

## Application 2021-068 Tauhei Solar Farm (Harmony Energy NZ 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 <sup>st</sup> 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 Tauhei Solar Farm project to an expert consenting panel (a panel).

### Proposed project

3. The applicant proposes to establish a solar farm on 263 hectares of farmland in Te Aroha West, Waikato. The plant will have an installed capacity of approximately 185 Megawatt-peak (MWp)<sup>1</sup> for supply to the national electricity grid.
4. A location map is in Attachment 1.

<sup>1</sup> The installed capacity of a solar power system, expressed as rated power output or Megawatt-peak, is the combined output of all the solar panels that would be achieved under ideal conditions.

## 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 (10)	Hauraki Māori Trust Board Ngaati Whanaunga Incorporated Society Ngāti Hauā Iwi Trust Ngāti Maru Rūnanga Trust Ngāti Tamaterā Treaty Settlement Trust Ngāti Tara Tokanui Trust Ngāti Tumutumu Trust Te Kupenga o Ngāti Hako Incorporated Te Puāwaitanga o Ngāti Hinerangi Trust Te Whakakitenga o Waikato <i>Contact details are in Attachment 2</i>
s17(3)(b)	Treaty settlements that relate to the project area (3)	Ngāti Hauā Claims Settlement Act 2014 Ngāti Hinerangi Claims Settlement Act 2021 Pare Hauraki Collective Redress Deed – signed 2 Aug 2018
s17(3)(a)	Relevant Treaty settlement entities (8)	Hako Tūpuna Trust Ngaati Whanaunga Ruunanga Trust Ngāti Hauā Iwi Trust Ngāti Maru Rūnanga Trust Ngāti Tamaterā Treaty Settlement Trust Ngāti Tara Tokanui Trust Ngāti Tumutumu Settlement Trust Te Puāwaitanga o Ngāti Hinerangi 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	Hako (Ngāti Hako Treaty Settlement Negotiators) Marutūāhu Iwi Collective Ngaati Whanaunga (Ngaati Whanaunga Ruunanga Trust) Ngāti Maru ki Hauraki (Ngāti Maru Treaty Settlement Negotiators) Ngāti Rahiri Tumutumu (Ngāti Tumutumu Ngāti Rāhiri Settlements Committee) Ngāti Tamaterā (Ngāti Tamaterā Negotiators) Ngāti Tara Tokanui (Ngāti Tara Tokanui Negotiators) Waikato-Tainui (Waikato Treaty Negotiator)

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

6. The project site is located approximately 3 km south of Te Aroha township, on 262.5 hectares of privately-owned land extending between Mikkelson Road (in the west) and Stanley Road South and Alexandra Road (in the east), as shown in Attachment 3. It also includes parts of the Mikkelson Road and O'Donoghue Road reserves where underground power cables will be installed.
7. The site is currently used for pastoral farming and is expected to remain in use for grazing after project installation.
8. Attachment 3 shows the Waihou River lies approximately 1.5 kilometres to the east of the site. While the south-eastern part of the project site lies in the Waihou River catchment, the majority of the site lies in the adjacent Piako River catchment (see Attachment 4).

### Project details

9. The solar farm will comprise:
  - a. solar panels, arrays, mounting structures and poles covering approximately 182 hectares of the project site, as indicated on Attachment 5
  - b. ancillary infrastructure associated with converting generated electricity into a format compatible with Transpower's transmission system including:
    - i. two substation buildings approximately 12 m x 4 m x 4 m high
    - ii. one medium voltage power station approximately 6 m x 2 m x 3.5 m
    - iii. 50 container-like structures, approximately 6 m x 2.4 m x 2.7 m high housing electrical equipment
  - c. underground electricity cables:
    - i. linking the two parts of the solar farm across O'Donoghue Road
    - ii. connecting the solar farm to an existing connection point, at the Waihou substation, located at the junction of Mikkelsen and McCabe Road
  - d. ancillary infrastructure, including security fencing and lighting.
10. Planting to establish biodiversity corridors through the project site and boundary screening, together with creation of a 7-hectare wetland area is also proposed.

## 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.<sup>2</sup>

## Iwi authorities

### Methodology and information sources

13. 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.
14. '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. Waikato Regional Council's online interactive map depicting iwi acknowledgement areas in the Waikato Region<sup>3</sup>.
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. 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

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<sup>2</sup> 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.

<sup>3</sup> [Waikato Iwi Information interactive map](#)

- b. Matamata-Piako Council and Waikato Regional Council, provided in response to the invitation to comment on the referral application under section 21(2)(a) of the FTCA.

### **Iwi authorities relevant to project**

- 17. The project site lies within or very close to<sup>4</sup> the areas of interest, identified from one or more of the sources in paragraph 14, for the following 11 iwi or groups: Hako, Ngaati Whanaunga, Ngāti Hauā, Ngāti Hinerangi, Ngāti Maru (Hauraki), Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Waikato, the Pare Hauraki Collective and the Marutūāhu Iwi Collective.
- 18. Not all of these iwi or groups are represented by an iwi authority. We have identified 10 iwi authorities as follows:
  - a. Hauraki Māori Trust Board, representing the 12 Iwi of Hauraki (including Hako, Ngaati Whanaunga, Ngāti Maru (Hauraki), Ngāti Rāhiri Tumutumu, Ngāti Tamaterā and Ngāti Tara Tokanui)
  - b. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga
  - c. Ngāti Hauā Iwi Trust
  - d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru (Hauraki)
  - e. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
  - f. Ngāti Tara Tokanui Trust, representing Ngāti Tara Tokanui
  - g. Ngāti Tumutumu Trust, representing Ngāti Rāhiri Tumutumu
  - h. Te Kupenga o Ngāti Hako Incorporated, representing Hako
  - i. Te Puāwaitanga o Ngāti Hinerangi Trust, representing Ngāti Hinerangi
  - j. Te Whakakitenga o Waikato, representing Waikato-Tainui.

### **Treaty settlements and Treaty settlement entities**

- 19. 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 14(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**

- 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 three iwi/groups:
  - a. Ngāti Hauā
  - b. Ngāti Hinerangi
  - c. the 12 Iwi of Hauraki (the Pare Hauraki Collective).

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<sup>4</sup> The area of interest for Ngaati Whanaunga that is indicated in the deed of settlement initialled by Ngaati Whanaunga and the Crown lies very close to the project site. As the deed of settlement is not yet signed, this area of interest has yet to be confirmed.

22. The Ngāti Hauā Claims Settlement Act 2014 gives effect to certain provisions of the deed of settlement signed by the Tumuaki<sup>5</sup>, Ngāti Hauā and the Crown on 18 July 2013 and subsequent amendment deeds signed in September 2013 and July 2014. A [settlement summary, the deeds and associated documents](#) are available on the NZ Government Treaty settlements website. This settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Hauā, addressing the non-raupatu historical claims not settled by the earlier Waikato-Tainui Raupatu Claims Settlement Act 1995 and Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
23. The Ngāti Hinerangi Claims Settlement Act 2021 gives effect to certain provisions of the deed of settlement signed by Ngāti Hinerangi and the Crown on 4 May 2019. A [settlement summary, the deed and associated documents](#) are available on the NZ Government Treaty settlements website.
24. The Crown and the 12 Iwi of Hauraki signed the Pare Hauraki Collective Redress Deed on 2 August 2018. A [settlement summary, the deed and associated documents](#) are available on the NZ Government Treaty settlements website. The settlement applies to the Pare Hauraki Redress Area included in Part 1 of the [Attachments to the Pare Hauraki Collective Redress Deed](#). Legislation to enact the settlement has yet to be introduced to Parliament.

### Relevant Treaty settlement entities

25. 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

26. 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.
27. The respective post-settlement governance entities associated with the Treaty settlement Acts noted above are:
  - a. Ngāti Hauā Iwi Trust
  - b. Te Puāwaitanga o Ngāti Hinerangi Trust.
28. The Pare Hauraki Collective Redress Deed provides for three post-settlement governance entities: the Pare Hauraki collective cultural entity, the Pare Hauraki collective commercial entity and the Pare Hauraki collective Crown Forestry Land entity. These entities must be established prior to the introduction of the collective redress legislation, however they have not been established at the time of preparing this report.
29. A post-settlement governance entity may exist ahead of the signing of a deed of settlement and enactment of Treaty settlement legislation. The following post-settlement governance entities in this category are also relevant:
  - a. Ngāti Tara Tokanui Trust, which was ratified as the post-settlement governance entity for the Ngāti Tara Tokanui Treaty settlement in February 2014. Ngāti Tara Tokanui initialled a deed of settlement with the Crown on 1 June 2017

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<sup>5</sup> The Tumuaki is a hereditary role, encompassing three significant functions: the Rangatira of Ngāti Hauā; the Tumuaki o te Kingitanga (the person who is appointed to lead the business affairs of the Kingitanga on behalf of the Māori King/Queen (Ariki); and the Tangata Whakawahi Kingi – the person who anoints the Ariki of the Kingitanga).

- b. Hako Tūpuna Trust, which was ratified as the post-settlement governance entity for Hako on 26 August 2014
  - c. 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
  - d. 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
  - e. Ngāti Tumutumu Settlement Trust, which was ratified as the post-settlement governance entity following the initialling of a deed of settlement between Ngāti Rāhiri Tumutumu and the Crown on 13 July 2017
  - f. 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.
30. The Marutūāhu Rōpū Limited Partnership 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, and thus meets the definition of a post-settlement governance entity under the FTCA. The Marutūāhu Iwi Collective represents Ngāti Maru (Hauraki), Ngāti Tamaterā and Ngaati Whanaunga (whose individual areas of interest include the project site), and Ngāti Paoa and Te Patukirikiri (whose individual areas of interest do not include the project site). The collective area of interest covers parts of the Auckland, Waikato and Bay of Plenty Regions<sup>6</sup>, and includes the project site.
31. 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.
32. 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 Marutūāhu 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**

33. 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.
34. The Ngāti Hinerangi Claims Settlement Act 2021 provides for the appointment under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 of the trustees of Te Puāwaitanga o Ngāti Hinerangi Iwi Trust to be an advisory committee, responsible for advising the responsible Minister in relation to the eel fishery in the Waihou catchment. Although parts of the project site lie in the Waihou catchment (as noted in paragraph 8), this committee is not likely to be a relevant settlement entity for the project. The Te Puāwaitanga o Ngāti Hinerangi Iwi Trust would be able to provide further advice.

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<sup>6</sup> The area of interest is shown on the map attached to the [Marutūāhu Collective Redress deed summary](#).

35. No other entities established by the Ngāti Hauā Claims Settlement Act 2014 or the Ngāti Hinerangi Claims Settlement Act 2021 are relevant to the proposed project.

## Relevant principles and provisions of the Treaty settlements

### Pare Hauraki Collective Redress Deed

36. The Pare Hauraki Collective Redress Deed specifies the collective Treaty settlement redress in respect of the shared interests of the iwi of Hauraki associated with their historical Treaty claims, although the deed does not settle any of those claims. The full settlement of the historical Treaty claims of the Iwi of Hauraki will be made through the individual settlements with each iwi.
37. The deed provides both cultural and commercial redress. Of most relevance to the proposed project is the provision for establishment of the Waihou, Piako and Coromandel Catchment Authority (WPCCA) to provide co-governance, oversight and direction for management of the Coromandel, Waihou and Piako waterways. The project site lies in both the Waihou and Piako catchments, as shown on Attachment 4. The deed also provides for establishment of a co-management committee – Te Matāpuna o ngā awa o Waihou Piako – for the waterways of the upper Waihou and Piako catchments, which may include the project site.<sup>7</sup>
38. The WPCCA, Te Matāpuna o ngā awa o Waihou Piako and associated co-governance arrangements will not become operational until legislation enacting the Treaty settlement is passed.
39. Also of potential relevance to the project site is a 3-hectare (approximately) area of land at the corner of Stanley Road South and Mace Road as shown on Attachment 3. This neighbouring property is an ‘early release’ commercial redress property that will transfer to the Pare Hauraki commercial entity, for on-transfer to Ngāti Maru (Hauraki) and Ngāti Rāhiri Tumutumu, once the settlement is enacted.

### Ngāti Hauā and Ngāti Hinerangi Treaty settlements

#### Crown acknowledgements and apologies

40. 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.
41. As part of the apology to Ngāti Hauā, their ancestors and descendants, the Crown says it:

*is deeply sorry for its breaches of the Treaty of Waitangi and its principles, which have left Ngāti Hauā virtually landless. The Crown profoundly regrets that the loss of land has undermined the social and traditional structures of Ngāti Hauā, and your ability to exercise customary rights and responsibilities over resources and sites of significance in your rohe*

...

*profoundly apologises for its past failures to acknowledge the mana and rangatiratanga of Ngāti Hauā and its leaders, and*

...

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<sup>7</sup> The functions of this body will include: drafting the upper Waihou and Piako section of the Waihou, Piako and Coromandel Catchments Plan; proposing names of hearing commissioners; making recommendations to the WPCCA; and participating in community engagement on issues relating to the upper Waihou and Piako waterways. The area to be covered by the draft upper Waihou and Piako section of the plan has yet to be confirmed – see 5.107.2(a) of the Pare Hauraki Collective Redress Deed.

*sincerely hopes this settlement will mark the beginning of a new relationship between the Crown and Ngāti Hauā founded on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.*

42. The settlement with Ngāti Hinerangi includes the following statements:

*The Crown makes the following apology to the hapū and whānau of Ngāti Hinerangi, to your tūpuna and your mokopuna.*

*The Crown is profoundly sorry for having failed to uphold its obligations to Ngāti Hinerangi under te Tiriti o Waitangi/the Treaty of Waitangi. The relationship between Ngāti Hinerangi and the Crown should have been one based upon the principles of mutual respect and partnership, as envisioned in te Tiriti o Waitangi/the Treaty of Waitangi, however for too many years Crown actions tarnished this relationship.*

...

*The Crown hopes that through this settlement it can restore its honour and alleviate the justifiable sense of grievance felt by generations of Ngāti Hinerangi. The Crown looks forward to building a meaningful relationship with Ngāti Hinerangi based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.*

43. 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 areas of interest are important ways in which the Crown can give effect to these statements and continue to develop and uphold its relationship with each iwi.

#### **Statutory acknowledgement over Waihou River catchment**

44. The Ngāti Hinerangi Deed of Settlement contains statements of the particular cultural, spiritual, historical and traditional association Ngāti Hinerangi has with a number of significant sites, including the Waihou River and its tributaries. This includes the following:

*The Waihou River is of great spiritual, cultural, ancestral, traditional, and historical importance to Ngāti Hinerangi. The evidence of this can be seen by the great number of Ngāti Hinerangi pā sites, papakāinga settlements, urupā, and wāhi tapu located nearby or on the banks of the river. The Waihou River is home to sacred waiariki (geothermal springs) and tīpua mokomoko (reptilian deities). The Waihou River has been a provider of life-sustaining fresh water, food resources in the form of birdlife, tuna, freshwater crayfish, and other fish species, and it has provided a plentiful supply of harakeke for clothing and building materials.*

...

*Ngāti Hinerangi have exercised rangatiratanga and kaitiakitanga over the Waihou River and its tributaries and waterways from time immemorial and it plays a central role in the cultural and spiritual identity of Ngāti Hinerangi.*

45. The Ngāti Hinerangi Claims Settlement Act 2021 contains the Crown's acknowledgment of these, and other, statements of association (known as statutory acknowledgments). The statutory acknowledgement area for the Waihou River and tributaries is shown in Attachment 6. According to restrictions in Section 44 of the legislation, the statutory acknowledgment does not apply to any privately-owned river or stream bed or artificial watercourse, although it does apply to modified watercourses.

46. Any member of Ngāti Hinerangi can cite the statutory acknowledgements as evidence of their association with the area. Relevant consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga must have regard to them, and consent authorities must forward summaries of resource consent applications affecting the statutory area to the Te Puāwaitanga o Ngāti Hinerangi Iwi Trust<sup>8</sup>.
47. We note that in general, statutory acknowledgements are not indications of exclusive interest in a site, and sites subject to statutory acknowledgments may also hold importance for other iwi.

#### **Other redress**

48. Ngāti Hauā has second rights of purchase over the commercial redress property noted in paragraph 39.
49. Neither the Ngāti Hauā nor Ngāti Hinerangi settlements create new co-governance or co-management processes which would affect decision-making under the RMA for projects such as the one proposed. The Ngāti Hinerangi Deed of Settlement acknowledges that Ngāti Hinerangi will be included in some of the co-governance and co-management arrangements to be established under the Pare Hauraki Collective Redress Deed; in particular, participation in Te Matapuna o nga awa o Waihou Piako co-management body noted in paragraph 37.
50. 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.

### **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. As noted in paragraph 29, Treaty settlement negotiations have commenced but are yet to be concluded with Ngāti Tara Tokanui, Hako, Ngāti Maru (Hauraki), Ngāti Tamaterā, Ngāti Rāhiri Tumutumu, Ngaati Whanaunga and the Marutūāhu Iwi Collective.
53. Additionally, 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 site lies within the indicative area of interest for this Treaty settlement.

### **Details in this report affect certain provisions of the FTCA**

#### **Notices of referral decision**

54. 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.

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<sup>8</sup> Only for a period of 20 years from the effective date of the Ngāti Hinerangi Claims Settlement Act 2021, which is in accordance with definitions in the Act is 9 December 2021. The requirement to forward resource consent applications will therefore cease on 9 December 2041.

55. 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.
56. The relevant iwi authorities and Treaty settlement entities for receipt of the notice are identified in paragraph 5; contact details are in Attachment 2.
57. 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**

58. 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.
59. 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.
60. Relevant iwi authorities for the project are identified in paragraph 5 and Attachment 2.

### **Panel invitations to comment**

61. 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.
62. The relevant iwi authorities and Treaty settlement entities for the proposed project are listed in paragraph 5; contact details are in Attachment 2.
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.<sup>9</sup> The Environmental Protection Authority (which provides support services to a panel) will not confirm

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<sup>9</sup> Clause 9(5) of Schedule 6 of the FTCA.

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, 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 Tauhei Solar Farm project are listed in paragraph 5.

## Attachment 1 - Location

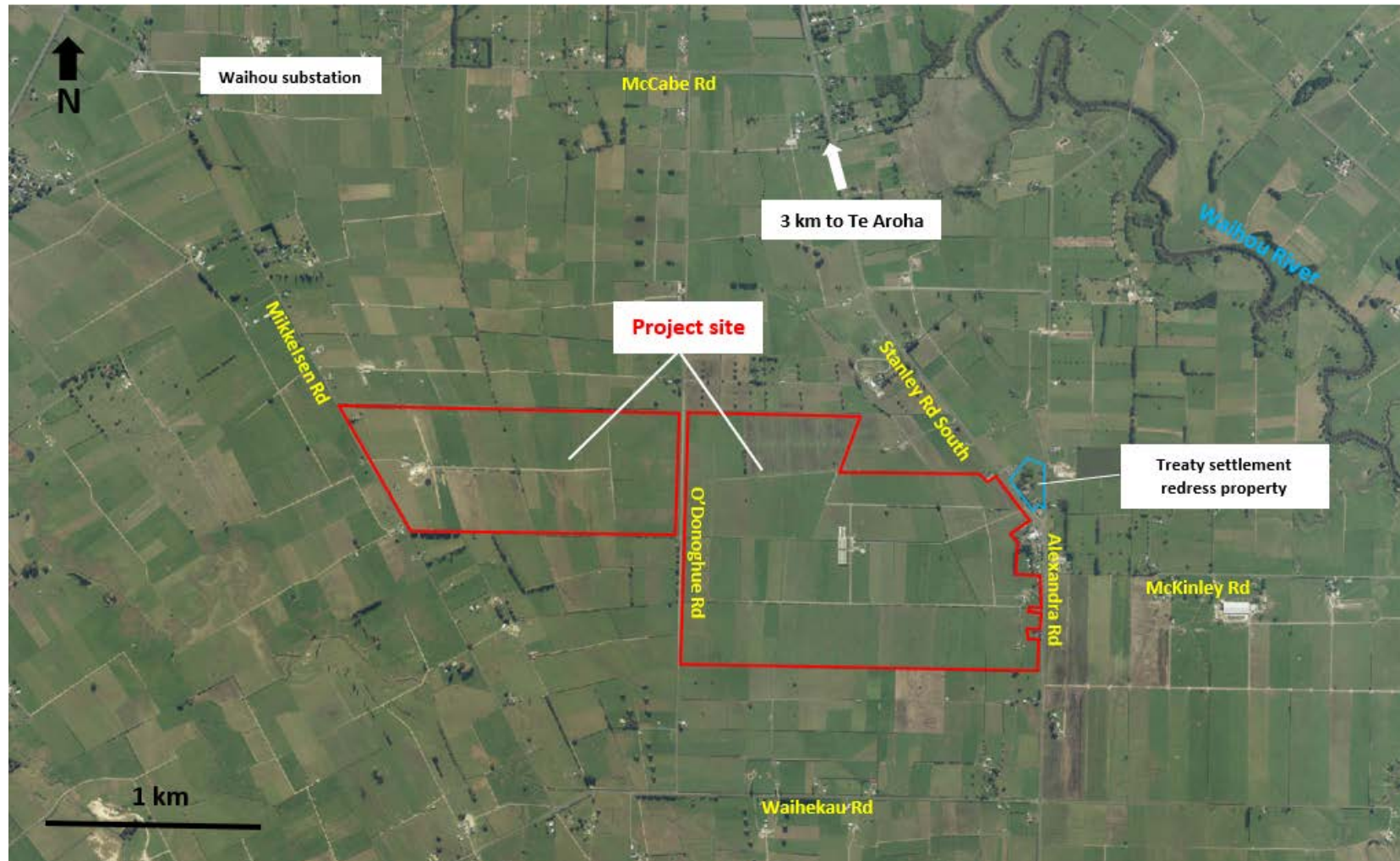


## Attachment 2 - Contact information

Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Other	Contact person	Copies to
Iwi of Hauraki	Hauraki Māori Trust Board	PO Box 33 Paeroa 3640	Represents Hako, Ngaati Whanaunga, Ngāti Maru, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui & other Hauraki iwi as an iwi authority for RMA purposes			CEO/GM: John McEnteer <a href="mailto:general@hauraki.iwi.nz">general@hauraki.iwi.nz</a>	
Hako	Te Kupenga o Ngāti Hako Incorporated		Represents Hako as an iwi authority for RMA purposes			CEO & RMA Contact: Pauline Clarkin <a href="mailto:hako@xtra.co.nz">hako@xtra.co.nz</a>	
	Hako Tūpuna Trust			Post-settlement governance entity [ratified 26 August 2014]	In Treaty settlement negotiations	Contact: Josie Anderson <a href="mailto:hako@xtra.co.nz">hako@xtra.co.nz</a>	
Ngāti Whanaunga	Ngaati Whanaunga Incorporated Society	PO Box 160 Coromandel 3581	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 [deed of settlement initialled 25 Aug 2017]	In Treaty settlement negotiations		
Ngāti Hauā	Ngāti Hauā Iwi Trust	PO Box 270 Morrinsville 3340	Represents Ngāti Hauā as an iwi authority for RMA purposes	Post-settlement governance entity under the Ngāti Hauā Claims Settlement Act 2014		General Manager & RMA contact: Lisa Gardiner s9(2)(a)	

Ngāti Hinerangi	Te Puāwaitanga o Ngāti Hinerangi Trust	PO Box 20 Matamata 3440	Represents Ngāti Hinerangi as an iwi authority for RMA purposes	Post-settlement governance entity under the Ngāti Hinerangi Claims Settlement Act 2021		CEO: Tony Harrison <a href="mailto:info@ngatihinerangiwi.co.nz">info@ngatihinerangiwi.co.nz</a>	
Ngāti Maru (Hauraki)	Ngāti Maru Rūnanga Trust	PO Box 37 Thames 3540	Represents Ngāti Maru (Hauraki) as an iwi authority for RMA purposes	Post-settlement governance entity [deed of settlement initialled 8 September 2017]	In Treaty settlement negotiations	CEO: David Taipari <a href="mailto:office@ngatimaruiwi.nz">office@ngatimaruiwi.nz</a>	RMA Contact: William Peters
Ngāti Rāhiri Tumutumu	Ngāti Tumutumu Trust		Represents Ngāti Rāhiri Tumutumu as an iwi authority for RMA purposes			Chair: Daniel Braid s9(2)(a)	
	Ngāti Tumutumu Settlement Trust			Post-settlement governance entity [deed of settlement initialled 13 July 2017]	In Treaty settlement negotiations		
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]	In Treaty settlement negotiations	Chair: Antony Royal <a href="mailto:chair@tamatera.iwi.nz">chair@tamatera.iwi.nz</a>	RMA Kaitiaki <a href="mailto:rma@tamatera.iwi.nz">rma@tamatera.iwi.nz</a>
Ngāti Tara Tokanui	Ngāti Tara Tokanui Trust	PO Box 77 Paeroa 3640	Represents Ngāti Tara Tokanui as an iwi authority for RMA purposes	Post-settlement governance entity [deed of settlement initialled 1 June 2017]	In Treaty settlement negotiations	Executive Chair: Amelia Williams s9(2)(a)	
Waikato	Te Whakakitenga o Waikato	PO Box 648 Waikato Mail Centre Hamilton 3240	Represents Waikato-Tainui as an iwi authority for RMA purposes		In Treaty settlement negotiations	CEO: Donna Flavell <a href="mailto:secretariat@tainui.co.nz">secretariat@tainui.co.nz</a>	RMA contact: Marae Tukere s9(2)(a)

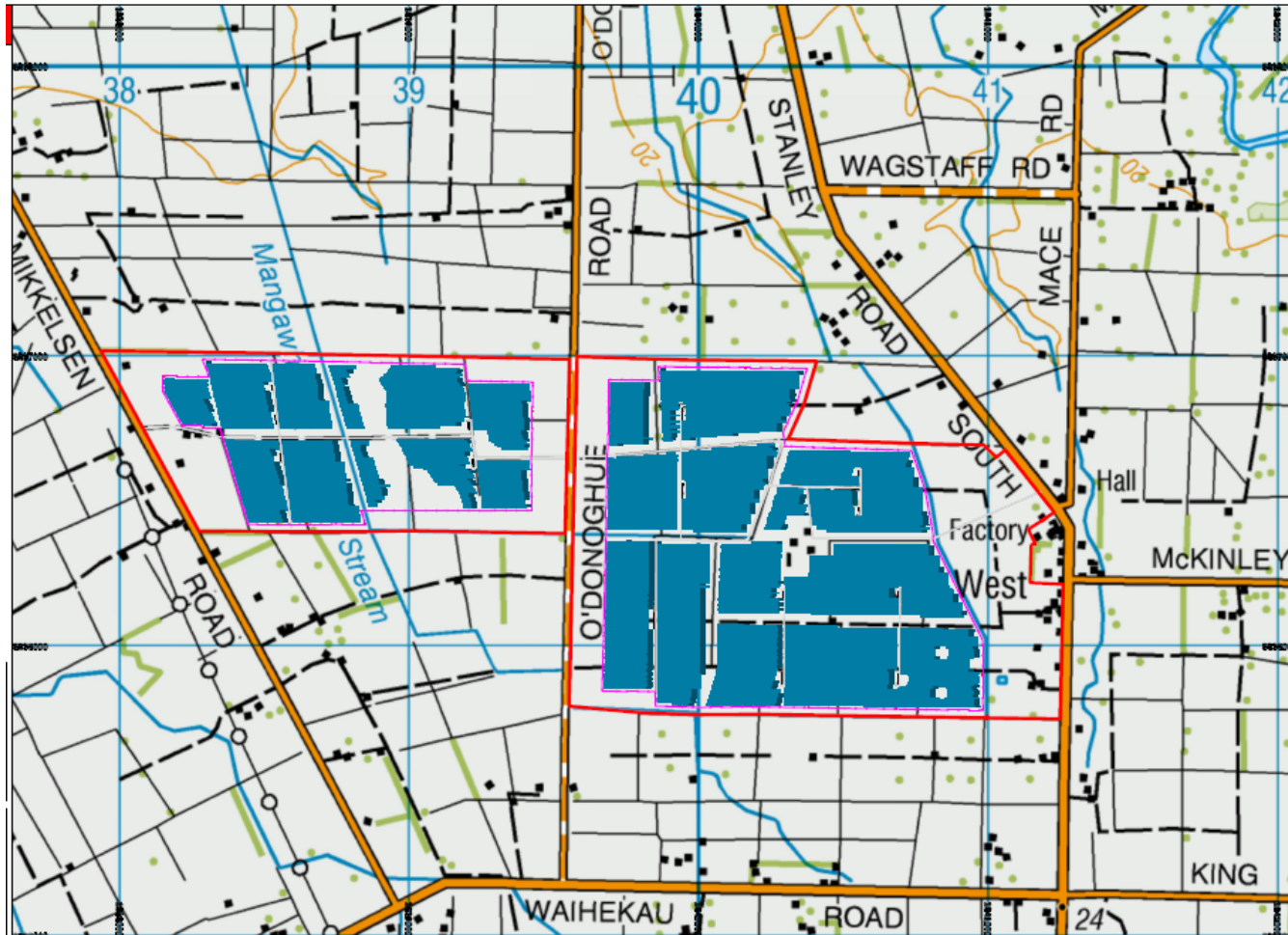
## Attachment 3 – Project site



## Attachment 4 – Project site relative to Waihou and Piako River catchments



## Attachment 5 – Project layout



## Attachment 6 – Ngāti Hinerangi statutory acknowledgement area

