

Before the Panel Convener

**FTAA-2510-1120**

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| Under            | Fast-track Approvals Act 2024  |
| In the matter of | an application by Meridian Energy Limited to take additional water from Lake Pūkaki and install rock armouring on Pūkaki Dam |

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**Memorandum of counsel on behalf of Te Rūnanga o Moeraki, Te Rūnanga o Waihao, Te Rūnanga o Arowhenua regarding Minute 1 and 2 of the Panel Convener**

Date: 26/01/2026

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## May it please the Panel Convener

- 1 This memorandum of counsel is filed on behalf of Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki in advance of the Convener's conference, scheduled for 10am on Thursday 29 January 2026.
- 2 This memorandum is provided in response to Minutes 1 and 2 of the Panel Convener regarding the Convener's conference for the Lake Pūkaki Hydro Storage and Dam Resilience Works (*Application*) by Meridian Energy Limited (*the Applicant*) under the Fast-track Approvals Act 2024 (*FTAA or Act*).
- 3 Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki (collectively, *Kā Rūnaka*) represent mana whenua in the project area.
- 4 This memorandum addresses the relevant issues listed in Schedules 1 and 2 of the Minute.

## Parties at the conference

- 5 Kā Rūnaka are three of the eighteen Papatipu Rūnanga of Ngāi Tahu who uphold the manawhenua and mana moana of their takiwā.
- 6 The takiwā of Te Rūnanga o Arowhenua centres on Arowhenua and extends from Rakaia to Waitaki, sharing interests with Ngāi Tuahuriri ki Kaiapoi between Hakatere and Rakaia, and thence inland to Aoraki and the Main Divide (Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001). Arowhenua marae is located near Te Umu Kaha (Temuka) and is situated near the historic Kāi Tahu kāika of Te Waiateruati and the well-known Arowhenua bush that sustained local Kāi Tahu. Arowhenua connects ancestrally to the waka Takitimu and Ārai-te-uru, the mauka Tarahoua and the awa Waitaki and Opihi. The Kāi Tahu name for The Main Divide is Kā Tiritiri-o-te-moana.
- 7 The takiwā of Te Rūnanga o Waihao centres on Wainono, sharing interests with Te Rūnanga o Arowhenua to Waitaki, and extends inland to Omarama and the Main Divide (Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001). Manawhenua within the Waihao rohe whakapapa to Waitaha, Kāti Māmoe and Kāi Tahu. To these people Waihao is their tūrakawaewae; their home. The name Waihao refers to the hao eel, an important food resource obtained from the Waihao River that has its beginnings in the upland country behind the hills, Te Tari-a-Te-Kaumira (Hunter Hills). The hao eel, the life-stage of the short-fin eel, was and still

is a delicacy to whanau who gather mahika kai from the Wainono Lagoon and the Waihao River.

- 8 The takiwā of Te Rūnanga o Moeraki centres on Moeraki and extends from Waitaki to Waihemo and inland to the Main Divide (Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001). The interests of Te Rūnanga o Moeraki are concentrated in the Moeraki Peninsula area and surrounds, including Te Rakahineatea Pā, Koekohe (Hampden Beach), and Te Kai Hinaki (the Boulders Beach) with its boulders. In addition, the interests of the Rūnaka extend both north and south of the Moeraki Peninsula, within their takiwā.
- 9 This memorandum is not provided on behalf of Te Rūnanga o Ngāi Tahu, whose response is included as an **Attachment** to this memorandum. Counsel for Kā Rūnaka are communicating with Te Rūnanga o Ngāi Tahu and Kā Rūnaka will take the active role in this application.

### **Section 18 Report and cultural significance**

- 10 The Section 18 Report for this application correctly identifies the iwi authority and Treaty settlement entities as Te Rūnanga o Ngāi Tahu and Kā Rūnaka. It also identifies Aoraki Environmental Consultancy (AEC) and Aukaha as other Māori groups with relevant interests being entities owned by Papatipu Rūnanga. For this Application, Kā Rūnaka are represented by AEC and Anderson Lloyd. Aukaha will not be taking an active role.
- 11 The Report records that the project area is directly situated at Lake Pūkaki which is subject to a statutory acknowledgement established under Schedule 34 of the Ngāi Tahu Claims Settlement Act 1998. The Report also notes that, in addition to the statutory acknowledgement, Te Rūnanga o Ngāi Tahu have a deed of recognition with the Crown (represented by the Commissioner of Crown Lands) over Lake Pūkaki, with associated procedural requirements relevant to the Application. These are summarised in the Report.
- 12 The Section 18 Report further records the presence of the Lake Pūkaki Nohoanga Entitlement adjoining the lake shoreline near the eastern end of Pūkaki Dam. The Report notes that the nohanga entitlement underscores the importance of Lake Pūkaki to Ngāi Tahu in terms of maintaining customary practices and their deep connections to the area.
- 13 The Report notes the presence of a number of taonga species found at Lake Pūkaki, and the indication by the Applicant that exposed shoreline resulting from lake drawdown could affect important bird habitats on the Tasman Delta that support breeding and overwintering of kakī/black stilts

and tara pirohe/black fronted terns. It notes further 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.

- 14 The Section 18 Report authors sought advice from Te Puni Kōkiri regarding the relevant Māori groups and comment from the Minister for Māori Development and the Minister for Māori Crown Relations. The Ministers are recorded to support the application for referral, subject to:
- (a) the applicant undertaking further consultation with Kā Rūnaka and Te Rūnanga o Ngāi Tahu, acknowledging that Lake Pūkaki is steeped in cultural and spiritual significance;
  - (b) the applicant acting consistently with the intent of Te Rūnanga o Ngāi Tahu's statutory acknowledgement and deed of recognition over Lake Pūkaki; and
  - (c) the applicant addressing the potential impacts of the application on Te Rūnanga o Ngāi Tahu's nohoanga entitlement.
- 15 Kā Rūnaka agree that these steps are necessary, and that further work is required in this respect.
- 16 Lake Pūkaki and the Waitaki catchment is steeped in cultural and spiritual significance. All Kāi Tahu whakapapa to their tūpuna, Aoraki, who is at the heart of the creation traditions of Te Waipounamu (the South Island):

*Pūkaki is one of the lakes referred to in the tradition of “Ngā Puna Wai Karikari o Rakaihautu” which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Pūkaki.*

(Schedule 34 of the Ngāi Tahu Claims Settlement Act 1998).

- 17 Today, Pūkaki, and the Waitaki catchment, remains a place of significance. The Lake Pūkaki catchment is identified as a Rūnanga Sensitive Area, and the lake is a Statutory Acknowledgement Area due to its significant cultural, spiritual, historic, and traditional association for Ngāi Tahu.

- 18 The landscape is woven with memories and traditions, including mahika kai sites both past and present, taonga species, and sites of archaeological importance including rock art sites, pā and urupā. Iwi, hapū and whanau have an immense sense of belonging and connection to the whenua and a desire to enhance their connection to the Waitaki.

### **Mana whenua engagement with the applicant and AEE**

- 19 Appendix Q to the Application records that Meridian sent a letter to the Chairs of Kā Rūnaka on 24 February 2025, requesting initial feedback by 14 March. No feedback was provided at that time and no further contact was made by Meridian to Kā Rūnaka until 27 May, following the acceptance of the referral application.
- 20 Representatives for Kā Rūnaka met with Meridian via Teams on 18 September 2025. Kā Rūnaka requested that Meridian provide a summary of the steps taken in the electricity system during periods of security of supply pressure and propose an appropriate hydrological measure or trigger that would provide confidence that, in the event low lake levels were being used, it was a result of hydrology and not simply due to aggressive utilisation or management choice.
- 21 Meridian provided a response to these requests on 31 October, which advised that Meridian had not come up with a sensible hydrological statistic/trigger.
- 22 Kā Rūnaka were provided with a copy of the Application after it was lodged and have not had any direct input into, nor reviewed in any detail, the Application. Kā Rūnaka have not prepared or been asked to prepare a Cultural Impact Assessment or Treaty Impact Assessment.

### **Issues requiring determination and changes to the timeframes**

- 23 Kā Rūnaka (and their environmental advisors) are still working through more detailed reviews of the AEE and technical assessments. Therefore, at this stage we are unable to narrow or identify with great accuracy the issues Kā Rūnaka consider will need to be addressed by the Panel.
- 24 The Application notes the potential for adverse effects relating to cultural values, air quality, water quality, wetland hydrology, ecology, groundwater, visual and landscape effects, shoreline geomorphology and erosion, which are of interest and importance to Kā Rūnaka.

- 25 Kā Rūnaka also note:
- (a) a lack of appropriate trigger to ensure that in the event low lake levels being utilised under the Application, it was a result of hydrology and not simply due to aggressive utilisation or management choice; and
  - (b) the potential for effects on plan integrity, and precedent;
  - (c) the need to appropriate conditions such as a cultural monitoring programme.
- 26 We therefore consider that the Panel timeframe must be sufficiently generous to enable these issues to be worked out more fully, outside the section 53 commenting process.
- 27 It is envisaged that given the wider relationship between the parties, constructive discussions will be able to occur.

**Relevance of tikanga and procedural considerations**

- 28 Tikanga is relevant to this application, particularly given the cultural significance of Lake Pūkaki.
- 29 Kā Rūnaka consider it is highly desirable that at least one member of the panel member have expertise in Ngāi Tahu tikanga, given the significance of the area to Kā Rūnaka and the wider iwi.

Dated this 26th day of January 2026



Ben Williams / Rachel Robilliard  
Counsel for Te Rūnanga o Arowhenua,  
Te Rūnanga o Waihao and Te Rūnanga o Moeraki

**ATTACHMENT**

**BEFORE THE PANEL CONVENER**

**IN THE MATTER**

of the Fast-Track Approvals Act 2024 (FTAA)

**AND**

**IN THE MATTER**

of an application by Meridian Energy Limited under section 42 of the FTAA to take additional water from Lake Pūkaki and install rock armouring on Pūkaki Dam

**APPLICATION NO.**

FTAA-2510-1120

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**MEMORANDUM FROM TE RŪNANGA O NGĀI TAHU RESPONDING TO MINUTE ONE OF  
THE PANEL CONVENER**

26 January 2026

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Maru Rout  
Programme Leader - Mauri  
Te Rūnanga o Ngāi Tahu

Phone: [REDACTED]

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## **Response to Minute 1 of the Panel Convener: Convener’s Conference 1 [FTAA-2510-1120]**

This memorandum is filed on behalf of Te Rūnanga o Ngāi Tahu in advance of the convenor’s conference scheduled for Thursday 29<sup>th</sup> January 2026 at 10 am.

The Minute seeks participant views prior to a convenor’s conference, that will inform the decision of the Convenor regarding:

- a) Appointment of Panel Members.
- b) The timing of the panel decision.

Te Rūnanga o Ngāi Tahu (TRoNT) is the iwi authority over most of Te Wai Pounamu/the South Island as recognised in section 15 of Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act 1996). TRoNT is comprised of 18 papatipu rūnanga, who collectively represent the hapū and whānau of Ngāi Tahu and their ancestors, including Ngāti Mamoe and Waitaha (Ngāi Tahu whānui).

Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki (Kā Rūnaka) are 3 of the 18 papatipu rūnanga that collectively comprise Te Rūnanga o Ngāi Tahu. As recognised in the Crown Apology to Ngāi Tahu, *“the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”*.<sup>1</sup>

While TRoNT is the iwi authority, Papatipu Rūnanga are the legal entities who represent mana whenua – being the hapū and whānau who hold customary authority at place. In practice, for planning process, given the status of Papatipu Rūnanga as above, TRoNT defers to the expertise of mana whenua, as they are the experts on cultural values within their takiwā.

TRoNT is aware that Kā Rūnaka will be attending the conference and have provided a response to Minute 1 and 2 of the Panel Convenor. Advice on mātauranga and tikanga will be provided by Kā Rūnaka.

TRoNT does not intend to repeat information that Kā Rūnaka has already provided within their response we do however make the following comments:

- We agree with the Kā Rūnaka that the steps outlined in the Section 18 Report<sup>2</sup> are necessary and further work is required;

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<sup>1</sup> Te Rūnanga submission, appendix A – Text of Crown Apology, paragraph 8

<sup>2</sup> Paragraph 63, Section 18 Report

- While we note that the applicant has made some adjustments to the application, in an effort to mitigate the effects on the Nohoanga Entitlement, we consider further work is required. This includes as outlined in paragraph 49 of the Section 18 report regarding the potential effects on “the wider purpose and use of the Nohoanga”.
- We agree with the comments regarding the timeframe as set out in the response by Kā Rūnaka. Such a timeframe would also ensure sufficient time to consider any further information that may need to be provided as determined by the panel and to consider/discuss draft consent conditions further.

A representative from Te Rūnanga o Ngāi Tahu will be in attendance at the conference on Thursday 29<sup>th</sup> January at 10:00am.

Dated on: 26 January 2026



Maru Rout

