



Belmont Quarry Development – Part C

Substantive Application
Part C : Wildlife Permit Application
Winstone Aggregates

16 August 2026

BELMONT QUARRY DEVELOPMENT



Substantive Application

Part C

Wildlife Permit Application

Prepared for Winstone Aggregates

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C1. INTRODUCTION

1. Winstone Aggregates ("Winstone"), a division of Fletcher Concrete and Infrastructure Limited are making an Application under the Fast Track Approvals Act 2024 ("FTAA" or "the Act") to seek approvals to authorise the development of a new 15.7 ha Overburden Disposal Area ("OBDA") adjacent to the Belmont Quarry. The proposed development will extend the operational life of Belmont Quarry by approximately 40 years.
2. Section s 42(4)(h) of the FTAA sets out that a substantive application for wildlife approval that would otherwise be sought under the Wildlife Act 1953 must include the information required by clause 2(1) of Schedule 7 of the FTAA. This section of the substantive application (Part C) outlines the information necessary to obtain approvals for a wildlife approval. Winstone seek authorisation under the FTAA for activities related to the Belmont Quarry Development that would otherwise require an application under section 53 of the Wildlife Act 1953.
3. The Project involves the development of a new OBDA adjacent to the existing Belmont Quarry footprint within land currently administered by Greater Wellington Regional Council as part of Belmont Regional Park. The OBDA will accommodate approximately 2.8 million cubic metres of overburden across a footprint of approximately 15.7 ha over 35 years.
4. The development of the OBDA will occur over ten stages. Eight of the ten stages require vegetation clearance and disturbance of lizard habitat. Ecological investigations were undertaken between September and November 2025 to determine habitat quality and determine the likelihood of the presence or absence of potential lizard species. The surveys confirmed the presence of Ngahere gecko (Mokopiriakau "Southern North Island") and northern grass skink (*Oligosoma polychroma*) within the proposed development footprint.
5. The wildlife approval sought is for the capture, handling and relocation of native lizards that may be present within areas proposed for vegetation clearance and earthworks. Authorisation is also sought for the incidental injury or death of individual lizards where such effects cannot reasonably be avoided through implementation of approved management measures.
6. This application is supported by the Ecology Assessment prepared by BlueGreen Ecology, dated 10 August 2026 (see **Appendix B5A to Part B**) ("Ecological Assessment"), Lizard Ecological Effects Assessment prepared by Blueprint Ecology (see **Appendix C2**) ("Lizards Effects Assessment"), dated 12 August 2026 and the Lizard Management Plan prepared by Blueprint Ecology dated 12 August 2026 (see **Appendix C3**) ("Lizard Management Plan"). Conditions are also recommended and included at **Appendix C4**. This assessment addresses the required information for an approval described in s 43(3)(h) (wildlife approval) clause 2(1) and has been prepared by DCS in accordance with cl 2(1) of Schedule 7 of the FTAA.
7. For completeness, this assessment provides a summary of the information set out in that document, along with the statutory tests.

C1.1 Statement of Qualifications and Relevant Experience

8. Colin Hopkins is a Planner with over 20 years' experience in resource management planning in Aotearoa New Zealand and Scotland. He holds a Bachelor of Arts from the University of Otago (2002) and a Masters in Planning Practice from the University of Auckland (2004). Colin has worked in both local government and private practice, including roles at Auckland City Environments, Aberdeenshire Council, Auckland Council, and as a Planning Consultant at DCS Planning Limited since 2014. He has extensive experience in the preparation and assessment of resource consent applications and plan changes, including significant involvement in quarrying and other large-scale infrastructure activities.
9. This report draws on the information contained in the Ecology Assessment prepared by BlueGreen Ecology, dated 10 August 2026 (see Appendix B5.A to Part B) and Lizard Ecological Effects Assessment prepared by Blueprint Ecology (see Appendix C.2) and relies upon the advice and experience of Vaughan Keesing (terrestrial fauna), Hazel Budridge (bats) and Tony Payne (herpetologist).
10. This report has been prepared and reviewed in accordance with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023.

C2. PROPOSED ACTIVITY AND PURPOSE

11. The proposed activity is the clearance of native vegetation as part of the Belmont Quarry Development. A population of Ngahere gecko (*Mokopiriakau* "Southern North Island") and northern grass skink (*Oligosoma polychroma*) was discovered in the area of the proposed OBDA in 2025 as part of a survey.
12. The OBDA footprint encompasses approximately 15.7 ha, of which approximately 10.93 ha has been identified as a potential lizard habitat. Habitat within the Project footprint includes manuka forest and scrub, seral forest and areas of rank grassland and gorse. Approximately 96% of identified lizard habitat is classified as moderate or high-quality habitat.
13. Vegetation clearance, earthworks, overburden placement and associated construction activities have the potential to adversely affect the protected lizard species through habitat loss, habitat modification, disturbance, injury and mortality if unmanaged.

14. This Wildlife Approval application is for the capture and relocation of Native Lizards (including Ngahere gecko and northern grass skink) and other potentially present native lizard species from the proposed OBDA to a release site that will be subject to habitat enhancement, pest management and which will be legally protected in perpetuity from further clearance.

C2.1 Purpose of the Proposed Activity and Actions Involving Protected Wildlife – cl 2(1)(a) and (b)

15. Winstone seeks a wildlife approval to carry out the following on private land:
- a. Capture, temporarily hold and relocate lizards prior to site clearance works for the purpose of protecting animals within the works footprint; and
 - b. Incidentally kill lizards, recognising that trapping/handling activities carry some risk of injury or mortality, and that any remaining undetected lizards may also incidentally be killed during site works.
16. This Wildlife Act Authorisation seeks approval to capture and relocate Ngahere gecko (Mokopirirakau "Southern North Island") and northern grass skink (*Oligosoma polychroma*), as well as any other native lizard species that may be present within the OBDA footprint. These species are protected wildlife under the Wildlife Act 1953.

C2.2 Location of Activity – cl 2(1)(b) and (h)

17. The Project will be carried out over a 35-year period, requiring vegetation clearance during particular stages of overburden placement. The project area is within the Belmont Regional Park, immediately north of the Belmont Quarry at 541 Hebden Crescent, Kelson, Lower Hutt and other associated parcels which comprise the Site. This land is subject to a Land Exchange, which Winstone is seeking as part of its full suite of approvals for the Belmont Quarry Development Fast-track project. The land depicted in Figure 1 below will be subdivided out of the Belmont Regional Park and then owned by Fletcher Concrete and Infrastructure Limited ("FCIL").
18. Figure 1 below shows the proposed OBDA footprint and area where clearance will occur and is located at the following GPS coordinates: -41.161376, 174.956886 (NZTM). Records for title for this land are contained in Appendix A.8 of Part A, and subdivision scheme plans in Appendix B.2 of Part B.

Figure 2-1 OBDA Footprint area where clearance will occur

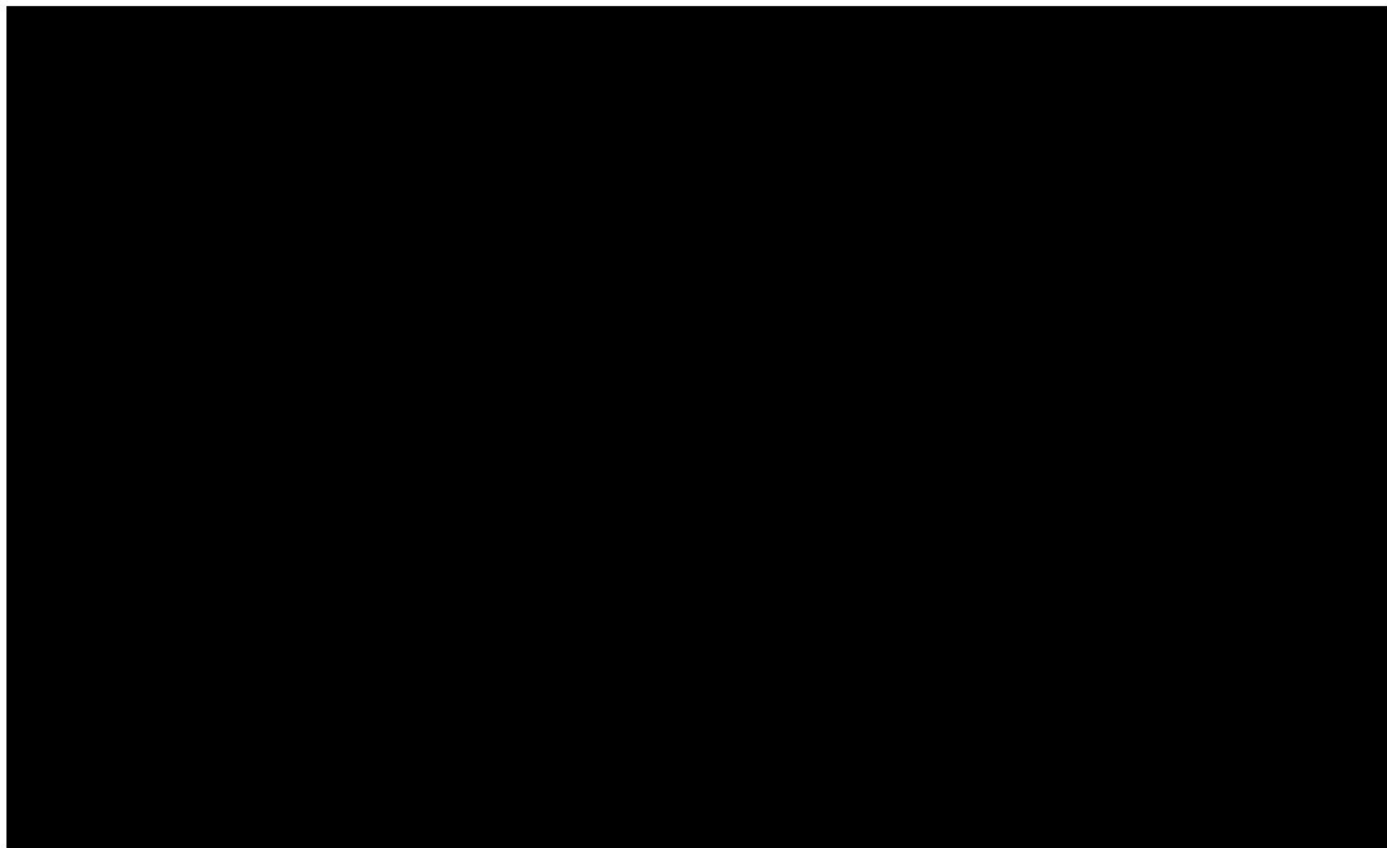


19. The proposed lizard release site is within the Belmont Regional Park and Winstone is seeking approval by way of a concession as part of its fast-track application to release lizards in these locations (Part F). The release location (GPS coordinates) for Ngahere gecko [REDACTED] and northern grass skink is [REDACTED] see Figure 2 below and Appendix C1.
20. Two separate release sites have been selected within Belmont Regional Park based on assessment of habitat suitability, long-term protection, habitat connectivity, carrying capacity and predator management opportunities.
 - a. Ngahere Gecko: Release site comprises approximately 3 ha of manuka-dominated forest located [REDACTED] of the OBDA and contains habitat characteristics closely matching those occupied by Ngahere gecko within the Project area.

- b. Northern grass skink: release site comprises retired pasture, and gorse mosaic habitat immediately [REDACTED] of the OBDA and provides habitat characteristic comparable to those present within the OBDA Project area.

21. The locations within Belmont Regional Park provide long-term security for relocated lizard populations.

Figure -2 Lizard Release sites



C2.3 Duration

22. Winstone seeks that the duration of the wildlife approval be 10 years to ensure that the term of the approval adequately covers the initial stages of the operation. Winstone intends to apply for a variation to extend the term of the approval as required beyond the initial 10-year term. Variations to extend the term will likely be necessary to align the wildlife approval with the 35-year time period for regional resource consents that are sought to authorise the Project.

C3. ASSESSMENT OF ACTIVITY AND ITS IMPACTS AGAINST THE PURPOSE OF THE WILDLIFE ACT – CL 2(1)(C)

23. The specific actions proposed involving protected wildlife are (refer to the Lizard Management Plan Section 5.5 for additional detail):
- a. Capturing lizards using artificial cover objects ("ACOs"), pitfall traps and by hand;
 - b. Handling lizards to identify species, measure and photograph them;
 - c. Temporarily holding and relocating lizards into a prepared release site; and
 - d. Incidental killing of lizards that could not be captured.
 - e. Catching and handing actions are to occur within the Site, lizards are to be released to the release sites identified above.
24. Impacts on wildlife are summarised below in Section C3.2.
25. The Wildlife Act protects animals classified as wildlife and regulates how people interact with them. The application is subject to the Wildlife Act because it proposes vegetation removal activities that provide habitat to protected wildlife species, and these species may be killed or injured if unmanaged. These species are identified as native lizards, and the proposed actions are required to protect and mitigate the impact of the loss of lizard habitat resulting from the clearance of vegetation on the lizard population.
26. The Project incorporates a range of avoidance, minimisation, remediation and enhancement measures including salvage and relocation of lizards, habitat restoration planting, offset planting and predator control. These measures are described further in the Lizard Management Plan supporting the application.
27. The OBDA design and functional requirements mean that the potential adverse effects on lizard habitats cannot be avoided. However, the identification of the OBDA layout has been an iterative process that sought to avoid high-value habitats including the mature tawa forest. The current OBDA design has considered areas and values for lizards and where they can be avoided to the extent feasible.
28. While the Project will result in the unavoidable loss of approximately 10.93 ha of existing lizard habit within the development footprint, the proposed mitigation package, including the implementation of the Lizard Management Plan, is expected to avoid or minimise direct impacts on lizard populations and to provide positive long-term outcomes through habitat enhancement and restoration.

29. Approximately 15 ha of remediation planting and pest control and 18 ha of offset planting are proposed as part of the wider Project, resulting in a net-gain for lizard habitat values and an increase in forest extent of 22.08 ha or a ratio of 2:1. These measures are intended to add lizard habitats and ecological functions for lizards within Belmont Regional Park over the long-term. The planting details are provided in the Ecological Assessment Report, Ecological Offset Management Plan, and Landscape Ecological Management Plan included in Appendix 5 to Part B.
30. This management approach will ensure that most lizards are relocated, and the project will have a net-gain in lizard habitat quality over the long-term. Any residual actual or potential effects associated with loss of habitat or lizard injury/death during construction of the development are considered to be low (i.e. less than minor).

C3.1 Habitat and Known or Predicted Protected Species – cl 2(1)(d) and numbers likely to be impacted

31. As described above, the pre-development survey completed between September – November 2025 recorded four northern grass skink and three Ngahere gecko within the OBDA area. Survey methods were selected to maximise the likelihood of detecting the range of species potentially present within the Project footprint. Those methods included:
- a. 75 triple stacked ACOs were set in 15 locations in transects of five devices and were placed for approximately six weeks to allow lizards to habituate to the structures prior to inspection. ACOs were checked on three occasions between 3 and 5 November 2025 during suitable weather conditions for lizard activity. The survey targeted northern grass skink, and other terrestrial skink species likely to occur beneath artificial refuges.
 - b. A total of 105 baited pitfall traps were installed within six representative habitat types across the survey area in September and later checked across two consecutive days in November 2025. Pitfall traps were established in:
 - i. Mahoe forest margins.
 - ii. Pine forest with regenerating mahoe understory.
 - iii. Mahoe forest margin and mahoe understory.
 - iv. Mahoe forest margin and central forest.
 - v. Mahoe central forest.
 - vi. Manuka dominated forest.
 - c. The pitfall trapping was undertaken in conjunction with ACO monitoring to improve detection probabilities for terrestrial skinks, particularly copper skink and other cryptic ground-dwelling species.

- d. Nocturnal visual search (spotlighting) targeted arboreal gecko species including Ngahere gecko, barking gecko and Raukawa gecko. Spotlighting was primarily focused within the manuka forest and high-quality broadleaved forest habitat identified as having the highest likelihood of supporting arboreal geckos. Night surveys were completed over four nights.
32. Based on the survey efforts, a total of four northern grass skink was recorded within rank grassland and forest edge habitats and were considered to present a small but self-sustaining local population. Three Ngahere gecko were recorded within manuka forest habitat and were assessed as locally significant due to them being at Risk-Declining conservation status.
33. The OBDA contains approximately 10.93 hectares of suitable lizard habitat. This consists of around 3.06 hectares of high-quality manuka forest and scrub habitat, 7.41 hectares of moderate-quality seral forest habitat and 0.46 hectares of low-quality rank grassland and gorse habitat. Approximately 96% of all identified habitat within the footprint is classified as either moderate or high quality.
34. Based on the habitat size and quality and survey outcomes, Blueprint Ecology estimates fewer than 30 Ngahere geckos and fewer than 50 northern grass skinks are likely to exist within the OBDA.
35. Considering the relatively large area of suitable habitat for other forest dwelling species, and northern grass skink and Ngahere gecko as a proxy for other lizard species, the presence of other potential lizard species cannot be discounted, albeit in low abundance or in discrete, localised areas outside of Blueprint Ecology's direct survey areas. Other native species are identified in Table 1 below.

Table 1 Lizard species of the Wellington region and likelihood of occupying the applicable habitat on site (reproduced from the Lizard Management Plan).

Species	Threat classification (Hitchmough et al., 2025)	Likelihood of occupying the site	Habitat (Van Winkel et al., 2018)
Barking gekco (Naultinus punctatus)	At Risk – Declining	Very low	Seral Forest
Ngahere gecko (Mokopirirakau)	At Risk – Declining	Confirmed	Seral Forest
Ornate skink (Oligosoma ornatum)	At Risk – Declining	Very low	Seral forest.

Species	Threat classification (Hitchmough et al., 2025)	Likelihood of occupying the site	Habitat (Van Winkel et al., 2018)
			Edges of forest and rank grassland/ weedland
Glossy brown skink (Oligosoma zelandicum)	At Risk – Declining	Very low	Forests, scrublands and grassland habitats.
Copper Skink (Oligosoma aeneum)	At Risk – Declining	Low	Forests, scrublands and grassland habitats.
Northern grass skink (Oligosoma polychroma)	Not threatened	Confirmed	Edges of forest and rank grassland/ weedland.
Ruakawa gecko (Woodworthia maculata)	Not threatened	Very low	Seral forest. Edges of forest and rank grassland/ weedland.

C3.2 Impacts on threatened, data-deficient, and at risk-wildlife species (as defined in the New Zealand Threat Classification System (“NZTCS”) – cl 2(1)(e))

36. Ngahere gecko is listed as At Risk-Declining. Other At Risk-Declining species may occur in low abundance, as described in Table 1 and Section C3.1 above. Within section 2.2. of the Lizard Management Plan information about native lizards present, or potentially present at the Site is set out. The following species are considered to be present:

- a. Ngahere gecko and northern grass skink are confirmed as present within Project footprint.
- b. Low likelihood of presence of Copper skink and very low likelihood of presence of Ornate skink, Glossy brown skink, Barking gecko and Raukawa gecko.

37. The Lizard Effects Ecological Assessment at Section 2 details and assesses the ecological effects of habitat loss through vegetation clearance, effects on connectivity, buffering and edge effects, and the effects of the Project on terrestrial fauna in relation to lizards, summarised as follows:

- a. In the absence of mitigation and specific fauna management, forest clearance will result in risk of injury to and/or mortality of lizards and permanent loss of high-quality habitat, particularly for Ngahere gecko.
- b. Loss of habitat will be offset by approximately 18 ha offset planting in the Belmont Regional Park to revegetate a forest habitat over 35 years, and approximately 15 ha

remediation planting of the OBDA as areas reach their final form. Pest control is proposed through the Landscape Rehabilitation Management Plan and Lizard Management Plan to improve the viability of existing lizard populations in the lizard release sites and the offset areas, which provide habitat for lizard populations.

- c. Following implementation of the proposed mitigation package, including staged salvage, predator control, habitat enhancement and ecological offsets, the Lizard Effects Assessment concludes that residual effects would reduce to low to very low.
- d. The remediation and offset planting programme is expected to provide a net-gain in indigenous habitat values over the long term, resulting in positive outcomes for lizard populations within Belmont Regional Park.

C3.3 How will the proposed methods achieve best practice? – cl 2(1)(f)

38. The specific actions proposed involving protected wildlife are:

- a. Capturing lizards using ACOs, pitfall traps and by hand;
- b. Handling lizards to identify species, measure and photograph them;
- c. Temporarily holding and relocating lizards into a prepared release site; and
- d. Incidental killing of lizards that could not be captured.

39. Catching and handling actions are to occur within the Site, and lizards are to be released to the identified release sites above.

40. The Lizard Management Plan has been developed to follow best practice standards provided in Department of Conservation guidance documents. These include DOC guidance on:

- a. Methods to survey and capture lizards (DOC 2012);
- b. Follow the 'Principles for Lizard Salvage Translocations' (DOC 2019); and
- c. 'Guidance for lizard habitat clearance' (DOC 2023).

41. As is identified in the Belmont Quarry Development Aggregate Resource Assessment (Appendix A.7 to Part A), the current layout of the OBDA has been designed to already reflect an iterative process that has sought to avoid higher value habitat elsewhere on site (i.e. mature tawa forest). The lizard habitat cannot be avoided further. The Lizard Management Plan at Section 1.3 supports, in this instance, the rationale for lizard salvage as a management tool.

C4. METHODS FOR SAFELY HOLDING, EFFICIENTLY AND HUMANELY CATCH, HOLD OR KILL ANIMALS AND IDENTIFY RELEVANT ETHICAL PROCESSES – CL 2(1)(G)

42. The Lizard Management Plan details the methods for safe, efficient and humane capture, holding and relocation at Section 5. in line with best practice. The Lizard Management Plan includes measures, including ethical processes, to ensure that Lizards will be transported to the release site as soon as practicable (within one hour).

43. Contingency measures are also detailed at Section 8.0 of the Lizard Management Plan.

C4.1 State and map the location or locations where the activity will be carried out with GIS coordinates if possible (cl. 2 (1)(h))

44. Lizard capture is required in the Belmont Regional Park, in the proposed OBDA footprint where vegetation clearance will occur.

45. The site is located at [REDACTED] (NZTM).

46. Two separate lizard release sites are required for the Ngahere gecko and the northern grass skink as follows:

a. The Ngahere gecko release site is located at [REDACTED] (NZTM) and

b. The northern grass skink release site is located at is [REDACTED] (NZTM)

C4.2 State whether authorisation is sought to temporarily hold or relocate wildlife cl.2(1)(i)

47. The activity involves temporarily holding lizards for no more than 1 hour prior to relocating to the release sites.

C4.3 Expert Assessment of Effects of the Proposed Activity and proposed measures to minimise, offset or compensate – cl 2(1)(j) and (k) and (o)

48. In accordance with cl 2(1)(o) of Schedule 7 to the FTAA, ecological advice has been obtained from BlueGreen and Blueprint Ecology and is contained in the Ecological Assessment, Lizard Effects Assessment and Lizard Management Plan.

49. The Lizard Effects Assessment, in accordance with cl 2(1)(j), identifies the potential wildlife effects, positive and adverse, of the proposed activity, including effects on the target species, other indigenous species, and the site's ecosystems.

50. The Lizard Effects Assessment in line with cl.2(1)(k) states what methods will be used to avoid and minimise those effects and any offsetting or compensation proposed to address unmitigated effects.

51. The Lizard Effects Assessment applies the effects management hierarchy at Section 2. The Lizard Effects Assessment identifies, at Section 2, and the Ecological Assessment identifies, at Section 11.2.2, measures to avoid adverse effects on lizards as far as possible by design.
52. Section 2 of the Lizards Effects Assessment identifies the measures to minimise and remedy adverse effects on lizards:
- a. Pre-clearance salvage, as well as targeted salvage (felling and spotlighting) and translocation to suitable habitat release sites.
 - b. Log-stack creation.
 - c. Predator control.
 - d. Post-release monitoring.
 - e. Remediation planting of 15 ha and offset planting of 18 ha resulting in a predicted net gain of approximately 22.08 ha of indigenous habitat.
 - f. The establishment of new habitat areas, combined with the protection of release sites and long-term predator management, is expected to provide an overall positive ecological outcome for indigenous lizard population within Belmont Regional Park.
53. Additionally, the proposed Heffernan Block offset planting area will adjoin existing forest and scrub and link exiting area of vegetation ('biolinks'). This will establish biodiversity that will create a legacy for future generation and the environment

C5. STATUTORY ASSESSMENT

C5.1 Offences and Criminal Charges under the Wildlife Act 1953 – cl 2(1)(l) and (m)

54. There are no criminal convictions or pending charges under the Wildlife Act 1953 relating to the applicant and its directors, trustees, partners or anyone else involved with the application.

C5.2 Consultation – cl.2(1)(n)

55. Hui have been held through February and July 2026. Refer to the Iwi Engagement Report at Appendix A6.7 for further details. However, matters raised by iwi on the application specific to Wildlife impacts, are included in table 2 below:

Table 2: Matters related to wildlife during iwi workshops held in January and February 2026.

Date	Iwi/ Iwi Authority	Attendees	Consultation type	Details	Follow up
12/02/2026	Taranaki Whānui, Te Āti Awa, Ngāti Toa	Te Karanga o Te Tūī Marino Jaquan Nin Jade Wikaira, Shalini Sanjeshni	Online hui		
12/03/2026	Taranaki Whānui, Te Āti Awa, Ngāti Toa	Te Karanga o Te Tūī Marino Jaquan Nin Jade Wikaira, Shalini	Site visit		

Date	Iwi/ Iwi Authority	Attendees	Consultation type	Details	Follow up
		Sanjeshni, Ian Wallace			
12/07/2026	Greater Wellington Regional Council	David Boone, Phernne Tanncock,S halini Sanjeshni	Email	requesting landowner approval for the use of areas within Belmont Regional Park for the purposes of lizard release sites.	Work with GWRC on additional mapping request
23/07/26	Taranaki Whānui, Te Āti Awa, Ngāti Toa	Te Karanga o Te Tūi Marino Jaquan Nin Jade Wikaira, Shalini Sanjeshni	Email		

56. Other engagement has included the New Zealand Fish and Game Council, New Zealand Game Animal Council, New Zealand Conservation Authority, and the Wellington Conservation Board. The purpose of this consultation was to determine whether these parties considered themselves to be affected. The details of the engagement is set out in Section 5.4 of the Engagement Report refer Appendix A.7 of Part A. The New Zealand Game Animal Council confirmed in response to

the information provided that given the proposal does not substantially impact hunting activities or game animals, no further consultation was required.

C5.3 Expert assessment – Cl 2(1)(o)

57. The Ecological Assessment and Lizard Management Plan have been prepared by suitably qualified and experienced with their relevant qualifications set out in the respective documents. These experts have also contributed to the recommended conditions that relate wildlife and include below in Appendix C.3. These documents are complete and provide the necessary written expert views, advice and opinions the applicant has obtained concerning the Project.

C6. FAST TRACK APPROVALS ACT 2024

58. In considering whether to grant the approvals sought in this application, the Panel must meet the requirements of s 81 of the FTAA, which includes applying the specific decision-making clauses in Schedule 7, clauses 5 and 6.

59. Approvals relating to permits ordinarily sought under the Wildlife Act 1953 Clause 5 of Schedule 7 to the FTAA outlines that when considering an application for wildlife approvals and setting conditions, the Panel must take into account the following:

- a. the purpose of the FTAA; and
- b. the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and
- c. information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement);

60. The Panel must give the greatest weight to the purpose of the FTAA.

61. Clause 6 of Schedule 7 relates to the imposition of conditions for a wildlife approval. The Panel may set any conditions on a wildlife approval that the Panel considers necessary to manage effects of the activity on protected wildlife, in setting the conditions the Panel must:

- a. consider whether the condition would avoid, minimise or remedy any impacts on the protected wildlife that is to be covered by the approval; and
- b. where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure they are offset or compensated for where possible and appropriate; and
- c. take into account, as the case may be, the NZTCS or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

C6.1 Section 85 of the FTAA

- 62. Section 85 of the FTAA provides a list of circumstances where a Panel either must (pursuant to subclauses (1) and (2)) or may (pursuant to subclause (3)) decline approval.
- 63. These tests are an addition to the usual decision-making framework for Wildlife permits under the Wildlife Act 1953 set out above. Pursuant to s 81(2)(f) of the FTAA, the Panel may decline an approval only in accordance with s 85 of the FTAA.

C6.1.1 Mandatory Criteria

- 64. As relevant to the application for a wildlife approval, s 85 requires that an application must be declined if:
 - a. It is for an ineligible activity.
 - b. The Panel considers that granting the approval would breach obligations relating to Treaty settlements and recognised customary rights.
 - c. None of the matters in s 85 (1)(c)-(h) or s 85(2) apply to permits under Schedule 6.
- 65. Therefore, none of the mandatory criteria for declining an application for a Wildlife permit under s 85 are met:
 - a. The application is not for an ineligible activity, as demonstrated at Appendix A.2 of the Overview (Part A).
 - b. Granting the approval would not breach obligations relating to Treaty settlements and recognised customary rights. None of those obligations would be breached by granting the approvals. These obligations are addressed in detail in both the Iwi Engagement Report and Cultural Values Assessments, memoranda of comment from iwi attached to the Iwi Engagement Report in the Substantive Application Overview, as well as in Section C5.2 above

C6.2 Discretionary Criteria

- 66. A Panel may also decline an approval if it forms the view that:
 - a. The activity or activities for which the approval is sought would have one or more adverse impacts; and
 - b. Those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the Panel has considered, even after taking into account any conditions that the Panel may set in relation to those adverse impacts, and any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

67. In subsections (3) and (4), adverse impact means any matter considered by the Panel under section 81(2) that weighs against granting the approval. The effects of the approval sought by Winstone in this case are not considered to be sufficiently significant to be out of proportion to the project's regional or national benefits, and therefore do not warrant declining the application for a wildlife permit.

C7. ASSESSMENT OF THE PROPOSAL AGAINST THE FAST-TRACK APPROVALS ACT DECISION-MAKING FRAMEWORK

C7.1 The Purpose of the FTAA

68. The purpose of the of the FTAA is listed at section 3:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

69. The significant national and regional benefits of the Project are identified in the Overview at A6.2. The wildlife permit is necessary to allow those benefits to be realised.

70. The approval of the Wildlife Act permit to allow the following specific actions proposed involving protected wildlife are:

- a. capturing lizards using ACOs, pitfall traps and by hand;
- b. handling lizards to identify species, measure and photograph them;
- c. holding and relocating lizards into a prepared release site; and
- d. incidental killing of lizards that could not be captured.
- e. All catching and handling actions are to occur within the Site, while relocation will occur at identified release sites within Belmont Regional Park.

71. Through these actions, the applicant will be able to implement the Project and minimise injury and mortality to protected lizards during vegetation removal. These actions are necessary to enable the efficient and effective implementation of the project while avoiding, remedying and minimising the actual and potential effects of the Project and enable it to contribute to delivering the identified national and regional benefits of the Project.

C7.2 Approvals Sought under the Wildlife Act 1953

72. The Wildlife Act protects animals classed as wildlife and controls how people interact with wildlife. The application is relevant to the Wildlife Act because it proposes vegetation removal activities that provide habitat to protected wildlife species, and these species may be killed or injured if unmanaged. As explained above, the adverse effects of the Project are to be avoided, remedied and minimised via the conditions framework, and any residual adverse effects are considered to

be low (less than minor). The Project will achieve a net-gain in lizard values over the long term via 15 ha of native forest remediation planting and 18 ha of native forest offset planting.

C7.3 Information and Requirements Relating to the Protected Wildlife that is to be covered by the Approval

73. The information and requirements relating to protected wildlife is summarised in this report, the Ecological Assessment, Lizard Effects Assessment and Lizard Management Plan. These address the matters listed in the FTAA Schedule 7 cl 2(1)(a) – (o).

C8. CONCLUSION

74. It is concluded that this report including the conditions, the Ecological Assessment, Lizard Effects Assessment and Lizard Management Plan satisfy the necessary requirements of Section s 42(4)(h) of the FTAA that requires a substantive application for wildlife approval that would otherwise be sought under the Wildlife Act 1953 including the information required by clause 2(1) of Schedule 7 of the FTAA.
75. Sufficient information has been provided relating to the approval of this Wildlife Act Permit under the FTAA to allow for Winstone to hold wildlife approval at the Belmont Quarry Site for an initial 10-year duration to:
- a. capture, temporarily hold and relocate lizards prior to site clearance works for the purpose of protecting animals within the works footprint; and
 - b. incidentally kill lizards, recognising that trapping / handling activities carry some risk of injury or mortality, and that any remaining undetected lizards may also incidentally be killed during site works.

C9. PROPOSED CONDITIONS

76. The conditions proposed as included in Appendix C10.3

C10. APPENDICIES

Appendix C10.1 - Site Plan for Lizard Release

Appendix C10.2 – Assessment of Effects on Lizards

Appendix C10.3 – Lizard Management Plan

Appendix C10.3 – Proposed Conditions

C10.1 Appendix C10.1 - Site Plan for Lizard Release

C10.2 Appendix C10.2 – Assessment of Effects on Lizards

C10.3 Appendix C10.3 – Lizard Management Plan
