

Memo

To:	Expert Panel – Ashbourne Fast Track Application
From:	Susannah Tait
Date:	03.02.26
Subject	Planning position

Introduction

I have been asked by the Expert Panel for the Ashbourne Fast Track Application (“the application”) to consider the planning positions of Mr Fraser McNutt (of Barker and Associates for the Applicant) and Mr Marius Rademeyer (of Resource Management Consultancy Limited for the Matamata-Piako District Council (“Council”)), specifically to consider the application’s alignment with the relevant national, regional and local policy and planning documents and any consequential ‘adverse impacts’¹.

While this is not an Environment Court hearing, I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court’s 2023 Practice Note.

Scope of this memo

Mr McNutt provided planning assessments dated 14 July 2025 (the original application), 27 November 2025 (response to Minute 3) 19 January 2026 (response to Minute 9) and 30 January (response to Minute 11). Mr Rademeyer provided a planning assessment dated 11 November 2025. The Waikato Regional Council (“WRC”) did not provide a planning assessment.

I largely agree with Mr McNutt and Mr Rademeyer on the suite of policy and planning documents relevant to the application. The full list of documents relevant to the application is contained in Appendix A. Of the documents listed in Appendix A, I will provide comment on the following:

- National Environmental Standards for Detached Minor Residential Units 2025 (NES-DMRU)
- National Policy Statement for Natural Hazards 2025 (NPS-NH)
- National Policy Statement for Infrastructure 2025 (NPS-I)
- National Policy Statement for Highly Productive Land Amendment 2025 (NPS-HPL)
- National Policy Statement for Freshwater Management Amendment 2025 (NPS-FW)

¹ Section 85, Fast Track Approvals Act 2024

- National Policy Statement on Urban Development 2020 (NPS-UD)
- Waikato Regional Policy Statement (WRPS)
- Operative Matamata-Piako District Plan (MPDP)

I have shortlisted these documents because either they:

- Are new or amended as at 15 January 2026 and have either not been addressed by Messrs McNutt or Rademeyer or I have reached a differing opinion on, or
- Are listed as documents that by Mr Rademeyer² has reached a differing opinion on compared to Mr McNutt, or
- Relate to a regional consenting matter that has not been subject to additional planning scrutiny.

Lastly, I will provide concluding remarks on Fast Track Approvals Act 2024, specifically whether I consider there are any significant 'adverse impacts' arising from my assessment that warrant consideration in the Panel's determination.

National Environmental Standards for Detached Minor Residential Units 2025 (NES-DMRU)

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.

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.³ However, the contribution has not yet been modelled and is not quantified.

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.

National Policy Statement for Natural Hazards 2025 (NPS-NH)

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 application site has flooding and liquefaction risks and potential active faults risks.

² Evidence of Marius Rademeyer, Memorandum 2, page 2

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

Liquefaction risk

With regards to the liquefaction risk, the level of risk was assessed by CMW Geosciences as very high.⁴ The recommended mitigation for the liquefaction risk to the residential and retirement living is TC2/TC3 foundations.⁵ Mr Cowbourne advised that further investigations would be required but that the Geotechnical Investigation Report Revision 3 is sufficient for current purposes.⁶ 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.⁷

Flooding risk

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 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.⁸ 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.⁹

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'¹⁰, 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.

⁴Geotechnical Investigation Report dated 18 November 2025, page 11

⁵Geotechnical Investigation Report dated 18 November 2025, page 16

⁶Mr Tony Cowbourne, Memorandum 2, 27 November 2025

⁷Memorandum dated 30 January 2026, page 8

⁸National Policy Statement, Policy 3

⁹Memorandum dated 30 January 2026, page 8

¹⁰National 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*’.¹¹

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.

National Policy Statement for Infrastructure 2025 (NPS-I)

Mr McNutt has provided comment on the NPS-I.¹² 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.

National Policy Statement for Highly Productive Land Amendment 2025 (NPS-HPL)

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.

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).

Solar farms

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).

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.

¹¹ Memorandum dated 30 January 2026, page 8

¹² Memorandum dated 30 January 2026, page 9

I agree with Mr Rademeyer¹³ 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 Brabant¹⁴, 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).

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) 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.¹⁵

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).¹⁶

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 satisfied. Like Mr Rademeyer¹⁷, 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.¹⁸ 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*...’.¹⁹ As such, I consider that Clause

¹³ Evidence of Marius Rademeyer, Memorandum 2, page 4

¹⁴ Legal advice dated 28 November 2025, paragraphs 9 and 12

¹⁵ Evidence of Marius Rademeyer, Memorandum 2, page 5

¹⁶ Evidence of Marius Rademeyer, Memorandum 2, page 5

¹⁷ Evidence of Marius Rademeyer, Memorandum 2, page 5

¹⁸ Evidence of Mr Duncan Walker, Appendix 1, paragraph 4.4.6

¹⁹ Evidence of Mr Duncan Walker, Appendix 1, paragraph 4.4.15

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).

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.

Greenway

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.

National Policy Statement for Freshwater Management Amendment 2025 (NPS-FW)

The effects on surface and groundwater must be considered under the NPS-FW. There seems to be general consensus^{20 21 22} 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 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 9540²³, the long term dwelling demand in the District is 3135²⁴ with an average occupancy of 2.7 people²⁵ and approximately 35% of demand being taken up by Matamata. This results in a long term population of approximately 12,500 people in Matamata.

²⁰ 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...*")

²¹ 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*").

²² 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*").

²³ <https://tools.summaries.stats.govt.nz/places/UR/matamata>

²⁴ Evidence of Mr Tim Heath dated 11 November 2025, Appendix 2 – Residential Capacity Assessment 2025, Table 9

²⁵ [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)

Mr Rademeyer²⁶ 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.

Objective 1 and Policy 1:

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.

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.²⁷

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*'.²⁸

However, with respect to affordable housing, Mr McIlraith used a 'potential dwelling size profile supplied by the developer'²⁹, 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 benchmarks. Mr McNutt³⁰ 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).

²⁶ Evidence of Marius Rademeyer, Memorandum 2, pages 7 and 8

²⁷ Evidence of Mr Tim Heath dated 11 November 2025, paragraph 4.30 – 4.32

²⁸ Barker and Associates Memorandum dated 19 January 2026, Attachment 1, page 1

²⁹ Barker and Associates Memorandum dated 19 January 2026, Attachment 1, page 3

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

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).

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.

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**.

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**.

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**.

Objective 3 and Policy 2:

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 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.

Objective 4 and Policy 6:

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).

Objective 5 and Policy 9:

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.

Objective 6 and Policy 8:

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

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 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).

Waikato Regional Policy Statement (WRPS)

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.

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 respect to the other criteria, these largely replicate the matters raised in the NPS-UD, so I will not repeat that discussion here.

In addition to the urban form outcomes canvassed by Mr Rademeyer, the WRPS also includes a other number of 'domain and topic' objectives and policies, including (relevantly) 'land and freshwater', 'energy' and 'hazards and risks'.

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. 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...*’.³¹

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.

Operative Matamata-Piako District Plan (MPDP)

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 assessment³², 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.

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*”³³ 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*”.³⁴ I agree with Mr Rademeyer’s assessment of the HPL (high quality soils) objectives and policies (Part A.3.3.2.1).

There are other objectives and policies, not specifically mentioned by Mr Rademeyer, that I consider relevant to the application:

- 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.

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

³¹ Waikato Regional Policy Statement, SRMR-PR4 – Managing the built environment

³² Evidence of Marius Rademeyer, Memorandum 2, Table 1

³³ Matamata-Piako District Plan, Part A.2.4.1, Policy 2

³⁴ Matamata-Piako District Plan, Part A.3.5.2.2 Objective 3

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.

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 *Davidson*³⁵ 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 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.

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 be out of proportion to the project’s regional or national benefits’* even after consideration of the conditions of consent.

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’s³⁶ 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’.

I consider that the proposal will give rise to the following significant adverse impacts:

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.

³⁵ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

³⁶ Evidence of Marius Rademeyer, Memorandum 3, page 6

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.
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.

Appendix A

National Environmental Standards

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Detached Minor Residential Units 2025
- National Environmental Standards for Freshwater Amendment Regulations 2025

National Policy Statements

- National Policy Statement for Natural Hazards 2025
- National Policy Statement for Highly Productive Land Amendment 2025
- National Policy Statement for Indigenous Biodiversity Amendment 2025
- National Policy Statement for Freshwater Management Amendment 2025
- National Policy Statement for Renewable Electricity Generation Amendment 2025
- National Policy Statement on Urban Development 2020
- Hauraki Gulf Marine Park Act 2000

Regional Policy Statements

- Waikato Regional Policy Statement

Regional Plans

- Waikato Regional Plan

District Plans

- Operative Matamata-Piako District Plan

Iwi Planning Documents

- Te Rautaki Tāmata Ao Turoa O Hauā – Ngāti Hauā Environmental Management Plan,
- Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River,
- Tai Tumu, Tai Pari, Tai Ao - Waikato-Tainui Environmental Plan.
- Te Rautaki Taiao a Raukawa – Raukawa Environmental Management Plan