

Before the Expert Consenting Panel

**In the matter** of an application for approvals under section 42 of of the  
Fast-track Approvals Act 2024 (**Act** or **FTAA**)

**and**

**In the matter** of Ashbourne

**FTAA-2507-1087**, a referred project under section 21 of  
the FTAA

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**MEMORANDUM OF COUNSEL ON BEHALF OF MATAMATA DEVELOPMENT  
LIMITED**

**30 January 2026**

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**Bill Loutit / Chris Ryan**  
T: +64-9-358 2222  
bill.loutit@simpsongrierson.com  
chris.ryan@simpsongrierson.com  
Private Bag 92518 Auckland

**Counsel instructed**  
**Phil Lang**  
Riverbank Chambers  
T: 021 870 660  
p.lang@xtra.co.nz

**MAY IT PLEASE THE PANEL:**

1. This memorandum is filed on behalf of the applicant, Matamata Development Limited (**MDL**), and provides an overview of MDL's response to Minutes 11 and 13 of the Expert Consenting Panel (**Panel**), which were issued on 22 and 29 January 2026 respectively.

**Overview of MDL's response to Minutes 11 and 13**

2. Attached to this memorandum as **Appendix A** is a letter from Barker & Associates (**Barkers**) that sets out the Panel's requests for information in Minutes 11 and 13 and MDL's responses to those matters.
3. We comment further on some of the matters raised in Minutes 11 and 13 below.

*New and amend national direction instruments*

4. In its eleventh Minute the Panel requested an assessment of the Ashbourne project (**Proposal**) in relation to:
  - (a) the new National Policy Statement for Infrastructure (**NPS-I**) and National Policy Statement for Natural Hazards (**NPS-NH**); and
  - (b) the amendments that had been made to existing pieces of national direction that came into effect on 15 January 2026
5. As the Panel will be aware, those pieces of national direction are a relevant consideration for the Panel under section 81(2) of the Act. However, when considering them (and other matters that the Panel must consider under section 81(2)), the Panel must give greatest weight to the Act's purpose.<sup>1</sup>

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<sup>1</sup> Brabant Advice at [17].

6. In their detailed analysis, which is attached to the letter at **Appendix A** of this memorandum, Barkers concludes:
- (a) that the Proposal is in keeping with the overarching objectives and policy framework in the new NPS-I and NPS-NH;
  - (b) in respect of the amendments to existing national direction, only the amendments to the National Policy Statement for Renewable Electricity Generation (**NPS-REG**) and the National Policy Statement for Highly Productive Land (**NPS-HPL**) are relevant; and
  - (c) that the material that has already been provided to the Panel satisfactorily addresses the amendments that have been made to the NPS-REG and NPS-HPL.

*Response to paragraph 7 of Minute 11*

7. In paragraph 7 of Minute 11 of the Panel stated:<sup>2</sup>

*The Panel notes the Applicant's opposition to delivery of the solar farms being conditional on any aspect of the residential subdivision or retirement village (Barker Memorandum, at pages 2 and 3). However, the Panel also understands there is a level of interdependence in any respect, with the southern solar farm not being able to be delivered until Stage 4 of the residential subdivision.*

8. MDL appreciates the subsequent clarification that the Panel has provided. It has carefully considered how to most appropriately address the issue that the Panel has raised in that paragraph.

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2 At paragraph 7.

9. Reflecting that MDL is committed to implementation of the Proposal in its entirety, it volunteers on an *Augier*<sup>3</sup> basis the following two conditions of consent:

XX1. In relation to the solar farm activity on Lot 3 of SUBXXX:

(a) That prior to the issuing of s224(c) certificates for any stages beyond Stage 4 of the subdivision, the applicant confirms:

- i. the physical works in clause (a)(ii), as shown and approved on the 'Proposed Solar Farm Substation Connection Plan' prepared by MAVEN, Drawing C720 Rev D dated 04/2025, have been constructed with appropriate easements and access provided; and
- ii. that a 33KV power transmission cable connection from Lot 3 of SUBXXX to the Tower Road Sub Station be confirmed with As Built plans to the satisfaction of the General Manager Engineering MPDC.

(b) As alternative to compliance with sub-clause(a) of this condition:

- i. Should an alternative connection from Lot 3 of SUBXXX to the satisfaction of the General Manager Engineering at the Matamata-Piako District Council (or equivalent position) be made or confirmed via land free of any consent requirements to a substation with appropriate easements and access prior to Stage 5; or
- ii. The General Manager Engineering at the Matamata-Piako District Council (or equivalent position) certifies that the applicant has provided an alternative arrangement that provides equivalent certainty that Lot 3 of SUBXXX will be used for the solar farm activity authorised by this consent;

compliance with sub-clause (a) shall not be required.

(c) Where sub-clause (b) of this condition is relied upon, the corresponding consent notice (refer to condition [XX2]) is also no longer required.

XX2. That a consent notice be registered on Lot 3 of SUBXXX limiting the use of the land to Rural based activities **or** any subsequent landuse activities authorised under the FTAA or RMA. That subject to condition [XX1] the landowner is advised that the implementation of the solar farm activity on Lot 3 of SUBXXX authorised by this consent is reliant on a connection to a 33KV power transmission cable connection to the Tower Road Sub Station and conditions of consent.

10. If it would assist the Panel, MDL can file a memorandum that sets out the rationale for the wording of those conditions when it provides an updated

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3 *Augier v Secretary of State for the Environment* [1978] 5 WLUK 194.

set of draft conditions (by 12 February 2026). At that time, MDL will also update the cross-referencing included in the condition proposed at paragraph 9 of this memorandum.

**DATED** at Auckland this 30<sup>th</sup> day of January 2026



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W S Loutit / P Lang  
Counsel for Matamata Development Limited

**Appendix A: letter from Barker & Associates regarding response to Minute 11**