

1 September 2025

# Fast-track Approvals Act wildlife approval report

Section 51(2)(c) wildlife approval report for –  
FTAA – 2504-1054 Ryans Road Industrial Development



Department of  
Conservation  
*Te Papa Atawhai*

**Te Kāwanatanga  
o Aotearoa**  
New Zealand Government

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## 1. Introduction

- 1.1 On 23 April 2025, Carter Group Limited (CGL/the applicant) lodged a substantive application for Ryans Road Industrial Development (the Project) with the Environmental Protection Authority (the EPA). On 15 May 2025 the EPA determined that the application was complete and complied with section 46(2) of the Fast-track Approvals Act 2024 (FTAA/the Act). The application was deemed to not have any competing applications or existing resource consent concerns under section 47 of the Act by the EPA on 28 May 2025.
- 1.2 The application is to subdivide and develop land for industrial use. The project site spans 55.5 hectares at 104 Ryans Road, Harewood, Christchurch.
- 1.3 As part of the application, CGL is seeking wildlife approval for the capture, handling and relocation of lizards that are absolutely protected under the Wildlife Act 1953.
- 1.4 On 4 June 2025, in accordance with section 51(2)(c) of the Act, the Panel Convener directed the EPA to obtain a report prepared by the Director-General of Conservation in accordance with clause 3 of Schedule 7. This report is due to the EPA on 1 September 2025.
- 1.5 This report provides information relating to proposed activities for which the applicant is seeking a wildlife approval.
- 1.6 The Panel Convener has also requested that the Director-General of Conservation file a report pursuant to s 51(1) of the Act advising how the weighting of matters set out in Schedule 7, clause 3 of the Act should be approached, having regard to relevant senior court decisions. This report is attached at **Appendix C**.

## 2. Purpose of the report

- 2.1 This report has been prepared by the Department of Conservation (DOC) on behalf of the Director-General of Conservation and provides commentary to support the Panel's assessment of the application for a wildlife approval. The content of this report has been informed by DOC's technical experts and information from Treaty partners, where available.
- 2.2 In accordance with clause 3 of Schedule 7, this report must address the following matters:
  - 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.
  - 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).
  - Any conditions that should be imposed to manage the effects of the activity on protected wildlife.
  - Any conditions that recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

### 3. Overview of DOC's report

- 3.1 DOC's assessment concludes that, subject to recommended conditions, the proposed activities are broadly consistent with the purpose of the Wildlife Act. The lizard management plan (LMP) includes appropriate methodologies for salvage and relocation, identifies a suitable release site, and proposes habitat enhancement measures. However, DOC notes the following:
- Species scope: The LMP is suitable only for southern grass skinks and McCann's skinks. Other species listed in the LMP (e.g. Canterbury spotted skink, jewelled gecko) are unlikely to be present and would require different management if detected.
  - Release site: The site and habitat enhancement are generally considered suitable for southern grass skinks and McCann's skinks. However, DOC notes that long-term protection of the release site is uncertain.
  - Best practice: DOC recommends additional conditions to ensure best practice in capture, handling and monitoring of lizards, including seasonal timing, capture techniques and reporting protocols.
  - Project ecologist: DOC recommends that the Project Ecologist is named in conditions and any lizard handling be carried out by, or under the direct supervision of, that person; and/or the Director-General requests the opportunity to review and certify the credentials of any alternative supervising ecologist to ensure appropriate expertise.
  - Adaptive management: The applicant has stated the LMP is a "living document". DOC recommends that conditions link the approval to the version of the LMP dated August 2025. DOC considers that a variation to the wildlife approval is required to authorise any revisions of the LMP. Conditions are recommended that:
    - limit the approval to southern grass skinks and McCann's skinks;
    - require best practice salvage and handling methods;
    - require monitoring and reporting on habitat establishment and lizard outcomes.

### 4. Sources

- 4.1 This report draws on information from the substantive application and additional information that the applicant has provided post-lodgement.
- 4.2 DOC and CGL have engaged collaboratively following lodgement of the substantive application in line with the Panel Convener's recommendation to work together on resolving issues and conditions. This has led to CGL providing an amended Lizard Habitat Assessment and Lizard Management Plan (Revised LMP) on 15 August 2025. Compared to the LMP lodged with the application (Original LMP), the Revised LMP identifies and describes a release site for salvaged lizards. The assessment and all references in this report to the LMP is based on the Revised LMP unless stated otherwise.
- 4.3 The assessment in this report is informed by expert advice from DOC Technical Advisor (fauna), Lynn Adams. Lynn's credentials are provided in **Appendix B**.

## 5. Context and background

### 5.1 Project overview

- 5.1.1 The Ryans Road Industrial Development project is a proposed industrial subdivision of rural land at 104 Ryans Road, adjacent to the Christchurch International Airport.
- 5.1.2 CGL proposes to develop the land into a freehold industrial subdivision of 126 lots and to provide a framework for the development of the lots by future purchasers for industrial activities, buildings and site improvements.
- 5.1.3 CGL is applying for resource consent and wildlife approval under the FTAA.

### 5.2 Summary of wildlife approval sought

- 5.2.1 The applicant seeks a wildlife approval (under s 42(4)(h) of the Act) to handle and relocate indigenous lizards that may be otherwise adversely affected by works associated by the Project. The AEE states that wildlife approval is sought to “authorise the trapping and relocation of native lizards”.
- 5.2.2 Details of the applicant’s proposed lizard management is provided in a LMP prepared by ecologist Lachie Davidge of Pattle Delamore Partners Limited, the most recent version of which was provided to DOC on 15 August 2025.
- 5.2.3 The LMP details the methods proposed for native lizard salvage and relocation should species be discovered at the site prior to or during development works. The effects and lizard management actions as described in the LMP are outlined as follows.

#### Habitat

- 5.2.4 Potential native lizard habitats were identified onsite including rank grass, rock and debris piles, dense foliage, leaf litter, and abandoned farm buildings.

#### Lizard presence

- 5.2.5 The LMP identifies that the species in Table 1 may be present in the area, based on records of lizard observations within 13 km of the site.

**Table 1.** Species listed in the LMP as being recorded within 13 km of the project site.

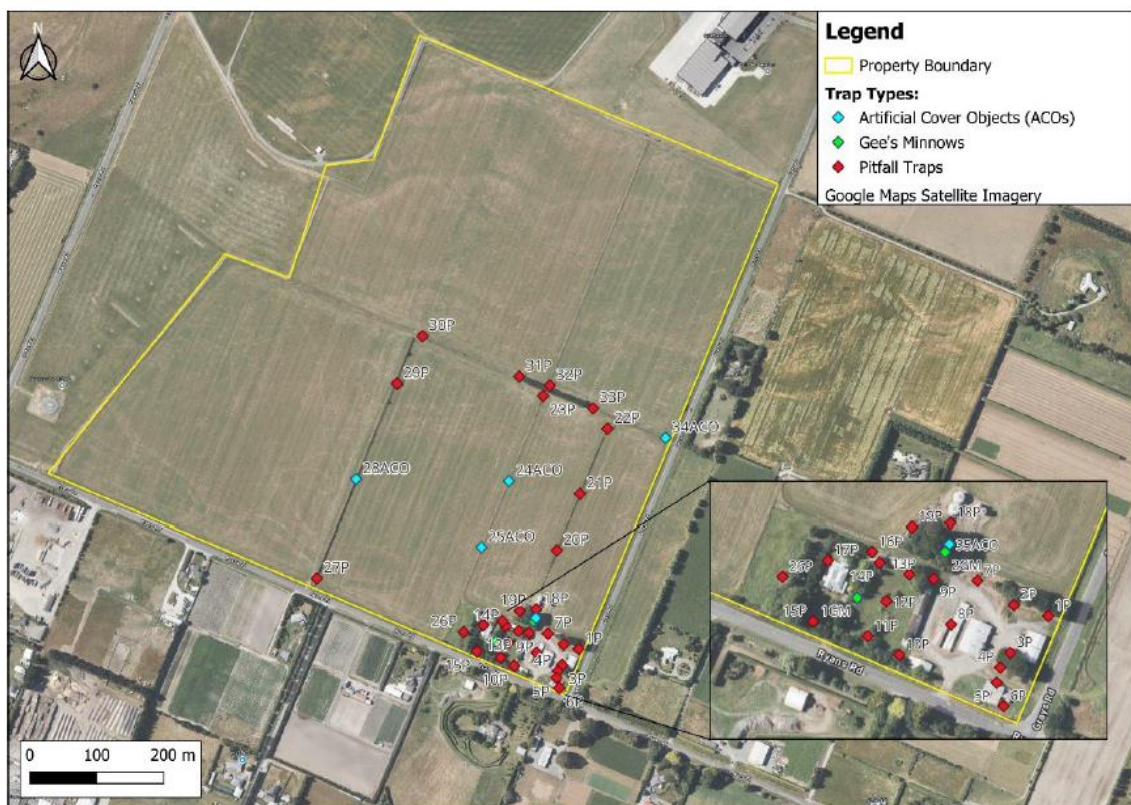
Common Names	Species	Conservation Status
Canterbury spotted skink	<i>Oligosoma lineocellatum</i>	Threatened – Nationally Critical <sup>1</sup>

<sup>1</sup> Hitchmough, R. A., Barr, B., Knox, C., Lettink, M., Monks, J. M., Patterson, G. B., Reardon, J. T., van Winkel, D., Rolfe, J., & Michel, P. (2021). *Conservation status of New Zealand reptiles, 2021* (New Zealand Threat Classification Series 35). Department of Conservation, Wellington, New Zealand. Addendum inserted February 2024. Retrieved from <https://www.doc.govt.nz/about-us/science-publications/conservation-publications/nz-threat-classification-system>.



Common Names	Species	Conservation Status
Jewelled gecko	<i>Naultinus gemmeus</i>	At Risk – Declining
McCann's skink	<i>Oligosoma maccanni</i>	Not Threatened
Northern grass skink	<i>Oligosoma polychroma</i>	Not Threatened
Southern grass skink	<i>Oligosoma</i> aff. <i>polychroma</i> Clade 5	At Risk – Declining
Waitaha gecko	<i>Woodworthia brunnea</i>	At Risk – Declining

5.2.6 Lizard surveys undertaken at the site have determined that the site contains a population of southern grass skinks (*Oligosoma* aff. *polychroma* Clade 5), with three individuals detected (Figure 1).



**Figure 1.** Map of lizard trap placement at Ryans Road site. Lizards were captured in traps 10P, 16P, and 27P. This figure is copied from Figure 1 of Appendix 38 of the substantive application.

5.2.7 Nocturnal spotlighting was also undertaken over two nights for gecko detection. No geckos were detected.

## Effects

- 5.2.8 The LMP identifies the following effects of the Project on the local lizard population, if unmanaged:

*The proposed works will involve the development of 55.5 ha of land, resulting in the removal of approximately 4 ha of potential lizard habitat across the site. Habitats include rank grass, dense foliage (e.g., shrubs), leaf-litter, rock and wood piles, old farm buildings and mature trees (Appendix A). Removal of these habitats and site works (e.g., earthworks) may cause adverse effects to native lizards in the area, including habitat destruction, loss of foraging sites and refugia, and may potentially result in injury or mortality. (5.1, LMP)*

### **Lizard management**

- 5.2.9 Lizard salvage and relocation is proposed for the confirmed population of southern grass skinks.
- 5.2.10 Lizard management will be overseen by a Project Ecologist. The LMP (section 3.1) states that “A Project Ecologist will be responsible for overseeing the correct delivery of the lizard management activities described in this LMP. This person will be suitably qualified and experienced in the field of herpetology and will follow guidance of the WAA permit holder”.

### *Pre-works vegetation management*

- 5.2.11 The LMP states that vegetation clearance will occur in warmer months when lizards are more active and likely to disperse, and that livestock grazing “should” be undertaken in areas of rank grass for a minimum of three days before development commences to allow any lizards in the area to relocate offsite.
- 5.2.12 The Project Ecologist must be onsite to oversee vegetation removal to ensure any lizards found during clearance works are safely collected and translocated to the relocation site. This will involve active searching vegetation for lizards before it is removed from the site.

### *Lizard salvage*

- 5.2.13 The salvage effort will be concentrated in areas with suitable habitat as determined during habitat availability and baseline lizard surveys. Live capture will be undertaken using pitfall traps (under artificial cover objects (ACOs)) and G-minnow traps, with trapping undertaken for five days or until no native lizards are captured for three days in a row. In addition, the manual disestablishment of habitats will be conducted by ecologists overseen by the Project Ecologist.
- 5.2.14 Vegetation clearance and the removal of structures will be supervised by the Project Ecologist, to capture any lizards missed during pre-clearance salvage.
- 5.2.15 Lizards will be held in ventilated containers or cloth bags for no more than three hours before release to the relocation site.

### *Relocation site*

- 5.2.16 Lizards will be released to Grays Road Stormwater Management Area adjacent to the project site.

- 5.2.17 The site will be protected in perpetuity, ensuring that relocated lizards will not be affected by future developments. The LMP states that “It is understood that the site will remain in private ownership, with some form of covenant or other protection afforded to it” (Table 2 of the LMP).
- 5.2.18 The site will be “prepared for the lizard species being relocated”, including pest trapping and habitat enhancement.
- 5.2.19 The site currently has “inadequate lizard habitat available” consisting of ungrazed pastureland. Habitat enhancement (lizard-friendly planting, refugia creation via eco piles, and pest control) will be undertaken following a Lizard Habitat Enhancement Plan appended to the LMP, to ensure suitable refugia and foraging sites for relocated lizards. Pest control of mammalian predators will be undertaken for two years.
- 5.2.20 During works, the perimeter of the release site will be screened to prevent the re-incursion of lizards back into the development footprint.

#### *Adaptive management*

- 5.3 The LMP (section 6.4) states that to achieve a net-positive outcome for any native lizards onsite, changes to this LMP may be required. The LMP is therefore considered a “living document”. Any changes will follow best practice guidelines as recommended by DOC and CCC.

#### *Monitoring*

- 5.3.1 Monitoring of lizards at the release site will be undertaken the summer after relocation to determine success of establishment. Monitoring of pests and enhancement plantings will also be undertaken for two years.

#### *Reporting*

- 5.3.2 A report summarising the salvage and relocation will be submitted to DOC and other affected parties within 30 days of completion of the work.

#### *Term*

- 5.3.3 CGL has requested a 10-year term, if possible. “While its not envisaged construction would take this long, it does allow plenty of cover for any delays should they eventuate for the duration of the project”.<sup>2</sup>

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<sup>2</sup> Email from CGL on 20 August 2025.



## 6. Matters considered in relation to the criteria for a wildlife approval

### 6.1 Statutory context

- 6.1.1 Clause 1 of Schedule 7 of the Act defines "wildlife approval" as "a lawful authority for an act or omission that would otherwise be an offence under any of sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953".
- 6.1.2 The capture and relocation of native lizards without lawful authority would constitute an offence under sections 63(1) and 70G(1) of the Wildlife Act, which provide that it would be an offence to "hunt or kill" (the definition of which includes related activities such as "taking", "capturing" and "disturbing") protected wildlife without lawful authority. The activity of liberating (e.g. relocating) the wildlife at a new location without lawful authority would amount to an offence under s 65(1)(f) and s 70P as authorisation is required under s 53 or s 56.
- 6.1.3 Incidental killing of wildlife without lawful authority is an offence under s 63. Relevantly, s 63 of the Wildlife Act provides that no person may "hunt or kill" (including the extended definitions of those terms) protected wildlife without lawful authority, and that doing so is a strict liability offence. The defence provided in s 68AB will apply to accidental killing (killing that is not foreseeable, nor intended) where a person has taken all reasonable steps to avoid the killing of wildlife.
- 6.1.4 The activities proposed of capturing and releasing wildlife can be considered for wildlife approval under the FTAA. A wildlife approval granted under the Act is treated as if it were granted under the Wildlife Act (Schedule 7, clause 7(1)).

### 6.2 Purpose of the Wildlife Act

- 6.2.1 The relevant purpose of the Wildlife Act 1953 is to protect wildlife<sup>3</sup>.
- 6.2.2 Where removal of lizard habitat is undertaken, lizard salvage will protect, to some extent, lizards that would otherwise be harmed by works (e.g. vegetation clearance) associated with the Project. However, salvage comes with risks. Salvage only protects those animals that are captured. Despite best practice methods, it is unlikely all affected animals will be captured. For those that are captured, successful establishment and survival at the release site is not guaranteed.
- 6.2.3 DOC has developed key principles for lizard salvage and transfer in New Zealand, which are relevant to consider when assessing whether a lizard salvage proposal will adequately protect lizards.<sup>4</sup> The key principles, discussed in this report where applicable, include:
- Lizard species' values and site significance must be assessed at both the impact (development) and receiving sites.
  - Actual and potential development-related effects and their significance must be assessed.
  - Alternatives to moving lizards must be considered.
  - Threatened lizard species require more careful consideration than less-threatened species.

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<sup>3</sup> *Shark Experience v PauaMAC5 Inc* [2019] NZSC 111, 117

<sup>4</sup> <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/wildlife-research-permits/lizard-salvage-and-transfer-nz.pdf>

- Lizard salvage, transfer and release must use the best available methodology.
  - Receiving sites and their carrying capacities must be suitable in the long term.
  - Monitoring is required to evaluate the salvage operation.
  - Reporting is required to communicate outcomes of salvage operations and facilitate process improvements.
  - Contingency actions are required when lizard salvage and transfer activities fail.
- 6.2.4 The LMP sets out actions that are intended to protect lizard populations inhabiting the site via salvage and habitat enhancement, indicating that it seeks to achieve a net-positive outcome for affected lizards (section 6.4 of the LMP).
- 6.2.5 In assessing the application against the purpose of the Wildlife Act, it is relevant to consider protection at both the individual level (e.g. minimising impacts, safe capture and handling) and population level (e.g. taking into account benefits offered by habitat enhancement etc).
- 6.2.6 Key points relevant to this application are discussed below, and associated recommended revisions to conditions are provided in **Appendix A**.

### **Species**

- 6.2.7 The Original LMP was updated by the applicant to provide more detail on how the confirmed southern grass skink population will be managed. However, the LMP is written in a way that it might apply to other species of lizard, if detected on site.
- 6.2.8 DOC recommends that wildlife approval be restricted to southern grass skinks and McCann's skinks. Other species listed in the LMP are unlikely to be present in the project footprint. However, if they are found, they will not be adequately protected by the measures described in the LMP. In particular, if any Canterbury spotted skink (Threatened – Nationally Critical) are detected on site, the proposed management actions would need to be revised to ensure appropriate protection measures are in place. More discussion on species' requirements is provided in **section 6.3** of this report.

### **Best practice methods**

- 6.2.9 DOC considers the methodology proposed in the LMP is generally appropriate.
- 6.2.10 However, additional conditions are recommended to ensure best practice capture and handling – e.g. seasonal timeframes (to ensure lizards aren't handled during months they are dormant and are less likely to be found and salvaged); best practice methods are used for live trapping, handling and transport; and the relocation site is appropriately established and monitored.

### **Competencies**

- 6.2.11 It is important that lizard management is led by an ecologist who is suitably experienced to ensure that the LMP is implemented to the necessary standards and lizard welfare is safely managed during capture, handling, transport and release. Training requirements or standards do not exist for lizard handling, and DOC assesses suitable people based on peer review and information that the herpetologist supplies.

- 6.2.12 The LMP is written by Lachie Davidge, although it is not stated that they will be the lead for the Project. The LMP says “A Project Ecologist will be responsible for overseeing the correct delivery of the lizard management activities described in this LMP. The person will be suitably qualified and experienced in the field of herpetology and will follow guidance of the WAA permit holder”.
- 6.3 DOC seeks the Project Ecologist be named in conditions. In the alternative, if the applicant wants more flexibility, DOC requests the opportunity to review and certify the credentials of any alternative supervising project ecologist prior to approval. DOC notes that Lachie Davidge is accepted as being a suitably qualified and experienced herpetologist and would accept their appointment (and naming in conditions). DOC recommends a condition that lizards must only be handled by or under the direct supervision of the named Project Ecologist.

#### **Suitability of the release site**

- 6.3.1 Release sites should be protected from future development, have predators controlled, have appropriate vegetation, and contain adequate refugia.
- 6.3.2 DOC considers the proposed release site is suitable for the confirmed population of southern grass skinks (and McCann's skinks, if present). The site is near the salvage site and sufficiently large for around 100 skinks provided the habitat is fully developed as proposed.

#### **Habitat enhancement at release site**

- 6.3.3 The restoration plan for the lizard release site is appropriate. The combination of planting, allowing existing grass to become rank (limiting control of grass to only around the plants, and the addition of woody debris and rock piles (24 in total)) is appropriate for this site.
- 6.3.4 Ideally, there would be a period of two years for plants to become established before release. If the planting isn't completed, it is critical that the area has deep rank grass to provide protection for released lizards.
- 6.3.5 The applicant has clarified the timeline, including stating that grass will be allowed to grow from now onwards, with planting beginning in January 2026, and lizard salvage beginning in March 2026. DOC is satisfied that this is sufficient growth time to provide adequate habitat for lizards, even if planting and habitat additions (rocks) are not completed.
- 6.3.6 DOC attributes minimal protection value to lizards via the planned predator control, since the spacing and target species do not follow best practice and there is a lack of evidence that small-scale pest control benefits lizards. However, based on the potential benefits of the planting, DOC is satisfied with the release site overall, and does not raise this as a critical issue.

#### **Long-term protection of release site**

- 6.3.7 The statement in the LMP that the release site will be protected in perpetuity and “with some form of covenant or other protection afforded to it” is not supported with any evidence to give assurance that long term protection will be implemented. There is therefore uncertainty about the long-term protection of the site from future development. However, given that the release site is next to a water retention area, risks might be minimised, so DOC accepts the current site

is appropriate even though the applicant has provided little information about its long-term protection.

#### **Adaptive management.**

- 6.3.8 The LMP states that it is a “living document” and that changes may be required to ensure benefits for lizards, following best practice guidelines as recommended by DOC and CCC.
- 6.3.9 The conditions drafted by CGL state that all works relating to lizard fauna “must occur in accordance with the Lizard Management Plan prepared by PDP dated August 2025”.
- 6.3.10 DOC’s understanding is that any adaptive management requiring changes to the LMP would require a variation to update the conditions to amend the reference to a later-dated LMP version. Such a variation could be considered and, if appropriate, authorised by the Director-General of Conservation in accordance with clause 7(2) of Schedule 7 of the Act.

#### **Monitoring and reporting**

- 6.3.11 The post-salvage monitoring proposed is adequate, but there appears to be no plan to formally monitor plant survival rate or address any need for infill planting at the relocation site, nor to monitor whether the lizard population has established once all planting activity has finished (year 2). DOC therefore recommends a condition requiring annual reporting for the term of the approval on the survival of the lizard population and success of the habitat establishment.

#### **Term**

- 6.3.12 DOC accepts a term of up to ten years is appropriate.

#### **Incidental killing and overall wildlife protection**

- 6.3.13 The application seeks a wildlife approval for the capture and relocation of lizards.
- 6.3.14 The LMP identifies mortality as a potential effect of the Project and proposes actions to minimise death or injury. However, CGL does not state in the application documents that it seeks approval for incidental killing. It may be that, due to the low number of lizards detected, CGL considers that all lizards will be able to be successfully salvaged.
- 6.3.15 DOC takes the view that, in general, the proposed lizard management actions are aligned with the Wildlife Act’s purpose of wildlife protection. Subject to recommended conditions being imposed and complied with, there may be a net benefit for the lizard population, even if there are some incidental deaths. A draft condition is offered in case the Panel decides to authorise incidental killing of lizards.
- 6.3.16 If the conditions proposed in this report are not adopted, protected lizards may be harmed, and accordingly the grant of a wildlife approval may not be consistent with the purpose of the Wildlife Act.

## **6.4 Information and requirements relating to protected wildlife**

- 6.4.1 The threat status of species identified in the LMP that may be present in the area are provided in Table 1.
- 6.4.2 Southern grass skink (At Risk – Declining) is the only species confirmed to be present in the area. This species is common in the Canterbury and Otago regions, where it is a generalist and tolerates a range of habitats including coastal dune habitat, wetlands, grassland, shrublands, rocky shrubland, screes, tussock, stony river beds, and even cities.
- 6.4.3 McCann's skinks are widespread in the eastern South Island. The species occupies similar habitats to southern grass skinks, although tends to prefer rockier and drier habitats. It is possible that this species is also present at the works site. DOC considers that the management actions proposed in the LMP will also be suitable for this species.
- 6.4.4 Northern grass skinks are not expected to be in the area as the species is only present in the upper South Island and North Island.
- 6.4.5 Waitaha geckos and jewelled geckos are unlikely to be present, due to the lack of suitable habitat at the works site. These species have different habitat requirements to southern grass skinks and McCann's skinks – e.g. jewelled geckos require woody vegetation – meaning the proposed release site is not suitable for them.
- 6.4.6 Canterbury spotted skinks are unlikely to be present. They have a threat status (Threatened – Nationally Critical) that would justify more comprehensive management to ensure their protection if any are found.

## 6.5 The role of species management plans

- 6.5.1 For wildlife salvage approvals issued outside of the fast-track process, the standard process is that a species management plan is approved as part of the process. That is, an applicant provides a species management plan with their application, detailing proposed actions to manage effects. The detail in the species management plan forms part of the assessment against the purpose of the Wildlife Act and, if the application is approved, the Wildlife Act authorisation is conditional on compliance with the approved plan.
- 6.5.2 The draft conditions provided by CGL follow this same process. The conditions require approved wildlife activities to be undertaken in accordance with a dated version of the LMP, meaning that a variation would be required to make any changes to what the applicant has set out in the agreed LMP. DOC supports this approach.

## 6.6 Conditions to manage effects on protected wildlife

- 6.6.1 The applicant has suggested minimal conditions for the wildlife approval. DOC recommends additions in line with the above discussion. Recommended conditions are appended in **Appendix A**.
- 6.6.2 This recommendation includes consideration of section 83 of the Act – DOC considers that each condition would not be more onerous than necessary to address the reason for which it is set.



# 7. Consultation

## 7.1 Pre-lodgement

- 7.1.1 The applicant engaged with DOC between January 2025 and February 2025. DOC provided a summary of pre-lodgement consultation to the applicant on 20 February 2025 (Appendix 24 Consultation Documents and Records provided by the applicant).
- 7.1.2 In summary, DOC advised that:
- The application for wildlife approval should follow the information requirements under the Act.
  - The applicant should engage in more detailed surveys to determine which species may be present on site.
  - Translocation sites should be identified along with suitable methods for relocation.

## 7.2 Post-lodgement

- 7.2.1 Post-lodgement of the substantive application, DOC and the applicant have engaged collaboratively to discuss outstanding issues with the lizard management plan. A meeting held between DOC and the applicant on 16 June 2025, and several follow up emails between June and August 2025 resulted in the provision of the Revised LMP on 15 August 2025:
- 7.2.2 In contrast to the Original LMP initially lodged with the application, the Revised LMP includes:
- A defined location for the relocation of lizards.
  - Additional information and clarification about the timing of lizard salvage.
  - Information about the development, timeframe and staging of the release site, e.g. planting preparation, pest control, lizard exclusion fence details, monitoring and enhancement provisions.

# 8. Additional information

## 8.1 International Conservation Agreements

- 8.1.1 The table below outlines the international agreements that relate to the protected wildlife that is to be covered by the approval.

**Table 2:** International Conservation Agreements.

Relevant Agreement	Signatory date
United Nations Convention on Biological Diversity	1992
International Union for Conservation of Nature (IUCN) – Membership and Contributions for Nature Platform	New Zealand became a member in 1948

### The United National Convention on Biological Diversity (CBD)

- 8.1.2 The United Nations Convention on Biological Diversity (CBD) is an international agreement that promotes the development of global targets, national strategies and action plans by countries for the protection, restoration and sustainable use of biodiversity.
- 8.1.3 As a party to the CBD, New Zealand is required to have a national biodiversity strategy and action plan. Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 sets out New Zealand's contribution to reversing the loss of biodiversity worldwide.
- 8.1.4 Key objectives of the strategy that are relevant to this application include:
- *Biodiversity protection is at the heart of economic activity.*
  - *Natural resources are managed sustainably.*
  - *Management ensures that biological threats and pressures are reduced through management.*
  - *Ecosystems and species are protected, restored, resilient, and connected from mountain tops to ocean depths.*
- 8.1.5 The application from CGL seeks to develop modified land in a way that means impacts on resident indigenous lizard populations are mitigated. The proposal to salvage lizards and enhance lizard habitats at the relocation site via planting and pest control will contribute to protection of biodiversity.

#### **International Union for Conservation of Nature (IUCN)**

- 8.1.6 The IUCN is a globally recognised conservation body and New Zealand's membership reflects its commitment to biodiversity and ecosystem protection. While the IUCN is not a treaty-level agreement, New Zealand's contributions to the IUCN's Contributions for Nature platform and its alignment with global biodiversity targets (e.g. the Kunming-Montreal Global Biodiversity Framework) reflect a strong public commitment to species recovery and habitat protection.
- 8.1.7 The IUCN Red List status of species named in the LMP is provided in Table 3.

**Table 3.** IUCN Red List status of species named in application.

Common name	Scientific name	IUCN Red List status
Northern/southern grass skink	<i>Oligosoma polychroma</i>	Least Concern (stable)
Canterbury spotted skink	<i>Oligosoma lineoocellatum</i>	Endangered (decreasing)
Jewelled gecko	<i>Naultinus gemmeus</i>	Endangered (decreasing)
McCann's skink	<i>Oligosoma maccanni</i>	Least Concern (stable)
Waitaha gecko	<i>Woodworthia brunnea</i>	Endangered (decreasing)

## 8.2 Consistency with statutory planning documents and policy

- 8.2.1 The following statutory planning documents and associated policies are recommended to be considered alongside the wildlife approval sought by this Project.

### **Conservation General Policy 2005**

- 8.2.2 The Conservation General Policy 2005 (CGP) provides guidance for the administration and management of lands and waters and natural and historic resources managed under conservation legislation including the Wildlife Act.

- 8.2.3 The CGP does not contain policies specific to the proposed wildlife activities. However, the following provisions are relevant:

*11.1(a) Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any conservation management strategy or plan.*

*11.1(c) The Department and all concession and other authorisation holders should monitor the effects of authorised activities on natural resources, historical and cultural heritage, and the benefit and enjoyment of the public, including public access, to inform future management decisions.*

- 8.2.4 The application is not inconsistent with these provisions.

### **Canterbury (Waitaha) Conservation Management Strategy 2016**

- 8.2.5 The Canterbury (Waitaha) Conservation Management Strategy 2016 (CMS) describes the conservation values present in the Canterbury Region and provides guidance for the Department's work in the form of a vision, objectives, outcomes for Places, policies and milestones.

- 8.2.6 The application is not inconsistent with the objectives, outcomes, or policies of the CMS, particularly the provisions relating to authorisations (general) in section 3.1 of the CMS.

## 8.3 Commentary on information required for a wildlife approval

- 8.3.1 The substantive application initially did not contain a release site. DOC raised this as an issue since DOC could not assess the suitability of the site for the affected species and therefore could not adequately assess the application against the purpose of the Wildlife Act. This issue has been resolved in the Revised LMP which identifies a release site.

## 9. Treaty of Waitangi settlement considerations and obligations

### 9.1 Treaty of Waitangi settlement obligations

- 9.1.1 Under section 7 of the Act the Panel must act in a manner that is consistent with obligations arising under existing Treaty Settlements.
- 9.1.2 The Ministry for the Environment (MfE) provided a report which sets out the section 18 matters it considered relevant to the application. DOC was not consulted by MfE on this report.
- 9.1.3 DOC has read the section 18 report and agrees that the primary matter for consideration by the Panel as relevant to the wildlife approval is cooperation with Ngāi Tahu per the Ngāi Tahu Claims Settlement Act 1998. DOC notes that the affected lizard species are not listed in Schedule 97 as taonga species, although they may still have significance to Ngāi Tahu.

### 9.2 Treaty of Waitangi principles

- 9.3 DOC's work in preparing this report has been carried out in a manner that, as far as possible, gives effect to the principles of the Treaty of Waitangi<sup>5</sup> (arising from the obligation on DOC from section 4 of the Conservation Act). The principles most applicable to DOC's role are:
  - **Partnership** – mutual good faith and reasonableness.
  - **Informed decision-making** – both the Crown and Māori need to be well informed of the other's interests and views. Consultation is a means to achieve informed decision-making.
  - **Active protection** – requires informed decision-making and judgement as to what is reasonable in the circumstances.
  - **Redress** – requires recognition of existing rights and interests.
- 9.3.1 For this application, this has included:
  - DOC notified Treaty partners of the application. We note this has occurred within the context of the fast-track process with prescribed timeframes, and where the applicant has an obligation to consult and Treaty partners must be invited to comment. The scope of engagement also recognised DOC's role to provide reports and comments on the application, and not in its usual role as decision-maker.
  - Identifying for the Panel any relevant information from protocols or relationship agreements prepared in accordance with Settlements (e.g. taonga species).
  - Ensuring that the information in this report is fully informed by any information from Treaty partners and the impact the activity would have on their interests.
- 9.3.2 DOC has advised Treaty settlement entity Te Ngāi Tūāhuriri Rūnanga of the application, sharing relevant publicly available information. DOC notes that affected Māori entities will be invited by the Panel to provide comments on the application.
- 9.3.3 CGL has undertaken its own engagement and attached preliminary responses from Mahaanui Kurataiao Limited on behalf of Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga. In relation to the wildlife approval application, both responses recommend conditions relating to indigenous planting, lizard surveying and reporting on lizard outcomes. Te Taumutu Rūnanga also

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<sup>5</sup> [Principles of the Treaty of Waitangi and DOC: Apply for permits](#)

recommend conditions relating to undertaking lizard works during an appropriate season, enhancing lizard habitat, releasing lizards to suitable habitat – these requests are addressed by DOC's recommended best practice conditions and/or the LMP. The applicant has suggested a reporting condition that includes reporting to mana whenua.

- 9.3.4 Otherwise, DOC has not identified any additional specific conditions that should be imposed in accordance with section 84 to achieve consistency with Treaty principles.



## Appendix A: Conditions

	Condition proposed by CGL	Condition proposed by DOC	DOC comments
<b>Authorised activity</b>			
1	All works relating to lizard fauna, including capture and relocation must occur in accordance with the Lizard Management Plan prepared by PDP dated August 2025, and the permit obtained by this application under the authority of the Wildlife Act (1953).	All works relating to lizard fauna, including capture and relocation must occur in accordance with the Lizard Management Plan prepared by PDP dated August 2025, <del>and the permit obtained by this application under the authority of the Wildlife Act (1953).</del>	DOC considers that the red text is unclear and not necessary.
		The wildlife approval is for the capture, handling, and release of southern grass skinks ( <i>Oligosoma</i> aff. <i>polychroma</i> 'Clade 5') and McCann's skinks ( <i>Oligosoma maccanni</i> ).	Additional condition recommended. DOC considers that the LMP is appropriate for the confirmed population of southern grass skinks and is also appropriate for McCann's skinks. DOC considers that other species listed in the LMP will not be present and/or the proposed release site habitat will not be appropriate and/or the threat ranking would justify a more comprehensive plan to ensure they are protected.
		The incidental killing of southern grass skinks ( <i>Oligosoma</i> aff. <i>polychroma</i> 'Clade 5') and McCann's skinks ( <i>Oligosoma maccanni</i> ) is authorised, provided that best efforts are taken to avoid incidental deaths in accordance with the Lizard Management Plan.	Additional condition suggested. Although the applicant did not apply for incidental killing, DOC acknowledges that it is a foreseeable possibility despite best efforts in accordance with the LMP to avoid lizard deaths.
		The DOC Operations Manager for Mahaanui is to be contacted immediately ( <a href="mailto:mahaanui@doc.govt.nz">mahaanui@doc.govt.nz</a> ) for further advice if wildlife other than southern grass skinks or McCann's skinks are located within the footprint of the development or within the release site.	Additional condition recommended, for the reasoning above that the LMP is only appropriate for these two species.

		The Approval Holder must implement all actions set out in the habitat enhancement and adaptive management sections of the Lizard Management Plan to ensure adequate mitigation of effects has been achieved.	Additional condition recommended, to emphasise the importance of these parts of the LMP in mitigating effects.
		This wildlife approval is valid for 10 years from the date of approval.	Additional condition recommended.
<b>Lizard capture and handling</b>			
		Lizards must only be handled by the named Project Ecologist or under the direct supervision of them.	Additional condition recommended. Lachie Davidge has been assessed by DOC as suitably experienced to safely handle lizards and oversee the lizard management. Alternatively, rather than naming the Project Ecologist, the condition could require that the Project Ecologist be approved in writing by DOC.
		Lizard capture, handling and relocation must only be undertaken between 1 October and 30 April when lizards are most active.	Additional condition recommended. Standard condition to minimise the chances of harm to lizards in line with best practice methods.
		Capture and handling of lizards must involve only techniques that minimise the risk of infection or injury to the animal.	As above.
		Capture and handling methods must follow those described in the Herpetofauna inventory and monitoring toolbox <a href="http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/">http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/</a> .	As above.
		The Approval Holder must ensure all live capture traps are covered to protect lizards from exposure and minimise stress. Damp leaf litter or other material must be provided to	As above.

		reduce desiccation risk and the bottom of the pit-fall trap must be perforated to allow drainage of water.	
		The Approval Holder must ensure all live capture traps, (e.g. pitfall traps and G-minnow traps), are checked at least every 24 hours.	As above.
		The Approval Holder must sterilise any instruments that come in contact with the lizards and/or are used to collect or measure lizards between each location. A separate holding bag must be used for each animal. All gear should be thoroughly cleaned and dried between sites.	As above.
		The Approval Holder must ensure lizards are temporarily held individually in a suitable container (e.g. breathable cloth bag) and held out of direct sunlight to minimise the risk of overheating, stress and death.	As above.
<b>Death of wildlife associated with salvage activities</b>			
		<p>If any lizards should die during the approved activities of catch, transfer or liberate, the Approval Holder must:</p> <ul style="list-style-type: none"> <li>• inform the Mahaanui DOC Operations Manager (<a href="mailto:mahaanui@doc.govt.nz">mahaanui@doc.govt.nz</a>) within 48 hours, chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and</li> <li>• send the body to Massey University Wildlife Post Mortem Service for necropsy OR as otherwise advised by the Mahaanui DOC Operations</li> </ul>	<p>Additional condition recommended. Standard lizard condition to ensure reporting and management of lizard deaths as a result of the approved activity.</p>

		<p>Manager, along with details of the animal's history; and</p> <ul style="list-style-type: none"> <li>• pay for any costs incurred in investigation of the death of any lizard; and</li> <li>• if required by the DOC Operations Manager, cease the Authorised Activity for a period determined by the DOC Operations Manager.</li> </ul>	
<b>Euthanasia</b>			
		<p>If any lizards are found injured as part of the Authorised Activity, the Approval Holder must contact the Project Ecologist to get advice on management of the lizard. The Approval Holder is authorised to euthanise injured lizard(s) on recommendation of the Project Ecologist or a veterinarian.</p>	<p>Additional condition recommended, to enable euthanasia if necessary.</p>
<b>Reporting</b>			
	<p>If lizard salvage and relocation work is required on site, a report summarising the salvage and relocation results will be prepared and submitted to CCC, Ecan, Whitiara, Mahaanui Kurataiao and DOC within 30 days from the completion date of the work (see LMP attached in Appendix C). Specifically, this report will include:</p> <ol style="list-style-type: none"> <li>1. Results of lizard salvage and relocation work. Should native lizards be found, then the following will also be included in the report: <ol style="list-style-type: none"> <li>a. Photos of lizard salvage methods utilised;</li> <li>b. Photos of lizards captured (including photos of the</li> </ol> </li> </ol>	<p>A report summarising lizard salvage and relocation activities is to be prepared and submitted to CCC, ECan, Whitiara, Mahaanui Kurataiao and DOC within 30 days from the completion date of the work (see LMP attached in Appendix C). Specifically, this report is to include:</p> <ol style="list-style-type: none"> <li>1. Results of lizard salvage and relocation work. Should native lizards be found, then the following also is to be included in the report: <ol style="list-style-type: none"> <li>a. Photos of lizard salvage methods utilised;</li> <li>b. Photos of lizards captured (including photos of the salvage and relocation areas); and,</li> </ol> </li> </ol>	<p>Changes recommended in red to ensure relevant information is received.</p>

	<p>salvage and relocation areas); and,</p> <p>c. A map showing the location of lizard upon capture and upon release.</p> <p>2. Descriptions of how lizard management activities outlined in the LMP were followed, including conditions detailed in the WAA permit and associated resource consent conditions;</p> <p>3. An Amphibian and Reptile Distribution Scheme (ARDS) card detailing information relating to captured lizards; and,</p> <p>A brief summary regarding the outcomes of the LMP, including any improvements/changes that should be implemented in future.</p>	<p>c. A map showing the location of each lizard upon capture and upon release, and</p> <p>d. The species and number of any lizards detected, captured, and released, and</p> <p>e. The results of all surveys and monitoring.</p> <p>2. Descriptions of how lizard management activities outlined in the LMP were followed, including conditions detailed in the WAA permit and associated resource consent conditions;</p> <p>3. An Amphibian and Reptile Distribution Scheme (ARDS) card detailing information relating to captured lizards (also to be provided to <a href="mailto:herpetofauna@doc.govt.nz">herpetofauna@doc.govt.nz</a>); and,</p> <p>A brief summary regarding the outcomes of the LMP, including any improvements/changes that should be implemented in future.</p>	
		<p>For the life of the wildlife approval, the Approval Holder must provide annual reports on the following activities:</p> <p>a. Pest plant removal</p> <p>b. Photo record of lizard habitat development</p> <p>c. Success of the lizard habitat planting, including but not limited to, numbers and species planted, annual survival of planting, number/species of plants replaced.</p> <p>d. Number location and size of eco-stacks (both rock and woody debris).</p>	<p>Additional condition recommended, to ensure ongoing monitoring and reporting on habitat enhancement.</p>



<b>Variations</b>			
		The Approval Holder may apply to the Director-General for variations to this Approval in accordance with clause 7(2) of Schedule 7 of the Fast-track Approvals Act 2024.	
<b>Revocation</b>			
		<p>The Director-General may revoke this Approval in whole or any part at any time (pursuant to clause 7(4) of Schedule 7 of the Fast-track Approvals Act 2024) if:</p> <ul style="list-style-type: none"> <li>a. The Approval Holder breaches any of the conditions of this Approval.</li> <li>b. In the Director-General's opinion, the exercise of this Approval has caused, or is likely to cause, any unforeseen adverse effects on lizards.</li> </ul>	
		If the Director-General intends to revoke this Approval in whole or in part, the Director-General will give the Approval Holder such prior notice as the Director-General considers reasonable and necessary in the circumstances.	
<b>Costs</b>			
		The Approval Holder must pay the Department of Conservation's standard charge-out rates for any staff time and mileage required to monitor compliance with this Approval and to investigate any alleged breaches of the terms and conditions of it.	

## Appendix B: Expert credentials

DOC has relied on the advice of the technical expertise of Lynn Adams – Technical Advisor (fauna).

*My full name is Lynn Karen Adams. I hold the degrees of BSc and MSc, in Biological Sciences. For the past 28 years, I have worked for the Department of Conservation (the Department) in a variety of roles focused on species conservation management. Since 2003 my roles have been to provide technical advice, support and delivery of terrestrial indigenous fauna conservation programmes (based in Twizel, West Coast and Wellington, Whanganui, Hawkes Bay, Canterbury and Nationally).*

*I have undertaken extensive monitoring and management programmes on native New Zealand fauna, including translocations, pest control and wide-scale restoration. Most of these studies have been designed to assist with conservation management for Threatened or At Risk species and more recently (last 15 years) has focused on NZ lizard species.*

*I am the leader of the New Zealand Lizard Technical Advisory Group (for 14 years), a group of experts who provide advice on the conservation management of lizard species nationally. I also lead the Hihi Recovery Group and the Tuatara Recovery Group.*

## Appendix C: Weighting of relevant matters to be taken into account

### Introduction

1. This report responds to the Panel Convener's Minute dated 4 June 2025, directing the Director-General to "file a report advising how weighting of matters set out in Schedule 7, clause 3 of the Act should be approached, having regard to relevant senior court decisions".
2. The Minute refers to the matters set out in Schedule 7, clause 3 of the FTAA (wildlife approval) which the FTAA directs must be addressed by the Director-General's s 51(2) reports.<sup>6</sup>

### Weighting generally

3. Generally, the weighting to be accorded to relevant considerations by a statutory decision maker is for that decision maker to determine,<sup>7</sup> however where a statute directs the weight to be given to a matter, that direction must be given effect to.<sup>8</sup>
4. The senior courts have recognised that apparently disproportionate, inadequate or undue weight attached to a relevant factor can lead to judicial consideration of whether the weighting applied was within the limits of reason, and hence, whether the ultimate decision was unreasonable in an administrative law sense. A court may set aside an administrative decision which has failed to give adequate weight to a relevant factor of great importance, or which has given excessive weight to a relevant factor of no great importance.<sup>9</sup>
5. Accordingly, mandatory relevant considerations must be given genuine consideration and weighting by statutory decision makers.

### Weighting under the Fast-track Approvals Act 2024

6. The Schedules to the FTAA list mandatory considerations that decision-making Panels must take into account, when determining applications for the various approvals that can be granted under the Act.<sup>10</sup>
7. The only directive regarding weighting contained in the FTAA, is that the "greatest weight" is to be given to the purpose of the FTAA.<sup>11</sup>
8. While described in the FTAA as "criteria",<sup>12</sup> the mandatory matters to be taken into account can be described as "factors", in the sense that they are matters to be assessed on the basis of their qualities,

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<sup>6</sup> The schedule clauses referenced in the Minute excludes consideration of the purpose of the FTAA from the ambit of the request. However, in order to respond to the Panel Convener's request in relation to consideration of weighting, it is necessary to refer to the purpose of the FTAA given the statutory directive that this consideration be given "the greatest weight" relative to other mandatory considerations (i.e. relative to the matters that must be addressed by the Director General's s 51 reports). This advice has therefore been prepared on that basis.

<sup>7</sup> See, for example *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR (HC) 188 at 223: The weight to be given to the evidence in the balancing exercise ... is a matter for the primary tribunal and the Planning Tribunal on appeal.

<sup>8</sup> *Quarantine Waste (New Zealand) Ltd v Waste Resources Ltd* [1994] NZRMA 529 (HC) at 540: "Unless the statute otherwise directs, the weight to be given to particular relevant matters is one for the consent authority, not the Court, to determine."

<sup>9</sup> See, for example *Thames Valley Electric Power Board v NZFP Pulp and Paper Ltd* [1994] LGHNZ 17 (CA).

<sup>10</sup> See Schedule 7, Clause 5 (wildlife approval).

<sup>11</sup> This directive occurs multiple times in the FTAA, including at Schedule 7, Clause 5 (wildlife approval).

<sup>12</sup> This is the terminology used in the titles for each of the relevant clauses listed in fn 5.

rather than quantities. They establish the foundation for assessment rather than the outcome of it.<sup>13</sup> Accordingly, the criteria, or factors, are not tick-boxes to be crossed off a list but are matters that must be qualitatively assessed.

9. The FTAA does not direct how much relative weight should be given to, or between, relevant matters other than the purpose of the FTAA. Nor does the FTAA specify how much greater weight should be accorded to its purpose relative to other mandatory considerations. It may be the case that some of the factors listed in the relevant clauses may be found to have no relevance. Consequently, that factor will have no weight accorded to it in the balancing exercise.
10. While the purpose of the FTAA is to be given the greatest weight, the purpose of the FTAA does not automatically outweigh all other considerations. By listing other considerations besides the purpose of the FTAA, it is implicit that weight be attached to them, and that they should receive genuine consideration where relevant.<sup>14</sup>
11. Accordingly, while the greatest weight is to be accorded to the purpose of the FTAA, it does not follow that when qualitatively assessed, the regional or national benefits of a project must necessarily outweigh other considerations, in combination or in isolation, such as the adverse environmental effects of a project. The extent of regional or national benefits will vary between projects. Also, adverse effects will vary between projects in nature and severity. Each factor must be qualitatively assessed and those assessments weighed. Where they pull in different directions, they must be weighed against each other.
12. The issue of legislatively directed weighting was considered by the Court of Appeal in *Enterprise Miramar Peninsula Inc v Wellington City Council*,<sup>15</sup> when considering the application of s 34 the Housing Accords and Special Housing Areas Act 2013 (HASHAA). Section 34 provides:

**34 Consideration of applications**

- (1) An authorised agency, when considering an application for a resource consent under this Act and any submissions received on that application, must have regard to the following matters, giving weight to them (greater to lesser) in the order listed:
  - (a) the purpose of this Act;
  - (b) the matters in Part 2 of the Resource Management Act 1991;
  - (c) any relevant proposed plan;
  - (d) the other matters that would arise for consideration under—
    - (i) sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act;
    - (ii) any other relevant enactment (such as the Waitakere Ranges Heritage Area Act 2008);
  - (e) the key urban design qualities expressed in the Ministry for the Environment's *New Zealand Urban Design Protocol (2005)* and any subsequent editions of that document.

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<sup>13</sup> *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2017] NZEnvC 147, at [117]-[118].

<sup>14</sup> See also s 85(3)(b) of the FTAA which provides for the decline of a FTAA application if the adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered.

<sup>15</sup> *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.

13. The Court held that all the listed matters must first be individually assessed prior to the exercise of weighing them in accordance with the prescribed hierarchy (in that case, the listed matters in subsection (1)(b)–(e) could not properly be weighed alongside the purpose of HASHAA under subs (1)(a) if that purpose has first been used to effectively neutralise the matters listed in subs (1)(b)–(e)).<sup>16</sup>
14. Applying that approach to the FTAA, the relevant matters should first be individually assessed, uninfluenced by the purpose of the FTAA, “before standing back and conducting an overall balancing” where the purpose of the FTAA is to be given greatest weight.<sup>17</sup> It would be an error of law to use the purpose of the FTAA to eliminate or reduce individual assessment of the other specified mandatory relevant considerations.<sup>18</sup>

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<sup>16</sup> *Enterprise Miramar Peninsula Inc.*, at [53].

<sup>17</sup> *Enterprise Miramar Peninsula Inc.*, at [52]. Note that the FTTA does not take the same cascading hierarchy of “greater to lesser” weight, but only that the “greatest weight” be given to the purpose.

<sup>18</sup> *Enterprise Miramar Peninsula Inc.*, at [55]–[59].