25 November 2025

Fast-track Approvals Act wildlife approval report

Section 51(2)(c) wildlife approval report for –
FTAA-2507-1085 Takitimu North Link – Stage 2

Department of Conservation
Te Papa Atawhai

Te Kāwanatanga o Aotearoa
New Zealand Government

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1.0 Introduction

On 1 August 2025, New Zealand Transport Agency Waka Kotahi (NZTA/the Applicant) lodged a substantive application with the Environmental Protection Authority (EPA) for Takitimu North Link – Stage 2 (the Project). On 22 August 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 exiting resource consent concerns under section 47 of the Act by the EPA on 5 September 2025.

The application is to construct a 4-lane, median divided highway to replace the existing State Highway 2 corridor between Te Puna and Ōmokoroa, including altering the existing designation.

As part of the application, NZTA is seeking wildlife approval for the capture, handling and relocation of lizards that are absolutely protected under the Wildlife Act 1953.

On 8 September 2025, in accordance with section 51(2)(e) of the Act, the Panel Convener directed the EPA to obtain a report prepared by the Director-General of Conservation. This report has been prepared by the Department of Conservation (DOC) on behalf of the Director-General of Conservation. It is due to the EPA on 25 November 2025.

This report provides information relating to proposed activities for which the applicant is seeking a wildlife approval.

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.

2.0 Purpose of the report

This report provides commentary on information provided by the applicant 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.

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.

3.0 Overview of DOC's report

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:

- **Term:** DOC is comfortable with the proposed 20-year term, despite it being longer than a typical wildlife approval, provided a review and recertification clause is included at the 10-year mark.
- **Certification:** NZTA proposes that the LMP be certified after the wildlife approval is granted and deemed certified if not completed within 20 working days. DOC opposes this and requests that the LMP be certified by the Panel at the time of decision and that reference to the "deemed certification" clause be deleted.
- Best **Practice:** DOC recommends additional conditions aligned with best-practice standards for a standard wildlife approval.

4.0 Sources

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

- Takitimu North Link Stage 2 substantive application
- Appendix 9.1.4 – Proposed Wildlife Approval Conditions (24 October 2025)
- Appendix 9.3 – Records of Consultation and Engagement
- Appendix 9.4.4 – Ecological Effects Assessment

The assessment in this report is informed by expert advice from DOC Technical Advisor (fauna), Rhys Burns. Rhys's credentials are provided in Appendix B.

5.0 Context and background

5.1 Project overview

The Takitimu North Link Stage 2 Project ("the Project") is a proposal to construct a 4-lane, median divided highway to replace the existing State Highway 2 corridor between Te Puna and Ōmokoroa.

NZTA is applying for resource consents and designations, complex freshwater fisheries approvals, heritage approvals and a wildlife approval under the FTAA.

5.2 Summary of wildlife approval sought

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 with the Project. The substantive application form states that wildlife approval is sought for "handling, salvage, transfer/relocation and release (and incidental killing) of native lizards for a duration of 20 years".

Details of the applicant's proposed lizard management plan is provided in an LMP in the EEA and was prepared by Andrew Blayney of Boffa Miskell Limited, the most recent version of which was completed on 28 July 2025 and has been published on the Fast Track website.

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.

5.3 The role of species management plans

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.

5.4 The Application

Lizard presence

The area is predominantly covered in pasture, orchards, and ornamental gardens, with patches of native and exotic vegetation in gullies and disturbed roadside margins.

A desktop assessment and field survey identified copper skinks (Oligosoma aeneum) as the most likely native lizard species present within the project area. Although no native lizards were detected during artificial cover object (ACO) surveys, plague skinks (Lampropholis delicata), an exotic species, were observed at multiple locations. Due to the cryptic nature and low detection probability of native lizards, copper skinks are still considered likely to occur sporadically and at low densities.

Table 1 sets out other species expected to be potentially present at the site, which are the species that NZTA confirms they seek approval for through their proposed wildlife approval conditions. Additional species are expected to be present at very low densities, below survey detection limits.

Table 1. Species identified as potentially present at the Project Site

Common Name	Species	Conservation Status
Copper skink	*Oligosoma aeneum*	At Risk – Declining
Moko skink	*Oligosoma moco*	At Risk – Relict
Ornate skink	*Oligosoma ornatum*	At Risk – Declining
Striped skink	*Oligosoma striatum*	At Risk - Declining
Forest gecko	*Mokopirirakau granulatus*	At Risk – Declining
Elegant gecko	*Naultinus elegans*	At Risk – Declining
Crenulate skink	*Oligosoma robinsoni*	At Risk – Declining
Shore skink	*Oligosoma smithi*	At Risk - Declining
Pacific gecko	*Dactylocnemis pacificus*	At Risk – Relict
Raukawa gecko	*Woodworthia maculatus*	Not threatened

Further information regarding the protected wildlife is contained in Appendix D.

Effects

The potential impacts on copper skinks from the Takitimu North Link Stage 2 project are outlined in Section 3.0 of the LMP, including:

- Accidental injury or mortality during vegetation clearance and earthworks – assessed as High magnitude of effect without mitigation,
- Permanent habitat loss – approximately 510,000 m² of low-value habitat removed, resulting in a Very High magnitude of effect without mitigation,

- Habitat fragmentation and isolation – likely to disrupt metapopulation dynamics and cause local extinctions, assessed as Very High without mitigation,
- Operational disturbance (noise, lighting, movement) – considered Low magnitude of effect due to existing landscape modification.

Lizard management

To minimise effects, the plan proposes maintaining existing land use practices (grazing and cropping) in areas unsuitable for lizards, which may help discourage dispersal into new habitats prior to construction.

The primary management action is a staged salvage and relocation programme targeting all non-pasture vegetation areas identified as potential lizard habitat.

Salvage will be undertaken using artificial cover objects (ACOs), pitfall traps, spotlighting, and hand-searching. Effort will be prioritised based on habitat complexity and initial survey results, with more intensive salvage in areas of higher habitat value.

A release site has been identified as Te Puna Quarry Park, a protected reserve undergoing ecological enhancement. The site offers microhabitats including leaf litter, woody debris, and long grass, and is subject to an expanded predator control programme covering 5 ha. A soft release pen will be used to acclimatise lizards prior to dispersal, with a maximum of 20 skinks per pen. Additional pens will be installed if salvage numbers exceed expectations.

Post-release monitoring is proposed for relocations involving more than 20 individuals, with annual surveys over five years to assess population persistence and habitat condition. Contingency plans are in place should threatened species be discovered, predator control prove ineffective, or salvage numbers exceed expectations. Monitoring methods may include tracking tunnels and passive observation, with emphasis on habitat enhancement if detection rates are low.

NZTA have proposed a 20-year term for the wildlife approval to be consistent with the proposed expiry dates of the construction-related resource consents.

The LMP has not identified a nominated ecologist as the Project has not gone out to tender for construction.

6.0 Matters considered in relation to the criteria for a wildlife approval

6.1 Statutory context

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”.

Capture, killing and liberating native lizards 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.

- The activities proposed (capturing, disturbing, releasing, 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)).

6.2 Purpose of the Wildlife Act

The relevant purpose of the Wildlife Act is to protect wildlife.

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.

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. 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.
- 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.

The LMP sets out actions that are intended to protect lizard populations inhabiting the site via salvage and habitat enhancement.

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).

Key points relevant to this application are discussed below, and associated recommended conditions are provided in Appendix A.

Species

DOC agrees with the applicant's assessment of possible species present, and considers copper skink to be the most likely species encountered. The proposal to maintain existing land use practices (grazing and cropping) in areas unsuitable for lizards is appropriate, as it may help discourage dispersal into new habitats prior to construction.

Best practice methods

DOC supports the staged salvage and relocation programme targeting all non-pasture vegetation areas identified as potential lizard habitat.

The proposed salvage methods of artificial cover objects (ACOs), pitfall traps, spotlighting, and hand-searching are appropriate. However, DOC recommends that ACOs and pitfall traps be in place for at least two months before checking, rather than the proposed six weeks.

DOC agrees with the proposal to continue trapping until no captures are recorded over three consecutive nights, with a minimum trapping period of four nights.

DOC supports the approach of leaving felled vegetation on site to decay naturally. If this cannot be achieved and vegetation must be removed, DOC recommends that it be piled no higher than 3 metres and surveyed for lizards both diurnally and nocturnally under suitable environmental conditions. Surveys should be conducted at least twice per week for a minimum of three weeks post-felling (i.e. at least six surveys at each of day and night), and no lizards should be detected for three consecutive surveys before removal.

Competencies

DOC notes that a nominated ecologist has not yet been identified, as the Project has not gone out to tender. It is essential that lizard management is led by an ecologist with demonstrated experience in salvage and relocation under Wildlife Act authorities. DOC recommends a condition requiring the appointment of a suitably qualified ecologist prior to commencement of salvage activities.

Release site suitability and enhancement

DOC considers Te Puna Quarry Park to be a suitable release site. It is a protected reserve undergoing ecological enhancement, with appropriate microhabitats including leaf litter, woody debris, and long grass. The proposed expansion of predator control to cover 5 ha is supported.

DOC supports the use of soft release pens, with a maximum of 20 skinks per pen, and installation of additional pens if salvage numbers exceed expectations. However, clarification is needed regarding the material proposed for the pen fencing. The applicant refers to a "silt fenced area"; DOC recommends that the fence be constructed of polythene or a similarly solid, slippery material to prevent lizards from climbing. Cloth-type materials should not be used.

Monitoring and reporting

DOC supports the proposed post-release monitoring for relocations involving more than 20 individuals, with annual surveys over five years. The inclusion of contingency plans for threatened species, ineffective predator control, or unexpectedly high salvage numbers is appropriate.

DOC notes that the applicant proposes placing 50 tracking tunnels over 4 ha of the additional pest control area. It would be helpful to see the layout of these tunnels. A 7 × 7 grid (49 tunnels) would result in approximately 28.5 m spacing, which is closer than the standard 50 m spacing used for rodent monitoring. This may lead to double-tracking by rats and affect data reliability.

DOC recommends reducing the number of tracking tunnels to approximately 25, spaced 50 m apart, and setting knockdown and ongoing control targets at 5% for both rats and mice.

DOC does not consider mustelid monitoring necessary within the 5 ha pest control area, as tracking tunnels are not sensitive for mustelids in forest habitat. Instead, DOC recommends monitoring mustelids across the full 16.5 ha Te Puna Quarry Park using five widely spaced lines of five tracking tunnels (100 m apart), baited with secured meat and left for 21 nights. A target of less than 5% detection is considered appropriate.

DOC notes that in Part 10.2.1, the applicant refers to activating every second tracking tunnel "for mustelid control." This should be amended to "monitoring," as tracking tunnels are not used for control. DOC agrees with the contingencies set out in Part 10.2.2, subject to the amended targets above. If these contingencies do not meet the targets, DOC recommends extending the bait station network beyond the initial 5 ha.

Term

DOC would be in support of a 20-year term provided there is a condition requiring a review at the 10 year mark of the LMP and re-certification by DOC.

Incidental killing and overall protection

The LMP identifies mortality as a potential effect of the Project and proposes actions to minimise death or injury. The applicant has confirmed by email dated 10 October that it is seeking approval for incidental killing, acknowledging that the proposed methods won't capture all the lizards present but a high proportion of them.

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.

Conversely, without appropriate conditions (such as proposed in this report), protected lizards may be harmed, and accordingly the grant of a wildlife approval may not be consistent with the purpose of the Wildlife Act.

6.3 Conditions to manage effects on protected wildlife

The applicant's latest proposed conditions for the wildlife approval, dated 24 October 2025, have been reviewed by DOC. DOC has recommended additional conditions to reflect best practice, including a re-certification clause at the 10-year mark for the LMP.

Of particular concern to DOC is NZTA's proposal for a "deemed certified" sub-clause (WA2(g)), which would allow project works to start if DOC does not certify or reject the LMP within 20 working days of receipt. This condition would effectively remove DOC's ability to ensure the LMP meets required standards before implementation.

DOC suggests that the sub-clause allowing for "deemed certification" is removed and that the LMP be certified by the Panel, if they decide to grant the approval.

See Appendix A for the suggested changes and additional conditions in red text.

7.0 Consultation

7.1 Pre-lodgement

The Applicant engaged with DOC between April and July 2025. DOC provided a summary of pre lodgement consultation to the Applicant on 2 July 2025. The Applicant subsequently provided sets of draft conditions and additional documents including Lizard Management Plan documents and a revised lizard release plan. DOC provided a further pre lodgement feedback on 18 July 2025.

In summary, DOC advised that:

- the 1 hectare area for the lizard release area was considered to be insufficient to protect the lizards sufficient and it was understood that the area had been increased to 5 hectares
- Not clear if a fence is proposed around the 5 hectare area, what intensity of pest control was proposed, the methods, pest monitoring and length of time the pest control is to be undertaken.
- It was noted that no amendments had been made to the Lizard Management Plan to reflect the various changes proposed.

7.2 Post-lodgement

Post-lodgement, DOC and the Applicant have engaged collaboratively to discuss the wildlife approval sought and the proposed conditions for the wildlife approval. The information contained in the lodged substantive application addressed DOC's comments during the pre-lodgement consultation.

A meeting was held between DOC and the Applicant on 14 October 2025 to discuss the wildlife approval and proposed conditions. Following the discussion the Applicant provided a revised set of draft conditions for the wildlife approval (Post lodgement version October 2025). DOC refers to these conditions in Appendix A and has proposed suggested changes and additional conditions in line with a typical wildlife approval of this type under the Wildlife Act 1953.

8.0 Additional information

8.1 International Conservation Agreements

The following international agreements are relevant to the consideration of the approval sought:

The United Nations Convention on Biological Diversity (CBD)

New Zealand became a signatory to the United Nations Convention on Biological Diversity (CBD) in 1992. The 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.

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.

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.

The application from NZTA seeks to develop land and to salvage and relocate resident lizards. The proposal to salvage lizards and enhance lizard habitats at the relocation sites will contribute to protection of biodiversity.

International Union for Conservation of Nature (IUCN)

The IUCN is a globally recognised conservation body and New Zealand's membership (since 1948) 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.

The IUCN Red List status of species named in the wildlife approval conditions is provided in Table 2.

Common Name	Scientific Name	IUCN Red List Status
Copper skink	Oligosoma aeneum	Least Concern (stable)
Ornate skink	Oligosoma ornatum	Least Concern (decreasing)
Moco skink	Oligosoma moco	Least Concern (decreasing)
Striped skink	Oligosoma striatum	Vulnerable (decreasing)
Crenulate skink	Oligosoma robinsoni	Vulnerable (decreasing)
Shore skink	Oligosoma smithi	Least Concern
Forest gecko	Mokopirirakau granulatus	Vulnerable (decreasing)
Pacific gecko	Dactylocnemis pacificus	Least Concern (stable)
Raukawa gecko	Woodworthia maculatus	Least Concern (stable)
Elegant gecko	Naultinus elegans	Vulnerable (decreasing)

8.2 Consistency with statutory planning documents and policy

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

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

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.

The application is not inconsistent with these provisions.

Bay of Plenty Conservation Management Strategy 1997 - 2007

The Bay of Plenty Conservation Management Strategy 1997–2007 (CMS), approved by the New Zealand Conservation Authority, sets out objectives for the integrated management of natural and historic resources within the Bay of Plenty region. It provides strategic direction for the Department of Conservation's activities under conservation legislation, including the Conservation Act and the Wildlife Act.

The CMS does not contain policies specific to the proposed wildlife activities. While the strategy includes general provisions relating to the management of threatened species, including protection within natural ecosystems and the use of techniques such as pest control, species transfers, and captive breeding, these provisions are not relevant in this instance, as no threatened species are involved.

9.0 Treaty of Waitangi settlement considerations and obligations

9.1 Treaty of Waitangi settlement obligations

Under section 7 of the Act the Panel must act in a manner that is consistent with obligations arising under existing Treaty Settlements. This includes obligations arising under a Treaty settlement Act or a Treaty settlement deed. The relevant Treaty settlement Acts which relate to the proposed project area include the Ngāti Pūkenga Claims Settlement Act 2017, the Ngāti Hinerangi Claims Settlement Act 2021, and the Ngā Hapū o Ngāti Ranginui Clams Settlement Act 2025. The relevant Treaty settlement deeds which relate to the proposed project area include the Tauranga Moana Iwi Collective Deed of Settlement, the Ngāi Te Rangi and Ngā Pōtiki Deed of Settlement, the Ngāti Rahiri Tumutumu Deed of Settlement, and the Ngāti Tamaterā Deed of Settlement.

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.

DOC has reviewed the section 18 report and notes MFE's conclusion that the primary matter for consideration by the Panel, as relevant to the Wildlife Act approval, is the Ngāti Hinerangi conservation relationship agreement provided for under the Ngāti Hinerangi Claims Settlement Act 2021. This agreement applies to the project area and sets out procedures for consultation on statutory authorisations, including Wildlife Act approvals. DOC also notes that while the Tauranga Moana Iwi Collective deed includes provisions for a conservation relationship agreement, these have not yet been enacted. The affected lizard species are not identified as taonga species in any relevant Treaty settlement schedules, although they may still hold cultural significance for iwi and hapū in the project area.

9.2 Treaty of Waitangi principles

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[1] (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.

For this application, this has included:

- **Notifying** 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 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 (eg taonga species);

[1] Principles of the Treaty of Waitangi and DOC: Apply for permits

- **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.

DOC notified Ngā Hapū o Ngāti Ranginui Settlement Trust and Te Rūnanga o Ngāti Ranginui of the application via email. These emails were issued by DOC's Kaitohu Matua. DOC notes that emails were not sent to each hapū of Ngāti Ranginui individually.

DOC discussed engagement with NZTA, who outlined their approach to working with Treaty partners. DOC notes that NZTA engaged at an iwi level with Ngāti Ranginui, Ngāti Pūkenga, and Ngāi Te Rangi prior to lodgement. NZTA advised that Ngāti Pūkenga deferred further engagement to Ngāti Ranginui, and that Ngāti Ranginui recommended direct engagement with the two hapū most affected, Pirirākau and Ngāti Taka, who expressed a preference to be the primary points of contact. DOC also notes that NZTA did not provide details on engagement outcomes with Ngāi Te Rangi.

Appendix A: Conditions

The applicant's latest proposed conditions for the wildlife approval, dated 24 October 2025, have been reviewed by DOC. DOC has suggested changes and additional conditions in red below consistent with a standard wildlife approval under the Wildlife Act. If adopted, these conditions would ensure the approval meets the purpose of the Act and provides adequate protection for absolutely protected wildlife.

Key suggestions from DOC include:

- Acceptance of the proposed 20-year term, provided a review and recertification occurs at the 10-year mark.
- Inclusion of mechanical clauses to support ongoing management of the approval.
- NZTA proposes that the LMP be certified after the wildlife approval is granted and deemed certified if not completed within 20 working days. DOC opposes this and requests that the LMP be certified by the Panel at the time of decision and that reference to the "deemed certification" clause be deleted.

DOC notes that "defined terms" used in these proposed conditions may need to be amended to align with other terms defined elsewhere in the relevant decision document of the Panel. The Director-General considers it would be appropriate for the Panel to condition the wildlife approval based on that management plan, rather than requiring further Director-General certification post-approval. We consider this option would most align with the procedural principles in section 10 of the FTAA.

Wildlife Approval Conditions – General	
WA 1 (New Condition suggested)	The Approval Holder must comply with Lizard Management Plan dated [date of final LMP] that is annexed to this Approval, including but not limited to by implementing all actions set out in management of effects section of the LMP to ensure adequate mitigation of effects has been achieved.
WA 2 (Proposed new numbering, previously applicants condition WA1)	The Wildlife Approval shall expire 20 years after the date the Approval is granted.
WA 3 (New Condition suggested)	The Authority Holder must review the LMP and resubmit it to the Director-General for certification on or before the 10-year anniversary date of the Approval date. The objective of the review is to re-assess habitat conditions and characteristics and update the LMP to reflect current species knowledge, best practice lizard management and mitigation techniques.
WA 4 (Proposed new numbering, and suggested modifications to condition including the removal of WA4(g), previously applicants condition WA2)	(a) The Authority Holder shall prepare a Lizard Management Plan (LMP). The purpose of the LMP is to reduce the injury and mortality of Lizards within the areas of vegetation clearance associated with the Project, and to support the creation and enhancement of habitats lost. (b) The LMP shall be prepared by a SQEP, follow best practice in terms of hygiene and animal welfare, and include: (i) Identification of suitable Lizard habitats; (ii) Survey and monitoring requirements for Lizards prior to, during and after completion of Project Works;

	(iii) Translocation methods, including requirements to undertake salvage before and during vegetation clearance; (iv) Protocols for: 1. Lizard disease and pest management; 2. Incidental discovery; 3. Kill and harm minimisation; and Wildlife Approval Conditions 4. Incidental death associated with salvage. (v) Measures for involvement of Pirirākau and Ngāti Taka in implementing the Authorised Activity; (vi) Measures for the creation and enhancement of Lizard habitat within the Release Area; and (vii) Reporting requirements. (c) At least 10 Working Days before submitting the LMP to DOC in accordance with WA2(d), the LMP shall be provided to Pirirākau and Ngāti Taka for review and comment. The Approval Holder shall consider any written feedback received from Pirirākau and Ngāti Taka prior to providing the LMP to DOC, as required in WA2(d), and incorporate suggestions from the written feedback as the Approval Holder considers appropriate. (d) At least 20 Working Days before starting Project Works, the LMP shall be provided to DOC for certification that the LMP satisfies the requirements of WA2(a) and (b). (e) The certified LMP shall be implemented and complied with for the duration of Project Works. (f) The Approval Holder may update the LMP by submitting the amended LMP in writing to DOC in accordance with WA2(d). ~~(g) If the LMP (or amendment) required under these conditions has been submitted to DOC for certification, and 20 Working Days has passed, and DOC has not certified the LMP (or amendment), or advised that the LMP (or amendment) is not suitable to certify, the LMP will be deemed to have been certified and the Approval Holder may commence Project Works in accordance with the LMP (or amendment) as submitted.~~
WA 5 (Proposed new numbering and modification made to reflect lizard salvage season, previously applicants WA3)	The Authorised Activity shall be carried out: (a) By a SQEP; (b) In accordance with the LMP; (c) ~~At a suitable time of year~~Between the 1st October and 30th April, when Lizards are active~~, as advised by a SQEP~~; and (d) For catch / capture, within the Designation Boundary, and for relocation, within the Release Area.
Lizard capture and handling	
WA 6 (New Condition suggested)	Lizards may only be handled by those people suitably qualified as according to the Department of Conservation.
WA 7 (New Condition suggested)	Capture and handling methods must involve only techniques that minimise the risk of infection or injury to the animal and must follow those described in the Herpetofauna inventory and monitoring toolbox http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/.
Incidental Discovery	
WA 8 (New Condition suggested)	The DOC Operations Manager for Tauranga must be contacted immediately (taurangainfo@doc.govt.nz) for further advice if lizard

	species other than those authorised are located within the footprint of the development or within the release site.
Death of wildlife associated with salvage activities	
WA 9 (New Condition suggested)	If any lizards die during the approved activities of catch, transfer, mark or liberate, the Approval Holder must:
Euthanasia	
WA 10 (New Condition suggested)	If any lizards are found injured, the Project Herpetologist must be contacted to get advice on management of the lizard. Injured lizard(s) may be euthanised on recommendation of the Project Herpetologist or a veterinarian.
Reporting	
WA 11 (New Condition suggested)	A report summarising lizard salvage and relocation activities must be prepared and submitted to DOC (taurangainfo@doc.govt.nz and permissionshamilton@doc.govt.nz) within 30 days from the completion date of the salvage. Specifically, this report is to include:
Variations	
(New Condition suggested)	The Authority 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.
Costs	
(New Condition suggested)	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.
Liabilities	
(New Condition suggested)	The Authority Holder agrees to exercise the Approval at their own risk and releases, to the full extent permitted by law, the Director-General and the Director-General's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage, or injury occurring to any person or property arising from the Authority Holder's exercise of the Approval.
Revocation	
(New Condition suggested)	The Director General may revoke this Approval at any time in respect of the whole or any part (pursuant to clause 7(4) of Schedule 7 of the Fast-Track Approvals Act 2024) if:
Compliance with Legislation and Director-General's Notices and Directions	
(New Condition suggested)	The Approval Holder must comply with all statutes, bylaws, and regulations, and all notices, directions, and requisitions of the Director-General and any competent authority relating to the exercise of the Approval.

Appendix B: Expert Credentials

Dr Rhys James Burns

I am employed as a Technical Advisor (Terrestrial Ecology/Fauna) with the Department of Conservation Te Papa Atawhai (DOC) in the Terrestrial Biodiversity Unit and am based at the Rotorua office. I have held this position, or equivalent positions, since 2004.

My role at DOC is to provide ecological advice to conservation practitioners both within DOC and external to DOC (such as iwi and community groups). I also provide advice to DOC decision-makers in relation to DOC's permissions system. This includes assessments for both Resource Management Act 1991 (RMA) and Wildlife Act 1953 applications. For Wildlife Act applications, I am tasked with providing ecological advice as to whether a permission should be granted and, if so, what conditions should be attached to the permission.

I have a BSc (Hons) and PhD in Biochemistry from the University of Otago. I completed my PhD in 1997. Since working for DOC continuously since 1997, I have accumulated and applied knowledge on the management of New Zealand ecosystems and species.

Between 1997 and 1999 I was based at Pureora Forest Park where I monitored a range of avifauna species (for example, robins, kōkako, fernbird, tomtit and ruru) to assess the impact of pest control on these species, and how their populations responded to management.

Between 1999 and 2004 I monitored a radio-transmitted kiwi population in northern Te Urewera and oversaw the stoat trapping at this site for several years. I was also a contributing or lead author for reports that summarised all the activities occurring in this mainland island ecosystem restoration project.

Between 2004 and 2013, I was a Technical Support Officer (Fauna) for the East Coast Hawke's Bay Conservancy, and then the East Coast Bay of Plenty Conservancy.

I have been in my current role (Technical Advisor - Terrestrial Fauna), or similar roles that includes Ecology and Ecosystems, since 2013. In this role, I have a mandate to deliver advice to DOC staff where needed over the entire country. I have experience in assessing applications that have the potential to have effects on a variety of Threatened and At Risk (under the New Zealand Threat Classification System) native birds across a range of habitats in New Zealand. This has included the assessment of activities that require resource consents, including the Mt Messenger Bypass, Awakino Tunnel Bypass, Kaiwaikawe windfarm and Dome Valley Waste Management landfill.

I have also gained experience in many projects that have monitored the response of a variety of native birds to various pest control methods as well as assessing many applications under the Wildlife Act, including for translocations and the effects of developmental projects on avifauna.

I am a member of the New Zealand Ecological Society and the Ornithological Society of New Zealand (Birds NZ).

I have been the leader of DOC's Weka Recovery Group for 18 years, the leader of DOC's Kōkako Recovery Group for one year (and member for 9 years) and a member of DOC's Frog Recovery Group for 19 years.

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.[2]

Weighting generally

3. Generally, the weighting to be accorded to relevant considerations by a statutory decision maker is for that decision maker to determine.[3] However, where a statute directs the weight to be given to a matter, that direction must be given effect to.[4]

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.[5]

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.[6]

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.[7]

8. While described in the FTAA as "criteria",[8] 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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[2] 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.

[3] 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.

[4] *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."

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

[6] See Schedule 7, Clause 5 (wildlife approval).

[7] This directive occurs multiple times in the FTAA, including at Schedule 7, Clause 5 (wildlife approval).

[8] 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.[9] 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.[10]

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*,[11] 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.

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

[10] 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.

[11] *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)).[12]

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.[13] 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.[14]

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

[13] *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.

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

Appendix D: Information relating to protected wildlife

Copper skink (At Risk – Declining) is found throughout the North Island, from Kaitaia to Wellington. It inhabits forest margins, urban gardens, sand dunes, farmland, and areas with dense ground cover such as logs, rocks, and leaf litter.

Moko skink (At Risk – Relict) occurs mainly on the east coast of the North Island, from Northland to the Bay of Plenty, and on offshore islands. It lives in coastal forest, scrub, grassland, and rank vegetation, often basking in open areas or climbing low vegetation.

Ornate skink (At Risk – Declining) is widespread across the North Island and offshore islands. It prefers damp forest and scrub habitats with deep leaf litter, rock piles, or thick vegetation, and is often found in humid, shaded environments.

Striped skink (At Risk – Declining) is found in scattered locations across the central and northern North Island, including Great and Little Barrier Islands. It inhabits mature lowland forest, farmland, and swampland, often dwelling in tree canopies, logs, and leaf litter.

Forest gecko (At Risk – Declining) is found in the North Island and north-western South Island, including Northland, Auckland, Marlborough, Nelson-Tasman, and the West Coast. It inhabits forest, scrub, and rocky habitats, often arboreal but also found on the ground in alpine areas.

Elegant gecko (At Risk – Declining) is distributed across the northern North Island, including Northland, Auckland, Waikato, Bay of Plenty, and Taranaki. It is arboreal and found in forest, scrubland, and regenerating bush, often basking in canopy vegetation.

Crenulate skink (At Risk – Declining) occurs in Waikato, Bay of Plenty, and the central North Island. It inhabits dune systems, boulder beaches, open forest, scrub, and pasture, typically sheltering under rocks, logs, or dense vegetation.

Shore skink (At Risk – Declining) is restricted to coastal habitats along the north-eastern North Island and offshore islands. It lives in sandy dunes, pebble beaches, rocky platforms, and driftwood zones near the high tide mark.

Pacific gecko (Not Threatened) is widespread in the north-western North Island and offshore islands. It occupies forest, scrubland, rocky coastlines, clay banks, and epiphyte platforms, and is active at night in both arboreal and terrestrial habitats.

Raukawa gecko (Not Threatened) is found throughout the North Island and north-western South Island. It inhabits coastal areas, rocky habitats, and inland forests, and is primarily ground-dwelling but also semi-arboreal.