



Volume C: Wildlife Approval

Brookvale Green

174 & 176 Brookvale Road, Havelock North

FTAA Substantive Application

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B&A
Urban & Environmental

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Vermont Street Partners No.4 Limited

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Referenced Appendices (see Volume A & Appendices)

Volume A:	Planning Report
Appendix 1:	Record of Titles
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Appendix 20:	Consultation Report
Appendix 28:	Conditions Suite
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1.0 Introduction

This Wildlife Act approval volume has been prepared in conjunction with the substantive application to the Environmental Protection Authority ('EPA') for the Brookvale Green Project ('Project') at 174 and 176 Brookvale Road, Havelock North ('Site').

This volume ('Volume C') addresses the Wildlife Act 1953 ('Wildlife Act') approval sought for the Project under Schedule 7 of the Fast-track Approvals Act 2024 ('FTAA'). The approval is sought on a precautionary basis to authorise the salvage, handling, temporary holding, relocation and incidental killing of indigenous lizards if required during vegetation clearance, earthworks and associated construction activities.

The wider Project description, assessment of environmental effects, consultation summary, statutory assessment and proposed conditions are contained in the substantive application Volume A Planning Report and appendices. This volume should be read alongside that material, in particular the Ecological Assessment Report and Fauna Management Plan ('FMP').

1.1 Purpose of this Volume

The purpose of this volume is to provide a focused assessment of the Wildlife Act approval sought under Schedule 7 of the FTAA. It draws together the information relevant to the protected wildlife approval, including the species potentially present, habitat context, proposed fauna management methods, consultation, proposed conditions and the matters relevant to the Panel decision.

1.2 Approval Sought

A Wildlife Act approval is sought under the Wildlife Act, via Schedule 7 of the FTAA, for the salvage, handling, temporary holding, relocation and incidental killing of **indigenous lizards**. The approval is required because vegetation clearance and earthworks proposed by the Brookvale Green Project may affect potential lizard habitat.

2.0 Statutory Framework

2.1 Fast-track Approvals Act 2024

This application is made under the FTAA. Section 42(4)(h) enables a substantive application to seek a wildlife approval as defined in clause 1 of Schedule 7. The Panel is required to determine the approvals sought in accordance with the FTAA decision-making framework, including the specific requirements for wildlife approvals under Schedule 7.

2.2 Schedule 7 Information Requirements

The information requirements for an application for a wildlife approval under clause 2 of Schedule 7 of the FTAA are addressed in **Table 1** below. The table identifies the corresponding section of this volume and any material contained in the Volume A Planning Report and appendices.

Table 1: FTAA Schedule 7 Wildlife Approval Information Requirements

Schedule 7 (3) Information required in application for concession	Where addressed in this Volume
Clause 2(1)(a): specify the purpose of the proposed activity:	Section 4.0 Proposal
Clause 2(1)(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):	Section 4.3 Management Methodology
Clause 2(1)(c): include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953 :	Section 5.1 Purpose of the Wildlife Act
Clause 2(1)(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:	Section 3.4 Protected Species Potentially Present
Clause 2(1)(e): outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):	Section 3.4 Protected Species Potentially Present
Clause 2(1)(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:	Section 5.3 Effects Management Measures
Clause 2(1)(g): describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	Section 5.2 Effects on Protected Wildlife
Clause 2(1)(h): state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):	Section 3.1 Location
Clause 2(1)(i): state whether authorisation is sought to temporarily hold or relocate wildlife:	Section 4.1 Wildlife Activities to be Authorised
Clause 2(1)(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:	Section 5.0 Assessment
Clause 2(1)(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):	Section 5.0 Assessment
Clause 2(1)(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 :	Section 4.4 Applicant Information
Clause 2(1)(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:	Section 4.4 Applicant Information
Clause 2(1)(n): provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:	Section 6.0 Consultation

Schedule 7 (3) Information required in application for concession	Where addressed in this Volume
Clause 2(1)(o): provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	Section 6.0 Consultation
Clause 2(2): If the substantive application is to be lodged by more than 1 authorised person,	The substantive application will be lodged by one applicant – VSP.

2.3 Schedule 7 Decision-making Matters

For the purposes of the Panel decision under section 81 of the FTAA, in accordance with Clause 5 of Schedule 7, the Panel must take into account the purpose of the FTAA, the purpose of the Wildlife Act and the effects of the Project on the protected wildlife covered by the approval, together with relevant information relating to the protected wildlife, including conservation status information. The Panel must give the greatest weight to the purpose of the FTAA. An assessment against Clause 5 is provided in Section 8.0 of this Report.

3.0 Protected Wildlife and Site Context

3.1 Location

In accordance with Clause 2(1)(h) of Schedule 7, the Site is located at 174 and 176 Brookvale Road, Havelock North (**Figure 1**), at the eastern edge of the existing urban area. The Project area is approximately 24 ha and includes the adjoining Arataki Reserve land, being Lots 3 and 4 DP 481968. The approximate GPS coordinates for the Site are -39.658866, 176.906010.

Records of Title are provided at **Appendix 1**. A full description of the Site and surrounding environment is provided in the Volume A Planning Report.

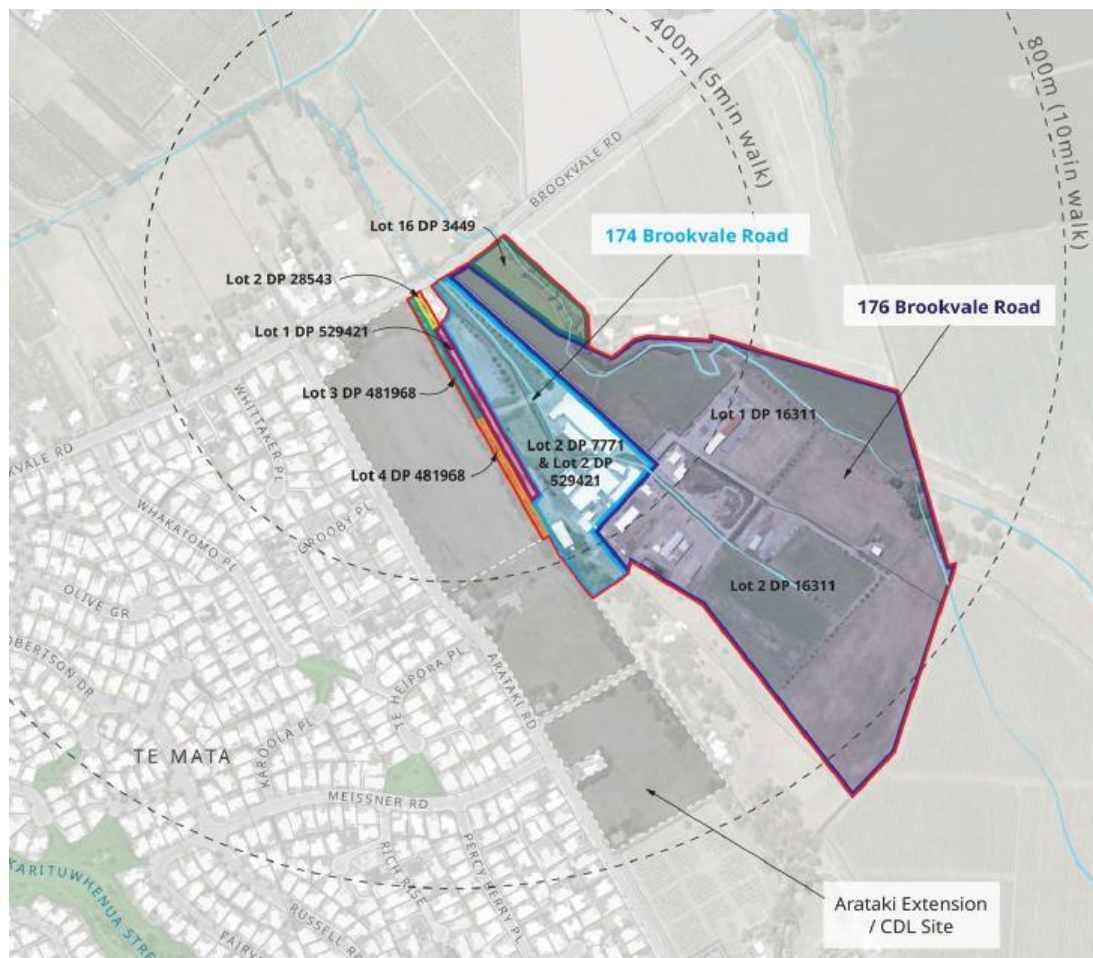


Figure 1: Brookvale Green Site Area

3.2 Site Context

The Site is currently used for rural production purposes and is highly modified due to the former Te Mata Mushroom operations. It includes commercial operations, yards, hardstand and access, exotic pasture, orchards, shelterbelts and associated buildings. The Arataki Reserve land includes a stand of mature gum trees and scrub undergrowth along its extent.

The Ecological Assessment Report prepared by Wild Ecology (**Appendix 8**) identifies potential habitat for native fish, bats, birds and lizards, with species specific management measures set out in the FMP prepared by Stantec (**Appendix 29**).

The Wildlife Act approval sought by this volume is directed to **indigenous lizards**. Other fauna management measures for freshwater fish, bats and birds are addressed through the Volume A Planning Report, FMP and proposed conditions, but do not form consideration of the Wildlife Act approval sought in this volume.

3.3 Indigenous Lizard Habitat

No indigenous lizards were recorded during the site walkover surveys. The Ecological Assessment Report (**Appendix 8**) identifies that the Site provides limited habitat for indigenous lizards due to historical vegetation clearance and ongoing rural production and horticultural land use which has modified the site. Ground and shrub layer vegetation is sparse, and the current land use generally prevents rank grass, shrub or structural cover from developing.

Potential lizard habitat is present within shelterbelts and rank grasses at the base of shelterbelts and the Arataki Reserve land gum tree strip. Arboreal lizard habitat may also be present within mature shelterbelt trees. Habitat suitability is generally low.

3.4 Protected Species Potentially Present

In accordance with Clause 2(1)(d) and (e) of Schedule 7, whilst no lizards have been surveyed on site, the FMP identifies a range of lizard species known from the Hawke's Bay Region and assesses their likelihood of occurrence and threat status on the Site based on available records, expert opinion, known distribution and habitat suitability (**Table 2**).

Table 2: Potential Lizard Presence (Source: Stantec FMP Appendix 29)

Species	National threat status	Likelihood of occurrence on Site
Forest gecko (Mokopirirakau granulatus)	At Risk, Declining	Low
Hawke's Bay skink (Oligosoma auroraense)	At Risk, Uncommon	Low
Northern grass skink (Oligosoma polychroma)	Not Threatened	Low
Ngahere gecko (Mokopirirakau Southern North Island)	At Risk, Declining	Low
Small-scaled Skink (Oligosoma microlepis)	Threatened, Nationally Vulnerable	Not likely
Barking gecko (Mokopirirakau "southern North Island")	At Risk, Declining	Not likely
Northern spotted skink (Oligosoma kokowai)	At Risk, Uncommon	Low
Glossy brown skink (Oligosoma zelandicum)	At Risk, Declining	Not likely
Raukawa gecko (Woodworthia maculata)	Not threatened	Not likely
Copper skink (Oligosoma aeneum)	At Risk, Declining	Low
Shore Skink (Oligosoma smithi)	At Risk, Declining	Not likely
Ornate Skink (Oligosoma ornatum)	At Risk, Declining	Not likely

4.0 Proposal

By way of overview, Brookvale Green is a comprehensively masterplanned residential development proposed on approximately 24 ha of land at 174 and 176 Brookvale Road, Havelock North. The Project will provide approximately 203 residential lots together with associated transport, three waters infrastructure, ecological restoration, and landscaping. A full description of the proposal is provided within the Volume A Planning Report.

4.1 Wildlife Activities to be Authorised

In accordance with Clause 2(1)(a), this Wildlife Act approval is sought for the salvage, handling, temporary holding, relocation and incidental killing of indigenous lizards. The approval is required because full site vegetation clearance and bulk earthworks associated with the proposed Brookvale Green residential development impacts potential lizard habitat.

In accordance with Clause 2(1)(b), the following activities and actions are proposed:

- Works in accordance with a certified FMP prepared for the Project;
- pre-clearance lizard salvage within areas of potential lizard habitat to be affected by vegetation clearance, earthworks or construction activities;
- capture and handling of indigenous lizards by a suitably qualified and authorised Project Herpetologist;
- temporary holding of indigenous lizards for the minimum time required for safe relocation;
- transport and release of indigenous lizards to approved on-site release areas or any alternative release site approved through the FMP process;
- incidental killing of lizards;
- disturbance of potential lizard habitat associated with salvage, vegetation clearance, bulk earthworks, and supervised habitat disestablishment; and
- contingency actions required if unexpected species or higher than anticipated numbers of lizards are found.

In response to feedback from the Department of Conservation, no separate complex freshwater fisheries approval is required. The Ecology Assessment Report records only shortfin eel within the Site and identifies the existing watercourses as highly modified and of low aquatic habitat value. Potential effects on freshwater fish will be managed through the FMP and the proposed regional consent conditions and maintenance of fish passage.

4.2 Areas Where Wildlife Management May Occur

The Project site and earthworks areas are detailed on the Maven Associates engineering plans provided as **Appendix 4**. This Wildlife approval is sought for the entirety of the 24ha site area, including the Arataki Reserve land where mature vegetation removal and replanting is proposed.

Wildlife management activities may occur in any areas of potential lizard habitat that are required to be modified as part of the development. The FMP identifies potential habitat primarily within

shelterbelts, mature trees and rank grass areas. The implementing herpetologist will confirm and demarcate the salvage footprint before vegetation clearance or earthworks occur in those areas.

On-site riparian margins along the northern stream have been identified as the primary lizard release area, with an additional contingency release area available if required. These areas are to be retained and enhanced as part of the ecological restoration package for the Project.

4.3 Management Methodology

An overarching and comprehensive FMP (**Appendix 29**) has been prepared for the Brookvale Green Project by Stantec. The FMP sets out the procedures to be implemented before, during and after vegetation clearance, earthworks, stream works and construction activities to manage potential effects on indigenous fauna across the Site.

For the Wildlife Act approval, the lizard management measures within the FMP are the key management mechanism and will be implemented through proposed conditions of consent (WA-XXX in **Appendix 28**). In summary, the FMP addresses the following matters:

- **Project Herpetologist:** A suitably qualified and experienced herpetologist, holding the required Wildlife Act authorisation, will oversee the lizard management measures and confirm salvage requirements before vegetation clearance occurs in potential lizard habitat.
- **Timing of lizard salvage:** Lizard salvage and vegetation clearance in potential lizard habitat will generally occur between 1 October and 30 April, inclusive, during suitable weather conditions.
- **Salvage methodology:** The FMP provides for baited pitfall traps, funnel traps, artificial cover objects, manual habitat searches and supervised vegetation removal within the salvage footprint.
- **Handling and temporary holding:** Captured lizards will only be handled by authorised personnel and will be held and transported in accordance with the FMP, animal welfare requirements and any Wildlife Act approval conditions.
- **Relocation and release sites:** Salvaged lizards will be relocated to the release areas identified in the FMP, with habitat enhancement, planting, ecostacks and pest control undertaken as required before release.
- **Incidental discovery and contingency:** The FMP includes procedures for unexpected species discoveries, higher than anticipated lizard numbers, and injured or dead native lizards, including notification to DOC where required.
- **Reporting and monitoring:** A lizard salvage and relocation report will be prepared following completion of the relevant works. Post-translocation monitoring will be undertaken where required by the FMP and conditions of approval.

The detailed methodology, release site information, contingency procedures, reporting requirements and monitoring framework are set out in the FMP.

4.4 Applicant Information

In accordance with Clause (2)(l) & (m) of Schedule 7, the Applicant is Vermont Street Partners No.4 Ltd ("VSP"). VSP is a New Zealand based property investment and development entity with a track

record of delivering residential, commercial and mixed-use development projects throughout New Zealand.

The Applicant confirms that neither VSP, nor any of its directors, trustees, partners or other relevant persons associated with this application, has been convicted of an offence under the Wildlife Act or is currently subject to any criminal proceedings under that Act.

5.0 Assessment

5.1 Purpose of the Wildlife Act

In accordance with Clause 2(1)(c), the activity has been assessed against the purpose of the Wildlife Act. The Wildlife Act provides for the protection and management of protected wildlife, including indigenous lizards.

The Wildlife Act approval is required to authorise the capture, handling, relocation and incidental disturbance of protected herpetofauna that may be affected by vegetation clearance, earthworks and construction activities. The approval is consistent with the purpose of the Wildlife Act for the following reasons:

- the potential presence of protected herpetofauna has been identified and assessed by suitably qualified ecologists;
- a comprehensive FMP has been prepared to manage effects on indigenous fauna, including specific lizard salvage, handling, relocation, reporting and monitoring measures;
- effects on protected wildlife will be avoided and minimised where practicable through pre-clearance checks, supervised vegetation clearance, salvage and relocation procedures, and use of identified release sites;
- the Project includes wider ecological restoration and indigenous planting that will substantially improve habitat quality and ecological function across the Site over time; and
- the proposed conditions will require implementation of the FMP and oversight by suitably qualified specialists.

Accordingly, the Project appropriately recognises and provides for the protection of protected wildlife and is considered to be consistent with the purpose of the Wildlife Act.

5.2 Effects on Protected Wildlife

In accordance with Clause 2(1)(j) and (k) of Schedule 7, potential effects on protected herpetofauna wildlife arise primarily from vegetation clearance, earthworks and construction activities within areas of potential lizard habitat. Direct effects may include injury or mortality during clearance or habitat disturbance. Indirect effects may include temporary disturbance, loss of low-quality shelterbelt or rank grass habitat, and displacement of individuals from affected areas.

The Ecological Assessment Report (**Appendix 8**) states that no native lizards have been recorded within the immediate development footprint and habitat quality is currently low. However, because potential habitat exists within shelterbelts and areas of vegetation on site, a precautionary

approach has been adopted and vegetation clearance and earthworks in areas of potential habitat will follow lizard management protocols under the FMP.

5.3 Effects Management Measures

The Project has been designed to avoid and minimise effects on protected wildlife wherever practicable through the subdivision design and construction methodology. Effects will be further managed through implementation of the FMP and proposed conditions. Key measures include:

- identification and demarcation of potential lizard habitat requiring salvage;
- pre-clearance lizard salvage and relocation by an authorised Project Herpetologist;
- seasonal timing controls to undertake lizard salvage during suitable active periods;
- supervision of vegetation removal and habitat disestablishment;
- use of appropriate lizard handling, temporary holding and relocation protocols;
- use of on-site release areas within enhanced and protected riparian margins;
- pest control and habitat enhancement within release areas;
- incidental discovery and contingency procedures;
- completion reporting to the Hawkes Bay Regional Council; and
- post-translocation monitoring if more than 20 lizards are salvaged.

5.4 Conservation Status

The relevant protected species that may be encountered include species with threat classifications ranging from Not Threatened to At Risk. The FMP identifies the likelihood of occurrence on the Site as low for the species considered most relevant to the Site. No threatened lizard species have been confirmed on the Site.

The Wildlife Act approval is precautionary. It ensures that, if any indigenous lizards are found during pre-clearance salvage or supervised vegetation removal, they can be lawfully and appropriately managed in accordance with recognised best practice and any conditions imposed by the Panel.

5.5 Overall Assessment

Subject to implementation of the FMP and proposed conditions, actual and potential effects on protected wildlife will be appropriately managed while enabling the delivery of the Brookvale Green Project.

The Project also includes substantial ecological restoration and enhancement measures, including stream restoration, wetland reinstatement and enhancement, indigenous riparian planting and long-term habitat management. These measures will improve habitat quality and ecological function across the Site over the long term.

Overall, the proposed Wildlife Act approval appropriately recognises and provides for the protection of protected wildlife and is consistent with the purpose of the Wildlife Act.

6.0 Consultation

6.1 Department of Conservation

In accordance with Clause 2(1)(n) of Schedule 7, consultation has been undertaken with the Department of Conservation ('DOC') in relation to the Wildlife Act approval, proposed works, the draft FMP and proposed conditions.

DOC was provided with the draft Ecological Assessment, draft FMP and masterplan in May 2026. A meeting was held with DOC, and further information, including proposed conditions, was provided. DOC's pre-lodgement consultation summary memo is provided in the Consultation Report (**Appendix 20**). In accordance with Clause 2(1)(o) of Schedule 7, DOC's feedback and the Applicant's response are summarised in **Table 3** below.

Table 3: DOC Feedback Table

DOC Feedback	Applicant Response
DOC noted that the authorised activity should refer to the specific species authorised by the approval.	The approval sought and proposed conditions has been updated to identify the relevant indigenous lizard species authorised to be captured, handled and relocated.
DOC noted that the authorisation, as drafted, does not authorise incidental killing of lizards.	The approval sought has been updated to include incidental killing.
DOC advised that the FMP required by the Wildlife Act conditions, and any updates to that plan, should be certified by the Council, as DOC will administer the Wildlife Act approval conditions.	The proposed Wildlife Act conditions provide for Hawkes Bay Regional Council certification / approval of the FMP.
DOC recommended that lizard management measures be set out clearly, including identification of habitat, capture, handling, containment, translocation, release site criteria, monitoring, reporting and contingency procedures.	These matters are addressed comprehensively in the FMP and are summarised in this report.
DOC noted that pitfall traps installed under artificial cover objects should be installed and left in place for a minimum of six weeks, rather than four weeks.	The FMP has been updated to reflect DOC's recommended minimum trap acclimation period.
DOC recommended that, if lizard populations are found, animal pest control measures should be maintained.	Pest control is proposed for the lizard release areas, including pre-release pest control and post-release maintenance in accordance with the FMP.
DOC recommended an advice note confirming that, where there is any inconsistency between the resource consent and Wildlife Act approval, the Wildlife Act approval prevails.	An advice note has been included in the proposed conditions.
DOC noted that the FMP also includes measures for birds, bats and fish, and provided comments on those matters. DOC	Those matters are primarily addressed through the wider substantive application conditions and FMP. The Wildlife Act approval

DOC Feedback	Applicant Response
recommended that separate management plans be prepared for each fauna.	sought in this volume is limited to indigenous lizard salvage and relocation. It is not considered necessary to split the FMP up into bespoke fauna management plans. The FMP as it is currently drafted addresses the requirements of the relevant approval Acts and appropriately mitigates and avoids adverse effects.
DOC noted that bird surveys should be carried out prior to works to determine whether nesting birds are present.	Bird management measures are addressed in the FMP and proposed conditions, including pre-clearance checks and seasonal restrictions where required.
DOC raised potential lighting effects, particularly on bats and nocturnal birds.	Lighting for the development has been designed to comply with the HDC Engineering Code of Practice.
DOC noted that bat management should be consistent with DOC's protocols for minimising the risk of felling occupied bat roosts.	Bat management measures are included in the FMP and proposed conditions, including pre-clearance checks and management measures for tree removal.
DOC advised that culverts or diversions may require Complex Freshwater Fisheries Activity approval, and that structures affecting fish passage should be designed in accordance with the New Zealand Fish Passage Guidelines.	This matter is addressed separately in the substantive application approvals package. Complex Freshwater Fisheries Activity approval is not required as the proposed works do not trigger this approval.
DOC recommended that fish management be addressed for stream works, dewatering, culvert works and fish salvage / relocation.	Fish management is addressed through the FMP and relevant stream works conditions via the regional consents.
DOC sought further information on freshwater values, including no net loss of freshwater ecosystem extent, wetland creation, stream habitat and effects management hierarchy.	These matters have been addressed in the updated Ecological Assessment Report.
DOC commented on relevant statutory planning document considerations, including maintaining ecological corridors, protecting or rehabilitating wetlands, maintaining native animal species and freshwater fisheries values, and providing for fish passage.	These matters are addressed in the Volume A Planning Report and appended material.
DOC noted downstream catchment considerations, including the Clive and Ngaruroro Rivers and the water conservation order.	Downstream freshwater and stormwater effects are addressed in the wider substantive application.
DOC noted that statutory bodies listed in Schedule 7 may be invited by the Panel to comment on the application.	Any comments received through the FTA process will be considered and responded to as part of the application process.

In summary, DOC's feedback has been reviewed, and relevant matters have been incorporated into the Wildlife Act approval, updated Ecological Assessment Report, FMP and proposed conditions where appropriate.

The Wildlife Act approval sought in this volume is limited to lizard management, including capture, handling, relocation, and incidental killing of lizards. Several DOC comments relate to broader fauna and freshwater matters, including birds, bats, fish passage, lighting and stream works. Those matters sit outside the Wildlife Act approval but are addressed through the Ecological Assessment Report, FMP, regional consent requirements and wider substantive application.

6.2 Mana Whenua

In accordance with Clause 2(1)(n) of Schedule 7, consultation has been undertaken with Mana Whenua and a record of engagement is addressed in the Consultation Report (**Appendix 20**). No feedback has been received from mana whenua on the substantive application. If any wildlife approval feedback is received through the FTAA process, it will be considered and responded to as part of the application process.

7.0 Proposed Conditions

In accordance with Clause 8 of Schedule 7, conditions are proposed for the Wildlife Act approval and are included in the overall Conditions Suite at **Appendix 28** as conditions set WA-XXX. The proposed Wildlife Act conditions are specific to indigenous lizard management and address:

- the term of the approval;
- the authorised activity, being the salvage, handling and relocation of indigenous lizards;
- implementation of the approved FMP;
- supervision by a suitably qualified and experienced person;
- discovery of protected wildlife;
- lizard salvage and relocation reporting;
- post-translocation monitoring, where required;
- variations to the approval;
- DOC costs, liabilities and compliance requirements; and
- cancellation of the approval if required under Schedule 7 of the FTAA.

The proposed conditions provide the mechanism to ensure that any lizard salvage, handling, relocation, monitoring and reporting is undertaken in accordance with the Wildlife Act approval and the approved FMP.

8.0 Section 81 Assessment

For the purposes of Section 81 determination, Clause 5 of Schedule 7 sets out the matters the Panel must take into account when considering an application for a Wildlife approval, noting that the greatest weight in their assessment must be given to the purpose of the FTAA. It is considered that the proposed Wildlife approval should be granted for the following reasons:

- **Clause 5(a) The purpose of the FTAA:** The Wildlife Act approval is required to enable the integrated delivery of the Brookvale Green Project which will provide significant regional economic benefits and housing supply. The approval provides a clear statutory pathway for managing potential effects on indigenous lizards while allowing the Project to proceed in an efficient and coordinated manner.
- **Clause 5(b) The purpose of the Wildlife Act and the effects on protected wildlife:** The approval is consistent with the purpose of the Wildlife Act (refer to Section 5.1 of this report), as it provides for the protection and management of protected wildlife. The approval will authorise the capture, handling and relocation of indigenous lizards for salvage purposes, with works to be undertaken in accordance with the FMP and proposed conditions. This will minimise the risk of injury or mortality during vegetation clearance, earthworks and construction.
- **Clause 5(c) Information and requirements relating to protected wildlife:** The includes an Ecological Assessment Report and FMP, which identify potential lizard habitat, set out salvage and relocation methods, identify release areas, and include reporting, monitoring and contingency procedures.

Accordingly, having regard to section 81 and Clause 5 of Schedule 7 of the FTAA, it is considered that the Panel is able to grant the Wildlife Act approval sought, subject to the proposed conditions.

9.0 Summary

In summary, a Wildlife Act approval is sought to authorise the salvage, handling, temporary holding, relocation and incidental killing of indigenous lizards during implementation of the Brookvale Green Project. It is considered that:

- the information required under Schedule 7 of the FTAA has been provided in this volume and the appended application material;
- the approval is sought on a precautionary basis because potential lizard habitat will be affected by proposed vegetation clearance and earthworks;
- the Site has low habitat suitability for indigenous lizards and no indigenous lizards have been recorded during surveys, but a precautionary management approach has been adopted;
- the FMP provides comprehensive procedures for pre-clearance salvage, handling, relocation, reporting and monitoring;
- appropriate consultation has been undertaken with DOC and with key feedback reflected in the final FMP and conditions;
- the Project includes substantial ecological restoration and enhancement that will improve habitat quality and ecological function of the Site over the long term; and
- subject to implementation of the FMP and proposed conditions, actual and potential effects on protected wildlife will be appropriately managed.

It is therefore concluded that the Wildlife Act approval can be granted under Schedule 7 of the FTAA.