

FTA#187: Application for listed project under the Fast-track Approvals Bill – Rangitooopuni Project for Schedule 2A

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

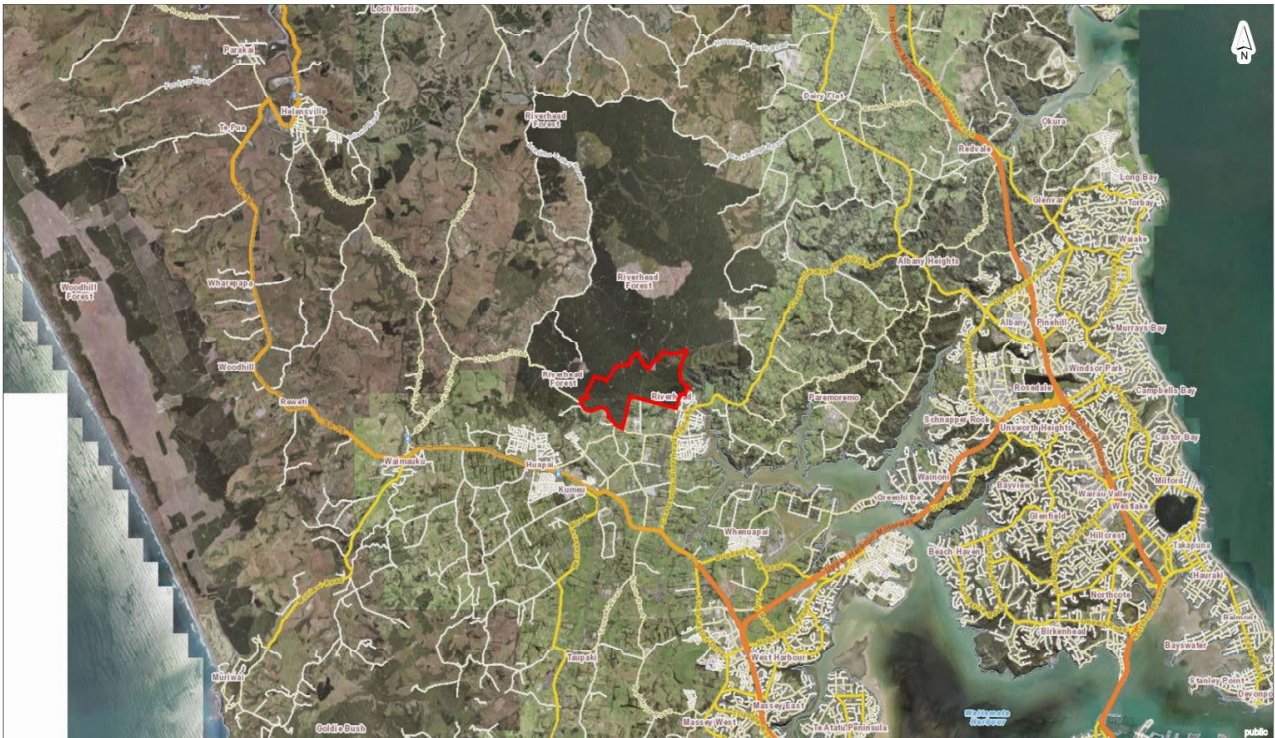
Number of attachments: 1	Attachments: 1. Application documents for Rangitooopuni Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Rangitooopuni Developments Limited Partnership	Residential	Auckland	No

Ministry for the Environment contacts

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

Project location




Key messages

1. The project is to develop a 210 lot residential subdivision and 350 unit retirement village on the southern portion of the 3,275 ha of Rangitooopuni-Riverhead Forest owned by Te Kawerau ā Maki. The site is comprised of Lot 1 (222.75 ha) and Lot 2 (173.6 ha), a total site area of 395 ha. Lot 1 will contain the residential subdivision and Lot 2 the retirement village, totalling 560 units overall.
2. The project will also include the protection of riparian and wetland areas, extensive landscaping and native planting, provision of roading and other infrastructure, such as stormwater, wastewater and potable water, and public facilities, including 5 retail units and a walking track.
3. The project will require resource consents under the Resource Management Act 1991 (RMA).
4. The applicant is the development arm of Te Kawerau ā Maki and the project will occur on land returned to Te Kawerau ā Maki under their Treaty settlement.
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 black ink, appearing to read 'S Frame', with a stylized flourish at the end.

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 Rangitooopuni Project</p> <p>Applicant Rangitooopuni Developments Limited Partnership</p> <p>Company director/s The applicant is a partnership between Rangitooopuni Development GP Limited and Avant Property Development Limited.</p> <p>Note: the applicant represents the development arm of Te Kawerau a Maki and the project will occur on land returned to them under Treaty settlement.</p> <p>Location The sites are located within the Riverhead Forest under the</p>	<p>The project is to develop a 210 lot residential subdivision and 350 unit retirement village on the southern portion of the 3,275 ha of Rangitooopuni-Riverhead Forest owned by Te Kawerau ā Maki. The site is comprised of Lot 1 (222.75 ha) and Lot 2 (173.6 ha), a total site area of 395 ha. Lot 1 will contain the residential subdivision and Lot 2 the retirement village, totalling 560 units overall.</p> <p>The project will also include the protection of riparian and wetland areas, extensive landscaping and native planting, provision of roading and other infrastructure, such as stormwater, wastewater and potable water,</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 Wildlife Act 1953. 	<p>The applicant has only consulted with Auckland Council regarding the project.</p>	<p>No – The applicant is the development arm of Te Kawerau a Maki. We do not consider these criteria are triggered.</p>	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 applicant is the development arm of Te Kawerau a Maki.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – while the project is not completely enabled by the underlying rural zoning and may ordinarily be preceded by a plan change under the RMA, an expert panel can consider the project with the benefit of a full resource consent application.</p> <p>The project may have significant adverse effects on the environment.</p> <p>No – the applicant has provided a summary of adverse effects and concludes none will be significant.</p>	<p>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes.</p> <p>Yes – the applicant estimates the project progressing up to 3 years faster by using the process provided by the FTA Bill. Access to the Fast-track process will enable the project to be processed in a more timely and cost-efficient way.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>No – the project will not have an impact on the efficient operation of the fast-track process. The project is significantly progressed in terms of plans and reports to support a future resource consent application under the fast track process. The applicant has engaged and formed a working relationship with a core consultant</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 – the applicant considers the project is consistent with the purpose of the underlying zone but does not refer to the project specifically being identified as a priority.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>No – the applicant considers the project will deliver regionally significant infrastructure by providing homes. We note homes do not meet the definition of infrastructure in the RMA.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>Yes – should the project be accepted as a listed project under the Bill, it will accelerate the delivery of approximately 560 new residential units, 210 in the form of the proposed residential subdivision and the remaining 350 as part of the proposed retirement village. The Auckland region, in addition to the rest of New Zealand, is experiencing a housing shortage and significant demand for retirement village living as our ageing population continues to increase. The project will greatly contribute to the supply of housing for a range of household types and structures, whilst also responding to the needs of an ageing population by providing aged care living options.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – the applicant identifies that the project will deliver a total of 3,100 FTE jobs over the proposed development period, a significant contribution to the workforce.</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>following addresses: Old North Road, Huapai (Lot 1 DP 590677) Forestry Road, Riverhead (Lot 2 DP 590677) Land Status The applicant owns the land in question.</p>	<p>and public facilities, including 5 retail units and a walking track.</p>							<p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No – the applicant has not been subject to any compliance or enforcement action that we are aware of.</p> <p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</p> <p>Yes – the subject site has been returned to the applicant as part of Te Kawerau ā Maki's Treaty settlement agreement.</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No – the project does not include a prohibited activity that we are aware of.</p>	<p>team and, should the application be successful, will be able to prepare the necessary information to support the resource consent application.</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes – we consider the applicant has provided sufficient information to enable you to consider the application for inclusion in Schedule 2A.</p>	<p>Based on the high-level forecast assuming a 10-year development timeframe starting 2025, the total economic (direct, indirect and induced activities) impact on business activity within Auckland Region, as a result of the subject development is estimated to be circa \$385 million.</p> <p>Furthermore, the project will provide for Te Kawerau ā Maki's economic, social and cultural wellbeing by enabling the development of land returned to them as part of their Treaty Settlement.</p> <p>The project will support primary industries, including aquaculture.</p> <p>No</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>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 applicant considers the project is consistent with the Auckland Unitary Plan.</p>
<p>PSGE Settlement Priorities and Māori Development assessment –</p> <p><i>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.</i></p> <p>Advice on Māori development and PSGE settlement priorities includes information relating to:</p> <ul style="list-style-type: none"> • where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents. • where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business; • to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. 										
<p>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</p>	<p>The project does not appear to be ineligible according to the information provided in the application. While the project is located is on settlement land returned to Te Kawerau ā Maki Treaty as commercial redress, the applicant states that it has secured the relevant landowners' consent.</p>									

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 Kawerau ā Maki (Te Kawerau Iwi Settlement Trust) • Ngāti Manuhiri (Manuhiri Kaitiaki Settlement Trust) • Ngāti Maru (Ngāti Maru Rūnanga Trust) • Ngāti Pāoa (Ngāti Pāoa Iwi Trust and Ngāti Paoa Trust Board) • Ngāti Te Ata (Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū) • Ngāti Whātua o Kaipara (Ngā Maunga Whakahii o Kaipara Development Trust) • Ngāti Whātua Ōrakei (Ngāti Whātua Ōrakei Trust) • Te Rūnanga o Ngāti Whātua • Te Ākitai Waiohū (Te Ākitai Waiohū Iwi Authority) • Ngātiwai (Ngātiwai Trust Board) • Ngāi Tai ki Tāmaki • Ngāti Tamaoho <p><u>Te Kawerau ā Maki</u></p> <p>Te Kawerau ā Maki is an iwi whose area of interest includes the proposed project site based on the area of interest agreed between Te Kawerau ā Maki and the Crown in the Deed of Settlement signed 22 February 2014.²</p> <p><u>Ngāti Manuhiri</u></p> <p>Ngāti Manuhiri is an iwi whose area of interest does not include the proposed project site, based on the area of interest agreed between Ngāti Manuhiri and the Crown in a Deed of Settlement signed on 5 March 2011.³</p> <p><u>Ngāti Maru</u></p> <p>The area of interest of Ngāti Maru is not confirmed through a Treaty settlement as yet. The Deed of Settlement between Ngāti Maru and the Crown that was initialled on 8 September 2017 does not include an area of interest. Information from Te Kāhui Māngai indicates the proposed project location is within or closely adjacent to the area of interest for Ngāti Maru.⁴</p> <p><u>Ngāti Pāoa</u></p> <p>Ngāti Paoa is an iwi whose area of interest does not include the proposed project site, based on the area of interest agreed between Ngāti Paoa and the Crown in a Deed of Settlement signed on 20 March 2021.⁵</p> <p><u>Ngāti Te Ata</u></p> <p>Ngāti Te Ata are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Te Ata is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai indicates the proposed project location is within the area of interest for Ngāti Te Ata.⁶ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Ngāti Whātua o Kaipara</u></p> <p>Ngāti Whātua o Kaipara is an iwi whose area of interest includes the proposed project site based on the area of interest agreed between Ngāti Whātua o Kaipara and the Crown in the Deed of Settlement signed 9 September 2011.⁷</p> <p><u>Ngāti Whātua Ōrakei</u></p> <p>Ngāti Whātua Ōrakei is an iwi whose area of primary interest is closely adjacent to the proposed project site based on the area of primary interest agreed between Ngāti Whātua Ōrakei and the Crown in the Deed of Settlement signed 5 November 2011.⁸</p> <p><u>Te Rūnanga o Ngāti Whātua</u></p> <p>Te Rūnanga o Ngāti Whātua are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Te Rūnanga o Ngāti Whātua is not confirmed through a Treaty settlement as yet. There is a proposed area of interest included in the Agreement in Principle signed 18 August 2017 and the proposed project location is within this area.⁹ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Te Ākitai Waiohū</u></p> <p>Te Ākitai Waiohū is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Te Ākitai Waiohū and the Crown in the Deed of Settlement signed 12 November 2021.¹⁰</p> <p><u>Ngātiwai</u></p>
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² AOI-TeKawerauaMaki.jpg (710×927) (tkm.govt.nz)

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

⁴ TKM | Iwi | Ngāti Maru | Te Kāhui Māngai

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

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

⁷ AOI-NgatiWhatuaoKaipara.jpg (642×766) (tkm.govt.nz)

⁸ AOI-NgatiWhatuaoOrakei.jpg (1179×1666) (tkm.govt.nz)

⁹ Ngāti Whātua - Agreement in Principle - 18 August 2017 (tearawhiti.govt.nz)

¹⁰ deed-of-settlement-attachments (1).pdf (tkm.govt.nz)

	<p>Ngātiwai are yet to settle their historical Treaty of Waitangi claims and so the area of interest of the Ngātiwai is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai indicates the proposed project location is not within the area of interest for Ngātiwai.¹¹ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Ngāi Tai ki Tāmaki</u></p> <p>Ngāi Tai ki Tāmaki is an iwi whose area of interest includes or is closely adjacent the proposed project site, based on the area of interest agreed between Ngāi Tai ki Tāmaki and the Crown in a Deed of Settlement signed on 7 November 2015.¹²</p> <p><u>Ngāti Tamaoho</u></p> <p>Ngāti Tamaoho is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngāti Tamaoho and the Crown in the Deed of Settlement signed 30 April 2017.¹³</p> <p>In addition to the groups identified by the applicant, we have also identified the following additional groups as potentially having interests in the proposed project location:</p> <ul style="list-style-type: none"> • Ngāti Hako • Ngāti Tamaterā • Marutūāhu Iwi Collective <p><u>Ngāti Hako</u></p> <p>Ngāti Hako are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Hako is not confirmed through a Treaty settlement as yet. Information from Te Kāhui Māngai indicates the proposed project location is within or closely adjacent to the area of interest for Ngāti Hako.¹⁴ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Ngāti Tamaterā</u></p> <p>The area of interest of Ngāti Tamaterā is not confirmed through a Treaty settlement as yet. The Deed of Settlement between Ngāti Tamaterā and the Crown that was initialled on 20 September 2017 does not include an area of interest. Information from Te Kāhui Māngai indicates the proposed project location is within the area of interest for Ngāti Tamaterā.¹⁵</p> <p><u>Marutūāhu Iwi Collective</u></p> <p>Marutūāhu Iwi Collective includes the 5 iwi known collectively as the Marutūāhu Iwi, being: Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri. The Marutūāhu Iwi Collective redress area in the Deed of Settlement that was initialled on 27 July 2018 includes or is closely adjacent to the proposed project site.¹⁶</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant states that no consultation has occurred for the current proposed project. However, the applicant also states that:</p> <ul style="list-style-type: none"> • given that the subject site is Treaty settlement land returned to Te Kawerau ā Maki as financial redress, Te Kawerau ā Maki advises that it is the relevant iwi; and <p>consultation will occur internally between the Te Kawerau Iwi Investment Trust (economic and commercial arm) and the Te Kawerau Iwi Tiaki Trust (Social and Environmental arm) to ensure any cultural effects are appropriately managed.</p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>The application indicates it is by Te Kawerau ā Maki (under Rangitōopuni Land Holdings Limited Partnership) in partnership with Avant Property Development Limited. Partnership. The applicant indicates the project will have a significant and direct benefit in terms of Māori development and states that:</p> <ul style="list-style-type: none"> • <i>"The crown settled historical Treaty claims with Te Kawerau ā Maki on 14 February 2014. The Te Kawerau Settlement Act came into force on November 2015. Today, the iwi is in the process of rebuilding its political, social, cultural, environmental and economic wellbeing. In partnership with Avant, the Rangitōopuni project will assist Te Kawerau ā Maki to achieve its mission to grow tribal assets and drive iwi development that advances its cultural, social and environmental wellbeing. Facilitating iwi development is considered to be of national significance and importance"</i> • <i>"The project will directly enable Te Kawerau ā Maki to develop their economic and social wellbeing and provide for their future generations."</i> • <i>"The owner of the site and applicant, Te Kawerau ā Maki is mana whenua and kaitiaki of this tribal whenua. The subject site (Riverhead Forest) was an integral part of the Treaty Settlement in 2014, having a total area of 3275ha. Te Kawerau ā Maki has mana whakahaere (authority) over its lands and resources and seeks to exercise mana whakahaere to ensure the balance, and mauri of the lands and the resources is maintained to sustain stability for future generations in accordance with Te Kawerau tikanga, culture and values."</i> • <i>"The Rangitōopuni project has been a long-term aspiration for Te Kawerau ā Maki to facilitate iwi development and advance its commercial aspirations since the land was returned as financial redress under the Deed of Settlement in 2018. Various development proposals for the site have been previously proposed and at pre application stage were not supported by Auckland Council who signalled that a plan change may need to be undertaken before any development occurs."</i> • <i>"the project will provide for Te Kawerau ā Maki's economic, social and cultural wellbeing by enabling the development of land returned to them as part of their Treaty Settlement. The project will support Te Kawerau ā Maki both in the shorter term, by the sale of the proposed residential lots, and in the longer term through the proposed retirement village."</i> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> • Te Kawerau ā Maki Iwi Management Plan

¹¹ TKM | Iwi | Ngātiwai | Te Kahui Māngai

¹² AOI-NgaiTaikiTamaki.jpg (669x949) (tkm.govt.nz)

¹³ AOI-NgatiTamaoho.jpg (686x1032) (tkm.govt.nz)

¹⁴ TKM | Iwi | Ngāti Hako | Te Kahui Māngai

¹⁵ TKM | Iwi | Ngāti Tamaterā | Te Kahui Māngai

¹⁶ Marutūāhu Collective Redress Deed (tearawhiti.govt.nz)

- Ngāi Tai Ki Tāmaki Take Taiaomaurikura
- Ngāti Tamaterā Environmental Management Plan 2019
- Te Pou o Kāhu Pōkere Iwi Management Plan for Ngāti Whātua Ōrakei 2018
- Ngāti Whātua Ōrakei Iwi Management Plan 2012
- Ngāti Te Ata Tribal Policy Statement 1991

It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups.

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

Impact on Treaty settlements and other relevant arrangements

Te Kawerau ā Maki Claims Settlement Act 2015

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has identified that the site is located within a statutory acknowledgement area.

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.

Right of access

The land the proposed project is located on is subject to a right of access under sections 106 and 107 of the Settlement Act.

Ngāti Whātua o Kaipara Claims Settlement Act 2013

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 text above in relation to statutory acknowledgements applies here also.

Other redress

The Department of Conservation has advised that the settlement includes a Conservation Protocol Area (Kawenata) that is relevant to the project site.

Ngāi Tai ki Tāmaki Claims Settlement Act 2018

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 text above in relation to statutory acknowledgements applies here also.

Ngāti Tamaoho Claims Settlement Act 2018

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 text above in relation to statutory acknowledgements applies here also.

Other redress

The Department of Conservation has advised that the settlement includes a Conservation Protocol Area (Relationship Agreement) that is relevant to the project site.

Te Ākitai Waiohua Deed of Settlement

Statutory acknowledgements

	<p>This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.</p> <p>Mana Whakahono ā Rohe</p> <p>There does not appear to be any completed Mana Whakahono ā Rohe. However, a Mana Whakahono ā Rohe was initiated in March 2018 between Auckland Council, Ngāi Tai Ki Tāmaki and is under negotiation.</p> <p>Iwi Environment Management plans</p> <p>Note the comments above in relation to iwi management plans.</p> <p><u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u></p> <p>There are groups still working through their Treaty settlement processes. For example, Ngāti Te Ata. It will be important that these interests are considered in more detail if the project progresses through the fast-track process, but in the time available there are no further impacts noted.</p> <p><u>Other matters</u></p> <p>There have been no joint management agreements or Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 considerations identified. In the time available, officials have not identified any other relevant matters.</p>
<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>From the information available we consider this project is likely to be of low impact. This is due to the fact that the project will be undertaken on land returned to Te Kawerau ā Maki through their Treaty settlement, and the proposal will allow Te Kawerau ā Maki to develop that land.</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.