Frame', with a stylized, cursive script.

Stephanie Frame
Manager – Fast-track Operations

Introduction

11. Under section 18 of the Act, you must consider a report on Treaty settlements and other obligations for each referral application, prepared and provided by the responsible agency (Secretary for the Environment).
12. 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.
13. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

14. The applicant, Reefion Resources Pty Limited, proposes to develop an underground gold and antimony mining operation at Auld Creek approximately 3 km south of Reefion in the Buller District. The project area is accessed off Quigleys Road south of State Highway 7. The Auld Creek deposit is located beneath public conservation land administered by DOC (Victoria Forest Park) and is New Zealand's largest known antimony resource. The mineral resource estimate for the Auld Creek deposit reports a total combined resource of 110,000 ounces of gold and 13,000 tonnes of antimony.
15. The mining operation is proposed in two phases. Phase one includes the development of a portal and adit (straight line mine drive) on public conservation land administered by DOC to access and mine the top of the deposit, where the majority of the high-grade mineral is located. Phase two includes access to and mining of the remaining deposit via an underground twin decline tunnel accessed from Ngāi Tahu Forestry land. The ore will be processed onsite to produce two mineral concentrates, one containing gold and the other containing antimony, for further processing off site. The antimony concentrate will be sent offshore to specialist processing facilities to extract antimony and any remaining gold.
16. The project may include the development and use of a 'run of mine' stockpile pad, processing and tailing filtration facilities, a waste rock stack and dry tailings storage facility, mine water treatment facilities and ponds, access roads and haul roads, and ancillary buildings and amenities.
17. The project area encompasses public conservation land and multiple private land holdings, including several blocks of land owned by Ngāi Tahu Forestry Limited that are identified Māori land under section 4 of the Act.
18. The applicant advises that the necessary agreements with the relevant private landowners are in place for constructing and operating the required surface infrastructure on their properties. This includes approval from Ngāi Tahu Forestry Limited who are currently working through the access and other arrangements with the applicant.
19. The applicant is seeking a range of resource consents under the Act that would otherwise be sought under the RMA, which may include vegetation clearance, earthworks, mineral extraction, take of groundwater and surface water, diversion of stormwater, discharge

contaminants to air, discharge water and contaminants to land, use of hazardous substances, development of roads, electricity lines and substation or switchyard, traffic generation, and other matters.

20. The applicant is also seeking wildlife authorities under the Wildlife Act 1953, concessions by way of easements over conservation land under the Conservation Act 1987, dispensations under the Freshwater Fisheries Regulations 1983, a mining permit for gold and antimony and access arrangements over conservation land under the Crown Minerals Act 1991.

21. We have provided location maps at **Attachment 2**.

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

22. 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

23. Under section 4(2) of the Act, 'iwi authority' has the same meaning as in section 2(1) of the RMA:

the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

24. We consider the following groups to be the relevant iwi authorities for the project area:

- a. Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu.

Treaty settlement entities

25. 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).

26. Under the Act, a PSGE:

(a) means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—

(i) by that group; or

(ii) by or under an enactment or order of a court; and

(b) includes—

(i) an entity established to represent a collective or combination of claimant groups; and

(ii) an entity controlled by an entity referred to in paragraph (a); and

(iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a).

27. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.¹

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

- a. Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu, PSGE for the Ngāi Tahu Claims Settlement Act 1998; and
- b. Te Rūnanga o Ngāti Waewae, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998.

Groups mandated to negotiate Treaty settlements

29. 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

30. 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.

31. 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

32. The project area is not within a taiāpure-local fisheries area or mātaihai reserve. Under the Fisheries (South Island Customary Fishing) Regulations 1999, made under Part 9 of the Fisheries Act 1996, the project area is within the South Island fisheries waters. However, to date no notice has been issued under those regulations to establish a customary food gathering area/rohe moana that would include the project area.

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

33. Section 39 of the Act provides that before a substantive application is lodged for a listed project or a referred project, the Minister may determine under section 23 or 24 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

¹ Should a panel be made aware of a Treaty settlement entity established after the Treaty settlement Act is enacted (e.g. on the advice of a PSGE), then there would appear to be nothing to prevent the panel from inviting that entity to comment on the application under section 53(2)(c) of the Act.

- b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.
34. 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

35. If the project area is within the boundaries of either a MWaR or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) of the Act (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.
36. The project area is within the boundaries of a MWaR between Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu, and West Coast Regional Council and the application includes a proposed approval outlined in section 42(4)(a).
37. Te Rūnanga o Ngāti Waewae represents the Ngāti Waewae hapū of Ngāi Tahu, Te Rūnanga o Makaawhio represents the Ngāti Māhaki ki Makaawhio hapū of Ngāi Tahu, and Te Rūnanga o Ngāi Tahu represents Ngāi Tahu Whānui (greater Ngāi Tahu). Pokeka Poutini Ngāi Tahu Limited is a party to the MWaR procedural requirements addressed in paragraphs 56 to 71 below. Pokeka Poutini Ngāi Tahu Limited is an environmental consultancy owned by Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio which represents the Papatipu Rūnanga on regional environmental matters in the West Coast Region.
38. These groups are listed at **Attachment 3** and the MWaR is provided at **Attachment 4**. We discuss the implications of the MWaR below.

Any other Māori groups with relevant interests

39. We are not aware of any other Māori groups with relevant interests in the project area.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

40. 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.
41. 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

42. 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

43. Through a series of acknowledgements and an apology to Ngāi Tahu, the Crown acknowledged its historical actions that breached te Tiriti o Waitangi/the Treaty of Waitangi. 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 recognised Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu Whānui.
44. The Crown apology also stated that the Crown intended to atone for these acknowledged injustices, and to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu. The redress provided in the Ngāi Tahu settlement should be viewed in the context of these intentions.

Transfer of forestry assets

45. The Ngāi Tahu deed of settlement provides for the transfer of Crown-owned forestry assets to Te Rūnanga o Ngāi Tahu as part of Treaty settlement redress. Lot 1 DP 15035, Lot 1 DP 15036, and Lot 2 DP 15036 of the Victoria Block of the North Westland Forest were transferred to Te Rūnanga o Ngāi Tahu and form part of the Auld Creek project area. These three blocks of licenced land, along with the adjoining Lot 1 DP 415798, are currently owned by Ngāi Tahu Forestry, a wholly owned subsidiary of Te Rūnanga o Ngāi Tahu. As the transferred blocks are ultimately owned by a Treaty settlement entity (Te Rūnanga o Ngāi Tahu), the land is deemed to be “identified Māori land” under section 4 the Act. As noted above, the applicant indicates that arrangements have been put in place with the Ngāi Tahu landowners to enable use of the land for the project’s purposes.

Conservation protocol

46. The Ngāi Tahu deed of settlement provides for the Minister of Conservation to issue a protocol which sets out how the DOC will interact with Ngāi Tahu on specified issues and will provide Te Rūnanga o Ngāi Tahu the opportunity for input into its policy, planning and decision-making processes on the matters set out in the protocol.
47. While the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,² in general it does not address the type of conservation-related approval sought by the applicant (i.e. wildlife authority under the Wildlife Act 1953, concessions under the Conservation Act 1987, and a complex freshwater fisheries activities approval or dispensations under the Freshwater Fisheries Regulations 1983).

² The protocol specifies the following matters: cultural materials; freshwater fisheries; culling of species of interest to Ngāi Tahu; historic resources; visitor and public information; RMA involvement; and amendment and review provisions from the Deed. The freshwater fisheries provisions cover engagement with Ngāi Tahu on the establishment of customary fisheries regulations (i.e. the Fisheries (South Island Customary Fishing) Regulations 1999), and consultation on the conservation and management of, and research into, freshwater fisheries, but not in relation to decision-making on approvals. The protocol provisions relating to the RMA are about working with DOC on advocacy regarding the environmental effects of activities controlled and managed under the RMA, and are unlikely to be directly relevant to this application. The latest version of the protocol is appended to the West Coast Conservation Management Strategy 2010-2020 Volume 1 at pages 341-350: [West Coast Conservation Management Strategy 2010-2020](#)

Taonga species

48. The Crown has also acknowledged the special association of Ngāi Tahu with certain taonga species of birds, plants and animals. The Ngāi Tahu Claims Settlement Act 1998 contains several other provisions relating to taonga species, including a requirement that the Minister of Conservation 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.
49. The application information indicates that several taonga species listed in Schedules 97 and 98 of the Ngāi Tahu Claims Settlement Act 1998 have been identified or may potentially be present in the project area. These taonga species and their associated conservation status include tawai/beech species (Not threatened), rimu/red pine (Not threatened), toutouwai/South Island robin (At risk - declining), kakariki/yellow-crowned kakariki (At risk - declining), kea (Threatened - nationally endangered), plus the customary non-commercial harvest species waikoura/freshwater crayfish (At risk – declining) and tuna kuwharuwharu /longfin eel (At risk - declining).
50. We note the application seeks authorities under the Wildlife Act 1953 for the disturbance, including killing, harming, catching, holding and releasing of lizards, birds and potentially terrestrial invertebrates. Lizards are not included amongst the taonga species in the Ngāi Tahu Claims Settlement Act 1998. We also note the applicant may seek a complex freshwater fisheries activities approval or dispensations under the Freshwater Fisheries Regulations 1983 for culvert construction within streams. Construction activities in waterways may have potential to affect waikoura and tuna.
51. The applicant advises that effects on wildlife and aquatic species will be managed through the use of species-specific management plans, DOC tree felling protocols, a fish management plan, and the New Zealand Fish Passage Guidelines.
52. Although the settlement provisions regarding taonga species do not place any procedural requirements on you, or any panel considering a substantive application, in relation to the approvals being sought by the applicant, the redress illustrates the importance of these species to Ngāi Tahu. Accordingly, a panel may wish to take taonga species into consideration.
53. Ultimately, 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

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

55. As noted above, the project area does not include a taiāpure-local fishery or mātaihai reserve, but it is within the South Island fisheries waters for the purposes of the Fisheries (South Island Customary Fishing) Regulations 1999, made under Part 9 of the Fisheries Act 1996. To date no notice has been issued under those regulations to establish a customary food gathering area/rohe moana that would include the project area. If a notice is issued, it provides for tangata whenua to take fisheries resources and manage customary fishing within the rohe moana.

Mana Whakahono ā Rohe/Joint management agreement

56. As noted above, the project area is within the boundaries of a MWaR between Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu, and West Coast Regional Council, and the application includes a proposed approval outlined in section 42(4)(a) of the Act, i.e. a resource consent that would otherwise be applied for under the RMA.
57. Schedule 3 clause 5 of the Act requires the panel to comply with procedural matters in any MWaR, as if they were a relevant decision-maker, relating to the appointment of a decision-making body for hearings, or other procedural requirements, such as “a requirement that notice be given to any person or specified class of person of any steps in a resource management process”. However, the panel is able to adopt a modified arrangement by agreement with the MWaR parties under Schedule 3, clause 5(2)(b) of the Act.
58. We have identified three procedural requirements in the MWaR which we consider are relevant to any panel considering a substantive application, should you accept this application for referral: notification of applications, appointment of hearing commissioners, and protocols for hearings at marae and cultural evidence.

Notification of applications

59. Clause 5.2 of the MWaR provides that limited notification of resource consent applications is appropriate where there are at least minor effects on Papatipu Rūnanga (or either of them) and Te Rūnanga o Ngāi Tahu, or solely on Papatipu Rūnanga (or either of them) and written approval/s from Papatipu Rūnanga or Te Rūnanga o Ngāi Tahu has not been obtained.
60. Schedule B (Resource Consent Applications and Effects on Poutini Ngāi Tahu) of the MWaR sets out information requirements and contact details for West Coast Regional Council to send summaries of relevant resource consent applications to Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu, and Pokeka Poutini Ngāi Tahu Limited.
61. We consider that your invitation to Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu, and Pokeka Poutini Ngāi Tahu Limited to comment on this application under section 17 of the Act is comparable to the advisory and information requirements in Clause 5.2 and Schedule B of the MWaR.
62. Should you accept this application for referral, and a substantive application is lodged, under section 53(2)(m) of the Act the panel must invite comments from the parties identified above, thereby satisfying the requirements of the MWaR.

Appointment of hearing commissioners

63. Schedule C (Agreed Processes for Hearing Commissioner Appointments) of the MWaR provides that once the West Coast Regional Council has determined whether the matter is within the rohe of Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, or the shared interest area of both Papatipu Rūnanga, the Council must consult with the relevant Papatipu Rūnanga (in this case Te Rūnanga o Ngāti Waewae). The relevant Papatipu Rūnanga shall constitute the iwi authority or authorities for RMA purposes in relation to the appointment of hearing commissioners. Schedule C states that while Te Rūnanga o Ngāi Tahu is authorised as the iwi authority in accordance with the Te Rūnanga o Ngāi Tahu Act 1996, in relation to the appointment of hearing commissioners within the West Coast Region, Te Rūnanga o Ngāi Tahu recognises Papatipu Rūnanga as carrying this responsibility of the iwi authority on behalf of the tribal interest.

64. Schedule C of the MWaR provides that West Coast Regional Council and Papatipu Rūnanga will maintain a list of Ngāi Tahu tribal members trained as hearing commissioners approved by Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio, and other trained hearing commissioners with an understanding of tikanga Māori and of the perspectives of iwi and hapū. Whenever West Coast Regional Council approaches Papatipu Rūnanga regarding hearing commissioner appointments, Pokeka Poutini Ngāi Tahu Limited will be included in communications to provide advice and assistance as needed. Consultation between the West Coast Regional Council and Papatipu Rūnanga will include:
- a. whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū; and
 - b. whether it is appropriate to include a trained Ngāi Tahu tribal member.
65. Clause 6.4 of the MWaR provides for a balanced mix of independent commissioners and councillor commissioners where a hearing panel is convened. Clause 6.5 stipulates that where perceived conflicts of interest arise in relation to hearing commissioner appointments, the MWaR Parties agree that a registered Ngāi Tahu tribal member who is trained as a hearing commissioner will continue to sit on the hearing panel on matters related to Poutini Ngāi Tahu³ rights, interests and values, and that their Ngāi Tahu whakapapa does not in itself constitute a conflict of interest.
66. As the project is located within the area of interest of Ngāti Waewae, Te Rūnanga o Ngāti Waewae is the appropriate Papatipu Rūnanga for the panel convener to consult in relation to the appointment of hearing commissioners.
67. Should you accept this application for referral, we suggest that you direct the panel to consider how it will comply with the hearing commissioner provisions set out above when convening a panel for this application.

Protocols for hearings at marae and cultural evidence

68. Clause 6.6 of the MWaR stipulates that all hearing commissioners appointed to hearing panels will adhere to the standard protocol in Schedule D regarding the holding of hearings at marae, where requested by Poutini Ngāi Tahu. Hearing commissioners shall enable hearings at marae to be conducted in accordance with tikanga, in a culturally appropriate manner, understanding that this is consistent with Section 39 of the RMA, the principles of the Treaty of Waitangi and recognition of Ngāi Tahu as Treaty partner with the West Coast Regional Council.
69. Clause 6.7 of the MWaR states that all hearing commissioners appointed to hearing panels must also adhere to the standard protocol in Schedule D regarding submissions and evidence provided by Poutini Ngāi Tahu, particularly cultural evidence. The MWaR notes that submissions and evidence from Poutini Ngāi Tahu may face challenges regarding methods of delivery and distinctions regarding expert evidence. Clause 6.7 states that commissioner directions shall not adversely impact on the ability of Poutini Ngāi Tahu to deliver cultural evidence in accordance with tikanga and in the interests of fully informed decision-making in a manner that accords with the principles of the Treaty of Waitangi.
70. Under section 56 of the Act there is no requirement for a panel to hold a hearing in relation to a substantive application. Section 59 of the Act enables a panel to hold a hearing or part of a hearing using remote access facilities (which may include marae) at the panel's

³ Poutini Ngāi Tahu is the collective name for Ngāi Tahu groups on the West Coast of the South Island.

initiative, or if requested by the applicant or a representative group. If a panel uses remote access facilities for a hearing, including marae, the panel must enable access to the hearing or make an audio or video recording, or transcript, of the proceedings publicly available.

71. Should you accept this application for referral, we suggest that you direct the panel to consider how the protocol for hearings at marae and cultural evidence in Schedule D of the MWaR may apply to this application under the Fast-track process.

Summary of comments received and advice

Comments from invited Māori groups

72. Pursuant to section 17(1)(d) of the Act, on 8 May 2026 you invited written comments from the Māori groups identified above in paragraphs 24 and 28, from a list we previously provided you. These groups were provided with access to the application material and had 15 working days from receipt of the copy of the application to respond.
73. You did not receive comments from any of these groups. However, prior to your invitation to Māori groups on 8 May 2026, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu each sent a letter to the Environmental Protection Authority regarding the proposal. In their letters, Te Rūnanga o Ngāti Waewae expressed support for the proposal and Te Rūnanga o Ngāi Tahu referred the applicant to Ngāti Waewae, recognising their mana over the local rohe and engagement undertaken with the applicant. We have provided copies of these letters at **Attachment 5**.
74. In the preparation of this report an additional group, Te Rūnanga o Makaawhio, was identified as a partner in the Mana Whakahono ā Rohe with West Coast Regional Council and invited to comment on 8 July 2026. Te Rūnanga o Makaawhio provided comments on behalf Ngāti Mahaki ki Makaawhio, who are supportive of referring the Auld Creek Project application. Ngati Māhaki consider the economic benefit is of immeasurable benefit to Te Tai Poutini (West Coast Region), and Ngati Māhaki are satisfied this will be achieved in a manner that respects the environment and will have a minimal footprint on the landscape.
75. We have provided a copy of the Te Rūnanga o Makaawhio comments at **Attachment 6**.

Consultation with departments

76. In preparing this report, we are required to consult relevant departments. We have previously sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding Māori groups in Te Tai Poutini relevant to this area, and have incorporated their views into this report.

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

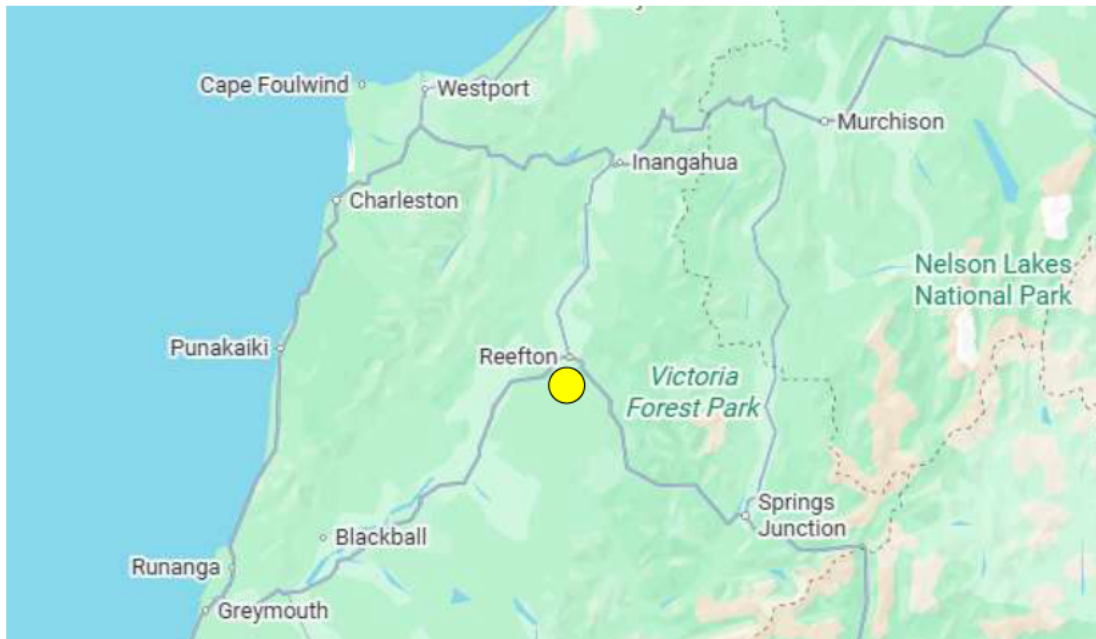
77. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
78. We do not consider there are any matters 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

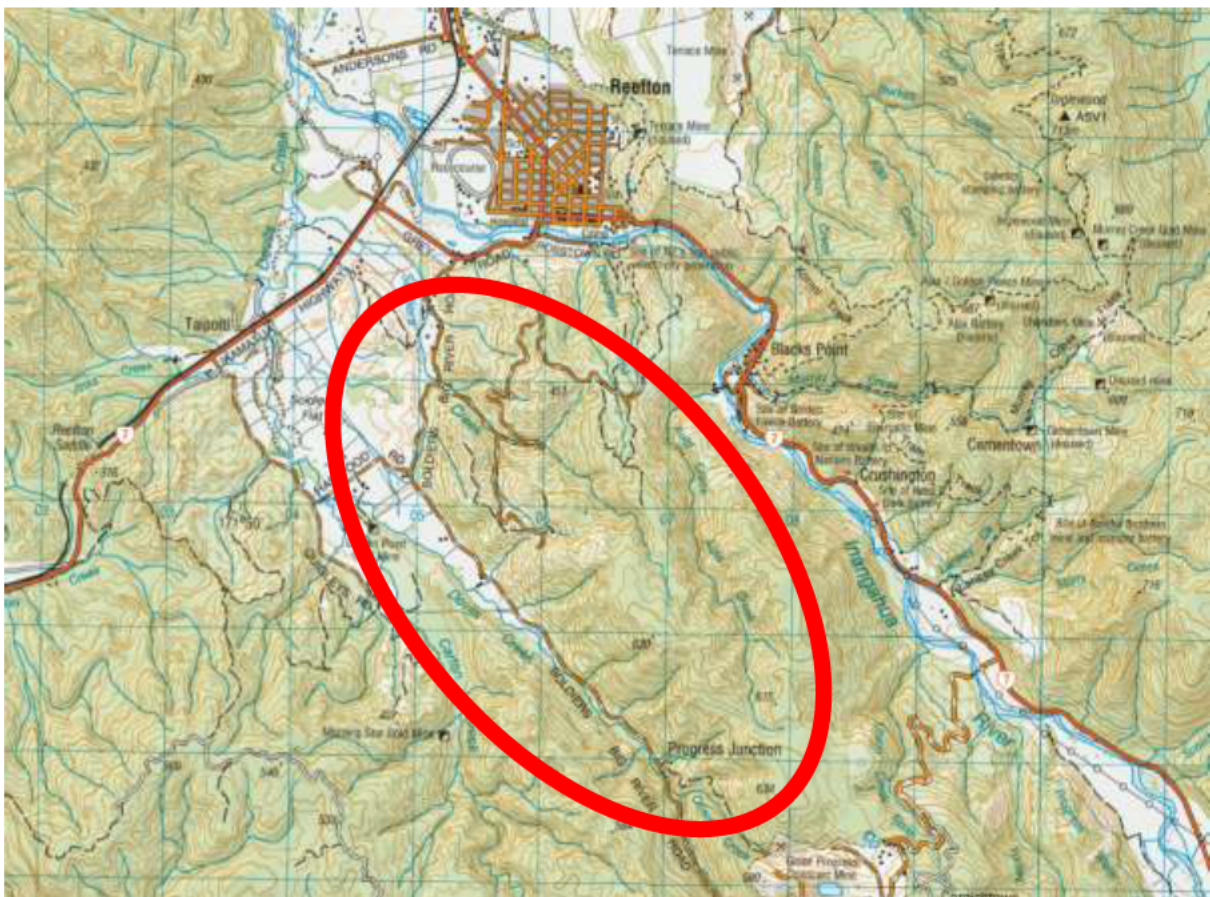
Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	11,12
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	24, 28
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	41
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	42-53
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	29
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	30, 54
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.	30, 54
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).	32, 54
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).	32, 55
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).	34
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.	35-38, 56-71

	(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.	39
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	72-75
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.	78
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	76
18(4)	The responsible agency must provide the report to the Minister not later than 20 working days after the date for providing comments under section 17(6).	N/A
18(5)	However, if the Minister requests further information about a referral application under section 20, the time period specified in subsection (4) ceases to run for the period of time specified in the request.	N/A

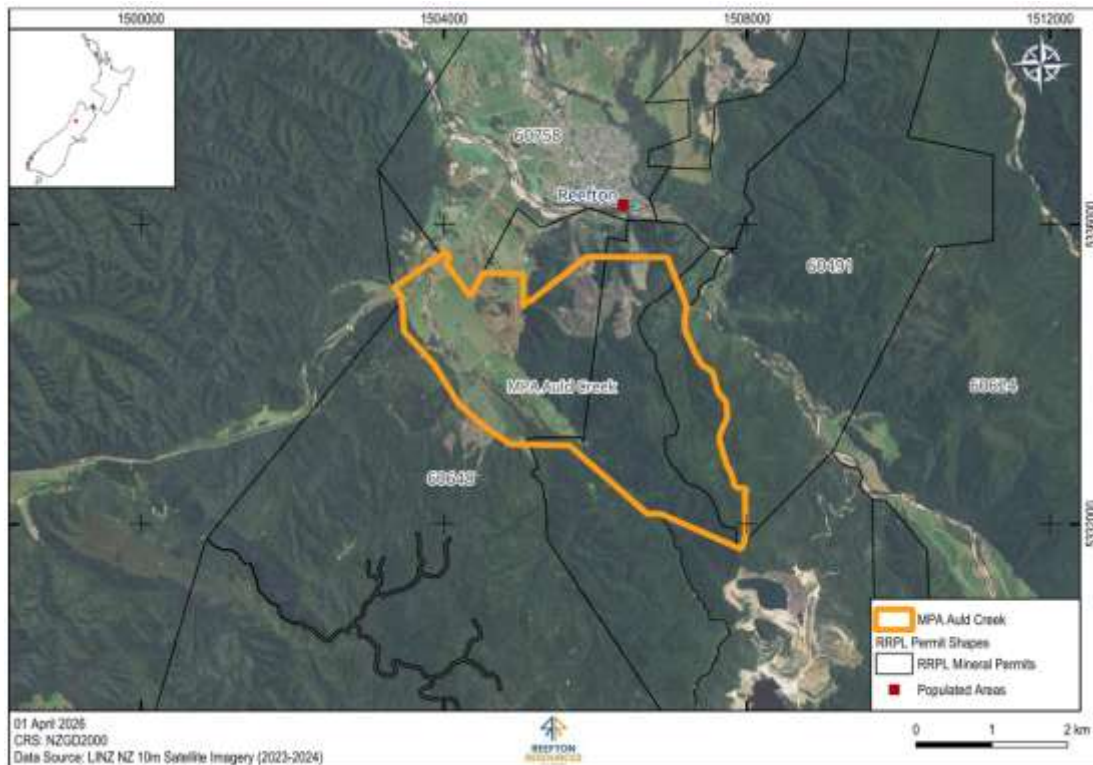
Attachment 2: Project location maps



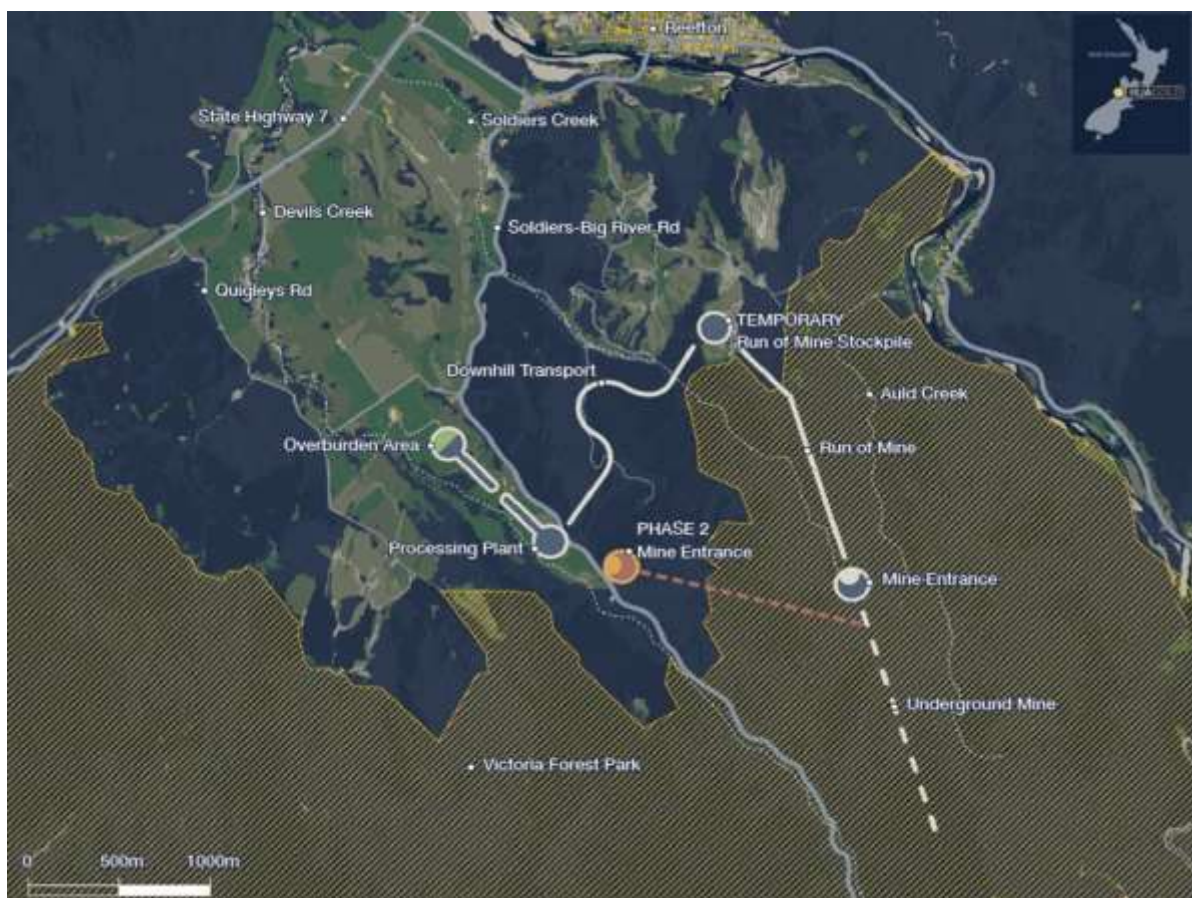
Map 1. Location of proposed Auld creek Project shown by yellow circle above.



Map 2. Local area – general location of proposed Auld Creek Project shown by red marking above.



Map 3. Auld Creek Project Mining Permit Area Source: Reefton Resources Pty Limited 2026



Map 4. Key elements of proposed Auld Creek Project Source: Reefton Resources Pty Limited 2026

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 (s18(2)(a)) – Ngāi Tahu Claims Settlement Act 1998, party to a Mana Whakahono ā Rohe (s18(2)(j))
Te Rūnanga o Ngāti Waewae	Ngāi Tahu Papatipu Rūnanga – Treaty settlement entity (s18(2)(a)) – Ngāi Tahu Claims Settlement Act 1998, party to a Mana Whakahono ā Rohe (s18(2)(j))
Te Rūnanga o Makaawhio	Party to a Mana Whakahono ā Rohe (s18(2)(j))
Pokeka Poutini Ngāi Tahu Limited	Party to a Mana Whakahono ā Rohe (s18(2)(j))

Attachment 4: Mana Whakahono ā Rohe between Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu, and West Coast Regional Council.

Attachment 5: Letters from Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu



16 February 2026

Environmental Protection Authority
Stewart Dawson's Corner
366 Lambton Quay
Wellington 6011
New Zealand

Tēnā koe,

Referral application for the Auld Creek Project under the Fast Track Approval Act 2025 – information from Te Rūnanga o Ngāti Waewae

This letter is provided on behalf of Te Rūnanga o Ngāti Waewae. Te Rūnanga o Ngāti Waewae is the legally recognised representative body for Ngāti Waewae, a member of Te Rūnanga o Ngāi Tahu.

It is understood Rua Gold intends to file a referral application for the Auld Creek Underground Mine Project under the Fast Track Approvals Act 2025.

Ngāti Waewae holds mana whenua over Te Tai o Poutini where the Project will be located.

The purpose of this letter is to confirm that Ngāti Waewae have been engaging extensively with Rua Gold throughout the Auld Creek Project. This engagement is ongoing and has included regular meetings and discussion throughout the Projects development and refinement. In respect of the Project and the associated referral under the Fast Track Approvals Act, Ngāti Waewae supports the application.

Ngāti Waewae will continue to work closely with Rua Gold throughout the referral and approval process to ensure mana whenua views are effectively incorporated into the Project. Ngāti Waewae expect to be invited to provide comments on the application under section 17 of the Fast Track Approvals Act and work alongside the responsible agency in preparation of the report on Treaty settlements and other obligations under section 18 of the Fast Track Approvals Act.

Nō reira, mauri tū, mauri oho, mauri ora,

Nāku noa

Nā Francois Tumahai
Chairman
Te Rūnanga o Ngāti Waewae
s 9(2)(a)



Te Rūnanga o Ngāti Waewae: PO Box 37: HOKITIKA



Te Rūnanga o NGĀI TAHU

7 April 2026

Environmental Protection Authority
Stewart Dawson's Corner
366 Lambton Quay
Wellington 6011
New Zealand

Tēnā koe,

**Auld Creek Project Referral application under the Fast Track Approval Act 2024
– information from Te Rūnanga o Ngāi Tahu.**

This letter is provided on behalf of Te Rūnanga o Ngāi Tahu ("Te Rūnanga") in relation to the referral application by Rua Gold under the Fast Track Approvals Act 2024 ("**Fast Track Act**") to establish a new underground mine, to be known as the "Auld Creek Project" ("the **Project**").

Te Rūnanga was created under the Te Rūnanga o Ngāi Tahu Act 1996 as the tribal servant, protecting and advancing the collective interests of the iwi. Te Rūnanga encompasses five primary hapū being and 18 Papatipu Rūnanga, who uphold mana whenua and mana moana for their rohe. Mana whenua are the only people who can describe the values and aspirations for their wāhi tapu and wāhi taonga. Te Rūnanga is responsible for managing, advocating for and protecting the rights and interests inherently held by Ngāi Tahu whānui as mana whenua.

Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui, Te Rūnanga accepts and respects the rights of individuals and Papatipu Rūnanga to make their own responses as representatives of mana whenua. On this basis, in relation to the Rua Gold Project, Te Rūnanga refers to Ngāti Waewae in relation to the proposal, ensuring that mana whenua views are incorporated into the project.

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

Ngāti Waewae have been engaging with Rua Gold and the expectation of Te Rūnanga is this will continue and information will be sufficient to enable mana whenua to provide comments that inform the referral application in accordance with Section 13(4) of the FTAA.

Ngā mihi



Ben Bateman

Chief Executive

Te Rūnanga o Ngāi Tahu

Attachment 6: Comments received from Te Rūnanga o Makaawhio

