

BEFORE THE PANEL CONVENER

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

AND

IN THE MATTER of an application by Waikanae North Developments under
section 42 of the FTAA for the Waikanae North
Development 169-171 Peka Peka Road, Waikanae

APPLICATION NO. FTAA-2603-1194

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

21 May 2025

Dean van Mierlo Barrister Ph [REDACTED] Email: [REDACTED]	Loren Brown Fast Track Project Lead DOC Te Papa Atawhai PO Box 10420 Wellington 6140 Telephone: [REDACTED] Email: [REDACTED]
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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (**D-G**). It responds to Minute 2 of the Panel Convener dated 14 May 2026 in respect of the Waikanae North Development Fast-track application (the “Minute”).
2. The Minute refers to an upcoming conference, to gather participant views, that will inform decisions of the Convener regarding:
 - a) Appointment of Panel members.
 - b) The timing of the Panel decision.
3. This memorandum addresses the matters identified in Schedules 1 and 2 of the Minute, as relevant to the two decisions required of the Panel Convener set out at paragraph 2 of the Minute.
4. This memorandum focuses primarily on the wildlife approval sought under section 42(4)(h) of the Fast-track Approvals Act 2024 (FTAA) but also discusses relevant issues in relation to resource consents.

Complexity

5. The D-G has reviewed the matters in Schedule 1 of the Minute and considers that the wildlife approval component of this Project is of relatively low complexity, subject to the applicant providing further information or clarification on several matters listed below.
 - Confirmation that the following list of species are those being applied for:
 - Northern grass skink
 - Glossy brown skink
 - Copper skink
 - Ornate skink
 - Raukawa skink
 - Detail of how the relocation site is suitable for each of the species applied for (or provide alternative sites suitable for each species).
 - The applicant is yet to provide a full set of proposed conditions for the Wildlife Approval, including standard and any special conditions sought.
 - Clarification as to whether the Wildlife Approval is intended to cover incidental kill of the lizard species.

- Confirmation that proposed management plans are consistent with the conditions sought by the applicant.
 - Clarification as to how restoration planting within the lizard relocation areas will be undertaken to ensure successful lizard relocation, including copying the relevant materials into the Lizard Management Plan to ensure that all lizard management matters are within a single document.
 - Further clarification as to why monitoring of released lizards is not included within the application, as DOC would be seeking this to form part of the conditions. The DOC Herpetofauna Inventory and Monitoring Toolbox includes a variety of monitoring techniques that do not rely on individual identification.
6. In relation to the Wildlife Approval application, the D-G has had relatively limited time to review and respond to the application. As a consequence, it is acknowledged that some of the information or clarification sought may be sitting within the application documentation. If that is the case, the applicant could helpfully assist DOC by identifying precisely where the information sought is located.
 7. If the information and clarification identified in paragraph 5 above is not able to be provided, then the Wildlife Approval sought is assessed by the DG as being of medium to high complexity.
 8. In relation to the resource consent component of the Project, the D-G considers this to be of medium complexity.
 9. Key ecological issues in relation to the resource consent component are likely to be;
 - the loss of indigenous vegetation within Peka Peka Swamp;
 - residential development and associated roading and infrastructure in and around Te Harakiki swamp;
 - the need for protection of the swamp areas;
 - the appropriateness of the Ecological Compensation Ratio in relation to wetland values and the size and values of the wetland compensation area.
 10. The D-G also envisages commenting on the classification of naturally uncommon ecosystems, the recognition of threatened Land Environments (LENZ) and treatment of the dune area; and the use of buffer areas for

sediment and nutrient control for wetlands. Further information is also sought from the applicant on the full list of plant species found across the site and associated vegetation survey methodology and plant community mapping.

11. Other relevant issues to be addressed in relation to the resource consents will include how predators such as cats, which will be further introduced through subdivision, will be managed to protect At Risk and Threatened native birds (including the Threatened - Nationally Critical Australasian bittern). There are a number of options given in the Ecological Restoration Management Plan for dealing with cats, but it is unclear which option the applicant is proposing to follow. The applicant's survey confirmed the presence of At Risk species and noted that while bittern were not recorded on site, they are in the general vicinity and have historically been recorded.
12. While the applicant has confirmed that it is not seeking a complex freshwater fisheries activity approval, the D-G notes there are significant physical works and interventions which will impact on waterways and wetlands. The D-G anticipates further discussion with the applicant, and in due course, the Panel through the s 53 report process, around these measures and appropriate conditions in the resource consent to manage effects on freshwater ecological values.
13. The D-G believes that improvements will be able to be made to proposed conditions through the Fast-track process.

Appointment of panel members

14. In terms of the D-G's interests, key matters to be considered in this application are effects on absolutely protected wildlife, in particular lizards but also effects on wetland and dune system fauna and flora, and freshwater aquatic values, to be dealt with as part of the proposed resource consents.
15. The D-G considers it is desirable that the Panel Convener appoints a Panel that includes relevant ecological expertise, albeit recognising that the Panel would be guided by reports and advice from the D-G and others.
16. An understanding of effects on wildlife, wetlands and biodiversity values would be highly desirable to assess the resource consent and wildlife approval issues associated with this project.

17. The D-G considers that, in terms of the D-G's interests, appointing more than the default number of panel members is not required.

Timing of panel decision

18. The relevant matters for setting an appropriate time frame for consideration of this Project are the scale, nature, and complexity of the approvals sought, and any other matter raised by the application. The Wildlife Approval is unlikely to substantially add to the time required for a decision (subject to the applicant providing the further information noted above). We note that the applicant envisages expert conferencing and possibly a short hearing. The DG supports the use of such tools, and it is submitted that the time available to the Panel for making a decision should recognise and enable the time required for the use of them.

Conclusion

19. As highlighted by DOC's response to the completeness assessment, DOC staff did not have the opportunity to engage on the full scope of this application during the pre-lodgement period. The compressed pre-lodgement engagement process limited the opportunity for this.
20. However, the D-G's representatives have engaged directly with the applicant to initiate an introductory meeting on the project and have requested the further information identified during the completeness assessment. Staff have also provided the applicant some emerging areas of interest, for further discussion on the Wildlife Approval and the resource consent conditions as they move through the FTAA process. The D-G confirms ongoing willingness to engage with the applicant and Panel as necessary to advance the progress of the application.
21. The D-G's representatives will attend the Panel Convener's conference scheduled for the afternoon of 22 May, and will be available to elaborate further on the matters discussed in this memorandum.

A handwritten signature in blue ink, appearing to read 'Dean van Mierlo', with a stylized, cursive script.

Dean van Mierlo
Counsel for the Director-General of Conservation