

Attachment 9: Proposed Wildlife Approval Conditions Tracker

NZTA acknowledges the expert meetings on the Wildlife Approval and Lizard Management Plan. NZTA intends to continue working towards obtaining approval from DOC on the LMP. In the event approval is obtained from DOC on the LMP, NZTA would provide the LMP to the panel and request the panel impose conditions that require implementation of the LMP, without the need for further certification prior to commencement of Construction Works.

The substantive application included proposed Wildlife Approval conditions. In DOC’s section 51 comments three schedules were proposed to contain conditions for the Wildlife Approval. While it is typical practice for Wildlife Act Authorities to present conditions in schedules, NZTA does not consider schedules are required for Wildlife Approvals issued under the Fast-track Approvals Act. The Wildlife Approval for Takitimu North Link Stage 2 did not include schedules. NZTA proposes to retain the format of the Wildlife Approval conditions as lodged, with the proposed changes as shown below. The three schedules suggested by DOC are shown below to demonstrate how the content has been addressed within NZTA’s proposed changes to the Wildlife Approval, where NZTA considers it is appropriate to include this content. For clarity, NZTA does not seek to retain the schedules in any form and considers the definitions and conditions are appropriate for the Wildlife Approval without any schedules.

Definitions and terms used in Wildlife Approval

The table below defines the acronyms and terms used in the Wildlife Approval conditions.

Abbreviation/term	Meaning	NZTA proposed changes
Approval Holder	New Zealand Transport Agency Waka Kotahi	
Authorised Activity	To catch alive and relocate Lizards, and the incidental killing of Lizards, for the purpose of protecting the Lizards by way of salvage along with post-relocation monitoring at Relocation Sites.	To catch alive and <u>liberate</u> relocate Lizards, and the incidental killing of Lizards, for the purpose of protecting the Lizards by way of salvage along with post-relocation monitoring at Relocation Sites.
Construction Works	Those works involving vegetation clearance which are necessary to construct and establish the Project, excluding those works authorised by Wildlife Approval 119946-FAU	
<u>Director General</u>		<u>Director-General of Conservation</u>
DOC	Department of Conservation	
LMP	Lizard Management Plan	
Lizards	Canterbury grass skink (<i>Oligosoma aff. polychroma</i> Clade 4), along with the incidental discovery of McCann’s skink (<i>Oligosoma maccanni</i>), Southern grass skink (<i>Oligosoma polychroma</i> Clade 5), and Waitaha gecko (<i>Woodowrthia cf. brunnea</i>)	Canterbury grass skink (<i>Oligosoma aff. polychroma</i> Clade 4); along with the incidental discovery of McCann’s skink (<i>Oligosoma maccanni</i>), Southern grass skink (<i>Oligosoma polychroma</i> Clade 5), and Waitaha gecko (<i>Woodowrthia cf. brunnea</i>)
<u>The Land</u>		<u>Areas of Construction Works, including:</u> a) <u>Cam River / Ruataniwha to Williams St</u> b) <u>Quarry Lakes – Woodend Beach Road</u> c) <u>Woodend Beach Road – Gladstone Road</u> d) <u>Gladstone Road – SH1</u> e) <u>Pegasus Interchange</u>
<u>Material Change</u>		<u>Material Change means any change to the LMP that would materially alter the management of effects on Lizards, where that change may increase the risk of injury or mortality to Lizards, reduce the likelihood of successful relocation, or reduce the ability to comply with the conditions of this approval. For the avoidance of doubt, the addition of personnel authorised under condition WA.6 is not a Material Change to the LMP.</u>
<u>Personnel authorised to undertake the Activity</u>		a) <u>Lead Herpetologist :</u> <u>Rieke Behrens</u> <u>David Pickett</u> <u>Christopher Woolley</u> <u>Sam Heggie Gracie</u> b) <u>Other Herpetologists :</u> <u>Liz Curry</u> <u>Jamie MacKay</u> <u>Nicki van Zyl</u> <u>Sam Mulcock</u> <u>Shaun Morgan</u> <u>Ashleigh Johnston</u> <u>Tarryn Wyman</u> <u>Josh Forrest</u> c) <u>Personnel under the supervision of Lead Herpetologist:</u> <u>Cid Shearman</u> <u>Bex Diederichson</u> <u>Matt Barson</u> <u>Pippa McAnergney</u> <u>Tyler Eaton-Palmer</u> <u>Paul Dyer</u> <u>Danielle Cairns</u> <u>Laura Francis</u>
Project	State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus)	

Relocation Sites	(a) Barkers Road (Lot 1 DP 423296, Lot 2 DP 423296, Lot 1 DP 359788, and Lot 2 DP 359788), and (b) Kaiapoi Lakes Reserve (Lot 1 DP 8962)	Barkers Road (Lot 1 DP 423296, Lot 2 DP 423296, Lot 1 DP 359788, and Lot 2 DP 359788), and <u>Lot 3 DP 423296 Kaiapoi Lakes Reserve (Lot 1 DP 8962)</u>
SQP	Suitable Qualified Person: A person (or persons) who is competent and experienced in the field of expertise that is relevant to a particular task or action directed by a condition	
Whitiora	Whitiora Centre Limited: Mandated by Te Ngāi Tūāhuriri Rūnanga to provide advice on and in relation to this Wildlife Approval	
Working Day	A day of the week other than— (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and (c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year.	

	Condition at lodgement	NZTA proposed changes
Ref	Condition	Condition
WA.1	This Wildlife Approval shall expire 20 years after the date the Approval is granted.	<i>No change proposed</i>
WA.2	a) The Approval Holder shall prepare a Lizard Management Plan (LMP). b) The LMP may be prepared for the entirety of the Project or for individual Project stages. c) The purpose of the LMP is to reduce the injury and mortality of Lizards during Construction Works and post-relocation monitoring. d) The LMP shall be prepared by a SQP, follow best practice in terms of hygiene and animal welfare, and include: - Identification of suitable Lizard habitats affected by Construction Works; - Salvage methods to be undertaken before and during vegetation clearance, including protocols for transporting lizards to the Relocation Sites; - Protocols for: - Lizard hygiene management; - Incidental discovery; - Kill and harm minimisation; and - Incidental death associated with salvage or Construction Works; - Within the Relocation Sites: - Measures for pest mammal control, creation, and enhancement of lizard habitat, and post-relocation lizard and pest mammal monitoring (monitoring to occur for a period of five years after establishment of Relocation Sites); and - Measures to avoid and minimise disturbance to resident lizards within the Relocation Sites associated with the measures in clause (1); - Reporting requirements to DOC (including Lizard capture and relocation data on an annual basis for the duration of Construction Works and post-relocation lizard monitoring data). e) At least 10 Working Days before submitting the LMP to DOC in accordance with WA.2(f), the LMP shall be provided to Whitiora for review and comment. The Approval Holder shall consider any written feedback received from Whitiora prior to providing the LMP to DOC, and incorporate suggestions into the LMP from the written feedback, along with any measures for involvement of Whitiora in implementing the Authorised Activity, as the Approval Holder considers appropriate. f) At least 30 Working Days before starting Construction Works (or the stage of work to which the LMP applies), the LMP shall be provided to DOC for certification that the LMP satisfies the requirements of WA.2(c) and (d). In the event DOC has not within 30 Working Days certified the LMP or advised that the LMP is not suitable to certify, the LMP will be deemed to have been certified and the Consent Holder may commence Construction Works in accordance with the LMP. g) The certified LMP shall be implemented and complied with for the duration of Construction Works (or the stage of work to which the LMP applies). h) Material changes to the certified LMP must proceed though the steps in conditions WA.2(e) and (f). Minor changes may be made at any time to the LMP without any further process.	a) The Approval Holder must <u>shall</u> prepare a Lizard Management Plan (LMP). b) The LMP may be prepared for the entirety of the Project or for individual Project stages. c) The purpose of the LMP is to reduce the injury and mortality of Lizards during Construction Works and post-relocation monitoring. d) The LMP shall be prepared by a SQP, <u>following</u> best practice in terms of hygiene and animal welfare, and include: - Identification of suitable Lizard habitats affected by Construction Works; - Salvage methods to be undertaken before and during vegetation clearance, including protocols for transporting lizards to the Relocation Sites; - Protocols for: - Lizard hygiene management; - Incidental discovery; - Kill and harm minimisation; and - Incidental death associated with salvage or Construction Works; - Within the Relocation Sites: - Measures for pest mammal control, creation, and enhancement of lizard habitat, and post-relocation lizard and pest mammal monitoring (monitoring to occur for a period of five years after establishment of Relocation Sites); and - Measures to avoid and minimise disturbance to resident lizards within the Relocation Sites associated with the measures in clause (1); v: Reporting requirements to DOC (including Lizard capture and relocation data on an annual basis for the duration of Construction Works and post-relocation lizard monitoring data); vi: Evidence of the qualifications and experience for Personnel authorised to undertake the Activity e) At least 10 Working Days before submitting the LMP to DOC in accordance with WA.2(f), the LMP shall be provided to Whitiora for review and comment. The Approval Holder shall consider any written feedback received from Whitiora prior to providing the LMP to DOC, and incorporate suggestions into the LMP from the written feedback, along with any measures for involvement of Whitiora in implementing the Authorised Activities <u>Activity</u>, as the Approval Holder considers appropriate. f) At least 30 Working Days before starting Construction Works (or the stage of work to which the LMP applies), the LMP shall be provided to DOC for certification that the LMP satisfies the requirements of WA.2(c) and (d). <u>If 30 Working Days has passed since the date of submission of the LMP to DOC, and the Approval Holder has not received a written response from DOC, in the event DOC has not within 30 Working Days certified the LMP or advised that the LMP is not suitable to certify,</u> the LMP will be deemed to have been certified and the Consent Approval <u>Consent</u> Holder may commence Construction Works in accordance with the LMP. g) The certified LMP shall be implemented and complied with for the duration of Construction Works (or the stage of work to which the LMP applies).

		h) Material changes to the certified LMP must proceed through the steps in conditions WA.2(e) and (f). Minor changes may be made at any time to the LMP without any further process. i) <u>Except for Material Changes, the LMP may be amended without the need for certification and shall be provided to DOC and Whitiara for information.</u>
WA.3	The Authorised Activity shall be carried out: a) By a SQP; b) In accordance with the LMP; c) For catch / capture, within the area affected by Construction Works, and for relocation, within the Relocation Sites.	The Authorised Activity shall be carried out: a) By personnel authorised to undertake the Activity a SQP; b) In accordance with the LMP; c) <u>For Lizard capture, handling and relocation, this must only be undertaken between 1 October and 30 April when lizards are most active;</u> d) <u>For catch / capture, within the area affected by Construction Works on The Land, and for post-relocation monitoring purposes, catch / capture / liberate within the Relocation Sites.</u>
WA.4		<u>The DOC Operations Manager for Mahaanui must be contacted immediately for further advice if lizard species that are not covered by this Approval are located within the footprint of the development or within the release site.</u>
WA.5		<u>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/.</u>
WA.6		<u>In addition to those personnel authorised to undertake the Authorised Activity, additional personnel may handle Lizards where the DOC Operations Manager for Mahaanui has agreed in writing. When seeking written agreement, the Approval Holder shall provide evidence of the additional person's relevant qualifications and experience.</u>
WA.7		<u>If any lizards are found injured, the Lead Herpetologist must be contacted to get advice on management of the lizard. Injured lizard(s) may be euthanised on recommendation of the Lead Herpetologist or a veterinarian.</u>
WA.8		a) <u>If any lizards die during the Authorised Activity, the Approval Holder must:</u> <u>inform the DOC Operations Manager for Mahaanui (xxxxx@doc.govt.nz) within 48 hours, chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and</u> <u>send the body to Massey University Wildlife Postmortem Service for necropsy or as otherwise advised by the Tauranga DOC Operations Manager, along with details of the animal's history;</u> <u>pay any costs incurred in investigation of the death of any lizard; and</u> <u>if required by the DOC Operations Manager for Mahaanui, cease the Approved Activity for a period determined by the DOC Operations Manager.</u> b) <u>For the avoidance of doubt condition WA.8 applies to lizard deaths that are associated with the Authorised Activity, and does not apply to incidental deaths that occur during Construction Works. The purpose of clause (a) is to ensure the methodologies and practices for catch, transfer and liberation are functioning successfully and to require investigation in the event that deaths occur during salvage activities.</u>
WA.9		A report is to be submitted in writing to the DOC Operations Manager for Mahaanui by 30 September each year (covering the proceeding 1 July – 30 June period) during the Authorised Activity; summarising outcomes, in accordance with the Lizard Management Plan. Each report must include: <u>The Fast Track reference number</u> <u>The number of any animals collected and released;</u> <u>The GPS location (or a detailed map) of the collection point(s) and release point(s);</u> <u>Results of all surveys, monitoring or research;</u> <u>Details of habitat enhancement, predator control, and fencing;</u>
WA.10		<u>This Approval gives the Approval Holder the right to hold absolutely protected wildlife for no longer than 12 hours in accordance with the terms and conditions of the Approval. All absolutely protected wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, any eggs or progeny of the wildlife, genetic material and any replicated genetic material</u>
WA.11		<u>The Approval 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.</u>

SCHEDULE 1

		DOC tracked change conditions at section 51	NZTA Response to tracked change
1.	<u>Authorised Activity</u> <u>(clause 2)</u>	a. <u>Activity:</u> i. To catch alive and liberate<u>relocate</u> Lizards ; and ii. the incidental killing of Lizards, for the purpose of protecting the Lizards by way of salvage along with post- relocation monitoring at Relocation Sites. b. <u>Lizard Species</u> i. Canterbury grass skink (<i>Oligosoma aff. p olychroma</i> Clade 4)	NZTA accepts the suggested amendment and has updated the definition for ‘Authorised Activity’.
1.	<u>The Land</u> <u>(clause 2)</u>	a. <u>Catch alive and kill Lizards in areas where</u> cConstruction wworks: Those <u>works</u> involving vegetation clearance <u>is which ar</u> e-necessary including: to construct <u>and establish the Project, excluding those</u> works authorised by Wildlife Approval 119946-FAU i. <u>Cam River / Ruataniwha to Williams St</u> ii. <u>Quarry Lakes – Woodened Beach Road</u> iii. <u>Woodened Beach Road – Gladstone Road</u> iv. <u>Gladstone Road – SH1</u> a) <u>Pegasus Interchange</u> b. <u>Liberating Lizards in the following relocations sites:</u> a. Barkers Road (Lot 1 DP 423296, Lot 2 DP 423296, Lot 1 DP 359788, and Lot 2 DP 359788), and i. Kaiapoi Lakes Reserve (Lot 1 DP 8962)	NZTA accepts the suggested amendment and has included a definition for ‘The Land’
3.	<u>Personnel authorised to undertake the Authorised Activity</u> <u>(clause 3)</u>	a. <u>Lead Herpetologist</u> b. <u>Other Herpetologists</u> c. <u>Personnel under the supervision of Lead Herpetologist.</u>Suitable Qualified Person: A person (or persons) who is competent and experienced in the field of expertise that is relevant to a particular task or action directed by a condition <u>NOTE: Ideally herpetologists will be named, otherwise they will need to be assessed by the DOC prior to undertaking works.</u>	NZTA has added a ‘Personnel authorised to undertake the Authorised Activity’ to the definition table and has included names of Project Herpetologists. WA.3 requires the Authorised Activities are only undertaken by those personnel authorised to undertake the Activity, except for additional personal where DOC Operations Manager for Mahaanui has agreed in writing, following provision of evidence that of the person’s relevant qualifications and experience, as per WA.6.
4.	<u>Term</u> <u>(clause 4)</u>	<u>Commencing on and including XX and ending on and including XX</u> <u>Note: a term of 20 years is sought by NZTA, the DOC recommends a term not exceeding 10 years. If a term exceeding 10 years is given, it is recommended there be at least a review of the activity at the 10-year mark or earlier, to enable improvements to be made.</u>	NZTA accepts a review at 10 years following the date of approval and has incorporated this into WA.11.
5.	<u>Approval Holder’s address for notices</u> <u>(clause 8)</u>	<u>The Approval Holders address in New Zealand is:</u> <u>Phone:</u> <u>Email:</u>	NZTA does not consider it necessary to include this detail on the Wildlife Approval.
6.	<u>Department of Conservation’s (the Department) address for notices</u>	<u>The Department’s address for all correspondence is:</u> <u>Physical Address</u> <u>Postal Address</u> <u>Email:</u>	NZTA does not consider it necessary to include this detail on the Wildlife Approval.
7.	<u>Special Conditions</u> <u>(clause 10)</u>	<u>See Schedule 3</u>	While it is typical practice for Wildlife Act Authorities to present conditions in schedules, NZTA does not consider schedules are required for Wildlife Approvals issued under the Fast-track Approvals Act. The Wildlife Approval for Takitimu North Link Stage 2 did not include schedules.

			Where considered necessary, conditions from DOC's proposed schedules have been incorporated into the Approval conditions.
--	--	--	---

Note: The clause references are to the Department’s Standard Terms and Conditions set out in Schedule 2.

SCHEDULE 2

DOC tracked change conditions at section 51	NZTA Response to tracked change
1. Interpretation 1. <u>The Approval Holder is responsible for the acts and omissions of its employees, contractors or agents. The Approval Holder is liable under this Approval for any breach of the terms of the Approval by its employees, contractors or agents as if the breach had been committed by the Approval Holder.</u> 2. <u>Where obligations bind more than one person, those obligations bind those persons jointly and separately.</u>	NZTA does not consider it necessary to include this detail on the Wildlife Approval. The Approval Holder is responsible for compliance with the conditions of the Wildlife Approval, including where work is undertaken by employees, contractors or agents.
2. What is being authorised? 1. <u>The Approval Holder is only allowed to carry out the Authorised Activity in the Land described in Schedule 1, Item 2.</u> 2. <u>The Approval Holder must advise the Department of Conservation's local Operations Manager(s) one week prior to carrying out the Authorised Activity in the District, when the Approval Holder intends to carry out the Authorised Activity.</u> 3. <u>Any arrangements necessary for access over land that is controlled, owned, or managed by someone other than the Department of Conservation are the responsibility of the Approval Holder. In granting this authorisation the Department does not warrant that such access can be obtained.</u> 4. <u>The Approval Holder and Authorised Personnel must carry a copy of this Approval with them at all times while carrying out the Authorised Activity.</u> 5. <u>The Approval Holder may publish authorised research results.</u> 6. <u>The Approval Holder must immediately notify the Department of any taxa found which are new to science. In addition, the Approval Holder must lodge holotype specimens and a voucher specimen of any new taxa with a recognised national collection.</u>	These matters have been partially addressed in the updated Wildlife Approval Conditions. WA.3 specifies where the Authorised Activities can occur. NZTA does not consider the remaining matters need to be explicitly stated on the Wildlife Approval: separate property matters; research publication; carrying a copy of the Wildlife Approval can be managed through site induction and the LMP. WA.4 provides an appropriate notification pathway if species not covered by the Wildlife Approval are found.
3. Who is authorised? 1. <u>Only the Approval Holder and the Authorised Personnel described in Schedule 1, Item 3 are authorised to carry out the Authorised Activity, unless otherwise agreed in writing by the Department.</u>	This has been addressed through definition of 'Personnel authorised to undertake the Authorised Activity, together with WA.3(a) and WA.6.
4. How long is the Approval for - the Term? 1. <u>This Approval commences and ends on the dates set out in Schedule 1, Item 4.</u>	Addressed by WA.1, which provides for an expiry 20 years after the date the Wildlife Approval is granted, and WA.11 which requires the LMP to be reviewed and resubmitted for certification on the 10 year anniversary of the approval date.
5. What are the liabilities? 1. <u>The Approval Holder agrees to exercise the Approval at the Approval Holder's own risk and releases to the full extent permitted by law the Department and the Department'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 Approval Holder's exercise of the Authorised Activity.</u> 2. <u>The Approval Holder must indemnify the Department against all claims, actions, losses and expenses of any nature which the Department may suffer or incur or for which the Department may become liable arising from the Approval Holder's exercise of the Authorised Activity.</u> 3. <u>This indemnity is to continue after the expiry or termination of this Approval in respect of any acts or omissions occurring or arising before its expiry or termination.</u>	NZTA does not consider this condition appropriate as it does not relate to the management of effects on lizards.
6. What about compliance with legislation and Grantor's notices and directions? 1. <u>The Approval Holder must comply with all statutes, bylaws and regulations, and all notices, directions and requisitions of the Department and any competent Approval relating to the conduct of the Authorised Activity. Without limitation, this includes the Conservation</u>	NZTA does not consider this condition necessary. Compliance with applicable legislation applies independently of the conditions and does not need to be repeated as a condition.

<u>Act 1987 and the Acts listed in the First Schedule of that Act and all applicable health and safety legislation and regulation.</u>	
<p>7. <u>When can the Approval be terminated?</u></p> <p>1. <u>The Department may terminate this Approval at any time in respect of the whole or any part of Authorised Activity if:</u></p> <p class="list-item-l1">a. <u>the Approval Holder breaches any of the conditions of this Approval; or</u></p> <p class="list-item-l1">b. <u>in the Department’s opinion, the carrying out of the Authorised Activity causes or is likely to cause any unforeseen or unacceptable effects.</u></p> <p>2. <u>If the Department intends to terminate this Approval in whole or in part, the Department must give the Approval Holder such prior notice as, in the sole opinion of the Department, appears reasonable and necessary in the circumstances.</u></p>	Schedule 7, clause (7) of the FTAA allows the Director-General to revoke a wildlife approval granted under the FTAA. NZTA does not consider it necessary to state existing statutory powers as a condition on the Wildlife Authority.
<p>8. <u>How are notices sent and when are they received?</u></p> <p>1. <u>Any notice to be given under this Approval by the Department is to be in writing and made by personal delivery, by pre-paid post or email to the Approval Holder at the address or email address specified in Schedule 1, Item 5. Any such notice is to be deemed to have been received:</u></p> <p class="list-item-l1">a. <u>in the case of personal delivery, on the date of delivery;</u></p> <p class="list-item-l1">b. <u>in the case of post, on the 3rd working day after posting;</u></p> <p class="list-item-l1">c. <u>in the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.</u></p> <p>2. <u>If the Approval Holder’s details specified in Schedule 1, Item 5 change then the Approval Holder must notify the Department within 5 working days of such change.</u></p>	NZTA does not consider it necessary to include this detail on the Wildlife Approval.
9. <u>What about the payment of costs?</u> 1. <u>The Approval Holder must pay the standard Department of Conservation 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.</u>	NZTA does not consider it necessary to include this detail on the Wildlife Approval as DOC has the ability to charge under section 60B of the Conservation Act 1987.
10. <u>Are there any Special Conditions?</u> 1. <u>Special conditions are specified in Schedule 3. If there is a conflict between this Schedule 2 and the Special Conditions in Schedule 3, the Special Conditions will prevail.</u>	NZTA does not consider it necessary to include this detail on the Wildlife Approval.
11. <u>Can the Approval be varied?</u> 1. <u>The Approval Holder may apply to the Department for variations to this Approval in accordance with clauses 7(2) and (3) of Schedule 7 of the Fast-track Approvals Act 2024.</u>	NZTA does not consider it necessary to include this detail on the Wildlife Approval as it is already provided for in legislation.

SCHEDULE 3

1. Lizard Management Plan (LMP) - The Approval Holder must^{shall} prepare a Lizard Management Plan (LMP) <u>prior to undertaking Authorised Activities</u>. - The LMP may be prepared for the entirety of the Project or for individual Project stages. - The purpose of the LMP is to reduce the injury and mortality of Lizards during Cconstruction wWorks and post-relocation monitoring. - The LMP shall be prepared by <u>suitably qualified and experienced herpetologists</u>a SQP, following best practice in terms of hygiene and animal welfare, and include: - Identification of suitable Lizard habitats affected by Cconstruction wWorks <u>and consideration of how these areas can be avoided where practical</u>; - Salvage methods to be undertaken before and during vegetation clearance, including protocols for transporting lizards to the Relocation Sites; - Protocols for: - Lizard hygiene management; - Incidental discovery; - Kill and harm minimisation; and - Incidental death associated with salvage or Construction Works; - Within the Relocation Sites: - Measures for pest mammal control, creation, and enhancement of lizard habitat, and post-relocation lizard and pest mammal monitoring (monitoring to occur for a period of five years after establishment of Relocation Sites); and - Measures to avoid and minimise disturbance to resident lizards within the Relocation Sites associated with the measures in clause (1); Reporting requirements to DOC (including Lizard capture and relocation data on an annual basis for the duration of Construction Works and post-relocation lizard monitoring data). Named personnel for the roles of Project Lead Herpetologist and other herpetologists who intend to undertake the Authorised activity without the supervision of the Project Lead Herpetologist. <u>Evidence of the qualifications and experience for the Project Lead Herpetologist and other herpetologists.</u> - At least 10 Working Days before submitting the LMP to DOC in accordance with <u>Schedule 3, Clause 1.6</u>WA.2(f), the LMP shall be provided to Whitiara for review and comment. The Approval Holder shall consider any written feedback received from Whitiara prior to providing the LMP to DOC, and incorporate suggestions into the LMP from the written feedback, along with any measures for involvement of Whitiara in implementing the Authorised Activitiesiesy, as the Approval Holder considers appropriate. - At least 9030 Working Days before <u>undertaking Authorised Activities</u>starting Construction Works (or the stage of work to which the LMP applies), the LMP shall be provided to the Department^{DOC} to assess and make a decision on. <u>The Authorised Activity cannot commence until the Department approves the LMP for use.</u> for certification that the LMP satisfies the requirements of WA.2(e) and (d). In the event DOC has not within 30 Working Days certified the LMP or advised that the LMP is not suitable to certify, the LMP will be deemed to have been certified and the Consent Holder may commence Construction Works in accordance with the LMP. - The certified LMP shall be implemented and complied with for the duration of <u>Authorised Activities</u>Construction Works (or the stage of work to which the LMP applies). Material changes to the certified LMP must proceed though the steps in conditions WA.2(e) and (f). Minor changes may be made at any time to the LMP without any further process.	WA.2 has been updated to address some of the amendments proposed by DOC, but largely remains unchanged from lodgement. NZTA has used consistent terminology for SQP across the approvals sought for the Project. In the case of the Wildlife Approval, the SQP would be a suitably qualified and experienced herpetologist. This is consistent with the SQP definition. Named personnel have been included in the definition of 'Personnel authorised to undertake the Activity' and WA.6 also includes a process for DOC to approve additional herpetologists, with evidence of qualifications and experience. NZTA has proposed updated wording to clarify that deemed certification will not occur if DOC communicates to NZTA within the 30 working day timeframe that the management plan is not suitable to certify. Deemed certification is only proposed in the event there is no communication received from DOC within 30 working days. NZTA considers 30 working days is not onerous for DOC to review and certify the LMP, particularly given the draft LMP has already been provided for review and DOC has already provided suggested changes which are of a limited scale. In relation to updating the LMP, NZTA considers it appropriate that non-material updates are able to be made without certification. To provide certainty NZTA has proposed a definition of Material Change. It is proposed that changes to the LMP that are not material would not require certification, but would be provided to DOC and Whitiara for information.
2. Lizard capture and handling <u>Lizard capture, handling and relocation must only be undertaken between 1 October and 30 April when lizards are most active.</u> <u>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-and-monitoring/herpetofauna/.</u>	These matters are accepted and incorporated into the Wildlife Approval conditions. The seasonal restriction is included in WA.3 c), the capture and handling method requirement is included in WA.5 and the requirement to contact DOC if a lizard species not covered by the Wildlife Approval is located is included in WA.4.

3. <u>The DOC Operations Manager for Mahaanui must be contacted immediately for further advice if lizard species that are not covered by this Approval are located within the footprint of the development or within the release site.</u>	
3. <u>Ownership and holding of Absolutely Protected Wildlife</u> 1. <u>This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife for no longer than 12 hours in accordance with the terms and conditions of the Authorisation, but the wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, any eggs or progeny of the wildlife, genetic material and any replicated genetic material.</u> 2. <u>Unless expressly authorised by the Department in writing, the Authority Holder must not donate, sell or otherwise transfer to any third party any wildlife, material, including any genetic material, or any material propagated or cloned from such material, collected under this Authority.</u>	Addressed in part by WA.10 which confirms the Approval Holder can only hold absolutely protected wildlife for no longer than 12 hours and the wildlife remains the property of the Crown. NZTA does not consider the additional restrictions around donating or selling wildlife necessary as these activities are not the Authorised Activities.
4. <u>Death of wildlife associated with activities covered by the authority</u> 1. <u>If, in the course of undertaking the Activities, all reasonable effort has been made to meet all of the conditions expressed and implied in this authority; and wildlife is killed by the Authority Holder, then that will be permitted under this authority.</u> 2. <u>If any lizard; the Authority Holder must contact the Department's Mahaanui Office within 48 hours, with known details of the animal's history. Then, if the Department requests it, the body must be sent to Massey University Wildlife Post Mortem Service (or as otherwise advised by the Department) for necropsy. For the avoidance of doubt, this condition applies to lizard deaths that are associated with salvage activities and does not apply to incidental deaths that occur during lawful activities. The purpose of the above clause is to ensure the methodologies and practices for catch, transfer, and liberate are functioning successfully and to require investigation in the event that deaths occur during salvage activities.</u> 3. <u>In that eventuality; the Authority Holder must, if requested by the Department:</u> a. <u>Ensure that the body is to be chilled if it can be delivered within 24 hours, or frozen if it will take longer than 24 hours to delivery.</u> b. <u>Ensure appropriate measures are taken to minimise further deaths.</u> c. <u>Discuss with the Department's Mahaanui office, whether it is necessary to halt all further handling until full investigations of death(s) occur.</u> d. <u>Pay for any costs incurred in investigation of the death.</u>	Addressed by WA.8. NZTA has included clarification that WA.8 applies to lizard deaths associated with salvage and liberation, rather than incidental deaths during construction activities.
5. <u>Euthanasia</u> 1. <u>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.</u>	NZTA accepts this condition which is addressed by WA.7
6. <u>Records</u> 1. <u>All survey, salvage and release records must be made available for inspection at reasonable times by officers of the Department.</u>	NZTA does not consider a separate record inspection condition is necessary because the information will be captured through the annual reporting requirement under WA.9
7. <u>Lizard Salvage Reporting</u> 1. <u>A report is to be submitted in writing to the DOC Operations Manager, Mahaanui, by 30 September each year (covering the proceeding 1 July – 30 June period) during the Authorised Activity; summarising outcomes, in accordance with the Lizard Management Plan and Terrestrial Invertebrate Management Plan. Each report must include:</u> a. <u>The Fast Track reference number;</u> b. <u>The number of any animals collected and released;</u> c. <u>The GPS location (or a detailed map) of the collection point(s) and release point(s);</u> d. <u>Results of all surveys, monitoring or research;</u>	Requirement for annual reporting addressed by WA.9. Reference to a Terrestrial Invertebrate Management Plan appears to be an inadvertent drafting carry-over, given no approvals have been sought in relation to terrestrial invertebrates. NZTA has not included reference to offsetting or compensation as this does not relate to the Wildlife Approval.

e. <u>Details of habitat enhancement, predator control, and fencing:</u>	
f. <u>Details of any offsetting or compensation implemented.</u>	