

File ref: FTAA-2505-1066

11 June 2025

s 9(2)(a)

Te Kowhai East LP

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Dear s 9(2)(a)

Decision on completeness of the referral application for the Te Kowhai East project under section 14 of the Fast-track Approvals Act 2024

On 29 May 2025, you lodged an application for fast-track referral for the Te Kowhai East project with the Ministry for the Environment (MfE) under the Fast-track Approvals Act 2024 (the Act).

MfE is responsible for determining whether referral applications are compliant with section 14(2) of the Act. For an application to be compliant with section 14(2), the following criteria must be met:

- the application must comply with the requirements for referral applications in section 13 of the Act;
- MfE must consider that the project may be capable of satisfying the criteria in section 22 of the Act, and does not appear to involve an ineligible activity; and
- all fees and charges payable under regulations in respect of the application must have been paid.

This letter is to return the application to you and notify you that MfE has determined that your application does not comply with the requirements of section 14(2) of the Act for the following reasons:

1. **Section 13(2)(d)** – The application notes that approvals may be required under the Conservation Act 1987 and the Wildlife Act 1953, depending on whether black mudfish are confirmed on site or if further investigations identify potential lizard habitat. It also notes that approvals under the Heritage New Zealand Pouhere Taonga Act 2014 may be necessary as a precautionary measure. However, it is not clear whether these approvals are intended to be sought through the fast-track approvals process or via standard processes. To ensure clarity and to determine the relevant information requirements (including consultation) and the scope of the substantive application, please confirm whether approvals under the Conservation Act 1987, Wildlife Act 1953, and/or Heritage New Zealand Pouhere Taonga Act 2014 are being sought as part of any future application.
2. **Section 13(4)(f)(iii)** – The application indicates that the project will proceed in three stages through the fast-track approvals process. However, it does not include an explanation of how each stage meets the criteria in section 22. While it is noted that subdivision consent for stages 1-3 will be

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sought through a single substantive application, an explanation is still required for how each stage individually satisfies the section 22 criteria.

3. **Section 13(4)(k)** – Approvals are being sought under the Resource Management Act 1991 (RMA), but no evidence of consultation with the Ministry for the Environment, as the relevant administering agency, has been provided.
4. **Section 13(4)(k)** – As noted above, it is not clear whether approvals under the Conservation Act 1987 and Wildlife Act 1953 are intended to be sought through the fast-track approvals process. If these approvals are being sought, evidence of consultation with the Department of Conservation, as the relevant administering agency, is required. Any future application should also include a summary of how this consultation has informed the project.
5. **Section 13(4)(k)** – Similarly, it is unclear whether archaeological authority approvals under the Heritage New Zealand Pouhere Taonga Act 2014 are intended to be sought through the fast-track approvals process. If so, evidence of consultation with Heritage New Zealand Pouhere Taonga, as the relevant administering agency, is required. Any future application should also include a summary of how this consultation has informed the project.
6. **Section 13(4)(y)(i)** – While the application notes that resource consent will be required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, it does not include an assessment of the project against the relevant National Environmental Standards.
7. **Section 13(4)(y)(iv)** – As noted above, please clarify whether a concession approval is being sought with any future application. If so, the information required under clause 2 of Schedule 6 of the Act should be provided, where applicable.

In accordance with section 14(5) of the Act, the referral application does not comply with section 13 and the application must be returned to the applicant. An advisor from our Fast-track Referrals team will be in touch with you shortly to arrange a meeting to discuss the reasons your application was returned as incomplete.

Please note, the requirement to consult on the project with the Ministry for the Environment as the relevant administering agency for approvals under the Resource Management Act 1991 can be requested via the following email address: adminagencyftaa@mfe.govt.nz.

If you choose to lodge an application for this project again, MfE will need to treat it as a new application in accordance with section 14(6)(a) of the Act. Please refer to the Fast-track website for information about [Fees, charges and cost recovery](#).

Proactive release of application documents

As you are aware, we intend to publicly release application information on the Fast-track website, as part of our commitment to an open and transparent government. Please see attached our Proactive Release

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Guidance document which outlines clauses and reasons for withholding information, and some tips to assist in your marking up of documents.

Please provide your proposed redactions to referral@fasttrack.govt.nz no later than the close of business 5 working days from the date of this letter. If we do not receive a response in this timeframe, we will treat this as approval to publish your application documents as received. *Please note:* approval or rejection of your proposed redactions is at our discretion.

As indicated in the attached guidance, we take a similar approach to the proactive release of application documents as we would for a request under the Official Information Act 1982 (OIA). Further advice on the OIA and the reasons for withholding information can be found here: [The OIA for agencies.pdf](#).

We note that this information is intended as guidance information only and nothing in this information constitutes or substitutes legal or other professional advice. We recommend that you seek independent legal advice if required.

Timeframe and disclosure requirements

We intend to publish returned application documents in 10 working days. If you are a NZX or ASX listed company, you will need to meet your disclosure requirements in this timeframe.

If you have any queries about this letter, please email contact@fasttrack.govt.nz or phone 0800 327 875.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'I' followed by a horizontal line that tapers to a point.

Ilana Miller
General Manager, Delivery and Operations