

## Jacob Paget

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**From:** Meredith Lawry s 9(2)(b)(ii)  
**Sent:** Wednesday, 26 June 2024 12:13 pm  
**To:** Listed Projects  
**Cc:** Neil Deans [EXTERNAL] (DOC)  
**Subject:** FW: [IN-CONFIDENCE]PART 2: Feedback on FTA#159 - Delmore requested

Kia ora,

Please see below for DOC's comments on this project, which doesn't seem to be ineligible.

Thanks,  
Meredith

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**From:** John Galilee s 9(2)(b)(ii)  
**Sent:** Wednesday, June 26, 2024 12:10 PM  
**To:** Meredith Lawry s 9(2)(b)(ii)  
**Cc:** Neil Deans s 9(2)(b)(ii); Alex Rogers s 9(2)(b)(ii); Rebecca Rush s 9(2)(b)(ii)  
Fiona McKenzie <s 9(2)(b)(ii)>  
**Subject:** RE: [IN-CONFIDENCE]PART 2: Feedback on FTA#159 - Delmore requested

Kia ora Meredith -

Please find below responses to your questions as compiled by our District community ranger and reviewed by me.

1. The northeastern corner of the development adjoins the Nukumea Scenic Reserve for a short distance. This is the only PCL in the vicinity and would not make this application ineligible.
2. The site is understood to be largely former farmland and is in rough pasture. There are some natural gulleys, streams and wetlands in native vegetation. It is therefore possible that Wildlife Act authorisation may be required in respect of lizards, if any native vegetation is to be removed as part of the development, and potentially also impacts on freshwater fish. No species of note have been recorded in the area, but it is unknown how well it has been surveyed. We have been invited to participate in pre-application engagement with the developer, under the usual RMA process.
3. From the DOCGIS Treaty Settlement Layer:
  - Te Kawerau a Maki have Cultural Redress through their Area of Interest
  - Ngāti Whatua o Kaipara have a Site Specific Agreement over the Nukumea SR – Non exclusive RFR Land and a Conservation Protocol Area (Kawenata)
  - Ngāti Manuhiri have a Conservation Protocol Area
  - Ngāi Tai ki Tāmaki have a Conservation Protocol Area (relationship agreement)
  - Other individual iwi with association of this area through their rohe include;
    - Ngāti Maru
    - Ngāti Paoa
    - Ngāti Tamaoho
    - Ngāti Tamaterā
    - Ngāti Te Ata
    - Ngāti Whanaunga
    - Te Ākitai Waiohua

4. We are not aware of any compliance issues.

JG

John Galilee  
Statutory Manager | Pou Ture Whenua  
s 9(2)(b)(ii)

[www.doc.govt.nz](http://www.doc.govt.nz)



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**From:** Meredith Lawry s 9(2)(b)(ii)  
**Sent:** Friday, June 21, 2024 3:07 PM  
**To:** John Galilee s 9(2)(b)(ii)  
**Cc:** Neil Deans s 9(2)(b)(ii); Alex Rogers s 9(2)(b)(ii)  
**Subject:** FW: [IN-CONFIDENCE]PART 2: Feedback on FTA#159 - Delmore requested

Kia ora John,

I think the applications may be slowing down a little, but we do have one more for you, this time a housing development in Ōrewa.

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)(b)(ii)**

Thanks,  
Meredith

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**From:** Listed Projects <[ListedProjects@mfe.govt.nz](mailto:ListedProjects@mfe.govt.nz)>  
**Sent:** Friday, June 21, 2024 2:58 PM  
**Subject:** [IN-CONFIDENCE]PART 2: Feedback on FTA#159 - Delmore requested

Kia ora

This listed project application is for FTA#159 - Delmore

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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