

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Notices of requirement for designations under section 168 of the Act, in relation to Te Ahu a Turanga; Manawatū Tararua Highway Project

BY

NEW ZEALAND TRANSPORT AGENCY
Requiring Authority

JOINT STATEMENT OF ECOLOGY EXPERTS (TERRESTRIAL ECOLOGY)

18 March 2019

INTRODUCTION

1. This joint witness statement relates to expert conferencing on the topic of ecology.
2. This joint witness statement relates to the notices of requirement lodged by the New Zealand Transport Agency ("**Transport Agency**") for designations under section 168 of the Resource Management Act 1991 ("**RMA**"), in relation to Te Ahu a Turanga; Manawatū Tararua Highway Project (the "**Project**").
3. The expert conferencing was held on 18 March 2019 at NZTA offices, 43 Ashley Street, Palmerston North.
4. Attendees at the conference were:
 - (a) Dr Adam Forbes (Forbes Ecology) for the Transport Agency;
 - (b) Andrew Blayney (Boffa Miskell Limited) for the Transport Agency;
 - (c) James Lambie for the Manawatū District Council, Tararua District Council, and Palmerston North City Council ("**Councils**").

CODE OF CONDUCT

5. This joint statement is prepared in accordance with section 4.7 of the Environment Court Practice Note 2014.
6. We confirm that we have read the Environment Court Practice Note 2014, and in particular Appendix 3 – Protocol for Expert Witness Conferencing, and agree to abide by it.

PURPOSE AND SCOPE OF CONFERENCING

7. The purpose of conferencing was to identify, discuss, and highlight points of agreement and disagreement on ecology issues arising from the notices of requirement relating to the Project, and the submissions received in relation to them.
8. The scope of the issues covered at this conference included:
 - (a) Assessments of terrestrial vegetation and habitat values;
 - (b) Assessment of terrestrial fauna values;

- (c) Proposed avoidance measures – effects envelopes and measures relating to fauna;
- (d) Proposed fauna effects management measures;
- (e) Proposed package of positive effects (revised Table 6.A.1) – the proposed ECRs, other proposed positive effects;
- (f) Potentially available restoration sites to achieve net biodiversity gain.

KEY FACTS AND ASSUMPTIONS

- 9. Refer to Annexure A.

METHODOLOGIES AND STANDARDS

- 10. Refer to Annexure A.

AGREED ISSUES

- 11. Refer to Annexure A.

DISAGREEMENT AND REASONS

- 12. Refer to Annexure A.

PRIMARY DATA

- 13. Refer to Annexure A.

RESERVATIONS

- 14. Refer to Annexure A.

Date: 18 March 2019



A Forbes



A Blayney



J Lambie

ANNEXURE A

In the matter of notices of requirement for designations under section 168 of the Resource Management Act 1991, in relation to Te Ahu a Turanga; Manawatū Tararua Highway Project.

Expert conferencing – terrestrial ecology

Participants: Dr Forbes (AF), Andrew Blayney (AB), James Lambie (JL).

Issue	Statements	Agreed Position	Disagreements, with reasons
Management of effects to bats should they be found	The Bat Management Plan (BMP) (required by recommended Condition 15) is specific enough to address circumstances where avoidance of bat roosts is not possible. That is, the BMP would require the loss of bat roosts to be remedied or otherwise the loss of bat habitat is offset.	All agree with this statement, on the proviso that effect management implements the full mitigation hierarchy contained in Condition 15 b) “a Bat Management Plan to manage the potential adverse effects of the Project on bats.”, with a strong preference for avoidance in the case of bat roost discovery.	

Issue	Statements	Agreed Position	Disagreements, with reasons
Potential for the presence of native frogs.	On reflection of the habitat requirements of native frogs, the habitats present within the designation area are of negligible value and are not expected to contain native frogs.	All agreed. Due to this position, we do not consider survey, or any specific management for native frogs is necessary.	
Potential for the presence of native lizards.	With respect to lizards, they are not an issue in contention.	All agreed.	
Terrestrial Invertebrate Management Plan.	Effects to terrestrial invertebrates can be acceptably managed through an appropriate management plan. Following conferencing, NZTA undertakes to draft a revised outline of a terrestrial invertebrate management plan (and associated draft condition) for consideration of Council. This will take into account comments made in the s42a report and	All agreed.	

Issue	Statements	Agreed Position	Disagreements, with reasons
	regarding Threatened/At Risk invertebrates contained in DOC evidence.		
Measures to avoid nesting birds.	NZTA acknowledges the wording of Condition 16 c) iii. was unclear regarding the intentions for herding of nesting dotterels.	All agree that the revision of this condition (appended to Ms McLeod's EIC) rectifies this issue.	
Adequacy of ECRs and other positive effects.	<p>NZTA to provide a further outline of the rationale underpinning the differing ECRs for the ecosystem types present.</p> <p>NZTA to provide further breakdown of the relative roles of the ECRs and the other positive effects in achieving a net biodiversity gain position.</p>	All agree that ECRs appear reasonable but also agree that further description of the rationale underpinning the ECR development is necessary.	

Issue	Statements	Agreed Position	Disagreements, with reasons
Pest control buffer concept	The pest control buffer described in paragraph 131 of Dr Forbes' EIC and paragraphs 93 and 94 of Mr Blayney's EIC (see Attachment A) is an important component of any package of positive effects needing to demonstrate a net biodiversity gain and should be progressed.	All agreed.	
Replacement plantings for habitat fragmentation and isolation versus edge buffer plantings.	<p>In principle, replacement planting provides an important opportunity to address habitat fragmentation and isolation. The effectiveness of replacement planting in addressing these effects is however dependent on the actual configuration.</p> <p>Replacement planting resulting from application of the proposed ECRs is a separate quantum to buffer plantings that aim to address forest edge effects.</p>	<p>All agree that replacement planting is an important opportunity to address habitat fragmentation and isolation.</p> <p>All agree that replacement planting locations need to be confirmed in order to confirm the actual level of benefit.</p> <p>All agree that replacement plantings resulting from ECRs are a separate</p>	

Issue	Statements	Agreed Position	Disagreements, with reasons
		quantum to buffer plantings required to specifically buffer forest edges.	
Definition of ecosourcing	All replacement plantings must be ecosourced.	All agree seeds should be collected from the designation area as a first priority, and from the next most ecologically-relevant nearby source where available sources in the designation are insufficient.	
One Plan ecological significance assessment regarding the discovery of rare or threatened species.	<p>If rare or threatened species were to be discovered in ecosystem types not currently assessed as ecologically significant, the ecosystem type would trigger statutory ecological significance.</p> <p>However, a trigger of ecological significance would not require a revision of proposed ECRs on the basis that ECRs are already proposed for non-significant ecosystem types and the existing ECRs already make</p>	All agreed.	

Issue	Statements	Agreed Position	Disagreements, with reasons
	provision for time-lag and risk and that statutory significance does not change these factors.		
Avoidance of Western QEII and the appropriateness of the effects management response to Very High adverse levels of ecological effects.	The QEII crossing results in a Very High adverse level of ecological effect which best practice ecological impact guidance (EIANZ, 2018) indicates a level of effect requiring avoidance.	We agree that the effects assessment for the Western QEII crossing is appropriate in its conclusion of Very High adverse ecological effects. These effects are unavoidable for reasons outside of the brief of ecologist consideration. We agree in the circumstance where avoidance cannot be achieved, the net biodiversity gain package of positive effects is an appropriate response.	
Bird strike remedies.	Replacement planting in close proximity to the new road could result in adverse effects	All agree that bird strikes would occur, albeit this would be a minor adverse effect.	

Issue	Statements	Agreed Position	Disagreements, with reasons
	to birds through bird strike by vehicles using the road.	All agree the adverse effect can be addressed through the planting design that is sensitive to this issue.	
Condition 13A a) xii	This clause should be reworded to more generally require the Offset Planting and Management Plan to meet the principles of offsetting and demonstrate the attainment of net biodiversity gain.	All agree.	
Review clause for management plan conditions.	The bat, bird and invertebrate management plans should have a review clause.	All agree that conditions requiring ecological management plans contain a review clause so that management plans can be updated and refined as the project progresses. Such a comment could be modelled off the wording recommended by s42a Officers condition 14.	

Issue	Statements	Agreed Position	Disagreements, with reasons
Condition 15	The wording: “and technically certified by the relevant Territorial Authority ⁵⁵ .” is redundant as DOC would provide this role. Maintain original word for 15 b) iii.	All agree this wording should be deleted. All agree original wording of 15 b) iii. should be retained.	
Condition 16	The ability to herd away adult and juvenile dotterel is still required.	All agree that 16 c) iii. B. needs to be updated to reflect the wording of recommended condition 16 contained in EIC of Ms McLeod. The NZTA Dotterel Guidance alleviates the concerns raised in the EIC of Mr Lambie.	
Condition 16A	NZTA to consider the content of a management plan and how that relates to condition wording.	All agree that NZTA is to consider and reply with a proposal.	
Conditions 13A and 17	There is some potential duplication between recommended conditions 13A and 17.	All agree that conditions should be refined to remove duplication.	

Issue	Statements	Agreed Position	Disagreements, with reasons
	Also, for condition 17, it appears the updates from Ms McLeod EIC version conditions are not included in the TA version of the conditions.	All agree the TA version of the conditions should be updated to include the missing components of the Ms McLeod EIC condition version.	

Attachment A



