



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

Project Name: FTAA-2605-1236 NZSki Limited Remarkables Ski Area Upgrades and Doolans Expansion Project

To:	Date:
Panel Convener, Jane Borthwick	8 June 2026

Number of attachments: 4	Attachments: <ol style="list-style-type: none">1. Provisions of section 18 of the Fast-track Approvals Act 20242. Project location map3. List of relevant Māori groups4. Statutory acknowledgement for Te Wairere (Lake Dunstan) from the Ngāi Tahu Claims Settlement Act 1998
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Key points

1. 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-2605-1236 NZSki Limited Remarkables Ski Area Upgrades and Doolans Expansion Project.
2. The applicant, NZSki Limited, proposes upgrading the existing infrastructure at The Remarkables Ski Area, and to expand the skifield into the adjacent Doolans Basin. The project area is located approximately 24km from Queenstown and is primarily on public conservation land owned by the Crown. The applicant is seeking a number of approvals under the Act which would otherwise be sought under the Resource Management Act 1991 (RMA), Conservation Act 1987, Wildlife Act 1953, and the Freshwater Fisheries Regulations 1983.

3. 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. Many 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 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 the relevant groups for the project area.
4. The Ngāi Tahu Claims Settlement Act 1998 is the relevant Treaty settlement for the project area. We have not identified any other obligations such as Mana Whakahono ā Rohe or joint management agreements.
5. As most of the project area is Crown land, under the settlement it is subject to a 'right of first refusal' in favour of Ngāi Tahu. This right may be triggered by a lease (which may include a concession) which is 50 years or longer, but in this case the new concessions sought by the applicant are for a term of 40 years.
6. The project area includes the upper catchments of Rastus Burn and Doolans Creek, tributaries of the Kawarau River, which in turn flows into Lake Dunstan. The statutory acknowledgement over 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. The statutory acknowledgement requires a consent authority to provide a summary of the application to the holder of the statutory acknowledgement (Te Rūnanga o Ngāi Tahu), and the consent authority must have regard to the statutory acknowledgement in making notification decisions under the RMA. 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.
7. We have identified a number of other settlement provisions – including a deed of recognition, taonga species, conservation protocol, nohoanga entitlement – which do not appear to be impacted by the application as it currently stands, but nonetheless underline the traditional connection of Ngāi Tahu with this area and its environment.

Signature



Stephanie Frame
Manager – Fast-track Operations

Introduction

8. 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) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
9. 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.
10. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

11. The applicant, NZSki Limited, proposes upgrading the existing infrastructure at The Remarkables Ski Area and to expand the skifield into the adjacent Doolans Basin. The project includes new and upgraded car parks at the beginning of the Remarkables Ski Area access road, expansion of the Rastus Burn Base Building, construction of a new gondola to provide access to Doolans Basin, a new Doolans Base Building, and new and upgraded access roads and ski trails. The project area is located approximately 24km from Queenstown, within the Rastus Burn Recreation Reserve and Kawarau/Remarkables Conservation Area administered by the Department of Conservation (DOC). The project area is primarily owned by the Crown, while the lower carpark and first 2km of access road is owned by the applicant.
12. The applicant is seeking a number of approvals under the Act which would otherwise be sought under the RMA (including land use, water take, damming, diversion, discharge), Conservation Act 1987 (new concessions and variation to an existing concession), Wildlife Act 1953 (authority to relocate or destroy nests of Eastern Falcon and New Zealand Pipit, disturbance and accidental kill of McCann's Skink), and the Freshwater Fisheries Regulations 1983 (complex and standard freshwater fisheries approvals).
13. We have provided a location map at **Attachment 2**.

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

14. 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

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

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

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.

16. We consider Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu, is the relevant iwi authority for the project area.

Treaty settlement entities

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

(a) a post-settlement governance entity (PSGE):

(b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:

(c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:

(d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):

(e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).

18. Under the Act, a PSGE:

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

(i) by that group; or

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

(b) includes—

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

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

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

19. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.²

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

- a. Te Rūnanga o Ngāi Tahu, PSGE for the Ngāi Tahu Claims Settlement Act 1998;
- b. Te Rūnanga o Moeraki, representing Moeraki, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- c. Kāti Huirapa Rūnaka ki Puketeraki, representing Puketeraki, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- d. Te Rūnanga o Ōtākou, representing Ōtākou, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;

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

- e. Hokonui Rūnanga, representing Hokonui, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- f. Waihōpai Rūnaka, representing Waihōpai, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- g. Te Rūnanga o Awarua, representing Awarua, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998; and
- h. Te Rūnanga o Ōraka-Aparima, representing Ōraka-Aparima, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998.

Groups mandated to negotiate Treaty settlements

21. 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

22. 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.
23. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngāi Tahu Rohe Moana o Ngāi Tahu Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws

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

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

25. Section 39 of the Act provides that before a substantive application is lodged for a listed project or a referred project, the Minister may determine under section 23 or 24 that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:
- a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
 - b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.
26. 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

27. 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.
28. 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

29. 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 Otago-based papatipu rūnaka³ – Moeraki, Puketeraki, Ōtākou and Hokonui; and
 - b. Te Ao Mārama Incorporated, representing Murihiku papatipu rūnanga – Ōraka Aparima, Waihōpai, Awarua and Hokonui.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

30. 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.
31. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
- a. Ngāi Tahu Claims Settlement Act 1998.

Relevant principles and provisions

32. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below.

Crown acknowledgements and apologies

33. As part of the Ngāi Tahu Treaty 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 states that it recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu whānui.

³ The variation in use of Rūnaka/Rūnanga is due to regional dialects.

34. 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.

Right of first refusal

35. Part 9 of the Ngāi Tahu Claims Settlement Act 1998 provides for a 'right of first refusal' (RFR) in favour of Te Rūnanga o Ngāi Tahu should the Crown dispose of relevant land, including land vested in the Crown or held by the Crown under any Act. The meaning of 'dispose of relevant land' under the Ngāi Tahu Claims Settlement Act 1998 includes to grant a lease for a term of 50 years or longer. A 'lease' includes a concession in the form of a lease, and any right that grants exclusive possession.
36. As noted above, the application includes proposed new concessions, and a variation to an existing concession, over Rastus Burn Recreation Reserve and Kawarau/Remarkables Conservation Area, administered by DOC. The new concessions sought by the applicant, including a concession authorising all activities associated with expanding the ski area into Doolans Basin, are for a term of 40 years, and therefore do not appear to trigger the RFR.
37. We note that the Ngāi Tahu settlement also provides for two blocks of Crown land (totalling 274.8 hectares) on the western slopes of The Remarkables to be excepted from the RFR if it is disposed of to the lessees (D S and J F Jardine and Others). These blocks (Sections 6 and 7 Block V Coneburn SD) are uphill from the Lower Remarkables Transport Hub and run south to Wye Creek, but are on the other side of the range from the skifield so are not part of the project area.

Statutory acknowledgements

38. As one of the first comprehensive settlements of historical claims, the Ngāi Tahu settlement pre-dated some of the redress mechanisms which have subsequently been developed for use in later settlements to provide for participation by iwi and hapū in decision-making over natural resources. However, the Ngāi Tahu settlement was the first settlement to include statutory acknowledgements, which are an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area').
39. 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
40. 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

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.

the EPA, board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.

41. We have checked the project area in relation to any statutory acknowledgements held by Te Rūnanga o Ngāi Tahu, and the nearest is over Whakatipu-wai-māori (Lake Wakatipu), several kilometres to the west. The project area is neither within or adjacent to the statutory area. It also appears unlikely that the proposed activities will affect the lake. The information provided by the applicant suggests there are no perennial or ephemeral streams within the Lower Remarkables Transit Hub, which is the part of the project area closest to the lake. While the project area is within the vicinity of the upper reaches of Wye Creek, which flows south for approximately 11km before joining Lake Wakatipu, we did not locate any reference in the application documents to potential effects on this catchment.
42. The project area is primarily within the catchments of Rastus Burn and Doolans Creek, which both flow into the Kawarau River (downstream from Lake Wakatipu). The Kawarau River ultimately flows east into Te Wairere (Lake Dunstan), which is also subject to a statutory acknowledgement under the Ngāi Tahu Claims Settlement Act 1998. However, the Te Wairere statutory area does not include the Kawarau River.
43. Further, under section 205 of the Ngāi Tahu Claims Settlement Act 1998, a statutory acknowledgement for a lake does not include any river or watercourse, artificial or otherwise, draining into or out of a lake, unless expressly provided for in the relevant schedule (Schedule 61 provides for the statutory acknowledgement over Te Wairere, but does not refer to tributaries). Nevertheless, it has become common practice in subsequent Treaty settlements for statutory acknowledgements over waterways to include tributaries. This approach is consistent with the concept in Te Ao Māori of ki uta ki tai (from the mountains to the sea), whereby water is viewed in a holistic way, and should be managed accordingly.
44. Based on the information provided by the applicant, the Rastus Burn and Doolans Creek catchments may be affected by some of the proposed activities, including water take, installation of a weir, construction of stormwater management facilities, vegetation clearance, and earthworks. The panel may wish to consider whether the proposed activities will ultimately affect Te Wairere, thereby bringing the statutory acknowledgement provisions outlined at paragraphs 39-40 into play.
45. Under section 53(2)(b) and (c) of the Act, the panel must direct the EPA to invite written comments from Te Rūnanga o Ngāi Tahu, who will be provided access to the application information which has been provided to the EPA. 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 provide information about the application to the holder of a statutory acknowledgement, and to have regard to statutory acknowledgements when considering who is an affected person for the purposes of limited notification of a resource consent application.
46. For your reference, we have provided the statutory acknowledgement provisions for Te Wairere (Lake Dunstan) from the Ngāi Tahu Claims Settlement Act 1998 at **Attachment 4**.

Deed of recognition

47. In addition to a statutory acknowledgement, Te Rūnanga o Ngāi Tahu also have a deed of recognition with the Commissioner of Crown Lands, administered by Land Information New Zealand (LINZ), over Te Wairere. 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 Crown agency managing any statutory area for which a statutory acknowledgment has been agreed.

48. The deed of recognition requires the relevant Crown agency to consult with, and have regard to the views of, the relevant PSGE 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.
49. 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.

Taonga species

50. 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 to 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.
51. As noted above, the application seeks an authority under the Wildlife Act 1953 to relocate or destroy nests of Eastern Falcon (kārearea) and New Zealand Pipit (pīhoihoi), and for the disturbance and accidental kill of McCann's Skink. While lizards are not included amongst the taonga species in the Ngāi Tahu Claims Settlement Act 1998, the kārearea and pīhoihoi are taonga species. Other taonga species observed or known to be present in the project area are the Australian Harrier/Kāhu, Paradise Shelduck/Pūtakitaki, Southern Black-Backed Gull/Karoro, and Kea.⁵
52. 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.

Conservation protocol

53. 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.
54. While the current version of the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,⁶ in general it does not

⁵ The applicant also identified taonga plant species in the project area: taramea (five varieties); wīwī (two varieties); and koromiko.

⁶ The protocol includes 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 freshwater fisheries provisions cover engagement with Ngāi Tahu on the establishment of customary fisheries regulations (i.e. the Fisheries (South Island Customary Fishing) Regulations 1999), and consultation on the conservation and management of, and research into, freshwater fisheries, but not in relation to decision-making on approvals. The protocol provisions relating to the RMA are about working with DOC on advocacy regarding the environmental effects of activities controlled and managed under the RMA, and are unlikely to be directly relevant to this application. The latest version of the protocol is appended to the 2016 Conservation Management Strategy for Otago at pages 285-292: [Otago Conservation Management Strategy 2016 volume 1](#)

address the types of conservation-related approvals sought by the applicant (i.e. concessions under the Conservation Act 1987, Wildlife Act 1953 authorities, and approvals under the Freshwater Fisheries Regulations 1983).

Nohoanga/nohoaka

55. The Ngāi Tahu Claims Settlement Act 1998 includes provisions for nohoanga/nohoaka entitlements, whereby members of Ngāi Tahu may camp temporarily on Crown land close to waterways for the purposes of gathering mahinga/mahika kai and other natural resources. The nearest nohoanga site provided through the settlement is at Wye Creek, close to where it enters Lake Wakatipu, approximately 11km south of the project area.
56. 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 unlikely the proposed activities will impact on the nohoanga site. Nevertheless, 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 this area which are not recognised through the settlement but nonetheless hold those cultural associations.
57. Finally, we note that Ngāi Tahu consider The Remarkables to be wāhi tupuna, which illustrates that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

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

Mana Whakahono ā Rohe/Joint management agreement

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

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.

Consultation with departments

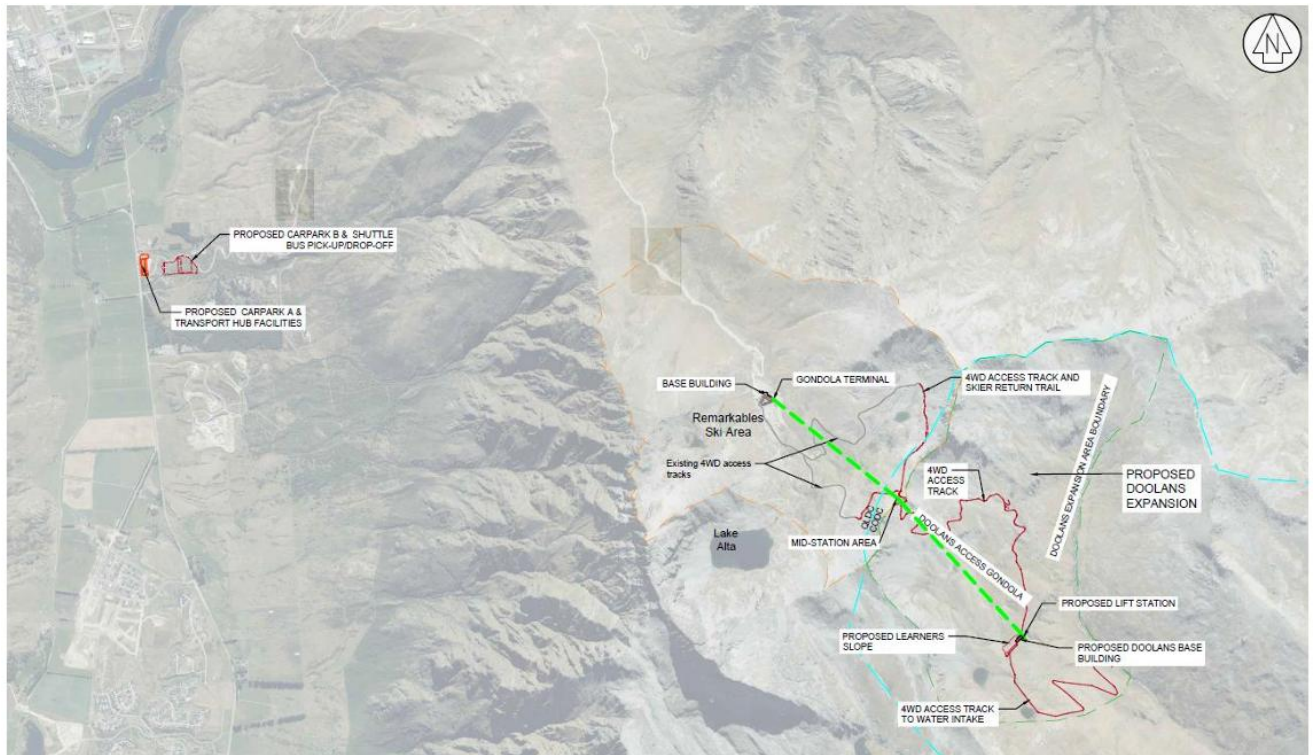
61. In preparing this report, we are required to consult relevant departments. We have previously sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups for other projects in this area, and have incorporated their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

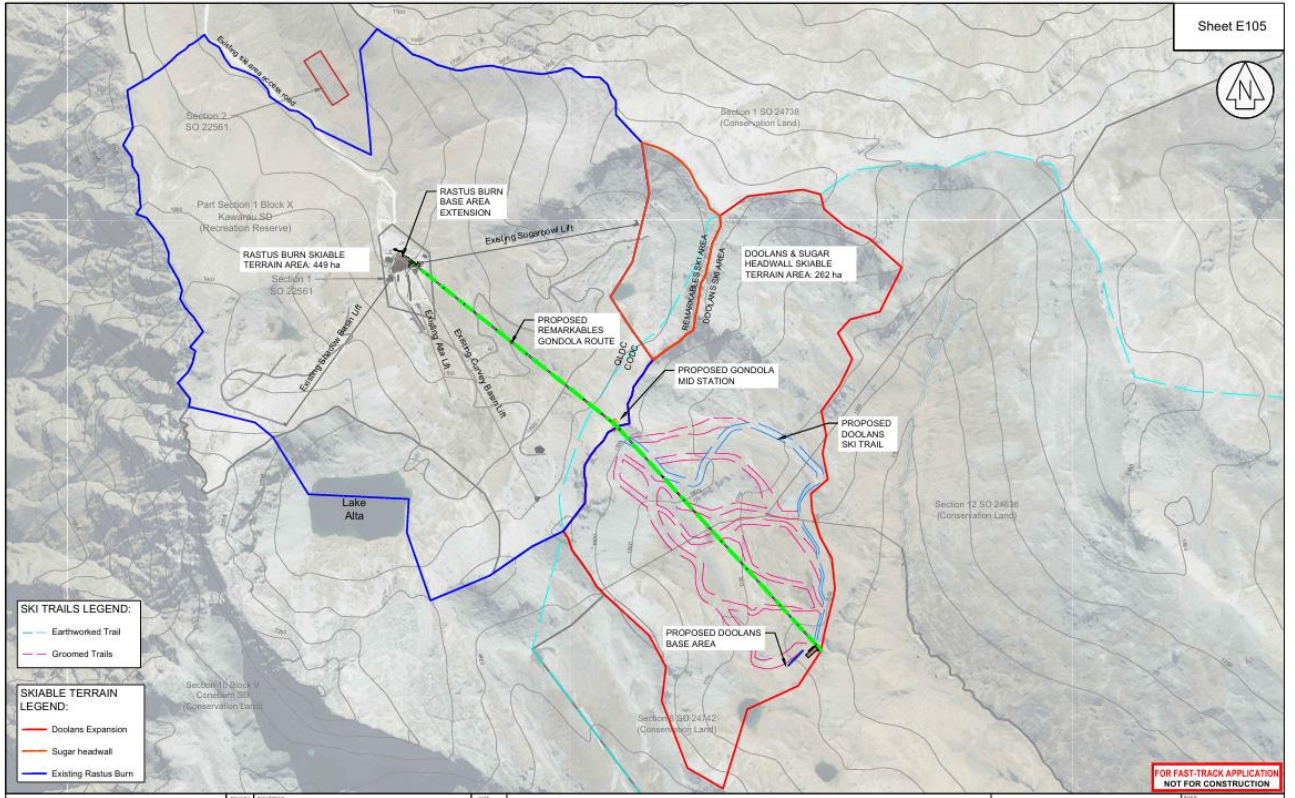
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	Not applicable to substantive applications – section 18 report is required by section 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	15-20
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	30-31
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	32-57
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	21
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	22, 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.	22, 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).	23, 58
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaimai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	24, 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).	25-26
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),	27-28, 60

	<ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. (ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements. 	
18(2)(k)	Any other Māori groups with relevant interests.	29
18(2)(l)	<p>A summary of—</p> <ul style="list-style-type: none"> (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups 	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)	In preparing the report required by this section, the responsible agency must consult relevant departments.	61
18(4)	The responsible agency must provide the report to the Minister not later than 20 working days after the date for providing comments under section 17(6).	N/A
18(5)	However, if the Minister requests further information about a referral application under section 20, the time period specified in subsection (4) ceases to run for the period of time specified in the request.	N/A

Attachment 2: Project location 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))	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Te Rūnanga o Moeraki	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))	[REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Kāti Huirapa Rūnaka ki Puketeraki	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))	[REDACTED]	[REDACTED] [REDACTED]
Te Rūnanga o Ōtākou	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Hokonui Rūnanga	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Waihōpai Rūnaka	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]
Te Rūnanga o Awarua	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Te Rūnanga o Ōraka-Aparima	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))	[REDACTED]	[REDACTED] [REDACTED]
Aukaha	Entity owned by Papatipu Rūnanga (s18(2)(k))	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Te Ao Mārama Incorporated	Entity owned by Papatipu Rūnanga (s18(2)(k))	[REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]

Attachment 4: Statutory acknowledgement for Te Wairere (Lake Dunstan) from the Ngāi Tahu Claims Settlement Act 1998

Version as at
1 July 2022

Ngāi Tahu Claims Settlement Act 1998

Schedule 61

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 Ngāi 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).