9

Department of Conservation
Te Papa Atawhai

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

- Hunt, disturb, kill or catch alive protected wildlife that are causing damage (under section 54 of the Wildlife Act 1953)
- Catch and/or hold wildlife for rehabilitation – up to 3 months
- Hold wildlife in permanent captivity, if already held in captivity

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: permissions@doc.govt.nz

Post – Post your application and all the required labelled attachments to:
Statutory Process Team
Private Bag 3072
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.

Application checklist

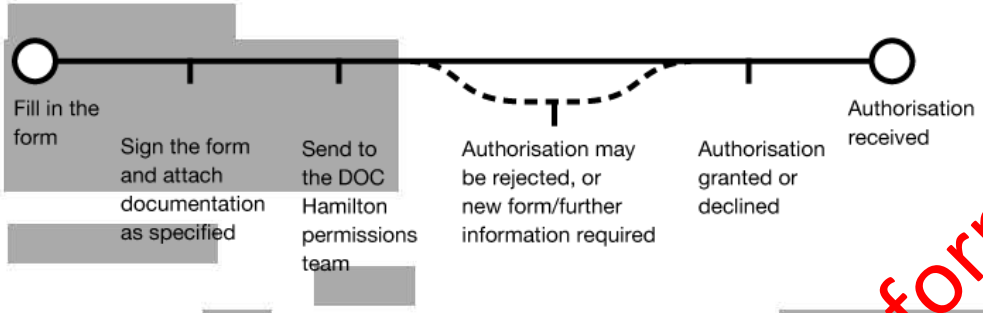
- ☒ Have you included labelled attachments as required for your activities (including maps, testimonials, and consultations)?
- ☒ Have you read the section regarding liability of the applicant for payment of fees?
- ☒ Have you checked if your application requires a CITES permit or EPA application and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

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.

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

Process



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

Any amendments requested after lodgement may require a Form 9a 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 proposals are those activities that are likely to have little or no significant effect on conservation values. See the fee section for information on what fees are likely to apply.
- Complex proposals are those activities likely to have more significant effects, and therefore require careful consideration. See the fee section below for information on what fees are likely to apply.

Please see also the fees section.

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

Statutory Process Team
Private Bag 3072
Hamilton 3240

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

Section A | **Applicant details**

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

Applicant: NZ Transport Agency

Attention: s 9(2)(g)(ii) M: 9(2)(a) E: s 9(2)(g)(ii) PA: Private Bag 106602, Auckland 1143

Address for Service: 9(2)(a), Bioresearches (Babbage Consultants) as per below.

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)

5723772

Trading name (if different from applicant name)

n/a

Any previous Authorisations held? ☒ Yes ☐ No

If yes, please provide Authority number: 37604-FAU; 69578-FAU; 69255-FAU

Postal address

Bioresearches (Babbage Consultants), PO Box 2828, Auckland 1140

Street address (if different from postal)

Bioresearches (Babbage Consultants), Level 4, 68 Beach Road, Auckland 1010

You must provide a New Zealand address for service.

Registered office of company or incorporated society (if applicable)

Phone: 9(2)(a)

Website: https://www.bioresearches.co.nz

Contact person and role: 9(2)(a) - Project ecologist/ herpetologist

Phone: 9(2)(a)

Mobile: 9(2)(a)

Please fill these three fields for your

Email

9(2)(a)

company contact person or if you are applying as an individual.

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:

The NZ Transport Agency is seeking to undertake road network improvements on SH10 north of Kaeo Township in Northland. Specifically, the SH10 Kaeo Bridge project would involve the construction of a new two-lane bridge and roundabout at the intersection of SH10 and Whangaroa Road that will improve safety and traffic flow.

Construction activities will require the removal of roadside vegetation and habitat that may support indigenous lizards and kauri snails (*Paryphanta busbyi*). The purpose of this Wildlife Act Authority application is to obtain permission to capture (salvage) and relocate indigenous lizards and kauri snails potentially impacted by the proposed works.

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

Please provide a more detailed summary of your proposal here:

Potential indigenous lizard habitat was identified within the project footprint of the SH10 Kaeo Bridge project during an ecological assessment undertaken by Bioresearches (2019)*. A hand-search did not detect any lizards; however, their presence is considered likely due to the existence of suitable habitat and because there are historic records of lizards in the wider surrounding landscape. The vegetation and habitats within the project area have also been identified as potential habitat for kauri snails, and as a precautionary measure, the management of protected kauri snails is proposed.

A WAA is being sought to allow the capture (salvage) and relocation of indigenous lizards and kauri snails prior to and during construction to protect individuals from harm. Salvage would be undertaken between months September to May only. It is proposed that captured lizards/ snails would be placed immediately into containment boxes and held temporarily (< 2 hrs), before being released into a nearby approved relocation site.

All native lizards will be captured and handled by a DOC-authorised herpetologist only. Salvage methods will include:

1) Preconstruction stage:

Diurnal and nocturnal searching through terrestrial debris, groundcover and tree bark and foliage for lizards and snails, as well as targeted funnel (Gee-

Minnow) trapping for lizards.

Habitat degradation/ destructive searching, involving vegetation trimming, vegetation removal with hand tools (e.g. hand saws, secateurs, chainsaws). These works would be undertaken by a herpetologist.

2) Construction stage:

Supervised vegetation clearance/ stripping during the site preparation stage and during the initial stages of construction.

Details of the proposed methods will be provided in the site-specific Ecological Management Plan (EMP) that will accompany this application.

NOTE: at the time of writing this WAA application, the EMP has not been completed. The WAA application has been submitted early to register it within the DOC system. DOC can expect to receive the EMP shortly.

*Bioresearches (2019). Assessment of Ecological Values: Northland Bridges – SH10 Kaeo Bridge Replacement, Option 5. Prepared for Aurecon NZ Ltd. pp. 51.

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.

A New Zealand classification system guide can be found here on the DOC website.

Common name	Scientific name	NZ threat classification
1. Copper skink	1. *Oligosoma aeneum*	1. Not Threatened
2. Ornate skink	2. *Oligosoma ornatum*	2. At Risk – Declining
3. Forest gecko	3. *Mokopirirakau granulatus*	3. At Risk – Declining
4. Pacific gecko	4. *Dactylocnemis pacificus*	4. At Risk – Relict
5. Northland green gecko	5. *Naultinus grayii*	5. At Risk – Declining
6. Kauri snail	6. *Paryphanta busbyi*	6. At Risk – Declining

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 (under section 54 of the Wildlife Act 1953

Other: Relocation of indigenous lizards and kauri snails to an approved release site (refer to EMP for discussion)

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	Other: Protection of indigenous lizards and kauri snails during construction of SH10 road/ bridge improvements (Kaeo, Northland)
☐ Research	

3.3. Is Animal Ethics approval required? ☐ Yes ☒ No ☐ Don't know

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.

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.

Term: September 2020 - May 2022

Reason: Construction may take 18-24 months to complete. Vegetation clearance is scheduled for the upcoming season (October 2020 – May 2021); however, we would like the authority to remain valid for one further season (Oct 2021 – May 2022) to account for any unforeseen delays to the construction timeframe.

See Authorisations and Special Conditions for your information.

Section B (continued) | **Activities**

5. Number to be caught, held or killed

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.

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

Species	# of individuals	Proportion/population
1. *Oligosoma aeneum*	< 30	<< 1%
2. *Oligosoma orantum*	< 20	<< 1%
3. *Mokopirirakau granulatus*	< 20	< 1%
4. *Dactylocnemis pacificus*	< 20	< 1%
5. *Naultinus grayii*	< 10	< 1%
6. *Paryphanta busbyi*	< 50	<< 1%

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.

Pre-construction active searches across all habitat types, 1-3 days prior to vegetation clearance, e.g. lifting terrestrial debris and searching thick leaf litter, peeling away tree bark, and day and night searching of tree/ shrub foliage.

Pre-construction trapping (lizards only) using funnel (Gee-Minnow) traps.

Systematic destructive searches where habitat cannot be easily searched, e.g. clearing terrestrial substrate (e.g. hand raking) and dismantling the vegetation (e.g. pampas clumps/ foliage) by hand.

Supervised vegetation clearance/ stripping with the aid of an excavator, during site preparation and the beginning of construction.

7. Samples to be collected

If no samples are to be collected, please go to Question 8.

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.		

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?

☐ Yes ☐ No

If you answer **Yes** to sending samples overseas, please download and complete Form9f see Application forms: Apply for permits

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	Method
Photo identification (lizards only)	Photographs taken of dorsal, ventral and lateral surfaces of each lizard prior to their relocation.

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

Scientific Reserve (s21 Reserves Act 1977)

Name of land to be accessed

Government Purpose (s22 Reserves Act 1977)

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.

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

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

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?

10. Proposed activity site

Use DOCgis to view Conservation Land.

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.

Salvage operation to be undertaken within the proposed construction footprint of SH10, approximately 2.6 km north-north-west of Kaeo (Attachment B10.1).

Lizard and snail relocation into Kukuparere Scenic Reserve (Reserves Act 1977 s.19(1)(a) - Scenic Reserve), which is located approximately 6.6 km southeast of the construction footprint. Kukuparere Scenic Reserve has been proposed because it is a protected Scenic Reserve (Reserves Act 1977), and contains well-established indigenous vegetation (Conning, 1999), with a diversity of native trees, shrubs, understorey/ groundcover that are considered suitable for the species intended to be relocated. In addition, the Reserve likely supports populations of indigenous lizards and is known to support a population of *Paryphanta busbyi* (Conning, 1999). The Reserve is easily accessible from Taraire Road. Kaeo Bush Scenic Reserve was also considered as a potential relocation site; however, there is limited public access to the Reserve, which presents difficulties during fauna relocations, and post-release management monitoring.

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

Address

DOC authorisation number

Expiry Date (dd/mm/yyyy)

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

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

Supports application? ☐ Yes ☐ No

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

10.5. Holding site

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

Holding site address:

Description of facility/cage

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.

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.

Effect	Management method
Injury/mortality of native lizards.	The pre-vegetation clearance salvage would reduce the risk of injury to/ mortality of lizards and snails during the construction phase as far as practicable. All vegetation clearance activities would be supervised by an experienced herpetologist to ensure the activities follow best practice protocols. All captured individuals will be handled appropriately by the WAA authorised herpetologist to avoid any undue stress or injury of the animal.
Loss of lizard and snail habitat.	Loss of habitat is unavoidable given the requirements of road safety improvements. Salvaged individuals will be released in a suitably protected reserve, which is of appropriate size and supports habitat complexity. The relocation site would be enhanced through weed management and pest mammal control, where deemed appropriate. Post-release monitoring would provide a measure of translocation success (lizards only, see EMP for details). Work areas and the roadside verge will be replanted with a variety of native plant species to rehabilitate the site and provide habitat for lizards and snails to repopulate.

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.

Please attach details and label as Attachment D.

All individuals involved in activity

Full Names

9(2)(a) (Project herpetologist, Bioresearches) – MSc (Hons.) 12 years consulting experience, 50+ LMPs, including conservation & development-driven lizard relocations. Technical herpetological advisor to DOC & MPI.

9(2)(a) (Marine & Freshwater Biologist) - M.Sc.(Hons), > 20 years consulting experience. 9(2)(a) is the primary consulting ecologist on the Kaeo Bridge project. 9(2)(a) would assist the project herpetologist (9(2)(a)) with the activities covered under this WAA.

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:

n/a

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:

n/a

[redacted]

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.

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.

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.

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 id 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.

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.

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 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.

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

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

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.

View the Department's 2013 – 2017 Statement of Intent here for the priority outcomes.

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.

Please contact the Permissions Team to discuss whether these fees apply.

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)

31/07/2020

9(2)(a)

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

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.

Bioresearches
A Babbage Company

To: **Department of Conservation**
Permissions Team
Private Bag 3072
Hamilton 3240

Date: 31 July 2020

Attention: Permissions Team

Subject: Wildlife Act Authority (General) 9a Application – Fauna Management for the SH10 Kaeo Bridge Project, Northland.

Dear Permissions Team,

The New Zealand Transport Agency (NZTA) is applying for a General Wildlife Act Authority to allow for the management of indigenous lizards and kauri snails (i.e. salvage and relocation) on the SH10 Kaeo Bridge project, located just north of Kaeo township in Northland.

NZTA is seeking to undertake road network improvements that would involve the construction of a new two-lane bridge and roundabout at the intersection of SH10 and Whangaroa Road that will improve safety and traffic flow. The Kaeo Bridge project is intending to commence enabling works in October 2020. The proposed construction activities will require the removal of roadside vegetation and habitat that may support indigenous lizards and kauri snails (*Paryphanta busbyi*).

Consulting ecologists, Bioresearches (agent working on behalf of NZTA) are proposing to implement fauna management that would see the salvage of any indigenous lizards and kauri snails potentially impacted by the proposed works, and the relocation of individuals into a suitable secure (legally protected) reserve within the local landscape. Habitat enhancement of the relocation site and post-release management/ monitoring will also form part of this proposal.

Tāngata whenua have been consulted and are directly involved in the project. Consultation has involved Ngāpuhi, Ngāti Pakahi, Whangaroa Maori Trust Board, Waka Kotahi and Te Rūnanga o Whaingaroa, and a copy of the correspondence to date, including hui minutes, has been provided as attachments E1.

Bioresearches are currently preparing a comprehensive Ecological Management Plan (EMP) that will detail the salvage, relocation, and post-release management methods. The EMP will complement and expand on the information contained within the WAA application. The EMP will be forwarded to the Department once it has been completed.

Our WAA application package includes:

i. This letter from the agent 9(2)(a), Bioresearches).
ii. Letter from the NZTA (applicant).
iii. Completed WAA (General) application form 9.
iv. Map of the SH10 Kaeo project area (attachment B10.1).
v. Proof of consultation and engagement with mana whenua (attachments E1).
vi. Not included in the package is the Ecological Management Plan (EMP), which will be submitted to the Department shortly.

Bioresearches (Babbage)
68 Beach Road, Auckland 1010
P O Box 2027, Shortland Street
Auckland 1140, New Zealand
T: 09 379-9417
www.bioresearches.co.nz

Please do not hesitate to contact me or NZTA with any questions or comments regarding the project, WAA application form or supporting documents.

We look forward to hearing from you.

Kind Regards,

9(2)(a)

9(2)(a)

Ecologist | Herpetologist | Bioresearches (Babbage Consultants)
Level 4, 68 Beach Road | PO Box 2727, Shortland Street, Auckland 1010
Tel: 9(2)(a)

Bioresearches Group Ltd
68 Beach Road, Auckland 1010
P O Box 2828, Shortland Street
Auckland 1140, New Zealand
T: 09 379-9417
www.bioresearches.co.nz

Northland Office
1st Floor, Walton Plaza
4 Albert St, Whangarei 0140
Private Bag 106602
Auckland 1143
New Zealand.

www.nzta.govt.nz

28 July 2020

Wildlife Authorisations
Department of Conservation
Level 4, 73 Rostrevor Street
Hamilton

Dear Sir/Madam

The Kaeo Bridge project (the Project) is intending to commence enabling works in October 2020. The Project benefits include (but not limited to):

1. Improved transport network resilience;
2. Improved regional economic growth; and
3. Increased safety.

In addition to the above, during the construction phase of the Project, the local economy will benefit from this spending on transport infrastructure both directly and indirectly, which will be welcomed by the wider community, post Covid-19, helping to support economic recovery in the area.

Any assistance in prioritising this application to ensure the works programme can proceed as planned, will be greatly appreciated by Waka Kotahi NZ Transport Agency and the wider community.

Yours sincerely

s 9(2)(g)(ii)

s 9(2)(g)(ii)
Senior Project Manager – Complex
NZ Transport Agency

10 Kaeo Bridge safety improvements

Works are underway to improve the safety and resilience of Northland roads. As part of this, the NZ Transport Agency is looking at replacing the single lane bridge at Kaeo with a new two-lane bridge as well as a roundabout at the intersection of Whangaraoa Road.

People in the community have raised the following issues:

- Cars travel too quickly along this road – we don't want the new bridge to encourage people to speed.
- The intersection with Whangaroa Road is dangerous – we want that to be made safer.
- Substantial flooding through Kaeo – we don't want the new bridge to increase the possibility of extended flooding.

The team has considered several different designs and have come up with a solution that takes on some of the advice we have received from the local community (see over page).

The new option avoids any upstream impacts to Kaeo by not increasing the height of the road north of the one-way bridge.

This area used to act as floodplains for the Kaeo river, so the river will naturally want to flow through here and by not increasing the height of the road, we won't create a dam which could affect the Kaeo township.

There will be a formal opportunity to give feedback on this design at hui and a public community day. The dates for these are still to be confirmed so watch this space.

The bridge - yesterday and today
Horse and cart vs a different kind of horse power.

PROJECT CONTACTS

Please contact s 9(2)(g)(ii)

Keep up with progress at: **www.nzta.govt.nz/projects/connecting-northland/kaeo-bridge/**

NZ TRANSPORT AGENCY
WAKA KOTAHI

MINUTES OF MEETING

File:	Sheet:	Date: 20.09.17	Time: 10.30-12pm
Subject: Kaeo Hui 1.1			
Location: Whangarei Opus		**Minutes By:** 9(2)(a)	

	Persons Present	Organisation		Persons Present	Organisation
1.	9(2)(a)	Opus	7.	9(2)(a)	Fulton Hogan
2.	9(2)(a)	Fulton Hogan	8.	9(2)(a)	Aurecon
3.	9(2)(a)	Te Runanga	9.	9(2)(a)	Bioresearches
4.	9(2)(a)	Te Runanga	10.	9(2)(a)	Geometria
5.	s 9(2)(g)(ii)	NZTA	11.	s 9(2)(g)(ii)	NZTA
6.	9(2)(a)	Opus/NZTA	12.		

Item	Discussion and Action	By Whom	By When
1.	9(2)(a) went through a PowerPoint presentation, explaining briefly what the Te Runanga currently does and what their plans are for the future.		
2.	9(2)(a) mention our purpose of today's hui. - Primary purpose to is to discuss the CIA and learn. - Want to give an update on where the team is up to today. - The bridge is a smaller part of the bigger picture and the catalyst to help bring the other organisations to the table to help solve communities issues.		
3.	9(2)(a) mentioned the past and current issues within the iwi and hapu. Te Ruanga is a mandated iwi organisation representing all iwi unless the hapu want to represent themselves.		
	Safety Moment		
4.	- Discussion with kids and getting them help before having to go to hospital (in PowerPoint presentation). - [redacted] mentioned following speed limits especially through roadworks. - 9(2)(a) mentioned they are introducing a policy that anyone travelling further than Whangarei must fly, reducing the risk of fatigue.		
	Programme Update		
5.	The business case for Kaeo started March last year, the team have looked at a number of different options and ended up with 3 options. SP1 was awarded to Fulton Hogan Aurecon May 2017. They have investigating further, which includes Ecological, Archaeological, hydrology and property. The team is hoping for a price at the end of October and will hopefully be moving onto construction September/ October 2018.		

Item	Discussion and Action	By Whom	By When
6.	Major hold up would be the consents, need to lodge before Christmas to receive them by mid/late next year. Big items are Ecological, Archaeological and Hydrology, we also need to understand the social impact.		
	9(2)(a) questioned what elements can slow the process down? How can we help not to slow it down? - 9(2)(a) explained that it is a fast process, with the experiences we have had with Matakohe and Taipa we will be better. Need to work together as a team (Project team, iwi, and hapu) and we will be fine. - 9(2)(a) mentioned hydrology is important, is taking a while but is a key part of the project, currently working with NRC. Also, once we have notified we don't know what will come through, don't have complete control.		
7.	9(2)(a) mentioned that Whanganui Catchment group is meeting tomorrow at 9am (Farmer Rep, Iwi Rep, NRC) 9(2)(a) replied that the model is not ready yet, have spoken with NRC and they are going to represent us.		
8.	9(2)(a) mentioned that it is looking to be a 2- 3 season project, finishing April 2020 or 2021, differences is the embankment issues.		
9.	9(2)(a) asked when we lodge if Ecological and Archaeological would submitted to support it? - 9(2)(a) responded that they would be. 9(2)(a) mentioned that the impact of flooding (Occurs at high tide) is important to us.		
10.	**Engagement**		
11.	9(2)(a) will be organising engagement on the project. Will make sure we are engaging with the community.		
	9(2)(g)(ii) mentioned the need to figure out how to involve the bigger picture, not just the bridge, so we can tell the story and get the community involved.		
	Design		
12.	9(2)(a) explained the drawing, - red line is the preferred design other lines where Business Case designs. - Bridge will be 150m to 210m - the embankment 2.5m - the bridge 7m. - Hydrology is the key for the project.		
13.	The team is also looking at adjacent flood projects, but it is early days to see if any of these work.		
14.	9(2)(a) mentioned that design aspect the go into the bridge can also go into the town and create tourism off the back of that. Would like to connect with smaller businesses for tourism so larger firm do not come in and take over.		
	Archaeology		

Item	Discussion and Action	By Whom	By When
15.	9(2)(a) did drawing and discussed the key Archaeology points. - - No sites in the project area - Looked at the historical information - Recommends having an Archaeology Authority to manage accidental finds, especially where the old bridge is coming down. - Risk low to medium.		
	Ecology		
16.	9(2)(a) went through a PowerPoint and discussed the key points. Provided a map with main habitats. - Pasture and drainage channels (yellow), appears to be all reclaimed land. Would like more information regarding water coming down from the southern bush catchment, believes could create a more natural stream which could have good potential for inanga spawning. - Salt marsh and riparian habitat (aqua), fern birds on both sides of the river which are on the threatened species list. - Ponds (orange), man-made but connect to the river and now have native fish in them. - Dark blue – Eucalyptus trees, low ecological value. - Pahuhu Creek (green) is in excellent condition, will need to take care when extending the culvert. - Road side drains – tidal native fish moving up them but no mud fish.		
	CIA		
17.	9(2)(a) gave an update around the CIA - Got lots of information with the water way and is working her way through. Interested in the amount of water and the impact of it. Currently identifying the number waterways that makes their way into the Kaeo river from surrounding hills.		
18.	Time frames – NZTA would like to receive the CIA September, October. Mentioned that it would not be a huge document just mentions the important issues.		
	Other Business		
19.	- 9(2)(g)(ii) mentioned having a separate issue to discuss the MoU with costs and budget. -Engagement is being worked on from NZTA side and will let you know once we have more information.		
20.	- 9(2)(a) mentioned having a hui next month on the 28th October, will have information stand and open information to all the community. -9(2)(a) to action	9(2)(a)	
21.			

10

DESIGN OPPORTUNITIES

The plan on the following page provides an overview of the opportunities discussed at two hui held in Kaeo in December 2019 and February 2020.

Attendees included:

- 9(2)(a) (Whaingaroa Runuga)
- 9(2)(a) (Whaingaroa Runuga)

- 9(2)(a) (Whangaroa Maori Trust Board)
- 9(2)(a) (Whangaroa Maori Trust Board)

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

- s 9(2)(g)(ii) (Waka Kotahi)
- s 9(2)(g)(ii) (Waka Kotahi)
- s 9(2)(g)(ii) (Waka Kotahi)
- s 9(2)(g)(ii) (Waka Kotahi)

- 9(2)(a) (Aurecon)
- 9(2)(a) (Aurecon)
- 9(2)(a) (Aurecon)
- 9(2)(a) (Wayfinder)
- 9(2)(a) (Fulton Hogan)

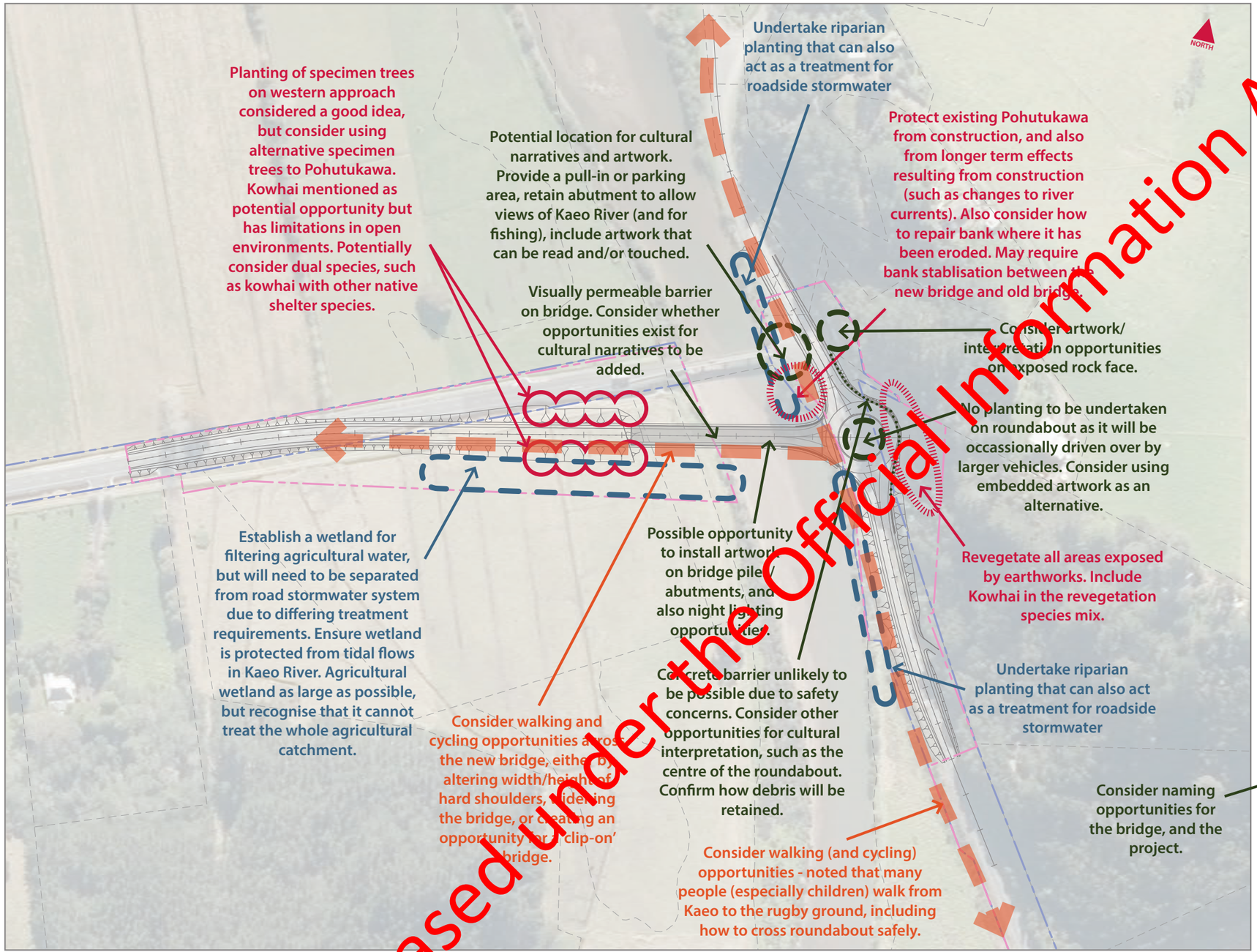
The focus of the hui were to both help representatives of mana whenua and the community to understand the project, whilst also exploring potential opportunities for landscape and cultural enhancement.

Consider opportunities for existing cut face, and replace signage.

Retain existing pohutukawa, and protect roots from further erosion.

Consider opportunities for the abutments of the old bridge, perhaps as a place for cultural narratives.

Consider stormwater runoff from road, manage through riparian planting.



Artist sub-group to be formed by iwi to work through narratives and develop artwork opportunities around the bridge. Waka Kotahi to assist by providing technical consultants as necessary. Group to consider all opportunities holistically, and then to confirm with Waka Kotahi which can be incorporated into this current project, and which may need to be delivered later by the community.

Consider methods to help avoid structures and artwork being vandalised, and provide suitable methods for graffiti removal and maintenance.

Design Hui 2
Opportunities Plan

WAKA KOTAHI NZ TRANSPORT AGENCY

Kaeo Bridge

18 February 2020

Revision 01
Drawn 9(2)(a) Reviewed 9(2)(a)

Scale: NTS
Print at A3

Sheet 2

Wayfinder-ProjectFiles-1712Kaeo-DesignHui-DesignHui2

www.wayfinder.nz
9(2)(a)

aurecon

WAYFINDER
Landscape Planning & Strategy

Plan captures ideas and opportunities discussed at the Kaeo Bridge Design Hui, held in Kaeo on 13 February 2020 and 12 December 2019. Note that delivery of any opportunities outlined on this plan is at the sole discretion of Waka Kotahi. Some opportunities are captured for future projects. Road layout is indicative only and subject to change.

9(2)(a)

From: 9(2)(a)
Sent: Tuesday, 28 July 2020 2:36 PM
To: 9(2)(a)
Subject: Fw: Touching base

HI 9(2)(a)
An email from one of the IWI representatives that I worked with on the site. They accompanied me on one my last site visits.
Kind regards
9(2)(a)

From: 9(2)(a)
Sent: Friday, 31 May 2019 12:08 PM
To: 9(2)(a)
Cc: s 9(2)(g)(ii) 9(2)(a)
Subject: Touching base

Hi 9(2)(a)
Great catching up yesterday.
Talking with s 9(2)(g)(ii) yesterday, they are going to try and get design team up for a korero and site visit.
s 9(2)(g)(ii)
It was a bit difficult in the site area yesterday for 2 reasons
1. Not exactly sure how far in or setback from current road location the roundabout will go
2. The weather was a bit shit

If we can be sent details of setback required would be helpful.

9(2)(a), let's stay in touch.

9(2)(a)

9(2)(a)

From: 9(2)(a)
Sent: Tuesday, 28 July 2020 2:36 PM
To: 9(2)(a)
Subject: Fw: Kaeo Bridge Project: ecology field survey - this Thursday 30 May

---

From: 9(2)(a)
Sent: Tuesday, 28 May 2019 2:20 PM
To: 9(2)(a)
Cc: 9(2)(a) s 9(2)(g)(ii) 9(2)(a)
Subject: Re: Kaeo Bridge Project: ecology field survey - this Thursday 30 May

Tena koe e 9(2)(a)

s 9(2)(g)(ii) is meeting us on Thursday 30th May in Kaeo at our Office at 12.30. Are you part of his team? I am assuming so, We are available Thursday afternoon for site visit, as discussed with s 9(2)(g)(ii).

Please get back to me and confirm

kia ora

9(2)(a)

On Tue, May 28, 2019 at 1:56 PM 9(2)(a) > wrote:

Kia ora 9(2)(a)
Your details have been passed onto me from s 9(2)(g)(ii) NZTA.

To inform the design of the proposed works, we need to undertake further ecology surveys within the bush area located along the eastern side of SH10, just south of the bridge. The general location of the field surveys is identified in the figures below.

Are you (or someone else in your place) available to participate in the field surveys with the ecologist 9(2)(a) on Thursday morning? If that doesn't suit, would Thursday afternoon work better?

Feel free to call me or return email.

Thanks,

9(2)(a)

9(2)(a)
Manager, Environment and Planning, Aurecon
9(2)(a)
Spark Central, Level 8, 42-52 Willis Street, Wellington New Zealand 6011
PO Box 1591, Wellington 6140
aurecongroup.com

9(2)(a)

From: 9(2)(a)
Sent: Tuesday, 28 July 2020 2:37 PM
To: 9(2)(a)
Subject: Fw: Kaeo - ecology field survey dates & Iwi

From: 9(2)(a)
Sent: Friday, 24 May 2019 10:18 AM
9(2)(a)
Cc: 9(2)(a) s 9(2)(g)(ii)
s 9(2)(g)(ii)
Subject: RE: Kaeo - ecology field survey dates & Iwi

Sounds good 9(2)(a) – lets lock in next Thursday.

9(2)(g)(ii) – can you please liaise directly with 9(2)(a) regarding timing for the day, once the time for the huis are confirmed.

Thanks,
9(2)(a)

9(2)(a)
Manager, Environment and Planning, Aurecon
9(2)(a)

DISCLAIMER

From: 9(2)(a)
Sent: Friday, 24 May 2019 8:36 AM
To: 9(2)(a)
Cc: 9(2)(a)
Subject: RE: Kaeo - ecology field survey dates & Iwi

Hi 9(2)(a)
Yes, that will work.
I can be there early if needed as I will stay with my family (who live locally) overnight.

Kind regards,
9(2)(a)

9(2)(a) .Sc.(Hons) | Marine & Freshwater Biologist | Bioresearches
Level 4, 68 Beach Road, Auckland 1010 | PO Box 2828, Auckland 1140, New Zealand
9(2)(a)
Bioresearches
A Babbage Company
www.bioresearches.co.nz

From: s 9(2)(g)(ii)
Sent: Friday, 24 May 2019 7:39 AM

To: 9(2)(a)
Cc: 9(2)(a)
Subject: Fwd: Kaeo - ecology field survey dates & Iwi

Hi 9(2)(a) - does next Thursday out on site work with you?

9(2)(a)
9(2)(a) | Environment and Planning | Aurecon

From: s 9(2)(g)(ii)
Sent: Thursday, May 23, 2019 11:21:50 AM
To: 9(2)(a) ; 9(2)(g)(ii)
Cc: 9(2)(a)
Subject: RE: Kaeo - ecology field survey dates & Iwi

Hi 9(2)(a)
9(2)(g)(ii) and I are meeting people up there next Thursday, so this could be a good day.
We could meet 9(2)(a) on site with 9(2)(a) and a representative from the Runanga, if they would like to have separate attendance, and then potentially discuss the CIA recommendations with Violet after the site visit.

We will update you with meeting times in due course.

Thanks,

s 9(2)(g)(ii) / Project Manager
System Design and Delivery – Portfolio D

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

Level 1, Walton Plaza, 4 Albert Street, Whangarei

From: 9(2)(a)
Sent: Thursday, 23 May 2019 10:00 AM
To: s 9(2)(g)(ii) s 9(2)(g)(ii)
Cc: 9(2)(a)
Subject: Re: Kaeo - ecology field survey dates & Iwi

Hi s 9(2)(g)(ii),
Just touching base if you have managed to get any dates for next week when Iwi representatives may be available to come out on site with 9(2)(a) to do the additional ecology field survey.

Thanks
9(2)(a)

9(2)(a)
9(2)(a) | Environment and Planning | Aurecon

From: s 9(2)(g)(ii)
Sent: Friday, 17 May, 17:08
Subject: RE: Kaeo - ecology field survey dates & Iwi

To: 9(2)(a) , s 9(2)(g)(ii)
Cc: 9(2)(a)

Thanks for the heads up 9(2)(a)
s 9(2)(g)(ii) we can extend this invitation to the Kaeo Iwi when we head up to meet them in the next week or two. Let me know if you are thinking of any upcoming dates for this visit.

Cheers,

s 9(2)(g)(ii) / Project Manager
System Design and Delivery – Portfolio D
M 9(2)(a)
E s 9(2)(g)(ii) / **w** nzta.govt.nz

Level 1, Walton Plaza, 4 Albert Street, Whangarei

From: 9(2)(a)
Sent: Friday, 17 May 2019 4:24 PM
To: s 9(2)(g)(ii)
Cc: 9(2)(a)
Subject: Kaeo - ecology field survey dates & Iwi

Hi s 9(2)(g)(ii),
We need to schedule in the ecologists to undertake a field survey of the additional disturbance area as a consequence of the changed design – this is within the bush around the intersection, marked up below.

Dates from the ecologist are Friday 7 June or any day the following week.

Are you able to please liaise with Iwi, extending an invite to be on site and providing dates they are available.

We will also need to sort out property access and HS&E matters given that access to the survey site will be from the state highway.

Have a good weekend.

9(2)(a)

9(2)(a)
Manager, Environment and Planning, Aurecon
9(2)(a)
9(2)(a)

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www.nzta.govt.nz

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9(2)(a)

From: 9(2)(a)
Sent: Tuesday, 28 July 2020 2:38 PM
To: 9(2)(a)
Subject: Fw: Kaeo Hui Minutes 1.1 20.19.17
Attachments: Minutes Kaeo 1.1 20.09.17.pdf

From: 9(2)(a)
Sent: Friday, 6 October 2017 11:34 AM
To: 9(2)(a)
s 9(2)(g)(ii)
s 9(2)(g)(ii)
9(2)(a)
; s 9(2)(g)(ii) 9(2)(a)
Subject: Kaeo Hui Minutes 1.1 20.19.17

Hi All,

Here is a copy of the minutes from the Kaeo Hui on the 20.09.17

This will be the final copy unless anyone gets back to me before COB 09.10.17

9(2)(a) can you please pass these onto s 9(2)(g)(ii):

Kind Regards

OPUS
9(2)(a)
Project Coordinator

Opus International Consultants Ltd, Mansfield Terrace Service Lane, 125A Bank Street, Whangarei 0110, New Zealand
PO Box 553, Whangarei 0140, New Zealand

9(2)(a)

www.opus.co.nz

9(2)(a)

From: 9(2)(a)
Sent: Tuesday, 28 July 2020 2:41 PM
To: 9(2)(a)
Subject: FW: Bridge Kaeo monitoring

From: 9(2)(a)
Sent: Wednesday, 16 August 2017 10:45 AM
To: 9(2)(a)
Cc: 9(2)(a)
Subject: RE: Bridge Kaeo monitoring

Hi 9(2)(a)
The baseline assessment went well.
The river levels were too high for us to carry out everything we wanted to in the river but we covered everything else we planned. I will wait for a period of low rainfall and re-check the low tide channel in the vicinity of the proposed crossing.
Adam came out (and assisted) with the recovery of the nets and traps on the Friday and is up to date with what we found.
Briefly, in terms of native species of note: we found fernbird on both sides of the river; longfin as well as shortfin eel in the ponds, inanga and redfin bully. Although we targeted mudfish habitat, none were caught.
There were areas of salt marsh on both sides of the river, as expected, but no sign of banded rail or other cryptic marsh species.

I hope to have the ecological report finished in the next month which will have the assessments.

Kind regards,
9(2)(a)

9(2)(a), M.Sc.(Hons) | Marine & Freshwater Biologist | Bioresearches Group Ltd
Level 4, 68 Beach Road, Auckland 1010 | PO Box 2828, Auckland 1140, New Zealand
9(2)(a)

Bioresearches
A Babbage Company

www.bioresearches.co.nz

From: 9(2)(a)
Sent: Wednesday, 16 August 2017 7:38 a.m.
To: 9(2)(a)
Subject: Bridge Kaeo monitoring

Hi 9(2)(a)

How did the monitoring go last Thurs-Fri?
Find any endangered species or any significant results?

Just touching base to keep contact.

Cheers
9(2)(a)

9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 29 July 2020 10:43 AM
To: 9(2)(a)
Cc: 9(2)(a)
Subject: Mana Whenua consultation - for Wildlife Permit
Attachments: Hui notes.pdf

Hi 9(2)(a)

Thanks for the chat just then. Below is some detail on consultation with Mana Whenua (from the AEE), along with some more recent notes which are attached.

The Whangaroa Maori Trust Board on behalf of Te Runanga o Whaingaroa, completed a Cultural Impact Assessment (CIA) in December 2019. Ngati Pakahi also completed a CIA in December 2019. The key points raised in the CIAs and proposed mitigation are discussed in the subsections below.

Concerns and recommendations of Tangata Whenua in the CIAs included the following matters discussed below.
For Te Runanga o Whaingaroa:
- Recognise the role of Tangata Whenua as kaitiaki;
- Obtain an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 to manage any potential effects on archaeological sites and features in the area near the Pahuhu settlement;
- Support for the recommendations of the Assessment of Ecological Effects report;
- Ensure appropriate cultural protocols are followed;
- Design for safety of drivers, pedestrians and cyclists;
- Reuse or recycling of the decommissioned bridge;
- Naming and design of the proposed new bridge;
- Use of Pou Whenua;
- Potential visual and landscape effects of the new bridge;
- Potential impacts on native plants and animals; and
- Ensure access to the river is maintained.

For Ngati Pakahi:
- The engagement of appropriate qualified kai kawe karakia to carry out appropriate rituals is required at all significant points before, during and after completion of the project:
- All workers and visitors to the project site should be appraised of the cultural protocols before entering the site;
- Tangata Whenua should be involved as cultural monitors during the work and the disturbance of whenua, the river and the environment as a whole;
- Tangata Whenua should be involved in the cultural design features of the bridge;
- Create opportunities to educate or upskill local youth; and
- Retain the Tangata Whenua history and cultural heritage relating to the Project site for future reference.

The proposed Project mitigation includes the following measures:
- Develop a Heritage and Archaeology Management Plan in consultation with Te Runanga o Whaingaroa and Ngati Pakahi which will include:
- An accidental discovery protocol when unanticipated finds are encountered in accordance with Waka Kotahi NZ Transport Agency Standard P45;
- Identify a location for any archaeological finds during construction to be deposited;
- Top soil stripping within archaeologically sensitive areas should be monitored by an archaeologist and a cultural monitor;
- Protocols for appropriate tikanga for Maori archaeological sites and features;
- Follow the Landscape Concept Plan that was developed in consultation with Tangata Whenua and the project Ecologist; and
- Continue to consult with Tangata Whenua during Project detailed design and construction.

Bioresearches
A Babbage Company

LIZARD AND SNAIL MANAGEMENT PLAN

SH10 KAEO BRIDGES PROJECT

LIZARD AND SNAIL MANAGEMENT PLAN

SH10 KAEO BRIDGES PROJECT

PREPARED BY: 9(2)(a)

BIORESEARCHES (BABBAGE CONSULTANTS)

68 BEACH ROAD, AUCKLAND

9(2)(a)

FOR: **NEW ZEALAND TRANSPORT AGENCY (NZTA)**

DATE: 11 AUGUST 2020

REVISION 001: 24 AUGUST 2020

FINAL: 27 AUGUST 2020

REPORT VERSION: FINAL

REFERENCE: BIORESEARCHES (2020). LIZARD AND SNAIL MANAGEMENT PLAN: SH10 KAEO BRIDGES PROJECT

COVER ILLUSTRATION: NORTHLAND GREEN GECKO (*NAULTINUS GRAYII*)

Bioresearches
A Babbage Company

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1 INTRODUCTION

NZTA is seeking to undertake road network improvements that would involve the construction of a new two-lane bridge and roundabout at the intersection of SH10 and Whangaroa Road that will improve safety and traffic flow. The Kaeo Bridge project is intending to commence enabling works in October 2020. The proposed construction activities will require the removal of roadside vegetation and habitat that may support indigenous lizards and land snails (e.g. kauri snails and allies).

An Assessment of Ecological Values report was prepared by Bioresearches (2019) to accompany a resource consent application for the preferred alignment. The ecological report concluded that the potential adverse effects of the proposed project on indigenous lizards and their habitat values were considered **Moderate** (as per the EIANZ EcIA guidelines; Roper-Lindsay *et al.,* 2018) and therefore, mitigation would be necessary to avoid or minimise adverse effects.

The ecological assessment did not consider the potential adverse effects on land snails, which are known to occur in forests adjacent to the Project Area. Some land snails (e.g. *Paryphanta busbyi*) are protected under the Wildlife Act 1953 and are listed as 'At Risk-Declining' under the New Zealand Threat Classification system (Townsend *et al.,* 2008). The activities associated with the proposed project could affect land snails and mitigation would be necessary to avoid or minimise potential impacts.

The following Lizard and Snail Management Plan (LSMP) has been prepared to identify how the project will address potential adverse effects on local indigenous lizards and land snails within the Project footprint and its surrounds. Specifically, the LSMP sets out procedures for how the potential adverse effects will be avoided or minimised.

1.1 MANAGING POTENTIAL ADVERSE EFFECTS ON INDIGENOUS LIZARDS AND LAND SNAILS

The proposed road network improvements are subject to significant engineering constraints because of the location of the existing road, the path of the Kaeo River, the surrounding landscape form and flooding risk. The preferred road alignment is the result of an iterative design process and the design has now been consented. As such, the complete avoidance of potential lizard habitat cannot be achieved and mitigative actions, including the implementation of a lizard salvage and relocation programme are required to minimise adverse effects.

1.2 CONTEXT OF THE LIZARD AND SNAIL MANAGEMENT PLAN

Herpetofauna (reptiles and amphibians) comprise a significant component of New Zealand's terrestrial fauna. Lizards (skinks and geckos) are represented by over 100 endemic taxa (van Winkel *et al*., 2018) and of these, more than 80% are assigned conservation threat statuses of 'Threatened' or 'At Risk' of extinction (Hitchmough *et al.* 2016).

All indigenous herpetofauna and *Paryphanta* snails (kauri snails) are legally protected under the Wildlife Act 1953 (and subsequent amendments) and vegetation and landscape features that provide significant habitat for indigenous species are protected under the Resource Management Act 1991 (Section 6(c)). Moreover, policies set out to provide protection and management of ecosystems and indigenous biodiversity (including indigenous lizards and snails) are provided for in the Regional Policy Statement for Northland (Policy 4.4.1). Thus, there are statutory requirements for the management of 'Threatened' or 'At Risk' indigenous fauna where they or their habitats are threatened by disturbance or development.

A Wildlife Act Authority (WAA) is required to capture, handle, relocate and kill (incidentally) indigenous wildlife and this LSMP will be actioned under a valid Department of Conservation WAA[1].

1.3 PROJECT AREA AND AREA OF AFFECTED HABITAT

The Project Area is located approximately 2.6 km north-north-west of Kaeo township, near the intersection of SH10 and Whangaroa Road. The preferred road alignment would replace the current one-lane bridge with a two-lane bridge, remove the hard right-angle turns on and off the bridge to the east with a roundabout, and realign the highway north and south of the proposed new intersection. The new double lane bridge would cross the Kaeo River approximately 20-40 south (upstream) of the existing bridge before re-joining the current SH10 via the new roundabout intersection.

From the west, the proposed alignment would cross through pasture, drained by artificial watercourses; the Kaeo River riparian management zone; the Kaeo River; the roadside drainage channels and a section of native vegetation east of SH10. As part of the flood mitigation works, the scope also proposes removal of the existing western stop-bank, which will be reconstructed further back, aligning with the bridge approaches.

To the east of SH10, the proposed roundabout and cut and fill batters south of the roundabout will impinge into the native shrubland, which is dominated by mānuka, kānuka, *Coprosma* sp. and the tree ferns, ponga, māmaku, whekī (*Dicksonia squarrosa*). Tānekaha (*Phyllocladus trichomanoides*), tōtara, and tawai form the canopy. The ground cover is dominated by exotic weedy species that are gradually replaced by native species (e.g. flax, ground ferns, and native grasses).

The primary area of affected habitat as it pertains to lizard and land snail values includes the shrubland located to the east of SH10. However, the riparian vegetation and rank pasture grass to the west of Kaeo River is also considered to hold value for indigenous lizards, particularly skinks.

The indicative alignment and areas identified as potential lizard/ land snail habitat are illustrated in Figure 1.1. The detailed design is shown in Appendix I.

[1] The Project's WAA application is currently being processed by the Department of Conservation's permissions team and activities outlined in this LSMP would not commence until a WAA has been issued.

Figure 1.1. SH10 Kaeo Bridges indicative alignment and areas identified as potential lizard/ land snail habitat. Map modified from plans produced by Fulton Hogan/ Aurecon.

2 LIZARD AND SNAIL MANAGEMENT PLAN

2.1 NORTHLAND'S LIZARDS AND LAND SNAILS

The Northland area supports a rich assortment of indigenous species due to the high diversity of ecosystem and habitat types found within its regional boundaries. Northland supports 26 lizard taxa and numerous land snail species (land snails and their allies). Many of these taxa are confined to predator-free offshore islands or have highly restricted mainland distributions (van Winkel *et al.*, 2018; Spencer *et al.*, 2006) but several lizard and land snail taxa could be present within the landscape surrounding the SH10 Kaeo Bridge Project Area.

Preliminary and opportunistic searches for lizards within the Project Area did not record their presence (Bioresearches, 2019). Notwithstanding, eight species of indigenous lizards could be expected within the Kaeo area based on historic records (DOC Amphibian and Reptile Distribution Scheme [ARDS] database, *accessed August 2020*) (Table 2.1). Of these, five (63%) species are classified as nationally 'At-Risk' (Hitchmough *et al.*, 2016). It is also anticipated that one exotic species of lizard (plague skink, *Lampropholis delicata*) and two species of exotic frog (*Ranoidea aurea* and *R. raniformis*) could be present in the Project Area. However, the plague skink is classified as an 'Unwanted Organism' under the Biosecurity Act 1993, and no specific management is warranted for any of the introduced lizards or frogs.

No dedicated searches for land snails (e.g. kauri snail or *Amborhytida dunniae*) were undertaken within the Project Area. However, these species are known to occur in the wider landscape with kauri snail records from Orotere Lane, Matauri Bay Road and Kaeo Bush Scenic Reserve, and *Amborhytida dunniae* records both north and south of the Project Area (*iNaturalist.nz*).

Table 2.1. Terrestrial herpetofauna (reptiles and amphibians) of the Northland Region (mainland only), corresponding NZ threat status (Hitchmough *et al.*, 2016; Burns *et al.*, 2018) and occurrence within 5 km of the Project Area (source: DOC ARDS database).

	Common name	Species name	NZ threat status	Reported within 5 km
Indigenous	***Mokopirirakau granulatus***	Forest gecko	At Risk – Declining	
	Naultinus grayii	Northland green gecko	At Risk – Declining	✓
	Oligosoma ornatum	Ornate skink	At Risk – Declining	
	Dactylocnemis pacificus	Pacific gecko	At Risk – Relict	
	Oligosoma moco	Moko skink	At Risk – Relict	
	Oligosoma aeneum	Copper skink	Not Threatened	✓
	Oligosoma smithi	Shore skink	Not Threatened	✓
	Woodworthia maculata	Raukawa gecko	Not Threatened	
Exotic	***Lampropholis delicata***	Plague skink	Introduced & Naturalised	✓
	Ranoidea aurea	Green and golden bell frog	Introduced & Naturalised	✓
	Ranoidea raniformis	Southern bell frog	Introduced & Naturalised	

2.2 MANAGEMENT THE POTENTIAL EFFECTS ON INDIGENOUS LIZARDS AND LAND SNAILS

As previously mentioned, the complete avoidance of potential lizard/ snail habitat cannot be achieved due to various engineering design constraints.

The potential effects of the Project on lizards/ land snails as a result of vegetation loss and construction include:

- Injury or death as a result of vegetation clearance and construction activities;
- Construction noise, light and dust disturbance;
- Habitat fragmentation, isolation, and potentially increased habitat edge effects; and
- Habitat loss, which include regenerating and established native forest and rank pasture.

Potential ongoing effects resulting from operation and maintenance of the road include:

- Mortality or injury on roads through lizard/ land snail strike or road kill;

Managing the effects on lizards/ land snails would be achieved through mitigation that would involve the implementation of a salvage and relocation programme.

The salvage and relocation protocols described here are relevant to both indigenous lizards (all lizard taxa that could potentially be encountered in the Project Area) and 'At Risk' land snails (*Paryphanta busbyi* and *Amborhytida dunniae*).

2.3 SALVAGE AND RELOCATION

Prior to the commencement of the lizard/ land snail salvage, the extent of the works footprint should be clearly demarcated by contractors (e.g. pegged out, dazzled, taped) to ensure the project herpetologist understands the full extent of the affected area.

A DOC-authorised herpetologist—and assistant ecologist where required—would carry out a search and salvage operation that involves:

1. A pre-vegetation clearance systematic search and live trapping programme; and
2. A machine-assisted destructive search. These methods are discussed in more detail below.

The specific details of each capture method are provided below.

2.3.1 Lizard/ land snail capture

2.3.1.1 Pre-clearance searches and live trapping

2.3.1.1.1 Active searches

Diurnal (day) and nocturnal (night) searches would be undertaken by a DOC-authorised herpetologist with assistance of an approved ecologist. Searchers would walk the extent of the project footprint systematically lifting debris (e.g. logs, rocks, and organic and inorganic material), searching through vegetation foliage, thickets and rock piles by hand or with the assistance of tools (e.g. rakes), searching the crowns and skirts of tree ferns, and searching beneath flaking tree bark or within tree cavities to reveal lizards/ land snails. Dense vegetation thickets or deep rock piles would be dismantled in a piecemeal fashion down to ground level to ensure all potential retreat sites have been searched.

Where the foliage of tall trees cannot be effectively inspected for arboreal lizards, the herpetologist would mark (e.g. dazzle paint) the trunk(s) and these trees(s) would be re-inspected during the second stage of the salvage operation (see section 2.3.1.2).

Active searches would continue for at least two days, employing the effort of two herpetologists/ ecologists (i.e. minimum of 42-person search hours).

2.3.1.1.2 Live trapping

Live funnel (Gee-Minnow) traps (Hare, 2012) would be used to assist in the capture of lizards missed during active searches or in areas where vegetation is too complex or dense to search effectively by hand. As searchers move through the affected area, funnel traps would be installed at a density of one unit per 2–5 m^2 behind the direction of movement. The location of the traps would be determined by the herpetologist while on-site, providing a level of flexibility with respect to equipment placement (i.e. equipment could be placed in locations that provide the highest probability of capture, rather than positioning equipment in a standardised grid pattern that may result in some traps being located in unsuitable habitat). Each funnel trap would be half-filled with vegetation matter and baited with a fruit (e.g. banana or pear) or protein lure (e.g. tuna). The total number of funnel traps and their locations would be determined by the herpetologist during the salvage operation. All equipment would be marked with flagging tape and the GPS locations recorded.

The traps would be inspected twice a day (morning and afternoon) over the salvage timeframe (see *3.1.3 Lizard Salvage Timeframe*) and all captured lizards would be placed in temporary holding containers (see section 2.3.3) pending their relocation.

2.3.1.2 Vegetation clearance and machine-assisted searches

Tall trees that cannot be effectively searched for arboreal lizards would be felled using a chainsaw under the supervision of the Project herpetologist. Once the tree has been felled the foliage, bark, and any holes or crevices in the branches/trunks would be inspected for lizards.

At no stage should areas identified by the herpetologist as potential lizard/ land snail habitat be mulched *in situ* by lowering a mulch-head directly onto standing vegetation. Mulching standing vegetation is highly destructive and eliminates all opportunities for the herpetologist to recover

individuals or for the lizards/ land snails to vacate the vegetation of their own accord before the vegetation is destroyed.

Areas of complex low-growing vegetation (e.g. areas of rank grass) that cannot be effectively hand-searched, should be searched with the assistance of a machine (excavator). An excavator fitted with a toothed-bucket or root-raker would be used to lift shrubs and dense vegetation and scrape back vegetation to expose the topsoil (Figure 2.1). The herpetologist would supervise the vegetation stripping and direct the machine operator to carefully strip complex habitats, allowing the herpetologist to move in and capture lizards/ land snails as they are exposed.

Coordination and communication between the herpetologist and vegetation clearance contractors (both managers and labourers) is crucial to ensure injury to lizards/ land snails, and the herpetologist, is avoided.

Figure 2.1. Machine-assisted searches. Herpetologist supervising the scraping of terrestrial vegetation.

2.3.2 Lizard/ land snail handling and temporary containment

Indigenous lizards and land snails would be captured and handled by a DOC-authorised herpetologist only. A second ecologist (who would be listed on the WAA) and/ or mana whenua may assist with the salvage operation but only the authorised herpetologist would handle fauna.

All lizards/ land snails would be placed in a temporary containment box(es), which would be filled with vegetation matter and leaf litter and misted with water. Lizards/ land snails would only be held temporarily for the period of the active searches or trap inspections (i.e. < 2 hr), after which the lizards/ land snails would be released at the approved relocation site.

It is not anticipated that any lizard taxa with threat classifications higher than 'At Risk' would be encountered on-site. However, if this were to occur, the individual(s) would be captured and held temporarily in a containment box while the Department of Conservation local office is notified, and further advice and instruction is given to the herpetologist.

2.3.3 Inadvertent lizard/ land snail injury or death

The following steps will be implemented if any injured or dead lizards/ land snails are found during salvage:

- The project herpetologist will notify DOC at the earliest opportunity within 24 hours after an injured or dead lizard/ land snail found;
- Any lizard/ land snail death of 'Threatened', 'At Risk' species shall be sent to Massey University Wildlife Postmortem Service for necropsy:
    - The body would to be chilled if it can be delivered within 24 hours, frozen if longer than 24 hours to deliver;
- Appropriate measures shall be undertaken to minimise further lizard/ land snail deaths;
- Injured lizards/ land snails found during salvage will be taken to a suitably qualified vet as soon as possible for assessment and treatment. Injured lizards/ land snails will be kept in an appropriate portable enclosure (i.e. a clean, well-ventilated plastic container) under the direction of the project herpetologist to ensure the animal is handled appropriately until the lizard(s)/ land snail(s) can be assessed and treated;
- Lizards/ land snails assessed by the vet or alternative specialist as uninjured, or otherwise in suitable condition for release, will be transported to the relocation site in the portable enclosure and released; and
- Euthanasia of an injured lizard/ land snail shall only be undertaken under direction from DOC.

2.3.4 Lizard/land snail salvage timeframe

The duration of the *pre-clearance searches and live trapping* would continue for a period of two days of suitable weather (i.e. temperatures above 15°C, precipitation-free). The two-day duration is deemed suitable for the small size of the works footprint and the diversity and abundance of lizards/ land snails expected to occur in the footprint. However, the following contingency plan has been proposed to ensure that all efforts is made to salvage every lizard/ land snail. If:

A) no lizards/ land snails have been caught over the two-day search/ trapping period AND the herpetologist has determined that the habitat is no longer suitable to support lizards/ land snails, the salvage operation would cease, OR

B) lizards/ land snails are still being caught in the second half of day two, searching and trapping would continue until no lizards/ land snails are captured within a 12-hour period thereafter employing the same search effort.

The *machine-assisted searches* would then follow the *pre-clearance searches* and would continue until all habitat for lizards/ land snails has been removed to the satisfaction of the Project herpetologist.

2.4 LIZARD/ LAND SNAIL RELOCATION

2.4.1 Relocation site selection

The re-establishment, persistence and long-term protection of the displaced lizards/ land snails relies on the appropriate selection of a suitable relocation site. A relocation site should offer equal or ideally better prospects for survival and long-term persistence of lizards/ land snails when directly compared to the original capture site.

A suitable relocation site is one that provides all the necessary attributes required by lizards/ land snails for survival and reproduction (e.g. shelter, food resources, reproductive access to mates, etc). It is necessary to understand the existing lizard/ land snail community structure at a relocation site before introducing new individuals into the environment (this is particularly important where high numbers of lizards/ land snails [i.e. > 20] are expected to be released). The following set of criteria have been applied to assist in determining a suitable relocation site.

1. **Habitat size and complexity** – ensure the relocation habitat is representative (equal quality) or of better quality, than the original capture site(s).
2. **Vicinity to original population** – limit the distance that lizards/ land snails are relocated from their original capture site(s). Distances < 2 km would meet this criterion.
3. **Security of estate** – ensure long-term protection and maintenance of habitats at the relocation site.
4. **Resident species composition and density** – confirm the presence of indigenous lizards/ land snails and limit the potential adverse effects of intra- and inter-species competition at the relocation site.

Table 2.2 provides a summary of the potential lizard/ land snail relocation sites in the landscape surrounding the Project Area and accompanies the following sections.

2.4.1.1 'On-site' retention of lizards/ land snails

The retention of fauna within or adjacent to the project area is often preferred with respect to development-related salvages, as it maintains local biodiversity and reduces the potential effects associated with longer distance relocations (e.g. stress during transfer periods, homing phenomena). However, the retention of lizards/ land snails within a project area relies on the availability or provision of habitat, of sufficient quantity and quality, to support displaced individuals.

The proposed works would require the removal of established vegetation on the eastern side of SH10 and the removal of riparian margin vegetation and rank grass to the east of Kaeo River. These areas would either be built over by the roading network or landscaped with amenity plants once construction is complete. There is limited scope for extensive revegetation to create suitable lizard/ land snail habitat within or immediately adjacent Project Area, and the landscape planting would not be established to a level suitable to receive lizards/ land snails at the time of relocation.

A narrow band of native-dominated vegetation to the east of the Project Area would remain post-construction and may be available to receive salvaged lizards/ land snails. However, the relatively small

size of the vegetation patch and its location adjacent to the State Highway and private properties renders it largely unsuitable as a high quality and secure relocation site for lizards/ land snails. It is anticipated that lizards and snails are likely to disperse or move across larger distances immediately following relocation and there is a heightened risk of vehicle strike and/or movement onto private property. Moreover, the long-term security of this vegetation remains uncertain (i.e. the vegetation is not subject to covenants or other land protections) and the potential for implementing and managing effective habitat enhancement measures (e.g. weed control, pest mammal control) is severely limited.

When assessing on-site retention against the four 'release site criteria', only one of the four criteria (*2. Vicinity to original population*) was met (Table 2.2). Accordingly, the retention of lizards/ land snails on-site or immediately adjacent to the Project Area is not considered a viable option.

2.4.1.2 'Off-site' relocation of lizards/ land snails

A desktop assessment of the parks, reserves and protected areas in the wider landscape surrounding the Project Area revealed several sites that may or currently do support suitable habitat for indigenous lizards/ land snails. These include Kaeo Bush Scenic Reserve, Kukuparere Scenic Reserve, Upokorau Conservation Area, and St. Pauls Rock/ Ohakiri Scenic Reserve (Table 2.2; Figure 2.2).

The assessment highlighted two DOC-administered Scenic Reserves, Kaeo Bush Scenic Reserve and Kukuparere Scenic Reserve, that would provide the most suitable relocation sites for lizards and land snails.

Kaeo Bush Scenic Reserve represents an extensive area of secondary regenerating and mature native forest located approximately 2 km to the east of the Project Area. When assessed against the relocation site criteria, the Reserve met three of the four criteria (i.e. 1, 2, and 3). Criterion 4 could not be met given the absence of information on the diversity and abundance of resident lizard and land snail communities. The Reserve is surrounded by private land and therefore, difficult to access (i.e. access to the Reserve would require private landowner approvals). The Reserve is mostly characterised by closed canopy forest, with few vegetation edges, which reduces it suitability as a relocation site for species of geckos that prefer shrubland edge habitats (e.g. *Naultinus grayii, Mokopirirakau granulatus*).

Kukuparere Scenic Reserve supports a similar vegetation community to Kaeo Bush, though the Reserve is less than one third of the size. When assessed against the relocation site criteria, the Reserve met two of the four criteria (i.e. 1 and 2). Criterion 3 was not met as the Reserve is greater than 2 km from the Project Area and Criterion 4 could not be met given the absence of information on the diversity and abundance of resident lizard and land snail communities. The Reserve is surrounded by private land but is easily accessible from Taraire Road where there is a public access track. The interior of the Reserve is mostly characterised by closed canopy forest but unlike Kaeo Bush there is good representation of vegetation edges along the eastern and northern sides, where native shrubland and areas of rank grass are present. Kukuparere Scenic Reserve offers a wider range of potential habitat types for indigenous lizards that Kaeo Bush.

The other two potential areas (Upokorau Conservation Area and St. Pauls Rock/ Ohakiri Scenic Reserve) were not considered suitable as relocation sites due to the larger distance from the Project Area (Upokorau Conservation Area is 7.5 km away) and the unsuitability of the habitat for lizards and/ or land snails (St. Pauls Rock/ Ohakiri Scenic Reserve).

Considering the above, it is recommended that all indigenous lizards and land snails salvaged as part of the Project are relocated to Kukuparere Scenic Reserve (Figure 2.2). Although the Reserve is farther away than Kaeo Bush Scenic Reserve, the presence of a more diverse array of habitat types (forest interior, shrubland edges, rank grassland) and unrestricted and convenient access to the relocation site by the Project herpetologist is more favourable. Access to the relocation site is a crucial component of the proposed programme to allow surveying, monitoring and post-release management activities to be undertaken.

Long-term security of the relocation site is important to ensure relocated individuals successfully persist and flourish and their habitat is protected from the effects of future degradation and loss. Kukuparere Scenic Reserve is a protected area under the Reserves Act 1977 (s.19(1)(a)), which ensures its long-term protection and the Reserve is fenced to prevent unwanted stock access.

It is acknowledged that no information is currently available on the local diversity or abundance of indigenous lizards or land snails in Kukuparere Scenic Reserve. However, given the relatively small area of habitat proposed for removal from the Project Area it is anticipated that the number of salvaged lizards/ land snails would be low (i.e. << 50). Accordingly, the introduction of a relatively small number of lizards/ land snails into the Reserve is likely to have negligible effects on any existing indigenous communities, especially where habitat enhancement (e.g. supplementary refuges) is provided.

To gain an understanding of the local faunal communities present in Kukuparere Scenic Reserve, it is recommended that an appraisal of the lizard and land snail populations at the proposed relocation site is undertaken prior to the relocation (see section Pre-release appraisal (survey) of Kukuparere Scenic Reserve2.4.2).

The Reserves Act (1977) allows the introduction of indigenous flora and fauna to Scenic Reserves to restore ecological communities (s.51(1)(a)) and/ or to promote the survival of any indigenous flora or fauna species (s.51(1)(b)). However, approval of the lizard/ land snail relocation and the relocation site would be required from the Department of Conservation (Scenic Reserve and Wildlife Act administrator). These approvals would be sought through the Wildlife Act Authorisation process.

Table 2.2. Potential lizard/ land snail relocation sites in the landscape surrounding the Project Area. Green shading = preferred relocation site.

Name	Administration*	Description	Distance from Project Area	Lizards/snails recorded	Assessment against relocations site criteria (i.e. criteria met)	Benefits/ Constraints
Retention 'on-site'	Road reserve, private properties	(< 1 ha). Narrow band of mixed native and exotic vegetation on the eastern side of SH10. Shares ecological connections with forest on neighbouring private properties to the east. Accessible from SH10.	0 km	• *Naultinus grayii* (confirmed nearby). • Probably other lizard species and land snail.	2. Vicinity to original population.	• Minimal relocation distance. • Adjacent to SH10 (traffic disturbances and collision risk). • Bordered by private land.
Kaeo Bush Scenic Reserve	Reserves Act 1977 s.19(1)(a) - Scenic Reserve	(ca. 350 ha). Kanuka/manuka–tanekaha–taraire–towai forest. Large, diverse, contiguous habitat. Access difficult and across private property.	2 km	• *Naultinus grayii* and land snail confirmed. • Probably a variety of lizard species.	1. Habitat size and complexity. 2. Vicinity to original population. 3. Security of estate.	• Close to Project Area. • Lizards & snails present. • Access difficult. • Surrounded by private land. • Closed canopy forest with little edge habitat. • DOC approval required.
Kukuparere Scenic Reserve	Reserves Act 1977 s.19(1)(a) - Scenic Reserve	(ca. 90 ha). Mixed secondary regenerating and more mature native forest (kanuka, manuka, taraire, tanekaha). North facing edge interfaces with rank grass along roadside. Access from Taraire Road.	6.5 km	• No records. • Probably land snails and a variety of lizard species.	1. Habitat size and complexity. 3. Security of estate.	• Suitable habitat and variety of habitat types. • Easy access. • DOC approval required.
Upokorau Conservation Area	Conservation Act 1987 s.25 - Stewardship Area	(ca.182 ha). Large area of mixed secondary regenerating and more mature native forest. Adjacent to pine plantation forest. Access from Waiare Road.	7 km	• No records. • Probably land snail and a variety of lizard species.	1. Habitat size and complexity. 3. Security of estate.	• Surrounded by private land. • Far from Project Area. • DOC approval required.
St. Pauls Rock/ Ohakiri Scenic Reserve	Reserves Act 1977 s.19(1)(a) - Scenic Reserve	(ca. 73 ha). Predominantly kanuka forest with occasional totara, puriri, pōhutukawa, towai, rewarewa, and pine. Large rock outcrop. Access from Old Hospital Road or Wahini Road.	3.4 km	• No records. • Probably a variety of lizard species.	3. Security of estate.	• Habitat may not be suitable for land snails. • High public traffic in some parts of the Reserve. • DOC approval required.

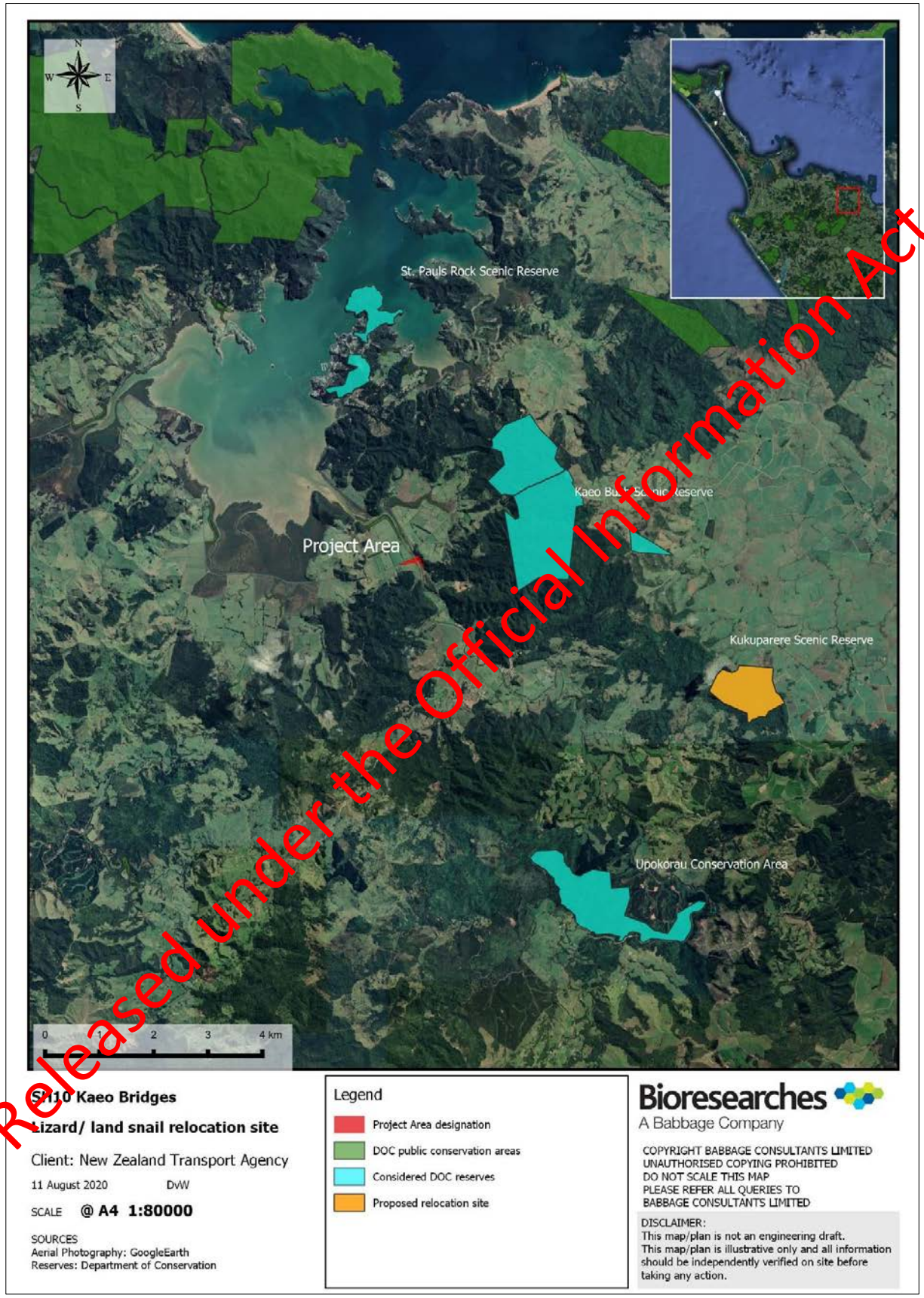

Figure 2.2. Aerial photograph of the wider landscape surrounding the Project Area, showing the location of potentially suitable lizard relocation site ("Considered DOC Reserves") and the location of the recommended relocation site ("Proposed relocation site").

Figure 2.3. Photographs of the proposed relocation site (Kukuparere Scenic Reserve) taken from Taraire Road. Source: Google Street View (11 August 2020).

2.4.2 Pre-release appraisal (survey) of Kukuparere Scenic Reserve

Prior to the relocation of lizards/ land snails into Kukuparere Scenic Reserve, a specific release site within the Reserve would need to be established. This would be achieved through a recce of the Reserve and an appraisal of the resident lizard and snail communities at the preferred release site, which would be determined by the Project herpetologist in consultation with DOC.

The appraisal would be carried out at the preferred release site in the two days leading up to the salvage and would involve active diurnal and nocturnal searches for lizards and land snails, as well as the use of live lizard traps (e.g. funnel traps) to assist in detection of more cryptic lizards.

All individual lizards/ snails found would be weighed, measured, and photographed, and their location recorded along with notes on microhabitat characteristics. The information attained from this appraisal would provide a coarse assessment of the diversity and relative abundance of indigenous lizards and land snails at the preferred release site and would be used as a benchmark for comparative analysis (e.g. increases or decreases in diversity or relative abundance) as part of the post-release monitoring activities (where required).

The results of the recce and appraisal would be reported to NZTA, Far North District Council (FNDC), and DOC in a memorandum format immediately after their completion.

2.4.3 Lizard/ land snail release strategy

All lizards and land snails would be hard-released (i.e. no soft-release pens) into appropriately enhanced habitat at the approved relocation site. It is anticipated that habitat enhancement would assist in achieving high survival and persistence of relocated lizards/ land snails at the release site.

Each individual lizard and snail would be measured, weighed, and photographed prior to release. For lizards, photographs of the dorsal, lateral, and ventral sides of the animal would provide a reference for individual identification during post-release monitoring sessions (where required). Individual identification of land snails is not possible without permanently marking individuals. Permanent marking would not be undertaken as part of this relocation.

2.5 LIZARD/ LAND SNAIL HABITAT ENHANCEMENT

The habitat at the proposed relocation site appears to be suitable for a variety of indigenous lizards and land snails in its current state. However, the relocation of additional individuals into an already occupied environment raises concerns about potential intra- and inter-specific interactions such as direct competition (e.g. adversarial interactions, competitive exclusion) and resource availability/ competition (e.g. refuges, food supply, access to new territories). To mitigate these potential risks, management provisions would be required to enhance the relocation site, and its surrounds, to ensure that important resources are adequately provided for and the overall carrying capacity of the site is raised.

To enhance this area sufficiently to receive salvaged lizards/ land snails, it is recommended that the following actions are implemented:

1) Provision of supplementary refuges.
2) Implementation of mammalian pest control at and surrounding the relocation site (i.e. over an area of one hectare[2]).

Each of these elements is discussed in more detail below.

2.5.1 Supplementary refuges

The provision of permanent refuge structures, including but not limited to log piles, natural debris (e.g. decaying vegetation), and rock piles would be required to supplement the natural refuges already present at the relocation site.

Refuge structures (e.g. felled logs, branches, forest duff, rocks) be would be recovered from the Project Area and installed at the relocation site by the Project herpetologist prior to and/ or during the salvage operation. In the instance where an inadequate number of natural refuges are available, *Onduline* tiles

[2] Anecdotal evidence suggests that pest control over areas less than one (1) hectare does not provide adequate pest suppression.

may be installed to offer permanent long-term refuges for terrestrial taxa[3]. *Onduline* tiles offer shelter, protection from predators and/or thermoregulatory advantages for lizards (Lettink 2007) and potentially for land snails too. Moreover, artificial refuges for arboreal geckos (e.g. closed cell foam covers) may be installed at the release site where arboreal geckos are salvaged and relocated as part of the project.

Salvaged lizards/ land snails would then be released beneath these refuge structures to provide immediate shelter and protection from predators. This method would also potentially act to anchor relocated individuals at the relocation site, reducing post-release flight responses and rapid non-directional dispersal as far as practicable.

2.5.2 Mammalian pest control

To provide the highest probability of survival and establishment of relocated lizards/ land snails it is recommended that mammalian pest control targeting rodents, hedgehogs, mustelids, and feral cats be implemented at the relocation site. The pest control operation would be implemented over an area of one (1) hectare[4]. Table 2.3 outlines the recommended triggers for pest management provisions at the relocation site.

Pest control operations should be established prior to (no less than 3 months before) the start of the salvage operation and be maintained monthly (i.e. refilling of bait stations and re-setting of traps) for the required duration (see Table 2.3).

The pest control programme should be designed by or in consultation with an experience pest control provider, and the operator should submit annual progress reports to NZTA, DOC, FNDC, and the Project herpetologist for review. An example template for bait take and trap catch recording is provided in Appendix II.

2.5.3 Post-release monitoring

Post-release monitoring is a requirement of all DOC Wildlife Act Authority's issued for the purpose relocating protected wildlife. Thus, population monitoring is recommended where lizards/ land snails are salvaged and relocated as part of the Project. Table 2.3 outlines the recommended triggers for post-release monitoring provisions at the relocation site depending on the results of the salvage operation.

It is recommended post-release monitoring be carried out at the release site to verify or otherwise the presence of lizards/ land snails, determine the presence of gravid female lizards and/ or snail eggs, potentially identify relocated individuals (lizards only) and determine the performance of enacted management.

[3] *Onduline* artificial retreats may not deliver instantaneous results and often they require some time (e.g. weeks to months) before they are regularly used by animals.

[4] Anecdotal evidence suggests that pest control over areas less than one (1) hectare does not provide adequate pest suppression.

The monitoring sessions would employ standard survey techniques such as the use of artificial refuges (Lettink & Cree, 2007; Lettink, *et al.,* 2011; Lettink, 2012), live traps (Hare, 2012), and active searches, in accordance with Department of Conservation SOPs (*DOC Biodiversity inventory and monitoring toolbox – Herpetofauna*). Land snail monitoring would involve active searches and artificial refuges only.

The results of each monitoring session and any recommendations emerging from the results would be reported to NZTA, FNDC, and DOC. In addition, all records of lizards/ land snails would be submitted to the Department of Conservation and FNDC for inclusion in their respective fauna databases.

Table 2.3. Triggers for management and post-release monitoring provisions.

	Trigger	Management provision	Duration of pest management	Post-release monitoring provision
A	• < 10 'Not Threatened' lizards; and/ or • < 3 'At Risk' lizards and/ or • < 3 'At Risk' kauri snails	• No pest management required • Supplementary refuges	N/A	N/A
B	• ≥ 10 'Not Threatened' lizards; and/ or • ≥ 3 'At Risk' lizards; and/ or • ≥ 3 'At Risk' kauri snails	• Pest management applied across 1 ha • Supplementary refuges	3 years	Monitoring at years 1 and 3
C	• ≥ 20 'Not Threatened' lizards; and/ or • ≥ 10 'At Risk' lizards; and/ or • 1 'Threatened'[1] lizard and/ or • ≥ 10 'At Risk' kauri snails;	• Pest management applied across 1 ha • Supplementary refuges	5 years	Monitoring at years 1, 3, and 6.
D	• ≥ 20 'At Risk' lizards; and/ or • > 1 'Threatened'[1] lizard	• Pest management applied across 1 ha • Supplementary refuges	5 years	Annual monitoring (at years 1, 2, 3, 4, 5 and 6)

[1] Taxa listed as 'Nationally Critical', 'Nationally Endangered', and 'Nationally Vulnerable'.

3 REFERENCES

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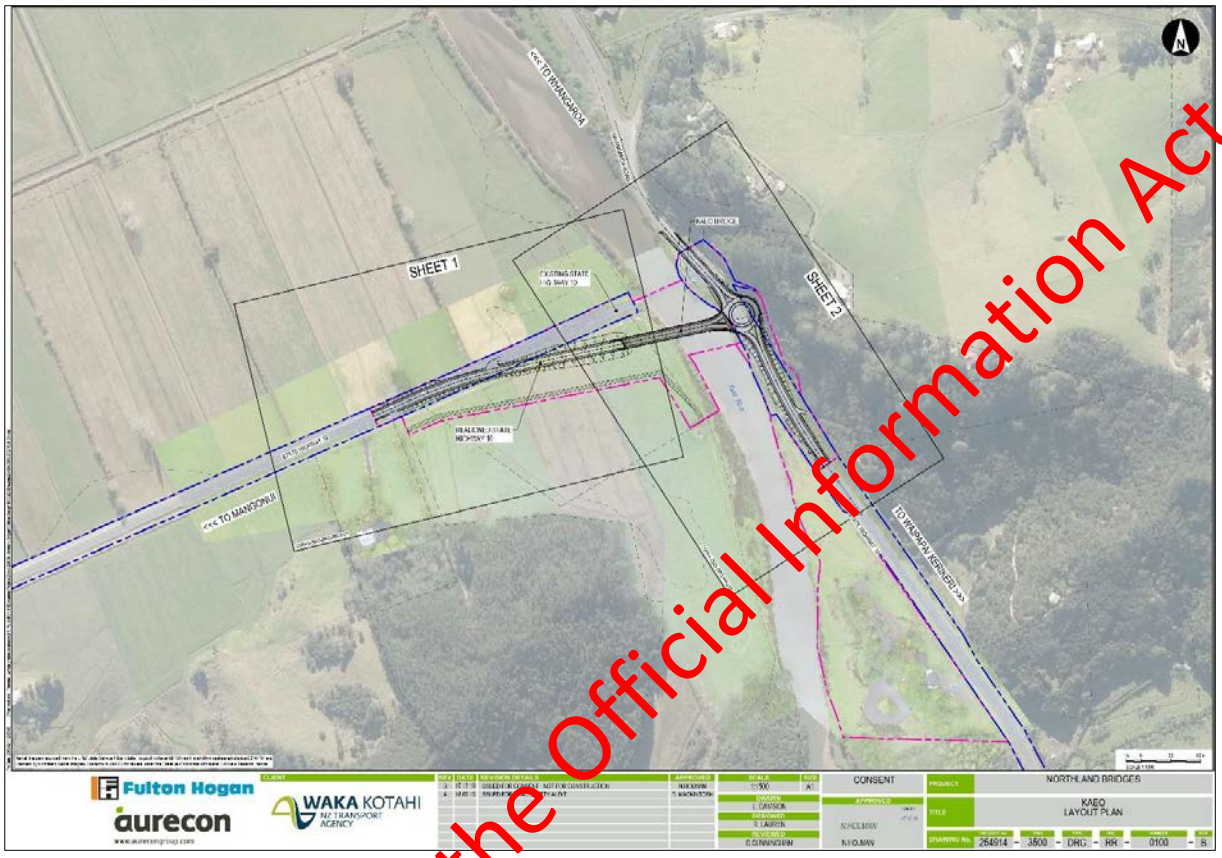
4 APPENDICES

APPENDIX I. SH10 KAEO BRIDGES LAYOUT PLAN.



APPENDIX II. BAIT TAKE AND TRAP CATCH RECORDING TEMPLATE

The below are some suggestions of the basic info you should record each time a trap and / or station is checked.

Bait Take Record

Location					
Person					
Date		*Time*			
Bait name					
Safety issues identified					
		record bait in 1/4 blocks, eg 1 1/4, 1 1/2, etc			
Line #	Station ID #	Estimate how much bait is still in station? (blocks)	How much bait did you remove? (blocks)	How much bait did you put in? (whole blocks)	Other comments eg. birds seen/heard, lizards seen, slug/snail damage, bait station condition

Trap catch record

Location					
Person					
Date		*Time*			
Safety issues identified					
Line #	Trap ID #	Has the trap caught anything? (Y/N)	Species caught	How much bait did you put in? (whole blocks)	Other comments eg. Nothing caught but lure gone; notes of trap / station damage etc

Department of Conservation
Te Papa Atawhai

Permission Ref: 88835-FAU

To: s 9(2)(g)(ii) as Operations Manager Bay of Islands

From: s 9(2)(g)(ii) as Operations Director NNI

Date: 7th August 2020

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

The Court of Appeal and Supreme Court judgments in the *PauaMAC5 Inc.* case had ramifications for the types of authorisations delegates of the Director-General of Conservation (DG) can grant under section 53 of the Wildlife Act 1953:

1. An application for authorisation under section 53 can only be considered if **the activity is "catch alive" or "kill".** Lesser interferences such as disturbance or unsuccessful pursuit can only be authorised if they occur as part of "catch alive or kill".
2. Authorising "catch alive or kill" envisages something inherently intentional. It cannot be used to facilitate or "cover" in case of an accidental action. An example of accidental killing is hitting a bird with your car. Incidental killing would be where an area is bulldozed knowing lizards will be present even though salvage has been undertaken. Accidental cannot be authorised; incidental can.
3. The judgments also confirmed the purpose of the Act (essentially to protect wildlife and control game). This means that an activity authorised under section 53 must promote the wider purpose of the Act. Purely anthropocentric activities with no benefit to wildlife would be unlikely to meet the purpose of the Act as there is no element of protection.

For more information on the impacts of the PauaMAC5 case, refer to the Factsheet for Decision Makers DOC-6193585.

Wildlife Act Application to Salvage, Transfer and Incidentally Kill Wildlife

The Department has received an application to catch, handle and transfer protected wildlife for the purpose of species management.

The NZ Transport Agency is seeking to undertake road network improvements on SH10 north of Kaeo Township in Northland. Specifically, the SH10 Kaeo Bridge project would involve the construction of a new two-lane bridge and roundabout at the intersection of SH10 and Whangaroa Road that will improve safety and traffic flow. Construction activities will require the removal of roadside vegetation and habitat that may support indigenous lizards and kauri snails (Paryphanta busbyi). The purpose of this Wildlife Act Authority application is to obtain permission to capture (salvage) and relocate indigenous lizards and kauri snails potentially impacted by the proposed works.

Proposed species
1. Copper skink
2. Ornate skink
3. Forest gecko

4. Pacific gecko
5. Northland green gecko
6. Kauri snail

Proposed methods of capture

Pre-construction active searches across all habitat types, 1-3 days prior to vegetation clearance, e.g. lifting terrestrial debris and searching thick leaf litter, peeling away tree bark, and day and night searching of tree/ shrub foliage.

Pre-construction trapping (lizards only) using funnel (Gee-Minnow) traps. Systematic destructive searches where habitat cannot be easily searched, e.g. clearing terrestrial substrate (e.g. hand raking) and dismantling the vegetation (e.g. pampas clumps/ foliage) by hand.

Supervised vegetation clearance/ stripping with the aid of an excavator, during site preparation and the beginning of construction.

Proposed location

Salvage operation to be undertaken within the proposed construction footprint of SH10, approximately 2.6 km north north-west of Kaeo (Attachment B10.1). Lizard and snail relocation into Kukuparere Scenic Reserve (Reserves Act 197[illegible] s.19(1)(a) - Scenic Reserve), which is located approximately 6.6 km southeast of the construction footprint. Kukuparere Scenic Reserve has been proposed because it is a protected Scenic Reserve (Reserves Act 1977), and contains well-established indigenous vegetation (Conning, 1999), with a diversity of native trees, shrubs, understorey/ groundcover that are considered suitable for the species intended to be relocated. In addition, the Reserve likely supports populations of indigenous lizards and is known to support a population of Paryphanta busbyi (Conning, 1999).

NOTE: at the time of writing this WAA application, the EMP has not been completed. The WAA application has been submitted early to register it within the DOC system. DOC can expect to receive the EMP shortly.

Proposed term

September 2020 - May 2022

Consultation

Consultation information has been included with the application.

If this activity cannot take place in your area an active decision must still be made to decline the application.

Fees

The authority for agreeing fees sits with PPL Director to ensure a consistent approach across the country. Where the fee setting is consistent with the Price Book, place based decision makers can incorporate this into their decision.

Purpose

To make a decision on the application.

Quantity:

- A decision or other appropriate closure of the application
- Written rationale for decision
- Permissions processing complete (e.g. paperwork, database)

Quality:

- Ensure permissions contracts contain relevant conditions around current covid-19 restrictions
- Ensure the purpose of the Wildlife Act 1953 is considered
- Ensure appropriate engagement with iwi/hapu/whanau
- Ensure stakeholders are appropriately consulted
- Ensure all effects are understood and addressed
- Ensure a robust decision-making process following best practice
- Ensure appropriate interaction and communication with the applicant
- Use team process and follow the defined 'Type 2' process steps
- Utilise resources provided
- Request changes to resources if required
- Ensure final decision is appropriately shared
- Assess and escalate critical issues
- Learn how to shorten the cycle time
- Ensure standard lizard salvage conditions are used (see below and include conditions that apply)

[This activity has very high impacts. Authorities should be issued for a maximum of 3 years. Please ensure BEFORE GRANTING that Operations rangers and whānau/hāpu/iwi fully understand what this authority does, which also includes killing lizards.~~—~~ Killing lizards should be included as an activity on the permit, note that many applicants fail to identify this as an activity; they should be made aware of this. Ensure that all mitigation conditions are always included. Authorisations are for lizards and issued to people assessd as experienced Herpetologists only.

Note: ONLY name people on the permit if they meet the following, other employees of the company should NOT be included. T~~t~~hese generic multiple salvage permits should only be issued to "suitably experienced herpetologist". This will be assessed by the Lizard TAG based on the following criteria:

- *Appropriate qualifications as an ecologist*
- *Suitable and relevant field skills from New Zealand and NZ lizard species*
- *Experienced in the conservation management and/or ecological requirements of most/all NZ Not Threatened and At-Risk lizard species.*
- *Suitable experience with lizard salvage operations.*
- *Suitable experience in writing Lizard Management Plans (LMP), and favourable peer review for at least 2 salvage related LMPs*
- *Have complied with all permit conditions of pervious permits, including reporting.*
- *Understanding and experience of the effort required for lizard survey and salvage, including favourable peer review of at least 2 salvage operations.*

When renewing salvage permits check that the standard conditions apply (they may have been modified since the past permit was issued. Before reissuing a renewal, ensure that all conditions have been meet from the previous permit, including reporting. It is essential we have full reports of all salvage operations before reissuing these permits

Mitigation Conditions:
The Authority Holder is only permitted to release wildlife:

a. that are classified as Not Threatened or At-Risk species under the current threat classification system;

b. into release site(s) that are assessed by a qualified herpetologist [or other expert] as being of similar or better habitat than the source location, and capable of supporting that lizard species;

c. into release site(s) that are within five hundred (500) metres of the development footprint (or with consultation and agreement with the relevant DOC Services Manager);

d. into release site(s) where habitat for that species of wildlife has been enhanced and approved prior to relocation, using accepted techniques such as provision of extra refuges suitable for the species providing protection from predators (e.g. complex rock stack), or long-term predator control; and

e. into release site(s) where the site has long-term security from development or modification (e.g. Council or DOC- managed Reserves, covenants or District Plan provisions).

Any salvage operation for wildlife shall be accompanied by a translocation proposal or Species Specific Management Plan that outlines, as a minimum, capture and handling techniques to be applied, the proposed relocation release site, management of the release site including provision for protection of relocated wildlife, provision of post-release monitoring, actions that will be followed in the event that Threatened lizard species are found within the development footprint and contingencies should establishment of salvaged wildlife fails. The translocation proposal or Species-Specific Management Plan shall be approved by the Grantor.

Incidentally kill wildlife

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

If any lizards are injured as part of the Authorised Activity, the Authority Holder shall contact a suitably qualified herpetologist to get advice on management of the lizard. The Authority Holder is authorised to euthanise injured animal(s) on recommendation of the qualified herpetologist

Salvage relocation and habitat enhancement

Where monitoring indicates that population establishment has failed, the Authority Holder must perform actions as set out in the contingencies/adaptive management sections of the Species-Specific Management Plan(s) to ensure adequate mitigation of effects has been achieved.

DOC Operations Manager(s) are to be contacted immediately for further advice if wildlife species classified as Threatened are located within the footprint of the proposed development or within the proposed release site. separate application to translocate Threatened species will be required.

During wildlife salvage operations or construction, if Threatened wildlife are found within the footprint of the site, the Authority Holder must contact the DOC Operations Manager(s). The Authority Holder must transfer the wildlife to an approved captive holding facility until a suitable release site is identified by DOC. A separate application to translocate Threatened species may be required. The costs of care and subsequent release are the responsibility of the Authority Holder.

This Authority only allows the salvage of up to twenty (20) individuals of any species. If a larger number is estimated at the salvage site, a separate application to translocate over twenty (20) individuals is required.

The Authority Holder must engage with the relevant tangata whenua prior to any relocation of wildlife taking place in their rohe. Advice on engagement with tangata whenua should be sought from the DOC Operations Manager(s).

Once a Species-Specific Management Plan has been prepared and approved by DOC, the Authority Holder may hold any of the salvaged wildlife in captivity for up to twelve (12) months
Any offspring of the salvaged wildlife born in captivity must be released with the original salvaged wildlife, in accordance with the Species-Specific Management Plan.

Lizard capture, handling and relocation should be undertaken at a suitable time of year *[insert months]* when lizards are active, as advised by a suitably experienced herpetologist *[September –May is the usual duration, but this will vary by region and altitude. Check with local experts on the conditions /species to help define suitable times].*

Lizard Salvage Reporting

1. A report is to be submitted in writing to the DOC Operations Manager, [*insert office and address*], by 30 June each year for the life of this Authorisation, summarising outcomes in accordance with the Species Specific Management Plan. Each report must include:
    - the species and number of any animals collected and released;
    - the GPS location (or a detailed map) of the collection point(s) and release point(s);
    - copies of approved ~~Species Specific~~Assessment of Environment Effects (lizards)/ Lizard Management Plans or similar; and
    - results of all surveys, monitoring or research.
2. Completed Amphibian and Reptile Distribution System (ARDS) cards for all herpetofauna sightings and captures (http://www.doc.govt.nz/conservation/native-animals/reptiles-and-frogs/species-information/herpetofauna-data-collection/ards-card/) must be sent to Herpetofauna, Department of Conservation, National Office, PO Box 10420 Wellington 6143 or herpetofauna@doc.govt.nz.

Resources

Permissions Advisor – s 9(2)(g)(ii)
Community Ranger – To be assigned by the Decision Maker
Technical Advisor – s 9(2)(g)(ii)

Link to Application: DOC-6390613

Additional Resources:

Permissions Advisor guidance: DOC-6182664
Court of Appeal DOC legal advice: DOC-5701834 [legally privileged]
Supreme Court DOC legal advice: DOC-6096829 [legally privileged]

Timeframe

Within 20 working days of acceptance of Task Assignment. In this instance, the 20 working days will commence from 11th August.

Department of Conservation
Te Papa Atawhai

Permission Decision Support Document

Application Details	
Decision Maker	s 9(2)(g)(ii), Bay of Islands Operations Manager
Applicant	NZ Transport Agency (NZTA)
Permission Number	88835-FAU
Permission Type	Wildlife Act authorisation

Key Dates	
Application received	29/07/2020
Task Assignment assigned	04/08/2020
Context Meeting	28/8/2020
Check-In Meeting	1/9/2020
Decision due	08/09/2020

Document Links	
Application	DOC-6390613 and LMP at DOC-6447801
Task Assignment	DOC-6390621

Resources	
Permissions Advisor	s 9(2)(g)(ii)
District Office/s	s 9(2)(g)(ii)
Science and Policy	s 9(2)(g)(ii)

Cost Recovery

Function	Time (minutes)	Date complete
Capture	20	
Summary	20	
Understand		
Assign	20	
Pre-application advice*		

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				500
2	Undertake a statutory analysis of the application	Permissions Advisor				40
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	Find if iwi consult happened re WA, if not then local office consult (darcy).	s 9(2)(g)(ii)			2/9/2020	30
6	Rangers x 2					240

	Technical advisor					300
	decisionmaker					120

2. Purpose

To make a decision on the application.

3. Context

Wildlife Act Application to Salvage, Transfer and Incidentally Kill Wildlife

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NOTE: at the time of writing this WAA application, the EMP has not been completed. The WAA application has been submitted early to register. The EMP is coming shortly.

Location
The activity has been applied for at the following location:

Conservation area	Land status	District Office	Activity
Kukuparere Scenic Reserve	Scenic Reserve	Bay of Islands	Wildlife Salvage

Relevant details about the Applicant

Credit check result	*NA – Existing customer*
Compliance with previous permission conditions	*No record of any breaches*
Relevant convictions	*NA*

4. Critical Issues

Context meeting 28/8/2020

Raised issue of how many species may be there, little mitigation planting, questions over release site

Checkin meeting 1/9/2020 – discussion:

How many lizards will they find?

What about managing residual effects?

How to understand if NZTA has done iwi consultation?

17/09/2020 Biodiversity Ranger visited the site and advised the following:

The habitat of the salvage/development site is impoverished and of little conservation value. There is a small amount of Manuka/Kanuka, and one Towai. The Lizard Management Plan is appropriate and the translocation of any specimens to Kukuparere Scenic Reserve is appropriate as it is a suitable relocation site.

The Department's ecologist concurs with biodiversity ranger's advice

5. Consultation with Treaty Partners

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

Bay of Islands

SECTION A: Treaty Settlement implications

If you have any questions about Treaty Settlement implications of an application, contact Timoti Gallagher, 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.

No

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

n/a

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

n/a

- 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?

n/a

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 s 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.

No

- 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).*

Yes

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 (By NZTA)	Ngati Pakahi Whangaroa Maori Trust Board Waka Kotahi Te Runanga o Whaingaroa		
Date consultation was sent out	Various and ongoing		
Consultation time frame end date	n/a		
Consultation method (email, phone, face to face etc)	Hui and email		
How many attempts made to consult?	Various and ongoing by NZTA		
DOC-CM link to any consultation emails received	DOC-6462213		

SECTION D: Consultation with above hapu

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

There are no agreed triggers

- Did the whānau, hapū, or iwi engage in consultation on this application? If not, ensure attempts to engage are detailed in Section C.

Yes

- What is the interest of the whānau, hapū, or iwi in the site or activity?

Environmental and cultural interests

- What are their views on the activity (taking place at the specified site)?

Support for recommendations of AEE report

- What sort of adverse effects do the whānau, hapū, or iwi believe the activity will have on their interests (at the specified site)?

As part of the Cultural Impact Assessment potential impact on native species was identified and mitigation put in place.

- Have the whānau, hapū, or iwi identified any methods to avoid, remedy, or mitigate these effects?

Tangata whenua should be involved as cultural monitors during the work and the disturbance of whenua, the river and environment a whole.

- Summarise any other information provided by the whānau, hapū, or iwi.

Bioresearches on behalf of NZTA have advised that Tangata whenua have been consulted and are directly involved in the project.

6. Contributions

Statutory Analysis: Authorisation under the Wildlife Act 1953
s 9(2)(g)(ii), **Permissions Advisor**

<u>Consistency with conservation legislation</u>

Conservation legislation assessed:

Section 53 of the Wildlife Act 1953
Section 19 of the Reserves Act 1977

Criteria for decision:

- Is the activity consistent with the relevant conservation legislation?

Yes

Discussion:
The Director General can authorise any specified person to catch alive absolutely protected wildlife for 'any purpose approved by the Director-General'

The Court of Appeal in PauaMac5 Incorporated v Director- General of Conservation [2018]

BNZCA 348 [4 September 2018] held that while authorisation can be granted "for any purpose", the purpose must be one which is consistent with the purpose of the Act, which is protection of wildlife i.e. it must have protective benefits. The purpose of catching alive the wildlife for salvage has protective benefits for the wildlife. The Department's ecologist and biodiversity ranger are satisfied that the release site at Kukuparere Scenic Reserve is an adequate environment to receive the small numbers of wildlife found, if any are found at all. Therefore, the catch alive aspect of this application is consistent with the legislation.

<u>Purpose for which the land is held</u>
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

Discussion:
The proposed release of salvaged wildlife is into a scenic reserve managed under Reserves Act 1977.

The purpose of scenic reserves is for the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest; and
For the purpose of providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection, and preservation are desirable in the public interest.

Every scenic reserve shall also be so administered and maintained that:

- the indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved, and for this purpose, except where the Minister otherwise determines, exotic flora and fauna shall as far as possible be exterminated; and

- where historic, archaeological, geological, biological, or other scientific features are present in the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve; and

- to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained. (s19)

Comment:
The reserve is a suitable relocation site for any lizards or snail species that require relocation. Recommended conditions will also address biosecurity and therefore protection and preservation of the reserve\s environment will not be compromised.

7. Proposed Operating Conditions

Lizard Management Plan

1. The Lizard Management Plan titled "Lizard and snail management plan SH10 Kaeo Bridges Project dated August 2020" annexed to this Authority as Schedule 4, forms a Part of this Authority.

Ownership of absolutely protected wildlife

2. This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife in accordance with the terms and conditions of the Authorisation, but the wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, any eggs or progeny of the wildlife, genetic material and any replicated genetic material.

3. Unless expressly authorised by the Grantor in writing, the Authority Holder must not donate, sell or otherwise transfer to any third party any wildlife, material including any genetic material, or any material propagated or cloned from such material, collected under this Authority.

Death of wildlife associated with activities covered by the Authority

4. If any Threatened, At Risk or Data Deficient species (see NZ Threat Classification System and Lists: http://www.doc.govt.nz/about-us/science-publications/conservation-publications/nz-threat-classification-system/) should die, the Authority Holder must:

   a. inform the Grantor within 24 hours

   b. chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours;

   c. send the body to Massey University Wildlife Post Mortem Service for necropsy along with details of the animal's history;

   d. pay for any costs incurred in investigation of the death of any Threatened, At Risk or Data Deficient species; and

   e. If required by the Grantor, cease the Authorised Activity for a period determined by the Grantor.

Euthanasia

5. The Authority Holder must not euthanise any wildlife unless:

   - the Authority Holder consults with the relevant Captive Co-ordinator (as applicable) and 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.

Kill wildlife

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

7. If any lizards are injured as part of the Authorised Activity, the Authority Holder shall contact a suitably qualified herpetologist to get advice on management of the lizard. The Authority Holder is authorised to euthanise injured animal(s) on the recommendation of a qualified herpetologist.

Salvage relocation and habitat enhancement

8. During wildlife salvage operations or construction, if novel or Threatened wildlife are found within the footprint of the site, the Authority Holder must immediately contact lmcdonald@doc.govt.nz, DOC Community Ranger. The Authority Holder must transfer the wildlife to an approved captive holding facility until a suitable release site is identified by DOC. A separate application to translocate the novel or Threatened species may be required. The costs of care and subsequent release are the responsibility of the Authority Holder.
9. The Authority Holder must engage with the relevant tangata whenua prior to any relocation of wildlife taking place in their rohe. Advice on engagement with tangata whenua should be sought from the DOC Operations Manager(s).
10. The Authority Holder may temporary hold any of the salvaged wildlife in captivity prior to relocation.
11. Any offspring of the salvaged wildlife born in captivity must be released with the original salvaged wildlife, in accordance with the Lizard and snail management plan at Schedule 4.
12. Lizard capture, handling and relocation should be undertaken at a suitable time of year when lizards are active, as advised by a suitably experienced herpetologist.
13. The Authority Holder shall ensure that the project herpetologist is at the on-site induction prior to works commencing.

Lizard Salvage Reporting

14. A report is to be submitted to s 9(2)(g)(ii) citing permission number, 88835-FAU by 30 June each year for the life of this Authorisation, summarising outcomes in accordance with the Species Specific Management Plan. Each report must include:
    - the species and number of any animals collected and released;
    - the GPS location (on a detailed map) of the collection point(s) and release point(s);
    - copies of approved Assessment of Environment Effects (lizards); Lizard Management Plans or similar; and
    - results of all surveys, monitoring or research.
15. Completed Amphibian and Reptile Distribution System (ARDS) cards for all herpetofauna sightings and captures (http://www.doc.govt.nz/conservation/native-animals/reptiles-and-frogs/species-information/herpetofauna-data-collection/ards-card/) must be sent to Herpetofauna, Department of Conservation, National Office, PO Box 10420 Wellington 6143 or herpetofauna@doc.govt.nz.

Term: 1 October 2020 to May 31 2022

8. Decision Making

Recommendations
The applicant has consulted with and gained the support of local iwi regarding the project and wildlife act application.

The application is in accordance with the legislation and the therefore it is recommended that the application is approved.

Decision: Authorisation under the Wildlife Act 1953

1. Approve the granting of a Wildlife Authority to New Zealand Transport Authority 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 s 9(2)(g)(ii) Bay of Islands Operations Manager
Pursuant to the delegation dated 9 September 2015

06/10/20
Date

Decision Maker comments

Appropriate outcome for the site.

Department of Conservation
Te Papa Atawbai

Wildlife Act Authority for wildlife on non-public conservation land

Authorisation Number: 88835-FAU

THIS AUTHORITY is made this 6th day of October 2020

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, subject to the terms and conditions contained in this Authority and its Schedules.

9(2)(a)

SIGNED on behalf of the Grantor by s 9(2)(g)(ii) Bay of Islands Operations Manager acting under delegated authority

in the presence of:

9(2)(a)

Witness Signature
Witness Name: s 9(2)(g)(ii)
Witness Occupation: Community Ranger
Witness Address: 34 Landing Rd, Kerikeri

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

SCHEDULE 1

1.	**Authorised activity (including the species, any approved quantities and collection methods).** (Schedule 2, clause 2)	Activity: a. Catch and relocate the following species: i. Copper skink *Oligosoma aeneum* ii. Ornate skink *Oligosoma ornatum* iii. Forest gecko *Mokopirirakau granulatus* iv. Pacific gecko *Dactylocnemis pacificus* v. Northland green gecko *Naultinus grayii* vi. Kauri snail *Paryphanta busbyi* b. Methodology: i. Destructive searching ii. GeeMinnow traps
2.	**The Land** (Schedule 2, clause 2)	Salvage site: State highway 10 near the intersection of the state highway and Whangaroa Road.
3.	**Personnel authorised to undertake the Authorised Activity** (Schedule 2, clause 3)	a. 9(2)(a) b. 9(2)(a) and any others under the supervision of 9(2)(a)
4.	**Term** (Schedule 2, clause 4)	Commencing on and including 1 October 2020 and ending on and including 31 May 2022
5.	**Authority Holder's address for notices** (Schedule 2, clause 8)	The Authority Holders address in New Zealand is: 382 Te Atatu Rd Te Atatu Peninsula Auckland 0610 New Zealand Phone: 9(2)(a) Email: 9(2)(a)
6.	**Grantor's address for notices**	The Grantor's address for all correspondence is: Permissions Team Level 4 73 Rostrevor Street Hamilton, 3204

		Email: permissionshamilton@doc.govt.nz

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 3 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.

SCHEDULE 3

SPECIAL CONDITIONS

Lizard Management Plan

1. The Lizard Management Plan titled "Lizard and snail management plan SH10 Kaeo Bridges Project dated August 2020" annexed to this Authority as Schedule 4, forms a Part of this Authority.

Ownership of absolutely protected wildlife

2. This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife in accordance with the terms and conditions of the Authorisation, but the wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, any eggs or progeny of the wildlife, genetic material and any replicated genetic material.

3. Unless expressly authorised by the Grantor in writing, the Authority Holder must not donate, sell or otherwise transfer to any third party any wildlife, material, including any genetic material, or any material propagated or cloned from such material, collected under this Authority.

Death of wildlife associated with activities covered by the Authority

4. If any Threatened, At Risk or Data Deficient species (see NZ Threat Classification System and Lists: http://www.doc.govt.nz/about-us/science-publications/conservation-publications/nz-threat-classification-system/) should die, the Authority Holder must:

   a. inform the Grantor within 24 hours

   b. chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours;

   c. send the body to Massey University Wildlife Post Mortem Service for necropsy along with details of the animal's history;

   d. pay for any costs incurred in investigation of the death of any Threatened, At Risk or Data Deficient species; and

   e. If required by the Grantor, cease the Authorised Activity for a period determined by the Grantor.

Euthanasia

5. The Authority Holder must not euthanise any wildlife unless:

   - the Authority Holder consults with the relevant Captive Co-ordinator (as applicable) and 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.

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Salvage relocation

8. During wildlife salvage operations or construction, if novel or Threatened wildlife are found within the footprint of the site, the Authority Holder must immediately contact lmcdonald@doc.govt.nz, DOC Community Ranger. The Authority Holder must transfer the wildlife to an approved captive holding facility until a suitable release site is identified by DOC. A separate application to translocate the novel or Threatened species may be required. The costs of care and subsequent release are the responsibility of the Authority Holder.

9. The Authority Holder must engage with the relevant tangata whenua prior to any relocation of wildlife taking place in their rohe. Advice on engagement with tangata whenua should be sought from the DOC Operations Manager(s).

10. The Authority Holder may temporary hold any of the salvaged wildlife in captivity prior to relocation.

11. Any offspring of the salvaged wildlife born in captivity must be released with the original salvaged wildlife, in accordance with the Lizard and snail management plan at Schedule 4.

12. Lizard capture, handling and relocation should be undertaken at a suitable time of year when lizards are active, as advised by a suitably experienced herpetologist.

13. The Authority Holder shall ensure that the project herpetologist is at the on-site induction prior to works commencing.

Lizard Salvage Reporting

14. A report is to be submitted to s 9(2)(g)(ii) citing permission number, 88835-FAU by 30 June each year for the life of this Authorisation, summarising outcomes in accordance with the Species Specific Management Plan. Each report must include:

    - the species and number of any animals collected and released;
    - the GPS location (or a detailed map) of the collection point(s) and release point(s);
    - copies of approved Assessment of Environment Effects (lizards); Lizard Management Plans or similar; and
    - results of all surveys, monitoring or research.

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

Department of Conservation
Te Papa Atawhai

File Ref: 88835-FAU

1 October 2020

New Zealand Transport Agency
C / - Bioresearchers (Babbage Consultants)
PO Box 2828
Auckland 1140

For the attention of: 9(2)(a)

Dear 9(2)(a)

Re: WILDLIFE ACT AUTHORITY APPLICATION 88835-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.

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

Payment of Processing Fees
The final cost incurred to process your application is currently being calculated. I have arranged for an invoice to be sent to you for this amount.

Yours sincerely,

9(2)(a)

s 9(2)(g)(ii)
Bay of Islands Operations Manager