

Your Comment on the Ashbourne substantive 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

| 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 | Ronan | | |
| Last name | Whitelock | | |
| Postal address | [REDACTED] | | |
| Mobile phone | | Work phone | [REDACTED] |
| Email | [REDACTED] | | |

2. We will email you draft conditions of consent for your comment

| | | | |
|-------------------------------------|--|--------------------------|--|
| <input checked="" type="checkbox"/> | 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: 11/11/2025

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.

Comments on a fast-track consenting application

Fast-track Approvals Act 2024 section 53

To: The Expert Panel

From: Department of Conservation

Regarding fast-track project: Ashbourne

Fast track Reference: FTAA-2507-1087

1 Background

- 1.1 Matamata Development Ltd ('the Applicant') proposes to establish a residential and retirement development project of 530 new homes and 250 retirement units in Matamata, along with associated commercial developments, infrastructure and two solar farms ('the Proposal').
- 1.2 The subject site is located approximately 1.8 km to the southwest of the centre of Matamata, totalling 125 hectares in size, being split into two areas, the Northern Area and the Southern Area. The Proposal will span across a collection of separate land parcels, including various underlying zonings. New titles will be created through a 'superlot subdivision', resulting in a total of 11 new allotments.
- 1.3 The Proposal does not take place on any Public Conservation Land ('PCL').
- 1.4 Approvals are sought under the Resource Management Act 1991 (the 'RMA'). It is understood that the Wildlife Act 1953 Authority ('Authority') required from the Department of Conservation ('the Department') to manage lizards has been sought separately, outside of the Fast-track Approvals Act 2024 ('FTAA') application process. As at the date of these comments, a decision has not been made on the Authority. The Department notes that through the Authority process, the Applicant has prepared a Lizard Management Plan with an updated release site to address the Department's concerns with the release site proposed in the substantive application. The Department's comments on the amended LMP are provided below.
- 1.5 During the referral stage as well as prior to the lodgement of the substantive application, the Applicant undertook consultation with the Department, providing the opportunity to review and provide comments on the draft ecological assessment.
- 1.6 In accordance with section 53(2)(m)(i) of the FTAA, the Director-General of Conservation (DG) has been invited to comment on the substantive application. Statutory delegations are in place for the Department to provide commentary on behalf of the DG.

2 Department of Conservation advice

- 2.1 As outlined above in paragraph 1.4 the Applicant has sought other approvals outside of the FTAA process.
- 2.2 Accordingly, the Department's primary concerns relate to the management of effects on terrestrial ecology, specifically ensuring the consent conditions appropriately manage these effects, and are enforceable.
- 2.3 In addition, the Department notes that conditions will ideally be consistent with the requirements set out in those other approvals sought outside of the FTAA process.
- 2.4 Subject to the above, the Department considers the effects of the proposed activities will be appropriately managed.
- 2.5 A table summarising the changes to conditions and management plans sought by the Department in the following sections has been included as Attachment 1.

3 Assessment

- 3.1 The Department's assessment has been confined to the actual and potential ecological effects of the Proposal and the consent conditions proffered to manage effects on terrestrial ecology, specifically to minimise harm to fauna and associated habitat. Accordingly, the Department has not commented on its consistency with the wider statutory framework.

4 Comments on Actual and Potential Effects and Conditions

- 4.1 The Department has provided comments on the Applicant's proposed conditions and effects management measures, outlining how they can be amended to ensure that consent conditions and management plans encapsulate all actual and potential effects associated with the proposal.
- 4.2 In relation to freshwater ecology, the Department is of the view that the actual and potential effects on wetlands are low, as the proposed mitigation measures are considered sufficient to address the adverse effects. Regarding the artificial farm drains, the Department agrees with the Applicant's assessment, assigning these values as 'negligible'. It is also noted these streams do not accommodate permanent flowing water and that the aquatic habitat within them is of poor quality. Finally, the Department considers effects on the Waitoa River to be low, as the proposed mitigation measures are likely to reduce the effects of nutrient and sediment runoff. On this basis, the Department has not provided any further additional comments in relation to freshwater ecology.
- 4.3 Whilst the Department has not provided additions or deletions to the conditions, the Department welcomes the opportunity to comment on draft conditions pursuant to section 70

of the FTAA. If the panel is minded towards granting consent, it is understood there will be an opportunity to comment on the panel's draft condition set.

4.4 Securing the effects management package described in the Assessment of Environmental Effects ('AEE') and technical reports relies heavily on management plans. The use of management plans is common and legal, provided the management plan does not involve delegation of substantive decisions. Management plans should set out the administrative detail by which condition objectives and performance standards will be achieved. This approach is strongly encouraged at section 21 of the July 2025 Panel Conveners' Practice and Procedure Guidance document¹ which encourages the use of the following in consent condition mechanisms:

- (a) performance or environmental standards that specify the standard that must not be breached;*
- (b) trigger responses that provide for resource use to occur provided specified environmental conditions exist;*
- (c) monitoring of triggers and responses, including adaptive management responses;*
- (d) plan design standards, which require the management plan to be prepared in accordance with a specific industry accepted standard or plan;*
- (e) certification by a specifically qualified and experienced person;*
- (f) determination of the certifier's qualifications and experience (for proposals with particularly significant potential adverse effects);*
- (g) as-built certification requirements to ensure that the project meets the required standards;*
- (h) mandatory implementation of the management plan; and*
- (i) local authority monitoring requirements associated with the proposed condition set.*

4.5 The conditions fall short of using these good practice methods, particularly (a) and (b). Environmental objectives and performance standards are not set out in the ecology conditions. For example, a number of conditions such as Retirement Village Conditions [78], [81], Residential and Greenway Conditions [76], [77], [79] and [80] and the equivalents in the solar farm consent are all to be certified by the Council if they are in accordance with a draft version of the same management plan that has been lodged with the Proposal. This is circular reasoning that leaves out an objective standard for certification in the consent conditions. This is one of several drafting matters that recur in the ecology conditions and are further discussed below.

Ecological Management Plan:

¹ [Panel-conveners-practice-and-procedure-guidance.pdf](#)

- 4.6 In this section, the Department's comments relate to the proposed Ecological Management Plan ('EMP') which has been prepared by the Applicant to manage actual and potential adverse effects on the terrestrial and freshwater ecological values. The EMP comprises of a Bird Management Plan ('BMP'), Long-Tailed Bat Management Plan ('LBMP'), a Lizard Management Plan ('LMP'), and a Fish Management Plan ('FMP'). As such, the comments below follow the structure set out in the EMP.

Bird Management Plan

- 4.7 The proposed BMP's purpose is to "ensure the maintenance of existing absolutely protected bird populations during construction and operation of the site", which will be achieved through meeting two objectives including: the avoidance of vegetation clearance during peak breeding season, and implementation of appropriate bird-clearance bird nest surveys, avoidance setbacks, and monitoring protocols for vegetation clearance.
- 4.8 In relation to the bird surveys, the BMP sets out the requirements for bird surveys to be carried out seven days prior to vegetation clearance. The Department considers this threshold should be reduced given the longer the gap between survey and works, the greater the chance of birds having established in the interim (including establishing nests). The Department recommends a period of five working days as a timeframe that would reduce this risk without being overly onerous on the Applicant.
- 4.9 In the scenario that nests are found, the Applicant proposes a 20 m setback around the nests, which will be clearly marked, cordoned off and left undisturbed until nesting birds have been confirmed to have fledged, or until nests have been abandoned. The Department supports the intent of this measure, however, recommends a setback of 50 m should be applied from all machinery, vehicles, personnel, and areas of disturbance. In addition, if works cease for more than five consecutive working days, any activity should be considered a new activity and require a further bird survey before it may resume.
- 4.10 The Department notes that absolutely protected birds may be nesting in open habitat (i.e. grassland) at this site (e.g. New Zealand pipit), and so clearance of this vegetation should also be avoided during peak breeding season. If grassland clearance does need to occur, then the same survey and 50 m setback requirements should be required.
- 4.11 Prior to the commencement of works, the Department considers it would be prudent for a pre-works survey report to be completed and submitted to the Consent Authority for certification. The report should include locations of any nests, colonies or chicks of any Nationally Threatened, or At-Risk bird species recorded, as well as a methodology for how these were detected. If nests are found, the survey report should set out how the effects are going to be avoided, minimised, or mitigated. We note that it is an offence under the Wildlife Act to disturb or destroy the nest of any protected wildlife (s63(c)). Before the report is submitted to the Consent Authority, the Department should be provided with a copy for review and comment.

4.12 It is noted there are no monitoring conditions provided within the BMP. The Department considers that monitoring is crucial in ensuring the effects management measures are being implemented appropriately, and to record the nature of the actual effects of the activities. It is recommended that the BMP is updated to set out the requirements for monitoring and then be imposed in the applicable resource consent conditions.

Long-Tailed Bat Management Plan

4.13 The purpose of the proposed LBMP is to “avoid injury to, or mortality of, long-tailed bats during construction and minimise disturbance of long-tailed bats during operation”. To achieve this purpose, objectives have been provided including the provision to avoid clearance of potential bat roosts outside the period of greatest bat activity, and the implementation of the Department’s Bat Roost Protocols.

4.14 The Department notes the wording of the first objective requires the avoidance of clearance of potential bat roosts outside the period of greatest bat activity. Undertaking clearance of potential bat roosts during the period of greatest bat activity results in a significantly greater risk of the death and/or injury of bats during construction. It is crucial this objective is amended to avoid effects inside the period of greatest bat activity to ensure effects are managed appropriately, considering the next step on the threat classification list for Long-Tailed Bats (LTB) is extinction.

4.15 The Department also considers the scope of the objectives are too narrow, and do not encapsulate all of the actual and potential effects on LTB across the project, which include:

- Loss of significant habitat and roost features.
- Artificial light.

4.16 The Applicant proposes to implement the bat roost protocols established by the Department’s Bat Recovery Group² (DOC 2024) which is supported. However, the Applicant states that the use of bat roost protocols will ensure adverse effects are avoided. This is not the case – adverse effects associated with the loss of habitat, particularly roost trees, is not addressed by implementing the protocols.

4.17 Standards are provided in the LBMP for the implementation of bat sensitive lighting design. This includes measures outlined in the New Zealand Bat Recovery Group’s Advice Note for reducing the impact of artificial light on LTB³ (Advice Note). The Advice Note identifies that lights and their spill should be kept to moonlight levels within a range of 0.05-0.1 lux. On this basis, it is recommended in the LBMP that the lux standard be set at 2700K and less than 0.3 lux within 200 m of the Waitoa Reserve. However, the Department contends the proposed extent of these limitations does not sufficiently minimise the effects on LTB. It is considered that illuminance from any source of artificial lighting should not exceed 0.3 lux at the external

² [Protocols for minimising the risk of felling occupied bat roosts](#)

³ [Reduce the impact of artificial light on pekapeka advice note](#)

boundaries of this 200 m buffer, not just at the boundaries of the esplanade reserve. Additionally, these controls should be specified within each condition set to which these measures apply.

4.18 The LBMP has provisions for offsetting loss of roost features in the scenario that bat roost features are found prior to the commencement of vegetation clearance and construction. It is confirmed that artificial roosts will be provided within the Esplanade reserve at a ratio of 3:1 as soon as practical following tree felling. The Department does not support the use of artificial roosts or roost features based on the New Zealand DOC Bat Recovery Group advice note on the use of artificial bat roosts⁴, which states the following:

- There is no evidence to date that artificial roost boxes or the creation of roost features is an effective tool for mitigating the loss of natural bat roosts.
- Research indicates that bats choose roosts specifically for their thermal properties (Sedgeley 2001)⁵, further that the thermal properties required for bats year-round are unknown (Sedgeley and O'Donnell 2004)⁶.
- Other research shows that artificial roost boxes have been found to be too hot or too cold, so bats had lower productivity and survival than in the natural roosts they sought to replace/mitigate for the loss of (Griffiths 2021, Flaquer et al 2014)⁷.

4.19 However, if the panel finds it appropriate to accept artificial roosts as mitigation, the LBMP should set out the requirements for how they are installed, maintained and managed. More specifically, the artificial roosts should be required to be fitted with predator control bands and placed across the site in areas where LTB have been recorded. Further, they should also be inspected at least once a year to check for signs of bat occupancy, to ensure the predator control bands remain intact, and assess the overall condition of the boxes.

4.20 The EIA ('Ecological Impact Assessment') recommends predator control as a mitigation measure, however, this has not been incorporated into the LBMP. The Department considers it prudent that the provision of predator control is incorporated into the EMP and applied across all consents, and across all areas of the site where LTB have been recorded. To assist decision making, appropriate predator control should provide information pertaining to what pests are being targeted, what are the target levels, how this will be measured, what time of the year will the pests be reduced, how will this be achieved, and how long will pest control continue (e.g. that last as long as the impacts, or preferably across the duration of the consents/ in perpetuity⁸).

⁴ [Artificial bat roost advice note](#)

⁵ Sedgeley JA. 2001. Quality of cavity microclimate as a factor influencing selection of maternity roosts by tree-dwelling bat, *Chalinolobus tuberculatus*, in New Zealand. *Journal of Applied Ecology*. 38(2):425:438.

⁶ Sedgeley JA, O'Donnell CFJ. 2004. Roost use by long-tailed bats in South Canterbury: examining predictions of roost-site selection in a highly fragmented landscape. *New Zealand Journal of Ecology*. 24(1):1:18.

⁷ Griffiths SR. 2021. Overheating turns a bat box into a death trap. *Pacific Conservation Biology*. Flaquer C, Puig X, Lopez-Baucells A, Torre I, Freixas L, Mas M, Porres X, Arizabalaga A. 2014. Could overheating turn bat boxes into death traps? *Barbstella*. 7(1).

⁸ National Policy Statement for Indigenous Biodiversity 2023 (As Amended 2024), Appendix 4, principle (6).

Lizard Management Plan

- 4.21 The Applicant is seeking an Authority for lizard management outside of the FTAA process. The Department has been engaged and has provided advice, particularly in relation to the relocation site, on a Lizard Management Plan through the authorisation application process. The LMP implemented through the FTAA consents and associated conditions will ideally be consistent with the comments provided by the Department through the Wildlife Act authorisation process. It is also expected that a certification process for the LMP is included in the condition set.
- 4.22 The Department is concerned with the predator control outlined in the EMP, as there is limited information on what the existing predator control at the release site includes. It is still uncertain whether the potential increase in lizard population at the amended release site would require additional predator control, as the updated LMP provided to the Department outlines predator control is undertaken by a third party, and no increases or compensation to this existing operation has been proposed by the Applicant. Additionally, if compensation is proposed, consent conditions should reflect the targeted species, the targets (e.g. 5% of rat tracking) and the duration of the predator control.

Retirement Village Conditions

Long-Tailed Bat Management Plan

- 4.23 Under Condition [78] the proposed LBMP must be certified at least 20 working days prior to the commencement of any works, which the Department supports. Notwithstanding this, as drafted the condition allows the Consent Holder to vary the LBMP, on the basis that the changes are clearly defined, explained and consistent with the objective within the EMP condition. The Department considers this inappropriate as it may undermine the management plan in the EMP which is the key method for managing ecological effects and which is required to be adhered to by all consents. Further, providing the opportunity for the effects on LTB to not be appropriately managed.
- 4.24 The Department also finds the option to vary the management plan outside of the FTAA process inappropriate, as it would not provide a consistent decision-making process in relation to other management plans imposed under each resource consent.
- 4.25 If the panel is minded to accept Condition [78] as drafted, the Department respectfully asks that the Consent Holder be required to provide a copy of the LBMP to the Department for review and comment prior to the certification process, to ensure the condition variation is appropriate, enforceable, and up to date with best practice.

Lizard Management Plan

4.26 The Department has reviewed the conditions provided for the retirement village. Upon review, it was identified the LMP Condition [80] of the regional consent contains an error, where the objective applies to LTBs instead of indigenous lizards. If the panel are minded to approving this Proposal, it is recommended this condition is amended for correctness.

Additional comments

4.27 Condition [32] of the District Council Consent provides for the deemed certification of any management plan if no response is received within 20 working days. The Department strongly opposes this, as it is not clear what management plans this condition applies to.

4.28 Condition [34] of the District Council Consent provides for the deemed certification of any amendments to management plans. The Department strongly opposes the 'deemed certification' conditions. 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 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.

Residential Subdivision and Greenway Conditions

4.29 It is noted that Condition [46] of the District Council Consent provides for the 'deemed certification' of any management plan, if no response is received within 20 working days. Condition [48] of the District Council Consent provides for the 'deemed certification' of any amendments to management plans. The Department strongly opposes this condition wording.⁹

Solar Farm (North and South) Conditions

4.30 The proposed conditions for the solar farms do not provide any specific management for the potential effects of bird collision. The EIA confirms there were no records of At Risk or Threatened birds during the site visits, however records on eBird suggest that birds such as the New Zealand falcon (Threatened - Nationally Vulnerable) and the New Zealand pipit (At Risk – Declining) may utilise the pasture habitat for foraging¹⁰. The Department acknowledges the potential effect of collisions with solar arrays is most likely low with this Proposal, however it is recommended a precautionary approach is applied and conditions require monitoring to address potential and residual effects.¹¹

4.31 The Department suggests that collision monitoring occur during construction and for the first five years of the life of the fully constructed solar farm. A robust carcass monitoring method

⁹ Ibid, at [4.28]

¹⁰ Ashbourne Development, Ecological Impact Assessment, Ecological Solutions, July 2025, Page 28.

¹¹ Nationally Policy Statement for Indigenous Biodiversity 2023 (As Amended October 2024), Policy 3.

should occur at the site (noting that the Applicant will require a permit to hold dead protected wildlife). It is recommended the monitoring requires an annual report on all birds found dead during construction, and for the first five years of the life of the fully constructed solar farm. Monthly surveys should occur for dead birds and other protected wildlife to be recorded and reported on.

4.32 The Applicant has proposed a section 128 review condition in the district council and regional council consents. Regarding paragraph 4.30, if collisions are detected, this would provide the Consent Authority with the opportunity to impose mitigation measures, where appropriate.

4.33 Condition 18 of the District Council Consent provides for the 'deemed certification' of a management plan if no response is received within 20 working days, the Department strongly opposes this for the same reasons outlined in paragraph 4.28.¹²

5 Conclusion

5.1 The Department considers the Proposal is able to be approved subject to amendments to the conditions to ensure they are appropriate, enforceable, and effectively manage the actual and potential effects on terrestrial ecology.

5.2 Thank you for the opportunity to comment.

¹² Ibid, at [4.29]