

From: Chris Garton s 9(2)(a)
Sent: Friday, 7 June 2024 10:52 am
To: Listed Projects
Cc: Stephanie McNicholl; Anna Galvin; Callum McCallum; Shayne Elstob; Fraser McCallum; s 9(2)(a)
Subject: RE: [COMMERCIAL]Questions regarding the Mangawhai-Pākiri Embayment Sand Extraction project
Attachments: McCallum Bros Limited v Auckland Council NOE(1) 17-31 July.pdf; MBL Statement of Evidence - Antony Thompson - Cultural Final.pdf

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Mōrena Steph

Thanks for your email.

In answer to your questions:

1.
 - a) There has not been consultation with MACA applicants since 2020 with specific regard to this application under the Bill, but the applicant will attempt to engage with all the listed MACA applicants in advance of lodging a full application for the project.
 - b) There has not been consultation with the local authorities with specific regard to this application under the Bill, but the applicant will do this in advance of lodging a full application for the project.

We had not started consultation on this application with many of the parties because we had been waiting on a decision from the Environment Court. A favourable decision to grant consent would not have led us to apply under the fast-track legislation. The Environment Court's decision was delivered on the 11th of April 2024. There was not sufficient time between the 11th and the due date of this application for meaningful consultation.

c) The applicant has been actively and regularly engaging with Ōmaha Marae who are the ahi kā for the application area of interest and Te Uri o Hau who is one of the two hapū with Kaitiaki responsibilities over the application area. This engagement has taken many forms from meetings with the board of Te Uri o Hau, a meeting and discussions with the Community Liaison Group for the existing Temporary Offshore Consent, and taking members of Ōmaha Marae on sand extraction voyages aboard the vessel the William Fraser. Our engagement has led us to change the parameters of the application such as undertaking sand extraction at night, a reduction in the lighting on the vessel while present in the embayment, a reduction in the proposed application area, proposed maximum extraction, contributions to local conservation work, and led to changes in other conditions of consent. Consultation is ongoing and we would welcome the opportunity to have cultural relationship agreements with these parties so that other cultural factors can be fully taken into account.

2.
 - a) The project or any part of it will not be inconsistent with a relevant Treaty settlement. Although Te Uri o Hau Kaitiakitanga o Te Taiao (2011) does specify a preference for land-based sand extraction, Antony Thompson (Chair of the Te Uri o Hau Settlement Trust at that time) gave evidence at the 2023 Environment Court hearing for McCallum Bros. Ltd vs Auckland Council and stated that Te Uri o Hau was supportive of the application (see the attached statement of evidence). Upon careful consideration of the specialist expert advice provided by McCallum Bros Ltd, Te Uri o Hau had decided that the ecological effects of the sand extraction were less

than minor and the cultural effects could be mitigated via a cultural agreement. In presenting his evidence to the Environment Court, Antony Thompson said that the Trustees of the hapū, post guidance from their Environmental group "Environs Ltd", the hapū had agreed that they would support the application pending their involvement in the monitoring of an approved application. The Te Uri o Hau Board also agreed that their management plan needed updating to reflect their updated views on offshore sand extraction (transcript pages 894, 911 – 913 (see the attached transcript)).

Thanks again, and please feel free to email me if you have any more questions.

Ngā mihi | Regards



CHRIS GARTON
ENVIRONMENTAL MANAGER

s 9(2)(a)

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

Sent: Thursday, June 6, 2024 11:05 AM

To: Chris Garton s 9(2)(a)

Cc: Stephanie McNicholl s 9(2)(a) Anna Galvin s 9(2)(a)

Subject: [COMMERCIAL]Questions regarding the Mangawhai-Pākiri Embayment Sand Extraction project

Importance: High

Mōrena Christopher

Thank you for your application requesting inclusion of the Mangawhai-Pākiri Embayment Sand Extraction project in Schedule 2A of the Fast-track Approvals Bill (the Bill).

I have reviewed this application and have some questions that I am forwarding to you as the address for service contact.

Could you please respond by **reply email**, providing the following:

1. Regarding complying with clauses 14(3)(h) and (i), and 16 of the Bill
 - a. has there been any consultation with MACA applicants since 2020 with specific regard to this application under the Bill?
 - b. has there been any consultation the local authorities with specific regard to this application under the Bill?
 - c. apart from referring to an ongoing relationship and monitoring, the application does not appear to have a statement explaining how the record of engagement (Attachment 5) including the above, has informed the project.
2. Regarding clause 21(2)(a) and Attachment 8 of the application, reference is made to Te Uri o Hau Kaitiakitanga o Te Taiao (2011), specifically that the proposal is contrary to the objective - that all future sand extraction is land-based.
 - a. will this make the project or any part of it inconsistent with a relevant Treaty settlement?

Please provide your response by 11.10 am tomorrow **Friday 7 June 2024** at the latest.

Ngā mihi
Steph

Stephanie McNicholl ([she/her](#))

Ngāpuhi, Ngāi Te Rangi, Ngāti Ranginui

Senior Policy Analyst | Kaitātari Kaupapa Here Matua

MfE Listed Projects

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