

Jacob Paget

From: Neil Deans S 9(2)(a)
Sent: Monday, 24 June 2024 10:14 am
To: Listed Projects
Cc: Meredith Lawry; Andrew Styche; Ritesh Chandra; Jane Wheeler
Subject: FW: [IN-CONFIDENCE]Feedback on FTA#226- Pokeno Housing and Tourism Project requested

Kia ora

Please find DOC feedback in the following email.

In summary, there is public conservation land adjacent to the proposed area, in the form of marginal strip adjacent to the Waikato River. We are not aware of any reason for the project to be ineligible for Fast Track consideration.

Wildlife and possibly freshwater fishery approvals may be required.

The relevant Treaty settlement pertains to the Waikato River, as advised below.

Note the reference to the history of a previous application at this site.

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: Andrew Styche S 9(2)(a)
Sent: Monday, June 24, 2024 10:02 AM
To: Jane Wheeler S 9(2)(a)
Cc: Carisse Enderwick S 9(2)(a) Dion Patterson S 9(2)(a) Neil Deans
S 9(2)(a) Paul Hardy S 9(2)(a)
Subject: RE: [IN-CONFIDENCE]Feedback on FTA#226- Pokeno Housing and Tourism Project requested

Comments on the Pokeno Housing and Tourism Project Fast Track application FTA#226

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.
 - The project area abuts Marginal Strip – Te Toki on the Waikato River boundary.
2. What conservation approvals may be required for this project?

- Wildlife Act 1953 approvals will be required.
 - i. There is significant indigenous vegetation remaining on the property that will be significant natural area/s. The Department has not been provided records of surveys for native species on the property. However, based on the scale of vegetation remaining, indigenous skinks and geckos are likely to be present.
 - ii. Long-tailed bats have been recorded on properties adjoining this property, so should be considered present.
 - No fish surveys have been conducted on the site, so there are no records of native fish. However, adjoining this property there are records of black mudfish (At Risk – Declining). Due to the proximity to the Waikato River, any waterway on the property is expected to have long-finned eels (At Risk – Declining), inanga (At Risk – Declining), giant kokopu (At Risk – Declining) and other species found in the river.
 - There are several known historic sites on or adjoining and overlapping the project area. The known list includes pa sites (R12/736), pits (R12/1119), stone piles (R12/735) and postholes (R12/752).
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?
- The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 is relevant to this location. This Treaty Settlement requires the applicant to meet the vision and strategy for the Waikato River.
4. Do you know of any history of compliance issues with the applicant regarding conservation approvals?
- The Department has dealt with the Director of the company that owns the land, Yes Investment NZ Limited, previously New Zealand Health Food Park Limited, acting as Tata Valley Limited (TVL). The company applying for the fast track is different to the landowning company.
 - TVL (or Tata Valley Developments Limited) applied for an easement/concession for a breastwork and boat ramp on Marginal Strip – Te Toki, fronting land owned by New Zealand Health Food Park Limited. This was part of a tourism development for the Americas Cup. The intent was to meet tourists at Auckland, conveying them to Mercer to take a boat to the property, where they would stay in motels (yet to be built) and shop for cosmetics/health food at a tourist centre (yet to be built). The concession application was cancelled/declined by the Department due to failure by the applicant to respond to requests for information. Waikato-Tainui opposed the application for the stated reason that the impacts on the Waikato River would be unacceptable.

Andrew Styche

Senior Ranger, Community

Department of Conservation, S 9(2)(a)

From: Jane Wheeler S 9(2)(a)

Sent: Friday, June 21, 2024 2:31 PM

To: Andrew Styche S 9(2)(a)

Cc: Carisse Enderwick S 9(2)(a) Dion Patterson S 9(2)(a)

Subject: FW: [IN-CONFIDENCE]Feedback on FTA#226- Pokeno Housing and Tourism Project requested

Another one due on Wednesday, Andrew.

I have cc'd in Dion in case you need support,

Ngā mihi

Jane

From: Neil Deans S 9(2)(a)
Sent: Friday, June 21, 2024 1:50 PM
To: Ritesh Chandra S 9(2)(a); Jane Wheeler S 9(2)(a)
Cc: Tinaka Mearns S 9(2)(a); Meredith Lawry S 9(2)(a)
Subject: FW: [IN-CONFIDENCE]Feedback on FTA#226- Pokeno Housing and Tourism Project requested

Kia ora Ritesh and Jane

As advised by text to Ritesh, yet another new Fast Track application for you; this one is an urban development at Pokeno. We have been asked to provide more fulsome background in our covering emails, as below, but are essentially asking for the same information.

Please 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 1:04 PM

Subject: [IN-CONFIDENCE]Feedback on FTA#226- Pokeno Housing and Tourism Project requested

Kia ora

This listed project application is for FTA#226- Pokeno Housing and Tourism Project

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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