

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

Project Name: FTAA-2507-1089 Bendigo-Ophir Gold Project

To:	Date:
Panel Convener, Jane Borthwick	11 December 2025

Number of attachments: 4	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Project location map List of relevant Māori groups Statutory acknowledgements for Mata-au (Clutha River) and Te Wairere (Lake Dunstan) from the Ngāi Tahu Claims Settlement Act 1998
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Ministry for the Environment contacts:

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General Manager	Ilana Miller		

Key points

- As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2507-1089 Bendigo-Ophir Gold Project.
- The applicant, Matakanui Gold Limited, seeks approvals to establish, operate, rehabilitate, and ultimately close, an open pit and underground gold mining operation near Bendigo, approximately 20km north of Cromwell, in Central Otago. The applicant is seeking approvals under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA), Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953, Heritage New Zealand Pouhere Taonga Act 2014, and the Freshwater Fisheries Regulation 1983. The applicant has obtained approval from the affected landowners.
- Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Most of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act. We have identified Te Rūnanga o Ngāi Tahu, Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima, Aukaha, and Te Ao Marama Incorporated as relevant groups for the project area.
- The Ngāi Tahu Claims Settlement Act 1998 is the relevant Treaty settlement for the project area. The project area does not include the marine and coastal area, and we have not identified any other obligations such as Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

5. The statutory acknowledgements over nearby Mata-au (Clutha River) and Te Wairere (Lake Dunstan) provided for by the Ngāi Tahu Claims Settlement Act 1998 may be relevant to the panel's consideration of this application, if the proposed activities for which approvals are being sought will affect the lake or the river. Under the RMA and Treaty settlements, 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 (Te Rūnanga o Ngāi Tahu). The panel acts as the consent authority in this instance, and we consider this obligation may be met through the invitation to comment under section 53 of the Act.
6. We have identified a number of other settlement provisions – including deeds of recognition, taonga species, nohoanga entitlements, and a conservation protocol – which do not appear to have direct implications for the panel's consideration of this application, but provide relevant context regarding the traditional connection of Ngāi Tahu with this area and its environment.

Signature

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Ilana Miller
General Manager – Investment Strategy & Operations

Introduction

7. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3)(a) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
8. 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; and
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
9. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

10. The applicant, Matakanui Gold Limited, seeks approvals to establish, operate, rehabilitate, and ultimately close, an open pit and underground gold mining operation near Bendigo, east of the head of Lake Dunstan and south of Tarras, and approximately 20km north of Cromwell. The mining operations and ancillary activities will occur within a 568-hectare area, but the area for which consents are sought covers broader 2,800 hectares when offsetting and compensation activities and supporting infrastructure are included.
11. The applicant is seeking approvals under the Act that would otherwise be sought under the following legislation: the RMA (including land use consent, water permit, discharge permit), Conservation Act 1987 (concessions), Reserves Act 1977 (amendment of a conservation covenant), Wildlife Act 1953 (capture/relocate lizards, disturb/injure/kill protected wildlife), Heritage New Zealand Pouhere Taonga Act 2014 (an archaeological authority), and approvals that would otherwise be applied for under the Freshwater Fisheries Regulation 1983. In November 2025, the applicant was granted a mining permit separately under the Crown Minerals Act 1991. The applicant has obtained approval from the affected landowners (Bendigo Station, Ardgour Station, Matakanui Station, Central Otago District Council).
12. We have provided a location map at **Attachment 2**.

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

13. 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**, including contact details.¹

Iwi authorities

14. 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

15. Under section 4(1) of the Act, “Treaty settlement entity” means any of the following:

¹ These are the contact details we could locate in the time available, and in some cases, they will be the generic email address for the entity.

- (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).

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

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

Groups mandated to negotiate Treaty settlements

17. 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

- 18. 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.
- 19. 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

20. The project area is not within 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

21. 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.

22. 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

23. 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.

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

Any other Māori groups with relevant interests

25. 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 rūnaka² – Waihao, Moeraki, Puketeraki, Ōtākou and Hokonui; and
- b. Te Ao Mārama Incorporated, representing Murihiku papatipu rūnanga – Ōraka Aparima, Waihōpai, Awarua and Hokonui.

26. Based on the information provided by the applicant, we understand that they have primarily engaged with Aukaha and a collective of papatipu rūnanga known as Kā Rūnaka (comprising Te Rūnaka o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnaka o Ōtākou, Hokonui Rūnanga, Te Rūnaka o Awarua, and Waihōpai Rūnaka).³

² The variation in use of rūnaka/rūnanga is due to regional dialects.

³ In listing the papatipu rūnanga that comprise Kā Rūnaka, the applicant listed Te Rūnaka o Awarua twice. It is unclear whether another group was intended to be included in this list.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

27. 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.
28. The following Treaty settlement relates 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

29. 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

30. 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.
31. 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.
32. 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

33. 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').
34. 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.⁴
- 35. 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.
- 36. We have checked the project area in relation to any statutory acknowledgements held by Te Rūnanga o Ngāi Tahu, and the nearest are over Mata-au (Clutha River) and Te Wairere (Lake Dunstan), several kilometres to the west of the project area. The proximity of the project area to those statutory areas is shown in the images at **Attachment 2**.
- 37. While the project area is located nearby to, but does not adjoin, these statutory areas, it encompasses two streams which are tributaries of the Mata-au and ultimately Te Wairere:
 - a. Shepherds Creek, which flows into the Lindis River, a tributary of Mata-au; and
 - b. Rise and Shine Creek, a tributary of Bendigo Creek, which joins Mata-au just above the head of Te Wairere.
- 38. The application proposes a number of activities which will, or may, affect these waterways, including:
 - a. take and use of groundwater to support the construction and operation of the mine, and to augment flows within Shepherds Creek, Rise and Shine Creek, and wetlands;
 - b. damming, diversion, take and use of surface water within Shepherds Creek and Rise and Shine Creek during construction activities and mining operations;
 - c. permanent diversion of both creeks around the mining site (with the intent of managing contamination); and
 - d. discharge of water and contaminants to land and/or water.
- 39. Under section 205 of the Ngāi Tahu Claims Settlement Act 1998, statutory acknowledgements do not include:
 - a. for a lake, any river or watercourse, artificial or otherwise, draining into or out of a lake; or
 - b. for a river, 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 (Schedules 40 and 61 provide for the statutory acknowledgments over Mata-au and Te Wairere respectively, but do not refer to tributaries).
- 40. 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. The panel may wish to consider whether the proposed activities will affect Mata-au or Te Wairere,

⁴ 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.

thereby bringing the statutory acknowledgement provisions outlined at paragraphs 34-35 into play.⁵

41. Under section 53(2)(c) of the Act, the panel must direct the EPA to invite written comments on a substantive application from any relevant Treaty settlement entities including, to avoid doubt, an entity that has an interest under a Treaty settlement (or an entity operating in a collective arrangement provided for under a Treaty settlement) within the area to which the application relates. Those invited to comment, including relevant Treaty settlement entities, will be provided access to all the same application information which has been provided by the applicant to the EPA.
42. As identified earlier in the report, Te Rūnanga o Ngāi Tahu must be invited for comment by the panel under section 53(2)(b) and (c). We consider the process of inviting comment (including providing information about the application) is comparable to the process under the RMA and Treaty settlements where local authorities are required to have regard to statutory acknowledgements when considering who is an affected person for the purposes of limited notification of a resource consent application.
43. We have provided the statutory acknowledgement provisions for Mata-au and Te Wairere from the Ngāi Tahu Claims Settlement Act 1998 at **Attachment 4**.

Deeds of recognition

44. In addition to the statutory acknowledgements, Te Rūnanga o Ngāi Tahu also have deeds of recognition with the Commissioner of Crown Lands, administered by Land Information New Zealand (LINZ), over Mata-au and Te Wairere. 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.
45. 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.
46. We do not consider these provisions are relevant to this application, as LINZ are 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 or riverbed subject to the deed of recognition.

Other redress

Taonga species

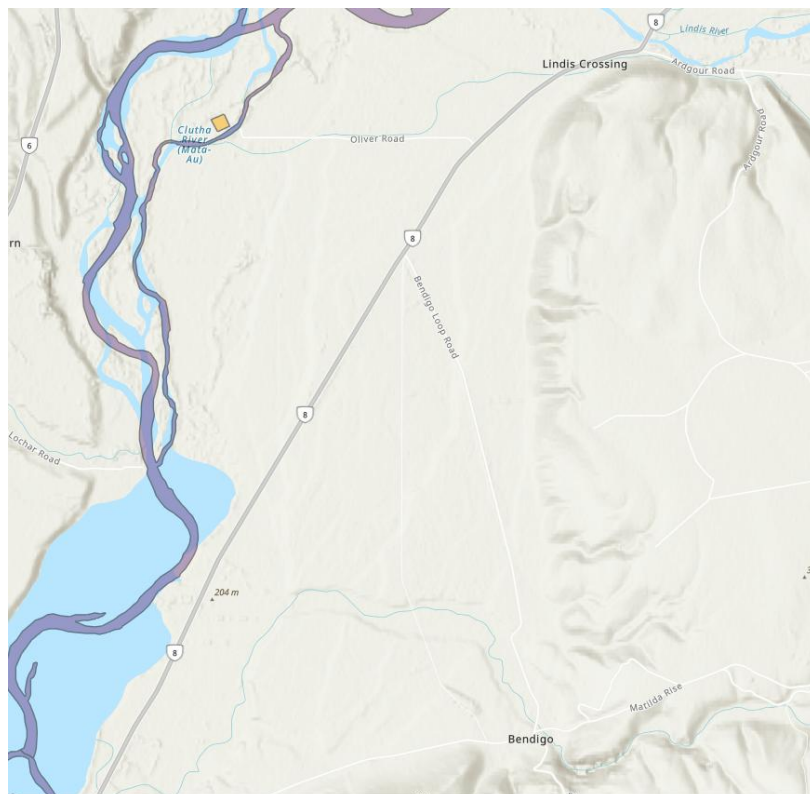
47. The Crown has acknowledged the special association of Ngāi Tahu with certain taonga species of birds, plants and animals. The Ngāi Tahu Claims Settlement Act 1998 contains several other provisions relating to taonga species, including a requirement that the Minister of Conservation consult with, 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.

⁵ For example, the applicant has noted that Mata-au and Te Wairere may be affected by the proposed take of groundwater during borefield pumping, but the effects on water levels and flows of these water bodies is expected to be negligible.

48. 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.⁶
49. 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, the panel may wish to take any impact of the application on taonga species into consideration.

Nohoanga/nohoaka

50. 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.
51. The nearest nohoanga site provided through the settlement is on an island in the Clutha/Mata-au riverbed opposite Oliver Road, to the northwest of the project area. While this site does not adjoin the project area, it is downstream from where Shepherds Creek (via the Lindis River) joins Mata-au. This land is likely to be administered by LINZ on behalf of the Commissioner for Crown Lands. The approximate location of this site is depicted by the orange polygon in the image below:



⁶ 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.

52. There is also a nohoanga site near the shore of Te Wairere at McNulty Point, north of Cromwell township.
53. Under section 260(5)(b) of the Ngāi Tahu Claims Settlement Act 1998, the landholding agent⁷ 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. Based on the information provided by the applicant, it is not clear whether the effects of the project on Mata-au and Te Wairere (if any), would impact on these nohoanga sites. The panel may wish to factor this into their consideration of such effects.
54. The provision of nohoanga entitlements through the settlement underscores the importance to Ngāi Tahu of maintaining customary practices and their deep connections to the area. It is likely that there are other, traditional nohoanga sites in the Matakanui (Dunstan Mountains) area 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.

Conservation protocol

55. 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.
56. While the current version of the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,⁸ in general it does not address the types of conservation-related approvals sought by the applicant (i.e. concessions, amendment of a conservation covenant, and Wildlife Act 1953 approvals). An exception is 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. However, the consultation required for RMA involvement under the protocol (noted in footnote 8) is unlikely to be directly relevant here.
57. The applicant is also seeking approval under the regulation 42 of the Freshwater Fisheries Regulations 1983 to construct a culvert in the bed of Rise and Shine Creek, which would otherwise be a matter for the Director-General of Conservation to consider. We note that the conservation protocol includes a statement that DOC will generally consult with Te Rūnanga and provide for its participation in the conservation and management of customary and freshwater fisheries and freshwater fish habitats.⁹ Te Rūnanga o Ngāi Tahu will have the opportunity to provide feedback on this aspect of the application when invited to comment under section 53 of the Act.

⁷ 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.

⁸ 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 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](#)

⁹ The applicant states that no fish life has been detected in the 'direct disturbance footprint' of the project area, and very limited fish life has been detected in the wider surrounding landscape.

Customary Marine Title/Protected Customary Rights

58. 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

59. As noted above, the project area is not within 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

60. As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

Consultation with departments

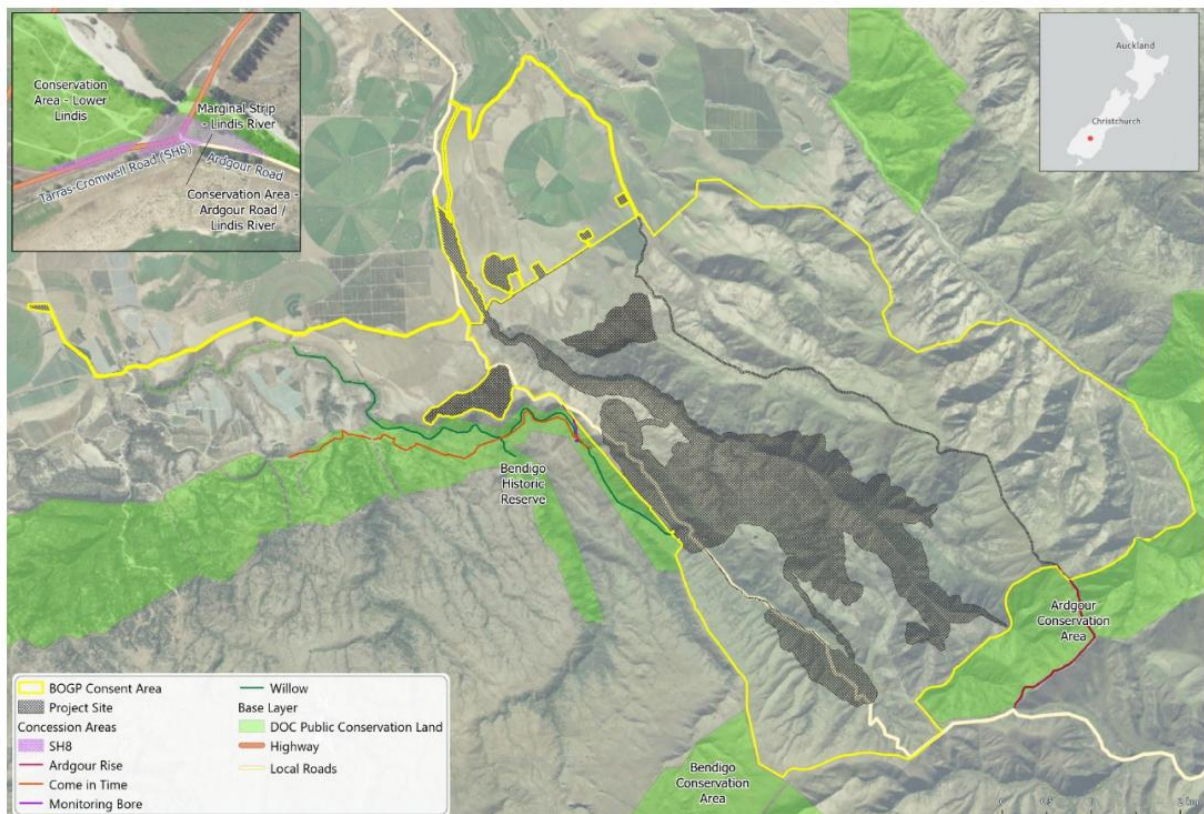
61. In preparing this report, we are required to consult relevant departments. We have previously sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups for other applications in this area, and have incorporated their views into this report. We also received advice from DOC on the current status of the Ngāi Tahu conservation protocol.

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.	Not applicable to substantive applications – s 18 report is required by s 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	14-16
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	27-28
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	29-57
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	17
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	18, 58
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.	18, 58
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).	19, 58
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).	20, 59
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).	21-22
18(2)(j)	<p>If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),</p> <p>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</p>	23-24, 60

	(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.	25-26
18(2)(l)	<p>A summary of—</p> <p>(i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e);</p> <p>(ii) any further information received by the Minister from those groups</p>	Not applicable to substantive applications
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.	Not applicable to substantive applications
18(3)	<p>In preparing the report required by this section, the responsible agency must—</p> <p>(a) consult relevant departments; and</p> <p>(b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.</p>	<p>60 (section 18(3)(a))</p> <p>Section 18(3)(b) not applicable to substantive applications</p>
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	Not applicable to substantive applications

Attachment 2: Project location map



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Rūnanga o Ngāi Tahu	Iwi authority (s18(2)(a)); Treaty settlement entity – Ngāi Tahu Claims Settlement Act 1998 (s18(2)(a))		
Te Rūnanga o Waihao	Ngāi Tahu Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Te Rūnanga o Moeraki	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Kāti Huirapa Rūnaka ki Puketeraki	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Te Rūnanga o Ōtākou	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Hokonui Rūnanga	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Waihōpai Rūnaka	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Te Rūnanga o Awarua	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Te Rūnanga o Ōraka-Aparima	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Aukaha	Entity owned by Papatipu Rūnanga (s18(2)(k))		
Te Ao Mārama Incorporated	Entity owned by Papatipu Rūnanga (s18(2)(k))		

Attachment 4: Statutory acknowledgements for Mata-au (Clutha River) and Te Wairere (Lake Dunstan) from the Ngāi Tahu Claims Settlement Act 1998

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 Kuri, 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 Hautapumui 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 Hautapumui o Tū and Ngāti Mamoe were to overcome these boundaries. For Ngāi Tahu, histories such as

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this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngāi Tahu as an iwi.

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

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

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

Purposes of statutory acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Mata-au, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) to empower the Minister responsible for management of the Mata-au or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Mata-au as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Mata-au (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mata-au.

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

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

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

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).