

## FTA#342: Application for listed project under the Fast-track Approvals Bill – Flat Top Quarry Project for Schedule 2A

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

Number of attachments: #	Attachments: 1. Application documents for Flat Top Quarry Project
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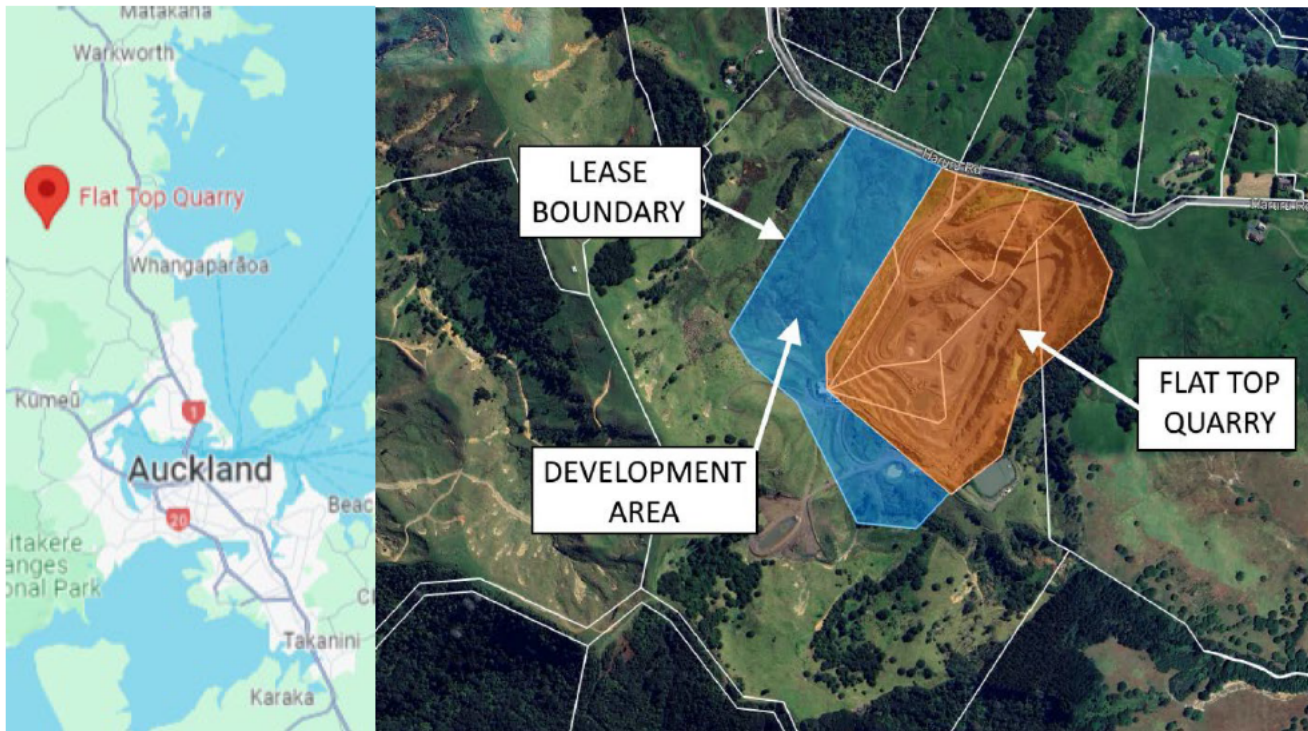
Applicant	Sector	Region	Identified in a priority/strategy?
Winstone Aggregates	Mining	Auckland	No

### Ministry for the Environment contacts

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

## Project location

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## Key messages

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1. The Flat Top Quarry project is to expand the existing Flat Top Quarry that is located at 560 Haruru Road, Kaukapakapa, 30km north of the Auckland CBD. The project would allow for extraction of aggregates from the site for at least another s 9(2)(b)(ii)
2. The quarry development project will comprise:
  - a. extensive land clearing and soil removal
  - b. construction of new access roads, infrastructure and ancillary buildings
  - c. development of the quarry expansion area into an operational quarry
3. The project will require resource consents under the Resource Management Act 1991 (RMA). The applicant has previously lodged a consent for the expansion of Flat Top Quarry that was ultimately declined due to Auckland Council deeming the removal of a wetland as part of the quarry development as a prohibited activity. It should be noted that this issue has been the subject of recent litigation about the definition of wetlands in modified environments.
4. s 9(2)(b)(ii)  
[REDACTED]
5. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.

6. We consider the applicant **has** provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).
7. The project does **not** trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
8. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

## Signature

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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<sup>1</sup>**

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)]
<b>High level summary</b>			Y	N	N	Y/N	Y/N			
<p><b>Schedule requested</b> 2A</p> <p><b>Project Name</b> Flat Top Quarry Development</p> <p><b>Applicant</b> Winstone Aggregates  (a division of Fletcher Concrete and Infrastructure Ltd)</p> <p><b>Company director/s</b> Fletcher Concrete and Infrastructure Ltd</p> <ul style="list-style-type: none"> <li>• Hamish Todd McBeath</li> <li>• Bevan John McKenzie</li> <li>• Niklaus Gregor Traber</li> </ul> <p><b>Location</b> Flat Top Quarry that is located at 560 Haruru Road, Kaukapakapa, 30km north of the Auckland CBD</p> <p><b>Land Status</b></p>	<p>The Flat Top Quarry project is to expand the existing Flat Top Quarry that is located at 560 Haruru Road, Kaukapakapa, 30km north of the Auckland CBD. The project would allow for extraction of approximately s 9(2)(b)(i) cubic metres of rock resource from the site for at least another s 9(2)(b)(ii)</p> <p>The quarry development project will comprise:</p> <ul style="list-style-type: none"> <li>• extensive land clearing and soil removal</li> <li>• construction of new access roads, infrastructure and ancillary buildings</li> <li>• development of the quarry expansion area into an operational quarry</li> </ul>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> <li>• Resource Management Act 1991</li> </ul>	<p>Ngai Tai ki Tamaki, Ngati Manuhiri and Ngati Whatua o Kaipara all sought to continue dialog on the proposal.</p> <p>While the draft archaeological effects assessment did not identify any specific cultural sites within the proposed development area, the applicant is aware of the cultural relevance of the wider North Auckland region to mana whenua and will continue to discuss this with the relevant iwi groups.</p> <p>The applicant has previously lodged a consent for the expansion of Flat Top Quarry that was ultimately declined due to Auckland Council deeming the removal of a wetland as part of the quarry development as a prohibited activity.</p>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</p> <p>No</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No</p> <p>The project may have significant adverse effects on the environment.</p> <p>Yes – there are likely to be effects on the following:</p> <ul style="list-style-type: none"> <li>• Water management</li> <li>• Ecological impacts on indigenous flora and fauna</li> <li>• air quality and dust</li> <li>• landscape and visual amenity</li> <li>• noise and vibration</li> <li>• archaeology and cultural sites</li> </ul> <p>Management of adverse effects has been ongoing within the current quarry operation boundaries.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No</p>	<p>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes.</p> <p>Yes – a faster, clearer process to resolve the outstanding issue regarding a decision on the natural inland wetland would speed up the development of the quarry</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>Yes - referring the proposed development of Flat Top Quarry would support the efficient operation of the fast-track process. The project is regionally significant, shovel-ready, and anticipated effects</p>	<p>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list.</p> <p>No – applicant notes the strategic importance that quarries hold in building regionally and nationally important infrastructure.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>No – however, the applicant notes that aggregates are critical to support the development in regional and national infrastructure projects.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>No – the applicant notes the critical role a local, sustainable aggregate supply provides to the construction sector in order to increase the housing supply.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – a sustainable aggregate supply has a central role in infrastructure delivery. Flat Top Quarry will facilitate Auckland's growth while reducing dependence on imported aggregate.</p> <p>The project will support primary industries, including aquaculture.</p> <p>Yes</p>

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

<p>s 9(2)(b) (ii)</p>								<p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</p> <p>No</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>Yes – the applicant has previously lodged a consent for the expansion of Flat Top Quarry that was ultimately declined due to Auckland Council deeming the removal of a wetland as part of the quarry development as a prohibited activity.</p> <p>In 2021 ecologists identified a number of wetlands within, or immediately adjacent to, the proposed quarry development footprint which met the definition of “natural inland wetlands” in the NPS-FM. Removal of those wetlands was a Prohibited Activity under the 2020 NPS-FM.</p> <p>The wetlands identified in 2021 all exist within areas of current pasture that have been highly modified from its pre-farming state. The pasture areas in NPS-FM under section 53(2)(a) of the Resource Management Act 1991.</p> <p>Part of these amendments was the introduction of new consenting pathways for the unavoidable removal of wetlands for various classes of development, including quarrying. That consenting pathway remains extremely restrictive however, including use of the ambiguous tests for the location chosen.</p>	<p>can be adequately addressed.</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes</p>	<p>The project will support development of natural resources, including minerals and petroleum.</p> <p>Yes</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>No - the applicant notes that by providing a local supply of aggregate, this significantly reduces carbon dioxide emissions by limiting the haul distance required.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – applicant states that aggregates help develop resilient infrastructure, and that in the event of a recovery, having a diverse, and local source of aggregates is essential.</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 local and regional planning documents contain provisions that enable regional development activities, where adverse effects on the receiving environment are able to be appropriately managed and mitigated.</p> <p>On the basis that the potential adverse effects of the project on the surrounding environment are able to be appropriately managed, the project will be consistent with the local and regional planning documents.</p> <p>Flat Top Quarry is one of only two areas zoned for quarrying in the Auckland Unitary Plan in the central North Auckland area. The quarry has therefore</p> <p>been identified as a current and future supplier of aggregate for the North Auckland area. The</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><b>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</b></p>	<p>The project does not appear to be ineligible according to the information provided in the application.</p>
<p><b>Affected Māori group/s</b></p>	<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> <li>• Ngāi Tai ki Tāmaki</li> <li>• Ngāti Manuhiri</li> <li>• Ngāti Maru</li> <li>• Ngāti Te Ata</li> <li>• Ngātiwai</li> <li>• Ngāti Whātua o Kaipara</li> <li>• Ngāti Whātua Ōrākei</li> <li>• Te Ākitai Waiohua</li> </ul> <p>The applicant has also noted the Tāmaki Makaurau Collective Deed of Settlement 2014 and Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.</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 a Deed of Settlement signed on 7 November 2015.<sup>2</sup></p> <p><u>Ngāti Manuhiri</u> Ngāti Manuhiri is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Manuhiri and the Crown in a Deed of Settlement signed on 21 May 2011.<sup>3</sup></p> <p><u>Ngāti Maru</u> 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 Mangai confirms the proposed project location as being within the area of interest for Ngāti Maru.<sup>4</sup></p> <p><u>Ngāti Te Ata</u> 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 Mangai confirms the proposed project location as being within the area of interest for Ngāti Te Ata.<sup>5</sup> Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Ngātiwai</u> Ngāti Wai are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Wai is not confirmed through a Treaty settlement as yet. The applicant has identified Ngātiwai as having interests in the project area. However, the Ngātiwai area of interest, based on information from Te Kāhui Mangai, does not appear to include the proposed project site.<sup>6</sup></p> <p><u>Ngāti Whātua o Kaipara</u> Ngāti Whātua o Kaipara is an iwi whose area of interest includes the proposed project site based on the Area of Interest agreed between Ngāti Whātua o Kaipara and the Crown in the Deed of Settlement signed 9 September 2011.<sup>7</sup></p> <p><u>Ngāti Whātua Ōrākei</u> The applicant has identified Ngāti Whātua Ōrākei as having interests in the project area. Ngāti Whātua Ōrākei is an iwi whose area of interest does not appear to include the proposed project site, based on the area of interest agreed between Ngāti Whātua Ōrākei and the Crown in a Deed of Settlement signed 5 November 2011.<sup>8</sup></p>

<sup>2</sup> AOI-NgaiTaikiTamaki.jpg (669x949) (tkm.govt.nz)

<sup>3</sup> Ngāti Manuhiri Deed of Settlement - Attachments 21 May 2011 (tearawhiti.govt.nz)

<sup>4</sup> TKM | Iwi | Ngāti Maru | Te Kahui Mangai

<sup>5</sup> TKM | Iwi | Ngāti Te Ata | Te Kahui Mangai

<sup>6</sup> TKM | Iwi | Ngātiwai | Te Kahui Mangai

<sup>7</sup> AOI-NgatiWhatuaoKaipara.jpg (642x766) (tkm.govt.nz)

<sup>8</sup> AOI-NgatiWhatuaoOrakei.jpg (1179x1666) (tkm.govt.nz)

	<p><u>Te Ākitai Waiohū</u> 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 a Deed of Settlement signed on 12 November 2021.<sup>9</sup></p> <p><u>Tāmaki Makaurau Collective</u> Tāmaki Makaurau Collective includes 13 hapū/iwi known collectively as Tāmaki Makaurau Collective. The applicant has identified the Tāmaki Makaurau Collective but has stated that the details of the settlement are not relevant to the proposal. The Tāmaki Makaurau Area in the Deed of Settlement that was signed on 5 December 2012 does not include the proposed project site.<sup>10</sup></p> <p>In addition to the groups identified by the applicant, we have also identified the following groups as potentially having interests in the proposed project location:</p> <ul style="list-style-type: none"> <li>• Marutūāhu Iwi Collective</li> <li>• Ngāti Paoa</li> <li>• Ngāti Tamaterā</li> <li>• Ngaati Whanaunga</li> <li>• Te Rūnanga o Ngāti Whātua</li> <li>• Te Kawerau ā Maki</li> <li>• Ngāti Hako</li> </ul> <p><u>Marutūāhu Iwi Collective</u> Marutūāhu Iwi Collective includes the 5 iwi known collectively as the Marutūāhu Iwi, being: Ngāti Maru, Ngāti Pāoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukiriki. The Marutūāhu Iwi Collective redress area in the Deed of Settlement that was initialled on 27 July 2018 appears to include the proposed project site.<sup>11</sup></p> <p><u>Ngāti Pāoa</u> Ngāti Pāoa is an iwi whose area of interest may be near to the proposed project site, based on the area of interest agreed between Ngāti Pāoa and the Crown in a Deed of Settlement signed on 20 March 2021.<sup>12</sup></p> <p><u>Ngāti Tamaterā</u> 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 yet include an area of interest. Information from Te Kāhui Māngai indicates the proposed project location may be near to the area of interest for Ngāti Tamaterā.<sup>13</sup></p> <p><u>Ngaati Whanaunga</u> Ngaati Whanaunga is an iwi whose area of interest may be near to the proposed project site, based on the area of interest agreed between Ngāti Whanaunga and the Crown in a Deed of Settlement initialled on 25 August 2017.<sup>14</sup></p> <p><u>Te Rūnanga o Ngāti Whātua</u> Ngāti Whātua are yet to settle their historical Treaty of Waitangi claims and so the area of interest of the Ngāti Whātua is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Whātua.<sup>15</sup> Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Te Kawerau ā Maki</u> Te Kawerau ā Maki is an iwi whose area of interest includes the proposed project site based on the Area of Interest agreed between Te Kawerau ā Maki and the Crown in the Deed of Settlement signed 22 February 2014.<sup>16</sup></p> <p><u>Ngāti Hako</u> The area of interest of Ngāti Hako is not confirmed through a Treaty Settlement as yet. Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Hako.<sup>17</sup> Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p>
<p><b>Has the applicant consulted with those Māori groups?</b></p>	<p>The applicant states that:</p> <ul style="list-style-type: none"> <li>• Early discussions with Ngāi Tai ki Tāmaki, Ngāti Manuhiri, Ngāti Maru, Ngāti Te Ata, Ngatiwai, Ngāti Whātua o Kaipara, Ngāti Whatua Ōrakei and Te Ākitai Waiohū commenced in January 2023.</li> <li>• Ngāi Tai ki Tāmaki, Ngāti Manuhiri and Ngāti Whātua o Kaipara all sought to continue dialog on the proposal.</li> </ul> <p>While the draft archaeological effects assessment did not identify any specific cultural sites within the proposed development area, the applicant is aware of the cultural relevance of the wider North Auckland region to mana whenua and will continue to discuss this with the relevant iwi groups.</p>

<sup>9</sup> deed-of-settlement-attachments (1).pdf (tkm.govt.nz)

<sup>10</sup> Tāmaki Makaurau Collective Redress Deed Schedule - Attachments 5 Dec 2012 (tearawhiti.govt.nz)

<sup>11</sup> Marutūāhu Collective Redress Deed (tearawhiti.govt.nz)

<sup>12</sup> Ngati-Paoa-Deed-of-Settlement-Attachments.pdf (tkm.govt.nz)

<sup>13</sup> TKM | Iwi | Ngāti Tamaterā | Te Kahui Māngai

<sup>14</sup> Whanaunga (002).pdf (tkm.govt.nz)

<sup>15</sup> ngati\_whatua.png (607×577) (tkm.govt.nz)

<sup>16</sup> AOI-TeKawerauaMaki.jpg (710×927) (tkm.govt.nz)

<sup>17</sup> TKM | Iwi | Ngāti Hako | Te Kahui Māngai

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

**Impacts on PSGE settlement priorities and Māori development**

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.

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

- Ngāi Tai Ki Tāmaki Take Taiaomaurikura
- Ngāti Tamaterā Environmental Management Plan 2019
- Te Kawerau ā Maki Iwi Management Plan
- Ngaati Whanaunga Environmental Management Plan

It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups.

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

**Impact on Treaty settlements and other relevant arrangements**

**Ngāti Manuhiri Claims Settlement Act 2012**

*Statutory acknowledgements*

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

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

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

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

**Ngāti Whātua o Kaipara Claims Settlement Act 2013**

*Statutory acknowledgements*

This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.

**Ngāi Tai ki Tāmaki Claims Settlement Act 2018**

*Statutory acknowledgements*

This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.

**Te Kawerau ā Maki Claims Settlement Act 2015**

*Statutory acknowledgements*

This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.

**Te Ākitai Waiohua Deed of Settlement**

*Statutory acknowledgements*

This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.

**Mana Whakahono ā Rohe**

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><b>Iwi Environment Management plans</b>  Note the comments above in relation to iwi management plans.</p> <p><b><u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u></b>  There are groups still working through their Treaty settlement processes. For example, Ngāti Te Ata and Ngāti Hako. 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>Other matters</u></b>  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><b>Is the project considered low, medium or high impact (based on assessment criteria above)</b></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> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application.</p>
<p><b>Has the Ministry for the Environment undertaken engagement?</b></p>	<p>Officials consider engagement would be beneficial given the nature and range of interests present in the project area but were unable to undertake this in the time available.</p>
<p><b>Additional comments/context</b></p>	<p>N/A</p>

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

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