

FTA#268: Application for listed project under the Fast-track Approvals Bill – Drury Metropolitan Centre – Consolidated Stage 1 and 2 Project for Schedule 2A

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

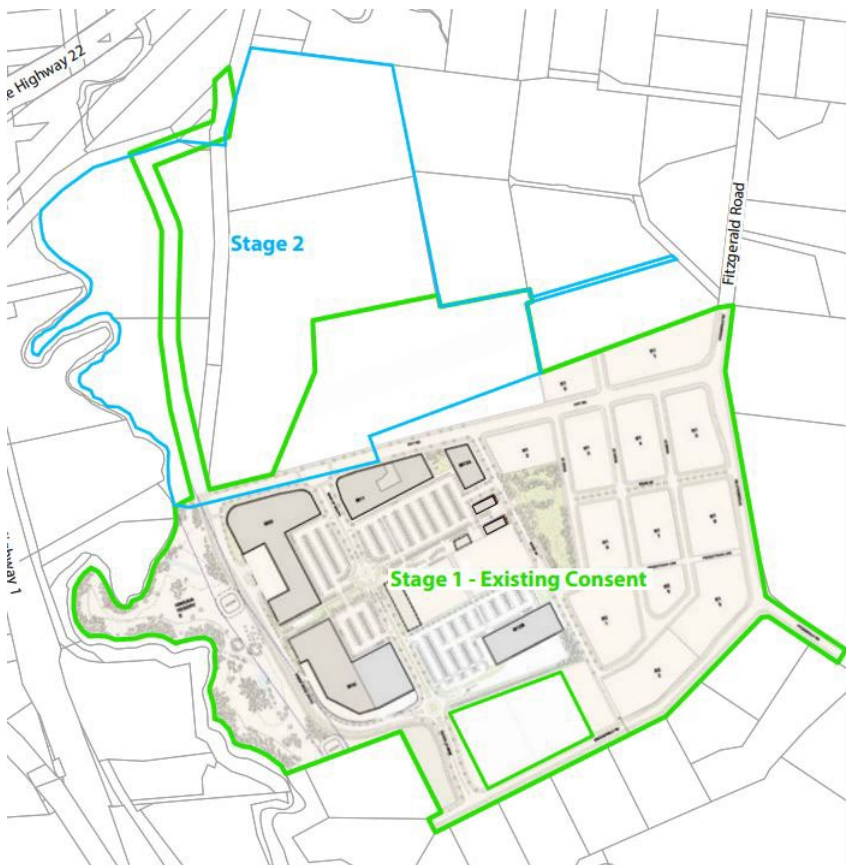
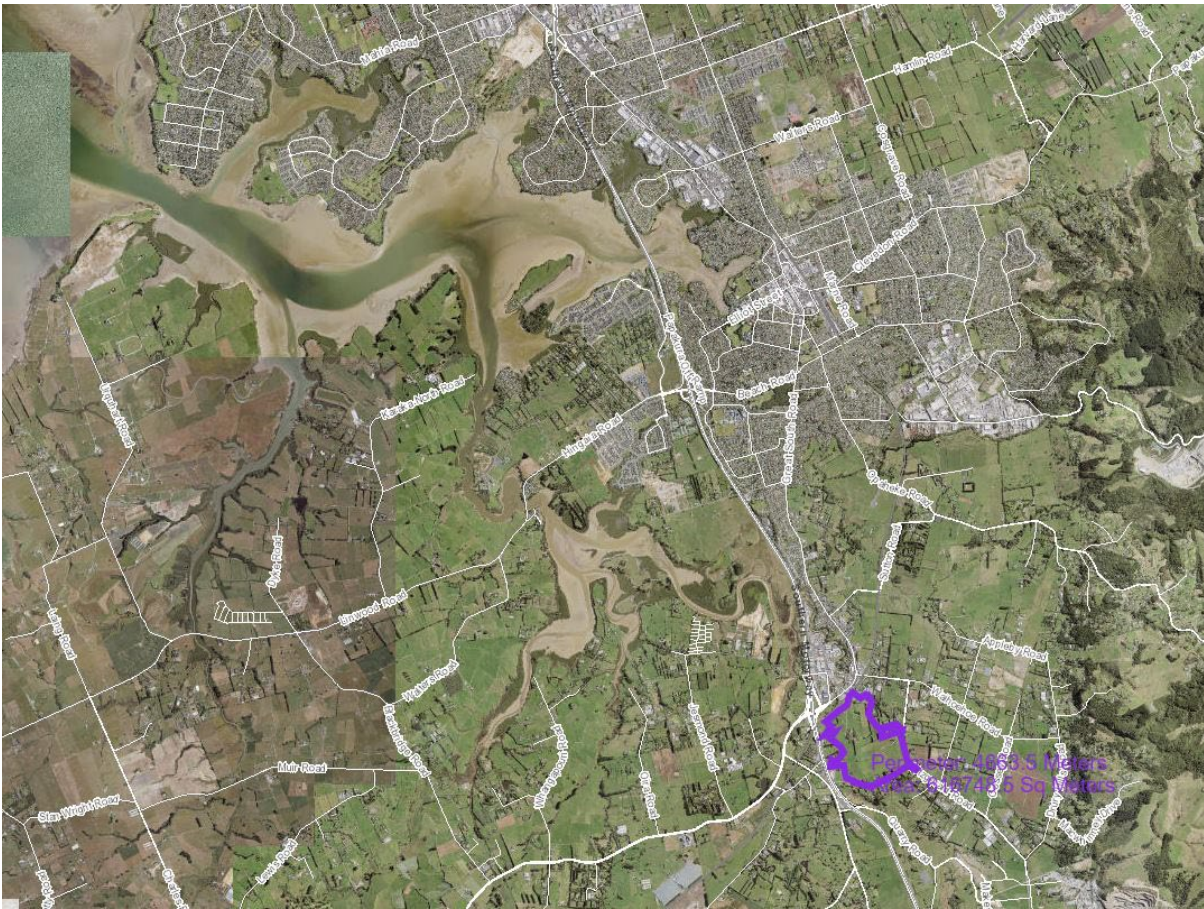
Number of attachments: 1	Attachments: 1. Application documents for Drury Metropolitan Centre – Consolidated Stage 1 and 2 Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Kiwi Property Holdings No. 2 Limited	Mixed-Use	Auckland	Yes

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 project is to subdivide 53.2 hectares land at Fitzgerald Road, Flanagan Road and Brookfield Road in Drury, South Auckland, and develop these sites for a commercial retail centre (including 10,000m² commercial, 56,000m² retail and 2,000m² community activities) and future residential activities in accordance with the underlying Metropolitan Centre and Mixed-Use zones.
2. The project will enable the accelerated construction and delivery of a large portion of the planned Drury Metropolitan Centre, will maximise the short-term benefits arising from the infrastructure investment that Central and Local Government are making within the wider Drury area, and will support the rapidly increasing residential population in the wider Drury area.
3. The project will require resource consents under the Resource Management Act 1991 (RMA).
4. Kiwi Property Holdings No. 2 Limited is the registered legal landowner of all sites within the project area.
5. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
6. The applicant obtained consents for Stage 1 of the development under the COVID-19 Fast-track regime. They are now seeking to amend those stage 1 consents to increase commercial yield, and to consent Stage 2.
7. 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).
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



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 Drury Metropolitan Centre – Consolidated Stage 1 and 2 Project</p> <p>Applicant Kiwi Property Holdings No. 2 Limited</p> <p>Company director/s Clive Mackenzie Steven Penney Trevor Wairepo</p> <p>Location The project area includes 53.2 hectares of land located within the Drury Centre Precinct, bound by Flanagan Road, Brookfield Road, and Fitzgerald Road, as listed below:</p> <ul style="list-style-type: none"> • 97 Brookfield Road, Drury; • 61 Brookfield Road, Drury; • 189 Fitzgerald Road, Drury; 	<p>The project is to subdivide 53.2 hectares land at Fitzgerald Road, Flanagan Road and Brookfield Road in Drury, South Auckland, and develop these sites for a commercial retail centre (including 10,000m² commercial, 56,000m² retail and 2,000m² community activities) and future residential activities in accordance with the underlying Metropolitan Centre and Mixed-Use zones.</p> <p>The applicant obtained consents for Stage 1 of the development under the COVID-19 fast-track regime. They are now seeking to amend those stage 1 consents to increase commercial yield, and to</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> • Resource Management Act 1991. 	<p>The applicant states they have undertaken meaningful consultation with:</p> <ul style="list-style-type: none"> • the Drury East Mana whenua forum (which includes Te Ākitai Waiohū, Ngāti Tamaoho, Ngaati Whanaunga, Ngāi Tai ki Tāmaki and Ngāti Te Ata Waiohū • Auckland Council • Auckland Transport. <p>The applicant has been working on this development for some time, so we expect these parties are well aware of the project.</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 – the applicant's extensive engagement and previous consents in this location indicate this project is not likely to be inconsistent with Treaty settlement documents.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – the project site has recently been re-zoned to enable development, and the applicant obtained consents for Stage 1 under the previous COVID-19 fast-track regime. We consider an expert panel could consider the project with the benefit of a full resource consent application.</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 considers that under the standard resource consent process it is anticipated that the proposal would take approximately 7.25 years for delivery of the first phase of the Metropolitan Centre (Stage 1 and Stage 2A) due to the risk of appeals etc. Under the process enabled by the Fast-track Approvals Bill it is anticipated it would take approximately 5.25 years to deliver Stage 2A of the Metropolitan Centre.</p> <p>The impact referring this</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>Yes – The Ministry of Housing and Urban Development's Urban Growth Agenda identifies Drury as one of five priority growth and investment areas for Auckland (as part of the Auckland Housing and Urban Growth Joint Programme (February 2019) which is a collaboration between Auckland Council and the Government).</p> <p>The Government Policy Statement on Housing and Urban Development (September 2021) records Drury's identification as one of two 'Priority greenfield growth areas for priority focus and investment within the Urban Growth Partnership.'</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>No</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>Yes – the project is consistent with the definition of a well-functioning urban environment in Policy 1 of the NPS-UD, in particular subparagraphs (b) – (f). In combination with already consented Stage 1, the project provides a high level of internal accessibility in terms of walking and cycling. The Drury Central Train Station (due for completion in 2025) is within walking and cycling distance of the project area and will significantly improve accessibility from the development to Manukau or the City Centre, as well as support to reduce greenhouse gas emissions by enabling those accessing the centre to travel by public transport.</p> <p>The project will deliver significant economic benefits.</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"> • 173 Fitzgerald Road, Drury; • 155 Fitzgerald Road, Drury; • 133 Fitzgerald Road, Drury; • 139 Fitzgerald Road, Drury; • 120 Flanagan Road, Drury; • 68 Flanagan Road, Drury; • 108 Flanagan Road, Drury; • 132 Flanagan Road, Drury; • 128 Flanagan Road, Drury; and • 124 Flanagan Road, Drury. <p>Land Status</p> <p>Kiwi Property Holdings No. 2 Limited is the registered legal landowner of all sites within the project area.</p>	<p>consent Stage 2.</p>								<p>The project may have significant adverse effects on the environment.</p> <p>Unclear – the applicant has provided a summary of environmental effects which does not identify any as significant, but we note the project includes the reclamation of a natural inland wetland.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No – the applicant has not been subject to any 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>No – the project will occur on privately held land which is not available for Treaty settlement purposes.</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No – while the project includes reclamation of a natural inland wetland, the project site is zoned for urban development so this is not prohibited under the National Environmental Standards for Freshwater.</p> <p>The project does not include any prohibited activities that we are aware of.</p>	<p>project will have on the efficient operation of the fast-track process.</p> <p>No – the applicant considers the project is a relatively straightforward one, albeit large in scale. It does not raise novel issues, and the effects are known and easily quantifiable. The appropriateness of this form of development in this location has been thoroughly considered in recent times, both through the Plan Change 48 process and through the fast track consent for Stage 1. This suggests that the matter will be one which is relatively straight forward for the Panel to consider and will not require significant resource to be allocated to it.</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 enable you to consider it for inclusion in Schedule 2A.</p>	<p>Yes – overall, the project represents the first stage of a new Metropolitan Centre in Drury which, once completed, is projected to deliver over 3,000 new dwellings and 5,000-6,000 permanent jobs. The analysis undertaken by Property Economics concludes that the project will provide significant regional economic benefits for Auckland. It will generate economic activity in the region amounting to an NPV of approximately \$1.23 billion and would contribute around 2,400 FTE jobs during the peak construction year within Auckland, with a total number of FTE years at around 7,710 over the period.</p> <p>The project will support primary industries, including aquaculture.</p> <p>No</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>Yes – Drury Centre is a transit oriented metropolitan centre, located in very close proximity to residentially zoned land and the newly consented Drury Central train station. The development of retail, commercial and community activities, and residential superlots will enable future residents to access employment opportunities and amenities by way of public and active modes of transport, contributing to a reduction of greenhouse gas emissions. The new transport network within the project area will include dedicated facilities for pedestrians and cyclists, in accordance with the requirements of the Drury Centre Precinct.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – the project will adopt a precautionary approach to climate change adaptation. The Drury East SMP and future development will be informed by increases in temperature of both 2.1°C by 2090 and 3.8°C. This will ensure that the development of future buildings are resilient to the risk of natural flood hazards.</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>Yes – the applicant considers the project is consistent with the Auckland Unitary Plan.</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 project does not appear to be ineligible according to the information provided in the application.</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"> • Te Ākitai Waiohū • Ngāti Tamaoho • Ngaati Whanaunga • Ngāi Tai ki Tāmaki • Ngāti Te Ata Waiohū <p><u>Te Ākitai Waiohū</u></p> <p>Te Ākitai Waiohū is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Te Ākitai Waiohū and the Crown in the Deed of Settlement signed 12 November 2021.²</p> <p><u>Ngāti Tamaoho</u></p> <p>Ngāti Tamaoho is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Tamaoho and the Crown in the Deed of Settlement signed 30 April 2017.³</p> <p><u>Ngaati Whanaunga</u></p> <p>Ngaati Whanaunga 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 Ngaati Whanaunga and the Crown in a Deed of Settlement initialled on 25 August 2017.⁴</p> <p><u>Ngāi Tai ki Tāmaki</u></p> <p>Ngāi Tai ki Tāmaki is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāi Tai ki Tāmaki and the Crown in a Deed of Settlement signed on 7 November 2015.⁵</p> <p><u>Ngāti Te Ata</u></p> <p>Ngāti Te Ata are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Te Ata is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai indicates the proposed project location is within the area of interest for Ngāti Te Ata.⁶ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p>In addition to the groups identified by the applicant, we have also identified the following additional groups as potentially having interests in the proposed project location:</p> <ul style="list-style-type: none"> • Ngāti Hako • Ngāti Maru • Ngāti Paoa • Ngāti Tamaterā • Waikato-Tainui • Marutūāhu Iwi Collective • Tāmaki Makaurau Collective <p><u>Ngāti Hako</u></p>

² deed-of-settlement-attachments (1).pdf (tkm.govt.nz)

³ AOI-NgatiTamaoho.jpg (686×1032) (tkm.govt.nz)

⁴ Whanaunga (002).pdf (tkm.govt.nz)

⁵ AOI-NgaiTaikiTamaki.jpg (669×949) (tkm.govt.nz)

⁶ TKM | Iwi | Ngāti Te Ata | Te Kahui Māngai

	<p>Ngāti Hako are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Hako is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai indicates the proposed project location is within the area of interest for Ngāti Hako.⁷ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Ngāti Maru</u></p> <p>The area of interest of Ngāti Maru is not confirmed through a Treaty settlement as yet. The Deed of Settlement between Ngāti Maru and the Crown that was initialled on 8 September 2017 does not include an area of interest. Information from Te Kāhui Māngai indicates the proposed project location is within the area of interest for Ngāti Maru.⁸</p> <p><u>Ngāti Paoa</u></p> <p>Ngāti Paoa is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Paoa and the Crown in a Deed of Settlement signed on 20 March 2021.⁹</p> <p><u>Ngāti Tamaterā</u></p> <p>The area of interest of Ngāti Tamaterā is not confirmed through a Treaty settlement as yet. The Deed of Settlement between Ngāti Tamaterā and the Crown that was initialled on 20 September 2017 does not include an area of interest. Information from Te Kāhui Māngai indicates the proposed project location is within the area of interest for Ngāti Tamaterā.¹⁰</p> <p><u>Waikato-Tainui remaining claims</u></p> <p>Waikato-Tainui are yet to settle their remaining historical Treaty of Waitangi claims and so their area of interest is not confirmed through a Treaty settlement as yet. There is a proposed area of interest included in the Terms of Negotiation signed 14 December 2020 and the proposed project location is within this area.¹¹ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Maratūāhu Iwi Collective</u></p> <p>Marutūāhu Iwi Collective includes the 5 iwi known collectively as the Marutūāhu Iwi, being: Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri. The Marutūāhu Iwi Collective redress area in the Deed of Settlement that was initialled on 27 July 2018 includes the proposed project site.¹²</p> <p><u>Tāmaki Makaurau Collective</u></p> <p>Tāmaki Makaurau Collective includes 13 hapū/iwi known collectively as Tāmaki Makaurau Collective, being: Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Paoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngaati Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohū, Te Kawerau ā Maki, Te Patukirikiri and Te Rūnanga o Ngāti Whātua. The Tāmaki Makaurau Area in the Deed of Settlement that was signed on 5 December 2012 includes the proposed project site.¹³</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant states that:</p> <ul style="list-style-type: none"> • It has been consulting with the Drury East mana whenua forum group, which is made up of representatives from Te Ākitai Waiohū, Ngāti Tamaoho, Ngaati Whanaunga, Ngāi Tai ki Tāmaki and Ngāti Te Ata Waiohū on an ongoing and frequent basis following the approval of the Drury Centre Stage 1 consent under the COVID-19 Fast-Track Consenting Act in July 2023. • It has had regular (~monthly) hui with the representatives from those five iwi groups to discuss existing projects such as the Drury Access offramp project and the cultural narrative framework for the Drury Centre Stage 1 site, including determining cultural opportunities across the site that can be developed by mana whenua. As part of this work, the applicant and its technical specialist have been meeting with iwi artists representing mana whenua groups to develop concept designs for entry pou into the site and paving opportunities at key intersections within the Drury Centre Stage 1 development. • It has also been consulting with mana whenua on an ongoing basis to discuss the wider development plans for the Drury Centre Precinct, with a specific focus on the management of freshwater features on site and the stormwater management approach across the wider Drury Centre Precinct. <p>It has established and maintained an excellent relationship with the Drury East mana whenua representative group and will continue to consult with the iwi representatives and engage with the interested iwi groups on an ongoing basis for all stages of the Drury Centre Precinct development.</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>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.</p> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> • Ngāi Tai Ki Tāmaki Take Taiaomaurikura • Ngāti Tamaterā Environmental Management Plan 2019 • Ngaati Whanaunga Environmental Management Plan • Ngāti Paoa Perspective on Resource Management 1993 • Ngāti Te Ata Tribal Policy Statement 1991 <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>

⁷ TKM | Iwi | Ngāti Hako | Te Kahui Mangai

⁸ TKM | Iwi | Ngāti Maru | Te Kahui Mangai

⁹ Ngati-Paoa-Deed-of-Settlement-Attachments.pdf (tkm.govt.nz)

¹⁰ TKM | Iwi | Ngāti Tamaterā | Te Kahui Mangai

¹¹ AOI-Waikato-Tainui.png (1032x1476) (tkm.govt.nz)

¹² Marutūāhu Collective Redress Deed (tearawhiti.govt.nz)

¹³ Tāmaki Makaurau Collective Redress Deed Schedule - Attachments 5 Dec 2012 (tearawhiti.govt.nz)

	<p>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.</p> <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p>Ngāti Tamaoho Claims Settlement Act 2018</p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. The applicant has stated that project is located on land that is within the statutory acknowledgement for Hingaia Stream and its tributaries.</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.</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 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.</p> <p>Ngāi Tai ki Tāmaki Claims Settlement Act 2018</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. The text above in relation to statutory acknowledgements applies here also.</p> <p>Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014</p> <p>There are no statutory acknowledgements in the Act. There are no other mechanisms in the Act that appear to be directly impacted by the project.</p> <p>Ngāti Paoa Claims Settlement Bill</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. The text above in relation to statutory acknowledgements applies here also.</p> <p>Te Ākitai Waiohū Deed of Settlement</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. The text above in relation to statutory acknowledgements applies here also.</p> <p>Mana Whakahono ā Rohe</p> <p>There does not appear to be any completed Mana Whakahono ā Rohe. However, a Mana Whakahono ā Rohe was initiated in March 2018 between Auckland Council, Ngāi Tai Ki Tāmaki and is under negotiation.</p> <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>There are groups still working through their Treaty settlement processes. For example, Ngāti Te Ata and Waikato-Tainui remaining claims. 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><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. 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 the nature and range of interests present in the project area.</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.
Has the Ministry for the Environment undertaken engagement?	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.
Additional comments/context	N/A

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.