

BEFORE THE PANEL CONVENER

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

AND

IN THE MATTER of an application by Ridgeburn Limited under section 42 of
the FTAA for the Ridgeburn Project.

APPLICATION NO. FTAA-2603-1186

**MEMORANDUM FROM THE DIRECTOR-GENERAL OF CONSERVATION
RESPONDING TO MINUTE 7 OF THE PANEL CONVENER**

21 July 2026

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (**D-G**) by the Department of Conservation (DOC). It responds to a minute of the Panel Convener dated 16 July 2026 in respect of the Ridgeburn Project (the “Minute”).
2. The Minute refers to a memorandum filed by the applicant dated 15 July 2026 that responds to Minute 5 of Panel Convenor setting out the scope of information gaps and timeframes for production of further information.
3. This memorandum responds to the Panel Convenor’s direction to DOC to file a memorandum by 21 July 2026:

(a) identifying:

- (i) the likely principal issues in contention; and*
- (ii) Those issues of capable of resolution through conditions of approval*
- (b) detailing any arrangements to meet with the local authorities and administering agencies as part of the above process; and*
- (c) proposing efficient processes to enable the panel to understand , resolve or narrow the scope of any likely issues and indicate how these processes may be accounted for under the decision timeframe.*

Outstanding information and issues identified by DOC

4. DOC provided a letter to the applicant on 13 July 2026 specifying information required to provide a Panel advice under section 51 and section 53 of the Fast-track Approval Act 2024 (the Act), which is attached as **Appendix A**, and is used as the basis for this response.
5. The information requested, response from the applicant and DOC’s position is presented in the table below. Broadly, the applicant’s responses are either:
 - a) To provide the information by 10 August 2026, or
 - b) To provide the information at a later stage (date not specified) and not delay the appointed of the Panel; or
 - c) That sufficient information has already been provided.
6. DOC assumes that if the information is not provided before the Panel is appointed, that it would not be available for consideration in the preparation of the section 51 and section 53 reports.

7. DOC has reviewed the Applicant's memo dated 15 July 2026 that responds to Minute 5 of Panel Convenor. The applicant has agreed to provide the information listed below by 10 August 2026. The information yet to be provided will inform DOC's section 51 and section 53 reports, and DOC cannot yet determine whether it will resolve DOC's concerns. The information to be provided includes:
 - a) An assessment of lizard release sites (e.g. habitat assessment), including clarity on whether southern grass skink habitat occurs on Morven Hill.
 - b) Clarification on which lizard habitats are avoided, which cannot be avoided with reasoning why not, and what actions are proposed to minimise effects.
 - c) An assessment of the effectiveness of plantings and pest control and the effect of herbicides on lizards.
 - d) Risk of nutrients and microbial pathogens from land application of waste water degrading the water quality of sensitive waterbodies.
 - e) More detail on planned control and monitoring of rodents at lizard release sites. (What has been proposed to date is inadequate).
 - f) Clarification regarding certification of the lizard management plan for the purposes of the Wildlife Approval, to be undertaken by DOC as opposed to the Regional Council

8. In addition, the applicant has indicated that it intends to provide the information listed below (on a date not specified) and proposes that appointment of the Panel need not be delayed pending the additional information. However, in a meeting on 20 July 2026, the applicant's representative indicated to DOC that the additional information will also all be provided by 10 August 2026. As stated in paragraph 7 above, information yet to be provided will inform DOC's section 51 and section 53 reports, and DOC cannot determine whether that information will resolve DOC's concerns until it has been received and reviewed. The additional information includes:
 - a) A contingency table with triggers, actions, responsibilities, and reporting requirements to be included in the Lizard Management Plan.

- b) A lizard monitoring programme including monitoring years, methods, performance measures, success criteria, and adaptive management triggers will be included in the Lizard Management Plan.
 - c) Hydrological information on wetlands.
 - d) A wetland landscape maintenance plan, which is being prepared in response to ORC's further information request, which the applicant has indicated will be made available to DOC. No timing has been provided.
9. The applicant has indicated to DOC that it does not consider all of DOC's points relating to conditions (Points 10 - 15) to constitute an information gap, but rather a difference of professional opinion regarding the level of supporting information required. However, the applicant agreed to continue to discuss conditions with DOC.
10. Based on the applicant's commitment to providing the information listed above and the extent to which it resolves DOC's concerns, it seems likely the remaining matters to resolve will be:
- a) The possible presence of tadpole shrimps in the constructed ponds. (Although it is unlikely they are present, they are Threatened Nationally Endangered and if they are present then affecting them would be significant. The applicant has acknowledged the possibility of them being present, but has not proposed any steps to resolve the question. DOC has recommended eDNA sampling, which is relatively simple and cheap)
 - b) Long term protection of the natural wetland areas proposed for restoration
 - c) Details on the native plantings/enhancement proposed for wetlands and riparian margins.
 - d) Conditions addressing wetland management, including objectives, measures, targets/plantings; and the monitoring, required to assess effects on wetlands.
11. Further detail is provided in **Appendix B**.
12. DOC also acknowledges that the applicant has indicated a wetland landscape maintenance plan is being prepared in response to ORC's further information request and it will be made available to DOC by 10 August 2026.

13. While conditions could possibly be resolved post-panel appointment, DOC would prefer the option in paragraph 21.1 of the Panel Convenor's Practice and Procedure Guideline, to resolve them prior to panel appointment. DOC does not favour deferring any of the issues listed above to being resolved through conditions of approval.
14. The applicant has indicated a willingness to meet and discuss outstanding issues with DOC. DOC is prepared to discuss any remaining concerns following review of information that the applicant has committed to providing by 10 August 2026.



Susan Newell

Counsel for the Director-General of Conservation

Appendix B:

	Information requested (See Appendix A for detail)	Response from applicant	DOC's position
1.	Assessment of lizard release sites, including clarity on whether southern grass skink habitat occurs on Morven Hill.	Expert reporting will be updated by 10 August to address this item.	We look forward to receiving this information by 10 August 2026.
2.	Mitigation hierarchy	Expert reporting will be updated by 10 August to address this item.	We look forward to receiving this information by 10 August 2026.
3.	Assessment of effects	Expert reporting will be updated by 10 August to address this item.	We look forward to receiving this information by 10 August 2026.
4.	Lizard Management Plan	The applicant is open to providing a contingency table on this point. The applicant does not consider that the provision of the further information described should delay the appointment of the Panel.	DOC requires this information to inform our section 51 and 53 reports. The applicant has verbally committed to providing it by 10 August 2026.
5.	Data on fish in the Morven Ferry Race: The applicant's additional comments state that fish are unlikely to be present. However, apart from a check of the NZ Freshwater Fish Database (which yielded no records), there are no actual data on fish in the race. Unless the water race is recently constructed and has well-designed fish screens on the intake, it is likely that some fish live in the race, possibly including koaro and longfin eel (both At Risk – Declining). While fish diversity, and therefore ecological value, will very likely be low, at-Risk species are potentially present. Salvage of any at-risk fish is recommended. The FMP appears	The applicant does not consider this matter to constitute an information gap, but rather a difference of professional opinion regarding the level of supporting information required. Fish are not subject to Wildlife Act control, and a Fish Management Plan is appended to the Ecological Assessment provided with the application which is considered to be sufficient to manage impacts regardless of fish species.	DOC accepts the Fish Management Plan appended to the Ecological Assessment provided with the application is sufficient to manage impacts regardless of fish species.

	Information requested (See Appendix A for detail)	Response from applicant	DOC's position
	adequate for salvage of most fish that may be present, once their presence or absence is confirmed.		
6.	Possible presence of tadpole shrimps in the constructed ponds	The applicant does not consider this matter to constitute an information gap, but rather a difference of professional opinion regarding the level of supporting information required, as it does not relate to a Wildlife Act approval and is not required to assess the effects of the proposal. The Ecological Assessment submitted with the application addresses the potential presence of tadpole shrimp and assesses the likelihood of their occurrence.	Although it is unlikely they are present, they are Threatened Nationally Endangered and if they are present then affecting them would be significant. The applicant has acknowledged the possibility of them being present, but has not proposed any steps to resolve the question. DOC has recommended eDNA sampling, which is relatively simple and cheap.
7.	Risk of nutrients and microbial pathogens from land application of waste water degrading the water quality of sensitive waterbodies	Expert reporting will be updated by 10 August to address this item.	We look forward to receiving this information.
8.	Hydrological information on wetlands	The applicant does not consider this matter to constitute an information gap, but rather a difference of professional opinion regarding the level of supporting information required. Notwithstanding this, <u>the EclA will be updated to include wetland types and provide further clarification of the hydrological assessment.</u> (See Memo from Applicant for more detail). The applicant does not consider that the provision of this information should delay the appointment of the Panel.	The current information is insufficient to support any conclusion on potential effects on wetlands and to develop appropriate conditions, and further information is required prior to Panel appointment. The key issue is the assessment of hydrological effects on Wetland C (and other intermittently wet systems that may also be ephemeral wetlands). While the applicant's modelling indicates minimal change in flow volume and timing, it does not adequately address changes to hydrological regime, particularly the effects of catchment modification arising from earthworks, hardening of surfaces, and altered stormwater routing. For ephemeral wetlands, ecological function depends on the timing, duration, and frequency of inundation (hydroperiod) rather than total volume alone. The current information, does not demonstrate that the wet/dry balance will be maintained. In particular, changes in

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			runoff pathways and increased efficiency of flow delivery are likely to result in more rapid ("flashier") hydrological responses within the contributing catchment. While the applicant has framed this as a difference of opinion, DOC considers the issue is <u>more fundamentally one of insufficient evidence and assessment of effects.</u> <u>Key gaps remain</u> in understanding how stormwater design integrates with the Wetland C catchment and how post-development hydrological processes will compare to existing conditions. This uncertainty is significant given ephemeral wetlands are a critically endangered naturally uncommon ecosystem, where avoidance of adverse hydrological effects should be the primary management response. At present, there is insufficient information to demonstrate avoidance, or to determine whether residual effects could be appropriately offset or compensated. Accordingly, DOC considers that effects on ephemeral wetlands cannot be reliably addressed through conditions without further information.
9.	Native planting and enhancement proposed for wetlands	E-mails from applicant dated 17 July 2026 says: In terms of where information is located regarding native planting: Refer to Appendix 8 – Landscape Drawings - Part 2 – In particular the landscape Plan Page 5 and 14; Refer to Appendix 8 – Landscape Drawings - Part 3a and 3b, 3c (in full); Refer to Appendix 8 – Landscape Drawings - Part 3d – Outlining species.	The Applicant has referred DOC to Appendix 8 – Landscape Drawings - Part 2 – In particular the landscape Plan Page 5 and Page 14, Appendix 8 – Landscape Drawings - Part 3a and 3b, and Appendix 8 – Landscape Drawings - Part 3d – Outlining species, of the application documents, and noted that the implementation of these plans is required by conditions of consent. DOC notes that: the planting plan is to be prepared by a landscape architect – someone who is largely focused on visual appeal rather than a wetland ecologist who can

	Information requested (See Appendix A for detail)	Response from applicant	DOC's position
		The implementation of these plans is required by conditions of consent. It is also noted that a wetland landscape maintenance plan is being prepared in response to ORC's further information request and can be also provided to you once available if that is of further assistance.	provide for wetland function. As these are ephemeral wetlands, the plan should be developed by someone who understands how the wetlands work, to ensure that their values aren't affected. • There are no performance requirements in relation to plant performance, weeding, canopy closure (i.e. after 5 years there must be 80% canopy closure, less than 5% weed coverage, etc). • There are no requirements to consider wetland avifauna that might use the site, or wetland invertebrates that may be present. • The plan needs to be prepared before the commencement of works for each stage but doesn't indicate when it is to be implemented. Implementation should be specified to ensure effects on the wetlands do not occur before reasonable measures have been implemented to protect them. • There is no in condition that explicitly states the wetland areas will be protected in perpetuity. The planting plan includes "Identification of the ecological covenant areas" but lacks details about how and when protection will take effect. • The Mammalian Pest Control Plan condition is inadequate as there is no requirement for performance standards in either the conditions or in the management plans.
10-15	Conditions Some of the proposed draft conditions are broad. They should include more specific objectives, targets and monitoring/reporting requirements.	The applicant does not consider this matter to constitute an information gap, but rather a difference of professional opinion regarding the level of supporting information required. The applicant will continue to discuss conditions with DOC. Should not delay appointment of Panel.	While the conditions could possibly be resolved post-panel appointment, the preferred option is, as recommended in paragraph 21.1 of the Panel Convenor's Practice and Procedure Guideline, to resolve them pre-panel appointment.

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	The certification process should be specified in conditions, including timeframes and identification of the relevant regulator undertaking the review and certification. Specific conditions under discussion: Subdivision C8 regarding Fish Management Plan Subdivision C9 in relation to pest control Subdivision C10 Weed management Subdivision C11 Planting Plan Subdivision 19 (j) – stormwater Landuse consent C21(i) Stormwater (ii) Water Section 3.2 Diversion of stormwater Works within the beds of lakes and rivers - needs a certification condition Works within the beds of lakes and rivers C2 – reclamation Wastewater discharge Permit C6 – baseline monitoring Wastewater discharge permit C10 – monitoring and reporting Wastewater discharge permit C17 – Arrow River water quality Landuse consent C3 – induction Landuse consent C7 – LMP		

	Information requested (See Appendix A for detail)	Response from applicant	DOC's position
	Landuse consent C11 – Wetland monitoring and management Landuse consent C12 marking natural inland wetlands Landuse consent – C13 vegetation clearance and earthworks		
16	Wildlife Act Authority More detail on planned control and monitoring of rodents at release sites is required. Certification of the lizard management plan for the purposes of the Wildlife Approval to be undertaken by DOC as opposed to the Regional Council	The applicant does not consider this matter to constitute an information gap, but rather a difference of professional opinion regarding the level of supporting information required. The applicant will continue to discuss conditions with DOC and provide a revised set of conditions on 10 August 2026. As this matter reflects a difference of professional opinion rather than an information gap, the applicant does not consider that the provision of this information should delay the appointment of the Panel.	We look forward to receiving this information by 10 August 2026.