

BEFORE THE PANEL CONVENER

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

AND

IN THE MATTER of an application by Kings Quarry Limited under section 42
of the FTAA for the Kings Quarry Expansion – Stage 2.

APPLICATION NO. FTAA-2502-1018

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

23 July 2025

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (D-G). It responds to a minute of the Panel Convener dated 14 July 2025 in respect of the Kings Quarry application [FTAA-2502-1018] (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 1 of the Minute.
4. The memorandum focuses on the approval sought under section 42(4)(h), being a wildlife approval as defined in Clause 1 of Schedule 7.
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.
6. The D-G is not able to advise the Convener about the complexity of the resource consent component of the Project.

Wildlife approval may be required for long-tailed bats

7. The substantive application for the project has sought a wildlife approval only in respect of lizards.
8. The D-G has reviewed the lodged application and considers that an additional wildlife approval may be necessary for the Project to be fully carried out. Long-tailed bats are present in the project area and the proposed actions related to bats could reach the threshold required for them to otherwise be an offence under the Wildlife Act 1953.
9. The D-G wishes to raise this now as this is a new evidentiary/factual concern with the application, and the D-G considers the Panel may need to obtain further information regarding this potential wildlife approval to inform their decisions about the Project.

Appointment of panel members

10. In terms of the D-G's interests, key matters to be considered in this application are effects on absolutely protected wildlife, and on conservation matters dealt with as part of the proposed resource consents (herpetofauna, long-tail bats, and freshwater habitat).
11. The D-G considers it is appropriate that the Panel Convener appoints a panel that contains relevant ecological expertise, albeit recognising that the Panel would be guided by reports and advice from the D-G and others.
12. An understanding of effects on wildlife and biodiversity values that would be required to assess resource consent issues associated with this project is likely to be sufficient to enable appropriate decision making on the wildlife approval.
13. 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. The D-G recognises that matters outside of the D-G's interests may warrant appointment of additional members.

Issue (b) – Timing of panel decision

14. The D-G agrees that 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.
15. The D-G considers that the default time frame would be sufficient for the wildlife approval currently included in this Project, as it is of low legal, evidential, and factual complexity. The D-G notes further information is required from the applicant regarding the proposed actions related to the long-tailed bats. If a wildlife approval for bats is ultimately required, this may impact timeframes for the Panel.
16. Options the Panel may like to consider:
 - (i) the applicant can contact the Department of Conservation (Department) and seek advice on next steps, which may include completing a wildlife approval application through the Department's standard process i.e. not through the FTAA. This is unlikely to delay commencement of the Project and would mean this issue can be addressed without impacting timeframes for Panel decision-making; or
 - (ii) If a further wildlife approval is required for the Project, the process in section 62 of the FTAA may be appropriate.

17. The D-G recommends that when setting the timeframe that the Panel Convener considers any procedural steps that may be necessary to accommodate these options.
18. The D-G recommends that the timeframe accommodate any procedural steps that may be necessary, such as additional information requests by the Panel under section 67 of the FTAA.
19. The D-G does not have any advice around timeframes needed to decide on the resource consent elements of the Project.
20. The D-G considers that exactly what procedural steps will be necessary and appropriate will need to be determined by the Panel once the key issues have crystalised but notes that it is unlikely a hearing would be required on the wildlife approval component of this Project.

Conclusion

21. The D-G's representatives will be happy to elaborate further on any of the above points at the conference set for 29 July 2025 at 10 am.
22. The D-G confirms willingness to engage directly with the applicant and Panel as necessary to advance the progress of the application.

K Anton
Counsel for the Director-General of Conservation