

Jacob Paget

From: Neil Deans s 9(2)(a)
Sent: Thursday, 4 July 2024 10:47 am
To: Listed Projects
Cc: Lesa Lamb; Gareth Hopkins; Ritesh Chandra; Meredith Lawry
Subject: FW: [IN-CONFIDENCE]FW: Feedback on FTA#108 -Johnston Street Development Area - Waitara requested
Attachments: 2024-7-4_response for FTA%23108 -Stratford Park Business Case - DOC-7684260.docx

Kia ora

Please find attached a response from DOC on the above Fast Track application for listing.

This project does not involve any public conservation land, so this would not be grounds for ineligibility for Fast Track consideration.

Wildlife approvals may be required.

Further advice on Treaty matters is provided for applications in this area.

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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From: Lesa Lamb s 9(2)(a) **On Behalf Of** Gareth Hopkins
Sent: Thursday, July 4, 2024 9:30 AM
To: Neil Deans s 9(2)(a)
Cc: Meredith Lawry s 9(2)(a); Tinaka Mearns s 9(2)(a); Ritesh Chandra s 9(2)(a); Gareth Hopkins s 9(2)(a)
Subject: RE: [IN-CONFIDENCE]FW: Feedback on FTA#108 -Johnston Street Development Area - Waitara requested

Kia ora Neil,

FTA#108 has now been completed. Please see the link to the response below.

<https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-7684260>

Thanks,

Lesa Lamb

Kaiāwhina

PA to Darryn Ratana – Kaihautū, Regional Operations

From: Neil Deans s 9(2)(a)
Sent: Tuesday, July 2, 2024 4:12 PM
To: Ritesh Chandra s 9(2)(a); Gareth Hopkins s 9(2)(a)
Cc: Meredith Lawry s 9(2)(a); Tinaka Mearns s 9(2)(a)
Subject: FW: [IN-CONFIDENCE]FW: Feedback on FTA#108 -Johnston Street Development Area - Waitara requested

Kia ora Ritesh and Gareth

Yet another new (**and urgent**) one for you; this one is a development at Waitara.

We have been asked to provide more fulsome background in our covering emails, as below, but are essentially asking for the same information.

Please confirm receipt and provide a response by **noon on 4 July, or sooner if possible**. MfE overlooked this one so if this timeframe is a problem, please contact me to arrange for an extension.

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) or on s 9(2)(a).

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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From: Listed Projects s 9(2)(a)

Sent: Tuesday, July 2, 2024 3:55 PM

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

Subject: [IN-CONFIDENCE]FW: Feedback on FTA#108 -Johnston Street Development Area - Waitara requested

Kia ora- please note- incorrect details in section 2 - see 5&6 for correct project details

From: Listed Projects

Sent: Friday, June 21, 2024 11:11 AM

Subject: Feedback on FTA#108 -Johnston Street Development Area - Waitara requested

Kia ora

This listed project application is for FTA#108 -Johnston Street Development Area - Waitara

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

Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

FTA#108 (Stratford Park Business Case)

Previously incorrectly reference by email as FTA#108 Johnston Street Development Area-Waitara.

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 notable PCL parcels near the project area.
2. What conservation approvals may be required for this project?
 - Activities that involve the capture, handling or killing of protected wildlife will require appropriate Wildlife Act Authorisations to be in place.
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?
 - Treaty Settlement(s) relevant to area: Ngāti Ruanui Iwi (Ngāti Ruanui Claims Settlement Act 2003); Ngāti Maru Iwi (Ngāti Maru Claims Settlement Act 2022).
 - These Iwi have overlapping 'Areas of Interest' which include the site (as defined by their respective Deed of Settlements).
 - There are no specific statutory acknowledgments on the site itself, however the Patea River is the subject of a Statutory Acknowledgement and the Kahouri Stream (which flows nearby to the site) is a tributary of this river.
 - Ngāti Ruanui has an Environmental Management Plan (EMP); Ngāti Maru doesn't yet have a formal EMP.
4. Do you know of any history of compliance issues with the applicant regarding conservation approvals?
 - No known compliance issues with the applicant regarding conservation approvals.