

24 February 2026

Fast-track Approvals Act wildlife approval report

Section 51(2)(c) wildlife approval report for –
FTAA-2510-1118 Wellington International Airport Southern Seawall
Renewal

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1.0 Introduction

- 1.1 On 23 October 2025 Wellington International Airport Limited (the applicant / WIAL) lodged a substantive application with the Environmental Protection Authority (EPA) for the Wellington International Airport Southern Seawall Renewal (the Project). On 14 November 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).
- 1.2 The proposal is to replace and upgrade the existing seawall at the southern end of the runway at Wellington Airport, and carry out activities to support reconstruction, including a new or upgraded supply wharf and construction yards.
- 1.3 As part of the application, Wellington International Airport Limited is seeking a wildlife approval for the management of effects of the Project on absolutely protected lizards and kororā. The activities for which approval is sought include the capture, handling, relocation, marking, disturbance and incidental killing of wildlife.

2.0 Purpose of the report

- 2.1 This report has been prepared by the Department of Conservation (DOC / the Department) on behalf of the Director-General of Conservation (D-G) 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 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 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 should be imposed to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
- 2.3 The Panel Convener has also requested 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 (attached to this report at Appendix B).

3.0 Overview of DOC's report

- 3.1 This report is divided into two key components of the application – lizard salvage and relocation and kororā salvage and relocation.

3.2 Overall, DOC's assessment concludes that, subject to recommended conditions, the proposed activities are broadly consistent with the purpose of the Wildlife Act. The relevant species management plans include appropriate methodologies for salvage and relocation, identify suitable release sites, and propose appropriate habitat enhancement measures.

3.3 A summary of DOC's key recommendations is set out below.

3.4 Lizards

3.5 Further consideration of contingency actions is recommended if a significant number of lizards are salvaged but not detected in post-release monitoring.

3.6 It is recommended the Accidental Discovery Protocol be further detailed to ensure clarity for contractors.

3.7 Landowner approval from Wellington City Council must be secured to enable the release of lizards at Wahine Memorial Park (Tarakena Bay).

3.8 It is recommended that the adaptive management framework define triggers for determining when monitoring results constitute 'failure' rather than 'inconclusive', particularly where large numbers of lizards are salvaged.

3.9 The 2025 Threats Assessment has replaced the category At Risk – Relict with At Risk – Uncommon, this should be updated in the application with respect to Northern spotted skink (*Oligosoma kokowai*).

3.10 Kororā

3.11 It is not stated that the current best practice will be used for marking with passive integrated transponder (PIT) tags. This should be clarified in the Kororā / Penguin Management Plan (KPMP) or reflected in conditions.

3.12 The number of GPS devices deployed on kororā is not specified. DOC considers that up to 30 deployments annually, with only one deployment per bird each year would be appropriate. It is recommended the KPMP be updated to reflect this.

3.13 Additional fencing and/or netting is recommended along movement corridors to the north of the construction area to minimise penguin mortality that may result from increased interactions between displaced penguins, vehicles and dogs.

4.0 Sources

4.1 This report draws on information from the substantive application. Application documents specifically referenced in this report include:

- A.07 Assessment of Environmental Effects
- A.12 Approvals relating to Wildlife Act
- B.09 Kororā Ornithology – Kororā (Little Penguin) Assessment

- B.10 Ecological Impact Assessment
 - D.02 Wildlife Approval – Kororā
 - D.03 Wildlife Approval – Lizards
- 4.2 The following documents were provided post-lodgement:
- Draft Lizard Management Plan January 2026
 - Draft Penguin Management Plan for Southern Seawall Renewal January 2026

5.0 Matters considered in relation to the criteria for a wildlife approval - general

5.1 Statutory context

- 5.2 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”.
- 5.3 Capture, killing, marking and liberating native lizards and penguins without lawful authority are all offences under the Wildlife Act:
- Sections 63(1) and 70G(1) make it an offence to “hunt or kill” (the definition of which includes related activities such as “taking”, “capturing” and “disturbing”) protected wildlife without lawful authority. This also includes killing that is incidental, which is that which is not directly intended but is unavoidable and foreseeable as a consequence of carrying out an otherwise lawful activity (s 53A).
 - Sections 65(1)(f) and s 70P provide that it is an offence to do anything for which an authority is required under the Wildlife Act or any regulations under that Act:
 - Section 56 establishes that no person may liberate; or capture or attempt to capture or have in their possession for the purpose of liberating, wildlife without the prior written authority of the D-G.
 - Section 38 of the Wildlife Regulations 1955 establishes that no person, Fish or Game Council, or organisation may mark any wildlife without prior written authority from the D-G.
- 5.4 The activities proposed (capturing, releasing, marking and killing 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)).

5.5 Purpose of the Wildlife Act

- 5.6 The relevant purpose of the Wildlife Act is to protect wildlife.
- 5.7 The Wildlife Act creates a tiered system, with different levels of protection required for different species. Most wildlife is absolutely protected – meaning that it cannot be lawfully hunted, killed, harassed or possessed without specific authorisation. The Wildlife Act also identifies wildlife that is not protected.

5.8 WIAL is seeking wildlife approval in relation to absolutely protected species. In this report, the application and the effects of the Project are considered against the purpose of the Wildlife Act.

5.9 The role of species management plans

5.10 Wildlife Act approvals for wildlife salvage typically include approval of a species management plan as part of the process. That is, an applicant provides a species management plan with their application, detailing proposed actions. The detail in the species management plan informs 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.

5.11 Conditions to manage effects on protected wildlife

5.12 WIAL has proposed a set of wildlife approval conditions, which include a 25-year term for all approvals.

5.13 See Appendices C and D for the full condition set, including DOC's commentary and tracked changes.

Table 1: Species identified as potentially present within the Project area

Common Name	Species	Conservation Status
Little Blue Penguin / Kororā	<i>Eudyptula minor</i>	At Risk - Declining
Northern grass skink	<i>Oligosoma polychroma</i>	Not Threatened
Raukawa gecko	<i>Woodworthia maculata</i>	Not Threatened
Glossy brown skink	<i>Oligosoma zelandicum</i>	At Risk - Declining
Copper skink	<i>Oligosoma aeneum</i>	At Risk - Declining
Ornate skink	<i>Oligosoma ornatum</i>	At Risk - Declining
Minimac gecko	<i>Woodworthia</i> "Marlborough mini"	At Risk - Declining
Ngahere gecko	<i>Mokopirirakau</i> "southern North Island"	At Risk - Declining
Barking gecko	<i>Naultinus punctatus</i>	At Risk - Declining
Northern spotted skink	<i>Oligosoma kokowai</i>	At risk - Uncommon

6.0 Lizards

6.1 DOC Assessment

- 6.2 The applicant provided a description of lizard values, survey methods and baseline survey results for both the Moa Point and MGC Yard sites. DOC considers the survey methods appropriate and notes that two Not Threatened species—Northern grass skink (*Oligosoma polychroma*) and Raukawa gecko (*Woodworthia maculata*)—were detected.
- 6.3 DOC notes that tracking tunnels were only deployed for six days, which, while not extensive, is generally sufficient to detect lizards where populations occur in moderate to high numbers. DOC acknowledges that visual encounter methods yielded higher detection rates and that survey limitations have been appropriately recognised within the LMP, with conservative estimates of species presence adopted.
- 6.4 DOC supports the assessment of habitat quality and extent of habitat loss provided in the application noting that habitat values range from low (MGC Yard) to moderate (Moa Point). A full list of potentially present species, including At Risk lizards, has been provided.
- 6.5 DOC considers that the assessment of potential effects is consistent with accepted practice under the Ecological Impact Assessment (EIANZ 2018) framework. Given the low numbers of detected animals and their status as Not Threatened, DOC agrees that the overall level of effect has been appropriately assessed as low.
- 6.6 DOC acknowledges that no lizards were detected within the Moa Point southern seawall structure itself, with detections occurring only in nearby contiguous habitat. DOC supports the precautionary approach of undertaking an additional survey immediately prior to construction to confirm the need for pre-deconstruction trapping, noting that health and safety restrictions prevent supervised deconstruction.
- 6.7 The proposed use of approximately 80 traps for five days at Moa Point is considered to be consistent with standard salvage protocols. DOC supports the inclusion of an Accidental Discovery Protocol; however, notes that it is described only at a high level and should be further detailed to ensure clarity for contractors.
- 6.8 DOC supports the proposed salvage approach at the MGC Yard, including the planned use of 80 traps for five days and the selection of trap types consistent with the standardised monitoring guidance used by herpetologists. Seasonal and weather related constraints have been appropriately identified to ensure optimal detection conditions.
- 6.9 DOC considers the methods of manual searches and machine assisted habitat removal that complement trapping to be appropriate and consistent with best practice. Post-works final searches are also supported.
- 6.10 The proposed Moa Point release site at Wahine Memorial Park (Tarakena Bay) contains suitable habitat and existing predator control, with 850 m² of proposed planting enabling additional habitat enhancement. DOC considers this a suitable release location but notes that formal Wellington City Council approval must be secured to enable release to occur in that location.

- 6.11 The use of trigger thresholds for enhanced predator control and post-salvage monitoring (i.e. ≥ 20 Not Threatened individuals or ≥ 1 At Risk individual) in the LMP is supported. DOC considers these thresholds appropriate given detection challenges associated with skink identification.
- 6.12 DOC considers the proposed release approach at the MGC Yard—relocating skinks to adjacent, higher quality habitat within the same land parcel—to be appropriate and aligned with best practice. DOC notes the existing predator control in place and supports the installation of a lizard exclusion fence to prevent re-entry into the construction footprint.
- 6.13 DOC acknowledges the additional mitigation activities proposed, including monitoring of lizard establishment, pest suppression outcomes and planting success. This adaptive monitoring framework is supported, however it is recommended that triggers for determining when monitoring results constitute ‘failure’ rather than ‘inconclusive’ be defined, particularly where large numbers of lizards are salvaged.
- 6.14 DOC considers the proposed conditions generally appropriate. DOC notes that the 2025 Threats Assessment has replaced the category At Risk – Relict with At Risk – Uncommon, and recommends that Northern spotted skink (*O. kokowai*) be updated accordingly. Additional amendments relating to the actioning of the approval have been provided in Appendix D.
- 6.15 The survey and LMP prepared by Biosearches provide a high level of detail consistent with DOC guidelines for lizard salvage and management. The methods, salvage parameters and identification of triggers for predator control and monitoring are considered to be appropriate and well supported.
- 6.16 DOC recommends further refinement of contingency actions where significant numbers of lizards are salvaged but not subsequently detected, to ensure monitoring outcomes are linked to clear management responses.

7.0 Kororā

7.1 DOC Assessment

- 7.2 DOC acknowledges that the Kororā / Penguin Management Plan (KPMP) seeks to minimise adverse effects on kororā during construction activities by ensuring their safety and providing secure replacement habitat. DOC notes that the plan clearly identifies objectives, personnel, survey methods, kororā handling procedures, exclusion strategies, habitat creation, contingency measures, monitoring and reporting requirements.
- 7.3 DOC acknowledges that Dr John Cockrem is an experienced practitioner in kororā detection, handling and relocation, with previous involvement in similar largescale redevelopment projects. DOC notes that Dr Cockrem holds an L3 marking competency for PIT tags and has experience establishing nestbox colonies. DOC considers that personnel operating under his supervision possess sufficient knowledge to safely handle kororā with appropriate oversight and training.

- 7.4 Repeated surveys using both human searchers and a certified conservation dog have been undertaken across the affected areas. DOC considers these methods appropriate and acknowledges that the environment, including deep rock crevices, makes accurate estimation of total bird numbers challenging. The estimate of up to 50 sites based on 39 detections is reasonable. DOC notes that additional surveys prior to vegetation clearance and rock work will likely detect birds not previously encountered.
- 7.5 The proposed timing of works, penguin exclusion measures, nest buffers, rock removal protocols, kororā extraction/relocation techniques, and daily site checks are considered to be consistent with best practice from comparable projects. DOC acknowledges that these measures will reduce, but cannot eliminate, the risk of injury or mortality to kororā during construction.
- 7.6 DOC supports the marking of birds with PIT tags, noting that this will provide valuable information on relocation success and future occupancy of new colonies. DOC acknowledges that Dr Cockrem is qualified to undertake this work. DOC notes that the plan does not explicitly state that current best practice protocols for PIT tagging will be used and considers that this should be included either in consent conditions or the KPMP. DOC further notes that Taranaki Whānui have historically expressed opposition to PIT tagging in Wellington, and it is unclear whether this position has changed.
- 7.7 DOC notes that the number of GPS devices proposed is not specified and recommends a limit of up to 30 deployments annually, with each bird tagged no more than once per year.
- 7.8 The primary mitigation proposed is the creation of two new colony sites with 170 nestboxes and protective fencing to exclude dogs. Advocacy for enhanced dog control with Wellington City Council is noted and supported. DOC considers this mitigation package appropriate for offsetting the temporary loss of habitat.
- 7.9 DOC notes that birds displaced from the construction area and relocated to the Stage 1 colony may attempt to return to their former burrows, and upon finding access prevented, may search for nest sites in neighbouring areas. DOC considers that birds prospecting north of the Southern Seawall or between Areas E/F and the Stage 1 colony may face increased risks from vehicles and dogs.
- 7.10 DOC recommends additional measures such as the installation of temporary low fencing (40 cm) and netting along sections of road adjacent to these movement corridors to reduce penguin mortality risk. DOC acknowledges that this land is managed by Wellington City Council and lies outside the Project site but considers WIAL's engagement appropriate.
- 7.11 DOC acknowledges that the Stage 2 colony will eventually contain an additional 70 nestboxes but will not be available for approximately five years. DOC notes that this limits its usefulness for kororā displaced during early construction but considers the longer-term habitat enhancement beneficial.
- 7.12 DOC considers that the overall package of new habitat, nestboxes, predator exclusion fencing and supporting advocacy is sufficient to offset the interim loss of kororā habitat.

- 7.13 DOC notes that the monitoring programme includes PIT tag detections, nestbox occupancy and breeding success. DOC considers this appropriate and sufficient to determine mitigation measure success. DOC further acknowledges that proposed GPS logger / satellite tracking work will not directly measure success but supports its inclusion due to the wider benefits of improved understanding of kororā foraging ecology.
- 7.14 DOC acknowledges that the Stage 1 colony is the designated release site and provides 100 burrows, adequate to accommodate birds from the estimated 50 sites. DOC notes that the site is suitably designed but that its distance from the construction footprint (500-700 m) may limit immediate uptake by displaced birds. DOC also acknowledges that closer suitable habitat is not available.
- 7.15 DOC considers the proposed reporting requirements to be adequate.

8.0 Consultation

8.1 Pre-lodgement

- 8.2 The applicant has undertaken pre-lodgement engagement with DOC on this application since May and October 2025. Over this period, DOC has reviewed and provided feedback on draft copies of management plans and conditions associated with the wildlife approvals and resource consent.
- 8.3 A summary of this consultation is included in the substantive application as A.06 and F.08. For completeness and accuracy DOC notes that A.06 (p.206) should be read with the following changes:
- The statement “in terms of subtidal habitats, it was questioned...” should instead refer to intertidal habitats.
 - In the same sentence it should be noted that DOC recommended exploring options for the use of artificial intertidal habitats used in other parts of New Zealand, although this was not feasible.
 - It should be clarified that “gaps and crevices between Cubipods create suitable subtidal habitat.”
 - Acknowledgement that the application was updated to include Subtidal ecological monitoring at DOC’s request.

8.4 Post-lodgement

- 8.5 Post-lodgement of the substantive application, DOC and the applicant have engaged collaboratively to discuss outstanding matters relating to lizards, kororā, marine mammals and the associated conditions. This has contributed to updates being made to various management plans and resource consent conditions. The applicant provided these documents to the Panel on 30 January 2026.

9.0 Additional information

9.1 International Conservation Agreements

9.2 The table below outlines the international agreements that are relevant to the approval being sought.

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)

9.3 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.

9.4 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.

9.5 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.*

9.6 The application from Wellington International Airport Limited seeks to develop modified land in a way that means impacts on resident indigenous species populations are mitigated. The proposal to salvage protected wildlife and enhance habitats at the relocation site via planting and pest control will contribute to protection of biodiversity.

International Union for Conservation of Nature (IUCN)

9.7 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.

9.8 The IUCN Red List status of species named in the application is provided in Table 3.

Table 3: IUCN Red List status of species named in application

Common Name	Scientific Name	IUCN Red List Status
Little Blue Penguin / Kororā	<i>Eudyptula minor</i>	Least Concern - Stable
Northern grass skink	<i>Oligosoma polychroma</i>	Least Concern - Stable
Raukawa gecko	<i>Woodworthia maculata</i>	Least Concern – Stable
Glossy brown skink	<i>Oligosoma zelandicum</i>	Not Listed
Copper skink	<i>Oligosoma aeneum</i>	Least Concern - Stable
Ornate skink	<i>Oligosoma ornatum</i>	Least Concern - Decreasing
Minimac gecko	<i>Woodworthia</i> "Marlborough mini"	Not Listed
Ngahere gecko	<i>Mokopirirakau</i> "southern North Island"	Not Listed
Barking gecko	<i>Naultinus punctatus</i>	Not Listed
Northern spotted skink	<i>Oligosoma kokowai</i>	Least Concern - Increasing

9.9 Consistency with statutory planning documents and policy

9.10 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

9.11 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.

9.12 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.

9.13 The Wildlife Act application, if progressed with the proposed mitigations and recommendations for improvement set out in this report, is not inconsistent with these provisions.

Wellington Conservation Management Strategy

9.14 The Wellington Conservation Management Strategy 2019, approved by the New Zealand Conservation Authority, sets out a comprehensive framework for the integrated management of natural, historic and recreational values across the Wellington region. It provides strategic direction for the Department of Conservation's work under the Conservation Act 1987 and related legislation, outlining a long term vision, regional objectives, policies and place based outcomes for public conservation lands and waters.

9.15 The CMS has an objective to maintain and restore the diversity of natural values, noting priority for (among other things) conserving threatened species to ensure persistence.¹ It is considered the application is not inconsistent with the CMS if progressed with the proposed mitigations and recommendations set out in this report.

10.0 Treaty of Waitangi settlement considerations and obligations

10.1 Treaty of Waitangi settlement obligations

10.2 Under section 7 of the Act the Panel must act in a manner that is consistent with obligations arising under existing Treaty settlements.

10.3 Ministry for the Environment (MFE) provided a report which sets out the section 18 matters it considered relevant to the application. DOC was consulted by MFE on this report.

10.4 DOC has read the section 18 report and agrees that The Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 and Ngāti Toa Rangatira Claims Settlement Act 2014 are the relevant Treaty settlements for the Project area. The report also acknowledges that both settlements provide for statutory acknowledgements over coastal areas that are likely to be impacted by or are near the proposal. DOC notes these areas include Wellington Harbour, the coastal marine area around Wellington Airport, the Cook Strait and Toko-a-Papa Reef.

¹ [Wellington Conservation Management Strategy, volume 1](#) page 30.

- 10.5 DOC notes that while not specifically relevant to the wildlife approval, marine mammal species of importance to Treaty partners are likely to be impacted by the proposal. DOC will provide further discussion on these impacts in the section 53 comments.
- 10.6 DOC has not identified any specific conditions that should be imposed to achieve consistency with Treaty principles. However, it is noted (from consultation between the applicant and relevant entities) that support of the approvals is conditional on implementation of agreed conditions, with particular regard to kororā.

10.7 Treaty of Waitangi principles

10.8 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 Waitangi² (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.

10.9 For this application, this has included:

- DOC engagement with Treaty partners on 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 have a right to 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.

10.10 DOC has notified the entities in Table 4 that the application is progressing through the FTAA. This notification included sharing relevant publicly available information and invitation for iwi to engage with DOC where they had concerns relevant to DOC's submission. A response was received from Ngāti Toa Rangatira noting that the wellbeing of taonga species that inhabit the areas remains of paramount importance.

10.11 DOC notes that affected Māori entities will be invited to provide comments to the Panel on the application as per section 53 of the FTAA. DOC remains open to further feedback prior to the submission of comments under section 53.

² [Principles of the Treaty of Waitangi and DOC: Apply for permits](#)

Table 4: Māori entities DOC sent Wellington International Airport Southern Seawall Renewal application notification to

Māori Entities
Ngāti Toa Rangatira
Taranaki Whānui

11.0 Appendices

Appendix A: Technical expert credentials

Appendix B: Weighting of relevant matters to be taken into account

Appendix C: Marked-up conditions - kororā

Appendix D: Marked-up conditions - lizards

Appendix A: Technical expert credentials

DOC has relied on the advice of the following technical experts:

- a. Jacqui Wairepo (lizards)
- b. Dave Houston (kororā)

Their credentials are set out below.

Jacqui Wairepo

Jacqui Wairepo is an experienced herpetologist, having worked with indigenous lizards since 2010, and holds a Master's Degree in Conservation Biology (1st Class Hons) in lizard-based research. Jacqui has worked as a specialist herpetologist since 2016, having gained a high level of experience in lizard management and research on projects throughout New Zealand. Jacqui has been a Northland-based independent wildlife and herpetological specialist since late 2021. Jacqui is experienced in the conservation management and/or ecological requirements of a high proportion of Not Threatened, At Risk and several Threatened lizard species throughout the North and South Islands.

Jacqui is known to all members of DOC's national lizard TAG (Technical Advisory Group) and has been a named authority on numerous Wildlife Act Authority permits since 2016. Jacqui's experience with herpetofauna includes all aspects of survey, salvage, translocation and population management for a wide range of skink and gecko species throughout New Zealand. Jacqui has also led and been involved with numerous surveys for Hochstetter's frogs throughout Auckland and Northland. During her years as a Consultant Jacqui has worked on national infrastructure and large-scale development projects for roading, wind farms, solar farms, dams and rural developments. Jacqui has prepared and implemented Lizard Management Plans for projects throughout the country both small and large-scale, as well as preparing evidence for multiple hearings for nationally significant infrastructure projects. Jacqui has been a SRARNZ member since 2013 and also sits on the SRARNZ Council and serves as the SRARNZ Secretary. Jacqui is also a member of the New Zealand Ecological Society.

Dave Houston

I am a Technical Advisor for the Department of Conservation, a role I have held since 2012. I have held other technical and field roles with the Department since 1987.

I hold a Diploma of Parks and Recreation Management from Lincoln University. I am a member of Birds New Zealand (The Ornithological Society of New Zealand Incorporated).

I have more than 35 years of experience in the research and management of New Zealand penguins, including yellow-eyed, Fiordland crested, Snares crested, erect-crested and little blue penguins (kororā).

I gained 16 years of experience monitoring, managing and researching kororā at Oamaru. I was instrumental in the creation of the Oamaru Blue Penguin Colony and set up the long-term monitoring of the penguin population there to monitor the potential impacts of site development and tourism. I have co-authored publications in peer-reviewed journals reporting on monitoring results. I also developed the nest box widely used around New Zealand to provide supplementary or replacement nest sites.

I have experience in the identification of kororā nests in structures such as rock walls, and in the rescue and rehoming of kororā when construction activities or natural events have threatened or destroyed nest sites.

I am one of the founders of, and regular contributors to, the biennial Oamaru Penguin Symposium, a forum developed to discuss the research and management of kororā.

Appendix B: Weighting of relevant matters to be taken into account

Introduction

1. This report responds to the Panel Convener's Minute dated 2 December 2025, directing the Director-General to "file a report advising how weighting of matters set out in Schedule 7, clause 3 of the Fast-track Approvals Act 2024 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.³

Weighting generally

3. Generally, the weighting to be accorded to relevant considerations by a statutory decision maker is for that decision maker to determine,⁴ however where a statute directs the weight to be given to a matter, that direction must be given effect to.⁵
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.⁶
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.⁷
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.⁸
8. While described in the FTAA as "criteria",⁹ 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, rather than quantities. They establish the foundation for assessment rather than the outcome

³ The schedule clauses referenced in the Minutes exclude 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.

⁴ 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.

⁵ *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."

⁶ See, for example *Thames Valley Electric Power Board v NZFP Pulp and Paper Ltd* [1994] LGHNZ 17 (CA).

⁷ See Schedule 7, clause 5 (wildlife approval).

⁸ This directive occurs multiple times in the FTAA, including at Schedule 7, clause 5 (wildlife approval).

⁹ This is the terminology used in the titles for each of the relevant clauses listed in fn 5.

of it.¹⁰ Accordingly, the criteria, or factors, are not tick-boxes to be crossed off a list but are matters that must be qualitatively assessed.

- 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.¹¹
 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*,¹² 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):

¹⁰ *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2017] NZEnvC 147, at [117]-[118].

¹¹ 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

¹² *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.

(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.

12. 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)).¹³
13. 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.¹⁴ 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.¹⁵

¹³ *Enterprise Miramar Peninsula Inc*, at [53].

¹⁴ *Enterprise Miramar Peninsula Inc*, at [52]. Note that the FTAA does not take the same cascading hierarchy of “greater to lesser” weight, but only that the “greatest weight” be given to the purpose.

¹⁵ *Enterprise Miramar Peninsula Inc*, at [55]-[59]

Appendix C: Marked-up conditions - kororā

Appendix D: Marked-up conditions - lizards