

Your Comment on the Rangitootuni application

FTAA-2504-1055 – Rangitootuni – comments on draft conditions from DG Conservation

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		
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<input checked="" type="checkbox"/>	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct
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Please provide your comments below, include additional pages as needed.

Please find comments attached



Jenni Fitzgerald
Fast-Track Applications Manager

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

Date: 7/11/2025

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: Department of Conservation

Regarding fast-track project: Rangitooopuni

Fast track Reference: FTAA-2504-1055

Comments on draft conditions of Wildlife Act approval

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
9	<p>Death of wildlife associated with salvage activities</p> <p>9. If any lizards should die during the activities authorised by this Approval being carried out, the Approval Holder must:</p> <ul style="list-style-type: none"> inform the Auckland DOC Operations Manager (auckland@doc.govt.nz) within 48 hours, chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and send the body to Massey University Wildlife Post Mortem Service for necropsy OR as otherwise advised by the Auckland DOC Operations Manager, along with details of the animal's history; and 	We suggest adding an additional paragraph to the bottom of the clause for clarification purposes.

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	<ul style="list-style-type: none">• pay for any costs incurred in investigation of the death of any lizard; and• if required by the Auckland DOC Operations Manager, cease the Authorised Activity for a period determined by the DOC Operations Manager.• <u>For the avoidance of doubt, this condition applies to lizard deaths that are associated with salvage activities and does not apply to incidental deaths that occur during lawful activities. The purpose of the above clause is to ensure the methodologies and practices for catch, transfer, and liberate are functioning successfully and to require investigation in the event that deaths occur during salvage activities.</u>	
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Comments on draft conditions of resource consent

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
40	<p><u>Bat Management Plan</u></p> <p>Prior to any tree alteration works at the site- the commencement of any Project Stage, as set out in condition 16, the Consent Holder must submit a BMP to the Council for certification. The BMP must be prepared by a suitably qualified and experienced ecologist, <u>must be consistent with the Bat Protocols (Protocols for minimising the risk of felling occupied bat roosts) to outline pre-felling monitoring of high risk trees, and include details of effects management for the purpose of achieving the following objectives:</u></p> <p>a. <u>To minimise the adverse effects of tree-felling; and</u> b. <u>To avoid, remedy and/or mitigate adverse effects on bats and their habitat during- and post- construction.</u></p> <p>The BMP must set out the practices and procedures to be adopted to avoid as far as practicable the injury/death of bats during the construction and operation of the Project Site and to the extent they are applicable to its scope, the BMP must include (where relevant):</p>	<ul style="list-style-type: none"> Long tail bat (LTB) habitat does not just include the area or environment where a population roosts but also includes the areas used for its feeding or breeding patterns (as per the definition of 'habitat' within the NPSIB). Riverhead Forest is known to support a population of LTBs and there are records of their presence both within and within 500m of the project site. The Bat survey provided (March-May2025) shows evidence that bats use the area. However, acoustic surveys do not provide information about roosting particularly over this time period. The EIA provided identifies that even with the removal of mature exotic forest habitat as part of a permitted¹ Commercial Forestry Activity, any LTBs that remain within the area will still likely utilise flight corridors or foraging habitat within the site due to the streams and wetland present within the application site. The EMP identifies <u>the effects</u> of the proposed development on LTBs which not only considers loss of roost trees but also loss of potential commuting habitat, construction effects and effects associated with the development such as increased predation, artificial lighting etc.

¹ Subject to compliance with the NES for Commercial Forestry including Regulation 66 and Schedule 6 harvest plan and the requirement to *mitigate adverse effects on threatened or at-risk species*

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	<p><u>The BMP shall include (but not be limited to) the following:</u></p> <p>a) A detailed description of the scope of activities it covers, including <u>a list of Project Construction Work Components and/or Operations</u> and confirmation of all areas to which it will be applied and over what duration <u>and timing of the implementation of the BMP</u>;</p> <p>b) <u>Confirmation of the locations and extents of all High Value Bat Habitats on the Project Site;</u></p> <p>c) A <u>vegetation tree</u> removal protocol prepared by a qualified bat ecologist that sets out the monitoring procedures to be implemented for the removal of any vegetation and/or trees that are identified as potential bat roosts. This can be achieved through acoustic surveys, direct observation of trees prior to their removal, and by managing the time (month) of removal;</p> <p>d) Details of ongoing monitoring and reporting of bat activity where occupied bat roosts are discovered</p> <p>e) Protocol(s) for minimising disturbance from construction activities near any discovery of active roosts until the bat ecologist confirms they are vacant;</p> <p>f) Methods for the replacement of any actual and potential bat roosts that are removed as part of the proposal; <u>including but not limited to:</u></p> <p>i. <u>Procedures and actions for the design, timing, location and placement of artificial roosts within pest controlled habitat prior to any vegetation clearance</u></p>	<ul style="list-style-type: none"> The EMP notes large trees within the riparian corridors that <i>would be protected from forestry operations as part of the application</i>². This is likely given that roost trees may be avoided to comply with the permitted standards for harvesting and requirement to mitigate effects on threatened species. The EIA identifies one large radiata pine near to Wetland 1 and a large pine within the riparian corridor of Lot 1 which has the potential to support communal roosts. These and any other trees identified should be referred to within the conditions.

² EMP, Section 2.1.1.3

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	<p>ii. <u>installation and maintenance of artificial roost boxes (ratio of 6 artificial roosts to every 1 confirmed tree)</u></p> <p>iii. <u>Establishment of a monitoring programme for artificial roosts installed for a duration of up to 15 years</u></p> <p>iv. <u>Reference to the NZ Bat Recovery Group Advice Note – The use of artificial bat roosts when undertaking this assessment</u></p> <p>g) Management actions to minimise disturbance to bats from temporary or permanent lighting <u>including but not limited to:</u></p> <p>i. <u>minimisation of artificial lighting by placing controls to minimise light spill and production of blue light wavelengths for residential and street lighting within the development site;</u></p> <p>ii. <u>lighting protocols that require the shielding of lights that are downlit with a maximum colour corrected temperature of 2700K or below;</u></p> <p>h) Management actions to minimise disturbance to bats from operational noise and lighting during construction;</p> <p>x) <u>Methods to achieve enhancement of bat habitat within the site including (but not limited to):</u></p> <p>i. <u>Protecting identified and potential roosting trees within the riparian corridors (Lot 1) and wetland margins</u></p> <p>ii. <u>Pest control within high value bat habitat and revegetation areas</u></p>	<ul style="list-style-type: none"> • To ensure the management plan follows best practice in relation to tree felling and lighting for bats the relevant NZ Bat Recovery Group Advice Notes are referred too. • The response to the s53 comments provided by the applicant agrees to the Departments recommendation to control the colour correlated temperature of luminaires to a maximum of 2700K within the site and agrees that adjustments to lighting matters should be addressed by conditions. The Department supports this approach, but this does not appear to have been carried over into the set of draft conditions.

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	<p>iii. <u>Planting of appropriate vegetation types suitable for long tailed bat habitat within the identified high value bat habitat and revegetation planting areas.</u></p> <p>y)</p> <p>Advice Note: For the avoidance of doubt, this condition does not apply to existing permitted forestry activities.</p> <p><u>Advice Note - Wildlife Act 1953: The Consent Holder is required to ensure they comply with their responsibilities under the Wildlife Act 1953 to not disturb, harm, kill etc any protected wildlife. If approvals are required under the Wildlife Act 1953, the Consent Holder must ensure that the methodologies adopted under this condition do not conflict with any requirements of that Act.</u></p> <p><u>Once certified, the Consent Holder must comply with the certified BMP.</u></p>	<ul style="list-style-type: none"> The advice note below this condition is not required as the application to which this consent relates is not for forestry activities. As noted within the s53 comments, an advice note is recommended to remind the Consent Holder of the requirements under the Wildlife Act in relation to bats.
New Conditions	<p><u>No removal of trees identified as active or inactive bat roost trees, shall occur except in accordance with the tree removal protocol set out in the certified Bat Management Plan.</u></p> <p><u>Disturbance associated with Construction Works is to be minimised around any active bat roosts within the site that are discovered and that do not require removal as set out in the Certified Bat Management Plan.</u></p>	<ul style="list-style-type: none"> As above and noted in the s53 comments, given that the site contains and is in close proximity to bat habitat, some of the measures offered by the applicant to mitigate effects on bats should form conditions of consent to provide certainty that these recommendations are implemented. As noted in the s53 comments, artificial roosts are an untested method and it is recommended that any identified bat roost trees or potential roost trees are left in situ. Regular

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	<u>The Consent Holder shall install, maintain and monitor artificial bat roosts with predator control bands within the site in accordance with the Certified Bat Management Plan.</u>	maintenance and monitoring of artificial roost trees will be required.
87	<u>Lighting</u> Clauses a-g... <u>ADD...Demonstrate adherence to the lighting controls set out in the Certified Bat Management Plan to minimise adverse effects of artificial lighting on bats and bat habitat.</u>	<ul style="list-style-type: none"> As noted in the s53 comments, there should be consideration to the lighting requirements set out in the certified Bat Management Plan within the Lighting condition to ensure that it is a coordinated approach.
255, Consent Notice Clause B	<u>Cats not permitted</u> Reinstate condition: <u>No cats are permitted to be kept on the lot at any time. No dogs to be outside of identified curtilage areas unless on a leash. The Residents Association (or other legal entity) is responsible for management and enforcement of this requirement.</u>	<ul style="list-style-type: none"> The Department supported this consent notice and notes that the applicant has proposed this as a mitigation tool to minimise effects of the proposed residential development and the associated increase in predation of indigenous fauna including bats. A 'no cats' consent notice is becoming a common mitigation tool approved for subdivision consents around New Zealand where there are high ecological values. Future homeowners are made aware of this when they sign up to purchase a lot through the consent notice conditions on the title and it will be managed/enforced by the Residents Association. The Department therefore recommends that this clause remains in the conditions of consent.
162	<u>Streamworks Management Plan (SMP)</u> Prior to the commencement of any streamworks, including upstream flows being dammed or diverted, a Streamworks Management Plan (SMP) must be prepared and submitted by the Consent Holder to the Council for certification.	<ul style="list-style-type: none"> Clause (f) has been included as peak migratory periods and spawning periods for species present at site have not yet been identified by the applicant. These should be clearly identified, and instream works should be avoided over these periods.

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	<p>The SMP must be prepared in general accordance with GD05 (section G4 Works within a watercourse) and include:</p> <ol style="list-style-type: none"> Site specific construction methodology for each culvert, design details and erosion and sediment control measures. Details of any stream diversion methodologies, including location, type, and capacities designed in accordance with GD05; Supporting calculations and design drawings as necessary; Monitoring and maintenance requirements; and Confirmation of fish protection measures at any pump inlets <u>identification of peak migratory and spawning periods for freshwater species present, during which stream works should be avoided.</u> 	
164	<p><u>Native Freshwater Fish Relocation Plan (NFFRP)</u></p> <p>Should the streams contain flow upon the commencement of stream works, the Consent Holder must submit a Native Freshwater Fish Relocation Plan (NFFRP) to the Council for certification prior to any stream works commencing.</p> <p>The NFFRP must be prepared by a suitably qualified and experienced freshwater ecologist.</p> <p>The NFFRP must set out the practices and procedures to be adopted to avoid loss of native freshwater fish during any streamworks undertaken on the Project Site.</p> <p>The NFFRP must include, as a minimum:</p> <ol style="list-style-type: none"> The timing and duration of fish capture; 	<ul style="list-style-type: none"> The EMP states that salvaged fish will be relocated within the same catchment, however, ideally fish should be relocated to a safe location specifically in the same waterway they are taken from wherever practical. The EMP identifies only two locations for relocation for each catchment. If all fish that are salvaged from instream works during this project are relocated to these two sites there is the potential of exceeding capacity of the sites. Amendments to clause (e) have therefore been recommended.

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	<p>b) The methodologies to capture fish;</p> <p>c) Methodologies to ensure effects on fish from any streamworks, including dewatering, are minimised;</p> <p>d) The transportation methodology;</p> <p>e) <u>Identification of appropriate habitat for fish relocation release sites - this should be within the same waterway from where fish were taken wherever practical, and should ensure sufficient capacity for and habitat appropriate to species that will be relocated; and</u></p> <p>f) A qualified ecologist to undertake the capture and relocation;</p> <p>g) Details of the relocation site;</p> <p>h) Storage and transport measures including prevention of predation and death during capture;</p> <p>i) Euthanasia methods for diseased or pest species; and</p> <p>j) Copies of all relevant permits and permissions.</p> <p>Once certified, the Consent Holder must comply with the certified SMP and NFFRP.</p>	
176	<p>Fish Passage Monitoring and Maintenance Plan</p> <p>Within twenty (20) working days following the completion of the new culvert structures, the Consent Holder must submit a Fish Passage Monitoring and Maintenance Plan (FPMMP) to the council for</p>	<ul style="list-style-type: none"> The Department supports the inclusion of a condition requiring a Fish Passage Monitoring and Maintenance Plan. However, as noted in the s53 comments, there has been a lack of information on fish passage provisions at culverts with limited information on sizing,

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	<p>certification. The FPMMP must specify the ongoing and maintenance measures of the culvert structures to ensure fish passage is maintained and does not reduce over the lifetime of the structures and include the following detail and processes:</p> <ul style="list-style-type: none"> a) Specific aspects of the structures to be monitored, <u>including fish monitoring where success of passage may be compromised (for example where NES FM criteria cannot be met, novel fish passage solutions are utilised and in regards to attenuation structures)</u> to ensure that <u>fish passage is provided for and that</u> the structure's provision for the passage of fish does not reduce over its lifetime, b) Programme frequency of routine monitoring and maintenance, c) Method of visual inspection of the structures within 5 days following a significant natural hazard or events that may otherwise affect the provision for fish passage, d) Record keeping of monitoring results including photos, and e) Follow up actions including the preparation of as-built plans and supporting information, further steps and remediation measures. f) <u>An assessment of velocity through the structure compared to swimming abilities of fish species present.</u> 	<p>velocity, design etc. Some issues have been acknowledged by the applicant (eg aren't able to align to same gradient) that may impact on fish passage. There has been some reference to ladders, flexibaffles etc but no details (noting that these are usually used for remediation, not new structures). Resting pools and low velocity areas have been proposed which is supported, but given the complex nature of this work, monitoring is therefore recommended.</p> <ul style="list-style-type: none"> • As noted in the s53 comments, there has been inconsistent information around whether the attenuation structures will provide for fish passage, the Departments understanding now is that they will be designed to be, but how this will be achieved is not clear from the information provided. The Department therefore does not believe that the applicant has conclusively shown that fish passage will be provided at these culverts (1-1 and 6). Given this it is suggested that fish monitoring should be a condition of consent, including ensuring that passage is provided for immediately post construction, as well as provided over time. • To make upstream progress a fish must swim at a speed greater than the velocity of the water it is swimming in, therefore the Department recommends that the applicant is required to provide an assessment of expected velocity for each culvert against species expected at site, fish swim speed, culvert length etc, specifically referring to the New Zealand Fish Passage Guidelines.

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<p><u>To be added to During Works section (condition 171 to 174).</u></p>	<p><u>All reasonable precautions must be taken to avoid the spread of pest species, including, but not limited to:</u></p> <ul style="list-style-type: none"> <u>a) Waterblast all machinery to remove any visible dirt and/or vegetation prior to being brought onsite, to reduce the potential for pest species being introduced to the bed of the watercourse. Machinery and equipment that has worked in watercourses must, before entering the site, also be cleaned with suitable chemicals or agents to kill invasive freshwater pest species.</u> <u>b) Avoid working in areas where aquatic weeds are known to be present.</u> <u>c) Remove any vegetation caught on the machinery at the completion of works.</u> <u>d) After finishing the works and before leaving the site, waterblast all machinery, to reduce the potential for pest species being spread from the bed of the watercourse.</u> <u>e) All recommendations and requirements of MPI's gold clam standard should be followed for decontaminating absorbent materials and equipment when moving between waterways.</u> 	<ul style="list-style-type: none"> The Department recommends a biosecurity provision as it does not appear to be covered elsewhere. This suggested condition has been taken from MFE <i>works in waterways document</i>- with minor edits. This is in accordance with MFE and MPI requirements to ensure that biosecurity measures are taken into account during construction within waterways.