

Ashbourne – Applicant Response to s70 Comments



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Table 1: Submission 1 - Jason Kranenburg, Clare Vosper, Beth and Maurice Vosper

| Condition/Paragraph | Section 92 Item | Action / Response |
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| Submission 1 - Jason Kranenburg, Clare Vosper, Beth and Maurice Vosper | | |
| Appendix A1 MPDC LUC | | |
| Condition 15 | We are very supportive of the inclusion of this condition. | N/A |
| Condition 26 | We support the inclusion of a dust management plan and a buffer planting management plan. | N/A |
| Condition 36 | We support the inclusion of a communication management plan, as well as the requirements set out in this condition. | N/A |
| Condition 53 | We support this condition as a whole. We particularly endorse b) where it specifies a depth of 5m planting from the site boundary. | N/A |
| Condition 93 | We do not support the inclusion of this broad-brush condition. We think that the winter earthworks season can be drier than the summer season in our changing climate. We would prefer a condition that allows earthworks in appropriate weather conditions (ie up to a certain depth of puddling). | N/A |
| Condition 97 | We support the inclusion of this condition. | N/A |
| Condition 99 | We are unsure how this condition will be applied to the hedge along our shared boundary with the development. Clarification via an advice note would be appreciated. | The applicant is open to an advice note on this matter. |
| Condition 113 | We support the inclusion of this condition. | N/A |
| Condition 117 | We thank the panel for their specific consideration regarding this consent condition as it relates to our properties. a) We support the building line restriction of 8m for our boundary. | As noted in the Applicant's response on 23/03, we propose to remove the height restriction and that a 3m planting buffer is sufficient for managing effects. |

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| | <p>b) We support the maintenance of the established planting, however in condition 53 a 5m planting depth was specified. We suggest that a 5m depth is included in this condition also.</p> <p>c) We support the inclusion of this on the consent notice.</p> <p>d) We support the inclusion of this on the consent notice.</p> <p>e) We support the inclusion of this on the consent notice.</p> | |
| Condition 119 | <p>We request a change to the landscaping buffer minimum aspect of this consent condition, see below.</p> <p>Any lot adjoining a Rural or Rural Residential Zoned property (not including the Site) must provide a 4m landscaping buffer in the rear or side setback (whichever adjoins the Rural or Rural Residential Zoned property). Any lot adjoining a Rural Residential Zoned property (not including the Site) must provide a solid 1.5m high fence in rear or side setback. <u>Any lot adjoining a Rural Zoned property (not including the Site) must provide a 1.5m high post and rail fence in rear or side setback.</u></p> <p>This requested change is due to our obligations under the fencing act, for maintenance and construction of new fencing into the future. We will be up for half the costs for maintenance and construction of new fencing (which will be high across the length of our boundary). Our preference is post and rail fencing, which is functional for stock containment, in keeping with the rural nature of the boundary and cheaper for construction and maintenance costs.</p> | Agree that a post and rail fence is more appropriate for the setting as set out in our response. |
| Condition 156 | We support the inclusion of this condition and thank the panel for their specific consideration. | We note that this condition may not be enforceable, and as set out within our response to MPDC comments are open to a reverse sensitivity covenant to provide meaningful management of this. |
| Appendix A2 MPDC SUB | | |
| Condition 8 | We support the inclusion of this condition. | N/A |
| Condition 21 | <p>We support the inclusion of this condition.</p> <p>a) As above we suggest a 5m strip of buffer planting.</p> <p>b) Land use condition 117 stipulates a 8m building line restriction along our boundary. We would prefer this over the 5m in this condition.</p> <p>c) We support this being included in the consent notice.</p> | As above. |

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| | d) We support this being included in the consent notice. e) We support this being included in the consent notice. | |
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Table 2: Submission 2 - Station 143 Limited and Highgrove (Andrew Bonner)

| Condition/Paragraph Section 92 Item | Action / Response |
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| Submission 2 - Station 143 Limited and Highgrove (Andrew Bonner) | |
| Introduction: The Question of Who Bears the Risk | |
| <p>This comment is submitted under section 70 of the Fast-track Approvals Act 2024 (FTAA) in response to the draft conditions released by the Expert Panel on 11 March 2026 via Minute 23. It relates solely to the proposed conditions for the residential subdivision (as amended), greenway, and solar farms.</p> | - |
| <p>We acknowledge the Panel's work, including its appointment of independent technical advisors and facilitation of expert conferencing. We also acknowledge that many of the technical issues identified in this comment have been recognised by the Panel itself. However, we respectfully submit that the draft conditions, as framed, create a structural problem that warrants the Panel's close attention: the conditions systematically transfer unresolved long-term infrastructure liability and performance risk away from the developer and onto future homeowners, neighbouring property owners, ratepayers, and the councils that will inherit the development's infrastructure.</p> | N/A – consider this is unqualified commentary and is not related to a condition of consent. Refer to Memorandum of Counsel for discussion on this matter. |
| <p>The nature of the risk transfer. A greenfield subdivision is, in economic terms, a one-directional transaction. The developer extracts value by converting rural land into titled residential lots, realises that value upon sale, and then exits. The infrastructure, the stormwater systems, the subsoil drains, the buffer planting, and the long-term performance of the ground itself all remain behind maintained by individual lot owners, ratepayers, or councils. If those systems do not perform as designed, the cost of remediation falls not on the developer who profited from the land conversion, but on the parties who had no hand in designing or approving them.</p> | - |
| <p>This dynamic is not unique to Ashbourne. But the particular characteristics of the Ashbourne site — high seasonal groundwater, liquefaction susceptibility, thin aquifer layers, proximity to the Waitoa River floodplain, and the acknowledged uncertainty around whether the proposed stormwater soakage system will actually work — mean that the magnitude of long-term performance risk being transferred is unusually large. The Panel's own independent hydrogeological expert raised fundamental concerns about Basin A as recently as February 2026, and the WRC stated it was unable to provide suitable stormwater conditions without further site investigation. These are not residual uncertainties at the margins of an otherwise proven design. They are foundational questions about whether the development's core infrastructure will function.</p> | Out of scope - Basin A and stormwater conditions were resolved and agreed between all relevant technical experts in expert witness conferencing. Refer to 4 March 2026 Joint Witness Statement on stormwater and groundwater. |
| <p>The conditions as drafted address these risks through a post-consent certification model, where management plans prepared by the developer's consultants are certified by council. This is a standard approach. But in a situation where the underlying technical questions are genuinely unresolved, it means that the moment of consent — when the Panel has leverage over the developer — passes without those questions being answered. Once consent is granted and titles begin to issue, the developer's commercial incentive is to minimise cost and move on. The long-term infrastructure</p> | Out of scope – technical issues have been resolved through expert conferencing and adequately addressed as per the draft decision and conditions. |

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| <p>liability crystallises years or decades later, when subsoil drains clog, groundwater levels rise, soakage basins fail to perform, or downstream flooding worsens.</p> | |
| <p>We therefore urge the Panel to use its conditions-setting power to ensure that the developer — not future owners, neighbours, or ratepayers — bears the cost and obligation of proving that the development's systems work before irreversible commitments are made. The specific conditions we seek are set out below.</p> | - |
| <p>The Panel's role in managing long-term risk through conditions. In setting conditions for a project of this scale, the Panel must ensure that those conditions provide reasonable certainty that the development can proceed without creating material adverse effects or transferring unresolved risks to councils, neighbouring landowners, or future residents. Section 83 of the FTAA requires conditions to be clear and enforceable and to be for a purpose connected to the management of effects. Section 84 empowers the Panel to impose conditions to avoid, remedy, or mitigate adverse effects, and the new section 84A confirms that the Panel may set conditions to ensure that infrastructure the project will rely on is, or can be made, adequate to support it. Where key aspects of infrastructure performance remain uncertain — as the Panel's own process has established is the case at Ashbourne — it is appropriate for conditions to require those matters to be demonstrated and verified before irreversible development steps, such as earthworks or the issuing of titles, occur. The conditions we seek below are directed at precisely this purpose: ensuring that the development's infrastructure is proven, not merely proposed, before the risk of failure is transferred beyond the developer's control.</p> | <p>Technical issues have been resolved and adequately addressed as per the draft decision and conditions. This commentary is considered unqualified and does not constitute an expert opinion.</p> |
| <p>Stormwater: Unresolved Design and Long-term Infrastructure Liability for Ratepayers</p> | |
| <p>Concern 1: Basin A — the development's foundational stormwater question remains unanswered</p> <p>The advice note to Condition 22 of Appendix A1 states that Stages 1 and 2 are subject to resolution of the drainage capacity of Stormwater Basin A. The SMP conditions acknowledge the issue by requiring cross-sections, clarification of soakage versus piped disposal, and groundwater assessment. But these are information requirements, not performance standards. They ask the developer to describe what it proposes to do, not to prove that it works.</p> <p>The long-term infrastructure liability is direct. If soakage disposal is adopted for Basin A on the basis of modelling, and groundwater mounding causes the system to underperform in practice, the stormwater infrastructure will have been vested in MPDC and will be the council's and therefore ratepayers' responsibility to remediate. Retrofitting a piped reticulation system through an established residential neighbourhood is orders of magnitude more expensive and disruptive than building one before houses are constructed.</p> <p>Requested conditions to ensure the developer demonstrates performance before risk transfers:</p> <ul style="list-style-type: none"> • The certified SMP for Stages 1 and 2 must demonstrate, through site-specific field investigation (not solely modelling), that soakage disposal achieves the required infiltration rates under seasonal high groundwater conditions, before earthworks commence. | <p>Basin A was the subject of expert conferencing held on 4 March 2026. The Panel's conditions reflect the outcomes of that agreement, and it is considered that the conditions proposed in this submission are more onerous than necessary, noting that they go further than what subject matter experts have agreed through a Joint Witness Statement.</p> |

- If field testing demonstrates soakage is not viable, the SMP must specify and cost a piped reticulation alternative prior to earthworks commencing.
- No section 224(c) certificates shall issue for any lot in the Basin A catchment until WRC has confirmed in writing that the stormwater system is functioning as designed. This ensures the developer cannot transfer titled lots — and with them, the long-term performance risk — before the system is proven.

Concern 2: Groundwater monitoring — designing infrastructure on incomplete data

Condition 24(c) requires five groundwater monitoring sites with datalogger sensors, but sets no minimum monitoring period before the SMP can be certified. Groundwater levels on the Hauraki Plains are strongly seasonal, with winter/spring recharge periods producing materially different conditions from summer.

The risk transfer to councils and property owners is foreseeable: if the stormwater system is designed to summer/autumn groundwater levels and then encounters winter peaks that were never measured, the system will fail during exactly the storm events it is supposed to manage. The cost of that failure — flooded properties, damaged infrastructure, downstream erosion — falls on homeowners, neighbours, and council.

Requested condition:

- The five monitoring sites must be installed and must collect continuous data for a minimum of 12 months, including one full winter/spring recharge period, before the SMP for any stage can be submitted for certification.
- That a further site using a disused bore at 18 Orchard Place, Highgrove be monitored to give credence to the static water levels provided to the Panel in Highgrove's original submission. At its simplest water tables do not stop at legal boundaries as suggested by Maven.

As per the JWS dated 4 March 2026, the experts agreed to the submitted synthetic hydrograph to cover a 30-year data period for setting an initial groundwater level. The SMP will be informed by monitoring and testing in accordance with the agreement in the JWS. As set out within the Memorandum of Counsel submitted alongside this response, a 12 month monitoring period is abnormal and is considered more onerous than necessary.

Concern 3: Downstream effects — no baseline means no accountability

The conditions require the SMP to demonstrate no adverse downstream flood or erosion effects, but do not require pre-development baseline monitoring. Without a measured baseline, it becomes practically impossible to prove that any subsequent downstream flooding or erosion is attributable to the development. This effectively insulates the developer from long-term liability for downstream harm, because the evidential burden on affected parties is insurmountable.

Requested conditions:

- The SMP must include pre-development baseline monitoring of downstream drain capacity, flow velocities, and flood levels at defined points below all stormwater outlets for a period of 12 months prior to development.
- Post-development monitoring at the same points must continue for five years, with annual reporting to WRC.

As per previous responses, these proposed conditions are more onerous than necessary to manage effects, and the SMP assesses downstream effects based on modelling and available data. Baseline monitoring, including methodology and approach, can be confirmed at detailed design stage where appropriate.

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| <ul style="list-style-type: none"> • If adverse effects are identified, the consent holder must remediate at its cost to WRC's satisfaction. | |
| <p>Concern 4: Subsoil drains — a critical system with no long-term financial backstop</p> <p>If subsoil drains are required to make the stormwater soakage system function, they become a permanent piece of infrastructure that the entire residential area depends on. Subsoil drains in silty, high-groundwater environments are known to degrade over time through siltation and root intrusion. The conditions require a Groundwater Management Plan but do not address what happens financially if the drains fail after the developer has exited and the infrastructure has vested in council.</p> <p>This is a clear case of long-term infrastructure liability without adequate financial provision: the developer installs the system that passes certification, sells the lots, and exits. Ten or fifteen years later, the drains fail, groundwater rises, soakage basins stop working, and MPDC faces a significant remediation cost funded by ratepayers who never consented to the development in the first place. The risk of this outcome is not speculative — the Panel's own expert has already questioned whether the stormwater system will function as proposed.</p> <p>Requested conditions:</p> <ul style="list-style-type: none"> • The GMP must include defined trigger levels for groundwater elevation. If exceeded, the consent holder must remediate within a specified timeframe. • The consent holder must provide a financial assurance (bond) to cover subsoil drain maintenance and remediation for not less than 10 years after vesting of stormwater infrastructure with council. The bond amount must be determined by an independent engineer and must be sufficient to cover full replacement of the subsoil drain network. | <p>An Operation and Maintenance Management Plan is required under the Panel's proposed conditions of consent and will include operation and maintenance procedures to be agreed with the Council. These conditions are considered to be more onerous than necessary to manage effects.</p> |
| <p>Concern 5: Catchment B stormwater conveyance — legal protection must be specific</p> <p>Condition 24(b)(viii) requires a legal instrument to protect the stormwater function across HPL land in perpetuity but does not specify the instrument's form or enforceability. An unregistered agreement or a private covenant without council as a party could prove unenforceable when it matters most.</p> <p>Requested condition:</p> <ul style="list-style-type: none"> • The legal instrument must be registered on the relevant certificate(s) of title as a consent notice or land covenant, enforceable by WRC and/or MPDC, in a form approved by the relevant council(s) prior to development within Catchment B. | <p>This is an agreed requirement of the SMP and provides for an appropriate legal instrument to be agreed with Council once the design has been agreed. This is standard practice and accepted by the Applicant, Council, and Panel. No amendment is considered necessary.</p> |

Groundwater and Wastewater: Risk Transfer to Neighbours and Infrastructure Sequencing

Concern 6: Neighbouring water bores — no baseline means no recourse

Multiple neighbours raised concerns about effects on their private water bores. The draft conditions contain no baseline testing requirement and no monitoring or remediation obligation. This creates the same evidential problem as the downstream flooding issue: without a measured pre-development baseline, affected bore owners cannot demonstrate that the development caused the harm, and the developer faces no accountability for the impact.

For neighbouring property owners who depend on bore water for domestic supply, stock water, or irrigation, the consequences of bore failure are immediate and severe. The cost of deepening a bore, installing treatment, or connecting to an alternative supply can be tens of thousands of dollars, a cost that the affected owner should not bear when it results from a development they opposed. Without baseline data, the risk of that cost is effectively transferred from the developer to the neighbour at the moment earthworks begin.

Requested conditions:

- Prior to earthworks or dewatering, the consent holder must offer baseline water quality and yield testing of all private bores within 500m, at the consent holder's cost.
- Six-monthly monitoring of participating bores during construction and for two years post-construction.
- If a material adverse effect on bore performance is attributable to the development, the consent holder must provide an alternative supply or remediation at its cost.

As is standard practice, the effects on groundwater levels in nearby bores have been modelled conservatively. The findings of this conservative modelling was that these bores are not going to be affected by the proposal. This has been reviewed by WRC and considered appropriate.

Concern 7: Wastewater network — titles should not issue ahead of confirmed capacity

MPDC's evidence confirms the public wastewater network requires significant unplanned upgrades to service Ashbourne. The Private Developer Agreement governing cost allocation is not yet finalised. Without a hard gate preventing titles from issuing until network capacity is confirmed, there is a risk that titled lots are sold to purchasers before the wastewater system can service them — creating pressure on council to fast-track upgrades at ratepayer expense or leaving new homeowners with properties that cannot lawfully be occupied.

Requested condition:

- No section 224(c) certificate shall issue for any stage until MPDC has confirmed in writing that the receiving wastewater network has sufficient capacity, including all required pump station upgrades and gravity main connections.

Condition 20(c) of the Panel subdivision conditions sets out a requirement prior to s224(c) for confirmation from Council that all necessary works to ensure there is available service capacity is provided for. This is considered appropriate, and the proposed change is not considered necessary.

Natural Hazards and Liquefaction: Long-term Performance Risk for Future Homeowners

Concern 8: Liquefaction — a risk that follows the land, not the developer

The GEMP required by Condition 46 of Appendix A1 does not explicitly address liquefaction. The site contains saturated alluvial soils near the Waitoa River and in areas with high groundwater — classic liquefaction-susceptible conditions. MPDC's geotechnical expert raised this directly, noting significant unresolved concerns about site suitability.

Liquefaction risk is the clearest example of long-term performance risk that attaches to the land rather than the developer. If lots are created on liquefaction-susceptible ground without adequate assessment or mitigation, the liability does not disappear but is inherited by every subsequent owner and their insurers. The Canterbury earthquakes demonstrated the scale of this risk: damage to residential properties on liquefaction-prone land was catastrophic, and the burden fell overwhelmingly on homeowners and insurers, not the developers who created the lots. Future purchasers of Ashbourne lots are entitled to confidence that this risk has been properly assessed before they commit to what will be the largest financial decision of their lives.

Requested conditions:

- The GEMP must include a site-specific liquefaction vulnerability assessment in accordance with MBIE guidance (Module 3, 2017 or later), covering the entire residential subdivision and greenway.
- If moderate or high susceptibility is identified, the Stage Development Plan must demonstrate that lot layout and building platforms avoid or mitigate the risk, to MPDC's satisfaction.
- The fault hazard study and liquefaction assessment must be independently peer-reviewed by a geotechnical engineer not previously engaged by any party.
- A condition requiring compliance with Policies 5 and 6 of the NPS for Natural Hazards 2025 through a comprehensive natural hazard risk assessment forming part of the GEMP.

Site-specific liquefaction analysis has been completed in accordance with MBIE guidance documents and was provided in the submitted GIR. The liquefaction risk has therefore been quantified and mitigation methods provided for. This comment is therefore considered out of scope.

Concern 9: Climate change — designing for the past, building for the future

A residential subdivision exists in perpetuity. Homes built at Ashbourne will still be standing in 2080 and beyond. Condition 24(b)(vii) requires flood risk modelling but does not specify whether climate change rainfall projections must be applied. Designing stormwater infrastructure to historical rainfall intensities for a development that will outlive those assumptions creates a foreseeable long-term performance risk for future homeowners and for council as the eventual owner of the stormwater network.

Requested condition:

Considered this is unqualified commentary and is not providing an expert opinion. Refer to Memorandum of Counsel.

- The flood risk assessment must incorporate climate change rainfall intensity increases in accordance with MfE guidance or WRC methodology, applied to all design storm events.

Connectivity with Highgrove: Protecting Existing Residents from Unplanned Integration

Concern 10: No explicit condition prevents future road or pathway connections through Highgrove

Highgrove is a rural-lifestyle development with no footpaths, open swale drainage, and a design character fundamentally incompatible with through-traffic from a 500-lot residential subdivision. The Highgrove submission under section 53 opposed any connection, and the applicant's own transport consultant acknowledged in November 2025 that connections through Highgrove would not be pursued.

Yet the draft conditions contain no explicit prohibition. The scheme plans may not show a connection, but the 'general accordance' formulation in Condition 1 of both Appendices A1 and A2 does not prevent future amendments. Without an explicit condition, the commitment exists only in supporting correspondence — which has no legal force after consent is granted.

The risk transfer to Highgrove owners operates on two levels. First, a future connection would fundamentally alter the character and value of their properties, converting a quiet rural-lifestyle cul-de-sac into a pedestrian and potentially vehicle thoroughfare for a large residential development — a change for which no compensation or mitigation is provided. Second, routing pedestrian traffic along a road with no footpaths and open drainage swales would create foreseeable safety risks, with potential personal injury liability attaching to Highgrove lot owners whose road frontages become de facto walkways. Both of these are risks that Highgrove owners did not accept when they purchased their properties and should not be required to bear as a consequence of a neighbouring development.

Requested conditions:

- No road, accessway, cycleway, footpath, or other pedestrian or vehicle connection shall be formed between Ashbourne and Highgrove Avenue or any Highgrove lot.
- A consent notice to this effect to be registered on all Ashbourne lots sharing a boundary with Highgrove Avenue.

The Applicant has no intention of placing a road or pedestrian connection into Highgrove Avenue, and no such connection is provided for in the consent documentation. It is not considered that any further conditions are required to ensure this.

Buffer Planting: Timing, Specification, and the Transfer of Maintenance Liability

Concern 11: Buffer planting occurs after construction, exposing neighbours to years of unscreened impact

Condition 53(c) of Appendix A1 requires buffer planting during 'the first planting season (April – September) following the completion of each construction stage.' This means neighbours in Highgrove, Eldonwood, and surrounding properties will be exposed to the full visual, dust, noise, and privacy impacts of construction for 12–18 months or more

It is not standard practice to undertake planting prior to earthworks due to risk of plant removal or damage. The Applicant would be open to providing temporary hoarding to screen views; however, it is not considered that

with no screening. The buffer planting is the principal mitigation for the permanent change in character of the surrounding area. Delaying it until after the harm has been inflicted substantially reduces its effectiveness as mitigation.

From the perspective of neighbouring property owners, the loss of amenity and privacy suffered during an unscreened construction period is a tangible adverse effect. If the buffer planting is not in place when the impact begins, affected neighbours have no practical remedy — the construction stage will be completed before any planting is established, and the damage to the enjoyment of their properties during that period is irreversible. The timing of the planting condition effectively transfers this interim amenity cost from the developer (who could plant earlier) to the neighbours (who must endure the effects).

Requested conditions:

- Buffer planting on lots adjoining Highgrove, Eldonwood, and all existing rural-residential properties must be implemented prior to earthworks commencing on the adjacent stage.
- Where planting cannot coincide with commencement, it must occur during the first available planting season and temporary solid screening fencing of minimum 1.8m height must be installed and maintained until planting is established.
- The BPMP must include a staged implementation programme that prioritises boundary planting at the earliest opportunity for boundaries with existing residential neighbours.

planting prior to earthworks is appropriate or commensurate.

Concern 12: No minimum specifications, and maintenance liability transfers to lot owners before planting is established

The conditions require a BPMP with planting plans and species, but specify no minimum plant sizes, densities, or performance standards. All detail is deferred to the developer's consultant. The consent notice on Lots 378–403 (Condition 21(a), Appendix A2) transfers the perpetual maintenance obligation to individual lot owners, but does not require the developer to maintain the planting during the critical establishment period.

This creates a foreseeable gap in long-term maintenance liability. Buffer planting typically requires active maintenance, watering, weed control and replacement of failures for two to three years before it becomes self-sustaining. If the developer plants undersized stock at wide spacings, obtains section 224(c) certificates, sells the lots, and exits, the new homeowners inherit a buffer that may be failing before it has achieved any meaningful screening. The consent notice obliges them to maintain it 'in perpetuity,' but they receive no guidance on what the buffer should look like, no resources to establish it, and no recourse against the developer whose planting was inadequate. The maintenance obligation and the cost of remediation if planting fails is transferred from the party who specified the planting (the developer) to the parties who had no input into it (the lot purchasers).

The certification of a Buffer Planting Management Plan under Condition 53 of the Panel's LUC conditions already provides for the ongoing / long-term maintenance of the buffer planting. This will transfer to Lot owners upon sale, but the liability will fall on the Consent Holder until this time.

The Council are responsible for monitoring the implementation of this consent, and reporting is considered overly onerous.

The Plant species and density are to be confirmed through the BPMP which is to be certified by subject matter experts. For completeness, we note that 5L plant grades

Requested conditions:

- Minimum plant sizes of PB5 for shrubs and PB12 for specimen trees at the time of planting.
- Minimum planting density sufficient to achieve effective visual screening (no direct line of sight through the buffer at eye level) within three years, typically shrubs at 1.0m centres and trees at 3.0m centres, using evergreen species suited to the Waikato climate.
- The developer must maintain all buffer planting for a minimum of two years after planting (or until section 224(c) certificates issue for the relevant lots, whichever is later), including irrigation, weed control, and replacement of failures, before the maintenance obligation transfers to lot owners via consent notice.
- Quarterly inspection and annual reporting to MPDC on plant health, survival rates, and replacement planting during the establishment period.

proposed supports better establishment and resilience, as smaller plants adapt more readily to site conditions. Their root systems establish into the surrounding soil more efficiently than PB12 stock, which can be more root-bound and slower to transition. In exposed or earthworks-affected environments, 5L plants often outperform larger grades over the first 1-2 years. While 10L (PB12) stock can provide more immediate visual impact or screening, the long-term objective is to establish a robust and resilient buffer. In this context, 5L plant stock is the more reliable approach.

Further, a three-row planting at 1.2 m centres will form a dense buffer over time, with the staggered layout allowing canopies to knit together across and between rows. Early cover from mānuka and kānuka is reinforced over time by longer-lived species, creating a layered and resilient edge.

The 1.2 m spacing provides enough room for healthy establishment and natural form, reducing early competition and improving overall plant performance. While 1.0 m centres may close slightly faster, it typically leads to increased competition and earlier maintenance. Overall, 1.2 m achieves a strong, durable buffer without overplanting.

The Certification Framework: Structural Weaknesses that Amplify Long-term Risk

Concern 13: Deemed certification — silence should not equal approval where infrastructure performance is uncertain

Multiple management plans are subject to deemed certification if the council does not respond within 20 working days. In a normal development context, this is a reasonable safeguard against regulatory delay. But at Ashbourne, where the councils' own experts have stated they cannot provide suitable conditions without further investigation, deemed certification of the SMP, GMP, or GEMP could result in technically deficient plans proceeding without scrutiny. The council would then inherit infrastructure built to a plan it never actually approved and bear the long-term infrastructure liability for any shortcomings in its design.

Requested amendment:

- The deemed certification provision must not apply to the Stormwater Management Plan, Groundwater Management Plan, Geotechnical Effects Management Plan, or Buffer Planting Management Plan. These are the plans where infrastructure performance is most uncertain and where deemed certification creates the greatest long-term risk for council, neighbours, and future residents.

The Applicant is agreeable to deemed certification provisions being removed and have proposed new wording for these conditions.

Concern 14: Independent peer review — breaking the developer-consultant-certifier cycle

Under the current framework, the developer's consultant prepares the management plan, and the council certifies it. There is no independent check. Given the level of expert disagreement that has characterised this application — including the Panel needing to appoint its own independent hydrogeologist because the parties' experts could not agree — we submit that the certification process alone does not provide sufficient assurance that the most critical plans are technically sound.

Independent peer review is standard practice for complex engineering in other contexts (building consents for significant structures, dam safety, contaminated land remediation). Its absence here means that the technical adequacy of plans governing millions of dollars of public infrastructure rests entirely on council officers who may lack specialist hydrogeological or geotechnical expertise, and who face the deemed certification deadline. The risk of an inadequately reviewed plan being certified — and the long-term remediation cost that follows — is borne entirely by council and ratepayers.

Requested condition:

- The SMP, GMP, and GEMP must each be accompanied by an independent peer review prepared by a suitably qualified expert not previously engaged by any party. The peer review must confirm technical soundness and be submitted to the relevant council alongside the management plan. The cost of peer review must be borne by the consent holder.

This is not standard practice and considered to be more onerous than necessary.

| Conclusion | |
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| <p>The residential subdivision is being consented on a site where fundamental questions about stormwater performance, groundwater behaviour, and natural hazard risk remain unresolved.</p> | <p>As noted within the Memorandum of Council, these comments are out of scope and does not provide context to the proposed condition changes.</p> |
| <p>The conditions as drafted address these questions through management plans to be prepared after consent is granted. We do not oppose this approach in principle. But we know that the conditions, as currently framed, allow the developer to transfer unresolved risk — and the long-term cost of getting it wrong — to parties who had no role in the design, future homeowners who will live with infrastructure whose performance has not been verified, neighbouring property owners whose bores may be affected and whose amenity may be diminished without recourse; and ratepayers who will fund the remediation of systems that were never independently reviewed.</p> | |
| <p>The modifications we seek are targeted and proportionate. They ask the developer to prove, through field investigation and independent review, that the systems work before titles are issued. They ask for baseline monitoring so that harm can be attributed and remediated. They ask for financial assurance so that long-term maintenance is funded. And they ask for explicit conditions on matters of connectivity with Highgrove, buffer planting timing and standards that have been agreed in principle but not secured in the conditions.</p> | |
| <p>None of these requests are unusual for a development of this scale and complexity. What would be unusual — and, we submit, inconsistent with the Panel's obligation to set conditions that manage adverse effects — is to grant consent on conditions that leave the most consequential questions to be answered after the point of no return.</p> | |
| <p>We ask the Panel to incorporate the additional and amended conditions set out above into the final conditions of consent.</p> | |

Table 3: Submission 3 - Roger Coutts

| Condition/Paragraph Section 92 Item | Action / Response |
|---|---|
| Submission 3 - Roger Coutts | |
| Road or Pedestrian Access Between Ashbourne and Highgrove Avenue | |
| <p>Ashbourne's application shows no access to their proposed subdivision from Highgrove Avenue as agreed between Ashbourne and Highgrove.</p> <p>However, the draft conditions have no explicit condition prohibiting both roading and pedestrian / cycle access between Ashbourne's proposed subdivision and Highgrove Avenue which leaves it open for the applicant to walk back on the agreement at any time in the future.</p> <p>With the change of lot sizes surrounding Highgrove we are required to make our final submission to the Panel without sighting the new plan for subdivision showing the new larger lots so are very much at a disadvantage in this process in regard to what the new plan will show.</p> <p>Requested condition:</p> <ul style="list-style-type: none"> • That no pedestrian or road access be formed between Ashbourne's proposed subdivision and Highgrove Avenue • That a consent notice to this effect be placed on the Lots bounding Highgrove Avenue. <p>That prior to and during subdivision of Stage 6 that the Applicants will not access Ashbourne via Highgrove Avenue.</p> | <p>Refer to response above.</p> |
| Mitigation Planting | |
| <p>The current draft allows for mitigation planting to be carried out after completion of the associated Stage which has a major impact on the surrounding properties for a significant period during land development. The surrounding properties then suffer a further a period with visual, noise and privacy issues during the construction of housing, also for a significant period.</p> <p>In a perfect world the mitigation planting should be carried out at least 3 years prior to any earthworks being carried out which would be feasible for Stages 6 and 7. The applicants have used the rather spurious argument that the levels may change during earthworks and as a such planting should be carried out after the works.</p> <p>Requested Condition:</p> <ul style="list-style-type: none"> • That Buffer Planting on Stages 6 and 7 adjoining Highgrove be planted out 3 years prior to the commencement of earthworks. | <p>Refer response above in relation to buffer planting. Additionally we note that a 3 year timeframe for planting prior to commencement of works is overly onerous and not appropriate.</p> |

- That the specification of plant sizes, spacing and maintenance be defined to guarantee effective screening within the three year period.

Stormwater Groundwater Issues

As this application has progressed the major issues relating to ground water and stormwater dispersal have been glossed over by the applicants who have had the opportunity over the last year to take static water levels over both their and adjoining properties. For obvious reasons they have not, ignoring empirical evidence as well as well as real life observations by adjoining property owners and farmers many with decades of experience in the area, some families with over a century.

The panel has now accepted this obfuscation, instead kicking the can down the road to foist responsibility on the MPDC and the WRC for finding a solution which will be a Damocles Sword over their and the ratepayers heads in perpetuity.

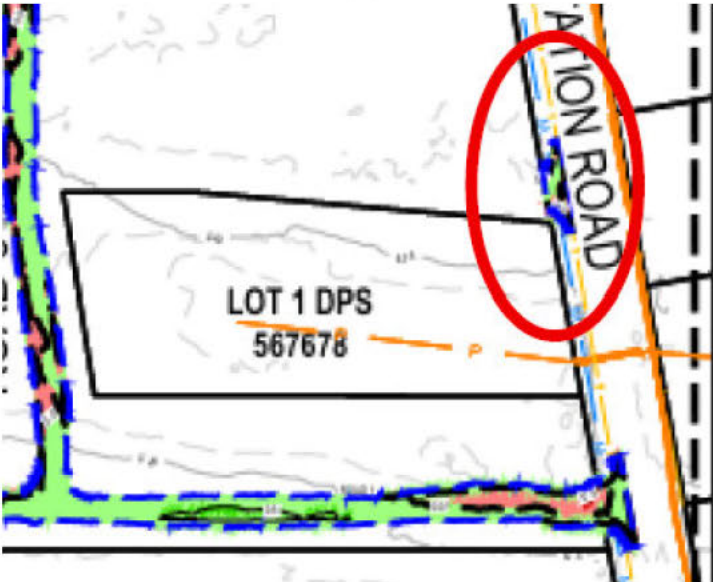
More detailed issues are put forward in Station 143 Limited Comments to the Panel

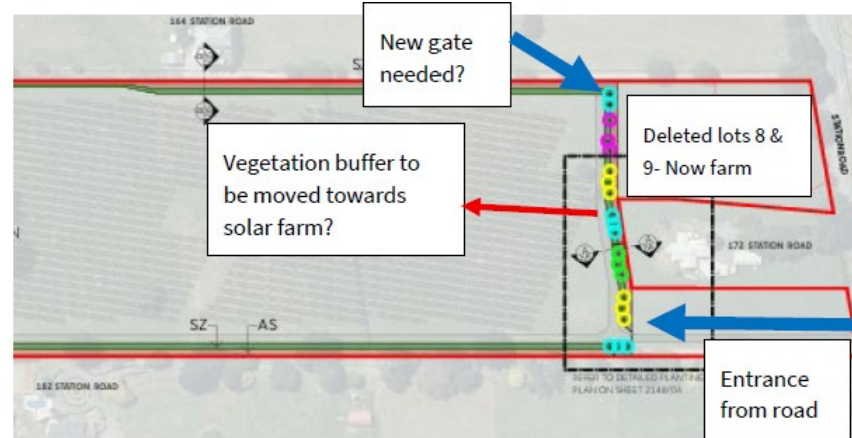
Requested Condition:

- That the applicants carry out sufficient static water level tests over at least 12 months to be able to make calculations on actuals rather than modelling based on inadequate testing.

Refer to response above.

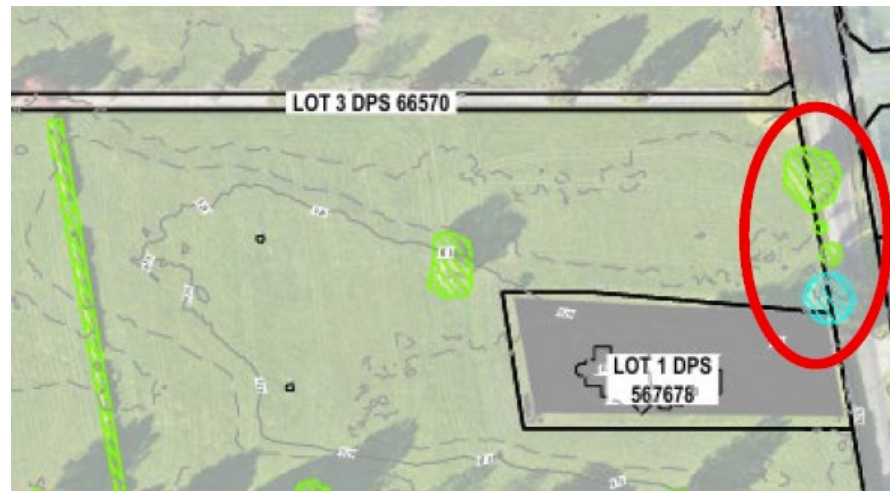
Table 4: Submission 4 - Angela Jones

| Condition/Paragraph | Section 92 Item | Action / Response |
|---|---|--|
| Submission 4 - Angela Jones | | |
| Query of stock (sheep) management and possible gate entrance in deleted lots 8 & 9 (now Solar farmland) | | |
| | <p>I have some queries to the response from the developers in February's https://www.fasttrack.govt.nz/__data/assets/pdf_file/0014/21074/EngineeringDrawings_NORTHERN-SOLAR-FARM.pdf</p> | - |
| 1. | <p>The entrance way to the deleted lots 8 & 9 is still in the diagram on page 14 and 17 (see below). Can this please be confirmed if this is still here. I understand that only one this entrance is allowed on this farm lot 2 DP 567678.</p>  | We confirm that this is an error, and no access is proposed in this location. |
| 2. | <p>If this gate /access is not allowed, how will the solar farm have access to the area that was originally lots 8 &9? The vegetation buffer goes up to the boundary of our section (lot 1)-see below. How are the stock going to have access to that bit of land? Will they have to put another gate from the solar panels to this area? Or will they need to push back the vegetation buffer towards the solar farm to provide an access road at the end of our property? I request that this be confirmed.</p> | We propose to create a 3m wide opening in the buffer planting and integrate a manual gate to provide access. |



3.

I also query why the developers (see diagram below) state on page 2 and 5 of the same document that they are still removing the trees along the roadside of Station Road. Can this be confirmed as well.



We confirm that with the proposed access point no longer being required for the rural residential lots, the existing vegetation highlighted in the red circle will no longer be removed or trimmed.

Could it also be confirmed whether the developers are using town water or bore water for the water requirements (especially around stock drinking water at the solar farm). As stated in my earlier submission, I understand that they will not have access to the Matamata water supply, but I have not seen any mention of bore water supply.

There is an existing water feed for the existing farm troughs, this is likely connected to the existing 25mm MDPE ridermain that runs parallel with the development site. The existing water supply will be potholed to confirm. The water supply required for the tanks and water troughs, will only require a trickle feed to top them up periodically and it will have a low water demand similar to the current arrangement. There are no known bore water supply points identified within the site.

Viability of Solar farms on highly productive land

I still have questions around the actual viability the Solar farms on highly productive land. It has been shown to be very effective on low producing land where the benefits outweigh the negatives, but there are a lot of queries around highly productive land.

As stated in my earlier submission, the New Zealand study published with Ministry for Primary Industries called "Putting the Farm into Solar Farms, SLMACC project at <http://www.mpi.govt.nz/news-and-resources/publications/>) is very applicable to my argument. I have included a few of the particularly relevant comments below.

It is considered that this matter is out of scope for the reasons set out within the Memorandum of Counsel.

Notwithstanding this issue being out of scope, we note that The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) clearly provides a pathway for solar farms to establish on highly productive land where the benefits of the activity are significant and/or there is a functional or operational need. Renewable electricity generation is recognised as delivering significant national and regional benefits, and the NPS-HPL does not prohibit such development on highly productive land. Rather, it enables these activities to be appropriately considered within its framework. Accordingly, the viability of solar farms on highly productive land is a matter

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| Page 5 of the PDF (their page 1) | States: <i>APSIM modelling across six diverse sites showed that reductions in pasture production under panels ranged from 3% to 34%, with greater reductions occurring at sites with high baseline pasture productivity.</i> |
| *Highlights included in the submission | |
| Their p2 | <i>However, there are also legitimate concerns that shading introduced by the panels will penalize the productivity of high-value pastoral land.</i> |
| Their p39 | Discusses a highly productive farm |
| *Highlights included in the submission | <ul style="list-style-type: none"> <i>When averaged across the entire agrivoltaic paddock there was a ~50% reduction in annual pasture growth at this site due to solar panels.</i> <i>Under the panels there was 41% weed content in the pasture (c.f. 19% in the open paddock). Significant difference. Could be a sheep camping effect?</i> |

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| <p>Their p40</p> <p><i>*Highlights included in the submission</i></p> | <p><i>A workshop with farmers indicates that planning and consenting for agrivoltaics systems needs to be designed with farmers and grazing systems in mind – in order to avoid the mistakes made by the hasty deployment of a solar grazing industry overseas.</i></p> | <p>addressed through the NPS-HPL, which expressly anticipates and provides for this outcome in appropriate circumstances.</p> |
| <p>Their p41</p> <p><i>*Highlights included in the submission</i></p> | <p><i>Anecdotally there are already regions of NZ where farmers want to develop modest sized solar farms but are locked out of the market because the grid already has adequate supply.</i></p> | |
| <p>The solar farms do not fit this description of marginal land. This is the wrong place to put a solar farm (highly productive soil = up to 50% reduction of productivity).</p> | | |
| <p>Residential Development Concerns</p> | | |
| <p>Like other residents, I also have concerns about the residential development that could cause serious consequences if not fully resolved. I have the following requests:</p> | | <p>N/A</p> |
| <p>Stormwater — I would like to see proof before construction, not after. I would argue that the SMP should be required to demonstrate, through actual site investigation, not just modelling, that stormwater soakage disposal will work before earthworks begin on each stage. The current conditions allow the SMP to be certified based on design parameters, but the fundamental question of whether the ground can actually absorb stormwater at the required rates, given shallow groundwater, has not been conclusively answered. I request that the five groundwater monitoring bores be installed and collect at least 12 months of continuous data before the SMP for the earliest stages is certified.</p> | | <p>As per above, the approach has been agreed by</p> |
| <p>Groundwater mounding. I request a condition requiring independent peer review of the final stormwater design by a hydrogeologist not previously involved, to confirm that groundwater mounding won't cause surface breakout or compromise neighbouring properties.</p> | | <p>This is not standard practice and considered to be more onerous than necessary, with provision for certification of management plans provided for.</p> |
| <p>Downstream effects on drains and the Waitoa River. I request conditions that require baseline monitoring of downstream drain capacity and flood levels before construction, with ongoing monitoring during and after development, and a remediation obligation if adverse effects are detected.</p> | | <p>Out of scope – no sound justification provided for this condition</p> |
| <p>Subsoil drain reliability. If subsoil drains are required to make the stormwater system work, I request conditions requiring ongoing monitoring of their effectiveness, with clear trigger levels for remedial action, and a bonded financial assurance to cover maintenance for a defined period (say 10 years) after vesting with council.</p> | | <p>Overly onerous.</p> |
| <p>Liquefaction As these require NPS-NH compliance, I request that conditions specifically address Policies 5 and 6 of the NPS for Natural Hazards 2025, requiring a comprehensive natural hazard risk assessment (including liquefaction,</p> | | <p>As per above responses, subject matter experts have agreed approach to these matters is appropriate.</p> |

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| <p>flooding, and fault risk) to be completed and peer-reviewed before earthworks commence, with the results informing lot layout and building platform levels.</p> | |
| <p>Wastewater capacity staging gate. I request a condition that no s224 certificates (title issue) be granted for any stage until MPDC has confirmed in writing that the receiving wastewater network has adequate capacity for that stage, to prevent a situation where houses are built before infrastructure catches up.</p> | <p>Refer previous response – provided for within conditions.</p> |
| <p>Neighbouring bore water protection. I request conditions requiring baseline testing of all bores within a defined radius before construction, with ongoing monitoring and a remediation/compensation obligation if water quality or quantity is adversely affected.</p> | <p>Refer previous response</p> |
| <p>Flooding. Given the site's proximity to the Waitoa River floodplain, I request that the final SMP include updated flood modelling that accounts for climate change rainfall intensities and demonstrates that the development won't increase flood risk for neighbouring properties.</p> | <p>Refer previous responses – SMP will consider flood effects and industry standard consideration of climate change will be utilised.</p> |

Table 5: Submission 5 - John and Maria van Heuven

| Condition/Paragraph | Content | Action / Response |
|--|---|--|
| Submission 5 - John and Maria van Heuven | | |
| Introduction | | |
| | Our original submission on the Ashbourne Fast track application highlighted many concerns with the development, including potential effects on water quality and water volumes into the Waitoa River (which our farm borders). Our concerns around the effects on the Waitoa River are still live, and we feel these issues have not been addressed adequately. | N/A |
| | Furthermore, we share the concerns of other landowners that the draft conditions, as currently worded, defer much of the critical technical work to approval through resource consent conditions after the resource consents are approved by the Fast Track panel. We feel that further monitoring and checks are needed in the draft conditions to ensure that effects are appropriately managed, mitigated, and enforced through conditions. | |
| | We have engaged Sue Southerwood to provide an expert engineering opinion on the proposed consent conditions, as they relate to stormwater flows into the Waitoa River. Based on Ms Southerwood's feedback and our own concerns, we seek the following amendments and additions to the proposed draft consent conditions, as demonstrated in <u>underline and italics</u> below. | |
| Proposed additional resource consent conditions - Appendix A3 – WRC (PERMANENT – Diversion and damming) | | |
| | After current proposed Condition 8 in Appendix A3 (permanent consent for diversion and damming), we seek the inclusion of the following consent condition (or similar wording with similar intent): | |
| Condition 9 | <u>The outlet structure to the Waitoa River shall be configured to comply with Condition 24 b i. and iv. of Appendix A6 (Permanent Stormwater), that is, attenuation to ensure flowrates are no greater than 80% of predevelopment flows in the 1%, 10% and 50% AEP events, in order to demonstrate no adverse downstream flood or erosion effects.</u> | We consider that this condition is overly onerous, and defer to the Panel's conditions. Notwithstanding, should the Panel consider it appropriate to conference on these matters we are open to this discussion. |
| Condition 10 | <u>(a) Prior to the greenway being constructed, the consent holder shall install a continuous flow monitoring device in the drain that exists closest to the proposed greenway location.</u> <u>(b) Once the greenway and accompanying structures have been constructed, the consent holder shall install a continuous flow monitoring device at the outlet structure that discharges to the Waitoa River. The flow monitoring data shall be made available to WRC and published on the WRC website for public access.</u> | We consider that this condition is overly onerous, and defer to the Panel's conditions. Notwithstanding, should the Panel consider it appropriate to conference on these matters we are open to this discussion. |

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| | The purpose of the flow monitoring device is to provide data for calibration of future flow risk assessment modelling which is required by consent condition 24(b)(vii) of Appendix A6 (permanent stormwater discharge consent). | |
| Proposed additional resource consent conditions - Appendix A5 – WRC (PERMANENT – Structure in water) | | |
| | While we agree with the intent of Condition 10 in Appendix A5 (permanent consent for the structure in water), there is currently no mechanism to determine (for example) that the Waitoa Stream has silted up at the greenway outlet and needs cleaning. Therefore, we seek inclusion of the following consent condition (or similar wording with similar intent): | N/A |
| <u>Condition X</u> | <p><u>Cross-sections of the Waitoa River upstream and downstream of the greenway outlet shall be measured by the consent holder on an annual basis.</u></p> <p><u>(a) When there is a 10% increase in bed level of the downstream cross-sections compared to the upstream level, or between an initial baseline cross-section or consecutively dated cross-sections at the downstream cross-section, across more than 30% of the riverbed width, then desilting is required. Desilting should include (but is not limited to) riverbed maintenance with a digger to remove excess silt and ensure river flow management.</u></p> <p><u>(b) The consent holder shall be responsible for the off-site removal and disposal of any silt removed from the Waitoa river as a result of Condition [X(a)].</u></p> | We consider that this condition is overly onerous, and defer to the Panel's conditions. Notwithstanding, should the Panel consider it appropriate to conference on these matters we are open to this discussion. |
| Proposed additional resource consent conditions - Appendix A6 – WRC (PERMANENT – Stormwater) | | |
| | We seek the following additional conditions in Appendix 6 (permanent stormwater consent) under current condition 24(b) – Stormwater Management Plan requirements: | N/A |
| <u>Condition 24(b)</u> | <p><u>(x) The stormwater management plan shall provide detail on the continuous flow monitoring methods, and record keeping and reporting to WRC of the greenway discharge to the Waitoa River.</u></p> <p><u>(x) The stormwater management plan shall provide detail on the Waitoa River cross-section monitoring methods and record keeping and reporting to WRC of cross-sections one upstream and one immediately downstream of the greenway discharge to the Waitoa Stream.</u></p> <p><u>(x) The consent holder shall fund an independent peer review to be carried out by an accredited WRC agency, of the flood risk assessment required by consent condition 24.b.vii including revision of the modelling files, and shall be provided to WRC.</u></p> | We consider that this condition is overly onerous, and defer to the Panel's conditions. Notwithstanding, should the Panel consider it appropriate to conference on these matters we are open to this discussion. |
| | We seek the following addition to current condition 24(b)(vii) - our additions are <u>underlined</u> : | N/A |
| Condition 24(b)(vii) | Include a flood risk assessment with a model build report to confirm the detailed design. <u>The flood risk assessment shall be carried for the 1%, 10% and 50% AEP events 48-hour duration</u> | We consider that this condition is overly onerous, and defer to the Panel's conditions. Notwithstanding, should the Panel consider it |

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| | <p><u>heavy ended storm and clearly show that there is no increase in Waitoa River levels or any flood level increase on any adjacent properties to the site</u></p> | <p>appropriate to conference on these matters we are open to this discussion.</p> |
| <p>Condition 9</p> | <p>We note that Condition 9 of Appendix A6 requires the consent holder to manage the stormwater network to avoid discharges on receiving waters that, after reasonable mixing, could cause water quality effects. However, there is no condition that explicitly requires the monitoring and reporting of these parameters. We feel it is appropriate to amend this condition (or alternatively, create a new condition) to include the following (or wording with similar intent):</p> <p>Condition 9 (current proposed wording)</p> <p>Further, the Consent Holder must manage the stormwater network to avoid discharges on receiving waters that, after reasonable mixing, cause:</p> <ol style="list-style-type: none"> a. Dissolved oxygen levels to fall below 80% of saturation b. pH to fall below 6 or exceed 9 c. Undesirable biological growths d. Water temperature to change by more than 3 degrees Celsius or exceed 23 degrees Celsius. e. Increases in suspended solids concentrations by more than 10 percent or exceedance of 80 grams per cubic metre (whichever is the lesser). f. Ammoniacal nitrogen concentrations to exceed 0.88 grams of nitrogen per cubic metre. <p><u>Condition X</u></p> <p><u>(a) The consent holder shall collect at least one representative sample of the discharge each quarterly basis, between the months of 1 January and 31 March, 1 April and 30 June, 1 July and 30 September and 1 October and 31 December, for the duration of this consent and analyse it for the parameters outlined in Condition 9(a)-(f) above.</u></p> <p><u>(b) Any exceedance in the concentrations listed in Condition 9(a)-(f), shall trigger the following:</u></p> <ol style="list-style-type: none"> <u>(i) Notify, in writing, the Waikato Regional Council within 2 working days of the exceedance(s); and</u> <u>(ii) Investigate the causes of the exceedance(s); and</u> <u>(iii) Identify corrective action to address the exceedance(s); and</u> <u>(iv) Identify timing and implementation of any corrective actions and measures identified; and</u> | <p>We consider that this condition is overly onerous, and defer to the Panel's conditions. Notwithstanding, should the Panel consider it appropriate to conference on these matters we are open to this discussion.</p> |

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| | <p><u>(v) Re-test the discharge for the constituents listed in (a)-(f) following the implementation of corrective actions; and</u></p> <p><u>(vi) Send a report detailing points (ii)-(v) (inclusive) to the Waikato Regional Council within 10 working days of receiving the test results under condition X(v)</u></p> <p><u>(c) Should the stormwater quality results be more than the discharge quality specifications listed in condition 9(a)-(f) for three consecutive samples, the consent conditions may be reviewed under condition 7 to require additional on-site stormwater treatment to address these effects.</u></p> <p><u>(d) The results of sampling shall be made publicly available via the WRC website.</u></p> | |
| Final Comments | | |
| 4 | <p>While comment on the draft decision itself is not allowed, we would like to put on record that we feel the fast-track process for the Ashbourne application has been extremely frustrating and stressful. The short time frames, and limited scope for comment from affected landowners has compounded these issues. We take issue with many of the comments made in the draft decision; however, we appreciate that this is the process that needs to be followed and comments are not permitted at this time.</p> <p>We appreciate the opportunity to provide comment on the proposed draft conditions and thank you in advance for taking our concerns on board. Our proposed conditions and amendments need to be incorporated to ensure that our concerns for our farm, our way of life, and the effects on the Waitoa River are appropriately addressed and managed.</p> <p>Thank you again for consideration of our feedback.</p> | As per memorandum of counsel, this comment is out of scope. |

Table 6: Submission 6 - David Francis Webb

| Condition/Paragraph | Content | Action / Response |
|-----------------------------------|--|--|
| Submission 6 - David Francis Webb | | |
| Matter 1 – Water Table and Flows | <p>In response to your request for comment.</p> <p>The water table is far too high in this part of Matamata for this type of development , without huge change to water flows.</p> <p>My property takes water flow from under Station Road currently, & the waterways struggle to cope with the volume as it is , currently.</p> <p>I was informed by a representative of Maven,& on behalf of the developers, the flow, should this development go ahead, the current water flow , "would decrease by 20 %.</p> <p>Maven's representative , also informed me the drain under Station Road was blocked & that was the problem.</p> <p>After hearing this, I had Matamata – Piako District Council look @ the flow some 5weeks ago.</p> <p>This is simply not the case & the sediment in the pipe was minimal.</p> <p>I am a little tired of the "untruths " that have come from Maven, on behalf of the developers, in an attempt to make this " Fast Track " happen when in actual fact the entire plan is totally wrong, in my considered opinion.</p> <p>In many respects, & as per my first response to you in my opinion , the Ashbourne development proposal should never have got past first base .</p> | Refer memorandum of counsel - Out of scope |
| Matter 2 – Solar Farms | <p>The solar farm next to my property is also a huge concern to me .</p> <p>My two storied home over looks the land in question , where the Solar site is proposed.</p> <p>The glare I would envisage would be immense & the area to an unacceptable level .</p> | We acknowledge the concerns of the submitter and note that a glint and glare study was submitted in support of the application. Further assessment is considered overly onerous and unnecessary. |

I request a condition that the consent holder must have a fair analysis from the second story of my home carried out by an independent expert . The purpose being , to evaluate the glare issue (if any) &with a view to resolve.

Also , should this development ever gain approval, I would be requesting the area be planted out as per the developers' suggestions & plans, well before the solar panels were erected.

In my first submission to you I did record , I was opposed to Asbourne's proposal in it's entirety. Please refer to those comments , which I attach.

Thank you for your time .

Table 7: Submission 7 - R.A. Hemmings Limited

| Condition/Paragraph | Content | Action / Response |
|---------------------------------------|--|-------------------|
| Submission 7 - R.A. Hemmings Limited | | |
| Introduction | | |
| 1 | I have been engaged by the shareholders of R.A. Hemmings Limited, the owner of 247A, 247B and 173 Station Road, Matamata ¹ (Property). The Property forms part of the proposed development site, and my clients were invited by the Expert Panel to comment on the Application in their capacity as "owners of the land to which the substantive application relates". ² | N/A |
| 2 | My clients provided comments on the Application pursuant to section 53 of the Fast-track Approvals Act 2024 (FTAA) ³ . They also provided their written approval to the Application pursuant to the Resource Management Act 1991 (RMA). | N/A |
| 3 | My clients therefore have standing pursuant to section 70 FTAA to provide comments on the draft conditions submitted with the Panel's draft decision dated 11 March 2026. The draft decision proposes to grant approvals for the solar farm and greenway aspects of the Proposal, but decline approvals for the retirement village and those parts of the residential subdivision located on highly productive land (HPL). | N/A |
| 4 | My clients strongly support the grant of approvals for all aspects of the Proposal, including the aspects that the Panel proposes to decline. They have engaged me to assist in expressing their significant concerns about the draft decision and decision-making process. Those concerns are explained below. | N/A |
| Preliminary issue – scope of comments | | |
| 5 | In the Panel's Minute 23, inviting comments on the draft decision and conditions, the Panel expresses that view that "Section 70 enables comments to be received only in respect of the proposed conditions and not the draft decision itself." | N/A |
| 6 | While section 70 provides an opportunity for parties to comment on the draft conditions where a Panel proposes to grant consent subject to conditions, section 70 does not clearly preclude comments being provided on the draft decision itself. It is submitted that this opportunity is inherent in the requirement in section 70(2)(b) to provide a copy of the draft decision to the parties together with the conditions. Without the ability to comment on aspects of the draft | N/A |

¹ Lot 1 DP21055, Record of Title SA658/159; Lot 3 DP14362, Record of Title SA12C/1064; and Lot 2, DPS 567678 and Lot 2 DPS 21055, Record of Title 1018185.

² Refer Appendix 3, Minute 1 of the Expert Panel dated 13 October 2025.

³ Comments by Grant and Craig Hemmings dated 7 October 2025; Gareth Hemmings dated 10 November 2025; Jessica Crowe (undated); and Meghann Brown dated 8 November 2025.

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| | <p>decision which provide the legal and evidentiary basis for the proposed conditions, it is not possible for parties to meaningfully comment on the conditions. It is therefore submitted that seeking to restrict parties from providing comments on the draft decision is inconsistent with the FTAA (which does not restrict such comments from being provided, it is merely silent) and with the principles of natural justice and procedural fairness by which the Panel is bound as a matter of administrative law.</p> | |
| 7 | <p>It is not uncommon for fast-track panels to consider commentary on legal issues or factual findings contained in draft decisions, alongside comments on draft conditions, including in the form of legal submissions or supplementary evidence provided by applicants, relevant administering agencies, tangata whenua, or other parties invited to comment. In short, other panels have taken broader interpretation which seeks to ensure a robust and fair decision-making process, and a final decision which is factually and legally accurate, thereby reducing the prospect of appeals or judicial review.</p> | N/A |
| 8 | <p>Even if the Panel prefers a restrictive interpretation of section 70, that does not preclude the Panel from receiving comments on the draft decision by way of further information from any party who provided comments on the Application pursuant to section 53, pursuant to its powers under section 67 to request further information. Further information requests may be made at any time before the Panel issues its decisions under section 81. The decisions under section 81 are the Panel's final decisions on whether to accept or decline any of the approvals sought (not its draft decision).</p> | N/A |
| 9 | <p>The ability of the Panel to receive further information (including evidence) before making its final decisions supports an approach which recognises that the purpose of circulating a draft decision and conditions to affected parties for comment before a final decision is made ensures that the final decision is robust and reduces procedural challenges. Put another way, the draft decision and conditions reflect the Panel's preliminary views on the application, but it must remain open to amending or refining those preliminary findings following a further process of feedback and (if useful) the provision of further information or evidence.</p> | N/A |
| 10 | <p>In this case, an interpretation which restricts the ability of my clients to comment on the draft decision would give rise to substantial procedural unfairness, given the nature of the Panel's draft decision, which is to decline those aspects of the Proposal on HPL. My clients' support for the Proposal, as explained further below, relates to the benefits to be obtained by enabling unproductive HPL to be used for a more beneficial purpose, thereby enabling them to sell an unproductive and underperforming dairy operation. Their earlier comments, which provided evidence on this issue, appear to have been overlooked or ignored by the Panel in its draft decision.</p> | N/A |

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| 11 | Finally, it is clear that the Applicant has the right to submit additional information together with any amended proposal which responds to a draft decision to decline. This could include information in support of its position, including from other parties directly affected by any amended proposal such as my clients. | N/A |
| 12 | In summary on this preliminary issue, it is submitted that the Panel is entitled to, and should, consider the following comments on behalf of my clients who are affected by the Panel's draft decision to decline the Proposal in part and grant the Proposal in part. The Panel is entitled to receive the comments on each or all of the following bases: (a) By finding that section 70 does not preclude the receipt of comments on the draft decision itself, as matters incidental to the proposed conditions; (b) By accepting the comments as further information to assist its decision-making pursuant to section 67; and / or (c) As information provided by the Applicant in support of its comments on the conditions and draft decision to decline. ⁴ | N/A |
| 13 | Further, the concerns raised below are largely procedural, and any party should be entitled to draw procedural concerns to a tribunal's attention at any stage of the process. | N/A |
| Procedural concerns – Failure to consider relevant evidence | | |
| 14 | The Property owned by my clients is located on the western part of the development site, in the area proposed to be developed for a retirement village (RV). The process which has lead to the draft decision to decline the Proposal in relation to my clients' land, on the basis that there is no clear pathway under the National Policy Statement on Highly Productive Land (NPS-HPL), has a direct impact on my clients' livelihood, as explained in their earlier comments. It follows that they have clear standing to raise the procedural concerns summarised below. | N/A |
| 15 | One of their concerns is that there has been no opportunity for expert conferencing on the HPL issues, nor has the Panel exercised its discretion to hold a hearing on these issues, despite its recognition that these issues are "highly contentious and remain largely unresolved" (draft decision para 165 and 631). It is clear that the Panel's finding on this (acknowledged controversial) issue has been highly persuasive in the Panel's preliminary decision to decline the HPL aspects of the Proposal. | N/A |
| 16 | The unfairness is compounded by the failure of the draft decision to squarely confront the evidence contained in the comments provided by my clients. Other than referring to my clients | N/A |

⁴ The Applicant has confirmed its willingness to provide my clients' comments in support of its position if the Panel is not prepared to receive them under the other approaches proposed above.

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| | as providing comments in support of the Application, and noting that they have sold all or part of their land to the Applicant, the draft decision does not engage in any way with their substantive comments. It deals only with comments by adjacent landowners and occupiers raising concerns about the impacts of the development on highly productive land. | |
| 17 | My clients' evidence ⁵ is that they are not in a position to continue farming their land (which is in two blocks separated by a road), due to the small size of the effective milking unit ⁶ , mix of soil types (ranging from average to poor), and restrictions on the ability to transport stock between the two blocks for milking resulting in the loss of milking land. These factors have made it extremely difficult to run a profitable dairy unit particularly when the milk payout is low. Encroaching residential development is giving rise to reverse sensitivity effects and makes expansion of the farm through acquisition unrealistic. The option of selling their land to enable the retirement village proposal enables them to avoid the increasing hardship of endeavouring to run a farming unit in the face of increased costs and reduced profitability. | N/A |
| 18 | My clients are well placed to provide evidence on these issues, given their family have lived on and farmed the affected land for many generations. Their evidence is entirely consistent with the expert evidence provided by the Applicant, and ought to have been given weight or at least tested through a focussed hearing on this important issue. | N/A |
| 19 | The expert evidence provided on behalf of the Applicant (Jeremy Hunt) is consistent with my clients' first-hand experience of the constraints which render their land economically unviable over a 30 year term, supporting the view that there is a clear pathway pursuant to the exemption under clause 3.10 of the NPS-HPL ⁷ . The Applicant's planning evidence supports my clients' concerns around the unavoidable conflicts of a continued rural use of the site due to urban expansion surrounding the site. The evidence ⁸ highlights the anticipated reverse sensitivity concerns such as noise and odour that my clients would suffer if they were forced to retain their land for rural use rather than sell it for a development which the Expert Panel has recognised would offer a range of economic benefits. ⁹ | N/A |
| 20 | Given the diametrically opposed economic evidence (acknowledged as "evidentiary shortcomings" in the draft decision) and the apparent positional approaches taken by the | N/A |

⁵ Contained in their initial comments on the Application referred to in footnote 3.

⁶ At 73 ha this is approximately half the size of an average dairy farm.

⁷ Memorandum to the Expert Panel from Jeremy Hunt dated 13 February 2026.

⁸ Memorandum to the Expert Panel from Barker & Associates dated 18 November 2025.

⁹ Draft decision para 728.

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| | experts, the Panel might fairly have considered the option of a limited hearing (as occurred in Sunfield) given the importance of the economic analysis to the Panel's overall assessment. | |
| Procedural concerns – Pre-emption of final decision | | |
| 21 | As noted by the Panel's legal advisor Jeremy Brabant, the FTAA provides a mandatory opportunity for an applicant to modify a proposal if there is a draft determination to decline. The suggestion at paragraph 106 of the draft decision that there can be no opportunity to amend or modify conditions, only withdraw the parts located on HPL, is pre-emptive and arguably undermines the Applicant's ability (and other stakeholders such as my clients and the local authorities) to meaningfully engage with a modified proposal. The sense of procedural unfairness has been compounded by the Panel's refusal (prior to issuing its draft decision) to accept the Applicant's request for a conference to understand the Panel's thinking on this issue and to assist the Applicant in developing a modified proposal. This has left the Applicant flying blind and has caused great distress and uncertainty for my clients, who have an agreement to sell their land to the Applicant. | N/A |
| 22 | These concerns have been reinforced by the Panel's recent Minute 24 dated 17 March, which suggests that there is no ability to arrange further conferencing of experts on the HPL issues following issue of a draft decision to decline. As explained above, the Panel has the ability under section 67 to seek further information from the applicant, local authorities or any party who provided comments, at any time before issuing its final decisions under section 81. This could include the provision of further evidence. It is also notable that the FTAA does not expressly provide for expert conferencing, but that is an option which has been adopted by many fast-track panels including this one. It is therefore unclear why the Panel considers itself so procedurally constrained in this case. | N/A |
| Panel's Minute 25 | | |
| 23 | My clients have been provided with a copy of the Panel's Minute 25, which seeks the Councils' comments on the Applicant's request that the Panel arrange expert conferencing on issues associated with the NPS-HPL, together with the Councils' joint response. The Councils propose that the Panel should decline the request for expert conferencing in reliance on the Panel Conveners' Practice and Procedure Guidance (Guidance), specifically para 15.1, which provides that: The panel may direct expert conferencing prior to or during a formal hearing, or, if no hearing is held, prior to its formal deliberations. | N/A |
| 24 | In response, it is (respectfully) submitted that the Councils' interpretation of that provision is misconceived, when viewed in the context of the iterative decision-making process provided for | N/A |

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| | under the FTAA. That process requires the provision of a draft decision and conditions for further comment by Ministers and participants prior to final deliberations being made (which must take account of those comments) and a final decision being issued. It is entirely conceivable that (as in this case) comments on the draft decision and conditions might raise issues which the Panel considers could usefully be the subject of expert conferencing or even an opportunity for the parties to be heard. | |
| 25 | Regardless of how the Guidance is interpreted, the Panel has a broad discretion to regulate its own procedure as it thinks appropriate, without procedural formality, and in a manner that best promotes the just and timely determination of the approvals sought. ¹⁰ [emphasis added] | N/A |
| 26 | In this case, my clients wish to emphasise the importance of the procedures followed by the Panel being just. The issue of timeliness can be managed by the Applicant agreeing to suspend processing to allow for the conferencing. The purpose of the conferencing, as explained by the Applicant, is to explore whether the experts are able to find a pathway through the NPS-HPL exemption. My clients' strongly support that approach, which is consistent with the purpose of the FTAA which seeks to <i>facilitate</i> development proposals. It would also ensure procedural fairness, given the evidence provided by my clients has not been addressed in the draft decision. | N/A |
| 27 | My clients would be willing to provide additional information about the profitability of their farm if that would assist the expert conferencing or the Panel in making its final decision. Such evidence could be requested and received pursuant to section 67 FTAA. | N/A |
| Conclusion | | |
| 28 | Given the opportunity for a hearing has not been provided by the Panel, the parties have been deprived of the ability to make submissions on the legal approach taken by the Panel in its draft decision, including the draft decision to decline the HPL aspects, which will significantly affect my clients' rights. | N/A |
| 29 | The approach which has been taken, based on the Panel's "disquiet" about a proposal being undertaken on HPL, has a strong RMA flavour. It is not evident that the Panel has given the greatest weight to the purpose of the FTAA. | N/A |
| 30 | The Panel is invited to reconsider its interim finding that the RV aspects of the Proposal should be declined or at least ensure that the exercise of its discretion clearly takes account of the evidence provided by my clients and the effects of the Project on their livelihood, including the continued reasonable use of their land if only part of the Proposal is approved. | N/A |

¹⁰ FTAA, Schedule 3, clause 10.

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| 31 | Expert conferencing could usefully inform the Panel's final deliberations. | N/A |
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Table 8: Submission 8 - Department of Conservation

| Condition/Paragraph | Draft Condition with tracked-change suggestions | Content | Action / Response |
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| Submission 8 - Department of Conservation | | | |
| Comments on draft conditions of Appendix A1-MPDC-LUC | | | |
| Condition 31 | <p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <p>a. Notify the Consent Holder that the MP is certified.</p> <p>b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</p> <p>c. If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified</p> | <p>DOC strongly opposes the 'deemed certification' clause (c) in this condition. 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 are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p> | <p>We acknowledge comments from stakeholders in relation to the deemed certification conditions, and have proposed removal of the deemed certification clause while providing for set timeframes for responses. Deemed certification conditions will be discussed in expert conferencing on 1st April 2026.</p> |
| Condition 50 | <p>As part of the EcoRMP, the Consent Holder must also submit a LBMP for certification. The purpose objective of the LBMP is to avoid injury to, or mortality of, long-tailed bats during construction and minimise disturbance of long-tailed bats during operation. avoid, or if necessary minimise, the effects of the development on long tailed bats caused by the loss of habitat and artificial light. The LBMP must be updated as required to meet the objective. The LBMP must include, but is not limited to:</p> <p>a. A response to the conditions of this consent.</p> <p>a. Evidence that engagement with DOC has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.</p> <p>b. Consideration of all potential effects on long-tail bat populations, having regard to the Department of Conservation's 'Protocols for</p> | <p>The objective set out in the condition is not consistent with the Ecological Management Plan (EMP) prepared by Ecological Solutions. This should be updated to reflect the EMP.</p> <p>Clause (a) does not serve any purpose in this condition, as such DOC recommends it be removed.</p> <p>Clause (c) does not provide how potential effects on long-tailed bat populations will be managed across the project site in relation to the felling of bat roosts. DOC recommends this clause requires a map to identify all trees that are proposed to be felled and establish a pre-felling survey method of the trees identified. Additionally, if a bat is injured or killed during felling, the consent holder should notify DOC immediately, and provide a report documenting the protocols undertaken.</p> | <p>Agreed. Revised objective wording is consistent with EMP.</p> <p>Agree clause (a) seems unnecessary.</p> <p>Clause (c) revisions are fine. Draft BMP already includes these.</p> <p>Clause (d) revisions – request re-worded as follows:</p> <p>(ii) The measures for offsetting, should they be required, after the completion of tree felling of confirmed bat roosts shall include:</p> |

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| | <p>minimising the risk of felling occupied bat roosts' <u>including</u>:</p> <ul style="list-style-type: none"> (i) <u>A map identifying all trees (alive and standing dead) that are ≥15 cm DBH (Diameter at Breast Height).</u> (ii) <u>A pre-felling survey method for trees identified in (i) above that is consistent with the Department of Conservation "Protocols for minimising the risk of felling occupied bat roosts", produced by the NZ DOC Bat Recovery Group 2024, or any update to that document.</u> (iii) <u>If bats are found injured or dead during felling, the consent holder must notify the Department of Conservation and prepare a report documenting the protocols followed that are outlined in the Department of Conservation "Protocols for minimising the risk of felling occupied bat roosts", produced by the NZ DOC Bat Recovery Group 2024, or any other update to this document.</u> <p>e. The hierarchy of measures to manage all identified effects on long tail bats (in accordance with the National Policy Statement for Indigenous Biodiversity 2002).</p> <p>c. <u>The measures for offsetting after the completion of tree felling shall include:</u></p> <ul style="list-style-type: none"> (i) <u>The installation of roost features (artificial or natural) within the Greenway at a ratio of three roosts for every one actual roost discovered (3:1).</u> | <p>Clause (d) provides arbitrary requirements for effects management under the NPS-IB. DOC recommends this should be amended to specify the offsetting measures outlined in the EMP, including the ratio of offsetting for roost features.</p> <p>The LBMP does not outline the lighting thresholds proposed in the EMP that seek to minimise adverse effects of artificial light on long-tailed bats. Condition wording to this effect has been provided as clause (d). DOC also recommends that within the Waitoa Reserve and Greenway, lighting shall not exceed 0.1 lux.</p> <p>Clause (f) of this condition sets out generic requirements for provision, installation, maintenance, and monitoring of artificial roost features. The amended EMP confirms the use of natural or artificial roost features, monitoring as a form of offsetting. This clause should specify the number of roost features being placed, as well as the types. As outlined in the Applicants amended EMP, the artificial roosts will be fitted with predator proof bands. As outlined in DOC's s 53 comments, these features should be fitted with predator control bands and placed across the site where long-tailed bats have been recorded. Inspections should take place annually for a period of 15-years to check for signs of bat occupancy to ensure that predator control bands remain intact, and to assess the overall condition of the boxes.</p> <p>Clause (h) sets out the provision for monitoring of the LTMBP. DOC considers this needs to include reporting of the monitoring of the checks set out in condition 50(f).</p> | <ul style="list-style-type: none"> (iii) The installation of roost features (artificial or natural) within the Greenway at a ratio of three roosts for every one actual roost discovered (3:1). <p>The reworded clauses outlining lighting specs are fine. The specs (Brightness 0.3 lux and Colour 2700 kelvins-) are standard and are reflective of HCC requirements), however the requirement from DOC of 0.1 lux is considered excessive (average twilight brightness is c. 0.3lux)</p> <p>Achieving artificial lighting measures 200m from Waitoa River is likely not a problem; however, achieving lighting specs at 200m from Greenway may be difficult. Bat buffers and therefore artificial light measure extents in the Peacocke's development were only 25-40m, and we proposed that lux levels be measured at 40m from Greenway edge as a compromise.</p> <p>Clause (f) The EMP/BMP states offsetting measures only if active roost found prior to tree felling. EMP/BMP already states the use of predator bands where artificial roosts are erected. Inspection of artificial roosts annually for 15 years is reasonable because current information suggests it can take a number of years before bats begin using them.</p> <p>Clause (h) is fine.</p> |
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- d. Best practice mAdditional—measures to minimise adverse lighting effects on bats achieve bat sensitive lighting design, particularly along the Waitoa River and the Greenway, shall be in accordance with having regard to the Department of Conservations ‘Interim Advice Note: Steps to take to reduce the impact/effect of artificial light on pekapeka (bats)’ Version 1: 19 August 2025, or any update to that document as well as measures to ensure the long term maintenance of bat-friendly outdoor lighting. These measures must include:
- (i) Within the Waitoa Reserve artificial lighting shall be designed to:
 - Ensure that illuminance from fixed artificial light does not exceed 0.3 lux (horizontal and vertical) at any height
 - (ii) Within a 200m buffer of the Waitoa Reserve artificial lighting shall be designed to:
 - Ensure that illuminance from fixed artificial light does not exceed 0.3 lux (horizontal and vertical) at any height and
 - Ensure that all outdoor lighting be fully downward, baffled and angled with zero upward light output and have a nominal colour temperature no more than 2700K.
 - Ensure any security lighting is controlled by timers to activate for less than 5 minutes.

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| | <p>(iii) <u>Within the Greenway artificial lighting shall be designed to:</u> <u>Ensure that illuminance from fixed artificial lighting does not exceed 0.3lux (horizontal and vertical) at any height</u></p> <p>(iv) <u>Within a 40m buffer of the Greenway artificial lighting shall be designed to:</u> <u>Ensure that illuminance from fixed artificial lighting does not exceed 0.3 lux (horizontal and vertical) at any height.</u></p> <ul style="list-style-type: none"> • <u>Ensure that all outdoor lighting be fully downward, baffled and angled with zero upward light output and have a nominal colour temperature no more than 2700K.</u> • <u>Ensure any security lighting is controlled by timers to activate for less than 5 minutes.</u> <p>(b) Should confirmed active bat roosts be found, offsetting details for the provision of, and measures for the installation, maintenance and monitoring requirements of artificial roosts artificial <u>roost features including:</u></p> <p>(i) <u>Artificial bat roosts shall comprise of kent bat boxes, or artificial crevices/cavities in existing trees</u></p> <p>(ii) <u>GPS coordinates shall be provided for all artificial roost feature trees</u></p> <p>(iii) <u>Predator fitted bands applied to all artificial roosts</u></p> | | |
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| | <ul style="list-style-type: none"> (iv) <u>Artificial bat roosts (ken box) shall be checked annually for a period of 15 years to remove any accumulated debris and repaired or replaced if damaged or missing.</u> (v) <u>Artificial roost crevices and cavities shall be checked annually for a period of 15 years to remove any sap deposits or bark growth that may prevent bats from assessing crevices or cavities.</u> (vi) <u>Metal bands must be checked annually for a period of 15 years and maintained or replaced as required.</u> <p>e. Measures to ensure the long-term protection of riparian margins, indigenous vegetation and other vegetated corridors which provide habitat to long-tailed bats.</p> <p>f. Appropriate monitoring and reporting requirements to the Council and DOC</p> <ul style="list-style-type: none"> (i) <u>The Consent Holder must submit an annual report detailing the results of the roost checks carried out under condition 50(f). The annual report shall be prepared by a suitably qualified and experienced person and shall be submitted to Council's nominee within two months of the completion of the maintenance checks. A copy of the annual report shall also be provided to the Department of Conservation for information.</u> | | |
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| | <p>g. The process for the ongoing review and amendment of the LBMP to maintain its effectiveness.</p> | | |
| Condition 51 | <p>As part of the EcoRMP, the Consent Holder must also submit a BMP for certification. The objective of the BMP is to <u>avoid or otherwise</u> minimise the effects of the development on native birds <u>found within the site</u>. The BMP must be updated as required to meet the objective. The BMP must include, but is not limited to:</p> <p><u>A response to the conditions of this consent</u></p> <p>a. Evidence that engagement with DOC has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.</p> <p>b. If earthworks or vegetation clearance must occur within the bird breeding season (September – February inclusive):</p> <p>i. Before work commences, a bird nest survey of the entire Site, including grasslands to be cleared, must be undertaken by a SQEP. Where required a climbing arborist and/or drone must be used to identify bird nests where trees are too tall or dense to properly assess from the ground. A report must be prepared and submitted to the Council for their records, <u>documenting the locations of any nests, colonies or chicks of birds with threat categories of At Risk or Threatened; a summary of the methodology used in the survey; and how effects will be avoided, minimised, or mitigated for any Threatened or At Risk species nests found.</u></p> | <p>The objective of the BMP should be to first avoid any adverse effects, and where effects cannot be avoided, they must be minimised.</p> <p>Clause (a) does not serve any purpose in this condition, as such DOC recommends it be removed.</p> <p>Clause (c)(i) should be adjusted to expand on the detail required in the report to Council in line with the proposal detailed in the Applicant's response to DOC's s 53 comments.</p> <p>Clause (c)(iv) should be adjusted to refer to condition 51(c)(i), rather than condition 50, which relates to the LBMP.</p> | Agree |

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| | <ul style="list-style-type: none"> ii. If no active nests are found, trees may be felled within five (5) working days. iii. If active nests of native species are found, a 50m setback must be established around the nest. This area is to be clearly marked and left undisturbed until regular monitoring confirms nesting birds have fledged or nests are naturally abandoned. iv. If work ceases for more than five (5) consecutive working days, the works area must be resurveyed (pursuant to Condition [51(c)(i)]). | | |
| Condition 52 | <p>As part of the EcoRMP, the Consent Holder must also submit an LMP for certification. The objective of the LMP is to <u>set out measures to minimise potential adverse effects on native lizards within the construction footprint by a way of (a) capture and relocation of native lizards from identified lizard habitat areas and (b) providing habitat enhancement and predator control at the release site. achieve best practice habitat modification with the intent of minimising potential harm and effects on lizards.</u> The LMP must be prepared SQEP. The LMP must be updated as required to meet the objective. The LMP must:</p> <ul style="list-style-type: none"> a. Accord with, as a minimum the Department of Conservation’s ‘Key Principles for lizard salvage and transfer in New Zealand 2019’, or other equivalent ecological guidelines, or any update to that document.: <u>The Department of Conservation’s ‘Key Principles for lizard salvage and transfer in New Zealand 2019’, or other equivalent ecological guidelines.</u> b. Include, but is not limited to: <u>A response to the conditions of this consent.</u> | <p>The objective of the LMP does not align with the purpose and objectives outlined in the EMP prepared by Ecological Solutions. DOC has updated the wording to be consistent with the EMP.</p> <p>The LMP does not require a suitably qualified person to prepare the management plan. For consistency with other management plans, DOC recommends this be amended.</p> <p>Clause (b)(i) does not serve any purpose in this condition, as such DOC recommends it be removed.</p> | Agree |

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| | <ul style="list-style-type: none"> i. Evidence that engagement with DOC has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed. ii. Identification of all areas of potential indigenous lizard habitat within the Site, including rock piles, sunny shrublands, and woody debris. iii. Pre-<u>vegetation</u> clearance survey methods, including timing, search effort, and detection techniques appropriate to the species likely to be present. iv. Capture, handling, containment and translocation procedures, including relevant welfare and biosecurity measures. v. Release site criteria, any required habitat enhancement, and measures to ensure long-term suitability and protection. vi. Post-translocation monitoring protocols (frequency, success indicators, adaptive management). vii. Reporting requirements to the Council and DOC. viii. Contingency measures and a protocol in the event that a Threatened or At-Risk–Declining lizard species is encountered including: <ul style="list-style-type: none"> A. All works to cease immediately in the event. B. Report of the finding to the Council and DOC. C. Management measures to be implemented before works can recommence. | | |
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| | <p>c. Include the process for the ongoing review and amendment of the LMP to maintain its effectiveness.</p> <p><i>Advice note: if any inconsistencies arise between this consent and Wildlife Authority issued for the site, the Wildlife Authority will take precedence.</i></p> | | |
| <p>New Conditions 163–165 (Avian Fauna Monitoring Plan)</p> | <p><u>Avian Fauna Monitoring Plan</u></p> <p><u>163. An Avian Monitoring Plan (AMP) shall be prepared by a SQEP and provided to Council for certification twenty (20) working days prior to the commencement of construction. The objective of the AMP is to identify any bird collision events in relation to Threatened or At Risk indigenous birds. The monitoring undertaken by the AMP shall include:</u></p> <p><u>a. One survey per month across the course of construction.;</u></p> <p><u>b. Three (3) monthly surveys across the first two years of operation (following the completion of construction).</u></p> <p><u>c. Monitoring methods.</u></p> <p><u>d. Recording of any incidental discoveries of dead or injured indigenous birds.</u></p> <p><u>164. At the conclusion of any of the monitoring periods set out in condition 163 above, an independent SQEP is to submit a report to Council and the Department of Conservation on behalf of the Consent Holder setting out:</u></p> <p><u>a. The results of the monitoring, including whether any bird collision events were detected during the monitoring period.</u></p> <p><u>165. If monitoring identifies a collision event with a Threatened or At Risk indigenous bird, Council may under section 128 of the Resource Management Act</u></p> | <p>DOC notes that bird collision monitoring has not been included as a condition. In response to DOC's s 53 comments, the Applicant suggests monthly surveys throughout the construction period, as well as three monthly surveys within the first 2-years of operation. DOC endorses this recommendation.</p> <p>DOC considers that if collision events are identified through monitoring, the Council, under Condition 8, can review the AMP in response and implement collision prevention or deterrent measures to appropriately manage the adverse effect.</p> | <p>The Avian Fauna Monitoring Plan requirements are reasonable and consistent with s53 response, however we consider that the following is overly onerous and should provide for some flexibility and/or alternative mitigation measures.</p> <p><u>“Limitations on angle or orientation of solar panels over defined spatial, temporal scales, or environmental conditions if collisions were able to be attributed to certain spatial temporal or environmental patterns.” as response to confirmed collision with Threatened or At Risk species.</u></p> |

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| | <p><u>1991, initiate a review of conditions 163-165 in response to a collision event with potential collision prevention/deterrent measures to manage the adverse effect, which could include (but are not limited to) the use of:</u></p> <p><u>Bird-sensitive anti-reflective coatings and/or applications to the panels;</u></p> <p><u>Use of deterrent devices of visual warning devices/markings (flags, streamers, or visually distinctive markings on panels) to deter attempted landing on panels;</u></p> <p><u>Limitations on angle or orientation of solar panels over defined spatial, temporal scales, or environmental conditions if collisions were able to be attributed to certain spatial temporal or environmental patterns.</u></p> <p><u>Advice Note: The meaning of 'Threatened or At Risk' and national threat classifications for indigenous bird species are based on the most recent available assessment under the New Zealand Threat Classification System administered by DOC (Rolfe et al. 2022; available at https://nzctcs.org.nz/).</u></p> | | |
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| Comments on draft conditions of Appendix A3-WRC-PERMANENT-Diversion and damming | | | |
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| Condition 17 | <p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <p>a. Notify the Consent Holder that the MP is certified.</p> <p>b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</p> | <p>DOC strongly opposes the 'deemed certification' clause in this condition. 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 are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p> | <p>We acknowledge comments from stakeholders in relation to the deemed certification conditions, and have proposed removal of the deemed certification clause while providing for set timeframes for responses. Deemed certification conditions will be discussed in expert conferencing on 1st April 2026.</p> |

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| | <p>e. If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</p> | | |
| <p>Condition 24 (Fish Management Plan)</p> | <p>As part of the EcoRMP, the Consent Holder must also submit an FMP for certification. The objective of the FMP is to provide for all fish management requirements throughout the works. The FMP must be updated as required to meet the objective. The FMP must include, but is not limited to:</p> <p>A response to the conditions of this consent.</p> <ol style="list-style-type: none"> a. Evidence that engagement with the Department of Conservation (DOC) <u>about the FMP</u> has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed. b. A brief description of the known fish communities potentially impacted by the consented activity within and around the Waitoa River Catchment c. Protocols and methods to ensure that all watercourses/drains and other surface water features <u>within</u> the subject site are fully isolated and protected from the works, including (but not limited to): <ol style="list-style-type: none"> i. Surface water diversion and groundwater drawdown effects ii. Earthworks, sediment and other types of contaminant discharges iii. Physical disturbance of any nature (such as from site access, vehicles and works machinery) d. A construction methodology which includes a works schedule for undertaking mitigation in respect of the proposed watercourse/drain | <p>Clause (a) does not serve any purpose in this condition, as such DOC recommends it be removed.</p> <p>Clause (b) should be amended to clarify the intent of the engagement with DOC for the purpose of this management plan.</p> <p>Clause (c) should be amended to ensure the FMP clarifies the species potentially impacted by the proposal.</p> <p>Clause (d) should be amended to ensure that adverse effects on watercourses/drains and other surface water features within the subject site are isolated and protected from potential adverse effects that could result from the activating proceeding.</p> <p>Clause (f) should be amended to ensure that the effects management hierarchy is clarified within the context of the purpose of the management plan.</p> <p>Clause (h) should be amended to ensure that the details required by the condition are clear and provide details around the process for relocation of fish species and not limited to just the capture processes as it currently reads.</p> <p>Clause (i) should be included to ensure that migration and spawning times for fish species that might be present at the site are avoided as these are critical periods for fish species.</p> | <p>Clause (a) - Agree this seems unnecessary.</p> <p>Clause (b) - Agree</p> <p>Clause (c) - The FMP already identifies the expected fish species to be impacted. There is no management for aquatic invertebrates so I dont see why we would need to identify the expected invert species.</p> <p>Clause (d) impracticable to be held responsible for ensuring all watercourses/drains are fully isolated within and beyond the site. Suggest restricted to onsite.</p> |

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| | <p>diversion and dewatering (such as fish capture and relocation).</p> <p>e. <u>Methods to avoid</u>, remedy or mitigate the planned dewatering of areas of fish habitat and, where <u>the dewatering cannot be avoided such dewatering occurs</u>, undertake fish capture and relocation.</p> <p>f. Protocols and methods for the capture and transfer of indigenous fish, including the timing, required weather conditions, extent of fishing effort and release points.</p> <p>g. A methodology for best practice indigenous fish relocation by requiring the following:</p> <ul style="list-style-type: none"> i. Netting nodes to consist of one (1) fyke net and two (2) minnow traps. ii. Netting nodes to be set on average 10m apart. iii. Once three (3) nights of netting have reduced the catch to a maximum average of <1 fish per trap the standard is deemed to have been achieved. iv. A SQEP be on site during the dewatering and mucking out of watercourses to capture and relocate as many remaining indigenous fish as possible and to humanely euthanised any pest fish. <p>v. <u>Details around the process for relocation of fish species.</u></p> <p>h. A detailed description of the staged approach for relocating fish i.e. Stage 1 – pre-works fish relocations, Stage 2 – dewatering fish relocations, Stage 3 – excavation fish relocations.</p> <p>i. Ensure fish relocations are carried out by SQEP who are responsible for implementing all aspects of the FMP including the installation and</p> | | |
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| | <p>maintenance of temporary exclusion nets along the drain.</p> <p>j. Protocols and methods to either provide or preclude fish passage (as appropriate) through the design of temporary diversion channels and new in-stream infrastructure culverts.</p> <p>k. Protocols and methods for recording and reporting to the Council, the numbers, diversity and size range of all fish removed from watercourses/drains (recovered or accidentally injured or killed).</p> <p>l. Measures to ensure that captured fish do not re-enter the active works area for the duration of the works.</p> <p>m. Requirements for permits and certificates to handle native fish from the relevant authorities.</p> <p>n. Defined roles and responsibilities for all those involved (Consent Holder, contractor, ecologist) and the details of who must be responsible for overseeing the FMP.</p> <p>o. Notification and reporting procedures.</p> <p>p. The process for the ongoing review and amendment of the FMP to maintain its effectiveness.</p> | | |
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Comments on draft conditions of Appendix A4-WRC-PERMANENT-Groundwater take

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| <p>Condition 18</p> | <p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <p>A. Notify the Consent Holder that the MP is certified.</p> <p>B. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days</p> | <p>DOC strongly opposes the 'deemed certification' clause in this condition. 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 are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection</p> | <p>We acknowledge comments from stakeholders in relation to the deemed certification conditions, and have proposed removal of the deemed certification clause while providing for set timeframes for responses. Deemed certification conditions will be discussed in expert conferencing on 1st April 2026.</p> |
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| | <p>(from receipt of the further information) to confirm whether the MP has been certified.</p> <p>C. If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</p> | <p>mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p> | |
| Comments on draft conditions of Appendix A5-WRC-PERMANENT-Structure in water | | | |
| Condition 20 | <p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <p>A. Notify the Consent Holder that the MP is certified.</p> <p>B. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</p> <p>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</p> | <p>DOC strongly opposes the 'deemed certification' clause in this condition. 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 are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p> | <p>We acknowledge comments from stakeholders in relation to the deemed certification conditions, and have proposed removal of the deemed certification clause while providing for set timeframes for responses. Deemed certification conditions will be discussed in expert conferencing on 1st April 2026.</p> |
| Condition 25 (Fish Management Plan) | <p>As part of the EcoRMP, the Consent Holder must also submit an FMP for certification. The objective of the FMP is to provide for all fish management requirements throughout the works. The FMP must be updated as required to meet the objective. The FMP must include, but is not limited to:</p> <p>A response to the conditions of this consent.</p> <p>a. Evidence that engagement with the Department of Conservation (DOC) <u>about the FMP</u> has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.</p> | <p>Refer to comments and reasoning provided on Condition 24 of Appendix A3 above.</p> <p>The advice note at the end of Condition 25 should be included to help ensure that the Applicant has obtained all required approvals under other regulations that relate to the activity provided for by this consent.</p> | <p>As above.</p> |

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| | <ul style="list-style-type: none"> b. A brief description of the known fish <u>and invertebrate communities potentially impacted by the consented activity</u> within and around the Waitoa River Catchment. c. Protocols and methods to ensure that all watercourses/drains and other surface water features <u>within and</u> beyond the subject site are fully isolated and protected from the works, including (but not limited to): <ul style="list-style-type: none"> i. Surface water diversion and groundwater drawdown effects. ii. Earthworks, sediment and other types of contaminant discharges. iii. Physical disturbance of any nature (such as from site access, vehicles and works machinery) d. A construction methodology which includes a works schedule for undertaking mitigation in respect of the proposed watercourse/drain diversion and dewatering (such as fish capture and relocation). e. <u>Methods to avoid</u>, remedy or mitigate the planned dewatering of areas of fish habitat and, where <u>the dewatering cannot be avoided—such dewatering occurs</u>, undertake fish capture and relocation. f. Protocols and methods for the capture and transfer of indigenous fish, including the timing, required weather conditions, extent of fishing effort and release points. g. A methodology for best practice indigenous fish relocation by requiring the following: <ul style="list-style-type: none"> i. Netting nodes to consist of one (1) fyke net and two (2) minnow traps. | | |
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| | <ul style="list-style-type: none"> ii. Netting nodes to be set on average 10m apart. iii. Once three (3) nights of netting have reduced the catch to a maximum average of <1 fish per trap per night the standard is deemed to have been achieved. iv. A SQEP be on site during the dewatering and mucking out of watercourses to capture and relocate as many remaining indigenous fish as possible and to humanely euthanised any pest fish. v. <u>Details around the process for relocation of fish species.</u> h. A detailed description of the staged approach for relocating fish i.e. Stage 1 – pre-works fish relocations, Stage 2 – dewatering fish relocations, Stage 3 – excavation fish relocations. i. Ensure fish relocations are carried out by SQEP who are responsible for implementing all aspects of the FMP including the installation and maintenance of temporary exclusion nets along the drain. j. Protocols and methods to either provide or preclude fish passage (as appropriate) through the design of temporary diversion channels and new in-stream infrastructure culverts. k. <u>Protocols and methods relating to the timing of works to avoid peak fish presence.</u> l. Protocols and methods for recording and reporting to the Council, the numbers, diversity and size range of all fish removed from watercourses/drains (recovered or accidentally injured or killed). | | |
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| | <ul style="list-style-type: none"> m. Measures to ensure that captured fish do not re-enter the active works area for the duration of the works. n. Requirements for permits and certificates to handle native fish from the relevant authorities. o. Defined roles and responsibilities for all those involved (Consent Holder, contractor, ecologist) and the details of who must be responsible for overseeing the FMP. p. Notification and reporting procedures. q. The process for the ongoing review and amendment of the FMP to maintain its effectiveness. <p><i><u>Advice Note: A complex freshwater fisheries activity approval under the Freshwater Fisheries Regulations 1983 may be required if fish passage is restricted for a period longer than the length of time defined in the regulations.</u></i></p> | | |
| <p>Comments on draft conditions of Appendix A6-WRC-PERMANENT-Stormwater</p> | | | |
| <p>Condition 20</p> | <p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ul style="list-style-type: none"> A. Notify the Consent Holder that the MP is certified. B. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified. <p><i>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</i></p> | <p>DOC strongly opposes the 'deemed certification' clause in this condition. 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 are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p> | <p>As above.</p> |

| Comments on draft conditions of Appendix A8-WRC-TEMPORARY-Dewatering Groundwater take | | | |
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| Condition 14 | <p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ul style="list-style-type: none"> A. Notify the Consent Holder that the MP is certified. B. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified. <p>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</p> | <p>DOC strongly opposes the 'deemed certification' clause in this condition. 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 are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p> | As above. |
| Comments on draft conditions of Appendix A8-WRC-PERMANENT-Wastewater | | | |
| Condition 29 | <p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <ul style="list-style-type: none"> A. Notify the Consent Holder that the MP is certified. B. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified. <p>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</p> | <p>DOC strongly opposes the 'deemed certification' clause in this condition. 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 are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p> | As above. |
| Comments on draft conditions of Appendix A9-WRC-TEMPORARY-Discharges-to-water | | | |
| Condition 27 | <p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> | <p>DOC strongly opposes the 'deemed certification' clause in this condition. The requirement for</p> | As above. |

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| | <p>A. Notify the Consent Holder that the MP is certified.</p> <p>B. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</p> <p>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</p> | <p>management plans in conditions is there for the protection of the environment and natural resources. An independent, regulatory check of the management plans are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p> | |
| <p>Comments on draft conditions of Appendix A10-WRC-TEMPORARY-Land-disturbance</p> | | | |
| <p>Condition 14</p> | <p>Within twenty (20) working days of receiving a MP for certification, the Council must:</p> <p>A. Notify the Consent Holder that the MP is certified.</p> <p>B. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.</p> <p>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</p> | <p>DOC strongly opposes the 'deemed certification' clause in this condition. 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 are necessary to ensure that the Applicant is adhering to all protective requirements before work commences. Deemed certification removes the primary protection mechanism, degrades the overall purpose of a management plan and fundamentally undermines the conditions.</p> | <p>As above.</p> |

Table 9: Submission 9 - Ian Hayes

| Condition/Paragraph | Content | Action / Response |
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| Submission 9 - Ian Hayes | | |
| Appendix-A1-MPDC-LUC.pdf | | |
| Condition 74 | <p>74. The Consent Holder must complete the following external transport network upgrades to service the development of the Site: a. Prior to commencing construction on the Site (including Site enabling works), EITHER:</p> <p>i. Construct a collector road to Firth Street consistent with the Eldonwood South Structure Plan (Matamata-Piako District Plan).</p> <p>OR</p> <p>ii. Upgrade pedestrian facilities on Hampton Terrace, Peakedale Drive and Jellicoe Road to meet the DM 2010 and install a roundabout at the intersection of Jellicoe Road and Hampton Terrace.</p> <p>Our Response:</p> <p>There should be no options available.</p> <p>The only viable option is to construct a collector road to Firth Street consistent with the Eldonwood South Structure Plan (Matamata-Piako District Plan).</p> <p>This road is the primary conduit for the launch of the project and must be installed prior to any earth/civil works commencing for the Project. This is the most important road in the entire project. There should be NO other options or alternatives available. This will be too disruptive and too compromising to the nearby community. It should be mandatory.</p> | <p>Refer to comments on MPDC submission below. It is overly onerous to require a connection through third party land that is not within the control of the applicant, and the submitter's comment is not supported by expert evidence.</p> |
| Appendix-B-Resource Consent Triggers.PDF | | |
| Matamata-Piako Operative District Plan – Paragraph V sub paragraphs: i, ii, iii, iv and v | <p>Our Response:</p> <p>The lot sizes should be a minimum of 3,000 - 5,000m². The 1,200m² - 1,800m² sized lots are not in keeping with the original intention or zoning of Highgrove or Eldonwood.</p> <p>The larger lots would be</p> <ul style="list-style-type: none"> • more "environmentally suitable/acceptable" on LUC 2 soils and goes a considerable way to alleviating the ground and storm water issues. • significantly more aligned with the original design intention of Eldonwood and ESSP • more aligned to the current MPDC zoning of ESSP as Rural Residential 1 • to ensure the true definition of Rural Residential 1 is upheld and applied as intended. | <p>Out of scope and not supported by expert evidence.</p> |

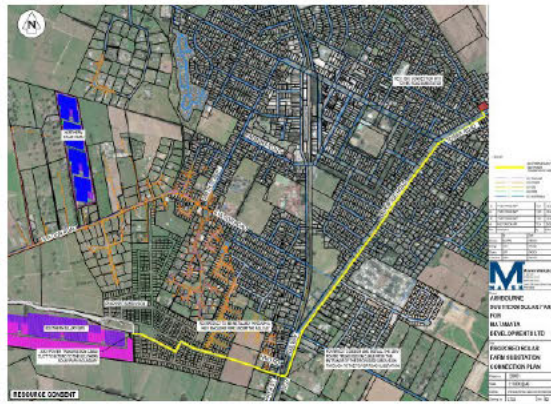
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| | This would raise the issue of lots 107, 108, 109, 110 as they are west of Peakedale Drive access. See below | |
| Appendix-A2-MPDC-SUB.pdf – Page 12 (g) | | |
| Page 12 (g) | <p>A Consent Notice on Lots 107 – 110 delaying development on the lots, generally worded as follows: "That the construction of dwellings on Lots 107 – 110 must occur no earlier than as part of Stage 3 of the Ashbourne development."</p> <p>Our Response: A more just and fair solution would be to meld lots 107-110 into the Stormwater Basin A, Lot 4002 thereby increasing the size of Lot 4002. Our strongly held view is that # 60 Peakedale Drive should not be disadvantaged and should enjoy the same outlook as the other Peakedale Drive residents enjoy.</p> | It is noted that the area immediately adjoining 60 Peakedale Drive is also stormwater reserve, and the separation from these Lots is generous as a result. Notwithstanding, the Applicant has agreed to the consent notice on Lots 107-110 and this is considered the most appropriate mechanism to manage effects commensurately. |

Table 10: Submission 10 - Roger Slattery

| Condition/Paragraph | Content | Action / Response |
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| Submission 10 - Roger Slattery | | |
| Draft Decision | | |
| 1 | <p>If I may bring to your attention some anomalies in the draft decision that was published:</p> <ul style="list-style-type: none"> In paragraph 190a, the name of the road should be Peakedale Drive – not Peake Road as is listed in that paragraph. | N/A |
| Appendix A2 MPDC SUB | | |
| 2 | Please check and cross reference the document names on the Advice notes for stages 8A (paragraph 10 m), 8B (paragraph 10 n). The numbering for the referenced sheets does not match the Stages or residential lots. | N/A |
| 3 | <p>Engineering Drawings for the Northern Solar Farm: The document in question is called Proposed Subdivision Plan for Lots 8 and 9 C350.</p> <ul style="list-style-type: none"> In Appendix 0 of the Draft Decision – Document list the Northern Solar Farm Proposed subdivision plan for lots 8 and 9 does not have a Rev F. Lots 8 & 9 are no longer in the Ashbourne development plan, therefore the document and the table for the Memorandum of Easements, is no longer required. I am requesting that this document be removed from the Engineering Drawing for the Northern Solar farm that was uploaded in the correspondence to the Panel on the 13 Feb 2026 | Agree. |
| Northern Solar Farm – A2 MPDC SUB | | |
| 4 | In paragraph 11 of A2 MPDC SUB which states that the northern solar farm must be operational before Stage 4 of the residential development commences. This includes the 33KV power transmission cable connection from the northern solar farm to the Tower Road Sub Station (confirmed with As Built plans). Can this please be checked as the Maven designs (Maven Plan “Proposed [Northern] Solar Farm Connection Plan: (Ref: C720, Rev B, dated May 2025)) state that the power is going via an 11 KV power transmission line to Brown Street. | Correct – the wording of this condition will need to be amended. |



It is the southern Solar farm that is being taken through to the Tower Road Substation (Maven Plan “Proposed [Southern] Solar Farm Connection Plan: (Ref: C720, Rev D, dated May 2025)) see below



Stormwater & Flooding

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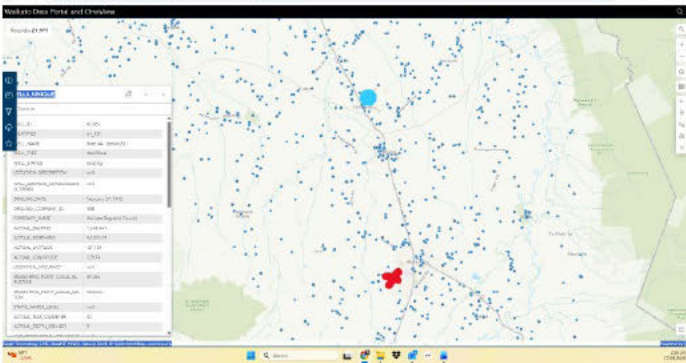
I understand that the draft conditions are extensive but I must highlight that many of them are based on frameworks and not on settled designs. This raises concerns for me, as well as others who were invited to comment on the draft conditions.

- Consent holder must prepare and get certified a **Stormwater Management Plan (SMP)**.
- From the information I have seen, there is direction from the Panel to produce a plan based on information produced by models. There has been a lot of conflict about stormwater at Ashbourne, but the proof should be in the pudding. Where is the empirical data, the study of all the seasons’ effects on stormwater in the proposed site area and the irrefutable proof that there will be less stormwater leaving the post-developed site? Where is the baseline to calculating stormwater and potential erosion, rather than relying on assumptions?

This approach has been agreed between experts through joint witness conferencing, and it is considered that this commentary is out of scope as it relates to the Panel’s decision and not to draft conditions, and nor

- What protections do I have as a landowner and rate payer that the MPDC will not be left carrying the can if the models got it wrong? The risk to the MPDC and WRC is that the models' outputs do not match the weather to come, resulting in it being too high. If there is still no agreement from the experts on how the stormwater system is going to perform, there must be a call to gather data, to observe what actually happens on and in the ground, in preparation for a stormwater system that is able to cope with the task it has been designed for.
- Historical data and drain designs show that the intended area for the Ashbourne Subdivision has always had issues with stormwater. Over the years, it can be seen from the aerial photographs that drains have been filled, changed and improved. Those aerial photos also show that the town of Matamata has expanded, that housing density has increased, and the natural path of the water from that area has been diverted. Combining this with more impervious surfaces in previous developments which has increased stormwater runoff downstream from the proposed site and stormwater is a huge issue for this development. What is required is baseline data for the plan to work from, and that data is not yet available. There is still questions to be answered about water flow and movement from all the dry basins and wetlands that are proposed. If these questions are not answered before the project is started, how can the applicant design a well performing SMP to cope with seasonal weather variations going forward? More than one local resident has raised concerns about the high water table, the stormwater management and use of only modelling when it comes to the Station Road, Peakedale Drive and Highgrove area.
- From lived experience of drilling soak holes in the Matamata District for 50 years I can tell you that the area where the subdivision is proposed to be situated has a high water table at the best of times, and during the heavy isolated rains we have been receiving recently the water table level has been fluctuating to a very high level – in some cases to the depth required to dig a fence post hole in the ground! Please do not leave it for the MPDC and WRC to have to close the gate after the horse has bolted, leaving those councils up to the eyeballs in liability. Clear, firm conditions that are established from irrefutable data are what is required to ensure the SMP will be able to achieve the best outcomes.
- The Greenway is seen as a safe and effective discharge for stormwater – this has been modelled by the applicant, but what is the real effect of the increased water being added to the Waitoa Stream at that point? Where is the data from observation and study? It has been shown already in this application that models can have numbers inputted incorrectly. For the sake of the ecological environment of the river and downstream users of the water, please make the applicant get factual data.
- It was noted throughout the application and replies from councils and experts that stormwater is a contentious issue, it must be fully investigated, not just summarised by modelling.
- I am calling for the panel to ensure there are measures in place so the consent conditions rely on thorough empirical test data rather than theoretical models for the stormwater. The panel have made it very clear that they have issues with the data, the method, and the modelling used for stormwater in this application. And since we are not able to comment on a yet to be completed PDA agreement between the developer and MPDC, the baseline data is the only way to start analysis on what goes on under and over ground.

does it provide context to discussion on draft conditions. The requested conditions are also considered to be overly onerous to manage effects.

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| <p>Requested Conditions</p> | <p>Requested Conditions:</p> <ul style="list-style-type: none"> • That modelling is not the sole method of information gathering for the development of the SMP, there must be investigations conducted that are specific to the site over an entire set of seasons (at least one year) before any earthworks are started. If the investigations show that soakage is not viable, the SMP has to outline specifications and costs for an alternative piped reticulation system before earthworks start. • That no section 224(c) certificates are to be issued for any lot in the Basin A catchment until written confirmation has been received from WRC that the stormwater system is functioning as designed. • That an investigation of the baseline of all outflows (Stormwater, Groundwater, Wastewater) from the site for a full seasonal cycle of at least 1 year occur, so that the SMP figures can start with actual data, not assumptions. • That the SMP includes pre-development baseline monitoring of all outflows from the site for twelve months before development starts as well as post-development measuring of the same outflows for 10 years. • That a report is produced annually for WRC to assess the captured data and possible adverse effects. <ul style="list-style-type: none"> o If adverse effects are found, the consent holder must fix the issue at its own cost, to the WRC's satisfaction. | <p>As above.</p> |
| <p>Groundwater</p> | | |
| <p>6</p> | <p>I understand that the water level monitoring must come from a site that is monitored by a reliable source, WRC. I must point out that in this situation the water bore the applicant is relying on for water level analysis is situated 10 km away at the Matamata Airfield. As indicated on the picture below with the blue dot being the Bore identified as 64_831 and the red cross being the approximate area of Ashbourne.</p>  <p>I know from previous experience drilling soak holes at both locations that the groundwater level in the area around the Matamata Airfield is much lower than that in holes I have drilled in the Proposed Ashbourne Subdivision area. I feel frustrated that the water level indicators for the JWS were based on data captured from a borehole located 10 km away from the site, with a different soil structure. I ask the panel to reinforce the conditions of the project so that factual data is used for calculations, rather than the computer modelling the applicant has presented.</p> | <p>As above.</p> |

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| | <p>In paragraph 47 of MPDC LUC, the question is asked, “If subsoil drains are used for limiting maximum groundwater levels for achieving stormwater disposal for soakage devices, then a GMP is required” When will the decision be made if the subsoil drains are to be used, and what triggers the requirement for a Groundwater Management Plan? What data will be gathered to define the plan’s parameters so it does not rely on models? Subsoil drains are known to collapse over time, suffer from root intrusion and to silt up. Who will pay if this happens? Will it be left for the MPDC or residents to fend for themselves?</p> <p>It makes sense to create a baseline using a local bore so that measurements are local, not regional. For the project to go ahead, starting plans to manage groundwater using baseline data from the same location as the subdivision is imperative, so that local variations in groundwater levels can be monitored during periods of recharge and dryness.</p> | |
| Requested Conditions | <p>Requested Conditions:</p> <ul style="list-style-type: none"> • That there are 12 months of continuous data collected from the monitoring sites before the SMP is put forward for certification. • That a closer bore site is used for monitoring of the groundwater levels so that data is factual and does not require manipulation to create a modelled baseline. • That there is a financial bond to cover subsoil drain maintenance and repair for at least 15 years after the vesting of stormwater system to the council. The amount of the bond should be determined by an independent expert and the monetary value of the bond should cover replacement of the system. | As above. |
| Wastewater | | |
| 7 | <p>In the MPDC LUC attachment to the decision, paragraph 22, for example, the wastewater requires amended, beefed-up, and new infrastructure to meet the requirements of the Ashbourne development. What assurance does the council, and then I as a rate payer, have that this system upgrade will suit the modelled needs of the project? Who will fix the issues once the developer hands over the keys to the next guy?</p> <p>I know that it is cheaper in the long run to do a job right the first time, and this project should be done right, especially when it comes to wastewater and additional connections that may affect other users in Matamata.</p> | As above. |
| Requested Conditions | <p>Requested Condition:</p> <ul style="list-style-type: none"> • That the construction of infrastructure occurs before the built environment is constructed. • No section 224(c) certificates issued until the MPDC confirms (in writing) that the wastewater network has the capacity to cope with what it was designed for, including all of the upgrades required. | As above. |
| Other Comments – Northern Solar Farm: WRC Drain Access | | |

8

For the Northern Solar farm, WRC, in a letter dated 27/11/2025, requested that access to the WRC-managed drain must be maintained – see below

WRC notes that the Panel has in its Minute at 27i) requested a response from the applicant in relation to a drain that is maintained by WRC's Integrated Catchment Services team. WRC considers that access to this drain must be maintained at all times as per rule 4.2.18.1 of the Waikato Regional Plan. Further, as WRC are the operators of the drain then the capacity of the drain must be maintained at or near to pre-development capacity should this proposal go ahead.

From https://www.fasttrack.govt.nz/_data/assets/pdf_file/0019/16381/WRC-Response-to-Minute-3-Ashbourne-FT-Redacted.pdf

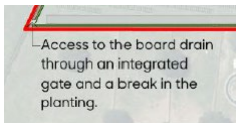
I raised this issue in my response to the Substantive application, knowing the requirements from WRC.

In Appendix A of Applicant's response to comments received from Affected Landowners (https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/15217/Appendix-A-Tracking-Table-Response-to-Affected-Landowners-Redacted.pdf), the applicant replied to my response about the WRC drain on the North boundary of the Northern Solar Farm on page 29, see below.

| | |
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| | Please refer to Attachment 23 for further details. |
| Concern that the proposed buffer planting and boundary fence at the northern boundary of the proposed northern solar farm will prevent access to the existing board drain | The Landscape Plans have been updated to show access to Board drain – refer to Attachment 23 for further details. |
| <i>Identified a discrepancy in list of issues of the</i> | <i>Comment received states: 'On 22 of 5 2 the writer of the assessment mentions the site visit'</i> |

The Applicant amended the Northern solar farm Landscape package to show on Page 1 of 10 an accessway to the WRC “board drain”.

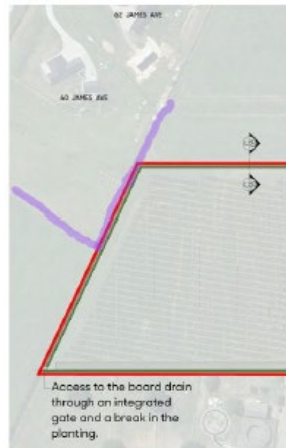
https://www.fasttrack.govt.nz/_data/assets/pdf_file/0019/15274/Attachment-23B-Solar-Farms-Landscape-Package-S53-02-Appendix-3B.pdf



I emailed the panel on 26/11/25, indicating that the gateway and break in the planting are on the North Western corner of the property. I indicated in my email the path of the drain by highlighting it in purple. See below.

Access to the board drain will be maintained if applicable. Note that we have confirmed with WRC outside of this process that there are no WRC-managed drains within the site boundaries.

Highlighted in Purple line where the Waikato Regional Council Board drain in question runs.



My email stated “This showed that there is still no access to the WRC drain due to the fence and planting.

“The issue is that the WRC board drain is on the Northeastern side of the northern boundary and in the information from WRC about land drainage from Sept 2024, it states “Under the Waikato regional plan, landowners with drains on their property that are managed by WRC must ensure there is suitable access for maintenance machinery by - Keeping plants or structures more than 10 m away from the drain”

<https://www.waikatoregion.govt.nz/assets/WRC/LandDrainageInformationBrochure.pdf> (page 2 of document right-hand column, “Establishing trees and structures beside drains”)

Further down in that section of the publication, it says to see rule 4.2.18.1.

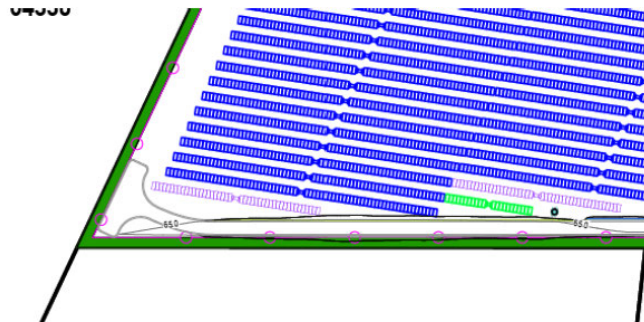
There is no allowance for the 10 m access to the drain that is required by the Waikato regional council, the plan clearly shows the boundary, then the planting area that is 3 m wide (depicted in Green) and they have planned for a 2.2 m high fence. The drain is prone to flooding and requires regular inspection and work to clean/clear it.

From the information provided to the Expert Panel by the applicant, they are allowing a single integrated gateway through the fenceline, but no room for a digger or cleaning equipment to access a drain that is already prone to flooding.”

On 13 February 2026, the applicant provided updated Engineering Drawings for the Northern Solar farm.

(https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/21074/Engineering-Drawings_NORTHERN-SOLAR-FARM.pdf)


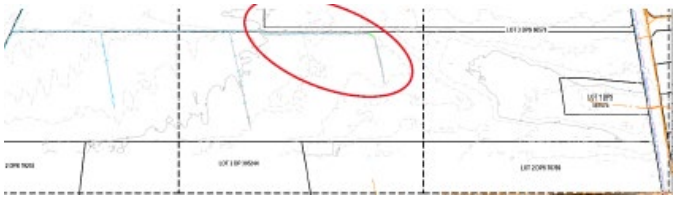
On page 10 of 44 Ashbourne Northern Solar Farm for Matamata Developments Ltd – Proposed Contours Key Plan C210 Rev E, the gateway has been replaced by a vehicle turnaround.



There is no access at all to the drain for cleaning as requested by WRC.

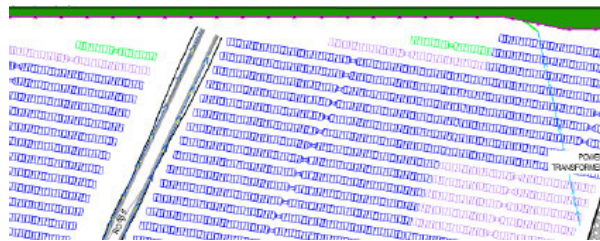
Further to that WRC states “Under the Waikato regional plan, landowners with drains on their property that are managed by WRC must ensure there is suitable access for maintenance machinery by - Keeping plants or structures more than **10 m** away from the drain.

The planting is right to the boundary and against the drain, as indicated on pg 11 of the document Proposed Contours Plan Sheet 1 of 3 C210-1 Rev E.

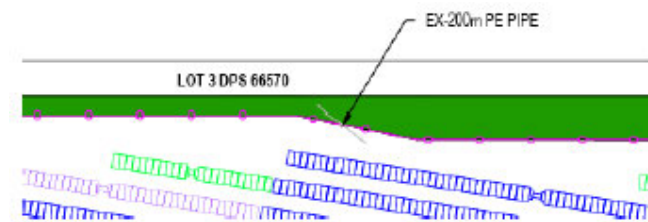
| | | |
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| |  <p>Here it can be clearly seen that there is no 10m accessway for the drain, which I noted in my email is prone to flooding.</p> <p>This needs to be rectified as agreed previously and in line with WRC rule 4.2.18.1.</p> | |
| <p>Requested Condition</p> | <p>Requested condition:</p> <ul style="list-style-type: none"> • That the Northern Solar farm northern boundary has the appropriate access designed and approved by WRC to comply with WRC rule 4.2.18.1, including keeping plants and structures more than 10 metres away from the drain (meaning the buffer planting and security fencing) | <p>As above.</p> |
| <p>9</p> | <p>Furthermore, in the same document, there is a farm drain that crosses the boundary from the Eastern boundary of the Northern Solar farm onto 164 Station Road. (see below) from page 6 of 44 Ashbourne Northern Solar farm for Matamata Developments Ltd – Existing Contours Key Plan C200 Rev B</p>  <p>There is a visible open farm drain on the Northern Solar Farm, see below.</p> | <p>As above.</p> |



On page 12 of 44 the drain is covered by 3m of buffer planting and the 2.2 m high security fence which indicates that the drain will be inside the buffer planting zone before the drain goes across the fence to Lot 3 DPS 66570.



Further evidence of the drain being inside the buffer planting and therefore not accessible for cleaning and maintenance is on page 26 of 44 Ashbourne Northern Solar Farm for Matamata Developments Ltd – Proposed Roding plan sheet 2 of 3 C300-2 Rev F.



| | | |
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| | <p>The image shows an existing 200mm PE Pipe running from 1 open drain in the paddock to the open drain that runs along the inside of the Northern Solar Farm Eastern Boundary.</p> <p>This drain heads north and joins the WRC-managed drain on the Northern boundary of the Northern solar farm.</p> <p>Good farming practice requires drain maintenance, and there is, once again, no maintenance access to the drain located on the Northern Solar Farm.</p> | |
| Requested Condition | <p>Requested condition:</p> <ul style="list-style-type: none"> • That all farm drains that pass over the boundary of the Northern Solar farm have accessibility from the Solar Farm to clean and maintain the drains. | As above. |
| Buffer Planting – Northern Solar Farm | | |
| 10 | <p>The buffer planting around the exterior of the solar farm has two widths, 7m and 3 m. I understand that the buffer planting must be wider by the houses that are situated close to the solar farm, but as the Rural Residentially zoned lot Lot 3 DPS 66570 that at the present is undeveloped land but may be developed in the future, an increase of the width of the buffer zone to equal that of the original with around the Northern Solar Farm when interfacing with Rural Residentially zoned land. The owners may desire to build as close as possible to the boundary of the northern solar farm. The addition of extra width to the buffer zone of Screening Mix Zone planting and Amenity Shrub Mix Screening plants would go a long way to masking the solar farm from the potential future residents.</p> | <p>Designing buffer planting based on potential future building locations is speculative and would result in overplanting where it is potentially unnecessary. It is considered that this request is overly onerous to manage effects of the proposed activity.</p> |
| Requested Condition | <p>Requested condition:</p> <ul style="list-style-type: none"> • That the buffer planting be increased to 7 metres wide on the Northern Solar farm when interfacing with Rural-Residential zoned land. | As above. |
| Water Supply – Northern Solar Farm | | |
| 11 | <p>There has been no confirmation that the MPDC are allowing the Northern Solar Farm to join the town water supply that runs past the gate for the purpose of filling the firefighting water tanks, and providing water for stock.</p> | <p>There is an existing water feed for the existing farm troughs,</p> |

In the applicant's reply to the comments from Invited Parties

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/15217/Appendix-A_Tracking-Table-Response-to-Affected-Landowners_Redacted.pdf

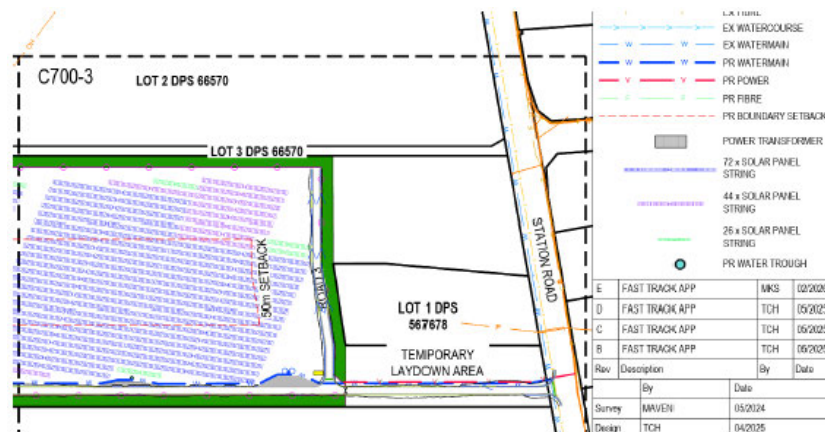
the applicant said (on page 52):

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| 18. | Water supply to northern solar farm | <p>A trickle feed supply has been proposed from the existing 25mm MDPE supply which will be to only fill the fire tanks initially and if ever emptied. This will not effect any other users.</p> <p>The farm does currently provide stock water via the main farm supply. This will be protected and retained to service future stock. New water troughs will be provided as shown on plans for livestock.</p> <p>Water can be delivered by truck for any drought conditions.</p> |
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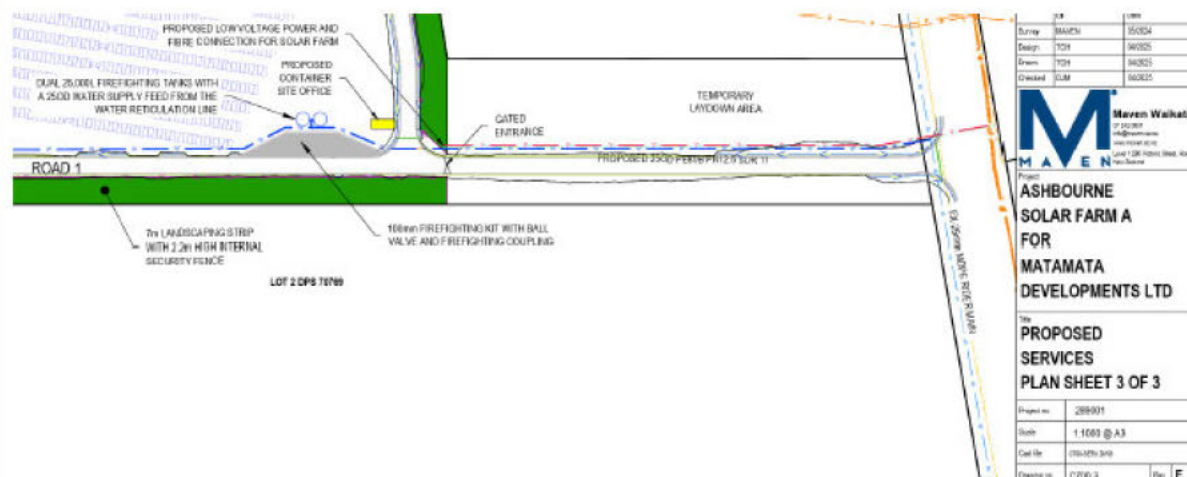
On the latest Engineering Drawings for the Northern Solar Farm, there is an indication that a town water connection will be installed for the firefighting water supply and for the troughs for the animals that will be grazed on the solar farm.

(Page 40 of 44 in the document Ashbourne Northern Solar Farm for Matamata Developments Ltd – Proposed Services Key Plan C700 Rev E)

this is likely connected to the existing 25mm MDPE ridermain that runs parallel with the development site. The existing water supply will be potholed to confirm. The water supply required for the tanks and water troughs, will only require a trickle feed to top them up periodically and it will have a low water demand similar to the current arrangement. There are no known bore water supply points identified within the site.



And evidence that the Applicant is still proposing to connect to the town water supply for water for animals is on Ashbourne Solar Farm A for Matamata Developments Ltd – Proposed Services Plan Sheet 3 of 3 C700-3 Rev E



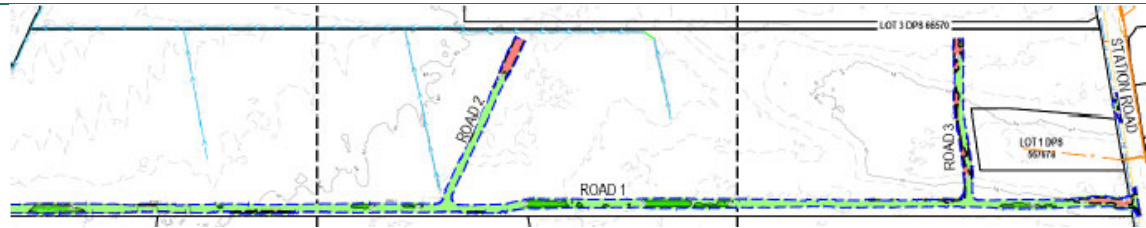
The applicant proposes to connect to the EX-25mm MDPE Rider Main using a Proposed 250D PE80B PN12.5 SDR 11 pipe/hose.

MPDC has set a precedent: existing users of that town’s water supply were previously denied a connection for watering animals; therefore, this proposed connection should not be accepted by MPDC. The applicants did mention stock water from the main farm supply being the existing water supply to the Northern Solar Farm Block.

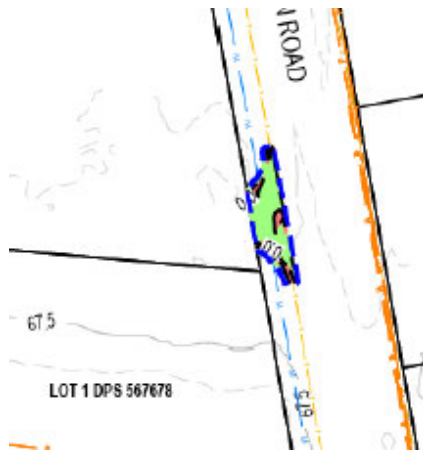
| | | |
|--------------------|---|-----------|
| Proposed Condition | <p>Proposed Condition:</p> <ul style="list-style-type: none"> That the consent holder does not get water for the northern solar farm from the existing 25mm MDPE Rider main for the watering of animals and filling the firefighting tanks, as there is an existing main farm supply already to the Northern Solar Farm block. | As above. |
|--------------------|---|-----------|

Driveway Entrance to Nowhere

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| 12 | <p>On page 14 of the document, Ashbourne Northern Solar Farm for Matamata Developments Ltd – Proposed Cut/Fill Key Plan C220 Rev E, there is an area of proposed cut where the driveways for the proposed, then cancelled, Lots 8 and 9 were located.</p> | As noted above, this vehicle crossing is no longer proposed. |
|----|---|--|



Page 17 of 44 Document Ashbourne Northern Solar Farm for Matamata Developments Ltd – Proposed Cut/Fill Key Plan Sheet 3 of 3 C220-3 Rev E shows a very clear area of fill required for what looks like a driveway.



Why is there a need to have this detailed on the Plan for cut and fill if the subdivision of lots 8 & 9 is not going to occur?

This needs to be removed from the cut-and-fill plan. The property is permitted 1 entrance way for vehicle access. I have attempted to call MPDC to clarify if a property of that width would be permitted a second driveway, but I assume that all the engineers are furiously gathering information for the Council's reply to the draft decision as well.

Looking at the plan, it seems that road three on the northern solar farm has been located too close to the boundary of 172 Station Road to allow access to the land that was going to be Lot 8 & 9 and was recently removed from the

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| | project. There is no break in the fencing or planting to allow access into that paddock. To my mind, it is an easy fix to move the solar farm road 3, fencing, and planting 5 m to the north to allow adequate access for vehicles/tractors for animal grazing. Then there would be no need for the extra driveway, and the land can be used as suggested by the applicant. | |
| Requested Condition | Requested condition: <ul style="list-style-type: none"> • That no additional entrance way is permitted on the Northern Solar Farm land as the applicant can reconfigure the internal roading and buffer planting to allow access to the grazing area (formerly Lot 8 & 9). | As above. |
| Concluding Comments | | |
| 13 | I thank you for your time when reading and considering my reply. Please consider incorporating my responses into the conditions of the draft, remembering that I have called for factual, empirical data as a baseline for the project's stormwater, flooding, and wastewater outflows, and to highlight issues that have been omitted by the applicant since the substantive application. As I have said before, it is better to do this project right the first time, as the alternative would leave the MPDC and WRC with a huge headache to clean up and no developer to assist with the cost of repair or replacement. | N/A |

Table 11: Submission 11 - Eldonwood Residents' Association

| Condition/Paragraph | Content | Action / Response |
|---|--|--|
| Submission 11 - Eldonwood Residents' Association | | |
| Introduction | | |
| In response to the draft conditions proposed by the Expert Consenting Panel, pursuant to s 70 of the Fast Track Applications Act 2024, the Eldonwood Resident’s Association (ERA) makes the following comments: | | N/A |
| 1. Concurrence with comment lodged by Andrew Bonner | | |
| The ERA has reviewed a copy of the comment submitted by Andrew Bonner, and affirms and repeats the comments there which are capable of general application, including the “Concerns” numbered 11 to 14 (inclusive) and the general conclusion appearing at the end of the submission. | | Noted |
| 2. Eldonwood Wastewater Pump Station | | |
| Condition 67(a) – Appendix A1. | <p>In Condition 67(a) of Appendix A1 it is stated that Eldonwood’s wastewater pump station (20080213160306) must be upgraded, at the Consent Holder’s cost.</p> <p>In the ERA’s view, this requires further expansion to provide greater security to the ERA. This condition should be amended to further confirm that the consent holder is liable for the cost of:</p> <ul style="list-style-type: none"> (a) Any further upgrades to the wastewater pump station required as a result of the increased demand by the Ashbourne development needed to maintain ordinary operation; (b) Any repairs or maintenance for the wastewater pump station necessary prior to the commencement of the operation of the proposed northern wastewater pump station, and any repairs and maintenance required which are attributable to the increased demand placed on the station by the Ashbourne development; and (c) Any works required as a result of any incident at the wastewater pump station prior to the commencement of the operation of the proposed northern wastewater pump station, and any repairs and maintenance required which are attributable to the increased demand placed on the station by the Ashbourne development. | We are open to discussing the extent of this condition at expert conferencing on conditions. |
| 3. Surrender of Rights | | |
| Condition 116 of Appendix A1 requires that the Consent Holder must surrender all rights conveyed by the deed of assignment which purports to assign founding member rights to the developer of the Ashbourne project. | | Refer to the applicant’s response on this matter on 23/03. |
| The ERA appreciates and agrees that any rights purportedly conveyed under this assignment must be surrendered. However, for clarity, the ERA would prefer that the Consent Holder not be enabled to still exercise these rights for the | | |

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| <p>purpose of undertaking the wastewater upgrade works contemplated, as this provides uncertainty as to the enforceability of the assignment, even temporarily. The ERA would prefer to provide its consent to these works being undertaken now, and agree that the Consent Holder have the necessary access it requires to complete the works, rather than the assignment being upheld to a partial degree.</p> | | |
| <p>4. Time of Construction Works and Construction Traffic</p> | | |
| <p>Condition 35 and 44(b)(3)(c) of Appendix A1 and Condition 18(e) of Appendix 10</p> | <p>The ERA objects to the hours of construction work stipulated in Condition 35(e) and 44(b)(3)(C) of Appendix A1 and Condition 18(e) of Appendix 10, which all allow for construction work between the hours of 7:30am to 6:00pm on Monday to Friday and 8:30am to 2:00pm on Saturday.</p> <p>The ERA firmly opposes the extended hours proposed by this condition, as these are entirely inappropriate given the nature and character of Eldonwood and the wider surrounding area, which is described at length in the comments already made in this application.</p> <p>The ERA would propose that these conditions be reflected to align with, at least, ordinary working hours of 8:30am to 5:00pm. As an alternative, the ERA would suggest that clear restrictions be imposed on any work done outside of normal working hours, either explicitly limiting noisy kinds of work and / or imposing a strict decibel limit.</p> <p>It is the ERA's firm position that, given the nature and character of the surrounding area, construction work at as early as 7:00am on weekdays and 8:30am on Saturday is unreasonable.</p> | <p>We consider that the hours put forward in the Panel's conditions are appropriate and industry standard. A reduction in these hours is considered overly onerous. We further note that there are clear requirements in terms of decibel limits as per NZ Standards and the district plan. Overall, this is considered overly onerous for the effects being managed.</p> |
| <p>Condition 43 of Appendix A1.</p> | <p>Relatedly, the ERA would also request that greater certainty be Condition 43 of Appendix A1, including on reasonable times for construction traffic.</p> | <p>As above.</p> |
| <p>Condition 41</p> | <p>Stockpiles must be located at least 30 metres from any site boundary – 41, unclear 136 and 16, firmer restriction on construction traffic on p 17</p> | <p>As above.</p> |
| <p>5. Stockpiles</p> | | |
| <p>Condition 31(b)(iii)(E) and 97 of Appendix A1, Condition 32(b)(iii)(E) of Appendix A9, and Condition</p> | <p>The ERA requests further clarification of Condition 31(b)(iii)(E) and 97 of Appendix A1, Condition 32(b)(iii)(E) of Appendix A9, and Condition 21(b)(iii)(E) and 51 of Appendix 10. Specifically, the ERA would request that 'Stockpiles' be defined to clearly cover any piling of construction or earthworks material, and that the 30m limitation on Stockpiles clearly applies to all work completed as part of the Ashbourne project.</p> | <p>This is considered overly onerous.</p> |

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| 21(b)(iii)(E) and 51 of Appendix 10 | | |
| 6. Planting and Buffer Zone | | |
| Condition 53 of Appendix A1 | <p>In addition to the submission made in the comment by Andrew Bonnder in “Concern 11”, the ERA would also request, regarding Condition 53 of Appendix A1, that the buffer zone be populated primarily or exclusively with a native plant mix, ideally, species agreed upon with the consultation of the neighbouring owners and consistent with the surrounding landscape. In the ERA’s view, the present wording of the condition allows too wide a scope for the developer. The condition should have greater certainty and emphasis on native planting species.</p> <p>The ERA would finally request that the references to a 4m buffer zone throughout the appendices be changed to at least a 5m buffer, or, ideally, a 6m buffer, for all boundaries shared with Eldonwood to protect the privacy of the owners and the character of the area. The 6m buffer would be in addition to the 8m ‘building line restriction’ described in Condition 117(a) of Appendix A, providing for a minimum distance of 14m between any building in the development and the boundary with Eldonwood.</p> | <p>The preference for a native-focused buffer is acknowledged, and both proposed 3.0 metre options can accommodate this approach. The two options are intended to provide flexibility while creating a dense boundary that delivers effective screening and clear site definition, remaining practical to establish and maintain. Option One provides a layered native mix, while Option Two uses a single-specimen hedge with complementary front planting, ensuring a resilient, visually consistent buffer that meets ecological and aesthetic objectives.</p> <p>In relation to the depth of planting, we refer to our response on 23/03 noting that a 3m landscaping buffer is considered sufficient for management of effects.</p> |
| 7. Connectivity with Eldonwood Drive | | |
| 7 | <p>The ERA appreciates the inclusion of Condition 79 of Appendix A1 which prohibits the construction of any vehicle, cycle, or pedestrian link with Eldonwood Drive. For further assurance and clarity on this point, the ERA requests that the condition make clear that this includes any connectivity to Chestnut Lane. The ERA would propose simply included the words “including via Chestnut Lane” withing the condition.</p> | <p>We agree with the inclusion of this wording, however note that an advice note will be required to specify which Chestnut Lane is applicable, noting ‘Chestnut Lane’ to the west of the site.</p> |

Table 12: Submission 12 - [REDACTED] (CONFIDENTIAL)

| Condition/Paragraph | Content | Action / Response |
|----------------------------|----------------|-------------------|
| Submission 12 - [REDACTED] | (CONFIDENTIAL) | |
| [REDACTED] | | |

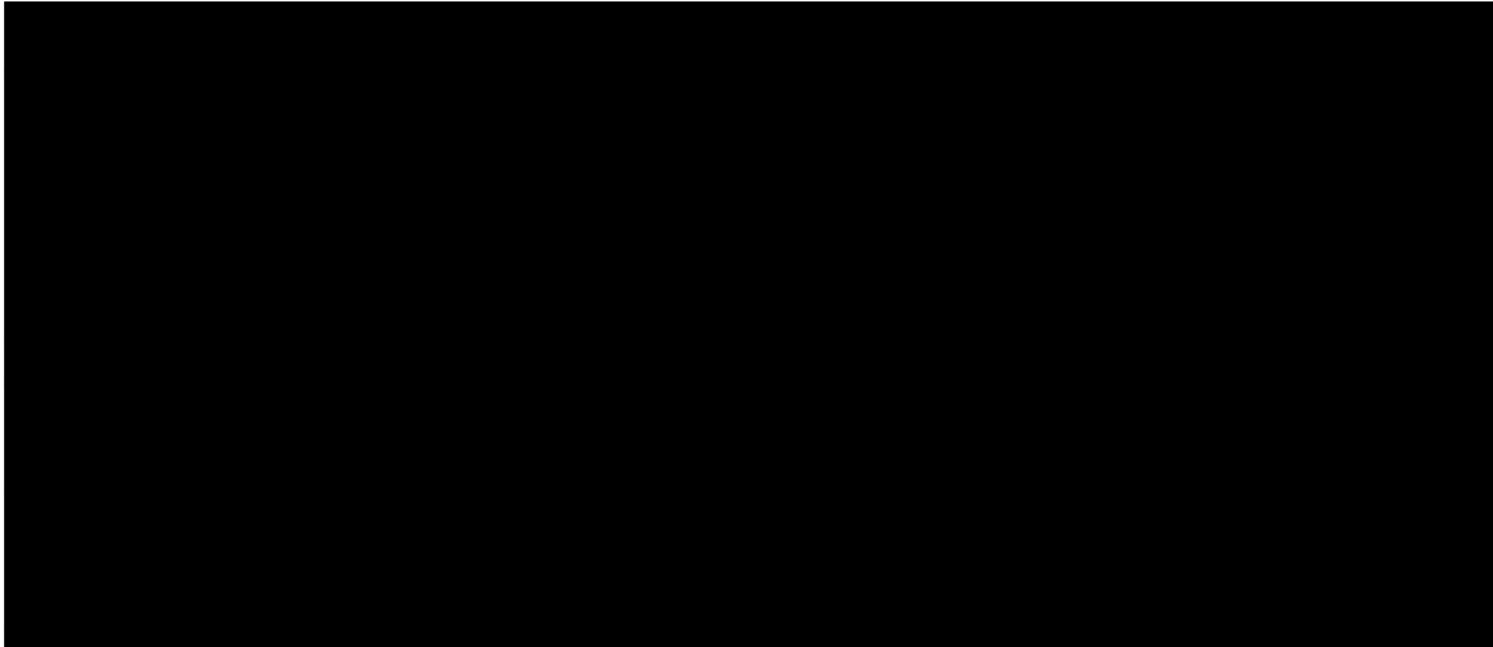


Table 13: Submission 13 - Matamata-Piako District Council (MPDC)

| Condition/Paragraph | Content | Action / Response |
|--|--|--|
| Submission 13 - Matamata-Piako District Council (MPDC) | | |
| Introduction | | |
| | <p>MPDC wishes to thank the Expert Panel for the opportunity to provide comments on the Panel's draft conditions. The comments below have been prepared by MPDC's consultant planner, with input from the Council's team of experts, internal staff, and legal counsel who have been involved since the lodgement of the Ashbourne project.</p> <p>The comments reflect MPDC's concern that the financial and environmental risks associated with the development are managed robustly, and do not transfer onto the Council, neighbours and ratepayers. To this end, MPDC maintains that the proposed "hold point" on exercising the consents until critical information is provided to Council, as alluded to in our comments, is crucial to the management of the project's risks on Council and the community.</p> | N/A |
| | <p>MPDC's comments are provided in two parts:</p> <p>Transportation review comments</p> <ul style="list-style-type: none"> – these comments relate to all transportation-related matters and are summarised below, and detailed in Attachments A and B. <p>Other review comments</p> <ul style="list-style-type: none"> – these comments relate to all other conditions, excluding those covered by the transportation review and are summarised below and detailed in Attachments C and D. | Comments have been made directly within MPDC's attachments C and D in addition to those provided below. |
| 1. Transportation Review Comments | | |
| | Alastair Black, MPDC's transportation expert, is concerned that: | |
| | <ul style="list-style-type: none"> • There is no longer a requirement for a temporary access road from Station Road, should the Firth Street connection not be available. This means that construction traffic may use existing residential streets. | We agreed to this condition of a haulage route in our original condition set at the appropriate stage. |
| | <ul style="list-style-type: none"> • The requirement for an ITA for Stage 3 has been removed, despite the level of development at that stage increasing from what was previously proposed (commercial node now required with Stage 3 rather than Stage 4). | We agree that Stage 3 requires an ITA, and note for completeness that we have queried the Panel's request for the commercial node to be included in Stage 3. The Applicant's intention is still for this to be developed in Stage 4. |
| | <ul style="list-style-type: none"> • The removal of the previously proposed infrastructure staging table has resulted in unclear triggers for required infrastructure improvements. | We agree that the trigger table was a clearer approach – note that the table would need to be |

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| | checked with the updated numbers/thresholds if this is to be re-instated. |
| <ul style="list-style-type: none"> The draft conditions do not include the requirement for a right turn bay on Station Road to Road 1. | We agree to this requirement if the Panel considered appropriate to re-instate. |
| <ul style="list-style-type: none"> Some clarification is needed regarding Chestnut Lane. Condition 74b states that as part of Stage 8, Road 1 MUST be combined with Chestnut lane, however Condition 77c suggests that this is optional. | We agree that this requires clarification, and note that Chestnut Lane is third-party land and would require third-party approval. An alternative should be provided. |
| <ul style="list-style-type: none"> Mr Black's comments on the transport conditions of the LUC are below in Attachment A. He recommends that the infrastructure staging table is reinstated into the conditions, with modifications to reflect the combining of Stages 5 and 6, and the shift of the commercial node to Stage 3. Attachment B includes the recommended infrastructure staging table and requirements for ITAs. | We agree that the infrastructure staging table was useful and support its reinstatement. |
| 2. Other Review Comments | |
| The "other review comments" have been prepared with input from: | Refer Attachments C and D for Applicant comments. |
| <ul style="list-style-type: none"> Stormwater, groundwater and geotechnical matters – Tony Cowbourne and Bronwyn Rhynd, in consultation with WRC's experts, Megan Wood and Sheryl Roa. | |
| <ul style="list-style-type: none"> Water and Wastewater – Susanne Kampshof (MPDC Assets and Projects Manager), Santha Agas (MPDC Infrastructure Asset & Strategy Team Leader) and Krishna Acharya (MPDC Senior Consents Engineer). | |
| <ul style="list-style-type: none"> Planning – Marius Rademeyer (Consultant Planner for MPDC). | |
| <ul style="list-style-type: none"> Legal – Andrew Green (Counsel for MPDC). | |
| The MPDC Team supports the Expert Panel's approach of an integrated landuse and subdivision consent for all activities applied for, as opposed to the Applicant's proposal for multiple separate consents. | |
| The MPDC Team is also broadly in support of the draft conditions as circulated, but wishes to offer comments relating to the following issues for the Expert Panel's consideration: | |
| <ul style="list-style-type: none"> "Hold point" on critical information - to prevent the consents from being exercised until critical information that would usually be available prior to the grant of consent, has been made available; | |
| <ul style="list-style-type: none"> Bespoke provisions for the certification of the stormwater management plan (SMP) – given the extent of work required to finalise the document and the need for MPDC to be involved in the iterative development of the ultimate stormwater management approach; | |

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| <ul style="list-style-type: none"> • Clarification of responsibility for ecological restoration requirements – recommendation to require a home-owners association (or similar) to be formed to take responsibility for ongoing implementation of the ecological restoration requirements. |
| <p>Removal of the "deemed certified" provisions - recommendation that the "deemed certified" provisions be removed from the management plan conditions, in line with case law and in recognition that certification of the many management plans, will stretch MPDC's resources.</p> |
| <ul style="list-style-type: none"> • Amendments to align with the Panel's draft decision – amendments to conditions for consistency with the Panel's draft decision and changes resulting from combining Residential Stages 5 and 6, into one consolidated stage. |
| <ul style="list-style-type: none"> • Inclusion of standard MPDC-specific conditions – to assist MPDC staff in monitoring compliance with consent conditions. |
| <p>The proposed amendments summarised above, are set out in Attachments "C" and "D", as tracked changes and comments on the Panel's version of the draft conditions circulated with the draft decision dated 11 March 2026, for the combined landuse (Appendix-A1-MPDC-LUC) and subdivision (Appendix-A2-MPDC-SUB) consents.</p> |
| <p>MPDC notes that it has not yet been provided with, and therefore has not been able to, comment on the amended scheme plans that the Applicant will need to prepare to align with the Panel's draft decision. Should the FTAA process allow, MPDC will appreciate the opportunity to provide further comments on the amendments proposed in the Applicant's final scheme plans, once these become available.</p> |

| Attachment A: Transport Comments from Gray Matter | | | |
|---|--|--|---|
| Condition No. | Condition Wording | Gray Matter Comment | Applicant Action/Response |
| 73 | <i>The Consent Holder must contribute to the cost of designating the Firth Street connection. The financial contribution will be determined through the development contributions process.</i> | Ok. | The provision for this should be controlled through the PDA and we suggest that this is discussed at expert conferencing on conditions. |
| 74(a) | <i>The Consent Holder must complete the following external transport network upgrades to service the development of the Site: a. Prior to commencing construction on the Site (including Site enabling works), EITHER:</i> | Would prefer that construction access is specifically defined. Happy with (i) Condition in (ii) would result in construction traffic using existing residential streets. Would like the condition to require that should a Firth Street link not be available, a temporary access via Station Road is required. | As per our response on 23/03, this goes beyond what was previously agreed with MPDC's traffic specialist. We consider that the requirement for this prior to enabling works is overly onerous and we suggest that this is discussed at expert conferencing on conditions. |

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| | <p>i. Construct a collector road to Firth Street consistent with the Eldonwood South Structure Plan (Matamata-Piako District Plan).</p> <p>OR</p> <p>ii. Upgrade pedestrian facilities on Hampton Terrace, Peakedale Drive and Jellicoe Road to meet the DM 2010 and install a roundabout at the intersection of Jellicoe Road and Hampton Terrace.</p> | | |
| 74(b) | <p>b. As part of constructing Road 1 through Stage 8, the Consent Holder must upgrade Chestnut Lane (off Station Road and currently held in Record of Title Lot 3 Deposited Plan 404835) and combine with Road 1. Provide vehicle crossings to #135, #129A and #129B Station Road, including driveways to tie in with the existing driveways.</p> | Ok. | As per our response on 23/03, we do not consider this appropriate noting that it is third party land. An alternative approach should be provided for. |
| 74(c) | <p>c. Widening and urbanisation of Station Road to collector road standard (consistent with the DM 2010 for collector roads) along the southern side (only) from where these facilities end (at approximately 86 Station Road) to Road 1. The upgrade must include:</p> <p>i. A 3m wide (where possible) sealed shared path from the Road 1/Station Road intersection to the existing footpath.</p> <p>ii. A pedestrian refuge island on Station Road (just east of Sheffield St) providing access across Station Road for pedestrians walking to/from Smith St.</p> <p>Advice note: See Maven plans:</p> <ul style="list-style-type: none"> • "Typical Road Cross Section" (Ref: C340-8, Rev C, dated January 2026) | <p>Draft conditions defer the timing of this to ITAs, which are not required until the completion of Stage 4 (see proposed condition 75).</p> <p>Would prefer that this was required:</p> <ul style="list-style-type: none"> • At the same time as the formed connection to Station Road. • Prior to development of Stage 4, unless the Firth St connection is in place. | We agree. |

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| | <ul style="list-style-type: none"> • “Proposed Roading Plan Station Road” (Ref: C300-30, Rev B, dated January 2026) | | |
| 74(d) | <i>d. (removed, related to retirement village)</i> | - | N/A |
| 74(e) | <i>e. Construct a pedestrian refuge island on the Smith Street approach to the Smith Road/Station Road intersection to manage the speed of turning vehicles and improve safety for pedestrians.</i> | <p>Would prefer that this was required:</p> <ul style="list-style-type: none"> • At the same time as the formed connection to Station Road. • Prior to development of Stage 4, unless the Firth St connection is in place. | We agree on timing for this. |
| 74(f) | <p><i>f. Further network upgrades (such as traffic calming, pedestrian crossing improvements, no-stopping restrictions, changes to intersection form/ priority, pavements, parking provisions, etc.) on the following routes and intersections:</i></p> <ol style="list-style-type: none"> <i>State Highway 27/Station Road</i> <i>State Highway 27/Jellicoe Road</i> <i>Station Road/Hampton Terrace</i> <i>Jellicoe Road/Hampton Terrace</i> <i>Archford Street/Hampton Terrace</i> <i>Archford Street/Peakedale Drive</i> <i>Station Road/Smith Street</i> <i>Station Road</i> <i>Smith Street</i> <i>Jellicoe Road</i> | <p><i>Draft conditions defer the timing of this to ITAs, which are not required until the completion of Stage 4 (see proposed condition 75).</i></p> <p><i>Happy for further network upgrades to be determined by an ITA, but would prefer that the ITA was required prior to Stage 3, not Stage 4. This is especially important as the commercial node is now timed with Stage 3, not Stage 4 as it was before.</i></p> <p><i>(edit – I now see that this is covered in Condition 76).</i></p> | We note that the Applicant’s intention is not to deliver the commercial node in Stage 3, but in Stage 4 as proposed. We also note that due to alterations to lot sizes, the number of lots in stages 1-3 has overall decreased. We suggest that this is discussed at expert conferencing. |
| 75 | <i>The timing of the network upgrades identified in Conditions [73(c)], [73(e)] and [73(f)] will be determined by updated Integrated Transport Assessments (ITAs) to be submitted to the Council at the completion of Stage 4 and every stage thereafter.</i> | <p>Should read 74c, 74e and 74f.</p> <p>ITA should be required earlier, prior to Stage 3.</p> | As above. |
| 76 | <i>Despite any infrastructure timing requirements set out in an ITA required by</i> | Agree, see comment for Condition 74c | Agree |

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| | <i>Condition [74], the Station Road widening and urbanisation works (required by Condition [X(c)]) must be completed to coincide the opening of Road 1 to Station Road (see Condition [76(a)]).</i> | | |
| 77(a) | <p><i>That the following transport infrastructure requirements are met for the residential and commercial development:</i></p> <p><i>Advice note: The following describes the water infrastructure that will vest in the Council. Requirements for the retirement village are addressed below.</i></p> <p><i>a. Road 1 must be formed and connected to Station Road (including a right-turn bay) by the earlier of:</i></p> <p><i>i. 400 residential lots being constructed, OR</i></p> <p><i>ii. 1,850m² of commercial activities being operational.</i></p> | <p>As previously recommended, remove (i) and (ii).</p> <p>Station Road connection required either:</p> <ul style="list-style-type: none"> • For Stage 4 unless Firth Street connection is in place, or • With Stage 8. <p>(refer to attached table)</p> | We agree with the re-instatement of the infrastructure staging table. |
| 77(b) | <i>Construction of the southern solar farm must not commence unless construction access can be obtained via Station Road (Road 1) or via the collector road to Firth Street.</i> | Ok. | N/A |
| 77(c) | <i>If Road 1 is not combined with Chestnut Lane (off Station Road) (Condition [73(b)]), the Consent Holder must realign the intersection of Road 1 with Station Road to achieve compliance with the DM 2010.</i> | <p>Should read Condition 74b.</p> <p>This condition appears to contradict Condition 74b which requires Road 1 to combine with Chestnut Lane.</p> <p>Requires clarification.</p> | Agree |
| 77(d) | <i>Construct a pedestrian refuge island on the Road 1 approach to the Road 1/Station Road intersection to manage the speed of turning vehicles and improve safety for pedestrians.</i> | Ok. | Agree |

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| 77(e) | <i>Provide a 3m wide shared path on one side of Road 1 and a 1.5m pedestrian path on the other side of Road 1.</i> | Ok. | Agree |
| 77(f) | <i>Provide roundabouts and pedestrian facilities at the following intersections:</i> i. <i>Road 1/Road 13/Peakedale Drive</i> ii. <i>Road 1/Road 10 (to access the commercial node and address insufficient sight distance)</i> iii. <i>Road 10/Road 14 (to access the commercial node)</i> iv. <i>Road 1/Road 3</i> v. <i>Road 1/Road 2 (south) or alternatively realign the western portion of Road 2 to avoid a crossroads intersection).</i> vi. <i>Road 1/Road 9</i> | Ok. | Refer to the Applicant's response on 23/03 |
| 77(g) | <i>Provide pedestrian crossing facilities (e.g. kerb build-outs and/or refuge islands) along Road 1 to safely provide for pedestrian movements, for example, at the Road 1/Road 10 and Road 1/Road 7 intersections adjacent to the commercial node.</i> | Ok. | Agree |
| 77(h) | <i>Amend the design of all internal roads on the Site to provide 0.3 on-street parking spaces per dwelling.</i> | Ok. | Refer to the Applicant's response on 23/03 |
| 77(i) | <i>Ensure facilities for buses are possible throughout Site (along Road 1). These will only need to be constructed if a public bus service is operational in Matamata prior to the completion of works on the Site.</i> <i>Advice note: Bus facilities will need to be shown on plans but bus pull-ins etc can be used for on-street car parking (over and above</i> | Ok. | Agree. |

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| | <i>the on-street car parking requirement specified in Condition [76(h)].</i> | | |
| 77(j) | <i>Identify where no-stopping restrictions are required along curves to maintain two-way traffic.</i> | Ok. | Agree |
| 77(k) | <i>In the jointly-owned access lots (JOALs), provide: i. Street lighting consistent with public street lighting requirements. ii. Vehicle calming measures, for example chicanes, variations in surface finish or texture or speed limits (20km/hr or less).</i> | Ok. | Refer to the Applicant's response on 23/03 in relation to lighting. Agree with ii. |
| 77(l) | <i>Extend Roads 10 and 17 to the southern Site boundary.</i> | Ok. | Refer to the Applicant's response on 23/03 |
| 78. | <i>Include turning heads where any road terminates at a stage boundary or at the Site boundary (where the turning head will be permanent).</i> | Ok – should this be (m) in above condition. | Agree |
| 79 | <i>The Consent Holder must not construct any vehicle, cycle or pedestrian link to Eldonwood Drive or Highgrove Avenue.</i> | Ok - should this be (n) in above condition. | Agree |
| 80 | <i>The Consent Holder must complete a Safe System Audit at the detailed design stage for each stage and submit to the Council. The Safe System Audit must be undertaken in accordance with the procedures set down in</i> | Ok. | Agree |

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| | <i>the “Waka Kotahi NZ Transport Agency Safe System Audit Guidelines” (October 2022). The detailed design Safe System Audit must separate out the decision tracking between designer, developer, and the relevant Council roles (as safety engineer and road controlling authority). The design must be amended until the concerns have been addressed to the satisfaction of the Council as road controlling authority. The completed Safe System Audit must be submitted with the detailed design engineering drawings accompanied by a statement explaining why any remaining safety concerns have not been addressed.</i> | | |
| 81. | <i>The Consent Holder must complete a Safe System Audit at the detailed design stage of the Station Road/northern solar farm access and submit to the Council. The Safe System Audit must be undertaken in accordance with the procedures set down in the “Waka Kotahi NZ Transport Agency Safe System Audit Guidelines” (October 2022). The detailed design Safe System Audit must separate out the decision tracking between designer, developer, and the relevant Council roles (as safety engineer and road controlling authority). The design must be amended until the concerns have been addressed to the satisfaction of the Council as road controlling authority. The completed Safe System Audit must be submitted with the detailed design engineering drawings accompanied by a statement explaining why any remaining safety concerns have not been addressed.</i> | Ok. | Agree |
| 107 | <i>The Consent Holder must complete a Safe System Audit following the construction of</i> | Ok. | Agree |

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| | <i>each stage and submit to the Council. The Safe System Audit must be undertaken in accordance with the procedures set down in the “Waka Kotahi NZ Transport Agency Safe System Audit Guidelines” (October 2022). The post construction Safe System Audit must separate out the decision tracking between designer, developer, and the relevant Council roles (as safety engineer and road controlling authority). The concerns identified in the Safe System Audit must be addressed to the satisfaction of, and implemented within the timeframes agreed with, the Council as road controlling authority.</i> | | |
| 108 | <i>The Consent Holder must complete a Safe System Audit following the construction of the Station Road/northern solar farm access and submit to the Council. The Safe System Audit must be undertaken in accordance with the procedures set down in the “Waka Kotahi NZ Transport Agency Safe System Audit Guidelines” (October 2022). The post construction Safe System Audit must separate out the decision tracking between designer, developer, and the relevant Council roles (as safety engineer and road controlling authority). The concerns identified in the Safe System Audit must be addressed to the satisfaction of, and implemented within the timeframes agreed with, the Council as road controlling authority.</i> | Ok. | Agree |

| Attachment B: Recommended Infrastructure Staging and ITA Requirements | | | |
|---|-------------------------|------|-------------------|
| Stage | Required Infrastructure | ITA? | Applicant Comment |

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| Stage 1 (53lots) | <p>Continuous footpath network to Station Road (via Jellicoe Road) must be implemented prior to occupation of any Units.</p> <p>Provision of pram crossing and footpath connections from existing Jellicoe Road footpath to existing Hampton Terrace footpath must be implemented prior to occupation of any Units.</p> | No | Agree |
| Stage 2 (121lots) | As for Stage 1. | No | Agree |
| Stage 3 (183 lots) | <p>As for Stage 2 plus:</p> <ul style="list-style-type: none"> • All construction traffic to travel via a temporary access route from Station Road or construction of a new road connection from Firth Street. • Mitigation within the existing residential areas surrounding Ashbourne as identified in ITA. | Yes | Agree |
| Stage 4 (238 lots plus commercial development) | <p>As for Stage 3 plus:</p> <p>A formed connection to Station Road (including a right turn bay) must be completed unless:</p> <ul style="list-style-type: none"> • A structured road connection to Fifth Street has been completed. <p>Should a formed connection to Station Road be provided then the following will also be required:</p> <ul style="list-style-type: none"> • Urbanisation of Station Road (southern side eastwards from Road 1 intersection to existing urban edge). • Construction of a 3m wide sealed share path on Station Road between Smith Street and Road 1. | Yes | Agree |

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| | <ul style="list-style-type: none"> • Pedestrian refuge island on Station Road at the Smith Street/Station Road intersection (located between Sheffield and Smith Streets). • Mitigation identified within the existing residential areas surrounding Ashbourne as identified in the ITA. | | |
| Stage 5 (291lots) | As per Stage 4 | Yes | Agree |
| Stage 6 (324lots) | As per Stage 5. | No | Agree |
| Stage 7 (378lots) | As per Stage 6. | No | Agree |
| Stage 8 (430lots) | <p>As per Stage 7 plus the following works, unless they have been completed as part of an earlier stage:</p> <ul style="list-style-type: none"> • Construction of Road 1 to Station Road including a right-turn bay on Station Road. • Urbanisation of Station Road (southern side eastwards from Road 1 intersection to existing urban edge) • Construction of a 3m wide sealed shared path on Station Road between Smith Street and Road 1 <p>Pedestrian refuge island on Station Road at the Smith Street/Station Road intersection (located between Sheffield and Smith Streets).</p> <p>Pedestrian refuge island on Smith Street</p> | No | Agree |

Attachments C & D – Tracked Change Conditions – Refer to Attachments for Applicant Comments

Table 14: Submission 14 - Waikato Regional Council

| Condition/Paragraph | Content | Action / Response |
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| Submission 14 - Waikato Regional Council | | |
| 1 | I refer to Minute 23 of the Ashbourne expert consenting panel and the invitation to comment on draft conditions. | N/A |
| 2 | Waikato Regional Council staff have been in discussions with the District Council throughout this process particularly with respect to the stormwater management plan and appropriate consent conditions. WRC has provided feedback to the District Council as such WRC defers to the District Councils proposed changes as per their response on the draft consent conditions. The only difference requested is where appropriate WRC requests that WRC is referenced within the condition rather than MPDC where appropriate. | N/A |
| 3 | <p>The following key issues are outlined here:</p> <ol style="list-style-type: none"> 1. The stormwater management plan – changes proposed by MPDC are supported and it is requested that for consistency the WRC stormwater management plan condition referenced in the WRC consents is the same as that proposed by the District Council in their response. 2. General condition 1 – reference to the correct application documents is requested to be resolved as per the District Councils proposed changes. 3. There are some minor suggested changes suggested in the attached document to make the consent more monitorable but overall there are no major issues with the consent conditions as proposed. | Agree that conditions in WRC consents to match MPDC's, including any changes that we propose to the MPDC version. Changes to general conditions are discussed below. |
| 4 | Thank you for the invitation to comment on the draft conditions relating to the granting of the application. We look forward to receiving a copy of the substantive decision in due course. | N/A |
| WRC Suggested Changes to Draft Conditions | | |
| ALL WRC CONSENTS | Suggested Change: | Agree. |
| GENERAL CONDITIONS | WRC's preference is for reference to include the word "general" before accordance in this condition throughout the consents to be granted. | |
| The activity must be carried out in accordance with the application for | Rationale: Without this word there may be the expectation that there is strict adherence to the application documents -- where there is no specific condition to address a specific matter. | |

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| <p>resource consent, including any reports, plans, and further information (listed in Appendix [1]) provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and consent conditions, the consent conditions will prevail.</p> | <p>WRC is of the view that the inclusion of this word is appropriate for its consents to allow a level of flexibility on small and insignificant matters.</p> | |
| <p>ALL WRC CONSENTS</p> <p>GENERAL CONDITIONS</p> <p>Any reference in these conditions to a New Zealand Standard includes any later New Zealand Standard that amends or replaces it.</p> | <p>Suggested Change:</p> <p>Remove this condition within all the WRC consents</p> <p>Rationale:</p> <p>WRC notes that specific standards referenced in the conditions already provide for any updated standards. E.g. The wastewater discharge consent conditions recommended by WRC in the substantive response already provides for any changes to the standards as an advice note.</p> | <p>Agree.</p> |
| <p>ALL WRC CONSENTS</p> <p>GENERAL CONDITIONS:</p> | <p>Suggested Change:</p> <p>Remove this advice note.</p> | <p>Agree.</p> |

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| <p>Advice note: All correspondence with the Council required by these conditions of consent should be sent via email to xxx@wrc.govt.nz with reference to consent number Insert Consent Reference.</p> | <p>Rationale:</p> <p>This advice note is unnecessary and the email is subject to change over the duration of the consent.</p> <p>In practice WRC will reach out to discuss the relevant conditions with the consent holder when necessary given the directive requirement to monitor these consents under the legislation.</p> | |
| <p>ALL WRC CONSENTS</p> <p>GENERAL CONDITIONS:</p> <p>Advice Note: That pursuant to Section 332 of the RMA, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.</p> | <p>Suggested Change:</p> <p>Remove this advice note.</p> <p>Rationale:</p> <p>This advice note is not relevant to the consent condition.</p> | <p>Agree.</p> |
| <p>ALL WRC CONSENTS</p> | <p>Suggested Change:</p> <p>Provide for the general review over at least a one month period.</p> | <p>Agree – this is in line with what we proposed originally.</p> |

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| <p>GENERAL CONDITIONS:</p> <p>Review condition only allows a review to be initiated each year on the last 5 working days of May or November each year.</p> | <p>Rationale:</p> <p>Having a longer period once per year rather than two very small windows is more monitorable than two small duration windows currently proposed.</p> | |
| <p>References within all the conditions to:</p> <p>If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.</p> | <p>Suggested Change:</p> <p>Delete all references to this within all the WRC consents.</p> <p>Rationale:</p> <p>Having this restriction in place is onerous and does not provide for an easy collaborative process.</p> <p>In practice there may be many iterations of the document until WRC can certify the document.</p> | <p>As per the response contained in the conditions (Attachments C and D), the Applicant is open to removing deemed certification conditions and has proposed alternative wording. It is suggested this is discussed at expert conferencing on conditions.</p> |

Table 15: Submission 15 - Joanne and Ian Morgan

| Condition/Paragraph | Content | Action / Response |
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| Submission 15 - Joanne and Ian Morgan | | |
| | As long term residents and property owners [REDACTED] we wish to make the following comments and note that Highgrove is a similar, high end residential/lifestyle subdivision that is also affected by the Ashbourne Project. | N/A |
| 1. Connectivity and Access with Eldonwood Drive/Chestnut Lane | | |
| | Appendix A1 clause 79 states "the Consent Holder must not construct any vehicle, cycle or pedestrian link to Eldonwood Drive or Highgrove Avenue". For further assurance and clarity on this point we would request that the condition includes any connectivity via Chestnut Lane as well. | As above, the Applicant is agreeable to this condition but notes that wording will need to be clear with Chestnut Lane also located to the west of the site. |
| 2. Landscaping | | |
| | <p>Buffer zone – although clause 53 (b) states a 5m buffer zone ideally we would prefer a 6m buffer for all boundaries shared with Eldonwood (western and southern boundaries) to protect the privacy of the owners and the character of Eldonwood. The 6m buffer would be in addition to the set back of 8m as in Appendix A1 condition 117 (a).</p> <p>We are in agreeance with Highgrove's suggestion in concern 12 - no minimum specifications and maintenance liability transfers to Lot owners before planting is established. That native evergreen species of 1.0m centres for shrubs and 3.0m centres for trees suited to the Waikato climate are planted.</p> <p>Who, after the developer exits is responsible for maintaining the buffer zone? Will this be vested with the Matamata-Piako District Council?</p> <p>Would appreciate clarification on these points.</p> | As per our response on 23/03, we consider that a 3m landscape buffer is sufficient to manage effects, and that a 5m or 6m buffer is overly onerous. We are agreeable to a maintenance period and consider this is covered in the Panel's proposed conditions of consent. We note that ongoing management once Lots are sold is via consent notice, and that this is an accepted industry standard. |
| 3. Traffic/Roading | | |
| | We refer to Appendix A1, clauses 107 and 108 and request that the applicant demonstrate clear consideration of the cumulative traffic impacts along Station Road, especially during peak periods associated with school drop off and pick up times. As stated in our original submission, the increased volume of vehicles along Station Road has already resulted in unsafe conditions, making it increasingly hazardous to exit Eldonwood Drive onto Station Road or Smith Street. | We consider that this is out of scope as it does not relate to conditions of consent. Refer to Memorandum of Counsel. |
| 4. Eldonwood Waste Water Pump Upgrade | | |
| | We refer to Appendix 1A, clause 68 as we understand that there is currently no waste water pump station in Eldonwood and would appreciate clarification on what upgrade the applicant is referring to. | Refer to response to Eldonwood Association above. |

| 5. Proposed Masterplan | |
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| We are significantly disadvantaged by the applicant's failure to provide an up to date plan showing the large lot sizes along the boundary of the Eldonwood Estate. Notwithstanding this omission, we are now expected to make our final comments without access to information that is critical to a fair and informed assessment. | This comment is out of scope – refer to memorandum of counsel. |
| Summary | |
| We would be extremely disappointed if the Matamata-Piako District Council were left to deal with the consequences of a proposal that appears unviable and should not have progressed so far through the Fast Track process. | This comment is out of scope – refer to memorandum of counsel. |
| It is difficult to justify further residential development when there are already hundreds of consented sections in Matamata that remain undeveloped or have been developed but remain unsold due to a lack of demand. Approving this proposal would result in the further loss of high quality agricultural land within the district and would, in our view, contravene the threshold for appropriate land use change. | This comment is out of scope – refer to memorandum of counsel. |
| Having both worked as real estate agents in Matamata for more than 25 years and with Joanne currently owning and operating her own real estate business selling across all property and section categories, we consider that we have a strong understanding of current and emerging market conditions. Based on this experience, there is presently an oversupply of sections and uncertainty around the country entering an economic downturn. The proposal would therefore exacerbate an already oversupplied market rather than respond to any demonstrated demand. In our view, this constitutes an inefficient and unnecessary use of land resources. | This comment is out of scope – refer to memorandum of counsel. |
| We thank the Panel for its consideration of our above comments and respectfully request that these be noted and reflected in the final conditions of consent. | N/A |

Table 16: Submission 16 - Corinne Bagur Imbert and Ian Hammond

| Condition/Paragraph | Content | Action / Response |
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| Submission 16 - Corinne Bagur Imbert and Ian Hammond | | |
| | <p>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.</p> | N/A |
| | <p>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.</p> | N/A |
| | <p>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.</p> | This comment is out of scope – refer to memorandum of counsel. |
| 1. Over-reliance on Future Management Plans | | |
| | <p>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.</p> <p>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.</p> <p>Concern:</p> <ul style="list-style-type: none"> Key controls relating to construction effects, traffic, stormwater, and groundwater are not fixed within the consent conditions. | This comment is considered to be out of scope and the proposed condition overly onerous. Deemed certification provisions are proposed to be discussed at expert conferencing, with the Applicant generally agreeable to the removal of deemed certification clauses. |

- There is no guaranteed opportunity for directly affected neighbouring landowners to review or input into these plans prior to certification.

Suggested amendment:

Introduce explicit conditions requiring that:

- Management plans must be provided to directly affected adjoining landowners for comment prior to certification.
- Certification should require independent peer review, or council sign-off after considering any objections raised by affected neighbours.

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 Framework, Sequencing and Infrastructure Conditions

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 approval" provisions where critical effects are involved.

We consider that these provisions are adequately managed by the conditions proposed by the Panel. Refer to above comment in relation to "deemed approval".

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 and 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.

The management of stormwater, groundwater and hydrological effects has been agreed by subject matter experts through joint witness conferencing.

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 (not adequately constrained)

Suggested amendment:

- Introduce fixed limits for:
 - Construction hours
 - Noise levels at site boundaries
 - Dust emissions (including enforceable suppression requirements)

Note that conditions provide for fixed limits for construction hours and noise levels as is standard practice. Construction Traffic Management Plan will additionally provide for controls on heavy vehicle movement.

- Require:
 - Defined haul roads
 - 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 pick-up 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.

This commentary is considered overly onerous, with proposed consent conditions adequate to manage the effects discussed, including through provision for complaints management.

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.

The conditioning of the Private Developer Agreement is to be discussed at Expert Conferencing on Conditions. Notwithstanding, provision is made throughout the conditions for infrastructure to be managed and upgraded at the Consent Holder's expense. The amendments proposed are considered overly onerous.

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

The proposed amendments to conditions are considered overly onerous. Note that the proposed conditions of consent broadly cover the matters raised, including height restrictions, minimum lot sizes, enforceable building setbacks, and a continuous and maintained landscape buffer which will be maintained in perpetuity. The use of consent notices, as noted in the Panel's decision, is a well-understood principle that decision makers must assume that conditions will be complied with.

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 amendments:

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

These effects are considered to be appropriately managed through conditions of consent.

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.

As noted above, we broadly agree to the removal of deemed certification conditions subject to expert conferencing on conditions.

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| <p>Suggested amendment:</p> <ul style="list-style-type: none"> • Remove or restrict deemed certification provisions for plans that manage environmental or amenity effects. • Require that certification of all management plans: <ul style="list-style-type: none"> ○ Is explicitly confirmed in writing, and ○ Demonstrates that effects on adjoining properties have been appropriately considered and addressed. | |
| <p>10. Infrastructure Ownership and Long-Term Cost Allocation</p> | |
| <p>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.</p> <p>Concern:</p> <ul style="list-style-type: none"> • 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. <p>Suggested amendment:</p> <ul style="list-style-type: none"> • Include conditions requiring that: <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> - Verified performance standards, and - clear long-term maintenance responsibilities <p>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.</p> | <p>It is considered that this is appropriately managed through conditions of consent proposed by the Panel.</p> |
| <p>11. Monitoring, Review and Response to Adverse Effects</p> | |

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.

It is considered that this is appropriately managed through conditions of consent proposed by the Panel.

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| <p>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.</p> | |
| <p>12. Connectivity with Existing Road Network</p> | |
| <p>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.</p> <p>Concern:</p> <ul style="list-style-type: none"> • 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. <p>Suggested amendment:</p> <ul style="list-style-type: none"> • 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. | <p>It is considered that this is appropriately managed through conditions of consent proposed by the Panel. Refer to comments above in relation to Chestnut Lane.</p> |
| <p>Conclusion</p> | |
| <p>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.</p> <p>We request that the conditions be amended to:</p> <ul style="list-style-type: none"> • 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 | <p>N/A</p> |