

BEFORE THE ENVIRONMENT COURT

ENV-2020-WLG-00014

IN THE MATTER of the Resource Management Act 1991
("Act")

AND

IN THE MATTER OF of the direct referral of applications for resource consents
for activities associated with Te Ahu a Turanga:
Manawatū Tararua Highway Project.

BETWEEN **WAKA KOTAHI NZ TRANSPORT AGENCY**
(Applicant)

AND **MANAWATŪ-WHANGANUI REGIONAL COUNCIL**
(Respondent)

Notice of Person's wish to be Party to the Proceedings

under section 274 of the Act

Dated: 17 June 2020

PRESENTED FOR FILING BY:

Sarah Ongley
Barrister
PO Box 8213
NEW PLYMOUTH
Telephone: 06 7699400
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To: the Registrar
Environment Court
Auckland

1. The **Director-General of Conservation** wishes to be a party to these proceedings:.

ENV-2020-WLG-00014

Application for resource consents for the construction, operation, use, maintenance and improvement of approximately 11.5 km of state highway connecting Ashurst and Woodville, via a route over the Ruahine Range (known as Te Ahu a Turanga – Manawatū Tararua Highway).

(“Applications”)

2. The **Director-General of Conservation** made a submission on the Applications.
3. The **Director-General of Conservation** is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. The **Director-General of Conservation** is interested in all of the proceedings.
5. The **Director-General of Conservation** is interested in the following particular issues:
 - 5.1. The potential adverse effects on freshwater and terrestrial indigenous biodiversity;
 - 5.2. The correct application of the ‘mitigation hierarchy’ for adverse effects on indigenous biodiversity in accordance with condition 24(a)(xi) of the designation conditions;
 - 5.3. The adequacy of the proposals for the “restoration areas” - for both terrestrial and freshwater;
 - 5.4. Whether the offsetting/compensation predictions used by the Applicant can be confidently relied upon to ensure a net gain or even no-net-loss;
 - 5.5. Consent conditions to ensure surety of outcomes proposed for the restoration areas in the long term, prior to the adverse effects addressed by these measures occurring;
 - 5.6. Providing for key measures within the consent conditions and not leaving such matters to management plans;

- 5.7. Providing for adequate consultation with DOC at all stages of the project including in proposed condition CM2(c) and for ecological management plans;
 - 5.8. For freshwater:
 - 5.8.1. culvert designs that provide for fish passage;
 - 5.8.2. appropriate riparian plant schedules;
 - 5.8.3. suitable fish trapping methods in impacted watercourses;
 - 5.8.4. targeted rat control at proposed relocation sites for kākahi (freshwater mussel);
 - 5.9. Sufficient certainty for fauna management in proposed conditions EC4–EC11 and EC21;
 - 5.10. Further detail on the proposed management protocols for lizards;
 - 5.11. Monitoring to determine the success of the mitigation, offsetting and/or compensation efforts - including post-release monitoring for lizards.
6. The **Director-General of Conservation opposes** the grant of the Applications because:

In its current form, the Application does not meet the statutory provisions of the Act and the Horizons One Plan, including, but not limited to sections 5, 6(a), 6(b), 6(c), 6(d), 7(c), 7(d) and 7(f) of the Act and Policy 13-4 of the One Plan.

7. The **Director-General of Conservation** agrees to participate in mediation or other alternative dispute resolution of the proceedings.
8. The address for service for the **Director-General of Conservation** is:

Sarah Jane Ongley, Barrister
Bank Chambers
2nd Floor Brougham House
50 Devon Street West
New Plymouth 4310

Service may also be effected by:

(a) Posting to Bank Chambers, P O Box 8213, New Plymouth 4342; or

(b) Emailing to sarah@ongley.co.nz.

DATED at Palmerston North on this day of 16 June 2020

A handwritten signature in black ink, appearing to read 'Moana', is written over a horizontal dotted line.

Moana Smith-Dunlop

**For the Director-General of
Conservation**