

FTA#368: Application for listed project under the Fast-track Approvals Bill – Hunua Quarry Development Project for Schedule 2A

Date submitted to secretariat:	12 June 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

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

Ministry for the Environment contacts


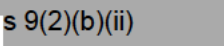
Position	Name	Mobile	1 st contact
Principal Authors	Rob Schick, Anna Galvin		
Manager	Stephanie Frame	s 9(2)(a)	
Director	Ilana Miller	s 9(2)(a)	✓

Project location

s 9(2)(b)(ii)



Key messages

1. The Hunua Quarry Development project is s 9(2)(b)(ii)  The project would allow for extraction of aggregates from the site for 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); concessions under the Conservation Act 1987, Wildlife Act and Heritage New Zealand Puhere Taonga Act 2014.
4. The Applicant notes that approvals under the Local Government Act 2002 and Land Transfer Act 2017 will also be required, but these are outside the scope of the Fast-Track Approvals Bill process.
5. Hunua Quarry and the associated land is owned by Winstone Aggregate's parent company, Fletcher Concrete and Infrastructure. No outstanding land access issues have been identified in the application.
6. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
7. We consider the applicant **has** provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).

8. The project does **not** trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
9. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature



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			Y	N	N	N	N			
<p>Schedule requested 2A</p> <p>Project Name Hunua Quarry Development Project</p> <p>Applicants Winstone Aggregates (a division of Fletcher Concrete and Infrastructure Ltd)</p> <p>Company directors Fletcher Concrete and Infrastructure Ltd Hamish Todd McBeath Bevan John McKenzie Niklaus Gregor Traber</p> <p>Location s 9(2)(b)(ii)</p> <p>Land Status</p>	<p>The Hunua Quarry Development project is to expand the existing Hunua Quarry that is located at [redacted].</p> <p>The project would allow for extraction of aggregates from the site for s 9(2)(b)(ii).</p> <p>The quarry development project will comprise:</p> <ul style="list-style-type: none"> extensive land clearing and soil removal construction of new access roads, infrastructure and ancillary buildings development of the quarry expansion area into an operational quarry 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 Wildlife Act 1953 Reserves Act 1977 Heritage New Zealand Pouhere Taonga Act 2014 <p>The application also notes that approvals are required for the following that are outside of the scope of the Fast-track Approvals Bill projects:</p> <ul style="list-style-type: none"> Land Transfer Act 2017 Local Government Act 2002 <p>Department of Conservation responded to a request for information and noted no reason for the project for the project to</p>	<p>In-depth consultation with mana whenua and Auckland Council has occurred as part of the project.</p> <p>An archaeological assessment has confirmed that there are no known significant sites within the development footprint. Four mana whenua partners have been invited to conduct Cultural Values Assessment on the entire site, the feedback from mana whenua will inform the final design of the site and pit.</p> <p>The quarry expansion was noted to Auckland Council in 2019, and engagement and consultation on both its strategic importance and operational delivery has occurred since.</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</p> <p>The project may have significant adverse effects on the environment</p> <p>Yes – the applicant notes that there are effects on the following:</p> <ul style="list-style-type: none"> Water management Ecological impacts on indigenous flora and fauna air quality and dust landscape and visual amenity noise and vibration archaeology and cultural sites <p>Management of adverse effects has been ongoing within the current quarry operation boundaries.</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 – prioritising the quarry for approval is critical to secure a sustainable aggregate supply for the Auckland market. Using the existing processes would potentially take more than five years.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process</p> <p>Yes – the project is shovel-ready with anticipated environmental effects and</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. The Government Policy on Land Transport 2024 identifies twelve significant projects in the Auckland area, for which a sustainable aggregate supply will be needed</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 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 – the proposed expansion will increase the quarry's production from s 9(2)(b)(ii)</p> <p>The expansion will contribute to an estimated capital investment of over s 9(2)(b)(ii) into the local economy over the quarry's operational life, providing economic stimulus across related sectors such as logistics, machinery maintenance and construction services.</p> <p>The project will support primary industries, including aquaculture</p> <p>Yes</p> <p>The project will support development of natural resources, including minerals and petroleum</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.

Hunua Quarry and associated land is owned by Winstone Aggregates parent company, Fletcher Concrete and Infrastructure.		be considered ineligible.						<p>The applicant has a poor compliance history under the relevant legislation</p> <p>No – Winstone Aggregates have not received any enforcement action.</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>No</p>	<p>management options well understood.</p> <p>Whether the application contains sufficient information to inform the referral decision</p> <p>Yes</p>	<p>Yes – the quarry is one of three major aggregate producers in the Auckland area, the expansion will retain access to aggregate for the foreseeable future.</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions</p> <p>No</p> <p>The project will support adaptation, resilience, and recovery from natural hazards</p> <p>Yes – the project will help Auckland’s preparedness and resilience for natural hazards by way of providing aggregate to build coastal protection, road rebuilding etc.</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>
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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"> • Ngāi Tai ki Tāmaki • Ngāti Manuhiri • Ngāti Maru • Ngāti Te Ata • Ngātiwai • Ngāti Whātua o Kaipara • Ngāti Whātua Ōrakei • Te Ākitai Waiohua <p><u>Ngāi Tai ki Tāmaki</u></p> <p>Ngāi Tai ki Tāmaki is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāi Tai ki Tāmaki and the Crown in a Deed of Settlement signed on 7 November 2015.²</p>

² AOI-NgaiTaikiTamaki.jpg (669x949) (tkm.govt.nz)

Ngāti Manuhiri

The applicant has identified Ngāti Manuhiri as having interests in the project area. Ngāti Manuhiri 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 Manuhiri and the Crown in a Deed of Settlement signed on 21 May 2011.³

Ngāti Maru

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.⁴

Ngāti Te Ata

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.⁵ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.

Ngātiwai

The applicant has identified Ngātiwai as having interests in the project area. Ngātiwai is an iwi whose area of interest does not appear to include the proposed project site, based on information from Te Kāhui Mangai.⁶

Ngāti Whātua o Kaipara

The applicant has identified Ngāti Whātua o Kaipara as having interests in the project area. Ngāti Whātua o Kaipara 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 o Kaipara and the Crown in a Deed of Settlement signed on 9 September 2011.⁷

Ngāti Whātua Ōrakei

The applicant has identified Ngāti Whātua Ōrakei as having interests in the project area. Ngāti Whātua Ōrakei is an iwi whose primary area of interest does not appear to include the proposed project site, based on the area of interest agreed between Ngāti Whātua Ōrakei and the Crown in a Deed of Settlement signed on 5 November 2011.⁸

Te Ākitai Waiohū

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 12 November 2021.⁹

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:

- Waikato-Tainui (remaining claims and raupatu claim)
- Ngāti Tamaoho
- Ngāti Paoa
- Ngāti Tamaterā
- Ngaati Whanaunga
- Ngāti Hako
- Marutūāhu Iwi Collective
- Tāmaki Collective

Waikato-Tainui remaining claims

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 dated 14 December 2020 and the proposed project location is within this area.⁸ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.

Waikato-Tainui raupatu claim

Waikato-Tainui is an iwi whose area of interest is near to 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 1995.¹⁰

Ngāti Tamaoho

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 2017.¹¹

Ngāti Paoa

Ngāti Paoa is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Paoa and the Crown in a Deed of Settlement signed on 20 March 2021.¹²

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

⁴ TKM | Iwi | Ngāti Maru | Te Kahui Mangai

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

⁶ <https://www.tkm.govt.nz/rohe/ngatiwai.pdf>

⁷ Ngāti Whātua o Kaipara Deed of Settlement - Attachments 9 Sep 2011 (tearawhiti.govt.nz)

⁸ Ngāti Whātua Ōrakei Deed of Settlement - Attachments 5 Nov 2011 (tearawhiti.govt.nz)

⁹ Te Ākitai Waiohū Deed of Settlement Attachments (tearawhiti.govt.nz)

¹⁰ Waikato-Tainui Deed of Settlement 22 May 1995 (tearawhiti.govt.nz)

¹¹ AOI-NgātiTamaoho.jpg (686x1032) (tkm.govt.nz)

¹² Ngati-Paoa-Deed-of-Settlement-Attachments.pdf (tkm.govt.nz)

	<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 include an area of interest. Information from Te Kāhui Māngai indicates the proposed project location is within the area of interest for Ngāti Tamaterā.¹³</p> <p><u>Ngaati Whanaunga</u> Ngaati Whanaunga is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Whanaunga and the Crown in a Deed of Settlement initialled on 25 August 2017.¹⁴</p> <p><u>Ngāti Hako</u> Ngāti Hako are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Hako is not confirmed. Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Hako. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.¹⁵</p> <p><u>Marutūāhu Iwi Collective</u> 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.¹⁶</p> <p><u>Tāmaki Makaurau Collective</u> Tāmaki Makaurau Collective includes 13 hapū/iwi known collectively as Tāmaki Makaurau Collective, being: Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Paoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngaati Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohua, Te Kawerau ā Maki, Te Patukirikiri and Te Rūnanga o Ngāti Whātua. The Tāmaki Makaurau Area in the Deed of Settlement that was signed on 5 December 2012 includes the proposed project site.¹⁷</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant states that:</p> <ul style="list-style-type: none"> • it has strong relationships and partnerships with multiple mana whenua whenua dating back 20 years; • as part of the works programme for the site a number of discussions have been held with mana whenua; and • once the fast-track bill was announced the potential for Hunua Quarry Development to be submitted to the fast track has been tabled with mana whenua. <p>Discussions have occurred between May 2023 and May 2024 with Ngāti Tamaoho, Te Ākitai Waiohua, Ngāti Te Ata and/or Ngāi Tai ki Tāmaki.</p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation, or that the project will have a direct benefit in terms of Māori development.</p> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> • Ngāi Tai Ki Tāmaki Take Taiaomaurikura • Ngāti Tamaterā Environmental Management Plan 2019 • Ngaati Whanaunga Environmental Management Plan <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 Tamaoho Claims Settlement Act 2018</p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project.</p> <p>If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. 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.</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</p>

¹³ TKM | Iwi | Ngāti Tamaterā | Te Kahui Māngai

¹⁴ Whanaunga (002).pdf (tkm.govt.nz)

¹⁵ TKM | Iwi | Ngāti Hako | Te Kahui Māngai

¹⁶ Marutūāhu Collective Redress Deed (tearawhiti.govt.nz)

¹⁷ Tāmaki Makaurau Collective Redress Deed Schedule - Attachments 5 Dec 2012 (tearawhiti.govt.nz)

	<p>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>Te Ākitai Waiohū Deed of Settlement</p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.</p> <p>Ngāi Tai ki Tāmaki Claims Settlement Act 2018</p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.</p> <p>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>Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014</p> <p><i>Heritage New Zealand (Pouhere Taonga) Act 2014</i></p> <p>The Settlement Act includes obligations in relation to the Heritage New Zealand (Pouhere Taonga) Act 2014. This application seeks an archaeological authority which may be relevant to those settlement obligations (depending on the detail of the application made).</p> <p>Mana Whakahono ā Rohe</p> <p>There does not appear to be any completed Mana Whakahono ā Rohe. However, a Mana Whakahono ā Rohe was initiated in March 2018 between Auckland Council, Ngāi Tai ki Tāmaki and is under negotiation.</p> <p>Iwi Environment Management plans</p> <p>Note the comments above in relation to iwi management plans.</p> <p><u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u></p> <p>There are groups still working through their Treaty settlement processes. For example, Ngāti 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><u>Other matters</u></p> <p>There have been no joint management agreements or Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 considerations identified. In the time available, officials have not identified any other relevant matters.</p>
<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>From the information available we consider this project is likely to be of medium impact. This is due to the nature and range of interests present in the project area.</p> <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.