



Te Kāwanatanga o Aotearoa
New Zealand Government

Your Comment on the Ōhoka Residential Subdivision 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

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	Nicole		
Last name	Heron		
Postal address	PO Box 10420, Wellington 6140		
Mobile phone		Work phone	
Email	fast-track@doc.govt.nz and		

2. We will email you draft conditions of consent for your comment			
☒	I can receive emails and my email address is correct	☐	I cannot receive emails and my postal address is correct

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

Linda Kirk
Fast-Track Applications Manager

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

Date: 12/10/2026

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



Department of
Conservation
Te Papa Atawhai

1. Overview

- 1.1 Carter Group Limited (the Applicant) has applied under the Fast Track Approvals Act 2024 (FTAA) for the subdivision and development of approximately 154 hectares (ha) of rural-zoned land at 531 and 535 Mill Road, 325 and 347 Whites Road, and 236 Bradleys Road, Ōhoka.
- 1.2 The development will include 879 residential allotments, a local centre, a retirement village, a polo ground and associated facilities, roading, and infrastructure.
- 1.3 There is no Public Conservation Land within the proposal site, however, the Ōhoka Recreation Reserve, vested in the Waimakariri District Council, is located directly east of the site.
- 1.4 The proposal seeks approvals that would otherwise be granted under the Resource Management Act 1991 (RMA), the Wildlife Act 1953 (WA), and the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA).
- 1.5 The Applicant engaged with DOC between January 2025 and August 2025. DOC provided a summary of pre-lodgement consultation to the Applicant on 7 April 2025, included as Appendix 5 of the substantive application.
- 1.6 The Department has also previously prepared a Report on behalf of the Director-General of Conservation (D-G), in accordance with section 51 of the FTAA.
- 1.7 In accordance with sections 53(2)(k) and 53(2)(m)(i) of the FTAA, the 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. These comments focus on bringing together any outstanding issues.

2. Department of Conservation advice

- 2.1 The Department's assessment is confined to actual and potential adverse effects of the proposal on ecological values and proposed measures to manage these effects. Accordingly, the Department has not commented on the Application's consistency with the wider statutory framework.
- 2.2 In summary, the Department considers that some freshwater values may have been incorrectly assigned, and that some of the measures proposed to address adverse effects may not be sufficient to ensure the intended ecological outcomes are achieved or to ensure the proposal is consistent with the relevant planning provisions.
- 2.3 To address these concerns, the Department recommends that further information is sought from the Applicant, specifically in relation to proposed offset and compensation requirements, and that the consent conditions are subsequently amended to reflect this.
- 2.4 The Department also considers that conditions should be amended to ensure that effects on lizards and lizard habitat are managed as proposed.

- 2.5 It is also noted that the Applicant has not applied for complex freshwater fisheries approval as part of their Fast-track application. The Department considers that freshwater fisheries approvals will be required if the proposed diversion of streams triggers the requirements of regulations 42 or 43 of the Freshwater Fisheries Regulations 1983. If required, freshwater fisheries approvals will need to be applied for outside of the Fast-track process.

3. Assessment

Freshwater

Identification of waterway values

- 3.1 The Aquatic Ecology Assessment (Appendix 19a of the Application) relies predominantly on a 2021 fish survey and habitat assessment report by Aquatic Ecology Limited (AEL), with additional assessments and sampling undertaken by Instream Consulting Ltd in March 2025.
- 3.2 The Department notes:
- a. No ecological survey has been undertaken for the 'Unnamed Drain 1' and it is therefore not possible to understand the potential effects of the proposed reclamation of this watercourse.
 - b. The threat status of upland bully (*Gobiomorphus breviceps*) has been incorrectly recorded as 'Not-Threatened', rather than 'At Risk – Naturally Uncommon' (Dunn et al. 2025)¹. This may have resulted in the underreporting of ecological values of watercourses.
- 3.3 The Department also notes that while eDNA sampling is not a necessary component of a fish survey, it would provide a useful addition for this particular project site for the following reasons:
- a. It would allow for the sampling of habitats that are impractical to sample with physical fish surveys (e.g., electrofishing or trapping).
 - b. It would increase the probability of finding fish species that are in low abundance and/or not readily captured by physical fish surveys (e.g., lamprey).
 - c. It would enable the identification of aquatic macroinvertebrates to a species level.

Identification of wetlands values

- 3.4 The Wetland Assessment (Appendix 21 of the Application) relies on a 2025 memo by Pattle Delamore Partners Ltd (PDP) that identifies 15 wetlands within the project area. The Department appreciates the efforts undertaken by the Applicant to positively identify and delineate wetlands within such a modified environment. However, the methodology has not been described in sufficient detail such that it is difficult to determine whether the assessment has been undertaken in accordance with the Ministry for the Environment's Wetland

¹ Dunn, N.R., Closs, G.P., Crow, S.K., David, B.O., Goodman, J.M., Griffiths, M., Hicks, A.S., Hickford, M.J.H., Jack, D.C., Kitson, J.C. and others 2025. Conservation status of New Zealand freshwater fishes, 2023. Department of Conservation, Wellington. 66 p.

delineation protocols. There are several areas where the methodology and results could have been described more clearly, particularly in relation to survey timing, species identification, the application of the vegetation tools, and how the final wetland boundaries were determined.

Assignment of ecological values

- 3.5 Ecological values have been assigned to each named waterway in the project area. Given the differences in size and source of these various waterways, the Department considers this to be the appropriate scale at which to assign ecological value.
- 3.6 The waterways have been assigned low, moderate, or high ecological values, however no consistent methodology for calculating values has been provided. It is therefore not possible to determine what parameters have been used across the various waterways to assign ecological value.
- 3.7 Given the above, it would be helpful for the Applicant to provide the following:
 - a. Confirmation of whether the five point scale of ecological value outlined in the EIANZ guidelines (Roper-Lindsay et al. 2018)² was used.
 - b. Information on the methodology and parameters used to assign waterways ecological values, particularly for waterways where there is no available ecological survey data (i.e., Unnamed Drain 1).
 - c. The extent of waterways that are artificial and/or ephemeral. This information will help to ensure the offsetting package accurately reflects the extent of permanently or intermittently flowing natural waterways being lost in the project area.
- 3.8 The waterway values assessment should include consideration of species present within the catchment and that may be present within the project area, regardless of whether or not they were identified on site during the ecological survey. Inanga (*Galaxias maculatus*) are one such example.
- 3.9 The Stantec Aquatic Ecology Memorandum (Appendix 19c of the Application), dated 10 September 2026, includes a table of expected future water course values after offset actions are implemented. However, no consistent methodology has been provided to confirm how these values have been determined.
- 3.10 The Stantec Aquatic Ecology Addendum (Appendix 19b of the Application), dated 18 June 2026, identifies the ecological value of wetland habitats within the project area as “moderate”. The Department considers that this likely an appropriate level of value, given the paucity and historic loss of wetland habitats on the Canterbury Plains. Notwithstanding, there are at least three types of wetland habitat present (e.g., springhead, riparian, and remnant stream channels), such the Department questions the aggregation of all wetlands into one category.

² Roper-Lindsay, J., Fuller S.A., Hooson, S., Sanders, M.D., Ussher, G.T. 2018. Ecological impact assessment. EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems. EIANZ, Melbourne, Australia. 133 p.

It would be more appropriate to provide an ecological value for each wetland based on individual merits.

Water quality

3.11 The Aquatic Ecology Assessment (Appendix 19a of the Application) notes that the project may result in increased concentrations of some metal contaminants being discharged to the receiving environment (e.g., zinc and copper). The Department notes that on 10 September 2026, updated Australia New Zealand Guidelines for Fresh and Marine Water Quality (2018) values for zinc, copper and nickel were released, and subsequently the Applicant may wish to revisit their water quality assessment with these updated values.

3.12 To minimise these potential contaminants at source, it is recommended that the development restrict the use of copper guttering and cladding and unpainted zinc-galvanised surfaces.

Riparian setbacks and enhancement

3.13 The proposed development aims to avoid adverse effects on waterways and springs as far as possible through the establishment of setbacks. The Department supports this approach and agrees that the establishment of setbacks and riparian planting is best described as 'avoidance' under the NPS-FM effects management hierarchy³.

Diversion channels

3.14 Three waterway diversions are proposed and presented as an action to minimise or remedy stream loss⁴. However, the Department is of the view that as the proposed diversions will result in the permanent loss of the existing channels remediation will not be possible. Therefore, the construction of new channels should instead be considered an offset measure under the NPS-FM effects management hierarchy.

3.15 Neale (2025)⁵ provides some general guidance on the likely success of stream diversions, which indicates that channel realignments carry risks, such as the loss of surface flow and downcutting through the new stream bed. As the channels to be diverted are constructed/modified and spring fed with small catchments, they are not subject to extreme high flow events, such that the risks associated with diversions are not as great as if natural/unmodified channels were involved. To achieve the '*large improvement in ecological values within these streams*' stated in the Instream Consulting Ltd aquatic ecology assessment, it will be important that the detailed design of the realigned channels is undertaken by those experienced in such matters, and that the design and approach is externally reviewed.

3.16 As the detailed design of diversion channels is to be provided later as part of the Ecological Management Plan, the Department recommends that if the Panel is of the mind to grant

³ National Policy Statement for Freshwater Management, Clause 3.21

⁴ Paragraph 477 of the Ōhoka Residential Subdivision AEE, dated June 2026

⁵ Neale, M. 2025. Takitimu North Link Stage 2 – freshwater effect management. Memorandum prepared for DOC. Pūhoi Stour.

approval, additional consent conditions are included to address uncertainty. The Department's recommendations are outlined in Section 5 below.

Offsetting

- 3.17 The project involves the permanent loss of stream and wetland habitat, stream diversions, and the installation of culverts. These activities will result in adverse effects that cannot be avoided, minimised, or remedied at the location of impact. To address residual adverse effects and achieve an overall net gain in aquatic ecological values the Applicant is proposing to employ offset and compensation measures.
- 3.18 The Applicant has not provided any method for quantifying loss and estimating the offset actions required to achieve the intended net gain in ecological values. It is therefore not possible to determine whether the proposed offset actions will achieve the intended outcomes. The Department considers that where offsetting is proposed it is typical to utilise an accepted accounting system for quantifying the loss of values and the extent of actions required to achieve the required outcome (e.g., no overall net loss). For stream habitats in New Zealand, the Stream Ecological Valuation (SEV) is often used, whilst for wetlands the Biodiversity Offset Accounting Model (BOAM) or Biodiversity Compensation Model (BCM) systems are available. The Department acknowledges the challenge of quantifying offsetting requirements based on a conceptual design. However, it is usual practice to collect the required baseline data as part of consenting field investigations (e.g., SEV scores for waterways), then using these to assist in assigning ecological value and generating an estimate of offset requirements. For permanent diversions, this offset estimate can be used to inform elements of the detailed design, such as the extent of diversion channel meandering required.
- 3.19 The offset measures proposed to address residual effects on streams primarily consist of the establishment of setbacks and riparian planting. As these measures are already presented as an 'avoidance' action (i.e., the associated gains would have occurred in the absence of the offset), they should not be counted again as an offset measure⁶. As above, an appropriate method for quantifying the stream loss (and gain) is necessary to determine the offsetting required to address any more than minor residual adverse effects and to achieve no net loss of river extent and values, as directed by the NPS-FM.
- 3.20 The offset measures proposed to address the loss of wetland extent and values rely heavily on the establishment of stormwater treatment wetlands to be constructed as a key component of the stormwater management system, required to detain and treat stormwater from the development prior to discharge to the receiving environment. Offsetting needs to be additional to actions that would have occurred in the absence of the offset. The Department is of the view that it is inappropriate to consider stormwater wetlands as a viable replacement (offset) for the loss of natural inland wetlands. As such, the measures proposed to address the loss of natural inland wetlands are insufficient for achieving no net loss of wetland values and

⁶ NPS-FM Appendix 6, clause 4

extent, as directed by the NPS-FM. Offsetting calculations for wetlands should be based on a wetland-by-wetland calculation of existing value, which has not currently been undertaken

- 3.21 Due to the current deficiencies in the stream and wetland offsetting proposal, the Department recommends that further information is sought from the Applicant to confirm how the required levels of offsetting and/or compensation will be calculated. The Department is of the view that stream and wetland offsetting requirements should be quantified using an accepted accounting system and the stream component of the offset package should integrate measures to address adverse effects of channel reclamation, diversion channel creation, and culvert installation.
- 3.22 To provide greater certainty and ensure enforceability, it is recommended that the method for quantifying offset requirements is subsequently specified in the consent conditions.

Monitoring

- 3.23 The executive summary of the Aquatic Ecology Assessment states “*Monitoring before, during and after works will also be required to document the success of the proposed offsetting*”. The Department supports this undertaking in general but notes to be sufficiently certain, the Applicant needs to clearly state the ecological objectives/outcomes to be achieved by offsetting and to specify trigger points for determining when any additional offset or compensation measures will be required. This information should be confirmed prior to a decision being made on this application and should be included as conditions of consent, rather than delegated to a subsequent process through a management plan.
- 3.24 The Department recommends that baseline monitoring is undertaken to inform the detailed design of the stream rehabilitation actions. Where there is the opportunity to increase channel length and complexity through creating meandering diversion channels, baseline monitoring may be able to inform whether there any particular species the habitat design should focus on. Matters to consider include, for example:
- a. Whether areas of deeper, pool habitat should be created to provide habitat for larger tuna/eels and/or īnanga.
 - b. Whether the design should include installation of larger, stable boulders to increase caddisfly egg laying habitat.
 - c. Whether specific areas of optimal kōura habitat should be created.
 - d. Whether log vanes can be used to ‘lock in’ existing areas of sediment and create base flow diversity in the channels that are currently only proposed to have riparian planting undertaken.

Lizards

- 3.25 The Department supports the measures set out within the Lizard Management Plan, as detailed in the Section 51 report, however the proposed district council consent conditions do not include any requirements relating to the management of adverse effects on lizards or

lizard habitat. The Department considers these effects are within scope for approvals that would otherwise be sought under the RMA and recommends additional conditions are included to ensure effects are managed as proposed. Suggested condition wording is provided in Section 5 below.

4. Assessment of application with relevant planning provisions

- 4.1 The Applicant has provided a full assessment of the proposal against relevant statutory planning provisions in the Provisions Assessment (Appendix 42) and a summary on pages 135-140 of the AEE.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

- 4.2 The AEE concludes that the proposal is generally consistent with the NPS-FM, particularly in relation to improving higher-value waterbodies, managing water quality, and integrating cultural values through the protection of springheads. The AEE states the key remaining area of tension is the loss of low-value wetlands, which does not align with the directive to avoid further loss of extent, though notes mitigation and offsetting measures are proposed to address residual effects.
- 4.3 The Department considers that to ensure the proposal is consistent with the relevant provisions in the NPS-FM in relation to waterways, the Applicant should first ensure that aquatic ecology values have been adequately identified, with offsetting requirements determined on this basis
- 4.4 With regard to Policy 6 of the NPS-FM, the Department agrees with the conclusions in the AEE and the Provisions Assessment that the proposal is inconsistent with this policy due to the proposed loss of wetland extent, however, also considers this inconsistency to arise from the anticipated loss of wetland values.

5. Comments on conditions

- 5.1 Under the FTAA, the Panel is required to provide draft conditions and invite comments on them before granting an approval. To assist the Panel, the Department has provided preliminary comments on the Applicant's proposed resource consent conditions to ensure that they are clear, enforceable, implement the technical recommendations in the Application, and achieve the ecological outcomes sought. Recommended additions to conditions are shown as **bold underlined** and text recommended to be deleted is shown as ~~strikethrough~~.

Proposed Regional Council Consent Conditions

- 5.2 The comments below relate to the updated proposed regional council consent conditions provided by the Applicant on 5 August 2026.

Deemed certification

- 5.3 The proposed conditions include requirements for the Ecological Management Plan, Erosion Sediment Control Plan, Remedial Action Plan, Chemical Treatment Plan, and Streamworks Management Plan to be deemed 'accepted' if Canterbury Regional Council have not confirmed acceptance of the plan within 10 working days.
- 5.4 The Department considers an independent, regulatory check of the plans is necessary and the requirement for deemed certification fundamentally undermines the conditions. It is recommended the requirements for deemed acceptance are removed from the consent conditions.

Ecological Management Plan (EMP)

- 5.5 The 'Works in Waterways' (s13 land use) consent conditions include requirements around the proposed EMP, however do not specify the objectives or outcomes sought by the plan. It is recommended that the proposed consent conditions are amended to include specific reference to the plan's objectives, including (but not limited to) the objectives to achieve a net gain in the aquatic ecology values within the site and to ensure the ongoing provision of fish passage within all retained, enhanced, restored, or created streams on site, and any structures within them.

Condition 11:

- a. *The Ecological Management Plan required under Condition 10 must be prepared by a Suitably Qualified Freshwater Ecologist in conjunction with a Landscape Architect, and shall be prepared as a 'living document' that is updated as the stages of development are progressed.*
- b. **The objectives of the Ecological Management Plan are:**
- i. **To avoid, minimise, remedy, offset and/or compensate adverse effects of the proposal on aquatic ecology values to achieve an overall net gain in aquatic ecology values within the site; and**
 - ii. **To ensure the ongoing provision of fish passage within all retained, enhanced, restored, or created streams on site, and any structures within them.**
- c. *The Restoration and Enhancement Plans required under Condition 10(a), are to be in general accordance with the Concept Landscape Design (Appendix 23 of the Application).*

Stream and springhead setbacks

- 5.6 Paragraph 204 (pg 44-45) of the AEE identifies the proposed widths of riparian buffer for streams and springheads; however, the proposed consent conditions do not currently include any reference to these. To ensure riparian buffers are established as proposed, the

Department recommends that Condition 12 of the Works in Waterways (s13 land use) consent conditions be amended to include reference to the minimum riparian buffer areas required to be established. It is noted that the buffer areas themselves may need to be revised in response to results of offset accounting models, as previously addressed.

Condition 12:

New clause (ab):

Identify the riparian areas in accordance with the minimum requirements specified in Table X:

Table X. Minimum riparian setback requirements for watercourses

<u>Watercourse name</u>	<u>Minimum setback requirement</u>
<u>Ōhoka Tributary</u>	<u>20-metre setback.</u>
<u>South Ōhoka Branch</u>	<u>15-metre setback.</u>
<u>Two springs mapped on ECan online database</u>	<u>30-metre setback.</u>
<u>Northern Spring Channel</u>	<u>15-metre setback.</u>
<u>Southern Spring Channel</u>	<u>15-metre setback.</u>
<u>Groundwater seep</u>	<u>20-metre setback for the springhead and 10-metre setback for seep channel.</u>
<u>Unnamed Drain – South boundary drain</u>	<u>5-metre setback.</u>

- 5.7 It is recommended that a similar condition is included in the district council consent conditions, requiring that no buildings or structures are established within the same specified setbacks.

Stream diversions

- 5.8 It is acknowledged that Condition 10 of the proposed Works in Waterways (s13 land use) consent conditions requires that the Ecological Management Plan include monitoring and maintenance plans for the restored and enhanced features. Due to the uncertainty around the likely success of the diverted sections of stream, the Department considers it appropriate to also include conditions setting out monitoring requirements, and specific thresholds or trigger points for additional management measures to be employed where the intended ecological outcomes are not being achieved

Offset

- 5.9 As noted previously, the Department recommends that prior to a decision being made on this Application, the Applicant should confirm the ecological outcomes sought from offsetting, the method proposed for calculating offsetting requirements, the monitoring required to assess success, and specific thresholds or trigger points for when additional offset or compensation measures are required. These requirements should be included as conditions of consent, along with a requirement for the Applicant to prepare and implement and Offsetting

Management Plan. The plan should require certification from council and should detail how the ecological outcomes/objectives will be achieved and how the requirements in the consent conditions will be complied with.

Proposed District Council Consent Conditions

5.10 The comments below relate to the proposed district council consent conditions provided as part of the substantive application.

Deemed acceptance/certification

5.11 The proposed consent conditions include an advice note which states what “acceptance” entails. The advice note includes a requirement for information to be deemed sufficient if the consent holder does not receive a response from the council within 5 working days of receiving the information.

5.12 As above, the Department considers that an independent, regulatory check of the information is necessary and therefore recommends that the requirement for deemed certification is removed from the advice note.

‘Acceptance’ Advice Note

For the purposes of interpreting the conditions of this consent, the term ‘acceptance’ entails the following:

- a. *The receipt of documentation as required by a condition of consent submitted electronically by (or on behalf of) the consent holder to Council's Land Development Team (subdivisioneng@wmk.govt.nz) – and*
- ~~b. Notice to the consent holder by Council's Land Development Team within five working days of receipt that of the information and confirmation the information provided is sufficient to determine compliance with the condition. If the information is not sufficient, the Council's Land Development Team shall provide details of the further information that is required. If no notice is given within this timeframe, the information shall be deemed to be sufficient.~~
- ~~c. Notice to the consent holder by Council's Land Development Team within five working days following confirmation that the information is sufficient that the condition has been satisfied. If the information does not meet the satisfaction of Council's Land Development Team, it shall provide details of what further action is required to satisfy the condition. If no notice is given within this timeframe, the condition shall be satisfied.~~

Note that if the information is determined to be insufficient (i.e., no acceptance), the Council's Land Development Team shall provide details of the further information that is required.

If the above process....

Lizards

5.13 As noted previously, the Department recommends that additional resource consent conditions be included to ensure adverse effects of the proposal on lizards and their habitat are adequately managed. The Department proposes the following new conditions and associated advice notes:

New Condition X:

All work affecting lizards, including capture, handling, and relocation, must be undertaken in accordance with the Lizard Management Plan (Version 4.0) prepared by Pattle Delamore Partners and dated September 2026 (or any subsequent version updated by variation in accordance with Clause 7 of Schedule 7 of the Fast-track Approvals Act 2024).

Advice Note: All works involving the disturbance, capture, handling or release of lizards must also be undertaken in accordance with a Wildlife Permit obtained under the Wildlife Act 1953. The Consent Holder should ensure that the methodologies adopted under this condition do not conflict with any requirements of the Wildlife Permit.

New Condition Y:

All works relating to the replacement and enhancement of lizard habitat at the relocation site, including:

- a. **construction of a lizard exclusion fence;**
- b. **enhancement planting;**
- c. **weed control;**
- d. **lizard refugia creation;**
- e. **predator management; and**
- f. **implementation of a legal protection to ensure the relocation site is protected in perpetuity;**

must occur in accordance with the Lizard Management Plan (Version 4.0) prepared by Pattle Delamore Partners and dated September 2026 (or any subsequent version updated by variation in accordance with Clause 7 of Schedule 7 of the Fast-track Approvals Act 2024).

Advice Note: All works involving the disturbance, capture, handling or release of lizards must also be undertaken in accordance with a Wildlife Permit obtained under the Wildlife Act 1953. The Consent Holder should ensure that the methodologies adopted under this condition do not conflict with any requirements of the Wildlife Permit.

New Condition Z:

Works within the areas identified for lizard habitat enhancement planting shall be overseen a suitably qualified herpetologist to ensure the works are being undertaken in accordance with the certified Lizard Management plan and do not result in injury and/or death of resident lizards.

6. Conclusion

- 6.1 In conclusion, the Department has identified some information gaps and concerns regarding the identification of freshwater values, the quantification of offset requirements, and the adequacy of measures proposed to address effects on these. The Department is of the view that additional information is required from the Applicant to ensure that measures to address adverse effects are adequate and will achieve the intended ecological outcomes and inform more certain and enforceable consent conditions.
- 6.2 The Department has also recommended amendments to the proposed consent conditions to ensure the effects on lizards and lizard habitat are appropriately addressed through the RMA Approvals, in addition to the Wildlife Approval.
- 6.3 Thank you for the opportunity to comment.