

FTA#035: Application for listed project under the Fast-track Approvals Bill – Rotokawa Solar Farm Project for Schedule 2A

Date submitted to secretariat:	7 June 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

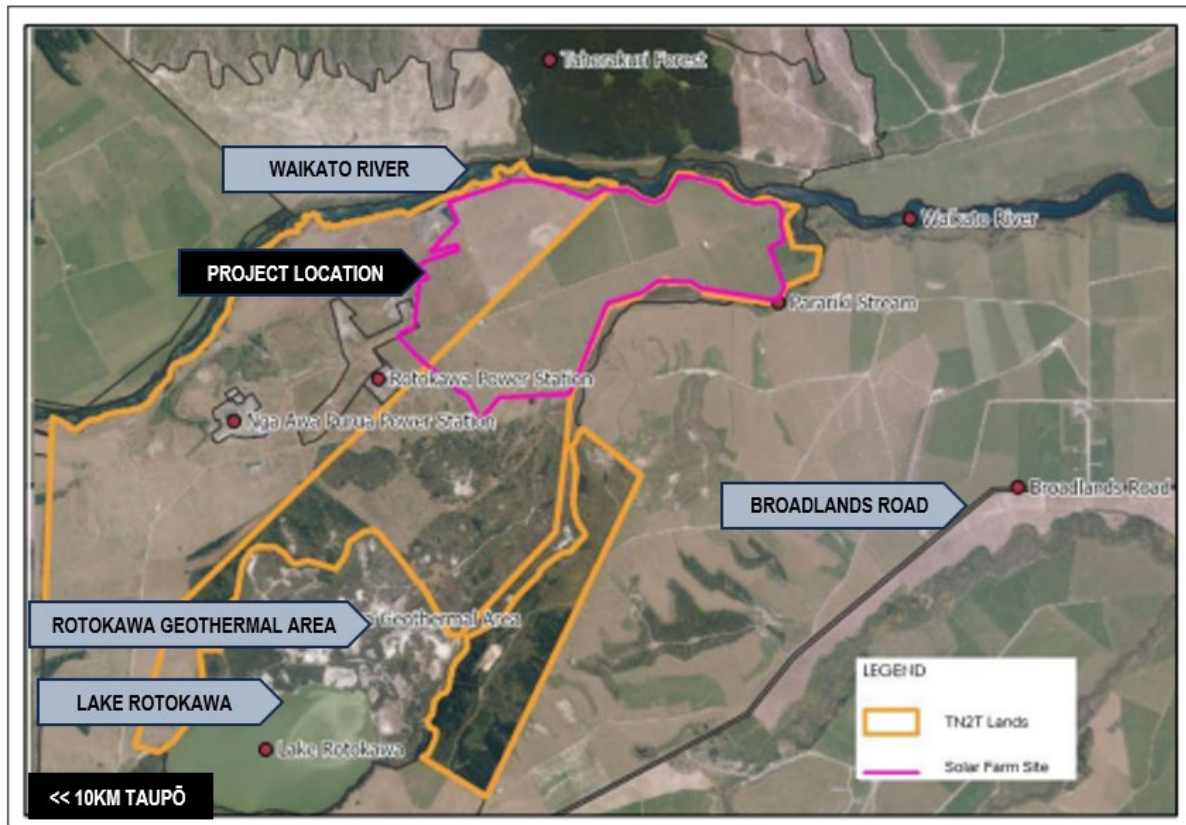
Number of attachments: #	Attachments: 1. Application documents for Rotokawa Solar Farm Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Tauhara North No.2 Trust	Solar	Waikato	No

Ministry for the Environment contacts

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

Project location



Key messages

1. The Rotokawa Solar Farm project is to construct and operate a solar farm on a 362-hectare site at 162 Rapids Road, Rotokawa, Taupo, and to connect and supply electricity to the national grid. The solar farm will have an approximate peak output of 105 Megawatts.
2. The project will comprise:
 - a. fixed tilt photovoltaic solar panels
 - b. arrays and mounting structures, inverter cabinets, and associated infrastructure
 - c. a substation and transmission line to connect to the national grid
 - d. an energy storage facility
 - e. underground electricity cables
 - f. ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing).
3. The project will require resource consents under the Resource Management Act 1991 (RMA).
4. The applicant is a joint venture partner with Mercury NZ in Rotokawa Joint Venture Limited and identifies as landowner of record of title SA49B/626. The applicant states they have full access over the project land and can access at any time through existing approvals and/or direct ownership.

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 'R Salter', is centered on the page below the signature line.

Ray Salter
Principal Analyst – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice¹

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
High level summary			Y	N	N	N	N			
<p>Schedule requested 2A</p> <p>Project Name Rotokawa Solar Farm</p> <p>Applicant/s s 9(2)(a)</p> <p>Location 162 Rapids Road, Rotokawa, Taupō</p> <p>Land Ownership ID s 9(2)(a) Fee Simple^{3 4} (362.7550.ha) s 9(2)(a)</p>	<p>The Rotokawa Solar Farm project is to construct and operate a solar farm on a 362-hectare site at 162 Rapids Road, Rotokawa, Taupo, and to connect and supply electricity to the national grid. The solar farm will have an approximate peak output of 105 Megawatts.</p> <p>The project will comprise:</p> <ul style="list-style-type: none"> fixed tilt photovoltaic solar panels arrays and mounting structures, inverter cabinets, and associated infrastructure a substation and 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 	<p>The application identifies the following as persons affected and method of consultation:</p> <p>s 9(2)(a)</p> <p>() () ()</p>	<p>s 9(2)(ba)(i)</p> <p>The project does not appear to be ineligible according to the information provided in the application and Treaty advice below.</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 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 may 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>No – the application identifies effects relating to amenity (visual and landscape), culture, construction, stormwater erosion, noise, glint and glare, traffic, and concluding the overall</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 a Council-led process is likely to involve public notification and/or limited notification affected parties, including s 9(2)(ba)(i) noting potential opposition as occurred with previous applications for projects on the same site. The applicant identifies that submissions in opposition will create consenting delays and increase consenting costs.</p> <p>The impact referring this</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 refers to the National Policy Statement for Renewable Energy Generation. While this document promotes renewable energy, it does not specifically identify this application.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Yes – the project will be nationally significant delivering 105MW of renewable energy supplied directly to the national grid.</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 – through employment for construction and operation, and improving security of supply through fuel diversification away from single fuel dependency.</p> <p>The project will support primary industries, including aquaculture.</p> <p>No.</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No.</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>Yes – the project will enable further displacement of thermal (fossil fuel powered) generation providing positive outcomes in terms of decarbonisation such as reduced greenhouse gas</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.

² Term expires 31.3.2026 (renewal clause); identified as potentially Māori Freehold Land (ML 22331 dated 12 Aug 1997)

³ Status Order land to be Māori Freehold Land (2015)

⁴ Encumbrance to Rotokawa Joint Venture Limited (details not provided)

<p>s 9(2)(a) s 9(2)(a) as responsible trustees jointly.</p> <p>Land Status</p> <p>The applicant is a joint venture partner with Mercury NZ in Rotokawa Joint Venture Limited and identifies as landowner of s 9(2)(a)</p> <p>The applicant states they have full access over the project land and can access at any time through existing approvals and/or direct ownership.</p>	<p>transmission line to connect to the national grid</p> <ul style="list-style-type: none"> an energy storage facility underground electricity cables ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing). 		<ul style="list-style-type: none"> Department of Conservation (DoC) (neighbour) – meeting 14 March 2024. DoC concern project may adversely affect the natural behaviour of native bats, that glinting of moonlight from the solar panels at night. Transpower – regarding transmission connection to the national grid. The applicant has proffered conditions to address Transpower's concerns (access, transmission line clearance and an earthworks management plan). 					<p>effects to be less than minor.</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 – none stated.</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>project will have on the efficient operation of the fast-track process.</p> <p>Yes – the applicant identifies that the fast-track process could reduce the time to secure resource consents by 12-18 months and avoid around \$500,000 to \$750,000 of associated processing cost.</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 for listing in Schedule 2A</p>	<p>emissions, and in doing so, contributing to the country's effort to mitigate climate change.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>No – although the application identifies the extent that solar energy from the project improves security of supply through fuel diversification, the project will add to local and national resilience and recovery in the event of a major natural hazard event.</p> <p>The project will address significant environmental issues.</p> <p>Yes – the application identifies to the extent that climate change is a significant environmental issue, the project will help address this issue by contributing to New Zealand's renewable energy targets and its decarbonisation journey.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Yes – the application identifies the project is highly consistent with Te Ture Whaimana o Te Awa o Waikato (The Vision & Strategy for the Waikato River), the Waikato Regional Policy Statement, the Waikato Regional Plan and the Taupō District Plan and overall achieves relevant objectives and policies contained within these planning documents.</p> <p>On the basis that the potential adverse effects of the project on the surrounding environment are being appropriately managed, the project will be consistent with the local and regional planning documents.</p> <p>Anything else</p> <p>Yes – the applicant has prepared a suite of conditions that could be included in any consenting approval.</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 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, s 9(2)(ba)(i)</p>
<p>Affected Māori group/s</p>	<p>s 9(2)(ba)(i)</p>

⁵ Director of Rotokawa Joint Venture Limited

⁶ TKM | Iwi | Ngāti Tahu / Ngāti Whaoa | Te Kahui Mangai

⁷ TKM | Iwi | Ngāti Tahu / Ngāti Whaoa | Te Kahui Mangai

	<p>s 9(2)(ba)(i)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>s 9(2)(ba)(i)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p>Impacts on PSGE settlement priorities and Māori development</p> <ul style="list-style-type: none"> The project does not specifically contribute to addressing historical or systemic inequities faced by Māori. This project is led by a Māori entity (Tauhara North No.2 Trust) in partnership with Mercury NZ, therefore it would appear to meet the economic aspirations of the Tauhara North No.2 Trust. it is not possible to confirm that this project does or does not align with iwi environmental plans or JMAs given the lack of information on the content and character of the discussions with the affected Māori groups and the need for a full analysis of the plan to be undertaken (or provided with the application, if this has happened) in conjunction with the relevant iwi before any firm conclusions can be reached. <p>Impact on Treaty settlements and other relevant arrangements</p> <p>Affiliate Te Arawa Iwi and Hapū Claims Settlement Act 2008</p> <ul style="list-style-type: none"> There is a statutory acknowledgement on part of the Waikato River in the deed of settlement and settlement legislation (SO 364734), the Waikato River in the Affiliate Te Arawa interest area borders on the proposed location. Statutory acknowledgements are also made in this settlement for a site near Lake Rotokawa (SO 364707) and geothermal water and geothermal energy located in the Rotorua Region Geothermal System. The applicant notes they have consulted with Ngāti Tahu-Ngāti Whaoa Runanga Trust who are an affiliate iwi under this legislation. However, as the project borders on the Waikato River, Te Pūmautanga o Te Arawa Trust (the PSGE for the settlement) may also expect consultation. The applicant notes Tauhara North No.2 Trust (the applicant) is affiliated to Ngāti Tahu-Ngāti Whaoa who have provided written approval for the project. <p>Ngāti Tūwharetoa Claims Settlement Act 2018</p> <ul style="list-style-type: none"> There is a statutory acknowledgement on the Waikato River and its tributaries (within the Ngāti Tūwharetoa area of interest OTS-575-46), the Waikato River in the Tūwharetoa interest area borders on the proposed location. Statutory acknowledgements are also made in this settlement for Lake Rotokawa (close to the project location, OTS-575-39) and is near the Rotokawa Geothermal Field (OTS-575-43)) The project is in the area of interest for the settlement legislation. The applicant has noted that Ngāti Tūwharetoa are likely to raise concerns through a public submissions process as has occurred through previous processes and that they consider the fast-track process as a way of avoiding these matters being raised again. The Environment Court appeal - [2018] NZEnvC 093 - found that Ngāti Tūwharetoa has a kaitiaki role at Rotokawa, as well as Ngāti Tahu-Ngāti Whaoa. The court held that Waikato Regional Council failed to properly recognise Ngāti Tūwharetoa as kaitiaki over Rotokawa. The applicant maintains that Ngāti Tūwharetoa are not an affected party and states “any adverse effects on Ngāti Tūwharetoa as a result of the project being in the vicinity of Ngāti Tūwharetoa Claims Settlement Act 2018 statutory acknowledgement areas is less than minor.” <p>Statutory acknowledgements in the Ngāti Tūwharetoa Claims Settlement Act 2018 and Affiliate Te Arawa Iwi and Hapū Claims Settlement Act 2008</p> <p>Both Te Arawa River and Ngāti Tūwharetoa settlements provide for statutory acknowledgements over the part of the Waikato river, which is adjacent to the project area, Generally, statutory acknowledgements provide for relevant consent authorities to have regard to statutory acknowledgement in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. A relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity. The Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public. Both do not limit the obligations of the relevant consent authority or Environment Court under the Resource Management Act 1991.</p>

⁸ Te Arawhiti - Ngāti Tūwharetoa - Deed of Settlement documentation

⁹ TMTB-2007-Deed.pdf (tuwharetoa.co.nz) and noting the Trust Board are the representative entity for Ngāti Tūwharetoa in the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

¹⁰ TKM | Iwi | Raukawa | Te Kahui Mangai

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 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 those same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and appeal). For Schedule 2 Part A projects 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). The same applies to archaeological authorities, as the Environment Court will not hear appeals in the same way as occurs under the Heritage New Zealand Pouhere Taonga Act 2014.

DOC protocols in both Ngāti Tūwharetoa and Affiliate Te Arawa deeds of settlement:

- Both the DOC protocol in the Deed of Settlement for Affiliate Te Arawa Iwi¹¹ and the DOC Te Piringa Agreement in the Deed of Settlement for Tūwharetoa provides for species management protection. These are relevant to this project as the applicant notes they met with DOC staff on 14 March 2024 to discuss the proposal and that "DOC expressed a potential concern that the solar farm may adversely affect the natural behaviour of any native bats that may be present. Their specific concern is that glinting of moonlight from the solar panels at night will affect bat behaviour." DoC officials have advised that some concern was expressed by DOC earlier about bats and other wildlife, but no confirmation of their presence has been provided and at this state no Wildlife Act approvals are known to be required. Additionally, DOC officials are not aware that the application triggers any Treaty settlement obligations, but DOC note that this is a matter which can only be answered by those settled parties.
- The applicant notes regarding the DOC agreement with Tūwharetoa that "This agreement is now in place to recognise and provide for Ngāti Tūwharetoa mana whakahaere, tino rangatiratanga and kaitiakitanga in the governance and management of land managed by the Department of Conservation for the benefit of present and future generations. This agreement includes the management of land within the Lake Rotokawa Scenic Reserve located to the southwest of the site but does not include the project site." DOC officials have advised although there is public conservation land immediately adjacent to this application site, it does not specifically include that land or require any DOC approvals in respect of it.

Waikato River Arrangement in relation to Raukawa, Te Arawa and Tūwharetoa:

The applicant notes in their statutory assessment: "Although this solar farm proposal does not directly relate to the Waikato River, it is located on land within its catchment. Therefore, there is an obligation on decision-makers under section 18 of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 to have "particular regard" to the Vision and Strategy in their decision-making. This obligation to have "particular regard" must be considered along with the decision-maker's other duties under section 104 and Part 2 of the RMA. The Assessment of Environment Effects addresses the effects of proposed activities and has concluded that, given the design and operational management practices that will be employed onsite, any effects on the Waikato River and its tributaries will be appropriately avoided or minimised to the extent that they will be inconsequential. This application is therefore considered consistent with the direction of the Te Ture Whaimana."

The Waikato-River arrangements are detailed with a number of powerful and complex interactions with the legislation including the RMA, conservation and heritage legislation. The Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi river arrangements are recorded in the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010. In contrast to the Waikato-Tainui Waikato River Act, this Act does not settle Treaty of Waitangi claims (instead the respective claims of these iwi in relation to the Waikato River are settled through the respective Treaty settlements of those iwi).

The overarching purpose of the Act is to restore and protect the health and wellbeing of the Waikato River for present and future generations and this is provided for in many ways in the legislation, especially in relation to the Upper Waikato River (including an Integrated Management Plan and a range of co-management arrangements for the Upper Waikato River including joint management agreements under the RMA, recognition of iwi prepared environmental plans, and ability for river iwi to enter accords with government departments), and of particular note is Te Ture Whaimana (vision and strategy) – the primary direction setting strategic document for the Waikato River.

Te Ture Whaimana (the vision and strategy) is a powerful planning document and is stated in the legislation to be the 'primary direction setting' document for the river:

- It is incorporated directly and without amendment into the RMA regional policy statement.
- It overrides any direction in an RMA national policy statement.
- RMA regional and district plans must give effect to Te Ture Whaimana.
- It has the status of 'general policy' under the conservation legislation.
- A number of decision-makers must 'have particular regard' to Te Ture Whaimana (including under the RMA, conservation and heritage legislation).

The joint management agreements (JMAs) between the river iwi and each local authority are expressly provided for and required under the legislation. Those JMAs have been negotiated and agreed, and include a range of RMA mechanisms (including, for example, the ability to convene a joint working party where an RMA planning document is to be prepared, reviewed, changed or varied, and provisions for RMA consenting and monitoring/enforcement). There are detailed provisions to provide for the involvement of river iwi in decision-making and processes under the RMA.

The JMAs also note a commitment to explore whether particular customary activities by the river iwi can be carried out in the river as permitted activities and a decision-maker on a resource consent and under conservation legislation must have regard to the Waikato-Tainui environmental plan.

The Waikato River arrangements have a significant influence over statutory processes including complex interactions with the RMA, conservation and heritage legislation. Any change to the statutory processes for these authorisations (for example, through the fast-track process) could have a significant impact on the operation and integrity of the arrangements.

Joint Management Agreements with Waikato Regional Council of relevance to this project location which reference Te Ture Whaimana and/or responsibilities regarding RMA such as keeping the PSGE informed and involved in changes to District Plans and notified of resource consent applications and notified plan changes within agreed areas of interest:

- Tūwharetoa Māori Trust Board and Waikato Regional Council - 2018¹²

¹¹ The applicant does not mention the Affiliate Te Arawa DOC agreement in their application.

¹² [subsite.waikatoregion.govt.nz/assets/WRC/Community/Iwi/JMAs/JMA-Tuwharetoa-WRC.pdf](https://www.waikatoregion.govt.nz/assets/WRC/Community/Iwi/JMAs/JMA-Tuwharetoa-WRC.pdf)

	<ul style="list-style-type: none"> • Waikato Raupatu River Trust (Waikato-Tainui) and Waikato Regional Council (Co-management Agreement for Waikato River Related Lands) - 10 December 2012¹³ • Waikato Raupatu River Trust and Waikato Regional Council - 18 June 2013¹⁴ • Te Arawa River Iwi Trust and Waikato Regional Council - 28 August 2012¹⁵ • Raukawa Settlement Trust and Waikato Regional Council - 10 May 2012¹⁶ <p>Joint Management Agreements with Taupō District Council of relevance to this project location which reference Te Ture Whaimana and/or responsibilities regarding RMA such as keeping the PSGE informed and involved in changes to District Plans and notified of resource consent applications and notified plan changes within agreed areas of interest:</p> <ul style="list-style-type: none"> • Te Arawa River Iwi Trust and Taupō Regional Council¹⁷ • Raukawa Settlement Trust and Taupō District Council¹⁸ • Tūwharetoa Māori Trust Board and Taupo District Council¹⁹ <ul style="list-style-type: none"> ○ This JMA gives the ability to Māori landowners to have their applications heard and decided by a mixed representation of TDC and Tuwharetoa Māori Trust Board commissioners. <p>Iwi management plans submitted to Waikato Regional Council of relevance to this project location:</p> <ul style="list-style-type: none"> • Te Arawa River Iwi Trust - Environmental Management Plan 2015-2025²⁰ • CNI Forests Iwi Planning Document²¹ • Tūwharetoa - Ngāti Tūwharetoa Iwi Environmental Management Plan²² • Vision and Strategy for the Waikato River, Waikato River Authority 2019²³ • Waikato-Tainui Environmental Management Plan²⁴ • Ngāti Tahu - Ngāti Whaoa Iwi Environmental Management Plan 2013²⁵ <p>Central North Island Forests Land Collective Settlement Act 2008</p> <p>The project is in the area of interest for the settlement legislation and the confederation may have an interest in the project but are not noted in the application as a potentially interested party (iwi in the confederation with interests in or near the project area are Te Pūmautanga o Te Arawa, Ngāti Tūwharetoa and Ngāti Raukawa).</p> <p>Other matters</p> <p>In the time available, officials have not identified any other impacts for associated Waikato River Treaty settlements, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project site is outside the marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe, or relevant iwi management plan.</p>
<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>From the information available and detailed above we consider this project is likely to be of high impact. This is due to high level of interest expressed by the various iwi with interests in the area and the complexity of those interests, the complexity of the Waikato River arrangements, and past litigation between the landowners and Ngāti Tūwharetoa.</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 necessary to inform Raukawa Settlement Trust and Te Pūmautanga o Te Arawa, and confirm support from Ngāti Tūwharetoa (and confirm which representatives were supportive of the proposal - Tūwharetoa Māori Trust Board or Te Kotahitanga o Ngāti Tūwharetoa) and Ngāti Tahu - Ngāti Whaoa but were unable to undertake this in the time available.</p>
<p>Additional comments/context</p>	<p>More information can be supplied on request of the Advisory Group on the more technical aspects to the Waikato River arrangements if required.</p>

¹³ [2276497-Tainui-v2.pdf \(waikatoregion.govt.nz\)](#)

¹⁴ [Waikato_Tainui_JMA_web_signed.pdf \(waikatoregion.govt.nz\)](#)

¹⁵ [2249272-Te-Arawa-v2.pdf \(waikatoregion.govt.nz\)](#)

¹⁶ [Raukawa-JMA-2201886-v2.pdf \(waikatoregion.govt.nz\)](#)

¹⁷ [KMBT_C284_C28401100_TDC_CEO/Mayoral-20180223113725 \(taupodc.govt.nz\)](#)

¹⁸ [KMBT_C284_C28401098_TDC_Information_Services-20130918093202 \(taupodc.govt.nz\)](#)

¹⁹ [Joint-Management-Agreement.pdf \(taupodc.govt.nz\)](#)

²⁰ [TARIT-Environmental-Management-Plan-2021.pdf \(waikatoriver.org.nz\)](#)

²¹ [content \(boprc.govt.nz\)](#)

²² <https://waikatoriver.org.nz/wp-content/uploads/2021/09/Ngati-Tuwharetoa-Environmental-Iwi-Management-Plan-2003.pdf>

²³ [Vision-and-Strategy-Reprint-2019web.pdf \(waikatoriver.org.nz\)](#)

²⁴ <https://waikatoriver.org.nz/wp-content/uploads/2021/08/WRA11-112-Waikato-Tainui-Environmental-Plan.pdf>

²⁵ [IEMP_V2.ABC16.indd \(waikatoriver.org.nz\)](#)

Appendix One: Approach and considerations for Treaty settlement advice on listed project applications advice in Table A

1. Ministers have advised the Advisory Group should receive advice from officials on “Māori development and PSGE settlement priorities” relevant to each application. Note this differs from section 13 requirements of the current Fast Track Consenting Bill that ‘Ministers must consider Treaty settlements and other obligations report’ as these reports will not be in existence at the time, although matters identified in section 13 (2)(a)-(j) will be considered as part of official's analysis.
2. We have interpreted “Māori development” and “PSGE priorities” to mean primarily projects that:
 - a. align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents; and/or
 - b. contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or
 - c. the project is being led by or in partnership with a Māori entity or business.
3. Given the time constraints and limited engagement this advice cannot be considered as comprehensive and does not intend to reflect their views, and should not be read as such.
4. Engagement with PSGEs and other relevant groups has been considered based on potential high-risk factors including, but not limited to, if:
 - a. a project will take place on or effect any taonga or areas of significance that are protected by Treaty settlement arrangements.
 - b. a project will have a substantive and/or ongoing environment impact on any taonga or areas of significance.
 - c. a project will include a consenting arrangement that will require a significant take, or be ongoing for an extended period, in relation to a taonga or area of significance, or in regions where PSGEs have specific planning mechanisms in place.
 - d. PSGEs or other Māori entities have previously strongly contested the project or a similar type of project, particularly where court action has been taken.
 - e. The project is clearly in conflict with or undermines PSGE priorities.
 - f. Engagement would be required to maintain and uphold the Te Tiriti Crown relationship.
5. In limited circumstances where engagement occurs, it has been brief. Where engagement has been undertaken it is reflected in our analysis but should not be taken to mean that our Treaty Partners endorse our advice.