FTAA-2608-1286 TKE Request for Further Information	
Question	**Response**
Scope of Referred Project	
(a) "The referral decision does not include any Complex Freshwater Fisheries Activities, which was not identified in the referral application as a proposed approval." Please provide any further information you wish to have considered in response to this comment from DOC for the purposes of the EPA's s 46(2)(b) assessment.	The Applicant acknowledges that a Complex Freshwater Fisheries Approval (CFFA) was not identified in the referral application and is therefore not expressly included in the referral decision. Since the referral application was lodged, the Project has progressed through detailed design, technical assessment and engagement with relevant agencies. As is expected for a project of this scale and complexity, that process has resulted in a more detailed understanding of the statutory approvals required to authorise the Project, including the CFFA requirements. Importantly, the CFFA does not arise from any material change to the Project that was referred. The Project remains the same integrated industrial development, including the proposed modification, reconstruction and enhancement of the Mangaheka Stream corridor and the associated works required to implement that development.
(b) Item (b) of the Referral Decision Notice describes the project specifies "commercial activities over 2 hectares." The substantive application introduces a broader non-industrial land use precinct overlay surrounding the central neighbourhood centre. Please provide any further information you wish to have considered clarifying how the project will ensure that commercial land use remains capped at 2ha and how non-industrial activities outside the neighbourhood centre will remain ancillary and subsidiary to the primary industrial function of the site.	The 2 ha commercial component identified in the Referral Decision remains the central Neighbourhood Centre and has not increased in size. The broader Non-Industrial Land Use Precinct is not an extension of that commercial centre. It provides for a limited range of activities that are commonly contemplated within an industrial environment and are also provided for within the HCC Industrial Zone, albeit in some cases through a resource consent process. The term "non-industrial" is therefore descriptive of the activity type, rather than indicating a separate or expanded commercial area. The precinct also responds directly to HCC's concern that those activities should not establish in an uncoordinated manner across the wider industrial area. The Development Framework therefore confines those activities to a

	defined part of the Site, rather than allowing them to be dispersed throughout TKE, while retaining the wider Site's predominant industrial function. The Neighbourhood Centre remains the principal commercial hub, with its own separate activity framework and performance standards.
(c) Item (c) of the Referral Decision Notice describes the project as comprising "subdivision of approximately 174 hectares of land over three construction stages. Volume A of the substantive application proposes a nine-stage subdivision layout. Please provide any further information you wish to have considered explaining how this updated staging structure is in scope of the referred project.	As noted in response to item (a), the Project has progressed through more detailed design and technical assessment since the referral application was lodged. That process has included refinement of how the subdivision and supporting infrastructure will be staged and delivered. The three stages identified at referral stage were a high-level staging concept. The nine stages now shown in the substantive application provide a more detailed implementation framework for the same referred development, allowing sequencing to respond to market demand, the progressive delivery of infrastructure and the anticipated earthworks operations to achieve a cut fill balance across the site, reducing off site disposal of materials and import of fill material. Importantly, the refined staging also aligns with the Project's stormwater management approach, so that stormwater treatment, attenuation and conveyance infrastructure can be delivered in step with development of the relevant parts of the Site. The change from three to nine stages therefore reflects greater design resolution and implementation planning. It does not change the nature, scale or overall extent of the referred Project.
Information required for standard freshwater fisheries provisions	
This request was raised as part of the mandatory consultation the EPA undertook with the Department of Conservation: The proposed works include the installation of new road culverts in the Mangaheka Stream and Te Otamanui Stream that could impede, but not permanently block, fish passage. Therefore, the application includes works that are a 'standard freshwater fisheries activity' according to the [FTAA] (2024). The FTAA Schedule 5 [clause] 9 requires specific information to be provided for all structures that fall under the standard freshwater fisheries provisions. With regards to fish passage this will need to clearly state whether approval or a dispensation to impede fish passage is sought for each structure.	The Applicant acknowledges that the FTAA definition of a standard freshwater fisheries activity is broader than the approval requirement under regulation 42 of the Freshwater Fisheries Regulations 1983. Under the FTAA, a culvert that *could impede* fish passage may fall within the definition of a standard freshwater fisheries activity. Regulation 42 of the FFR is narrower. It requires approval where a culvert or ford is constructed in such a way that the passage of fish *would be impeded*. The proposed road culverts in the Mangaheka Stream and Te Otamanui Stream are being designed to maintain fish passage and are not proposed to impede fish passage. Accordingly, no approval or dispensation under regulation 42 is sought for those structures.

Under Schedule 5, Clause 9, "an application for a resource consent or a notice of requirement for a project that includes a standard freshwater fisheries activity..." must include the information at (a)-(d) of that same clause. DOC considers that the culvert works could impede but not permanently block fish passage, therefore the application includes a standard freshwater fisheries activity. Please provide the information required in an application that includes a standard freshwater fisheries activity. Alternatively, please advise how the works do not fall within the definition of "standard freshwater fisheries activity" as a "culvert or ford that could impede but not permanently block fish passage".	However, to the extent the culverts are treated as standard freshwater fisheries activities for the purposes of Schedule 5, the information required by clause 9 is already contained within the substantive application. In particular: • **Volume D – Complex Freshwater Fisheries Approval,** sections 1.6 and 1.8 describe the permanent Mangaheka Stream and Te Otamanui Stream culverts, their indicative form and location, and the approach to maintaining fish passage, including culvert width, embedment and hydraulic conditions. • **Volume B – Appendix O, Civil Infrastructure Assessment, Appendix F – Stream Works Management Plan,** sections 4.2, 4.3 and 6.5 provide the indicative dimensions and configuration of the crossings, construction methodology and specific installation requirements to maintain fish passage. • **Volume B – Appendix M, Ecological Impact Assessment**, together with the freshwater assessment in Volume B, addresses the affected freshwater habitat and ecological values and confirms the fish-passage design approach, including compliance with the applicable NES-F requirements. Accordingly, while no regulation 42 approval is sought, the substantive application contains the information required to assess the culvert works as standard freshwater fisheries activities under Schedule 5.
Information required for complex freshwater fisheries provisions	
For the dispensation sought under section 42(4)(j) for complex freshwater fisheries activities, Table 1.1 of Volume D currently lists dimensions to be confirmed through detailed design. Under Schedule 9, Clause 3(a) of the Act, an application seeking a dispensation must specify the type, dimensions, design, placement, water flows, and operating regimes of all proposed structures and fish facilities. Please confirm the specific dimensions, design parameters, and placement details for all proposed in-stream structures, dams, and diversions subject to the Complex Freshwater Fisheries Approval, including: • Structure type, proposed dimensions, design, placement, and water flow characteristics; and • An explicit statement as to whether an approval or a dispensation to impede fish passage is sought for that specific structure.	The Complex Freshwater Fisheries Approval sought relates to the temporary damming and diversion structures required to facilitate the staged reconstruction of the Mangaheka Stream. These may include temporary diversion channels, bunds or cofferdams, pumped or piped bypasses and temporary culverts. The final location, dimensions, form and construction methodology for each temporary structure will depend on the sequencing of the stream works, the particular work reach and the flow conditions at the time of construction. Those details are therefore not fixed at this stage. However, the application provides the relevant information as far as it can presently be determined. In particular, sections 6.2 and 6.2.1 of the Stream Works Management Plan (contained in Volume B – Appendix O, Civil Infrastructure Assessment, Appendix F – Stream Works Management Plan)

	establish the design and operational framework for the temporary works, including that: • continuous flow through the Mangaheka Stream must be maintained; • no full channel blockage may occur without a functioning bypass; • the bypass must have sufficient capacity to convey the applicable 5-year ARI flow without upstream flooding; • the preferred methodology is a gravity-fed temporary diversion channel with 300mm freeboard, with pumped bypasses or pipe diversions available where required; • active work reaches will be isolated using temporary bunding, sandbags or other appropriate damming structures; and • fish recovery must occur before isolation and dewatering of the relevant work reach. Sections 7 and 8 of the Stream Works Management Plan further establish the operating and monitoring requirements, including daily inspection of bypass capacity, fish passage and integrity, contingency measures where bypass capacity is exceeded, and removal of temporary bunds and bypass structures within five working days of completion of the relevant works. The final dimensions and placement of individual temporary structures will be confirmed through detailed design by the Project engineer within those specified design, hydraulic and operational parameters. For clarity, no approval or dispensation to impede fish passage is sought for any of these structures. Fish passage and hydraulic connectivity will be maintained through the temporary bypass arrangements.
Lizard Management	
This comment was raised as part of the mandatory consultation the EPA undertook with the Department of Conservation: Copper skinks are highly fossorial, and Onduline retreats are not effective at detecting populations of copper skinks. The chance of overlooking copper skink subpopulations with the proposed salvage methods is therefore high. Expanding machine assisted salvage over the whole footprint of skink habitat, or at least a representative sample of each area or habitat type across the site, could be a more effective strategy to reduce the probability of key subpopulations of copper skinks being overlooked and hence exterminated.	The Lizard Management Plan (LMP) provides for a combination of salvage methods, including Artificial Cover Objects (ACOs), systematic manual searches and machine assisted searches/clearance. ACOs are therefore not intended to be relied upon as the sole method for detecting or salvaging copper skinks. This approach reflects the relative risks associated with the available salvage methods, with less intrusive methods undertaken in the first instance before progressing to machine-assisted searching where appropriate. Ecological Solutions has considered DOC's comments and have confirmed that the combination of ACOs, manual searching and machine-assisted searching

Please provide any further information you wish to have considered in response to this comment from DOC for the purposes of the EPA's s 46(1) assessment.	proposed by the LMP remains appropriate. Increasing machine-assisted searching across the entirety of the identified habitat in lieu of ACOs would likely increase the risk of injury or mortality to lizards and would not necessarily represent a preferable salvage approach. For clarity, machine assisted searching is not intended to be limited to areas where lizards have already been detected through ACOs or manual searches. The Project Herpetologist may direct machine assisted searching within areas where lizards have not been detected where, in their professional judgement, the habitat has a higher potential to support lizards. This enables salvage effort to be targeted to appropriate habitat while avoiding unnecessary use of the higher risk machine assisted method. Further engagement will be carried out with DOC to confirm this approach and make any required updates to the LMP, including clarification of the discretion available to the Project Herpetologist in directing machine assisted searching.
Pest Fish Disposal Protocol (Freshwater Fisheries Regulations 1983)	
This comment was raised as part of the mandatory consultation the EPA undertook with the Department of Conservation: Freshwater Fisheries Regulations (1983) Regulation 66 prohibits leaving unburied fish on the banks or margin of any waters. This is noted because there is potential for large numbers of pest fish (e.g. koi carp, Gambusia, and brown bullhead catfish) to be euthanised during the project. The Applicant should have a clear protocol in place for the disposal of euthanised fish. Please provide any further information you wish to have considered in response to this comment from DOC for the purposes of the EPA's s 46(1) assessment.	The Applicant acknowledges the requirements of Regulation 66 of the Freshwater Fisheries Regulations 1983, which prohibits fish, or fish cleanings or offal, being left unburied on the bank or margin of any waters. The proposed fish salvage methodology provides for pest fish captured during salvage operations to be euthanised. Any euthanised pest fish will be buried on-site and will not be left unburied on the bank or margin of any waterbody. Where large numbers of pest fish are encountered, a suitable burial location will be established in proximity to the salvage area for practical purposes, with euthanised fish placed within the excavation during the salvage operation and the excavation backfilled at the completion of the day's works. The Fish Management Plan can be updated to expressly record this disposal protocol and the requirement to comply with Regulation 66, alternatively, a consent condition could be imposed to this effect. Further engagement with DOC will be undertaken to confirm the preferred approach
Conditions and Management Plans	
The following comments were raised as part of the mandatory consultation the EPA undertook with the Department of Conservation:	The Applicant acknowledges DOC's comments regarding the proposed ecological conditions and management plans.

• Proposed Land Use Conditions should include effects management measures, including any proposed offsetting or compensation proposed for the project.
• All management plans in the consent conditions should have a clear objective on how the effects are going to managed, with clear performance standards/targets. Monitoring and reporting should be included to ensure the objective of the management plan is achieved.
• DOC recommends a dual certification process for DOC approvals (LMP) and Council resource consent conditions. Noting that each approval has distinct requirements under separate legislation, certification should be undertaken by the respective administering authority.
  ○ Prior to certification of any ecological management plan relating to the RMA, DOC should be provided the opportunity to review and comment on the plan.
  ○ DOC certifies any ecological management plan relating to the WA.
• DOC should be provided the opportunity to review and comment on the results of fish relocations.
 	
Please provide any further information you wish to have considered in response to these comments from DOC for the purposes of the EPA's s 46(1) assessment.
	Feedback has also been received from DOC on the draft conditions circulated prior to lodgement of the Substantive Application, dated 2 September 2026. The Applicant will continue to engage with DOC on that feedback. As part of this process, the matters raised through the completeness check can also be worked through in further detail, including those relating to effects management measures, management plan objectives and performance standards, monitoring and reporting, certification of ecological management plans, and reporting of fish relocation outcomes.
	
	It is noted that a number of the matters identified by DOC are already addressed within the draft ecological management plans submitted with the application. Collectively, these plans set out the relevant ecological objectives and outcomes, effects management measures, implementation requirements, performance standards or success criteria where applicable, and monitoring, reporting and adaptive management requirements. Accordingly, it is not considered necessary in all cases for the consent conditions to duplicate the detailed requirements already contained within the management plans. However, through further engagement with DOC, consideration will be given to whether any targeted amendments to the management plans or proposed conditions are appropriate in response to the feedback received.
	
	The conditions distinguish between the separate statutory approvals being sought for the Project. In particular, the resource consent, Wildlife Act and freshwater fisheries approval processes have separate statutory requirements and administering authorities. It is therefore not considered necessary for the resource consent conditions to duplicate certification or approval processes that apply under the Wildlife Act or freshwater fisheries approvals.

Operative District Plan (Waikato Section)	
This request was raised as part of the mandatory consultation the EPA undertook with the Waikato District Council. In terms of the approvals sought it is noted however that the application has been assessed solely under the Waikato District Plan – Operative in Part (OIP). The subdivision provisions for the General Rural Zone in the OIP are still subject to appeal, and therefore, the subdivision provisions for the 'Rural' zone in the Operative District Plan (Waikato Section) are still relevant and consent is also required under this planning document. An assessment of the subdivision rules	Appendix A and Appendix B of Volume B of the Substantive Application have been updated to assess the Rural Zone subdivision rules and the relevant objectives and policies within the Operative Waikato District Plan – Waikato Section. Refer to **Attachment 1**.



for the Rural zone in the Operative District Plan (ODP) - (Waikato Section) is required, along with an assessment of the objectives and policies. Clause 5(1)(h) of Schedule 5 requires the provision of "an assessment of the activity against any relevant provisions in any of the documents listed in [Clause 5(2) of Schedule 5]". Please supply a planning assessment of the proposed subdivision against the relevant rules, objectives, and policies of the Rural Zone under the Operative District Plan (Waikato Section).	
Factual Clarification on the Wastewater Agreement	
The following comments were raised as part of the mandatory consultation the EPA undertook with the Waikato District Council: IAWAI also notes that section 6.1.2 of the Civil Infrastructure Report refers to an agreement regarding the ultimate Northern Interceptor connection. IAWAI's understanding is that no binding development agreement has been entered into and that the ultimate interceptor alignment and connection arrangements remain subject to separate planning and design processes. Clarification of this statement should therefore be sought during subsequent stages of the assessment process. Please provide any further information you wish to have considered in response to these comments from IAWAI via WDC.	Significant engagement with IAWAI has been carried out pre-lodgement to understand the servicing constraints and opportunities for the site. While both parties agree the Northern Interceptor has capacity to service the development, it is noted that, at the time of lodgement of the substantive application, no binding development agreement has yet been entered into in relation to the ultimate Northern Interceptor connection, and the final alignment of the Northern Interceptor remains subject to IAWAI's further planning and design processes. The Northern Interceptor is, however, funded within IAWAI's 10-year programme and remains the proposed ultimate strategic wastewater servicing solution for the full development of Te Kowhai East. While its final alignment has not yet been confirmed, the Applicant has demonstrated that the TKE connection to the Northern Interceptor can be provided through publicly owned land, including existing road reserves, such that the ability to establish the future connection is not dependent on securing access through third-party private land. The timing, funding and delivery arrangements for the TKE connection to the Northern Interceptor are addressed through the proposed consent conditions and the draft Development Agreement (PDA). Discussions with IAWAI regarding the PDA remain ongoing, and the Applicant expects these matters to be further advanced, if not confirmed, while the Panel is being convened.
Consultation Proof	
This request was raised as part of the EPA's internal completeness check: Clause 2(1)(n) of Schedule 7 requires the provision of "proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts".	As recorded in **Volume A – Appendix F – Record of Consultation and Engagement**, extensive engagement has been undertaken with iwi and hapū throughout development of the Project. That engagement included specific consideration of wildlife and freshwater ecological matters.

While Volume A, Appendix F provides a general summary of engagement, please provide the specific written proof and details of consultation undertaken with iwi and hapū specific to wildlife impacts (such as written correspondence, meeting minutes, or CIA signoffs).	At the 12 May 2025 hui, ecology was expressly discussed, including the identification of black mudfish, the proposed approach to relocation, the absence of identified bats and frogs, and the relationship of the Site to the Mangaheka catchment and Tangirau wetland. The minutes also record that preliminary ecological and engineering reports were in preparation. At the 7 July 2025 hui, environmental matters were again discussed, including the Mangaheka stormwater catchment, wetlands and mudfish relocation as part of the Project's environmental responsibilities. At the 8 September 2025 hui, the TWWP was updated that mudfish surveys had been undertaken across different seasons. The 10 November 2025 hui included a site visit to provide mana whenua with a clearer understanding of the Site and its cultural and environmental values. The minutes specifically record that three mudfish and watercourse surveys had been undertaken over the preceding three years, identifying 11 mudfish, and discuss their proposed relocation and protection within the Site. Ahead of the 15 May 2026 hui, an updated Project Summary was provided to the TWWP. That summary contained a dedicated "Flora, Fauna and Freshwater" section addressing bats, lizards, black mudfish and freshwater habitat, including proposed management and mitigation measures. The minutes expressly record that the ecological summary, including updates on bats, lizards and freshwater species, was provided and received by the group. Engagement then continued through development of the CIA and substantive application. The draft CIA was circulated to the TWWP in June 2026 and discussed at the July hui, and at the 10 August 2026 hui the CIA was endorsed and approved by the mana whenua representatives present. Accordingly, the written proof of consultation specific to wildlife impacts comprises the relevant TWWP hui minutes, the May 2026 Project Summary (both contained in **Attachment 2**), the CIA consultation and endorsement process, and the broader consultation record in Volume A – Appendix F.