

Application 2021-065 Summerset Retirement Village – Half Moon Bay (Summerset Villages (Halfmoon Bay) 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: 11 November 2021	

Ministry for the Environment contacts

Position	Name	Cell Phone	1 st Contact
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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 Summerset Retirement Village – Half Moon Bay project to an expert consenting panel (a panel).

Proposed project

3. The applicant proposes to construct and operate a comprehensive care retirement village on a 2.9-hectare site in Bucklands Beach, Auckland. 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 authorities	<p>Makaurau Marae Māori Trust</p> <p>Ngaati Whanaunga Incorporated Society</p> <p>Ngāi Tai ki Tāmaki Tribal Trust</p> <p>Ngāti Maru Rūnanga Trust</p> <p>Ngāti Paoa Iwi Trust</p> <p>Ngāti Paoa Trust Board</p> <p>Ngāti Tamaoho Trust</p> <p>Ngāti Tamaterā Treaty Settlement Trust</p> <p>Te Ākitai Waiohūa Iwi Authority</p> <p>Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohūa</p> <p>Te Patukirikiri Iwi Trust</p> <p>Te Whakakitenga o Waikato Incorporated</p> <p><i>Contact details are in Attachment 2</i></p>
s17(3)(b)	Relevant Treaty settlements	<p>Ngāi Tai ki Tāmaki Claims Settlement Act 2018</p> <p>Ngāti Tamaoho Claims Settlement Act 2018</p> <p>Te Patukirikiri Deed of Settlement - signed 7 October 2018</p> <p>Ngāti Paoa Deed of Settlement - signed 20 March 2021</p> <p>Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014</p>
s17(3)(a)	Relevant Treaty settlement entities	<p>Hako Tūpuna Trust</p> <p>Ngaati Whanaunga Incorporated Society</p> <p>Ngāi Tai ki Tāmaki Trust</p> <p>Ngāti Maru Rūnanga Trust</p> <p>Ngāti Paoa Iwi Trust</p> <p>Ngāti Tamaoho Settlement Trust</p> <p>Ngāti Tamaterā Treaty Settlement Trust</p> <p>Te Ākitai Waiohūa Settlement Trust</p> <p>Te Patukirikiri Iwi Trust</p> <p>Tūpuna Taonga o Tāmaki Makaurau Trust</p> <p>Tūpuna Maunga Authority</p> <p><i>Contact details are in Attachment 2</i></p>
s17(3)(c)	Relevant principles and provisions of the Treaty settlements	<i>See below</i>
s17(3)(d)	Negotiation mandates recognised by the Crown	<p>Ngāti Te Ata</p> <p>Ngāti Koheriki</p>

Section of the FTCA	Information required	Detail
s17(3)(d)	Current Treaty settlement negotiations	Hako (Ngāti Hako Treaty Settlement Negotiators) Ngaati Whanaunga (Ngaati Whanaunga Ruunanga Trust) Ngāti Maru (Hauraki) (Ngāti Maru Treaty Settlement Negotiators) Ngāti Tamaterā (Ngāti Tamaterā Negotiators) Te Ākitai Waiohū (Te Ākitai Waiohū Settlement Trust) Waikato-Tainui (Waikato-Tainui Negotiator) Marutūāhu Iwi Collective
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 and the project does not occur in the coastal marine area.

Supporting material

Project area

- As shown in Attachment 3, the site is bounded on the northern and western boundaries by residential properties, on the east by Pigeon Mountain Primary and Buckland Beach Intermediate schools, and to the south by Kaniere Park.
- The project site is in a single title and is undeveloped except for an old tennis court and other paved areas associated with the site's former inclusion in the adjacent school's grounds. Some earthworks have also been undertaken under a previously issued resource consent.
- The project site lies within the areas of interest¹ for Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Paoa and Te Patukirikiri, and within the indicative areas of interest² for Hako, Ngaati Whanaunga, Ngāti Koheriki, Ngāti Maru (Hauraki), Ngāti Tamaterā, Ngāti Te Ata Te Ākitai Waiohū and Waikato-Tainui. Other iwi or groups who may also have an interest in the area are Te Ahiwaru-Waiohū, Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective) and Marutūāhu Iwi Collective.
- The tūpuna maunga Ōhūiarangi/Pigeon Mountain which is vested in the Tāmaki Collective, lies approximately 700 metres to the south of the site (see Attachment 1).

¹ In this context, 'area of interest' means the area over which the iwi exercises kaitiakitanga for Resource Management Act 1991 (RMA) purposes that is based on the area of interest in a signed deed of settlement, as recorded on Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by Te Puni Kōkiri.

² In this context, 'indicative area of interest' means the area over which the iwi exercises kaitiakitanga for RMA purposes that is shown on TKM is either not recorded in a signed deed of settlement or has yet to be confirmed.

Project details

9. The conceptual layout for the retirement village is shown in Attachment 4. It will include:
- a. a number of buildings up to approximately 24 metres high containing:
 - i. approximately 211 independent living units (apartment style)
 - ii. approximately 118 assisted living suites including: 20 memory care suites, 48 care suits and 50 serviced apartments, and space for associated staff and administrative functions
 - iii. a range of resident amenities including lounges, theatre, bar, cafe, therapy, salon, shop, pool, health/wellness centre and library
 - b. internal roads and parking space (including underground parking) for 309 vehicles
 - c. outdoor amenity areas and site landscaping.
10. The applicant intends to construct the project in several (potentially overlapping) stages over an estimated five- to seven-year period. During this time the following facilities are also proposed:
- a. a temporary recreation centre and associated car parking spaces
 - b. a show suite
 - c. temporary advertising hoardings
 - d. a temporary operations office
 - e. a temporary sales office.

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. There are therefore no court orders granted under the MACAA or another Act to consider in your referral decision for this project.³

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.

³ 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.

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 (TPK)
 - b. Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by TPK
 - c. Ministry for the Environment
 - d. Auckland Council – the relevant local authority for the project.

Iwi authorities relevant to project

16. Twelve iwi authorities are relevant to the project area. Ten have been identified via the TPK viewer and TKM website:
 - a. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga
 - b. Ngāi Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
 - c. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki)
 - d. Ngāti Paoa Iwi Trust, representing Ngāti Paoa
 - e. Ngāti Paoa Trust Board, also representing Ngāti Paoa
 - f. Ngāti Tamaoho Trust, representing Ngāti Tamaoho
 - g. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
 - h. Te Ākitai Waiohū Iwi Authority, representing Te Ākitai Waiohū
 - i. Te Patukirikiri Iwi Trust, representing Te Patukirikiri
 - j. Te Whakakitenga o Waikato, representing Waikato-Tainui.
17. Two additional iwi authorities are identified by Auckland Council:
 - a. Makaurau Marae Māori Trust, representing Te Ahiwaru Waiohū
 - b. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū, representing Ngāti Te Ata.
18. We note that the applicant advises that they have engaged with all the iwi noted above to request confirmation of their interest in the project. Responses were received from:
 - a. Ngāti Tamaoho, who requested further engagement and noted Ngāi Tai ki Tāmaki are the lead from cultural/historical perspective
 - b. Ngāti Maru (Hauraki), who advised they did not require further consultation
 - c. Waikato-Tainui, who advised they would defer to manawhenua.

Treaty settlements and Treaty settlement entities

19. 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.

Treaty settlements relating to the project area

20. 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.
21. The project site falls within the area of interest covered by Treaty settlements with the following iwi/groups:
 - a. Ngāi Tai ki Tāmaki
 - b. Ngāti Tamaoho
 - c. Te Patukirikiri
 - d. Ngāti Paoa
 - e. the Tāmaki Collective.
22. The Ngāi Tai ki Tāmaki Claims Settlement Act 2018 gave effect to certain provisions of the deed of settlement signed on 7 November 2015, and amendment deeds signed in 2016, 2017 and 2018. [Relevant documents](#) are available on the NZ Government Treaty settlements website.
23. The Ngāti Tamaoho Claims Settlement Act 2018 gave 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 documents](#) are available on the NZ Government Treaty settlement website.
24. Te Patukirikiri, the Te Patukirikiri Iwi Trust and the Crown signed a deed of settlement on 7 October 2018. The [deed and associated documents](#) are available on the NZ Government Treaty settlement website.
25. Ngāti Paoa, the Ngāti Paoa Iwi Trust and the Crown signed a deed of settlement on 20 March 2021. [The deed and associated documents](#) are available on the NZ Government Treaty settlement website.
26. The Tāmaki Makaurau Collective Redress Deed was signed on 5 December 2012. An amendment deed was signed 23 August 2013, and legislation to give effect to the deeds is contained in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. 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

Post-settlement governance entities

27. 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.
28. The respective post-settlement governance entities associated with the three Treaty settlement Acts noted above are:
 - a. Ngāi Tai ki Tāmaki Trust
 - b. Ngāti Tamaoho Settlement Trust
 - c. 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 & motu (including vesting of sites)
 - iii. Waiohū-Tāmaki Rōpū Limited Partnership, representing 5 members of the Tāmaki Collective, including Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Ākitai Waiohū and Ngāti Te Ata (whose individual areas of interest include the project area) and Te Kawerau ā Maki (whose individual area of interest does not)
 - iv. Marutūāhu Rōpū Limited Partnership, representing Ngaati Whanaunga, Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Tamaterā and Te Patukirikiri (whose individual areas of interest all include the project area)
 - v. Ngāti Whātua Rōpū Limited Partnership, representing 3 members of the Tāmaki Collective: Ngāti Whātua Ōrākei, Ngāti Whātua o Kaipara and Te Rūnanga o Ngāti Whātua (whose individual areas of interest do not include the project area).
29. As explained further in paragraph 48, none of the commercial redress provided under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 and managed by Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership is affected by the proposed project.
30. A post-settlement governance entity may exist ahead of finalisation and enactment of a Treaty settlement. The following post-settlement governance entities in this category for yet-to-be concluded Treaty settlements and settlement negotiations relevant to the project site, are:
- a. Te Patukirikiri Iwi Trust, which was established as the post-settlement governance entity for the Te Patukirikiri Treaty settlement by a trust deed dated 24 October 2013.
 - b. Ngāti Paoa Iwi Trust, which was ratified as the post-settlement governance entity for the Ngāti Paoa Treaty settlement on 25 September 2013.
 - c. Hako Tūpuna Trust, which was established and confirmed as the post-settlement governance entity for Hako on 26 August 2014.
 - d. 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.
 - e. 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.
 - f. Te Ākitai Waiohū Settlement Trust, which was ratified as the post-settlement governance entity for the Te Ākitai Waiohū Treaty settlement in June 2014. Te Ākitai Waiohū initialled a deed of settlement with the Crown on 23 December 2020.
 - g. 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.
 - h. the Marutūāhu Rōpū Limited Partnership, which was established to receive the collective commercial redress provided in the Marutūāhu Iwi Collective Redress Deed initialled by the Crown and the Marutūāhu Iwi Collective on 27 July 2018.

31. The Marutūāhu Iwi Collective represents Ngaati Whanaunga, Ngāti Maru (Hauraki), Ngāti Paoa, Ngāti Tamaterā and Te Patukirikiri. The 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 noted in paragraph 30(h) 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.

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 (the Maunga Authority) was established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 as a statutory co-governance authority. It oversees the administration and management of 13 of the 14 Tāmaki maunga vested in the Tūpuna Taonga o Tāmaki Makaurau Trust, including Ōhūiarangi/Pigeon Mountain.
36. The Authority is made up of 6 members nominated by the three rūpū entities noted in paragraph 28(c)(iii) – (v), six from Auckland Council and one Crown appointee. It also engages with the Department of Conservation in relation to governance issues relating to conservation lands within the Auckland Volcanic Field.

Relevant principles and provisions of the Treaty settlements

Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Patukirikiri and Ngāti Paoa Treaty settlements

Crown acknowledgements and apologies

37. The Crown offers acknowledgments and apologies as part of Treaty settlement redress in order to atone for historical wrongs, restore its honour, and begin the process of healing.
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. In the settlement with Ngāti Tamaoho the Crown states 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

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

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 Patukirikiri Deed of Settlement, the Crown apologises to the people of Te Patukirikiri for the prejudice they have suffered as a result of its actions, and its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown states it hopes that the settlement will mark the beginning of a new relationship with Te Patukirikiri based on good faith and cooperation.
41. The Ngāti Paoa Deed of Settlement records the Crown apology to Ngāti Paoa for the suffering it has inflicted through its acts and omissions, and for the laws and policies enacted in Aotearoa/New Zealand that have led to the loss of Ngāti Paoa whenua and taonga te reo Maori. The Crown apologises to the tupuna and mokopuna of Ngāti Paoa for its failure to uphold its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown seeks to atone for these injustices and hopes that through this settlement it can rebuild the relationship that it established with Ngāti Paoa in 1840, begin the process of healing and enter a new age of co-operation with Ngāti Paoa.
42. Respect for both 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

43. The settlements do not create any new co-governance or co-management processes which would affect decision-making under the RMA for the Summerset Retirement Village – Half Moon Bay project. No cultural or commercial redress provided in the settlements would be directly affected by the project.
44. 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 – 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.

Tāmaki Collective Redress Act

45. 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. 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.
46. 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). The nearest Tūpuna Maunga to the project site is the 58-metre-high Ōhūiarangi/Pigeon Mountain that lies approximately 700 metres to the south of the project site.
47. 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. These two entities would be able to advise on the significance of any effects of the proposed project on the Tūpuna Maunga.

48. Some commercial redress is also included in the Tāmaki Collective Redress, 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. Although the proposed project site lies within the RFR area, none of the land within it is Crown-owned. Therefore, the project would not directly affect any commercial redress available to Ngā Mana 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

49. In addition to Hako, Ngāti Maru (Hauraki), Ngāti Tamaterā, Te Ākitai Waiohū, Ngaati Whanaunga and the Marutūāhu Iwi Collective who have yet to complete their settlements as noted in paragraph 30, the Crown is currently negotiating a Treaty settlement with the mandated Waikato-Tainui negotiator, who signed terms of negotiation on 14 December 2020 for the settlement of the remaining historical Treaty of Waitangi claims of Waikato-Tainui. The project sites lie within the indicative areas of interest for these pending Treaty settlements, and also within the indicative areas of interest for:
- a. Ngāti Te Ata
 - b. Ngāti Koheriki.
50. 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.
51. 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

52. 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.
53. 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

⁵ See Pt 3 of the [Attachments to Nga Mana Whenua o Tamaki Makaurau Collective Redress Deed](#)

- 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.
54. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 4; contact details are in Attachment 2.
55. The Minister for Māori Crown Relations considers that Ngāti Whātua Ōrākei and Te Kawerau ā Maki may have an interest in the project and has requested that you forward a copy of the application and notice of decision to their respective iwi authorities. The Minister for Treaty of Waitangi Negotiations has requested that the notice of decisions and a copy of the referral application is forwarded to Ngāti Koheriki Claims Committee, Te Rūnanga o Ngāti Whātua and the iwi authority for Ngāti Te Ata.
56. There are no relevant joint management agreements or Mana Whakahono ā Rohe to consider.

Expert consenting panel membership

57. 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.
58. 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.
59. Relevant iwi authorities for the project are identified in paragraph 4 and Attachment 2.

Panel invitations to comment

60. 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.
61. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 4 and Attachment 2.
62. The Minister for Māori Crown Relations has requested that you direct a panel to invite comments from Ngāti Whātua Ōrākei and Te Kawerau ā Maki and the Minister for Treaty of Waitangi Negotiations has requested that you direct a panel to invite comments from Ngāti Koheriki Claims Committee, Te Rūnanga o Ngāti Whātua and Te Ara Rangatū o Te Iwi o Ngāti Te Ata. (We note that specific direction is not needed in respect of the Ngāti Te Ata as they identified in this report as a relevant iwi authority and as such must receive an invitation to comment under clause 17(6)(b) Schedule 6 of the FTCA.)
63. 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

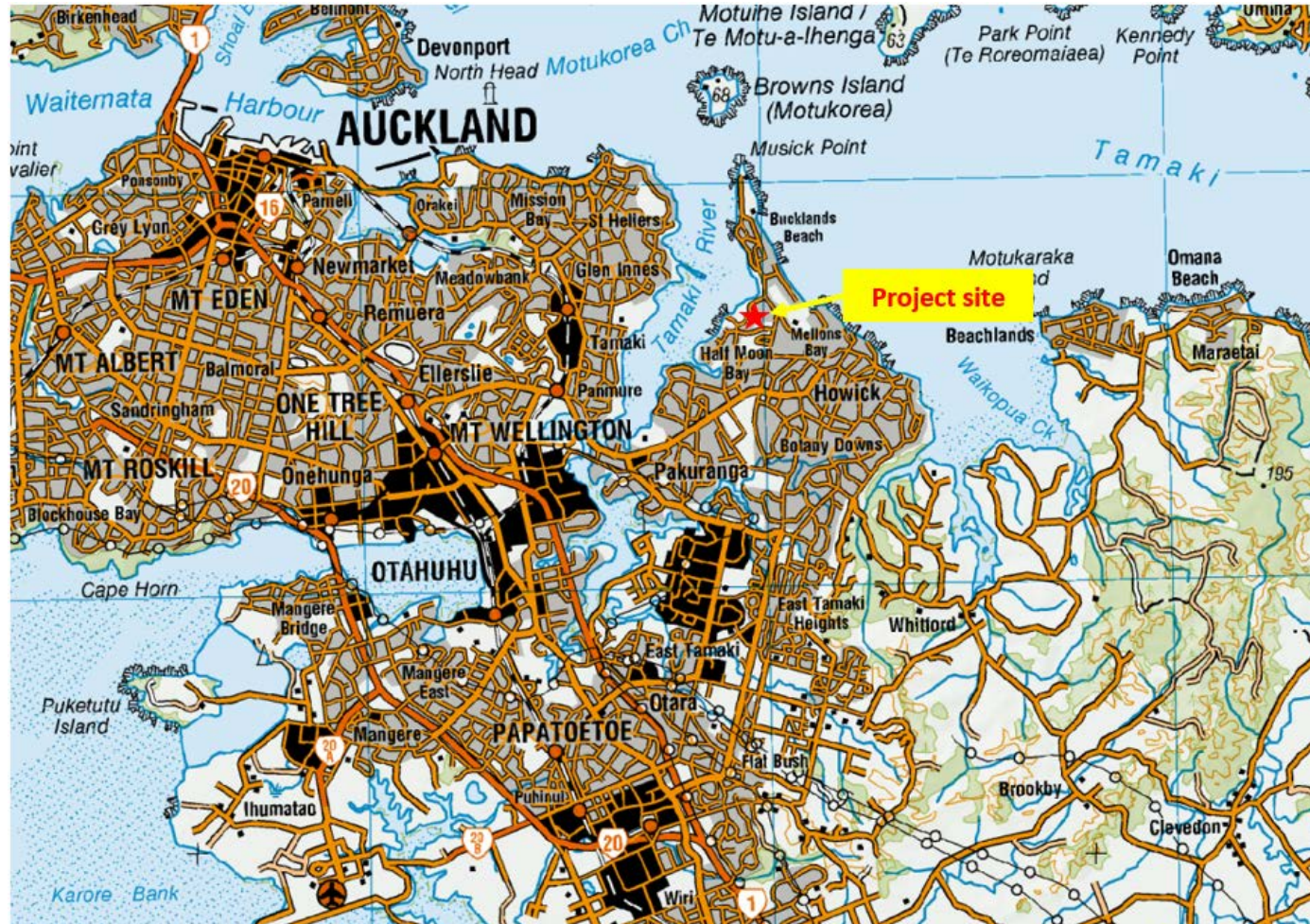
64. Any resource consent application that is submitted to a panel for determination must include a cultural impact assessment prepared by or on behalf of the relevant iwi authority or a statement

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.

65. Where there is more than one relevant iwi authority, it 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 defer to another iwi in respect of the matter. The relevant iwi authorities for the Summerset Retirement Village – Half Moon Bay project are listed in paragraph 4.

⁶ 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
Hako	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 s9(2)(a)	
	Ngaati Whanaunga Ruunanga Trust			Post-settlement governance entity [DOS 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/- s9(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 Settlement Act 2018		Jacquie Lindsay s9(2)(a)	
Ngāti Maru (Hauraki)	Ngāti Maru Rūnanga Trust	PO Box 37 Thames 3540	Represents Ngāti Maru as an iwi authority for RMA purposes	Post-settlement governance entity [deed of settlement initialled 8 Sep 2017]		Manager: David Taipari office@ngatimaru.iwi.nz	

Ngāti Paoa	Ngāti Paoa Iwi Trust	Level 12 Britomart Place Auckland	Represents Ngāti Paoa as an iwi authority for RMA purposes	Post-settlement governance entity [deed of settlement signed 20 March 2021]		Kaiarahi: Haydn Solomon kaiarahi@ngatipaoaiwi.co.nz	Taiao Manager: Crystal Cherrington kaitiaki@ngatipaoaiwi.co.nz environment@ngatipaoaiwi.co.nz
	Ngāti Paoa Trust Board	PO Box 204 144 Highbrook Auckland 2161	Represents Ngāti Paoa as an iwi authority for RMA purposes			Principal Officer: Dave Roebeck nptb@ngatipaoatrustboard.co.nz	
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 Rangatū o Te Iwi o Ngāti Te Ata Waiohū		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 s9(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 initialled 23 Dec 2020]		
Te Patukirikiri	Te Patukirikiri Iwi Trust	103 Herewaka Street Thames 3500	Represents Te Patukirikiri as an iwi authority for RMA purposes	Post-settlement governance entity [DOS signed 07 Oct 2018]	CEO: William Peters s9(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 s9(2)(a)
Ngā Mana Whenua o Tāmaki Makaurau	Tūpuna Taonga o Tāmaki Makaurau Trust			Post-settlement governance entity (received cultural redress for the maunga & motu) under Ngā Mana Whenua o Tāmaki	C/- Don Wackrow Wackrow Williams & Davies Limited, Barristers & Solicitors, PO Box 461 Shortland Street, Auckland 1140 s9(2)(a)	

				Makaurau Collective Redress Act 2014			
Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)				Co-management body for Tāmaki tūpuna maunga, established under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014		Dominic Wilson Head of Co-governance s9(2)(a)	
Ngāti Koheriki	Ngāti Koheriki Claims Committee	PO Box 250 Whitianga 3542			Mandate recognised by the Crown for Treaty settlement negotiations	Chair: Joe Johnson s9(2)(a)	Kiwi Johnson s9(2)(a)
Ngāti Whātua o Ōrākei	Ngāti Whātua o Ōrākei Trust Board					CEO: Jamie Sinclair s9(2)(a)	RMA Contact: Andrew Brown tokitaiao@ngatiwhatuaorakei.com
Te Kawerau ā Maki	Te Kawerau Iwi Settlement Trust					Executive Chair: Te Warena Taua s9(2)(a)	Kaitiaki: Robin Taua-Gordon s9(2)(a)

Attachment 3 – Project site detail



Attachment 4 – Conceptual layout

