

Department of Conservation advice for EPA compliance assessment

Overview

Project name	Bangor Village
Project applicant	Hughes Developments Limited
EPA unique ref. no	FTA-2607-1260
EPA Request Number	CRM:0139018358
Conservation approvals sought	Wildlife approval
EPA request summary	To inform the EPA's completeness assessment of the application, please provide DOC's views on whether the documentation provided by the EPA regarding the above approval, as provided by the applicant, meet the requirements of sections 42 and 43 of the Act and has been provided in sufficient detail to satisfy the purpose for which it is required, in accordance with section 44 of the Act.
Date due to EPA	28 July 2026

On 21/07/2026 the Department of Conservation (DOC) received a request from the EPA seeking its views whether the application meets the requirements of sections 42 and 43 of the Fast-track Approvals Act 2024 (the Act) and whether the information is in sufficient detail to satisfy section 44 of the Act.

The purpose of this document is to provide advice to assist the EPA in making its decision whether the application lodged by Hughes Developments Limited on 21/07/2026 complies with the requirements of section 46(2) of the Act.

The advice covers compliance with the following:

- Information requirements for relevant approvals
- Consultation/notification requirements
- Further observations
- Further information recommended

The advice also includes further observations of relevance to further processing of the application, for example where further information could be needed for a decision by the panel.

DOC understands that this document will be passed on to the applicant, the Panel Convener and the Panel.

Compliance with information requirements

Approvals are sought for:

- Activities relating to lizards including capture, handling, relocation and liberation and incidental killing (of individuals unable to be salvaged).

Our detailed assessment of the information requirements for the relevant approval is provided in the attached table. **In summary, DOC's advice is that the application does not fully meet the requirements of sections 42, 43, and 44 of the Act.**

a. The following information is not in sufficient detail:

- i. The applicant has not provided adequate details on the suitability of the proposed release sites. Engineering information to support the claimed suitability of the Selwyn River release site has not been provided (Schedule 7, cl (2)(1)(b));
- ii. The applicant has not provided adequate evidence of the species present at the site or the proposed secondary release site. This is important, as morphological features alone are not adequate to distinguish between Canterbury grass skinks (At-Risk, Declining) and southern grass skinks (At-Risk, Declining) and it is not appropriate to mix different species of skinks (Schedule 7, cl (2)(1)(d));
- iii. The applicant has not identified contingency methods in the case of unanticipated circumstances (Schedule 7, cl (2)(1)(k));
- iv. While a register of consultation includes a table with dates and a summary of comments received at consultation, the proof and details of consultation (including emails and meeting notes) is not included, which makes it difficult to understand the full context of consultation (Schedule 7, cl (2)(1)(n)).

Consultation

The applicant undertook consultation with DOC in regards to the required WAA prior to lodging its substantive application. A summary of this consultation is included below:

A meeting with DOC's project ecologist, the Fast-track Project Manager, and the applicant's project ecologist occurred on the 5th of June 2026;

- In this meeting, DOC indicated that:
 - Lizard surveys were undertaken late in the season and large parts of the site were not surveyed. This means that it will be difficult to estimate the extent of habitat loss unless further survey work is carried out. DOC recommended calibrating the surveys undertaken against the actual numbers of lizards recorded at other sites where populations have been confirmed through salvage work;

- DOC sought verification of the lizard species present through DNA testing.
- DOC expressed concern with the proposed Selwyn River release site. This arose from the uncertainty of the species proposed to be salvaged, as DOC considers that it is inappropriate to mix Southern grass skinks with Canterbury grass skinks. Further, the proximity of the proposed release site to the river raised questions as to the long-term viability of this habitat. It was also noted that this site is being used for other projects, which raised questions around the site's carrying capacity.
- On-site rehabilitation through planting does not necessarily benefit skinks and the suggested on-site release site is isolated from other potential habitat and may expose skinks to predation pressure from domestic cats.

Further observations

In addition to the compliance requirements, DOC makes the following observations:

- The avoidance measures detailed in the Lizard Management Plan (LMP) are not avoidance measures, rather they represent minimisation measures. DOC recommends that management measures be appropriately categorised in the final LMP
- DOC recommends that section 2.1.1 of the LMP be strengthened to clarify that no works can occur over lizard habitats plus buffer until salvage is complete.
- The LMP states that a net gain in lizard habitat will be achieved, but it is unclear how this conclusion has been derived, as it appears that there will be 2 ha of lizard habitat lost, with 1.7 ha of release sites. Further, there is no significance of effects assessment or residual effects analysis. A comprehensive analysis of residual effects should be provided to support conclusions relating to effects on lizards.
- The applicant has not indicated any need to apply for Complex Freshwater Fisheries Approvals (CFFA). It is understood that an applicant may choose to apply for as many or as few eligible approvals through the Fast-track process as is deemed appropriate. However, DOC notes that page 7 of the Aquatic Ecology Report states that fish translocation will be required for all waterway realignments. Under s42(4)(j)(iv) of the FTAA, fish translocation falls under the definition of a CFFA. However, given this appears to be outside the scope of what has been referred, DOC therefore considers that the applicant will need to apply for this approval through the business-as-usual pathway under the Freshwater Fisheries Regulations 1983.

Further information

DOC requests that the following further information be provided:

- eDNA sampling for Canterbury mudfish (Threatened, Nationally Critical) is requested. It is noted that the presence of Canterbury mudfish can be difficult to determine based on electric fishing alone. Sampling by eDNA will help to determine the presence (or absence) of Canterbury mudfish at the site.

Applications for wildlife approvals

Clause 2 of Schedule 7 outlines the information required in an application for a wildlife approval.

Relevant section	Is the information present? Y/N	Application document reference (include section/page reference)	Is the information provided in sufficient detail? Y/N	Comments <i>[If the information is not considered sufficient add a short statement why]</i> <i>Delete this guidance and if appropriate add comment</i>
Schedule 7 clause 2(1) - For the purposes of section 43(3)(h), an application for a wildlife approval must include the following information:				
(a) specify the purpose of the proposed activity:	Y	Substantive Project Assessment (SPA) page 4 Lizard Management Plan (LMP) page 9 Terrestrial Ecological Impact Assessment (TEcIA) page 8	Y	
(b) identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land):	Y	LMP, page 9 & 32 –43 SPA, page 11	N	It is not clear when the on-site release area would be completed and how long before salvage and release this may be, this information is important for

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				understanding the suitability of the proposed on-site release area. Further, if the on-site release area is high-quality lizard habitat as described, lizards would already be expected to be present. Their absence needs to be addressed. While pest management is planned for (mice, rats, hedgehogs), the duration is short and no detail is given on methods for control or monitoring. Ongoing protection and exclusion must be provided for to ensure lizard persistence. The LMP states that cat control may be unable to be implemented. DOC disagrees with this assessment and notes that cat control can be implemented on a subdivision-wide basis with either exclusion or rules which require cats to be kept inside. Cat control is critical for ensuring lizard protection if the on-site release area is implemented.

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				Evidence for the appropriateness for the proposed off-site release area needs to be enhanced. While the LMP estimates that this site has capacity for more than 3,000 skinks, it notes that 147 skinks have already been released there from another project. It is unclear if the previously released skinks are of the same species as the skinks from the Bangor Village site, and it would be inappropriate to release skinks to a site with incompatible skinks (or with a mix of skink species). There is not adequate detail on whether the previously released skinks have been successfully established. Pest management details for the off-site release area are not complete, and long-term protection has not been adequately demonstrated as ECAN may dispose of the site in the future and it does not appear as though long-term pest management has been established. DOC's concerns regarding flood risk at the Selwyn River have only

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				been partly addressed. While the LMP states that the off-site release area is not considered flood-prone because the river is dry much of the year and because riparian vegetation provides protection, DOC requested engineering justification (such as flood modelling) for this conclusion, which has not been provided.
(c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953:	Y	SPA, page 69	Y	
(d) list protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted:	Y	SPA, page 67 – 68 LMP, section 1.4 TEcIA, section 3	N	No DNA evidence has been provided to confirm the species of skinks present onsite. DNA evidence of the released lizards and those on the Selwyn River site will be required, as it is not appropriate to mix clade 4 & 5 skinks, and genetic sampling is the only reliable method to understand which skinks are present.
(e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):	Y	LMP, section 1.4 TEcIA, sections	Y	

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		3.1.3.3 & 3.2.3.3		
(f) state how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met:	Y	LMP sections 1.3.1 & 2.2 TEcIA sections 3.1.4 & 3.2.4	Y	Applicant has outlined methods and timeframes around contingencies however they have also noted that specific methods would be decided by the project herpetologist closer to the salvage time, and informed by later assessment. The Applicant has used the 'Key principles for lizard salvage and transfer in New Zealand 2019' by DOC to inform their practices.
(g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	Y	LMP sections 1.3 & 2.2	Y	
(h) state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):	Y	SPA section 4 LMP pages 11, 18 – 23, 26 – 30, 45	Y	A clearer image of Fig 32 would be helpful as it is currently almost illegible. GPS coordinates for the off-site release area would also be helpful in appropriately locating this site in mapping systems.

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(i) state whether authorisation is sought to temporarily hold or relocate wildlife:	Y	SPA section 21 LMP sections 1.1 & 2	Y	
(j) list all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site:	Y	TEcIA section 2.2	Y	
(k) where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife):	Y	LMP section 2 TEcIA sections 3.1.4, 3.2.4	N	The applicant has not identified contingency actions for the management of lizards in unanticipated circumstances. Contingency actions should be provided for if: • More lizards are caught than estimated; • A different species than the surveyed species is found; • The on-site lizard release area is not ready; • The lizard release area reaches carrying capacity; • Unsuitable weather causes delays with lizard salvage;

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				• The staging of works changes; • Lizards are found outside of demarcated thresholds; • Mortality occurs above an agreed threshold.
(l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953:	Y	SPA section 21.27	Y	
(m) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court:	Y	SPA section 21.28	Y	
(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:	Y	Affected Party Engagement Register (Attachment 16) SPA sections 18.60 - 18.63	N	Attachment 16 has dates and comments outlined in a table, however the proof and details of consultation (such as emails and meeting notes) are not present.

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(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	Y	Multiple expert reports are provided to support the application	Y	