

Department of Conservation advice for EPA compliance assessment



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

Overview

Project name	Wairakei South
Project applicant	Bell Road Limited Partnership
EPA unique ref. no	FTAA-2605-1227
EPA Request Number	CRM_0139014509
Conservation approvals sought	Wildlife Act Approvals for lizard salvage, handling, temporary holding and relocation
EPA request summary	Provide advice as to whether any matters listed in clause 2 Schedule 7 (information required in application for wildlife approval) have not been addressed or have not been provided in sufficient detail.
Date due to EPA	28 May 2026

On 20/05/2026 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 Bell Road Limited Partnership on 12/05/2026 complies with the requirements of section 46(2) of the Act.

The advice covers compliance with the following:

- Information requirements for relevant approvals
- Consultation requirements

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

Our assessment of the information requirements for the relevant approval is provided in the attached tables. In summary, DOC's advice is that the application may NOT meet the requirements of sections 42, 43, and 44 of the Act.

a. The following information has not been identified:

- The applicant has shown no evidence of consultation with or notification of Ngāti Rangiwewehi. This may be consequential in the context of the proposed hydrological alterations and the potential impact that the project may have on

the Kaituna River, over which Ngāti Rangiwewehi has a Statutory Acknowledgement, not precluding any other potential considerations.

b. The following information has not been provided in sufficient detail:

- Effects management activities in the LMP have not been customised to reflect species determined present (noting that different species have different ecological requirements).

Notification/Pre-lodgement engagement

Section 29(1)(a) of the Act requires that, before lodging a substantive application for a listed project, the authorised person for the project must notify the relevant administering agencies 11(1)(aa).

With the understanding that the applicant intended to lodge their substantive application, and wishing to provide comments on the project, DOC provided a Pre-Lodgement Consultation Summary to the applicant based on the information available at 7th of May 2026. While the applicant did provide some draft documents and a meeting was undertaken, DOC considers that the non-responsiveness of the applicant following a meeting on the 15th of April frustrated any ambitions for more meaningful pre-lodgement engagement and prevented DOC from providing comments on all the matters relevant to the Department.

Further observations

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

- Whilst species and their numbers have been outlined it does not appear as though the applicant has undertaken comprehensive wildlife surveys to determine the presence (or not) of specific protected species (either at the impact site or the two proposed release sites).
- The applicant has not consistently referenced the species of lizard we understand the approval is sought for in the LMP (which would normally contain this level of detail). In other areas of the application (labelled consultation advice) copper and moko skink are identified. Clarification will be required on this issue.
- DOC notes that the applicant has not indicated an intention to apply for any Complex Freshwater Fisheries Activity Approvals (CFFA). DOC considers it likely that the proposed activities will require CFFA, and this opinion was expressed in our Pre-Lodgement Consultation Summary sent to the applicant on the 7th of May. It is acknowledged that an applicant under the FTAA may choose to apply for as many or as few of the required approvals through the FTAA as they deem prudent. DOC notes that any required CFFA not acquired through the Fast-track

process will need to be obtained through the business-as-usual application process. DOC notes that the proposed hydrologic alterations are consequential and may have a meaningful impact on the Kaituna River. As indicated in the tables below, the applicant has consulted with most of the Treaty partners that DOC considers to be likely impacted. However, we were unable to identify if the applicant has consulted with Ngāti Rangiwewehi.

Listed project requirements under section 43(2)

The table below provides information to assist the EPA in relation to consideration of the matters required for listed projects for a substantive application under section 43(2) of the Act. This section requires additional information for listed projects that would otherwise have been required during the referral process. Where this information duplicates other requirements it will be addressed elsewhere.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
13(4)(j): - relevant Treaty settlement entities - relevant protected customary rights groups and customary marine title groups - relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011: - persons with a registered interest in land that may need to be acquired under the Public Works Act 1981	Y	AEE, page 17 shows Statutory Acknowledgements	N	The AEE identifies the following Statutory Acknowledgements: ■ Ngāti Rangiwewehi: Kaituna River ■ Tapuika: Kaituna River ■ Waitaha: Kopuaroa Canal and Kaituna River DOC agrees with this identification of Statutory Acknowledgements. However, no mention of Treaty settlement entities with areas of interest over the Site are identified. DOC's assessment found that the Site falls within the area of interest under the following Treaty Settlements: ■ Ngāti Pūkenga Claims Settlement Act 2017

				■ Tapuika Claims Settlement Act 2014 ■ Waitaha Claims Settlement Act 2013 Further, Appendix AM states that 'No Treaty Settlements are applicable to the site'. DOC considers that Treaty Settlements where the Site is included in the Area of Interest may be applicable, further, being that the project site will include earthworks and alterations to the local hydraulic system, DOC considers the Statutory Acknowledgements over the Kaituna River and Kopuaroa Canal to be applicable.
13(4)(k) a summary of the consultation undertaken for the purposes of section [29] and any other consultation undertaken on the project with the persons and groups referred to in paragraph (j) and how that consultation has informed the project	Y	Appendix AB	Y	Consultation with DOC is accurately characterised, and DOC's Pre-Lodgement Consultation Summary is provided. It is noted, however, that the consultation was fairly minimal (summarised above). Consultation is recorded with Tapuika, Ngā Pōtiki and Waitaha. DOC considers that a comprehensive consultation strategy would also see consultation with Ngāti Rangiwewehi on the potential impacts of the project on the Kaituna River.

13(4)(l) a list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements 13(4)(n) a statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019: 13(4)(o) information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area:	N	N/A	N	See section under 13(4)(j) for more detail.
13(4)(m) a description of any processes already undertaken under the Public Works Act 1981 in relation to the project:	N/A	N/A	N/A	N/A
13(4)(u) whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and,— (i) if an application has been made, details of the application: (ii) if a decision has been made, the outcome of the decision and the reasons for it	N/A	N/A	N/A	N/A
13(4)(x) a summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant (or if the referral application is lodged by more than 1 person, any of those persons) under a specified Act:	No Compliance or enforcement actions identified	N/A	N/A	N/A

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?	Application document reference	Is the information provided in sufficient detail?	Comments
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	Appendix AJ, section 1.2 of LMP; Appendix AB Part 3 of 3, pg. 28.	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	Appendix AB Part 3 of 3, pg. 29 and 32; Appendix AJ, section 3 of LMP	Y	Salvage, handling, temporary holding and relocation
(c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953:	Y	Appendix AJ, section 3 of LMP; Appendix L, section 9.2.4; Appendix AB, pg. 34	Y	

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
(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	Appendix AJ, section 3 of LMP; Appendix AB Part 3 of 3, pg. 30; Appendix L, section 4.3	Y	It is noted that the assessment of lizards present and populations is limited. Habitat availability is a poor predictor of lizard presence or population size. Ideally a survey would have been completed so DOC could assess the scale of impacts to each species and so tailor the scale of mitigation needed to provide protection. This information would strengthen DOC's advice to the panel. The same applies to the release site- there no information of the population(s) already present at the release site so we cant assess impacts or benefits for releasing lizards into this site.
(e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):	Y	Appendix AJ, section 3 of LMP; Appendix L, section 9.2.4, Table 17	Y	As above the applicant has provided information, but it is based on limited data.
(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	Appendix AJ, Table 2	Y	

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
(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	Appendix AJ, section 3.1.2 - 3.1.6	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	Appendix AJ, impact site 1.1; figure 2. Release site Figure 6 and sections 4.1.1-4.1.2	Y	
(i) state whether authorisation is sought to temporarily hold or relocate wildlife:	Y	Appendix AJ, s 1.2, 2.3; Substantive App s. 6.5.1.1 (pg. 145); Appendix AB part 3 pg. 29	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	Substantive app s. 6.5 (pg. 142 - 147); Appendix L	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	Y	Appendix L table 17; s. 9.5; Substantive	N	Effects management activities e.g. in the LMP have not been customised to reflect species determined present (noting that different species have

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife):		App Table 11 and s. 6.5.1.1		different ecological requirements). It is also noted that limited information about lizard populations present may mean effects are not fully identified and addressed.
(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	Appendix AM pg. 25	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	Appendix AM pg. 25	Y	
(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:	Y	Appendix AB part 1, pg. 81-86; Appendix AB part 2, pg. 327-384	N/A	DOC is unable to determine the sufficiency of engagement with Iwi b however information has not been identified in relation to specific consultation on wildlife impacts.
(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	Y	Appendix L	Y	