

Application 2021.041 Skellerup Block Development (Carter Group Ltd and Rolleston West Residential Ltd)

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

Ministry for the Environment contacts

Position	Name	Cell Phone	1 st Contact
Principal Author	Pip Lee		
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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 any decision under section 24 of the FTCA to accept the application to refer the Skellerup Block Development project to an expert consenting panel (a panel).

Proposed project

3. The applicant proposes to subdivide and develop a 73-hectare greenfield site on the south-western outskirts of Rolleston in Canterbury, for residential development. A location map is in Attachment 1.

Essential information

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

Section of the FTCA	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 (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 & Coastal Area (Takutai Moana) Act 2011 or another Act	None that are relevant and the project does not occur in the coastal marine area.

Supporting material

Project area

- As shown on Attachment 3, the project site is an approximately rectangular block of land currently in agricultural use, located to the south-west of the Rolleston township urban area. The site is bounded by Dunns Crossing Road on its north-eastern side and by rural land on its other sides.
- The project site lies within the takiwā of Te Rūnanga o Ngāi Tahu and two of the 18 papatipu rūnanga (rūnanga) which comprise TRoNT – Te Ngāi Tūāhuriri and Te Taumutu Rūnanga – have shared interests in this area.

Project details

- The applicant proposes to subdivide the site to create approximately 571 lots for residential and commercial uses and 21 large lots for future subdivision and residential development. Construction of approximately 961 residential units and a small local commercial centre, along with the three waters and other infrastructure to support this, is included in the project.
- The site is the subject of a private plan change application to Selwyn District Council (PC73) to amend the site's zoning to enable higher density residential and local centre development. This plan change was accepted by the Selwyn District Council on 10 March 2021 and was notified on 31

March 2021. The applicant advises that the council is not likely to make a decision on this plan change until late this year or early next year.

9. The applicant has also applied to fast-track a similar project (Holmes Block Development) located 1.5 km to the north on Dunns Crossing Road (see Attachment 3). This site is also the subject of private plan change PC73.
10. The project sites are not recognised as Future Development Areas (FDAs) under Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement (CRPS), which seeks to identify the FDAs on Map A of the CPRS and insert associated planning provisions. Proposed Change 1 was notified in January 2021 under a Streamlined Planning Process¹, the outcome of which has yet to be determined. The applicant's parent company submitted on Proposed Change 1, seeking inclusion of both project sites on Map A.

Statutory matters relating to this report

11. 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.
12. 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. There are therefore no court orders to consider in your referral decision for this project.

Iwi and iwi authorities

Information sources

13. Under section 7(1) of the FTCA, a relevant iwi authority for a referred project means an iwi authority whose area of interest includes the area in which a project will occur.
14. The FTCA does not define iwi authority, so under section 7(2) of the FTCA, it has the same meaning as in the Resource Management Act 1991 (RMA): the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
15. To identify the iwi authorities for RMA purposes which are relevant to the project area, 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. Ministry for the Environment

¹ A process under Subpart 5 of Part 5 of the Resource Management Act 1991, through a direction of the responsible Minister, to prepare a planning instrument to achieve an expeditious planning process

- d. Canterbury Regional Council (Environment Canterbury) and Selwyn District Council, as the relevant local authorities.

Iwi authorities relevant to project

16. Te Rūnanga o Ngāi Tahu (TRoNT) is the sole iwi authority for the project area.
17. TRoNT is made up of 18 rūnanga to which members of Ngāi Tahu Whānui can belong. The rūnanga exist to uphold the mana of their people over the land, the sea and the natural resources.²
18. Along with TRoNT, the rūnanga were established by Te Rūnanga o Ngāi Tahu Act 1996 (Te Rūnanga Act). Each holds the rights, interests and responsibilities to defined areas of land and waters within the Ngāi Tahu rohe. 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.
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. TRoNT has advised that two rūnanga have shared interests in the project area: Te Rūnanga o Ngāi Tūāhuriri and Te Taumutu Rūnanga.
22. Mahaanui Kurataiao Ltd (MKT) is an advisory company established by the six Ngāi Tahu rūnanga based around Christchurch, Banks Peninsula and north Canterbury (including the two named above). It liaises between the rūnanga and TRoNT, and on their behalf engages with the relevant local authorities in relation to RMA matters.

Treaty settlement and Treaty settlement entity

23. Information from the first two sources listed in paragraph 15, the [NZ Government Treaty settlements website](#), and the Office for Māori Crown Relations – Te Arawhiti was used to identify relevant Treaty settlements and any associated Treaty settlement entities of relevance to the proposed project.
24. The Ngāi Tahu Claims Settlement Act 1998 is the only settlement of historical Treaty claims relating to the proposed project area.
25. The Act gives effect to the deed of settlement signed on 21 November 1997, and amendment deeds signed in 1998 and 1999. The [deed, amendment deeds and related documents](#) are available on the NZ Government Treaty settlements website.
26. The settlement applies to the takiwā of Ngāi Tahu as defined in section 5 of Te Rūnanga Act, which covers the majority of the South Island of Aotearoa (Te Waipounamu).
27. TRoNT is the post-settlement governance entity associated with the Treaty settlement. A [settlement summary](#) is available on the TRoNT website.
28. A Treaty settlement entity is also defined for the purposes of the FTCA as including a board, trust, committee, authority, or other body, recognised in, or established under a Treaty settlement Act.

² As stated by Te Rūnanga o Ngāi Tahu on their [Papatipu Rūnanga webpage](#)

29. 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

30. The Crown offers apologies as part of Treaty settlement redress to atone for historical wrongs, restore its honour, and begin the process of healing.
31. 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, recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu Whānui.
32. Rangatiratanga as a concept and a practice encompasses rights, responsibilities and obligations, including kaitiakitanga in relation to the land and resources within the takiwā.
33. 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 effect to these acknowledgements and uphold its relationship with Ngāi Tahu.

Other redress

34. The settlement did not create any new co-governance or co-management processes affecting decision-making under the RMA.
35. The project will not affect any specific cultural or commercial redress provided under the settlement.

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 FTCA

Notices of referral decision

37. 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.
38. You invited TRoNT, a member of the Greater Christchurch Partnership and also the relevant iwi authority and Treaty settlement entity, to comment on the referral application for the Skellerup Block Development project.
39. If you decide to refer this project to a panel, the notice of decisions and associated reasons must also be given to:
 - a. any other iwi authorities or Treaty settlement entities you consider have an interest in the matter

- b. 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.
40. 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.
41. If you decide to refer this project, we recommend copying the notice of decisions to the two relevant rūnanga: Te Rūnanga o Ngāi Tūāhuriri and Te Taumutu Rūnanga and their agent Mahaanui Kurataiao Ltd, to facilitate these parties' preparedness for engagement in the panel process. Contact details are in Attachment 2.

Expert consenting panel membership

42. 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 FTCA.
43. 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.
44. TRoNT is the relevant iwi authority to make panel nominations for the proposed project. Contact details are in Attachment 2.

Panel invitations to comment

45. 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 FTCA. 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.
46. TRoNT is the relevant iwi authority and Treaty settlement entity for receipt of these invitations.
47. We also recommend a panel invite comment from the two relevant rūnanga: Te Rūnanga o Ngāi Tūāhuriri and Te Taumutu Rūnanga with whom TRoNT is legally obliged to consult, and their agent Mahaanui Kurataiao Ltd. Contact details are in Attachment 2.
48. The panel may also invite comments from any other person it considers appropriate. We have not identified any further relevant parties.

Provision of Cultural Impact Assessment

49. 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. The Environmental Protection Authority (which provides supporting services to a panel) will not confirm an application as complete and ready consideration by a panel until this requirement has been satisfied.

Attachment 1 - Location



Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Other	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-settlement governance entity established 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)
	Te Rūnanga o Ngāi Tūāhuriri	Tuahiwi Marae 219 Tuahiwi Road Kaiapoi Canterbury 7691			Papatipu rūnanga	Representative: Tania Wati s9(2)(a)	
	Te Taumutu Rūnanga	Ngāti Moki Marae 124 Pohau Road Southbridge Taumutu Canterbury 7683			Papatipu rūnanga	Representative: David Perenara-O'Connell taumutu@ngaitahu.iwi.nz	
	Mahaanui Kurataiao Ltd				Agent for the Papatipu rūnanga groups above	Kaihautū/CEO - Tania Wati mahaanui.admin@ngaitahu.iwi.nz	Manager – Mātauranga Taiao: Kyle Davis mahaanui.admin@ngaitahu.iwi.nz

Attachment 3 – Project area details

