

FTA#295: Application for listed project under the Fast-track Approvals Bill – Katikati Quarry Expansion Project for Schedule 2A

Date submitted to secretariat:	11 June 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

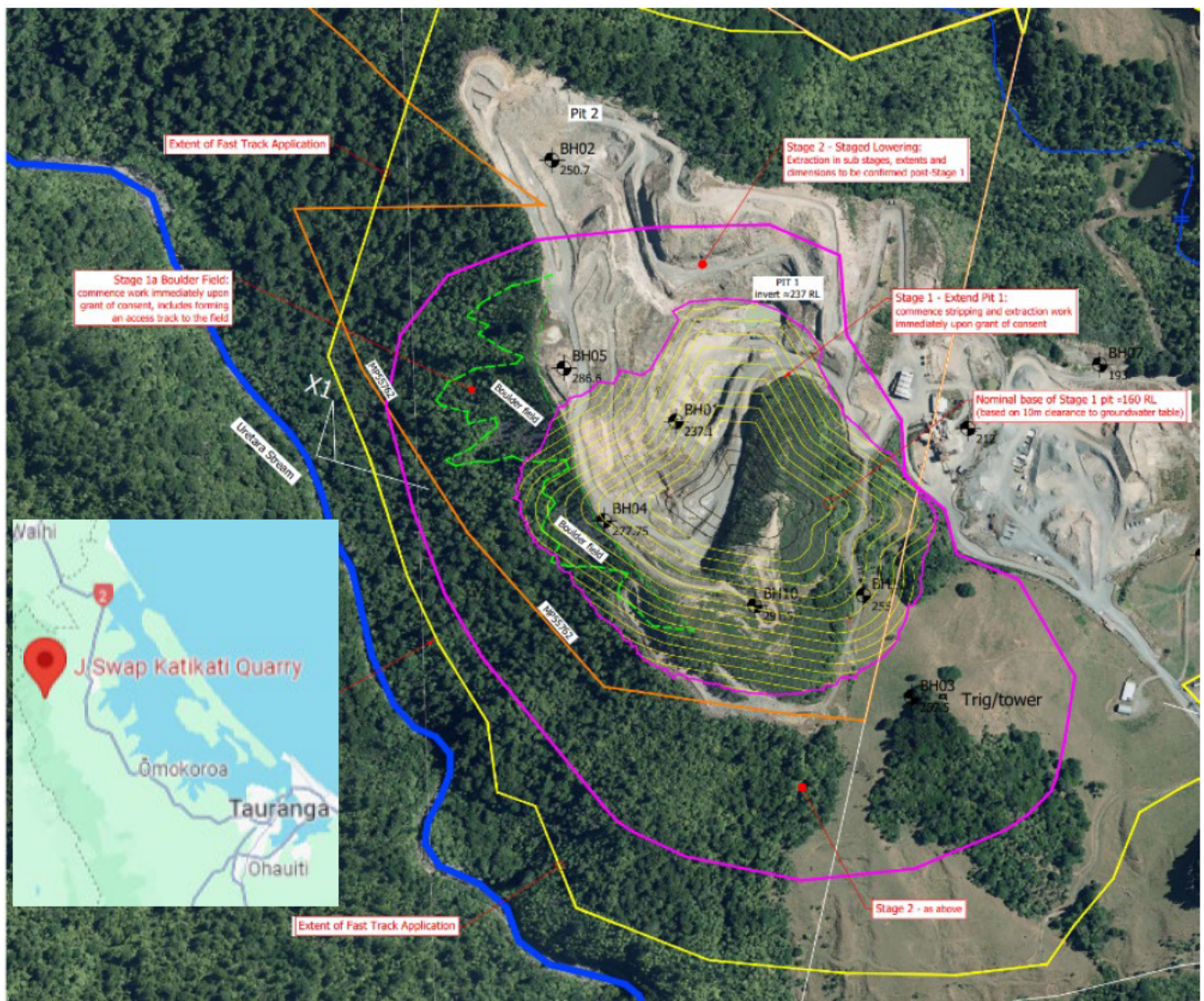
Number of attachments: #	Attachments: 1. Application documents for Katikati Quarry Expansion Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Katikati Quarries (2001) Ltd	Mining	Bay of Plenty	No

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



Key messages

1. The Katikati Quarry Expansion Project is to expand the existing quarry by 50 hectares within both their own property boundaries, as well as into adjacent Crown land located at the end of Wharawhara Road, Katikati, Western Bay of Plenty.
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 consents under the Resource Management Act 1991 (RMA); concessions under the Wildlife Act 1987 and Reserves Act 1977, and archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
4. Katikati Quarries (2001) Ltd (the Applicant) is the legal title holder of. Land adjacent to the

quarry is owned by the Department of Conservation (DoC) as part of the Kaimai Mamaku Forest Part, for which access concessions are being sought for. However, DoC only granted an access arrangement over limited areas within the Crown's title where there has already been historical ground disturbance and vegetation clearance. The applicant has mineral rights to this rock reserve via Crown Minerals Permit 55672.

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 project does **not** 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



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 Katikati Quarry Expansion Project</p> <p>Applicants Katikati Quarries (2001) Ltd</p> <p>Company directors David Lewis Swap Lewis Joseph Swap Michael James Swap Stephen William Earl Swap</p> <p>Location End of Wharawhara Road, Katikati, Western Bay of Plenty</p> <p>Land Status The applicant is the owner of a 42.7 ha title of land at the end of Wharawhara Road, Katikati, Western Bay of Plenty. This title is adjacent to a number of Crown titles, being part of the wider Kaimai Mamaku Forest Park. The Katikati</p>	<p>The Katikati Quarry Expansion Project is to expand the existing quarry by 50 hectares within both their own property boundaries, as well as into adjacent Crown land located at the end of Wharawhara Road, Katikati, Western Bay of Plenty.</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>Department of Conservation (DoC) responded to a request for information and noted no reason for the project to be considered ineligible.</p>	<p>The submitter attempted to obtain an Access Arrangement with the DoC following the approval of the 2014 Mining Permit. However, DoC only granted an Access Arrangement over limited areas within the Crown's title where there has already been historical ground disturbance and vegetation clearance.</p> <p>The most recent consultation with iwi was undertaken as a part a stormwater and landuse consent applications in 2021. During this process engagement was positive with iwi supporting the need for quarries and supported the ongoing operation of this quarry. Iwi and hapu representatives remain part of the ongoing Quarry</p>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHP 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"> streams, wetlands and groundwater air quality from dust emissions conservation land and biodiversity values landscape and visual amenity noise, vibration and blasting archaeology and cultural sites erosion and sediment loss <p>DoC notes potential ecological effects include significant loss of indigenous vegetation and habitat for fauna - native birds such as whitehead, kaka, karearea, threatened striped skink, long and short-tail bats.</p> <p>The project should also include a risk mitigation plan for kauri dieback.</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 fast track process streamlines the range of necessary, permits and access arrangements into a single process. It's expected that the existing process would take up to 4 years, with no guarantee consents would be approved.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process</p> <p>Yes – the project builds on an already established quarry and it involves a discrete package of inter-related consents which can be considered in a timely and cost-saving manner</p> <p>Whether the application</p>	<p>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list</p> <p>No – however, the applicant notes that the Bay of Plenty region is forecast for high growth in the next 20-30 years with limited access to a sustainable source of local aggregates at present.</p> <p>The project will deliver regionally or nationally significant infrastructure</p> <p>Yes – The applicant states this proposal is crucial for the region, ensuring the availability of essential aggregates for critical infrastructure projects in the next 20-30 years of forecast growth.</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 that aggregate is an essential component in urban construction projects</p> <p>The project will deliver significant economic benefits</p> <p>Yes – the applicant does not quantify the economic benefits directly, but that aggregate mining is significant to NZ's economy, and that aggregates being supplied from Katikati as opposed to Waikato, will avoid additional costs of \$1.4 million per annum to Tauranga.</p> <p>The project will support primary industries, including aquaculture</p> <p>Yes – quarrying is considered a primary industry in the planning standards</p>

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

<p>quarry straddles across both titles.</p> <p>The applicant holds a mining permit in respect to adjacent Crown land – MP55762 granted in 2014.</p>			<p>Engagement Group.</p>					<p>The applicant has a poor compliance history under the relevant legislation</p> <p>Yes – enforcement action was taken for discharge of sediment entering into water in 2016.</p> <p>DoC also notes that there here is a current active compliance issue for an ongoing non-compliance, illegal occupancy. Formal Notice was provided in March 2024 and 30 days' notice has lapsed with no response or action from Katikati Quarries.</p> <p>They also note there is also an encroachment Breach of Access Arrangement from 2020/21, where advice was sought to cease operation.</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>contains sufficient information to inform the referral decision</p> <p>Yes</p>	<p>The project will support development of natural resources, including minerals and petroleum</p> <p>Yes</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions</p> <p>No - applicant states the project will reduce greenhouse gas emissions by providing a regional source of aggregates however.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards</p> <p>Yes – applicant states that aggregates help develop resilient infrastructure, and that in the event of a recovery, having a diverse, and local source of aggregates is essential.</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 –

Note - given the time and scope constraints of this advice, some assumptions have been made and engagement has only been undertaken in limited circumstances. Given this, the advice may not be comprehensive and is not intended to reflect the views of relevant Post Settlement Governance Entities or other groups (unless specifically noted). In limited circumstances where engagement has been able to occur, it has most likely not been comprehensive due to the timeframes available.

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.

<p>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</p>	<p>This project does not appear to be ineligible according to the information provided in the application.</p>
<p>Affected Māori group/s</p>	<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> • Ngāi Te Rangī • Ngāi Tamawhariua • Te Whanau a Tauwhao Ki Otawhiwhi <p><u>Ngāi Te Rangī</u> Ngāi Te Rangī is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāi Te Rangī and Ngā Pōtiki and the Crown in the Deed of Settlement signed 14 December 2013.²</p>

² AOI-NgaiTeRangi.jpg (652x930) (tkm.govt.nz)

Ngāi Tamawhariua and Ngāi Tauwhao are hapū of Ngāi Te Rangi and exercise mana whenua over the area.

In addition to the groups identified by the applicant, we have also identified the following additional groups as potentially having interests in the proposed project location:

- Ngāti Pūkenga
- Ngāti Ranginui
- Marutūāhu Iwi Collective
- Pare Hauraki Collective
- Ngāti Maru
- Ngāti Hako
- Ngāi Tai ki Tāmaki
- Ngāti Rahiri Tumutumu
- Ngāti Tara Tokanui
- Tauranga Moana Iwi Collective
- Ngāti Tamaterā

Ngāti Pūkenga

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 2013.³

Ngāti Ranginui

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 2012.⁴ Ngā Hapū o Ngāti Ranginui includes the following hapū:

- Ngāti Te Wai
- Pirirakau
- Ngāti Taka
- Wairoa hapū (Ngāti Rangi, Ngāti Pango, Ngāti Kahu)
- Ngāti Hangarau
- Ngāi Tamarāwaho
- Ngāi Te Ahi
- Ngāti Ruahine.

Marutūāhu Iwi Collective

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.⁵

Pare Hauraki Collective

Pare Hauraki Collective includes the 12 iwi of Hauraki, being: Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rahiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri. The Pare Hauraki Redress Area agreed between the 12 iwi of Hauraki and the Crown in the Deed of Settlement that was signed on 2 August 2018 includes the proposed project site.⁶

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.⁷

Ngāti Hako

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 Mangai confirms the proposed project location as being within the area of interest for Ngāti Hako.⁸ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.

Ngāi Tai ki Tāmaki

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 2015.⁹

Ngāti Rahiri Tumutumu

³ AOI-NgatiPukenga.jpg (624x916) (tkm.govt.nz)

⁴ AOI-NgatiRanginui.jpg (1196x1730) (tkm.govt.nz)

⁵ Marutūāhu Collective Redress Deed (tearawhiti.govt.nz)

⁶ Pare Hauraki Collective Redress Deed Schedule: Attachments (tearawhiti.govt.nz)

⁷ TKM | Iwi | Ngāti Maru | Te Kāhui Mangai

⁸ TKM | Iwi | Ngāti Hako | Te Kāhui Mangai

⁹ AOI-NgaiTaikiTamaki.jpg (669x949) (tkm.govt.nz)

	<p>Ngāti Rāhiri Tumutumu is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Rāhiri Tumutumu and the Crown in a Deed of Settlement initialled on 13 July 2017.¹⁰</p> <p><u>Ngāti Tara Tokanui</u></p> <p>Ngāti Tara Tokanui is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Tara Tokanui and the Crown in the Deed of Settlement signed on 28 July 2022.¹¹</p> <p><u>Tauranga Moana Collective</u></p> <p>Tauranga Moana Collective includes Ngā Hapū o Ngāti Ranginui, Ngāi Te Rangi and Ngāti Pūkenga. The Tauranga Moana Iwi Collective redress area in the Deed of Settlement signed on 21 January 2015 includes the proposed project site.¹²</p> <p><u>Ngāti Tamaterā</u>¹³</p> <p>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.¹⁴</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant states that:</p> <ul style="list-style-type: none"> • The most recent consultation with iwi was undertaken as a part a stormwater and landuse consent applications in 2021. • During this process engagement was positive with iwi supporting the need for quarries and supported the ongoing operation of this quarry. • Iwi and hapu representatives remain part of the ongoing Quarry Engagement Group. <p>It is not clear from the application which groups were consulted.</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"> • Hauraki – Whaia te Mahere Taiao a Hauraki • Ngāti Tamaterā Environmental Management Plan 2019 • Ngāi Tai Ki Tāmaki Take Taiaomaurikura • Ngāti Pūkenga Iwi ki Tauranga Trust Iwi Management Plan 2013 • Tauranga Moana Iwi Management Plan 2016-2026 - A joint Environmental Plan for Ngāti Ranginui, Ngāi Te Rangi and Ngāti Pūkenga <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>Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill</p> <p><i>Statutory acknowledgments</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 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>

¹⁰ Rahiri T (002).pdf (tkm.govt.nz)

¹¹ TKM | Iwi | Ngāti Tara Tokanui | Te Kahui Māngai

¹² Tauranga Moana Iwi Collective Deed - Attachments 21 Jan 2015 (tearawhiti.govt.nz)

¹⁴ TKM | Iwi | Ngāti Tamaterā | Te Kahui Māngai

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.

Ngāti Pūkenga Claims Settlement Act 2017

Statutory acknowledgments

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.

Conservation Act 1987

The Settlement Bill includes obligations in relation to the Conservation Act 1987. This application seeks authorisation to access portions of Crown land for quarrying which may be relevant to those settlement obligations (depending on the detail of the application made). The same will apply to the Reserves Act and Wildlife Acts if those Acts apply.

Tauranga Moana Iwi Collective Redress Bill

Statutory acknowledgments

This Treaty settlement contains a number of statutory acknowledgements. The ridge lines on the Kaimai-Mamaku Range (with recorded names Kaimai Range and Mamaku Plateau) may be relevant to the project site. The text above in relation to statutory acknowledgements applies here also.

Joint entity

The Tauranga Moana Framework legislation – not yet introduced – will:

- establish a statutory committee called the Tauranga Moana Governance Group; and
- provide for the preparation, review, amendment, and adoption of a Tauranga Moana Framework document (Ngā Tai ki Mauao).

Te Kūpenga Framework

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 Bill has not yet been enacted.

Ngā Hapū o Ngāti Ranginui Claims Settlement Bill

Statutory acknowledgments

This Treaty settlement contains a number of statutory acknowledgements. The ridge lines on the Kaimai-Mamaku Range (with recorded names Kaimai Range and Mamaku Plateau) may be relevant to the project site. The text above in relation to statutory acknowledgements applies here also.

Pare Hauraki Collective Redress Bill

The Pare Hauraki Collective Redress Bill is currently before Parliament and has its first reading.

Statutory Acknowledgement

This Treaty settlement contains a statutory acknowledgement. The Kaimai Mamaku Range statutory acknowledgement may be near or adjacent to the project site or is directly impacted by the proposed project.

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

Other redress

The Pare Hauraki Collective Treaty settlement arrangements provide for significant redress in relation to RMA, planning and heritage legislation.

The mechanisms in the Pare Hauraki Collective Redress Bill include:

- Provisions for a Pare Hauraki conservation plan and specific conservation management strategy
- A decision-making framework in relation to conservation decision-making, with prescribed roles for Pare Hauraki in that decision-making process
- Establishment of the Waihou, Piako and Coromandel catchment Authority
- Establishment of the Upper Mangatangi and Mangatawhiri Catchment Authority
- Provision for the authorities to prepare catchment plans with powerful statutory effect
- Provision for joint management agreements

The Pare Hauraki arrangements have a significant influence over statutory processes including complex interactions with the RMA, conservation and heritage legislation. Any change to the statutory processes for these authorisations (for example, through the fast-track process) could have a significant impact on the operation and integrity of the arrangements.

Ngāti Tara Tokanui Claims Settlement Bill

Statutory acknowledgments

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.

Conservation Act 1987

	<p>The Settlement Bill includes obligations in relation to the Conservation Act 1987. This application seeks authorisation to access portions of Crown land for quarrying which may be relevant to those settlement obligations (depending on the detail of the application made). The same will apply to the Reserves Act and Wildlife Acts if those Acts apply.</p> <p>Ngāi Tai ki Tāmaki Claims Settlement Act 2018</p> <p><i>Statutory acknowledgments</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><i>Conservation Act 1987</i></p> <p>The Settlement Act includes obligations in relation to the Conservation Act 1987. This application seeks authorisation to access portions of Crown land for quarrying which may be relevant to those settlement obligations (depending on the detail of the application made). The same will apply to the Reserves Act and Wildlife Acts if those Acts apply.</p> <p>Crown Minerals Act 1991</p> <p>The Settlement Acts, Bills or deeds addressed above may include obligations in relation to the Crown Minerals Act 1991. This application seeks Crown Minerals Act 1991 approvals and which may be relevant to those settlement obligations (depending on the detail of the application made). There may also be settlement implications in relation to any Crown Minerals Act 1991 access or other statutory decisions made by the Minister or Director-General of Conservation (which may have been agreed through conservation relationship or other redress).</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.