

Jacob Paget

From: Neil Deans s 9(2)(a)
Sent: Friday, 14 June 2024 8:29 am
To: Listed Projects; Oliver Sangster
Cc: Anna Galvin; Meredith Lawry; Janine Sidery; Tony Preston; Jo Macpherson
Subject: FW: [IN-CONFIDENCE]FTA146 Ashburton Second Urban Bridge

Kia ora Ollie and Anna

The local team have done a thorough job in summarising issues, as below. Whilst there is no DOC administered land affected, several of the parcels of land are reserves vested in the local authorities.

It does not appear that there are any grounds for this project's ineligibility for consideration under Fast Track.

Some conservation approvals may be required for Wildlife and Freshwater fisheries.

Treaty issues are also summarised in the email below.

Regards

Neil Deans
Advisor – RM Reform
Department of Conservation—*Te Papa Atawhai*
s 9(2)(a)
www.doc.govt.nz

Conservation leadership for our nature
Tākina te hī, tiakina te hā, o te ao tūroa

From: Janine Sidery s 9(2)(a)
Sent: Thursday, June 13, 2024 2:43 PM
To: Neil Deans s 9(2)(a)
Cc: Chris Coulter s 9(2)(a); Tony Preston s 9(2)(a); Jo Macpherson s 9(2)(a)
Subject: FW: [IN-CONFIDENCE]FTA146 Ashburton Second Urban Bridge

Hello Neil

Please find below our response to your questions. Please let us know if you need the information presented in a different way etc.

A big thanks to Chris Coulter for undertaking this assessment.

Thanks
Janine

1. Need to know what, if any, PCL is directly affected by the project and the status of that land, to confirm it is not ineligible for Fast Track consideration.

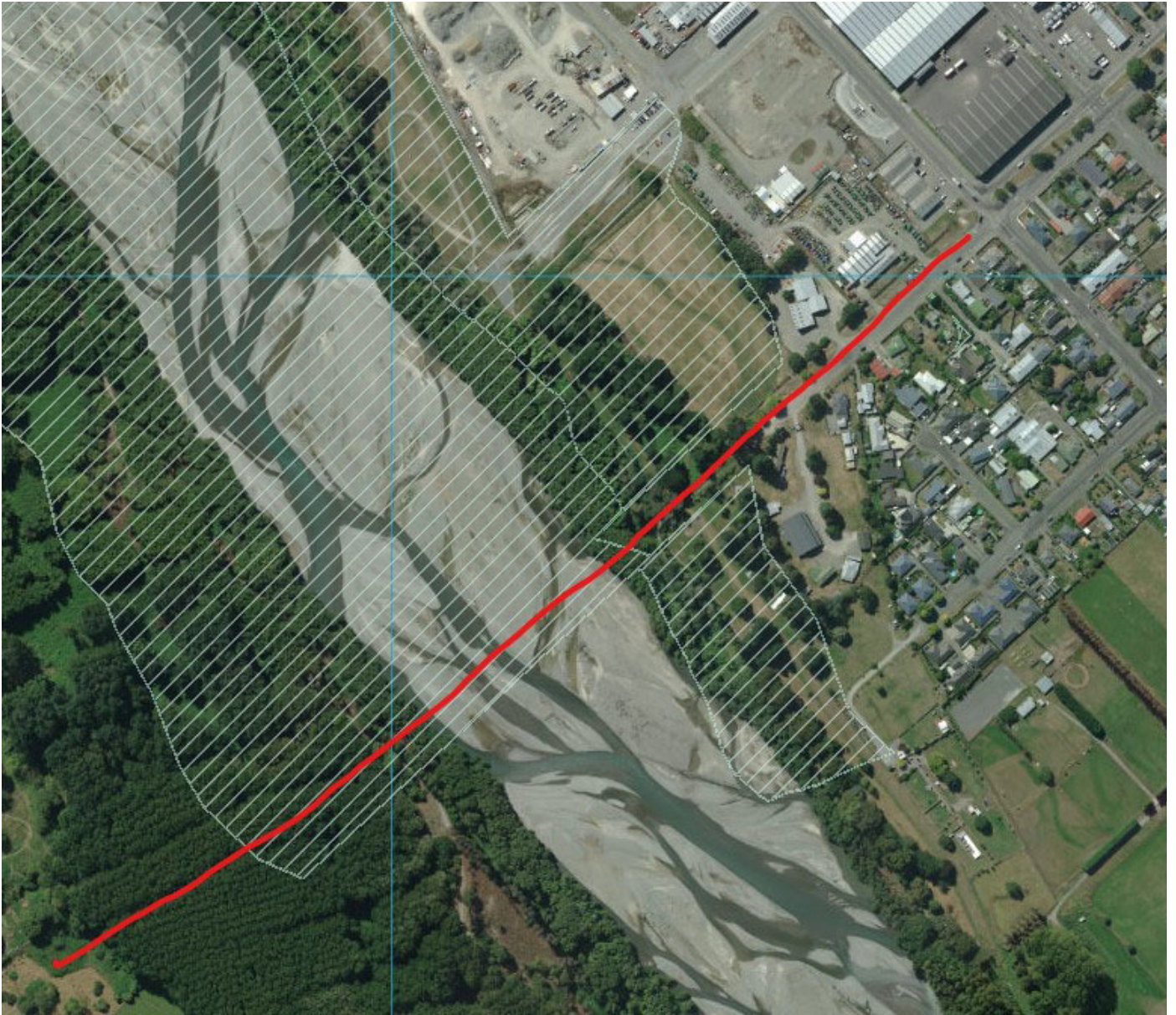
Maps below show the new proposed bridge line and within that general area are 3 parcels of pcl. Individual snip maps of the 3 identified parcels are pasted below. Two of these sites have been vested to Ashburton District Council and one is under Control & Manage to Canterbury Regional Council.

- New Proposed bridge site which would be located approximately 600m to the south (downstream) of existing SH1 bridge. Will extend from southern end of Chalmers Avenue to new road to be constructed between the river and Grove Street Tinwald.



Figure 2: Alignment of proposed bridge. Source: Notice of Requirement (NoR) drawings.

Snip from GIS showing approximate line of new bridge and approach (red line) and any parcels of land adjacent that are pcl.



Soil Conservation Reserve Ashburton River/Hakaterere. Local Purpose Reserve. This Reserve is administered by Canterbury Regional Council – Control & Manage

Identify Results (8) ☰ ✕

Protected Area
 Name: Soil Conservation Reserve Ashburton River/Hakaterere
 Legislation: Reserves Act 1977
 Section: s.23 - Local Purpose Reserve
 Recorded Area (ha): 27.42
 GIS Area (ha): 27.6299
[Link to metadata statement](#)
[See Soil Conservation Reserve Ashburton River/Hakaterere in NaPALIS](#)

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Robilliard Park Recreation Reserve – Recreation Reserve. This Reserve is Vested to Ashburton District Council

Identify Results (8) ☰ ✕

Protected Area
 Name: Robilliard Park Recreation Reserve
 Legislation: Reserves Act 1977
 Section: s.17 - Recreation Reserve
 Recorded Area (ha): 9.3981
 GIS Area (ha): 9.1942
[Link to metadata statement](#)
[See Robilliard Park Recreation Reserve in NaPALIS](#)

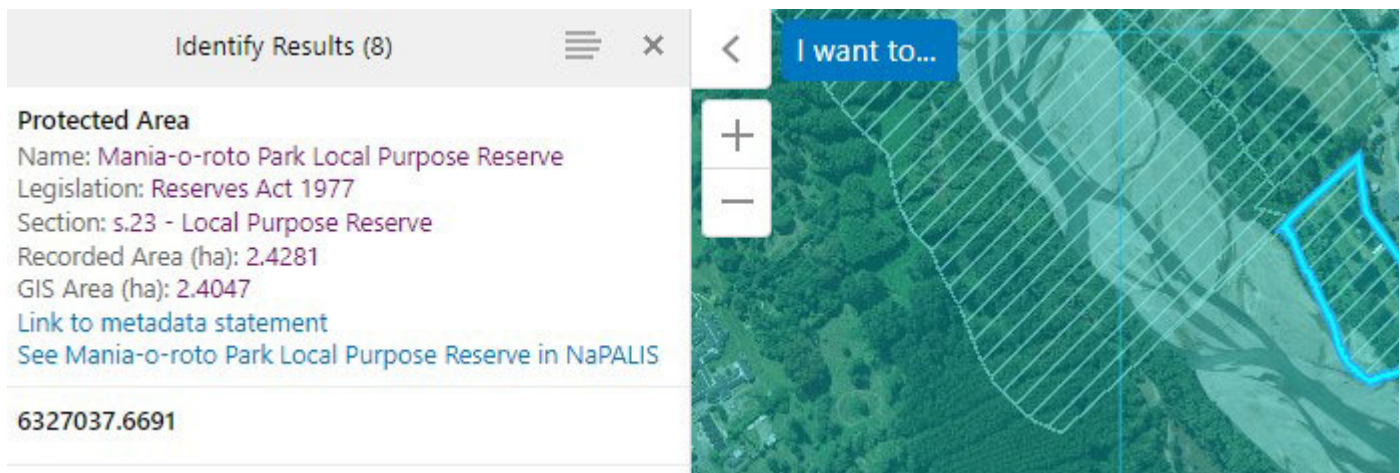
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Mania-o-roto Park Local Purpose Reserve - Reserves Act. This reserve is Vested to Ashburton District Council



2. Know if there are any wildlife, freshwater fisheries or land access permissions for mining which may require DOC approvals.

- The provided Appendix X Desktop Ecological Assessment accurately identifies that the Ashburton River is one of the most important braided rivers in Canterbury region for birdlife and supports nationally and regionally significant populations of a number of bird species. The report contains very good recorded data on bird species and their threat classification status. Obviously building a new bridge would involve considerable work in the river bed requiring Resource Consent and the timing of the work and conditions around breeding birds would be covered in those consents.
- In regard to freshwater fisheries the potential impacts during construction including river diversions, excavation and piling could mean that particular permissions are needed from the department. As the Ecological Assessment notes in their conclusions more survey work will be needed and if Canterbury mudfish were found in the area fish transfer permissions could be required.
- In regard to herpetofauna, permissions such as a Wildlife Authority will be required for any disturbance to riparian vegetation where lizards, skinks etc are found and have the potential to be killed.
- I don't believe there are any Land Access permissions for mining with DOC in the Ashburton River. I have searched the Permissions database and didn't find any reference for any permissions in this area.

3. Need to know if there are any Treaty settlements which may be affected that we can advise to MfE.

- GIS mapping it provides the line showing Deed of Recognition and Statutory Acknowledgement and colours the whole area In regard to Right of First Refusal and Protocol Areas.

The Hakatere was a major mahinga kai for Canterbury Ngāi Tahu. The main foods taken from the river were tuna (eels), inaka (whitebait) and the giant kōkopu. Rats, weka, kiwi and waterfowl such as pūtakitaki (paradise duck) were also hunted along the river.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of the Hakatere represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

Purposes of statutory acknowledgement

Pursuant to [section 215](#), and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to [section 207](#) (clause 12.2.3 of the deed of settlement); and
- (b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Hakatere, as provided in [sections 208 to 210](#) (clause 12.2.4 of the deed of settlement); and
- (c) to empower the Minister responsible for management of the Hakatere or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in [section 212](#) (clause 12.2.6 of the deed of settlement); and
- (d) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Hakatere as provided in [section 211](#) (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in [sections 208 to 211](#), [213](#), and [215](#),—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Hakatere (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Hakatere.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Hakatere.

Schedule 17: amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

- **Ngai Tahu Deed of Settlement provisions**

- <https://www.govt.nz/dmsdocument/5322-ngai-tahu-deed-of-settlement-section-12-mahinga-kai-general-21-nov-1997>

Deed of Recognition	[DOS: Section 12: Mahinga kai general: Attachment 12.83A : Deed of recognition] (p. 417-421 of PDF)	[Deed of Settlement] Section 12: Mahinga Kai - General Attachment 12.83A : Deed of Recognition for Hakatere (Ashburton River), Canterbury	Deed of Recognition • https://www.govt.nz/dmsdocument/5322-ngai-tahu-deed-of-settlement-section-12-mahinga-kai-general-21-nov-1997	Hakatere (Ashburton River)	http://napalis/Lands7
Deed of Recognition	[DOS: Section 12: Mahinga kai general: Attachment 12.83B : Deed of recognition] (p. 422-426 of PDF)	[Deed of Settlement] Section 12: Mahinga Kai - General Attachment 12.83B : Deed of Recognition for Hakatere (Ashburton River), Canterbury	Deed of Recognition • https://www.govt.nz/dmsdocument/5322-ngai-tahu-deed-of-settlement-section-12-mahinga-kai-general-21-nov-1997	Hakatere (Ashburton River)	http://napalis/Lands7

4. Other comments:

Under each of the land parcels in the permissions d/base there are some existing concessions linked to these pieces of land – mostly global style permits eg

Ospri New Zealand Limited	64146-FAU	Active
Landcare Research New Zealand Limited (National Holder)	CA-31615-OTH	Rolling

I think the Desktop Ecological Assessment document is a very good starting point to have discussions with biodiversity staff in regard to Avifauna, Aquatic ecology the river and water quality specific to the Ashburton River and the site for the new bridge.

At this stage no other staff have been spoken to in regard to this, so if you would like to have more information or more in-depth discussion on what could be required please let me know and I can follow this up.

Chris

Chris Coulter | Senior Ranger Community
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From: Janine Sidery s 9(2)(a)
Sent: Wednesday, June 12, 2024 2:38 PM
To: Chris Coulter s 9(2)(a)
Cc: Tony Preston s 9(2)(a)
Subject: FW: [IN-CONFIDENCE]FTA146 Ashburton Second Urban Bridge

Hi Chris

Further to our conversation just now.

Here is the documentation to review, noting the confidentiality.

This assessment is about the eligibility of the project for the FT process, **it is not about the merits**. If it were to progress through the system – we will be asked for conditions etc to mitigate potential effects **but we do not do that now.**

The matters we are to respond with are highlighted yellow in Neil's email. If you want me to investigate any of these please sing out. I've noted a couple of things below after speaking to Neil.

- PCL bullet – we should also consider any overlays that may have implications and note those.
- With regards to Treaty Settlements – we are not to discuss this with ngā rūnanga but to utilise our various resources ie GIS layers, the Ngāi Tahu Claims Settlement Act, the Treaty Commitments spreadsheets/resources. We may note if we know of particular interest from rūnanga or iwi in the location too.
- From what I can see in my initial read, but I would encourage you to read also – I think page 62 of the first attachment has the potential locations. I will work my way through the documentation too just so I am familiar with the situation.

Please let me know if you need anything to support you with this.

Thanks

Janine

From: Neil Deans s 9(2)(a)
Sent: Wednesday, June 12, 2024 1:55 PM
To: Janine Sidery s 9(2)(a) ; Tony Preston s 9(2)(a)
Cc: Jo Macpherson s 9(2)(a) ; Meredith Lawry s 9(2)(a)
Subject: FW: [IN-CONFIDENCE]FTA146 Ashburton Second Urban Bridge

Kia ora e Janine

In Tony's absence I have contacted you on this one, as discussed.

I would appreciate if one of your team could have a look at this for eligibility for Fast Track consenting. Note this is confidential.

In summary, we need to know what, if any, PCL is directly affected by the project and the status of that land, to confirm it is not ineligible for Fast Track consideration.

It helps to know if there are any wildlife, freshwater fisheries or land access permissions for mining which may require DOC approvals.

We also need to know if there are any Treaty settlements which may be affected that we can advise to MfE.

Can you please provide your summary advice by COB on Friday 14 June.

Many thanks

Neil Deans

Advisor – RM Reform

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Conservation leadership for our nature

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

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

Sent: Wednesday, June 12, 2024 12:09 PM

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

Cc: Anna Galvin s 9(2)(a)

Subject: [IN-CONFIDENCE]FTA146 Ashburton Second Urban Bridge

Kia ora Neil and Meredith

This listed project application is for FTA146 Ashburton Second Urban Bridge.

The location of the project crosses a braided river, and the application refers to native species habitat (including birds).

Could you please let us know anything you're aware of that would render this project ineligible under Clause 18, or any relevant Treaty settlement provisions you are aware of, or any other issues from DOC perspective?

Could you please provide any feedback by **close of business Monday 17 June 2024**.

Ngā Mihi

Oliver Sangster

Ministry for the Environment | Manatū Mō Te Taiao

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