

## Faringdon South West and South East Development (Hughes Developments 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 <sup>st</sup> Contact
Principal Author	Pip Lee		
Responsible Manager	Sara Clarke	s9(2)(a)	ü
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 FTCA).
2. To satisfy obligations under section 6 of the FTCA, you must consider this report before making a decision under section 24 of the FTCA on whether to refer a project to an expert consenting panel.

### Proposed project

3. The applicant proposes to subdivide two blocks of rural land (Faringdon South West and Faringdon South East) on Selwyn Road, lying south of Rolleston township in Selwyn District. This will provide up to 1089 lots for new residential dwellings and two neighbourhood commercial centres. Construction of the dwellings and associated water and transport infrastructure is included in the project scope.
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 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 relevant, and the project does not affect the coastal marine area.

## Supporting material

### Proposed project area

- The Faringdon South West block is a generally triangular area covering approximately 54 hectares bounded by Goulds Road, East Maddisons Road, and Selwyn Road. The Faringdon South East site is a 35-hectare rectangular block located on the north east corner of Springston Rolleston Road and Selwyn Road.
- The project is an extension of the existing Faringdon residential development undertaken by the applicant under the provisions of the Housing Accords and Special Housing Area Act 2013 (HAASHA).
- 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) or any other Act pertaining to the grant of protected customary rights or customary marine title. You are therefore the sole party required to consider this report.

## Iwi and iwi authorities

### Information sources

9. 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.
10. 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.
11. To identify the iwi authorities 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
  - d. Selwyn District Council and Environment Canterbury, as the relevant local authorities.

### Iwi authorities relevant to project

12. Te Rūnanga o Ngāi Tahu (TRoNT) is the sole iwi authority for the project area.
13. TRoNT is made up of 18 Papatipu Rūnanga (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.<sup>1</sup>
14. Along with TRoNT, the rūnanga were established by Te Rūnanga o Ngāi Tahu Act 1996 (Te Rūnanga Act). Each rūnanga 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.
15. 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.
16. 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.
17. Selwyn District Council has identified two relevant rūnanga: Te Rūnanga o Ngāi Tūāhuriri and Te Taumutu Rūnanga.
18. Mahaanui Kurataiao Ltd (MKT) is an advisory company established by the six Ngāi Tahu rūnanga based around Christchurch, Banks Peninsula and north Canterbury. It liaises between the rūnanga and TRoNT, and on their behalf engages with the relevant local authorities in relation to RMA matters.

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<sup>1</sup> As stated by Te Rūnanga o Ngāi Tahu on their [Papatipu Rūnanga webpage](#)

## Treaty settlement and Treaty settlement entity

19. Information from the first two sources listed in paragraph 11, 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.
20. The Ngāi Tahu Claims Settlement Act 1998 is the only settlement of historical Treaty claims relating to the proposed project area.
21. 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.
22. 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).
23. TRoNT is the post-settlement governance entity associated with the Treaty settlement. A [settlement summary](#) is available on the TRoNT website.
24. 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.
25. 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 apology

26. The Crown offers apologies as part of Treaty settlement redress to atone for historical wrongs, restore its honour, and begin the process of healing.
27. 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.
28. Rangatiratanga as a concept and a practice encompasses rights, responsibilities and obligations, including kaitiakitanga in relation to the land and resources within the takiwā.
29. 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

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

## **Current negotiation mandates and settlement negotiations**

32. 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**

33. Under section 25 of the FTCA, you must give notice of the decisions made on an application for referral of a project to an expert consenting panel, and the reasons for your decisions, to the applicant and anyone invited to comment under section 21 of the FTCA.
34. You sought comment on the application to refer the proposed project from the Greater Christchurch Partnership, to which TRoNT belongs.
35. Additionally, if you decide to refer this project to an expert consenting panel, the FTCA requires the notice of decisions and associated reasons 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.
36. TRoNT is the relevant iwi authority and Treaty settlement entity for receipt of the notice. 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.
37. 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**

38. 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 FTCA.
39. 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.
40. TRoNT is the relevant iwi authority to make panel nominations for the proposed project. Contact details are in Attachment 2.

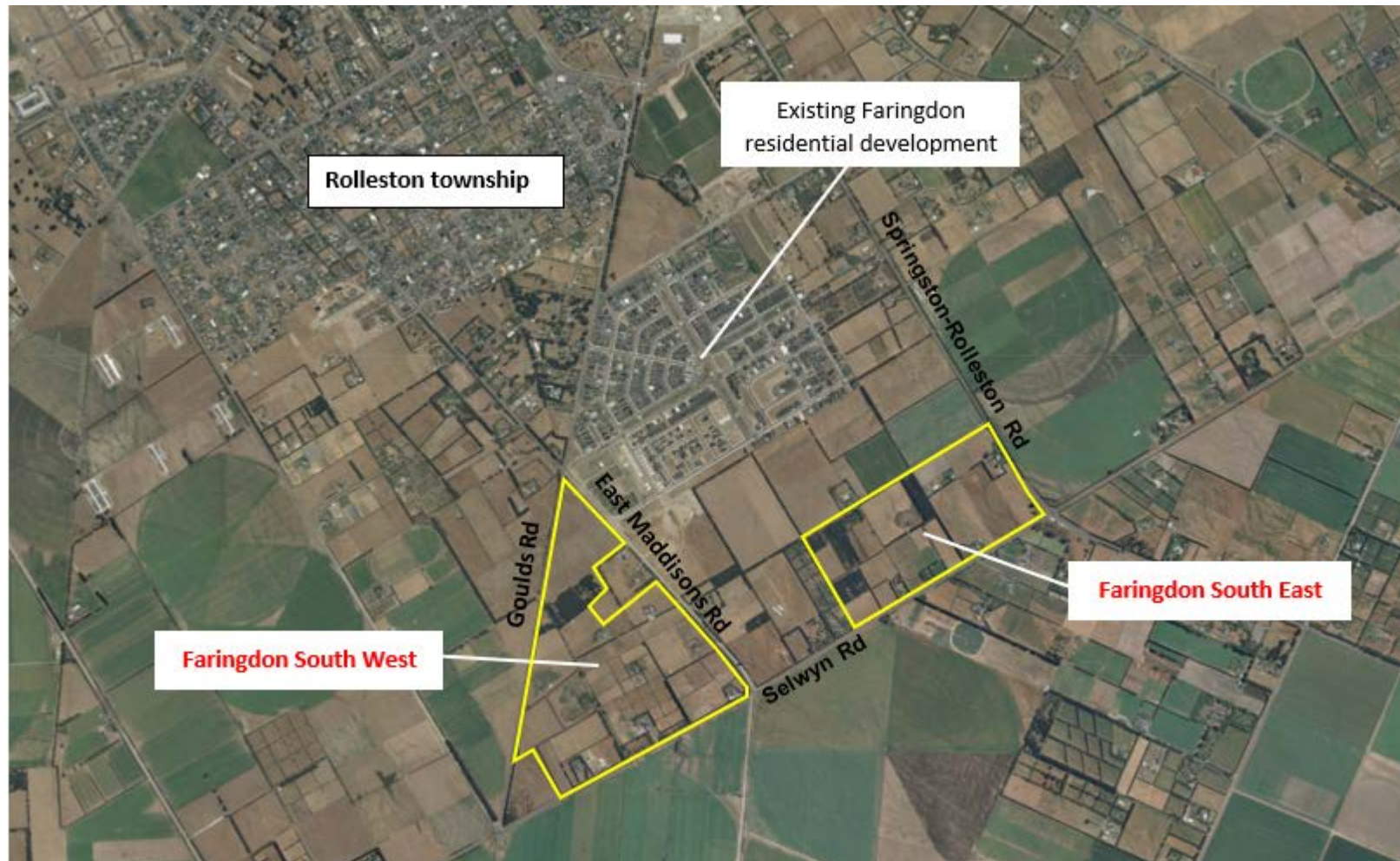
### **Panel invitations to comment**

41. 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 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.
- 42. TRoNT is the relevant iwi authority and Treaty settlement entity for receipt of these invitations.
- 43. We would 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.
- 44. The panel may also invite comments from any other person it considers appropriate. We have not identified any further relevant parties.



## 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  <a href="mailto:info@ngaitahu.iwi.nz">info@ngaitahu.iwi.nz</a>	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			Papatipu rūnanga	Representative: Tania Wati  <a href="mailto:Tuhiwi.Marae@ngaitahu.iwi.nz">Tuhiwi.Marae@ngaitahu.iwi.nz</a>	
	Te Taumutu Rūnanga	Ngāti Moki Marae			Papatipu rūnanga	Representative: David Perenara-O'Connell  <a href="mailto:taumutu@ngaitahu.iwi.nz">taumutu@ngaitahu.iwi.nz</a>	
	Mahaanui Kurataiao Ltd					Kaihautū/CEO - Tania Wati  <a href="mailto:mahaanui.admin@ngaitahu.iwi.nz">mahaanui.admin@ngaitahu.iwi.nz</a>	Manager – Mātauranga Taiao: Kyle Davis <a href="mailto:mahaanui.admin@ngaitahu.iwi.nz">mahaanui.admin@ngaitahu.iwi.nz</a>