

FTAA-2512-1157 – State Highway 1 North Canterbury Woodend Bypass project (Belfast to Pegasus)– comments on draft conditions from DG Conservation

Your Comment on the State Highway 1 North Canterbury Woodend Bypass project (Belfast to Pegasus) application

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at substantive@fastrack.govt.nz

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Department of Conservation		
First name	Gen		
Last name	Hewett		
Postal address	PO Box 10420, Wellington 6140		
Home phone / Mobile phone		Work phone	
Email	fast-track@doc.govt.nz and		

☒	I can receive emails and my email address is correct	☐	I cannot receive emails and my postal address is correct
-------------------------------------	--	--------------------------	--

Please provide your comments below, include additional pages as needed.

Please find comments attached



Linda Kirk
Fast-Track Applications Manager

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date: 03 July 2026

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Comments on draft conditions for a fast-track consenting application

Fast-track Approvals Act 2024 section 70

To: The Expert Panel

From: Director-General of Conservation

Regarding fast-track project: State Highway 1 North Canterbury - Woodend Bypass Project (Belfast to Pegasus)

Fast track Reference: FTA – 2512-1157

1. Thank you for the opportunity to comment on the draft conditions for the State Highway 1 North Canterbury - Woodend Bypass Project (Belfast to Pegasus).
2. A memo in relation to the assessment of potential habitat for Canterbury mudfish within the State Highway 1 North Canterbury application project area is included as **Attachment A**.

Comments on draft conditions of Wildlife Act approval

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
Sch 1, clause 1	A. <u>Activity:</u> <u>a) To catch alive and liberate relocate lizards; and</u> <u>a)b) To handle lizards for the purpose of data collection; and</u> <u>b)c) To incidentally harm or kill lizards</u>	The Department recommends 'liberate' replaces 'relocate' to align with the activities defined in the Wildlife Act 1953. It is also recommended handling for the purpose of data collection is specified as an activity.

UNCLASSIFIED

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	for the purpose of protecting the Lizards by way of salvage along with post-relocation monitoring at Relocation Sites.	
Sch 1, clause 2	<u>Catching alive lizards in c</u>Construction areas involving vegetation clearance including: a) Cam River / Ruataniwha to Williams St b) Quarry Lakes – Wooden Beach Road c) Wooden Beach Road – Gladstone Road d) Gladstone Road – SH1 e) Pegasus Interchange <u>Liberating</u> Relocating and releasing lizards in the following sites (as shown on Schedule 4): a) Primary Relocation Site: Barkers Road (Lot 1 DP 423296, Lot 2 DP 423296, Lot 1 DP 359788, and Lot 2 DP 359788), and Contingency Relocation Site: Barkers Road (Lot 3 DP 423296)	The Department recommends the conditions are amended to refer to ‘catching alive lizards in construction areas...’ and ‘liberating lizards in the following sites...’ to align with the proposed changes to the condition above and the activities defined in the Wildlife Act 1953.
Sch 1, clause 3	Lead Herpetologist: a) Rieke Behrens b) David Pickett c) Christopher Woolley d) Sam Heggie Gracie	The Department recommends Schedule 1 clause 3 is amended to refer to the following Lead Herpetologists: Rieke Behrens, David Pickett, Christopher Woolley and Sam Heggie Gracie. The second group of people are recommended to be classified as ‘Other Suitably Qualified Person(s) as they are not necessarily specialised herpetologists including Liz Curry, Jamie MacKay, Nicki van Zyi, Sam Mulcock, Shaun Mulcock, Shaun Morgan, Ashleigh Johnston, Tarryn Wyman and Josh Forrest.

UNCLASSIFIED

UNCLASSIFIED

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	Other Suitable<u>Suitably-Qualified Person(s)</u>: a) Liz Curry b) Jamie MacKay c) <u>Nicki van Zyl</u> d) <u>Sam Mulcock</u> e) <u>Shaun Morgan</u> f) <u>Ashleigh Johnston</u> g) <u>Tarryn Wyman</u> h) <u>Josh Forrest</u> a) Other Personnel under the supervision of Lead Herpetologist(s): a) Cid Shearman b) Bex Diederichson c) Matt Barson d) Pippa McAnergney e) Paul Dyer f) Danielle Cairns g) Laura Francis (to be confirmed); and Additional personnel as may be approved in writing by DOC	It is not considered necessary to include the third group of people listed as it is appropriate to refer to "Personnel under the supervision of Lead Herpetologist". The Department recommends the removal of the wording "<i>additional personnel as may be approved in writing by DOC</i>". Changes to the personnel listed in the Lizard Management Plan would be considered a variation to the wildlife approval.
Throughout	"Authority"	The Department recommends the use of 'Approval' rather than 'Authority' to align with the Fast-track Approvals Act terminology.

UNCLASSIFIED

UNCLASSIFIED

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
Sch 2	"What are the liabilities?"	The Department strongly recommends the conditions specified under the heading 'What are the liabilities' contained in Schedule 2 of the s51 Report prepared by the Department of Conservation and dated 15 April 2026 are retained. These conditions are standard provisions contained in the Department's permit template and set out the Approval Holder's responsibility for any loss, damage, costs, claims, or liabilities arising from the exercise of the approval, including obligations to indemnify the Crown where applicable.
Sch 3 – table and clause 2	Material Change—Material change means any change to the LMP that would materially alter the management of effects on Lizards, where that change may increase the risk of injury or mortality to Lizards, reduce the likelihood of successful relocation, or reduce the ability to comply with the conditions of this approval. For the avoidance of doubt, 2. Except for Material Changes, the LMP attached as Schedule 5 to this Approval may be amended without the need for certification and shall thereafter be provided to DOC and Whitiara for information.	The Department disagrees with the proposed defined term for 'material change'. The term is self-defining as it uses the term "materially" within the definition to define material change. As currently drafted, the conditions for the Department of Conservation as the regulator of the Wildlife Approval is not able to oppose a change to a management plan that the applicant considers is not a material change and therefore would allow the applicant to one-sidedly change the management of the wildlife approval which would be inconsistent with the Wildlife Act. The Department recommends that the phrase "Material Change" is not used throughout the condition set.
Sch 3 – clause 3	The Authority Holder may propose Material Changes to vary the LMP at any time. Any proposed Material Changes variation must be prepared by a SQP and must be submitted to the DOC Department of Conservation via permissions@doc.govt.nz Operations Manager for Mahaanui for certification to by the Director General of Conservation that the LMP, as amended by the Material Change, ensure the LMP remains appropriate for achieving the purpose of reducing the injury and mortality of lizards during Construction Works and post relocation monitoring.	The Department recommends clause 3 of Schedule 3 is amended to require any proposed variation to the LMP to be submitted by email to permissions@doc.govt.nz and that any proposed changes remain appropriate pursuant to the Wildlife Act.
Sch 3 -clause 4	At least 10 Working Days before providing the Material Change proposed variation to the Department of Conservation-DOC	The Department recommends clause 4 of Schedule 4 is amended to require any proposed variation to be provided to the Department of

UNCLASSIFIED

UNCLASSIFIED

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	Operations Manager in accordance with condition WA.3, the proposed <u>variation Material Change</u> must be provided to Whitiora for review and comment. The Approval Holder must consider any written feedback received from Whitiora and update the proposed <u>variation Material Change</u> in response to feedback as the Approval Holder considers appropriate, prior to providing the Material Change to the DPC Operations Manager for certification. Advice Note: Certification must not be unreasonably withheld or delayed and certification or a response from DOC is expected to take no longer than 30 working days.	Conservation and a variation to the LMP is sought pursuant to the Wildlife Act. Amendments are also recommended to the advice note to refer to a variation.
Sch 3 – clause 5	Any Material Changes may only be implemented once certification has been received. No proposed variation(s) to the LMP are valid unless certified by the Department of Conservation.	The Department recommends clause 5 is redrafted to be clear that a proposed variation cannot be implemented without receiving certification by the Department of Conservation.
Sch 3 – clause 6	The Approval holder must review the LMP and resubmit it to the Director-General <u>of Conservation via permissions@doc.govt.nz</u> for certification on or before the 10 year anniversary date of the Approval date. The objective of the review is to re-assess habitat conditions and characteristics and update the LMP to reflect current species knowledge, best practice lizard management and mitigation techniques.	The Department recommends the LMP is resubmitted to the Director-General of Conservation for decision on or before the 10-year anniversary.
Sch 3 – clause 8	Capture and handling methods must involve only techniques that minimise the risk of <u>stress</u> , infection and or injury to the animal and must follow those described in the Herpetofauna inventory and monitoring toolbox https://www.doc.govt.nz/our-work/biodiversity-inventory-andmonitoring/herpetofauna/	The Department recommends the condition be amended to include 'the risk of stress, infection and injury'. Stress can result in mortality if unrecognised by the handler.
Sch 3, - clause 9	In addition to those personnel authorised to undertake the Authorised Activity, additional personnel may handle Lizards where the DOC Operations Manager for Mahaanui has agreed in writing. When seeking written agreement, the Approval Holder shall provide evidence of the additional person's relevant qualifications and experience.	The Department considers that clause 9 contradicts with clause 2 above and should be deleted. DOC considers that any changes or additions to personnel are dealt with as a variation to the Wildlife approval.

UNCLASSIFIED

UNCLASSIFIED

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
Sch 3, clause 10	10. If any lizards are found injured, the Lead Herpetologist must be contacted to get advice on management of the lizard. Injured lizard(s) may be euthanised on recommendation of the Lead Herpetologist or a Veterinarian if the SQP on-site has the skills to humanely euthanise.	The Department proposed minor amendments to Schedule 3 clause 10 to specify who can perform euthanasia.
Inclusion of new condition	<u>Lizard capture, handling and liberation must only be undertaken between 1 October and 30 April when lizards are most active.</u>	The Department recommends the inclusion of an additional condition for lizard capture, handling and liberation to only be undertaken between 1 October and 30 April. This condition was proposed in the Section 51 Report prepared by the Department of Conservation as part of Schedule 3 – Special Conditions – Lizard Management Plan. The efficacy of salvage efforts reduces significantly when works are undertaken outside of the appropriate lizard season.
Sch 4, clause 14	This Approval gives the Approval Holder the right to hold absolutely protected wildlife for no longer than 12 hours in accordance with the terms and conditions of the Approval. All absolutely protected wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, any eggs or progeny of the wildlife, genetic material and any replicated genetic material.	The Department supports this condition.

Comments on draft conditions of resource consent C1 – Land use consent (earthworks) CRC263282

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
C1.30 Inclusion of new condition	(a) <u>Prior to commencement of Construction Works within the wetlands noted below and on Plan CRCxxxxxx, and no later than 31 December 2026, the Consent Holder shall undertake a targeted Canterbury mudfish survey.</u> (i) <u>CR W1 NPSFM;</u> (ii) <u>CR W2 NPSFM;</u>	The Department requests the reinstatement of C1.30 from the applicant's response to section 53 comments. It considers that there are additional wetland habitat that could be suitable for Canterbury mudfish within the Project site which have not been surveyed for this species. See Attachment A from Dr. Dunn on the additional seven sites that he considers should be surveyed for Canterbury mudfish.

UNCLASSIFIED

UNCLASSIFIED

- (iii) FR W4 NPSFM;
- (iv) WC W2 NPSFM;
- (v) WC W3 NPSFM;
- (vi) WC W4 NPSFM; and
- (vii) WC W6 NPSFM.

(b) The survey shall be:

- (i) undertaken by a SQP with specific expertise in mudfish survey methods;
- (ii) undertaken at a time of year determined by the SQP to be appropriate for the life stage targeted;
- (iii) undertaken in accordance with the methods described in Ling et al. 2013: A revised methodology to survey and monitor New Zealand mudfish; and
- (iv) designed to determine, to the extent practicable, whether Canterbury mudfish are present within the affected wetland habitats within the project site.

The threat classification of Canterbury mudfish, as the Panel has noted in its draft decision, warrants a survey of additional wetlands to be undertaken. It is inappropriate for the Canterbury Mudfish Management Plan (CMMP) to only be created in response to Canterbury mudfish being discovered when works commence, which would be an accidental discovery protocol. Further, in the draft decision condition CM.1, if Canterbury mudfish are found during the course of works, all works within the area must be stopped until the CMMP is certified, which would lead to significant delays in construction when surveying could be done ahead of time to reduce the risk.

Surveys should be carried out before the works are started to ensure that there are no accidental adverse effects on the species.

C1.31
Inclusion of
new condition

Within 20 Working Days of completion of the survey required by Condition 1.30, the Consent Holder shall provide a survey report to CRC and DOC. The survey report shall map the extent of any occupied mudfish habitat within the affected wetland habitats shown on Plan CRCxxxxxx.

Where Canterbury mudfish are not detected following completion of the survey in accordance with Condition 1.30, no further Canterbury mudfish-specific surveys or Canterbury mudfish-specific management measures are required and Schedule 4 does not apply. Where Canterbury mudfish are detected within the affected wetland habitats shown on Plan CRCxxxxxx, the conditions of Schedule 4 shall apply to Construction Works within this area.

Refer to our comments above.

UNCLASSIFIED

Comments on draft conditions of resource consent C2 – Land use consent (river and lake beds) CRC263283

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
C2.5	(a) To prevent the spread of pest species, including but not limited to Didymo, the consent holder shall ensure that activities authorised by this consent are undertaken in accordance with the Biosecurity New Zealand's hygiene procedures and that machinery shall be free of plants and plant seeds prior to use in the quarry lakes (b) <u>Any rudd (<i>Scardinius erythrophthalmus</i>) recovered during activities authorised by this consent must be immediately euthanised on site in accordance with the Freshwater Fisheries Regulations 1983.</u>	Rudd (outside of the Auckland/Waikato Rudd Area) are included in Schedule 3 – Schedule of Noxious Fishes of the Freshwater Fisheries Regulations 1983. Regulation 65(1) states that no person shall have possession or under his control, or rear, raise, hatch, or consign any of those species (including subspecies, hybrids, and variations of those species). As it would otherwise be an offence, it shall be included in the conditions to exterminate rudd. It is included here additionally for clarity as rudd can be considered a sports fish in the Auckland/Waikato area.
C2.7	Any temporary bridges and culverts within flowing water shall: (a) Not result in the stranding of fish; (b) Where in place for longer than 48 hours, shall provide fish passage [<i>proposed deletion of 'where practicable' by the Panel</i>] in accordance with the EMP	The Department supports the removal of the phrase 'where practicable'.
C2.9	The Consent Holder shall appoint a SQP to design new permanent culverts in Watercourses. The culverts shall be designed and constructed to achieve, where practicable, the following outcomes: (a) Maintenance of the existing stream geometry (plan form and section) and natural geomorphology of the Watercourse; (b) Inclusion of scour protection where required; (c) Inclusion of a low flow channel to maintain water depth during low flows; (d) Creation of pool, riffle and run sequences;	The Department supports the removal of 'where practicable' as proposed by the Panel and supports the inclusion of (d), (e), and (g) to better improve fish passage within the culverts to ensure adverse effects are being appropriately managed.

UNCLASSIFIED

- (e) Incorporation of instream woody habitat features;
- (f) Utilisation of existing natural materials such as rocks, woody debris from the existing Watercourse (where present); and
- (g) Incorporation of a planted flood plain terrace.

C2.11

To comply with Regulation 43 of the Freshwater Fisheries Regulations 1983, the Consent Holder shall appoint a SQP to design the realignment of Waihora Stream, Taranaki Stream, and Taranaki Stream tributary. The realignments shall be designed and constructed to achieve the following outcomes:

- (aa) Permanent fish passage;
 - (a) Channel and banks to have a natural form that considers the geomorphology and geometry of the existing stream channel and is informed by the New Zealand Fish Passage Guidelines, second edition, June 2024;
 - (b) Meanders shall be considered where this can be achieved without creating channel stability risks or requiring unreasonable ongoing intervention;
 - (c) Dimensions (depth, width, and gradient pattern) shall be similar to the reclaimed Watercourse that it replaces to achieve similar velocities, depth profiles and wetted widths;
 - (d) Maintenance of hydrological heterogeneity (pools, runs, riffles, etc) to a similar or better extent than the reclaimed Watercourse that it replaces.
 - (e) Same or better mosaic of substrates as the reclaimed Watercourse that it replaces;
 - (f) Constructed using natural materials and have planting of indigenous vegetation for a zone of at least 10 metres either side of the banks. Such planting shall:
 - (i) Be of a suitable species composition;
 - (ii) Include woody plants within 1m of the bank; and
 - (iii) Be maintained until 80% indigenous canopy cover and a general absence of weeds is achieved;
 - (g) Fenced to exclude stock;

To ensure that permanent fish passage is achieved as outlined in (aa), there must be sufficient post-works monitoring. Staging the monitoring within the time periods will allow for early capture if the realignments are not providing fish passage where needed, and will allow for seasonal variation monitoring. By the time that the two year mark has occurred, there could have been significant adverse effects that have already occurred.

UNCLASSIFIED

UNCLASSIFIED

- (h) Have large and medium woody debris (in slow run and pool habitats) at the time of construction of the realigned Watercourse; and
- (i) Have a range of medium and large cobble (in riffles and faster sections) at the time of construction of the realigned Watercourse.
- (j) Include scour protection where required.
- (k) A SQP shall inspect all realignment channels to monitor instream and riparian habitat establishment and fish passage success. Inspections shall be carried out three months, one year, and two years following completion of construction. The Dispensation Holder shall provide inspection results to CRC annually by 30 June.
- (l) If, after the inspections at three months and year one, the SQP concludes that habitat establishment and fish passage is unlikely to be provided by the two-year inspection without intervention, the SQP shall recommend a range of methods and interventions to support the provision instream and riparian habitat and fish passage. The Consent Holder shall implement the recommended methods and interventions, to the extent practicable.

Comments on draft conditions of Schedules to the resource consents and Definitions and Terms used in resource consents

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
Definitions, Material Change	Material Change means any change to the design, construction methods, or management of effects described in a Management Plan listed in Table 1 or Schedule 4 that would result in a material increase in adverse effects, introduce new adverse effects, or reduce the ability to comply with the consent conditions.	The Department disagrees with the proposed defined term for 'material change'. The term is self-defining as it uses material increase to define material change. There is no current way in the conditions for Canterbury Regional Council, as the regulator of the consent, to oppose a change to a management plan that the applicant considers is not a material change and therefore would allow the applicant to one-sidedly change the management of the consent without a review by Council. Canterbury mudfish are a Nationally-Critical species that requires specialist knowledge to adequately manage the population and

UNCLASSIFIED

UNCLASSIFIED

		ensure that there are no adverse effects on the species as a whole. Any amendment to the Canterbury Mudfish schedule could result in an increase of adverse effects and there is no potential for the Department to provide comment on the changes.
Schedule 1, GC.4	No changes recommended	The Department supports the ability of Canterbury Regional Council to require the applicant to update its practices to the best practical option.
Schedule 2, MP.3	No changes recommended	The Department supports the removal of the deemed certification clause.
Schedule 2, MP.4	Any certified Management Plan may be amended, if necessary, to reflect any changes in design, construction methods or management of effects: (a) Any <u>amendments to a certified Management Plan</u> Material Changes shall be provided to Whitiara for comment prior to submission to CRC for certification. The Consent Holder shall have regard to any comments received from Whitiara prior to submission for certification. (b) Any <u>amendments to a certified Management Plan</u> Material Changes must be submitted to CRC for certification as soon as practical following identification of the need for the amendment and any works associated with the amendment must not commence until recertification has occurred in accordance with condition MP.3 (c) except for Material Changes, Any certified management plans may be amended <u>or</u> updated <u>to reflect a minor administrative change</u> without the need for certification <u>where:-</u> (i) <u>The amendment/s have no, or a de minimis, adverse effect on the environment; and</u> (ii) <u>The amendment is an administrative change.</u>	The Department disagrees with the inclusion of material change as a definition as described above. In the alternative, understanding that there are potential reasons for the applicant to make minor changes, the Department recommends that the administrative changes are defined instead of material change, and that Canterbury Regional Council (CRC) has the opportunity to object to a change being defined as an administrative change. Management plans can only be certified by CRC and should not be delegated to the applicant, so any amendments to management plans should ultimately be reviewed and where necessary certified by CRC, and not at the whim of the consent holder.

UNCLASSIFIED

UNCLASSIFIED

- (d) Any management plan amended under MP.4(c) must be provided to CRC within 10 working days of the change. If Council determines that the amendments do not comply with (c)(i) or (c)(ii) above, then the amendments are to be submitted for certification under MP.3.
- (e) Updated management plans shall must be provided to CRC and Whitiara for information within 5 working days of their updating.

Schedule 2,
MP.7

The purpose of the EMP is to address the management of adverse effects on ecology for the activities authorised under resource consents C1 – C3 to ensure there is no net-loss of indigenous biodiversity values within the project site. The scope of the EMP is limited to:

- (a) Indigenous biodiversity in and within 10 metres of Watercourses, Wetlands and the Quarry Lakes;
- (b) Fish management in Watercourses and the Quarry Lakes; and
- (c) Residual effects management for the matters addressed in Schedule 3.

The Department requests that there is a reference to no net-loss of indigenous biodiversity in the purpose of the EMP. No net-loss is important to ensure that (a) and (b) are appropriately implemented but that the residual effects management in (c) can adapt to undertake additional offsetting and compensation if no net-loss has not been achieved in accordance with the National Policy Statement for Indigenous Biodiversity and the National Policy Statement for Freshwater Management.

Schedule 2,
MP.8

The EMP must include:

General

- (n) Identification of key ecology personnel, including their roles and responsibilities, specialist expertise, and relevant experience;
 - (o) Site staff induction procedures in respect of ecology;
 - (p) Any feedback provided by Whitiara on draft versions of the EMP;
 - (q) A protocol for provision of a summary of outcomes to Whitiara, on a six-monthly basis, from monitoring required under this management plan;
 - (r) A protocol for consultation with Whitiara in respect of any concerns or issues in relation to effects on the environment
-

UNCLASSIFIED

UNCLASSIFIED

during construction, and in particular observed effects on water quality and the health and wellbeing of waterbodies.

- (s) Environmental reporting to the CRC and Whitiara;
- (t) Environmental auditing and compliance monitoring;
- (u) Review processes, including a protocol for amending the EMP as a result of any complaints or issues arising during construction.

Reporting requirements are necessary to ensure that the EMP is being correctly implemented to give effect to the purpose as set out in MP.7. Without reporting, CRC cannot be certain that the Consent Holder is abiding by the EMP.

Indigenous biodiversity (within 10 metres and in Watercourses and Wetlands)

- (v) Approaches to the management of indigenous vegetation clearance and planting through:
 - i. Protocols that include demarcation, timing of vegetation clearance and planting; and supervision requirements;
 - ii. A planting guide that sets out:
 - iii. The source of plants from the rohe or relevant ecological districts, including a propagation guide;
 - iv. Plant specifications;
 - v. Species mix;
 - vi. Nursery requirements;
 - vii. Methods, locations, plant numbers, spacing, density and timing of planting;
 - viii. Approaches to livestock exclusion.
- (w) Pest plant and animal management,
- (x) Planting monitoring and maintenance approach and timelines.
- (y) Approaches to the management of potential effects on indigenous birds, including:
 - i. The avoidance of undertaking vegetation clearance works during peak bird breeding season (September 1 to January 31 inclusive)
 - ii. The procedures for pre-construction avifauna surveys;
 - iii. Constraints on vegetation clearance;

The Department maintains the position that vegetation clearance should be avoided during bird breeding season to ensure that birds are appropriately managed during the vegetation clearance. As the original purpose of the EMP is to 'manage effects on ecology', there is no requirement for the Consent Holder to undertake the effects management hierarchy in an appropriate order. An example is that

UNCLASSIFIED

UNCLASSIFIED

- iv. Deterrents;
- v. Exclusion zones;
- vi. Supervision; and
- vii. Responses to accidental harm.

stating that there will be deterrents does not provide confidence that the deterrents will be effective or used appropriately.

Fish management

(z) Fish recovery protocols to provide procedures for the salvage and relocation of fish shall include the:

- i. Location where fish and aquatic organisms shall be salvaged and released;
- ii. Methods to prevent fish entering the works area once defishing occurs
- iii. Methods used to hold fish following capture and prior to release
- iv. Measures to prevent fish impingement and / or entrainment during stream works.
- v. Roles and responsibilities for the ecologist/s, contractors and other people on site
- vi. Measures to avoid or minimise times when migratory fish species or fish are migrating or spawning
- vii. Deterrent, removal, recovery, relocation, and reporting methods prior to and post the commencement of construction activities;
- viii. Measures to manage pest fish species and exotic fish.
- ix. Fish salvage data must be reported to CRC and must include but not be limited to:
 - 1. fishing effort and catch rate changes,
 - 2. species,
 - 3. numbers,
 - 4. release site information, and

The Department considers that to ensure that the fish salvage is undertaken correctly the Consent Holder shall be required to provide the data that the EMP provisions are being followed.

UNCLASSIFIED

UNCLASSIFIED

5. mortalities.

- (aa) Site-specific guidance of fish migration and spawning times;
- (bb) Approaches to on-line stream works that, where such works cannot be avoided:
 - i. Provide temporary fish passage where practicable; or where temporary fish passage is not practicable, provide fish salvage and relocation; and
 - ii. Manage the timing of works in respect of site conditions and to avoid peak fish migration and spawning seasons.
- (m) Requirements for ecological oversight of the South Remnant Lake infilling and wetland offset construction

Residual effects management

- (cc) State the offset and compensation measures, and relevant calculations, required to comply with the conditions EM.2-EM.4 in Schedule 3 of these resource consents.
- (dd) Set out the principles, methodologies, processes, targets, monitoring and reporting that will be used to achieve the offset and/or compensation measures.
- (ee) Set out details regarding the South Remnant Lake offset area, including at least the following:
- (ff) Eradication of coarse fishes from the lake and public exclusion fencing to prevent human reintroduction of coarse fishes
- (gg) Infilling of the South Remnant Lake to a suitable depth for wetland planting success;
- (hh) Retaining approximately 30% of the lake remnant open water;
- (ii) Manipulating the infill material to create a range of water depths that will allow a variety of wetland habitat types to be established;
- (jj) Water depths ranging from approximately 0.1 to 1.0 m;

The Department supports the additional requirements for the residual effects of the Southern Quarry Lake remnant offset.

It recommends an additional condition to require the eradication of coarse fish from the lake, as the applicant has already stated that it is their intention to do so, and is required for the lake to be a sufficient offset.

UNCLASSIFIED

UNCLASSIFIED

- (kk) Undertaking wetland restoration planting with a range of species suited to establishment on constructed wetland substrate;
- (ll) Creating 4 to 6 different habitat types across the wetland planting area;
- (mm) Adding topsoil, if required, in parts of the proposed wetland to improve planting success within the target habitat type;
- (nn) Subject to final site layout and planning, establishing the following indicative dominant plants and habitat types:
 - i. Raupō (*Typha orientalis*) reedland;
 - ii. Harakeke and tī kōuka flaxland;
 - iii. Kāpūngāwhā (*Schoenoplectus tabernaemontani*) sedgeland;
 - iv. *Juncus pallidus* rushland; and
 - v. *Carex virgata* / *Carex secta* sedgeland.
- (oo) Requiring wetland habitat planting maintenance for 15 years.
- (pp) Set out details regarding the McIntosh Drain offset, including at least the following:
 - i. Inclusion of a low flow channel to maintain sufficient water depth for biota;
 - ii. Creation of pool, riffle and run sequences (where the bed grade is sufficient);
 - iii. Providing instream habitat features, such as wood and large rocks;
 - iv. Providing native plants that overhang the waterway to provide shade and habitat;
 - v. A floodplain terrace planted with native species;
- (qq) Details and locations of the lizard habitat enhancement offset.

Schedule 3,
EM.3

- (a) Except where modified by Condition EM.4, offset and compensation measures shall be carried out in accordance with the Ecology Offset Plan (Volume 4E of the Application) attached to and forming part of this resource consent.

The Department supports the inclusion of (b) as it considers it is necessary to offset the residual adverse effects on wetland loss and lizard habitat loss.

UNCLASSIFIED

UNCLASSIFIED

- (b) The offsetting areas must include at least 2.6 ha of wetland area in the Southern Remnant Lake, 0.19 ha of stream bed and 2.5 ha of associated riparian planting along McIntosh Drain, and 6 ha of lizard habitat restoration and enhancement undertaken throughout the Project site area.

Included restoration and enhancement for clarity as it is existing lizard habitat.

Schedule 3.
EM.4

- (a) Prior to the submission of the EMP to CRC for certification, the offset and compensation measures specified in the Ecology Offset Plan must be recalculated.
- (b) The recalculation shall include a re-evaluation of the baseline assumptions of the recipient sites relative to the calculations, to reflect any revision to:
- i. The area of habitats to be removed as a result of the final design and the Construction Works to be carried out under these resource consents,
 - ii. Wetland values, if the Canterbury mudfish survey required by CRC263282 Condition C1.30 confirms the presence of Canterbury Mudfish in the surveyed mudfish habitats.
- (c) Where the recalculation results in offset and compensation measures that differ to those in the Ecology Offset Plan, the revised measures:
- i. Supersede the measures in the Ecology Offset Plan; and
 - ii. Must be included in the EMP to be certified, along with an explanation of the revisions made and confirmation that Condition EM.2 is complied with.

The Department disagrees that WC_W6_NPSFM is the only wetland that is potential Canterbury Mudfish habitat. Please see Appendix 1 for Dr. Dunn's memorandum on the potential 6 other wetlands that should be surveyed for Canterbury Mudfish.

It recommends the re-inclusion of EM.4(b)(ii) to ensure that all potential mudfish habitat is properly surveyed.

Advice Note: This condition does not require the effects on Canterbury mudfish to be included in any recalculation (only a uplift in wetland values if mudfish are confirmed as present). The effects on Canterbury mudfish are addressed by the conditions in Schedule 4.

Schedule 4,
CM.2

- The purpose of the CMMP is to:
- (a) ~~minimise to the extent practicable~~ avoid the injury and mortality of Canterbury mudfish during Construction Works

Minimise to the extent practicable is not appropriate for a Nationally-Critical species. The applicant should avoid injuries and mortalities by undertaking a suitable survey of all the potential wetland habitats before the works are undertaken. If any Canterbury mudfish are

UNCLASSIFIED

UNCLASSIFIED

- (b) establish or enhance a relocation recipient site or sites for Canterbury mudfish,
- (c) provide for the salvage and relocation of Canterbury mudfish, and
- (d) provide for further compensation if appropriate.

harmd in the process of construction works, compensation is required.

There is an intention to avoid adverse effects on Canterbury mudfish as stated in CM.5(b) and thus it should be followed through into the purpose of the condition.

Schedule 4,
CM.3

The CMMP shall be prepared by a SQP with specific expertise in mudfish in consultation with the Department of Conservation.

As mentioned in the Department's section 53 comments, it considers that due to the limited information and understanding of Canterbury mudfish, it should be consulted throughout the process of creating the Canterbury mudfish plan to ensure that the adverse effects on Canterbury mudfish are avoided.

Schedule 4,
CM.4

The CMMP shall include:

- (a) the results of the Canterbury mudfish survey required by Condition 3.10;
- (b) the location and extent of occupied Canterbury mudfish habitat within Potential Mudfish Habitats, CR W1 NPSFM, CR W2 NPSFM, FR W4 NPSFM, WC W2 NPSFM, WC W3 NPSFM, WC W4 NPSFM; and WC_W6_NPSFM, to which the CMMP applies;
- (c) measures to avoid or minimise effects on Canterbury mudfish;
- (d) salvage and handling methods;
- (e) relocation methods, including timing, fish capture, temporary holding, transport and release procedures;
- (f) the location of proposed recipient site or sites, including confirmation by a suitably qualified and experienced freshwater ecologist that the site could potentially support Canterbury mudfish;
- (g) any habitat restoration, enhancement, preparation, or fencing required at the recipient site or sites prior to relocation;
- (h) post-relocation monitoring methods for a period of two years following relocation, with the purpose of assessing

The Department requests the reinsertion of the requirements of the results of the Canterbury mudfish survey required by condition 3.10 due to its position that additional wetlands could be adequate mudfish habitat.

It supports the removal of "where practicable" for now (c).

UNCLASSIFIED

UNCLASSIFIED

- whether Canterbury mudfish establishment at the recipient site has been demonstrated;
- (i) performance measures for determining whether Canterbury mudfish establishment at the recipient site has been demonstrated;
 - (j) reporting requirements to CRC and DOC, including reporting of capture and relocation data, habitat restoration or enhancement works, monitoring results and the outcome of the two-year monitoring period; and
 - (k) further Canterbury mudfish compensation measures to be implemented if:
 - (i) A suitable site for Canterbury mudfish relocation cannot be identified, or
 - (ii) Canterbury mudfish establishment at the recipient site has not been demonstrated after two years of post-relocation monitoring;
 - (l) The compensation measures must directly relate to Canterbury mudfish and may include research, recovery, survey, monitoring or habitat restoration.

CM.6

- (a) At least 20 Working Days before submitting the CMMP to CRC in accordance with Condition CM.7, the CMMP shall be provided to DOC for review and comment. ~~The Consent Holder shall consider any written feedback received from DOC prior to providing the CMMP to CRC.~~
- (b) The Consent Holder must take into account all comments and suggested amendments and additions to each plan received from the Department of Conservation.
- (c) The Consent Holder must prepare a document (or documents) outlining what if any amendments or additions

If the Panel does not accept that the Department should be consulted throughout the creation of the Canterbury mudfish management plan, it requests that the Panel impose a similar condition to the HDC and WRC¹ conditions for the Fast-track Waihi North decision². It would require the applicant to provide further information to Canterbury Regional Council as to why it has not incorporated the Department's advice.

¹ Hauraki District Council (HDC) Waikato Regional Council (WRC)

² <https://www.fasttrack.govt.nz/projects/waihi-north/the-decision>

UNCLASSIFIED

UNCLASSIFIED

have been made to the CMMP in response to comments and suggestions made by the Department of Conservation and provide that document to the Canterbury Regional Council contemporaneously with the CMMP when it is submitted for certification or recertification under Condition MP.3 and MP.4.

- (d) The document required under Condition CM.6(c) must include an explanation of where any comment or suggestion made by the Department of Conservation has not been incorporated into the plan and the reasons why.
- (e) A copy of the CMMP that is submitted for certification must be provided to the Department of Conservation for their information, together with the document required under Condition CM.6(c).

CM.10	Material Changes to the certified CMMP must proceed through the steps in Conditions CM.6 and CM.7.	Delete condition CM.10. Conditions MP.3 and MP.4 are sufficient to manage certification of the CMMP alongside with the amendments to CM.6. The certification process here is otherwise different, as it does not allow CRC to reject the certification process as explicitly in MP.3 and MP.4. All management plans should be certified under MP.3 and MP.4 for clarity.
CM.11	Except for Material Changes, the CMMP may be amended without the need for certification and shall be provided to CRC and DOC for information.	Delete condition CM.11. Conditions MP.3 and MP.4 are sufficient to manage certification of the CMMP alongside with the amendments to CM.6. The certification process here is otherwise different, as it does not allow CRC to reject the certification process as explicitly in MP.3 and MP.4. All management plans should be certified under MP.3 and MP.4 for clarity.

UNCLASSIFIED

Comments on draft conditions of Complex Freshwater Fisheries Approval

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
Inclusion of new condition	<u>The Consent Holder shall appoint a suitably qualified and experienced person to design new permanent culverts in Watercourses. The culverts shall be designed and constructed to achieve the following outcomes:</u> <u>(a) Maintenance of the existing stream geometry (plan form and section) and natural geomorphology of the Watercourse;</u> <u>(b) Inclusion of scour protection where required;</u> <u>(c) Inclusion of a low flow channel to maintain water depth during low flows;</u> <u>(d) Creation of pool, riffle and run sequences;</u> <u>(e) Incorporation of instream woody habitat features;</u> <u>(f) Utilisation of existing natural materials such as rocks, woody debris from the existing Watercourse (where present); and</u> <u>(g) Incorporation of a planted flood plain terrace.</u>	The Department notes that the Panel has not issued a set of conditions for the Complex Freshwater Fisheries Approval (CFFA) and instead has incorporated the specific CFFA conditions into the Canterbury Regional Council resource consent conditions. The Department has the responsibility under the Freshwater Fisheries Regulations (FFR) for the enforcement of any approvals granted underneath the FFR. It cannot enforce action against a Consent Holder for breaches of the FFR if there are no conditions to the approval that the Department has granted. While it is unfortunate that it would 'double up' the requirements of the applicant, there would be flow on effects to the CFFA that are not authorised by the Department if the Canterbury Regional Council amends the conditions that pertain to the CFFA. A similar situation occurred in the Fast-track Waihi North draft decision. In the draft decision, it was proposed that cross-referencing resource consent conditions would 'flow through' to the Department's approvals. The Panel reversed the draft decision conditions to reinstate the appropriate conditions in the Department's approvals.³ Since there are no conditions in the CFFA, it effectively creates the same issue as there would be no required amendments to the CFFA. As currently drafted, the Department would only be able to inform Canterbury Regional Council of its concerns regarding compliance with the FFR rather than be able to take enforcement action itself.

³ Record of Decisions of the Waihi North Expert Panel under Section 87 of the Fast-track Approvals Act 2024 (18 December 2025) at part N, paragraph [36](b).

The Department requests that the CFFA include conditions, replicating the requirements in the Canterbury Regional Council consents. The same applicant also argued in the Takitimu North Fast-track application for no conditions to be included in the CFFA, but the Panel ultimately included conditions in the CFFA in the final decision.⁴

This condition replicates Condition C2.9 in the Canterbury Regional Council resource consents.

Inclusion of
new condition

(a) Permanent fish passage shall be provided through the following new permanent culverts, when each culvert is lived, informed by the New Zealand Fish Passage Guidelines, second edition, June 2024.

As above, replicating Condition C2.10 in the Canterbury Regional Council resource consents.

<u>Stream</u>	<u>Culvert location</u>
<u>McIntosh Drain</u>	<u>South of Fullers Road</u>
<u>Waihora Stream</u>	<u>State Highway 1</u>
<u>Taranaki Stream</u>	<u>Bob Robertson Drive</u>
<u>Taranaki Stream</u>	<u>Pegasus Interchange</u>
<u>Wilsons Drain</u>	<u>South of Cam River/Ruataniwha</u>

(b) Within 20 Working Days of the installation of a new permanent culvert:
 (i) Written confirmation must be provided to CRC and DOC that each structure has been constructed in accordance with clause (a), and

⁴ [Record of Decisions of the Takitimu North Link Stage 2 Expert Panel under Section 87 of the Fast-track Approvals Act 2024 \(20 April 2025\), page 21, paragraph 69.](#)

UNCLASSIFIED

- (ii) The information required by Regulations 62, 63, and 69 of the NES-F must be provided to DOC.
- (c) Within 1 year of the installation of a new permanent culvert:
 - (i) An SQP shall inspect all culverts to determine whether an appropriate in-pipe substrate has been retained, and fish passage is provided, and in the event that if such substrate has not been retained or fish passage has not been provided, the Consent Holder shall make other modifications to the culvert recommended by the SQP;
 - (ii) Written confirmation must be provided to DOC of the SQP's inspection and findings under clause (c)(i).

Inclusion of
new condition

The Dispensation Holder shall appoint a SQP to design the realignment of Waihora Stream, Taranaki Stream, and Taranaki Stream tributary. The realignments shall be designed and constructed to achieve the following outcomes:

- (a) Permanent fish passage;
- (b) Channel and banks to have a natural form that considers the geomorphology and geometry of the existing stream channel and is informed by the New Zealand Fish Passage Guidelines, second edition, June 2024;
- (c) Meanders shall be considered where this can be achieved without creating channel stability risks or requiring unreasonable ongoing intervention;
- (d) Dimensions (depth, width, and gradient pattern) shall be similar to the reclaimed Watercourse that it replaces to achieve similar velocities, depth profiles and wetted widths;
- (e) Maintenance of hydrological heterogeneity (pools, runs, riffles, etc) to a similar or better extent than the reclaimed Watercourse that it replaces.
- (f) Same or better mosaic of substrates as the reclaimed Watercourse that it replaces;

As above, replicating Condition C2.11 in the Canterbury Regional Council resource consents.

UNCLASSIFIED

UNCLASSIFIED

- (g) Constructed using natural materials and have planting of indigenous vegetation for a zone of at least 10 metres either side of the banks. Such planting shall:
 - (iv) Be of a suitable species composition;
 - (v) Include woody plants within 1m of the bank; and
 - (vi) Be maintained until 80% indigenous canopy cover and a general absence of weeds is achieved;
 - (h) Fenced to exclude stock;
 - (i) Have large and medium woody debris (in slow run and pool habitats) at the time of construction of the realigned Watercourse; and
 - (j) Have a range of medium and large cobble (in riffles and faster sections) at the time of construction of the realigned Watercourse.
 - (k) Include scour protection where required.
 - (l) A SQEP shall inspect all realignment channels to monitor instream and riparian habitat establishment and fish passage success. Inspections shall be carried out three months, one year, and two years following completion of construction. The Dispensation Holder shall provide inspection results to DOC annually by 30 June.
 - (m) If, after the inspections at three months and year one, the SQEP concludes that habitat establishment and fish passage is unlikely to be provided by the two-year inspection without intervention, the SQEP shall recommend a range of methods and interventions to support the provision instream and riparian habitat and fish passage. The Dispensation Holder shall implement the recommended methods and interventions, to the extent practicable.
-

Attachment A – Memorandum from Dr Nicholas Dunn, Senior Freshwater Science Advisor, dated 1 July 2026

FTA-2512-1157- Assessment of potential habitat for Canterbury mudfish within the State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus) Fast Track application project area.

UNCLASSIFIED