BEFORE THE PANEL CONVENER

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application by The New Zealand Transport Agency under section 42 of the FTAA for State Highway 29 Tauriko Network Connections (including Omanawa Bridge replacement)

APPLICATION NO. FTAA-2606-1254

MEMORANDUM FROM THE DIRECTOR-GENERAL OF CONSERVATION RESPONDING TO MINUTE OF THE PANEL CONVENER

23 September 2026

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (**D-G**) by the Department of Conservation (DOC). It responds to Minute 2 of the Panel Convener dated 16 September 2026 in respect of the State Highway 29 Tauriko West Connections Fast track application (the "Minute").

2. The Minute refers to an upcoming conference, to gather participant views, that will inform decisions of the Convener regarding:

   a) Appointment of panel members.

   b) The timing of the panel decision.

3. This memorandum addresses the matters identified in Schedules 1 and 2 of the Minute, as relevant to the two decisions required of the Panel Convener set out at paragraph 2 of the Minute.

4. The memorandum focuses on the approvals sought under section 42(4)(h), being a wildlife approval as defined in Clause 1 of Schedule 7 and a complex freshwater fisheries activity approval as defined in Clause 1 of Schedule 9 but also discusses relevant issues in relation to resource consents and the designation.

Complexity

5. DOC has reviewed the matters in Schedule 1 of the Minute and considers that the **wildlife approval and freshwater fisheries activity approval** components of this Project are of relatively low complexity, subject to the applicant providing further information or clarification on several matters listed below.

Wildlife Approval for lizards

6. Clarification is needed for the approval of the use of the reserve as the lizard release site. The proposed lizard release site is vested in the Crown but controlled and managed by Tauranga City Council (TCC). No concession has been applied for as part of the application. DOC is aware that TCC and the applicant are currently working on an agreement for approval to use that site with requirements for how it will be managed. There are some issues to be resolved which will require DOC input. This includes best practice

requirements for preparation of that site including pest control, physical works and vegetation management and making sure all the relevant approvals are either in place or highlighted to the applicant and able to be secured. It is hoped these matters will be progressed prior to the section 51 report stage.

7. DOC has provided detailed feedback on the Wildlife Approval for lizards including the need to reflect only the specific species applied for; the need for an accidental discovery condition and clarification as to whether the applicant is expecting the LMP to be approved by the Panel through this process. This approach to finalise and condition the LMP through the fast-track process is DOC's preference.

8. DOC has provided detailed feedback to the applicant on the draft lizard management plan, including feedback relating to:

   a) Salvage: Including clarification of the extent of lizard habitat to be cleared, techniques for searching and trapping; triggers for implementing or not implementing further salvage effort at the decision points; vegetation clearance; annual reporting; location of traps;

   b) Relocation site: Including timeframe for enhancement; details of vegetation removal and replacement including sufficiency of habitat replacement; any existing pest control; whether mice are included in predator control targets; timing of pest control; improvements to methodology; and monitoring and contingency.

Complex Freshwater Fisheries Approval

9. DOC has provided feedback to the applicant on Volume E the Complex Freshwater Fisheries approval and raised with the EPA at a completeness stage, that the complex freshwater fisheries approval only covers the temporary structures required during construction. However, it also appeared that the permanent structures may also fall within the FTAA definition of the complex freshwater fisheries activity yet were not part of the application.

10. The applicant has undertaken to explore the need for approvals under the fisheries regulations at a later date.

11. However, in relation to the Volume E, DOC has raised several matters with the applicant regarding the CFFA sought. DOC considers there is a lack of

draft conditions for the diversion structures, such as the temporary bunds, cofferdams, pipes, flumes, pump around systems, temporary diversion channels and temporary culverts. DOC also considers there is a lack of overall assessment of the magnitude of effect on freshwater fish from temporary dams and diversions. DOC will continue to work through these matters with the applicant.

Resource consent

12. DOC considers the resource consent components of the projects that are relevant to DOC's interests to be of medium complexity.

13. DOC has provided detailed feedback to the applicant on terrestrial ecology, bats, wetlands, earthworks, and avifauna which DOC expects can be worked through over the duration of this FTAA process to be reflected in updated conditions and management plans.

14. The following matters have also been raised with the applicant and DOC expects these will be subject to further engagement:

    a) the need for targeted bittern surveys and greater buffers should they be detected (100 metres not 50 metres).

    b) the need for a more comprehensive post construction bat survey.

    c) consideration of the effect of lighting on avifauna and bats.

    d) the need for a more explicit hydrological effects assessment.

    e) the need for a BOAM assessment with regard to wetland compensation to ensure wetland creation and restoration is appropriate to offset effects.

    f) no net loss of wetlands should be achieved.

15. The consent conditions should specify the following performance standards and contingency measures for wetland restoration/creation: vegetation composition, hydrology, pest plants, survival, structural complexity, wetland extent and fauna habitat. Monitoring of wetland creation/restoration and hydrology should also be considered.

16. Alongside these specific topic-based issues, DOC wishes to identify wider issues for consideration in this application:

a) The short-term of the proposed maintenance of planting, pest plant and animal management for only 5 years.

b) Proposed provisions (i.e. earthworks condition 5.2) which allow for amendments to management plans without recertification.

c) The requirement for management plans to be provided to BOPRC for certification, not just for information purposes.

d) The lack of a more standard 'Condition 1 – in general accordance' and the effect of this on all other conditions which should be more detailed.

e) The long length of the approvals sought, create a risk, in that future effects (and benefits) are not easy to predict or assess at this stage.

17. The D-G believes that improvements will be able to be made to the proposed conditions through the Fast-track process.
18. The D-G is not in a position to advise the Convener about the complexity of the designation component of the Project.

Appointment of panel members

19. In terms of the D-G's interests, key matters to be considered in this application are effects on absolutely protected wildlife, in particular lizards but also effects on freshwater habitat and on conservation matters dealt with as part of the proposed resource consents (herpetofauna, wetlands, avifauna and freshwater habitat).

20. The D-G considers it is appropriate that the Panel Convener appoints a panel that contains relevant ecological expertise, albeit recognising that the panel would be guided by reports and advice from the D-G and others.

21. An understanding of effects on wildlife and biodiversity values that would be required to assess resource consent issues associated with this project is likely to be sufficient to enable appropriate decision making on the wildlife approval.

22. The D-G considers that, in terms of the D-G's interests, appointing more than the default number of panel members is not required. The D-G recognises that matters outside of the D-G's interests may warrant appointment of additional members.

Issue (b) – Timing of Panel decision

23. The D-G agrees that the relevant matters for setting an appropriate time frame for consideration of this Project are the scale, nature, and complexity of the approvals sought, and any other matter raised by the application.

24. The D-G considers that the default time frame would be sufficient for the wildlife approval and freshwater fisheries activity approval components of this Project, are of low legal, evidential, and factual complexity. It is expected that specific advice around timeframes needed to decide on the resource consent elements of the Project to be provided by other attendees of the conference.

25. The D-G recommends that the timeframe accommodate any procedural steps that may be necessary, such as additional information requests by the panel under section 67 of the FTAA.

26. The D-G considers that exactly what procedural steps will be necessary and appropriate will need to be determined by the panel once the key issues have crystalised but notes that it is unlikely a hearing would be required on the wildlife approval or freshwater fisheries activity approval components of this Project.

Conclusion

27. As highlighted by DOC's response to the completeness assessment, DOC staff did not have the opportunity to engage on the full scope of the substantive application material or emerging issues during pre-lodgement.

28. However, DOC and NZTA have been engaging directly on the broad scope of the project for many months and more recently on the information submitted in support of the substantive application. DOC staff have provided the applicant with comments on areas of interest, for further discussion on the wildlife approval, freshwater fisheries activity approval and the resource consent conditions as they move through the FTAA process. The D-G confirms willingness to engage directly with the applicant and Panel as necessary to advance the progress of the application.

29. The D-G's representatives will attend the Panel Convener's conference scheduled for the morning of the 26 September and will be available to elaborate further on matters discussed on this memorandum.



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