

Jacob Paget

From: Neil Deans <s 9(2)(a) >
Sent: Wednesday, 3 July 2024 11:46 am
To: Listed Projects
Cc: Meredith Lawry; Andrew Styche; Jane Wheeler; Ritesh Chandra
Subject: FW: FTA184 Te Kowhai East

Kia ora

As there is no public conservation land affected by this project, it is not ineligible for Fast Track consideration on that basis.

As advised below, Wildlife and freshwater fishery approvals may be required.

The relevant Treaty settlement is advised below.

Regards

Neil Deans

Advisor – RM Reform

Department of Conservation—*Te Papa Atawhai*

Level 2, Conservation House, Wellington 6143

s 9(2)(a)

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Conservation leadership for our nature

Tākina te hī, tiakina te hā, o te ao tūroa

From: Andrew Styche <s 9(2)(a) >
Sent: Wednesday, July 3, 2024 11:38 AM
To: Jane Wheeler <s 9(2)(a) >
Cc: Carisse Enderwick <s 9(2)(a) >; Neil Deans <s 9(2)(a) >
Subject: RE: FTA184 Te Kowhai East

Comments on the Te Kowhai East Fast Track application FTA#184

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.
 - a. No public conservation land is directly affected by this project.
2. What conservation approvals may be required for this project?
 - Wildlife Act 1953 approvals may be required.
 - i. Copper skinks may be present. The land is highly modified, but there is still some potential habitat. This species is present in high abundance on the Rotokauri North Limited development immediately to the south. Furthermore, copper skinks moved to a council reserve on the project area boundary or forced to disperse due to land clearance in the Rotokauri North development may have moved onto the project area.

- ii. Long-tailed bats have not been recorded on the affected land. There is a native forest remnant of approximately 1.8ha immediately to the south, that offers potential roost sites that does not appear to have been surveyed. There is little roosting habitat remaining on the project area. However, long-tailed bats have been detected at several nearby locations surrounding the project area (within 2-3km), so can be considered present, but unknown activity.
 - Long-finned eels (At Risk – Declining), inanga (At Risk – Declining) and banded kokopu have been detected in the catchment that runs through this property and so are likely to be present at this location. Short-finned eels and unidentified bullies and galaxiids have also been recorded in this catchment.
 - This site has been part of a long-standing project by developers (and HCC) to grow the industrial area north-west of Te Rapa. Blac mudfish (At Risk – Declining) were identified in drains in the area. DOC was involved in initial discussions about how best to manage the effect of industrialisation on these remnants. The final decision was made without DOC input by WRC and Waikato District Council/Hamilton City Council. Mudfish salvaged from this area were the ones that were deposited into Waiwhakareke/Horseshoe Lake.
 - No historic sites have been identified on the project area.
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?
- a. 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?
- a. Other than consultation over the best method to manage effects on mudfish, the Department has not had dealings with the project lead or property owners.

Andrew Styche

Senior Ranger, Community
Department of Conservation, Waikato District
Phone 027 536 6907

From: Jane Wheeler S 9(2)(a)
Sent: Tuesday, July 2, 2024 6:54 PM
To: Andrew Styche S 9(2)(a)
Cc: Carisse Enderwick S 9(2)(a)
Subject: FW: FTA184 Te Kowhai East

Kia ora Andrew,

One for you!

I note it is due by midday Thursday (4 July) – it came in after we both left work for the day!

Please let me know if you have any issues completing this in time,

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.

From: Meredith Lawry <S 9(2)(a)>
Sent: Tuesday, July 2, 2024 4:40 PM
To: Ritesh Chandra <S 9(2)(a)>; Jane Wheeler <S 9(2)(a)>
Cc: Neil Deans <S 9(2)(a)>; Tinaka Mearns <S 9(2)(a)>
Subject: FTA184 Te Kowhai East

Kia ora kōrua,

This is the last of the batch we have received today – thanks in advance for your help with 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 2pm, 4 July. 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

Meredith Lawry (she/her)
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Phone: s 9(2)(a)

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