

FTA#088: Application for listed project under the Fast-track Approvals Bill – Taheke 8C Hydro Development Project for Schedule 2A

Date submitted to secretariat:	27 May 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

Number of attachments: #	Attachments: 1. Application documents for Taheke 8C Hydro Development Project
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Applicant	Sector	Region	Identified in a priority/strategy?
The Proprietors of Taheke 8C & Adjoining Blocks Incorporated	Hydro	Bay of Plenty	No

Ministry for the Environment contacts

Position	Name	Mobile	1 st contact
Principal Authors	Max Gander-Cooper, Anna Galvin		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Ilana Miller	s 9(2)(a)	

Project location



Key messages

1. The Taheke 8C Hydro Development Project is a run-of-the-river hydro electricity scheme in the Kaituna River, Rotorua.
2. The project will involve the construction and operation of the following:
 - a. nominal 13.5 MW/80 GWh power station;
 - b. a low-level weir structure on the bed of the Kaituna River, an off-river series of canals, a head pond, intake and outfall structures;
 - c. provision of access for construction vehicles; and
 - d. connection to transmission infrastructure, noting part of the national grid (Transpower's 220 KVA EDG-TRK-A and 110 VA OKE-TMI-A lines) run through Taheke 8C's land.

3. The project will require resource consents under the Resource Management Act 1991; concessions under the Conservation Act 1987, approvals under the Wildlife Act 1953, the Freshwater Fisheries Regulations 1983 and the Reserves Act 1977, and an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
4. The project site is primarily Māori freehold land held in fee simple by the applicant. The remainder is Department of Conservation-administered land that is held as reserve under the Reserves Act.
5. We have undertaken an initial (Stage 1) analysis of the application and this is provided in Table A.
6. We consider the applicant has provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).
7. We note the project includes activities which may require approval under regulation 44 of the Freshwater Fisheries Regulations, which is not enabled by the Bill as drafted. We recommend you seek advice from the Department of Conservation on this matter.
8. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
9. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', written over a light grey grid background.

Stephanie Frame
Manager – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice¹

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
High level summary			Y	N	N	N	N	N	Y	Y
<p>Schedule requested 2A</p> <p>Project Name Taheke 8C Hydro Development Project</p> <p>Applicants The Proprietors of Taheke 8C & Adjoining Blocks Incorporated</p> <p>Company directors The applicant is a Māori land trust. Committee of Management: Tawhiri Morehu Carol Hackett William Vercoe Taiwhanake Eru-Morehu</p> <p>Location The upper Kaituna River catchment to the west of State Highway 33 bounded by land owned by the</p>	<p>The Taheke 8C Hydro Development Project is a run-of-the-river hydro electricity scheme in the Kaituna River, Rotorua.</p> <p>The project will involve the construction and operation of the following:</p> <p>a. nominal 13.5 MW/80 GWh power station; a low-level weir structure on the bed of the Kaituna River, an off-river series of canals, a head pond, intake and outfall structures; provision of access for construction vehicles; and</p> <p>b. connection to transmission infrastructure, noting part of the national grid (Transpower's 220 KVA EDG-TRK-A</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 Freshwater Fisheries Regulations 1983 Conservation Act 1987 Wildlife Act 1953 Reserves Act 1977 Heritage New Zealand Pouhere Taonga Act 2014. <p>The applicant notes they intend to use existing concessions and Reserves Act approvals which are held by Nova Energy, who the applicant states have expressed support for the applicant utilising the concession. The applicant has not provided evidence of</p>	<p>The applicant states they have undertaken extensive consultation with the below parties as part of their current application for a geothermal power station under the COVID fast-track process:</p> <ul style="list-style-type: none"> Bay of Plenty Regional Council Rotorua District Council Te Arawa iwi and hapū Ngāti Mākino Te Maru o Kaituna River Authority Department of Conservation. <p>The applicant states they intend to continue to engage with these parties throughout the development of the project.</p>	<p>While the project will occur on identified Māori land, the applicant is the landowner of the project site. We do not consider the project triggers these ineligibility criteria.</p>	<p>The project does not require any access arrangements under the Crown Minerals Act 1991 and the project site does not include land identified in Schedule 4 of that Act.</p>	<p>While the project will occur on a reserve, it is not identified as a national reserve.</p>	<p>The project will not occur in the EEZ.</p>	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</p> <p>No – none identified</p> <p>It is more appropriate to deal with the application under another Act</p> <p>No- multiple consent requirements indicate that time and cost could be reduced.</p> <p>The project may have significant adverse effects on the environment</p> <p>No - The applicant has provided a summary of environmental effects and has not identified that they will be significant. We note the degree of adverse effects associated with a project is something that can be considered by an</p>	<p>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes</p> <p>Yes - The applicant states that consenting a hydro development under the RMA is extremely difficult and typically takes multiple years. It is costly, lengthy, and challenging. Applications for hydro developments are generally publicly notified and attract submissions from a range of parties with hearings inevitable, requiring the preparation of extensive evidence and legal submissions. Appeals to the Environment Court, if required, can add additional 1-2 years to the consenting timeframe.</p> <p>Consideration of the project under the fast-track provisions will likely result in a more timely and cost-efficient way to confirm the authorisations necessary for the proposed hydro development.</p>	<p>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list</p> <p>No - The applicant refers to the National Policy Statement for Renewable Electricity Generation and New Zealand Energy Strategy. Neither of these specifically refer to the application or advancing renewable electricity generation in this location.</p> <p>The project will deliver regionally or nationally significant infrastructure</p> <p>Yes - The applicant states the National Policy Statement for Renewable Electricity Generation identifies the need to develop renewable electricity generation activities throughout New Zealand and the benefits of renewable electricity generation are matters of national importance.</p> <p>By generating an estimated 80 GWh of renewable electricity per year, enough to power around 10,000 average New Zealand households, the project will be recognised as significant infrastructure both nationally and regionally.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment</p> <p>No - The applicant states the project will contribute to a well-functioning environment but does not refer to the National Policy Statement on Urban Development.</p> <p>The project will deliver significant economic benefits</p> <p>Yes - The applicant considers the economic benefits include:</p> <ul style="list-style-type: none"> injecting additional spending and employment opportunities, particularly during construction

¹ **Disclaimer:** Given time and scope constraints, the initial assessment is solely based on information provided by applicants. There may be additional relevant information which has not been provided to MfE.

<p>Proprietors of Taheke 8C & Adjoining Blocks Incorporated.</p> <p>Land Status</p> <p>The project site is primarily Māori freehold land held in fee simple by the applicant.</p> <p>The Department of Conservation administered land is held as reserve under the Reserves Act.</p>	<p>and 110 VA OKE-TMI-A lines) run through Taheke 8C's land.</p>	<p>support but can provide it if required.</p> <p>The project may include activities which would require approval under regulation 44 of the Freshwater Fisheries Regulations 1983.</p>						<p>expert panel with the benefit of a full application and assessment of environmental effects.</p> <p>The applicant has a poor compliance history under the relevant legislation</p> <p>No- The applicant has not been subject to compliance or enforcement action that we are aware of.</p> <p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</p> <p>Crown land. But it is unclear that this is the subject of any treaty processes.</p> <p>The project includes an activity that is a prohibited activity under the RMA</p> <p>No - The project does not include any prohibited activities that we are aware of.</p>	<p>The impact referring this project will have on the efficient operation of the fast-track process</p> <p>The applicant states initial assessments have commenced in relation to the design of the scheme and, as a result, the project will be ready to be considered under the fast-track process, the effects are capable of appropriate management by way of conditions recommended by an expert panel, and listing the project in Schedule 2A of the Bill will not adversely affect the efficiency of the fast-track process and efficient operation of the process.</p> <p>The applicant is not aware of any consenting issue that would materially negatively impact on the efficient processing of an application for the project in line with the timeframes and processes set out in the Bill.</p> <p>Whether the application contains sufficient information to inform the referral decision</p> <p>Yes - We consider the applicant has provided sufficient information to allow you to consider the project for inclusion on Schedule 2A.</p>	<ul style="list-style-type: none"> increased demand for jobs over five years of construction preparation and implementation; stimulus of business and employment flowing into other sectors that either supply inputs into the project, or service demands from increased incomes for local residents directly or indirectly working on the project; addition of spending and employment opportunities during operation and maintenance of the operating hydro plant; generation of around 80 GWh of electricity each year from a renewable resource with lower carbon emissions than thermal fired generation and is baseload generation that is less intermittent than other renewable generation from wind or solar supply. <p>The project will support primary industries, including aquaculture</p> <p>Maybe - The applicant states the project provides an opportunity for stable locally based electricity generation and therefore the exploration of the development of new products from wood including biofuels, biochemicals and bioproducts. These would be co-products with conventional wood products but provide additional revenue streams for forest and landowners.</p> <p>The project will support development of natural resources, including minerals and petroleum</p> <p>Yes - The project will support the development of the waters of the Kaituna River for the purpose of electricity generation. It will also support the use of other natural resources through the Green Energy Hub and through local commercial opportunities using locally sourced electricity generation.</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions</p> <p>Yes - By generating an estimated 80 GWh of renewable electricity per year, the project will act to displace thermal generation and avoid associated greenhouse gas emissions. If that generation was from coal, the equivalent emissions would be approximately 70,000 tonnes CO₂ per year; if from gas, the equivalent emissions would be approximately 35,000 tonnes CO₂ per year.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards</p> <p>Yes - Improved resilience in electricity supply by providing a source of renewable power that is less affected by meteorological hazards of climate change than other forms of renewable generation (such as wind and solar).</p> <p>The project will address significant environmental issues</p> <p>Yes - Climate change presents an existential threat to people and their communities. The Project will help address this issue by contributing to New Zealand's renewable electricity targets and its necessary decarbonisation journey.</p>
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<p>PSGE Settlement Priorities and Māori Development assessment –</p> <p>Note - given the time and scope constraints of this advice, some assumptions have been made and engagement has only been undertaken in limited circumstances. Given this, the advice may not be comprehensive and is not intended to reflect the views of relevant Post Settlement Governance Entities or other groups (unless specifically noted). In limited circumstances where engagement has been able to occur, it has most likely not been comprehensive due to the timeframes available.</p> <p>Advice on Māori development and PSGE settlement priorities includes information relating to:</p> <ul style="list-style-type: none"> where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents. where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business; <p>to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.</p>										
<p>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</p>		<p>The applicant has stated that the project is not ineligible, however we note that the titles indicate that the project includes Māori freehold land and therefore it is not clear if the project is ineligible.</p>								
<p>Affected Māori group/s</p>		<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> Affiliate Te Arawa Iwi and Hapū (represented by iwi authority Te Pūmautanga o Te Arawa Trust) including Ngāti Pikiao Ngāti Mākino Te Maru o Kaituna River Authority (inclusive of other iwi down river) <p><u>Affiliate Te Arawa Iwi/Hapū</u></p> <p>Affiliate Te Arawa Iwi/Hapū area of interest includes the proposed project site, based on the Area of Interest agreed between Affiliate Te Arawa Iwi/Hapū and the Crown in the Deed of Settlement signed 11 June 2008.² The applicant has specifically mentioned Ngāti Pikiao, an iwi that is part of Affiliate Te Arawa Iwi/Hapū, and whose map on Te Kāhui Māngai includes the proposed project site.³</p> <p><u>Ngāti Mākino</u></p> <p>Ngāti Mākino is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Mākino and the Crown in the Deed of Settlement signed 2 April 2011.⁴</p> <p><u>Te Maru o Kaituna River Authority</u></p> <p>Te Maru o Kaituna River Authority is a joint committee provided for in the Tapuika Claims Settlement Act 2014 and referred to in other settlement legislation.</p> <p>In addition to the groups identified by the applicant, we have also identified the Iwi and Hapū of Te Arawa as having interests near the proposed project location through the Te Arawa Lakes Deed of Settlement with the Crown signed 18 December 2004 which includes Lake Rotoiti. The Iwi and Hapū of Te Arawa include Ngāti Pikiao and Ngāti Mākino. There may also need to be engagement with individual iwi in addition to that undertaken with Te Maru o Kaituna.</p>								
<p>Has the applicant consulted with those Māori groups?</p>		<p>Yes, the applicant states that:</p> <ul style="list-style-type: none"> they have engaged and consulted with the iwi authorities listed above and will continue to do so as part of its on-going development of Taheke 8C land, including through the development of the hydroelectric development <p>significant engagement has occurred with relevant iwi authorities as part of the Taheke geothermal project application currently before an Expert Consenting Panel formed under the Covid Fast Track process. Various cultural impact statements and cultural values assessments are or have been prepared in relation to that process.</p>								
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>		<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>The application is made by Taheke 8C, a Māori land incorporation. In the time available, there has been a brief review of the following strategic plans:</p> <ul style="list-style-type: none"> Te Runanga o Ngāti Pikiao Iwi Resource Management Strategy Plan, 1993 - Rotorua/Te Puke/Maketū/Otamarākau Nga Tikanga Whakahaere Taonga o Ngāti Pikiao Whanui Iwi Resource Management Plan, 1997 – Rotorua Te Arawa Lakes Trust - Tūāpapa o ngā o Te Arawa <p>It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups.</p>								

² https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Affiliate-Te-Arawa/DOS_documents/Affiliate-Te-Arawa-Deed-of-Settlement-Schedule-6-Area-of-Interest-31-Oct-2019.pdf

³ <https://www.tkm.govt.nz/iwi/ngati-pikiao/>

⁴ <https://www.tkm.govt.nz/rohe/AOI-NgatiMakino.jpg>

A full analysis of the plans would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. That is a matter to be considered in more detail in subsequent stages if this progresses through the fast-track processes.

Impact on Treaty settlements and other relevant arrangements

Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The statutory acknowledgements include part of the Kaituna River and part of Lake Rotoiti Scenic Reserve.

If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014.

An impact of listing this project under Schedule 2 part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).

Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation

Ngāti Māhino Claims Settlement Act 2012

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The statutory acknowledgements include part of Lake Rotoiti Scenic Reserve.

The text above in relation to statutory acknowledgements applies here also.

Heritage New Zealand (Pouhere Taonga) Act 2014

The Settlement Act includes obligations in relation to the Heritage New Zealand (Pouhere Taonga) Act 2014. This application may require an archaeological authority which may be relevant to those settlement obligations (depending on the detail of the application made).

Tapuika Claims Settlement Act 2014

Joint Entities

Te Maru o Kaituna is a statutory body and joint committee consisting of equal numbers of iwi and council appointed members. The purpose of Te Maru o Kaituna is the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Kaituna River.

- The functions of the entity include:
- To prepare a statutory planning document – the Kaituna River document (see below) – which has statutory effect under the RMA.
- To recommend the appointment of hearing commissioners for resource consent hearings.

In relation to the Kaituna River document when a Council prepares, reviews or varies an RMA planning document relating to that area, it must 'recognise and provide' for the vision, objectives and desired outcomes of the Kaituna River Document. Until those RMA documents are amended to comply with that obligation, the Councils must have regard to the statutory document when making decisions on applications for resource consents (ie an interim obligation).

The key impact of listing (for Part A projects) is that the Ministers do not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and the Ministers will not have the benefit of the clause 13 report.

The fast-track process generally (not necessarily just the listing) will not provide equivalent impact for the Te Maru o Kaituna/Kaituna River Authority redress. One key purpose of the redress was to provide opportunities for Te Maru o Kaituna to influence whether and how resource consents may be granted. That is primarily through the impact of the statutory plan ('Kaituna - he Taonga tuku iho' - prepared and approved by Te Maru o Kaituna in 2018) on the RMA planning documents (eg the regional policy statement, regional plan or district plan) which set the framework for whether resource consents can be granted (and what conditions may need to be imposed). If the fast-track legislation means that those RMA planning documents have lesser weight, that could impact on the integrity of the redress (although there are requirements in the fast-track Bill for the same or equivalent effect to be given to that type of redress).

There is also a requirement in the Fast-track Approvals Bill to provide for the 'commissioner' type redress that is included in the settlements.

The settlements also provided that the joint Treaty settlement entity may decide to participate in a resource consent hearing process.

In the fast-track process, the joint Treaty settlement entity will not have exactly the same rights as would be the case in the standard RMA resource consent process. For example, under the RMA process, if the joint Treaty settlement entity makes a submission on a notified application, that entity could attend a hearing (including presenting evidence and being heard), appeal to the Environment

	<p>Court (including presenting evidence and being heard), and appeal to the High Court and higher courts. The fast-track process does not provide those rights (noting there are more limited appeal rights on 'points of law' and judicial review options).</p> <p>Te Arawa Lakes Settlement Act 2006</p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a statutory acknowledgement. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The statutory acknowledgement includes Lake Rotoiti.</p> <p>The text above in relation to statutory acknowledgements applies here also.</p> <p><i>Rotorua Lakes Strategy Group</i></p> <p>The Rotorua Lakes Strategy Group is a co-governance entity in relation to the Te Arawa lakes.</p> <p>The purpose of the Rotorua Lakes Strategy Group is to contribute to the promotion of the sustainable management of the Rotorua lakes and their catchments, for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Te Arawa with their ancestral lakes.</p> <ul style="list-style-type: none"> • The functions of the Rotorua Lakes Strategy Group (under the Rotorua Lakes Strategy Group Agreement) include: • involvement in the development of RMA plans in relation to significant issues; • involvement in applications for activities in relation to significant issues not addressed by existing policies of the co-management partners. Such activities include but are not limited to resource consents, designations, heritage orders, water conservation orders, restricting access to the lakes (during special events or in particular circumstances), and transferring and/or delegating of statutory authority. <p>Iwi Environment Management plans</p> <p>Note the comments above in relation to iwi management plans.</p> <p><u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u></p> <p>While we have not identified any other groups with interests in the area, there may be other groups that are still working through their Treaty settlement processes. If so, it will be important that these interests are considered in more detail if the project progresses through the fast-track process, but in the time available there are no further impacts noted.</p> <p>Other matters</p> <p>There have been no joint management agreements, mana whakahono ā rohe, or Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 considerations identified. In the time available, officials have not identified any other relevant matters.</p>
<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>From the information available we consider this project is likely to be of medium impact. This is due to number of settlements and the nature of the arrangements relating to the Kaituna River.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application.</p>
<p>Has the Ministry for the Environment undertaken engagement?</p>	<p>Officials consider engagement would be beneficial given the nature and range of interests present in the project area, including the Kaituna River arrangements, but were unable to undertake this in the time available.</p>
<p>Additional comments/context</p>	<p>N/A</p>

Appendix One: Approach and considerations for Treaty settlement advice on listed project applications advice in Table A

1. Ministers have advised the Advisory Group should receive advice from officials on “Māori development and PSGE settlement priorities” relevant to each application. Note this differs from section 13 requirements of the current Fast Track Consenting Bill that ‘Ministers must consider Treaty settlements and other obligations report’ as these reports will not be in existence at the time, although matters identified in section 13 (2)(a)-(j) will be considered as part of official's analysis.
2. We have interpreted “Māori development” and “PSGE priorities” to mean primarily projects that:
 - a. align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents; and/or
 - b. contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or
 - c. the project is being led by or in partnership with a Māori entity or business.
3. Given the time constraints and limited engagement this advice cannot be considered as comprehensive and does not intend to reflect their views, and should not be read as such.
4. Engagement with PSGEs and other relevant groups has been considered based on potential high-risk factors including, but not limited to, if:
 - a. a project will take place on or effect any taonga or areas of significance that are protected by Treaty settlement arrangements.
 - b. a project will have a substantive and/or ongoing environment impact on any taonga or areas of significance.
 - c. a project will include a consenting arrangement that will require a significant take, or be ongoing for an extended period, in relation to a taonga or area of significance, or in regions where PSGEs have specific planning mechanisms in place.
 - d. PSGEs or other Māori entities have previously strongly contested the project or a similar type of project, particularly where court action has been taken.
 - e. The project is clearly in conflict with or undermines PSGE priorities.
 - f. Engagement would be required to maintain and uphold the Te Tiriti Crown relationship.
5. In limited circumstances where engagement occurs, it has been brief. Where engagement has been undertaken it is reflected in our analysis but should not be taken to mean that our Treaty Partners endorse our advice.