



## FTC#125 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Invitation for comments from additional iwi groups

### Application 2022-079 Selfs Road Project

Date submitted:	24 March 2022	Tracking #: BRF-1041	
Security level	In-Confidence	MfE priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon David Parker, Minister for the Environment	Decision on recommendations	to be advised

Actions for Minister's Office staff	<b>Return</b> the signed briefing to MfE.
Number of appendices: 1	<b>Appendices:</b> <ol style="list-style-type: none"> <li>Selfs Road application documents</li> <li>Stage 1 briefing (BRF-1071)</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Max Gander-Cooper		
Manager	Stephanie Frame	§ 9(2)(a)	✓
Director	Caroline Hart	§ 9(2)(a)	

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# FTC#125 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Invitation for comments from additional iwi groups

## Purpose

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1. The purpose of this briefing is to seek your agreement to invite additional written comments on the application for referral of the Selfs Road Project (project) to an expert consenting panel under section 21(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 FTCA.

## Background

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2. The project is to subdivide a 3.64-hectare site and construct approximately 115 residential units along with roads and three-waters services.
3. The project site is located at 1 Selfs Road, Papatoetoe, Auckland on the north-eastern fringes of Ngā Kapua Kohuora/Crater Hill, one of several volcanic features in south Auckland.
4. Ngā Kapua Kohuora/Crater Hill is privately owned. State Highway 20 passes through the north-eastern side of the property, separating the project site from the majority of the property. The latter area, which is zoned Rural Production and Special Purpose - Quarry, was recently the subject of an unsuccessful plan change application to Auckland Council by the owners, to rezone it for future residential development. Subsequent appeals to the Environment Court<sup>1</sup> and the High Court<sup>2</sup> failed to overturn this decision – principally on the basis of the strong cultural connection of local Maōri (particularly Te Ākitai Waiohū) to it.
5. The project site was not affected by the litigation issue as it is already zoned for residential development (Residential Mixed-Housing Suburban) under the Auckland Unitary Plan (AUP).
6. This is the second briefing relating to this application. The first (Stage 1) briefing (BRF-1071) with your initial decisions is in Appendix 2. Pursuant to this briefing you agreed to invite written comments from specific Ministers listed in section 21(6) of the FTCA, Auckland Council, Auckland Transport and Watercare Services Limited. The 10-working-day period for providing these comments closed on 15 February 2022.

## Proposed additional consultation

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7. Upon further consideration of the Environment Court and High Court appeals we have identified four iwi groups (Te Ākitai Waiohū, Ngāti Te Ata Waiohū, Ngāti Tamaoho and Ngaati Whanaunga) who may be particularly interested in potential cultural effects arising from any development on the project site. These iwi groups have provided the applicant with cultural values assessments that indicate certain design elements and conditions of consent they would like to see included with resource consent applications to a panel, should the project be referred.
8. However, these assessments do not indicate whether the respective parties support or oppose project referral. Given the strong cultural connections of these parties to the site that

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<sup>1</sup> Self Family Trust v Auckland Council [2018] NZRMA 323, Self Family Trust v Auckland Council [2020] NZEnvC 214

<sup>2</sup>Gock v Auckland Council [2019] 21 ELRNZ 1

have been specifically identified by the courts, we consider that it would be prudent for you to seek comment directly from these parties under section 21(3) of the FTCA before making any final decisions on project referral.

9. We consider that this is in accordance with your obligation under section 6 of the FTCA to act in a manner that is consistent with the principles of the Treaty of Waitangi and Treaty settlements.
10. Our recommendation for your decision follows.

## Recommendation

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1. **Agree** to provide the referral application for the Selfs Road project to, and invite comments from, the following parties:
  - a. Te Ākitai Waiohua
  - b. Ngāti Te Ata Waiohua
  - c. Ngāti Tamaoho
  - d. Ngaati Whanaunga.

Yes/No

## Signatures

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Stephanie Frame  
**Manager – Fast-track Consenting**

Hon David Parker  
**Minister for the Environment**

**Date:**