



FTA#144: Application for listed project under the Fast-track Approvals Bill – Ahuriri Station Project for Schedule 2A

Date submitted to secretariat:	5 July 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

Number of attachments: #	Attachments: 1. Application documents for Ahuriri Station Project 2. Agency feedback (MPI)
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Applicant	Sector	Region	Identified in a priority/strategy?
Mana Ahuriri Holdings Limited Partnership	Mixed use development	Hawke's Bay	No

Ministry for the Environment contacts

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

Project location



Key messages

1. The Ahuriri Station project is the development of an integrated/resilient, Green Communities commercial and industrial business park (circa 380ha), 1,000 plus houses as an extension to Bayview, the creation of ecological parks, and the preservation and enhancement of key cultural landmarks and features, connected to the regional airport, port and state highway and rail corridor in Napier.
2. The project will comprise:
 - a. 1,000 residential houses
 - b. Over 500 hectares established as an ecological park/recreation area
 - c. The preservation and enhancement of key spaces and places of cultural significance
 - d. 30-80 hectare solar farm
3. The project will require resource consents under the Resource Management Act 1991 (RMA).
4. Applicant notes legal landowners as His Majesty the King. Ahuriri Station is a Deferred Settlement Property set aside under the Mana Ahuriri Deed of Settlement for the exclusive purposes of Treaty Settlement. The applicant has confirmed its Notice of Interest to acquire the property and is currently working with the Crown's disposal agent to acquire the site.
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 not** 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). The applicant doesn't currently have consent or ownership of the project site. The information on the design, environmental effects, linkage

to infrastructure and how it relates to existing areas such as the airport are not yet well defined. Please note, the applicant has applied for Schedule 2A, however within their application they suggest requesting to be on Schedule 2B and have not responded to our request for clarification at this stage.

7. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
8. 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 blue ink, appearing to read 'S. Frame', with a long horizontal flourish extending to the right.

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			
<p>Schedule requested 2A</p> <p>Project Name Ahuriri Station</p> <p>Applicant Mana Ahuriri Holdings Limited Partnership (MAHLP), wholly owned subsidiary and commercial holdings company of Mana Ahuriri Trust (MAT), the post Treaty Settlement entity for Mana Ahuriri.</p> <p>Location Ahuriri Station situated at 131 Onehunga Road. Total site area of approximately 1,300 hectares.</p> <p>Land Status Applicant notes legal landowners as His Majesty the King. Ahuriri Station is a Deferred Settlement Property set aside under the Mana Ahuriri Deed of Settlement for the exclusive purposes of</p>	<p>The project will develop an integrated resilient Green Communities commercial and industrial business park (circa 380ha), 1,000 plus houses as an extension to Bayview, the creation of ecological parks, and the preservation and enhancement of key cultural landmarks and features, connected to the regional airport, port and state highway and rail corridor in Napier.</p> <p>The project will comprise:</p> <ul style="list-style-type: none"> • 1,000 residential houses • Over 500 hectares established as an ecological park/ recreation area • The preservation and enhancement 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> • Resource Management Act 1991 	<p>Applicant is mana whenua and have extensively engaged with both Napier City Council & Hawkes Bay Regional Council on their future development strategies</p>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</p> <p>No</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No</p> <p>The project may have significant adverse effects on the environment.</p> <p>No – applicant notes possible stormwater runoff and flooding effects that may be mitigated but environmental effects are not well defined</p> <p>Ministry for Primary Industries notes stormwater and sediment management during and after construction needs to be considered.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No</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</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>No – applicant notes if accepted under Schedule 2B there will be minimal impacts</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes</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 – applicant notes the project is being considered for the Future Development Strategy</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Yes – applicant states regionally significant industrial and residential opportunities</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>Yes – 1,000 new homes</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – applicant notes significant spend during construction and job creation.</p> <p>The project will support primary industries, including aquaculture.</p> <p>Yes – applicant states the industrial infrastructure will support processing, packaging and distribution of primary sector businesses.</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No – applicant notes 80ha social farm using wind as a natural resource to power homes</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>Yes – wetland restoration acts as a carbon sink, and solar farm giving alternative sources of power</p>

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>Treaty Settlement. The applicant has confirmed its Notice of Interest to acquire the property and is currently working with the Crown's disposal agent to acquire the site.</p> <p>Ministry for Primary Industries made no comments about the proposed project site being near a coastal marine area.</p>	<p>of key spaces and places of cultural significance</p> <ul style="list-style-type: none"> • 30-80 hectare solar farm 							<p>s 9(2)(f)(iv)</p> <p>No</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No</p>		<p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – applicant states project is designed to be withstanding. Wetland development acts as a natural based solution for flooding. Riparian margin planting mitigates stormwater flooding.</p> <p>The project will address significant environmental issues.</p> <p>Yes – applicant provides natural based solutions to prevent issues and restore current habitats such as wetlands</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>No</p>
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PSGE Settlement Priorities and Māori Development assessment –

This table provides an overview. In the time available, it has not been possible to undertake a detailed review of all Treaty settlement and related matters, or to engage with the relevant PSGE, iwi or Māori groups in relation to the potential impacts of the project. If the project does progress through the fast-track process, it will be important this more detailed and comprehensive analysis and engagement is undertaken (there are some mechanisms in the proposed legislation, such as the clause 13 report (which will apply to Schedule 2 Part B (but not Part A) applications) and the requirements to invite comment from these groups, which are intended to address these matters).

Advice on Māori development and PSGE settlement priorities includes information relating to:

- 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;
- 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>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, and that the land is a 'deferred selection property' under the Mana Ahuriri Treaty settlement and that notice has been given to the Crown (so the applicant will be the landowner).</p>
<p>Affected Māori group/s</p>	<p>The applicant has identified that they have interests in the project area.</p> <p><u>Ahuriri Hapū</u></p> <p>Mana Ahuriri Holdings Limited Partnership (MAHLP) is the wholly owned subsidiary and commercial holding company of Mana Ahuriri Trust. Mana Ahuriri Trust is the representative entity for Ahuriri Hapū. Ahuriri Hapū is a group of Ngāti Kahungunu hapū (including Ngāi Tāwhao, Ngāi Te Ruruku, Ngāti Hinepare, Ngāti Māhu, Ngāti Matepu, Ngāti Pārau and Ngāti Tū) whose area of interest includes the proposed project site, based on the area of interest agreed between Ahuriri Hapū and the Crown in a Deed of Settlement signed on 2 November 2016.¹</p> <p>In addition to the groups identified by the applicant, we have also identified Maungaharuru-Tangitū Hapū as potentially having interests in the proposed project location.</p> <p><u>Maungaharuru-Tangitū Hapū</u></p> <p>Maungaharuru-Tangitū Hapū is an iwi whose area of interest includes or is closely adjacent to the proposed project site, based on the area of interest agreed between Maungaharuru-Tangitū Hapū and the Crown in a Deed of Settlement signed on 25 May 2013.²</p> <p><u>Marine and Coastal Area (Takutai Moana) Act 2011 applicants</u></p> <p>The proposed project site is adjacent to the coastal marine area. There are a number of groups with applications under the Marine and Coastal Area (Takutai Moana) Act 2011 in that area that may therefore be affected.</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant is a subsidiary of the Mana Ahuriri PSGE.</p>

Impact/s of the project on Māori development and PSGE settlement priorities and related matters

Impacts on PSGE settlement priorities and Māori development

This application is made by or on behalf of Ahuriri Hapū and may have a direct benefit in terms of Māori development. The application states that: *These landholdings are significant and culturally important to Mana Ahuriri and for the future of ngā hapū toko whitu and Napier. This is no better reflected in our proposal for Ahuriri Station where we have taken a long-term strategic view of the future of this property and the future of our City. The progressive implementation of the proposal for Ahuriri Station will result in significant economic, cultural, social and environmental outcomes that cannot be replicated elsewhere in the region, to the scale and extent proposed. We view the proposed development as providing an intergenerational economic anchor for Mana Whenua that meets our values and vision.*

The application further states that *“A fundamental intent of our proposal for Ahuriri Station is to empower Mana Ahuriri our hapū and whānau.”*

In the time available, we have identified the following relevant plans and documents:

- Kahungunu ki Uta Kahungunu ki Tai Marine and Freshwater Strategic Plan
- Ngāti Kahungunu Incorporated Taonga Tuku Iho 1992
- Te Puawānanga o Maungaharuru-Tangitū Long Term Vision and Strategic Plan 2020 - 2024

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.

A full analysis of the plan 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

Ahuriri Claims Settlement Act 2021

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.

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.

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.

Hawke's Bay Regional Planning Committee

The Hawke's Bay Regional Planning Committee is a joint committee consisting of equal numbers of iwi and council appointed members established under the Hawke's Bay Regional Planning Committee Act 2015. The purpose of the Hawke's Bay Regional Planning Committee is to oversee the development and review of RMA documents prepared in accordance with the RMA for the Regional Planning Committee region.

The functions of the entity include:

- Overseeing the development and review of RMA regional planning documents (regional policy statements and regional plans); and recommending to the Council for public notification the content of any such document. If a recommendation is not accepted, the matter must be referred back to the Committee.
- Monitoring the efficiency and effectiveness of the RMA documents in accordance with section 35 of the RMA. Under the terms of reference, there are also powers to recommend appointment to hearing commissioner panel.

This is a significant mechanism which has its origins in the Ngāti Pāhauwera Treaty settlement. If this project is progressed through the fast-track process, there is a risk that regional policy statements and plans will have a lesser effect than they would under the RMA, and hence the impact of this arrangement will be diminished.

Maungaharuru-Tangitū Hapū Claims Settlement Act 2014

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 text above in relation to statutory acknowledgements applies here also.

Hawke's Bay Regional Planning Committee

The text above in relation to the Hawke's Bay Regional Planning Committee applies here also.

Iwi Environment Management plans

	<p>Note the comments above in relation to iwi management plans.</p> <p><u>Implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019</u></p> <p>The project area is adjacent to the common marine and coastal area. Within this area there are no customary marine title or protected customary rights holders under the Marine and Coastal Area (Takutai Moana) Act 2011 recorded on the register – Marine and Coastal Area Register Toitū Te Whenua - Land Information New Zealand (linz.govt.nz). There are however three applications by whānau, hapū and iwi groups who have applied to have their customary interests recognised under the Act.</p> <p>Under the Act, takutai moana applicant groups have certain rights in relation to consenting processes under the Resource Management Act 1991, including the right to be consulted on resource consent applications in their takutai moana application area. The Fast-track Approvals Bill currently provides for consultation with takutai moana applicant groups on Schedule 2B projects at the Ministerial referral stage, and the clause 13 report must include information about the relevant takutai moana applicant groups in the project area. For schedule 2A projects these steps would not apply. For listed projects (both Schedule 2A and 2B), the Fast-track Approvals Bill as currently drafted, does not provide for consultation with takutai moana applicant groups at the expert panel stage.</p> <p>This means that an implication of listing a project under Schedule 2A is that takutai moana applicants would not have the ability to input into the process at all, and for Schedule 2B listing the only opportunity for any input is at the Ministerial referral stage.</p> <p>As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application.</p> <p><u>Other matters</u></p> <p>There have been no joint management agreements, mana whakahono ā rohe or unsettled claims identified in the project area. 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 low impact. This is due to the Mana Ahuriri being the applicant.</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 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.