

Application 2021-079 Selfs Road Project (Acanthus Limited)

To:	Required action:
Hon David Parker, Minister for the Environment	Consider this report prior to making a decision under section 24 of the FTCA
Date submitted: 28 April 2022	

Ministry for the Environment contacts

Position	Name	Cell Phone	1 st Contact
Principal Author	Pip Lee		
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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 Selfs Road Project (project) to an expert consenting panel (panel).

Proposed project

3. The applicant (Acanthus Limited) proposes to subdivide a 3.6-hectare site on the eastern side of the Auckland South-Western Motorway (State Highway 20) at Ngā Kapua Kohuora (Crater Hill), Papatoetoe, and construct approximately 115 residential units and associated infrastructure.
4. A location map is in Attachment 1.

Essential information

5. 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 authorities (11) <i>Contact details are in Attachment 2</i>	Makaurau Marae Māori Trust Ngaati Whanaunga Incorporated Society Ngāi Tai ki Tāmaki Tribal Trust Ngāti Maru Rūnanga Trust Ngāti Tamaoho Trust Ngāti Tamaterā Treaty Settlement Trust Te Ākitai Waiohūa Iwi Authority Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa Te Kawerau Iwi Settlement Trust Te Kupenga o Ngāti Hako Te Whakakitenga o Waikato Incorporated
s17(3)(b)	Treaty settlements that relate to the project area (5)	Te Kawerau ā Maki Claims Settlement Act 2015 Ngāi Tai ki Tāmaki Claims Settlement Act 2018 Ngāti Tamaoho Claims Settlement Act 2018 Te Ākitai Waiohūa Deed of Settlement – signed 12 November 2021 Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014
s17(3)(a)	Relevant Treaty settlement entities (8) <i>Contact details are in Attachment 2</i>	Te Kawerau Iwi Settlement Trust Ngāi Tai ki Tāmaki Trust Ngāti Tamaoho Settlement Trust Te Ākitai Waiohūa Settlement Trust Ngāti Maru Rūnanga Trust Ngāti Tamaterā Treaty Settlement Trust Hako Tūpuna Trust Ngaati Whanaunga Ruunanga Trust
s17(3)(c)	Relevant principles and provisions of the Treaty settlements	<i>See below</i>
s17(3)(d)	Groups with a negotiation mandate recognised by the Crown who are yet to commence Treaty settlement negotiations	Ngāti Te Ata Claims Support Whānau Trust Ngāti Koheriki Claims Committee
s17(3)(d)	Current Treaty settlement negotiations	Ngāti Maru (Hauraki) (Ngāti Maru Treaty Settlement Negotiators) Ngāti Tamaterā (Ngāti Tamaterā Negotiators) Hako (Ngāti Hako Treaty Settlement Negotiators) Ngaati Whanaunga (Ngaati Whanaunga Ruunanga Trust) Marutūāhu Iwi Collective Waikato-Tainui – remaining claims (Negotiator - Rahui Papa)

Section of the FTCA	Information required	Detail
s17(3)(e)	Court orders recognising customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 or another Act	None that are relevant as the project does not occur in the coastal marine area

Supporting material

Project site details

6. The project site is located at 1 Selfs Road, Papatoetoe, Auckland and on the north-eastern fringes of Ngā Kapua Kohuora (Crater Hill), one of several South Auckland volcanic features. The site forms part of the farm and quarry at Crater Hill but is separated from the main part of the property by State Highway 20 (as shown in Attachment 3).
7. The project site slopes generally towards Selfs Road and is currently occupied by two residential dwellings and ancillary structures and sheds (in the centre of the site) and a single storey house on the property fronting onto Self Road at the intersection with Caringbah Drive. The remainder of the site is grazed and managed in open pasture.
8. The property at Ngā Kapua Kohuora (Crater Hill) is privately owned, and the main part of the land was recently the subject of an unsuccessful application to Auckland Council by the owners to rezone the area for future residential development, which also failed in subsequent Environment and High Court appeals – principally on the basis of the strong cultural connection of local Māori (particularly Te Ākitai Waiohū) to it. The project site was not affected by this litigation issue as it already lies in the Residential Mixed-Housing Suburban zone under the Auckland Unitary Plan (AUP).

Project details

9. The proposed 115 residential units are single-level dwellings. The general development layout is shown on Attachment 3 and visual depictions are in Attachment 4.

Statutory matters relating to this report

10. 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.

11. There are therefore no court orders granted under the MACAA or another Act to consider in your referral decision for this project.¹

Iwi authorities

Methodology and information sources

12. This report must identify the relevant iwi authorities for the project, in accordance with section 17(3)(a) of the FTCA. 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.
13. 'Area of interest' can mean different things depending on context and can be difficult to define precisely on a map, particularly on small scale maps depicting large geographical areas. For the purposes of this report, we have used information from the following sources as a basis for identifying iwi areas of interest:
- 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, which includes information on rohe (tribal areas) provided by those organisations
 - c. the Te Arawhiti Internal Crown Asset Tracking Tool (i-Cat), an online database that records areas of interest associated with Treaty settlements and Treaty settlement negotiations
 - d. area of interest maps in signed Treaty settlement deeds or other Treaty settlement documents
 - e. Auckland Council's online interactive map depicting tribal regions and iwi in the Auckland Region².
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 relevant iwi authorities for the identified areas of interest, we sourced and considered information from:
- a. the TKM online directory noted above
 - b. Auckland Council's [online tool](#) for identifying mana whenua contacts for a particular address.

Iwi authorities relevant to project

16. The project site lies within or very close to³ the areas of interest, identified from one or more of the sources in paragraph 13, for the following 14 iwi or groups: Hako, Ngaati Whanaunga, Ngāi Tai

¹ 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.

² Accessed via the webpage for the Auckland Plan 2025 (the long-term spatial plan for Tāmaki Makaurau): <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/about-the-auckland-plan/Pages/iwi-tamaki-makaurau.aspx>

³ Both the TPK viewer and i-Cat show the indicative area of interest for Ngaati Whanaunga as lying within one kilometre of the project site.

ki Tāmaki, Ngāti Koheriki, Ngāti Maru (Hauraki), Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Te Ahiwaru o Waiohua, Te Ākitai Waiohua, Te Kawerau ā Maki, Waikato-Tainui, the Tāmaki Collective and the Marutūāhu Iwi Collective.

17. Not all of these iwi or groups are represented by an iwi authority. We have identified 11 iwi authorities as follows:

- a. Makaurau Marae Trust, representing Te Ahiwaru Waiohua
- b. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga
- c. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
- d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru
- e. Ngāti Tamaoho Trust, representing Ngāti Tamaoho
- f. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
- g. Te Ākitai Waiohua Iwi Authority, representing Te Ākitai Waiohua
- h. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua, representing Ngāti Te Ata
- i. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki
- j. Te Kupenga o Ngāti Hako Incorporated, representing Hako
- k. Te Whakakitenga o Waikato, representing Waikato-Tainui.

Treaty settlements and Treaty settlement entities

18. This report must identify the Treaty settlements that relate to the project area and relevant Treaty settlement entities, in accordance with sections 17(3)(b) and 17(3)(a) respectively. The Te Arawhiti i-Cat database listed in paragraph 13(c) and documents on the [NZ Government Treaty settlements website](#) were the primary information sources for our analysis.

Treaty settlements relating to the project area

19. Under the FTCA, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and the representative Māori group.

20. The project site falls within the area of interest covered by Treaty settlements with the following five iwi/groups:

- a. Te Kawerau ā Maki
- b. Ngāi Tai ki Tāmaki
- c. Ngāti Tamaoho
- d. Te Ākitai Waiohua
- e. Ngā Mana Whenua o Tāmaki Makaurau.

21. Te Kawerau ā Maki Claims Settlement Act 2015 gives effect to certain provisions of the deed of settlement signed by Te Kawerau ā Maki, Te Kawerau Iwi Settlement Trust and the Crown on 22 February 2014, and amendment deeds signed in 2015 and 2019. [Relevant settlement documents](#) are on the NZ Government Treaty settlements website.

22. The Ngāi Tai ki Tāmaki Claims Settlement Act 2018 gives effect to certain provisions of the deed of settlement signed by Ngāi Tai ki Tāmaki, Ngāi Tai ki Tāmaki Trust and the Crown on 7 November

2015, and amendment deeds signed in 2016, 2017 and 2018. [Relevant settlement documents](#) are on the NZ Government Treaty settlements website.

23. The Ngāti Tamaoho Claims Settlement Act 2018 gives effect to certain provisions of the deed of settlement signed by the Crown, Ngāti Tamaoho and the Ngāti Tamaoho Settlement Trust on 30 April 2017. [Relevant settlement documents](#) are on the NZ Government Treaty settlement website.
24. Te Ākitai Waiohū, Te Ākitai Waiohū Iwi Settlement Trust and the Crown signed a deed of settlement on 12 November 2021. Legislation has yet to be enacted. The [deed and associated documents](#) are on the NZ Government Treaty settlement website.
25. Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective) signed the Tāmaki Makaurau Collective Redress deed on 5 December 2012. An amendment deed was signed 23 August 2013, and the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 gives effect to certain provisions of the deeds. The FTCA defines this Act as a Treaty settlement Act for the purposes of the FTCA. [Relevant documents](#) are available on the NZ Government Treaty settlement website.

Relevant Treaty settlement entities

26. We have identified eight relevant Treaty settlement entities for the project. These are listed in paragraph 5 and further explanation is provided below.

Post-settlement governance entities

27. Under the FTCA, a Treaty settlement entity includes a post-settlement governance entity, defined as a body corporate or trustees of a trust established by a claimant group for receiving redress, or for participating in arrangements established under a Treaty settlement Act.
28. The respective post-settlement governance entities associated with the four Treaty settlement Acts in paragraphs 21–23 and 25 are:
 - a. Te Kawerau Iwi Settlement Trust
 - b. Ngāi Tai ki Tāmaki Trust
 - c. Ngāti Tamaoho Settlement Trust
 - d. the following trusts and partnerships associated with the Tāmaki collective arrangements:
 - i. Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, established on 12 June 2014 to receive specified commercial redress
 - ii. Tūpuna Taonga o Tāmaki Makaurau Trust, established on 6 June 2014 to receive specified cultural redress relating to the maunga and motu (including vesting of sites)
 - iii. Ngāti Whātua Rōpū Limited Partnership, representing 3 members of the Tāmaki Collective: Ngāti Whātua Ōrākei, Te Rūnanga o Ngāti Whātua and Ngāti Whātua o Kaipara (whose individual areas of interest do not include the project site)
 - iv. Waiohū-Tāmaki Rōpū Limited Partnership, representing 5 members of the Tāmaki Collective: Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Ākitai Waiohū and Ngāti Te Ata (all of whose individual areas of interest include the project site)
 - v. Marutūāhu Rōpū Limited Partnership, representing Ngāti Maru (Hauraki), Ngāti Tamaterā and Ngaati Whanaunga (all of whose individual areas of interest include

or are near the project site) and Ngāti Paoa and Te Patukirikiri (whose individual areas of interest do not include the project site).

29. As explained further in paragraphs 48 to 50, we consider it unlikely that the project will directly affect any of the cultural or commercial redress provided to the entities in paragraph 28(d) under the Tāmaki collective arrangements. On this basis, we have not identified the Tāmaki Collective redress entities as relevant Treaty settlement entities for the project.
30. A post-settlement governance entity may exist ahead of finalisation of a deed of settlement and/or enactment of Treaty settlement legislation. The following post-settlement governance entities in this category are also relevant:
- a. Te Ākitai Waiohua Settlement Trust, which was ratified as the post-settlement governance entity for the Te Ākitai Waiohua Treaty settlement in June 2014 and signed the deed of settlement with the Crown (noted in paragraph 24) on 12 November 2021.
 - b. Ngāti Maru Rūnanga Trust, which was ratified as the post-settlement governance entity for the Ngāti Maru (Hauraki) Treaty settlement in August 2012. Ngāti Maru (Hauraki) initialled a deed of settlement with the Crown on 8 September 2017
 - c. Ngāti Tamaterā Treaty Settlement Trust, which was ratified as the post-settlement governance entity for the Ngāti Tamaterā Treaty settlement in August 2012. The Crown and Ngāti Tamaterā initialled a deed of settlement on 20 September 2017
 - d. Hako Tūpuna Trust, which was ratified as the post-settlement governance entity for Hako on 26 August 2014
 - e. Ngaati Whanaunga Ruunanga Trust, which was ratified as the post-settlement governance entity for the Ngaati Whanaunga Treaty settlement in December 2017, following the initialling of a deed of settlement by Ngaati Whanaunga and the Crown on 25 August 2017
 - f. the Marutūāhu Rōpū Limited Partnership, which was established to receive the collective commercial redress provided in the Marutūāhu Iwi Collective Redress Deed that was initialled by the Crown and the Marutūāhu Iwi Collective on 27 July 2018.
31. The Marutūāhu Iwi Collective represents the iwi noted in paragraph 28(d)(v). The Marutūāhu Iwi Collective area of interest⁴ covers parts of the Auckland, Waikato and Bay of Plenty Regions, and includes the project site.
32. The Marutūāhu Iwi Collective Redress Deed also provides for establishment of the Taonga o Marutūāhu Trustee Limited, to receive the Marutūāhu Iwi collective cultural redress. This redress entity would also qualify as a post-settlement governance entity under the FTCA however it is yet to be established.
33. The cultural and commercial redress provided under the Marutūāhu Iwi Collective Redress Deed forms part of the individual settlements with each of the Collective's five iwi. None of this redress, to be managed by the two redress entities named above (once the redress deed is signed and given effect through legislation), is affected by the project. On this basis, we have not identified the Marutūāhu redress entities as relevant Treaty settlement entities for the project.

⁴ The area of interest is shown on the map attached to the [Marutūāhu Collective Redress deed summary](#).

Other bodies recognised or established under a Treaty settlement Act

34. 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.
35. The Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) was established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 as a statutory co-governance authority which oversees the administration and management of 13 of the 14 Tāmaki maunga vested in the Tūpuna Taonga o Tāmaki Makaurau Trust. As noted in paragraph 48, we do not consider the project likely to directly affect any of the Tūpuna Maunga.

Relevant principles and provisions of the Treaty settlements

Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho and Te Ākitai Waiohū Treaty settlements

Crown acknowledgements and apologies

36. The Crown offers acknowledgements and an apology as part of Treaty settlement redress to atone for historical wrongs, restore its honour and begin the process of healing.
37. In the Te Kawerau ā Maki settlement, the Crown unreservedly apologises for not having honoured its obligations to the people of Te Kawerau ā Maki under the Treaty of Waitangi. The Crown states it seeks through the apology and the settlement to atone for its wrongs and lift the burden of grievance so that the process of healing can begin. The Crown says it hopes to form a new relationship with the people of Te Kawerau ā Maki based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.
38. In the Ngāi Tai ki Tāmaki settlement, the Crown unreservedly apologises for its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, and for the prejudice its acts and omissions have caused. The Crown says it hopes the settlement will lead to a new relationship that fulfils the expectations of the tūpuna and mokopuna of Ngāi Tai ki Tāmaki, marked by cooperation, partnership, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
39. The Crown states, in the Ngāti Tamaoho settlement, that its acts and omissions and its promotion of injurious laws and policies have harmed Ngāti Tamaoho, undermined their rangatiratanga and contributed to the loss of Ngāti Tamaoho autonomy. The Crown apologises to the iwi of Ngāti Tamaoho, their tūpuna and mokopuna for its failure to honour its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and recognises that this failure has harmed successive generations of Ngāti Tamaoho. The Crown says it looks forward to building a new relationship with Ngāti Tamaoho based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
40. In the Te Ākitai Waiohū settlement, the Crown acknowledges its failure to deal with long-standing grievances of Te Ākitai Waiohū. The Crown regrets its actions which breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles and caused significant prejudice and suffering for Te Ākitai Waiohū. The Crown apologises that its actions have not only separated Te Ākitai Waiohū from their wāhi tapu but hindered the socio-economic development of their people and the ability of Te Ākitai Waiohū to grow as an iwi. The Crown says it hopes the settlement marks the beginning of a new relationship with Te Ākitai Waiohū based on partnership, trust and mutual respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
41. Affording respect for the individual views of each iwi on resource management matters and enabling their meaningful participation as Treaty partners in decision-making relating to the

management and use of natural and physical resources are important ways in which the Crown can give effect to these acknowledgements and uphold its relationship with each iwi.

Other Redress

42. None of the above settlements create co-governance or co-management processes that would affect decision-making under the RMA for projects such as the one proposed.
43. No areas covered by a statutory acknowledgement or any other form of cultural or commercial redress in any of the settlements would be directly affected by the proposed project.
44. As a general principle, an absence of specific settlement redress does not indicate the absence of an iwi's cultural association with ancestral lands, sites, wāhi tapu or other taonga within an area. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.
45. We note also that cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga – regardless of whether or not they are specifically identified in a Treaty settlement or affected by a statutory acknowledgement – are deemed to be matters of national importance that must be recognised and provided for in decision-making under Part 2 section 6(e) of the RMA. This is relevant in the context of the connection tangata whenua have to Ngā Kapua Kohuora (Crater Hill), which is in private ownership.

Tāmaki Collective Redress Act

46. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 and its associated deed provide collective redress for the shared interests of the 13 iwi and hapū of the Tāmaki Collective in maunga, motu and lands within Tāmaki Makaurau (Auckland). These provisions do not settle any historical Treaty claims; this is addressed instead through the specific settlements with each iwi/hapū. The redress provided through the Act is provided 'on account' of those individual Treaty settlements.
47. A significant part of the collective redress is concerned with governance and management arrangements over the maunga of central Auckland and some of the islands of Tīkapa Moana (the Hauraki Gulf). Tūpuna Maunga are vested in the Tūpuna Taonga o Tāmaki Makaurau Trust and the Maunga Authority is responsible for their day-to-day administration and management.
48. The nearest Tūpuna Maunga to the project site are Matukutūruru/Wiri Mountain three kilometres to the south-east, and Māngere Mountain (Te Pane o Mataoho/Te Ara Pueru) and Ōtāhuhu/Mount Richmond, respectively five kilometres to the north-west and to the north-east. We consider it unlikely that the project will directly affect these, or any other, Tūpuna Maunga.
49. Some commercial redress is also included in the Tāmaki collective arrangements, in the form of rights of first refusal (RFR) over Crown properties over a wide area of Auckland⁵, and second rights to purchase deferred selection properties not selected or acquired by iwi/hapū under their individual settlements.
50. Although the proposed project site lies within the RFR area, none of the land within it is Crown-owned. Therefore, the project would not affect any commercial redress available to Ngā Mana

⁵ Part 3 of [Attachments to Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed](#).

Whenua o Tāmaki Makaurau under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, which is managed by the Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership.

Current negotiation mandates and settlement negotiations

51. Section 17(3)(d) of the FTCA requires this report to identify any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.
52. Treaty settlement negotiations have commenced but are yet to be concluded with Ngāti Maru (Hauraki), Ngāti Tamaterā, Hako, Ngaati Whanaunga and the Marutūāhu Iwi Collective.
53. Additionally, the Crown is negotiating a settlement of remaining historical Treaty claims with the mandated Waikato-Tainui negotiator, Rahui Papa, on behalf of Waikato-Tainui. The project site lies within the area of interest for this settlement. The Waikato-Tainui Negotiator and the Crown signed Terms of Negotiation on 14 December 2020.
54. The project area also falls within the areas of interest for:
 - a. Ngāti Te Ata
 - b. Ngāti Koheriki.
55. The Crown recognised the mandate of the Ngāti Te Ata Claims Support Whānau Trust to negotiate a Treaty settlement in May 2011, and signed terms of negotiation with the Trust in June 2011. Negotiations have paused, but Crown-recognition of the mandate has not been withdrawn. Ngāti Te Ata has yet to establish a post-settlement governance entity to receive redress under their settlement.
56. The Crown recognised the Treaty settlement negotiation mandate of Ngāti Koheriki Claims Committee in June 2013. Negotiations have yet to commence, but Crown-recognition of the mandate has not been withdrawn. Ngāti Koheriki has yet to establish a post-settlement governance entity to receive redress under their settlement.

Details in this report affect certain provisions of the FTCA

Notices of referral decision

57. 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.
58. You did not invite comment on the referral application from iwi authorities or 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. 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.
59. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 5; contact details are in Attachment 2.

60. We have not identified any other iwi authorities or Treaty settlement entities who may have an interest in the project, and there are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.
61. The Minister for Treaty for Waitangi Negotiations has requested that the notice of decisions and a copy of the referral application is forwarded to the Ngāti Koheriki Claims Committee, the mandated entity for Ngāti Koheriki Treaty settlement negotiations. This is because the project site lies in the Ngāti Koheriki area of interest and the iwi is not currently represented by either an iwi authority or a Treaty settlement entity recognised under the FTCA – meaning it is not covered by notification requirements prescribed by the FTCA. Contact details (if you agree to the Minister’s request) are in Attachment 2.

Expert consenting panel membership

62. 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.
63. 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 clauses 3(6)(a) – 3(6)(e) of Schedule 5 of the FTCA, which include matters unique to any relevant Treaty settlement Act.
64. Relevant iwi authorities for the project are identified in paragraph 5.

Panel invitations to comment

65. 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
 - 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.
66. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 5.
67. A panel may also invite comments from any other person it considers appropriate.
68. The Minister for Treaty of Waitangi Negotiations has requested that you direct a panel to invite comments from the Ngāti Koheriki Claims Committee, as this body is not covered by the panel consultation requirements prescribed by the FTCA. If you decide to refer the project, you will need to direct a panel under section 24(2)(e) of the FTCA to give effect to this request.

Provision of Cultural Impact Assessment

69. 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.⁶ 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.

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

70. Where there is more than one relevant iwi authority, the project applicant will need to engage with each to determine their requirements for a cultural impact assessment, including whether they wish to prepare one individually or jointly, or whether they may wish to defer to another iwi in respect of the matter. The relevant iwi authorities for the Selfs Road Project are listed in paragraph 5.
71. The applicant has advised that four of the relevant iwi authorities identified in this report – Ngaati Whanaunga, Ngāti Tamaoho, Ngāti Te Ata and Te Ākitai Waiohua – have already prepared cultural impact assessments for the project. It would be advisable for the Environmental Protection Authority to check with all remaining relevant iwi authorities listed in paragraph 5 of this report that this cultural impact assessment satisfactorily represents their interests, before confirming any resource consent applications for the project as complete.

Attachment 1 – Location



Attachment 2 – Contact information

Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Other	Contact person	Copies to
Hako	Te Kupenga o Ngāti Hako		Represents Hako as an iwi authority for RMA purposes			CEO & RMA Contact: Pauline Clarkin hako@xtra.co.nz	
	Hako Tūpuna Trust			Post-settlement governance entity [confirmed 26 August 2014]		Contact: Josie Anderson hako@xtra.co.nz	
Ngaati Whanaunga	Ngaati Whanaunga Incorporated Society		Represents Ngaati Whanaunga as an iwi authority for RMA purposes			Boni Renata General Manager s 9(2)(a)	
	Ngaati Whanaunga Ruunanga Trust			Post-settlement governance entity [deed of settlement initialled 25 Aug 2017]			
Ngāi Tai ki Tāmaki	Ngāi Tai ki Tāmaki Tribal Trust	PO Box 141 Clevedon Auckland 2248	Represents Ngāi Tai ki Tāmaki as an iwi authority for RMA purposes			Chairperson: James Brown c/- s 9(2)(a) (office manager)	Kaitiaki Unit kaitiaki@ngaitaitamaki.iwi.nz
	Ngāi Tai ki Tāmaki Trust			Post-settlement governance entity under the Ngāi Tai ki Tāmaki Claims		Jacquie Lindsay s 9(2)(a)	

				Settlement Act 2018			
Ngāti Koheriki	Ngāti Koheriki Claims Committee	PO Box 250 Whitianga 3542			Mandate recognised by the Crown for Treaty settlement negotiations	Chair: Joe Johnson s 9(2)(a)	Kiwi Johnson s 9(2)(a)
Ngāti Maru (Hauraki)	Ngāti Maru Rūnanga Trust		Represents Ngāti Maru (Hauraki) as an iwi authority for RMA purposes	Post-settlement governance entity [deed of settlement initialled 8 September 2017]		CEO: David Taipari office@ngatimaru.iwi.nz	RMA Contact: William Peters
Ngāti Tamaoho	Ngāti Tamaoho Trust	PO Box 272 1652 Papakura Auckland 2244	Represents Ngāti Tamaoho as an iwi authority for RMA purposes			CEO: Geneva Harrison info@tamaoho.maori.nz	RMA Contact: Lucie Rutherford rmaofficer@tamaoho.maori.nz
	Ngāti Tamaoho Settlement Trust			Post-settlement governance entity under the Ngāti Tamaoho Claims Settlement Act 2018			
Ngāti Tamaterā	Ngāti Tamaterā Treaty Settlement Trust	PO Box 28 Thames 3540	Represents Ngāti Tamaterā as an iwi authority for RMA purposes	Post-settlement governance entity [deed of settlement initialled 20 Sep 2017]		Chair: Antony Royal chair@tamatera.iwi.nz	RMA Kaitiaki rma@tamatera.iwi.nz

Ngāti Te Ata	Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua		Represents Ngāti Te Ata as an iwi authority for RMA purposes			Manager: Karl Flavell	RMA Kaitiaki taiao@ngatiteata.iwi.nz
Te Ahiwaru - Waiohua	Makaurau Marae Māori Trust		Represents Te Ahiwaru Waiohua an iwi authority for RMA purposes			Kowhai Olsen s 9(2)(a)	
Te Ākitai Waiohua	Te Ākitai Waiohua Iwi Authority	PO Box 59 185 Māngere Bridge Auckland 2151	Represents Te Ākitai Waiohua as an iwi authority for RMA purposes			Chairperson: Karen Wilson tawia@teakitai.com	RMA Contact: Nigel Denny kaitiaki@teakitai.com
	Te Ākitai Waiohua Settlement Trust			Post-settlement governance entity [deed of settlement signed 12 November 2021]			
Te Kawerau ā Maki	Te Kawerau Iwi Settlement Trust		Represents Te Kawerau ā Maki as an iwi authority for RMA purposes	Post-settlement governance entity under Te Kawerau ā Maki Claims Settlement Act 2015		Executive Chair: Te Warena Taua s 9(2)(a)	Kaitiaki: Robin Taua-Gordon s 9(2)(a)
Waikato-Tainui	Te Whakakitenga o Waikato	PO Box 648 Waikato Mail Centre Hamilton 3240	Represents Waikato-Tainui as an iwi authority for RMA purposes			CEO: Donna Flavell secretariat@tainui.co.nz	RMA contact: Marae Tukere marae.tukere@tainui.co.nz

Attachment 3 – Project details





Attachment 4 – Project concept



View looking generally southeast (Crater Hill to right, Selfs Rd to the left)



View looking generally west (Selfs Rd to the left)