**Attachment 5**

**Takitimu North Link - Stage 2**

**NZ Transport Agency Waka Kotahi (*NZTA*) response to Department of Conservation (*DOC*) / Director-General of Conservation New Zealand comment (dated 9 December) and section 51 reports (dated 25 November 2025)**

NZTA has engaged with DOC post-lodgement of the Application with a view to narrowing the outstanding areas of disagreement. This engagement related in particular to the wildlife approval conditions and assessment of stream values, and included discussions with NZTA and DOC's respective experts. There remain some areas of disagreement between DOC's experts and NZTA's experts regarding the effects of the Project on wetlands and streams, and the extent and nature of ecological mitigation required, resulting in differences of opinion on the conditions required. Despite discussions between DOC and NZTA (including between the respective experts, both prior to lodgement of the Application, and subsequent to lodgement of the Application, Panel Convener and Project Overview conferences), differing technical opinions remain. NZTA considers these differences of technical opinion are ultimately matters for the Panel to consider and determine which assessment and approach it prefers and considers appropriate in the context of the Fast-track Approvals Act 2024 (*FTAA*). Other areas of disagreement generally involve DOC's desire to retain its 'standard' conditions that it generally applies on all wildlife approvals and those it seeks on consent conditions (ie permits and consents that are not obtained under the FTAA), which NZTA does not consider are necessary or appropriate for this Project.

NZTA appreciates the constructive approach DOC has taken towards engagement and the detailed feedback it has provided. We acknowledge DOC's recognition of the significant national and regional benefits the Project will deliver, as well as its support in principle for improving connectivity between Tauranga and Ōmokoroa. NZTA also notes and values DOC's positive comments on various aspects of the Project and NZTA's proposed approach, many of which are not specifically addressed in the response table below.

NZTA's response to comments in the table below are supported by the statements of evidence of Mr Andrew Blayney (Attachment 2A) and Mr Jeremy Garrett-Walker (Attachment 5B). This table should be read concurrently with those statements of evidence.

| # | Document reference | Topic | *Extracts* (or summary, where specified) | NZTA response to s51 report / comment |
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| **1.** | **Fast-track Approvals Act: Complex freshwater fisheries activity approval report dated 25 November 2025 (s51 report)** | | | |
| 1.1 | Page 3, [4.1] | Fish passage | *The application lacks certainty on how fish passage will be achieved in steep or ephemeral reaches, and how constraints such as gradient will be addressed.* | The effects of the Project on fish passage and aquatic habitat connectivity are strongly positive. As set out in the Substantive Application,[1] 11 of the culverts/bridges proposed in the specimen design will provide full fish passage, with some to provide limited passage (ie in steep or ephemeral reaches). Any provision of limited fish passage will be in situations where the terrain, upstream and downstream of the culvert, is very steep. In these cases the culverts will be designed to provide flow depth and velocity that is no more challenging than the upstream and downstream stream reaches. The New Zealand Fish Passage Guidelines (Version 2.0, MfE 2024) (*Guidelines*) require that "*The structure does not cause greater impediment to fish movements than occurs in the adjoining waters*". By requiring provision of flow conditions that are at least as favourable as the existing condition (based on field observations and hydraulic modelling using topographic survey), the Guidelines will be met. By requiring provision of conditions that are as good as or better than the existing stream, this requirement of the National Policy Statement for Freshwater Management 2020 (*NPS-FM*) will be met. NZTA also notes that the culverts in the Specimen Design with limited fish passage are designed to keep flow depth and velocity to be more favourable for the upstream passage of fish than the upstream and/or downstream stream reaches. As such, the Applicant provides sufficient certainty on how fish passage will be achieved in the final design.<br><br>NZTA considers the Proposed Resource Consent Conditions adequately address the concern raised by DOC. |
| 1.2 | Page 3, [4.1] | Fish passage | *DOC strongly recommends conditions requiring adherence to New Zealand Fish Passage Guidelines (Version 2.0, MfE 2024), including:*<br>- *Clear fish passage objectives and performance standards;*<br>- *Design standards for culverts and diversion channels;*<br>- *Criteria for nature-like fishways and appropriate flow conditions.*<br>• *Monitoring of fish passage success should be required, following best practice methods in the New Zealand Fish Passage Guidelines.* | The Guidelines, while a useful tool, are 'guidelines', they are not strict legal requirements. There are circumstances where the Guidelines should not be followed. An example of this is in item 1.12 below. A generic requirement to comply with the Guidelines in its entirety is therefore not appropriate. However, NZTA is not opposed to including a condition providing for compliance with the Guidelines, where it is practicable to do so. Proposed Resource Consent Condition 27.1 requires preparation of and compliance with a Stream Management and Monitoring Plan (*SMMP*).<br><br>Proposed Resource Consent Condition 27.1(a)1. requires the SMMP to establish the aims and objectives of stream management and monitoring. This will include fish passage objectives. |

[1] Page 164.

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| | | | | Design standards for culverts, permanent diversions and stream realignments are required to be set out in the Culverts and Stream Hydraulic Design Report, required under Resource Consent Conditions 38.2-38.6 and 39.1.<br><br>Proposed Resource Consent Condition 27.1(a)2. requires the SMMP to establish indicators of stable or improving trends in aquatic ecosystem health, fish and/or kākahi populations, water quality and physical habitat, as compared to baseline data. These indicators will include fish passage performance standards.<br><br>Criteria for nature-like fishways and flow conditions will be provided for in the SMMP. Proposed Resource Consent Condition 27.1(a)10. requires the SMMP to include stream designs for each affected stream or reach that includes a proposed stream realignment, stream reinstatement and/or culvert, as informed by monitoring results, including measures to 'replicate' natural stream channels to the extent practicable and taking into account the Guidelines. The 'replication' of natural channels will involve creating new reaches to resemble a 'natural' system (ie increasing the values, habitat complexity, functioning, carrying capacity etc), as opposed to a standard of what is there currently (ie highly modified and impaired). Monitoring of fish passage is required to be included in the SMMP under Proposed Resource Consent Condition 27.1(a)4.i, and requires monitoring of fish passage prior to, during and post construction, in order to establish that fish passage has not been worsened (or has been improved).<br><br>Each of the recommended conditions from DOC are already covered in the Proposed Resource Consent Conditions, therefore additional conditions are not necessary, and would be duplicative. |
| 1.3 | Pages 3-4, [4.1] | Conditions | *Additional conditions that DOC has suggested to include:*<br>- *No instream works during peak migration periods;*<br>- *No wet concrete in flowing water;*<br>- *Robust biosecurity measures (Check, Clean, Dry protocols);*<br>- *Contingency actions if fish passage objectives are not met.* | Proposed Resource Consent Condition 24.1 requires the preparation of an Aquatic Fauna Management and Monitoring Plan (*AFMMP*), which is to manage and minimise effects on native freshwater fish and kākahi prior to and during streamworks or works in a Natural Wetland that provide freshwater fish and / or kākahi habitat. The AFMMP is required to include the timing of fish / kākahi salvage and relocation, including management measures to take into account migration or spawning periods (Condition 24.1(a)2.). There may be scenarios where instream works can continue to take place during peak migration periods, where strict mitigation measures are applied. The AFMMP is required to be prepared by a suitably qualified experienced person (*SQEP*), as per Condition 5.3. The AFMMP provides flexibility to allow for works to continue so long as appropriate management measures are put in place (as determined by the SQEP).<br><br>Proposed Resource Consent Condition 8.2 requires the Consent Holder to take all practicable measures to prevent fuels, lubricants, hazardous and/or dangerous materials, concrete or cement-based substances from entering any Waterbody or surface water.<br><br>Proposed Resource Consent Condition 14.1 requires the preparation of a Biosecurity Management Plan (*BMP*), the purpose of which is to manage the risk of spread or introduction of weeds, diseases, pest plants and invasive species. The BMP is required to include measures to ensure compliance with the Bionet A16 (revised 2020) "Keep it clean" guidelines, as far as practicable (Condition 14.1(a)4.). These guidelines incorporate the 'Check, Clean, Dry protocols'.<br><br>The SMMP is required to include details on actions to be taken in the instance that indicators (ie performance standards) in Condition 27.1(a).2. are exceeded, as well as mitigation contingency measures to apply in the event of accidental / unexpected adverse effects on the impacted Watercourses to manage those effects (Condition 27.1(a).9.).<br><br>Accordingly, the additional conditions sought by DOC are already covered in the Proposed Resource Consent Conditions and are therefore not needed. |
| 1.4 | Page 7, [7.4] | Fish passage | *DOC considers that this statement indicates the applicant intends to comply with the New Zealand Fish Passage Guidelines for culvert design and installation.* | This statement is correct. |
| 1.5 | Page 7, [7.7] | Invasive species / biosecurity | *DOC notes that the applicant has proposed various mitigation measures to prevent the spread of invasive species, including a biosecurity management plan. However, DOC is unable to assess the adequacy of these measures without access to the full report.* | We are unclear as to the "full report" that DOC refers to. If the reference relates to the BMP, the BMP has not yet been prepared but its purpose and contents are set out in Resource Consent Condition 14.1. When it has been prepared, it will be provided to Bay of Plenty Regional Council (*BOPRC*) for certification in accordance with Resource Consent Condition 14. |
| 1.6 | Page 7, [7.8] | Freshwater biodiversity | *The applicant has stated that "No fish salvage activities are proposed as part of this Application. Any need for fish salvage will be implemented by the construction contractor based on their detailed construction methodology" (NZTA, 2025, p. 188). DOC considers that this approach limits certainty around whether potential impacts on freshwater biodiversity will be appropriately mitigated.* | This statement in the Substantive Application is an error. Fish salvage activities (for native fish and kākahi) will take place as part of the Project. The methods for directing salvage and relocation, as well as timing and management measures, will be included in the AFMMP (Condition 24.1(a)1.), which will be prepared by a SQEP and certified by BOPRC. The construction contractor will be required to comply with that AFMMP. Potential impacts on freshwater biodiversity will therefore be appropriately managed. |

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| 1.7 | Page 7, [7.10] | Invasive species / biosecurity | *Biosecurity risk assessments should be undertaken prior to any translocation, including assessment of fish for signs of sickness or disease.* | Mr Garrett-Walker considers that in practice, assessments of fish for signs of sickness or disease are very difficult to consider and manage as part of rescue and relocation. It is not realistic to physically assess each and every individual fish for signs of sickness and disease, and doing so could cause stress and duress on fish, as a result of the handling process and additional storage time required. As such, the requirement proposed by DOC is inappropriate, unnecessary, onerous and impractical. |
| 1.8 | Page 8, [7.11] | Monitoring | *DOC notes that due to the natural tendency of streams to migrate across floodplains, there is no guarantee that diverted streams will remain in their new artificial alignments. Waterways typically occupy their current positions due to equilibrium with the surrounding physical environment, including interactions with groundwater, geology, and slope. Artificial realignment may disrupt these dynamics. DOC recommends that appropriate monitoring be undertaken to ensure fish passage outcomes are achieved and that unintended consequences, such as bank or bed erosion, loss of channel flow, or creation of new fish passage barriers, are identified and addressed.* | In order to avoid the movement or meandering of stream realignments, stream realignments will be designed to have a balanced bedload and sediment transport, at an estimated bank-full discharge. Longitudinal stream grades are kept very gentle to maintain non-erosive velocities in between fish passable rock ramps. As part of the assessment and indicative design, the cross-sections of the stream channels were checked to ensure that flows based on current hydrology and 2130 hydrology, accounting for climate change, do not result in erosion or deposition at the estimated bank-full flow. Streambanks and streambeds will be vegetated, where appropriate. This approach will ensure the mechanisms that can result in stream movement or incision, namely erosion and deposition, are avoided. By maintaining the bedload and sediment transport balance, the mechanisms that cause stream movement will be prevented.<br><br>See also the response in 1.1 and 1.2 above, which outlines how DOC's recommendations in this comment are already incorporated in the Proposed Resource Consent Conditions.<br><br>As such, the requirement proposed by DOC is unnecessary. |
| 1.9 | Page 8, [7.12] | Mapping exercise | *DOC recommends that the applicant provide a clear cross-reference or mapping of stream names and infrastructure locations to support assessment of ecological effects and fish passage outcomes.* | See Attachment 5A. |
| 1.10 | Page 9, [7.17] | Fish passage | *DOC considers that providing fish passage upstream of the proposed highway is an improvement on the current situation. However, ongoing fish passage may not be achieved if downstream barriers remain, impeding access to these upstream habitats.* | It is not within the scope of the Project to remediate existing fish barriers outside of the Project, nor is it an 'effect' of the Project to be remediated. By remediating existing barriers within the Project and not creating new fish barriers, NZTA will adequately address the effects of the Project with respect to fish passage. With that said, the Project is very close to the coast, with very few fish barriers between the proposed highway and Tauranga Harbour. This means that where barriers will be remediated by the construction of the Project, significant stream habitat will no longer be cut off by the existing barriers. |
| 1.11 | Page 10, [8.4] (and Page 15) | Conditions / fish passage | *DOC notes that draft Condition 45 (RC.1 – RC.5) requires stream designs to "take into account" the New Zealand Fish Passage Guidelines. However, this wording does not require adherence to the guidelines, and therefore does not provide certainty that they will be followed. DOC recommends that the guidelines should be followed, except in unique or exceptional circumstances.* | See response in 1.1 and 1.2 above.<br><br>The Guidelines, while a useful tool, are 'guidelines', they are not strict legal requirements. As acknowledged by DOC, there are circumstances where the Guidelines should not be followed. A generic requirement to comply with the Guidelines in its entirety is therefore not appropriate. However, NZTA is not opposed to including a condition providing for compliance with the Guidelines, where it is practicable to do so. |
| 1.12 | Page 10, [8.5] | Conditions / fish passage | *DOC recommends that the conditions include criteria for nature-like fishways (Table 7.3 of the New Zealand Fish Passage Guidelines) to ensure fish passage objectives are met throughout diversion channels and culverts. Flow conditions through these structures should support the life history stages of applicable fish species. Design specifications for rock ramp fishways (Table 5.4) and culvert design methodology (e.g. swimming ability considerations in Figure 4.8) should be used to inform design.* | See response in 1.2 above.<br><br>Design standards / specifications and methodologies for culverts, permanent diversions and stream realignments for the final design are required to be set out in the Culverts and Stream Hydraulic Design Report, required under Resource Consent Conditions 38.2-38.6 and 39.1.<br><br>The proposed fish passable rock ramps in the Specimen Design have been rendered in 3D and hydraulically modelled in detail. The results indicate that the velocities and depth along the edges of the rock ramps will be passable for the target species (Inanga) in the Guidelines and for benthic and pelagic juvenile migrating species.<br><br>The step pool fishway described in the Guidelines can achieve a maximum of approximately 3% longitudinal grade for whitebait species, significantly increasing the length of the structures. In many cases the existing streams within the Project have average longitudinal grades that exceed 3%, which means that the fishway would have to end in a steep or vertical drop at the downstream end to satisfy this provision in the Guidelines, creating another fish barrier. The proposed fish passable rock ramps are more appropriate for the type of streams that exist within the Project.<br><br>The matters outlined by DOC are extremely prescriptive, onerous and not appropriate to be prescribed in conditions. They are also not necessary, as the SQEP will consider and appropriately provide for flow condition requirements within the SMMP as required by the Proposed Resource Consent Conditions. |
| 1.13 | Page 12, [11.4] | Fisheries resources | *DOC notes that the project area is subject to regulations under the Fisheries (Kaimoana Customary Fishing) Regulations 1998, with tangata kaitiaki/tiaki appointed by the Tauranga Moana Iwi Customary Fisheries Trust for Ngai Te Rangi, Ngāti Ranginui, and Ngati Pukenga. While the project does not involve taking fisheries resources, DOC considers that sediment and contaminants from* | Sediments and contaminants from earthworks will be appropriately managed by the comprehensive set of conditions on erosion and sediment control measures proposed by NZTA (Resource Consent Conditions 9-12). No additional conditions are required. |

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| | | | *earthworks could adversely affect fisheries habitats and water quality, which may in turn impact customary practices. DOC notes that tangata whenua are best placed to advise on these potential effects.* | |
| 1.14 | Pages 15-16 | Conditions | New Condition:<br>***Exclusion Conditions***<br>***FF1**: The Dispensation holder will not undertake the following activities:*<br>*(a) Instream works during peak spawning and migration times for the native fish species present in the waterways;*<br>*(b) The utilisation of wet concrete in flowing water or in a location where it can enter flowing water.* | The conditions proposed by DOC are opposed as they are duplicative and / or unnecessary. See response in 1.3 above. |
| 1.15 | | | New Conditions:<br>***Exclusion Conditions***<br>***FF2**: The Dispensation holder will ensure that all equipment to be used close to or within any surface waterbodies for the establishment of the approved diversions is clean and dry prior to use.*<br>***FF3**: The Dispensation holder must comply with the Ministry for Primary Industry's "Check, Clean, Dry (North Island)" cleaning method to prevent the spread of didymo (Didymosphenia geminata), gold clam (Corbicula fluminea) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at http://www.biosecurity.govt.nz/cleaning. The Dispensation holder must regularly check this website and update their precautions accordingly.*<br>***FF4**: The Dispensation holder will undertake biosecurity risk assessments of any species which are to be translocated throughout the establishment of the stream realignments.* | NZTA opposes FF2 and FF3 as the effects they seek to manage are already adequately managed through Proposed Resource Consent Condition 14. See response in 1.3 above. The BMP will include management protocols to prevent the spread of invasive freshwater and marine species (including protocols for machinery and stand down periods), and to ensure compliance with the "Keep it clean" guidelines as far as practicable. FF2 and FF3 are therefore not necessary, and would be duplicative of existing condition requirements.<br>NZTA does not consider FF4 to be appropriate. See response in 1.7 above. |
| 1.16 | | | New Conditions:<br>***New Zealand Fish Passage Guidelines***<br>***FF5**: The Dispensation holder shall follow good practice design standards as outlined in the New Zealand Fish Passage Guidelines, in particular setting clear fish passage objectives and performance standards (section 3), incorporating appropriate design standards to provide passage for the target fish species (including sections 4, 5.5.3 and 7.3.5, and Appendix A).*<br>***FF6:** Diversion channels shall meet the criteria for nature-like fishways in table 7.3 of the New Zealand Fish Passage Guidelines and copied below.*<br>[Table 7.3 not replicated here]<br>***FF7**: Monitoring of fish passage success shall be undertaken following best practice methods and standards in section 8 of the New Zealand Fish Passage Guidelines. Monitoring results shall be provided to DOC annually by 30 June.* | NZTA opposes FF5, FF6 and FF7 as the effects they seek to manage are already adequately managed through Proposed Resource Consent Conditions 27.1 and 38.5. See response in 1.2 above.<br>NZTA agrees in principle to reporting on fish passage success to DOC for information. |
| Notwithstanding NZTA's position on DOC's proposed freshwater fisheries conditions, NZTA will further consider whether any amendments to the existing proposed resource consent conditions are appropriate to respond to DOC's comments and will incorporate those changes in the updated set of resource consent conditions, which it intends to provide to the Panel by 23 December. | | | | |
| **2.** | **Fast-track Approvals Act: Wildlife approval report dated 25 November 2025 (s51 report)** | | | |
| 2.1 | Page 7, [6.2] | DOC principles | • *Lizard species' values and site significance must be assessed at both the impact (development) and receiving sites.*<br>• *Actual and potential development-related effects and their significance must be assessed.*<br>• *Alternatives to moving lizards must be considered.*<br>• *Threatened lizard species require more careful consideration than less-threatened species.*<br>• *Lizard salvage, transfer and release must use the best available methodology.*<br>• *Receiving sites and their carrying capacities must be suitable in the long term.*<br>• *Monitoring is required to evaluate the salvage operation.* | NZTA acknowledges these are DOC's key principles relating to lizards and notes they are discussed elsewhere in the s51 report. NZTA notes DOC has not raised any concerns with NZTA's approach to these principles or any suggestion that NZTA has not complied with them. For the avoidance of doubt, NZTA confirms it has complied with these principles. |

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| | | | • *Reporting is required to communicate outcomes of salvage operations and facilitate process improvements.*<br>• *Contingency actions are required when lizard salvage and transfer activities fail.* | |
| 2.2 | Page 8, [6.2] | Trapping / salvage | *However, DOC recommends that ACOs and pitfall traps be in place for at least two months before checking, rather than the proposed six weeks.* | The Takitimu North Link Stage 2 draft Lizard Management Plan (as appended to the Ecological Effects Assessment (Appendix 9.4.4), in Appendix 11) (*LMP*) states that Artificial Cover Objects (*ACOs*) and pitfall traps will be set 6-8 weeks before being checked. DOC standard practice (Lettink, 2012)[2] for the use of artificial retreats (ie ACOs) provides a range from 1-3 months for deployment of artificial retreats preceding checks. The inclusion of 6- 8 weeks in the LMP is in the mid to upper range of this recommendation. The ACO survey (with concurrent pitfall trapping) is also part of a multi staged survey and salvage process which begins at least 3 months from potential vegetation clearance. The multi staged approach is summarised in Table 2 of the LMP with each method described within Section 6 of the LMP.<br>As such, NZTA considers the 6-8 weeks defined in the LMP is appropriate and DOC's proposed change is unnecessary and overly onerous. |
| 2.3 | Page 8, [6.2] | Felled vegetation | *DOC supports the approach of leaving felled vegetation on site to decay naturally. If this cannot be achieved and vegetation must be removed, DOC recommends that it be piled no higher than 3 metres and surveyed for lizards both diurnally and nocturnally under suitable environmental conditions. Surveys should be conducted at least twice per week for a minimum of three weeks post-felling (i.e. at least six surveys at each of day and night), and no lizards should be detected for three consecutive surveys before removal.* | There are risks and benefits of the proposed extension of stockpile storage, and NZTA does not support universal application of this process. A key risk of a stockpiling approach is the potential for ground dwelling skinks such as copper skink (the species most likely to be present and frequently encountered within this alignment) to migrate into the stockpiles which will provide dense and complex refugia. A stockpiling approach has benefit for arboreal geckos, which primarily occupy taller vegetation and are difficult to detect from the ground during clearance activities, but can be detected emerging post disturbance over the following weeks.<br>In the Project environment NZTA's expert, Mr Blayney anticipates arboreal gecko to be rare if not absent. As such, a defined method, universally applied, that may increase the risk of injury or death to copper skinks while benefiting arboreal geckos is likely to be counter-productive in protecting native lizards.<br>There is a balancing act between requiring stockpiles to be in place for extended periods of time to survey them, and moving stockpiles quickly post-clearance to prevent more individuals moving into the pile.<br>The LMP requires that where debris is to be stockpiled onsite, the Project herpetologist must deploy ACOs around the debris pile which must be checked prior to movement or disposal of the debris. The LMP does not provide a minimum timeframe for the stockpile to be retained but does have a maximum timeframe of 12 weeks before it is to be treated pursuant to the full salvage methodology.<br>Given the benefits to arboreal geckos, it would be appropriate to implement the stockpiling protocol as recommended by DOC where spotlighting for arboreal geckos (Section 6.2 of the LMP) detects arboreal geckos in a specific area. Thereby only implementing the protocol when there is identified clear benefit in doing so. NZTA intends to insert a line item into the LMP to this effect.<br>The limit of 3 metres high in this scenario would be appropriate to ensure the pile can be visible and traversable.<br>NZTA will amend the draft LMP to incorporate DOC's suggestions, where agreed with. |
| 2.4 | Page 8, [6.2] | SQEP | *DOC notes that a nominated ecologist has not yet been identified, as the Project has not gone out to tender. It is essential that lizard management is led by an ecologist with demonstrated experience in salvage and relocation under Wildlife Act authorities. DOC recommends a condition requiring the appointment of a suitably qualified ecologist prior to commencement of salvage activities.* | Proposed Wildlife Approval Condition WA3 requires that the authorised activities associated with lizards are carried out by a SQEP. As such, there is already a condition requiring the appointment of a suitably qualified ecologist prior to commencement of salvage activities.<br>An additional condition is not required. |

2 Lettink, M. (2012). Herpetofauna: Artificial retreats (Inventory and Monitoring Toolbox: Herpetofauna DOCDM-797638). Department of Conservation.

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| 2.5 | Page 8, [6.2] | Release pen / fencing | *DOC supports the use of soft release pens, with a maximum of 20 skinks per pen, and installation of additional pens if salvage numbers exceed expectations. However, clarification is needed regarding the material proposed for the pen fencing. The applicant refers to a "silt fenced area"; DOC recommends that the fence be constructed of polythene or a similarly solid, slippery material to prevent lizards from climbing. Cloth-type materials should not be used.* | NZTA agrees that the fence for the soft release pen should be constructed of a material not able to be climbed by lizards to function as intended. It is not necessary to specify the exact material to be used in the LMP or elsewhere (noting that Condition WA3 requires SQEP involvement with the Authorised Activities associated with lizards, which will include consideration of appropriate material to be used for fencing). Accordingly, an additional condition is not required. |
| 2.6 | Page 9, [6.2] | Tracking tunnels | *DOC notes that the applicant proposes placing 50 tracking tunnels over 4 ha of the additional pest control area. It would be helpful to see the layout of these tunnels. A 7 × 7 grid (49 tunnels) would result in approximately 28.5 m spacing, which is closer than the standard 50 m spacing used for rodent monitoring. This may lead to double-tracking by rats and affect data reliability.* | The layout of the proposed tracking tunnels has not yet been established and therefore is not able to be provided, however it is intended to be a simple evenly spaced grid.<br><br>Residual tracking rates are suitable for large-scale monitoring programs but do not work well within small areas such as the 5 ha release site and data reliability is problematic regardless of layout. In small areas, percentage tracking rates can fluctuate significantly due to minor changes in rodent activity, making them unreliable indicators of pest control success. The current tunnel proposal seeks to reach a middle ground of sufficient coverage of the site (and therefore resolution of the potential problem areas) and meaningful data.<br><br>Mr Blayney considers that in small areas such as the 5 ha release site, being able to identify where rodents are persisting at a small scale is likely more useful than attempting to apply an already compromised monitoring method (due to the small size of the area) to typical standards. This is the reason for the more intensive survey effort. It is acknowledged that this survey effort may result in some double count, and consequently the proposed permitted tracking rate has been increased to address this.<br><br>Mr Blayney considers the DOC proposed 25 tracking tunnels is equally valid and aligns better with the typical application of tracking tunnels for residual tracking rate indices. However, it will not provide the finer resolution that the current proposed method may. The control target of 5% with 25 tracking tunnels which are less likely to double count or 10% with 50 tunnels which are more likely to double count is considered to be largely equivalent.<br><br>As such, no changes to the tracking tunnel requirements are required. |
| 2.7 | Page 9, [6.2] | | *DOC recommends reducing the number of tracking tunnels to approximately 25, spaced 50 m apart, and setting knockdown and ongoing control targets at 5% for both rats and mice.* | |
| 2.8 | Page 9, [6.2] | Mustelids | *DOC does not consider mustelid monitoring necessary within the 5 ha pest control area, as tracking tunnels are not sensitive for mustelids in forest habitat. Instead, DOC recommends monitoring mustelids across the full 16.5 ha Te Puna Quarry Park using five widely spaced lines of five tracking tunnels (100 m apart), baited with secured meat and left for 21 nights. A target of less than 5% detection is considered appropriate.* | Tracking tunnels within the 5 ha release site area are proposed in the draft LMP to allow for measurement of the response of pest communities to control effects. The primary target of this monitoring will be rodents. Mustelid monitoring has been included to provide a helpful indication of mustelid presence in the release area and to enable adaptive targeting of potentially resident individuals and/or areas of consistent detection.<br><br>Due to the large home range of mustelids (often in excess of 100ha), control at these scales is not able to provide population level control but is intended to have a high probability of killing those individuals that may be resident or pass through and therefore protecting the lizards released at the site. This range is also why the bait station and trap density proposed in the LMP is considerably higher than what would be implemented for larger scale control programmes.<br><br>A tracking target for mustelids is not considered appropriate for this Project because even the full 16.5ha of control area within Te Puna Quarry Park does not cover the entirety of a single mustelids home range. As such, a tracking index will be exposed to considerable random variation of the movement of mustelids throughout their range. Therefore, a tracking tunnel network can give information on where and when mustelids are present or moving through the site, and will assist in predator control planning. However, a tracking tunnel network is not a suitable metric to measure performance of small scale predator control operations for mustelids.<br><br>There are currently around 200 traps plus bait stations deployed across an approximate 16.5 ha area within the Te Puna Quarry Park. Traps are inspected monthly with bait stations serviced as necessary. As set out in the draft LMP, within the 5ha control area there will be an initial 'knockdown' phase of high intensity baiting and trap checks 3 months prior to lizard release, with the duration of pest animal control post-release to be determined by the number of skinks released into the area. This larger scale control programme in Te Puna Quarry Park and the intensive area of control will suppress mustelid presence in the area. |

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| | | | | Changes to the mustelid monitoring processes in the draft LMP are not necessary or appropriate. NZTA opposes DOC's recommended changes. |
| 2.9 | Page 9, [6.2] | | *DOC notes that in Part 10.2.1, the applicant refers to activating every second tracking tunnel "for mustelid control." This should be amended to "monitoring," as tracking tunnels are not used for control. DOC agrees with the contingencies set out in Part 10.2.2, subject to the amended targets above. If these contingencies do not meet the targets, DOC recommends extending the bait station network beyond the initial 5 ha.* | NZTA confirms the reference in the LMP to "control" should refer to "monitoring".<br>Regarding contingencies, Mr Blayney considers there are merits to both approaches ie either extending the bait station network, as recommended by DOC, or infilling the network as provided in the draft LMP. Both approaches would have benefits in meeting the objectives of protecting an identified species in a small area from the effects of predation. Mr Blayney considers that providing the option to use both responses to the detection of high levels of rodents would be most beneficial. This will allow a flexible response to observed patterns of predator detection and enable the parties carrying out the work to determine the most effective option for increasing control efficacy.<br>NZTA will amend the draft LMP to refer to "monitoring" and allow flexibility for either approach. |
| 2.10 | Page 14, [9.1] | Iwi conservation | *DOC has reviewed the section 18 report and notes MFE's conclusion that the primary matter for consideration by the Panel, as relevant to the Wildlife Act approval, is the Ngāti Hinerangi conservation relationship agreement provided for under the Ngāti Hinerangi Claims Settlement Act 2021. This agreement applies to the project area and sets out procedures for consultation on statutory authorisations, including Wildlife Act approvals. DOC also notes that while the Tauranga Moana Iwi Collective deed includes provisions for a conservation relationship agreement, these have not yet been enacted. The affected lizard species are not identified as taonga species in any relevant Treaty settlement schedules, although they may still hold cultural significance for iwi and hapū in the project area.* | NZTA notes that the conservation relationship agreement referred to is an agreement between DOC and Ngāti Hinerangi, and sets out obligations with respect to those two parties. It does not impose any requirements on NZTA and accordingly is not relevant. |
| 2.11 | Page 3, [3.0], Page 9, [6.3] | Conditions | • *Term: DOC is comfortable with the proposed 20-year term, despite it being longer than a typical wildlife approval, provided a review and recertification clause is included at the 10-year mark.*<br>• *Certification: NZTA proposes that the LMP be certified after the wildlife approval is granted and deemed certified if not completed within 20 working days. DOC opposes this and requests that the LMP be certified by the Panel at the time of decision and that reference to the "deemed certification" clause be deleted.*<br>• *Best Practice: DOC recommends additional conditions aligned with best-practice standards for a standard wildlife approval.* | • Term: NZTA opposes the provision of a 10 year review requirement. NZTA considers the existing ability for NZTA to review and update the LMP (and then submit to DOC for certification) as per WA2(g) sufficiently provides for ensuring that the LMP is up to date and will reflect best practice at the time the Authorised Activity takes place.<br>• Certification: NZTA considers that it would not be appropriate for the LMP to be certified by the Panel at the time of decision, as this would mean Pirirākau and Ngāti Taka would not have an ability to further comment on the draft LMP and they have expressed a desire to do so.<br>• Best practice: NZTA intends to ensure that best practice is adopted with respect to the Wildlife Approval. Proposed Wildlife Approval Condition WA2(b) requires the LMP to be prepared by a SQEP and follow best practice in terms of hygiene and animal welfare. See NZTA's responses to specific conditions recommended by DOC below.<br>Accordingly, NZTA opposes DOC's proposed conditions. |
| 2.12 | Appendix A | Conditions | New condition:<br>*WA1 The Approval Holder must comply with Lizard Management Plan dated [date of final LMP] that is annexed to this Approval, including but not limited to by implementing all actions set out in management of effects section of the LMP to ensure adequate mitigation of effects has been achieved.* | NZTA is already required to comply with the Lizard Management Plan (*LMP*), as set out in existing Wildlife Approval Condition (October 2025) WA2(e). Accordingly, WA1 is unnecessary and duplicative.<br>See comments in 2.11 above that address the proposal for the LMP to be finalised by the Panel. |
| 2.13 | | | New condition:<br>*WA3 The Authority Holder must review the LMP and resubmit it to the Director-General for certification on or before the 10-year anniversary date of the Approval date. The objective of the review is to re-assess habitat conditions and characteristics and update the LMP to reflect current species knowledge, best practice lizard management and mitigation techniques.* | See response above on item 2.11. |
| 2.14 | | | WA4 proposed deletion:<br>~~*(g) If the LMP (or amendment) required under these conditions has been submitted to DOC for certification, and 20 Working Days has passed, and DOC has not certified the LMP (or amendment), or advised that the LMP (or amendment) is not suitable to certify, the LMP will be deemed to have been certified and the Approval Holder may commence Project Works in accordance with the LMP (or amendment) as submitted.*~~ | NZTA opposes DOC's proposed deletion of Condition WA4(g).<br>NZTA's position is that:<br>• It has provided ample time for DOC to review and certify the LMP in the Proposed Conditions. Any extension of the certification process timeframes proposed would be unreasonable.<br>• The Project cannot be indefinitely held up as a result of an unreasonable delay in DOC providing certification of the LMP. |

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| | | | | • The provision of deemed certification of management plans is consistent with the approach taken for other management plans that are to be provided to the councils, or other agencies for certification. |
| 2.15 | | | WA5 proposed amendments:<br>*The Authorised Activity shall be carried out:*<br>*(a) By a SQEP;*<br>*(b) In accordance with the LMP;*<br>*(c) ~~At a suitable time of year~~ Between the 1st October and 30th April, when Lizards are active~~, as advised by a SQEP~~; and*<br>*(d) For catch / capture, within the Designation Boundary, and for relocation, within the Release Area.* | NZTA opposes DOC's suggested amendment to WA5(c) as the requirement is already captured in the draft LMP (Section 5.1), which provides that lizard salvage will only be undertaken between October and April when indigenous lizards are more active. |
| 2.16 | | | New conditions:<br>***Lizard capture and handling***<br>*WA6 Lizards may only be handled by those people suitably qualified as according to the Department of Conservation.*<br>*WA7 Capture and handling methods must involve only techniques that minimise the risk of infection or injury to the animal and must follow those described in the Herpetofauna inventory and monitoring toolbox http://www.doc.govt.nz/our-work/biodiversity-inventory-andmonitoring/herpetofauna/.* | NZTA opposes DOC's suggested Condition WA6 as the requirement is already captured in Proposed Wildlife Approval Condition WA3, which requires the Authorised Activity (including salvage) to be carried out by a SQEP.<br>NZTA opposes DOC's suggested Condition WA7 as it is unnecessarily prescriptive and the effects it seeks to manage will be managed in the LMP, as required by Condition WA2. The LMP is also required to follow best practice in terms of hygiene and animal welfare, which will include best practice capture and handling methods.<br>NZTA therefore opposes these proposed conditions as they are duplicative of existing proposed Conditions and / or unnecessary. |
| 2.17 | | | New condition:<br>***Incidental Discovery***<br>*WA8 The DOC Operations Manager for Tauranga must be contacted immediately (taurangainfo@doc.govt.nz) for further advice if lizard species other than those authorised are located within the footprint of the development or within the release site.* | NZTA opposes DOC's suggested Condition WA8 as incidental discovery is already required within the LMP (generally) as per Condition WA2(b)(iv)1.<br>The lizard species that are to be covered by the Wildlife Approval (as per the definition of 'Lizards') are broader than those anticipated to be discovered, and therefore is intended to capture instances of incidental discovery of lizard species. In practice, a separate Wildlife Permit would need to be sought from DOC in the event that other lizard species not authorised under the Approval were located (and needed to be relocated or otherwise). The draft LMP also includes a requirement for vegetation clearance works to stop, and DOC to be notified, in the event that another threatened lizard species is discovered (see the draft LMP as appended to the EEA, in Appendix 11, section 11.0). |
| 2.18 | | | New conditions:<br>***Death of wildlife associated with salvage activities***<br>*WA9 If any lizards die during the approved activities of catch, transfer, mark or liberate, the Approval Holder must:*<br>***Euthanasia***<br>*WA10 If any lizards are found injured, the Project Herpetologist must be contacted to get advice on management of the lizard. Injured lizard(s) may be euthanised on recommendation of the Project Herpetologist or a veterinarian.*<br>***Reporting***<br>*WA11 A report summarising lizard salvage and relocation activities must be prepared and submitted to DOC (taurangainfo@doc.govt.nz and permissionshamilton@doc.govt.nz) within 30 days from the completion date of the salvage. Specifically, this report is to include:.* | NZTA opposes DOC's suggested Conditions WA9 and WA10 as these obligations are already included in the draft LMP (as appended to the EEA, in Appendix 11). Section 8.0 of the draft LMP requires, in the event that injured native lizards are found:<br>• All injured native lizards be transported by the project herpetologist to the nearest suitable veterinarian (experienced in indigenous wildlife rehabilitation). Vets must then euthanise lizards who are suffering and are not likely to heal sufficiently to allow rehabilitation and return to the wild.<br>• If the herpetologist determines that it is clear that injuries are causing suffering and are unlikely to heal and/or are incompatible with continued life the herpetologist must immediately euthanise the lizard in the field.<br>NZTA opposes DOC's suggested WA11 as the requirement is already captured in Condition WA2(b)(vii), which requires reporting requirements to be set out in the LMP. WA11 is therefore unnecessary. |
| 2.19 | | | New condition:<br>***Variations***<br>*The Authority Holder may apply to the Director-General for variations to this Approval in accordance with clause 7(2) of Schedule 7 of the Fast-Track Approvals Act 2024.* | NZTA opposes DOC's suggested conditions as they are either merely a statement of law and duplication of NZTA's existing statutory abilities, and / or are not necessary to manage the effects of the Project. |
| 2.20 | | | New condition: | |

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| | | | ***Costs***<br>*The Approval Holder must pay the Department of Conservation's standard charge-out rates for any staff time and mileage required to monitor compliance with this Approval and to investigate any alleged breaches of the terms and conditions of it.* | |
| 2.21 | | | New condition:<br>***Liabilities***<br>*The Authority Holder agrees to exercise the Approval at their own risk and releases, to the full extent permitted by law, the Director-General and the Director-General's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage, or injury occurring to any person or property arising from the Authority Holder's exercise of the Approval.* | |
| 2.22 | | | New condition:<br>***Revocation***<br>*The Director General may revoke this Approval at any time in respect of the whole or any part (pursuant to clause 7(4) of Schedule 7 of the Fast-Track Approvals Act 2024) if:* | |
| 2.23 | | | New condition:<br>***Compliance with Legislation and Director-General's Notices and Directions***<br>*The Approval Holder must comply with all statutes, bylaws, and regulations, and all notices, directions, and requisitions of the Director-General and any competent authority relating to the exercise of the Approval.* | |

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| **3.** | **Response to comment dated 9 December 2025** | | | |
| 3.1 | Sections 3.2-3.3 | eDNA – survey methods | *"…Overall, it is considered that the methods used by the applicant are robust and follow best practice…*<br>*However, Mr Williams has noted that the eDNA surveying was only undertaken using a single replicate within two catchments. Although a standard eDNA methodology was not developed at the time of sampling in 2021, current best practice recommends that six replicate samples be collected (NIWA, 2023). This ensure species detection rates are >90%, meaning it is more than 90% likely that eDNA detected the presence of a particular species if it was present in the waterway. A wider spatial scale eDNA survey across all affected waterways would provide additional information on species present within the activity footprint"* | NZTA's expert Mr Garrett-Walker considers eDNA sampling is of limited benefit as it is only indicative. While it is acknowledged that best practice for eDNA surveys recommends six replicate samples to be collected, Mr Garrett-Walker does not consider additional or replicated eDNA sampling would have provided materially different information for the ecological impact assessment. Mr Garrett-Walker's assessment of the effects of the Project relied on a range of survey methods, and eDNA results were considered as supplementary, rather than determinative evidence.<br>NZTA considers the approach taken to be robust and appropriate. No further conditions or requirements are necessary. |
| 3.2 | Sections 3.6-3.7 | Waterways value assessment | *"the Department considers that several of the sites assessed as having 'low value' should be ranked as 'moderate value'. This is because the applicant's assessment, as noted above, does not consider that indigenous species recorded in the catchments are likely to also be present within the waterways at the Project site. As such the ecological assessment does not adequately consider the presence of long fin eel and inanga which are classified as At Risk-Declining species in the conservation status of NZ freshwater fisheries…* | NZTA's expert, Mr Garrett-Walker has appropriately assessed the presence or conservation status of longfin eel. As set out in Section 3.2.2.3 – Table 22 of EEA, the impacts on longfin eel have been assessed at a 'high value' (reflecting the current 'At Risk–Declining' classification per Dunn et al., 2018).<br>The assessment of ecological value for each watercourse has followed the EIANZ guidelines, which require consideration of representativeness, rarity/distinctiveness, diversity/pattern, and ecological context (see Tables 3 and 4 of the EEA). The value assigned to each watercourse is not solely determined by the presence of At Risk–Declining species, but is based on a holistic evaluation of all relevant factors, including habitat quality, species diversity, degree of modification, and ecological connectivity. In the expert opinion of Mr Garrett-Walker, indigenous species recorded in the catchments *are* likely to also be present within the waterways at the Project site (and the EEA does not include anything to the contrary). Individual species and their associated threat |

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| | | | *Based on the EcIA guidelines and presence of At-Risk Declining species, this raises the biodiversity values (rarity and distinctiveness) to high at sites where they occur or are expected to occur."* | classification have been considered alongside site-specific and catchment information on fish. By way of example, the presence of kākahi in one watercourse has been conservatively assumed to apply to all watercourses, including those not directly surveyed. The presence of these species is not, in itself, sufficient to confer 'high' or 'moderate' ecological value on a site, particularly where other factors such as habitat condition, modification, and overall diversity are low.<br><br>See also paragraphs [7]-[14], and [36]-[41] of the statement of evidence from Mr Garrett-Walker (Attachment 5B).<br><br>NZTA therefore disagrees with DOC's statements. |
| 3.3 | Sections 3.8-3.11 | Assessment of magnitude of effects on waterway values. | *"the Department does not agree with the approach taken in assessing the magnitude of freshwater ecology effects. The applicant has assessed the magnitude of effects of the project "based on the extent of proposed stream modification as a proportion of the total linear length of similar sized watercourse/reaches within the wider catchment…*<br><br>*However, Mr Williams notes that by comparing the loss of habitat within each main catchment, the magnitude of the impact at the site is minimised in comparison to a reach/site-based assessment. This approach also does not align with the EIANZ Guidelines which explicitly refer to 'site'6 when describing criteria for magnitude of effect rather than catchment scale…*<br><br>*Realigned streams are likely to have different hydrological character and habitat quality than the original waterways and is an inherently risky process that can lead to poor ecological outcomes. Erosion and sedimentation especially during large rainfall events can cause damage to freshwater biodiversity. Suspended and deposited sediment can cause habitat loss, impacts on fish and invertebrate feeding, smother spawning sites and can take a long time to work through the waterway system…*<br><br>*This evaluation helps identify where mitigation or offsetting measures are necessary to reduce the overall level of effects (ecological impact) and how this can be appropriately addressed in conditions."* | Mr Garrett-Walker's approach is standard and consistent with the EIANZ guidance, which is to set the relative scale of measurement for the effect, i.e. to consider the level of the effect against a base resource /area and use a transparent proportional consideration of the level of that effect.<br><br>Mr Garrett-Walker disagrees with DOC's suggestion that it is generally appropriate to assess effects at a site or reach scale. He considers the scale should reflect the quanta of similar resource (habitat, or population of a species) that is in the same Ecological District or freshwater biome, and at which values have been considered (national or regional values) and which are (in freshwater) connected and allow species to potentially colonise and interact. Hence it is often appropriate to consider a catchment scale.<br><br>In Mr Garrett-Walker's opinion, the "site" scale suggested by DOC often has no ecological meaning, and is based on an arbitrary boundary. If only the site/reach scale is used at each place of effect, then the outcome will always be a high magnitude of effect. Mr Garrett-Walker does not consider that either a site or a reach approach is ecologically sound.<br><br>The assessment has applied an effects management approach, and after avoidance, the remedial action recommended will ensure that like-for-like is replaced or offset such that there is no loss of extent or values as driven by the NPS-FM. No adverse effect from the Project, no matter its level, is not managed.<br><br>For further information, please refer to:<br>• Statement of Evidence of Jeremy Garrett-Walker (Attachment 5B); and<br>• Statement of Evidence of Andrew Blayney (Attachment 2A).<br><br>NZTA therefore disagrees with DOC's statements and does not consider any additional conditions to be necessary or appropriate. |
| 3.4 | Sections 3.13-3.16 | Loss of streams | *"…it is not possible to fill in a natural channel and move it to an artificial channel without a significant loss of ecological function and life supporting capacity. He sets out that stream diversions create risks of the stream: Losing water through the soil because of the absence of consolidated stream bed sediments and loss of connectivity with groundwater.*<br><br>*Downcutting through the new stream bed due to the absence of consolidated bed sediments, creating an eroding channel. To mitigate this, newly constructed channels are armoured with impervious materials (usually concrete, sometimes with rocks added for 'habitat' complexity). Such concrete channels then become drainage features with little ecological value, even if the artificial channel is designed with a naturalised appearance…*<br><br>*Further there is a lack of detail provided on the design of the stream alignments proposed for the Project. The application sets out that this detail will only be provided post decision in a 'Culvert and Stream Hydraulic Design Report' (proposed conditions 38 and 39). This creates further uncertainty about the outcomes. Although a schematic design has been provided in the Stormwater Assessment (Appendix 9.4.9, Figure 2)), Dr Neale has noted that this design is similar to the examples provided, where previous stream alignments have resulted in poor ecological outcome.*<br><br>*It is noted that every environmental management project has an element of risk (which is normally accounted for in offset calculations). However, Dr Neale notes that the level of risk is not the same across projects…Dr Neale points out that stream realignments are not proven, and, in* | Mr Garrett-Walker has considered DOC's position and comments and provided a response via a statement of evidence (at attachment 5B). In summary, Mr Garrett-Walker disagrees with DOC's position (as set out by Dr Neale). Mr Garrett-Walker notes that stream realignment occurs successfully throughout New Zealand and the world and provides examples of where this has occurred. He considers reliability depends on context appropriate design, construction quality and performance-based conditions that secure ecological outcomes. Mr Garrett-Walker considers NZTA's proposed Resource Consent Conditions are appropriate and will ensure positive ecological outcomes are achieved. Refer to paragraphs [15]-[25] of the statement of evidence from Mr Garrett-Walker (Attachment 5B)<br><br>NZTA therefore disagrees with DOC's statements and does not consider any additional conditions to be necessary or appropriate. |

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| | | | *his experience, positive outcomes are not achieved. Dr Neale was also unable to find any peer-reviewed published studies of stream realignments.*<br><br>*…As set out in Dr Neale's comments, stream diversions can result in the loss of stream habitat for fish, macroinvertebrates and plants (due to the absence of water or reduced water width and depth), a loss of fish passage (where no flow or only sub-surface flows prevents fish migration) and loss of connections with riparian vegetation and food sources for fish and invertebrates. This is mainly due to reduced or no flow of water in the channel."* | |
| 3.5 | Sections 3.17-3.19 | Stream realignment: Remedy vs. offset | *The Department does not agree that stream diversions are a 'remedy' in the EMH and should be considered as an 'offset'.*<br><br>*…the process of reclamation (to allow for development) involves the total loss of extent and values in the reclaimed stream. The lost ecological values may be offset by creating a new channel and diverting the stream flow into it. An appropriate offsetting tool should then be used to guide the process by estimating the magnitude of lost values in the reclaimed stream and values that may be gained in the stream diversion.*<br><br>*However, the applicant's EcEA assesses the use of stream realignment as a 'remedy action'. The Department disagrees with this approach as the original stream channel is not remedied in any way – rather it is filled in and no longer exists. A remedy action would involve restoring the original stream channel after any disturbance. However, in this case, this would not be possible as a road will be constructed in its place. Furthermore, Dr Neale notes that the stream alignments proposed as 'remediation' are often in a different part of the catchment to the impacted streams. Table 26 in the EcEA shows that 7 of the 15 impacted streams do not have sufficient stream realignment to match the reclamation proposed to occur.*<br><br>*The National Policy Statement for Freshwater Management (NPSFM) requires that the applicant demonstrate how each step of the EMH13 will be applied to any loss of extent or values of the stream and where remedying the effects is not possible, to progress to the next steps of the hierarchy being offsetting and compensation considerations. As noted above, given that 'remedying' the effect of a reclaimed stream is not possible, the applicant should progress to assessing how the effects are managed by offsetting and/or compensation. This is the approach taken in the applicant's EcEA for wetlands14 whereby the loss of wetland extent will be offset by recreating wetland habitat elsewhere."* | A diversion does not result in a loss of extent or value of streams (provided the diversion is at least the same length as the stream replaced).<br><br>Mr Garrett-Walker considers the new channels of the diversions to be a complete remedy of flow and aquatic habitat reclamation. The replacement of the same amount, type and condition of aquatic habitat, in the same flow location, at a 1:1 replacement quanta achieves an appropriate remedy. Furthermore, the design and implementation of these diversions specifically aim to improve habitat conditions and support greater aquatic fauna health and diversity, compared to the existing streams. While the 1:1 replacement ratio establishes the minimum requirement for maintaining stream extent and function, additional enhancement measures, such as improved instream habitat features, and water quality controls are incorporated to address any 'lag' in ecological function as the new habitat establishes. These enhancements not only offset the lag effect but are expected to result in a net improvement in the overall ecological value of the streams over time, beyond simply replacing what was lost.<br><br>Please see paragraphs [26]-[35] of the statement of evidence from Mr Garrett-Walker for further details (Attachment 5B).<br><br>NZTA therefore disagrees with DOC's statements and does not consider any additional conditions to be necessary or appropriate. |
| 3.6 | Sections 3.20-3.22 | Potential values of streams | *"The NPSFM, requires that the 'potential values' of a river be considered when assessing loss of values of a river and in the application of the EMH15. However, the EcEA only assesses the current state of the streams to be filled in and does not account for any of the potential values, despite these being lost as a result of the Project.*<br><br>*It is acknowledged that the streams are currently compromised by the effect of rural land management, however the level of impairment is consistent with other poorly managed rural stream systems. Dr Neale notes that the streams assessed in this application, may be improved, even with simple management interventions such as fencing and riparian planting (refer to examples provided in Dr Neale's comments).* | NZTA acknowledges that the NPS-FM requires consideration of the "potential values" of rivers and streams when assessing effects and applying the effects management hierarchy. However, while the NPS-FM (for example, through Policy 5) envisages the overall enhancement of degraded freshwater ecosystems, it does not require that every individual project be managed in a way that goes beyond addressing the effects of that specific project.<br><br>In the context of effects management for this Project, NZTA's position is that, under the NPS-FM the assessment of effects must be based on the existing 'real world' environment, not an artificial future environment.[3] "Potential values" should be considered only where there is a reasonable and realistic expectation that those values will be realised. The assessment of effects should take into account not just what is theoretically possible for a stream in an ideal scenario, but what is likely to be achieved given the existing land use, foreseeable management practices, and regulatory context.<br><br>The streams affected by the Project are currently degraded as a result of ongoing rural land management, and there is no evidence of any imminent change in land use or management of those streams that would reasonably result in the realisation of significantly higher ecological values in the absence of the Project. While it is true that simple interventions such as fencing and riparian planting can improve stream values, the likelihood |

[3] *Queenstown Central Limited v Queenstown Lakes District Council* [2013] NZHC 815 at [85].

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| | | | *This is considered relevant, as the potential values of a stream that will be lost as a result of the Project need to be factored into the effects management assessment and any offset package proposed.* | of such interventions occurring outside the Project context is low, given the prevailing land use and absence of any committed restoration programme.<br><br>Accordingly, NZTA's effects management and offset package is designed to address the actual and reasonably foreseeable values of the affected streams. The Project not only remedies and offsets the current effects, but also delivers ecological enhancements such as instream habitat improvements and improved fish passage, riparian vegetation that would otherwise be unlikely to occur. In this way, the Project gives effect to the NPS-FM's intent to maintain and improve freshwater values, without imposing an obligation to account for speculative or unlikely potential values that are not reasonably expected to be realised.<br><br>See also the statement of evidence from Mr Garrett-Walker (attachment 5B), in particular paragraphs [36]-[41].<br><br>NZTA therefore disagrees with DOC's statements and does not consider any additional conditions to be necessary or appropriate. |
| 3.7 | Sections 3.25-3.34 | Effects on Lizards | *"It is noted that the Wildlife Approval differs from the resource consent approval in that it seeks protection of wildlife directly harmed by the Project, rather than the protection or maintenance of habitat occupied by lizards.*<br><br>*For example, while lizards that can be salvaged and translocated will be managed under a Wildlife Approval, their habitat within the site will not, particularly with regard to adaptive management and ongoing monitoring of areas to be restored/enhanced. DOC therefore considers that resource consent conditions are required to manage the effects on lizard habitat"*<br><br>*…*<br><br>*This is the approach that has been undertaken in the recently approved Fast-track Consent for Rangitoopuni (FTAA-2504-1055) whereby a Lizard Management Plan has been approved under the Wildlife Approval and conditions are included under the resource consent decision requiring a Lizard Management Plan to be submitted for certification.*<br><br>*It is considered that only one LMP need be prepared to satisfy both the requirements of the resource consent matters and the Wildlife Approval. "* | NZTA agrees with DOC that only one LMP is needed. However, NZTA's position is that it would not be appropriate for the LMP to be required to be certified by both DOC and BOPRC. Effects on lizard habitat as a result of the Project relate to the effects of the consents sought, and are dealt with through the resource consent conditions (e.g., protection and enhancement of lizard habitat via ecological mitigation, planting, landscaping). They will be dealt with through the Ecological Management Plan prepared under the resource consent conditions, and that management plan will be certified by BOPRC as the relevant regulator. Effects on lizards themselves (ie, as a result of handling/relocating) are the subject of the Wildlife Approval, and to be dealt with via the Wildlife Approval conditions and LMP, and certified by DOC as the relevant regulator. BOPRC is not the relevant regulator in relation to the LMP. We note that, for a recent NZTA project application, Cambridge to Piarere, the Panel agreed with NZTA, stating that there was "*no environmental benefit in requiring another version of an LMP to be prepared or certified by the Councils*."[4]<br><br>NZTA therefore disagrees with DOC's comments and does not consider any additional conditions to be necessary or appropriate. |
| 3.8 | Sections 3.35-3.40 | Potential effects on Bats | *…No bat passes were detected as a result of the surveys undertaken by the applicant in 2020 and 2021.It is noted in the assessment that previous surveys in 2017 detected bats approximately 2.5km east of the eastern end of the Project Area. The applicant notes that the area was re-surveyed in 2021, and no bat passes were recorded19. However, this relatively recent record of bats very close to the Project Area means bats may still be present in the Project area.*<br><br>*…Based on the technical advice received, the Department notes that the DOC bat distribution database shows there are records of long-tailed bats being detected (2017) on the Stage 1 Takitimu alignment of the proposed road and in close proximity to the Project site.*<br><br>*Roads, through their construction and operation, will have various effects on bats including:*<br><br>• *Construction effects including loss of breeding and/or feeding habitat, and movement pathways for commuting;*<br><br>• *Operational Effects such as noise and artificial light have been known to have adverse effects on long-tailed bats. When sites are lit, bats use those areas less often and begin to use them later each night. When sites are noisy, bats avoid that area. This results in loss of connectivity between sites outside the road designation and alignment, light ingress into areas of habitat, direct injury and mortality to bats due to vehicle collision and avoidance of habitat due to disturbance* | NZTA's position is that a Bat Management Plan (*Bat MP*) does not need to be prepared at this stage, as no bats have been detected within the Project area. This approach is proportionate to the actual risk and ensures that management measures are based on current, site-specific information, rather than on a hypothetical risk. The closest detection is 2.5km east of the eastern end of the Project. Proposed Resource Consent Condition 26.1 requires a further survey prior to construction, with a Bat MP to be prepared if bats are found in accordance with the specifications for that management plan (as set out in Resource Consent Condition 26.2). The Bat MP, if required, will identify all appropriate methods to be adopted to avoid and/or minimise adverse effects on bats. It will, in particular, include identification of required habitat replacement and / or restoration to manage the effect of habitat loss on bats.<br><br>Requiring the preparation of a Bat MP now is not required to mitigate an effect of the Project.<br><br>See also the evidence of Mr Blayney, at paragraphs [17]-[21] (Attachment 2A). |

[4] Record of Decision of the Expert Consenting Panel on State Highway 1 Cambridge to Piarere Long Term Improvement Project, paragraph 12.56, available here.

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| | | | • *The effects of the project on bat habitat needs to include the whole Project Area in the absence of knowing the location of any roosts, key flight paths and core areas. Bat habitat is defined as areas to provide roosting, breeding, foraging, drinking and commuting.*<br>…<br>*it is the Department's view that a Bat Management Plan is required without the need for further surveys to manage the effects on bats as a result of the Project. This takes a precautionary approach where the effects are uncertain and could cause significant or irreversible damage to the long-tailed bat population."* | |
| 3.9 | Section 4.5 | Conditions - BMP | *Condition 14 Biosecurity Management Plan (BMP)*<br>*The applicant has proposed a BMP in the conditions. The Department recommends amendments to these conditions to limit the potential impacts of invasive freshwater species, especially gold clam which is located in the adjacent Waikato region.*<br>*(a)(3) Management protocols to prevent the spread of invasive freshwater and marine species (including protocols for machinery and stand down periods (of at least 48 hours in dry conditions); and*<br>*(a)(4) Measures to ensure compliance with the Bionet A16 (revised 2020) "Keep it clean" and MPI "Check, Clean Dry (North Island)" guidelines, as far as practicable.* | NZTA opposes the amendment sought by DOC to (a)(3) as NZTA does not consider this level of detail is necessary in a condition, noting that appropriate stand down periods will be set by a SQEP in the BMP itself as required by the Proposed Resource Consent Conditions.<br>NZTA opposes the amendment sought by DOC to (a)(4) as the "Keep it clean" guidelines referenced in the condition incorporate the 'Check, Clean, Dry protocols'. Incorporation of an additional guideline is unnecessary and overly onerous. See the response in item 1.3 above. |
| 3.10 | Section 4.6-4.7 | Conditions - AFMMP | *Condition 24 Aquatic Fauna Management and Monitoring Plan (AFMMP)*<br>*The applicant has proposed an AFMMP to manage and minimise the effects on native freshwater fish and kākahi prior to and during any required stream works. The Department recommends that this condition is amended to better protect freshwater biodiversity values through restricting the timing of works for spawning/migration periods or detailing how activities during this period will be managed to mitigate impacts.*<br>*The Department supports Condition 24.1.b which requires certification of the AFMMP by Council.* | No specific wording is proposed by DOC, and NZTA does not consider that any amendments to Condition 24 to reflect DOC's comment are required.<br>The AFMMP is required to include the timing of fish / kākahi salvage and relocation, including management measures to take into account migration or spawning periods (Condition 24.1(a)2.). There may be scenarios where instream works can continue to take place during peak migration periods, where strict mitigation measures are applied. The AFMMP is required to be prepared by a SQEP, as per Condition 5.3. The AFMMP provides flexibility to allow for works to continue so long as appropriate management measures are put in place (as determined by the SQEP). |
| 3.11 | Section 4.8-4.10 | Conditions - streams | *New Proposed Condition - Stream Offsetting*<br>*Based on the assessment above and the concerns raised with the effects management approach for streams (remedy vs offset assessment); it is recommended that a new condition is included. This is recommended given that there is currently insufficient information in the application to determine specific effects management requirements for the streams and given the short timeframes under the Fast Track process.*<br>*Dr Neale recommends a condition that requires an effects management plan for stream reclamation to be developed and refined as the project advances, that accounts for the loss of ecological values associated with stream reclamation, and the uncertain outcomes associated with stream alignment (stream diversions) as an offset action (not remedy).*<br>*It is recommended that this condition is required instead of trying to manage it through the Stream Management and Monitoring Plan (SMMP). The issue is that if the realignments were to fail through monitoring, then a retrospective process is required to deal with this (and any required offsetting measures) at a later stage. A proposed condition is recommended below:*<br>*Condition X: Stream Offset Management Plan* | Mr Garrett-Walker is of the view that stream realignment should be considered a remedy, not an offset, under the Effects Management Hierarchy set out in the NPS-FM. Remedy involves reinstating ecological values and stream extent at the point of impact, which is precisely what is achieved through the creation of new, functioning stream channels within the Project designation. This approach directly replaces lost values in situ and is secured through robust design, monitoring, and adaptive management provided for in the Proposed Resource Consent Condition 27.<br>NZTA opposes the addition of a Stream Offset Management Plan. The proposed SMMP will provide the same function as the Stream Offset Management Plan DOC has proposed. Mr Garrett-Walker considers that introducing a new management plan would duplicate the requirements of the SMMP, resulting in overlapping management plans. This overlap is not only not necessary to manage an effect of the Project but also risks confusion and, based on Mr Garrett-Walker's experience, can result in worse outcomes for stream management. The current framework proposed ensures no net loss and a net gain of river extent and ecological values. For further information, please see:<br>• The Statement of Evidence of Mr Garrett-Walker (Attachment 5B) which addresses:<br>  ○ Stream realignment as a remedy not an offset; and<br>  ○ Stream Ecological Value (SEV) Approach to Determining Effects Management.<br>• Appendix 9.1.2 Proposed Resource Consent Conditions, condition 27.<br>Mr Garrett-Walker therefore opposes DOC's proposed conditions. |

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| | | | *X The EMP shall include a **Stream Offset Management Plan (SOMP)**. The purpose of SOMP is to achieve no net loss of stream extent and values after residual adverse effects on freshwater ecology have been offset.*<br><br>*X The SOMP must include, but not be limited to, the following:*<br><br>*(a) Details quantifying the magnitude of ecological values lost by stream reclamations;*<br><br>*(b) Details of the assessment based on:*<br><br>*(i) the estimate of the quantum of offset that will be required. Calculation of the offset required must use stream ecological valuations and environmental compensation ratio methodologies,*<br><br>*(ii) identification of streams within the designation [reference/label] that will be suitable for stream offsets,*<br><br>*(iii) Identification of streams outside the designation [reference/lable], within the same ecological district, that will be suitable for stream offsets.*<br><br>*(c) A freshwater offset package that will result in no net loss of stream extent and values*<br><br>*X. The Consent Holder must provide a draft of the SOMP to DOC for comment before it is submitted to the Council for certification in accordance with Condition [XX]. The SOMP must include a summary of comments received from DOC (if any comments are received within 10 Working Days of the draft SOMP being provided to DOC) and outline how feedback has been incorporated into the SOMP and, if not, the reasons for that.*<br><br>*X. Forty working days before prior to the commencement of Project Works, the SOMP shall be submitted to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced Freshwater Ecologist. Certification shall be for the purpose of reviewing the SOMP and ensuring compliance with consent conditions.*<br><br>*X. The certified SOMP must be implemented for the duration of the Project Works and thereafter until success has been confirmed. Success shall be determined by a SQP (freshwater ecology) report based on post construction monitoring to demonstrate no net loss of stream extent or values.*<br><br>*X. Within 2 months of Completion of Construction, the Consent Holder must provide a report from a Suitably Qualified Person in freshwater ecology to the Council to confirm that the Watercourse riparian works have been completed in compliance with Condition XX.*<br><br>*X. The consent holder shall review and update the SOMP on an annual basis for the duration of this consent. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional prior to implementation.* | |
| 3.12 | Section 4.11-4.12 | Conditions | *If the Panel are of the mind to require all of these measures under one management and monitoring plan then the following comments address how this condition can be improved.*<br><br>*The condition requiring the Stream Management and Monitoring Plan should include:*<br><br>• *What the objective is of the management and monitoring plan, as well as specifying specific objectives for each stream alignment (this was proposed in the applicant's EcEA23);*<br><br>• *Establish what the current state of the waterways are to ensure that they stay stable or improve rather than decrease over time;* | NZTA intends to provide an updated set of resource consent conditions to the Panel by 23 December. That set of conditions will consider and incorporate any amendments to the existing conditions that NZTA considers are appropriate and necessary, acknowledging that there will likely be some changes to the proposed SMMP condition for certainty and workability, some of which may incorporate in principle some of the suggestions provided by DOC. However, notwithstanding potential changes, NZTA notes:<br><br>• Condition 27.1 on the SMMP already includes an objective – to monitor and manage the ecological effects of the Project on aquatic ecosystems.<br><br>• Condition 27.1(a)5. requires the SMMP to include provision for baseline stream monitoring in order to establish the current state of waterways. Accordingly, NZTA considers that this suggestion is provided for in the current conditions. NZTA will consider wording refinements to the SMMP conditions to make this existing obligation more clear. |

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| | | | • *That all permanent watercourse diversion is designed and constructed to maintain stream flows (both volume and velocity) in a similar state to its natural state at the time of commencement of construction work.*<br>• *Detail on what mitigation contingency methods will be used if monitoring (or trigger events) indicates decreasing trends and potential solutions (offsetting/compensation) if these do not stop the impacts;*<br>• *Certainty around the design of the reclaimed streams i.e. "the dimensions of each realigned watercourse (depth, width and gradient pattern) must be similar to the reclaimed watercourse that it replaces to achieve similar velocities, water volume, depth profiles and wetted widths".*<br>• *Success monitoring should be carried out for the stream realignments for a minimum of 10 years following completion of construction.* | • The existing streams and watercourses, that are being realigned, are highly modified and degraded, often unstable or incising. NZTA's proposed approach to stream realignment involves estimating an appropriate bank-full flow, for current climate conditions and climate change to 2130, and designing the realigned stream channel to be stable under those flows. This approach allows the realigned streams to support aquatic and riparian vegetation and sustain aquatic and riparian habitat. NZTA's approach will ensure improvement in realigned stream conditions. DOC's proposed condition will require the streams to be reestablished, in their modified, degraded streams condition, with little habitat value. NZTA therefore opposes the proposed condition.<br>• Details on actions to be taken where indicators are exceeded (Condition27.1(a)6.), and in the event of an accidental / unexpected adverse effect on watercourses (Condition27.1(a)9.) will be set out in the SMMP. NZTA considers that this detail is more appropriate for the SMMP itself as opposed to within a condition.<br>• Stream realignments are to be undertaken in general accordance with the Culverts and Stream Hydraulic Design Report.<br>• NZTA opposes the requirement for success monitoring for 10 years following completion of construction. Success for streams could happen at any moment. An arbitrary 10 year timeframe will not guarantee success, and it is better for the conditions to require monitoring until success is achieved. NZTA acknowledges the SMMP condition could be improved to clarify the monitoring requirements, and will consider and incorporate refinements to the SMMP condition. |
| 3.13 | Section 4.13 | Conditions - waterways | *It is also recommended that there is a limit to the amount of waterways impacted by the proposed realignment and culverting. On this basis, the Department recommends the following condition (the numbers are based on estimates provided by NZTA rounded up):*<br>*The Consent Holder must ensure that the total length of Watercourses impacted by the realignment and culverting is no greater than 3500m, of which no more than 500m is culverting.*<br>*It is noted that a recent meeting was held between the applicant, the Department and BOPRC with an action to input further on the above proposed condition to ensure that it appropriately manages the adverse effects of stream reclamation and realignments. Further amendments are likely to result from these discussions.* | NZTA intends to provide an updated set of Resource Consent Conditions to the Panel by 23 December. If NZTA considers any amendments to the existing conditions are appropriate or necessary to respond to DOC's comments, the updated set of conditions will incorporate those changes. |
| 3.14 | Sections 4.15-4.16 | Conditions – ecological restoration and planting | *Condition 28 Ecological restoration and landscape planting*<br>*The standards proposed in Condition 28 do not provide certainty that the riparian planting associated with the stream diversions will be protected via fencing or provide a buffer of a given width which was proposed in the EcEA24. Additional conditions should be included to cover these aspects.*<br>*Further proposed Condition 28.5 states that that the planting shall be maintained for a period of 5 years from the date planted. The Department notes that 5 years is likely enough for the vegetation to establish, however monitoring and maintenance should continue 10 years from planting to ensure that there is no failure e.g. weed invasion and plant death.* | NZTA will consider and respond to the proposed wording from DOC regarding fencing or buffers for stream diversions in its updated Resource Consent Conditions to be lodged with the Panel by 23 December.<br>NZTA submits that monitoring for 10 years following completion of construction is not required. The maintenance of the planted areas, including riparian areas, is tied to the achievement of performance criteria for planting under Proposed Resource Consent Condition 58 and 59. Proposed Resource Consent Condition 45(c) also requires success monitoring of stream realignments as compared to baseline data and the designs required by Conditions 45(a)(ix) and 45(a)(x). Mr Garrett-Walker considers that using performance metrics such as these detailed within the conditions is more robust than arbitrary timeframes. |
| 3.15 | Sections 4.17-4.18 | Conditions - contaminants | *Condition 36.8 General Works – contaminant release (concrete)*<br>*The applicant has proposed conditions to prevent concrete/cement from entering a waterbody, however the applicant should be using pre-cast concrete in any situations where there may be contamination with waterways and wetlands or undertake measures to isolate them from the concrete activities. Any discharge water should be released at a location where it cannot enter a waterbody.*<br>*On this basis, the following amendment is recommended:*<br>*36.8 The Consent Holder shall ensure that no water associated with the mixing, pouring, placing and cleaning of concrete structures and/or equipment is released into a* | Please refer to response above at paragraph 1.3.<br>NZTA will consider and respond to proposed wording from DOC, generally, in its updated Resource Consent Conditions to be lodged with the Panel by 23 December. |

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| | | | *Waterbody. ~~unless that water has been treated and the pH of the stormwater discharged is between 5.5 and 8~~.* | |
| 3.16 | Sections 4.19-4.20 | Conditions – culvert design report | *Condition 38 – 39 Culverts and Stream Hydraulic Design Report and Permanent Diversion/Stream Realignments*<br>*…*<br>*Currently there is no draft version of this report to understand how effects of the stream diversion/realignments will be managed.*<br>*In the absence of a draft of this report, the Department recommends that the conditions of consent relating to the permanent diversion/stream realignments include details that:*<br>• *Specify the maximum length of watercourse to be reclaimed and realigned in accordance with the ecological assessment/EMP (approximately 3.1 km).*<br>• *Specify the maximum length of watercourse to be culverted in accordance with the ecological assessment (approximately 470 m).*<br>• *Ensure the freshwater habitat characteristic of reclaimed water ways reflects the pre-activity habitat (length, width, area, grade, geomorphological form). This can be achieved through specific performance targets.*<br>• *Fish passage is maintained in realigned streams following the New Zealand Fish Passage Guidance document.* | See comments above at paragraphs 1.1, 1.2 and 1.8 above.<br>NZTA intends to provide an updated set of Resource Consent Conditions to the Panel by 23 December. If NZTA considers any amendments to the existing conditions are appropriate or necessary to respond to DOC's comments, the updated set of conditions will incorporate those changes. |
| 3.17 | Sections 4.21 | Lizard Management Plan Conditions | *No conditions are offered to address effects on herpetofauna and their habitat on the grounds that the applicant is applying for a Wildlife Act authority. For the reasons outlined already, this approach is not supported …The Department recommends a condition that requires a LMP to provide certainty on how adverse effects on lizards will be managed under the resource consent approved activities. A recommended condition requiring a LMP is copied below:*<br>*X. The EMP shall include a Lizard Management Plan (LMP). Prior to the commencement of any works within the application site, a LMP shall be prepared by a suitably qualified and experienced herpetologist. The objective of the LMP is to minimise adverse effects on indigenous lizards within the areas of vegetation clearance associated with the Project and to create and enhance habitats for lizards.*<br>*(a) The LMP shall include, but not be limited to:*<br>*i. undertake lizard surveys to establish the presence of native lizards;*<br>*ii. the process and timing to extract lizards from the site prior to works;*<br>*iii. measures to salvage native lizards from any suitable habitat within the Site in accordance with the Wildlife Act Authority;*<br>*iv. details of suitable release site(s) for salvaged lizards in accordance with the Wildlife Act Authority; and*<br>*(b) In consultation with a SQEP, undertake measures and methods to minimise effects on lizards, including but not limited to:*<br>*i. Restoring vegetation as soon as practicable following works (where practicable);*<br>*ii. Details of wood piling or any other provision of lizard habitat* | It is incorrect that no conditions are offered to address effects on herpetofauna and their habitat. NZTA considers the effects of the Project on lizards will be managed under the conditions of the Wildlife Approval and the effects on their habitat will be managed under the Proposed Resource Consent Conditions, in particular, Proposed Resource Consent Condition 15.1(a)3. requires the EMP to provide opportunities for lizard habitat creation. The Proposed Wildlife Approval Conditions include the requirement to prepare a LMP (Condition WA2). NZTA's expert, Mr Blayney, considers the effects of the Project on lizard habitat will be appropriately mitigated through the requirements of the EMP. There is no need for additional lizard habitat-specific conditions, and therefore no LMP is required to address RMA effects. Mr Blayney also considers it best to maintain the separation of species specific management requirements and the matters related to the planting and replacement of habitat for operational reasons.<br>Furthermore, NZTA notes that a number of the provisions DOC has suggested to be included in an additional "RMA LMP" are already incorporated in existing Resource Consent Conditions. Notwithstanding this position, NZTA intends to provide an updated set of resource consent conditions to the Panel by 23 December. If NZTA considers any amendments to the existing conditions are appropriate or necessary to respond to DOC's comments, the updated set of conditions will incorporate those changes. |

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| | | | *iii. measures to promote the success of the salvage population(s) such as pest control and habitat enhancement;*<br>*iv. details of monitoring and reporting to confirm the effectiveness of measures required above;*<br>*v, details of in perpetuity legal protection for release sites i.e. consent notices and covenants,*<br>*vi. details of the person(s)/organisation that will undertake the work, and*<br>*vvi. measures to ensure consistency with requirements of the Wildlife Act 1953.*<br>*(c) At least 20 Working Days before starting Project Works, the LMP shall be submitted to the BOPRC for written certification by a suitably qualified and experienced professional that the LMP satisfies the requirements of Condition X.*<br>*(d) The certified LMP shall be implemented for the duration of Project Works.*<br>*(e) A suitably qualified and experienced herpetologist approved to oversee the implementation of the LMP must certify that the Lizard related works have been carried out according to the certified LMP.*<br>*Advice Note*<br>*The application documents contain a draft LMP which will be finalised through this condition. The Consent Holder has obtained a permit under the Wildlife Act 1953 to capture and translocate any indigenous lizards. Any capture and relocation of indigenous lizards will need to be undertaken in accordance with that permit. Some management actions required under the Wildlife Act may overlap with the management actions set out in the LMP prepared to meet this resource consent decision. To avoid duplication, it is recommended that the Consent Holder provides a single LMP that satisfies both the requirements of Condition X and the approval process under the Wildlife Act 1953.* | |
| 3.18 | Section 4.22 | Bat Management Plan Conditions | ~~*26.1 Within the 12 months prior to starting Project Works in areas where long-tailed bat may be impacted by Project Works, a SQEP shall conduct a bat presence survey to identify long-tailed bats within the Designation. The monitoring shall be conducted during November – March and for a minimum of 21 suitable survey nights.*~~<br>*26.2 ~~If the survey in Condition 26.1 above confirms a long-tailed bat presence~~, The EMP shall include a Bat Management Plan (Bat MP). Prior to the commencement of any works, the Consent Holder shall submit a Bat Management Plan (Bat MP) ~~shall be~~ prepared by a suitably qualified and experienced bat ecologist. The ~~purpose~~ objective of the Bat MP shall be as follows:*<br>*(a)~~is to identify methods to be adopted to avoid and/or minimise adverse effects on bats~~ achieve no net loss of indigenous biodiversity values for long-tailed bats and their habitat.*<br>*(b) To protect bats that persist within the Project Area by:*<br>*(i) Avoiding injury and/or mortality of roosting long-tailed bats during any tree removal*<br>*(c)To avoid or minimise adverse effects on bats within the Project Area by:*<br>*(i)Avoiding, or otherwise minimising adverse effects of lighting and noise*<br>*(ii) Provide habitat replacement and/or restoration to offset or compensate for the loss of habitat values* | See response to item 3.8 above.<br>NZTA's position is that a Bat MP does not need to be prepared at this stage, as no bats have been detected within the Project area. NZTA's Proposed Resource Consent Conditions require a survey to be undertaken prior to construction and, if bats are detected through that survey, a Bat MP to be prepared and implemented.<br>See also the Statement of Evidence of Mr Blayney at paragraphs [17]-[21] (Attachment 2A). |

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| | | | *(~~b~~d) The Bat MP shall include:*<br><br>*1. Identification of potential bat roosts within areas of vegetation clearance;*<br><br>*2. Measures to avoid and minimise potential bat roost removal;*<br><br>*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 (Version 4, October 2024) or updated version for tree removal protocols to avoid injury and/or mortality of roosting long-tailed bats; and*<br><br>*4. Identification of required habitat replacement and/or restoration outside the Project Area to manage the effects of habitat loss on long-tailed bats. Species selection and planting plans must take into account the New Zealand Bat Recovery Group Advice Note – Planting to provide roosts for bats in the long-term (dated, 28 August 2025);*<br><br>*5. Measures to mitigate the adverse effects of noise and lighting, for lighting, measures that are consistent with the Department of Conservation Bat Recovery Group Advice Note – Steps to take to reduce the impact/effect of artificial light on pekapeka (bats) dated 19 August 2025 or updated version.*<br><br>*x. 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 26.2(a).*<br><br>*y. The Bat MP ~~(if required)~~ shall be implemented for the duration of Project Works and all planting required under the Bat MP shall be maintained for a minimum period of five years from the date planted, with annual monitoring to assess the establishment of planting.*<br><br>*z. The Consent Holder shall ensure that all restoration undertaken as offsetting and compensation is maintained for the duration of this consent.*<br><br>*za. The consent holder shall review and update the Bat MP on an annual basis for the duration of this consent. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional prior to implementation.* | |