29 July 2026

Fast-track Approvals Act wildlife approval report

Section 51(2)(c) wildlife approval report for –
Alternative to Brynderwyn Hills [FTAA-2603-1178]

Department of Conservation
Te Papa Atawhai

Te Kāwanatanga o Aotearoa
New Zealand Government

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1.0 Introduction

1.1 New Zealand Transport Agency Waka Kotahi (NZTA, the applicant) has applied for wildlife approvals under the Fast-track Approvals Act 2024 (FTAA) for the management (handling, salvage, transfer/relocation and release, and incidental killing) of native frogs, lizards, and kauri snails protected under the Wildlife Act 1953.

1.2 The wildlife application is part of the Alternative to the Brynderwyn Hills application lodged on 8 April 2026 for the construction of the Brynderwyn Hills section of the Northland Corridor Project, a new section of State Highway 1 intended to provide an efficient and resilient connection between Whangārei and Auckland. The Environmental Protection Authority (EPA) has decided that the application is complete and in scope and does not have any competing applications.

1.3 On 29 April 2026, in accordance with section 51(2)(c) of the FTAA, the Panel Convener directed the EPA to obtain a report prepared by the Director-General of Conservation in accordance with clause 3 of Schedule 7.

1.4 This report has been prepared by the Department of Conservation (DOC) on behalf of the Director-General of Conservation and provides commentary on information provided by NZTA 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 our Treaty partners, where available.

2.0 Purpose of the report

2.1 In accordance with clause 3 of Schedule 7, this report addresses 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 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 the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.*

2.2 In addition, the Panel Convener has requested that DOC *respond to draft conditions, including any management plan attached to the application, recommending tracked changes (if any)*. DOC provides advice on the conditions in sections 6.6 and 6.7 of this report. Given what DOC considers to be fundamental issues with the application, DOC is unable to recommend a revised condition set that would ensure consistency with the protective purpose of the Wildlife Act.

2.3 The Panel Convenor has also requested a report 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 appended as **Appendix C**.

3.0 Overview of DOC's report

3.1.1 DOC's assessment concludes that the application is inconsistent with the protective purpose of the Wildlife Act 1953.

3.1.2 This conclusion is primarily driven by the likely effects on Hochstetter's frogs, for which the scale of impact is unprecedented and the proposed mitigation measures do not provide confidence that the affected population will be adequately protected. DOC also considers that the application does not presently demonstrate consistency with the protective purpose of the Wildlife Act 1953 for lizards and kauri snails.

3.1.3 In relation to Hochstetter's frogs, the Project is estimated to directly affect approximately 21,900 individuals within a genetically distinct population. The proposed salvage and relocation programme is unproven at this scale, many frogs are likely to remain undetected and be killed during works, release-site capacity and suitability has not been demonstrated, and the proposed monitoring programme would not reliably determine whether relocated frogs survive and establish.

3.1.4 For lizards and kauri snails, salvage and relocation may reduce mortality for some individuals. However, the species and numbers affected remain uncertain, release-site suitability and carrying capacity have not been adequately demonstrated, and the proposed monitoring and pest-control measures do not provide confidence that relocated populations will be successfully established and maintained in the long term.

3.1.5 A key concern throughout DOC's assessment is that the applicant's proposed management framework does not provide adequate assurance that protected wildlife will be protected. DOC does not consider the draft Ecological Management Plan to be of a standard that adequately addresses the scale of effects identified, for all species but particularly for Hochstetter's frogs. Important matters such as release-site suitability, carrying capacity, salvage effort, monitoring success criteria, pest-control targets, and management responses to failure are either unresolved, insufficiently developed, or left to future applicant discretion. The proposed conditions are not linked to measurable wildlife outcomes, meaning compliance with the conditions would not necessarily result in effective protection of wildlife.

3.1.6 The application relies almost entirely on salvage and relocation as mitigation, without first demonstrating that effects have been avoided and minimised as far as practicable or remedied where possible. Despite significant residual effects, no offsetting or compensation is proposed. This is a major gap. However, offsetting or compensation should be considered only for effects that cannot reasonably be avoided, minimised or remedied, and adequate offsetting or compensation may not be possible for effects of this scale.

3.1.7 The Project may also foreseeably harm protected birds or destroy eggs and nests during vegetation clearance, but birds are not included in the wildlife approval application. Further surveys and clarification of the approval's scope are required.

3.1.8 DOC considers that there is insufficient information in the application to enable an appropriate level understanding by the Panel as to the effects on wildlife. This understanding should be established before a decision is made on an application; not left to post-approval assessment. Additionally, substantial further work is required on both the Ecological Management Plan and the proposed conditions before the effectiveness of the proposed wildlife management framework can be properly assessed.

4.0 Sources

4.1 This report draws on information from the substantive application, in particular:

- Volume A – FTAA Substantive App – Main Application
- Volume B – Appendix D06 – Assessment of Effects on Terrestrial Ecology
- Volume C – FTAA Substantive App – Wildlife Act Approvals
- Cultural Impact Assessments of Patuharakeke Te Iwi Trust Board and Te Uri o Hau (at Volume A – FTAA Substantive App), and of Te Parawhau Hapū (received by the Panel on 2 July 2026)
- Draft Ecological Management Plan (EMP) and revised conditions provided to the Panel on 13 July 2026.

4.2 This report is informed by expert advice by the following technical experts. Their advice and credentials are provided in Appendices A and B.

- **Appendix A** - Dr Rhys Burns – Senior Technical Advisor (Fauna) for DOC. Advising on frogs, lizards and avifauna.
- **Appendix B** - Dr Jamie Stavert – Senior Science Advisor for DOC. Advising on invertebrates.

5.0 The application

5.1 Project overview

5.1.1 The Project for which the application seeks approvals is the Brynderwyn Hills section of the Alternative to the Brynderwyn Hills project, which in itself is a part of the broader Northland Corridor project. Herein referred to as the Project, the Brynderwyn Hills section involves construction of a 17 km long four-lane highway between Pukekaroro in the south and Waipū in the north, traversing the Brynderwyn Hills to the west of the existing SH1. The Project is intended to provide an alternative route to the existing Brynderwyn Hills section of SH1 and forms part of NZTA's broader Northland Corridor project to deliver a resilient 100 km state highway connection between Auckland and Whangārei.

5.1.2 NZTA is seeking a range of approvals under the FTAA, including resource consents, notices of requirement, archaeological authorities and wildlife approvals.

5.1.3 The proposed designation encompasses a range of indigenous and modified habitats, including native forest, plantation forestry, streams, wetlands and agricultural land. Construction of the road and associated infrastructure would result in the loss and modification of ecologically valuable land, directly and indirectly affecting native protected wildlife including Hochstetter's frogs, native lizards and kauri snails.

5.1.4 The application is based on an indicative rather than a confirmed road alignment. Approvals are sought across a broader proposed designation area many times wider than the road, within which the final alignment will be refined through detailed design. The ecological assessments and proposed management measures are therefore largely at the scale of the proposed designation rather than a defined works footprint.

5.1.5 The Project involves substantial associated works in addition to the construction of the highway. These include major earthworks, spoil disposal, stream diversions, stormwater treatment and attenuation infrastructure, bridges, haul roads and ecological mitigation works. Based on the indicative alignment, NZTA estimates approximately 12.6 million m³ of cut, 6.9 million m³ of fill and 6.8 million m³ of spoil across the Project (Table 6, c4.5.1, Vol A substantive application).

5.1.6 NZTA proposes that spoil will be retained within the designation and disposed of in on-site spoil areas, the location and extent of which will be confirmed at the detailed design stage. The indicative design, as mapped in Appendix D2 to Volume A, involves “extensive disposal of surplus spoil in the gullies” of the Brynderwyn Hills (s 4.4.4, Vol B, D04). In some locations this would result in the infilling of headwater catchments and displacement of watercourses requiring stream diversion works.

5.2 Summary of wildlife approval sought – general

5.2.1 The application for wildlife approval focuses on the management of native lizards, Hochstetter’s frogs, and kauri snails during construction of the Project.

5.2.2 The application describes the wildlife application as follows:

> *In accordance with s42(4)(h), NZTA is seeking wildlife approvals to authorise an act or omission that would otherwise be an offence under the Wildlife Act 1953. The wildlife approvals are for the handling, salvage, transfer/relocation and release (and incidental killing) of native lizards, frogs, kauri snails and invertebrates for a duration of 20 years.* (Vol A, sec 6.3)
>
> *Authorisation is not sought to temporarily hold Protected Wildlife in captivity (beyond the short-term holding post-capture during transfer/relocation to a Mitigation and Release Site).* (Vol C, sec 10).

5.2.3 Wildlife approval is sought for the species in Table 1.

	Common name	Species name	New Zealand Threat Classification System
Frog(s)	Hochstetter's frog	*Leiopelma hochstetteri*	At Risk – Declining
Lizard(s)	Pacific gecko	*Dactylocnemis pacificus*	Not Threatened
	Forest gecko	*Mokopirirakau granulatus*	At Risk – Declining
	Elegant gecko	*Naultinus elegans*	At Risk – Declining
	Copper skink	*Oligosoma aeneum*	At Risk – Declining
	Ornate skink	*Oligosoma ornatum*	At Risk – Declining
	Any other lizard protected by the Wildlife Act 1953 (stated in draft wildlife conditions)		Various
Invertebrate(s)	Kauri snail	*Paryphanta busbyi*	At Risk – Declining

Table 1. Species applied for.

5.2.4 The draft conditions proposed by the applicant also list *Amborhytida dunniae*, a snail species that is not protected under the Wildlife Act. As the species is not protected, it is not considered further in this report.

5.2.5 The following three wildlife release sites are proposed in the EMP. All are within the designation area. The EMP states that the extent of the release sites will be confirmed following detailed design through finalisation of the EMP.

5.2.6 Northern Release Site described as:

- 20.9 ha
- ~7.7 km stream habitat
- Existing Hochstetter's frog population present (not quantified)
- Primary frog release site
- Permanent protection via covenant and/or encumbrance
- Stock exclusion
- Predator control (rats, possums, mustelids, hedgehogs, cats etc.) from ≥3 months pre-release to 3 years post-relocation
- Additional rock refugia and stream habitat enhancement
- Monitoring at years 1 and 3 post-release, then years 2, 5 and 10 after pest control ceases

5.2.7 Central Release Site described as:

- 95.9 ha
- ~16 km stream habitat within Zentral Forest
- Existing Hochstetter's frog population present (not quantified)
- Secondary frog release site
- 10 m no-harvest forestry setback either side of release streams, legally protected through covenants and/or encumbrances
- Predator control for minimum 3 years post-relocation
- Additional refugia and stream habitat enhancement where required
- Long-term monitoring of occupancy, persistence and recruitment

5.2.8 Southern Release Site described as:

- 14.5 ha
- Indigenous forest habitat
- Primarily proposed for lizards, kauri snails and other invertebrates
- Habitat protection and enhancement
- Revegetation and habitat complexity improvements where required
- Predator/pest animal control associated with translocations
- Post-release monitoring of establishment and persistence of relocated populations

5.2.9 In addition, the EMP mentions but does not describe in any detail an additional potential release site: “There is additional suitable habitat outside of these Release Sites (predominantly the Brynderwyn Hills ONL area) which may be selected for releasing fauna, depending on species and their number requiring release, proximity to salvage location and ecological context” (EMP, s 6).

5.2.10 The activities for which wildlife approval is sought are principally described as salvage, relocation and incidental killing associated with construction. The application also briefly refers (e.g., in the draft wildlife conditions) to the operation and maintenance of the Project. However, neither the wildlife application nor the EMP clearly identifies any operational or maintenance activities that would require the approvals sought or provides sufficient information to assess them. This report therefore assesses the application on the basis that the wildlife approvals relate to construction activities only.

5.3 Summary of wildlife approval sought – frogs

5.3.1 Hochstetter's frogs are widespread within the Brynderwyn Hills and, of the species applied for, face the highest impacts.

5.3.2 In terms of length of stream habitat impacted by construction, the applicant’s Assessment of Effects estimates direct loss of 14.2 km of Hochstetter’s frog habitat and fragmentation of a further 6.8 km. It is unclear if this includes the impact of spoil disposal in gullies. Based on field surveys (which detected 318 frogs across 55 transects), the frog density in high quality stream habitats is estimated at 416.6 individual frogs per 100 m.

5.3.3 NZTA proposes a four-phase approach to salvaging and relocating frogs from affected habitat. This involves daytime searches and removal of searchable refugia commencing at least 10 days before works, followed by nocturnal searches, a final search immediately before earthworks, and machinery-assisted salvage during earthworks where feasible. After the initial search, selected rocks would be returned to the stream as “Judas rocks” to provide refuges intended to attract frogs missed during earlier searches, so they can be targeted during the final search. Exclusion barriers may also be used to discourage frogs from re-entering searched reaches.

5.3.4 As per the EMP, frogs would either be released into either the Northern or Central Release Sites, both already known to have frogs present. The EMP states that baseline surveys will be undertaken at each release site to inform the number of frogs that can be relocated to each site and any habitat measures required to improve site suitability. Both sites will be subject to three years of predator control post-release. The Northern Site will have some rock or other suitable microhabitat placed at frog release reaches. The Central Site will have 10 m setbacks from forest activities.

5.3.5 Following translocation, the EMP proposes monitoring of relocated frogs one and three years after release, and then two, five and ten years after completion of predator control. Monitoring will focus on confirming continued occupancy of release sites, population persistence, and evidence of successful reproduction through the presence of juveniles. The EMP states that monitoring results will be “used to improve understanding of relocation outcomes and inform habitat management at Release Sites, including refinement of habitat treatment measures where monitoring indicates opportunities to improve outcomes for Hochstetter's frogs” (s 7.1.2, EMP). However, neither the EMP nor the proposed conditions specify management responses, triggers for action, or further monitoring to assess effectiveness of management responses.

5.3.6 The applicant’s Assessment of Effects concludes that, following mitigation, residual effects on Hochstetter's frogs from habitat loss and fragmentation remain high. Offsetting or compensation of residual effects is not addressed as part of the wildlife application.

5.4 Summary of wildlife approval sought – lizards

5.4.1 Five lizard species are identified in the wildlife application: Pacific gecko, forest gecko, elegant gecko, copper skink and ornate skink. Wildlife approval is also sought for any other lizard protected by the Wildlife Act 1953 that may be encountered during construction.

5.4.2 Suitable lizard habitat is widespread throughout the designation, including indigenous forest, shrubland, riparian margins, rock habitats, woody debris and plantation forest. Copper skinks were the only species confirmed during surveys, although the applicant considers all five target species likely to occur within the Project area.

5.4.3 NZTA proposes salvage and relocation of lizards from affected areas. The EMP describes habitat manipulation, staged vegetation clearance, active searching and hand capture, supplemented by destructive searches of refugia where required.

5.4.4 Relocated lizards are proposed to be released primarily within the Southern Release Site (14.5 ha), comprising indigenous forest habitat. Management includes habitat protection, revegetation, habitat enhancement and pest animal control.

5.4.5 Habitat enhancement measures include revegetation, retention or placement of coarse woody debris and other refugia, and management of vegetation structure to improve habitat suitability.

5.4.6 Post-release monitoring is proposed to assess establishment and persistence of relocated populations and the effectiveness of habitat enhancement and pest management measures.

5.5 Summary of wildlife approval sought – kauri snails

5.5.1 Kauri snails (*Paryphanta busbyi*) were recorded within indigenous forest habitats in the Brynderwyn Hills. The applicant considers kauri snail habitat to be concentrated within moist forested environments containing abundant leaf litter, coarse woody debris and suitable refugia.

5.5.2 NZTA proposes pre-construction searches of affected habitat by suitably qualified ecologists. Searches would target live snails, eggs, shells, refugia, coarse woody debris and leaf litter. Live snails and eggs encountered within works areas would be salvaged and relocated.

5.5.3 Relocated snails are proposed to be released primarily within the Southern Release Site. The EMP states that release locations will be assessed prior to release for habitat suitability and existing snail occupancy.

5.5.4 Habitat enhancement measures include retention and placement of coarse woody debris, retention of leaf litter, provision of moist refugia, revegetation where necessary, and management of habitat conditions to maintain humidity and forest floor complexity. Pest management is proposed to reduce predation pressure from introduced mammals.

5.5.5 Post-release monitoring is proposed to assess survival and persistence of relocated snails, together with ongoing assessment of habitat condition and the effectiveness of habitat enhancement measures.

5.6 Potential requirement for wildlife approval – birds

5.6.1 The application does not seek wildlife approval for birds. However, vegetation clearance and other construction works may foreseeably kill or injure protected birds, destroy eggs or nests, or disturb nesting wildlife. DOC's technical advice identifies particular uncertainty regarding cryptic wetland birds, including Australasian bittern and spotless crake, and whether kiwi are present within the designation. Further surveys are required to establish the species present and the likely effects. If protected birds, eggs or nests may foreseeably be harmed or destroyed, NZTA may also require wildlife approval for those effects and an Avifauna Management Plan setting out measures to avoid and minimise harm. Unless direct impacts on avifauna and their active nests can confidently be avoided, a wildlife approval would be required and should be considered as part of the Panel's overall assessment of the impacts of the Project.

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

6.1 Statutory context

6.1.1 Clause 1 of Schedule 7 of the FTAA defines "wildlife approval" as a "lawful authority for an act or omission that would otherwise be an offence under any of sections 56(1), 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953".

6.1.2 Indigenous frogs, lizards, and kauri snails are absolutely protected under the Wildlife Act 1953. Catching, killing, and liberating protected wildlife without lawful authority are 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, being that which is not directly intended but is unavoidable and foreseeable as a consequence of carrying out an otherwise lawful activity (s 53A).

Section 56(1)(ab) 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 Director-General.

6.1.3 The salvage, relocation, and incidental killing proposed 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)).

6.1.4 The relevant purpose of the Wildlife Act 1953 is to protect wildlife. In assessing an application for species management 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).

6.2 Purpose of the Wildlife Act – frogs

Genetically distinct population

6.2.1 Hochstetter's frogs are absolutely protected wildlife, and the Brynderwyn population is a geographically distinct population of the genetically distinct Northern Clade. It is relevant to consider the application against whether the proposed activities and management measures will protect both individual frogs and the affected population.

Unprecedented numbers of frogs impacted

6.2.2 The scale of the effects is unprecedented for Hochstetter's frogs. The applicant estimates the permanent loss of 14.2 km of frog stream habitat and fragmentation of a further 6.8 km. Applying the applicant's adjusted frog-density estimates to the affected stream lengths indicates that approximately 21,900 frogs would be directly affected, including approximately 16,250 frogs

within high-quality indigenous stream habitat. The highest recorded densities occur in Brynderwyn Hills headwater streams within the indicative alignment, including 60 frogs within a 25 m transect. DOC's technical advice is that this habitat is irreplaceable.

6.2.3 The application relies on salvage and relocation, but DOC notes many frogs are unlikely to be captured due to the inaccessibility of some affected habitat. The applicant records that some steep and hazardous waterways could not be surveyed. DOC's technical advice is that there is no reasonable prospect of being able to salvage frogs from areas that are too dangerous to survey, which will result in 100% mortality of frogs at these locations when their habitat is destroyed. As discussed further on in this report, Hochstetter's frogs cryptic nature will also affect their ability to be detected in sites that are accessible.

Salvage not a proven mitigation technique

6.2.4 There are no tested and proven mitigation techniques established for Hochstetter's frogs when their stream habitat is destroyed. If salvaged and relocated, it is also not known the proportion that are likely to establish territories, survive and reproduce at release sites; or what proportion are likely to die.

6.2.5 While salvage and relocation may reduce immediate mortality during construction, it is unlikely to locate and capture all affected frogs. The proposed works affect steep and complex stream habitats containing deep gravels, crevices and large rocks that cannot be searched completely. Frogs remaining undetected would be exposed to injury or death during vegetation clearance, stream infilling and earthworks. DOC's technical advice is that many frogs are likely to remain undetected and potentially thousands could be killed.

6.2.6 Given the uncertainty on whether salvage and relocation will protect affected frogs, a precautionary approach is warranted.

Proposed capture methodology is untested and unreliable

6.2.7 The methodology for detecting and capturing frogs described in the EMP relies on untested or unreliable techniques.

6.2.8 The EMP proposes removing searchable refugia from streams and returning selected rocks as "Judas rocks" intended to attract frogs missed during the initial search. Frog-exclusion barriers may also be installed to discourage frogs from re-entering searched reaches. The effectiveness of these techniques for Hochstetter's frogs is unknown, and the EMP provides insufficient detail about the design and installation of the barriers to assess their likely effectiveness or risks.

6.2.9 Many refuges, including large boulders, logs, bedrock crevices, waterfalls and deep gravels, cannot be completely searched or safely removed. Moving them may crush frogs, collapse fragile seep habitat or create turbid water that makes escaping frogs difficult to detect. Nocturnal and machinery-assisted searches are also unlikely to be feasible or effective across all affected reaches.

Release site – insufficient suitable habitat

6.2.10 DOC's technical advisor observed that habitat neighbouring the designation and within the proposed Northern Release Site was variable but generally of low quality for Hochstetter's frogs. The Northern Site contains limited suitable frog habitat because much of the waterway within the forested area falls outside the proposed release-site boundary. Any higher-quality habitat is also likely to support resident frogs, further limiting the site's capacity to receive relocated animals without increasing competition for refuges and breeding habitat. DOC technical advice is that there is insufficient suitable receiving habitat within the proposed designation.

6.2.11 Both release sites already support frogs, but the applicant has not assessed their capacity to accommodate the number likely to be relocated without adversely affecting resident or relocated frogs. The draft EMP defers this assessment to pre-release surveys. It provides no criteria for determining appropriate densities or set out actions to be taken if the sites are found to lack capacity for all salvaged frogs.

6.2.12 The availability of sufficient and suitable release site habitat is central to determining whether salvage and relocation can protect affected frogs. It should be established before a decision to approve the application, not left to post-approval assessment. The application does not currently demonstrate that suitable habitat is available for the number of frogs likely to require relocation.

Release site – ineffective predator control

6.2.13 The EMP proposes predator control beginning three months before relocation and continuing for three years after relocation is completed. Although predator control may benefit resident and relocated frogs, three years is insufficient to provide long-term security for a slow-breeding species that may live for approximately 30 years. The conditions also do not specify measurable pest-control targets.

6.2.14 Other habitat enhancement, such as placing additional rocks or other refugia, is described only at a high level and there is no requirement that enhancement be completed before frogs are released.

Comparison with other similar projects

6.2.15 DOC's technical advice notes that the proposed Auckland Regional Landfill at Dome Valley, which may affect approximately 500 to 2,000 Hochstetter's frogs, is proposing substantially more intensive management and monitoring than the present application, including a predator-fenced release site and long-term monitoring. The Alternative to Brynderwyn Hills Project is estimated to directly affect approximately 21,900 frogs, yet relies on comparatively limited predator control and monitoring. DOC considers that the scale of effects proposed for the Project is unprecedented for Hochstetter's frogs and that comparison with the Auckland Regional Landfill proposal further illustrates the deficiency associated with the proposed mitigation measures.

Monitoring inadequate

6.2.16 If approved, robust monitoring of relocated frogs is critical to assess salvage translocation success or failure.

6.2.17 The information provided by the applicant on proposed monitoring is inadequate for a salvage and relocation proposal of this scale.

6.2.18 NZTA's proposed monitoring is not designed to determine the survival or reproductive success of relocated frogs. Its stated objective is to confirm the continued presence of a breeding population at the release sites. Because both proposed release sites already support Hochstetter's frogs, subsequent detection of frogs or juveniles would not demonstrate that relocated frogs survived, established territories or reproduced. The proposal does not provide for individual identification or otherwise distinguish relocated frogs and their offspring from the resident population. It therefore cannot reliably evaluate whether salvage and relocation has protected the frogs displaced by the Project.

6.2.19 Important elements of the monitoring design are deferred. The number and location of monitoring transects will be determined later, with input from a biostatistician, once the release sites are confirmed. No power analysis is provided to demonstrate that the monitoring can detect a meaningful decline. The performance indicators (continued detection of frogs and juveniles across monitored transects) do not specify an acceptable level of mortality, population decline or loss of recruitment.

Lack of contingency planning

6.2.20 The monitoring is not linked to management responses. The EMP does not specify corrective or contingency measures if performance indicators are not achieved; it states only that monitoring results may inform habitat management. Monitoring at one and three years after release, followed by monitoring two, five and ten years after pest control ceases, may document continued occupancy but would not provide an effective mechanism for identifying and responding promptly to relocation failure.

High residual effects

6.2.21 The applicant's own assessment concludes that residual effects on Hochstetter's frogs from permanent habitat loss and fragmentation will remain High after mitigation, but the EMP does not address them. Salvage and relocation may reduce the number of frogs killed during construction, but impacts are significant and substantial mortality is likely – DOC's technical advice is that with an estimated 20,000 Hochstetter's frogs calculated to be directly affected, the total that will be killed is likely to number several thousand frogs.

Conditions do not ensure good outcomes for wildlife

6.2.22 The proposed conditions do not specify measurable ecological outcomes, targets, thresholds or triggers. NZTA could therefore comply with the procedural requirements of the conditions without giving meaningful protection to frogs.

6.2.23 Given the scale of effects and the unresolved questions concerning release-site capacity, translocation success and monitoring, DOC cannot presently identify conditions that would provide adequate assurance that wildlife will be protected. If the Panel is minded to approve the application, DOC strongly recommends that the Panel requests additional information from the applicant.

Best practice and competent handling

6.2.24 Departmental best practice conditions and protocols for frog handling and disease prevention can be applied to protect individual frogs during capture, handling, and transfer.

6.2.25 It is important that wildlife management is led by ecologists who are suitably experienced to ensure that management plans are implemented to the necessary standards and welfare is safely managed during capture, handling, transport and release. DOC's standard and preferred approach is to assess lead herpetologists as part of the decision-making process and name approved persons on an approval.

Overall inconsistency with the purpose of the Wildlife Act

6.2.26 The Project would permanently destroy and fragment occupied Hochstetter's frog habitat and is estimated to directly affect approximately 21,900 frogs. The proposed salvage and relocation programme is unproven at this scale, release-site capacity has not been established, and residual effects are high.

6.2.27 DOC therefore concludes that the proposed activity is **inconsistent** with the protective purpose of the Wildlife Act.

6.3 Purpose of the Wildlife Act – lizards

6.3.1 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 and only protects those animals that are captured. Despite best practice methods, it is unlikely all affected animals will be captured given habitat complexity and the species' cryptic behaviour. For those that are captured, successful establishment and survival at the release site is not guaranteed.

6.3.2 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[1]. 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.

[1] Key principles for lizard salvage and transfer in New Zealand

- 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.

Species and numbers affected remain uncertain

6.3.3 Surveys confirmed 16 copper skinks, with a further six suspected copper skinks observed but not captured. No other native lizard species were detected, although the applicant considers Pacific, forest and elegant geckos likely to be present and ornate skink possibly present. Large parts of the designation were not surveyed, and lizards are difficult to detect in complex forest habitat.

6.3.4 The applicant's proposed conditions state that the approval is also for "any other lizard protected by the Wildlife Act". DOC does not support this clause. Where incidental killing is applied for, it should be unavoidable and foreseeable. The applicant should be able to specify all species affected based on field surveys and recorded observations.

6.3.5 DOC's technical advice is that, despite low numbers of lizards detected, it is likely that hundreds of lizards may be found within the footprint of the project during more intensive survey and salvage operations.

Mortality expected

6.3.6 Salvage may reduce direct mortality but will not locate every lizard. Detecting and capturing lizards in dense forest, tree canopies, leaf litter and complex refugia is difficult, and the Project footprint is too large for every potential refuge and felled tree to be searched completely. DOC's technical advice is that the Project will result in the killing of many undetected lizards during vegetation clearance and earthworks.

6.3.7 The EMP therefore does not establish a minimum, consistent level of salvage effort across the Project footprint; rather the Project Herpetologist has broad discretion to select methods, determine survey effort and exclude areas based on habitat type and quality. Given the low detectability of native lizards, manual search efforts should be quantified.

Release-site suitability and capacity uncertain

6.3.8 Lizards are proposed to be released into the Northern or Southern Release Sites. The EMP states that both sites provide suitable habitat for terrestrial skinks and arboreal geckos. However, only one suspected copper skink and no geckos were recorded at the Northern Site, and no lizard surveys have been undertaken at the Southern Site (s 3.7, EMP). The resident

populations and carrying capacities of the proposed release sites have therefore not been established.

6.3.9 Proposed habitat treatment consists principally of refuge piles containing logs, woody debris, log discs or rocks in areas with limited natural refugia. The EMP does not quantify how much habitat will be prepared, how many lizards each release area can accommodate, or how treatment will be matched to the requirements of each species encountered.

6.3.10 Without information on existing lizard populations and carrying capacity, DOC cannot determine whether the release sites can support relocated individuals without adverse effects on resident populations.

Predator control of limited benefit

6.3.11 Mammalian predator control is proposed from three months before relocation until three years after relocation is completed. Although this may provide a short-term benefit, the EMP does not specify measurable pest-density targets or lizard outcomes. DOC's technical advice is that three years is unlikely to provide adequate long-term protection for relocated lizard populations and that a predator-proof release area is justified for a Project of this scale.

Monitoring and management responses of limited benefit

6.3.12 The monitoring would not adequately demonstrate whether relocated lizard populations persist. It applies only where more than 20 individuals of a single species are released, leaving smaller translocations unmonitored. Surveys at two and five years provide limited opportunity to detect decline or respond before a population fails. Further, if persistence or breeding is not confirmed, the only response is two additional years of predator control, with no further monitoring required to determine whether that response was effective.

6.3.13 The monitoring lacks measurable population outcomes and effective contingency measures. DOC's technical advice is that the Lizard Management Plan should define intended outcomes and timeframes and require further management until those outcomes are achieved. Those requirements are not secured by the proposed conditions.

Best practice and competent handling

6.3.14 Departmental best practice for lizard handling can be applied to protect individual lizards during capture, handling, and transfer.

6.3.15 As for frogs, it is important that wildlife management is led by ecologists who are suitably experienced. DOC's standard and preferred approach is to assess lead herpetologists as part of the decision-making process and name approved persons on an approval.

Overall consistency with the purpose of the Wildlife Act

6.3.16 Lizard salvage is feasible and may protect some individuals that would otherwise be killed. However, the species and numbers affected remain uncertain, the release sites have not been

adequately assessed, and the proposed predator control and monitoring do not demonstrate long-term protection of relocated populations.

6.3.17 The application does not presently demonstrate consistency with the protective purpose of the Wildlife Act. If the Panel grants approval for lizards, stronger conditions are required to confirm suitable and secure release sites, establish minimum salvage effort, set measurable predator-control and lizard outcomes, and require monitoring that is linked to management action.

6.4 Purpose of the Wildlife Act – kauri snails

Species and abundance remains uncertain

6.4.1 Surveys confirmed the presence of kauri snails (18 individuals detected) within the designation, however the abundance, distribution and number of individuals potentially affected remain uncertain. However, the surveys were designed to confirm presence and identify suitable habitat rather than establish abundance, population size, distribution throughout the designation, or the number of animals likely to be affected by the Project.

6.4.2 The survey data do not provide a reliable basis for determining absence, estimating population size or estimating how many snails may be affected by the Project.

6.4.3 DOC’s technical advice is that the survey information does not provide a reliable basis for inferring absence, estimating abundance, or estimating how many kauri snails may be affected. Suitable habitat occurs more widely than the locations where snails were detected, and the final project footprint remains subject to detailed design.

Salvage effort not secured

6.4.4 Salvage and relocation may reduce direct mortality by locating and removing some snails before vegetation clearance and earthworks occur. However, the level of salvage effort proposed by the applicant remains uncertain. The EMP does not specify minimum search effort, repeat survey requirements, or species-specific moisture and weather conditions for surveys.

6.4.5 The EMP gives the Project Entomologist broad discretion to determine where surveys occur and allows areas to be excluded from searches based on habitat condition, land use, and the absence of snail records from desktop assessments or earlier surveys. DOC's technical advice is that suitable habitat should not be excluded on the basis of previous non-detection because the survey methods do not reliably demonstrate absence.

Mortality expected

6.4.6 Kauri snails are cryptic and difficult to detect. The EMP acknowledges that snails may shelter in leaf litter, coarse woody debris, vegetation and soils, and that juvenile snails may occur above ground in trees and shrubs. Although manual habitat searches, nocturnal spotlighting and construction-assisted salvage are proposed, it is unlikely that all affected snails will be located and captured before works commence.

6.4.7 Construction-assisted salvage may reduce mortality by locating animals as refugia are exposed during vegetation clearance. However, DOC's technical advice is that pre-clearance surveys and salvage are intended to reduce mortality rather than establish a census or demonstrate that all individuals have been located. Some mortality is therefore likely during project works.

Release-site suitability and capacity uncertain

6.4.8 The EMP proposes that salvaged kauri snails will be relocated to either the Northern or Southern Release Site. Kauri snail has been confirmed at the Southern Release Site, but not at the Northern Release Site.

6.4.9 The applicant has not assessed resident kauri snail abundance, prey availability, habitat capacity, appropriate release density, or the number of additional snails that either release site can support. The Southern Release Site's ability to accommodate relocated snails has therefore not been demonstrated. Similarly, no kauri snail-specific evidence has been provided to demonstrate the suitability of the Northern Release Site.

6.4.10 Moving salvaged snails into existing habitat without understanding resident populations or carrying capacity creates uncertainty regarding the survival and establishment of relocated individuals. DOC is therefore unable to determine whether the proposed release sites can support relocated snails without adverse effects on resident or relocated animals.

Predator control of uncertain benefit

6.4.11 The conditions require mammalian pest control to commence three months before relocation and continue for three years following completion of relocation activities. While predator control is likely to benefit both resident and relocated snails, no ecological basis has been provided for the proposed three-year duration.

6.4.12 Neither the conditions nor the EMP specify measurable pest-control targets, monitoring thresholds or ecological outcomes. Pest control may therefore cease after three years regardless of whether predation remains a material threat or whether relocated snails have successfully established. DOC's technical advice is that pest control should be linked to measurable outcomes rather than a fixed period of time.

Monitoring and management responses inadequate

6.4.13 If approved, robust monitoring would be important to assess whether relocation has successfully protected the affected kauri snails. However, the proposed monitoring programme is limited.

6.4.14 Monitoring is only proposed where more than 20 kauri snails are relocated to a release site, and no justification is provided for this threshold. Smaller relocations could still represent important populations but would receive no post-release monitoring.

6.4.15 The conditions do not require post-release monitoring of kauri snails or reporting of monitoring outcomes. The EMP proposes surveys at two and five years after relocation, with the objective

of determining whether snails persist at the release site. However, the monitoring design does not establish measurable population outcomes, standardised success criteria, or clear triggers for management intervention.

6.4.16 If monitoring fails to demonstrate persistence, the only proposed response is an additional two years of pest control. No further monitoring is required to determine whether that response was effective. DOC's technical advice is that the monitoring programme lacks adequate contingency measures and does not provide confidence that unsuccessful relocations would be identified and effectively addressed.

Competent handling

6.4.17 It is important that wildlife management is undertaken by suitably qualified and experienced invertebrate specialists. The draft EMP assigns significant responsibility and discretion to the Project Entomologist. DOC's technical advice is that management of kauri snail should be led by an ecologist with demonstrated experience. DOC’s standard and preferred approach is to assess lead entomologists as part of the decision-making process and name approved persons on an approval.

Overall consistency with the purpose of the Wildlife Act

6.4.18 Kauri snail is present within the designation and both confirmed and potential kauri snail habitat may be affected by the Project. The number of snails likely to be affected remains uncertain, salvage effort is largely discretionary, release-site suitability and capacity have not been demonstrated, and the proposed predator control and monitoring do not provide confidence that relocated populations will be successfully established and maintained.

6.4.19 The application does not presently demonstrate consistency with the protective purpose of the Wildlife Act. If the Panel grants approval for kauri snail, stronger conditions are required to establish minimum salvage standards, confirm suitable and secure release sites, assess release-site capacity, set measurable predator-control and ecological outcomes, and require monitoring and corrective action.

6.5 Information and requirements relating to protected wildlife

6.5.1 At Risk – Declining Hochstetter’s frogs belong to *Leiopelma*, an endemic and evolutionarily distinct genus of frogs. The Brynderwyn Hills population is one of four geographically separated populations (Moir Hill, Dome Valley, Brynderwyn Hills and Mareretū) that collectively form the genetically distinct Northern Clade. Although the taxonomy of Hochstetter’s frogs remains unresolved, the Northern Clade is genetically distinct from other populations and should be managed separately from other populations. It is not yet known whether the four populations within the Northern Clade are also genetically distinct from one another.

6.5.2 Hochstetter’s frogs are long-lived (living up to approximately 30 years), cryptic, and primarily nocturnal, with small home ranges and high site fidelity. They are semi-aquatic and typically occupy small forested catchments, sheltering beneath stones or within wet crevices along

stream beds and margins. They favour cool, shaded environments containing damp refugia such as cobble beds, seepages, leaf litter and decaying wood. The species occurs in mature indigenous forest, regenerating scrub and exotic pine plantations where suitable microhabitats persist. Although they can occupy modified habitats, including pine plantations, their low mobility and reliance on stable, moist microhabitats make them vulnerable to vegetation clearance, forestry harvesting, sedimentation, altered hydrology, habitat fragmentation and introduced predators.

6.5.3 At Risk – Declining kauri snail (*Paryphanta busbyi*) is a large, endemic, carnivorous land snail found only in Northland, from around Kaitaia south to the Warkworth area. It can reach approximately 79 mm in shell diameter and inhabits moist indigenous forest and scrub with fertile soils and abundant earthworms. Kauri snails may live for 20 years or more and feed on earthworms, insects, insect larvae and other snails. Its principal threats include habitat loss and modification, trampling and disturbance by stock and pigs, and predation by introduced mammals, particularly rodents and pigs.

6.5.4 The application identifies five native lizard species as potentially affected: Pacific gecko, forest gecko, elegant gecko, copper skink and ornate skink. Of these, only copper skink was confirmed during field surveys; the other species are considered likely or possible based on nearby records and available habitat. Forest gecko, elegant gecko, copper skink and ornate skink are classified At Risk – Declining, while Pacific gecko is Not Threatened but is considered locally uncommon. These species occupy a range of forest, scrub, forest-edge, leaf-litter and woody-debris habitats and are vulnerable to habitat removal and fragmentation, direct mortality during clearance, and predation by introduced mammals.

6.6 The role of species management plans

6.6.1 Wildlife Act approvals for wildlife management 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 management of effects on wildlife. 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, with changes to the plans able to be applied for by way of variation.

6.6.2 DOC's standard and preferred approach is that species management plans are finalised before a decision is made to approve an application.

6.6.3 In this case, the applicant has provided a draft EMP and proposed conditions for post-approval certification of the EMP.

6.6.4 Where a species management plan is not final at the time of the decision, or conditions are proposed for post-approval certification, it is crucial that the detail, objectives and outcomes of the management plan are prescribed by robust conditions. Conditions must contain clear and objective standards to ensure that management is linked to wildlife outcomes and to ensure

that DOC is not making decisions during certification that should instead be determined by the Panel as part of deciding whether to grant the wildlife approval. It is also important that DOC, as the regulator of both the Wildlife Act and the wildlife approval, retains an appropriate certification role.

6.6.5 DOC identifies the following fundamental issues with the applicant's management plan approach:

6.6.5.1 The proposed conditions largely specify what the species management plans must contain, but not the ecological outcomes they must achieve. They contain no measurable and enforceable objectives, targets, thresholds or triggers.

6.6.5.2 Important matters, including release-site selection and capacity, survey and salvage effort, pest-control standards, monitoring design and responses to failure, are deferred to the final EMP. These matters must inform the Panel's decision on whether to grant the approval rather than risk being determined through post-approval certification.

6.6.5.3 DOC does not support WA5, under which the EMP would be deemed certified if DOC does not make a decision on certification within 20 working days. Certification should require an affirmative decision that the EMP meets the conditions. DOC's technical advice is also that 20 working days would not be long enough to assess an EMP of this scale and complexity.

6.6.5.4 The conditions and draft EMP are not internally consistent. They use different plan names, do not give a consistent account of whether release sites are fixed or may be selected later, and include incorrect or unclear cross-references. These inconsistencies create uncertainty about what would be required and certified.

6.6.5.5 The draft EMP, as discussed earlier in this report, is not adequate to address the scale and uncertainty of the effects, particularly for Hochstetter's frogs. Given that the effects are so high, DOC considers that substantial further effort is required by the applicant on the assessment of the designation corridor, the EMP and conditions to effectively protect them.

6.6.6 These issues cannot be left to conditions or management plans finalised post-approval. They affect DOC's ability to assess whether the proposed wildlife management will be effective and the Panel's ability to make an informed decision on the application.

6.7 Conditions to manage effects on protected wildlife

6.7.1 The applicant has provided a set of conditions for the wildlife approval.

6.7.2 In addition to the above issues with the management plan condition framework, DOC identifies the following key concerns with the proposed conditions.

6.7.3 DOC does not consider that addressing the issues outlined below by making changes to conditions would, by itself, make the application acceptable or demonstrate consistency with the purpose of the Wildlife Act.

6.7.4 In making its comments, DOC has considered section 83 of the Act – DOC considers that each condition would not be more onerous than necessary to address the reason for which it is set.

Competency of Suitably Qualified Person

6.7.5 The conditions do not require DOC approval or endorsement of key specialists. If the ecologists leading the work are not named in the approval following DOC standard and preferred approach, any Suitably Qualified Person must be endorsed in writing by DOC post-approval.

Release site

6.7.6 The conditions do not require release sites to be demonstrated as suitable before approval is granted.

6.7.7 Before a release site is used, the conditions should require species-specific baseline surveys and assessment of resident abundance, habitat availability and quality, proposed release density and carrying capacity. The conditions should also specify what must occur if a proposed site cannot accommodate all salvaged wildlife.

6.7.8 The conditions and EMP must state consistently whether wildlife may be released outside the three sites mapped in Appendix A to the proposed wildlife approval conditions. Any additional site would need to meet the same assessment, protection and certification requirements before use.

Survey and salvage effort

6.7.9 The conditions do not prescribe minimum survey effort or salvage effort before habitat clearance, leaving it largely at the discretion of the applicant's ecologist.

6.7.10 The conditions should require stage-specific mapping and quantification of affected habitat. Previous non-detection should not be treated as proof that suitable habitat is unoccupied.

Pest control

6.7.11 The conditions require predator control for three years after relocation, with no ecological basis for that timeframe. They do not specify the target pests, treatment area, control methods, performance targets, monitoring requirements or responses if targets are not met.

6.7.12 Pest control is not linked to wildlife outcomes or monitoring results and could therefore end without showing that predation risk has been adequately reduced to a safe level for relocated wildlife. To be effective, a pest control programme should be linked to measurable pest-control and wildlife outcomes and continue for as long as necessary to achieve and maintain those outcomes.

Monitoring and management responses

6.7.13 The conditions (and the EMP) do not require meaningful post-release monitoring that can measure whether relocated wildlife survives, breeds, or establishes at release sites.

6.7.14 The conditions also do not require management responses if monitoring shows failure.

6.7.15 Monitoring should be proportionate to the species, number relocated and risk of failure. It should include clear performance measures, adaptive management responses and further monitoring to confirm whether those responses are effective. The final reporting requirement should also cover long-term relocation outcomes, not only whether salvage and relocation occurred.

Species covered

6.7.16 Approval for "any other lizard protected by the Wildlife Act" is too broad. Incidental killing should be foreseeable and the species covered should be identified from surveys, habitat assessments, and existing records.

6.7.17 *Amborhytida dunniae* is not protected under the Wildlife Act and should not be included in the wildlife approval conditions as an approved species.

6.7.18 The application does not seek approval for birds. However, construction may foreseeably kill or injure protected birds or destroy their eggs or nests. The Panel should seek clarification on whether the wildlife approval needs to cover birds and, if so, require the necessary assessment, management plan and conditions before approval is granted.

Scope and term

6.7.19 The draft conditions define the Project as including construction, operation, and maintenance. However, the wildlife application documentation does not adequately describe operation and maintenance activities or associated wildlife effects. Any approval should be confined to construction of the Project.

6.7.20 The 20-year duration sought is excessive. DOC's standard position is that the approval should expire after ten years or be subject to formal review every ten years to ensure the conditions and management plan reflect current species information and best-practice methods.

Avoid, minimise, remedy, offset, compensate

6.7.21 Under Schedule 7, clause 6 of the FTAA, when setting conditions the Panel must:

a. consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and

b. where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for where possible and appropriate; and

c. take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

6.7.22 The application relies mainly on salvaging and relocating wildlife before works begin. However, NZTA also seeks approval to incidentally kill wildlife because it accepts that some animals will not be found or successfully salvaged. The application provides little explanation of how the Project has been designed to avoid or reduce these deaths. For example, it does not assess whether effects from placing spoil in occupied gullies could be reduced by avoiding those gullies or taking surplus material off site.

6.7.23 Salvage can protect only animals that are found, captured safely and survive after relocation. It does not address animals killed during salvage or construction. Given the unprecedented scale of the expected mortality and the applicant's own conclusion that significant residual effects will remain for Hochstetter's frogs, the complete absence of any proposed remedy, offset or compensation is a major deficiency in the application. This does not mean that offsetting or compensation would necessarily make the effects acceptable. Avoidance, minimisation and remediation must be considered first, and it may not be possible to adequately offset or compensate for effects of this scale.

Treaty partner interests

6.7.24 The Panel should consider the cultural impact assessments and any comments received directly from Te Uri o Hau, Patuharakeke and Te Parawhau and any other Treaty partners when deciding whether conditions are required to recognise or protect their interests. In relation to the wildlife approval, relevant matters raised relate to inadequate information on project effects, tikanga for handling and relocating taonga species, participation in management-plan development and review, cultural monitoring, access to monitoring information, and involvement in responses where monitoring identifies poor outcomes. Any such conditions should reflect the views of the relevant Treaty partner and provide for appropriate resourcing where participation is required.

7.0 Consultation

7.1 Pre-lodgement

7.1.1 NZTA held discussions with DOC and on 17 March 2026, a draft Terrestrial AEE and draft Avifauna AEE were shared with DOC. The discussions were largely the presentation of information by NZTA. The draft Terrestrial AEE stated that an EMP would accompany the wildlife approval application; however one did not. The wildlife approval application was not shared with DOC in draft prior to lodgement. The draft EMP was provided the day before comments were invited from the Panel under s53 of the FTAA.

7.1.2 On 4 April 2026, DOC provided feedback on the draft Terrestrial AEE in regards Hochstetter's frogs and lizards. The feedback outlined that the residual effect on Hochstetter's frogs after mitigation was considered to be Very High; and that the survey effort for lizards was unsatisfactory.

7.2 Post-lodgement

7.2.1 On 16 May 2026, DOC provided feedback on the draft Terrestrial AEE in regards Kauri snails. The feedback concluded that the documentation did not yet give give enough certainty around kauri snail survey, salvage, release-site selection, pest control, monitoring, or evidence of snail persistence after monitoring to support the conclusion that residual effects on kauri snail will be Low.

7.2.2 No engagement has been sought by the applicant post-lodgement of the application.

8.0 Additional information

8.1 International Conservation Agreements

The United National Convention on Biological Diversity (CBD)

8.1.1 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.

8.1.2 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.

8.1.3 Key objectives of the strategy that are most relevant to this application include:

- *Ecosystems and species are protected, restored, resilient, and connected from mountain tops to ocean depths.*
- *Natural resources are managed sustainably.*
- *Management ensures that biological threats and pressures are reduced through management.*

8.1.4 The application has limited alignment with these objectives. The proposed wildlife management measures are intended to reduce direct harm to protected wildlife during construction, and predator control may provide some benefits at the release sites. Overall, however, the Project would permanently remove and fragment habitat occupied by Hochstetter's frogs, native lizards and kauri snails. The scale of the predicted effects on Hochstetter's frogs appears unprecedented in New Zealand, and the application does not adequately demonstrate that the proposed salvage, relocation and habitat-management measures will protect the affected population or maintain its long-term viability.

International Union for Conservation of Nature (IUCN)

8.1.5 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.

8.1.6 The IUCN Red List status of species named in the wildlife approval conditions is provided in Table 3.

	Common name	Species name	IUCN Red List Status
Frog(s)	Hochstetter's frog	*Leiopelma hochstetteri*	Least Concern – Decreasing (2015)
Lizard(s)	Pacific gecko	*Dactylocnemis pacificus*	Least Concern – Stable (2018)
	Forest gecko	*Mokopirirakau granulatus*	Vulnerable – Decreasing (2018)
	Elegant gecko	*Naultinus elegans*	Vulnerable – Decreasing (2018)
	Copper skink	*Oligosoma aeneum*	Least Concern – Stable (2019)
	Ornate skink	*Oligosoma ornatum*	Least Concern – Decreasing (2018)
	Any other lizard protected by the Wildlife Act 1953 (stated in draft wildlife conditions)		Various
Invertebrate(s)	Kauri snail	*Paryphanta busbyi*	Near Threatened (1996)

Table 3. IUCN red list status of species applied for.

8.2 Consistency with statutory planning documents and policy

8.2.1 The Project does not directly affect public conservation land. However, its effects on indigenous species and habitats outside public conservation land engage the Conservation General Policy 2005 (CGP) and the Northland Conservation Management Strategy 2014 (Northland CMS).

Conservation General Policy 2005

8.2.2 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.

8.2.3 CGP Policy 7(d) directs DOC to advocate for the protection of natural resources outside public conservation land, particularly where indigenous species or significant habitats are threatened with loss or decline; proposed activities are likely to cause further loss, degradation or fragmentation of significant places; or ecological connections can be maintained or improved. Policy 11.1(a) provides that applications for authorisations should be consistent with the relevant legislation and applicable conservation management strategies, while Policy 11.1(c) provides for monitoring the effects of authorised activities to inform future management decisions.

Northland Conservation Management Strategy 2014

8.2.4 The Northland Conservation Management Strategy 2014–2024 (Northland CMS), approved by the New Zealand Conservation Authority, provides regional statutory planning guidance through a vision, objectives, place-based outcomes, and specific policies. It is the operative conservation management strategy for the Northland region and remains operative unless formally reviewed, amended, or replaced in part.

8.2.5 The Northland CMS objectives most relevant to the application are to:

- "Advocate for the protection of priority natural heritage", including Threatened and At Risk species (objective 5.1.1.6);
- protect and restore important ecosystems outside public conservation land (objective 5.1.1.11); and
- establish a regional network of healthy, functioning and connected ecosystems (objective 5.1.1.13).

8.2.6 The Pouto-Kaipara Place outcome seeks "significant net conservation benefits" from the sustainable management of adjoining land. Policy 13.2.2.12 provides that authorisations for nationally or regionally significant infrastructure may be allowed where they are consistent with the relevant Place outcomes and policies.

8.2.7 The Whangaruru-Mangawhai Coast Place similarly seeks a net conservation benefit wherever possible. Policies 13.2.2.10 and 14.2.2.8 require infrastructure companies and contractors working in kauri forest to adopt kauri dieback hygiene standards for personnel, machinery and equipment.

8.2.8 Policy 16.2.1.4 states that authorisations should not be granted where they are inconsistent with the CMS objectives, Place outcomes or policies.

9.0 Treaty of Waitangi settlement considerations and obligations

9.1 Treaty of Waitangi settlement obligations

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

9.1.2 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.

9.1.3 The section 18 report identifies one enacted Treaty settlement relevant to the Project: the Te Uri o Hau Claims Settlement Act 2002. It identifies several Māori groups with interests in the Project area, including Te Uri o Hau Settlement Trust, Te Rūnanga o Ngāti Whātua, Ngātiwai Trust, Patuharakeke Te Iwi Trust Board and Te Pouwhenua o Tiakiriri Kukupa Trust, representing Te Parawhau ki Tai.

9.1.4 The Te Uri o Hau Deed of Settlement includes a conservation protocol between DOC and Te Uri o Hau. The protocol identifies mutual concerns including effects on wetlands, riparian management, freshwater fish habitat, water quality, and the protection of indigenous vegetation and habitats. It requires DOC to have regard to agreed priorities and issues of mutual concern

when undertaking Resource Management Act advocacy. It also provides for consultation and, where reasonably practicable, Te Uri o Hau participation in the conservation and management of customary freshwater fisheries and their habitats. Although the conservation protocol does not impose specific obligations for Wildlife Act applications, the interest in biodiversity and freshwater habitats is relevant to the application and the Project's effects particularly on Hochstetter's frogs which rely on healthy freshwater habitats.

9.2 Treaty of Waitangi principles

9.2.1 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[2] (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.

9.2.2 For this application, this has included:

- DOC notifying Treaty partners of the application and providing them with an opportunity to engage. 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.
- Ensuring that the information in this report is informed by any information from Treaty partners and the impact the activity would have on their interests.

9.2.3 DOC also met with Te Pouwhenua o Tiakiriri Kukupa Trust and Te Parawhau Hapū and their two ecologists, at their request, on two occasions in June 2026 to share understanding of the application from an ecological perspective.

9.2.4 As the Panel will be aware, Cultural Impact Assessments have been received from Te Uri o Hau, Patuharakeke Te Iwi Trust Board, and Te Parawhau Hapū. These were all received prior to the 13 July 2026 updated application documents were provided from the applicant. All three Cultural Impact Assessments include significant emphasis on ecological effects of the Project, including:

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

9.2.4.1 Significant concerns from Te Parawhau Hapū with the applications approach to taonga species of lizards, Hochstter's frogs and kauri snails; and

9.2.4.2 Extreme concern from Patuharakeke Hapū that the effects could be extremely high for Hochstetter's frog and high also for Kauri snail. Patuharakeke Hapū consider that the 'outcomes-based' approach, paired with broad conditions is fundamentally inappropriate and relies on an insufficient initial understanding of project impacts, and establishes a framework that lacks the necessary rigour to keep adverse effects within acceptable limits.

Appendix A: Expert advice on frogs, lizards and avifauna (Dr Rhys Burns)

Appendix B: Expert advice on kauri snails (Dr Jamie Stevart)

Appendix C: Weighting of matters report