

To: Ashbourne Expert Consenting Panel – Environmental Protection Agency c/ Nicky Sedgeley

From: Fraser McNutt – Barker & Associates Limited

Date: 18 November 2025

Re: Ashbourne [FTAA-2507-1087] – Applicant’s Response to NPS-HPL Comments Received

This memorandum has been prepared to address comments and concerns pertaining to matters relating to the National Policy Statement for Highly Productive Land (NPS-HPL) raised by the persons or groups set out in Section 53(2) of the Fast-track Approvals Act 2024 (“FTAA”) within their comments on the application by Matamata Development Limited (“the Applicant”) for the Ashbourne development (“the Project”). This memorandum responds specifically to the following comments:

- 47. Matamata Piako District Council – Annexure F – NPS-HPL Evidence
- 47. Matamata Piako District Council – Annexure D – Economics Evidence

The responses to the comments and concerns outlined below have been informed by technical input from Dr. Reece Hill, Soil Scientist, and Jeremy Hunt, Agribusiness and Environmental Consultant. Dr. Hill’s qualifications and experience were provided as part of the Ashbourne substantive application. Jeremy Hunt’s relevant qualifications and experience are detailed below.

Jeremy Hunt – Agribusiness Consultant, AgFirst Waikato Director

Jeremy is an Agribusiness Consultant at AgFirst Waikato (2016) Limited (**AgFirst Waikato**) in Hamilton, a role he has had for approximately 7 years. He has been a Director of AgFirst Waikato since 2020. Jeremy’s key focus area is land resource management and highly productive land and rural productivity assessments.

- Jeremy’s work history includes environmental consulting for NIWA, Halcrow Group (London Olympic Park Development), URS and AECOM. Following this he embarked on a dairy farming career, where he was contract milking in the Waikato.
- Jeremy holds a Bachelor’s degree in Environmental Science obtained in 2004 from the University of Canterbury. He has completed the intermediate and advanced sustainable nutrient management and advanced soil conservation papers at Massey University. He also has a Land Use Capability Mapping Workshop Certificate. Jeremy is a member of the New Zealand Institute of Primary Industry Management (**NZIPI**), an independent industry body for the farm advisory and rural profession.
- He has been involved in District Council and Environment Court hearings as well as Mediation and Expert Witness Conferencing for assessments against the National Policy Statement – Highly Productive Land (**NPS-HPL**), particularly relating to clause 3.6 and 3.10. He has also been involved in fast track assessments against the NPS-HPL.
- He has been involved in many due diligence assessments for land use change and was an author of the Our Land and Water – Barriers to Diversification Report as well as the co-author of the What Now Waikato, land use change diversification report.

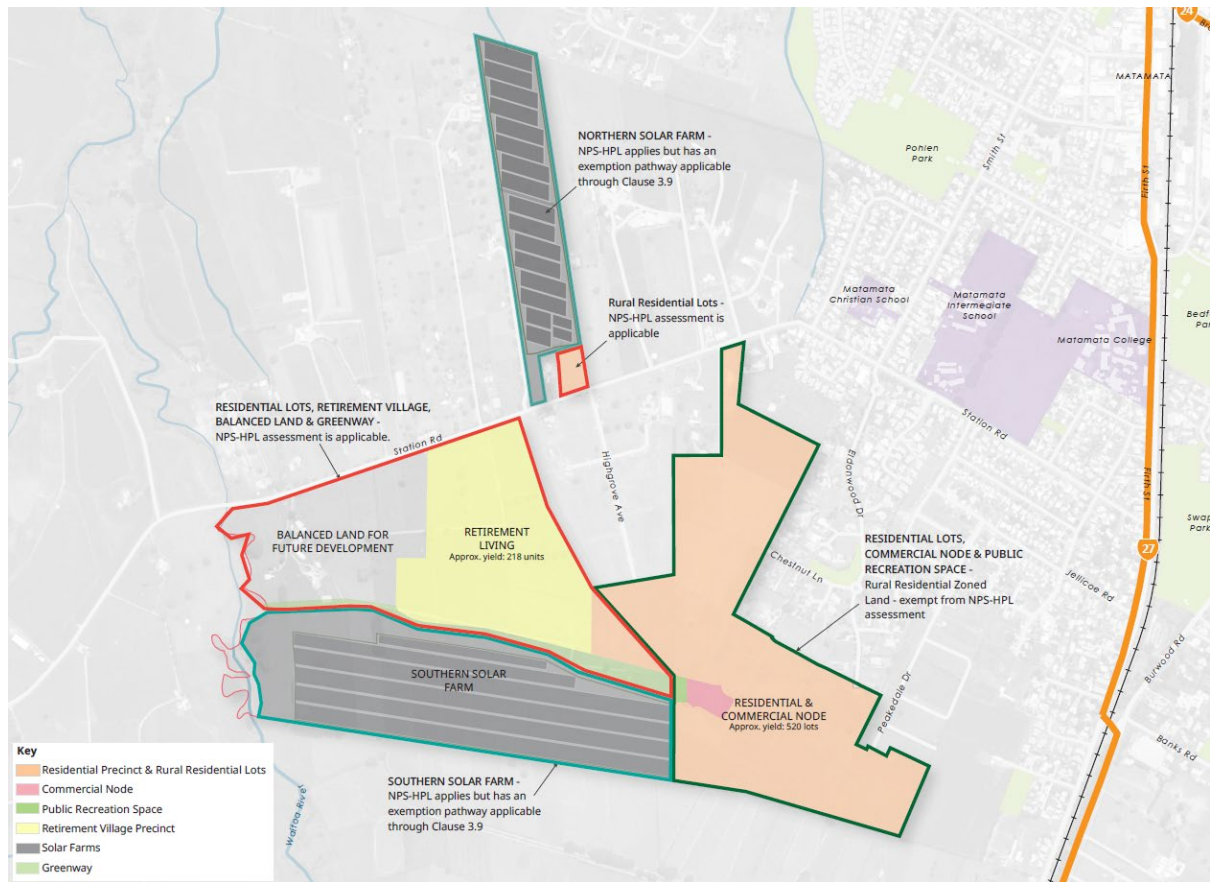
- The core focus of his experience relates to land and resource management. The nature of Jeremy's work leads him to work across a wide range of issues in the primary sector and land use assessments.

1.0 Annexure F – Highly Productive Land

From my review, it appears that Matamata-Piako District Council (MPDC) has overstated the extent to which the NPS-HPL applies to the Ashbourne development, and their comments suggest they are possibly assessing the NPS-HPL policy framework as if it applies to the entire site. For clarity, the following points outline the correct application of the NPS-HPL, supported by the figure and inform the responses provided in the table below.

- The majority of the residential proposal of the Ashbourne development is zoned Rural Lifestyle/Residential under the District Plan and is therefore exempt from NPS-HPL considerations. The exception is a small approximately 2.5ha corner adjoining the greenway and retirement village sites.
- The northern and southern solar farm areas are zoned Rural and therefore fall within the NPS-HPL framework; however, as acknowledged by MPDC and summarised below, the solar farms are exempt and provided for under a pathway in Clause 3.9, with grazing able to continue under the panels. As such, the solar farms land is not being lost to productive use.
- There is a portion of the site that does not form part of the application for development and will remain rural (the balance lot). This is known as Lot 2 and adjoins the Waitoa Stream, shown in Maven's Proposed Scheme Plan 'Day 0'.
- The remaining Rural-zoned land comprising the balance lot, retirement village, greenway, and approximately 2.5 ha of residential land totals approximately 40 ha and represents the only portion of the site where a full assessment under the NPS-HPL is required.

Accordingly, my responses to the comments received focus on this isolated central pocket encompassing the balance lot and retirement village, rather than the Ashbourne project as a whole.



1.1 Review of Land Use Capability Assessment

The Perrin Ag response confirms that they agree with the site-specific assessment undertaken by Landsystems and submitted with the substantive application relies on a sound methodology and analysis, and they generally agree with the interpretations made, being that all soils within the assessment area are deep and experience a mild climate, with the primary limitations for productive use being soil drainage (wetness) and slope class (erosion).

Further, Perrin Ag agree with the agronomic conclusions presents, including the evaluation of the suitability of different LUC units for the identified range of land uses, and consider the overall conclusions to be well-founded. The remainder of the Perrin Ag assessment is summarised in the below tables.

Memorandum

1.1.1 Review of NPS-HPL Assessment

Table 1: Response to Section 4: Review of NPS-HPL Assessment

	Summary of Comments	Applicant's Response
4.2	Clause 3.8 of the NPS-HPL	
4.2.3	<p>Volume 2, Section 6.2.1 acknowledges that <i>“the proposed subdivision to create Lots 8 and 9 is not consistent with the NPS-HPL”</i> but notes that <i>“the proposed subdivision design retains an appropriately sized balance lot (Lot 7) to support low-intensity uses”</i>. However, it is not clear on what basis the conclusion relating to Lots 8 and 9 has been reached, or whether this assessment relates specifically to Clause 3.8, or instead reflects a broader non-compliance with the NPS-HPL.</p>	<p>The assessment contained in the Volume 2 AEE relates with respect to proposed Lots 8 and 9 reflects a broader inconsistency with the relevant objectives and policies of the NPS-HPL. The conclusion in the AEE has been reached on the basis that proposed Lots 8 and 9 are a subdivision of highly productive land for lots that are sized to accommodate rural-residential activities. With specific regard to Clause 3.8, it is noted that the matters identified under Clause 3.8(1)(a) -(c) cannot be met for proposed Lots 8 and 9. Further comments on the application of Clause 3.8 to the Ashbourne development are set out below.</p>
4.2.4	<p>In relation to the vacant lot subdivision, Section 6.2.1 of Volume 2 states that <i>“Clause 3.8 of the NPS-HPL is not applicable as the matters identified in 3.8(1)(a)-(c) do not apply to the proposed subdivision”</i>. In our view, Clause 3.8 is applicable to the proposed vacant lot subdivision.</p> <p>While the subdivision itself may, if considered in isolation, be capable of retaining the productive capacity of the land over the long term, it forms part of a wider development proposal that would render a significant proportion of the site's HPL inaccessible to land-based primary production. When considered in this broader context, it is unlikely that Clause 3.8 of the NPS-HPL can be fully satisfied.</p>	<p>It is acknowledged that the proposed subdivision associated with residential and retirement activities located on highly productive land would not meet Clause 3.8(1)(a) – (c) when considered as part of the wider development and proposed land use activities. However, those aspects of the proposal are assessed against the NPS-HPL in the Individual Volumes 3-5, where the broader effects and land use outcomes are addressed.</p> <p>Clause 3.8 is one component of the list of implementation considerations that local authorities must undertake to give effect to the objectives and policies of the NPS-HPL. It is considered appropriate that the relevant implementation clauses (Clauses 3.1 – d3.13) are applied holistically and in an integrated manner, rather than in isolation from the objectives and policies of the NPS-HPL.</p> <p>For completeness, the following assessment of the proposed vacant lot subdivision is provided with respect to Clause 3.8, and specifically acknowledges the relationship between</p>

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	<p>the proposed subdivision and land use activities proposed as part of the Ashbourne development:</p> <ul style="list-style-type: none"> • Lot 1: Proposed Lot 1 will accommodate the retirement village and therefore will not satisfy Clause 3.8(1)(a)-(c). • Lot 2: Proposed Lot 2 is balance land that will remain vacant as no land use activities are proposed under the application. • Lots 3 and 7: Proposed Lots 3 and 7 will accommodate the solar farms which will include provision for grazing activities to occur concurrently with infrastructure activities. In addition, the solar farm activity and associated structures will not permanently limit the productive capacity of land and underlying soils will remain intact and suitable for future farming. This aspect of the proposal will avoid the cumulative loss of the availability and productive capacity of highly productive land and is considered to satisfy Clauses 3.8(1)(a) and clause 3.8(2). • Lot 4: Proposed Lot 4 is primarily zoned Rural-Residential, with the exception of approximately 2.5 hectares located within the Rural Zone. The NPS-HPL is only applicable to that part of Lot 4 within the Rural Zone. The 2.5 hectares of land will not satisfy Clause 3.8(1)(a)-(c). • Lots 5 and 6: Proposed Lots 5 and 6 are zoned Rural-Residential and accordingly the provisions of the NPS-HPL do not apply. • Lots 8 and 9: Proposed Lots 8 and 9 will be utilised for rural-residential living and will not satisfy Clause 3.8(1)(a)-(c). However, Lot 7, which is the balance of the existing site being subdivided to create Lots 8 and 9, will satisfy clause 3.8(1)(a) as outlined above. <p>Overall, there are some aspects of the Ashbourne development which do not satisfy Clause 3.8, however these areas comprise less than half of the total application site. Exemptions under Clause 3.10 also apply to Ashbourne, as set out below. For the reasons set out below and within individual Volumes 3-5, it is considered that the identified inconsistencies with Clause 3.8 do not result in an inappropriate overall development outcome when assessed against the NPS-HPL as a whole.</p>
4.3	Clause 3.9 of the NPS-HPL

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4.3.3	<p>Volume 3, Section 6.2.4 assess the development of the solar farm under the NPS-HPL and states that the NPS-HPL seeks to <i>“avoid non-land-based primary production activities and subdivision, except where this is provided for under Clauses 3.8 and 3.10”</i>. We consider Clause 3.9 to be relevant in assessing whether the solar farm development is appropriate under the NPS-HPL.</p>
4.3.4	<p>Whether a functional or operational need exists for a solar farm at this location is primarily a planning or engineering consideration (e.g., proximity to power grid infrastructure, land availability and suitability for solar development, and alignment with regional energy policies). If such a need exists, we consider that the solar farms, as specified infrastructure, would satisfy Subclause 3.9 (2)</p> <p>Clause 3.9 of the NPS-HPL requires councils to avoid inappropriate non-primary production activities on highly productive land unless an exception applies. While a solar farm is not considered land-based primary production, it can be enabled under Clause 3.9(2)(j)(i), which provides an exception for specified infrastructure which includes renewable energy generation such as solar farms where there is a demonstrated functional <u>or</u> operational need for the activity to occur on that land.</p> <p>For the purpose of this assessment, I have focused more on the operational need of the solar farms which relate specifically to site characteristics, proximity to the national grid and the dual use agrivoltaics. This is expanded on below.</p> <p>The proposed Ashbourne solar farm sites need to be located where proposed due to a combination of technical, physical, and infrastructure-related constraints. The land provides optimal solar resource conditions, including favourable orientation, consistent solar irradiance (unobstructed sunlight), and minimal shading, which are essential to ensure commercially viable renewable energy generation. The sites also have suitable topography which is generally flat to gently sloping land which is necessary for panel installation, structural stability, efficient layout design, and minimising earthworks.</p> <p>A critical driver is proximity to the existing electrical network. The Ashbourne sites are located near grid connection infrastructure (Brown Street substation located on Farmers Road – shown on Maven Drawing C720) with sufficient capacity to accept new generation without requiring extensive, costly, or environmentally disruptive transmission upgrades.</p>

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	<p>This proximity significantly reduces line losses, improves operational efficiency, and is essential for meeting Transpower and distribution network technical requirements. Alternative locations lacking this access would not be feasible or would require substantial new infrastructure, undermining the ability to deliver the project.</p> <p>Operationally, the sites offer appropriate access for construction and ongoing maintenance, with established road connections and suitable landform for vehicle movement. The rural environment also avoids conflicts with sensitive urban receivers and allows the project to be designed in a way that avoids or mitigates reverse-sensitivity effects on surrounding land uses. Finally, the land can be used in a reversible and low-impact manner, enabling long-term restoration to productive rural use after decommissioning. Collectively, these factors demonstrate a clear functional and operational need for the solar farm to be located at the Ashbourne sites.</p>
4.3.5	<p>Volume 3, Section 6.2.4 states that the proposed solar farms will <i>“support grazing of livestock beneath the solar arrays”</i> and that they are <i>“temporary in nature, with a lifespan of approximately 35 years”</i>. It further notes that <i>“the ongoing productive use of the land beneath the panels will ensure the ability for this land to be maintained in productive use long term, including beyond the lifespan of the solar farms if sought”</i>. We agree that an agrivoltaics approach, combined with the temporary and reversible nature of the infrastructure, would be consistent with Subclause 3.9(3)(a). In our experience, the potential for reverse sensitivity effects associated with solar farms is low, and an agrivoltaic arrangement would present a lower risk than many alternative uses, including cropping or higher-intensity pastoral</p>

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	systems. Accordingly, the solar farm proposal is likely consistent with Subclause 3.9(3)(b).	
4.3.6	We consider that the other development components proposed on the site's HPL, including the proposed residential lots and retirement village, would not satisfy the requirements of Clause 3.9 of the NPS-HPL.	Other than for the proposed solar farms (Volume 2), Clause 3.9 has not been identified as being applicable to the wider Ashbourne Development. Clause 3.8 is applicable as addressed above. It is noted that the exemptions provided for under Clause 3.10 are applicable, as further outlined below.
4.4	Clause 3.10 of the NPS-HPL	
4.4.6	While the application documents suggest that drainage and topography limitations restrict the productive potential of parts of the site, we do not consider these factors preclude the land's continues productive use as they can be addressed through appropriate drainage, grazing and cropping practices.	<p>The constraints and factors affecting the productive capacity potential are addressed in Appendix 1L Land Use Capability Classification Assessment and Attachment 1 – Legal Memorandum (HPL). Although the land remains productive to an extent, the significant limitations of wetness and slope remain. I have spoken with Reece Hill who has confirmed that the nature of the constraints present on the site are inherent to the characteristics of the soils and will remain long term. For the land with soil wetness limitations, the wetness limitations exist despite the presence of current drainage. These limitations will limit the range of land use options as well as the time of the year when the land can be used for cropping due to high water tables reducing trafficability access of heavy cropping machinery. Sloping land when cultivated will still have potential for erosion if there is bare soil exposed. Although cropping practices may be used to reduce the risk of erosion, the potential erosion risk still remains because the slope is unchanged.</p> <p>In addition to the above, the current landowners through the comments from invited parties confirm the significant constraints they face currently which makes primary production activities including dairy farming economically and practically unsustainable. Urban expansion has placed the site on the edge of a growing township, creating unavoidable conflicts with residential development and limiting farming operations. Loss of access to land across a busy road has reduced the effective milking platform to well below viable size, with no scope for expansion. Intensification would require major capital investment and likely trigger odour complaints and compliance issues, while current operations already face</p>

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	<p>nitrogen limits and poor soil conditions. Proximity to homes makes farming impractical without impacting residents, and in some circumstances fragmented family ownership further reduces feasibility. The land is no longer profitable enough to justify reinvestment, and even modest improvements would require significant cost. These factors collectively reinforce the need for alternative land uses that deliver greater community benefit, such as residential development and agrivoltaics.</p>
4.4.7	<p>Do not consider that the individual LUC units identified within the Landsystems report, and their drainage or topography limitations, limit the extent to which the land meets the mapping requirements in Clause 3.4. The HPL policy addresses LUC Classes 1, 2, and 3 land, rather than the individual units within them. In our interpretation of Clause 3.4(5)(b)-(d), the intent is to enable a pragmatic approach in mapping HPL areas, ensuring the policy is applied efficiently and practically. The class 4 land mapped in the report may impact the Clause 3.4 mapping; however, given the scale of the LUC 4 area (1% of assessment area), this is unlikely to materially affect how the entire site is evaluated under the HPL policy.</p> <p>The Subject Site is bound to the east by rural residential, to the south by a future solar farm, to the north with Station Rd, rural residential and solar farm, to the west by the Waitoa Stream. The subject site is isolated from other productive areas. Our specialists (Jeremy Hunt and Reece Hill) confirm that in their opinions, this isolated area remaining would no longer satisfy the term large and contiguous. It would be identified for future planning as an ideal area for urban expansion. The isolation presents additional constraints for intensive agricultural land uses. The many nearby residential receptors, many of which are now zoned urban or rural lifestyle, have a lower tolerance for nuisance dust, noise, rodent and spray effects.</p> <p>Further, the NZLRI LUC map information indicates that Matamata township is almost entirely surrounded by LUC 1, 2 or 3 land meaning that the availability of productive land that is not NPS-HPL defined highly productive land is very limited. The detailed soil map provided by the on-site assessment and by McLeod (1992) indicates the site's soils with poor drainage (wetness limitations) are likely to be more prevalent than for some other NPS-HPL defined highly productive land adjoining Matamata township. Therefore, in comparison, the relative range of land uses (and associated productive potential) are also likely to be less compared to other (more versatile) highly productive land adjoining Matamata township, which can support a wide range of uses including horticulture.</p> <p>Based on the above, our soils specialist confirms that from their perspective these non-productive land areas should be mapped separately because they are no longer considered productive land and do disrupt the practicable useability of the remaining productive land</p>

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	<p>on the Site. The on-site soil and LUC mapping provided a more accurate representation of the available productive land on the site.</p>
<p>4.4.8</p>	<p>The site remains within a much larger and geographically cohesive area of HPL extending from south of Matamata through to the Hauraki Plains.</p> <p>Portions of the site are zoned for rural residential use, which the NPS-HPL specifically excludes from mapping as highly productive land and does not form part of the consideration for large and geographically cohesive. This existing zoning reflects an established transition away from productive rural land use and towards a peri-urban or lifestyle pattern of development. Moreover, where present, the site's non-productive land, as confirmed in Appendix 1L: Land Use Capability Assessment, effectively separates potentially higher-class soils into smaller, isolated pockets. Further, clause 3.4(5)(b) directs that, where possible, the boundaries of highly productive land should follow natural features such as waterbodies. The Waitoa River forms a clear natural boundary along the western edge of the site, providing a logical demarcation that separates the subject land from the wider productive plains to the west. This reinforces the argument that the site is isolated from adjoining productive land to the west and north by the presence of the Waitoa River and Station Road. Finally, I consider that the mapping of highly productive land must, by its nature, follow logical and defensible boundaries. Having regard to the points outlined above and the information provided in Attachment 1 – Legal Memorandum (HPL), it is reasonable to conclude that the portion of the Ashbourne site zoned rural and not used for solar, would not be classified as highly productive. Accordingly, the regional mapping of highly productive land and consideration of large and geographically cohesive would logically begin from the organic farm located to the south of Ashbourne, which seamlessly connects with larger, contiguous productive areas.</p> <p>It is also relevant that Waikato Regional Council has not yet completed its detailed highly productive land mapping. Until that work is finalised, the NZLRI database remains the default source, despite its coarse 1:50,000 scale and well-recognised limitations. Accordingly, there is reasonable uncertainty around MPDC's assertion that the site forms part of a much larger and geographically cohesive area of highly productive land, as this conclusion relies on preliminary mapping that may not accurately reflect on-the-ground variability. While the</p>

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	<p>site according to NZLRI mapping forms part of a wider, geographically cohesive area of highly productive land extending from south of Matamata to the Hauraki Plains, its productive potential is locally constrained by physical boundaries such as the Waitoa River and Station Road. More detailed soil mapping (McLeod, 1992) and S-Map data identify a more complex and variable soil pattern including units with wetness limitations—than indicated by the broader NZLRI soil and LUC mapping, which is consistent with expectations for the surrounding landscape.</p>
<p>4.4.9/ 4.4.10</p>	<p>The memorandum prepared by Barker and Associates, dated 22 October 2025, provides additional analysis and concludes that the Ashbourne development is considered to meet the exemption criteria set out in Clause 3.10 of the NPS-HPL, stating that:</p> <ul style="list-style-type: none"> • <i>“...the site is subject to a combination of permanent and long-term constraints that significantly limits its viability for productive use. These include the site's soil and hydrological characteristics, soil wetness, areas of non-productive land and existing fragmentation, which cumulatively reduce the site's practical productive potential”</i> and • <i>“The land is subject to permanent or long-term constraints that make primary production economically unviable”.</i> <p>In relation to the reference to <i>“areas of non-productive land and existing fragmentation”</i> as potential permanent or long-term constraints, the Landsystems report notes that most non-productive areas comprise farm infrastructure such as raceways, drains, silage storage areas, and sheds. These features are integral to the efficient</p> <p>Despite the implementation of drainage, the areas of LUC 2w and 3w land still have a soil wetness constraint which reduces the range of land use options for the areas and necessitate ongoing management (and cost) to ensure drainage remain effective and the soil wetness limitations do not worsen. These constraints are inherent to the characteristics soils of the LUC units (2w and 3w) and will remain long term.</p> <p>From a soil and LUC mapping perspective, these non-productive land areas should be mapped separately because they are no longer considered productive land and do disrupt the practicable useability of the remaining productive land on the site. The on-site soil and LUC mapping provided a more accurate representation of the available productive land on the Site - from which a land productivity expert can undertake their assessment.</p> <p>It is noted that the majority of the non-productive land mapped by the on-site LUC assessment is in balance land that won't be used for development.</p>

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<p>4.4.11</p> <p>On balance, the site comprises versatile land suitable for multiple productive uses. Historical and recent aerial imagery, along with site observations, indicate that the area has been used for dairy farming and seasonal cropping (likely maize). There are no apparent constraints that would prevent the continuation of these or similar land uses. As noted in the Landsystems report, approximately 40% of the site may also be suitable for horticulture or tree crops.</p>	<p>While parts of the site can support some degree of land-based activities, permanent constraints (e.g. drainage limitations, topography, fragmentation, and rural-residential zoning) significantly limit its productive potential. Ongoing dairy and seasonal cropping does not demonstrate full economic viability across the holding, particularly given these constraints and operational limitations noted by the landowners. Although some areas may support horticulture or tree crops, these portions are small and fragmented, and practicable options cannot fully overcome the inherent limitations. Overall, the site cannot support large-scale, economically viable land-based primary production. This is expanded on below.</p> <p>Following the development of the Solar farm to the south, the Subject Site consists of approx. 31.12 ha. This includes the areas identified as Retirement Village and Rural Balance Lot. This area contains HPL, including LUC 2s1, LUC 2w2 and LUC2w3. These soils are suitable for a range of productive land uses.</p> <p>However, as mapped by Landsystems, the more versatile of the soils present across the Subject Site (LUC 2s1 – green) are not large and contiguous areas, with a approx. 6 ha to the southeast (part of the proposed Retirement Village) and 5.5 ha to the north (part of the Rural Balance Lot). As identified by Landsystems, these soils are highly versatile and suitable for year-round cropping, some horticulture, moderate intensity pastoral use and tree crops. The eastern area is adjacent to a rural lifestyle zoned area, therefore offsite nuisance effects issues need to be considered for intensity of future land uses (i.e. arable or horticultural – with dust, rodent and spray effects).</p> <p>The remainder of the productive areas of the Subject Site have wetness limitations (LUC2w3 – light blue and LUC3w3 – dark blue). Whilst these soils may be suitable to seasonal cropping, AgFirst do not consider this to include continuous and back-to-back cropping. Long</p>

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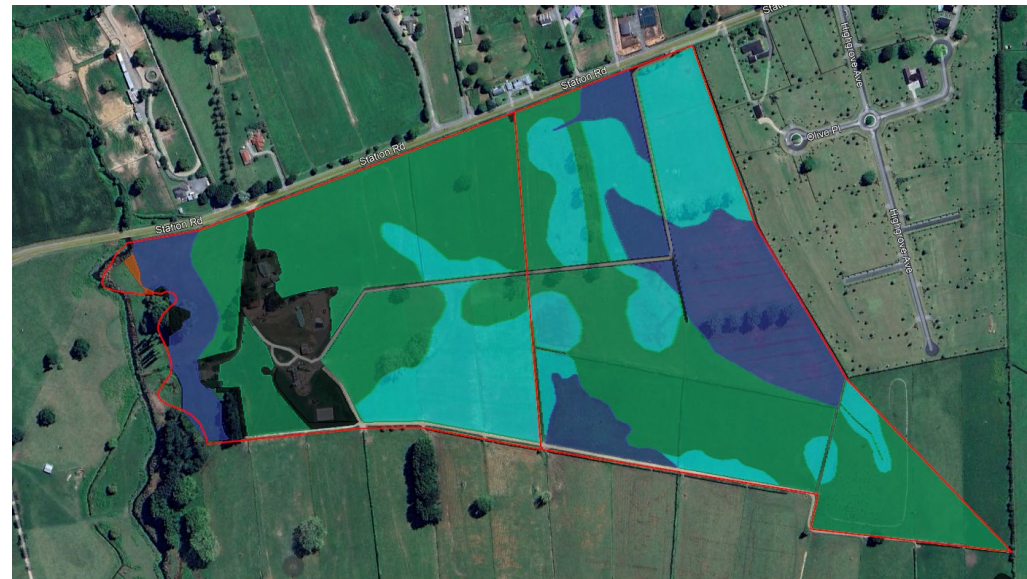
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term cultivation of these soils will damage the soil structure and deplete the organic matter, with compromised yields and reduced shortened seasons. While rotational cropping, as part of a pasture renewal, AgFirst consider that the highest and best use across these soils is pastoral grazing, which is approximately 17.6 ha across the Subject Site.

Landsystems have mapped approximately 2 ha of the Subject Site as being Non-Productive. AgFirst agree that this is a valid classification, as these soils are not productive and would be mapped as anthropic soils.

These areas are mapped below.



With the Subject Site mapped at 31.12ha, AgFirst does not believe that the current land use (dairy farming), is a viable consideration for this area. There are also no adjoining dairy farms which could be amalgamated to form a viable size. Therefore, the loss of the area proposed for Retirement Village, resulting in a rural balance lot of approximately 9.14 ha, would

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impact the productive capacity of the district, with the land uses already limited to arable and pastoral grazing – likely beef or small scale dairy heifer grazing.

Below is a land use map that AgFirst has produced to identify the optimum, land uses for the Subject Site. This includes 11.5 ha of arable (gold) and 17.6 ha of pastoral grazing (light blue).



In addition to the above, I note that the current landowners through the section 53 comments from invited parties confirm the significant constraints they face which makes primary production activities including dairy farming economically and practically unsustainable. Urban expansion has placed the site on the edge of a growing township, creating unavoidable conflicts with residential development and limiting farming operations. Loss of access to land across an increasingly busy road has reduced the effective milking platform to well below viable size, with no scope for expansion. Intensification would

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		require major capital investment and likely trigger odour and noise complaints and associated compliance issues, while current operations already face nitrogen limits and poor soil conditions. Proximity to homes makes farming impractical without impacting residents, and in some circumstances fragmented family ownership further reduces feasibility. The land is no longer profitable enough to justify reinvestment, and even modest improvements would require significant cost. These factors collectively reinforce the need for alternative land uses that deliver greater community benefit, such as residential development and agrivoltaics.
4.4.12 4.4.14	<p>– Our interpretation of the most appropriate definition of economic viability under Clause 3.10 of the NPS-HPL is:</p> <ul style="list-style-type: none"> • A positive operating profit (EBITR) or economic farm surplus (EFS) sufficient to cover the cost of capital employed or deployed in the operation of the land, excluding the cost of capital associated with the land itself. <p>The primary purpose of the NPS-HPL is to protect HPL from conversion to non-productive uses, recognising that primary production activities typically cannot compete with urban or commercial development in terms of economic returns. Allowing comparative financial returns from residential or retirement village developments to be used as a basis for exemption under Clause 3.10 would undermine this purpose and be inconsistent with the intent of the NPS-HPL</p>	<p>AgFirst use a similar approach to determine economic viability to Perin Ag, with the addition of servicing the interest component of the land debt or the requirement to take drawings to support a family.</p> <p>The first step is to identify the optimal land uses for the Subject Site that would be considered reasonably practicable. For this site, a range of options are identified, including arable cropping and dairy support. These two land uses are synergetic, with a dairy farm able to utilise the maize and winter crop as imported supplementary feed and also grazing off their young stock.</p> <p>The definition and methodology to determine economic viability has been presented at the NZ Agricultural and Resource Economics Society Conference in 2024 and published in the New Zealand Institute of Primary Industry Management (NZIPIM) journal¹. The term “economically viable” is used to describe a project that provides an overall positive net economic contribution to society after all costs and benefits have been accounted for. When researching commercial viability, the Cambridge dictionary defines it as “the ability of a business, product, or service to compete effectively and to make a profit.” Compete effectively and make profit identifies the need to cover real-world and genuine costs. Only</p>

¹ [Journeaux - Definition of Farm Economic Viability.pdf](#)

Summary of Comments	Applicant's Response
	<p>then can it be determined if an operation is economically viable. This is different to having a positive gross margin, EFS or EBITRm.</p> <p>To be economically viable, I would suggest that the income from the operation needs to be sufficient to cover: operating costs, e.g. wages, animal health, fertiliser, repairs and maintenance, etc.; fixed costs such as rates, insurance, administration; depreciation cost; a surplus then available that is sufficient for: debt servicing and debt repayment or an appropriate return on the capital investment if there is little or no debt, or the lease cost if the property is not owned by the operator; ongoing maintenance and development of the farm and the business.</p> <p>Land value is not zero. Essentially, the farming business needs to produce a return on investment and/or adequate debt servicing, or the cost of leasing the property. At least one of these will be an essential requirement of any economically viable enterprise. A viable farming operation in the real world must be one that an objectively reasonable person would choose to undertake.</p> <p>In assessing the debt servicing required, the Capital Value has been used to understand the profitability required for an agricultural business to service the relevant level of debt. Using the Matamata-Piako District Council Rating assessment, this provides an effective land value of \$71,952 for the 31.12 ha Subject Site. For this assessment the debt loading has been assessed at 30%, which is a typical level of farm lending for drystock and dairy support farms. Interest rates have been assumed as a long-term average of 7%. Note that principal repayments have not been included in the liabilities. This provides a total annual debt servicing for the Subject Site of \$65,270. The combined Rates (WRC and MPDC) for the Subject Site are estimated to be \$6,682 for the 31.12 ha. This means that the Subject Site must return a profit of greater than \$71,925 per year to be economically viable for an average landowner.</p>

Summary of Comments		Applicant's Response
4.4.15 4.4.16	<p>– Regarding the economic viability of the site's ongoing use for productive purposes, 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 (i.e., not return a positive economic farm surplus). In the subject area we consider that the following land uses would reasonably be expected to achieve indicative operating (EBITR) ranges outlined below (per hectare):</p> <ul style="list-style-type: none"> • Dairy farming: \$2,000 to \$4,000 per hectare • Dairy support: \$500 to \$1,000 per hectare • Arable (e.g. maize cropping): \$1,200 to \$2,500 per hectare <p>All of the above land uses are expected to cover the cost of the required capital employed/deployed on the land. Operating (or leasing out) the bare land as arable would have a very low or negligible capital requirement on the land particularly where contractors' machinery is used for cropping practices.</p>	<p>While the Subject Site may be operationally profitable, AgFirst does not believe it is economically viable, when considering the fixed costs, such as rates and the capital cost of the land.</p> <p>None of the land uses that are reasonably practicable are able to generate enough a profit to overcome these losses. For simplicity, AgFirst have used the mid-range of the Perin Ag operating profits in the adjacent column:</p> <ul style="list-style-type: none"> • 17.6 ha of dairy support x \$750/ha • 11.5 ha of arable x \$1,850/ha <p>This returns a net profit of \$36,127, which then must be used for paying rates and servicing a nominal amount of debt. Or if there is no debt owing, a return on the investment, or income to support a family.</p> <p>This will result in an annualised loss of \$35,825, which identifies that the Subject Site is not economically viable for land-based primary production.</p> <p>The cost for operating the land is incurred by a lessee, where an operating profit would include the lease cost of the land and often included in the rates. If the operating profit from the farming activity does not cover these additional fixed expenses, the lessee would not continue, as this would not be economically viable.</p> <p>The same needs to be assumed for a landowner. If there no return on this capital, why would a farmer continue to operate or invest in a farm.</p>
4.4.17	<p>Even if the assessment area, parts of it, were considered to be subject to permanent or long-term constraints, Clause 3.10 establishes a broader test that requires all elements of Subclause (1) to be met. In particular, the applicant must also demonstrate that the proposal would avoid significant loss of productive capacity, avoid fragmentation of HPL, and that any loss is</p>	<p>In the context of the Ashbourne development, the Clause 3.10(1) assessment must consider:</p> <ol style="list-style-type: none"> whether there are permanent or long term constraints on the land that mean the use of the highly productive land for land based primary production is not viable; whether the applicant has undertaken a robust and reasonable site-selection process to avoid significant loss of highly productive land;

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Summary of Comments	Applicant's Response
<p>outweighed by its wider environmental, social, cultural, and economic benefits. We have not seen sufficient evidence to suggest the project would satisfy all of these criteria.</p>	<p>(c) whether the applicant has avoided fragmentation of large and geographically cohesive areas of highly productive land;</p> <p>(d) whether potential reverse sensitivity effects on surrounding land-based primary production if avoided or mitigated; and</p> <p>(e) the environmental, social, cultural and economic benefit of the subdivision, use, or development and whether these outweigh the loss of highly productive land.</p> <p>The Ashbourne development meets the required threshold for the Clause 3.10 exemption. As a starting point for context, I note the following:</p> <ul style="list-style-type: none"> • The portion of the site proposed for residential is on rural lifestyle/residential land (Lots 5, 6 and half of lot 4) with the exception of a 2.5ha corner adjoining the greenway and retirement village site. As such, the NPS-HPL and the exemption under Clause 3.10 is not applicable. • The portion of the site proposed for solar farms (Lots 7 and Lot 3) as per further information provided above has an operational need to be on the site and have no impact on the productive capacity of the land or ability for the land to be grazed. As such, the Clause 3.10 exemption consideration is not applicable. • There is a large portion of the site that does not form part of the application for development and will remain rural. This land is known as Lot 2 and is 13.75ha and adjoins the Waitoa Stream, shown in Maven's Proposed Scheme Plan 'Day 0'. • The balance of rural zoned land shown as Lot 1 (being the proposed retirement village site), the portion of Lot 4 which is zoned rural (2.5 hectares) and the greenway (approximately 3 hectares) as shown in Maven's Scheme Plan 'Day 0' is the only land applicable for the Clause 3.10 exemption (a total of approximately 25.5 hectares). The discussion below is based on that portion of the wider site only. <p>Clause 3.10(1) there are 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</p> <p>The AEE submitted with the application, and further responses provided in Appendix 1L Land Use Capability Classification Assessment and Attachment 1 – Legal Memorandum (HPL)</p>

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	<p>address the permanent or long term constraints associated with the site. To summarise though, the Ashbourne application provides strong justification of the long term and permanent constraints on the site. The LUC Assessment and supporting reports (Appendix 1L) show that, despite portions being mapped as LUC 1–3, the site has significant topographical, drainage, fragmentation, and urban-proximity constraints that materially limit its ability to support long-term, intensive primary production. Some of the site is also zoned rural residential which is excluded from the NPS-HPL and land fragmented due to past subdivisions which materially limit the ability for the land to be used productively. These characteristics impair both the economic and physical viability of conventional farming on the land and align with the type of enduring limitations anticipated by Clause 3.10. Accordingly, the Ashbourne site meets the threshold under Clause 3.10(1)(a) for long-term constraints that impede viable primary production.</p> <p>Clause 3.10(1)(b)(i): Avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district</p> <p>The site-selection process has been structured, comprehensive, and evidence-based, incorporating constraints mapping, grid-connection analysis, land-availability considerations, and broader environmental and planning factors. Importantly, the Ashbourne site enables the proposal to avoid significant loss of productive capacity on highly productive land. A substantial portion of the landholding is zoned Rural Residential and therefore exempt from the NPS–HPL, making it an appropriate and efficient location for development and reducing the extent of HPL required relative to other potential sites. Parts of the land are also identified for future growth within the Eldonwood South Structure Plan, confirming that this area is already anticipated to transition away from long-term rural production. Locating the solar farm in this setting represents a conscious strategic choice to cluster development at the existing urban edge, utilising land already subject to fragmentation and urban-proximity pressures, and thereby minimising the loss of highly productive land as far as practicable. Because of the characteristics of the site including its underlying zoning, fragmentation, and proximity to the urban boundary, this location allows</p>

Summary of Comments	Applicant's Response
	<p>the development to be concentrated here while protecting other, more well-suited high-class soils elsewhere. On this basis, the site-selection process is reasonable, robust, and clearly aligned with Clause 3.10(1)(b)(i).</p> <p>Clause 3.10(1)(b)(ii): Avoids fragmentation of large and geographically cohesive areas</p> <p>The Ashbourne site, while containing areas mapped as LUC 2, is internally fragmented by patches of lower-quality soils (e.g., LUC 3 and LUC 4w), which interrupt what would otherwise be a theoretical contiguous block of highly productive land. The Landsystems LUC classification confirms that the site does not function as a single, cohesive area of prime agricultural land in practical terms. Areas surrounding the site have already begun fragmentation through new subdivision developments such as Highgrove, meaning the land is already fragmented. The western boundary of the site is naturally delineated by the Waitoa stream, which provides a logical and defensible boundary for highly productive land and helps prevent fragmentation of adjacent productive areas. Furthermore, the broader Ashbourne masterplanning and subdivision design integrates the solar farms in a way that avoids ad hoc disruption of HPL elsewhere, maintaining open pastoral areas and preserving the continuity of surrounding productive land. Overall, the proposal avoids unjustified fragmentation of large, geographically cohesive HPL, building on existing internal constraints while maintaining continuity of productive areas.</p> <p>Clause 3.10(1)(b)(iii): Avoid any potential reverse sensitivity effects on surrounding land based primary production from the subdivision, use and development</p> <p>The Ashbourne development has been designed to avoid, or where not possible, mitigate potential reverse sensitivity effects on surrounding land-based primary production, furthermore conditions of consent will ensure no complaint covenants, setbacks and buffer planting to assist. The development is located in a rural and rural-residential context, where surrounding land uses are a mix agricultural rural residential, and no highly sensitive activities are introduced that would constrain ongoing farming operations. The masterplan integrates a mix of residential, retirement, and solar infrastructure with careful design features, including landscape buffers, setbacks, and strategic placement of built elements,</p>

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	<p>to minimise interface effects with adjacent rural land. Portions of the site retain productive uses, such as grazing under the solar arrays, and open space and buffer areas help maintain visual and functional separation from neighbouring farmland. By concentrating development contiguous with the existing urban edge and incorporating these design measures, the Ashbourne proposal effectively mitigates reverse sensitivity risks, ensuring that the residential, retirement, and solar components coexist harmoniously with surrounding land-based primary production.</p> <p>3.10(1)(c) – Environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long term loss of highly productive land for land based primary production.</p> <p>Keeping in mind the context of the Ashbourne development, where the Rural Residential land is excluded from consideration and in our professional view, the solar farm areas do not impact productive capacity, the assessment under Clause 3.10(1)(c) is therefore confined and reduced to the relatively small portion of rural land proposed for the retirement village, greenway and 2.5ha of proposed residential use. The Ashbourne development delivers significant environmental, social, cultural, and economic benefits that outweigh any long-term costs associated with the limited loss of highly productive land as emphasised in the Insight responses that have been submitted alongside this s53 response to the Panel. Environmentally, the proposal includes extensive landscaping, riparian and ecological planting, and retention of open space, which enhance biodiversity, improve stormwater management, and provide permanent ecological gains. The solar farms are designed to allow continued grazing beneath the panels, providing a dual benefit of retaining soil productivity while simultaneously generating renewable energy to support the local and wider community. Socially, the development provides much-needed housing through residential and retirement components, as well as community infrastructure, open space, and recreation areas, supporting the growth and wellbeing of the local population. Culturally, the project has been designed with input from tangata whenua to recognise and integrate cultural values, ensuring that heritage and landscape values are respected and</p>

Summary of Comments	Applicant's Response
	<p>maintained. Economically, the solar farm contributes to regional and national renewable energy supply, while the residential and retirement components stimulate local investment and infrastructure efficiency. Taken together, these benefits including tangible outputs like energy generation, grazing, and housing, as well as intangible improvements to community amenity and ecological values clearly outweigh the limited and partially constrained productive capacity of the land, demonstrating that the overall outcome of the Ashbourne development is highly favourable.</p> <p>Overall, the Ashbourne development convincingly satisfies all three limbs of Clause 3.10(1)(a)(b) and (c) demonstrating that the proposal aligns with the NPS-HPL exemption pathway. Key considerations include:</p> <ul style="list-style-type: none"> • The site contains permanent or long-term constraints including topographical, drainage, and fragmentation limitations that reduce its ability to sustainably support intensive primary production. • The dual-use design, which integrates solar generation with grazing, combined with existing constraints on productive capacity, ensures that any loss of highly productive land is not disproportionately large. • The proposal avoids breaking up a geographically cohesive area of prime land, as the site is already internally fragmented by areas of lower-quality soils and Rural Residential zoning, and is naturally bounded by features such as the Waitoa River. • Reverse sensitivity effects on surrounding land-based primary production are carefully managed through ongoing productive uses (grazing), landscape buffers, setback zones, and design measures that maintain compatibility with adjacent rural land. <p>Taken together, these factors demonstrate that the Ashbourne development has been strategically located and designed to minimise impacts on highly productive land while allowing the integrated residential, retirement, and solar components to coexist harmoniously with surrounding rural uses.</p>
4.4.19	<p>In the event that the current land use (i.e., dairy farming) were to become economically unviable</p> <p>As per my comments elsewhere in this response, I note that the NPS-HPL does not apply to the full Ashbourne development (specifically the area proposed for residential). While the</p>

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	Summary of Comments	Applicant's Response
	<p>due to reduced scale or fragmentation (i.e., if solar farms were developed), the land would nevertheless remain available for a range of land-based primary production activities as outlined above. Given the site's physical characteristics and versatility, it is difficult to envisage a scenario where no productive use could achieve a positive economic farm surplus once the range of alternative options identified in Clause 3.10(2) are considered.</p>	<p>NPS-HPL applies to the northern and southern solar farm sites, there will be no loss on the productive capacity potential for the underlying soils.</p> <p>Assuming that the land is not available for dairy farming, following through with the optimum alternative land use options as required in clause 3.10(2) of the NPS-HPL, the Subject Site is not economically viable.</p> <p>Investigation into horticulture has not been undertaken, however, given the lack of water availability within the Matamata-Piako Catchment for irrigation, this may not be a viable land use. Consideration also needs to be made to the overall attractiveness of the Site, particularly given the off-site effects of a horticultural operation with regards to the proximity of the rural residential zoning.</p>
4.4.20	<p>Clauses 3.10(3)(a)–(c) specify that, when evaluating reasonably practicable options under Subclause (2), assessments must not take into account the potential economic benefits of using highly productive land for purposes other than land-based primary production. They must also consider the effects of any proposed loss of HPL on the wider landholding and the future productive potential of the land, not limited by its current or past uses. There is no indication that these matters have been satisfactorily addressed within the application material. Furthermore, Clause 3.10(4) clarifies that the size of the landholding alone is not a determinant of a permanent or long-term constraint and therefore cannot be relied upon as justification for exemption.</p>	<p>We have provided an assessment under Clause 3.10 of the NPS–HPL, demonstrating that the applicable parts of the Ashbourne development (balance lot, retirement village and greenway) is subject to permanent or long-term constraints that materially limit the economic viability of land-based primary production. It also addresses all requirements in subclauses (2), (3), and (4).</p> <p><u>Physical and Soil-Based Constraints Identified Through LUC Assessment</u></p> <p>The Land Use Capability (LUC) assessment (Appendix 1L) provides a detailed, site-specific evaluation of the productive characteristics of the Ashbourne landholding. The findings show that while portions of the site fall within LUC Classes 1, 2 and 3 at a regional scale, the on-site assessment reveals significant permanent or long-term constraints that materially lower the productive potential of the land.</p> <p>Key constraints identified include:</p> <ul style="list-style-type: none"> • Soil drainage and wetness limitations - Several areas exhibit drainage deficiencies and prolonged soil wetness, which significantly limit the suitability of the land for intensive or high-value primary production. These constraints are structural features of the soil profile and are not readily or feasibly remediated.

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	<ul style="list-style-type: none"> • Topographical variation - Localised slopes and undulating terrain affect water movement, machinery access, and soil workability, which in turn restrict viable crop systems or intensification opportunities. • Fragmentation of high-capability soils - LUC Class 1 and 2 soils occur in small, spatially discrete pockets, rather than as a cohesive block. This fragmentation reduces operational efficiency and limits the land's ability to support large-scale or high-value agricultural systems. • Soil structure and profile characteristics - The Hinuera Formation soils present across the site include pumiceous sands, silts, and gravels that have reduced moisture retention and variable permeability, further constraining production potential. <p>These constraints collectively limit both the current and future economic viability of land-based primary production on the site.</p> <p><u>Assessment Under Clause 3.10(2): Evaluation of Reasonably Practicable Options</u></p> <p>Clause 3.10(2) requires applicants to demonstrate that the permanent or long-term constraints cannot be addressed through any reasonably practicable options that would enable continued productive use. AgFirst have identified the optimal land use for the site that is what we consider to be reasonably practicable. This is with regard to economic return of the land-based primary production. AgFirst do not believe that any of the options (a) – (g) will overcome the constraints for economic viability.</p> <p>The applicant has considered all options listed in subclauses (a)–(g):</p> <ul style="list-style-type: none"> (a) Alternative forms of land-based primary production - Alternative horticultural or cropping enterprises were considered; however, the site's soil wetness, drainage limitations, and fragmented land areas substantially increase cost and risk while limiting yield potential. Even on the LUC 2w and 3w land where some drainage improvements exist, field assessments confirm that wetness constraints persist, restricting the range of viable land uses, excluding crops that require well-drained soils, and limiting trafficability to the drier months—an important consideration for maintaining long-term soil quality. We assessed a range of realistic alternative options that an efficient operator might undertake and concluded that

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	<p>permanent horticulture is not viable given the district's limited horticultural activity and the allocation pressures on the Waitoa/Piako water resources. On this basis, we do not believe permanent horticulture is an option. The significant capital investment required, often hundreds of thousands of dollars per hectare would typically be directed to locations outside urban-adjacent areas. The site would also not attract commercial vegetable production, as the areas of suitable soil are too small to support rotational cropping systems and would still require irrigation and additional infrastructure. Overall, the mosaic of soils and physical constraints limits the potential for arable or horticultural land uses to only two small areas, reinforcing the limited viability of such activities on the site.</p> <p>(b) Improved land-management strategies - Improved pasture management, regenerative practices, soil amendments, and precision agriculture techniques were considered. These measures may offer incremental improvements but cannot overcome the underlying drainage and soil structure limitations. They do not provide a viable pathway to restoring economic viability over a 30-year horizon. For areas of LUC 2w and 3w land where some drainage has been put in place, based on the field assessment, their remains wetness limitation on the (LUC 2w and 3w) land, which will continue to restrict the range of land uses, and would continue to exclude land uses that have plants that require good drainage (moderately well or well drained soils) and would mean that trafficability remains seasonally restricted to drier months (especially important to safeguard long term soil quality). Aside from the two areas mentioned in (a) above, the remaining land is only suitable for occasional summer cropping. Since the soils are already well-drained, further improvement through land management strategies is unlikely.</p> <p>(c) Alternative production strategies - Diversification (e.g., high-value niche crops, agritourism, or mixed systems) was examined. However, such strategies depend on reliable soil conditions and cohesive productive blocks, which the LUC assessment confirms the site does not possess. The physical constraints materially undermine the feasibility and commercial certainty of such alternative strategies.</p> <p>(d) Water-efficiency or storage methods - Options such as on-site storage, improved irrigation efficiency, or water reuse were contemplated. These options do not resolve limitations associated with soil drainage, topography, and soil</p>

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	<p>permeability, which restrict the productive benefits of additional water inputs. Large-scale water infrastructure would carry significant cost without adequately addressing the constraints.</p> <p>(e) Reallocation or transfer of water or nutrient allocations - Even if additional water or nutrient allowances could theoretically be obtained, the LUC constraints would still limit productive output. Nutrient inputs cannot overcome physical soil constraints; additional water is ineffective where soils exhibit wetness and drainage limitations.</p> <p>(f) Boundary adjustments or amalgamations - Potential boundary reconfigurations or amalgamations were contemplated. However, due to the fragmented land and distribution of high-capability soils, amalgamation would not result in a cohesive, high-value productive unit. The site is in an isolated location away from adjoining agricultural operations. The underlying physical constraints would persist regardless of boundary adjustments. In addition, the site is constrained by the Waitoa Stream, Station Road and adjoining rural-residential properties, leaving no practical or viable opportunities for boundary adjustments or amalgamations.</p> <p>(g) Lease arrangements - Leasing to an external primary producer or integrating into a larger farming unit was contemplated. While leasing in theory could be an option, this would not overcome the uneconomic viability of the site. In addition to this, the long-term biophysical constraints make the site less attractive to lessees, who would require reduced rental terms or significant investment from the owner to compensate for production limitations.</p> <p>After evaluating all reasonably practicable options, it is clear that none can feasibly or effectively address the permanent or long-term physical constraints identified through the LUC assessment in a way that would retain the productive capacity of the land.</p> <p><u>Assessment Under Clause 3.10(3): Additional Requirements</u></p> <p>(a) Economic benefits of non-productive uses not considered</p>

Summary of Comments	Applicant's Response
	<p>The evaluation under Clause 3.10(2) is based solely on biophysical constraints affecting land-based production. No part of the assessment relies on, references, or infers any economic benefit associated with urban development or other non-primary-production land uses.</p> <p>(b) Effects on wider landholding considered</p> <p>The LUC assessment covered the Ashbourne site- and confirms that the identified constraints are not confined to a small portion of the property. The wider landholding is further constrained by underlying rural-residential zoning and previous subdivisions, which have already limited opportunities for productive consolidation or intensification. In addition, the location of the Waitoa Stream severs the Ashbourne site from surrounding land, further restricting connectivity and operational flexibility. Consequently, the loss of the subject area does not materially affect the the remainder of the holding, which is already restricted by these combined physical, regulatory, and historical constraints.</p> <p>(c) Future productive potential assessed</p> <p>The assessment does not rely on historical or current land use patterns. Instead, it evaluates the inherent future productive potential of the land based on soil capability, drainage, topography, and infrastructure requirements. The analysis considered whether future productive uses may become viable and concluded that the long-term biophysical constraints would continue to limit such potential.</p> <p>The conclusion that the land is subject to permanent or long-term constraints is not based on landholding size. The assessment relies entirely on soil-based, physical, and environmental characteristics identified in the LUC assessment. Fragmentation is referenced only in terms of distribution of soil capability classes and the use and characteristics of the surrounding land, not parcel size.</p> <p><u>Overall Conclusion</u></p>

Summary of Comments		Applicant's Response
		<p>We consider the application satisfies all requirements of Clause 3.10(2), (3), and (4) of the NPS-HPL.</p> <p>The land is subject to constraints that materially restrict the land's productive capacity.</p> <p>After assessing all reasonably practicable options, none can address these constraints in a way that would retain the productive capacity of the land. The evaluation was undertaken consistent with Clause 3.10(3).</p> <p>The conclusion therefore is that Clause 3.10 applies in this instance, and the site meets the criteria for exemption from the general protection provisions applying to highly productive land.</p>
4.4.21	Overall, we do not consider that sufficient evidence has been presented in the application documents to demonstrate that the Ashbourne project satisfies Clause 3.10 of the NPS-HPL.	Based on the information provided above, we consider that there is sufficient evidence to demonstrate that the applicable areas of the Ashbourne site satisfy Clause 3.10 of the NPS-HPL.

2.0 Annexure D – Economic Impact

Annexure D, prepared by Tim Heath of Property Economics, also provides commentary on NPS-HPL matters as they relate to economic assessment. The following planning response is provided to these matters, and is supported by the Economics Response prepared by Fraser Colegrave of Insight Economics, included as **Attachment 7** to the overall s55 response. It is also supported by the responses prepared in 4.4.12 – 4.4.16, 4.4.17, 4.4.19 and 4.4.20 above by AgFirst.

Summary of Comments		Applicant's Response
4.50	Fraser McNutt's memorandum response to the issues on NPS:HPL asserts that the Ashbourne development meets the exception criteria under Clause 3.10 of the NPS-HPL, stating there are <i>"permanent and long-term constraints that significantly limit its viability for productive use"</i> . However, Clause 3.10(1)(a) as I read it requires the permanent or long-term constraints to make	The applicable areas of the Ashbourne site satisfies Clause 3.10(1)(a) because the permanent and long-term constraints identified render land-based primary production economically unviable for at least 30 years. The site-specific LUC assessment demonstrates that there are constraints present that materially restrict productive capacity. All reasonably practicable options under Clause 3.10(2) have been assessed above and collectively demonstrate these to be uneconomic given

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	land-based primary production economically unviable for at least 30 years, not that the soil applies limitations	<p>these constraints. The assessment explicitly considers not only the physical limitations of the land but also the combined effect of regulatory, operational, and infrastructural factors, confirming that viable land-based production cannot be achieved.</p> <p>Refer to responses provided by AgFirst in 4.4.12 – 4.4.16, 4.4.17, 4.4.19 and 4.4.20 above for additional context. Please also refer to the Economics Response prepared by Insight Economics, specifically Section 4 for further information.</p>
4.51	<p>The attached soils assessment on which this view was reportedly based, determined that the wetter soils would not be capable of “supporting crops and horticulture that require good soil drainage” and that “The land is best suited to pastoral systems and seasonal (summer) arable cropping,” This is not the same as economically unviable and according to IE’s original report, the site is currently utilised as a Dairy Farm with nothing to suggest that this ongoing activity is economically unviable. Based on the information provided, the application would appear to not satisfy the test under Clause 3.10 from an economic perspective.</p>	<p>While the LUC assessment notes that wetter soils are best suited to pastoral systems and seasonal arable cropping, Clause 3.10(1)(a) requires assessment of economic viability over at least 30 years, not simply the ability to grow specific crops. The Ashbourne site is subject to constraints that materially limit economic viability, including drainage and wetness limitations, topography, fragmented high-capability soils, and water and nutrient management restrictions. Portions of the site are zoned rural residential, where the NPS-HPL does not apply, and past subdivisions have further fragmented the land, reducing operational efficiency and scale. As noted in the Section 53 comments, the current landowners have confirmed that existing farming operations are already constrained economically and operationally, demonstrating that ongoing production does not equate to full economic viability across the holding. Taken together, these factors show that the site meets the economic unviability threshold under Clause 3.10, as the combination of biophysical, regulatory, and operational constraints is expected to persist over the long term.</p> <p>Refer to responses provided by AgFirst in 4.4.12 – 4.4.16, 4.4.17, 4.4.19 and 4.4.20 above for additional context. Please also refer to the Economics Response prepared by Insight Economics, specifically Section 4 for further information.</p> <p>Based on the additional economic information and the assessments provided in this NPS-HPL response, I consider the application satisfies the tests under Clause 3.10 from an economic perspective.</p>

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4.5.4	<p>While the applicant suggests that the HPL component represents only a small proportion of the overall development area, the intent of the NPS-HPL is to prevent the gradual erosion of productive soils through incremental loss.</p> <p>Allowing developments to proceed on this basis risks creating a cumulative effect that, over time, could be significant. Consequently, I do not consider it appropriate to simply discount the significance of the HPL loss on the basis that it is less than a quarter of the total development area.</p>	<p>While the NPS-HPL seeks to avoid the gradual erosion of highly productive land, the NPS-HPL also acknowledges the importance of balance and provides pathways for where the use or potential loss of highly productive land is acceptable. I consider that the Ashbourne site context critically limits the applicability of this concern. Portions of the site are zoned rural residential and therefore exempt from the NPS-HPL, meaning that highly productive land does not extend across the entire Ashbourne development. Some of the rural zoned land will be retained within the development, for example through the solar farm areas, ensuring that productive capacity is not entirely lost. The productive capacity of the HPL portion is further limited by permanent constraints, fragmentation, and prior subdivisions, meaning that its loss will not materially reduce the wider productive capacity of the landholding. The benefits of the wider development, as outlined in the Economic Response, clearly outweigh the impacts associated with the limited loss of HPL. Given these factors, the Ashbourne landholding in my opinion does not represent the type of contiguous, high-quality land that the NPS-HPL is intended to protect, and the development is consistent with the objectives of the NPS-HPL while delivering broader economic and infrastructure benefits.</p>
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