

## Your Comment on the Drury Metropolitan Centre – Consolidated Stages 1 and 2 project application


Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at [substantive@fastrack.govt.nz](mailto:substantive@fastrack.govt.nz)

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Department of Conservation		
First name	Leah		
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Email	fast-track@doc.govt.nz and lmcenhill@doc.govt.nz		

2. We will email you draft conditions of consent for your comment			
X	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct

3. Please provide your comments on this application
Please find comments attached

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.



Jenni Fitzgerald  
**Fast-Track Applications Manager**

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date: 07/082025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

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## Comments on a fast-track consenting application

### Fast-track Approvals Act 2024 section 53

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**To:** The Expert Panel

**From:** Director-General of Conservation

**Regarding fast-track project:** Drury Metropolitan Centre – Consolidated Stages 1 and 2

**Fast track Reference:** FTA –2502-1019

### Background

1. Kiwi Property Holdings No. 2 Limited (“the Applicant”) is seeking approval to amend Stage 1 and to obtain all necessary resource consents in respect of Stage 2 of the Drury Metropolitan Centre Project involving: subdivision of superlots on Stage 1; the construction and operation of retail, commercial, community, residential and visitor accommodation activities with associated buildings and ancillary car parking on Stage 2; bulk earthworks to enable the Project; and the construction and installation of reticulation networks and roading infrastructure to service the Project. The proposal site is located at 64, 68, 108, 120, 124 and 132 Flanagan Road, 133, 139, 155, 173, 189 Fitzgerald Road and 61 Brookfield Road, Drury.
2. There is no Public Conservation Land within the proposal site. Flanagan Marginal Strip and Brookfield Marginal Strip, both of which are administered by the Department of Conservation (“the Department”), are located to the west of the project site on the opposite side of Hingaia Stream.
3. The Department was not approached for pre-application consultation prior to the Applicant lodging their substantive application.
4. In accordance with section 53(2)(m)(i) of the Act, the Director-General of Conservation (D-G) has been invited to comment on the substantive application. Statutory delegations are in place for the Department to provide commentary on behalf of the D-G.

### Department of Conservation advice

5. The Applicant has not applied for a wildlife approval or a complex freshwater fisheries approval as part of their Fast-Track application. The Department considers both approvals may be required for the project. A wildlife approval to capture, handle and relocate lizards; and a complex freshwater fisheries approval associated with work to permanently dam and divert streams on site will need to be applied for outside of the Fast-track process.

## Assessment

### Wildlife Act Approval

6. The Applicant has not applied for a wildlife approval under the Act.
7. The Ecological Impact Assessment (EclA) states that there is limited habitat availability for lizards on site, however, it further notes that copper skinks (At Risk – Declining) have been recorded in proximity to the site and that if copper skinks were found to be present, the ecological value for native lizards on site would be considered to be high.
8. The EclA notes that the removal of lizard habitat can result in direct adverse effects on native lizard species through injury or killing. A Lizard Management Plan (LMP) is therefore proposed to manage effects on lizards, including by restricting vegetation clearance to between October and April, undertaking preventative measures prior to vegetation clearance, implementing an accidental discovery protocol, and adopting adaptive management options.
9. Copper skinks are protected under the Wildlife Act 1953. It is an offence under the Wildlife Act 1953 to handle, capture, relocate, injure, or kill protected species without lawful authority. The Applicant will therefore need to apply for an authority outside of the Fast-track process to undertake any of these activities.
10. The Wildlife Act authority will need to be supported by a LMP prepared by a suitably qualified ecologist and will need to identify an appropriate site for relocation of any salvaged lizards. Any surveys, salvage and translocation of lizards will need to occur between October and April. Accordingly, if the Applicant intends to start work on the ground later this year, they will need to apply for a Wildlife Act authority as soon as possible.

### Complex Freshwater Fisheries approvals

11. The Applicant has not applied for a complex freshwater fisheries approval and has not assessed whether one is required.
12. A complex freshwater fisheries activity is defined under the Act to be:

***complex freshwater fisheries activity*** means an activity that includes construction of any of the following:

- a. a culvert or ford that permanently blocks fish passage:
- b. permanent dam or diversion structure:
- c. works—
  - i. that require disturbance to a water body, including diversions, in-stream operations, and removal of gravel, that persists for more than 3 months; or
  - ii. that are within 500 m of the coast and occur during the whitebaiting season; or

- iii. *that are in an area known to be used for trout, salmon, or native fish spawning and occur during the spawning season; or*
- iv. *that require repeated disturbance to a water body and are temporary works for which there is a period of 6 months or less between each period of work.*

- 13. The Applicant proposes to reclaim 176m of existing stream length in the upstream reach of Stream A and to subsequently divert flows to a 97m realigned stream channel.
- 14. The Department's assessment is that any permanent diversion of streams would be considered a complex freshwater fisheries activity if the diversion of the stream requires the construction of a dam or diversion structure (clause (b) of the definition) to stop the stream flowing in its current course.
- 15. The Applicant also proposes to 'daylight' a piped section of stream by removing the culvert structure to create an open stream channel and associated stream habitat to its likely original alignment and notes that this will involve instream works.
- 16. The Department's assessment is that any works requiring the disturbance of the stream, including works associated with the daylighting, diversion, and/or reclamation of streams, that persist for more than 3 months (clause (c)(i) of the definition) would also be considered a complex fisheries activity.

## Conclusion

- 17. The Department welcomes further discussions with the applicant around the need and process for applying for any Wildlife Act approvals and freshwater fisheries approvals outside of the Fast-Track process.
- 18. Thank you for the opportunity to comment.