

Application 2021-063 Woodgate Lifestyle Village (Woodgate 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: 9 December 2021	

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 any decision under section 24 of the FTCA to accept the application to refer the Woodgate Lifestyle Village project to an expert consenting panel (a panel).

Proposed project

3. The applicant proposes to establish and operate a retirement village including hospital and aged care facilities on a seven-hectare greenfield site near Aokautere, on the southern outskirts of Palmerston North.
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 (3)	Tanenuiarangi Manawatū Incorporated Te Rūnanga o Raukawa Incorporated Te Rūnanga o Toa Rangatira Incorporated <i>Contact details are in Attachment 2</i>
s17(3)(b)	Relevant Treaty settlements (2)	Ngati Toa Rangatira Claims Settlement Act 2014 Rangitāne o Manawatu Claims Settlement Act 2016
s17(3)(a)	Relevant Treaty settlement entities (2)	Rangitāne o Manawatū Settlement Trust Toa Rangatira Trust <i>Contact details are in Attachment 2</i>
s17(3)(c)	Relevant principles and provisions of the Treaty settlements	<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 or another Act	None that are relevant, as the project does not occur in the coastal marine area.

Supporting material

Project area

6. The project site forms part of a larger undeveloped title covering approximately 48 hectares, as shown on Attachment 3. The site is predominantly flat with a shallow gully aligned north–south through the centre of the site, that has been partially filled under previously consented earthworks.
7. The project site lies within the areas of interest for Rangitāne o Manawatu, Ngāti Toa Rangatira and Ngāti Raukawa ki te Tonga.
8. The closest marae to the site is Te Hotu Manawa in Awapuni, Palmerston North, shown on Attachment 1. This marae belongs to the Rangitāne o Manawātū hapū Ngāti Hineaute, Ngāti Mairehau, Ngāti Rangiaranaki, Ngāti Rangitepaia and Ngāti Tauiraare.

Project details

9. The proposed layout for the project is shown in Attachment 4. It includes:
 - a. up to 150 single-level villas of varying sizes
 - b. a single-level village facilities block, containing dining room and lounge, gym, spa, pool and indoor bowls facilities
 - c. a two-level hospital and aged care building, accommodating approximately 82 care beds, dementia and psycho-geriatric facilities and 20 retirement village apartments
 - d. outdoor recreation facilities and gardens
 - e. associated roads, three waters services and other infrastructure.
10. The applicant has identified a site for potential future commercial retail activities that would be separately consented if the decision were made to develop it.
11. The main access to the project will be from a new collector road to be constructed from Pacific Drive around the northern boundary of the site. This will also serve as the main access to a significant area of new future residential development to the north. There will also be secondary access from Pacific Drive for staff and servicing.

Statutory matters relating to this report

12. 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.

13. 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

14. 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.
15. 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.
16. '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
17. 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.
18. 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. responses to your invitation to comment on the referral application under section 21(2)(a) of the FTCA from Palmerston North City Council and Manawatu-Wanganui (Horizons) Regional Council – the relevant local authorities for the project.

Iwi authorities relevant to project

19. The project site lies within the areas of interest, identified from one or more of the sources in paragraph 16, for Rangitāne o Manawatu, Ngāti Raukawa ki te Tonga and Ngāti Toa Rangatira.
20. The three corresponding iwi authorities are:
- a. Tanenuiarangi Manawatū Incorporated, representing Rangitāne o Manawatu

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.

- b. Te Rūnanga o Raukawa Incorporated, representing Ngāti Raukawa ki te Tonga
- c. Te Rūnanga o Toa Rangatira Incorporated, representing Ngāti Toa Rangatira.

Treaty settlements and Treaty settlement entities

21. 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 16(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

22. 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.
23. The project site falls within the area of interest covered by Treaty settlements with the following iwi/groups:
- a. Rangitāne o Manawatu
 - b. Ngāti Toa Rangatira.
24. The Rangitāne o Manawatu Claims Settlement Act 2016 gave effect to certain provisions of the deed of settlement signed by Rangitāne o Manawatu, the Trustees of the Rangitane o Manawatu Settlement Trust and the Crown on 14 November 2015. The [A settlement summary, the deed and accompanying documents](#) are on the NZ Government Treaty settlements website.
25. The Ngāti Toa Rangatira Claims Settlement Act 2014 gave effect to certain provisions of the deed of settlement signed by Ngāti Toa Rangatira, the Trustee of the Toa Rangatira Trust and the Crown on 7 December 2012. An amendment deed was signed in 2013. [A settlement summary, the deeds and associated documents](#) are available on the NZ Government Treaty settlements website.

Relevant Treaty settlement entities

Post-settlement governance entities

26. Under the FTCA, a Treaty settlement entity includes a post-settlement governance entity, which is 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.
27. The respective post-settlement governance entities associated with the Treaty settlement Acts noted above are:
- a. Rangitāne o Manawatū Settlement Trust
 - b. Toa Rangatira Trust; Te Rūnanga o Toa Rangatira Incorporated is the trustee of this trust.
28. A post-settlement governance entity may exist ahead of finalisation and enactment of a Treaty settlement. There are no entities in this category relevant to the project area.

Other bodies recognised or established under a Treaty settlement Act

29. 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.
30. No such entities established by the above-named Treaty settlement Acts are relevant to the proposed project.

Relevant principles and provisions of the Rangitāne o Manawatu and Ngāti Toa Treaty settlements

Crown acknowledgements and apologies

31. The Crown offers acknowledgements and an apology as part of Treaty settlement redress in order to atone for historical wrongs, restore its honour, and begin the process of healing.
32. In the settlement with Rangitāne o Manawatu, the Crown states it is deeply sorry that it has not always lived up to its obligations under the Treaty of Waitangi in its dealings with Rangitāne o Manawatu and unreservedly apologises to Rangitāne o Manawatu for its breaches of the Treaty of Waitangi and its principles.
33. The Crown profoundly and deeply regrets that over the generations the Crown's breaches of the Treaty of Waitangi undermined the social and traditional structures of Rangitāne o Manawatu and compromised the autonomy and ability of Rangitāne o Manawatu to exercise its customary rights and responsibilities.
34. The Crown also deeply regrets its failure to appropriately acknowledge the mana and rangatiratanga of Rangitāne o Manawatu. It states that through the apology and by the settlement, the Crown seeks to atone for its wrongs and begin the process of healing. The Crown looks forward to re-establishing its relationship with Rangitāne o Manawatu based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.
35. The Crown apology to Ngāti Toa Rangatira expresses (among other things) deep regret for the cumulative effect of Crown actions and omissions, which severely damaged the iwi's social and traditional tribal structures, their autonomy and ability to exercise customary rights and responsibilities, their capacity for economic and social development and their physical, cultural and spiritual well-being.
36. The Crown says it hopes that the apology and settlement will mark the beginning of a new, positive and enduring relationship with Ngāti Toa Rangatira founded on mutual trust and co-operation and respect for Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.
37. Respect for the 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 within their respective areas of interest are important ways in which the Crown can give effect to these acknowledgements and uphold its relationship with each iwi.

Other redress

38. Neither of the two settlements create any new co-governance or co-management processes which would affect decision-making under the RMA for projects such as the one proposed.
39. No specific commercial redress or areas covered by a statutory acknowledgement or other form of specific cultural redress in either of the settlements would be directly affected by the proposed project.
40. Importantly however, 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. The relevant iwi authorities would be best placed to advise on such matters in the first instance.

Current negotiation mandates and settlement negotiations

41. There are no recognised mandates for negotiation of any further historical Treaty claims, or any current negotiations for settlement of historical Treaty claims, affecting the proposed project area.
42. Ngāti Raukawa ki te Tonga are currently participating in the Waitangi Tribunal Porirua ki Manawatu District inquiry and are likely to seek a mandate from their people to negotiate a Treaty settlement with the Crown once the inquiry has been completed.

Details in this report affect certain provisions of the FTCA

Notices of referral decision

43. 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.
44. 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.
45. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 5; contact details are in Attachment 2.
46. We have not identified any other relevant 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.

Expert consenting panel membership

47. 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.
48. 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.
49. Relevant iwi authorities for the project are identified in paragraph 5; contact details are in Attachment 2.

Panel invitations to comment

50. 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.

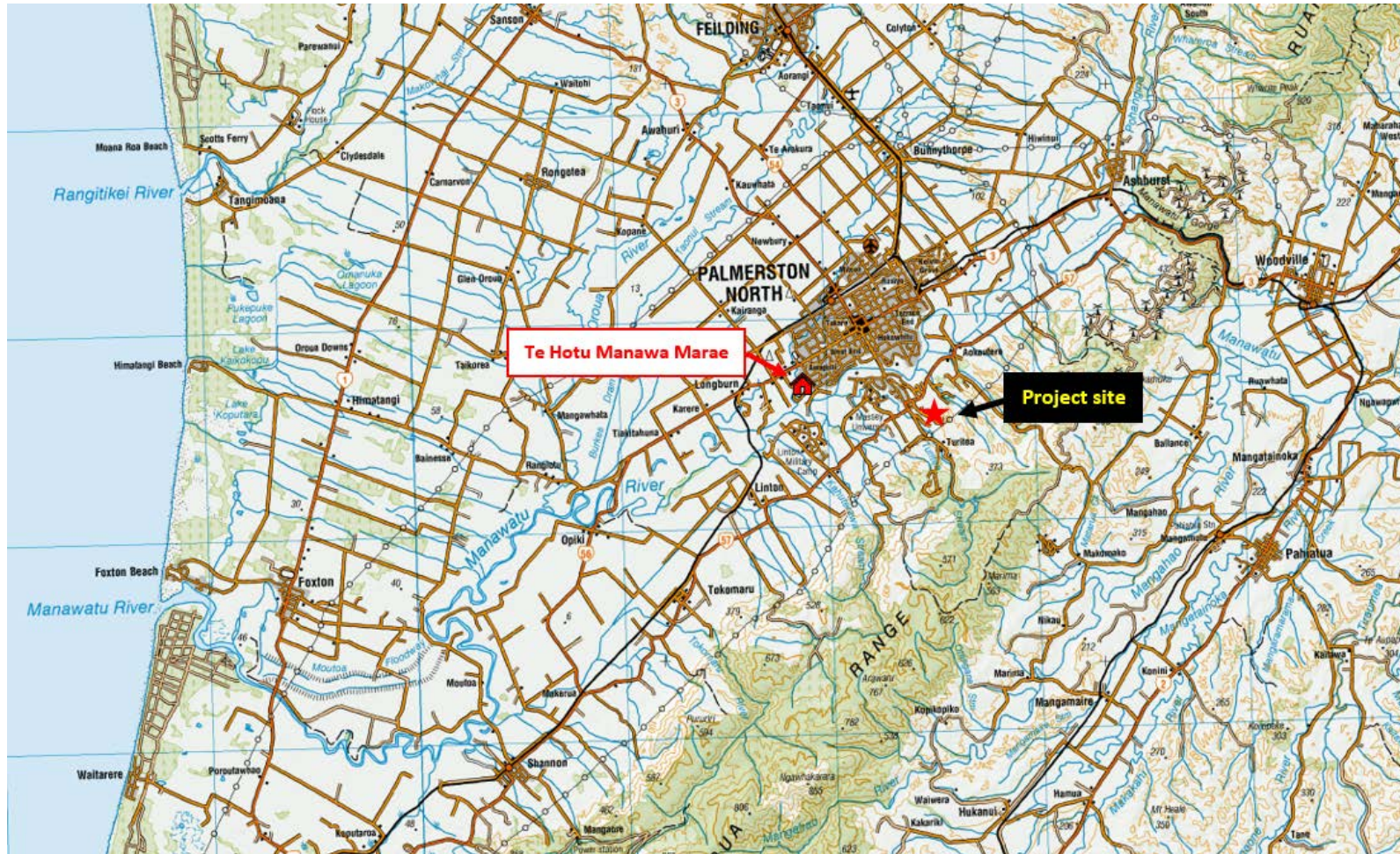
- 51. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 5; contact details are in Attachment 2.
- 52. A panel may also invite comments from any other person it considers appropriate. We have not identified any further parties.

Provision of Cultural Impact Assessment

- 53. 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.² 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.
- 54. Where there is more than one relevant iwi authority, the 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 Woodgate Lifestyle Village project are listed in paragraph 5.

² Clause 9(5) of Schedule 6 of the FTCA.

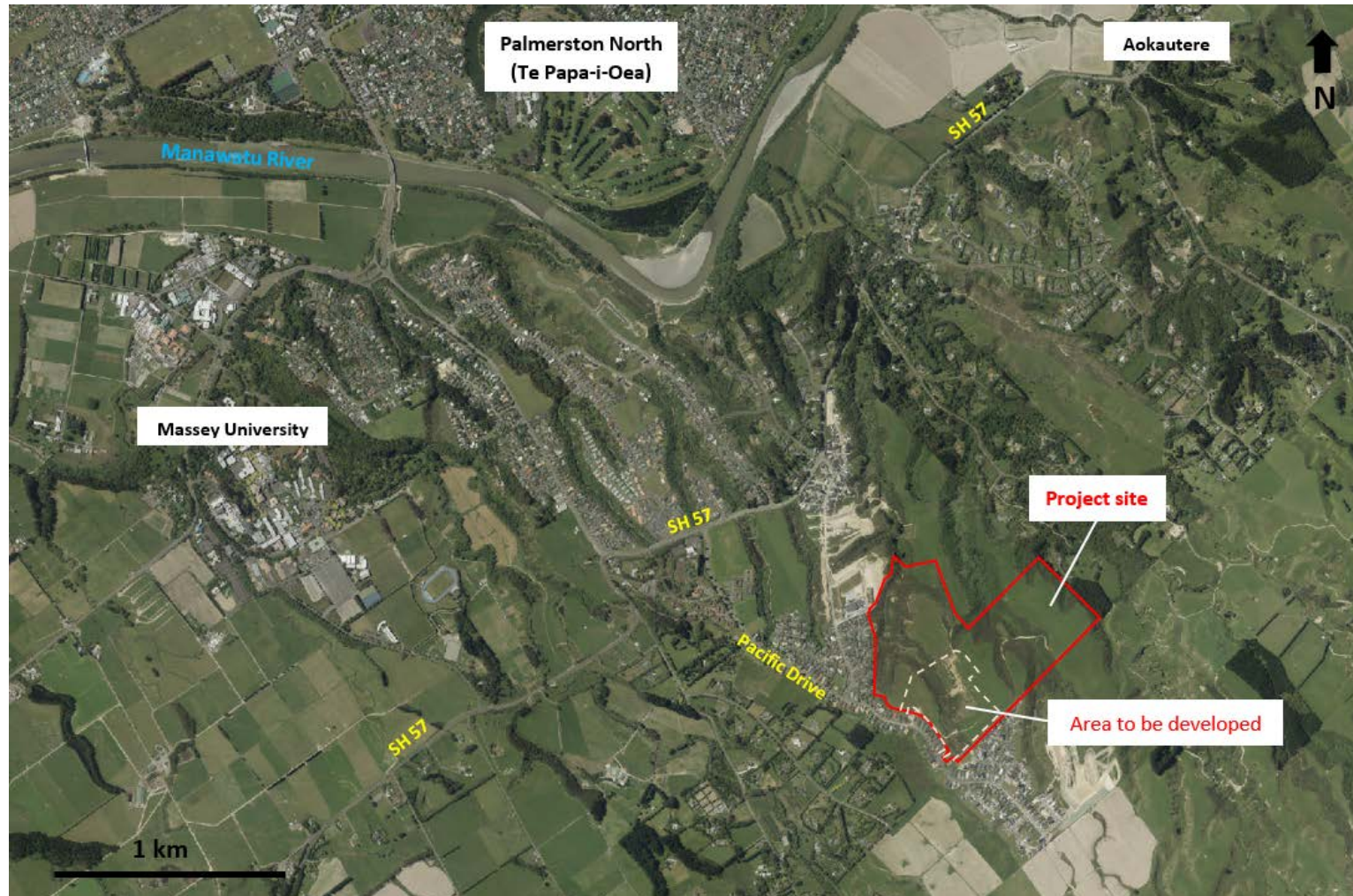
Attachment 1 - Location



Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Other	Contact person	Copies to
Rangitāne o Manawatu	Tanenuiarangi Manawatū Incorporated	PO Box 1341 Palmerston North Central Palmerston North 4440 Ph: 06 353 1881	Represents the interests of Rangitāne o Manawatu as an iwi authority for RMA purposes			CEO: Danielle Harris tmi@rangitaane.iwi.nz	
	Rangitāne o Manawatū Settlement Trust	PO Box 1042 Palmerston North Central Palmerston North 4440 Ph: 06 353 1881		Post-settlement governance entity under the Rangitāne o Manawatu Claims Settlement Act 2016		Chairperson: Danielle Harris s9(2)(a)	
Ngāti Toa Rangatira	Te Rūnanga o Toa Rangatira Incorporated	PO Box 50355 Porirua 5240 Ph: 04 238 4703	Represents the interests of Ngāti Toa Rangatira as an iwi authority for RMA purposes			CEO: Helmut Modlik s9(2)(a)	RMA Contact: Naomi Solomon s9(2)(a)
	Toa Rangatira Trust			Post-settlement governance entity under the Ngāti Toa Rangatira Claims Settlement Act 2014			
Ngāti Raukawa ki te Tonga	Te Rūnanga o Raukawa Incorporated	PO Box 144 Ōtaki 5542 Ph: 06 368 8689	Represents the interests of Ngāti Raukawa ki te Tonga as an iwi authority for RMA purposes			CEO: Lindsay Poutama s9(2)(a)	RMA Contact: Jessica Kereama s9(2)(a)

Attachment 3 – Project site details



Attachment 4 – Project layout

