

Jacob Paget

From: Meredith Lawry s 9(2)(a)
Sent: Thursday, 6 June 2024 11:47 am
To: Listed Projects
Cc: Neil Deans [EXTERNAL] (DOC)
Subject: FW: [IN-CONFIDENCE]Feedback on FTA200 - Mangawhai/Pākiri Embayment Sand Extraction Project

Kia ora,

We do not know of a reason why this project is ineligible. There is no PCL or marine reserves within the project area, although there are areas of PCL along the nearby coastline and it is not far north of the Cape Rodney-Okakari Point Marine Reserve.

We have identified the following potential issues affecting wildlife:

- Tara iti/NZ fairy tern is in the highest threat status “nationally critical” and the population is less than 35 adults, and 9 breeding females. This is due to the loss of most of their breeding habitat and the substantial threats they face from storms and the tide, mammalian predators and many other environmental and biological factors. The sand system between Pākiri and Mangawhai are the key location for tara iti breeding now and in the past six decades. Tara iti must nest on open shell and sand, close to live small-fish food resources to breed successfully. They protect nests and foraging sites within estuaries close to these sites, and forage at sea. It has been recognised in previous Environment Court processes that sandmining in the Mangawhai-Pākiri embayment has an impact on coastal dune systems. Any loss of tara iti breeding sites due to erosion will be cumulative upon other stressors faced by the population and could significantly compound the difficulties faced in increasing the size of the tara iti population and may result in extinction of the species.
- There is uncertainty around the effect of the sandmining proposal on finfish and marine food webs to adequately address the potential for more than minor adverse impacts on tara iti and other bird species, as well as the impact on marine mammal species within the Mangawhai-Pākiri embayment.

The following Treaty settlement redress matters are in the project area:

- Ngāti Manuhiri have a Conservation Protocol Area, Right of First Refusal, Statutory Acknowledgement.
- Ngāti Manuhiri have in the wider vicinity a Whenua Rahui (Cape Rodney-Okakari Point Marine Reserve), and cultural redress consisting of two covenants and land returned in fee simple, all near the Pakiri river mouth.
- Ngai Tai ki Tāmaki have a Conservation Protocol Area and a Statutory Acknowledgement.
- Te Kawerau a Maki have a Statutory Acknowledgement and cultural redress by way of an “area of Interest”.

Other iwi with interests in this area include:

- Ngātiwai
- Te Uri o Hau

Thanks,
Meredith

From: John Galilee s 9(2)(a)
Sent: Thursday, June 6, 2024 11:39 AM
To: Meredith Lawry s 9(2)(a)
Cc: Neil Deans s 9(2)(a) Alex Rogers s 9(2)(a) Rebecca Rush s 9(2)(a)

Kia ora Meredith –

We have gathered together the information you were seeking as follows:

We need to know whether any PCL which is out of scope of Fast Track is in the project area, such as National Park, Wildlife or Forest Sanctuary, Nature or National Reserve, or Ramsar site.

There is no PCL within the project area. The project area is entirely within the coastal marine area.

It does lie within the Hauraki Gulf Marine Park, although that does not make it ineligible. [I assume that the Fast-track Approvals Bill/Act will not be brought within scope of section 13 of the HGMP Act. Is my assumption correct?]

As wider context there are areas of PCL along the nearby coastline and is not far north of the Cape Rodney-Okakari Point Marine Reserve.

It is also helpful to know if there are other potential issues affecting wildlife for which approvals will be required under this application, although those may not be grounds for ineligibility ie. any DOC-related approvals that would be needed (they have already indicated the need for Wildlife Act and Conservation Act approvals).

We have identified the following potential issues affecting wildlife.

- Tara iti/NZ fairy tern is in the highest threat status “nationally critical” and the population is less than 35 adults, and 9 breeding females. This is due to the loss of most of their breeding habitat and the substantial threats they face from storms and the tide, mammalian predators and many other environmental and biological factors. The sand system between Pākiri and Mangawhai are the key location for tara iti breeding now and in the past six decades. Tara iti must nest on open shell and sand, close to live small-fish food resources to breed successfully. They protect nests and foraging sites within estuaries close to these sites, and forage at sea. It has been recognised in previous Environment Court processes that sandmining in the Mangawhai-Pākiri embayment has an impact on coastal dune systems. Any loss of tara iti breeding sites due to erosion will be cumulative upon other stressors faced by the population and could significantly compound the difficulties faced in increasing the size of the tara iti population and may result in extinction of the species.
- There is uncertainty around the effect of the sandmining proposal on finfish and marine food webs to adequately address the potential for more than minor adverse impacts on tara iti and other bird species, as well as the impact on marine mammal species within the Mangawhai-Pākiri embayment.

Secondly, please advise if there are any Treaty settlements relevant to the project site. We don’t need to contact the Treaty partner (due to confidentiality) but do need to advise our colleagues at MfE running the eligibility assessment if this is a potential risk for eligibility and upholding Treaty settlements.

There are no areas of PCL that have been returned to iwi as Treaty settlement redress within the project area.

As broader context the DOCGIS Treaty layer identifies the following Treaty settlement redress that includes the project area:

- Ngāti Manuhiri have a Conservation Protocol Area, Right of First Refusal, Statutory Acknowledgement.
- Ngāti Manuhiri have in the wider vicinity a Whenua Rahui (Cape Rodney-Okakari Point Marine Reserve), and cultural redress consisting of two covenants and land returned in fee simple, all near the Pakiri river mouth.
- Ngai Tai ki Tāmaki have a Conservation Protocol Area and a Statutory Acknowledgement.

- Te Kawerau a Maki have a Statutory Acknowledgement and cultural redress by way of an “area of Interest”.

Other iwi with interests in this area include:

- Ngātiwai
- Te Uri o Hau

Please come back to me if you require anything further.

JG

John Galilee

Statutory Manager | Pou Ture Whenua
Auckland | Tāmaki Makaurau Office

s 9(2)(a)

www.doc.govt.nz



Department of
Conservation
Te Papa Atawhai

From: Meredith Lawry s 9(2)(a)

Sent: Tuesday, June 4, 2024 9:55 AM

To: John Galilee s 9(2)(a)

Cc: Neil Deans s 9(2)(a); Alex Rogers s 9(2)(a)

Subject: FW: [IN-CONFIDENCE]Feedback on FTA200 - Mangawhai/Pākiri Embayment Sand Extraction Project

Kia ora John,

As Phelan flagged this looks like one for your team – are you able to review and provide feedback on any eligibility issues as below by midday Thursday 6 June?

Thank you,
Meredith

From: Meredith Lawry

Sent: Tuesday, June 4, 2024 8:47 AM

To: Phelan Pirrie s 9(2)(a)

Cc: Neil Deans s 9(2)(a); Sue Reed-Thomas s 9(2)(a)

Subject: FW: [IN-CONFIDENCE]Feedback on FTA200 - Mangawhai/Pākiri Embayment Sand Extraction Project

Mōrena Phelan,

As below and attached we have received another request for a fast-track eligibility review.

Would your team please be able to review this and provide advice about any DOC-related approvals, any grounds for ineligibility under the Fast-Track Bill, or any relevant Treaty settlement matters which relate to the project site?

It would be amazing if this could be provided by midday Thursday 6 June if at all possible?

Thank you,
Meredith

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

Sent: Friday, May 31, 2024 5:51 PM

To: Neil Deans <s 9(2)(a)> Meredith Lawry <s 9(2)(a)>

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

Subject: [IN-CONFIDENCE]Feedback on FTA200 - Mangawhai/Pākiri Embayment Sand Extraction Project

Kia ora Neil and Meredith

This listed project application is for FTA200 - Mangawhai/Pākiri Embayment Sand Extraction Project.

The application is for sand extraction within the coastal marine area. There have been previous applications through a standard resource consent process.

The application refers to benthic species and marine mammals “likely to be transient in the extraction area”.

Could you please provide comment on:

- whether the project requires any DoC-related approvals
- 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 **6 June 2024**.

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

Ngā mihi
Steph

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

Ngāpuhi, Ngāi Te Rangi, Ngāti Ranginui

Senior Policy Analyst | Kaitātari Kaupapa Here Matua

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