
MINUTE 4 OF THE EXPERT PANEL

Appointment of Special Advisors, Joint Witness Conferencing and Request for Information

Ashbourne [FTAA-2507-1087]

(3 December 2025)

Appointment of special advisors

1. As outlined in clause 10 of Schedule 3 of the Act, the Expert Panel (Panel) may appoint special advisors to assist with a substantive application in relation to any matters the Panel may determine.
2. The Panel has identified that it would benefit from additional advice pertaining to a number of matters in relation to the application. To assist, the Panel has engaged the following special advisors:
 - Economist – Tim Denne: review of relevant material, identification of key issues, differences of opinion and independent opinion on those matters.
 - Legal advice – Jeremy Brabant: advice on the application of the NPS- HPL, ability to approve a consent in part, weighting of out-of-sequence development and the relevance of Private Developer Agreements.
 - Hydrology and Groundwater Advice - Jon Williamson, Williamson Water and Land Advisory; advice on effectiveness of stormwater management proposals and groundwater effects.

3. The economic report and legal advice reviews have been completed and are able to be viewed on the Fast Track website here: <https://www.fasttrack.govt.nz/projects/ashbourne/reports-and-advice>

Joint Witness Conferencing

4. The Panel has received the information provided by the parties in response to Minute 3. This information has been reviewed, and the Panel considers that there are key matters that remain in contention. This Minute sets out a request for further information in relation to some of these matters and for others it sets out a requested process for key experts to conference and produce a Joint Witness Statement for the Panel in a specified timeframe. Accordingly, the Panel directs that expert witness conferencing is convened in relation to the following topics:
 - Economics; and
 - Stormwater management.
5. The conferencing is to be undertaken as follows:
 - a. Expert conferencing is to be undertaken generally in accordance with the Protocol for Expert Witness Conferences attached as Annexure 3 to the Environment Court Practice Note 2024, unless otherwise directed below.
 - b. Expert conferencing is to occur between the dates of Friday 5th December and Thursday 11th December 2025. The parties are to confer and agree the dates that conferencing will occur within this week and shall report this date to the EPA in advance.
 - c. An expert conference for each topic is to be attended by the relevant expert(s) on each topic only.

- d. The draft agenda for each conference is set out below as well as the parties that are instructed to attend.
6. Signed joint witness statements are to be filed with the EPA no later than **11.59 pm on Thursday the 11th of December 2025**, but ideally by the end of the business day on which the conference is held.
 7. For the avoidance of doubt, experts from the following parties are to attend conferencing on these topics:
 - Applicant;
 - Waikato Regional Council; and
 - Matamata Piako District Council.

Topics to be discussed at conference

8. The Panel would be assisted by the experts' addressing the following matters during the course of their conferencing.

Stormwater/Erosion and Sediment Control

9. The Panel would be assisted by the following issues being addressed during conferencing:
 - a. Advice provided on behalf of MPDC was that while the preliminary assessments and methodologies align with established guidelines, there remain unresolved concerns regarding stormwater discharge, flood risk, and erosion effects associated with the Greenway and its connection to the Waitoa River. The lack of detailed information on the location and extent of increased flood depths, as well as the specifics of flow conveyance and rip rap swale design, underscores

the need for further review and clarification. Additionally, the attenuation requirements and potential impacts of both frequent and extreme rainfall events on the receiving environment have not been fully addressed. Therefore, it is recommended that additional investigations and detailed design reviews be conducted to ensure that the final application adequately mitigates adverse effects on flooding, stream channel erosion, and groundwater interaction in the Waitoa River catchment.

The Panel requests that expert conferencing address the above and advise what additional investigations and reviews are considered necessary to address these concerns and/or whether the information provided by the Applicant to date is sufficient to allow the Panel to develop consent conditions that address the issues raised.

- b. Advice provided on behalf of MPDC advised that while the sediment control plans and associated reports provide general information regarding water quality and construction management, there is a lack of specific detail concerning the interaction between erosion and sediment control measures and the high ground water table at the site. To address these gaps, it is essential that further investigations are undertaken and that site-specific hydrogeological guidance is incorporated into the design and implementation of sediment control measures. This will help ensure effective management of ground water and minimise any potential adverse impacts on water quality and site stability.

The Panel requests that expert conferencing address the above and advise what additional investigations and reviews are considered necessary to address these concerns and/or whether the information provided by the Applicant to date is sufficient to allow

the Panel to develop consent conditions that address the issues raised.

- c. WRC advise that access to the drain that is maintained by WRC's Integrated Catchment Services team and must be maintained at all times as per rule 4.2.18.1 of the Waikato Regional Plan. Further, as WRC are the operators of the drain then the capacity of the drain must be maintained at or near to pre-development capacity should this proposal go ahead.

The Panel requests that expert conferencing confirms, if possible, that this can be achieved.

Groundwater

- d. Advice to MPDC concludes (Memorandum 2) that “the information provided to date has not demonstrated that the abnormal groundwater conditions at the Ashbourne site have been adequately allowed for within the proposed design”.¹

Experts are to address the following matters:

- It appears that the design groundwater levels will need to increase from those used in the design to allow for climate change, etc.
- There may be an issue with having enough fill to achieve the

1. For this expert conference the Panel-appointed hydrology and hydrogeology expert, Jon Williamson, will also attend to add his views to the discussion and agreed position.

finished ground levels that have been specified. Please advise on the likely need to provide fill and whether the quantum required can be provided by cut to fill on the site.

- Whether the above uncertainties and adequate contingency/fallback measures have been identified by the Applicant and provided for in the design of the proposed stormwater system.
- Whether information provided by the Applicant is sufficient to demonstrate viability of using proposed subsoil drainage as a suitable active control on groundwater levels to ensure disposal of stormwater via proposed soakage trenches remains viable.

Economics

e. The Panel would be assisted by the following issues being addressed during conferencing. The answers to these questions will assist the Panel to assess the regional significance of the proposed Ashbourne development, including whether it is likely to generate new residential demand for Matamata; or result in a redistribution of the projected growth for the Matamata/Waikato Region., and whether it would displace rather than generate additional economic activity. Please agree the response to the following questions:

- How to determine ‘regional significance’.
- The relevance of existing and proposed housing capacity to the determination of ‘regional significance’.
- The appropriate basis of assessment (i.e., CBA v EIA).

- An explanation of multipliers used by the Applicant and how they are used.
- Whether the proposal is of “regional significance”.
- Considerations as to viability regarding part or full payment of infrastructure costs.

Further Information to be provided

11. In addition to the matters discussed at conferencing, the Panel requests that the further additional information outlined below be provided by the applicant pursuant to section 67 of the FTAA.

Stormwater

12. Please provide a drawing or drawings showing the extent of the proposed subsoil drainage system and details on its depth below finished ground levels that is necessary to ensure groundwater levels remain at a sufficient distance below proposed soakage trenches so as to not adversely affect performance of soakage trenches for ongoing disposal of stormwater.

Wastewater

13. Is there to be provision for a 100% (area) reserve wastewater field. If not advise why not. If so, please provide updated plans to show this.
14. Please confirm the extent of agreement regarding the MPDC conditions in relation to wastewater management (Appendix to Memorandum 5).
15. Please confirm what landscaping of effluent disposal field will be undertaken as per TP-58 and AS NZS 5417.

16. Are there any issues that will impact the functioning of the wastewater field taking into account the groundwater levels arising from responses to MPDC Memorandum 2.

Geotechnical seismicity

17. In relation to Memorandum 2 from T. Cowbourne, it is stated that the site has not been shown to be free of active faults. The memo included a description of an expected scope of works that expected a SQEP such as GNS to carry out, noting this would take months to complete. It does not appear that this has been provided. Please outline how it can be understood that the site is free from risks from active fault lines.

Transport

18. Please provide details on the extent of agreement between MPDC and the Applicant regarding MPDC proposed condition amendments/additions (Memorandum 6);
19. Please confirm if it is the applicant intention to agree to a PDA which will include costs of designating the proposed future road connection to Firth St.

Planning/Landscape/Urban Design

20. The Landscape plans for the residential area do not include landscape boundary treatments. Please provide examples of these.
21. MPDC to advise on the Applicant's response on urban design considerations in respect of the number of rear lots.
22. The Applicant is to provide its updated Residential Design Guide (due 4 December 2025).

23. The Applicant is to propose wording for an appropriate consent notice relating to the proposed buffer planting.
24. Lots 8 and 9 suggests in terms of the NPS-HPL that this land “meets the exemption under Clause 3.10 as the land is subject to permanent or long-term constraints that make primary production economically unviable”. Clarification is required, as the Land Use Capability Assessment describes the land as LUC 2s1 (and adjacent to 1s1). The Panel queries whether it could not form part of overall use of site by solar farm by livestock?
25. Please confirm that it is acceptable or any issues that the Applicant would have with a proposed condition for a restrictive covenant over the balance lot to prevent this being used for future development.
26. Please confirm that to riparian planting in Waitoa Stream and the overall treatment of this area has alignment with certain provisions of the NPS-IB (Policies 13 and 14) and WRPS Policy IM-P5 or provide updated planting and treatment for this area so that consistency with the NPS-IB and the WRPS will be achieved.
27. The Panel requires that the parties are to file their response to the above questions and the joint witness statements requested to the EPA no later than **5:00 pm on Thursday 11th December 2025** via:
 - a. by email to substantive@fasttrack.govt.nz;
 - b. by post to Private Bag 63002, Wellington New Zealand; or
 - c. in person to Stewart Dawson's Corner, 366 Lambton Quay, 6140 Wellington 6011.

A handwritten signature in blue ink, appearing to read "Sue Simons". The signature is stylized with a large, looped "S" and a cursive "Simons".

Sue Simons
Expert Panel Chair