

## Your Comment on the Ashbourne draft conditions

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](mailto: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.			
<b>Organisation name (if relevant)</b>	Department of Conservation		
<b>First name</b>	Ronan		
<b>Last name</b>	Whitelock		
<b>Postal address</b>	[REDACTED]		
<b>Home phone / Mobile phone</b>		<b>Work phone</b>	[REDACTED]
<b>Email</b>	[REDACTED]		

<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: 18/03/26

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:** Ashbourne

**Fast track Reference:** FTAA-2507-1087

#### Comments on draft conditions of Appendix A1-MPDC-LUC

Condition #	Draft condition with tracked-change suggestions	Comments and reasoning
31	<p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ul style="list-style-type: none"> <li>a. Notify the Consent Holder that the MP is certified.</li> <li>b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</li> <li>c. <del>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified</del></li> </ul>	<p>DOC strongly opposes the 'deemed certification' clause (c) in this condition. The requirement for management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p>

As part of the EcoRMP, the Consent Holder must also submit a LBMP for certification. The ~~purpose objective~~ of the LBMP is to ~~avoid injury to, or mortality of, long-tailed bats during construction and minimise disturbance of long-tailed bats during operation. avoid, or if necessary minimise, the effects of the development on long-tailed bats caused by the loss of habitat and artificial light.~~ The LBMP must be updated as required to meet the objective. The LBMP must include, but is not limited to:

~~A response to the conditions of this consent.~~

- a. Evidence that engagement with DOC has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.
- ~~b.~~ Consideration of all potential effects on long-tail bat populations, having regard to the Department of Conservation's 'Protocols for minimising the risk of felling occupied bat roosts' including:
  - ~~i.~~ A map identifying all trees (alive and standing dead) that are ≥15 cm DBH (Diameter at Breast Height).
  - ~~ii.~~ A pre-felling survey method for trees identified in (i) above that is consistent with the Department of Conservation "Protocols for minimising the risk of felling occupied bat roosts", produced by the NZ DOC Bat Recovery Group 2024, or any update to that document. -
  - ~~iii.~~ If bats are found injured or dead during felling, the consent holder must notify the Department of Conservation and prepare a report documenting the protocols followed that are outlined in the

The objective set out in the condition is not consistent with the Ecological Management Plan (EMP) prepared by Ecological Solutions. This should be updated to reflect the EMP.

Clause (a) does not serve any purpose in this condition, as such DOC recommends it be removed.

Clause (c) does not provide how potential effects on long-tailed bat populations will be managed across the project site in relation to the felling of bat roosts. DOC recommends this clause requires a map to identify all trees that are proposed to be felled and establish a pre-felling survey method of the trees identified. Additionally, if a bat is injured or killed during felling, the consent holder should notify DOC immediately, and provide a report documenting the protocols undertaken.

Clause (d) provides arbitrary requirements for effects management under the NPS-IB. DOC recommends this should be amended to specify the offsetting measures outlined in the EMP<sup>1</sup>, including the ratio of offsetting for roost features.

The LBMP does not outline the lighting thresholds proposed in the EMP that seek to minimise adverse effects of artificial light on long-tailed bats<sup>2</sup>. Condition wording to this effect has been provided as clause (d). DOC also recommends that within the Waitoa Reserve and Greenway, lighting shall not exceed 0.1 lux.

Clause (f) of this condition sets out generic requirements for provision, installation, maintenance, and monitoring of artificial roost features. The amended EMP confirms the use of natural or artificial roost features, monitoring as a form of offsetting. This clause should specify the number of roost features being placed, as well as the types. As outlined in the Applicants amended EMP, the artificial roosts will be fitted with predator proof bands. As outlined in DOC's s 53 comments, these features should be fitted with predator control

<sup>1</sup> Ashbourne Ecological Management Plan. November 2025, page 10, section 4.3.4

<sup>2</sup> Ashbourne Ecological Management Plan, November 2025, page 10, section 4.3.3

Department of Conservation “Protocols for minimising the risk of felling occupied bat roosts”, produced by the NZ DOC Bat Recovery Group 2024, or any other update to that document.

- ~~b. The hierarchy of measures to manage all identified effects on long tail bats (in accordance with the National Policy Statement for Indigenous Biodiversity 2002).~~
- c. The measures for offsetting after the completion of tree felling shall include:
- i. The installation of roost features (artificial or natural) -within the Greenway at a ratio of three roosts for every one actual roost discovered (3:1).
- d. Best practice mAdditional measures to minimise adverse lighting effects on bats achieve bat sensitive lighting design, particularly along the Waitoa River and the Greenway, shall be in accordance with having regard to the Department of Conservation’s ‘Interim Advice Note: Steps to take to reduce the impact/effect of artificial light on pekapeka (bats)’ Version 1: 19 August 2025, or any update to that document, as well as measures to ensure the long term maintenance of bat-friendly outdoor lighting. These measures must include:-
- i. Within the Waitoa Reserve artificial lighting shall be designed to:
    - Ensure that illuminance from fixed artificial light does not exceed 0.3 lux (horizontal and vertical) at any height
  - ii. Within a 200m buffer of the Waitoa Reserve artificial lighting shall be designed to:
    - Ensure that illuminance from fixed artificial light does not exceed 0.3 lux (horizontal and vertical) at any height and

bands and placed across the site where long-tailed bats have been recorded. Inspections should take place annually for a period of 15-years to check for signs of bat occupancy to ensure that predator control bands remain intact, and to assess the overall condition of the boxes.

Clause (h) sets out the provision for monitoring of the LTMBP. DOC considers this needs to include reporting of the monitoring of the checks set out in condition 50(f).

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- -Ensure that all outdoor lighting be fully downward, baffled and angled with zero upward light output and have a nominal colour temperature no more than 2700K.
  - —Ensure any security lighting is controlled by timers to activate for less than 5 minutes.
- iii. Within the Greenway artificial lighting shall be designed to:
- Ensure that illuminance from fixed artificial lighting does not exceed 0.1 lux (horizontal and vertical) at any height.
- iv. Within a 200m buffer of the Greenway artificial lighting shall be designed to:
- Ensure that illuminance from fixed artificial lighting does not exceed 0.3 lux (horizontal and vertical) at any height.
  - Ensure that all outdoor lighting be fully downward, baffled and angled with zero upward light output and have a nominal colour temperature no more than 2700K.
  - Ensure any security lighting is controlled by timers to activate for less than 5 minutes.
- e. Details of the provision for, and measures for the installation, maintenance and monitoring requirements of, ~~artificial roosts~~ roost features including:
- i. Bat roosts shall comprise of natural roost features, or artificial crevices/cavities in existing trees.
  - ii. GPS markers shall be equipped to all roost features.
  - iii. Predator fitted bands applied to all artificial roosts.
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- iv. Artificial bat roosts shall be checked annually for a period of 15 years to remove any accumulated debris and repaired or replaced if damaged or missing.
  - v. Artificial roost crevices and cavities shall be checked annually for a period of 15 years to remove any sap deposits or bark growth that may prevent bats from assessing crevices or cavities.
  - ii-vi. Metal bands must be checked annually for a period of 15 years and maintained or replaced as required.
  - e-f. Measures to ensure the long-term protection of riparian margins, indigenous vegetation and other vegetated corridors which provide habitat to long-tailed bats.
  - g. Appropriate monitoring and reporting requirements to the Council and DOC.
    - i. The Consent Holder must submit an annual report detailing the results of the roost checks carried out under condition 50(f). The annual report shall be prepared by a suitably qualified and experienced person and shall be submitted to Council's nominee within two months of the completion of the maintenance checks. A copy of the annual report shall also be provided to the Department of Conservation for information.
  - d-h. The process for the ongoing review and amendment of the LBMP to maintain its effectiveness

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51

As part of the EcoRMP, the Consent Holder must also submit a BMP for certification. The objective of the BMP is to avoid or otherwise minimise the effects of the development on native birds found within the site. The BMP must be updated as required to meet the objective. The BMP must include, but is not limited to:

The objective of the BMP should be to first avoid any adverse effects, and where effects cannot be avoided, they must be minimised.

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~~A response to the conditions of this consent.~~

- a. Evidence that engagement with DOC has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.
- b. If earthworks or vegetation clearance must occur within the bird breeding season (September – February inclusive):
  - i. Before work commences, a bird nest survey of the entire Site, including grasslands to be cleared, must be undertaken by a SQEP. Where required a climbing arborist and/or drone must be used to identify bird nests where trees are too tall or dense to properly assess from the ground. A report must be prepared and submitted to the Council for their records, documenting the locations of any nests, colonies or chicks of birds with threat categories of At Risk or Threatened; a summary of the methodology used in the survey; and how effects will be avoided, minimised, or mitigated for any Threatened or At Risk species nests found.
  - ii. If no active nests are found, trees may be felled within five (5) working days.
  - iii. If active nests of native species are found, a 50m setback must be established around the nest. This area is to be clearly marked and left undisturbed until regular monitoring confirms nesting birds have fledged or nests are naturally abandoned.

Clause (a) does not serve any purpose in this condition, as such DOC recommends it be removed.

Clause (c)(i) should be adjusted to expand on the detail required in the report to Council in line with the proposal detailed in the Applicant's response to DOC's s 53 comments<sup>3</sup>.

Clause (c)(iv) should be adjusted to refer to condition 51(c)(i), rather than condition 50, which relates to the LBMP.

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<sup>3</sup> S53 Response Ecological Management Plan, November 2025, section 3.3.1

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- iv. If work ceases for more than five (5) consecutive working days, the works area must be resurveyed (pursuant to Condition [519(c)(i)]).

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52

As part of the EcoRMP, the Consent Holder must also submit an LMP for certification. The objective of the LMP is to set out measures to minimise potential adverse effects on native lizards within the construction footprint by a way of (a) capture and relocation of native lizards from identified lizard habitat areas and (b) providing habitat enhancement and predator control achieve best practice habitat modification with the intent of minimising potential harm and effects on lizards. ~~The LMP must be prepared SQEP.~~ The LMP must be updated as required to meet the objective. The LMP must:

- a. Accord with, ~~as a minimum the Department of Conservation's 'Key Principles for lizard salvage and transfer in New Zealand 2019', or other equivalent ecological guidelines, or any update to that document.;~~

~~The Department of Conservation's 'Key Principles for lizard salvage and transfer in New Zealand 2019', or other equivalent ecological guidelines.~~

- b. Include, but is not limited:

- ~~i. A response to the conditions of this consent.~~

- ~~ii.i.~~ Evidence that engagement with DOC has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.

- ~~iii.ii.~~ Identification of all areas of potential indigenous lizard habitat within the Site, including rock piles, sunny shrublands, and woody debris.

The objective of the LMP does not align with the purpose and objectives outlined in the EMP prepared by Ecological Solutions. DOC has updated the wording to be consistent with the EMP.

The LMP does not require a suitably qualified person to prepare the management plan. For consistency with other management plans, DOC recommends this be amended.

Clause (b)(i) does not serve any purpose in this condition, as such DOC recommends it be removed.

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- ~~iv-iii.~~ Pre-vegetation clearance survey methods, including timing, search effort, and detection techniques appropriate to the species likely to be present.
  - ~~v-iv.~~ Capture, handling, containment and translocation procedures, including relevant welfare and biosecurity measures.
  - ~~vi-v.~~ Release site criteria, any required habitat enhancement, and measures to ensure long-term suitability and protection.
  - ~~vii-vi.~~ Post-translocation monitoring protocols (frequency, success indicators, adaptive management).
  - ~~viii-vii.~~ Reporting requirements to the Council and DOC.
  - ~~ix-viii.~~ Contingency measures and a protocol in the event that a Threatened or At-Risk–Declining lizard species is encountered including:
    - A. All works to cease immediately in the event.
    - B. Report of the finding to the Council and DOC.
    - C. Management measures to be implemented before works can recommence.
  - ~~e.~~ Include the process for the ongoing review and amendment of the LMP to maintain its effectiveness.

*Advice note: if any inconsistencies arise between this consent and Wildlife Authority issued for the site, the Wildlife Authority will take precedence.*

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New  
Conditions  
(163 – 165)

**Avian Fauna Monitoring Plan**

163. An Avian Monitoring Plan (AMP) shall be prepared by a SQEP and provided to Council for certification twenty (20) working days prior to the commencement of construction. The objective of the AMP is to identify any bird collision events in relation to Threatened or At Risk indigenous birds. The monitoring undertaken by the AMP shall include:

- a. One survey per month across the course of construction.;
- b. Three (3) monthly surveys across the first two years of operation (following the completion of construction).
- c. Monitoring methods.
- d. Recording of any incidental discoveries of dead or injured indigenous birds.

164. At the conclusion of any of the monitoring periods set out in condition 163 above, an independent SQEP is to submit a report to Council and the Department of Conservation on behalf of the Consent Holder setting out:

- a. The results of the monitoring, including whether any bird collision events were detected during the monitoring period.

165. If monitoring identifies a collision event with a Threatened or At Risk indigenous bird, Council may under section 128 of the Resource Management Act 1991, initiate a review of conditions 163-165 in response to a collision event with potential collision

DOC notes that bird collision monitoring has not been included as a condition. In response to DOC's s 53 comments, the Applicant suggests monthly surveys throughout the construction period, as well as three monthly surveys within the first 2-years of operation<sup>4</sup> DOC endorses this recommendation.

DOC considers that if collision events are identified through monitoring, the Council, under Condition 8, can review the AMP in response and implement collision prevention or deterrent measures to appropriately manage the adverse effect.

<sup>4</sup> S53 Response DOC, 18/11/2025, page 2, paragraph 10.

prevention/deterrent measures to manage the adverse effect, which could include (but are not limited to) the use of:

- Bird-sensitive anti-reflective coatings and/or applications to the panels;
- Use of deterrent devices of visual warning devices/markings (flags, streamers, or visually distinctive markings on panels) to deter attempted landing on panels;
- Limitations on angle or orientation of solar panels over defined spatial, temporal scales, or environmental conditions if collisions were able to be attributed to certain spatial temporal or environmental patterns.

Advice Note: The meaning of 'Threatened or At Risk' and national threat classifications for indigenous bird species are based on the most recent available assessment under the New Zealand Threat Classification System administered by DOC (Rolfe et al. 2022; available at <https://nzctcs.org.nz/>).

### Comments on draft conditions of Appendix A3-WRC-PERMANENT-Diversion and damming

Condition #	Draft condition with tracked-change suggestions	Comments and reasoning
17	<p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ol style="list-style-type: none"><li>Notify the Consent Holder that the MP is certified.</li><li>Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working</li></ol>	<p>DOC strongly opposes the 'deemed certification' clause in this condition. The requirement for management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p>

days (from receipt of the further information) to confirm whether the MP has been certified.

- c. ~~If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.~~

24

As part of the EcoRMP, the Consent Holder must also submit an FMP for certification. The objective of the FMP is to provide for all fish management requirements throughout the works. The FMP must be updated as required to meet the objective. The FMP must include, but is not limited to:

~~a. A response to the conditions of this consent.~~

~~b.a.~~ Evidence that engagement with the Department of Conservation (DOC) about the FMP has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.

~~e.b.~~ A brief description of the known fish and invertebrate communitiesy potentially impacted by the consented activity within and around the Waitoa River Catchment.

~~d.c.~~ Protocols and methods to ensure that all watercourses/drains and other surface water features within and beyond the subject site are fully isolated and protected from the works, including (but not limited to):

- i. Surface water diversion and groundwater drawdown effects.
- ii. Earthworks, sediment and other types of contaminant discharges.
- iii. Physical disturbance of any nature (such as from site access, vehicles and works machinery).

Clause (a) does not serve any purpose in this condition, as such DOC recommends it be removed.

Clause (b) should be amended to clarify the intent of the engagement with DOC for the purpose of this management plan.

Clause (c) should be amended to ensure the FMP clarifies the species potentially impacted by the proposal.

Clause (d) should be amended to ensure that adverse effects on watercourses/drains and other surface water features within the subject site are isolated and protected from potential adverse effects that could result from the activating proceeding.

Clause (f) should be amended to ensure that the effects management hierarchy is clarified within the context of the purpose of the management plan.

Clause (h) should be amended to ensure that the details required by the condition are clear and provide details around the process for relocation of fish species and not limited to just the capture processes as it currently reads.

Clause (i) should be included to ensure that migration and spawning times for fish species that might be present at the site are avoided as these are critical periods for fish species.

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~~e-d.~~ A construction methodology which includes a works schedule for undertaking mitigation in respect of the proposed watercourse/drain diversion and dewatering (such as fish capture and relocation).

~~f.e.~~ Methods to avoid, remedy or mitigate the planned dewatering of areas of fish habitat and, where the dewatering cannot be avoided - such dewatering occurs, undertake fish capture and relocation.

~~g-f.~~ Protocols and methods for the capture and transfer of indigenous fish, including the timing, required weather conditions, extent of fishing effort and release points.

~~h-g.~~ A methodology for best practice indigenous fish relocation by requiring the following:

- i. Netting nodes to consist of one (1) fyke net and two (2) minnow traps.
- ii. Netting nodes to be set on average 10m apart.
- iii. Once three (3) nights of netting have reduced the catch to a maximum average of <1 fish per trap per night the standard is deemed to have been achieved.

~~iv.~~ A SQEP be on site during the dewatering and mucking out of watercourses to capture and relocate as many remaining indigenous fish as possible and to humanely euthanised any pest fish.

~~iv.v.~~ Details around the process for relocation of fish species.

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h. A detailed description of the staged approach for relocating fish i.e. Stage 1 – pre-works fish relocations, Stage 2 – dewatering fish relocations, Stage 3 – excavation fish relocations.

a. Protocols and methods relating to the timing of works to avoid peak fish presence.

~~a.b.~~ Ensure fish relocations are carried out by SQEP who are responsible for implementing all aspects of the FMP including the installation and maintenance of temporary exclusion nets along the drain.

~~b.c.~~ Protocols and methods to either provide or preclude fish passage (as appropriate) through the design of temporary diversion channels and new in-stream infrastructure culverts.

~~e.d.~~ Protocols and methods for recording and reporting to the Council, the numbers, diversity and size range of all fish removed from watercourses/drains (recovered or accidentally injured or killed).

~~d.e.~~ Measures to ensure that captured fish do not re-enter the active works area for the duration of the works.

~~e.f.~~ Requirements for permits and certificates to handle native fish from the relevant authorities.

~~f.g.~~ Defined roles and responsibilities for all those involved (Consent Holder, contractor, ecologist) and the details of who must be responsible for overseeing the FMP.

~~g.h.~~ Notification and reporting procedures.

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~~h.i.~~ The process for the ongoing review and amendment of the FMP to maintain its effectiveness.

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#### Comments on draft conditions of Appendix A4-WRC-PERMANENT-Groundwater take

Condition #	Draft condition with tracked-change suggestions	Comments and reasoning
18	<p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ul style="list-style-type: none"><li>a. Notify the Consent Holder that the MP is certified.</li><li>b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</li><li>c. <del>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</del></li></ul>	<p>DOC strongly opposes the 'deemed certification' clause in this condition. The requirement for management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p>

#### Comments on draft conditions of Appendix A5-WRC-PERMANENT-Structure in water

Condition #	Draft condition with tracked-change suggestions	Comments and reasoning
20	<p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ul style="list-style-type: none"><li>a. Notify the Consent Holder that the MP is certified.</li><li>b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working</li></ul>	<p>DOC strongly opposes the 'deemed certification' clause in this condition. The requirement for management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p>

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days (from receipt of the further information) to confirm whether the MP has been certified.

- c. ~~If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.~~

25

As part of the EcoRMP, the Consent Holder must also submit an FMP for certification. The objective of the FMP is to provide for all fish management requirements throughout the works. The FMP must be updated as required to meet the objective. The FMP must include, but is not limited to:

~~a. A response to the conditions of this consent.~~

~~b.a.~~ Evidence that engagement with the Department of Conservation (DOC) about the FMP has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.

~~e.b.~~ A brief description of the known fish and invertebrate communities potentially impacted by the consented activity within and around the Waitoa River Catchment.

~~d.c.~~ Protocols and methods to ensure that all watercourses/drains and other surface water features within and beyond the subject site are fully isolated and protected from the works, including (but not limited to):

- i. Surface water diversion and groundwater drawdown effects.
- ii. Earthworks, sediment and other types of contaminant discharges.

Refer to comments and reasoning provided on Condition 24 of Appendix A3 above.

The advice note at the end of Condition 25 should be included to help ensure that the Applicant has obtained all required approvals under other regulations that relate to the activity provided for by this consent.

iii. Physical disturbance of any nature (such as from site access, vehicles and works machinery).

~~e.d.~~ A construction methodology which includes a works schedule for undertaking mitigation in respect of the proposed watercourse/drain diversion and dewatering (such as fish capture and relocation).

~~f.e.~~ ~~Methods to a~~void, remedy or mitigate the planned dewatering of areas of fish habitat and, where the dewatering cannot be avoided - such dewatering occurs, undertake fish capture and relocation.

~~g.f.~~ Protocols and methods for the capture and transfer of indigenous fish, including the timing, required weather conditions, extent of fishing effort and release points.

~~h.g.~~ A methodology for best practice indigenous fish relocation by requiring the following:

- i. Netting nodes to consist of one (1) fyke net and two (2) minnow traps.
  - ii. Netting nodes to be set on average 10m apart.
  - iii. Once three (3) nights of netting have reduced the catch to a maximum average of <1 fish per trap per night the standard is deemed to have been achieved.
- iv. A SQEP be on site during the dewatering and mucking out of watercourses to capture and relocate as many remaining indigenous fish as possible and to humanely euthanised any pest fish.
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iv.v. Details around the process for relocation of fish species.

- i.h. A detailed description of the staged approach for relocating fish i.e. Stage 1 – pre-works fish relocations, Stage 2 – dewatering fish relocations, Stage 3 – excavation fish relocations.
  - j.i. Ensure fish relocations are carried out by SQEP who are responsible for implementing all aspects of the FMP including the installation and maintenance of temporary exclusion nets along the drain.
  - j. Protocols and methods to either provide or preclude fish passage (as appropriate) through the design of temporary diversion channels and new in-stream infrastructure culverts.
  - k. Protocols and methods relating to the timing of works to avoid peak fish presence.
  - l. Protocols and methods for recording and reporting to the Council, the numbers, diversity and size range of all fish removed from watercourses/drains (recovered or accidentally injured or killed).
  - m. Measures to ensure that captured fish do not re-enter the active works area for the duration of the works.
  - n. Requirements for permits and certificates to handle native fish from the relevant authorities.
  - o. Defined roles and responsibilities for all those involved (Consent Holder, contractor, ecologist) and the details of who must be responsible for overseeing the FMP.
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- p. Notification and reporting procedures.
- q. The process for the ongoing review and amendment of the FMP to maintain its effectiveness.

Advice Note: A complex freshwater fisheries activity approval under the Freshwater Fisheries Regulations 1983 may be required if fish passage is restricted for a period longer than the length of time defined in the regulations.

#### Comments on draft conditions of Appendix A6-WRC-PERMANENT-Stormwater

Condition #	Draft condition with tracked-change suggestions	Comments and reasoning
20	<p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ul style="list-style-type: none"> <li>a. Notify the Consent Holder that the MP is certified.</li> <li>b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</li> <li>c. <del>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</del></li> </ul>	<p>DOC strongly opposes the 'deemed certification' clause in this condition. The requirement for management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p>

#### Comments on draft conditions of Appendix A8-WRC-TEMPORARY-Dewatering Groundwater take

Condition #	Draft condition with tracked-change suggestions	Comments and reasoning
14	<p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p>	<p>DOC strongly opposes the 'deemed certification' clause in this condition. The requirement for management plans in conditions is</p>

- a. Notify the Consent Holder that the MP is certified.
  - b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.
  - c. ~~If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.~~
- there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.

#### Comments on draft conditions of Appendix A8-WRC-PERMANENT-Wastewater

Condition #	Draft condition with tracked-change suggestions	Comments and reasoning
29	<p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ul style="list-style-type: none"> <li>a. Notify the Consent Holder that the MP is certified.</li> <li>b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</li> <li>c. <del>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</del></li> </ul>	<p>DOC strongly opposes the 'deemed certification' clause in this condition. The requirement for management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p>

#### Comments on draft conditions of Appendix A9-WRC-TEMPORARY-Discharges-to-water

Condition #	Draft condition with tracked-change suggestions	Comments and reasoning
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27 Within twenty (20) working days of receiving a MP for certification, the Council must:

- a. Notify the Consent Holder that the MP is certified.
- b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.
- c. ~~If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.~~

DOC strongly opposes the 'deemed certification' clause in this condition. The requirement for management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.

**Comments on draft conditions of Appendix A10-WRC-TEMPORARY-Land-disturbance**

<b>Condition #</b>	<b>Draft condition with tracked-change suggestions</b>	<b>Comments and reasoning</b>
14	<p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ul style="list-style-type: none"> <li>a. Notify the Consent Holder that the MP is certified.</li> <li>b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</li> <li>c. <del>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</del></li> </ul>	<p>DOC strongly opposes the 'deemed certification' clause in this condition. The requirement for management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p>