

**IN THE MATTER OF            THE RESOURCE MANAGEMENT ACT 1991**

**AND**

**IN THE MATTER OF            THE HANMER SPRINGS FLYRIDE APPLICATION, HANMER**

**LOCAL AUTHORITY            HURUNUI DISTRICT COUNCIL**

**MINUTE 3**

**REVIEW OF LIZARD MANAGEMENT**

- 1     The evidence of Ms Tocher included reference to a Lizard Management Plan (LMP) as an Appendix. The Applicant had previously sought a confidentiality arrangement to protect the location of a proposed lizard habitat because there was a risk of members of the public finding out the location of the lizard habitat and poaching the lizards or damaging the habitat. I felt at the time the provisions of s42 of the RMA did not provide me with the ability to grant such a request. As a result, the Applicant chose to withdraw the LMP from the evidence.
- 2     Subsequently at the hearing on the 7<sup>th</sup> of October Ms Tocher provided a summary statement which provided some more context around the LMP. Also of note is that the LMP has been submitted to the Department of Conservation to support an application for Wildlife Act (1953) permission to carry out works over lizard habitat/populations.
- 3     Counsel for the submitter Friends of Conical Hill Mr Cleary submitted in the circumstances it was *impossible to test Ms Tocher's analysis and accurately determine precisely how significant the effects on lizards will be, whether the new habitat proposed will be effective, and whether or not the offsetting is either adequate or appropriate*. After some discussion Mr Cleary suggested it was available to me to commission a review of Ms Tocher's LMP pursuant to s41 of the RMA. Ms Appleyard for the Applicant agreed.
- 4     This is a rather unusual situation in the context of a hearing process, and I accept there is an element of the unknown in terms of the LMP and that there is a potential for a significant adverse environmental effect (the s41C(4) test). I therefore accept that the commissioning of an independent peer review of the LMP should be undertaken to consider what the analysis it is based on and whether it is robust, how significant the effects on lizards will be, and whether the proposed mitigation contained within the LMP will be adequate and effective and be able to achieve what is proposed. The peer review should be set out in such a way that it can be made publicly available. In other words, it should not contain any material or details that might be considered confidential.
- 5     Therefore pursuant to s41C(4) I am requiring the commissioning a peer review of the LMP by suitably qualified herpetologist Ms Lettink. The peer review is to be completed by 30 October 2021 and provided to the Applicant and Submitters.
- 6     The Applicant or any submitter is to provide a response to any matters raised in the report within 5 working days of receipt of the peer review.



Dean Chrystal  
Hearings Commissioner  
11th October 2021