

FTA#23: Application for listed project under the Fast-track Approvals Bill – Muriwhenua Aquaculture 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 Muriwhenua Aquaculture Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Te Aupouri Fisheries Management Ltd	Aquaculture	Northland	No

Ministry for the Environment contacts

Position	Name	Mobile	1 st contact
Principal Authors	Ben Bunting & Anna Galvin		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Ilana Miller	s 9(2)(a)	

Project location(s)

See maps below. The applicant advises that coordinates delineating sites are indicative only.



Te Rerega Wairua



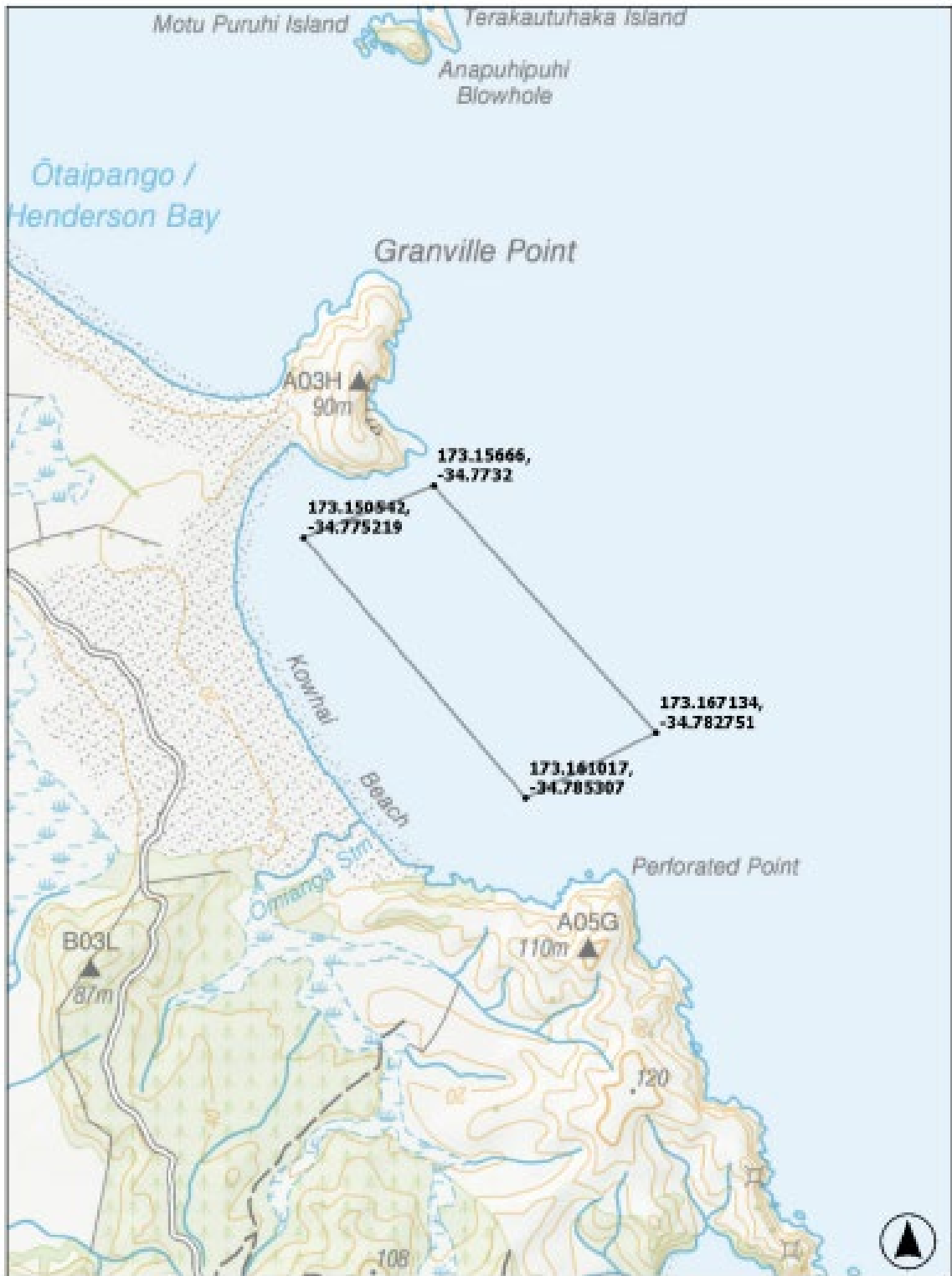
Motuopao



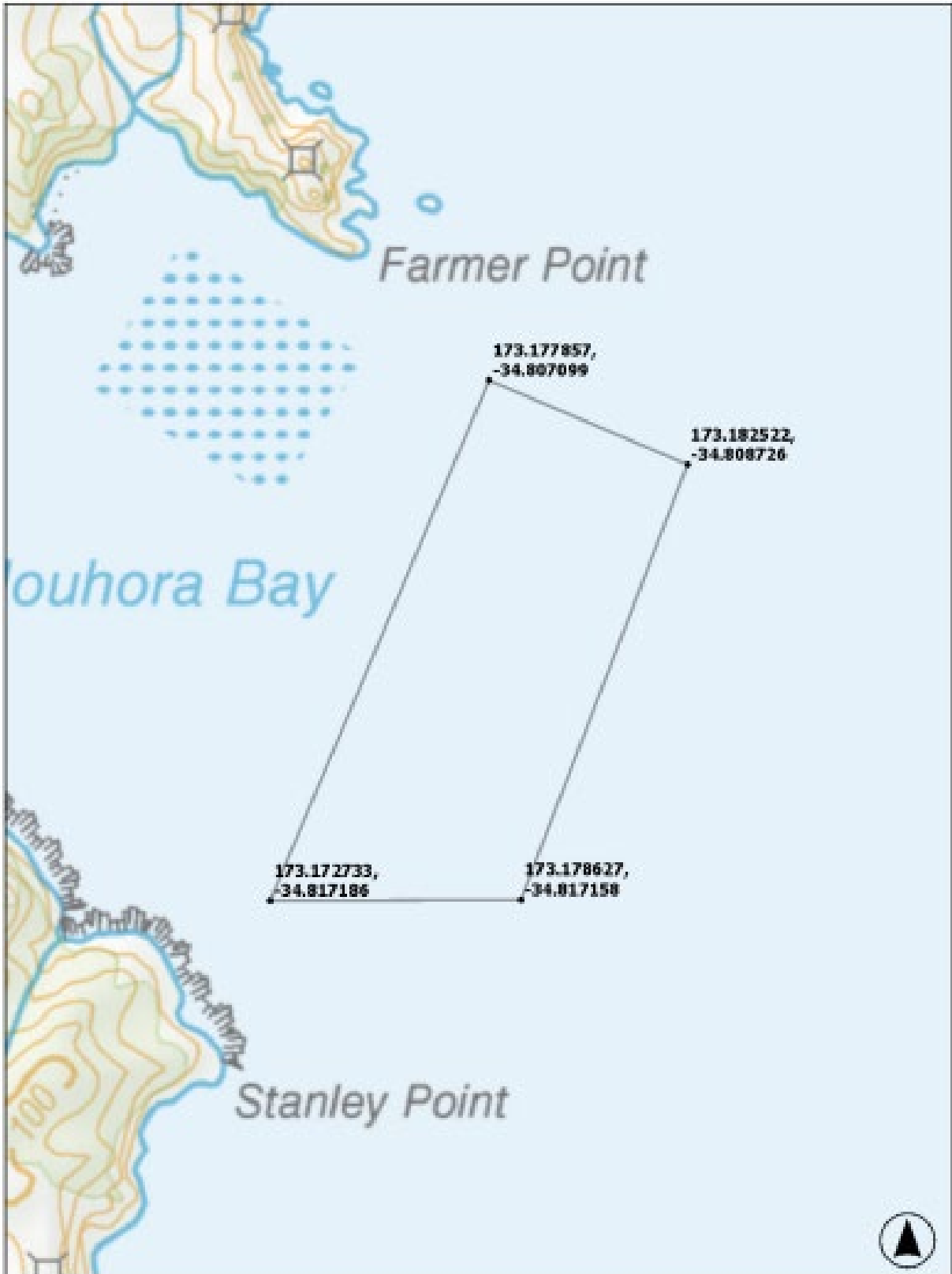
Murimotu



Henderson Bay



Te Kowhai Bay



Houhora Bay



Karikari Peninsula



Kaimaumau East Beach



Te-Oneroa-a-Tōhē / Ninety Mile Beach

Key messages

1. The Muriwhenua Aquaculture project is to develop nine marine farms across the Coastal Marine Area in the Northland Region at: Cape Reinga, Motuopao, Murimoto, Henderson Bay, Te Kowhai Bay, Houhora Bay, Karikari Peninsula, Kaimaumau East Beach and Ninety Mile Beach. The applicant advises that coordinates delineating the marine farm sites are indicative only.
2. The combined area of these nine sites is approximately 25,000 ha (our approximation based on maps provided by the applicant). The total area currently consented for aquaculture activities in New Zealand is approximately 14,000 ha.
3. The application refers to 'shellfish farming' so it is anticipated that each of the nine marine farms will comprise:
 - a. Occupying space within nine areas of the Northland Coastal Marine Area (CMA) for marine farming.
 - b. Construction and installation of marine farming infrastructure (seabed, subsurface and surface).
 - c. Associated marine safety and navigation infrastructure.
4. The project will likely require coastal permits under the Resource Management Act 1991 (RMA) to: undertake marine farming, disturb the seabed, discharge contaminants to the coastal marine area (CMA), occupy the CMA, and erect and maintain marine farm structures.
5. Most of project sites overlay 'Aquaculture Prohibited Areas' designated under the Northland Regional Coastal Plan. Aquaculture cannot occur in these areas without a plan change to lift/amend the prohibited status.
6. This is an application for marine farms within the territorial sea so will require aquaculture decisions under Schedule 12 of the Fast-track Approvals Bill. Feedback from the Ministry for Primary Industries (MPI) notes that part of the application includes marine farms where aquaculture decisions have already been made under the Fisheries Act 1996. These areas will not require further aquaculture decisions.
7. MPI also advises that the five iwi involved in the application have all concluded treaty settlements with the Crown. While there are no fisheries settlement implications with the application, the historic Treaty settlements with these iwi provide that the governance entities for each of the iwi will be consulted where policy or regulatory change may affect the iwi area of interest. While the applicant is a company owned by the iwi, the obligations to the iwi governance entity remains.
8. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
9. We consider the applicant **has not** 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).
10. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
11. **Important note:** the applicant's Operations Manager (and contact in regard to the project application) is the son of Minister Jones. There may be a perceived conflict of interest to be managed in the further consideration of this project.
12. Advice on PSGE development priorities and Māori development is provided in Table A. Table B 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 Analyst – 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>Name Muriwhenua Aquaculture</p> <p>Applicants Penetaui Kleskovich for Te Aupouri Fisheries Mgmt Ltd</p> <p>Company Directors Peter-lucas Kaaka JONES Hinemoa ELDER Simon John MCQUOID MASON Brady John WILD</p> <p>Location Nine sites across the Northland coastal marine area: Cape Reinga, Motuopao, Murimoto, Henderson Bay, Te Kowhai Bay, Houhora Bay, Karikari Peninsula, Kaimaumau East Beach and Ninety Mile Beach. The applicant advises that coordinates</p>	<p>To develop nine marine farms across the Coastal Marine Area in the Northland Region: Cape Reinga, Motuopao, Murimoto, Henderson Bay, Te Kowhai Bay, Houhora Bay, Karikari Peninsula, Kaimaumau East Beach and Ninety Mile Beach.</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 Fisheries Act 1996 	<p>Applicant has engaged with mandated iwi organisations ahead of submitting application. Letter of support signed by chairs of mandated Muriwhenua Iwi has been provided with application.</p> <p>The applicant has not identified any further consultation activities.</p>	No	No.	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</p> <p>No - this project does not appear to be ineligible according to the information provided in the application.</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 has not provided information of potential effects on the environment specific to the project but notes the effects "are expected to be similar to those of existing aquaculture activities."</p> <p>The applicant has a poor compliance history under the relevant legislation</p> <p>No - the applicant states that they have not been subject to any enforcement action</p> <p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers</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 - that fast-track process will enable consenting of multiple marine farms in a timelier and more cost-effective manner than under normal processes.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process</p> <p>Yes – high impact due to the scale of the project across multiple marine sites, ability to undertake site suitability and effects assessments over large areas of marine space, and there being several existing unresolved applications for Customary Marine Title across the proposed project areas. Some sites overlay Aquaculture</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 - while the project has strategic alignment with contributing to the outcomes of the NZ Government Aquaculture Strategy outcomes and National Aquaculture Strategy (Aquaculture NZ), the project has not been identified.</p> <p>The project will deliver regionally or nationally significant infrastructure</p> <p>Yes – the applicant notes the project will deliver regionally significant infrastructure. Northland is already a key aquaculture area in terms of shellfish and mussel spat.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment</p> <p>NA.</p> <p>The project will deliver significant economic benefits</p> <p>Yes - the applicant notes significant economic benefits and increased employment opportunities for the iwi of Muriwhenua with flow-on economic benefits locally and regionally. These have not been detailed.</p> <p>The project will support primary industries, including aquaculture</p> <p>Yes - this is an aquaculture project.</p> <p>The project will support development of natural resources, including minerals and petroleum</p>

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

delineating sites are indicative only. Land Status Common marine area. Under the s.11 of the Marine and Coastal Area (Takutai Moana) Act 2011, the common marine and coastal area cannot be owned.								<p>necessary for Treaty settlement purposes</p> <p>No - the application is not land-based</p> <p>The project includes an activity that is a prohibited activity under the RMA</p> <p>Yes – the Northland Regional Coastal Plan provides for aquaculture development in appropriate areas but prohibits the activity in designated Aquaculture Prohibited Areas. Several of the project sites overlay Aquaculture Prohibited Areas. Detailed assessment of the 9 sites against the plan provisions is required to determine whether some or all of the project is prohibited under the RMA. The applicant has not assessed those plan provisions.</p>	<p>Prohibited Areas designated under the Northland Regional Coastal Plan.</p> <p>Whether the application contains sufficient information to inform the referral decision</p> <p>No - the application does not contain sufficient information to be considered under Schedule 2A but has sufficient information to be considered under Schedule 2B.</p>	<p>NA.</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions</p> <p>Yes - the applicant notes the project has the potential to reduce greenhouse gas emissions through carbon sequestration.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards</p> <p>NA given sites are in the marine area rather than onshore.</p> <p>The project will address significant environmental issues</p> <p>No - the applicant states 'no'.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies</p> <p>No - the Northland Regional Coastal Plan provides for aquaculture development in appropriate areas but prohibits the activity in designated Aquaculture Prohibited Areas.</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.

Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project does not appear to be ineligible according to the information provided in the application.
Affected Māori group/s	<p>The applicant has identified the following groups:</p> <ul style="list-style-type: none"> • Ngāti Kuri - Ngāti Kuri Trust Board • Ngāti Kahu - Te Rūnanga-a-Iwi o Ngāti Kahu • Ngaitakoto - Ngā Taonga o Ngaitakoto Trust • Te Rarawa - Te Rūnanga o Te RarawaTe Aūpouri - Te Rūnanga Nui o Te Aupouri Trust <p><u>Ngāti Kuri</u> Ngāti Kuri is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Kuri and the Crown in the Deed of Settlement signed 7 February 2014.²</p> <p><u>Ngaitakoto</u> Ngai Takoto is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāi Takato and the Crown in the Deed of Settlement signed 27 October 2012.³</p> <p><u>Te Rarawa</u> Te Rarawa is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Te Rarawa and the Crown in the Deed of Settlement signed 28 October 2012.⁴</p>

² AOI-NgatiKuri.jpg (673x965) (tkm.govt.nz)

³ AOI-NgaiTakoto.jpg (1261x1779) (tkm.govt.nz)

⁴ AOI-TeRarawa.jpg (1386x1958) (tkm.govt.nz)

	<p><u>Ngāti Kahu</u></p> <p>Ngāti Kahu are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Kahu is not confirmed.⁵</p> <p>In addition to the groups identified by the applicant, we have also identified Ngāpuhi as potentially having interests in the proposed project location. Ngāpuhi are yet to settle their historical Treaty claims and their area of interest extends to the Hokianga Harbour. The area of interest currently shown in very general detail as extending to the southern side of the entry to the Hokianga harbour is not yet confirmed.⁶</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant noted they have engaged with mandated iwi organisations (under the Fisheries Settlement) ahead of submitting the application. A letter of support signed by chairs of all the iwi of Muriwhenua has been provided with the application. No evidence of engagement with takutai moana applicants has been provided with the application.</p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p><u>Please note:</u> For impacts on Māori Commercial Aquaculture Claims Settlement Act 2004, Fisheries Act 1996, Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and other matters such as customary fishing, taiāpure or mātaītai (legislation and functions that the Ministry for Primary Industries (MPI) administers) please refer to attached MPI advice.</p> <p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <ul style="list-style-type: none"> • The project is being led by Te Aupōuri Fisheries Management Ltd who manage shares and quota for Te Aupōuri and have the support of all of the iwi of Muriwhenua (as set out in a letter submitted with this application and signed by chairs). The application seeks to establish an iwi collective aquaculture enterprise comprising all of the iwi of Muriwhenua. The applicant foresees significant regional economic development and growth with increased jobs, local exports, Māori participation in aquaculture and economic development and growth for NZ and deprived communities. The project would be constructed within 2 years if approval were granted. • There are areas of alignment with the Iwi Management Plans referenced below document including commercial aspirations (noting that further assessment and consultation would be required to determine this sufficiently). • It is unclear to what extent iwi leaders who have signed up to the project have engaged with hapū. <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p>Te Rarawa Claims Settlement Act 2015</p> <p><u>Statutory Acknowledgements</u></p> <p>The Treaty settlement contains a number of statutory acknowledgements. It appears that the coastal statutory acknowledgement (Te Tai Hauauru / Coastal Marine area (OTS-074-06) included in the settlement may be in the project area. 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).</p> <p>Officials note that given Te Rarawa are signatories to the application we presume the impact on the statutory acknowledgement has been considered.</p> <p><u>Te Oneroa-a-Tohe/ Ninety Mile Beach Board</u></p> <p>The Te Oneroa-a-Tohe/Ninety Mile Beach Board is provided for in the Te Rarawa Claims Settlement Act 2015, the Ngāti Kuri Claims Settlement Act 2015, the Te Aupouri Claims Settlement Act 2015, and the Te Runanga o Ngāi Takoto Claims Settlement Act 2015.</p> <p>The Te Oneroa-a-Tohe Board (Board) is established as a permanent joint committee of the Northland Regional Council and Far North District Council. The purpose of the Board is to provide governance and direction for the Te Oneroa-a-Tohe management area, to protect and enhance environmental, economic, social, cultural, and spiritual well-being within that area for the benefit of present and future generations. The Board consists of 8 members appointed by the trustees of Te Rūnanga o Te Rarawa; the trustees of the Te Manawa o Ngāti Kuri Trust; the trustees of the Te Rūnanga Nui o Te Aupouri Trust; the trustees of Te Rūnanga o Ngāi Takoto; the Northland Regional Council; and the Far North District Council.</p> <p>Functions of the Board include:</p> <ul style="list-style-type: none"> • Preparing a beach management plan • Monitoring activities in, and the state of, the Te Oneroa-a-Tohe management area. • Monitoring the extent to which the Board is achieving its purpose, and the implementation and effectiveness of the beach management plan. • To engage and work collaboratively with the joint management body established under section 68 for the Beach sites. <p>In relation to te Oneroa-a-Tohe beach management plan, when a Council prepares, reviews or varies an RMA planning document relating to that area, it must 'recognise and provide' for the relevant provisions in the statutory document. Until those RMA documents are amended to comply with that obligation, the Councils must have particular regard to the statutory document when making decisions on applications for resource consents (i.e. an interim obligation).</p> <p>The key impact of listing (for Part A projects) is that the Ministers do not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and the Ministers will not have the benefit of the clause 13 report).</p> <p>The fast-track process generally (not necessarily just the listing) will not provide equivalent impact for the settlement redress. One key purpose of the redress was to provide opportunities for the settlement entities to influence whether and how resource consents may be granted. That was primarily through the impact of the statutory plan (prepared and approved by the joint Treaty</p>

⁵ TKM | Iwi | Ngāti Kahu | Te Kahui Mangai

⁶ TKM | Iwi | Ngāpuhi | Te Kahui Mangai

settlement entity) on the RMA planning documents (eg the regional policy statement, regional plan or district plan) which set the framework for whether resource consents can be granted (and what conditions may need to be imposed). If the fast-track legislation means that those RMA planning documents have lesser weight, that could impact on the integrity of the redress (although there are requirements in the fast-track Bill for the same or equivalent effect to be given to that type of redress). There is also a requirement in the Fast-Track Approvals Bill to provide for the 'commissioner' type redress that is included in some of the settlements. The settlements also provided that the joint Treaty settlement entity may decide to participate in a resource consent hearing process.

In the fast-track process, the joint Treaty settlement entity will not have exactly the same rights as would be the case in the standard RMA resource consent process. For example, under the RMA process, if the joint Treaty settlement entity makes a submission on a notified application, that entity could attend a hearing (including presenting evidence and being heard), appeal to the Environment Court (including presenting evidence and being heard), and appeal to the High Court and higher courts. The fast-track process does not provide those rights (noting there are more limited appeal rights on 'points of law' and judicial review options).

Te Hiku Conservation Management Strategy

Iwi representatives and the Department of Conservation/Te Papa Atawhai are working on the draft Te Hiku Conservation Management Strategy (CMS). The CMS forms a significant part of the cultural redress in the Treaty Settlements of the four Te Hiku o Te Ika iwi (Te Hiku iwi): Ngāti Kuri, Te Aupouri, Ngāi Takoto, Te Rarawa. Te Aupōuri, Ngāi Takoto and Te Rarawa have contributed to the drafting. Ngāti Kuri have not participated directly but have contributed through consultation.

Ngāti Kuri Claims Settlement Act 2015

Statutory Acknowledgements

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 however the text above on statutory acknowledgements also applies.

Ngāitakoto Claims Settlement Act 2015

Statutory Acknowledgements

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 however the text above on statutory acknowledgements also applies.

Mana Whakahono ā Rohe

None relevant to the project areas.^[2]

Iwi Environment Management plans

In the time available, we have identified the following relevant plans and documents: noting that we have not had time to establish which of these plans have been lodged with the regional or local councils for the purpose of the RMA.

- Te Oneroa-a-Tōhe Beach Plan
- Te Rarawa Strategic Plan 2020 to 2025^[3]
- Ahipara Takiwa Environment Management Plan.^[4] We note this plan states an economic goal is 'a desire not only to protect the moana but create sustainable aquaculture businesses within our waters.'
- Te Roroa Iwi Environmental Management Plan^[5]
- Te Iwi o Ngā Takoto Environmental Plan^[6]
- Te Hiku Conservation Management Strategy ^[7]
 - iwi and the Department of Conservation (DOC) are co-authors of the Te Hiku part of the Conservation Management Strategy
 - The CMS applies to an area defined in Treaty Settlements as Te Korowai area, which extends from the Hokianga Harbour and mid-point Rangaunu Harbour northwards to Te Rerenga Wairua including Manawatāwhi (Three Kings Islands).

It is not possible to confirm from those documents that the project aligns or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the plan would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. That is a matter to be considered in more detail in subsequent stages if this progresses through the fast-track processes.

Implications for groups yet to settle their historical Treaty of Waitangi claims

There are groups still working through their Treaty settlement processes. For example, Ngāti Kahu and Ngāpuhi. 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.

Implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

The project area is in the common marine and coastal area.

Within this area there are no customary marine title or protected customary rights holders under the Marine and Coastal Area (Takutai Moana) Act 2011 recorded on the register.⁷

There are however approximately 19 applications by iwi, hapū and whānau groups (takutai moana applicant groups) who have applied to have their customary interests recognised under the Act. Under the Act, takutai moana applicant groups have certain rights in relation to consenting processes under the Resource Management Act 1991, including the right to be consulted on resource consent applications in their takutai moana application area.

The Fast-track Approvals Bill currently provides for consultation with takutai moana applicant groups on Schedule 2B projects at the Ministerial referral stage, and the clause 13 report must include information about the relevant takutai moana applicant groups in the project area. For schedule 2A projects these steps would not apply. For listed projects (both Schedule 2A and 2B), the Fast-track Approvals Bill as currently drafted, does not provide for consultation with takutai moana applicant groups at the expert panel stage.

⁷ Marine and Coastal Area Register | Toitū Te Whenua - Land Information New Zealand (linz.govt.nz).

	<p>This means that an implication of listing a project under Schedule 2A is that takutai moana applicants would not have the ability to input into the process at all, and for Schedule 2B listing the only opportunity for any input is at the Ministerial referral stage.</p> <p>As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application.</p> <p>Other matters</p> <p>There have been no mana whakahono ā rohe considerations identified and in the time available, officials have not identified any other relevant matters.</p>
Is the project considered low, medium or high impact (based on assessment criteria above)	<p>From the information available we consider this project is likely to be of medium impact. We note that the application has likely benefits for Māori being an iwi associated application. The settlement arrangements are complex but appear to mainly affect those iwi party to the signed agreement provided by the applicant. The potential impact on applicants under the Marine and Coastal Area (Takutai Moana) Act 2011 should be considered alongside the potential implications for groups yet to settle their historical Treaty of Waitangi claims (including Ngāpuhi).</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>
Has the Ministry for the Environment undertaken engagement?	<p>Officials consider engagement would be necessary to clarify the extent and nature of rights and interests in the application areas but were unable to undertake this in the time available.</p>
Additional comments/context	<p>See the attached advice from MPI on potential impacts on aquaculture and fisheries settlement considerations.</p> <p>While most of the statutory acknowledgements in the respective rohe do not intersect with the proposed project areas, further consideration will have to be given to those statutory acknowledgements to understand the impact of any onshore infrastructure proposed to support the aquaculture activities. There are several cultural redress properties identified in the settlements that affect long stretches of the beaches adjacent to the project areas. Given that redress is in favour of the groups the applicant is working on behalf of, we presume the impact of the projects and associated onshore infrastructure has already been considered in coming to a decision to lodge the application.</p> <p>Note also application FTA 346 may intersect with the Kowhai Beach site included in this application.</p>

^[1] Te Rarawa Claims Settlement Act 2015 No 79 (as at 12 April 2022), Public Act Subpart 2—Te Oneroa-a-Tohe Board – New Zealand Legislation

^[2] Mana Whakahono ā Rohe: Iwi participation arrangements | Ministry for the Environment

^[3] strategic-plan_te-runanga-o-te-rarawa_12{2}09{2}2020_trotr-strategic-plan-2020-2025-(id-39556).pdf (terarawa.iwi.nz)

^[4] Ahipara Takiwa Management Plan December 2023 (terarawa.iwi.nz)

^[5] Te Roroa Environmental Management Plan (nrc.govt.nz)

^[6] TRONT-Environmental-Plan.pdf (ngaitakotoiwi.co.nz)

^[7] Te Hiku Conservation Management Strategy (doc.govt.nz)

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.