



Te Kāwanatanga o Aotearoa
New Zealand Government

Your Comment on the North West Rapid Transit project application

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at substantive@fastrack.govt.nz

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Director-General of Conservation		
First name	Christina		
Last name	Brodnax		
Postal address	PO Box 5244, Dunedin 9054		
Mobile phone		Work phone	
Email	fast-track@doc.govt.nz and		

2. We will email you draft conditions of consent for your comment			
X	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct

3. Please provide your comments on this application
Please find comments attached

Rebecca Beaumont

Acting Fast-track Applications Manager
Regulatory Performance

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

Date: 25/05/2026

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Comments on a fast-track consenting application

Fast-track Approvals Act 2024 section 53

To: The Expert Panel

From: Director-General of Conservation

Regarding fast-track project: North West Rapid Transit

Fast track Reference: FTAA-2511-1146

1 Overview

- 1.1 New Zealand Transport Agency (NZTA) is applying for approvals necessary to construct, operate and maintain bus rapid transit facilities alongside State Highway 16 (SH16) from the Brigham Creek Road/SH16 intersection through to Ian McKinnon Drive in the Auckland City Centre.
- 1.2 There isn't Public Conservation Land administered by the Department of Conservation within the project site. The Department has identified that the Motu Manawa Scientific Reserve is in proximity to the project. Whilst not classified as Public Conservation Land, the Department also notes the project site abuts the Motu Manawa-Pollen Island Marine Reserve.
- 1.3 Approvals are sought in relation the Resource Management Act 1991 (RMA). It is understood that the proposal will, in future, require an authorisation from the Department under the Wildlife Act 1953 to enable the salvage and relocation of lizards.
- 1.4 In accordance with sections 53(2)(k) and 53(2)(m)(i) of the Fast-track Approvals Act (the Act), the Director-General of Conservation (D-G) has been invited to comment on the substantive application. Statutory delegations are in place for the Department of Conservation (the Department) to provide commentary on behalf of the D-G.

2 Department of Conservation advice

- 2.1 The Department's assessment has been confined to the actual and potential ecological effects of the Proposal and the conditions proffered to manage effects on terrestrial, marine and freshwater ecological values. Accordingly, the Department has not commented on its consistency with the wider statutory framework.

Marine Ecology Effects

- 2.2 Section 3.6.2.2.2 of the Assessment of Ecological Effects dated 15 December 2025 notes there is evidence of the Asian Date Mussel in Henderson Creek. To mitigate any potential for

translocation of these mussels during mangrove removal, any removed mangroves should be disposed of on land or left within the proximity of the removal (as close to the mangrove removal site as possible, and ultimately within the same harbour) where practicable, rather than moved to other harbours for disposal. This requirement should be incorporated as a clear and enforceable condition of the Coastal Permit.

Fauna Ecology Effects

- 2.3 Table 3-5 of the Assessment of Ecological Effects dated 15 December 2025 details that two Copper Skink (At Risk – Declining¹) were observed during site investigations and that suitable habitat exists within the Proposed Designation, with an Ecological Value assessed as High. The recommended management of effects on the ‘High’ ecological value is limited to a lizard management plan to be required for a future Wildlife Act Authority application, as detailed in section 5.5 of the Assessment of Ecological Effects.
- 2.4 As lodged, the substantive application provides for no management of effects on lizard habitat through the approvals applied for in this FTAA application, relying solely on the Wildlife Act Authority and Lizard Management Plan which will supposedly be applied for at a later date. Given the absence of a typical ‘in general accordance’ condition, as drafted, the Proposal provides no assurance that effects on lizards or their habitat will be appropriately managed due to the reliance on an authority that has not been applied for and an effects management methodology that is yet to be described.
- 2.5 Section 5.5 of the Assessment of Ecological Effects concludes that post mitigation, the impact on lizards is assessed as ‘very low’ despite the fact that there is no requirement within the application that ensures that the proposed mitigation will be undertaken. To ensure that these effects will be managed appropriately, the Department seeks that the effects assessment is updated to address the aforementioned deficiencies and that the mitigation measures required to address the effects from the loss of lizard habitat are enforced through a clear and appropriate conditions of consent. It is recommended that a Lizard Management Plan is required as a condition of consent under the resource consent approvals. This provides certainty on how adverse effects on lizards will be managed as part of the Project.
- 2.6 With regards to the management of effects on avifauna, measures to manage effects focus on avoiding the nesting season and checking for nests before removing vegetation. These measures do not address the effects of the loss of avifauna habitat. The Department seeks that the assessment of effects is updated to assess and provide for the effects resulting from the loss of avifauna habitat.
- 2.7 With regards to the management of effects on bats, the only measure provided is proposed Consent Condition 18 which requires the Bat Roost Protocols to be applied to trees removed within a scheduled area. Section 4.4 of the Assessment of Ecological Effects dated 15 December 2025 states the following:

¹ New Zealand Threat Classification System (NZTCS)

“A change in the Indicative Design that would increase the impact within the TL.3 vegetation type or within any portions of the TL.2 vegetation type may require additional mitigation. This may increase the loss of foraging habitat due to vegetation removal and would likely require restoration of bat foraging habitat and potentially the installation of temporary roost sites. If required, the additional mitigation would need to be determined by an ecologist at the detailed design phase.”

- 2.8 The Department seeks, given the absence of a typical ‘Condition 1’, that any methods required to manage the likely effects, including those quoted above, are required by clear and enforceable conditions of consent, given changes to the Indicative Design could result in a wider scope of effects than that provided for by the consent conditions.

Freshwater Ecological Assessment

- 2.9 The Department’s consultant, Richard Storey (Wildlands), has prepared a report outlining DOC’s review of the Freshwater Ecological Assessment and the consequent concerns. This report has been included as **Appendix A**. The Department reiterates the points made by the Panel in paragraphs 11 and 12 of Minute 5 (7 May 2026) issued by the Panel regarding the lack of clarity caused by the issuing of the two assessments.
- 2.10 The Department considers that the Freshwater Ecology Assessment by Boffa Miskell (26 April 2026) is a new assessment, rather than an update of the previous report by AECOM, using some of the data collected by AECOM as well as information collected during a one-day site inspection. The approach taken in the Boffa Miskell report to the assessments of ecological values and effects differs significantly from the AECOM report. AECOM based their assessments and recommendations on standard assessment methods and quantitative data, Boffa Miskell have relied more on narrative descriptions and used non-standard methods to arrive at somewhat different conclusions. The ecological assessment by AECOM is considered more accurate than that of Boffa Miskell.
- 2.11 Boffa Miskell assesses the level of effects at the whole catchment scale, rather than the reach or sub-catchment scale as is standard practice. This reduces the level of effect to ‘Low’ or ‘Very Low’, on which basis they conclude that no mitigation for effects on streams is required. This is inconsistent with the National Policy Statement for Freshwater Management (NPS-FM), which states that any loss of stream habitat or function must be managed by applying the effects management hierarchy. In urban areas, incremental loss of stream habitat through gradual development is a significant problem that can only be resolved by requiring small areas of stream habitat loss to be managed. The Boffa Miskell report does not address the potential ongoing effects of stormwater discharge on stream ecology.
- 2.12 Boffa Miskell offers some riparian restoration planting to account for loss of riparian vegetation from bridge construction and loss of stream habitat through culverting. However,

they provide no basis for the proposed ratios of planting to vegetation/habitat loss. The final amount of riparian planting offered is approximately one-third of the amount calculated using the Stream Ecological Valuation (SEV). Despite claims to the contrary by Boffa Miskell, the SEV is appropriate for urban stream offsetting and is not difficult to apply.

2.13 The Department seeks that the Applicant prepares an amended Freshwater Ecological Assessment to apply a scientifically robust and transparent method to calculate the appropriate amount of offsetting for the effects on streams. The SEV is the only method used in New Zealand that meets these criteria and its application should not be onerous as the data collection was undertaken for the AECOM report.

2.14 The Department notes that the culvert works proposed, including the extension of existing culverts and relocation of fish, may trigger the need for a Complex Freshwater Fisheries Approval under the Freshwater Fisheries Regulations 1983. As drafted, Resource Consent Condition 13 allows for culverts to not provide fish passage if it is unnecessary or impracticable. Works completed in accordance with this condition as drafted would require a Complex Freshwater Fisheries Approval.

2.15 Specific mark-up of the proposed conditions has been provided below in paragraphs 3.6 to 3.10 recommending amendments to ensure consistency with industry best practice and the relevant legislative requirements. Please note that these are comments on the conditions proffered and does not address the deficiencies identified above and the further amendments required to correct them.

3 Comments on conditions

3.1 The Panel is required, under the Act, to provide draft conditions and invite comments on them before they grant an approval. To assist the Panel, the Department has provided preliminary comments on the Applicant's proposed resource consent conditions to ensure that they are clear, enforceable and implement the technical recommendations in the Application.

3.2 The legal submissions for the Applicant dated 15 December 2025 outlines NZTA's approach to not propose a traditional 'Condition 1' that would require the Project to be constructed and operated "in general accordance with" specified drawings and documents lodged as part of the Application due to the Project's staging over a 20-year period.

3.3 The Department considers that the omission of a 'Condition 1' increases the onus for a robust assessment of effects to form the basis of prescriptive ecological conditions so that the envelope of effects is sufficiently certain. As lodged, with the absence of a traditional 'Condition 1' and the deficiencies identified in the Department's advice above, there appears to be significant uncertainty of ecological effects management. Which in turn suggests that fauna and freshwater issues need to be specified and prescribed in greater detail in the suite of resource consent conditions to be issued.

- 3.4 As detailed above, the Department has concerns about the proposed management of effects on marine² and fauna³ ecological values, some of which, can be addressed through new or amended conditions. Specific mark up to this effect has not been provided.
- 3.5 The Department provides further comments on specific resource consent conditions identified below.

Condition 13. Fish Passage

- 3.6 Clause a) ii) should be changed to “existing natural barriers”. The presence of existing artificial barriers is not an appropriate reason to avoid providing fish passage. Neither the NPS-FM nor the National Environmental Standards for Freshwater (NES-F) nor the Auckland Unitary Plan (AUP) allow an exception on the basis of other artificial barriers. The Department is concerned with clause b) as many reasons could be given as to why providing fish passage is impracticable, however, none of the relevant regulations (NPS-FM, NES-F, AUP) allow an exception on this basis. The advice note, which makes an exception for culvert extensions, is in breach of AUP E3.6.1.11 and the NES-F. The exception for culverts that comply with NES-F Section 70 is incorrect as Section 70 requires culverts to provide fish passage.

Fish passage shall be provided in all new culverts unless deemed by a SQP to be:

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

~~*Advice note: This condition does not apply to culvert extensions or any culvert that complies with the conditions in regulation 70 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.*~~

Condition 15. Works in Watercourses

- 3.7 In order to comply with Appendix 6 (Principles of offsetting) in the NPS-FM, clauses a)ii) and b)ii) should be changed to “another stream that is of similar size and gradient, and as close as possible to the affected stream”.
- 3.8 As per the report attached as Appendix A, clause (d) should be amended with words to the effect: “The length of riparian margin planted shall be determined by applying the Stream Ecological Valuation and Environmental Compensation Ratio to the impact site and the site

² Refer to paragraph 2.2 of the Department’s comments.

³ Refer to paragraphs 2-5 and 2-8 of the Department’s comments

to be planted.” This is important as it represents the only offsetting provided for effects on streams.

- 3.9 Clause e) appears to allow for “double counting”, i.e riparian planting to be counted as an offset for both loss of riparian vegetation and works in watercourses. If this is correct, the Department recommends the removal of this clause.

- a) *If native vegetation is permanently removed for bridging of a watercourse, the Consent Holder shall plant the riparian margin of:*
- i. the same stream; or*
 - ii. another stream that is of similar size and gradient, and as close as possible to the affected stream-intersects the Designation.*
- b) *The area of riparian margin planting under (a) shall be no less than the area of the permanent vegetation removal.*
- c) *For any new (including extension of) permanent culverts and stormwater outfalls in a watercourse, the Consent Holder shall plant the riparian margin of:*
- i. the same stream; or*
 - ii. another stream that is of similar size and gradient, and as close as possible to the affected stream-intersects the Designation.*
- d) *The riparian margin planting under (c) shall be determined by applying the Stream Ecological Valuation and Environmental Compensation Ratio to the impact site and the site to be planted 1.5x the length of the watercourse occupied by the culvert or outfall and a minimum of 5m wide on each side of the watercourse (from the edge of the channel).*
- ~~e) Any mitigation planting undertaken in accordance with Condition 14 for removal of vegetation in riparian margins can also be counted as mitigation planting under Condition 15.~~
- f) *For planting under (a) and (c) the Consent Holder shall:*
- i. engage a SQP to advise on location and determine plant species and sourcing, density and sizing;*
 - ii. undertake planting within the first planting season following completion of construction where practicable;*
 - iii. undertake pest plant control for a five year period; and*
 - iv. monitor planted areas and undertake replacement planting for a five year period or until 80% native canopy cover is achieved (whichever is less).*

Condition 17. Fish Salvage and Relocation

3.10 Clause a) should also be applied to instream works. The Department notes this condition does not provide all the details required for an adequate Fish Management Plan. An FMP must also include details about the handling of pest fish, biosecurity measures, supervision of the site during works and reporting of fish caught.

A Fish Management Plan shall be prepared by a suitably qualified and experienced person. The purpose of the Fish Management Plan is to provide options for fish passage within the watercourses affected by the works. This shall include:

- a) *The Consent Holder shall salvage and relocate native freshwater fish and kākahi to the extent practicable prior to any dewatering or diversion or instream works in a section of a watercourse that a SQP determines supports a population of native fish.*
- b) *The salvaged native fish and kākahi should be relocated within the same stream with similar hydrological conditions or other suitable habitat determined by a SQP.*
- c) *Details providing for the handling of pest fish, and*
- d) *Details of the biosecurity measures to be enacted during the fish salvage and relocation, and*
- e) *Measures for the fish salvage and relocation to be supervised by an SQP.*

4 Conclusion

- 4.1 Overall, the Department has some concerns about the adequacy of the assessment provided on freshwater values and the effects management approach for the identified effects on these values.
- 4.2 As outlined above, it is recommended that a Lizard Management Plan is required as a condition of consent under the resource consent approvals. This provides certainty on how adverse effects on lizards will be managed as part of the Project.
- 4.3 The Department's remaining concerns can be resolved through new or amended conditions to ensure there are clear outcomes and more certainty on how the adverse effects of the Project will be managed.
- 4.4 The Department is prepared to provide further commentary on draft conditions.
- 4.5 Thank you for the opportunity to comment.

5 Appendices

Appendix A: Review of Te Ara Hauāuru Northwest Rapid Transit: Freshwater Ecology Assessment
(May 2025)