

## FTA#160: Application for listed project under the Fast-track Approvals Bill – Sunfield Project for Schedule 2A

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

Number of attachments:	Attachments: 1. Application documents for Sunfield Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Winton Land Limited	Residential Mixed-Use	Auckland	No

### Ministry for the Environment contacts

Position	Name	Mobile	1 <sup>st</sup> 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 a masterplanned community in Ardmore, Auckland which provides for 460,000 square metres of employment, retail, healthcare and education buildings, a 7.6-hectare town centre, a school, 3400 houses, 3 retirement villages consisting of approximately 600 independent living units and care beds and 27.7 hectares of open spaces, green links, recreation parks and reserves and ecological offsets.
2. The project will require resource consents under the Resource Management Act 1991 (RMA).
3. The applicant has entered into unconditional contracts to purchase the entire parcel of land which form the Winton Property (being 215.5 hectares of the project), with settlement to occur imminently.
4. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
5. 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).
6. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).

7. 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

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

Stephanie Frame  
**Manager – Listed Projects**

**Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice<sup>1</sup>**

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)]
<b>High level summary</b>			<b>Y</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>			
<p><b>Schedule requested</b> 2A</p> <p><b>Project Name</b> Sunfield Project</p> <p><b>Applicant</b> Winton Land Limited</p> <p><b>Company director/s</b> Julian Cook Guy Fergusson Steven Joyce James Kemp Christopher Meehan Michaela Meehan Glen Tupuhi</p> <p><b>Location</b> The project site covers 244.5 hectares between Takanini and Papakura. The site is bounded by Old Wairoa Road to the south, Cosgrave Road to the west and Airfield</p>	<p>The project is a masterplanned community in Ardmore, Auckland which provides for 460,000 square metres of employment, retail, healthcare and education buildings, a 7.6-hectare town centre, a school, 3400 houses, 3 retirement villages consisting of approximately 600 independent living units and care beds and 27.7 hectares of open spaces, green links, recreation parks and reserves and ecological offsets.</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> <li>Resource Management Act 1991.</li> </ul>	<p>The applicant has undertaken extensive consultation in preparing the application, including with 19 iwi.</p> <p>The applicant received responses from six iwi, who agreed that Ngāi Tai ki Tāmaki were the relevant iwi group, and the applicant has engaged with them. The applicant has also received cultural values assessments from Ngaati Te Ata Waiohū, Te Akitai Waiohū, Ngaati Whanaunga and Ngaati Tamaoho.</p> <p>The applicant has also engaged with:</p> <ul style="list-style-type: none"> <li>Auckland Council</li> <li>Auckland Transport</li> <li>NZTA</li> <li>Neighbouring property owners</li> <li>Ardmore Airport</li> <li>Ministry of Education</li> </ul>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</p> <p>No – while there are Treaty settlements relevant to the project site, it does not appear the project is inconsistent with these. Please see further Treaty analysis below.</p> <p><b>It is more appropriate to deal with the application under another Act.</b></p> <p><b>Maybe</b> – while the project is large-scale, it is a reasonably novel urban concept which is not enabled by the underlying zoning. It may be that the project would be more appropriately considered through a plan change process under the RMA.</p> <p>We note that if a plan change does not occur the project may be able to be consented more easily under the fast-track regime than the RMA.</p>	<p><b>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.</b></p> <p><b>Yes</b> – as discussed previously, under the RMA the project would need to be enabled by a plan change from the Council prior to seeking consent. The applicant notes the stated purpose of the Fast-track Approvals Bill is “to provide a fast-track decision making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits”. It is clear to Winton that the Fast-track Approvals Bill has been specifically created for the purpose of fast tracking the delivery of large-scale projects such as Sunfield.</p> <p><b>The impact referring this project will</b></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><b>The project will deliver regionally or nationally significant infrastructure.</b></p> <p>No – the applicant states the project will deliver nationally significant infrastructure, but only discusses the economic benefits of the project.</p> <p><b>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</b></p> <p><b>Yes</b> – the applicant considers there can be no doubt that Sunfield will increase the supply of housing, address Auckland housing needs, and contribute to a well-functioning urban environment.</p> <p><b>The project will deliver significant economic benefits.</b></p> <p><b>Yes</b> – the total economic impact on business activity within Auckland as a result of the Sunfield development to 2044 is estimated to be around \$4.7 billion. In terms of employment multipliers this would contribute around 8,130 full time equivalents during the peak development and operation year within Auckland, with a total number of full-time equivalents at around 24,700 over the development period.</p>

<sup>1</sup> **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>Road to the north.</p> <p><b>Land Status</b></p> <p>The applicant has entered into unconditional contracts to purchase the entire parcel of land which form the Winton Property (being 215.5 hectares of the 244.5 hectare Sunfield masterplanned community), with settlement to occur imminently.</p>			<ul style="list-style-type: none"> <li>• Network utility operators</li> <li>• First Gas Limited</li> <li>• KiwiRail</li> <li>• Heritage New Zealand Pouhere Taonga</li> <li>• NZ Police.</li> </ul>					<p><b>The project may have significant adverse effects on the environment.</b></p> <p><b>No</b> – the applicant has provided a reasonable effects assessment and considers the adverse effects of the project can be adequately avoided, remedied or mitigated.</p> <p>We note the applicant applied to have the project enabled through the Urban Development Act and was declined, in part due to concerns about reverse sensitivity effects on the nearby Ardmore Airport.</p> <p><b>The applicant has a poor compliance history under the relevant legislation.</b></p> <p><b>No</b> – the applicant notes that in 15 years of operation they and their subsidiary entities have been the subject of compliance action twice, one prosecution for discharging sediment and one live proceeding for clearing land without consent which the applicant is contesting.</p> <p><b>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</b></p> <p><b>No</b> – the project will occur on private land which is not available for Treaty settlement purposes.</p> <p><b>The project includes an activity that is a prohibited activity under the RMA.</b></p> <p><b>No</b> – the project will not include any prohibited activities that we are aware of.</p>	<p><b>have on the efficient operation of the fast-track process.</b></p> <p><b>No</b> – the applicant states they have completed a significant amount of work to prove that there are no impediments to undertaking the development of Sunfield.</p> <p>Sunfield represents a unique opportunity to develop a significant parcel of land into a masterplanned community of scale. All of the required infrastructure upgrades to bring Sunfield to fruition are known. Winton has the team, the experience and financial capability to deliver Sunfield right now.</p> <p><b>Whether the application contains sufficient information to inform the referral decision.</b></p> <p><b>Yes</b> – we consider the applicant has provided sufficient information to enable you to consider it for inclusion on Schedule 2A.</p>	<p><b>The project will support primary industries, including aquaculture.</b></p> <p><b>No</b></p> <p><b>The project will support development of natural resources, including minerals and petroleum.</b></p> <p><b>No</b></p> <p><b>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</b></p> <p><b>Yes</b> – the Sunfield concept masterplan providing a clear framework that will enable a dramatic reduction in car dependence which will promote healthier transport options.</p> <p><b>The project will support adaptation, resilience, and recovery from natural hazards.</b></p> <p><b>Yes</b> – the primary risk and only known natural hazard relating to the Property is the matter of the flood plain which affects the Property.</p> <p>A comprehensive and significant engineering solution has been developed to manage the stormwater that affects the Property.</p> <p><b>The project will address significant environmental issues.</b></p> <p><b>Yes</b> – the applicant states the Sunfield development will move away from a reliance on private motor vehicles toward a future-thinking people centric collection of liveable neighbourhoods. This approach has unlocked a number of doors that will lead to healthier and more sustainable outcomes now and the future. Meeting the needs of communities requires that Sunfield considers all aspects of life and integrates housing, employment opportunities, amenity and open space as we look to our neighbourhoods to become more self-sufficient and provide for higher standards of living in compact ways. Sunfield will provide a sustainable and environmentally friendly 15 minute sustainable neighbourhood, not seen before in New Zealand.</p> <p><b>The project is consistent with local or regional planning documents, including spatial strategies.</b></p> <p><b>No</b> – the applicant refers to the Auckland Future Development Strategy, but the FDC signals the Future Urban zoned part of the site for urban development in 2050+ and does not signal any urban development of the Mixed Rural areas of the site.</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><b>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</b></p>	<p>The project does not appear to be ineligible according to the information provided in the application.</p>
<p><b>Affected Māori group/s</b></p>	<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> <li>• Ngāi Tai ki Tāmaki</li> <li>• Ngāti Te Ata Waiohua</li> <li>• Ngāti Tamaoho</li> <li>• Te Ākitai Waiohua</li> <li>• Ngati Paoa</li> <li>• Ngaati Whanaunga</li> </ul> <p><u>Ngāi Tai ki Tāmaki</u></p> <p>Ngāi Tai ki Tāmaki is an iwi whose area of interest includes 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.<sup>2</sup></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.<sup>3</sup> Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</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.<sup>4</sup></p> <p><u>Te Ākitai Waiohua</u></p> <p>Te Ākitai Waiohua is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Te Ākitai Waiohua and the Crown in the Deed of Settlement signed 12 November 2021.<sup>5</sup></p> <p><u>Ngāti Pāoa</u></p> <p>Ngāti Paoa is an iwi whose area of interest includes 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.<sup>6</sup></p> <p><u>Ngaati Whanaunga</u></p> <p>Ngaati Whanaunga is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Ngaati Whanaunga and the Crown in a Deed of Settlement initialled on 25 August 2017.<sup>7</sup></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"> <li>• Ngāti Hako</li> <li>• Ngāti Maru</li> <li>• Ngāti Tamaterā</li> <li>• Waikato-Tainui remaining claims</li> <li>• Marutūāhu Iwi Collective</li> </ul>

<sup>2</sup> AOI-NgaiTaikiTamaki.jpg (669x949) (tkm.govt.nz)

<sup>3</sup> TKM | Iwi | Ngāti Te Ata | Te Kahui Mangai

<sup>4</sup> AOI-NgatiTamaoho.jpg (686x1032) (tkm.govt.nz)

<sup>5</sup> deed-of-settlement-attachments (1).pdf (tkm.govt.nz)

<sup>6</sup> Ngati-Paoa-Deed-of-Settlement-Attachments.pdf (tkm.govt.nz)

<sup>7</sup> Whanaunga (002).pdf (tkm.govt.nz)

	<ul style="list-style-type: none"> <li>• Tāmaki Makaurau Collective</li> </ul> <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 the area of interest for Ngāti Hako.<sup>8</sup> Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</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 the area of interest for Ngāti Maru.<sup>9</sup></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.<sup>10</sup></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 their area of interest is not confirmed through a Treaty settlement as yet. There is a proposed area of interest included in the Terms of Negotiation signed 14 December 2020 and the proposed project location is within this area.<sup>11</sup> Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</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 the proposed project site.<sup>12</sup></p> <p><u>Tāmaki Makaurau Collective</u></p> <p>Tāmaki Makaurau Collective includes 13 hapū/iwi known collectively as Tāmaki Makaurau Collective, being: Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Paoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngaati Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohua, Te Kawerau ā Maki, Te Patukirikiri and Te Rūnanga o Ngāti Whātua. The Tāmaki Makaurau Area in the Deed of Settlement that was signed on 5 December 2012 includes the proposed project site.<sup>13</sup></p>
<p><b>Has the applicant consulted with those Māori groups?</b></p>	<p>The applicant states that the Sunfield Mana Whenua Engagement report outlines the best practice engagement which has occurred with Mana Whenua, local iwi, Papakura Marae and Māori organisations within the Papakura / Takanini area. In summary:</p> <ul style="list-style-type: none"> <li>• The applicant initially contacted each of the 19 iwi authorities recognised by Auckland Council.</li> <li>• Six iwi authorities expressed a cultural interest in the whole site and those are the iwi authorities that the applicant identified as affected Māori groups.</li> <li>• The six iwi authorities have been actively involved in the initial engagement which has been undertaken from 2021 to April 2024. Each iwi authority elected to engage individually with the applicant and that engagement is set out in some detail in the Mana Whenua Engagement report.</li> <li>• The applicant states that the six iwi authorities wish to continue their involvement in Sunfield as the development progresses and the applicant has, and will continue to, actively engage with all six iwi authorities.</li> <li>• Ngāti Te Ata Waiohua, Ngāti Tamaoho and Te Ākitai Waiohua provided cultural values assessments.</li> <li>• Ngāti Tamaoho has confirmed their recommendations from their Cosgrave Road Resource Consent CVA (55 HA of the same site) can be extrapolated out to Sunfield.</li> <li>• Ngāti Paoa has confirmed their strong interest in further engagement and support Sunfield being positively assessed.</li> <li>• Papakura Marae support the Sunfield master planned community.</li> </ul> <p>The applicant states that, as an example of the ongoing Mana Whenua engagement, the applicant and the six iwi authorities who have engaged identified a natural inland wetland of approximately 3,930 sqm in area as being ripe for significant remediation, enhancement and restoration which would see the area transformed and the ecological value elevated. Once this transformation is complete, the Wai Mauri Stream Park will be an example of the applicant and the iwi authorities working collaboratively together for the betterment of the community and the environment.</p>
<p><b>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</b></p>	<p><b><u>Impacts on PSGE settlement priorities and Māori development</u></b></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"> <li>• Ngāi Tai Ki Tāmaki Take Taiaomaurikura</li> <li>• Ngāti Tamaterā Environmental Management Plan 2019</li> <li>• Ngaati Whanaunga Environmental Management Plan</li> <li>• Ngāti Paoa Perspective on Resource Management 1993</li> <li>• Ngāti Te Ata Tribal Policy Statement 1991</li> </ul>

<sup>8</sup> [TKM | Iwi | Ngāti Hako | Te Kahui Mangai](#)

<sup>9</sup> [TKM | Iwi | Ngāti Maru | Te Kahui Mangai](#)

<sup>10</sup> [TKM | Iwi | Ngāti Tamaterā | Te Kahui Mangai](#)

<sup>11</sup> [AOI-Waikato-Tainui.png \(1032x1476\) \(tkm.govt.nz\)](#)

<sup>12</sup> [Marutūāhu Collective Redress Deed \(tearawhiti.govt.nz\)](#)

<sup>13</sup> [Tāmaki Makaurau Collective Redress Deed Schedule - Attachments 5 Dec 2012 \(tearawhiti.govt.nz\)](#)

	<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.</p> <p>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.</p> <p><b><u>Impact on Treaty settlements and other relevant arrangements</u></b></p> <p><b>Ngāti Tamaoho Claims Settlement Act 2018</b></p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. The applicant has stated that the southern section of the property is covered by the Otūwairoa Stream statutory acknowledgement.</p> <p>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.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). 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).</p> <p>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.</p> <p><b>Ngāi Tai ki Tāmaki Claims Settlement Act 2018</b></p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.</p> <p><b>Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014</b></p> <p>There are no statutory acknowledgements in the Act. There are no other mechanisms in the Act that appear to be directly impacted by the project.</p> <p><b>Ngāti Paoa Claims Settlement Bill</b></p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.</p> <p><b>Te Ākitai Waiohua Deed of Settlement</b></p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The text above in relation to statutory acknowledgements applies here also.</p> <p><b>Mana Whakahono ā Rohe</b></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><b>Iwi Environment Management plans</b></p> <p>Note the comments above in relation to iwi management plans.</p> <p><b><u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u></b></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><b><u>Other matters</u></b></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><b>Is the project considered low, medium or high impact (based on assessment criteria above)</b></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>

<b>Has the Ministry for the Environment undertaken engagement?</b>	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.
<b>Additional comments/context</b>	N/A

## 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.