

## Jacob Paget

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**From:** Neil Deans s 9(2)(a)  
**Sent:** Friday, 21 June 2024 4:03 pm  
**To:** Listed Projects  
**Cc:** Meredith Lawry; Ritesh Chandra; Jane Wheeler; Andrew Styche  
**Subject:** FW: [IN-CONFIDENCE]Feedback on FTA#248 - Rotokauri North requested

Hello

Please find feedback in the following email regarding eligibility of this Fast Track application.

We are not aware that there is any public conservation land affected by the proposal. On that basis, we are not aware any grounds for its ineligibility.

We are aware of certain wildlife and freshwater fish species in the vicinity, which may require appropriate approvals. We are also aware that some wildlife requirements have not previously been fully complied with, as advised below.

We advise of relevant Treaty settlements, but are not aware of any specific Treaty issues on the basis of the information provided.

Regards

Neil Deans

**Advisor – RM Reform**

Department of Conservation—*Te Papa Atawhai*

s 9(2)(a)

s 9(2)(a)

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**From:** Andrew Styche s 9(2)(a)  
**Sent:** Friday, June 21, 2024 3:49 PM  
**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)  
**Subject:** RE: [IN-CONFIDENCE]Feedback on FTA#248 - Rotokauri North requested

Comments on the Rotokauri North Fast Track application FTA#248

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.
  - No public conservation land is directly affected by this project.

2. What conservation approvals may be required for this project?
  - Wildlife Act 1953 approvals exist for this development. Copper skinks are present in significant numbers. The applicant has sought and received a variation to the original permission (that was obtained by the previous owner of this development). More variations may be required.
  - Long-tailed bats have not been recorded on the affected land.
  - Black mudfish (At Risk – Declining) and long-finned eels (At Risk – Declining) are present in the catchment that runs through this property and so are likely to be present at this location. Short-finned eels, and unidentified galaxiids and native bullies have also been recorded in this catchment. Some of these species are At Risk.
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?
  - As stated, variations were obtained for a wildlife act permission to salvage and kill protected wildlife (copper skinks) on this property. There have been compliance issues with this developer, who has failed to meet the requirements of its Lizard Management Plan, a requirement of Hamilton City Council. Required protection of copper skinks, a requirement of the LMP and wildlife act permit have not been adequately met.
  - Hamilton City Council has approvals for an integrated stormwater management plan for developments in Rotokauri Structure Plan area. Rotokauri North is part of this structure area but is being progressed in advance of this planned work.

**Andrew Styche**

Senior Ranger, Community

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

s 9(2)(a)

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**From:** Jane Wheeler s 9(2)(a)

**Sent:** Friday, June 21, 2024 2:30 PM

**To:** Dion Patterson s 9(2)(a)

**Cc:** Andrew Styche s 9(2)(a) Carisse Enderwick s 9(2)(a)

**Subject:** FW: [IN-CONFIDENCE]Feedback on FTA#248 - Rotokauri North requested

Kia ora Dion,

We are receiving several of these Fast Track eligibility requests.

Andrew has been dealing with them all.

I wonder if this one could be within your field of experience ... and if you have time to respond to this one by Wednesday.

They have a fast turnaround,

Please let me know if there are any issues with you responding,

Ngā mihi

Jane

Note: I support flexible working and may be sending you this message away from the office or outside normal working hours. Please know I do not expect you to respond outside your working hours.

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**From:** Neil Deans s 9(2)(a)  
**Sent:** Friday, June 21, 2024 2:02 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#248 - Rotokauri North 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 Rotokauri North. 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. I am enquiring with MfE for some leniency on this.

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)

Regards

Neil Deans

**Advisor – RM Reform**

Department of Conservation—*Te Papa Atawhai*

s 9(2)(a)

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**From:** Listed Projects <[ListedProjects@mfe.govt.nz](mailto:ListedProjects@mfe.govt.nz)>

**Sent:** Friday, June 21, 2024 1:08 PM

**Subject:** [IN-CONFIDENCE]Feedback on FTA#248 - Rotokauri North requested

Kia ora

This listed project application is for FTA#248 - Rotokauri North

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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