

## Jacob Paget

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**From:** Meredith Lawry s 9(2)(a)  
**Sent:** Monday, 24 June 2024 9:59 am  
**To:** Listed Projects  
**Cc:** Neil Deans [EXTERNAL] (DOC)  
**Subject:** FW: [IN-CONFIDENCE] Feedback on FTA#219 - Tahimana requested (email 1 of 2)

Mōrena,

Please see below for DOC's notes on this one. We do not know of any reason why it would be ineligible.

Note that this site is within the protocol area for several iwi, and we would recommend engaging with Treaty partners to understand their views.

Thanks,  
Meredith

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**From:** Lionel Solly s 9(2)(a)  
**Sent:** Monday, June 24, 2024 9:55 AM  
**To:** Meredith Lawry s 9(2)(a)  
**Cc:** Martin Rodd s 9(2)(a); Neil Deans s 9(2)(a); Mark Townsend s 9(2)(a); Jo Gould s 9(2)(a)  
**Subject:** RE: [IN-CONFIDENCE] Feedback on FTA#219 - Tahimana requested (email 1 of 2)

Kia ora Meredith

Comments on this one as follows.

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 application site does not include or border any PCL&W administered by DOC, or reserves vested in other parties. The land does adjoin a QEII National Trust covenant, shown below (7.6332 ha, covenant number 5-09-224). The covenant protects riparian and wetland habitats which are otherwise rare in this part of Tasman district. The proposed development could affect the covenant, e.g. through changes in hydrology, sediment run off and drainage of wastewater. Residential development would probably also increase the number of pet animals (particularly cats) in the area, which could adversely affect any native birds or lizards within the covenanted land. On the flip side, sensitive design and habitat restoration along watercourses/drainage channels on the application site could result in a net benefit compared to the existing land use (as discussed in the ecological report provided with the application).



2. What conservation approvals may be required for this project?

Based on current land use (determined from aerial photos), records on our GIS, and the ecological report provided with the application, there is only a low probability of lizards or other protected wildlife being present within the application site; and conservation approvals are not likely to be required.

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 application site is within the ‘protocol area’ or area of interest for the following iwi: Ngāti Apa ki te Rā Tō, Ngāti Kuia, Rangitāne o Wairau, Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui and Ngāti Toa Rangitira. The application notes that a license to occupy is required for the use of Crown land administered by NZTA ( CT600148 (Section 34 Survey Office Plan 440217)), and this land is subject to a Right of First Refusal under the Treaty Settlement Acts for the eight iwi mentioned. The application states that the RFR does not affect NZTA’s ability to grant the license to occupy (it is not a form of “disposal” as defined in subpart 4 of Part 3 of those Acts). There are no other Treaty Settlement obligations over the application land.

4. Do you know of any history of compliance issues with the applicant regarding conservation approvals?

No (as far as I’m aware, the applicant has not had any previous conservation approvals).

Cheers

Lionel

**Lionel Solly**

Senior Ranger, Community | *Kaitiaki Matua, Ao Hāpori*

**Whakatū/Nelson Office**

Monro Building, 186 Bridge Street, Nelson | Private Bag 5, Nelson 7042



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**From:** Meredith Lawry s 9(2)(a)  
**Sent:** Friday, June 21, 2024 3:31 PM  
**To:** Lionel Solly s 9(2)(a)  
**Cc:** Martin Rodd s 9(2)(a) Neil Deans s 9(2)(a)  
**Subject:** FW: [IN-CONFIDENCE] Feedback on FTA#219 - Tahimana requested (email 1 of 2)

Hi Lionel,

This is another one for you I think? Thank you! Due to the large attachments this is email 1 of 2.

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 midday 26 June. We recognise these timeframes set by MFE are difficult, but there is little 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 or you can talk to Malcolm from DOC’s legal team at s 9(2)(a) or on s 9(2)(a)

Thanks,  
Meredith

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**From:** Listed Projects <[ListedProjects@mfe.govt.nz](mailto:ListedProjects@mfe.govt.nz)>  
**Sent:** Friday, June 21, 2024 3:14 PM  
**Subject:** [IN-CONFIDENCE]PART 1:Feedback on FTA#219 - Tahimana requested

Kia ora

This listed project application is for FTA#219 - Tahimana

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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