

Jacob Paget

From: Neil Deans S 9(2)(a)
Sent: Wednesday, 26 June 2024 12:20 pm
To: Listed Projects
Cc: John Galilee; Meredith Lawry; Rebecca Rush; Fiona McKenzie
Subject: FW: [IN-CONFIDENCE]Feedback on FTA#281 - Ara Weiti Village Development requested

Kia ora

Please find following a summary email from DOC in response to the above application.

Although public conservation land is adjacent, the project area does not include such land. Accordingly we are not aware of grounds for ineligibility for Fast Track consideration on that basis.

Wildlife approvals may be required and relevant Treaty settlements summarised below. Note that there have been some compliance concerns with earlier consents from the applicant.

Regards

Neil Deans

Advisor – RM Reform

Department of Conservation—*Te Papa Atawhai*

S 9(2)(a)

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From: John Galilee S 9(2)(a)
Sent: Wednesday, June 26, 2024 11:56 AM
To: Neil Deans S 9(2)(a)
Cc: Alex Rogers S 9(2)(a); Meredith Lawry S 9(2)(a) Rebecca Rush
S 9(2)(a); Fiona McKenzie S 9(2)(a) >
Subject: RE: [IN-CONFIDENCE]Feedback on FTA#281 - Ara Weiti Village Development requested

Kia ora Neil -

Please find below responses to your questions as compiled by our District community ranger and reviewed by me.

1. This development is the second and third stages of the Weiti Subdivision. The wider area of land adjoins the Okura Bush Scenic Reserve along its southern boundary (the reserve and track through it is currently closed due to extensive track damage, kauri dieback with track mitigation works undertaken but not to a commonly agreed standard, and a rāhui declared by mana whenua). The eastern boundary of the wider area adjoins the Long Bay-Okura Marine Reserve, which also lies within the Hauraki Gulf Marine Park. There is no PCL within the project area.

2. It is understood that the majority of the wider property is in pine and exotic weeds, but there are pockets of native vegetation and a lot of replanting has been done associated with the first stage of the development. To the north of the site ornate skinks have been recorded and there is record of a threatened plant (other than kauri) within the Okura Bush Scenic Reserve. Dotterels and other shorebirds are known to frequent the coastline. Over the past 20 years we have been involved in some of the RMA processes associated with this site.
3. From the DOCGIS Treaty Settlement Layer:
- Te Kawerau a Maki have Cultural Redress through their Area of Interest, Statutory Acknowledgement – Coastal, Right of First Refusal
 - Ngāti Manuhiri have Statutory Acknowledgement – Coastal and a Protocol Area
 - Ngāti Tamaoho have a Protocol Area (relationship agreement)
 - Ngāi Tai ki Tāmaki have a Protocol area (relationship agreement)
 - Other independent iwi entities that have an association with this site through their rohe include;
 - Ngāti Maru
 - Ngāti Paoa
 - Ngāti Tamaterā
 - Ngāti Te Ata
 - Ngāti Whanaunga
 - Te Ākitai Waiohua
4. Issues have been raised by the public and community groups such as Friends of Okura Bush and Keep Okura Green about perceived compliance issues with the development of Weiti Village Stage 1, which is the development area closest to the Karepiro Bay coastline. As an example see <https://okurabush.org.nz/wp-content/uploads/weiti-case-study-july-2017.pdf>. Auckland Council's consents monitoring and compliance teams have been involved but did not find that the developer was in substantial breach. The community groups have broadened their questioning of Auckland Council's monitoring and compliance of sediment discharge from bare earth sites to a number of development sites across the North Shore and the city. They brought their concerns to the Hauraki Gulf Forum, which commissioned advice from Auckland Council and sought greater resourcing of monitoring and compliance by the Council. Community groups have also questioned the interaction between the Marine Reserves Act and the RMA, in relation to allowing contaminants such as sediment to discharge into a marine reserve.

JG

John Galilee
Statutory Manager | Pou Ture Whenua
s 9(2)(a)

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From: Neil Deans s 9(2)(a) >
Sent: Friday, June 21, 2024 2:47 PM
To: John Galilee s 9(2)(a)
Cc: Alex Rogers s 9(2)(a) Meredith Lawry s 9(2)(a)
Subject: FW: [IN-CONFIDENCE]Feedback on FTA#281 - Ara Weiti Village Development requested

Kia ora e John

Yet another new one for you; this one is an urban development between Long Bay and Stillwater. We have been asked to provide more fulsome background in our covering emails, as below, but are essentially asking for the same information.

Please confirm receipt and provide a response by **noon on 26 June**. If this timeframe is a problem, please contact me to arrange for an extension.

MFE has asked DOC to assist with ineligibility checks for projects being considered by the Advisory Group for potential listing in the Fast-Track Approvals Bill. At this stage, projects are just being tested against narrow “ineligibility” criteria. If projects are not ineligible and so are listed in the Bill, they will still be assessed on their merits at a later stage—then we can advise on any concerns we have with the project.

Information about the project is **attached**. This is only “preliminary” information provided by the applicant designed just to address the ineligibility test; the applicant will need to supply more details at a later stage in the process.

Please note that this information is **confidential** and must not be discussed outside of DOC. This means we cannot engage with our Treaty partners at this stage.

For now, we need advice from you on these three limited questions:

1. What classifications of PCL&W may be affected by this project, and is there any specific local context about this PCL or the project that the Advisory Group should know? If you are uncertain about whether something might be relevant, please get in touch.
2. What conservation approvals may be required for this project?
3. What Treaty settlements are relevant to this area, and are there any conservation-related obligations in these settlements specific to the site impacted by the applications or specific to the sorts of activity proposed? Again, is there any local context about iwi interest in these areas or this project that the Advisory Group should know?
4. Do you know of any history of compliance issues with the applicant regarding conservation approvals?

We will be passing this information to MFE for them to include in advice to the Advisory Group that is deciding whether these projects are listed. Any information you provide that isn't just answering the above questions goes beyond what MFE have asked for and will not be delivered to that Advisory Group. You'll get a chance to comment on the merits of this and other fast-track projects when the time comes (though timeframes are expected to be tight). Any additional information you have will be useful for this later work, but please don't send it through just yet because we can't do anything useful with it at this stage.

We appreciate that some projects associated with this Bill are of concern to our Treaty partners. When communicating the answers to those questions above back to MFE, we will be clearly setting out that we are not able to speak for iwi, and that our inability to engage with them due to the confidentiality requirements of this process is a concern. Decision makers under the fast-track legislation are required to act consistently with Treaty settlement obligations. When we provide comments or otherwise advise decision-makers at later stages, we will still be using section 4 to guide our involvement and engagement as much as possible. If you would rather not be involved at all to avoid jeopardising your relationships with Treaty partners, we are happy to answer these questions to the best of our ability and then work with you later, at the “substantive application” stage.

Please provide this information by [due date]. We recognise these timeframes set by MFE are difficult, but there is no scope for extensions. If you have any questions or would like to discuss anything to do with this process, please feel free to contact me at S 9(2)(a) or you can talk to Malcolm from DOC's legal team at S 9(2)(a) or on S 9(2)(a).

Regards

Neil Deans

Advisor – RM Reform

Department of Conservation—*Te Papa Atawhai*

s 9(2)(a)

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Tākina te hī, tiakina te hā, o te ao tūroa

From: Listed Projects <ListedProjects@mfe.govt.nz>

Sent: Friday, June 21, 2024 1:33 PM

Subject: [IN-CONFIDENCE]Feedback on FTA#281 - Ara Weiti Village Development requested

Kia ora

This listed project application is for FTA#281 - Ara Weiti Village Development

The project has triggered your criteria for consultation.

Could you please provide comment on:

- whether the project requires any other related approvals from your agency
- if you are aware of anything that would render the project ineligible under clause 18 of the Bill
- if you are aware of any Treaty settlement matters which relate to the project site – such as local protocols
- any other relevant matter?

If possible, could you please provide your feedback by COB 26 June 2024. We understand you have a large number of assessments to get through do keep in touch if you need extra time with any specific application.

Please let me know if there is anything I can do to assist.

Ngā mihi nui

MfE Listed Projects team

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