



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

Project Name: FTAA-2605-1240 Waitiri Project

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	7 August 2026

Number of attachments: 5	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location map - List of relevant Māori groups - Statutory acknowledgement for Te Wairere (Lake Dunstan) from the Ngāi Tahu Claims Settlement Act 1998 - Comments received from invited Māori groups
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Ministry for Cities, Environment, Regions & Transport contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Stephen Church		
Manager, Fast-track Operations	Stephanie Frame	s9(2)(a)	✓
General Manager, Investment Strategy & Operations	Ilana Miller	s9(2)(a)	

Key points

- The Ministry for Cities, Environment, Regions & Transport (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2605-1240 Waitiri Project referral application.
- The applicant, Oaks Living Limited, proposes a mixed-used development across five sites (totalling approximately 828 hectares) within the Gibbston Valley, east of Queenstown. The project comprises 1,115 residential lots of varying densities, a village precinct, school site, visitor accommodation, a resort precinct, golf course, community hub, solar farm, cultural development node, supporting infrastructure and transport elements, and an open space network. The applicant is seeking approvals which would otherwise be sought under the Resource Management Act 1991 (RMA), Wildlife Act 1953, and Heritage New Zealand Pouhere Taonga Act 2014.
- 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. 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. The Ngāi Tahu Claims Settlement Act 1998 provides for a statutory acknowledgement over Te Wairere (Lake Dunstan). While the project area does not include or adjoin this statutory area, the statutory acknowledgement may be relevant if the proposed activities (such as the discharge of stormwater) may directly affect the lake. Under the RMA and the relevant Treaty settlements, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder. We consider the process of inviting comment (including providing information about the application) from these groups under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements.
6. The Ngāi Tahu settlement also provided for the transfer of commercial and cultural redress properties which are nearby, or are now part of, the proposed project area. The provision of this redress (and to some extent other settlement provisions such as a deed of recognition, taonga species, and a conservation protocol) does 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.
7. You received comments on the application from Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki, and Aukaha. All three groups have yet to form a view on the project. Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Moeraki have entered into a process agreement (alongside Te Rūnaka o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, and Te Rūnanga o Ōraka-Aparima) with the applicant as a basis for continued engagement. Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Moeraki ask that you require consultation with mana whenua be completed, and a cultural or Treaty settlement impact assessment is finalised, before a substantive application is submitted.
8. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature



Stephanie Frame
Manager – Fast-track Operations

Introduction

9. Under section 18 of the Act, you must consider a report on Treaty settlements and other obligations for each referral application, prepared and provided by the responsible agency (Secretary for the Environment).
10. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
11. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

12. The applicant, Oaks Living Limited, proposes a mixed-used development across five sites (totalling approximately 828 hectares) within the Gibbston Valley, east of Queenstown. The project comprises 1,115 residential lots of varying densities, a village precinct, school site, visitor accommodation, a resort precinct, golf course, community hub, a 3.73-hectare solar farm, cultural development node, supporting infrastructure and transport elements (including an underpass under State Highway 6), and an open space network of approximately 284 hectares including native revegetation.
13. The applicant is seeking approvals which would otherwise be sought under the RMA (including consents for subdivision, earthworks, energy and utilities, construction of bores and taking of groundwater, surface water take, discharge of treated wastewater to land, and discharge permits for stormwater), the Wildlife Act 1953 (authority for relocation of indigenous lizards), and Heritage New Zealand Pouhere Taonga Act 2014 (archaeological authority). One entity (The Station at Waitiri Limited) owns all five sites which comprise the project area, and the sole director has provided the applicant with written approval.
14. We have provided a location map at **Attachment 2**.

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

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

Iwi authorities

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

Treaty settlement entities

18. 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).*

19. 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).*

20. 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.¹

21. 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;
- e. Hokonui Rūnanga, representing Hokonui, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;

¹ 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.

- 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

- 22. 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

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

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

- 25. The project area is not within 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

- 26. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:
 - a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
 - b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.
- 27. 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

- 28. 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.

29. 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

30. 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 rūnaka² – 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

31. 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.
32. 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

33. 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

34. 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.
35. 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.

² The variation in use of Rūnaka/Rūnanga is due to regional dialects.

Statutory acknowledgements

36. 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').
37. 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.³
38. The holder of a statutory acknowledgment may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the Environmental Protection Authority, board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
39. We have checked the project area in relation to any statutory acknowledgements held by Te Rūnanga o Ngāi Tahu, and the nearest is over Te Wairere (Lake Dunstan), approximately 12 kilometres downstream from the closest of the five project sites: Kūrae – Waitiri Peninsula.⁴
40. The project sites are much closer to the Kawarau River, which flows into Te Wairere. However, the definition of the Te Wairere statutory area does not include the Kawarau River. 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. 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.
41. While the project area is not within, or adjacent to, the statutory area, the statutory acknowledgement over Te Wairere may be relevant if the project directly affects the statutory area. The applicant has advised that they intend to treat wastewater onsite, via a Combined Works Treatment Plant, before being disposed to ground, to restore the mana back to the water before it ultimately rejoins the Kawarau River. The applicant proposes

³ 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.

⁴ The Ara Tihi – Eastburn site is approximately 15 kilometres east of Whakatipu-wai-māori (Lake Wakatipu), which is also subject to a statutory acknowledgement, but as the statutory area is upstream of the project area the proposed activities are unlikely to affect it.

using piped reticulation to discharge stormwater to existing flow paths, including streams which drain to the Kowarau River. The project has also been designed to avoid development near natural waterways and wetlands as much as possible, and includes proposed restoration planting around such features.

42. Should you accept the application for a referral, and a substantive application is made, then the panel may want to consider whether there will be any impact on Te Wairere (Lake Dunstan) of the proposed activities,⁵ thereby bringing the statutory acknowledgement into play.
43. In any case, we consider the process of inviting comment from relevant Treaty settlement entities under section 17 of the Act (including providing information about the application) is comparable to the process under Treaty settlements and the RMA of providing those who hold statutory acknowledgements with a summary of the application.
44. For your reference, we have provided the statutory acknowledgement provision for Te Wairere from the Ngāi Tahu Claims Settlement Act 1998 at **Attachment 4**.

Commercial redress properties

45. The Ngāi Tahu settlement provided for commercial redress over properties adjacent to, or incorporated within, the sites which comprise the project area.
46. The figure below depicts three contiguous commercial redress properties:
 - a. SEC 54 Blk V Kowarau SD and SEC 53 Blk V Kowarau SD – transferred to Te Rūnanga o Ngāi Tahu through the settlement as commercial redress properties;⁶ and
 - b. SEC 49 Blk V Kowarau SD – included in the settlement as a ‘deferred selection property’ (DSP), which means Te Rūnanga o Ngāi Tahu had the option to purchase the property for a certain period following the enactment of the settlement legislation.



⁵ Further downstream of Te Wairere, the settlement also provides for statutory acknowledgements over Kā Moana Haehae (Lake Roxburgh) and Mata-au (Clutha River).

⁶ Added to the schedule of commercial redress properties by the deed to amend the deed of settlement, signed in September 1998.

47. Apart from a parcel of approximately 1.1775 hectares (Lot 1 DP 362778, formerly part of SEC 49 Blk V Kwarau SD), the remainder of this land (as Lot 2 DP 362778) is currently owned by The Station at Waitiri Limited, and forms part of the Karapuke – Drystone project site. While this means that at least some, or possibly all, of the commercial redress properties are no longer owned by Te Rūnanga o Ngāi Tahu, commercial redress is offered to provide economic opportunities to iwi within their rohe.⁷
48. The Ngāi Tahu settlement also provided for a DSP (Section 1 SO 24126) comprising approximately 15 hectares, as shown in the image below, located approximately one kilometre east of the Taiheke – Riverside project site. We are unable to confirm whether Te Rūnanga o Ngāi Tahu exercised the option to purchase this property, or who the current owners are. Again, the provision of this redress reflects the Crown's recognition of the value of land to the future development of iwi.



Cultural redress properties

49. Section 156 of the Ngāi Tahu Claims Settlement Act 1998 vested two strips of land on either side of the Kawarau River in Te Rūnanga o Ngāi Tahu as the Whatatōrere Historic Reserve, pursuant to section 26 of the Reserves Act 1977. These cultural redress properties are approximately six kilometres downstream from the Kūrae – Waitiri project area. While they are unlikely to be affected by the application, the provision of these cultural redress properties through the settlement underscores the traditional connection of Ngāi Tahu to this area.

⁷ We are unable to confirm who currently owns Lot 1 DP 362778, which is adjacent to the Karapuke – Drystone project site and opposite the Taiheke – Riverside project site on the other side of State Highway 6.

Other redress

Deed of recognition

50. In addition to statutory acknowledgements, Te Rūnanga o Ngāi Tahu also have a deed of recognition with the Commissioner of Crown Lands (administered by Land Information New Zealand) over Te Wairere. Under section 212 of the Ngāi Tahu Claims Settlement Act 1998, a deed of recognition may be entered into between a PSGE and the Crown agency managing any statutory area for which a statutory acknowledgment has been agreed.
51. Under clause 3.1 of the deed of recognition for Te Wairere, the Commissioner of Crown Lands must consult with Te Rūnanga o Ngāi Tahu, and have particular regard to its views relating to the association described in the statutory acknowledgement, when undertaking certain management and administration activities in relation to those parts of the lakebed within the statutory area, including considering applications for rights of use or occupation.
52. We do not consider these provisions are relevant to this application, as the relevant Crown agencies 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

53. 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.
54. The application seeks an approval under the Wildlife Act 1953 for relocation of lizards, which are not included amongst the taonga species in the Ngāi Tahu Claims Settlement Act 1998. However, the ecological assessment provided by the applicant notes that some taonga species are present on the sites which comprise the project area, including the pihoihoi/New Zealand pipit, karearea/New Zealand falcon, kāhu/Australasian harrier, pūtakitaki/paradise shelduck, pīwakawaka/fantail, kōwhai, and tī kōuka/cabbage tree.
55. 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, a panel considering a substantive application for this project may wish to understand any impact of the proposed activities on taonga species.

Conservation protocol

56. 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.
57. While the current version of the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,⁸ in general it does not

⁸ The protocol specifies the following matters: cultural materials; freshwater fisheries; culling of species of interest to Ngāi Tahu; historic resources; RMA involvement; and visitor and public information. The protocol provisions relating to the RMA are about working with DOC on advocacy regarding the environmental effects of activities

address the types of conservation-related approvals sought by the applicant (i.e. an authority under the Wildlife Act 1953).

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.

Summary of comments received and advice

Comments from invited Māori groups

61. Pursuant to section 17(1)(d) of the Act, on 24 June 2026 you invited written comments from the Māori groups identified above in paragraphs 15-30, from a list we previously provided you. These groups were provided with access to the application material and had 15 working days from receipt of the copy of the application to respond.

62. You received comments on the application from three groups – Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki, and Aukaha – which can be summarised as follows:

Kāti Huirapa Rūnaka ki Puketeraki

63. Kāti Huirapa Rūnaka ki Puketeraki state that the project area has cultural significance to Puketeraki, including an ara tawhito (trail) on the northern bank of the Kaware River used by their tīpuna to access Whakatipu wai-māori (Lake Wakatipu). They note that, alongside Te Rūnanga o Moeraki, Te Rūnaka o Ōtākou, Hokonui Rūnanga, Te Rūnaka o Awarua, Waihōpai Rūnaka, and Ōraka-Aparima Rūnaka, they have entered into a process agreement with the applicant, as a basis for engagement throughout the remainder of the Fast-track process.

64. Kāti Huirapa Rūnaka ki Puketeraki has yet to form a view on the project at the referral stage, and ask that you require consultation with mana whenua be completed, and a Treaty

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](#)

settlement impact assessment finalised, before the applicant submits a substantive application.

Te Rūnanga o Moeraki

65. The comments from Te Rūnanga o Moeraki echo those of Kāti Huirapa Rūnaka ki Puketeraki above, noting that consultation in respect of the substantive application, including the nature of the project, its effects, and proposed mitigations, has yet to commence. Accordingly, as with Kāti Huirapa Rūnaka ki Puketeraki, Moeraki has yet to form a view on the merits of the project, and make the same request regarding more comprehensive consultation and a cultural impact assessment prior to a substantive application.

Aukaha

66. Aukaha reserves its position on the referral application. If the application is accepted for referral, Aukaha notes that preparation of the substantive application will involve further detailed technical assessment and engagement with papatipu rūnaka. As an entity which represents papatipu rūnaka on environmental and other policy matters in the project area, Aukaha will engage with the papatipu rūnaka on the cultural impacts of the substantive application, including the impacts on the Ngāi Tahu Treaty settlement.

67. We have provided copies of all three comments at **Attachment 5**.

Consultation with departments

68. 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 the Ministry for Primary Industries regarding customary fisheries regulations, and have incorporated their views into this report.

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

69. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.

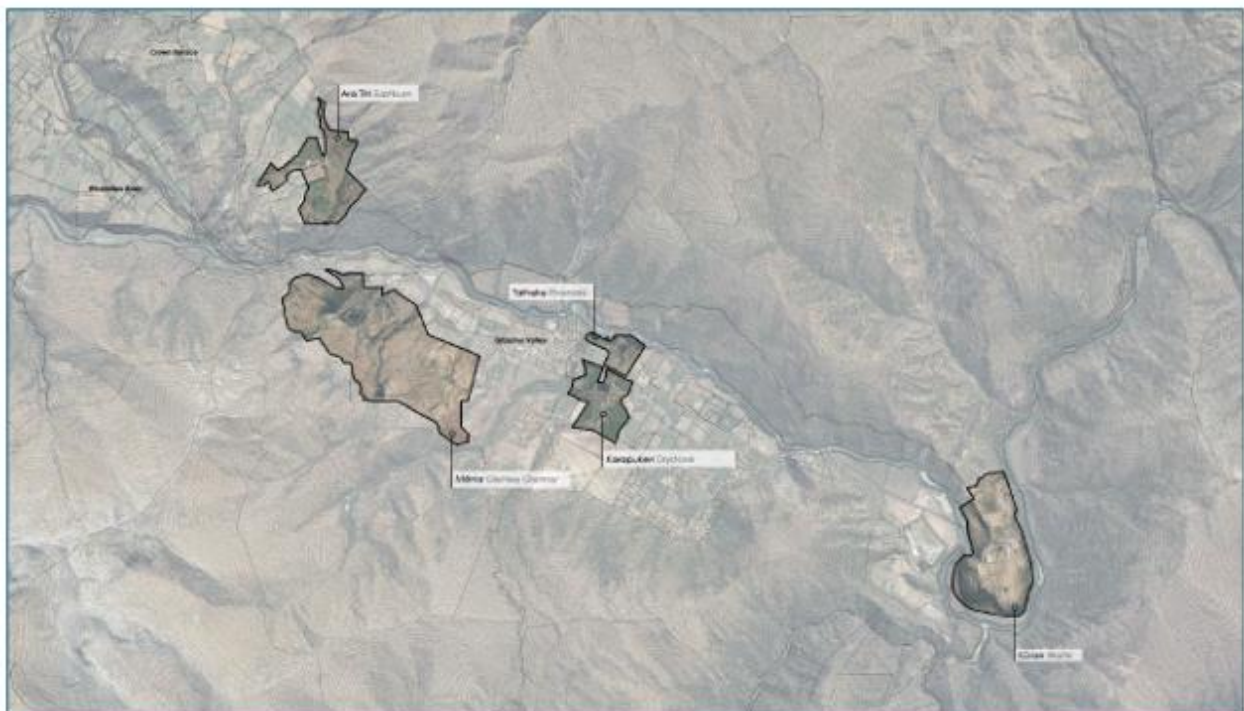
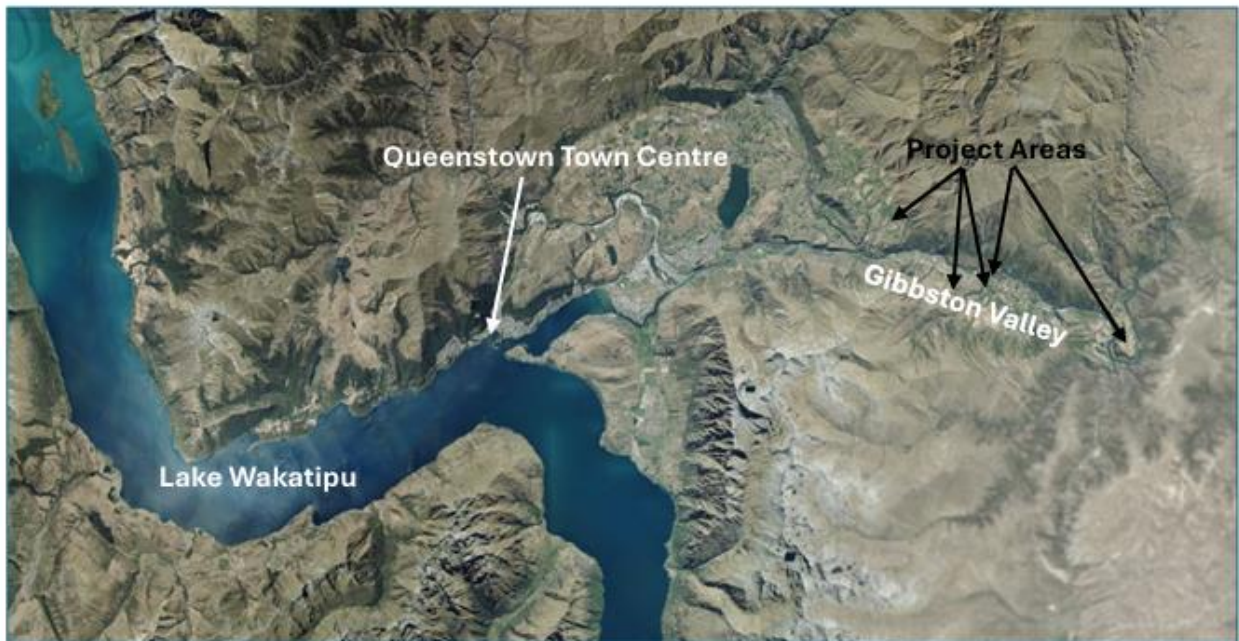
70. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	9-11
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	18-21
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	31-32
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	33-57
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	22
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	23, 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.	23, 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).	24, 58
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	25, 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).	26-27
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), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	28-29, 60

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	30
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	61-67
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.	69-70
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	68
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



Ara Tihi - Eastburn Project Area



3. Mānia - Glenlee Glenroy Project Area



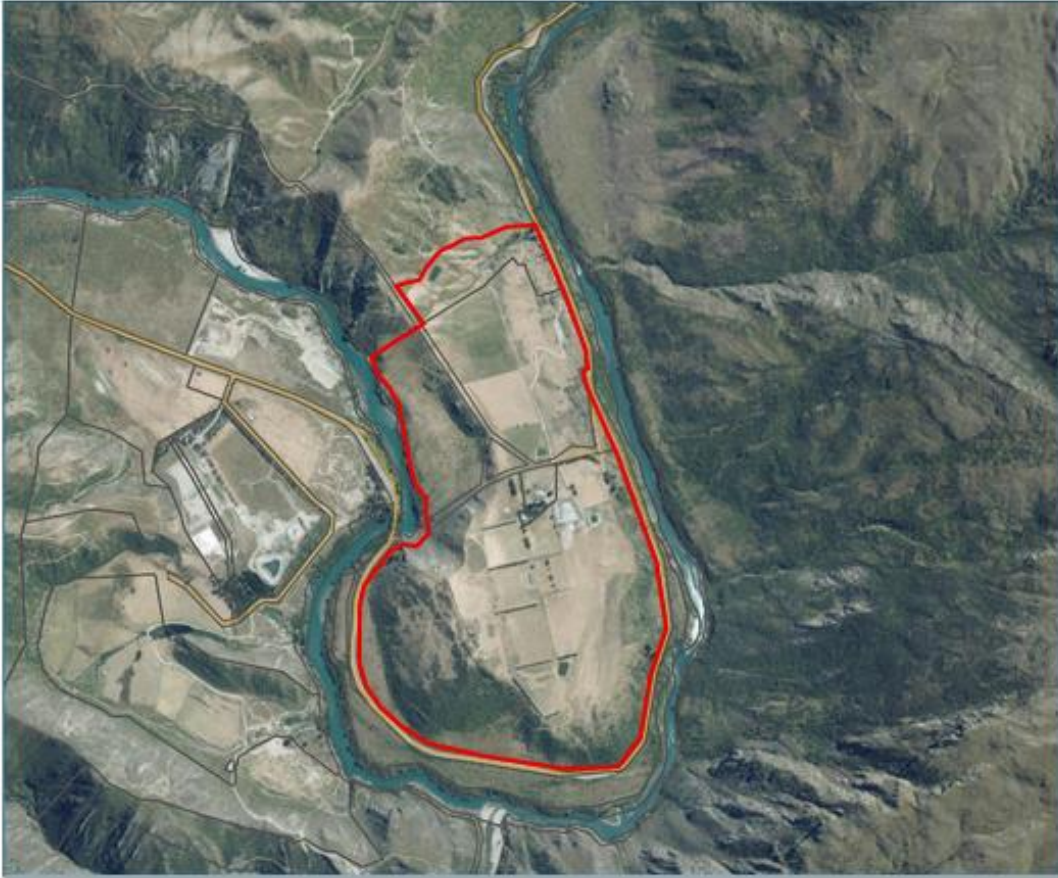
4. Karapuke - Drystone Project Area



5. Taiheke - Riverside Project Area



Kūrae - Waitiri Project Area



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Te Rūnanga o Ngāi Tahu	Iwi authority (s18(2)(a)); Treaty settlement entity – Ngāi Tahu Claims Settlement Act 1998 (s18(2)(a))
Te Rūnanga o Moeraki	Treaty settlement entity – Papatipu Rūnanga (s18(2)(a))
Kāti Huirapa Rūnaka ki Puketeraki	Treaty settlement entity – Papatipu Rūnanga (s18(2)(a))
Te Rūnanga o Ōtākou	Treaty settlement entity – Papatipu Rūnanga (s18(2)(a))
Hokonui Rūnanga	Treaty settlement entity – Papatipu Rūnanga (s18(2)(a))
Waihōpai Rūnaka	Treaty settlement entity – Papatipu Rūnanga (s18(2)(a))
Te Rūnanga o Awarua	Treaty settlement entity – Papatipu Rūnanga (s18(2)(a))
Te Rūnanga o Ōraka-Aparima	Treaty settlement entity – Papatipu Rūnanga (s18(2)(a))
Aukaha	Other Māori group with relevant interests (s18(2)(k))
Te Ao Mārama Incorporated	Other Māori group with relevant interests (s18(2)(k))

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).

Attachment 5: Comments received from invited Māori groups

Comment from Kāti Rūnaka ki Puketeraki

Feedback Details

Feedback ID	* FDB002186G7H6
Title	* Waitiri Project
Regarding	 Kāti Huirapa Rūnaka ki Puketeraki - invite to comment - Waitiri Project
Comments	Tēnā koe e te Minitā Kāti Huirapa Rūnaka ki Puketeraki is acknowledged as having mana whenua status alongside Te Rūnanga o Moeraki, Te Rūnaka o Ōtākou, Hokonui Rūnanga, Te Rūnaka o Awarua, Waihōpai Rūnaka, and Ōraka-Aparima Rūnaka in the location that is the subject of this referral application. The area has significant cultural significance to Kāi Tahu and Puketeraki with our tipuna using a ara tawhito (trail) on the northern bank of the Kawarau to access Whakatipu wai-māori. The Kawarau awa is an important water resource. The site forms part of a wider cultural landscape that encompasses the mountain ranges, valley floors through to the Kawarau River incised through the centre of the valley. In advance of the submission of the referral application, Puketeraki alongside the Papatipu Rūnanga noted above have entered into a Process Agreement with the Applicant. The Process Agreement is not a relationship agreement but rather a basis for engagement through the remainder of the Fast Track process. In this case, the Applicant has engaged constructively with the Papatipu Rūnanga in respect of the Referral Application. Appendix L of the Referral Application sets this out in more detail. With consultation in respect of the proposed substantive application including the nature of the project, its effects, and the proposed mitigations yet to commence, Puketeraki has yet to form a fully informed view on the merits of the Project. In the interest of an efficient Fast Track Approvals Act process, we would ask the Minister to require that consultation with mana whenua is completed, and a Treaty Settlement Impact Assessment is finalised before the Applicant submits their substantive application. Nāku noa, nā Shane Ellison

Feedback Contacts

Created By (Contact)	 Shane Ellison
Source	Portal
Application	 Waitiri Project
Created By	 # Portals-Fast Track Portal - ftaa-portal
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