



Ashbourne Substantive Application FTAA-2507-1087

[REDACTED]

Date Mon 23/03/2026 4:15 PM

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Dear Sir/Madam,

While we have made every effort to review and understand the extensive material provided, we note that the timeframe for comment, combined with the scale and technical complexity of the documentation, presents inherent challenges for adjoining landowners seeking to fully assess potential impacts on their property. With this we provide the following comments on the proposed draft conditions, in accordance with section 70 of the Fast-track Approvals Act 2024. Our property is directly adjoining the subject site. Accordingly, we are particularly concerned with the extent to which the proposed conditions adequately avoid, remedy, or mitigate adverse effects on neighbouring land. While we acknowledge the structure of the draft conditions, we do not consider that, in their current form, they provide sufficient certainty or protection for adjoining landowners. Our comments below focus on key areas where the conditions require strengthening.

We acknowledge that the draft conditions include a number of positive measures intended to address the interface between the development and adjoining properties, including increased lot sizes along certain boundaries, building setbacks, height controls, landscape buffer planting, and the establishment of a greenway with ecological and amenity values. However, while these elements are constructive, they are not yet sufficiently comprehensive, certain, or consistently applied to ensure that adverse effects on neighbouring properties are appropriately avoided, remedied, or mitigated. The following comments therefore focus on areas where the conditions require strengthening to provide greater certainty and protection for adjoining landowners.

We also note that certain key information, including updated plans and boundary treatments, has not been clearly provided or is subject to change. This further limits the ability of adjoining landowners to fully understand and assess the potential effects of the proposal.

1. Over-reliance on Future Management Plans

A consistent feature of the draft conditions is reliance on a suite of management plans (including, but not limited to, CMP, CTMP, SMP, GMP and ESCMP) to be prepared and certified at a later stage.

In our view, this approach defers critical detail and does not provide sufficient upfront certainty regarding how adverse effects on neighbouring properties will be managed.

Concern:

- Key controls relating to construction effects, traffic, stormwater, and groundwater are not fixed within the consent conditions.
- There is no guaranteed opportunity for directly affected neighbouring landowners to review or input into these plans prior to certification.

Suggested amendment:

- Conditions should include clear, enforceable performance standards (e.g. noise limits, traffic thresholds, discharge limits, setback controls) rather than relying solely on future management plans.
- All management plans should require:
 - Independent peer review, and
 - Demonstrated consideration of effects on adjoining properties.

In addition, we are concerned that the inclusion of “deemed certification” mechanisms, whereby management plans may be treated as approved in the absence of a Council response, creates insufficient assurance for affected adjoining landowners. This is particularly relevant where such plans govern matters directly affecting off-site amenity, including construction effects, traffic, stormwater, and groundwater management. Certification of such plans should require explicit written approval and not occur by default.

2. Staging and Infrastructure Dependencies

The proposed staging framework allows development to proceed sequentially, with certification of Stage Development Plans by Council.

Concern:

- The staging regime does not adequately ensure that supporting infrastructure (particularly stormwater, wastewater, and transport) is fully operational and effective prior to subsequent stages proceeding.
- The “deemed approval” mechanism creates risk of insufficient scrutiny.

Suggested amendment:

- Introduce explicit conditions requiring that:
 - All core infrastructure is fully constructed, commissioned, and verified as performing as designed before any subsequent stage proceeds.
 - No stage may commence where there is any unresolved infrastructure capacity constraint or known adverse effect on surrounding properties.
 - Remove or limit “deemed certification” provisions where critical effects are involved.

3. Stormwater, Groundwater, and Hydrological Effects

The proposal includes permanent diversion of watercourses, groundwater abstraction, and large-scale stormwater discharge systems.

Concern:

- There is insufficient certainty that changes to hydrology will not adversely affect neighbouring land (including flooding, ponding, or changes in groundwater levels).
- The conditions rely on future design and modelling rather than enforceable outcome-based limits.

Suggested amendment:

- Require baseline monitoring of groundwater levels and surface water behaviour on adjoining properties prior to works commencing.
- Establish clear “no adverse effect” thresholds for:
 - Flood levels
 - Groundwater drawdown
 - Surface water diversion
 - Require ongoing monitoring and mandatory remediation where any off-site effects are detected.

4. Construction Effects (Noise, Dust, Vibration, Traffic)

The scale of earthworks and construction activity across the site is significant and will occur over an extended period.

Concern:

- The current conditions do not provide sufficient certainty around:
 - Hours of operation
 - Dust control effectiveness
 - Construction traffic impacts on local roads
 - Effects on neighbouring residential amenity are not adequately constrained.

Suggested amendment:

- Introduce fixed limits for:
 - Construction hours
 - Noise levels at site boundaries
 - Dust emissions (including enforceable suppression requirements)
 - Require:
 - Defined haul routes
 - Limits on heavy vehicle movements during peak periods
 - Establish a complaints and response protocol with enforceable response timeframes.

Further clarity is required regarding acceptable hours for construction traffic movements, including restrictions during peak commuter and school periods, to minimise disruption to surrounding roads and residents. It is also recommended that construction hours be aligned more closely with typical residential expectations (e.g. 8:30am–5:00pm weekdays), or that stricter controls be imposed on early morning, late evening, and weekend works, including specific limits on high-noise activities. The conditions should also include clear requirements for the location and management of stockpiles associated with earthworks. In particular, stockpiles should be required to be located a minimum distance (e.g. 30 metres) from any site boundary, and the definition of “stockpiles” should be clarified to include all stored construction and earthworks materials.

In addition, there is concern regarding the safety and functionality of existing access points onto surrounding roads, particularly during peak periods such as school drop-off and pick-up times. Increased traffic volumes associated with the development have the potential to exacerbate already constrained and potentially unsafe conditions for vehicles entering and exiting adjoining residential areas.

5. Cumulative and Cross-Boundary Effects

Given the scale of the development (~95ha) and the number of interrelated consents, the potential for cumulative effects is significant.

Concern:

- The draft conditions do not sufficiently address cumulative effects arising from staging, infrastructure loading, and prolonged construction activity.
- Cross-boundary effects on adjoining landowners are not adequately recognised or managed.

Suggested amendment:

- Include an overarching condition requiring that:
 - The consent holder must avoid adverse cumulative effects on adjoining properties.
 - Where such effects arise, immediate mitigation and remediation must be implemented.
 - Strengthen review conditions to ensure timely intervention where effects exceed those anticipated.

6. Infrastructure Funding and Cost Allocation**Concern:**

While the draft conditions refer to development contributions, they do not provide sufficient assurance that all infrastructure required to service the development (including stormwater, wastewater, and transport upgrades) will be fully funded and delivered by the consent holder.

There is a risk that:

- Infrastructure capacity constraints emerge during staging, and
- Upgrades are deferred, partially funded, or transferred to Council delivery programmes.

This creates potential for:

- Service shortfalls affecting existing residents, and
- Cost burdens being transferred to the wider ratepayer base.

Suggested amendment:

- Include a condition requiring that:
 - All infrastructure necessary to service each stage of development must be fully funded, constructed, and operational by the consent holder prior to that stage commencing, and
 - No reliance is placed on future or unfunded Council infrastructure upgrades.
 - Require confirmation (via independent certification) that:
 - Sufficient capacity exists across stormwater, wastewater, water supply, and transport networks without reliance on public funding beyond standard development contributions.

While the requirement to confirm servicing capacity prior to section 224(c) certification is noted, this does not, in its current form, ensure that development will not adversely affect existing users or result in deferred infrastructure upgrades. The conditions should require independent confirmation that each stage can be fully serviced without degrading existing service levels and without reliance on future or unfunded public infrastructure works. The conditions should also explicitly confirm that the consent holder remains fully responsible for all costs associated with upgrades, maintenance, repair, and operational performance of existing infrastructure affected by the development, including (but not limited to) wastewater pump stations. This should include any additional demand-related upgrades, interim operational requirements, and any failures or incidents attributable to the development.

7. Neighbour Interface and Boundary Controls

While we acknowledge that the draft conditions include certain measures intended to address the interface between the development and adjoining Rural and Rural Residential properties (including increased lot sizes, building setbacks, and buffer planting requirements), these controls appear to be limited in application and not consistently applied across all boundaries adjoining existing properties.

Concern:

- The current drafting suggests that enhanced interface controls apply only to specific lots or locations, rather than all boundaries where existing neighbouring properties may be affected.
- This creates inconsistency in the level of protection afforded to adjoining landowners.

Suggested amendment:

- Require that all lots adjoining existing Rural or Rural Residential properties are subject to consistent interface controls, including:
 - Minimum increased lot sizes,
 - Enforceable building setbacks,
 - Height restrictions near boundaries,
 - Continuous and maintained landscape buffer planting.
- Require that such measures are implemented prior to section 224(c) certification and maintained in perpetuity.

It is also requested that the Panel confirm that all interface controls apply consistently across all boundaries adjoining existing residential and rural-residential properties, rather than being limited to specific lots or locations.

Consistent application of these controls is necessary to ensure equitable protection for all affected neighbouring landowners.

While the inclusion of landscape planting and maintenance obligations is noted, reliance on consent notices and future owner obligations may not provide sufficient certainty of long-term performance. Consideration should be given to requiring enforceable maintenance mechanisms, including bonds or similar instruments, to ensure ongoing effectiveness of boundary planting.

Consideration should also be given to increasing the minimum buffer width along boundaries adjoining existing residential properties (e.g. from 4 metres to 5–6 metres), to enhance privacy, visual screening, and amenity outcomes.

The composition of boundary planting should also be more clearly defined, with a preference for native species appropriate to the surrounding environment, and consideration given to consultation with adjoining landowners to ensure compatibility with the existing landscape character. Further clarity is also required regarding long-term responsibility for the maintenance of boundary planting and buffer zones, particularly following completion of the development. This includes whether such responsibility rests with individual lot owners, the consent holder, or Council, and how ongoing performance will be ensured.

Consideration should also be given to including minimum planting specifications within the conditions, such as species type, planting density, and spacing, to ensure that buffer planting achieves its intended screening and amenity outcomes within a reasonable timeframe.

8. Greenway and Landscape Buffer Outcomes

We acknowledge that the proposed greenway and associated landscape planting have the potential to provide meaningful visual, ecological, and amenity benefits, including the establishment of native vegetation and enhanced biodiversity values.

However, as the greenway also forms an integral component of the site's stormwater and hydrological system, its presence should not be relied upon as mitigation in the absence of robust and enforceable performance standards. In particular, the design and operation of the greenway must ensure no adverse effects on adjoining properties, including in relation to flooding, ponding, groundwater behaviour, and long-term maintenance responsibility.

Concern:

- Insufficient certainty regarding off-site hydrological effects.

Suggested amendment:

- Require no adverse effects, independent verification, and ongoing monitoring.

9. Certification and Governance of Management Plans

The draft conditions rely extensively on the preparation and certification of management plans and stage development plans at later stages of the project.

Concern:

- The inclusion of "deemed certification" provisions, where plans may be considered approved in the absence of a Council response, introduces a material risk that critical controls may be implemented without sufficient scrutiny.
- This is of particular concern where such plans directly relate to matters affecting neighbouring properties, including construction effects, traffic, stormwater, and groundwater management.

Suggested amendment:

- Remove or restrict deemed certification provisions for plans that manage environmental or amenity effects.

- Require that certification of all management plans:
 - Is explicitly confirmed in writing, and
 - Demonstrates that effects on adjoining properties have been appropriately considered and addressed.

10. Infrastructure Ownership and Long-Term Cost Allocation

While the draft conditions refer to development contributions, they do not provide sufficient certainty that all infrastructure required to service the development will be fully funded, delivered, and maintained by the consent holder.

Concern:

- Certain infrastructure elements, including stormwater systems and greenway features, may ultimately be vested in or maintained by Council.
- There is a risk that any under-design, deferred upgrades, or performance issues could result in cost burdens being transferred to the wider ratepayer base.

Suggested amendment:

- Include conditions requiring that:
 - All infrastructure is fully designed, funded, constructed, and demonstrated to be performing as intended by the consent holder prior to vesting or reliance on Council systems.
 - No reliance is placed on future or unfunded public infrastructure upgrades.
 - Require that any transfer of assets to Council is supported by:
 - Verified performance standards, and
 - clear long-term maintenance responsibilities

We also note that certain infrastructure elements, including components of the stormwater and greenway systems, may ultimately be vested in or accepted by Council. This reinforces the need for conditions to clearly ensure that all design, construction, remediation, and defects liability obligations remain with the consent holder unless and until a formal and fully verified vesting process is completed. This is necessary to avoid any unintended transfer of cost or risk to the wider ratepayer base.

11. Monitoring, Review and Response to Adverse Effects

While the draft conditions include provisions enabling periodic review of consent conditions, these mechanisms, as currently framed, do not provide sufficient responsiveness to emerging adverse effects on neighbouring properties.

Given the scale, staging, and complexity of the proposed development, there is a high likelihood that certain effects — particularly those relating to construction activity, stormwater performance, groundwater behaviour, and infrastructure loading — may not become fully apparent until works are underway or operational conditions evolve.

Concern:

- The current review framework appears to rely on periodic or scheduled review processes, which may not be sufficiently responsive to time-sensitive or rapidly emerging adverse effects.
- There is no clear requirement for continuous or real-time monitoring of key environmental and amenity indicators relevant to adjoining properties.
- There is insufficient certainty that where adverse effects are identified, timely and enforceable mitigation or remediation will occur.

Suggested amendment:

It is suggested that the conditions be strengthened to require:

- Ongoing monitoring of key environmental and amenity indicators throughout all stages of development, including (but not limited to):

- Stormwater discharge performance and flow behaviour,
- Groundwater levels and drawdown effects,
- Noise, dust, and vibration associated with construction activities,
- Traffic volumes and associated effects on surrounding infrastructure.
- Clear trigger thresholds to be established for each monitored parameter, beyond which corrective action must be initiated.
- A requirement that where any adverse effect on neighbouring properties is identified:
- Immediate mitigation measures are implemented without delay, and
- Where necessary, works are suspended until such effects are appropriately addressed and controlled.
- Regular reporting to Council confirming compliance with monitoring requirements and documenting any exceedances and corresponding corrective actions.

While the inclusion of review provisions is acknowledged, reliance on periodic review alone may not provide sufficient responsiveness where adverse effects arise rapidly, particularly during active construction phases. The conditions should therefore enable immediate intervention where off-site effects are identified, rather than relying solely on scheduled review processes.

12. Connectivity with Existing Road Network

We support the inclusion of restrictions on any future vehicle, pedestrian, or cycle connections between the development and existing local roads serving adjoining residential areas.

Concern:

- The current drafting does not provide sufficient clarity that all potential connection points are fully excluded.
- In the absence of explicit wording, there remains a risk that future connections could be introduced, either directly or indirectly, resulting in increased traffic, reduced privacy, and adverse effects on the amenity of existing residential areas.

Suggested amendment:

- Require that all conditions relating to connectivity explicitly prohibit any vehicle, pedestrian, or cycle connections between the development and adjoining residential areas.
- Confirm that such restrictions apply to all potential connection points, including via Chestnut Lane, to ensure there is no ambiguity or future scope for connection that could adversely affect local amenity and traffic conditions.

Conclusion

In summary, while we acknowledge the intent of the draft conditions, we do not consider that they currently provide adequate protection for adjoining landowners. In particular, the reliance on future management plans, combined with staging flexibility and limited enforceable performance standards, creates a high degree of uncertainty regarding the actual effects of the development. We note that the scale and staging of the development further emphasise the importance of ensuring that infrastructure, environmental controls, and amenity protections are fully resolved prior to development proceeding, rather than being deferred or reliant on future assumptions.

We request that the conditions be amended to:

- Provide clear, enforceable limits,
- Ensure infrastructure and environmental controls are in place prior to development progression, and
- Protect neighbouring properties from adverse effects, including cumulative and cross-boundary impacts.

Thank you for your consideration and

