Ineligible Activities under the FTAA

Ineligible Activity Definition (with reference to Section 5 of the FTAA)	Consideration under Proposed Application (required by Section 43(c) of the FTAA)
(1)(a) an activity that— (i) would occur on identified Māori land; and (ii) has not been agreed to in writing by the owners of the land or been subject to a determination under section 23:	N/A – proposal is not occurring on identified Māori land. See records of title in **Appendix 1**.
(1)(b) an activity that— (i) would occur in a customary marine title area; and (ii) has not been agreed to in writing by the customary marine title group:	N/A – proposal is not occurring within customary marine title area. Refer Section 9.8 of the Substantive Project Assessment
(1)(c) an activity that— (i) would occur in a protected customary rights area; and (ii) would have a more than minor adverse effect on the exercise of the protected customary right; and (iii) has not been agreed to in writing by the protected customary rights group	N/A – proposal is not occurring in a protected customary rights area. Refer Section 10.15 of the Substantive Project Assessment
(1)(d) an activity that would occur on either of the following classes of land: (i) Māori customary land: (ii) land set apart as a Māori reservation as defined in section 4 of Te Ture Whenua Maori Act 1993:	N/A – proposal is not occurring on Māori customary land or land set apart as a Māori reservation. See records of title in **Appendix 1**
(1)(e) an aquaculture activity or an activity that is incompatible with aquaculture activities— (i) that would occur within an aquaculture settlement area declared under section 12 of the Maori Commercial Aquaculture Claims Settlement Act 2004 or an area reserved under another Treaty settlement for the aquaculture activities of a particular group; and (ii) for which the applicant who is proposed to hold an approval described in section 42(4)(a) (resource consent) is not authorised to apply for a coastal permit under the Resource Management Act 1991:	N/A – proposal is not for an aquaculture activity.
(1)(f) an activity— (i) that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991; and (ii) that— (A) could not be granted an access arrangement because of section 61(1A) of that Act; or (B) would occur in an area for which a permit cannot be granted under that Act:	N/A – proposal does not require access arrangement under section 61 or 61B of the Crown Minerals Act 1991.
(1)(g) an activity that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991:	N/A – proposal is not related to occupation of common marine and coastal area.

(1)(h) an activity (other than an activity that would require an access arrangement under the Crown Minerals Act 1991) that— (i) would occur on land that is listed in Schedule 4; and (ii) has not been subject to a determination under section 24:	N/A – proposal is not located on land listed in Schedule 4 of the FTAA. See records of title in Appendix 1.
(1)(i) an activity that— (i) would occur on a national reserve held under the Reserves Act 1977; and (ii) requires approval under that Act; and (iii) has not been subject to a determination under section 24:	N/A – proposal is not occurring on a national reserve held under the Reserves Act 1977. See records of title in Appendix 1.
(1)(j) an activity that— (i) would occur on a reserve held under the Reserves Act 1977 that is vested in someone other than the Crown or a local authority; and (ii) has not been agreed to in writing by the person or persons in whom the reserve is vested:	N/A – proposal is not occurring on a reserve held under the Reserves Act 1977. See records of title in Appendix 1.
(1)(k) an activity that— (i) would occur on a reserve held under the Reserves Act 1977 that is managed by someone other than the Department of Conservation or a local authority; and (ii) has not been agreed to in writing by the person or persons responsible for managing it:	N/A – proposal is not occurring on a reserve held under the Reserves Act 1977. See records of title in Appendix 1.
(1)(l) an activity that is— (i) a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act; or (ii) an activity that is described in section 15B of the Resource Management Act 1991 and is a prohibited activity under that Act or regulations made under it; or (iii) an activity that is prohibited by section 15C of the Resource Management Act 1991:	N/A – proposal is not for a prohibited activity as described under section 37 of the Exclusive Economic Zone and Continental Shelf Act 2012. Proposal is not for an activity related to ships or offshore installations under s15B of the RMA. Proposal is not for activity related to radioactive waste under s15C of the RMA.
(1)(m) a decommissioning-related activity (which is an activity described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012):	N/A – proposal is not for a decommissioning-related activity associated with a marine consent.
(1)(n) an activity undertaken for the purposes of an offshore renewable energy project.	N/A – proposal is not for an offshore renewable energy project.