

Your Comment on the North West Rapid Transit project 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)	Director-General of Conservation		
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Please provide your comments below, include additional pages as needed.

Please find comments attached



Linda Kirk
FastTrack Applications Manager

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

Date: 19/08/2026

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: North West Rapid Transit

Fast track Reference: FTAA-2511-1146

Comments on draft conditions of designation

Condition #	Draft condition with marked up suggestions	Comments and reasoning
1A	The works enabled by this designation, including its alignment and layout, shall be undertaken in a manner consistent with the Indicative Design West drawings and Indicative Design East drawings as set out at Schedule A to this set of conditions. Work will be deemed to be consistent with those drawings if it is compliant with <u>all other applicable</u> the balance of these designation conditions and has been approved via the Outline Plan process.	The Department suggests an amendment to clarify what conditions are applicable to this condition. 'Balance' could be interpreted as 'the majority', which then raises a question as to which ones don't need to be complied with. The Department points the Panel to section 10.1 of the Board of Inquiry report for Puhoi to Wellsford¹ which emphasises, in the absence of a condition 1, the importance of all conditions applying and critical environmental bottom lines being reflected in the conditions.

¹ [NSP000033-Volume-1-Final-Report-and-Decision.pdf](#)

Comments on draft conditions of resource consent

Condition #	Draft condition with marked up suggestions	Comments and reasoning
1A	The location and layout of works enabled by this consent, including its alignment and layout, shall be undertaken in a manner consistent with the Indicative Design West drawings and Indicative Design East drawings as set out at Schedule A to this set of conditions. Work will be deemed to be consistent with those drawings if it is located within the designation boundary and is compliant with <u>all other applicable</u> the balance of these conditions and any certified management plan.	The Department suggests an amendment to clarify what conditions are applicable to this condition. 'Balance' could be interpreted as 'the majority', which then raises a question as to which ones don't need to be complied with. The Department points the Panel to section 10.1 of the Board of Inquiry report for Puhoi to Wellsford which emphasises, in the absence of a condition 1, the importance of all conditions applying and critical environmental bottom lines being reflected in the conditions.
3	<i>Certification</i> a) The management plans or other plans listed in (b)(i)-(iii) below must be submitted to the Council at least twenty (20) working days prior to the anticipated start of construction to be certified. The certification must confirm that the management plan has been prepared in accordance with the condition(s) to which it relates. b) The following plans must be submitted for certification: - Site-Specific Erosion and Sediment Control Plan(s) (SSESCP) - Contaminated Soils Management Plan(s) - Coastal Construction Management Plan(s) c) Any certified plan may be updated or revised to reflect any changes in design, construction methods or management of effects: - The plan may be amended <u>or updated</u> to reflect <u>a</u> minor <u>administrative</u> change <u>in design, construction methods or management of effects</u>. <u>Re-certification is not required- without the need for certification where:</u> <u>the amendment/s have no, or a de minimis, adverse effect on the environment; and</u>	The Department has concerns as to the allowance of 'minor' changes to management plans, including as to how effects will be managed, not requiring recertification. The Department's concerns relate to the fact that 'material change' and 'minor change' have not been defined and would be at the Consent Holder's discretion. The condition, as drafted, could result in changes to the management of effects that have not had an independent regulatory check to confirm that they will manage the effect to the level required. There is no method for Auckland Council, as the regulator of the consent, to oppose a change to a management plan that the applicant considers is a 'minor change' and would therefore allow the Consent Holder itself to change the management of an effect without a review by Council. Management plans can only be certified by Council and should not be delegated to the applicant, so any amendments to management plans should ultimately be reviewed and where necessary certified by Council.

- B. The amendment is an administrative change.
- ii. Any management plan amended under (c)(i) above must be provided to Auckland Council within 10 working days of the change. If Council determines the amendments do not comply with (c)(i) above, then the proposed amendment(s) are to be submitted for certification under (c)(iii).
 - iii. If there is a material change proposed For any proposed variation to a certified plan that is not administrative under clause 3(c)(i), that has been submitted to the Council for certification then the Consent Holder must update that plan by submitting the amendment proposed variation in writing to the Council for re-certification.

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Fish Passage

Fish passage must be provided in all new culverts and/or culvert extension(s) unless deemed by a SQEP to be:

- a) unnecessary because:
 - i. there is no upstream fish habitat; or
 - ii. there are other existing natural barriers to fish passage; or
- b) impracticable.

Clause a) ii) should be changed to “existing natural barriers”. The presence of existing artificial barriers is not an appropriate reason to avoid providing fish passage. Neither the NPS-FM nor the National Environmental Standards for Freshwater (NES-F) nor the Auckland Unitary Plan (AUP) allow an exception on the basis of other artificial barriers.

As detailed in the Applicant’s Freshwater Ecology Assessment, culvert or pipe extensions are required at:

- Stream 4 (Mānutewhau Stream);
- Stream 6 (Tributary of Mānutewhau Stream); and
- Stream 9 (Tōtara Creek Tributary).

Longfin eel (At-Risk, Declining) are present in stream 4, Koaro (Nationally At-Risk – Declining, Threatened – Regionally Endangered) are in streams 4 and 6, and Banded Kokopu (At-Risk, Naturally Uncommon) are present in streams 4 and 6. Additionally, Longfin eel and Koaro as part of their lifecycle migrate from freshwater reaches out to sea.

DOC considers that other species (especially inanga, Threatened – Nationally Vulnerable, but also species like smelt, torrentfish, giant bully, redfin bully) would be present in more of the streams if artificial barriers were not present. All of these species (as well as those already present) need to migrate to the sea, and it would be expected that they will occupy these streams if/when those barriers are removed. Given the existing direction contained in the National Policy Statement for Freshwater Management 2020, it is likely that over time the existing artificial barriers will be removed. Given the permanent nature of the works, additional artificial barriers should not be created.

Inanga cannot climb and are weak swimmers, so where inanga (present in stream 8) are present, fish passage at culverts is usually designed for this species.

The addition of further artificial barriers to fish passage, as allowed by this condition as drafted, on the basis of existing artificial barriers, further constrains the habitat accessible to these At-Risk species. The main threats to fish species are generally considered to be habitat loss and habitat degradation, therefore separating these species from their habitat is adding to pressure on the species.

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Terrestrial Native Vegetation Removal

- a) If native vegetation within the Designation is removed in the SEAs shown Schedule D, in a coastal margin, or in a riparian margin, the Consent Holder must:
 - i. for temporary construction works, plant native vegetation in those areas where vegetation was removed.
 - ii. for permanent works, plant an equal area (in m2) within a SEA, coastal margin or riparian margin:
 - A. within the Designation; or
 - B. within 1,500m of the boundary of the Designation

~~b) Any mitigation planting undertaken in accordance with Condition 15 can also be counted as mitigation planting~~

The Department proposes the removal of clause (b) as it allows riparian planting for culverting to be also counted as riparian planting for disturbance of riparian vegetation. This double counting allows one action to offset two distinct effects.

The Department proposes the removal of the five year timeframe from clause (c)(iv) as the 80% cover is standard practice for planting and if this is not achieved by the 5 year period, replacement planting should continue until the required cover has been achieved.

~~under Condition 14 for removal of vegetation in riparian margins.~~

- c) For planting under (a) the Consent Holder must:
- i. engage a SQEP to advise on location and determine plant species and sourcing, density and sizing;
 - ii. undertake eco-sourced planting within the first planting season following completion of construction where practicable;
 - iii. undertake pest plant control for a five year period; and
 - iv. monitor planted areas and undertake replacement planting ~~for a five year period or~~ until 80% native canopy cover is achieved ~~(whichever is less).~~

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Works in Watercourses

- a) If native vegetation is permanently removed for bridging of a watercourse, the Consent Holder must plant the riparian margin of:
 - i. the same stream; or
 - ii. another stream that is of similar size and gradient, and as close as practicable to the affected stream.
- b) The area of riparian margin planting under (a) must be no less than the area of the permanent vegetation removal.
- c) For any new (including extension of) permanent culverts and stormwater outfalls in a watercourse, the Consent Holder must plant the riparian margin of:
 - i. the same stream; or
 - ii. another stream that is of similar size and gradient, and as close as practicable to the affected stream.
- d) The riparian margin planting under (c) must be 1.5x the length of the watercourse occupied by the culvert or outfall and a minimum of 5m wide on each side of the watercourse (from the edge of the channel).

The Department proposes the removal of clause (e) as it allows riparian planting for culverting to be also counted as riparian planting for disturbance of riparian vegetation. This double counting allows one action to offset two distinct effects.

The Department proposes the removal of the five year timeframe from clause (f)(iv) as the 80% cover is standard practice for planting and if this is not achieved by the 5 year period, replacement planting should continue until the required cover has been achieved.

The Department recommends the inclusion of an additional clause to avoid instream works to manage potential adverse effects on At-Risk freshwater fauna that may spawn between March to July. The Department considers this not to be onerous as it is understood that instream works are typically undertaken in low flow conditions. This is intended to minimise disturbance particularly for Threatened or At-Risk taonga and/or mahinga kai species.

- e) ~~Any mitigation planting undertaken in accordance Condition 14 for removal of vegetation in riparian margins can also be counted as mitigation planting under Condition 15.~~
- f) For planting under (a) and (c) the Consent Holder must:
- i. engage a SQEP to advise on location and determine plant species and sourcing, density and sizing;
 - ii. undertake planting within the first planting season following completion of construction where practicable;
 - iii. undertake pest plant control for a five year period; and
 - iv. monitor planted areas and undertake replacement planting ~~for a five year period or~~ until 80% native canopy cover is achieved ~~(whichever is less).~~
- g) Instream works or disturbance to waterways shall not be undertaken during peak migration season (September to November); and
- i. Known inanga spawning sites should be avoided during spawning season (March to July).

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Fish Salvage and Relocation

- a) The Consent Holder must salvage and relocate native freshwater fish and kākahi to the extent practicable prior to any dewatering or diversion or instream works in a section of a watercourse that a SQEP determines supports a population of native fish.
- b) The salvaged native fish and kākahi ~~shall~~ should be relocated within the same stream with similar hydrological conditions if a suitable location exists. If not, fish may be relocated in another suitable habitat in the same or

The Department seeks the addition of a reference to best practice guidelines to ensure that fish salvage and relocation is in accordance with the most recent set of industry guidelines.

The Department has suggested amended wording to clause (b) to provide further clarification as to where fish can be appropriately relocated to.

adjacent catchment, or other suitable habitat as
determined by a SQEP.

- c) Fish salvage and relocation must be supervised by a SQEP.
- d) Fish salvage and relocation must be undertaken in accordance with the Ministry for the Environment National Works in Waterways Best Practice Guideline for Civil Infrastructure Works and Maintenance guideline (2021)², or a more recent edition if available.

Proposed
New
Condition

X) The Consent Holder must ensure that the total length of culverting undertaken across the whole project is 75 m.

Given the reliance on the indicative design due to the absence of a typical 'Condition 1', the Department recommends a condition is included limiting the maximum extent of culverting that can occur. The Department considers any culverting beyond this amount (double what was estimated by the Applicant), would then trigger the need for reassessment of the requirement for offsetting.

² [National works in waterways guideline | Ministry for the Environment](#)