



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

Project Name: FTAA-2511-1128 Clutha Pumped Hydro

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	26 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. Provisions from the statutory acknowledgement for Mata-au (Clutha River)5. Te Kōwhai / Beaumont Bridge nohoanga entitlements6. Excerpts from deed of recognition for Mata-au (Clutha River)7. 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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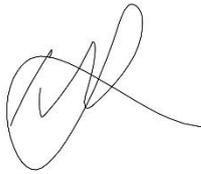
Key points

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-2511-1128 Clutha Pumped Hydro referral application.
2. The applicant, Clutha Pumped Hydro Consortium Limited, proposes to construct and operate a large, pumped storage, hydro power scheme based on the Mata-au/Clutha River and Lake Onslow in Central Otago. The applicant is seeking approvals under the Resource Management Act 1991 (RMA), Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953, Freshwater Fisheries Regulations 1983, and Heritage New Zealand Pouhere Taonga Act 2014.
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 Mata-au (Clutha River), 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. Similarly, the process of inviting comment is also comparable with some of the procedural requirements of the deed of recognition. However, to comply fully with the procedural requirements of the deed of recognition, you must also have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Mata-au (Clutha River).
7. We have identified a number of other settlement provisions regarding taonga species, nohoanga entitlements 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 and Te Rūnanga o Ngāi Tahu (Te Rūnanga) provided feedback on the application. Kāti Huirapa Rūnaka ki Puketeraki is neutral about the application but is preparing a consultation and engagement agreement on it. Te Rūnanga's comments emphasised the cultural importance of Mata-au (Clutha River) to Ngāi Tahu and expressed concern about effects on mahinga kai, nohoanga entitlements, taonga species, and other matters, highlighting in particular the applicant's omission to consider nohoanga entitlements provided for in the Ngāi Tahu Treaty settlement. Te Rūnanga seeks more comprehensive assessment of impacts on Ngāi Tahu values and settlement provisions.
9. The Minister for Māori Development and the Minister for Māori Crown Relations encourage the applicant to undertake a comprehensive assessment of impacts on Ngāi Tahu values

and settlement provisions that ensure statutory obligations are met. The Ministers support the application for referral, subject to the expert panel considering effects on the Mata-au (Clutha River), nohoanga entitlements, mahinga kai, and taonga species under the Ngāi Tahu settlement.

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



Max Gander-Cooper
Acting Manager – Fast-track 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 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. Clutha Pumped Hydro Consortium Limited proposes to construct and operate a large pumped storage hydro power scheme at Lake Onslow in Central Otago. The scheme would pump water from the Mata-au/Clutha River up to an enlarged Lake Onslow during periods when demand and electricity prices are low and then drop water back down to an underground powerhouse near Mata-au (Clutha River) to generate electricity when demand and electricity prices are high. The water intake and discharge point on Mata-au (Clutha River) would be located in the vicinity of Craigs Flat south of Millers Flat. The enlarged Lake Onslow would serve as a battery by storing sufficient water to enable generation of up to 1,000 megawatts (MW) for approximately six months, producing around 4,000 gigawatt-hours (GWh) of electricity.
15. The land on which the project is proposed is predominantly owned by a number of private landowners, along with some land owned or administered by the Department of Conservation (DOC), Land Information New Zealand, and Central Otago District Council. There is no identified Māori land, as defined in the Act, in the project area.
16. The applicant is seeking resource consents under the RMA for taking, use, damming, or diversion of water, discharging water into water, drilling, excavation, establishment of structures including a new dam on the Te Awa Makarara/Teviot River, underground powerhouse/pumping plant, tunnels, water storage and conveyance structures, substation, access roading, temporary ancillary facilities and activities, and supporting infrastructure for the construction and/or operational phases of project, as well as other matters.
17. The applicant is also seeking concessions under the Conservation Act 1987, approvals under the Reserves Act 1977, wildlife approvals under the Wildlife Act 1953, a land exchange, an approval or a dispensation that would otherwise be applied for under regulation 42 or 43 of the Freshwater Fisheries Regulations 1983 in respect of a complex freshwater fisheries activity, and archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014.
18. We have provided a location map at **Attachment 2**.

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

19. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**.

Iwi authorities

20. 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.

21. 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

22. 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).

23. 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).

24. 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.

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

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

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

26. 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

27. 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.

28. 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

29. The project area does not include a taiāpure-local fisheries area, mātaimai 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

30. 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.

31. 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

32. 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.
33. 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

34. 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.
35. Based on the information provided by the applicant, we understand that they have primarily engaged with Te Rūnanga o Ngāi Tahu, Kāti Huirapa Rūnaka ki Puketeraki, and Aukaha. We also understand that Kāti Huirapa Rūnaka ki Puketeraki and other mana whenua are establishing a process agreement which sets out parameters for engagement and consultation on the project.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

36. 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.
37. 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

38. 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.

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

Crown acknowledgements and apologies

39. 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.
40. 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.
41. Respect for Ngāi Tahu views on resource management matters and enabling effective involvement of Ngāi Tahu as a Treaty partner in resource management decision-making within the takiwā are important ways in which the Crown can give ongoing effect to these acknowledgements and uphold its relationship with Ngāi Tahu.

Statutory acknowledgement

42. 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').
43. 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
44. 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.
45. We have checked the project area in relation to any statutory acknowledgements held by Te Rūnanga o Ngāi Tahu. The project area is located within the catchment of Mata-au (Clutha River) which is subject to a statutory acknowledgement established under Schedule 40 of the Ngāi Tahu Claims Settlement Act 1998. The project area also encompasses a considerable part of the Onslow Basin in the Te Awa Makarara / Teviot River catchment, which is a tributary of Mata-au (Clutha River).

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.

46. The entire project is predicated on abstracting water from, and discharging water to, Mata-au (Clutha River), and the construction and operation of associated structures in, and on the margins of, the river. A key element of the project is the proposed new dam on Te Awa Makarara / Teviot River that would form a large reservoir by substantially increasing the surface area and storage capacity of Lake Onslow. Water would be transferred between Mata-au (Clutha River) and Lake Onslow i.e. between the main river stem and Te Awa Makarara / Teviot River tributary catchment.
47. The applicant states that the project would affect hydrology, river systems, and water quality in the Mata-au (Clutha River), Te Awa Makarara / Teviot River, and Onslow Basin including disruption of river flows, greater variability and rapid fluctuations in flow patterns, and alter sediment transport. The applicant has also indicated the project would result in loss of wetlands, freshwater ecosystems and terrestrial habitats with consequent impacts on threatened species and indigenous biodiversity including fish, birds, lizards and terrestrial fauna, and loss of archaeological sites and culturally important landscapes, productive farmland, amenity values, and recreational opportunities.
48. The proximity of the project area to the statutory area is shown at **Attachment 2**.
49. The statutory area is limited to the main branch of Mata-au (Clutha River). Under section 205 of the Ngāi Tahu Claims Settlement Act 1998, statutory acknowledgements for a river do not include any tributary flowing into a river, unless expressly provided to the contrary in the description of a particular river contained in the relevant schedule of the Ngāi Tahu Claims Settlement Act 1998. Schedule 40 provides for the statutory acknowledgment over Mata-au (Clutha River) but does not refer to tributaries, such as Te Awa Makarara / Teviot River.
50. We note 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.
51. In any case, the proposed activities on Te Awa Makarara / Teviot River and other tributaries (as summarised at paragraphs 46-47) will clearly affect Mata-au (Clutha River), thereby bringing the statutory acknowledgement provisions outlined at paragraphs 43 and 44 into play.
52. 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.
53. We have provided the statutory acknowledgement provisions for Mata-au (Clutha River) from the Ngāi Tahu Claims Settlement Act 1998 at **Attachment 4**.

Deed of recognition

54. In addition to the statutory acknowledgement, Te Rūnanga o Ngāi Tahu have a deed of recognition with the Commissioner of Crown Lands over Mata-au (Clutha River). A deed of recognition may be entered into between a PSGE and the Crown agency managing any statutory area for which a statutory acknowledgment has been agreed.
55. Under section 213 of the Ngāi Tahu Claims Settlement Act 1998, a deed of recognition requires Te Rūnanga o Ngāi Tahu to be consulted, and particular regard had to their views relating to their association described in the statutory acknowledgement, concerning the

management or administration of the statutory area by the relevant Crown agency on the matters specified in the deed of recognition.

56. If the applicant is proposing to undertake works in the bed of Mata-au (Clutha River) the affected area is likely to be Crown-owned land administered by the Commissioner of Crown Lands. Land Information New Zealand has advised the applicant that any works or installation of assets on the Crown land will require a separate application to the Commissioner of Crown Lands.
57. Under clause 3.1 of the deed of recognition for Mata-au (Clutha River), Te Rūnanga o Ngāi Tahu must be consulted and particular regard had to its views concerning the following management and administration activities which may be undertaken from time to time by the Crown in relation to those parts of the lake bed within the deed of recognition area that are administered by the Commissioner of Crown Lands:
 - 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.
58. In order to enable Te Rūnanga to fulfil its role under clause 3.1, clause 3.3 of the deed of recognition requires the Crown to inform Te Rūnanga o Ngāi Tahu of all applications for rights of use or occupation (including concessions) in relation to the Area, and to 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.
59. Our view is that the referral application may be considered 'an application to the Crown for any rights for use or occupation' in the context of the deed of recognition over Mata-au (Clutha River).
60. Section 16 of the Act requires the Minister to comply with any applicable procedural requirements in a Treaty settlement. We consider that the process of inviting comment from Te Rūnanga o Ngāi Tahu on the application under the Act (including providing information about the application) is comparable to the deed of recognition consultation process at clause 3.1 of the deed, set out at paragraph 52. However, to comply fully with the procedural requirements of the deed of recognition, you must also have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Mata-au (Clutha River) outlined in clause 2 of the deed of recognition (refer to Attachment 6 for the relevant excerpts from the deed of recognition).

Other redress

Taonga species

61. 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.
62. We noted at paragraph 17 above the application seeks a wildlife approval under the Wildlife Act 1953, but the species it relates to are not identified. As the applicant states the project will impact several Threatened and At-Risk native lizard and bird species, including the Nationally Endangered Burgan skink, presumably the wildlife approval would cover the capture, handling, releasing, disturbance, injury, and accidental killing of at least some of these species.

63. Lizards are not included amongst the taonga species listed in Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998. However, the environs of Mata-au (Clutha River), Te Awa Makarara / Teviot River and Onslow Basin provide a habitat for several taonga bird species such as the Tarapirohe / Black-fronted tern (Nationally Endangered), Kāmana / Southern crested grebe (Nationally Vulnerable), pāreera / grey duck (Nationally Vulnerable), and Kārearea / NZ falcon (Recovering) and other culturally significant taonga species.
64. 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 entitlements

65. The Ngāi Tahu Claims Settlement Act 1998 provides for nohoanaga entitlements, which are seasonal occupation sites enabling members of Ngāi Tahu Whānui to temporarily occupy land close to waterways to experience the landscape as their tipuna did, and to undertake traditional practices of gathering food and other natural resources. Nohoanga entitlements underscore the importance of Mata-au (Clutha River) to Ngāi Tahu in respect of maintaining customary practices and their deep connections to the river and surrounding areas.
66. While there are no nohoanga entitlements within the project area, there are two nohoanga sites on Mata-au (Clutha River) downstream of the project area. The nearest, Te Kōwhai/Beaumont, is situated roughly 8km downstream near the State Highway 8 bridge over Mata-au (Clutha River) at Beaumont, directly adjoining the river. The other nohoanga entitlement, Kaitangata, is situated on the Matau Branch of the river near the river mouth.
67. The applicant has acknowledged there would be unavoidable consequences caused by the project, including greater variability and rapid fluctuations in river flows, that may potentially affect sediment transport, water quality, ecological processes and ecosystems, landscape and heritage values. In view of this, it is possible that the application may have implications for the wider purpose and use of the two downstream nohoanga entitlements, in particular the site at Te Kōwhai / Beaumont Bridge.
68. Although the settlement provisions regarding nohoanga entitlements do not place any obligations on you, or any subsequent panel should you accept the referral application, in relation to the approvals being sought by the applicant, the redress illustrates the importance of these nohoanga entitlements to Ngāi Tahu. Accordingly, the panel may wish to take Te Kōwhai / Beaumont Bridge and Kaitangata nohoanga entitlements into consideration.
69. We have provided maps showing the location of Te Kōwhai / Beaumont and Kaitangata nohoanga entitlements at **Attachment 5**.

Conservation protocol

70. The Ngāi Tahu Claims Settlement Act 1998 provides for the Minister of Conservation to issue a protocol which sets out how the 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.

71. While the current version of the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters³, in general it does not address the types of conservation-related approvals sought by the applicant (i.e. Wildlife Act 1953 approval, and concession or exchanges in respect of public conservation land under the Conservation Act 1987).
72. Finally, we also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

73. 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

74. 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

75. 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

76. Pursuant to section 17(1)(d) of the Act, on 3 December 2025 you invited written comments from the Māori groups identified above at paragraphs 21, 25 and 34, 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.
77. You received comments on the application from Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ngāi Tahu, which can be summarised as follows:

Kāti Huirapa Rūnaka ki Puketeraki

78. Kāti Huirapa Rūnaka Ki Puketeraki, along with other mana whenua, are establishing a process agreement which sets out parameters for engagement and consultation on the project. Based on these arrangements, Kāti Huirapa Rūnaka Ki Puketeraki is neutral in respect of the application.

Te Rūnanga o Ngāi Tahu

³ 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](#)

79. Te Rūnanga o Ngāi Tahu (Te Rūnanga) states that Mata-au / Clutha River is very important to Ngāi Tahu in terms of their histories, traditions and sites associated with the awa. The awa was part of mahinga kai and pounamu trails into inland areas, forming part of the network of waterways and land-based mahinga kai. Knowledge of the traditional trails and utilisation of resources associated with the area including the awa continue to be held by whānau and hapū and is regarded as a taonga. Te Rūnanga observes that:
- a. the importance of the awa to Ngāi Tahu including in relation to mahinga kai and other resources was recognised in the Ngāi Tahu settlement through a statutory acknowledgement over the awa and the allocation of land at a number of places along the Mata-au/Clutha River network for nohoanga entitlements
 - b. nohonga entitlements provide Ngāi Tahu Whānui with an opportunity to experience the landscape as their Tūpuna did, to revitalise traditional practices of gathering food and other natural resources and pass this knowledge down to the next generation
 - c. the applicant has identified the statutory acknowledgement but not nohoanga entitlements, so potential impacts on these have not been considered. Ngāi Tahu has two nohoanga entitlements downstream of the project on the Mata-au/Clutha River, which is a highly valued and important cultural area that forms part of the wider receiving environment of the project
 - d. potential adverse effects from take and discharge of water and works to build the infrastructure may adversely affect the Mata-au/Clutha River and therefore the ability of Ngāi Tahu whānui to utilise the nohoanga entitlements (and the surrounding area) as intended
 - e. the special association Ngāi Tahu have with taonga species within the Ngāi Tahu takiwā is recognised in the Ngāi Tahu Claims Settlement Act 1998 with a list of taonga species in Schedule 97 which includes 49 bird species, 54 plant species and six marine mammals
 - f. the applicant has acknowledged that there is a potential impact on Treaty settlement taonga species but does not include any assessment of ecological effects so it is difficult to determine potential impacts on these species
 - g. the applicant must consider the potential adverse impacts of the project on taonga species explicitly if the proposal is referred to a substantive process. Te Rūnanga asks that this information be included in a potential substantive application
 - h. in addition to the above, Ngāi Tahu is concerned about potential impacts in relation to: mixing of water from different catchments; potential reduction of river flows; loss of wetlands; introduction of pest species to areas where they are currently not found; the loss of culturally important mahinga kai; loss of sites of significance to Ngāi Tahu Whānui, and; effects on landscapes, ecosystems, and the mauri of water
 - i. given the potential effects on Ngāi Tahu values and Treaty settlement provisions, if referral is granted then a full cultural assessment undertaken by mana whenua and their technical advisors needs to be part of the substantive application
 - j. mana whenua need to be actively involved in aspects of the project (e.g. conditions drafting, cultural mitigation measures) that they identify as relevant to fully consider and mitigate any effects on Ngāi Tahu values
 - k. Te Rūnanga does not have a position on whether the Clutha Pumped Hydro project should be referred to a substantive Fast-track process

- I. Te Rūnanga requests that appropriate consideration is given to their comments.

Consultation with departments and Ministers

80. 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).

81. We have previously sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups for other applications in this same area, and have incorporated their views into this report.

82. The Minister for Māori Development and the Minister for Māori Crown Relations encourage the applicant to undertake a comprehensive assessment of impacts on Ngāi Tahu values and settlement provisions that ensure statutory obligations are met. The Ministers support the application for referral subject to the expert panel considering:

- a. whether the proposed activities will affect the Mata-au (Clutha River) pursuant to all statutory obligations under Ngai Tahu Claims Settlement Act 1998;
- b. the impact of the proposal on nohoanga and mahinga kai entitlements under the settlement; and
- c. the impact on taonga species, yet to be identified by the applicant.

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

83. 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.

84. 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	21, 25
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	37
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	38-72
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	26
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	27, 73
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.	27, 73
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).	28, 73
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).	29, 74
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).	31
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. 	33, 75

	(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.	34
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	77-79
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.	84
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.	80, 81
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	80

Attachment 2: Project location maps

Map 1. Location of the proposed Clutha Pumped Hydro proposal shown by red marking below

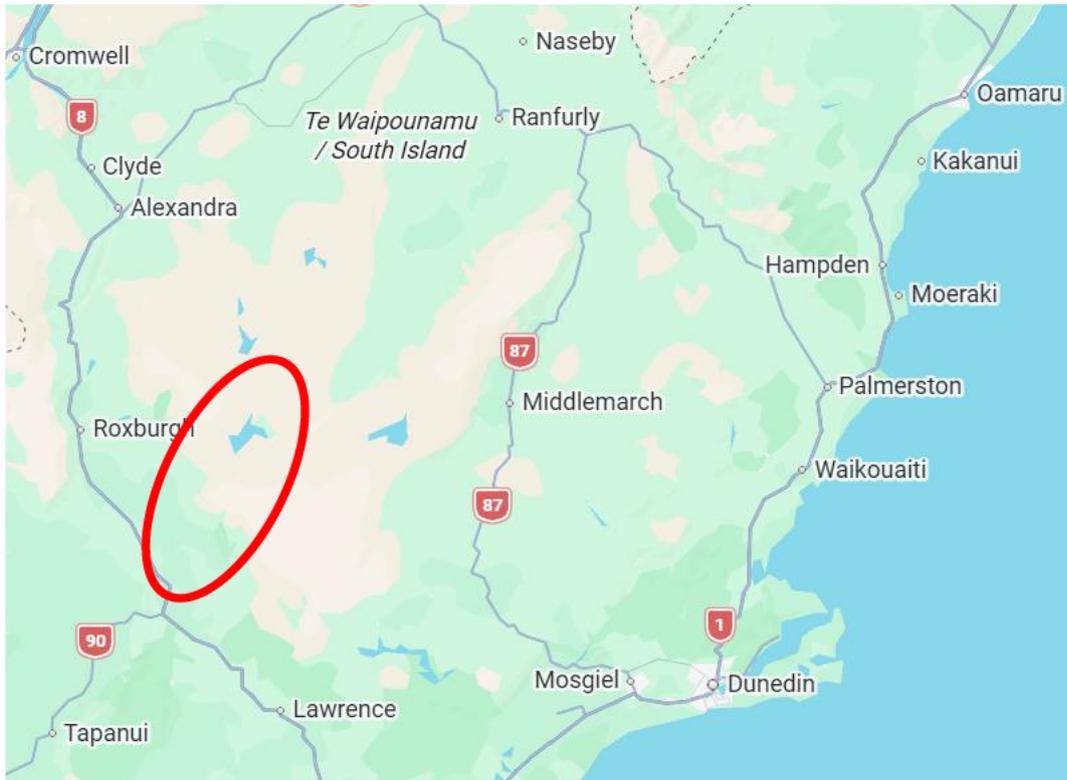
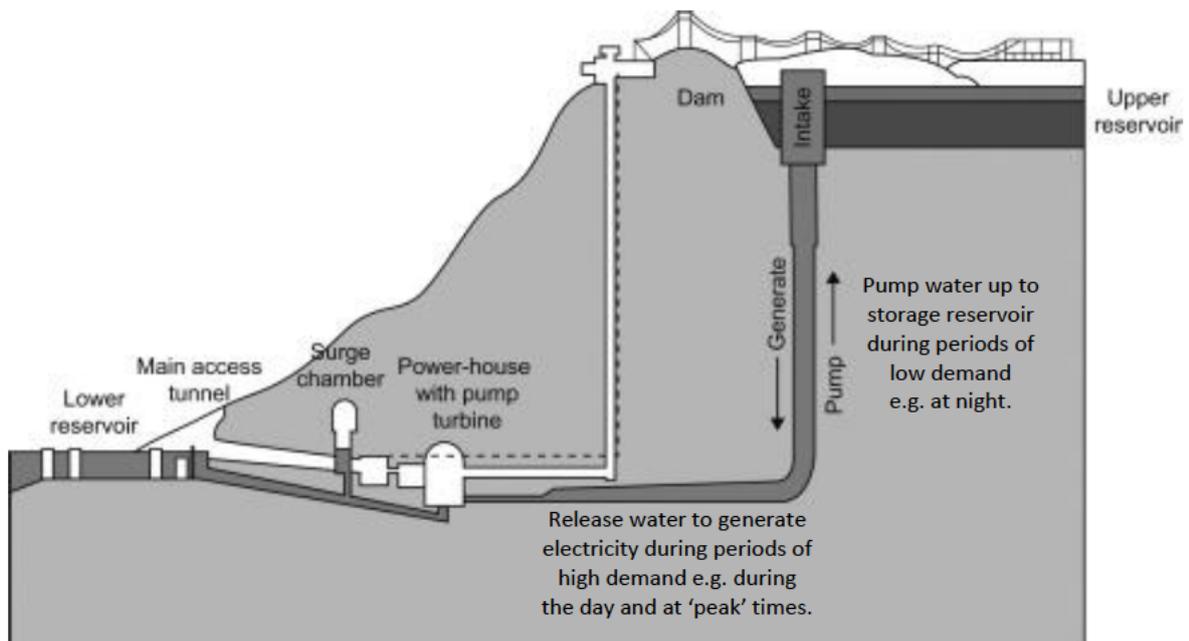
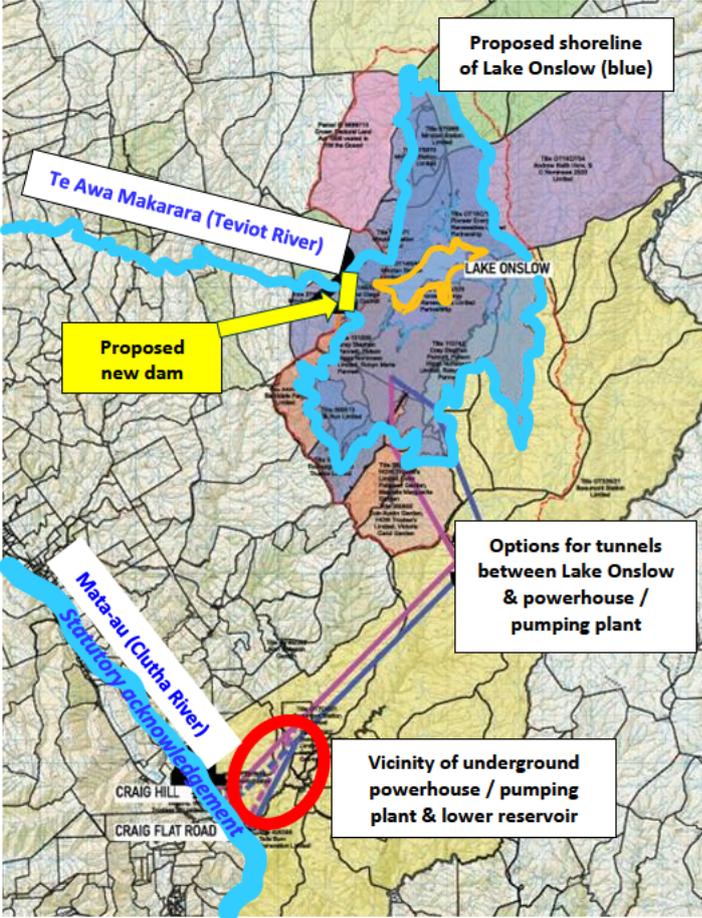


Figure 1. General concept of how pumped storage hydro schemes work



Map 2. Key elements of the Clutha Pumped Hydro proposal



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: Provisions from the statutory acknowledgement for Mata-au (Clutha River)

Schedule 40

Statutory acknowledgement for Mata-au (Clutha River)

ss 205, 206

Statutory area

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

Preamble

Under [section 206](#), the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Mata-au, as set out below.

Ngāi Tahu association with the Mata-au

The Mata-au river takes its name from a Ngāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

On another level, the Mata-au was part of a mahinga kai trail that led inland and was used by Ōtākou hapū including Ngāti Kurī, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāti Tuahuriri. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus there were numerous tauranga waka (landing places) along it. The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

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

Strategic marriages between hapū further strengthened the kupenga (net) of whakapapa, and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to rūnanga located in Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

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

The mauri of Mata-au represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

Purposes of statutory acknowledgement

Pursuant to [section 215](#), and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to [section 207](#) (clause 12.2.3 of the deed of settlement); and

- (b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Mata-au, as provided in [sections 208 to 210](#) (clause 12.2.4 of the deed of settlement); and
- (c) to empower the Minister responsible for management of the Mata-au or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in [section 212](#) (clause 12.2.6 of the deed of settlement); and
- (d) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Mata-au as provided in [section 211](#) (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in [sections 208 to 211, 213, and 215](#),—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Mata-au (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mata-au.

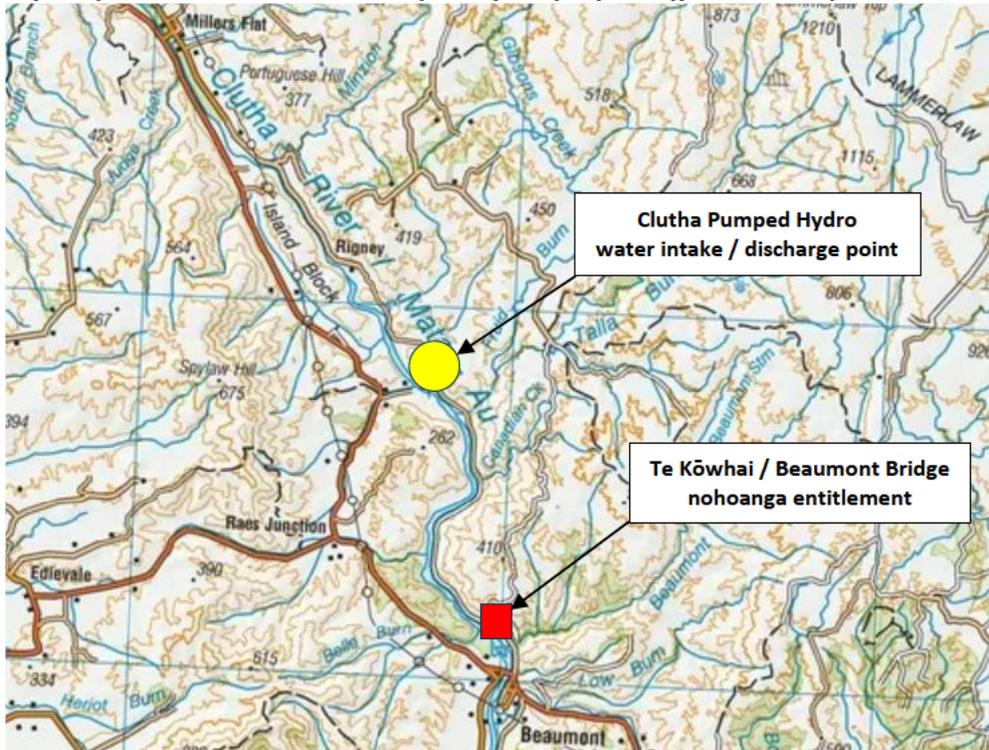
Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Mata-au.

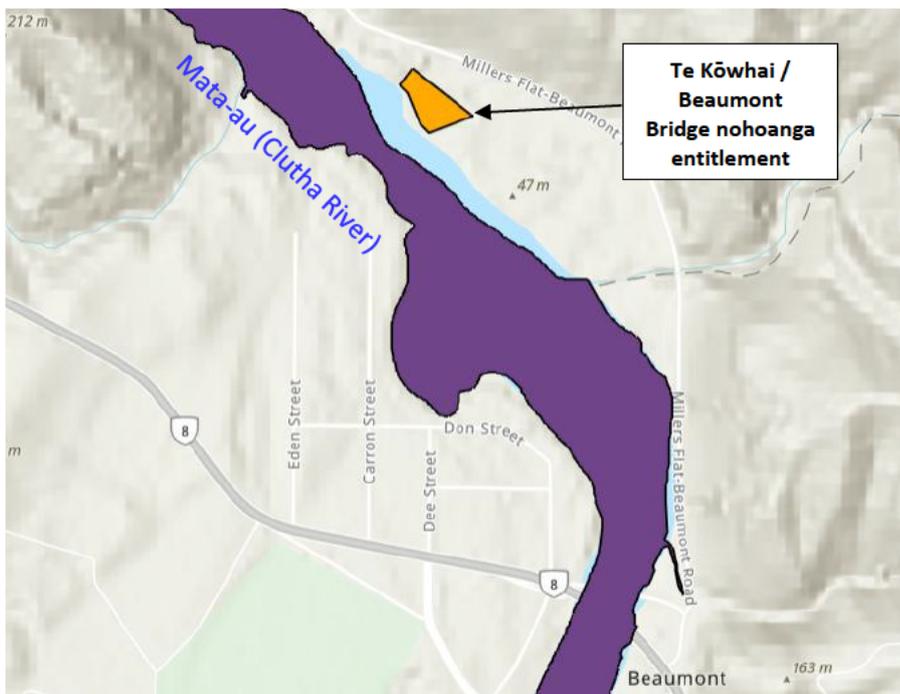
Schedule 40: amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Attachment 5: Te Kōwhai / Beaumont Bridge and Kaitangata nohoanga entitlements

Map 3. Location of Te Kōwhai / Beaumont Bridge nohoanga entitlement (red square) in relation to Clutha Pumped Hydro proposal (yellow circle).



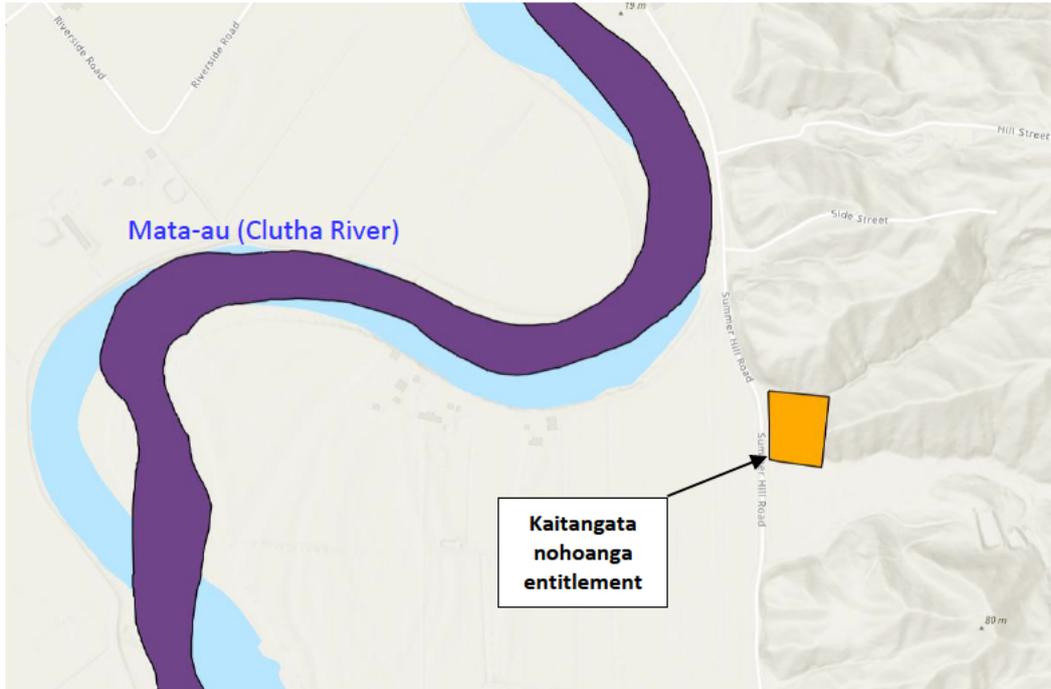
Map 4. Location of Te Kōwhai / Beaumont Bridge nohoanga entitlement (orange) in relation to Mata-au / Clutha River (purple and blue).



Map 5. Location of Kaitangata nohoanga entitlement (red square) on Matau Branch of Mata-au (Clutha River) near the river mouth.



Map 6. Location of Kaitangata nohoanga entitlement (orange) in relation to Mata-au / Clutha River (purple and blue).



Attachment 6: Excerpts from deed of recognition for Mata-au (Clutha River)

ATTACHMENT 12.88A
DEED OF RECOGNITION FOR MATA-AU (CLUTHA RIVER), 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 Whanui.
- 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 Mata-au**

The area which is the subject of this Deed is the bed of the River known as Mata-au (Clutha River), (the “Area”) the location of which is shown on Allocation Plan MD 122 (SO Plan 24727). The Area is administered by both the Commissioner of Crown Lands and the Department of Conservation.
- 2 Cultural, Spiritual, Historic and/or Traditional Associations of Ngāi Tahu to Mata-au**
 - 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 Mata-au as set out below.
 - 2.2 The Mata-au river takes its name from a Ngāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Ngāi Tahu, traditions such as this represent the links

between the cosmological world of the Gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

- 2.3 On another level, the Mata-au 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 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.
- 2.4 The river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus there were numerous tauranga waka (or landing places) along it. The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continue to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.
- 2.5 The Mata-au is where Ngāi Tahu's leader, Te Hautapunui o Tū, established the boundary line between Ngāi Tahu and Ngāti Mamoe. Ngāti Mamoe were to hold mana (authority) over the lands south of the river and Ngāi Tahu were to hold mana northwards. Eventually the unions between the families of Te Hautapunui o Tū and Ngāti Mamoe made the boundaries meaningless. For Ngāi Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngāi Tahu as an iwi.
- 2.6 Strategic marriages between hapū further strengthened the kupenga (net) of whakapapa and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to rūnanga located in Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.
- 2.7 Urupā and battlegrounds are peppered all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation

between Ngāi Tahu and Ngāti Mamoe that led to the armistice established by Te Hautapunui o Tū. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

- 2.8 The mauri of Mata-au represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

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 currently being undertaken by the Crown in relation to those parts of the river 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 7: Comments received from invited Māori groups

Kāti Huiroa Rūnakaki Puketeraki

FTAA-2511-1128 - Clutha Pumped Hydro - Saved

Portals-Fast Track Portal - ftaa-portal
Owner

Draft
Portal Status

Feedback - FTA - Feedback

General Documents Related

Feedback Details

Feedback ID * FDB001655Y7N9

Title * FTAA-2511-1128 - Clutha Pumped Hydro

Regarding [Kāti Huirapa Rūnaka ki Puketeraki - Invitation to comment - Clutha Pumped Hydro](#)

Comments
Kāti Huirapa Rūnaka Ki Puketeraki has considered the referral application and along with other mana whenua are establishing a Process Agreement with the Applicant which sets out parameters for engagement and consultation. Based on these arrangements we are neutral in respect of the Referral Application.

Feedback Contacts

Created By (Contact) [Shane Ellison](#)

Source Portal

Application [Clutha Pumped Hydro](#)

Created By [# Portals-Fast Track Portal - ftaa-portal](#)

Created On 3/12/2025

5:13 PM



21 January 2026

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

Uploaded through the Fast-track Portal

Tēnā koe,

Te Rūnanga o Ngāi Tahu comments on referral application under the Fast-track Approvals Act 2024 - Clutha Pumped Hydro project [REQ002411P6H7]

1. Introduction

- 1.1 Te Rūnanga o Ngāi Tahu (Te Rūnanga) welcomes the opportunity to provide comments on the referral application made by Clutha Pumped Hydro Consortium Limited (the Applicant) for the Clutha Pumped Hydro Project, at Lake Onslow in Central Otago (the Project).
- 1.2 Our comments are set out below (see Section 3). Te Rūnanga also supports the comments made by Papatipu Rūnanga.

2. Te Rūnanga o Ngāi Tahu

- 2.1 These comments are made on behalf of Te Rūnanga o Ngāi Tahu (Te Rūnanga) which is the statutorily recognised representative tribal body of Ngāi Tahu Whānui, as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (TRONT Act).
- 2.2 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their respective rohe.
- 2.3 Ngāi Tahu holds and exercises rangatiratanga within the Ngāi Tahu Takiwā (see Appendix One) and has done so since before the Crown began exercising its powers in New Zealand from 1840. The Takiwā covers most of Te Waipounamu and its surrounding islands, constituting over half of New Zealand's landmass, coastlines and waterways. The Crown and Parliament recognise and affirm Ngāi Tahu rangatiratanga in our Takiwā through:
 - a) Article II of Te Tiriti o Waitangi (Te Tiriti);

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

- b) the 1997 Deed of Settlement between Ngāi Tahu and the Crown; and
 - c) the Ngāi Tahu Claims Settlement Act 1998 (NTCSA).
- 2.4 As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning of a “new age of co-operation”. The Crown apologised for its “past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries” and confirmed that “it recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”. Those commitments are fundamental to the fast-track regime.
- 2.5 Te Rūnanga requests that the Minister accord these comments with the status and weight of the tribal collective of Ngāi Tahu Whānui comprising over 80,000 registered iwi members. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of Papatipu Rūnanga to make their own comments. Te Rūnanga understands that Papatipu Rūnanga and their (relevant) Regional Environmental Entities have been separately invited to comment on the Clutha Pumped Hydro Project.

3. Comments

- 3.1. Our comments on the referral application for the Clutha Pumped Hydro Project are set out below.

Ngāi Tahu Settlement Statutory Acknowledgement and Nohoanga

- 3.2. The proposed project includes pumping water from and discharging water into the Mata-au/Clutha River. The Mata-au/Clutha River is a Statutory Acknowledgement and Ngāi Tahu associations with the awa are detailed in schedule 40 of the NTCSA (refer to **Appendix Three**). This includes important Ngāi Tahu histories, traditions and sites. Further, the Mata-au/Clutha River was part of mahinga kai and pounamu trails into inland areas, forming part of the network of waterways and land-based mahinga kai. Knowledge of the traditional trails and utilisation of resources associated with the area including the Awa continue to be held by whānau and hapū and is regarded as a taonga.
- 3.3. The importance of the awa for mahinga kai has also been recognised in settlement through the allocation of land at a number of places along the Mata-au/Clutha River network for Nohoanga Entitlements¹. The two entitlements in the lower Mata-au/Clutha River reaches are most relevant to this project. The Kōwhai/Beaumont Bridge entitlement is located approximately eight kilometres downstream of the project site (take and discharge). The other entitlement, Kaitangata, is located near the mouth of the Mata-au/Clutha River. While these entitlements are located downstream of the project area, the proposal may potentially limit the use of the entitlements by Ngāi Tahu Whānui.
- 3.4. Under settlement, Nohoanga Entitlements provide Ngāi Tahu Whānui with an opportunity to experience the landscape as their Tūpuna did, to revitalise traditional practices of gathering food and other natural resources and pass this knowledge down to the next generation. The traditional concept of nohoanga (literally meaning ‘a place to sit’) has been given contemporary effect through the NTCSA by the allocation of specific temporary ‘camping’ sites (nohoanga entitlements) near significant waterbodies to support mahinga kai activities

¹ There are five along the awa or its tributaries from the Lake Wānaka outlet to the coast.

- 3.5. Whilst the project site is upstream of the entitlements, the Mata-au/Clutha River is a highly valued and important cultural area which forms part of the wider receiving environment. As such, potential adverse effects from take and discharge of water and works to build the infrastructure may adversely affect the Mata-au/Clutha River and therefore the ability of Ngāi Tahu whānui to utilise the Nohoanga Entitlements (and the surrounding area) as intended. These effects could include (but not limited to): the mixing of water from different catchments; introduction of pest species to areas where they are currently not found; potential reduction of river flows; the loss of mahinga kai; the loss of wetlands; and the loss of sites of significance to Ngāi Tahu whānui.
- 3.6. While we acknowledge that the applicant has identified the Mata-au/Clutha River is a Statutory Acknowledgement, the application has not identified the Settlement Nohoanga nor fully recognised the importance of the wider area, associations, and interconnection with these settlement provisions. Therefore, the applicant doesn't appear to have considered these provisions as part of the referral application. It is also difficult at this stage to fully understand the implications for either of these settlement provisions.

Taonga Species

- 3.7. The special association Ngāi Tahu have with taonga species within the Ngāi Tahu Takiwā has been acknowledged by the Crown in the NTCSA², with a list of taonga species provided in Schedule 97 (refer to **Appendix Four**) which includes 49 bird species, 54 plant species and 6 marine mammals. This list is not a comprehensive and there are species not included that Ngāi Tahu whānui consider taonga.
- 3.8. The applicant³ has acknowledge that there is a potential impact on Treaty Settlement Taonga species. However, the application does not include any assessment on ecological effects so it is difficult to determine, at this stage, what the potential impacts are or the extent on Ngāi Tahu taonga species. However, the applicant has acknowledged (Attachment 3.4 Adverse effects) the extensive loss to wetlands (including nationally important wetlands), fauna and flora, and culturally important ecosystems, many of which contain Taonga species. Therefore, the potential ecological lost could be significant.
- 3.9. Whilst the Applicant indicated that they will prepare a detailed Ecological Impact Assessment report to accompany the substantive application if the Project is referred, the Applicant must also consider the potential adverse impacts of the project on taonga species explicitly. Te Rūnanga asks that the substantive application include such information on the impacts on taonga species.

Other

- 3.10. Mahinga kai is a key part of the Ngāi Tahu Treaty Settlement, often referred to as the ninth tall tree. In attachment 3.4 Adverse effects, paragraph 15, the applicant has acknowledged the potential for alternation, destruction and adverse effects to impact on a number of culturally important mahinga kai and taonga species, sites, landscapes, and ecosystems, and the mauri of water. They also acknowledge the deep cultural implications that this could have.
- 3.11. The applicant has indicated that they intend to "*undertake a comprehensive, values-based cultural impact assessment in partnership with mana whenua, ensuring that cultural*

² Section 288 of the NTCSA. Ngāi Tahu association includes cultural, spiritual, historic, and traditional.

³ Attachment 3.4 Adverse effects and Referral Application form section 3.5.3.

considerations and Mātauranga Māori help shape conditions, design refinement and mitigation⁴.

- 3.12. Given the potential effects on Ngāi Tahu values and Treaty Settlement provisions, if referral is granted then a full cultural assessment undertaken by mana whenua and their technical advisors (if they wish to use any) needs to be part of the substantive application. Furthermore, Mana whenua need to be actively involved (to the extent they wish) in aspects of the project (e.g. conditions drafting, cultural mitigation measures) that they identify as relevant to fully consider and mitigate any effects on Ngāi Tahu Values.

4. Decision Sought

- 4.1 Whilst Te Rūnanga does not have a position on whether the Clutha Pumped Hydro Project is allowed to go through the fast-track approvals process, we seek that appropriate consideration is given to the provided comments.

Nuku noa nā,



Maru Rout
Programme Lead- Mauri
Te Rūnanga o Ngāi Tahu

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s 9(2)(a) [redacted]
s 9(2)(a) [redacted]

Cc:

Appendices:
Appendix One – Map of takiwā of Ngāi Tahu
Appendix Two – Crown Apology to Ngāi Tahu
Appendix Three- Statutory Acknowledgement- Mata-au/Clutha River
Appendix Four- Taonga Species Schedule

⁴ attachment 3.4 Adverse effects, paragraph 15

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

Hon Tama Potaka Comments - Saved

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Feedback ID * FD8001816K0X3

Title * Hon Tama Potaka Comments

Regarding [FTAA-2511-1128 Clutha Pumped Hydro](#)

Comments

1. I support the application progressing to the Expert Panel for Substantive consideration subject to:
 - a. The expert panel considering whether the proposed activities will affect the following, pursuant to all statutory obligations under Ngāi Tahu Claims Settlement Act 1998: Mata-au (Clutha River).
 - b. The expert panel considers the impact of the proposal on nohoanga and mahinga kai entitlements under the settlement.
 - c. The expert panel considers the impact on taonga species, yet to be identified by the applicant.
2. I also encourage the applicant to undertake a comprehensive assessment of impacts on Ngāi Tahu values and settlement provisions that ensure statutory obligations are met.

Feedback Contacts

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