

Attachment 1 – Applicant’s Response to Other Parties Comments on the Panel’s Draft Conditions

Takitimu North Link - Stage 2

Assigned comment number	Page or section reference	Topic	Extracts or track changes condition	NZTA response
Commenter 1 - Pirirākau and Ngāti Taka Joint Response – 6 March 2026				
Comments on TNL2 Draft Decision and Draft Conditions				
1.1	Page 4	Replanting requirements	<p>We note that the NZTA responses to hapū comments on the substantive application included mention of the following matters which are not specified in the designation conditions:</p> <ul style="list-style-type: none"> • <i>Prioritisation of culturally significant plant species:</i> <ul style="list-style-type: none"> ○ <i>Note that this includes eco sourcing of seed to protect biological heritage values of local native forests and indigenous biodiversity of wetland species. This was an agreement between NZTA and all hapū consulted in Stage 1. The seed was used to stock hapū led nurseries; this is important for the viability of hapū led nurseries.</i> 	<p>Obligations on NZTA do exist with respect to eco sourcing of seed in relation to the Stage 1 Project, and NZTA has complied with these obligations. Any potential similar obligations for this Project will be the subject of separate agreements / arrangements with hapū.</p> <p>Designation Condition LV2 requires recognition of cultural values in the landscape design. Condition LV3 (g) and (l) require eco-sourcing of indigenous plants. Hapū must be consulted on the preparation of the Landscape and Visual Management Plan (and the Ecological Management Plan under LC.01, which also includes obligations relating to indigenous plant species). Designation Conditions CU2 and CU3 require engagement with hapū on the detailed design of the Project. Therefore, the opportunities for prioritisation of culturally significant plant species and the methods for sourcing them are already embedded in the draft conditions.</p>
1.2	Page 4	Replanting requirements	<p>We note that the NZTA responses to hapū comments on the substantive application included mention of the following matters which are not specified in the designation conditions:</p> <ul style="list-style-type: none"> • <i>Provide input into landscape and planting design:</i> <ul style="list-style-type: none"> ○ <i>There was also an agreement in Stage 1 to have a Myrtle Rust Risk Management Plan and should have been accompanied with a Kauri Dieback surveillance plan, which all would have been backed by the Department of Conservation. Note that this was also a concern of Pirirākau in Stage 1, and is part of why we are requesting stronger conditions for Part 2.</i> 	<p>The statements made in relation to Myrtle Rust and Kauri dieback are factually incorrect. There are no agreements in place between NZTA and the hapū that address or require a Myrtle Rust Risk Management Plan or Kauri Dieback surveillance plan.</p>
Recommended amendments to Panel draft condition 6 of LC.01, WT.01, BC.01, DC.01, DC.02 and DC.03.				
1.3	Page 1-2	Management plans	<p><u>6.9 All Management Plans (including any sub-plans) shall:</u></p> <p><u>(a) include detail about the management of effects on cultural values (as relevant to the particular Management Plan), and all associated assessment, mitigation and monitoring, as informed by SQEPs with cultural expertise and appointed by Pirirākau and Ngāti Taka;</u></p> <p><u>(b) include provision for active involvement of Pirirākau and Ngāti Taka in the development, implementation, monitoring and review of the Management Plan, including the appointment of kaitiaki and cultural SQEPs;</u></p> <p><u>(c) include provision for assessing the success/failure of mitigations against cultural values. Success shall be determined by SQEPs with cultural expertise and appointed by Pirirākau and Ngāti Taka. This can take place alongside other assessments of success, e.g. assessments by ecological SQEPs;</u></p> <p><u>(d) be consistent with the Tangata Whenua Values Monitoring and Management Plan.</u></p>	<p>NZTA considers the additional “all Management Plans” condition sought is not necessary. NZTA recognises the importance of cultural expertise and considers that the draft conditions appropriately provide for Pirirākau and Ngāti Taka input. They provide for engagement in and review of all management plans, without delaying Project delivery.</p> <p>Designation Conditions CU1-CU5 provide for active involvement in the development of the Project through detailed design and Project Works phases, including regular hui and opportunities to provide cultural and mātauranga Māori input into design and mitigation (CU2). They also provide for practical implementation roles, including cultural monitoring during construction, site visits/cultural inductions, cultural expression and wayfinding inputs, and the engagement of a Kaiārahi to manage Kaitiaki capacity (CU3–CU5).</p> <p>Condition 10.1 of LC.01 requires a Tangata Whenua Values Monitoring and Management Plan to be prepared, prior to construction, to set out cultural monitoring methods and activities. It must be prepared by a SQEP, with the SQEP identified in collaboration with Pirirākau and Ngāti Taka. It must, where practicable, include activities/sites to be monitored, cultural indicators and measurement, timing, personnel, alignment with other monitoring (to avoid duplication), and potential responsive actions. It also requires processes to enable hapū participation in relevant ecological activities and to recognise significant cultural sites/items within the designation boundary. NZTA considers this condition adequately provides for matters in the condition proposed by hapū.</p>

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				NZTA agrees with the Panel, in its draft decision, that the comprehensive suite of conditions makes appropriate provision for hapū values and effects on those values. NZTA supports the Panel's draft conditions relating to this matter and does not propose any further amendments in response to this comment from hapū.
Recommended amendments to Panel draft condition 10 of LC.01				
1.4	Page 1-2	Tangata Whenua Values Monitoring and Management Plan	<p>10.1 Prior to the start of Construction Works, the Consent Holder shall prepare a Tangata Whenua Values Monitoring and Management Plan (TWVMMP). The purpose of the TWVMMP is to specify <u>a cultural indicator framework to be used during the Project, and associated</u> cultural monitoring methods and activities to be undertaken before, during and after Construction Works. The TWVMMP shall be prepared by a SQEP (identified in collaboration with <u>and endorsed by</u> Pirirākau and Ngāti Taka) and include where practicable:</p> <p><u>(a) A Cultural Indicator Framework, which:</u></p> <ol style="list-style-type: none"> <u>1. Shall be developed by a SQEP appointed by Pirirākau and Ngāti Taka, and resourced by the Consent Holder.</u> <u>2. Shall identify cultural indicators, how they relate to cultural values, and how they can be measured.</u> <p>(a)(b) <u>A Cultural Monitoring Framework Programme including, where practicable:</u></p> <ol style="list-style-type: none"> 1. Identification of activities where cultural monitoring is required; 2. Identification of specific sites and geographic areas in which cultural monitoring of the activities identified under 10.1(a)(i) will be undertaken during Construction Works; 3. A schedule specifying cultural health indicators and how they will be measured through cultural monitoring; <u>Detail of cultural indicators to be measured, consistent with the Cultural Indicator Framework.</u> 4. Identification of the timing and programme for cultural monitoring, <u>including baseline monitoring, construction monitoring, and post-construction monitoring;</u> 5. Identification of <u>roles and responsibilities of personnel who will undertake cultural monitoring the implementation of the Cultural Monitoring Programme; and</u> 6. Information to ensure consistency with and avoid of duplication of other monitoring activities included in Consent conditions; <u>and</u> 7. Identification of potential actions that may be taken, based on the outcomes of the cultural monitoring. <p><u>(c) Provision for Pirirākau and Ngāti Taka to assess effects of the Project on cultural values, and for hapū advice and input to be taken into account in the management, mitigation and monitoring of those effects;</u></p> <p>(b)(d) <u>A process to identify and provide opportunities, where appropriate, for Pirirākau and Ngāti Taka to participate in activities relating to planting, pest control, fish surveys and/or transfer, species monitoring and translocation; and</u></p> <p><u>(e) A process to provide for the recognition of significant cultural sites or items within the Designation Boundary, including those that are identified or discovered through Project Works; and</u></p> <p>(e)(f) <u>Provision for assessing the success/failure of Project mitigations against cultural values. Success shall be determined by SQEPs with appropriate cultural expertise and appointed by Pirirākau and Ngāti Taka.</u></p> <p><u>10.2 The TWVMMP must be provided to Council for monitoring within five (5) working days of being finalised.</u></p>	<p>NZTA agrees with the Panel, in its draft decision, that the comprehensive suite of existing conditions proposed by NZTA makes appropriate provision for hapū values and effects on those values.</p> <p>That said, NZTA proposes some amendments the TWVMMP condition to better provide for the role of the cultural indicator framework, and how that framework will inform the monitoring programme. Other amendments are also proposed in response to hapū comments, for wording clarity. The amendments proposed are provided in the LC.01 Earthworks conditions attached to this response.</p> <p>NZTA opposes the remaining amendments proposed by hapū because they do not provide sufficient certainty, duplicate existing condition obligations, and / or are not necessary to manage the effects of the Project.</p>

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			<p><u>10.3 If the TWVMMP required by Condition XX1 is amended or updated, the revised TWVMMP must be submitted to Council within five (5) working days of the update being made.</u></p> <p><u>10.4 The development and implementation of the TMVMMP shall be resourced by the Consent Holder, including but not limited to:</u></p> <p style="padding-left: 20px;"><u>(a) the development of a Cultural Indicator Framework;</u></p> <p style="padding-left: 20px;"><u>(b) monitoring activities as set out in the Cultural Monitoring Programme;</u></p> <p style="padding-left: 20px;"><u>(c) assessment of effects on cultural values and assessment of associated mitigations. Advice note: the TWVMMP does not need to be submitted to Council for certification.</u></p> <p><u>Advice Note: A cultural indicator is something that can be measured and monitored across space and time to show change. These indicators can help determine a response or intervention. Collectively, cultural indicators can be used to understand the overall state of health and wellbeing of resources of the specific environment or ecosystem. The intent of developing a cultural indicator framework is to provide an assessment method to identify and articulate mana whenua values that can then be used to monitor environmental-cultural changes through time from a cultural perspective.</u></p>	
Recommended amendments to Panel draft designation conditions (Cultural matters; Construction noise and vibration; Urban design and landscaping)				
1.5	Page 1-2	Cultural matters	<p><i>Recommend additional detail to cover matters which NZTA stated were covered by CU conditions but which were not specified in NZTA proposed conditions.</i></p> <p><i>Recommend additional detail to ensure hapu input regarding culturally significant sites such as Te Haumu.</i></p> <p>CU3 To mitigate the cultural effects of the Project, the Requiring Authority shall offer the following cultural measures to Pirirākau and Ngāti Taka, to:</p> <p>...</p> <p><u>(e) Provide cultural advice and input into landscape and planting design, including the identification of mahinga kai and rongoā species and opportunities for cultural expression within the landscape.</u></p> <p><u>(f) Prioritisation of culturally significant indigenous plant species (including but not limited to: rongoā, kai species, species which support mahinga kai, habitat for taonga species) in restoration and landscape planting, including eco-sourcing of seed from the local ecological district where practicable, recognising the importance of protecting local biological heritage and supporting hapū-led nurseries.</u></p> <p><u>(g) Ensure specific consideration of culturally significant sites within the designation corridor, including Te Haumu (U14/1284), and appropriate cultural management or mitigation measures to be developed in consultation with Pirirākau and Ngāti Taka.</u></p> <p>...</p>	<p>NZTA has previously addressed the matters raised in the following documents:</p> <ul style="list-style-type: none"> Regarding subsections CU3(e) and (f) see Attachment 7 – Response to comments from Ngāti Taka, assigned comment number 6. Regarding subsection CU3(f) see Appendix B Table of Response to Proposed Conditions and Amendments from Ngāti Taka regarding superseded Resource Consent Condition 12 and Designation Condition CU6. Regarding subsection CU3(g) see Attachment 6 – Response to comments from Pirirākau, assigned comment number 1. <p>NZTA does not consider any changes in response to the comment are necessary, and considers the additions sought are adequately provided for in Resource Consent LC.01 Conditions 6.7, 10.1, 29.1 and 29.5, Designation Conditions LV2(e) and (f) and Archaeological Authority Condition AA3(b).</p> <p>NZTA agrees with the Panel, in its draft decision, that the comprehensive suite of conditions makes appropriate provision for hapū values and effects on those values. NZTA supports the Panel’s draft conditions relating to this matter and does not propose any further amendments in response to this comment.</p>

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Committer 2 – Director-General of Conservation – 6 March 2026					
Resource consents and designation conditions					
2.1	12-13	Bat MP	<p>LC.01 Earthworks</p> <p>27.2 If the survey in Condition 27.1 confirms a long-tailed bat presence, a Bat Management Plan (Bat MP) shall be prepared. The purpose of the Bat MP is to identify methods to be adopted to avoid and/or minimise adverse effects on bats and their habitat;</p> <p>(a) The Bat MP shall include:</p> <ol style="list-style-type: none"> 1. Identification of potential bat roosts within areas of vegetation clearance; 2. Measures to avoid and minimise potential bat roost removal; 3. Where potential roost felling is not able to be avoided, detail on current best practice and adherence to the Department of Conservation 'Protocols for minimising the risk of felling bat roosts (DOC Bat Recovery Group, 2024) or updated version for tree removal protocols to avoid injury and/or mortality of roosting long-tailed bats; and: 4. Identification of required habitat replacement and/or restoration to manage the effect of habitat loss on longtailed bats. <p>(b) At least 20 Working Days before starting Project Works, the Bat MP (if required) shall be submitted to BOPRC for certification that the Bat MP satisfies the requirements of Condition 27.2(a). The Bat MP (if required) shall be implemented for the duration of Project Works.</p> <p>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.</p>	<p><i>The Department proposes amendments to this condition to clarify the purpose of the Bat Management Plan if surveys determine that bats are present in the project area. Added reference to the protocols (or any updated version). These are national protocols that are widely referred to in NZ and in consent conditions to provide best practice guidance to minimise the risk of felling bat roosts for New Zealand bats.</i></p> <p><i>It is a well established document that is readily available to be reviewed as part of the Council Certification process. This provides certainty of the protocols that the Consent Holder will adhere too to minimise adverse effects on bats, if surveys determine that bats are present in the area.</i></p> <p><i>An advice note is recommended to remind the Consent Holder of the requirements under the Wildlife Act in relation to bats.</i></p>	<p>NZTA accepts the addition of 'and their habitat' in Condition 27.2.</p> <p>NZTA opposes DOC's proposed insertion of the bat protocols referred to, for the reasons set out in NZTA's Attachment 2 - Response to Comments from Bay of Plenty Regional Council dated 9 December 2025, at point 16.14.</p> <p>NZTA opposes DOC's proposed advice note as it is merely a restatement of law, and not necessary to manage the effects of the Project.</p>
2.2	13	SMMP	<p>LC.01 Earthworks</p> <p>28.1 (b) Establish ecologically successful Watercourse realignments, including Manage the effects on freshwater stream ecosystems through:</p>	<p><i>The Department proposes this amendment as the focus of the SMMP should not be the realignments but rather the management of effects on freshwater streams and their values.</i></p>	<p>NZTA opposes the amendment sought. The purpose proposed by DOC is vague, and does not provide helpful guidance to a SQEP in preparing the Stream Management and Monitoring Plan (SMMP). The Project involves stream realignments and therefore will result in effects on streams. It is therefore appropriate for the purpose of the SMMP to stipulate that the SMMP is to establish ecologically successful realignments.</p>
2.3	13	SMMP	<p>LC.01 Earthworks</p> <p>28.1 (b) 1. Quantification of the existing current and potential Watercourse ecological values within of each the Watercourses Watercourse reach to be reclaimed, culverted and/or realigned as assessed by using the Stream Ecological Valuation (SEV) method; and complimentary biological indices (including Fish IBI and macroinvertebrate indices), with methods and results documented explicitly; and</p>	<p><i>The Department proposes this amendment to change 'existing' to 'current and potential'. This aligns with best practice and application of the SEV methodology.</i></p>	<p>NZTA opposes the amendments sought. NZTA's expert has advised that the statement made by DOC is incorrect - the SEV itself does not require potential value to be considered. Potential value is only introduced and considered when using the proposed Environmental Compensation Ratio (ECR) calculation contained in the SEV manual, and is specific to residual effects. It is therefore incorrect and misleading to imply potential value aligns with best practice use of the SEV. It is also noted that DOC's position on the relevance of the SEV appears to be inconsistent with that of the Panel's Advisor (and the</p>

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					<p>draft decision), being that potential value only relates to residual loss.</p> <p>The additional amendments proposed are also unnecessary, and inappropriate detail to be included within a 'purpose' condition. They are also a duplication, as the references to biological indices etc are included within the SEV Guidance itself. If the Panel are minded to include references to SEV in the conditions, the matters referred to by DOC would be covered in the Panel's draft condition wording.</p> <p>For completeness, see also the memorandum of counsel dated 6 March 2026, and corresponding comments on the Panel's draft conditions.</p>
2.4	14	SEV multiplier	<p>LC.01 Earthworks</p> <p>28.1 (b) 2. Design measures to achieve a no net loss in Watercourse function, and values and extent by individual stream on a reach by-reach basis, and potential ecological values as assessed demonstrated in a certified SEV x length ledger prepared in accordance with the Auckland Council 'Stream Ecological Valuation (SEV) Technical Report' (TR2011/009) or subsequent approved versions, by the Stream Ecological Valuation (SEV) method.</p>	<p><i>This condition requires a clear ledger being maintained to demonstrate that no-net-loss offsets include a risk/time-lag multiplier of at least 1.5 x on a reach-by-reach basis.</i></p> <p><i>This recommended amendment aligns with nationally adopted best practice set out in the NPS-FM Principles for offsetting (Appendix 6) which states that a no net loss " is demonstrated by a like-for-like quantitative loss/gain calculation, and is achieved when the extent or values gained at the offset site (measured by type, amount and condition) are equivalent to or exceed those being lost at the impact site."</i></p>	<p>NZTA opposes the amendments sought.</p> <p>NZTA's expert has advised that there is no mention of a ledger needing to be prepared, or what this ledger would look like, in the SEV Technical Report referred to.</p> <p>See the Closing Legal Submissions at paragraphs [140]-[147] in relation to multipliers.</p> <p>For completeness, NZTA notes, in the event the Panel is minded to include reference to SEV in the final conditions, a definition (ie to 'the Auckland Council 'Stream Ecological Valuation (SEV) Technical Report' (TR2011/009)', should be included in the Definitions Appendix 1, for clarity.</p> <p>The amendments proposed are also unnecessary, and inappropriate detail to be included within a 'purpose' condition.</p>
2.5	14	Ledger	<p>LC.01 Earthworks</p> <p>28.1 (c) If any realigned or reinstated reach fails to achieve the outcomes or success criteria required by Conditions 28.1(b)(3) or 28.4(e), the Consent Holder must implement an offset package in accordance with the SEV x length ledger, including any required multipliers. Address situations where a Watercourse realignment has not achieved all expected Watercourse values, by establishing mechanisms to manage any adverse effects;.</p>	<p><i>The ledger is necessary to meet the requirements of the NPS FM principles for offsetting and to demonstrate the management of effects (increase in transparency).</i></p> <p><i>This recommended amendment aligns with nationally adopted best practice set out in the NPS-FM Principles for offsetting (Appendix 6) which states that a no net loss " .. is demonstrated by a like-for-like quantitative loss/gain calculation, and is achieved when the extent or values gained at the offset site (measured by type, amount and condition) are equivalent to or exceed those being lost at the impact site."</i></p>	<p>See response above. NZTA disagrees that the ledger is necessary to meet the requirements of the NPS FM. Even if it were, in the context of the FTAA, the NPS-FM is not determinative. It must be given lesser weight than the purpose of the FTAA (to facilitate the delivery of the Project) and weighed alongside other considerations (including, for example, the NPS-I). The proposed wording also elevates the role of SEV in the conditions to apply to all realigned or reinstated reaches, as opposed to just relating to residual effects (which we understand to be the intent behind the Panel Advisor's proposed condition amendments (and draft Panel conditions) with respect to the SEV/ECR).</p>
2.6	14	Maximum stream length condition	<p>LC.01 Earthworks</p> <p>28.1 (d) The total length of Watercourses impacted by permanent reclamation and culverting or piping shall be no greater than 3500m, of which no more than 500m is culverting or piping. The ledger required under Condition 28.1(b)(2) must demonstrate that this cap is not exceeded; and</p>	<p><i>The Department supports the use of a cap on the maximum amount of watercourses to be impacted. The Department recommends that a clear ledger is required that demonstrates how the SMP is managing the effects of culverting, reclamation and realignment effects and achieving no net loss of stream ecological value.</i></p>	<p>NZTA opposes the changes sought, for the reasons set out above. See also the memorandum of counsel dated 6 March 2026, the supplementary statement of evidence of Mr Garret-Walker dated 6 March 2026, and NZTA's corresponding comments on the Panel's draft conditions.</p>
2.7	14	Culverts and streams	<p>LC.01 Earthworks</p> <p>28.4 (a) Designs for each Watercourse or reach to be realigned, reclaimed culverted, or reinstated (i.e., daylighted) as informed by</p>	<p><i>The Department recommends this clause also include streams being subjected to culverting activities.</i></p>	<p>NZTA opposes the change sought. This condition specifically relates to designs for the realignments. No reasoning is provided by the proposed inclusion of culverts in this condition. Culvert designs will be</p>

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			baseline Watercourse monitoring results as set out in Condition 28.4(b), including as far as practicable:		addressed through conditions relating to the Culverts and Stream Hydraulic Design Report.
2.8	15	Hydraulic modelling	LC.01 Earthworks 28.4 New clause Designs must include hydraulic modelling to demonstrate maintenance of surface flow year-round;	<i>The Department recommends this additional clause which is required to demonstrate that the realigned/reinstated waterways are likely to succeed.</i>	NZTA opposes the condition proposed and disagrees that the condition is required to demonstrate that a realigned/reinstated waterway is likely to succeed. Condition 28.4 already includes several 'back up' conditions to ensure that success is achieved eg Condition 28.4(e). Additional 'back up' conditions such as this condition are inappropriate and more onerous than necessary to manage the effects of the Project. The proposed condition also implies that all surface flows are to be maintained (ie even those unaffected by the Project, or flow for intermittent or ephemeral streams, where water does not naturally flow year-round). This condition would place obligations on the Consent Holder that are unrelated to the effects of the Project.
2.9	15	Stream length offset	LC.01 Earthworks 28.4 (a) 23 . Maximising the length of the realigned Watercourse through meanders Channel morphology shall be designed to achieve natural function and ecological performance without requiring engineered meanders that pose stability risks or require on going interventions.	<i>The Department recommends the deletion of this condition as there are concerns that relying solely on-stream length to offset effects caused by culverting and reclamation is a risky approach and are unlikely to generate the gains in ecological value required to manage these effects.</i> <i>Excessive stream meandering requires engineering solutions to maintain water within the desired channels which can lead to perverse outcomes e.g. bank and bed erosion requiring further engineering works to stabilise the channel.</i> <i>Instead, the Department supports a pragmatic approach that relies on realigned streams to convey water through the corridor, maximising ecological value where possible, but relying instead on no highly meandered realigned reaches to offset the effects on streams. This position on suitable conditions is also supported by Mr Garrett Walker in his evidence¹ dated 16 December 2025, para 25, page 6- 7</i>	NZTA opposes the deletion of this condition, and notes that the conditions proposed, as a whole, do not rely solely on stream length to offset effects. Condition 28 provides a series of success criteria and measures to be implemented in relation to realignment, many of which do not relate to stream length. The condition referred to is also caveated with "where practicable" – if it is not practicable or appropriate in circumstances to focus on stream length or meanders, a different approach will be adopted. The reference to meanders in the proposed condition is included to ensure artificially straight channels (which would constitute a perverse outcome) are avoided, and does not relate to the stream length before and after calculation. The 'suitable conditions' referred to with respect to the supplementary statement of evidence of Mr Garrett-Walker, are the conditions that were proposed by NZTA.
2.10	15-16	Surface flow loss	LC.01 Earthworks 28.4 (a) 50 . Any measures required to prevent drainage of upstream Natural Wetlands; Any reach requiring engineered measures to prevent surface flow loss shall be excluded from contributing to no-net-loss calculations and shall trigger offset requirements. Any effects on wetland ecological value are to be considered in the WMP (Condition 31).	<i>The Department recommends the deletion of this condition. The Department is concerned that if 'measures' are required to keep water in the channel, then the realignment has failed.</i> <i>If these measures are required to maintain surface flow, then these reaches require effects management (i.e. offsetting) and the appropriate use of an offsetting method e.g. ECR. The Department supports the notion that surface flow needs to be maintained to ensure connectivity with upstream habitats.</i> <i>Measures required to maintain natural wetland values need to be defined in Condition 31 Wetland restoration and creation.</i>	NZTA and its expert strongly disagree with the statements made (and amendments proposed). The amendments proposed do not address the intent of the condition, which relates to wetlands. The use of engineered measures does not automatically diminish ecological value, so as to render it unable to contribute to the 'no net loss' consideration. Engineered measures can still provide for ecological values (and success).

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2.11	16	Surface flow loss – remedy, mitigate and offset	<p>LC.01 Earthworks</p> <p>28.4 (a) <u>67</u>. Any measures required to prevent surface flow loss in permanent Watercourses, including upstream and downstream of the realigned or reinstated Watercourse while providing for groundwater interactions. <u>Reaches where such measures are required negate the reach from being considered as any form of remedy, mitigation and/or offsetting for managing effects elsewhere due to culverting, reclamation and/or realignment activities. The effects of such measures need to be taken into account and appropriate management of effects actions taken (i.e. offsetting);</u></p>	<p><i>The Department is concerned that if 'measures' are required to keep water in the channel, then the realignment has failed. The 'measures' are likely to lead to the new channel being turned into an artificial (i.e lined or armoured) channel which will have poor ecological outcomes (due to lack of habitat, loss of groundwater interactions and modified flow regime).</i></p> <p><i>If these measures are required to maintain surface flow, then these reaches require effects management (i.e. offsetting) and the appropriate use of an offsetting method e.g. ECR. The Department supports the notion that surface flow needs to be maintained to ensure connectivity with upstream habitats</i></p>	NZTA's expert and NZTA strongly disagree with the statements made (and amendments proposed). The inclusion of measures to retain surface flow do not constitute a failure, and are common in stream realignments, to increase the likelihood of successful ecological outcomes (as the alternative could be a basic channel or one that doesn't support surface flows when it should). There can still be established fauna, habitat complexity, riparian vegetation, etc that provide ecological value without surface flow. Where surface flow isn't present, it might be that there is limited interaction with groundwater, or the hyporheic zone in some reaches. This would then become a residual effect that needs to be offset (or likely compensated in this scenario), not the whole stream.
2.12	16		<p>LC.01 Earthworks</p> <p>28.4(c) Details to demonstrate <u>realignments will provide for no net loss of stream ecological values</u> that the total length of Watercourses to be created as a result of Watercourse realignments is equal to or exceeds the total length of Watercourses that are reclaimed or culverted, <u>due to culverting and/or reclamation activities. Residual effects require further offsetting. The SMP must include a transparent, auditable SEV x length ledger for each affected reach that:</u></p> <ul style="list-style-type: none"> <u>i. Identifies pre-impact, post-impact and potential SEV scores;</u> <u>ii. Quantifies residual effects after mitigation; and</u> <u>iii. Calculates the offset required using ECR accounting</u> 	<p><i>The current set of proposed conditions provides no certainty that the effects will be managed and that there will be a no net loss of value.</i></p> <p><i>Instead, the Department recommends that a clear ledger is required that demonstrates how the SMP is managing the effects of culverting, reclamation and realignment effects and achieving no net loss of stream ecological value.</i></p>	NZTA opposes the changes sought. The condition referred to relates to a minimum 1:1 replacement. Ecological values are addressed through the other conditions, for example in Condition 28.4(e). See also the comments on items 2.4 and 2.5 above.
2.13	17	Monitoring of realigned and reinstated reaches	<p>LC.01 Earthworks</p> <p>28.4 (e) Success measures and criteria designed to confirm no net loss of Watercourse functions, <u>extent</u> and values, as informed by a baseline assessment of each Watercourse to be impacted. <u>The baseline success measures and criteria shall include the SEV value, Fish IBI and macroinvertebrate indices of each impacted watercourse.</u> If the baseline assessment identifies a potential residual loss in function or values <u>or extent</u> that cannot be managed within the relevant affected Watercourse, the SMMP shall include a mitigation and/or offset package <u>(using for example, the SEV:ECR accounting approach)</u> that demonstrates how this residual effect will be managed, including any success targets and/or criteria specific to managing the residual effects that are identified. <u>Realigned or reinstated reaches must not be claimed as mitigation until monitoring demonstrates that success criteria has been achieved.</u></p>	<p><i>The Department recommends amending this condition to ensure that realigned/reinstated reaches demonstrate they reach the threshold to be considered 'mitigation' before the Stream Management Plan deems it a 'successful' management of effects</i></p>	<p>NZTA opposes the changes sought.</p> <p>It appears that the effect of DOC's proposed condition amendments would be to render mitigation that is not 'perfect' according to SEV values / calculations as providing no ecological value.</p> <p>NZTA's expert has advised that mitigation with respect to realignments need not be perfect in every regard (ie does not need to fully achieve success) for it to hold ecological value. The existing condition already requires identification and management of potential residual effects (ie where 'success' may not be fully achieved). The amendments sought are not necessary.</p>
2.14	17-18		<p>LC.01 Earthworks</p> <p>28.4 (g) A requirement that five years after the Completion of Construction of the Watercourse realignments, a SQEP shall assess each Watercourse realignment and Watercourse reinstatement undertaken in accordance with Condition 28.4(a) and 28.4(e) and provide a report to BOPRC. If the report concludes that any of the success measures and criteria in Condition 28.4(e) have not been achieved and / or the success is not considered stable, a SQEP shall:</p> <ol style="list-style-type: none"> 1. Review and update the SMMP to include methods and interventions to support the achievement of the relevant requirements; or 2. Recommend suitable remedial, offset, and/or compensation alternatives to achieve the relevant requirements, <u>to be agreed</u> 	<p><i>The SMMP will be an adaptive management plan responding to monitoring data and measuring the outcomes of watercourse realignments. It is therefore recommended that based on this, any updates to the SMMP will need to be re-certified by the Council. Where re-certification is required, this needs to be stated in the conditions to align with Condition 6.2</i></p>	NZTA oppose the amendment sought as it is already provided for in existing Condition 6.6 – any amendments to the SMMP will need to be re-certified. The amendment proposed is redundant.

Assigned comment number	Page or section reference	Topic	Tracked Condition Changes	Extracts (or summary, where specified)	NZTA response to comments
			<p>in writing between the Consent Holder and certified by BOPRC including a time bound requirement for the implementation of the recommended alternatives.</p> <p>3. <u>Any updates required to the SMMP as a result of clause (1) and (2) must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional prior to implementation.</u></p>		
2.15	18	Review of SMMP	<p>LC.01 Earthworks</p> <p><u>28.7 New clause</u></p> <p><u>The Consent Holder shall review and update the SMMP on a biannual basis for 10 years. Any updates to the SMMP must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional prior to implementation.</u></p>	<p><i>The SMMP will be an adaptive management plan, with ongoing monitoring and measuring of outcomes. It is therefore recommended that regular reviews be required. Any updates to the SMMP will need to be re-certified by the Council (re-certification requirements needs to be stated in the relevant conditions to align with Condition 6.2).</i></p>	<p>NZTA oppose the amendment sought. The SMMP will be reviewed and updated as needed (and need not be time-bound to a 6-monthly review) via Condition 6.6</p>
2.16	18	Ecological, Restoration and Landscape Planting	<p>LC.01 Earthworks</p> <p>29.2 Planting under the EMP shall include <u>indigenous plant</u> species that will provide foraging and roosting resources for kākā, kārearea, shining cuckoo and kererū.</p>	<p><i>The Department recommends an amendment to align with condition 29.1(a) and requirement to use eco-sourced indigenous plant species for all planting and restoration.</i></p>	<p>Amendment proposed duplicates the existing obligation in LC.01 Condition 29.1(a), which requires all planting and restoration under the EMP and associated subplans to use eco-sourced indigenous plant species. Accordingly, NZTA opposes the amendment sought.</p>
2.17	18	Lizard habitat enhancement	<p>LC.01 Earthworks</p> <p>29.3 Wetland creation, riparian planting (<u>including lizard habitat enhancement areas</u>) and other restoration works shall be, where practicable, completed progressively and as soon as practicable.</p>	<p><i>The Department recommends an amendment to link the requirements set out in the EMP (Condition 17) with the Ecological, Restoration and Landscaping planting conditions where it relates to lizard enhancement areas.</i></p>	<p>Amendment proposed duplicates the existing obligation in LC.01 Condition 17.1(a)3., which requires the Ecological Management Plan to detail the methodology of lizard habitat enhancement, and opportunities for lizard habitat creation, such as the creation of log stacks, wood or debris. Accordingly, NZTA opposes the amendment sought.</p>
2.18	19	Lizard habitat enhancement areas	<p>LC.01 Earthworks</p> <p><u>29.7 NEW</u></p> <p><u>Within two months of the completion of the lizard habitat enhancement areas (as specified in the EMP and Certified Lizard Management Plan), a suitably qualified herpetologist must confirm in writing that the lizard related works have been carried out in accordance with the Ecological Management Plan.</u></p>	<p><i>The Department recommends this condition be added to ensure that the lizard habitat enhancement areas are carried out in accordance with the EMP and certified Lizard Management Plan. Condition 29.6 only relates to planting and it does not clearly specify the lizard enhancement measures.</i></p>	<p>As per comment above – lizard habitat enhancement is already provided for elsewhere in the conditions. NZTA opposes the condition sought. It is also inappropriate for the consent conditions to require compliance with a management plan required under a separate approval, and unnecessary to include a condition that merely performs a role of confirming that the conditions themselves have been adhered to.</p>