

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-Ā-TARA ROHE**

ENV-2023-WLG-000005

Under the **RESOURCE MANAGEMENT ACT 1991**

In the matter of the direct referral of applications for resource consents and notices of requirement under sections 87G and 198E of the Act for the Ōtaki to North of Levin project

By **NEW ZEALAND TRANSPORT AGENCY-WAKA KOTAHI**

Applicant

JOINT STATEMENT OF FRESHWATER ECOLOGY EXPERTS

7 August 2023

INTRODUCTION

1. This joint witness statement relates to expert conferencing on the topic of freshwater ecology.
2. The expert conferencing was held on 7 August 2023, facilitated by Environment Commissioner Buchanan.
3. Attendees at the conference were:
 - (a) Dr Alex James (witness for Waka Kotahi). Dr James is the author of Appendix K: Freshwater Ecology lodged with the application, and of a statement of evidence dated 4 July 2023.
 - (b) Mr Logan Brown (witness for the Regional Council). Mr Brown is the author of Appendix 3 (Water Quality and Aquatic Ecology) to the section 87F report for the Regional Councils. Mr Brown provided a note setting out issues that remain in dispute in advance of the conference.
 - (c) Bryn Hickson Rowden (witness for the District Councils). Mr Hickson Rowden is the author of Appendix 1 (Terrestrial and Freshwater Ecology) to the section 198D report for the District Councils. Mr Hickson Rowden provided a note setting out matters that remain in dispute in advance of the conference.
 - (d) Siobhan Karaitiana (witness on behalf of Muaūpoko Tribal Authority). Ms Karaitiana lodged a statement of evidence dated 4 July 2023.
 - (e) Quentin Parr (witness on behalf of Ngāti Raukawa). Mr Parr lodged a statement of evidence dated 4 July 2023.

CODE OF CONDUCT

4. This joint statement is prepared in accordance with section 9.4 of the Environment Court Practice Note 2023.
5. We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it.

PURPOSE AND SCOPE OF CONFERENCING

6. The purpose of conferencing was to identify, discuss, and highlight points of agreement and disagreement on freshwater ecology issues arising from the Project.

7. Conferencing proceeded generally in line with the agenda agreed to by all relevant parties and experts, and provided to Commissioner Buchanan in advance of the conferencing.
8. All attendees reviewed Technical Assessment K and the evidence, council expert reports and notes on issues that remain in dispute in advance of the conference.
9. **Annexure A** records the agreed issues.
10. Except where recorded in Annexure A, the attendees agree that the primary data, methodologies and standards, and key facts and assumptions are as set out in the Assessment of Environmental Effects for the Project, and in particular Technical Assessment K.

Date: 7 August 2023



Alex James



Logan Brown



Bryn Hickson Rowden

Muaūpoko witness



Siobhan Karaitiana



Quentin Parr

ANNEXURE A – EXPERT CONFERENCING ON FRESHWATER ECOLOGY

Participants: Alex James (AJ), Logan Brown (LB), Bryn Hickson Rowden (BH), Siobhan Karaitiana (SK), Quentin Parr (QP)

Issue	Agreed Position	Disagreements or reservations, with reasons
Fish passage requirements and as builds vs NES requirements for structures	All agree to amend RFE3 to include "explicitly require that information gathered under NES requirements is assessed against construction plans of each individual fish passage structure and provided through to regional regulatory authorities". This should be done by a suitably qualified expert.	
Fish passage at temporary structures	All agree to amend RFE2 to clarify that (a) and (b) apply to the construction period and (c) and (d) apply to the permanent culverts.	
Recovery of aquatic life during construction	All agree to amend RFE1(e)(i) to read "a declining capture rate of 90% between the first or second (whichever is greater) recovery event and last recovery event is achieved....".	
Light pollution and management on stream health	All agree that a provision needs to be inserted in either the CEDF or alternatively the Ecology Management schedule or RFE1(a) requiring that a suitably qualified freshwater ecologist should be involved in lighting design where the lighting is going to be near a waterway.	

On-going maintenance	All agree to amend REM13(b) to insert reference to "on-going maintenance requirements".	
Baseline data collection	<p>All agree to amend RFE4(e) and (h) to remove "and taking into account any natural variation observed during baseline monitoring".</p> <p>All agree that Schedule 7 must have reference to response actions when trigger levels are breached for RFE4(e) and other relevant conditions to be workable.</p>	
Water abstractions specific to catchments	<p>The experts acknowledge that the Hydrology JWS recommends changes to conditions related to the Waipawa and Koputaroa Streams in RWT1.</p> <p>All agree that takes from the Waikawa Stream should cease when the flow at the abstraction site is at the minimum flow set in the One Plan for the protection of instream values below the abstraction site.</p>	
Riparian width	All agree to amend REM11(a)(i)(A) and (B) to change the reference from 'wetted' to 'bank to bank'.	