

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Mt Messenger Bypass Project - section 53 agreement - Waka Kotahi updated version [BUD-LIVE.FID864607]
Date: Wednesday, 21 July 2021 12:56:38 pm
Attachments: [image001.png](#)
[Pest Control and Planting Agreement - DOC Waka Kotahi - July 2021 - Waka Kotahi edits 21.7.21\(61559593.1\).docx](#)

9(2)(g)(ii)

Can you ensure the following is included in the Agreement if not already

Pest Control dogs have bird aversion training
That a relevant DOC toxin consent is in place before their use
Track cutting follows DOC track standards
All traps follow DOC best practice(e.g. raised sets)

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 21 July 2021 12:15 pm
To: 9(2)(g)(ii)
Subject: Fwd: Mt Messenger Bypass Project - section 53 agreement - Waka Kotahi updated version [BUD-LIVE.FID864607]

FYI tīma

Per the email below, Te Waka Kotahi propose to work through the final details at the next fortnightly catch up, which is next Monday according to my calendar. I am on bereavement leave at the mo, but hope to be back on deck on Friday. I can look over the latest version of the agreement Friday morning - would it work to catch up Friday afternoon to discuss?

Thanks

9
f

Begin forwarded message:

From: 9(2)(a) >
Date: 21 July 2021 at 11:58:36 AM NZST
To: 9(2)(g)(ii)
Cc: 9(2)(a) 9(2)(g)(ii)
Subject: Mt Messenger Bypass Project - section 53 agreement - Waka Kotahi updated version [BUD-LIVE.FID864607]

Tēnā koe 9(2)(a)(ii)

9(2)(a) is away at the moment – in his absence I have been working with the Waka Kotahi team to consider your comments / edits on the draft section 53 agreement for Mt Messenger. Thank you very much for sending those through.

I attach a further version with suggested amendments (in track) and explanatory comments.

9(2)(h)

[Redacted]

- [Redacted]
- [Redacted]

I would be very happy to discuss any of the proposed amendments or comments – otherwise we look forward to your response.

I understand that there are fortnightly DOC / Waka Kotahi catch-ups in respect of the project. The team has suggested that the next catch up may be a good opportunity to resolve final details for this agreement?

Ngā mihi ki a koe

9(2)(a)

[Redacted]

9(2)(a) (he • him)
Special Counsel
Aon Centre, 1 Willis Street, PO Box 2694, Wellington 6140
9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Mt Messenger programme
Date: Tuesday, 13 July 2021 8:48:51 am
Attachments: [image001.png](#)

Update from Waka Kotahi- for discussion at our check in meeting this morning.

From: 9(2)(g)(ii)
Sent: Tuesday, 13 July 2021 8:20 am
To: 9(2)(g)(ii)
Subject: Mt Messenger programme

Hi 9(2)(g)(ii)

At this stage the likely timing of Mt Messenger construction will be February or March next year. This allows for the High Court hearing to be held in October and for the Court to take 3 months to issue its decision. However, there is still a small chance construction could commence earlier – if the Court throws the case out or 9(2)(a) accept their latest offer – both increasingly unlikely.

In terms of our Wildlife Act Authority application, it would be helpful if it could be issued by Christmas and if we could see a draft for discussion before that. That would give us plenty of planning time to get people in the field in February.

Related to our current application, has your team been able to put together their thoughts on what constitutes an active bird nest under the Act? We really need that to assist us to determine if your thoughts align with ours and to enable us to develop a suitable methodology for tree clearance.

We also have an application for renewal of our kiwi monitoring Wildlife Act authority for Mt Messenger with you currently. This is the one with 9(2)(a) name and several of our team on it. Renewal of this is particularly urgent to enable our team to continue to track the territories of the radio tagged kiwis along and adjacent to the road footprint. The urgency of this is further heightened because of the considerable predator pressure on these kiwi in the Mangapepeke valley. I have emailed 9(2)(g)(ii) to see how that renewal application is progressing but have had no response. Could you let me know when this authority renewal will be issued.

We are looking at putting some stoat trap lines out through the Ngati Tama part of the Mangapepeke Valley to reduce the predator pressure on the kiwi population prior to the start of the project but definitely need up to date radio tracking data – and therefore the renewed permit - to do this.

Regards

9(2)(g)(ii)

Project Ecologist
Mt Messenger Alliance

M

9(2)(a)



From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: Messenger permit- my stocktake of outstanding matters
Date: Tuesday, 13 July 2021 9:20:00 am

Hi 9(2)(a)(ii),

Items I identified for follow up at today's check in meeting:

- Timing and processing of the permit- note request from WK to review draft. Are we best to issue now, or wait until end of year?
- Nest definition- is info ready to share with WK?
- Consultation with 9(2)(a) /Poutama- have we received legal advice/formed view on this?
- What is needed to complete permit processing- Q for 9(2)(g)(ii)
- Update on the 9(2)(a) permit- is this being processed with priority as requested by WK?
- Has the timing extension I requested 9(2)(g)(ii) been sought?

Thanks

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region
Department of Conservation | Te Papa Atawhai

9(2)(a)

|E: 9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Wildlife Permit discussions - Lets postpone to next fortnight to allow for more progress to be made
Date: Monday, 12 July 2021 9:43:28 am
Attachments: [~WRD0001.jpg](#)

Hi 9(2)(g)(ii)

I will get back to you on this, and a couple of other matters, before the end of today.

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 12 July 2021 9:37 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Wildlife Permit discussions - Lets postpone to next fortnight to allow for more progress to be made

Hi 9(2)(g)(ii) and 9(2)(g)(ii)

Happy to postpone. One thing we would like an update on before tomorrow morning if possible please is any revised timeframes and changes to the permit application. We have an internal project team meeting Tuesday morning, the purpose being to task the final actions to get the permit and management agreements completed.

Thanks

9(2)(g)(ii)

-----Original Appointment-----

From: 9(2)(g)(ii)
Sent: Monday, 12 July 2021 9:24 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Canceled: Wildlife Permit discussions - Lets postpone to next fortnight to allow for more progress to be made
When: Monday, 12 July 2021 1:00 pm-1:30 pm (UTC+12:00) Auckland, Wellington.
Where: Microsoft Teams Meeting
Importance: High

Hi all

We discussed going through the wildlife permits application and working on draft conditions and I'm suggesting this time in our calendars.

9(2)(g)(ii) I'll leave you to circulate the applications so we all have the same documents in front of us.

9(2)(g)(ii) would you like to share any draft condition wording you might have in advance of the meeting?

Best wishes

9(2)(g)(ii)

3/5 Action points - 1 9(2)(g) re-book f/n meetings - 2 9(2)(a) to apply for a separate translocation for Stripped Skinks - 3 9(2)(g)(ii) to share approach with 9(2)(g)(ii) - 4 9(2)(g) and 9(2)(g) to clarify what the provisions within the Act to confirm when a nest is a nest, what constitutes disturbance. - 5 9(2)(g) to confirm mitigation plan can be circulated in advance conditional on activities not occurring until resource consents approved. - 6 9(2)(g)(ii) skink detention holding to be confirmed. - 7 9(2)(g)(ii) clarify kiwi application to include handling and relocation. - 8 9(2)(g)(ii) confirm what is any approval is currently in place keep 9(2)(a) authorities.

Microsoft Teams meeting

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice 1
Date: Tuesday, 6 July 2021 11:11:17 am
Attachments: [image001.png](#)

Thanks 9(2)(a)(ii)

Yes that was my understanding also that the WA is silent on what a 'nest' is. I guess that means it is relying on the every-day understanding of what a nest is (or as you say, up to technical input to determine this without any case law to resolve any ambiguity).

I've had some discussion with colleagues, but I think there are 3 aspects of this:

1. Definition of what is a nest
2. Definition of when a nest starts being a nest, and so at a particular time is now protected under the WA
3. Definition of when a nest stops becoming a nest and is no longer protected the WA

The details of the above can change depending which species you are talking about, but we can make some generalisations, especially for passerine birds, which is the main aspect we are considering in this case.

My own view of part 2 above, is that a nest becomes a nest when it is 'active' – i.e. protected avian Wildlife has shown clear preference that it may choose to lay an egg(s) at this site.

In this case, the definition of when a nest stops becoming a nest is also essential – as at that stage the applicant will want to fell trees.

I also note, however, that in S63 and S70G there is mention of possession of a nest. To me, that indicates that a nest of protected Wildlife cannot ever be held in possession without Authority (no matter how old it is), but for practicality's sake it can be destroyed (e.g. by felling of trees) once it no longer contains live eggs or chicks. So the difference seems to be that old nests can be destroyed but they cannot be collected. Or do we need to authorise the destruction of old nests specifically (and probably unhatched, non-viable eggs, and chicks naturally dead in the nest also?).

Also note that some nest sites are used year after year – e.g. seabirds, kaka nest holes – so effectively these sites should be protected forever (as they are always 'active' in that they intend to come back to those same sites in future), as long as birds are still present at some stage during the year and using them. So, will felling an old totara with a kaka nesting hole require an Authority under the Wildlife Act to destroy a nest?

As I have said previously, these are essentially my thoughts (I haven't tested this with other science staff yet), but as this issue has now been raised I think it is necessary for DOC as a whole to clarify what and when we consider something to be a Wildlife nest to inform Special Conditions on WAA's.

If you want me (or someone else) in the Terrestrial Science unit to progress this to come up with

a definition/position that everyone in DOC is agreeable to, then I consider that is a discrete piece of work that will require a specific Task Assignment.

Thanks

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Tuesday, 6 July 2021 9:55 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Ata mārie

Aroha mai for the delayed response 9(2)(g)(ii) – things have been especially busy lately!

9(2)(h)

- [Redacted]
- [Redacted]

Happy to chat.

Mā te wā

9(2)(g)(ii)
Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Monday, 28 June 2021 12:06 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
[Redacted]
[Redacted]
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Sounds like a Task Assignment!

From: 9(2)(g)(ii)
Sent: Monday, 28 June 2021 11:11 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
[Redacted]
[Redacted]
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Is that something you can coordinate with science people Rhys?

9(2)(g)(ii) can you please liaise with 9(2)(g)(ii) to set up a check in meeting for within the next 2-3 weeks, once 9(2)(a)(ii) returns from leave.

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 28 June 2021 10:42 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
[Redacted]
[Redacted]
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Hi 9(2)(g)(ii)

I think this should need to go to the wider DOC science group to get consensus/agreement, as it could have long-term implications in all sorts of settings for future RMA/Wildlife work that Waka Kotahi (and others) is undertaking that I can't fully anticipate.

From my perspective, I am a bit hesitant about including nest construction as an active nest, as some species can build several nests and then choose one, even in the absence of disturbance from people. Other species may be able to quickly move to another site if disturbed as they are constructing their nest, with no obvious deleterious issue. Other species (seabirds) come ashore and prospect/clear out nests before coming back weeks/months later to lay their eggs – but I think there is a good argument to say in this case the nest is active even when there is no bird or egg present. Do you see the Wildlife Act giving any further guidance as to what actually constitutes a “nest”?

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 28 June 2021 9:49 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Te Waka Kotahi WA Authorisation Application - Technical Advice

Kia ora kōrua

I hope you both had a great weekend.

Te Waka Kotahi's lawyer is seeking a confirmation of what DOC considers to be a nest for the purposes of the Wildlife Act. I write to make sure that my response is in line with your advice and consistent with protecting wildlife.

I read your advice below and see that a “few days” might be needed to ensure that wildlife will not return to a nest. From a legal perspective, 9(2)(h)

I have a further query - is it necessary to explicitly identify the pre-egg laying period as a part of “active use” to ensure protection? For instance, if wildlife occupy a nest-site or begin to construct a nest during their breeding season to prepare to lay eggs. If so, is the following definition adequate?

9(2)(h)

If the pre-egg laying period is not relevant to what constitutes a nest, is the below definition sufficient?

9(2)(h)
[Redacted]
[Redacted]
[Redacted]

Feel free to integrate any changes.

Happy to discuss.

Mā te wā

9(2)(g)(ii)
Rōia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Monday, 14 June 2021 1:11 pm
To: 9(2)(g)(ii)
Subject: FW: Te Waka Kotahi WA Authorisation Application - Technical Advice

From: 9(2)(g)(ii)
Sent: Thursday, 3 June 2021 3:43 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Hi 9(2)(g)(ii) – comments from me in green; from 9(2)(g)(ii) in red.

Cheers

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Tuesday, 25 May 2021 3:58 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice
Importance: High

Hi 9(2)(g)(ii)

I am unsure of whether either of you are aware that there have been some changes to NZTA's Wildlife Act [Authority Application](#). *No I wasn't aware of that. Have they amended their Wildlife application accordingly, or are we just taking that into account when assessing the application?* It no-longer wants to apply to undertake activities with wildlife ahead of the resource consents being granted and Notice of Requirement confirmed, nor translocate striped skinks as a part of this Application. NZTA intends to apply for the translocation authority at a later date.

There are a few points that I am hoping to clarify with you in relation to the [draft authorisation](#) for the Mount Messenger Project. Can you please tell me:

- the scope of the methodology authorised for catching or killing protected wildlife (e.g. does this extend to surveys, include the specific means of catching, holding and releasing)? I've not seen the application so impossible for me to assess, but methods should use those described in the "Herpetology inventory and monitoring toolbox" (theres a standard condition about this in the "special specials")*

Yes I think that they have applied for any methodology they may require for any purpose, but they may not need to use it (e.g. have applied for authority to catch and move kiwi out of the way of works, but for a call count survey they would not need to use this method). For herpetofauna, the same methods are used for survey as they are for catching for salvage/translocation.

- whether the methodology in the [May ELMP](#) adequately covers all activities contemplated in the Authority Application (e.g. killing, catching alive and liberating species, taking eggs, methods of transporting wildlife to / from vets where injured etc) - are you comfortable that the methodology will promote the protection of the species included in the Authority Application? If the methodology is deficient in this regard, what improvements do you recommend? The package we agreed to in the hearing included the compensation payment of \$200k for lizard predator research (mice) and the salvage and release of striped skinks to Rotokare, and this is the aspect that promotes protection-Id suggest it should be referred to in the application or conditions so that this aspect isnt lost in this current application (which by itself, definitely doesn't promote the protection)*

The most recent version of the ELMP I have access to is September 2018 (online on New Plymouth DC website). As such, I cannot answer this question with complete certainty. However, I recall that the activities authorised under the RMA (that we were OK with) included all of the above activities - but I only recall kiwi eggs (after a certain age only) as being able to be uplifted through RMA conditions (as we have a robust technique to ensure survival of these eggs and subsequent chicks), and I don't recall other avifauna eggs or nests being authorised for removal or destruction (I would oppose this latter uplifting of eggs/nests as the eggs/chicks will almost certainly die if moved, due to abandonment by adults, and we don't have robust methods to ensure a high survival of

eggs/chicks to fledging of other species).

- what the term “salvage” means from a technical perspective. For instance, does it cover catching, transporting and releasing healthy and injured wildlife? *Salvage is transferring wildlife that would otherwise be killed by the activities Salvage can also meet the DOC definition of a “translocation”, in that a translocation is to a distant site (depending on what animal you are talking about); salvage usually (but not always) indicates that an animal is moved adjacent or very close to where it was found. Only recall kiwi eggs as being*
- whether “systematic manual salvaging” *Im guessing this means “systematic searches” which is a standardised method of finding lizards. the addition of the word “salvaging” probably just refers to the purpose of the searches... accurately describes the methodology for catching and killing wildlife and for taking their eggs, noting that the draft authorisation conditions and ELMP (Herpetological Management Plan) appear to refer to using traps / machinery. What does “destructive searching” Destructive searching means the habitat is destroyed while doing the “systematic search” method, its more successful at finding lizards but is obviously only used where the habitat will later be destroyed and “machine assisted searching” same as previous but diggers are used to lift heavy objects and remove large trees or rocks to assist with “systematic searches” etc refer to in the ELMP. These are commonly used methods when salvaging lizards... so yes these terms do describe the methods*
- whether the Lizard Management Plan referenced in the draft authorisation relates to: translocation; OR catching and moving lizards outside of the Project footprint, but still nearby OR is it both? *I suspect we’ve used a standardised conditions, in which case the “lizard management plan” is normally the application, or in this case the May ELMP or the Herpetological management plan?? For clarity, the ELMP has a Herpetofauna MP, not a Lizard MP. The HMP (Section 7.4.6) in the Sept 2018 version states that all lizards (except copper skink) will be released at Lake Rotokare SR. This is not what I had understood to be the case – only striped skinks would be released here (and that is a translocation due its large distance from the site - so needs more work before authorisation), and all other lizards would be released at suitable habitat nearby or adjacent to the Project area.*
9(2)(g)
(ii) – you will need to give clarification here if that is your understanding also.
- whether the best way to protect any injured wildlife post-rehabilitation is to release them near the Project footprint, where possible / appropriate. If this is the case, is there a preferred proximity (e.g. within 500 metres of the Project footprint)? *Injured wildlife need to go to a vet. For healthy wildlife, they need to identify the release locations- this is critical. We cant make an assessment of suitable release habitat without knowing the habitat and the species that are being moved. The choice of release location is critical for lizard survival and a rule like “within 500m” wont guarantee animals are released into optimal habitat. Their herpetologist needs to identify suitable release locations ahead of the salvage. As above, it appears they may have decided (Sept 2018 version) on Lake Rotokare SR - in which case they will need to apply for a this on their permit and develop a translocation plan for each species.*

can a person ascertain that a kokako is nesting on sight? If not, how would one confirm that a kokako is nesting? Should the conditions refer to “kokako” rather than “nesting kokako”? If a kokako is found within or close to the project footprint, then they will need to carry out a kokako ‘follow’, of up to 2 hours continuously. If it is nesting, it will go back to the nest at some point during that time. So it should be left as “nesting kokako” – as a kokako that is not nesting can move out of the way of the vegetation clearance, whereas a nesting kokako cannot without abandonment of the nest.

- whether the definition of “nest” in the draft authority is accurate and / or requires any changes? This definition was created from earlier emails with you ⁹⁽²⁾_{(a)(ii)} - it reads:
“a nest is one that is actively used by protected wildlife and includes the period in which the protected wildlife lay eggs up to the time that all wildlife fledge the nest without return.”

As a side point, is there a number of days that the nest should be empty for before it is no-longer considered a nest?

I’m happy with that definition – there is a small chance that some fledglings can return to the nest after initial fledging, but this period may differ for each species. If they are in doubt, they should just wait a few more days until sure that fledglings are actively moving and can move away from any vegetation removal areas.

- Why is there a 25m buffer requirement around active nest?
I thought I had asked to change this to a 50m buffer? Can we please do this? This is a practical approach to allow some vegetation clearance activity, but not to allow clearance right up to a nest which would greatly increase the chance of a bird abandoning a nest. So it is an attempt to find a balance between allowing progress on the project and also protecting nesting wildlife. If monitoring of nests shows abandonment of a nest at a greater distance than 50m, then this information should be used to modify this condition. I had changed my mind from an initial 25m to a more conservative 50m, as this condition has also been used at the Matawai Water Storage Dam – so good to have this consistency with other similar projects.
- In addition to the Lizard Capture and Survey conditions in Sch. 3, should there be other capture conditions of other species in the authorisation. Are you comfortable with the detail in the may ELMP about moving all species outside the footprint. ie what holding containers would they need (do we need conditions about this) What details should they be providing about how bats are caught i.e hart traps. Do we need to specify all this in the methodology part of the authority. Container details etc are all in DOC “herpetology inventory and management toolbox” which the ELMP states they will follow – so I don’t think we need to specify exact methods, just that they follow this toolbox
- Please confirm that no separate translocation is required for moving the species outside the footprint nearby except for striped skink (is 500metres rule relevant and if so how is this applied?) *Not for lizards- the 500m “rule” is an urban myth (dunno how it came about) If they want to move anything to Rotokare SR they will need a translocation authority for each species*
- if conditions specific to the recovery, handling and transport of a wildlife’s egg(s) is required to ensure that they are protected? *For lizards- we just need work to be undertaken by a named herpetologist, and for a condition that they use methods in the Inventory and Monitoring Toolbox. Except for kiwi, they should not be handling or moving any avifauna eggs.*

is there merit in obtaining further data on the wildlife subject to the Authorisation Application by requiring survey reports for all species; There should be strict reporting requirements so we understand the methods they have use, duration and success of all aspects of the works with wildlife. Agree that any survey or monitoring activities should be thoroughly reported

- is there a need to include a condition that requires injured wildlife being kept at centres authorised to hold wildlife, where wildlife are injured and rehabilitation is required^{9(2)(g)(ii)}, suggest we use the standard condition that also allows for euthanasia of injured wildlife under certain circumstances. I think it is implied that you can't give Wildlife to someone or to a centre that doesn't have authority to hold it. But if you want to provide clarity due to the large number of species involved then you can insert this condition.*

Thanks in advance for your help with this – I will touch base with any further questions that pop up.

Best Regards

^{9(2)(g)}
(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii) 9(2)(a)
Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]
Date: Tuesday, 6 July 2021 10:14:00 am
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.png](#)
[Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021\(61209232.1\) \(TU Comments\).docx](#)

Ata mārie kōrua

I hope you are both well.

9(2)(h)

Mā te wā

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Monday, 28 June 2021 9:54 am
To: 9(2)(g)(ii)
Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora 9(2)(g)(ii)

I was good to chat with you earlier.

9(2)(h)

Feel free to touch base if any further questions pop up.

Mā te wā

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Sunday, 27 June 2021 3:05 pm

To: 9(2)(g)(ii)

Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora 9(2)(g)(ii)

9(2)(h)

Ngā mihi

9(2)(g)(ii) Principal Counsel, Environment & Property

Legal Team/ Corporate Support

9(2)(a)

E 9(2)(g)(ii) / w nzta.govt.nz

Waka Kotahi NZ Transport Agency

Chews Lane Office / 50 Victoria Street
Private Bag 6995, Wellington 6141, New Zealand



From: [redacted] 9(2)(g)(ii)
Sent: Thursday, 22 April 2021 6:20 PM
To: [redacted] 9(2)(a)
Cc: [redacted] 9(2)(g)(ii)
[redacted] 9(2)(a); [redacted] 9(2)(a) >; [redacted] 9(2)(g)(ii)
[redacted]

Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora [redacted] 9(2)(a)

I hope that you are having a good week.

I write with an update re the review of the Agreement. We are still in the process of reviewing the Agreement and capturing the teams comments. Unfortunately we will not be positioned to provide comments tomorrow – we anticipate that the feedback will be collated and integrated into the Agreement by close of play, Friday next week.

Happy to discuss.

Hei konaa

[redacted] 9(2)(g)(ii)
Rooia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea puukoro | Phone: [redacted] 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Monday, 19 April 2021 5:01 pm
To: 9(2)(g)(ii) 9(2)(a)
Cc: 9(2)(g)(ii)
9(2)(a) 9(2)(a) 9(2)(g)(ii)
Subject: Re: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Ahiahī maarie 9(2)(a)

Thank you for updating the draft Agreement and forwarding a copy to us.

I am happy to aim to have comments on the Agreement with you by close of play Friday. I will touch base if any issues crop up in this regard.

Catching up tomorrow to discuss the next steps sounds like a plan – would tomorrow afternoon work for you?

Maa te waa.

9(2)(g)(ii)

Sent from [Workspace ONE Boxer](#)

On 18 April 2021 at 8:59:33 PM NZST, 9(2)(a) wrote:

Tēnā koe 9(2)(a)(iii), kōrua ko 9(2)(g)(ii)

Many thanks again for the opportunity to discuss this section 53 agreement with you.

Please see attached the updated agreement for your review.

We have responded to the comments made in our meeting.

Would it be possible to discuss any further comments you may have this week so we can finalise?

9(2)(a)(iii) – I could give you a quick call tomorrow or Tuesday to discuss next steps if that works for you?

Ngā mihi nui

9(2)(a)(iii)
(
2
)
(
a
)

Partner • Buddle Findlay

Aon Centre, 1 Willis Street, PO Box 2694, Wellington 6140

9(2)(a)

9(2)(a)

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<Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April
2021(61209232.1).docx>

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]
Date: Friday, 2 July 2021 11:30:00 am
Attachments: [Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021\(61209232.1\) \(TU Comments\).docx](#)
[image001.png](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)

Ata mārie tīma

The tidied up version of the Agreement is **attached** for review 9(2)(h)

Once you have both had the chance to review the Agreement, can you please let me know whether further changes are needed or if it is good to go back to 9(2)(a)

Happy to chat.

Thanks

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Thursday, 1 July 2021 10:35 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora

Thank you for your call and the email below 9(2)(g)(ii)

9(2)(h)

Could you both let me know how you would like to move forward?

In the meantime, I will accept NZTA's changes, finalise the agreed changes and forward this version by COP tomorrow.

Mā te wā

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Tuesday, 29 June 2021 11:36 am

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: FW: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora 9(2)(g)(ii)

As discussed, this all looks good from my perspective and I look forward to receiving a revised copy of the agreement with tracked changes accepted and comments removed for a final review

in due course.

Gareth, in my opinion, ^{9(2)(g)}_(ii) has appropriately incorporated/addressed the feedback we provided from our last meeting on this matter.

Troy, the only final comment I have would be around whether or not to remove Clause 4.2 around informal grazing as it raises a number of questions in my mind (whose interest is this clause protecting - i.e. is it the person grazing without permission to do so?). ^{9(2)(h)}

Please let me know if there is anything further I can help with.

Ngā mihi,

^{9(2)(g)(ii)}

Community Ranger

DDI: ^{9(2)(a)}

Ngāmotu / New Plymouth DOC Office
PO Box 462, New Plymouth 4340,

[doc](#)



From: ^{9(2)(g)(ii)}

Sent: Monday, 28 June 2021 8:41 am

To: ^{9(2)(g)(ii)}

Cc: ^{9(2)(g)(ii)} >

Subject: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Ata mārie kōrua

I write to follow up on my emails below. Have you had a chance to review the updates s 53 Agreement yet? If not, are you able to give an approx. timeframe for providing feedback? Feel free to let me know if you would like me to book a time to talk through the changes.

Aroha mai for the multiple emails re feedback – Te Waka Kotahi is chasing me / us!

Mā te wā

^{9(2)(g)(ii)}

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: ^{9(2)(a)}

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From: 9(2)(g)(ii)
Sent: Monday, 17 May 2021 1:02 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Ata mārie

I hope you both had a great weekend.

I am touching base to follow up on the **attached** agreement. Are either of you able to give an approx. time for giving feedback?

Thanks

9(2)(g)(ii)
Roia | Solicitor
Kirikiriroa Tari | Hamilton Office
Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Wednesday, 5 May 2021 2:54 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora 9(2)(g)(ii)

Thank you for forwarding the standards and the clauses below.

I **attach** a copy of the updated s 53 Agreement. The comment boxes highlighted yellow identify the latest changes to the Agreement. A few of the comment boxes contain pātai / questions. It would be great if you or 9(2)(g)(ii) could respond to those queries. The comments that are not highlighted are for 9(2)(a) / Waka Kotahi.

9(2)(h)

Happy to discuss.

Mā te wā

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Wednesday, 5 May 2021 2:17 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora 9(2)(g)(ii)

Just following up on two tasks from our meeting yesterday.

Firstly, please find attached the 'Taranaki Biodiversity Track Standards'. I note that this document may need to be amended so it is 'fit for purpose'. In particular, there is a comment relating to

DOC providing interpretation signs that may contradict other conditions within the Pest Control and Planting Agreement.

Secondly, please see the conditions that talk to non-target species incidentally injured as part of Waka Kotahi's pest management operations (adapted from the Taranaki Regional Council agreement).

- Waka Kotahi is responsible for ensuring all native non-target species incidentally injured as part of pest management operations are taken immediately to the New Plymouth Vet Group for a health assessment and treatment.
- Waka Kotahi is responsible for reporting all native non-target species incidentally caught or injured as part of pest management operations to the Department's Operational Contact for this Agreement within 24 hours of the incident.
- Waka Kotahi is responsible for ensuring all deceased native non-target species are taken to the New Plymouth DOC Office.

Ngā mihi,

9(2)(g)(ii)

Senior Community Ranger (Acting)

DDI: 9(2)(a)

Ngāmotu / New Plymouth DOC Office

PO Box 462, New Plymouth 4340,

doc



From: 9(2)(g)(ii)

Sent: Wednesday, 28 April 2021 11:56 am

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora 9(2)(g)(ii)

I hope all is well at your end.

Do you have space to catch up and discuss the section 53 Agreement early next week? I am happy to work around a time that suits you.

9(2)(a) is expecting to receive our feedback on the Agreement this Friday. I can touch base with him tomorrow to let him know that we need more time – I do not expect there to be any immediate urgency given that Te Waka Kotahi is still in the process of addressing the appeals.

Maa te waa

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Wednesday, 21 April 2021 4:42 pm

To: 9(2)(g)(ii)

Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora anoo

I **attach** a version of the Agreement which includes my suggested updates.

Please note that I am yet to check the document for consistency of the defined terms / spelling etc. I will do this once I have integrated all feedback.

Will it be too much of a push to have our comments with 9(2)(a) by COP Friday? If so, could you please indicate a timeframe that would work, so that I can update 9(2)(a)

Happy to discuss.

Cheers

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Wednesday, 21 April 2021 10:54 am

To: 9(2)(g)(ii)

Subject: RE: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Kia ora tiima

I am in the process of adding a few suggested changes to the Agreement. I hope to have this version with you all by COP today.

9(2)(a) and I have not yet spoken. I'm happy to let him know that we need more time if necessary.

Cheers

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Wednesday, 21 April 2021 9:24 am

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: FW: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Hi 9(2)(g)(ii) and 9(2)(g)(ii)

Sorry I have been away with WCB only getting to this now. Will you be in a position to review before Friday? If not let us know so we can go back to WK.

Thanks

9(2)(g)(ii)

From: 9(2)(a)

Sent: Sunday, 18 April 2021 8:59 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

9(2)(a)

Subject: Pest Control and Planting Agreement - DOC_Waka Kotahi - 18 April 2021 [BUD-LIVE.FID864607]

Tēnā koe Troy, kōrua ko 9(2)(g)(ii)

Many thanks again for the opportunity to discuss this section 53 agreement with you.

Please see attached the updated agreement for your review.

We have responded to the comments made in our meeting.

Would it be possible to discuss any further comments you may have this week so we can finalise?

9(2)(a)(iii) – I could give you a quick call tomorrow or Tuesday to discuss next steps if that works for you?

Ngā mihi nui

9(2)(a)

9(2)(a)
Partner • Buddle Findlay
Aon Centre, 1 Willis Street, PO Box 2694, Wellington 6140
9(2)(a)
9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: Te Waka Kotahi WA Authorisation Application - Technical Advice
Date: Thursday, 1 July 2021 11:53:00 am
Attachments: [image001.png](#)

Hi 9(2)(g)(ii)

Can you please schedule a check in meeting for the Mt Messenger WLA permits for the next few weeks. Attendees:

9(2)(g)(ii), me.

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Thursday, 1 July 2021 11:30 am
To: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Hi 9(2)(g)(ii)

Yes we are all well..

9(2)(g)(ii) has been on sick leave, we expect him back Monday.

Cheers

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Thursday, 1 July 2021 11:23 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Te Waka Kotahi WA Authorisation Application - Technical Advice

Hi 9(2)(g)(ii)

I hope you and family are keeping well.

Is 9(2)(g)(ii) on leave? If so do you know when he is back. Just trying to get this check in meeting set up.

Many thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 28 June 2021 11:11 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Is that something you can coordinate with science people 9(2)(g)(ii) ?

9(2)(g)(ii) can you please liaise with 9(2)(g)(ii) to set up a check in meeting for within the next 2-3 weeks, once 9(2)(a)(ii) returns from leave.

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Monday, 28 June 2021 10:42 am

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Hi 9(2)(a)(ii)

I think this should need to go to the wider DOC science group to get consensus/agreement, as it could have long-term implications in all sorts of settings for future RMA/Wildlife work that Waka Kotahi (and others) is undertaking that I can't fully anticipate.

From my perspective, I am a bit hesitant about including nest construction as an active nest, as some species can build several nests and then choose one, even in the absence of disturbance from people. Other species may be able to quickly move to another site if disturbed as they are constructing their nest, with no obvious deleterious issue. Other species (seabirds) come ashore and prospect/clear out nests before coming back weeks/months later to lay their eggs – but I think there is a good argument to say in this case the nest is active even when there is no bird or egg present. Do you see the Wildlife Act giving any further guidance as to what actually constitutes a “nest”?

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Monday, 28 June 2021 9:49 am

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: FW: Te Waka Kotahi WA Authorisation Application - Technical Advice

Kia ora kōrua

I hope you both had a great weekend.

Te Waka Kotahi's lawyer is seeking a confirmation of what DOC considers to be a nest for the purposes of the Wildlife Act. I write to make sure that my response is in line with your advice and consistent with protecting wildlife.

I read your advice below and see that a “few days” might be needed to ensure that wildlife will

not return to a nest. 9(2)(h)

I have a further query - is it necessary to explicitly identify the pre-egg laying period as a part of "active use" to ensure protection? For instance, if wildlife occupy a nest-site or begin to construct a nest during their breeding season to prepare to lay eggs. If so, is the following definition adequate?

9(2)(h)

If the pre-egg laying period is not relevant to what constitutes a nest, is the below definition sufficient?

9(2)(h)

Feel free to integrate any changes.

Happy to discuss.

Mā te wā

9(2)(g)(ii)
Rōia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea pūkoro | 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Monday, 14 June 2021 1:11 pm
To: 9(2)(g)(ii)
Subject: FW: Te Waka Kotahi WA Authorisation Application - Technical Advice

From: [redacted] 9(2)(g)(ii)
Sent: Thursday, 3 June 2021 3:43 pm
To: [redacted] 9(2)(g)(ii)
Cc: [redacted] 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Hi [redacted] 9(2)(g)(ii) – comments from me in green; from [redacted] 9(2)(g)(ii) in red.

Cheers

[redacted] 9(2)(g)(ii)

From: [redacted] 9(2)(g)(ii)
Sent: Tuesday, 25 May 2021 3:58 pm
To: [redacted] 9(2)(g)(ii)
Cc: [redacted] 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice
Importance: High

Hi [redacted] 9(2)(g)(ii)

I am unsure of whether either of you are aware that there have been some changes to NZTA's Wildlife Act [Authority Application](#). *No I wasn't aware of that. Have they amended their Wildlife application accordingly, or are we just taking that into account when assessing the application?* It no-longer wants to apply to undertake activities with wildlife ahead of the resource consents being granted and Notice of Requirement confirmed, nor translocate striped skinks as a part of this Application. NZTA intends to apply for the translocation authority at a later date.

There are a few points that I am hoping to clarify with you in relation to the [draft authorisation](#) for the Mount Messenger Project. Can you please tell me:

- the scope of the methodology authorised for catching or killing protected wildlife (e.g. does this extend to surveys, include the specific means of catching, holding and releasing)? I've not seen the application so impossible for me to assess, but methods should use those described in the "Herpetology inventory and monitoring toolbox" (theres a standard condition about this in the "special specials")*

Yes I think that they have applied for any methodology they may require for any purpose, but they may not need to use it (e.g. have applied for authority to catch and move kiwi out of the way of works, but for a call count survey they would not need to use this method). For herpetofauna, the same methods are used for survey as they are for catching for salvage/translocation.

- whether the methodology in the [May ELMP](#) adequately covers all activities contemplated in the Authority Application (e.g. killing, catching alive and liberating species, taking eggs, methods of transporting wildlife to / from vets where injured etc) - are you comfortable that the methodology will promote the protection of the species included in the Authority Application? If the methodology is deficient in this regard, what improvements do you*

recommend? *The package we agreed to in the hearing included the compensation payment of \$200k for lizard predator research (mice) and the salvage and release of striped skinks to Rotokare, and this is the aspect that promotes protection-Id suggest it should be referred to in the application or conditions so that this aspect isnt lost in this current application (which by itself, definitely doesn't promote the protection)*

The most recent version of the ELMP I have access to is September 2018 (online on New Plymouth DC website). As such, I cannot answer this question with complete certainty. However, I recall that the activities authorised under the RMA (that we were OK with) included all of the above activities - but I only recall kiwi eggs (after a certain age only) as being able to be uplifted through RMA conditions (as we have a robust technique to ensure survival of these eggs and subsequent chicks), and I don't recall other avifauna eggs or nests being authorised for removal or destruction (I would oppose this latter uplifting of eggs/nests as the eggs/chicks will almost certainly die if moved, due to abandonment by adults, and we don't have robust methods to ensure a high survival of eggs/chicks to fledging of other species).

- *what the term "salvage" means from a technical perspective. For instance, does it cover catching, transporting and releasing healthy and injured wildlife? **Salvage is transferring wildlife that would otherwise be killed by the activities** Salvage can also meet the DOC definition of a "translocation", in that a translocation is to a distant site (depending on what animal you are talking about); salvage usually (but not always) indicates that an animal is moved adjacent or very close to where it was found. Only recall kiwi eggs as being*
- *whether "systematic manual salvaging" **Im guessing this means "systematic searches" which is a standarised method of finding lizards. the addition of the word "salvaging" probably just refers to the purpose of the searches...** accurately describes the methodology for catching and killing wildlife and for taking their eggs, noting that the draft authorisation conditions and ELMP (Herpetological Management Plan) appear to refer to using traps / machinery. What does "destructive searching" **Destructive searching means the habitat is destroyed while doing the "systematic search" method, its more successful at finding lizards but is obviously only used where the habitat will later be destroyed and "machine assisted searching" same as previous but diggers are used to lift heavy objects and remove large trees or rocks to assist with "systematic searches" etc** refer to in the ELMP. These are commonly used methods when salvaging lizards... so yes these terms do describe the methods*
- *whether the Lizard Management Plan referenced in the draft authorisation relates to: translocation; OR catching and moving lizards outside of the Project footprint, but still nearby OR is it both? **I suspect we've used a standarised conditions, in which case the "lizard management plan" is normally the application, or in this case the May ELMP or the Herpetological management plan??** For clarity, the ELMP has a Herpetofauna MP, not a Lizard MP. The HMP (Section 7.4.6) in the Sept 2018 version states that all lizards (except copper skink) will be released at Lake Rotokare SR. This is not what I had understood to be the case – only striped skinks would be released here (and that is a translocation due its large distance from the site - so needs more work before authorisation), and all other lizards would be released at suitable habitat nearby or adjacent to the Project area.*

9(2)(g)
(ii) – you will need to give clarification here if that is your understanding also.

- whether the best way to protect any injured wildlife post-rehabilitation is to release them near the Project footprint, where possible / appropriate. If this is the case, is there a preferred proximity (e.g. within 500 metres of the Project footprint)? *Injured wildlife need to go to a vet. For healthy wildlife, they need to identify the release locations- this is critical. We cant make an assessment of suitable release habitat without knowing the habitat and the species that are being moved. The choice of release location is critical for lizard survival and a rule like “within 500m” wont guarantee animals are released into optimal habitat. Their herpetologist needs to identify suitable release locations ahead of the salvage. As above, it appears they may have decided (Sept 2018 version) on Lake Rotokare SR - in which case they will need to apply for a this on their permit and develop a translocation plan for each species.*
- can a person ascertain that a kokako is nesting on sight? If not, how would one confirm that a kokako is nesting? Should the conditions refer to “kokako” rather than “nesting kokako”? *If a kokako is found within or close to the project footprint, then they will need to carry out a kokako ‘follow’, of up to 2 hours continuously. If it is nesting, it will go back to the nest at some point during that time. So it should be left as “nesting kokako” – as a kokako that is not nesting can move out of the way of the vegetation clearance, whereas a nesting kokako cannot without abandonment of the nest.*
- whether the definition of “nest” in the draft authority is accurate and / or requires any changes? This definition was created from earlier emails with you 9(2)(g)
(ii) - it reads:
“a nest is one that is actively used by protected wildlife and includes the period in which the protected wildlife lay eggs up to the time that all wildlife fledged the nest without return.”
As a side point, is there a number of days that the nest should be empty for before it is no-longer considered a nest?
I’m happy with that definition – there is a small chance that some fledglings can return to the nest after initial fledging, but this period may differ for each species. If they are in doubt, they should just wait a few more days until sure that fledglings are actively moving and can move away from any vegetation removal areas.
- Why is there a 25m buffer requirement around active nest?
I thought I had asked to change this to a 50m buffer? Can we please do this? This is a practical approach to allow some vegetation clearance activity, but not to allow clearance right up to a nest which would greatly increase the chance of a bird abandoning a nest. So it is an attempt to find a balance between allowing progress on the project and also protecting nesting wildlife. If monitoring of nests shows abandonment of a nest at a greater distance than 50m, then this information should be used to modify this condition. I had changed my mind from an initial 25m to a more conservative 50m, as this condition has also been used at the Matawai Water Storage Dam – so good to have this consistency with other similar projects.
- *In addition to the Lizard Capture and Survey conditions in Sch. 3, should there be other capture conditions of other species in the authorisation. Are you comfortable with the detail in the may ELMP about moving all species outside the footprint. ie what holding containers would they need (do we need conditions about this) What details should they*

be providing about how bats are caught i.e hart traps. Do we need to specify all this in the methodology part of the authority. *Container details etc are all in DOC "herpetology inventory and management toolbox" which the ELMP states they will follow – so I don't think we need to specify exact methods, just that they follow this toolbox*

- *Please confirm that no separate translocation is required for moving the species outside the footprint nearby except for striped skink (is 500metres rule relevant and if so how is this applied?) Not for lizards- the 500m "rule" is an urban myth (dunno how it came about) If they want to move anything to Rotokare SR they will need a translocation authority for each species*
- *if conditions specific to the recovery, handling and transport of a wildlife's egg(s) is required to ensure that they are protected? For lizards- we just need work to be undertaken by a named herpetologist, and for a condition that they use methods in the Inventory and Monitoring Toolbox. Except for kiwi, they should not be handling or moving any avifauna eggs.*
- *is there merit in obtaining further data on the wildlife subject to the Authorisation Application by requiring survey reports for all species; There should be strict reporting requirements so we understand the methods they have use, duration and success of all aspects of the works with wildlife. Agree that any survey or monitoring activities should be thoroughly reported*
- *is there a need to include a condition that requires injured wildlife being kept at centres authorised to hold wildlife, where wildlife are injured and rehabilitation is required? 9(2)(g)(ii), suggest we use the standard condition that also allows for euthanasia of injured wildlife under certain circumstances. I think it is implied that you can't give Wildlife to someone or to a centre that doesn't have authority to hold it. But if you want to provide clarity due to the large number of species involved then you can insert this condition.*

Thanks in advance for your help with this – I will touch base with any further questions that pop up.

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Messenger WLA permit
Date: Wednesday, 9 June 2021 10:25:35 am

Hi 9(2)(g)(ii)

After talking with 9(2)(g)(ii) several questions were asked of 9(2)(g)(ii) and 9(2)(g)(ii) about the application and the draft authority. I plan to look over their comments later this week and then hope to finalise the authority and DSD, check with 9(2)(g)(ii) get peer reviewed by permissions advisor and to 9(2)(a)(ii) by the end of the month.

What is the latest regarding the consultation issue?

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Thursday, 3 June 2021 2:59 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Messenger WLA permit

Hi 9(2)(g)(ii)

Can you please provide an update on where this is at? And when it will be ready for 9(2)(g)(ii) consideration? If it is still going take time to refine the consultation issue, can an extension be sought please.

Thanks

9(2)(g)(ii)

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region
Department of Conservation | Te Papa Atawhai

9(2)(a) | E: 9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

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To work with others to increase the value of conservation for New Zealanders

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger - Agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project
Date: Wednesday, 26 May 2021 12:26:00 pm
Attachments: [Mt Messenger - Agreement in relation to the Te Ara o Te Ata \(Mt Messenger\) Project.msg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Kia ora 9(2)(g)(ii)

Thanks for keeping me in the loop!

9(2)(h)

Happy to catch up tomorrow

Cheers

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Wednesday, 26 May 2021 11:26 am
To: 9(2)(g)(ii)
Subject: FW: Mt Messenger - Agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project

Morena 9(2)(g)(ii)

Just keeping you in the loop. One question is the lifting of the covenant dependant on the granting of resource consents?

I'm in the office tomorrow, if you're about maybe we can chat then.

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 26 May 2021 11:21 am
To: 9(2)(a)
Cc: 9(2)(g)(ii); 9(2)(a)
Subject: RE: Mt Messenger - Agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project

thanks 9(2)(g)(ii) - yes I could open that shared file thank you.

I should have mentioned previously that we have a revised cost recovery regime and details of this can be found on the DOC website: www.doc.govt.nz and then search under SLM. As this is seeking a consent under the Reserves Act – to the partial revocation of the covenant and establishment of a new one, these are the application forms required:

For all applications Complete the following form:

- [Application form \(PDF, 206K\)](#) or
- [Application form \(Word, 80K\)](#)

Then for Reserves Act consents:

- [Application form 1b \(PDF, 149K\)](#) or
- [Application form 1b \(DOCX, 64K\)](#)

The fee for consents under the Reserves Act is \$1185.

As I have already been allocated this work you could send them directly to me rather than to the slm address.

I would like to clarify my understanding of this process. For Sections 2 and 5 SO 554741 which are being taken under sec 20 PWA, how will their removal from the covenant be recorded? Will there be a gazette notice registered against the covenant document or should those sections also be included in the revocation of covenant document?

To confirm: we are now looking at 20.6886ha (secs 2 and 5) being permanently removed from the covenant area under PWA, where no DOC consent is required and an additional 16.7106 ha being removed for the lease area and then having a new covenant established over the 16.7106 under Reserves and Conservation Acts once lease is terminated?

Could you please send me a word version of the A&I form so I can add our details? Is there a dealing number for it yet?

Kind regards

9(2)(g)(ii)

9(2)(g)(ii)

Senior Statutory Land Management Advisor | Kaihono Turewhenua
Otepoti/Dunedin
265 Princes St Dunedin 9016 | PO Box 5244 Dunedin 9058

9(2)(a)

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From: 9(2)(a)

Sent: Tuesday, 25 May 2021 3:12 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii) 9(2)(a)

Subject: RE: Mt Messenger - Agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project

Hi 9(2)(g)(ii)


The survey plan has been approved and we now attach the Revocation of Covenant Document and Authority and Instruction to be signed by the Minister. The form of the revocation document has been reviewed and approved by LINZ for registration purposes. Please let me know if you require the Word version and I will send it through.

With regard to the assessment of the effects of the changes to the covenant area; can I suggest you liaise with 9(2)(g)(ii) (copied here)? I understand the ecologist for the Mt Messenger Alliance, 9(2)(g)(ii) has been working closely with 9(2)(g)(ii) so I expect she will be well placed to respond to your query here.

I would note also that effects will be temporary only, given that the covenant is to be reinstated and planting works are to be undertaken within the affected covenant area following construction (see clauses 16-18 and 21 Schedule B in the agreement with Ngati Tama). Those planting works are part of a project-wide initiative to mitigate ecological effects which found approval with the Environment Court in its first interim decision (see paragraphs 168 to 209).

My understanding is that we will prepare the replacement covenant instrument in consultation with DoC. It will be on the same (or similar) terms as the existing covenant per clause 21 of the Ngati Tama agreement and clause 12 of the agreement with DoC.

We have created a shared folder which includes the plan, Ngati Tama acquisition agreement, agreement with DoC, revocation documents and other supporting evidence attached. Please advise if you cannot open all of the documents in the shared folder.

 [SH3 Mt Messenger Bypass - DOC shared folder](#)

Kind regards

| | |
|---|---|
| 9(2)(a) Senior Legal Executive |  |
|    | 9(2)(a)  Reception: 06 834 1232 |

Level 1, 6 Albion St, Napier 4110

PO Box 49, Napier 4140

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From: 9(2)(a)

Sent: Tuesday, 20 April 2021 11:43 am

To: 9(2)(g)(ii)

Subject: RE: Mt Messenger - Agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project

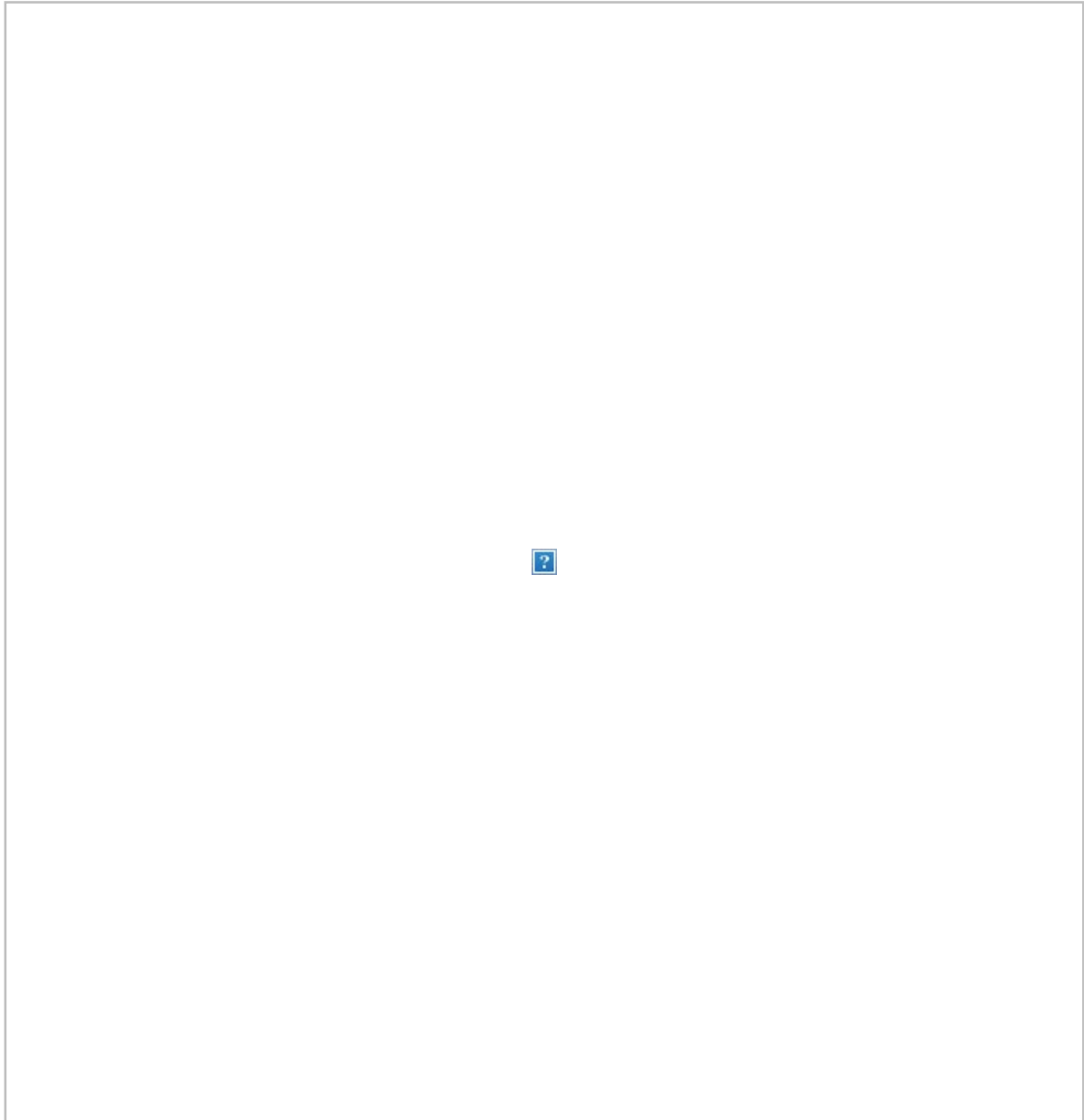
Hi 9(2)(g)(ii)

Thank you for outlining DOC's expectations - it certainly helps to have some guidance! As far as I am aware the assessment etc is being considered and will be available when we are ready to submit to you.

The agreement between Ngati Tama and the Crown provides further detail in respect of the new Conservation

Covenant post construction. The agreement is very large and our system won't let me email it, but the reinstatement of the Covenant is covered off in Clauses 21 – 26 of the Ngati Tama / HMQ agreement (see below).

When we are ready to submit the documents to you I will provide a link to a shared folder, then you can download the documents, rather than us sending them by email.



I will be back in touch with you in due course

Have a great day!

Kind regards

9(2)(a)
Senior Legal Executive





9(2)(a) [redacted]
Reception: 06 834 1232

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From: 9(2)(g)(ii) [redacted]
Sent: Tuesday, 20 April 2021 9:43 am
To: 9(2)(a) [redacted]
Subject: RE: Mt Messenger - Agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project

Kia ora 9(2)(a) [redacted]

Thanks you for that information. Although the agreement has been signed between Ngati Tama, Waka Kotahi and DOC, I still need to seek formal approval under the Reserves and Conservation Acts to the partial revocation and establishment of a new covenant.

In the submission to the Minister's delegate, I need to include an assessment of the effects of the changes to the covenant area and wonder if there has already been information gathered on this as part of RMA/Notice processes ?

Also, what is the process for re-establishing a covenant over the leased area once work is completed? Are you preparing a covenant document or are we doing that at Waka Kotahi's cost? My understanding is that it will be exactly the same as the one registered at 5987315.2 but with a different legal description- is that correct? Possibly not grazed?

I look forward to any information you can provide so that we can progress this as quickly as possible.

Kind regards

9(2)(g)(ii) [redacted]

9(2)(g)(ii) [redacted]

Senior Statutory Land Management Advisor | Kaihono Turewhenua
Department of Conservation -Te Papa Atawhai
9(2)(a) [redacted]

Otepoti/Dunedin Service Centre | John Wickliffe House
265 Princes St Dunedin 9016 | PO Box 5244 Dunedin 9058

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From: 9(2)(a) [redacted]
Sent: Monday, 19 April 2021 4:09 p.m.
To: 9(2)(g)(ii) [redacted]
Subject: RE: Mt Messenger - Agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project

Hi 9(2)(g)(ii) [redacted]

I hope this finds you well

I just wanted to touch base with you about the revocation of the Conservation Covenant for the construction of the Te Ara o Te Ata (SH3 Mt Messenger) Project. We are not yet ready to attend to legalisation as the plan is

still not yet approved and there are a couple of other bits and pieces outstanding, however I am advised that when we are ready to legalise it will be on an urgent basis.

At this stage I just wanted to forward the form of the Revocation of Covenant for your information; we will update this and forward it together with an A&I once the plan is approved and the Notice is signed by the Minister. The revocation document has been reviewed by Land Information New Zealand, which has approved the form and format.

Also attached for your information is the tri-partite agreement regarding the construction of the works between Ngati Tama, DOC & Waka Kotahi, together with a copy of the RT.

I will be in touch once we have the go-ahead.

Kind regards

9(2)(a)
Senior Legal Executive



9(2)(a)
Reception: 06 834 1232

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PO Box 49, Napier 4140

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From: 9(2)(g)(ii)
Sent: Friday, 16 April 2021 3:05 PM
To: 9
Subject: Mt Messenger - Agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project

Kia ora 9(2)

Thanks again for progressing this workstream.

9(2)(h)

[Redacted signature block]

In the meantime, feel free to touch base with any questions.

Maa te waa

9(2)(g)(ii)
Roovia | Solicitor

Kirikiroa Tari | Hamilton Office
Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(a)
Sent: Thursday, 1 April 2021 3:41 pm
To: 9(2)(g)(ii)
Cc: 9(2)(a)
Subject: Mt Messenger - Agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project

H 9(2)(g)(ii)

I left a message with you yesterday and attempted to call you earlier to discuss the attached agreement in relation to the Te Ara o Te Ata (Mt Messenger) Project.

9(2)(h)

[Redacted]

[Redacted]

[Redacted]

I trust this email is helpful but let me know if you require any further information.

I look forward to hearing from you.

Kind regards

9(2)(a)
Senior Corporate Counsel



9(2)(a)
Reception: 04 470 6105

Level 11, Cornerstone House, 36 Customhouse Quay, Wellington 6011
PO Box 2874, Wellington 6140

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From: 9(2)(g)(ii)
To: [Redacted]
Cc: [Redacted]
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice
Date: Tuesday, 25 May 2021 11:29:25 am
Attachments: [image001.png](#)
[image002.png](#)

Thanks 9(2)(g)(ii)

MY comments are in blue

From: 9(2)(g)(ii)
Sent: Monday, 24 May 2021 6:00 pm
To: 9(2)(g)(ii)
Cc: [Redacted]
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Thanks 9(2)(g)(ii) – my responses to the comments are highlighted green.

Ngā mihi

9(2)(g)(ii)
Rooia | Solicitor
Kirikiriroa Tari | Hamilton Office
Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Monday, 24 May 2021 5:25 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Thanks 9(2)(g)(ii)

Some great clarification sought. I just made some comments below.

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Monday, 24 May 2021 12:11 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Te Waka Kotahi WA Authorisation Application - Technical Advice

Kia ora 9(2)(g)
(ii)

As requested, the questions for 9(2)(a)(ii) and 9(2)(g)(ii) are in the draft email below.

Happy to discuss

Kia ora 9(2)(a)(ii) and 9(2)(g)(ii)

I am unsure of whether either of you are aware that there have been some changes to NZTA's Wildlife Act [Authority Application](#). It no-longer wants to apply to undertake activities with wildlife ahead of the resource consents being granted and Notice of Requirement confirmed, nor translocate lizards as a part of this Application. NZTA intends to apply for the translocation authority at a later date.

There are a few points that I am hoping to clarify with you in relation to the [draft authorisation](#) for the Mount Messenger Project. Can you please tell me:

- the scope of the methodology **authorised** for catching or killing protected wildlife (e.g. does this extend to surveys, include the specific means of catching, holding and releasing)?*
- whether the methodology in the [May ELMP](#) adequately covers all activities contemplated in the Authority Application (e.g. killing, catching alive and liberating species, taking eggs, methods of transporting wildlife to / from vets where injured etc) - are you comfortable that the methodology will promote the protection of the species included in the Authority Application? If the methodology is deficient in this regard, what improvements do you recommend?*
- what the term "salvage" means from a technical perspective. For instance, does it cover catching, transporting and releasing healthy and injured wildlife?*

*whether "systematic manual salvaging" accurately describes the methodology for catching and killing wildlife and for taking their eggs, noting that the draft authorisation conditions (**these conditions mention systematic manual salvaging or by hand?** 9(2)(h)) and ELMP appear to refer to using traps / machinery(I couldn't find reference to traps/machinery in the ELMP – maybe I had a boys look is it inferred somewhere? 9(2)(h)) Yes the lizard section of the ELMP mentions systematic searching, destructive searching(whatever that is) and machine assisted searching (whatever that is).*

- whether the Lizard Management Plan referenced in the draft authorisation relates to: **translocation;OR catching and moving lizards outside of the Project footprint, but still nearby OR is it both?***
- whether the best way to protect any injured wildlife post-rehabilitation is to release them near the Project footprint, where possible / appropriate. If this is the case, is there a*

preferred proximity (e.g. within 500 metres of the Protect footprint)?

- can a person ascertain that a kokako is nesting on sight? If not, how would one confirm that a kokako is nesting? Should the conditions refer to “kokako” rather than “nesting kokako”?
- whether the definition of “nest” in the draft authority is accurate and / or requires any changes? This definition was created from earlier emails with you Rhys - it reads:
“a nest is one that is actively used by protected wildlife and includes the period in which the protected wildlife lay eggs up to the time that all wildlife fledged the nest without return.”

As a side point, is there a number of days that the nest should be empty for before it is no-longer considered a nest?

- if the “Lizard Capture and Survey” conditions in Sch. 3 are still appropriate, given that NZTA no-longer propose to translocate lizards under this authorisation? *They will still be catching lizards that aren't striped skinks in order to move them nearby outside of the project footprint, so yes I reckon the conditions should remain.* 9(2)(h)

[Redacted]

[Redacted] *don't follow the statement “same bags?” In terms of using the bags to hold the lizards being under the meaning of salvaging manually/by hand I think we need to ask* 9(2)(g)(ii) *this question?*

- if conditions specific to the recovery, handling and transport of a wildlife's egg(s) is required to ensure that they are protected?
- is there merit in obtaining further data on the wildlife subject to the Authorisation Application by requiring survey reports for all species;
- is there a need to include a condition that requires injured wildlife being kept at centres authorised to hold wildlife, where wildlife are injured and rehabilitation is required?
- the preferred approach to dealing with the bodies of protected wildlife that are killed during the Project, where the wildlife species is not at-risk, threatened or there are no data deficiencies in respect of the species. *Condition 11 technically requires an authority to dispose of the body to Massey as raised by* 9(2)(g)(ii) *.* 9(2)(h)

[Redacted]

[Redacted] *I propose a condition covering all lizards found dead where the Authority Holder has to contact the District Office and follow instructions. Doc staff will need to come collect the dead bodies. We should be requiring the authority holder to get a disposal permit to send bodies to Massey-that's crazy. We will need to do this.*

Thanks in advance for your help with this – I will touch base with any further questions that pop up.

Cheers

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice 5
Date: Tuesday, 25 May 2021 2:14:00 pm
Attachments: [image001.png](#)
[image002.png](#)

Sure all good!

From: 9(2)(g)(ii)
Sent: Tuesday, 25 May 2021 2:14 pm
To: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Kia ora 9(2)(g)(ii)

I am tied up until around 3.30 – 4ish, but can call you afterwards if that works for you?

Mā te wā

9(2)(g)(ii)
Rōia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea pūkoro | 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Tuesday, 25 May 2021 11:39 am
To: 9(2)(g)(ii)
Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Hi 9(2)(a)(ii)

Are you free to catch up after 2pm? today

From: 9(2)(g)(ii)
Sent: Monday, 24 May 2021 6:00 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)

Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Thanks 9(2)(g)(ii) – my responses to the comments are highlighted green.

Ngā mihi

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Monday, 24 May 2021 5:25 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Te Waka Kotahi WA Authorisation Application - Technical Advice

Thanks 9(2)(g)(ii)

Some great clarification sought. I just made some comments below.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Monday, 24 May 2021 12:11 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: Te Waka Kotahi WA Authorisation Application - Technical Advice

Kia ora 9(2)(g)(ii)

As requested, the questions for 9(2)(a) and 9(2)(g)(ii) are in the draft email below.

Happy to discuss

Kia ora 9(2)(a) and 9(2)(g)(ii)

I am unsure of whether either of you are aware that there have been some changes to NZTA's Wildlife Act [Authority Application](#). It no-longer wants to apply to undertake activities with wildlife ahead of the resource consents being granted and Notice of Requirement confirmed, nor translocate lizards as a part of this Application. NZTA intends to apply for the translocation authority at a later date.

There are a few points that I am hoping to clarify with you in relation to the [draft authorisation](#) for the Mount Messenger Project. Can you please tell me:

- the scope of the methodology **authorised** for catching or killing protected wildlife (e.g. does this extend to surveys, include the specific means of catching, holding and releasing)?
- whether the methodology in the [May ELMP](#) adequately covers all activities contemplated in the Authority Application (e.g. killing, catching alive and liberating species, taking eggs, methods of transporting wildlife to / from vets where injured etc) - are you comfortable that the methodology will promote the protection of the species included in the Authority Application? If the methodology is deficient in this regard, what improvements do you recommend?
- what the term "salvage" means from a technical perspective. For instance, does it cover catching, transporting and releasing healthy and injured wildlife?
- whether "systematic manual salvaging" accurately describes the methodology for catching and killing wildlife and for taking their eggs, noting that the draft authorisation conditions **(these conditions mention systematic manual salvaging or by hand? 9(2)(h)**) and ELMP appear to refer to using traps / machinery **(I couldn't find reference to traps/machinery in the ELMP – maybe I had a boys look is it inferred somewhere? 9(2)(h)**
- whether the Lizard Management Plan referenced in the draft authorisation relates to: **translocation; OR catching and moving lizards outside of the Project footprint, but still nearby OR is it both?**
- whether the best way to protect any injured wildlife post-rehabilitation is to release them near the Project footprint, where possible / appropriate. If this is the case, is there a preferred proximity (e.g. within 500 metres of the Protect footprint)?
- can a person ascertain that a kokako is nesting on sight? If not, how would one confirm that a kokako is nesting? Should the conditions refer to "kokako" rather than "nesting kokako"?
- whether the definition of "nest" in the draft authority is accurate and / or requires any changes? This definition was created from earlier emails with you **9(2)(g)(ii)** - it reads:
"a nest is one that is actively used by protected wildlife and includes the period in which the protected wildlife lay eggs up to the time that all wildlife fledged the nest without return."

As a side point, is there a number of days that the nest should be empty for before it is no-longer considered a nest?

- if the "Lizard Capture and Survey" conditions in Sch. 3 are still appropriate, given that NZTA no-longer propose to translocate lizards under this authorisation? **They will still be catching lizards that aren't striped skinks in order to move them nearby outside of the project footprint, so yes I reckon the conditions should remain. 9(2)(h)**

[Redacted text block]

if conditions specific to the recovery, handling and transport of a wildlife's egg(s) is required to ensure that they are protected?

- *is there merit in obtaining further data on the wildlife subject to the Authorisation Application by requiring survey reports for all species;*
- *is there a need to include a condition that requires injured wildlife being kept at centres authorised to hold wildlife, where wildlife are injured and rehabilitation is required?*
- *the preferred approach to dealing with the bodies of protected wildlife that are killed during the Project, where the wildlife species is not at-risk, threatened or there are no data deficiencies in respect of the species. **Condition 11 technically requires an authority to dispose of the body to Massey as raised by** 9(2)(g)(ii) . 9(2)(h)*

[Redacted text block]

Thanks in advance for your help with this – I will touch base with any further questions that pop up.

Cheers

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

www.doc.govt.nz



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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Examples 9(2)(g) suggested updates :)
Date: Monday, 17 May 2021 1:50:00 pm
Attachments: [image001.png](#)

Hi 9(2)(g)(ii)

Yes I have been using the approach/view of 9(2)(g)(ii). I think 9(2)(g)(ii) view is too narrow but comes into play where there is not adequate effects management.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Sunday, 16 May 2021 4:03 pm
To: 9(2)(g)(ii)
Subject: RE: Examples 9(2)(g)(ii) suggested updates :)

Kia ora 9(2)(g)(ii)

Ahhhh – I thought that the call may have been in relation to your latter email! I am slowly catching up with my email chains!

9(2)(h)

[Redacted]

Happy to chat.

Mā te wā

9(2)(g)(ii)
Rōia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea pūkoro | Phone: 9(2)(a)

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From: [redacted] 9(2)(g)(ii)
Sent: Thursday, 13 May 2021 2:45 pm
To: [redacted] 9(2)(g)(ii)
Subject: FW: Examples [redacted] 9(2)(g)(ii) suggested updates :)

Hi [redacted] 9(2)(g)(ii)

Just tried calling - I just need some help with pauamac re: authorising kill of wildlife. [redacted] 9(2)(g)(ii) believes that we cant authorise kill of wildlife in all respects except where there is pest control and so the pest control will increase multiple species numbers as a result. In taking this approach we cant authorise killing of species to Waka Kotahi as they are not being protected they are being killed OR can we say that overall the species population will be protected due to all the mitigation that the applicant is proposing including habitat restoration etc. [redacted] 9(2)(h)

[redacted]

[redacted]

This doesn't just apply to Mt Messenger but another one im working on where there l lizard salvage and habitat enhancement proposed as mitigation.

Appreciate your advice.

Best Regards

[redacted] 9(2)(g)(ii)

om: [redacted] 9(2)(g)(ii)
Sent: Thursday, 29 April 2021 1:02 pm
To: [redacted] 9(2)(g)(ii)
Subject: FW: Examples [redacted] 9(2)(g)(ii) suggested updates :)

Hi [redacted] 9(2)(g)(ii)

This may assist your Statutory Analysis. Happy to discuss.

Ngā mihi,

[redacted] 9(2)(g)(ii)

Permissions Advisor | Kaitūtohu
Department of Conservation | Te Papa Atawhai
Kirikiriroa | Hamilton Office

www.doc.govt.nz

From: [redacted] 9(2)(g)(ii)
Sent: Thursday, 29 April 2021 11:57 am
To: [redacted] 9(2)(g)(ii)

Subject: RE: Examples ^{9(2)(g)}_(ii) suggested updates :)

9(2)(h)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

9(2)(h)

- | [Redacted]
 - | [Redacted]
 - | [Redacted]
 - | [Redacted]
 - | [Redacted]
 - | [Redacted]
- [Redacted]

[Redacted]

Happy to chat.

Mā te wā

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: [REDACTED] 9(2)(g)(ii)
Sent: Wednesday, 28 April 2021 5:01 pm
To: [REDACTED] 9(2)(g)(ii)
Subject: Examples

Catch Alive

Under s.53(2) of the [Wildlife] Act 1953 the Director-General may authorise any specified person to catch alive, or otherwise obtain alive any absolutely/partially protected wildlife and may in any such authority authorise the holder to liberate any such wildlife or game or progeny in such area and during such period as may be specified in the authority

Under s 53(1) the Director General may authorise any specified person to kill any absolutely/partially protected wildlife

Any authority granted under section 53 may contain such conditions as the Director-General may impose and be authorised for any purpose approved by the Director-General.

Any decision made under the Act is constrained by the purpose of the Act. *The Court of Appeal in PauaMac5 Incorporated v Director-General of Conservation [2018] NZCA 348 [4 September 2018] held?* that the person must intend to **catch alive** the wildlife. While authorisations can be granted “for any purpose”, the purpose for catching alive, must be one which is consistent with the wider purpose of the Act, which is: **protection of wildlife; it must have protective benefits. Human interaction?????**

The applicant is treated as a specified person for purpose. **Interpretation act**

The technical experts are best placed to advise on whether the application will promote: [**purpose**]

The Ngāi Tai Ki Tāmaki Tribal Trust v Minister of Conservation and Ors - [2018] NZSC 41 provides some guidance on the application of section 4 generally:

- Section 4 is a “powerful” Treaty clause because it requires the decision-maker to give effect to the principles of the Treaty.
- Section 4 requires more than procedural steps. Substantive outcomes for iwi may be necessary including, in some instances, requiring that concession applications by others be declined.
- Enabling iwi or hapū to reconnect to their ancestral lands by taking up opportunities on the conservation estate (whether through concessions or otherwise)

is one way that the Crown can give practical effect to Treaty principles.

- In applying section 4 to a decision relating to a concession application, the Department of Conservation must, so far as is possible, apply the relevant statutory and other legal considerations in a manner that gives effect to the relevant principles of the Treaty.
- Section 4 does not exist in a vacuum and a number of other factors must be taken into account in making a decision on a concession application.

Section 4 should not be seen as being trumped by other considerations. Section 4 should not merely be part of an exercise balancing it against the other relevant considerations. What is required is a process under which the meeting of other statutory or non-statutory objectives is achieved, to the extent that this can be done consistently with section 4, in a way that best gives effect to the relevant Treaty principles.

Ngā mihi,

9(2)(g)(ii)

Permissions Advisor | Kaitūtohu
Department of Conservation | Te Papa Atawhai
Kirikiriroa | Hamilton Office

www.doc.govt.nz

From: 9(2)(g)(ii)
To: 9(2)(g)(ii); 9(2)(a)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger DOC Wildlife Act Authority 17 May Meeting Action Points
Date: Monday, 17 May 2021 3:29:52 pm

Mt Messenger DOC Wildlife Act Authority 17 May 2021 Meeting Action Points

Present: 9(2)(g)(ii) (DOC), 9(2)(g)(ii) (WK), 9(2)(g)(ii) (WK)

Action points:

1. 9(2)(g)(ii) or 9(2)(g)(ii) to provide statement of opinion from DOC technical people as to how nests should be treated under the Wildlife Act.
2. 9(2)(g)(ii) 9(2)(a) and 9(2)(g)(ii) to meet to discuss the legal implications of impact of the project on nests.
3. 9(2)(g)(ii) to seek clarification as to when kiwi related activities come under the project WAA as opposed to 9(2)(a) WAA.
4. The WAA application for stiped skink will be applied for separately. 9(2)(g)(ii) to initiate development of the details of this plan over the next 2 months and will involve 9(2)(g)(ii) from the New Plymouth DOC office.
5. 9(2)(g)(ii) to inform 9(2)(a) of OIA and 'application to be consulted' requests especially from Poutama, and 9(2)(g)(ii) and 9(2)(g)(ii) to discuss how the responses to these requests are to be managed.

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Nests
Date: Wednesday, 5 May 2021 1:29:51 pm
Attachments: [image001.png](#)

Hi guys

I'm not sure if bats would be agitated if their roosts were filled in. I can only assume they would not be physically agitated as they would not be able to access a crevice and would not be harmed. As to mentally agitated ... I don't know how you could tell. Perhaps many attempts to get in - but that might be instinct and/or habit not agitation.

Perhaps 9(2)(g)(ii) can help ... thanks 9(2)(g)(ii)

Cheers

9(2)(g)(ii)

Sent from Workspace ONE Boxer

On 5/05/2021 11:09, 9(2)(g)(ii) wrote:
Thanks 9(2)(g)(ii)

Welcome to the conversation 9(2)(g)(ii) Per the email(s) below, are you able to tell me whether filling the crevices that form / contain bat roosts would agitate the bats (mentally or physically) to a degree that creates a risk of significant harm?

Happy to chat.

Mā te wā

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Wednesday, 5 May 2021 10:54 am

To: [REDACTED] 9(2)(g)(ii)

Subject: RE: Nests

Hi [REDACTED] 9(2)(g)(ii)

Best for [REDACTED] 9(2)(g)(ii) to advice on this.

From: [REDACTED] 9(2)(g)(ii)

Sent: Monday, 3 May 2021 4:24 pm

To: [REDACTED] 9(2)(g)(ii)

Subject: RE: Nests

Ka pai – I just sent through a reoccurring hui invite. The actions list is in the body of the email.

So, hopefully the final question which you might have the answer to (if not, I can touch base with [REDACTED] 9(2)(g)(ii) - would filling the crevices that form / contain bat roosts mentally or physically agitate the bats to a degree that creates a risk of significant harm?

As a side note, if the above gives rise to a real risk significant harm, it would fit into the “disturbance” space – while this is not relevant to the activities that can be authorised, I consider it relevant to how we frame communications with TWK on the topic. For example, I would recommend that DOC does not convey that the DG / Dan is comfortable with bat roosts being filled if it is likely to generate such a risk to the bats.

Mā te wā

[REDACTED] 9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | [REDACTED] 9(2)(a)

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From: [REDACTED] 9(2)(g)(ii)

Sent: Monday, 3 May 2021 3:17 pm

To: [REDACTED] 9(2)(g)(ii)

Subject: RE: Nests

Yes and yes bat roosts are nests I didn't realize it wasn't a teams meeting at 3

From: 9(2)(g)(ii)
Sent: Monday, 3 May 2021 2:38 pm
To: 9(2)(g)(ii)
Subject: Nests

Kia ora 9(2)(g)(ii)

Thanks for that!

Does the same hold true for nests that are habitually used? Also, is a bat roost a nest?

Talk soon

9(2)(g)(ii)

Sent from Workspace ONE Boxer

On 3/05/2021 2:16 pm, 9(2)(g)(ii) wrote:

Hi 9(2)(g)(ii)

9(2)(g)(ii) just advised that nests are those that are actively used which means the period when an egg is laid and the bird has then fledged (left the nest).

Best regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger WLA permit- update please
Date: Wednesday, 5 May 2021 10:04:00 am
Attachments: [image001.png](#)

Sounds good

From: 9(2)(g)(ii)
Sent: Monday, 3 May 2021 10:33 am
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger WLA permit- update please

Ahhh – I have not had a chance to look through the plans in detail yet.

9(2)(h)

Cheers

9(2)(g)(ii)

Rōia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Friday, 30 April 2021 10:29 am
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger WLA permit- update please

Thanks for this. Which map shows the updated temporary and permanent occupation, I cant seem to find it

From: 9(2)(g)(ii)
Sent: Thursday, 29 April 2021 12:13 pm
To: 9(2)(g)(ii)

Subject: FW: Mt Messenger WLA permit- update please

Here you go.

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Wednesday, 7 April 2021 1:28 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Mt Messenger WLA permit- update please

Kia ora team

The authorisation came to me in two parts – a DocCm version and by email (DocCm was not working for 9(2)(g)(ii)).

I incorporated feedback / suggested updates into the [part contained in DocCm](#) and will move to the part in the email shortly.

9(2)(h)

Thanks

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: [REDACTED] 9(2)(g)(ii)
Sent: Wednesday, 7 April 2021 12:59 pm
To: [REDACTED] 9(2)(g)(ii)
[REDACTED]
Cc: [REDACTED] 9(2)(g)(ii)
Subject: Mt Messenger WLA permit- update please

Hi Team
Just checking in to see how this is progressing please?
Thanks

[REDACTED] 9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region
Department of Conservation | Te Papa Atawhai

[REDACTED] 9(2)(a)

[REDACTED] 9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

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From: 9(2)(a)
To: 9(2)(g)(ii)
Subject: RE: Wildlife Authority Application
Date: Friday, 30 April 2021 2:46:02 pm
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hi 9(2)

Yes, you are correct, we are no longer applying for the interim activities. Because of another appeal to the High Court, project construction will not commence before October this year. When the project does officially commence any striped skinks will be taken directly to Rotokare and released there.

As you are probably aware, the manager of Rotokare died unexpectedly a few weeks ago. We have deliberately given them some space to appoint a new manager but will soon approach them again to develop a relocation and release plan and agree to the details of where in the Rotokare reserve striped skinks will be released.

9(2)

From: 9(2)(g)(ii)
Sent: Friday, 30 April 2021 10:43 am
To: 9(2)(a) 9(2)(a)
Subject: RE: Wildlife Authority Application

Hi 9(2)(a)

Unfortunately I had to take leave for 2 weeks but am catching up now. I see that NZTA decided to not apply for the WA authorisation for the "interim" activities relating to the de-risking of bat trees and catching of lizards in April. I am finalising the project WA but just need to check that the captive holding of any striped skinks caught will be taken directly to Rotokare once established or is there still the interim proposal to move them to Wellington Zoo?

Best Regards

9(2)

From: 9(2)(a) 9(2)(a)
Sent: Thursday, 8 April 2021 3:53 pm
To: 9(2)(g)(ii)
Subject: Wildlife Authority Application

Hi 9(2)

I have sent an email to 9(2)(g)(ii) but am asking you the same question as I suspect she may be tied up with other work. Could you let me know how the processing of our Wildlife Authority application is proceeding and whether you need any more information from me?

In the interest of time, and contrary to my earlier suggestion, can I ask that the WAA be issued as a final. This will enable us to get started on the de-risking work between now and 30 April. If there are any aspects of the Authority that we might wish to have amended then we can discuss these with you over the winter when there is a little less pressure on everybody.

Regards

9(2)

9(2)(a) | [Principal Environmental Consultant](#)

BSc (Hons)

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Norris Ward McKinnon House, Level 5, 711 Victoria Street, Hamilton 3240 | PO Box 9544, Hamilton 3240, New Zealand

9(2)(a) www.tonkintaylor.co.nz



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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: Mt Messenger WLA permit- update please
Date: Thursday, 29 April 2021 12:14:04 pm
Attachments: [image001.png](#)
[\[2021\] NZEnvC 40 Director-General of Conservation v Taranaki Regional Council Part1.pdf](#)
[\[2021\] NZEnvC 40 Director-General of Conservation v Taranaki Regional Council Part2.pdf](#)
[\[2021\] NZEnvC 40 Director-General of Conservation v Taranaki Regional Council Part6 Part3.pdf](#)
[\[2021\] NZEnvC 40 Director-General of Conservation v Taranaki Regional Council Part6 Part5.pdf](#)
[\[2021\] NZEnvC 40 Director-General of Conservation v Taranaki Regional Council Part6 Part4.pdf](#)
[\[2021\] NZEnvC 40 Director-General of Conservation v Taranaki Regional Council Part4 Part3.pdf](#)
[\[2021\] NZEnvC 40 Director-General of Conservation v Taranaki Regional Council Part4 Part4.pdf](#)
[\[2021\] NZEnvC 40 Director-General of Conservation v Taranaki Regional Council Part3.pdf](#)

Here you go.

9(2)(g)(ii)

Rōia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea pūkoro | 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Wednesday, 7 April 2021 1:28 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger WLA permit- update please

Kia ora team

The authorisation came to me in two parts – a DocCm version and by email (DocCm was not working for 9(2)(g)(ii)).

I incorporated feedback / suggested updates into the [part contained in DocCm](#) and will move to the part in the email shortly.

As a side note, the Environment Court issued its decision to grant the consent and confirm the NOR. The Court's confirmed conditions are **attached** (see parts 1 – 3) along with some of the plans. This decision may be appealed or overturned, given that Poutama and the 9(2)(a) ' appealed the second interim decision.

Thanks

9(2)(g)(ii)

Roia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Wednesday, 7 April 2021 12:59 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: Mt Messenger WLA permit- update please

Hi Team

Just checking in to see how this is progressing please?

Thanks

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region

Department of Conservation | Te Papa Atawhai

9(2)(a)

|E: 9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger WLA permit- update please 1
Date: Friday, 23 April 2021 9:41:36 am
Attachments: [image001.png](#)

Hi 9(2)(g)(ii)

No, she is referring to the example Wildlife Act Authority I gave you yesterday.

Ngā mihi,

9(2)(g)(ii)
Permissions Advisor | Kaitūtohu
Department of Conservation | Te Papa Atawhai
Kirikiriroa | Hamilton Office

www.doc.govt.nz

From: 9(2)(g)(ii)
Sent: Friday, 23 April 2021 9:27 am
To: 9(2)(g)(ii)
Subject: FW: Mt Messenger WLA permit- update please

Hi 9(2)(g)(ii),

In terms of a template im guessing she means you provided track changes to the authority. I havnt ha da chance to look at the authority yet.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Friday, 23 April 2021 8:56 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Mt Messenger WLA permit- update please

Kia ora 9(2)(g)(ii)

I accepted the hui with Waka Kotahi on 3 April.

In terms of Waka Kotahi's request for the draft conditions, 9(2)(g)(ii) mentioned that he passed on a template to 9(2)(g)(ii) earlier on in this week. As far as I am aware, my changes suggested below / in the DocCm version are in the process of being integrated.

9(2)(g)(ii) and 9(2)(g)(ii) feel free to chip in if there is something that I have missed / the above is not

accurate.

Cheers

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

www.doc.govt.nz



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From: 9(2)(g)(ii)

Sent: Thursday, 15 April 2021 9:17 am

To: 9(2)(g)(ii)

Subject: RE: Mt Messenger WLA permit- update please

Ata maarie koorua

I hope the week is off to a good start for your both!

I am unsure of whether you have both been updated on the outcome of the hui with the Te Waka Kotahi team. In short, it no-longer wishes to apply for the WA authorisation for the "interim" activities relating to the de-risking of bat trees and catching of lizards. Te Waka Kotahi still wishes to progress the broader WA authorisation. It is aware that if granted, the authorisation will likely be subject to it securing the resource consent and confirmation of the NOR.

In terms of the draft WA authority, I completed my comments with some haste given the short timeframe. To add to the comments / updates, it would be great to:

- update words / definitions to ensure consistency. I am mindful that the use of different terms might be taken to import different meanings;
- add schedules to ensure clarity as to the activities that are being authorised and the species to which the authorisation relates (e.g. catch alive the wildlife specified in Schedule 1);
- clarify with 9(2)(g)(ii) whether Te Waka Kotahi is still contemplating taking striped skink to Wellington zoo or whether it intends on progressing the Rotokare enclosure instead. 9(2)(g)(ii) and I had a brief look at the Wellington zoo permit and it seems that this zoo can take stiped skink if they are "orphaned". If Te Waka Kotahi is still planning on taking striped skinks to the Wellington zoo, it would be great to chat with 9(2)(g)(ii) to clarify

what an “orphaned” lizard is.

If you would like, I am happy to take another look over the draft authority before it is finalised.

Happy to discuss.

Cheers

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Wednesday, 7 April 2021 1:28 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Mt Messenger WLA permit- update please

Kia ora team

The authorisation came to me in two parts – a DocCm version and by email (DocCm was not working for 9(2)(g)(ii)).

I incorporated feedback / suggested updates into the [part contained in DocCm](#) and will move to the part in the email shortly.

As a side note, the Environment Court issued its decision to grant the consent and confirm the NOR. The Court’s confirmed conditions are **attached** (see parts 1 – 3) along with some of the plans. This decision may be appealed or overturned, given that Poutama and the 9(2)(a) appealed the second interim decision.

Thanks

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Wednesday, 7 April 2021 12:59 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger WLA permit- update please

Hi Team

Just checking in to see how this is progressing please?

Thanks

9(2)(g)(ii)

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region

Department of Conservation | Te Papa Atawhai

M: +9(2)(a) | E: milewis@doc.govt.nz

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Mt Messenger Wildlife Act Authorisation Application - Privileged Legal Advice
Date: Saturday, 10 April 2021 10:36:15 am
Attachments: [image001.png](#)

Morena Team

9(2)(g)(ii) from Waka Kotahi has been in touch to arrange a meeting for Monday to discuss the WLA permit situation, they are currently suggesting 1.30-2, but that will not work for me I have asked for it to be earlier. If you have any constraints please let me know. I'm anticipating it will likely be myself, 9(2)(a)(ii) and possibly 9(2)(g)(ii) available given the short notice.

9(2)(g)(ii) and 9(2)(g)(ii) if can attend or have time to consider the below and provide any feedback to us that would be most helpful.

Nga mihi

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Friday, 9 April 2021 3:39 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger Wildlife Act Authorisation Application - Privileged Legal Advice

Kia ora anō

I spoke with 9(2)(g)(ii) and 9(2)(g)(ii) re the issues associated with the Mt Messenger Wildlife Act Authorisation Application (**WAAA**).

9(2)(h)

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: WAA approval
Date: Thursday, 8 April 2021 3:26:22 pm

Hi again

Further to my last email, and in the interests of time, can we have the WAA issued as a final. This would enable our team to get on with the derisking between now and 30 April. If there are any aspects of the Authority that we would like amended then we can discuss these with you over winter when there is a little less pressure on everybody.

9(2)(g)
(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: Wildlife Act Authority progress
Date: Thursday, 8 April 2021 2:54:38 pm

Hi 9(2)(g)(ii)

Just a quick email to ask how processing of the WAA is proceeding and whether any more information is required from us?

Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc:
Subject: RE: Mt Messenger WLA permit- update please 2
Date: Wednesday, 7 April 2021 4:53:27 pm
Attachments: [image001.png](#)
[Mt Messenger Lizard Conditions - TU Comments.docx](#)

Kia ora tīma

I **attach** a copy of the part of the authorisation in the email, which includes my comments and suggested updates.

I am not entirely clear on how the email provisions fit into the DocCm version, so may have gone overboard / included unnecessary comments and changes. I am also unclear on what some of the terminology means (e.g. quarantine facilities – whether this means a different facility that requires an authorisation). It would be good to chat further in this regard.

Happy to discuss

Cheers

9(2)(g)(ii)

Rooia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea puukoro | Phone: 9(2)(a)

www.doc.govt.nz



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From: 9(2)(g)(ii)
Sent: Wednesday, 7 April 2021 1:28 pm
To: 9(2)(g)(ii)
9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger WLA permit- update please

Kia ora team

The authorisation came to me in two parts – a DocCm version and by email (DocCm was not working for 9(2)(g)(ii)).

I incorporated feedback / suggested updates into the [part contained in DocCm](#) and will move to the part in the email shortly.

As a side note, the Environment Court issued its decision to grant the consent and confirm the NOR. The Court's confirmed conditions are **attached** (see parts 1 – 3) along with some of the plans. This decision may be appealed or overturned, given that Poutama and the **9(2)(a)** appealed the second interim decision.

Thanks

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: **9(2)(a)**

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From: **9(2)(g)(ii)**
Sent: Wednesday, 7 April 2021 12:59 pm
To: **9(2)(g)(ii)**
9(2)(g)(ii)
Cc: **9(2)(g)(ii)**
Subject: Mt Messenger WLA permit- update please

Hi Team

Just checking in to see how this is progressing please?

Thanks

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region
Department of Conservation | Te Papa Atawhai

9(2)(a)

|E

9(2)(g)(ii)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: Wildlife Act Authority processing
Date: Tuesday, 6 April 2021 3:58:48 pm

FYI

From: 9(2)(g)(ii)
Sent: Tuesday, 6 April 2021 8:39 am
To: 9(2)(g)(ii)
Subject: Wildlife Act Authority processing

Hi 9(2)(g)(ii)

The team are working on it, we had to make a number of amendments based on changes for de risking and covenant. I'm not sure there will be time to review now given the late in the piece reworking required. I'll know more on how its tracking later today. It is to go to the decision maker Wednesday evening.

I'm in wellington next few days but will be tracking progress.

Thanks

9(2)(g)(ii)

Sent from Workspace ONE Boxer

On 1/04/2021 2:04 pm, 9(2)(g)(ii) wrote:

Hi 9(2)(g)(ii)

When you have a moment could you confirm that we are still on track to have the WWA issued for Mt Messenger by the end of next week ?

I have responded to a flurry of technical questions from 9(2)(g)(ii) (which you were cc'd into) which I hope provided the content and confidence your team needs to grant the authority but if there are any more issues to address please let me know.

As previously requested, if it is possible to receive the authority as a draft for quick review by our team next week that would be appreciated.

Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)
Date: Tuesday, 6 April 2021 9:29:04 am

9(2)(g)(ii) what terrible long weekend. Hope things are improving!!

Morena 9(2)(a)(iii)

I've copied the schedule three conditions that we'd agreed to (below) in case they're not all in the DM document, noting that these are just for striped skinks. There were a few changes made on Thursday that 9(2)(g)(iii) may not have had time to include? And sorry I have DM issues this morning so I've not been able to check. I'll do that if/when I get DM back. Also note that 9(2)(g)(iii) was intending to include captive holding as one of the activities in sch 1 to allow 9(2)(a) and Wellington Zoo to hold skinks in captivity.

Note I'm in the field from Thursday so if anyone needs to contact me, pls send a text message, I can get back to you.

9(2)(a)(iii)

1. The protected species and their progeny must not be released to the wild, unless directly instructed by the Grantor, and in accordance with an approved translocation proposal.
2. Catching and handling should only occur for the purposes of husbandry and/or health checks.
3. The Authority Holder shall ensure animal welfare is maintained at all times, as per the Animal Welfare Act
4. The Authority Holder must adhere to the husbandry manual <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/protected-wildlife-in-captivity/best-practice-guide-keeping-lizards-in-captivity.pdf> for the protected species and undertake the transfer and release according to the recommendations of the Department of Conservation approved Captive Co-ordinator of the protected species.
5. The protected species must not be housed with any other species and shall be held in quarantine facilities separate from other reptiles.
6. All enclosures containing protected wildlife must comply with the relevant Department of Conservation approved Husbandry Manual standards for that protected species; and the Animal Welfare (Zoos) Code of Welfare 2018, National Animal Welfare Advisory Committee c/o Ministry for Primary Industries.
7. The holder must make available for inspection at all reasonable times, by persons authorised in writing by the Grantor for that purpose, the protected species held under this authority and the enclosure in which it is kept.

The Authority Holder shall salvage striped skink (*Oligosoma striatum*) from high value habitat trees (defined as those trees with more than 5 perched epiphytes) on the Mt Messenger Bypass footprint following the methods outlined in the application [name application- the captive thing from roger M].

“Derisked” trees (as defined in the application), shall be searched to salvage striped skinks following the methods outlined in the application.

All salvaged striped skinks shall be held in captivity until December 2021, at [address of Joel Knight] and Wellington Zoo [address] if <7 individuals are found.

A management plan for the translocation and release of Mt Messenger striped skink at the Rotokare Scenic Reserve will be completed in consultation with the Rotokare Scenic Reserve Trust, Ngati Tama and iwi/hapu in the Rotokare area.. The management plan will incorporate the requirements for striped skink relocation and Rotokare Scenic Reserve Trust long term plans for establishing this species within the Reserve. All striped skink held in temporary captivity will be released into Rotokare in the period October to December 2021.

A detailed report, including husbandry, shall be written at the completion of the captive holding and submitted to DOC [add address] [and Ngati Tama and Rotokare??], for the purposes of improving captive techniques for striped skinks.

Any lizards that are not striped skink will be released into appropriate habitat for their species within the PMA as per the ELMP [Darcy, does ELMP need to be included in the application since we have referenced it??] and GPS coordinates of the release sites shall be included in a full report

Adhere to approved application

The Authorised Activity must be undertaken in accordance with the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

The Authority Holder is responsible for the acts and omissions of its employees, contractors or, agents. The Authority Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors or agents as if the breach had been committed by the Authority Holder.

Mitigation Conditions

The Authority Holder is only permitted to release wildlife that are listed in Schedule 1 (1) using methods described in the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

Killing wildlife

The Authority Holder is permitted to kill wildlife provided reasonable efforts have been made to meet all of the terms and conditions expressed and implied in this Authority.

Salvage relocation and habitat enhancement

The Authority Holder must perform actions as set out in the contingencies and adaptive management sections of the Lizard Management Plan, and must provide compensation to ensure adequate mitigation of effects has been achieved, **as outlined in the ELMP**.

DOC Operations Manager(s) **[name and contact]** are to be contacted immediately for further advice if wildlife other than those listed in Schedule 1 (1) are located within the footprint of the development or within the release site. A separate application to kill non-authorized species will be required.

Ownership of absolutely protected wildlife

This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife 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.

Unless expressly authorised by the Grantor 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.

Lizard capture and handling

Lizards must only be handled by Authorised Personnel **[person named in schedule 1(3)]**, or under the direct supervision of the Authorised Personnel.

Lizard capture, handling and relocation should be undertaken at a suitable time of year **[insert months]** when lizards are active, as advised by a suitably experienced herpetologist September – April.

Capture and handling of lizards must involve only techniques that minimise the risk of infection or injury to the animal.

Capture and handling methods shall follow those described in the Herpetofauna inventory and

monitoring toolbox <http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/>

The Authority Holder must ensure all live capture traps are covered to protect lizards from exposure and minimise stress. Damp leaf litter or other material must be provided to reduce desiccation risk and the bottom of the pit-fall trap must be perforated to allow drainage of water.

The Authority Holder must ensure all live capture traps, (e.g. pitfall traps and G-minnow traps), are checked at least every 24 hours.

The Authority Holder must sterilise any instruments that come in contact with the lizards and/or are used to collect or measure lizards between each location. A separate holding bag must be used for each animal. All gear should be thoroughly cleaned and dried between sites.

The Authority Holder must ensure lizards are temporarily held individually in a suitable container (e.g. breathable cloth bag) and held out of direct sunlight to minimise the risk of overheating, stress and death.

Death of wildlife associated with salvage activities

If any lizards should die during the authorised activities of catch, transfer or liberate, the Authority Holder must:

- a. inform the Grantor **(or insert other contact person)** within **X (hours/days)**; and
- b. chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and
- c. send the body to Massey University Wildlife Post Mortem Service for necropsy OR **[insert advice from S&C or Operations on what to do with the specimen and where to send it]**, along with details of the animal's history; and
- d. pay for any costs incurred in investigation of the death of any lizard; and
- e. if required by the Grantor, cease the Authorised Activity for a period determined by the Grantor.

Euthanasia

If any lizards are found injured as part of the Authorised Activity, the Authority Holder shall contact Authorised Personnel listed under Schedule 1(3) to get advice on management of the lizard. The Authority Holder is authorised to euthanise injured lizard(s) on recommendation of the Authorised Personnel listed under Schedule 1(3) or a veterinarian.

Lizard Salvage Reporting

A report is to be submitted in writing to the DOC Operations Manager, [insert office and address], by 30 June each year for the life of this Authorisation, [or within 3 months of the salvage being completed, or within 3 months of the expiry of the authority] summarising outcomes in accordance with the Lizard Management Plan. Each report must include:

- a. the permission number; and
- b. the species and number of any animals collected and released; and
- c. the GPS location (or a detailed map) of the collection point(s) and release point(s); and
- d. results of all surveys, monitoring or research; and
- e. description of how the Lizard Management Plan was implemented including any difficulties encountered with capture and handling, how release sites were assessed, post release monitoring and what contingency actions were required.

Completed Amphibian and Reptile Distribution System (ARDS) cards for all herpetofauna sightings and captures (<http://www.doc.govt.nz/conservation/native-animals/reptiles-and-frogs/species-information/herpetofauna-data-collection/ards-card/>) must be sent to Herpetofauna, Department of Conservation, National Office, PO Box 10420 Wellington 6143 or herpetofauna@doc.govt.nz.

From: [redacted] 9(2)(g)(ii)
Sent: Monday, 5 April 2021 1:46 pm
To: [redacted] 9(2)(g)(ii)
Cc: [redacted] 9(2)(g)(ii)
[redacted]
[redacted]
Subject: Re: Mt Messenger lizard conditions (draft)

Kia ora [redacted] 9(2)(g)(ii)

Bugger, sorry to hear that you are unwell and have been robbed!

Thanks for passing on the information below. I have blocked out some time on Wednesday to review the conditions - I will do the same for tomorrow afternoon in anticipation.

I hope you feel better soon.

9
/

On 5/04/2021, at 11:58 AM, Darcy Liddell <dliddell@doc.govt.nz> wrote:

Hi all,

Unfortunately I have been sick since Wednesday afternoon and won't be at work tomorrow. I also was robbed on Thursday night and so have no work laptop or phone. The doccm for the wildlife permit is at doc-6573028 the amended conditions from Lynn just need adding and its then ready for review tomorrow. I should be at work Wednesday.

Best Regards

9(2)
(a)(ii)

Get [Outlook for Android](#)

From: 9(2)(g)(ii)
Sent: Thursday, 1 April 2021, 12:26 pm
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Hey 9(2)(g)
(ii)
These look great, just some minor adjustments in red.

9(2)
(a)(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 31 March 2021 4:33 pm
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)
Importance: High

Hi 9(2)(g)(ii)

I need to recommend some striped skink holding conditions regarding captivity in the wildlife act permit. I have the following so far:

1. The protected species and their progeny must not be released to the wild, unless directly instructed by the Grantor, and in accordance with an approved translocation proposal.
2. Catching and handling should only occur for the purposes of husbandry and/or health checks.
3. The Authority Holder shall ensure animal welfare is maintained at all times, as per the Animal Welfare Act
4. The Authority Holder must adhere to the husbandry manual <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/protected-wildlife-in-captivity/best-practice-guide-keeping->

[lizards-in-captivity.pdf](#) for the protected species and undertake the transfer and release according to the recommendations of the Department of Conservation approved Captive Co-ordinator of the protected species.

5. The protected species must not be housed with any other species and shall be held in quarantine facilities separate from other reptiles.
6. All enclosures containing protected wildlife must comply with the relevant Department of Conservation approved Husbandry Manual standards for that protected species; and the Animal Welfare (Zoos) Code of Welfare 2018, National Animal Welfare Advisory Committee c/o Ministry for Primary Industries.
7. The holder must make available for inspection at all reasonable times, by persons authorised in writing by the Grantor for that purpose, the protected species held under this authority and the enclosure in which it is kept.

Im not sure whether there is a husbandry manual for the species.

Can you please comment/amend tomorrow if possible. Thanks

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 31 March 2021 12:13 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Thanks heaps 9(2)(g) ! 9(2)(g) not sure if we want to ask this be included in the application? Suggested condition below:

“If striped skink are found, they shall be held in captivity and a full translocation plan shall be submitted by November 2021. If [formal name of the project] subsequently does not proceed then Waka Kotahi [or Authority Holder?] shall fund this translocation irrespective of [name of project] outcome. All salvaged striped skinks are released into Rotokare as currently proposed in the application. “

Ive stayed silent on the astelias, as Im not sure its within the scope of the WA??

9(2)
(a)(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 31 March 2021 11:50 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Kia ora 9(2)(g)(ii)

Please see wording extracted from the attached email.

“..If skink are found and held and the project subsequently does not proceed then it is our recommendation that any captured striped skinks are released into Rotokare as currently planned. Waka Kotahi undertakes to fund this irrespective of the outcome of then Court decision. Any Astelias removed from the canopy will be kept alive and replanted in the forest again as outlined in the skink management plan..”

Ngā mihi,

9(2)(g)(ii)

Senior Community Ranger (Acting)

DDI: 9(2)(a)

Ngāmotu / New Plymouth DOC Office

PO Box 462, New Plymouth 4340,

<image001.jpg>

<image002.png>

From: 9(2)(g)(ii)
Sent: Wednesday, 31 March 2021 11:47 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

HI team

At some stage Ive seen a message from 9(2)(a) stating that even if resource consent isn't granted, NZTA are committed to the SS translocation and have undertaken to complete this translocation if SS are found during this present derisking exercise. That detail isn't in either of the formal documents (as far as I can see) so can we please add this as a condition as well? Happy to suggest wording if needed, but it might be better to copy the word 9(2)(a) originally used in his coms??

9(2)(a)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 5:20 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Could we include 9(2)(a) and WZ in the same permit? We'd want Mt Messenger to be ultimately responsible anyway for the captive work anyway, so "Authorised Personel (for captive holding)" could specifically list 9(2)(a) and WZ in this permit while

NZTA remain the "Authority Holder"???? Im guessing for this permit we'd need a number of "authorised personel" to cover bat, bird and lizard expertise so an extra few might not matter??

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 5:15 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)
Importance: High

Hi all,

I see they have named 9(2)(a) / Wellington Zoo to hold striped skink. The problem though is that 9(2)(a) or the Zoo will need a permit to hold the species. 9(2)(g)(ii): Shall I advise 9(2)(a) about this?

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 3:23 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger lizard conditions (draft)

Hi 9(2)(g)(ii)

Assuming we issue the WA permit, below are my suggested special conditions. Note that this assumed the attached submitted by 9(2)(a) will be included in the application. We'll have to somehow include that this lizard component is only authorised for short duration for the submitted felling/"derisking" of the 35 trees- 9(2)(g)(ii) is this best in the Activities section in Schedule 1 or as a special condition???

The first few conditions are those Ive made up based on the new application, the final ones (after the underlined section) are the standard conditions with a few tweaks. Please check youre happy with these and consider them draft for improvement.

9(2)(g)(ii) given youre drafting the letter, don't feel you need to comment, but comment welcome if you can!

9(2)(g)(ii)

The Authority Holder shall salvaged striped skink (*Oligosoma striatum*) from high value habitat trees (defined as those trees with more than 5 perched epiphytes) on the Mt Messenger Bypass footprint following the methods outlined in the application [name application- the captive thing from roger M].

“Derisked” trees (as defined in the application), shall be searched to salvage striped skinks following the methods outlined in the application.

All salvaged striped skinks shall be held in captivity until December 2021, at [address of 9(2)(a)] and Wellington Zoo [address] if <7 individuals are found.

A management plan for the translocation and release of Mt Messenger striped skink at the Rotokare Scenic Reserve will be completed in consultation with the Rotokare Scenic Reserve Trust, Ngati Tama and iwi/hapu in the Rotokare area.. The management plan will incorporate the requirements for striped skink relocation and Rotokare Scenic Reserve Trust long term plans for establishing this species within the Reserve. All striped skink held in temporary captivity will be released into Rotokare in the period October to December 2021.

A detailed report, including husbandry, shall be written at the completion of the captive holding and submitted to DOC [add address] [and Ngati Tama and Rotokare??], for the purposes of improving captive techniques for striped skinks.

Any lizards that are not striped skink will be released into appropriate habitat for their species within the PMA as per the ELMP [9(2)(g) (ii)], does ELMP need to be included in the application since we have referenced it??] and GPS coordinates of the release sites shall be included in a full report

Adhere to approved application

The Authorised Activity must be undertaken in accordance with the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

The Authority Holder is responsible for the acts and omissions of its employees, contractors or, agents. The Authority Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors or agents as if the breach had been committed by the Authority Holder.

Mitigation Conditions

The Authority Holder is only permitted to release wildlife that are listed in Schedule 1 (1) using methods described in the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

Killing wildlife

The Authority Holder is permitted to kill wildlife provided reasonable efforts have

been made to meet all of the terms and conditions expressed and implied in this Authority.

Salvage relocation and habitat enhancement

The Authority Holder must perform actions as set out in the contingencies and adaptive management sections of the Lizard Management Plan, and must provide compensation to ensure adequate mitigation of effects has been achieved, as outlined in the ELMP.

DOC Operations Manager(s) [name and contact] are to be contacted immediately for further advice if wildlife other than those listed in Schedule 1 (1) are located within the footprint of the development or within the release site. A separate application to kill non-authorized species will be required.

Ownership of absolutely protected wildlife

This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife 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.

Unless expressly authorised by the Grantor 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.

Lizard capture and handling

Lizards must only be handled by Authorised Personnel [person named in schedule 1(3)], or under the direct supervision of the Authorised Personnel.

Lizard capture, handling and relocation should be undertaken at a suitable time of year [insert months] when lizards are active, as advised by a suitably experienced herpetologist September –April.

Capture and handling of lizards must involve only techniques that minimise the risk of infection or injury to the animal.

Capture and handling methods shall follow those described in the Herpetofauna inventory and monitoring toolbox <http://www.doc.govt.nz/our-work/biodiversity->

The Authority Holder must ensure all live capture traps are covered to protect lizards from exposure and minimise stress. Damp leaf litter or other material must be provided to reduce desiccation risk and the bottom of the pit-fall trap must be perforated to allow drainage of water.

The Authority Holder must ensure all live capture traps, (e.g. pitfall traps and G-minnow traps), are checked at least every 24 hours.

The Authority Holder must sterilise any instruments that come in contact with the lizards and/or are used to collect or measure lizards between each location. A separate holding bag must be used for each animal. All gear should be thoroughly cleaned and dried between sites.

The Authority Holder must ensure lizards are temporarily held individually in a suitable container (e.g. breathable cloth bag) and held out of direct sunlight to minimise the risk of overheating, stress and death.

Death of wildlife associated with salvage activities

If any lizards should die during the authorised activities of catch, transfer or liberate, the Authority Holder must:

- a. inform the Grantor **(or insert other contact person)** within **X (hours/days)**; and
- b. chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and
- c. send the body to Massey University Wildlife Post Mortem Service for necropsy OR **[insert advice from S&C or Operations on what to do with the specimen and where to send it]**, along with details of the animal's history; and
- d. pay for any costs incurred in investigation of the death of any lizard; and
- e. if required by the Grantor, cease the Authorised Activity for a period determined by the Grantor.

Euthanasia

If any lizards are found injured as part of the Authorised Activity, the Authority Holder shall contact Authorised Personnel listed under Schedule 1(3) to get advice on management of the lizard. The Authority Holder is authorised to euthanise injured lizard(s) on recommendation of the Authorised Personnel listed under Schedule 1(3) or a veterinarian.

Lizard Salvage Reporting

A report is to be submitted in writing to the DOC Operations Manager, [*insert office and address*], by 30 June each year for the life of this Authorisation, [*or within 3 months of the salvage being completed, or within 3 months of the expiry of the authority*] summarising outcomes in accordance with the Lizard Management Plan.

Each report must include:

- a. the permission number; and
- b. the species and number of any animals collected and released; and
- c. the GPS location (or a detailed map) of the collection point(s) and release point(s); and
- d. results of all surveys, monitoring or research; and
- e. description of how the Lizard Management Plan was implemented including any difficulties encountered with capture and handling, how release sites were assessed, post release monitoring and what contingency actions were required.

Completed Amphibian and Reptile Distribution System (ARDS) cards for all herpetofauna sightings and captures (<http://www.doc.govt.nz/conservation/native-animals/reptiles-and-frogs/species-information/herpetofauna-data-collection/ards-card/>) must be sent to Herpetofauna, Department of Conservation, National Office, PO Box 10420 Wellington 6143 or herpetofauna@doc.govt.nz.

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft) 1
Date: Thursday, 1 April 2021 12:31:36 pm
Attachments: [image001.jpg](#)
[image002.png](#)

Hi 9(2)(g)(ii)

Im comfortable with a transfer 100km for several reasons:

- The advice I have from geneticists is that a transfer between these sites will not compromise the species nor populations genetics
- The transfer is generally within a similar climate (west coast)
- Source sites are limited and difficult to find so we have limited (but not absent) ability to find SS closer
- Overall the benefit in establishing a secure popltn outweighs the risks.

9
/

From: 9(2)(g)(ii)
Sent: Wednesday, 31 March 2021 5:27 pm
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Hi

I have prepared an assessment against the conservation general policy regarding the translocation of the striped skinks – wold appreciate your comment:

Section 4.1 (c) of the CGP states that restoration of habitats and ecosystems should use locally sourced indigenous species except where the presence of introduced species is required for the preservation of indigenous species or is consistent with the purposes for which the land is held.

It is proposed to source any striped skinks found during the Mt Messenger project and transfer them 100 kilometres away to Rotokare Scenic Reserve in order to restore habitat for them their.

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 31 March 2021 4:33 pm
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)
Importance: High

Hi 9(2)(g)(ii),

I need to recommend some striped skink holding conditions regarding captivity in the wildlife act

permit. I have the following so far:

1. The protected species and their progeny must not be released to the wild, unless directly instructed by the Grantor, and in accordance with an approved translocation proposal.
2. Catching and handling should only occur for the purposes of husbandry and/or health checks.
3. The Authority Holder shall ensure animal welfare is maintained at all times, as per the Animal Welfare Act
4. The Authority Holder must adhere to the husbandry manual for the protected species and undertake the transfer and release according to the recommendations of the Department of Conservation approved Captive Co-ordinator of the protected species.
5. The protected species must not be housed with any other species.
6. All enclosures containing protected wildlife must comply with the relevant Department of Conservation approved Husbandry Manual standards for that protected species; and the Animal Welfare (Zoos) Code of Welfare 2018, National Animal Welfare Advisory Committee c/o Ministry for Primary Industries.
7. The holder must make available for inspection at all reasonable times, by persons authorised in writing by the Grantor for that purpose, the protected species held under this authority and the enclosure in which it is kept.

Im not sure whether there is a husbandry manual for the species.

Can you please comment/amend tomorrow if possible. Thanks

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 31 March 2021 12:13 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Thanks heaps 9(2)(g)(ii) 9(2)(g)(ii), not sure if we want to ask this be included in the application?
Suggested condition below:

“If striped skink are found, they shall be held in captivity and a full translocation plan shall be submitted by November 2021. If [formal name of the project] subsequently does not proceed then Waka Kotahi [or Authority Holder?] shall fund this translocation irrespective of [name of project] outcome. All salvaged striped skinks are released into Rotokare as currently proposed in the application. “

Ive stayed silent on the astelias, as Im not sure its within the scope of the WA??

9(2)
(a)(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 31 March 2021 11:50 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Kia ora 9(2)
(a)(ii),

Please see wording extracted from the attached email.

“..If skink are found and held and the project subsequently does not proceed then it is our recommendation that any captured striped skinks are released into Rotokare as currently planned. Waka Kotahi undertakes to fund this irrespective of the outcome of then Court decision. Any Astelias removed from the canopy will be kept alive and replanted in the forest again as outlined in the skink management plan..”

Ngā mihi,

9(2)(g)(ii)
Senior Community Ranger (Acting)
DDI: 9(2)(a)
Ngāmotu / New Plymouth DOC Office
PO Box 462, New Plymouth 4340,

doc



From: 9(2)(g)(ii)
Sent: Wednesday, 31 March 2021 11:47 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Hi team

At some stage Ive seen a message from 9(2)(g)(ii) stating that even if resource consent isn't granted, NZTA are committed to the SS translocation and have undertaken to complete this translocation if SS are found during this present derisking exercise. That detail isn't in either of the formal documents (as far as I can see) so can we please add this as a condition as well? Happy to suggest wording if needed, but it might be better to copy the word 9(2)(g)
(ii) originally used in his coms??

9(2)
(a)(ii)

From: 9(2)(g)(ii)

Sent: Monday, 29 March 2021 5:20 pm

To: [REDACTED] 9(2)(g)(ii)

Cc: [REDACTED] 9(2)(g)(ii)

Subject: RE: Mt Messenger lizard conditions (draft)

Could we include [REDACTED] 9(2)(a) and WZ in the same permit? We'd want Mt Messenger to be ultimately responsible anyway for the captive work anyway, so "Authorised Personnel (for captive holding)" could specifically list [REDACTED] 9(2)(a) and WZ in this permit while NZTA remain the "Authority Holder"???? Im guessing for this permit we'd need a number of "authorised personnel" to cover bat, bird and lizard expertise so an extra few might not matter??

From: [REDACTED] 9(2)(g)(ii)

Sent: Monday, 29 March 2021 5:15 pm

To: [REDACTED] 9(2)(g)(ii)

Cc: [REDACTED] 9(2)(g)(ii)

Subject: RE: Mt Messenger lizard conditions (draft)

Importance: High

Hi all,

I see they have named [REDACTED] 9(2)(a) / Wellington Zoo to hold striped skink. The problem though is that [REDACTED] 9(2)(a) or the Zoo will need a permit to hold the species. [REDACTED] 9(2)(g)(ii) Shall I advise [REDACTED] 9(2)(g)(ii) about this?

Best Regards

[REDACTED] 9(2)(g)(ii)

From: [REDACTED] 9(2)(g)(ii)

Sent: Monday, 29 March 2021 3:23 pm

To: [REDACTED] 9(2)(g)(ii)

Cc: [REDACTED] 9(2)(g)(ii)

Subject: Mt Messenger lizard conditions (draft)

Hi [REDACTED] 9(2)(g)(ii)

Assuming we issue the WA permit, below are my suggested special conditions. Note that this assumed the attached submitted by [REDACTED] 9(2)(g)(ii) will be included in the application. We'll have to somehow include that this lizard component is only authorised for short duration for the submitted felling/"derisking" of the 35 trees- [REDACTED] 9(2)(g)(ii) is this best in the Activities section in Schedule 1 or as a special condition???

The first few conditions are those Ive made up based on the new application, the final ones (after the underlined section) are the standard conditions with a few tweaks. Please check youre happy with these and consider them draft for improvement.

[REDACTED] 9(2)(g)(ii) given youre drafting the letter, don't feel you need to comment, but comment welcome if you can!

9(2)
(a)(ii)

The Authority Holder shall salvage striped skink (*Oligosoma striatum*) from high value habitat trees (defined as those trees with more than 5 perched epiphytes) on the Mt Messenger Bypass footprint following the methods outlined in the application [name application- the captive thing from 9(2)(g)(ii)]

“Derisked” trees (as defined in the application), shall be searched to salvage striped skinks following the methods outlined in the application.

All salvaged striped skinks shall be held in captivity until December 2021, at [address of 9(2)(a)] and Wellington Zoo [address] if <7 individuals are found.

A management plan for the translocation and release of Mt Messenger striped skink at the Rotokare Scenic Reserve will be completed in consultation with the Rotokare Scenic Reserve Trust, Ngati Tama and iwi/hapu in the Rotokare area.. The management plan will incorporate the requirements for striped skink relocation and Rotokare Scenic Reserve Trust long term plans for establishing this species within the Reserve. All striped skink held in temporary captivity will be released into Rotokare in the period October to December 2021.

A detailed report, including husbandry, shall be written at the completion of the captive holding and submitted to DOC [add address] [and Ngati Tama and Rotokare??], for the purposes of improving captive techniques for striped skinks.

Any lizards that are not striped skink will be released into appropriate habitat for their species within the PMA as per the ELMP 9(2)(g)(iii), does ELMP need to be included in the application since we have referenced it??] and GPS coordinates of the release sites shall be included in a full report

Adhere to approved application

The Authorised Activity must be undertaken in accordance with the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

The Authority Holder is responsible for the acts and omissions of its employees, contractors or agents. The Authority Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors or agents as if the breach had been committed by the Authority Holder.

Mitigation Conditions

The Authority Holder is only permitted to release wildlife that are listed in Schedule 1 (1) using methods described in the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

Killing wildlife

The Authority Holder is permitted to kill wildlife provided reasonable efforts have been made to meet all of the terms and conditions expressed and implied in this Authority.

Salvage relocation and habitat enhancement

The Authority Holder must perform actions as set out in the contingencies and adaptive management sections of the Lizard Management Plan, and must provide compensation to ensure adequate mitigation of effects has been achieved, **as outlined in the ELMP**.

DOC Operations Manager(s) **[name and contact]** are to be contacted immediately for further advice if wildlife other than those listed in Schedule 1 (1) are located within the footprint of the development or within the release site. A separate application to kill non-authorized species will be required.

Ownership of absolutely protected wildlife

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Unless expressly authorised by the Grantor 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.

Lizard capture and handling

Lizards must only be handled by Authorised Personnel **[person named in schedule 1(3)]**, or under the direct supervision of the Authorised Personnel.

Lizard capture, handling and relocation should be undertaken at a suitable time of year **[insert months]** when lizards are active, as advised by a suitably experienced herpetologist September – April.

Capture and handling of lizards must involve only techniques that minimise the risk of infection or injury to the animal.

Capture and handling methods shall follow those described in the Herpetofauna inventory and

monitoring toolbox <http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/>

The Authority Holder must ensure all live capture traps are covered to protect lizards from exposure and minimise stress. Damp leaf litter or other material must be provided to reduce desiccation risk and the bottom of the pit-fall trap must be perforated to allow drainage of water.

The Authority Holder must ensure all live capture traps, (e.g. pitfall traps and G-minnow traps), are checked at least every 24 hours.

The Authority Holder must sterilise any instruments that come in contact with the lizards and/or are used to collect or measure lizards between each location. A separate holding bag must be used for each animal. All gear should be thoroughly cleaned and dried between sites.

The Authority Holder must ensure lizards are temporarily held individually in a suitable container (e.g. breathable cloth bag) and held out of direct sunlight to minimise the risk of overheating, stress and death.

Death of wildlife associated with salvage activities

If any lizards should die during the authorised activities of catch, transfer or liberate, the Authority Holder must:

- a. inform the Grantor **(or insert other contact person)** within **X (hours/days)**; and
- b. chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and
- c. send the body to Massey University Wildlife Post Mortem Service for necropsy OR **[insert advice from S&C or Operations on what to do with the specimen and where to send it]**, along with details of the animal's history; and
- d. pay for any costs incurred in investigation of the death of any lizard; and
- e. if required by the Grantor, cease the Authorised Activity for a period determined by the Grantor.

Euthanasia

If any lizards are found injured as part of the Authorised Activity, the Authority Holder shall contact Authorised Personnel listed under Schedule 1(3) to get advice on management of the lizard. The Authority Holder is authorised to euthanise injured lizard(s) on recommendation of the Authorised Personnel listed under Schedule 1(3) or a veterinarian.

Lizard Salvage Reporting

A report is to be submitted in writing to the DOC Operations Manager, [*insert office and address*], by 30 June each year for the life of this Authorisation, [*or within 3 months of the salvage being completed, or within 3 months of the expiry of the authority*] summarising outcomes in accordance with the Lizard Management Plan. Each report must include:

- a. the permission number; and
- b. the species and number of any animals collected and released; and
- c. the GPS location (or a detailed map) of the collection point(s) and release point(s);
and
- d. results of all surveys, monitoring or research; and
- e. description of how the Lizard Management Plan was implemented including any difficulties encountered with capture and handling, how release sites were assessed, post release monitoring and what contingency actions were required.

Completed Amphibian and Reptile Distribution System (ARDS) cards for all herpetofauna sightings and captures (<http://www.doc.govt.nz/conservation/native-animals/reptiles-and-frogs/species-information/herpetofauna-data-collection/ards-card/>) must be sent to Herpetofauna, Department of Conservation, National Office, PO Box 10420 Wellington 6143 or herpetofauna@doc.govt.nz.

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger permit-timeline for completion
Date: Wednesday, 31 March 2021 3:55:32 pm

Hi Team

Just wanting to check in to make sure we have a plan for getting the permit completed next week. As I know a few of us are on leave tomorrow.

9(2)(g)(ii) can you please circulate the draft permit to the team by the end of the day tomorrow for review Tuesday. With aim that we have it to 9(2)(g)(ii) Wednesday for final legal checks and off to 9(2)(a)(ii) end of the day Wednesday.

9(2)(g)(ii) I have not heard back from 9(2)(a) can you please review the bat aspects and if you need another advisor find one or elevate so we can get someone working on this.

I am on leave tomorrow, in Wellington Tuesday and Wednesday. I will try to check emails but please keep things moving or contact 9(2)(a)(ii) or 9(2)(g)(ii) if needs be.

Thank you all for your work on this, have a great long weekend.

9(2)(g)(ii)

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region
Department of Conservation | Te Papa Atawhai
9(2)(a) | E: 9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

Kia piki te oranga o te ao tūroa, i roto i te ngātahitanga, ki Aotearoa
To work with others to increase the value of conservation for New Zealanders

www.doc.govt.nz

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger Long-tailed bat de-risking methodology.pdf
Date: Wednesday, 31 March 2021 11:03:00 am
Attachments: [image001.jpg](#)
[image002.png](#)

Kia ora 9(2)(g)(ii)

That's great! I feel that we have much better information to go by now.

Ngā mihi,

9(2)(g)(ii)

Senior Community Ranger (Acting)

9(2)(a)

Ngāmotu / New Plymouth DOC Office
PO Box 462, New Plymouth 4340,

doc



From: 9(2)(g)(ii)

Sent: Wednesday, 31 March 2021 10:56 am

To: 9(2)(g)(ii)

Subject: FW: Mt Messenger Long-tailed bat de-risking methodology.pdf

Hi all,

Below is the information from 9(2)(g)(ii) this morning re: significant trees and high risk trees. None of the 35 trees targeted in April are the 17 significant trees.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Wednesday, 31 March 2021 8:41 am

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Mt Messenger Long-tailed bat de-risking methodology.pdf

Hi 9(2)(g)(ii)

In answer to your various queries:

1. Significant trees:

None of the 35 trees targeted for the initial de-risking work are 'significant trees' (as referred to in the ELMP and consent conditions). The 17 significant trees identified in the project will not be felled until the main construction activities commence.

2. Lizards

We have identified 11 High Risk lizard habitat trees that require searching and salvage (as listed in Excel document attached). Consent condition 29 (b) (i) states: "The salvage and relocation of lizards from felled vegetation within the Project Area in accordance with the ELMP."

These trees triggered High Risk status under the ELMP Section 7.4.3 Protocol A which states:

'All high risk habitats along the Project area will be delineated and surveyed by the Project lizard ecologist(s) prior to vegetation clearance. High risk habitat for indigenous lizards is limited to selected individual trees with high epiphyte loading (five or more perched nested epiphytes located on horizontal branches), areas of native scrub, wood piles and existing sheds and other structures proposed for demolition. Trees with high epiphyte loading will potentially overlap with trees that are considered potential bat roost trees or labelled as significant trees within this ELMP. All high risk habitat will be identified and demarcated by the Project lizard ecologist(s).'

3. Bats

The assessment of High Risk Bat Roost Trees was prescribed by the parameters stated in the ELMP. All vegetation within the areas to be de-risked and/or felled was assessed by suitably qualified bat experts (SBE), also known as bat ecologists, including 9(2)(g)(ii)

and 9(2)(g)(ii)

The following method stated from section 5.7.6 of the ELMP was applied:

'DH.4.1 Roost Identification

a) All trees >80 cm dbh within the Project area will be clearly marked as high-risk roosting trees for VRP application;

b) At their discretion, the SBE will select and mark for VRP application trees between 15cm dbh and 80cm dbh within the Project area that exhibit bat roost features including :

- Cracks, crevices, cavities, fractured limbs, or other deformities, large enough to support roosting bat(s);*
- Sections of loose flaking bark large enough to support roosting bats;*
- A hollow trunk, stem or branches;*
- Deadwood in canopy or stem of sufficient size to support roost cavities or hollows;*

- Guano, grease marks and/or urine staining around cavity entrances;

and

- Selected individual trees with high epiphyte loading (five or more perched nested epiphytes located on horizontal branches).'

Hopefully this information addresses your questions.

Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)

Sent: Tuesday, 30 March 2021 2:21 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Mt Messenger Long-tailed bat de-risking methodology.pdf

Thanks for this 9(2)(g)(ii)

In a previous email you talk about the potential 'de-risking' of trees within the road footprint identified by NZTA's ecologists as being 'high risk' in terms of providing potential roosting sites for long tailed bats. Can you please confirm if any of these trees identified for 'de-risking' (35 'high risk' trees in total according to a meeting held with 9(2)(a) on the 25th of March) include any of the 17 significant trees talked to in NZTA's Ecology and Landscape Management Plan? Also, can you please provide:

- a copy of the consent conditions that describe the trees/habitat that will be the focus of striped skink salvage (and identify on a map if possible which of the 35 trees identified as being 'de-risked' during April meet the triggers in the above conditions, if any).
- the NZTA's ecologists' considerations that resulted in these trees being identified as 'high risk' in terms of providing potential roosting sites for long tailed bats.

Thanks 9(2)(g)(ii)

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Tuesday, 30 March 2021 1:58 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger Long-tailed bat de-risking methodology.pdf

Hi 9(2)(g)(ii) and 9(2)(g)(ii)

Attached is a memo outlining the long-tailed bat de-risking methodology we are proposing to adopt for the three cableway sites at Mt Messenger. Included in the memo is a schedule of the high-risk trees that will be de-risked and is a PDF plan of the location of the 35 trees.

Please let me know if further information is required and, as before, if your experts wish to discuss the proposed method please let me know.

Regards

9(2)(g)(ii)

Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: Mt Messenger Long-tailed bat de-risking methodology.pdf
Date: Wednesday, 31 March 2021 10:59:00 am
Attachments: [MtM cabeleway high risk bat and lizard trees.xlsx](#)
[image001.jpg](#)
[image002.png](#)

Kia ora 9(2)(g)(ii)

Here is a response from 9(2)(g)(ii) just in case you haven't seen it yet.

Ngā mihi,

9(2)(g)(ii)

Senior Community Ranger (Acting)

9(2)(a)

Ngāmotu / New Plymouth DOC Office
PO Box 462, New Plymouth 4340,

doc



From: 9(2)(g)(ii)

Sent: Wednesday, 31 March 2021 10:56 am

To: 9(2)(g)(ii)

Subject: FW: Mt Messenger Long-tailed bat de-risking methodology.pdf

Hi all,

Below is the information from 9(2)(g)(ii) this morning re: significant trees and high risk trees. None of the 35 trees targeted in April are the 17 significant trees.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Wednesday, 31 March 2021 8:41 am

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Mt Messenger Long-tailed bat de-risking methodology.pdf

Hi 9(2)(g)(ii)

In answer to your various queries:

1. Significant trees:

None of the 35 trees targeted for the initial de-risking work are 'significant trees' (as

referred to in the ELMP and consent conditions). The 17 significant trees identified in the project will not be felled until the main construction activities commence.

2. Lizards

We have identified 11 High Risk lizard habitat trees that require searching and salvage (as listed in Excel document attached). Consent condition 29 (b) (i) states: "The salvage and relocation of lizards from felled vegetation within the Project Area in accordance with the ELMP."

These trees triggered High Risk status under the ELMP Section 7.4.3 Protocol A which states:

'All high risk habitats along the Project area will be delineated and surveyed by the Project lizard ecologist(s) prior to vegetation clearance. High risk habitat for indigenous lizards is limited to selected individual trees with high epiphyte loading (five or more perched nested epiphytes located on horizontal branches), areas of native scrub, wood piles and existing sheds and other structures proposed for demolition. Trees with high epiphyte loading will potentially overlap with trees that are considered potential bat roost trees or labelled as significant trees within this ELMP. All high risk habitat will be identified and demarcated by the Project lizard ecologist(s).'

3. Bats

The assessment of High Risk Bat Roost Trees was prescribed by the parameters stated in the ELMP. All vegetation within the areas to be de-risked and/or felled was assessed by suitably qualified bat experts (SBE), also known as bat ecologists, including 9(2)(g)(ii) and 9(2)(g)(ii)

The following method stated from section 5.7.6 of the ELMP was applied:

'DH.4.1 Roost Identification

a) All trees >80 cm dbh within the Project area will be clearly marked as high-risk roosting trees for VRP application;

b) At their discretion, the SBE will select and mark for VRP application trees between 15cm dbh and 80cm dbh within the Project area that exhibit bat roost features including :

- Cracks, crevices, cavities, fractured limbs, or other deformities, large enough to support roosting bat(s);*
 - Sections of loose flaking bark large enough to support roosting bats;*
 - A hollow trunk, stem or branches;*
 - Deadwood in canopy or stem of sufficient size to support roost cavities or hollows;*
 - Guano, grease marks and/or urine staining around cavity entrances;*
- and*

- Selected individual trees with high epiphyte loading (five or more perched nested epiphytes located on horizontal branches).'

Hopefully this information addresses your questions.

Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)

Sent: Tuesday, 30 March 2021 2:21 pm

To: [REDACTED] 9(2)(g)(ii)
Cc: [REDACTED] 9(2)(g)(ii)
Subject: RE: Mt Messenger Long-tailed bat de-risking methodology.pdf

Thanks for this [REDACTED] 9(2)(g)(ii) ,

In a previous email you talk about the potential 'de-risking' of trees within the road footprint identified by NZTA's ecologists as being 'high risk' in terms of providing potential roosting sites for long tailed bats. Can you please confirm if any of these trees identified for 'de-risking' (35 'high risk' trees in total according to a meeting held with [REDACTED] 9(2)(a) on the 25th of March) include any of the 17 significant trees talked to in NZTA's Ecology and Landscape Management Plan? Also, can you please provide:

- a copy of the consent conditions that describe the trees/habitat that will be the focus of striped skink salvage (and identify on a map if possible which of the 35 trees identified as being 'de-risked' during April meet the triggers in the above conditions, if any).
- the NZTA's ecologists' considerations that resulted in these trees being identified as 'high risk' in terms of providing potential roosting sites for long tailed bats.

Thanks [REDACTED] 9(2)(g)(ii)

Best Regards

[REDACTED] 9(2)(g)(ii)

From: [REDACTED] 9(2)(g)(ii)
Sent: Tuesday, 30 March 2021 1:58 pm
To: [REDACTED] 9(2)(g)(ii)
Cc: [REDACTED] 9(2)(g)(ii)
Subject: Mt Messenger Long-tailed bat de-risking methodology.pdf

Hi [REDACTED] 9(2)(g)(ii) and [REDACTED] 9(2)(g)(ii)

Attached is a memo outlining the long-tailed bat de-risking methodology we are proposing to adopt for the three cableway sites at Mt Messenger. Included in the memo is a schedule of the high-risk trees that will be de-risked and is a PDF plan of the location of the 35 trees.

Please let me know if further information is required and, as before, if your experts wish to discuss the proposed method please let me know.

Regards

[REDACTED] 9(2)(g)(ii)

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you.

Mt Messenger List of Trees to be De-risked for Bats and Lizards

| | Area located | Tree ID | DBH (cm) | Species | Primary Feature | Secondary Feature | Notes | Accessible (climbable, crane) | De-riskable | High Risk lizard habitat |
|----|----------------------|---------|----------|---------------|---------------------------------------|---------------------------------------|------------------------------|-------------------------------|-----------------------------|--|
| 1 | Summit platform | A107 | 50 | Other | Deadwood in canopy of sufficient size | High Epiphyte loading | | Crane - not climbable | Yes | Yes |
| 2 | Summit platform | A108 | 85 | Kamahi | Deadwood in canopy of sufficient size | | | Climbable | Yes - kiekeie to be trimmed | |
| 3 | Summit platform | A109 | 15 | Other | High Epiphyte loading | | 0 Nikau | Pole / climbable | Yes | Yes |
| 4 | Summit platform | A110 | 50 | Other | Deadwood in canopy of sufficient size | High Epiphyte loading | | Crane / pole | Yes | Yes |
| 5 | Summit platform | A111 | 45 | Other | Deadwood in canopy of sufficient size | | 0 | Crane /pole | Yes | |
| 6 | Summit platform | A112 | 40 | Other/Dead | Deadwood in canopy of sufficient size | | 0 | Crane/pole | Yes | |
| 7 | Summit platform | A113 | 45 | Other/Dead | Deadwood in canopy of sufficient size | | 0 | Crane / pole | Yes | |
| 8 | Summit platform | A114 | 35 | Other | Deadwood in canopy of sufficient size | | 0 | Pole | Yes | |
| 9 | Summit platform | A115 | 30 | Kamahi | Cracks, crevices, fractured limbs | | 0 | Climbable | Yes | |
| 10 | Summit platform | A116 | 35 | Hinau | Deadwood in canopy of sufficient size | | 0 | Pole | Yes | |
| 11 | Summit platform | A121 | 60 | Rewarewa | High Epiphyte loading | | 0 | Climbable | Yes - kiekeie to be trimmed | Yes |
| 12 | Summit platform | A122 | 35 | Kamahi | High Epiphyte loading | | 0 Double trunk | Climbable | Yes | Yes |
| 13 | Summit platform | A123 | 40 | Other | Cracks, crevices, fractured limbs | | 0 | Pole w Camera | Yes | |
| 14 | Summit platform | A124 | 26 | Other/Dead | Deadwood in canopy of sufficient size | | 0 | Pole | Yes | |
| 15 | Summit platform | A125 | 55 | Hinau | High Epiphyte loading | | 0 | Climbable | Yes | Yes |
| 16 | Summit platform | A126 | 75 | Tawa | High Epiphyte loading | | 0 | Climbable | Yes | Yes |
| 17 | Summit platform | A127 | 35 | Tawa | Cracks, crevices, fractured limbs | | 0 | Climbable | Yes | |
| 18 | Summit platform | A128 | 70 | Rewarewa | Cracks, crevices, fractured limbs | | 0 | Climbable | Yes | |
| 19 | Southern Anchor | N1 | 18 | Other - Mahoe | High Epiphyte loading | | 0 | Pole/reachable from ground | Yes | Yes |
| 20 | Southern Anchor | N2 | 20 | Kamahi | Cracks, crevices, fractured limbs | | 0 | Pole/reachable from ground | Yes | |
| 21 | Southern Anchor | N3 | 18 | Other/Dead | Deadwood in canopy of sufficient size | | 0 | Pole/reachable from ground | Yes | |
| 22 | Southern Anchor | N4 | 18 | Other/Dead | Hollow trunk, stem, branches | | 0 | Pole/reachable from ground | Yes | |
| 23 | Southern Anchor | N5 | 18 | Other/Dead | Hollow trunk, stem, branches | | 0 | Pole/reachable from ground | Yes | |
| 24 | Southern Anchor | N6 | 18 | Other/Dead | Hollow trunk, stem, branches | | 0 | Pole/reachable from ground | Yes | |
| 25 | Northern Anchor | A55 | 37 | Rewarewa | Cracks, crevices, fractured limbs | | 0 | Climbable | Yes | |
| 26 | Northern Anchor | N12 | 47 | Kamahi | High Epiphyte loading | Deadwood in canopy of sufficient size | | Climbable | Yes | Yes |
| 27 | Northern Anchor | N11 | 20 | Other | High Epiphyte loading | | 0 Ponga skirt – not epiphyte | Pole/ reachable from ground | Yes | No - Ponga skirt (habitat categorised as epiphyte for bat roosting as most similar in nature to ponga skirt present) |
| 28 | Northern Anchor | N10 | 23 | Other | High Epiphyte loading | | 0 Ponga skirt – not epiphyte | Pole/ reachable from ground | Yes | No - Ponga skirt (habitat categorised as epiphyte for bat roosting as most similar in nature to ponga skirt present) |
| 29 | Northern Anchor | N13 | 48 | Other/dead | Deadwood in canopy of sufficient size | | 0 | Pole/ reachable from ground | Yes | |
| 30 | Northern Anchor | N9 | 25 | Other | High Epiphyte loading | | 0 Ponga skirt – not epiphyte | Pole/ reachable from ground | Yes | No - Ponga skirt (habitat categorised as epiphyte for bat roosting as most similar in nature to ponga skirt present) |
| 31 | Northern Anchor | A57 | 60 | Other/Dead | Deadwood in canopy of sufficient size | Cracks, crevices, fractured limbs | | Pole/ reachable from ground | Yes | |
| 32 | Northern Anchor | N20 | 80 | Tawa (Dead) | Deadwood in canopy of sufficient size | | 0 | Uncertain | Yes if safe to do so | |
| 33 | Northern Anchor | N21 | 35 | Other/Dead | Loose and flaking bark | | 0 | Climbable | Yes | |
| 34 | Northern cable clash | A100 | 85 | Tawa | High epiphyte loading | | 0 | Tricky climb/crane reach | Yes by crane/climb | Yes |
| 35 | Northern cable clash | A101 | 70 | Tawa | High epiphyte loading | | 0 | Tricky climb/crane reach | Yes by crane/climb | Yes |

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: Mt Messenger Long-tailed bat de-risking methodology.pdf 2
Date: Monday, 5 July 2021 1:14:21 pm
Attachments: [Mt Messenger Long-tailed bat de-risking methodology.pdf](#)
[MMA-DES-CON-E1-DRG-0091_0094.pdf](#)

From: 9(2)(g)(ii)
Sent: Tuesday, 30 March 2021 2:29 pm
To: 9(2)(g)(ii)
Subject: FW: Mt Messenger Long-tailed bat de-risking methodology.pdf

Hi 9(2)(g)(ii)

I just sent your questions off but received this half an hour ago about the de-risking methodology and schedule of the high risk trees- so forwarding it on.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Tuesday, 30 March 2021 1:58 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger Long-tailed bat de-risking methodology.pdf

Hi 9(2)(g)(ii) and 9(2)(g)(ii)

Attached is a memo outlining the long-tailed bat de-risking methodology we are proposing to adopt for the three cableway sites at Mt Messenger. Included in the memo is a schedule of the high-risk trees that will be de-risked and is a PDF plan of the location of the 35 trees.

Please let me know if further information is required and, as before, if your experts wish to discuss the proposed method please let me know.

Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval
Date: Tuesday, 30 March 2021 1:52:00 pm
Attachments: [image001.jpg](#)

Kia ora 9(2)(g)(ii)

Thank you for sending this through. Below is some wording that could be used as a follow-up question to 9(2)(g)(ii) that may tease out what the specific consent requirements are with respect to the 35 trees proposed for de-risking in April (highlighted in yellow). I note that 9(2)(g)(ii) is of the opinion that we may be able to find this out ourselves but it could take time.

Proposed questions:

Your email below talks to the potential 'de-risking' of trees within the road footprint identified by NZTA's ecologists as being 'high risk' in terms of providing potential roosting sites for long tailed bats. Can you please confirm if any of these trees identified for 'de-risking' (35 'high risk' trees in total according to a meeting held with 9(2)(a) on the 25th of March) include any of the 17 significant trees talked to in NZTA's Ecology and Landscape Management Plan? Also, can you please provide:

- a copy of the consent conditions that describe the trees/habitat that will be the focus of striped skink salvage (and identify on a map if possible which of the 35 trees identified as being 'de-risked' during April meet the triggers in the above conditions, if any).
- the NZTA's ecologists' considerations that resulted in these trees being identified as 'high risk' in terms of providing potential roosting sites for long tailed bats.

Thank you in advance for your time.

Ngā mihi,

9(2)(g)(ii)

Senior Ranger (Acting), Department of Conservation *Te Papa Atawhai*

9(2)(a)

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From: 9(2)(g)(ii)
Sent: Tuesday, 30 March 2021 11:03 a.m.
To: 9(2)(g)(ii)
Subject: FW: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 4:01 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval

Hi 9(2)(g)(ii)

No trees will be felled until the final Environment Court is released and the resource consents are granted. When this occurs, the decision is not able to be appealed by those in opposition to the project. Assuming the decision is favourable, the project will then proceed and only then will trees be felled.

What we are asking for is the ability to de-risk high bat risk trees in April before the final decision is released and the consents are granted. This will involve filling of cracks and crevices in the trees and removal of epiphytes (mostly *Astelia* species) so that bats cannot re-occupy the trees. It will also involve capture and holding of striped skink in temporary captivity for later release at Rotokare Scenic Reserve, as detailed in the striped skink plan sent through to 9(2)(g)(ii) this morning. If skink are found and held and the project subsequently does not proceed then it is our recommendation that any captured striped skinks are released into Rotokare as currently planned. Waka Kotahi undertakes to fund this irrespective of the outcome of then Court decision. Any *Astelias* removed from the canopy will be kept alive and replanted in the forest again as outlined in the skink management plan.

So, I do not see any loss of lizards, bats, or vegetation.

I will be forwarding a more detailed plan for the de-risking of the trees for bats and lizards this evening along with a schedule of trees that will be de-risked (and later felled once consents are granted) plus a series of maps showing the location of the trees.

Please give me a call if any of this is unclear.

Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 3:05 pm
To: 9(2)(g)(ii)
Subject: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval
Importance: High

Hi 9(2)(g)(ii),

The team just met this afternoon to discuss the project following the meeting with you and 9(2)(a)

on Thursday. Can you please provide the species of tree, the size (DBH) and a location map of the trees to be felled in April.

There could be a scenario where the April tree felling occurs and the RMA decision is also appealed leading to the project being cancelled. In this scenario there is the potential for a net loss of lizard and bat species. Can you please advise how this would be addressed?

Please contact me if you have any questions.

Best Regards

9(2)(g)(ii)

Permissions Advisor

Department of Conservation – Te Papa Atawhai

9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval
Date: Tuesday, 30 March 2021 12:03:00 pm
Attachments: [image001.jpg](#)

FYI, here is the latest correspondence from Rodger (I think).

I have also copied what I believe to be the 'high risk' criteria used in terms of providing potential roosting sites for long tailed bats below.

in the ELMP which includes modification to account for local conditions shall apply to:

- (1) All trees greater than 80cm Diameter at Breast Height (DBH).
- (2) All trees between 15cm and 80cm DBH which are considered by a specialist bat ecologist as having features suitable for bat roosting, such features including:
 - i. Cracks, crevices, cavities, fractured limbs, or other deformities, large enough to support roosting bat(s);
 - ii. Sections of loose flaking bark large enough to support roosting bats;
 - iii. A hollow trunk, stem or branches;
 - iv. Deadwood in canopy or stem of sufficient size to support roost cavities or hollows;
 - v. Guano, grease marks and/or urine staining around cavity entrances; and
 - vi. Selected individual trees with high epiphyte loading (five or more perched nested epiphytes located on horizontal branches).
- (3) All trees shown through the bat monitoring programme (Condition 30) to be Roosts.
- (4) The 17 significant trees referred to in condition 29(a) (ii) (3).

Ngā mihi,

9(2)(g)(ii)

Senior Ranger (Acting), Department of Conservation *Te Papa Atawhai*

9(2)(a)

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From: 9(2)(g)(ii)
Sent: Tuesday, 30 March 2021 11:03 a.m.
To: 9(2)(g)(ii)
Subject: FW: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 4:01 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval

Hi 9(2)(g)(ii)

No trees will be felled until the final Environment Court is released and the resource consents are granted. When this occurs, the decision is not able to be appealed by those in opposition to the project. Assuming the decision is favourable, the project will then proceed and only then will trees be felled.

What we are asking for is the ability to de-risk high bat risk trees in April before the final decision is released and the consents are granted. This will involve filling of cracks and crevices in the trees and removal of epiphytes (mostly *Astelia* species) so that bats cannot re-occupy the trees. It will also involve capture and holding of striped skink in temporary captivity for later release at Rotokare Scenic Reserve, as detailed in the striped skink plan sent through to 9(2)(g)(ii) this morning. If skink are found and held and the project subsequently does not proceed then it is our recommendation that any captured striped skinks are released into Rotokare as currently planned. Waka Kotahi undertakes to fund this irrespective of the outcome of then Court decision. Any *Astelias* removed from the canopy will be kept alive and replanted in the forest again as outlined in the skink management plan.

So, I do not see any loss of lizards, bats, or vegetation.

I will be forwarding a more detailed plan for the de-risking of the trees for bats and lizards this evening along with a schedule of trees that will be de-risked (and later felled once consents are granted) plus a series of maps showing the location of the trees.

Please give me a call if any of this is unclear.

Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 3:05 pm
To: 9(2)(g)(ii)
Subject: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval
Importance: High

Hi 9(2)(g)(ii)

The team just met this afternoon to discuss the project following the meeting with you and 9(2)(g)(ii) on Thursday. Can you please provide the species of tree, the size (DBH) and a location map of the trees to be felled in April.

There could be a scenario where the April tree felling occurs and the RMA decision is also appealed leading to the project being cancelled. In this scenario there is the potential for a net loss of lizard and bat species. Can you please advise how this would be addressed?

Please contact me if you have any questions.

Best Regards

9(2)(g)(ii)

Permissions Advisor

Department of Conservation – Te Papa Atawhai

9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: Re: NZTA
Date: Tuesday, 30 March 2021 10:03:42 am
Attachments: [image001.jpg](#)

Kia ora 9(2)(g)(ii)

Just so I can have some more visibility and so there are no double-ups, would you mind sending through the email you sent to 9(2)(g)(ii) yesterday? In addition, if you have a copy of 9(2)(g)(ii) advice around the Covenant which I hear from 9(2)(g)(ii) has been received, I would appreciate a copy of this as well.

Ngā mihi,

9(2)(g)(ii)

Senior Ranger (Acting), Department of Conservation *Te Papa Atawhai*

9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft) 3
Date: Tuesday, 30 March 2021 8:55:52 am
Attachments: [image001.jpg](#)

Kia ora all,

Just in case you haven't heard through other channels, I just got off the phone with 9(2)(g)(ii) who advised that 9(2)(g)(ii) spoke with 9(2)(g)(ii) who has requested that we take a different approach (i.e. not a letter). I'm not sure what this different approach may be but thought I should pass on this message so that you were all aware.

Ngā mihi,

9(2)(g)(ii)

Senior Ranger (Acting), Department of Conservation *Te Papa Atawhai*

9(2)(a)

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From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 5:27 p.m.
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Would be great if we could I will ask a colleague tomorrow not something Ive come across.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 5:20 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)

Could we include 9(2)(a) and WZ in the same permit? We'd want Mt Messenger to be ultimately responsible anyway for the captive work anyway, so "Authorised Personel (for captive holding)" could specifically list 9(2)(a) and WZ in this permit while NZTA remain the "Authority Holder"???? Im guessing for this permit we'd need a number of "authorised personel" to cover bat, bird and lizard expertise so an extra few might not matter??

From: [redacted] 9(2)(g)(ii)
Sent: Monday, 29 March 2021 5:15 pm
To: [redacted] 9(2)(g)(ii)
[redacted]
Cc: [redacted] 9(2)(g)(ii)
Subject: RE: Mt Messenger lizard conditions (draft)
Importance: High

Hi all,

I see they have named [redacted] 9(2)(a) / Wellington Zoo to hold striped skink. The problem though is that [redacted] 9(2)(a) or the Zoo will need a permit to hold the species. [redacted] 9(2)(g)(ii) Shall I advise [redacted] 9(2)(g)(ii) about this?

Best Regards

[redacted] 9(2)(g)(ii)

From: [redacted] 9(2)(g)(ii)
Sent: Monday, 29 March 2021 3:23 pm
To: [redacted] 9(2)(g)(ii)
Cc: [redacted] 9(2)(g)(ii)
Subject: Mt Messenger lizard conditions (draft)

Hi [redacted] 9(2)(a) and [redacted] 9(2)(g)(ii),

Assuming we issue the WA permit, below are my suggested special conditions. Note that this assumed the attached submitted by [redacted] 9(2)(g)(ii) will be included in the application. We'll have to somehow include that this lizard component is only authorised for short duration for the submitted felling/"derisking" of the 35 trees- [redacted] 9(2)(g)(ii) is this best in the Activities section in Schedule 1 or as a special condition???

The first few conditions are those I've made up based on the new application, the final ones (after the underlined section) are the standard conditions with a few tweaks. Please check you're happy with these and consider them draft for improvement.

[redacted] 9(2)(g)(ii), given you're drafting the letter, don't feel you need to comment, but comment welcome if you can!

[redacted] 9(2)(a)(ii)

The Authority Holder shall salvage striped skink (*Oligosoma striatum*) from high value habitat trees (defined as those trees with more than 5 perched epiphytes) on the Mt Messenger Bypass footprint following the methods outlined in the application [name application- the captive thing from [redacted] 9(2)(g)(ii)

"Derisked" trees (as defined in the application), shall be searched to salvage striped skinks following the methods outlined in the application.

All salvaged striped skinks shall be held in captivity until December 2021, at [address of 9(2)(a)] and Wellington Zoo [address] if <7 individuals are found.

A management plan for the translocation and release of Mt Messenger striped skink at the Rotokare Scenic Reserve will be completed in consultation with the Rotokare Scenic Reserve Trust, Ngati Tama and iwi/hapu in the Rotokare area.. The management plan will incorporate the requirements for striped skink relocation and Rotokare Scenic Reserve Trust long term plans for establishing this species within the Reserve. All striped skink held in temporary captivity will be released into Rotokare in the period October to December 2021.

A detailed report, including husbandry, shall be written at the completion of the captive holding and submitted to DOC [add address] [and Ngati Tama and Rotokare??], for the purposes of improving captive techniques for striped skinks.

Any lizards that are not striped skink will be released into appropriate habitat for their species within the PMA as per the ELMP 9(2)(g) (iii), does ELMP need to be included in the application since we have referenced it??] and GPS coordinates of the release sites shall be included in a full report

Adhere to approved application

The Authorised Activity must be undertaken in accordance with the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

The Authority Holder is responsible for the acts and omissions of its employees, contractors or agents. The Authority Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors or agents as if the breach had been committed by the Authority Holder.

Mitigation Conditions

The Authority Holder is only permitted to release wildlife that are listed in Schedule 1 (1) using methods described in the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

Killing wildlife

The Authority Holder is permitted to kill wildlife provided reasonable efforts have been made to meet all of the terms and conditions expressed and implied in this Authority.

Salvage relocation and habitat enhancement

The Authority Holder must perform actions as set out in the contingencies and adaptive management sections of the Lizard Management Plan, and must provide compensation to ensure adequate mitigation of effects has been achieved, **as outlined in the ELMP**.

DOC Operations Manager(s) **[name and contact]** are to be contacted immediately for further advice if wildlife other than those listed in Schedule 1 (1) are located within the footprint of the development or within the release site. A separate application to kill non-authorized species will be required.

Ownership of absolutely protected wildlife

This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife 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.

Unless expressly authorised by the Grantor 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.

Lizard capture and handling

Lizards must only be handled by Authorised Personnel **[person named in schedule 1(3)]**, or under the direct supervision of the Authorised Personnel.

Lizard capture, handling and relocation should be undertaken at a suitable time of year **[insert months]** when lizards are active, as advised by a suitably experienced herpetologist September – April.

Capture and handling of lizards must involve only techniques that minimise the risk of infection or injury to the animal.

Capture and handling methods shall follow those described in the Herpetofauna inventory and monitoring toolbox <http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/>

The Authority Holder must ensure all live capture traps are covered to protect lizards from exposure and minimise stress. Damp leaf litter or other material must be provided to reduce desiccation risk and the bottom of the pit-fall trap must be perforated to allow drainage of water.

The Authority Holder must ensure all live capture traps, (e.g. pitfall traps and G-minnow traps), are checked at least every 24 hours.

The Authority Holder must sterilise any instruments that come in contact with the lizards and/or are used to collect or measure lizards between each location. A separate holding bag must be used for each animal. All gear should be thoroughly cleaned and dried between sites.

The Authority Holder must ensure lizards are temporarily held individually in a suitable container (e.g. breathable cloth bag) and held out of direct sunlight to minimise the risk of overheating, stress and death.

Death of wildlife associated with salvage activities

If any lizards should die during the authorised activities of catch, transfer or liberate, the Authority Holder must:

- a. inform the Grantor **(or insert other contact person)** within **X (hours/days)**; and
- b. chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and
- c. send the body to Massey University Wildlife Post Mortem Service for necropsy OR **[insert advice from S&C or Operations on what to do with the specimen and where to send it]**, along with details of the animal's history; and
- d. pay for any costs incurred in investigation of the death of any lizard; and
- e. if required by the Grantor, cease the Authorised Activity for a period determined by the Grantor.

Euthanasia

If any lizards are found injured as part of the Authorised Activity, the Authority Holder shall contact Authorised Personnel listed under Schedule 1(3) to get advice on management of the lizard. The Authority Holder is authorised to euthanise injured lizard(s) on recommendation of the Authorised Personnel listed under Schedule 1(3) or a veterinarian.

Lizard Salvage Reporting

A report is to be submitted in writing to the DOC Operations Manager, **[insert office and address]**, by 30 June each year for the life of this Authorisation, **[or within 3 months of the salvage being completed, or within 3 months of the expiry of the authority]** summarising outcomes in accordance with the Lizard Management Plan. Each report must include:

- a. the permission number; and
- b. the species and number of any animals collected and released; and

- c. the GPS location (or a detailed map) of the collection point(s) and release point(s);
and
- d. results of all surveys, monitoring or research; and
- e. description of how the Lizard Management Plan was implemented including any difficulties encountered with capture and handling, how release sites were assessed, post release monitoring and what contingency actions were required.

Completed Amphibian and Reptile Distribution System (ARDS) cards for all herpetofauna sightings and captures (<http://www.doc.govt.nz/conservation/native-animals/reptiles-and-frogs/species-information/herpetofauna-data-collection/ards-card/>) must be sent to Herpetofauna, Department of Conservation, National Office, PO Box 10420 Wellington 6143 or herpetofauna@doc.govt.nz.

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval
Date: Monday, 29 March 2021 5:09:00 pm

Hi 9(2)(g)(ii)

Response from 9(2)(g)(ii) below-they are looking at de-risking instead of felling the trees in April.

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 5:08 pm
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval

Thanks for the response 9(2)(g)(ii) and for the more detailed plan for the de-risking of the trees for bats and lizards this evening.

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 4:01 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval

Hi 9(2)(g)
(ii)

No trees will be felled until the final Environment Court is released and the resource consents are granted. When this occurs, the decision is not able to be appealed by those in opposition to the project. Assuming the decision is favourable, the project will then proceed and only then will trees be felled.

What we are asking for is the ability to de-risk high bat risk trees in April before the final decision is released and the consents are granted. This will involve filling of cracks and crevices in the trees and removal of epiphytes (mostly *Astelia* species) so that bats cannot re-occupy the trees. It will also involve capture and holding of striped skink in temporary captivity for later release at Rotokare Scenic Reserve, as detailed in the striped skink plan sent through to 9(2)(g)(ii) this morning. If skink are found and held and the project subsequently does not proceed then it is our recommendation that any captured striped skinks are released into Rotokare as currently planned. Waka Kotahi undertakes to fund this irrespective of the outcome of the Court decision. Any *Astelias* removed from the canopy will be kept alive and replanted in the forest again as outlined in the skink management plan.

So, I do not see any loss of lizards, bats, or vegetation.

I will be forwarding a more detailed plan for the de-risking of the trees for bats and lizards this evening along with a schedule of trees that will be de-risked (and later felled once consents are granted) plus a series of maps showing the location of the trees.

Please give me a call if any of this is unclear.

Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 3:05 pm
To: 9(2)(g)(ii)
Subject: 91389-FAU NZTA Mt Messenger Project Wildlife Act Approval
Importance: High

Hi 9(2)(g)(ii)

The team just met this afternoon to discuss the project following the meeting with you and 9(2)(a) on Thursday. Can you please provide the species of tree, the size (DBH) and a location map of the trees to be felled in April.

There could be a scenario where the April tree felling occurs and the RMA decision is also appealed leading to the project being cancelled. In this scenario there is the potential for a net loss of lizard and bat species. Can you please advise how this would be addressed?

Please contact me if you have any questions.

Best Regards

9(2)(g)(ii)

Permissions Advisor
Department of Conservation – Te Papa Atawhai

9(2)(a)

Conservation leadership for our nature **Takina te Hi, tiakina te ha, o te ao turoa**

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger lizard conditions (draft)
Date: Monday, 29 March 2021 3:23:27 pm
Attachments: [Interim striped skink management plan.pdf](#)

Hi 9(2)(a)(ii) and 9(2)(g)(ii)

Assuming we issue the WA permit, below are my suggested special conditions. Note that this assumed the attached submitted by 9(2)(g)(ii) will be included in the application. We'll have to somehow include that this lizard component is only authorised for short duration for the submitted felling/"derisking" of the 35 trees- 9(2)(g)(ii) is this best in the Activities section in Schedule 1 or as a special condition???

The first few conditions are those I've made up based on the new application, the final ones (after the underlined section) are the standard conditions with a few tweaks. Please check you're happy with these and consider them draft for improvement.

9(2)(g)(ii), given you're drafting the letter, don't feel you need to comment, but comment welcome if you can!

9(2)(a)(ii)

The Authority Holder shall salvage striped skink (*Oligosoma striatum*) from high value habitat trees (defined as those trees with more than 5 perched epiphytes) on the Mt Messenger Bypass footprint following the methods outlined in the application [name application- the captive thing from 9(2)(g)(ii)]

"Derisked" trees (as defined in the application), shall be searched to salvage striped skinks following the methods outlined in the application.

All salvaged striped skinks shall be held in captivity until December 2021, at [address of 9(2)(a)] and Wellington Zoo [address] if <7 individuals are found.

A management plan for the translocation and release of Mt Messenger striped skink at the Rotokare Scenic Reserve will be completed in consultation with the Rotokare Scenic Reserve Trust, Ngati Tama and iwi/hapu in the Rotokare area.. The management plan will incorporate the requirements for striped skink relocation and Rotokare Scenic Reserve Trust long term plans for establishing this species within the Reserve. All striped skink held in temporary captivity will be released into Rotokare in the period October to December 2021.

A detailed report, including husbandry, shall be written at the completion of the captive holding and submitted to DOC [add address] [and Ngati Tama and Rotokare??], for the purposes of improving captive techniques for striped skinks.

Any lizards that are not striped skink will be released into appropriate habitat for their species within the PMA as per the ELMP 9(2)(g)(ii) does ELMP need to be included in the application since we have referenced it??] and GPS coordinates of the release sites shall be included in a full report

Adhere to approved application

The Authorised Activity must be undertaken in accordance with the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

The Authority Holder is responsible for the acts and omissions of its employees, contractors or agents. The Authority Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors or agents as if the breach had been committed by the Authority Holder.

Mitigation Conditions

The Authority Holder is only permitted to release wildlife that are listed in Schedule 1 (1) using methods described in the application titled “[insert application title]” and dated [insert date] attached as Appendix [insert Appendix number].

Killing wildlife

The Authority Holder is permitted to kill wildlife provided reasonable efforts have been made to meet all of the terms and conditions expressed and implied in this Authority.

Salvage relocation and habitat enhancement

The Authority Holder must perform actions as set out in the contingencies and adaptive management sections of the Lizard Management Plan, and must provide compensation to ensure adequate mitigation of effects has been achieved, **as outlined in the ELMP**.

DOC Operations Manager(s) [name and contact] are to be contacted immediately for further advice if wildlife other than those listed in Schedule 1 (1) are located within the footprint of the development or within the release site. A separate application to kill non-authorised species will be required.

Ownership of absolutely protected wildlife

This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife 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.

Unless expressly authorised by the Grantor 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.

Lizard capture and handling

Lizards must only be handled by Authorised Personnel [*person named in schedule 1(3)*], or under the direct supervision of the Authorised Personnel.

Lizard capture, handling and relocation should be undertaken at a suitable time of year [*insert months*] when lizards are active, as advised by a suitably experienced herpetologist September – April.

Capture and handling of lizards must involve only techniques that minimise the risk of infection or injury to the animal.

Capture and handling methods shall follow those described in the Herpetofauna inventory and monitoring toolbox <http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/>

The Authority Holder must ensure all live capture traps are covered to protect lizards from exposure and minimise stress. Damp leaf litter or other material must be provided to reduce desiccation risk and the bottom of the pit-fall trap must be perforated to allow drainage of water.

The Authority Holder must ensure all live capture traps, (e.g. pitfall traps and G-minnow traps), are checked at least every 24 hours.

The Authority Holder must sterilise any instruments that come in contact with the lizards and/or are used to collect or measure lizards between each location. A separate holding bag must be used for each animal. All gear should be thoroughly cleaned and dried between sites.

The Authority Holder must ensure lizards are temporarily held individually in a suitable container (e.g. breathable cloth bag) and held out of direct sunlight to minimise the risk of overheating, stress and death.

Death of wildlife associated with salvage activities

If any lizards should die during the authorised activities of catch, transfer or liberate, the Authority Holder must:

- a. inform the Grantor [*or insert other contact person*] within *X (hours/days)*; and
- b. chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and

- c. send the body to Massey University Wildlife Post Mortem Service for necropsy OR [insert advice from S&C or Operations on what to do with the specimen and where to send it], along with details of the animal's history; and
- d. pay for any costs incurred in investigation of the death of any lizard; and
- e. if required by the Grantor, cease the Authorised Activity for a period determined by the Grantor.

Euthanasia

If any lizards are found injured as part of the Authorised Activity, the Authority Holder shall contact Authorised Personnel listed under Schedule 1(3) to get advice on management of the lizard. The Authority Holder is authorised to euthanise injured lizard(s) on recommendation of the Authorised Personnel listed under Schedule 1(3) or a veterinarian.

Lizard Salvage Reporting

A report is to be submitted in writing to the DOC Operations Manager, [insert office and address], by 30 June each year for the life of this Authorisation, [or within 3 months of the salvage being completed, or within 3 months of the expiry of the authority] summarising outcomes in accordance with the Lizard Management Plan. Each report must include:

- a. the permission number; and
- b. the species and number of any animals collected and released; and
- c. the GPS location (or a detailed map) of the collection point(s) and release point(s); and
- d. results of all surveys, monitoring or research; and
- e. description of how the Lizard Management Plan was implemented including any difficulties encountered with capture and handling, how release sites were assessed, post release monitoring and what contingency actions were required.

Completed Amphibian and Reptile Distribution System (ARDS) cards for all herpetofauna sightings and captures (<http://www.doc.govt.nz/conservation/native-animals/reptiles-and-frogs/species-information/herpetofauna-data-collection/ards-card/>) must be sent to Herpetofauna, Department of Conservation, National Office, PO Box 10420 Wellington 6143 or herpetofauna@doc.govt.nz.

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: Intermin striped skink management plan
Date: Monday, 29 March 2021 2:20:10 pm
Attachments: [Interim striped skink management plan.pdf](#)

From: 9(2)(g)(ii)
Sent: Monday, 29 March 2021 12:50 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Intermin striped skink management plan

Hi 9(2)(g)(ii)

Attached is our draft interim management plan for striped skink for the April period. This includes the provision of holding salvaged striped skink in captive facilities until they can be released in Rotokare in October.

We have nominated 9(2)(a) in Wellington because of his experience and acknowledged readiness to hold these animals captive if any are recovered. However, if your team would prefer we use someone else and they are available to undertake this work please let me know.

Please let me know if you require additional information or 9(2)(g)(ii) wishes to discuss the detail of this management plan. I am aware we need to get this sorted urgently if our Wildlife Act Authority is to be issued by 8 April.

Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: Re: Mount Messenger - April Vegetation Clearance
Date: Thursday, 25 March 2021 7:44:28 am
Attachments: [image003.png](#)

Ata maarie 9(2)(g)(ii)

9(2)(h)

[Redacted]

[Redacted]

[Redacted]

Happy to chat.

Thank you

9(2)

On 24/03/2021, at 4:30 PM, 9(2)(g)(ii) wrote:

Hi 9(2)(g)(ii)

I was just thinking about the areas of Land required to establish and construct the bypass to be confirmed by survey. To ensure they don't catch or kill wildlife in areas of land outside the proposed bypass we could impose a condition stating that this wildlife authority only relates to works related to the bypass footprint. We will soon know if they have gone beyond the bypass footprint once the road is under construction.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Tuesday, 23 March 2021 9:30 am

To: [redacted] 9(2)(g)(ii)

[redacted]

Cc: [redacted] 9(2)(g)(ii)

Subject: Mount Messenger - April Vegetation Clearance

Ata marie team

I write in regard to NZTA's proposed vegetation clearance in April.

[redacted] 9(2)(h)

[redacted]

- [redacted]

- [redacted]

- [redacted]

- [redacted]

9(2)(h)

[Redacted]

[Redacted]

Happy to chat.

Maa te waa

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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<image003.png>

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger check in meeting
Date: Wednesday, 24 March 2021 4:43:37 pm

Hi 9(2)(g)(ii)

I have forwarded this invitation to 9(2)(a) and 9(2)(g)(ii) from Waka Kotahi, one or both of whom may attend remotely.

9(2)(g)
(ii)

-----Original Appointment-----

From: 9(2)(g)(ii)
Sent: Wednesday, 24 March 2021 4:39 pm
To: 9(2)(g)(ii); 9(2)(a); 9(2)(g)(ii)
Subject: Mt Messenger check in meeting
When: Thursday, 25 March 2021 2:00 pm-3:00 pm (UTC+12:00) Auckland, Wellington.
Where: Microsoft Teams Meeting; Rata Room Hamilton DOC Office Level 4

Kia ora koutou

Apologies in advance for the short notice meeting invite but we have a couple of matters we would like to discuss.

1. Conservation Covenant and potential works in April
2. Update on consent timeframes and proposed April works
3. Wildlife Act permit update- striped skink relocation options
4. Bats- high risk tree management

Please feel free to send through any additional discussion points.

9(2)(g)
(ii) give me a bell when you arrive at our office and I will let you in.

Many thanks

9(2)(g)(ii)

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region
Department of Conservation | Te Papa Atawhai
9(2)(a) | E: 9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: Mt Messenger- Striped skink relocation plan
Date: Monday, 22 March 2021 9:48:00 am

Hi 9(2)(g)(ii)

I see we are now looking at a timeframe of 6-9 April. Am I ok seeking an extension from 23 march to 9 april from 9(2)(g)(ii)

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Friday, 19 March 2021 2:38 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger- Striped skink relocation plan

Kia ora 9(2)(g)(ii)

Following from our discussion yesterday 9(2)(g)(ii) is looking to work on the translocation plan and is wanting to connect with you (and 9(2)(g)(ii)) to get a steer on preferred options to inform their planning.

Team -note change to timeframes to enable the striped skink issue to be managed through this process.

I'm happy to help coordinate a discussion, just let me know how I can help.

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Friday, 19 March 2021 12:42 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Striped skink relocation plan

Hi 9(2)(g)(ii)

Further to our discussion yesterday, we will produce a Striped Skink relocation plan with urgency to be enable this aspect of our Mt Messenger work to be included in our Wildlife Act Authority application. This plan will include specific steps and processes for the management and temporary holding of any striped skink salvaged during tree clearance up until 30 April this year, acknowledging that Rotokare will not be able to accept any striped skink until October this year.

As discussed, the need for this additional piece of work may put some pressure on the previously agreed target date of 31 March for the Wildlife Act Authority to be issued. Our aim is to submit a

relocation plan to you by Monday 29 March at the latest (and preferably a little earlier than that). We would hope that would enable your team to issue the WAA during the week of 6-9 April. This will leave us with a small 3 week window to undertake high risk tree felling if our resource consents are issued in a timely manner.

For this timeline to work, we would like the opportunity to meet with one of your team next week (22-26 March) to discuss the best way to manage any striped skink that may be recovered up until 30 April. The sooner we can have this meeting the faster we can incorporate the necessary procedures into the relocation plan. If a meeting is not possible, it would be very helpful if your lizard expert could advise us what their preference is for how and where we hold striped skink until they can be released into Rotokare so we can write this into the plan and make the necessary arrangements.

Would you be available for a short meeting next week anytime from Wednesday through to Friday ? With numerous plans in play for construction depending on when consents are granted, it would be useful for me to keep you informed of what we are planning for tree clearance and to get your feedback.

Thanks for your help and flexibility as we continue to juggle with multiple scenarios.

Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU Mt Messenger
Date: Monday, 22 March 2021 9:27:00 am
Attachments: [image001.png](#)

Thanks 9(2)(g)(ii) looks good

From: 9(2)(g)(ii)
Sent: Friday, 19 March 2021 3:08 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: 91389-FAU Mt Messenger

Hi 9(2)(g)(ii) and 9(2)(g)(ii)

I've added these draft conditions to 9(2)(g)(ii)'s WA document (DOC-6573028), but have pulled them out separately for your consideration.

Thanks

9(2)(g)(ii)

Nesting Wildlife

1. Any felling or disturbance of vegetation shall be undertaken at a time of year and manner which minimises the impact on nesting Wildlife.
2. If vegetation removal/tree felling occurs between September- March inclusive, a thorough survey of the tree or vegetation shall be undertaken by a qualified avian ecologist, to have high confidence any active nests are located
3. If no active nest of protected Wildlife can be located and the avian ecologist is satisfied there is a minimum chance of nesting Wildlife being present (including hole-nesting birds) then the vegetation may be felled or removed.
4. If active nests of protected Wildlife are located, then the Authority holder shall wait until nesting activity has ceased, and not remove any other vegetation within 20m of the nest while it is still active.
5. A search of each tree for nests of Wildlife shall be undertaken immediately post-felling and any nests of Wildlife of other avifauna recorded.
6. Any nests of protected Wildlife found post-felling or post-vegetation removal shall be immediately reported to the New Plymouth DOC office (and in writing within 2 hours) and any injured wildlife or eggs of Wildlife found shall follow Condition 6.
7. In the event any protected avian Wildlife (or their eggs) are killed or injured by enabling or construction works, or if any vegetation is removed and protected avian Wildlife (or their eggs) are found therein during or post-felling, on inspection; then the following shall take place:
 - a. works shall cease immediately on sighting protected avian Wildlife (or their eggs), and
 - b. the dead or injured Wildlife shall be reported in writing to the Grantor immediately; and
 - c. a review of the development methodology in question shall then be

undertaken in conjunction with the Grantor and an agreed process to minimise the further killing or injuring of Wildlife implemented, prior to works recommencing.

2. A report on the number of trees felled, tree species and approximate dimensions, date of felling, and any nests found in any tree (whether protected Wildlife or other avifauna) shall be provided to the Grantor by 30 June each year.

From: 9(2)(g)(ii)
Sent: Tuesday, 2 March 2021 12:12 p.m.
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: 91389-FAU Mt Messenger

Hi 9(2)(a)(ii)

Thanks for your comments – much appreciated. Many conditions included in the permit are standard and were given to us by the science team but that doesn't mean they shouldn't be regularly improved for workability and legality.

9(2)(a)(ii) and I will need to go through your comments and then maybe come back to you.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 1 March 2021 8:17 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: 91389-FAU Mt Messenger

Kia ora 9(2)(g)(ii)

I added some comments / updates into the draft conditions (changes tracked) for your and 9(2)(a)(ii) review and consideration.

Happy to discuss.

Cheers

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | 9(2)(a)

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From: [REDACTED] 9(2)(g)(ii)
Sent: Monday, 1 March 2021 11:44 a.m.
To: [REDACTED] 9(2)(g)(ii)
Subject: RE: 91389-FAU Mt Messenger

Hi [REDACTED] 9(2)(g)(ii)

[REDACTED] 9(2)(g)(ii) was going to look into the issue of mulching vegetation and check the RMA conditions one last time. I don't think hes got to that yet. Feel free to start review though. The draft authority is at [DOC-6573028](#).

Best Regards

[REDACTED] 9(2)(g)(ii)

From: [REDACTED] 9(2)(g)(ii)
Sent: Monday, 1 March 2021 9:10 am
To: [REDACTED] 9(2)(g)(ii)
Cc: [REDACTED] 9(2)(g)(ii)
[REDACTED]
Subject: RE: 91389-FAU Mt Messenger

Ata marie

I hope you all had a good weekend.

Are the conditions okay to review now?

Cheers

[REDACTED] 9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | [REDACTED] 9(2)(a)

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From: [REDACTED] 9(2)(g)(ii)
Sent: Monday, 22 February 2021 5:41 p.m.
To: [REDACTED] 9(2)(g)(ii)
[REDACTED]
[REDACTED]
Subject: 91389-FAU Mt Messenger
Importance: High

Hi all,

[REDACTED] 9(2)(g)(ii) and I have prepared the draft wildlife authority conditions – see [DOC-6573028](#).

We looked at the legal advice concerning offset and compensation. [REDACTED] 9(2)(h)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Best Regards

[REDACTED] 9(2)(g)(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: Mt Messenger
Date: Thursday, 18 March 2021 1:34:00 pm
Importance: High

Hi 9(2)(g)(ii)

I have prepared a first draft of translocation conditions for the striped skink based on what Rotokare want. Feel free to amend/add change. I cant open the WA so they are here:

Striped skink translocation

A translocation plan and translocation monitoring plan shall both be submitted by the Authority Holder for Grantor's approval prior to any translocation of striped skinks occurring. The translocation plan shall include:

- a. A release site confirmed and to the Grantor's satisfaction for receiving any lizards caught that cannot be released at Rotokare until Rotokare has developed an appropriate 'in-sanctuary' holding facility.
- b. Assessment of the optimal location for the 'in-sanctuary' holding facility by an appropriately qualified herpetologist
- c. A suitable design of the 'in-sanctuary' holding facility developed by an appropriately qualified herpetologist in collaboration with Rotokare. The structure will need to be permanent in terms of design and construction.
- d. Details of security to ensure sufficient protection of the 'in-sanctuary' holding facility and lizards.
- e. Details of suitable transfer cages (including for having on-site for any emergency or associated husbandry requirements).
- f. Details of training to ensure Rotokare is suitably placed to undertake the necessary care, husbandry (if required), monitoring, maintenance, etc to ensure the best possible restoration management of striped skinks is provided.

The Authority Holder shall carry out the actions set out in the approved translocation and monitoring plan.

The Authority Holder shall notify Ngati Tama and Ngati Tupaia at least 5 working days prior to release of the striped skinks to Rotokare and invite both iwi to participate in the release, if deemed practical.

The Authority Holder shall provide a report demonstrating the rationale for allowing the transfer of striped skinks into the greater sanctuary and obtain the approval of the Grantor for such a transfer.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZTA Mt Messenger Discuss translocation of striped skink
Date: Thursday, 18 March 2021 12:39:00 pm

That's perfectly fine NZTA should have mentioned the translocation to us way earlier.

Best Regards

9(2)(g)
(ii)

-----Original Appointment-----

From: 9(2)(g)(ii)
Sent: Thursday, 18 March 2021 12:10 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Declined: 91389-FAU NZTA Mt Messenger Discuss translocation of striped skink
When: Friday, 19 March 2021 2:00 pm-3:00 pm (UTC+12:00) Auckland, Wellington.
Where: Microsoft Teams Meeting

Hi 9(2)(g)(ii)

Im in the field tomorrow.

9(2)(g)(i)

Im back in the office on Wed next week

9(2)(g)
(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger - Court Decision #2 and Updated Conditions
Date: Thursday, 18 March 2021 11:06:13 am
Attachments: [\[2021\] NZENV 27 Mt Messenger Bypass.pdf](#)
[Appendix C - Updated TRC conditions \(clean\)\(61102111.1\).pdf](#)
[Appendix C - Updated NPDC conditions \(clean\)\(61102110.1\).pdf](#)
[image002.png](#)

Ata marie

[Redacted] 9(2)(h)

[Redacted]

[Redacted]

Maa te waa

9(2)(g)(ii)
Roia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea puukoro | 9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZTA Mt Messenger Discuss translocation of striped skink 1
Date: Thursday, 18 March 2021 10:40:00 am
Attachments: [image001.png](#)

Ok cool

From: 9(2)(g)(ii)
Sent: Thursday, 18 March 2021 10:16 am
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZTA Mt Messenger Discuss translocation of striped skink

Ahhh...watch this space!

I just caught up with 9(2)(g)(ii) and she is going to touch base with 9(2)(g)(ii) re reviewing the conditions and the lizard translocation, so I will leave the review to 9(2)(g)(ii) for now.

Cheers

9(2)(g)(ii)
Rooia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea puukoro | 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Thursday, 18 March 2021 9:58 am
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZTA Mt Messenger Discuss translocation of striped skink

Thanks 9(2)(a)(ii)

Don't know if the meeting is going ahead now as 9(2)(g)(ii) wasn't keen to attend.

Best Regards

9(2)(g)(ii)

-----Original Appointment-----

From: [REDACTED] 9(2)(g)(ii)
Sent: Thursday, 18 March 2021 9:43 am
To: [REDACTED] 9(2)(g)(ii)
Subject: Accepted: 91389-FAU NZTA Mt Messenger Discuss translocation of striped skink
When: Friday, 19 March 2021 2:00 pm-3:00 pm (UTC+12:00) Auckland, Wellington.
Where: Microsoft Teams Meeting

Kia ora [REDACTED] 9(2)(g)(ii)

I am not too sure whether I am needed for this one – I will try and touch base with ML to check.

I haven't managed to cross check the conditions yet. I will work through them now. NZTA filed an amended set of conditions yesterday (copies **attached**) – I think the changes primarily relate to freshwater.

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Lizard translocation material
Date: Wednesday, 17 March 2021 3:36:23 pm
Attachments: [image001.jpg](#)

Hi 9(2)(g)(ii) and 9(2)(g)(ii)

Can you please work together to determine critical issues regarding the approach of including striped skink in the one permit. Its sounding like you have further issues than those raised at the last check in meeting.

If you can please send those through for the team to consider in the first instance. Im mindful we have deadline here.

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 17 March 2021 1:17 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Lizard translocation material

Hi 9(2)(g)(ii)

Im not comfortable in advising in this application without seeing the full translocation application for the striped skink, and being a team member in team process. Could the application please be circulated and a context meeting be set up with the decision maker?

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 17 March 2021 1:09 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Lizard translocation material

Hi 9(2)(g)(ii)

Shall we catch up over teams to nut out translocation conditions that also reflect what 9(2)(a) from Rotokare is requiring.? Ill send an invite.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 17 March 2021 9:21 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Lizard translocation material

Morena 9(2)(g)(ii) and 9(2)(g)(ii)

Are you able to follow this up with 9(2)(g)(ii) and 9(2)(g)(ii) please?

9(2)(g)(ii) I'm assuming we are thinking of providing for the translocation via conditions, you might need to be part of those conversations between 9(2)(g)(ii) so that the information requirements are captured in conditions.

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Monday, 15 March 2021 9:09 a.m.

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: Lizard translocation material

Hi 9(2)(g)(ii)

I have followed up on your request to seek approval from Rotokare and Ngati Tama for the translocation of striped skink from Mt Messenger to enable our Wildlife Authority to include translocation. Attached below are the emails from 9(2)(a) of Ngati Tama and 9(2)(a) from Rotokare providing their support for the translocation should striped skink be found.

You will note that 9(2)(a) has raised one issue. Rotokare will not be in a position to receive striped skink in to their sanctuary until October this year. With the release of the second interim decision from the Environment Court last week there is a chance that a small number of trees will be felled along the footprint in April. As a consequence, there is a chance, albeit small, that some individual striped skink may be salvaged when those trees are felled. I have had a chat to the herpetologists in our team about what the best options would be to manage any striped skink captured in April and we have come up with a small list of options we would like to discuss with your lizard expert for the project (I assume this will be 9(2)(g)(ii)).

The options are: 1) Release any salvaged striped skink into appropriate forest in the adjacent Ngati Tama Parininihi block where animal pest levels are very low; 2) build a holding pen close to the project site to hold any skink temporarily until they can be transferred to Rotokare; 3) release any captured animals into bush close to the footprint; 4) investigate other options for the skink to be held in temporary captivity. Our preference is very much the first one listed as the chances of survival are considerably higher in the low pest Parininihi than forest immediately adjacent to the footprint, however we would be happy to discuss other options.

Also, would it be possible for the Wildlife Act authority to be issued initially as a draft for our review.

The emails from Ngati Tama and Rotokare are attached below.

Thanks

9(2)(g)
(ii)

From: 9(2)(a)
Sent: Tuesday, 9 March 2021 10:45 am
To: 9(2)(g)(ii) 9(2)(a)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger Bypass - relocation of lizards to Rotokare Scenic Reserve

Kia ora 9(2)(g)
(ii) ,

Ngati Tama(TRONT) have no problem with the translocation of striped skink if found in the road footprint and translocated to Rotokare.

It would be expected that if any of the animals are found within road corridor working area and transferred that Ngati Tama has the ability in the future to have these taonga (striped skink) returned to the area they were taken from.

This will require some sort of a plan /agreement with necessary parties .

Nga mihi

9(2)
(a)

Sent from [Mail](#) for Windows 10

From: 9(2)(a)
Sent: Thursday, 11 March 2021 3:41 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Re: Translocation of Mt Messenger striped skink to Rotokare

Kia ora 9(2)(g)(ii) ,

Apologies for the slow reply. Thanks for the phone conversation on Tuesday, and we appreciate the follow-up details.

In principle, the Rotokare Scenic Reserve Trust supports the proposal to translocate any salvaged striped skinks from Mt messenger to Rotokare.

As Taranaki's only pest-free sanctuary, with the very important value to herpetofauna restoration of being essentially mouse-free, this has the opportunity to be a highly significant species conservation project, and we trust NZTA recognises this project as a potentially significant contribution to regionally and nationally important species restoration. As this project essentially proposes to establish only the second fully-protected striped skink population to the best of our awareness (the other being Hauturu o Toi/LBI), and the first on the mainland, if there are striped skinks salvaged from the Mt messenger project, this will become a very noteworthy conservation milestone.

As discussed on Tuesday, a release directly into the sanctuary is not immediately suitable as the presence/absence of striped skinks onsite is unknown, although expert opinion suggests they are very likely to be present. Release into the sanctuary proper would be the expected eventual outcome. Lizard monitoring is being reviewed and a deployment of an intensive monitoring programme will be undertaken within the next 2-3 months, with formal monitoring beginning in December 2021 (once monitoring hardware has been suitably weathered-in). It is probable that this monitoring will be undertaken for

a minimum of five-years. This plan has been developed with support of, and is endorsed by a TAG of herpetologists and lizard experts.

Following are key points that Rotokare will require and be seeking support for, to enable a successful outcome of the striped skink salvage operation:

- Yes, we are certainly willing to be involved in working together on a translocation operational plan, which no doubt will include several or all of the following points, and a post-release monitoring plan.
- We understand DOC have consulted with Ngati Tupaia (although we're not yet clear of their level of support), and we appreciate that Ngati Tama have agreed to have any salvaged animals translocated to Rotokare - we would like to ensure that both are provided opportunities to ensure any tikanga requirements are provided for. (The relationship between Rotokare and Tiaki Te Mauri o Parininihi Trust is strong, and we would hope they would get opportunities to be directly involved in transfers and release, if suitable, and with Ngati Tupaia leadership at Rotokare).
- If work begins in April, Rotokare would not be ready to receive any salvaged animals, so we assume suitable captive holding will be arranged, if any animals are found, which would presumably be transferred to Rotokare once onsite provisions are in place.
- A suitable 'in-sanctuary' holding facility (pen/enclosure) would be required. As striped skinks are very difficult to successfully maintain in captivity, and are extremely elusive and as I understand it are also good escape-artists, research and design is a necessary part of this process. 1) A suitable herpetologist engaged to undertake site-visit to establish optimal location for structure within Rotokare; 2) Herpetologist also to develop a suitable design, in collaboration with Rotokare (we will aim to visit a couple of suggested facilities ourselves, to gain understanding from an ongoing management perspective); 3) completion of the structure in time for October 2021; 4) suitable human security to be included in the development (i.e. it's a publicly accessible site, and sufficient protection of the structure and lizards would be necessary); 5) Suitable transfer cages provided (including for having on-site for any emergency or associated husbandry requirements); 6) Training arranged to ensure Rotokare is suitably placed to undertake the necessary care, husbandry (if required), monitoring, maintenance, etc to ensure the best possible restoration management of striped skinks is provided.

Rotokare is committed to maintaining the pest-free status of the sanctuary, and providing for positive biodiversity outcomes for the benefit of the region and for national important species restoration programmes. We will be proud to support this important work with striped skinks, and are pleased NZTA are committed to ensuring positive biodiversity outcomes are achieved as part of the Mt messenger project.

It is envisaged that the salvaged animals might end-up being housed within the enclosure for 2+ years, so we consider the planning and development of the necessary enclosure would be constructed with materials that are sufficiently robust (i.e. considered a permanent structure for the purposes of design and construction).

I hope this detail is helpful, as I'm aware the timeframes are actually reasonably tight to make sure everything is in place in time for the October operation start-date.

Feel free to contact me anytime for further discussion, and we look forward to working together to ensure we maximise the conservation value of this opportunity.

Nga mihi nui,

9(2)(a)

Sanctuary Manager
Rotokare Scenic Reserve Trust

9(2)(a)



www.rotokare.org.nz
[www.fb.com/rotokare](https://www.facebook.com/rotokare)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: Lizard
Date: Monday, 5 July 2021 1:36:50 pm
Attachments: [Outlook-0y54tgr.jpg](#)

9(2)(a)

Sent: Thursday, 11 March 2021 3:53 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

9(2)(a)

Subject: Re: Perceived Critical Issue to raise in relation to the Mt Messenger Wildlife Act application - HTE appropriate stakeholder engagement for the transfer of striped skink to Rotokare

Kia ora koutou,

Thanks 9(2)(g)(ii) for including me in this discussion, really appreciated. We also very much appreciate the support we are receiving from you and others in regards to helping us to be able to make well-informed decisions.

9(2)(g)(ii) made contact with me on Tuesday, and it seems that they are committed to ensuring suitable support and resourcing is provided. Rather than recounting the following email discussion, following is 9(2)(g)(ii) email of behalf of NZTA, and my initial reply:

Hi 9(2)(a)

Thanks for the phone conversation this morning. As we discussed and further to exploratory discussions two years ago, NZTA and the Mt Messenger Alliance seeks the support of the Rotokare Trust to translocate any threatened striped skink that may be salvaged during vegetation clearance as part of the Mt Messenger Bypass project to the pest free Rotokare Scenic Reserve. The Department of Conservation requires acknowledgement of your support in order to complete the processing of a Wildlife Act Authority for the project which will include requirements for the translocation of striped skink.

At this stage we are still waiting for the Environment Court decision to enable the project to proceed. This decision is expected soon and assuming it is favourable the main vegetation clearance effort is likely to commence in earnest on 1 October this year. Vegetation clearance is likely to continue over two summers (October to April inclusive) and so striped skink may be salvaged at any time over that period. If a positive decision is released very soon we may commence some initial small scale vegetation clearance in April.

Assuming you are supportive of the translocation of striped skinks to Rotokare, the project ecology team would like to work with you to determine a suitable release site(s) for the skinks at Rotokare, the nature of release pens (if any) and the procedures for the transport and release of salvaged animals. This will also include any cultural requirements as specified by Ngati Tupaia

(the recipient hapu) and Ngati Tama. It is envisaged that a translocation operational plan will be produced, with input from your organisation, to map out how the translocation will occur. All costs associated with the capture, transport and release of the striped skinks will be covered by the Mt Messenger Alliance.

A major part of the ecological mitigation associated with the construction of the bypass will be the establishment of a 3650ha pest management area on Ngati Tama and DOC land surrounding the new road. Pests will be managed to low densities in perpetuity over this large area. Ngati Tama have asked that provision be made to bring back some translocated striped skink to Mt Messenger in the future assuming the population thrives sufficiently at Rotokare to allow this to happen. I would suggest that guidelines be included in the translocation operational plan as to how and under what circumstances relocation of some individuals back to Mt Messenger can occur.

Could you please send me an email reply acknowledging you continued support for the translocation of striped skink to Rotokare from Mt Messenger so that we can progress the Wildlife Act Authority application. As soon as we receive a positive decision from the Environment Court I will be in contact to work through the details of translocation.

Thanks

9(2)(g)(ii)

Kia ora 9(2)(g)(ii)

Apologies for the slow reply. Thanks for the phone conversation on Tuesday, and we appreciate the follow-up details.

In principle, the Rotokare Scenic Reserve Trust supports the proposal to translocate any salvaged striped skinks from Mt messenger to Rotokare.

As Taranaki's only pest-free sanctuary, with the very important value to herpetofauna restoration of being essentially mouse-free, this has the opportunity to be a highly significant species conservation project, and we trust NZTA recognises this project as a potentially significant contribution to regionally and nationally important species restoration. As this project essentially proposes to establish only the second fully-protected striped skink population to the best of our awareness (the other being Hauturu o Toi/LBI), and the first on the mainland, if there are striped skinks salvaged from the Mt messenger project, this will become a very noteworthy conservation milestone.

As discussed on Tuesday, a release directly into the sanctuary is not immediately suitable as the presence/absence of striped skinks onsite is unknown, although expert opinion suggests they are very likely to be present. Release into the sanctuary proper would be the expected eventual outcome. Lizard monitoring is being reviewed and a deployment of an intensive monitoring programme will be undertaken within the next 2-3 months, with formal monitoring beginning in December 2021 (once monitoring hardware has been suitably weathered-in). It is probable that this monitoring will be undertaken for a minimum of five-years. This plan has been developed with support of, and is endorsed by a TAG of herpetologists and lizard experts.

Following are key points that Rotokare will require and be seeking support for, to enable a successful outcome of the striped skink salvage operation:

- Yes, we are certainly willing to be involved in working together on a translocation operational plan, which no doubt will include several or all of the following points, and a post-release monitoring plan.
- We understand DOC have consulted with Ngati Tupaia (although we're not yet clear of their level of support), and we appreciate that Ngati Tama have agreed to have any salvaged animals translocated to Rotokare - we would like to ensure that both are provided opportunities to ensure any tikanga requirements are provided for. (The relationship between Rotokare and Tiaki Te Mauri o Parininihi Trust is strong, and we would hope they would get opportunities to be directly involved in transfers and release, if suitable, and with Ngati Tupaia leadership at Rotokare).
- If work begins in April, Rotokare would not be ready to receive any salvaged animals, so we assume suitable captive holding will be arranged, if any animals are found, which would presumably be transferred to Rotokare once onsite provisions are in place.
- A suitable 'in-sanctuary' holding facility (pen/enclosure) would be required. As striped skinks are very difficult to successfully maintain in captivity, and are extremely elusive and as I understand it are also good escape-artists, research and design is a necessary part of this process. 1) A suitable herpetologist engaged to undertake site-visit to establish optimal location for structure within Rotokare; 2) Herpetologist also to develop a suitable design, in collaboration with Rotokare (we will aim to visit a couple of suggested facilities ourselves, to gain understanding from an ongoing management perspective); 3) completion of the structure in time for October 2021; 4) suitable human security to be included in the development (i.e. it's a publicly accessible site, and sufficient protection of the structure and lizards would be necessary); 5) Suitable transfer cages provided (including for having on-site for any emergency or associated husbandry requirements); 6) Training arranged to ensure Rotokare is suitably placed to undertake the necessary care, husbandry (if required), monitoring, maintenance, etc to ensure the best possible restoration management of striped skinks is provided.

Rotokare is committed to maintaining the pest-free status of the sanctuary, and providing for positive biodiversity outcomes for the benefit of the region and for national important species restoration programmes. We will be proud to support this important work with striped skinks, and are pleased NZTA are committed to ensuring positive biodiversity outcomes are achieved as part of the Mt messenger project.

It is envisaged that the salvaged animals might end-up being housed within the enclosure for 2+ years, so we consider the planning and development of the necessary enclosure would be constructed with materials that are sufficiently robust (i.e. considered a permanent structure for the purposes of design and construction).

I hope this detail is helpful, as I'm aware the timeframes are actually reasonably tight to make sure everything is in place in time for the October operation start-date.

Feel free to contact me anytime for further discussion, and we look forward to working together to ensure we maximise the conservation value of this opportunity.

Nga mihi nui,

Happy for any feedback, thoughts, suggestions etc other than that, I guess we wait until they engage with operational discussion. Rotokare will be intending to consult with Ngati Tupaia directly in due course, and will seek ongoing consultation with the recently (albeit unofficial) Rotokare Lizard TAG as we do not have the suitable skills and experience to develop lizard management decisions alone.

Nga mihi!

9(2)(a)

Sanctuary Manager
Rotokare Scenic Reserve Trust

9(2)(a)



www.rotokare.org.nz
www.fb.com/rotokare

From: 9(2)(g)(ii)

Sent: Tuesday, 9 March 2021 11:21 AM

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii) 9(2)(a)

Subject: RE: Perceived Critical Issue to raise in relation to the Mt Messenger Wildlife Act application - HTE appropriate stakeholder engagement for the transfer of striped skink to Rotokare

Hi All, and note that I have included 9(2)(a) on this email as I was reluctant to give any advice without 9(2)(a) being aware.

9(2)(a) this is about the Mt Messenger striped skink salvage, and hopefully reflects our discussion the other day- yell out if it doesn't!

Thanks for a the call today 9(2)(g)(ii) and thanks for raising your CI, it's a good one.

Context from me (mostly as a reminder- I know you are aware of this!!)

The intent of the Mt Messenger compensation package was primarily to pay compensation for research on pest control techniques, with limited salvage at a handful of locations and habitat types. Most species salvaged would be released at similar sites nearby (at the discretion of the herpetologist). There was no planned further mitigation for these salvaged animals. The

exception was striped skink, which we all agreed was the highest priority lizard sps, and it was possible that they would be found in the targeted large trees/epiphytes that would be searched during lizards salvage. We agreed these were best released to a pest free site and Rotokare was the obvious choice. There was no further formal discussion or agreements but I did talk to ^{9(2)(g)}_(ii) about the need to liaise with Rotokare, and provide some support for that release because I wasn't aware that Rotokare had any plans for lizard reintroductions (at that stage).

Since then Rotokare has had a planning session with herpetologists and are presently putting together a plan for lizard reintroductions. They have not developed their plans for striped skink (SS) in full, but based on the discussion at their planning meeting its likely to involve:

- Further survey to see if SS persist at the site
- Either supplement or establish the population using salvaged SS from locations where their long term prospects are limited (e.g. developments, farm remnant refuges, Mt Messenger)
- Depending on how many/how quickly SS can be collected, either hold in captivity until a release cohort is available or directly release to the wild (exact plan to be developed further)
- Use the penned release option to ensure skinks establish within a core area.
- Consider using this translocation to develop monitoring and survey techniques and to understand sps ecology/habitat use better (e.g student project)

Note the above is from my notes and no formal minutes or planning has been developed by the Rotokare team so the above may change or could be corrected by the Rotokare team.

My specific recommendations based on my knowledge of Mt Messenger and Rotokare (and to be discussed/confirmed by all parties). I think this just reiterates your views ^{9(2)(g)}_(ii)

- Mt Messenger experts need to work with Rotokare to ensure the salvaged skins can be incorporated into Rotokares reintroduction plan (the above plan) which has the species conservation at its heart.
- I think its reasonable Mt Messenger contribute to the costs of the reintroduction programme; at least an equivalent portion to the number of skins salvaged
- The plan, as agreed by Mt Messenger and Rotokare, should form the basis of an application to DOC for this translocation. Without that detail, it will be difficult for DOC to write a WA Authorisation (for e.g we need to know if penned release techniques will be use; what post-release monitoring occurs etc) and cover all the activities likely to be required. The detail of the application is normally included in either a Lizard Management Plan or a Translocation application. Id be comfortable with either (and accepting that we have already accepted the details of the collection/salvage)
- Given the unusual circumstances, I could be comfortable with a staged release, and a staged application for this translocation (i.e just approve Mt Messenger release, and receive a more detail application for the full translocation at a later date). This may be appropriate if theres good alignment between Mt Messenger and Rotokares aspirations for the species, and because I have high confidence in Rotokares follow up and technical abilities with translocations.

Hope this is helpful, happy to discuss more

^{9(2)(g)}_(ii)

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From: 9(2)(g)
To: [permissionsupport](#)
Subject: FW: TDR March 2021 - Thursday 4 March 2021 91389-FAU Mt Messenger
Date: Monday, 8 March 2021 1:24:00 pm

From: 9(2)(g)(ii)
Sent: Friday, 5 March 2021 2:13 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: TDR March 2021 - Thursday 4 March 2021

I approve this extension request:

| | | | | | | | |
|--|---------|--|--|--------------|---|---|---|
| Extension request 91389-FAU Mt Messenger DM: 9(2)(g)(ii) Original Due date: 23 February 2021 Extension request: 22 March 2021 Reasoning: Waiting on a response as we requested further information from NZTA 01 March 2021, in terms of an appropriate plan for transferring striped skink to Rotokare Scenic Reserve that includes key stakeholders. Their original application mentioned transferring striped skink to Rotokare but the Rotokare Trust have had little dialogue with NZTA over it. | 9(2)(g) | | | For approval | n | n | y |
|--|---------|--|--|--------------|---|---|---|

From: 9(2)(g)(ii)
Sent: Thursday, 4 March 2021 4:03 pm
To: 9(2)(g)(ii)
Subject: TDR March 2021 - Thursday 4 March 2021

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: Mt Messenger Bypass Plans
Date: Thursday, 4 March 2021 10:06:19 am
Attachments: [Plan 1 - Ngāti Tama land, proposed acquisition and leased areas \(appendix 3 to 27 Jan 20\).pdf](#)
[Plan 2 - Ngāti Tama land, proposed acquisition and leased areas \(appendix 3 to 27 Jan 20\).pdf](#)
[image001.gif](#)
[image004.png](#)

Kia ora 9(2)(g)(ii)

Thanks for the chat!

As discussed, I **attach** copies of the plans for the Mt Messenger bypass. Te Waka Kotahi anticipate that the bypass will be established in the area highlighted yellow and that the areas highlighted orange will be used to construct the bypass. Surveys will be undertaken to confirm the precise area.

Cheers

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | 9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: Perceived Critical Issue to raise in relation to the Mt Messenger Wildlife Act application - HTE appropriate stakeholder engagement for the transfer of striped skink to Rotokare
Date: Tuesday, 2 March 2021 11:17:00 am
Attachments: [image001.jpg](#)
Importance: High

Hi 9(2)(g)(ii)

Can you please put on 9(2)(g)(ii) DR a request to 9(2)(a)(ii) for an extension to 22 March for 91389-FAU Mt Messenger. Current due date is 23 February. This is needed as we have requested further information from NZTA yesterday in terms of an appropriate plan for transferring striped skink to Rotokare Scenic Reserve that includes key stakeholders. Their original application mentioned transferring striped skink to Rotokare but the Rotokare Trust have had little dialogue with NZTA over it.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Tuesday, 2 March 2021 9:33 am
To: 9(2)(g)(ii)
Subject: RE: Perceived Critical Issue to raise in relation to the Mt Messenger Wildlife Act application - HTE appropriate stakeholder engagement for the transfer of striped skink to Rotokare

Morena

I have just spoken with 9(2)(g)(ii) he will make contact with 9(2)(a) at Rotokare regarding the skink transfer. He will work with them to ensure an appropriate plan is in place for the transfer including iwi/hapu involvement.

They would prefer for the transfer to be included in this permit.
In terms of timeframe they do not need the permit until the end of March.

9(2)(g)(ii) - I've cleared up the quote/invoice issue, they will pay on receiving the final invoice once the permit is processed.

Next steps: (pending 9(2)(g)(ii) ok)

- we continue working on the conditions to ensure they cover the transfer of striped skink. 9(2)(g)(ii) and I will check in with 9(2)(g)(ii) 9(2)(a) next week to see how the transfer arrangements are tracking with Rotokare (if we haven't heard from them prior).
- We move the deadline for getting the permit/dsd to 9(2)(a)(ii) to 17th March.
- 9(2)(g)(ii) can you please seek an extension to 22nd March.

Hopefully that was everything.

Thanks

9(2)(g)(ii)

From: [redacted] 9(2)(g)(ii)
Sent: Thursday, 25 February 2021 2:36 pm
To: [redacted] 9(2)(g)(ii)
Cc: [redacted] 9(2)(g)(ii)
[redacted]

Subject: Re: Perceived Critical Issue to raise in relation to the Mt Messenger Wildlife Act application - HTE appropriate stakeholder engagement for the transfer of striped skink to Rotokare

Kia ora [redacted] 9(2)(g)(ii)

I hope you are well. Unfortunately, I have a matter that I perceive to be a Critical Issue in relation to the Mt Messenger Wildlife Act application and this email seeks to notify you of this perceived Critical Issue. Please note that I have discussed this matter with both [redacted] 9(2)(g)(ii) and [redacted] 9(2)(g)(ii) and consider that with [redacted] 9(2)(g)(ii)'s support, a resolution will be forthcoming.

Perceived Critical Issue:

- HTE appropriate stakeholder engagement occurs in regards to the potential transfer of striped skinks to Rotokare Scenic Reserve.

Suggested task to resolve the above CI:

- [redacted] 9(2)(g)(ii) to raise this with [redacted] 9(2)(g)(ii) (Ecology Specialist and one of the key project contacts for Waka Kotahi/Alliance Team) at her meeting with [redacted] 9(2)(g)(ii) tomorrow.

Additional Context:

- This morning, [redacted] 9(2)(a), the Manager of Rotokare Scenic Reserve Trust expressed concern that no formal consultation (from either NZTA or DOC) had occurred for the potential transfer of striped skinks to Rotokare Scenic Reserve.
- [redacted] 9(2)(a) noted that a number of informal discussion occurred but was concerned that his last discussion with NZTA took place with [redacted] 9(2)(g)(ii) around two years ago.
- My understanding is that Rotokare Scenic Reserve Trust are generally supportive of this activity as it aligns with their Trust's objectives but that the Trust is concerned that it has not been appropriately consulted on this matter.

Lastly, in addition to the above Critical issue, I have the following point to note that I perceive to be a constraint (as it may require some thinking around appropriate conditions):

- HTE the best outcome for transferred striped skinks at Rotokare Scenic Reserve Trust

Please let me know if you have any questions.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

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PO Box 462, New Plymouth 4340,
www.doc.govt.nz

doc



From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Authority Application
Date: Monday, 1 March 2021 12:01:00 pm
Attachments: [image001.png](#)
[image002.png](#)
Importance: High

Hi 9(2)(g)(ii)

Further to my email the due date for a decision was 23 February and so an extension is required. Do we know when the Rotokare translocation issue can be resolved as this will inform the extension needed?

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 1 March 2021 11:49 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Mt Messenger Wildlife Authority Application
Importance: High

Hi,

Not sure how to answer 9(2)(g)(ii) about wildlife permit timing as there was that critical issue over translocating striped skink.

Best Regards

9(2)(g)(ii)

From: 9(2)(a) 9(2)(a)
Sent: Sunday, 28 February 2021 10:19 pm
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Authority Application

Hi 9(2)(g)(ii)

If you can provide an invoice we will arrange immediate payment. Is the Wildlife Authority complete ?

Regards

9(2)(a)

From: 9(2)(g)(ii)
Sent: Thursday, 25 February 2021 11:32 am
To: 9(2)(a) 9(2)(a)

Subject: RE: Mt Messenger Wildlife Authority Application

| Acknowledgement Letter Inputs | |
|--------------------------------------|-------------------|
| Additional Resource | \$2,080.00 |
| Permissions Advisor | \$1,787.50 |
| Statutory Process Team | \$195.00 |
| Community Ranger | \$422.50 |
| T4 Decision Maker | \$315.00 |
| Total | \$4,800.00 |
| GST | \$720.00 |
| Subtotal | \$5,520.00 |

Hi 9(2)(g)(ii)

The estimate of costs to cover staff time in processing the application come to \$4,800 + GST as set out above.

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Monday, 18 January 2021 12:18 pm

To: 9(2)(a)

Subject: RE: Mt Messenger Wildlife Authority Application

Hi 9(2)(a),

My name is 9(2)(g)(ii) and I am the Permissions Advisor in the Hamilton Permissions Team who has been assigned your application. Your application has been accepted by DOC for processing. I will keep you up to date with progress on your application during this process. If you wish to contact me, my details are 9(2)(g)(ii) or ph 9(2)(a)

Best Regards

9(2)(g)(ii)

Permissions Advisor

Department of Conservation – Te Papa Atawhai

9(2)(a)

Conservation leadership for our nature **Takina te Hi, tiakina te ha, o te ao turoa**

From: 9(2)(a) 9(2)(a)
Sent: Monday, 21 December 2020 10:33 pm
To: 9(2)(g)(ii)
Cc: 9(2)(a) < 9(2)(a) 9(2)(g)(ii)>

Subject: Mt Messenger Wildlife Authority Application

Hi 9(2)(g)(ii)

As discussed today, please find attached the Mt Messenger Alliance / NZTA Wildlife Authority application for the Mt Messenger Bypass project.

Appended to the application form is an email (Appendix E) from 9(2)(a), the Ngati Tama Runanga (TRONT) Chairman, acknowledging Ngati Tama approval of the application contents.

Please note also that only the cover page of the Ecology and Landscape Management Plan (ELMP) has been appended. This is because the ELMP document is too large to attach in an email. We believe you already have a copy of the latest version of the ELMP (dated May 2019) but if this is not the case please let me know and I will forward a copy separately.

While I am aware of the backlog of Wildlife Act applications I would appreciate anything you can do to facilitate the speedy processing of this application. If all decision-making goes in our favour we hope to be undertaking activities on the Project site related to this application as early as mid March 2021.

Please direct any questions arising from this application to me in the first instance and I will forward them to the appropriate person for response.

Thanks

9(2)(a)

9(2)(a) | **Principal Environmental Consultant**

BSc (Hons)

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Norris Ward McKinnon House, Level 5, 711 Victoria Street, Hamilton 3240 | PO Box 9544, Hamilton 3240, New Zealand

9(2)(a) www.tonkintaylor.co.nz



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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Messenger Wildlife Act application - HTE
appropriate stakeholder engagement for the transfer of striped skink to Rotokare
Date: Monday, 1 March 2021 11:57:28 am
Attachments: [image001.jpg](#)

Hi 9(2)(g)(ii)

Thanks for raising this. I will leave with yourself and 9(2)(g)(ii) to manage and assume it is in control for now and expect you will notify the me and team if support is required.

9(2)(a)(iii)

From: 9(2)(g)(ii)
Sent: Thursday, 25 February 2021 2:36 PM
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)

Subject: Re: Perceived Critical Issue to raise in relation to the Mt Messenger Wildlife Act application - HTE appropriate stakeholder engagement for the transfer of striped skink to Rotokare

Kia ora 9(2)(g)(ii)

I hope you are well. Unfortunately, I have a matter that I perceive to be a Critical Issue in relation to the Mt Messenger Wildlife Act application and this email seeks to notify you of this perceived Critical Issue. Please note that I have discussed this matter with both 9(2)(g)(ii) and 9(2)(g)(ii) and consider that with 9(2)(g)(ii) support, a resolution will be forthcoming.

Perceived Critical Issue:

- HTE appropriate stakeholder engagement occurs in regards to the potential transfer of striped skinks to Rotokare Scenic Reserve.

Suggested task to resolve the above CI:

- 9(2)(g)(ii) to raise this with 9(2)(g)(ii) (Ecology Specialist and one of the key project contacts for Waka Kotahi/Alliance Team) at her meeting with 9(2)(g)(ii) tomorrow.

Additional Context:

- This morning, 9(2)(a), the Manager of Rotokare Scenic Reserve Trust expressed concern that no formal consultation (from either NZTA or DOC) had occurred for the potential transfer of striped skinks to Rotokare Scenic Reserve.
- Simon noted that a number of informal discussion occurred but was concerned that his last discussion with NZTA took place with 9(2)(g)(ii) around two years ago.
- My understanding is that Rotokare Scenic Reserve Trust are generally supportive of this activity as it aligns with their Trust's objectives but that the Trust is concerned that it has

not been appropriately consulted on this matter.

Lastly, in addition to the above Critical issue, I have the following point to note that I perceive to be a constraint (as it may require some thinking around appropriate conditions):

- HTE the best outcome for transferred striped skinks at Rotokare Scenic Reserve Trust

Please let me know if you have any questions.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,
www.doc.govt.nz

doc



From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Authority Application 1
Date: Monday, 1 March 2021 11:52:20 am
Attachments: [image001.png](#)
[image002.png](#)

Its ok 9(2)(g)(ii), I am awaiting a call back from 9(2)(g)(ii) so will discuss it with him then. I think 9(2)(g)(ii) is thinking your estimate is the actual invoice for processing. Ill sort it with him.

I assume we don't send the invoice until processing is complete?

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 1 March 2021 11:49 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Mt Messenger Wildlife Authority Application
Importance: High

Hi,

Not sure how to answer 9(2)(g)(ii) about wildlife permit timing as there was that critical issue over translocating striped skink.

Best Regards

9(2)(g)(ii)

From: 9(2)(a) 9(2)(a)
Sent: Sunday, 28 February 2021 10:19 pm
To: Darcy Liddell <dliddell@doc.govt.nz>
Subject: RE: Mt Messenger Wildlife Authority Application

Hi 9(2)(g)(ii)

If you can provide an invoice we will arrange immediate payment. Is the Wildlife Authority complete ?

Regards

9(2)(a)

From: 9(2)(g)(ii)
Sent: Thursday, 25 February 2021 11:32 am
To: 9(2)(a) 9(2)(a)
Subject: RE: Mt Messenger Wildlife Authority Application

| Acknowledgement Letter Inputs | |
|--------------------------------------|-------------------|
| Additional Resource | \$2,080.00 |
| Permissions Advisor | \$1,787.50 |
| Statutory Process Team | \$195.00 |
| Community Ranger | \$422.50 |
| T4 Decision Maker | \$315.00 |
| Total | \$4,800.00 |
| GST | \$720.00 |
| Subtotal | \$5,520.00 |

Hi 9(2)(a)

The estimate of costs to cover staff time in processing the application come to \$4,800 + GST as set out above.

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)

Sent: Monday, 18 January 2021 12:18 pm

To: 9(2)(a)

Subject: RE: Mt Messenger Wildlife Authority Application

Hi 9(2)(a)

My name is 9(2)(g)(ii) and I am the Permissions Advisor in the Hamilton Permissions Team who has been assigned your application. Your application has been accepted by DOC for processing. I will keep you up to date with progress on your application during this process. If you wish to contact me, my details are 9(2)(g)(ii) or ph 9(2)(a)

Best Regards

9(2)(g)(ii)

Permissions Advisor

Department of Conservation – Te Papa Atawhai

DDI: 9(2)(a)

Conservation leadership for our nature **Takina te Hi, tiakina te ha, o te ao turoa**

From: 9(2)(a) 9(2)(a)
Sent: Monday, 21 December 2020 10:33 pm
To: 9(2)(g)(ii)
Cc: 9(2)(a) 9(2)(a); 9(2)(g)(ii)

Subject: Mt Messenger Wildlife Authority Application

Hi 9(2)(g)(ii)

As discussed today, please find attached the Mt Messenger Alliance / NZTA Wildlife Authority application for the Mt Messenger Bypass project.

Appended to the application form is an email (Appendix E) from 9(2)(a), the Ngati Tama Runanga (TRONT) Chairman, acknowledging Ngati Tama approval of the application contents.

Please note also that only the cover page of the Ecology and Landscape Management Plan (ELMP) has been appended. This is because the ELMP document is too large to attach in an email. We believe you already have a copy of the latest version of the ELMP (dated May 2019) but if this is not the case please let me know and I will forward a copy separately.

While I am aware of the backlog of Wildlife Act applications I would appreciate anything you can do to facilitate the speedy processing of this application. If all decision-making goes in our favour we hope to be undertaking activities on the Project site related to this application as early as mid March 2021.

Please direct any questions arising from this application to me in the first instance and I will forward them to the appropriate person for response.

Thanks

9(2)(a)

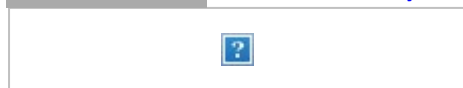
9(2)(a) | **Principal Environmental Consultant**

BSc (Hons)

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From: 9(2)(g)(ii)
To: 9(2)(a)
Subject: RE: Striped Skink
Date: Thursday, 25 February 2021 8:09:00 am
Attachments: [image001.jpg](#)

Kia ora 9(2)(a),

Great, I am in the Office all day today so please ring whenever is convenient for you.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,
www.doc.govt.nz



From: 9(2)(a)
Sent: Wednesday, 24 February 2021 7:08 p.m.
To: 9(2)(g)(ii)
Subject: Re: Striped Skink

Kia ora 9(2)(g)(ii),

Just home and got your phone message can catch-up tomorrow hopefully.

Cheers,

Get [Outlook for Android](#)

From: 9(2)(g)(ii)
Sent: Wednesday, February 24, 2021 3:09:10 PM
To: 9(2)(a)
Cc: 9(2)(a); 9(2)(a) >
Subject: Re: Striped Skink

Tēnā koe 9(2)(a)

Thank you for taking my call earlier to discuss the potential of transferring Striped Skinks to Rotokare Scenic Reserve. I have CC'd 9(2)(a) into this korero to ensure they retain oversight of this mahi should Striped Skinks be transferred to Rotokare Scenic Reserve as a result of this mahi.

To summarise, the Department is currently considering an application from Waka Kotahi NZ Transport Agency (NZTA) that focuses on interactions with wildlife that may be encountered as part of the construction phase of the proposed Mt Messenger Bypass Project in North Taranaki. One component of this application involves the potential of transferring salvaged Striped Skinks to Rotokare Scenic Reserve. If this application is approved, Striped Skinks encountered as part of this mahi could be transferred to Rotokare Scenic Reserve under NZTA's Wildlife Act Authorisation.

Striped Skink have threat status of At Risk, Declining. Nationally, striped skink do not have many secure sites. Key aspects that make Rotokare Scenic Reserve an appropriate relocation site (in addition to the dedicated Rotokare staff) are:

- It contains suitable indigenous lizard habitat (mature tawa, rewarewa and mahoe dominant forest);
- It has existing populations of goldstripe gecko (*Woodworthia chrysoliretica*), forest gecko (*Mokopiriakau granulatus*), brown skink (*Oligosoma zelandicum*) and ornate skink (*Oligosoma ornatum*);
- It has an existing 8.2 km predator proof fence around its perimeter; and
- It has a regime of pest exclusion and control that is likely to continue indefinitely.

Lastly, in our discussion, I mentioned that Nga Ruahine had contributed to a story on the DOC website concerning mokomoko and I said that I would send you the link. I have copied the relevant link and extract from the website below.

<https://www.doc.govt.nz/get-involved/apply-for-permits/interacting-with-wildlife/lizards-cultural-values-and-tikanga/>

“Nga Ruahine

Area: Taranaki

Contact: Policy Team policy@ngaruahine.iwi.nz

Lizards (Ngārara) are important and significant to Māori, and are steeped in cultural and spiritual importance. Within Taranaki (and Whanganui), there is a Māori belief held that Tū-tangata-kino (a spiritual reptile) “guarded the house of Miru, ruler of the underworld” – see [Ngārara reptiles \(external site\)](#).

For Māori, whilst lizards could be feared and seen as a bad omen – representing Whiro (darkness and death), they are often used as guardians, and released near the burial sites of loved ones, and used as a talisman and kaitiaki, as a means to offer protection for important whare / buildings. The placement of the lizard would inspire fear for prospective trespassers, and show that the protection of the atua (gods) has been placed on the tapu place – see [Myths concerning lizards \(external site\)](#).

Lizards are therefore to be considered as sacred creatures, which have an important role for Māori – easing the process to hold them in captivity is therefore of concern.”

Thank you again for your time and please let me know if you have any questions.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Re: 91389-FAU - Mt Messenger - tasks from Check-in Meeting - confirming District Office contact and discuss the potential transfer of Striped Skinks to Rotokare Scenic Reserve with Ngati Tupaia representative
Date: Wednesday, 24 February 2021 4:18:23 pm
Attachments: [image001.jpg](#)

Kia ora 9(2)(g)(ii)

I'm just following up to advise on the completion of the two tasks assigned to me at our last Check-in Meeting for NZTA's Wildlife Act Application. The tasks and actions undertaken to complete the tasks are talked to below for your records. Please let me know if you have any questions.

Task 1 - Advise on a District Office contact for current RMA District Office implementation plan ([DOC-5917638](#))

Action undertaken - I spoke with 9(2)(g)(ii) Operations Manager for New Plymouth who advised that he would act as the District Office contact for the purpose of this implementation plan.

Task 2 – Phone Ngati Tupaia representative to discuss and confirm general support for the potential transfer of Striped Skinks to Rotokare Scenic Reserve.

Action undertaken – I phoned and spoke with 9(2)(a), Ngati Tupaia descendant to discuss the potential transfer of Striped Skinks to Rotokare Scenic Reserve. 9(2)(a) advised that he was confident in the work undertaken by Rotokare Scenic Reserve and that as long as Rotokare Staff (in this instance being 9(2)(a) and 9(2)(a)) were happy with this occurring, that he would be supportive of the potential transfer of Striped Skinks to Rotokare Scenic Reserve. To note: I have had previous discussions around the potential transfer of Striped Skinks with both 9(2)(a) and 9(2)(a) but also wanted to ensure that they were kept abreast of discussions with 9(2)(a) on this matter. As such I also sent the email to 9(2)(a), CC'ing 9(2)(a) and 9(2)(a) to ensure that both Ngati Tupaia and Rotokare Staff were kept abreast of this mahi.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: 91389-FAU MT Messenger cost estimate
Date: Wednesday, 24 February 2021 9:14:00 am

Hi 9(2)(g)(ii)

This came to 4.7 K as it involves quite a few staff is this ok? See [DOC-6584556](#)

Best Regards

9(2)(g)
(ii)

Standard Process: The below chart identifies what is part of the standard process for each type of application. This chart is included on every page of the Tool. Anything **not included** should be inputted as an Add-On:

| Non-Notified Concessions | Complex Non-Notified Concessions | Notified Concessions | Non-Base Fee Applications |
|--|---|--|---|
| Standard Concessions, i.e.: Guiding (1 location), Aircraft (1 location), Marine Mammals, Freshwater and Material Variation applications | Ex: Guiding (2+ locations) and Aircraft (2+ locations) applications | All Concessions in the Public Notification Process | Ex: Mining, WARO, AATH and Fish Passage applications |
| Includes: + T4 Decision Maker (1x) + Permissions Advisor (1x) + Community Ranger (1x) + Statutory Processing Team Time + Context Meeting (1x) + Check-In Meeting (1x) + Standard Statutory Analysis Time + Decision Making Time + Post Decision Tasks | Includes: + As per Non-Notified Concessions + Additional Time for High Volume Locations | Includes: + As per Non-Notified Concessions + Permissions T4 Manager and time + Additional Check-In Meeting (2 nd) + Additional time for coordination and statutory analysis as part of notification process | As there is no base fee to these, this tool is used to calculate an estimate and actual costs regardless of the standard process. Consequently, the time for the Statutory Process Team is included in the Cost Recovery Tool. |
| Does Not Include: - Anything not included above | Does Not Include: - Add-Ons for multi-regional applications | Does Not Include: - Notification Costs - Hearing Costs | |

| Non-Base Fee (includes Mining, WARO, AATH, Fish Passage applications) | | | | | |
|---|--------------------------------|------------------------|----------|--------|-------------------|
| COST ESTIMATE SECTION | | | | | |
| Standard Processing Tasks | | | | | 9(2)(j) |
| Processing Stage | Standard Task | Staff Member | Rate | Hrs/Km | Total |
| Capture | Capture, Summary, Assign | Statutory Process Team | \$130.00 | 1.5 | \$195.00 |
| Pre-Context Meeting Tasks | Admin Tasks | Permissions Advisor | \$130.00 | 0.25 | \$32.50 |
| | Understand Application | Permissions Advisor | \$130.00 | 2 | \$260.00 |
| | | Community Ranger | \$130.00 | 1 | \$130.00 |
| | | T4 Decision Maker | \$140.00 | 0.5 | \$70.00 |
| Context Meeting | Context Meeting | Permissions Advisor | \$130.00 | | \$0.00 |
| | | Community Ranger | \$130.00 | 0.5 | \$65.00 |
| | | T4 Decision Maker | \$140.00 | 0.5 | \$70.00 |
| Post Context Meeting Tasks | Update Task Register | Permissions Advisor | \$130.00 | | \$0.00 |
| | Cost Estimate/Request for Info | Permissions Advisor | \$130.00 | 0.5 | \$65.00 |
| | Check-In Meeting Set Up | Permissions Advisor | \$130.00 | 0.25 | \$32.50 |
| Application Processing | Analysis of Proposal/Mapping | Permissions Advisor | \$130.00 | 9 | \$1,170.00 |
| | Input into DSD | Community Ranger | \$130.00 | 1 | \$130.00 |
| | Peer Review | Permissions Advisor | \$130.00 | 0.5 | \$65.00 |
| Customer Correspondence | Liasing with Applicant | Permissions Advisor | \$130.00 | | \$0.00 |
| Check-In Meeting | Check-In Meeting | Permissions Advisor | \$130.00 | 0.75 | \$97.50 |
| | | Community Ranger | \$130.00 | 0.75 | \$97.50 |
| | | T4 Decision Maker | \$140.00 | 0.75 | \$105.00 |
| Decision | Decision | T4 Decision Maker | \$140.00 | 0.5 | \$70.00 |
| Post Decision | Post Decision Admin | Permissions Advisor | \$130.00 | 0.5 | \$65.00 |
| Add-Ons | | | | | \$2,080.00 |
| Type | Base Fee | Quantity | Rate | Hrs/Km | Total |
| Additional Pre-App Time | | | | | \$0.00 |
| High Volume Locations | | | | | \$0.00 |
| Understand Meeting | | | | | \$0.00 |
| Additional Team Members | | | | | \$2,080.00 |
| Tier 5 Additional Staff | | | | | \$780.00 |
| Additional Rangers (i.e. community/bio/rec) | \$227.00 | | \$130.00 | | \$0.00 |
| GIS Specialists | \$227.00 | | \$130.00 | | \$0.00 |
| Technical - Historic | \$227.00 | | \$130.00 | | \$0.00 |
| Technical - Ecological | \$227.00 | | \$130.00 | 6 | \$780.00 |
| Technical - Recreation | \$227.00 | | \$130.00 | | \$0.00 |
| Technical - Freshwater | \$227.00 | | \$130.00 | | \$0.00 |
| Technical - Statutory Planner | \$227.00 | | \$130.00 | | \$0.00 |
| Statutory Support Officer (SSO) | \$227.00 | | \$130.00 | | \$0.00 |
| National Support & Advice | \$227.00 | | \$130.00 | | \$0.00 |
| Legal/Solicitor Review | \$227.00 | | \$185.00 | 4 | \$740.00 |
| Tier 4 Managers | | | | | \$560.00 |
| Statutory Manager | \$245.00 | 0 | \$140.00 | 4 | \$560.00 |
| Permissions Manager | \$245.00 | | \$140.00 | | \$0.00 |
| Other Operations Manager | \$245.00 | | \$140.00 | | \$0.00 |

Hrs/Km: input the sum time under hr/km, do not take into account quantity of resource (i.e. if 2 rangers did a combined work of 5 hours, input 5 into hrs/km)

| | | | | | |
|------------------------------|----------|--|----------|--|-------------------|
| Other T4 Manager | \$245.00 | | \$140.00 | | \$0.00 |
| Tier 3 (i.e. Directors) | \$113.00 | | \$205.00 | | \$0.00 |
| Multi-Regional Application | | | | | \$0.00 |
| Site Visit | | | | | \$0.00 |
| Significant Additional Tasks | | | | | \$0.00 |
| Additional Check-In Meeting | | | | | \$0.00 |
| Public Notification | | | | | \$0.00 |
| Sub Total | | | | | \$4,800.00 |

| Acknowledgement Letter Inputs | |
|-------------------------------|-------------------|
| Pre-App | \$0.00 |
| Additional Resource | \$2,080.00 |
| Site Visit | \$0.00 |
| Public Notification | \$0.00 |
| Large/Complex | \$0.00 |
| Permissions Advisor | \$1,787.50 |
| Statutory Process Team | \$195.00 |
| Community Ranger | \$422.50 |
| T4 Decision Maker | \$315.00 |
| Total | \$4,800.00 |
| GST | \$720.00 |
| Subtotal | \$5,520.00 |

| ACTUAL TIME SECTION | | | | | |
|------------------------------|--------------------------------|------------------------|----------|--------|---------------|
| Standard Processing Tasks | | | | | \$0.00 |
| Processing Stage | Standard Task | Staff Member | Rate | Hrs/Km | Total |
| Capture | Capture, Summary, Assign | Statutory Process Team | \$130.00 | | \$0.00 |
| Pre-Context Meeting Tasks | Admin Tasks | Permissions Advisor | \$130.00 | | \$0.00 |
| | Understand Application | Permissions Advisor | \$130.00 | | \$0.00 |
| | | Community Ranger | \$130.00 | | \$0.00 |
| | | T4 Decision Maker | \$140.00 | | \$0.00 |
| Context Meeting | Context Meeting | Permissions Advisor | \$130.00 | | \$0.00 |
| | | Community Ranger | \$130.00 | | \$0.00 |
| | | T4 Decision Maker | \$140.00 | | \$0.00 |
| Post Context Meeting Tasks | Update Task Register | Permissions Advisor | \$130.00 | | \$0.00 |
| | Cost Estimate/Request for Info | Permissions Advisor | \$130.00 | | \$0.00 |
| | Check-In Meeting Set Up | Permissions Advisor | \$130.00 | | \$0.00 |
| Application Processing | Analysis of Proposal/Mapping | Permissions Advisor | \$130.00 | | \$0.00 |
| | Input into DSD | Community Ranger | \$130.00 | | \$0.00 |
| | Peer Review | Permissions Advisor | \$130.00 | | \$0.00 |
| Customer Correspondence | Liasing with Applicant | Permissions Advisor | \$130.00 | | \$0.00 |
| Check-In Meeting | Check-In Meeting | Permissions Advisor | \$130.00 | | \$0.00 |
| | | Community Ranger | \$130.00 | | \$0.00 |
| | | T4 Decision Maker | \$140.00 | | \$0.00 |
| Decision | Decision | T4 Decision Maker | \$140.00 | | \$0.00 |
| Post Decision | Post Decision Admin | Permissions Advisor | \$130.00 | | \$0.00 |
| Add-Ons | | | | | \$0.00 |
| Type | Base Fee | Quantity | Rate | Hrs/Km | Total |
| Additional Pre-App Time | | | | | \$0.00 |
| High Volume Locations | | | | | \$0.00 |
| Understand Meeting | | | | | \$0.00 |
| Additional Team Members | | | | | \$0.00 |
| Multi-Regional Application | | | | | \$0.00 |
| Site Visit | | | | | \$0.00 |
| Significant Additional Tasks | | | | | \$0.00 |
| Additional Check-In Meeting | | | | | \$0.00 |
| Public Notification | | | | | \$0.00 |
| Total | | | | | \$0.00 |
| Previously Invoiced | | | | | |
| Sub Total | | | | | \$0.00 |

| Approval Letter Inputs | |
|------------------------|--------|
| Pre-App | \$0.00 |
| Additional Resource | \$0.00 |
| Site Visit | \$0.00 |
| Public Notification | \$0.00 |
| Large/Complex | \$0.00 |

| | |
|-----------------------------------|---------------|
| Permissions Advisor | \$0.00 |
| Statutory Process Team | \$0.00 |
| Community Ranger | \$0.00 |
| T4 Decision Maker | \$0.00 |
| Amount Previously Invoiced | \$0.00 |
| Total | \$0.00 |
| GST | \$0.00 |
| Subtotal | \$0.00 |

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Re: The Kiwi Trust's Annual Report
Date: Tuesday, 23 February 2021 1:59:13 pm
Attachments: [image001.jpg](#)

Kia ora 9(2)(g)(ii)

Just one more thing. In regards to 9(2)(a), I'm not sure what he may have been up to with kiwi at this site but I believe that he was working with 9(2)(a) (Wild Solutions) 9(2)(a) if that helps.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,
www.doc.govt.nz

doc



From: 9(2)(g)(ii)
Sent: Tuesday, 23 February 2021 9:10 a.m.
To: 9(2)(g)(ii)
Subject: RE: Re: The Kiwi Trust's Annual Report

Great - thanks 9(2)(g)(ii). I think we'll just word the conditions to try to avoid the issue I had raised anyway!! But nice to get this report.

Cheers

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Tuesday, 23 February 2021 8:53 a.m.
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Re: The Kiwi Trust's Annual Report

Kia ora 9(2)(g)(ii)

The attached report (Kiwis for Kiwi) talks to kiwi transmitted in the path of the proposed Mt Messenger by-pass. 9(2)(a) may be the best person to answer your query around what channels were used and what birds remain transmitted.

Copied form the attached:

“..We were also able to incorporate an additional eight males on transmitter that reside close to the path of the proposed Mt Messenger by-pass road and two others that were previously on the Taranaki Kiwi Trust permit. Transmitters were removed from four males who have produced the quota of six offspring. Four females were also retained with transmitters as we aim to capture their male partner in 2021 and metal band them. Due to Covid19 travel restrictions we were unable to change straps and transmitters as planned/required and consequently two kiwi drop their transmitters, and we suspect the transmitters on one male and one female have also failed. In an attempt to avoid these two kiwi carrying around a failed transmitter, we sent in a dog team towards the end of May to re-find the birds, both in the Hutiwai Conservation Area. However, after two days of searching the birds could not be located and then a severe weather event cut the trip short..”

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

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doc



From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Wildlife Act - Offsets and Compensation
Date: Wednesday, 17 February 2021 2:35:00 pm
Attachments: [image002.gif](#)
[image003.png](#)

[DOC-6540384](#)

Offset/compo section of ELMP

Pest management

The pest management programme is expected to generate biodiversity benefits for a wide range of plants and animal species. – no specific species identified that will benefit.

Swamp forest restoration planting

The upper Mangapepeke valley will transform into a diverse, high value swamp/wetland ecosystem. No mention of specific species

Effects not directly accounted for by the Biodiversity Offsets Accounting Model

Achievement of no net loss then net gain will be measurable for many bird species.

There will be benefit to longtailed bats, lizards and invertebrates but difficult to gauge accurate offset for these animals due to lack of understanding of their population size and nature. Additional restoration effort is provided to address residual effects of these animals. The additional effort is considered to be more than sufficient to generate net biodiversity gain from 15 years following construction. Additional efforts are: landscape and vegetation management plan – replacement mitigation planting of 9ha, planting of 3400 seedlings as replacement plants., rehab of site works- there will be mulching of vegetation where not left on site.

From: 9(2)(g)(ii)
Sent: Wednesday, 17 February 2021 11:50 am
To: 9(2)(g)(ii)
Subject: RE: Wildlife Act - Offsets and Compensation

the starting point is to determine whether the compensatory measure promotes the protection of the Identified Species / wildlife. If so, it is a relevant consideration in determining whether to grant the Application. Benefits? – wildlife protection

1. 9(2)(h)

Difference between offset and compo

- a. an offset requires an objective accounting framework which verifies that there will be no net loss of biodiversity. The offset principle of “like for like” requires a connection between the biodiversity value that is lost, and the measure proposed to offset that loss;
- b. compensation may apply where biodiversity losses cannot be quantified or

verified. The compensation measure itself may not necessarily connect to the biodiversity lost.

From: [redacted] 9(2)(g)(ii)
Sent: Tuesday, 16 February 2021 2:44 pm
To: [redacted] 9(2)(g)(ii)
[redacted]
Cc: [redacted] 9(2)(g)(ii)
Subject: RE: Wildlife Act - Offsets and Compensation

Kia ora Team

Thank you for this [redacted] 9(2)(g)(ii) this provides the clarity to proceed, over to you [redacted] 9(2)(g)(ii) and [redacted] 9(2)(g)(ii) to consider in the context of the application in front of us.

Talk next week.

[redacted] 9(2)(g)(ii)

From: [redacted] 9(2)(g)(ii)
Sent: Friday, 5 February 2021 2:10 pm
To: [redacted] 9(2)(g)(ii)
Cc: [redacted] 9(2)(g)(ii)
[redacted]
Subject: Wildlife Act - Offsets and Compensation

Kia ora team

Please find **attached** and [linked](#) copies of the advice re the relevance of offsets and compensation in the context of the Wildlife Act.

Happy to discuss.

Kia pai to raa whakataa – have a good weekend.

Thanks

[redacted] 9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: [redacted] 9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: 91389-FAU NZTA Mt Messenger Discuss translocation of striped skink
Importance: High

H: 9(2) not sure if you want to be involved in this or review the conditions later. Did you manage to check the draft conditions against the RMA conditions?

The draft authority is at DOC-6573028 <<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6573028>>

Best Regards

9(2)

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting <https://teams.microsoft.com/l/meetup-join/19%3ameeting_MmE4MDc5NTgtMGU1OS00ZWZjLTkzNGQtNmI0MmU1MWE5ZDNk%40thread.v2/0?context=%7b%22Tid%22%3a%22f0cbb24f-a2f6-498f-b536-6eb9a13a357c%22%2c%22Oid%22%3a%22cd019fcc-93e3-4709-9546-7d57054c40e3%22%7d>

Learn More <<https://aka.ms/JoinTeamsMeeting>> | Meeting options <https://teams.microsoft.com/meetingOptions/?organizerId=cd019fcc-93e3-4709-9546-7d57054c40e3&tenantId=f0cbb24f-a2f6-498f-b536-6eb9a13a357c&threadId=19_meeting_MmE4MDc5NTgtMGU1OS00ZWZjLTkzNGQtNmI0MmU1MWE5ZDNk@thread.v2&messageId=0&language=en-US>

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: 91389-FAU
Date: Friday, 12 February 2021 5:58:00 pm
Importance: High

Hi 9(2)(g)(ii)

I've had a first crack at the authority and conditions but haven't checked the rma conditions yet.
[DOC-6573028](#)

We don't have standard bat conditions or kwi ones.

I will work on the conditions again on Monday

Best Regards

9(2)(g)(ii)

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions
Date: Thursday, 4 February 2021 1:00:30 pm
Attachments: [image003.png](#)
[image002.png](#)

Kia ora team

Sarah confirmed that the draft [NPDC conditions](#) filed in September 2020 and draft [TRC conditions](#) filed in October 2020 are the correct versions to be working off. She mentioned that the NPDC conditions are likely to be the most important to the Wildlife Act application, as the TRC ones touch on sediment management, discharge to water etc.

Thanks

9(2)(g)(ii)
Rooia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Tuesday, 2 February 2021 2:12 p.m.
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

Kia ora team

As an FYI (and ahead of spending a lot of time reviewing the draft conditions) NZTA filed a revised set of conditions in September 20 (copies **attached** and linked [here](#)). I understand that further amendments may have been made in October 2020. I am in the process of confirming this with 9(2)(g)(ii) and will come back to you all with an update once she responds.

Cheers

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)

Sent: Tuesday, 2 February 2021 10:32 a.m.

To: 9(2)(g)(ii)

Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

From: 9(2)(g)(ii)

Sent: Tuesday, 2 February 2021 8:51 AM

To: 9(2)(g)(ii)

Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

Morena Team

One of my actions was to share a copy of consent conditions, here they are:

TRC conditions

<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6374945>

NPDC conditions

<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6374938>

Cheers

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Thursday, 28 January 2021 10:41 a.m.

To: [Redacted] 9(2)(g)(ii)
[Redacted]
[Redacted]

Subject: 91389-FAU NZ Transport Agency- context meeting notes and actions

Hi Team

Thank you for your time Monday to talk through the NZTA Mt Messenger Wildlife applications.

9(2)(g)(ii) we continued in your absence given the priority of this application.

Below are the critical issues and some suggested follow up tasks. Keen for Team input here.

9(2)(g)(ii) can you please take the overall process coordination from here please.

9(2)(g)(i)
• [Redacted]
[Redacted]

• [Redacted]
• [Redacted]
[Redacted]

• [Redacted]
[Redacted]
[Redacted]

• [Redacted]
[Redacted]

• [Redacted]
[Redacted]

[Redacted]

• [Redacted]

9(2)(g)(i)

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

[Redacted]

Any questions in the meantime, give me a call.

Thanks,

9(2)(g)(ii)

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region
Department of Conservation | Te Papa Atawhai

M: 9(2)(a) | E: 9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

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Mt Messenger Bypass: Implementation Plan

Purpose: This document outlines the designation and consent conditions for the Mt Messenger Bypass which require review and input from DOC.

Context: Given the significance of habitats and species impacted by the Mt Messenger bypass road ongoing DOC involvement will be required. There are detailed management plans which will require review and comment, and management actions which will evolve over the life of the project. This includes construction effects on fauna and vegetation and long-term offset and compensation measures, such as pest control, restoration planting and monitoring.

An ongoing, long-term connection between DOC and NZTA is required to ensure the positive project outcomes are realised. Now that the formal RMA process is nearing completion, future project oversight will be led by the local district office. This document provides guidance on what conditions require DOC input and names of technical staff involved in the RMA case.

NZTA will be appointing a construction project lead/liaison person to work with DOC (via the district office contact- **add role title**) throughout project construction.

Any general questions not answered below can be sent to [redacted 9(2)(g)(ii)] or [redacted 9(2)(g)(ii)]

Doc involvement is required in the following conditions:

| Notice of Requirement Conditions | | | | |
|---|--|---|--|--|
| Condition | When (will this happen) | What (will happen) | Who (needs to be involved/ to contact/ | How |
| 33. Establishment of the Ecological review panel | As soon as practicable following confirmation of the designation | <ol style="list-style-type: none"> The requiring authority (NZTA) will establish this panel DOC will be invited to provide one member to this panel (must be agreed by the planning lead) The panel will be involved in a range of tasks. See 33 (ii) | <ul style="list-style-type: none"> [redacted 9(2)(g)(ii)] | <p>[redacted 9(2)(g)(ii)] has been approached about being panel member for DOC given pest control expertise will be large focus.</p> <p>Other areas of expertise may be required on an as needed basis. NZTA are to over costs of staff and/or contractor time for being on the panel.</p> |

Notice of Requirement Conditions

| Condition | When (will this happen) | What (will happen) | Who (needs to be involved/ to contact/ | How |
|--|--|---|--|---|
| 29b (ii) and (iii). Herpetofauna compensation measures | Funding will be made available prior to works commencing to compensate for potential loss of herpetofauna. | <ol style="list-style-type: none"> 1. The requiring authority will provide \$200,000 (plus GST, if any) in compensation for one or more research and/ or development projects where the outcomes are intended to benefit herpetofauna in the North Taranaki Ecological District 2. DOC will nominate what project(s) receive this funding (following discussion by the Requiring Authority with the Operations Manager of DOC New Plymouth District Office and the Planning Lead (or Nominee)) 3. DOC will administer and distribute funding 4. Within two years of commencing works, the requiring authority will provide a written update on how the funding has been allocated and utilised. | <ul style="list-style-type: none"> • Operations manager of New Plymouth District Office. • 9(2)(g)(ii) was the herpetofauna expert for DOC at the hearing, she needs to be involved in deciding how funds are spent. | District office contact works with 9(2)(g)(ii) on how funding is spent. |
| 29d (iv) and (v) Avifauna monitoring | Bittern monitoring will occur prior to construction and Kokako monitoring will occur throughout construction (will be specified in the ELMP) | <p>Australasian bitterns will be monitored using automatic acoustic monitors in the Mimi wetland and in the Mangapepeka Valley prior to construction.</p> <p>Kokako or their nests will also be monitored throughout the construction zone (monitoring techniques should be outlined in the ELMP).</p> <ol style="list-style-type: none"> 1. Should Bittern be recorded the Operations manager of New Plymouth District Office should be notified within two days of the data being received. The Requiring Authority shall design, install and maintain low fencing adjacent to the road corridor at marshland locations where bittern are recorded, prior to operation of the road. 2. If Kokako are detected notification shall be provided within 2 hours of detection. Appropriate responses shall be implemented immediately. | <ul style="list-style-type: none"> • The Operations Manager of New Plymouth district Office will be notified. Subsequent responses are required should DOC be notified. • 9(2)(g)(ii) for avifauna | If DOC are notified of presence of kokako or bittern, contact technical advisor 9(2)(g)(ii) for advice on appropriate follow up/management actions. |
| 30 g(iv) and h Comments on the bat monitoring programme | | Comments shall be provided from DOCs nominated bat expert on the bat monitoring programme. Comments shall be provided to the requiring authority within 15 working days of receipt of report. | <ul style="list-style-type: none"> • DOC nominated bat expert • 9(2)(g)(ii) | This action is complete. Comments provided. |

Notice of Requirement Conditions

| Condition | When (will this happen) | What (will happen) | Who (needs to be involved/ to contact/ | How |
|--|-------------------------|---|---|--|
| Possible scenarios for confirmation of the Pest Management Area (PMA) <i>(The PMA location is subject to outcomes of bat monitoring)</i> | | | | |
| Scenario 1 | | Where the intended PMA will be the confirmed PMA. | | Complete- Bat monitoring was undertaken, and the intended PMA has been confirmed as the PMA. |
| Scenario 2 | | In the case where scenario 1 does not apply, but suitable bat roosting habitat is identified in the wider PMA , the bat expert, in consultation with the DOC expert , shall consider if the wider PMA is suitable as the official PMA. | | Complete |
| Scenario 3 | | In the event the majority of monitoring shows bat roosts are located in the study area but outside the wider PMA . The DOC expert (along with the bat expert and others) shall review and consider if the study area would be suitable as the official PMA | | Complete |
| Scenario 4 | | In the event that the PMA has not been recommended to be confirmed through Scenarios 1, 2 or 3, the PMA shall be located in the Alternative PMA, or some other location agreed with DOC . | | Complete |
| 30 (i), (j) and (l) Independent peer review of bat monitoring programme | | <p>DOC should receive a copy of the peer review assessment of the Bat Monitoring Programme and provide comment within 10 working days of receipt of report.</p> <p>The requiring authority shall consider the assessment and address how any comments outlined by DOC have been addressed in the Bat Monitoring report (30 (g)).</p> <p>A copy of the final certified Bat Monitoring Report and any changes to the ELMP shall be provided to DOC and the KFG.</p> | <ul style="list-style-type: none"> • 9(2)(g)(ii) | Complete |

Notice of Requirement Conditions

| Condition | When (will this happen) | What (will happen) | Who (needs to be involved/ to contact/) | How |
|--|--|--|---|--|
| 32 (a) and (d) Monitoring report relating to all monitoring undertaken for the mitigation, offsetting and compensation of the project. | The report will be prepared 12 months after monitoring is undertaken | DOC will be provided a copy of the annual report. If necessary, the report shall identify any actions required to achieve compliance with Condition 29(h)(iv) to (vi) (this is pest management), including identifying any updates required to the ELMP. DOC shall receive a copy of this report | <ul style="list-style-type: none"> District office contact | District office contact should review all monitoring reports and send to experts for advice as required. Report should be forwarded to the DOC Rep on the ecological review panel |

Taranaki Regional Council Consent Conditions

| Condition | When (will this happen) | What (will happen) | Who (needs to be involved/ to contact) | How |
|--|---|---|---|---|
| Gen. 18 p.135 Annual review | Annually? (does not specify when) | The conditions require that an annual review of all management plans must be undertaken. The outcome of this review will be sent to the Operations Manager of the New Plymouth District Office | <ul style="list-style-type: none"> Ops Manager New Plymouth District Office. | Operations manager can share will district office contact for review and decide if follow up actions are required. |
| Gen. 20 p. 136 Access for DOC staff | During the entirety of the construction period. | The condition states that the Construction Environmental Management Plan (CEMP) should include provision for DOC staff to gain reasonable access to the site during the construction period. | <ul style="list-style-type: none"> District office contact | District office contact to liaise with NZTA relationship manager regarding site access/visits as deemed necessary. |
| Gen. 26 p.141 Annual Monitoring Report | | The consent holder is required to prepare an annual monitoring report of all ecological mitigation and biodiversity offsetting required under Gen. 24(a) to (c). This will describe the findings of all monitoring of the | <ul style="list-style-type: none"> District office contact | District office contact should review all monitoring reports and send to experts for advice as required. |

Taranaki Regional Council Consent Conditions

| Condition | When (will this happen) | What (will happen) | Who (needs to be involved/ to contact) | How |
|---|--|---|--|--|
| | | <p>mitigation and offsetting undertaken in the previous 12 mths.</p> <p>DOC should be provided with a copy of this report.</p> <p>NOTE this condition is worded the same as condition 32 (a) and (b) in the notice of requirement conditions. However, this monitoring review is specific to the requirements under the TRC consent conditions.</p> | | Report should be forwarded to the DOC Rep on the ecological review panel |
| Sed. 11 (j) p.149 Discharge stormwater and sediment annual monitoring review. | DOC should receive this report at the end of each earthworks season and no later than the end of May | Consent holder is required to undertake annual monitoring report of the monitoring undertaken as part of the Construction Water Discharges Monitoring Programme (see Sed. 11). DOC should receive a copy of this report. | <ul style="list-style-type: none"> 9(2)(g)(ii) (freshwater technical) | District office contact to send report to 9(2)(g)(ii) in the freshwater team to review. |

Schedule 1: Requirements addressed in the **ELMP**

| Part | When | What | Who | How |
|-----------------------------------|------|---|---|--|
| 3. Bat Management Plan (d) | | <p>Provision for consultation with the DOC Operations Manager New Plymouth District Office to discuss appropriate actions if a bat roost remains occupied for longer than 7 days.</p> | <ul style="list-style-type: none"> DOC Operations Manager 9(2)(g)(ii) | 9(2)(g)(ii) should be consulted with any management actions or issues related to bats. |

| | | | | |
|--|--|---|---------------|---|
| 4. Avifauna Management Plan (iii) | | The Ops manager in the New Plymouth District shall be contacted to discuss the location and design of the kiwi exclusion fences | • 9(2)(g)(ii) | 9(2)(g)(ii) is to be contacted for advice regarding kiwi and kiwi fence requirements. |
|--|--|---|---------------|---|

[Link to full set of conditions \(get a doc cm link\)](#)

Add link to the ELMP

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Authority Application 4
Date: Thursday, 4 February 2021 12:30:13 pm
Attachments: [image001.png](#)
[image002.png](#)

Thank you 9(2)(g)(ii) ☺

From: 9(2)(g)(ii)
Sent: Thursday, 4 February 2021 12:05 p.m.
To: 9(2)(g)(ii)
Subject: FW: Mt Messenger Wildlife Authority Application

Hi all,

9(2)(g)(ii) has confirmed that the wildlife act authority application covers the road construction corridor or very close to it and that areas of interest of iwi is only Ngati Tama.

Best Regards

9(2)(g)(ii)

From: 9(2)(a) <9(2)(a)>
Sent: Thursday, 4 February 2021 8:03 am
To: Darcy Liddell <dliddell@doc.govt.nz>
Subject: RE: Mt Messenger Wildlife Authority Application

Hi 9(2)(g)(ii)

Sorry about the delayed reply to your enquiry. I have been out in the field.

In answer to your query, all tasks applied for with the Wildlife Authority application will be undertaken within the road construction corridor or very close to it. No activities will be necessary in any areas that are close to the areas of interest of iwi other than Ngati Tama.

An example of a situation of where some activity that will occur outside the road footprint but close to it is the radio tracking of kiwi that have territories that overlap with the road footprint. Kiwi territories of this nature will not extend anywhere near the southern areas of Ngati Mutunga interest.

Give me a call if you require any more information.

Regards

9(2)(a)

From: 9(2)(g)(ii)

Sent: Tuesday, 2 February 2021 4:30 pm

To: [redacted 9(2)(a)] <[redacted 9(2)(a)]>

Subject: RE: Mt Messenger Wildlife Authority Application

Hi [redacted 9(2)(a)],

Further to my email last Thursday can you please advise whether all activities proposed are within the road construction corridor? If not then no further iwi consultation is required for the project. Are you able to get back to me by Friday?

Best Regards

[redacted 9(2)(g)(ii)]

From: [redacted 9(2)(g)(ii)]

Sent: Thursday, 28 January 2021 1:42 pm

To: [redacted 9(2)(a)]

Subject: RE: Mt Messenger Wildlife Authority Application

Hi [redacted 9(2)(a)]

Doc discussed the application at a meeting this week and just need to understand whether all activities proposed are within the road construction corridor. This information is needed to work out which tangata whenua to consult with. Thanks

Best Regards

[redacted 9(2)(g)(ii)]

From: [redacted 9(2)(g)(ii)]

Sent: Monday, 18 January 2021 12:18 pm

To: [redacted 9(2)(a)]

Subject: RE: Mt Messenger Wildlife Authority Application

Hi [redacted 9(2)(a)]

My name is [redacted 9(2)(g)(ii)] and I am the Permissions Advisor in the Hamilton Permissions Team who has been assigned your application. Your application has been accepted by DOC for processing. I will keep you up to date with progress on your application during this process. If you wish to contact me, my details are [redacted 9(2)(g)(ii)] or ph [redacted 9(2)(g)(ii)]

Best Regards

[redacted 9(2)(g)(ii)]

Permissions Advisor

Department of Conservation – Te Papa Atawhai

DDI: [redacted] 9(2)(a)

Conservation leadership for our nature **Takina te Hi, tiakina te ha, o te ao turoa**

From: [redacted] 9(2)(a) [redacted] 9(2)(a)
Sent: Monday, 21 December 2020 10:33 pm
To: [redacted] 9(2)(g)(ii)
Cc: [redacted] 9(2)(a) [redacted] 9(2)(g)(ii)

Subject: Mt Messenger Wildlife Authority Application

Hi [redacted] 9(2)(g)(ii)

As discussed today, please find attached the Mt Messenger Alliance / NZTA Wildlife Authority application for the Mt Messenger Bypass project.

Appended to the application form is an email (Appendix E) from [redacted] 9(2)(a), the Ngati Tama Runanga (TRONT) Chairman, acknowledging Ngati Tama approval of the application contents.

Please note also that only the cover page of the Ecology and Landscape Management Plan (ELMP) has been appended. This is because the ELMP document is too large to attach in an email. We believe you already have a copy of the latest version of the ELMP (dated May 2019) but if this is not the case please let me know and I will forward a copy separately.

While I am aware of the backlog of Wildlife Act applications I would appreciate anything you can do to facilitate the speedy processing of this application. If all decision-making goes in our favour we hope to be undertaking activities on the Project site related to this application as early as mid March 2021.

Please direct any questions arising from this application to me in the first instance and I will forward them to the appropriate person for response.

Thanks

[redacted] 9(2)(a)

[redacted] 9(2)(a) | **Principal Environmental Consultant**

BSc (Hons)

Tonkin + Taylor - Exceptional thinking together

Norris Ward McKinnon House, Level 5, 711 Victoria Street, Hamilton 3240 | PO Box 9544, Hamilton 3240, New Zealand

M [redacted] 9(2)(a) www.tonkintaylor.co.nz



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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Date: Thursday, 4 February 2021 12:04:00 pm
Attachments: [image001.png](#)
[image002.png](#)

Hi all,

9(2)(a) has confirmed that the wildlife act authority application covers the road construction corridor or very close to it and that areas of interest of iwi is only Ngati Tama.

Best Regards
Darcy

From: 9(2)(a)
Sent: Thursday, 4 February 2021 8:03 am
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Authority Application

Hi 9(2)(g)(ii)

Sorry about the delayed reply to your enquiry. I have been out in the field.

In answer to your query, all tasks applied for with the Wildlife Authority application will be undertaken within the road construction corridor or very close to it. No activities will be necessary in any areas that are close to the areas of interest of iwi other than Ngati Tama.

An example of a situation of where some activity that will occur outside the road footprint but close to it is the radio tracking of kiwi that have territories that overlap with the road footprint. Kiwi territories of this nature will not extend anywhere near the southern areas of Ngati Mutunga interest.

Give me a call if you require any more information.

Regards

9(2)(a)

From: 9(2)(g)(ii)
Sent: Tuesday, 2 February 2021 4:30 pm
To: 9(2)(a)
Subject: RE: Mt Messenger Wildlife Authority Application

Hi 9(2)(a)

Further to my email last Thursday can you please advise whether all activities proposed are within the road construction corridor? If not then no further iwi consultation is required for the project. Are you able to get back to me by Friday?

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)

Sent: Thursday, 28 January 2021 1:42 pm

To: 9(2)(a)

Subject: RE: Mt Messenger Wildlife Authority Application

Hi 9(2)(a)

Doc discussed the application at a meeting this week and just need to understand whether all activities proposed are within the road construction corridor. This information is needed to work out which tangata whenua to consult with. Thanks

Best Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)

Sent: Monday, 18 January 2021 12:18 pm

To: 9(2)(a)

Subject: RE: Mt Messenger Wildlife Authority Application

Hi 9(2)(a)

My name is 9(2)(g)(ii) and I am the Permissions Advisor in the Hamilton Permissions Team who has been assigned your application. Your application has been accepted by DOC for processing. I will keep you up to date with progress on your application during this process. If you wish to contact me, my details are 9(2)(g)(ii) or ph 9(2)(g)(ii)

Best Regards

9(2)(g)(ii)

Permissions Advisor

Department of Conservation – Te Papa Atawhai

DDI: 9(2)(a)

Conservation leadership for our nature **Takina te Hi, tiakina te ha, o te ao turoa**

From: 9(2)(a) <9(2)(a)>

Sent: Monday, 21 December 2020 10:33 pm

To: 9(2)(g)(ii)

Cc: [redacted] 9(2)(a) [redacted] 9(2)(g)(ii)

Subject: Mt Messenger Wildlife Authority Application

Hi [redacted] 9(2)(g)(ii)

As discussed today, please find attached the Mt Messenger Alliance / NZTA Wildlife Authority application for the Mt Messenger Bypass project.

Appended to the application form is an email (Appendix E) from [redacted] 9(2)(a) the Ngati Tama Runanga (TRONT) Chairman, acknowledging Ngati Tama approval of the application contents.

Please note also that only the cover page of the Ecology and Landscape Management Plan (ELMP) has been appended. This is because the ELMP document is too large to attach in an email. We believe you already have a copy of the latest version of the ELMP (dated May 2019) but if this is not the case please let me know and I will forward a copy separately.

While I am aware of the backlog of Wildlife Act applications I would appreciate anything you can do to facilitate the speedy processing of this application. If all decision-making goes in our favour we hope to be undertaking activities on the Project site related to this application as early as mid March 2021.

Please direct any questions arising from this application to me in the first instance and I will forward them to the appropriate person for response.

Thanks

[redacted] 9(2)(a)

[redacted] 9(2)(a) | **Principal Environmental Consultant**

BSc (Hons)

Tonkin + Taylor - *Exceptional thinking together*

Norris Ward McKinnon House, Level 5, 711 Victoria Street, Hamilton 3240 | PO Box 9544, Hamilton 3240, New Zealand

M [redacted] 9(2)(a) www.tonkintaylor.co.nz



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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: 91389-FAU NZ Transport Agency- context meeting notes and actions -02.02.21 2.24pm
Date: Tuesday, 2 February 2021 2:23:00 pm
Attachments: [TRC conditions - certification amendments + NESF - 29 September 2020\(60576957.1\).pdf](#)
[Memorandum of counsel for Waka Kotahi - 29 September 2020\(60576965.1\).pdf](#)
[image003.png](#)

FYI

From: 9(2)(g)(ii)
Sent: Tuesday, 2 February 2021 2:12 p.m.
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

Kia ora team

As an FYI (and ahead of spending a lot of time reviewing the draft conditions) NZTA filed a revised set of conditions in September 20 (copies **attached** and linked [here](#)). I understand that further amendments may have been made in October 2020. I am in the process of confirming this with 9(2)(g)(ii) and will come back to you all with an update once she responds.

Cheers

9(2)(g)(ii)
Rooia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea puukoro | Phone: 9(2)(a)

www.doc.govt.nz



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From: 9(2)(g)(ii)
Sent: Tuesday, 2 February 2021 10:32 a.m.
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

From: [redacted] 9(2)(g)(ii)

Sent: Tuesday, 2 February 2021 8:51 AM

To: [redacted] 9(2)(g)(ii)
[redacted]
[redacted]

Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

Morena Team

One of my actions was to share a copy of consent conditions, here they are:

TRC conditions

<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6374945>

NPDC conditions

<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6374938>

Cheers

[redacted] 9(2)(g)(ii)

From: [redacted] 9(2)(g)(ii)

Sent: Thursday, 28 January 2021 10:41 a.m.

To: [redacted] 9(2)(g)(ii)
[redacted]
[redacted]

Subject: 91389-FAU NZ Transport Agency- context meeting notes and actions

Hi Team

Thank you for your time Monday to talk through the NZTA Mt Messenger Wildlife applications.

Darcy we continued in your absence given the priority of this application.

Below are the critical issues and some suggested follow up tasks. Keen for Team input here.

[redacted] 9(2)(g)(ii) can you please take the overall process coordination from here please.

[redacted] 9(2)(g)(i)

- [redacted]
[redacted]
[redacted]

[redacted]

- [redacted]
[redacted]
- [redacted]
[redacted]

9(2)(g)(i)

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

9(2)(g)(i)

Any questions in the meantime, give me a call.

Thanks,

9(2)(g)(ii)

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region
Department of Conservation | Te Papa Atawhai

9(2)(a)

|E:

9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

Kia piki te oranga o te ao tūroa, i roto i te ngātahitanga, ki Aotearoa

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: Mt Messenger Conditions
Date: Tuesday, 2 February 2021 11:20:19 am
Attachments: [TRC conditions - certification amendments + NESF - 29 September 2020\(60576957.1\).pdf](#)
[NPDC conditions - certification amendments - 29 September 2020\(60576914.1\).pdf](#)
[From 9\(2\)\(g\)\(ii\) advice on NPDC conditions - certification amendments 29 Sep 20.msg](#)
[image001.gif](#)
[image004.png](#)

Kia ora 9(2)(g)(ii)

I hope that you had a great break over the long weekend!

I am touching base to see if you can shed any light on whether the **attached** conditions are the latest that were filed with the Environment Court. I am aware that 9(2)(g)(ii) provided feedback / sought instructions on the draft conditions (email **attached**) following the filing of the attached conditions – were any changes made to incorporate her feedback?

Thanks

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: FW: 91389-FAU 2
Date: Monday, 5 July 2021 11:45:37 am
Attachments: [image002.png](#)

From: 9(2)(g)(ii)
Sent: Tuesday, 2 February 2021 9:05 am
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

Ata marie team

I updated the security settings – you should all have access now

Cheers

9(2)(g)(ii)
Rooia | Solicitor
Kirikiriroa Tari | Hamilton Office
Waea puukoro | Phone: 9(2)(a)

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From: 9(2)(g)(ii)
Sent: Tuesday, 2 February 2021 9:00 a.m.
To: 9(2)(g)(ii)
Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

Sorry 9(2)(g)(ii) these were saved by you, are you able to open up access please?

Thanks
9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Tuesday, 2 February 2021 8:59 a.m.

To: 9(2)(g)(ii)

Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

Hi 9(2)(g)(ii)

I don't have access to those documents - can you please change the security settings?

Thanks

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Tuesday, 2 February 2021 8:51 a.m.

To: 9(2)(g)(ii)

Subject: RE: 91389-FAU NZ Transport Agency- context meeting notes and actions

Morena Team

One of my actions was to share a copy of consent conditions, here they are:

TRC conditions

<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6374945>

NPDC conditions

<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6374938>

Cheers

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Thursday, 28 January 2021 10:41 a.m.

To: 9(2)(g)(ii)

Subject: 91389-FAU NZ Transport Agency- context meeting notes and actions

Hi Team

Thank you for your time Monday to talk through the NZTA Mt Messenger Wildlife applications.

9(2)(g)
(ii) we continued in your absence given the priority of this application.

Below are the critical issues and some suggested follow up tasks. Keen for Team input here.

9(2)(g)(ii) can you please take the overall process coordination from here please.

9(2)(g)(i)

- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]

[Redacted]

- [Redacted]

[Redacted]

- [Redacted]

[Redacted]

- [Redacted]

[Redacted]

- [Redacted]

[Redacted]

- [Redacted]

[Redacted]

- [Redacted]

I believe we have another check in meeting scheduled for Tuesday next week.

Any questions in the meantime, give me a call.

Thanks,

9(2)(g)(ii)

9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region

Department of Conservation | Te Papa Atawhai

9(2)(a)

|E:

9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Task Assignment – Permission 91389-FAU (NZ Transport Agency)
Date: Thursday, 21 January 2021 12:28:35 pm
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Fab thank you!

From: 9(2)(g)(ii)
Sent: Thursday, 21 January 2021 12:25 pm
To: 9(2)(g)(ii)
Subject: RE: Task Assignment – Permission 91389-FAU (NZ Transport Agency)

Kia ora 9(2)(g)(ii)

I'm happy to be assigned as a resource for this application.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,
www.doc.govt.nz



From: 9(2)(g)(ii)
Sent: Thursday, 21 January 2021 10:39 a.m.
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Task Assignment – Permission 91389-FAU (NZ Transport Agency)

Hi 9(2)(g)(ii)

9(2)(g)(ii) has received the task assignment below that we are seeking your support with please. The meeting hasn't been set as yet but I'll ask the context meeting folk to include you also.

Thanks
9(2)(g)(ii)

From: permissionssupport <permissionssupport@doc.govt.nz>
Sent: Wednesday, 20 January 2021 3:10 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: Task Assignment – Permission 91389-FAU (NZ Transport Agency)

Kia ora 9(2)(g)(ii),

Please see a Task Assignment ([DOC-6531606](#)) for your consideration. Waka Kotahi NZ Transport Agency have proposed to construct and operate a new section of highway for State Highway 3 in northern Taranaki, bypassing Mount Messenger, called the Mount Messenger Bypass. The 6 km route will be constructed between Uruti to Ahititi, removing the existing steep, narrow and winding route over Mt Messenger. The highway construction (hereafter, the Project) will affect habitat which supports, or potentially supports, a number of native wildlife taxa protected under the Wildlife Act 1953. An Assessment of Environmental Effects (AEE) report and associated Ecology and Landscape Management Plan (ELMP) were developed for the Project.

The applicant is applying for a WAA to protect and manage native fauna during the Project's vegetation clearance and earthworks, requiring authority to:

- Catch and handle bats, avifauna, and herpetofauna as listed in Section 2 B if/as required;
- Take or destroy the eggs of wildlife (avifauna) – when unavoidable; attempts will be made to relocate nests in the first instance or take chicks to an appropriate wildlife rearing/rehabilitation provider;
- Kill wildlife (bats, avifauna, herpetofauna) – when unavoidable following implementation of all protocol within the Project's ELMP and after applying good/best practice methods;
- Tagging kiwi with radio-transmitters for monitoring and management, as a continuation of the current programme.

The Task Assignment is deemed to be accepted after 2 working days. The 20 working days will commence from 22nd January.

The Permissions Advisor is 9(2)(g)(ii). To assist 9(2)(g)(ii) in completion of the Decision Support Document ([DOC-3001655](#)):

| Function | Time (minutes) | Date |
|--------------|----------------|----------|
| Capture Time | 34 | 22/12/20 |
| Summary Time | 45 | 22/12/20 |
| Assign Time | 15 | 20/1/21 |

A member of the Context Meetings team will be in contact with you and any other resources assigned to this application to arrange a context meeting.

A check in meeting must occur unless a decision is made at the context meeting. When a decision is made the rationale for the decision must be shared with all team members.

Please find the full text of the Task Assignment below in the instance that you are unable to access DocCM.

Ngā mihi nui,

9(2)(g)(ii)

Statutory Processes Team

Planning, Permissions and Land Unit

Department of Conservation—*Te Papa Atawhai*

Conservation leadership for our nature *Tākina te hī, tiakina te hā, o te ao tūroa*

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All DOC staff can call 07 858 1232 during work hours to receive support and advice on any permissions-related matter

Permission Ref: 91389-FAU

To: 9(2)(g)(ii) as Operations Director, HWT

From: 9(2)(g)(ii) as DDG Operations

Date: 20th January 2021

Task Assignment: Process Application from NZ Transport Agency (NZTA)

The Court of Appeal and Supreme Court judgments in the *PauaMAC5 Inc.* case had ramifications for the types of authorisations delegates of the Director-General of Conservation (DG) can grant under section 53 of the Wildlife Act 1953:

1. An application for **authorisation under section 53 can only be considered if the activity is “catch alive” or “kill”**. Lesser interferences such as disturbance or unsuccessful pursuit can only be authorised if they occur as part of “catch alive or kill”.
2. Authorising “catch alive or kill” envisages something **inherently intentional**. It cannot be used to facilitate or “cover” in case of an accidental action. An example of accidental killing is hitting a bird with your car. Incidental killing would be where an area is bulldozed knowing lizards will be present even though salvage has been undertaken. Accidental cannot be authorised; incidental can.
3. The judgments **also confirmed the purpose of the Act** (essentially to protect wildlife and control game). This means that an activity authorised under section 53 must promote the wider purpose of the Act. Purely anthropocentric activities with no benefit to wildlife would be unlikely to meet the purpose of the Act as there is no element of protection.

For more information on the impacts of the PauaMAC5 case, refer to the Factsheet for Decision Makers [DOC-6193585](#).

Wildlife Act Application to Salvage, Transfer and Incidentally Kill Wildlife

Waka Kotahi NZ Transport Agency have proposed to construct and operate a new section of highway for State Highway 3 in northern Taranaki, bypassing Mount Messenger, called the Mount Messenger Bypass. The 6 km route will be constructed between Uruti to Ahititi, removing the existing steep, narrow and winding route over Mt Messenger. The highway construction (hereafter, the Project) will affect habitat which supports, or potentially supports, a number of native wildlife taxa protected under the Wildlife Act 1953. An Assessment of Environmental Effects (AEE) report and associated Ecology and Landscape Management Plan (ELMP) were developed for the Project.

This is a single application compiled to cover all taxa which require a Wildlife Act Authority (WAA) before management can be undertaken to minimise potential effects associated with the Project. Details of the proposed management are included in the ELMP (attachment B1 – hard copy provided during Project meeting on 13/10/20 ahead of WAA application; soft copy provided 16/10/20).

The applicant is applying for a WAA to protect and manage native fauna during the Project's vegetation clearance and earthworks, requiring authority to:

- Catch and handle bats, avifauna, and herpetofauna as listed in Section 2 B if/as required;
- Take or destroy the eggs of wildlife (avifauna) – when unavoidable; attempts will be made to relocate nests in the first instance or take chicks to an appropriate wildlife rearing/rehabilitation provider;
- Kill wildlife (bats, avifauna, herpetofauna) – when unavoidable following implementation of all protocol within the Project's ELMP and after applying good/best practice methods;
- Tagging kiwi with radio-transmitters for monitoring and management, as a continuation of the current programme.

The intention is to minimise and avoid catching and handling wildlife, egg destruction and wildlife kills as far as possible, through implementation of the Project's ELMP, however some risk remains that these activities may occur, or will need to occur.

Kiwi radio tagging will be required to maintain the current radio-tracking programme, so that kiwi can be monitored for location and incubation to ensure that project works does not harm or kill kiwi, and to allow incubation to proceed until eggs can be uplifted, in line with the ELMP and best practice.

Capture Methods

Kiwi and other protected birds will be captured for the purposes of relocation when found roosting within the critical path of vegetation clearance, or when transmitter changes are necessary. Capture, handling and relocation of kiwi and any other salvaged birds will be undertaken in accordance with the ELMP and in line with best practice. Herpetofauna will be captured for the purposes of relocation when found residing within or below vegetation or other structures when vegetation clearance occurs. Capture, handling and relocation of any herpetofauna will be undertaken in accordance with the ELMP, and best practice.

Bats are only at risk of direct mortality during discrete periods (e.g. roosting) when vegetation clearance is being undertaken. Bats are not intended to be handled unless necessary, due to an accidental discovery during vegetation clearance (after implementing the BMP and following best practice). To avoid the need for handling the comprehensive BMP will be adhered to. Should bats be found roosting within the critical path of vegetation clearance, we intend to avoid handling by allowing bats to vacate the given roost tree before proceeding with vegetation clearance.

Proposed location

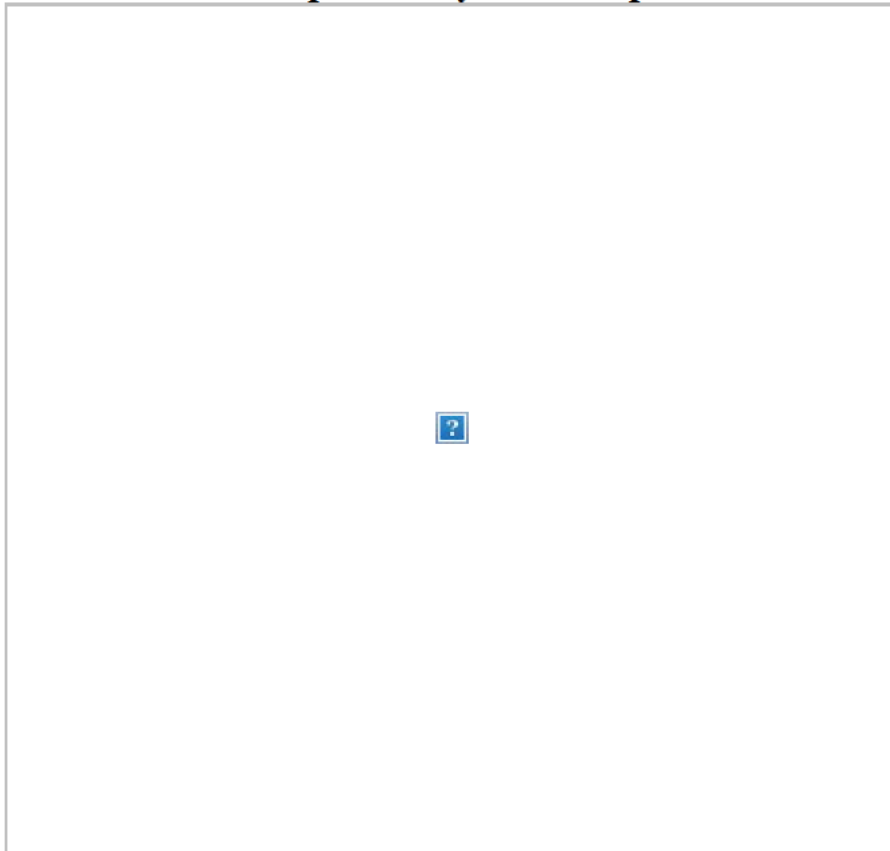
The Project area includes the Project designation (labelled proposed route in map), this is shown on a map - attachment B10.1. All salvaged lizards will be released within the PMA immediately adjacent to the designation, in appropriate habitat near to the location they were found, with exception to striped skink which will be released in the Rotokare Scenic Reserve (some 100 km SSW of the Project).

Proposed term

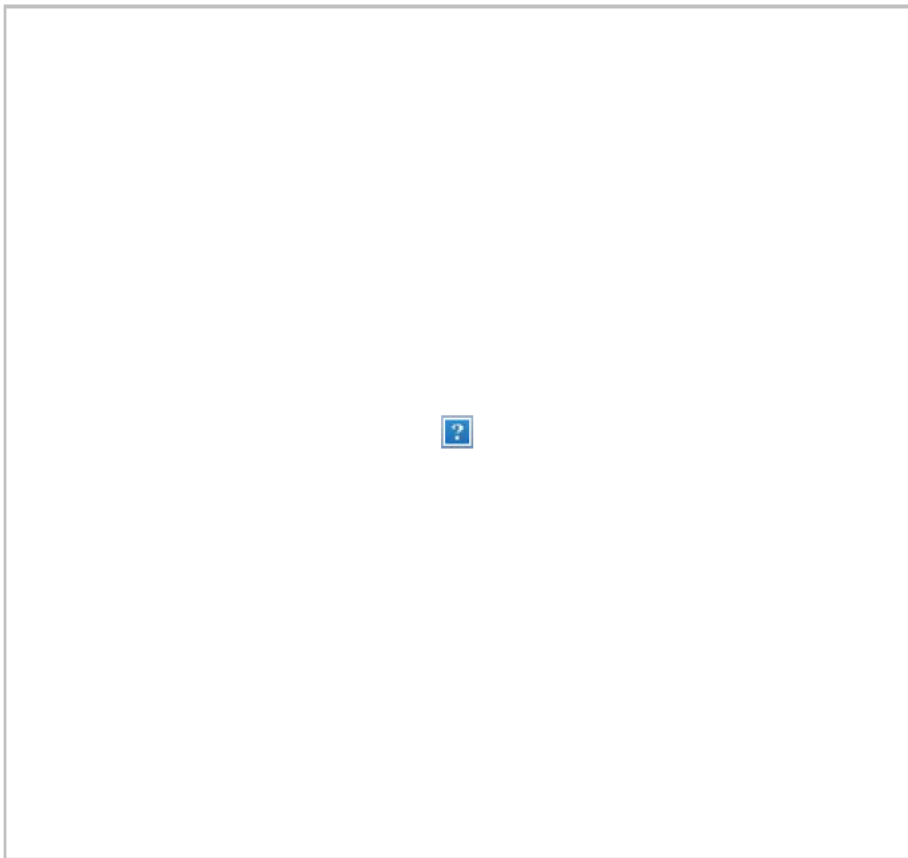
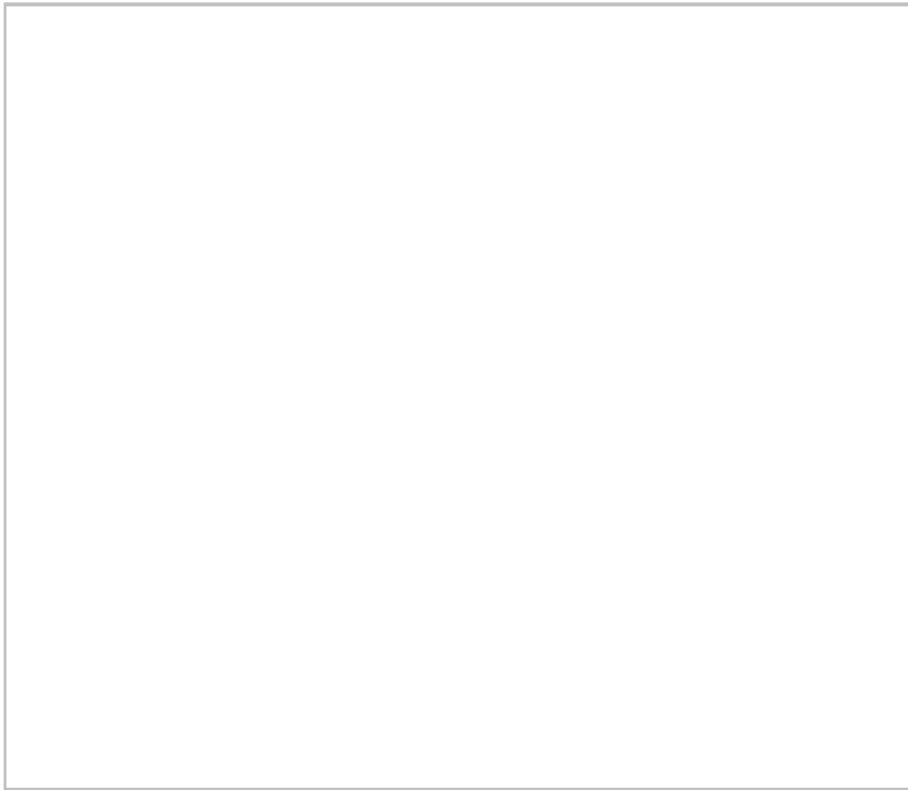
10 years. Start date 10 January 2021, end date 10 January 2031

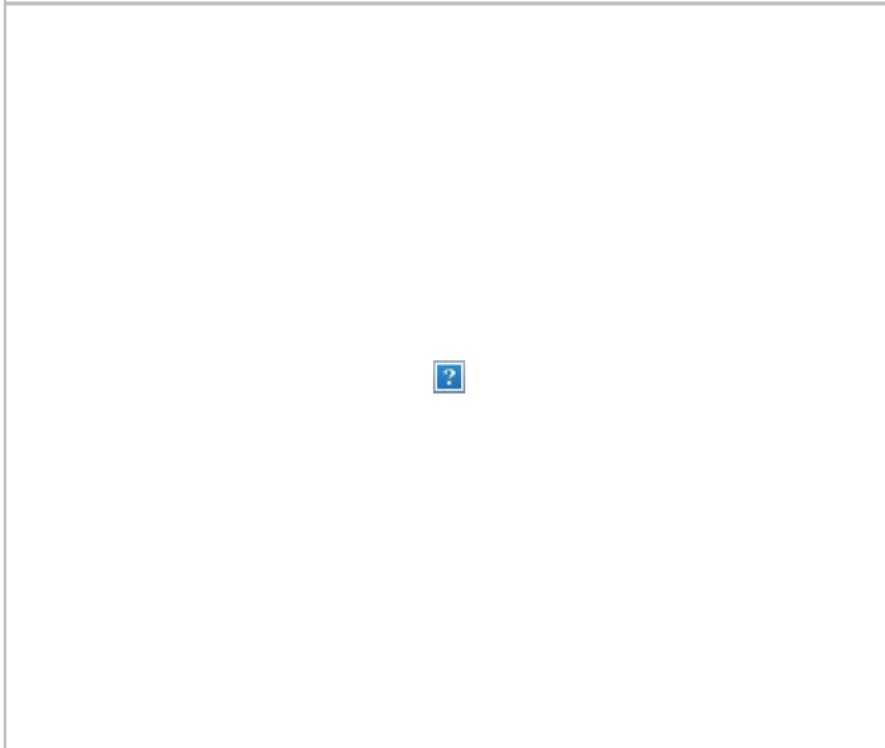
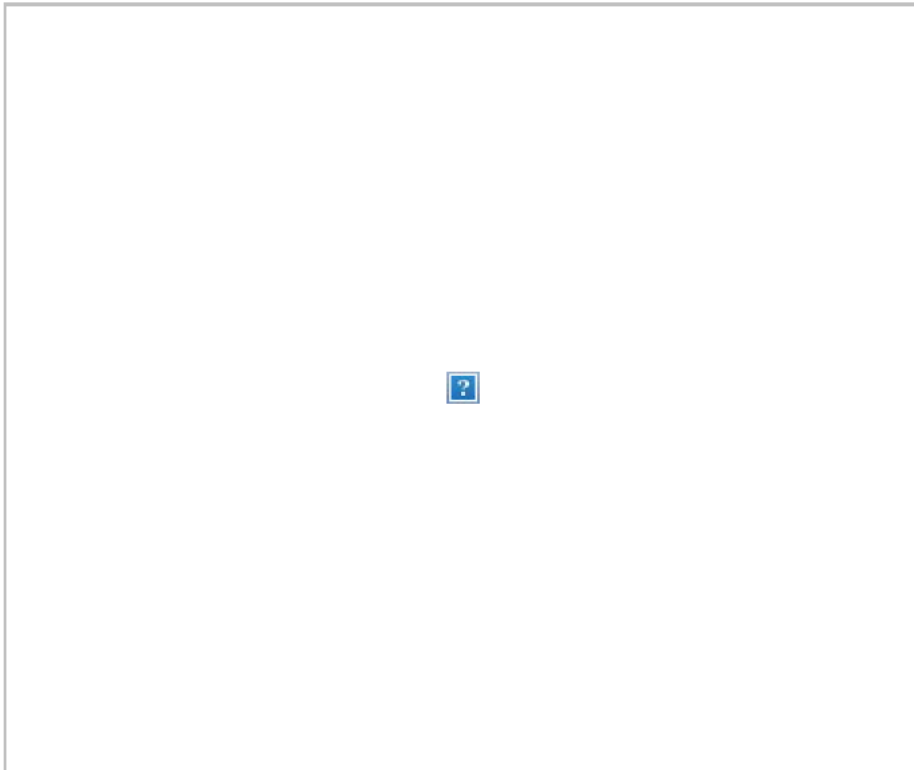
Consultation

Ngati Tama are project partners with NZTA on this work- their endorsement for the application is included.

List of affected and potentially affected species







If this activity cannot take place in your area an active decision must still be made to decline the application.

Fees

The authority for agreeing fees sits with PPL Director to ensure a consistent approach across the country. Where the fee setting is consistent with the Price Book, place based decision makers can incorporate this into their decision.

Purpose

To make a decision on the application.

Quantity:

- A decision or other appropriate closure of the application
- Written rationale for decision
- Permissions processing complete (e.g. paperwork, database)

Quality:

- Ensure permissions contracts contain relevant conditions around current covid-19 restrictions
- Ensure the purpose of the Wildlife Act 1953 is considered
- Ensure appropriate engagement with iwi/hapu/whanau
- Ensure stakeholders are appropriately consulted
- Ensure all effects are understood and addressed
- Ensure a robust decision-making process following best practice
- Ensure appropriate interaction and communication with the applicant
- Use team process and follow the defined 'Type 2' process steps
- Utilise resources provided
- Request changes to resources if required
- Ensure final decision is appropriately shared
- Assess and escalate critical issues
- Learn how to shorten the cycle time
- Ensure standard lizard salvage conditions are used (see below and include conditions that apply)

9(2)(i)

9(2)(i)

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9(2)(i)

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9(2)(i)

9(2)(j)

[Redacted text block]

9(2)(j)

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9(2)(j)

[Redacted text block]

- [Redacted text block]
- [Redacted text block]
- [Redacted text block]
- [Redacted text block]
- [Redacted text block]

9(2)(j)

[Redacted text block]

Resources

- Permissions Advisor – 9(2)(g)(ii)
- Community Ranger – **To be assigned by the Decision Maker**
- Technical Advisor(s) – 9(2)(g)(ii)
- Management Planner - Declined (request for MP declined as this is a wildlife permit and does not need to come to management planning.)

Statutory Manager – [REDACTED] 9(2)(g)(ii)
Legal Advisor – [REDACTED] 9(2)(g)(ii)

Link to Application: [DOC-6531572](#)

Additional Resources:

Permissions Advisor guidance: [DOC-6182664](#)

[REDACTED] 9(2)(h)

-
Timeframe

Within 20 working days of acceptance of Task Assignment. In this instance, the 20 working days will commence from 22nd January.

From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Authority Application
Date: Tuesday, 12 January 2021 10:51:06 am
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Thanks 9(2)(g)(ii), appreciate the heads up!

9(2)(g)(ii)
Technical Advisor Ecology - *Mātanga Mātai Hauropi*
Department of Conservation - *Te Papa Atawhai*
3 Town Centre, Turangi, 3334
Private Bag 2
DDI: 9(2)(a)

Conservation for prosperity *Tiakina te taiao, kia puawai*
www.doc.govt.nz

From: 9(2)(g)(ii)
Sent: Tuesday, 22 December 2020 11:06 a.m.
To: 9(2)(g)(ii)
Subject: FW: Mt Messenger Wildlife Authority Application

Kia ora 9(2)(g)(ii)

No action required at this stage.

I just wanted to give the KRG an early heads up that the KRG will likely be asked to provide input into a WAA application that involves catch/handle, take or destroy eggs, kill and attaching radio-transmitters for monitoring and management. The Director's priority on this application has been noted in the email below from 9(2)(g)(ii) as the application relates to the Mt Messenger bypass works in North Taranaki.

Ngā mihi,

9(2)(g)(ii)
DDI: 9(2)(a)
Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,



From: 9(2)(g)(ii)
Sent: Tuesday, 22 December 2020 10:21 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Authority Application

Thanks ^{9(2)(g)}_(ii), can you please let ⁹⁽²⁾_{(a)(ii)} know? My hope is that the SPT team will get the electronic version of the ELMP, so they can capture it and link with the task assignment....but I'll follow that up in the new year.

I also just sent another email to ^{9(2)(g)}_(ii) and ^{9(2)(g)}_(ii) its about herpetofauna research, \$200k is to come to DOC for a research project. Ill forward that onto you as well so you are aware.

Thanks

^{9(2)(g)}_(ii)

From: ^{9(2)(g)}_(ii)
Sent: Tuesday, 22 December 2020 10:15 am
To: ^{9(2)(g)}_(ii)
Cc: ^{9(2)(g)}_(ii)
Subject: RE: Mt Messenger Wildlife Authority Application

Kia ora ^{9(2)(g)}_(ii),

That's excellent! Thank you for including me in this correspondence. As the ELMP is heavily referenced in the application, I do feel that an electronic version will be needed (to be reviewed as part of the application's assessment). I also note that a representative from the Kiwi Recovery Group will likely be asked to provide input at some stage in the processing of this application. It may be appropriate to give Jessica a heads up early on as it takes around three weeks or so for the KRG to review and make recommendations on applications.

^{9(2)(g)}_(ii), FYI only, please let me know if you would like a copy of the application forwarded to you or to anyone else in the DO team.

Ngā mihi,

^{9(2)(g)}_(ii)

DDI: ^{9(2)(a)}

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,

doc



From: ^{9(2)(g)}_(ii)
Sent: Tuesday, 22 December 2020 9:50 am
To: permissions <permissions@doc.govt.nz>
Cc: ^{9(2)(g)}_(ii)
Subject: FW: Mt Messenger Wildlife Authority Application

Morena Team

We have received the Wildlife applications for the Mount Messenger Bypass project. This is a priority project for NZTA and DOC, Directors have indicated this application will be processed

accordingly.

Iwi consultation- Ngati Tama are project partners with NZTA on this work- their endorsement for the application is included.

ELMP- I have a hard copy of this document on my desk. If this is needed electronically it maybe worth finding a way to get this large file from NZTA separately.

RMA process- DOC involvement in the RMA process was extensive and is ongoing. It is important that agreements and conditions made in the RMA process are reflected in the WLA authority, where appropriate.

DOC Resources- [redacted] 9(2)(g)(ii) has already been assigned as PA and is part of our internal project team for the wider project. [redacted] 9(2)(g)(ii) is the relevant community ranger. Other advisors involved in the RMA process, which maybe relevant to review the WLA aspects include:

[redacted] 9(2)(g)(ii)
[redacted]
[redacted]
[redacted]
[redacted]

I am happy to answer any questions and am available as a team member to assist processing of this application. I would appreciate if you could please cc me in on any correspondence with the applicant.

Thanks- have a great Christmas break.

[redacted] 9(2)(g)(ii)

[redacted] 9(2)(g)(ii)

Statutory Manager Hauraki Waikato Taranaki Region
Department of Conservation | Te Papa Atawhai
M [redacted] 9(2)(a) | E: [redacted] 9(2)(g)(ii)

Hamilton Office | Kirikiriroa

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240

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To work with others to increase the value of conservation for New Zealanders

www.doc.govt.nz

From: [redacted] 9(2)(a) <[redacted] 9(2)(a)>

Sent: Monday, 21 December 2020 10:33 pm

To: [redacted] 9(2)(g)(ii)

Cc: [redacted] 9(2)(a) <[redacted] 9(2)(a)> [redacted] 9(2)(g)(ii)

9(2)(g)(ii)

Subject: Mt Messenger Wildlife Authority Application

Hi 9(2)(g)(ii)

As discussed today, please find attached the Mt Messenger Alliance / NZTA Wildlife Authority application for the Mt Messenger Bypass project.

Appended to the application form is an email (Appendix E) from 9(2)(a), the Ngati Tama Runanga (TRONT) Chairman, acknowledging Ngati Tama approval of the application contents.

Please note also that only the cover page of the Ecology and Landscape Management Plan (ELMP) has been appended. This is because the ELMP document is too large to attach in an email. We believe you already have a copy of the latest version of the ELMP (dated May 2019) but if this is not the case please let me know and I will forward a copy separately.

While I am aware of the backlog of Wildlife Act applications I would appreciate anything you can do to facilitate the speedy processing of this application. If all decision-making goes in our favour we hope to be undertaking activities on the Project site related to this application as early as mid March 2021.

Please direct any questions arising from this application to me in the first instance and I will forward them to the appropriate person for response.

Thanks

9(2)(a)

9(2)(a) | **Principal Environmental Consultant**

BSc (Hons)

Tonkin + Taylor - Exceptional thinking together

Norris Ward McKinnon House, Level 5, 711 Victoria Street, Hamilton 3240 | PO Box 9544, Hamilton 3240, New Zealand

M + 9(2)(a) www.tonkintaylor.co.nz



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From: 9(2)(g)(ii)
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: FW: Mt Messenger Wildlife Act Authorities and access - summer 2020/21
Date: Thursday, 10 December 2020 5:16:00 pm
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)
[Draft s53\(2\)\(i\) approval letter - NZTA access to undertake baseline survey work within Mt Messenger Conservation Area.doc](#)
[FW Health and Safety Plan and paper work for Mt Messenger.msg](#)

FYI

9(2)(g)(ii)

Rooia | Solicitor

Kirikiroa Tari | Hamilton Office

Phone: 9(2)(a)

www.doc.govt.nz



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From: 9(2)(g)(ii)
Sent: Friday, 4 December 2020 10:56 am
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Kia ora 9(2)(g)(ii),

Thank you for reviewing the attached letter.

9(2)(g)(ii), I have accepted 9(2)(g)(ii) tracked changes, inserted the date the H&S plan was submitted (as per the second attachment), amended dates within the letter to align with today's date and amended 9(2)(g)(ii)'s email address as it was missing an 'i'.

The letter to approve baseline survey works associated with the Mt Messenger Bypass for a period of three months is ready for your consideration. I have printed off a copy and will bring it to our meeting this afternoon.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,
www.doc.govt.nz



From: 9(2)(g)(ii)

Sent: Friday, 4 December 2020 9:37 a.m.

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Kia ora 9(2)(g)(ii)

Arohamai for the delay in coming back to you – I **attach** a copy of the letter which includes a few minor suggested updates (changes **tracked**).

Happy to discuss.

Thanks

9(2)(g)(ii)

Rooia | Solicitor
Kirikiriroa Tari | Hamilton Office
Phone: 9(2)(a)

www.doc.govt.nz



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From: 9(2)(g)(ii)

Sent: Friday, 27 November 2020 4:42 p.m.

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Kia ora 9(2)(g)(ii)

Hoping you would be able to take a look at the attached approval letter seeking to provide temporary approval for baseline survey works associated with the Mt Messenger Bypass? Happy to follow-up with an Assyst request for your time should you accept this task. Please let me know either way.

Thank you in advance for your time.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,
www.doc.govt.nz



From: 9(2)(g)(ii)

Sent: Friday, 27 November 2020 8:03 a.m.

To: 9(2)(g)(ii)

Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Hi 9(2)(g)(ii),

9(2)(a)(ii) should be able to help with this.

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)

Sent: Thursday, 26 November 2020 3:45 pm

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: FW: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Kia ora 9(2)(g)(ii),

9(2)(g)(iii) has asked that I run an approval letter for review by you before he considers it. The intent of the letter (attached) is to approve baseline survey works associated with the Mt Messenger Bypass works (for a three month period while a WAA is processed which will capture the baseline survey works as well interactions with protected wildlife). Please let me know if you need me to lodge an Assyst request for your assistance (or if this should sit elsewhere).

9(2)(g)(ii), can you please send me through a copy of the Health and Safety Plan you received and the date you received it on as well.

9(2)(g)(ii), do either of you have a recent version of the draft Ecology and Landscape Management Plan (ELMP) as this too is referenced (I'm assuming the plan has revision dates recorded within).

Please let me know if you have any questions.

Ngā mihi,

9(2)(g)(ii)
Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,
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From: 9(2)(g)(ii)
Sent: Tuesday, 24 November 2020 8:48 a.m.
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Morena 9(2)(g)(ii)
Looks good thanks for drafting this. I wonder about adding a term, a few months (to end February) perhaps to enable the activities whilst we are working on the longer term agreement? My only other question is around iwi consultation, as a courtesy is a call to Ngati Tama needed, we know they are supportive but wonder whether they would appreciate the personal check in? Are there any other iwi (Ngati Mutanga?) that have interests in the area?

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 23 November 2020 4:45 pm
To: 9(2)(g)(ii)
Cc: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Kia ora 9(2)(g)(ii)

Please find attached a draft approval letter for access.

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,
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From: 9(2)(g)(ii)

Sent: Monday, 23 November 2020 2:01 p.m.

To: 9(2)(g)(ii)

Cc: 9(2)(g)(ii)

Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Kia ora 9(2)(g)(ii)

Just letting you know that I have got the go ahead from 9(2)(g)(ii) to draft a letter approving access for Tonkin and Taylor Limited to conduct baseline surveys within Mt Messenger Conservation Area. Are you happy to review the letter once I'm done?

Ngā mihi,

9(2)(g)(ii)

Ranger, Department of Conservation *Te Papa Atawhai*

DDI: 9(2)(a)

Ngāmotu / New Plymouth Office
PO Box 462, New Plymouth 4340,
www.doc.govt.nz



From: 9(2)(g)(ii)

Sent: Monday, 23 November 2020 10:37 a.m.

To: 9(2)(g)(ii)

Subject: FW: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Morena

Happy to chat about this? 9(2)(g)(ii) and I spoke and felt an interim access agreement under s.53 for the baseline survey work could be issued (via letter). That would then be superseded by the wider pest control/ management agreement. 9(2)(g)(ii) if you are happy with this approach can 9(2)(g)(ii) draft the letter?

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Monday, 23 November 2020 9:14 a.m.
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Thanks for that information 9(2)(g)(ii) and sorry for the slow reply. I have been presenting at a hearing for the better part of last week.

Let me know where you are at with consideration of the interim approval process for access to DOC land to undertake the baseline surveys. If you require additional information let me know. If it is possible we would like to commence the 5 minute bird count survey work next week (beginning 30 November) and the vegetation plot survey work the following work.

Regards

9(2)(g)
(ii)

From: 9(2)(g)(ii)
Sent: Monday, 16 November 2020 10:47 am
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Hi 9(2)(g)(ii)
We have agreement on the WLA matters you outline, no WLA permits are required for the activities you outline below, not already covered by your existing permit.

Just leaves the access mechanism to work through. My thinking is some form of interim approval while we work on the overarching management agreement for all works within the Mt Messenger CA. We just need to do a bit more thinking and checking here.

Thanks

9(2)(g)(ii)

From: 9(2)(g)(ii)
Sent: Wednesday, 4 November 2020 10:05 a.m.
To: 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Thanks 9(2)(g)(ii) ,

I am available after 4pm but it will probably be best if we meet after your team get back to you about what is required. Let me know when you get that feedback and we can catch up then.

Regards

9(2)(g)
(ii)

From: [redacted] 9(2)(g)(ii)
Sent: Wednesday, 4 November 2020 10:01 am
To: [redacted] 9(2)(g)(ii)
Subject: RE: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Hi [redacted] 9(2)(g)(ii)
Thanks for sending this through, I've passed it onto [redacted] 9(2)(g)(ii) to check but my initial thoughts are in agreement with what you outline. I now have commitments this afternoon but I think the main thing we(DOC) need to think about is the (interim) access agreement given you want to get in there this month.

Let me discuss with the team here and Ill come back to you.
Otherwise if you do want to chat today I'm free after 4pm.

Thanks

[redacted] 9(2)(g)(ii)

From: [redacted] 9(2)(g)(ii)
Sent: Wednesday, 4 November 2020 9:39 a.m.
To: [redacted] 9(2)(g)(ii)
Cc: [redacted] 9(2)(g)(ii) [redacted] 9(2)(a)
[redacted]
Subject: Mt Messenger Wildlife Act Authorities and access - summer 2020/21

Hi [redacted] 9(2)(g)(ii)

As discussed at our recent Mt Messenger – DOC meeting it is very likely that we will be undertaking baseline ecological survey work for this project over the 2020-21 summer (November to end of April) but less clear whether we will be able to commence any vegetation clearance. For this reason we are pushing ahead with the planning to undertake the survey work but holding off on seeking the Wildlife Act authorities associated with vegetation clearance and construction until we have more certainty about the work programme.

Our understanding is that no work associated with the baseline survey work outlined below will require a Department of Conservation Wildlife Act Authority (WAA) other than the kiwi tracking work that we already have a WAA for. However, please let us know if our understanding is not correct.

The baseline survey work required includes work within and adjacent to the Project footprint:

- Bittern monitoring via automatic recording devices set for 6 weeks (not on DOC land) (no WAA required) - underway;
- Kiwi tracking, catching and handling (not on DOC land) (through [redacted] 9(2)(a) – accredited kiwi practitioner, under existing WAA no. FAU-65458) - underway and ongoing;
- Aquatic ecology surveys including fish surveys, invertebrate sampling, and sediment assessments (not on DOC land) (under MPI special permit 708, and previously under DOC electric fishing WAA no. FAU-63770 – now redundant) -mid-December and early February;
- Marking of high risk bat roost trees (not on DOC land) through physical wrapping with high visibility fencing mesh (no Concession or Authority required) – mid-late November.

Additionally we will be undertaking baseline surveys within the Pest Management Area (PMA) – including DOC land - over the same period:

- 5-minute bird counts – approximately 356 counts, spaced approximately 200 m apart along ridgelines within the PMA (no WAA required) - late November – early December;
- Kiwi call listening survey – approximately 35 kiwi call listening points along ridgelines (equating to just under 1 listening point per 100 ha) where kiwi calls will be listened to for 3-4 nights for no less than two hours at the same time each night – March (no WAA required);
- Vegetation plots – likely 20 x 20 m, or 10 x 10 m, plots with the number required for our purposes yet to be defined – early December.
- Baseline pest density monitoring – use of tracking tunnels and chew cards positioned across all of the PMA area. Likely to be undertaken in March-April.

Of the additional monitoring, we would like to install permanent markers to delineate the vegetation plots, the tracking tunnels will be left on site for repeated pest monitoring, and we would like to install permanent track markers (plastic triangles) to mark access tracks etc. Other than this, no equipment will be left on DOC land after this initial round of baseline survey work is complete.

Can you please advise us what access rights/permits/concessions are required to enable us to commence this survey work ? 9(2)(a), our legal counsel, has suggested it might be best if we draft a very short Section 53 agreement to cover these baseline survey activities as opposed to seeking to obtain a permit/concession. Do you agree with this approach ?

I am in the office today so could come over to discuss this if that suits you. Either before 1pm or between 2pm and 3pm would work for me.

Regards

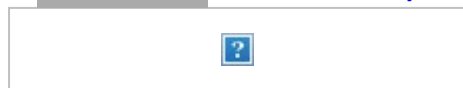
9(2)(a)
9(2)(a) | **Principal Environmental Consultant**

BSc (Hons)

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4/12/2020

Emailed to:

9(2)(g)(ii)

Dear

9(2)(g)(ii)

APPROVAL UNDER S.53(2)(i) OF THE CONSERVATION ACT 1987 TO ENTER LAND FOR THE PURPOSE UNDERTAKING BASELINE SURVEYS

Waka Kotahi New Zealand Transport Agency is in the process of applying for an authorisation under the Wildlife Act 1953 for interactions with protected wildlife as part of the Mt Messenger bypass project, which is aimed at making significant improvements to State Highway 3.

Processing of this application is expected to be underway soon; however, in order to expedite baseline survey work within Mt Messenger Conservation Area, the Waka Kotahi New Zealand Transport Agency and environmental consultants Tonkin and Taylor Limited have sought early access onto the Land to;

- undertake 5-minute bird counts
- begin Kiwi call listening surveys
- establish vegetation plots (including the installation of markers to delineate the vegetation plots)
- use tracking tunnels and chew cards to monitor mustelids
- install track markers (plastic triangles) to mark access tracks

The Director-General of Conservation authorises, pursuant to section 53(2)(i) of the Conservation Act 1987, Waka Kotahi New Zealand Transport Agency and Tonkin and Taylor Limited to undertake the activities listed above on the Land, commencing 24 November 2020, in accordance with the draft Ecology and Landscape Management Plan (ELMP) dated May 2019 and the Health and Safety Plan submitted 2 December 2020. All other actions detailed in the Ecology and Landscape Management Plan must be undertaken in accordance with an Authority granted under the Wildlife Act 1953 and must comply, where relevant, with all laws that apply to the site and/or affect or relate to the activity. This approval is for a term of three months from today's date and ends on 3 March 2021 inclusive.

This Department may monitor the work authorised by this letter and reserves the right to renegotiate the terms of this letter. All enquiries relating to this approval should be directed to 9(2)(g)(ii), Statutory Manager on 9(2)(a) or 9(2)(g)(ii).

Yours sincerely

9(2)(g)(ii)

Operations Manager for New Plymouth

Under an Instrument of Delegation from the Director-General of Conservation, dated 9 September 2015

Ngāmotu/ New Plymouth DOC Office
PO Box 462, New Plymouth 4340, New Zealand