

Application No 2020.058 Silverlight Studios Accommodation (Silverlight Studios Ltd)

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 st Contact
Principal Author	Pip Lee		
Manager	Stephanie Frame	s9(2)(a)	✓
Director	Sara Clarke	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 FTCA).
2. To satisfy obligations under section 6 of the FTCA, you must consider this report before you make a decision under section 24 of the FTCA to accept the application to refer the Silverlight Studios Accommodation project to an expert consenting panel (a panel).

Proposed project

3. The project is to include on-site accommodation within the Silverlight Studios project (which is for development of film studios and associated production offices, a film school and tourism activities at a site approximately 7 km east of Wanaka). A location map is in Attachment 1.
4. The Silverlight Studios project was referred for fast-track consenting through an Order in Council in January 2021. Accommodation for cast and crew working at the Silverlight Studios was not included in the original project but has subsequently been identified as desirable.
5. In this referral application the applicant seeks the ability to develop this accommodation. It will be in a mix of studio, and one-, two- and three-bedroom apartments located within buildings constructed as part of the Silverlight Studios project. No additional buildings are proposed.

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	TRoNT <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 and Coastal Area (Takutai Moana) Act 2011	None, and the project does not affect the coastal marine area.

Supporting material

Project area

- The project area lies on a terrace on the south side of the Clutha River/Mata-au. A Crown-owned marginal strip covers the narrow escarpment between the northern boundary of the property and the river.
- Historically the river was part of an important trail that provided direct access for Ngāi Tahu hapū into lakes Wānaka, Hāwea and Whakatipu-wai-māori (Lake Wakatipu) from coastal Otago.¹
- It is therefore possible that the project area was used by tangata whenua in conjunction with historic passage through the area or use of river resources.
- The Silverlight Studios Project will establish film studios and associated production offices, a film school and tourism activities on a rural site lying between State Highway 6 and the Clutha River, approximately 7 km east of Wanaka.

¹ See text attached to 'Mata-au' in the Ngāi Tahu Cultural Mapping Atlas: [Kā Huru Manu](#)

11. The total area of the affected property is approximately 322 hectares, but the built development will generally be limited to the southern half of the site, with the balance being maintained as open paddocks.

Project details

12. The Silverlight Studios project is likely to generate upwards of 1200 jobs on site, only some of which will be filled by the current local population. Although it was originally considered that the additional incoming workforce (both permanent and temporary) would be able to be accommodated by the local market, this is no longer the case.
13. The proposed on-site accommodation to be provided by the current project will be a mix of studio (51), one-bedroom (144), two-bedroom (92) and three-bedroom (9) apartments located within the Venice, Paris and New York precincts of the Silverlight Studios complex.
14. The applicant advises that in total, this will provide 314 bedrooms capable of accommodating 26% of the projected workforce, assuming single occupancy of each room.
15. The proposed units will not be for individual sale and will be owned by Silverlight Studios. It is also proposed that when not occupied by cast and crew, the onsite accommodation may be made available for visitor accommodation as part of the wider tourism activities at the site.

Statutory matters relating to this report

16. No parts of the proposed project will occur in the coastal marine area, meaning:
 - a. pursuant to section 16(1) of the FTCA you are the sole party required to consider this report
 - b. the project is unaffected by the provisions of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA) or any other Act pertaining to the grant of protected customary rights or customary marine title.
17. There are therefore no court orders granted under the MACAA or another Act to consider in your referral decision for this project.²

Iwi and iwi authorities

Information sources

18. Under section 7(1) of the FTCA a relevant iwi authority means an iwi authority whose area of interest includes the area in which a project will occur.
19. 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.
20. To identify the iwi authorities for RMA purposes which are relevant to the project area, information was sourced from:

² Section 17(3)(e) of the FTCA requires this report to identify any court orders granted under the MACAA or another Act which recognise, in relation to the project area, customary marine title or protected customary rights.

- a. The Iwi Areas of Interest viewer, an online application managed by the Ministry of Māori Development - Te Puni Kōkiri (TPK)
- b. Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by TPK
- c. Ministry for the Environment
- d. Queenstown Lakes District Council and Otago Regional Council as the relevant local authorities.

Iwi authorities relevant to project

21. Te Rūnanga o Ngāi Tahu (TRoNT) is the sole iwi authority for the project area.
22. TRoNT is the governing council of Ngāi Tahu iwi, established by the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act) to protect and advance the collective rights and interests of the iwi.
23. TRoNT is made up of 18 Papatipu Rūnanga (rūnanga) to which members of Ngāi Tahu Whānui can belong. Each rūnanga holds the rights, interests and responsibilities to specific takiwā (areas of land and waters) within the Ngāi Tahu Takiwā.³ Each rūnanga has its own governance structure and it is through this mechanism that the collective Ngāi Tahu voice in a region is represented and heard at local government and community level.
24. Seven rūnanga have a shared interest in the Queenstown Lakes District:
 - a. Moeraki Rūnaka, Kāti Huirapa ki Puketeraki Rūnaka and Te Rūnanga o Ōtākou (Kai Tahu ki Ōtākou)
 - b. Te Rūnanga o Hokonui, Te Rūnanga o Ōrāka-Aparima, Te Rūnanga o Awarua and Waihōpai Rūnanga (Ngāi Tahu ki Murihiku).
25. Section 15 of the TRoNT 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.
26. When TRoNT undertakes such consultation, the TRoNT 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.
27. Two organisations undertake liaison between the rūnanga of the Otago/Southland regions and TRoNT, and on their behalf engage with the local authorities and others in relation to RMA matters:
 - a. Aukaha Ltd – a Dunedin-based consultancy which is owned by, and represents, Kai Tahu ki Ōtākou.
 - b. Te Ao Marama Incorporated, based at Murihiku Marae in Invercargill and which represents Ngāi Tahu ki Murihiku.

Treaty settlement and Treaty settlement entity

28. The Ngāi Tahu Claims Settlement Act 1998 is the only settlement of historical Treaty claims relating to the proposed project area. The Act gave effect to certain provisions of the deed of settlement

³ The Papatipu Rūnanga of Ngai Tahu Whānui and their respective takiwā are described in the Schedule to the Te Runanga o Ngāi Tahu (Declaration of Membership) Order 2001, which superseded Schedule 1 to Te Rūnanga o Ngāi Tahu Act 1996.

between TRoNT and Her Majesty the Queen, signed 21 November 1997. The [deed and related documents](#) are available on the NZ Government's Treaty settlement website.

29. The settlement applies to the Takiwā of Ngāi Tahu, as defined in section 5 of the TRoNT Act, and which covers the majority of the South Island of Aotearoa (Te Waipounamu). A [settlement summary](#) is available on TRoNT's website.
30. TRoNT is the post-Treaty settlement governance entity associated with the Treaty settlement.
31. 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. No such entities established by the Ngāi Tahu Treaty settlement are relevant to the proposed project.

Relevant principles and provisions of the Ngāi Tahu Treaty settlement

Crown acknowledgements and apology

32. The Crown offers an apology as part of Treaty settlement redress to atone for historical wrongs, restore its honour, and begin the process of healing.
33. As part of its apology to Ngāi Tahu, the Crown apologises 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.
34. Rangatiratanga as a concept and a practice encompasses rights, responsibilities and obligations including kaitiakitanga, in relation to the land and resources within the Takiwā. 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 on-going effect to these acknowledgements and uphold its relationship with Ngāi Tahu.

Other redress

35. The settlement did not create any new co-governance or co-management processes affecting decision-making under the RMA.
36. The Clutha River/Mata-au, lying immediately to the north of the project area, is subject to a statutory acknowledgement, as set out in [Schedule 40](#) to the Ngāi Tahu Claims Settlement Act 1998.
37. This recognises the cultural, spiritual, historical and traditional association of Ngāi Tahu with the river. It 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.
38. The bed of the river is also covered by a deed of recognition,⁴ 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.

⁴ Attachment I2.88 in [Section 12 of the Ngāi Tahu Deed of Settlement](#)

39. As no discharges to the river are proposed and the proposed construction activity will be located several hundred metres from the river edge, the proposed project is unlikely to directly affect these statutory areas, unless a water take from the river were to be sought.

Current negotiation mandates and settlement negotiations

40. 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

41. Under section 25 of the FTCA, you must give notice of the decisions made on an application for referral of a project to a panel, and the reasons for your decisions, to the applicant and anyone invited to comment under section 21 of the FTCA.
42. You did not invite comment on the referral application from TRoNT or any other Māori groups. However, if you decide to refer this project to a panel, the notice of decisions and associated reasons must be given to:
- a. TRoNT, as the relevant iwi authority and Treaty settlement entity 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.
43. There are no other iwi authorities or Treaty settlement entities likely to have an interest in the matter, and no joint management agreements or Mana Whakahono ā Rohe to consider.
44. If you decide to refer the project we also recommend copying the notice to the relevant rūnanga through their agents Aukaha Ltd and Te Ao Marama Incorporated, to facilitate their preparedness for engagement in the panel process (should they wish to do so). Contact details are in Attachment 2.

Expert consenting panel membership

45. If a project is referred to a 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.
46. In the event iwi authorities nominate more than one person, the panel convener must decide which nominee to appoint. The panel convener has discretion to increase the panel membership to accommodate the matters specified in clause 3(6)(a) – 3(6)(e), which include matters unique to any relevant Treaty settlement Act.
47. TRoNT is the sole relevant iwi authority for the project; contact details are in Attachment 2.

Panel invitations to comment

48. A panel must invite comments on a resource 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

- 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.

49. TRoNT is the sole relevant iwi authority and Treaty settlement entity for the proposed project.

50. We also recommend a panel invite comments from the appropriate 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 has been agreed between the iwi and local authorities and is well established under standard RMA process. Contact details are included in Attachment 2.

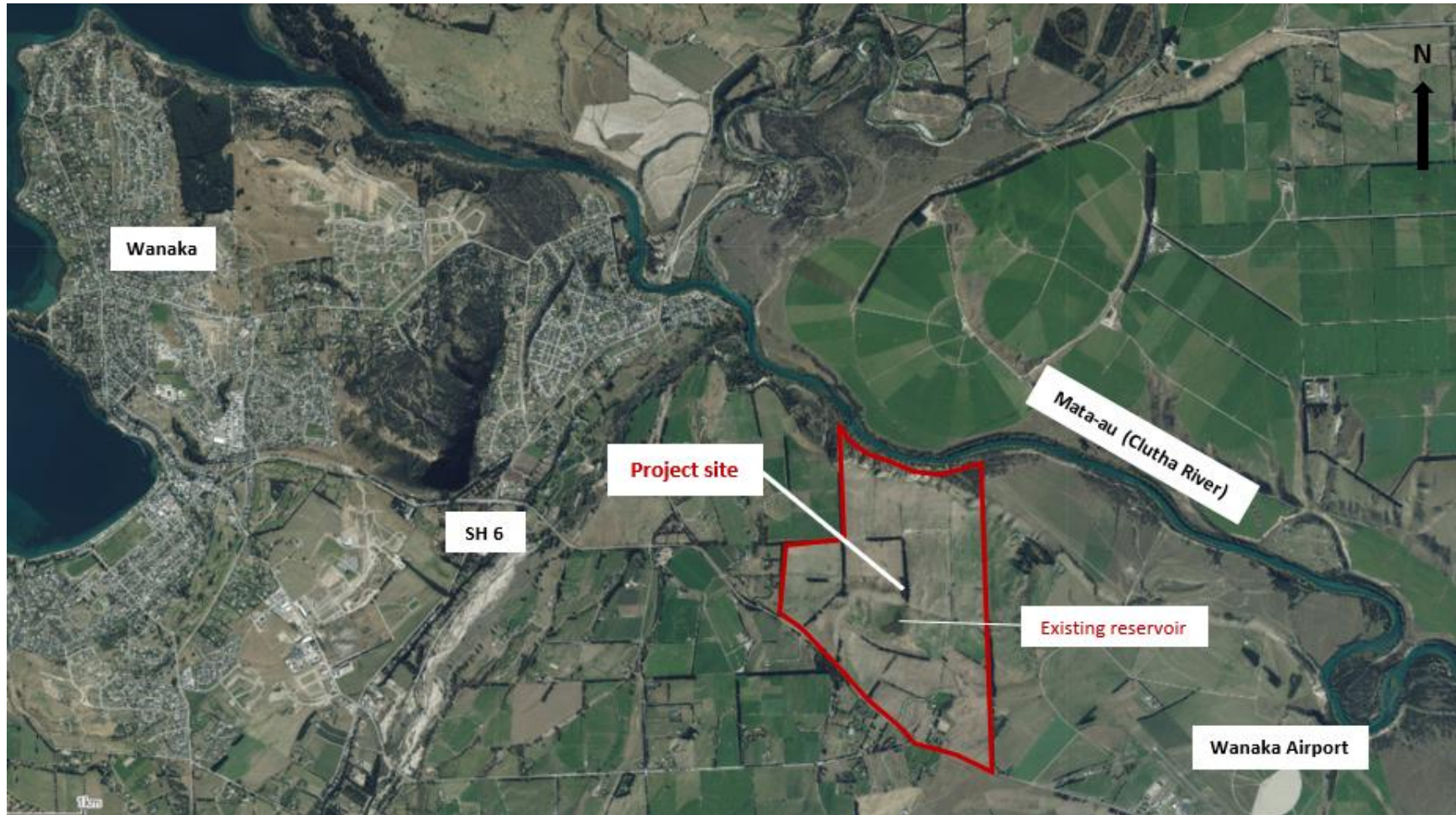
51. The panel may also invite comments from any other person it considers appropriate. We have not identified any further parties.

Provision of Cultural Impact Assessment

52. Any resource consent application that is submitted to a panel for determination must include a cultural impact assessment prepared by or on behalf of the relevant iwi authority or a statement of any reasons given by the relevant iwi authority for not providing that assessment.⁵ The Environmental Protection Authority (which provides support services to a panel) will not confirm an application as complete and ready for consideration by a panel until this requirement has been satisfied.

⁵ Clause 9(5) of Schedule 6 of the FTCA.

Attachment 1 – Location



Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Contact person	Copies to
Ngāi Tahu	Te Rūnanga o Ngāi Tahu (TRoNT)	P.O. Box 13 046 Christchurch 8141 Ph: 0800 524 8248	Represents Ngāi Tahu as an iwi authority for RMA purposes	The post-Treaty settlement governance entity under the Ngāi Tahu Claims Settlement Act 1998	CEO/Kaihautū – Arihia Bennett info@ngaitahu.iwi.nz	General Manager Te Ao Turoa: Trudy Heath s9(2)(a) Programme Leader Puna Mahara: Aaron Leith s9(2)(a)
Ngāi Tahu Papatipu Rūnanga with shared interests in Queenstown Lakes District:	Aukaha Ltd is an advisory company which represents 5 Papatipu Rūnanga	Aukaha Ltd PO Box 446 Dunedin 9054 Ph: s9(2)(a)			Aukaha Ltd General Manager, Mana Taiao – Kate Timms-Dean s9(2)(a)	Aukaha Ltd Principal Planner, Mana Taiao– Sandra McIntyre s9(2)(a)
Te Rūnanga o Moeraki Kāti Huirapa Rūnaka ki Puketeraki Te Rūnanga o Ōtākou Te Rūnanga o Hokonui Te Rūnaka o Ōrāka-Aparima Te Rūnanga o Awarua Te Rūnanga o Waihōpai	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)	