

## FTA#327: Application for listed project under the Fast-track Approvals Bill – Integrated Development Plan for Te Arai South Precinct and Regional Park Project for Schedule 2A

Date submitted to secretariat:	9 July 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

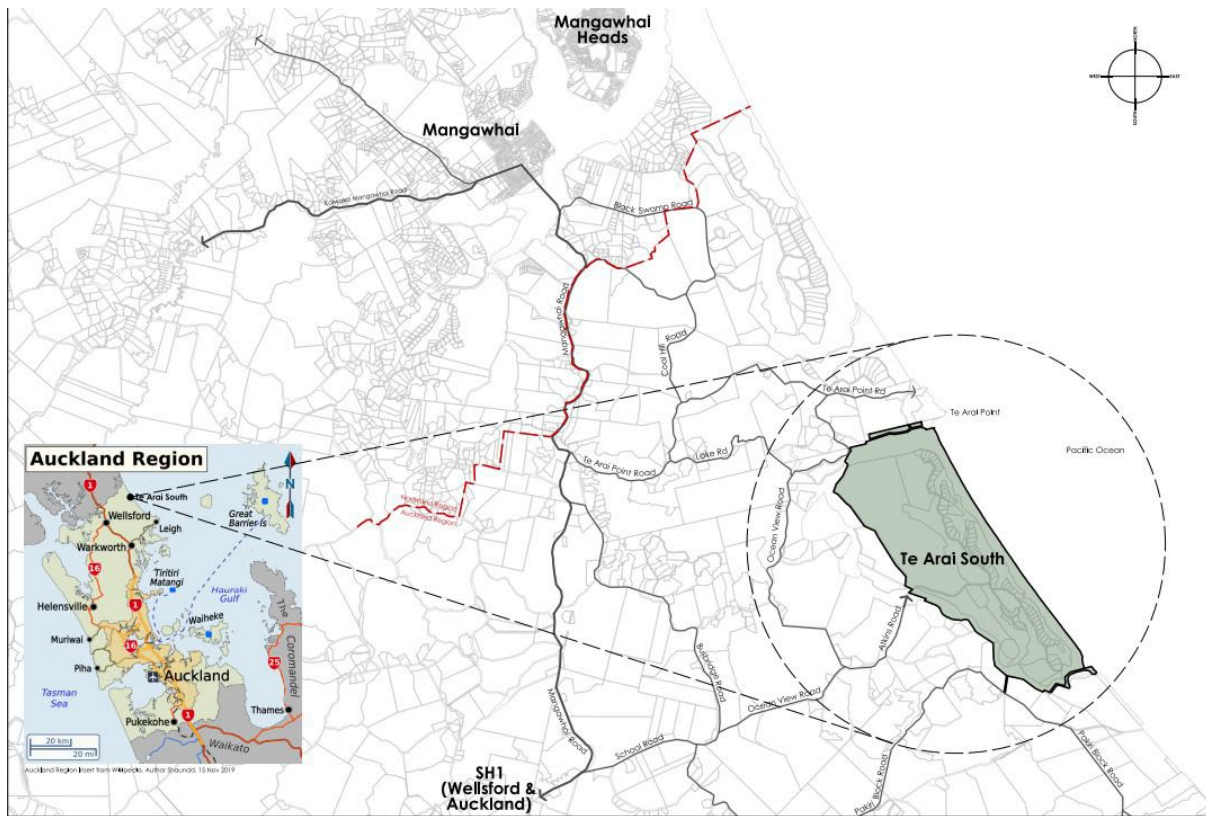
Number of attachments: 1	Attachments: 1. Application documents for Integrated Development Plan for Te Arai South Precinct and Regional Park Project
--------------------------	---

Applicant	Sector	Region	Identified in a priority/strategy?
Ngāti Manuhiri Settlement Trust and Te Ārai South Holdings Limited (or Nominees representing the Te Ārai South Joint Venture)	Urban Development	Auckland	Yes

### Ministry for the Environment contacts

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

## Project location



## Key messages

1. The project is the comprehensive and integrated development of a complimentary range of improved land use activities to give effect to the Te Arai Precinct of the Auckland Unitary Plan and Te Ārai Regional Park Management Plan 2022. The project will include:
  - a. expansion of existing land-based sand mining operations on the site of up to 300,000 cubic metres of sand per annum
  - b. establishment of a Ngāti Manuhiri Te Ārai Regional Park 'gateway village' visitor development comprising a cultural and arts visitor centre, visitor accommodation comprising up to 180 visitor accommodation units, landscaped public open space and supporting café/restaurant and retail activities
  - c. staged development of up to 420 residential and retirement living units (and associated subdivision) including the establishment of affordable Ngāti Manuhiri papakāinga and local worker accommodation for employees servicing the Tara Iti and Te Ārai Links golf course operations, associated hospitality operations and related residential subdivision and development
  - d. local road improvements comprising the construction of 4 kilometres of new public access road providing a direct and convenient access to Te Ārai Regional Park, the sealing of 2.6 kilometres of existing unsealed public roading and improvements to a further 4.4 kilometres of existing public roading
  - e. development of the Te Ārai Regional Park including improved roading connections to and within the Park, the establishment of a public campground (including dedicated caravan and motorhome area) and associated facilities, a public trail network, a formed beachside public car park and landscaped day use area with

public toilet and shower facilities

- f. land-based aquaculture operations and associated sea water requirements
  - g. establishment of a community wastewater treatment and disposal system and community potable water treatment and supply system and other environmentally sustainable infrastructure necessary to service proposed development including sensitive stormwater management and solar electricity generation.
2. The project will require resource consents under the Resource Management Act 1991 (RMA); approval under the Wildlife Act 1953, access arrangements under the Crown Minerals Act 1991 and archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
  3. With the exception of that land owned by Auckland Council, the applicants (or entities controlled by and/or related to the applicants) are the legal owners of the land. There are no legal ownership impediments with respect to those activities the applicants propose on their own land. Those works proposed on Auckland Council parkland are to be carried out with the agreement of Auckland Council and in accordance with the Te Ārai Regional Park Management Plan 2022.
  4. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
  5. 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).
  6. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
  7. 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

---



Stephanie Frame  
**Manager – Listed Projects**

**Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice<sup>1</sup>**

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
<b>High level summary</b>			N	N	N	N	N			
<p><b>Schedule requested</b> 2A</p> <p><b>Project Name</b> Integrated Development Plan for Te Arai South Precinct and Regional Park</p> <p><b>Applicant</b> Ngāti Manuhiri Settlement Trust and Te Arai South Holdings Limited (or Nominees representing Te Arai South Joint Venture)</p> <p><b>Company director/s</b> James Castiglione John Darby Zak Darby</p> <p><b>Location</b> Te Arai South Precinct, Te Arai, Auckland</p> <p><b>Land Status</b> With the exception of that</p>	<p>The project is the comprehensive and integrated development of a complimentary range of improved land use activities to give effect to the Te Arai Precinct of the Auckland Unitary Plan and Te Arai Regional Park Management Plan 2022. The project will include:</p> <ul style="list-style-type: none"> <li>• expansion of existing land-based sand mining operations on the site of up to 300,000 cubic metres of sand per annum</li> <li>• establishment of a Ngāti Manuhiri Te Arai Regional Park 'gateway village' visitor development comprising a cultural and arts visitor centre, visitor accommodation comprising up to 180 visitor accommodation units, landscaped public open space and supporting café/restaurant and retail activities</li> <li>• staged development of up to 420 residential and retirement living units (and associated subdivision) including the establishment of</li> </ul>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> <li>• Resource Management Act 1991</li> <li>• Heritage New Zealand Pouhere Taonga Act 2014</li> <li>• Wildlife Act 1953</li> <li>• Crown Minerals Act 1991.</li> </ul>	<p>The applicant has only consulted with Auckland Council.</p>	<p>No – While the project will occur on Māori land, the applicant is the landowner.</p>	<p>No – While the applicant is seeking approval under the Crown Minerals Act, the project will not occur on land identified in Schedule 4 of that Act.</p>	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 – The applicant is the relevant Treaty settlement entity.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – While the project is complex and includes a lot of land uses which may be contentious, the project appears to align with the purpose of the underlying zone. We consider the project could be assessed by an expert panel under this Act with the benefit of a full</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 considers the project would progress faster under the fast-track process than would be the case under the RMA because it would enable consideration of various types of consents simultaneously. We note this is already possible under the RMA but consider the project would likely be able to obtain the approvals under several Acts faster using the fast-track process than would otherwise be the case.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</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>Yes – The project has been specifically identified as a priority project under the Auckland Unitary Plan insofar as, and very distinct from those of the surrounding Rural Coastal zone, the location-specific provisions of Te Arai South Precinct identify an overarching policy imperative to promote the Treaty of Waitangi commercial redress opportunities through various land use activities including, sandmining, integrated Māori development, papakāinga, commercial and tourism activities.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Yes – Te Arai Regional Park comprises a significant regional recreational asset of over 450 hectares of land that includes 11km of coastline and the Te Arai Regional Park Management Plan 2022 identifies that visitor numbers to the Park are expected to increase rapidly. The proposal will involve the establishment of improved public roading connections to and within the Park and public car parking and the provision of community wastewater treatment and potable water supply systems to service the Park. Due to the regional significance of the Park, those infrastructure services qualify as equally regionally significant.</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 proposal will expressly address housing needs through the provision of residential, visitor</p>

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

<p>land owned by Auckland Council, the applicants (or entities controlled by and/or related to the applicants) are the legal owners of the land. There are no legal ownership impediments with respect to those activities the applicants propose on their own land. Those works proposed on Auckland Council parkland are to be carried out with the agreement of Auckland Council and in accordance with the Te Ārai Regional Park Management Plan 2022.</p>	<p>affordable Ngāti Manuhiri papakāinga and local worker accommodation for employees servicing the Tara Iti and Te Ārai Links golf course operations, associated hospitality operations and related residential subdivision and development</p> <ul style="list-style-type: none"> <li>• local road improvements comprising the construction of 4 kilometres of new public access road providing a direct and convenient access to Te Ārai Regional Park, the sealing of 2.6 kilometres of existing unsealed public roading and improvements to a further 4.4 kilometres of existing public roading</li> <li>• development of the Te Ārai Regional Park including improved roading connections to and within the Park, the establishment of a public campground (including dedicated caravan and motorhome area) and associated facilities, a public trail network, a formed beachside public car park and landscaped day use area with public toilet and shower facilities</li> <li>• land-based aquaculture operations and associated sea water requirements</li> <li>• establishment of a community wastewater treatment and disposal system and community potable water treatment and supply system and other environmentally sustainable infrastructure necessary to service proposed development including sensitive stormwater management and solar electricity generation.</li> </ul>							<p>application and assessment of environmental effects.</p> <p><b>The project may have significant adverse effects on the environment.</b></p> <p><b>No</b> – The applicant has provided a summary of the effects associated with the project and has not identified them as significant.</p> <p><b>The applicant has a poor compliance history under the relevant legislation.</b></p> <p><b>No</b> – The applicant has not been subject to any compliance or enforcement action that we are aware of.</p> <p><b>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</b></p> <p><b>No</b> – The land has already been returned under Treaty settlement.</p> <p><b>The project includes an activity that is a prohibited activity under the RMA.</b></p> <p><b>No</b> – The project does not include any prohibited activities that we are aware of.</p>	<p><b>No</b> – All of the proposed activities will largely comprise typical land use activities that will replicate or be similar to existing activities occurring at Te Ārai North and Te Ārai South (including the already consented sand mining activity, subdivision, residential, visitor accommodation and worker accommodation).</p> <p>The sandy nature of the land itself, the absence of any affected watercourses or wetlands and the monoculture of exotic production pine forest cover on much of the land, the effects of the proposed activities are not complex and are easily assessed and understood for consent purposes under the fast-track process.</p> <p>Furthermore, because of the existing history of consenting those activities on the site, the applicant is able to rely on the existing Te Ārai South CSMP and a significant body of contemporary Auckland Council consent conditions that can be easily replicated (but with necessary modification) to reflect the proposed activities.</p> <p><b>Whether the application contains sufficient information to inform the referral decision.</b></p> <p><b>Yes</b> – We consider the applicant has provided sufficient information to enable</p>	<p>accommodation and affordable Ngāti Manuhiri papakāinga and local worker accommodation.</p> <p><b>The project will deliver significant economic benefits.</b></p> <p><b>Yes</b> – The proposed sand mining activity will enable Ngāti Manuhiri to realise the commercial redress purpose of the land while providing a resource which is critical to the physical and economic growth of the Auckland and Northland regions. The accessible sand reserve is estimated at over 6 million cubic metres, which would help to ensure security of supply for development and infrastructure projects for decades to come. At current values, such sand, once extracted, washed and graded, has a market value of over \$180 million. Thus, the sand mine has the capacity to provide significant regional economic benefit while also significantly enhancing the financial position of Ngāti Manuhiri Settlement Trust.</p> <p>Likewise, land-based aquaculture within the precinct has the capability to drive growth in national seafood production and export that, nationally, comprises a +\$2 billion industry and employs approximately 20,000 people. Harvesting kaimoana is a traditional use for which the land is well-suited; enabling aquaculture development is consistent with this history and has the potential to drive export receipts for New Zealand while providing meaningful economic returns to Ngāti Manuhiri.</p> <p><b>The project will support primary industries, including aquaculture.</b></p> <p><b>Yes</b> – The proposed land-based aquaculture comprises one of the various uses available under the Precinct and Integrated Māori Development opportunities of the Auckland Unitary Plan applying to Treaty Settlement Land.</p> <p><b>The project will support development of natural resources, including minerals and petroleum.</b></p> <p><b>Yes</b> – The proposed activities comprise the mining and supply of a land-based high-quality sand, suitable for production of structural grade concrete, at up to 300,000m<sup>3</sup> per annum to the Auckland construction sector.</p> <p><b>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</b></p> <p><b>No</b></p> <p><b>The project will support adaptation, resilience, and recovery from natural hazards.</b></p> <p><b>No</b></p> <p><b>The project will address significant environmental issues.</b></p> <p><b>No</b></p> <p><b>The project is consistent with local or regional planning documents, including spatial strategies.</b></p>
--	---	--	--	--	--	--	--	--	--	--

										you to consider it for inclusion on Schedule 2A.	Yes – The applicant considers the project is consistent with the Auckland Unitary Plan.
<p><b>PSGE Settlement Priorities and Māori Development assessment –</b></p> <p><i>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).</i></p> <p>Advice on Māori development and PSGE settlement priorities includes information relating to:</p> <ul style="list-style-type: none"> <li>• where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.</li> <li>• 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;</li> <li>• 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.</li> </ul>											
<p><b>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</b></p>		<p>The project does not appear to be ineligible according to the information provided in the application.</p> <p>The applicant is Ngāti Manuhiri Settlement Trust and Te Ārai South Holdings Limited or Nominees representing the Te Ārai South Joint Venture. The applicant states that “The land within the precinct forms part of the Treaty settlement between the Crown and Ngāti Manuhiri. The land was purchased by Ngāti Manuhiri as part of the commercial redress component of their settlement.”</p> <p>The applicant states the land proposed for the project is held by Ngāti Manuhiri Settlement Trust and Te Arai South Holdings Limited and Auckland Council in several certificates of title. The applicant states “those works proposed on Auckland Council parkland are to be carried out with the agreement of Auckland Council and in accordance with the Te Ārai Regional Park Management Plan 2022.”</p>									
<p><b>Affected Māori group/s</b></p>		<p>The applicant has identified the following group with interests in the project area:</p> <ul style="list-style-type: none"> <li>• Ngāti Manuhiri</li> </ul> <p><u>Ngāti Manuhiri</u></p> <p>Ngāti Manuhiri is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Manuhiri and the Crown in the Deed of Settlement signed on 21 May 2011.</p> <p>Officials note that the proposed project location is predominantly on Ngāti Manuhiri land returned in settlement, however, the proposed project location is also in, or adjacent to, the area of interest of the following groups which officials have identified:</p> <ul style="list-style-type: none"> <li>• Te Uri o Hau</li> <li>• Te Kawarau ā Maki</li> <li>• Ngāi Tai ki Tāmaki</li> <li>• Ngāti Pāoa</li> <li>• Ngāti Whanaunga</li> <li>• Marutūāhu Iwi Collective</li> <li>• Ngāti Wai</li> <li>• Ngāti Te Ata</li> <li>• Ngātu Whatua remaining claims</li> <li>• Te Parawhau hapū</li> <li>• Ngāti Hako</li> </ul> <p><u>Te Uri o Hau</u></p> <p>Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Te Uri o Hau as agreed in the deed of settlement signed between The Crown and Te Uri o Hau on 13 December 2000, enacted in legislation: <a href="#">AOI</a></p> <p><u>Te Kawarau ā Maki</u></p> <p>Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Te Kawarau ā Maki as agreed in the deed of settlement signed between The Crown and Te Kawarau ā Maki 22 February 2014, enacted in legislation: <a href="#">AOI</a></p> <p><u>Ngāi Tai ki Tāmaki</u></p> <p>Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāi Tai ki Tāmaki as agreed in the deed of settlement signed between the Crown and Ngāi Tai Tāmaki 8 September 2012: <a href="#">AOI</a> and enacted in legislation.</p> <p><u>Ngāti Pāoa</u></p> <p>Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Paoa as agreed in the deed of settlement signed between The Crown and Ngāti Pāoa 20 March 2021 (not yet enacted): <a href="#">AOI</a></p> <p><u>Ngaati Whanaunga</u></p> <p>Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngaati Whanaunga as agreed in the deed of settlement between Ngaati Whanaunga and the Crown (2017 – initialled, not yet enacted): <a href="#">AOI</a></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 Patukiriki. The Marutūāhu Iwi Collective redress area in the Deed of Settlement that was initialled on 27 July 2018 includes the proposed project site (<a href="#">Collective Redress Deed</a>).</p> <p><u>Ngātiwai</u></p> <p>Ngātiwai are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Wai is not confirmed through a Treaty settlement as yet, a Deed of Mandate was signed between the Crown and Ngāti Wai in 2016. Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngātiwai (<a href="#">AOI</a>). Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Ngāi Te Ata (Waiohua)</u></p> <p>Information from Te Arawhiti suggests the proposed project location may be within the area of interest for Ngāi Te Ata who have a Terms of Negotiation with the Crown (<a href="#">Ngāti Te Ata 2010 Terms of Negotiation</a>).</p> <p><u>Ngāti Whātua Remaining Claims</u></p> <p>Ngāti Whātua are yet-to-settle their remaining historical Treaty of Waitangi claims and so their area of interest of the is not confirmed through a Treaty settlement. The Crown and Ngāti Whātua signed an Agreement in Principle to settle their remaining claims on 18 August 2017. There is an area of interest in their agreement in Principle which includes the proposed project site (See: <a href="#">Agreement in Principle</a>).</p> <p><u>Te Parawhau Hapu</u></p> <p>Te Parawhau are yet to settle their historical Treaty of Waitangi claims and so the area of interest of the Te Parawhau is not confirmed. There is no information on Te Kāhui Māngai and in the time available, it has not been possible to confirm whether the proposed project location is within the area of interest for Te Parawhau.</p> <p><u>Ngāti Hako</u></p> <p>Ngāti Hako are yet-to-settle their remaining historical Treaty of Waitangi claims and so their area of interest of the is not confirmed through a Treaty settlement. There is a proposed area of interest included in their mandate document and the proposed project location is within this area: <a href="#">Ngāti Hako Mandate Strategy</a>. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p>Please note: until settlements are recognised in legislation, an area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p>
<p><b>Has the applicant consulted with those Māori groups?</b></p>	<p>The applicant is Ngāti Manuhiri Settlement Trust and Te Ārai South Holdings Limited or Nominees representing the Te Ārai South Joint Venture. The applicant states that as the proposed activities are to be carried out by land owned by those parties, and land returned through their settlement, they only need to consult with Auckland Council for the Council land being proposed for the project. The applicant states "that consultation process will be ongoing in relation to agreement over the proposed parkland access connections, provision of infrastructure and improvement works. To date no further consultation has been carried out as no such consultation has been required." Accordingly, no other Māori groups mentioned have been consulted with.</p>
<p><b>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</b></p>	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>This project appears aligns with PSGE and iwi strategic objectives and vision and it is being led by the PSGE in partnership with a Māori entity (Te Ārai South Holdings). The proposed activities include sand mining, Golf, Conservation, Intergrated Māori Development, Regional Park facilities, papakāinga, Residential and Retirement Living, Lakes, Village, Gold residential and Visitor accommodation residences. The applicant states that "the land concerned formed part of Ngāti Manuhiri Treaty Settlement and is specifically provided for in the Auckland Unitary Plan as Commercial Redress land and includes a significant part of The Te Ārai Regional Park that is one of New Zealand's largest regional parks created by the Land Owners partnership with the Auckland Council. The project is to provide for a range of land uses with improved sustainable economics that better realise the commercial redress opportunities of the land to the benefit of the Ngāti Manuhiri Settlement Trust while also allowing the Trust to advance its social and cultural interests."</p> <p>In the time available, we have identified the following potential relevant plans and documents:</p> <ul style="list-style-type: none"> <li>Te Ārai Regional Park Management Plan 2022</li> <li>Te Uri o Hau Kaitiakitanga o Te Taiao 2011</li> <li>Ngāi Tai Ki Tāmaki Take Taiaomaurikura</li> <li>Te Kawerau ā Maki Iwi Management Plan</li> <li>Te Iwi o Ngātiwai Iwi Environmental Policy Documents 2007</li> <li>Ngātiwai Aquaculture Plan 2005</li> <li>Ngaati Whanaunga Environmental Management Plan</li> </ul> <p>Aside from Te Ārai Regional Plan 2022 mentioned by the applicant in their application, 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.</p> <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p><b>Ngāti Manuhiri Claims Settlement Act 2012</b></p> <p><i>Statutory acknowledgement or RFR Land</i></p> <p>The project is in the boundary listed in the Act for the purposes of the Exclusive Right of First Refusal over Crown Land in the Deed of Settlement between the Crown and Ngāti Manuhiri (SO 442891 and SO442891). According to the title certificates provided by the applicant part of this land is now Ngāti Manuhiri.</p> <p><i>Statutory Acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. Officials have identified the following statutory acknowledgements that may be relevant to the project site:</p> <ul style="list-style-type: none"> <li>• Coastal Marine Area (OTS 125-06) - noting the project is adjacent to the coastal marine area)</li> </ul>

- Poutawa Stream (OTS-125-17)

If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies (noting that the applicant is also the PSGE in this case so will be aware of the implications). Generally, a statutory acknowledgement by the Crown is a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014.

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

*Relationship Protocols*

The Treaty settlement contains relationship protocols with the following agencies that may be relevant to the project site: Department of Conservation (Conservation protocol area), Ministry of Economic Development (now Business Innovation and Employment), Ministry of Fisheries, Ministry for Culture and Heritage, Ministry for the Environment.

**Te Uri o Hau Claims Settlement Act 2002**

*Statutory Acknowledgements*

This Treaty settlement contains a number of statutory acknowledgements. Officials have identified the following statutory acknowledgements that may be relevant to the project site:

- Mangawhai Marginal Strip (SO 70049)

If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the above text applies.

*Relationship Protocols and other relevant redress*

The Treaty settlement contains relationship protocols with the following agencies that may be relevant to the project site: Ministry of Fisheries, the Ministry of Economic Development, the Department of Conservation and the Ministry of Culture and Heritage. The Crown has also agreed to encourage the development of memoranda of understanding between Te Uri o Hau and the Kaipara District Council, the Rodney District Council, the Northland Regional Council, and the Auckland Regional Council.

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

*Statutory Acknowledgements*

This Treaty settlement contains a number of statutory acknowledgements. Officials have identified the following statutory acknowledgements that may be relevant to the project site:

- Coastal Marine Area (OTS 106-14) - noting the project site is adjacent to the coastal marine area.

If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the above text applies.

*Relationship Protocols*

The Treaty settlement contains relationship protocols with the following agencies that may be relevant to the project site: Ministry of Business, Innovation and Employment and the Ministry for Culture and Heritage, Department of Conservation - Conservation Protocol area.

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

*Statutory Acknowledgements*

This Treaty settlement contains a number of statutory acknowledgements. Officials have identified the following statutory acknowledgements that may be relevant to the project site:

- Coastal Marine Area (OTS 403-128) – noting the project is adjacent to the coastal marine area.

If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the above text applies.

*Relationship Protocols*

The Treaty settlement contains relationship protocols with the following agencies that may be relevant to the project site: Ministry for Culture and Heritage, Ministry for Primary Industries, Department of Conservation (Conservation Protocol Area), Ministry for the Environment, Ministry for Primary Industries.

**Ngāti Pāoa Claims Settlement Bill**

*Statutory Acknowledgements*

This Treaty settlement contains a number of statutory acknowledgements. There appear to be no statutory acknowledgements which are over or adjacent to the proposed project location. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the above text applies.

*Relationship Protocols*



	<p>The Treaty settlement contains relationship protocols with the following agencies that may be relevant to the project site: Ministry for Culture and Heritage, Ministry for Primary Industries, Department of Conservation.</p> <p><b>Ngaati Whanaunga Deed of Settlement 2017 (initialled settlement, not yet signed or enacted by legislation)</b></p> <p><i>Statutory Acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. There appear to be no statutory acknowledgements which are over or adjacent to the proposed project location. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the above text applies.</p> <p><i>Relationship Protocols</i></p> <p>The Treaty settlement contains relationship protocols with the following agencies that may be relevant to the project site: Ministry for Culture and Heritage, Ministry for Primary Industries, Department of Conservation.</p> <p><b>Marutūāhu Collective Redress Deed 2018</b></p> <p><i>Statutory Acknowledgements</i></p> <p>There appear to be no statutory acknowledgements which are over or adjacent to the proposed project location. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the above text applies.</p> <p><i>Relationship Protocols</i></p> <p>The Treaty settlement contains relationship protocols with the following agencies that may be relevant to the project site: Department of Conservation, the Ministry of Economic Development, the Ministry of Fisheries, Ministry for Culture and Heritage, the Ministry for the Environment.</p> <p><b>Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014</b></p> <p>The Tāmaki Makaurau Collective Deed provides collective redress for the shared interests of the Tāmaki Collective in maunga, motu and lands within Tāmaki Makaurau. It does not settle any historical claims. None of the sites transferred to the collective appear to be adjacent to, or over the proposed project location.</p> <p>There are also co-governance arrangements through this settlement such as a relationship agreement with the Minister and Department of Conservation, a conservation management plan for Rangitoto, Motutapu, Motukorea, and Motuihe islands. There are also three seats on the Auckland Conservation Board reserved for the Collective.</p> <p><b><u>Mana Whakahono ā Rohe</u></b></p> <p>Mana Whakahono ā Rohe are designed to assist tangata whenua and local authorities to discuss, agree and record how they will work together under the Resource Management Act (RMA). This includes agreeing how tangata whenua will be involved in decision making processes. A Mana Whakahono ā Rohe was initiated between Auckland Council and Ngāi Tai ki Tāmaki in March 2018 which remains under negotiation.</p> <p><b><u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u></b></p> <p>There are a number of groups still working through their Treaty settlement processes, including Ngāti Hako, Ngāti Te Ata, Ngāti Wai and Te Parawhau. It will be important that these interests are considered in more detail if the project progresses through the fast-track process.</p> <p><b><u>Implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011</u></b></p> <p>The project area is adjacent to 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 – <a href="#">Marine and Coastal Area Register   Toitū Te Whenua - Land Information New Zealand (linz.govt.nz)</a>. There are however a number of applications by whānau, hāpu and iwi groups who have applied to have their customary interests recognised under the Act. The applicant has noted the project is proposing a marine precinct, which will be of significant interest to applicant groups.</p> <p>Under the Act, takutai moana applicant groups have certain rights in relation to consenting processes under the Resource Management Act 1991, including the right to be consulted on resource consent applications in their takutai moana application area. The Fast-track Approvals Bill currently provides for consultation with takutai moana applicant groups on Schedule 2B projects at the Ministerial referral stage, and the clause 13 report must include information about the relevant takutai moana applicant groups in the project area. For schedule 2A projects these steps would not apply. For listed projects (both Schedule 2A and 2B), the Fast-track Approvals Bill as currently drafted, does not provide for consultation with takutai moana applicant groups at the expert panel stage.</p> <p>This means that an implication of listing a project under Schedule 2A is that takutai moana applicants would not have the ability to input into the process at all, and for Schedule 2B listing the only opportunity for any input is at the Ministerial referral stage.</p> <p>As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application.</p> <p><b><u>Other matters</u></b></p> <p>In the time available, officials have not identified any other impacts for Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.</p>
<p><b>Is the project considered low, medium or high impact (based on assessment criteria above)</b></p>	<p>From the information available we consider this project is likely to be of low impact. This is due to the potential development benefits for Ngāti Manuhiri given the project is being led by them and is predominantly on land returned through their Treaty settlement.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application.</p>
<p><b>Has the Ministry for the Environment undertaken engagement?</b></p>	<p>Officials consider engagement would be beneficial given the nature and range of interests present in the project area but were unable to undertake this in the time available.</p>
<p><b>Additional comments/context</b></p>	<p>N/A</p>

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

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