

## FTA#202 and 214: Application for listed project under the Fast-track Approvals Bill – End of Life Bridges Projects for Schedule 2A

Date submitted to secretariat:	27 June 2026
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

Number of attachments: 2	Application documents for:
	1. FTA#202 State Highway 25 Pepe Stream Bridge Replacement Project
	2. FTA#214 End of Life Bridges Programme

Applicant	Sector	Region	Identified in a priority/strategy?
New Zealand Transport Agency Waka Kotahi	Infrastructure	Various	No

### Ministry for the Environment contacts

Position	Name	Mobile	1 <sup>st</sup> contact
Principal Authors	Karen Sannazzaro, Anna Galvin		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Ilana Miller	s 9(2)(a)	

## Project location



## Key messages

1. The New Zealand Transport Agency Waka Kotahi has made 2 separate applications for replacement bridges to be included in Schedule 2A: a specific application for one bridge on State Highway 25 in Tairua on the Coromandel (FTA#202), and a bulk application to replace 7 bridges from the Coromandel through to South Canterbury (FTA#214). The

Advisory Group will need to make a decision on the request for FTA#214 as a whole or in part.

2. The similarity of information provided for each of these applications for replacement bridges allows us to provide a single assessment against the eligibility and ineligibility criteria for all of the projects, however Treaty analysis for each bridge, given their different locations, is necessary. A description of each project is provided in Table A.
3. The projects will likely require resource consents under the Resource Management Act 1991 (RMA) or new or amended designations; and land acquisition under the Public Works Act 1981.
4. The applicant states that the project traverses large numbers of properties, and it is impracticable to provide details at this time. s 9(2)(g)(i)

[REDACTED]

The applicant notes that where they do not already have an interest in the land, they work with accredited suppliers and Land Information New Zealand to acquire property interests in accordance with processes under the Public Works Act. The level of detail provided in the application is such that we cannot determine if Māori land, land returned through Treaty settlement, or public conservation land is affected.

5. We have undertaken an initial (Stage 1) analysis of the applications, and this is provided in Table A, and Appendix 1.

6. s 9(2)(g)(i)

[REDACTED]

7. The projects may trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill), with regard to land returned through Treaty settlement or various classes of Māori land.
8. Advice on PSGE development priorities and Māori development is provided in Appendix 1. Appendix 1 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 2 provides further detail on how this advice should be considered and our approach to analysis.

## Signature

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Ray Salter  
Principal Analyst – Listed Projects

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

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	Potentially	N	Potentially	N			
<p><b>Schedule requested</b> 2A</p> <p><b>Project Name</b> FTA#202 - SH25 Pepe Stream Bridge Replacement Project</p> <p>FTA#202 - SH25 Pepe Stream Bridge Replacement Project</p> <p>FTA#214 End of Life Bridge Replacement Programme</p> <p><b>Applicant</b> New Zealand Transport Agency Waka Kotahi</p> <p><b>Location</b> Various - See project location map</p> <p><b>Land Status</b> The roads traverse large numbers of properties, and the applicant considers it impracticable to provide details at this time. Where they do not already have an interest in the land, they work with accredited suppliers and Land Information New Zealand to acquire property interests in accordance with processes under the Public Works Act. Substantive work appears to be</p>	<p><b>FTA#202 - SH25 Pepe Stream Bridge Replacement Project</b></p> <p>To replace the existing one-way bridge and separate footpath bridge with a new two laned bridge including a shared path.</p> <p>The current bridges are at 'end-of-life' and further maintenance is no longer economical, further it does not provide adequate Level of Service and its deterioration poses a heightened risk of safety and weight restrictions.</p> <p><b>FTA#214 End of Life Bridge Replacement Programme</b></p> <p>To replace eight high priority state highway bridges that are in an 'end of life' condition. These bridges have structural issues and risks, and it is more economically viable to replace them than to</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> <li>Resource Management Act 1991</li> <li>Public Works Act 1981</li> </ul> <p>While the applicant did not specify this, there is a possibility that approvals are also required under the:</p> <ul style="list-style-type: none"> <li>Heritage New Zealand Pouhere Taonga Act 2014</li> <li>Wildlife Act 1953</li> <li>Freshwater Fisheries Regulations 1983</li> <li>Conservation Act 1987</li> <li>Reserves Act 1977</li> </ul>	<p>For each project, the applicant identifies local authorities and mana whenua as having an interest in the project.</p> <p>No detail on consultation undertaken has been provided.</p>	<p><b>Potentially –</b> The applicant has not identified any potential bridge realignment, nor the properties affected. As such, we are unable to determine if land returned through Treaty settlement, or certain classes of Māori land, may be affected.</p>	<p><b>No.</b></p>	<p><b>Potentially –</b> The applicant has not identified any potential bridge realignment, nor the properties affected. As such, we are unable to determine if land returned through Treaty settlement, or certain classes of Māori land, may be affected.</p>	<p><b>No.</b></p>	<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><b>No.</b></p> <p>It is more appropriate to deal with the application under another Act.</p> <p><b>No.</b></p> <p>The project may have significant adverse effects on the environment.</p> <p><b>Potentially –</b> No assessments of environmental effects were provided.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p><b>No.</b></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><b>Potentially –</b> The applicant has not identified any potential bridge realignment, nor the properties affected. As such, we are unable to determine if land returned</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><b>Unclear –</b> The applicant considers there may be time-saving benefits, however, depending on the degree of realignment that might be required, the degree of work necessary in the wetted riverbed, and the extent to which regional planning documents enable such infrastructure, replacing an existing bridge is unlikely to be a complex approval process.</p> <p>The impact referring this project will</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><b>No –</b> Although the applicant anticipates it will meet the investment direction outlined in the Draft Government Policy Statement on Land Transport 2024-34.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p><b>Yes –</b> The state highway network has regional significance in providing vital access to communities and supporting regional economic growth.</p> <p>For the Pepe Stream bridge (FTA#202), the applicant highlights there is no viable alternative route if the bridge closes.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p><b>Yes –</b> Transport projects contribute to a well-functioning urban environment.</p> <p>The project will deliver significant economic benefits.</p> <p><b>Potentially –</b> The applicant did not answer this question.</p> <p>The project will support primary industries, including aquaculture.</p> <p><b>Potentially –</b> The applicant did not answer this question.</p> <p>The project will support development of natural resources, including minerals and petroleum.</p>

required regarding detailed road alignment and properties affected.	continue maintenance.							through Treaty settlement, or certain classes of Māori land, may be affected. <b>The project includes an activity that is a prohibited activity under the RMA.</b> <b>Potentially</b> – the lack of detail in the application means we are unable to determine if any prohibited activities are proposed (eg, loss of wetlands).	<b>have on the efficient operation of the fast-track process.</b> See above. <b>Whether the application contains sufficient information to inform the referral decision.</b> <b>No</b> – The applicant has only provided basic project identification, with minimum detail.	<b>Potentially</b> – The applicant did not answer this question. <b>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</b> <b>No.</b> <b>The project will support adaptation, resilience, and recovery from natural hazards.</b> <b>Potentially</b> – The applicant did not answer this question. <b>The project will address significant environmental issues.</b> <b>Potentially</b> – The applicant did not answer this question. <b>The project is consistent with local or regional planning documents, including spatial strategies.</b> <b>Potentially</b> – The applicant did not answer this question.
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## Appendix 1 - PSGE Settlement Priorities and Māori Development assessment

*These tables provide 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.

FTA#202 - State Highway 25 Pepe Stream Bridge Replacement	
<b>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</b>	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is “due to the inability to confirm whether “identified Māori land” as defined in the Bill is affected, NZTA [the applicant] is cautiously assuming that its projects may be ineligible.”  The applicant further states “This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a ‘yes’ as it is a possibility there may be Māori land. At the time of application we will be able to provide this information.”
<b>Affected Māori group/s</b>	The applicant has identified the following groups with interests in the project area: <ul style="list-style-type: none"> <li>• Ngaati Whanaunga</li> <li>• Ngāi Tai ki Tāmaki</li> <li>• Ngāti Rāhiri Tumutumu</li> <li>• Ngāti Hei</li> <li>• Ngāti Maru</li> </ul>

**FTA#202 - State Highway 25 Pepe Stream Bridge Replacement**

	<ul style="list-style-type: none"> <li>• Ngāti Hako</li> </ul> <p><u>Ngaati Whanaunga</u> Ngaati Whanaunga is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngaati Whanaunga and the Crown in the Deed of Settlement initialled on 25 August 2017.<sup>1</sup></p> <p><u>Ngāi Tai ki Tāmaki</u> 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 the Deed of Settlement signed 7 November 2015.<sup>2</sup></p> <p><u>Ngāti Rāhiri Tumutumu</u> Ngāti Rāhiri Tumutumu is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Rāhiri Tumutumu and the Crown in the Deed of Settlement initialled on 13 July 2017.<sup>3</sup></p> <p><u>Ngāti Hei</u> Ngāti Hei is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Hei and the Crown in the Deed of Settlement signed 17 August 2017.<sup>4</sup></p> <p><u>Ngāti Maru</u> Ngāti Maru is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Maru and the Crown in the Deed of Settlement initialled on 8 September 2017.<sup>5</sup></p> <p><u>Ngāti Hako</u> 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. There is a proposed area of interest included in mandate document and the proposed project location is within this area<sup>6</sup>. 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"> <li>• Ngāti Tamaterā</li> <li>• Pare Hauraki Collective</li> </ul> <p><u>Ngāti Tamaterā</u> Ngāti Tamaterā is an iwi whose area of interest includes the proposed project site as provided for on Te Kahui Managai. We note there is not currently an area of interest map included in the in the Deed of Settlement initialled 20 September 2017.<sup>1</sup></p> <p><u>Pare Hauraki Collective Redress</u> Pare Hauraki Collective includes the 12 Iwi of Hauraki, being: Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri. The Pare Hauraki Redress Area agreed between the 12 Iwi of Hauraki and the Crown in the Deed of Settlement that was signed on 2 August 2018 includes the proposed project site.<sup>2</sup></p>
<p><b>Has the applicant consulted with those Māori groups?</b></p>	<p>The applicant has not provided any evidence of consultation. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have “enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.” NZTA have stated they will “engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.”</p>
<p><b>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</b></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"> <li>• Ngaati Whanaunga Strategic Management Plan<sup>3</sup></li> <li>• Ngaati Whanaunga Environmental Management Plan<sup>4</sup></li> <li>• Take Taiaomaurikura: Ngāi Tai ki Tāmaki Taiao Plan<sup>5</sup></li> </ul> <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>

<sup>1</sup> TKM | Iwi | Ngāti Tamaterā | Te Kahui Mangai

<sup>2</sup> Pare Hauraki Collective Redress Deed Schedule: Attachments (tearawhiti.govt.nz)

<sup>3</sup> Ngaati-Whanaunga-Strategic-Management-Plan.PDF (epa.govt.nz)

<sup>4</sup> NgaatiWhanaungaEnvironmentalManagementPlan9September2019.pdf (waikatoregion.govt.nz)

<sup>5</sup> NTKT Take Taiaomaurikura 2022.pdf (cdn-website.com)

## FTA#202 - State Highway 25 Pepe Stream Bridge Replacement

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

- [Ngaati Whanaunga Deed of Settlement 2017<sup>6</sup>](#)
- [Ngāi Tai ki Tāmaki Deed of Settlement 2015<sup>7</sup>](#)
- [Ngāti Rāhiri Tumutumu Deed of Settlement 2017<sup>8</sup>](#)
- [Ngāti Hei Deed of Settlement 2017<sup>9</sup>](#)
- [Ngāti Maru Deed of Settlement 2017<sup>10</sup>](#)
- [Ngāti Tamaterā Deed of Settlement 2017<sup>11</sup>](#)

The proposed project location is in the area of interest for the above settlements.

There are many cross Government protocols and accords (i.e. Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage) provided for in these settlements but without further information on the project officials were unable to assess their relevance (e.g. the application may trigger the need for an archaeological authority, however the applicant has not identified this, nor have they provided enough information for officials to determine this as the case). It is important to note these accords and protocols were intended to be considered alongside iwi and accordingly full analysis of the proposed project's impact on the agreements would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached.

### *Statutory Acknowledgements*

A number of these Treaty settlements contain 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. 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).

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.

### **Pare Hauraki Collective Redress Deed 2018**

The Pare Hauraki Collective Treaty settlement arrangements provide for significant redress in relation to RMA, planning and heritage legislation.

The mechanisms in the Pare Hauraki Collective Redress Bill include:

- Provisions for a Pare Hauraki conservation plan and specific conservation management strategy
- A decision-making framework in relation to conservation decision-making, with prescribed roles for Pare Hauraki in that decision-making process
- Establishment of the Waihou, Piako and Coromandel Catchment Authority
- Establishment of the Upper Mangatangi and Mangatawhiri Catchment Authority
- Provision for the authorities to prepare catchment plans with powerful statutory effect
- Provision for joint management agreements

The Pare Hauraki arrangements have a significant influence over statutory processes including complex interactions with the RMA, conservation and heritage legislation. Any change to the statutory processes for these authorisations (for example, through the fast-track process) could have a significant impact on the operation and integrity of the arrangements.

### Mana Whakahono ā Rohe

- Ngāi Tai Ki Tāmaki and Auckland Council (currently under negotiation)

On 12 March 2024 Ngāi Tai Ki Tāmaki initiated a process to negotiate a Mana Whakahono agreement with Auckland Council. The Mana Whakahono-ā-rohē is a binding statutory arrangement.

<sup>6</sup> [Ngaati Whanaunga Deed of Settlement \(tearawhiti.govt.nz\)](#)

<sup>7</sup> [Ngāi Tai ki Tāmaki Deed of Settlement Nov 2015 \(tearawhiti.govt.nz\)](#)

<sup>8</sup> [Ngāti Rāhiri Tumutumu Deed of Settlement 13 July 2017 \(tearawhiti.govt.nz\)](#)

<sup>9</sup> [Ngāti Hei Deed of Settlement 17 August 2017 \(tearawhiti.govt.nz\)](#)

<sup>10</sup> [Ngāti Maru Deed of Settlement 8 September 2017 \(tearawhiti.govt.nz\)](#)

<sup>11</sup> [Ngāti Tamatera Deed of Settlement 20 September 2017 \(tearawhiti.govt.nz\)](#)

FTA#202 - State Highway 25 Pepe Stream Bridge Replacement	
	<p>The arrangement provides for a structured relationship under the Resource Management Act 1991 (RMA) between tangata whenua and councils. The intent is to improve working relationships between Tangata Whenua and Councils, and to enhance Māori participation in RMA decision-making processes, acknowledging that statutorily RMA decision making resides with councils. Listing the project may undermine the relationship and arrangements hapū and iwi have with Councils including in the Mana whakahono-ā-rohe.</p> <p><b><u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u></b></p> <p>There are groups still working through their Treaty settlement processes (including Ngāti Hako) and 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><b><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></b></p> <p>The project area <i>may</i> be in the common marine and coastal area (noting that the project involves replacing a bridge that currently crosses over the 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 – <a href="#">Marine and Coastal Area Register   Toitū Te Whenua - Land Information New Zealand (linz.govt.nz)</a>. There are however at least 7 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><b><u>Other matters</u></b></p> <p>In the time available, officials have not identified any other impacts for Joint Management Agreements outside of settlement, or any other matters.</p>
Is the project considered low, medium or high impact (based on assessment criteria above)	<p>From the information available we consider this project is likely to be of high impact. This is due to the nature and complexity of the interests in the area, the lack of consultation, potential impacts on significant areas and statutory acknowledgements, and potential impact on other Treaty settlement redress arrangements.</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>
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

FTA#214 End of Life Bridges Programme	
Ineligible projects - based on the considerations at cl18(a-e) of the Fast Track Approvals Bill (version as at introduction)	<p>This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is "due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA [the applicant] is cautiously assuming that its projects may be ineligible."</p> <p>The applicant further states "This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application we will be able to provide this information."</p>
Affected Māori group/s	<p><b>Bridge:</b> SH25 Boundary Creek Bridge  <b>Region:</b> Thames/Te Mata – Coromandel (<a href="#">bridge location link</a>)</p> <p><i>The applicant has identified the following groups with interests in the project area:</i></p> <p><b><u>Ngāti Hako</u></b> - Ngāti Hako are yet-to-settle their remaining historical Treaty of Waitangi claims and so their area of interest of the is not confirmed through a Treaty settlement. There is a proposed area of interest included in their mandate document and the proposed project location is within this area: <a href="#">Ngati Hako Mandate Strategy</a>. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><b><u>Ngāti Maru</u></b> - Note that an area of interest map is not included in the version of Ngāti Maru's Deed of Settlement (2017 – initialled, not yet enacted) currently available to us and so officials rely on the information provided by Te Kāhui Māngai: <a href="#">TKM   Iwi   Ngāti Maru   Te Kahui Māngai</a>.</p>

## FTA#214 End of Life Bridges Programme

Ngāti Tamaterā - Note that an area of interest map is not included in the version of Ngāti Tamaterā's Deed of Settlement (2017 – initialled, not yet enacted) currently available to us and so officials rely on the information provided by Te Kāhui Māngai : [Ngāti Tamatera Mandate Strategy](#).

Ngāi Tai ki Tāmaki - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāi Tai ki Tāmaki as agreed in the deed of settlement signed between the Crown and Ngāi Tai Tāmaki 8 September 2012: [AOI - Ngāi Tai ki Tāmaki](#) and confirmed in their settlement legislation.

Ngaati Whanaunga - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngaati Whanaunga as agreed in the deed of settlement between Ngaati Whanaunga and the Crown (2017 – initialled, not yet enacted): [AOI - Ngāti Whanaunga](#)

Ngāti Rāhiri Tumutumu - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Rāhiri Tumutumu as agreed in the deed of settlement between The Crown and Ngāti Rāhiri Tumutumu (2017 – initialled, not yet enacted): [AOI - Ngāti Rāhiri Tumutumu](#).

*Officials have also identified for this bridge:*

Pare Hauraki Collective Redress - Pare Hauraki Collective includes the 12 Iwi of Hauraki, being: Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri. The Pare Hauraki Redress Area agreed between the 12 Iwi of Hauraki and the Crown in the Deed of Settlement that was signed on 2 August 2018 includes the proposed project site: [Pare Hauraki Collective Redress Deed Schedule: Attachments \(tearawhiti.govt.nz\)](#)

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**Bridge:** SH3 Manapepeki No2 Culvert

**Region:** Between Mt Messenger and Tongapōrutu - New Plymouth, Taranaki ([bridge location link](#))

*The applicant has identified the following groups with interests in the project area:*

Ngāti Tama - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Tama as agreed in the Deed of Settlement signed in 2001 [AOI - Ngāti Tama](#), and confirmed in legislation.

*We have not identified any additional groups beyond those identified by the applicant.*

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**Bridge:** SH43 Kururau Stream Water Drive

**Region:** Aukopae, King Country – Manawatu Wanganui ([bridge location link](#))

*The applicant has identified the following groups with interests in the project area:*

Whanganui Iwi - Information from Te Kāhui Māngai confirms the proposed project location as being within the Whanganui River Catchment Map agreed between Whanganui Iwi and the Crown in the Deed of Settlement - Ruruku Whakatupua - Te Mana o Te Awa Tupua signed 5 August 2014. ([Whanganui River Deed of Settlement - Ruruku Whakatupua - Te Mana o Te Awa Tupua 5 Aug 2014 \(tearawhiti.govt.nz\)](#)).

Ngāti Hāua - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Hāua (Upper Whanganui). On 22 October 2022 Ngāti Hāua Iwi Trust and the Crown signed an agreement in principle, accordingly, note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations ([AOI - Ngāti Hāua](#)).

Te Korowai o Wainuiārua - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Te Korowai o Wainuiārua as agreed in the deed of settlement signed in 2023 between The Crown and Ngāti Wainuiārua: [AOI - Te Korowai o Wainuiārua](#).

*Officials have not identified any other groups beyond the applicant for this bridge.*

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**Bridge:** SH36 Hauraki Stream Culvert

**Region:** Hamurana, Bay of Plenty ([bridge location link](#))

*The applicant has identified the following groups with interests in the project area:*

Ngāti Rangiwewehi ke tai - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Rangiwewehi, based on the Area of Interest agreed between Ngāti Rangiwewehi and the Crown signed on 16 December 2012 [AOI- Ngāti Rangiwewehi](#), and enacted in legislation.

Ngāti Uenukukōpako - Ngāti Uenukukopako Iwi Trust represents Te Ure o Uenukukopako as an "iwi authority" for the purposes of the Resource Management Act 1991 according to Te Kāhui Māngai. [The rohe map is taken from Te Kāhui Māngai](#). They are an affiliate iwi in the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.

Raukawa - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Raukawa, based on the Area of Interest agreed between Raukawa and the Crown signed in 2012 [AOI- Raukawa](#) and enacted in legislation.

*Officials have also identified for this bridge:*

Rotorua Lakes Strategy Group – Created through the Te Arawa Lakes Settlement Act 2006 (of which Ngāti Rangiwewehi and Ngāti Uenukukōpako are listed iwi in Schedule 2). Its formed with Te Arawa Lakes Trust, Rotorua Lakes Council, Bay of Plenty Regional Council, Rotorua Council and Ministry for the Environment.

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**Bridge:** SH25 Ramarama Stream Bridge

**Region:** Whiritoa, Coromandel/Hauraki, Waikato ([bridge location link](#))

*The applicant has identified the following groups with interests in the project area:*

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Ngāti Hako - Ngāti Hako are yet-to-settle their remaining historical Treaty of Waitangi claims and so their area of interest of the is not confirmed through a Treaty settlement. There is a proposed area of interest included in their mandate document and the proposed project location is within this area: [Ngāti Hako Mandate Strategy](#). Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.

Ngāti Maru - Note that an area of interest map is not included in the version of Ngāti Maru's Deed of Settlement (2017 – initialled, settlement legislation not yet enacted) currently available to us and so officials rely on the information provided by Te Kāhui Māngai: [TKM | Iwi | Ngāti Maru | Te Kahui Māngai](#).

Ngāti Tamaterā - Note that an area of interest map is not included in the version of Ngāti Tamaterā's Deed of Settlement (2017 – initialled, settlement legislation not yet enacted) currently available to us and so officials rely on the information provided by Te Kāhui Māngai : [Ngāti Tamatera Mandate Strategy](#).

Ngāi Tai ki Tāmaki - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāi Tai ki Tāmaki as agreed in the deed of settlement signed between the Crown and Ngāi Tai Tāmaki 8 September 2012: [AOI - Ngāi Tai ki Tāmaki](#) and confirmed in their settlement legislation.

Ngaati Whanaunga - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngaati Whanaunga as agreed in the deed of settlement between Ngaati Whanaunga and the Crown (2017 – initialled, settlement legislation not yet enacted): [AOI - Ngāti Whanaunga](#)

Ngāti Rāhiri Tumutumu - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Rāhiri Tumutumu as agreed in the deed of settlement between The Crown and Ngāti Rāhiri Tumutumu (2017 – initialled, settlement legislation not yet enacted): [AOI - Ngāti Rāhiri Tumutumu](#).

Ngāti Tara-Tokanui - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Tara-Tokanui as agreed in the deed of settlement signed between The Crown and Ngāti Tara-Tokanui 28 July 2022 (not yet enacted): [AOI - Ngāti Tara Tokanui](#)

*Officials have also identified for this bridge:*

Pare Hauraki Collective Redress - Pare Hauraki Collective includes the 12 Iwi of Hauraki, being: Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri. The Pare Hauraki Redress Area agreed between the 12 Iwi of Hauraki and the Crown in the Deed of Settlement that was signed on 2 August 2018 includes the proposed project site: [Pare Hauraki Collective Redress Deed Schedule: Attachments \(tearawhiti.govt.nz\)](#)

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**Bridge:** SH82 Waihao North Bridge

**Location:** Waimate, Waihao Downs – Canterbury ([Bridge location link](#))

*The applicant has identified the following groups with interests in the project area:*

Ngāi Tahu -Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāi Tahu as provided in the Ngāi Tahu Deed of Settlement dated 21 November 1997 (See: [Te Kāhui Māngai Ngāi Tahu Map](#)). The relevant Papatipu Runanga is Te Rūnanga o Waihao.

*Officials have not identified any other groups beyond the applicant for this bridge.*

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**Bridge:** SH27 Ohinekaia Stream Bridge

**Location:** Tahuna/Patetonga - Waikato Hauraki ([bridge location link](#))

*The applicant has identified the following groups with interests in the project area:*

Ngāti Hako - Ngāti Hako are yet-to-settle their remaining historical Treaty of Waitangi claims and so their area of interest of the is not confirmed through a Treaty settlement. There is a proposed area of interest included in their mandate document and the proposed project location is within this area: [Ngāti Hako Mandate Strategy](#). Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.

Ngāti Maru - Note that an area of interest map is not included in the version of Ngāti Maru's Deed of Settlement (2017 – initialled, settlement legislation not yet enacted) currently available to us and so officials rely on the information provided by Te Kāhui Māngai: [TKM | Iwi | Ngāti Maru | Te Kahui Māngai](#).

Ngāti Tamaterā - Note that an area of interest map is not included in the version of Ngāti Tamaterā's Deed of Settlement (2017 – initialled, settlement legislation not yet enacted) currently available to us and so officials rely on the information provided by Te Kāhui Māngai : [Ngāti Tamatera Mandate Strategy](#).

Ngaati Whanaunga - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngaati Whanaunga as agreed in the deed of settlement between Ngaati Whanaunga and the Crown (2017 – initialled, settlement legislation not yet enacted): [AOI - Ngāti Whanaunga](#)

Ngāti Rāhiri Tumutumu - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Rāhiri Tumutumu as agreed in the deed of settlement between The Crown and Ngāti Rāhiri Tumutumu (2017 – initialled, settlement legislation not yet enacted): [AOI - Ngāti Rāhiri Tumutumu](#).

Ngāti Tara-Tokanui - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Tara-Tokanui as agreed in the deed of settlement signed between The Crown and Ngāti Tara-Tokanui 28 July 2022 (settlement legislation not yet enacted): [AOI - Ngāti Tara Tokanui](#)

Ngāti Pāoa - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Paoa as agreed in the deed of settlement signed between The Crown and Ngāti Pāoa 20 March 2021 (settlement legislation not yet enacted): [AOI - Ngāti Pāoa](#)

*Officials have also identified for this bridge:*

Pare Hauraki Collective Redress - Pare Hauraki Collective includes the 12 Iwi of Hauraki, being: Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri. The Pare Hauraki Redress Area agreed between the 12 Iwi of Hauraki and the Crown in the Deed of Settlement that was signed on 2 August 2018 includes the proposed project site: [Pare Hauraki Collective Redress Deed Schedule: Attachments \(tearawhiti.govt.nz\)](#)

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	<p><b>Bridge:</b> SH6 Coal Creek Overbridge  <b>Location:</b> Greymouth – West Coast (<a href="#">Bridge location link</a>)</p> <p><b>Ngāi Tahu</b> - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāi Tahu as provided in the Ngāi Tahu Deed of Settlement dated 21 November 1997 (See: <a href="#">Te Kāhui Māngai Ngāi Tahu Map</a>), enacted in legislation. The relevant Papatipu Runanga is Te Rūnanga o Ngāti Waewae.</p> <p><i>Officials have also identified for this bridge:</i></p> <p><b>Ngāti Rārua</b> - Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Rārua as agreed in the deed of settlement signed between the Crown and Ngāti Rārua on 20 April 2013 (AOI - <a href="#">Ngāti Rārua</a>).</p>
Has the applicant consulted with those Māori groups?	<p>No evidence of consultation or engagement with the Māori groups identified by the applicant as affected is provided with the applications. The application states: "As a Crown entity with enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application."</p>
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<p><b><u>Impacts on PSGE settlement priorities and Māori development</u></b></p> <p>There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation.</p> <p><b>Note for Advisory Group</b> - In the time available officials have not been able to identify relevant plans and documents for all affected groups for all 8 bridges. Officials are able to prepare further information on potentially relevant plans and documents for a particular bridge identified if requested, we note however it is not possible to confirm from those documents that the 8 bridges, as individual projects, do or do not align with the strategic priorities of those iwi or Māori groups. A full analysis of the plan (considered as 8 plans for 8 bridges) 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><b><u>Impact on Treaty settlements and other relevant arrangements</u></b></p> <p><b>Note for Advisory Group</b> – given this project covers a series of regions, in the time available officials have only considered Treaty settlements whereby the Treaty legislation has been enacted (noting a wider range of groups and settlements have been identified in the affected groups section above). We also note that some statements made by the applicant make it appear as though a replacement bridge may not be in the exact same location as the existing bridge, such as "This project will require land not currently held for road purposes which NZTA will need to acquire pursuant to the Public Works Act." Limited detail was provided by the applicant on this, accordingly, even a slight change to the location may then see statutory acknowledgement area from the below settlements triggered where it was not identified in this analysis.</p> <p><b>Ngāi Tai ki Tāmaki Claims Settlement Act 2018</b></p> <p><b>Bridge:</b> SH25 Boundary Creek Bridge</p> <p>There appear to be no statutory acknowledgements over or adjacent to this bridge location (noting there may be other relevant statutory acknowledgements included in the settlement that officials have not identified).</p> <p><b>Bridge:</b> SH25 Ramarama Stream Bridge</p> <p>There appear to be no statutory acknowledgements over or adjacent to this bridge location (noting there may be other relevant statutory acknowledgements included in the settlement that officials have not identified).</p> <p><b>Ngāti Tama Claims Settlement Act 2003</b></p> <p><b>Bridge:</b> SH3 Manapepeki No2 Culvert</p> <p>There appear to be no statutory acknowledgements over or adjacent to this bridge location (noting there may be other relevant statutory acknowledgements included in the settlement that officials have not identified).</p> <p><b>Ngāti Rangiwewehi Claims Settlement Act 2022</b></p> <p><b>Bridge:</b> SH36 Hauraki Stream Culvert</p> <ul style="list-style-type: none"> <li>• Mangorewa River OTS-209-47 – the bridge may be adjacent to this statutory acknowledgement area.</li> <li>• Managpōuri Stream OTS-209-34 – the bridge may be adjacent to this statutory acknowledgement area.</li> </ul> <p><b>Affiliate Te Arawa Claims Settlement Act 2008</b></p> <p><b>Bridge:</b> SH36 Hauraki Stream Culvert</p> <p>There appear to be no statutory acknowledgements over or adjacent to this bridge location (noting there may be other relevant statutory acknowledgements included in the settlement that officials have not identified).</p> <p><b>Raukawa Claims Settlement Act 2014</b></p> <p><b>Bridge:</b> SH36 Hauraki Stream Culvert</p> <p>There appear to be no statutory acknowledgements over or adjacent to this bridge location (noting there may be other relevant statutory acknowledgements included in the settlement that officials have not identified).</p>

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### **Ngāi Tahu Claims Settlement Act 1998**

**Bridge:** SH82 Waihao North Bridge – the bridge may be adjacent to the Waitaki River and Hakataramea River statutory acknowledgement areas.

**Bridge:** SH6 Coal Creek Overbridge - There appear to be no statutory acknowledgements over or adjacent to this bridge location (noting there may be other relevant statutory acknowledgements included in the settlement that officials have not identified).

### **Te Awa Tupua (Whanganui River Claims Settlement) Act 2017**

**Bridge:** SH43 Kururau Stream Water Drive

The bridge for this project appears to be over the Ohura River (which flows into the Whanganui River) and the Taumona river (which flows into the Ohura River) making the project subject to provisions for the Te Awa Tupua (Whanganui River) arrangements. The Te Awa Tupua settlement arrangements are recorded in the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. The Te Awa Tupua are detailed with a number of powerful and complex interactions with the legislation including the RMA, conservation and heritage legislation, and are intended to provide a new lens or framework for all matters relating to the Whanganui River catchment. The key elements in the Te Awa Tupua arrangements include:

- The statutory recognition of the Whanganui River as 'Te Awa Tupua'
  - Te Awa Tupua declared a 'legal personality'
  - Vesting of the Crown-owned parts of the riverbed in the legal personality
  - 'Tupua te Kawa' (a set of intrinsic values for the river)
  - Te Pou Tupua – two 'guardians' appointed to act on behalf and in the name of Te Awa Tupua
  - 'Te Kōpuka nā Te Awa Tupua' – a collaborative Te Awa Tupua strategy group
  - 'Te Heke Ngahuru ki Te Awa Tupua' – a statutory strategy document prepared by Te Kōpuka
  - A range of statutory mechanisms to provide for the relationship between Whanganui Iwi and Te Awa Tupua.
- 
- There are interactions between the Te Awa Tupua arrangements and the RMA, conservation and heritage legislation including:
  - Decision-makers on the RMA planning processes and under conservation legislation (including the Wildlife Act 1953) are required to 'recognise and provide for' the following matters when undertaking RMA planning processes (preparing or changing a regional policy statement, regional plan, or district plan):
    - The statutory recognition as Te Awa Tupua and the legal personality (Te Awa Tupua status)
    - Tupua te Kawa (the values)
  - Decision-makers under the remainder of the RMA and the Heritage NZ Pouhere Taonga Act 2014 are required to 'have particular regard to' the above matters
  - Decision-makers under the RMA are required to 'have particular regard to' Te Heke Ngahuru (the strategy document prepared by Te Kōpuka (the collaborative group))
  - There are a range of other settlement provisions relating to the appointment of RMA hearing commissioners to hearing panels and the legal standing of Whanganui Iwi to participate in RMA hearing processes.

Te Kōpuka has prepared and released Te Heke Ngahuru and that will be an important document for Te Awa Tupua.<sup>12</sup>

The Te Awa Tupua arrangements have a significant influence over statutory processes including complex interactions with the RMA, conservation and heritage legislation. Any change to the statutory processes for these authorisations (for example, through the fast-track process) could have a significant impact on the operation and integrity of the Te Awa Tupua arrangements.

### **Ngāti Kōata, Ngāti Rāua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014**

**Bridge:** SH6 Coal Creek Overbridge - There appear to be no statutory acknowledgements over or adjacent to this bridge location.

#### *Information on statutory Acknowledgements for the above legislation*

A number of the above Treaty settlements contain statutory acknowledgements. 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). 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.

#### **Mana Whakahono ā Rohe**

Mana Whakahono ā Rohe are designed to assist tangata whenua and local authorities to discuss, agree and record how they will work together under the Resource Management Act (RMA). This includes agreeing how tangata whenua will be involved in decision making processes.

<sup>12</sup> [Te Kōpuka | Te Awa Tupua | Whanganui, New Zealand \(tekopuka.co.nz\)](http://tekopuka.co.nz)

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	<p>Mana Whakahono ā Rohe which may be relevant to the 8 bridges include:</p> <p>A Mana Whakahono ā Rohe was initiated between Bay of Plenty Regional Council and Tapuika in June 2017 but this was superded by Ngā Puna Wai o Te Tokotoru. Ngā Puna Wai o Te Tokotoru is a collective comprised of Tapuika, Ngāti Rangiwewehi, Ngāti Rangiteaorere, this Mana Whakahono ā Rohe with Bay of Plenty Regional Council remains under negotiation.</p> <p>A Mana Whakahono ā Rohe was initiated between Auckland Council and Ngāi Tai ki Tāmaki in March 2018 which remains under negotiation.</p> <p>A Mana Whakahono ā Rohe was signed in October 2020 between West Coast Regional Council and Poutini Ngāi Tahu (Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu).</p> <p><b><u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u></b></p> <p>There are many groups still working through their Treaty settlement processes as detailed in the affected groups section. It will be important that these interests are considered in more detail if the project progresses through the fast-track process.</p> <p><i>Other impacts for Deeds of Settlement which have not yet been completed include:</i></p> <p><b>Pare Hauraki Collective Redress Deed 2018</b></p> <p><b>Bridge:</b> SH25 Boundary Creek Bridge and Bridge: SH25 Ramarama Stream Bridge</p> <p>The Pare Hauraki Collective Treaty settlement arrangements provide for significant redress in relation to RMA, planning and heritage legislation.</p> <p>The mechanisms in the Pare Hauraki Collective Redress Bill include:</p> <ul style="list-style-type: none"> <li>• Provisions for a Pare Hauraki conservation plan and specific conservation management strategy</li> <li>• A decision-making framework in relation to conservation decision-making, with prescribed roles for Pare Hauraki in that decision-making process</li> <li>• Establishment of the Waihou, Piako and Coromandel Catchment Authority</li> <li>• Establishment of the Upper Mangatangi and Mangatawhiri Catchment Authority</li> <li>• Provision for the authorities to prepare catchment plans with powerful statutory effect</li> <li>• Provision for joint management agreements</li> </ul> <p>The Pare Hauraki arrangements have a significant influence over statutory processes including complex interactions with the RMA, conservation and heritage legislation. Any change to the statutory processes for these authorisations (for example, through the fast-track process) could have a significant impact on the operation and integrity of the arrangements.</p> <p><b><u>Other matters</u></b></p> <p>There are many cross Government protocols and relationship agreements (i.e. Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage) provided for in the above settlements but without further information on the project officials were unable to assess their relevance (e.g. the application may trigger the need for an archaeological authority, however the applicant has not identified this, nor have they provided enough information for officials to determine this as the case). It is important to note these accords and protocols were intended to be considered alongside iwi and with the responsible agencies. Given the overall lack of detail in all of the NZTA Waka Kotahi Roads of National Significance applications, MfE has been unable in the time available to seek further comment from DoC, MCH or MPI at this stage in the process.</p> <p>In the time available, officials have not identified any other impacts for Treaty settlements the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or other matters. 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>
Is the project considered low, medium or high impact (based on assessment criteria above)	<p>From the information available we consider this project is likely to be of medium-high impact. This is due to lack of consultation, lack of information provided in application and potential impact on other Treaty settlement redress arrangements across a number of regions.</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>
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.