

OVERVIEW OF NGĀI TAHU TREATY SETTLEMENTS

FAST-TRACK SUBSTANTIVE APPLICATION BY NZSKI

REMARKABLES SKI AREA UPGRADE AND DOOLANS EXPANSION



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Prepared for NZSki

Author: [REDACTED]

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OVERVIEW

This report provides NZSki with an overview of the provisions of the Kāi Tahu Treaty Settlements relevant to the proposed Remarkables Ski Area Upgrade and Doolans Extension (the **Project**). The report does not cover fisheries Treaty Settlements provisions as there are currently no mātaihai or taiapure reserves in the project area.

This report does not replace the continuing need for direct communication and dialogue with Kāi Tahu. It does not supersede manawhenua derived documents, reports, and advice. It is to be read alongside Kāi Tahu iwi management plans, policies, value statements, and operational procedures with associated methodologies and tools.

As the Project was listed, it does not have a section 18 report to the standard seen for recently referred projects. This report looks to assist parties in bridging that deficiency.

Early Guidance from Kā Rūnaka

Following a site visit on 23 January 2026, Kā Rūnaka provided NZSki with a memorandum that outlines a range of matters that may be considered in any Te Tiriti o Waitangi Impact Assessment (appendix A). The memo was designed to offer early, high level guidance to NZSki on potential Kā Rūnaka interests and cultural values and the methodology for assessing impacts. This early guidance allowed for more effective use of time to consider how any issues might be addressed (including optionality) and assist in the development of technical assessments and draft conditions.

The memo states that:

Grounded in Te Tiriti o Waitangi and tikaka, the [Te Tiriti o Waitangi Impact] assessment recognises that cultural impacts extend beyond physical effects on sites and resource to encompass the interconnections between environmental changes, cultural identity and practices, and intergenerational well-being.¹

The cultural framework that grounds the assessment provides understanding in how the Project and related changes to the environment may affect cultural identify, practices, authority, and well-being across generations.

Kā Rūnaka has since advised NZSki that it will not be providing a Te Tiriti o Waitangi Impact Assessment for this Project. As such, NZSki has considered the early advice from Kā Rūnaka when developing draft conditions and seeks to work with Kā Rūnaka in addressing any actual or potential project impacts.

¹ Alayna Rā for Kā Rūnaka, *Tiriti Impact Assessment considerations for the NZSki Remarkables Upgrade and Doolans Expansion Project*, 20 February 2026.

TREATY SETTLEMENTS AND FAST-TRACK APPROVALS ACT

The project area is in the Kāi Tahu takiwā. No other iwi or hapū have a claim to the Queenstown Lakes or Central Otago districts. The principles and provisions of the Ngāi Tahu Claims Settlement Act 1998 (the **Settlement Act**) and corresponding Ngāi Tahu Deed of Settlement 1997 apply. Fisheries Treaty Settlements and enabling legislation are not relevant as there are no mātaimai or taiāpure reserves in project area nor are there any aquaculture, Takutai Moana, or ngā rohe moana o ngā hapū o Ngāti Porou matters.

Kāi Tahu Claim Area

The Kāi Tahu claim area covers:

- a) the takiwā of Ngāi Tahu Whānui²; and
- b) the coastal marine area adjacent to the coastal boundary of the takiwā of Ngāi Tahu Whānui;
and
- c) the New Zealand fisheries waters within the coastal marine area and exclusive economic zone adjacent to the seaward boundary of that coastal marine area;—

and the northern sea boundaries of the coastal marine area have been determined using the equidistance principle, and the northern sea boundaries of the exclusive economic zone have been determined using the perpendicular to the meridian principle from the seaward boundary of the coastal marine area (with provision to exclude part of the New Zealand fisheries waters around the Chatham Islands).

² Section 5, Te Runanga o Ngai Tahu Act 1996

KĀI TAHU

Kāi Tahu is the collective of individuals who descend from the whakapapa of Kāi Tahu, Kāti Māmoe, and Waitaha. The takiwā over which Kāi Tahu holds rakatirataka extends to more than 80 percent of Te Waipounamu and has been statutorily recognised by the Crown. The boundary extends from Te Parinui o Whiti on the east coast to Kahurangi Point on the west coast and southward inclusive of Rakiura and the sub-Antarctic Islands.

The tribal institutions of Kāi Tahu consist of:

- 18 Papatipu Rūnaka that are the traditional communities of Ngāi Tahu Whānui; and
- Te Rūnanga o Ngāi Tahu, iwi authority and post settlement governance entity who is the representative of Ngāi Tahu Whānui for all purposes and was constituted by Te Rūnanga o Ngāi Tahu Act 1996. Te Rūnanga o Ngāi Tahu also is responsible for protecting and advancing Treaty Settlements.

Papatipu Rūnaka have takiwā (areas where they exercise their authority) that are outlined in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001. The Order recognises that there are areas of shared interest between Papatipu Rūnaka and in this case, seven Papatipu Rūnaka who can exercise their mana whenua in Queenstown Lakes / Central Otago districts.

The seven Papatipu Rūnaka who have shared interest in the Queenstown Lakes and Central Otago districts are:

- Te Rūnaka o Moeraki, based in Moeraki
- Kāti Huirapa ki Puketeraki, based in Karitane
- Te Rūnaka o Ōtākou, based on the Otago Peninsula
- Waihōpai Rūnaka, based in Invercargill
- Te Rūnaka o Awarua, based in Bluff
- Te Rūnaka o Ōraka-Aparima, based in Riverton
- Hokonui Rūnaka, based in Gore.

KĀI TAHU ENVIRONMENTAL MANAGEMENT

Kāi Tahu have the tribal whakatauki (proverb) ‘mō tātou, ā, mō kā uri, ā muri ake nei – for us and our children after us.’ This whakatauki is used across all Kāi Tahu interests, and the impacts of any decision by this generation on the wellbeing of future generations underpins every position taken. This whakatauki is often quoted in environmental management and puts the impacts on future generations at the forefront of decision making.

Ki Uta Ki Tai

Ki uta ki tai reflects the mātauraka (traditional knowledge) that all environmental elements are interconnected and must be managed as such. Ki uta ki tai is similar to the Resource Management Act term ‘integrated management’. Ki uta ki tai often is incorrectly referred to as a hydrological, linear pathway of water from the Mountains to the Sea (‘Mountains to the Sea’ is a literal translation of ki uta ki tai).

Ki uta ki tai is the basis of both Iwi Management Plans in the Queenstown Lakes and Central Otago districts.

Mahika Kai

Mahika kai was the Ninth Tall Tree of Te Kerēme and is fundamental to Kāi Tahu culture and identity. Mahika kai is a complex set of interdependences and is defined in the Settlement Act as ‘the customary gathering of food and natural materials, and the places where those resources are gathered.’ Iwi Management Plans and whānau will often add more contextual material to the definition for mahika kai and site-specific applications.

In a Western sense, mahika kai is often incorrectly referred to as fishing in a river. While this is sometimes part of mahika kai, the simplicity of that statement, fishing, fails to fully encapsulate the practice, connections, associations and values let alone variations, travel, and sustainable management.

It is very important to note that mahika kai are not one-off resources. For an area to be used and species harvested, the collective parts must be able to sustain themselves within a specified cycle. This cycle also determines the types and quantities of resources that can be harvested during that season. Both hapū rights and responsibilities guide mahika kai and hapū are expected to manage the resource so that it will be available for future generations.

Water is a significant feature in mahika kai due to its use in habitat, cultivation, harvesting, manufacturing and transport as well as for human consumption. The characteristics of the waterbody (smell, shape, bed, flow, etc) had a direct impact its health and surrounding lands, and what was harvested from it and when. Preferential sites for mahika kai tend to be hāpua (estuaries, lagoons), repo (wetlands) and the riparian zones of rivers, streams and lakes.

Iwi Management Plans

Two iwi management plans cover Queenstown Lakes:

- Te Tangi a Taurira – The Cry of the People administered by Te Ao Mārama Inc on behalf of Papatipu Rūnaka.
- Kāi Tahu ki Otago Natural Resource Management Plan administered by Aukaha on behalf of Papatipu Rūnaka.

Both iwi management plans aim to uphold the rakatirataka and kaitiakitaka of Kāi Tahu and are based on ki uta ki tai. They promote early and meaningful engagement and the use of mana whenua lead assessments and protocols. However, in the articulation of these principles and approaches, KTKO is more technical and spatially detailed, while Te Tangi is more values-based and thematic.

	Kāi Tahu ki Otago 2005 IMP	Te Tangi a Taurira 2008 IMP
<i>Geographic Focus</i>	Otago Region	Murihiku (incl. Southland and parts of Otago)
<i>Papatipu Rūnaka</i>	Te Rūnaka o Moeraki, Kāti Huirapa ki Puketeraki, Te Rūnaka o Ōtākou, Hokonui	Kā Papatipu Rūnaka o Awarua, Ōraka-Aparima, Hokonui, Waihōpai
<i>Structure</i>	Catchment-based chapters (e.g. Waitaki, Taieri, Otago Harbour)	Thematic sections (e.g. water, biodiversity, energy, waste)
<i>Policy Style</i>	Detailed, location-specific policies	Broader thematic policies with emphasis on values and outcomes
<i>Cultural Emphasis</i>	Strong focus on landscape narratives, place names, and creation stories	Strong emphasis on intergenerational wellbeing, taonga species, and community resilience
<i>Implementation Tools</i>	Statutory Acknowledgements, Tōpuni, Nohoaka sites, Resource Inventory	Cultural Indicators, Monitoring Frameworks, Advocacy for co-management
<i>Tone and Language</i>	Formal, policy-driven with structured objectives and actions	Narrative-rich, poetic, and community-focused

Te Tangi also includes a climate change chapter and in 2018, Te Rūnanga o Ngāi Tahu released its climate change strategy. The purpose of the climate change strategy is to:

‘create Ngāi Tahu responses to the risks and opportunities presented by climate change, referencing the entire tribal structure, so that iwi, hapū and whānau aspirations can be met in a changing world, mō tātou, ā, mō kā uri ā muri ake nei – for us and our children after us.’

The intent and outcomes sought in both IMPs are compatible and complementary and should not be interpreted as contrary or conflicting. Read together, they provide a holistic approach that, for various reasons, have drawn on specific issues and experiences and addressed them accordingly.

TE TIRITI O WAITANGI MEA TE KERĒME

The Treaty of Waitangi /Te Tiriti o Waitangi 1840 is an agreement between the Crown and Māori to allow the Crown to govern, and to make the laws while protecting Māori rights and interests. Te Tiriti guarantees and provides for the rights to continue customary practices, including mahika kai. Article II of Te Tiriti specifically guaranteed tino rakatirataka (real authority) over forests, fisheries, settlements and taoka. Article III, often forgotten but nationally and internationally significant, provides Māori with the right of citizenship.

The 1848 Kemp Deed was a pivotal Crown land purchase that encompassed over 13.5 million acres of Te Waipounamu, including inland Otago. Negotiated hastily and without proper surveying, the Deed failed to define clear boundaries or secure the promised reserves and protections for Kāi Tahu. Although the Crown had committed to setting aside ample land for the present and future needs of Kāi Tahu (including mahika kai, provision of schools and hospitals) only a fraction of land was reserved, and mahika kai rights were severely restricted. Queenstown, as part of this vast and imprecisely transacted area, became one of many regions where Kāi Tahu were effectively dispossessed of their ancestral lands.

Kāi Tahu refer to its Treaty Claims as Te Kerēme. The genesis of the Ngāi Tahu Settlement was in 1849 when the Crown began defaulting on its contractual undertakings in 10 major land purchases. In the 20 years from 1844, Kāi Tahu signed formal land sale contracts with the Crown for 34.5 million acres, the terms of which secured to Kāi Tahu three principal protections:

1. the allocation of reserves amounting to 10 percent of the alienated lands,
2. continued access to mahika kai, and
3. the construction of facilities including schools and hospitals.

The Crown's failure to abide by these obligations resulted in Kāi Tahu becoming an impoverished and virtually landless people. From an early time, Kāi Tahu pursued claims of unfair purchase practices and of breaches of the deeds of purchase against the Crown. The series of petitions, protests and investigations against these practices, which were carried across seven generations, culminated in the Settlement Act.

The asset base of Kāi Tahu is largely derived from the Ngāi Tahu Settlement. The Settlement is recognised as pioneering the comprehensive Treaty claims framework in New Zealand. Kāi Tahu regard the Settlement Act with Te Tiriti o Waitangi and the Ngāi Tahu Deed of Settlement 1997 as creating a binding legal relationship between the Crown and Kāi Tahu that includes aspects of a beneficial/fiduciary relationship.

Ngāi Tahu Treaty Settlement Provisions

The Ngāi Tahu Settlement consists of four classes of redress transferred to Kāi Tahu:

- An apology by the Crown that served to restore the relationship between it and Kāi Tahu
- Acknowledgment of the tribal relationship with, and significance of, Aoraki
- Cultural redress consisting of a suite of legal instruments that express customary associations and provide mechanisms for Kāi Tahu to participate in environmental management
- Economic redress comprised of transferred assets, purchase options of Crown assets, and a perpetual right of first refusal over select Crown assets in the Kāi Tahu takiwā.

The Apology

The Crown's Apology serves as a formal acknowledgment of the Crown's repeated breaches of Te Tiriti o Waitangi and its failure to uphold the promises made during historical land transactions. Central to the apology is the recognition of the enduring rakatirataka of Kāi Tahu in its takiwā. The Crown explicitly admits to undermining the ability of Kāi Tahu to exercise control over its lands, resources, and taoka, and acknowledges the intergenerational harm caused by these actions. By affirming Kāi Tahu rakatirataka and expressing deep regret for the loss and hardship inflicted, the apology aims to restore a relationship of mutual respect and good faith, consistent with the principles of Te Tiriti and the fiduciary obligations it entails.

Right of First Refusal

The Right of First Refusal (**RFR**) is in respect of a defined range of assets that ensures that Kāi Tahu has the first opportunity to acquire a large range of Crown assets, at their current market value. These assets become available to Kāi Tahu as and when the Crown chooses to sell them. Among other things, the RFR gives Kāi Tahu an opportunity to secure assets that it might not be able to get through other means and accumulate groupings of assets over time that can be used to the tribe's advantage.

This RFR is triggered whenever Crown agencies decide to 'dispose' of the RFR assets. Dispose includes the sale of assets, and the issuing of long-term leases over the assets (50 years, including rights of renewal). In certain circumstances the RFR is also triggered if the relevant assets are transferred into a company and that company is later sold.

Statutory Acknowledgements

Statutory Acknowledgements is a mechanism in the Settlement Act to be utilised through the RMA. The purpose of Statutory Acknowledgements is to improve the effectiveness of participation by Kāi Tahu in RMA processes and protect areas of significant to Kāi Tahu. Statutory Acknowledgements record the associations Kāi Tahu has with particular waterbodies and are a tool for incorporating Kāi Tahu values.

The Statutory Acknowledgement areas are outlined in s. 205 of the Settlement Act and are based on the

limited scope of what the Crown can offer through Treaty Settlements. There are boundaries associated with the Statutory Acknowledgement but focusing on physical area of the Statutory Acknowledgement and where it ends is a 'red herring'. The areas are to trigger the provisions of the Settlement Act and to alert the applicant and local authorities to their significance.

Deeds of Recognition

Deeds of Recognition apply to the same areas as the Statutory Acknowledgements and complement them by providing for Kāi Tahu input into the decision-making processes of the Crown body responsible for the administration of each of those areas.

Deeds of Recognition take the form of specific agreements between Kāi Tahu and the landholding agency (either DOC or LINZ). They recognise Kāi Tahu historical, spiritual, cultural and/or traditional relationship with each of the areas, and the mana and takata whenua status which results from that relationship. Deeds of Recognition also create an obligation on DOC or LINZ to consult with Kāi Tahu and to have particular regard to its views in relation to the management of each of the areas.

Through these instruments, the mana of Kāi Tahu is recognised and given operational effect in day-to-day management.

Tōpuni

Tōpuni provide very public symbols of Kāi Tahu mana and rakatirataka over some of the most prominent landscape features and conservation areas in Te Waipounamu.

The concept of Tōpuni derives from the traditional Kāi Tahu tikaka of persons of rakatirataka extending their mana and protection over a person or area by placing their cloak over them or it. In its new application, a tōpuni confirms and places an 'overlay' of Kāi Tahu values on specific pieces of land managed by DOC. A Tōpuni does not override or alter the existing status of the land (for example, National Park status), but ensures that Kāi Tahu values are also recognised, acknowledged and provided for.

Each Tōpuni involves three levels of information:

- A statement of the Kāi Tahu values in relation to the area
- A set of principles aimed at ensuring that DOC avoids harming or diminishing those values
- Specific actions which DOC has agreed to undertake to give effect to those principles.

Nohoaka

The term 'nohoaka' traditionally refers to the seasonal occupation sites that were an integral part of the seasonal lifestyle of Kāi Tahu.

Nohoaka entitlements, provided for in the Settlement Act, are identified as seasonal or temporary campsites established on Crown owned land adjacent to lakes and rivers to facilitate customary

fishing and the gathering of other natural resources. They provide Kāi Tahu with a means of experiencing the landscape as their tūpuna did, and promoting customary practices associated with mahika kai. Kāi Tahu has the right to erect camping shelters or similar temporary dwellings on nohoaka during the statutory occupation period.

Department of Conservation Protocols

The Crown's Settlement Offer included a set of 'Protocols' that has been developed, setting out ways in which the Department of Conservation exercises its powers, duties and functions in relation to:

- Cultural materials
- Freshwater fisheries
- The culling of species of interest to Kāi Tahu
- Historic resources
- Resource Management Act involvement
- Visitor and public information.

These Protocols, which are enforceable against DOC, make general statements about how the Department should conduct its business in these areas. The Protocols also establish a unique process whereby Kāi Tahu can have input into the Department's budget and priority-setting processes, and identify specific projects to be pursued, subject to available funding. See Appendix C.

Taoka Species Management

The Settlement Act recognises the special relationship Kāi Tahu has with 49 bird species, 54 plant species and 6 marine mammal species. These are listed in schedule 97 Taonga Species and schedule 98 Customary Fisheries.

PROJECT AREA

Matters relating to the Settlement and Conservation Acts and Chapter 39 of the proposed Queenstown Lakes District Plan have been identified as needing specific consideration for the project under Fast-track.

Settlement Redress Provisions in or near the Project Area

Redress elements of the Settlement Act provide Kāi Tahu with an ability to express its traditional relationships with the natural environment and to exercise kaitiaki responsibilities. The following redress provisions are of consideration for the project area:

Department of Conservation Protocols: The Project Area is in the Remarkables Conservation Area that consists of stewardship and other public conservation land administered by the Department of Conservation.

Taoka Species: as listed in schedules 97 and 98

Statutory Acknowledgements: Whakatipu Waimāori /Lake Wakatipu borders the Conservation Area at Wye Creek and the Kararau/Remarkables is part of the Whakatipu Waimāori /Lake Wakatipu catchment and one of the headwaters of the Mata-au /Clutha River that joins at the confluence of the Kawarau River at Cromwell.

Nohoaka: there is a nohoaka in the Conservation Area at Wye Creek, near the shoreline of Whakatipu Waimāori /Lake Wakatipu.

Following this consideration, it is noted that there are no statutory acknowledgements or nohoaka in or directly adjacent to the project area. The Kararau/Remarkables mountain range does not have a Deed of Recognition or tōpuni. Waterbodies in the project area are naturally fishless due to a natural waterfall and gorge barriers and identified taoka species (e.g. taramea) are recognised in the reports by e3 Scientific.

Remarkables Conservation Area

The Project Area is in the Remarkables Conservation Area (**Conservation Area**). The Conservation Area is provided for under section 7 of the Conservation Act 1987. The Conservation Act is to be interpreted and administered to give effect to the principles of Te Tiriti o Waitangi/Treaty of Waitangi.

The Treaty partnership is based on the principles upon which the Treaty is founded and gives ongoing effect to the tino rakatirataka of Kāi Tahu alongside the requirement of the Crown to govern responsibly. With respect to conservation management, its practical application is expressed through the exercise of Kāi Tahu kaitiakitaka (guardianship) responsibilities over their natural resources. Its practical application flows from Tiriti o Waitangi/Treaty of Waitangi, and its local expression for the Conservation Area comes from the Otago Conservation Management Strategy 2016, outlined in section 1.4.

In 2020, a report was released that detailed the historical and contemporary Kāi Tahu values, practices, and associations with the Conservation Area for the purpose of considering land (re)classification and

management.³ The report did not consider how these values, practices, and associations would influence or develop any reclassification criteria and its application, nor possible management options. It did not outline manawhenua aspirations for the area. (Reclassification is yet to be undertaken for the Conservation Area.)

The report limited itself to considering:

- **Four values:** whakapapa, mātauraka tuku iho, kaitiakitaka, and tikaka
- **Three practices:** mahika kai, kā ara tawhito, and nohoanga
- **Two associations:** personification of landscape and Treaty Cultural Redress.

The Kāi Tahu values for the Conservation Area were summarised as:

The Conservation Area is a tangible and intangible representation of Ngāi Tahu whakapapa with Ngā Puna Wai Karikari a Rākaihautū having been shaped by Rākaihautū. with the two mountain ranges of the Conservation Area, Kawarau and Tāpuae-o-Uenuku, also named after tūpuna. This whakapapa connection with the archaeological, written and oral records enables the exchange, expression and recognition of Ngāi Tahu mātauranga tuku iho. It provides an ongoing presence of the mana of Ngāi Tahu in its takiwā.

As manawhenua, Ngāi Tahu, in exercising its kaitiakitanga, recognises the impact of high-country pastoral farming and mining on soil health, the presence and absence of native flora and fauna, land use change (e.g. draining of wetlands and tarns) and pest species. While these activities have impacted the health and mauri of the Conservation Area, it has not diminished the requirement for Ngāi Tahu to act as kaitiaki. In fact, the need to improve, restore, and maintain where intact (e.g. remnant vegetation north branch of Wye Creek) means actively working to ensure Ngāi Tahu values and tikanga are upheld and is sustaining future generations to deliver long-term conservation outcomes.

The Kāi Tahu practices for the Conservation Area were summarised as:

Historically, the Conservation Area is part of a much larger network of mahinga kai and a highly visible landmark in Te Ara a Tamatea, the Whakatipu route across the lake to the West Coast, and the link to Potiki-whaka-rumaki-nao and the Mata-au Clutha River.

- *Traditional nohoanga have been identified in the Conservation Area with more suspected to have existed, although there is no physical evidence of this at present. A nohoanga entitlement is active at Wye Creek.*
- *Kawarau is recorded as a mahinga kai site where weka, kākāpō, kea and tuna (eel) were gathered. It is also a place of seasonal occupation.*
- *While most species traditionally harvested in the Conservation Area can no longer be found in sustainable quantities, it still provides habitat to native fish species and plants. The Conservation Area does allow for non-commercial harvesting of non-native species such as deer.*

³ Kauati for Te Papa Atawhai Department of Conservation, *Remarkables Conservation Area: Summary of Ngāi Tahu Values, Practices and Associations*, 2020.

- *The Conservation Area contains recorded, known, and suspected wāhi tapu and wāhi tūpuna; some in the form of archaeological sites.*

The Kāi Tahu associations for the Conservation Area were summarised as:

- *The place holds many Ngāi Tahu place names, with three names made official in 2013 (one commemorating an 1850s event), and others, such as Kawarau, having remained in historical accounts.*
- *The following Treaty Redress provisions apply to this place⁴:*
 - *Nohoanga – Wye Creek*
 - *Statutory Acknowledgement – Whakatipu Waimāori*
 - *Taonga species*
 - *Tenure Review (formal agreement with LINZ).*
- *Nohoanga is a specific redress mechanism to enable Ngāi Tahu to practice mahinga kai. Mahinga kai was one of the ‘9 Tall Trees’ of Te Kerēme, the historical Ngāi Tahu Treaty Claim.⁵*
- *The Statutory Acknowledgement for Whakatipu Waimāori recognises Ngāi Tahu historical, spiritual, cultural and traditional relationships with the lake and its surrounds. It was proposed that Deeds of Recognition would apply to the same areas as Statutory Acknowledgements.⁶*
- *Tenure review provided a mechanism for Ngāi Tahu values to be considered in the return of lease land to the Crown. This returned land now forms the basis of the Conservation Area.*

Chapter 39 Wāhi Tūpuna

Wāhi Tūpuna layers are outlined in Chapter 39 of the proposed Queenstown Lakes District Plan. Kawarau (The Remarkables) includes the Rastus Burn section of the project area.⁷ Kawarau River is not in or adjacent to the project area.

The purpose of Chapter 39 is to assist in implementing the strategic direction set out in Chapter 5 Tangata Whenua in relation to providing for the kaitiakitaka of Kāi Tahu as Manawhenua in Queenstown Lakes. Through the identification of wāhi tūpuna the management and protection of these areas can be more clearly considered in Resource Management Act 1991 decision making.

⁴ The Ngāi Tahu Claims Settlement Act does not include complete lists of taonga species or significant sites. These limitations are due to the terms of negotiation and arbitrary Crown restrictions on the number of sites and species that Ngāi Tahu could include.

⁵ Te Karaka Special Edition (1998) *Crown Settlement Offer: Consultation Document from the Ngāi Tahu Negotiating Group*, p. 39

⁶ Te Karaka Special Edition, pp. 34-5. Also see p. 275 of the Otago Conservation Management Strategy that has only five Deeds of Recognition in place for Otago (Pikirakatahi, Tititea, Matakaea, Tokatā, and Waiholā-Waipori Westland).

⁷ The project area straddles Queenstown Lakes and Central Otago districts.

Number	Name	Description	Manawhenua Values	Potential threats
36	Kawarau (The Remarkables)	Kawarau is the traditional name for the Remarkables. As one of the highest and most prominent ranges overlooking Whakatipu wai-Māori, closeness to the Ātua gives significance to Kawarau.	Wāhi taoka, mauka.	<ul style="list-style-type: none"> a) Exotic wilding trees and pest plant species b) Buildings and structures c) Energy and Utility activities d) New roads or additions/alterations to existing roads, vehicle tracks and driveways e) Activities affecting the ridgeline and upper slopes f) Earthworks g) Subdivision and development h) Activities affecting natural character
24	Kawarau River	The Kawarau River was a traditional travel route that provided direct access between Whakatipu Waimāori (Lake Whakatipu) and Mata-au (the Clutha River). It is also recorded as a kāika mahika kai where weka, kākāpō, kea and tuna (eel) were gathered. Potiki-whata-rumaki nao is the name for the former natural bridge over the Kawarau, which was a major crossing point. Other sites in the area: Te Wai o	Ara tawhito, mahika kai, nohoaka, archaeological values.	<ul style="list-style-type: none"> a) New roads or additions/alterations to existing roads, vehicle tracks and driveways b) Buildings and structures c) Earthworks d) Subdivision and development e) Damming, activities affecting water quality f) Exotic wilding trees and pest plant species g) Commercial and recreational activities excluding those associated with viticulture related tourism.

		<p>Koroiko, Ōterotu - Ōterotu is the traditional Māori name for the Kawarau Falls. Ōterotu is located at the outlet of Whakatipu-wai- māori.</p>		
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CONSIDERATION WITHIN THE PROJECT

With regards to Project mitigation and compensation, the early guidance from Kā Rūnaka emphasised a collective approach to long-term matters and that the following would be assessed to recognise possible Te Tiriti o Waitangi impacts:

- Long term monitoring that aligns with intergenerational responsibilities
- Adaptive management where impacts or uncertainties remain
- Governance and partnership mechanisms that enable Kā Rūnaka to exercise ongoing rakatirataka.

Guided by this advice, the 2020 report for the Conservation Area, and the findings from the technical reports, a select group of the proposed conditions are listed below with a short summary on how they attempt to recognise possible Te Tiriti o Waitangi impacts. This summary has been undertaken by ā-Rautaki without guidance or peer review from Kā Rūnaka. Its purpose is to demonstrate that while there are limitations in the consideration of possible impacts for the project, these matters are live and front of mind and have not disregarded in the absence of a Te Tiriti o Waitangi Impact Assessment.

Please note that care has been taken in the table not to assume or limit direct mana ki te mana discussions between DOC and Kāi Tahu (e.g. DOC Protocols from the Settlement Act) nor local authorities and Papatipu Rūnaka. For instance, in the full suite of proposed conditions, where there is reference to a local authority as required under regulation, it is for the local authority to undertake their agreed engagement protocols/processes with Papatipu Rūnaka.

Proposed Conditions		Consideration of possible impacts
		<ul style="list-style-type: none"> - Long term monitoring that aligns with intergenerational responsibilities - Adaptive management where impacts or uncertainties remain - Governance and partnership mechanisms that enable Kā Rūnaka to exercise ongoing rakatirataka.
MW.1	<p>At least three (3) months prior to the commencement of activities authorised by this consent, the Consent Holder must invite the following parties to request the establishment of the mana whenua advisory group. The invitation must seek direction on the make-up of group, frequency of hui and group composition. The following parties must be invited to include representatives on the mana whenua advisory group:</p> <ul style="list-style-type: none"> (a) Te Rūnaka o Moeraki; (b) Kāti Huirapa ki Puketeraki; 	<p>The mana whenua group has been proposed to acknowledge and provide a means for Kāi Tahu mana whenua and cultural responsibilities and associations with Kawarau/Remarkables, across a range of values and issues.</p> <p>While created for this project, NZSki desire that this group evolve into a formalised participatory process with them, beyond these proposed project conditions. This point has been discussed in earnest multiple times since 2023.</p>

Proposed Conditions	Consideration of possible impacts
<ul style="list-style-type: none"> (c) Te Rūnaka o Ōtākou; (d) Waihōpai Rūnaka; (e) Te Rūnaka o Awarua; (f) Te Rūnaka o Ōraka-Aparima; (g) Hokonui Rūnaka; and (h) Any other group invited by the Consent Holder. <p>The mana whenua advisory group must consist of members from the Papatipu Rūnaka listed above and the Consent Holder unless otherwise agreed between Papatipu Rūnaka and the Consent Holder.</p>	
<p>MW.2</p> <p>The purpose of the mana whenua advisory group is to:</p> <ul style="list-style-type: none"> (a) Facilitate ongoing engagement between the Consent Holder and Papatipu Rūnaka with shared interests in the project area in respect of the activities authorised by the resource consent. (b) Facilitate feedback to the Consent Holder on the implementation of the management plans required by Condition GC.9; (c) Provide for mana whenua involvement in Project delivery, including in particular in respect of management plans; (d) Enable mana whenua advisory group members to share information with the seven Papatipu Rūnaka with shared interests in the project area relevant to the Remarkables Ski Area Upgrade and Doolans Basin Expansion; (e) Ensure the appropriate tikaka and kawa (customary practices and protocols) are being applied throughout the development and implementation of the Remarkables Ski Area Upgrade and Doolans Basin Expansion; (f) Oversee and direct the implementation of the accidental discovery protocol procedures consistent with Condition GC.19 and any archaeological authority granted for the Project; and 	<p>The mana whenua advisory group provides oversight and management mechanisms for the project during the design and construction phases where any remaining uncertainties or unforeseen matters will be tested and solutions found. It also enables an ability to integrate these matters with those already agreed to, reducing the risk of undermining any project outcomes.</p> <p>Particularly through the development and use of management plans, long-term monitoring and collation of data sets will assist current and future generations in undertaking their cultural responsibilities.</p>

Proposed Conditions		Consideration of possible impacts
	(g) Identify and direct cultural monitoring requirements and measures to be implemented during construction activities.	
MW.3	The Consent Holder must invite the mana whenua advisory group to six-monthly (or an alternative frequency as agreed to by mana whenua advisory group) meetings throughout construction activities, and once annually for the balance of the duration of the resource consents.	This condition looks to provide a delivery pathway and operationalise the advice from mana whenua, meaning active and effective involvement in the oversight, management, and direction of the project. Any possible Te Tiriti impacts can be assessed in real time and managed accordingly.
MW.4	<p>After establishing the mana whenua advisory group as required by Condition MW.1, the Consent Holder must facilitate the preparation by the mana whenua advisory group of an agreed programme of works and budget to reflect and give effect to the purpose of the mana whenua advisory group as set out in Condition MW.2. The programme of works should be kept under active review and updated as deemed appropriate by the mana whenua advisory group.</p> <p><i>Advice note: It is anticipated that the mana whenua advisory group programme of works will set out the components of the project that mana whenua would like involvement in (and as agreed to with the Consent Holder), including project activities such as:</i></p> <ul style="list-style-type: none"> • <i>Reviewing and preparing feedback on management and monitoring plans;</i> • <i>Advice on the development and implementation of ecological and pest control projects;</i> • <i>Representation of Kāi Tahu identity in the built environment;</i> • <i>Interpretation and signage;</i> • <i>Advice on the development and implementation of the Biodiversity Compensation Project Plan;</i> • <i>Other activities as agreed between the Consent Holder and Papatipu Rūnaka</i> 	<p>This condition looks to provide a delivery pathway and operationalise the advice from mana whenua, meaning active and effective involvement in the oversight, management, and direction of the project.</p> <p>The consent advice note deliberately includes broad wording to include some of the key matters raised by Kāi Tahu and Kā Rūnaka in previous discussions with NZSki and in publicly available documents. It is not deemed to be an exhaustive list but an opportunity to consider and discuss values and potential impacts in the project area.</p>
GC.19	<p>If archaeological material is discovered when exercising this consent, the following procedures must be undertaken by the Consent Holder:</p> <p>(a) All work must cease, and where</p>	<p>This condition acknowledges and provides clarity regarding Kāi Tahu management and responsibilities for their cultural heritage.</p> <p>How this is achieved is under the direction of</p>

Proposed Conditions	Consideration of possible impacts
<p>practicable machinery within 20 m of the discovery shut down;</p> <p>(b) The Consent Holder must notify the Heritage New Zealand Regional Archaeologist;</p> <p>(c) If the site appears to be of Māori origin, the Consent Holder must also notify the Papatipu Rūnaka listed in (d). of the discovery and ensure site access to enable appropriate cultural procedures and tikaka to be undertaken (as long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 have been met);</p> <p>(d) The Papatipu Rūnaka referred to in (c) are:</p> <ul style="list-style-type: none"> (i) Te Rūnaka o Moeraki; (ii) Kāti Huirapa ki Puketeraki; (iii) Te Rūnaka o Ōtākou; (iv) Waihōpai Rūnaka; (v) Te Rūnaka o Awarua; (vi) Te Rūnaka o Ōraka-Aparima; (vii) Hokonui Rūnaka; and (viii) Any other group invited by the iwi listed above. <p>(e) If human remains (kōiwi tangata) are discovered, the Consent Holder must also advise the New Zealand Police and apply the Ngāi Tahu Kōiwi Tangata Policy 2019; and</p> <p>(f) Works affecting the discovery must not recommence until Heritage New Zealand provides written approval or an archaeological authority has been obtained. Such authorisations must be provided to the relevant Consent Authority(s)</p>	<p>Papatipu Rūnaka and their relevant policies/procedures such as the Ngāi Tahu Kōiwi Tangata Policy 2019.</p>





Memorandum

Tiriti Impact Assessment considerations for the NZSki Remarkables Upgrade and Doolans Expansion Project

20 February 2026

Prepared by [REDACTED]

Purpose of a Tiriti Impact Assessment

A Tiriti Impact Assessment (TIA) systematically examines the proposed development through a cultural framework that considers the worldview, values, obligations, and experiences that shape the relationship between mana whenua and their landscapes. A TIA supports decision-makers to explicitly consider cultural impacts alongside the social, economic, environmental, technical, and statutory aspects of the Application and to understand how the Application may affect the rights and interests of Kā Rūnaka as Tiriti partners.

Grounded in Te Tiriti o Waitangi and tikaka, the assessment recognises that cultural impacts extend beyond physical effects on sites or resources to encompass the interconnections between environmental changes, cultural identity and practices, and intergenerational well-being.

A TIA covers:

- An overview of the Application and the purpose and structure of the TIA.
- Identification of relevant Kā Rūnaka interests connected to the project area or kaupapa
- The legal and Tiriti context for consent discussions.
- Assessment of the Application for anticipated cultural impacts of concern to the rūnaka, examining key components of the Application against both sensitivity and scale of impact.
- Assessment of whether proposed mitigations protect cultural values and address issues raised in the TIA.

Importantly, a TIA is not a substitute for broader engagement with Kā Rūnaka, but a complementary tool that supports meaningful partnership and helps identify opportunities to improve outcomes for Kā Rūnaka and strengthen Tiriti relationships.

Cultural framework for assessment

The assessment is grounded in a cultural framework that recognises the interconnectedness of land, water, people, and whakapapa. The assessment identifies taoka/cultural interests and cultural values that may be affected by the Application. They provide the foundation for understanding how changes to the environment may affect cultural identity, practices, authority, and well-being across generations. Taoka/interests are not assessed in isolation but as a mutually reinforcing set of relationships and responsibilities, and are considered within the wider cultural and catchment context rather than being confined to the immediate footprint of the Application.

These taoka/interests and cultural values include:

Taoka/interests	Cultural values
Wahi tīpuna (cultural landscapes) Wahi tapu (sacred sites) Kōrero tuku iho (ancestral narratives and whakapapa) Wai Māori (freshwater areas) Mahika kai (traditional food gathering)	To be determined through discussion with Kā Rūnaka

Taoka/interests	Cultural values
Taoka species (flora and fauna) Rauemi Māori (natural resources) Kāiika Nohoaka (settlement and camping sites) Ara (trails and access routes)	

Overview of Assessment Methodology

A TIA draws on the documented cultural interests, legal and Tiriti context, and findings of technical reports prepared for the Fast Track application to assess the cultural impacts and proposed mitigations of the Application for consistency with Te Tiriti o Waitangi and the Ngāi Tahu Claims Settlement Act 1998.

Relevant technical assessments are reviewed to inform the cultural assessment. Some technical assessments will present more significant considerations for Kāi Tahu interests than others. Technical findings are not adopted uncritically; instead, they are interpreted through a cultural lens to identify where:

- technical scopes omit cultural dimensions
- assumptions conflict with tikaka or mātauraka Kāi Tahu
- mitigation addresses ecological thresholds but not cultural acceptability

This approach recognises that compliance with technical standards does not necessarily equate to cultural protection.

Scoring

The assessment of impacts is structured around two criteria: sensitivity to change of a taoka or value and scale of impact as perceived by whānau. Key components of the Application are assessed on sensitivity and scale of impact against the relevant taoka and values. Sensitivity and scale of impact are combined using a matrix to identify overall level of significance for each effect.

Sensitivity				
Sensitivity reflects the degree to which a cultural interest or value is vulnerable to or able to accommodate change.				
Negligible	Low	Medium	High	Very high

Scale of impact								
Scale of impact considers the magnitude and nature of change resulting from the Application, including activities during both the construction and operational phases. Effects may be adverse or beneficial and temporary or permanent. Mitigation measures may reduce possible adverse effects.								
High benefit	Medium benefit	Low benefit	Very low benefit	Neutral / none	Very low adverse	Low adverse	Medium adverse	High adverse

Cumulative effects

The assessment explicitly considers cumulative effects, recognising that cultural impacts often arise from the accumulation of multiple changes over time rather than from a single activity in isolation. Existing degradation, historical loss, and ongoing pressures are taken into account to understand how additional impacts may compound past and present effects on cultural values and practices.

Assessment of proposed mitigations

Proposed mitigation measures are assessed for the extent to which they effectively address concerns raised by the TIA about taoka/interests rather than solely against technical or environmental performance. The assessment distinguishes between:

- technical or ecological mitigation (e.g. engineering controls, treatment systems), and
- cultural mitigation (e.g. protection of mauri, support for mahika kai, recognition of rakatirataka, cultural monitoring, and partnership arrangements).

Mitigation is evaluated for adequacy to protect each taoka/interest, and gaps are identified where measures reduce harm but do not sufficiently address Tiriti and Settlement Act responsibilities.

Long term considerations

The approach recognises that Tiriti impacts extend across the full life of a development. Effective assessment therefore requires consideration of:

- long-term monitoring that aligns with intergenerational responsibilities
- adaptive management where impacts or uncertainties remain
- governance and partnership mechanisms that enable Kā Rūnaka to exercise ongoing rakatirataka.

Te Tiriti lens on the Application

The proposed ski field expansion raises a range of interconnected cultural considerations. Key focus areas include potential impacts on wai Māori, whenua, and taiao, with construction activities, earthworks, snowmaking infrastructure, and expanded built facilities posing risks to water quality, soil health, and the mauri of the environment. Landscape modification, including through the establishment of chairlifts, machinery bases, avalanche control structures, and new accommodation or service buildings, may affect culturally significant viewsheds and the relationship of Kā Rūnaka to ancestral landscapes. Increased tourism and expanded access networks (such as walking and biking tracks, roads, and parking) introduce risks of visitor intrusion into wāhi tapu, wildlife disturbance, pollution, and intensified pressure on fragile alpine ecosystems. The potential privatisation or restriction of access to whenua and wai Māori further challenges Kā Rūnaka rights and responsibilities as kaitiaki.

Broader concerns include erosion and landslip risks, increased energy and resource use in the context of climate change, and pressures from stormwater, wastewater, power transmission, and communication infrastructure, all of which may diminish the mauri of the environment and limit the ability of iwi and hapū to exercise kaitiakitaka.

Collectively, these elements of the Application require careful evaluation to uphold cultural interests and values, protect taoka species and landscapes, and ensure meaningful partnership with Kā Rūnaka in decision-making.

Kā Rūnaka Aspirations and Outcomes

Kā Rūnaka are seeking outcomes from the proposed expansion of the Application that uphold and enhance social, environmental and economic rights and interests, all of which are grounded in and shaped by our cultural values and responsibilities as Kāi Tahu. Social outcomes refer to the wellbeing of our whānau and communities, meaningful participation, and pathways that strengthen intergenerational capability. Environmental outcomes relate to the mauri of the whenua and the integrity of native ecosystems, from biodiversity enhancement through to actively protecting and restoring natural



landscapes. Economic outcomes include fair and enduring arrangements that provide tangible, long-term benefit to rūnaka and create opportunities for our people and enterprises.

These threads are inherently interdependent; the health of the environment underpins social and economic wellbeing; cultural rights and tikaka guide how each of these domains must be balanced; and the outcomes sought span from on-the-ground ecological improvements to procurement opportunities and other measures that ensure that the effects of the Application are addressed in ways that uplift our people and our places.

Summary

To achieve outcomes that benefit all parties, the Application should be progressed in a manner that gives practical effect to Te Tiriti o Waitangi. This is achieved by ensuring that cultural interests, taoka, and the kaitiaki responsibilities of Kā Rūnaka are substantively recognised and protected within the formulation of conditions, mitigation measures, and ongoing governance arrangements.

Sustained partnership with Kā Rūnaka throughout the design, implementation, and operational phases is therefore required to ensure that any consented activity remains consistent with Tiriti principles, appropriately avoids or mitigates adverse cultural effects, and supports enduring outcomes for Kā Rūnaka and the environment.

Overview of The Remarkables Ski Area Upgrade and Doolans Expansion

1. This briefing is for Te Rūnanga o Ngāi Tahu, Kāi Tahu Papatipu Rūnaka e Whitu, Aukaha, and Te Ao Mārama Inc. It provides an overview from NZSki of its substantive application to be submitted under the Fast-track Approvals Act 2024 (FTAA) for new and upgraded infrastructure at the Remarkables Ski Area and an extension into the adjacent Doolans Basin.
2. In 2024, the Doolans Expansion was included as a listed project in the FTAA. While NZSki have spoken with Ngāi Tahu over the years about the Doolans Expansion and its aspirations for the Remarkables, the FTAA has specific requirements that need to be addressed and provides a platform for numerous interrelated opportunities to be considered.
3. NZSki would like to discuss with you the details of this project, mutual benefits and opportunities, the related consenting pathway, and our next steps and timeframes. The contact person for this project is Paul Anderson. His contact details are [REDACTED]. If you would like any further information before meeting in person, please let him know.
4. Given the scope and complexity of the project and substantive application, we think there is benefit in a high-level discussion then breaking it down into parts.
5. This listing under the FTAA means that no referral application is needed and NZSki are working on the substantive application for lodgement at the end of 2025.

Doolans Expansion

6. The Doolans has been identified as an area for expansion since the development of the Remarkables in the 1980s, and investigations were conducted into suitability and access at this stage and included within planning documents, with further studies in 2011 and in more recent years.
7. Current ski terrain and infrastructure at Queenstown's Remarkables Ski Area is at capacity, especially in peak season and school holidays. It currently sees over 275,000 skier visitor days annually. The Doolans Basin, which lies immediately to the south-east of the existing ski resort, has been identified as a prime area for expansion. It offers potential to more than double ski area terrain from 385h to over 900ha.

8. The Doolans' higher altitude ensures better snow retention, making it well suited for the future of the Queenstown ski industry and offering resilience against climate change. Expanded terrain will cater for the projected growth in local demand from the fastest growing district in New Zealand, and from international visitors, particularly Australians.
9. Projected regional benefits include increased tourism revenue, job creation, enhanced ecological outcomes, greater wellbeing through increased recreation participation, cultural engagement, broader community involvement and enhancement of Queenstown's reputation as a premier tourism destination.
10. The project area includes both the current Remarkables Ski field area, lower carpark and access road, intersection with SH6, and the proposed expansion area into the Doolans. The current Ski Area sits within the Rastus Burn Recreation Reserve and the proposed expansion area falls within the Kawarau/Remarkables Conservation Area that are administered by the Department of Conservation. A map of the project area is in Appendix A.

Fast-track Substantive Application

11. NZSki is in the early development phase of its substantive application. Comprehensive ecological and heritage investigations have been undertaken over the summer. No known areas of archaeological significance were found in the assessment.
12. Work is now underway with the ecologists, surveyors, planners, and landscape specialists to ensure the trails and infrastructure occur in ways that minimises effects on ecological and landscape values. Once these matters are confirmed, detailed technical assessments will be completed across a range of disciplines.
13. The FTAA requires that parcels of Māori land, marae, and wāhi tapu be identified. Our initial desk top research has found none of these within the project area. However, this is a matter NZSki would like to discuss with you before confirming. We are aware that Kawarau Wāhi Tūpuna layer covers some of the project area (that within the Queenstown-Lakes District) and the draft Heritage Assessment does not directly address wāhi tapu.
14. An accidental discovery protocol has been drafted that NZSki expects Ngāi Tahu will want to review in due course.
15. Our work for the substantive application to date has found that this project is likely to require approvals under the following FTAA schedules:
 - a. Schedule 5: Resource Management Act 1991

- b. Schedule 6: Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953, and National Parks Act 1980
- c. Schedule 7: Wildlife Act 1953
- d. Schedule 8: Heritage New Zealand Pouhere Taonga Act 2014.

16. As the project area is within the Ngāi Tahu takiwā and on lands administered by the Department of Conservation, the principles and certain provisions of the Ngāi Tahu Treaty Settlement Act 1998 and corresponding Deed of Settlement 1997 will apply, notably taonga species and Department of Conservation Protocols. The Right of First Refusal may be applicable.

17. NZSki acknowledges that engagement is needed to understand what is required from Ngāi Tahu for these approvals and how this is to be conducted, including assessments, costings, and timeframes.

Engagement and Consultation

18. As mentioned, NZSki have been discussing the Remarkable Ski Area and Doolans with Ngāi Tahu and here is our summary of engagement since 2021.

Year	Summary
23 April 2021	Discussed Doolans aspirations with Jo Allison (Ngāi Tahu Holdings).
14 May 2021	Met with Dean Fraser (Ngāi Tahu Holdings) - similar conversation to above.
4 April 2023	Met with Jacqui Caine, Group Head, Strategy & Environment, TRONT. Discussed Shadow Basin and Doolans aspirations and preferences on how we interact with Ngāi Tahu. Referred Paul to Paulette Tamati-Elliffe.
24 October 2023	Met with Paulette together with Ross Lawrence. Referred Paul to Aukaha and TAMI as first point of contact. Also discussed arranging in person hui at The Remarkables.
10 April 2024	Hui at Remarkables with TAMI, Aukaha, and whanau. Flyover of project area. Reiterated that NZSki to engage with Papatipu Rūnaka via TAMI and Aukaha. Attendees: Dean Whaanga, Riria Hakiwai, Meriani Pile, Aileen Stehlin, Meg Adamson, Cyril Gilroy, Paulette Tamati-Elliffe, Caron Ward, Jana Davis, Korako Edwards. NZSki: Sir John Davies, Paul Anderson, Louise McQuillan, Ross Lawrence, Mandy Cooper.
4 May 2024	Email to Caron Ward (Aukaha) and Dean Whaanga (TAMI) requesting a cultural values report and asking for contacts to connect with to proceed. NZSki also advised that an application for listing in the Fast-track Bill for the Doolans had been submitted.

27 May 2024	Email received from Kate Timms-Dean (Aukaha) requesting information on the proposal, in order develop a scope of work.
21 June 2024	Doolans Project overview and preliminary layout plans emailed to Kate Timms-Dean and Caron Ward (Aukaha) and Dean Whaanga (TAMI) for review, asking whether a cultural values report or cultural impact assessment was appropriate given level of project definition.
10 September 2024	Teams meeting with Kate Timms-Dean and Pam Walker (Aukaha) to request a cultural values report for The Doolans.
NOTE: Doolans Extension listed in the Fast-track Approvals Act 2024 (made public in December 2025)	
14 March 2025	Met with Pam Walker and talked her through The Doolans proposal. Agreed to convene a hui at The Remarkables prior to the start of the 2025 ski season. Since then, Paul has tried to agree a date with Pam for another hui for Remarkables but has been advised that Papatipu Rūnaka are "considering the matter".
9 April 2025	Email from Kahoki Mikaere on behalf of Kāi Tahu Tāhuna Fast Track Komiti - Project Director Jana Davis on behalf of Kāi Tahu ki Murihiku, initiating formal engagement on the Project, including the substantive application, and requesting a meeting.
30 May 2025	Paul Anderson met with Jana Davis who advised that the seven Papatipu Rūnaka were establishing a Tāhuna Fast Track Komiti to act as liaison between Nzski and Papatipu Rūnaka.
16 July 2025	A discussion regarding advice on engagement with Jana Davis - noted that Kauati was working locally with other Fast Track Applicants.
27 August 2025	Paul sent email and project brief to TRONT, Aukaha, TAMI, and Tāhuna Fast Track Komiti Representative Jana Davis outlining the substantive application and seeking engagement on the Project.

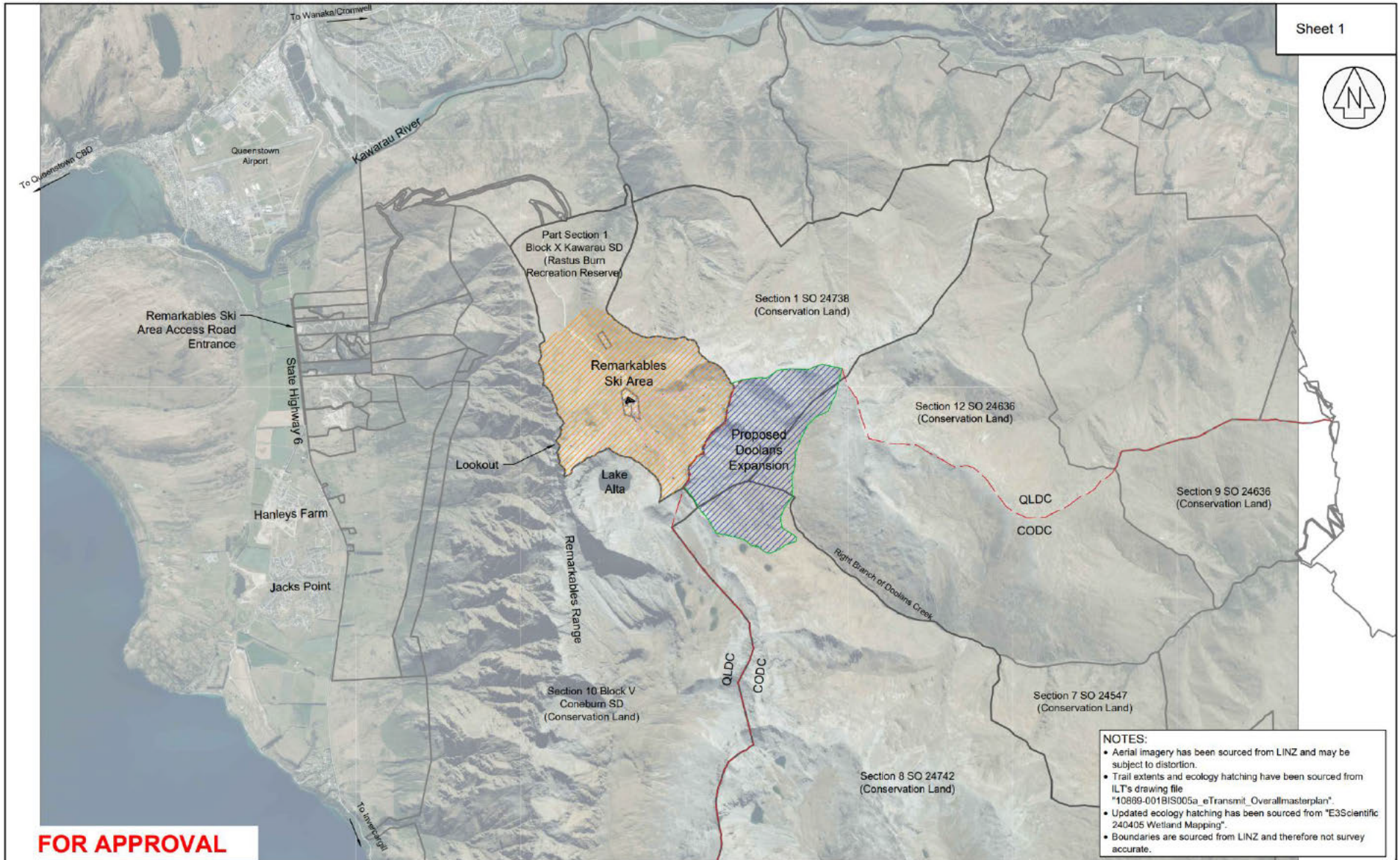
19. NZSki has also been discussing the Project with the Otago Regional Council and Queenstown Lakes and Central Otago district councils. Below is a high-level summary of recent engagement with them:

- a. **Otago Regional Council** – More recent submissions on Otago Regional Policy Statement in the context of enabling ski area activities but no formal consultation process to date.
- b. **Queenstown Lakes District Council** – multiple informal conversations with Mayor, CE and team but no formal consultation process to date.
- c. **Central Otago District Council** – consultation started with CODC in 2019, through in person meeting and provision of a project outline for Doolans expansion. The intent was to inform possible adoption of a CODC ski area sub zone, similar to the QLDC zoning provisions, as part of

the next district plan review. There were no objections raised to this approach. This District Plan review was scheduled to already have been undertaken but has since been postponed.

20. The Department of Conservation (**DOC**) and NZSki have been in consultation about this Project since the early 2000. The Doolans has been identified as an area for expansion since the development of the Remarkables in the 1980s, and investigations were conducted into suitability and access at this stage and included within planning documents.
21. More recent engagement with the local DOC Operations Manager has focused on the land reclassification process (which has since stalled) and understanding the permissions process within DOC for any expansion.
22. Engagement with DOC has included:
 - a. Early 2000s: permit granted for cat skiing in the Doolans to explore future opportunities
 - b. 2006: correspondence from Remarkables Ski Area Manager outlining the scope of the proposed extension, with correspondence returned July 2007 from DOC Area Manager, including “it is my view that the proposal is not inconsistent with the CMS Objective and Implementation directions”
 - c. 2011: correspondence between NZSki and DOC to review existing use of the Doolans creek area.
 - d. 2019: correspondence between NZSki and DOC Director South Islands Operations outlining the proposal and requesting advice on how an application would be viewed by DOC. Response received April 2019 stating that land reclassification is anticipated to be completed within 12 to 18 months.
 - e. 2021: meetings and correspondence during preparations of The Remarkables lease renewal application with local DOC office and permissions, as to whether Doolans should be included as part of the concession application. It was decided that given information available at the time, that this should be applied for separately.
 - f. 2022: Submission made to DOC as part of the consultation process for “Streamlining the stewardship land reclassification process”, outlining NZSki support for a streamlined reclassification process for the Remarkables Conservations Area, focusing on the values that would be enhanced by an expansion of lift accessed recreation to the Doolans.

Appendix A – Map of Proposed Project Area



DEPARTMENT OF CONSERVATION PROTOCOLS WITH NGĀI TAHU

PROTOCOLS issued by the CROWN through the MINISTER OF CONSERVATION regarding THE DEPARTMENT OF CONSERVATION'S INTERACTION WITH NGĀI TAHU ON SPECIFIED ISSUES

1 Introduction

1.1 The purpose of the Conservation Act 1987 is to manage natural and historic resources under that Act and the Acts in the First Schedule of the Conservation Act. Section 4 of the Conservation Act requires that the Act be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi.

1.2 The Director-General has certain management responsibilities in terms of legislation and can only delegate or share responsibility for decisions s/he makes within the limits of his/her legislation. However, in making such decisions, the Director-General will provide Te Rūnanga the opportunity for input, consistent with section 4, in its policy, planning and decision-making processes on the matters set out in these Protocols.

1.3 These Protocols apply across the Ngāi Tahu Takiwā, which spans five conservancies, and the Southern and Central Regional Offices of the Department.

1.4 Both the Department and Te Rūnanga are seeking a relationship consistent with the Treaty principle of partnership that achieves, over time, the conservation policies, actions and outcomes sought by both Te Rūnanga and the Department, as set out in this document.

2 Purpose of Protocols

2.1 These protocols are issued pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998 and clause 12.12 of the 1997 Deed of Settlement between the Crown and Ngāi Tahu, which specifies the following:

2.1.1 Definitions

Protocol means a statement in writing, issued by the Crown through the Minister of Conservation to Te Rūnanga, which sets out:

- a. How the Department of Conservation will exercise its functions, powers, and duties in relation to specified matters within the Ngāi Tahu Claim Area; and
- b. How the Department of Conservation will, on a continuing basis, interact with Te Rūnanga and provide for Te Rūnanga's input into its decision-making process.

2.1.2 Authority to Issue, Amend or Cancel Protocols

Pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998, the Minister of Conservation may, from time to time, issue, amend, and cancel Protocols.

2.1.3 Issue of Protocols

On Settlement Date (as defined in section 8 of the Ngāi Tahu Claims Settlement Act 1998) the Crown has agreed through the Minister of Conservation to issue Protocols in this form on the following matters:

- a. Cultural materials;
- b. Freshwater fisheries;

- c. Culling of species of interest to Ngāi Tahu;
- d. Historic resources;
- e. Resource Management Act 1991 involvement; and
- f. Visitor and public information.

2.1.4 Protocols subject to Crown Obligations

Pursuant to Section 283 of the Ngāi Tahu Claims Settlement Act 1998, the Protocols are issued and amended, subject to, and without restriction upon:

- a. The obligations of the Minister of Conservation and the Department of Conservation to discharge their respective functions, powers, and duties in accordance with existing law and government policy from time to time; and
- b. The Crown's powers to amend policy, and introduce legislation amending existing law.

This clause is not intended to indicate, and should not be interpreted as indicating, any agreement by Te Rūnanga to any amendment to policy which would adversely affect the redress provided by the Crown pursuant to the Settlement Deed or the ability of either party to fulfil its obligations expressed in the Settlement Deed.

2.1.5 Noting of Protocols on CMS

Pursuant to section 284 of the Ngāi Tahu Claims Settlement Act 1998:

- a. The existence of Protocols, once issued, and as amended from time to time, including a definition of Protocols as set out in section 281 of the Ngāi Tahu Claims Settlement Act 1998 and a summary of the terms of issue of Protocols, must be noted in conservation management strategies, conservation management plans and national park management plans affecting the Ngāi Tahu Claim Area; and
- b. Noting of Protocols pursuant to section 284(1) of the Ngāi Tahu Claims Settlement Act 1998 is for the purpose of public notice only and is not an amendment to the relevant strategies or plans for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

2.1.6 Enforceability of Protocols

Pursuant to section 285 of the Ngāi Tahu Claims Settlement Act 1998:

- a. The Minister of Conservation must comply with a Protocol as long as it remains in force;
- b. If the Minister of Conservation fails unreasonably to comply with a Protocol, Te Rūnanga may, subject to the Crown Proceedings Act 1950, enforce the Protocol by way of public law action against the Minister of Conservation;
- c. Notwithstanding paragraph (b), damages are not available as a remedy for a failure to comply with a Protocol; and
- d. This clause does not apply to any guidelines which are developed pursuant to a Protocol.

2.1.7 Limitation of Rights

Pursuant to section 286 of the Ngāi Tahu Claims Settlement Act 1998, except as expressly provided in the Deed of Settlement, the Ngāi Tahu Claims Settlement Act 1998, or in a Protocol, a Protocol 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, land held, managed, or administered under the Conservation Act 1987 or a statute listed in the First Schedule of that Act.

3 Implementation and Communication

3.1 The Department will seek to establish and maintain communication with Te Rūnanga and its papatipu rūnanga on a continuing basis by:

- a. Maintaining at the conservancy level, with the assistance of Te Rūnanga, information provided on papatipu rūnanga, their office holders and addresses; and
- b. Providing reasonable opportunities for Te Rūnanga and papatipu rūnanga to meet with Department managers and staff.

3.2 The protocols provide for ongoing implementation of a range of matters, as well as Specific Projects which will require resourcing. It is not intended that all of the Specific Projects listed in these Protocols will be implemented in any one year. Implementation will be over time. Where these Protocols refer to Specific Projects that require resourcing, their implementation will be subject to provision being made in the relevant conservancy business plan. The process for the Department implementing any particular Specific Project in a business year will be as follows:

- a. The Department will meet with Te Rūnanga in each conservancy and at regional level annually to identify priorities for undertaking Specific Projects as listed in these protocols for the upcoming business year;
- b. The identified priorities will be taken forward by the Department into its business planning process at the conservancy and regional levels and considered along with other priorities;
- c. The decision on whether any Specific Projects will be funded in any business year will be made by the Conservator and the Regional General Manager;
- d. The Department will advise Te Rūnanga of the outcome of this process; and
- e. Te Rūnanga and the Department will then meet again, if required, to finalise a work plan for implementation of the Specific Projects in that business year, in accordance with the resources which have been allocated in the business plan. The Department will apply the allocated resources to give effect to that work plan, subject to unforeseen management requirements which may arise from time to time, such as emergencies, adverse weather, staff shortages or reallocation of resources directed by the Minister.

3.3 The Department will:

- a. Meet with Te Rūnanga to review implementation of these Protocols and to deal with the matters in clause 3.2; four times per annum, unless otherwise agreed, in each conservancy, twice per annum at regional level, and at least once per annum at Chief Executive level;
- b. As far as reasonably practicable, train relevant staff on these Protocols and provide ongoing training as required; and
- c. As far as reasonably practicable, brief Conservation Board and NZCA members on these Protocols and the Ngāi Tahu Settlement, and provide ongoing information as required.

4 Cultural materials

4.1 For the purpose of these Protocols, cultural materials are defined as:

- a. Plants, plant materials; and
- b. Materials derived from animals, marine mammals or birds, to the extent to which the Department holds and is responsible for them, and which are important to Ngāi Tahu in maintaining their culture.

4.2 Current legislation means that generally some form of concession or permit is required for any gathering of cultural materials.

4.3 The Department will:

- a. Have particular regard to Te Rūnanga's cultural use policy (Kawa Hua Taiao) as it relates to the Department's activities, and other relevant Te Rūnanga statements of policy produced from time to time.
- b. Consider requests from members of Ngāi Tahu Whānui for the customary use of cultural materials in accordance with the appropriate legislation.
- c. Agree, where reasonably practicable, for Ngāi Tahu to have access to cultural materials which become available as a result of Departmental operations such as track maintenance or clearance or culling of species.
- d. Consult with Te Rūnanga in circumstances where there are competing requests from non-Ngāi Tahu persons or entities for the use of cultural materials, for example for scientific research purposes, to see if the cultural and scientific or other needs can be reconciled before the Department makes a decision in respect of those requests.

4.4 Specific projects

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Develop and implement guidelines for each conservancy within the Ngāi Tahu Takiwā that help define levels of customary use of cultural materials, and set conditions, after consideration of tikanga, to be met for gathering;
- b. Identify local sources of plants and provide advice to Te Rūnanga with respect to the establishment by Te Rūnanga of cultivation sites; and
- c. Establish Departmental cultural materials banks for cultural materials which have come into the Department's possession, and guidelines for their use.

5 Freshwater fisheries

5.1 The Department has a statutory role in advocating the conservation of aquatic life and freshwater fisheries generally. Its advocacy for freshwater biota, aquatic habitats and fish passage in all areas is primarily taken via statutory planning processes provided by the Resource Management Act 1991.

5.2 Section 48B of the Conservation Act 1987 (inserted by section 305 of the Ngāi Tahu Claims Settlement Act 1998) provides the power to promulgate regulations providing for customary Māori fishing rights with respect to freshwater fisheries within South Island Fisheries Waters. Pursuant to clause 12.14.11(e) of the Deed of Settlement such regulations are to be promulgated as soon as practicable, and in any event no later than two years after Settlement Date. Besides generally consulting with Te Rūnanga and providing for its participation in the conservation and management of customary freshwater fisheries and freshwater fish habitats, the Department will consult with, and have particular regard to the advice of, Te Rūnanga in its capacity as an Advisory Committee appointed under section 56 of the Conservation Act in all matters concerning the management and conservation by the Department of Conservation of Taonga Fish Species (as defined in section 297 of the Ngāi Tahu Claims Settlement Act 1998) within the Ngāi Tahu Claim Area. This obligation does not derogate from the obligations of the Department under section 4 of the Conservation Act 1998 to give effect to the Treaty of Waitangi.

5.3 Advisory Committee

The Department will, in relation to the Taonga Fish Species and as far as reasonably practicable, provide the Advisory Committee with all relevant information to enable it to give informed advice, and will meet with the Advisory Committee at conservancy level as necessary to give effect to the Deed of Settlement and the Ngāi Tahu Claims Settlement Act 1998.

5.4 Customary freshwater fisheries regulations

The Department will work with Te Rūnanga at regional and conservancy levels to:

- a. Provide for Te Rūnanga participation in the development and promulgation of customary freshwater fishing regulations by:
 - i. Establishing a joint working group;
 - ii. Setting terms of reference for that working group;
 - iii. Setting timelines for progress; and
 - iv. Providing information to Te Rūnanga in a timely manner and allowing Te Rūnanga an opportunity to comment.

5.5 Specific

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Develop and implement guidelines for the Department with respect to the promotion of compliance with customary freshwater fisheries regulations;
- b. Develop and implement guidelines for the Department with respect to monitoring the efficacy of the customary freshwater fisheries regulations at regular intervals; and
- c. Develop and implement guidelines for the Department with respect to sharing accumulated management information and research data on customary freshwater fisheries with Te Rūnanga.

5.6 Other Matters

The Department will work with Te Rūnanga at regional and conservancy levels to provide for active participation by Te Rūnanga in the conservation, management and research of customary freshwater fisheries and freshwater fish habitats by:

- a. Seeking to identify areas for co-operation in advocacy, consistent with clause 9, focussing on fish passage, minimum flows, protection of riparian vegetation and habitats, water quality improvement and in the restoration, rehabilitation or enhancement of customary freshwater fisheries and their freshwater habitats; and
- b. Consulting with Te Rūnanga in developing or contributing to research programmes that aim to improve the understanding of the biology of customary freshwater fisheries and their environmental and habitat requirements. The Department confirms that it regards Te Rūnanga as a possible science provider or collaborator for research projects funded or promoted by the Department in the same manner as other potential providers or collaborators.

5.7 Specific Projects

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Conduct research to establish and address ecosystem threats to specified customary freshwater fisheries including barriers to migration, habitat loss and exotic species interaction;

- b. Contribute to the resolution of eel management issues, in particular, the administration of the fish passage regulations in the Freshwater Fisheries Regulations, the promotion of the installation of effective fish passages where necessary and monitoring of their effects, by participating in discussions with Te Rūnanga and Te Waka a Māui me ona Toka Mahi Tuna; and
- c. Identify the need for, and where necessary prepare, management plans for freshwater fisheries management.

6 Culling of species of interest to Ngāi Tahu

6.1 As part of an integrated management regime, or because a species population has risen to become an ecological pest, it may from time to time be necessary for the Department to carry out a cull of a protected species under the Wildlife Act 1953. The Department recognises that Te Rūnanga is interested in such operations in the following ways:

- a. The carrying out of such a cull where the species to be culled is causing or is likely to cause ecological damage to species or habitats of particular significance to Ngāi Tahu;
- b. The methods to be used in such culls; and
- c. Cultural materials arising from the cull.

6.2 The Department will:

- a. Have regard to any requests initiated by Te Rūnanga for the carrying out of culling operations;
- b. Consult with, and have particular regard to the views of, Te Rūnanga before deciding to carry out a cull of protected species on land administered by the Department, in respect of the reasons for the cull and the method proposed to be used; and
- c. In situations where either a Fish and Game Council or a Regional Council intend to carry out a cull of protected species or a game bird and the Department has a statutory role in the process, request the relevant body to consult with Te Rūnanga before carrying out any such cull.

7 Historic resources

7.1 The Minister acknowledges the importance to Ngāi Tahu of their wāhi tapu, wāhi taonga and other places of historic significance to them. Liaison with Te Rūnanga is important in the management of those places containing sites of historic and cultural significance to Ngāi Tahu, including places of settlement, horticulture, natural resource harvesting, warfare, communication, and places of cultural and spiritual connection.

7.2 The Department notes that non-disclosure of locations of places known to Ngāi Tahu is a practice used by Ngāi Tahu to preserve the sanctity of a place. Respecting the principle of confidentiality brings management difficulties of a particular kind. Where information is not available, management practices which (unintentionally) contravene the cultural value associated with a specific site, may be put in place. Where reasonably practicable, the Department will respect the principle of confidentiality that applies to wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu. The primary responsibility for identifying and assessing Ngāi Tahu heritage values rests with Te Rūnanga.

7.3 The Department will work with Te Rūnanga at regional and conservancy levels to:

- a. Ensure, as far as reasonably practicable, that Ngāi Tahu values attaching to identified wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu managed by the Department are respected by the Department, for example, by the Department giving consideration to impacts from visitor numbers, facilities and services;
- b. Manage, as far as reasonably practicable, wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu according to the standards of conservation practice outlined in the ICOMOS New Zealand Charter 1993;
- c. Ensure, as far as is reasonably practicable that, when issuing concessions giving authority for other groups to manage land administered by the Department, those groups manage the land according to the standards of conservation practice outlined in the ICOMOS New Zealand Charter 1993;
- d. Have particular regard to relevant Te Rūnanga policies, including those relating to Koiwi Tāngata (unidentified human remains) and Archaeological and Rock Art Sites;
- e. Ensure, as far as is reasonably practicable, that it uses Ngāi Tahu's cultural information only with the consent of Te Rūnanga; and
- f. When issuing concessions to carry out activities on the land administered by the Department, request that the concessionaire consult with Te Rūnanga before using Ngāi Tahu's cultural information.

7.4 Specific Projects

The Department will, subject to clause 3.2, work with Te Rūnanga at regional and conservancy levels to:

- a. Develop and implement guidelines for the identification, inventory and management by the Department of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu that take into consideration the traditional uses and practices of Ngāi Tahu and are, where reasonably practicable, consistent with Ngāi Tahu tikanga;
- b. Identify and actively protect specified wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu on land administered by the Department;
- c. Develop and implement guidelines for the active protection of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu;
- d. Identify co-operative projects covering a range of options for the protection and management of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu;
- e. Consult with and seek participation from Te Rūnanga with respect to research, survey or inventory projects that relate specifically to wāhi tapu, wāhi taonga and other places of historic significance to them.

8 Visitor and public information

8.1 In providing public information and interpretation services and facilities for visitors on the land it manages, the Department recognises the importance to Ngāi Tahu of their cultural, spiritual, traditional and historic values.

8.2 The Department will work with Te Rūnanga at regional and conservancy levels to encourage respect for Ngāi Tahu values by:

- a. As far as is reasonably practicable, seeking to raise public awareness of the positive conservation partnerships developed between Te Rūnanga, the Department and other stakeholders, for example, by way of publications, presentations and seminars;

- b. Consulting on the provision of interpretation and visitor facilities (if any) at wāhi tapu, wāhi taonga and other places of historic or cultural significance to Ngāi Tahu;
- c. Ensuring, as far as is reasonably practicable, that Department information on new panels, signs, and visitor publications includes Te Rūnanga perspectives and references to the significance of the sites to Ngāi Tahu, where appropriate, including the use of traditional Ngāi Tahu place names; and
- d. Encouraging Te Rūnanga participation in the Department's volunteer and conservation events programmes.

8.3 Specific Projects

The Department will, subject to clause 3.2, work with Te Rūnanga to:

- a. Develop and implement guidelines on the provision of information and interpretation facilities and services for visitors, so as to identify and consider issues of concern to Te Rūnanga;
- b. Consider possibilities for Te Rūnanga to contribute to visitor appreciation of the cultural values of sites of cultural and historic significance to Ngāi Tahu managed by the Department; and
- c. Provide information to education providers, including kohanga reo and kura kaupapa Māori, for the development of educational resources on conservation issues and associated Ngāi Tahu values.

9 Resource Management Act

9.1 Te Rūnanga and the Department both have concerns with the effects of activities controlled and managed under the Resource Management Act. These include effects on:

- a. Wetlands;
- b. Riparian management;
- c. Effects on freshwater fish habitat;
- d. Water quality management
- e. Protection of historic resources; and
- f. Protection of indigenous vegetation and habitats.

9.2 From time to time, Te Rūnanga and the Department will seek to identify further issues of mutual interest for discussion. It is recognised that their concerns in relation to any particular resource management issue may diverge and that each of them will continue to make separate submissions.

9.3 The Department will work with Te Rūnanga at regional and conservancy levels to discuss the general approach that will be taken by each of Te Rūnanga and the Department in respect of advocacy under the Resource Management Act, and seek to identify their respective priorities and issues of mutual concern.

9.4 The Department will:

- a. Have regard to the priorities and issues of mutual concern identified in clause 9.3 in making decisions in respect of advocacy under the Resource Management Act.
- b. Make non-confidential resource information available to Te Rūnanga to assist in improving the effectiveness of Resource Management Act advocacy work at the Papatipu Rūnanga level.

10 Amendment and review provisions from the Deed

10.1 Pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998

- a. Protocols may be amended or cancelled by the Minister of Conservation, from time to time at the initiative of either the Crown or Te Rūnanga;
- b. The Minister of Conservation may amend or cancel Protocols only after consulting Te Rūnanga and having regard to its views; and
- c. As soon as is reasonably practicable after the amendment, or cancellation of a Protocol, the Minister of Conservation must notify such amendment, or cancellation in the Gazette.