

FTA#296: Application for listed project under the Fast-track Approvals Bill – High Voltage Direct Current (HVDC) Cable Replacement and Capacity Project for Schedule 2A

Date submitted to secretariat:	27 June 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

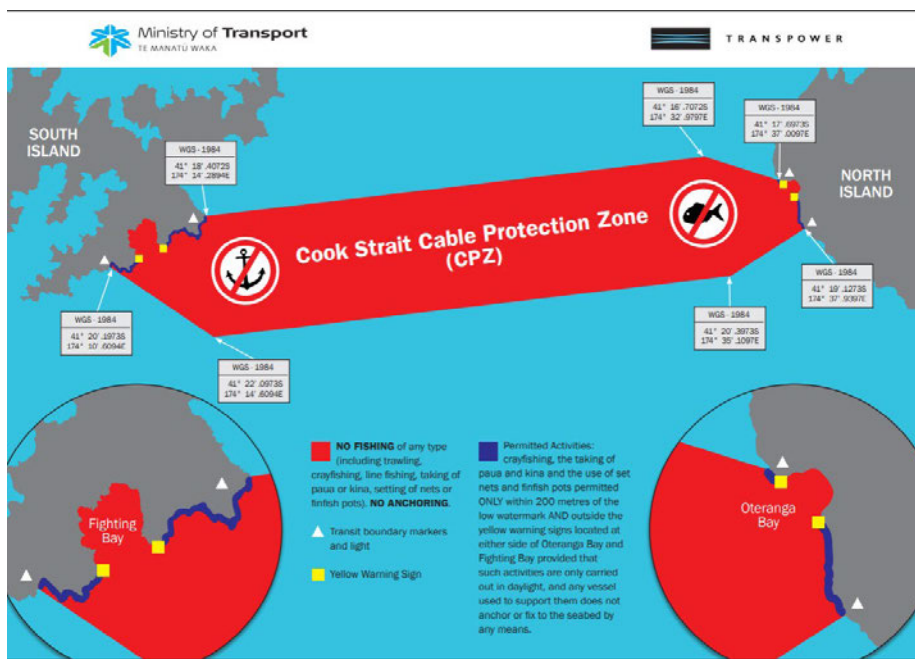
Number of attachments: #	Attachments: 1. Application documents for High Voltage Direct Current (HVDC) Cable Replacement and Capacity Project Project
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Applicant		Sector	Region	Identified in a priority/strategy?
Transpower Zealand Ltd	New	Energy Infrastructure	Wellington	No

Ministry for the Environment contacts

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

Project location



Map supplied showing project locations.

Key messages

1. The High Voltage Direct Current (HVDC) Cable Replacement and Capacity Project is to upgrade the HVDC inter-island transmission link (HVDC link) and replace the undersea cables that connect the North Island and South Island of New Zealand. This project looks to provide an appropriately sized, resilient and reliable HVDC link for the next 40 years.
2. The Cook Strait cables are vital to New Zealand's electricity system. In a typical year, the existing HVDC link enables 15% of the North Island electricity to be supplied from South Island generators, but at certain times, these cables can provide up to approximately 30% of the North Island's electricity.
3. The project will:
 - a. Replace three existing HVDC undersea cables which are nearing end of life (40 years at the time of replacement), with like for like cables, and install a fourth cable of the same size, to enable the full 1400MW of transfer capability of Haywards and Benmore HVDC convertors (currently limited to 1200MW)
 - b. Involve the construction of new or extended cable termination stations at the Oteranga Bay and Fighting Bay sites. The existing cables terminate into a single building at each end. The existing buildings do not fully meet current seismic ratings and are vulnerable to an extreme 1:2500-year seismic event or tsunami event.
 - c. Require installation of a fourth cable, at a minimum require a building extension. Should new termination stations be required, they would likely be constructed some distance from the existing building, and require line relocation (potentially involving new support structures).
 - d. Require bulk earthworks for building platforms. Earthworks will also be required for cable trenches from the buildings to a distance out to sea, where the cables will be laid on the seafloor. Beyond this distance, the cable will be laid on the sea floor, by ship.

- e. Include the recovery and disposal of the three HVDC cables currently in use.
 - f. Relocate existing transmission lines to the project area to connect to the new/altered termination stations. These relocations may involve new support structures and associated enabling earthworks.
4. The project will require resource consents under the Resource Management Act 1991 (RMA); concessions under the Conservation Act 1987; and approvals under the Heritage New Zealand Pouhere Taonga Act 2014.
 5. Proposed works will be undertaken in three distinct, but connected, locations. These are:
 - a) Oteranga Bay: Section 97 Terawhiti District held in record of title WN36D/931; Section 1 SO26301 held in record of title WN33B/962, Crown Land Survey Office Plan 26301 (Marginal Strip), and potentially Terawhiti Farming Co Limited held in record of title 321565.
 - b) Ōraumoā / Fighting Bay: Sec 1 SO 4679 held in record of title MB4C/878; Sec 88 SO 5086 (Local Purpose Reserve), and land that has the BEN-HAY A line on it coming into the station.
 - c) In the Cook Strait, generally in the area subject to the Cook Strait Cable Protection Zone (CPZ) (Refer Map and to the Submarine Cables and Pipelines Protection Order 2009, Schedule, Area 7). The project may extend beyond the existing CPZ, warranting an alteration to its boundary.
 6. The applicant has provided details of long-term tenure, detail of registered titles, and existing concession/easements. As this concession expires in 2030, Transpower will likely seek new or varied concessions from DOC for the replacement cables. Transpower will need to acquire interests in adjoining land at Oteranga Bay for any new termination station and relocated line connection, should that option be chosen. Interests in adjoining land at Fighting Bay may also be required for a relocated line connection to any new termination station on Transpower land. Given the stage of the project, discussions have yet to occur with the owners of these properties, but will occur once there is certainty about the location of the termination stations. Consultation is also proposed with interested parties once the location is established.
 7. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
 8. We consider the applicant **has** provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).
 9. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
 10. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature



Ray Salter
Principal – 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 High Voltage Direct Current (HVDC) Cable Replacement and Capacity Project</p> <p>Applicant Transpower New Zealand Ltd</p> <p>Company director/s NA – Crown Entity</p> <p>Location Oteranga Bay: Section 97 Terawhiti District held in record of title WN36D/931; Section 1 SO26301 held in record of title WN33B/962, Crown Land Survey Office Plan 26301 (Marginal Strip), and potentially Te Rawhiti Farming Co Limited held in record of title 321565. - Ōraumoia / Fighting Bay: Sec 1 SO 4679 held in record of title MB4C/878; Sec 88 SO</p>	<p>The High Voltage Direct Current (HVDC) Cable Replacement and Capacity Project is to upgrade the HVDC inter-island transmission link (HVDC link) and replace the undersea cables that connect the North Island and South Island of New Zealand. This project looks to provide an appropriately sized, resilient and reliable HVDC link for the next 40 years.</p> <p>The Cook Strait cables are vital to New Zealand's electricity system. In a typical year, the existing HVDC link enables 15% of the North Island electricity to be supplied from South Island generators, but at certain times,</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> • Resource Management Act 1991 • Heritage New Zealand Pouhere Taonga Act 2014 • Conservation Act 1987 • Reserves Act 1977 	<p>The project is in a preliminary phase – with the focus being on obtaining funding approval and procurement of subsea cables.</p> <p>Once the applicant has certainty about these matters, focus will turn to more detailed matters associated with obtaining environmental approvals and engagement with affected parties.</p> <p>Some engagement has commenced with the applicant groups for customary marine title at the northern end of Cook Strait. Transpower intends to contact mana whenua and MACA applicant groups at both the northern and southern in relation to this application.</p> <p>A full list of Local Authorities, relevant Iwi Authorities and PSGE's, MACA</p>	No – The applicant notes numerous settlements and PSGE's in Consultation. No land or MACA claims limit this application.	No – Not CMA.	No – While PCL is involved and will need approvals, DOC notes there are no identified grounds for ineligibility	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 – There are no outstanding (land) settlements and MACA applicants are listed.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – although the application identifies that approvals will be required under the RMA and will lodge applications under the RMA, we consider the project could be assessed by an expert panel with the benefit of a full application, in a post-enactment context.</p>	<p>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 – fast-track will result in a timely and cost-efficient process under one legislative regime offering certainty of electricity supply to all New Zealanders.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>Yes – This project underpins the ongoing resilience of electricity supply between North and South Islands.</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes – While this application is lodged ahead of consultation it</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 – However, the applicant has discussed the need for, and importance of, the project with relevant Ministers.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Yes – Nationally significant infrastructure vital to enabling supply of electricity across NZ grid and enabling further incoming renewable capacity to bolster current hydro schemes.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>Yes – the project will contribute to a well-functioning urban environment by ensuring electricity if moved between Islands to meet demand. It will also enable diversity of electricity supply, promote competition in the market, and</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.

<p>5086 (Local Purpose Reserve), and land that has the BEN-HAY A line on it coming into the station.</p> <p>- In the Cook Strait, generally in the area subject to the Cook Strait Cable Protection Zone (CPZ) (Refer Map above)</p> <p>Land Status</p> <p>Oteranga Bay</p> <p>- Section 97 Terawhiti District WN36D/931 is owned by Transpower New Zealand Ltd</p> <p>- Section 1 on SO26301 WN33B/962 is owned by Transpower New Zealand Ltd</p> <p>- Part Section 9 Terawhiti District is owned by Terawhiti Farming Co Limited</p> <p>- Crown Land Survey Office Plan 26301: His Majesty the King, marginal strip administered by Department of Conservation.</p> <p>Ōraumoa / Fighting Bay</p> <p>- Section 1 on SO 4679 MB4C/878 is owned by Transpower New Zealand Ltd</p> <p>- Section 26 Block XIII and Section 28 Block XIII Arapawa Survey District and Lot 1 Deposited Plan 546367 is owned by Petrina Anne Patrick, Peter Clifford</p> <p>Yorke, Michael George Yorke and Karen Elizabeth Lee.</p> <p>- Section 88 on SO 5086 is owned by His Majesty the King as a Local Purpose Reserve, administered by Department of Conservation</p>	<p>these cables can provide up to approximately 30% of the North Island's electricity.</p> <p>The project will:</p> <ul style="list-style-type: none"> • Replace three existing HVDC undersea cables which are nearing end of life (40 years at the time of replacement), • Involve the construction of new or extended cable termination stations at the Oteranga Bay and Fighting Bay sites. • Require installation of a fourth cable, at a minimum require a building extension. • Require bulk earthworks for building platforms. Earthworks will also be required for cable trenches from the buildings to a distance out to sea, where the cables will be laid on the seafloor (by ship) • Include the recovery and disposal of the three HVDC cables currently in use. • Relocate existing transmission lines to the project area to connect to the new/altered termination stations. 		<p>applicants, landowners and DoC concessions is listed in the application.</p>					<p>The project may have significant adverse effects on the environment.</p> <p>No – Sites and activities are largely in use and sites are highly modified.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No – The applicant lists 2 unrelated non-compliance items.</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 – Land settlements are listed, MACA applicants listed are yet to be heard or determined.</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No</p>	<p>contains sound information to inform a referral decision.</p>	<p>assist in security of electricity supply in dry years.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – By replacing and adding additional capacity (fourth cable) the project will provide significant economic benefits.</p> <p>The project will support primary industries, including aquaculture.</p> <p>No – However, electricity supply is vital to primary industry.</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 – Alongside the benefits of supply of electricity under changing climate (hydro), additional supply of electricity will in turn enable electrification of industrial processes and the transport fleet.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – The project will ensure resilience of the national Grid by replacing end of life cables. In addition, it will consider the seismic issues associated with the existing termination buildings, and risks associated with storm events and hazards.</p> <p>The project will address significant environmental issues.</p> <p>No</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Yes – Further analysis will occur to follow. The applicant notes National and Regional Planning documents contain objectives and policy to include the National Grid (e.g. implement NPSET).</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)	<p>The project does not appear to be ineligible according to the information provided in the application.</p>
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"> • Te Rūnanga o Ngāti Toa Rangatira Inc (also MIO and IAO) • Te Ātiawa o Te Waka-a-Māui (also MIO and IAO) • Rangitāne o Wairau • Te Rūnanga o Ngāti Kuia Trust (also MIO and IAO) • Te Pātaka a Ngāti Kōata • Muaūpoko Tribal Authority Inc (also MIO and IAO) • Te Ātiawa ki te Upoko o te Ika a Māui Pōtiki Trust (only for RMA issues associated with freshwater and marine environments) (also the MIO and IAO) • Port Nicholson Block Settlement Trust <p>The applicant has identified where iwi authorities are “MIO” which means “Mandated Iwi Organisation” in the Māori Fisheries Act 2004 and “IAO” which means “Iwi Aquaculture Organisation” in the Māori Commercial Aquaculture Claims Settlement Act 2004.</p> <p><u>Te Rūnanga o Ngāti Toa Rangatira Inc</u></p> <p>Te Rūnanga o Ngāti Toa Rangatira Inc is the representative entity of Ngāti Toa Rangatira. Ngāti Toa Rangatira is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Toa Rangatira and the Crown in the Deed of Settlement signed 7 December 2012.¹</p> <p><u>Te Ātiawa o Te Waka-a-Māui</u></p> <p>Te Ātiawa o Te Waka-a-Māui is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Te Ātiawa o Te Waka-a-Māui and the Crown in a Deed of Settlement signed 21 December 2012.²</p> <p><u>Rangitāne o Wairau</u></p> <p>Rangitāne o Wairau is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Rangitāne o Wairau and the Crown in a Deed of Settlement signed 4 December 2010.³</p> <p><u>Te Rūnanga o Ngāti Kuia Trust</u></p> <p>Te Rūnanga o Ngāti Kuia Trust is the representative entity of Ngāti Kuia. Ngāti Kuia is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Kuia and the Crown in a Deed of Settlement signed 23 October 2010.⁴</p> <p><u>Te Pātaka a Ngāti Kōata</u></p> <p>Te Pātaka a Ngāti Kōata is the representative entity of Ngāti Kōata. Ngāti Kōata is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Kōata and the Crown in a Deed of Settlement signed 21 December 2012.⁵</p> <p><u>Te Ātiawa ki te Upoko o te Ika a Māui Pōtiki Trust</u></p> <p>Te Ātiawa ki te Upoko o te Ika a Māui Pōtiki Trust is part of the Taranaki Whānui ki Te Upoko o Te Ika settlement, which is addressed below.</p> <p><u>Port Nicholson Block Settlement Trust and Taranaki Whānui ki Te Upoko o Te Ika</u></p>

	<p>Port Nicholson Block Settlement Trust is an iwi representative organisation of Taranaki Whānui ki Te Upoko o Te Ika.⁶ Taranaki Whānui ki Te Upoko o Te Ika is a collective that comprises of Te Ātiawa, Taranaki, Ngāti Ruanui, Ngāti Tama and others including Ngāti Mutunga from a number of Taranaki iwi.⁷ The Taranaki Whānui ki Te Upoko o Te Ika collective redress area in the Deed of Settlement signed 19 August 2008 includes the proposed project area.⁸</p> <p><u>Muaūpoko Tribal Authority Inc</u></p> <p>Muaūpoko Tribal Authority Inc is the representative group of Muaūpoko. Muaūpoko are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Muaūpoko is not confirmed.⁹ Te Kāhui Mangai shows an area of interest for Muaūpoko that includes the proposed project location.¹⁰ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Marine and Coastal Area (Takutai Moana) Act 2011 applicants</u></p> <p>The applicant has identified the following groups with applications under the Marine and Coastal Area (Takutai Moana) Act 2011:</p> <ul style="list-style-type: none"> • Ngāti Toa Rangatira • Te Ātiawa ki te Ika a Māui Trust • Tiratu Williams (Hongoeka Blocks) • Tupoki Takarangī Trust • Muaūpoko • Rangitāne North Island • Te Rūnanga o Rangitāne o Wairau • Te Rūnanga o Rangitāne o Kaituna Inc • Te Ātiawa o Te Waka a Maui Trust • Ngāti Apa ki te Rā Tō • Te Rūnanga o Ngāti Rārua <p>We have not identified any additional groups beyond those identified by the applicant.</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant states that some engagement has occurred with applicants under the Marine and Coastal Area (Takutai Moana) Act 2011; however no further details are provided. The applicant states that it will engage further with those applicant groups as well as engage with mana whenua in relation to the application to be listed under the fast-track process.</p> <p>The applicant has identified that there are urupā, and two middens, at Oteranga Bay.</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"> • Te Ātiawa o Te Waka-a-Māui Iwi Environmental Management Plan • Te Tau Ihu Mahi Tuna (Nelson/North Marlborough) Eel Management Plan • Ngati Koata Iwi Management Plan • Te Rūnanga o Ngāti Kuia Pakohe Management Plan • Te Rūnanga o Ngāti Rārua Environmental Strategy - Poipoia Te Ao Tūro <p>It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups.</p> <p>A full analysis of the plans would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. That is a matter to be considered in more detail in subsequent stages if this progresses through the fast-track processes.</p> <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p>Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014</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 applicant has identified the statutory acknowledgement in relation to Te Tau Ihu Coastal Marine Area includes the proposed project site.</p> <p>If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to</p>

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). 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.

River and Freshwater Advisory Committee

The River and Freshwater Advisory Committee is a form of advisory entity consisting of 8 iwi appointees that has a statutory function to advise relevant councils (Marlborough District Council, Tasman District Council and Nelson City Council) on river and freshwater matters in Nelson, Marlborough and Tasman. The River and Freshwater Advisory Committee provides advice on reviews, preparation and changes to, and notification of, Resource Management Act 1991 planning documents. The relevant council must invite the advisory committee to provide the advice and must have regard to the advice. Listing this project could impact the ability of the Advisory Board to provide advice to the Council on freshwater management issues relating to this project.

Conservation Act 1987

The Settlement Act includes obligations in relation to the Conservation Act 1987. This application seeks concessions which may be relevant to those settlement obligations (depending on the detail of the application made).

Other redress

The Department of Conservation has advised that there is a protocol area (relationship agreement) and site specific agreements (in relation to wahi tapu and fossicking areas) relevant to the project site

Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

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 applicant has identified the statutory acknowledgement in relation to Te Tau Ihu Coastal Marine Area includes the proposed project site.

The text above in relation to statutory acknowledgements applies here also.

River and Freshwater Advisory Committee

The text above in relation to the River and Freshwater Advisory Committee applies here also.

Conservation Act 1987

The text above in relation to the Conservation Act applies here also.

Other redress

The Department of Conservation has advised that there are rights of first refusals, protocol areas (relationship agreements) and site specific agreements (in relation to wahi tapu sites) relevant to the project site.

Ngāti Toa Rangitira Claims Settlement Act 2014

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 applicant has identified the statutory acknowledgements for Te Tau Ihu Coastal Marine Area, Cook Strait, Oteranga Bay marginal strip.

Poutiaki plan

Note also the Poutiaki plan that acknowledges the role of Ngati Toa as kaitiaki over the poutiaki coastal marine area that includes the Cook Strait. That plan has statutory effect in RMA processes.

The text above in relation to statutory acknowledgements applies here also.

Cook Strait Forum

Note also the Cook Strait Forum provided for in the Ngāti Toa Rangatira deed of settlement.

River and Freshwater Advisory Committee

The text above in relation to the River and Freshwater Advisory Committee applies here also.

Conservation Act 1987

The text above in relation to the Conservation Act applies here also.

Te Upoko Taiao arrangements

Ngāti Toa has a role under Te Upoko Taiao arrangements, which was formalised under the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua settlement, signed on 29 October 2021, and Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022.

Te Upoko Taiao is a permanent committee of Council, consisting of 6 members appointed by iwi and 6 members appointed by Councils. Members of the committee work together to oversee the preparation of the regional plan and other RMA planning documents. The committee also appoints hearing panels and commissioners for RMA planning hearings and undertakes other RMA related functions.

Sections 90 and 91 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 provides that Te Upoko Taiao is continued as a permanent committee of council and restricts Wellington Regional Council's ability to amend the terms of reference for the committee.

The fast-track process generally (not necessarily just the listing) will not provide equivalent impact for Te Upoko Taiao committee. One key purpose of the committee was to provide opportunities for the relevant iwi to influence whether and how resource consents may be granted, through overseeing the preparation of the regional plan and other RMA planning documents. If the fast-track legislation means that those RMA planning documents have lesser weight, that could impact on the integrity of this arrangement (although there are requirements in the fast-track Bill for the same or equivalent effect to be given to that type of redress).

Other redress

The Department of Conservation has advised that there is a right of first refusal relevant to the project site.

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has identified a statutory acknowledgement over the coastal marine area as being relevant to the proposed Project site at Oteranga Bay. The text above in relation to statutory acknowledgements applies here also.

Conservation Act 1987

The text above in relation to the Conservation Act applies here also.

Te Upoko Taiao arrangements

Port Nicholson Block Settlement Trust is also represented on Te Upoko Taiao. Therefore the text above in relation to this committee applies.

Other redress

The Department of Conservation has advised that there is a protocol area (relationship agreement) relevant to the project site.

Iwi Environment Management plans

Note the comments above in relation to iwi management plans.

Implications for groups yet to settle their historical Treaty of Waitangi claims

There are groups still working through their Treaty settlement processes. For example, Muaūpoko. 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.

Implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

The project area is in the common 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 – [Marine and Coastal Area Register | Toitū Te Whenua - Land Information New Zealand \(linz.govt.nz\)](https://linz.govt.nz/mca-register/). There are however approximately 13 applications by whānau, hapū and iwi groups who have applied to have their customary interests recognised under the Act.

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.

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.

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><u>Other matters</u></p> <p>In the time available, officials have not identified any other impacts for 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 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>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.