

FTA#207: Application for listed project under the Fast-track Approvals Bill – Tukituki Water Security Project for Schedule 2A

Date submitted to secretariat:	27 June 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

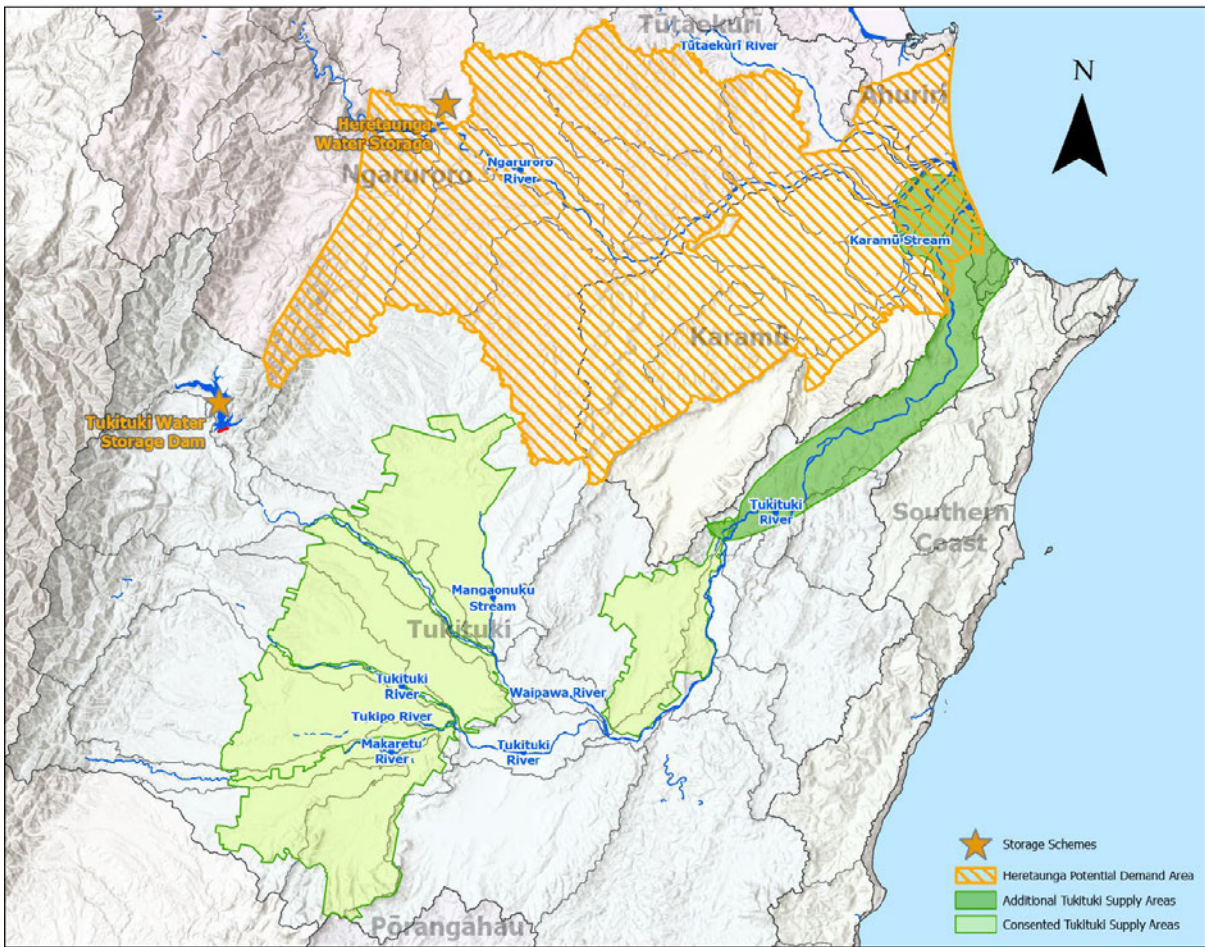
Number of attachments: 1	Attachments: 1. Application documents for Tukituki Water Security Project
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Applicants	Sector	Region	Identified in a priority/strategy?
Tukituki Water Security Limited Water Holdings Hawkes Bay Limited	Water Infrastructure	Hawkes Bay	No

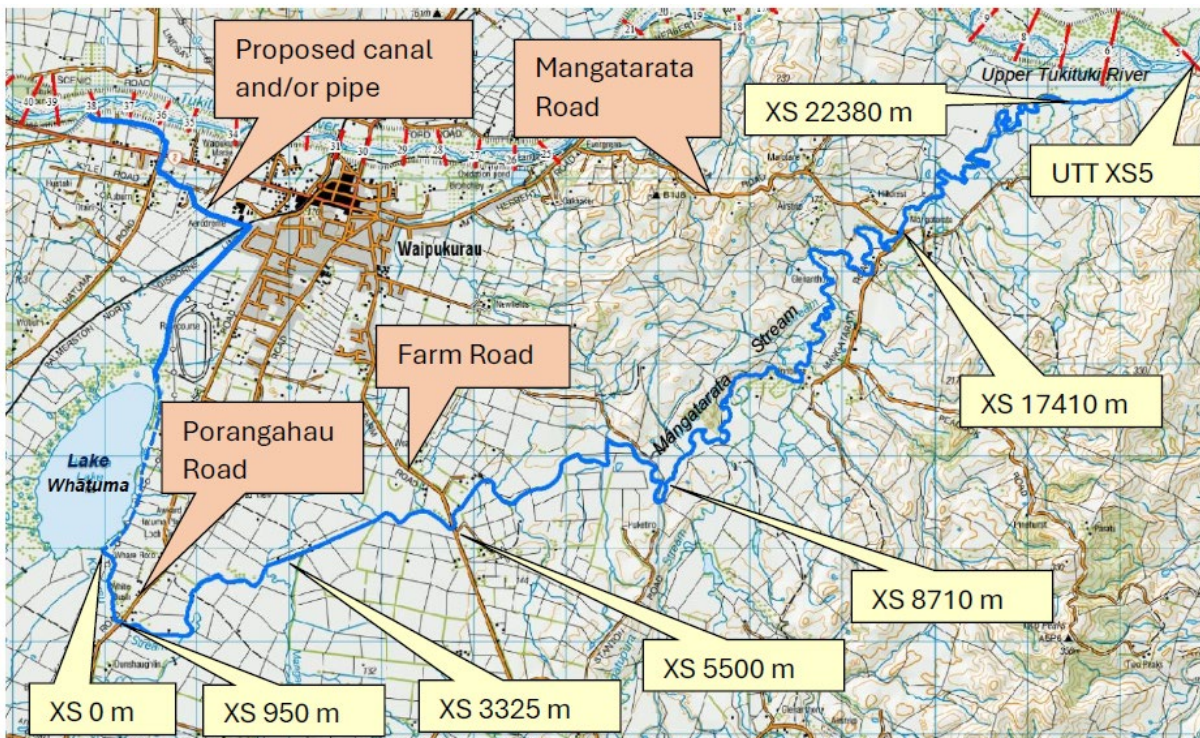
Ministry for the Environment contacts

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

Project location



Additional area: Lake Whatuma/ Mangatarata catchments



Key messages

1. The Tukituki Water Security Project, formerly known as the Ruataniwha Water Storage Scheme, seeks to dam the Makaroro River to recreate a water storage reservoir, to enable regional water security and sustainability.
2. Originally proposed by Hawkes Bay Regional Council (HBRC), resource consents enabling the scheme were assessed and granted by an independent Board of Inquiry.
3. Creation of the reservoir relied on the transfer of 170 ha of private land in exchange for 22 ha of protected conservation land in Ruahine Forest Park. In 2017 Court proceedings concluded that the Director-General of Conservation was not entitled to revoke the special conservation status of that land. HBRC has since sold its intellectual property and assets in this venture.
4. This revised project has the same dam footprint, but some changes in downstream conveyance and use are proposed. The project will comprise:
 - a. Construction of an 83 m high dam in the Makaroro River.
 - b. Creation of a reservoir of 93 Mm³, 7 km long, with a surface area of 372 ha.
 - c. Releasing up to 20 Mm³ to ensure minimum flows are always provided in the Tukituki River.
 - d. An irrigation footprint of approximately 20,000-30,000 ha, with productivity increased for around 42,000 ha. Water will also be directed to a new zone in the Lake Whatuma / Mangatarata catchment¹. There is also an opportunity to integrate wider water security in the region by supplementing water in the Southern Heretaunga and Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments.
 - e. Potential for provision of water for local communities.
 - f. The potential for 6.5 MW of electricity generation, and micro-generation in the headrace canal (to be confirmed during the establishment phase).
5. The project requires approval under the Conservation Act 1987. The project already has 35 year resource consents under the Resource Management Act 1991 (RMA), but these will lapse in June 2025 if not given effect to. Some variations and new consents will be necessary for the downstream distribution network. The project also requires approvals under the Wildlife Act 1953 and Freshwater Fisheries Regulations 1983.
6. The fatal flaw preventing the original project proceeding was the inability to secure 22 ha of conservation land in Ruahine Forest Park, as determined by the Supreme Court. This issue is however able to be addressed under the proposed Fast-track Approvals Bill (the Bill).
7. Landowner agreements were well developed with the original proposal, but these will need revisiting given changes to parts of the project and potential changes in landowners. The applicant reports they have held initial discussions with all key landowners associated with the Makaroro Dam and reservoir.
8. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
9. We consider the applicant **has not** provided sufficient information to consider the project for inclusion on Schedule 2A. It is unclear how developed the project is regarding downstream changes in water conveyance and use, and whether the necessary landowner agreements are in place for both previously and newly affected land. We note it could still

¹ The applicant did not provide amended figures for their irrigation footprint based on changes to the original proposal. They state the overall irrigation footprint may be smaller, or similar with advances in irrigation technology.

be included on Schedule 2B based on the information provided.

10. The project does not trigger the ineligibility criteria in clause 18 of the Bill.
11. 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 advice²

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 Tukituki Water Security Project</p> <p>Applicant Tukituki Water Security Limited (TWS); and Water Holdings Hawkes Bay Limited (WHHB)</p> <p>WWHB bought the intellectual property and assets from HBRC. TWS has reshaped the project with agreement in principle to access and use the consents. TWS intend to establish a Community Trust to hold the consents and oversee project development.</p> <p>Company director/s Michael Carl Petersen Timothy Edward Gilbertson David Hugh Ritchie</p>	<p>Formerly known as the Ruataniwha Water Storage Scheme, the project seeks to dam the Makaroro River to recreate a water storage reservoir, to enable regional water security and sustainability. Originally proposed by Hawkes Bay Regional Council (HBRC), resource consents enabling the scheme were processed and granted by an independent Board of Inquiry. However, creation of the reservoir relied on the transfer of 170 ha of private land in exchange for 22 ha of protected conservation land in Ruahine Forest Park. In 2017 Court proceedings concluded that the Director-General of Conservation was not entitled to revoke the special conservation status of that land. HBRC has since sold its intellectual property and assets.</p> <p>This revised project has the same dam footprint, but some changes in downstream conveyance and use are proposed. The project will comprise:</p> <ul style="list-style-type: none"> Construction of an 83 m high dam in the Makaroro River. 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 Conservation Act 1987 Wildlife Act 1953 Freshwater Fisheries Regulations 1983 	<p>The applicant identifies the following parties as affected:</p> <ul style="list-style-type: none"> Hawke's Bay Regional Council Central Hawke's Bay District Council Hastings District Council Te Taiwhenua o Tamatea Tamatea Pokai Whenua Trust (PSGE for Tamatea and Heretaunga mana whenua) Ngati Kahungunu Iwi Authority Landowners within project area. <p>The project has previously been through a full RMA public consultation process, and consents have been granted. Land holder agreements were well developed between 2013-2017 with the original proposal.</p> <p>The applicant reports they have held initial</p>	<p>No – There is no such land within the Makaroro dam or reservoir site or any of the locations of the downstream built infrastructure. There are limited areas of Māori owned land within the irrigation command areas that will have access to stored water for irrigation purposes.</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.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No.</p> <p>The project may have significant adverse effects on the environment.</p> <p>Yes – The dam will flood conservation land. However, the BOI granted consents on the basis that effects could be appropriately avoided, remedied or mitigated. This included offsetting of effects on conservation land with an exchange of private land, which was ultimately unable to occur in the context of</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.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>Yes.</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>No – The main hurdle in implementing the original project was the ability to use protected conservation land in Ruahine Forest Park. It is unclear how developed the project is regarding proposed downstream changes in water conveyance and use, and whether the necessary landowner agreements still stand</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 – Although the Hawkes Bay Regional Economic Development Agency identifies 'exploring opportunities arising from water storage schemes, should they proceed, as a key priority.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Yes.</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 – Initial estimates suggest the creation of 2500 – 3000 additional jobs and additional GDP in excess of \$300 million.</p> <p>The project will support primary industries, including aquaculture.</p> <p>Yes.</p>

² **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>Bruce Mountfort Bond-Kennedy Worsnop</p> <p>Location</p> <p>Hawkes Bay, within the Makaroro, Waipawa, Tukituki and Papanui Stream catchments, and including 22 ha of the Ruahine Forest Park</p> <p>Land Status</p> <p>Creation of a reservoir relies on a transfer of private land in exchange for 22 ha of protected conservation land in Ruahine Forest Park. In 2017 Supreme Court proceedings concluded that the Director-General of Conservation was not entitled to revoke the special conservation status of that land.</p> <p>Other land holder agreements were well developed with the original proposal but given changes in both landowners and the project since this time this will need to be revisited.</p>	<ul style="list-style-type: none"> • Creation of a reservoir of 93 Mm³, 7 km long, with a surface area of 372 ha. • Releasing up to 20 Mm³ to ensure minimum flows are met at all times in the Tukituki River. • An estimated irrigation footprint of approximately 30,000 ha with potential to supply other areas. • Potential for provision of water for local communities. • The potential for 6.5 MW of electricity generation, and micro-generation in the headrace canal, to be confirmed during the establishment phase. 		<p>discussions with all key landowners associated with the Makaroro Dam and reservoir.</p> <p>However, changes in downstream conveyance and use, and likely changes in affected landowners may mean further consultation is necessary.</p> <p>With regard to the Community Trust, TWS and WHHB are currently in detailed discussions with Tamatea Pokai Whenua Trust and the Central Hawkes Bay District Council. They hope to have it established by 30 July 2024.</p>					<p>the findings of the Supreme Court.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No.</p> <p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</p> <p>No.</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No.</p>	<p>or have been obtained.</p>	<p>The project will support development of natural resources, including minerals and petroleum.</p> <p>Yes.</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>Yes – The project provides environmental flows for main arterial waterways, associated tributaries and supplementary water for the Heretaunga Plains. The project also anticipates providing water for communities struggling with water use restrictions during periods of drought and low flows.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – In addition to providing stored water during dry periods, the dam can be used in very large rainfall events to retain floodwaters.</p> <p>The project will address significant environmental issues.</p> <p>Yes – Water availability and security in the region is likely to be impacted by climate change. The project provides up to 20m³/s to the Tukituki River under an extreme drought scenario and has potential to reduce groundwater demand on the Lower Heretaunga Plains area.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Yes – On the basis that the potential adverse effects of the project on the surrounding environment are able to be appropriately managed, the project will be consistent with the local and regional planning documents.</p>
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PSGE Settlement Priorities and Māori Development assessment –

This table provides an overview. In the time available, it has not been possible to undertake a detailed review of all Treaty settlement and related matters, or to engage with the relevant PSGE, iwi or Māori groups in relation to the potential impacts of the project. If the project does progress through the fast-track process, it will be important this more detailed and comprehensive analysis and engagement is undertaken (there are some mechanisms in the proposed legislation, such as the clause 13 report (which will apply to Schedule 2 Part B (but not Part A) applications) and the requirements to invite comment from these groups, which are intended to address these matters).

Advice on Māori development and PSGE settlement priorities includes information relating to:

- where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.
- where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business;
- to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

<p>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</p>	<p>The applicant has stated that the project is not ineligible, however we note that the application does not include records of title, due to the very large number of properties covered by the application and therefore that will need to be clarified further through the process.</p>
<p>Affected Māori group/s</p>	<p>The applicant has identified the following [group/groups] with interests in the project area:</p> <ul style="list-style-type: none"> • Te Taiwhenua o Tamatea • Tamatea Pokai Whenua Trust (PSGE for Tamatea and Heretaunga mana whenua) • Ngāti Kahungunu Iwi Authority <p><u>Tamatea Pokai Whenua Trust / Heretaunga Tamatea</u></p> <p>Tamatea Pokai Whenua Trust (previously Heretaunga Tamatea Settlement Trust) is the representative entity for Heretaunga Tamatea. Heretaunga Tamatea is a group of Ngāti Kahungunu iwi/hapū whose area of interest includes the proposed project site, based on the area of interest agreed between Heretaunga Tamatea and the Crown in a Deed of Settlement signed on 26 September 2015.³</p> <p><u>Ngāti Kahungunu / Te Taiwhenua o Tamatea</u></p> <p>The applicant has identified Ngāti Kahungunu Iwi Authority and Te Taiwhenua o Tamatea as affect groups. Ngāti Kahungunu is a large iwi with hapu from Wairoa to Wairarapa. The relevant hapu grouping in this area is Heretaunga Tamatea, which is addressed above. Te Taiwhenua o Tamatea is an organisation within the Ngāti Kahungunu Iwi Incorporated structure that represents the Tamatea hapu.</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 Kahungunu ki Wairarapa Tāmaki nui ā Rua • Rangitāne o Wairarapa and Rangitāne o Tāmaki nui ā Rua <p><u>Ngāti Kahungunu ki Wairarapa Tāmaki nui ā Rua</u></p> <p>Ngāti Kahungunu ki Wairarapa Tāmaki nui ā Rua is an iwi whose area of interest may include the proposed project site, based on the Area of Interest agreed between Ngāti Kahungunu ki Wairarapa Tāmaki nui ā Rua and the Crown in the Deed of Settlement signed on 29 October 2021.⁴</p> <p><u>Rangitāne o Wairarapa and Rangitāne o Tāmaki nui ā Rua</u></p> <p>Rangitāne o Wairarapa and Rangitāne o Tāmaki nui ā Rua is an iwi whose area of interest may include the proposed project site, based on the Area of Interest agreed between Rangitāne o Wairarapa and Rangitāne o Tāmaki nui ā Rua and the Crown in the Deed of Settlement signed on 6 August 2016.⁵</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The application states the applicant has consulted with Tamatea Pokai Whenua Trust, including in regard to establishing a community entity to hold the resource consents and oversee the commercial development to ensure the project is developed for the benefit of the community. A community engagement report from March 2013 has also been included regarding consultation, including with Te Taiwhenua o Tamatea regarding the application for the currently held resource consents.</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>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"> • Management Plan Mana Ake Nga Hapu o Heretaunga 2015 published by Te Taiwhenua o Heretaunga • Ngāti Kahungunu Taonga Tuku Iho 1992 <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>

³ AOI-HeretaungaTamatea.jpg (623x889) (tkm.govt.nz)

⁴ Ngāti Kahungunu Attachments - Ratification version - 17 September 2018 (tkm.govt.nz)

⁵ AOI-RangitaneoWairarapaRangitaneoTamakiNui-a-Rua.jpg (650x948) (tkm.govt.nz)

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

Impact on Treaty settlements and other relevant arrangements

Heretaunga Tamatea Claims Settlement Act 2018

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements including a statutory acknowledgment over 'part of the Ruahine Forest Park' and the 'Waipawa River and its Tributaries.' The applications identifies that the project site is 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.

Hawkes' Bay Regional Planning Committee

The Hawke's Bay Regional Planning Committee is a joint committee consisting of equal numbers of iwi and council appointed members established under the Hawke's Bay Regional Planning Committee Act 2015. The purpose of the Hawke's Bay Regional Planning Committee is to oversee the development and review of RMA documents prepared in accordance with the RMA for the Regional Planning Committee region.

The functions of the entity include:

- Overseeing the development and review of RMA regional planning documents (regional policy statements and regional plans) and recommending to the Council for public notification the content of any such document. If a recommendation is not accepted, the matter must be referred back to the Committee.
- Monitoring the efficiency and effectiveness of the RMA documents in accordance with section 35 of the RMA.

Under the terms of reference, there are also powers to recommend appointment to hearing commissioner panel. This is a significant mechanism which has its origins in the Ngāti Pāhauwera Treaty settlement. If this project is progressed through the fast-track process, there is a risk that regional policy statements and plans will have a lesser effect than they would under the RMA, and hence the impact of this arrangement will be diminished.

Conservation Act 1987

The Settlement Act includes obligations in relation to the Conservation Act 1987. This includes overlay classifications and deeds of recognition. This application seeks conservation approvals which may be relevant to those settlement obligations (depending on the detail of the application made).

The Department of Conservation has advised there is a deed of recognition over the area 'Part of the Ruahine Forest Park' which is relevant to the project site. The deed of recognition states the Department of Conservation's obligation is "if undertaking certain activities within an area that the deed relates to, consult the governance entity; and have regard to its view concerning the association of Heretaunga Tamatea with the area as described in a statement of association".

The cultural redress statement included in the settlement also specifically mentions the Ruahine: "The Crown acknowledges that the Ruahine Range is of immense cultural and historical significance to Heretaunga Tamatea and other iwi with interest in the Ruahine Range. Heretaunga Tamatea wish to work collectively with other iwi who have interests in the Ruahine Range in order to build a collaborative partnership between the Crown and the collective iwi for the ongoing protection and management of the Ruahine Range and to provide greater recognition of tangata whenua associations with the Ruahine Range." The action associated with DOC is to meet with the iwi who have interests in the Ruahine to discuss their vision and how the Crown can support it.

The relationship statement in the settlement acknowledges Heretaunga Tamatea's (now Tamatea Pokai Whenua) role as kaitiaki to preserve, protect and manage the natural and historical resources within their area of interest and requires that we act in good faith. There are no specific requirements around consultation. However, there are specific requirements for consultation if the Department of Conservation is considering a "conservation management strategy, (or) conservation management plan" that relates to an overlay area, or to remove and overlay classification from an area. Given the proposed land swap, the Department of Conservation would need to consult as this could necessitate a change to the conservation management strategy for the area. The relevant consultation requirements are provided in the Settlement Act at section 39.⁶

Reserves Act 1977

The Settlement Act includes obligations in relation to the Reserves Act 1977. This includes overlay classifications and deed of recognition. This application seeks approvals which may be relevant to those settlement obligations (depending on the detail of the application made).

Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017

⁶ Heretaunga Tamatea Claims Settlement Act 2018 No 14 (as at 12 April 2022), Public Act 39 Obligations on New Zealand Conservation Authority and Conservation Boards – New Zealand Legislation

	<p><i>Statutory Acknowledgement</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><i>Conservation Act 1987</i></p> <p>The Settlement Act includes obligations in relation to the Conservation Act 1987. This includes overlay classifications and deed of recognition. This application seeks conservation approvals which may be relevant to those settlement obligations (depending on the detail of the application made).</p> <p><i>Reserves Act 1977</i></p> <p>The Settlement Act includes obligations in relation to the Reserves Act 1977. This includes overlay classifications and deed of recognition. This application seeks approvals which may be relevant to those settlement obligations (depending on the detail of the application made).</p> <p>Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022</p> <p><i>Statutory Acknowledgement</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><i>Conservation Act 1987</i></p> <p>The Settlement Act includes obligations in relation to the Conservation Act 1987. This includes a deed of recognition. This application seeks conservation approvals which may be relevant to those settlement obligations (depending on the detail of the application made).</p> <p><i>Reserves Act 1977</i></p> <p>The Settlement Act includes obligations in relation to the Reserves Act 1977. This includes a deed of recognition. This application seeks approvals which may be relevant to those settlement obligations (depending on the detail of the application made).</p> <p><u>Iwi Environment Management plans</u></p> <p>Note the comments above in relation to iwi management plans.</p> <p><u>Other matters</u></p> <p>There have been no joint management agreements, mana whakahono ā rohe, Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 considerations identified or unsettled claims identified in the project area. In the time available, officials have not identified any other relevant matters.</p>
<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>From the information available we consider this project is likely to be of medium impact. This is due to the nature and range of interests present in the project area.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application.</p>
<p>Has the Ministry for the Environment undertaken engagement?</p>	<p>Officials consider engagement would be beneficial given the nature and range of interests present in the project area but were unable to undertake this in the time available.</p>
<p>Additional comments/context</p>	<p>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.