

Response ID ANON-URZ4-5FGB-S

Submitted to Fast-track approval applications
Submitted on 2024-05-03 11:53:14

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
New Zealand Transport Agency Waka Kotahi (NZTA)

2 Contact person

Contact person name:

s9(2)(a)

3 What is your job title

Job title:
Manager Environmental Planning

4 What is your contact email address?

Email:
FastTrackApprovals@nzta.govt.nz

5 What is your phone number?

Phone number:

s 9(2)(a)

6 What is your postal address?

Postal address:

7 Is your address for service different from your postal address?

Not Answered

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

Project Graphic
<https://www.nzta.govt.nz/assets/projects/tauriko-network-plan/tauriko-recommended-option-staging-june-2023.pdf>

Also, see attached.

File upload:
Tauriko project location NZTA.jpg was uploaded

Upload file here:

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Do you have a current copy of the relevant Record(s) of Title?

No

upload file:

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Who are the registered legal land owner(s)?

Please write your answer here:

This project, like many projects delivered by NZTA is linear and traverses a large number of properties. At this time, it is not practicable to provide details of the registered landowners. This will be provided at time of application and anything provided now would be out-of-date at time of application.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Where NZTA does not already have an interest in the land, it works with accredited suppliers and Land Information New Zealand to acquire property interests in line with processes under the Public Works Act 1981.

Section 2: Project details

What is the project name?

Please write your answer here:

SH29 Tauriko Network Connections (including Omanawa Bridge replacement)

What is the project summary?

Please write your answer here:

The Tauriko Network Connections project provides network connections in the Sh29 and SH29A area with associated infrastructure, activities and works, and includes the Omanawa Bridge replacement.

What are the project details?

Please write your answer here:

SH29 and SH29A form part of the key Golden Triangle connection, including to the Port of Tauranga.

The project has identified the optimal transport improvements for SH29 and SH29A, while supporting land use decisions to develop commercial and residential growth in the Western Corridor.

The key benefits are:

- More reliable and efficient freight and inter-regional journeys to/from Bay of Plenty, and improved network efficiency with more local trips using local roads
- Improving mode share and increased transport choice to enable access from and to the Western Corridor
- Improved road safety to reduce the likelihood of death and serious injury
- Supporting the development of new residential and commercial growth in the Western Corridor

Note the Omanawa Bridge is scheduled to be replaced in 2024-2027.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

This project is one of many NZTA will be delivering. The staging and timing is yet to be determined and cannot be provided at this stage.

What are the details of the regime under which approval is being sought?

Please write your answer here:

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Bay of Plenty Regional Council
Western Bay of Plenty District Council
Tauranga City Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

On the assumption the question is asking about pending applications at the time of listing there are no pending applications that would need to be withdrawn under schedule 4 Clause 31 (3).

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

We aren't entirely clear what this question is asking, however, NZTA works closely with other infrastructure providers if its projects affect their assets.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

There are a number of factors that will determine when construction activities begin. These include government priorities, funding availability and other approvals/processes not covered by this Bill. We anticipate works could begin between 2024-2027.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

At this stage, we anticipate that the following groups may have an interest in the project. This list is not exhaustive and may have changed by the time the Bill is enacted and/or approvals are sought for the project:

- Bay of Plenty Regional Council
- Western Bay of Plenty District Council
- Tauranga City Council

- Ngai Tamarāwaho,
- Ngāti Hangarau,
- Ngāti Kahu,
- Ngāti Pango,
- Ngāti Rangī,
- Pirirākau hapū

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

This project will require land not currently held for road purposes which NZTA will need to acquire pursuant to the Public Works Act.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

As a Crown entity with enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

Yes

If yes, what are they?:

This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application we will be able to provide this information.

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

Yes

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

We understand that High Court Marine and Coastal Area (Takutai Moana) Act hearings are progressing around Aotearoa with decisions being released from time to time. From our understanding at this stage, the project does not impact any customary marine title areas. If this changes by the time of an application to the EPA, we would address any requirements as part of the process.

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

Upload file:

No file uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

If this project is progressed through the FTA, an appropriate assessment against relevant national direction will be provided at the application stage for the expert panel's consideration.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

NZTA anticipates there are likely to be time saving benefits in applying under the fast-track process compared to other processes available.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

NZTA has no way of knowing the impact on the fast-track process (as this requires information on all projects seeking to be referred at a particular time). All it can say is its projects are regionally and nationally significant and provide significant public benefit. The efficient delivery of the projects we are seeking to list are recognised government priorities (refer to the draft GPS for land transport) including via this fast-track process. So NZTA's expectation is that the operation of the fast-track process will be well resourced.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

This project is prioritised in the draft GPS on Land Transport and forms part of the draft State Highway Investment Proposal (SHIP) which when finalised becomes part of the NLTP.

GPS: <https://www.transport.govt.nz/assets/Uploads/GPS-on-land-transport-2024-Consultation-4-March-2023-.pdf>

SHIP: <https://www.nzta.govt.nz/assets/resources/state-highway-investment-proposal-2024-34/state-highway-investment-proposal-2024-34.pdf>

Will the project deliver regionally or nationally significant infrastructure?

National significant infrastructure

Please explain your answer here:

This project is listed in the draft Government Policy Statement on Land Transport

Will the project:

Please explain your answer here:

NZTA supports promoting transport projects in a way that connects with wider land use and transport planning. This will ensure that any staging, sequencing, and design of these projects supports housing growth and well-functioning urban environments while considering other interdependencies such as the delivery of other infrastructure.

Will the project deliver significant economic benefits?

Not Answered

Please explain your answer here:

Will the project support primary industries, including aquaculture?

Not Answered

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

Not Answered

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Not Answered

Please explain your answer here:

Will the project support adaptation, resilience, and recovery from natural hazards?

Not Answered

Please explain your answer here:

Will the project address significant environmental issues?

Not Answered

Please explain your answer here:

Is the project consistent with local or regional planning documents, including spatial strategies?

Not Answered

Please explain your answer here:

Anything else?

Please write your answer here:

This project is prioritised in the draft GPS on Land Transport and forms part of the draft SHIP which when finalised becomes part of the NLTP.

Ministers expect NZTA projects to be delivered quickly and efficiently and listing projects helps ensure this. In particular, the draft GPS notes that the fast-track consenting processes in this Bill are expected to support the major transport projects in the GPS (see page 9 of the GPS).

As a general comment, it appears that the information requirements are more targeted at site specific developments, and less considerate of linear infrastructure. As an example, a 20km road will traverse a large number of land holdings. Whereas a site-specific development will have significantly fewer affected titles. Meaning the ease with which this information can be provided is vastly different. While we have tried our best to supply all the information and to be as helpful as possible, we haven't always been able to do so.

The description of projects needs to be flexible enough to include ancillary works for the project (e.g. local road connection to a state highway improvement project) and also other infrastructure provider works associated with the project (e.g. transmission tower moved to accommodate state highway improvement project). If the description is constrained, this may limit the assessment of options (and alternatives) which are statutory requirements and the efficiency of the project (including all works needed).

At the time that NZTA makes its application to the EPA for approvals, it will have significantly more certainty about the effects of the project, including effects on private property. NZTA has a proven track record of having high quality applications which carefully consider the environmental effects with appropriate conditions that meet RMA and other requirements.

NZTA will engage with affected land owners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.

In the Bill, a project is ineligible for fast-track if it involves activities that would occur on land as described in the range of situations in clause 18 of the Bill and written approval has not been obtained from the landowner. For NZTA, it will be challenging to meet this requirement to have written approval (particularly at the time of project listing) due to the large number of property often involved in linear infrastructure projects.

Does the project includes an activity which would make it ineligible?

Yes

If yes, please explain:

Due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA is cautiously assuming that its projects may be ineligible.

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

All linear infrastructure is at risk of the effects of climate change and natural hazards in New Zealand. NZTA designs projects with this in mind to ensure our infrastructure is resilient and fit for purpose into the future.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

NZTA is a national delivery agent, which has an exemplary delivery record. As a Crown Entity it takes environmental and social responsibility seriously. Because NZTA infrastructure is linear and traverses over 11,000km, it isn't practical to provide this information. While there have been incidents, NZTA takes steps to address (and avoid future), cooperates with the process and these are always resolved satisfactorily.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

s9(2)(a)

Important notes



FTA#87, 149, 156, 165, 170, 172, 177, 182, 190, 191, 196, 197, 204: Application for listed projects under the Fast-track Approvals Bill – NZ Transport Agency Waka Kotahi: Roads of National Significance 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: 13	Application documents for:	Region
	1. FTA#87 Takitimu North Link Stage 2	Bay of Plenty
	2. FTA#149 SH1 Whangārei to Port Marsden Highway Project	Northland
	3. FTA#156 Hamilton Southern Links Project	Waikato
	4. FTA#165 Hope Bypass Project	Tasman
	5. FTA#170 Alternative to the Brynderwyns Hills Project	Northland
	6. FTA#172 SH1 North Canterbury - Woodend Bypass Project (Belfast to Pegasus) Project	Canterbury
	7. FTA#177 North West Rapid Transit Project	Auckland
	8. FTA#182 SH1 Wellington Improvements Project	Wellington
	9. FTA#190 SH1 Cambridge to Piarere Long Term Improvements Project	Waikato
	10. FTA#191 Hawkes Bay Expressway Project	Hawkes Bay
	11. FTA#196 Mill Road Project	Auckland
	12. FTA#197 SH29 Tauriko Network Connections (including Omanawa Bridge replacement) Project	Bay of Plenty
	13. FTA#204 SH16 North West Alternative State Highway (ASH) Project	Auckland

Applicant	Sector	Region	Identified in a priority/strategy?
New Zealand Transport Agency Waka Kotahi	Infrastructure	Various (see above)	Yes

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 locations

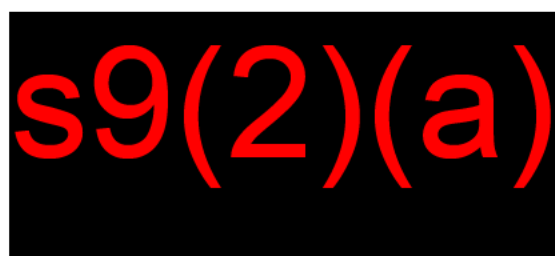


More detailed maps for each Project are provided in Appendix 1 (excluding for FTA#170 - Alternative to the Brynderwyns Hills Project, and FTA#182 - SH1 Wellington Improvements Project, for which maps were not provided).

Key messages

1. The New Zealand Transport Agency Waka Kotahi has made 13 applications for Roads of National Significance from Northland through to Canterbury, to be included in Schedule 2A. The similarity of information provided for each of these applications allows us to provide a single assessment against the eligibility and ineligibility criteria for all 13 projects, however Treaty analysis for each project is necessary. A description of each project is provided in Table A.
2. The projects will require resource consents under the Resource Management Act 1991 (RMA) and new or amended designations; and land acquisition under the Public Works Act 1981.
3. The roads traverse large numbers of properties, and the applicant considers it impracticable to provide details at this time. Where they do not already have an interest in the land, they work with accredited suppliers and Land Information New Zealand to acquire property interests in accordance with processes under the Public Works Act. Substantive work appears to be required regarding detailed road alignment and properties affected. As such, we cannot determine if Māori land, land returned through Treaty settlement, or public conservation land is affected.
4. We have undertaken an initial (Stage 1) analysis of the applications, and this is provided in Table A, and Appendix 2.
5. We consider the applicant **has not** provided sufficient information to consider the projects for inclusion on Schedule 2A. They have not provided detailed routes or properties impacted, details of any consultation undertaken, or any assessment of environmental effects. However, we note the projects could still be included on Schedule 2B based on the information provided.
6. The projects may trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill), with regard to land returned through Treaty settlement or various classes of Māori land.
7. Advice on PSGE development priorities and Māori development is provided in Appendix 2. Appendix 2 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 3 provides further detail on how this advice should be considered and our approach to analysis.

Signature



Ray Salter
Principal Analyst – Listed Projects

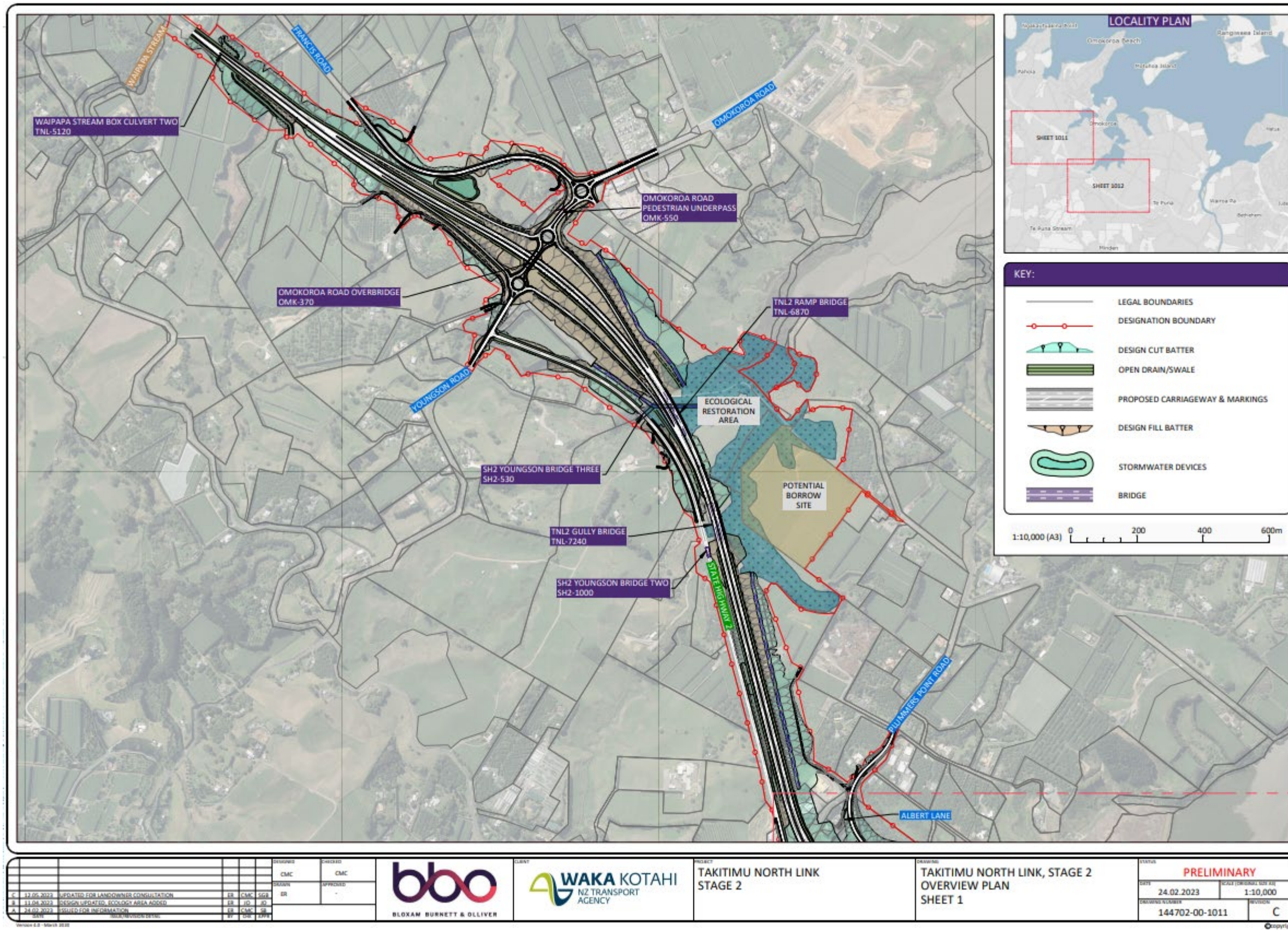
Table A: Stage 1 initial assessment of project eligibility

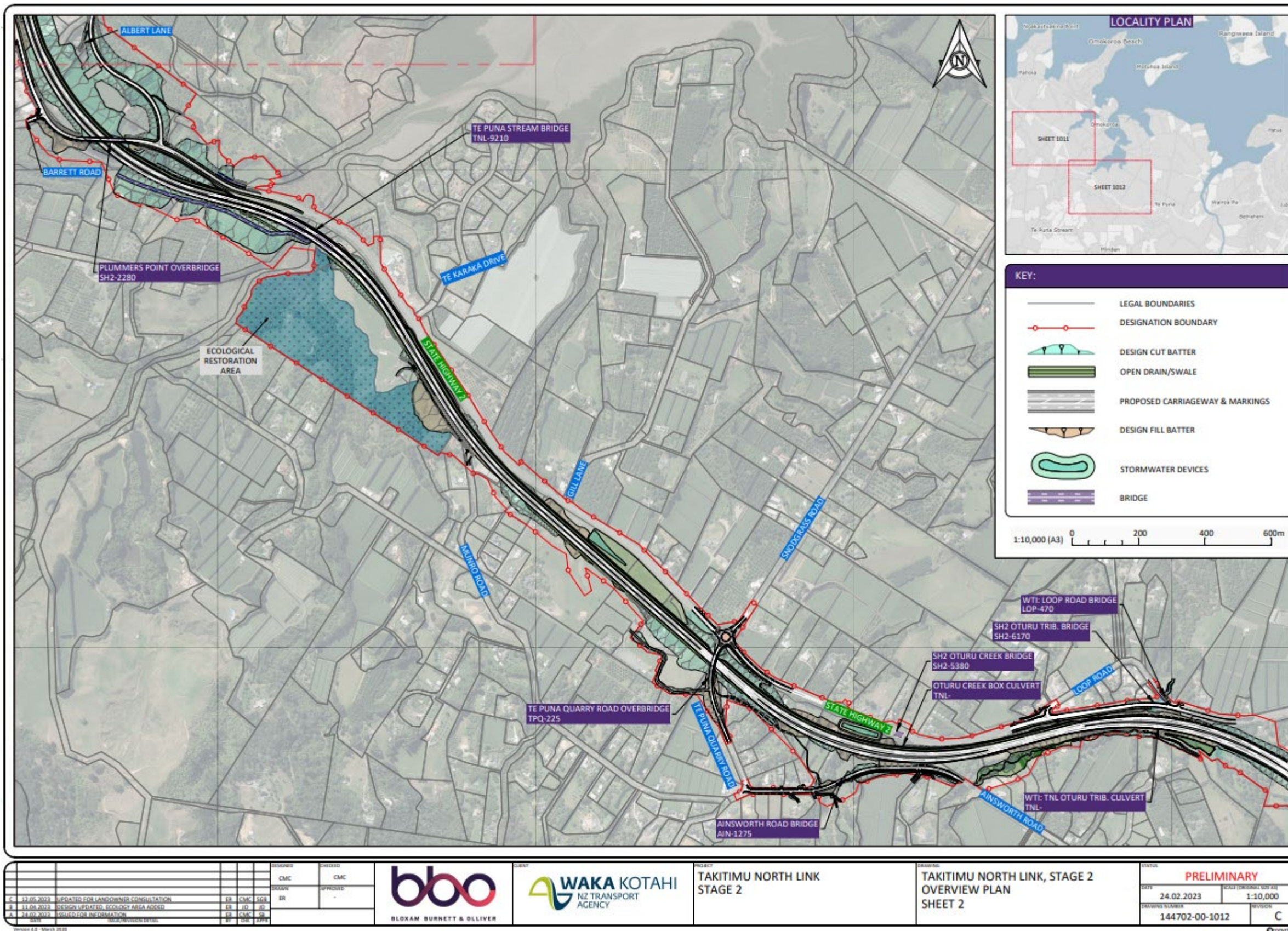
Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, 9)]	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			N	Potentially	N	N	N			
Schedule requested 2A Project Name Roads of National Significance – See project description for individual project names Applicant New Zealand Transport Agency Waka Kotahi Location Various - See project description and maps in Appendix 1 for locations Land Status The roads traverse large numbers of properties, and the applicant considers it impracticable to provide details at this time.	FTA#87 Tākitimu North Link Stage 2 To construct a four-lane, median-divided highway to replace the existing SH2 corridor between Te Puna and Ōmokoroa. This project is an extension of Takitimu North Link Stage One, which is currently under construction and will link Tauranga and Te Puna. The project will address long-standing and worsening safety, resilience, reliability and congestion problems facing the existing SH2 corridor, and support well-established strategic urban growth objectives. Regional consents as well as alterations to existing designations are required. FTA#149 SH1 Whangārei to Port Marsden Highway Project To upgrade 22kms of SH1 to four lanes between Whangārei and SH15 (Port Marsden Highway), including upgrade of the SH1/SH15 intersection. The designation for SH1 requires alteration. Outside of the existing designation, further land acquisition will be required. FTA#156 Hamilton Southern Links Project To develop an effective network of state highway and urban arterial routes to support Hamilton's planned southern growth. It will link SH1 from Kahikatea Drive to the Waikato Expressway at Tamahere, and SH3 from Hamilton Airport to central and east Hamilton. There are 11km of local arterials and 21kms of state highway along with associated infrastructure, activities and works. FTA#165 Hope Bypass Project To construct 4.2km of new highway to bypass Richmond and Hope townships to reduce congestion in Richmond, increase efficiency and travel time reliability and allow for more housing growth. The designated greenfield route is 35m wide, with 20m of that being Crown owned revoked railway corridor currently utilised by the Great Taste Trail shared use path. Some property has been acquired, but further land will be required.	The applicant seeks approval under the: - Resource Management Act 1991 - Public Works Act 1981 It is possible that approvals are also required under the: - Heritage New Zealand Pouhere Taonga Act 2014 - Wildlife Act 1953 - Freshwater Fisheries Regulations 1983 - Conservation Act 1987 - Reserves Act 1977	For each project, the applicant identifies local authorities and mana whenua as having an interest in the project. No detail on consultation undertaken has been provided.	Potentially – substantive work appears to be required regarding detailed road alignment and properties affected. As such, we are unable to determine if land returned through Treaty settlement, or certain classes of Māori land, may be affected.	No.	Potentially – substantive work appears to be required regarding detailed road alignment and properties affected. As such, we are unable to determine if any such land may be affected.	No.	The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNPA Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement. No. It is more appropriate to deal with the application under another Act. No. The project may have significant adverse effects on the environment. Potentially – no assessment of environmental effects were provided. The applicant has a poor compliance history under the	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. Yes. The impact referring this project will have on the efficient operation of the fast-track process. Yes. Whether the application contains sufficient information to inform the referral decision. No – the applicant has only provided basic project identification,	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. Yes – all of these projects are identified as Roads of National Significance in the Draft Government Policy Statement on Land Transport 2024-34. The project will deliver regionally or nationally significant infrastructure. Yes – all of these projects are identified as Roads of National Significance. The project will increase the

Where they do not already have an interest in the land, they work with accredited suppliers and Land Information New Zealand to acquire property interests in accordance with processes under the Public Works Act. Substantive work appears to be required regarding detailed road alignment and properties affected.	FTA#170 Alternative to the Brynderwyns Hills Project To plan, design and deliver an alternative to the current SH1 Brynderwyn Hills route, to reduce travel times, improve safety, boost capacity and economic growth and build greater resilience between Auckland and Northland. A Brynderwyn Hills Strategic Resilience Response was completed in 2023 and recommended long-term options, building on the 2016 Programme Business Case for Whangārei to Te Hana 2016.							relevant legislation. No. The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes. Potentially – substantive work appears to be required regarding detailed road alignment and properties affected. As such, we are unable to determine if any such land may be affected. The project includes an activity that is a prohibited activity under the RMA. Potentially – the lack of detail in the application means we are unable to determine if any prohibited activities are proposed (eg, loss of wetlands).	with minimum detail.	supply of housing, address housing needs, or contribute to a well-functioning urban environment. Yes – roads contribute to a well-functioning urban environment. The project will deliver significant economic benefits. Potentially – the applicant did not answer this question. The project will support primary industries, including aquaculture. Potentially – the applicant did not answer this question. The project will support development of natural resources, including minerals and petroleum. Potentially – the applicant did not answer this question. The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions. No. The project will support adaptation, resilience, and recovery from natural hazards. Potentially – the applicant did not answer this question.
	FTA#172 SH1 North Canterbury - Woodend Bypass Project (Belfast to Pegasus) Project To extend the SH1 Christchurch Northern Corridor between Belfast and Pegasus by constructing 4km of motorway or expressway to bypass the Woodend township, to create a safe, efficient route, with travel time savings and benefits. A designation exists, but some alterations may be required. Some property has been acquired but further land will be required.									
	FTA#177 North West Rapid Transit Project To develop a rapid transit link between Brigham Creek and Auckland City Centre, including local road links and connections to other existing rapid transit infrastructure and a bi-directional offline busway. This will provide public transport choices to safely and efficiently meet demands for moving people, freight and services along SH16, the main corridor between the NW and Auckland CBD. The corridor provides for existing significant housing and employment access around and outside the NW area. Without this project, economic development and reliability could be restricted by increasing congestion on the motorway.									
	FTA#182 SH1 Wellington Improvements Project To improve SH1 between the Terrace Tunnel and Kilbirnie, primarily from a second Mt Victoria Tunnel and Basin Reserve improvements, or a long tunnel that bypasses the central city. This will provide more efficient and reliable access to support economic growth, improving travel time and reliability on key routes to the city centre, hospital, and airport.									
	FTA#190 SH1 Cambridge to Piarere Long Term Improvements Project To develop a 16km long four-lane expressway extending from the southern end of the Cambridge section of the Waikato Expressway to the intersection of SH1 and State Highway 29 (SH29) at Piarere. It broadly follows the existing SH1 from the end of the Waikato Expressway to Karāpiro Road. Near Karāpiro Road, the Project deviates onto a new offline corridor that sits approximately 1km north of the existing SH1 and ends at the SH1/SH29 intersection.									
	FTA#191 Hawkes Bay Expressway Project To develop an efficient and reliable connection between Napier and Hastings, that also improves resilience, capacity and safety. An additional lane will be added in each direction over 24km to create four lanes within the existing state highway corridor. It includes 3-5 interchanges and 3-4 bridge upgrades between Watchman Road and Pakipaki. A designation is in									

Appendix 1 – Project location maps

FTA#87 Tākitimu North Link Stage 2





REVISIONS			DESIGNED		CHECKED	
NO.	DATE	DESCRIPTION	BY	CHK	BY	CHK
1	12.05.2023	UPDATED FOR LANDOWNER CONSULTATION	ER	CMC	SGR	
2	13.04.2023	DESIGN UPDATED, ECOLOGY AREA ADDED	ER	JD	JD	
3	24.02.2023	ISSUED FOR INFORMATION	ER	CMC	JD	
4	24.02.2023	ISSUED FOR INFORMATION	ER	CMC	JD	

				TAKITIMU NORTH LINK STAGE 2	TAKITIMU NORTH LINK, STAGE 2 OVERVIEW PLAN SHEET 2	PRELIMINARY
144702-00-1012		24.02.2023		1:10,000		C









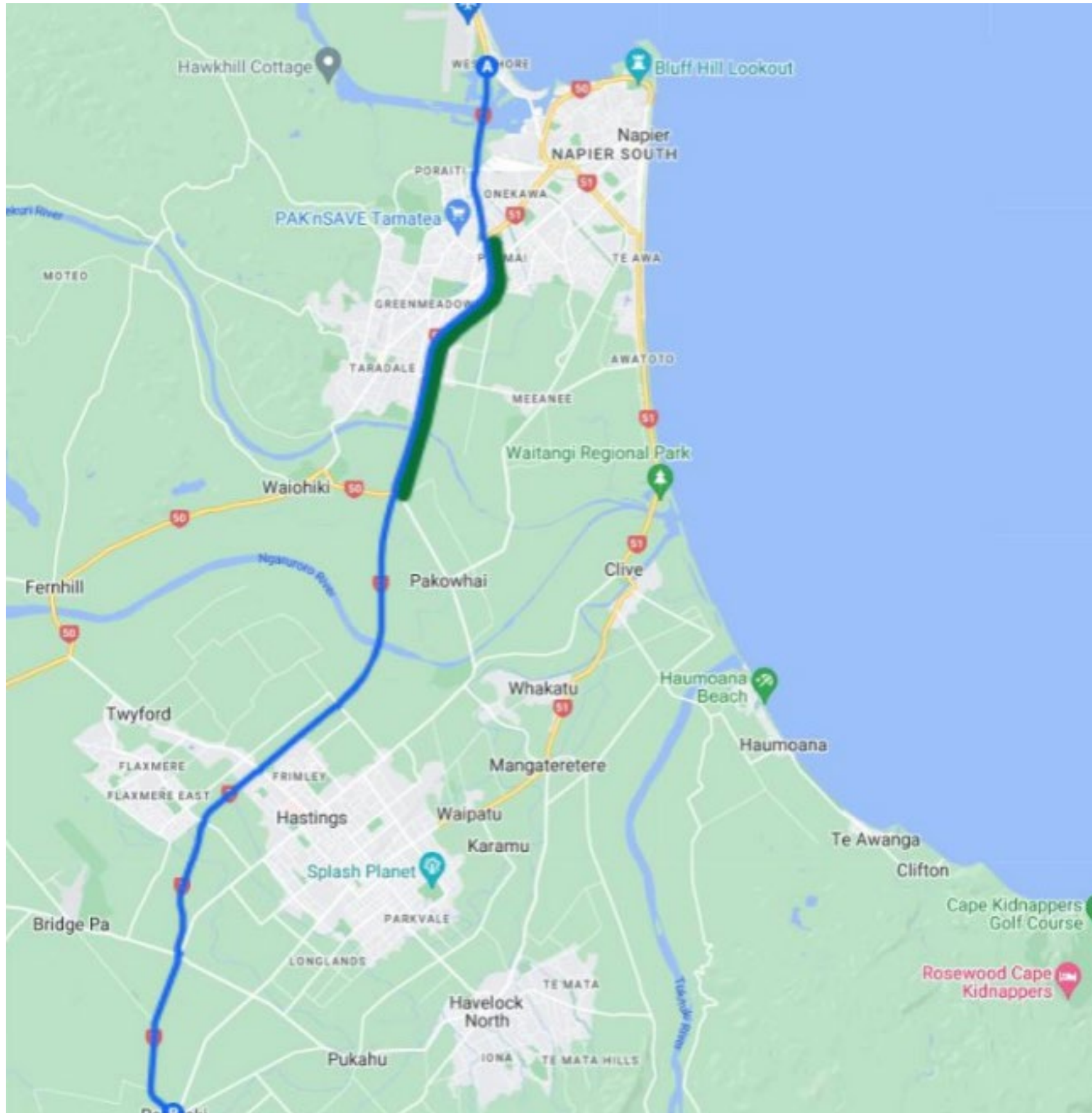
North West Rapid Transit



Proposed State Highway 1 Cambridge to Piarere Expressway



22-238



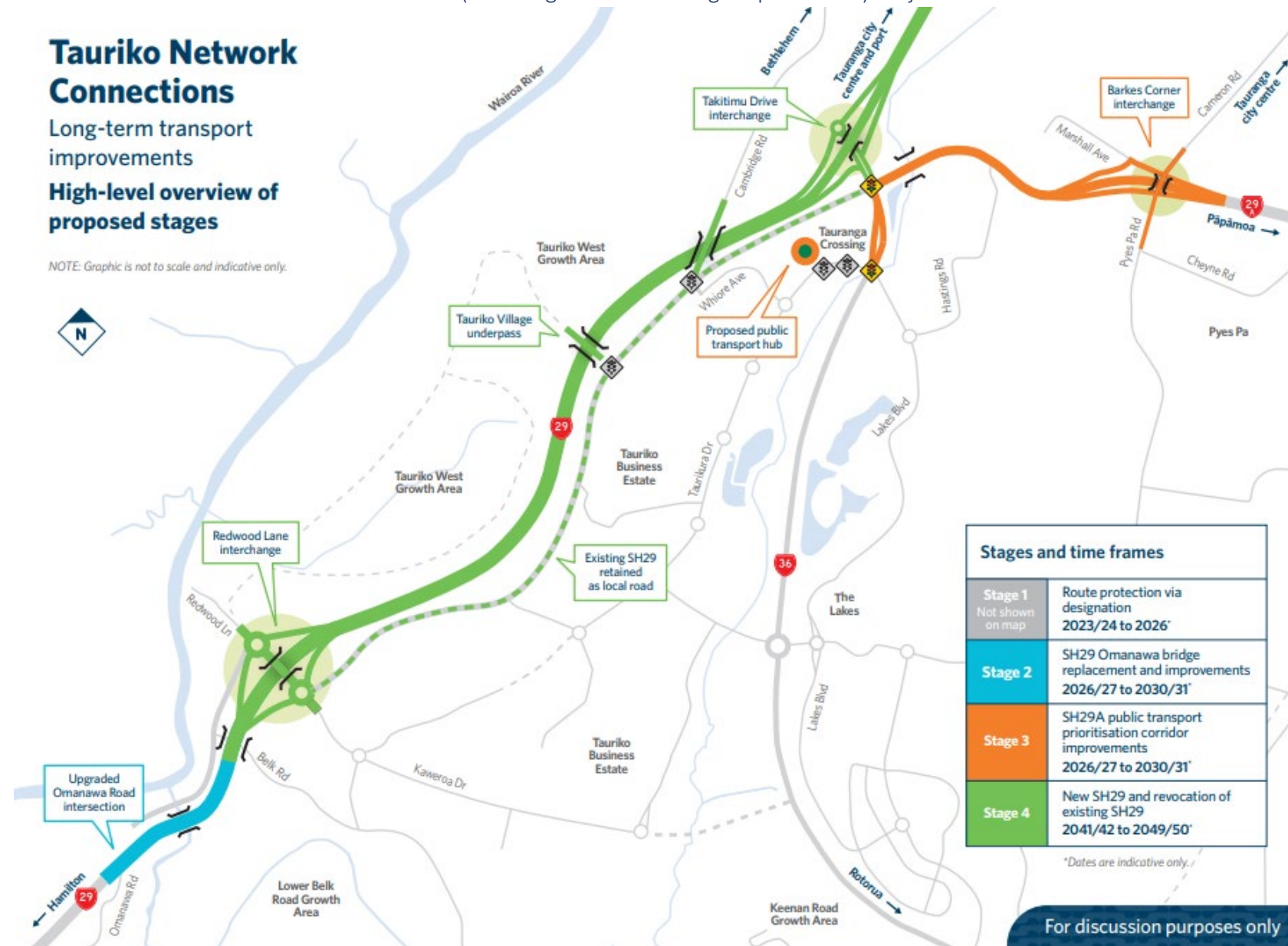


Tauriko Network Connections

Long-term transport improvements

High-level overview of proposed stages

NOTE: Graphic is not to scale and indicative only.





Appendix 2 - PSGE Settlement Priorities and Māori Development assessment

These tables provide 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.

FTA#87 Tākitimu North Link Stage 2	
Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is “due to the inability to confirm whether “identified Māori land” as defined in the Bill is affected, NZTA is cautiously assuming that its projects may be ineligible.” The applicant further states “This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a ‘yes’ as it is a possibility there may be Māori land. At the time of application we will be able to provide this information.”
Affected Māori group/s	The applicant has identified the following groups with interests in the project area: • Pirirākau hapū • Ngāti Taka hapū • Ngāti Ranginui <u>Pirirākau hapū and Ngāti Taka hapū</u> The applicant states that “The local iwi is Ngāti Ranginui. Ngāti Ranginui is a hapū centric iwi and Ngāti Ranginui have stated that they will take direction from representatives of Pirirākau hapū and Ngāti Taka” (who have been identified as the hapū with an interest in this project). <u>Ngāti Ranginui</u> Officials have confirmed that Ngāti Ranginui is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Ranginui and the Crown in the Deed of Settlement signed 21 June 2012: AOI - Ngāti Ranginui. This group are yet to settle their historical Treaty of Waitangi claims (their settlement legislation has not yet been enacted). 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: • Ngāti Pūkenga - Ngāti Pūkenga is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Pūkenga and the Crown in the Deed of Settlement signed 7 April 2013 June 2012: Ngāti Pūkenga Deed of Settlement. • Ngāti Hinerangi - Ngāti Hinerangi is an iwi whose area of interest appears to include the proposed project site, based on the Area of Interest agreed between Ngāti Hinerangi and the Crown in the Deed of Settlement signed 4 May 2019: Ngāti Hinerangi Deed of Settlement. • Ngāi Te Rangi and Ngā Pōtiki - Ngāi Te Rangi and Ngā Pōtiki are yet to settle their historical Treaty of Waitangi claims. Ngāi Te Rangi and Ngā Pōtiki signed a Deed of Settlement with the Crown on 14 December 2013. A Deed to Amend was signed on 6 October 2014. There is a proposed area of interest included in their Deed of Settlement and the proposed project location is within this area: Ngāi Te Rangi and Ngā Pōtiki Deed of Settlement Schedule. This group are yet to settle their historical Treaty of Waitangi claims (legislation has not yet passed) and so the area of interest is not confirmed. • Ngāi Tai ki Tāmaki - Ngāi Tai ki Tāmaki is an iwi whose area of interest appears to include the proposed project site, based on the Area of Interest agreed between Ngāi Tai ki Tāmaki and the Crown in the Deed of Settlement signed 7 November 2015: AOI - Ngāti Tai ki Tāmaki. • Pare Hauraki Collective - The Deed provides shared redress for the collective interests of the 12 Iwi of Hauraki in the Hauraki region. It also provides certain redress which will then on-transfer to specific iwi to form part of their iwi-specific Treaty settlements. The Iwi of Hauraki and the Crown signed a Collective Redress Deed on 2 August 2018: Pare Hauraki Collective Redress. • Tauranga Moana Iwi Collective and the Crown signed a Deed of Settlement on 21 January 2015. A Deed to Amend was signed on 1 November 2015 and the accompanying legislation has not yet been enacted.
Has the applicant consulted with those Māori groups?	The applicant states that “extensive stakeholder engagement and consultation has already occurred and further will occur in the next few months. If there is to be any engagement in relation to this application, please engage with us prior to engaging with any of the above stakeholders on this project.” Detail on this engagement has not been provided. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have “enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant

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	settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application." NZTA have stated they will "engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA."
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> 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. In the time available, we have identified the following relevant plans and documents: • Tauranga Moana Iwi Management Plan 2016 – 2026¹ • Pirirakau Hapū Management Plan 2017 • Ngāti Pūkenga Iwi ki Tauranga Trust Iwi Management Plan 2013² • Whaia te Mahere Taiao a Hauraki – Hauraki Iwi Environmental Plan⁴ • Tūhoromanui Ngā Pōtiki Environmental Plan 2019³ It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the 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. <u>Impact on Treaty settlements and other relevant arrangements</u> Limited detail was provided by the applicant on the exact location and the route identified by the applicant appears to be subject to change - a change may then see a statutory acknowledgement area from the above settlements triggered where it was not identified in this analysis. The below text on statutory acknowledgements applies in this instance. Ngā Hapu o Ngāti Ranginui Deed of Settlement dated 21 June 2012 <i>Statutory acknowledgements</i> There do not appear to be any statutory acknowledgements in the Settlement Bill. The Deed of Settlement identifies 'significant maunga and awa' to Nga Hapu o Ngāti Ranginui, which includes the Waipapa Stream and other awa which may be affected by the project.⁴ However, no specific redress is provided in relation to those. If however the project activity is within or adjacent to, or directly affects, the area of a 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. Tauranga Moana Iwi Collective Redress Deed of Settlement dated 21 January 2015 <i>Statutory acknowledgements</i> There are various statutory acknowledgements in the settlement Bill. However, none appear to be located in or adjacent to the project.⁵ The Deed of Settlement has not yet been given effect to through legislation. If however the project activity is within or adjacent to, or directly affects, the area of a statutory acknowledgement, the above text relating to statutory acknowledgements applies, once enacted. <i>Joint entity</i> The Tauranga Moana Framework legislation – not yet introduced – will: • establish a statutory committee called the Tauranga Moana Governance Group; and • provide for the preparation, review, amendment, and adoption of a Tauranga Moana Framework document (Ngā Tai ki Mauao). <i>Te Kūpenga Framework</i>

¹https://www.tauranga.govt.nz/Portals/0/data/community/tangata_whenua/file/tauranga_moana_iwi_mangm_plan2016-2026.pdf

² <http://www.boprc.govt.nz/media/300790/Ngati-Pukenga-Iwi-ki-Tauranga-Trust-Iwi-Management-Plan-August-2013.pdf>

³ https://www.tauranga.govt.nz/Portals/0/data/community/tangata_whenua/file/tuhoromanui-nga-potiki-environmental-plan.pdf

⁴ P.3-4 Ngāti Ranginui Deed of Settlement - Attachments 21 June 2012 (tearawhiti.govt.nz)

⁵ ⁵ <https://www.legislation.govt.nz/bill/government/2015/0084A/latest/DLM6637025.html#DLM6637603>"Tauranga Moana Iwi Collective Redress Bill 84-3A (2015), Government Bill Contents – New Zealand Legislation

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	The Deed of Settlement provides for the Te Kūpenga Framework, which applies to the project site. This includes a range of redress, which may be relevant to the project. The Deed of Settlement has not yet been given effect to through legislation because the Tauranga Moana Iwi Collective Redress Bill has not yet been enacted. Ngāi Te Rangi and Ngā Pōtiki Deed of Settlement dated 14 December 2013 and Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill There are various statutory acknowledgements in the Settlement Bill. However, none appear to be located in or adjacent to the project.⁶ If however the project activity is within or adjacent to, or directly affects, the area of a statutory acknowledgement, the above text relating to statutory acknowledgements applies. Ngāti Pūkenga Claims Settlement Act 2017 There are various statutory acknowledgements in the Settlement legislation. However, none appear to be located in or adjacent to the project.⁷ If however the project activity is within or adjacent to, or directly affects, the area of a statutory acknowledgement, the above text relating to statutory acknowledgements applies. Pare Hauraki Collective Redress Deed 2018 The Deed provides for the establishment of the Waihou, Piako and Coromandel Catchment Authority (the WPCC Authority) to provide co-governance, oversight and direction for the management of the Coromandel, Waihou and Piako waterways. Based on the map provided by the applicant, the project site does not include any of these waterways.⁸ The redress also provides for a conservation framework with the Department of Conservation. Based on the map provided by the applicant, the project site does not include the conservation framework area. There is a range of other redress in the Deed such as providing for the establishment of the Pare Hauraki Collective Cultural Entity (the Collective Cultural Entity) to represent the Iwi of Hauraki in relation to natural resource matters and other fisheries and moana matters. This redress may be relevant to the project site. The Deed of Settlement has not yet been given effect to through legislation. Ngāti Hinerangi Claims Settlement Act 2021 The Ngāti Hinerangi settlement redress includes Statutory Acknowledgements over Waihou River and its tributaries. Based on the map provided by the applicant, the project site appears to not include the Waihou or any tributaries.⁹ If however the project activity is within or adjacent to, or directly affects, the area of a statutory acknowledgement, the above text relating to statutory acknowledgements applies. Ngāi Tai ki Tāmaki Claims Settlement Act 2018 There are various statutory acknowledgements in the Settlement legislation. However, none appear to be located in or adjacent to the project.¹⁰ If however the project activity is within or adjacent to, or directly affects, the area of a statutory acknowledgement, the above text relating to statutory acknowledgements applies. <u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u> There are groups still working through their Treaty settlement processes. For example, all of the groups mentioned in this analysis who have a 'bill' and not an 'Act' for their Deed of Settlements have not finalised their settlement. 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. <u>Other matters</u> The applicant has provided project maps which show the proposed location appears to be adjacent to an "Ecological Restoration Area". The applicant has not identified what this means, nor have they provided enough information for officials to determine whether this could trigger a cross-Government protocols provided for in the aforementioned settlements (i.e. Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage). Given the overall lack of detail in all of the NZTA Waka Kotahi Roads of National Significance applications, it has not been feasible to seek further comment from the Department of Conservation, Ministry for Culture and Heritage or Ministry for Primary Industries at this stage in the process. In the time available, officials have not identified any other impacts for Treaty settlements, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or Mana Whakahoā ā Rohe. As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to the range of interests from the number of affected groups, and the impact on a significant area with regard to Treaty settlement redress arrangements. 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.
Has the Ministry for the Environment undertaken engagement?	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, and note the request from the applicant that they be the ones who engage.
Additional comments/context	N/A

⁶ Ngāi Te Rangi and Ngā Pōtiki Deed of Settlement Schedule - Attachments 14 Dec 2013 ([tearawhiti.govt.nz](https://www.tearawhiti.govt.nz))

⁷ Ngāti Pūkenga Claims Settlement Act 2017 No 39 (as at 12 April 2022), Public Act Contents – New Zealand Legislation

⁸ Pare Hauraki Collective Redress Deed Schedule: Attachments ([tearawhiti.govt.nz](https://www.tearawhiti.govt.nz))

⁹ Ngāti Hinerangi Deed of Settlement Schedule — Attachments ([tearawhiti.govt.nz](https://www.tearawhiti.govt.nz))

¹⁰ Ngāi Tai ki Tāmaki Deed of Settlement Attachments 7 Nov 2015 ([tearawhiti.govt.nz](https://www.tearawhiti.govt.nz))

FTA#149 - SH1 Whangārei to Port Marsden Highway Project	
Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is “due to the inability to confirm whether “identified Māori land” as defined in the Bill is affected, NZTA is cautiously assuming that its projects may be ineligible.” The applicant states “this project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a ‘yes’ as it is a possibility there may be Māori land. At the time of application we will be able to provide this information.”
Affected Māori group/s	The applicant has identified the following groups with interests in the project area: • Patuharakeke, • Ngātiwai, • Te Parawhau <u>Patuharakeke</u> The Patuharakeke website states “Patuharakeke are a composite hapu descended from most major iwi groups in the north. These include Ngati Wai, Ngāpuhi nui tonu, Ngāti Whātua and Te Uri o Hau. We affiliate to a very large number of hapu including Te Uriroroi, Te Koiwi, Te Akitai, Ngāti Hau, Ngāti Korora, Ngāti Taka, Ngāti Hine, Te Waiariki, Te Parawhau and many others.”¹¹ <u>Ngātiwai</u> Ngātiwai is an iwi whose area of interest extends over and to the east of State Highway 1. Ngātiwai is yet to settle their historical Treaty of Waitangi claims and so their area of interest is not confirmed. Information from Te Kāhui Māngai suggests the proposed project location would likely fall within the area of interest for Ngātiwai.¹² Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. <u>Te Parawhau</u> Te Parawhau is a hapū closely affiliated to major surrounding tribes including Ngāti Whātua, Ngātiwai and Ngāpuhi. Te Parawhau rohe has recently been confirmed in a Manawhakahono-a-rohe signed in April 2024. A map of their rohe is included in the Hapu environmental management plan on page 11.¹³ In addition to the groups identified by the applicant, we have identified the following groups as potentially having interests in the proposed project location: <u>Ngāpuhi</u> Ngāpuhi is an iwi who are yet to settle their historical Treaty of Waitangi claims and so their area of interest is not confirmed through a Treaty settlement. Ngāpuhi rohe as (identified in Te Kahui Mangai) includes a rohe map that represents the area over which Ngāpuhi exercises kaitiakitanga for the purposes of the Resource Management Act 1991. Te Parawhau hapū (identified by the applicant as an affected group) is affiliated with Ngāpuhi. The additional lanes are likely to fall within the northern portion of the Ngāpuhi rohe. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.¹⁴ <u>Ngāti Whatua</u> Ngāti Whatua is an iwi whose area of interest extends south from Whangarei to Auckland based on the area of interest agreed between Ngāti Whatua and the Crown in agreement in principle signed on 18 August 2017 (noting that Ngāti Whatua are yet to settle their remaining claims) and to whom Te Parawhau hapū (identified by the applicant as an affected group) is also affiliated.¹⁵
Has the applicant consulted with those Māori groups?	The applicant has not provided any evidence of consultation. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have “enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.” NZTA have stated they will “engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.”
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> 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 greater than for the public generally.

¹¹ Patuharakeke Trust Board | Patuharakeke | New Zealand

¹² Microsoft Word - Page 7 (tkm.govt.nz) TKM | Iwi | Ngātiwai | Te Kahui Mangai

¹³ Microsoft Word - HEMP Total merged doc dec 14 jc.docx (patuharakeke.s3.ap-southeast-2.amazonaws.com)

¹⁴ TKM | Iwi | Ngāpuhi | Te Kahui Mangai

¹⁵ https://www.tkm.govt.nz/rohe/ngati_whatua.png

FTA#149 - SH1 Whangārei to Port Marsden Highway Project	
	In the time available, we have identified the following relevant plans and documents: • Patuharakeke Hapū Environmental Management Plan 2014¹⁶ - Section 5.7 Utilities, Amenities and Infrastructure' and 5.8 'Public Access' identify issues including participation in decisions making, access to waahi tapū protection for customary rights, the quality of infrastructure and taking of land. The plan includes issues, objectives, policies and methods. The plan includes a map of the rohe on page 11 for "contemporary management purposes." • Te Iwi o Ngāti Wai – Iwi Environmental Policy Document 2007 - The Policy Document provides detailed issues, objectives, policies and methods for the management of Water, Air, Minerals, Indigenous Flora and Fauna, Engagement, Matauranga and Cultural impacts. It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the 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. <u>Mana Whakahono ā Rohe</u> • Te Parawhau • Te Patuharakeke On 29 April 2024 Te Parawhau ki Tai on behalf of Te Parawhau hapū joined an existing Mana Whakahono agreement that had previously been signed in December 2020 with Te Patuharakeke Iwi Trust Board, Te Rūnanga o Ngāti Rēhia and Northland Regional Council.¹⁷ The location of the project may fall within the area covered by the Mana Whakahono ā Rohe. The Mana Whakahono ā Rohe provides for an ongoing role for Te Parawhau ki Tai, Te Patuharakeke Iwi Trust Board and Te Rūnanga o Ngāti Rēhia in decision-making and resource management. Listing this project may impact the application of the Mana Whakahono ā Rohe which provides for substantive input of these hapū into processes related to this project that would occur through the standard consenting regime. Ngāti Wai and Ngāpuhi are still working through their Treaty settlement processes. 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. Due to the undefined route subject to the listing application, we are unable to determine if any other unsettled groups have claims affecting the general area. <u>Other matters</u> In the time available, officials have not identified any other impacts for Treaty settlements and other relevant arrangements, Joint Management Agreements outside of settlement, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area to the extent it can be understood at this time, is not in the common marine and coastal area), groups yet-to-settle their historical claims. The applicant has not sought permits concessions or approvals under the Wildlife Act 1953 the Conservation Act 1987 or the Reserves Act 1977.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to the range of interests from the number of affected groups (including groups yet to settle their historical Treaty of Waitangi claims), the operation of the Mana Whakahono ā Rohe and the lack of consultation with the relevant affected groups on the project. 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.
Has the Ministry for the Environment undertaken engagement?	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.
Additional comments/context	The applicant has not sought approvals under the Reserves Act. From the information provided it is not possible to determine if settlement arrangements are affected.

FTA#156 Hamilton Southern Links Project	
Ineligible projects - based on the considerations at cl18(a-e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is "due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA is cautiously assuming that its projects may be ineligible." The applicant further states "This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application we will be able to provide this information."

¹⁶ <https://patuharakeke.maori.nz/wp-content/uploads/2014/05/PC-94B-PKA-Submission-PTB-FINAL.pdf>

¹⁷ [Mana Whakahono ā Rohe - Northland Regional Council \(nrc.govt.nz\)](https://www.nrc.govt.nz/mana-whakahono-a-rohe)

FTA#156 Hamilton Southern Links Project	
Affected Māori group/s	The applicant has identified the following groups with interests in the project area: • Ngaati Koroki-Kahukura • Ngaati Hauaa • Ngaati Wairere • Ngaati Mahanga. Note that the information supplied by the applicant indicates the proposed project location is subject to change, accordingly this takes a wide scope of groups which may have interests in the project area and as such we have identified the following additional affected groups: • Ngāti Korokī Kahukura - Ngāti Korokī Kahukura and the Crown in the Deed of Settlement signed on 20 December 2012, the proposed project location appears to be in their area of interest.¹⁸ • Ngāti Hauā - Ngāti Hauā and the Crown in the Deed of Settlement signed on 18 July 2013, the proposed project location appears to be in their area of interest.¹⁹ The PSGE is Ngāti Hauā Iwi Trust. • Ngāti Wairere - Ngāti Wairere appear to be a hapū of Waikato-Tainui who also appear to have recognised relationships with Hamilton City Council although this is not reflected on Te Kāhui Mangai. The project site borders the Waikato-Tainui Raupatu Claim Area,²⁰ and is within the proposed area of interest for the Waikato-Tainui remaining claims mandate.²¹ • Ngāti Mahanga - Ngāti Mahanga appears to be a part of the Waikato Tainui unsettled claims. Each also appear to have recognised relationships with Hamilton City Council although this is not reflected on Te Kāhui Mangai. 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: • Waikato-Tainui - The Crown and Waikato-Tainui signed a Deed of Settlement on 22 May 1995. Te Whakakitenga o Waikato is the tribal authority that represents tribal members of the 68 Marae of Te Whakakitenga o Waikato. The project site borders the Waikato-Tainui Raupatu Claim Area,²² and is also within the proposed area of interest for the Waikato-Tainui remaining claims mandate.²³ • Raukawa - Should the project extend to the Cambridge area (which it is currently not clear) the project might be in the area of interest of Raukawa, who signed a Deed of Settlement signed on 2 June 2012.²⁴ • Ngāti Hāua (note – different group to Ngāti Hauā) - are yet to settle their historical Treaty of Waitangi claims and so the area of interest of the group is not confirmed through a Treaty settlement. There is a proposed area of interest included in Agreement in Principle (signed 22 October 2022) and the proposed project location is within this area.²⁵ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.
Has the applicant consulted with those Māori groups?	The applicant has not provided any evidence of consultation. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have "enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application." NZTA have stated they will "engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA."
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	Impacts on PSGE settlement priorities and Māori development 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. In the time available, we have identified the following relevant plans and documents (including Joint Management Agreements – JMAs): • Tai Tumu Tai Pari Tai Ao – Waikato-Tainui Environmental Plan²⁶ • Waikato Raupatu River Trust (Waikato-Tainui) and Waikato Regional Council (Co-management Agreement for Waikato River Related Lands) - 10 December 2012²⁷ • Waikato Raupatu River Trust and Waikato Regional Council - 18 June 2013²⁸ • Raukawa Settlement Trust and Waikato Regional Council - 10 May 2012²⁹ • Vision and Strategy for the Waikato River, Waikato River Authority 2019³⁰ • Ngāti Hauā Environmental Management Plan – September 2018³¹

¹⁸ Ngāti Korokī Kahukura Area of Interest from the Deed of Settlement [JPG, 235KB].

¹⁹ Ngāti Hauā Area of Interest from the Deed of Settlement [JPG, 192KB].

²⁰ See Waikato-Tainui Deed of Settlement 22 May 1995 (www.govt.nz) at page 47.

²¹ See area of interest map here: Appendix B - Area of Interest for proposed Waikato-Tainui remaining claims mandate (high resolution).jpg (2481×3506) (tpk.govt.nz)

²² See Waikato-Tainui Deed of Settlement 22 May 1995 (www.govt.nz) at page 47.

²³ See area of interest map here: Appendix B - Area of Interest for proposed Waikato-Tainui remaining claims mandate (high resolution).jpg (2481×3506) (tpk.govt.nz)

²⁴ Raukawa Area of Association from the Deed of Settlement [JPG, 652KB].

²⁵ Ngāti Hāua Agreement in Principle (www.govt.nz)

²⁶ https://www.waikatoregion.govt.nz/assets/WRC/WRC-2019/Waikato-Tainui-Environmental-Plan.pdf

²⁷ 2276497-Tainui-v2.pdf (waikatoregion.govt.nz)

²⁸ Waikato_Tainui_JMA_web_signed.pdf (waikatoregion.govt.nz)

²⁹ Raukawa-JMA-2201886-v2.pdf (waikatoregion.govt.nz)

³⁰ Vision-and-Strategy-Reprint-2019web.pdf (waikatoriver.org.nz)

³¹ Trust Documents - Ngāti Haua Iwi Trust

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

- Ngāti Koroki Kahukura Claims Settlement Act 2014
- Ngāti Hauā Claims Settlement Act 2014
- Raukawa Claims Settlement Act 2014
- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- Waikato Raupatu Claims Settlement Act 1995

The proposed project location is, or may be, in the area of interest for the above settlements.

There are many cross Government protocols and relationship agreements (i.e. Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage) provided for in these settlements but without further information on the project officials were unable to assess their relevance (e.g. the application may trigger the need for an archaeological authority, however the applicant has not identified this, nor have they provided enough information for officials to determine this as the case). It is important to note these accords and protocols were intended to be considered alongside iwi and with the responsible agencies. Given the overall lack of detail in all of the NZTA Waka Kotahi Roads of National Significance applications, MfE has elected not to seek further comment from DoC, MCH or MPI at this stage in the process.

Statutory acknowledgements

These Treaty settlements contain a number of statutory acknowledgements. It is not clear from the application whether the statutory acknowledgements cover or are adjacent to the project site or are directly impacted by the proposed project. Limited detail was provided by the applicant on the exact location and the route identified by the applicant appears to be subject to change, a change may then see a statutory acknowledgement area overlay.

If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014.

An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).

Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation.

Waikato River Arrangements:

The project appears to be adjacent to, or overlapping, the Waikato River.

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 Waikato-Tainui river arrangements are recorded in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The Raukawa, Tūwharetoa, and Te Arawa river arrangements are recorded in the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010. In contrast to the Waikato-Tainui Waikato River Act, the latter 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).

As well as the Waikato River iwi mentioned above, this project may border Ngāti Koroki Kahukura, and Ngāti Hauā river interests: Te Ture Whaimana (detailed below) is also set out in the Upper Waikato River Act, and the Waipā River Act. Elements of the Waikato River arrangements are also reflected in respective settlements of six other iwi/collectives: Ngāti Maniapoto, Te Arawa River Iwi, Ngāti Tūwharetoa, Raukawa, Ngāti Hauā, Ngāti Koroki Kahukura, and the proposed settlement negotiated with Pare Hauraki, as they relate to parts of the river.

There are two underlying principles in the Waikato-River settlement:

- Te Mana o te Awa - To Waikato-Tainui, the Waikato River is a tupuna (ancestor) which has mana (prestige) and in turn represents the mana and mauri (life force) of the tribe. Respect for te mana o te awa (the spiritual authority, protective power and prestige of the Waikato River) is at the heart of the relationship between the tribe and their ancestral river:
- Mana whakahaere - Mana whakahaere embodies the authority that Waikato-Tainui and other River tribes have established in respect of the Waikato River over many generations, to exercise control, access to and management of the Waikato River and its resources in accordance with tikanga (values, ethics and norms of conduct). For Waikato-Tainui, mana whakahaere has long been exercised under the mana of the Kīngitanga:

The key elements provided for in the legislation

A statement of significance of the river to Waikato-Tainui, The Waikato River Authority (co-governance entity with five iwi and five Crown appointed members), Te Ture Whaimana (vision and strategy) – the primary direction setting strategic document for the Waikato River, The Clean-Up Trust (with the Waikato River Authority as the trustee), The Waikato River Authority appointing half of the hearing commissions for resource consent applications relating to the river, Arrangements to reflect the mana whakahaere of Waikato-Tainui (joint management agreements under the RMA, recognition of the exercise of customary activities on the river, recognition of the Waikato-Tainui iwi environmental plan, an integrated river management plan).

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	The five river iwi on the River Authority are: Tūwharetoa Māori Trust Board, Te Whakakitenga o Waikato-Tainui, Raukawa Settlement Trust, Te Arawa River Iwi Trust and Maniapoto Māori Trust Board. The Board also includes five Crown representatives. The interactions between the Waikato River arrangements and the RMA, conservation and heritage legislation include the following: • 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. 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. <u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u> There are groups still working through their Treaty settlement processes as outlined in the affected Māori groups section of this analysis (such as the remaining Waikato Tainui claims and Ngāti Hāua). 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. <u>Other matters</u> In the time available, officials have not identified any other impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe. As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available and detailed above we consider this project is likely to be of high impact. This is due to lack of consultation with various iwi with interests in the area and the complexity of those interests and the complexity of the Waikato River arrangements. 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.
Has the Ministry for the Environment undertaken engagement?	Officials consider engagement would be beneficial given the nature and range of interests present in the project area, and the powerful and complex Waikato River arrangements, but were unable to undertake this in the time available.
Additional comments/context	N/A

FTA#165 Hope Bypass Project	
Ineligible projects - based on the considerations at cl18(a-e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is "due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA [the applicant] is cautiously assuming that its projects may be ineligible." The applicant further states "This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application we will be able to provide this information.

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Affected Māori group/s	The applicant has identified the following Te Tau Ihu groups with interests in the project area: • Ngāti Apa ki te Rā Tō • Ngāti Kōata • Ngāti Kuia • Ngāti Rārua • Ngāti Tama ki Te Tau Ihu • Ngāti Toa Rangatira • Rangitāne o Wairau • Te Ātiawa o Te Waka-a-Māui <u>Ngāti Apa ki te Rā Tō</u> Ngāti Apa ki te Rā Tō is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Apa ki te Rā Tō and the Crown in the Deed of Settlement signed 29 October 2010.³² <u>Ngāti Kōata</u> Ngāti Kōata is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Kōata and the Crown in the Deed of Settlement signed 21 December 2012.³³ <u>Ngāti Kuia</u> Ngāti Kuia is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Kuia and the Crown in the Deed of Settlement signed 23 October 2010.³⁴ <u>Ngāti Rārua</u> Ngāti Rārua is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Rārua and the Crown in the Deed of Settlement signed 13 April 2013.³⁵ <u>Ngāti Tama ki Te Tau Ihu</u> Ngāti Tama ki Te Tau Ihu is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Tama ki Te Tau Ihu and the Crown in the Deed of Settlement signed 20 April 2013.³⁶ <u>Ngāti Toa Rangatira</u> Ngāti Toa Rangatira is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Toa Rangatira and the Crown in the Deed of Settlement signed 7 December 2012.³⁷ <u>Rangitāne o Wairau</u> Rangitāne o Wairau is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Rangitāne o Wairau and the Crown in the Deed of Settlement signed 4 December 2010.³⁸ <u>Te Ātiawa o Te Waka-a-Māui</u> Te Ātiawa o Te Waka-a-Māui is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Te Ātiawa o Te Waka-a-Māui and the Crown in the Deed of Settlement signed 21 December 2012.³⁹ We have not identified any additional groups beyond those identified by the applicant.
Has the applicant consulted with those Māori groups?	From the application it appears the applicant has not yet consulted with Te Tau Ihu iwi on the project. The applicant notes it will engage with affected land owners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA. Further the applicant notes "As a Crown entity with enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application."
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u>

³² See Ngāti Apa Ki Te Rā Tō Area of Interest from the Deed of Settlement

³³ See Ngāti Kōata Area of Interest from the Deed of Settlement

³⁴ See Ngāti Kuia Area of Interest from the Deed of Settlement

³⁵ See Ngāti Rārua Area of Interest from the Deed of Settlement

³⁶ See Ngāti Tama ki Te Tau Ihu Area of Interest from the Deed of Settlement

³⁷ See Ngāti Toa Rangatira Area of Interest from the Deed of Settlement

³⁸ See Rangitāne o Wairau Area of Interest from the Deed of Settlement

³⁹ See Te Ātiawa o Te Waka-a-Māui Area of Interest from the Deed of Settlement

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	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. In the time available, we have identified the following relevant plans and documents: • Kia Kotahi Te Tauihu (Together Te Tauihu) December 2023 – a partnership agreement between the eight Te Tauihu iwi and the Marlborough District Council, Tasman District Council and Nelson City Council⁴⁰ • Ngāti Kōata Trust Iwi Management Plan 2002⁴¹ • Ngāti Rārua Environmental Plan 2021⁴² • Ngāti Tama Environmental Management Plan 2018⁴³ • Pakohe Management Plan 2015 (Ngāti Kuia)⁴⁴ • Te Ātiawa Iwi Environmental Management Plan⁴⁵ It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the 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. <u>Impact on Treaty settlements and other relevant arrangements</u> • Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 • Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 • Ngāti Toa Rangatira Claims Settlement Act 2014 There are many cross Government protocols and relationship agreements (i.e. Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage) provided for in these settlements but without further information on the project officials were unable to assess their relevance (e.g. the application may trigger the need for an archaeological authority, however the applicant has not identified this, nor have they provided enough information for officials to determine this as the case). It is important to note these accords and protocols were intended to be considered alongside iwi and accordingly full analysis of the proposed project's impact on the agreements would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. <i>Statutory acknowledgements</i> The Te Tau Ihu iwi Treaty settlements contain 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 closest statutory acknowledgement area that may be impacted is Waimea, Wai-iti, and Wairoa Rivers and its tributaries.⁴⁶ If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014. An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation. <i>River and Freshwater Advisory Committee</i> The River and Freshwater Advisory Committee⁴⁷ is a form of advisory entity consisting of 8 Te Tau Ihu iwi appointees that has a statutory function to advise relevant councils (Marlborough District Council, Tasman District Council and Nelson City Council) on river and freshwater matters in Nelson, Marlborough and Tasman. The River and Freshwater Advisory Committee provides advice on reviews, preparation and changes

⁴⁰ See Kia Kotahi Te Tauihu - Together Te Tauihu Partnership Agreement

⁴¹ See Ngāti Kōata Iwi Management Plan 2002

⁴² See Ngāti Rārua Environmental Strategy 2021

⁴³ See Ngāti Tama Environmental Management Plan 2018

⁴⁴ See Ngāti Kuia Pakohe Management Plan 2015

⁴⁵ See Te Ātiawa o Te Waka-a-Māui Iwi Environmental Management Plan

⁴⁶ See Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 No 19 (as at 12 April 2022), Public Act Schedule 1 Statutory areas – New Zealand Legislation; Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 No 20 (as at 12 April 2022), Public Act Schedule 1 Statutory areas – New Zealand Legislation; and Ngāti Toa Rangatira Claims Settlement Act 2014 No 17 (as at 01 July 2022), Public Act Schedule 1 Statutory areas – New Zealand Legislation.

⁴⁷ See Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 No 20 (as at 12 April 2022), Public Act Subpart 14—River and freshwater advisory committee – New Zealand Legislation; Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 No 19 (as at 12 April 2022), Public Act Subpart 13—River and freshwater advisory committee – New Zealand Legislation; and Ngāti Toa Rangatira Claims Settlement Act 2014 No 17 (as at 01 July 2022), Public Act Subpart 11—River and freshwater advisory committee – New Zealand Legislation.

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	to, and notification of, Resource Management Act 1991 planning documents. The relevant council must invite the advisory committee to provide the advice and must have regard to the advice. Listing this project could impact the ability of the Advisory Board to provide advice to the Council on freshwater management issues relating to this project. Other matters In the time available, officials have not identified any other impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to the interests in the area, the potential for the settlement mechanisms to be affected, the lack of consultation that has been undertaken with relevant Māori groups on the project to date, and the inability of the applicant to identify whether the project will be on Māori owned land. 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.
Has the Ministry for the Environment undertaken engagement?	Officials consider engagement would be beneficial to gain Te Tau ihu iwi views on the project but were unable to undertake this in the time available.
Additional comments/context	N/A

FTA#170 – Alternative to Brynderwyn Hills Project	
Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is "due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA is cautiously assuming that its projects may be ineligible." Based on current plans, the applicant has not identified the route will affect the coastal marine area but has not ruled out changes that may. The applicant states "this project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application we will be able to provide this information."
Affected Māori group/s	The applicant states "The project's location is yet to be determined but will likely fall within the Brynderwyns section of SH1 between Kaiwaka and Waipu. This project will also likely impact or cut across the SH1/SH12 intersection." The applicant has identified the following groups with interests in the project area: • Te Uri o Hau, • Patuharakeke, • Ngātiwai, • Te Parawhau Te Uri o Hau Te Uri o Hau is an iwi whose area of interest extends over and around existing State Highway 1 in Piroa (the Brynderwyn range). Any alternative corridor is likely to be within the area of interest set out in Te Uri o Hau Deed of Settlement signed on 13 December 2000⁴⁸ Patuharakeke The Patuharakeke website states "Patuharakeke are a composite hapu descended from most major iwi groups in the north. These include Ngati Wai, Ngāpuhi nui tonu, Ngāti Whātua and Te Uri o Hau. We affiliate to a very large number of hapu including Te Uriroroi, Te Koiwi, Te Akitai, Ngāti Hau, Ngāti Korora, Ngāti Taka, Ngāti Hine, Te Waiariki, Te Parawhau and many others."⁴⁹ Ngātiwai

⁴⁸ Te Arawhiti - Te Uri o Hau

⁴⁹https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Te-Uri-o-Hau/DOS_documents/Te-Uru-o-Hau-Deed-of-Settlement-Attachments.pdf

FTA#170 – Alternative to Brynderwyn Hills Project	
	Ngātiwai is an iwi whose area of interest extends over and to the east of State Highway 1 including in the vicinity of Piroa (the Brynderwyn range). Ngātiwai is yet to settle their historical Treaty of Waitangi claims and so their area of interest is not confirmed. Information from Te Kāhui Māngai suggests the proposed project location would likely fall within the area of interest for Ngātiwai.⁵⁰ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. <u>Te Parawhau</u> Te Parawhau is a hapū closely affiliated to major surrounding tribes including Ngāti Whātua, Ngātiwai and Ngāpuhi. In addition to the groups identified by the applicant, we have identified the following groups as potentially having interests in the proposed project location: <u>Ngāpuhi</u> Ngāpuhi is an iwi who are yet to settle their historical Treaty of Waitangi claims and so their area of interest is not confirmed through a Treaty settlement. Ngāpuhi rohe as (identified in Te Kahui Mangai) includes a rohe map that represents the area over which Ngāpuhi exercises kaitiakitanga for the purposes of the Resource Management Act 1991. Te Parawhau hapū (identified by the applicant as an affected group) is affiliated with Ngāpuhi. The project route may fall within the southern portion of the Ngāpuhi rohe. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.⁵¹ <u>Ngāti Whātua</u> Ngāti Whātua is an iwi whose area of interest extends south from Whangarei to Auckland based on the area of interest agreed between Ngāti Whātua and the Crown in an agreement in principle signed on 18 August 2017⁵¹ (noting that Ngāti Whātua are yet to settle their remaining claims) Te Parawhau hapū (identified by the applicant as an affected group) is also affiliated to Ngāti Whātua. <u>Ngāti Manuhiri</u> Ngāti Manuhiri is an iwi whose area of interest extends south and east from the southern side of Piroa (the Brynderwyn range) based on the area of interest agreed between Ngāti Manuhiri and the Crown signed on 21 May 2011. From the information available it is not possible to determine whether part of the project would fall within the area of interest.⁵²
Has the applicant consulted with those Māori groups?	The applicant has not provided any evidence of consultation. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have “enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.” NZTA have stated they will “engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.”
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> 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 greater than for the public generally. In the time available, we have identified the following relevant plans and documents: • Te Uri o Hau Kaitiakitanga o Te Taiao⁵³ • Patuharakeke Hapū Environmental Management Plan 2014⁵⁴ - Section 5.7 Utilities, Amenities and Infrastructure’ and 5.8 ‘Public Access’ identify issues including participation in decisions making, access to waahi tapū protection for customary rights, the quality of infrastructure and taking of land. The plan includes issues, objectives, policies and methods. • Te Iwi o Ngāti Wai – Iwi Environmental Policy Document 2007⁵⁵ - The Policy Document provides detailed issues, objectives, policies and methods for the management of Water, Air, Minerals, Indigenous Flora and Fauna, Engagement, Mātauranga and Cultural impacts. It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the 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. <u>Impact on Treaty settlements and other relevant arrangements</u> • Te Uri o Hau Claims Settlement Act 2002⁵⁶ • Ngāti Manuhiri Claims Settlement Act 2012⁵⁷

⁵⁰ <https://www.tkm.govt.nz/rohe/ngatiwai.pdf>

⁵¹ https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngati-Whatua/DOS_SUPPORT/Ngati-Whatua-Agreement-in-Principle-18-August-2017.pdf

⁵² https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngati-Manuhiri/DOS_documents/Ngati-Manuhiri-Deed-of-Settlement-Attachments-21-May-2011.pdf

⁵³ [te-uri-o-hau-environmental-management-plan-2011.pdf](https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngati-Manuhiri/DOS_documents/Ngati-Manuhiri-Deed-of-Settlement-Attachments-21-May-2011.pdf) (nrc.govt.nz)

⁵⁴ Hapu Environmental Management Plan | Patuharakeke

⁵⁵ [Iwi-Management-Plan-Te-Iwi-o-Ngatiwai-Iwi-Environmental-Policy-Document-2007.pdf](https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngati-Manuhiri/DOS_documents/Ngati-Manuhiri-Deed-of-Settlement-Attachments-21-May-2011.pdf) (wdc.govt.nz)

⁵⁶ Te Uri o Hau Claims Settlement Act 2002 No 36 (as at 12 April 2022), Public Act Contents – New Zealand Legislation

⁵⁷ Ngāti Manuhiri Claims Settlement Act 2012 No 90 (as at 30 November 2022), Public Act Contents – New Zealand Legislation

FTA#170 – Alternative to Brynderwyn Hills Project

	<i>Statutory acknowledgements</i> These Treaty settlements contain 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. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014. An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). 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. <u>Mana Whakahono ā Rohe</u> • Te Parawhau • Te Patuharakeke On 29 April 2024 Te Parawhau ki Tai on behalf of Te Parawhau hapū joined an existing Mana Whakahono agreement that had previously been signed in December 2020 with Te Patuharakeke Iwi Trust Board and Te Rūnanga o Ngāti Rēhia and Northland Regional Council.⁵⁸ The location of the project may fall within the area covered by the Mana Whakahono ā Rohe. The Mana Whakahono ā Rohe provides for an ongoing role for Te Parawhau ki Tai, Te Patuharakeke Iwi Trust Board and Te Rūnanga o Ngāti Rēhia in decision-making and resource management. Listing this project may impact the application of the Mana Whakahono ā Rohe which provides for substantive input these hapū into processes related to this project that would occur through the standard consenting regime. <u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u> Ngāti Wai, Ngāpuhi and Ngāti Whatua are still working through their Treaty settlement processes. 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. Due to the undefined route subject to the listing application, we are unable to determine if any other unsettled groups have claims affecting the general area. <u>Other matters</u> In the time available, officials have not identified any other impacts for Joint Management Agreements outside of settlement, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area to the extent it can be understood at this time, is not in the common marine and coastal area), groups yet-to-settle their historical claims. The applicant has not sought permits concessions or approvals under the Wildlife Act 1953 the Conservation Act 1987 or the Reserves Act 1977.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to the range of interests from the number of affected groups (including groups yet to settle their historical Treaty of Waitangi claims), the operation of the Mana Whakahono ā Rohe and the lack of consultation with the relevant affected groups on the project. 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.
Has the Ministry for the Environment undertaken engagement?	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.
Additional comments/context	N/A

⁵⁸ [Mana Whakahono ā Rohe: Iwi participation arrangements | Ministry for the Environment](#)

FTA#172 SH1 North Canterbury - Woodend Bypass Project (Belfast to Pegasus) Project	
Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is “due to the inability to confirm whether “identified Māori land” as defined in the Bill is affected, NZTA [the applicant] is cautiously assuming that its projects may be ineligible.” The applicant further states “This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a ‘yes’ as it is a possibility there may be Māori land. At the time of application we will be able to provide this information.
Affected Māori group/s	The applicant has identified the following group with interests in the project area: • Ngai Tahu <u>Ngāi Tahu</u> Ngai Tahu is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngai Tahu and the Crown in the Deed of Settlement signed 21 November 1997.⁵⁹ In addition to the groups identified by the applicant, we also note that relevant Ngāi Tahu Papatipu Rūnanga will potentially have interests in the proposed project location. This may include⁶⁰ (but is not limited to): • Ngāi Tūāhuriri
Has the applicant consulted with those Māori groups?	The applicant has not provided any evidence of consultation with Ngāi Tahu or relevant Papatipu Rūnanga. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have “enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.” NZTA have stated they will “engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.”
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> 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. In the time available, we have identified the following relevant plans and documents: • Mahaanui Iwi Management Plan (representing six Papatipu Rūnanga within the vicinity of the project)⁶¹ • Ngāi Tahu 2025⁶² It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the 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. <u>Impact on Treaty settlements and other relevant arrangements</u> Ngāi Tahu Claims Settlement Act 1998 <i>Statutory acknowledgements</i> This Treaty settlement contains a number of statutory acknowledgements. From the information provided it appears the proposed project location does not cover and is not adjacent to any statutory acknowledgement areas in the Ngāi Tahu Claims Settlement. However, limited detail was provided by the applicant on the exact location and the route identified by the applicant appears to be subject to change - a change may then see a statutory acknowledgement area from the above settlement triggered where it was not identified in this analysis. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a ‘statement of association’ between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an ‘affected person’ for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. [The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014.] An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their ‘referral discretion’ including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their ‘referral discretion’ including considering the Treaty settlement impacts through that

⁵⁹ Ngāi Tahu Deed of Settlement 21 Nov 1997 (tearawhiti.govt.nz)

⁶⁰ Papatipu Rūnanga | Te Rūnanga o Ngāi Tahu (ngaitahu.iwi.nz)

⁶¹ 1. Introduction to the Iwi Management Plan - Mahaanui Kurataiao Ltd

⁶² Ngāi Tahu 2025 - English version A4 (ngaitahu.iwi.nz)

FTA#172 SH1 North Canterbury - Woodend Bypass Project (Belfast to Pegasus) Project	
	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. There are a number of cross Government protocols and management rights (i.e. Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage) provided for in this settlement but without further information on the project officials were unable to assess their relevance (e.g. the application may trigger the need for an archaeological authority, however the applicant has not identified this, nor have they provided enough information for officials to determine this as the case). It is important to note these protocols and management rights were intended to be considered alongside iwi and accordingly full analysis of the proposed project's impact on the agreements would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. <i>Wildlife Act 1953</i> No applications for permits under the Wildlife Act have been applied for. From the information provided it is not possible to determine if settlement arrangements are affected. <i>Conservation Act 1987</i> The applicant has not sought concessions under the Conservation Act. From the information provided it is not possible to determine if settlement arrangements are affected. <i>Reserves Act 1977</i> The applicant has not sought approvals under the Reserves Act. From the information provided it is not possible to determine if settlement arrangements are affected. <u>Other matters</u> In the time available, officials have not identified any other impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to the interests in the area, the potential for the settlement mechanisms to be affected, the lack of consultation that has been undertaken with relevant Māori groups on the project to date, and the inability of the applicant to identify whether the project will be on Māori owned land. 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.
Has the Ministry for the Environment undertaken engagement?	Officials consider engagement would be beneficial but were unable to undertake this in the time available.
Additional comments/context	N/A

FTA#177 North West Rapid Transit Project	
Ineligible projects - based on the considerations at cl18(a-e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is "due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA [the applicant] is cautiously assuming that its projects may be ineligible." The applicant further states "This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application we will be able to provide this information."
Affected Māori group/s	The applicant has identified the following groups with interests in the project area: • Te Kawerau ā Maki • Ngāti Whātua Ōrākei • Te Ākitai Waiohau <u>Te Kawerau ā Maki</u>

FTA#177 North West Rapid Transit Project	
	- Te Kawerau ā Maki is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Te Kawerau ā Maki and the Crown in the Deed of Settlement signed 22 February 2014.⁶³ <u>Ngāti Whātua Ōrākei</u> - Ngāti Whātua Ōrākei is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāti Whātua Ōrākei and the Crown in the Deed of Settlement signed November 2011.⁶⁴ <u>Te Ākitai Waiohū</u> - Te Ākitai Waiohū are yet to settle their historical Treaty of Waitangi claims and so the area of interest of the Te Ākitai Waiohū is not confirmed. Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for this iwi.⁶⁵ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. The applicant notes this list is not exhaustive and may change by the time the Fast-track Approvals Bill is enacted and/or approvals are sought for the project. Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for these groups (see footnotes above). We have identified further groups that may have interests in the project area beyond those identified by the applicant as follows: <u>Ngāti Whātua</u> - Ngāti Whātua are yet to settle their remaining historical Treaty of Waitangi claims and so their area of interest is not confirmed. There is a proposed area of interest included in the Agreement in Principle to settle their remaining claims, including Kaipara Harbour, signed on 18 August 2017, and the proposed project location is within this area.⁶⁶ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. <u>Ngāti Tamaoho</u> - 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 2017.⁶⁷ <u>Ngāti Maru (Hauraki)</u> - Ngāti Maru (Hauraki) are yet to settle their remaining historical Treaty of Waitangi claims and so their area of interest is not confirmed. There is a proposed area of interest included in the Deed of Settlement which was initialled on 8 September 2017, and the proposed project location is within this area.⁶⁸ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. <u>Te Patukirikiri</u> - Te Patukirikiri are yet to settle their remaining historical Treaty of Waitangi claims and so their area of interest is not confirmed. There is a proposed area of interest included in the Deed of Settlement which was signed on 7 October 2018, and the proposed project location is within this area.⁶⁹ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. <u>Ngāti Tamaterā</u> - Ngāti Tamaterā are yet to settle their remaining historical Treaty of Waitangi claims and so their area of interest is not confirmed. There is not currently a proposed area of interest included in the Deed of Settlement which was initialled on 20 September 2017 but the map on the TK website confirms the proposed project location is within this area.⁷⁰ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. <u>Ngāi Tai ki Tāmaki</u> - 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 the Deed of Settlement signed 7 November 2015.⁷¹
Has the applicant consulted with those Māori groups?	From the application it appears the applicant has not yet consulted with the iwi listed above on the project. The applicant notes it will engage with affected land owners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA. Further the applicant notes "As a Crown entity with enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application."

⁶³ See AOI-TeKawerauaMaki.jpg (710×927) (tkm.govt.nz)

⁶⁴ See AOI-NgatiWhatuaoOrakei.jpg (1179×1666) (tkm.govt.nz)

⁶⁵ See deed-of-settlement-attachments (1).pdf (tkm.govt.nz)

⁶⁶ See ngati_whatua.png (607×577) (tkm.govt.nz)

⁶⁷ See AOI-NgatiTamaoho.jpg (686×1032) (tkm.govt.nz)

⁶⁸ See TKM | Iwi | Ngāti Maru | Te Kāhui Māngai

⁶⁹ See Patu.pdf (tkm.govt.nz)

⁷⁰ See TKM | Iwi | Ngāti Tamaterā | Te Kāhui Māngai

⁷¹ See AOI-NgaiTaikiTamaki.jpg (669×949) (tkm.govt.nz)

FTA#177 North West Rapid Transit Project

Impact/s of the project on Māori development and PSGE settlement priorities and related matters

Impacts on PSGE settlement priorities and Māori development

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.

In the time available, we have identified the following relevant plans and documents:

- Te Kawerau ā Maki Trust Resource Management Statement⁷²
- Te Pou o Kāhu Pōkere – Iwi Management Plan for Ngāti Whātua Ōrākei 2018⁷³

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

A full analysis of the 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

Te Kawerau ā Maki Claims Settlement Act 2015

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. The applicant has not identified any statutory acknowledgement areas that may be impacted by the project in its application. Based on the map of the project area provided with the application, officials have identified Te Wai o Pareira / Henderson Creek and tributaries as a statutory acknowledgement area within the proposed project location and there may also be other statutory acknowledgements affected by the project area.⁷⁴

Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014.

An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).

Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation.

The following Treaty settlement legislation of groups that may be impacted by this project also contain statutory acknowledgements:

- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Pare Hauraki Collective Redress Bill
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai ki Tāmaki Claims Settlement Act 2018

It is not clear whether the project site interacts with the statutory acknowledgement areas listed in the legislation listed above. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the text above relating to statutory acknowledgements applies to these groups.

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

As mentioned above, there are groups still working through their Treaty settlement processes, noting that these groups have well progressed deeds and legislation. It will be important that these interests are considered in more detail if the project progresses through the fast-track process, but in the time available there are no further impacts noted.

Implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

From the map provided with the application, parts of the project area may be in the common marine and coastal area. Within this area there are no customary marine title or protected customary rights holders under the Marine and Coastal Area (Takutai Moana) Act 2011 recorded on the register – [Marine and Coastal Area Register | Toitū Te Whenua - Land Information New Zealand \(linz.govt.nz\)](#). There are however approximately 25 applications by whānau, hapū and iwi groups who have applied to have their customary interests recognised under the Act. Under the Act, takutai moana applicant groups have certain rights in relation to consenting processes under the Resource Management Act 1991, including the right to be consulted on resource consent applications in their takutai moana application area. The Fast-track Approvals Bill currently provides for consultation with takutai moana applicant groups on Schedule 2B projects at the Ministerial referral stage, and the clause 13 report must include information about the relevant takutai moana applicant groups in the project area. For schedule 2A projects these steps would not apply. For listed projects (both Schedule 2A and 2B), the Fast-track Approvals Bill as currently drafted, does not provide for consultation with takutai moana applicant groups at the expert panel stage. This means that an implication of listing a project under Schedule 2A is that takutai moana applicants would not have the ability to input into the process at all, and for Schedule 2B listing the only opportunity for any input is at the Ministerial referral stage.

⁷² See [te-kawerau-a-maki-resource-management-statement-1995](#). Note this plan was developed in 1995, Te Kawerau ā Maki Trust are currently in the process of developing an updated version.

⁷³ See [Iwi management plan for Ngāti Whātua Ōrākei 2018](#)

⁷⁴ [Te Kawerau ā Maki Claims Settlement Act 2015 No 75 \(as at 12 April 2022\)](#), Public Act Schedule 1 Statutory areas – New Zealand Legislation

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	As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application. Other matters In the time available, officials have not identified any other impacts for Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to a Te Kawerau ā Maki statutory acknowledgement area (Te Wai o Pareira / Henderson Creek and tributaries) being within the proposed project area (and the potential for other statutory acknowledgements to be affected), the number of iwi groups who may be affected by this project, the potential impact on applicants under the Marine and Coastal Area (Takutai Moana) Act 2011, and the lack of consultation (the application shows no consultation has been undertaken as yet) with those groups on the project. Officials note the applicant says it intends to consult with the relevant Māori groups during the development of the project. 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.
Has the Ministry for the Environment undertaken engagement?	Officials consider engagement would be beneficial with the iwi groups that may be affected, but were unable to undertake this in the time available.
Additional comments/context	N/A

FTA#182 SH1 Wellington Improvements Project .	
Ineligible projects - based on the considerations at cl18(a-e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is "due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA [the applicant] is cautiously assuming that its projects may be ineligible." The applicant further states "This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application, we will be able to provide this information."
Affected Māori group/s	The applicant has identified the following groups with interests in the project area: • Taranaki Whānui ki te Upoko o te Ika • Ngāti Toa Rangatira We have verified the above groups as follows: • Taranaki Whānui ki Te Upoko o Te Ika - Taranaki Whānui ki Te Upoko o Te Ika is a collective that comprises people of Te Ātiawa, Taranaki, Ngāti Ruanui, Ngāti Tama and others including Ngāti Mutunga from a number of Taranaki iwi whose ancestors migrated to Wellington in the 1820s and 30s. Their area of interest includes the proposed project site, based on the Area of Interest agreed between Taranaki Whānui ki Te Upoko o Te Ika and the Crown in the Deed of Settlement signed 2008.⁷⁵ Port Nicholson Block Settlement Trust (PNBST) is the Post Settlement Governance Entity (PSGE). ◦ There are also Te Rūnanganui o Te Āti Awa ki te Upoko o Te Ika a Māui and Wellington Tenths Trust who, alongside Port Nicholson Block Settlement Trust are the three Āti Awa entities (Āti Awa nui tonu Mana whenua rōpū).⁷⁶ ◦ In the event the proposed project location was to include parts of Pipitea Street (Wellington), there would be significant implications for the Wellington Tenths Trust although the information provided by the application suggests this would not be the case.⁷⁷ • Ngāti Toa Rangatira - The interest area for Ngāti Toa Rangatira includes the proposed project site, based on the Area of Interest agreed between Ngāti Toa Rangatira and the Crown in the Deed of Settlement signed 2012.⁷⁸ Te Rūnanga o Toa Rangatira Inc is the Post Settlement Governance Entity (PSGE). We have identified further groups that may have interests in the project area: • Muaūpoko - is an iwi yet to settle their historical Treaty of Waitangi claims and so the area of interest of Muaūpoko is not confirmed. Information from Te Kāhui Māngai provides the proposed project location as being within the area of interest for Muaūpoko.⁷⁹ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.

⁷⁵ https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Taranaki-Whanui-ki-Te-Upoko-o-Te-Ika/DOS_documents/Taranaki-Whanui-ki-Te-Upoko-o-Te-Ika-Deed-of-Settlement-19-Aug-2008.pdf

⁷⁶ <https://atiawa.com/>

⁷⁷ https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Taranaki-Whanui-ki-Te-Upoko-o-Te-Ika/DOS_SUPPORT/Taranaki-Whanui-ki-Te-Upoko-o-Te-Ika-Wgtn-Tenths-Trust-Deed-of-Agreement-re-Clai.pdf

⁷⁸ TKM | Iwi | Taranaki Whānui ki Te Upoko o Te Ika | Te Kahui Māngai

⁷⁹ TKM | Iwi | Muaūpoko | Te Kahui Māngai

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Has the applicant consulted with those Māori groups?	The applicant has not provided any evidence of consultation. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have “enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.” NZTA have stated they will “engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.”
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	Impacts on PSGE settlement priorities and Māori development 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. In the time available, we have identified the following relevant plans and documents: • Tākai Here partnership between Wellington City Council (WCC) and Te Rūnanga O Toa Rangatira, Taranaki Whānui ki Te Upoko o te Ika / Port Nicholson Block Settlement Trust and Te Rūnanganui o Te Āti Awa ki te Upoko o Te Ika a Māui⁸⁰ • Taranaki Whānui, PNBST Five Year strategic plan⁸¹ Ngāti Toa Environmental Plan 2021⁸² and 25 year strategy. • Te Rūnanganui o Te Āti Awa Ki Te Upoko o Te Ika a Māui Inc 2019 Strategic Plan⁸³ It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the 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 Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 The proposed project location is in the area of interest. 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. Limited detail was provided by the applicant on the exact location and the route identified by the applicant appears to be subject to change, a change may then see a statutory acknowledgement area overlay. There are Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage protocols provided for in the settlement but without further information on the project officials were unable to assess their relevance (e.g. the application may trigger the need for an archaeological authority, however the applicant has not identified this, nor have they provided enough information for officials to determine this as the case). The settlement also provides for a Whole of Government Accord with the PSGE and within that the Taranaki Whānui ki Te Upoko o Te Ika – Crown Environment Portfolio Agreement with the Ministry for the Environment which includes RMA matters. This document was intended to be considered alongside iwi and accordingly full analysis of the proposed project's impact on the Agreement would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. Ngāti Toa Rangatira Claims Settlement Act 2014 The proposed project location is in the area of interest. 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. Limited detail was provided by the applicant on the exact location and the route identified by the applicant appears to be subject to change, a change may then see a statutory acknowledgement area overlay. <i>Statutory acknowledgements</i> If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014. An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation.

⁸⁰ Tākai Here Mana Whenua and WCC Agreement (wellington.govt.nz)

⁸¹ <https://www.pnbst.maori.nz/assets/Annual-Reports/Five-year-Strategic-Plan-PNBST-2011-15.pdf>

⁸² TOA10714_He Kakano_FA2.1.indd (squarespace.com)

⁸³ <http://atiawa.com/wp-content/uploads/2020/11/2019-TROT-Strategic-Report.pdf>

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	<i>Te Upoko Taiao</i> Te Upoko Taiao is a permanent joint committee of the Greater Wellington Regional Council consisting of equal numbers of iwi and council appointed members, which is given statutory effect under the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022. The functions of the Te Upoko Taiao committee includes: • overseeing the preparation of the regional plan and making recommendations to the Council on key RMA matters; and • appointing hearing panels and commissioners for RMA planning hearings and undertaking a range of other RMA related functions. • If this project is progressed through the Fast-track Approvals 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. Ngāti Toa and Port Nicholson Block Settlement Trust are members of the committee. Other matters It is important to note these accords and protocols were intended to be considered alongside iwi and with the responsible agencies. Given the overall lack of detail in all of the NZTA Waka Kotahi Roads of National Significance applications, it has not been feasible to seek further comment from the Department of Conservation, Ministry for Culture and Heritage or Ministry for Primary Industries at this stage in the process. In the time available, officials have not identified any other impacts for Treaty settlements, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or Mana Whakahoā ā Rohe, or other relevant iwi management plans. As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to the interests in the area, the potential for the settlement mechanisms to be affected, the lack of consultation that has been undertaken with relevant Māori groups on the project to date, and the inability of the applicant at this stage to identify whether the project will be on Māori owned land. 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.
Has the Ministry for the Environment undertaken engagement?	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.
Additional comments/context	N/A

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Ineligible projects - based on the considerations at cl18(a-e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is "due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA [the applicant] is cautiously assuming that its projects may be ineligible." The applicant further states "This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application we will be able to provide this information."
Affected Māori group/s	The applicant has identified the following groups with interests in the project area: • Ngaati Hauā • Ngāti Koroki-Kahukura, • Raukawa • Waikato-Tainui The information supplied by the applicant indicates the proposed project location is subject to change, accordingly this takes a wide scope of groups which may have interests in the project area. <u>Ngāti Hauā.</u> Ngāti Hauā and the Crown in the Deed of Settlement signed on 18 July 2013, the proposed project location appears to be in their area of interest as agreed by Ngāti Hauā and the Crown in the deed of settlement⁸⁴. <u>Ngāti Koroki-Kahukura.</u>

⁸⁴ AOI-NgatiHaua.jpg (670x961) (tkm.govt.nz)

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	Ngāti Korokī Kahukura and the Crown in the Deed of Settlement signed on 20 December 2012, the proposed project location appears to be in their area of interest as agreed between Ngāti Korokī Kahukura and the Crown in the deed of settlement ⁸⁵. <u>Raukawa</u> Raukawa is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Raukawa and the Crown in the Deed of Settlement signed 2 June 2012.⁸⁶ <u>Waikato-Tainui</u> Waikato-Tainui is an iwi whose area of interest includes the proposed project site, based on the area of interest agreed between Waikato-Tainui and the Crown in the Deed of Settlement signed 22 May 1995⁸⁷, and 2010⁸⁸ Te Whakakitenga o Waikato is the tribal authority that represents tribal members of the 68 Marae of Te Whakakitenga o Waikato. The project site is also within the area of interest for the Waikato-Tainui remaining claims mandate.⁸⁹ We have not identified any additional groups beyond those identified by the applicant.
Has the applicant consulted with those Māori groups?	NZTA states that extensive stakeholder engagement and consultation has already occurred and further will occur in the next few months. The applicant has not provided any evidence of consultation. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have "enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application." NZTA have stated they will "engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA."
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> 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. In the time available, we have identified the following relevant plans and documents: • Tai Tumu Tai Pari Tai Ao – Waikato-Tainui Environmental Plan⁹⁰ • Waikato Raupatu River Trust (Waikato-Tainui) and Waikato Regional Council (Co-management Agreement for Waikato River Related Lands) - 10 December 2012⁹¹ • Waikato Raupatu River Trust and Waikato Regional Council - 18 June 2013⁹² • Raukawa Settlement Trust and Waikato Regional Council - 10 May 2012⁹³ • Vision and Strategy for the Waikato River, Waikato River Authority 2019⁹⁴ • Ngāti Hauā Environmental Management Plan – September 2018⁹⁵ It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the 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. <u>Impact on Treaty settlements and other relevant arrangements</u> • Ngāti Korokī Kahukura Claims Settlement Act 2014 • Ngāti Hauā Claims Settlement Act 2014 • Raukawa Claims Settlement Act 2014 • Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 • Waikato Raupatu Claims Settlement Act 1995 The proposed project location is, or may be, in the area of interest for the above settlements. These Treaty settlements contain a number of statutory acknowledgements. It is not clear from the application whether the statutory acknowledgements cover or are adjacent to the project site or are directly impacted by the proposed project. Limited detail was provided by the applicant on the exact location and the route identified by the applicant appears to be subject to change, a change may then see a statutory acknowledgement area overlay. There are many cross Government protocols and relationship agreements (i.e. Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage) provided for in these settlements but without further information on the project officials were unable to assess their relevance (e.g. the application may trigger the need for an archaeological authority, however the applicant has not

⁸⁵ AOI-NgatiKorokiKahukura.jpg (692x1025) (tkm.govt.nz)

⁸⁶ Raukawa Deed of Settlement - Attachments 2 June 2012 (tearawhiti.govt.nz)

⁸⁷ Waikato-Tainui Deed of Settlement 22 May 1995 (www.govt.nz) (at page 47)

⁸⁸ Waikato-Tainui Deed of Settlement in relation to the Waikato River 17 Dec 2009 (tearawhiti.govt.nz)

⁸⁹ Appendix B - Area of Interest for proposed Waikato-Tainui remaining claims mandate (high resolution).jpg (2481x3506) (tpk.govt.nz)

⁹⁰ https://www.waikatoregion.govt.nz/assets/WRC/WRC-2019/Waikato-Tainui-Environmental-Plan.pdf

⁹¹ 2276497-Tainui-v2.pdf (waikatoregion.govt.nz)

⁹² Waikato_Tainui_JMA_web_signed.pdf (waikatoregion.govt.nz)

⁹³ Raukawa-JMA-2201886-v2.pdf (waikatoregion.govt.nz)

⁹⁴ Vision-and-Strategy-Reprint-2019web.pdf (waikatoriver.org.nz)

⁹⁵ Trust Documents - Ngati Haua Iwi Trust

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identified this, nor have they provided enough information for officials to determine this as the case). It is important to note these accords and protocols were intended to be considered alongside iwi and accordingly full analysis of the proposed project's impact on the agreements would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached.

Statutory Acknowledgements

If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014.]

An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).

Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation.

Waikato River Arrangements:

The project appears to be adjacent to, or overlapping, the Waikato River.

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 Waikato-Tainui river arrangements are recorded in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The Raukawa, Tūwharetoa, and Te Arawa river arrangements are recorded in the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010. In contrast to the Waikato-Tainui Waikato River Act, the latter 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).

As well as the Waikato River iwi mentioned above, this project may border Ngāti Koroki Kahukura, and Ngāti Hauā river interests: Te Ture Whaimana (detailed below) is also set out in the Upper Waikato River Act, and the Waipā River Act. Elements of the Waikato River arrangements are also reflected in respective settlements of six other iwi/collectives: Ngāti Maniapoto, Te Arawa River Iwi, Ngāti Tūwharetoa, Raukawa, Ngāti Hauā, Ngāti Koroki Kahukura, and the proposed settlement negotiated with Pare Hauraki, as they relate to parts of the river.

There are two underlying principles in the Waikato-River settlement:

- Te Mana o te Awa - To Waikato-Tainui, the Waikato River is a tupuna (ancestor) which has mana (prestige) and in turn represents the mana and mauri (life force) of the tribe. Respect for te mana o te awa (the spiritual authority, protective power and prestige of the Waikato River) is at the heart of the relationship between the tribe and their ancestral river:
- Mana whakahaere - Mana whakahaere embodies the authority that Waikato-Tainui and other River tribes have established in respect of the Waikato River over many generations, to exercise control, access to and management of the Waikato River and its resources in accordance with tikanga (values, ethics and norms of conduct). For Waikato-Tainui, mana whakahaere has long been exercised under the mana of the Kiingitanga:

The key elements provided for in the legislation

A statement of significance of the river to Waikato-Tainui, The Waikato River Authority (co-governance entity with five iwi and five Crown appointed members), Te Ture Whaimana (vision and strategy) – the primary direction setting strategic document for the Waikato River, The Clean-Up Trust (with the Waikato River Authority as the trustee), The Waikato River Authority appointing half of the hearing commissions for resource consent applications relating to the river, Arrangements to reflect the mana whakahaere of Waikato-Tainui (joint management agreements under the RMA, recognition of the exercise of customary activities on the river, recognition of the Waikato-Tainui Iwi environmental plan, an integrated river management plan).

The five river iwi on the River Authority are: Tūwharetoa Māori Trust Board, Te Whakakitenga o Waikato-Tainui, Raukawa Settlement Trust, Te Arawa River Iwi Trust and Maniapoto Māori Trust Board. The Board also includes five Crown representatives.

The interactions between the Waikato River arrangements and the RMA, conservation and heritage legislation include the following:

- 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. A decision-maker on a resource consent and under conservation legislation must have regard to the Waikato-Tainui environmental plan.

FTA#190 SH1 Cambridge to Piarere Long Term Improvements Project.	
	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. <i>Implications for groups yet to settle their historical Treaty settlements</i> The project site is within the proposed area of interest for Waikato-Tainui remaining claims.⁹⁶ 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. Other matters In the time available, officials have not identified any other impacts for Treaty settlements, groups yet to settle their historic Treaty settlements, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe, or a relevant iwi management plan. As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of high impact. This is due to the number of interests in the area, the potential effect of listing on the statutory acknowledgements relevant to the project area and the large number of potentially affected groups whose interests may include the project area and the complexity of the Waikato River arrangements. 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.
Has the Ministry for the Environment undertaken engagement?	Officials consider engagement would be beneficial given the nature and range of interests present in the project area, and the powerful and complex Waikato River arrangements, but were unable to undertake this in the time available.
Additional comments/context	NZTA requests there if to be any engagement in relation to this application, to engage with them prior to engaging with any of the affected Māori groups.

FTA#191 Hawkes Bay Expressway	
Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. The applicant states “due to the inability to confirm whether “identified Māori land” as defined in the Bill is affected, NZTA (the applicant) is cautiously assuming that its projects may be ineligible.” and goes on to say “This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a ‘yes’ as it is a possibility there may be Māori land. At the time of application, we will be able to provide this information.” The project involves land acquisition under the Public Works Act. No certificates of title have been provided with the application, so the status of the land likely to be taken is not known.

⁹⁶ Appendix B - Area of Interest for proposed Waikato-Tainui remaining claims mandate (high resolution).jpg (2481×3506) (tpk.govt.nz)

FTA#191 Hawkes Bay Expressway	
Affected Māori Groups	The applicant has identified the following groups with interests in the project area: • Ngāti Kahungnu • Ahuriri Hapū (Mana Ahuriri Trust) • Heretaunga Tamatea (Heretaunga Tamatea Settlement Trust) • Maungaharuru-Tangitū Trust <u>Ngāti Kahungunu</u> The applicant has identified Ngati Kahungunu as an affected iwi. Ngati Kahungunu is a large iwi with hapu from Wairoa to Wairarapa. The relevant hapu groupings in this area are Ahuriri Hapu and Heretaunga Tamatea, which are addressed below. <u>Ahuriri Hapū</u> Ahuriri Hapū is a hapū grouping (represented by the Mana Ahuriri Trust for RMA purposes) whose area of interest as set out in the Deed of Settlement between Ahuriri Hapū and the Crown signed on 2 November 2016 includes the project footprint.⁹⁷ <u>Heretaunga Tamatea</u> Heretaunga Tamatea is a hapū grouping (represented by Heretaunga Tamatea Settlement Trust for RMA purposes) whose area of interest as set out in the Deed of Settlement between Heretaunga Tamatea and the Crown signed on 26 September 2015 includes the project footprint.⁹⁸ <u>Maungaharuru-Tangitū</u> Maungaharuru-Tangitū is a hapū grouping whose area of interest as set out in the Deed of Settlement between Maungaharuru Tangitū signed on 25 May 2013 does not appear to include the project footprint as their area of interest appears to be well north to the project site.⁹⁹ We have not identified any additional groups beyond those identified by the applicant.
Has the applicant consulted with those Māori groups?	No evidence of consultation has been provided with the application. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) with “enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.” NZTA has stated they will “engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.”
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> There is no information to suggest the 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. While we have not identified any iwi management plans developed by Ahuriri Hapū or Heretaunga Tamatea, the Resource Management Act 1991 s 61(2)(a) offers the opportunity to develop planning documents recognised by an iwi authority. There may be implications for iwi authorities who are in the process of developing management plans but have not yet finalised or lodged them. We have not had the opportunity to discuss why the applicant has identified Maungaharuru-Tangitū as affected, if they are affected, Te Puawānanga o Maungaharuru-Tangitū Long Term Vision and Strategic Plan 2020 - 2024 will be relevant.¹⁰⁰ <u>Impact on Treaty settlements and other relevant arrangements</u> Ahuriri Hapū Claims Settlement Act 2021¹⁰¹

⁹⁷Deed of Settlement https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ahuriri-Hapu/DOS_documents/Ahuri-Hapu-Deed-of-Settlement.pdf

Deed of Settlement Attachments https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ahuriri-Hapu/DOS_documents/Ahuriri-Hapu-Deed-of-Settlement-Attachments.pdf

⁹⁸ Deed of Settlement Attachments https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Heretaunga/DOS_documents/Heretaunga-Tamatea-Deed-of-Settlement-Schedule-Attachments.pdf

Deed of Settlement https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Heretaunga/DOS_documents/Heretaunga-Tamatea-Deed-of-Settlement.pdf

⁹⁹ Deed of Settlement Attachments HYPERLINK "https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Maungaharuru-Tangitu-Hapu/DOS_documents/Maungaharuru-Tangitu-Hapu-Deed-of-Settlement-Attachments-25-May-2013.pdf" https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Maungaharuru-Tangitu-Hapu/DOS_documents/Maungaharuru-Tangitu-Hapu-Deed-of-Settlement-Attachments-25-May-2013.pdf

Deed of Settlement Maungaharuru-Tangitū Deed of Settlement 25 May 2013 (tearawhiti.govt.nz)

¹⁰⁰ 002365_Strategic_Plan_2-5.pdf (tangoio.maori.nz)

¹⁰¹ Ahuriri Hapū Claims Settlement Act 2021 No 54, Public Act – New Zealand Legislation

FTA#191 Hawkes Bay Expressway	
	Heretaunga Tamatea Claims Settlement Act 2018¹⁰² <i>Statutory acknowledgements</i> These Treaty settlements contain a number of statutory acknowledgements. We have identified that the below statutory acknowledgements are within, adjacent to or directly affected by the project (noting there may also be other relevant statutory acknowledgements that we have not identified) Ahuriri Hapū • Ngaruroro River and its Tributaries within the area of interest OTS206-14 • Tutaekuri River and its Tributaries within the area of interest OTS206-19 Heretaunga Tamatea • Ngaruroro River And Its Tributaries within the Heretaunga Tamatea area of interest (OTS -110-19) Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. [The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014.] 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. <u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u> While we have not identified any other groups with interests in the area, there may be other groups that are still working through their Treaty settlement processes. If so, 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. <u>Hawkes Bay Regional Planning Committee¹⁰³</u> The Mana Ahuriri Trust and the Heretaunga Tamatea Settlement Trust have a seat on the Hawke's Bay Regional Planning Committee established through their settlement arrangements. 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. <u>Other matters</u> In the time available, officials have not identified any impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement, Mana Whakahono ā Rohe, or a relevant iwi management plan. The applicant has not sought, approvals, permits or concessions under the Wildlife Act 1953, the Reserves Act 1977, the Conservation Act 1987. From the information provided it is not possible to determine if other settlement arrangements in respect of those Acts are affected.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to the lack of consultation, potential impact on significant areas and sites (given the project site has not yet been confirmed), and the potential impact on the relevant redress arrangements (including statutory acknowledgements and the Hawkes Bay Regional Planning Committee arrangements). 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.
Has the Ministry for the Environment undertaken engagement?	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.

¹⁰² Heretaunga Tamatea Claims Settlement Act 2018 No 14 (as at 12 April 2022), Public Act – New Zealand Legislation

¹⁰³ Regional Planning | Hawke's Bay Regional Council (hbrc.govt.nz)

FTA#191 Hawkes Bay Expressway	
Additional comments/context	N/A

FTA#196 Mill Road Project	
Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is “due to the inability to confirm whether “identified Māori land” as defined in the Bill is affected, NZTA [the applicant] is cautiously assuming that its projects may be ineligible.” The applicant further states “This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a ‘yes’ as it is a possibility there may be Māori land. At the time of application we will be able to provide this information.”
Affected Māori group/s	The applicant has identified the following groups as having interests in the area: • Ngāti Tamaoho • Ngaati Te Ata Waiohua • Te Ākitai Waiohua • Ngāi Tai ki Tāmaki • Ngaati Whanaunga • Ngāti Maru • Ngāti Paoa Iwi Trust • Te Ahiwaru • Ngāti Tamaterā Treaty Settlement Trust <u>Ngāti Tamaoho</u> Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest agreed between the Crown and Ngāti Tamaoho in the deed of settlement signed on 30 April. Ngāti Tamaoho have settled their historical Treaty of Waitangi claims with the Crown. Ngāti Tamaoho (AOI - Ngāti Tamaoho) <u>Ngaati Te Ata Waiohua</u> Information from Te Arawhiti confirms the proposed project location as being within the area of interest for these iwi who have Terms of Negotiation but have not yet settled their historical Treaty of Waitangi Claims (their settlement legislation is not yet enacted). : Ngāti Te Ata (Ngāti Te Ata 2010 Terms of Negotiation) <u>Te Ākitai Waiohua</u> Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest as agreed between the Crown and Te Ākitai Waiohua in the deed of settlement signed on 23 December 2020 but have not yet settled their historical Treaty of Waitangi Claims (their settlement legislation is not yet enacted): Te Ākitai Waiohua (AOI - Te Ākitai Waiohua)Ngāi Tai ki Tāmaki Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest agreed between the Crown and Ngāi Tai ki Tāmaki in the deed of settlement signed in 2012. Ngāti Tamaoho have settled their historical Treaty of Waitangi claims with the Crown: Ngāi Tai ki Tāmaki (AOI - Ngāi Tai ki Tāmaki). <u>Ngaati Whanaunga</u> Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest as agreed between the Crown and Ngāti Whanaunga in the deed of settlement initialled on 25 August 2017 but have not yet settled their historical Treaty of Waitangi Claims (their settlement legislation is not yet enacted): Ngaati Whanaunga (AOI - Ngaati Whanaunga) <u>Ngāti Maru</u> Note that an area of interest map is not included in the version of Ngāti Maru's Deed of Settlement currently available to us¹⁰⁴ and so officials rely on the information provided by Te Kāhui Māngai: TKM Iwi Ngāti Maru Te Kahui Māngai. <u>Ngāti Paoa Iwi Trust</u> Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest as agreed between the Crown and Ngāti Paoa in the deed of settlement signed on 20 March 2021 but have not yet settled their historical Treaty of Waitangi Claims (their settlement legislation is not yet enacted): Ngāti Paoa (AOI - Ngāti Paoa), <u>Te Ahiwaru</u> Note that Auckland Council mana whenua database indicates that the area of interest for Te Ahiwaru Waiohua includes the project site. We do not have access to any specific information on the boundaries and extent of this area of interest to enable us to independently verify this.

¹⁰⁴ [Ngāti Maru Deed of Settlement schedule - Attachments 8 September 2017 \(tearawhiti.govt.nz\)](#)

	<u>Ngāti Tamaterā</u> 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 may be within the area of interest for Ngāti Tamaterā.¹⁰⁵ Note until settlements are completed through the enactment of legislation, an area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. 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: • Te Kawerau ā Maki • Waikato-Tainui • Ngāti Hako • Ngāti Koheriki <u>Te Kawerau ā Maki</u> Information from Te Kāhui Māngai suggests the proposed project location may be within the area of interest for Te Kawerau ā Maki per the deed of settlement and settlement legislation: AOI – Te Kawerau ā Maki. <u>Waikato-Tainui</u> Waikato Tainui are yet-to-settle their remaining historical Treaty of Waitangi claims and so their area of interest of the is not confirmed through a Treaty settlement. There is a proposed area of interest included in their mandate document and the proposed project location is within this area: area of interest for the remaining historical Treaty of Waitangi claims of Waikato-Tainui. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. <u>Ngāti Hako</u> Ngāti Hako are yet to settle their historical Treaty of Waitangi claims and so the area of interest of Ngāti Hako is not confirmed. Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Hako.¹⁰⁶ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations. <u>Ngāti Koheriki</u> Ngāti Koheriki are yet-to-settle their historical Treaty of Waitangi claims and so their area of interest is not confirmed through a Treaty settlement. Note: the Crown recognised the Treaty settlement negotiation mandate of Ngāti Koheriki Claims Committee in June 2013. Negotiations have yet to commence, but Crown-recognition of the mandate has not been withdrawn. It appears that Ngāti Koheriki has yet to establish a post-settlement governance entity to receive redress under their settlement. However, for completeness they have been included in the list of groups with potential interests in the project area. <u>Marutūāhu Collective Redress</u> Marutūāhu Iwi Collective includes the 5 iwi known collectively as the Marutūāhu Iwi, being: Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukiriki. The Marutūāhu Iwi Collective redress area in the Deed of Settlement that was initialled on 27 July 2018 may include the proposed project site.¹⁰⁷ <u>Pare Hauraki Collective</u> Pare Hauraki Collective includes the 12 iwi of Hauraki, being: Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukiriki. The Pare Hauraki Redress Area agreed between the 12 iwi of Hauraki and the Crown in the Deed of Settlement that was signed on 2 August 2018 may include the proposed project site.¹⁰⁸
Has the applicant consulted with those Māori groups?	No evidence or statements of consultation have been provided by the applicant. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have “enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.” NZTA have stated they will “engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.”
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> 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. In the time available, we have identified the following relevant plans and documents: • Ngā Tikanga o Ngāti te Ata: Tribal Policy Statement 1993 • Ngā Tikanga o Ngaati te Ata: Tribal Policy Statement 1996 • A Ngāti Paoa Perspective on Resource Management: Part 1 1993 • Ngāti Paoa Policy Statement, Resource Management, Part 2 1993 • Ngāti Paoa Protocols for Earthworks – Archaeological Sites, Waahi Tapu, Artefacts and Kōiwi • Ngāti Paoa Resource Management Plan 1996 • Ngāti Paoa Trust Long Term Plan Consultation Draft 2006 • Ngāti Pāoa Interim Regional Policy Statement 2013 • Ngāi Tai Ki Tāmaki Trust Management & Development Plan: Stage One 1994

¹⁰⁵ TKM | Iwi | Ngāti Tamaterā | Te Kāhui Māngai

¹⁰⁶ TKM | Iwi | Ngāti Hako | Te Kāhui Māngai

¹⁰⁷ [Marutūāhu Collective Redress Deed \(tearawhiti.govt.nz\)](#)

¹⁰⁸ [Pare Hauraki Collective Redress Deed Schedule: Attachments \(tearawhiti.govt.nz\)](#)

- Ngāi Tai ki Tāmaki Kaitiaki/Resource Management Principles & Operational Policies 2002
- Waikato Iwi Management Plan 1996
- Waikato-Tainui Iwi Management Plan 2013
- Whakatupuranga Waikato-Tainui 2050
- Whaia Te Mahere Taiao a Hauraki, Hauraki Iwi Environmental Plan 2004
- Hauraki Strategic Blueprint 2012
- Ngāti Tamaterā Environmental Management Plan 2019
- Ngāti Te Ahiwaru Waiohūa Environmental Plan 2019
- Te Kawerau ā Maki Resource Management Statement 1995

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

Ngāti Tamaoho Claims Settlement Act 2018

Statutory acknowledgements

This Treaty settlement contains a number of statutory acknowledgements. Officials have identified the following statutory acknowledgements as being, in, adjacent to or directly impacted by the project (noting there may be other relevant statutory acknowledgements not identified):

- Hingaia Stream and its tributaries (OTS-129-06)
- Mangatawhiri River and its tributaries (OTS-129-15)
- Maramarua River and its tributaries (excludes Mangatangi Stream and its tributaries) (OTS-129- 16)
- Otuwairoa Stream and its tributaries (includes Waipokapu Stream, Mangapu Stream and Waihoehoe Stream) (OTS-129-22)

Ngāi Tai ki Tāmaki Claims Settlement Act 2018

This Treaty settlement contains a number of statutory acknowledgements. The proposed project location does not appear to be in or adjacent to statutory acknowledgement areas however if a statutory acknowledgement is affected by this project then the text below applies.

Te Kawerau ā Maki Claims Settlement Act 2015

This Treaty settlement contains a number of statutory acknowledgements. The proposed project location does not appear to be in or adjacent to statutory acknowledgement areas however if a statutory acknowledgement is affected by this project then the text below applies.

Statutory acknowledgements

The proposed project location is, or may be, in the area of interest for the above settlements. These Treaty settlements contain a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement from the above legislation covers or is adjacent to the project site or is directly impacted by the proposed project. Limited detail was provided by the applicant on the exact location and the route identified by the applicant appears to be subject to change - a change may then see a statutory acknowledgement area from the above settlements triggered where it was not identified in this analysis.

If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014.

An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).

Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation.

Other redress

There are also many cross Government protocols and relationship agreements (i.e. Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage) provided for in these settlements but without further information on the project officials were unable to assess their relevance (e.g. the application may trigger the need for an archaeological authority, however the applicant has not identified this, nor have they provided enough information for officials to determine this as the case). It is important to note these accords and protocols were intended to be considered alongside iwi and accordingly full analysis of the proposed project's impact on the agreements would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached.

Mana Whakahono ā Rohe

Mana Whakahono ā Rohe are designed to assist tangata whenua and local authorities to discuss, agree and record how they will work together under the Resource Management Act (RMA). This includes agreeing how tangata whenua will be involved in decision making processes. There is a Mana-Whakahono ā Rohe currently under development between Auckland Council and Ngāi Tai ki Tāmaki.

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

	There are groups still working through their Treaty settlement processes (including Ngaati Te Ata, Hako and Waikato-Tainui (remaining claims)), noted in the affected groups section of this analysis. 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. Other matters It is important to note these accords and protocols were intended to be considered alongside iwi and with the responsible agencies. Given the overall lack of detail in all of the NZTA Waka Kotahi Roads of National Significance applications, it has not been feasible to seek further comment from the Department of Conservation, Ministry for Culture and Heritage or Ministry for Primary Industries at this stage in the process. In the time available, officials have not identified any other impacts for Treaty settlements, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe, or a relevant iwi management plan. As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of high impact. This is due to the large number of interests in the area, the potential effect of listing on the statutory acknowledgements relevant to the project area and the large number of potentially affected groups who are yet to settle their historical Treaty of Waitangi claims whose interests may include the project area. 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 PSGEs on the application.
Has the Ministry for the Environment undertaken engagement?	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.
Additional comments/context	N/A

FTA#197 SH29 Tauriko Network Connections (including Omanawa Bridge replacement) Project	
Ineligible projects - based on the considerations at cl18(a-e) of the Fast Track Approvals Bill (version as at introduction)	This project may be ineligible according to the information in the application. This is because the applicant has marked it as a potentially ineligible project and states this is "due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA [the applicant] is cautiously assuming that its projects may be ineligible." The applicant further states "This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application we will be able to provide this information."
Affected Māori group/s	The applicant has identified the following hapū of Ngāti Ranginui with interests in the project area: • Ngai Tamarāwaho • Ngāti Hangarau • Ngāti Kahu • Ngāti Pango • Ngāti Rangī • Pirirākau hapū <u>Ngāti Ranginui</u> Ngāti Ranginui is an iwi whose area of interest includes the proposed project site based on the Area of Interest agreed between Ngāti Ranginui and the Crown in the Deed of Settlement signed on 21 June 2012.¹⁰⁹ Ngāti Ranginui are unsettled, with their settlement legislation being in bill form.¹¹⁰ The applicant notes this list is not exhaustive and may change by the time the Fast-track Approvals Bill is enacted and/or approvals are sought for the project. Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for these groups (see footnotes above). In addition to the groups identified by the applicant we have also identified the following further groups that may have interests in the project area: <u>Ngāti Pukenga</u> Ngāti Pukenga is an iwi whose area of interest may include the proposed project site based on the Area of Interest agreed between Ngāti Pūkenga and the Crown in the Deed of Settlement signed on 7 April 2013.¹¹¹ <u>Ngai Te Rangī</u>

¹⁰⁹ See AOI-NgatiRanginui.jpg (1196×1730) (tkm.govt.nz)

¹¹⁰ Ngā Hapū o Ngāti Ranginui Claims Settlement Bill 84-3B (2015), Government Bill Ngā kōrero – New Zealand Legislation

¹¹¹ See AOI-NgatiPukenga.jpg (624×916) (tkm.govt.nz)

FTA#197 SH29 Tauriko Network Connections (including Omanawa Bridge replacement) Project	
	Ngai Te Rangi is an iwi whose area of interest may include the proposed project site based on the Area of Interest agreed between Ngāi Te Rangi, Ngā Pōtiki, and the Crown in the Deed of Settlement signed on 14 December 2013. ¹¹² Ngai Te Rangi are yet to settle, as their settlement legislation has not yet been enacted. ¹¹³
Has the applicant consulted with those Māori groups?	From the application it appears the applicant has not yet consulted with the iwi listed above on the project. The applicant notes it will engage with affected land owners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA. Further the applicant notes "As a Crown entity with enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application."
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> 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. In the time available, we have identified the following relevant plans and documents: • Tauranga Moana Iwi Management Plan 2016-2026¹¹⁴ • Ngai Tamarāwaho Management Plan 2022-2025¹¹⁵ • Te Koikoi Karoro – Ngāti Hangarau Hapū Management Plan 2021¹¹⁶ • Ngāti Pūkenga Iwi ki Tauranga Trust Iwi Management Plan 2013¹¹⁷ • Te Awaroa – Ngāti Kahu Hapū Environmental Management Plan 2011¹¹⁸ • Ngai Te Rangi Iwi Resource Management Plan 1995¹¹⁹ It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the 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. <u>Impact on Treaty settlements and other relevant arrangements</u> • Ngāti Pūkenga Claims Settlement Act 2017 • Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill The proposed project location is, or may be, in the area of interest for the above settlements. There are many cross Government protocols and relationship agreements (i.e. Department of Conservation, Fisheries (Ministry for Primary Industries) and Ministry for Culture and Heritage) provided for in these settlements but without further information on the project officials were unable to assess their relevance (e.g. the application may trigger the need for an archaeological authority, however the applicant has not identified this, nor have they provided enough information for officials to determine this as the case). It is important to note these accords and protocols were intended to be considered alongside iwi and accordingly full analysis of the proposed project's impact on the agreements would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. <u>Statutory acknowledgements</u> These Treaty settlements contain a number of statutory acknowledgements. It is not clear from the application whether the statutory acknowledgements cover or are adjacent to the project site or are directly impacted by the proposed project. Limited detail was provided by the applicant on the exact location and the route identified by the applicant appears to be subject to change, a change may then see a statutory acknowledgement area overlay. If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014. An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that

¹¹² See [AOI-NgaiTeRangi.jpg \(652x930\) \(tkm.govt.nz\)](#)

¹¹³ [Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill 127-2 \(2016\), Government Bill Ngā Kōrero – New Zealand Legislation](#)

¹¹⁴ See [tauranga_moana_iwi_mangm_plan2016-2026.pdf](#). This is a joint environmental plan for Ngāti Ranginui, Ngāi Te Rangi and Ngāti Pūkenga.

¹¹⁵ See [Te Mana Taiao O Ngai Tamarawaho – Hapu Management Plan \(tauranga.govt.nz\)](#)

¹¹⁶ See [Te Koikoi Karoro – Ngāti Hangarau Hapū Management Plan 2021](#)

¹¹⁷ See [Ngāti Pūkenga Iwi ki Tauranga Trust Iwi Management Plan 2013](#)

¹¹⁸ See [Te Awaroa – Ngāti Kahu Hapū Environmental Management Plan 2011](#)

¹¹⁹ See [ngaiteurangi_iwi_resource_management_plan.pdf \(tauranga.govt.nz\)](#)

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	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. Tauranga Moana Iwi Collective Redress Bill The Tauranga Moana Framework legislation – not yet introduced – will: • establish a statutory committee called the Tauranga Moana Governance Group; and • provide for the preparation, review, amendment, and adoption of a Tauranga Moana Framework document (Ngā Tai ki Mauao). <u>Iwi Environment Management plans</u> Note the comments above in relation to iwi management plans. <u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u> As noted above, there are groups still working through their Treaty settlement processes. 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. <u>Other matters</u> In the time available, officials have not identified any other impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium impact. This is due to the lack of consultation, potential impact on significant areas and sites (given the project site has not yet been confirmed), and the potential impact on the relevant redress arrangements (including statutory acknowledgements). 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.
Has the Ministry for the Environment undertaken engagement?	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.
Additional comments/context	N/A

FTA#204 SH16 North-West Alternative State Highway (ASH) Project	
Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project, as identified by the applicant, may be ineligible according to the information in the application. This is because currently the applicant is unable to confirm whether "identified Māori land" as defined in the Fast Track Approvals Bill is affected by the proposed project. The applicant states they are cautiously assuming the project may be ineligible and further assessment is required to determine the classification of land of the project location and whether this includes any Māori land as defined in the Bill. The applicant also answered 'yes' to the question Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?
<u>Affected Māori group/s</u>	The applicant has identified the following groups with interests in the project area: • Te Kawerau ā Maki • Ngaati Whanaunga • Te Patukirikiri • Ngāi Tai Ki Tāmaki • Ngāti Paoa • Ngāti Manuhiri • Ngāti Tamatera <u>Te Kawerau ā Maki</u>

FTA#204 SH16 North-West Alternative State Highway (ASH) Project

Te Kawerau ā Maki is an iwi (represented by Te Kawerau Iwi Settlement Trust as an iwi authority for RMA purposes) whose Area of Interest as agreed between Te Kawerau ā Maki and the Crown in the Deed of Settlement signed 13 December 2013¹²⁰ includes the indicative project footprint.

Ngāti Whanaunga

Ngāti Whanaunga is an iwi whose area of interest as agreed between Ngāti Whanaunga and the Crown in the Deed of Settlement initialled on 25 August 2017¹²¹ includes the indicative project footprint. Ngāti Whanaunga have not yet settled their historical Treaty claims as their settlement legislation has not yet been enacted.

Te Patukirikiri

Te Patukirikiri is an iwi whose area of interest as agreed between Te Patukirikiri and the Crown in the Deed of Settlement signed on 7 October 2018¹²² includes the indicative project footprint. Te Patukirikiri have not yet settled their historical Treaty claims as their settlement legislation has not yet been enacted.

Ngāi Tai ki Tāmaki

Ngāi Tai ki Tāmaki is an iwi whose area of interest as agreed between Ngāi Tai ki Tāmaki and the Crown in the Deed of Settlement signed on 7 November 2015¹²³ includes the indicative project footprint.

Ngāti Paoa

Ngāti Paoa is an iwi whose area of interest as agreed between Ngāti Paoa and the Crown in the Deed of Settlement signed on 20 March 2021¹²⁴ does not appear to include the indicative project footprint. Ngāti Paoa have not yet settled their historical Treaty claims as their settlement legislation has not yet been enacted.

Ngāti Manuhiri

Ngāti Manuhiri is an iwi whose area of interest as agreed between Ngāti Manuhiri and the Crown in the Deed of Settlement signed on 21 May 2011¹²⁵ includes the indicative project footprint.

Ngāti Tamaterā

The area of interest of Ngāti Tamaterā is not confirmed. 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.¹²⁶ Ngāti Tamaterā have not yet settled their historical Treaty claims as their settlement legislation has not yet been enacted.

In addition to the groups identified by the applicant, we have identified the following groups as potentially having interests in the proposed project location:

- Ngāti Whātua o Ōrākei
- Ngāti Te Ata
- Ngāti Whātua o Kaipara
- Te Akitai Waiohū

Ngāti Whātua Ōrākei

Ngāti Whātua Ōrākei is an iwi whose area of interest as agreed between Ngāti Whātua o Ōrākei and the Crown in the Deed of Settlement signed on 5 November 2011¹²⁷ includes the indicative project footprint.

Ngāti Te Ata

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. Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāti Te Ata.¹²⁸ Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.

Ngāti Whātua o Kaipara

Ngāti Whātua o Kaipara is an iwi whose area of Interest as agreed between Ngāti Whātua o Kaipara and the Crown in the Deed of Settlement signed on 9 September 2011¹²⁹ includes the indicative project footprint.

Te Akitai Waiohū

Te Akitai Waiohū is an iwi whose area of interest as agreed between Te Akitai Waiohū and the Crown in the Deed of Settlement signed on 12 December 2021¹³⁰ includes the indicative project footprint. Te Akitai Waiohū have not yet settled their historical Treaty claims as their settlement legislation has not yet been enacted.

¹²⁰ AOI-TeKawerauaMaki.jpg (710×927) (tkm.govt.nz)

¹²¹ Whanaunga (002).pdf (tkm.govt.nz)

¹²² Te Patukirikiri Deed of Settlements Attachment - signing version 5 October 2018 (tearawhiti.govt.nz)

¹²³ AOI-NgaiTaikiTamaki.jpg (669×949) (tkm.govt.nz)

¹²⁴ Ngati-Paoa-Deed-of-Settlement-Attachments.pdf (tkm.govt.nz)

¹²⁵ Ngāti Manuhiri Deed of Settlement - Attachments 21 May 2011 (tearawhiti.govt.nz)

¹²⁶ TKM | Iwi | Ngāti Tamaterā | Te Kahui Māngai

¹²⁷ AOI-NgatiWhatuaOrakei.jpg (1179×1666) (tkm.govt.nz)

¹²⁸ TKM | Iwi | Ngāti Te Ata | Te Kahui Māngai

¹²⁹ AOI-NgatiWhatuaKaipara.jpg (642×766) (tkm.govt.nz)

¹³⁰ Te Akitai Waiohū Deed of Settlement Attachments (tearawhiti.govt.nz)

FTA#204 SH16 North-West Alternative State Highway (ASH) Project	
Has the applicant consulted with those Māori groups?	The applicant has not provided any evidence of consultation. The applicant states as they are a Crown Entity (Waka Kōtahi New Zealand Transport Agency - NZTA) they have “enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.” NZTA have stated they will “engage with affected landowners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.” The applicant has not provided a response to the request for detail of all consultation undertaken or how that engagement has informed the project. We note this project is the subject of an application for a Notice of Requirement (NOR) under the RMA and was in the advanced stages of decision making at the time of submitting this listing application. We expect much of the engagement information sought for this listing application would have been required as part of the NOR including the identification of affected Māori groups and the implications for their settlements.
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impacts on PSGE settlement priorities and Māori development</u> 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. In the time available, we have identified the following relevant plans and documents: • Ngāti Paoa - Strategic Priorities¹³¹ • Kawerau a Maki Trust Resource Management Statement (1995)¹³² • Ngāti Whanaunga Strategic Management Plan 2019¹³³ • Ngāi Tai ki Tamaki - Take Taiaomaurikura 2022¹³⁴ • Ngāti Whātua Ōrākei Iwi Management Plan 2018¹³⁵ • Ngaati Whanaunga Strategic Management Plan 2019¹³⁶ It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups. A full analysis of the 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. <u>Impact on Treaty settlements and other relevant arrangement</u> We have identified the following settlements to be relevant to the project area: • Te Kawerau ā Maki Deed of Settlement December 2014 • Te Kawerau ā Maki Claims Settlement Act 2015 • Ngāti Paōa Deed of Settlement 2021 • Ngāti Whanaunga Deed of Settlement 2017 • Te Akitai Waiohū Deed of Settlement 2021 • Ngāi Tai ki Tāmaki Deed of Settlement 2015 • Te Patukirikiri Deed of Settlement 2018 • Ngāti Manuhiri Deed of Settlement 2011 • Ngāti Manuhiri Claims Settlement Act 2022 • Ngāti Tamatera Deed of Settlement 2017 • Ngāti Paōa Deed of Settlement 2021 • Ngāti Paoa Claims Settlement Bill • Ngāti Whātua o Ōrākei Deed of Settlement 2011 • Ngāti Whātua o Kaipara Deed of Settlement 2011 • Te Akitai Waiohū Deed of Settlement 2021 <i>Statutory acknowledgements</i> The Treaty settlements identified above contain a number of statutory acknowledgements. It is not clear from the application whether these statutory acknowledgements covers or are adjacent to the project site or is directly impacted by the proposed project however officials have confirmed that Te Kawerau a Maki have a statutory acknowledgement OTS-106-11 over the Kumeu River and Tributaries the indicative project footprint lies within the acknowledgement area.

¹³¹ STRATEGIC PRIORITIES - NGATI PAOAIWI

¹³² Appendix-23E-Te-Kawerau-a-Maki-Iwi-Management-Plan.pdf (epa.govt.nz)

¹³³ Ngaati-Whanaunga-Strategic-Management-Plan.PDF (epa.govt.nz)

¹³⁴ NTKT Take Taiaomaurikura 2022.pdf (cdn-website.com)

¹³⁵ Planning Committee meeting held on 7/08/2018 - Item 8 Lodgement of iwi management plan for Ngāti Whātua Ōrākei - Attachment Ngāti Whātua Ōrākei iwi management plan - Te Pou o te Kāhu Pōkere (knowledgeauckland.org.nz)

¹³⁶ Ngaati-Whanaunga-Strategic-Management-Plan.PDF (epa.govt.nz)

FTA#204 SH16 North-West Alternative State Highway (ASH) Project	
	Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. [The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities within the project area under the Heritage New Zealand Pouhere Taonga Act 2014.] An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). 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. <u>Mana Whakahono ā Rohe</u> Ngāi Tai ki Tamaki have a Manawhakahono ā rohe under negotiation with the Auckland Council.¹³⁷ Mana Whakahono ā Rohe agreements are designed to assist tangata whenua and local authorities to discuss, agree and record how they will work together under the Resource Management Act (RMA). This includes agreeing how groups will be involved in decision making processes. While the mana whakahono ā rohe is not currently operative if the status changes through the fast track process then this would need to be considered. <u>Iwi Environment Management plans</u> Note the comments above in relation to iwi management plans. <u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u> There are groups still working through their Treaty settlement processes including Ngāti Te Ata. It will be important that their interests are considered in more detail if the project progresses through the fast-track process, but in the time available there are no impacts noted. <u>Other matters</u> In the time available, officials have not identified any other impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), Wildlife Act 1953, Conservation Act 1987, Reserves Act 1977, collective redress, Joint Management Agreements outside of settlement or Joint Settlement Entities.
Is the project considered low, medium or high impact (based on assessment criteria above)	From the information available we consider this project is likely to be of medium-high impact. This is due to the large number of interests in the project area, uncertainty of the project footprint, lack of consultation, potential impact on significant areas or sites, effects on groups negotiating Treaty settlements and the potential effect of the listing on a statutory acknowledgement affecting the Kumeu River and catchment. As the project is the subject of an application for a Notice of Requirement under the RMA we expect engagement and consultation has likely already taken place with the iwi and hapū groups the applicant identified above but have not been provided with any summary or detail to that effect.
Has the Ministry for the Environment undertaken engagement?	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.
Additional comments/context	N/A

¹³⁷ Mana Whakahono ā Rohe: Iwi participation arrangements | Ministry for the Environment

Appendix 3: Approach and considerations for Treaty settlement advice on listed project applications advice in Appendix 2

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.