

BEFORE THE PANEL CONVENER

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application by Vermont Street Partner's No.4 Limited under section 42 of the FTAA for the Brookvale Green Project.

APPLICATION NO. FTAA-2607-1266

**MEMORANDUM FROM THE DIRECTOR-GENERAL OF CONSERVATION
RESPONDING TO MINUTE OF THE PANEL CONVENER**

24 September 2026

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (**D-G**) by the Department of Conservation (**DOC**). It responds to a minute of the Panel Convener dated 22 September 2026 in respect of the substantive application for the Brookvale Green Project (the “Minute”).
2. The Minute refers to an upcoming conference to gather participant views, which will inform decisions of the Convener regarding:
 - a) the appointment of Panel members; and
 - b) the timing of the Panel decision.
3. This memorandum addresses the matters identified in paragraph [5] and Schedule 1 of the Minute.

Approvals

4. Approvals relevant to the D-G's interests include:
 - a) a wildlife approval (under section 42(4)(h)) for the salvage, handling, relocation and incidental killing of indigenous lizards if required during vegetation clearance, earthworks and associated construction activities. This approval is sought on a precautionary basis.
 - b) a Reserves Act approval under section 42(4)(h) for works within the Arataki Reserve land (administered by the Hastings District Council) for development integration and the construction of part of a public road and ongoing use through an easement to allow the works (DOC is the administering agency for the Reserves Act).
 - c) resource consents, including for subdivision, vegetation clearance, discharges, diversions, drainage of wetlands, and stream works.
5. DOC has signalled that the Applicant may require a complex freshwater fisheries approval, but it is understood that the application does not seek such an approval.

Key issues

6. The key issues relevant to the D-G relate to potential effects on, and relocation of, lizards (if any). DOC has not had the opportunity to review the

lodged version of the FMP and effects assessment. Initial feedback in the completeness assessment was limited to:

- a) suggested amendments to the FMP and wildlife approval planning report for the purposes of clarity; and
 - b) clarification that the FMP should be certified by DOC not the Council.
7. The D-G also retains an interest in matters relating to terrestrial and aquatic indigenous biodiversity, including aquatic fauna, avifauna, bats and ecological values, although no significant issues have been identified at this stage.

Complexity

8. DOC has reviewed the matters in Schedule 1 of the Minute and considers that the wildlife approval component of this Project is of low complexity.
9. While a number of issues need to be worked through, they are not anticipated to be particularly complex from a legal, nor evidentiary, perspective. In that regard, the D-G has not identified any novel or difficult legal issues relevant to the D-G's interests at this stage.
10. The Hastings District Council will likely be in the best position to advise on the complexity of the Reserves Act concession, as it is the administering body for that land.
11. The D-G is not in a position to advise on the complexity of the resource consent component of the Project.

Appointment of Panel members

12. The D-G does not have a preference for Panel members given that the wildlife approval is sought on a precautionary basis. Any issues relating to the wildlife approval and other ecological matters can be addressed through expert evidence and procedural steps, if necessary.
13. Appointing more than the default number of Panel members is not required in respect of matters relating to the D-G's interests.

Timing of panel decision

14. The D-G considers that:
 - a) the default time frame would be sufficient for the wildlife approval component of this Project, as it is of low legal, evidential, and factual complexity;
 - b) having said that, it would be prudent for the decision-making timeframe to accommodate additional procedural steps, such as requests for further information and/or conferencing; and
 - c) while the procedural steps will be determined by the Panel, a hearing on the wildlife approval component is not likely to be necessary.
15. The D-G is not in a position to advise in relation to timeframes relating to the resource consent component of the project.

Engagement with DOC

16. The Applicant first contacted DOC on 14 August 2025 for pre-lodgement for referral. A meeting between DOC and the applicant occurred on 8 September 2025 in which the applicant provided an overview of the project. The Applicant later provided an updated Masterplan and Ecology memorandum.
17. DOC provided a formal pre-lodgement consultation summary for referral on 24 September 2025.
18. The applicant contacted DOC again for engagement prior to lodgement of the substantive application on 8 May 2026. The applicant provided a draft Ecological Assessment, draft Fauna Management Plan (FMP) and draft Project Masterplan excerpt (2.4 – ‘Brookvale Green Lot layout and Density’).
19. A meeting occurred with DOC on 19 May 2026, and the applicant subsequently provided draft conditions relating to the FMP on 21 May 2026.
20. DOC provided a formal pre-lodgement consultation summary on 8 June 2026. Due to the tight timeframes for response, DOC was only able to provide high level feedback on the proposal and draft conditions prior to lodgement.
21. There has been no further consultation with DOC since lodgement, however the D-G is happy to continue to engage directly with the Applicant as necessary to resolve or narrow any issues.

DOC experts

22. DOC technical experts (fauna and freshwater) reviewed and provided feedback on the pre-lodgement proposal and will provide comments in the context of the section 51 report and any section 53 comments, as necessary.

Conditions

23. DOC has not had the opportunity to undertake a fulsome review of the proposed conditions of the resource consent or wildlife approval at this stage. However, DOC was provided an extract from the draft resource consent conditions relating to fauna management and draft wildlife approval conditions on the 21st of May 2026 and provided high level advice on those due to time constraints.

Conclusion

24. The D-G's representatives will be happy to elaborate further on any of the above points at the conference set for Friday 25 September at 10.00am.
25. Counsel (Ms Vella) and a DOC Fast Track Lead (Ms Calmeyer) will represent the D-G at the Panel Convener conference.



Jen Vella
Counsel for the Director-General of Conservation