

FTA#84: Application for listed project under the Fast-track Approvals Bill – Green Steel Project for Schedule 2A

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

Number of attachments: #	Attachments: 1. Application documents for Green Steel Project
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Applicant	Sector	Region	Identified in a priority/strategy?
National Green Steel Ltd	Industrial	Waikato	No

Ministry for the Environment contacts

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

Project location

s 9(2)(b)(ii)

Key messages

1. The Green Steel project is to construct and operate a structural steel manufacturing plant on 53-hectares of land at s 9(2)(b)(ii) in the Waikato Region.
2. The plant will use recycled scrap steel, sourced from across New Zealand and shredded on-site. The plant will produce around s 9(2)(b)(ii) of steel per annum – about s 9(2)(b)(ii) of the current steel production in New Zealand.
3. An objective of the project is to make steel production sustainable in New Zealand, using scrap metals rather than iron ore or iron sands. Currently, New Zealand does not reuse steel, as all scrap is exported.
4. The project will comprise:
 - a. A scrap steel shredding plant.
 - b. Electric furnaces to produce structural steel.
 - c. A small solar farm to provide some of the electricity needed to operate the plant.
 - d. Buildings, access roads and hardstand areas for operation of the plant.
 - e. Screening and planting to attenuate noise.
5. The project will require resource consents under the Resource Management Act 1991 (RMA) for operating and industrial activity, earthworks, discharges to air, stormwater and wastewater, water diversion, and noise.
6. The zoning of the land is 'General Rural Zone' under the proposed Waikato District Plan. The applicant notes that a plan change is required to rezone the land to 'Heavy Industrial' is required. Plan changes are not within scope of the Fast-track Approvals Bill.
7. The project site is on freehold land under a single owner. The applicant advises it has a sale and purchase agreement with the landowner and that the landowner is aware of and agrees to the project.
8. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
9. As the project has not been identified as a priority project in a central government, local government, or sector plan or strategy or central government infrastructure priority list, the Advisory Group may wish to consider if the project meets the eligibility criteria under clause 17(3) of the Bill.
10. We consider the applicant **has not** provided sufficient information to consider the project for inclusion on Schedule 2A on the basis that consultation to date is limited and the applicant's assessment of environmental effects is not sufficiently detailed for a project of such scale. We note it could still be included on Schedule 2B based on the information provided).
11. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).

12. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', is centered on a white rectangular background.

Stephanie Frame
Manager – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice¹

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
High level summary			N	N	N	N	N			
<p>Schedule requested 2A</p> <p>Project Name Green Steel Project</p> <p>Applicant National Green Steel Limited</p> <p>Company director/s Vipan Kumar GARG</p> <p>Location s 9(2)(b)(ii)</p> <p>Land Status Private freehold land. The applicant advises it has a sale and purchase agreement with the landowner and that the landowner is aware of and agrees to the project.</p>	<p>The Green Steel project is to construct and operate a structural steel manufacturing plant on 53-hectares of land at s 9(2)(b)(ii) in the Waikato Region. The plant will use recycled scrap steel, sourced from across New Zealand and shredded on-site. The plant will produce around s 9(2)(b)(ii) tonnes of steel per annum. The project will comprise:</p> <p>A scrap steel shredding plant</p> <p>Electric arc furnaces to produce structural steel</p> <p>A small solar farm to provide some of the electricity needed to operate the plant</p> <p>Buildings, access roads and hardstand areas</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 	<p>The applicant advises it has had initial meetings with staff from Waikato District Council and Waikato Regional Council.</p> <p>The applicant advises it has also met with members of the Nga Muka Development Trust, who represent a marae cluster on behalf of Waikato-Tainui. The applicant is awaiting invitation to make a formal presentation to the Trust.</p>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</p> <p>No</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – the consenting components can be appropriately dealt with under the FTA. However, the project requires a plan change from 'rural' to 'industrial' zoning. Plan changes are not within scope of the FTA Bill and are dealt with under RMA processes.</p> <p>The project may have significant adverse effects on the environment.</p> <p>Yes – the applicant has provided a high-level summary assessment of environmental effects which concludes there will be no adverse effects. We question whether the assessment of environmental effects provided by the applicant is sufficiently detailed for a project of such scale. This is a matter that an Expert Panel could deal with should the project be listed</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 – the applicant advises that 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, noting that consents are required from both the district and the regional council.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>Low impact. The applicant views its proposal as having no adverse effects and the location is isolated.</p>	<p>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list.</p> <p>No – the applicant advises the project has not been identified as a priority project.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Yes – regionally significant although the applicant advises the project is not infrastructure.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>No</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – the applicant advises the project will provide around 200 jobs and employment for associated businesses.</p> <p>The project will support primary industries, including aquaculture.</p> <p>No</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>Yes - the applicant claims that recycled steel manufacturing has a lower carbon</p>

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

	for operation of the plant. Screening and planting to attenuate noise.								<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>No – but a plan change to amend zoning from 'rural' to 'industrial' would still be required from the District Council.</p>	<p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes – the application contains sufficient information to inform the referral decision.</p>	<p>footprint than steel manufacturing using non-recycled steel.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>No</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 – consistent with regional plan and district plan but a plan change to amend zoning from 'rural' to 'industrial' would be required.</p>
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PSGE Settlement Priorities and Māori Development assessment –

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

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

- where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.
- where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business;
- to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	The project does not appear to be ineligible according to the information provided in the application.
Affected Māori group/s	<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> • Waikato-Tainui; • Ngāti Naho; and • Ngāa Muka Development Trust as representatives of the marae cluster including Maurea, Horahora, Waikare, Taniwha and Okarea marae. <p><u>Waikato-Tainui</u></p> <p>Waikato-Tainui is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Waikato-Tainui and the Crown in the Deed of Settlement signed 22 May 1995.² In addition, the Waikato River settlement arrangements also include the proposed project site, based on the SO Plan agreed between Waikato-Tainui and the Crown in the Deed of Settlement signed 17 December 2009.³ Ngāti Naho is a hapū of Waikato-Tainui and Maurea, Horahora, Waikare, Taniwha and Okarea are marae of Waikato-Tainui.</p> <p><u>Waikato-Tainui remaining claims</u></p> <p>Waikato-Tainui are yet to settle their remaining historical Treaty of Waitangi claims and so the area of interest is not confirmed. There is a proposed area of interest included in the Terms of Negotiation signed 14 December 2020 and the proposed project location is within this area.⁴ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p>In addition to the groups identified by the applicant, we have also identified the following additional groups as potentially having interests in the proposed project location:</p> <ul style="list-style-type: none"> • Ngāti Te Ata • Ngāti Tamaoho • Ngāti Maru • Ngāti Paoa • Ngāti Tamaterā

² Waikato-Tainui Deed of Settlement 22 May 1995 (tearawhiti.govt.nz)

³ Waikato-Tainui Deed of Settlement in relation to the Waikato River Schedule 17 Dec 2009 (tearawhiti.govt.nz)

⁴ AOI-Waikato-Tainui.png (1032x1476) (tkm.govt.nz)

	<ul style="list-style-type: none"> • Ngaati Whanaunga • Ngāti Hako • Pare Hauraki Collective • Marutūāhu Iwi Collective <p><u>Ngāti Te Ata</u></p> <p>Ngāti Te Ata are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Te Ata is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai confirms the proposed project location as being closely adjacent to the area of interest for Ngāti Te Ata. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.⁵</p> <p><u>Ngāti Tamaoho</u></p> <p>Ngāti Tamaoho is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Tamaoho and the Crown in the Deed of Settlement signed 30 April 2017.⁶</p> <p><u>Ngāti Maru</u></p> <p>The area of interest of Ngāti Maru is not confirmed. The Deed of Settlement between Ngāti Maru and the Crown that was initialled on 8 September 2017 does not include an area of interest. Information from Te Kāhui Māngai shows part of the proposed project location as being within or closely adjacent to the area of interest for Ngāti Maru.⁷</p> <p><u>Ngāti Pāoa</u></p> <p>Ngāti Paoa is an iwi whose area of interest includes part of the proposed project site, based on the area of interest agreed between Ngāti Paoa and the Crown in a Deed of Settlement signed on 20 March 2021.⁸</p> <p><u>Ngāti Tamaterā</u></p> <p>The area of interest of Ngāti Tamaterā is not confirmed. The Deed of Settlement between Ngāti Tamaterā and the Crown that was initialled on 20 September 2017 does not include an area of interest. Information from Te Kāhui Māngai indicates the proposed project location is within or closely adjacent to the area of interest for Ngāti Tamaterā.⁹</p> <p><u>Ngaati Whanaunga</u></p> <p>Ngaati Whanaunga is an iwi whose area of interest includes or is closely adjacent to the proposed project site, based on the area of interest agreed between Ngaati Whanaunga and the Crown in a Deed of Settlement initialled on 25 August 2017.¹⁰</p> <p><u>Ngāti Hako</u></p> <p>Ngāti Hako are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Hako is not confirmed. Information from Te Kāhui Māngai confirms the proposed project location as being within or closely adjacent to the area of interest for Ngāti Hako. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.¹¹</p> <p><u>Pare Hauraki Collective</u></p> <p>Pare Hauraki Collective includes the 12 Iwi of Hauraki, being: Ngāti 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 or is closely adjacent to the proposed project site.¹²</p> <p><u>Marutūāhu Iwi Collective</u></p> <p>Marutūāhu Iwi Collective includes the 5 iwi known collectively as the Marutūāhu Iwi, being: Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri. The Marutūāhu Iwi Collective redress area in the Deed of Settlement that was initialled on 27 July 2018 includes the proposed project site.¹³</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant states that it has had preliminary meetings with Ngāa Muka Development Trust and initial feedback was positive. The applicant states that they are still awaiting an invitation to make a formal presentation to the full Trust, which would include representatives from the constituent marae that Ngāa Muka represents. The project has also been discussed with a representative of Ngaati Naho. The applicant has not provided any further details on the nature of engagement or views of the applicant.</p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation, or that the project will have a direct benefit in terms of Māori development.</p> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> • Ngāti Tamaterā Environmental Management Plan 2019

⁵ TKM | Iwi | Ngāti Te Ata | Te Kahui Māngai

⁶ AOI-NgatiTamaoho.jpg (686x1032) (tkm.govt.nz)

⁷ TKM | Iwi | Ngāti Maru | Te Kahui Māngai

⁸ Ngati-Paoa-Deed-of-Settlement-Attachments.pdf (tkm.govt.nz)

⁹ TKM | Iwi | Ngāti Tamaterā | Te Kahui Māngai

¹⁰ Whanaunga (002).pdf (tkm.govt.nz)

¹¹ TKM | Iwi | Ngāti Hako | Te Kahui Māngai

¹² Pare Hauraki Collective Redress Deed Schedule: Attachments (tearawhiti.govt.nz)

¹³ Marutūāhu Collective Redress Deed (tearawhiti.govt.nz)

- Ngaati Whanaunga Environmental Management Plan
- Ngāti Paoa Perspective on Resource Management 1993
- Ngāti Te Ata Tribal Policy Statement 1991
- Waikato-Tainui Environmental Management Plan
- Vision and Strategy for the Waikato River (addressed under relevant Treaty settlement arrangements below)

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

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

Impact on Treaty settlements and other relevant arrangements

Waikato Raupatu Claims Settlement Act 1995

There are no statutory acknowledgements in the Waikato Raupatu Claims Settlement Act 1995. There are no other mechanisms in the Act that appear to be directly impacted by the project.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

The Waikato-River arrangements are detailed with a number of powerful and complex interactions with the legislation including the RMA, conservation and heritage legislation.

The Waikato-Tainui river arrangements are recorded in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The overarching purpose of the settlement is to restore and protect the health and wellbeing of the Waikato River for future generations.

There are two underlying principles in the settlement:

Te Mana o te Awa

To Waikato-Tainui, the Waikato River is a tupuna (ancestor) which has mana (prestige) and in turn represents the mana and mauri (life force) of the tribe. Respect for te mana o te awa (the spiritual authority, protective power and prestige of the Waikato River) is at the heart of the relationship between the tribe and their ancestral river:

Mana whakahaere

Mana whakahaere embodies the authority that Waikato-Tainui and other River tribes have established in respect of the Waikato River over many generations, to exercise control, access to and management of the Waikato River and its resources in accordance with tikanga (values, ethics and norms of conduct). For Waikato-Tainui, mana whakahaere has long been exercised under the mana of the Kiingitanga:

The key elements provided for in the legislation include:

- A statement of significance of the river to Waikato-Tainui
- The Waikato River Authority (co-governance entity with five iwi and five Crown appointed members)
- Te Ture Whaimana (vision and strategy) – the primary direction setting strategic document for the Waikato River
- The Clean-Up Trust (with the Waikato River Authority as the trustee)
- The Waikato River Authority appointing half of the hearing commissions for resource consent applications relating to the river
- Arrangements to reflect the mana whakahaere of Waikato-Tainui including:
 - joint management agreements under the RMA
 - recognition of the exercise of customary activities on the river
 - recognition of the Waikato-Tainui Iwi environmental plan
 - an integrated river management plan.

The interactions between the Waikato River arrangements and the RMA, conservation and heritage legislation include the following:

- Te Ture Whaimana (the vision and strategy) is a powerful planning document and is stated in the legislation to be the 'primary direction setting' document for the river:
 - It is incorporated directly and without amendment into the RMA regional policy statement
 - It overrides any direction in an RMA national policy statement
 - RMA regional and district plans must give effect to Te Ture Whaimana
 - It has the status of 'general policy' under the conservation legislation
 - A number of decision-makers must 'have particular regard' to Te Ture Whaimana (including under the RMA, conservation and heritage legislation)

The joint management agreements (JMAs) between the river iwi and each local authority are expressly provided for and required under the legislation. Those JMAs have been negotiated and agreed, and include:

- A range of RMA mechanisms (including a committee structure for RMA planning processes with Waikato-Tainui as part of the decision-making structure, and provisions for RMA consenting and monitoring/enforcement). There are detailed provisions to provide for Waikato-Tainui involvement in decision-making and processes under the RMA
- A range of customary activities can be exercised on the river and are exempt from having to comply with the RMA
- A decision-maker on a resource consent and under conservation legislation must have regard to the Waikato-Tainui environmental plan.

The Waikato River arrangements have a significant influence over statutory processes including complex interactions with the RMA, conservation, wildlife 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.

Ngāti Tamaoho 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.

	<p>If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).</p> <p>Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation.</p> <p>Ngāti Paoa Claims Settlement Bill</p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.</p> <p>Pare Hauraki Collective</p> <p>The Pare Hauraki Collective Treaty settlement arrangements provide for significant redress in relation to RMA, planning and heritage legislation.</p> <p>The Pare Hauraki Collective Redress Bill is currently before Parliament and has its first reading.</p> <p>The mechanisms in the Pare Hauraki Collective Redress Bill include:</p> <ul style="list-style-type: none"> • 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 <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><u>Iwi Environment Management plans</u></p> <p>Note the comments above in relation to iwi management plans.</p> <p><u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u></p> <p>There are groups still working through their Treaty settlement processes. It will be important that these interests are considered in more detail if the project progresses through the fast-track process, but in the time available there are no further impacts noted.</p> <p><u>Other matters</u></p> <p>In the time available, officials have not identified any other impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.</p>
<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>From the information available we consider this project is likely to be of high impact. This is due to the nature and range of interests present in the project area including the interaction with the Waikato River 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>
<p>Has the Ministry for the Environment undertaken engagement?</p>	<p>Officials consider engagement would be beneficial given the nature and range of interests present in the project area but were unable to undertake this in the time available.</p>
<p>Additional comments/context</p>	<p>N/A</p>

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

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