

FTA#372: Application for listed project under the Fast-track Approvals Bill – Northern Block Mining Project for Schedule 2A

Date submitted to secretariat:	12 June 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

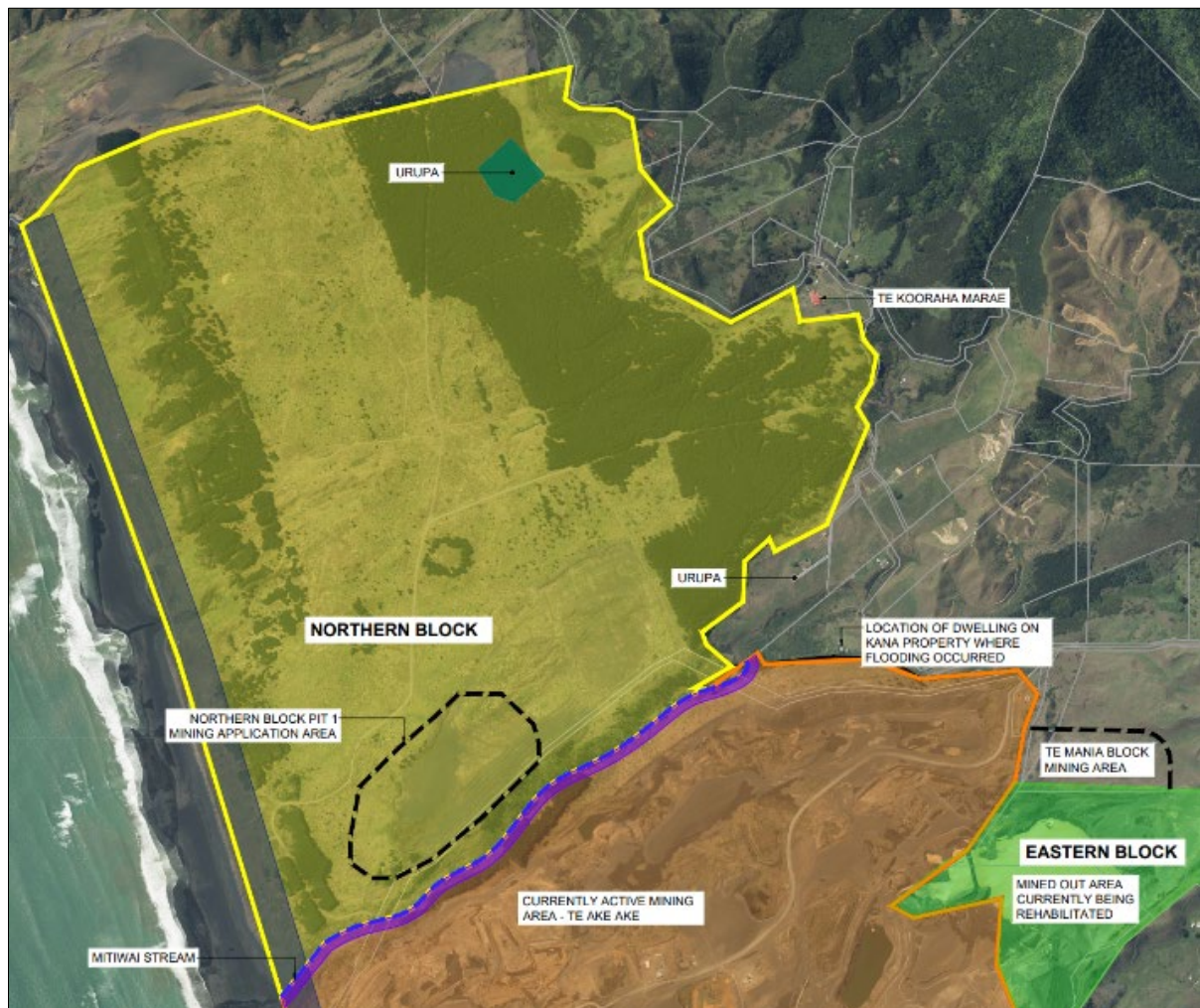
Number of attachments: #	Attachments: 1. Application documents for Northern Block Mining Project 2. Feedback from MPI
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Applicant	Sector	Region	Identified in a priority/strategy?
Taharoa Ironsands Limited	Mining	Waikato	No

Ministry for the Environment contacts

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

Project location



Key messages

1. The Northern Block Mining project is to undertake mineral sand extraction activities over a 1397 hectare area (excluding Pit 1 and avoiding the urupa) at Taharoa Road, Taharoa, 8 kilometres south of Kāwhia, Waikato region. The potential extraction volume is 21-29 million tonnes.
2. The project will comprise:
 - a. removal of vegetation, topsoil and overburden using heavy vehicles (including the disturbance of potential lizard and bat habitat and the potential disturbance of archaeological sites)
 - b. the relocation of the existing 33 KV electricity line on the Northern Block
 - c. the extraction of ironsand involving dry mining using dry mining units attached to portable pre-processing plants but also by wet mining in the future
 - d. the pumping of ironsand via temporary pipelines to an already established processing area on another area of the Taharoa Mine in the Central Block (separately consented)
 - e. reliance on existing resource consents (Central and Southern Blocks) to take and use water from the Wainui Stream and to transport processed product from the processing facility through the ship-loading pipeline to the CMA

- f. tailings disposal and rehabilitation of mined areas.
3. The project will require resource consents under the Resource Management Act 1991 (RMA), authorisations under the Heritage New Zealand Pouhere Taonga Act 2014 and authorisations under the Wildlife Act 1953.
 4. The applicant has an agreement to lease and rights to mine from the landowner. The lease is for 70 years with a 20 year right of renewal with a final end date of 2062. s 9(2)(b)(ii)
[REDACTED] The applicant has provided further clarification in the application documents.
 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



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, 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	Y	N	N	N			
<p>Schedule requested 2A</p> <p>Project Name Northern Block Mining</p> <p>Applicant Taharoa Ironsands Limited (TIL)</p> <p>Company director/s</p> <ul style="list-style-type: none"> Wayne Sidney Coffey John Hawkins Kevin Richard Hing <p>Location Taharoa Road, Taharoa, situated approximately 8km south of Kāwhia and 45km northwest of Te Kuiti</p> <p>Land Status The applicant has an agreement to lease and rights to mine from the landowner. The lease is for 70 years with a 20 year right of renewal with a final end date of 2062.</p>	<p>The Northern Block Mining project is to undertake mineral sand extraction activities over a 1397 hectare area (excluding Pit 1 and avoiding the urupa). The potential extraction volume is 21-29 million tonnes.</p> <p>The project will comprise:</p> <ul style="list-style-type: none"> removal of vegetation, topsoil and overburden using heavy vehicles (including the disturbance of potential lizard and bat habitat and the potential disturbance of archaeological sites) the relocation of the existing 33 KV electricity line on the Northern Block the extraction of ironsand involving dry mining using dry mining units attached to portable pre-processing plants but also by wet mining in the future the pumping of ironsand via temporary pipelines to an already established processing area on another area of the Taharoa Mine in the 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 Heritage New Zealand Pouhere Taonga Act 2014 Wildlife Act 1953 	<p>The application identifies the following as persons affected:</p> <ul style="list-style-type: none"> Taharoa C (landowner) Te Ruunanga o Ngāti Mahuta ki te Hauaaruru Charitable Trust (as representatives of other Ngāti Mahuta) Maketuu Marae, Aaruka Marae and Te Kooraha Marae (being the three local Marae) Maniapoto Māori Trust Board now Te Nehenehenui (the post-governance settlement entity for Ngāti Maniapoto) Waikato-Tainui Tukotahi Tuteao Whanau Trust (adjacent landowner) Te Huia Pihopa Trust (adjacent landowner) David John Keepa Kupa Whanau Trust (adjacent landowner) The Kana Whanau (adjacent landowner) The Wetini Whanau (adjacent landowner) Taharoa Lakes Trustees 	Yes – as addressed in the Treaty advice below.	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 – the application and Treaty advice below has not identified any inconsistency grounds.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – although the application identifies that approvals will be required under the RMA, we consider the project could be assessed by an expert panel with the benefit of a full application, in a post-enactment context.</p> <p>The project may have significant adverse effects on the environment.</p> <p>Potentially – the applicant identifies effects relating to ecological effects including freshwater, land disturbance, archaeological effects, cultural effects, air quality, and acoustic effects.</p> <p>DoC have identified potential impacts on significant wetlands, Taharoa Lake, Wainui Stream, species living or nesting in the area (such as lizards, bats, NZ dotterel, and grey mullet), the condition of existing fish passage, there being no</p>	<p>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes.</p> <p>Yes – the applicant identifies that RMA processes have been unwieldy, slow and unnecessarily resource intensive. Protracted litigation is less likely under the fast-track process given that appeal rights are limited to the High Court on matters of law and there is no Environment Court appeals process.</p> <p>The fast track process will enable TIL to obtain all necessary approvals in one process rather than having to obtain the necessary approvals through</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 – not directly.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>No.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – the applicant expects contributions in payments to the New Zealand economy to amount to § 9(2)(b)(ii), including the employment of a core workforce of 170-180 jobs and up to 300 staff and contractors.</p> <p>The project will support primary industries, including aquaculture.</p> <p>Yes – under the National Planning Standards, the definition of primary production</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>s 9(2)(b)(ii)</p> <p>The applicant has provided further clarification in the application documents.</p>	<p>Central Block (separately consented)</p> <ul style="list-style-type: none"> reliance on existing resource consents (Central and Southern Blocks) to take and use water from the Wainui Stream and to transport processed product from the processing facility through the ship-loading pipeline to the CMA tailings disposal and rehabilitation of mined areas. 		<ul style="list-style-type: none"> Department of Conservation Harbour Master for the Port of Taharoa Waikato Regional Council Applicant groups under the Marine and Coastal (Takutai Moana) Act 2011. <p>Upon request, the applicant has provided information regarding engagement that has been included in the application documents.</p>					<p>approved environmental management plans.</p> <p>DoC have also identified that the mining site and its ship loading activities are all within the West Coast North Island Marine Mammal Sanctuary - that has not been acknowledged or addressed in the application. Assessment of the impact of shipping does not appear to address the effects of discharging dirty water into the marine environment during loading, as the water used to move the sand is pumped out once it is on board, noting the loading frequency increases from 20 per year to 35.</p> <p>We consider that the appropriate management of adverse effects, including remediation and mitigation could be assessed by an expert panel with the benefit of a full application, in a post-enactment context.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No – the applicant identifies:</p> <ul style="list-style-type: none"> Conviction regarding an offence in 2017 under the RMA for the discharge of diesel into the Wainui Stream Offence charge regarding the discharge of sediment laden water to land which may enter water following the cyclone events in January 2023 Abatement notice issued regarding dust discharge in December 2023. <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>multiple processes.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>No – the applicant identifies that the resource consent application can be readily prepared for the project under the RMA. It is 'shovel ready' and would not inefficiently stand in the way of any other shovel ready projects seeking consideration under the new fast-track process.</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 consider it for listing in Schedule 2A.</p>	<p>means (among other things) mining activities and includes initial processing as well as land and buildings.</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>No.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>No.</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 project is consistent with the local (Waitomo District Plan) and regional planning documents (Waikato Regional Policy Statement, Waikato Regional Plan), where adverse effects on the receiving environment are able to be appropriately managed and mitigated.</p> <p>In the time available, it has not been possible to determine what the status of the wetland is in relation to the planning documents. The applicant addresses the wetland in respect of an ecological assessment, recommending a 30 metre buffer, but not in relation to the planning documents.</p> <p>This may need to be clarified.</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 applicant has stated that the project is not ineligible, however we note that the application and certificate of title confirm that the project is located on Māori freehold land. The applicant states that it has landowner consent; however, has not provided written consent and therefore it is not clear if the project is ineligible under clause 18(a).</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"> • Te Ruunanga o Ngaati Mahuta ki te Hauaaruru Charitable Trust (as representatives of other Ngāti Mahuta) • Maketuu Marae, Aaruka Marae and Te Kooraha Marae (as the three local Marae) • Maniapoto Māori Trust Board (now Nehenehenui (Ngāti Maniapoto PSGE)) • Waikato-Tainui • Applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 <p><u>Waikato-Tainui</u></p> <p>Waikato-Tainui is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Waikato-Tainui and the Crown in the Deed of Settlement signed 22 May 1995.¹</p> <p><u>Ngāti Mahuta</u></p> <p>Ngāti Mahuta is a hapū of Waikato-Tainui. We understand the hapū do not have an independent Treaty settlement.</p> <p><u>Waikato-Tainui remaining claims</u></p> <p>Waikato-Tainui are yet to settle their remaining historical Treaty of Waitangi claims and so the area of interest is not confirmed. There is a proposed area of interest included in the Terms of Negotiation dated 14 December 2020 and the proposed project location is within this area.⁵ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Maniapoto</u></p> <p>Maniapoto is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Maniapoto and the Crown in the Deed of Settlement signed 11 November 2021.²</p> <p><u>Marine and Coastal Area (Takutai Moana) Act 2011 applicants</u></p> <p>The applicant has also identified a number of groups with applications under the Marine and Coastal Area (Takutai Moana) Act 2011.</p> <p>We have not identified any additional groups beyond those identified by the applicant.</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant states that it has ongoing informal engagement with Ngāti Mahuta in relation to its existing mining operations and this will continue in respect to this project. The applicant states that the majority of persons affected by the project are aware of the applicants intention; however, no further detail has been provided in the application as to which groups are aware. The applicant has not specified that it has engaged with Waikato-Tainui or Maniapoto.</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> <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"> • Waikato-Tainui Environmental Management Plan • Maniapoto Environmental Management Plan <p>It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. The applicant has provided a brief assessment of those plans and stated that the proposed works are consistent with the relevant provisions in the Waikato-Tainui Environmental Management Plan and has not identified any inconsistencies with the Maniapoto Environmental Management Plan.</p>

A full analysis of the plan would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. That is a matter to be considered in more detail in subsequent stages if this progresses through the fast-track processes.

Impact on Treaty settlements and other relevant arrangements

Waikato Raupatu Claims Settlement Act 1995

There are no statutory acknowledgements in the Waikato Raupatu Claims Settlement Act 1995, which the applicant has identified. There are no other mechanisms in the Act that appear to be directly impacted by the project, but this is a significant Treaty settlement which will need to be considered through the process.

Maniapoto Claims Settlement Act 2022

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. The applicant has identified that the statutory acknowledgement area is large and includes the Mitiwai Stream and land on either side of it, as well as the wider Taharoa area and the Coastal Marine Area adjacent to the 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. 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.

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.

Raumairoa

The Maniapoto Claims Settlement Act 2022 provides for Raumairoa: natural resources redress. The Act provides for the vision of Maniapoto, the principles underpinning that vision, and the aspirations of Maniapoto to guide the interpretation of the Raumairoa redress. The key elements of the Raumairoa redress include:

- Joint management agreements with relevant councils
- Relationship agreements with relevant councils

A joint management agreement exists between Te Nehenehenui and five councils. This is expressly provided for and required under the legislation. The JMA has been negotiated and agreed, and includes a range of RMA mechanisms and there are detailed provisions to provide for Te Nehenehenui involvement in decision-making and processes under the RMA. Care will be needed to ensure those JMA mechanisms are upheld through the process.

Wildlife Act 1953

The Settlement Act includes obligations in relation to the Wildlife Act 1953. This application involves wildlife permits which may be relevant to those settlement obligations (depending on the detail of the application made).

Iwi Environment Management plans

Note the comments above in relation to iwi management plans.

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

There are groups still working through their Treaty settlement processes. For example, the remaining Waikato-Tainui claims. 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 near 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.³

There are however approximately 8 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.

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.

	<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><u>Other matters</u></p> <p>There have been no joint management agreements outside of Treaty settlements, or 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>See the attached advice from MPI on potential impacts on aquaculture and fisheries settlement considerations.</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.