

BEFORE THE PANEL CONVENER

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application by Hughes Developments Limited under section 42 of the FTAA for the Bangor Village Project.

APPLICATION NO. FTAA-2607-1260

**MEMORANDUM FROM THE DIRECTOR-GENERAL OF CONSERVATION
RESPONDING TO MINUTE OF THE PANEL CONVENER**

17 September 2026

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (**D-G**) by the Department of Conservation (**DOC**). It responds to a minute of the Panel Convener dated 10 September 2026 in respect of the substantive application for the Bangor Village Project (the “Minute”).
2. The Minute refers to an upcoming conference to gather participant views, which will inform decisions of the Convener regarding:
 - a) the appointment of Panel members; and
 - b) the timing of the Panel decision.
3. This memorandum addresses the matters identified in paragraph [6] and Schedule 2 of the Minute.

Approvals

4. Approvals relevant to the D-G's interests include:
 - a) a wildlife approval (under section 42(4)(h)) for the capture, handling, incidental killing, disturbance and relocation of lizards, namely the Canterbury grass skink (*Oligosomoa aff. Polychroma*, Class 4), southern grass skink (*O. Chionochoescens*, Class 5) and McCann's skink (*O. Macanni*);
 - b) the earthworks that result in removal of 1.7ha of lizard habitat; and
 - c) subdivision consents.
5. DOC has previously advised the Applicant that a complex fisheries approval may be required for fish translocation resulting from waterway realignments, however the application does not seek such an approval as part of the FTAA application.

Key issues

6. The key issues relevant to the D-G primarily relate to effects on and relocation of lizards, including:
 - a) release site suitability (Applicant-preferred on site and Selwyn River contingency), including:

- (i) habitat, predator control measures and timing of availability of lizard release area versus salvage at preferred site; and
 - (ii) capacity, flooding and long-term protection of Selwyn River site; and
 - b) species identification and appropriateness of mixing species at release sites.
7. Related to these issues, the D-G notes that DOC's section 46 response to the EPA in relation to the completeness assessment considered that further information was required to fully meet the requirements of sections 42, 43 and 44. DOC considered that the following information was not provided in sufficient detail:
- a) details on suitability of proposed release sites;
 - b) adequate evidence of species present on site or at release sites;
 - c) identification of contingency methods in case of unanticipated circumstances;
 - d) details of consultation.
8. The EPA requested further information from the applicant in relation to issues identified at the s.46 stage, including those noted above on 31 July 2026.
9. The Applicant responded to the EPA's request on 21 August 2026.
10. At this stage, DOC considers further information is still required in relation to the issues identified above, including DNA testing of Class 4 and Class 5 grass skinks, engineering information relating to flooding of proposed Selwyn River release site, information on contingency methods for unanticipated circumstances, long term pest management, predator control and security of tenure for release sites, and a residual effects assessment to substantiate the net gain in lizard habitat.

Complexity

11. DOC has reviewed the matters in Schedule 2 of the Minute and considers that the wildlife approval component of this Project is of relatively low complexity.

12. While a number of issues need to be worked through, they are not anticipated to be particularly complex from a legal, nor evidentiary, perspective. In that regard, the D-G has not identified any novel or difficult legal issues relevant to the D-G's interests at this stage.
13. The D-G is not in a position to advise on the complexity of the resource consent component of the Project.

Appointment of Panel members

14. While the D-G prefers that the Panel includes a terrestrial ecologist with experience in herpetology, it is acknowledged that the Panel may be appropriately guided by reports and advice from the D-G and others.
15. If the Panel is not to have relevant ecological expertise, the D-G suggests that the Panel may wish to request an independent expert report from a suitably qualified herpetologist to consider the issues the D-G has raised.
16. In terms of the D-G's interests, appointing more than the default number of Panel members is not required, however matters outside of the D-G's interests may warrant appointment of additional members.

Timing of panel decision

17. The D-G considers that:
 - a) the default time frame would likely be sufficient for the wildlife approval component of this Project, as it is of low legal, evidential, and factual complexity;
 - b) having said that, it would be prudent for the decision making timeframe to accommodate additional procedural steps, such as requests for further information; and
 - c) while the procedural steps will be determined by the Panel, a hearing on the wildlife approval component is not likely to be necessary.
18. The D-G is not in a position to advise in relation to timeframes relating to the resource consent component of the project.

Engagement with DOC

19. The Applicant first contacted DOC on the 10 October 2025 for pre-lodgement for referral. A meeting between DOC and the applicant occurred on the 29 October in which the applicant provided an overview of the project.

20. DOC provided a formal pre-lodgement consultation summary for referral on the 6 November 2025.
21. The applicant contacted DOC again for engagement prior to lodgement of the substantive application. On 5 June 2026, DOC met with the Applicant's ecologist and provided feedback on the proposed lizard management plan and surveys.
22. On the 14 September 2026, the Applicant's project manager met with DOC's project manager to discuss the progress of the project and possibilities for future engagement. A meeting has been scheduled for 25 September 2026 between the Applicant's ecologist and DOC's lizard expert in relation to the proposed lizard management practices.
23. The D-G is happy to continue to engage directly with the Applicant as necessary to resolve or narrow issues.

DOC experts

24. DOC has engaged Dr Mandy Tocher, herpetologist to provide comments on matters relating to lizards.

Conditions

25. DOC has not had the opportunity to undertake a fulsome review of the proposed conditions of the resource consent or wildlife approval at this stage.

Conclusion

26. The D-G's representatives will be happy to elaborate further on any of the above points at the conference set for Thursday 24 September at 10.00am.
27. Counsel (Ms Vella) and the DOC Fast Track Lead (Ms Gardner) will represent the D-G at the Panel Convener conference.

Jen Vella
Counsel for the Director-General of Conservation