



Te Kāwanatanga o Aotearoa  
New Zealand Government

## Your Comment on the Pound Road Industrial Development project draft conditions

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		
Last name	McEnhill		
Postal address	Private Bag 4715, Christchurch Mail Centre, Christchurch 8140		
Mobile phone		Work phone	
Email	<a href="mailto:fast-track@doc.govt.nz">fast-track@doc.govt.nz</a> and		

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

Celia Haden  
Acting Fast-track Applications Manager

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

Date: 30/03/2026

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 draft conditions for a fast-track consenting application

## Fast-track Approvals Act 2024 section 70

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**To:** The Expert Panel

**From:** Director-General of Conservation

**Regarding fast-track project:** Pound Road Industrial Development

**Fast track Reference:** FTAA-2505-1057

## 1 Overview

- 1.1 NTP Development Holdings Limited (the Applicant) is seeking approvals associated with the subdivision of land and the development of 74 freehold industrial lots, with infrastructure such as roads, three-waters utilities and landscaping, at a site northwest of Pound Road, Christchurch.
- 1.2 Approvals are sought in relation the Resource Management Act 1991 (RMA) and Wildlife Act 1953.
- 1.3 Statutory delegations are in place for the Department of Conservation (DOC / the Department) to provide commentary on behalf of the Director-General of Conservation.
- 1.4 The Department provided both a section 51(2)(c) wildlife approval report and a section 53 comments letter to the Panel.

## 2 Comments on the Resource Management Approval conditions

- 2.1 Overall, most of the Department's recommendations have been adopted in the resource consent conditions included in the draft decision. The Department now generally agrees with the proposed resource consent conditions. However, there is one remaining concern regarding draft Condition 115 of the Christchurch City Council approval. This approval is associated with the certification of a Bird Management Plan and currently still includes a "deemed certification" clause.
- 2.2 The Environment Court has expressed concern about the validity of "deemed certification" conditions that allow a consent holder to go ahead with implementing a management plan where the council had a certification role but failed to respond within the specified time period: [Re New Zealand Transport Agency – Waka Kotahi \[2024\] NZEnvC 133](#). The Court

stated, at [126], that it saw no reason to depart from its findings in [Meridian Energy Ltd v Wellington City Council \[2011\] NZEnvC 232](#):

*“It is essential that there is no uncertainty about the approved proposal and what the consent conditions require, including the details to be approved as part of the certification process in the future. The conditions referred to the process for approval of management plans which were intended to provide environmental protections. Meridian sought that if it did not hear back from the Council as to approval of a management plan within a specified time period then the management plan was deemed to be approved. This approach is not sound environmental management (or we suspect good project management), and we do not accept Meridian's approach.”*

- 2.3 The requirement for management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans is necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism and degrades the overall purpose of a management plan. Deemed certification is inappropriate because there may be good reason for the certifier to fail to meet a timeframe.
- 2.4 The Department recommends the following amendment:

*115. The Bird Management Plan required by Condition 114 must be submitted to the Subdivision Engineer for acceptance by Council's Ornithologist (via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)) at least 15 working days before works commence for certification by CCC's Ornithologist. The Council's Ornithologist may certify the Bird Management Plan if satisfied that it achieves the objective in condition 114, is consistent with the conditions of this resource consent, and has been prepared by a suitably qualified and experienced ecologist/ornithologist. No works are to commence on site until the Bird Management Plan has been certified by the Council's Ornithologist, ~~except that if certification is not received within 15 working days it will be deemed to have been received.~~ A Bird Management Plan must be prepared by a suitably qualified and experienced ecologist/ornithologist professional.*

### 3 Comments on the Wildlife Authority

- 3.1 Overall, most of the Department's suggested conditions for the wildlife approval have been adopted. Further amendments are suggested as follows.
- 3.2 Condition 1 requires adherence with the Lizard Management Plan (LMP) dated August 2025. As noted in the draft decision report, the LMP has since been revised and the Department is satisfied with the amendments. So that the condition references the final version of the LMP, the following change is suggested:

*1. All works relating to lizard fauna, including capture, handling, marking and relocation must occur in accordance with the Lizard Management Plan prepared by Wildlands*

dated ~~August~~ ~~October~~ 2025 and ~~submitted in support of the application approved by the Panel.~~

- 3.3 Condition 5 sets out who can oversee lizard management and handle lizards. The Panel has commented: *“We consider this condition becomes problematic if these people change jobs or leave New Zealand. Please revise condition to refer to the appropriate position title, rather than individual persons”*.
- 3.4 The Department considers that it is not problematic. The Department’s standard approach is that ecologists responsible for implementing the LMP (Authorised Personnel) are named in the Authority, with changes to Authorised Personnel being able to be made by way of variation.<sup>1</sup> This ensures that the Department has the opportunity to review lead ecologists’ credentials to ensure that they have the skills to ensure that the LMP is implemented to the necessary standards and lizard welfare is safely managed during capture, handling, transport and release. The ecologists listed in the original conditions are appropriately qualified. The Department requests that the condition is retained.
- 3.5 Condition 12 states that the Approval Holder can apply to the Director-General of Conservation for variations to this Approval in accordance with clause 7(2) of Schedule 7 of the Fast-track Approvals Act 2024. The Panel proposes deleting this condition because it replicates a statutory entitlement. DOC notes that this condition has been accepted on other Fast-track approvals.
- 3.6 Conditions 14-16 refer to NTP Development Holdings. The Department agrees with the Panel that references should instead be generic, although recommends the use of “Approval Holder” rather than permit holder for consistency with the rest of the wildlife conditions.

## 4 Conclusion

- 4.1 The Department is happy to answer any questions the Panel has on the above comments on the draft conditions.

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<sup>1</sup> This approach has been adopted in several granted Fast-track Wildlife approvals, including: [Drury Quarry Expansion – Sutton Block](#), [King’s Quarry – Stages 2 and 3](#), and [Waihi North](#).