

## FTA#056: Application for listed project under the Fast-track Approvals Bill – Kaimai Hydro-Electric Power Scheme Re-Consenting Project for Schedule 2A

Date submitted to secretariat:	28 May 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

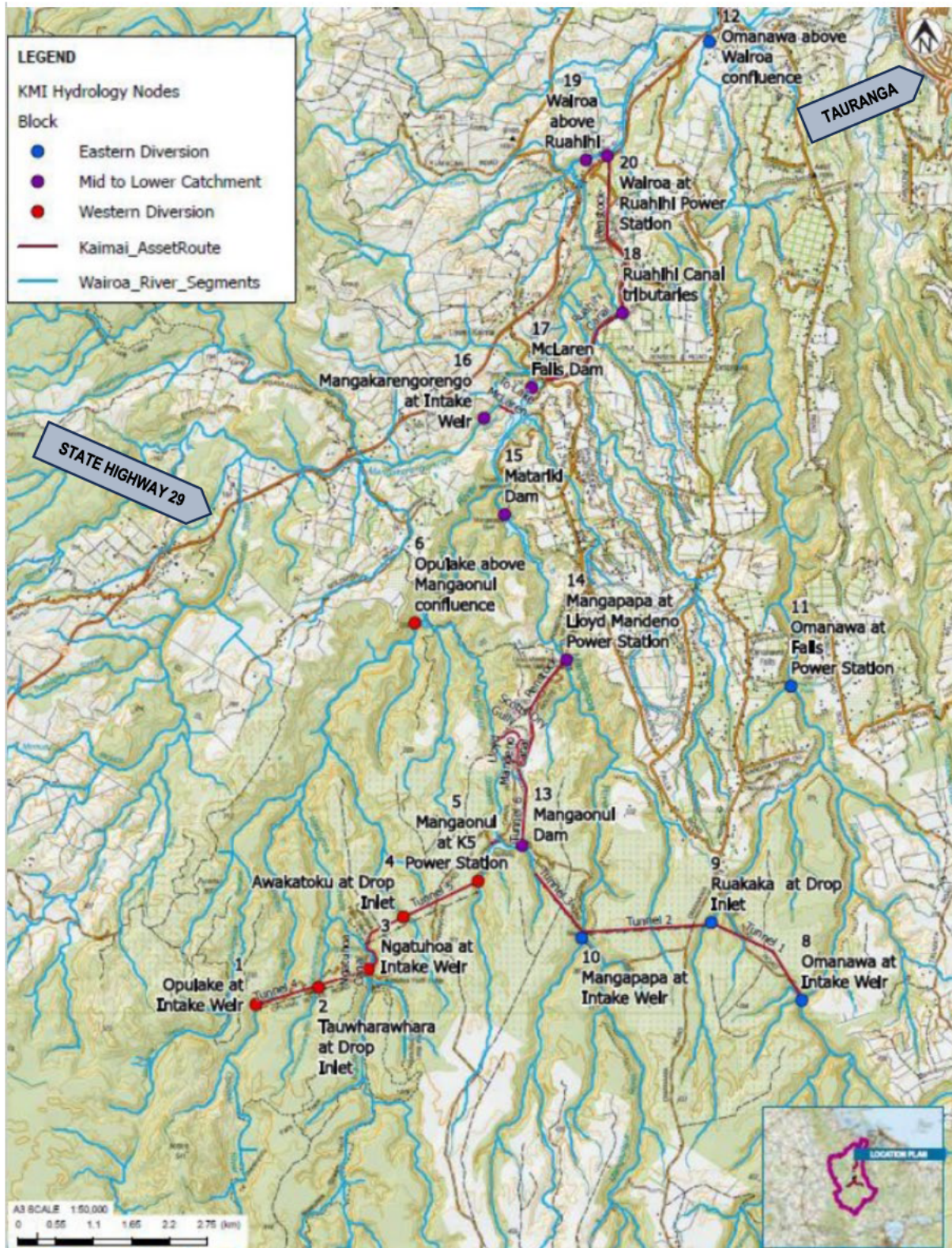
Number of attachments: #	Attachments: 1. Application documents for Kaimai Hydro-Electric Power Scheme Re-Consenting Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Manawa Energy Limited	Hydro	Bay of Plenty	No

### Ministry for the Environment contacts

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

# Project Location




## Key messages

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1. The Kaimai Hydro-Electric Power Scheme Re-Consenting project is to re-consent Manawa Energy Ltd's existing Kaimai Hydro-Electric Power Scheme, which is located within the Kaimai Ranges and the Wairoa River Catchment, 12km southwest of Tauranga and 25km northwest of Rotorua. We note the scheme's existing consents under the RMA are due to expire at various times through 2026 (this is not explicit in the application but can be found from a search of the Bay of Plenty Regional Council's public resource consents viewer).
2. The project will comprise continuing operation of the existing Scheme, largely as authorised under the current resource consents with the exception of:
  - a. increasing residual flows in the Mangapapa River, Omanawa River and downstream of McLaren Falls Dam
  - b. providing tuna passage through key waterbodies associated with the Scheme
  - c. implementing a sediment management plan.
3. The project will require resource consents under the Resource Management Act 1991 (RMA).
4. In respect of land access for the project, the application notes that the Kaimai Hydro-Electric Power Scheme is existing (with the applicant Manawa Energy as operator) and that the current associated titles include operational easements for this purpose. The applicant states it has secured the relevant landowners' consent.
5. We have undertaken an initial (Stage 1) analysis of the application(s) and this is provided in Table A.
6. We consider the applicant has provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).
7. The applicant has stated that the project is not ineligible. We note that the records of title provided with the application indicate that some of the land blocks may be Māori freehold land, although the applicant confirms it has secured the relevant landowner's consent (though we have not engaged with the landowner ourselves). We requested clarification from the applicant, who noted that the scheme is existing infrastructure, and that Manawa Energy has its own titles for the scheme waterways which intersect with (run through) the two titles vested in The Proprietors of Ngamanawa Block. On that basis, the project does not appear to trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
8. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

## Signature

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Stephanie Frame  
**Manager – Listed Projects**

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

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>			<b>Y</b>	<b>Maybe</b>	<b>N</b>	<b>N</b>	<b>N</b>			
<p><b>Schedule requested</b> 2A</p> <p><b>Project Name</b> Kaimai Hydro-Electric Power Scheme Re-Consenting</p> <p><b>Applicant</b> Manawa Energy Limited</p> <p><b>Company directors</b> Margaret Joanna Breare Sheridan Adelene Broadbent Deion Mark Campbell Phillippa Mary Harford Michael John Smith Joseph Michael Windmeyer</p> <p><b>Location</b> Within the Kaimai Ranges and the</p>	<p>The Kaimai Hydro-Electric Power Scheme project is to re-consent Manawa Energy Ltd's existing Kaimai Hydro-Electric Power Scheme.</p> <p>The project will comprise:</p> <ul style="list-style-type: none"> <li>continuing operation of the existing Scheme, largely as authorised under the existing resource consents</li> <li>increasing residual flows in the Mangapapa River, Omanawa River and downstream of McLaren Falls Dam</li> <li>providing tuna passage through key</li> </ul>	<p>The applicant seeks approvals under the:</p> <ul style="list-style-type: none"> <li>Resource Management Act 1991</li> </ul>	<p>The applicant outlines consultation with mana whenua and other iwi authorities, DOC, Fish and Game and whitewater recreation stakeholders.</p> <p>The key issues raised by mana whenua relate to fish passage, residual flows and loss of mauri of the river. The application states the Project intends to provide for residual flows, fish passage, and sediment management, in addition to operation of the existing Scheme.</p>	<p>The application has not identified any triggers.</p> <p>We note that the records of title provided with the application indicate that some of the land blocks may be Māori freehold land, although the applicant confirms it has secured the relevant landowner's consent.</p> <p>The applicant has also noted that the scheme is existing infrastructure, and that Manawa Energy has its own titles for the scheme waterways which intersect with (run through) the two titles vested in The Proprietors of Ngamanawa Block.</p>	<p>No access arrangements are required under the CMA.</p>	<p>No activity is proposed on a national reserve.</p>	<p>The activity does not include activities covered by the EEZA or offshore renewable energy.</p>	<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>This is discussed further in the substantive Treaty analysis.</p> <p>It is more appropriate to deal with the application under another Act</p> <p>Maybe - This application states the activity status is 'controlled' – i.e. cannot be declined under RMA and precluded from notification (unless special circumstances apply).</p> <p>The project may have significant adverse effects on the environment</p> <p>Maybe – The project is to re-consent an existing power scheme, while providing for residual</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 has already lodged separate applications with the Bay of Plenty Regional Council in June 2023 for the re-consenting project. However, the applicant states no further information requests have been received, and notification or substantive decisions have been made on that application by the council to date.</p> <p>The applicant states it could lodge an application with the EPA within one month of the Act becoming law.</p>	<p>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list</p> <p>No – the project has not been identified in any particular list. The scheme is existing and requires re-consenting to continue.</p> <p>The project will deliver regionally or nationally significant infrastructure</p> <p>Yes – the application notes the Scheme supplies electricity to power nearly 21,000 households, and supplies approximately 25% of peak (morning and evening) electricity to the Tauranga electricity distribution network. The Bay of Plenty Regional Policy Statement defines regionally significant infrastructure as including "facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network. The Bay of Plenty Regional Policy Statement defines regionally significant infrastructure as including "facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment</p>

<p>Wairoa River Catchment, is approximately 12km southwest of Tauranga and 25km northwest of Rotorua.</p> <p><b>Land Status</b></p> <p>The Kaimai Hydro-Electric Power Scheme is existing on the site.</p> <p>The application states that all current titles associated with the Scheme include operational easements.</p> <p>The scheme operates on land that has a mix of existing land tenure types (private land owned by the applicant or others, Tauranga City Council owned land, Public Conservation Land (DoC owned).</p> <p>The application included titles for some land that been identified by LINZ title registers as being potentially Māori Freehold Land. However, the applicant since advised that Manawa Energy has its own titles for the Scheme waterways which intersect with (run through) those two titles.</p> <p>DoC noted that Conservation approvals will be required for parts of the upper scheme which affect certain blocks of the</p>	<p>waterbodies associated with the Scheme</p> <ul style="list-style-type: none"> <li>implementing a sediment management plan.</li> </ul> <p>While not explicit, the application implies that the project would be seeking consent duration of 35 years beyond the expiry of the existing consents. The application states "Given the time and cost involved to obtain consent in the first place, a short consent duration (i.e. less than the maximum duration of 35 years) is a significant concern for Manawa Energy". We consider this matter could be assessed by an expert panel with the benefit of a full application, in a post-enactment context.</p>							<p>flows in some areas, fish passage, and sediment management.</p> <p>DoC notes that wildlife and possibly freshwater fish approvals may be required in respect of other parts of the scheme, which also affect some riparian significant natural areas and rare species of flora.</p> <p><b>The applicant has a poor compliance history under the relevant legislation</b></p> <p><b>No</b> – The applicant has identified Manawa Energy (stated as Trustpower / Manawa):</p> <ul style="list-style-type: none"> <li>received a handful of abatement or infringement notices with no further action by regulators</li> <li>one prosecution by Otago Regional Council against Trustpower for sediment discharge from Waipori Scheme into the Beaumont River. Pled guilty.</li> </ul> <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 project site does not include land available for Treaty settlement redress.</p> <p>The project is to re-consent an existing Scheme and no spatial expansion is proposed.</p> <p><b>The project includes an activity that is a prohibited activity under the RMA</b></p>	<p><b>The impact referring this project will have on the efficient operation of the fast-track process</b></p> <p><b>No</b> - Low impact and complexity.</p> <p><b>Whether the application contains sufficient information to inform the referral decision</b></p> <p><b>Yes</b> - The application contains sufficient information.</p>	<p><b>No</b> – other than the general supply of electricity as a generation project</p> <p><b>The project will deliver significant economic benefits</b></p> <p><b>Yes</b> – the application highlights the cost of the existing resource consent process as being substantially higher than the RMA process, the need to generate electricity elsewhere if this project is not re-consented (to meet demand), and other economic benefits of the existing scheme continuing.</p> <p><b>The project will support primary industries, including aquaculture</b></p> <p><b>No</b> – the applicant has not suggested the project will support primary industries.</p> <p><b>The project will support development of natural resources, including minerals and petroleum</b></p> <p><b>No</b> – the applicant has not suggested the project will support development of natural resources.</p> <p><b>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions</b></p> <p><b>Yes</b> – the project is to re-consent an existing 42MW renewable electricity generation scheme. If the re-consenting is not approved, other energy sources would be required to meet the demand the current Scheme serves.</p> <p><b>The project will support adaptation, resilience, and recovery from natural hazards</b></p> <p><b>Yes</b> – the applicant is a lifeline utility operator and notes the existing power Scheme as part of that function during and after civil defence emergencies.</p> <p><b>The project will address significant environmental issues</b></p> <p><b>Yes</b> – Alongside the existing renewable energy scheme, the project proposes improved fish passage, sediment reduction, and new residual flows.</p> <p><b>The project is consistent with local or regional planning documents, including spatial strategies</b></p> <p><b>Yes</b> - The application states that the activity status for that which is applied for is 'controlled' under the relevant planning documents. Resource consent</p>
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Kaimai Mamaku Conservation Park.									No – The project is to re-consent an existing Scheme, and the application states the relevant activities have 'controlled' activity status under the RMA.	applications for controlled activities cannot be declined, but conditions can be placed.  The applicant has undertaken an assessment against statutory and non-statutory planning documents, and iwi/hapū management plans, and concluded that it considers the project is consistent with those documents. The applicant states there are no relevant spatial strategies. We have not undertaken a full assessment of the application against these documents to verify this.
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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 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;
- 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.

<b>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</b>	The applicant has stated that the project is not ineligible, however we note that the records of title provided with the application indicate that some of the land blocks may be Māori freehold land, although the applicant confirms it has secured the relevant landowner's consent. The applicant has also noted that the scheme is existing infrastructure, and that Manawa Energy has its own titles for the scheme waterways which intersect with (run through) the two titles vested in The Proprietors of Ngamanawa Block.
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<b>Affected Māori group/s</b>	<p>The applicant has identified the following groups as the groups with interests in the area:</p> <ul style="list-style-type: none"> <li>• Ngāti Ranginui</li> <li>• Ngāti Hangarau</li> <li>• Te Wairoa Hapū (Ngāti Kahu, Ngāti Pango and Ngāti Rangī)</li> <li>• Pirirākau</li> <li>• Ngāti Tamarāwhao</li> <li>• Ngāi Te Ahi</li> <li>• Ngāti Ruakawa</li> <li>• Ngāti Hinerangi</li> <li>• Ngāi Te Rangī</li> <li>• Ngāti Pūkenga</li> <li>• Ngamanawa Incorporation (environmental group with links to Ranginui, Hangarau and Raukawa)</li> </ul> <p><u>Ngāti Ranginui</u></p> <p>Ngāti Ranginui is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngā Hapū o Ngāti Ranginui and the Crown in the Deed of Settlement signed 21 June 2012.<sup>1</sup> Ngā Hapū o Ngāti Ranginui includes the following hapū, some of whom were identified in the application:</p> <ul style="list-style-type: none"> <li>• Ngati Te Wai</li> <li>• Pirirakau</li> <li>• Ngati Taka</li> <li>• Wairoa hapu (Ngati Rangī, Ngati Pango, Ngati Kahu)</li> <li>• Ngati Hangarau</li> <li>• Ngai Tamarawahao</li> <li>• Ngai Te Ahi</li> <li>• Ngati Ruahine.</li> </ul> <p><u>Ngāti Ruakawa</u></p>
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<sup>1</sup> [AOI-NgatiRanginui.jpg \(1196x1730\) \(tkm.govt.nz\)](#)

	<p>Ngāti Raukawa is an iwi whose area of interest may include the proposed project site but the quality of the Area of interest map included in the Deed of Settlement between Ngāti Raukawa and the Crown signed 2 June 2012 is such that it is not possible to confirm whether the Area of Association includes the project site.<sup>2</sup></p> <p><u>Ngāti Hinerangi</u></p> <p>Ngāti Hinerangi is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Hinerangi and the Crown in the Deed of Settlement signed 4 May 2019.<sup>3</sup></p> <p><u>Ngāi Te Rangi</u></p> <p>Ngāi Te Rangi is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāi Te Rangi and Ngā Potiki and the Crown in the Deed of Settlement signed 14 December 2013.<sup>4</sup></p> <p><u>Ngāti Pūkenga</u></p> <p>Ngāti Pūkenga is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Pūkenga and the Crown in the Deed of Settlement signed 7 April 2013.<sup>5</sup></p> <p>In addition to the groups identified by the applicant, we have also identified Marutūāhu Iwi Collective as potentially having interests in the proposed project location.</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 may include or be adjacent to the proposed project site.<sup>6</sup></p>
<p><b>Has the applicant consulted with those Māori groups?</b></p>	<p>The application states the applicant has previously consulted with mana whenua but not necessarily on this project.</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>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>The application states that planning advice has been sought, which concluded that the project is consistent with the following documents:</p> <ul style="list-style-type: none"> <li>• Te Koikoi Karoro – Ngāti Hangarau Hapū Management Plan 2021</li> <li>• Ngāti Kahu Hapu Environmental Management Plan 2011</li> </ul> <p>In the time available, a further brief review of the following strategic plans has been undertaken:</p> <ul style="list-style-type: none"> <li>• Tauranga Moana Iwi Management Plan 2016-2026: A Joint Environmental Plan for Ngāti Ranginui, Ngāi Te Rangi and Ngāti Pūkenga</li> <li>• Pirirakau Hapū Management Plan 2017</li> <li>• Ngāti Pūkenga Iwi ki Tauranga Trust Iwi Management Plan 2013</li> </ul> <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 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>Nga Hapu o Ngāti Ranginui Deed of Settlement dated 21 June 2012 and Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Bill</b></p> <p>There are no statutory acknowledgements in the Settlement Bill. The Deed of Settlement identifies 'significant maunga and awa' to Nga Hapu o Ngāti Ranginui, which includes the Wairoa River and other awa which may be affected by the project. However, no specific redress is provided in relation to those.<sup>7</sup></p> <p><b>Ngāi Te Rangi and Ngā Pōtiki Deed of Settlement dated 14 December 2013 and Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill</b></p> <p><i>Statutory Acknowledgements</i></p> <p>There are various statutory acknowledgements in the Settlement Bill. However, none are located in or adjacent to the 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.</p>

<sup>2</sup> [Raukawa Deed of Settlement 2 June 2012 \(tearawhiti.govt.nz\)](#).

<sup>3</sup> [Ngāti Hinerangi Deed of Settlement Schedule — Attachments \(tearawhiti.govt.nz\)](#)

<sup>4</sup> [Ngāi Te Rangi and Ngā Pōtiki Deed of Settlement Schedule - Attachments 14 Dec 2013 \(tearawhiti.govt.nz\)](#)

<sup>5</sup> [Ngāti Pūkenga Deed of Settlement - Attachments 7 April 2013 \(tearawhiti.govt.nz\)](#)

<sup>6</sup> [Marutūāhu Collective Redress Deed \(tearawhiti.govt.nz\)](#)

<sup>7</sup> [Ngāti Ranginui Deed of Settlement - Attachments 21 June 2012 \(tearawhiti.govt.nz\)](#)

	<p>An impact of listing this project under Schedule 2 part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).</p> <p>Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation.</p> <p><b>Ngāti Pūkenga Claims Settlement Act 2017</b>  <i>Statutory Acknowledgements</i></p> <p>There are various statutory acknowledgements in the Settlement Bill. However, none are located in or adjacent to the project. The text above in relation to statutory acknowledgements applies here also.</p> <p><b>Tauranga Moana Iwi Collective Deed of Settlement dated 21 January 2015 and Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Bill</b>  <b>(relevant to Ngā Hapū o Ranginui, Ngāi Te Rangi and Ngāti Pūkenga)</b>  <i>Statutory acknowledgements</i></p> <p>There are statutory acknowledgements in the Settlement Bill. However, none are located in or adjacent to the project. The text above in relation to statutory acknowledgements applies here also.</p> <p>Te Kūpenga Framework</p> <p>The Deed of Settlement provides for the Te Kūpenga Framework, which applies to the project site. This includes a range of redress, which may be relevant to the project. The Deed of Settlement has not yet been given effect to through legislation because the Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Bill has not yet been enacted.</p> <p><b>Ngāti Hinerangi Claims Settlement Act 2021</b>  <i>Statutory Acknowledgements</i></p> <p>There are various statutory acknowledgements in the Settlement Act. However, none are located in or adjacent to the project. The text above in relation to statutory acknowledgements applies here also.</p> <p><b>Raukawa Claims Settlement Act 2014</b>  <i>Statutory Acknowledgements</i></p> <p>There are various statutory acknowledgements in the Settlement Act. However, none are located in or adjacent to the project. The text above in relation to statutory acknowledgements applies here also.</p> <p><b>Iwi Environment Management plans</b></p> <p>Note the comments above in relation to iwi management plans.</p> <p><b><u>Other matters</u></b></p> <p>There have been no joint management agreements, mana whakahono ā rohe or Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 considerations identified. In the time available, officials have not identified any other relevant matters.</p>
<p><b>Is the project considered low, medium or high impact (based on assessment criteria above)</b></p>	<p>From the information available we consider this project is likely to be of medium impact. This is due to the number of Treaty settlement and related arrangements in the area.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application.</p>
<p><b>Has the Ministry for the Environment undertaken engagement?</b></p>	<p>The Department of Conservation have noted that their previous engagement with some of these groups has identified concerns with this scheme and that further engagement would be needed to further understand concerns relating to commitments in their Treaty settlements and other matters. 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.