

FTA#111: Application for listed project under the Fast-track Approvals Bill – Milldale Stages 4C and 10-13 Project for Schedule 2A

Date submitted to secretariat:	5 July 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

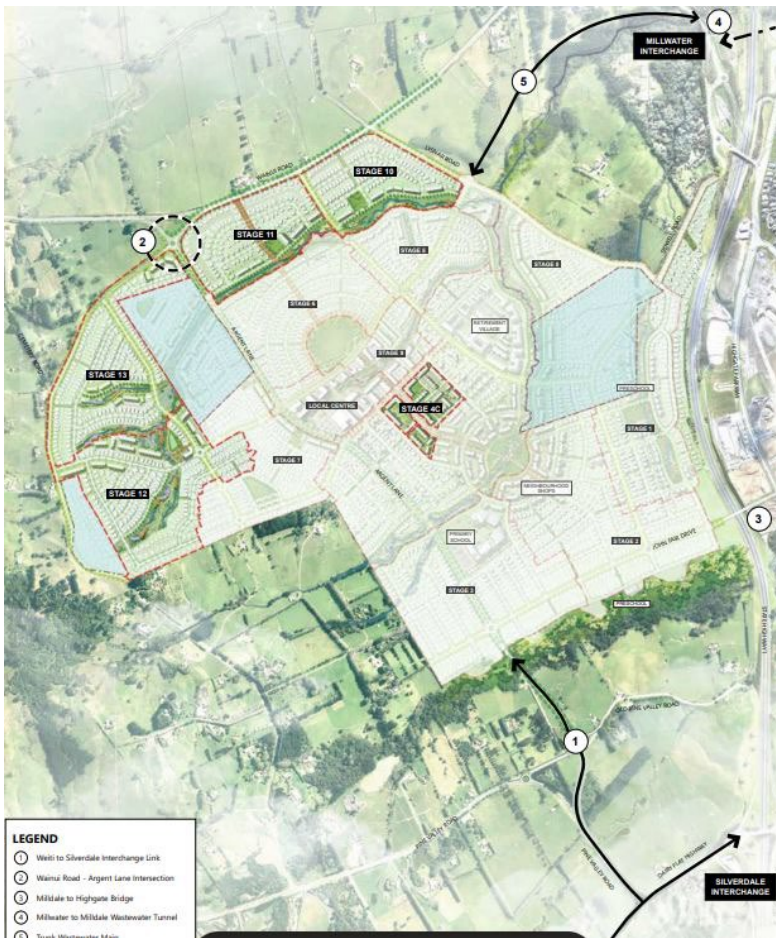
Number of attachments: 1	Attachments: 1. Application documents for Milldale Stages 4C and 10-13 Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Fulton Hogan Land Development Limited	Residential	Auckland	Yes

Ministry for the Environment contacts

Position	Name	Mobile	1 st 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 to undertake earthworks and civil works to create sites for over 1,100 residential sites which will be built on by the 40 house building partners already active in the earlier stages of Milldale. These houses will be ready for occupation from mid-2027.
2. The project will require resource consents under the Resource Management Act 1991 (RMA).
3. The applicant owns the land subject to the application and has been successfully developing the areas adjacent to the subject site that make up the existing Milldale community, since 2018. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
4. 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).
5. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
6. 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

A handwritten signature in black ink, appearing to read 'S. Frame', is written over a light blue horizontal line.

Stephanie Frame
Manager – 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 Milldale Stages 4C and 10-13 Project</p> <p>Applicant Fulton Hogan Land Development Limited</p> <p>Company director/s Peter Brecht Cornelius Bruyn Angela Bull Graeme Causer Jules Fulton Robert Fulton Dean Hamilton Hamish Johnston William Johnstone Richard Olliver</p> <p>Location The subject site fronts Wainui Rd, Argent</p>	<p>To undertake earthworks and civil works to create sites for over 1,100 residential sites which will be built on by the 40 house building partners already active in the earlier stages of Milldale. These houses will be ready for occupation from mid-2027.</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991. 	<p>The applicant has been developing the wider Milldale development since 2016. The applicant has engaged on the wider development with:</p> <ul style="list-style-type: none"> Auckland Council Auckland Transport Watercare Ngāi Tai ki Tāmaki Ngāti Manuhiri Ngāti Maru Ngāti Pāoa Ngāti Te Ata Ngātiwai Ngāti Whanaunga Ngāti Whātua o Kaipara Ngāti Whātua Ōrakei Te Ākitai Waiohua Te Kawerau ā Maki Te Patukirikiri Te Rūnanga o Ngāti Whātua. 	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</p> <p>No – While there are several Treaty settlements relevant to the project site but it does not appear that the project is inconsistent with them.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – The project is generally aligned with the underlying zoning and does not appear to be so contentious or complex that an expert panel could not consider it under this Bill with the benefit of a full application.</p> <p>The project may have significant adverse effects on the environment.</p> <p>No – The applicant has provided a summary of adverse effects and does not identify any as being significant.</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 offers several advantages in terms of time and cost over the standard RMA process (particularly given this is a straightforward application which forms the final stages of the existing Milldale development) public and limited notification is precluded under the Bill, the panel is only permitted to invite comments from specified persons and a short timeframe is provided for comment. A comparison timeline has been prepared which compares the likely timeframes and delivery dates when using the fast-track process, versus the standard RMA process. The timeline shows that all 1,100 dwellings will be complete Q4 2027, whereas under the standard sequential process, stages 4C and 10-13 will not be complete</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 – Milldale Stages 4C and 10-13 is considered a priority project as it is anticipated both through the Auckland Future Development Strategy as well as through the current zones applied to the project area under the AUP.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>No – The applicant refers to infrastructure they have already delivered, but that is not part of this project.</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 Milldale Stages 4C and 10-13 project will deliver all of the above in that it will enable 1,100 households to be constructed in a much quicker timeframe than the current RMA processes allow and clearly there is a demand for such housing in Auckland.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – The project will result in the creation of approximately 3,100 full time equivalent jobs over the development period for the project. The contractors and build partners that have been involved in the development of Milldale Stages 1-9 will be ready to commence works on the stages of development subject to this application as soon as consent is granted.</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>Lane, Lysnar Rd, and Cemetery Rd, Wainui, Auckland.</p> <p>Land Status</p> <p>FHLD owns the land subject to the application and has been successfully developing the areas adjacent to the subject site that make up the existing Milldale community, since 2018.</p>								<p>We note the applicant's summary identifies the site as containing creeping bent grass, which is identified elsewhere in the application as a natural wetland plant. If the project includes removal of a natural inland wetland the adverse effects may be more significant than the applicant indicates.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No – The applicant has not been subject to any compliance or enforcement action that we are aware of.</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 – the project will occur on private land which is not available for Treaty settlement redress.</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No – the project does not include a prohibited activity that we are aware of.</p>	<p>until and ready for occupation until 2029.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>No – There will be minimal impact on the fast-track process resulting from referring this project, as it will enable the consenting of 1,100 houses at one time, without requiring multiple consents. This project is not complicated, in that it will enable the delivery of homes on land that has been zoned for residential development under the AUP. Referring this project will be an efficient process, as it is straightforward in that it is development on appropriately zoned land, that can be serviced by the infrastructure required.</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes – We consider the applicant has provided sufficient information to enable you to consider it for inclusion on Schedule 2A.</p>	<p>It will also contribute approximately s 9(2)(b)(ii) within the Auckland region over a three-year period as a result of the proposed development.</p> <p>The project will support primary industries, including aquaculture.</p> <p>No</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>Yes – The applicant has commenced work on a large scale (100+ ha) native regeneration project over rural zoned land it owns to the north of Milldale. This ecological protection area will see approximately 100ha of rural land retired from farming, and will include the protection and enhancement of waterways, as well as the planting of native vegetation, which will act as a carbon sink. This project is being undertaken in conjunction with local Iwi and the current project will help support the planned regeneration works.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – Milldale Stages 4C and 10-13 will support adaptation resilience and recovery from natural hazards. The climate change and resilience assessment confirms that all stormwater infrastructure that forms the wider Milldale stormwater system has been designed and sized to accommodate climate change and natural hazards and this project is resilient to future climate change including uplift to 3.8°C by 2110 and is not identified to be at risk of being impacted by the effects of climate change or natural hazards.</p> <p>The project will address significant environmental issues.</p> <p>Yes – See climate change section.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Yes – The applicant considers the project is consistent with the Auckland Unitary Plan.</p>
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PSGE Settlement Priorities and Māori Development assessment –

This table provides an overview. In the time available, it has not been possible to undertake a detailed review of all Treaty settlement and related matters, or to engage with the relevant PSGE, iwi or Māori groups in relation to the potential impacts of the project. If the project does progress through the fast-track process, it will be important this more detailed and comprehensive analysis and engagement is undertaken (there are some mechanisms in the proposed legislation, such as the clause 13 report (which will apply to Schedule 2 Part B (but not Part A) applications) and the requirements to invite comment from these groups, which are intended to address these matters).

Advice on Māori development and PSGE settlement priorities includes information relating to:

- where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.
- where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business;
- to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

<p>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</p>	<p>The 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 Tai ki Tāmaki • Ngāti Manuhiri • Ngāti Maru • Ngāti Pāoa • Ngāti Te Ata • Ngātiwai • Ngaati Whanaunga • Ngāti Whātua o Kaipara • Ngāti Whātua Ōrakei • Te Ākitai Waiohua • Te Kawerau ā Maki • Te Patukirikiri • Te Rūnanga o Ngāti Whātua <p><u>Ngāi Tai ki Tāmaki</u></p> <p>Ngāi Tai ki Tāmaki is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāi Tai ki Tāmaki and the Crown in a Deed of Settlement signed on 7 November 2015.²</p> <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 a Deed of Settlement signed on 5 March 2011.³</p> <p><u>Ngāti Maru</u></p> <p>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 Māngai indicates the proposed project location is within the area of interest for Ngāti Maru.⁴</p> <p><u>Ngāti Pāoa</u></p> <p>Ngāti Paoa is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Paoa and the Crown in a Deed of Settlement signed on 20 March 2021.⁵</p> <p><u>Ngāti Te Ata</u></p> <p>Ngāti Te Ata are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Te Ata is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai indicates the proposed project location is within the area of interest for Ngāti Te Ata.⁶ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</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 the Ngātiwai is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai indicates the proposed project location is not within the area of interest for Ngātiwai.⁷ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Ngaati Whanaunga</u></p> <p>Ngaati Whanaunga is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngaati Whanaunga and the Crown in a Deed of Settlement initialled on 25 August 2017.⁸</p> <p><u>Ngāti Whātua o Kaipara</u></p> <p>Ngāti Whātua o Kaipara is an iwi whose area of interest includes the proposed project site based on the area of interest agreed between Ngāti Whātua o Kaipara and the Crown in the Deed of Settlement signed 9 September 2011.⁹</p> <p><u>Ngāti Whātua Ōrakei</u></p>

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

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

⁴ TKM | Iwi | Ngāti Maru | Te Kahui Māngai

⁵ Ngati-Paoa-Deed-of-Settlement-Attachments.pdf (tkm.govt.nz)

⁶ TKM | Iwi | Ngāti Te Ata | Te Kahui Māngai

⁷ TKM | Iwi | Ngātiwai | Te Kahui Māngai

⁸ Whanaunga (002).pdf (tkm.govt.nz)

⁹ AOI-NgatiWhatuaoKaipara.jpg (642x766) (tkm.govt.nz)

	<p>Ngāti Whātua Ōrakei is an iwi whose area of primary interest does not include the proposed project site based on the area of primary interest agreed between Ngāti Whātua Ōrakei and the Crown in the Deed of Settlement signed 5 November 2011.¹⁰</p> <p><u>Te Ākitai Waiohua</u></p> <p>Te Ākitai Waiohua is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Te Ākitai Waiohua and the Crown in the Deed of Settlement signed 12 November 2021.¹¹</p> <p><u>Te Kawerau ā Maki</u></p> <p>Te Kawerau ā Maki is an iwi whose area of interest includes the proposed project site based on the area of interest agreed between Te Kawerau ā Maki and the Crown in the Deed of Settlement signed 22 February 2014.¹²</p> <p><u>Te Patukirikiri</u></p> <p>Te Patukirikiri is an iwi whose area of interest is closely adjacent to the proposed project site, based on the area of interest agreed between Te Patukirikiri and the Crown in a Deed of Settlement signed on 7 October 2018.¹³</p> <p><u>Te Rūnanga o Ngāti Whātua</u></p> <p>Te Rūnanga o Ngāti Whātua are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Te Rūnanga o Ngāti Whātua is not confirmed through a Treaty settlement as yet. There is a proposed area of interest included in the Agreement in Principle signed 18 August 2017 and the proposed project location is within this area.¹⁴ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p>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:</p> <ul style="list-style-type: none"> • Ngāti Hako • Ngāti Tamaterā • Marutūāhu Iwi Collective <p><u>Ngāti Hako</u></p> <p>Ngāti Hako are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Hako is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai indicates the proposed project location is within the area of interest for Ngāti Hako.¹⁵ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Ngāti Tamaterā</u></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 or closely adjacent to the area of interest for Ngāti Tamaterā.¹⁶</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 Patukirikiri. The Marutūāhu Iwi Collective redress area in the Deed of Settlement that was initialled on 27 July 2018 includes the proposed project site.¹⁷</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant states that consultation has been ongoing with interested iwi groups since 2016. Te Kawerau ā Maki and Ngāti Manuhiri have been involved in all stages of the Milldale development with engagement continuing on an ongoing basis.</p> <p>It is not clear what entities have been consulted. In Appendix 8 the applicant appears to have emailed all the groups it had identified except for Te Patukirikiri.</p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation, or that the project will have a direct benefit in terms of Māori development.</p> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> • Ngāi Tai Ki Tāmaki Take Taiaomaurikura • Ngāti Tamaterā Environmental Management Plan 2019 • Ngaati Whanaunga Environmental Management Plan • Te Kawerau ā Maki Iwi Management Plan • Ngāti Paoa Perspective on Resource Management 1993

¹⁰ AOI-NgatiWhatuaoOrakei.jpg (1179x1666) (tkm.govt.nz)

¹¹ deed-of-settlement-attachments (1).pdf (tkm.govt.nz)

¹² AOI-TeKawerauaMaki.jpg (710x927) (tkm.govt.nz)

¹³ Patu.pdf (tkm.govt.nz)

¹⁴ Ngāti Whātua - Agreement in Principle - 18 August 2017 (tearawhiti.govt.nz)

¹⁵ TKM | Iwi | Ngāti Hako | Te Kahui Māngai

¹⁶ TKM | Iwi | Ngāti Tamaterā | Te Kahui Māngai

¹⁷ Marutūāhu Collective Redress Deed (tearawhiti.govt.nz)

- Ngāti Te Ata Tribal Policy Statement 1991

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 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.

Impact on Treaty settlements and other relevant arrangements

Ngāi Tai ki Tāmaki Claims Settlement Act 2018

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has stated that there are no statutory acknowledgements applying to the project site.

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.

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.

Ngāti Manuhiri Claims Settlement Act 2012

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has stated that there are no statutory acknowledgements applying to the project site. The text above in relation to statutory acknowledgements applies here also.

Ngāti Whātua o Kaipara Claims Settlement Act 2013

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has stated that there are no statutory acknowledgements applying to the project site. The text above in relation to statutory acknowledgements applies here also.

Te Kawerau ā Maki Claims Settlement Act 2015

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has stated that there are no statutory acknowledgements applying to the project site. The text above in relation to statutory acknowledgements applies here also.

Ngāti Paoa Claims Settlement Bill

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has stated that there are no statutory acknowledgements applying to the project site. The text above in relation to statutory acknowledgements applies here also.

Te Ākitai Waiohū Deed of Settlement

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has stated that there are no statutory acknowledgements applying to the project site. The text above in relation to statutory acknowledgements applies here also.

Te Patukirikiri Deed of Settlement

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has stated that there are no statutory acknowledgements applying to the project site. The text above in relation to statutory acknowledgements applies here also.

Mana Whakahono ā Rohe

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.

Iwi Environment Management plans

	<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 Te Ata and 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.