



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

Project Name: FTAA-2608-1288 Macraes Phase Four (MP4)

To:	Date:
Panel Convener, Jane Borthwick	22 September 2026

Number of attachments: 3	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location maps 3. List of relevant Māori groups
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Ministry for Cities, Environment, Regions & Transport contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Julian Jackson		
Acting Manager, Fast-track Operations	Max Gander-Cooper	██████████	✓
Acting General Manager, Investment Strategy & Operations	Stephanie Frame	██████████	

Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), 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 (section 18 of the Act) in relation to the substantive application FTAA-2608-1288 Macraes Phase Four (MP4) substantive application.
2. The applicant, Oceana Gold (New Zealand) Limited, proposes to expand, in stages, their existing open pit and underground gold mining operations at Golden Point Road, Macraes Flat, East Otago, to enable output of approximately 130,000 ounces of gold per annum.
3. The applicant is seeking a range of resource consents under the Act that would otherwise be sought under the Resource Management Act 1991 (RMA), as well as approvals under the Wildlife Act 1953, Heritage New Zealand Pouhere Taonga Act 2014, and Freshwater Fisheries Regulations 1983. No identified Māori land is involved.
4. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Most of those groups must

be invited by the panel to comment on a substantive application under section 53(2) of the Act.

5. The relevant Māori groups identified under section 18(2) are: Te Rūnanga o Ngāi Tahu; Te Rūnanga o Moeraki; Kāti Huirapa Rūnaka ki Puketeraki; Te Rūnanga o Ōtākou; Te Rūnanga o Waihao; and Aukaha.
6. The Treaty settlement relevant to this application is the Ngāi Tahu Claims Settlement Act 1998. We have not identified any other relevant obligations such as Mana Whakahono ā Rohe or joint management agreements.
7. In its acknowledgements and apology to Ngāi Tahu, the Crown recognised its failures to fulfil its Treaty obligations and commits to a new age of co-operation with Ngāi Tahu. The Crown also recognised Ngāi Tahu as holding rangatiratanga and mana within the Takiwā of Ngāi Tahu Whānui. We have not identified any other principles and provisions of the Treaty settlement, or other obligations, which may be directly relevant to this application. Accordingly, we have not identified any documents the panel must give the same or equivalent effect to, or procedural requirements the panel must comply with, under section 82 and clause 5 of Schedule 3 to the Act.

Signature



Max Gander-Cooper
Acting 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, Oceana Gold (New Zealand) Limited, proposes to expand, in stages, their existing open pit and underground gold mining operations at Golden Point Road, Macraes Flat, East Otago, to enable output of approximately 130,000 ounces of gold per annum. The Macraes mining operation is located approximately 30 km inland from Palmerston on an elevated plateau approximately 500 m above sea level. Known as MP4, the Macraes Phase Four expansion project will include open pit and underground mining, construction and mining of tailings storage facilities, waste rock disposal, roading infrastructure, hydraulic mining electricity infrastructure, and water management activities. The proposed extractive activities occur within three distinct mining areas - the Coronation Mining Area, the Central Mining Area and the Golden Bar Mining Area.
12. The applicant is seeking variations to three existing resource consents, and a range of new resource consents, under the Act that would otherwise be sought under the RMA. These consents may include vegetation clearance, earthworks, disturbance of contaminated soil, damming, diversion, take and use of water, discharge of water and contaminants to land and water, discharge of treated wastewater and residues, excavation, drilling or disturbance of land associated with mining, waste rock disposal, hydraulic mining and damming of tailings, discharge contaminants to air, and other matters.
13. The applicant may also seek wildlife authorities to catch, mark, liberate, and incidentally harm or kill protected lizards and birds under Wildlife Act 1953, archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014, and a dispensation and complex freshwater fisheries activities approvals under the Freshwater Fisheries Regulations 1983 for impacts on, and provision for, fish passage in relation to diversion structures, culverts, dams, and overflow outlets.
14. We have provided location maps 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**, including contact details.¹

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.

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 the following groups to be the relevant iwi authorities for the project area:

- a. Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu.

Treaty settlement entities

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.²

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

- a. Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu, PSGE for 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.

- 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; and
- e. Te Rūnanga o Waihao, 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 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.
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 entity, owned by the relevant papatipu rūnanga, as another Māori group 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, and owned by Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, and Te Rūnanga o Waihao.

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. Through a series of acknowledgements and an apology to Ngāi Tahu, the Crown acknowledged its historical actions that breached te Tiriti o Waitangi/the Treaty of Waitangi. 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 recognised Ngāi Tahu as the tangata 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.

35. The Crown apology also stated that the Crown intended to atone for these acknowledged injustices, and to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu. The redress provided in the Ngāi Tahu settlement should be viewed in the context of these intentions.

Ngāi Tahu conservation protocol

36. The Ngāi Tahu Claims Settlement Act 1998 provides for the Minister of Conservation to issue a protocol which sets out how 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.
37. We note the applicant may seek the following approvals which would otherwise be sought from DOC:
- a. wildlife authorities to catch, mark, liberate, and incidentally harm or kill protected lizards and birds under the Wildlife Act 1953 where habitat clearance is required;
 - b. complex freshwater fisheries activity approvals or dispensations in relation to structures that impact on fish passage under the Freshwater Fisheries Regulations 1983.
38. While the current version of the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,⁴ in general it does not address the types of conservation-related approvals sought by the applicant as set out above.

Taonga species

39. The Crown has acknowledged the special association of Ngāi Tahu with certain taonga species of birds, plants and animals. The Ngāi Tahu Claims Settlement Act 1998 contains several other provisions relating to taonga species, including a requirement that the Minister of Conservation consult with, and have particular regard to the views of, Te Rūnanga o Ngāi Tahu when making policy decisions concerning the protection, management, or conservation of a taonga species. Activities associated with the MP4 expansion may have potential to impact on taonga species.
40. The application information notes that the following bird species listed in Schedule 97 (Taonga Species) of the Ngāi Tahu Claims Settlement Act 1998 have been confirmed as breeding within, or immediately adjacent to, the project area: kārearea / NZ falcon (Threatened – Nationally Vulnerable), mātā / NZ fernbird (At Risk – Declining), pīhoihoi / NZ pipit (At Risk – Declining), and kōau / black shag (At Risk – Relict). Other bird species

⁴ The protocol specifies the following matters: cultural materials; freshwater fisheries; culling of species of interest to Ngāi Tahu; historic resources; visitor and public information; RMA involvement; and amendment and review provisions from the Deed. 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 Otago Conservation Management Strategy 2016 Volume 1 at pages 269-292: [Otago Conservation Management Strategy 2016 volume 1](#)

listed in Schedule 97 that have been observed in the project area include pūtakitaki / paradise shelduck, tete / grey teal, kāhu / Australasian harrier, and riroriro / grey warbler.

41. In addition, the application information indicates that the following species are present in the project area: the taonga plant species taramea / speargrass (*Aciphylla spp*) and wīwī / rushes (*Juncus spp*) listed in Schedule 97; kēwai / waikoura / freshwater crayfish (At risk – declining) which is listed in the Ngāi Tahu deed of settlement as customary non-commercial harvest species; and two culturally significant species not named amongst the taonga species listed in the Ngāi Tahu Treaty settlement – the highly valued traditional food species tuna kūwharuwharu / long fin eel (at risk – declining) and tuna hikumutu / shortfin eel.
42. We note the applicant may seek wildlife authorities under Wildlife Act 1953 for salvaging, relocating, and accidentally harming protected lizards and birds. Lizards are not included amongst the taonga species in the Ngāi Tahu Claims Settlement Act 1998. The applicant proposes to avoid or minimise impacts on lizards and birds through the use of a Lizard Monitoring and Management Plan, an Avifauna Monitoring and Management Plan, and pest exclusion fencing.
43. As noted above, the applicant may seek a dispensation and complex freshwater fisheries activities approvals under the Freshwater Fisheries Regulations 1983 for impacts on, and provision for, fish passage. The applicant proposes to manage effects on fish and fish habitats through a Fish Management Plan, implementation of the New Zealand Fish Passage Guidelines, salvage procedures, exclusion devices, and riparian enhancement.
44. Although the settlement provisions regarding taonga species do not place any obligations on the panel in relation to the approvals being sought by the applicant, the redress illustrates the importance of these species to Ngāi Tahu. Accordingly, the panel may wish to take taonga species into consideration.
45. Ultimately, 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

46. 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

47. 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

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

Consultation with departments

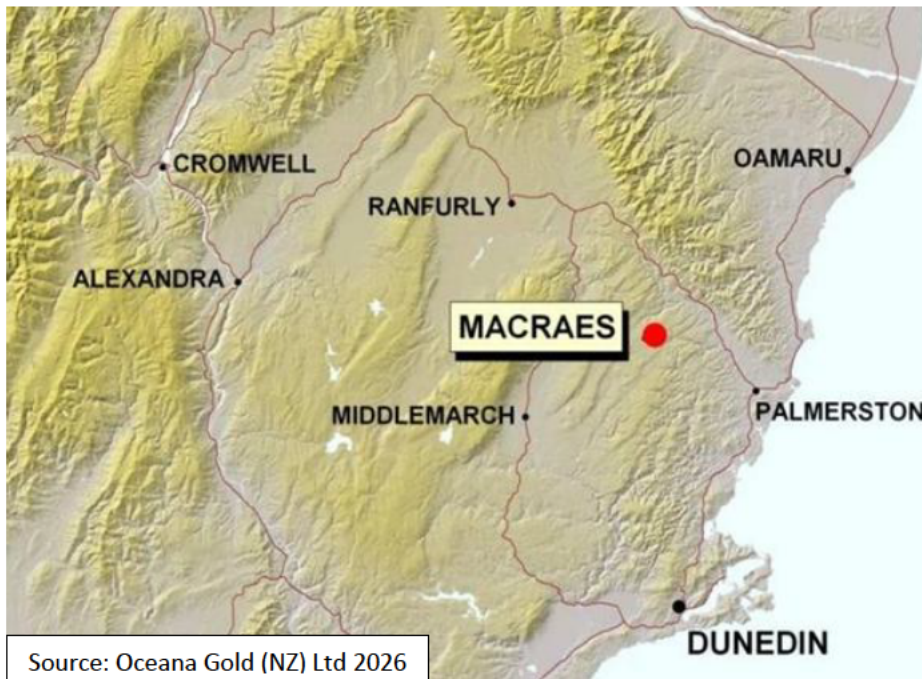
49. In preparing this report, we are required to consult relevant departments. We have previously sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups, and have incorporated their views into this report.

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

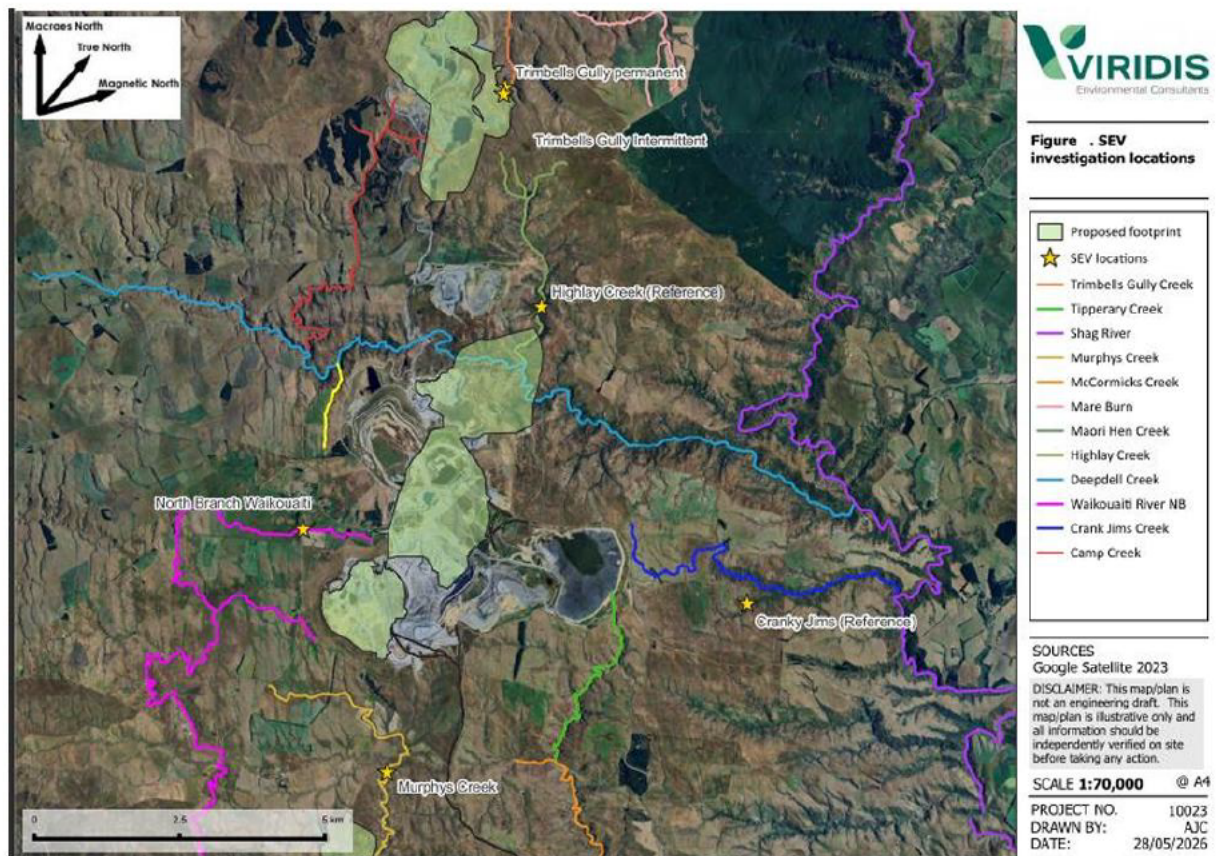
Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	Not applicable to substantive applications – section 18 report is required by section 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	17, 21
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	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, 45
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, 46
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, 46
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, 46
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, 47
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).	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),	29

	(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.	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	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.	49
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 maps

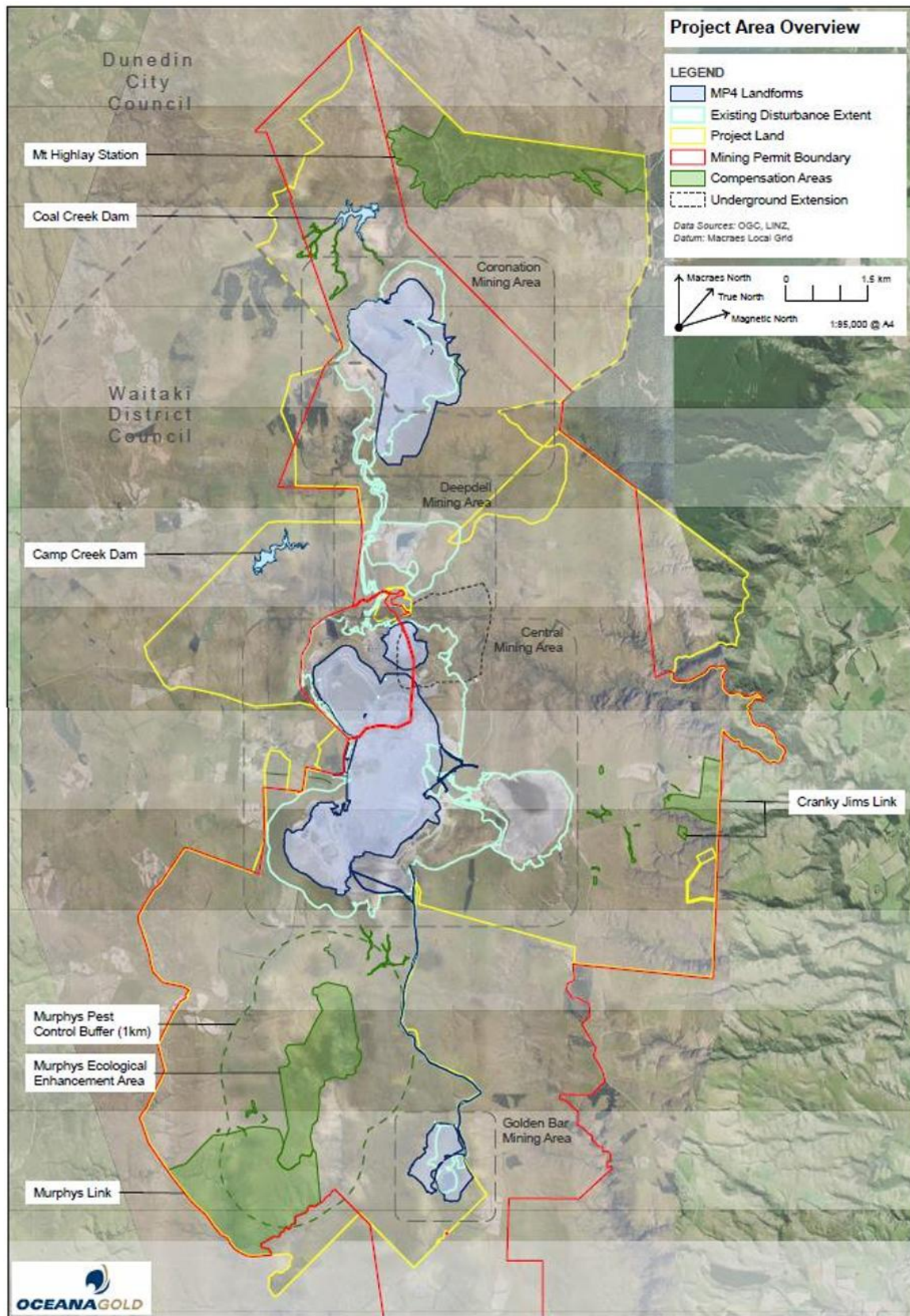


Map 1. Location of Macraes gold mining operation shown by red circle above.



Map 2. Location of tributaries in relation to the Macraes gold mining operation.

Source: Viridis in Oceana Gold 2026.



Map 3. Macraes Phase Four MPA project area

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact persons	Contact email
Te Rūnanga o Ngāi Tahu	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāi Tahu Claims Settlement Act 1998	Rachel Pull Lisa Mackenzie	
Te Rūnanga o Moeraki	Ngāi Tahu Papatipu Rūnanga – Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))	Trevor McGlinchey Justin Tipa, Te Rūnanga o Ngāi Tahu representative	
Kāti Huirapa Rūnanga ki Puketeraki	Ngāi Tahu Papatipu Rūnanga – Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))	Shane Ellison Matapura Ellison, Te Rūnanga o Ngāi Tahu representative	
Te Rūnanga o Ōtākou	Ngāi Tahu Papatipu Rūnanga – Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))	Brett Ellison Andrew Rouvi	
Te Rūnanga o Waihao	Ngāi Tahu Papatipu Rūnanga – Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))	Melissa Slatter	
Aukaha	Entity owned by Papatipu Rūnanga (s18(2)(k))	Hoao Machado, General Manager Mana Taiao	