



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

Project Name: FTAA-2510-1122 Parkburn

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	13 February 2026

Number of attachments: 8	Attachments: <ol style="list-style-type: none">1. Provisions of section 18 of the Fast-track Approvals Act 20242. Project location maps3. List of relevant Māori groups4. Statutory acknowledgement provisions for Te Wairere (Lake Dunstan)5. Excerpt from deed of recognition for Te Wairere (Lake Dunstan)6. Location of nohoanga entitlement at McNulty Point7. Comments received from invited Māori groups8. 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

1. 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-2510-1122 Parkburn referral application.
2. The applicant, Fulton Hogan Land Development Ltd, proposes a staged mixed-use urban development including approximately 1,000 residential lots that will facilitate the rehabilitation of the existing Parkburn Quarry 8km north of Cromwell. The applicant owns the land on which the project is proposed and is seeking approvals under the Resource Management Act 1991(RMA), Conservation Act 1987, and Wildlife Act 1953.
3. Section 18(2) of the Act requires that this report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. We have identified Te Rūnanga o Ngāi Tahu, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, and Te Rūnanga o Ōraka-Aparima as relevant Treaty settlement entities, and Aukaha and Te Ao

Marama Incorporated (owned by the relevant Papatipu Rūnanga) as other Māori groups with relevant interests in the application.

4. We have identified the Ngāi Tahu Claims Settlement Act 1998 as relevant to the project area. The project area is not in the common marine and coastal area, and no Mana Whakahono ā Rohe or joint management agreements are relevant to the project area.
5. The Treaty settlement Act provides for a statutory acknowledgement and a deed of recognition over Te Wairere (Lake Dunstan), which directly adjoins and forms part 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.
6. 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.
7. We have identified a number of other settlement provisions – including taonga species, nohoanga entitlement, and a conservation protocol – which do not appear to have direct implications for your consideration of this application but provide relevant context regarding the traditional connection of Ngāi Tahu with this area and its environment.
8. Kāti Huirapa Rūnaka ki Puketeraki (Puketeraki) provided feedback on the application. Their comments emphasised the cultural significance the project area holds for Ngāi Tahu. Puketeraki has a neutral position on the proposal pending further consultation and engagement and has entered into an agreement with the applicant on how project scope, effects and mitigations will be addressed.
9. The Minister for Māori Development and the Minister for Māori Crown Relations support subject to: the expert panel considering whether the proposed activities will affect Te Wairere or Mata-au, thereby bringing the statutory acknowledgements into play; the expert panel considering the impact of the proposal on taonga species; and consultation having occurred in accordance with the agreement between the applicant and Puketeraki.
10. We do not consider there are any matters identified in section 18 which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature



Ilana Miller
General Manager – Delivery & Operations

Introduction

11. 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 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, Fulton Hogan Land Development Ltd, proposes a staged mixed-use urban development that will facilitate the rehabilitation of the existing Parkburn Quarry 8km north of Cromwell. It provides for the staged creation of approximately 1,000 residential lots of varying densities, together with a local commercial centre, a potential primary school site, and several reserves. The development will be supported by new roads, intersections with SH6, and associated earthworks and infrastructure, and includes the formation of two small lake coves and restoration works along the stream and lake margins. The applicant owns the land on which the project is proposed. No Māori land is involved.
15. The applicant is seeking approvals that would otherwise be sought under the RMA for earthworks, disturbance of contaminated soil, lakebed modification, taking, use, damming, or diversion of water, stormwater management, discharge of contaminants or water into water, discharge of contaminants to air, establishment of structures, utilities and infrastructure, restoration works, and other matters. The applicant is also seeking a concession under the Conservation Act 1987 for access and restoration works in relation to public conservation land or marginal strip administered by the Department of Conservation, as well as a wildlife approval under the Wildlife Act 1953 for the capture, handling, or relocation of protected wildlife found on the site.
16. We have provided location maps at **Attachment 2**.

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

17. 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

18. 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

19. 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).

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

21. Te Rūnanga o Ngāi Tahu, PSGE for the Ngāi Tahu Claims Settlement Act 1998;

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

22. 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

23. 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.

24. 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

25. The project area does not include a taiāpure-local fisheries area, mātaihai reserve, or 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

26. 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.

27. 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

28. 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.

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

Any other Māori groups with relevant interests

30. 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 the Otago-based papatipu rūnaka¹ – Waihao, Moeraki, Puketeraki, Ōtākou and Hokonui; and
- b. Te Ao Mārama Incorporated, representing Murihiku papatipu rūnanga – Ōraka Aparima, Waihōpai, Awarua and Hokonui.

31. Based on the information provided by the applicant, we understand that they have primarily engaged with Aukaha and the papatipu rūnanga Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnaka o Moeraki, Te Rūnaka o Ōtākou, and Hokonui Rūnanga.

¹ The variation in use of rūnaka/rūnanga is due to regional dialects.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

32. 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.
33. 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

34. 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 the Ngāi Tahu settlement are set out below.

Crown acknowledgements and apologies

35. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.
36. As part of the Ngāi Tahu 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 stated that it recognised 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 acknowledgements

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. We have checked the project area in relation to any statutory acknowledgements held by Te Rūnanga o Ngāi Tahu. The project area directly adjoins Te Wairere (Lake Dunstan) which is subject to a statutory acknowledgement established under Schedule 61 of the Ngāi Tahu Claims Settlement Act 1998. Furthermore, the project area encompasses Parkburn Stream which is a tributary of Te Wairere and ultimately Mata-au (Clutha River), the latter also being subject to a statutory acknowledgement.
40. The proximity of the project area to those statutory areas is shown in the images at **Attachment 2**.

41. The application proposes a number of activities which will, or may, affect these waterways, including:
- a. Formation of two coves on the western shoreline of Te Wairere creating new lakebed within the development site;
 - b. earthworks, vegetation removal, disturbance of contaminated soil, establishment of structures, and restoration works, including rehabilitation of the riparian margins of Te Wairere and Parkburn Stream;
 - c. taking, use, damming, or diversion of surface water and/or groundwater;
 - d. treatment and discharge of stormwater;
 - e. discharge of water, sediment and other contaminants to land and/or water; and
 - f. construction activities affecting fish passage.
42. Under section 205 of the Ngāi Tahu Claims Settlement Act 1998, statutory acknowledgements for a lake do not include any river or watercourse, artificial or otherwise, draining into or out of a lake.
43. Nevertheless, it has become common practice in subsequent Treaty settlements for statutory acknowledgements over waterways to include tributaries. This approach is consistent with 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, and should be managed accordingly.
44. 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
45. 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 EPA, board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
46. Should you accept this application for referral, the panel considering a substantive application may wish to consider whether the proposed activities will affect Te Wairere or Mata-au, thereby bringing the statutory acknowledgement provisions outlined at paragraphs 43 and 44 into play.³

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 For example, the applicant anticipates potential sedimentation issues that could impact on Te Wairere and therefore proposes to implement best-practice erosion and sediment control measures to minimise sediment generation and runoff, ensuring that on-site and off-site effects are reduced to acceptable levels.

47. We consider the process of inviting comment (including providing information about the application) is comparable to the process under Treaty settlements and the RMA of providing those who hold statutory acknowledgements with a summary of the application. You have already invited Te Rūnanga o Ngāi Tahu and the relevant 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.
48. We have provided the statutory acknowledgement provisions for Te Wairere from the Ngāi Tahu Claims Settlement Act 1998 at **Attachment 4**.

Deed of recognition

49. In addition to the statutory acknowledgements, Te Rūnanga o Ngāi Tahu also have a deed of recognition with the Commissioner of Crown Lands, administered by Land Information New Zealand (LINZ), over Te Wairere and Mata-au (Clutha River). Under section 212 of the Ngāi Tahu Claims Settlement Act 1998, a deed of recognition may be entered into between Te Rūnanga o Ngāi Tahu and the Minister of the Crown responsible for the management or administration of the land within a statutory area, or the Commissioner of Crown Lands, as the case may be.
50. The deed of recognition requires the relevant Crown agency to consult with, and have regard to the views of, Te Rūnanga o Ngāi Tahu when undertaking specified activities relating to the statutory area. These activities primarily relate to the preparation of management plans or strategies but may also include considering applications for rights of use or occupation, for example.
51. We do not consider these provisions are relevant to this application, as LINZ is not undertaking any of the activities covered by the deeds of recognition, nor is the applicant seeking use rights or occupation in relation to the Crown-owned parts of the lakebed subject to the deed of recognition. While the proposed formation of two small lake coves adjoining Te Wairere would, in effect, extend Te Wairere into the development site over newly created lakebed, the applicant's project information indicates that the cove excavation and restoration works would not be undertaken on land or lakebed currently administered by LINZ.

Other redress

Taonga species

52. The Crown has 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.
53. The application seeks approvals under the Wildlife Act 1953, including the capture and relocation of lizards, and the disturbance, injury and accidental kill of lizards and birds. Lizards are not included amongst the taonga species in the Ngāi Tahu Claims Settlement

Act 1998, but the bird species covered by the proposed approval includes 18 taonga species, including several classified as nationally threatened or at-risk.⁴

54. Although the settlement provisions regarding taonga species do not place any procedural obligations on the applicant or consent authority in relation to the approvals being sought as part of this application, the redress illustrates the importance of these species to Ngāi Tahu. Accordingly, should you accept this application for referral, the panel considering a substantive application may wish to take any impact of the proposal on taonga species into consideration.

Nohoanga entitlement

55. The Ngāi Tahu Claims Settlement Act 1998 includes provisions for nohoanga/nohoaka entitlements, whereby members of Ngāi Tahu may camp temporarily on Crown land close to waterways for the purposes of gathering mahinga/mahika kai and other natural resources.
56. The nearest nohoanga entitlement to the project area is located near the shoreline of Te Wairere (Lake Dunstan) at McNulty Point, on the northern side of Cromwell township, approximately 7km south of the project area.
57. 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.
58. Based on the referral application documents, and the distance between the project area and the McNulty Point nohoanga entitlement, it is unlikely the proposed Parkburn development would directly affect the one-hectare nohoanga entitlement.
59. While Te Rūnanga o Ngāi Tahu have been notified of the application by being invited to comment, the nohoanga entitlement underscores the importance of Te Wairere to Ngāi Tahu in terms of maintaining customary practices and their deep connections to the area. It is possible there are other, traditional nohoanga sites in the surrounding environs of Te Wairere which are not recognised through the settlement but nonetheless carry those cultural associations. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.
60. We have provided a location map at **Attachment 6** showing the site of the nohoanga entitlement in relation to the project area.

Conservation protocol

61. The Ngāi Tahu Claims Settlement Act 1998 provides for the Minister of Conservation to issue a protocol which sets out how the Department of Conservation (DOC) will exercise its functions, powers, and duties in relation to specified matters within the Ngāi Tahu claim area, and how DOC will interact with Te Rūnanga o Ngāi Tahu and provide for their input into DOC's decision-making process.

⁴ Kārearea/NZ falcon, Mātātā/South Island fernbird, Pihoihoi/NZ pipit, Māpunga/Black shag, Miromiro/Tomtit, Kawau paka/Little shag, Tarapiroe/Black-billed gull, Kāhu/Australasian harrier, Kuruwhengi/Australasian shoveler, Korimako/Bellbird, Riroriro/Grey warbler, Tētē-moroiti/Grey teal, Piwakawaka/Fantail, Pūtangitangi/Paradise shelduck, Poaka/Pied stilt, Kōtare/Kingfisher, Karoro/Southern black-backed gull, Matuku moana/White-faced heron.

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.

62. While the current version of the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,⁶ in general it does not address the types of conservation-related approvals sought by the applicant (i.e. Wildlife Act 1953 approval, and concession to access and undertake restoration works on public conservation land under the Conservation Act 1987). An exception may be an undertaking by DOC (at section 7.3(f) of the protocol) to request that concessionaires consult with Te Rūnanga o Ngāi Tahu before using Ngāi Tahu cultural information, but it is not apparent that this will be relevant in this case.

Customary Marine Title/Protected Customary Rights

63. 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

64. 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

65. 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

66. Pursuant to section 17(1)(d) of the Act, on 17 November 2025 you invited written comments from the Māori groups identified above in paragraphs 18, 20 and 29, 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.

67. You received comments on the application from Kāti Huirapa Rūnaka ki Puketeraki (Papatipu Rūnanga), which can be summarised as follows:

- a. Kāti Huirapa Rūnaka ki Puketeraki (Puketeraki) has mana whenua interests in the project area under the Te Rūnanga o Ngāi Tahu Act 1996 and observes that:
 - i. The area in which the project is proposed is very significant to Puketeraki and is subject to statutory acknowledgements;
 - ii. Puketeraki has not yet formed a view on the project as consultation is still to occur;

⁶ The protocol specifies the following matters: cultural materials; freshwater fisheries; culling of species of interest to Ngāi Tahu; historic resources; RMA involvement; and visitor and public information. 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 2016 Conservation Management Strategy for Otago at pages 285-292: [Otago Conservation Management Strategy 2016 volume 1](#)

- iii. Puketeraki is neutral in respect of the Minister's decision whether to accept the application for referral to the Fast-track process;
- iv. Puketeraki and other Papatipu Rūnanga (Moeraki, Ōtākou, and Hokonui) have discussed with the applicant how consultation will be undertaken on the project scope, effects and mitigations; and
- v. The applicant and Puketeraki have entered into an agreement that addresses the above matters.

Consultation with departments and Ministers

68. 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).

69. We have previously sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakataua regarding the relevant Māori groups for other applications in this area, and have incorporated their views into this report. We have also previously received advice from DOC on the current status of the Ngāi Tahu conservation protocol.

70. The Minister for Māori Development and/or the Minister for Māori Crown Relations support the application subject to:

- a. The expert panel considering whether the proposed activities will affect Te Wairere or Mata-au, thereby bringing the statutory acknowledgements into play.
- b. The expert panel considering the impact of the proposal on taonga species; and
- c. Consultation has occurred in accordance with the agreement between the applicant and Puketeraki.

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

71. 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.

72. 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.	11, 12
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	18, 20
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	32
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	34-61
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	21
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	22, 62
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.	22, 62
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).	23, 62
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).	24, 63
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).	26
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), <ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. 	28, 64

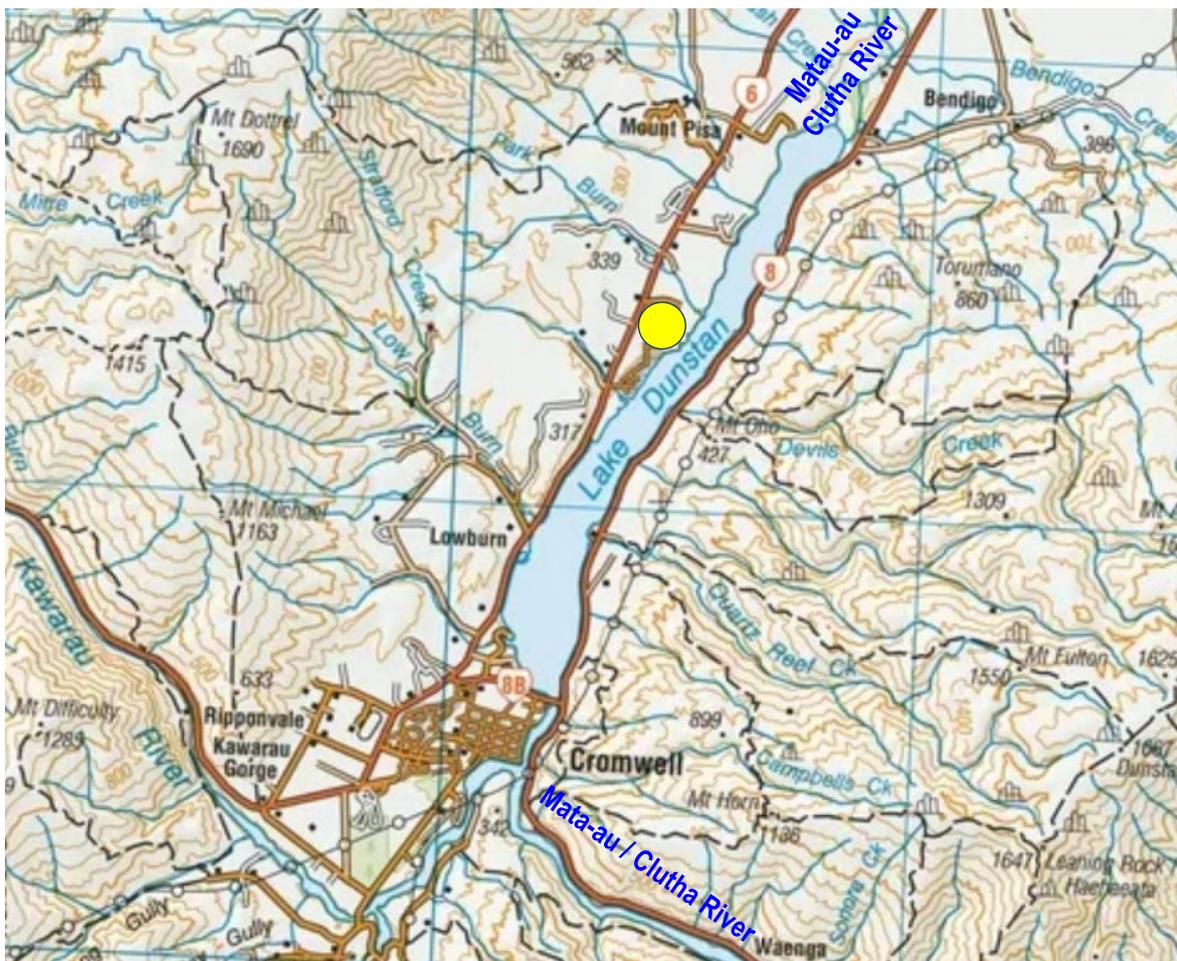
	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	29
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	66
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.	71
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.	67, 68
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	67

Attachment 2: Project location maps

Map 1. Location of proposed Parkburn development in central Otago shown by yellow circle below



Map 2. Local area – location of proposed Parkburn development shown by yellow circle below



Map 3. Subdivision for proposed Parkburn development on shoreline of Te Wairere (Lake Dunstan)



Map 4. Masterplan of proposed Parkburn development on shoreline of Te Wairere (Lake Dunstan)



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Te Rūnanga o Ngāi Tahu	Iwi authority (s18(2)(a)); Treaty settlement entity – Ngāi Tahu Claims Settlement Act 1998 (s18(2)(a))
Te Rūnanga o Moeraki	Papatipu Rūnanga – 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	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 Te Wairere (Lake Dunstan)

Schedule 61 Statutory acknowledgement for Te Wairere (Lake Dunstan)

ss 205, 206

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 Kuri, 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.

Schedule 61: 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 Te Wairere (Lake Dunstan)

ATTACHMENT 12.114
DEED OF RECOGNITION FOR TE WAIRERE (LAKE DUNSTAN),
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 Te Wairere

The area which is the subject of this Deed is the bed of the Lake known as Te Wairere (Lake Dunstan) (the “Area”) the location of which is shown on Allocation Plan MD 490 (SO Plan 24729). The Area is administered by the Commissioner of Crown Lands.

2 Cultural, Spiritual, Historic and/or Traditional Associations of Te Wairere

- 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 Te Wairere as set out below.
- 2.2 The name ‘Te Wairere’ refers to the speed with which the river once ran at this point.

- 2.3 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 Ōtākou hapū including Ngāti Kuri, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāi Tu Ahuriri. 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 kokopu in the area over which Te Wairere now lies. Manu (birds), including moa, would have been taken from areas adjoining the river, over which the lake now lies.
- 2.4 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.
- 2.5 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 (landing place) 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.
- 2.6 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.
- 2.7 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.

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:

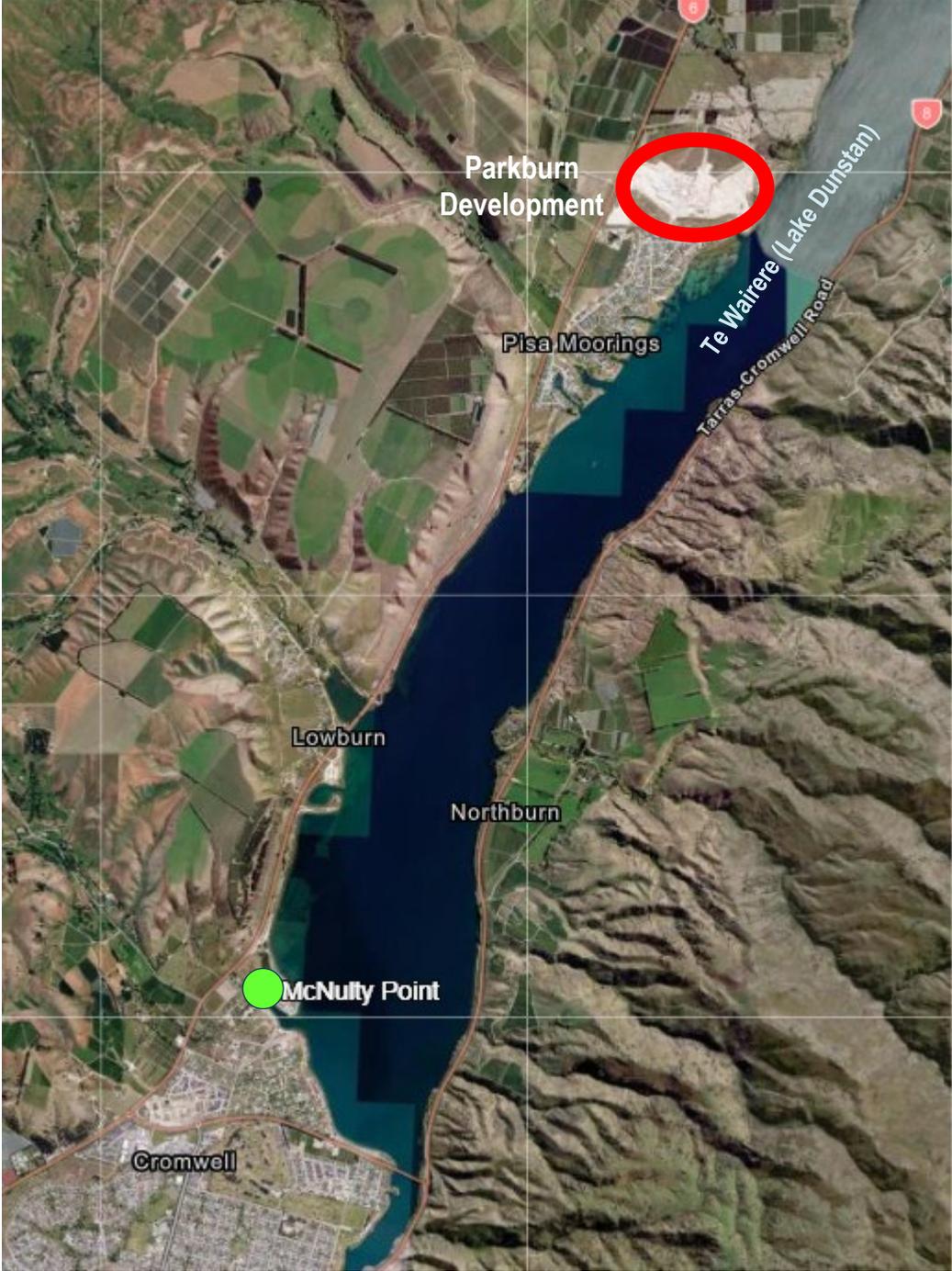
- (a) the preparation of any plans, strategies or programmes for the protection and management of the area (including the involvement of Te Rūnanga in such plans, strategies or programmes);
- (b) any survey to identify the number and type of uses which are appropriate in relation to the Area; and
- (c) 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: Location of nohoanga entitlement at McNulty Point

Map 6. Location of proposed Parkburn Development (red marking) in relation to Nohonga Entitlement (green circle) at McNulty Point in Cromwell.



Attachment 7: Comments received from invited Māori groups

Kāti Huirapa Rūnaka ki Puketeraki

REQ002325L4B0 - Parkburn Referral Application - Saved # Portals-Fast Track Portal - ftaa-portal Submitted Portal Status

Feedback · FTA - Feedback Owner

General Documents Related

Feedback ID * FDB001612M2D1

Title * REQ002325L4B0 - Parkburn Referral Application

Regarding [Kāti Huirapa Rūnaka ki Puketeraki - Invitation to Comment - Parkburn](#)

Comments

Kāti Huirapa Rūnaka ki Puketeraki (Puketeraki) is acknowledged as having a mana whenua interest under the Te Rūnanga o Ngāi Tahu Act in the area where the Parkburn development is proposed to be undertaken.

The area is very significant to Puketeraki with many geographic features having statutory acknowledgements underlining their cultural significance.

In advance of the submission of the referral application, Puketeraki alongside other Papatipu Rūnanga (Moeraki, Ōtākou, and Hokonui) have had constructive dialogue with the Applicant in respect of how consultation and engagement will occur about the scope of the project, its effects and mitigations. An Agreement has been entered into between the Applicant and Puketeraki that addresses these matters.

With consultation about the project still to occur, Puketeraki has not yet formed a view on the merits of the project itself and hence we reserve our position in this regard. We expect with continued engagement with the Applicant we will form a view ahead of any substantive application.

However, for the purposes of this Referral Application, Puketeraki is neutral in respect of the Minister's decision to refer the Project to a substantive application.

Nāku noa, nā
Shane Ellison

Attachment 8: Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations

Hon Tama Potaka Feedback - Saved

Feedback · FTA - Feedback ▾

General Documents Related ▾

Portals-Fast Track Portal - ftaa-portal
Owner

Submitted
Portal Status ▾

Feedback Details

Feedback ID * FDB001734L4B7

Title * Hon Tama Potaka Feedback

Regarding [FTAA-2510-1122 Parkburn section 18 report](#)

Comments

I support the application progressing to the Expert Panel for substantive consideration subject to:

- The expert panel considering whether the proposed activities will affect Te Wairere or Mata-au, thereby bringing the statutory acknowledgements into play.
- The expert panel considering the impact of the proposal on taonga species; and
- Consultation has occurred in accordance with the agreement between the applicant and Puketeraki.

Feedback Contacts

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Source Portal

Application # [Parkburn](#)

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