

FTA#289: Application for listed project under the Fast-track Approvals Bill – Barrytown Mineral Sands Project for Schedule 2A

Date submitted to secretariat:	11 June 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

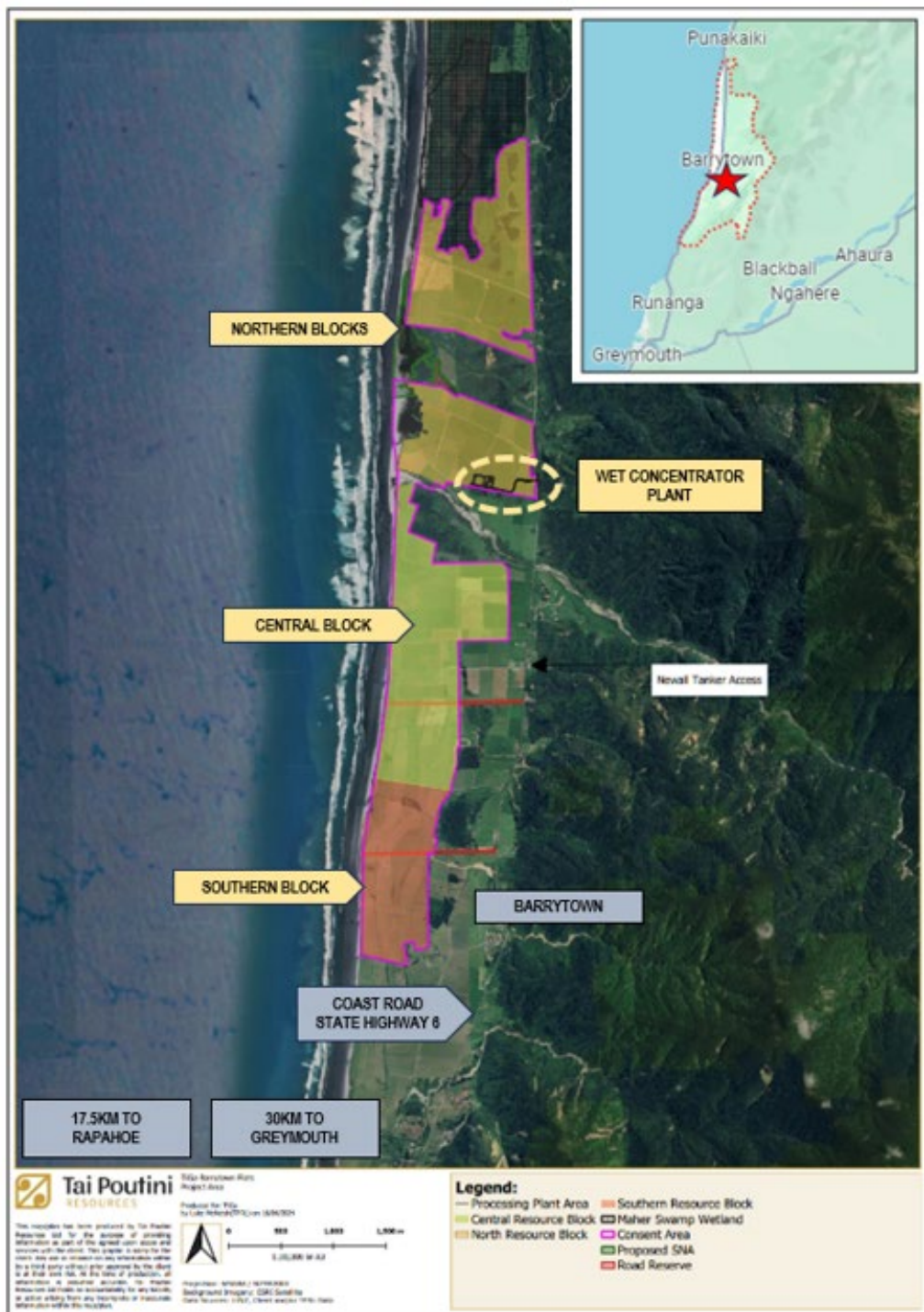
Number of attachments: #	Attachments: 1. Application documents for Barrytown Mineral Sands Project
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Applicant	Sector	Region	Identified in a priority/strategy?
TiGa Minerals and Metals Limited	Mining	West Coast	No

Ministry for the Environment contacts

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

Project location



Key messages

1. The Barrytown Mineral Sands project is to establish and operate the staged development of mine sites for mineral sand extraction activities including processing over an approximate 635 hectare total site area at Barrytown, 30 kilometres north of Greymouth, West Coast region. The project will transport processed minerals through the Greymouth Port.

2. The project will have an approximate extraction volume of 250,000 tonnes of heavy metal concentrate (garnet, ilmenite and other minerals including zircon and gold) per year over a 30 year period.
3. The project will comprise:
 - a. stage 1 – Northern Block and Rapahoe plant - sand mineral extraction within a project area of approximately 63 hectares over 5 years including establishment of a Wet Concentrator Plant (WCP)
 - i. new construction of a wet concentrator plant to operate twenty-four hours per day, seven days per week, occupying 3.5 hectares of the Northern Block
 - ii. new construction and operation of a secondary mineral separation plant at Seven Mile Road, Rapahoe
 - b. stage 2 – Central Blocks – sand mineral extraction within a project area of approximately 208 hectares over 9 years
 - c. stage 3 – Southern Block – sand mineral extraction within a project area of approximately 172 hectares over 9 years, including the Maher swamp enhancement programme planting and restoration
 - d. earthworks (construction and operational) including bunding and vegetation clearance
 - e. groundwater (management including diversion and discharge)
 - f. ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, lighting and other infrastructure)
 - g. rehabilitation works including developing wetlands, and native landscape planting
 - h. final closure works including building removal, contouring and reinstatement of agricultural production land use with similar drainage patterns.
4. The project will require resource consents under the Resource Management Act 1991 (RMA), authorisations under the Wildlife Act 1953 and authorisations under the Heritage New Zealand Pouhere Taonga Act 2014. The applicant refers to a recent expert panel decision (April 2024) which approved stage 1 in part regarding mining and construction of a wet concentrator plant.
5. The applicant (TiGa Minerals and Metals Limited) has agreements including access in place with all landowners of the mining areas identified as Nikau Deer Farm Limited, Barrytown Farms Limited, Birchfield Barrytown Limited and Moir Farms Maimai Limited. A lease regarding the construction and use of Rapahoe Mineral Separation Plan (MSP) has been agreed with Birchfield Coal Mines Limited.
6. The applicant identifies that the project will require overseas investment office approval due to the value of the investment, which will be sought concurrent to the fast-track process.
7. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
8. 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).
9. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).

10. 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



Ray Salter
Principal Analyst – 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			N	N	N	N	N			
<p>Schedule requested 2A</p> <p>Project Name Barrytown Mineral Sands</p> <p>Applicant TiGa Minerals and Metals Limited</p> <p>Company director/s</p> <ul style="list-style-type: none"> Robert George Brand Geoffrey Allan Donohue Philip Andrew Thick <p>Location Barrytown Flats, Greymouth Mining areas</p> <ul style="list-style-type: none"> Northern Block - 3261 Coast Road and Burke Road, State Highway 6 Central Block – 3067 Coast Road, State Highway 6 	<p>The Barrytown Mineral Sands project is to establish and operate the staged development of mine sites for mineral sand extraction activities.</p> <p>The project will have an approximate extraction volume of 250,000 tonnes of heavy metal concentrate (garnet, ilmenite and other minerals including zircon and gold) per year over a 30 year period.</p> <p>The project will comprise:</p> <ul style="list-style-type: none"> stage 1 – Northern Block and Rapahoe plant - sand mineral extraction within a project area of approximately 63 hectares over 5 years including establishment of a Wet Concentrator Plant (WCP) new construction of a wet concentrator plant to operate twenty-four hours per day, seven days per week, occupying 3.5 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 Heritage New Zealand Pouhere Taonga Act 2014 Wildlife Act 1953 <p>The applicant requires approval from the:</p> <ul style="list-style-type: none"> Overseas Investment Office - due to the value of the investment. <p>The Department of Conservation advise that Freshwater fishery approvals may be required.</p>	<p>The application identifies the following as persons affected:</p> <ul style="list-style-type: none"> West Coast Regional Council Grey District Council Te Rūnanga o Ngāti Waewae – letter of support for lodgement of application in the fast-track approvals process. Adjoining landowners <p>Regarding how engagement has informed the project, the applicant refers to the standard RMA process and recent approval relating to a parcel in the North Resource Block, which under this application can be identified as the Stage 1 – 63 hectare block that will contain the wet concentrator plant at 3261 Coast Road.</p> <p>For context, an application subject to public notification was approved on 29 April 2024. We note a previous application subject to limited notification, was declined in 2022.</p> <p>The applicant identifies that “outcomes from the consultation for the Standard Consent have</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 Whakahoā ā Rohe, or a joint management agreement.</p> <p>No – the application and Treaty advice below has not identified any inconsistency grounds.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – although the application identifies that approvals will be required under the RMA, we consider the project could be assessed by an expert panel with the benefit of a full application, in a post-enactment context.</p> <p>The project may have significant adverse effects on the environment.</p> <p>Potentially – specific to the mining areas, the applicant identifies effects relating to landscape and visual amenity, noise, traffic (heavy truck</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 has consent approval for a 63 hectare portion of the project area and identifies that the key efficiency of the fast-track process for the project would be to enable all mining sites and the Mineral Separation Plant to be consented together which enable rolling stages of development.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</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 Minerals and Petroleum Resource Strategy for Aotearoa New Zealand 2019-2029 (Resource Strategy) and the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050 (Te Whanaketanga). While these documents identify mineral potential, none specifically identify this application.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>No – not directly. The applicant identifies that the project will upgrade the electricity transmission lines to 33 kV between Rapahoe township and the Northern Block at 3261 Coast Road (at a likely cost of \$5 million proffered as a condition of the standard consent and confirmed as feasible) to enable electrification of the Wet Concentrator Plant that will create capacity for other users to connect to the electricity grid.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</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.

<ul style="list-style-type: none"> Southern Block – Cargill Road and Warren Road <p>Mineral separation plant</p> <ul style="list-style-type: none"> Rapahoe – Seven Mile Road <p>Land Status</p> <p>The applicant (TiGa Minerals and Metals Limited) has agreements including access in place with all landowners of the mining areas identified as Nikau Deer Farm Limited, Barrytown Farms Limited, Birchfield Barrytown Limited and Moir Farms Maimai Limited. A lease regarding the construction and use of Rapahoe Mineral Separation Plant (MSP) has been agreed with Birchfield Coal Mines Limited.</p>	<p>hectares of the Northern Block</p> <ul style="list-style-type: none"> new construction and operation of a secondary mineral separation plant at Seven Mile Road, Rapahoe stage 2 – Central Blocks – sand mineral extraction within a project area of approximately 208 hectares over 9 years stage 3 – Southern Block – sand mineral extraction within a project area of approximately 172 hectares over 9 years, including the Maher swamp enhancement programme planting and restoration earthworks (construction and operational) including bunding and vegetation clearance groundwater (management including diversion and discharge) ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, lighting and other infrastructure) rehabilitation works including developing wetlands, and native landscape planting final closure works including building removal, contouring and reinstatement of agricultural production land use with similar drainage patterns. 		<p>been incorporated into the Project design and conditions”.</p> <p>In that process, the applicant has identified that they have made alterations in response to community concerns including:</p> <p>Examples of alterations made include:</p> <ul style="list-style-type: none"> proposing a water management system so water from different catchments is not mixed - requested by Ngāti Waewae avoiding truck movements during drop-off and pick-up times for Barrytown School avoiding adverse effects on the tāiko and Korora – on expert advice limiting mining and trucking to only day-time hours offering passenger transport for shift workers (to reduce lights from light vehicle use) removing all windows from the WCP building using sensors, timers and a maximum light temperature adding pre-mining Korora surveys and a penguin fence trigger condition avoiding trucking product north from the site on the State Highway and on Sundays adding parties to the Community Liaison Group. 					<p>movements), archaeological effects, land stability, water bodies and groundwater (water management plan), ecological effects (vegetation, avifauna, wetlands and stream habitat management), effects on key species (tāiko – Westland petrel, Korora – little blue penguin – avian management plan), terrestrial ecology, cultural effects, dust, hazardous substances storage, and radiation.</p> <p>Specific to the Mineral Separation Plant, the applicant identifies effects relation to building heights, site coverage, transportation, noise, radiation and being a non-rural activity.</p> <p>We consider that the appropriate management of adverse effects, including remediation and mitigation could be assessed by an expert panel with the benefit of a full application, in a post-enactment context.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No.</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>No.</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>Potentially – it is not clear whether the project includes any activities prohibited under the RMA, regarding the wetland and avoidance policies of the National Environmental Standards for Freshwater and New Zealand Coastal Policy Statement.</p>	<p>No – the standard consent process has resulted in a significant level of information being prepared and management approaches tested through peer reviews and public submissions. This includes technical reports, proof of resource and legal analysis. The same conditions of consent managing effects and technical expert assessed setbacks apply to all mined areas. The project is ready to go and suited to the fast and efficient operation of the fast-track process.</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 consider it for listing in Schedule 2A.</p>	<p>No – not directly. The applicant identifies the project will create many jobs and is looking at options to ensure residential units are available for its employees.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – the project is expected to create 57 direct full-time equivalent jobs, 80 indirect support jobs and contribute \$33.7 million of additional GDP per year once fully operational.</p> <p>The project will support primary industries, including aquaculture.</p> <p>Yes – under the National Planning Standards, the definition of primary production means (among other things) mining activities, which would include sand mining.</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>Yes – the applicant identifies that the sand mining project will produce 250,000 tonnes of heavy metal concentrate for export per year over a 30 year period.</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>No.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>No – not directly. Although the applicant identifies that having the heavy machinery on-site can mean these are available to be used in local hazard emergencies such as road slips.</p> <p>The project will address significant environmental issues.</p> <p>No.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Potentially – the applicant has identified the local and regional planning documents as the West Coast Regional Planning Statement, West Coast Regional Land and Water Plan, West Coast Regional Air Quality</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.

Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project does not appear to be ineligible according to the information provided in the application.
Affected Māori group/s	<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> • Ngāi Tahu • Te Rūnanga o Ngāti Waewae <p><u>Ngāi Tahu</u></p> <p>Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāi Tahu in the Deed of Settlement dated 21 November 1997.¹</p> <p><u>Te Rūnanga o Ngāti Waewae</u></p> <p>Te Rūnanga o Ngāti Waewae is a papatipu rūnanga of Ngāi Tahu for the area.²</p> <p>We have not identified any additional groups beyond those identified by the applicant.</p>
Has the applicant consulted with those Māori groups?	The application states the applicant has consulted with Te Rūnanga o Ngāti Waewae. Te Rūnanga o Ngāti Waewae has provided a letter of support for the project.
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation, or that the project will have a direct benefit in terms of Māori development. However, the project is supported by Te Rūnanga o Ngāti Waewae and they have provided a letter of support for the project.</p> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> • Te Rūnanga o Ngāi Tahu Freshwater Policy

	<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> <p>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.</p> <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p>Ngāi Tahu Claims Settlement Act 1998</p> <p><i>Statutory acknowledgements</i></p> <p>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.</p> <p>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.</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. 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).</p> <p>Listing this project, and the fast-track process, 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).</p> <p><i>Wildlife Act 1953</i></p> <p>The Settlement Act includes obligations in relation to the Wildlife Act 1953. This application involves wildlife permits which may be relevant to those settlement obligations (depending on the detail of the application made).</p> <p>Mana Whakahono ā Rohe</p> <p>There is a Mana Whakahono ā Rohe in place between the West Coast Regional Council and Poutini Ngāi Tahu (Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio). The location of the project may fall within the area covered by the Mana Whakahono ā Rohe. The Mana Whakahono ā Rohe provides for an ongoing role for Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio in decision-making and resource management. Listing this project may impact the application of the Mana Whakahono ā Rohe which provides for substantive input from Poutini Ngāi Tahu into processes related to this project that would occur through the standard consenting regime. However, the project is supported by Te Rūnanga o Ngāti Waewae and they have provided a letter of support for the project.</p> <p>Iwi Environment Management plans</p> <p>Note the comments above in relation to iwi management plans.</p> <p><u>Other matters</u></p> <p>There have been no joint management agreements or Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 considerations identified, 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 nature of the Treaty settlement redress and the support of Te Rūnanga o Ngāti Waewae.</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 of the 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.