
Under	the Fast-track Approvals Act 2024 ('FTAA')
In the matter of	A substantive application under the FTAA for an alteration to an existing designation, resource consents, a wildlife approval, archaeological authorities and a complex freshwater fisheries activity, to construct, maintain and operate the Belfast to Pegasus Project
By	New Zealand Transport Agency Waka Kotahi Applicant

**Memorandum of Counsel for New Zealand
Transport Agency Waka Kotahi regarding the Lizard
Management Plan**

Dated 17 June 2026

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To the Expert Panel:

- 1 This memorandum is filed on behalf of the New Zealand Transport Agency Waka Kotahi ('**NZTA**') in relation to NZTA's application for approvals ('**Application**') to construct, operate and maintain the State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus) ('the **Project**').
- 2 This memorandum provides an update on the status of the Lizard Management Plan ('**LMP**').
- 3 As explained below, NZTA considers the LMP to be final, and now asks the Expert Panel to approve the LMP as part of the Application. The finalised LMP is included as **Attachment A** to this memorandum.

Role of the LMP

- 4 Condition WA.2 of the Wildlife Permit conditions proposed by NZTA in the Application require the submission of the LMP to the Department of Conservation ('**DOC**') for certification. Condition WA.2 requires the certified LMP to be implemented and complied with for the duration of the construction works (or the stage of work to which the LMP applies).
- 5 NZTA's section 55 response¹ suggested further (comparatively minor) amendments to condition WA.2.

Consultation on the draft LMP

- 6 After lodging the Application, NZTA's ecologists drafted the LMP and provided this to DOC and Whitiara for feedback:
 - a The first draft of the LMP was provided to DOC and Whitiara on 13 March 2026;
 - b The draft LMP was then updated following feedback from DOC and Whitiara, and learnings from lizard salvage undertaken for early project works (not the subject of the Application);
 - c A second draft of the LMP was provided to DOC on 25 May 2026. This second draft was prepared to satisfy the requirements of condition WA.2 (as proposed in NZTA's section 55 response);

¹ Attachment 9, provided on 15 May 2026.

- d DOC provided an interim comment on the draft LMP on 11 June 2026 and a further comment on 15 June 2026;
- e NZTA does not consider that any further amendments are required to the LMP in response to the comments provided by DOC on 11 and 15 June 2026; and
- f The version of the LMP included in **Attachment A** is the second draft of the LMP, but with the 'draft' watermark removed, version reference updated, and minor spelling mistakes corrected.

DOC comments do not require further amendments to the LMP

- 7 The comments provided by DOC on 11 and 15 June 2026 relate to:
- a The named Lead Herpetologists, Suitably Qualified and Experienced Ecologists, and Personnel Under the Supervision of Lead Herpetologists. The LMP describes the qualifications and experience for each of the listed persons, to enable the Expert Panel to understand and determine the appropriateness of each person for their nominated role;
 - b Residual ecological effects. NZTA does not agree that the role of the LMP is to address residual ecological effects. The reasons for this view are explained in:
 - i Comment ID 1.11 of Attachment 2 to NZTA's section 55 response²; and
 - ii Section 6 of Attachment 2A to NZTA's section 55 response³.

Replacement condition for WA.2

- 8 NZTA considers the LMP can now be finalised, so that the Wildlife Permit conditions require compliance with the attached version of the LMP, rather than requiring a future certification process. Accordingly, NZTA requests that the Expert Panel impose on the Wildlife Permit the following conditions WA.2 and WA.2A (to replace previously proposed condition WA.2):

WA.2 All activities authorised by this Approval must be undertaken in accordance with the LMP (reference 11320-AUR-0350-PWI-EN-PLN-0010[C] Rev D) dated June 2026 (or as amended in accordance with condition WA.2A below). The LMP must be implemented and complied

² Attachment 2, Response to comments from the Department of Conservation, 15 May 2026, Comment IDs 1.11

³ Statement of evidence of Dr Jamie MacKay (terrestrial ecology), dated 15 May 2026.

with for the duration of the Construction Works (or the stage of the work to which the LMP applies).

WA.2A Changes to the LMP may be made at any time using the following processes:

- a) Material Changes shall be provided to DOC for certification that the LMP, as amended by the Material Change, remains appropriate for achieving the purpose of reducing the injury and mortality of lizards during Construction Works and post-relocation monitoring.
- b) At least 10 Working Days before providing the Material Change to DOC in accordance with WA.2A(a), the proposed Material Change shall be provided to Whitiara for review and comment. The Approval Holder shall consider any written feedback received from Whitiara and update the proposed Material Change in response to feedback as the Approval Holder considers appropriate, prior to providing the Material Change to DOC for certification.
- c) If the Approval Holder has not received a written response from DOC to the Material Change submitted in accordance with WA.2A(a) within 30 Working Days, the Material Change will be deemed to be certified.
- d) Except for Material Changes, the LMP may be amended without the need for certification and shall be provided to DOC and Whitiara for information.

Benefits of the replacement condition

- 9 Adopting this approach will better support the commencement of construction works during the 2026/27 construction season. Lizard relocations and establishment of the release site are some of the first Project tasks to occur, prior to substantive Project works commencing. Relying on the attached LMP (rather than requiring separate certification) has the potential to allow Project works to start 2 months earlier than would otherwise be the case and provide greater certainty for construction programming.

Dated 17 June 2026



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