

BEFORE THE PANEL CONVENER

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

AND

IN THE MATTER of an application by Carter Group Limited under section 42
of the FTAA for the Ōhoka Residential Subdivision

APPLICATION NO. FTAA-2606-1253

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

11 August 2026

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (**D-G**) by the Department of Conservation (DOC). It responds to a minute of the Panel Convener dated 7 August 2026 in respect of the Ōhoka Residential Subdivision (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 2 of the Minute.
4. The memorandum focuses primarily on the approval sought under section 42(4)(h), being a wildlife approval as defined in Clause 1 of Schedule 7.

Paragraph [7] of the Minute

Engagement

5. Prior to lodgement, the applicant shared high-level information on the project with DOC, including draft reports and a Lizard Management Plan.
6. Post-lodgement, the applicant has advised that they would like to meet with DOC and Waimakariri District Council to discuss the feedback provided in relation to biodiversity values. This meeting is currently being arranged.

Information gaps

7. DOC’s experts consider that further information or clarification on the following matters is required.
 - a) Additional detail regarding the extent of lizard habitat to be impacted or salvaged from (i.e. detailed maps), to understand whether the release site is of sufficient scale relative to the area affected or whether compensation will be required to address residual effects.
 - b) Clarification on the staging of works and how this will affect the timeline for salvage and the management of the lizard release site.

- c) The objectives of monitoring in the Lizard Management Plan should be more clearly defined. DOC considers that monitoring should be designed to provide an index of abundance within the release area over a five-year period, to measure how the population recovers or otherwise responds.
- d) The proposed Lizard Management Plan provides for amendments to be certified by the District Council and that the amendments are 'deemed certified' where no written response is provided within 20 working days. Any amendments to the Lizard Management Plan will require certification by the Director-General of Conservation, as this management plan implements the Wildlife Approval. DOC does not agree that 'deemed certification' is appropriate where no written response is provided within a certain timeframe.

Expertise being commissioned by the Department

- 8. DOC has the following in-house experts engaged on this project:
 - a) Herpetology – Lynn Adams (in-house)
 - b) Wildlife Approvals – Charlotte Grey (in-house)
 - c) Resource Management Planning – Leah McEnhill (in-house)

Complexity

- 9. DOC 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, subject to the applicant providing further information or clarification on the matters listed under 7(a) – (d) above.
- 10. DOC is not in a position to advise the Convener about the complexity of the resource consent component of the Project, as DOC has had relatively little time to review and respond to the application.

Conditions

- 11. The Wildlife Act approval conditions within Appendix 45 appear to be broadly sufficient however some matters within the Lizard Management Plan require further clarification. These matters are described within 7(a) – (d) above.

12. The proposed conditions are not in a format consistent with DOC's standard Wildlife Approval template conditions, and require updating to ensure format and content is consistent with wildlife approvals generally. DOC will provide this template to the Applicant.

Processes to resolve, narrow issues

13. DOC will work with the other parties to resolve or narrow issues as the panel instructs.

Appointment of panel members

14. In terms of DOC'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 and freshwater habitat).
15. The DOC considers it may be appropriate for the Panel Convener to appoint a panel that contains, or has access to, relevant ecological expertise, albeit recognising that the panel would be guided by reports and advice from DOC and others.
16. DOC considers that, in terms of DOC's interests, appointing more than the default number of panel members is not required, though recognises that matters outside of DOC's interests may warrant appointment of additional members.

Timing of panel decision

17. DOC 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.
18. DOC considers that the default timeframe would be sufficient for the wildlife approval component of this Project, as it is of low legal, evidential, and factual complexity. It is expected that specific advice around timeframes needed to decide on the resource consent elements of the Project are to be provided by other attendees of the conference.
19. DOC 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.

20. DOC 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. DOC's representatives will be happy to elaborate further on any of the above points at the conference set 17 August 2026.
22. DOC confirms willingness to engage directly with the applicant and Panel as necessary to advance the progress of the application.
23. DOC's representatives (Dean van Mierlo (legal counsel) and Nicole Heron (project lead)) will attend the conference.

Dean van Mierlo
Counsel for the Director-General of Conservation