

Memorandum

To: Ashbourne Expert Consenting Panel – Environmental Protection Agency c/ Jessie Richardson

From: Fraser McNutt – Barker & Associates Limited

Date: 13 February 2026

Re: Minute 14 – Panel Request for Further Information and Panel Planning Advice

This memorandum responds to Minute 14 issued by the Panel and the Panel’s Planning Advice. Since the applicant’s response to Minute 13 dated 30 January 2026, the Panel has engaged Ms Tait to review the application and provide planning advice regarding its alignment with relevant national, regional, and local planning instruments, including consideration of any consequential adverse effects.

This memorandum does not repeat or relitigate matters already addressed in previous material lodged with the Panel, including the original application, the section 53 response, and subsequent responses to Panel minutes. Rather, it provides a focused and evidence-based response to the matters raised in Minute 14 and the Panel’s Planning Advice.

The applicant’s response has been informed by input from the following experts:

- Planning – Fraser McNutt (B&A)
- Urban design – Cam Wallace (B&A)
- Economics – Fraser Colegrave (Insight Economics) and Susan Fairgray (Market Economics)
- Legal – Bill Loutit and Chris Ryan (Simpson Grierson) and Phil Lang (Riverside Chambers)
- Soils and agricultural economist – Jeremy Hunt (AgFirst) and Reece Hill (Land Systems)
- Hydrology – Clare Houlbrooke (WGA)
- Geotech – Ben McKay and Dave Sullivan (CMW)

The table below provides a detailed planning response to Ms Tait’s assessment and, where relevant, cross-references supporting technical input from the applicant’s expert team.

The following summary sets out the key matters and priority considerations arising from this memorandum.

- The evidence base clearly demonstrates that the Ashbourne proposal delivers significant regional benefits, more than satisfies the purpose and intent of the Fast-Track Approvals Act, and aligns strongly with national, regional, and local policy direction. The proposal presents no statutory or evidential barrier to approval and represents the kind of integrated, strategically beneficial development the FTAA is designed to enable.
- There are no significant unmitigated adverse effects remaining, based on best available multidisciplinary evidence. The proposal delivers significant new housing and retirement capacity, assists with addressing feasible housing supply constraints, strengthens local employment, integrates stormwater, transport, and green infrastructure with district networks and supports renewable energy generation.
- The development is well-functioning, cohesive, and integrated, with careful placement of land uses, strong internal connectivity, and alignment with natural landform and constraints.

- The geotechnical and engineering experts confirm that risks related to active faults can be fully mitigated through conditions, consistent with accepted RMA risk-management practices. Furthermore, the conclusions drawn by experts regarding active faults is based on best available information, with risk being managed on-lot at building consent stage.
- Expert evidence from the applicants' soils and agricultural economists confirm that the relevant land (retirement village and portion of residential development on non rural lifestyle land) is subject to permanent and long-term constraints and is not economically viable for productive use, meeting the Clause 3.10 pathway of the NPS-HPL. The Panel has a clear statutory basis upon which consent may be granted for those components of the proposal located on land subject to the NPS-HPL.
- Housing capacity in the HCA relied up by Ms Tait is overstated. The economic evidence demonstrates that theoretical zoning capacity does not equal feasible capacity. On this basis there is a housing shortfall in Matamata.
- The NPS-UD conclusions by Ms Tait appears to be based on a misinterpreted assessment and application where the policy directions are applied too narrowly. The proposal aligns with the overarching objective and policy direction in the NPS-UD and positively contributes to a well-functioning urban environment.
- Ms Tait's assessment and conclusions in my opinion reflect an incorrect and narrow interpretation of national, regional and local objectives and policies alignment. This misrepresents the proposal and applicant's position. I am also unclear the extent to which Ms Tait has taken into account all evidence provided to date in reaching the conclusions she does.

PLANZ Comments	Applicant Comments
National Environmental Standards for Detached Minor Residential Units 2025 (NES-DMRU)	
<p>My comments on the NES-DMRU are relatively cursory. The NES-DMRU provides for the construction of minor units as permitted activities thereby expediting and reducing the costs of delivering smaller residential units into the housing market.</p> <p>As set out in the Matamata-Piako Residential Capacity Assessment 2025, the minor dwellings that could be constructed under the new regulations would make a material contribution to the district’s housing supply.¹ However, the contribution has not yet been modelled and is not quantified.</p> <p>In my opinion, if the oversupply of housing is identified by the Panel as a significant adverse impact (based on the economic analysis), the NES-DMRU is relevant to the application (as it has the potential to deepen the housing oversupply) and the housing supply outcomes in Matamata.</p>	<p>Noting the expert analysis of Mr Colegrave and our responses to date, there has not been a determination that there is in fact an over supply of housing. Further I rely on the statements made by Mr Colegrave, particularly that the actual feasible housing capacity in Matamata may be arguably lower than the theoretical estimates – `relied on by Ms Tait, in direct response to Ms Tait's statements on this topic ².</p> <p>The range of housing options, section sizes and scale of the Ashbourne proposal ensures choice and options for future occupants. A minor unit typically is ancillary within a Record of Title to a principle dwelling in my experience. The intended reality in my view for an occupant (non-exhaustive) to inhabit a minor unit stem from affordability, dependent living and proximity to family. The Ashbourne proposal while not precluding the ability for minor residential units, does however provide choice through the proposed retirement living, 14 dwelling designs on sections under 400m2 and 17 dwelling designs on sections over 400m2 as well as a pathway through s127 RMA post decision to provide for smaller units.</p>
National Policy Statement for Natural Hazards 2025 (NPS-NH)	
<p>The NPS-NH must be applied to use, development and subdivision when there is an exposure to the risks of flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunamis. I understand that the</p>	<p>Agree – no further comment required.</p>

¹ Matamata-Piako Residential Capacity Assessment 2025, page 13 (Appendix 3 to Mr Heath’s evidence, 11 November 2025)

² Technical Memo Insight Economics, Response to economic issues raised in peer review by Planz Consultants 11 February 2026, page 4

<p>application site has flooding and liquefaction risks and potential active faults risks.</p>	
<p><u>Liquefaction Risk</u></p> <p>With regards to the liquefaction risk, the level of risk was assessed by CMW Geosciences as very high.³ The recommended mitigation for the liquefaction risk to the residential and retirement living is TC2/TC3 foundations.⁴ Mr Cowbourne advised that further investigations would be required but that the Geotechnical Investigation Report Revision 3 is sufficient for current purposes.⁵ I take from that, that conditions of consent are adequate to manage the liquefaction risk to less than ‘very high’, i.e. it is resolvable through further investigation and design, such that use, development and subdivision does not need to be avoided (pursuant to Policy 3 of the NPD-NH). I therefore agree with the assessment of Mr McNutt.⁶</p>	<p>Agree – no further comment required.</p>
<p><u>Flooding Risk</u></p> <p>The (outstanding) flooding risk was addressed in a JWS dated 11 December 2025 and signed by Mr Dean Morris, Mr Mitchell Smith, Ms Bronwyn Rhynd, Ms Sheryl Roa and Ms Megan Wood. The outcomes of the JWS were slightly confusing, but I concluded that Ms Rhynd, Ms Roa and Ms Wood (for MPDC and WRC) determined that further information should be provided in the Stormwater Management Plan (SMP) prior to the grant of consent, while Mr Morris and Mr Smith (for the Applicant) determined that sufficient information</p>	<p>Agree – no further comment required.</p>

³ Geotechnical Investigation Report dated 18 November 2025, page 11

⁴ Geotechnical Investigation Report dated 18 November 2025, page 16

⁵ Mr Tony Cowbourne, Memorandum 2, 27 November 2025

⁶ Memorandum dated 30 January 2026, page 8

had already been provided and that any outstanding information should be required in the conditions of consent (including by way of an updated SMP).

Despite the Council representatives seeking further information, they did seem to support a grant of consent. This suggests to me that the flooding risk was not ‘very high’ which might otherwise have required use, development and subdivision to be avoided.⁷ I therefore consider that the flooding risk can be dealt with through conditions of consent in a manner that achieves the NPS-NH. I therefore agree with the assessment of Mr McNutt.⁸

Active Fault Risk

The active fault risk was addressed in a Joint Witness Statement (JWS) dated 11 December 2025 and signed by Mr Tony Cowbourne, Mr David Sullivan and Mr Greg Snook. It was agreed that a condition of consent would require a SQEP (GNS) to be engaged to assess the potential for active faulting within the site via an initial desktop assessment (and further assessment if required). This is to be completed prior to detailed design.

The NPS-NH directs the requirements of ‘decision makers’⁹, meaning that the level of risk and appropriate response to that risk must be determined as part of any decision. Further, Clause 3.4 directs that a decision must be made based on the best available information.

This matter has been addressed by CMW, MAVEN and WGA in their respective responses to Ms Taits comments on ‘active fault risk’ as well as the collective agreement in the JWS to accept a condition - drafted below that MPDC agrees with.

(64) The Consent Holder shall engage a SQEP to carry out an earthquake fault hazard study. The results of this study shall be submitted to MPDC Team Leader - Consents Engineering for review, prior to submission of EPA, including a table that identifies how any recommendations have been addressed, including where no changes have been made and the supporting rationale. The Consent Holder shall incorporate into the final detailed design any reasonably practicable recommendations identified that are agreed in writing by MPDC as necessary to address fault hazard risk.

I have reviewed and support the conclusions of these responses and accept that the best available information has been made available at this time and

⁷ National Policy Statement, Policy 3

⁸ Memorandum dated 30 January 2026, page 8

⁹ National Policy Statement for Natural Hazards, Clauses 3.3 and 3.4

I therefore disagree with the assessment of Mr McNutt, specifically ‘...This is considered to result in an overall medium level of risk under the NPS-NH matrix. No mitigation is required and existing and residual risks are the same’.¹⁰

In my opinion, the outcome of the JWS suggests that the currently available information is wholly inadequate to determine the presence (or location) of an active fault risk (despite a clear understanding of what the mitigation response is if the risk was present). I consider this scenario differs to the flooding and liquefaction risks identified above, in that, while the mitigation method is clearly understood, the presence of the risk has not been identified (or more correctly, the site has not been determined to be free from risk). I consider the prudent approach would be to require the GNS report prior to granting consent so that the active faulting risk can be managed appropriately as anticipated by the NPS-NH.

that the risk can be managed ‘on lot’ at the time of building consent to inform future foundation type and subject to the proposed conditions of consent/relevant consent notice. I also note that in the JWS it was largely accepted that any effects could be managed by suitable conditions of consent for liquefaction which relate to potential effects caused by a fault. I note Ms Tait considers the risks to differ but I hold the view that there is a relationship and hence the information I reference in the response is valid and contributes to the ‘best available information’ at this time to inform a decision. I further note that GNS has been engaged and the reporting is soon get underway. I am satisfied that any new buildings will be designed with the best available information.

I also note that Basin A was suitable and had a much lower groundwater level than previously reported. This is emphasised further in the recent WGA memo¹¹ that has circa 5.3m as the most recent water table mark. Noting a worst case scenario at 3.5m depth this is still in the expert’s opinion adequate to be managed as outlined in the recent CMW¹² memo. To be clear, the conditions of consent supported by the memos referenced above, in my view provide suitable mitigation to manage the potential risk.

Item 7 raised in the Minute 14 Memorandum from the Panel directs the applicant to respond to NPS-NH Policy 5&6

I have sought clarification from MAVEN to respond directly to Policy 5&6 NPS-NH. I support and rely upon these comments in relation to alignment with the Policies identified above.

From an engineering perspective, the technical information provided to the Panel is appropriate to address the requirements of Policy 5 of the NPS-NH. The natural hazard risks relevant to the site including flooding, overland flow paths

¹⁰ Memorandum dated 30 January 2026, page 8

¹¹ WGA Technical Memorandum – Response to Minute 14 (Points 3, 4, 5 and 6) dated 10 February 2026

¹² CMW FT RFI Response memo dated 13th February 2026

and elevated seasonal groundwater have been comprehensively investigated through detailed hydrological and hydraulic modelling, groundwater monitoring and geotechnical site assessment. These investigations have directly informed the design response to these minutes and prior response. The proposed stormwater management system, Greenway corridor, wetlands, finished floor levels and groundwater mitigation measures have been designed to avoid risk and to mitigate hazards that have been identified through the investigations.

In relation to Policy 6 the required 100-year timeframe, the hydraulic modelling has been undertaken using the 1% AEP (100-year ARI) event including of climate change allowances (RCP8.5 2100-2120) in accordance with current regional guidance and RITs standards. Sensitivity testing has also been completed. The modelling demonstrates that post-development peak discharges are attenuated to below pre-development levels and that flood extents are reduced or unchanged beyond the site. The design therefore manages natural hazard risk over at least a 100-year horizon and doesn't increase risk to adjoining land or downstream environments.

These comments should be read in conjunction with the updated technical documents prepared in support of the application, including WGA Memorandum Ref. WGA241087-MM-HG-0012_A, CMW Geosciences "Ashbourne Development – Fault Memo" Ref. HAM2023-0124AU Rev 0 (10 February 2026), the Stormwater Management Plan (SMP Rev B), and prior Fast Track RFI responses.

These documents together provide the updated groundwater modelling, stormwater and flooding assessments, geotechnical and fault hazard evaluations and supporting design refinements relied upon in forming the conclusions presented herein.

<p>Mr McNutt has provided comment on the NPS-I.¹³ With respect, I consider the relevance of the NPS-I to the proposal is limited. While the application includes infrastructure to service the residential, commercial and retirement village activities, the project itself is not an infrastructure project that benefits from the policy ‘tailwind’ provided by the NPS-I.</p>	<p>Agree – no further response required.</p>
<p>National Policy Statement for Highly Productive Land Amendment 2025 (NPS-HPL)</p>	
<p>The extent of the 125ha site classified as highly productive land (HPL) (in this instance LUC2) was agreed in an email between MPDC and the Applicant and included in the Applicant’s response to Minute 3 (dated 27 November 2025). In total, just over 84ha (or 67%) of the site is HPL of which 3.8ha is destined for use as residential, 24.7ha for use as retirement village (including wastewater treatment), 33ha for use as solar farm and approximately 2ha for use as the greenway.</p> <p>For completeness, I have not contemplated the rural lifestyle lots (as these were dropped from the application), the balance lot (the Applicant is willing to accept a condition of consent that prohibits further development) or the river severance lots (as there is no change of use).</p>	<p>Agree – no further response required.</p>
<p><u>Solar Farms</u></p> <p>I agree with Messrs McNutt and Rademeyer that there is a pathway under Clause 3.9 for the solar farm use and development (as specified infrastructure) to be constructed on HPL. For completeness, I consider there is a pathway under Clause 3.8 for the subdivision of the solar farms (as specified infrastructure).</p>	<p>Noted – no further response is required. Noting the Panel indication through para 13, Minute 14 that this view is wholly universal.</p>

¹³ Memorandum dated 30 January 2026, page 9

Residential and Retirement Village

To clarify, the following only relates to residential and retirement village use, development and subdivision on Rural Zoned land, i.e. not the residential use, development and subdivision on Rural Lifestyle Zoned land.

I agree with Mr Rademeyer¹⁴ that the residential and retirement village activities are subject primarily to Clauses 3.8 and 3.9, and I agree with Messrs McNutt and Rademeyer that there is a pathway under Clause 3.10 if the highly productive values of the site are constrained.

I have based my following assessment on the legal advice of Mr Brabant¹⁵, specifically ‘...Blue Grass remains good law. Nothing in the FTAA changes that position...The implication of Blue Grass is that a site-specific soil survey or productivity report cannot be used to re-categorise whether land is properly regarded as LUC 1, 2 or 3’. Accordingly, the site has a LUC-2 soil classification (as shown on the New Zealand Land Resource Inventory) and the small portion of the site identified as LUC-3 in the Landsystems Land Use Capability Assessment is not captured by Clause 3.5(7)(iii) (introduced to the NPS-HPL in January 2026).

I agree with Ms Tait that the residential activity (only the portion not on rural lifestyle zoned land) and the retirement village need to be assessed against Clause 3.8 and 3.9. We also agree that Clause 3.10 provides a pathway for the residential and retirement village activities if the highly productive values of the site are subject to permanent or long term constraints.

The Ashbourne application includes a site-specific soils assessment prepared by Land Systems. Ms Tait appears to have incorrectly assumed that this assessment was provided to suggest an alternative LUC classification to that identified in the NZLRI mapping. However, the original substantive application lodged and subsequent further responses from the applicant relies on and confirms the NZLRI mapping, including the presence of highly productive land across portions of the site. As outlined in the Memorandum of Counsel for MDL dated 13 February, which should be read alongside this memorandum, the purpose of the site-specific assessment and more detailed mapping was to demonstrate that:

- The more versatile of the soils present across the relevant land are not located in large and contiguous areas;
- There are limitations on the productive uses of the parts of the relevant land classified as LUC 2; and
- The relevant land is not economically viable for productive use.

Clause 3.8 is an “avoid” directive with two threshold tests. Firstly, Clause 3.8(1) lists the exempt subdivisions that may be undertaken on HPL, and Clause 3.8(2) lists the restrictions that will apply to any exempt subdivisions on HPL. Because of the use of the conjunctive “and” in Clause 3.8(1), I consider that Clause 3.8(2)

I acknowledge and agree that the residential component (excluding the rural lifestyle zoned area) and the retirement village activities are not consistent with, and do not satisfy, the tests set out in Clause 3.8. Both the original assessment lodged on 23 July 2025 and the applicant’s subsequent response

¹⁴ Evidence of Marius Rademeyer, Memorandum 2, page 4

¹⁵ Legal advice dated 28 November 2025, paragraphs 9 and 12

<p>only applies if the subdivision is provided for in Clause 3.8(1). I do not consider the proposal satisfies any of the subdivision exemptions listed in Clause 3.8(1), specifically the lots will not retain the productive capacity of the land, the site is not specified Māori land, nor is the subdivision (of the residential and retirement village uses) specified infrastructure. Accordingly, the proposal is contrary to Clause 3.8. I note that Mr Rademeyer reaches the same conclusion using a slightly different method.¹⁶</p>	<p>to comments (Attached 3 – NPS HPL Memo dated 18 November 2025) confirm that Clause 3.8 is not met.</p>
<p>Clause 3.9 is an “avoid” directive with three threshold tests, Firstly, Clause 3.9(1) directs that “inappropriate” use or development that is not land-based primary production must be avoided. Clause 3.9(2) sets out a number of exemptions to what could be considered “inappropriate” (i.e. use and development that is deemed to be appropriate). None of the exemptions listed in Clause 3.9(2) relate to the provision of additional housing (including housing to provide sufficient capacity, this is addressed in Clause 3.6 that relates to the rezoning of HPL). Lastly, Clause 3.9(3) requires that any actual loss or potential cumulative loss of HPL to be mitigated or managed. While not explicit, I read it that Clause 3.9(3) only applies to “appropriate” use and development (that have found a pathway through Clause 3.9(2), much the same way as Clause 3.8 is managed). Accordingly, Clause 3.9(3) is not triggered for consideration. I note that Mr Rademeyer agrees that the proposal does not meet the exceptions in Clause 3.9(2).¹⁷</p>	<p>I acknowledge and agree that the residential component (excluding the rural lifestyle zoned area) and the retirement village activities are not consistent with, and do not satisfy, the tests set out in Clause 3.9. However, I consider that the solar farm portion of the proposal does not satisfy the requirements of Clause 3.9, I understand Ms Tait agrees with that.</p>
<p>Lastly, Clause 3.10 provides for use, development and subdivision of HPL where the land is subject to permanent or long-term constraints. Clause 3.10(1) (a), (b) and (c) are conjunctive, meaning that (b) and (c) are not relevant if (a) is not</p>	<p>I disagree with the assessment and conclusions drawn by Ms Tait on the application of Clause 3.10 of the NPS-HPL and consider these to be inaccurate. In my view, her analysis is incomplete and the conclusions reached are not</p>

¹⁶ Evidence of Marius Rademeyer, Memorandum 2, page 5

¹⁷ Evidence of Marius Rademeyer, Memorandum 2, page 5

satisfied. Like Mr Rademeyer¹⁸, I am persuaded by the evidence of Mr Duncan Walker that the site's productive capacity can be maintained through appropriate drainage, grazing and cropping practices.¹⁹ The report goes on to say: '...in our opinion the site possesses the physical characteristics and scale typical of viable pastoral or mixed farming operations in the area, and there is no clear evidence to suggest that its continued productive use would be economically unviable...'.²⁰ As such, I consider that Clause 3.10(1)(a) has not been satisfied and therefore no further consideration of subclauses (b) and (c) is necessary, Clauses 3.10(2), (3), (4) and (5) aid the reader's interpretation/assessment of Clause 3.10(1).

supported by a full consideration of the relevant expert material before the Panel.

For the reasons set out below, I reiterate my position that Clause 3.10 is applicable to the relevant land (being the retirement village and the portion of residential activities located on non-rural lifestyle land), and that the tests within Clause 3.10 are satisfied.

Clause 3.10 of the NPS-HPL provides for the subdivision, use and development of land for activities not otherwise enabled under Clauses 3.7, 3.8 and 3.9 where there are, in conjunction with other criteria, permanent or long term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years.

Ms Tait appears to rely solely on the early evidence of Duncan Walker²¹. However, her conclusions do not appear to take into account the further analysis and expert advice provided by Barker & Associates, AgFirst and Land Systems in response to Mr Walker's evidence. That additional material was prepared specifically to address the Clause 3.10 assessment and was provided to the Panel for that purpose.

For clarity, Attachment 3 – Applicant's Response to NPS-HPL Comments Received dated 18 November contains a detailed planning assessment of the proposed residential and retirement village activities against Clause 3.10. That assessment was expressly informed by, and relied upon, specialist input from:

¹⁸ Evidence of Marius Rademeyer, Memorandum 2, page 5

¹⁹ Evidence of Mr Duncan Walker, Appendix 1, paragraph 4.4.6

²⁰ Evidence of Mr Duncan Walker, Appendix 1, paragraph 4.4.15

²¹ Attached as Appendix F to the comments provided by Matamata-Piako District Council

- Land Systems (soils expertise); and
- AgFirst (agricultural economics expertise).

The assessment concluded that the criteria in Clause 3.10 are met in respect of the relevant land.

For the avoidance of doubt, Mr Jeremy Hunt, agricultural economist, has prepared a further supporting memorandum titled “*National Policy Statement for Highly Productive Land – Memorandum Response for the Panel*” – dated 13th February 2026 which accompanies this memorandum and should be read alongside it. Mr Hunt’s expert opinion confirms that the land subject to assessment under the NPS-HPL is affected by permanent and long-term constraints that materially limit its ability to support economically viable land-based primary production over the long term (being at least 30 years). On that basis, I consider that the requirements of Clause 3.10 are satisfied.

I respectfully direct the Panel to:

- Attachment 3 – Applicant’s Response to NPS-HPL Comments Received dated 18 November; and
- Mr Hunt’s supporting memorandum accompanying this memorandum dated 13 February 2026.

Together, these documents provide a comprehensive and integrated assessment of Clause 3.10 and demonstrate how the clause is properly applied in the context of the Ashbourne application.

In summary, Clause 3.10 is applicable and provides an appropriate policy pathway for the proposed residential and retirement village activities. As the tests within Clause 3.10 are met, the proposal is not inconsistent with, nor contrary to, the NPS-HPL. Accordingly, I do not consider that the proposal has adverse impacts on highly productive land; the Panel has a clear statutory basis upon which consent may be granted for those components of the proposal located on land subject to the NPS-HPL.

<p>Overall, I do not consider that the residential or retirement village components (proposed on HPL) have satisfied the requirements of the NPS-HPL, noting that these require avoidance in such circumstances.</p>	<p>I disagree with Ms Tait’s conclusion. As outlined above, the residential and retirement village components (proposed on HPL) satisfy the requirements of Clause 3.10 of the NPS-HPL. This is supported by expert evidence from Land Systems and AgFirst. On this basis, the proposal is not inconsistent with, nor contrary to, the NPS-HPL. Accordingly, the Panel has a clear statutory basis upon which consent may be granted for those components of the proposal located on land subject to the NPS-HPL.</p>
<p><u>Greenway</u></p> <p>Lastly, I consider the proposed greenway in the context of the NPS-HPL. I consider that the proposed greenway would qualify under Clause 3.9(2)(g) as a temporary landuse activity that has no impact on the productive capacity of the HPL, i.e. there are no long term impacts that prevent land-based primary production in the future.</p>	<p>Having read Ms Tait’s comments in regards to clause 3.9(2)(g), I note the following. The Greenway would be vested infrastructure that is created to support the proposed land use activities. It deals with some treatment and attenuation of stormwater and is a critical piece of infrastructure that will be consented with a WRC discharge consent. I agree that it will not have an impact on the productive capacity of the HPL and is largely a function of the urban development proposed. Noting the Panel indication through paragraph 13, Minute 14 that this view is wholly universal.</p>
<p>National Policy Statement for Freshwater Management Amendment 2025 (NPS-FW)</p>	
<p>The effects on surface and groundwater must be considered under the NPS-FW. There seems to be general consensus^{22 23 24} that the discharges of stormwater and wastewater from the site are able to be managed through appropriate conditions of consent. Given that there is agreement that consent can be granted, I consider that the application is consistent with (or is able to</p>	<p>Agree – no further response required.</p>

²² Evidence of Ms Sheryl Roa, reference to assessment of Ms Trisha Simonson at paragraph 4.10 (“...on-site domestic wastewater treatment and disposal for the proposed retirement village is expected to be achievable in this location however there are many aspects of the proposal that warrant further consideration and potentially the provision of further information...”)

²³ Joint Witness Statement (Stormwater management) dated 11 December 2025, page 6 (“TC and JW expressed that whilst the analytical modelling provided comfort that groundwater could be managed, the detailed design is important to ensure the long-term integrity and operation of the drains perform as envisaged”).

²⁴ Joint Witness Statement (Stormwater management) dated 11 December 2025, page 2 (“Following conferencing, the Applicant, WRC and MPDC met again and agreed that the remaining matters can be appropriately resolved through outcome-oriented consent conditions”).

to be consistent with) the singular objective of the NPS-FW, as well as Te Mana o te Wai.

National Policy Statement on Urban Development 2020 (NPS-UD)

For the purposes of this assessment, I acknowledge that MPDC is a Tier 3 Authority, but consider that Matamata is an ‘urban environment’ pursuant to the definition in the NPS-UD, specifically Matamata is an area of land that is predominantly urban and is intended to be part of a housing market of at least 10,000 people. My determination regarding population numbers has been based on the population at June 2025 being 9540²⁵, the long term dwelling demand in the District is 3135²⁶ with an average occupancy of 2.7 people²⁷ and approximately 35% of demand being taken up by Matamata. This results in a long term population of approximately 12,500 people in Matamata.

Mr Rademeyer²⁸ has assessed only part of the NPS-UD, specifically Objectives 1, 2 and 6 and Policies 1 and 2. While I mostly agree with his assessment of these provisions, I consider that a fulsome assessment of all the provisions is needed.

Mr McNutt has assessed all the objectives and policies of the NPS-UD, including a detailed assessment of Policy 1, in response to the Panels’ Minute 9. However, there a number of provisions that I have reached a different view on, which I discuss below. Note: I have not covered objectives and policies that have no bearing on this application.

I agree that MPDC is a Tier 3 Authority and Matamata is an urban environment pursuant to the NPS-UD. I consider Ms Tait’s assessment of the proposal against the NPS-UD is extremely narrow and inaccurate. I expand on this further below. Concerns over the accuracy of Ms Tait’s implementation and assessment of the NPS-UD is also addressed through the separate supporting memorandums prepared by Cam Wallace, Fraser Colegrave and Susan Fairgray. Additionally, the supporting Memorandum of Counsel for MDL dated 13 February 2026 also addresses these concerns.

²⁵ <https://tools.summaries.stats.govt.nz/places/UR/matamata>

²⁶ Evidence of Mr Tim Heath dated 11 November 2025, Appendix 2 – Residential Capacity Assessment 2025, Table 9

²⁷ [https://www.stats.govt.nz/information-releases/2023-census-household-family-and-extended-family-highlights/#:~:text=\(279%20households\).-Average%20household%20size,33.4%20percent%20of%20total%20households](https://www.stats.govt.nz/information-releases/2023-census-household-family-and-extended-family-highlights/#:~:text=(279%20households).-Average%20household%20size,33.4%20percent%20of%20total%20households)

²⁸ Evidence of Marius Rademeyer, Memorandum 2, pages 7 and 8

<p>Objective 1 and Policy 1:</p> <p>I consider that the proposal will contribute, in part, to a well functioning urban environment. ‘Well-functioning’ is determined by consideration of the matters set out in Policy 1.</p>	<p>Noted – no further response required.</p>
<p>Policy 1(a)(i): have or enable a variety of homes that meet the needs, in terms of type, price, and location, of different households: I do not consider the proposal enables a variety of housing types. Specifically, the proposal offers detached dwellings only, but no opportunity for duplexes, terraced housing or apartments (not that I think apartments would be appropriate in this location). Accordingly, I consider that the proposal does not contribute housing choice through a mix of typologies. I acknowledge that the addition of the retirement village creates generational choice, but I understand that this choice is already available in Matamata.²⁹</p> <p>The proposal will provide for a range of dwelling prices, including ‘better affordability for first home buyer households than shown by recent patterns of greenfield development within Matamata’.³⁰</p> <p>However, with respect to affordable housing, Mr McIlraith used a ‘potential dwelling size profile supplied by the developer’³¹, to estimate a ‘baseline scenario’ for dwelling values. Mr McIlraith went on to estimate that lower dwelling values were possible under an ‘alternative scenario’ that offered smaller dwellings. Table 0-2 indicates that 9% and 17% of the dwellings under the alternative scenario would satisfy the District and Regional affordability</p>	<p>I disagree with the assessment completed by Ms Tait which provides an inappropriately narrow interpretation. I direct the Panel to the following supporting documentation responding to this matter:</p> <ul style="list-style-type: none"> • Memorandum of Counsel for MDL, dated 13 February • Strategic Planning and Urban Design Response – Ashbourne, dated 10 February 2026 • Response to Planning Review of Housing Affordability Assessment – Market Economics, dated 13 February 2026 <p>Of note, I reiterate the following key points:</p> <ul style="list-style-type: none"> • Policy 1(a) is not expressed as a requirement that each individual development site must itself provide the full range of housing typologies or housing outcomes. Rather, the policy is concerned with whether planning decisions contribute to a well-functioning urban environment. This is reinforced by the explicit reference to “urban environments” as the unit of analysis, and the use of the words “have or enable”, which anticipates that different developments (across an urban environment) will contribute in different ways. Accordingly, it is inappropriate to assess the proposal against Policy 1(a) as though it must independently satisfy

²⁹ Evidence of Mr Tim Heath dated 11 November 2025, paragraph 4.30 – 4.32

³⁰ Barker and Associates Memorandum dated 19 January 2026, Attachment 1, page 1

³¹ Barker and Associates Memorandum dated 19 January 2026, Attachment 1, page 3

benchmarks. Mr McNutt³² points to this in his own assessment of the NPS-UD Policy 1. However, affordable housing can only be achieved if an alternative dwelling profile is used and this alternative dwelling profile was not offered by the applicant and does not form part of the proposal. Further, I note that the Cultural Impact Assessment sought 5% of housing in the site to be ‘affordable’; however there was no definition of ‘affordable’ offered by Ngā Iwi. As such, I do not consider that the proposal specifically includes affordable housing, and there is no evidence to conclude that they have satisfied the affordable housing requirements of Ngā Iwi (largely because ‘affordable’ was not defined in the Cultural Impact Assessment). This also addresses, in part, Objective 2.

Lastly, I do not consider that there is sufficient evidence to suggest that the proposed housing is located to provide for the needs of different households, primarily due to the proximity to employment opportunities. I discuss this further in my discussion on Policy 1(c).

the minimum housing variety outcome on a site-by-site basis as Ms Tait suggests. That approach misconstrues the policy intent and elevates a broad strategic directive into an unrealistic and inflexible compliance test.

- Policy 1(a) directs the provision of homes that “meet the needs, in terms of type, price, and location, of different households”, rather than the provision of a variety of housing typologies.
- The NPS-UD framework relies on different developments contributing in different ways to the overall housing mix, rather than each proposal being required to deliver all forms of housing and create its own individual housing market. In my opinion, “type” can also reasonably be interpreted to include a range of housing formats within a detached typology, including variations in dwelling size, bedroom configuration, tenure, and household composition. In this case, the Proposal provides for detached dwellings and retirement units with variation in floor areas, lot sizes, orientations, and internal configuration.
- The proposed lots will provide a greater proportion of smaller lots than that provided in recent Matamata developments.
- The proposed lots will provide a greater portion of lower value lots to other titles that have recently been sold and/or issued in Matamata.
- The proposal positively contributes to the NPS-UD Policy1(a) direction about ‘price’ and ‘location’ by enabling a range of lot sizes, orientation / outlook and dwelling size.
- With respect to the retirement village, it would be a perverse outcome to suggest that this did not align with the NPS-UD direction in Policy 1(a) on the basis that there is already retirement villages in Matamata.

³² Barker and Associates Memorandum dated 19 January 2026, page 1

	<ul style="list-style-type: none"> The Market Economics³³ assessment indicates that Ashbourne is likely to produce a positive outcome for housing choice and affordability within the range of development that can reasonably be sustained within the local market conditions. The assessment shows that up to 9% of the dwellings are likely to occur within the calculated district-level affordable dwelling benchmark (\$653,000), based on the lower range scenario. This would lie within the levels of development recently observed in the market where smaller sites were developed to contain smaller dwellings. Flexibility to achieve upper levels of development show that housing affordability can also be improved for other parts of the demand profile in Ashbourne. We continue to work with iwi and they have been sent direct the latest Market Economics report.
<p>Policy 1(a)(ii): have or enable a variety of homes that enable Māori to express their cultural traditions and norms: I acknowledge that the application has garnered support from Ngā Iwi and accordingly enables Māori to express their cultural traditions and norms. However, as noted above, it is not clear that the proposal will satisfy the requirement for affordable homes as expected by Ngā Iwi (particularly because ‘affordable’ was not defined in the Cultural Impact Assessment).</p>	<p>The CVA prepared by Ngā Iwi specifically noted the following: Ngā Iwi are committed to encouraging whānau to return to Matamata, and achieving affordable housing would be a significant step toward making this a reality. By providing accessible and affordable living options, we can create an inviting environment that support our families in coming home and reconnecting with their roots. Ngā Iwi seek support for a 5 percent of housing within the Ashbourne development to be designed as affordable housing, ensuring that whānau have access to secure, sustainable, and culturally appropriate homes.</p> <p>I acknowledge Ngā Iwi seeking 5% and note that the analysis from Market Economics confirms that 9% of the housing that will be delivered through the Ashbourne development is affordable. Furthermore, we continue to work with iwi and I have provided Ngā Iwi with a copy of the latest Market Economics</p>

³³ Market Economics Response to Minute 14: Economic Response to Planning Review of Housing Affordability Assessment dated 13 February 2026

	<p>report³⁴. On this basis, I consider no further response is required given the CVA and expert analysis is clear.</p>
<p>Policy 1(c): The economic evidence largely focussed on the supply / demand aspects of housing in Matamata. But in the context of Policy 1(c), accessibility to employment is also a relevant consideration. In the absence of expert evidence, I cannot quantify the employment accessibility shortcomings (or otherwise),but note that if there is an imbalance (a lack of employment opportunities in Matamata), people will have to rely on car-based travel to jobs in the wider district and beyond. However, with respect to access to community services, open spaces etc, I consider that the application has appropriately responded to transport feedback and adopted recommended internal layout and wider network changes to improve accessibility.</p>	<p>I do not agree with the assessment and conclusions drawn by Ms Tait in relation to Policy 1(c) of the NPS-UD. I direct the Panel to the following supporting documentation responding to this matter:</p> <ul style="list-style-type: none"> • Strategic Planning and Urban Design Response – Ashbourne, dated 10 February 2026 • Response to Planning Review of Housing Affordability Assessment – Market Economics, dated 13 February 2026 <p>Of note, I reiterate the following key points:</p> <ul style="list-style-type: none"> • Ms Tait appears to have potentially misread this objective and has combined both elements of subpart (a) into a combined test to be met (i.e. she has read the objective as an “and” rather than an “or”). Policy 1(c) does not state or require a centre zone to provide many employment opportunities, nor does it require that an urban environment must provide full employment opportunities for future residents. • The Site is located approximately 4 or 5-minutes’ drive from the Matamata town centre, less than 10-minutes cycle and approximately 20 to 30 minutes’ walk. In my opinion, these distances more than qualify as being “near” to the town centre. • The Ashbourne site is also located near to other areas with many employment opportunities. Further, Matamata functions as a service town for its rural hinterland e.g. Matamata provides housing for workers who may be employed in rural trades and services. Ms Tait raises specific

³⁴ Market Economics Response to Minute 14: Economic Response to Planning Review of Housing Affordability Assessment dated 13 February 2026

concerns that people may have to rely on car-based travel to jobs in the wider district because of the Proposal when that, in my view, is a key function of Matamata within the Waikato region.

- The NPS-UD does not require an urban environment's employment opportunities to match its population – rather that areas with many employment opportunities (e.g. an industrial estate) are one of several factors that should help inform where some housing should be located. An individual's housing preferences may be informed by a wide range of different factors e.g. proximity to schooling, family connections, employment. Employment opportunities are now less reliant on a specific physical location with the rise of remote working, which is evident in Matamata with increasing rates of people working from home.
- Ashbourne will have similar access to local employment opportunities to other development areas in Matamata, including development within greenfield areas anticipated by the Plan. The alignment of labour market catchments and areas of employment is less geographically precise than household consumer access patterns to local commercial areas, and is most relevant at the overall township level. There may also be an increase to local employment opportunities if the proposed development were to attract a share of demand originating from outside of the local area.
- It is unclear whether Ms Tait has also considered the local employment opportunities provided directly within the proposed development. These include employment associated with the retirement village operations and aged care facilities, and that contained within the proposed small commercial nodes serving local convenience demand. In total, these amount to 135 jobs (108.6 FTEs) as stated in Mr Colegrave's report, and exclude any further employment sustained within other parts of the township from household demand. In this instance, the 135 job

	opportunities associated with the development might be serviced by people who choose to live in the residential portion of Ashbourne.
Policy 1(d): I agree with Messrs McNutt and Rademeyer that the development will contribute to the competitive operation of the land and development markets. This also addresses, in part, Objective 2.	Agree – no further comment required.
Policy 1(e): Further to Policy 1(c), I consider that the proposal provides for walking and cycling connectivity. But I do not consider that the issue of local employment has been sufficiently resolved to confirm that there will not be an increase in car-based travel. In terms of the solar farms, increased solar generation is expected to improve the potential to rely on hydro generation for energy ‘firming’ (rather than non-renewable firming, e.g. Huntly). As such, I consider that the solar farms will support reductions in greenhouse gas emissions (although not as a standalone project, but as part of a nationwide transition). This also addresses, in part, Objective 8.	<p>I agree that the proposal provides for good walking and cycling connectivity. As noted above, I disagree with the issues Ms Tait has raised in relation to local employment. I direct the Panel to the following supporting documentation responding to this matter:</p> <ul style="list-style-type: none"> • Strategic Planning and Urban Design Response – Ashbourne, dated 10 February 2026 • [Response to Planning Review of Housing Affordability Assessment – Market Economics, dated 13 February 2026 <p>I agree with Ms Tait that the solar farms will support reductions in greenhouse gases.</p>
Policy 1(f): Relying on the expert engineering evidence, I understand that modelling has included climate change requirements. Accordingly, I am satisfied that the proposal is resilient to climate change. This also addresses, in part, Objective 8.	Agree – no further comment required.
<p><u>Objective 3 and Policy 2:</u></p> <p>As noted above, I consider that Matamata qualifies as an urban environment. However, I do not consider that its town centre has ‘many’ employment opportunities (Objective 3(a)), there is no public transport service (Objective 3(b)) and the Residential Capacity Assessment 2025 does not suggest that there is a particularly high demand to live in Matamata (Objective 3(c)) or a</p>	<p>I disagree with the assessment and conclusions drawn by Ms Tait in relation to Objective 3 and Policy 2 of the NPS-UD. I direct the Panel to the following supporting documentation responding to this matter:</p> <ul style="list-style-type: none"> • Strategic Planning and Urban Design Response – Ashbourne, dated 10 February 2026

demand that cannot be satisfied by the planned housing supply. Accordingly, I do not consider that the proposal is consistent with Objective 3 or satisfies an unmet demand as required by Policy 2.

- Response to Planning Review of Housing Affordability Assessment – Market Economics, dated 13 February 2026

Of note, I reiterate the following key points:

- As noted above, the NPS-UD does not require an urban environment’s employment opportunities to match its population – rather that areas with many employment opportunities (e.g. an industrial estate) are one of several factors that should help inform where some housing should be located. An individual’s housing preferences may be informed by a wide range of different factors e.g. proximity to schooling, family connections, employment. Employment opportunities are now less reliant on a specific physical location with the rise of remote working, which is evident in Matamata with increasing rates of people working from home. On this basis, the Ashbourne development is consistent with Objective 3 and Policy 2.
- The Ashbourne development is expected to have comparable access to local employment opportunities as other planned greenfield growth areas in Matamata, as labour market catchments operate at a township-wide scale rather than being tightly location-specific. The proposal may also increase local employment if it attracts demand from beyond the immediate area.
- Ms Tait incorrectly states there is no public transport service serving the Site. Matamata is currently serviced by the Eastern Connector Service which provides three-return weekday trips with onwards links to Morrinsville and Hamilton. The closest stop served by this route is located on Smith Street approximately 450m east of the Site via Station Road meaning that the northern portion of the Site has proximate access to a bus service within a 5-to 10-minute walking time.

	<ul style="list-style-type: none"> The Waikato Regional Council has recently signalled changes to public transport serving Matamata-Piako in the medium term as well as aspirations for expansion of public transport services in the long term, including a potential increase in frequency to 1-hour services at peak times. The signalled changes to public transport servicing Matamata could reasonably be improved or made more viable through the additional housing capacity Ashbourne would deliver.
<p><u>Objective 4 and Policy 6:</u></p> <p>The proposed development is markedly at odds with the planned outcomes for the site (represented by the operative zonings). I do not consider that changes (to amenity) must be accepted for changes sake, rather I consider that Objective 4 must be considered in the context of the need for the change. In this case, the Residential Capacity Assessment does not identify a shortfall in housing supply. Further, the factors in Objective 3 do not warrant additional housing (i.e. there is no unmet demand, and there is no public transport system or local employment opportunities to support additional housing development).</p>	<p>I disagree with Ms Tait’s assessment and conclusions drawn in relation to Objective 4 and Policy 6. I direct the Panel to the following supporting documentation responding to this matter:</p> <ul style="list-style-type: none"> Insight Economics – Ashbourne – Response to Planz Memo, dated 11 February 2026 The original Economic Impact Assessment lodged with the substantive application and all subsequent economic memorandums filed with the Panel Strategic Planning and Urban Design Response – Ashbourne, dated 10 February 2026 <p>There is disagreement on the residential capacity and shortfalls. I rely on and direct the Panel to the <i>Ashbourne Fast Track Panell – Response to Economic Issues Raised in Peer Review by Planz Consultant, dated 11 February 2026</i> as well as all previous economic assessments and responses to further information requests. Insight Economics explains that there is no certainty as to whether there is sufficient housing capacity in Matamata, as the actual feasible housing capacity may be significantly lower than the theoretical estimates referred to by Ms Tait.</p> <p>While views differ on this matter, it is necessary to consider not only theoretical capacity, but also the deliverability, feasibility, location, and market</p>

attractiveness of that supply. The economic response for Insight Economics to Minute 14 confirms, when feasible and realistically deliverable capacity is distinguished from theoretical plan-enabled capacity, the evidence demonstrates that available housing supply is significantly overstated, with realistic infill and greenfield capacity substantially lower than assumed in the HCA. As a result, the corrected analysis confirms that a housing shortfall is likely to occur sooner than projected and supports the need for additional housing supply in the near term.

It is accepted that the Ashbourne application does not align with the operative zoning framework under the MPDC District Plan. However, that misalignment is not determinative. The fact that land is not currently zoned for urban development does not preclude the granting of resource consent, nor does it prevent a future plan change from being initiated and approved which can generate additional housing supply, respond to any shortfall or increasing / changing demand.

Importantly, operative zoning is not, in itself, a guarantee that sufficient housing supply exists. Zoned capacity may be constrained by infrastructure limitations, fragmented ownership, market viability issues, or landowner unwillingness to develop. Nor does zoning ensure that the type, location, or form of housing provided will meet evolving demographic trends or market demand.

Even if Ms Tait's assumption on housing demand and supply were correct, I note that the NPS-UD directs councils to enable sufficient development capacity to meet demand and to ensure housing markets are competitive and responsive. It also requires decision-makers to be responsive to proposals that would add significant development capacity, even where such proposals are unanticipated or out of sequence with planned growth. This includes

	<p>opportunities to enable housing on land not presently zoned for urban purposes, where doing so would contribute to overall supply and choice.</p> <p>I direct the panel to my responses in the table above which address the issues raised by Ms Tait in relation to the public transport system and local employment opportunities.</p>
<p>Objective 5 and Policy 9:</p> <p>The Applicant appears to have spent a considerable amount of time engaging with Ngā Iwi. I therefore consider that the principles of Te Tiriti o Waitangi have been accounted for.</p>	<p>Agree – no further comment required.</p>
<p>Objective 6 and Policy 8:</p> <p>The proposed development is not integrated with infrastructure planning or funding decisions, but as the Applicant is willing to cover the cost of infrastructure (subject to an agreed PDA with the MPDC), this is a moot point. The proposal is not consistent with medium and long term planning; however Policy 8 requires councils to stay ‘responsive’ to unanticipated or out of sequence developments that are located in urban environments and add significantly to development capacity. The application represents an unanticipated development that would add significantly to development capacity. I am acutely aware that a zoned parcel of land does not necessarily translate into development, nor does a resource consent, and therefore there is a scenario where the owners of zoned land, or current consent holders, opt not to deliver housing which can create shortfalls in supply. For this reason, it is appropriate to contemplate unanticipated proposals. I cannot determine whether this unanticipated development is appropriate (only that the NPS-UD provides for such events), although I do note that the Applicant has agreed to cover infrastructure costs, that additional supply will contribute to the competitive operation of the land and development markets, but will have</p>	<p>I agree with Ms Tait regarding the provision of infrastructure and the applicant covering the associated costs. I re-confirm that a PDA has been entered into to, ensure the development pays for any town wide upgrades required for infrastructure capital works. Additionally, the development will have its own development contribution charged for each additional unit of demand generated by the proposal. Furthermore, the development will provide for its own roading, stormwater and urban infrastructure at the developers cost which will be vested.</p> <p>In terms of unanticipated proposals, I agree with Ms Tait that the NPS-UD requires councils to be responsive to consider such proposals, particularly those that would deliver significant development capacity. I consider that based on the intent and policy direction in the NPS-UD, that the Ashbourne development is appropriate and beneficial for the following reasons:</p> <ul style="list-style-type: none"> • The proposal contributes positively to the housing supply and choice within the wider urban environment.

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displacement effects, which are well canvassed in the evidence of Mr Tim Heath.

- The proposal provides a range of housing outcomes within the detached typology, including retirement units and flexible dwelling design.
- The proposal appropriately contributes to enabling a variety of homes that meet the needs of different households.
- The applicant will pay for the cost associated relevant new and upgraded infrastructure required to support the development.
- The site has good accessibility for all people to jobs, services, activities and amenity.
- The site encourages and promotes active transport through a range of walking and cycling options.
- The proposal supports reductions in greenhouse gas emissions through renewable electricity generation via solar farms within the development and active modes of transport.

On this basis, I consider that while not anticipated through operative zoning, the Ashbourne development positively contributes to the overarching objective of the NPS-UD and therefore provides a strong example of unanticipated development that should be granted.

I am unsure whether in making the reference to displacement effects, Ms Tait has considered the evidence from Mr Colegrave or Mr Denne or the legal advice from Jeremy Brabant. I direct the Panel to conclude its view based on the relevant evidence, including the Memorandum of Counsel for the applicant, dated 13 February.

Conclusion
I consider that the NPS-UD provides for the ‘right’ development, in the ‘right’ place, at the ‘right’ time. I do not consider that the application is the ‘right’ development, in the ‘right’ place, at the ‘right’ time. There is no housing supply

I consider the comments from Ms Tait are incorrect and do not provide an accurate representation of the policy intent and direction in the NPS-UD. I am unaware of the purpose of Ms Tait’s statement regarding the type of development that the NPS-UD seeks to “provide for”, or its relevance and use

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<p>shortfall that needs to be addressed; the location is not serviced by public transport and does not service a key employment centre; lastly, the proposed housing typology offers ‘more of the same’ (which can be satisfied in other parts of the town).</p>	<p>in determining an alignment or not with the NPS-UD. I have concerns with this advice provided from Ms Tait should it be used to help inform a decision on this substantive fast track application.</p> <p>I direct the panel to my detailed comments above and the Memorandum of Counsel for the applicant dated, 13 February which speak to the positive alignment of the Ashbourne development with the NPS-UD.</p>
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Waikato Regional Policy Statement (WRPS)

<p>I largely agree with the assessment of Mr Rademeyer (although any disagreement is largely a function of timing). At the time Mr Rademeyer completed his assessment, the PDA was not being discussed with MPDC. Accordingly, now that the Applicant is proposing to privately fund the infrastructure upgrades/extensions required to service the residential and commercial development, I consider that the issue of integrating with infrastructure and funding decisions is a moot point.</p>	<p>The draft PDA has been in discussion with MPDC prior to lodgement and for a considerable amount of time with MPDC experts. It should be corrected that Mr Rademeyer was aware and a part of the PDA being discussed and finalised with MPDC at the time of his assessment (8th of August 2025 PDA Minutes & ongoing) and it would be appropriate to conclude that relevant parties were aware that the applicant was connecting to the Public Infrastructure (as per the substantive application) and thus was to rely on upgrades (funded by the applicant via PDA) to enable the proposal. Thus, I hold the view that the proposal is (where suitable) integrated with Infrastructure. Irrespective of what Mr Rademeyer was or was not aware of, a PDA is referenced and required under the conditions of consent (see the 19 January 2026 Memorandum of Counsel on behalf of MDL).</p>
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<p>Neither Mr McNutt or Mr Rademeyer contemplated UFD-P19. This policy requires that any unplanned or out of sequence development should have regard to the criteria in Appendix 14. Criteria A requires that any unplanned development makes a significant contribution to meeting a demonstrated need or shortfall. As discussed above, based on the Residential Capacity Assessment, there is no housing supply shortfall that needs to be addressed. Based on this, I consider that the proposal is inconsistent with UFD-P19. With</p>	<p>As noted above, I disagree with Ms Tait’s opinion that there is no housing supply shortfall. The HCA that Ms Tait relies on has since been interrogated further by the economic experts. I rely on the expert evidence and advice from Insight Economics. I direct the Panel to the <i>Ashbourne Fast Track Panell – Response to Economic Issues Raised in Peer Review by Planz Consultant, dated 11 February 2026</i> as well as all previous economic assessments and responses to further information requests. I reiterate the following critical point – “<i>when feasible and realistically deliverable capacity is distinguished from theoretical plan-enabled capacity, the evidence demonstrates that available housing</i></p>
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respect to the other criteria, these largely replicate the matters raised in the NPS-UD, so I will not repeat that discussion here.

supply is significantly overstated, with realistic infill and greenfield capacity substantially lower than assumed in the HCA. As a result, the corrected analysis confirms that a housing shortfall is likely to occur sooner than projected and supports the need for additional housing supply in the near term”.

I have read UFD-P19 and the relevant criteria in Appendix 14 and agree it is relevant. Much of the criteria relates to matters addressed above through the NPS-UD, however for completeness I consider that the proposal is consistent with the UFD-P19 and Appendix 14 for the following reasons:

- The Ashbourne proposal represents a significant residential and retirement village development that would materially increase housing supply within a tier-3 local authority area, contributing toward meeting demonstrated housing demand.
- The scale and diversity of housing typologies, including retirement living, support a broader range of housing choice and contribute toward a more competitive land and housing market.
- The master-planned nature of the development, including integrated open space, neighbourhood centre activities, and supporting infrastructure, is generally consistent with creating a well-functioning urban environment.
- The proposal’s proximity to the existing Matamata urban area provides potential for connectivity to services, employment, and community facilities.
- The inclusion of internal walking and cycling connections, greenway links, and neighbourhood-scale amenities supports good local accessibility and encourages active transport for short trips.

	<ul style="list-style-type: none"> • Provision for active transport connections between the development and the existing urban area has the potential to contribute to mode shift by enabling walking and cycling as realistic alternatives to private vehicle use. • The fast-track pathway and defined development programme indicate a strong level of development commitment and potential deliverability within the short to medium term, subject to the delivery of infrastructure as per the PDA. <p>Overall, the proposal demonstrates alignment with APP14 responsive planning criteria. The proposal provides a significant contribution to meeting a demonstrated need or shortfall by providing a range of housing choice, type and density at scale. I consider the proposal aligns with UFD-P19.</p>
<p>With respect to the land and freshwater objectives and policies, I am satisfied that, because there is general agreement amongst the technical water experts that consent can be granted (and any outstanding issues resolved through conditions of consent), the proposal is consistent with the relevant provisions of the WRPS.</p> <p>I obviously reach a different position to Mr McNutt on Objective LF-O5 (and related Policy LF-P11) regarding the loss of HPL. Specifically, these direct that a decline in available HPL (high class soils) due to inappropriate use, development and subdivision should be avoided. Through the NPS-HPL discussion, it has been established that the proposed residential and retirement village uses, development and subdivisions are inappropriate. The WRPS entrenches this position by stating ‘...Inappropriate subdivision, use and development may limit access to such resources and hence the ability for primary production activities to be undertaken...’.³⁵</p>	<p>In relation to land and freshwater objectives and policies, I agree – no further comment required.</p> <p>In relation to Objective LF-O5 and Policy LF-P11, I direct the Panel to my commentary above on the NPS-HPL as well as the supporting memorandum from Mr Hunt dated 13 February and the Attachment 3 – Applicant’s Response to NPS-HPL comments, dated 18 November. While some LUC 1 - 2 soils are affected, the evidence from our experts (Land Systems and AgFirst) confirm the site is of limited productivity capacity and not economically viable to support land based primary production for at least the next 30 years. While the NPS-HPL may provide avoidance regimes for subdivision, use and development, it also provides a pathway for those activities to occur where there are permanent or long term constraints. The proposal satisfies that pathway as outlined above in this memorandum. In my opinion, the compact and efficient urban form proposed also limits from further encroachment and will ensure that land that is of high value and suitable for primary production in accordance</p>

³⁵ Waikato Regional Policy Statement, SRMR-PR4 – Managing the built environment

With respect to the natural hazard objectives and policies, again, I reach a different position to Mr McNutt as I do not consider that the active faulting risk has yet been adequately addressed (as I have already canvassed).

Lastly, I consider that the application is consistent with EIT-O1 as the solar farms will support a reduced reliance on fossil fuels over time.

Overall, I consider that the proposal is inconsistent with the urban form, HPL and natural hazard outcomes sought by the WRPS.

with Objective LF-O5 and Policy LF-P11 are protected in the long term. I also refer to the 13 February 2026 memorandum of counsel that comprises a part of MDL’s response to Minute 14, and which addresses how these matters should be considered in the context of the FTAA.

Regarding Ms Tait’s assessment and conclusions relating to natural hazards, I direct the Panel to the following memorandums prepared in response to Minute 14:

- CMW³⁶ – with particular regard to active faulting and the acceptance of conditioning to manage potential liquefaction risk.
- WGA Technical Memorandum with regards to updated ground water levels – Response to Minute 14 (Points 3, 4, 5 and 6) dated 10 February 2026.

Those memorandums reach appropriate conclusions based on the best available information that have informed draft conditions of consent to ensure any potential risk is managed and mitigated as required. The updated water table clarification from WGA (refer to WGA Technical Memorandum – Response to Minute 14 (Points 3, 4, 5 and 6) dated 10 February 2026), helps conclude an acceptable level of groundwater levels to then be informed by a future Geotechnical Completion Report (GCR) to ensure future structures are designed to match the assessment risk.

Further, I note that mitigation of fault hazards has been addressed in previous RFI responses in the CMW Fasttrack RFI Response Letter (ref. HAM2023-0124AQ Rev 0, dated 17 November 2025), under Table 1, Item 8, Note 2(1-4). This has been prepared in accordance with MfE guidance on planning

³⁶ CMW FT RFI Response memo, Appendix A Response Table - Item 1 ‘Active Fault Risk’

	<p>developments near active faults, and the findings from recent research conducted by GNS/University of Waikato staff presented in a paper from 2025.</p> <p>Lastly, I agree with Ms Tait’s assessment of EIT-O1 and do not consider any further comment is required.</p>
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Operative Matamata-Piako District Plan (MPDP)

<p>As above, I largely agree with the assessment of Mr Rademeyer (although any disagreement is largely a function of timing). At the time Mr Rademeyer completed his assessment³⁷, the PDA was not being discussed with MPDC. Accordingly, now that the Applicant is proposing to privately fund the infrastructure upgrades/extensions required to service the residential and commercial development, I consider that the issue of integrating with infrastructure and funding decisions is a moot point.</p> <p>In particular, I agree with Mr Rademeyer’s assessment of the urban growth and design, appearance and character objectives and policies, which direct that residential development should occur within “appropriate existing zone boundaries”³⁸ and that development in the rural zone/s (noting that the Rural-Residential Zone is a rural zone) should “maintain[s] or enhance[s] the rural character, landscape and amenity of the zone”.³⁹ I agree with Mr Rademeyer’s assessment of the HPL (high quality soils) objectives and policies (Part A.3.3.2.1).</p>	<p>I agree with Ms Tait regarding the infrastructure PDA. No further comment is required.</p> <p>I respectfully direct the panel to Appendix 4K and Appendix 5N which contains an assessment of the retirement village and residential development respectfully. Generally, as those assessments demonstrate the Ashbourne proposal is largely consistent with the objectives and policies in the MPDP, which is support by technical assessments. I provide some further brief commentary below.</p> <p><u>Retirement village</u></p> <p>The retirement village proposal generally aligns with the MPDP objectives and policies that relate to coordinated urban form, infrastructure integration, housing supply, and environmental outcomes. The proposal also incorporates active transport links, stormwater management, ecological enhancement, and engagement with tangata whenua, contributing to social, cultural, and environmental wellbeing outcomes sought in the Plan.</p> <p>I acknowledge there is some misalignment with objectives and policies relating to high class soils. Despite this, as the expert advice from Reece Hill and Jeremy</p>
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³⁷ Evidence of Marius Rademeyer, Memorandum 2, Table 1

³⁸ Matamata-Piako District Plan, Part A.2.4.1, Policy 2

³⁹ Matamata-Piako District Plan, Part A.3.5.2.2 Objective 3

	<p>Hunt confirms, the site is subject to a series of constraints and is of limited productive capacity.</p> <p><u>Residential</u></p> <p>The proposal generally aligns with the MPDP objectives and policies. Specifically, it aligns with the Plan’s strategic direction for consolidated, infrastructure-serviced urban growth by providing a comprehensively planned urban extension contiguous with Matamata’s existing urban area. It supports the creation of a well-functioning urban environment through increased housing supply and diversity, integrated open space and greenway networks, active transport connections, and coordinated infrastructure delivery.</p> <p>I acknowledge there is some misalignment with objectives and policies relating to high class soils. Despite this, as the expert advice from Reece Hill and Jeremy Hunt confirms, the site is subject to a series of constraints and is of limited productive capacity.</p>
<p>There are other objectives and policies, not specifically mentioned by Mr Rademeyer, that I consider relevant to the application:</p> <ul style="list-style-type: none"> • Part A.3.2.2.5 Objective 1 and Policy 1: These direct a precautionary approach to development in suspected earthquake hazard areas. • Part A.2.4.8, Objective 1 (and related policies): These support the development of renewable energy developments. • Part A.3.8.2: The amendments to the transportation network and internal layout agreed by the applicant will satisfy the relevant transportation objectives and policies. <p>Overall, I consider that the proposal is inconsistent with the urban form, HPL and natural hazard outcomes sought by the MPDP. But it is consistent (or has</p>	<p>I partially agree with Ms Tait’s conclusions. I respond to the other objectives and policies raised by Ms Tait below.</p> <ul style="list-style-type: none"> • Part A.3.2.2.5 Objective 1 and Policy 1 – The Ashbourne Fast Track proposal adopts a precautionary approach through geotechnical assessment and proposed conditions requiring specific foundation design and engineering solutions to address seismic and ground stability risks. The use of engineered mitigation measures, supported by consent conditions requiring compliance with geotechnical recommendations, is generally consistent with the policy framework, provided these measures are implemented to appropriately manage uncertainty and reduce risk to acceptable levels. Further, I note for clarity that mitigation of fault hazards has been addressed in previous RFI responses in the CMW Fasttrack RFI Response Letter (ref. HAM2023-0124AQ Rev 0, dated 17 November 2025), under Table 1, Item 8, Note 2(1-4). This has been prepared in

the potential to be) with the renewable energy and transport outcomes anticipated by the District Plan.

accordance with MfE guidance on planning developments near active faults, and the findings from recent research conducted by GNS/University of Waikato staff presented in a paper from 2025.

- Part A.2.4.8, Objective 1 (and related policies) – The proposal includes the development of two solar farms which promote and deliver favourable renewable energy outcomes. On this basis, I consider the application is consistent with this objective and related policies.
- Part A.3.8.2 – I agree with Ms Tait’s conclusion that the transportation network proposed and internal layout satisfies the relevant transport objectives and policies.

On the basis of the information above, I consider that the proposal is consistent with the MPDP objectives and policies.

As a side note, I consider it is important to acknowledge the Matamata Town Strategy 2013 – 2033 (published in 2013) which identifies the potential for the rural-residential zoned portion of the application site to be developed in the future for residential purposes. However, the District Plan (published in 2015) does not include any provisions that would facilitate this long term strategy (i.e. notes on the Eldonwood South Structure Plan or inclusion in the Future Residential Policy Area Overlay). Accordingly, I do not consider that the Matamata Town Strategy 2013 – 2033 can be relied upon to support the densification outcomes in the Eldonwood South Structure Plan area.

I disagree with Ms Tait’s statement and conclusion on this matter. A portion of the Ashbourne site is identified within the Matamata Town Strategy 2013–2033 and falls within the Eldonwood South Structure Plan area, both of which are publicly available strategic planning documents prepared by MPDC. These documents clearly signal an anticipated long-term intent for the rural lifestyle zoned land to transition to residential development as part of Matamata’s future growth.

It is not uncommon for land identified for future urban expansion in strategic growth strategies or structure plans to remain outside the operative district plan zoning framework until such time as a plan change is progressed. The absence of a corresponding zoning in the operative district plan does not negate, diminish, or invalidate the strategic intent expressed in those Council-adopted documents. Nor does it provide a sound basis to disregard them in the assessment of a resource consent application.

Strategic planning documents such as the Matamata Town Strategy and the Eldonwood South Structure Plan form an important part of the broader planning context. They articulate Council’s long-term growth management direction and provide insight into how and where urban expansion is anticipated to occur. It would, in my view, be incorrect to assume that because the land is not currently zoned for residential purposes in the district plan, it cannot be relied upon as part of the strategic justification for the Fast-track consent application.

For completeness, I note that I have not placed determinative or significant weight on the Matamata Town Strategy or the Eldonwood South Structure Plan in reaching my overall conclusions. Rather, I have referenced them as relevant contextual documents that help to inform the master planning approach for the site, particularly given the clear indication that the land is intended to support future growth. They provide useful background to the planning thinking for this area and reinforce that residential development in this location is not inconsistent with the district’s longer-term strategic direction.

Part 2 of the Resource Management Act (RMA)

The FTAA requires that an application include an assessment of Sections 5, 6 and 7 of the RMA. I agree with Mr Rademeyer that it would be sensible if the Davidson⁴⁰ decision were to also apply with respect to the FTAA (to avoid unnecessary recourse to Part 2), but given that that is unclear, I will also provide comment.

I do not consider that the application gives effect to the purpose of the RMA. The proposal does not meet an unsatisfied housing supply need and accordingly seeks to utilise HPL unnecessarily (thereby not safeguarding the life supporting capacity of the HPL and not sustaining the soil resource for the

I disagree with Ms Tait’s conclusion regarding the Davidson decision and it’s application in making a decision under the FTAA. I direct to the panel to the *Memorandum of Counsel for MDL, dated 13 February 2026*.

The conclusion by Ms Tait that the proposal does not give effect to the purpose of the RMA is not supported when the full context and evidence base is considered. I direct the Panel to the Overview Report and Volumes 2 -5 of the substantive application lodged for detailed assessments against Part 2 of the RMA (Sections 5, 6 and 7). Notwithstanding that, I make the following comments in response to Ms Tait’s assessment.

⁴⁰ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

reasonably foreseeable needs of future generations). As the potential for active faulting has not been confirmed, I do not consider that the proposal has provided for the management of significant risks from natural hazards. I do not consider that the proposal is an efficient use of the finite soil resource (given that there is sufficient zoned and planned land for housing supply). I consider that the planned rural residential amenity is being unnecessarily affected (however, I note that if there was a housing supply shortfall, I would be satisfied that this change in amenity was justified). I question whether the proposal will unnecessarily increase greenhouse gas emissions by requiring residents to commute to employment outside the town or district. Lastly, I am satisfied that the proposal promotes the benefits derived from renewable energy use and development.

The purpose of the RMA, is to promote the sustainable management of natural and physical resources by enabling people and communities to provide for their social, economic and cultural wellbeing while sustaining the potential of natural resources to meet the reasonably foreseeable needs of future generations, safeguarding life-supporting capacity, and avoiding, remedying or mitigating adverse effects. Importantly, the RMA does not require the preservation of resources in a static state, but rather requires a balanced judgement that integrates enabling development with appropriate environmental management. When assessed in this context, the conclusion that the proposal does not give effect to the purpose of the RMA is not supported by the full Ashbourne evidence base.

In terms of section 5, the proposal responds to a demonstrated and more imminent housing supply shortfall once feasible and realistically deliverable capacity is distinguished from theoretical plan-enabled capacity; our economic evidence shows that infill and greenfield capacity is materially overstated in the HCA, confirming the need for additional housing supply. This was further supported by Tim Denne in the Joint Economic Witness Statement⁴¹. While the development involves Highly Productive Land (HPL), the land is fragmented and subject to physical, operational and reverse-sensitivity constraints that limit its overall value and viability for efficient primary production. In this context, the use and protection of HPL must be appropriately balanced against the need to enable social and economic wellbeing. The proposal represents a comprehensively master-planned urban extension that provides a logical and efficient response to growth, delivering integrated infrastructure, higher density outcomes relative to rural-residential development, accessible neighbourhood services, and renewable energy generation in a coordinated and sustainable manner.

⁴¹ Joint Witness Statement – Economics Ashbourne [FTAA-2507-1087] 11 December

With respect to Section 6, the matters are not relevant to this application other than natural hazards. Specifically in relation to natural hazards, the absence of confirmed active faulting does not equate to unmanaged risk. Rather, the proposal adopts a precautionary, risk-management approach through detailed geotechnical assessment and proposed engineering and foundation design requirements secured by conditions, which is consistent with established RMA practice of managing rather than avoiding hazards where risk can be reduced to acceptable levels. All other potential natural hazards and associated risk have been adequately assessed and/or mitigated through conditions of consent proposed.

In relation to section 7 matters, including efficient use of resources and amenity values, the proposal consolidates development adjacent to the existing urban area and provides an integrated urban form that represents a more efficient long-term use of land, particularly noting the identified housing supply and capacity issues and the constraints on the highly productive land. The change to rural amenity is justified when considering the housing need and that the development clearly assists with achieving a well-functioning urban environment. The inclusion of a neighbourhood centre, internal connectivity, active transport infrastructure, and renewable energy generation supports reduced travel demand and lower emissions relative to less coordinated growth patterns.

Overall, when assessed holistically against sections 5, 6 and 7, the proposal appropriately balances the use and development of natural resources with the management of adverse effects and therefore aligns with the purpose and principles of Part 2 of the RMA.

Fast Track Approvals Act (FTAA)

Section 85(3) directs that a Panel may decline an application if there are one or more adverse impacts and ‘those adverse impacts are sufficiently significant to

I disagree with Ms Tait’s assessment and rely on the Memorandum of Counsel for MDL, dated 13 February. In relation to Ms Tait’s comments on adverse

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<p>be out of proportion to the project’s regional or national benefits’ even after consideration of the conditions of consent.</p> <p>I have been asked by the Panel to comment on what I consider to be the adverse impacts of the proposal. I note Mr Rademeyer’s⁴² comment that ‘the inconsistencies [with planning and policy documents], on their own, do not in my view constitute an “adverse impact” of the kind referred to in s85(3) FTAA, that warrants consideration in the proportionality assessment’. I disagree with this assertion. In particular, if a proposal cannot reconcile itself with a national policy statement (which tend to be very prescriptive as to outcomes), it must, in my view, constitute an adverse impact worthy of the Panel’s consideration in the ‘proportionality test’.</p>	<p>impacts, please refer to my summary position supported at the top of this memorandum.</p>
<p>I consider that the proposal will give rise to the following significant adverse impacts:</p> <ol style="list-style-type: none"> (1) The active fault risk is unresolved and has not been addressed to the extent that it satisfies the NPS-NH, the WRPS or the MPDP, meaning that people could potentially be exposed to a very high (significant) natural hazard risk. (2) There is no pathway through the NPS-HPL, the WRPS or the MPDP for the retirement village and a portion of the residential development, meaning that these components of the development do not protect the site for land-based primary production, both now and for future generations. (3) The inconsistencies with the NPS-UD are, in my opinion, finely balanced. If the proposal results in a redistribution and dilution of growth this could undermine a well functioning urban environment. This impact could be significant. 	<p>I disagree with Ms Tait’s conclusions drawn here. I provide comment on each of the matters below.</p> <ul style="list-style-type: none"> • Active fault risk – I disagree that the matter is unresolved. I take the view that subject to the expert opinions presented from our specialists and the subsequent proposed conditions that relate to building foundation type that any potential risk relating to an active fault can appropriately managed. Additional ground water information has been provided via WGA and specific responses have been provided to mitigate and manage the potential effects IF a fault was uncovered. The mitigation largely deals with managing stormwater and avoiding soakage options, utilising the greenway and wetlands along with designing to existing drainage. Particularly in basin B, there will be a lesser impact on the water table through increased impermeability and engineered stormwater solutions. <p><i>Further "The JWS agreed by the MPDC and applicant geotechnical expert representatives confirmed that that the geotechnical experts from both</i></p>

⁴² Evidence of Marius Rademeyer, Memorandum 3, page 6

(4) Lastly, I am of the opinion that the FTAA does not preclude consideration of cumulative adverse impacts, where a number of adverse impacts do not in themselves pass a significant threshold, but collectively could have a significant adverse impact.

parties agreed that the Ashbourne site is "...not requiring any further assessment for active faulting..." for this stage of the FT application. MPDC and the applicant geotechnical experts agreed that a desktop screening should be a resource consent condition, and is to be carried out by a SQEP from Earth Science New Zealand before future detailed design of the development."

- NPS-HPL – I disagree with Ms Tait’s conclusion on the NPS-HPL. I direct the Panel to my assessment above as well as the expert evidence from Jeremy Hunt. As our evidence demonstrates, the site is subject to permanent and long term constraints impacting the ability of the land to be used for primary production activities in the long term. On this basis, Clause 3.10 provides a pathway that has been satisfied.
- NPS-UD – I disagree with Ms Tait’s conclusion on the NPS-UD. I direct the panel to my assessment above, as well as the expert evidence of Cam Wallace, Susan Fairgray and Fraser Colegrave accompanying this memorandum. As per the relevant assessments and evidence base, the proposal is consistent with the NPS-UD.
- Cumulative adverse impacts – I direct the Panel to the Memorandum of Counsel for MDL, dated 13 February and accompanying this memo in relation to the appropriate interpretation of cumulative adverse impacts under the FTAA.