

From: 9(2)(g)(ii) on behalf of [Permissions Hamilton](#)
To: [permissions](#)
Subject: FW: Wildlife Act Authority Application - Mt Messenger bat telemetry
Date: Tuesday, 3 October 2017 11:37:27 am
Attachments: [image001.png](#)
[image002.png](#)
[Attachment B10.1.pdf](#)
[Attachment D.pdf](#)
[Attachment E1.pdf](#)
[WA Authority Application - Mt Mess.pdf](#)



From: 9(2)(a)
Sent: Tuesday, 3 October 2017 11:14 a.m.
To: Permissions Hamilton <permissionshamilton@doc.govt.nz>
Cc: 9(2)(a) 9(2)(g)(ii)
9(2)(a)
9(2)(a)
Subject: Wildlife Act Authority Application - Mt Messenger bat telemetry

To whom it may concern,

Please find attached Application for Wildlife Act Authority to undertake capture and radio tracking of long-tailed and short-tailed bats, as part of the S13 Mt Messenger road project. We look forward to hearing from you in due course.

Ngā Mihi | Kind regards,

9(2)(a)

| **Terrestrial Ecologist**

Tonkin + Taylor - *Exceptional thinking together*

Level 5, 711 Victoria Street, Hamilton 3204 | PO Box 9544, Hamilton, New Zealand

9(2)(a)

www.tonkintaylor.co.nz



To send me large files, you can use my [file drop](#)

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Wildlife Act Authority (General)

Application form 9

This application form is only for the following activities involving any animal protected under the Wildlife Act 1953 (which does not include marine mammals)

Catch, handle, release wildlife at one site

- Disturb or kill wildlife or their eggs
- Catch and/or hold wildlife for rehabilitation – up to 3 months
- Hold wildlife in permanent captivity, if already held in captivity

Department of
Conservation
Te Papa Atawhai

Using this application form

Completing the application



Save – You can save this application form to your digital device and edit or fill it in your own time.



Fill – You can fill this application digitally using Microsoft word.



Print – You can print this application form and fill it manually, or you can fill it digitally, then print it.



Submit – This application form can be submitted by email or by post.



Email – Email your application and all the required labelled attachments to:
permissionshamilton@doc.govt.nz



Post – Post your application and all the required labelled attachments to:
Permissions Team
Private Bag 3072
Hamilton 3240

Application checklist

- Have you included labelled attachments as required for your activities (including maps, testimonials, and consultations)?
- Have you read the section regarding liability of the applicant for payment of fees?
- Have you checked if your application requires a CITES permit or EPA application and included these as applicable?
- Have you signed your application (digitally or manually)?

Navigation



Hints – Use the links through the hints column on the right hand side of the application form

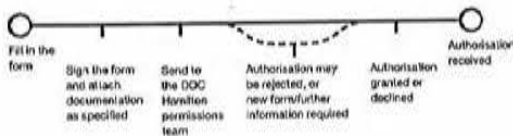


Scroll – Simply use your mouse or keyboard arrows to scroll through the document page-by-page.

Before you start

All efforts in putting together a detailed application are greatly appreciated and will allow the Department to effectively and efficiently process your application.

Process



Applications for proposals of activities are categorised as either standard or complex proposals:

- Standard proposals are those activities that are likely to have little or no significant effect on conservation values. These will normally be processed within fifteen working days of receiving the application, please also see the fee section below.
- Complex proposals are those activities likely to have more significant effects, and therefore require careful consideration and may take up to six weeks to process, please also see the fee section below.

Consultation:

- Consultation is required on most applications. In general iwi have 20 working days to respond to DOC once we make a formal request. If there are considerable iwi values to consider they may request a further 20 working days to respond. If no response is received from iwi within the specified period DOC will continue to process your application, as we may be able to locate relevant information about their interests from other sources.

Contact

Permissions Team
Private Bag 3072
Hamilton 3240

+64 27 308 8958
permissionshamilton@doc.govt.nz

- 1 Please take the timeframes below into consideration when submitting your application.

- 1 An application is deemed complete when all information requested has been received.

- 1 Any amendments requested after lodgement may require a Form 9a variation application to be completed resulting in a delay of processing of your application.

- 1 Please see also the [fees](#) section.

- 1 For more information please see the [iwi consultation section](#).

Section A | Applicant details

Full name (registered company, institute, organisation, or individual)

Mt Messenger Alliance on behalf of NZ Transport Agency

1 Enter your details in the grey fields.

Legal status of applicant:

Individual Trust Registered company
 Research institute Other (specify)

1 Please attach a copy of Trust Deed

Registration number (if company, trust or incorporated society)

Trading name (if different from applicant name)

Any previous Authorisations held? Yes No

If yes, please provide Authority number

Postal address

Tonkin and Taylor

Street address (if different from postal)

Level 5 711 Victoria Street, Hamilton
3240

1 You must provide a New Zealand address for service.

Registered office of company or incorporated society (if applicable)

Phone

9(2)(a)

Website

Contact person and role

9(2)(a) Terrestrial Ecologist (Tonkin + Taylor), Mt Messenger Alliance Partner

Phone

9(2)(a)

Mobile

9(2)(a)

1 Please fill these three fields for your company contact person or if you are applying as an individual.

Email

9(2)(a)

Section B | Activities

1. Research/species management project description.

If the activity is research or species management, then please specify the purpose of the research or management activity.

Please provide a brief summary paragraph (100 words or less) here:

Long-tailed (and possibly short-tailed) bats are present throughout the proposed SH3 Mt Messenger Bypass alignment area. Both species roost in trees similar to those found within the proposed designation. To minimise risk of adverse impacts during tree clearance, trapping, banding and radio tracking will be undertaken using DOC Best Practice methods to monitor population levels and locate active maternal roosts within and near the alignment in November 2017 to December 2018. 1-3 trapping sessions of approximately 15 days each will be led by Level F DOC approved bat ecologists. Further work may be required in the 2018 season.

- ① Attach a copy of your research or management project proposal to this form and label it Attachment B1.

Please provide a more detailed summary of your proposal here:

The New Zealand Transport Agency (NZTA) is proposing to undertake the SH3 Mt Messenger Bypass Project (the Project). The Project comprises a new section of two lane highway, 6 km in length, located to the east of the existing SH3 alignment between Uruti and Ahititi to the north of New Plymouth. Long-tailed bats (*Chalinolobus tuberculatus*) have been detected throughout the proposed alignment area. Despite historical records within 10 km of the project, central lesser short-tailed bats (*Mystacina tuberculata rhyacobia*) have not been detected during acoustic survey to date on this project, however it is possible this species may also be present. Both species roost in large/old trees similar to those found within the proposed alignment. The persistence of both long-tailed and short-tailed bat populations in the area is dependent on roosts, which provide crucial maternal conditions for breeding females and their pups. Any one roost tree may support a substantial proportion of a resident population at any given time.

The project's most significant risk to resident bats will be the potential for destruction of active maternity roosts. Targeted pre-construction investigations aim to determine the presence and location of any resident maternity roosts within the project footprint and immediately adjacent areas. These investigations are intended to enable the development of appropriate roost avoidance and mitigation measures in advance of tree clearance and road construction.

Trapping of long-tailed (and in the event they are present, short-tailed) bats

will be undertaken to a) record standard morphological measures and gender of individuals, b) attach numbered metal forearm bands to long-tailed bats for mark-recapture population monitoring, and c) attach radio transmitters to individual bats, to enable location of occupied roosts. All bat capture, handling, measurement, banding, transmitter attachment and radio tracking will follow procedures specified within the "DOC best practice manual of conservation techniques for bats Version 1.0".

All bats captured will have morphological measures taken and all long-tailed bats will have metal forearm bands fitted. It is intended to fit transmitters to up to 15 individuals of each species. PicoPip transmitters (wgt <0.5 g) will be used.

Trapping will take place during the period November 2017 to February 2018 and will be comprised of 1-3 trapping sessions each of approximately 15 days. Two teams of three people will undertake trapping and radio tracking on a rotational basis, with each team led by a leading bat expert (Level F or above), supported by a Level D bat ecologist, with at least one level E bat ecologist on the wider project team. A biostatistician may be required for data analysis.

If too few bats are caught and tracked in the 2017 season to provide confidence that maternity roosts within or near the proposed road designation are located, one or two additional trapping sessions will be undertaken during summer 2018-2019.

Section B (continued) | Activities

2. Species name and threat classification

Please list the common and scientific name/s and threat classification of all protected species for which the authorisation is sought.

① A New Zealand classification system guide can be found [here](#) on the DOC website.

Common name	Scientific name	NZ threat classification
1. Long-tailed bat	1. Chalinolobus tuberculatus	1. Nationally Critical (2017)
2. Central short-tailed bat	2. Mystacina tuberculata rhyacobia	2. Declining (2017)
3.	3.	3.
4.	4.	4.
5.	5.	5.

3. Activities

3.1. Actions

Please select all the actions that are applicable to the activity you wish to carry out involving wildlife on and/or off public conservation land.

- Catch and handle wildlife on site
- Take samples from wildlife
- Take or destroy the eggs of wildlife
- Attach identification bands to wildlife
- Mark – tag or attach other scientific apparatus (except bands) to wildlife
- Catch and temporarily hold wildlife in captivity (less than 3 months)
- Transfer captive wildlife from one holding facility to another holding facility
- Kill wildlife
- Hunt, disturb, kill or catch alive protected wildlife that are causing damage

Other:

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Section B (continued) | Activities

3.2. Purpose

Please select or specify the purpose of the activity.

- Traditional/cultural use Education
 Species management Museum display/collection
 Rehabilitation of sick/injured animals
 Research
- Other:

3.3. Is Animal Ethics approval required?

- Yes No Don't know

① If yes, please attach evidence of Animal Ethics Approval

4. Authorisation term and activity timeframes

4.1. Authorisation term

Authorisations will be granted for a limited term. Please specify the start and end dates you would like your proposed authorisation to cover and explain why this term is sought. e.g. '10 years' or 'July 2015 – March 2015.'

Term: October 2017 - April 2019

Reason: It is hoped a single session of up to 15 days of trapping will suffice. However, in the event insufficient numbers of bats are captured in the 2017/18 season to provide detailed information on maternal roost location, an additional one or two trapping sessions up to 15 days may be required. The term sought covers both the 2017/18 and 2018/19 fieldwork seasons to allow for this.

① If you apply for more than 10 years, processing may take longer as longer term impacts will need to be assessed and there may be additional legal requirements.

① See Authorisations and Special Conditions [for your information.](#)

Section B (continued) | Activities

5. Number to be caught, held or killed

Where possible, please state:

The target number of individuals of each species of protected wildlife to be caught, held or killed and what proportion of the local and global species population you estimate would be affected by your activity.

Species	# of individuals	Proportion/population
1. Long-tailed bats (<i>Chalinolobus tuberculatus</i>)	Up to 15	Unknown
2. Central lesser short-tailed bats (<i>Mystacina tuberculata rhyacobia</i>)	Up to 15	Unknown
3.		

- ① If your application is not to catch, hold or kill a live animal (i.e. you are applying to hold specimens), please go to [Question 10](#).

6. Method/s of capture

Please describe the methods to be used to safely, efficiently and humanely catch, hold or kill the animals and identify relevant animal ethics processes.

All bat capture, handling, measurement, banding, transmitter attachment and radio tracking will follow procedures specified within the "DOC best practice manual of conservation techniques for bats Version 1.0". All of this work is subject to Animal Ethics Committee approval.

7. Samples to be collected

7.1. Samples, amounts, methods

Please list exactly what samples are to be taken (e.g. blood, DNA, feathers, etc) and the methods/s to be used, including amounts to be taken (if known).

Sample	Method	Amount
1.		
2.		
3.		

- ① If no samples are to be collected, please go to [Question 8](#).

7.2. Purpose

Please state the purpose for which the samples would be taken (e.g. taxonomy, genetic modification, disease screening) and if they will be sent overseas.

Purpose.

Sending overseas?

- ① If you answer Yes to sending samples overseas, please download and complete Form9f

Yes No

see [Application forms: Apply for permits](#)

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Section B (continued) | Activities

7.3. Samples for genetic modification

If you will be taking samples for genetic modification, please attach your Environmental Risk Management Authority (ERMA) application and label it attachment B6.2.3.

8. Marking, banding, tagging

8.1. Banding

Are you requesting to **band** wildlife?

Yes

No

8.2. Other marking

If you are proposing to mark wildlife with any other mark than a band, please describe the type of marking and details of the method to be used to attach it to ensure the animals' health and safety.

Mark/tag to be fitted

PicoPip radio transmitters

Method

As per DOC best practice manual of conservation techniques for bats Version 1.0.

9. Access to Restricted Lands

Special permission is required to enter some public conservation lands that have particularly high levels of protection. If you wish to enter land of any status listed below to carry out the proposed activity, please select the status and state the full name of the land to which permission for access is sought.

Nature Reserve (s20 Reserves Act 1977)

Name of land to be accessed

N/A

Scientific Reserve (s21 Reserves Act 1977)

Name of land to be accessed

N/A

Government Purpose (s22 Reserves Act 1977)

Name of land to be accessed

N/A

① Wildlife Act
Authorisations apply to private land and public conservation land. If the location is private land, you will also need the consent of the land owner.

② Use [DOCgis](#) to view Conservation Land.

Section B (continued) | Activities

Specially Protected Area in a National Park (s13 National Parks Act 1980)

Name of land to be accessed

N/A

State why?

N/A

Wildlife Sanctuary (s9 Wildlife Act 1953)

Name of land to be accessed

N/A

Wildlife Refuge (s14 Wildlife Act 1953)

Name of land to be accessed

N/A

10. Proposed activity site

10.1. Wild

State the location/s in which the activity will be carried out and why this site is the best option. For specific sites, please include a map (and GPS co-ordinates if available). Attach map and label it attachment B10.1.

Locations for trapping will be based around the proposed Mt Messenger road re-alignment (map attached). Acoustic monitoring to date has confirmed the presence of long-tailed bats at several locations along the alignment. Further acoustic monitoring is currently taking place and this will enable fine-scale identification of trapping sites along likely flyways.

10.2. Captive

Please answer if the live animal/s; specimen/s; or sample/s is to be obtained from another authorised wildlife holder, who has an authorisation to hold the species in captivity or the specimen/sample. Fill in the following information of the person **from** whom the animal/specimen/sample will be obtained.

Name

N/A

Address

N/A

① If proposing to undertake your activity in a National Park, your activity must be essential for management, research, interpretation or educational purposes. Please state why?

① Use [DOCgis](#) to view Conservation Land.

① If you are intending to receive animals from another authorised holder, ensure they have an authorisation to transfer.

DOC authorisation number

N/A

Expiry Date (dd/mm/yyyy)

N/A

Section B (continued) | Activities

10.3. Holding live animals

Please fill in this question if you currently hold animals in captivity and wish to continue doing so; or you wish to receive animals held in captivity at another facility; or you wish to hold animals for less than 3 months for rehabilitation.

10.4. Captive management programme

Are you part of a co-ordinated captive management programme for the species? Yes No

If yes, please state the name of the DOC captive co-ordinator and whether they support this application.

Co-ordinator's name

N/A

Supports application? Yes No

10.5. Holding site

Provide a detailed description of the holding facility/cage including dimensions.

Holding site address:

N/A

Description of facility/cage

N/A

❗ Please attach written proof of their support and label it attachment B10.4

❗ The applicant must meet the requirements of the DOC Captive Management SOP (available [here](#)) and the facility must meet the requirements of the husbandry manual for the species, where one exists.

Section B (continued) | Activities

11. Management of effects

Please list all actual and potential adverse (or positive) effects of the proposed activity at the site, including effects on the target species, other indigenous species and the ecosystems at the site. Where adverse effects are identified please state what methods will be used to manage those effects.

Effect	Management method
Injury to bats during capture	Careful set-up of harp traps and handling of captured bats by Level D or above bat ecologists. If mist nets are used to trap short-tailed bats, they will be monitored continuously while open, and any bats caught in the nets will be removed promptly by experienced bat ecologists.
Injury to bats during banding and transmitter attachment	Attachment of bands and transmitters only to be undertaken by Level D or above bat ecologists
Hypothermia, excessive stress to captured bats	Harp traps to be checked up to 3 times per night. If mist nets are used, they will be monitored continuously while open, and any bats caught in the nets will be removed promptly by experienced bat ecologists. . Handling of bats to be kept to a minimum and completed as quickly as possible. If necessary bats to be warmed prior to release.

① If you are applying to hold specimens or parts of them, or you are applying to hold wildlife already in captivity, you do not need to answer this question.

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Section D | Applicant skills and experience

Please provide relevant information relating to your ability to carry out the proposed activity (e.g. details of previous authorisations, membership of professional organisations and relevant qualifications and experience). List full names of all individuals who will be involved in the activity.

❶ Please attach details and label as Attachment D.

All individuals involved in activity

Full Names

9(2)(a)	
---------	--

Has the applicant or any company directors, trustees, partners, or anyone involved with the application been convicted of any offence?

Yes

No

If yes please provide details

--

Does the Applicant or any of the company directors, trustees, partners, or anyone involved with the Application have any current criminal charges pending before the court?

Yes

No

If yes please provide details:

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Section E | Consultation

Many applications require consultation with Tāngata whenua (local Māori), and other interested parties. Please attach proof and details of all consultation, including with hapū or iwi, to this application and label as attachment E1

Please attach any additional written expert views, advice or opinions you have obtained concerning your proposal to support the application and label them attachment E2.

- ❶ If you are unsure of any consultation requirements for your proposal, please see the [iwi consultation section](#) or contact your [local DOC Partnerships office](#) to discuss what is required.

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Section F | Fees

Please note

This section only applies to applications with a commercial focus – which will include applications from registered companies. The Department does not charge fees for non-commercial Wildlife Act authorisations.

- 1 If you are making an application for non-commercial activity, [proceed to declaration](#).

Processing fees

Section 60B of the Conservation Act contains the statutory provisions regarding processing fees.

The Department recovers all direct and indirect costs to process an application from applicants regardless of whether the application is approved or declined. If at any stage an application is withdrawn, the Department will invoice the applicant for the costs incurred by the Department up to that point.

Standard application fee

The estimated standard application fee is **\$400 +GST**.

This covers most applications. However if your application is likely to have significant effects, is novel, or spans multiple DOC regions, it will require more careful consideration and may take up to 6 weeks to process and cost approximately **\$800 +GST**.

Particularly complex applications may incur further costs – you will be sent an estimate of costs in this situation. We will contact you to advise if the fee is more than the estimated standard cost. Applicants are also entitled to request an estimate of costs at any point, but the Department may impose a charge for preparing such an estimate. Estimates are not binding.

- 1 Applicants are required to pay the processing fees within 28 days of receiving an invoice. The Director-General is entitled to recover any unpaid fees as a debt.

Paying fees

The Department will ordinarily invoice the applicant for processing fees after a decision has been made on the application, but in some cases interim invoices will be issued.

Please select your method of payment below.

- I have attached a cheque
- I have direct credited the DOC account

Please use the Applicant name and permission number (which the permissions team will give to you) as the references.

Department of Conservation
Westpac Bank
Account number: 03 0049 0002808 00

- I do not intend to pay the fees at the time of applying and/or I require an invoice for payment
- I have a purchase order/number from an organisation registered with DOC

- 1 If you are applying from outside New Zealand we can process a credit card payment – please [contact us](#) to request this procedure.

Section F (continued) | Fees

Fee waivers and reductions

The Director-General has discretion to reduce or waive processing fees. You may apply for a fee waiver or reduction if you can provide information to the permissions team about how your application meets at least one of the following criteria.

- The activity will make a direct contribution to management
- The activity will support or contribute to the Department's priority outcomes – stated in the Department's 2013 – 2017 Statement of Intent
- There will be other non-commercial public benefits from the activities covered by the authorisation (if approved)
- Activity covered by the authorisation (other than research, collection or educational activities) will make a contribution to the management of, or the public interest in, the lands that are covered by the authorisation

View the Department's 2013 – 2017 Statement of Intent [here](#) for the priority outcomes.

The Department may obtain further information either from the applicant or from any other relevant source in order to process the application. The applicant will be advised of any information obtained from other sources. The cost of obtaining such information will be charged to and recovered from the applicant. The applicant will be informed as soon as practicable from receipt of the application if further information is required before this application form can be fully processed by the Department.

Terms and conditions: Account with the Department of Conservation

Have you held an account with the Department before? Yes No

If yes, under what name?

Terms and conditions: Account with the Department of Conservation

1. I/We agree that the Department of Conservation can provide my details to the Department's Credit Checking Agency to enable it to conduct a full credit check.
2. I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective.
3. I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.
4. I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.
5. I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.
6. I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions of the credit account are not met.
7. I/We agree that the Department of Conservation can provide my details to the Department's Debt Collection Agency in the event of non-payment of payable fees.

Section F (continued) | Fees

Reduction in fees for exceeding processing timeframe

If the Department fails to meet its own processing timeframes the estimate of fees will be reduced at a rate of 1% per day late, up to a maximum of 50% of the total processing fee. The reduction will not apply if the Applicant's actions have delayed the process.

Additional Fees

You may also be required to pay additional fees. These may include:

- Annual management fee to cover administration time; and/or
- Monitoring fee to cover the cost of monitoring the effects of your activity.

① Please [contact the Permissions team](#) to discuss whether these fees apply.

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Section G | Declaration

I certify that the information provided on this application form and all attached additional forms and information is to the best of my knowledge true and correct.

① An Authorisation may be varied or revoked if the information given in this application contains inaccuracies.

Signature (applicant)

9(2)(a)

Date (dd/mm/yyyy)

3/10/2017

Full name (witness)

9(2)(a)

Address (witness)

TOWNKIN + TAYLOR
711 VICTORIA ST, HAMILTON
3240

Signature (witness)

9(2)(a)

Date (dd/mm/yyyy)

03/10/2017

This application is made pursuant to Section/s 41(1)(g), 53; 54; 55; and/or 56 of the Wildlife Act 1953 [and (where applicable) Section/s 22; 49; 50; 51; 57; and/or 59 of the Reserves Act 1977; and/or Section/s 5; 13; 14(3) of the National Parks Act 1980; and/or 38 of the Conservation Act].

Applicants should familiarise themselves with the relevant provisions of the Wildlife Act 1953, the Conservation Act 1987, the Reserves Act 1977 and the National Parks Act 1980 relating to authorisations.

The purpose of collecting this information is to enable the Department to process your application. The Department will not use this information for any reason not related to that purpose.

Applicants should be aware that provisions of the Official Information Act may require that some or all information in this application be publicly released.

For Departmental use

Credit check undertaken?

Yes No

Comments

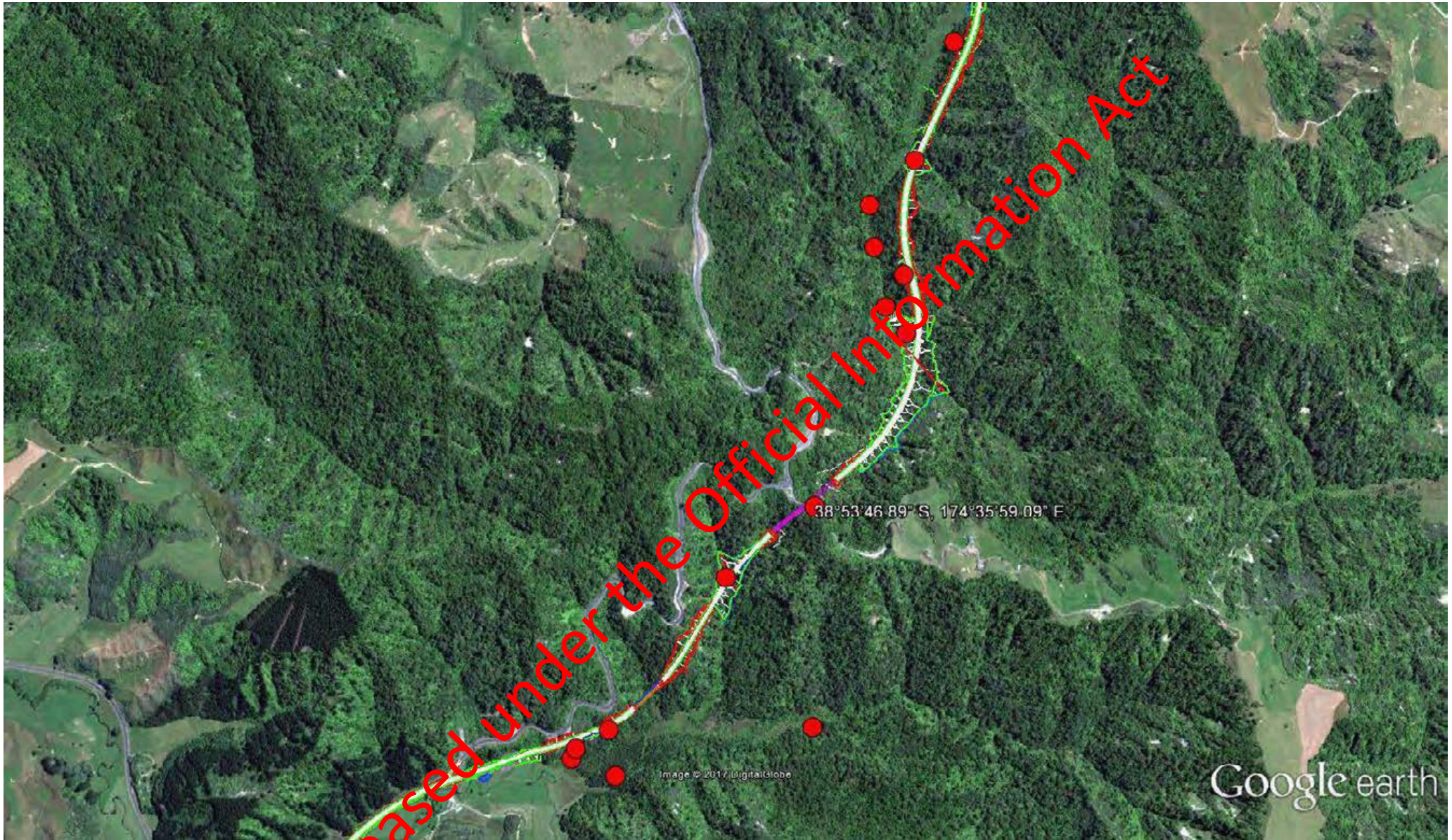
Signed

Name

Approved

Name

① Approval is to be by a Tier 4 Manager or above.



Attachment B10.1. Locations of long-tailed bat passes recorded by ABMs during acoustic survey in 2017, in relation to the proposed SH3 Mt Messenger alignment. Coordinates of the central ABM are shown above.

Attachment D – Skills & Experience

9(2)(a)

9(2)(a) is certified as a Level F Bat Ecologist. He has carried out bat trapping, banding and radio-tracking at Geraldine, Waitomo, Grand Canyon, Balls Clearing (Hawkes Bay) and the Waitakere Ranges. He has handled many hundreds of long-tailed bats – attaching forearm bands and radio transmitters to many of them. He also has substantial experience in collecting morphometric measurements and genetic samples (wing biopsies) from native bats. 9(2)(a) has over 15 years of experience as a consultant ecologist specializing in NZ bats and other fauna groups. He has provided bat expertise on a number of large-scale infrastructure projects such as major road construction (e.g., SH3 Mt Messenger, SH1 Waikato Expressway, SH1 Puhoi to Warkworth) and wind farms (e.g., Te Uku, Pouto Peninsula). The bat work on those projects has included extensive short- and long-term acoustic surveys and monitoring, collision risk modelling, and developing and implementing vegetation removal protocols aimed specifically at mitigating the effects of tree removal on bats.

9(2)(a)

9(2)(a) is certified as a Level F Bat Ecologist. He was a research scientist with DOC for 20 years (1988–2008), researching short-tailed bats for 10 years (1992–2002). While working for DOC, 9(2)(a) developed and established methods for harp-trapping, mist netting, roost monitoring, radio-telemetry, captive maintenance and translocation of short-tailed bats. He has handled more than 1,500 short-tailed bats, attached radio-transmitters to more than 90 of them, and investigated other marking methods (forearm-banding and transponder insertion) for the species. Since 2008 9(2)(a) has worked as an independent ecological consultant specialising in NZ bats. During this time he has undertaken extensive acoustic surveys for bats throughout the top of the South Island and established a long-tailed bat recovery project at Pelorus Bridge. During 2014 & 2015, he undertook a radio-telemetry study of long-tailed bats on D’Urville Island, which involved capture and radio-tracking long-tailed bats. He has provided advice on the impacts of infrastructure projects on bats to a range of parties including: Meridian Energy, Tasman District Council, NX2 Group, DOC and Forest and Bird.

9(2)(a)

9(2)(a) has 10 years’ experience as a terrestrial ecologist and environmental scientist, and holds a BSc (Hons), MSc (Hons) and PhD in Ecology. She is highly experienced in undertaking a wide variety of flora and fauna surveys in a range of environments, in both New Zealand, UK and numerous tropical countries.

9(2)(a) is a Level C2 and D DOC approved bat ecologist after undertaking training with DOC in Fiordland. 9(2)(a) is capable of identifying long-tailed bat roosts, experienced in searching for and finding active and

inactive roosts (by radio tracking, exit observations and visual inspections), and also has long-tailed bat handling skills, congruent with DOC's nest practice manual (Sedgeley et al 2012). 9(2)(a) is experienced at implementing acoustic bat monitoring techniques for large infrastructure projects including Waikato Expressway Projects (Huntly, Hamilton and Cambridge sections), SH3 Awakino Gorge and SH3 Mt Messenger bypass projects. She is also capable of analysing data in BatSearch software and reporting on results. 9(2)(a) also has bat handling experience and harp trapping experience obtained during biodiversity research positions in Indonesia and Cambodia.

9(2)(a)

9(2)(a) is certified to Bat Competency Levels C2 and D. 9(2)(a) has 10 years of ecological experience, and holds an MSc (Hons) and BSc. He has experience with trapping and handling more than 50 long-tailed bats in the Eglinton Valley in Fiordland, and has written bat management plans and tree removal protocols for the Huntly and Hamilton Sections of the Waikato Expressway. He has extensive experience undertaking acoustic long-tailed bat monitoring and implementing tree removal protocols in relation to the Huntly, Hamilton and Cambridge sections of the Waikato Expressway, including long-tailed bat roost emergence and return watches. He has carried out observations of long-tailed bats in flight using a thermal imaging camera, obtaining footage of bat flight behaviour. He has processed, summarised and analysed large sets of acoustic long-tailed bat data using DOC's BatSearch software, and reported on results. He has a broad range of ecological experience including lizard survey, shorebird survey, freshwater fish survey, pest exclusion fencing, pest mammal monitoring and Peripatus survey and translocation.

9(2)(a)

9(2)(a) is a certified Level B Bat Ecologist. He has been involved with numerous biodiversity projects with a strong bat focus across New Zealand and Australia. He has undertaken successful trapping and acoustic monitoring projects in New South Wales and on Bruny Island (Tasmania) as part of extensive baseline fauna studies. 9(2)(a) was involved in undertaking preliminary habitat assessments, capture and the relocation of more than 40 microbats as part of the Whitehaven coal mine expansion project in northern New South Wales. 9(2)(a) has prepared and implemented bat management plans across the Auckland region for small to large scale residential projects. He has gained significant experience implementing bat protocols for roading projects of national significance. These include roost watches along the Hamilton section of the Waikato expressway and both setting and processing automatic bat monitors to ensure high risk trees along SH1 (Puhoi to Walkworth) were absent of bat roosting activity before they were felled. 9(2)(a) has additionally lead ongoing winter and spring acoustic bat monitoring for the Mt. Messenger roading project and is a co-author of the specialist bat report for the project. 9(2)(a) furthermore has recent short-tailed bat trapping, handling and measuring experience from his involvement with a short-tailed bat research project within the Pureora forest.

9(2)(a)

9(2)(a) is certified as a Level B Competent Bat Ecologist. He has been heavily involved with the SH3 Mount Messenger winter and spring bat monitoring programme in Taranaki under the guidance of

9(2)(a). He has assisted with the strategic placement of dozens of ABMs at potential bat roost sites as well as targeting potential flyways and foraging areas. 9(2)(a) has also gained substantial experience in processing and interpreting ABM data including analysing thousands of ABM files which included many hundreds of long-tailed bat passes.

9(2)(a)

9(2)(a) is an ecologist who has undertaken consulting roles New Zealand-wide. Her expertise is reflected across a diverse range of infrastructure, transport, conservation, industry, and development projects including work on the Mt Messenger alignment. She specialises in environmental assessments, wildlife monitoring and management, fauna salvage and relocation, ecological restoration and mitigation, resource consent input and monitoring, ecological management plans, and ecological reporting. 9(2)(a) has experience working with New Zealand native bats in identifying high-risk bat trees, ABM deployment, and ABM data analysis.

9(2)(a)

9(2)(a) is an ecologist recently graduated with a Master of Science in Urban bird ecology from the University of Auckland (2016). During his studies he worked within the biosecurity team at Auckland Council with a focus on kauri dieback research.

After finishing his Masters, 9(2)(a) worked within the biodiversity team at Auckland Council specialising in terrestrial monitoring and assessment. These assessments involved vegetation and bird surveys. Since starting at T + T (2017) 9(2)(a) has been involved in terrestrial assessments, stream ecological assessments and fish monitoring including work on the Mt Messenger alignment.

9(2)(a)

9(2)(a) has been involved with acoustic long-tailed bat survey work for the Hamilton and Huntly Sections of the Waikato Expressway Project (2015-2016) and Mt Messenger Options surveys (2017). He has assisted in the establishment of baseline bat monitoring by deploying ABMs and undertaking data analysis using BatSearch 3.0 software. 9(2)(a) has experience in nocturnal bat presence monitoring using hand-held acoustic detectors.

9(2)(a)

9(2)(a) is a recent graduate and will assist in the field where required.

Attachment E1 – Iwi Consultation

The New Zealand Transport Agency (NZTA) is proposing to undertake construction of the SH3 Mt Messenger Bypass Project (the Project). The project's most significant risk to resident bats will be the potential for destruction of active maternity roosts. Targeted pre-construction investigations aim to determine the presence and location of any resident maternity roosts within the project footprint and immediately adjacent areas. These investigations are intended to enable the development of appropriate roost avoidance and mitigation measures in advance of tree clearance and road construction.

Trapping of long-tailed (and in the event they are present, short-tailed) bats will be undertaken to a) record standard morphological measures and gender of individuals, b) attach metal bands to long-tailed bats for mark-recapture population monitoring, and c) attach radio transmitters to individual bats, to enable location of occupied roosts. Prior to undertaking this work, approval is required from the Department of Conservation under the Wildlife Act 1953.

Approval is also required from Ngati Tama for this work to take place, and a Hui was held to this end with the Ngati Tama Runanga on September 20th 2017. Representing Ngati Tama at the Hui were [redacted] 9(2)(a). Background information and detail of the proposed tracking work was provided by [redacted] 9(2)(a) and presented to the Runanga at the Hui by [redacted] 9(2)(a).

Ngati Tama approved the radio tracking work going ahead, and expressed an interest in being involved in the tracking work itself where possible.

Released under the Official Information Act



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

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

Date: 9th October 2017

Task Assignment: Process Application from NZ Transport Agency (NZTA)

Context

Wildlife Act Application

Application to catch, handle, band, attach radio transmitters to, and monitor long-tailed and short-tailed bats within and around the proposed Mt Messenger road realignment.

Please note - The reason that you are receiving this application and not an ops manager is that the delegations for marking or banding threatened wildlife has not been updated to allow ops managers to make a decision and therefore delegations are at T3 level. A request to have these delegations updated has been made, but is still pending.

Quantity

Up to 15 of each bat species

Proposed term

October 2017 – April 2019

Iwi consultation

Approval is required from Ngati Tama for this work to take place, and a Hui was held to this end with the Ngati Tama Runanga on September 20th 2017. Representing Ngati Tama at the Hui were [redacted] 9(2)(a). Background information and detail of the proposed tracking work was provided by [redacted] 9(2)(a) and presented to the Runanga at the Hui by [redacted] 9(2)(a). Ngati Tama approved the radio tracking work going ahead, and expressed an interest in being involved in the tracking work itself where possible.

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 the public are not displaced by the activity when it is occurring
- Ensure appropriate engagement with iwi/hapu/whanau
- Ensure stakeholders are appropriately consulted



Department of Conservation
Te Papa Atawhai

- 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

Resources

Decision Maker – 9(2)(g)(ii)

Permissions Advisor – 9(2)(g)(ii)

Community Ranger – To be assigned by the Decision Maker

Technical Advisor (Bat specialist) - 9(2)(g)(ii)

Link to Application: https://doccm.doc.govt.nz:443/wcc/faces/wccdoc?_afDocName=DOC-3183070

Timeframe

Within 20 working days of acceptance of Task Assignment. In this instance, the 20 working days will commence from **18th October 2017**.

Released under the Official Information Act



CONFLICT OF INTEREST DECLARATION FOR CONCESSIONS AND OTHER APPLICATIONS

Staff member processing the application:

9(2)(g)(ii)

Applicant: NZTA

Application for Wildlife act authority

CONFLICT OF INTEREST DECLARATION	
I declare to the best of my knowledge that I do <u>not</u> have:	Place x in the column if you <u>do not</u> have an interest or connection. Leave the column blank if you <u>do</u> have an interest or connection.
any financial interest in or with the applicant (this can be in terms of shareholdings, financial arrangements etc).	
any relatives or friends with a financial interest in or with the applicant (this can be in terms of shareholdings, financial arrangements etc) .	X
a managerial or governance relationship with the applicant, such as a seat on the Board.	X
an interest as a trustee of a trust that holds shares in a company that is the applicant or as a trustee of a trust where the other trustees or the beneficiaries are applicants.	X
any other relationship or interest that may impact on my impartiality.	X
I declare to the best of my knowledge that I	Place x in the column if you are <u>not</u> an employee or own property etc. Leave the column blank if you are an employee or do own property etc.
am <u>not</u> an employee, advisor, director, or partner of another organisation or business and possessing confidential information about the same matters (note that having had a close connection on its own may be sufficient for a conflict to be perceived).	X
do <u>not</u> own or occupy a piece of land related to the application.	X
have <u>not</u> received a gift, hospitality, or other benefit from the applicant.	X
do <u>not</u> have a professional relationship with the applicant. It could be the case that you have processed an application from this applicant before. If so, state this. Note that this is unlikely to disqualify you.	
do <u>not</u> have an opinion about the applicant that could impact on my	X

impartiality when processing or assessing the application.	
do not know the applicant any directors or staff personally.	X

If there are no blanks above, please sign and file this form.

If there are blanks, please provide more detail in the space below then pass the form to your manager for her or his consideration.

I HAVE PROCESSED APPLICATIONS FOR THIS APPLICANT ON PREVIOUS OCCASIONS

- I undertake to make any further declarations detailing any actual potential or perceived conflict, which may arise during my involvement with this application.

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

Date: 10 October 2017

MANAGER'S REVIEW

I have reviewed this Conflict of Interest declaration and (delete one of the following):

- ~~decline to allow the staff member to process the application~~
- accept that there is a low risk of an actual potential or perceived conflict of interest that can be managed as follows:

.....

Manager's signature 9(2)(a)

Name: 9(2)(g)(ii) Acting Permissions Manager

Date: 10 Oct 2017

Released under the Official Information Act



Permission Decision Support Document

Application Details	
Decision Maker	9(2)(g)(ii)
Applicant	NZTA
Permission Number	63449-FAU
Permission Type	Wildlife Act authorisation

Key Dates	
Application received	3 October 2017
Task Assignment assigned	9 October 2017
Context Meeting	20 October 2017
Check-In Meeting	
Decision due	9 November 2017

Document Links	
Application	3183070
Task Assignment	3183076

Resources	
Permissions Advisor	9(2)(g)(ii)
District Office/s	
Science and Policy	
<i>[Add as required]</i>	

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Cost Recovery

Permissions Advisor to record time spent on the application prior to receiving the Task Assignment - this is required for accurate cost recovery.

Function	Time (minutes)	Date complete
Capture	20	03/10/2017
Summary	20	04/10/2017
Understand		
Assign	15	09/10/2017
Pre-application advice*		

*Up to four hours of pre-application advice is provided free of charge - record all time in the table, but do not charge the Applicant for the first four hours.

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1. Task Register

Permissions Advisor to complete Task Register following the Context Meeting and any Check In meetings. At each meeting, ask team members assigned a task how long they estimate the time will take to complete (total time to complete, not when it will be completed by). All tasks must be assigned a due date by the Decision Maker.

Tasks as set by the Decision Maker:

No.	Task description	Accountability	Estimated time req'd to complete task (minutes)	Timeframe (date due)	Date complete	Time taken to complete task (minutes)
1	Co-ordinate the processing of the application – including (but not limited to) communicating with the Applicant, managing the Permissions Database record, and co-ordinating the completion of the Decision Support Document	Permissions Advisor			10 - 11 October 2017 13 October 2017 26 October 2017 27 October 2017	73 minutes 55 minutes 120 minutes 120 minutes
2	Undertake a statutory analysis of the application	Permissions Advisor			27 October 2017	
3	Share the decision with the team members on behalf of the Decision Maker	Permissions Advisor				
4	Share the decision with those consulted with (including Treaty Partners and the Conservation Board)	Community Ranger/anyone who has consulted				

5	Confirm the correct applicant	9(2)(g)(ii)		13 October 2017	13 October 2017	10 minutes
6	Obtain the correct decision maker	9(2)(g)(ii)		13 October 2017	13 October 2017	15 minutes
7	Confirm with iwi that they are comfortable with this project going ahead	9(2)(g)(ii)				
8						
9						
10						

Released under the Official Information Act

2. Purpose

To make a decision on the application.

3. Context

Wildlife Act Application

Application to catch, handle, band, attach radio transmitters to, and monitor long-tailed and short-tailed bats within and around the proposed Mt Messenger road re-alignment.

Quantity

Up to 15 of each bat species

Proposed term

October 2017 – April 2019

Iwi consultation

Approval is required from Ngati Tama for this work to take place, and a Hui was held to this end with the Ngati Tama Runanga on September 20th 2017. Representing Ngati Tama at the Hui were [redacted] 9(2)(a) Background information and detail of the proposed tracking work was provided by [redacted] 9(2)(a) and presented to the Runanga at the Hui by [redacted] 9(2)(a) Ngati Tama approved the radio tracking work going ahead, and expressed an interest in being involved in the tracking work itself where possible.

Location/s

N/A, private land

Relevant details about the applicant

Permissions Advisor to complete.

Credit check result	N/A
Compliance with previous permission conditions	Unknown
Relevant convictions	Unknown

4. Critical Issues

Permissions:

1. Wrong decision maker

Long tailed bats (*Chalinolobus tuberculata*) are listed as 'Threatened Nationally vulnerable' in the NZ threat classification system list. The correct delegation is a Director, Operations

2. Wrong applicant

- The Mt Messenger Alliance has applied on behalf of NZTA.
- It appears the Mt Messenger Alliance is a group within Tonkin Taylor, who are supplying the personnel and running the project.
- Either NZTA, with Tonkin Taylor as authorised personnel, or Tonkin Taylor limited should be the applicant.

This needs to be cleared up for legal identification, plus, a fee will be payable so the correct debtor to the Department must be identified.

3. Banding and mist netting are proposed:

- are the persons named in the application qualified to band and mist net?
 - should the application be sent to the banding office?
- Will the bats be caught and the transmitters removed at the conclusion of the project?
 - Is iwi consultation required?
 - If iwi consultation is required the due date will need to be amended

5. Consultation with Treaty Partners

To be completed on behalf by each District Office - copy a new box for each District Office.

District Office name – Community Ranger's name

SECTION A: Treaty Settlement implications

If you have any questions about Treaty Settlement implications of an application, contact ^{9(2)(g)(iii)} Treaty Negotiations Team, and he will advise you who to talk to in the Treaty Negotiations Team.

- Is any site subject to the application due to be transferred to whānau, hapū, or iwi?
If no, go to question 4. If yes, identify the site.

Has a Treaty settlement disclosure form been completed for the site? Were any existing encumbrances noted on that form?

- Who is leading the negotiations process for DOC in the Policy Negotiations Team?

- If your Treaty Partners have settlement legislation in place already, are there any specific post-settlement implementation obligations that relate to the site or proposed activity?

SECTION B: Marine and Coastal (Takutai Moana) Area Act 2011

If you have any questions about the Marine and Coastal (Takutai Moana) Area Act or the consultation required by this Act, firstly check the Concessions Guidance Document, and secondly, contact [redacted] ^{9(2)(g)(ii)}

- Is the location subject to any applications or approvals for customary marine title or protected marine rights under the Marine and Coastal (Takutai Moana) Act 2011? If yes, identify the Treaty Partners who have either applied for or had approved customary marine title or protected marine rights at the location.
- If yes, has the Applicant provided evidence of consultation with these Treaty Partners? *The Applicant has a requirement to consult with anyone who has an application under the Act that is additional to DOC's consultation with Treaty Partners. See the Concessions Guidance Document for more information.*

SECTION C: Whānau, hapū, and iwi consulted

Complete the Consultation Summary table - copy this table if more columns are required.

Consultation Summary			
Treaty Partner consulted with			
Date consultation was sent out			
Consultation time frame end date			
Consultation method (email, phone, face to face etc)			
How many attempts made to consult?			
DOC-CM link to any consultation emails received			

SECTION D: Consultation with [name of Treaty Partner]

Either complete a new section for each Treaty Partner you consult with, or incorporate the responses from each Treaty Partner into one section. These questions are prompts and have been developed to guide you as to what information the Decision Maker needs to make a

decision that is fully informed of Treaty Partner views. You may not be able to answer all questions, but do not copy and paste email chains from conversations with Treaty Partners – these should be linked into section B above and the information provided in response to the questions in this section.

- Does this application activate any agreed triggers for consultation with Treaty Partners? [Delete answers that do not apply]

Yes – Answer remaining questions.

No – Note that triggers are not met, provide a doc-CM link to the agreed triggers document. Do not complete the remaining questions unless consultation is undertaken.

There are no agreed triggers – Answer remaining questions.

- Did the whānau, hapū, or iwi engage in consultation on this application? If not, ensure attempts to engage are detailed in Section C.
- What is the interest of the whānau, hapū, or iwi in the site or activity?
- What are their views on the activity (taking place at the specified site)?
- What sort of adverse effects do the whānau, hapū, or iwi believe the activity will have on their interests (at the specified site)?
- Have the whānau, hapū, or iwi identified any methods to avoid, remedy, or mitigate these effects?
- Summarise any other information provided by the whānau, hapū, or iwi.

SECTION E: Consultation with [Name of Treaty Partner]

If required, copy the questions from Section C and complete for additional Treaty Partners consulted with if required (you may prefer to incorporate a number of Treaty Partner responses into Section D).

6. Contributions

Enter your contribution into the appropriate space below. Your contributions are to reflect tasks set by the Decision Maker, as recorded in the Task Register. Add and delete boxes as required.

9(2)(g)(ii)	Technical Advisor, Ecology
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New Plymouth District Office:	9(2)(g)(ii)	Senior Ranger/Supervisor, Community
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Statutory Analysis: Authorisation under the Wildlife Act 1953	
9(2)(g)(ii)	Permissions Advisor
<p>Complete this section for applications for authorisations under the Wildlife Act 1953. All parts are required to be completed for authorisations <u>on</u> public conservation land.</p>	
<p><u>Consistency with conservation legislation</u> Assess the application against the relevant legislation conservation legislation and consider if the activity is consistent with that legislation. If the assessment is that the activity is not consistent with the relevant legislation, or if it is unclear, discuss the reasons for this.</p>	
<p>Conservation legislation assessed:</p> <ul style="list-style-type: none">• <i>Wildlife Act 1953</i>	
<p>Criteria for decision:</p> <ul style="list-style-type: none">• Is the activity consistent with the relevant conservation legislation?	
<p>Yes</p>	
<p><u>Consistency with statutory planning documents</u> Assess the application against the Conservation General Policy, the General Policy for National Parks (if applicable), all relevant Conservation Management Strategies and Plans, and any other relevant statutory planning documents. If the assessment is that the activity is not consistent with the relevant statutory planning documents, or it is unclear, discuss the reasons for this.</p>	
<p>Statutory planning documents assessed:</p> <ul style="list-style-type: none">• <i>Conservation General Policy</i>• <i>Wanganui Conservation Management Strategy</i>	
<p>Criteria for decision:</p>	

- Is the activity consistent with the relevant statutory planning documents including the Conservation General Policy?

Yes

7. Proposed Operating Conditions

Permissions Advisor to complete. If any operating conditions change as a result of public notification, clearly identify where these have changed.

Conditions

Standard conditions applicable to the proposed activity:

1.0 Myrtle Rust Biosecurity

- 1.1 The Authority Holder and members of their team shall know the plants that are affected by myrtle rust, and what the rust symptoms look like. This serious fungal disease only affects plants in the Myrtle (*Myrtaceae*) family which includes pohutukawa, manuka, kanuka, and tamarama. See <http://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle-rust>.
- 1.2 The Authority Holder and members of their team shall not park vehicles under myrtle species where vehicles can easily be contaminated while undertaking the Authorised Activity.
- 1.3 The Authority Holder shall carry large black plastic bags and ties, 2% SteriGENE spray bottle and Isopropanol wipes while undertaking the Authorised Activity on Public Conservation Land where *Myrtaceae* are part of the flora.
- 1.4 If the Authority Holder or any members of their team believe they have seen the symptoms of myrtle rust, they are not to touch the plant.
 - a. Call the MPI Exotic Pest and Disease Hotline immediately on 0800 80 99 66.
 - b. If possible, take clear photographs, including the whole plant, the whole infected leaf, and a close-up of the spores/affected area of the plant.
 - c. Do not touch or try to collect samples as this may increase the spread of the disease.
- 1.5 If the Authority Holder or members of their team believe they are in an infected area, all team members must decontaminate with SteriGENE as per below:
 - a. Spray obviously contaminated clothing/hats and then place items in a large plastic bag;
 - b. Tie and spray the outside of the bag;
 - c. Mist spray other clothing being worn;
 - d. Clean and spray all footwear and equipment, including packs, phones, glasses, watches etc.;
 - e. Repeat decontamination steps again at 100m from the infected area and before entering a vehicle.

- 1.6 The Authority Holder and their team members shall have a hot shower and clean their hair as soon as possible to remove any spores (which may be invisible). Clothing worn while undertaking the Authorised Activity must be washed in a hot wash with detergent.

2.0 Kauri Dieback Disease Biosecurity

- 2.1 The Authority Holder must comply with all guidelines and notices issued by the Kauri Dieback Programme to prevent and avoid the spread of the pest organism Kauri Dieback Disease (*Phytophthora taxon agathis*) as specified on the website <http://kauridieback.co.nz/>. This includes ensuring that all vehicles, personal items and equipment are thoroughly cleaned of all visible soil and is sprayed with SteriGENE (formally known as Trigen) solution before entering and when moving between areas where there are kauri.

3.0 Adhere to Approved Application

- 3.1 The Authorised Activity must be undertaken in accordance with the application submitted by the applicant and received by the Grantor on Tuesday, 03 October 2017 at 11:14am.

4.0 Best Practice Guidelines

- 4.1 The Authority Holder shall use the current best practice when undertaking the Authorised Activity. The current best practice guideline is set out on the Department's website here: <http://www.doc.govt.nz/Documents/science-and-technical/inventory-monitoring/im-toolbox-bats/im-toolbox-bats-doc-best-practice-manual-of-conservation-techniques-for-bats.pdf>

5.0 Death of Wildlife Associated with Activities Covered by the Authority

- 5.1 If any long-tailed bats or short-tailed bats should die, the Authority Holder must:
- Interim the Grantor within 3 days;
 - Chill the body if it can be delivered within 24 hours, or freeze the body if delivery will take longer than 24 hours;
 - Send the body to Massey University Wildlife Post Mortem Service for necropsy, along with details of the animal's history;
 - Pay for any costs incurred in investigation of the death of any long-tailed bats or short-tailed bats that may die as a result of the Authorised Activity; and
 - If required by the Grantor, cease the Authorised Activity for a period determined by the Grantor.

6.0 Euthanasia

- 6.1 The Authority Holder must not euthanise any wildlife unless:
- The Authority Holder obtains authority from the Grantor; or
 - A veterinarian recommends euthanasia on animal welfare grounds; or
 - The Authority Holder euthanises the wildlife under direction from the Grantor.

7.0 Banding Wildlife

- 7.1 Long-tailed bats and short-tailed bats shall be marked using metal forearm identification bands for the purpose of distinguishing wildlife only.
- 7.2 Attachment of metal forearm identification bands shall only be undertaken by Level D or above bat ecologists.
- 7.3 Banding of long-tailed bats and short-tailed bats shall be undertaken in accordance with the Bat Framework developed by NZ Transport Agency, and found here:
<http://www.nzta.govt.nz/assets/resources/research/reports/623/623-effects-of-land-transport-activities-on-NZs-endemic-bat-populations.pdf>
- 7.4 Any injuries or deaths of bats resulting from implementation of the Authorised Activity must be reported to the Grantor as soon as possible after the incident, but at least within one week.
- 7.5 If a band is taken off a bat for any reason, it must not be used on another bat.
- 7.6 The Authority Holder must supply the Grantor with electronic copies of all banding schedules used to record newly banded or re-banded bats, plus a completed copy of the band stock-take sheet by 01 April each year.
- 7.7 Band recoveries for dead bats and any bats re-banded are mandatory.

8.0 Transmitter attachment

- 8.1 PicoPip radio transmitter comprising no more than 5% of the animal's body weight may be attached to up to 15 long-tailed bats and up to 15 short-tailed bats. The Authority Holder shall use best practice transmitter harnesses and attachment methods:
<http://www.doc.govt.nz/Documents/science-and-technical/inventory-monitoring/im-toolbox-bats/im-toolbox-bats-doc-best-practice-manual-of-conservation-techniques-for-bats.pdf>.
- 8.2 Attachment of PicoPip radio transmitters shall only be undertaken by Level D or above bat ecologists.
- 8.3 During the Authorised Activity, any recaptured individuals found to be injured or otherwise adversely affected by a transmitter must have their transmitter removed and not fitted again. A full report of the details of injury must be provided to the Grantor, to help develop best practice.
- 8.4 Every reasonable effort must be made to capture all individuals and remove transmitters at the conclusion of the Authorised Activity.

9.0 Mist-Netting

- 9.1 The Authority holder must undertake the Authorised Activity in accordance with the application received and the most recent edition of the New Zealand National Bird Scheme Bird Bander's Manual.
- 9.2 The Authority Holder must not leave any mist-net lines unattended at any place where they may endanger wildlife or the public.

- 9.3 Mist-nets shall be monitored continuously while open, and any bats caught in the net shall be removed promptly by experienced bat ecologists.

10.0 Harp Traps

- 10.1 Harp traps shall be checked up to three times per night when in use.

11.0 Post-Construction Monitoring

- 11.1 The Authority Holder shall undertake post-construction monitoring to be agreed with the Grantor.

12.0 Reporting

- 12.1 Upon completion of the Authorised Activity, termination or surrender of this Authorisation, the Authority Holder must forward a final copy of the research findings and reports electronically to permissionshamilton@doc.govt.nz
- 12.2 A final report must be submitted within one month of its completion and contain the following:
- a. The Authority Number 63449-FAU;
 - b. A summary of the findings; and
 - c. Any implications for conservation management
- 12.3 The Authority Holder acknowledges that the Grantor may provide copies of these reports to tangata whenua and the general public if requested.

13.0 Records

- 13.1 All monitoring and trapping records must be made available for inspection at reasonable times by officers of the Grantor.

14.0 Miscellaneous

- 14.1 The handling of bats shall be kept to a minimum and completed as quickly as possible.
- 14.2 If necessary, bats shall be warmed prior to release.
- 14.3 Trapping shall take place between November and February each year, and take place during up to three (3) trapping sessions, each of up to 15 days.
- 14.4 Each trapping team of up to three (3) people shall be led by a Level E or above bat expert, supported with a Level D bat ecologist.
- 14.5 Handling of captured bats shall only be undertaken by Level D or above bat ecologists.

15.0 Termination

- 15.1 A new clause 7.1 (c) is added to Schedule 2, to read as follows:
"Or for any other reason that the Grantor decides".

Monitoring

Post-construction monitoring will be required.

Term

30 October 2017 to 29 October 2022.

The term is longer than requested to allow for post-construction monitoring

Fees

\$400 +GST

8. Decision Making

Permissions Advisor to complete the Recommendations and relevant Decision sections (setting out options for the Decision Maker to make a decision on). Permissions Advisor to delete sections which do not apply to this application. Do not delete the Decision Maker comments section.

Decision Maker to complete the Decision and Decision Maker Comments sections.

Recommendations

I recommend the approval of this Authorisation.

Decision: Authorisation under the Wildlife Act 1953

- 1. Approve the granting of a Wildlife Act authorisation to NZ Transport Agency subject to the standard authorisation document and the special conditions listed below:

Approve / Decline

Special conditions to be included:

Decision Maker to list the condition numbers to be included, as per section 7 (Proposed Operating Conditions) of this report.

9(2)(a)

Signed by David Speirs, Director, Operations, Hauraki-Waikato-Taranaki
Pursuant to the delegation dated 9 September 2015

Date

30/10/17

Decision Maker comments

Decision Maker to comment on the rationale behind their decision. If there is nothing contentious this can be brief, but if there are differing views between DOC staff and/or DOC and

Treaty Partners, or there are multiple options available, or the decision made is different from what is recommended/requested, the rationale for the decision made must be clearly provided.

The Permissions Advisor will share the rationale for the decision with team members.

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Wildlife Act Authority for wildlife on non-public conservation land

Authorisation Number: 63449-FAU

THIS AUTHORITY is made this 30th day of October 2017

PARTIES:

The Director-General of Conservation and where required the Minister of Conservation (the Grantor)

AND

NZ Transport Agency (NZTA) (the Authority Holder)

BACKGROUND:

- A. The Director-General of Conservation is empowered to issue authorisations under the Wildlife Act 1953.
- B. The Authority Holder wishes to exercise the authorisation issued under the Wildlife Act 1953 subject to the terms and conditions of this Authority.

OPERATIVE PARTS

In exercise of the Grantor's powers the Grantor **AUTHORISES** the Authority Holder under Section 53 of the Wildlife Act 1953, and clause 38 of the Wildlife Regulations 1955 subject to the terms and conditions contained in this Authority and its Schedules.

9(2)(a)

SIGNED on behalf of the Grantor by **David Speirs, Director, Operations, Hauraki-Waikato-Taranaki** acting under delegated authority

in the presence of:

9(2)(a)

Witness Signature

9(2)(g)(ii)

Witness Name:

Witness Occupation: Public Servant

Witness Address: 73 Rostrevor St, Hamilton

A copy of the Instrument of Delegation may be inspected at the Director-General's office at 18-32 Manners Street, Wellington.

SCHEDULE 1

<p>1.</p>	<p>Authorised activity (including the species, any approved quantities and collection methods). (Schedule 2, clause 2)</p>	<p>a. Activity –</p> <ul style="list-style-type: none"> i. To catch ii. To handle iii. To attach transmitters iv. To attach identification bands <p>b. Species –</p> <ul style="list-style-type: none"> i. Long-tailed bat (<i>Chalinolobus tuberculatus</i>) ii. Central short-tailed bat (<i>Mystacina tuberculata rhyacobia</i>) <p>c. Quantity –</p> <ul style="list-style-type: none"> i. Up to 15 of each species <p>d. Method –</p> <ul style="list-style-type: none"> i. Catch by way of <ul style="list-style-type: none"> a. Harp net b. Mist net ii. PicoPip radio transmitters iii. Metal identification bands
<p>2.</p>	<p>The Land (Schedule 2, clause 2)</p>	<p>Within and adjacent to the proposed State Highway 3 Mount Messenger Bypass Area as per Schedule 4</p>
<p>3.</p>	<p>Personnel authorised to undertake the Authorised Activity (Schedule 2, clause 3)</p>	<p>a. 9(2)(a)</p> <p>b. [Redacted]</p> <p>c. [Redacted]</p> <p>d. [Redacted]</p> <p>e. [Redacted]</p> <p>f. [Redacted]</p> <p>g. [Redacted]</p> <p>h. [Redacted]</p> <p>i. [Redacted]</p> <p>j. [Redacted]</p> <p>k. Any other suitably qualified person under the supervision of Authorised Personnel a – j.</p>
<p>4.</p>	<p>Term (Schedule 2, clause 4)</p>	<p>Commencing on and including 27 October 2017 and ending on and including 26 October 2022</p>
<p>5.</p>	<p>Authority Holder's</p>	<p>The Authority Holder's address in New Zealand is:</p>

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	<p>address for notices (Schedule 2, clause 8)</p>	<p>Level 5 711 Victoria Street HAMILTON 3240 Phone: 07 834 7320 Email: [REDACTED] 9(2)(a)</p>
<p>6.</p>	<p>Grantor's address for notices</p>	<p>The Grantor's address for all correspondence is: Permissions Team Level 4 73 Rostrevor Street HAMILTON 3204 Email: permissionshamilton@doc.govt.nz</p>

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SCHEDULE 2

STANDARD TERMS AND CONDITIONS OF THE AUTHORITY

1. Interpretation

- 1.1 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.
- 1.2 Where obligations bind more than one person, those obligations bind those persons jointly and separately.

2. What is being authorised?

- 2.1 The Authority Holder is only allowed to carry out the Authorised Activity in the Land described in Schedule 1, Item 2.
- 2.2 The Authority Holder must advise the Department of Conservation's local Operations Manager(s) one week prior to carrying out the Authorised Activity in the District, when the Authority Holder intends to carry out the Authorised Activity.
- 2.3 Any arrangements necessary for access over private land or leased land are the responsibility of the Authority Holder. In granting this authorisation the Grantor does not warrant that such access can be obtained.
- 2.4 The Authority Holder and Authorised Personnel must carry a copy of this Authority with them at all times while carrying out the Authorised Activity.
- 2.5 The Authority Holder may publish authorised research results.
- 2.6 The Authority Holder must immediately notify the Grantor of any taxa found which are new to science. In addition, the Authority Holder must lodge holotype specimens and a voucher specimen of any new taxa with a recognised national collection.

3. Who is authorised?

- 3.1 Only the Authority Holder and the Authorised Personnel described in Schedule 1, Item 2 are authorised to carry out the Authorised Activity, unless otherwise agreed in writing by the Grantor.

4. How long is the Authority for - the Term?

- 4.1 This Authority commences and ends on the dates set out in Schedule 1, Item 4.

5. What are the liabilities?

- 5.1 The Authority Holder agrees to exercise the Authority at the Authority Holder's own risk and releases to the full extent permitted by law the Grantor and the Grantor's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage or injury occurring to any person or property arising from the Authority Holder's exercise of the Authorised Activity.

5.2 The Authority Holder must indemnify the Grantor against all claims, actions, losses and expenses of any nature which the Grantor may suffer or incur or for which the Grantor may become liable arising from the Authority Holder's exercise of the Authorised Activity.

5.3 This indemnity is to continue after the expiry or termination of this Authority in respect of any acts or omissions occurring or arising before its expiry or termination.

6. What about compliance with legislation and Grantor's notices and directions?

6.1 The Authority Holder must comply with all statutes, bylaws and regulations, and all notices, directions and requisitions of the Grantor and any competent Authority relating to the conduct of the Authorised Activity. Without limitation, this includes the Conservation Act 1987 and the Acts listed in the First Schedule of that Act and all applicable health and safety legislation and regulation.

7. When can the Authority be terminated?

7.1 The Grantor may terminate this Authority at any time in respect of the whole or any part of Authorised Activity if:

- (a) the Authority Holder breaches any of the conditions of this Authority; or
- (b) in the Grantor's opinion, the carrying out of the Authorised Activity causes or is likely to cause any unforeseen or unacceptable effects.

7.2 If the Grantor intends to terminate this Authority in whole or in part, the Grantor must give the Authority Holder such prior notice as, in the sole opinion of the Grantor, appears reasonable and necessary in the circumstances.

8. How are notices sent and when are they received?

8.1 Any notice to be given under this Authority by the Grantor is to be in writing and made by personal delivery, by pre paid post or email to the Authority Holder at the address, fax number or email address specified in Schedule 1, Item 5. Any such notice is to be deemed to have been received:

- (a) in the case of personal delivery, on the date of delivery;
- (b) in the case of post, on the 3rd working day after posting;
- (c) in the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.

8.2 If the Authority Holder's details specified in Schedule 1, Item 5 change then the Authority Holder must notify the Grantor within 5 working days of such change.

9. What about the payment of costs?

9.1 The Authority Holder must pay the standard Department of Conservation charge-out rates for any staff time and mileage required to monitor compliance with this Authority and to investigate any alleged breaches of the terms and conditions of it.

10. Are there any Special Conditions?

10.1 Special conditions are specified in Schedule 3. If there is a conflict between this Schedule 2 and the Special Conditions in Schedule 3, the Special Conditions will prevail.

11. Can the Authority be varied?

11.1 The Authority Holder may apply to the Grantor for variations to this Authority.

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SCHEDULE 3

SPECIAL CONDITIONS

1.0 Myrtle Rust Biosecurity

- 1.1 The Authority Holder and members of their team shall know the plants that are affected by myrtle rust, and what the rust symptoms look like. This serious fungal disease only affects plants in the Myrtle (*Myrtaceae*) family which includes pohutukawa, manuka, kanuka, and ramarama. See <http://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle-rust>.
- 1.2 The Authority Holder and members of their team shall not park vehicles under myrtle species where vehicles can easily be contaminated while undertaking the Authorised Activity.
- 1.3 The Authority Holder shall carry large black plastic bags and ties, 2% SteriGENE spray bottle and Isopropanol wipes while undertaking the Authorised Activity on Public Conservation Land where *Myrtaceae* are part of the flora.
- 1.4 If the Authority Holder or any members of their team believe they have seen the symptoms of myrtle rust, they are not to touch the plant.
- a. Call the MPI Exotic Pest and Disease Hotline immediately on 0800 80 99 66.
 - b. If possible, take clear photographs, including the whole plant, the whole infected leaf, and a close up of the spores/affected area of the plant.
 - c. Do not touch or try to collect samples as this may increase the spread of the disease.
- 1.5 If the Authority Holder or members of their team believe they are in an infected area, all team members must decontaminate with SteriGENE as per below:
- a. Spray obviously contaminated clothing/hats and then place items in a large plastic bag;
 - b. Tie and spray the outside of the bag;
 - c. Mist spray other clothing being worn;
 - d. Clean and spray all footwear and equipment, including packs, phones, glasses, watches etc.;
 - e. Repeat decontamination steps again at 100m from the infected area and before entering a vehicle.
- 1.6 The Authority Holder and their team members shall have a hot shower and clean their hair as soon as possible to remove any spores (which may be invisible). Clothing worn while undertaking the Authorised Activity must be washed in a hot wash with detergent.

2.0 Kauri Dieback Disease Biosecurity

- 2.1 The Authority Holder must comply with all guidelines and notices issued by the Kauri Dieback Programme to prevent and avoid the spread of the pest organism Kauri Dieback Disease (*Phytophthora taxon agathis*) as specified

on the website <http://kauridieback.co.nz/>. This includes ensuring that all vehicles, personal items and equipment are thoroughly cleaned of all visible soil and is sprayed with SteriGENE (formally known as Trigen) solution before entering and when moving between areas where there are kauri.

3.0 Adhere to Approved Application

- 3.1 The Authorised Activity must be undertaken in accordance with the application submitted by the applicant and received by the Grantor on Tuesday, 03 October 2017 at 11:14am.

4.0 Best Practice Guidelines

- 4.1 The Authority Holder shall use the current best practice when undertaking the Authorised Activity. The current best practice guideline is set out on the Department's website here: <http://www.doc.govt.nz/Documents/science-and-technical/inventory-monitoring/im-toolbox-bats/im-toolbox-bats-doc-best-practice-manual-of-conservation-techniques-for-bats.pdf>

5.0 Death of Wildlife Associated with Activities Covered by the Authority

- 5.1 If any long-tailed bats or short-tailed bats should die, the Authority Holder must:
- Inform the Grantor within 3 days;
 - Chill the body if it can be delivered within 24 hours, or freeze the body if delivery will take longer than 24 hours;
 - Send the body to Massey University Wildlife Post Mortem Service for necropsy, along with details of the animal's history;
 - Pay for any costs incurred in investigation of the death of any long-tailed bats or short-tailed bats that may die as a result of the Authorised Activity; and
 - If required by the Grantor, cease the Authorised Activity for a period determined by the Grantor.

6.0 Euthanasia

- 6.1 The Authority Holder must not euthanise any wildlife unless:
- The Authority Holder obtains authority from the Grantor; or
 - A veterinarian recommends euthanasia on animal welfare grounds; or
 - The Authority Holder euthanises the wildlife under direction from the Grantor.

7.0 Banding Wildlife

- 7.1 Long-tailed bats and short-tailed bats shall be marked using metal forearm identification bands for the purpose of distinguishing wildlife only.
- 7.2 Attachment of metal forearm identification bands shall only be undertaken by Level D or above bat ecologists.
- 7.3 Banding of long-tailed bats and short-tailed bats shall be undertaken in accordance with the Bat Framework developed by NZ Transport Agency, and found here: <http://www.nzta.govt.nz/assets/resources/research/reports/623/623-effects-of-land-transport-activities-on-NZs-endemic-bat-populations.pdf>

- 7.4 Any injuries or deaths of bats resulting from implementation of the Authorised Activity must be reported to the Grantor as soon as possible after the incident, but at least within one week.
- 7.5 If a band is taken off a bat for any reason, it must not be used on another bat.
- 7.6 The Authority Holder must supply the Grantor with electronic copies of all banding schedules used to record newly banded or re-banded bats, plus a completed copy of the band stock-take sheet by 01 April each year.
- 7.7 Band recoveries for dead bats and any bats re-banded are mandatory.

8.0 Transmitter attachment

- 8.1 PicoPip radio transmitters comprising no more than 5% of the animal's body weight may be attached to up to 15 long-tailed bats and up to 5 short-tailed bats. The Authority Holder shall use best practice transmitter harnesses and attachment methods: <http://www.doc.govt.nz/Documents/science-and-technical/inventory-monitoring/im-toolbox-bats/im-toolbox-bats-doc-best-practice-manual-of-conservation-techniques-for-bats.pdf>.
- 8.2 Attachment of PicoPip radio transmitters shall only be undertaken by Level D or above bat ecologists.
- 8.3 During the Authorised Activity, any recaptured individuals found to be injured or otherwise adversely affected by a transmitter must have their transmitter removed and not fitted again. A full report of the details of injury must be provided to the Grantor, to help develop best practice.
- 8.4 Every reasonable effort must be made to capture all individuals and remove transmitters at the conclusion of the Authorised Activity.

9.0 Mist-Netting

- 9.1 The Authority holder must undertake the Authorised Activity in accordance with the application received and the most recent edition of the New Zealand National Bird Scheme Bird Bander's Manual.
- 9.2 The Authority Holder must not leave any mist-net lines unattended at any place where they may endanger wildlife or the public.
- 9.3 Mist-nets shall be monitored continuously while open, and any bats caught in the net shall be removed promptly by experienced bat ecologists.

10.0 Harp Traps

- 10.1 Harp traps shall be checked up to three times per night when in use.

11.0 Post-Construction Monitoring

- 11.1 The Authority Holder shall undertake post-construction monitoring to be agreed with the Grantor.

12.0 Reporting

- 12.1 Upon completion of the Authorised Activity, termination or surrender of this Authorisation, the Authority Holder must forward a final copy of the research findings and reports electronically to permissionshamilton@doc.govt.nz
- 12.2 A final report must be submitted within one month of its completion and contain the following:
- a. The Authority Number 63449-FAU;
 - b. A summary of the findings; and
 - c. Any implications for conservation management
- 12.3 The Authority Holder acknowledges that the Grantor may provide copies of these reports to tangata whenua and the general public if requested.

13.0 Records

- 13.1 All monitoring and trapping records must be made available for inspection at reasonable times by officers of the Grantor.

14.0 Miscellaneous

- 14.1 The handling of bats shall be kept to a minimum and completed as quickly as possible.
- 14.2 If necessary, bats shall be warmed prior to release.
- 14.3 Trapping shall take place between November and February each year, and take place during up to three (3) trapping sessions, each of up to 15 days.
- 14.4 Each trapping team of up to three (3) people shall be led by a Level E or above bat expert, supported with a Level D bat ecologist.
- 14.5 Handling of captured bats shall only be undertaken by Level D or above bat ecologists.

15.0 Termination

- 15.1 A new clause 7.1 (c) is added to Schedule 2, to read as follows:
"Or for any other reason that the Grantor decides".

SCHEDULE 4





Department of Conservation
Te Papa Atawhai

30 October 2017

NZ Transport Agency (NZTA)
c/o Tonkin and Taylor
Level 5
711 Victoria Street
HAMILTON 3240

For the attention of: [redacted] 9(2)(a)

Dear [redacted] 9(2)(a)

Re: WILDLIFE ACT AUTHORITY APPLICATION 63449-FAU APPROVAL

I am pleased to advise you that your application for a Wildlife Act Authority has been approved and I am now able to offer you an authority outlining the terms and conditions of this approval. Please find the authority enclosed.

This document contains all the terms and conditions of your authorisation to undertake the activity and represents the formal approval from the Department for NZ Transport Agency (NZTA) to carry out the activity.

The Authority Holder shall undertake post-construction monitoring to be agreed with the Grantor.

Please read the terms carefully so that you clearly understand your obligations.

Payment of Processing Fees

The final cost incurred to process your application was the standard fee of \$400.00 plus GST for commercial organisations. I have arranged for an invoice to be sent to you for this amount.

Yours sincerely,

[redacted] 9(2)(a)

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

Director, Operations
Hauraki-Waikato-Taranaki

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From: [Permissions Hamilton](#)
To: [permissions](#)
Subject: FW: Mt Messenger Wildlife Permit Variation - Mt Messenger Bypass Bats
Date: Monday, 1 October 2018 10:22:36 am
Attachments: [image004.png](#)
[9a Variation MM bat radio tracking.pdf](#)
[MM bats research-collection-application-form-10.pdf](#)

From: 9(2)(g)(ii)
Sent: Monday, 1 October 2018 9:48 a.m.
To: Permissions Hamilton
Subject: RE: Mt Messenger Wildlife Permit Variation - Mt Messenger Bypass Bats

Hi

Please find attached an updated variation form and additional application 10 form. The duration date the bat work is to be undertaken was updated on the variation application document to be consistent with the bat methodology attached.

Please don't hesitate to contact me if required.

Kind Regards

9(2)(g)(ii)
Senior Ecologist
Mt Messenger Alliance

M 9(2)(a)



From: 9(2)(g)(ii)
Sent: Wednesday, 26 September 2018 4:43 PM
To: 'permissionshamilton@doc.govt.nz' <permissionshamilton@doc.govt.nz>
Cc: 9(2)(g)(ii); 9(2)(a); 9(2)(a)

Subject: Mt Messenger Wildlife Permit Variation - Mt Messenger Bypass Bats

Hi

Please find attached a variation of our current Wildlife Permit (63449-FAU) which has been developed in consultation with the Mt Messenger Alliance (9(2)(g)(ii) 9(2)(a)) and (9(2)(a) NZTA and DOC (9(2)(g)(ii))) as part of the current hearing proceedings.

The variation relates to the following five key areas:

- The number of transmitters proposed to be attached to female long-tailed and central short-tailed have increased from 15 to 30;
- The type of transmitter proposed to be used include both PiciPip and Holohil BD2 (15 of each transmitter);
- The location of activities to be extended to cover the wider study area; and
- The timing of activities to occur continuously during Oct-Dec and Feb-Mar.

All amended information has been highlighted in yellow for ease of reading.

Please don't hesitate to contact me if you require any further information.

Kind Regards

9(2)(g)(ii)
Senior Ecologist
Mt Messenger Alliance

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M

9(2)(a)



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10



Research or Collection Authorisation

Application form 10

This application form must be used if you wish to collect, and /or undertake research on material which is on public conservation land, and/or introduce any material to public conservation land including:

- plants
- soil
- rocks
- historic material
- invertebrates (non-protected)

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Using this application form



! Application checklist

Completing the application



Save – You can save this application form to your digital device and edit or fill it in your own time.

Have you included labelled attachments as required for your activities (including maps, testimonials, and consultations)?



Fill – You can fill this application digitally using Microsoft word.

Have you read the section regarding liability of the applicant for payment of fees?



Print – You can print this application form and fill it manually, or you can fill it digitally, then print it.

Have you signed your application (digitally or manually)?



Submit – This application form can be submitted by email or by post.



Email – Email your application and all the required labelled attachments to:
permissionshamilton@doc.govt.nz



Post – Post your application and all the required labelled attachments to:
Permissions Team
Private Bag 3078
Hamilton 3240

Navigation



Hints – Use the links through the hints column on the right hand side of the application form



Scroll – Simply use your mouse or keyboard arrows to scroll through the document page-by-page.

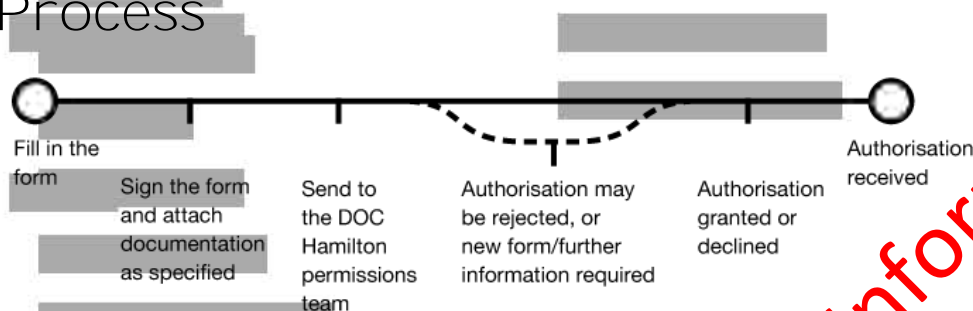
Before you start

If you want to:

Do any activity involving any protected wildlife, whether on public conservation land or not then you must fill in Application form 9. If the reason for the collection or research is for commercial purposes then you will be required to apply for a concession.

! If you need to apply for a concession, please contact the permissions team for guidance, or visit the [application forms webpage](#).

Process



! An application is deemed complete when all information requested has been received.

! Any amendments requested after lodgement may require a Form 10a variation application to be completed resulting in a delay of processing of your application.

Applications for proposals of activities are categorised as either standard or complex proposals:

- Standard – activities that are likely to have little or no significant effect on conservation values. These will normally be processed within fifteen working days of receiving the application.
- Complex – activities likely to have more significant effects, and therefore require careful consideration and may take up to six weeks or longer to process.

! Please see also the [fees](#) section.

! Please take the timeframes below into consideration when submitting your application.

Consultation:

- Consultation is required on most applications. In general Iwi have 20 working days to respond to DOC once we make a formal request. If there are considerable iwi values to consider they may request a further 20 working days to respond. If no response is received from iwi within the specified period DOC will continue to process your application, as we may be able to locate relevant information about their interests from other sources.

! For more information please see the [Iwi consultation section](#).

Contact

Permissions Team
Private Bag 3072
Hamilton 3240

+64 27 308 8958
permissionshamilton@doc.govt.nz

[Redacted]

[Redacted]
[Redacted]

[Redacted]
[Redacted]

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

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Section A | Applicant details

Full name (registered company, institute, organisation, or individual)

NZ Transport Agency

! Enter your details in the grey fields.

Legal status of applicant:

Individual Trust Registered company

Research institute Other (specify)

! Please attach a copy of Trust Deed

Registration number (if company, trust or incorporated society)

Trading name (if different from applicant name)

Any previous Authorisations held? Yes No

If yes, please provide Authority number

Postal address

NZ Transport Agency, C/- Mt Messenger Alliance
Level 4, 180 Taranaki St
Wellington 6011

Street address (if different from postal)

! You must provide a New Zealand address for service.

Registered office of company or incorporated society (if applicable)

Phone

9(2)(a)

Website

Contact person and role

9(2)(a), Team Leader - Ecology (Tonkin + Taylor, Mt Messenger Alliance Partner)

Phone

9(2)(a)

Mobile

9(2)(a)

Email

9(2)(a)

! Please fill these three fields for your company contact person or if you are applying as an individual.

Section B | Activities



1. Activities

Please select all the actions that are applicable to the activity you wish to carry out.

- Research on-site without removal or disturbance of the species or material
- Remove samples/collection of species or material from public conservation land
- Introduce material or species to public conservation land

Other:

Tick the relevant boxes for your activity:

- Rocks Soil Plants Historic Material Invertebrates
- Non-protected Wildlife under Wildlife Act 1953
- Other: ABM and trapping protected wildlife under Wildlife Act 1953

2. Species/material to be collected/researched/introduced

2.1. Species name

Please list the common and scientific name/s of all species for which the authorisation is sought.

Common name	Scientific name	NZ threat classification
1. Long-tailed bats	1. <i>Chalinobus tuberculatus</i>	1. Nationally Critical
2. Central lesser short-tailed bats	2. <i>Mystacina tuberculata rhyacobia</i>	2. Declining
3.	3.	3.
4.	4.	4.

! See list of protected invertebrates [here](#)

! If the species is protected under the Wildlife Act 1953 please see list of application forms [here](#)

! A New Zealand classification system guide can be found [here](#) on the DOC website.

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Section B (continued) | Activities

2.2. Description

Please provide a description of materials you propose to collect / research / introduce.

1. Temporary, intermittent deployment of DOC Frequency-compression acoustic bat monitors (ABMs) to passively record ultrasonic bat calls

2 Temporary, intermittent deployment of harp traps and potentially mist nests for bat radio tracking survey

3

4

5

6

3. Collection / research / introduction site

State the area/s in which the collection/research/introduction will be carried out and why this site is the best option. Include a map (and GPS coordinates if available).

Conservation Land in the Mt Messenger area (between Uruti and Ahititi), North Taranaki - please see Attachment B.3, DOC land is outlined in red

-38.917431, 174.623522

This sites on the attached map are the best option as they cover the wider intended Pest Management Area (PMA) associated with the Mt Messenger Bypass project. These sites are where bat habitat and roosting is required to be understood prior to road construction activities commencing.

! Use [DOCgis](#) to view Conservation Land

! Attach map and label Attachment as B.3.

Section B (continued) | Activities

3.1. Access to Restricted Land

Special permission is required to enter some public conservation lands that have particularly high levels of protection. If you wish to enter land of any status listed below to carry out the proposed activity, please select the status and state the full name of the land to which permission for access is sought.

Nature Reserve (s20 Reserves Act 1977)

Name of land to be accessed

Scientific Reserve (s21 Reserves Act 1977)

Name of land to be accessed

Government Purpose (s22 Reserves Act 1977)

Name of land to be accessed

Specially Protected Area in a National Park (s13 National Parks Act 1980)

Name of land to be accessed

State why?

Wildlife Sanctuary (s9 Wildlife Act 1953)

Name of land to be accessed

Wildlife Refuge (s14 Wildlife Act 1953)

Name of land to be accessed

Wildlife Management Reserve (s14 Wildlife Act 1953)

Name of land to be accessed

! **Wildlife Act**
Authorisations apply to private land and public conservation land. If the location is private land, you will also need the consent of the land owner.

! If special permission is sought you must provide this information or your application may be rejected.

! If proposing to undertake your activity in a National Park, your activity must be essential for management, research, interpretation or educational purposes. Please state why?

! Use [DOCgis](#) to view Conservation land.

Section B (continued) | Activities

1. Collection / research / introduction amounts and methods

Please list exactly what samples are to be taken and the methods/s to be used, including amounts to be taken.

Sample	Method	Amount	Proportion/population
1.			
2.			
3.			
4.			
5.			
6.			

! Where possible, please state: The target number of individuals of each non-protected species and what proportion of the local and global species population you estimate would be affected by your activity.

Section B (continued) | Activities

2. Purpose

- 2.1. Please state the purpose for which the samples are being taken, or the material is being introduced, include a copy of any research proposal. Include names of all those people who will be undertaking the activity as listed above.

Please provide a brief summary paragraph (100 words or less) here:

The New Zealand Transport Agency proposes to construct and operate a new section of SH3 at Mt Messenger.

The purpose of gathering ultrasonic bat calls, using DOC ABMs, is to aid in informing a trapping and tracking program (see Attachment B.5.1 and Authority 63449-FAU) that will be used to understand the extent of bat habitat and roosting activity in the area. The Conservation Land that will be surveyed with ABMs is intended to form part of the PMA used as mitigation for the effects of road construction on fauna.

Please provide a more detailed summary of your proposal here:

A full detailed summary of bat works associated with the project, including the trapping and trapping program, can be found in the Bat Management Plan which is Attachment B.5.1.

The purpose of this Bat Management Plan (BMP) is to specify procedures to avoid, mitigate or compensate adverse impacts on long-tailed bats (*Chalinolobus tuberculatus*) and central lesser short-tailed bats (*Mystacina tuberculata rhyacobia*) (if they are found to be present) that may be affected by construction and operation of the Mt Messenger Bypass.

The BMP includes the following:

- A summary of the current knowledge of bat populations within the area surrounding the Project;
- Potential adverse effects on bats that may eventuate during construction; and
- Measures to avoid, remedy or mitigate potential adverse effects where possible.

As part of the detailed ecological investigations a long-tailed bat radio tracking programme will be undertaken within an area that includes the Intended PMA[1], the Wider PMA[2] and the Study Area[3] at Mt Messenger between 1st October 2018 and 31st March 2019. This builds on bat investigations undertaken during 2016 and 2017 as mentioned above.

! Attach proposal and label Attachment B.5.1

Purpose

The purpose of the radio tracking programme is to determine whether the Intended PMA contains suitable roosting habitat for long tailed bats, and to use this information to confirm the suitability of the Intended PMA as bat habitat and/or to assist in the determination of the final location of the PMA. This will be done by trapping and tracking bats and determining the presence and specific location of occupied bat maternity[4] roost trees.

Objective

The objectives of the long tailed bat radio tracking programme are:

- To determine whether the Intended PMA contains suitable bat roosting habitat that is utilised by long-tailed bats;
- To locate and record the location of maternity roosts within the Intended PMA, Wider PMA and Study Area;
- To confirm the final configuration and/or location of the PMA based on roost locations; and
- To gather information about roost locations along the Project area.

Methodology

A. Trapping of bats

Trapping of bats will be undertaken to attach radio transmitters to individual bats to enable bat roosts to be located and described.

Trapping will take place during two sessions, one during October to December 2018 and, if required, another during January to March 2019 (Table 1). No less than 30 total (calendar) days will be spent trapping except if 10 or more roost trees are located in the Pest Management Area (PMA) in a shorter timeframe. A team of 2-4 ecologists led by a level E competent bat ecologist (as per the NZTA's Bat Management Framework) that also has competency in the use of acoustic lures will initially undertake trapping. A second trapping team of 2-4 people also led by a level E competent bat ecologist will be deployed at the discretion of the Alliance's management team if trapping success is less than required. Additional personnel will be added to the team when required to carry out radio-tracking.

Acoustic monitoring with DOC AR-4 bat monitoring units (ABM's) will be carried out at several potentially suitable bat trapping sites around and through the Intended PMA to determine where bats are most active and trapping is likely to be most effective. ABM monitoring will commence in advance of trapping and will continue throughout the duration of trapping effort.

At least eight Austbat 2-Bank 4.2 m2 harp traps will be used for trapping along currently active flight paths identified by acoustic monitoring, through previous acoustic monitoring (2016-17) and previous trapping attempts (late-2017). An additional 2 or 3 mist nets will also be available if required.

2.2. Samples for genetic modification.

If any collected species/material will be used for genetic modification outside of gene sequencing for taxonomic purposes, please list and describe these activities and attach your EPA application. Label this attachment B.5.2.

N/A

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Section B (continued) | Activities

2.3. Species/material being sent overseas If any collected species/materials or its DNA will be sent overseas, please state where it is proposed to send and store the samples.

Facility address

N/A

3. Authorisation term

Authorisations will be granted for a limited term. Please specify the start and end dates that you want your proposed authorisation to cover and explain why this term is sought e.g. '10 years' or 'July 2015 – March 2015'

Term: Commencing and including 1 October 2018 and ending on and including 31 March 2019.

Reason: To allow for ABM data collection to accompany the scheduled bat trapping and tracking program.

4. Management of effects

Please list all actual and potential adverse (or positive) effects of the proposed activity at the site including effects on the target species, other indigenous species, ecosystems at the site, historic or archaeological sites, and any effects on any visitors or their access to the site. Where adverse effects are identified please state what methods will be used to manage those effects.

Effect

Management method

No potential adverse effects

The ABMs will only be used intermittently and temporarily, will be removed from the site as soon as finished

! Find information on making your EPA application [here](#).

! If you apply for more than 10 years, processing may take longer as longer term impacts need to be assessed and there may be additional legal requirements.

! See Authorisations and Special Conditions [for your information](#).

Section C | Applicant skills and experience

Please provide relevant information relating to your ability to carry out the proposed activity (e.g. details of previous authorisations, membership of professional organisations and relevant qualifications and experience). List full names of all individuals who will be involved in the activity.

! Please attach details and label as Attachment C.

All individuals involved in activity

Full Names

9(2)(a)

Any other suitably qualified person under the supervision of of certified bat ecologist

Has the applicant or any company directors, trustees, partners, or anyone involved with the application been convicted of any offense? Yes No

If yes please provide details:

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Does the Applicant or any of the company directors, trustees, partners, or anyone involved with the Application have any current criminal charges pending before the court? Yes No

If yes please provide details:

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Section D | Consultation

Many applications require consultation with Tāngata whenua (local Māori), and other interested parties. Please attach proof and details of all consultation, including with hapū or iwi, to this application and label as attachment D.

Please attach any additional written expert views, advice or opinions you have obtained concerning your proposal to support the application and label them attachment D.

! If you are unsure of any consultation requirements for your proposal, please see the [iwi consultation section](#) or contact your [local DOC Partnerships office](#) to discuss what is required.

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Section E | Fees

Please note

This section only applies to applications with a commercial focus – which will include applications from registered companies. The Department does not charge fees for non-commercial Wildlife Act authorisations.

Processing fees

Section 60B of the Conservation Act contains the statutory provisions regarding processing fees.

The Department recovers all direct and indirect costs to process an application from applicants regardless of whether the application is approved or declined. If at any stage an application is withdrawn, the Department will invoice the applicant for the costs incurred by the Department up to that point.

Standard application fee

The estimated standard application fee is **\$400 +GST**.

This covers most applications. However if your application is likely to have significant effects, is novel, or spans multiple DOC regions, it will require more careful consideration and may take up to 6 weeks to process and cost approximately **\$800 +GST**.

Particularly complex applications may incur further costs – you will be sent an estimate of costs in this situation. We will contact you to advise if the fee is more than the estimated standard cost. Applicants are also entitled to request an estimate of costs at any point, but the Department may impose a charge for preparing such an estimate. Estimates are not binding.

Paying fees

The Department will ordinarily invoice the applicant for processing fees after a decision has been made on the application, but in some cases interim invoices will be issued.

Please select your method of payment below.

- I have attached a cheque
- I have direct credited the DOC account

Please use the Applicant name and permissions number (which the permissions team will give to you) as the references.

Department of Conservation
Westpac Bank
Account number: 03 0049 0002808 00

- I do not intend to pay the fees at the time of applying and/or I require an invoice for payment
- I have a purchase order/number from an organisation registered with DOC

! If you are making an application for non-commercial activity, [proceed to declaration](#).

! Applicants are required to pay the processing fees within 28 days of receiving an invoice. The Director-General is entitled to recover any unpaid fees as a debt.

! If you are applying from outside New Zealand we can process a credit card payment – please [contact us](#) to request this procedure.

Section E (continued) | Fees

Fee waivers and reductions

The Director-General has discretion to reduce or waive processing fees. You may apply for a fee waiver or reduction if you can provide information to the permissions team about how your application meets at least one of the following criteria.

- The activity will make a direct contribution to management
- The activity will support or contribute to the Department's priority outcomes – stated in the Department's 2013 – 2017 Statement of Intent
- There will be other non-commercial public benefits from the activities covered by the authorisation (if approved)
- Activity covered by the authorisation (other than research, collection or educational activities) will make a contribution to the management of, or the public interest in, the lands that are covered by the authorisation

The Department may obtain further information either from the applicant or from any other relevant source in order to process the application. The applicant will be advised of any information obtained from other sources. The cost of obtaining such information will be charged to and recovered from the applicant. The applicant will be informed as soon as practicable from receipt of the application if further information is required before this application form can be fully processed by the Department.

Terms and conditions: Account with the Department of Conservation

Have you held an account with the Department before?

Yes

No

If **yes**, under what name?

Terms and conditions: Account with the Department of Conservation

1. I/We agree that the Department of Conservation can provide my details to the Department's Credit Checking Agency to enable it to conduct a full credit check.
2. I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective.
3. I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.
4. I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.
5. I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.
6. I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions of the credit account are not met.
7. I/We agree that the Department of Conservation can provide my details to the Department's Debt Collection Agency in the event of non-payment of payable fees.

! View the Department's 2013 – 2017 Statement of Intent [here](#) for the priority outcomes.

Section E (continued) | Fees

Reduction in fees for exceeding processing timeframe

If the Department fails to meet its own processing timeframes the estimate of fees will be reduced at a rate of 1% per day late, up to a maximum of 50% of the total processing fee. The reduction will not apply if the Applicant's actions have delayed the process.

Additional Fees

You may also be required to pay additional fees. These may include:

- Annual management fee to cover administration time; and/or
- Monitoring fee to cover the cost of monitoring the effects of your activity.

! Please [contact the Permissions team](#) to discuss whether these fees apply.

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Section G | Declaration

I certify that the information provided on this application form and all attached additional forms and information is to the best of my knowledge true and correct.

Signature (applicant)

9(2)(a)

Date (dd/mm/yyyy)

28/09/2018

Full name (witness)

9(2)(a)

Address (witness)

9(2)(a)

Signature (witness)

9(2)(a)

Date (dd/mm/yyyy)

28/09/2018

This application is made pursuant to Section/s 41(1)(g), 53; 54; 55; and/or 56 of the Wildlife Act 1953 [and (where applicable) Section/s 22; 49; 50; 51; 57; and/or 59 of the Reserves Act 1977; and/or Section/s 5; 13; 14(3) of the National Parks Act 1980; and/or 38 of the Conservation Act].

Applicants should familiarise themselves with the relevant provisions of the Wildlife Act 1953, the Conservation Act 1987, the Reserves Act 1977 and the National Parks Act 1980 relating to authorisations.

The purpose of collecting this information is to enable the Department to process your application. The Department will not use this information for any reason not related to that purpose.

Applicants should be aware that provisions of the Official Information Act may require that some or all information in this application be publicly released.

For Departmental use

Credit check undertaken:

Yes

No

Comments

Signature

Name

Approved

Name

! An Authorisation may be varied or revoked if the information given in this application contains inaccuracies.

! Approval is to be by a Tier 4 Manager or above.



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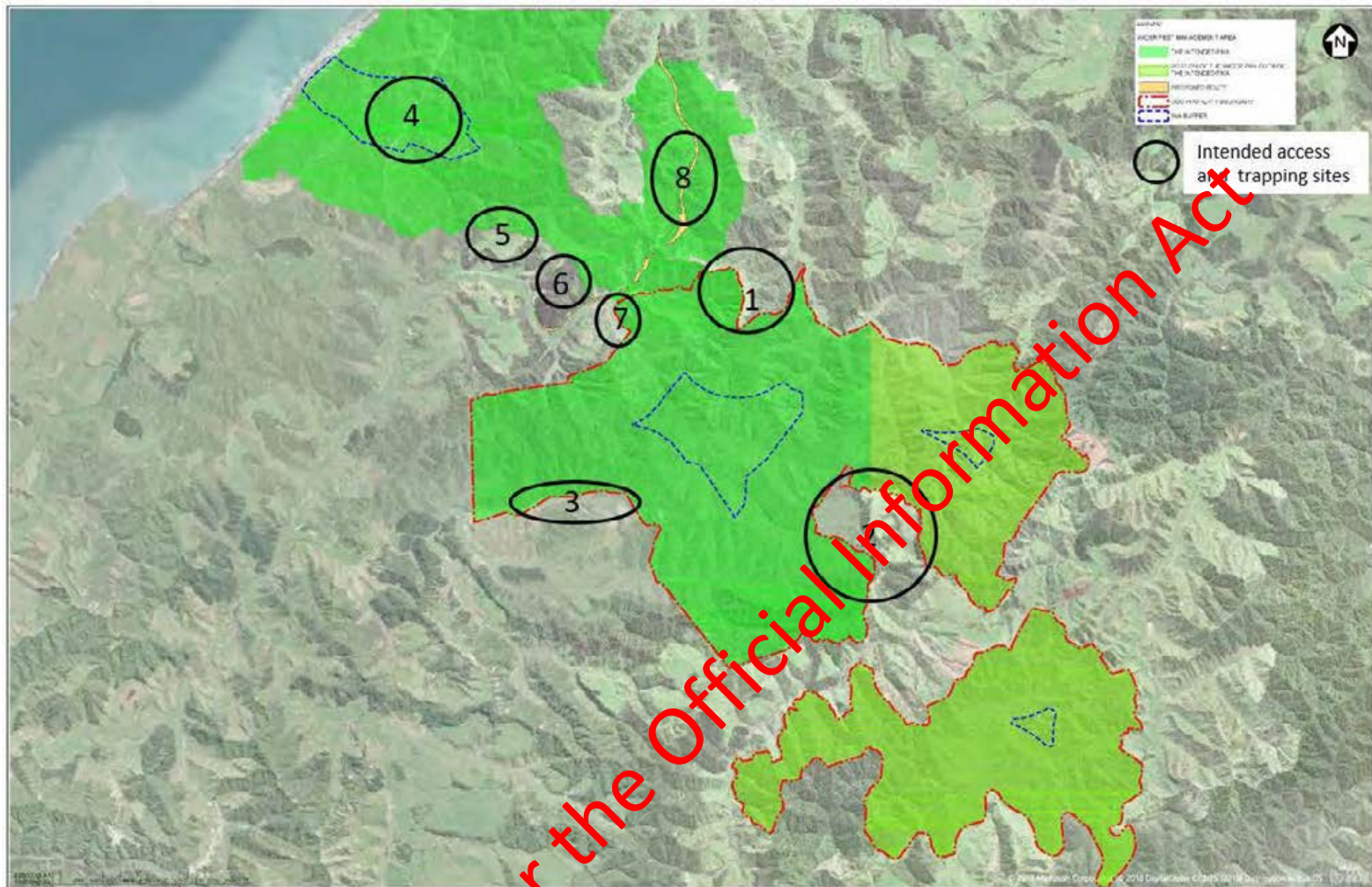
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Attachment B.3: Location Map



Attachment B.5.: Detailed Project Information

This Bat Management Plan has also been submitted for the Wildlife Act Authority variation application. For ease of reading, we have highlighted in yellow the specific areas that relate to this application. The below Bat Management Plan, specifically sections that pertain to trapping, has been developed in consultation with DOC (9(2)(g)(ii)) and NZTA as part of the overall hearing process for the Mount Messenger Bypass.

Bat Management Plan

Introduction

The purpose of this Bat Management Plan (BMP) is to specify procedures to avoid, mitigate or compensate adverse impacts on long-tailed bats (*Chalinolobus tuberculatus*) and central lesser

short-tailed bats (*Mystacina tuberculata rhyacobia*) (if they are found to be present) that may be affected by construction and operation of the Mt Messenger Bypass.

The BMP includes the following:

- A summary of the current knowledge of bat populations within the area surrounding the Project;
- Potential adverse effects on bats that may eventuate during construction; and
- Measures to avoid, remedy or mitigate potential adverse effects where possible.

The BMP has been guided by recommendations within the Mt Messenger 'Assessment of Ecological Effects – Bats' (Chapman and Choromanski, 2017) and the Ecology supplementary report – Bats (Chapman, 2018). The NZ Transport Agency (the Transport Agency) research report 623 'Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature' (Smith et al., 2017) has also been considered during the development of this BMP.

The following table summarises the objectives of the Bat Management Plan, along with the performance measures and monitoring and survey requirements outlined in the plan.

Specific objectives

The Bat Management Plan addresses the following matters:

- a) Provision for a long-tailed bat radio tracking programme to identify long-tailed bat roost locations and confirm the PMA location.
- b) Vegetation Removal Protocols (VRP) for the 17 significant trees, as well as all other trees that are ≥ 80 cm Diameter at Breast Height (DBH), and trees between 50 cm and 80cm DBH which are considered by a specialist bat ecologist as having features suitable for bat roosting, such features including but not limited to nested epiphytes located on horizontal branches or sufficient damage to the tree crown or trunk that could provide roosting voids.
- c) When Automatic bat detectors (ABMs) are used to determine the presence of bats around potential roost trees, provision for monitoring to occur for a minimum of three consecutive nights.
- d) 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.
- e) Other than the amendments made through a) to c) above, the VRP shall be in accordance with Annex D and H of the 'NZ Transport Agency (the Transport Agency) research report 623 'Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature' (Smith et al. 2017)'.
f) The performance outcomes for bats will be achieved by the successful implementation of the VRP and by pest management in the PMA (refer to Pest Management Plan).

Performance outcomes

Monitoring

- g) There are no specific monitoring requirements for bats, other than those associated with the implementation of the VRP and the monitoring for pest management in the PMA.

Responsibilities and competencies

Appropriately qualified and experienced bat ecologist(s) will implement this BMP and various phases of bat-related work on this Project. The bat ecologist(s) will have the relevant competency classes for the type of bat work being undertaken, as listed in Appendix B of the ELMP (Smith et al. 2017).

Regulatory framework

All bats are protected under the Wildlife Act 1953 (Wildlife Act) (s 3). The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (including native bats) is a matter of national importance in the Resource Management Act 1991 (s 6(c)).

Wildlife Act Authority issued by the Department of Conservation (DOC) will be required to allow for the possibility of accidental harm or mortality to bats during vegetation clearance as part of the enabling works. This Authority will have conditions attached, which may necessitate revision of this plan.

Baseline survey

Initial acoustic survey efforts were directed at detecting the presence and broad-scale habitat use by long-tailed bats and short-tailed bats in the area surrounding several early alignment options. Additional areas, most notably areas east of the existing SH3 alignment, were surveyed for bat activity as Project alignment options were refined. Data from those acoustic surveys were used to inform the design of a subsequent radio telemetry study undertaken at the end of 2017, aimed at locating and describing active bat roosts within the Project footprint and wider Project area, and identifying important foraging and commuting habitat.

For further information regarding the baseline bat surveys refer to the Mt Messenger 'Assessment of Ecological Effects – Bats' (Chapman and Choromanski, 2017) and Ecology supplementary report - Bats (Chapman, 2018). These reports describe the locations of surveys within the wider Project area, the methodologies used, the timing of the surveys and results.

Current understanding of Mt Messenger bats

The results of bat survey work undertaken within the Project area in the last 12 months confirm that:

- Short-tailed bats have not been detected and are unlikely to be present in the immediate vicinity of the Project area, but their presence cannot be ruled out;
- Long-tailed bats are present, and their activity is thought to be widespread within the Project area;
- Multiple potential long-tailed bat roost trees are thought to be present in the PMA; it is possible that some exist within or near the Project alignment; and
- Despite significant effort, the failure to capture and radio-track long-tailed bats has contributed to a lack of knowledge regarding active roost locations, specifics of bat habitat use (e.g. commuting routes) and population demographics which could be used as baseline information.

Summary of potential effects on bats

Potential adverse effects of the Project on bats were assessed in the Mt Messenger 'Assessment of Ecological Effects – Bats' (Chapman & Choromanski, 2017) and Ecology supplementary report - Bats (Chapman, 2018). Key potential adverse effects include:

- Loss of unoccupied roost habitat;
- Mortality and injuries through clearance of occupied bat roosts;
- Loss of foraging habitat;

- Habitat fragmentation; and
- Effects of night works and lighting.

This chapter describes mitigation measures aimed at addressing the potential loss of unoccupied roost habitat, mortality and injuries through clearance of occupied bat roosts, and effects of night construction works and lighting. Potential habitat loss and fragmentation effects on all species are addressed elsewhere in this ELMP.

Management of effects on bats

Long tailed bat radio tracking programme

Background

As part of the detailed ecological investigations a long-tailed bat radio tracking programme will be undertaken within an area that includes the Intended PMA^[1], the Wider PMA^[2] and the Study Area^[3] at Mt Messenger between 1st October 2018 and 31st March 2019. This builds on bat investigations undertaken during 2016 and 2017 as mentioned above.

Purpose

The purpose of the radio tracking programme is to determine whether the Intended PMA contains suitable roosting habitat for long tailed bats, and to use this information to confirm the suitability of the Intended PMA as bat habitat and/or to assist in the determination of the final location of the PMA. This will be done by trapping and tracking bats and determining the presence and specific location of occupied bat maternity^[4] roost trees.

Objective

The objectives of the long tailed bat radio tracking programme are:

- To determine whether the Intended PMA contains suitable bat roosting habitat that is utilised by long-tailed bats;
- To locate and record the location of maternity roosts within the Intended PMA, Wider PMA and Study Area;
- To confirm the final configuration and/or location of the PMA based on roost locations; and
- To gather information about roost locations along the Project area.

Methodology

A. Trapping of bats

Trapping of bats will be undertaken to attach radio transmitters to individual bats to enable bat roosts to be located and described.

^[1] **Intended PMA:** the 3,650ha area shown in Attachment B.3.1 in the ELMP, which is within the Wider PMA and is intended to become the Confirmed PMA if bat tracking shows this area to be suitable habitat for long tailed bats.

^[2] **Wider PMA:** the area shown in Attachment B.3.1 in the ELMP, that has an area greater than 3,650ha, from which the Confirmed 3,650ha PMA will be selected.

^[3] **Study Area:** the area, including the Project Area, the Intended PMA and land beyond both, over which bats will be tracked, as shown in Attachment B.3.1 in the ELMP.

^[4] A maternity roost is a roost tree occupied by two or more long tailed bats including parous, pregnant, lactating or post-lactating female long-tailed bats and/or young bats of the year.

Trapping will take place during two sessions, one during October to December 2018 and, if required, another during January to March 2019 (Table 1). No less than 30 total (calendar) days will be spent trapping except if 10 or more roost trees are located in the Pest Management Area (PMA) in a shorter timeframe. A team of 2-4 ecologists led by a level E competent bat ecologist (as per the NZTA's Bat Management Framework) that also has competency in the use of acoustic lures will initially undertake trapping. A second trapping team of 2-4 people also led by a level E competent bat ecologist will be deployed at the discretion of the Alliance's management team if trapping success is less than required. Additional personnel will be added to the team when required to carry out radio-tracking.

Acoustic monitoring with DOC AR-4 bat monitoring units (ABM's) will be carried out at several potentially suitable bat trapping sites around and through the Intended PMA to determine where bats are most active and trapping is likely to be most effective. ABM monitoring will commence in advance of trapping and will continue throughout the duration of trapping effort.

At least eight Austbat 2-Bank 4.2 m² harp traps will be used for trapping along currently active flight paths identified by acoustic monitoring, through previous acoustic monitoring (2016-17) and previous trapping attempts (late-2017). An additional 2 or 3 mist nets will also be available if required.

Acoustic lures will be used to optimise trapping effectiveness by attracting bats into trapping areas. Trapping will be attempted at selected roost sites if the level E competent bat ecologist determines it can be done safely with minimal risk of harming bats or damaging roosts.

Sufficient resources (traps, transmitters, receivers etc) and qualified and experienced staff will be made available to ensure considerable flexibility exists in the trapping and tracking programme. Extra personnel will be brought in to match the number of bats fitted with transmitters, and more staff and traps will be used if capture rates are less than required or traps need to be moved quickly to new trapping sites. Trapping teams will remain in the Mt Messenger area throughout the programme (except for a period including 2 days on each side of a full moon) to ensure all nights with suitable weather conditions for trapping are utilised. Tracking teams will remain operative whenever there are bats with functioning transmitters, including during full moon periods.

Dusk bat fly-way observations will be undertaken where appropriate to gain information about where bats are flying from (and therefore the general direction their roosts are located).

All bat capture, handling, measurement, banding, transmitter attachment and radio tracking will follow procedures specified within the "DOC best practice manual of conservation techniques for bats Version 1.0".

Table 1: Trapping periods and bat breeding stage

Period	Bats	Type of data
October – December	Gravid female bats	Maternity roost trees

	Mature male bats	Shorter distances as heavily pregnant Single roosts
January	Lactating female bats and their young Mature male bats	Maternity roost trees Larger areas covered by females as not pregnant Single roosts
February - March	Young bats dispersing Mature bats (male and female)	Greater distances travelled Different areas utilised

All long-tailed bats captured will have morphological measurements taken and will have metal forearm bands fitted. Preference will be given to fitting transmitters to adult female bats as they are most likely to lead radio-tracking teams to maternity roosts. Pico radio transmitters (total weight <0.5 g) or Holohil BD-2 (total weight <0.65 g) will be used.

B. Radio-telemetry

Radio-telemetry will be used to locate and describe day roosts utilised by radio-tagged bats. Roost tree locations will be recorded and mapped with hand-held GPS units. A range of roost characteristics will be recorded including but not necessarily limited to tree species, tree height, tree DBH and roost entrance height/type.

The steep and broken nature of the terrain at Mt Messenger may make bat tracking using ground-based receivers and aerials a challenging task. Aerial radio-tracking with a drone and/or helicopter fitted with an aerial and receiver, may be utilised to assist ground-based tracking teams in locating the signals of transmitters fitted to bats.

Where the level E competent bat ecologist determines it can be done safely, dusk bat emergence watches will be carried out at selected roost sites to count the numbers of bats departing from roosts and to locate/confirm the location and characteristics of roost entrances. Roost watches will be carried out by teams of two people starting at one hour before sunset and ending two hours after sunset.

C. Data collection

All data collected during the trapping and tracking survey will be recorded in accordance with Annex DA, section 5 of the "NZTA Bat Management Framework for Linear Transport Infrastructure Projects, November 2016."

Trapping area

Trapping effort will be focused on the Intended PMA to the east of SH3 and the Parininihi kokako pest control area to the west of SH3. The most intensive effort will be at locations determined by the

Level E bat experts to have the highest likelihood of bat capture. Refer to Attachment B.3 for the area in which trapping will be focused.

Reporting

A detailed report (the “Bat Monitoring Report”) will be prepared by the Project’s lead level E bat expert at the conclusion of the bat tracking programme to provide an updated assessment of the suitability of the Intended PMA to compensate for the effects of the Project on bats. The report will:

Provide details of the methods used and the monitoring effort undertaken;

Set out the findings of the monitoring programme;

Identify the location of long-tailed bat roost trees (both maternity and solitary) within the Study Area;

Document all other findings including dusk bat fly-way observations, dusk bat emergence watches, and measured bat morphological features;

Assess the results against the roost detection performance standards contained in the consent conditions and the implications of the results with regard to managing the effects of the Project on bat roosts, and

Confirm the configuration and/or location of the final PMA based on providing benefits to bats.

The Bat Monitoring Report will be provided to DOC for comment, and the full report plus any comments from DOC will be provided to the independent peer reviewer who shall review the Report and provide an assessment of the findings, including whether:

The monitoring programme has been completed in accordance with the requirements of the consent conditions; and

The final PMA has been located in accordance with the conditions.

Vegetation Removal Protocols

Vegetation Removal Protocols (VRP) will be used to avoid effects on occupied bat roosts within the vegetation clearance area along the Project alignment, and will detail the techniques that will be used to detect roosting activity (including the use of ABMs, visual and roost emergence surveys) prior to clearance of vegetation, and procedures to guide the clearance process.

The VRP therefore aim to:

1. Locate bat colonial (and where possible, solitary) roost trees that exist within the alignment prior to tree clearance;
2. Provide clear, concise procedures that are to be followed prior to clearance, with the aim of avoiding mortality or injury to bats in the event that they are found; and
3. Set out how any bat injury or mortality that does occur will be dealt with.

The following protocols (DH.1 – DH.6) have been extracted and modified from Annex DH: Vegetation Removal Protocol (VRP) from the *Effects of Land Transport Activities on New Zealand’s Endemic Bat Populations: review of ecological and regulatory literature* (October 2017).

All aspects of the VRP below apply to all trees > 80cm diameter at breast height (dbh). At the discretion of the SBE, VRP may also be applied to trees between 50cm dbh and 80cm dbh which are classified as having features suitable for bat roosting as listed in 5.6.6 below.

DH.1 Definitions

- Dawn and dusk are defined as starting and ending 0.5 hours either side of the closest sunrise and sunset times provided by LINZ27.

- Visual surveys include a visual inspection of potential roost sites to confirm the presence of bats and/or bat signs, i.e. guano.
- SBE is defined as Class D bat ecologist competency level (Appendix B), dependent on project size and complexity. Class A, B and C bat ecologists may form part of their team and undertake tasks outlined within this VRP (as defined by Table 5.1) under supervision or guidance from the SBE. The SBE is not required to be present at the site all the time but must retain sufficient oversight of their team to be confident good decisions are being made regarding presence/absence of bats and potential roost sites. However, the SBE is expected to be available to oversee vegetation removal that meets the criteria in 5.6.6 below

DH.2 Introduction

Bat activity, emergence times and whether bats emerge from their roosts at all, can be influenced by temperature, humidity, invertebrate activity and light levels (O'Donnell, 2005). Consequently bat survey protocols should consider these factors. Recent research into long-tailed bats activity suggests long-tailed bats are more likely to be detected when the temperature 1–4 hours after sunset is greater than 6°C and particularly when temperatures are in the range of 10 to 17°C, with humidity ≥70%. Long-tailed bats did not emerge from roosts in a study based near Geraldine, South Canterbury, when temperatures were less than 5°C (Griffith 2007).

DH.3 Quality Assurance

- The relevant provisions of DOC's Best practice manual of conservation techniques for bats (Sedgeley et al., 2012) will be followed in general accordance for all aspects of bat work;
- The VRP will apply to all trees > 80cm dbh and trees between 50cm dbh and 80cm dbh which are classified as having features suitable for bat roosting as identified by the SBE;
- All practicable efforts must be undertaken to ensure that no trees or vegetation containing bats are removed;
- Prior to the commencement of surveys, automated bat monitoring devices or units (ABMs) shall be checked for correct operation at a site where bat activity is known to be high. Faulty or suspect ABMs are not to be deployed;
- ABM data from each pre-felling survey shall be reviewed without unnecessary delay. If no bat activity at potential roost trees is identified and the SBE determines the vegetation can be removed, this information should be relayed to the contractors in sufficient time to allow contractors to clear vegetation prior to dusk the same day;
- No trees or associated vegetation identified as potential roosts can be felled or cleared without the approval of the SBE; and once the results of the visual surveys and ABM data have been reviewed by the SBE the following communication procedures shall be implemented:
 - a If no bats are sighted or detected, the SBE shall inform the vegetation clearance supervisor that the affected tree(s) and/or vegetation can be cleared prior to dusk the same day. In addition, at the completion of felling works, the SBE shall send an email completion report to the Environmental Manager and a representative of both NPDCand DOC;

Table 5.1 Details for key project contacts

	Name		Contact Details
--	------	--	-----------------

Environmental Manager	9(2)(g)(ii)		9(2)(a)
DOC representative			
Council representative			

- b If bats are sighted or detected the SBE shall call the vegetation clearance supervisor to inform them that the affected vegetation cannot be cleared. In addition, an email shall be sent to the Environmental Manager, and a representative of both NPDC and DOC detailing the results of the survey and outlining measures for on-going visual surveys;
- c The results of the roost surveys and ABM data shall be reported by the SBE. This information should include the presence and/or absence of bat roosts or activity within the proposed vegetation clearance areas including the size, location and type of vegetation where either activity or roosting is located. This information should be collated and forwarded to NPDC and DOC within 15 days following completion of the survey in every vegetation clearance area and also be included in any detailed annual reporting required by consent conditions.

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 50cm 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).

Trees or vegetation with minimal potential as roosts will have:

- No cracks, crevices cavities, fractured limbs, or other deformities, large enough to support roosting bat(s).
- No substantial section of deadwood in the canopy or stem of sufficient size to support roost cavities or hollows; and
- No sections of loose flaking bark large enough to support roosting bat(s).

DH.4.2 Roost Confirmation

Once potential roosts have been identified, the use of a tree as a roost can be confirmed by visual confirmation alone or by using a combination of ABMs and visual confirmation.

DH.4.2.1 ABMs

- 1 To determine if trees or other types of vegetation are roosts they will be monitored overnight (including dusk and dawn) between September and April using an ABM and hand held monitoring for a minimum of three nights;

- 2 Survey results will only be considered valid for nights when the following conditions are met:
 - a. Temperature does not drop below 10 °C during the first four hours after sunset;
 - b. Relative humidity does not drop below 70% during the first four hours after sunset; and
 - c. No more than 2.5 mm precipitation occurs within the first two hours after sunset.
- 3 Monitoring during a full moon will be avoided;
- 4 The ABM(s) will be placed so that detection of bats is likely if they are using the roost.
- 5 ABM data will be analysed to indicate the potential roost trees. It is noted that based on the current understanding of bat calls near roosts, it is possible that roosts will not be detected. In these cases, the criteria outlined in section 5.7.9 will be followed; and
- 6 In the event ABM data and/or observations indicate bat roosting before the three night monitoring duration has been completed no further monitoring is necessary and the vegetation used for roosting may not be removed until deemed clear of bat(s).

DH.4.2.2 Visual

Each tree or vegetation with features that make it a potential roost may be inspected to confirm the site as a roost. This may be subsequent or prior to ABM monitoring depending on the method of roost confirmation chosen and at the discretion of the SBE.

- 1 To undertake a climbing inspection, the arborist or trained climber will relay any potential evidence of bats (e.g. staining, cavities, guano) by way of live audio-visual equipment and/or photographs for review by the SBE prior to removal. The arborist or trained climber will also check for signs of bats using a bat detector (to detect social and echolocation calls from roosting bats, under supervision of the SBE); and
- 2 If potential roost locations are within tree ferns or other 'fragile' vegetation, climbing should only be undertaken if it is safe to do so for the climber and if climbing the tree will not reduce the likelihood of the roost being used in the immediate future. All climbing must take place under the careful supervision of the SBE to prevent roost damage.

If a potential roost site has been identified and it is considered highly likely to contain a roost, but could not be confirmed using ABMs or external visualisation of the roost, observations of bats leaving their roosts provides an alternative roost confirmation methodology. In this instance, the following methodology should be implemented:

- 1 Bats begin to leave roosts while there is still light outside therefore there is potential to observe bats without the aid of cameras or video equipment.
- 2 Observations will begin before sunset. Ambient temperature must be >10°C and there must be no precipitation (otherwise bats may not emerge).
- 3 Observations must be carried out close to potential roost sites where flying bats are back-lit against the sky. Two or more people will be used to observe potential roost sites from different angles to determine precise trees or vegetation and exit holes;
- 4 Hand-held bat detectors may also be useful to alert the SBE or bat ecologists to the presence of bats nearby, narrowing down the potential roost site locations and allowing roosts to be confirmed; and
- 5 Infrared/thermal imaging cameras and video recorders may also be used to confirm the presence of bats leaving potential roost sites.

DH.5 Vegetation Removal

- 1 Trees will not be removed from May – September (inclusive) when bats could be hibernating or torpid;
- 2 If bats are confirmed in a tree, then that tree will not be felled until the tree is deemed clear of bat(s);
- 3 All potential roost trees and vegetation to be removed within the calendar year must be clearly marked by the SBE or bat ecologists and distinguished from trees to be retained. To

- determine roosting, all potential bat roost trees must be inspected for the presence of bats immediately prior to any proposed vegetation clearance using DH.4;
- 4 If >80 cm dbh trees and 50cm -80cm dbh (potential roosting) trees are surveyed in appropriate conditions (as outlined in 5.6.9) and no bat activity is recorded, or the level and activity patterns do not indicate roosting according to the interpretation of the SBE, then the tree or vegetation may be removed – removal must occur before dusk on the same day the survey ends. Trees identified as <50cm dbh and 50cm to 80cm dbh without bat roosting features, as determined by the SBE, can be removed at any time of the year. The SBE should be available for the duration of vegetation clearance operations in all areas where vegetation is >80cm dbh and between 50cm and 80 cm dbh where trees are deemed to have bat roosting features. The SBE shall advise staff should bats be detected (leaving trees or injured) and to inspect each felled tree or vegetation for signs of bat roosts;
 - 5 If no bat activity is recorded and a roost has not been found visually (Section 5.6.9), then the tree or vegetation can be cleared;
 - 6 If bat activity is observed during vegetation clearance, then clearance must stop immediately and must not commence until further monitoring confirms that the bat(s) have abandoned the roost. Trees and vegetation will be marked and site staff briefed immediately to indicate a roost is present. If bats are found injured or dead DH6 (Section 5.6.11) will be implemented;
 - 7 If bats are detected while felling is in progress, felling must stop and the SBE notified. Felling must stop long enough to allow any uninjured bats to escape. Felling will not commence until the SBE is satisfied that all bat(s) have either escaped leaving the tree clear of bats or all dead or injured bat(s) have been removed and adequately treated (Section 5.6.11); and
 - 8 If bats are confirmed to still be roosting following DH4 after seven days then an agreed team including the SBE, contractor representatives, NDC and DOC will re-assess and consider alternative methods to progress vegetation removal. This will be a risk assessment-based approach dependent on the type of roost identified.

DH.6 Bat Injury or Mortality

In the event of finding a dead or injured bat(s) the following procedures should be implemented:

- 1 Injured bats should be taken immediately to the following location, approved by DOC for assessment:

Table 5.2: Contact information for approved contact in the event bat injury occurs

Vet clinic / zoo or other specialist	
Name	Contact to be confirmed by DOC
Contact details	
Address	

- 2 Bats should be placed in a cool dark material-lined box/bag by or under the direction of the SBE to ensure the animal is handled appropriately;
- 3 The local DOC office or DOC hotline (if after hours) should be contacted no longer than two hours after the injured or dead bat is found;

Local DOC office	
After hours	0800 DOCHOTLINE (0800 362 486)

- 4 DOC and veterinary advice shall be sought in conjunction with the SBE when considering the rehabilitation requirements of any injured bats (for example legislative requirements will

- need to be considered). Once the vet has made an assessment the SBE and vet will determine any rehabilitation action required and the longer-term future for the bat(s);
- 5 Bats(s) confirmed as injured should be sent to the Massey University Wildbase hospital for rehabilitation. It should be noted that release after rehabilitation is unlikely due to the risk of disease being transferred back into the local bat population; and
- 6 If the animal is dead or euthanised by the vet, it must be taken to the local DOC office as soon as practicable. The bat(s) must be stored in a fridge at less than 4 degrees Celsius until delivered to DOC.

Night works and lighting

When night works are planned the SBE will be consulted on the selection and design of temporary construction lighting and permanent lighting. The requirement for lighting along roads is governed by the following standards:

AS/NZS 1158.1.1:2005 Lighting for Roads and Public Spaces – Vehicular Traffic;

AS/NZS 1158.6:2010 Lighting for Roads and Public Spaces – Luminaires;

NZTA M30:2014 Specification and Guidelines for Road Lighting Design; and

CIE 88 – Guide for the Lighting of Roads Tunnels and Underpasses.

The effects of particular lighting regimes are likely to be species-specific (e.g. Stone et al., 2012). However, where required, LED lighting will be highly directional (baffled if necessary) to minimise light spill into the surrounding environment, as well as of low intensity, longer-wavelength and lower colour temperature unless specified otherwise for safety reasons.

Shorter-wavelength, whiter LEDs will be avoided as these attract more invertebrates.

If technological advances allow, the use of LED lights that mix coloured light from three or more monochromatic LED sources will be investigated as this would potentially provide a high level of control over emitted wavelengths to allow adjustment if necessary.

Reporting

Regular reporting will be an important component of the management process during construction. A summary letter will be provided to NPDC and DOC every six months detailing any specific findings from the above VMP in relation to the specific wildlife authority for bats.

References

Chapman, S. and Choromanski, M. 2017. Assessment of Ecological Effects – Bats. Technical Report 7f, Volume 3 of Assessment of Ecological Effects, Mt Messenger Bypass project.

Chapman, S. 2018. Ecology supplementary report – Bats.

DOC best practice manual of conservation techniques for bats Version 1.0. 2012. DOCDM- 131465.

NZTA. 2016. NZTA Bat Management Framework for Linear Transport Infrastructure Projects, November 2016

Pawson, S.M. and Bader, M.K.-F. 2014. LED lighting increases the ecological impact of light pollution irrespective of color temperature. *Ecological applications* 24(7): 1561-1568.

Smith, D., Borkin, K., Jones, C., Lindberg, S., Davies, F. and Eccles, G. 2017. Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature. NZ Transport Agency research report 623. 249pp.

Stone, E.L., Jones, G. and Harris, S. 2012. Conserving energy at a cost to biodiversity? Impacts of LED lighting on bats. *Global Change Biology* 18: 2458-2465.

Attachment C: Applicant skills and experience

9(2)(a)

9(2)(a) is certified as a Level F Bat Ecologist. He was a research scientist with DOC for 20 years 9(2)(a)

9(2)(a)

developed and established methods for harp-trapping, mist netting, roost monitoring, radio-telemetry, captive maintenance and translocation of short-tailed bats. He has handled more than 1500 short-tailed bats, attached radio-transmitters to more than 90 of them, and investigated other marking methods (forearm banding and transponder insertion) for the species. Since 2008 9(2)(a) has worked as an independent ecological consultant specialising in NZ bats. During this time he has undertaken extensive acoustic surveys for bats throughout the top of the South Island and established a long-tailed bat recovery project at Pelorus Bridge. During 2014 & 2015, he undertook a radio-telemetry study of long-tailed bats on D'Urville Island, which involved capture and radio-tracking long-tailed bats. He has provided advice on the impacts of infrastructure projects on bats to a range of parties including: Meridian Energy, Tasman District Council, NX2 Group, DOC and Forest and Bird.

9(2)(a)

9(2)(a) has 10 years' experience as a terrestrial ecologist and environmental scientist, and holds a BSc (Hons), MSc (Hons) and PhD in Ecology. She is highly experienced in undertaking a wide variety of flora and fauna surveys in a range of environments, in both New Zealand, UK and numerous tropical countries.

9(2)(a) is a Level C2 and D DOC approved bat ecologist after undertaking training with DOC in Fiordland. 9(2)(a) is capable of identifying long-tailed bat roosts, experienced in searching for and finding active and inactive roosts (by radio tracking, exit observations and visual inspections), and also has long-tailed bat handling skills, congruent with DOC's nest practice manual (Sedgeley et al 2012). 9(2)(a) is experienced at implementing acoustic bat monitoring techniques for large infrastructure projects including Waikato Expressway Projects (Huntly, Hamilton and Cambridge sections), SH3 Awakino Gorge and SH3 Mt Messenger bypass projects. She is also capable of analysing data in BatSearch software and reporting on results. 9(2)(a) also has bat handling experience and harp trapping experience obtained during biodiversity research positions in Indonesia and Cambodia.

9(2)(a)

9(2)(a) is certified to Bat Competency Levels C2 and D. 9(2)(a) has 10 years of ecological experience, and holds an MSc (Hons) and BSc. He has experience with trapping and handling more than 50 long-tailed bats in the Eglinton Valley in Fiordland, and has written bat management plans and tree removal protocols for the Huntly and Hamilton Sections of the Waikato Expressway. He has extensive experience undertaking acoustic long-tailed bat monitoring and implementing tree removal protocols in relation to the Huntly, Hamilton and Cambridge sections of the Waikato Expressway, including long-tailed bat roost emergence and return watches. He has carried out observations of long-tailed bats in flight using a thermal imaging camera, obtaining footage of bat flight behaviour. He has processed, summarised and analysed large sets of acoustic long-tailed bat data using DOC's BatSearch software, and reported on results. He has a broad range of ecological experience including lizard survey, shorebird survey, freshwater fish survey, pest exclusion fencing, pest mammal monitoring and Peripatus survey and translocation.

9(2)(a)

9(2)(a) is an ecologist who has undertaken consulting roles New Zealand-wide. Her expertise is reflected across a diverse range of infrastructure, transport, conservation, industry, and development projects. She specialises in environmental assessments, wildlife monitoring and management, fauna salvage and relocation, ecological restoration and mitigation, ecological management plans, and ecological reporting. 9(2)(a) is capable of identifying long-tailed bat roosts, experienced in searching for and finding active and inactive roosts, and is also confident in handling long-tailed bats, in accordance with DOC's best practice manual (Sedgeley et al 2012). 9(2)(a) is experienced at implementing acoustic bat monitoring techniques for large infrastructure projects including Waikato Expressway (Huntly), Puhoi to Warkworth Motorway, and SH3 Mt Messenger Bypass projects, in addition to numerous development projects across the country. She is also capable of analysing data in BatSearch software and reporting on results. 9(2)(a) has bat handling and harp trapping experience obtained during volunteering with Doc at Pureora and Grand Canyon.

9(2)(a)

9(2)(a) is an ecologist recently graduated with a Master of Science in urban bird ecology from the University of Auckland (2016). During his studies he worked within the biosecurity team at Auckland Council with a focus on kauri dieback research.

After finishing his Masters, 9(2)(a) worked within the biodiversity team at Auckland Council specialising in terrestrial monitoring and assessment. These assessments involved vegetation and bird surveys. Since starting at T + T (2017) 9(2)(a) has been involved in terrestrial assessments, stream ecological assessments and fish monitoring including work on the Mt Messenger alignment.

9(2)(a)

David is a recent graduate and will assist in the field where required.

Other suitably qualified field staff under direct supervision of experienced Bat Ecologists as required

Attachment D: Iwi consultation

The New Zealand Transport Agency (NZTA) is proposing to undertake construction of the SH3 Mt Messenger Bypass Project (the Project). The project's most significant risk to resident bats will be the potential for destruction of active maternity roosts. Targeted pre-construction investigations aim to determine the presence and location of any resident maternity roosts within the project footprint and immediately adjacent areas. These investigations are intended to enable the development of appropriate roost avoidance and mitigation measures in advance of tree clearance and road construction.

Trapping of long-tailed (and in the event they are present, short-tailed) bats will be undertaken to a) record standard morphological measures and gender of individuals, b) attach metal bands to long-tailed bats for mark-recapture population monitoring, and c) attach radio transmitters to individual bats, to enable location of occupied roosts.

Approval is required from Ngati Tama for this work to take place, and a Hui was held to this end with the Ngati Tama Runanga on September 20th 2017. Representing Ngati Tama at the Hui were 9(2)(a)

9(2)(a) Background information and detail of the proposed tracking work was provided by 9(2)(a) and presented to the Runanga at the Hui by 9(2)(a) Further discussions with Ngati Tama have been ongoing to date, regarding ecological activities in the area, including bats. Ngati Tama will undertake a kaitiaki role on this programme.

Ngati Tama approved the radio tracking work going ahead, and expressed an interest in being involved in the tracking work itself where possible.

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From: [Permissions Hamilton](#)
To: [permissions](#)
Cc: 9(2)(g)(ii)
Subject: FW: Mt Messenger Wildlife Permit Variation - Mt Messenger Bypass Bats
Date: Tuesday, 2 October 2018 9:20:33 am
Attachments: [image001.png](#)
[9a Variation MM bat radio tracking.pdf](#)

From: 9(2)(g)(ii)
Sent: Monday, 1 October 2018 8:51 p.m.
To: Permissions Hamilton <permissionshamilton@doc.govt.nz>
Subject: RE: Mt Messenger Wildlife Permit Variation - Mt Messenger Bypass Bats

Hi 9(2)(g)(ii)

After our discussion this morning I double checked our application. Although the monitoring methodology (Attachment B1) mentions the use of drones and ABMs to detect bats with and without transmitters, table 1 in Section B didn't cover these activities. For completeness I have updated that attached variation to include these activities in table 1 point 5 Section B.

Please don't hesitate to contact me if you have any questions.

Kind Regards

9(2)
(a)(ii)

9(2)(g)(ii)
Senior Ecologist
Mt Messenger Alliance

M 9(2)(a)



From: 9(2)(g)(ii)
Sent: Monday, 1 October 2018 9:48 AM
To: permissionshamilton@doc.govt.nz <permissionshamilton@doc.govt.nz>
Subject: RE: Mt Messenger Wildlife Permit Variation - Mt Messenger Bypass Bats

Hi

Please find attached an updated variation form and additional application 10 form. The duration date the bat work is to be undertaken was updated on the variation application document to be consistent with the bat methodology attached.

Please don't hesitate to contact me if required.

Kind Regards

9(2)
(a)(ii)

9(2)(g)(ii)

Senior Ecologist
Mt Messenger Alliance

M 9(2)(a)



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

Sent: Wednesday, 26 September 2018 4:43 PM

To: 'permissionshamilton@doc.govt.nz' <permissionshamilton@doc.govt.nz>

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

Subject: Mt Messenger Wildlife Permit Variation - Mt Messenger Bypass Bats

Hi

Please find attached a variation of our current Wildlife Permit (63449-FAU) which has been developed in consultation with the Mt Messenger Alliance (9(2)(g)(ii), 9(2)(a) and 9(2)(a)), NZTA and DOC (9(2)(g)(ii)), as part of the current hearing proceedings.

The variation relates to the following five key areas:

- The number of transmitters proposed to be attached to female long-tailed and central short-tailed have increased from 15 to 30;
- The type of transmitter proposed to be used include both PiciPip and Holohil BD2 (15 of each transmitter);
- The location of activities to be extended to cover the wider study area; and
- The timing of activities to occur continuously during Oct-Dec and Feb-Mar.

All amended information has been highlighted in yellow for ease of reading.

Please don't hesitate to contact me if you require any further information.

Kind regards

9(2)(g)(ii)

9(2)(g)(ii)
Senior Ecologist
Mt Messenger Alliance

M 9(2)(a)

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9a



Wildlife Act Authority

Variation

Application form 9a

This application form is to vary part thereof a current Authorisation (called the Authority) involving any animal protected under the Wildlife Act 1953 (which does not include marine mammals)

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Department of
Conservation
Te Papa Atawhai

Using this application form

! Application checklist

Completing the application



Save – You can save this application form to your digital device and edit or fill it in your own time.



Fill – You can fill this application digitally using Microsoft word.



Print – You can print this application form and fill it manually, or you can fill it digitally, then print it.



Submit – This application form can be submitted by email or by post.



Email – Email your application and all the required labelled attachments to:
permissionshamilton@doc.govt.nz



Post – Post your application and all the required labelled attachments to:
Permissions Team Leader
Private Bag 3072
Hamilton 3240

Have you included labelled attachments as required for your activities (including maps, testimonials, and consultations)?

Have you read the section regarding liability of the applicant for payment of fees?

Have you signed your application (digitally or manually)?

Navigation

Hints – Use the links through the hints column on the right hand side of the application form



Scroll – Simply use your mouse or keyboard arrows to scroll through the document page-by-page.

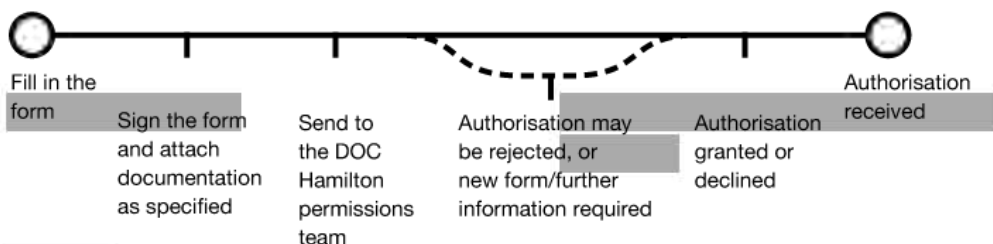


Before you start

You will need to attach evidence of your current Wildlife Act Authorisation.

! Please take the timeframes below into consideration when submitting your application.

Process



! An application is deemed complete when all information requested has been received.

Applications for proposals of activities are categorised as either standard or complex proposals:

! Please see also the [fees](#) section.

- Standard proposals are those activities that are likely to have little or no significant effect on conservation values. These will normally be processed within fifteen working days of receiving the application, please also see the fee section below.
- Complex proposals are those activities likely to have more significant effects, and therefore require careful consideration and may take up to six weeks to process, please also see the fee section below.

Consultation:

- Consultation is required on most applications. In general iwi have 20 working days to respond to DOC once we make a formal request. If there are considerable iwi values to consider they may request a further 20 working days to respond. If no response is received from iwi within the specified period DOC will continue to process your application, as we may be able to locate relevant information about their interests from other sources.

! For more information please see the [iwi consultation section](#).

Contact

Permissions Team Leader
Private Bag 3072
Hamilton 3240

+64 7 858 1585
permissionshamilton@doc.govt.nz

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Section A | Authority holder details

Full name of Authorised holder

NZ Transport Agency

! Please provide evidence of your Current Authorisation

Authorisation number

63449-FAU

! Please update your address details if they have changed.

Postal address

NZ Transport Agency, C/- Mt Messenger Alliance
Level 4, 180 Taranaki St
Wellington 6011

Street address (if different from postal)

[Empty text box]

! You must provide a New Zealand address for service.

Phone

9(2)(a)

Website

[Empty text box]

Contact person

9(2)(a)

Role

Team Leader - Ecology (Tonkin + Taylor)

Phone

9(2)(a)

Mobile

9(2)(a)

Email

9(2)(a)

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Section B | Variation description details

1. Variation activity description.

Please provide a brief summary paragraph (100 words or less here:

We propose to vary our our authorised activity:

1. the number of bats to have transmitters attached be increased from 15 to 30;
2. the type of transmitters to include both PicoPip (<0.5g) and Holohil BD2 (<0.65g) (15 of each type);
3. the location of activities be extended to cover the wider study area (Attachment B.3.1);
4. the timing of activities to occur from October to March inclusive with two trapping sessions (Oct-Dec, Jan-Mar);
5. use of lures, ABMs and drones.

! Attach a copy of your proposal to this form and label it Attachment B1.

! See Authorisations and Special Conditions [for your information.](#)

Would you like to change or add Authorised Personnel for your Current Authority?

- Yes No, go to next question.

Please provide full name of the personnel.

[Empty text box for personnel name]

2. Are you requesting to vary the term?

- Yes, provide details in 2.1 No, go to next question.

2.1. Reason for the term request?

No change

3. Are you requesting to vary the location?

- Yes, provide details in 3.1 No, go to next section.

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3.1. Location/s

State the location/s in which the activity will be carried out and why this site is the best option. For specific sites, please include a map (and GPS co-ordinates if available). Attach map and label it attachment B.3.1

! Use DOCgis to view Conservation Land.

The sites shown in the attached map are the best option as they cover both the proposed road project and associated Pest Management Area (PMA) where bat habitat and roosting is required to be understood prior to road construction activities commencing. The shaded areas on the map represent the whole study area, with circled areas where access to likely trap sites are located.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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Section C | Access to Restricted Lands

Special permission is required to enter some public conservation lands that have particularly high levels of protection. If you wish to enter land of any status listed below to carry out the proposed activity, please select the status and state the full name of the land to which permission for access is sought.

Nature Reserve (s20 Reserves Act 1977)

Name of land to be accessed

Scientific Reserve (s21 Reserves Act 1977)

Name of land to be accessed

Government Purpose (s22 Reserves Act 1977)

Name of land to be accessed

Specially Protected Area in a National Park (s13 National Parks Act 1980)

Name of land to be accessed

Wildlife Sanctuary (s9 Wildlife Act 1953)

Name of land to be accessed

Wildlife Refuge (s14 Wildlife Act 1953)

Name of land to be accessed

Wildlife Management Reserve (s14 Wildlife Act 1953)

Name of land to be accessed

! Wildlife Act
Authorisations apply to private land and public conservation land. If the location is private land, you will also need the consent of the land owner.

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Section E | Consultation

Many applications require consultation with Tāngata whenua (local Māori), and other interested parties. Please attach proof and details of all consultation, including with hapū or iwi, to this application and label as attachment E.

Please attach any additional written expert views, advice or opinions you have obtained concerning your proposal to support the application and label them attachment E.

! If you are unsure of any consultation requirements for your proposal, please see [iwi consultation section](#) or contact your local DOC partnerships office to discuss what is required.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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Section F | Fees

Please note

This section only applies to applications with a commercial focus – which will include applications from registered companies. The Department does not charge fees for non-commercial Wildlife Act authorisations.

Processing fees

Section 60B of the Conservation Act contains the statutory provisions regarding processing fees.

The Department recovers all direct and indirect costs to process an application from applicants regardless of whether the application is approved or declined. If at any stage an application is withdrawn, the Department will invoice the applicant for the costs incurred by the Department up to that point.

Standard application fee

The estimated standard application fee is **\$400 +GST**.

This covers most applications. However if your application is likely to have significant effects, is novel, or spans multiple DOC regions, it will require more careful consideration and may take up to 6 weeks to process and cost approximately **\$800 +GST**.

Particularly complex applications may incur further costs – you will be sent an estimate of costs in this situation. We will contact you to advise if the fee is more than the estimated standard cost. Applicants are also entitled to request an estimate of costs at any point, but the Department may impose a charge for preparing such an estimate. Estimates are not binding.

Paying fees

The Department will ordinarily invoice the applicant for processing fees after a decision has been made on the application, but in some cases interim invoices will be issued.

Please select your method of payment below.

- I have attached a cheque
- I have direct credited the DOC account

Please use the Applicant name and permission number (which the permissions team will give to you) as the references.

Department of Conservation
Westpac Bank
Account number: 03 0049 0002808 00

- I do not intend to pay the fees at the time of applying and/or I require an invoice for payment

- I have a purchase order/number from an organisation registered with DOC

! If you are making an application for non-commercial activity, [proceed to declaration](#).

! Applicants are required to pay the processing fees within 28 days of receiving an invoice. The Director-General is entitled to recover any unpaid fees as a debt.

! If you are applying from outside New Zealand we can process a credit card payment – please [contact us](#) to request this procedure.

Section F (continued) | Fees

Fee waivers and reductions

The Director-General has discretion to reduce or waive processing fees. You may apply for a fee waiver or reduction if you can provide information to the permissions team about how your application meets at least one of the following criteria.

- The activity will make a direct contribution to management
- The activity will support or contribute to the Department's priority outcomes – stated in the Department's 2013 – 2017 Statement of Intent
- There will be other non-commercial public benefits from the activities covered by the authorisation (if approved)
- Activity covered by the authorisation (other than research, collection or educational activities) will make a contribution to the management of, or the public interest in, the lands that are covered by the authorisation

The Department may obtain further information either from the applicant or from any other relevant source in order to process the application. The applicant will be advised of any information obtained from other sources. The cost of obtaining such information will be charged to and recovered from the applicant. The applicant will be informed as soon as practicable from receipt of the application if further information is required before this application form can be fully processed by the Department.

Terms and conditions: Account with the Department of Conservation

Have you held an account with the Department before?

Yes

No

If **yes**, under what name?

Terms and conditions: Account with the Department of Conservation

1. I/We agree that the Department of Conservation can provide my details to the Department's Credit Checking Agency to enable it to conduct a full credit check.
2. I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective.
3. I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.
4. I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.
5. I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.
6. I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions of the credit account are not met.
7. I/We agree that the Department of Conservation can provide my details to the Department's Debt Collection Agency in the event of non-payment of payable fees.

! View the Department's 2013 – 2017 Statement of Intent [here](#) for the priority outcomes.



Section F (continued) | Fees

Reduction in fees for exceeding processing timeframe

If the Department fails to meet its own processing timeframes the estimate of fees will be reduced at a rate of 1% per day late, up to a maximum of 50% of the total processing fee. The reduction will not apply if the Applicant's actions have delayed the process.

Additional Fees

You may also be required to pay additional fees. These may include:

- Annual management fee to cover administration time; and/or
- Monitoring fee to cover the cost of monitoring the effects of your activity.

! Please [contact the Permissions team](#) to discuss whether these fees apply.

[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]

Released under the Official Information Act





Section G | Declaration

I certify that the information provided on this application form and all attached additional forms and information is to the best of my knowledge true and correct.

! An Authorisation may be varied or revoked if the information given in this application contains inaccuracies.

Signature (applicant)

9(2)(a)

Date (dd/mm/yyyy)

28/09/2018

Full name (witness)

9(2)(a)

Address (witness)

9(2)(a)

Signature (witness)

9(2)(a)

Date (dd/mm/yyyy)

28/09/2018

This application is made pursuant to Section/s 41(1)(g), 53; 54; 55; and/or 56 of the Wildlife Act 1953 [and (where applicable) Section/s 22; 49; 50; 51; 57; and/or 59 of the Reserves Act 1977; and/or Section/s 5; 13; 14(3) of the National Parks Act 1980; and/or 38 of the Conservation Act].

Applicants should familiarise themselves with the relevant provisions of the Wildlife Act 1953, the Conservation Act 1987, the Reserves Act 1977 and the National Parks Act 1980 relating to authorisations.

The purpose of collecting this information is to enable the Department to process your application. The Department will not use this information for any reason not related to that purpose.

Applicants should be aware that provisions of the Official Information Act may require that some or all information in this application be publicly released.

For Departmental use

Credit check undertaken?

Yes

No

Comments

Signed

Name

Approved

Name

! Approval is to be by a Tier 4 Manager or above.

Released under the Official Information Act

Attachment B1. Proposed bat activities

The below Bat Management Plan has become more detailed than that which was submitted with our approved Bat Wildlife Act Authority (63449-FAU). For ease of reading, we have highlighted in yellow the specific areas that deviate from our original Bat Management Plan and subsequent Wildlife Act Authority. The below Bat Management Plan, specifically sections that pertain to trapping, has been developed in consultation with DOC (9(2)(g)(ii)) and NZTA as part of the overall hearing process for the Mount Messenger Bypass.

1 Bat Management Plan

1.1 Introduction

The purpose of this Bat Management Plan (BMP) is to specify procedures to avoid, mitigate or compensate adverse impacts on long-tailed bats (*Chalinolobus tuberculatus*) and central lesser short-tailed bats (*Mystacina tuberculata rhyacobia*) (if they are found to be present) that may be affected by construction and operation of the Mt Messenger Bypass.

The BMP includes the following:

- A summary of the current knowledge of bat populations within the area surrounding the Project;
- Potential adverse effects on bats that may eventuate during construction; and
- Measures to avoid, remedy or mitigate potential adverse effects where possible.

The BMP has been guided by recommendations within the Mt Messenger 'Assessment of Ecological Effects – Bats' (Chapman and Choromanski, 2017) and the Ecology supplementary report – Bats (Chapman, 2018). The NZ Transport Agency (the Transport Agency) research report 623 'Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature' (Smith et al., 2017) has also been considered during the development of this BMP.

The following table summarises the objectives of the Bat Management Plan, along with the performance measures and monitoring and survey requirements outlined in the plan.

Specific objectives

The Bat Management Plan addresses the following matters:

- a) Provision for a long-tailed bat radio tracking programme to identify long-tailed bat roost locations and confirm the PMA location.
- b) Vegetation Removal Protocols (VRP) for the 17 significant trees, as well as all other trees that are ≥80 cm Diameter at Breast Height (DBH), and trees between 50 cm and 80cm DBH which are considered by a specialist bat ecologist as having features suitable for bat roosting, such features including but not limited to nested epiphytes located on horizontal branches or sufficient damage to the tree crown or trunk that could provide roosting voids.
- c) When Automatic bat detectors (ABMs) are used to determine the presence of bats around potential roost trees, provision for monitoring to occur for a minimum of three consecutive nights.
- d) 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.

- e) Other than the amendments made through a) to c) above, the VRP shall be in accordance with Annex D and H of the 'NZ Transport Agency (the Transport Agency) research report 623 'Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature' (Smith et al. 2017)'.

Performance outcomes

- f) The performance outcomes for bats will be achieved by the successful implementation of the VRP and by pest management in the PMA (refer to Pest Management Plan).

Monitoring

- g) There are no specific monitoring requirements for bats, other than those associated with the implementation of the VRP and the monitoring for pest management in the PMA.

1.2 Responsibilities and competencies

Appropriately qualified and experienced bat ecologist(s) will implement this BMP and various phases of bat-related work on this Project. The bat ecologist(s) will have the relevant competency classes for the type of bat work being undertaken, as listed in Appendix B of the ELMP (Smith et al. 2017).

1.3 Regulatory framework

All bats are protected under the Wildlife Act 1953 (Wildlife Act) (s 3). The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (including native bats) is a matter of national importance in the Resource Management Act 1991 (s 6(c)).

Wildlife Act Authority issued by the Department of Conservation (DOC) will be required to allow for the possibility of accidental harm or mortality to bats during vegetation clearance as part of the enabling works. This Authority will have conditions attached, which may necessitate revision of this plan.

1.4 Baseline survey

Initial acoustic survey efforts were directed at detecting the presence and broad-scale habitat use by long-tailed bats and short-tailed bats in the area surrounding several early alignment options. Additional areas, most notably areas east of the existing SH3 alignment, were surveyed for bat activity as Project alignment options were refined. Data from those acoustic surveys were used to inform the design of a subsequent radio telemetry study undertaken at the end of 2017, aimed at locating and describing active bat roosts within the Project footprint and wider Project area, and identifying important foraging and commuting habitat.

For further information regarding the baseline bat surveys refer to the Mt Messenger 'Assessment of Ecological Effects – Bats' (Chapman and Choromanski, 2017) and Ecology supplementary report - Bats (Chapman, 2018). These reports describe the locations of surveys within the wider Project area, the methodologies used, the timing of the surveys and results.

1.5 Current understanding of Mt Messenger bats

The results of bat survey work undertaken within the Project area in the last 12 months confirm that:

- Short-tailed bats have not been detected and are unlikely to be present in the immediate vicinity of the Project area, but their presence cannot be ruled out;
- Long-tailed bats are present, and their activity is thought to be widespread within the Project area;
- Multiple potential long-tailed bat roost trees are thought to be present in the PMA; it is possible that some exist within or near the Project alignment; and
- Despite significant effort, the failure to capture and radio-track long-tailed bats has contributed to a lack of knowledge regarding active roost locations, specifics of bat habitat use (e.g. commuting routes) and population demographics which could be used as a baseline information.

1.6 Summary of potential effects on bats

Potential adverse effects of the Project on bats were assessed in the Mt Messenger 'Assessment of Ecological Effects – Bats' (Chapman & Choromanski, 2017) and Ecology Supplementary report - Bats (Chapman, 2018). Key potential adverse effects include:

- Loss of unoccupied roost habitat;
- Mortality and injuries through clearance of occupied bat roosts;
- Loss of foraging habitat;
- Habitat fragmentation; and
- Effects of night works and lighting.

This chapter describes mitigation measures aimed at addressing the potential loss of unoccupied roost habitat, mortality and injuries through clearance of occupied bat roosts, and effects of night construction works and lighting. Potential habitat loss and fragmentation effects on all species are addressed elsewhere in this ELMP.

1.7 Management of effects on bats

1.7.1 Long tailed bat radio tracking programme

1.7.1.1 Background

As part of the detailed ecological investigations a long-tailed bat radio tracking programme will be undertaken within an area that includes the Intended PMA^[1], the Wider PMA^[2] and the Study Area^[3] of Mt Messenger between 1st October 2018 and 31st March 2019. This builds on bat investigations undertaken during 2016 and 2017 as mentioned above.

^[1] **Intended PMA:** the 3,650ha area shown in Attachment B.3.1 in the ELMP, which is within the Wider PMA and is intended to become the Confirmed PMA if bat tracking shows this area to be suitable habitat for long tailed bats.

^[2] **Wider PMA:** the area shown in Attachment B.3.1 in the ELMP, that has an area greater than 3,650ha, from which the Confirmed 3,650ha PMA will be selected.

^[3] **Study Area:** the area, including the Project Area, the Intended PMA and land beyond both, over which bats will be tracked, as shown in Attachment B.3.1 in the ELMP.

1.7.1.2 Purpose

The purpose of the radio tracking programme is to determine whether the Intended PMA contains suitable roosting habitat for long tailed bats, and to use this information to confirm the suitability of the Intended PMA as bat habitat and/or to assist in the determination of the final location of the PMA. This will be done by trapping and tracking bats and determining the presence and specific location of occupied bat maternity^[4] roost trees.

1.7.1.3 Objective

The objectives of the long tailed bat radio tracking programme are:

- To determine whether the Intended PMA contains suitable bat roosting habitat that is utilised by long-tailed bats;
- To locate and record the location of maternity roosts within the Intended PMA, Wider PMA and Study Area;
- To confirm the final configuration and/or location of the PMA based on roost locations; and
- To gather information about roost locations along the Project area.

1.7.1.4 Methodology

A. Trapping of bats

Trapping of bats will be undertaken to attach radio transmitters to individual bats to enable bat roosts to be located and described.

Trapping will take place during two sessions, one during October to December 2018 (inclusive) and, if required, another during January to March 2019 (inclusive) (Table 1). No less than 30 total (calendar) days will be spent trapping except if 10 or more roost trees are located in the Pest Management Area (PMA) in a shorter timeframe. A team of 2-4 ecologists led by a level E competent bat ecologist (as per the NZTA's Bat Management Framework) that also has competency in the use of acoustic lures will initially undertake trapping. A second trapping team of 2-4 people also led by a level E competent bat ecologist will be deployed at the discretion of the Alliance's management team if trapping success is less than required. Additional personnel will be added to the team when required to carry out radio-tracking.

Acoustic monitoring with DOC AR-4 bat monitoring units (ABM's) will be carried out at several potentially suitable bat trapping sites around and through the Intended PMA to determine where bats are most active and trapping is likely to be most effective. ABM monitoring will commence in advance of trapping and will continue throughout the duration of trapping effort.

At least eight Austbat 2-Bank 4.2 m² harp traps will be used for trapping along currently active flight paths identified by acoustic monitoring, through previous acoustic monitoring (2016-17) and previous trapping attempts (late-2017). An additional 2 or 3 mist nets will also be available if required.

^[4] A maternity roost is a roost tree occupied by two or more long tailed bats including parous, pregnant, lactating or post-lactating female long-tailed bats and/or young bats of the year.

Acoustic lures will be used to optimise trapping effectiveness by attracting bats into trapping areas. Trapping will be attempted at selected roost sites if the level E competent bat ecologist determines it can be done safely with minimal risk of harming bats or damaging roosts.

Sufficient resources (traps, transmitters, receivers etc) and qualified and experienced staff will be made available to ensure considerable flexibility exists in the trapping and tracking programme. Extra personnel will be brought in to match the number of bats fitted with transmitters, and more staff and traps will be used if capture rates are less than required or traps need to be moved quickly to new trapping sites. Trapping teams will remain in the Mt Messenger area throughout the programme (except for a period including 2 days on each side of a full moon) to ensure all nights with suitable weather conditions for trapping are utilised. Tracking teams will remain operative whenever there are bats with functioning transmitters, including during full moon periods.

Dusk bat fly-way observations will be undertaken where appropriate to gain information about where bats are flying from (and therefore the general direction their roosts are located).

All bat capture, handling, measurement, banding, transmitter attachment and radio tracking will follow procedures specified within the "DOC best practice manual of conservation techniques for bats Version 1.0".

Table 1: Trapping periods and bat breeding stage

Period	Bats	Type of data
October – December	Gravid female bats Mature male bats	Maternity roost trees Shorter distances as heavily pregnant Single roosts
January	Lactating female bats and their young Mature male bats	Maternity roost trees Larger areas covered by females as not pregnant Single roosts
February - March	Young bats dispersing Mature bats (male and female)	Greater distances travelled Different areas utilised

All long-tailed bats captured will have morphological measurements taken and will have metal forearm bands fitted. Preference will be given to fitting transmitters to adult female bats as they are most likely to lead radio-tracking teams to maternity roosts. PicoPip transmitters (total weight <0.5 g) or Holohil BD-2 (total weight <0.65 g) will be used.

B. Radio-telemetry

Radio-telemetry will be used to locate and describe day roosts utilised by radio-tagged bats. Roost tree locations will be recorded and mapped with hand-held GPS units. A range of roost characteristics will be recorded including but not necessarily limited to tree species, tree height, tree DBH and roost entrance height/type.

The steep and broken nature of the terrain at Mt Messenger may make bat tracking using ground-based receivers and aerials a challenging task. Aerial radio-tracking with a drone and/or helicopter fitted with an aerial and receiver, may be utilised to assist ground-based tracking teams in locating the signals of transmitters fitted to bats.

Where the level E competent bat ecologist determines it can be done safely, dusk bat emergence watches will be carried out at selected roost sites to count the numbers of bats departing from roosts and to locate/confirm the location and characteristics of roost entrances. Roost watches will be carried out by teams of two people starting at one hour before sunset and ending two hours after sunset.

C. Data collection

All data collected during the trapping and tracking survey will be recorded in accordance with Annex DA, section 5 of the "NZTA Bat Management Framework for Linear Transport Infrastructure Projects, November 2016."

1.7.1.5 Trapping area

Trapping effort will be focused on the Intended PMA to the east of SH3 and the Parininihi kokako pest control area to the west of SH3. The most intensive effort will be at locations determined by the Level E bat experts to have the highest likelihood of bat capture. Refer to Attachment B.3.1 for the area in which trapping will be focused.

1.7.1.6 Reporting

A detailed report (the "Bat Monitoring Report") will be prepared by the Project's lead level E bat expert at the conclusion of the bat tracking programme to provide an updated assessment of the suitability of the Intended PMA to compensate for the effects of the Project on bats. The report will:

- Provide details of the methods used and the monitoring effort undertaken;
- Set out the findings of the monitoring programme;
- Identify the location of long-tailed bat roost trees (both maternity and solitary) within the Study Area;
- Document all other findings including dusk bat fly-way observations, dusk bat emergence watches, and measured bat morphological features;
- Assess the results against the roost detection performance standards contained in the consent conditions and the implications of the results with regard to managing the effects of the Project on bat roosts, and
- Confirm the configuration and/or location of the final PMA based on providing benefits to bats.

The Bat Monitoring Report will be provided to DOC for comment, and the full report plus any comments from DOC will be provided to the independent peer reviewer who shall review the Report and provide an assessment of the findings, including whether:

- The monitoring programme has been completed in accordance with the requirements of the consent conditions; and
- The final PMA has been located in accordance with the conditions.

1.7.2 Vegetation Removal Protocols

Vegetation Removal Protocols (VRP) will be used to avoid effects on occupied bat roosts within the vegetation clearance area along the Project alignment, and will detail the techniques that will be used to detect roosting activity (including the use of ABMs, visual and roost emergence surveys) prior to clearance of vegetation, and procedures to guide the clearance process.

The VRP therefore aim to:

1. Locate bat colonial (and where possible, solitary) roost trees that exist within the alignment prior to tree clearance;
2. Provide clear, concise procedures that are to be followed prior to clearance, with the aim of avoiding mortality or injury to bats in the event that they are found; and
3. Set out how any bat injury or mortality that does occur will be dealt with.

The following protocols (DH.1 – DH.6) have been extracted and modified from Annex DH: Vegetation Removal Protocol (VRP) from the *Effects of Land Transport Activities on New Zealand's Endemic Bat Populations: review of ecological and regulatory literature* (October 2017).

All aspects of the VRP below apply to all trees > 80cm diameter at breast height (dbh). At the discretion of the SBE, VRP may also be applied to trees between 50cm dbh and 80cm dbh which are classified as having features suitable for bat roosting as listed in 5.6.6 below.

1.7.3 DH.1 Definitions

- Dawn and dusk are defined as starting and ending 0.5 hours either side of the closest sunrise and sunset times provided by LINZ27.
- Visual surveys include a visual inspection of potential roost sites to confirm the presence of bats and/or bat signs, i.e. guano.
- SBE is defined as Class D bat ecologist competency level (Appendix B), dependent on project size and complexity. Class A, B and C bat ecologists may form part of their team and undertake tasks outlined within this VRP (as defined by Table 5.1) under supervision or guidance from the SBE. The SBE is not required to be present at the site all the time but must retain sufficient oversight of their team to be confident good decisions are being made regarding presence/absence of bats and potential roost sites. However, the SBE is expected to be available to oversee vegetation removal that meets the criteria in 5.6.6 below

1.7.4 DH.2 Introduction

Bat activity, emergence times and whether bats emerge from their roosts at all, can be influenced by temperature, humidity, invertebrate activity and light levels (O'Donnell, 2005). Consequently bat survey protocols should consider these factors. Recent research into long-tailed bats activity suggests long-tailed bats are more likely to be detected when the temperature 1–4 hours after sunset is greater than 6°C and particularly when temperatures are in the range of 10 to 17°C, with humidity ≥70%. Long-tailed bats did not emerge from roosts in a study based near Geraldine, South Canterbury, when temperatures were less than 5°C (Griffith 2007).

1.7.5 DH.3 Quality Assurance

- The relevant provisions of DOC's Best practice manual of conservation techniques for bats (Sedgely et al., 2012) will be followed in general accordance for all aspects of bat work;

- The VRP will apply to all trees > 80cm dbh and trees between 50cm dbh and 80cm dbh which are classified as having features suitable for bat roosting as identified by the SBE;
- All practicable efforts must be undertaken to ensure that no trees or vegetation containing bats are removed;
- Prior to the commencement of surveys, automated bat monitoring devices or units (ABMs) shall be checked for correct operation at a site where bat activity is known to be high. Faulty or suspect ABMs are not to be deployed;
- ABM data from each pre-felling survey shall be reviewed without unnecessary delay. If no bat activity at potential roost trees is identified and the SBE determines the vegetation can be removed, this information should be relayed to the contractors in sufficient time to allow contractors to clear vegetation prior to dusk the same day;
- No trees or associated vegetation identified as potential roosts can be felled or cleared without the approval of the SBE; and once the results of the visual surveys and ABM data have been reviewed by the SBE the following communication procedures shall be implemented:
 - a If no bats are sighted or detected, the SBE shall inform the vegetation clearance supervisor that the affected tree(s) and/or vegetation can be cleared prior to dusk the same day. In addition, at the completion of felling works, the SBE shall send an email completion report to the Environmental Manager and a representative of both NPDC and DOC;

Table 5.1 Details for key project contacts

	Name		Contact Details
Environmental Manager	9(2)(g)(ii)		9(2)(a)
DOC representative			
Council representative			

- b If bats are sighted or detected the SBE shall call the vegetation clearance supervisor to inform them that the affected vegetation cannot be cleared. In addition, an email shall be sent to the Environmental Manager, and a representative of both NPDC and DOC detailing the results of the survey and outlining measures for on-going visual surveys;
- c The results of the roost surveys and ABM data shall be reported by the SBE. This information should include the presence and/or absence of bat roosts or activity within the proposed vegetation clearance areas including the size, location and type of vegetation where either activity or roosting is located. This information should be collated and forwarded to NPDC and DOC within 15 days following completion of the survey in every vegetation clearance area and also be included in any detailed annual reporting required by consent conditions.

1.7.6 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 50cm 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).

Trees or vegetation with minimal potential as roosts will have:

- No cracks, crevices cavities, fractured limbs, or other deformities, large enough to support roosting bat(s).
- No substantial section of deadwood in the canopy or stem of sufficient size to support roost cavities or hollows; and
- No sections of loose flaking bark large enough to support roosting bat(s).

1.7.7 DH.4.2 Roost Confirmation

Once potential roosts have been identified, the use of a tree as a roost can be confirmed by visual confirmation alone or by using a combination of ABMs and visual confirmation.

1.7.8 DH.4.2.1 ABMs

- 1 To determine if trees or other types of vegetation are roosts they will be monitored overnight (including dusk and dawn) between September and April using an ABM and hand held monitoring for a minimum of three nights;
- 2 Survey results will only be considered valid for nights when the following conditions are met:
 - a. Temperature does not drop below 10 °C during the first four hours after sunset;
 - b. Relative humidity does not drop below 70% during the first four hours after sunset; and
 - c. No more than 2.5 mm precipitation occurs within the first two hours after sunset.
- 3 Monitoring during a full moon will be avoided;
- 4 The ABM(s) will be placed so that detection of bats is likely if they are using the roost.
- 5 ABM data will be analysed to indicate the potential roost trees. It is noted that based on the current understanding of bat calls near roosts, it is possible that roosts will not be detected. In these cases, the criteria outlined in section 5.7.9 will be followed; and
- 6 In the event ABM data and/or observations indicate bat roosting before the three night monitoring duration has been completed no further monitoring is necessary and the vegetation used for roosting may not be removed until deemed clear of bat(s).

1.7.9 DH.4.2.2 Visual

Each tree or vegetation with features that make it a potential roost may be inspected to confirm the site as a roost. This may be subsequent or prior to ABM monitoring depending on the method of roost confirmation chosen and at the discretion of the SBE.

- 1 To undertake a climbing inspection, the arborist or trained climber will relay any potential evidence of bats (e.g. staining, cavities, guano) by way of live audio-visual equipment and/or photographs for review by the SBE prior to removal. The arborist or trained climber will also check for signs of bats using a bat detector (to detect social and echolocation calls from roosting bats, under supervision of the SBE); and
- 2 If potential roost locations are within tree ferns or other 'fragile' vegetation, climbing should only be undertaken if it is safe to do so for the climber and if climbing the tree will not

reduce the likelihood of the roost being used in the immediate future. All climbing must take place under the careful supervision of the SBE to prevent roost damage.

If a potential roost site has been identified and it is considered highly likely to contain a roost, but could not be confirmed using ABMs or external visualisation of the roost, observations of bats leaving their roosts provides an alternative roost confirmation methodology. In this instance, the following methodology should be implemented:

- 1 Bats begin to leave roosts while there is still light outside therefore there is potential to observe bats without the aid of cameras or video equipment.
- 2 Observations will begin before sunset. Ambient temperature must be $>10^{\circ}\text{C}$ and there must be no precipitation (otherwise bats may not emerge).
- 3 Observations must be carried out close to potential roost sites where flying bats are back-lit against the sky. Two or more people will be used to observe potential roost sites from different angles to determine precise trees or vegetation and exit holes;
- 4 Hand-held bat detectors may also be useful to alert the SBE or bat ecologists to the presence of bats nearby, narrowing down the potential roost site locations and allowing roosts to be confirmed; and
- 5 Infrared/thermal imaging cameras and video recorders may also be used to confirm the presence of bats leaving potential roost sites.

1.7.10 DH.5 Vegetation Removal

- 1 Trees will not be removed from May – September (inclusive) when bats could be hibernating or torpid;
- 2 If bats are confirmed in a tree, then that tree will not be felled until the tree is deemed clear of bat(s);
- 3 All potential roost trees and vegetation to be removed within the calendar year must be clearly marked by the SBE or bat ecologists and distinguished from trees to be retained. To determine roosting, all potential bat roost trees must be inspected for the presence of bats immediately prior to any proposed vegetation clearance using DH.4;
- 4 If >80 cm dbh trees and 50cm -80cm dbh (potential roosting) trees are surveyed in appropriate conditions (as outlined in 5.6.9) and no bat activity is recorded, or the level and activity patterns do not indicate roosting according to the interpretation of the SBE, then the tree or vegetation may be removed – removal must occur before dusk on the same day the survey ends. Trees identified as <50 cm dbh and 50cm to 80cm dbh without bat roosting features, as determined by the SBE, can be removed at any time of the year. The SBE should be available for the duration of vegetation clearance operations in all areas where vegetation is >80 cm dbh and between 50cm and 80 cm dbh where trees are deemed to have bat roosting features. The SBE shall advise staff should bats be detected (leaving trees or injured) and to inspect each felled tree or vegetation for signs of bat roosts;
- 5 If no bat activity is recorded and a roost has not been found visually (Section 5.6.9) then the tree or vegetation can be cleared;
- 6 If bat activity is observed during vegetation clearance, then clearance must stop immediately and must not commence until further monitoring confirms that the bat(s) have abandoned the roost. Trees and vegetation will be marked and site staff briefed immediately to indicate a roost is present. If bats are found injured or dead DH6 (Section 5.6.11) will be implemented;
- 7 If bats are detected while felling is in progress, felling must stop and the SBE notified. Felling must stop long enough to allow any uninjured bats to escape. Felling will not commence until the SBE is satisfied that all bat(s) have either escaped leaving the tree clear of bats or all dead or injured bat(s) have been removed and adequately treated (Section 5.6.11); and

- 8 If bats are confirmed to still be roosting following DH4 after seven days then an agreed team including the SBE, contractor representatives, NPDC and DOC will re-assess and consider alternative methods to progress vegetation removal. This will be a risk assessment-based approach dependent on the type of roost identified.

1.7.11 DH.6 Bat Injury or Mortality

In the event of finding a dead or injured bat(s) the following procedures should be implemented:

- 1 Injured bats should be taken immediately to the following location, approved by DOC for assessment:

Table 5.2: Contact information for approved contact in the event bat injury occurs

Vet clinic / zoo or other specialist	
Name	Contact to be confirmed by DOC
Contact details	
Address	

- 2 Bats should be placed in a cool dark material-lined box/bag by or under the direction of the SBE to ensure the animal is handled appropriately;
- 3 The local DOC office or DOC hotline (if after hours) should be contacted no longer than two hours after the injured or dead bat is found;

Local DOC office	
After hours	0800 DOCHOTLINE (0800 362 486)

- 4 DOC and veterinary advice shall be sought in conjunction with the SBE when considering the rehabilitation requirements of any injured bats (for example legislative requirements will need to be considered). Once the vet has made an assessment the SBE and vet will determine any rehabilitation action required and the longer-term future for the bat(s);
- 5 Bats(s) confirmed as injured should be sent to the Massey University Wildbase hospital for rehabilitation. It should be noted that release after rehabilitation is unlikely due to the risk of disease being transferred back into the local bat population; and
- 6 If the animal is dead or euthanised by the vet, it must be taken to the local DOC office as soon as practicable. The bat(s) must be stored in a fridge at less than 4 degrees Celsius until delivered to DOC.

1.7.12 Night works and lighting

When night works are planned the SBE will be consulted on the selection and design of temporary construction lighting and permanent lighting. The requirement for lighting along roads is governed by the following standards:

- AS/NZS 1158.1.1:2005 Lighting for Roads and Public Spaces – Vehicular Traffic;
- AS/NZS 1158.6:2010 Lighting for Roads and Public Spaces – Luminaires;
- NZTA M30:2014 Specification and Guidelines for Road Lighting Design; and
- CIE 88 – Guide for the Lighting of Roads Tunnels and Underpasses.

The effects of particular lighting regimes are likely to be species-specific (e.g. Stone et al., 2012). However, where required, LED lighting will be highly directional (baffled if necessary) to minimise light spill into the surrounding environment, as well as of low intensity, longer-wavelength and lower colour temperature unless specified otherwise for safety reasons. Shorter-wavelength, whiter LEDs will be avoided as these attract more invertebrates. If technological advances allow, the use of LED lights that mix coloured light from three or more monochromatic LED sources will be investigated as this would potentially provide a high level of control over emitted wavelengths to allow adjustment if necessary.

1.7.13 Reporting

Regular reporting will be an important component of the management process during construction. A summary letter will be provided to NPDC and DOC every six months detailing any specific findings from the above VRP in relation to the specific wildlife authority for bats.

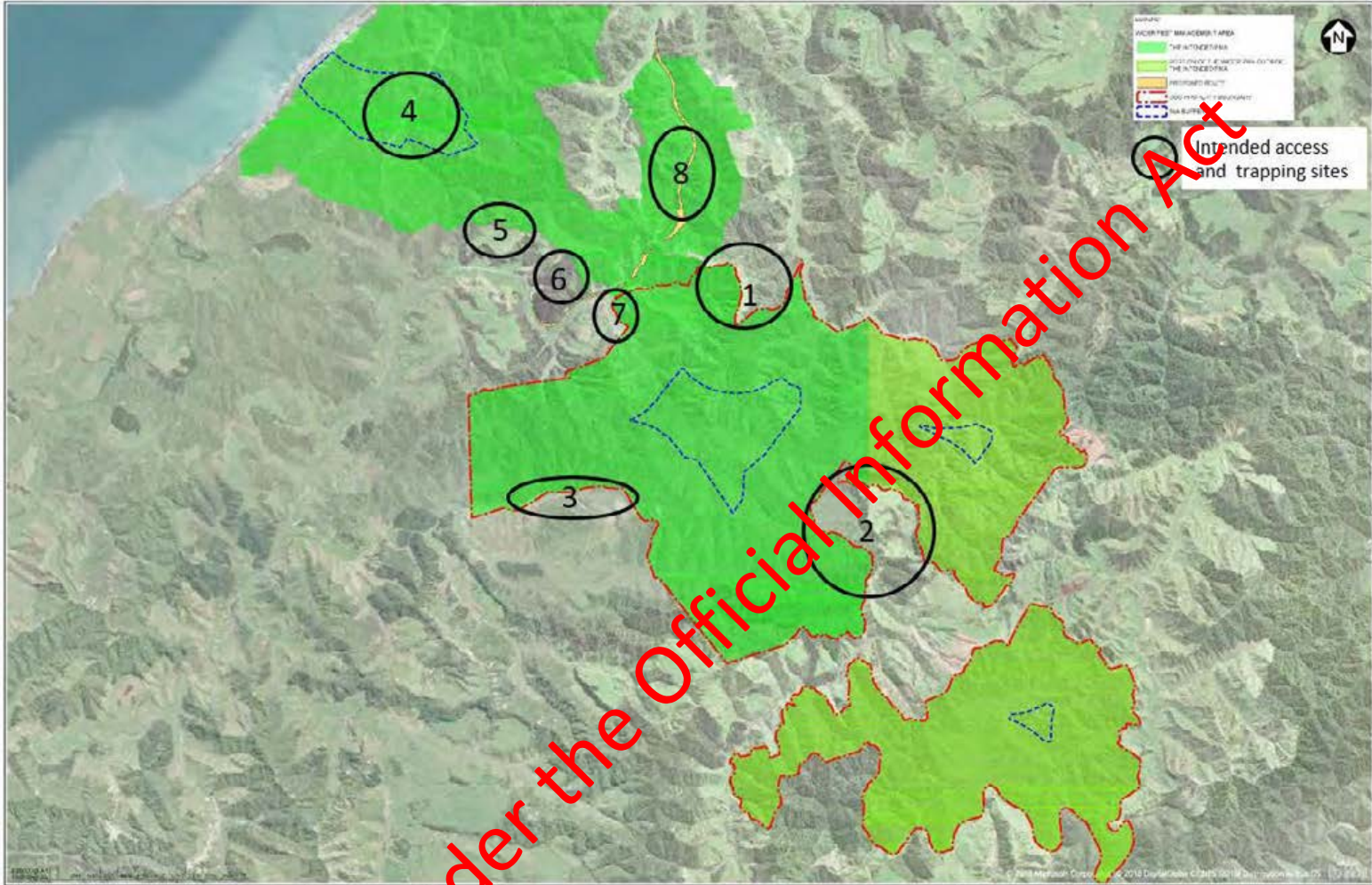
1.8 References

- Chapman, S. and Choromanski, M. 2017. Assessment of Ecological Effects – Bats. Technical Report 7f, Volume 3 of Assessment of Ecological Effects, Mt Messenger Bypass project.
- Chapman, S. 2018. Ecology supplementary report – Bats.
- DOC best practice manual of conservation techniques for bats Version 1.0. 2012. DOCDM- 131465.
- NZTA. 2016. NZTA Bat Management Framework for Linear Transport Infrastructure Projects, November 2016
- Pawson, S.M. and Bader, M.K.-F. 2014. LED lighting increases the ecological impact of light pollution irrespective of color temperature. *Ecological applications* 24(7): 1561-1568.
- Smith, D., Borkin, K., Jones, C., Lindberg, S., Davies, F. and Eccles, G. 2017. Effects of land transport activities on New Zealand's endemic bat populations: reviews of ecological and regulatory literature. NZ Transport Agency research report 623. 249pp.
- Stone, E.L., Jones, G. and Harris, S. 2012. Conserving energy at a cost to biodiversity? Impacts of LED lighting on bats. *Global Change Biology* 18: 2458-2465.

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Attachment B.3.1

Please see map of Wider Pest Management Area interest of study, with intended access and trapping areas circled in red.



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Attachment E1 – Iwi Consultation

The New Zealand Transport Agency (NZTA) is proposing to undertake construction of the SH3 Mt Messenger Bypass Project (the Project). The project's most significant risk to resident bats will be the potential for destruction of active maternity roosts. Targeted pre-construction investigations aim to determine the presence and location of any resident maternity roosts within the project footprint and immediately adjacent areas. These investigations are intended to enable the development of appropriate roost avoidance and mitigation measures in advance of tree clearance and road construction.

Trapping of long-tailed (and in the event they are present, short-tailed) bats will be undertaken to a) record standard morphological measures and gender of individuals, b) attach metal bands to long-tailed bats for mark-recapture population monitoring, and c) attach radio transmitters to individual bats, to enable location of occupied roosts.

Approval is required from Ngati Tama for this work to take place, and a Hui was held to this end with the Ngati Tama Runanga on September 20th 2017. Representing Ngati Tama at the Hui were 9(2) [redacted]. Background information and details of the proposed tracking^(a) work was provided by 9(2)(a) [redacted] and presented to the Runanga at the hui by 9(2)(a) [redacted]. Further discussions with Ngati Tama have been ongoing to date, regarding ecological activities in the area, including bats. Ngati Tama will undertake a kaitiaki role on this programme.

Ngati Tama approved the radio tracking work going ahead, and expressed an interest in being involved in the tracking work itself where possible.

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

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

Date: 5th October 2018

Task Assignment: Process Variation Request from: NZ Transport Agency (NZTA)

Variation Application to Existing Wildlife Act Authority

The Department has received a request from NZTA to vary their current Wildlife Act Authority. The applicant holds an authority to carry out:

<p>Authorised activity (including the species, any approved quantities and collection methods). (Schedule 2, clause 2)</p>	<ul style="list-style-type: none"> a. Activity – <ul style="list-style-type: none"> i. To catch ii. To handle iii. To attach transmitters iv. To attach identification bands b. Species – <ul style="list-style-type: none"> i. Long-tailed bat (<i>Chalinolobus tuberculatus</i>) ii. Central short-tailed bat (<i>Mystacina tuberculata rhyacobia</i>) c. Quantity – <ul style="list-style-type: none"> i. Up to 15 of each species d. Method – <ul style="list-style-type: none"> i. Catch by way of <ul style="list-style-type: none"> a. Harp net b. Mist net ii. PicoPip radio transmitters iii. Metal identification bands
<p>The Land (Schedule 2, clause 2)</p>	<p>Within and adjacent to the proposed State Highway 3 Mount Messenger Bypass Area as per Schedule 4</p>

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<p>Personnel authorised to undertake the Authorised Activity (Schedule 2, clause 3)</p>	<p>a. 9(2)(a)</p> <p>■ [redacted]</p> <p>■ [redacted]</p> <p>■ [redacted]</p> <p>■ [redacted]</p> <p>■ [redacted]</p> <p>■ [redacted]</p> <p>■ [redacted]</p> <p>■ [redacted]</p> <p>■ [redacted]</p> <p>■ [redacted]</p> <p>k. Any other suitably qualified person under the supervision of Authorised Personnel a – j.</p>
<p>Term (Schedule 2, clause 4)</p>	<p>Commencing on and including 27 October 2017 and ending on and including 26 October 2022</p>

The Authority Holder is now applying to vary this authority by:

1. the number of bats to have transmitters attached be increased from 15 to 30;
2. the type of transmitters to include both PicoPip (<0.5g) and Holohil BD2 (<0.65g) (15 of each type);
3. the location of activities be extended to cover the wider study area (Attachment B.3.1);
4. the timing of activities to occur from October to March inclusive with two trapping sessions (Oct-Dec, Jan-Mar);
5. use of lures

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 a robust decision-making process following best practice
- Ensure appropriate interaction and communication with the applicant
- **Use team process and follow the defined 'Type 1' process steps**
- Ensure final decision is appropriately shared



Department of Conservation
Te Papa Atawhai

- Assess and escalate critical issues
- Learn how to shorten the cycle time

Resources

Permissions Advisor – 9(2)(g)(ii)

Community Ranger -

Technical Advisor – 9(2)(g)(ii)

Link to Application: <https://doccm.doc.govt.nz:443/wcc/faces/wccdoc?dDocName=DOC-5592082>

Timeframe

Within 20 working days of acceptance of Task Assignment. In this instance, the 20 working days will commence from 9th October.

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Permission Decision Support Document

Application Details

Decision Maker	9(2)(g)(ii)
Applicant	NZ Transport Agency
Permission Number	63449-FAU
Permission Type	Wildlife Authority

Key Dates

Application received	01/10/2018
Task Assignment assigned	09/10/2018
Context Meeting	05/18/2018
Check-In Meeting	
Decision due	05/11/18

Document Links

Application	DOC-5591390
Task Assignment	DOC-5591438

Resources

Permissions Advisor	9(2)(g)(ii)
Science and Policy	
Planning and Land Team	

Cost Recovery

Function	Time (minutes)	Date complete
Capture	45	01/10/18
Summary	30	01/10/18
Understand	-	-
Assign	15	05/10/18
Pre-application advice*	-	-

*Up to four hours of pre-application advice is provided free of charge. record all time in the table, but do not charge the Applicant for the first four hours.

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1. Task Register

Tasks as set by the Decision Maker:

No.	Task description	Accountability	Estimated time req'd to complete task (minutes)	Timeframe (date due)	Date complete	Time taken to complete task (minutes)
1	Co-ordinate the processing of the application - including (but not limited to) communicating with the Applicant, managing the Permissions Database record, and co-ordinating the completion of the Decision Support Document	Permissions Advisor				360 mins
2	Undertake a statutory analysis of the application	Permissions Advisor				120 mins
3	Share the decision with those consulted with (including Treaty Partners and the Conservation Board)	Community Ranger/anyone who has consulted				
4	Decision Maker to consider the application	Decision Maker				

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2. Purpose

To make a decision on the application.

3. Context

NZ Transport Agency (NZTA) were granted an authority on 30 November 2017 for the purposes of surveying the bat populations and locating their roosts. Once the bat roosting locations were identified, NZTA will implement a pest management plan (PMP).

NZTA have requested to vary their existing Wildlife Act Authority to improve the scope and effectiveness of their bat surveying. NZTA were prompted to do so by the Department in order to meet certain criteria within an external RMA consent process.

NZTA have also sought approval to operate a drone (RPAS) over Mount Messenger Conservation Area and to attach Acoustic Bat Monitors to trees within the Conservation Area. These two additional activities must be processed separate to the Wildlife Authority variation.

This variation will seek to:

1. Increase the number of long-tailed bats (*Chalinorhynchus tuberculatus*) to 30.
 - a. Quantity – Up to 30 bats in total. The total may be made up of either wholly one type or a mix of both long-tailed and central short-tailed bats.
 - i. The total of 30 bats is limited to these parameters:
 1. Short-tailed bats total limit of 15.
 2. Long-tailed bats total limit of 30.
2. Allow 15 transmitters of each – RicoPip (<0.5g) and Holohil BD2 (<0.65g)
3. Widen the survey areas to the area outlined in the map below (see immediately below the locations table).
4. Allow the timing of the activities to occur from October to March and trapping to occur in two sessions from October to December and January to March.
5. Allow the use of acoustic lures to optimise trapping effectiveness.

A concession document will be drafted for:

1. The use of a Drone (RPAS) pursuant to s17ZF(1) of the Conservation Act 1987.
2. The use of ABMs, Acoustic Bat Monitoring pursuant to s17Q(1) of the Conservation Act 1987.

Note: The original 63449-FAU (DOC-3192445) authority was made under the Wildlife Act 1953 and Wildlife Regulations 1955.

- The activities within this approval will be undertaken on both Public Conservation Land (PCL) and private land. NZTA will require approval to catch bats and attach transmitters on both PCL and private land, and, they will also require authorisation to fly a drone and attach ABMs on PCL.

Location/s

The activity has been applied for at the following location/s:

Conservation area	Description of location (if applicable)	Land status	District Office	Activity
Mount Messenger Conservation Area (2792904).		Conservation Area	New Plymouth	As per Schedule 3, clause 1
Private land	-	-	-	As per Schedule 3, clause 1



Note: As aforementioned, NZTA will only require an approval to fly a drone (RPAS) and place ABMs on PCL which is only located within the red ring areas.

Relevant details about the Applicant

Credit check result	NZTA is a government agency.
Compliance with previous permission conditions	Not applicable
Relevant convictions	Not applicable

6. Critical Issues

How to ensure all personal undertaken these activities are suitably qualified.

How to ensure all relevant parties are kept informed throughout the process.

How to consider the recent findings in the Court of Appeal decision Pauamac5 Incorporated v Director-General of Conservation [2018] NZCA 348 in regards to Wildlife Act authorisations.

How to ensure the variation activities are understood fully.

7. Consultation with Treaty Partners

Iwi consultation was undertaken for the initial authority 63449-FAU (DOC-3192445). It was deemed by the Decision Maker that further iwi consultation was not required for this variation.

8. Contributions

Principal Science Advisor Ecosystems – 9(2)(g)(ii)

Provided the following authority policy guidance:

Conditions re authorised personnel to undertake bat activities

1. The following individuals are authorised to undertake the activities listed on the Table below

Individual	Competency class	Authorised to

9(2)(a)	E	Undertake all bat handling and radio-tracking activities and train unauthorised personnel
9(2)(a)	E	Undertake all bat handling and radio-tracking activities and train unauthorised personnel
9(2)(a)	A, B,C2,D	Undertake all bat catching, handling and radio-tracking activities (but not training)
9(2)(a)	A, B,C2,D	Undertake all bat catching, handling and radio-tracking activities (but not training)
9(2)(a)	None	Trainee - can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.
9(2)(a)	None	Trainee - can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.
9(2)(a)	A, B,C2, D	Undertake all bat catching, handling and radio-tracking activities (but not training)
9(2)(a)	None	Trainee - can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.
9(2)(a)	A, B,C1,C2, D	Undertake all bat catching, handling and radio-tracking activities (but not training)
9(2)(a)	A, B	Trainee - can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.
9(2)(a)	None	Trainee - can only catch and handle bats in a training situation under direct

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		supervision of a Class E trainer. Must keep a detailed log of training activities.
<p>2. If additional personnel are involved, they must hold the correct DOC Competency for the activity they are undertaking. Unauthorised personnel can be trained in an activity, but only under the direct supervision of an authorised trainer and if they keep a detailed log of their training that is signed by the Trainer.</p>		

Statutory Analysis: Non-Notified Concession under Part 3B of the Conservation Act 1987 - Daniel Lincoln, Permissions Advisor

S17S: Contents of application

To be complete (s17S(1)), an application for a concession must include:

- A description of the proposed activity;
- A description of the locations for the proposed activity;
- A description of the potential effects of the proposed activity and proposed action to avoid, remedy, or mitigate adverse effects;
- The proposed term and reasons for that term;
- Relevant information about the application (as requested in the application form).

Criteria for decision:

- Does the application include all the required information as per s17S?

Yes

S17T: Process for complete application

The intention to grant a concession must be publicly notified if it meets any of the following criteria:

- The concession type is a lease - this is for exclusive use of public conservation land;
- The term of the concession exceeds ten years (unless it is an easement - an easement may be granted for a term exceeding ten years without public notification);
- The effects of the activity mean it is appropriate to do so.

Criteria for decision:

- Is public notification required?

No

This variation is seeking to add the following to activities

- Attachment of Acoustic Bat Monitoring tools to trees.
- The piloting of a drone (RPAS) on Public Conservation Land.

Term: 30 October 2017 to 29 October 2022 (5 years).

Considering the term if only for 5 years and that the effects of the activity do not make it appropriate to do so.

S17U(1) and (2): Analysis of effects

Briefly discuss the positive and adverse effects of the proposed activity, drawing on information from:

- The application form, as provided by the Applicant;
- The contributions described in the context and check in meetings, and outlined in this document.

Any adverse effects identified that are not managed by a standard condition for the activity may require a site/activity specific special condition to either avoid, remedy or mitigate the adverse effect. Include the condition proposed and a description of how it avoids, remedies, or mitigates the adverse effect, and list the condition in the Proposed Operating Conditions section of this document.

Note that only information relevant to the activity on public conservation land can be considered – if information about effects of the activity is included in the above sources that is outside of this scope, note why it is not a relevant consideration under the Conservation Act (for example, economic benefits to an area).

Criteria for decision:

- Is the activity consistent with s17U(1) and (2) of the Conservation Act?

Yes

Discussion:

NZTA have applied to fly a drone and attach ABMS on/over PCL for the purposes of locating bat roosting locations.

ABMs are attached to trees in a way which have no adverse effects and will only be for a temporary period while surveying.

The drone will be used for the purposes of locating bat roosting areas which are difficult to access, either high or hard to reach on foot. The standard drone conditions will sufficiently manage and mitigate any potential adverse effects of drone flight.

To further ensure the protection of the bats in the area, the pilot shall not fly the drone within 100m of a known bat roosting area and shall not fly the drone into an area where there is a risk of disturbing or interfering with a bat. The pilot shall also, in alignment with the Civil Aviation rules, ensure that the drone is visible to the pilot and controlled appropriately at all times.

With reference to the above, it should be considered that the effects of these activities are less than minor and therefore are consistent with s17U(1) and (2).

S17U(3): Purpose for which the land is held

A concession shall not be granted if the proposed activity is contrary to the purpose for which the land is held.

Criteria for decision:

- Is the activity not contrary to s17U(3) of the Conservation Act? (That is, consistent with the purpose for which the land is held – although note that ‘not contrary to’ is not as high as a test as ‘consistent with’).

Yes

Discussion:

S19 – Conservation Act 1987 - Conservation Area/Park

Every conservation park shall so be managed-

- (a) that its natural and historic resources are protected; and
- (b) subject to paragraph (a), to facilitate public recreation and enjoyment.

The activity of using a drone and ABMs in Mount Messenger Conservation Area will not impact the natural and historic resources in anyway and will not impede the facilitation of recreation and enjoyment. These are activities have no adverse effects and will only be temporary.

It should there be considered that the activity is not contrary to s17U(3) of the Conservation Act. None of the principles for which the land is held is in risk of being impacted.

S17U(4): Can a structure or facility be reasonably undertaken elsewhere?

A concession to build or extend a structure or facility shall not be granted if the activity could reasonably be undertaken in another location that is outside conservation land or in another conservation area where the potential adverse effects would be significantly less, or if the activity could reasonably be undertaken in an existing structure.

Criteria for decision:

- Is the activity consistent with s17U(4) of the Conservation Act? (That is, the activity cannot reasonably be undertaken at another location or in an existing structure?)

No

Discussion:

No structure or facility is being authorised.

S17W: Relationship between concessions and conservation management strategies and plans

A concession shall not be granted unless the proposed activity is consistent with the Conservation General Policy and/or General Policy for National Parks, and established conservation management strategy, conservation management plan, and/or national park management plan.

Criteria for decision:

- Is the activity consistent with all relevant statutory planning documents including the relevant General Policy/Policies?

Yes

Discussion:

Conservation General Policy

The Conservation General Policy doesn't provide any direct guidance on these specific activities; however, it does provide general guidance.

Activities requiring specific authorisation – page 42

'A variety of activities undertaken by people and organisations on public conservation lands and waters require authorisation. Most frequently, authorisation is given as a concession under Part IIIB of the Conservation Act 1987.'

The key policies under this section require any Decision Maker to be mindful of relevant statutory regulations, mitigation of adverse effects, and ensuring safety.

Research and information needs – Page 46

12(a) Research and monitoring on public conservation lands and waters should be allowed where it informs conservation management, effects are consistent with the statutory purposes for which the place is held and has no significant adverse effects.

Summary

The Conservation General Policy provides little direct guidance on these activities, however, it does provide a range of key considerations a Decision Maker should be mindful of.

These activities will be consistent with the Conservation General Policy as long as it aligns with statutory purposes and policies while also mitigating adverse effects. The standard and special conditions of this approval will manage the activities sufficiently to meet these standards.

Wanganui Conservation Management Strategy

Part A

The main aims of Part A of the CMS outline that the Department will protect and advocate for the protection of biological diversity in terrestrial, freshwater and marine ecosystems whether it be plants or animals.

Part also discusses the important cultural heritage of the area and outlines the relationship Maori have with the environment. The Parliamentary Commissioner for the environment

summarised the relationship as 'protecting and respecting what we have and restoring what is lost'. The policy goes on to discuss the application of s4 of the Conservation Act, and the importance of co-operation with Tangata Whenua.

Part B

Part B discusses the places that fall within the CMS. There is no guidance for Mount Messenger in relation to drone use or tracking systems like the ABMs.

Mount Messenger Conservation Area falls within the North Taranaki Ecological District.

There are no direct mention of drone (RPAS) use or research activities like the ABMs.

Part C

35. Commercial Recreation and Tourism Concessions:

Aircraft – page 337

(b) Aerial transport services

'Aircraft, especially helicopters, can provide a ready means of access to remote locations in areas administered by the Department. To minimise the potential impact on other users, aircraft use will be largely restricted to search and rescue purposes and management requirements.'

'Allowance will generally be made for aerial access for recreational hunters and possum trappers because of their contribution to wild animal control. The Department, therefore generally issues aerial transport concessions for this purpose. Applications for aerial transport concessions for other purposes will be considered on their merits. Because Egmont National Park is small, recreation concessions involving the use of aircraft in the park (e.g. for heliskiing or sightseeing purposes) will not be permitted.'

(d) Priorities – Page 337-338

- 'Allow concessions that have minimal effect on natural and historic values and the enjoyment of other users and which provide an extended and enhanced range of appropriate visitor services.'
- 'Ensure that all approved concessions make provision for a high standard of public safety.'
- 'Ensure that concessionaires pay a market rent for their activities on land administered by the Department.'
- 'Monitor approved concessions to ensure compliance with conditions in concession agreements.'
- 'Maintain close liaison with concessionaires and the tourism industry.'

- 'Consult with concessionaires to develop suitable safety and interpretation standards.'

35.3 Implementation

The implementation section develops a further list of considerations that a Decision Maker should consider. These are considerations such as purpose for which the land is held, safety, adverse/impacts on environment and other users.

37.4 Aircraft

Drones were not considered when the CMS was created and therefore there is little guidance on this matter. The key matter to consider is that a concession is required for the landing, take-off and flight of an aircraft on/over PCL.

The main identified purpose of aircraft is for access to hard to reach areas. Although drone use was not foreseen or considered in these sections, the CMS states that in all other circumstances the landing, taking-off and hovering of aircraft will require a concession in advance from the Department.

Applications for concession will consider:

- How essential the purpose is?
- What alternatives that are?
- Effects of the use of aircraft?
- Safety aspects.

Summary

With consideration of the above information, it should be considered that the variation activities applied for on PCL (drone and ABM) should be considered consistent with the relevant statutory planning documents.

The CMS does not discuss either activity directly, however, we can apply general aircraft and concession provisions to guide this decision-making process.

All adverse effects can be mitigated to a minor level through the standard and special conditions of the concession approval.

Statutory Analysis: Authorisation under the Wildlife Act 1953 – Permissions Advisor

9(2)(g)(ii)

Consistency with conservation legislation

Assess the application against the relevant legislation conservation legislation and consider if the activity is consistent with that legislation. If the assessment is that the activity is not consistent with the relevant legislation, or if it is unclear, discuss the reasons for this.

Conservation legislation assessed:

Wildlife Act 1953 – Part 5, section 53.
Wildlife Regulations 1955 – Part 8, reg 38.

Criteria for decision:

- Is the activity consistent with the relevant conservation legislation?

Yes

Discussion (if required):

This authority and corresponding conditions will ensure that all activities will be consistent with the relevant conservation legislation.

The aim is to locate and catch the bats for the purposes of tracking them back to their roosts.

S53 of the Wildlife Act will allow the catching of these bats, and regulation 38 of the Wildlife regulations will enable the marking

Consistency with statutory planning documents

Assess the application against the Conservation General Policy, the General Policy for National Parks (if applicable), all relevant Conservation Management Strategies and Plans, and any other relevant statutory planning documents. If the assessment is that the activity is not consistent with the relevant statutory planning documents, or it is unclear, discuss the reasons for this.

Statutory planning documents assessed:

- Conservation General Policy
- Wanganui Conservation Management Strategy

Criteria for decision:

- Is the activity consistent with the relevant statutory planning documents including the Conservation General Policy?

Yes

Discussion (if required):

Wanganui Conservation Management Strategy

13. North Taranaki Ecological District – Page 149

Both the threatened short-tailed and long-tailed bats are known to exist in the area.

Native species protection policies outline that assess the population of short and long tailed bats in the area is an aim.

There is no further mention or clear guidance around bat handling or further policy around bats in this section.

Summary

Given that the CMS identifies the bat population and outlines that their protection and seeks to assess their population in this area, this activity should be considered as a positive activity for the area.

NZTA aim to locate the main bat roosting areas and intend to improve pest control in these areas to assist the bat populations.

As long as bats are not injured or killed (this activity is not authorising this to any extent) then it should be considered that these activities are consistent with the CMS.

There are no further relevant provisions in the Wanganui CMS which relate to this Wildlife authority.

Purpose for which the land is held

Assess the application against the purpose for which the land is held. If the assessment is that the activity is contrary to the purpose for which the land is held, or it is unclear, discuss the reasons for this.

Criteria for decision:

- Is the activity consistent with s17U(3) of the Conservation Act? (That is, not contrary to the purpose for which the land is held).

Yes / No

Discussion (if required):

Note that only around half of this activity will be undertaken on Public Conservation Land (Mount Messenger Conservation Area).

S19 - Conservation Act 1987 - Conservation Area/Park

Every conservation park shall so be managed-

- (a) that its natural and historic resources are protected; and
- (b) subject to paragraph (a), to facilitate public recreation and enjoyment.

The activity authorised under this section is to trap/catch, handle and attach transmitters/identification bands.

Catch by way of: Harp net and Mist net.

These are activities have no adverse effects and will only be temporary.

It should there be considered that the activity is not contrary to s17U(3) of the Conservation Act. None of the principles for which the land is held is in risk of being impacted.

9. Proposed Operating Conditions

Conditions

Wildlife Variation Clauses:

Schedule 1, Clause 1 is replaced with:

- a. Activity -
 - i. To catch
 - ii. To handle
 - iii. To attach transmitters
 - iv. To attach identification bands
- b. Species -
 - i. Long-tailed bat (*Chalinolobus tuberculatus*)
 - ii. Central short-tailed bat (*Mystacina tuberculata rhyacobia*)
- c. Quantity -
 - i. Up to 30 bats in total. The total may consist of one species or a mix of both:
 - 1. Up to 30 of the total can be Long-tailed bats (*Chalinolobus tuberculatus*).
 - 2. Up to 15 of the total can be Central short-tailed bat (*Mystacina tuberculata rhyacobia*).
- d. Method -
 - i. Catch by way of
 - a. Harp net
 - b. Mist net
 - c. Acoustic lure
 - ii. 15 radio transmitters of each - PicoPip (<0.5g) and Holohil BD2 (<0.65g).
 - iii. Metal identification bands

Schedule 1, Clause 2 is replaced with:

*All Land identified in the map as per Schedule 4, Clause 1.
Conservation Land: Mount Messenger Conservation Area*

Only land within the circles identified have been authorised.

Schedule 1, Clause 3 is replaced with:

Authorised Personal

The following individuals are authorised to undertake the activities listed on the Table below:

<i>Individual</i>	<i>Competency class</i>	<i>Authorised to</i>
9(2)(a)	E	Undertake all bat handling and radio tracking activities and train unauthorised personnel
9(2)(a)	E	Undertake all bat handling and radio tracking activities and train unauthorised personnel
9(2)(a)	A, B,C2,D	Undertake all bat catching, handling and radio tracking activities (but not training)
9(2)(a)	A, B,C2,D	Undertake all bat catching, handling and radio tracking activities (but not training)
9(2)(a)	None	Trainee - can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.
9(2)(a)	None	Trainee - can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.
9(2)(a)	A, B,C2, D	Undertake all bat catching, handling and radio tracking activities (but not training)
9(2)(a)	None	Trainee - can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.

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9(2)(a)	A, B, C1, C2, D	Undertake all bat catching, handling and radio-tracking activities (but not training)
9(2)(a)	A, B	Trainee - can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.
9(2)(a)	None	Trainee - can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.
<p>- If additional personnel are involved, they must hold the correct DOC Competency for the activity they are undertaking. Unauthorised personnel can be trained in an activity, but only under the direct supervision of an authorised trainer and if they keep a detailed log of their training that is signed by the Trainer.</p>		

Amend Schedule 3, Clause 8.1

PicoPip radio transmitters comprising no more than 5% of the animal's body weight may be attached to up to a maximum total of 30 bats. The total may consist of up to 30 long-tailed bats and/or up to 15 short-tailed bats.

The Authority Holder shall use best practice transmitter harnesses and attachment methods: <http://www.doc.govt.nz/documents/science-and-technical/inventory-monitoring/im-toolbox-bats/im-toolbox-bats-doc-best-practice-manual-of-conservation-techniques-for-bats.pdf>.

Amend Schedule 3, Clause 8.2 with:

Attachment of PicoPip and Holohil BD2 radio transmitters shall only be undertaken by Level D or above bat ecologists (see authorised personal).

Amend Schedule 3, Clause 14.3 with:

Trapping shall take place during two sessions, one during October to December 2018 and another, if required, between January to March 2019. No less than 30 total calendar days will be spent trapping except if 10 or more roost trees are located in the Pest Management Area.

Replace Schedule 4 with:

Satellite Map - Authorised Land.



Note:

Orange Circles - Private Land

Red Circles - Mount Messenger Conservation Land and Private Land.

Nothing in this Wildlife Authority authorises any activity to be undertaken below the yellow line.

Concession special conditions

Kauri Dieback

1. The Concessionaire must comply and ensure its clients comply with all guidelines and notices issued by the Kauri Dieback Programme (lead by Ministry of Primary Industry) to prevent and avoid the spread of the pest organism *Phytophthora taxon Agathis* (PTA) Kauri Dieback Disease as specified by the website www.kauridieback.co.nz/. The Concessionaire and clients must comply with the general guidelines and for specific concession activities the relevant guidelines as specified on www.kauridieback.co.nz/publications. The Concessionaire must update itself on these websites on a regular basis.
2. The Concessionaire must ensure that all vehicles and equipment are thoroughly cleaned of all visible soil and that footwear once cleaned is sprayed with

SteriGENE (formally known as Trigene) solution before entering and when moving between areas where there are kauri. This is to reduce the potential for spread of PTA. Contact details for suppliers of SteriGENE may be obtained through the Department of Conservation.

Acoustic Bat Monitors (ABM)

3. The Concessionaire shall, as far as is practicable, take all reasonable care not to trample or damage any plant species in the vicinity on the land where the Authorised Activity will take place.
4. The Concessionaire is only authorised to attach up to 60 ABMs within the Conservation Land defined by the map in Schedule 4, clause 1.
5. The Concessionaire shall only attach the ABMs in a way that does not unnecessarily damage the tree or branch.

Remotely Piloted Aircraft Systems

Interpretation

RPAS means Remotely Piloted Aircraft System and includes any pilotless aircraft, Unoccupied Aerial Vehicle or drone.

6. The Concessionaire shall immediately cease the operation of the RPAS if there is any indication of wildlife disturbance.
7. The Concessionaire shall ensure that a fire extinguisher in good working order is carried at all times that the RPAS is in use, and that the Concessionaire and its staff (if applicable) are trained in the use of the fire extinguisher.
8. The Concessionaire is not authorised to operate the RPAS in areas that have a Fire Risk of High or above as published on the National Rural Fire Authority website <http://fireweather.nrfa.org.nz>
9. The RPAS operator must hold the applicable aviation document and privileges to conduct the Concession Activity under the Civil Aviation Rules and must comply with Civil Aviation law requirements applying to the Concession Activity.
10. The RPAS operator must operate according to CAA regulations <https://www.airshare.co.nz/>
11. The RPAS operator must not operate the RPAS within 100m of a known bat roost or area of high bat activity.

Term

Commencing on and including 27 October 2017 and ending on and including 26 October 2022.

Fees

\$400.00 plus GST.

10. Decision Making

Recommendations

It is recommended that this variation and concession are approved as they are consistent with all relevant regulations, poses little to no impact and will be managed appropriately under the existing and new proposed drone (RPAS) conditions of the authorisation.

The variation additions will provide better survey results which will improve future pest management in the area to protect the bats.

It is recommended that both documents are approved.

Decision: Non-Notified Concession under Part 3B of the Conservation Act 1987

1. Deem this application to be complete in terms of s.75 of the Conservation Act 1987:

Agree / Disagree

2. Agree that it is not considered appropriate to give public notification of the intention to grant the authorisation:

Agree / Disagree

3. Approve the granting of a Permit to NZ Transport Agency subject to the standard concession contract and the special conditions listed below:

Approve / Decline

Special conditions to be included:

Decision: Variation Authorisation under the Wildlife Act 1953

1. Approve the variation of the Wildlife Act authority to NZ Transport Agency subject to the standard authorisation document and the special conditions listed below:

Approve / Decline

Signed by 9(2)(g)(ii) Director Operations, Hauraki, Waikato, Taranaki. Pursuant to the delegation dated 9 September 2015	
<u>15/10/18</u> Date	9(2)(a)
Decision Maker comments	

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Variation to a Wildlife Act Authority under the Wildlife Act 1953

Authorisation Number: 63419-FAU

THIS DEED OF VARIATION OF AN AUTHORITY is made this *15* day of *October* *2018*

PARTIES:

The **Director General of Conservation**, and where required, the **Minister of Conservation** (the Grantor)

AND

NZ Transport Agency (NZTA) (the Authority Holder)

BACKGROUND

- A. By an Authorisation dated the 30th day of October 2017, the Director-General of Conservation granted an Authority under the Wildlife Act 1953 to the Authority Holder upon the terms and conditions expressed and implied in the Authority.
- B. By the same Authorisation, the Director-General of Conservation or the Minister of Conservation granted an Authority under the legislation applying to the public conservation land to the Authority Holder upon the terms and conditions expressed and implied in the Authority.
- C. The Grantor hereby varies that Authority.

OPERATIVE PARTS

In exercise of the Grantor's powers the Grantor **AUTHORISES** the Authority Holder under Section 53 of the Wildlife Act 1953, Clause 38 of the Wildlife Regulations 1955, and permit the Authority Holder under section 17ZF(1)(c), and section 17Q(1) and section 38(4)(b)&(c) of the Conservation Act 1987.

NOW BY THIS DEED the Grantor authorises as follows:

1. Variation

In exercise of the Grantor's powers under the Wildlife Act, Wildlife Regulations and Conservation Act, the Grantor varies the Authority as follows:

- i. Replace the Operative part
- ii. Schedule 1, Clause 1 is replaced with:

<p>a. <i>Activity</i> –</p> <ul style="list-style-type: none"> i. <i>To catch</i> ii. <i>To handle</i>
--

- iii. To attach transmitters
- iv. To attach identification bands
- b. Species –
 - i. Long-tailed bat (*Chalinolobus tuberculatus*)
 - ii. Central short-tailed bat (*Mystacina tuberculata rhyacobia*)
- c. Quantity –
 - i. Up to 30 bats in total. The total may consist of one species or a mix of both:
 - 1. Up to 30 of the total can be Long-tailed bats (*Chalinolobus tuberculatus*).
 - 2. Up to 15 of the total can be Central short-tailed bat (*Mystacina tuberculata rhyacobia*).
- d. Method –
 - i. Catch by way of
 - a. Harp net
 - b. Mist net
 - c. Acoustic lure
 - ii. 15 radio transmitters of each – PicoPip (<0.5g) and Holohol BD2 (<0.65g).
 - iii. Metal identification bands

iii. Schedule 1, Clause 2 is replaced with:

“All Land identified in the map as per Schedule 4, Clause 1. Conservation Land: Mount Messenger Conservation Area Only land within the circles identified have been authorised.”

iv. Schedule 1, Clause 3 is replaced with:

Authorised Personal

The following individuals are authorised to undertake the activities listed on the Table below:

Individual	Competency class	Authorised to
9(2)(a)	E	Undertake all bat handling and radio-

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		<i>tracking activities and train unauthorised personnel</i>
9(2)(a)	<i>E</i>	<i>Undertake all bat handling and radio-tracking activities and train unauthorised personnel</i>
9(2)(a)	<i>A, B,C2,D</i>	<i>Undertake all bat catching, handling and radio-tracking activities (but not training)</i>
9(2)(a)	<i>A, B,C2,D</i>	<i>Undertake all bat catching, handling and radio-tracking activities (but not training)</i>
9(2)(a)	<i>None</i>	<i>Trainee – can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.</i>
9(2)(a)	<i>None</i>	<i>Trainee – can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.</i>
9(2)(a)	<i>A, B,C2, D</i>	<i>Undertake all bat catching, handling and radio-tracking activities (but not training)</i>
9(2)(a)	<i>None</i>	<i>Trainee – can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.</i>
9(2)(a)	<i>A, B,C1,C2, D</i>	<i>Undertake all bat catching, handling and radio-tracking activities (but not training)</i>
9(2)(a)	<i>A, B</i>	<i>Trainee – can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.</i>
9(2)(a)	<i>None</i>	<i>Trainee – can only catch and handle bats in a training situation under direct supervision of a Class E trainer. Must keep a detailed log of training activities.</i>
<p>- <i>If additional personnel are involved, they must hold the correct DOC Competency for the activity they are undertaking. Unauthorised personnel can be trained in an activity, but only under the direct supervision of an authorised trainer and if they keep a detailed log of their training that is signed by the Trainer.</i></p>		

v. Amend Schedule 3, Clause 8.1

“PicoPip radio transmitters comprising no more than 5% of the animal’s body weight may be attached to up to a maximum total of 30 bats. The total may consist of up to 30 long-tailed bats and/or up to 15 short-tailed bats.

The Authority Holder shall use best practice transmitter harnesses and attachment methods: <http://www.doc.govt.nz/Documents/science-and-technical/inventory-monitoring/im-toolbox-bats/im-toolbox-bats-doc-best-practice-manual-of-conservation-techniques-for-bats.pdf>.”

- vi. Amend Schedule 3, Clause 8.2 with:

“Attachment of PicoPip and Holohil BD2 radio transmitters shall only be undertaken by Level D or above bat ecologists (see authorised personal).”

- vii. Amend Schedule 3, Clause 14.3 with:

“Trapping shall take place during two sessions, one during October to December 2018 and another, if required, between January to March 2019. No less than 30 total calendar days will be spent trapping except if 10 or more roost trees are located in the Pest Management Area.”

- viii. Replace Schedule 4 with:

Satellite Map – Authorised Land

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Note:

Orange Circles – Private Land

Red Circles – Mount Messenger Conservation Land and Private Land.

This Wildlife Authority does not authorise any activities to occur below the yellow line on the map.

2. Confirmation of other Authority Covenants

Except to the extent to which they are amended by this Variation the provisions expressed and implied in the Authority continue to apply.

3. Costs

The Authority Holder must pay the costs of and incidental to the preparation and completion of this Variation.

9(2)(a)

SIGNED on behalf of the Grantor by David Speirs, Director Operations, Hauraki, Waikato, Taranaki, acting under delegated authority

in the presence of:

9(2)(a)

Witness Signature

9(2)(g)(ii)

Witness Name:

Witness Occupation: Personal assistant

Witness Address: 73 Rostker St, Hamilton

A copy of the Instrument of Delegation may be inspected at the Director-General of Conservation's office at 18-32 Manners Street, Wellington.

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Concession Document (Permit)

Concession Number: 63449-FAU

THIS CONCESSION is made this 15th day of October 2018.

PARTIES:

Minister of Conservation (the Grantor)

NZ Transport Agency (NZTA) (the Concessionaire)

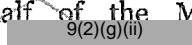
BACKGROUND

- A. The Department of Conservation ("Department") *Te Papa Atawhai* is responsible for managing and promoting conservation of the natural and historic heritage of New Zealand on behalf of, and for the benefit of, present and future New Zealanders.
- B. The Department is under the control of the Grantor.
- C. The carrying out of these functions may result in the Grantor granting concessions to carry out activities on public conservation land.
- D. The Grantor administers the public conservation land described in Schedule 1 as the Land.
- E. The Conservation legislation applying to the Land authorises the Grantor to grant a concession over the Land.
- F. The Concessionaire wishes to carry out the Concession Activity on the Land subject to the terms and conditions of this Concession.
- G. The Concessionaire acknowledges that the land may be the subject of Treaty of Waitangi claims.
- H. The parties wish to record the terms and conditions of this Concession and its Schedules.

OPERATIVE PARTS

- I. In exercise of the Grantor's powers under the Conservation legislation the Grantor GRANTS to the Concessionaire a PERMIT to carry out the Concession Activity on the Land subject to the terms and conditions contained in this Concession and its Schedules.

9(2)(a)

SIGNED on behalf of the Minister of Conservation by  Director Operations, Hauraki, Waikato, Taranaki acting under delegated authority.

9(2)(a)

SIGNED on behalf of NZ Transport Agency by an authorised person:

Caroline Horrox - Manager - Consents and approvals

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<p>in the presence of:</p> <p>9(2)(a)</p> <p>Witness Signature</p> <p>Witness Name: 9(2)(g)(ii)</p> <p>Witness Occupation: <u>Board Assistant</u></p> <p>Witness Address: <u>73 Rotheroi St Hamilton.</u></p> <p>A copy of the Instrument of Delegation may be inspected at the Director-General's office at 18-22 Manners Street, Wellington.</p>	<p>in the presence of:</p> <p>9(2)(a)</p> <p>Witness Signature</p> <p>Witness Name: 9(2)(g)(ii)</p> <p>Witness Occupation: <u>Principal Planner</u></p> <p>Witness Address: 9(2)(a)</p>
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SCHEDULE 1

1.	Land (clause 2)	As marked on the map in Schedule 4 being: Mount Messenger Conservation Area The Land is defined by the orange and red circles as per the map in Schedule 4 Note: This concession only authorises these activities on Mount Messenger Conservation Area within the marked map circles. Nothing in this concession authorises any activity on private land.
2.	Concession Activity (clause 2)	1. Operating a drone over the Land. 2. Attaching up to 60 Acoustic Bat Monitors to trees within the Land.
3.	Term (clause 3)	27 October 2017 and ending on and including 26 October 2022.
4.	Renewal(s) (clause 3)	None
5.	Final Expiry Date (clause 3)	26 October 2022
6.	Concession Fee (clause 4)	Not Applicable – This concession is for research purposes.
7.	Annual Environmental Monitoring Fee (clause 9)	Not Applicable.
8.	Community Services Contribution (clause 6)	Not Applicable.
9.	Total payment to be made per annum (clause 4)	Not Applicable.
10.	Concession Fee Payment Date(s)	Not Applicable.

	(clause 4)	
11.	Penalty Interest Rate (clause 4)	Double the current Official Cash Rate (OCR). See Reserve Bank of New Zealand website
12.	Concession Review Date(s) (clause 5)	Not Applicable.
13.	Health and Safety (clause 13)	Not Applicable.
14.	Concessionaire Identification (clause 31)	Not required
15.	Insurance (To be obtained by Concessionaire) (clause 12)	Types and amounts: Public Liability Insurance for: (a) General indemnity for an amount no less than \$1,000,000.00, and (b) Third party vehicle liability for an amount no less than \$500,000.00
16.	Addresses for Notices (clause 24)	The Grantor's address is: Level 4 73 Rostrevor Street Hamilton 3204 Emails: permissionshamilton@doc.govt.nz Hamilton Permissions Team
		The Concessionaire's address in New Zealand is: Level 5 711 Victoria Street Hamilton 3240 Phone: [REDACTED] 9(2)(a) Email: [REDACTED] 9(2)(a)
17.	Guarantee (clause 29)	Not required
18.	Special Conditions (clause 34)	See Schedule 3

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19.	Processing Fee (clause 4)	Not Applicable. (\$400.00 for Wildlife Authority variation).
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Note: The clause references are to the Grantor's Standard Terms and Conditions of Permit set out in Schedule 2.

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SCHEDULE 2

STANDARD TERMS AND CONDITIONS OF PERMIT

1. Interpretation

- 1.1 In this Concession unless the context otherwise requires "Structures" means chattels of any description.
- 1.2 Where the Grantor's consent or approval is expressly required under a provision of this Concession, the Concessionaire must seek the consent or approval of the Grantor for each separate occasion it is required notwithstanding that the Grantor has granted consent or approval for a like purpose on a prior occasion.
- 1.3 The Concessionaire is responsible for the acts and omissions of its employees, contractors, agents, clients and invitees (excluding other members of the public accessing the Land). The Concessionaire is liable under this Concession for any breach of the terms of the Concession by its employees, contractors, agents, clients and invitees (excluding other members of the public accessing the Land), as if the breach had been committed by the Concessionaire.
- 1.4 Where this Concession requires the Grantor to exercise a discretion or give any approval or provides for any other actions by the Grantor, then the Grantor must act reasonably and within a reasonable time. When a consent is required under this Concession such consent must not be unreasonably withheld.
- 1.5 Where this Concession provides for approvals, directions, reports and consents to be given by one party to the other, those approvals, directions, reports and consents must be given by notice in writing and clause 24 is to apply.

2. What is being authorised:

- 2.1 The Concessionaire is only allowed to use the Land for the Concession Activity.
- 2.2 The Concessionaire must exercise reasonable skill, care and diligence in carrying out the Concession Activity, in accordance with standards of skill, care and diligence normally practised by suitably qualified and experienced people in carrying out such activities.
- 2.3 The Concessionaire must provide the Grantor with evidence of the competency and qualifications of its employees and contractors if the Grantor so requests.
- 2.4 The Concessionaire must not commence the Concession Activity until the Concessionaire has signed the Concession Document and returned one copy of this Document to the Grantor, as if it were a notice to be given under this Concession.

3. How long is the Concession for - the Term?

- 3.1 This Concession commences on the date set out in Item 3 of Schedule 1 and ends on the Final Expiry Date specified in Item 5 of Schedule 1.
- 3.2 If there is a right of renewal then the Grantor at the Concessionaire's cost must renew the Term for a further period as set out in Item 4 of Schedule 1 provided the Concessionaire:

- (a) gives the Grantor at least three month's written notice before the end of the Term, which notice is to be irrevocable, of the Concessionaire's intention to renew this Concession; and
- (b) at the time notice is given in accordance with this clause the Concessionaire is not in breach of this Concession.

3.3 The renewal is to be on the same terms and conditions expressed or implied in this Concession except that the Term of this Concession plus all further renewal terms is to expire on or before the Final Expiry Date.

4. What are the fees and when are they to be paid?

4.1 The Concessionaire must pay the Processing Fee (Item 19 of Schedule 1) to the Grantor in the manner directed by the Grantor. Except where the Grantor's written consent has been given, the Concessionaire cannot commence the Concession Activity until the Processing Fee has been paid.

4.2 The Concessionaire must pay to the Grantor in the manner directed by the Grantor the Concession Fee and any other payment comprised in the Total Payment specified in Item 9 of Schedule 1 in the instalments and on the Concession Fee Payment Date specified in Items 10 of Schedule 1.

4.3 If the Concessionaire fails to make payment within 14 days of the Concession Fee Payment Date then the Concessionaire is to pay interest on the unpaid Concession Fee from the Concession Fee Payment Date until the date of payment at the Penalty Interest Rate specified in Item 11 of Schedule 1.

5. When can the fee be reviewed?

5.1 The Grantor is to review the Concession Fee on the Concession Fee Review Dates in the following manner:

- (a) The Grantor must commence the review not earlier than 3 months before a Concession Fee Review Date and no later than 9 months following the Concession Fee Review Date by giving notice to the Concessionaire.
- (b) Subject to clause 5.1(e) the notice must specify the Concession Fee which the Grantor considers to be the market value for the Concession Activity as at the Concession Fee Review Date having regard to the matters specified in section 17Y(2) of the Conservation Act 1987.
- (c) If, within 28 days of receipt of the Grantor's notice, the Concessionaire gives notice to the Grantor that the Concessionaire disputes the proposed new Concession Fee, the new Concession Fee is to be determined in accordance with clause 5.2(a) or (b).
- (d) If the Concessionaire does not give notice to the Grantor under clause 5.1(c) the Concessionaire is to be deemed to have accepted the Concession Fee specified in the Grantor's notice.
- (e) Notwithstanding clause 5.1(b) the new Concession Fee so determined or accepted must not be less than the Concession Fee payable during the year preceding the particular Concession Fee Review Date and is to be the Concession Fee payable by the Concessionaire from the Concession Fee Review Date.
- (f) Until determination of the new Concession Fee, the Concession Fee payable by the Concessionaire from the Concession Fee Review Date is to be the

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Concession Fee specified in the Grantor's notice. On determination of the new Concession Fee an adjustment is to be made and paid, either by the Grantor or by the Concessionaire, whichever is applicable.

5.2 Immediately the Concessionaire gives notice to the Grantor under clause 5.1(c) the parties are to endeavour to agree on a new Concession Fee. If the parties are unable to reach agreement within 28 days the new Concession Fee is to be determined either:

- (a) By one party giving notice to the other requiring the new Concession Fee to be determined by the Disputes clause (clause 22) or, if the parties agree,
- (b) by registered valuers acting as experts and not as arbitrators as follows
 - (i) Each party must appoint a valuer and give notice of the appointment to the other party within 14 days of the parties agreeing to determine the new Concession Fee by this means.
 - (ii) If the party receiving a notice does not appoint a valuer within the 14 day period the valuer appointed by the other party is to determine the new Concession Fee and that valuer's determination is to be binding on both parties.
 - (iii) Before commencing their determination the respective valuers must appoint an umpire who need not be a registered valuer.
 - (iv) The valuers are to determine the new Concession Fee which they consider to be the market value for the Concession Activity as at the Concession Fee Review Date having regard to the matters specified in section 17Y(2) of the Conservation Act 1987 but in no case is the new Concession Fee to be less than the Concession Fee payable during the year preceding the particular Concession Fee Review Date. If they fail to agree the Concession Fee is to be determined by the umpire.
 - (v) In determining the Concession Fee the valuers or umpire are to disregard the annual cost to the Concessionaire to maintain or provide access to the Land.
 - (vi) Each party is to be given the opportunity to make written or oral representations or submissions to the valuers or the umpire subject to such reasonable time and other limits as the valuers or the umpire may prescribe.
 - (vii) The valuers or the umpire must have regard to any such representations but are not bound by them.
- (c) The valuers or umpire must give written notice to the parties once they have determined the new Concession Fee. The notice is to be binding on the parties and is to provide how the costs of the determination are to be borne.
- (d)
 - (i) If a Concession Fee Review Date is postponed because of a moratorium imposed by law the Concession Fee Review is to take place at the date the moratorium is lifted or so soon afterwards as is practicable; and
 - (ii) the Concession Fee Review is to establish the market value for the Concession Activity as at that date instead of the date fixed under clause 5.1 having regard to the matters specified in section 17Y(2) of the Conservation Act 1987 but in no case is the new Concession Fee to be less than the Concession Fee payable during the year preceding the particular Concession Fee Review Date; and

- (iii) each subsequent Concession Fee Review is to take place in accordance with the procedure fixed in clause 5.1.

6. Are there any other charges?

- 6.1 The Concessionaire must pay all levies rates and other charges, including utility charges payable in respect of the Land or for the services provided to the Land which relate to the Concessionaire's use of the Land or the carrying on of the Concession Activity.
- 6.2 The Grantor is not liable for any cost incurred in re-establishing the supply of any utilities in the event of any of them becoming unavailable for any reason.
- 6.3 Where the Grantor has paid such levies, rates or other charges the Concessionaire must on receipt of an invoice from the Grantor pay such sum to the Grantor within 14 days of receiving the invoice. If payment is not made within the 14 days then the Concessionaire is to pay interest on the unpaid sum from the date payment was due until the date of payment at the Penalty Interest Rate specified in Item 11 of Schedule 1.
- 6.4 Where the Grantor or Director-General has provided a community service, benefit or facility for the benefit of the Concessionaire under section 17ZH of the Conservation Act 1987, the Concessionaire must pay the Grantor the amount specified in Item 8 of Schedule 1 as part of the Total Payment specified in Item 9 of Schedule 1 on the Concession Fee Payment Dates specified in Item 10 of Schedule 1.

7. When can the Concession be assigned?

- 7.1 The Concessionaire must not transfer, sub licence, assign, mortgage or otherwise dispose of the Concessionaire's interest under this Concession or any part of it (which includes the Concessionaire entering into a contract or any other arrangement whatsoever whereby the Concession Activity would be carried out by a person (called the assignee) other than the Concessionaire) without the prior written consent of the Grantor.
- 7.2 The Grantor may in the Grantor's discretion decline any application for consent under clause 7.1.
- 7.3 Sections 17P, 17S, 17T, 17U, 17W, 17X, 17ZB and 17ZC of the Conservation Act 1987 apply to applications for consent under this clause unless the Grantor, in the Grantor's discretion, decides otherwise.
- 7.4 If the Grantor gives consent under this clause then the Concessionaire remains liable to observe and perform the terms and conditions of this Concession throughout the Term and is to procure from the Assignee a covenant to be bound by the terms and conditions of this Concession.
- 7.5 The Concessionaire must pay the costs reasonably incurred by the Grantor incidental to any application for consent, whether or not such consent is granted.
- 7.6 If the Concessionaire is not a publicly listed company then any change in the shareholding of the Concessionaire altering the effective control of the Concessionaire is to be deemed to be an assignment and requires the consent of the Grantor.

8. What are the obligations to protect the environment?

- 8.1 The Concessionaire must not cut down or damage any vegetation; or damage any natural feature or historic resource on the Land; or light any fire on the Land without the prior consent of the Grantor.
- 8.2 The Concessionaire must at its cost keep the Land in a clean and tidy condition and free of weeds and all organisms specified as pests in a relevant pest management strategy.
- 8.3 If directed by the Grantor, the Concessionaire must take all steps necessary to control, or, at the Grantor's option, contribute to the cost of controlling any pest, insect or rodent infestation occurring in or emanating from the Land, or any structure or facility on the Land, and if directed by the Grantor, engage a pest exterminator approved by the Grantor.
- 8.4 The Concessionaire must make adequate provision for suitable sanitary facilities for the Land if directed by the Grantor and for the disposal of all refuse material and is to comply with the reasonable directions of the Grantor in regard to these matters.
- 8.5 The Concessionaire must keep all Structures, facilities and land alterations and their surroundings in a clean and tidy condition. If reasonably directed by the Grantor the Concessionaire must paint all Structures and facilities in colours approved by the Grantor and with paints of a type approved by the Grantor.
- 8.6 If, during the Term, the Concessionaire removes a Structure or facility from the Land the Concessionaire must, unless the Grantor directs otherwise, repair and make good at its own expense all damage which may have been done by the removal and must leave the Land in a clean and tidy condition.
- 8.7 The Concessionaire must ensure that it adheres to the international "Leave No Trace" Principles at all times (www.leavenotrace.org.nz).
- 8.8 The Concessionaire must not bury:
- (a) Any toilet waste within 50 metres of a water source on the Land; or
 - (b) Any animal or fish or any part thereof within 50 metres of any water body, water source or public road or track.

9. What about Environmental Monitoring?

- 9.1 The Concessionaire must, during the Term, if the Grantor so directs, design in consultation with the Grantor and undertake a programme to monitor and report on the environmental effects of the Concessionaire's use of the Land and conduct of the Concession Activity.
- 9.2 If the Grantor does not issue a direction under clause 9.1 the Concessionaire must, during the Term, pay to the Grantor the annual Environmental Monitoring Fee specified in Item 7 of Schedule 1 to enable the Grantor to design and undertake a programme to monitor the environmental effects of the Concessionaire's use of the Land and conduct of the Concession Activity.

10. When can new Structures be erected or land alterations occur?

- 10.1 The Concessionaire must not erect, alter or bring on to the Land any Structure not authorised in Schedule 3 nor alter the Land in any way without the prior approval of the Grantor.
- 10.2 In giving approval under clause 10.1 the Grantor may, in the Grantor's sole and absolute discretion, impose any reasonable terms and conditions, including a review of the Concession Fee, as the Grantor considers appropriate under this clause; and may also decline the grant of such approval after consideration of the relevant conservation and environmental issues.
- 10.3 The Concessionaire must pay to the Grantor all costs associated with applications for approval under this clause determined at the standard rates then applying in the Department for cost recovery of staff time and expenses.
- 10.4 The Concessionaire must, upon request by the Grantor, submit written engineering or building plans and details to the Grantor for approval before :
- (a) erecting new Structure or altering any Structure on the Land
 - (b) altering the Land in any way.

11. What about advertising?

- 11.1 The Concessionaire must not erect or display any signs or advertising on the Land without the prior approval of the Grantor. At the expiry or termination of this Concession the Concessionaire must remove all signs and advertising material and make good any damage caused by the removal.
- 11.2 If directed by the Grantor, the Concessionaire must ensure that all its advertising and promotional material specifies that it is carrying out the Concession Activity under a Concession granted by the Grantor on land administered by the Department.
- 11.3 If directed by the Grantor, the Concessionaire must include information in its advertising and promotional material which assists its clients to understand the features and values of the natural and historic resources of the Land and the surrounding area.
- 11.4 The Concessionaire is encouraged to obtain information from and have regard to the views of tangata whenua.

12. What are the liabilities and who insures?

- 12.1 The Concessionaire agrees to use the Land at the Concessionaire's own risk and releases to the full extent permitted by law the Grantor and the Grantor's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage or injury occurring to any person or property in or about the Land.
- 12.2 The Concessionaire must indemnify the Grantor against all claims, actions, losses and expenses of any nature which the Grantor may suffer or incur or for which the Grantor may become liable arising from the Concessionaire's performance of the Concession Activity.
- 12.3 This indemnity is to continue after the expiry or termination of this Concession in respect of any acts or omissions occurring or arising before its expiry or termination.

- 12.4 The Concessionaire has no responsibility or liability for costs, loss, or damage of whatsoever nature arising from any act or omission or lack of performance or any negligent or fraudulent act or omission by the Grantor, or any contractor or supplier to the Grantor, or any employee or agent of the Grantor.
- 12.5 Despite anything else in clause 12 the Concessionaire is not liable for any indirect or consequential damage or loss howsoever caused.
- 12.6 The Grantor is not liable and does not accept any responsibility for damage to or interference with the Land, the Concession Activity, or to any structures, equipment or facilities on the Land or any other indirect or consequential damage or loss due to any natural disaster, vandalism, sabotage, fire, or exposure to the elements except where, subject to clause 12.7, such damage or interference is caused by any wilful act or omission of the Grantor, the Grantor's employees, agents or contractors.
- 12.7 Where the Grantor is found to be liable in accordance with clause 12.6, the total extent of the Grantor's liability is limited to \$1,000,000 in respect of the Concessionaire's structures, equipment and facilities.
- 12.8 Despite anything else in clause 12 the Grantor is not liable for any indirect or consequential damage or loss howsoever caused.
- 12.9 Without prejudice to or in any way limiting its liability under this clause 12 the Concessionaire at the Concessionaire's expense must take out and keep current policies for insurance and for the amounts not less than the sums specified in Item 15 of Schedule 1 with a substantial and reputable insurer.
- 12.10 After every three year period of the Term the Grantor may, on giving 10 working days notice to the Concessionaire, alter the amounts of insurance required under clause 12.9. On receiving such notice the Concessionaire must within 10 working days take out and keep current policies for insurance and for the amounts not less than the sums specified in that notice.
- 12.11 The Concessionaire must provide to the Grantor within 5 working days of the Grantor so requesting:
- (a) details of any insurance policies required to be obtained under this Concession, including any renewal policies if such renewal occurs during the Term; and/ or;
 - (b) a copy of the current certificate of such policies.

13 What about Health and Safety?

- 13.1 The Concessionaire must exercise the rights granted by this Concession in a safe and reliable manner and must comply with the Health and Safety at Work Act 2015 and its regulations and all other provisions or requirements of any competent authority relating to the exercise of this Concession. The Concessionaire must comply with its safety plan (if one is required in Item 13 of Schedule 1), and with any safety directions of the Grantor.
- 13.2 Before commencing the Concession Activity the Concessionaire must, where the Concessionaire has Qualmark or Outdoorsmark certification, provide the Grantor with a copy of that certification.

13.3 If the Concessionaire does not hold Qualmark or Outdoorsmark certification then before commencing the Concession Activity the Concessionaire must, if required by Item 11 of Schedule 1:

- (a) prepare a safety plan;
- (b) have it audited by a suitably qualified person approved by the Grantor; and forward to the Grantor a certificate from the auditor certifying that the safety plan is suitable for the Concession Activity; and
- (c) the Concessionaire must obtain from the auditor details as to when the safety plan is to be re-audited. The Concessionaire must comply with any such requirement to re-audit and forward a copy of the re-audit certificate to the Grantor within 5 working days of the certificate being issued.

13.4 For any Concession Activity that is subject to the Health and Safety at Work (Adventure Activities) Regulations 2016, proof of registration with WorkSafe New Zealand will satisfy the Grantor's requirement under clause 13.3(b).

13.5 Receipt of the safety plan/auditor certificate by the Grantor is not in any way to limit the obligations of the Concessionaire under clause 13 and is not to be construed as implying any responsibility or liability on the part of the Grantor.

13.5 The Concessionaire must:

- (a) notify the Grantor of any natural events or activities on the Land or the surrounding area which may endanger the public or the environment;
- (b) take all practicable steps to protect the safety of all persons present on the Land and must, where necessary, erect signposts warning the public of any dangers they may encounter as a result of the Concessionaire's operations;
- (c) take all practicable steps to eliminate any dangers to the public and must clearly and permanently mark any that remain and of which the Concessionaire is aware;
- (d) record and report to the Grantor all accidents involving serious harm within 24 hours of their occurrence and forward an investigation report within 3 days of the accident occurring;
- (e) ensure that all contracts between the Concessionaire and any contractors contain, at a minimum, the same requirements as clause 13;
- (f) be satisfied that facilities or equipment provided by the Grantor to enable the Concession Activity to be carried out meet the safety requirements of the Concessionaire;

(g) not bring onto the Land or any land administered by the Department any dangerous or hazardous material or equipment which is not required for purposes of the Concession Activity; and if such material or equipment is required as part of the Concession Activity, the Concessionaire must take all practicable steps at all times to ensure that the material or equipment is treated with due and proper care.

14. **What are the compliance obligations of the Concessionaire?**

14.1 The Concessionaire must comply where relevant:

- (a) with the provisions of any conservation management strategy or conservation management plan under the Conservation Act 1987 or Part IIA of the Reserves Act 1977, or any general policy statement made under the

Conservation Act 1987, Reserves Act 1977, National Parks Act 1980, or Wildlife Act 1953, or management plan under section 45 of the National Parks Act 1980, whichever is appropriate to the Land, together with any amendment or review of any policy, strategy or plan whether approved before, on, or after the date on which this Concession takes effect; and

- (b) with the Conservation Act 1987, the Reserves Act 1977, the National Parks Act 1980, Wildlife Act 1953 and any other statute, ordinance, regulation, bylaw, or other enactment (collectively the "Legislation") affecting or relating to the Land or affecting or relating to the Concession Activity, including any regulations made under the Conservation Act 1987 and Wildlife Act 1953 or bylaws made under the Reserves Act 1977 or the National Parks Act 1980; and
- (c) with all notices and requisitions of any competent authority affecting or relating to the Land or affecting or relating to the conduct of the Concession Activity; and
- (d) with all Department signs and notices placed on or affecting the Land; and
- (e) with all reasonable notices and directions of the Grantor concerning the Concession Activity on the Land.

14.2 The Concessionaire must comply with this Concession.

14.3 A breach or contravention by the Concessionaire of a relevant conservation management strategy, conservation management plan, management plan or any statement of general policy referred to in clause 14.1.(a) is deemed to be a breach of this Concession.

14.4 A breach or contravention by the Concessionaire of any Legislation affecting or relating to the Land or affecting or relating to the Concession Activity is deemed to be a breach of this Concession.

15. What are the Grantor's rights to remedy defaults?

15.1 The Grantor may elect to remedy at any time, after giving notice, if practicable, any default by the Concessionaire under this Concession. Before electing to so remedy in accordance with this clause, the Grantor must, if practicable, first give the Concessionaire notice of the default and a reasonable opportunity to remedy the default.

15.2 The Concessionaire must pay to the Grantor forthwith on demand all reasonable costs and expenses incurred by the Grantor, including legal costs and expenses as between solicitor and client, in remedying such default. The Concessionaire is to pay interest on such costs and expenses if payment is not made within 14 days of the Grantor's demand from the date of the demand until the date of payment at the Penalty Interest Rate specified in Item 12 of Schedule 1.

16. When can the Concession be suspended?

16.1 If, in the Grantor's opinion, there is a temporary risk to any natural or historic resource on or in the vicinity of the Land or to public safety whether arising from natural events such as earthquake, land slip, volcanic activity, flood, or arising in any other way, whether or not from any breach of the terms of this Concession on the part of the Concessionaire, then the Grantor may suspend this Concession.

- 16.2 If, in the Grantor's opinion, the activities of the Concessionaire are having or may have an adverse effect on the natural, historic or cultural values or resources of the Land and the Grantor considers that the effect can be avoided, remedied or mitigated to an extent satisfactory to the Grantor, then the Grantor may suspend this Concession until the Concessionaire avoids, remedies or mitigates the adverse effect to the Grantor's satisfaction.
- 16.3 The Grantor may suspend the Concession for such period as the Grantor determines where the Concessionaire has breached any terms of this Concession.
- 16.4 The Grantor may suspend this Concession while the Grantor investigates any of the circumstances contemplated in clauses 16.1 and 16.2 and also while the Grantor investigates any potential breach or possible offence by the Concessionaire whether or not related to the Concession Activity under the Conservation Act 1987 or any of the Acts mentioned in the First Schedule of that Act.
- 16.5 The word "investigates" in clause 16.4 includes the laying of charges and awaiting the decision of the Court.
- 16.6 During any period of temporary suspension arising under clauses 16.1 or 16.2 the Concession Fee payable by the Concessionaire is to abate in fair proportion to the loss of use by the Concessionaire of the Land.
- 16.7 The Grantor is not to be liable to the Concessionaire for any loss sustained by the Concessionaire by reason of the suspension of the Concession under this clause 16 including loss of profits.

17. When can the Concession be terminated?

- 17.1 The Grantor may terminate this Concession either in whole or in part:
- (a) By 14 days notice to the Concessionaire if the Concession Fee or any other money payable to the Grantor under this Concession is in arrears and unpaid for 14 days after any of the days appointed for payment whether it has been lawfully demanded or not; or
 - (b) By 14 days notice to the Concessionaire or such sooner period as it appears necessary and reasonable to the Grantor if;
 - (i) The Concessionaire breaches any terms of this Concession and in the Grantor's sole opinion the breach is able to be rectified; and
 - (ii) The Grantor has notified the Concessionaire of the breach; and
 - (iii) The Concessionaire does not rectify the breach within 7 days of receiving notification; or such earlier time as specified by the Grantor; or
 - (c) By notice in writing to the Concessionaire where the Concessionaire breaches any terms of this Concession and in the sole opinion of the Grantor the breach is not capable of being rectified; or
 - (d) Immediately by notice in writing to the Concessionaire where the Concessionaire breaches clauses 12.9 and 13; or
 - (e) By notice in writing to the Concessionaire if the Concessionaire ceases to conduct the Concession Activity or, in the reasonable opinion of the Grantor, the conduct of the Concession Activity is manifestly inadequate; or

- (f) By notice in writing to the Concessionaire if the Concessionaire is convicted of an offence under the Conservation Act 1987 or any of the Acts listed in the First Schedule to that Act or any statute, ordinance, regulation, bylaw, or other enactment affecting or relating to the Land or which in the Grantor's sole opinion affects or relates to the Concession Activity; or
- (g) By notice in writing to the Concessionaire if the Concessionaire or the Guarantor is dissolved; or enters into any composition with or assignment for the benefit of its creditors; or is adjudged bankrupt; or being a company, has a receiver appointed; or is put into liquidation; or is placed under statutory management; or has a petition for winding up presented against it; or is otherwise unable to pay its debts as they fall due; or the estate or interest of the Concessionaire is made subject to a Writ of Sale or charging order; or the Concessionaire ceases to function or operate; or
- (h) Immediately if there is, in the opinion of the Grantor, a permanent risk to public safety or to the natural and historic resources of the Land whether arising from the conduct of the Concession Activity or from natural causes such as earthquake, land slip, volcanic activity, flood or arising in any other way, whether or not from any breach of the terms of this Concession on the part of the Concessionaire.

17.2 The Grantor may exercise its power to terminate under 17.1(h) without giving notice.

17.3 The Grantor may exercise the Grantor's right under this clause to terminate the Concession notwithstanding any prior waiver or failure to take action by the Grantor or any indulgence granted by the Grantor for any matter or default.

17.4 Termination of the Concession is not to prejudice or affect the accrued rights or claims and liabilities of the parties.

18. What happens on termination or expiry of the Concession?

18.1 On expiry or termination of this Concession, either as to all or part of the Land, the Concessionaire is not entitled to compensation for any Structures or other improvements placed or carried out by the Concessionaire on the Land.

18.2 The Concessionaire may, with the Grantor's written consent, remove any specified Structures and other improvements on the Land. Removal under this clause must occur within the time specified by the Grantor and the Concessionaire is to make good any damage and leave the Land and other public conservation land affected by the removal in a clean and tidy condition.

18.3 The Concessionaire must, if the Grantor gives written notice, remove any specified Structures and other improvements on the Land. Removal under this clause must occur within the time specified by the Grantor and the Concessionaire is to make good any damage and leave the Land and other public conservation land affected by the removal in a clean and tidy condition and replant the Land with indigenous vegetation of a similar abundance and diversity as at the commencement of the Term. If before the expiry of the Term the Concessionaire makes an application for a further concession in respect of the same Concession Activity on the Land then the Grantor cannot require such removal and reinstatement until such time as that concession application has been determined. If a new concession is granted then removal and reinstatement cannot be required until the expiry or termination of the new concession.

19. When is the Grantor's consent required?

19.1 Where the Grantor's consent or approval is expressly required under this Concession then the Concessionaire must seek that approval or consent for each separate time it is required even though the Grantor may have given approval or consent for a like purpose on a prior occasion. Any such consent or approval may be made on such conditions as the Grantor considers appropriate.

20. Are there limitations on public access and closure?

20.1 The Concessionaire acknowledges that the Land is open to the public for access and that the Grantor may close public access during periods of high fire hazard or for reasons of public safety or emergency.

21. What about other concessions?

21.1 Nothing expressed or implied in this Concession is to be construed as preventing the Grantor from granting other concessions, whether similar or not, to other persons provided that the Grantor must not grant another concession that would derogate in any material way from the Concessionaire's ability to carry out the Concession Activity.

22. How will disputes be resolved?

22.1 If a dispute arises between the parties in connection with this Concession the parties must, without prejudice to any other rights or entitlements they may have, attempt to resolve the dispute by agreement using informal dispute resolution techniques such as negotiation, mediation, independent expert appraisal or any other alternative dispute resolution technique. The rules governing any such technique adopted are to be agreed between the parties.

22.2 If the dispute cannot be resolved by agreement within 14 days of written notice by one party to the other (or such further period as the parties may agree to in writing) either party may refer the dispute to the Disputes Tribunal, where relevant, or to arbitration, which arbitration is to be carried out in accordance with the provisions of the Arbitration Act 1996.

22.3 If the parties do not agree on an arbitrator within 10 working days of a party giving written notice of the requirement to appoint an arbitrator the President of the New Zealand Law Society is to appoint the arbitrator. In either case the arbitrator must not be a person who has participated in an informal dispute resolution procedure in respect of the dispute.

22.4 The arbitrator must include in the arbitration award reasons for the determination.

22.5 Despite the existence of a dispute, each party must continue to perform its obligations under this Concession.

23. What about prosecution for offences?

23.1 Where any breach of this Concession by the Concessionaire also constitutes an offence under the Resource Management Act 1991, the Conservation Act 1987, or any of the Acts listed in the First Schedule to that Act:

- (a) no waiver or failure to act by the Grantor under this Concession is to preclude the Grantor from prosecuting the Concessionaire; and

- (b) no failure by the Grantor to prosecute the Concessionaire is to preclude the Grantor from exercising the Grantor's remedies under this Concession; and
- (c) any action of the Grantor in prosecuting the Concessionaire is not to preclude the Grantor from exercising the Grantor's remedies under this Concession.

24. How are notices sent and when are they received?

- 24.1 Any notice to be given under this Concession is to be in writing and made by personal delivery, fax, by pre paid post or email to the receiving party at the address, fax number or email address specified in Item 16 of Schedule 1. Any such notice is to be deemed to have been received:
- (a) In the case of personal delivery, on the date of delivery;
 - (b) In the case of fax, on the date of dispatch;
 - (c) In the case of post, on the 3rd working day after posting;
 - (d) In the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.
- 24.2 If any party's details specified in Item 16 of Schedule 1 change then the party whose details change must within 5 working days of such change provide the other party with the changed details.

25. What is the scope of the Concession?

- 25.1 Except as provided by legislation, this Concession and any written variation agreed by the parties contain the entire understanding between the parties with reference to the subject matter of this Concession and there is no other agreement, representation or warranty whether it is expressed or implied which in any way extends, defines or otherwise relates to the provisions of this Concession.

26. Can provisions be severed?

- 26.1 Any illegality, or invalidity or unenforceability of any provision in this Concession is not to affect the legality, validity or enforceability of any other provisions.

27. What about the payment of costs?

- 27.1 The Concessionaire must pay the Grantor's legal costs and expenses of and incidental to preparing and signing this Concession or any extension or variation of

- 27.2 The Concessionaire must pay in full immediately and on demand all costs and fees (including solicitor's costs and fees of debt collecting agencies engaged by the Grantor) arising out of and associated with steps taken by the Grantor to enforce or attempt to enforce the Grantor's rights and powers under this Concession including the right to recover outstanding money owed to the Grantor.

28. What is the relationship of parties?

- 28.1 Nothing expressed or implied in this Concession is to be construed as:
- (a) Constituting the parties as partners or joint venturers;

- (b) Conferring on the Concessionaire any right of exclusive occupation or use of the Land;
- (c) Granting any exclusive estate or interest in the Land to the Concessionaire;
- (d) Affecting the rights of the Grantor and the public to have access across the Land.

29. What about a Guarantee?

- 29.1 Where the Grantor has in Item 17 of Schedule 1 required this Concession to be guaranteed by a third party the following clauses are to apply.
- 29.2 In consideration of the Grantor entering into this Concession at the Guarantor's request the Guarantor:
 - (a) Guarantees payment of the Concession Fee and the performance by the Concessionaire of the covenants in this Concession; and
 - (b) Indemnifies the Grantor against any loss the Grantor might suffer should the Concession be lawfully disclaimed or abandoned by any liquidator, receiver or other persons.
- 29.3 The Guarantor covenants with the Grantor that:
 - (a) No release, delay, or other indulgence given by the Grantor to the Concessionaire, to the Concessionaire's successors or assigns, or any other thing whereby the Guarantor would have been released had the Guarantor been merely a surety is to release, prejudice, or affect the liability of the Guarantor as a Guarantor or as indemnifier;
 - (b) As between the Guarantor and Grantor the Guarantor may, for all purposes, be treated as the Concessionaire and the Grantor is under no obligation to take proceedings against the Concessionaire before taking proceedings against the Guarantor;
 - (c) The guarantee is for the benefit of and may be enforced by any person entitled for the time being to receive the Concession Fee;
 - (d) Any assignment of this Concession and any Concession Fee Review in accordance with this Concession are not to release the Guarantor from liability;
 - (e) Should there be more than one Guarantor the liability of each Guarantor under this Guarantee is to be joint and several.

30. What about Co-Siting?

- 30.1 In this clause "Co-Site" means the use of the Concessionaire's structures or facilities on the Land by a third party for an activity; and "Co-Sitee" and "Co-Siting" have corresponding meanings.
- 30.2 The Concessionaire must not allow Co-Siting on the Land without the prior written consent of the Grantor.
- 30.3 The Grantor's consent must not be unreasonably withheld but is at the Grantor's sole discretion and subject to such reasonable terms and conditions as the Grantor thinks fit including a requirement that the Co-Sitee be liable for direct payment to the Grantor of a concession fee and any environmental premium assessed in respect of the Co-Sitee's activity on the Land.

- 30.4 In addition, the Grantor must withhold consent if:
- (a) The Co-Siting would result in a substantial change to the Concession Activity on the Land; or
 - (b) The Grantor considers the change to be detrimental to the environment of the Land.
- 30.5 Subject to clause 30.4 the Concessionaire must, if required by the Grantor, allow Co-Siting on the Land.
- 30.6 Where the Concessionaire maintains that Co-Siting by a third party on the Land would:
- (a) Detrimentally interfere physically or technically with the use by the Concessionaire of the Land; or
 - (b) Materially prejudice any resource consents obtained by the Concessionaire or cause more onerous conditions to be imposed on it by the relevant authority; or
 - (c) Obstruct or impair the Concessionaire's ability effectively to operate from the Land; or
 - (d) Interfere with or prevent future forecast works of the Concessionaire,
- The Grantor, must, as a pre-condition to consideration of an application to grant a concession to a third party, require that third party to obtain, at its own cost, a report prepared by an independent consultant acceptable to the Grantor confirming or rejecting the presence of the matters specified in this clause 30.6. The Grantor must not grant a concession to a third party where the report confirms that the proposed concession would give rise to one or more of the matters specified in this clause 30.6.
- 30.7 If the independent consultant report rejects the Concessionaire's concerns, the Concessionaire may dispute this in accordance with the procedure set out in clause 22 of Schedule 2.
- 30.8 Where the Concessionaire is required under clause 30.5 to allow Co-Siting on the Land, the Concessionaire is, subject to clause 30.10 entitled to enter into commercial agreements with third parties for them to conduct an activity on the Land and to receive a reasonable fee from them for any agreed activity they intend to carry out on the Land. If a dispute arises between the Concessionaire and a third party such dispute must be determined by the Grantor having regard to, but not limited to, the following matters:
- (a) Any written comments or submissions of the Concessionaire and third party;
 - (b) Market value for the concession activity proposed by the third party having regard to the matters specified in Section 17Y(2) of the Conservation Act 1987;
 - (c) Any other matters the Grantor considers relevant.
- 30.9 If the Concessionaire does not accept the Grantor's determination, the Concessionaire may dispute this in accordance with the procedure set out in clause 22 of Schedule 2.

30.10 For the avoidance of doubt, a Co-Sitee permitted on the Land must enter into a separate concession with the Grantor in terms of which the Co-Sitee may be required to pay to the Grantor a concession fee and environmental premium assessed in respect of the Co-Sitee's activity on the Land. This separate concession must not contain provisions that conflict with the Concessionaire's rights and obligations in relation to the Land.

30.11 The Grantor must not authorise the third party to commence work on the Land until all relevant resource consents are issued, an agreement is executed between the Concessionaire and third party, and any conditions imposed by the Concessionaire have been met.

31. What about Identification cards and the Grantor's Approved Label?

31.1 Before commencing the Concession Activity the Concessionaire must, if required by the Grantor in Item 14 of Schedule 1, obtain Concessionaire Identification cards from the Grantor. The Grantor is to supply such cards to the Concessionaire on a cost recovery basis.

31.2 The Concessionaire and any person acting under the authority of the Concession must carry and display a Concession Identification card when carrying out the Concession Activity.

31.3 The Concessionaire must obtain sufficient cards to ensure all people acting under the authority of the Concession can carry and display such cards when undertaking the Concession Activity.

31.4 The Concessionaire may also access, use and/ or display the Grantor's "Approved Label". This right only exists once the Concessionaire agrees to comply with the Grantor's Approved Label terms and conditions and while the Concession remains operative. When the Concessionaire so requests the Grantor is to forward the Concessionaire an electronic link to the Approved Label. This electronic link is to contain the Approved Label terms and conditions.

31.5 The right under this clause 31.4 does not affect the obligation in this clause 31 to carry and display a Concession Identification card.

32. Which clauses survive termination?

32.1 Clauses 12 and 24 survive the termination of this Concession.

33. When can the conditions of the Concession be varied?

33.1 The Grantor may on each Concession Fee Review Date, after first consulting with the Concessionaire, vary any condition of this Concession to make the condition more effective in addressing adverse effects resulting from the Concession Activity.

33.2 Nothing in clause 33.1 otherwise affects the Grantor's rights to vary the Concession under section 17ZC of the Conservation Act 1987.

34. Are there any Special Conditions?

34.1 Special conditions are specified in Schedule 3.

35. The Law

- 35.1 This Concession is to be governed by, and interpreted in accordance with the laws of New Zealand.

Released under the Official Information Act

SCHEDULE 3

SPECIAL CONDITIONS

Kauri Dieback

1. The Concessionaire must comply and ensure its clients comply with all guidelines and notices issued by the Kauri Dieback Programme (lead by Ministry of Primary Industry) to prevent and avoid the spread of the pest organism *Phytophthora taxon Agathis* (PTA) Kauri Dieback Disease as specified by the website www.kauridieback.co.nz/. The Concessionaire and clients must comply with the general guidelines and for specific concession activities the relevant guidelines as specified on www.kauridieback.co.nz/publications. The Concessionaire must update itself on these websites on a regular basis.
2. The Concessionaire must ensure that all vehicles and equipment are thoroughly cleaned of all visible soil and that footwear once cleaned is sprayed with SteriGENE (formally known as Trigene) solution before entering and when moving between areas where there are kauri. This is to reduce the potential for spread of PTA. Contact details for suppliers of SteriGENE may be obtained through the Department of Conservation.

Acoustic Bat Monitors (ABM)

3. The Concessionaire shall, as far as is practicable, take all reasonable care not to trample or damage any plant species in the vicinity on the land where the Authorised Activity will take place.
4. The Concessionaire is only authorised to attach up to 60 ABMs within the Conservation Land defined by the map in Schedule 4, clause 1.
5. The Concessionaire shall only attach the ABMs in a way that does not unnecessarily damage the tree or branch.

Remotely Piloted Aircraft Systems

Interpretation

RPAS means Remotely Piloted Aircraft System and includes any pilotless aircraft, Unoccupied Aerial Vehicle or drone.

6. The Concessionaire shall immediately cease the operation of the RPAS if there is any indication of wildlife disturbance.
7. The Concessionaire shall ensure that a fire extinguisher in good working order is carried at all times that the RPAS is in use, and that the Concessionaire and its staff (if applicable) are trained in the use of the fire extinguisher.
8. The Concessionaire is not authorised to operate the RPAS in areas that have a Fire Risk of High or above as published on the National Rural Fire Authority website <http://fireweather.nrfa.org.nz>
9. The RPAS operator must hold the applicable aviation document and privileges to conduct the Concession Activity under the Civil Aviation Rules and must

comply with Civil Aviation law requirements applying to the Concession Activity.

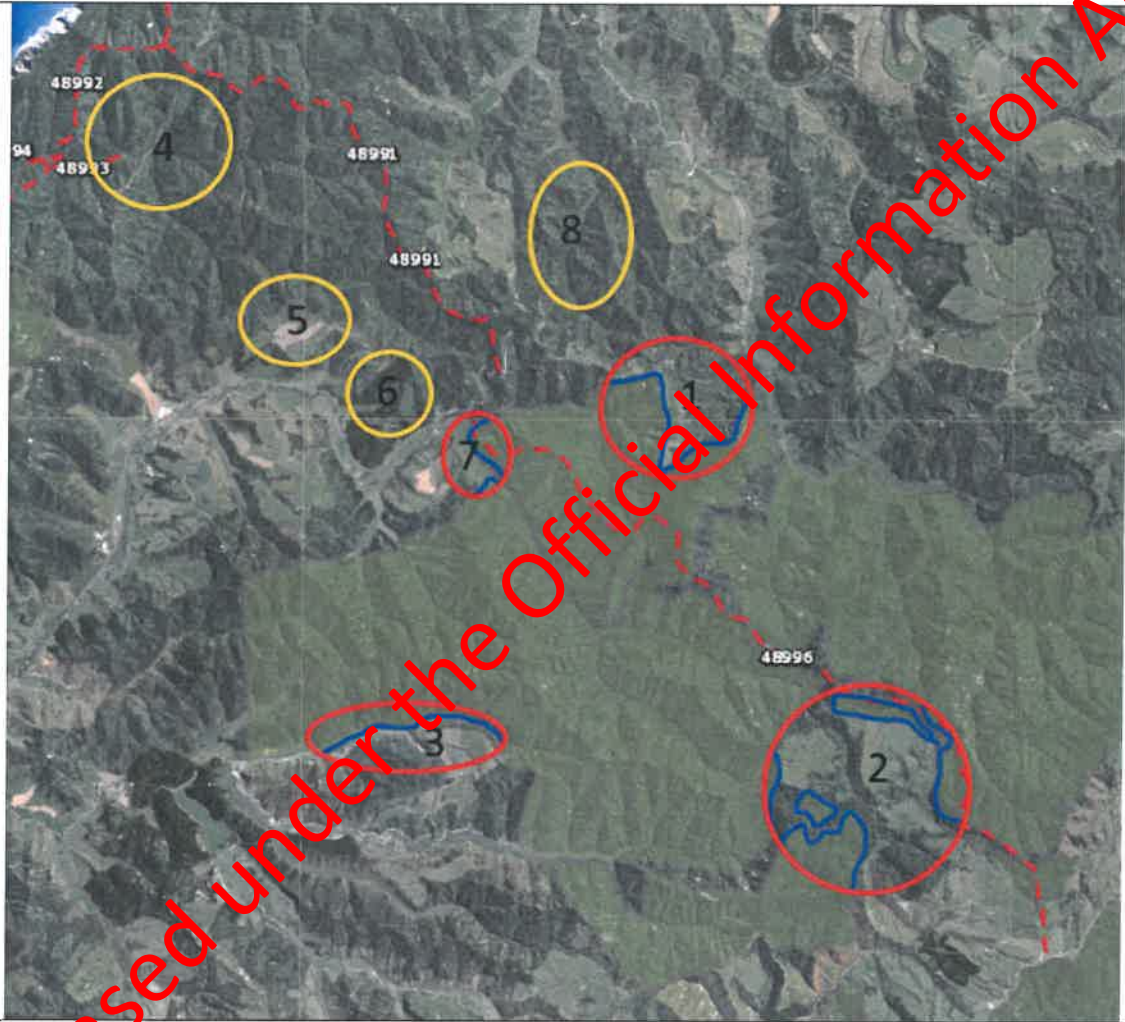
10. The RPAS operator must operate according to CAA regulations
<https://www.airshare.co.nz/>
11. The RPAS operator must not operate the RPAS within 100m of a known bat roost or area of high bat activity.

Released under the Official Information Act

SCHEDULE 4

Clause 1

Satellite Map - Concession Land



Note:
Orange Circles – Private Land.
Red Circles – Private Land and Mount Messenger Conservation Area.

This Permit does not authorise any activities to occur below the yellow line on the map.

Released under the Official Information Act



Department of Conservation
Te Papa Atawhai

63449-FAU

15/10/18

NZ Transport Agency (NZTA)
Auckland 0610
New Zealand

Dear 9(2)(a)

Re: WILDLIFE ACT AUTHORITY APPLICATION 63449-FAU APPROVAL

I am pleased to advise you that your concession permit application and application to vary your Wildlife Act Authority has been approved and I am now able to offer you an authority outlining the terms and conditions of this approval. Please find the authority enclosed.

These documents contain all the terms and conditions of your authorisation to undertake the activity and represents the formal approval from the Department for NZ Transport Agency (NZTA) to carry out the activity.

Please read the terms carefully so that you clearly understand your obligations. It is advised that you seek legal advice.

The conditions listed in your concession are related only to the role and responsibilities of the Minister of Conservation and/or the Director-General of Conservation. It does not cover the role or responsibilities of local or regional councils, other government agencies e.g. Ministry of Transport, Civil Aviation Authority or Police. You may need to contact other agencies to ensure you have all other required legal documentation in place.

Payment of Processing Fees

The final cost incurred to process your application was the standard fee of \$400.00 plus GST for commercial organisations. I have arranged for an invoice to be sent to you for this amount.

Acceptance of Offer

Please note that we require your approval of the concession permit to operate the RPAS and to attach the ABMs.

You can accept the terms and conditions of the concession contract by signing the contract. Please make sure that your signature/s is formally witnessed.

The contract has **already been signed by the Minister of Conservation's** representative. Please return one signed copy to me by 15 November 2018. If I do not receive a signed copy of the contract by this date, your concession contract may be cancelled.

Insurance

Released under the Official Information Act

Your concession requires you to have current insurance to the prescribed limits. While you are not required to provide evidence of this at this time please be aware that it may be requested at any time during the term of your concession.

Yours sincerely,

9(2)(g)(ii)
Permissions Advisor
Hamilton Office

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