

# Application 2020.023 Wooing Tree Estate (Wooing Tree Property Development LP)

To:	Required action:
Hon David Parker, Minister for the Environment	Consider this report prior to making a decision under section 24 of the Act

## Ministry for the Environment contacts

Position	Name	Cell Phone	1 <sup>st</sup> Contact
Principal Author	Pip Lee		
Responsible Manager	Sara Clarke	s9(2)(a)	✓
Director	Keita Kohere	s9(2)(a)	

## Introduction

1. The Ministry for the Environment has prepared this report in consultation with the Office for Māori Crown Relations – Te Arawhiti and in accordance with section 17 of the Covid-19 Recovery (Fast-track consenting) Act 2020 (the Act).
2. To satisfy obligations under section 6 of the Act, you must consider this report before making a decision under section 24 of the Act on whether to refer a project to an expert consenting panel.

## Proposed project

3. The applicant proposes to progress the subdivision of a 25 hectare block of land at Cromwell, Central Otago, which will provide sections for medium density residential development, a small commercial precinct, walkways and open spaces.
4. The application includes construction of the roading and other infrastructure needed to support the development.
5. A location map is in Attachment 1.

## Essential information

6. The following information is required under section 17(3) of the Act for the project area.

Section of the Act	Information required	Detail
s17(3)(a)	Relevant iwi authority	Te Rūnanga o Ngāi Tahu (TRoNT) <i>Contact details are in Attachment 2</i>
s17(3)(b)	Relevant Treaty settlement	Ngāi Tahu Claims Settlement Act 1998
s17(3)(a)	Relevant Treaty settlement entity	Te Rūnanga o Ngāi Tahu <i>Contact details are in Attachment 2</i>
s17(3)(c)	Relevant principles & provisions of the Treaty settlement	<i>See below</i>
s17(3)(d)	Negotiation mandates recognised by the Crown	None
s17(3)(d)	Current Treaty settlement negotiations	None
s17(3)(e)	Court orders recognising customary marine title or protected customary rights under the Marine & Coastal Area (Takutai Moana) Act 2011	None, and the project does not affect the coastal marine area.

## Supporting material

### Proposed project area

- The project site is situated on flat land at the Wooing Tree Vineyard, lying at the intersection of State Highway 6 (connecting Queenstown and Wanaka) and State Highway 8B (a main arterial route through Otago and South Canterbury). The site is bounded to the east by Shortcut Rd, and by residential properties to the north.
- Conversion of the Wooing Tree Vineyard to low density residential development has already commenced on 3 hectares within the site. The current proposal is to fast-track subdivision and installation of infrastructure to prepare the remaining 22 hectares for medium to high density residential development and some commercial activities. Approval to increase the density of the initial subdivision – from 33 lots to 41 lots – is also proposed.
- Te Wairere (Lake Dunstan), the hydro lake associated with the downstream Clyde Dam, lies approximately 600 metres to the east of the project area. The Mata-au (Clutha River) runs through the lake.
- Historically this river was part of an important trail that provided direct access into lakes Wānaka, Hāwea and Whakatipu Waimāori (Lake Wakatipu) from coastal Otago.<sup>1</sup> It is therefore possible

<sup>1</sup> Text attached to 'Mata-au' in the Ngāi Tahu Cultural Mapping Atlas: [Kā Huru Manu](#)

that the project area was used by tangata whenua in conjunction with historic activities associated with the Clutha River route.

11. No parts of the proposed project will occur in the coastal marine area, meaning it is unaffected by the provisions of the Marine & Coastal Area (Takutai Moana) Act 2011 (MACAA). You are therefore the sole party required to consider this report.

## **Iwi and iwi authorities**

### **Information sources**

12. Under section 7(1) of the Act, a relevant iwi authority means an iwi authority whose area of interest includes the area in which a project will occur.
13. The Act does not define iwi authority, so under section 7(2) of the Act it has the same meaning as in the Resource Management Act 1991 (RMA): iwi authority means the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
14. To identify the relevant iwi authorities, and to check if there were any groups that represent hapū, for RMA purposes, information was sourced from:
  - a. The Iwi Areas of Interest viewer, an online application managed by the Ministry of Māori Development - Te Puni Kōkiri
  - b. Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by the Ministry of Māori Development - Te Puni Kōkiri
  - c. Te Arawhiti
  - d. Ministry for the Environment
  - e. Central Otago District Council and Otago Regional Council, as the relevant local authorities.

### **Iwi authorities relevant to project**

15. Te Rūnanga o Ngāi Tahu (TRoNT) is the sole iwi authority for the project area.
16. TRoNT is made up of 18 Papatipu Rūnanga (rūnanga) to which members of Ngāi Tahu Whānui can belong.
17. Both TRoNT and the rūnanga were established by Te Rūnanga o Ngāi Tahu Act 1996 (Te Rūnanga Act). Each of the rūnanga hold the rights, interests and responsibilities to defined areas of land and waters within the Ngāi Tahu takiwā or area of interest.
18. Seven rūnanga have a shared interest in the project area:
  - a. Te Rūnanga o Moeraki
  - b. Kāti Huirapa Rūnaka ki Puketeraki
  - c. Te Rūnanga o Ōtākou
  - d. Hokonui Rūnaka
  - e. Te Rūnanga o Oraka-Aparima
  - f. Te Rūnanga o Awarua
  - g. Waihopai Rūnaka.

19. Section 15 of Te Rūnanga Act specifies that where any enactment requires consultation with any iwi or iwi authority in respect of matters affecting Ngāi Tahu Whānui, it will be held with TRoNT.
20. When TRoNT undertakes such consultation, Te Rūnanga Act also requires it to seek and have regard to the views of the rūnanga and hapū they consider may wish to comment on the matter being consulted on.
21. Two organisations undertake liaison between the rūnanga of the Otago/Southland regions and TRoNT, and on their behalf engage with the local authorities in these areas in relation to RMA matters:
  - a. Aukaha Ltd – based in Dunedin, and which is owned by, and represents Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Te Hokonui Rūnanga, and Te Rūnanga o Waihao.
  - b. Te Ao Marama Incorporated - based at Murihiku Marae in Invercargill, and which represents Hokonui Rūnanga, Te Rūnaka o Ōrāka-Aparima, Te Rūnanga o Awarua, and Waihōpai Rūnaka.

## **Treaty settlement and Treaty settlement entity**

22. The Ngāi Tahu Claims Settlement Act 1998 is the only settlement of historical Treaty claims relating to the proposed project area.
23. The Act gave effect to the deed of settlement between TRoNT and Her Majesty the Queen, dated 21 November 1997. The [deed and related documents](#) are available on the NZ Government's Treaty settlement website.
24. The settlement applies to the takiwā of Ngāi Tahu, as defined in section 5 of Te Rūnanga Act, and which covers the majority of the South Island of Aotearoa (Te Waipounamu).
25. TRoNT is the post-Treaty settlement governance entity associated with the Treaty settlement. A [settlement summary](#) is available on TRoNT's website.
26. A Treaty settlement entity is also defined for the purposes of the Act as including a board, trust, committee, authority, or other body, recognised in, or established under a Treaty settlement Act.
27. No such entities established by the Ngāi Tahu settlement are relevant to the proposed project.

## **Relevant principles and provisions of the Ngāi Tahu Treaty settlement**

### **Crown acknowledgements and apologies**

28. As part of the 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 stated that it recognised Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu Whānui.
29. Rangatiratanga as a concept and a practice encompasses rights, responsibilities and obligations, including kaitiakitanga in relation to the land and resources within the takiwā.
30. 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 are important ways in which the Crown can give on-going effect to these acknowledgements and uphold its relationship with Ngāi Tahu.

## Redress

31. The settlement did not create any new co-governance or co-management processes affecting decision-making under the RMA.
32. Te Wairere (Lake Dunstan), lying several hundred metres east of the project site, is subject to a statutory acknowledgement as set out in [Schedule 61](#) to the Ngāi Tahu Claims Settlement Act 1998.
33. This recognises the cultural, spiritual, historical and traditional association of Ngāi Tahu with the lake and the river. It also notes that tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, 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.
34. The bed of the lake is also covered by a deed of recognition<sup>2</sup>, which requires Crown agencies to consult and have particular regard to Ngāi Tahu views in relation to certain administration and management activities affecting this area.
35. The proposed project is unlikely to directly affect these statutory areas provided discharges of stormwater and wastewater are managed appropriately.

## Current negotiation mandates and settlement negotiations

36. There are no recognised mandates for negotiation of any further historical Treaty claims, or any current or anticipated negotiations for settlement of historical Treaty claims, affecting the proposed project area.

## Details in this report affect certain provisions of the Act

### Notices of referral decision

37. TRoNT was not invited under section 21(3) to comment on this application for referral, however if the decision is to refer this project to an expert consenting panel, you must give notices of decision and reasons to:
  - a. the relevant iwi authorities and Treaty settlement entities identified in this report
  - b. any other iwi authorities or Treaty settlement entities you consider have an interest in the matter
  - c. any group that is or party to either a joint management agreement or Mana Whakahono ā Rohe under the RMA that relates to the project area.
38. TRoNT is the sole relevant iwi authority and Treaty settlement entity for this application.
39. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

### Expert consenting panel membership

40. If a project is referred to an expert consenting panel the appointed panel must include one person nominated by the relevant iwi authorities under clause 3(2)(b) of Schedule 5 of the Act.

---

<sup>2</sup> Attachment I2.114 in [Section 12 of the Ngāi Tahu Deed of Settlement](#)

41. In the case of the proposed project, the relevant iwi authority for panel nominations is TRoNT.

#### **Panel invitations to comment**

42. An expert consenting panel must invite comments on a consent application or notice of requirement for a referred project from the parties listed in clause 17(6) of Schedule 6 of the Act. This includes:

- a. the relevant iwi authorities, including those identified in this report, and
- b. a Treaty settlement entity relevant to the referred project, including an entity that has an interest under a Treaty settlement in an area where a referred project is to occur, and an entity identified in this report.

43. TRoNT is both the relevant iwi authority and Treaty settlement entity for this application.

44. The panel may also invite comments from any other person it considers appropriate.

45. It would be appropriate to also invite comments from the appropriate Ngāi Tahu Papatipu Rūnanga, through their representative agents Aukaha Ltd and Te Ao Marama Incorporated. This is because TRoNT is obliged to consult with the rūnanga when providing comments on local issues. Additionally, this consultative framework is well established under normal RMA process.

46. Contact details are included in Attachment 2.



## Attachment 1 – Location



## Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	Treaty settlement entity	RMA Iwi authority	Contact person	Copies to
Ngāi Tahu	Te Rūnanga o Ngāi Tahu (TRoNT)	P.O. Box 13 046 Christchurch 8141  Ph: 0800 524 8248	The post-Treaty settlement governance entity established under the Ngāi Tahu Claims Settlement Act 1998	Represents Ngāi Tahu as an 'iwi authority' for RMA purposes	CEO/Kaihautū – Arihia Bennett	
Ngāi Tahu Papatipu Rūnanga from Otago/South Canterbury: Te Rūnanga o Hokonui Te Rūnanga o Ōtākou Kāti Huirapa Rūnaka ki Puketeraki Te Rūnanga of Moeraki Te Rūnanga o Waihao	Aukaha Ltd is an advisory company which represents these 5 Papatipu Rūnanga	Aukaha Ltd PO Box 446 Dunedin 9054  Ph: s9(2)(a)			Aukaha Ltd Manager – Nicola Morand  s9(2)(a)	Aukaha Ltd Senior Resource Management Planner - Maree Kleinlangevelsloo  s9(2)(a)
Ngāi Tahu Papatipu Rūnanga in Murihiku/Southland: Te Rūnanga o Awarua Te Rūnaka o Ōrāka-Aparima Te Rūnanga o Waihōpai Te Rūnanga o Hokonui	Te Ao Marama Inc represents the 4 Rūnanga in Murihiku (south of the Clutha River – Mata-au)	Te Ao Marama Inc c/- Murihiku Marae 408 Tramway Rd Invercargill 9844  Ph: s9(2)(a)			Te Ao Marama Inc Kaupapa Taiao Manager – Dean Whaanga  s9(2)(a)	