

FTA#121: Application for listed project under the Fast-track Approvals Bill – NgaiTakoto Fast Track Project for Schedule 2A

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

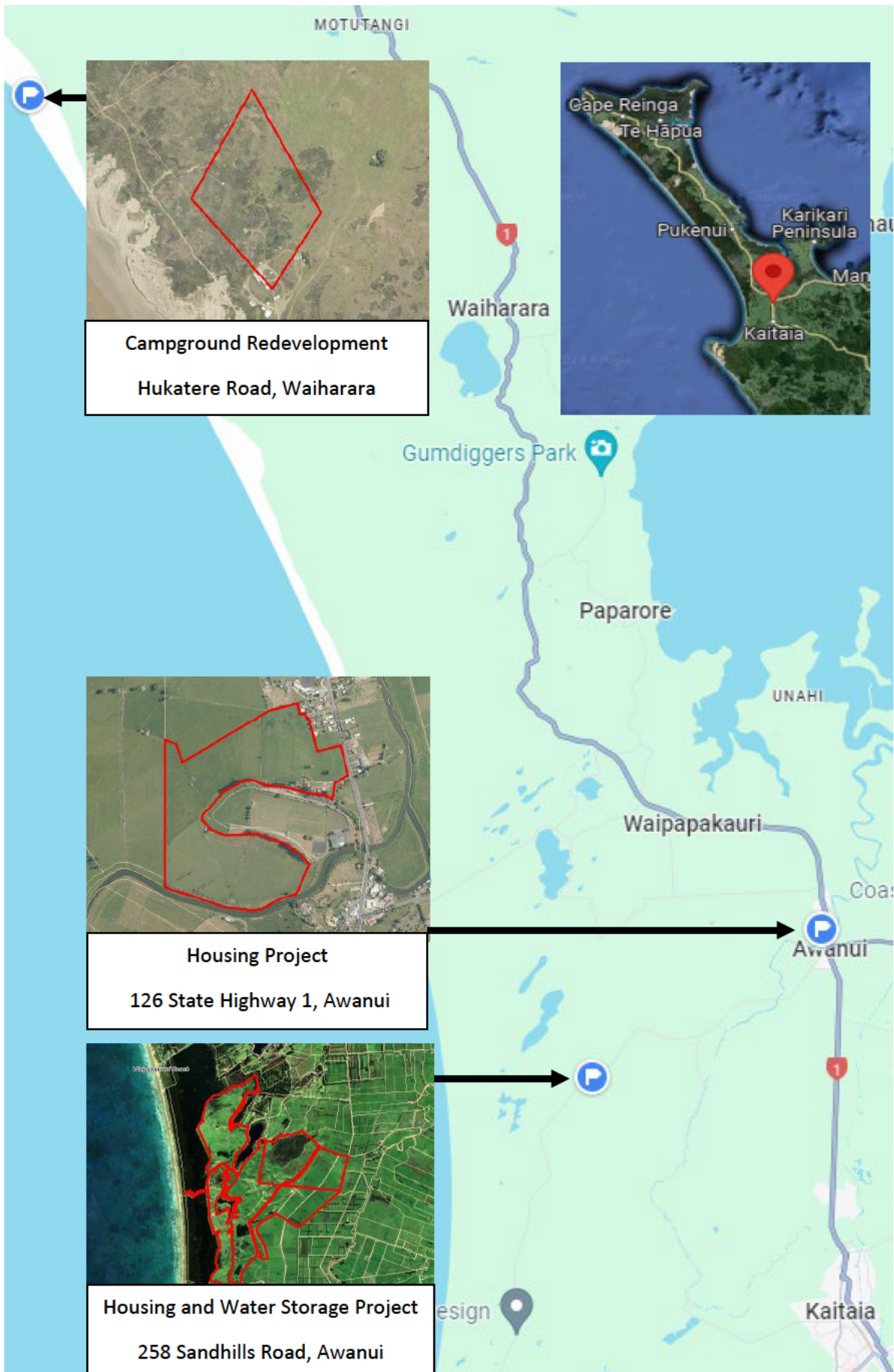
Number of attachments: #	Attachments: 1. Application documents for NgaiTakoto Fast Track Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Te Runanga o Ngai Takoto	Residential	Northland	No

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 NgaiTakoto Fast Track project is to enhance the economic, environmental, social and cultural interests of NgaiTatoko through the development of multiple sites for housing, water storage and campsite redevelopment in the Far North of Northland.
2. The project will comprise:
 - a. Two housing development projects of 140 and 30 residential allotments/dwellings located at Awanui and at NgaiTakoto farm respectively
 - b. water storage project of roughly 3 million cubic litres for the primary purpose of supporting productive industries, but also for public supply during drought and civil emergency
 - c. redevelopment of a historic campsite for the purposes of providing for access to Te Oneroa a Tohe (90 Mile Beach) and for special events.
3. The project will require resource consents under the Resource Management Act 1991 (RMA); archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 may also be required.
4. The applicant has legal interest in two sites, with the third, the housing development site in Awanui, subject to a sale and purchase agreement.
5. We have undertaken an initial (Stage 1) analysis of the application, 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

A handwritten signature in blue ink, appearing to read 'Stephanie Frame', is written over a light blue grid background.

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 NgaiTakoto Fast Track Projects</p> <p>Applicant Te Runanga o Ngai Takoto</p> <p>Company Director/s Te Runanga O NgaiTakoto Trust Trustees: Wallace Kemp Wynyard Rivers Jasmine Elizabeth Marino Trudy Janice Brown-Patuwairua Kaio Malcolm Karipa Carol Anne Kahutaha Berghan Craig Russell Hobson Bronwyn Brenda Cook</p> <p>Location Housing – 126 State Highway 1, Awanui Water Storage (and Housing) – 258 Sandhills Road, Awanui Campsite Redevelopment – 0 Hukatere Road</p>	<p>The NgaiTakoto Fast Track project is to enhance the economic, environmental, social and cultural interests of NgaiTakoto through the development of multiple sites for housing, water storage and campsite redevelopment in the Far North of Northland.</p> <p>The project will comprise:</p> <ul style="list-style-type: none"> Two housing development projects of 140 and 30 residential allotments/dwellings located at Awanui and at NgaiTakoto farm respectively water storage project of roughly 3 million cubic litres for the primary purpose of supporting productive industries, but also for public supply during drought and civil emergency 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 <p>It's possible that approvals will also be required under the:</p> <ul style="list-style-type: none"> Heritage New Zealand Pouhere Taonga Act 2014 	<p>Yes - the Awanui housing project has been discussed with Far North District Council, particularly the constraints associated with their infrastructure to service such a development. This has been taken into account through potential design of the site to be self-sufficient in terms of three waters infrastructure.</p> <p>No direct consultation with Northland Regional Council has occurred, this would be considered through the design of the proposal and the self-servicing of the development.</p> <p>In terms of the additional farm housing and campgrounds proposed, these have not been circulated widely but would be developed in accordance with local government requirements.</p> <p>The applicant notes that in consultation with wider iwi representatives and organisations within Te Hiku, the iwi share their development aspirations generally but not necessarily specifically. Water</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</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 the following effects from the subdivision and land use development:</p> <ul style="list-style-type: none"> providing sufficient 3 waters infrastructure to residential and commercial allotments / activities providing sufficient telecommunications and energy supply infrastructure promoting easements for services and access, and any other matters considering any heritage resources, vegetation of significance, fauna of significance, and landscapes of significance 	<p>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes.</p> <p>Yes – the applicant notes it will simplify processes and reduce costs.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>No</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes</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</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>No – the applicant notes that the storage dam could be considered regionally significant.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>Yes – the housing project provides both rural and urban arrangements for housing as well as temporary accommodation for visitors and others wanting to reconnect with the North, but who live elsewhere.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – the applicant notes that there will be significant construction and development costs associated with the housing and water storage projects, and ongoing economic benefits from productive industries as a result of the water storage project.</p> <p>The project will support primary industries, including aquaculture.</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>Land Status</p> <p>The applicant has legal interest in two sites, with the third, the housing development site in Awanui, subject to a sale and purchase agreement.</p>	<ul style="list-style-type: none"> redevelopment of a historic campsite for the purposes of providing for access to Te Oneroa a Tohe (90 Mile Beach) and for special events. 		<p>storage is not a new concept and the use of water to support iwi goals of increased production is not adverse culturally.</p> <p>Similarly, the provision of housing in areas of shared interest is not a competing matter.</p>					<ul style="list-style-type: none"> access to reserves and waterways land use compatibility such as reverse sensitivity provision of access, parking and effects on transport networks effects of earthworks consideration of natural hazards and site stability natural character of the coastal environment <p>In terms of the water storage and some of the housing aspects there is likely the additional effects including;</p> <ul style="list-style-type: none"> effects of discharging, damming water, taking water undertaking large scale bulk earthworks, land disturbance and vegetation clearance <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No</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>Yes – water storage will support primary industries.</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 water storage project will provide indirect benefits to climate change mitigation.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – the applicant notes that the water storage project will help with resilience.</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 –

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.

Ineligible projects - based on the considerations at cl18(a–e) of the

The project does not appear to be ineligible according to the information provided in the application.

Fast Track Approvals Bill (version as at introduction)	
Affected Māori group/s	<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> • Te Rūnanga o Ngāi Takoto, (applicant and owner of Hukatere campsite and the Ahipara housing development site) • Te Rūnanga-a-Iwi o Ngāti Kahu, • Ngāti Kuri Trust Board, • Te Rūnanga Nui o Te Aupōuri Trust, • Te Rūnanga o Te Rarawa <p><u>Ngāitakoto</u> Ngāitakoto is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāitakoto and the Crown in the Deed of Settlement signed on 27 October 2012.²</p> <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 on 7 February 2014.³</p> <p><u>Te Aupouri</u> Te Aupouri is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Te Aupouri and the Crown in the Deed of Settlement signed on 28 January 2012.⁴</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 on 28 January 2012.⁵</p> <p><u>Ngāti Kahu</u> Ngāti Kahu (Te Rūnanga-a-Iwi o Ngāti Kahu) are yet to settle their historical Treaty of Waitangi claims and so the Ngāti Kahu area of interest is not confirmed. Information from Te Kāhui Māngai confirms the proposed project locations as being within the area of interest for Ngāti Kahu.⁶ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p>We have not identified any additional groups beyond those identified by the applicant.</p>
Has the applicant consulted with those Māori groups?	<p>The application states: “ <i>In terms of consultation with wider iwi representatives and organisations within Te Hiku the iwi share their development aspirations generally but not necessarily specifically. Water storage is not a new concept and the use of water to support iwi goals of increased production is not adverse culturally. Similarly, the provision of housing in areas of shared interest is not a competing matter. Rather one which helps the district thrive.</i>”</p> <p>The detail regarding engagement is not sufficient to conclude that an adequate level of consultation has taken place or that other Māori groups are either supportive or feel they are not affected by the proposal.</p>
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>The project is being led by Te Rūnanga o Ngai Takoto (the applicant) and so suggests that it will provide economic and other benefit for Ngāitakoto. The application provides further information on this in relation to the potential benefits:</p> <ul style="list-style-type: none"> • “<i>To enhance NgaiTakoto economic, environmental, social and cultural interests through land development in housing, water storage, and campsite</i>” • “<i>Two of the components within the overall project revolve around housing. These would result in 140 residential allotments / dwellings at Awanui and up to 30 at the NgaiTakoto farm landholdings in Ahipara [170 in total].</i> <ul style="list-style-type: none"> ○ <i>The development at Awanui would service housing needs in central Kaitaia / Awanui for families and individuals, whilst housing on the farm landholdings seeks to provide additional benefits to workers by providing accommodation. It is a win-win for NgaiTakoto in retaining staff and providing good quality living environments where workers live, work and play.</i> ○ <i>The water storage project would be located at the NgaiTakoto lands in Ahipara. This landholding is ~1000ha in size. The water storage project would facilitate additional rural production industries on the landholdings and in the surrounds [not too dissimilar to what is seen in the Mid-North through the provision of water storage and in Kaipara].</i> <ul style="list-style-type: none"> ▪ <i>It is envisaged that the water storage dam could have a capacity of roughly ~3million cubic litres. There would be potential for the water storage dam to assist in times of drought for public supply as well as being available for use at times of civil emergency [i.e fire use].</i> ○ <i>The redevelopment of a campsite holds strong cultural and social imperatives by allowing NgaiTakoto whanau to return to their landholdings throughout the year, experience Te Oneroa a Tohe [90 Mile Beach] whilst allowing NgaiTakoto facilities to be improved for special events and across the seasons.</i> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> • <i>Te Oneroa a Tohe Beach Plan (see further discussion below)</i> • <i>Te Rarawa Strategic Plan 2020 to 20257</i>

² AOI-NgaiTakoto.jpg (1261×1779) (tkm.govt.nz)

³ AOI-NgatiKuri.jpg (673×965) (tkm.govt.nz)

⁴ TKM | Iwi | Te Aupōuri | Te Kāhui Māngai

⁵ TKM | Iwi | Te Rarawa | Te Kāhui Māngai

⁶ ngati_kahu.png (377×331) (tkm.govt.nz)

⁷ strategic-plan_te-runanga-o-te-rarawa_12{2}09{2}2020_trotr-strategic-plan-2020-2025-(id-39556).pdf (terarawa.iwi.nz)

- *Ahipara Takiwa Environment Management Plan*⁸
 - The plan states an economic goal is 'a desire not only to protect the moana but create sustainable aquaculture businesses within our waters.'
- *Te Iwi o Ngā Takoto Environmental Plan*⁹
- *Te Hiku Conservation Management Strategy*¹⁰
 - 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 (without discussion with the iwi and hapū) the extent to which the project aligns 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.

The application identifies the following benefits for Māori and the community in general which has a high Māori population:

Impact on Treaty settlements and other relevant arrangements

Ngāi Takoto 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. 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.

Te Oneroa-a-Tohe/ Ninety Mile Beach Board

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 Ngāi Takoto Claims Settlement Act 2015.

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.

Functions of the Board include:

- 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.

In relation to the 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).

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).

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 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

⁸ Ahipara Takiwa Management Plan December 2023 (terarawa.iwi.nz)

⁹ TRONT-Environmental-Plan.pdf (ngaitakotoiwi.co.nz)

¹⁰ Te Hiku Conservation Management Strategy (doc.govt.nz)

	<p>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.</p> <p>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).</p> <p>Te Aupouri Claims Settlement Act 2015</p> <p><i>Statutory Acknowledgements</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. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies.</p> <p><i>Te Oneroa-a-Tōhe/ Ninety Mile Beach Board</i></p> <p>The text on the Te Oneroa-a-Tōhe/ Ninety Mile Beach Board above applies here.</p> <p>Te Rarawa Claims Settlement Act 2015</p> <p><i>Statutory Acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. A statutory acknowledgement recognising the association between Te Rarawa and Te Tai Hauauru / Coastal Marine area is adjacent to the Hukatere application site and there may also be other relevant statutory acknowledgements included in the settlement. The above text on statutory acknowledgements applies.</p> <p><i>Te Oneroa-a-Tōhe/ Ninety Mile Beach Board</i></p> <p>The text on the Te Oneroa-a-Tōhe/ Ninety Mile Beach Board above applies here.</p> <p>Ngāti Kuri Claims Settlement Act 2015</p> <p><i>Statutory Acknowledgements</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. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies.</p> <p><i>Te Oneroa-a-Tōhe/ Ninety Mile Beach Board</i></p> <p>The text on the Te Oneroa-a-Tōhe/ Ninety Mile Beach Board above applies here.</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 Kahu. 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>In the time available, officials have not identified any impacts for Joint Management Agreements, the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (noting the project area is not in the common marine and coastal area) or Mana Whakahono ā Rohe.</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 low-medium impact. Officials note this is a project led by Ngaitakato which will provide benefit to this group, however we do note potential impacts on statutory acknowledgements (in particular for Te Rarawa) and on the Te Oneroa-a-Tōhe/ Ninety Mile Beach Board. Further information about the consultation with these affected groups would be useful to consider these matters further.</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.